I. CALL TO ORDER – On Monday, July 17, 2017 at 7:00 p.m. a Council Meeting was held in the City Hall Auditorium.

II. RECOGNITION OF MEMBERS PRESENT – Mayor Roland Michaud recognized the members of the Council and determined that the Councilors present constituted a quorum. Councilors present: David Precourt, Roger Gay, William Doyle, Kevin Roche, Alan Minthorn, Eric Cote and Nathan Johnston. City Administrator Kevin Sutherland was also present this evening.

III. PLEDGE OF ALLEGIANCE

IV. GENERAL

Mayor Michaud read the following proclamations:

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PROCLAMATION

Maine Shrine Lobster Bowl XXVIII

July 15, 2017

WHEREAS, the Kona Shriners was founded in 1892; and

WHEREAS, Shriners Hospitals for Children was established in 1922, which is a national non-profit organization committed to giving children the opportunity to live a more normal life; and

WHEREAS, the first Maine Lobster Bowl Classic was held in 1990 at Thornton Academy, where 100% of the net proceeds from the game are for the benefit of the 22 Shrine Hospitals for Children across the United States, Canada, and Mexico; and

WHEREAS, the Shriners Hospitals for Children have treated over 1 million children in 2017, with expert orthopedic and burn care available to children who desperately need this specialized care, regardless of the patients' ability to pay; and

BE IT RESOLVED that I, Roland Michaud, Mayor of the City of Saco, in recognition of this important event, do hereby proclaim July 15th as Shriners Hospitals for Children Day in Saco.

IN WITNESS WHEREOF, I, Mayor Roland Michaud, have hereunto set my hand and caused to be affixed the great seal of the City of Saco, Maine, on this 15th day of July, 2017.

Roland Michaud, Mayor
City of Saco

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WHEREAS, the National Association of Town Watch (NATW) sponsors a national community-building campaign on August 1st, 2017 entitled “National Night Out”; and

WHEREAS, the National Night Out event provides an opportunity for neighbors in Saco to join over 38 million people in 16+ thousand communities from all 50 states, U.S. territories, Canadian cities, and military bases worldwide; and
V. PUBLIC COMMENT

➢ John Harkins, 4 Christopher Terrace – Could TIF Funds be used for the Public Works garage in the Industrial Park? I’m very much in support of bonding and was surprised to see there were not any bonds for the Board of Education on the list. In respect to the sewer I think you could enter in a developers permit agreement by the fronting of the money by the developer and there would be a payback and the town would pay a portion of that cost. On another note. The city received good news that more revenues ($707,000) would be received from the state for the education system. Once the city budget has been adopted the state revenue estimate is what the city must use. If the city budget had not been adopted then the revised state amount should be incorporated within the budget. Recalling last year the administration withheld the preliminary year end detail and expense report and taxpayers could have benefited from the non-disclosed revenue of $900,000 and $400,000 on non-expended money. When can we expect the preliminary year-end financial report? The Council needs to run the city and ensure the city is following the public code, city charter and relevant state statutes. I’m also disappointed that we are in the process of hiring a Finance Director and we have a CPA on the Council who is not participating in that process.

➢ Lynn Copeland, 526 Ferry Road – Ms. Copeland was present on behalf of the Conservation Commission. She acknowledged Saco Main Street for the great Saco Art Festival it put on. Downstairs in the foyer there is some artwork that the kids did at the conservation event. We were talking about storm drains and dog waste and we had biodegradable bags for people to use. They also planted flowers with newspaper planters that they made to help attract bees and there was discussion on the chemicals used in yards and what are considered recyclables and what is not. We talked about tick repellent and gave away tick removal gadgets. We will have an informational booth at the RiverJam Festival on September 16th.

➢ Barbara Colman, 45B Stockman Ave. – Tonight the city has an opportunity to lower the mil rate for FY18 if the process is followed properly. The state budget passed with additional funds allocated to the schools through state subsidy. On May 8th there was a motion order before the council excepting funds from the state to the city as revenue resources. Any changes to those amounts approved on May 8th by Charter you must create a supplemental process to accept them. Equally important is the rules applied to the School Dept. subsidy. If the city approved their budget using the numbers from the February 2017-2018 subsidy report as Saco did then those numbers remain in the budget. If a supplemental budget does not occur the alternative would be to use the funds approved May 8th for FY18. Any funds above that amount approved must go into the general fund until next year and would help to reduce the mil rate at that point. Councilors let us perform the correct procedure in order to utilize the funds this year. Prepare and propose a supplemental budget and approve it accordingly.

➢ Brett Messer, Maple Street – Mr. Messer stated that he was pleased to support the Marijuana Ordinance as drafted as it pertains to recreational marijuana. I commend the City Council and City Administrator for working with the public input and the data provided to make an informed decision. By being attentive to the matter and aligning the local policies with the state policies you have maintained a healthy and safe Saco while also making Saco a business friendly. It’s a win-win. I would like to ask that the City Council continue to work with interested parties in Saco and in the industry to work diligently on developing regulations so that we can continue to stay on track with the State of Maine regulations. One thing that
came up tonight was the first reading of Chapter 135 and I do think there are a large number of issues in the document. I don’t think that is the answer for regulating locally. I don’t think as members of the City Council that you want to use Lewiston as a leader.

➢ Councilor Cote – Thanked staff for their work on designing the Transfer Station. They did a great job out there. The parking and access to the station is terrific.

VI. CONSENT AGENDA

Councilor Minthorn moved, Councilor Precourt seconded to approve consent agenda item #A as follows:

A. MINUTES - Be it ordered that the City Council approve the minutes for May 22, 2017, June 5, 2017 and June 19, 2017. Further move to approve the order.

The motion passed with seven (7) yeas.

VII. AGENDA

A. ZONING ORDINANCE AMENDMENTS: ARTICLES 3, 4, AND 7, AND ZONING MAP AMENDMENTS TO TAX MAP 74: LOTS 1 AND 2, AND TAX MAP 60: PORTIONS OF LOTS 1 AND 7 – (SECOND & FINAL READING)

The proposed amendments to Articles 3, 4 and 7 of the Zoning Ordinance, and to the Zoning Map are part of the process toward resolving the Bill Dodge-Desfosses appeal, wherein an abutter to the Bill Dodge Nissan auto dealership at 857 Portland Road appealed the City Planner’s decision to view a retaining wall and chainlink fence as a minor amendment to the approved site plan. The amendments define two new terms in Article 3 and amend a third, add new uses to the B-6 zone, and create a performance standard for Elder Non-Congregate Detached Housing projects.

The Planning Board held a public hearing on August 6, 2016 and again on November 15, 2016, and recommended that the amendments be adopted as proposed.

Councilor Doyle moved, Councilor Minthorn seconded “The City of Saco hereby ordains and approves the Second and Final Reading of ‘Draft Amendments to Articles 3, 4, and 7 of the Zoning Ordinance and to the Zoning Map for Those Parcels Identified as Tax Map 74, Lots 1 and 2, and Tax Map 60, Portions of Lots 1 and 7’, as amended at the Public Hearing on June 19, 2017.”

Amendment – Councilor Cote moved, Councilor Minthorn seconded that on page 10 Article #3 – Definitions – Elder – Non-Congregate, Detached Housing after the wording “no resident shall be under age 18” add the language “unless a parent is unable to provide care for a child or children”. The motion failed with two (2) yeas and five (5) nays – Councilors Precourt, Gay, Roche, Minthorn and Johnston.

Mayor Michaud called for a vote on the main motion. The motion passed with seven (7) yeas.
Elder Non-Congregate, Detached Housing: A planned development, subject to the standards set out in Section 705.2, serviced only by public sewer and water. Lots may be separately owned, or owned by one person or entity and leased. At least one resident of each individual dwelling shall be age 55 or older and no resident shall be under age 18. Residences are not congregate but are detached and shall be manufactured housing or traditional on-site built homes. All such residences shall be fully insulated, year-round homes, with all customary utilities, and may be sited within a development serviced by private but paved streets. The planned development may include a community center, an exercise and fitness center for development residents and their guests only, management and sales offices, and temporary storage of manufactured homes. Permitted accessory uses and structures include, but are not limited to, storm water maintenance facilities, parking areas, utility services, site amenities and outside recreational areas.

(Existing Definition, proposed for deletion --)

Manufactured housing: A structural unit or units designed for occupancy and constructed at a manufacturing facility and transported, by the use of its own chassis or independent chassis, to a building site. The term includes any type of building which is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer at the interum. If located outside of a mobile home park, a manufactured housing unit shall meet the requirements of Section 705 of this ordinance. For purposes of this ordinance, two types of manufactured housing are included. Those types are:

1. Those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, which in the traveling mode are 11 body feet or more in width and 780 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit; this term also includes any structure which meets all the requirements of this subparagraph, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 501, et seq.; and

2. Those units commonly called "modular homes," which the manufacturer certifies are constructed in compliance with Title 10, Chapter 951, and rules adopted under that chapter, meaning structures transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit.

(Proposed Definition, from the state Manufactured Housing Act --)

Manufactured housing: a structural unit or units designed to be used as a dwelling or dwellings and constructed in a manufacturing facility and then transported by the use of its own chassis or placement on an independent chassis to a building site. The term includes any type of building that is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing and that may be purchased, sold, offered for sale or brokered by a licensee in the interim. If located outside of a mobile home park, a manufactured housing unit shall meet the requirements of Section 705 of this ordinance. For purposes of this Ordinance, 3 types of manufactured housing are included. They are:

A. HUD-code homes, which are those units constructed after June 15, 1976 that the manufacturer certifies are constructed in compliance with the HUD standard, meaning structures transportable in one or more sections that, in the traveling mode, are 8 body feet or more in width and 40 body feet or more in length or, when erected on site, are 320 or more square feet, and are built on a permanent chassis and designed to be used as dwellings, with or without permanent
foundations, when connected to the required utilities, including the plumbing, heating, air-conditioning and electrical systems contained therein; except that such term shall include any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 United States Code 5401, et seq; [2005, c. 344, §4 (AMD)].

B. State-certified modular homes, which are those units that the manufacturer certifies are constructed in compliance with the State's Manufactured Housing Act and regulations, meaning structures, transportable in one or more sections, that are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained therein; [2005, c. 344, §4 (AMD)].

C. Pre-HUD code homes, which are those units constructed prior to June 15, 1976, meaning structures, transportable in one or more sections, that are 8 body feet or more in width and are 32 body feet or more in length and are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air-conditioning or electrical systems contained therein.

Height of structure: The vertical distance between the mean original grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area.

Height of Structure: The vertical distance between the existing grade at the highest point around the footpoint of the existing or proposed structure and the highest point of the structure itself, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area. (Amended 3/2/92; new date)

Article 4. District Regulations

410-9-A., B-6 HIGHWAY BUSINESS AND COMMERCIAL DISTRICT (Amended 2/12/02, 1/6/93, 12/6/94, 3/2/92, 2/19/02, 4/7/03)

Permitted Uses

51. Automotive/Transportation Warehouse or Distribution Facility
52. Elder Non-Congregate, Detached Housing

Conditional Uses

15. Elder/Disability Housing Facility
16. Elder Disability Limited Service
17. Elder/Disability Care Facility: Full service

Article 7. Standards of Performance

Section 705. Siting of Manufactured Housing Units

705-1. General Requirements.

Manufactured housing units which are placed on lots outside of mobile home parks must:

1) Be constructed in accordance with applicable state and federal standards; as defined in Section 302 of this Ordinance.
2) Have pitched roof with a minimum pitch of 3 inches vertical for each 12 inches of horizontal run and covered by approved wood or asphalt composition shingles.
3) Have their exterior wall surfaces covered with materials similar to conventional construction, such as but not limited to cedar shakes, wood, vinyl or metal clapboards, boards and batten siding, etc., but not including flat, ridged or corrugated metal or plastic panels:
4) Be placed on permanent foundation, including a concrete pad over gravel base, with skirting around the bottom of the structure, or a concrete frost wall, or a full basement;
5) Be sited such that a minimum horizontal dimension of 14 feet faces the street in the C-1 zoning district and a minimum horizontal dimension of 20 feet faces the street in other residential zoning districts where manufactured housing units are permitted.

705-2. Requirements Specific to Elder Non-Congregate Detached Housing.
Notwithstanding Section 705-1 and the City’s Subdivision Regulations, Manufactured Housing and on-site built homes and the lots on which they are sited in an Elder Non-Congregate Detached Housing project are not subject to Section 704 or the Subdivision Regulations, but all such projects must instead meet the independent and equally stringent standards set forth herein below:

1) Meet the same building standards set out in Section 705-1, Subsections (1)-(4), and not include pre-HUD code homes as permitted manufactured housing.
2) Be sited on lots not less than 5,000 square feet in size, which lot shall not have less than 50 feet of frontage on any public or private way.
3) There may only be one dwelling on any lot. The minimum footprint for any one dwelling shall comply with HUD code minimum size requirements.
4) No structure built or placed on such lots shall have less than 15 feet of front yard setback, 10 feet of side yard setback, and a 15 foot rear set back.
4) Structures built on such lots shall not exceed 45% coverage of the lot area and shall not exceed a height of 35 feet as measured from the existing grade at the highest point around the footprint of the existing or proposed structure and the highest point of the structure itself, excluding chimneys, steeples and antennas and similar appurtenances which have no floor area.
5) Such lots must be serviced by community sewer and community water, although the infrastructure within the development shall be privately owned and maintained. No individual wells or septic systems shall be permitted.
6) Electrical service shall be provided underground throughout the project and to each structure.
7) Telephone and cable service shall also be underground throughout the project.
8) All water, sewer, electrical and other utilities shall be installed in conformance with applicable state and local rules and regulations.
9) Each lot shall have adequate off-street parking for at least two vehicles/autos.
10) Exterior street lighting for the project shall be provided to sufficiently illuminate internal roads.
11) Landscaping, including trees, shall be provided throughout the project and on each lot.
12) Adequate provisions for vehicular and pedestrian circulation on interior roads servicing all lots and onto adjacent public streets shall be provided.
13) Elder Non-Congregate Detached Housing projects shall be subject to Site Plan review.
14) To the extent any standard set out herein directly conflicts with a standard in the City’s Site Plan standards, the standards set out herein shall control and supersede the other. The minimum lot and yard standards set out in Table 412.1 for the B-6 zone are also replaced by these standards for such projects only.

Zoning Map

Find attached an excerpt of the zoning map showing the proposed rezoning of two parcels:

- Tax map 74, lot 1 – owned by City.
- Tax map 74, lot 2 – owned by Desfosses.
- And, portions of two other parcels:
  - Tax map 60, lot 1 – owned by Desfosses.
  - Tax map 60, lot 7 – owned by WWS Properties, LLC, from the existing I-1 to the proposed B-6.
B. CITY CODE AMENDMENT, CHAPTER 147: MULTI FAMILY DWELLING UNIT INSPECTIONS – (SECOND & FINAL READING)

City Code Amendment, Chapter 147: Multi Family Dwelling Unit requires the disclosure of the ownership of a multi family dwelling unit (MDU) with 3 or more rental units. The City intends to hold owners of multi-family dwellings accountable and responsible for the maintenance and safe living conditions by establishing a Multi-Family Dwelling Unit Registration and Inspections program. Many owners form limited liability companies and other various forms of proprietorships in order to have undisclosed and unidentifiable principals.

By requiring the disclosure of ownership, it provides a transparency to the Citizens of Saco and enables City Officials to perform their duties. The City seeks to assure properties come into compliance with current Life Safety practices, and that owners are alerted to any detrimental conditions that could place tenants at risk.

Councilor Roche moved, Councilor Minthorn seconded “The City Council hereby ordains and approves the Second and Final Reading of: ‘City Code Amendment, Chapter 147: Multi Family Dwelling Unit Inspections’ and implementation of fee schedule Option #1:

Multi Family Dwelling Unit Registration and Inspections

| §147-105 | Life Safety Inspection Fee per Dwelling Unit | $100 |
| §147-105 | Yearly Fee for Registration per Dwelling Unit | $50 |
| §147-105 | Federally Funded Building per Dwelling Unit | $10 |
| §147-105 | Discount for Fully Sprinkled Building per Unit | $10 |
| §147-105 | Discount for Central Alarm System | $10 |

The motion failed with one (1) yea and six (6) nays – Councilors Precourt, Doyle, Roche, Minthorn, Cote and Johnston.

Reconsideration – Councilor Roche moved, Councilor Johnston seconded to reconsider the motion to bring it back to the floor. “The City Council hereby ordains and approves the Second and Final Reading of: ‘City Code Amendment, Chapter 147: Multi Family Dwelling Unit Inspections’ and implementation of fee schedule Option #1 and reconsider it for Option #2:

Multi Family Dwelling Unit Registration and Inspections Option 2

| §147-105 | Life Safety Inspection Fee per Dwelling Unit | $75 |
| §147-105 | Yearly Fee for Registration per Dwelling Unit* | $25 |
| §147-105 | Federally Funded Building per Dwelling Unit | $10 |
| §147-105 | Discount for Fully Sprinkled Building per Unit | $15 |
| §147-105 | Discount for Central Alarm System | $15 |

* If dwelling unit is newly constructed, fee is reduced to $10 per year for the first 5 years from the date of issue of the Certificate of Occupancy

The motion passed with seven (7) yeas.

City of Saco Code Amendment:
Chapter 147- Multi Family Dwelling Unit Registration and Inspections,”

Chapter 147. Multi Family Dwelling Unit Registration and Inspections

Section 147-101. Purpose:

The City intends to hold owners of multi-family dwellings accountable and responsible for the maintenance of safe living conditions by establishing a Multi-Family Dwelling Unit Registration and Inspections program. Many owners form limited liability companies and other various forms of proprietorships in order to have undisclosed and unidentifiable principals. Many individuals no longer have land lines and communicate mainly with cell phones which are mostly unlisted. This makes the effort to locate the person(s) who own the property extremely difficult and very time consuming. By requiring the disclosure of ownership, it provides a transparency to the Citizens of Saco and enables City Officials to perform their duties. The City intends to improve safety and sanitary living
conditions for the residents of multi-family dwellings by establishing a program of regular inspections of such properties through its Code Enforcement Office. The City seeks to assure properties come into compliance with current Life Safety codes and standards, and that owners are alerted to any detrimental conditions that could place tenants at risk. The City intends to work cooperatively and proactively with owners of such properties by setting a protocol for regular inspections, as well as providing owners with clear standards for maintenance of their properties. The City recognizes the public safety benefits of centrally-monitored fire alarm systems and sprinklers systems by offering discounts for buildings that contain such systems.

Section 147-102. Findings:

Multi-family properties comprise almost 25% of the housing stock in the City of Saco, and it is estimated that over 20% of City residents live within one of these units. Typically, these properties are older and were built prior to the enactment of today’s rigorous life safety codes. In addition, the City does not currently have a regular inspection program for such properties. Based on various risk factors such as the age of the existing housing stock, the housing stock consisting of mainly wood frame construction and the lack of a proactive inspections program make the residents vulnerable to a significant life safety event. Fires in nearby communities, where multiple fatalities have occurred, affirm the importance of periodic safety inspections for these types of properties.

Sec. 147-103. Authority:

This proposed Ordinance to be adopted pursuant to the City’s home rule authority pursuant to the Maine Constitution and 30-A MRS Section 3001, et seq.

Section 147-104. Definitions:

Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. Any portion of a single-family home, condominium, or apartment that is rented or is available to rent to an individual or individuals who are not the owners is a rental unit. Dwelling units, rooming units, and sleeping units as defined in the International Property Maintenance Code© as referenced in the City of Saco Chapter 163 are rental units. Dwelling units, rooming units and sleeping units shall be used synonymously.

Life Safety Inspection: An inspection performed by a Code Enforcement Officer and/or Fire Official to evaluate the building for compliance with current life/fire safety standards and compliance with the International Property Maintenance Code©.

Multi Family Dwelling: A building containing 3 or more dwelling units located all within the same structure and under the same ownership.

Property Management Firm: Any company responsible for the management of a multi-family dwelling unit and has access and control over the entire premises.

Property Manager: Any individual responsible for the management of a multi-family dwelling unit and has access and control over the entire premises.

Section 147-105. Multi Family Dwelling Unit Ownership/Registration:

Owner(s) of a multi-family dwelling building shall register their ownership with the City. Registrations are due October 1st of each calendar year or within 30 days of purchase of the property. If a new owner registers for the first time after October 31st, the annual registration fee will be pro-rated on a monthly basis. If a new owner registers mid-month, they will not be charged for the month which they register. The registration is valid through September 30th of the following year or September 30th of the year which they register in. All registrations must be renewed by October 1st of every year. The fee set forth below is per dwelling unit.

Registrations will be done through the Code Enforcement Office. All fees shall be made payable to the “City of Saco” and shall be processed at the submission of the registration.
In the event the owner uses a property management firm or has a property manager, the owner shall provide the property manager’s or property management firm’s contact information at the time of registration. If the property management changes during the 12 month registration period, the owner shall re-notify the City within 30 days of the date of the change.

The annual registration and inspection fee is established in the fee table.

Registration and Renewal Fee Discounts:

In recognition that there are certain actions that owners of rental units may take that reduce the risk to safety and decrease the financial burden upon the City, one of the following discounts to the registration fee and renewal fee are available. Discount shall be cumulative for buildings that have both a sprinkler systems and centrally monitored fire alarm systems.

1. $15 discount for each rental unit within a fully sprinkled building as verified by a testing report, maintenance report or a maintenance contract, which shall be provided at the time of registration and upon each renewal;

2. $15 discount for each rental unit within a building with a centrally-monitored fire alarm system as verified by Fire Department logs or an alarm contract, which shall be provided at the time of registration and upon each renewal.

3. Buildings that are publicly funded and have been subject to and passed a Housing and Urban Development Uniform Physical Condition Standard (UPCS) inspection within the preceding year as verified by the UPCS inspection report, which shall be provided at the time of registration and upon each renewal; or has been subject to and passed a Housing and Urban Development Housing Quality Standard (HQS) inspection within the preceding year as verified by the HQS inspection report, which shall be provided at the time of registration and upon each renewal shall pay a $10 per unit registration.

4. Newly constructed multi-family dwelling buildings shall be exempt from inspection requirements for 5 years from the date of issuance of the Certificate of Occupancy and shall pay a yearly registration fee of $10 per unit for the first 5 years.

Section 147-106. Inspections:

Life safety inspections for all multi-families shall be completed every 5 years. The owner will be notified at time of registration if the inspection will be completed that year, or a later year. Once a property has been inspected, it will not be re-inspected for 5 years thereafter unless there is just cause.

Upon 2 weeks of notice, the owner shall grant the Code Enforcement Officer full access to the property during the Life Safety Inspection. This shall include, but not limited to each dwelling unit, all common areas, all basements, all out buildings, and any other area of the property the Code Enforcement Officer deems necessary to inspect.

Section 147-107. Violations and Enforcement:

The Code Enforcement Office shall have the primary responsibility for enforcement of this Ordinance. If the Code Enforcement Officer, or his/her designee(s), determines that a violation of this Ordinance has occurred, he or she shall send a notice to the property owner indicating a violation exists and a time frame for remediation shall be established. Subsequent violations of the Ordinance shall be subject to the penalties set forth below.

Violations are as follows:

Failure to register by October 1st shall result in a $250 fee assessed for each calendar day after that date until such time the registration fee and all penalty fees are paid in full.

Failure to update property management/owner contact information shall result in a $250 fee for each calendar day
after the date of the change until such time the registration fee and all penalty fees are paid in full.

Providing false information shall result in a $1,000 fee for each calendar day after such information was provided until such time the registration fee and all penalty fees are paid in full.

Renting a unit that has not been registered shall result in a $250 fee for each calendar day after the unit was rented until such time the registration fee and all penalty fees are paid in full.

Section 147-108. Effective Date:

The provision of this ordinance shall become effective 30 days after its enactment.

Section 147-109. Severability: If any part or provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable.

C. CITY CODE AMENDMENT, CHAPTER 165: RECREATIONAL MARIJUANA CULTIVATION AND SALE PROHIBITION – (SECOND & FINAL READING)

The purpose of this ordinance is to impose a ban on the operation of recreational marijuana establishments and retail marijuana social clubs in the City of Saco until the State of Maine has established its set of regulations.

This will also give the City of Saco time to establish its own rules and regulations before this ordinance would be set to expire.

Councilor Minthorn moved, Councilor Doyle seconded “The City Council hereby ordains and approves the Second and Final Reading of ‘City Code Amendment: Chapter 165-Recreational Marijuana Cultivation and Sale Prohibition’. The motion passed with seven (7) yeas.

"City of Saco Code Amendment:

Chapter 165 – Recreational Marijuana Cultivation and Sale Prohibition,"

Chapter 165. Recreational Marijuana Cultivation and Sale Prohibition

Section 165-101. Purpose:
The purpose of this ordinance is to impose a ban on the operation of recreational marijuana cultivation, retail marijuana establishments, and retail marijuana social clubs in the City of Saco (City).

Section 165-102. Findings:
The Maine State Legislature’s Marijuana Legalization Implementation Committee is drafting new law(s) regarding Recreational Marijuana Cultivation and Sale in response to the citizens’ initiative; these laws are expected by February of 2018.

Until those laws and regulations are established by the state, and this chapter of the city code expires, is repealed and replaced, or is reauthorized, the City will continue to prohibit the cultivation and sale of recreational marijuana in manners that are outlined in Section 165-105.

Sec. 165-103. Authority:
This proposed Ordinance to be adopted pursuant to the City’s home rule authority pursuant to 30-A MRS Section 2001, et seq.

Section 165-104. Definitions:
Retail Marijuana: Cannabis that is cultivated, manufactured, distributed or sold by a licensed retail marijuana establishment or retail marijuana social club.

Retail Marijuana Cultivation Facility: An entity licensed to cultivate, prepare and package retail marijuana and sell retail marijuana to retail marijuana establishments and retail marijuana social clubs.

Retail Marijuana Establishment: Retail marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturing facility or a retail marijuana testing facility.

Retail Marijuana Product: Concentrated retail marijuana and retail marijuana products that are composed of retail marijuana and other ingredients and are intended for use or consumption, including, but not limited to, edible products, ointments and tinctures.

Retail Marijuana Social Club: An entity licensed to sell retail marijuana and retail marijuana products to consumers for consumption on the licensed premises.
Retail Marijuana Testing Facility: An entity licensed and certified to analyze and certify the safety and potency of retail marijuana and retail marijuana products.

Section 165-105. Recreational Marijuana Prohibition:

The operation of retail marijuana establishments which includes retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities; and the operation of retail marijuana social clubs are prohibited within the City, and therefore all activities related to the abovementioned retail uses such as, but not limited to, cultivation, possession, extraction, manufacturing, processing, storing, laboratory testing, labeling, transporting, delivering, dispensing, transferring, and distributing recreational marijuana are expressly prohibited within the City.

Section 165-107. Violations and Enforcement:

Any designated City Code Enforcement Officer (CE Officer) or City of Saco Police Officer (Officer) is authorized and shall have the authority to enforce all provisions of this ordinance. A CE Officer or Officer may issue a written cease operations order directing the occupancy, use, and other activities prohibited under this ordinance to cease immediately, and that the premises be vacated. Upon notice of the cease operations order, all occupancy, use, or other activity subject to the cease operations order shall stop immediately and the premises shall be vacated and closed. Any person violating the provisions of this ordinance may be liable for the penalties set forth below:

First Violation. The maximum penalty for undertaking an activity related to Retail Marijuana Establishments or Retail Marijuana Social Clubs is $2,500.

Multiple. The penalty for undertaking an activity related to Retail Marijuana Establishments or Retail Marijuana Social Clubs is $25,000 when it is shown that there has been a previous conviction of the same person within the past five (5) years for a violation of the ordinance.

Section 165-108. Effective Date:

The provision of this ordinance shall become effective 30 days after its enactment. This ordinance automatically expires one year after the effective date unless it is repealed or reauthorized by the City Council.

Section 165-109. Severability:

If any part or provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable.

D. AMEND THE FISCAL YEAR 2018 PROPERTY TAX DUE DATES

On May 8th, 2017 and as part of the annual budget process, the Council voted to set the Tax Due Dates for the first half due in August and the second half due in February.

With the delay in the state budget and the change to state funding for schools, there are still a few outstanding questions about how much will be coming to Saco and the amount that will be required by the state to be used to reduce the levy. Due to this, the city is waiting to commit its municipal tax rate.

In addition, Saco’s cash flow is healthy enough to get through the month of August without the need to borrow, and therefore staff have come to Council with the request to move the property tax due dates out a month.

The tax payment due dates will be amended as follows: First half due: 9/8/17 (interest accruing from 9/11/17); Second half due: 3/9/18 (interest accruing from 3/12/18); Amendment to EZ Pay due date: Continuation of the EZ Pay program for fiscal year 2018 with 8 monthly payments starting September 15, 2017 and ending April 15, 2018

Councilor Cote moved, Councilor Precourt seconded “Be it ordered that the City Council amend the tax payment due dates as follows: payment for the first half due on September 8th, 2017 with first interest date of September 11th, 2017, the second half due on March 9th, 2018 with a first interest date of March 12th, 2018 and further amend the EZ Pay program payment schedule for fiscal year 2018, with 8 monthly payments starting September 12, 2017 and ending April 12, 2018. Further move to approve the order. The motion passed with seven (7) yeas.
E. EMERGENCY ZONING ORDINANCE: CHAPTER 135, MARIJUANA CULTIVATION AND DISTRIBUTION – (EXTENSION)

City Staff informed the City Council at a workshop meeting on April 24, 2017 around life safety concerns from non-conforming use related to marijuana growth in multi-family units.

This emergency ordinance creates a process by which marijuana growing, cultivation, handling and processing, etc becomes a trigger for the requirement to secure a license.

The requirement to license arises regardless of the type (medical or recreational) being grown, cultivated, etc. Growing, cultivating, etc. for third parties without proper knowledge and inspection by local authorities can lead to the risk or fire, electrical injury, and death.

This ordinance does not have an impact on personal use of marijuana.

The emergency ordinance approved on May 8, 2017 has expired, and we are seeking an extension while the proposed ordinance is approved through the process to meet the requirements of City Charter Section 2.09.

Councilor Gay moved, Councilor Precourt seconded “The City Council hereby Ordains and approves the Emergency Zoning Ordinance: Chapter 135, Marijuana Cultivation and Distribution.” The motion passed with seven (7) yeas.

CHAPTER 135
MARIJUANA CULTIVATION AND DISTRIBUTION

§ 135-1. Title.

This chapter shall be known as the “Marijuana Cultivation and Distribution Ordinance”.

§ 135-2. Findings; Purpose.

The State of Maine has recently enacted laws allowing greater cultivation, handling, storing, packaging, processing and distribution of marijuana plants and products. In addition, the citizens of the State in a recent referendum have voted to allow for and decriminalize personal or so called recreational use of marijuana. Additional State laws and regulations are anticipated regarding recreational marijuana. These are not policy decisions of the City, but the City has become aware of certain adverse effects from these recent legislative undertakings, and it proposes to address potential issues that have arisen.

Specifically, the City has learned through its Code Enforcement Office, through its Electrical Inspector, as well as through other public officials including its police and fire departments, that individuals are rapidly installing throughout the City cultivation facilities without City knowledge, without proper City inspection and review and in some cases in areas not zoned for such use. Of particular concern is the installation of energy intensive lighting that can pose significant risk of injury, death and of fires within residential structures. The City Council has received information regarding structure fires in other communities caused by heat intensive lighting used for cultivation and growing equipment.

The Council is also aware that not all states have decriminalized marijuana, and this community’s easy highway access and close proximity to the border, may make Saco an attractive location for those who intend to traffic marijuana as part of a criminal enterprise.

It is evident that businesses and citizens desire to commercialize and otherwise avail themselves of opportunities presented by these new laws. However, doing so in an unregulated, and in some cases surreptitious fashion, poses substantial risk of criminal activity, physical harm, even death. These conditions have created an emergency for the community.

This emergency ordinance, enacted pursuant to City Charter Provision 2.10, seeks to assure the safety of Saco citizens while allowing properly reviewed and regulated use as permitted under
State Law. It is enacted pursuant to Home Rule Authority under both Maine’s Constitution and
30-A MRS Section 3001, et seq.

§ 135-3. License Required.
A. All persons and parties who grow, cultivate, harvest, manage, process, transfer, exchange or
distribute marijuana, or any marijuana product, or material or medication derived thereon
("marijuana products"), from or within the City of Saco, must register with the City and must
secure and maintain a valid license at all times. A valid license is not required for personal use of
any marijuana within one’s own premises provided there is no associated growing,
cultivating, harvesting, managing, processing, transferring, exchanging or distributing of
marijuana or marijuana products
B. All businesses, commercial enterprises, as well as any not for profit entity, that grows,
cultivates, harvests, manages, processes, transfers, exchanges or distributes marijuana, or any
marijuana products, from or within the City of Saco, must register with the City of Saco and
must secure and maintain a valid license at all times.
C. To register means to complete and submit to the City Clerk of Saco the forms created by that
office, and to pay the fees set forth herein. No registration shall be approved, and no license
shall be issued until the required fees have been paid, and all applicable reviews and inspections
have been completed.
D. Once all applicable reviews have been fully and properly completed, and the applicant has
been found qualified, the Clerk shall thereupon issue a license to the Applicant.
E. All licenses shall run for one year (365 Days), and may be renewed as set forth herein. No
license shall be issued, denied, or revoked by the City Clerk except as expressly provided in
this Ordinance.
F. In the absence of the City Clerk, the City Administrator will assume all authority and
responsibility of the Clerk as designated herein.

§ 135-4. Permitted locations.
A. A resident of a single family structure who holds a license may grow, cultivate and harvest
marijuana for their own personal use, and for the personal use of a resident family member,
regardless of the zone the structure is located.
B. The limit as to the number of permitted marijuana plants and ounces of harvested marijuana
for each person in single family structure shall be set by State Law.
C. In no event may any person owning or residing in a single family structure increase their
limit above legal ceiling beyond 200 square feet.
D. In no event may a person renting, owning or occupying a single family structure grow,
cultivate, distribute, harvest, manage, process, transfer, exchange, or distribute any amount of
marijuana or marijuana products for a third party, except for a resident family member living
in the same structure as permitted in Subsection A above.
E. All parties who grow, cultivate, harvest, manage, process, transfer, exchange or distribute
marijuana or marijuana products for any other third party may do so provided they operate
from a structure or premises found within the City of Saco’s I-1 Zone or I-2 Zone. No
growing, cultivation, harvesting, managing, processing, transferring, exchanging or
distribution of marijuana or marijuana products shall be allowed outside the boundaries of
these two zones of the City. Such activity shall be a violation of this Ordinance.
F. No other properites outside of the I-1 and I-2 Zones may be used or licensed for growing,
cultivation, harvesting, managing, processing, transferring, exchanging or distributing
marijuana or marijuana products for any party’s personal use except for personal use as
permitted in subsection A above.
G. No license issued by the City may be transferred, sold or assigned by the license holder to
any other person or entity.

§ 135-5. Violations.
A. No person or entity shall grow, cultivate, harvest, manage, process, transfer, exchange or
distribute marijuana products without having registered with the Clerk and
without having obtained a valid, in force and effect, license as required herein.
B. Every license holder shall exhibit their license in a conspicuous place on the premises,
visible to the public. The failure to display the issued license at all times is a violation of this
Ordinance. Upon discovering that a person, party or entity has not displayed its license, the
City shall deliver a written warning. The failure to display a license after written warning
shall constitute a violation of this Ordinance.
C. No person, party or entity may sell, transfer or assign their license. Any attempt to sell,
transfer or assign will confer no rights, and will render the license immediately void. The
sale, assignment or transfer of a license is a violation of this Ordinance.
D. It is violation of this Ordinance to grow, cultivate, harvest, manage, process, transfer,
exchange or distribute marijuana, or any marijuana product, in any structure or zone not
otherwise allowed as set out in Section 135-4 (A) and (E).
E. It is a violation of this Ordinance for any third party, including but not limited to contractors,
plumbers, electricians, carpenters, or anyone else to assist, aid, abet, promote or otherwise suffer
any person, applicant or license holder to violate any provision of this Ordinance. It shall be
a violation for anyone, party or entity to provide assistance, advice, skills, work effort or
cooperate, with the installation of facilities, equipment or materials, or otherwise provide
service, education or support, that aids or advances the unlicensed growing, cultivation,
harvesting, managing, processing, transferring, exchanging or distributing marijuana or
marijuana products.
F. It is a violation of this Ordinance for any license holder to traffic, transport, mail, distribute,
transfer, or otherwise assist in the trafficking, transporting, mailing, distribution or transfer
of marijuana or marijuana products outside the boundaries of this State. It is a violation of this
Ordinance for any agent, employee or officer of the license holder to do the same.

§ 135-6. Applications.
A. All registrations for personal use shall be made in writing on a form provided by the Clerk.
Each registration shall state the applicant’s name, address, telephone number, and e-mail, and
such additional information as deemed necessary by the Clerk, including the map and lot number property where the license will be posted.

B. All registrations to grow, cultivate, harvest, manage, process, transfer, exchange or distribute marijuana or marijuana products for any third parties shall be made in writing on forms provided by the Clerk. Each registration shall state the applicant’s name, address, telephone number and email. In addition, applicant shall:

1. Identify its estimated yearly production of marijuana;
2. Whether it will ship or distribute any marijuana outside of the State of Maine;
3. Identify all individuals and entities to whom it will contract for delivery of marijuana and include the amounts expected to be delivered monthly and annually.
4. If a caregiver, the names of all patients, as well as a copy of all applicable State licenses.

C. All registrations submitted by an entity applicant shall contain the information set out above in Subsection A or B (as applicable) and shall also include the following:

1. Federal Tax ID #
2. Type and State of Organization
3. Names, addresses and date of birth of all principal officers, owners and managers
4. Whether the entity is for profit or non-profit entity, and confirmation thereof
5. Proof of Insurance upon the proposed premises in the name of the license holder
6. Name and address of Clerk or Registered Agent for Service of Process

D. If the applicant is seeking a license for family use, the applicant shall list separately the names and the address of each family member for which the license holder will grow, cultivate, harvest, manage or distribute such marijuana or marijuana products.

E. No employee, officer, or appointed or elected official of the City of Saco shall have any beneficial interest in an issued license, or license holder.

F. Copies of all registrations and materials shall, upon completion, be transmitted to the Code Enforcement Officer, Electrical Inspector, and the City of Saco Fire and Police Departments for the following purposes:

1. Review compliance: that the applicant license holder is permitted to operate in each and every location (map and lot number) where specified; and
2. To record such information into any existing Code Enforcement Officer management program ("Code Enforcement Pro") for use and review; and
3. To perform a Criminal Background Check including “NCIC” Review; and
4. Site inspection by Code Officer, Electrical Inspector and Fire Department at any and all applicable location(s) used for growing, cultivating, harvesting, managing, processing, transferring, exchanging or distributing of marijuana or marijuana products; and
5. To allow inspection of plan drawings detailing nature of site, location of utilities and how utilities such as electrical power will be used; and such other factors deemed necessary or advisable by City staff; and
6. For a follow-up inspection between 30-60 days after issuance of license to inspect any facilities related to marijuana growing, cultivating, harvesting, managing, processing, transferring, exchanging or distributing of marijuana or marijuana products.
7. To determine if the applicant needs or has a duly issued State license for the state use/undertaking, and to determine that applicant is in compliance with all State of Maine requirements.

G. The City of Saco will treat all licenses and registration materials collected, under all circumstances, as public records under Maine law.

§ 135-7. Fees.

A. The fee for an initial application/registration for personal use shall be $500.00. This fee is non-refundable in all circumstances.

B. The fee to renew a license for personal use shall be $250.00. This fee is non-refundable under all circumstances.
C. The fee for an initial application/registration for any premises in the I-1 or I-2 Zones, where cultivation, growing, handling, storage, cultivation, harvesting, managing, processing, transferring, exchanging or distributing marijuana or marijuana products shall be on a larger scale and for third parties, the initial registration fee is $1,000.00 due to the significant time and effort involved in life-safety review by the Code Office, Electrical Inspector, Fire and Police Departments.

D. The fee to renew a license for applicant/license holders in the I-1 and I-2 Zone is $500.00.

§ 135-8. Investigations.

A. Registration. The Clerk shall accept and maintain an applicant’s registration forms and all supporting material. The Clerk shall submit all registration materials to City staff for review as set out in Section 135-6 (F). All findings and conclusions of City staff shall be reported to the Clerk within 30 days.

B. Licenses. Upon receipt of an application for renewal of license, the Clerk shall inquire of City Officials, whether a license may be renewed in compliance with the provisions of this Ordinance. City staff shall have 30 days to complete their investigation.

C. Only upon satisfaction of the Clerk, and after review by all appropriate departments, and only upon full compliance with all conditions set forth in this Ordinance, shall the Clerk issue a license.

E. The Clerk shall complete his or her review promptly and grant or deny a license or license renewal subject to the additional terms found in Section 135-13.

§ 135-9. Decision; Standards for Denial.

A. Notice. The Clerk shall issue all decisions in writing, and subject to the same time period set out in Section 135-13.

B. Grounds. A license, and the renewal of a license may be denied, or revoked, upon a one or more of the following grounds:

1. Failure to fully complete the application forms; knowingly making a false or incorrect statement of a material nature on such form; failure to supply any requested information reasonably necessary to determine whether such license may be issued; or failure to pay any fee required hereunder;

2. The person or party applicant or license holder has caused a significant breach of the peace; has been convicted of more than one misdemeanor, or has been convicted of any felony;

3. There is a clear danger to the public if the license is issued, including significant risk of injury or fire;

4. The parties or persons patronizing the license holder will adversely affect the peace and quiet of the neighborhood, whether or not residential;

5. The person, party or entity has violated a provision of this Ordinance or other ordinance of the City of Saucier, including its Zoning Ordinance;

6. The occurrence of any event subsequent to issuance of the license, which event would have been a basis for denial of the license, shall be grounds for revocation thereof;

7. Real or personal property taxes or legal judgments that are due and owing to the City and are determined to be in arrears as of the date of the license request or license renewal;

8. The licensee has received more than one public complaint filed with the Clerk; or

9. Such other acts or conduct found to be detrimental to the citizens or community, including but not limited to suffering a fire or significant injury arising from growing, cultivating, harvesting, managing, processing, transferring, exchanging or distributing marijuana or marijuana products after the issuance of a license;

10. A principal, officer or manager of the license holder is convicted of, or found to have a criminal conviction of any kind, or is known to associate with others convicted of criminal offenses.

C. Hearings.
1. Except as expressly provided in this chapter, no license may be revoked without prior notice to the person, party or entity, and only after a hearing.

2. In the case of the revocation of a license, a hearing shall be given to the individual or entity and a generalized statement of the nature of the complaint constituting the basis for the proposed action shall be included in the notice of hearing. Failure of the person, party or entity to appear at the hearing shall be deemed a waiver of the rights to said hearing.

3. All revocations shall be upon substantial evidence, and all hearings shall be conducted with substantial fairness. Rules of evidence shall not apply in such hearing.

D. Fairness. The Clerk shall not arbitrarily deny any registration or license renewal but must base their decision upon substantial and credible evidence of one or more of the grounds described above.

E. Complaints. Any citizen or public official of the City can file and/or initiate a complaint against a license holder. Complaints will be kept and maintained by the City Clerk and may be considered when and if a licensee seeks a renewal of their license in any succeeding year.

§ 135-10. Appeals.

A. Procedure. An appeal of the Clerk’s decision to the City Council may be taken by any person aggrieved by the denial, or revocation of a license by filing a notice of appeal within thirty (30) days of the decision with the City Administrator. Every appeal should be in writing and shall state the basis for the appeal. The City Council shall hear the appeal within thirty (30) days after the filing of the appeal and may affirm, reverse or modify the decision appealed from.

B. Scope of review. On appeal, the City Council shall review the decision of the Clerk and determine whether the decision was based upon substantial evidence and in compliance with the standards of the ordinance. The Council may take additional evidence with respect to such decision or action and, if additional testimony or evidence is taken, it shall determine the appeal upon all of the evidence.

C. Status or operations pending municipal appeal. During the pendency of an appeal to the City Council, the person, business or entity aggrieved by the decision of the City Clerk may operate without risk of fine if they have an existing license and the Clerk has revoked or denied a renewal of the license. However, if the person, business or entity has been denied its initial license, then any operation prior to a decision by the City Council will be subject to the civil penalties set forth herein.

D. Appeal to the Superior Court. Any person aggrieved by the decision of the City Council may appeal to the Superior Court in accordance with the provisions of Maine Rule of Civil Procedure 80B.


A. Content. Whenever a hearing is required, the Clerk shall give written notice of the time and place of the hearing, to the license holder, and the City Administrator. Notice shall also be posted in two prominent public locations.

B. Service. Except as expressly provided, whenever notice by mail is required, such notice shall be mailed by regular United States mail at least five days in advance of the hearing date.

§ 135-12. Reserved


A. Each year, a license holder must submit a renewal application on the forms provided by the Clerk. The required fee set out in Section 135-7 must be provided or the Clerk will deny review.

B. The Clerk shall submit to City staff the current license and registration materials in the Applicant’s file, as well as copies of any complaints and letters received by the Clerk regarding the renewal applicant.

C. City staff shall conduct those reviews set out in Section 135-6 (F) and Section 135-8 expect City staff may use their discretion to reduce the scope and depth of investigation if circumstances of the renewal warrant.

D. The Clerk shall issue their decision within 30 days unless City staff are unable, in good faith, to finalize their investigation and review, but in no event shall the license renewal decision take more than 60 days.

E. License holders who do not submit their renewal applications at least 30 days before expiration of their license, are at risk if the event the Clerk is unable to complete their review within 30 days and in such case, if the license expires during such review without a renewal having been yet granted, the license holder must cease growing, cultivating, harvesting, managing, processing, transferring, exchanging or distributing of marijuana or marijuana products.
F. CHAPTER 135, MARIJUANA CULTIVATION AND DISTRIBUTION – (FIRST READING)

This ordinance creates a process by which marijuana growing, cultivation, handling and processing, etc becomes a trigger for the requirement to secure a license.

The requirement to license arises regardless of the type (medical or recreational) being grown, cultivated, etc. Growing, cultivating, etc. for third parties without proper knowledge and inspection by local authorities can lead to the risk or fire, electrical injury, and death.

This ordinance does not have an impact on personal use of marijuana.

Councilor Precourt moved, Councilor Doyle seconded “The City Council hereby Ordains and approves the first reading of the Zoning Ordinance: Chapter 135, Marijuana Cultivation and Distribution”; and further moves to set the public hearing for August 21, 2017.” The motion passed with seven (7) yeas.

The ordinance language is the same as the emergency ordinance listed above in item #E.

H. CONTRACT ZONE – COMMERCIAL RIDING STABLE AT 115 LOUDEN ROAD – (FIRST READING)

Applicant Beth Austin dba River Winds Farm LLC, proposes to host weddings and similar events on her Louden Road property, not unlike facilities that have popped up in other communities. Ms. Austin currently operates an indoor riding arena, an educational horseback riding program, and a Public Riding Stable.

After discussing with the Code and Planning departments, she recognizes that the only way to accomplish this is an amendment to the existing contract zone agreement. The amended document is attached.

This item was reviewed by the Planning Board at its June 6 meeting. The Board arrived at a positive finding on
II. This Contract Zone, specifically and exclusively for the Subject Property, would allow the Applicants to establish and operate a Place of Public Assembly as defined in Paragraph II(3) herein, subject to the following conditions and restrictions, as provided for in Section 1403 of the Saco Zoning Ordinance:

1. An educational horseback riding program as proposed and described by the Applicants shall be allowed to operate as a permitted use on the parcels identified herein as the Subject Property.

2. A Public Riding Stable shall be allowed to operate as a conditional use on the parcels identified herein as the Subject Property, subject to conditional use review by the Planning Board.

3. A Place of Public Assembly shall be allowed to operate as a minor conditional use on the Subject Property, subject to review by the Planning Department. A Place of Public Assembly shall be defined as follows: A commercial use that may operate either fully enclosed within a building, or outdoors, that provides a place for public gatherings such as weddings, graduations, horse shows, anniversaries and similar events. A place of public assembly may include facilities, existing as of the date of approval of this contract zone amendment, for eating and drinking and for overnight accommodations, provided that required licenses and permits have been issued by the applicable City departments and agencies.

4. The horse barn/indoor riding arena meets the required twenty-five (25) foot setback for a structure in the C-1 zone. It fails to meet the required one hundred fifty (150) foot setback for a barn used for a commercial use. Recognizing that, the existing setback of forty-one (41) feet from the northeasterly property line shall be regarded as a conforming side yard setback upon approval of this Agreement.

5. The Applicant shall adhere to all other applicable provisions of the C-1 zoning district and of the City of Saco Zoning Ordinance.

6. All details as shown on the submitted plans and application are hereby incorporated into this contract by reference. The proposed use shall be operated substantially in conformance with those plans. Minor changes may be approved by the staff of the City of Saco. Any changes determined by the staff to be "major" shall be submitted to the Planning Board for review. If it is determined that the changes constitute a change in the contract, then the developer shall also be required to obtain City Council approval of the changes.

7. This contract and its provisions shall specifically and exclusively apply to the Contract Zone request submitted by the Applicants. Approval of this Contract Zone is in part based on the financial and technical qualifications of the Applicant as submitted to the City. Accordingly, this contract and the contract zone it creates shall not be transferable without approval of the City Council.

8. Failure of the Applicants to establish the proposed Place of Public Assembly within one (1) year from the date of approval shall render this approval and Contract null and void. If, due to unforeseen circumstances, establishment of the proposed use proves impossible within one year, this approval may be extended with approval of the City Council. The Public Riding Stable may be established at any time, subject to conditional use review by the Planning Board.

9. Breach of these conditions and restrictions by the developer shall constitute a breach of the contract, and the applicant shall be required to apply for a contract modification. Failure to apply for, or to
obtain a modification shall constitute a zoning violation, subject to enforcement action.

109. As specified in Section 1403-9 of the Zoning Ordinance, all applications for contract zoning are subject to site plan review.

I. AUTHORIZATION OF BOND QUESTIONS: CITY FACILITIES, ROADS, DRAINAGE, AND INFRASTRUCTURE, A PUBLIC WORKS FACILITY; AND ROUTE ONE SEWER AND PEDESTRIAN IMPROVEMENTS

During the FY 2018 budget workshops, Council discussed the possibility of bonding capital projects identified as immediate needs in order to lessen the burden on the general fund, and ultimately tax payers, over the next 5 years. Council tasked staff and the Capital Committee with the following “Establish bond questions for Council consideration with the goal of alleviating future general fund burden for capital asset replacement.”

Councilor Roche moved, Councilor Minthorn seconded “Be it Ordered that the City Council approve the first reading of the:

‘Order Authorizing the City of Saco to borrow an amount not to exceed $2,000,000 for City facilities, including the Ocean Park Road drainage system, the Police Station roof, the City Hall and Parks and Recreation facility HVAC systems, the Middle School baseball field, the Foss Road recreation site, Lincoln Street reconstruction and Camp Ellis erosion protection’; and,

‘Order Authorizing the City of Saco to borrow an amount not to exceed $7,250,000 for construction and equipping of a new public works facility on Industrial Park Road and to sell the existing public works facility on North Street and to expend such sale proceeds on such new public works facility’; and,

‘Order Authorizing the City of Saco to borrow an amount not to exceed $2,500,000 for Route One sewer extension and sidewalk, pedestrian and traffic signal improvements’; and,

further move to schedule a Public Hearing for August 21, 2017.” Further move to approve the Order. The motion passed with seven (7) yeas.

Order Authorizing the City of Saco to borrow an amount not to exceed $2,000,000 for City facilities, including the Ocean Park Road drainage system, the Police Station roof, the City Hall and Parks and Recreation facility HVAC systems, the Middle School baseball field, the Foss Road recreation site, Lincoln Street reconstruction and Camp Ellis erosion protection

BE IT ORDERED BY THE CITY COUNCIL
OF THE CITY OF SACO, MAINE IN CITY COUNCIL ASSEMBLED:

1. Bonds Authorized. Pursuant to Maine law, including 30-A M.R.S.A. 5772 and Section 6.15 of the Charter of the City of Saco and all other authority thereto enabling, there is hereby authorized and approved the issuance of general obligation bonds (the “Bonds”) of the City, and temporary notes in anticipation thereof (the “Notes”), in an aggregate principal amount not to exceed $2,000,000. The Bonds shall be designated “City of Saco, Maine, General Obligation Bonds” and any notes in anticipation thereof shall be designated “City of Saco General Obligation Bond Anticipation Notes.” The proceeds of the Bonds and any Notes shall be used to finance the costs of construction of improvements to City facilities, including the Ocean Park Road drainage system, the Police Station roof, the City Hall and Parks and Recreation facility HVAC systems, the Middle School baseball field, the Foss Road recreation site, Lincoln Street reconstruction and Camp Ellis erosion protection (the “Projects”) and reasonably related costs, costs of issuance of the Bonds and any Notes, and capitalized interest prior to and during construction of the improvements. The City Council shall make all determinations regarding said Projects.

2. Period of Utility. The estimated period of utility of each of the Projects is twenty (20) years.

3. Tax Levy. Pursuant to Section 6.15 of the Charter of the City of Saco, an amount necessary to meet the annual payments of principal and interest on the Bonds (and any Notes not paid from the proceeds of Bonds issued hereunder) shall be included in the tax levy of the City each year until the debt represented by said Bonds and Notes is extinguished.

4. Details of Bonds. To the extent not inconsistent with this Order and the Charter of the City, the discretion to fix the dates, maturities of the Bonds and or Notes, denominations, interest rates, places of payment, forms and other details of said Bonds and Notes, and to provide for the sale thereof, including execution of said Bonds and Notes on behalf of the City of Saco and delivery against payment therefore, is hereby delegated to the Treasurer and Mayor of the City of Saco. The Bonds shall be payable within a fixed term of years to be
determined by the Mayor and Treasurer, not to exceed twenty (20) years, and Notes in anticipation of Bonds shall not exceed three (3) years from the date of the initial issuance of any Notes. Bonds shall be made payable as pertains to interest semi-annually and as pertains to principal in equal, annual serial installments, except that: (1) each year’s installments may be adjusted to the nearest multiple of $5,000; and (2) the amount of each year’s installment may vary provided that it is equal to or greater than the installment due and payable in any succeeding year. The Bonds and any Notes shall contain such terms and provisions, not inconsistent herewith, as the Treasurer and Mayor may hereafter determine. All determinations by the Mayor and Treasurer shall be conclusively evidenced by their execution of the Bonds or Notes. The Treasurer and Mayor are authorized to provide that any of the Bonds and Notes be made callable, with or without premium, prior to their maturity. Each Bond or Note issued hereunder shall be signed by the Treasurer and countersigned by the Mayor. The Mayor and Treasurer are authorized to select a financial advisor and/or an underwriter for the Bonds and Notes, and the Mayor and Treasurer are authorized and empowered to execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith.

5. Sale of Bonds. The Treasurer is authorized to prepare, or cause to be prepared, a Notice of Sale and/or a Preliminary Official Statement and an Official Statement for use in the offering and sale of the Bonds and/or Notes, such Notice of Sale, Preliminary Official Statement and Official Statement to be in such form and contain such information as may be approved by the Treasurer. Distribution of the Notice of Sale and/or Preliminary Official Statement and the Official Statement in the name of and on behalf of the City in connection with offering the Bonds and/or Notes is hereby authorized and approved. The Treasurer is authorized to covenant, certify and agree, on behalf of the City, for the benefit of the holders of the Notes or Bonds, that the City will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to insure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, if applicable, are met.

6. Tax-Exempt Bonds. The Treasurer is authorized to covenant and certify on behalf of the City that: (a) no part of the proceeds of the issue and sale of the Notes or the Bonds authorized to be issued hereunder shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such Notes or Bonds to be “arbitrage bonds” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the “Code”), (b) no part of the proceeds of the issue and sale of such Notes or Bonds (including any notes and bonds in renewal thereof) shall be used, directly or indirectly, in such manner which would cause the Notes or Bonds to be “private activity bonds” within the meaning of Section 141 of the Code, (c) all required information reports shall be filed and any rebate due to the United States in connection with the issuance of said Bonds and Notes shall be paid; and (d) the City shall take all other lawful actions necessary to insure the interest on the Bonds and Notes will be excluded from the gross income of the owners thereof for purposes of federal income taxation and to refrain from taking any action which would cause interest on the Bonds or Notes to become includable in the gross income of the owners thereof. The Treasurer is also authorized and empowered to designate the Bonds and/or Notes as qualified tax-exempt obligations for purposes of Section 265(b) of the Code, to the extent the election may be available and advisable as determined by the Treasurer.

7. Documents and Certificates. The Mayor, Treasurer, City Clerk and other appropriate officials of the City of Saco are authorized to execute and deliver on behalf of the City such other documents and certificates as may be required in connection with such Bonds and Notes, and to do or cause to be done all acts and things, not inconsistent herewith, as may be necessary or appropriate in order to effect the issuance, execution, sale and delivery of the Bonds and any Notes, and to carry out the provisions of this Order in connection with the Projects.

8. Appropriation. The sum of $2,000,000 is hereby appropriated to finance the Project costs, such amount to be raised by the issuance of the Bonds and/or Notes of the City. In addition, the investment earnings on the proceeds of the Bonds and Notes, if any, and the excess proceeds of the Bonds and Notes, if any, are hereby appropriated for the following purposes, such proceeds to be held and applied in the following order of priority: (a) to any Project costs in excess of the principal amount of the Bonds or Notes; and (b) in accordance with applicable terms and provisions of the Arbitrage and the Use of Proceeds Certificate delivered in connection with the sale of the Bonds or Notes.

9. Reimbursement. This Bond Order shall constitute the City's declaration of official intent within the meaning of Treasury Regulation 1.150-2 to pay, on an interim basis, costs of the Projects in an amount up to the principal amount of the Bonds to be issued, which costs the City reasonably expects to reimburse with proceeds of the Bonds or Notes.

10. Referendum Vote. Pursuant to Section 6.15 of the Charter of the City, the following question shall be submitted to the voters of the City of Saco for ratification or rejection at a referendum vote to be held on November 7, 2017: Shall the Order of the City Council of the City of Saco entitled “Order Authorizing the City of Saco to borrow an amount not to exceed $2,000,000 for City facilities, including the Ocean Park Road drainage system, the Police Station roof, the City Hall and Parks and Recreation facility HVAC systems, the Middle School baseball field, the Foss Road recreation site, Lincoln Street reconstruction and Camp Ellis erosion protection” be ratified and approved?

11. City Clerk. A copy of this order shall be filed with the City Clerk.
Order Authorizing the City of Saco to borrow an amount not to exceed $2,500,000 for Route One sewer extension and sidewalk, pedestrian and traffic signal improvements

BE IT ORDERED BY THE CITY COUNCIL
OF THE CITY OF SACO, MAINE IN CITY COUNCIL ASSEMBLED:

1. Bonds Authorized. Pursuant to Maine law, including 30-A M.R.S.A. 5772 and Section 6.15 of the Charter of the City of Saco and all other authority thereto enabling, there is hereby authorized and approved the issuance of general obligation bonds (the “Bonds”) of the City, and temporary notes in anticipation thereof (the “Notes”), in an aggregate principal amount not to exceed $2,500,000. The Bonds shall be designated “City of Saco, Maine, General Obligation Bonds” and any notes in anticipation thereof shall be designated “City of Saco General Obligation Bond Anticipation Notes.” The proceeds of the Bonds and any Notes shall be used to finance the costs of construction of sewer extension along Route One from Flag Pond to Scarborough Town line and a sidewalk connection Spring Hill to Funtown and related pedestrian signal work (the “Project”) and reasonably related costs, costs of issuance of the Bonds and any Notes, and capitalized interest prior to and during construction of the improvements. The City Council shall make all determinations regarding said Project.

2. Period of Utility. The estimated period of utility of each of the Projects is thirty (30) years.

3. Tax Levy. Pursuant to Section 6.15 of the Charter of the City of Saco, an amount necessary to meet the annual payments of principal and interest on the Bonds (and any Notes not paid from the proceeds of Bonds issued hereunder) shall be included in the tax levy of the City each year until the debt represented by said Bonds and Notes is extinguished.

4. Details of Bonds. To the extent not inconsistent with this Order and the Charter of the City, the discretion to fix the dates, maturities of the Bonds and/or Notes, denominations, interest rates, places of payment, forms and other details of said Bonds and Notes, and to provide for the sale thereof, including execution of said Bonds and Notes on behalf of the City of Saco and delivery against payment therefore, is hereby delegated to the Treasurer and Mayor of the City of Saco. The Bonds shall be payable within a fixed term of years to be determined by the Mayor and Treasurer, not to exceed thirty (30) years, and Notes in anticipation of Bonds shall not exceed three (3) years from the date of the initial issuance of any Notes. Bonds shall be made payable as pertains to interest semi-annually and as pertains to principal in equal, annual serial installments, except that: (1) each year's installments may be adjusted to the nearest multiple of $5,000; and (2) the amount of each year's installment may vary provided that it is equal to or greater than the installment due and payable in any succeeding year. The Bonds and any Notes shall contain such terms and provisions, not inconsistent herewith, as the Treasurer and Mayor may hereafter determine. All determinations by the Mayor and Treasurer shall be conclusively evidenced by their execution of the Bonds or Notes. The Treasurer and Mayor are authorized to provide that any of the Bonds and Notes be made callable, with or without premium, prior to their maturity. Each Bond or Note issued hereunder shall be signed by the Treasurer and countersigned by the Mayor. The Mayor and Treasurer are authorized to select a financial advisor and/or underwriter for the Bonds and Notes, and the Mayor and Treasurer are authorized and empowered to execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith.

5. Sale of Bonds. The Treasurer is authorized to prepare, or cause to be prepared, a Notice of Sale and/or a Preliminary Official Statement and an Official Statement for use in the offering and sale of the Bonds and/or Notes, such Notice of Sale, Preliminary Official Statement and Official Statement to be in such form and contain such information as may be approved by the Treasurer. Distribution of the Notice of Sale and/or Preliminary Official Statement and the Official Statement in the name of and on behalf of the City in connection with offering the Bonds and/or Notes is hereby authorized and approved. The Treasurer is authorized to covenant, certify and agree, on behalf of the City, for the benefit of the holders of the Notes or Bonds, that the City will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to insure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, if applicable, are met.

6. Tax Exempt Bonds. The Treasurer is authorized to covenant and certify on behalf of the City that: (a) no part of the proceeds of the issue and sale of the Notes or the Bonds authorized to be issued hereunder shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such Notes or Bonds to be “arbitrage bonds” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the “Code”); (b) no part of the proceeds of the issue and sale of such Notes or Bonds (including any notes and bonds in renewal thereof) shall be used, directly or indirectly, in such manner which would cause the Notes or Bonds to be “private activity bonds” within the meaning of Section 141 of the Code; (c) all required information reports shall be filed and any rebate due to the United States in connection with the issuance of such Bonds and Notes shall be paid; and (d) the City shall take all other lawful actions necessary to insure the interest on the Bonds and Notes will be excluded from the gross income of the owners thereof for purposes of federal income taxation and to refrain from taking any action which would cause interest on the Bonds or Notes to become includable in the gross income of the owners thereof. The Treasurer is also authorized and empowered to designate the Bonds and/or Notes as qualified tax-exempt obligations for purposes of Section 265(b) of the Code, to the extent the election may be available and advisable as determined by the Treasurer.

7. Documents and Certificates. The Mayor, Treasurer, City Clerk and other appropriate officials of the City of Saco are authorized to execute, on behalf of the City, such other documents and certificates as may be required in connection with such Bonds and Notes, and to do or cause to be done all acts and things, not inconsistent herewith, as may be necessary or appropriate in order to effect the issuance, execution, sale and delivery of the Bonds and any Notes, and to carry out the provisions of this Order in connection with the Project.
8. Appropriation. The sum of $2,500,000 is hereby appropriated to finance the Project costs, such amount to be raised by the issuance of the Bonds and/or Notes of the City. In addition, the investment earnings on the proceeds of the Bonds and Notes, if any, and the excess proceeds of the Bonds and Notes, if any, are hereby appropriated for the following purposes, such proceeds to be held and applied in the following order of priority: (a) to any Project costs in excess of the principal amount of the Bonds or Notes; and (b) in accordance with applicable terms and provisions of the Arbitrage and the Use of Proceeds Certificate delivered in connection with the sale of the Bonds or Notes.

9. Reimbursement. This Bond Order shall constitute the City's declaration of official intent within the meaning of Treasury Regulation 1.150-2 to pay, on an interim basis, costs of the Project in an amount up to the principal amount of the Bonds to be issued, which costs the City reasonably expects to reimburse with proceeds of the Bonds or Notes.

10. Referendum Vote. Pursuant to Section 6.15 of the Charter of the City, the following question shall be submitted to the voters of the City of Saco for ratification or rejection at a referendum vote to be held on , 2017: Shall the Order of the City Council of the City of Saco entitled “Order Authorizing the City of Saco to borrow an amount not to exceed $2,500,000 for Route One sewer extension and sidewalk, pedestrian and traffic signal improvements” be ratified and approved?

11. City Clerk. A copy of this order shall be filed with the City Clerk.

Order Authorizing the City of Saco to borrow an amount not to exceed $2,500,000 for construction and equipping of a new public works facility on Industrial Park Road and to sell the existing public works facility on North Street and to expend such sale proceeds on such new public works facility

BE IT ORDERED BY THE CITY COUNCIL
OF THE CITY OF SACO, MAINE IN CITY COUNCIL ASSEMBLED:

1. Bonds Authorized. Pursuant to Maine law, including 30-A M.R.S.A. 5772 and Section 6.15 of the Charter of the City of Saco and all other authority thereto enabling, there is hereby authorized and approved the issuance of general obligation bonds (the “Bonds”) of the City, and temporary notes in anticipation thereof (the “Notes”), in an aggregate principal amount not to exceed $2,500,000. The Bonds shall be designated “City of Saco, Maine, General Obligation Bonds” and any notes in anticipation thereof shall be designated “City of Saco General Obligation Bond Anticipation Notes.” The proceeds of the Bonds and any Notes shall be used to finance the costs of construction and equipping of a new public works facility on Industrial Park Road (the “Project”) and reasonably related costs, costs of issuance of the Bonds and any Notes, and capitalized interest prior to and during construction of the improvements. The City Council shall make all determinations regarding said Project.

2. Period of Utility. The estimated period of utility of the Project is forty (40) years.

3. Tax Levy. Pursuant to Section 6.15 of the Charter of the City of Saco, an amount necessary to meet the annual payments of principal and interest on the Bonds (and any Notes not paid from the proceeds of Bonds issued hereunder) shall be included in the tax levy of the City each year until the debt represented by said Bonds and Notes is extinguished.

4. Details of Bonds. To the extent not inconsistent with this Order and the Charter of the City, the discretion to fix the dates, maturities of the Bonds and/or Notes, denominations, interest rates, places of payment, forms and other details of said Bonds and Notes, and to provide for the sale thereof, including execution of said Bonds and Notes on behalf of the City of Saco and delivery against payment therefore, is hereby delegated to the Treasurer and Mayor of the City of Saco. The Bonds shall be payable within a fixed term of years to be determined by the Mayor and Treasurer, not to exceed thirty (30) years, and Notes in anticipation of Bonds shall not exceed three (3) years from the date of the initial issuance of any Notes. Bonds shall be made payable as pertains to interest semi-annually and as pertains to principal in equal, annual serial installments, except that: (1) each year's installments may be adjusted to the nearest multiple of $5,000; and (2) the amount of each year's installment may vary provided that it is equal to or greater than the installment due and payable in any succeeding year. The Bonds and any Notes shall contain such terms and provisions, not inconsistent herewith, as the Treasurer and Mayor may hereafter determine. All determinations by the Mayor and Treasurer shall be conclusively evidenced by their execution of the Bonds or Notes. The Treasurer and Mayor are authorized to provide that any of the Bonds and Notes be made callable, with or without premium, prior to their maturity. Each Bond or Note issued hereunder shall be signed by the Treasurer and countersigned by the Mayor. The Mayor and Treasurer are authorized to select a financial advisor and/or an underwriter for the Bonds and Notes, and the Mayor and Treasurer are authorized and empowered to execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith.

5. Sale of Bonds. The Treasurer is authorized to prepare, or cause to be prepared, a Notice of Sale and/or a Preliminary Official Statement and an Official Statement for use in the offering and sale of the Bonds and/or Notes, such Notice of Sale, Preliminary Official Statement and Official Statement to be in such form and contain such information as may be approved by the Treasurer. Distribution of the Notice of Sale and/or Preliminary Official Statement and the Official Statement in the name of and on behalf of the City in connection with offering the Bonds and/or Notes is hereby authorized and approved. The Treasurer is
authorized to covenant, certify and agree, on behalf of the City, for the benefit of the holders of the Notes or Bonds, that the City will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to insure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, if applicable, are met.

6. Tax-Exempt Bonds. The Treasurer is authorized to covenant and certify on behalf of the City that: (a) no part of the proceeds of the issue and sale of the Notes or the Bonds authorized to be issued hereunder shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such Notes or Bonds to be “arbitrage bonds” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the “Code”), (b) no part of the proceeds of the issue and sale of such Notes or Bonds (including any notes and bonds in renewal thereof) shall be used, directly or indirectly, in such manner which would cause the Notes or Bonds to be “private activity bonds” within the meaning of Section 141 of the Code, (c) all required information reports shall be filed and any rebate due to the United States in connection with the issuance of said Bonds and Notes shall be paid, and (d) the City shall take all other lawful actions necessary to insure that the interest on the Bonds and Notes will be excluded from the gross income of the owners thereof for purposes of federal income taxation and to refrain from taking any action which would cause interest on the Bonds or Notes to become includable in the gross income of the owners thereof. The Treasurer is also authorized and empowered to designate the Bonds and/or Notes as qualified tax-exempt obligations for purposes of Section 265(b) of the Code, to the extent the election may be available and advisable as determined by the Treasurer.

7. Documents and Certificates. The Mayor, Treasurer, City Clerk and other appropriate officials of the City of Saco are authorized to execute and deliver on behalf of the City such other documents and certificates as may be required in connection with such Bonds and Notes, and to do or cause to be done any acts and things, not inconsistent herewith, as may be necessary or appropriate in order to effect the issuance, execution, sale and delivery of the Bonds and any Notes, and to carry out the provisions of this Order in connection with the Project.

8. Appropriation. The sum of $7,250,000 is hereby appropriated to finance the Project costs, such amount to be raised by the issuance of the Bonds and/or Notes of the City. In addition, the investment earnings on the proceeds of the Bonds and Notes, if any, and the excess proceeds of the Bonds and Notes, if any, are hereby appropriated for the following purposes, such proceeds to be held and applied in the following order of priority: (a) to any Project costs in excess of the principal amount of the Bonds or Notes; and (b) in accordance with applicable terms and provisions of the Arbitrage and the Use of Proceeds Certificate delivered in connection with the sale of the Bonds or Notes.

9. Reimbursement. This Bond Order shall constitute the City’s declaration of official intent within the meaning of Treasury Regulation 1.150-2 to pay, on an interim basis, costs of the Project in an amount up to the principal amount of the Bonds to be issued, which costs the City reasonably expects to reimburse with proceeds of the Bonds or Notes.

10. Sale of existing public works facility. The City is further authorized to sell the existing public works facility on North Street on such terms as deemed appropriate by the City Council and to expend such sale proceeds on such new public works facility.

11. Referendum Vote. Pursuant to Section 615 of the Charter of the City, the following question shall be submitted to the voters of the City of Saco for ratification or rejection at a referendum vote to be held on November 8, 2017: Shall the Order of the City Council of the City of Saco entitled “Order Authorizing the City of Saco to borrow an amount not to exceed $7,250,000 for construction and equipping of a new public works facility on Industrial Park Road and to sell the existing public works facility on North Street and to expend such sale proceeds on such new public works facility” be ratified and approved?

11. City Clerk. A copy of this order shall be filed with the City Clerk.

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<th>Police Dept</th>
<th>City Hall</th>
<th>Mid Sch</th>
<th>Foss Rd</th>
<th>Lincoln St</th>
<th>Ellis</th>
<th>Sub-Total</th>
<th>Public Works</th>
<th>Route 1</th>
<th>Total Bonds</th>
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295,000 120,000 140,000 120,000 125,000 950,000 250,000 2,000,000 7,250,000 2,500,000 11,750,000
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1,810,000.00  200,000.00  2,120,000.00

Dated 4/1/18 with Delivery of 4/1/18
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Average Coupon: 2.50000
Average Life: 6.142077
N I C #: 2.50000

Weighted Bond Years: 11,495,050
Weighted Average Life: 6.118900
Weighted N I C #: 2.522825

Moore & Cabot, Boston, Massachusetts
Micro-Muni Debt Date: 06-12-2017 09:31:09
Filename: SACO Key: 2018
## Debt Service Schedule

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### Par Amount

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### Production

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### Gross Production

11,783,840.85

101.762937

### Bond Insurance

0.00

0.0000000

### Underwriters Discount

203,840.85

1.762937

### Bid

11,580,000.00

100.0000000

### Accrued

0.00

### Net to Issuer

11,580,000.00

### Gross Interest Cost

2,963,143.75

### Net Interest Cost

2,963,143.75

### N I C N

2.7312198

Using 100.0000000

### T I C N

2.715318

From Delivery Date

### Bond Years

108,490.100

### Average Coupon

2.7312198

### Average Life

9.360319

### Weighted Bond Life

109,594.430

### Weighted Average Life

9.360319

### Weighted N I C N

2.715318

Using 100.0000000

### CALL OPTIONS

10/1/2027 @ 100.000

### C = Maturity was Priced to Call

Moores &Cabot, Boston, Massachusetts

### Micro-Muni Debt Date: 06/12/2017 @ 00:19:19 Filename: DACU Key: 2018

City of Saco, Maine
2018 General Obligation Bonds
(Pro-forma Route 1 Improvements)

City of Saco, Maine
2018 General Obligation Bonds
(Pro-forma - Consolidated)
G. PAPER STREETS

In 1997, acting under the directive of Title 23 §3032, the City Council voted to delay by 20 years the need to take action on paper streets, which are proposed, unaccepted ways or portions of such ways shown on a subdivision plan recorded in the registry of deeds prior to Sept. 29, 1987. Based on the Sept. 22, 1997 vote, the City now has until Sept. 12, 2017 to act on the 87 paper streets found on the list. Paper streets may have value for a variety of reasons, including access, utilities installation, facilitating future development, and more. City staff has narrowed the range of options to five for how best to address each of the paper streets that still exist.

The Planning Board workshopped this issue on June 6th, held a public hearing on July 11th, and will be holding another Planning Board meeting on July 27th to move forward a recommendation. In order to meet the September deadline, the City Council will need to begin the paper streets process. It is possible that some of the suggested motions below will be modified to reflect the recommendations from the Planning Board following their meeting on July 27th. These amendments will be made prior to the second and final reading scheduled for September 5, 2017.

Councilor Johnston moved, Councilor Doyle seconded “Be it ordered that the Saco City Council approve the first reading that would take the following action with the streets identified for streets on the paper streets list from 1997 and move them to a public hearing on August 21, 2017.”

Further “Move to remove the thirty-one (31) paper streets identified in Category 1, “Remove From List,” in the document “6-22-17 Department Heads Recommendations to Planning Board”, from the 1997 list of paper streets, and be recognized as having been previously accepted, discontinued, vacated, or otherwise demonstrated to no longer be a paper street having potential value to the City of Saco.”

Further “Move to re-list the thirteen (13) paper streets identified in Category 3, “Re-List as Paper Street,” in the document “6-22-17 Department Heads Recommendations to Planning Board”, and be regarded as having potential future value to the City of Saco, thereby each shall be re-listed as a paper street, and recorded as such in the York County Registry of Deeds.”

Further “Move to accept the two (2) paper street segments identified in Category 4, “Accept as City Street,” in the document “6-22-17 Department Heads Recommendations to Planning Board”, as City streets.”

Further “Move to accept the fifteen (15) paper streets, shown as Category 5 in a document entitled “6-22-17 Department Heads Recommendation” as Public Easements and not as City Streets, pursuant to authority in 23 MRS Section 3025 and 3031; and further move to accept said fifteen streets also as “trails” pursuant to 23 MRS Section 3151.”

Further move to approve the order. The motion passed with seven (7) yeas.
<table>
<thead>
<tr>
<th>ID</th>
<th>Street</th>
<th>Tax Map No.</th>
<th>Remarks</th>
<th>Gill Notes</th>
<th>Council Ward</th>
<th>Remove from List</th>
<th>Re-List as Paper Street</th>
<th>Accept as City Street</th>
<th>Accept Public Easement</th>
<th>Figures</th>
</tr>
</thead>
<tbody>
<tr>
<td>017</td>
<td>Cottage Ave</td>
<td>11 beach access and driveway</td>
<td>Middle section improved and maintained by City, Remaining portion of part of 1899 Council Action to maintain Public Access Easement - Confirm with Tim Murphy.</td>
<td></td>
<td>4</td>
<td>X</td>
<td></td>
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<tr>
<td>018</td>
<td>Curtis Avenue</td>
<td>11 E end/Oceanside Dr</td>
<td>First 200’ improved and maintained by City. Remaining portion of part of 1899 Council Action to maintain Public Access Easement - Confirm with Tim Murphy.</td>
<td></td>
<td>4</td>
<td>X</td>
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<tr>
<td>019</td>
<td>D Street</td>
<td>10 off Seaside Ave</td>
<td>Historical plan research - located south of E Street - Part of TM 10 Lot 43 through 46; therefore, no longer a paper street.</td>
<td></td>
<td>4</td>
<td>X</td>
<td></td>
<td></td>
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<td>N/A</td>
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<tr>
<td>020</td>
<td>Day Street</td>
<td>30 off Bradley St</td>
<td>Portion towards Pleasant Street abandoned in 1950 (City Council Action). Remaining portion towards Lincoln remains as paper street.</td>
<td></td>
<td>5</td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>021</td>
<td>Delta Avenue</td>
<td>6 off Seaside Ave</td>
<td>1899 Council Action to maintain Public Access Easement - Confirm with Tim Murphy.</td>
<td></td>
<td>4</td>
<td>X</td>
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<td>022</td>
<td>Dune Avenue</td>
<td>11 beach access</td>
<td>1899 Council Action to maintain Public Access Easement - Confirm with Tim Murphy.</td>
<td></td>
<td>4</td>
<td>X</td>
<td></td>
<td></td>
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<td>023</td>
<td>E Street</td>
<td>10 off Seaside Ave</td>
<td>1899 Council Action to maintain Public Access Easement - Confirm with Tim Murphy.</td>
<td></td>
<td>4</td>
<td>X</td>
<td></td>
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<td>024</td>
<td>Eagle Avenue</td>
<td>3 beach access</td>
<td>1899 Council Action to maintain Public Access Easement - Confirm with Tim Murphy.</td>
<td></td>
<td>4</td>
<td>X</td>
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<tr>
<td>025</td>
<td>Eastern Avenue</td>
<td>40 near Rockwell</td>
<td>Previous name for portion of Saladino Circle; therefore, remove from list.</td>
<td></td>
<td>7</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>N/A</td>
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8-22-17 Department Heads Recommendations to Planning Board

Updated to incorporate additional research by Kate Eves

<table>
<thead>
<tr>
<th>PAPER STREET CATEGORY</th>
<th>1</th>
<th>2</th>
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<td>ID</td>
<td>Street</td>
<td>Tax Map No. Remarks</td>
<td>GIS Note</td>
<td>Council Ward</td>
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<tr>
<td>040</td>
<td>Hobson Lane</td>
<td>31 wild to Saco River</td>
<td>Paper Street portion mapped</td>
<td>6</td>
<td>X</td>
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<tr>
<td>041</td>
<td>Irving Street</td>
<td>51 paper end in park</td>
<td>Entire length accepted in 1886; therefore, no longer a paper street. Portion has not been improved. Unimproved portion is considered abandoned.</td>
<td>5</td>
<td>X</td>
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<tr>
<td>042</td>
<td>J Street</td>
<td>9 off Seaside Ave</td>
<td>Historical plan research - located north of H Street - Part of TM 6 Lot 21 and/or 39; therefore, no longer a paper street.</td>
<td>4</td>
<td>X</td>
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<tr>
<td>043</td>
<td>King Ave</td>
<td>3.5 beach access</td>
<td>1989 Council Action to maintain Public Access Easement - Conform with Tim Murphy.</td>
<td>4</td>
<td></td>
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<tr>
<td>044</td>
<td>Laurel Street</td>
<td>66 off Bradley St</td>
<td>Paper Street portion mapped</td>
<td>5</td>
<td>X</td>
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<tr>
<td>045</td>
<td>Lawn Ave</td>
<td>26, 27, 29, Past Laurel St.</td>
<td>City abandoned remaining paper street in 2001.</td>
<td>6</td>
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<tr>
<td>046</td>
<td>Lewis Avenue</td>
<td>23, spur to Hall Ave</td>
<td>Paper Street portion mapped</td>
<td>6</td>
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<tr>
<td>047</td>
<td>Lilian Avenue</td>
<td>27, 33 to Cumberland Ave</td>
<td>City accepted entire portion from Lafayette to Cumberland. Portion of this is unimproved and considered abandoned. There is another portion east of Lafayette that is unimproved and remains as a paper street.</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>048</td>
<td>Long Pond Avenue</td>
<td>6 beach access and W dirt</td>
<td>1989 Council Action to maintain Public Access Easement - Conform with Tim Murphy.</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>049</td>
<td>Marguerite Road</td>
<td>301 paper west end</td>
<td>City accepted first 330' in 1985. The remaining section connecting to Andover, which has been improved and maintained by City, therefore, this is considered accepted and no longer a paper street.</td>
<td>2</td>
<td></td>
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<td>050</td>
<td>Meadow Avenue</td>
<td>11 paper west end</td>
<td>1989 Council Action to maintain Public Access Easement - Conform with Tim Murphy.</td>
<td>4</td>
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<td>051</td>
<td>Meadow Lane</td>
<td>12 paper spur at end</td>
<td>City accepted entire length of road in 1940; therefore, no longer a paper street.</td>
<td>4</td>
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<td>052</td>
<td>Niki Circle</td>
<td>66 off New Country Rd</td>
<td>Location unknown - Additional research required.</td>
<td>1</td>
<td></td>
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</table>

6-22-17 Department Heads Recommendations to Planning Board
Updated to incorporate additional research by Kate Kras
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<tr>
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<th>Tax Map No.</th>
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<th>GE Note</th>
<th>Council Ward</th>
<th>Remove from List</th>
<th>Let Easement</th>
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<th>Figures</th>
</tr>
</thead>
<tbody>
<tr>
<td>059</td>
<td>Fine Crest Avenue</td>
<td>10 off Seaside Ave</td>
<td>1989 Council Action to maintain Public Access Easement - Confirm with Tim Murphy.</td>
<td>Paper Street portion mapped</td>
<td>4</td>
<td>X</td>
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<td>X</td>
<td>17</td>
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<td>17</td>
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<tr>
<td>060</td>
<td>Fine Street</td>
<td>87 paper NE to numpula</td>
<td>Paper Street portion mapped</td>
<td>1</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td>3</td>
<td></td>
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<tr>
<td>061</td>
<td>Fenney Woods Road</td>
<td>11/16 beach access/marsh</td>
<td>1989 Council Action to maintain Public Access Easement - Confirm with Tim Murphy.</td>
<td>Paper Street portion mapped</td>
<td>4</td>
<td>X</td>
<td></td>
<td>X</td>
<td>14 and 16</td>
<td>14 and 16</td>
<td>14 and 16</td>
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<td>062</td>
<td>Fordland Street</td>
<td>40,54 Roebuck Ave</td>
<td>Previous name for portion of Southside Circle; therefore, remove from list.</td>
<td>7</td>
<td>X</td>
<td></td>
<td></td>
<td>N/A</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>063</td>
<td>Bonawall Avenue</td>
<td>101 paper west end</td>
<td>City accepted first 600' in 1945. Paper Street is remaining section connecting to Anderson.</td>
<td>2</td>
<td>X</td>
<td></td>
<td></td>
<td>1</td>
<td></td>
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VIII. COUNCIL DISCUSSION AND COMMENT

➢ Councilor Minthorn – Tomorrow night at Thornton Academy from 5:30 p.m. – 7:00 p.m. the new developers for Saco Island East are having a community meeting. Everyone is invited to share their ideas of what they would like to or not like to see.

➢ Councilor Roche – The original community meeting for Saco Island East was scheduled for City Hall and got postponed. He credited Thornton Academy and the people involved for getting it rescheduled. Councilor Roche noted that a comment was brought up earlier about the Finance Director Committee to look for a new Finance Director. I think I’m the CPA that was being referred too. At no point did I ask to be on that Committee. I made specific recommendations to the City Administrator to handle things in the short term. Accounting firms that we used are perfect to get in here on a temporary basis while everything is going on. How are we handling things right now pertaining our current audit firm and coverage for this? City Administrator Kevin Sutherland noted that Cheryl Fournier is still working for the city on a per hour basis for Saco. Mayor Michaud confirmed that Councilor Roche recommended hiring an outside accounting firm until an appointment is made. Recruitment should be out of an accounting firm that have senior managers that work on government audits which is perfect fertile ground to recruit.

➢ Precourt – Just as a follow up on that. How is the recruitment going? City Administrator Kevin Sutherland noted that application process was closed on July 7th. He has received 20 applications and the Finance Director review committee will be going through these next week.

IX. ADJOURNMENT

Councilor Cote moved, Councilor Johnston seconded to adjourn the meeting at 8:48 p.m. The motion passed with unanimous consent.