

State of Maine

County of York

City of Saco

I. CALL TO ORDER – On Monday, May 22, 2017 at 6:30 p.m. a Council Meeting was held in the City Hall Auditorium.

II. ROLL CALL OF MEMBERS – Mayor Ronald Michaud introduced the members and determined that the Councilors present constituted a quorum. Councilors present: David Precourt, Roger Gay, William Doyle, Kevin Roche, Alan Minthorn, Eric Cote, Nathan Johnston. City Administrator Kevin Sutherland was also present.

III. PLEDGE OF ALLEGIANCE

IV. GENERAL

V. PUBLIC COMMENT

1. John Harkins, addressed the Mayor and the City Council, in regard to the Financial Report. He said that he believed that there is a misunderstanding in how revenue, particularly tax revenue is treated. He said that tax revenue is recognized when it is received. Prior year revenue should not be reversed out to the prior year. Yes, it is wiped off in the chart of accounts, however when receiving tax revenue for prior years outstanding amounts, this is a cash provision. Revenues are recognized when received. They are available, usable, and measureable at that point in time. It's not like selling a piece of property in June, and the check won't come in until July: In that case it is still available and still measureable within the sixty day rule. That is appropriate. However, tax revenue that is received in July or August must be recognized when received. That amounts to about Three Hundred, Eighty-Five Thousand Dollars in tax revenue which would reflect on the bottom line for the current year, even though it would flow into surplus, it should be recognized as revenue for this year.

2. Chris Gadowski, Chief Operating Officer of Procure LTD, located at 9 Lund Road in Saco. The company is in business to produce medical marijuana, but also have the ambition to produce recreational marijuana, providing jobs and revenue for this economy, and for this municipality, and they would like to be a part of that. Mr. Gadowski also stated that his company would like to guide the City in creating profit regulation that would not exclude his company from any available market that is here, like what was said earlier this evening. Marijuana will be sold, marijuana will be purchased and his company would like to do this legally. Mr. Gadowski further stated that his company was a shining example of compliance and would welcome any member of the Council to visit their facility.

Councilor Cote asked a question. In regard to the issue that some people have with facilities of this type and the tremendous amount of electricity that they require which is up to six

times more electricity than normal commercial use. Councilor Cote said that he had read articles of business of this type switching to LED lighting and solar panels. He asked if Mr. Gadowski's company was entertaining any of these ideas.

Mr. Gadowski said that his company was exploring some of those options, and that they were always looking to minimize energy consumption and to maximize energy efficiency. He said that there are programs available through the power company that will help in these efforts. Mr. Cote asked if this company spent a lot of money on electricity, and Mr. Gadowski replied "A lot".

3. Kevin Wynn of 12 Village Green Drive, here to express a concern that is not supported or understood by the City of Saco nor its Police Department. Mr. Wynn addressed the Mayor and said that he had no idea of what the Mayor's knowledge of the situation was. Mr. Wynn said that he has lived in his home for twenty five years, and that three and a half years ago, his wife was assaulted by a neighbor who lives in the condominium across from them. He said they were told at that time that if they asked to press charges against that individual, that hate crime charges would be pressed against them. So, assault charges were not filed, however they did go to court in Biddeford. The court's decision was to order a cease harassment order in the Wynn's behalf. Mr. Wynn asked if the Police Chief was present and told that he was not that evening. Mr. Wynn said that he was sorry he was not.

Mr. Wynn stated that the cease harassment order had worked until approximately four months ago. The people who had threatened the hate crime charge previously have been apparently continuing their harassment. He found out that his wife was harassed in 2016, and also learned from another neighbor that he and his wife have been filmed. These gentlemen doing the filming have hate crime suits filed against three other parties in the condominium complex. They tried to sue Creative Works, but since they are handicapped, that would be a case of fraud. When Mr. Wynn has since spoken with his wife about what has been happening, and she has been very upset. They have seen the police in the complex twice a week. These gentlemen have approached neighbors in the complex with their cameras and are very combative. If these hate crime allegations succeed, it will open a "Pandora's box". These men abuse the system, the laws and have assaulted people. The police won't do anything and that's because they are afraid of being sued.

Mr. Wynn said that he and his wife intend to take this further. He has found that since being in court the previous Wednesday, that the judge would not find in his favor. He didn't video anyone, but he has been videoed, his wife has been stalked, his children have been stalked, his grandchildren and other children in the area have been videoed. Mr. Wynn said that The City had to make this stop. He said that this is a serious problem, that he has tried to meet with the Mayor and the Police Chief and has been unable to. Mayor Michaud responded that he had not heard of Mr. Wynn previously.

Councilor Roche asked what ward this address was in. The response was ward 7.

Mrs. Wynn then spoke and asked why the police refused to enforce the protection from harassment order that had been obtained against these men. On April 27, the protection from harassment order was served on these neighbors. On April 30, these men installed cameras on their condo, directed that the Wynns' house. On May 6, they put a camera on their car, facing the Wynn's home. The Wynn's have a seventeen year old son, a four year old granddaughter, and a four year old grandson who Mr. Wynn takes care of. The Wynn's have been filmed twenty four hours a day. They have complained to the police and the police have done nothing. The protection from harassment order included stalking. This neighbor has stalked Mrs. Wynn in Shaw's and has filmed her there. Shaw's sent their film showing this behavior to the police. The Wynn's were told that the Attorney General's Office was involved to determine if there are grounds for a hate crime.

Mrs. Wynn said that there are no grounds for a hate crime. The man in question was a friend to Mrs. Wynn for about six years. He is gay, and she has no problem with him. He apparently didn't like the man who was plowing his driveway, and because he was also a friend of the Wynn's he has now turned on them as well. This man had a seventy eight year old man arrested, and has recently told the police that this elderly man had been taunting him. However, when Mrs. Wynn called the police and explained that they had been videotaped after the restraining order was in place, the police did nothing. So, Mrs. Wynn wants to know what the rules are in Saco, why the Saco Police are so afraid, and why the Biddeford Court employees have told the Wynn's that the Saco Police are useless. She stated that if it was necessary to pursue this further, that she was willing to, because it was not fair, and that other people in the condominium complex are afraid, or they would be here tonight. She said that she had written to the governor and to the attorney general and that she intended to pursue this issue, if it is not stopped.

VI. CONSENT AGENDA

A. Asset Forfeiture, State V. Joshua A. Poissant

Councilor Precourt moved, Councilor Doyle seconded, and Be it Ordered that the Saco City Council does hereby approve with reference to York County Superior court Docket # 13-1412-Criminal Forfeiture, the transfer of assets to the City of Saco, pursuant to 15 M.R.S. 5824(3) and / or 5826(6).

The Motion passed with seven (7) Yea's.

VII. AGENDA

A. Presentation by Volunteer Coordinator, Mary Pelkey

Mary said that new volunteers have been added recently, that the tax work-off volunteers must re-apply yearly, and that her group provides training for all of the new volunteers. Mary provides orientation to the tax program, explains the time sheets, and the time requirement that is expected of them. Deputy Police Chief Corey Huntress provide public safety and sexual harassment training. The train station volunteers also receive a manual and training from Brian Beeler from the Downeaster. Mary also encourages all work sites within City Hall to provide the new volunteers with orientation before they begin work. From June 1, 2016 to April 30, 2017, the volunteer program provided the following placements: The Train Station had 44 vulteers (28 from the tax program and 16 non-tax program), Fire Department had one, Tax Collector had 2, Finance/Payroll had 1, Human Resources had 1, Public Works had 1, City Clerk's Office had 6 for help with absentee ballots and 4 working at the polls on election day, and the School Department had 1, which didn't work out. The Total hours worked by the Tax Volunteers from June 1, 2016 to April 30, 2017 are 3,274 hours, of which 2,657.5 hours were Train Station hours and 616.5 were other departments within City Hall.

This year, the program started on May 1, so that hours could be calculated before May 1 of the following year, so that they would receive credit on their tax bills. Right now, Mary said that she has 29 returning volunteers and 9 new volunteers for a total of 38. The program had requested 40 slots, so there is room for 2 more should someone be interested. Mary said that this year, the distribution of the volunteers would be: Fire Department – 1, Tax Collector – 2, Finance/Payroll – 3 (which will be shared with Human Resources), Main Street Saco - 1, Age Friendly Saco – 3, City Clerk's Office – 1, Train Station – 46 (of whom 5 are couples, but counted only once for tax purposes). These volunteers still are required to do 100 hours of service, and receive training, but since they are volunteers, they are not required to receive minimum wage or be supplied with fringe benefits. Volunteers may receive stipends that do not equal minimum wage. So, they will continue to provide 100 hours of service, and at the end of that, they will receive \$750.00 credit on their tax bill.

Councilor Precourt asked why the volunteer at the School didn't work out. Mary replied that this volunteer, in her early sixties, was sent to help with the lunch program at the school. However, she was not allowed to do very much, told that she was too old, could not be near the stove, etc... She was also told by school employees that if it were not for her, that they would receive more hours, which was not true. She was so upset that she ended up quitting the program. Mary said that she spoke with both the City Administrator and the School Superintendent about this issue. The Superintendent said that he would like to have a volunteer working in the school system and that he would look into this matter.

B. Volunteer Citizen Work-off Program Annual Approval

This year marks the eighth year of the City's Volunteer Senior Tax Work off Program. This program has successfully connected Senior Citizens with City Departments to provide support to the assigned

department. In exchange for their assistance with various tasks, the volunteer earns tax abatement credits toward their property tax bill. In fiscal year 2016/2017, we had 40 participants in the program.

We are requesting the approval for up to 40 participants for fiscal year 2017/2018. Upon completion of 100 hours of service, each participant is eligible for a tax abatement of \$750.

Councilor Minthorn Moved, Councilor Doyle Seconded and Be it ordered that the Saco City Council authorizes up to forty (40) Senior Abatements pursuant to City code, Chapter 220, Article I Volunteer Citizen Work off Program for fiscal year 2017-2018. The Motion Passed with seven (7) Yea's.

Exhibit Item 1

City Code - Chapter 220, Article I, Volunteer Citizen Work off Program

- A. Participant must be age 60 on April 1 of the first year of eligibility.
- B. Participant must be a legal resident of the City of Saco.
- C. Participant must be the owner of record as of April 1 and reside in the dwelling the abatement will be applied to.
- D. Limited to one abatement per household, with respect to this program.
- E. Participant's household income cannot exceed the average median income for the State of Maine as published by the Federal Department of Housing and Urban Development.
- F. On or about April 1, the City Council will approve to the Assessor the amount of abatement funds to be drawn from the tax commitment overlay for the ensuing fiscal year.
- G. Volunteers are responsible for all federal or state tax reporting of tax abatement benefits that accrue to them from the program.

C. Request to Improve a Portion of a City-Owned Right of Way: Sierra Woods Subdivision

The Sierra Woods subdivision was approved by the Planning Board on April 1, 2001. A condition of the approval required that a strip of land measuring roughly 50' x 1,125' be conveyed by the developer to the City. This took place in May of 2001. The owner of the 19 acre parcel to the west side of the strip of land, seeks permission to cross and improve a portion of the City-owned property in order to move forward with the proposed subdivision.

Councilor Precourt Moved, Councilor Gay Seconded, and Be it Ordered that the City Council authorize the City Attorney to draft a right-of-way easement, and permit Applicant Joseph Frustaci dba Start Home, Inc., to improve a portion of the right-of -way owned by the City of Saco, located off Chantelle Way and Blake Avenue in the Sierra Woods subdivision, to City street standards, conditional upon payment of the outstanding city Construction fees of \$57,920,50 for improvements to Chantelle Way. The Motion Passed with seven(7) Yea's.



QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS,

THAT SIERRA WOODS, INC., a Maine corporation with a principal place of business in Old Orchard Beach, in the County of York and State of Maine, and LAUREL HILL CEMETERY ASSOCIATION, a not-for-profit cemetery association organized and existing under the laws of the State of Maine, with a principal place of business in Saco, York County, Maine, do hereby remise, release, bargain, sell and convey, and forever quitclaim unto the CITY OF SACO, a municipal corporation organized and existing under the laws of the State of Maine, in York County, Maine, with a mailing address of 300 Main Street, Saco, Maine 04072, its successors and assigns forever,

A certain lot or parcel of land situated southwesterly of Route 112 in the City of Saco, in the County of York and State of Maine, being bounded and described as follows:

Beginning at a point on the northwesterly sideline of the lot herein described and the southeasterly sideline of land now or formerly of the Grantee herein described in a deed recorded in the York Registry of Deeds in Book 3429, Page 198, which starting point is S 52° 54' 32" W a distance of 801.87 feet from the northeasterly corner of said land now or formerly of the City of Saco; thence S 52° 54' 32" W by said City of Saco land a distance of 50.00 feet to a point; thence S 37° 05' 28" E a distance of 66.60 feet to a point; thence S 50° 06' 01" E a distance of 1125.00 feet, more or less, to land now or formerly of the City of Saco described in a deed recorded in the York Registry of Deeds in Book 1935, Page 787; thence N 51° 13' 48" E by said land now or formerly of the Grantee herein a distance of 50.00 feet to a point; thence N 50° 06' 01" W a distance of 1125.00 feet, more or less, to a point which is 60.90 feet S 37° 05' 28" E from the point of beginning above set forth; thence N 37° 05' 28" W a distance of 60.90 feet to point and place of beginning.

Being a portion of the same premises conveyed to Laurel Hill Cemetery Association by deed of Saco & Biddeford Savings Institution dated October 22, 1951, recorded in the York registry of Deeds in Book 1200, Page 156. Reference is also made to the deed from Laurel Hill Cemetery Association to Sierra Woods, Inc. of near or even date to be recorded in the York Registry of Deeds,

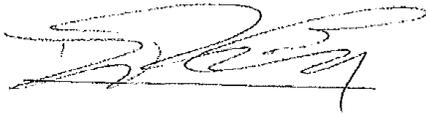
Excepting and reserving unto the Grantors herein, their successors and assigns, a perpetual right of way and easement over, along, under and across the strip of land above described for ingress and egress on foot or by motor vehicle, including heavy equipment, and for the installation and maintenance, above or below ground, of utilities, including electrical, telephone, and cable television wires, sewer and drainage lines, water pipes, and similar improvements. The easement for the installation and maintenance of utilities shall be subject to the condition that the Grantors, their successors and assigns shall restore to its former condition such areas or features of the easement that may be damaged by such installation or maintenance.

By acceptance of this deed, the City of Saco agrees that so long as the disturbed area is restored to its former condition, the Grantors, their successors and assigns, shall not be prevented from opening any pavement over the easement and right of way notwithstanding any policy or rule of the City regarding street openings.

TO HAVE AND TO HOLD the same, together with all the privileges and appurtenances thereunto belonging, to the said CITY OF SACO, its successors and assigns forever.

IN WITNESS WHEREOF, SIERRA WOODS, INC. has caused this instrument to be sealed with its corporate seal and signed in its corporate name by Gary Salamacha, its President thereunto authorized, and LAUREL HILL CEMETERY ASSOCIATION has caused this instrument to be signed in its corporate name by Dennis A. Levasseur, its President, duly authorized, this 8th day of the month of May, 2001.

Signed, Sealed and Delivered



SIERRA WOODS, INC.

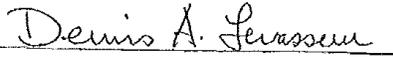
by:


its President



LAUREL HILL CEMETERY ASSOCIATION

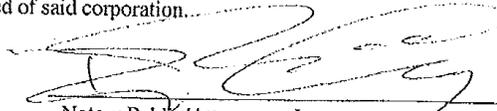
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its President

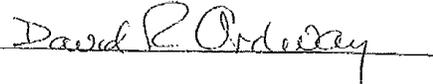
STATE OF MAINE
YORK, ss.

May 8, 2001

Personally appeared the above named Gary Salamacha, President of said Grantor corporation as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation.


Notary Public/Attorney at Law

Printed Name:





Saco Public Works

300 Main Street
Saco, ME 04072
(207) 284-6641
Fax: (207) 282-8212

E-mail: ablanchette@sacomaine.org

Memo

To: Bob Hamblen, City Planner
From: Angela Blanchette, P.E., City Engineer
Date: July 30, 2014
Re: Sierra Woods – Final Phase
Improvements on Chantelle Way

As you are aware City staff met with the developer who purchased the remaining land behind the Sierra Woods Subdivision, Joe Frustaci. In attendance at the meeting was: Mayor Pilon, Peter Morelli, Pat Fox, Bill Thompson (BH2M), Joe Frustaci, and myself. We reviewed where we had last left our discussions from May of 2013 and the cost estimate that was created after the site walk with Pat, Bill, Joe, and myself. Based upon the site walk some of the items that were depicted on the Sierra Woods Construction Plans were not appropriate to be constructed and we were able to eliminate these items.

It is clear that there are two separate items that need to be addressed with offsite improvements:

- 1) Surface Paving the proposed haul route for this future development (Chantelle Way), and
- 2) A sidewalk to connect the proposed development sidewalk to the pedestrian bridge at the end of Chantelle Way near Route 112.

The Developer agreed that surface paving of Chantelle Way could be done on a per lot basis fee to be paid prior to the issuance of a building permit for each individual lot, similarly to what the City has done with the paving of the Richards Way haul route for Juniper Knoll Subdivision. This would be the recommendation of the Department of Public Works to the Planning Board as a Condition of Approval.

The sidewalk along the existing section of Chantelle Way was discussed as being done as part of the infrastructure work within the new development. The developer can schedule this work as necessary to maximize cost savings and allow for one mobilization cost of items such as concrete curbing. The offsite curb, esplanade and sidewalk would be part of the Letter of Credit that the City would hold for the entire project, which could be released incrementally over the duration of the project as items are completed.

Thank you,

Angela J. Blanchette, P.E.
City Engineer

Sale Prohibition.

Mayor Michaud asked the Council if they would like to table or postpone this Item in light of the testimony that they had just heard during the workshop.

Councilor Gay said that he would like the wording in Chapter 165-120 cleaned up, or at least find out the facts. He said that the issue is controversial and that he would like to see the item modified. Mayor Michaud asked if that should be done before the First Reading, and Councilor Gay said yes.

Councilor Doyle moved, Councilor Johnston Seconded, that in light of the testimony heard earlier, the item be tabled until the next workshop, when some of the language can be changed and some sourcing for the facts be established.

Councilor Roche suggested that the City Administrator write up the Item the way that they had talked about it, and how the Administrator had addressed it earlier, as a matter of state and enforcement concerns, and waiting for the state. He said that it should be very simple and then the Council could move forward from there.

Motion To Table and discuss at the Workshop on June 12 Passed with seven (7) Yea's.

E. (First Reading) City Code Amendment, Chapter 147: Multi Family Dwelling Unit Inspections.

Mayor Michaud suggested that the Council might consider postponing Item E. and discussing that at the next workshop.

Councilor Johnston Moved, Councilor Doyle Seconded to Postpone Item E. until the next Workshop.

Motion to Table and discuss at the Workshop on June 12 Passed with seven(7) Yea's.

F. (Second and Final) Amendments to City Code Chapter 4: Administrative Code

As part of the municipal budget for the 2018 fiscal year it has been proposed that the funding for the annual operational budget of the City's Economic Development Department be taken from revenues generated in the City's approved Development Districts which allow such use vs. the historic and current practice of funding these operations from an allocation from the City's General Fund. For purposes of transparency and tracking we are suggesting that any funds utilized from the City's Approved Development Districts all pass thru the City's Economic Development Fund. In order to allow this, the City Administrative Code would require an amendment. The Code should be further amended to allow for this fund to support other economic development related expenses.

NOTE: For Auditing purposes all of the City's operational expenditures are required to pass thru the General Fund.

In order to amend or change an ordinance, the process requires the standard three meeting process adopted as part of the Saco Charter (Section 2.09). This includes publication in a newspaper before the public hearing.

This item was discussed during workshop on April 10, 2017. The revised exhibit item below reflects the addition of the word “council” to (4) (g.) v.

Councilor Roche Moved, Councilor Minthorn Seconded, that The Saco City Council hereby ordains and approves the second and final reading of the document titled, ‘Amendments to Chapter 4 Administrative Code dated April 18, 2017.’

Councilor Roche asked, just to clarify this Code change, that any decisions that go through would clearly be the Council’s domain in nature. City Administrator Sutherland answered that is correct.

The Motion Passed with seven (7) Yea’s.

**Saco City Code, Chapter 4: Administrative Code, § 4-14 Department of Finance,
Paragraph E. Economic Development Fund, Sub-paragraph (4)
Current (as of April 10, 2017) Code Language of Sub-paragraph (4)**

“(4) The City Council may make allocations from the Economic Development Fund only to accomplish the following purposes:

- (a) To further develop and expand the existing Industrial Park.
- (b) To develop new industrial parks within the City of Saco.
- (c) To develop new office parks or distribution parks.”

Propose to be Amended (as of May 8, 2017) Code Language of Sub-paragraph (4)

(4) The City Council may make allocations from the Economic Development Fund only to accomplish the following purposes:

- (a) To further develop and expand the existing Industrial Park.
- (b) To develop new industrial parks within the City of Saco.
- (c) To develop new office parks or distribution parks.
- (d) To accept fiscal transfers into the Fund from the City’s various Development (TIF) District Funds.
- (e) To allow fiscal transfers from the Fund to the City’s General Fund and third parties related to the operations of the City’s Economic Development Department, Economic

Development Commission, and such other municipal expenses as may be allowed under the terms of the Development Plans of the City's various Development Districts.

(f.) To allow fiscal transfers from the Fund to the City's General Fund to fund any local match for grants or participatory funding for economic development projects.

(g.) To allow fiscal transfers from the Fund to the City's General Fund to fund any approved annual or other funding to the following:

- i. Saco Main Street, Inc.
- ii. Southern Maine Planning and Development Corporation
- iii. The Biddeford Saco Area Economic Development Corporation
- iv. The Biddeford Saco Area Chamber of Commerce and Industry
- v. Other organizations as the City Council may designate from time to time that assist in the City's economic development efforts.

(h.) To allow fiscal transfers from the Fund for the purposes of making Economic Development Grants as approved under the City's Development Districts & Tax Increment Financing Guidelines (Adopted by the City Council on 6/16/97, Readopted by the City Council without Amendments on 8/1/05, and as Amended 04/03/17).

G. (Tabled) Budget Amendment #1.

At the City Council meeting on January 17, 2017, the City Administrator provided a memo to the Council regarding the Unassigned Fund Balance Policy. According to the policy, the City should plan for use of fund balance above 10%. Fiscal Year 2016 closed with 11.15% unassigned fund balance, or \$573,529 above the 10% threshold. Also noted in that memorandum is an explanation of the school funding gap. The City is requesting a transfer of \$573,000 of the unassigned fund balance to the School Department to help alleviate the some of that funding gap. The first reading was held at the February 6th Council Meeting. The final reading was scheduled for February 21st; the council tabled this item to April 10th. April 10th was a workshop, so the item was discussed during the workshop and then brought forward at the following council meeting on April 18th. At the April 18th meeting, this item was tabled to May 15th.

Councilor Roche Moved, Councilor Minthorn Seconded and Be it ordered that the City Council approves Budget Amendment #1 FY2017.

Councilor Precourt asked if there was an avenue where this was going to pay off the School Department's debt, or was this money going directly into their budget. The City Administrator said that these funds would just move into the School Department's budget, and would offset any losses that they had incurred at the end of the school year. Councilor Precourt asked if there wasn't any way that this money could be applied to the School Department's debt directly by the City, so that it would not go through the School Department's budget. The City Administrator said that it would just move into their budget to be used to offset any debt that they had, no matter how old that debt was. Councilor Precourt said that he realized that process, but that once the money entered the School Department's budget, that the City Council no longer

had any control over those funds. He said that this money had been earmarked to reduce the School's debt, and was not there for the School Department's use.

Mayor Michaud said that this was a negative fund balance that the City is trying to adjust downward.

Councilor Roche said if this is to the negative fund balance, then that already counts as the ten percent. The School's negative fund balance already counts to the ten percent threshold. This moving to their debt doesn't address anything that we just spoke about. The City Administrator said that this was true. He said that what he believed Councilor Precourt was saying, was if this money is moved to the School budget, could they spend it on anything that they choose to. The Administrator said that the argument could be made that this was not the intent of making this transfer.

Councilor Precourt said that he realized that it might not be the intent, but that it had happened in the past. The Administrator said that the account it was moving into was School Appropriations.

Mayor Michaud said that the Council had talked about this issue enough to know that for the auditors purposes, this didn't matter. Councilor Precourt agreed that they had spoken about this issue, but that once this money is transferred to the School budget, that the Council has no more control over how this money would be spent. The Administrator agreed. Councilor Precourt said that this money was being allocated to take care of some of the School Department's ongoing debt. Mayor Michaud said that it was for the negative fund balance that they are carrying on their books. Councilor Roche said once again, if this is the negative fund balance, then this action does not address that. The Administrator said that it would reduce the negative fund balance to a smaller number. Councilor Roche said although it is a smaller number, that combined number already calculates that ten percent, so this does nothing. He said that what Councilor Precourt's point is, is that to actually do something to use up the additional fund balance, would be to apply it to something. We know what that something was back in January. The City Administrator said that the number that they thought was happening in January is now a little bit smaller, but there is still going to be a larger hole in the School's budget at the end of their fiscal year. This \$573,000.00 would offset some of that from growing.

Councilor Precourt said that he did not mind sending the money to the School Department, but that he wanted to make sure that it was applied where the Council intends for it to be applied. He said that he did not want them to say that they now had additional money in their budget.

Councilor Roche said that it was not to the school's fund balance. What the debt was, was the anticipated bill from Thornton Academy. Councilor Precourt said that, as well as the RSU debt that is still being carried on the books.

Mayor Michaud said that the School had carried some undesignated negative fund balance for years. They still have some this year, plus the Thornton bill that is coming due. So, they are going to have a significant fund shortage at the end of the fiscal year. He said if the Council wanted to wait until July to look at this they could. Councilor Roche pointed out that moving the funds in July would not count toward the ten percent threshold. Moving those funds in July would not show up in the account balances at the end of June. Mayor Michaud said that it would count, the audit would show the City balance, the School balance, and that would show the net balance, that's all. Councilor Roche said that they had talked about a strong potential bond rating, if you end June 30th in a strong position, then if the money is moved on July 1st, that won't affect that.

Mayor Michaud said that he thought that the Council was told that each department ended the year with whatever balance they had, in this case, the City having a positive balance and the School having a negative balance, these combining to produce a net figure that the audit would show. So the money could be left where it is perpetually and the outcome would still be the same. The Administrator said that he recommended moving this money into the school budget this year to offset the unanticipated increase in costs of Thornton Academy. Mayor Michaud said that this would then allow the School Department to end up with a smaller negative fund balance at the end of the year, because they would be able to pay off some of this increased Thornton Academy debt now. The Administrator said moving these funds would keep their negative fund balance from growing at the end of the year. The School Department presented a \$750,000.00 gap in January, which has grown a little smaller now, but that could be offset by this \$573,000.00. There will still be a hole in the Schools's budget at the end of the year. They did some cost savings over the last four months to try to offset this as well. But, he said, he believes that moving this \$573,000.00 would keep them from having a larger deficit. Yes, the Council could keep from moving the money, keep it on the City side, and the School deficit would get larger, and the net result for auditing purposes would remain the same. Councilor Roche said, which is the ten percent calculation.

Councilor Roche said that another point is that this \$573,000.00 and this \$800,000.00 or \$750,000.00 were all calculated in January, and there have been things that been presented to the Finance Committee of on the School side, which still have not been presented to Council. There is \$75,000.00 coming back from Oak Point which is projected, the School Budget freeze savings that have come in ahead, from what we hear, and Thornton Academy has not come forward with this bill yet. And then, the State could come forward with more money before the end of June, so why change the City's fund balance percent, when we can see if that money will come in, which the Council would, of course, automatically apply to the school situation?

The Mayor asked the Council what they would like to do, reminding them that the City Administrator brought this before them because the City Ordinance requires it. He can make the

recommendation and the Council can do what it wants. Right now, this money has been sitting here since February.

Councilor Roche said that this was not putting off a decision, and that if the Council is trying to address what has just been read into the record, moving this money doesn't do that. Whether the debt is on the School side or the City side, the net remains the same. With this money, The City is trying to address some sort of shortfall that the School cannot pay. The budget freeze is in place, and the date of approximately June 15 is when the State figure will be released, and perhaps they will come forward with more money.

Councilor Minthorn Moved to postpone this vote until June 19th, because there is a chance that the State will have arrived at their budgetary figures by then. Mayor Michaud suggested having a workshop with the School Board at the second meeting in June, so that the real data can be determined, the bill from Thornton, the amount of the negative fund balance, so that everyone is on the same page as to what the actual goal is.

Councilor Minthorn Moved, Councilor Gay Seconded to postpone this Item until the Workshop in June. The Motion Passed with seven (7) Yea's.

VIII. COUNCIL DISCUSSION AND COMMENT

Councilor Cote said that the City owns 9.94 acres across from 484 Ferry Road, people walk down onto a sandbar alongside the river, using some stairs that are rotting out. The City did some work there a few years ago with some parking areas, there are only four or five parking spots there. Councilor Cote said that he would like to see some work done there, the stairs need to be replaced, it is quite steep there and he is afraid someone will fall. The City has no liability under the Maine Torts Claim Act, but he would still not want to see someone get hurt and there is a possibility of creating a couple more parking spaces on City land. Mayor Michaud said that Councilor Cote had asked him about this earlier and that he, in turn, had spoken to the City Administrator. The City Administrator said that the concern is that the sand bar that everyone goes out on to fish is private property. The land that the City owns is actually North of this, and although the Administrator placed a call to the owner of this property to ask if he would be interested in selling, the owner has not returned any of the calls, so it is assumed that he is not interested.

Mayor Michaud said that improving the stairs would encourage use of private land. Councilor Cote said that he would research the deeds to look at the property lines and would bring this issue back to Council at the next meeting.

Councilor Roche said that if people are going down to this area to fish or otherwise enjoy the area, that's one issue. But, if they are planning to go into the water there, it is very tricky, if not dangerous, to put a kayak in, depending on the tide. If families are intending to be in the

water there, then there must be some thought to signage to alert people that this is not a public beach, not a place for children to swim.

Councilor Doyle spoke about the trails and the tennis courts at Ross Ridge Development, near the pond at the corner of Woodman Avenue and Trailside Drive. The developer of the property has not completed that project, and it has now been eight to ten years since it should have been completed. The City needs to get the developer to complete that work, since there is currently another project that has begun in Ross Ridge, and if that is the case, one project needs to be completed before another one is started.

Councilor Roche asked if anyone had heard about the issue at Village Green that was spoken about in the public comment section at the beginning of the meeting. Councilor Johnston, who represents that ward, said that he had not heard about it, and Mayor Michaud said that he had not, either. The Mayor said that he had not received an email or a phone call from the citizen who spoke. The City Administrator said that this was a confidential police matter. Councilor Roche said that in public, the citizen brought up where he lived and also a company called Creative Works, which he is familiar with, since they purchased his company's old building, and they do woodworking, employing handicapped and special needs individuals. For the record, Councilor Roche wanted the Council to know what Creative Works is.

Councilor Precourt spoke about the Chantelle and Mill's Lane paving. He asked if there is a way that the City could complete that when they do the Chantelle portion. Whether it takes a transfer of funds from this year's budget so that it can be completed in a timely fashion: These people had been waiting ten years to get this project completed. The City is going to be there paving Chantelle, and if it requires a fund transfer to be applied against next year's paving budget, could this be done? The City Administrator said that he would look into this matter.

IX. ADJOURNMENT

Councilor Gay Moved, Councilor Doyle Seconded to Adjourn the Meeting. Motion passed with seven (7) Yea's.

Meeting adjourned at 7:22 P.M.

Attest: _____

William T. Rankin,

Deputy City Clerk