STATE OF MAINE
COUNTY OF YORK
CITY OF SACO

I. CALL TO ORDER – On Monday, August 21, 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

V. PUBLIC COMMENT

➢ Barbara Colman, 45B Stockman Ave – I became aware of Saco Middle School’s boiler and heating system being installed this summer. My understanding was the funding for this heating source was to be a bond loan from Maine Municipal Bond Bank School Renovation Program. The original replacement cost was estimated at $1 million with 40% forgiven and the balance to be repaid $600,000 minus the funds for the Energy Efficiency Bond with the remaining $350,000 to be financed in interest free money over 10 years. An issue arose processing the loan application which required voter approval. The City Administrator was aware the School Dept. was seeking these funds in May 2016 for the boiler and the former city Finance Director attended the Jan. 31st meeting where an update was provided. The School Dept. received the eligibility certificate from the Dept. of Education on Feb. 8th and on Feb. 9th e-mailed a letter to the city Finance Director and the School Business Manager e-mailed the paperwork on Feb. 15th. Additional information needed to be provided and that was returned on March 9th. The school and city meet on a monthly basis. The boiler system is now installed and the solution has been presented by the City Administrator. That’s great. But, had this been bonded the city would have been able to maintain the city cash reserves and lower the taxes even more.

VI. CONSENT AGENDA

Councilor Johnston moved, Councilor Doyle seconded to approve consent agenda items #A, B, C, D, E and F as follows:

A. MINUTES - Be it ordered that the City Council approve the minutes for July 17, 2017 and further move to approve the order;

B. MASSAGE THERAPIST LICENSE APPLICATION: ANNETTE HINKSON - Be it Ordered that the City Council grant Annette Hinkson a Massage Therapist License in accordance with the Codes of the City of Saco, Chapter 138. Further move to approve the Order;

C. CERTIFICATION OF ELECTION RESULTS – SPECIAL STATE REFERENDUM & BUDGET VALIDATION REFERENDUM ELECTION - Be it Ordered that the City Council hereby approve the results of the June 13, 2017 Special State Referendum & Budget Validation Referendum Election as presented”. Further move to approve the Order.

D. CONFIRM THE MAYOR’S REAPPOINTMENT OF JIM KATZ AND ROBERT STEEVES TO THE COASTAL WATERS COMMISSION - Be it Ordered that the City Council confirm the Mayor’s reappointment of Jim Katz and Robert Steeves as a full member of the Saco Coastal Waters Commission, for a three year term ending on August 21, 2020. Further move to approve the Order.

E. EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT REVIEW - Be it resolved that the City Council supports the Saco Police Department’s pursuit of funds under the Edward Byrne Memorial Justice Assistance Grant from the Department of Justice, in the amount of $11,279. Further move to approve the resolution.

F. CONFIRM THE MAYOR’S APPOINTMENT OF JENNA SCOTT TO THE CONSERVATION COMMISSION - Be it Ordered that the City Council confirm the Mayor’s appointment of Jenna Scott, as members of the Conservation Commission, for three year terms ending on August 21, 2020. Further move to approve the Order.
The motion passed with seven (7) yeas.

VII. AGENDA

A. CONFIRM THE APPOINTMENT OF DENISE PENDLETON AS TAX COLLECTOR

According to Article V. Section 4-14 in the City of Saco Charter, the City Administrator shall appoint a Tax Collector, who will be confirmed by the City Council.

Cheryl Fournier, Finance Director and current Tax Collector, has taken a position in another community. Denise Pendleton has been the Deputy Tax Collector for 17 years.

Councilor Cote moved, Councilor Minthorn seconded “Be it ordered that the City Council confirm the appointment of Denise Pendleton as Tax Collector. The motion passed with seven (7) yeas.

B. PAPER STREETS – (PUBLIC HEARING)

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 work shopped this issue on June 6th and held public hearings on July 11th and 27th. The Planning Board forwards a recommendation for each of the eighty-seven paper streets found on the 1997 list.

Councilor Johnston moved, Councilor Minthorn seconded to open the Public Hearing for the document entitled “6-22-17 Department Heads Recommendation”. The motion passed with seven (7) yeas.

- Deborah Hollis, 1 Piney Woods Rd on the Marsh side – I believe that I have a paper street in front of me which would be right by the marsh which would be right by the river. I know that any by the marsh I disagree and I don’t think that they should be approved. Mayor Michaud noted that on Piney Woods Road would be placed on a list of reserved streets. Mayor Michaud inquired whether she wanted it placed on the reserved streets list? Ms. Hollis stated she didn’t understand what that meant. Councilor Roche stated it meant no changes and to leave it as it exists. Ms. Hollis stated yes, that she agreed with that.

- Mark Evangelous, Owns 2 properties on Cottage Ave – At the end of Shore Street the streets that are being discussed run into the water at the Rachel Carson Preservation area. If I abut one of these streets do I have a right to purchase that paper street? City Attorney Tim Murphy stated that the abutters already own half of the paper street. Under Maine Law a papers street is our right to accept something that is shown on a subdivision plan and we may never accept it. In the interim that land actually belongs to the abutters to the centerline. So this gentleman already owns half of it. The abutter on the other side would own the other half. So could he buy it? Yes, it the abutter on the other side has an interest in selling it. What we are waiving is our right to take the paper streets and use them for our own and public purposes. To essentially rest title from the folks like this and take it from them to use for purposes that you see which might be like putting in a road or something else. The reality is they already own it and we would be forgoing our rights in it so our process of abandoning in most cases will actually improve the use and opportunities of the land owner because we will no longer a threat to take some of their land. Mr. Evangelous inquired about the other half of the property he owns? I own half of the street and the other half is under water in part of a stream and it can’t be used. I believe the city must own that part of the stream in the Kinney Shores area. How does that work? The city really had no need for that property. Can I purchase the other half of the street? Attorney Murphy stated without looking at a map he is not sure but he is pretty sure the city does not own it and we can’t sell it to you. My guess is down in that area you are probably going to be working with the U.S. Fish and Wildlife service (Rachel Carson) that probably has some rights in the dunes out there. Mr. Evangelous noted the city can take land by eminent domain. Attorney Murphy said that is a good way of putting it. The city has the right to put a road in but we are not going to down there.
Councilor Cote noted that Shore Ave is on the list to maintain a public easement. Councilor Roche noted that was to keep everything as is. He stated that anyone that brings up a street in his Ward (Ward 4) he is interested in knowing their recommendation and will vote for that. Councilor Roche stated is has no know city need for that road so it can be left as is or totally abandon it. Mr. Evangelous asked is the city would totally abandon it if it is wetlands and can’t be used? It’s a possibility.

- Jim Austin, 5 Meadow Ave – As I look at the map my address at 5 Meadow Ave. the paper street issue with me and if split 50/50 as the last gentleman said I would still be driving over someone else’s land to get to my lot. My lot is after Meadow Ave ends and the paper street starts. The three families that are affected by it all sent e-mails looking for information. Councilor Roche noted right now it is crossed out so we are giving up our rights to the street. Mr. Austin noted that the families think this will create a easement issue. They would rather have the city continue to list it as a paper street as is. Mayor Micuad noted that was a question to ask to the staff.  Meadow Ave. is listed as saying council action to maintain public access easement confirmed with Tim Murphy. Then it went on to say “list let expire” which is contrary to what the 1989 Council action was. Sensitive areas are hard to come by and once given up they are gone forever. So there are implications that the city needs to be careful of. Yours is the opposite you want the city to keep it in order to be able to get to your property. Mr. Austin stated “keep it” and relist it as a paper road and all 3 families have sent e-mails noting that works well for them and doesn’t create any more issues. Mayor Micuad noted that keeping it means the State is allowing us to put it back on the list and it sits there for another 20 years and the city can look at it down the road. Mr. Austin stated that if you can extend Meadow Ave so that it abuts my property then it doesn’t create an easement issue anymore but that sounds like more work than just relisting it as a paper road and moving on.

- Laurie Sivonen, 6 Sokokis Ave – There are just 2 houses on Sokokis Circle which is off Roebuck Ave. I’m wondering if there ends up being that it is no longer a paper street can both of us make it to our houses okay? Is that going to cause any easement problems? City Planner Bob Hamblen took Ms. Sivonen aside and answered her questions and concerns. City Attorney Tim Murphy noted that there have been 2 questions posed and he feels the theme is that they are anxious that they will lose access base on something the council will do. So let me reassure the folks here and the council that a vote to discontinue a paper street does not land lock anyone and it does not restrict their access. When they bought lots in a subdivision the owners bought rights to cross those paper streets to get to their home and they have established private rights so the gentleman on Meadow Ave already has existing legal rights to get to his property. His rights to get to his property have nothing to do with the City of Saco and nothing to do with us whether we abandon it, it will not have lesser rights. The rights will remain the same as his current rights to access his property are the private rights he gave when he bought a lot. We are just foregoing our ability to come in and pave so in that sense some people may want a paved street. But, whether we pave it or not they are still going to have legal access so nothing we are doing is causing anyone to lose legal access to their homes. So that is the answer to the gentleman on Meadow and the lady on Sokokis.

- Deborah Rose speaking for Mary Vorais, 60 Saltaire Ave. – Ms. Rose inquired whether the street still be plowed? Ms. Vorais’s house is at the end of the street so if it is abandoned which we don’t want we want to be sure the Fire Dept. can get down there in case there is a fire.

- Fred Stearns, 411 Seaside Ave – Mr. Stearns was concerned with paper street on the map on the south end of Oceanside Drive. It is not paved. The pavement on Oceanside ends at 1 & 2 Oceanside. Councilor Roche noted that Oceanside Drive is mentioned on the list. Mr. Stearns stated it was not a side street. It went in the same direction as Oceanside. This street runs south of that and ends at what use to be the border of Bay View. What city interest is in that? Right now the southern half of that has been used by myself and my neighbor Mr. Stone and it is in woods. Is the city going to try to do something with it the environmental people might be quite concerned cutting those trees. I’m trying to think what the cities interest in it might be. Mayor Micuad noted that he would need to know the name of the street because there are dozens of streets out there we are looking at. He inquired with the City Planner Bob Hamblen to see if he knew which street Mr. Stearns was referring too. Councilor Roche asked the City Planner to e-mail him which street Mr. Stearns was concerned about. City Planner Bob Hamblen noted that the streets in the beach area the recommendation is going to be to push this out another 20 years. But, in the months and years we will discuss and pick these off and more fully address them and the 20 years will give the city a little cushion.
Councilor Johnston moved, Councilor Minthorn seconded to close the Public Hearing, and further move to set the Second and Final Reading of the document entitled “6-22-17 Department Heads Recommendation” for September 5, 2017.

“Be it ordered, that the Saco City Council take the following actions for streets identified on the Paper Streets list from 1997:

“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.”

“Move to re-list the thirteen (13) twenty-two (22)* 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.”

“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.”

“Move to accept the fifteen (15) seventeen (17)* 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.

<p>| Category 1 -- paper streets that have been accepted as City streets, abandoned, or discontinued between 1997 and 2017 and no longer have paper street status. No further action required. |
|---|---|---|---|---|---|</p>
<table>
<thead>
<tr>
<th>ID</th>
<th>Street</th>
<th>Tax Map No., Remarks</th>
<th>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 as Public Easement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Academy Avenue</td>
<td>333 square, 1 used</td>
<td>City accepted first 200’ in 1957 and abandoned last 200’ in 2004. The middle section has been improved and maintained by City; therefore, this is considered accepted and no longer a paper street.</td>
<td>6</td>
<td>X</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Anderson Lane</td>
<td>50 off Lincoln Rd., R/W #1</td>
<td>City accepted entire length of road in 1988, therefore, no longer a paper street.</td>
<td>2</td>
<td>X</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Birch Street</td>
<td>40 off Round back Ave</td>
<td>Previous name for portion of Sokota Circle; therefore, remove from list.</td>
<td>7</td>
<td>X</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Bunow Street</td>
<td>34 Sockanock Ocean Park Rd</td>
<td>City vacated in 2014 and maintained public access easement; therefore, no longer a paper street.</td>
<td>3</td>
<td>X</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>C Street</td>
<td>10 off Seaside Ave</td>
<td>Historical plan research: located south of E Street - Part of TM 10 Lot 49 and/or 50; therefore, no longer a paper street.</td>
<td>4</td>
<td>X</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Cellis Drive</td>
<td>27 off Ferry Rd</td>
<td>Historical plan research: Part of TM 22 Lot 61; therefore, no longer a paper street.</td>
<td>4</td>
<td>X</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Central Street</td>
<td>50, 53 Park St. RR, drainage</td>
<td>Paper portion of Central Street discontinued in 3004; therefore, no longer a paper street.</td>
<td>7</td>
<td>X</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>City View Drive</td>
<td>63 off Lincoln St</td>
<td>Historical plan research: Part of TM 65 Lot 30; therefore, no longer a paper street.</td>
<td>5</td>
<td>X</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>D Street</td>
<td>10 off Seaside Ave</td>
<td>Historical plan research: located south of E Street - Part of TM 10 Lots 43 through 49; therefore, no longer a paper street.</td>
<td>4</td>
<td>X</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>Eastern Avenue</td>
<td>50 east Round</td>
<td>Previous name for portion of Sokota Circle; therefore, remove from list.</td>
<td>7</td>
<td>X</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>Evans Street</td>
<td>6 off Seaside ave</td>
<td>Historical plan research: located between Golf Ave and Round Ave. - Part of TM 6 Lot 32 and/or 34; therefore, no longer a paper street.</td>
<td>4</td>
<td>X</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>G Street</td>
<td>10 off Seaside Ave</td>
<td>Historical plan research: located between E Street and H Street: Part of TM 6 Lots 28 and 30; therefore, no longer a paper street.</td>
<td>4</td>
<td>X</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>Gardner Avenue</td>
<td>6 off Seaside Ave</td>
<td>Historical plan research: Part of TM 6 Lot 10; therefore, no longer a paper street.</td>
<td>4</td>
<td>X</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
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<td>Street</td>
<td>Tax Map/No. Remarks</td>
<td>Notes</td>
<td>Council Ward</td>
<td>Remove from List</td>
<td>Re-List as Paper Street</td>
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<td>Accept Public Enforcement</td>
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</tr>
<tr>
<td>20</td>
<td>Harrison Avenue</td>
<td>81.2 sections used</td>
<td>Entire length accepted in 1869. Middle portion has not been improved for more than 3 years. Unimproved portion is considered abandoned.</td>
<td>5</td>
<td>X</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>Hillview Avenue</td>
<td>81.87 paper south end</td>
<td>Entire length accepted by City; therefore, no longer a paper street.</td>
<td>1</td>
<td>X</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>41</td>
<td>Irving Street</td>
<td>3 paper end is park</td>
<td>Entire length accepted in 1869; therefore, no longer a paper street. Position has not been improved. Unimproved portion is considered abandoned</td>
<td>5</td>
<td>X</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>42</td>
<td>J Street</td>
<td>6 off Seaside Ave</td>
<td>Historical plan research - located north of H Street - Part of TM 6 Lot 21 and/or 30; therefore, no longer a paper street.</td>
<td>4</td>
<td>X</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>45</td>
<td>Lawn Ave</td>
<td>26, 27 vac. Part Lane St</td>
<td>City abandoned remaining paper street in 2001.</td>
<td>6</td>
<td>X</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>

**Category 1 (continued)**

<table>
<thead>
<tr>
<th>ID</th>
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<th>Accept Public Enforcement</th>
<th>Figures</th>
</tr>
</thead>
<tbody>
<tr>
<td>49</td>
<td>Marguerite Road</td>
<td>116 paper west end</td>
<td>City accepted first 220' in 1955. The remaining section connecting to Anderson, which has been improved and maintained by City, therefore, this is considered accepted and no longer a paper street.</td>
<td>2</td>
<td>X</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>51</td>
<td>Meadow Lane</td>
<td>12 paper spur at end</td>
<td>City accepted entire length of road in 1968; therefore, no longer a paper street.</td>
<td>4</td>
<td>X</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>53</td>
<td>Nursing Street</td>
<td></td>
<td>City vacated in 2005; therefore, no longer a paper street.</td>
<td>2</td>
<td>X</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>54</td>
<td>Oak Street</td>
<td>53 1/8 to North St</td>
<td>Portion discontinued in 1965 - Verification needed. If so, then no longer a paper street.</td>
<td>5</td>
<td>X</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>55</td>
<td>Park Road</td>
<td>116 paper NE end</td>
<td>City has improved and maintained entire length of Park Rd that is part of public right-of-way; therefore, this is no longer a paper street.</td>
<td>2</td>
<td>X</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>62</td>
<td>Portland Street</td>
<td>1064 Roadside Ave</td>
<td>Previous name for portion of Shohola Circle; therefore, removed from list.</td>
<td>7</td>
<td>X</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>65</td>
<td>Santa Anita Avenue</td>
<td>6 off Seaside Ave</td>
<td>Historical plan research - Part of TM 6 Lot 17 and/or 19; therefore, no longer a paper street.</td>
<td>1</td>
<td>X</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>67</td>
<td>Sheila Circle</td>
<td>80 Hillside Heights</td>
<td>City accepted in 2001. No longer a paper street.</td>
<td>1</td>
<td>X</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>75</td>
<td>Susan Lane</td>
<td>66 off Boom Rd</td>
<td>Historical plan research - Part of TM 66 Lot 39; therefore, no longer a paper street.</td>
<td>5</td>
<td>X</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>77</td>
<td>Tall Pines Lane</td>
<td>90 NE off Tall Pines Dr</td>
<td>City acceptance in 1963 - Confirm. If so, no longer a paper street.</td>
<td>2</td>
<td>X</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>83</td>
<td>Wakefield Avenue</td>
<td>32 paper NE end</td>
<td>City accepted first 714' in 1884. City has been improved and maintained additional 407'; therefore, this is considered accepted and no longer a paper street.</td>
<td>6</td>
<td>X</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>84</td>
<td>Washington Ave.</td>
<td></td>
<td>City accepted 1837' portion north of May Street in 1891 and 1929. Portion from May to Beach has been improved and maintained by the City; therefore, this is considered accepted and no longer a paper street.</td>
<td>6</td>
<td>X</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>86</td>
<td>Wood Ave.</td>
<td>27 NE and to Cumberland Av</td>
<td>1871 City accepted from Washington to Cumberland. Portion towards Cumberland is unimproved. PB more to Cat 3.</td>
<td>6</td>
<td>X</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## Category 2 — included on 1997 list, but of no value to City. Allow to expire.

<table>
<thead>
<tr>
<th>ID</th>
<th>Street</th>
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<th>Remarks</th>
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<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>3</td>
<td>Ash Street</td>
<td>66 off Hubbard St.</td>
<td>Paper street exists between Hubbard and Oakland. Appears that we may already have abandoned 1 portion (TM 06 L3). Verification needed. PB Hubbard to Oakland portion, allow to expire.</td>
<td>5</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Beatty Drive</td>
<td>95 off Beatty Rd.</td>
<td>Paper Street location mapped, Fig. 3 Developed as private road, late 1980s. PB allow to expire.</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>9</td>
<td>Bootheby Road</td>
<td>101 paper sign at end</td>
<td>City accepted first 50’ in 1965. Remaining portion of road is paper street. PB allow to expire.</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>14</td>
<td>Christian Drive, Nikki Circle, Tulelake</td>
<td>66 off New Country Rd</td>
<td>Each appears on Googlemaps subdivision plan, approved 1964. Owner Gravins appeared before PB on 8/8/17 with intent to develop. Staff allow to expire</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>Day Street</td>
<td>35 off Bradley St</td>
<td>Portion towards Pleasant Street abandoned in 1983 (Verify Council Action). Remaining portion towards Lincoln remains as paper street. PB allow to expire.</td>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>F Street</td>
<td>10 off Seaside Ave</td>
<td>1989 Council Action to maintain Public Access Easement - Confirm with Tim Murphy. PB leases in Cat 2.</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>17</td>
</tr>
<tr>
<td>30</td>
<td>Ever Road</td>
<td>97 Swamp/transfer station</td>
<td>Paper Street portion mapped, Fig. 4. PB allow to expire.</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>34</td>
<td>Green Avenue</td>
<td>11 off Seaside Ave</td>
<td>1989 Council Action to maintain Public Access Easement - Confirm with Tim Murphy.</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>36</td>
<td>H Street</td>
<td>10 off Seaside Ave</td>
<td>1989 Council Action to maintain Public Access Easement - Confirm with Tim Murphy. PB leases in Cat 3.</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>40</td>
<td>Laurel Street</td>
<td>50 off Bradley St</td>
<td>Paper Street portion mapped, Fig. 6. PB allow to expire.</td>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>6</td>
</tr>
<tr>
<td>50</td>
<td>Meadow Avenue</td>
<td>21 paper west end</td>
<td>1989 Council Action to maintain Public Access Easement - Confirm with Tim Murphy.</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Category 2 (continued)

<table>
<thead>
<tr>
<th>59</th>
<th>Street</th>
<th>Tax Map No.</th>
<th>Remarks</th>
<th>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>59</td>
<td>Old Orchard Rd</td>
<td>26, 27, 28, 29, 30, 40, 41</td>
<td>Paper Street portion mapped, Fig. 12. PB allow to expire.</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>12</td>
</tr>
<tr>
<td>56</td>
<td>Palms Avenue or Sweet</td>
<td>27 paper west end</td>
<td>1989 Council Action to maintain Public Access Easement - Confirm with Tim Murphy. PB agreed.</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>14 and 16</td>
</tr>
<tr>
<td>27</td>
<td>Pine Crest Avenue</td>
<td>10 off Seaside Ave</td>
<td>1989 Council Action to maintain Public Access Easement - Confirm with Tim Murphy. PB move to Cat 2.</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>17</td>
</tr>
<tr>
<td>19</td>
<td>Piny Woods Road</td>
<td>1116 beach access/marsh</td>
<td>1989 Council Action to maintain Public Access Easement - Confirm with Tim Murphy. PB agreed.</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>14 and 16</td>
</tr>
<tr>
<td>64</td>
<td>Rice Street</td>
<td>27 off Beach St</td>
<td>Paper Street portion mapped</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>13</td>
</tr>
<tr>
<td>70</td>
<td>Solanus Circle</td>
<td>9 off Roundup</td>
<td>Paper Street mapped, Fig. 7. PB: all lot owners to the right of paper street, no private party can develop the street. Allow to expire.</td>
<td>7</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ID</td>
<td>Street</td>
<td>Town Map No.</td>
<td>Remarks</td>
<td>Council Ward</td>
<td>Remove from List</td>
<td>Re-List as Paper Street</td>
<td>Accept as City Street</td>
<td>Accept as Easement</td>
<td>Figures</td>
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<td>---------</td>
<td></td>
</tr>
<tr>
<td>72</td>
<td>Spring Road</td>
<td>30 has 6 paper spurs</td>
<td>City accepted 100' in 1985, which matches limit of improved and maintained road. PB: allow remaining uncollected portion to expire.</td>
<td>2</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>74</td>
<td>Surf Street</td>
<td>500 has 6 paper spurs</td>
<td>1989 Council Action to maintain Public Access Easement. Confirms with Tim Murphy. PB: portion north of FB, allow to expire. Portion north of FSP re-list.</td>
<td>4</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>18</td>
<td></td>
</tr>
<tr>
<td>73</td>
<td>Thacher Street</td>
<td>31 off Marker St</td>
<td>Paper Street portion mapped. Fig. 1, PB: allow to expire.</td>
<td>5</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>71</td>
<td>Virginia Avenue</td>
<td>311 paper north and</td>
<td>City accepted 100' in 1985. Remaining section is paper or may have been discontinued. Not maintained by City, PB: allow to expire.</td>
<td>2</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>72</td>
<td>Vivian Street</td>
<td>38 SW end to Joakim St</td>
<td>Need to accept portion associated with PB: agreed. Arrowswoods Custer.</td>
<td>3</td>
<td>X</td>
<td>Remaining Length</td>
<td></td>
<td></td>
<td>10</td>
<td></td>
</tr>
</tbody>
</table>

**Category 3 – re-list as a paper street due to possible current or future needs.**

<table>
<thead>
<tr>
<th>ID</th>
<th>Street</th>
<th>Town Map No.</th>
<th>Remarks</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 as Easement</th>
<th>Figures</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>Biaune Street</td>
<td>40, 34 off Roe Buck Ave</td>
<td>City abandoned 100' section adjacent to Biaune. Portion at end of Roebuck is improved and maintained by City, therefore, this is considered accepted. Remaining length is paper street. PB: re-list.</td>
<td>7</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>Commonwealth Avenue</td>
<td>123 off Ferry Rd</td>
<td>1989 Council Action to maintain Public Access Easement. Confirms with Tim Murphy.</td>
<td>4</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>20</td>
</tr>
<tr>
<td>17</td>
<td>Cottage Ave</td>
<td>13 beach access and driveway</td>
<td>Middle section improved and maintained by City. Remaining portions part of 1989 Council Action to maintain Public Access Easement. Confirms with Tim Murphy.</td>
<td>4</td>
<td>X</td>
<td>Partial Diet. Refer to survey.</td>
<td></td>
<td></td>
<td>15</td>
</tr>
<tr>
<td>15</td>
<td>Curtis Avenue</td>
<td>11 E and Oceanside Dr</td>
<td>First 200' improved and maintained by City. Remaining portion part of 1989 Council Action to maintain Public Access Easement. Confirms with Tim Murphy. PB: agreed, keep in Cat 3.</td>
<td>4</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>16</td>
</tr>
<tr>
<td>21</td>
<td>Davis Avenue</td>
<td>6 off Summer Ave</td>
<td>1989 Council Action to maintain Public Access Easement. Confirms with Tim Murphy. PB: move to Cat 3.</td>
<td>4</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>18</td>
</tr>
<tr>
<td>27</td>
<td>Farnam Avenue</td>
<td>6 off Summer Ave</td>
<td>1989 Council Action to maintain Public Access Easement. Confirms with Tim Murphy. PB: move to Cat 3.</td>
<td>4</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>18</td>
</tr>
<tr>
<td>29</td>
<td>Forest Street</td>
<td>51, 52 2 sections used</td>
<td>Paper Street portion mapped. Fig. 8. T. Murphy. Trust's value is enhanced if paper street is vacated. PB: re-list as paper street.</td>
<td>5</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>37</td>
<td>Garnet Avenue</td>
<td>6 off Summer Ave</td>
<td>1989 Council Action to maintain Public Access Easement. Confirms with Tim Murphy. PB: move to Cat 3.</td>
<td>4</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>18</td>
</tr>
<tr>
<td>35</td>
<td>Gulf Avenue</td>
<td>6 off Summer Ave</td>
<td>1989 Council Action to maintain Public Access Easement. Confirms with Tim Murphy. PB: move to Cat 3.</td>
<td>4</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>18</td>
</tr>
<tr>
<td>40</td>
<td>Long Point Ave</td>
<td>6 beach access and W dtr</td>
<td>1989 Council Action to maintain Public Access Easement. Confirms with Tim Murphy. PB: move to Cat 3.</td>
<td>4</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>18</td>
</tr>
<tr>
<td>55</td>
<td>Oceanside Drive</td>
<td>16.21 end in beach</td>
<td>1918 City accepted 100' portion south of Palmer, however, many other portions improved and maintained by the City, which are considered accepted. PB: keep in Cat 3.</td>
<td>4</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>15</td>
</tr>
<tr>
<td>63</td>
<td>Rudyard Avenue</td>
<td>111 paper west end</td>
<td>City accepted first 480' in 1989. Paper Street is remaining section connecting to Anderson. PB: re-list as paper street.</td>
<td>2</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>62</td>
<td>Saline Avenue</td>
<td>2 off Palmer</td>
<td>City accepted 100' in 1988. PB: accept a public easement.</td>
<td>4</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>13 and 16</td>
</tr>
<tr>
<td>#</td>
<td>Street</td>
<td>Tax Map No. &amp; Remarks</td>
<td>Notes</td>
<td>Council Ward</td>
<td>Remove from List</td>
<td>Re-List as Paper Street</td>
<td>Accept as City Street</td>
<td>Accept as Public Easement</td>
<td>Figures</td>
</tr>
<tr>
<td>---</td>
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<td>----------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>73</td>
<td>Stove Avenue</td>
<td>10 off Seaside Ave</td>
<td>Location unknown - Additional research required.</td>
<td>4</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>?</td>
</tr>
<tr>
<td>74</td>
<td>Surf Street</td>
<td>1999 Council Action to maintain Public Access Easement - Confirm with Tim Murphy. PB: portion north of FB state park, allow to expire. Portion south of FBIP, re-list.</td>
<td>4</td>
<td>X</td>
<td></td>
<td></td>
<td>X Portion south of Ferry Beach State Park</td>
<td>19</td>
<td></td>
</tr>
<tr>
<td>75</td>
<td>Silver Avenue</td>
<td>3 paper east and</td>
<td>1999 Council Action to maintain Public Access Easement - Confirm with Tim Murphy.</td>
<td>4</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>19</td>
</tr>
<tr>
<td>76</td>
<td>Truman Avenue</td>
<td>34 off Ocean Park Rd</td>
<td>Paper Street portion mapped, Fig. 36. FB: vallet to paper street.</td>
<td>3</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>10</td>
</tr>
<tr>
<td>77</td>
<td>Waterloo Avenue</td>
<td>6 off Seaside Ave</td>
<td>1999 Council Action to maintain Public Access Easement - Confirm with Tim Murphy. PB: move to Cat 3.</td>
<td>4</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>18</td>
</tr>
<tr>
<td>77</td>
<td>Woodland Avenue</td>
<td>40.41 paper NW end</td>
<td>1997 City accepted from Lyman to Houston. Paper street in 50' portion beyond Lyman.</td>
<td>3</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>7</td>
</tr>
</tbody>
</table>

**Category 4 -- Council should consider vote to accept as City street.**

<table>
<thead>
<tr>
<th>ID</th>
<th>Street</th>
<th>Tax Map No. &amp; Remarks</th>
<th>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 as Public Easement</th>
<th>Figures</th>
</tr>
</thead>
<tbody>
<tr>
<td>47</td>
<td>Lillian Avenue</td>
<td>27, 35 to Cumbersand Ave</td>
<td>City accepted entire portion from Lafayette to Cumbersand. Portion of this is unimproved and considered abandoned. Thence north portion west of Lafayette that is unimproved and remains as a paper street. PB: -- agreed.</td>
<td>6</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>11</td>
</tr>
<tr>
<td>48</td>
<td>Verian Street</td>
<td>54 W end to Stockman</td>
<td>Suggest accepting portion associated with Autumnwoods Condo, but allow remainder to expire. PB: no comment.</td>
<td>6</td>
<td></td>
<td></td>
<td></td>
<td>X First 50' from Stockman</td>
<td>10</td>
</tr>
</tbody>
</table>

**Category 5 -- paper streets with little value as a future street, but for which a public easement should be maintained. A "trail" pursuant to 23 MRSA §3151 should also be considered.**

<table>
<thead>
<tr>
<th>ID</th>
<th>Street</th>
<th>Tax Map No. &amp; Remarks</th>
<th>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 as Public Easement</th>
<th>Figures</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Ash Street</td>
<td>60 off Hubbard St.</td>
<td>Paper portion exists between Hubbard and Loomis. Appears that we may already have abandoned a portion (260' or 1.25). Verification needed.</td>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td>X Portion from Hubbard to Oakland</td>
<td>6</td>
</tr>
<tr>
<td>4</td>
<td>Baldwin Street</td>
<td>11 beach access</td>
<td>1999 Council Action to maintain Public Access Easement - Confirm with Tim Murphy. PB: Cat 5 now, keep as is.</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>16</td>
</tr>
<tr>
<td>6</td>
<td>Billow Avenue</td>
<td>11 Goodland Island beach</td>
<td>1999 Council Action to maintain Public Access Easement - Confirm with Tim Murphy. Fig. 15. PB: keep in Cat 5.</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>15</td>
</tr>
<tr>
<td>17</td>
<td>Cottage Ave</td>
<td>11 beach access and driveway</td>
<td>Middle section improved and maintained by City. Remaining portions part of 1989 Council Action to maintain Public Access Easement - Confirm with Tim Murphy. Fig. 15. PB: portion east of Oceanside Drive -- Cat 5. Portion from Seaside to Stubbbins -- no list as paper street.</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td>X Oceanside Drive</td>
<td>15</td>
</tr>
<tr>
<td>22</td>
<td>Dune Avenue</td>
<td>11 beach access</td>
<td>1999 Council Action to maintain Public Access Easement - Confirm with Tim Murphy. PB: agreed, keep in Cat 5.</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>16</td>
</tr>
<tr>
<td>23</td>
<td>E Street</td>
<td>10 off Seaside Ave</td>
<td>1989 Council Action to maintain Public Access Easement - Confirm with Tim Murphy. PB: move to Cat 5.</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>17</td>
</tr>
<tr>
<td>24</td>
<td>Eagle Avenue</td>
<td>3 beach access</td>
<td>1989 Council Action to maintain Public Access Easement - Confirm with Tim Murphy.</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>20</td>
</tr>
<tr>
<td>37</td>
<td>Hall Avenue</td>
<td>26, 26, 21 up to Lewis Ave</td>
<td>City accepted 1,000' but has only improved 700'. Approximately 300' paper portion exists beyond limit of previous acceptances. PB: maintain public easement, no move to Cat 5.</td>
<td>6</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>9</td>
</tr>
</tbody>
</table>
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 of fire, electrical injury, and death.

This ordinance does not have an impact on personal use of marijuana. Suggested change to move the fees section to the fee schedule and have the ordinance reference the fee schedule are included as an amendment by staff.

Councilor Precourt moved, Councilor Minthorn seconded to open the Public Hearing of Zoning Ordinance: Chapter 135, Marijuana Cultivation and Distribution. The motion passed with seven (7) yeas.

➢ Brett & Stephanie Messer – We come before you today to discuss the proposed Zoning Ordinance Chapter 135 Marijuana Cultivation and Distribution. I come to you as a Saco based business owner but more importantly I come to you as a lifelong resident of the City of Saco. There are a number of items in this document that need work and I’ll address those momentarily but first I would like to discuss the larger issues. The State of Maine is currently producing a set of guidelines that cover the majority of cannabis activity in Maine. Why are we rushing to force through this ordinance when we do not know what the state will be releasing for regulations. It seems as though the City of Saco is eager to get into the business of cannabis regulation and enforcement while in the mean time the State of Maine Bureau of Alcoholic Beverages and Lottery Operations is gearing to do just that. A very qualified organization I might add. It seems very counter-productive to burden the City of Saco administration with the same job. Shouldn’t the
City of Saco do its due diligence on every new business? Absolutely. Should we wait to see what regulations are coming our way? Certainly. We know that a 12 count plant limit for each resident is being proposed for the bill of changes. We also know that a 5% local option tax is being added. Things like this are important when it comes to crafting local ordinance regulations so we won’t really know how to proceed till the state releases there bill of changes. I have wondered for quite some time now where the citizens of Saco that support this ordinance are. I have never seen one person come to a meeting and speak out about cannabis issues. Saco is a pretty progressive community and I seen around the state more conservative communities where it has been great public debate concerning cannabis regulation. I have never seen that in the City of Saco. In fact I talk to folks every single day such as Saco school teachers, business owners on Main Street. But, in this document the City of Saco seems to pretty staunchly oppose cannabis with the verbiage chosen which leads me to the biggest issue with this ordinance. It states on the first page and this is horribly inaccurate that this does not affect people and their personal consumption of cannabis and this is absolutely untrue. There should be no city ordinance, license or fee that applies to a 21 year old tax-paying property owner who wants to grow 6 marijuana plants in their garden and that was the way the law was passed in the state. It is absolute lunacy. Marijuana bills are being passed around the country in every legislative session because we the people of this city, state and nation no longer wish to be oppressed by cannabis laws. Specifically laws that have caused a massive imbalance of minorities in the judicial system. It is not for the city government to decide what someone chooses to do in their own home garden. As a cannabis business owner it makes financial sense to me to support higher regulation on the home growing but what type of freedom does that create for our community? What does it do is it continues the war on drugs that has been propagated by racist politicians of our past and I really hope that the Saco City Council members operate above that. My last point before I get into the specifics of this document. Can any of you direct me to the closed door meetings where these types of documents are created? The last time I checked the City of Saco didn’t have anyone qualified in drafting cannabis policy. I pulled all the cannabis owners that I could locate in Saco and none of them were asked for input on the creation of this document. It makes me wonder how productive that system is. So let’s talk about the actual document. Page 82, section 135-4 paragraph C. This is a very broad restriction on future electrical permits and I see no reason why someone can’t have a 400 amp service on their residence if they so choose. This will affect people that have no interest in cannabis. Page 84 section 135-6 paragraph B-4. A caregiver may not supply the names of their patients as this is a violation of the health insurance portability and accountability act of 1996 also known as HIPPA. Page 184 section 135-6 paragraph D. There should not be any restrictions or reporting requirements in this area. Page 184 section 135-6 paragraph F-3. The state already conducts annual background checks for all medical marijuana growers, employees and officers and will conduct even more thorough review of recreational applicants. This is redundant and not cost effective. Page 85 section 135-6 paragraph F-5. This lacks clarity and it should be cut and clear what code enforcement needs access to information. Page 85 section 135-6 paragraph G. It is absolutely ridiculous that in one section you request a list of all patients and 10 paragraphs later you state that all of those lists are going to be public record. Nothing about a medical marijuana facility should be public record. Additionally that extends into recreational marijuana business as well. There is a ton of intellectual property at stake that should not be public record, so we need to review which parts of these applications are public record and which are not. Page 86 section 135-9 paragraph B-10. This is far too broad. One’s criminal record as it pertains to their application was already discussed in paragraph B-2 of this same section. By the way this section is written you could be associated with someone who got a drunk in public citation and have your license revoked. Page 88 section 135-11 paragraph B. Mail service regarding licensed hearing should be mailed via certified mail. If seems a little too important that we send those things just regular mail. In summary. It feels as though we are rushing to regulate a cannabis market in Saco that does not yet exist. And, in some way we are also trying to regulate the medical cannabis market in a far reaching manner that is inconsistent with state law. Maine state has 2 cannabis laws that the City of Saco intends to regulate its local market with one ordinance. How can that be possible? In front of us we have a cookie cutter document that looks like it was created for another community and it is trying to be forced on the city and business owners in the City of Saco. So I hope that we can review this in a little bit more depth and make some decisions that are wise for residents and business owners in the city.
Councilor Precourt moved, Councilor Johnston seconded to close the Public Hearing, and further move to set the Second and Final Reading of the staff amended Zoning Ordinance: Chapter 135, Marijuana Cultivation and Distribution for September 5, 2017. The motion passed with seven (7) yeas.

CHAPTER 135
MARIJUANA CULTIVATION AND DISTRIBUTION

§ 135-1. Title.
§ 135-2. Findings; Purpose.
§ 135-3. Licenses Required.
§ 135-4. Permitted locations.
§ 135-5. Violations.
§ 135-6. Applications.
§ 135-7. Fees.
§ 135-8. Investigation.
§ 135-9. Decision; Standards for Denial.
§ 135-10. Appeals.
§ 135-12. Reserved.
§ 135-15. Enforcement; Penalties.

§ 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 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 granted, 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 home electrical service beyond 200 amps.

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 properties 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 or 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, carpenters, electricians, tradesmen 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 any person, party or entity to provide assistance, advice, skills, work effort or cooperation, 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 when 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.

Fees shall established annually by the City Council following a public hearing.

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.

D. 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 any
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 Saco, 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 of 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 stay 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.

The City Council, due to the importance of life-safety to all, and because a number of individuals are surreptitiously growing, cultivating, harvesting, managing, processing, transferring, exchanging or distributing marijuana or marijuana products within its boundaries, expressly intends that this Ordinance be applied retroactively to January 1, 2016. Any party who commenced growing, cultivating, harvesting, managing, processing, transferring, exchanging or distributing marijuana or marijuana products after January 1, 2016 but prior to the date of the enactment of this Ordinance must register for a license but fees for their first license will be waived if the party can substantially establish that they were engaged in growing, cultivating, harvesting, managing, processing, transferring, exchanging or distributing marijuana or marijuana products prior to enactment of this ordinance.

A. Lack of License. Any person or entity that grows, cultivates, harvests, manages, processes, transfers, exchanges or distributes marijuana or marijuana products without a valid license shall be subject to the following fines:

<table>
<thead>
<tr>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>$2,500</td>
<td>First violation</td>
</tr>
<tr>
<td>$5,000</td>
<td>Second violation</td>
</tr>
<tr>
<td>$10,000</td>
<td>Each subsequent violation</td>
</tr>
</tbody>
</table>
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 each of the four standards found in Sec. 1403-6, and voted to forward a positive recommendation to the Council.

Councilor Precourt moved, Councilor Doyle seconded move to open the Public Hearing. The motion passed with seven (7) yeas.

Beth Austin on behalf of Kylie Austin– Hello Saco City Council. I have grown up in Saco and have been lucky enough to experience all it has to offer from its farmland to its beaches to its beautiful downtown. There is no doubt Saco is an amazing city and by adding a wedding venue to this area I believe it would only increase its potential and show others just how beautiful this area is while bringing business to the city also. I’m currently a business student at the University of Southern Maine and I chose to stay close to home to continue my passion for horses on our farm while learning about business to better the future of
our establishment. I became interested in business through my father’s trucking business and my parents farm that my mother has since expanded on. There would be no better place to have a wedding than River Winds Farm where there is a real working stable with a perfect setup for such events. There is no doubt in my mind that River Winds Farm will thrive with all of its unique offerings and real country feel. Thank you very much.

Councilor Precourt moved, Councilor Doyle seconded to close the Public Hearing and further move to set the Second and Final Reading of the document entitled “Contract Zone Agreement by and Between River Winds Farm LLC, River Winds Trails, LLC, River Winds, LLC and the City of Saco,” dated June 6, 2017; for the property identified as Tax Map 106, Lots 8, 8-1, 10, 10-1 as authorized by Section 1403 of the Zoning Ordinance, pursuant to 30A M.R.S.A. Section 4352(8) and to set the second and final reading for September 5, 2017. The motion passed with seven (7) yeas.

Excerpt from the Contract Zone showing the additional wording:

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:

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.

E. AUTHORIZATION OF BOND QUESTIONS: CITY FACILITIES, ROADS, DRAINAGE, AND INFRASTRUCTURE; A PUBLIC WORKS FACILITY; AND, ROUTE ONE SEWER AND PEDESTRIAN IMPROVEMENTS – (PUBLIC HEARING)

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 Johnston seconded to open the Public Hearing. The motion passed with seven (7) yeas.

Mayor Michaud asked Deputy Mayor Precourt to preside over the meeting so that he could address the Council from the floor.

- Roland Michaud - Route One Sewer and Pedestrian Improvement – I have been involved with this for a number of years going back to the 80’s. The Route One sewer bonding was the major drive and we wanted to put sewers out there because we wanted to see the development. In fact we did commit to a rather large bond a few years ago to do it. The thought was what would this do to the community to help it improve commercially and perhaps some industrial property. What I’ve noticed over the last few years is if you look at the Route One corridor it is expanding almost exclusively residential development. If you down in the back the Chamberlain project is expanding and there are allot of housing units going in there. We do know there are other housing units that are going to be coming before us in the settlement we made and in the property on Route One. I endorse the idea of pedestrian improvements because we have done some sidewalk work out there and gotten it out there quite a ways. I would encourage the Council to think twice about putting any more money into a sewer bond out there until we really see any live development. We spent allot of money putting sewers out there already and all I’m seeing for our return on investment is
residential which isn’t bad but it isn’t what I would encourage folks to do. We need to look long and hard for what this means to the community including a Public Works garage which is needed. I have been down there and looked at the facility and we have been putting this off for years and years and it needs to happen. Of the 2 I would certainly think that is more important. I don’t think bonding for the Route One sewer is worth the investment at this time.

Mayor Michaud took over the podium from Deputy Mayor Precourt.

➢ John Harkins, 4 Christopher Terrace - I’m a firm believer in bonding for needed projects in the community and we are in a great position as far as our debt service. I think we have to keep in mind that we have a pending issue with schools and the possibility of bonding for a new school. Priorities I agree with the Mayor that extending the sewers and facilities on Route One. Question - Developers are down there so why doesn’t the community enter into a developers permit agreement where a agreement would be done between the community and the developer with the developer fronting the money and as development occurs then there would be repayment of a portion of that cost. Things of this nature tend to be creative and save the tax payers dollars. I would like to know a little more specific on some of these projects and the priorities within them.

Councilor Roche moved, Councilor to close the Public Hearing and Be it Ordered that the City Council set the second and final 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’, for September 5, 2017.” Further move to approve the Order. The motion passed with six (6) yeas and one (1) nay – Councilor Precourt.

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 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 denominations, interest rates, plans 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, not exceeding 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 per cents to interest semi-annually and as per cents to principal in equal annual installments, except that (1) an installment due to the holder of any Bond may be applied to the principal amount 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 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 1.156-2 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 September 12, 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 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 $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 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 $7,250,000. 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 thereof, 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 installment 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 the 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.
Townhouse Management Inc d/b/a Townhouse Pub has applied for a renewal of their Special Entertainment Permit. The permit will be concurrent with the establishment’s liquor license.

The applicant has paid all applicable permit fees and the clerk has properly advertised the public hearing in accordance with the Saco City Code, Chapter 93 - Entertainment §93-2.

Councilor Johnston moved, Councilor Minthorn seconded to open the Public Hearing. The motion passed with seven (7) yeas.

There were no public comments.

Councilor Johnston moved, Councilor Minthorn seconded to close the Public Hearing and “Be it ordered that the City Council grant the renewal application submitted by Townhouse Management Inc. d/b/a Townhouse Pub for a Special Entertainment permit to be concurrent with the establishment’s current liquor license”. Further move to approve the Order. The motion passed with seven (7) yeas.

G. TEMORARY EXTENSION OF PREMISE PREMIT FOR ISLAND BREWING LLC D/B/A RUN OF THE MILL FOR THE RIVERJAM FESTIVAL – (PUBLIC HEARING)

This request appears before the City Council due to the fact that a portion of this parking surface is owned by the City of Saco. The 4th Annual RiverJam Festival events will be occurring September 15-16, 2017. This is the second year that this collaborative community-wide celebration has included events occurring in both cities, Saco and Biddeford. The presenting partners are Saco Main Street Inc. and Heart of Biddeford, along with the Biddeford
Saco Area Chamber of Commerce, Engine, and the Cities of Saco and Biddeford. The landlord, Saco Island West, LLC has consented to the use of this space and Dirigo Management Company will be notifying residents and tenants of the space, prior to the event so they are aware. Upon City Council approval, the City Clerk, Michele Hughes will request consent of the State of Maine Bureau of Alcoholic Beverages Division of Liquor Licensing and Enforcement. The schedule of events for RiverJam Festival can be found on the event’s website.

Councilor Johnston moved, Councilor Minthorn seconded to open the Public Hearing. The motion passed with seven (7) yeas.

There were no public comments.

Councilor Johnston moved, Councilor Minthorn seconded to close the Public Hearing and “Be it Ordered that the City Council grant a Temporary Extension of Premise Permit to allow Island Brewing LLC d/b/as The Run of the Mill to sell beer and food off premise on the parking surface on Saco Island adjacent to The Run of the Mill on September 16th from 4:00 PM to 11:00 PM”. Further move to approve the order. The motion passed with seven (7) yeas.

H. AMENDMENTS TO THE SACO DOWNTOWN PLAN

On February 21, 2017 the Saco City Council designated and approved the establishment of the Saco Downtown Omnibus Municipal Development District Program (Development District #15) hereinafter referred to as the (“DDD”). The DDD was subsequently submitted to the State of Maine for review and approval.

In early June, the State replied with a series of questions and requests for additional information. The most notable items were the requests to:
- Match the specific statutory citation to each specific project item / fund use that was set forth in the DDD document, and
- Reference each of those fund uses to the specific section, chapter, page, and paragraph in the Downtown Plan or appropriate other Planning document(s)

Some of the items authorized as part of the Saco Downtown Omnibus Municipal Development District Program (Development District #15), were not explicitly included in Downtown Plan. Examples include: specific references to operating costs for the City’s Economic Development and Marketing efforts. These types of references would not typically be included in Plan documents, but rather in budget documents in the DDD document itself. To insure that we address the State’s request for greater clarity we have drafted an amendment to the Downtown Plan, adding an 8th Chapter that explicitly includes references to the authorized and sanctioned uses of sheltered DDD funds.

Councilor Johnston moved, Councilor Minthorn seconded “Be it ordered that the City Council approve the addition of Chapter 8 to the City of Saco Downtown Plan to clarify the uses Authorized as part o the Council’s unanimous approval of the Saco Downtown Omnibus Municipal Development District Program (Development District #15) on February 21, 2017.” Further move to approve the Order. The motion passed with seven (7) yeas.

Chapter 8
August 21st, 2017 Update

This City of Saco Downtown Plan was first reviewed by the City’s Economic Development Commission (EDC) in the fall of 2007 and subsequently adopted by the City Council on November 26th of that year. However, as time passes and existing development goals are amended, new goals added, and new projects undertaken by the City, amendments and additions to the Downtown Plan have been necessary to align the Downtown Plan with current City goals. The first amendment was adopted by the City Council on September 13, 2013, which added Chapter 7 addressing housing and community revitalization. A further amendment to the Downtown Plan was reviewed by the City of Saco’s Economic Development Commission on August 16, 2017 and subsequently reviewed and adopted by the Saco City Council on August 21st, 2017. As this latest Downtown Plan Update was circulated for review by the City’s Economic development Council and City Council, the City is awaiting final
approval of the Downtown Development District from the State of Maine. The August 21st, 2017 amendments adopt, incorporate, and reference the February 21st, 2017 Development District and the funding uses authorized as part of that Development District. It may be noted that the revised downtown map included in this plan dated February 21st, 2017 is significantly broader in the area it encompasses than the original 2007 plan. This is a result of several factors, including the recognition that Saco's Downtown has evolved in the decade since the Downtown Plan was first adopted. The City’s Comprehensive Plan Update Committee utilized a walkability metric that generally defined the downtown as the walkable area within a 15-minute radius east and west of Main Street, from Saco Island to the south to the I-95 interchange to the north. An additional area slightly further west between the New County Road (Rt. 5) to the north and Boom Road to the south was also added since it was the last significant undeveloped area in close proximity to the core of the City’s historic downtown. A further reason for the expanded definition of and included in the downtown was a change in the State of Maine’s Development District Statute that no longer limits the size of Downtown Development Districts to a maximum percentage of the total land area or value of a community. The expanded area depicted in the updated downtown map, dated February 21, 2017 (new maps attached at the end of this chapter) recognizes the area designated by the City of Saco’s Comprehensive Plan Update Committee in their ongoing work to update the City’s Comprehensive Plan, as well as what was approved by the City of Saco’s Economic Development Commission and City Council in early 2017.

This chapter includes goals excerpted from the Saco Downtown Omnibus Municipal Development District Program (Development District #15) which was presented to and approved by the Saco City Council on February 21st, 2017. This chapter lays out how the City intends to utilize sheltered revenues generated by the City’s Downtown Development District for Economic Development operations relating to: the Downtown District as designated by the Saco City Council, that are allowed and appropriate in areas proximate to the Downtown Development District, and where appropriate throughout the community1 and as set forth in the Development Plan included in the Saco Downtown Omnibus Municipal Development District Program (Development District #15).

1This category primarily relates to costs relating to salaries and operations of the economic development and marketing efforts of the City.

Additional Downtown Improvement Goals as of February 21st, 2017
While these goals do not replace or supersede the goals introduced in the previous chapters, this list reflects the most current priorities of the City of Saco.

Note: Whenever possible, goals should be achieved through funding provided by the Saco Downtown Omnibus Municipal Development District Program (Development District #15).

Economic Development
1. Maintain the Economic Development Director position and cover salary and overhead costs associated with support staff through Development District funding to maintain programs and operations. In addition, prorate the salary of other department officials’ efforts relating to economic development activities, including the City Administrator and his Executive Assistant, the City Planner, and the Finance Director. Assessing services relating to the Development District and consultant/legal costs as they relate to tax increment financing will also be considered appropriate uses of these funds.
2. Develop and implement an Economic Development Grant application.
3. Enter into Credit Enhancement Agreements to attract new businesses to the downtown and to encourage business expansion.
4. Increase marketing efforts that encourage tourism in Saco and fund events that will attract tourists to the downtown.
5. Capitalize and fund a revolving loan fund for businesses in Saco.
6. Support economic development and planning studies, such as market analyses of arts development districts.
7. Provide grant matching funding for state and federal grants relating to Economic Development projects.
8. Continue downtown business promotion with Saco Main Street, Inc., the non-profit corporation created by the City whose mission includes economic development and business promotion.
9. Maintain membership in the Biddeford and Saco Chamber of Commerce and Industry for support with community business and tourism.
10. Remain a member of the Biddeford Saco Area Economic Development Corporation, which helps businesses provide gap financing for projects.

11. Support local agriculture opportunities such as a year-round Farmers’ Market and food trucks.

**Sidewalk Rehabilitation/Extension, Parking Improvements, and Connectivity**

1. Design and construct Americans with Disabilities Act (ADA) adjustments, lighting, crosswalks, and curb from Saco Island along Main Street to the I-195 Connector to improve sidewalks in the downtown area.
2. Purchase equipment to enhance the ability to provide better, year-round conditions for businesses to thrive by providing consistent snow removal, safe access to businesses, clean municipal parking lots, and ensure safe sidewalks for pedestrians.
3. Improve parking, and consider the possibility of developing a central parking facility to facilitate access to the downtown.
4. Enter into municipal/private partnerships for pedestrian access and parking from Saco Island north to Thornton Academy.
5. Acquire, improve, and/or construct trail connections including, but not limited to, the current and future locations of the Eastern Trail, Saco’s portions of the Biddeford and Saco RiverWalk Trail System. Recommended updates include energy efficient lighting (solar if available), new pedestrian bridges connecting the east and west sides of Saco Island and completing our Downtown RiverWalk loop, paving, bicycle parking facilities and maintenance stations, bike lanes, marking, pedestrian benches and wayfinding signage.

**Transportation**

1. Implement bus shelters and transportation amenities such as benches to encourage the use of public transportation options.
2. Respond to changes in traffic patterns due to increased downtown development by reconstructing roads, adjusting traffic signals, and implementing traffic calming improvements where needed.
3. Expand Saco’s goal to be a sustainable City by providing opportunities for green transportation to expand in Saco’s downtown, such as electrical vehicle charging stations and hydrogen dispensing stations.
4. Support the Shuttlebus-Zoom transit service to make the downtown more accessible to all members of the public.

**Infrastructure**

1. Rehabilitate existing drainage to accommodate new business development and to meet the provisions as required in the MS4 General Stormwater.
2. Design, construct, and install 3-phase power, a necessity for many businesses.
3. Expand and update broadband and 4GLTE within the downtown.
4. Consider offering a free wifi area within the downtown, possibly through a shared workspace.
5. Implement a Geographic Information System (GIS) mapping CIP program to support ongoing maintenance of infrastructure.
6. Whenever possible, support and implement environmental improvements and fisheries and wildlife or marine resources projects.
7. If needed, acquire additional land for a business and/or technology park, arts district, and/or municipally-funded commercial buildings.
8. Construct or improve buildings leased by the State or municipal government.

**Saco River**

1. Construct marina infrastructure along the Saco River.
2. Construct an office for the Harbormaster to provide a working environment for one of the busiest launch facilities and harbors in the area, a significant portion of which is located in the downtown.
3. Improve boater amenities by replacing piers and floats at various water access points along the downtown portions of the Saco River in order to attract boaters from outside Saco to the downtown area.
4. Construct a waterway seawall, support waterway dredging activities, or implement other repairs that will promote commercial access and communication along the Saco River and promote economic development.
Full City Map depicting locations of all existing Development Districts as of February 21, 2017.

Enlarged view partial Saco City Map depicting locations of all existing Development Districts as of February 21, 2017.
I. ISLAND TERRACE OWNERS ASSOCIATION PROPOSED BYLAWS AND DECLARATION AMENDMENTS

By virtue of the City’s ownership of Unit 91 in the Island Terrace Condominium we have been asked to vote on the following:

three (3) proposed Bylaw Amendments to bring the Association in to compliance with the Maine Condo Act and one (1) proposed amendment to the Declaration of Condominium to prohibit smoking on the entire Condominium property.

Councilor Johnston moved, Councilor Doyle seconded “Be it ordered that the City Council authorize the City Administrator or his agent to attend the Special Meeting of the Island Terrace Owners Association on Aug 23, 2017 and vote to support the three (3) proposed Bylaw Amendments to bring the Association in to compliance with the Maine Condo Act and one (1) proposed amendment to the Declaration of Condominium to prohibit smoking on the entire Condominium property. Further move to approve the Order. The motion passed with six (6) yeas and one (1) nay – Councilor Cote.

J. MAINEDOT BICYCLE AND PEDESTRIAN PROGRAM FUNDING APPLICATION RATIFICATION

The City has submitted applications for two grant applications to the Maine Department of Transportation (MDOT) for funding under the MaineDOT Bicycle and Pedestrian Program for the construction of two pedestrian projects in the downtown. The applications were submitted to meet the application deadline of August 15th, 2017. Each of these proposed projects has a preliminary estimated project cost ($670,000 for the Main Street project) and ($604,000 for the West Cataract Dam project). The Maine Department of Transportation (MDOT) will provide up 80% of the individual project cost, not to exceed $400,000 per project. The City of Saco shall be responsible for a minimum local match of 20% of the project cost and costs in excess of $400,000.00. We will also be seeking a sharing of the local match cost with the Portland Area Comprehensive Transportation System (PACTS).

The first of these applications is to install a new pre-engineered cantilevered pedestrian/bicycle way beneath the northerly end of the Main Street Bridge on the south side of Saco Island to complete the next phase of the Biddeford-Saco RiverWalk Trail network.

The second of the applications is to install an overlook over the Saco River along the existing section of the RiverWalk Urban Trail west of Mill #4 and reduce the grade of the trail along this segment to conform to Americans with Disabilities Act specifications.

These applications have received letters of support from several various local organizations.

This matter was reviewed with the Economic Development Commission (EDC) on August 16th. The EDC voted unanimously to ratify the city’s applications as submitted.

Councilor Johnston moved, Councilor Minthorn seconded “Be it ordered that the City Council ratify the two funding Applications for the MaineDOT Bicycle and Pedestrian Program as submitted.” Further move to approve the Order. The motion passed with six (6) yeas and one (1) nay – Councilor Precourt.

K. 319 MAIN STREET CONTRACT ZONE – (FIRST READING)

Applicants Don and Jan McGarva received approval twice for a contract zone that allowed them to establish the Saco Bay Creamery ice cream parlor at 319 Main Street. The Dec. 6, 2010 Council approval allowed them to open an Eating Establishment in the carriage house at their residence. The project never got started, and the approval lapsed. The McGarvas moved forward a second time, and received an approval on Nov. 18, 2013 to open an Eating Establishment.

Don and Jan McGarva request that the existing contract zone for their property at 319 Main Street be terminated, in that “Eating Establishments” are a conditional use in the B-7 zone as of February 6, 2017.
In that a contract zone is recognized as an amendment to a zoning ordinance, then terminating a contract zone is also an act of amending an ordinance. This request was reviewed at the Planning Board meeting on July 11, 2017 and the board recommended the termination of the contract zone.

Councilor Johnston moved, Councilor Doyle seconded to approve the First Reading of the amendments to the document entitled “Contract Zone Agreement By and Between Don and Janet McGarva and the City of Saco,” dated September 17, 2013; and to schedule a Public Hearing for September 5, 2017, for the property at 319 Main Street, as authorized by Section 1403 of the Zoning Ordinance, pursuant to 30A M.R.S.A. Section 4352(8). The motion passed with seven (7) yeas.

McGarva Contract Zone Agreement 319 Main St. Approved Nov. 18, 2013

Contract Zone Agreement By and Between
Don and Janet McGarva and the City of Saco

September 17, 2013

THE CITY OF Saco HEREBY ORDAINS:

I. That the Zoning Ordinance of the City of Saco, dated January 2, 1985, and amended through July 1, 2013 is hereby further amended by adopting this Contract Zone Agreement by and between the City of Saco and Don and Janet McGarva (Applicants).

1. The Applicants propose to establish an Eating Establishment at 319 Main Street (Subject Property).

2. Subject Property is identified as Tax Map 31, Lot 2 on City of Saco tax maps, and is in the B-7 zoning district.

3. Said property is currently improved in the form of a Single Family Dwelling, the Applicants’ residence, a permitted use in the B-7 zoning district.

4. Right, title and interest is demonstrated with the Applicants’ submission of a quitclaim deed with covenant, conveying the premises at 319 Main Street from LaSalle Bank to Don McGarva and Janet McGarva. Said deed is recorded in Book 15435, Page 663 at the York County Registry of Deeds.

5. The Applicants propose to produce and/or sell ice cream, and seek approval by the City for both on- and off-premise consumption. Such a use is identified by the Zoning Ordinance as an “Eating Establishment.”

6. An Eating Establishment is defined by the Zoning Ordinance as “A business which sells prepared food, and which does not sell alcoholic beverages. No provisions shall be made for drive through service.”

7. An Eating Establishment is not an allowed use in the B-7 zone.

8. Therefore, the Applicants seek approval from the City for an Eating Establishment in order to provide customers the option of on-premise consumption. Approximately 422 square feet of floor area within the carriage house would be devoted to the Eating Establishment.

9. As stated in Section 1403-1 of the Zoning Ordinance, “Occasionally, competing and incompatible land uses conflict, and traditional zoning methods and procedures such as variances, conditional use permits, and alterations to the zone boundaries are inadequate to promote desirable growth. In these special situations, more flexible and adaptable zoning methods are needed to permit differing land uses in both developed and undeveloped areas, and at the same time recognize the effects of change.”

10. Recognizing the use restrictions imposed by the Zoning Ordinance, the Applicants hereby make application for a Contract Zone that would allow the proposed Eating Establishment to be established and to operate on the Subject Property.

II. This Contract Zone, specifically and exclusively for the parcel at 319 Main Street, would allow the Applicants to operate an Eating Establishment as proposed on the Subject Property, subject to the following conditions and restrictions, as provided for in Section 1403 of the Saco Zoning Ordinance:
I. An Eating Establishment as proposed and described by the Applicants shall be permitted to operate as a permitted use on the parcel identified herein as the Subject Property: Tax Map 31, Lot 2.

II. The Applicant shall adhere to all other applicable provisions of the B-7 zoning district and of the City of Saco Zoning Ordinance and Subdivision Regulations.

III. All details as shown on the submitted plans and included in the submitted application are hereby incorporated into this contract by reference. The proposed use shall be operated substantially in conformance with these 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.

IV. 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 Applicants as outlined in the City. Accordingly, this contract and the contract zone it creates shall not be transferable without approval by the City Council.

V. Failure of the Applicants to open the proposed Eating Establishment within one (1) year from the date of approval shall render this approval and Contract null and void. A one (1) year extension may be granted by the Planning Office upon written request prior to the initial one year expiration date.

VI. Breach of these conditions and restrictions by the developer shall constitute a breach of the contract, and the developer shall be required to apply for and obtain approval for, or to obtain permission to change or correct such breach or violation, subject to enforcement action.

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

VIII. There shall be no storage of Recreational Vehicles on the Subject Property due to existing parking zoning.

III. Pursuant to authority found in 39-A M.R.S.A. Section 4352 (8), and the City of Saco Zoning Ordinance, Section 1403, and by vote of the Saco Planning Board on September 17, 2013 and the Saco City Council on November 19, 2013, the following findings are hereby adopted:

A. City Tax Map 31, Lot 2 is a parcel of an unusual nature and location, for the following reasons:

i. The residence at 319 Main Street is a historically significant structure located in the B-7 zoning district and the City’s Historic Preservation District.

j. The property was developed in 1856 by Dr. Jeremiah Mason, a dentist. The brick structure is in the Greek Revival style, with granite lintels and sills. The proposed use would take place in a portion of the first floor of the 2.5 story carriage house.

B. The proposed rezoning is consistent with the Saco Comprehensive Plan, based on the following goals:

Chapter 3, Section 8. Local Economy.

* Saco’s downtown is a major economic asset for the region. The City should continue its efforts to strengthen it.

Part 2. Goals and Policies

Local Goals:

- To maintain the vitality of Downtown Saco and expand its role as a commercial, office, retail, educational and cultural, residential, and service center.

B. The Local Economy

4. Maintaining Downtown Saco as a prosperous core of the community will require that the City continue its role in revitalizing this area. To accomplish this, the City, in conjunction with Downtown business and property owners and Saco Compact should continue a comprehensive and coordinated program to revitalize Downtown Saco as a viable specialty retail and service center as set out in the 2008 Downtown Plan.

C. The proposed use is consistent with the existing uses and permitted uses within the original zone. The original zone is the Limited Business/Residential (B-7) zone, the purpose of which is "...to provide an area for a mix of residential and low impact business uses appropriate to a traditionally residential area adjacent to the central business district." (Zoning Ordinance, Section 406-7.) Among the allowed uses, and conditional uses allowed in the B-7 zone are single, two-family and multi-family housing, bed and breakfast establishments, home occupations, and financial institutions.

D. The conditions proposed are sufficient to meet the intent of Section 1403.

Based on the above findings, conditions and restrictions, the City Council hereby incorporates this Contract Zoning agreement into the Saco Zoning Ordinance by reference. By signing this contract, both parties agree to abide by the conditions and restrictions contained herein.

Adopted by the Saco City Council on November 19, 2013.

Richard Michaud
City Administrator

Don and Janet McGarva
Applicants
VIII. COUNCIL DISCUSSION AND COMMENT
➢ Councilor Gay – He had a suggestion from a Saco resident as follows: Need to have a better traffic flow on RT #112 during school session. Have the parents ride the bus instead of going to pick them up in their cars.

➢ Councilor Roche – George & Nancy Driscoll are here in the audience tonight. From our prior Council there was a vote 4-3 to turn them down on a contract zone to build on their lot on Kinney Shores. They have an empty lot and were mailed 2 different tax bills all these years. I won’t get into specific but they had a reasonable proposal in front of Council and just barely missed the vote. I say enough with the contract zones let’s go with the comprehensive plan that we can include their situation and others that we see fit to the comprehensive plan. Yet since we started the comprehensive plan the following issues have come before us: Berry Road – Repeat ongoing; Horse Farm – Before Council 3 times overall for contract zone amendments; Creamery – Another change there; Thornton Academy – Winter Haven taken off the tax rolls is about $13,000 a year. Yet that is the taxes that the Driscoll’s have on their property every year if they could do it. Time and time again I see these things come up. We make special conditions and have attorneys that fight against the Driscoll’s were the same attorneys that fought for U-Haul based on similar contract zone language. The Driscoll family is a lovely family in my ward and I think of a better family to go to bat for. They are volunteers in this community, retired and do work with the church. Remember the story of the people on the coastline that were rescued? It was the Driscoll’s son who was the first boat and neighbors on the scene to that. They are also making some offers to the city that if their lot was buildable these last couple of years they can make an offer to pay a little more in taxes on that. Access to the beach. They are willing to come back in front of the Council and all I need is for the Mayor and Council to just get this on the agenda. Let’s vote on this just like other re-applicants have done and make your decision from that. I don’t think they have to go back to the Planning Board, because they gave us a split decision back then (3-3). I think attitudes and acceptance has changed and all I ask in a public setting it to allow them to get on a agenda during this Council before November and we can make a call.

IX. EXECUTIVE SESSION
Councilor Precourt moved, Councilor Doyle seconded “Be it Ordered that the City Council, pursuant to [M.R.S.A. Title 1, Chapter 13, Subchapter 1, §405 (6 D] move to enter into Executive Session to discuss the labor contract for the Saco Professional Firefighters Association, IAFF, Local 2300, AFL-CIO-CLC dated July 1, 2015-June 30, 2018.” Further move to approve the order. The motion passed with seven (7) yeas. Time: 8:30 p.m.

X. REPORT FROM EXECUTIVE SESSION
Councilor Precourt moved, Councilor Minthorn seconded to move from the Executive Session. The motion passed with unanimous consent. Time: 8:45 p.m.

Mayor Michaud conducted a roll call of the members and determined that the Councilors present constituted a quorum. Councilors present: David Precourt, Roger Gay, William Doyle, Kevin Roche, Alan Minthorn, Eric Cote and Nathan Johnston.

There was no report this evening.

XI. ADJOURNMENT
Councilor Doyle moved, Councilor Roche seconded to adjourn the meeting The motion passed with unanimous consent. Time: 8:47 p.m.

Attest: ______________________________
Michele L. Hughes, City Clerk