STATE OF MAINE
COUNTY OF YORK
CITY OF SACO

I. CALL TO ORDER – On Tuesday, September 5, 2017 at 6:34 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

A. PAIN AWARENESS AND NATIONAL RECOVERY MONTH

Mayor Michaud stated that the city was honored to have the following members of the Chronic Pain Awareness group here with us this evening and some others as well: John Schroeder, Sue Gold (creator of the group), Dale Mallory, Sam Shepard, and Ernie Merritt, Paul Nelson representing Senator Collins and Bonnie Pothier representing Senator King.

Representative to the Legislature Donna Bailey read the following proclamation from the State of Maine:

Whereas, chronic pain and substance use disorders otherwise known as SUDS are 2 of the nation’s most serious health concerns and are both multi-faceted health conditions impacting almost every single American and often require multimodal inter-professional treatment;

Whereas, chronic pain and SUD’s afflict every aspect of a person’s life and effect the entire family and because their economic and social implications effect us all; and

Whereas, 1 in 3 American’s are effected and a total 75-159 million American’s are experiencing some type of chronic pain on a daily basis; and Whereas, present 20.2 million adults are living with SUD’s and more than 90,000 American’s die from drugs and alcohol yearly. In between 25,000-30,000 want treatment but don’t have access to it; and

Whereas, there are 23 million American’s living in long-term recovery and according to results from the first annual life and recovery survey a shift from active use to active recovery is good for individuals, families, communities and the nation’s economy; and

Whereas, the chronic pain support group of Southern Maine have since 1993 provided a safe support for people with pain and has taught the coping skills necessary to survive and has worked with a multi disciplinary group of chronic pain advocates comprised of students, staff, faculty and community members along with professionals to improve the quality of life of people living in pain; and

Whereas, Penobscot Community Health Care (PCHC) in combination with the University of New England, University of Southern Maine, S Pain Foundation and chapters of young people in recovery seek to raise awareness in regards to chronic pain and SUD’s in the State of Maine to empower individuals and reduce barriers to care by educating and advocating and conducting research while partnering with the community to improve the quality of life for those living with these conditions;

Now therefore I, Paul R. LePage Governor of the State of Maine do hereby recognize September 2017 as Pain Awareness and National Recovery Month throughout the State of Maine and urge all citizens to recognize this observance. Signed by the Governor Paul R. LePage on July 17, 2017.

B. RECOGNITION OF JOHANNA HOFFMAN

Mayor Michaud stated that the next person he wanted to recognize was someone that he has known for a number of years. Someone, who has poured her heart and soul into our downtown. It is people such as this young lady that makes the community and has helped us in various ways to make the downtown more vibrant and making it more
appealing to come into. I can remember back in the late 2000’s when there was a real downturn in the economy and I happened to be Mayor during that entire process and it was not a particularly great process. We had so bleak periods. But never did I hear anything negative from this young lady. She was always there to help and making the effort to go to all the events and making sure they were as well attended as possible. So it is a pleasure on my part to honor somebody who has done so much for our community and I would like to call her up if I could. Mayor Michaud asked Johanna Hoffman to join him up front. It is a pleasure to have the opportunity to recognize one of Saco’s pillars this evening. Johanna has been a steadfast and loyal supporter of this community for many years and in many capacities.

Whereas, Johanna’s leadership in Saco Spirit now known as Saco Main Street and many other volunteer active issues have been undertaken. She has been instrumental in respecting the beauty and history of our community as well as promoting economic vibrancy and vitality in our community;

Whereas, Johanna has served on the Historic Preservation Commission as a member for 11 years and many of those as Chairwoman planning an instrumental role in protecting Saco’s heritage;

Whereas, her tenure has come to an end we the city of Saco and myself as Mayor want to take a moment to thank you for your volunteerism in our community.

On behalf of the City Council and Saco citizens “Thank you for your commitment and dedication to Saco making it a better Place”. We wish you the very best in the future and I’m sure we will see you at the Frame Shop.

Now, therefore be it resolved that I, Mayor Roland Michaud hereby recognize Johanna’s contribution to the City of Saco and given under the seal September 5, 2017.

Mayor Michaud also presented Johanna with a plaque that said “Thank you for your valuable service on the Historic Preservation Commission”.

HISTORIC PRESERVATION PRESENTATIONS – PRESERVING THE BUILT HISTORY OF SACO AND BIDDEFORD - There will be a series of Historic Preservation presentations in the community as follows:

- Oct. 12th – Preserving the Wood Island Light House
- Nov. 11th at the Dyer Library – Energy efficient and historic buildings
- February - Historic City Scapes of Saco and Biddeford at the Pepperrell Mill
- Analyzing and restoring historic paint and landscapes and the impact of local preservation and a variety of other presentation to continue into the Spring.

V. PUBLIC COMMENT

- Bob Keegan, Representing the Island Terrace Owners Association Board of Directors – The city became an owner of Island Terrace Unit 91 about 1 year and 9 months ago. In July the board was told that the City Council decided to no longer pay the monthly condo fee associated with that unit. That fee is 25% of the association’s budget on a yearly basis. This is a non-profit organization and the budget pays the bills. There is no money left over for anything else. The board is asking that this get put on the agenda to get discussed and hopefully reversed. This unit has played the tennis game of foreclosures over the last several years and the association has a responsibility to the owners. It has a process when an owner does not pay its fees that it must follow. That process is that in 90 days file for a foreclosure on the unit. So the first step is for the association to file for a foreclosure against the city for unit 91. The association does not want unit 91 back. They want to see something happen with this space. They have worked with the city to try to get something done with the space and the city can sell this a recoup the funds that it has had to put into this. The city did not want to become an owner but was forced to do so through its tax process. The association wants to continue to work with the city but its hand has been forced for action because it has a process in place it has to do the same to this unit as it does to all other units. The association is also paying the electricity bill for that space and billing the city and the city is not paying the association for that. The association is going to have to terminate that electricity and leave that up to the city to take over. There are tenants in this space so if the electricity is turned off by the association here shortly is something can’t be worked out.
Susan Lavoie, 116 North Street - Sawyer Brook project. My husband and I have lived in the community for 45 years. Today I would like to talk about the Sawyer Brook letter off amendment to have the flood zone removed from our property. I thought the city had appropriated the money for this in the July budget but apparently the bids were no in line with the money. This is putting a burden on my husband and I. We can’t sell our home because it is in a flood zone and people don’t want to buy a house that they have to buy flood insurance for. We tried to do this ourselves but FEMA would not let us. We went to Dow & Coulombe and they did some studies and said that it was the City of Saco’s responsibility 6 months after the project was completed to make a letter of amendment for that project that was done and any that was done years ago. I think other people have been taken out of the flood zone. We have never flooded in the 45 years that we have been there. We wanted to do a home equity loan to build a condo this year and we were told we had to take out flood insurance if we wanted to do it. Our neighbor pays flood insurance because he doesn’t own the property. We need some help to get out of this dilemma.

Curtis Picard from Thompson – Runs the retail Association of Maine – Mr. Picard is here on behalf of a number of retailers and grocers in the city who are trying to comply with the new single-bag use ordinance. Our concern is not that the Council wants to prohibit plastic bags our concern is the compliance side and what is defined as reusable bags. As a number of the retailers have been going through this compliance we found that typical reusable bags would be prohibited in Saco under the ordinance as it is written. Bags like these Hannford ones sell for $.50¢ and are a reusable bag. This other one is from a local fundraiser and sells for $2.50. These are made from polypropylene which includes some plastic contents but under your ordinance these would be prohibited from being sold in Saco. What we are asking for is to work with the Council to make sure that products like these which are readily available for sale throughout the rest of the State and Country are also available for sale here in Saco. Otherwise the only options for consumers would be paper bags which are fine but it doesn’t always meet the needs and I hope this helps to address what you are trying to do or the bags that meet the specific ASTM standard which right now would only apply to one company GXT and those have some separate issues but that is not why we are here.

VI. CONSENT AGENDA

Councilor Johnston moved, Councilor Roche seconded to approve the consent agenda item #A as follows:

A. CONFIRM THE MAYOR’S REAPPOINTMENTS OF SUZANNE EMMONS AND DANIEL DEARBORN TO THE CONSERVATION COMMISSION – Be it ordered that the City Council confirm the Mayor’s reappointment of Suzanne Emmons as a regular member and Daniel Dearborn as an associate member of the Conservation Commission, each for three year terms ending on September 5, 2020. Further move to approve the Order.

The motion passed with seven (7) yeas.

VII. AGENDA

A. ACCEPTANCE OF CDBG WORKFORCE DEVELOPMENT GRANT FOR A COMPULSIVE HOARDING PROGRAM – (PUBLIC HEARING)

The City of Saco submitted a Community Development Block Grant (CDBG) Workforce Development application to fund a program within the City of Saco that would provide treatment and support for those suffering from compulsive hoarding. The City of Saco is collaborating with Shalom House, Inc. on this Workforce Development Grant program to train city staff and community volunteers.

The State of Maine Office of Community Development has invited us to the Project Development Phase. As part of the project development process, we will be holding a public hearing and then requesting a council resolution for the city to accept these funds. The public hearing notice and invitation to the project development phase are included as exhibit items below.

Eric Grainger from Shalom House, Inc. will be in attendance at the public hearing to help answer any questions you may have.

Councilor Cote moved, Councilor Doyle seconded to open the public hearing on the Community Development
Block Grant for a compulsive hoarding Workforce Development program. The motion passed with seven (7) yeas.

Eric Granger, Shalom House – We have already started a work group for folks who struggle with hoarding. If you know anyone who know someone who could benefit from the support group, we will also be starting a support group for family members.

Councilor Cote – I know some people who have problems with hoarding and I think what you are doing is great.

Mr. Granger noted that the low estimate may be 8% of the population.

Councilor Cote moved, Councilor Doyle seconded to close the public hearing and further move to set the council resolution for the Hoarding Services Workforce Development Community Development Block Grant for September 18, 2017.” The motion passed with seven (7) yeas.

B. CONTRACT ZONE – 319 MAIN STREET – (PUBLIC HEARING)

Applicants Don and Jan McGarva own and operate the Saco Bay Creamery ice cream parlor at 319 Main Street thanks for the Nov. 18, 2013 contract zone approval granted by the Council. At the time, Eating Establishments were not an allowed use in the B-7 zone.

The applicants request that the contract zone for the property be terminated, in that “Eating Establishments’ are a conditional use in the B-7 zone as of February 6, 2017. The McGarvas are scheduled for conditional use review by the Planning Board on Sept. 5th.

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 Precourt seconded to open the Public Hearing on the document titled, ‘Contract Zone Agreement By and Between Don and Janet McGarva and the City of Saco, dated September 17, 2013.’ The motion passed with seven (7) yeas.

There were no public comments.

Councilor Johnston moved, Councilor Precourt seconded to close the Public Hearing and further move to set the Second and Final Reading for September 18, 2017. The motion passed with seven (7) yeas.
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 432 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 recognizes 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:

1. An Eating Establishment as proposed and described by the Applicants shall be allowed to operate as a permitted use on the parcel identified herein as the Subject Property: Tax Map 31, Lot 2.

2. 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.

3. 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 those plans. Minor changes may be approved by the staff of the City of Saco. Any changes determined by the staff to be “major” shall be submitted to the Planning Board for review. If it is determined that the changes constitute a change in the contract, then the developer shall also be required to obtain City Council approval of the changes.

4. 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 submitted to the City. Accordingly, this contract and the contract zone it creates shall not be transferable without approval by the City Council.

5. 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.

6. 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 a contract modification. Failure to apply for, or to obtain a modification shall constitute a zoning violation, subject to enforcement action.

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

8. There shall be no storage of Recreational Vehicles on the Subject Property due to existing parking limitations.
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. 22, 2017 to act on the 87 paper streets found on the list if it chooses to continue to reserve its rights for possible future development. Paper streets may have value for a variety of reasons, including access, utilities installation, facilitating future development, and more. City staff has organized the list of paper streets into five categories that may assist with paring the list to a few dozen.
The Planning Board held a workshop on this issue on June 6, held public hearings on July 11 and 27, and forwarded a recommendation on each of the eighty-seven (87) paper streets found on the 1997 list.

(Items highlighted are in Ward 4, adjacent to or off Seaside Avenue.)

Councilor Johnston moved, Councilor Doyle seconded that the following (36) paper streets be placed on Attachment A and Appended to a “Notice to Extend Rights in Paper Street, City of Saco” pursuant to 23 MRSA §3032:

- Ash Street
- Belvoir Street
- Billow Avenue
- Blaine Street
- Commonwealth Avenue
- Cottage Avenue
- Curtis Avenue
- Delhi Avenue
- Dune Avenue
- E Street
- Eagle Avenue
- Eutaw Avenue
- Forest Street
- Garnet Avenue
- Gull Avenue
- Hall Avenue
- Hobson Lane
- King Avenue
- Lewis Avenue
- Long Pond Avenue
- Oceanside Drive
- Palmer Avenue (or Street)
- Pine Street
- Pinney Woods Road
- Ranwall Avenue
- Rice Street
- Saltaire Avenue
- Shepard Avenue
- Shore Avenue
- Spring Avenue
- Stowe Avenue
- Surf Street
- Sylvan Avenue
- Truman Avenue
- Waterloo Avenue
- Woodland Avenue

AMENDED MOTION - Councilor Johnston moved, Councilor Minthorn seconded that F Street, Green Avenue, H Street and Meadow Avenue be placed on Attachment A and Appended to a “Notice to Extend Rights in Paper Street, City of Saco” pursuant to 23 MRSA §3032. The motion passed with seven (7) yeas.

AMENDED MOTION - Councilor Roche moved, Councilor Precourt seconded that Sylvan Avenue be removed from the list of paper streets on Attachment A, and that its paper street status be allowed to expire. The motion passed with five (5) yeas and two (2) nays – Councilors Doyle and Johnston.

AMENDED MOTION - Councilor Johnston moved, Councilor Minthorn seconded that Old Orchard Road be removed from the list of paper streets on Attachment A, and that its paper street status be allowed to expire. The motion passed with six (6) yeas and one (1) nay – Councilor Doyle.

AMENDED MOTION - Councilor Johnston moved, Councilor Gay seconded pursuant to 23 MRSA Section 3025 to accept the Lillian Avenue right of way. The motion passed with seven (7) yeas.

AMENDED MOTION – Councilor Johnston moved, Councilor Minthorn seconded pursuant to 23 MRSA Section 3025 to accept a one hundred sixty (160) foot portion of the Vivian Street right of way, starting from its intersection from Stockman Avenue and proceeding in a northeasterly direction 160 feet. The motion passed with seven (7) yeas.

Mayor Michaud called for a vote on the main motion with the amendments. The motion passed with seven (7) yeas.

Councilor Johnston moved, Councilor Minthorn seconded that the City Clerk record the “Notice to Extend Rights in Paper Streets” dated September 5, 2017 in the York County Registry of Deeds forthwith. The motion passed with seven (7) yeas.
Notice to Extend Rights in “Paper Streets”
City of Saco

This Notice is made pursuant to 23 M.R.S.A. Section 3032. After due consideration, the municipal officers of the City of Saco hereby vote to except from the operation of the time limitation of Section 3032 the proposed, unaccepted ways (commonly known as “paper streets”), or portions thereof, which are described on the sheet attached hereto and incorporated herein as Attachment A.

This vote extends, for a period of twenty (20) years from the recording of this Notice, the time in which the ways described in Attachment A will be subject to the operation of Section 3032. During that twenty year period, the rights of incipient dedication to public and private use of such ways shall remain in effect unless otherwise terminated or accepted in accordance with law.

MUNICIPAL OFFICERS

David A. Precourt, Ward 1
Roger Gay, Ward 2
William P. Doyle, Ward 3
Kevin M. Roche, Ward 4
Alan R. Minthorn, Ward 5
Eric B. Cote, Ward 6
Nathan D. Johnston, Ward 7

STATE OF MAINE
York County

Personally appeared before me Michele Hughes, Clerk of the City of Saco, who gave oath and represented the above as being the duly recorded, lawful voted of the Municipal Officers of the City of Saco, as set forth herein above.

Date: ___________________, 2017

Notary Public

ATTEST:
Kevin L. Sutherland
City Administrator
Roland L. Michaud
Mayor

Exhibit item: 2

Attachment A

Saco Paper Streets, September 5, 2017

ASH STREET
BELVOIRE STREET
BILLOW AVE

LONG POND AVE
OCEAN SIDE DRIVE
OLD ORCHARD ROAD
Memorandum

To: Mayor Michaud, City Council, City Administrator
From: City Staff
Re: Paper Streets, Remaining Issues
Date: 2nd and Final Reading, Sept. 5, 2017

At this writing, there is a list of thirty six (36) paper streets that are recommended to be retained as paper streets for another twenty year period commencing in September, 2017. Twenty-three (23) of the paper streets are located adjacent to and/or east of Seaside Avenue, as staff has approached potential beach access points cautiously.

Four streets that are NOT included in the “to be retained” list are discussed below. Each is located in Ward 4. Staff, City Attorney, and Planning Board review has resulted in each being included in Category 2, “Allow to Expire.” See attached figures and tax maps for location and the nature of each, and, see below for update from staff and City Attorney on each.

F Street – see Fig. 17, tax map 10. F Street is roughly 142 feet long, running east from Seaside Avenue. E Street, just to the south, is on the list of paper streets for which rights would be extended to 2037, pending Council action. Therefore, the potential for a future City street in the immediate vicinity exists independent of F St. Department heads concluded as follows: “No value in maintaining public rights for public road and does not extend to beach; therefore, no value in maintaining as a public access easement.” City Attorney concludes as follows: “My memory is that F and H Streets do not serve any City interest.”

Green Avenue – Fig. 14, tax map 11. Department heads: As with the other paper streets in this area as shown on Figure 14 (Green, Piney Woods and Palmer west of Seaside), staff did not see any value as maintaining public rights for further public road extension nor any value is pedestrian easement due to the fact that much of this area was in the marsh. City Attorney: Green is the driveway serving Pam Pappas and her parents. It serves those two abutting lots only, and there is no City interest. Parents and Pam can work out any issues.
H Street – Fig. 17, tax map 10. Functions, in part, as a driveway for residence at 399 Seaside Ave. Department heads: Similar to F Street, but this one does have a narrow sliver that extends to the beach. This one had mixed feelings from staff, but due to the narrowness of the connection to the beach and surrounding conditions, it was not placed in the maintain public access easement category. City Attorney: My memory is that F and H Streets do not serve any City interest.

Meadow Avenue – Fig 14, tax map 11. Department heads: As with the other paper streets in this area as shown on Figure 14 (Green, Piney Woods and Palmer west of Seaside), staff did not see any value as maintaining public rights for further public road extension nor any value is pedestrian easement due to the fact that much of this area was in the marsh. City Attorney: Again, no known City interest. All owners will retain access rights so no reason to retain.

If the Council, due to the location of each of the four paper streets above, is convinced that retaining them as paper streets is the preferred action, it only has to modify the suggested motion found in the Item Commentary by adding each of the four to the motion.

Meadow Lane – for clarification’s sake, located on Tax Map 13, this street is a dead-end off Ferry Road, very near Scrimshaw Lane. It is on the 1997 list of paper streets, but was accepted by the City as a street in 1963. It is listed in Category 1, with the recommendation of “Remove From List.”

If any other questions on specific paper streets, staff will be available through Friday, then again on Tuesday the 5th, and welcomes inquiries.

Exhibit item: 4
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.

<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 Public Entrances</th>
<th>Figures</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Academy Avenue</td>
<td>35-3 spots, 1 road</td>
<td>City accepted 1st 300' in 1957 and abandoned 300' in 2004. 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>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Andover Lane</td>
<td>101 off Lincoln Rd., R/W #1</td>
<td>City accepted entire length of trail in 1989; 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>7</td>
<td>Birch Street</td>
<td>40 off Rosedale Ave</td>
<td>Previous name for portion of Solskin 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>10</td>
<td>Burrow Street</td>
<td>54 Stockman 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>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 north of E Street - Part of TM 10 Lot #8 and/or #9; 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>12</td>
<td>Cabin Drive</td>
<td>22 off Ferry Rd</td>
<td>Historical plan research - Part of TM 22 Lot #1; 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>ID</td>
<td>Street</td>
<td>Tax Map No.</td>
<td>Remarks</td>
<td>Notes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-----</td>
<td>-----------------</td>
<td>-------------</td>
<td>----------------------------------------------</td>
<td>----------------------------------------------------------------------</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>City View Drive</td>
<td>65 off Lincoln St.</td>
<td>Historic plan research - Part of TM 39 Lot 92, therefore, no longer a paper street.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>D Street</td>
<td>10 off Swede Ave</td>
<td>Historic plan research - located north of E Street - Part of TM 10 Lot 83 through 44; therefore, no longer a paper street.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>Eastern Avenue</td>
<td>40 near Roebuck Road</td>
<td>Partial name for portion of Scholar's Circle; therefore, remove from list.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>Francis Avenue</td>
<td>6 off Swede Ave</td>
<td>Historic plan research - located between Gall Ave and Warren Ave - Part of TM 1 Lot 32 and (or) 33; therefore, no longer a paper street.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>G Street</td>
<td>10 off Swede Ave</td>
<td>Historic plan research - located between E Street and H Street - Part of TM 1 Lot 38 and 39; therefore, no longer a paper street.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>Griffin Avenue</td>
<td>6 off Swede Ave</td>
<td>Historic plan research - Part of TM 6 Lot 18; therefore, no longer a paper street.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>38</td>
<td>Hamilton Avenue</td>
<td>52 2 sections used</td>
<td>Entire length accepted in 1889. Middle portion has not been improved for more than 30 years. Unimproved portion is considered abandoned.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>39</td>
<td>Hillside Avenue</td>
<td>8 off Swede Ave</td>
<td>Entire length accepted by City; therefore, no longer a paper street.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>40</td>
<td>Irving Street</td>
<td>51 paper end in park</td>
<td>Entire length accepted in 1860; therefore, no longer a paper street. Portion has since been improved. Unimproved portion is considered abandoned.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>42</td>
<td>J Street</td>
<td>6 off Swede Ave</td>
<td>Historic plan research - located north of E Street - Part of TM 1 Lot 31 and (or) 30; therefore, no longer a paper street.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>45</td>
<td>Jura Ave</td>
<td>26, 27 vac. Past Laurel St?</td>
<td>City abandoned remaining paper street in 1901.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Category 1 (continued)**

<table>
<thead>
<tr>
<th>ID</th>
<th>Street</th>
<th>Tax Map No.</th>
<th>Remarks</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>49</td>
<td>Marguerite Road</td>
<td>101 paper east end</td>
<td>City accepted first 1895 in 1983. 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></td>
</tr>
<tr>
<td>51</td>
<td>Meadow Lane</td>
<td>33 paper east end</td>
<td>City accepted entire length of road in 1869; therefore, no longer a paper street.</td>
<td></td>
</tr>
<tr>
<td>53</td>
<td>Norwalk Street</td>
<td>25 150, 250 200</td>
<td>City vacated in 2003; therefore, no longer a paper street.</td>
<td></td>
</tr>
<tr>
<td>54</td>
<td>Oak Street</td>
<td>33 150, 250 200</td>
<td>Partial vacated in 2003 - Re-re接入ed 2003 - Vacated vacated. If so, then no longer a paper street.</td>
<td></td>
</tr>
<tr>
<td>55</td>
<td>Park Road</td>
<td>101 paper NE end</td>
<td>City has improved and maintained entire length of Park Road that is part of public right-of-way; therefore, this is no longer a paper street.</td>
<td></td>
</tr>
<tr>
<td>62</td>
<td>Portland Ave</td>
<td>40, 54 Rowland Ave</td>
<td>Previous name for portion of Scholar's Circle; therefore, remove from list.</td>
<td></td>
</tr>
<tr>
<td>66</td>
<td>Sunset Avenue</td>
<td>6 off Swede Ave</td>
<td>Historical plan research - Part of TM 6 Lot 17 and (or) 19; therefore, no longer a paper street.</td>
<td></td>
</tr>
<tr>
<td>67</td>
<td>Shiloh Circle</td>
<td>81 Hillview Rd</td>
<td>City accepted in 1931. No longer a paper street.</td>
<td></td>
</tr>
<tr>
<td>75</td>
<td>Susan Lane</td>
<td>66 100, 200</td>
<td>Historic plan research - Part of TM 6 Lot 30; therefore, no longer a paper street.</td>
<td></td>
</tr>
<tr>
<td>77</td>
<td>Tall Pine Lane</td>
<td>96 NE off Tall Pine Dr</td>
<td>City acceptance in 1982 - Confirms if so, no longer a paper street.</td>
<td></td>
</tr>
<tr>
<td>83</td>
<td>Wakefield Ave</td>
<td>33 paper NE end</td>
<td>City accepted first 1895 in 1869. City has been improved and maintained additional 400 feet; therefore, this is considered accepted and no longer a paper street.</td>
<td></td>
</tr>
<tr>
<td>84</td>
<td>Washington Ave</td>
<td>33 paper NE end</td>
<td>City accepted first 1895 in 1869. City has been improved and maintained additional 400 feet; therefore, this is considered accepted and no longer a paper street.</td>
<td></td>
</tr>
<tr>
<td>86</td>
<td>Wood Avenue</td>
<td>27 NE and to Cumberland Ave</td>
<td>City accepted from Washington to Cumberland. Portion towards Cumberland is unimproved. PBs move to Cat 3.</td>
<td></td>
</tr>
<tr>
<td>ID</td>
<td>Street</td>
<td>Tax Map No.</td>
<td>Remarks</td>
<td>Notes</td>
</tr>
<tr>
<td>----</td>
<td>--------------</td>
<td>-------------</td>
<td>--------------------------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>1</td>
<td>Ash Street</td>
<td>66 off Hubbard St.</td>
<td>Paper portion exists between Hubbard and Laurel. Appears that we may already have abandoned portion (TS#6 L3). Termination needed. PB: Hubbard to Oakland portion, allow to expire.</td>
<td>5</td>
</tr>
<tr>
<td>6</td>
<td>Beatty Drive</td>
<td>90 off Berry Rd.</td>
<td>Paper Streetlocation mapped. Fig. 3. Developed as private road, late 1980s. PB: allow to expire.</td>
<td>1</td>
</tr>
<tr>
<td>8</td>
<td>Brookly Rd.</td>
<td>101 paper spur at end</td>
<td>City accepted first SW in 1988. Remaining portion of road in paper street. PB: allow to expire.</td>
<td>2</td>
</tr>
<tr>
<td>14</td>
<td>Christia Drive, Nikki Circa, Viatile</td>
<td>66 off New Country Rd</td>
<td>Each appears on Gorenc's subdivision plan, appeared 1969. Owner Giovanni appeared before PB on 10/3/71 with intent to develop. Staff allow to expire.</td>
<td>1</td>
</tr>
<tr>
<td>30</td>
<td>Day Street</td>
<td>38 off Bradle St</td>
<td>Portion towards Pleasant Street abandoned in 1955 (Verify Council Action). Remaining portion towards Lincoln merchant as paper street. PB: allow to expire.</td>
<td>5</td>
</tr>
<tr>
<td>35</td>
<td>F Street</td>
<td>10 off Side Ave</td>
<td>1990 Council Action to maintain Public Access Easement. Confirm with Tim Murphy. PB: leave in Cat 2.</td>
<td>4</td>
</tr>
<tr>
<td>40</td>
<td>Foss Road</td>
<td>57 slump /scab road</td>
<td>Paper Street portion mapped, Fig. 4. PB: allow to expire.</td>
<td>1</td>
</tr>
<tr>
<td>14</td>
<td>Green Avenue</td>
<td>11 off Side Ave</td>
<td>1993 Council Action to maintain Public Access Easement. Confirm with Tim Murphy.</td>
<td>4</td>
</tr>
<tr>
<td>36</td>
<td>H Street</td>
<td>10 off Side Ave</td>
<td>1990 Council Action to maintain Public Access Easement. Confirm with Tim Murphy. PB: leave in Cat 2.</td>
<td>4</td>
</tr>
<tr>
<td>44</td>
<td>Laurel Street</td>
<td>46 off Bradley St</td>
<td>Paper Street portion mapped, Fig. 6. PB: allow to expire.</td>
<td>5</td>
</tr>
<tr>
<td>50</td>
<td>Meadow Avenue</td>
<td>41 paper west end</td>
<td>1993 Council Action to maintain Public Access Easement. Confirm with Tim Murphy.</td>
<td>4</td>
</tr>
<tr>
<td>56</td>
<td>Old Orchard Road</td>
<td>3a, 7a, 7, 7, 1a, 7, 7, 7b</td>
<td>Paper Street portion mapped, Fig. 11. PB: allow to expire.</td>
<td>4</td>
</tr>
<tr>
<td>57</td>
<td>Palmier Avenue or Street</td>
<td>11 paper west end</td>
<td>1990 Council Action to maintain Public Access Easement. Confirm with Tim Murphy. PB: agreed.</td>
<td>4</td>
</tr>
<tr>
<td>59</td>
<td>Pine Crest Avenue</td>
<td>20 off Side Ave</td>
<td>1993 Council Action to maintain Public Access Easement. Confirm with Tim Murphy. PB: move to Cat 2.</td>
<td>4</td>
</tr>
<tr>
<td>61</td>
<td>Play Woods Road</td>
<td>11, 16 beach access/month</td>
<td>1999 Council Action to maintain Public Access Easement. Confirm with Tim Murphy. PB: agreed.</td>
<td>4</td>
</tr>
<tr>
<td>64</td>
<td>Rice Stone</td>
<td>22 off race</td>
<td>Paper Street portion mapped</td>
<td>4</td>
</tr>
<tr>
<td>70</td>
<td>Solstitial Circle off Road</td>
<td>Paper Street mapped. Fig. 5. PB: all lots own private access in paper street, no public roadway can develop this street. Allow to expire.</td>
<td>7</td>
<td>X</td>
</tr>
<tr>
<td>72</td>
<td>Spring Road</td>
<td>100 has 6 paper spur</td>
<td>City accepted 1960 in 1963, which includes lot of improved and maintained road. PB: allow remaining unimproved portion to expire.</td>
<td>2</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 PB west push, allow to expire. Portion south of PB, re-list.</td>
<td>4</td>
<td>X</td>
</tr>
<tr>
<td>75</td>
<td>Thatcher Street</td>
<td>51 off Market St</td>
<td>Paper Street portion mapped, Fig. 6. PB: allow to expire.</td>
<td>5</td>
</tr>
<tr>
<td>81</td>
<td>Virginia Avenue</td>
<td>201 paper north and</td>
<td>City accepted 1960 in 1963. Remaining section in paper may have been discontinued. Not maintained by City. PB: allow to expire.</td>
<td>2</td>
</tr>
<tr>
<td>82</td>
<td>Whelan Street</td>
<td>34 W end to Stockman</td>
<td>Need to accept portion associated with . PB: agreed. humeemswoods Condos</td>
<td>3</td>
</tr>
<tr>
<td>ID</td>
<td>Street</td>
<td>Tax Map No. Remarks</td>
<td>Name</td>
<td>County Road</td>
</tr>
<tr>
<td>----</td>
<td>-------------</td>
<td>---------------------</td>
<td>------</td>
<td>-------------</td>
</tr>
<tr>
<td>5</td>
<td>Blaine St</td>
<td>40. S 44th Road</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Commonwealth Ave</td>
<td>2.5 off Ferry Rd</td>
<td>1949 Council Action to maintain Public Access Easement - Confirm with T. Murphy.</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Cottage Ave</td>
<td>11 beach access and driveway</td>
<td>1949 Council Action to maintain Public Access Easement - Confirm with T. Murphy.</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Curtis Avenue</td>
<td>16 E and Oceanview Dr</td>
<td>1949 Council Action to maintain Public Access Easement - Confirm with T. Murphy.</td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>Dalki Avenue</td>
<td>6 off Seaside Ave</td>
<td>1949 Council Action to maintain Public Access Easement - Confirm with T. Murphy.</td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>Eastern Avenue</td>
<td>6 off Seaside Ave</td>
<td>1949 Council Action to maintain Public Access Easement - Confirm with T. Murphy.</td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>Forest Street</td>
<td>82.822 section end</td>
<td>Paper Street portion mapped, Fig. A. T. Murphy.</td>
<td></td>
</tr>
<tr>
<td>32</td>
<td>Gannet Avenue</td>
<td>6 off Seaside Ave</td>
<td>1949 Council Action to maintain Public Access Easement - Confirm with T. Murphy.</td>
<td></td>
</tr>
<tr>
<td>35</td>
<td>Gulf Avenue</td>
<td>6 off Seaside Ave</td>
<td>1949 Council Action to maintain Public Access Easement - Confirm with T. Murphy.</td>
<td></td>
</tr>
<tr>
<td>41</td>
<td>Longboat Avenue</td>
<td>6 beach access and W</td>
<td>1949 Council Action to maintain Public Access Easement - Confirm with T. Murphy.</td>
<td></td>
</tr>
<tr>
<td>42</td>
<td>Oceanside Drive</td>
<td>10.11 end to beach</td>
<td>1949 City accepted 150' portion south of Palms.</td>
<td></td>
</tr>
<tr>
<td>63</td>
<td>Roswell Avenue</td>
<td>20440 foot west end</td>
<td>City accepted first 100' in 1968. Paper Street is remaining section connecting to Ladera.</td>
<td></td>
</tr>
<tr>
<td>65</td>
<td>Saltwater Avenue</td>
<td>6 off Palmaire</td>
<td>City accepted 600' in 1968. Fig. 6b. At 150' north of Seaside.</td>
<td></td>
</tr>
<tr>
<td>73</td>
<td>Snow Avenue</td>
<td>40 off Seaside Ave</td>
<td>Location unknown - Additional research required.</td>
<td></td>
</tr>
<tr>
<td>94</td>
<td>Staff Street</td>
<td>1949 Council Action to maintain Public Access Easement - Confirm with T. Murphy.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>76</td>
<td>Sylph Avenue</td>
<td>6 paper unit and</td>
<td>1949 Council Action to maintain Public Access Easement - Confirm with T. Murphy.</td>
<td></td>
</tr>
<tr>
<td>79</td>
<td>Tequesta Avenue</td>
<td>34 off Ocean Park Rd</td>
<td>Paper Street portion mapped, Fig. 3b.</td>
<td></td>
</tr>
<tr>
<td>83</td>
<td>Waterloo Avenue</td>
<td>6 off Seaside Ave</td>
<td>1949 Council Action to maintain Public Access Easement - Confirm with T. Murphy.</td>
<td></td>
</tr>
<tr>
<td>87</td>
<td>Woodland Avenue</td>
<td>49/41 paper NW end</td>
<td>1973 City accepted from Lybrand to Houston. Paper street is 150' portion beyond Lybrand</td>
<td></td>
</tr>
</tbody>
</table>

Notes:
- X indicates a designation that needs further review or action.
- Notes column provides additional details for each entry.

City's comments for list:
### Category 4 -- Council should consider vote to accept as City street.

<table>
<thead>
<tr>
<th>#</th>
<th>Street</th>
<th>Tax Map No. Remarks</th>
<th>Notes</th>
<th>Council Ward</th>
<th>Resource from Lst</th>
<th>Re-List on Papr Street</th>
<th>Accept as City Street</th>
<th>Public Easement</th>
<th>Figures</th>
</tr>
</thead>
<tbody>
<tr>
<td>27</td>
<td>Lilian Ave</td>
<td>27, 33 to Cumberland Ave</td>
<td>City accepted section portion from Lafayette to Cumberland. Portion of this is unimproved and considered abandoned. There is another portion west of Lafayette that is unimproved and remains as a paper street. PB — agreed</td>
<td>6</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>32</td>
<td>Geitman St</td>
<td>24 W and to Buckingham</td>
<td>Mentioned association with Aumersrose Cond, but allow reconsider to aprx. PB: no comment.</td>
<td>3</td>
<td>X</td>
<td>X Flat land from intersection</td>
<td></td>
<td></td>
<td></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>#</th>
<th>Street</th>
<th>Tax Map No. Remarks</th>
<th>Notes</th>
<th>Council Ward</th>
<th>Resource from Lst</th>
<th>Re-List on Papr Street</th>
<th>Accept as City Street</th>
<th>Public Easement</th>
<th>Figures</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Ash St</td>
<td>66 off Hubbard St.</td>
<td>Paper portion exists between Hubbard and Laurel. Appears that we may already have abandoned a portion (TMS 6 L5). Verification needed.</td>
<td>5</td>
<td>X</td>
<td>X Flat land from Hubbard St.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Bellevue St</td>
<td>#1 beach access</td>
<td>1999 Council Action to maintain Public Access</td>
<td>4</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Billew Ave</td>
<td>#2 Goodfuss Inlet beach</td>
<td>1999 Council Action to maintain Public Access</td>
<td>4</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Cottages Ave</td>
<td>#1 beach access and driveway</td>
<td>Middle section improved and maintained by City. Remaining portions part of 1999 Council Action to maintain Public Access. Easement - Confirms with Tim Murphy. PB: close to Cat 5.</td>
<td>4</td>
<td>X</td>
<td>X Flat land from Cottages Ave</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>Dorn Ave</td>
<td>#2 beach access</td>
<td>1999 Council Action to maintain Public Access</td>
<td>4</td>
<td>X</td>
<td>X Flat land from Cumberland Ave</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>Line St</td>
<td>10 off Sidney Ave.</td>
<td>1999 Council Action to maintain Public Access</td>
<td>4</td>
<td>X</td>
<td>X Flat land from Sidney Ave</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>34</td>
<td>Eagle Ave</td>
<td>#3 beach access</td>
<td>1999 Council Action to maintain Public Access</td>
<td>4</td>
<td>X</td>
<td>X Flat land from Eagle Ave</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>37</td>
<td>Hall Ave</td>
<td>#1, #2, #3 to #4 to Lewis Ave</td>
<td>City accepted L007 but has only improved 70%. Approximately 30% paper portion exists beyond limit of positions acceptance. PB: maintain public easement, secure to Cat 5.</td>
<td>6</td>
<td>X</td>
<td>X Flat land from Hall Ave</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>40</td>
<td>Holmes Lane</td>
<td>#1 trail to Sisu River</td>
<td>Paper Street portion mapped, Fig. 9: PB: accept public easement.</td>
<td>6</td>
<td>X</td>
<td>X Flat land from Holmes Lane</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>41</td>
<td>King Ave</td>
<td>#5 beach access</td>
<td>1999 Council Action to maintain Public Access</td>
<td>4</td>
<td>X</td>
<td>X Flat land from King Ave</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>46</td>
<td>Lewis Ave</td>
<td>#1 spur to #2 to Full Ave</td>
<td>Paper Street portion mapped, Fig. 5: PB: accept public easement.</td>
<td>6</td>
<td>X</td>
<td>X Flat land from Lewis Ave</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>47</td>
<td>Palmer Ave</td>
<td>#1 paper west and</td>
<td>1999 Council Action to maintain Public Access</td>
<td>4</td>
<td>X</td>
<td>X Flat land from Palmer Ave</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>48</td>
<td>Pine St</td>
<td>#7 paper &amp; to rumples</td>
<td>Paper Street portion mapped, Fig. 5: PB: accept a public easement for potential trail access. More to Cat 5.</td>
<td>X</td>
<td>X</td>
<td>X Flat land from Pine St</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>51</td>
<td>Pinney Wood Rd</td>
<td>#16 beach access/marsh</td>
<td>1999 Council Action to maintain Public Access</td>
<td>4</td>
<td>X</td>
<td>X Flat land from Pinney Wood Rd</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
D. CHAPTER 135, MARIJUANA CULTIVATION AND DISTRIBUTION – (SECOND & FINAL READING)

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

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

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

Councilor Precourt moved, Councilor Doyle seconded to table this item until the workshop on September 11th for further review before Council considers adoption on September 18th. The motion passed with seven (7) yeas.

E. CONTRACT ZONE – COMMERCIAL RIDING STABLE AT 115 LOUDEN ROAD – (SECOND & FINAL READING)

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

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

This item was reviewed by the Planning Board at its June 6 meeting. The Board arrived at a positive finding on 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 the Saco City Council hereby ordains and approves 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).” The motion passed with seven (7) yeas.
THE CITY OF SACO HEREBY ORDAINS:

I. That the Zoning Ordinance of the City of Saco, dated January 2, 1985, and amended through February 16, 2017 is hereby further amended by adopting this Contract Zone Agreement by and between the City of Saco and River Winds Farm, LLC, River Winds Trails, LLC and River Winds, LLC (Applicant).

1. The Applicant has established a Public Riding Stable at 115 Louden Road (Subject Property).

2. Subject Property is further identified as Tax Map 106, Lots 10-1, 10, 8 and 8-1 on City of Saco tax maps, and is in the C-1 zoning district.

3. Right, title and interest is demonstrated with the Applicants’ submission of a deed identifying River Winds Farm LLC as the owner of record, said deed being recorded at the York County Registry of Deeds in Book 16703, Page 775, dated 9/27/13.

4. Right, title and interest is demonstrated with the Applicants’ submission of deeds identifying River Winds Trails, LLC as the owner of record, said deeds being recorded at the York County Registry of Deeds in Book 16703, Page 787, dated 9/27/13, and in said Registry in Book 16920, page 926, dated 11/7/14.

5. Right, title and interest is demonstrated with the Applicants’ submission of a deed identifying River Winds, LLC as the owner of record, said deed being recorded at the York County Registry of Deeds in Book 16919, Page 117, dated 11/4/14.

6. Said property currently includes a single family dwelling and several outbuildings including a barn used as an indoor arena for equestrian use. Each is an allowed use in the C-1 zoning district.

7. The barn/arena is a conforming structure as long as it remains for personal use only, as was represented by the Applicant during site plan review by the Planning Board.

8. The barn would be viewed as a nonconforming structure if proposed for commercial use due to an existing side setback of 49 feet. Said setback fails to meet the standard found in Section 701-1. ANIMAL BREEDING OR CARE, INCLUDING STABLES. The keeping or raising of animals, including fowl, for any commercial purposes shall be subject to the following: 1) All pens, stables, barns, coops or other building shelters for animals shall be set back no less than 150 feet from any lot line.

9. The Applicant has established an educational horseback riding program in affiliation with Thornton Academy.

10. The City’s Zoning Officer has determined that the program as described would constitute a commercial use: the availability of horses, instruction and grounds being made available to students as educational programming, in exchange for compensation.

11. The Applicant has established the right to operate a Public Riding Stable, as defined by the Zoning Ordinance: An establishment where the public is permitted to ride horses for a fee. Horse riding lessons may also be provided.

12. A Public Riding Stable is a conditional use in the C-1 zoning district.

13. 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.”

14. Recognizing the use, lot and yard restrictions imposed by the Zoning Ordinance, the Applicants hereby make application for a Contract Zone that would allow a Place of Public Assembly to be established and to operate on the Subject Property.

II. This Contract Zone, specifically and exclusively for the Subject Property, would allow the Applicants to establish and operate a Place of Public Assembly as defined in Paragraph II(3) herein, subject to the following conditions and restrictions, as provided for in Section 1403 of the Saco Zoning Ordinance:

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

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

3. A Place of Public Assembly shall be allowed to operate as a minor conditional use on the Subject Property, subject to review by the Planning Department. A Place of Public Assembly shall be defined as follows: A commercial use that may operate either fully enclosed within a building or outdoors, that provides a place for public gatherings such as weddings, graduations, horse shows, art shows 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.

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

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

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

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

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

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

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

III. Pursuant to authority found in 30-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 June 6, 2017 and the Saco City Council on _________, 2017, the following findings are hereby adopted:

A. The parcels identified as Tax Map 106, Lots 10-1, 10, 8 and 8-1 are parcels of an unusual nature and location, for the following reasons:

a. The property includes both a residential (single-family dwelling) and agricultural (the keeping of horses) use. The proposal would allow a Place of Public Assembly to be established, as defined above.

b. The Applicants propose an activity that would allow the continuation and expansion of an existing agricultural use, which are relatively few in number in Saco and generally regarded by the Comprehensive Plan as a use that should be supported by the City.

c. The Subject Property is one of the few in Saco of a size that can easily support a Public Riding Stable, an educational riding program, and a Place of Public Assembly, as defined above. The four parcels that comprise the Subject Property involve an area of 160 acres, in close proximity to the Saco River. Large, relatively undeveloped parcels are valuable in terms of natural resource conservation, wildlife habitat, and watershed protection.

B. The proposed rezoning is consistent with the 2011 Saco Comprehensive Plan, based on the following goals:

Chapter 6. Land Use Goals and Policies

Vision: The Rural Conservation Area continues to be a primarily rural landscape with agricultural and other natural resource activities. Limited very-low density residential development occurs over time in a manner that preserves both the rural character of this area and large blocks of unfragmented wildlife habitat. Large scale residential developments do not occur in this area.
Allowed Uses: Uses in the Rural Conservation Area are limited to agricultural and forestry activities, other natural resource related uses, and single- and two-family homes including manufactured housing units on individual lots. Limited community and commercial activities that are compatible with a rural environment are also allowed. The following types of uses are generally appropriate in this area as a permitted or conditional use:
- agriculture and agriculturally related businesses
- forestry and natural resource uses including extractive industries
- outdoor recreational uses including campgrounds and golf courses
- adult and child care facilities
- bed and breakfasts
- medical services
- single and two-family dwellings including manufactured housing units on individual lots
- small clustered residential developments that preserve habitat blocks
- community facilities such as places of worship, cemeteries, and municipal facilities

Appendix L. Land Use

A. General Pattern of Development – The area west of the Turnpike in Saco has historically been agricultural and forest land. Almost 96% of the land in Saco enrolled in the state Farmland Tax Program, and 86% of the land enrolled in Tree Growth Tax Program, is located in this area. However, the historical land use pattern is changing. 20% of the housing units built in Saco between 1980 and 1990 are located in this area. Between 1990 and 2000, an additional 391 housing units were built, 65.4% of the total new housing growth in the community.

F. Natural Resource Uses – Hay is the most common crop grown in Saco farmland. Leary’s Dairy Farm, located off Flag Pond Road, is the only remaining dairy operation in Saco. Vegetable and animal production is limited. At least one producer is farming sod. Horse pasture and boarding are increasingly significant in Saco’s agricultural economy.

I. Agriculture and forestry play a diminishing role in both Saco’s economy and its landscape – since 1992 the amount of land enrolled in the state’s Farmland and Tree Growth taxation programs in Saco has dropped by 40 percent. The state Growth Management Act requires comprehensive plans to designate rural and growth areas. Previous Saco comprehensive plans have called for farmland preservation. Maintaining the rural landscape is important but is becoming increasingly difficult.

C. The proposed use is consistent with the existing uses and permitted uses within the original zone. The original zone is the Conservation-I District (C-I) zone, the purpose of which is “...to promote and preserve agriculture and open space, while permitting low-density residential uses that do not conflict with this overall purpose.” (Zoning Ordinance, Section 408.1.) Among the permitted and conditional uses allowed in the C-I zone are single and two-family dwellings, day care centers, kennels, commercial greenhouses and nurseries, farmstands, campgrounds, bed and breakfasts, community facilities, agriculturally related business uses, and adult day care centers.

D. The conditions proposed are sufficient to meet the intent of Section 1403. Contract Zoning, of the Saco Zoning Ordinance.

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 ________, 2017.

by __________________________  by __________________________
Kevin L. Sutherland                      River Winds Farm, LLC
City Administrator                      Applicant

by __________________________
River Winds Trails, LLC

by __________________________
River Winds, LLC
F. AUTHORIZATION OF BOND QUESTIONS: CITY FACILITIES, ROADS, DRAINAGE, AND INFRASTRUCTURE; A PUBLIC WORKS FACILITY; AND, ROUTE ONE SEWER AND PEDESTRIAN IMPROVEMENTS – (SECOND & FINAL READING)

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

Councilor Roche moved, Councilor Minthorn seconded “Be it ordered that the Saco City Council approves 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’. Further move to approve the order. The motion passed with seven (7) yeas.

Councilor Roche moved, Councilor Minthorn seconded to approve the ‘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’. Further move to approve the order. The motion passed with five (5) yeas and two (2) nays – Councilors Precourt and Gay.

Councilor Roche moved, Councilor Doyle seconded to approve the ‘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 seven (7) yeas.

Financial Statement: The following financial statement applies to Questions 1, 2 and 3 set forth below. The issuing of bonds by the City of Saco is one of the ways in which the City borrows money for certain purposes. The following is a summary of the bonded indebtedness of the City of Saco as of the date of this referendum:

| Bonds now Outstanding and Unpaid:  | $10,922,000 |
| Interest to be paid on Outstanding Bonds: | $3,285,619 |
| Total Principal and Interest to be repaid on Bonds Outstanding: | $14,207,619 |
| Additional Principal Amount of Bonds Authorized but not yet issued: | $0 |
| Total additional Bonds to be issued if approved by the voters: |
| Question 1: City facilities, roads, drainage and infrastructure | $2,000,000 |
| Question 2: New public works facility | $7,250,000 |
| Question 3: Route One sewer and pedestrian improvements | $2,500,000 |
| Total: | $11,750,000 |
| Estimate of potential new interest on such additional Bonds: |
| Question 1: City facilities, roads, drainage and infrastructure | $317,000 |
| Question 2: New public works facility | $1,985,800 |
| Question 3: Route One sewer and pedestrian improvements | $687,344 |
| Total: | $2,990,144 |

Note: interest rate estimates vary from 2.50% per annum to 3.00% per annum depending on the year of maturity.

| Total additional Bond principal and estimated interest to be repaid if approved by the voters: |
| Question 1: City facilities, roads, drainage and infrastructure | $2,317,000 |
| Question 2: New public works facility | $9,235,800 |
| Question 3: Route One sewer and pedestrian improvements | $3,187,344 |
| Total: | $14,740,144 |

When money is borrowed by issuing bonds, the City must repay not only the principal amount of the bonds but also interest on the bonds. The amount of interest to be paid will vary depending upon the rate of interest and the years to maturity at the time of issue. The validity of the bonds and of the voter’s ratification of the bonds may not be affected by any errors on the estimates made of the costs involved, including varying interest rates, the estimated cost of interest on the bond amount to be issued and the total cost of principal and interest to be paid at maturity. If the actual amount of the total debt service for the bond issues varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.
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 in 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 issuance of any Notes. Bonds shall be made payable as
pursuant to interest semi-annually and as pursuant 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 respective signatures. The Treasurer and Mayor are authorized and empowered 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 convenant,
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 $2,500,000 for City facilities, including the Ocean Park Road drainage system, the Police Station roof, the City Hall and Parks and Recreation facility HVAC system, 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 ITORDERED BY THE CITY COUNCIL
OF THE CITY OF SACO, MAINE IN CITY COUNCIL ASSEMBLED:

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

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

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

4. **Details of Bonds.** To the extent not inconsistent with this Order and the Charter of the City, the discretion to fix the dates, maturities of the Bonds and/or Notes, denominations, interest rates, places of payment, forms and other details of said Bonds and Notes, and to provide for the sale thereof, including execution of said Bonds and Notes on behalf of the City of Saco and delivery against payment therefor, is hereby delegated to the Treasurer and Mayor of the City of Saco. The Bonds shall be payable within a fixed term of years to be determined by the Mayor and Treasurer, not to exceed thirty (30) years, and Notes in anticipation of Bonds shall not exceed three (3) years from the date of the initial issuance of any Notes. Bonds shall be made payable as pertains to interest semi-annually and as pertains to principal in equal, annual serial installments, except that (1) each year’s installments may be adjusted to the nearest multiple of $5,000, and (2) the amount of each year’s installment may vary provided that it is equal to or greater than the installment due and payable in any succeeding year. The Bonds and any Notes shall contain such terms and provisions, not inconsistent herewith, as the Treasurer and Mayor may hereafter determine. All determinations by the Mayor and Treasurer shall be conclusively evidenced by their execution of the Bonds or Notes. The Treasurer and Mayor are authorized to provide that any of the Bonds and Notes be made callable, with or without premium, prior to stated maturity, and each Bond 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 ensure 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 might cause the 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 1.150-2 to pay, on an interim basis, costs of the Project in an amount up to the principal amount of the Bonds to be issued, which costs the City reasonably expects to reimburse with proceeds of the Bonds or Notes.

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

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

Order Authorizing the City of Saco to borrow an amount not to exceed $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 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 Notes shall be used to finance the costs of construction and equipping of a new public works facility on Industrial Park Road (the “Project”) and reasonably related costs, costs of issuance of the Bonds and any Notes, and capitalized interest prior to and during construction of the improvements. The City Council shall make all determinations regarding said Project.

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

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

4. **Details of Bonds.** To the extent not inconsistent with this Order and the Charter of the City, the discretion to fix the dates, maturities of the Bonds and/or Notes, denominations, interest rates, places of payment, forms and other details of said Bonds and Notes, and to provide for the sale thereof, including execution of said Bonds and Notes on behalf of the City of Saco and delivery against payment therefore, is hereby delegated to the Treasurer and Mayor of the City of Saco. The Bonds shall be payable within a fixed term of years to be determined by the Mayor and Treasurer, not to exceed thirty (30) years, and Notes in anticipation of Bonds shall not exceed three (3) years from the date of the initial issuance of any Notes. Bonds shall be made payable as per the interest semi-annually and as per the 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 under Section 141 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 $7,250,000 is hereby appropriated to finance the Project costs, such amount to be raised by the issuance of the Bonds and/or Notes of the City. In addition, the investment earnings on the proceeds of the Bonds and Notes, if any, and the excess proceeds of the Bonds and Notes, if any, are hereby appropriated for the following purposes, such proceeds to be held and applied in the following order of priority: (a) to any Project costs in excess of the principal amount of the Bonds or Notes; and (b) in accordance with applicable tax-exempt purposive restrictions or limitations under the Arbitrage and the Use of Proceeds Certificate delivered in connection with the sale of the Bonds or Notes.

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

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

11. **Referendum Vote.** Pursuant to Section 6.15 of the Charter of the City, the following question shall be submitted to the voters of the City of Saco for ratification or rejection at a referendum vote to be held on **2017:** Shall the Order of the City Council of the City of Saco entitled “Order Authorizing the City of Saco to borrow an amount not to exceed $7,250,000 for construction and equipping of a new public works facility on Industrial Park Road and to sell the existing public works facility on North Street and to expend such sale proceeds on such new public works facility” be ratified and approved?

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

G. **CONFIRM THE APPOINTMENT OF GLENYS R. SALAS AS FINANCE DIRECTOR AND TREASURER**

According to Article V, **Section 4-14** in the City of Saco Charter, the City Administrator shall appoint a Finance Director and Treasurer, who will be confirmed by the City Council.

Councillor Doyle moved, Councillor Johnston seconded “Be it ordered that the City Council confirm the appointment of Glenys R. Salas as Finance Director and Treasurer.” Further move to approve the order. The motion passed with seven (7) yeas.
H. SCHOOL REVOLVING RENOVATION FUND LOAN FORGIVENESS GRANT FINANCING AND AUTHORIZATION FOR HEALTH, SAFETY, AND COMPLIANCE REPAIRS TO THE SACO MIDDLE SCHOOL

On January 31, 2017, Saco Public Schools obtained approval from the Maine Department of Education for a School Revolving Renovation Fund project for health, safety and compliance repairs to the Saco Middle School. That approval offered the City a 0% interest, 10-year loan in the principal amount of up to $979,706 to finance the project, but of which $389,041 of principal has been forgiven (the “Grant Financing”).

To obtain the Grant Financing, the City must enter into a loan agreement with the Bond Bank for the unforgiven $590,665 portion of the loan and must evidence that borrowed principal with general obligation securities (bonds). However, because Saco Public Schools has already agreed to pre-pay the $590,665 portion of the loan, the Bond Bank agrees that the bonds will be paid and satisfied, and will so indicate on the bonds.

Please refer to the attached exhibits, including the order to authorize the School Revolving Renovation Fund loan forgiveness grant financing, for further details. Also of relevance, the City of Saco Council approved a similar approach in November of 2016 to meet ADA requirements on stairway and acquired legal opinion at that time to indicate that this approach did not need to go to the voters for approval. (See pages 24-28 in the 11/7/16 Council packet)

Councilor Minthorn moved, Councilor Doyle seconded to approve the first reading and set the Public Hearing for September 18th, 2017. The motion passed with seven (7) yeas.

ORDER AUTHORIZING SCHOOL REVOLVING RENOVATION FUND LOAN FORGIVENESS GRANT FINANCING FOR HEALTH, SAFETY AND COMPLIANCE REPAIRS TO SACO MIDDLE SCHOOL

BE IT ORDERED by the City Council of the City of Saco, Maine, as follows:

1. That, under and pursuant to a Maine Department of Education School Revolving Renovation Fund Project Eligibility Certificate dated January 31, 2017, issued to assist the City of Saco (the “Governmental Unit”) in the financing of health, safety and compliance repairs to Saco Middle School (the “Project”), and all other applicable law, the Mayor and the Treasurer of the Governmental Unit be authorized in the name and on behalf of the Governmental Unit to execute and deliver a Loan Agreement between the Maine Municipal Bond Bank (the “Bond Bank”) and the Governmental Unit to effect a loan from the Bond Bank to finance the Project in the principal amount of up to $979,706.00, but of which amount $389,041.00 of principal is forgiven by the Bond Bank (the “Loan Agreement”); and that the Loan Agreement be substantially in the form presented at this meeting, with such changes therein not contrary to the general tenor thereof as the Mayor and the Treasurer may approve; the execution and delivery thereof to be conclusive evidence of such approval; provided, however, that the Loan Agreement shall provide that, if the Governmental Unit has prepaid all of the borrowed principal which has not been forgiven and which has been evidenced by bonds, the Bond Bank agrees that the bonds are paid and satisfied.

2. That under and pursuant to sections 5953-E and 6006(F) of the Maine Municipal Bond Bank Act and all other applicable law, the Mayor and the Treasurer be authorized to borrow in the name and on behalf of the Governmental Unit the sum of up to $590,665.00 from the Bond Bank to finance the Project; that in connection therewith, the Mayor and the Treasurer be authorized to issue general obligation securities (bonds or notes) of the Governmental Unit in an original principal amount of up to $590,665.00, payable WITH NO INTEREST in ten (10) equal annual installments of principal, and to execute and deliver such general obligation bonds or notes (as so executed and delivered, the “Bond”) in registered form under the seal of the Governmental Unit and attested by the City Clerk of the Governmental Unit; and that the Bond be in substantially the form presented to this meeting, with such changes therein not contrary to the general tenor thereof as the Mayor and the Treasurer may approve; the execution and delivery thereof to be conclusive evidence of such approval; provided, however, that the Treasurer shall have prepaid the Bond on or before delivery thereof, and that such payment and satisfaction shall be indicated on the Bond by the Bond Bank.
3. That the Mayor, Treasurer, City Clerk, and other proper officials of the Governmental Unit, acting singly, be authorized in the name and on behalf of the Governmental Unit to execute and deliver an Assignment of monies transferred by the State of Maine to pay for Project costs and such other instruments, documents, certificates and agreements, and to take or cause to be taken such further actions for and on behalf of the Governmental Unit, as may be necessary, convenient or appropriate to effect the transactions contemplated by this Order and the documents referenced therein, and that the City Clerk be authorized to attest to the foregoing and attach the City’s seal to any of the foregoing.

4. That if the Mayor, Treasurer, City Clerk, or other proper official of the Governmental Unit is for any reason unavailable to, as applicable, approve, execute, deliver, or attest the Loan Agreement, Bond, Assignment, or any related documents, the person or persons acting in any such capacity, whether as a successor, assistant, interim, deputy or otherwise, be authorized to act for such official with the same force and effect as if such official had himself/herself performed such act.

5. That the City Clerk file an attested copy of this Order with the minutes of this meeting.

Approved by the City Council on August 21, 2017:

__________________________________________  __________________________

__________________________________________  __________________________

Being a majority of the members of the City Council

A true copy, attest:

Michele L. Hughes, City Clerk

(Note: Include an attested copy of this Order with the meeting minutes.)

I. SACO MIDDLE SCHOOL BOILER – (BUDGET AMENDMENT)

In November of 2015, the public voted to approve an energy bond for $450,000 to assist the city in upgrading and enhancing our energy efficiency in municipal and school buildings. The energy committee met and voted to allocate $130,000 for the Police Department facility, $100,000 for LED lighting throughout the city, and $220,000 for the Saco Middle School (SMS) Boiler.

The preliminary estimate for the SMS Boiler was well below the actual work needed. School staff has worked to apply for a grant/loan forgiveness program for up to $979,706. Pending Council approval after a public hearing (scheduled for September 18th), Saco will be awarded 40% forgiveness after all vendors are paid and the total amount is submitted to the Bond Bank. The current cost projection for this project is between $700,000 and $800,000.

Utilizing the $220,000 from the Energy Bond and moving the $573,000 from the general fund balance to a Capital Program project account would provide enough funding to cover the initial cost of the project. The 40% reimbursement would fall back to the general fund at the end of the fiscal year.

Councilor Gay moved, Councilor Doyle seconded “Be it ordered that the City Council approves the first reading of Budget Amendment #1 FY2018” and moves to a second and final reading scheduled for September 18th, 2017.

City Administrator Kevin Sutherland noted that the project is coming in a little more than expected. Another $46,000 is needed which would take it from $573,000 and bring it up to $619,000 requested from the general fund balance plus the $220,000 to cover the cost of the project.

Mayor Michaud asked if the Councilors Gay & Doyle if they were agreeable to that and they were.

Mayor Michaud called for a vote on the motion. The motion passed with seven (7) yeas.

J. REMAPPING OF SAWYER BROOK – (BUDGET AMENDMENT)

During the budget process in spring of 2017, the Council approved $15,000 one-time use of fund balance to cover
the estimated cost to re-study the boundaries of the special flood area of Sawyer Brook. Since then, the City has advertised for and received two bids which were significantly higher than what we had budgeted for. The low bid came in at $34,250 from Sebago Technics with a completion date of March 2018. The second bid came from D.M. Roma Consulting Engineers for $37,000 with a completion date of 90 days from the date of authorization to proceed, approximately December 2017.

If the Council wishes to proceed, they will need to appropriate additional funds for this purpose.

The first reading was held at the February 6th Council Meeting. The final reading was scheduled for February 21st; the council tabled this item to April 10th. April 10th was a workshop, so the item was discussed during the workshop and then brought forward at the following council meeting on April 18th. At the April 18th meeting, this item was tabled to May 15th.

Councilor Doyle left the meeting at 7:44 p.m.

Councilor Gay moved, Councilor Johnston seconded “Be it ordered that the City Council approves the first reading of Budget Amendment #2 FY2018” and moves to schedule a second and final reading on September 18th, 2017. The motion passed with six (6) yeas.

Councilor Doyle returned to the meeting at 7:47 p.m.

K. CODE AMENDMENT – CHAPTER 186, ARTICLE III, BUILDING AND STREET NUMBERING – (FIRST READING)

In accordance with the State of Maine E911 system, the city is concentrating on the growing number of private roads and driveways with more than 2 houses, which do not have a name. The citizen’s who live on these unnamed private roads, etc., have addresses located on the main road, making finding them in an emergency harder to accomplish.

The goal going forward is to have these private roads/ROW’s/ and driveways with more than 2 houses be given a name and number whether it be at the Planning Board stage or the Building Permit Stage. In order to provide guidance in this area, Chapter 186 of City Code is being updated with proposed language to fulfill this mission.

Councilor Minthorn moved, Councilor Precourt seconded “The City Council hereby ordains and approves the first reading of the Amendment to Chapter 186, Article III, Building and Street Numbering, and move to set the public hearing for September 18, 2017.” The motion passed with seven (7) yeas.

Proposed Language: Zoning Ordinance – Chapter 186: Streets and Sidewalks, Article III, Building and Street Numbering §186-46

(please note underline represents new language, while strikethrough is language to be deleted.)

If there are three or more developed parcels that abut a private lane or way, the owners of those lots, with a consensus of opinion, may petition the City E911 Addressing Officer to name the private way. The Assessor will then issue street numbers for that road. The name of the private way cannot conflict with or sound similar to existing road names. It will be the sole responsibility of the owners to purchase a street sign from the Department of Public Works, and maintain the street sign at the at the entrance to the private way in accordance with public works standards for public and private road signs. The name of the private way cannot conflict with or sound similar to existing road names. The City will then issue street numbers for that road.

L. ZONING MAP AMENDMENT – 47 FERRY ROAD – (FIRST READING)

Mark and Judy Thayer of 47 Ferry Road have initiated this request, asking that the City consider changing the zoning for their 0.34 acre parcel at the corner of Ferry and Pine Ridge Road from R-1a to R-2. The Thayers have a single-family dwelling, and would like the ability to create two additional residential units in the attached barn.
The parcel has an area of 14,810 s.f., while 5,000 s.f. per unit is required for a multi-family dwelling in the R-2 zone. They mention the possibility of acquiring some additional land from an abutter. At this time, however, their parcel falls 190 s.f. short of supporting the proposed 3-unit dwelling.

The Planning Board held a public hearing for this request on August 8, 2017, and voted to recommend to the City Council that the request not be approved.

Councilor Roche moved, Councilor Gay seconded “The Saco City Council hereby ordains and approves the First Reading of the proposed amendments to the Zoning Map that rezones the parcel identified as Tax Map 22, Lot 28, from R-1 a to R-2, and further move to set the Public Hearing for September 18, 2017.” The motion passed with seven (7) yeas.

M. CONTRACT ZONE – 994 PORTLAND ROAD – (FIRST READING)

Applicants Bill Koch and Sandra Murray dba The Village at Pine Meadows propose to establish an Elder/Disability Housing Facility at 994 Portland Road. Similar related uses such as “Adult Care Services” and “Elderly Congregate Housing” are allowed in the MU-3 zone, but neither fully addresses the concept that the applicants have in mind. “Elder/Disability Housing Facility is defined by the Zoning Ordinance as “…housing in dwelling units for senior households in which a head of household is at least 55 years old or for disabled persons regardless of age.” The Planning Board held a public hearing on this proposal at its July 11, 2017 meeting, and voted to forward a positive recommendation.

Councilor Doyle moved, Councilor Precourt seconded “The City Council hereby ordains and approves the First Reading of the contract zone document entitled ‘Contract Zone Agreement by and Between The Village at Pine Meadows, LLC and the City of Saco’ dated July 11, 2017, for the property identified as Tax Map 63, Lot 5 as authorized by Section 1403 of the Zoning Ordinance; and move to schedule a Public Hearing for September 18, 2017,” The motion passed with seven (7) yeas.

Contract Zone Agreement by and Between
The Village at Pine Meadows, LLC and the City of Saco

July 11, 2017

THE CITY OF SACO HEREBY ORDAINS:

I. That the Zoning Ordinance of the City of Saco, dated January 2, 1985, and amended through February, 2017 is hereby further amended by adopting this Contract Zone Agreement by and between the City of Saco and The Village at Pine Meadows, LLC, (“Applicant”)

1. The Applicant proposes to establish an Elder/Disability Housing Facility, as defined in the Zoning Ordinance, at 994 Portland Road (“Subject Property”).

2. The Subject Property is identified as Tax Map 63 Lot 5 on City of Saco tax maps and is located in the MU-3 zoning district.

3. Subject property as it exists includes a two-family dwelling, and seven detached cabins. It has been utilized in the past as guest cabins. The Subject property is currently subject to a Planning Board approval for a “Motel” use, which is effective through May 19, 2018.

4. Right, title and interest is demonstrated with the Applicant’s submission of a fee ownership deed as recorded in the York County Registry of Deeds Book 16914 Page 44.

5. The proposed Elder/Disability Housing Facility is not an allowed use in the MU-3. The MU-3 zone does include “Adult Care Services” as a permitted use, and does include “Elderly Congregate Housing” as a permitted use if part of a Master Planned Development. However, neither is specific to the applicant’s objective.
6. 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.”

7. Recognizing the use restrictions imposed by the Zoning Ordinance, the Applicants hereby make application for a Contract Zone that would allow an Elder/Disability Housing Facility to be established on the Subject Property.

II. This Contract Zone, specifically and exclusively for the Subject Property, would allow the Applicant to establish an Elder/Disability Housing Facility as proposed on the Subject Property, subject to the following conditions, as provided for in Section 1403 of the Saco Zoning Ordinance.

1. An Elder/Disability Housing Facility shall be allowed to operate as a permitted use on the Subject Property.

2. Said Elder/Disability Housing Facility shall be fully serviced by public utilities, including water and sewer.

3. The Applicants propose a metal bulkhead basement access at the rear of the proposed individual dwellings. The setback from side and rear property lines for said access structures shall be fifteen (15) feet, while the setbacks for the dwellings shall be twenty (20) feet. Said access structures shall be of metal construction, shall be limited to the rear of individual dwellings, and shall not be allowed on the sides of dwellings.

4. All other standards and requirements applicable to development in the MU-3 zone shall apply.

5. Upon approval of this contract by the City Council, the Applicant shall submit materials required for site plan review to the Planning Office in order that the project may be reviewed by the Planning Board. Failure of the Applicant to secure site plan approval from the Planning Board within one (1) year of the approval of this Contract by the Saco City Council shall render this Contract null and void. In the event that permits or approvals are delayed due to circumstances beyond the control of the Applicant, this one (1) year deadline may be extended by one (1) year upon written request to the City Council.

6. 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 be required to obtain City Council approval of the changes.

7. This contract and its provisions shall specifically and exclusively apply to the Contract Zone request submitted by the Applicant. Approval of this Contract Zone is in part based on the financial and technical qualifications of the Applicants as submitted to the City. A change in ownership prior to completion of the terms of this Contract may necessitate site review and approval by the City Council. Determination of such shall be made by the Planning Office.

8. Failure of the Applicant to initiate construction of the Elder/Disability Housing Facility as described in the application materials for this Contract Zone within (2) years of the date of approval shall render this agreement null and void. Said two (2) year period may be extended for a period of one (1) year upon written request to the Planning Office prior to termination of said two (2) year period.

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

III. A. The parcel identified as Tax Map 63 Lot 5 is a parcel of an unusual nature and location, for the following reasons:

1. The property is the site of a former “motor court,” catering to those seeking transient lodging, generally on a seasonal basis. Popular with the motoring public in the mid-20th century, such uses are slowly disappearing as other forms of overnight accommodations take their place.

2. The property operates today as a motel, based on the May 19, 2015 approval granted by the Planning Board, that would allow an expansion of the existing two-family dwelling and seven cabins with an additional twenty-nine cabins, swimming pool, stormwater management system, and extension of the public sewer system so as to service the project.
B. The proposed rezoning is consistent with the 2011 Saco Comprehensive Plan, based on the following goals:

Chapter 5. Community Goals and Policies

The City should continue to provide for the construction of a wide range of types of housing at a variety of densities and types to assure that a diversity of people can continue to live in the City including younger households.

G. Housing

The City should continue to allow housing for the elderly to be built at higher densities than other types of housing in recognition of the lower impact that this type of housing has on the community.

The City should continue to work with nonprofit organizations and private developers to expand the supply of housing that is affordable to lower and moderate income households. The City should consider offering economic and/or regulatory incentives for such affordable housing developments and, if appropriate, continue using contract zoning and similar techniques to allow case-by-case consideration of proposals for new affordable housing.

C. The proposed use is consistent with the existing uses and permitted uses within the original zone.

The MU-3 zone was established in July, 2013 “... to allow for the development of high-quality mixed-use neighborhoods on either side of Route One with a wide range of both residential and non-residential uses.” (Sec. 405A-3, Zoning Ordinance) Existing uses found in the MU-3 zone include residential dwellings, amusement park, mobile home park, self-storage, financial institution, retail businesses, drive-in theater and others. Permitted uses in the MU-3 zone include Health and Fitness Clubs, Day Care Centers, Adult Care Services, Mobile Home parks in designated Mobile Home Park Overlay Districts, and Eating Establishments, among several others.

D. The conditions proposed are sufficient to meet the intent of Section 1403. Contract Zoning, of the Saco Zoning Ordinance.

IV. Based on the above findings, conditions and restrictions, the City Council hereby incorporates this Contract Zoning agreement in 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 September ____, 2017

By: ______________________________   By: ______________________________

Kevin L. Sutherland
City Administrator

William Koch
Village at Pine Meadows, LLC

By: ______________________________

Sandra Murray
Village at Pine Meadows, LLC

VIII. COUNCIL DISCUSSION AND COMMENT

➢ Councilor Roche – Question directed to the City Administrator regarding the valuation he put in his budget calculator. Last year it was $2,015 in that calculator when we voted (you don’t have to list any expected increase) you budgeted in a 1-2% increase ($700,000). So we won’t know what the actual comes in at until
all payments have been made, but there is a way to see if we are close to that right? So the rate and the tax 
bills are now out. So we are expecting x taxes based on valuations that came in actual. When can we have 
that number to see how close we are to the projected amount? City Administrator Kevin Sutherland noted 
that you have to back out all of the Business Equipment Tax Exemption and Homestead exemptions. I was 
off by $9 million in my initial $35 million increase. So there is $9 million additional value in the 
community that was added. Councilor Roche said it was $44 million instead of $35 million and 2% of that 
so the city will get potentially $100,000 extras from all of that. There were more than a few residents who 
complained about the taxes. There is a difference between the average 2% and some people didn’t get hit 
with any increase just the mil rate decrease if anything and some houses near the beach got upwards of a 
10% increase. What explains 3 houses of a 10 house culasack getting 10% increases and the rest don’t get 
anything. City Administrator Kevin Sutherland noted that the city is working on a way to explain all of 
that as easily as we can to the public. I would like to visually show were the market forces are changing 
Sac and we had some clean up in the assessment date. The state mandates that we need to be between 91 
and 110% of market rate. Currently overall the city is now at 93% so we are on the low end of what the 
market is driving for. We had some nuances and areas that needed to be fixed. You had some homes that 
were being subsidized by the rest of the community and that no longer being subsidized. If there are 
residents out there that did see an increase and are concerned the assessed value is inaccurate they are more 
than willing to come in and talk to the assessor. We do budget for abatements if it is justified. This is an 
opportune time to educate the public on these concerns. We should work with the state legislatures to 
advocate for state sales taxes generated here to come back to the community in which it is generated. The 
state is proposing that 5% of whatever is taxed on marijuana will come back to the community in which it 
is generated.

- Councilor Precourt – How does the city benefit from any marijuana growing? City Administrator Kevin 
Sutherland stated that in the medical marijuana ordinance the city created there are fees that go along with 
that. On the recreational side if the retail process comes in fruition there could be a substantial amount of 
money coming back to the community to help pay for services that are needed. Councilor Precourt asked 
where it was going to come from. The City Administrator stated from those who purchase the product. 
Councilor Precourt asked if the state is going to reimburse us. The City Administrator stated responded 
“yes”. The state is looking to collect 15% on marijuana sales and of that 15%, 5% comes back to the 
community in which it was generated. There will be a public hearing in Augusta in which I will go to 
testify before. If the state is going to allow retail shops then the sales tax money generated should come 
back to the community.

- Councilor Minthorn – The gentleman that was here from the bag association and retailers who made the 
public comment. In reading our ordinance I think we were clear in defining reusable bags because we say 
they are no of plastic film and we define the single use bags as being from plastic film. So I would have 
somewhat of a disagreement with him that we do clarify between the two in our ordinance.

- Councilor Gay – I thought it was a certain thickness. City Administrator Kevin Sutherland stated that the 
city decided not to go in that direction because of the amount of time it would have put on Code 
Enforcement. We were trying to simplify it.

- Councilor Precourt – If the range was between 91 and 110% on the property tax evaluation why did we 
have to go to 93% knowing that there would be an increase? City Administrator Kevin Sutherland noted 
that it saves staff the headache of trying to get to 91% again next year. If we don’t move the mark next 
year and it falls to 91% then we are still in compliance and staff doesn’t have to go and reassess all of the 
properties again. Where did the additional money that was raised go? The City Administrator stated that 
what drove down the tax rate from $19.63 initially to in part because of that additional assessed value. 
But also because of the $350,000 from the schools. The change is we are living in a place that people want 
to be. Councilor Precourt stated that was the problem, we are worried about the people who want to be 
here and not the people who are here. The aging population is being pushed out because we are looking at 
who wants to live here and pay the big dollars rather than who is here and who can afford to stay here.

- Councilor Roche – With the abatement process there is some subjectivity to that right? City Administrator 
Kevin Sutherland responded “yes”. Councilor Roche said he highly recommended that in prior councils we 
talked about giving senior tax relief and it really didn’t go anywhere because it was discriminatory in a 
sense. But, you could look at that and say whoever’s taxes were raised by 10% if you could look at people
who have been here 25-30 years that is where I would have some leeway in giving them some relief. City Administrator stated that the Assessor would go with the property owner and look at their home and compare it to properties that are like their property and if there is proof they were overtaxed they could be an abatement. It is the Assessors responsibility to determine abatements. Councilor Roche noted that the only time he has heard this issue debated at a public hearing is for people to come to the microphone to complain about Ward 4 being underbend. So you can’t complain discriminate against Ward 4’s valuation you have to look at the entire picture. So one person who particularly complained about it is a person who actually got hit. I said well you asked for those valuations to be raised. The person at the microphone said we were at 80% in some neighborhoods so the city did what the citizens who came to the microphone wanted.

- Councilor Precourt – We have a $20,000 homestead act that people use to get checks from the State for that and it is now being kept by the city for the cost to keep the mil rate down. Why are other ocean front communities paying $10 on the mil rate and we are paying $20. Mayor Michaud stated you would have to look at their budget, services they provide and determine how it is if there services are equal to or better than ours and that is what drives the cost. Like it or not it is what the Council decides to spend each year for services.

- Councilor Roche – To Dave’s point we do have a very small beach and that it one reason we are not comparable to other beach communities. If our valuation is that high then that is where the next Council has to look at that mil rate. We need to have a strong handle on that unreserved fund on at least a quarterly basis.

- Mayor Michaud – We use the mil rate to determine a valuation off the comfort level we have on expenditures. The real issue is not the mil rate but on the expenditures. The secondary issue is what can you afford. What do we want to do for the community and what are the citizens asking for. What services are we providing and what are they costing us? What can we do to reduce those costs or eliminate those services.

- Councilor Roche – One major expense that has gone up is Thornton Academy. Not that they are a bad place. They are driving up costs because we are an attractive place to live so the student count goes up.

- Councilor Doyle – Reminded people about the RiverJam Festival on Sept. 15th & 16.

IX. ADJOURNMENT

Councilor Minthorn moved, Councilor Doyle seconded to adjourn the meeting at 8:14 p.m. The motion passed with seven (7) yeas.

Attest: ________________________________

Michele L. Hughes, City Clerk