I. CALL TO ORDER – On Monday, November 20, 2017 at 6:30 p.m. a Council Meeting was held in the City Hall Auditorium.

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

III. PLEDGE OF ALLEGIANCE

IV. GENERAL

V. PUBLIC COMMENT

- Barbara Colman, 45B Stockman Ave – The Council approved the Senior Tax Volunteer Work Program on May 22nd for FY2018. A citizen made it known to the Ward Councilor and the Administration that there were issues related to the program. RKO the cities auditing firm confirmed the individual was correct. SCSG’s concern is about the impact on the city finances and the citizens participating in the program for the last 3 years and FY2018. Maine exempts this program for tax purposes. Paid as a lump sum payment most federally funded programs count as income in the month they are received. Seven hundred fifty dollars is allot and it impacts food stamp benefits, MaineCare, General Assistance, etc. that they may have received during that month. How much may they have to pay the city back to pay the various entities back for these programs? Will this be accomplished through policies and procedures before the end of the year, since it is a calendar year basis by which they must submit their W2’s or 1099’S.

- John Harkins, 4 Christopher Terrace – Saco citizenry approved at referendum the construction of the new garage at $7.25 million. It was stated that the existing site would be sold for $2.25 million. Assuming a buyer can be found for the $2.25 million, where will the money go? Is the administration planning to exceed the voter approval and apply the sale proceeds on top of the $7.25 million? What consideration has been given to the environmental concerns that may surface from the materials that may be present in the soils after 40 years of garage use? Were there borings done?

- Nancy Driscoll, 15 Oceanside Drive – I’m here because I was surprised by some of the documentation that got submitted by the City Council after the public meeting. First of all, Sandra Guay’s communication had errors in it. When Kevin mentioned it she did apologize. For example, we never took anyone up to the land. For the property, we own she said Surf Street and it was Spring Street and we did not ask for any variances. Documentation went out by another neighbor and what he says is true. When he bought his house adjoining our house that lot was listed as unbuildable. We want to restore it to be buildable. There are questions about the taxes. We paid taxes on it as a buildable lot from 1980 – 1992. I have a letter from DEP who at that time said there was some condition that we could not build on that lot and to go to the tax people to have them make it unbuildable and we did. In 2009 or so that we wanted to build a garage and we still did not know that the property had been joined. When we went to pull a permit to build a garage with an apartment over it we were told we couldn’t because the properties had been joined. After that we did go back to the tax office and asked to make it a buildable lot. I realize that one of the issues has something to do with the DEP. They do make the statement that a property that was a buildable property prior to 1983 can be built on. That is in the documentation. That’s us. It was a buildable lot in 1983.

- Chuck Driscoll – Since last week someone has put something else in and we received more communication about this and some of it is not very accurate. I hope you will consider that at this time.

- Inga Browne, 161 Simpson Road – Thank Mayor Michaud, Councilors Precourt, Roche and Cote for their service and dedication to the city for many years. We deeply appreciate your hard work. Additionally, I would like to thank Mayor Michaud for his clear leadership over the years and advocating for the rehabilitation of Stackpole Bridge. Everyone’s favorite pile of rocks. Also thank you to the five Councilors who voted on December 21, 2015 to approve the necessary funding and contract awards to CPM Constructors. Thank you, Councilor Gay, Roche, Cote and Johnston. Your important vote allowed the rehabilitation to occur with the historic arch with faced stone wing walls is hard to differentiate from the original 1848 bridge. CPM Constructors did a remarkable job with very impressive results. The city
can be commended for its efforts in preserving a unique rural landmark that helps to define Saco’s past, present and future. I’m pleased to report that the fund for Stackpole Bridge is financially supporting the creation of a professional 20-minute documentary about the bridge and its rehabilitation and we are planning on installing a historic plaque near the bridge on private property that commemorates the structure and history. This will be completed in 2018. Lastly, I would like to add my voice to the many who have spoken in the last few weeks to support the residential contract zone for 15 Oceanside Drive. I believe the application meets the four criteria for the approval of the contact zone and that the city can and should award the Driscoll’s a fitting and just conclusion to their highly unusual conflict.

➢ John Chamberlain, co-owner of Chamberlin Properties along with brother Elliott – I was here last week and surprised by the Council and their comments regarding the Cascade project and the issues that were brought up made it sound like he was shirking his responsibilities as it pertains to the sidewalk and the light at the intersection. When the reality is the sidewalk wasn’t his responsibility on that particular lot and MDOT is controlling the installation of that light. Elliott and I own Chamberlin properties which has done Ross Ridge. I have no ownership in that other project and for the city to deal with them all as one in the same is unfair. We should be looking at the merits of Ross Ridge phase #3 by itself which is the final piece. The other phases #1 & #2 are already owned by the town. A 100% of the work particularly as of today, there was one small piece missing which was a as built to adjust for a minor change in a sidewalk. That was delivered to the Planning Dept. today. What we are asking simply is to take it over. You are still holding $11,000 and we are not asking for that to be released. You can hang onto it until some of the final issues on the 2 open fields are completed. When they are we will come back and turn those over to the town to take them over.

➢ Elliott Chamberlain – I didn’t have the opportunity to be at the Council meeting last week, but from what I understand I took a pretty good bashing most of which was for inaccurate information about the Park North project. I guess one thing I wasn’t to say is that I have been dealing with the city for a long time and almost everybody in the city and I don’t think a city could have better staff than the City of Saco has. From Police, Fire, Public Works, Planning, and Building Inspection. Everyone has been great to deal with. I think that if you ask anybody in the city that if anyone had a concern they could call me to talk, go over a subject, clarification or didn’t like something I have always been 100% available. To sit here and hear what I heard was said, I think was unfair and unjust. Again, like John said the Chamberlin properties Ross Ridge project was before you and to take that to a completely different place I think was unfair. I will make the invitation that if anybody on the Council, staff or administration wants to talk about any project or anything I’m doing in the city or has any concerns or thinks for one second I would walk away from any responsibilities I have, I’m available. Everybody in the city has my cell phone, e-mail and knows where I am. Any time you want to call me call me.

VI. CONSENT AGENDA

Councilor Minthorn moved, Councilor Doyle seconded to approve consent agenda items #A and #B as follows:

A. Be it ordered that the City Council confirm the Mayor’s appointment of Craig Wood to fill out the unexpired term of Faye Casey which expires on December 31, 2018. Further move to approve the order.

B. Be it Ordered that the City Council confirm the Mayor’s appointment of Alyssa Bouthot to the Planning Board for a term ending April 19, 2019. Further move to approve the Order.

The motion passed with six (6) yeas.

VII. AGENDA

A. AMENDMENT TO THE SACO CODE, CHAPTER 112 – GENERAL ASSISTANCE PROGRAM APPENDIXES FOR OVERALL MAXIMUMS, THRIFTY FOOD PLAN & HOUSING MAXIMUMS – (PUBLIC HEARING)

Each year Maine Municipal Association presents municipalities with new Appendixes for their City Ordinance, which need to be reviewed and adopted. This year, the Over-All Maximums on Appendix A have increased slightly. The food maximums on Appendix B have decreased slightly since last year. On Appendix C, regarding housing, we used an average between the York County HMFA and the York/Kittery/ S. Berwick HMFA. Those
amounts are up slightly in all categories this year. The amounts in Appendix D for utilities have changed minimally in only a few categories.

Councilor Cote moved, Councilor Minthorn seconded to open the Public Hearing on the amendment to the Saco Code, Chapter 112, General Assistance Program, Appendix A - Overall Maximum, Appendix B – Food Maximums, Appendix C – GA Housing Maximums, and Appendix D – Utilities The motion passed with six (6) yeas.

There were no public comments.

Councilor Cote moved, Councilor Gay seconded to close the Public Hearing and further move to set the Second and Final Reading for December 18, 2017. The motion passed with six (6) yeas.

General Assistance Ordinance Appendixes (A, B, C and D)
Proposed Figures dated October 1, 2017

### Appendix A - GA Overall Maximums

<table>
<thead>
<tr>
<th># IN HOUSEHOLD</th>
<th>CURRENT MAXIMUMS</th>
<th>PROPOSED MAXIMUMS</th>
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<tr>
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### Appendix B - Food Maximums

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<tr>
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<th>WEEKLY MAX.</th>
<th>MONTHLY MAX.</th>
<th>MONTHLY MAX.</th>
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<tr>
<td></td>
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<td>PROPOSED</td>
<td>CURRENT</td>
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<td>$146.00</td>
<td>$144.00</td>
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### Appendix C – GA Housing Maximum

#### Unheated Units

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<th># BDRMS</th>
<th>MONTHLY</th>
<th>MONTHLY</th>
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<tr>
<td>4</td>
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<td>$1,312.50</td>
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#### Heated

<table>
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<tr>
<td>3</td>
<td>$1,471.00</td>
<td>$1,495.50</td>
</tr>
<tr>
<td>4</td>
<td>$1,654.00</td>
<td>$1,722.00</td>
</tr>
</tbody>
</table>
B. ACCEPTANCE OF DONATION FROM CAROL RADIN FOR AN EXPANSION OF THE
SACO DOG PARK

Carol and Skip Radin have been instrumental in the realization of a Dog Park in Saco through their charitable
donations and fundraising efforts.

Carol and Skip recently donated another $5,000 to be used for the expansion of the dog park, to safely
accommodate smaller dogs. The city has a dedicated dog park account for donations to construct and maintain the
park; these funds would be added to this account.

Councilor Cote moved, Councilor Gay seconded “Be it ordered that the City Council accept with gratitude the
donation of $5,000 from Carol and Skip Radin of Saco for the purpose of expanding the dog park in Saco.” Further
move to approve the order. The motion passed with six (6) yeas.

C. CONTRACT ZONE: 15 OCEANSIDE DRIVE – (SECOND & FINAL READING)

Applicants George and Nancy Driscoll propose to clarify through the contract zoning process that their property at
15 Oceanside Drive is regarded as two lots: one developed, and one eligible for a building permit. Two lots were
established as part of the Kinney Shores subdivision in 1914, and were acquired by the Driscolls in 1980, but were
combined as a result of a 1985 amendment to the Zoning Ordinance. Today the City regards and taxes the property
as a single parcel.

This item was reviewed by the Planning Board during its Oct. 17th meeting. The Board arrived at a negative
finding on the four standards found in Sec. 230-1405.F, and voted to forward a negative recommendation to the
Council. The City Council discussed during Workshop on September 11, 2017 and was read into the record on
October 30, 2017.

Councilor Roche moved, Councilor Johnston seconded Saco City Council hereby ordains and approves the Second
and Final Reading of the document entitled ‘Contract Zone Agreement By and Between J. George and Nancy S.
Driscoll and the City of Saco’, dated October 17, 2017.

APPENDIX D - UTILITIES

NOTE: For an electrically heated dwelling also see “Heating Fuel” maximums below. But remember, an
applicant is not automatically entitled to the “maximums” established—applicants must demonstrate
need.

1) Electricity Maximums for Households Without Electric Hot Water: The maximum amounts
allowed for utilities, for lights, cooking and other electric uses excluding electric hot water and heat:

<table>
<thead>
<tr>
<th>Number in Household</th>
<th>Weekly</th>
<th>Monthly</th>
</tr>
</thead>
<tbody>
<tr>
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<tr>
<td>6</td>
<td>$25.00</td>
<td>$107.00</td>
</tr>
</tbody>
</table>

NOTE: For each additional person add $7.50 per month.

2) Electricity Maximums for Households With Electrically Heated Hot Water: The maximum amounts
allowed for utilities, hot water, for lights, cooking and other electric uses excluding heat:

<table>
<thead>
<tr>
<th>Number in Household</th>
<th>Weekly</th>
<th>Monthly</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
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<tr>
<td>6</td>
<td>$41.00</td>
<td>$176.00</td>
</tr>
</tbody>
</table>

NOTE: For each additional person add $10.00 per month.
Amendment #1 – Federal Legal Issues – Councilor Roche moved, Councilor Johnston seconded “The Contract Zone allows the lot to connect to city sewer only with EPA approval”. The motion passed with six (6) yeas.

Amendment #2 – State Environmental Legal Concerns - Councilor Roche moved, Councilor Johnston seconded “The Contract Zone allows the lot to be buildable if Maine DEP approval is obtained”. The motion passed with six (6) yeas.

Amendment #3 – Contract Zone & Beach Concerns – Councilor Roche moved, Councilor Johnston seconded “The Contract Zone allows for a public recreation easement for the land from the beach east up to the dune grass seawall and the applicant (Driscoll’s) agree to provide the easement”. The motion passed with six (6) yeas.

City Administrator Kevin Sutherland advised the Council for the record that this could have legal recourse and could potentially put the city into a financial situation when it comes to a law suit related to this. The Driscoll’s still cannot build because it falls in the coastal sand dune. By voting to approve this we will still have this challenge.

Deputy Mayor Precourt called for a vote on the main motion with amendments. The motion passed with five (5) yeas and one (1) nay – Councilor Doyle.

Contract Zone Agreement By and Between
J. George and Nancy S. Driscoll and the City of Saco
October 17, 2017

THE CITY OF SACO HEREBY ORDAINS:

I. That the Zoning Ordinance of the City of Saco, dated January 2, 1985, and amended through July 17, 2017 is hereby amended by adopting this contract by and between J. George and Nancy S. Driscoll (Applicants) and the City of Saco.

1. The Applicants seek a single family residential building permit to be issued for a portion of the parcel they own at 15 Oceanside Drive (Subject Property).

2. Said parcel is improved with a single family dwelling, a permitted use.

3. Said property is identified as Tax Map 11, Lot 116 on City of Saco tax maps. The current lot (Map 11, Lot 116) was transferred to the Applicants as two separate parcels in 1980, was formerly taxed by the City as two separate parcels, but were merged into a single parcel when Saco adopted its Zoning Ordinance in 1985.

4. Said merger of the two separate parcels was subject to Section 502-1(2) of the Zoning Ordinance, which reads as follows: “If two or more vacant, contiguous lots or parcels are in single or joint ownership of record at the time of adoption or amendment of this Ordinance, if these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendment, the lots shall be combined to the extent necessary to meet the dimensional standards, except where the contiguous lots front onto different streets or where the lots were legally created and recorded as part of an approved subdivision after March 22, 1972, the date of adoption of Saco's subdivision standards.”

5. Said property is in the R-1c and Shoreland Overlay zoning districts.

6. The Applicants contend that the Subject Property is actually two parcels, and have submitted a surveyed plan to that effect dated November 1, 2005.

7. The Applicants submitted an application for a building permit to the Code Enforcement Office on August 27, 2009 for the construction of a single family dwelling.


9. An Administrative Appeal and Variance application was submitted to the City on August 18, 2009.
10. A hearing was held on Sept. 14, 2009 by the Zoning Board of Appeals; review was tabled due to missing factual information.

11. The ZBA meeting continued on Oct. 26, 2009, with updated copies of Section 7.1, Shoreland Zoning of the Zoning Ordinance, and with copies of the pending variance notice sent to the Maine Department of Environmental Protection on Sept. 16, 2009 via certified mail.

12. The ZBA voted unanimously to deny the administrative appeal of the Building Inspector’s decision based on the merger of the vacant lot with the developed lot pursuant to the Board’s understanding of Section 501-1(2) of the Zoning Ordinance.

13. The ZBA continued the meeting on Nov. 30, 2009 to consider the Applicants’ request for space and bulk variances, and voted unanimously to deny said requests.


15. The Applicants subsequently appealed the Superior Court decision to the Maine Supreme Judicial Court, which issued a denial of the appeal on Sept. 22, 2011, concluding the two lots had merged.

16. The Applicants have continued to weigh options that may allow them to legally establish the Subject Property as two separate, buildable lots. In so doing, they cite Article 14 of the Zoning Ordinance, which addresses contract zoning.

17. Recognizing the limitations of the Subject Property, and the requirements of the Zoning Ordinance, the Applicants hereby make application for a Contract Zone that would allow the Subject Property to be legislatively established as two separate, confoming lots.

II. This contract amends the Saco Zoning Ordinance as follows:

This Contract Zone, specifically and exclusively for the parcel at 15 Oceanside Drive, would allow the Applicants or their designers, upon making application to the City of Saco Code Enforcement Office, a single family residential building permit for “Lot 202” as shown on a “Plan of Land of M.H. Kinney, Saco, Maine Called “Kinney Shores,” recorded at the York County Registry of Deeds on April 24, 1919, filed in Plan Book 4, Page 64, or as previously identified by the City of Saco as Tax Map 11, Lot 116-1, subject to the following conditions and restrictions, as provided for in Section 1403 of the Saco Zoning Ordinance:

a. The parcel identified by the City of Saco Assessor’s Office as Tax Map 11, Lot 116 is hereby reconfigured into two separate parcels, henceforth to be labeled as Tax Map 11, Lot 116 and Tax Map 11, Lot 116-1.

b. The parcel identified as Tax Map 11, Lot 116 shall be configured as shown on a surveyed plan produced by Dow and Coulombe, dated Nov. 1, 2005, with an area of 5,293 square feet, and 50.10 linear feet of frontage on Oceanside Drive, a City way.

c. The parcel identified as Tax Map 11, Lot 116-1 shall be configured as shown on a surveyed plan produced by Dow and Coulombe, dated Nov. 1, 2005, with an area of 5,450 square feet, and 50.10 linear feet of frontage on Oceanside Drive, a City way.

d. Minimum Lot and Yard Requirements set forth in Table 412-1 of the Zoning Ordinance shall be modified for the Subject Property as follows:

   For Tax Map 11, lot 116:

   1. A reduction in the minimum lot size requirement from 7,500 square feet to 5,293 square feet.
   2. A reduction in the minimum lot area per dwelling unit from 7,500 square feet to 5,293 square feet.
   3. A reduction in the minimum street frontage requirement from 75 feet to 50 feet.
   4. A reduction in the minimum shore frontage requirement from 100 feet to 50 feet.
   5. A reduction in the minimum width requirement from 100 feet to 50 feet.
   6. A reduction in the minimum width of the side yard setback requirement on the north side from fifteen feet to one foot.
   7. An increase in the maximum lot coverage requirement from 20% to 54%.
For Tax Map 11, lot 116-1:

1. A reduction in the minimum lot size requirement from 40,000 square feet to 5,293 square feet.
2. A reduction in the minimum lot area per dwelling unit from 20,000 square feet to 5,293 square feet.
3. A reduction in the minimum street frontage requirement from 75 feet to 50.10 feet.
4. A reduction in the minimum shore frontage requirements from 100 feet to 50 feet.
5. A reduction in the minimum width requirements from 100 feet to 50 feet.

e. The Applicants shall adhere to all other applicable provisions of the R-1c and Shoreland Overlay zoning districts and of the City of Saco Zoning Ordinance.

f. 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.

g. 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.

h. Upon approval of this contract by the City Council, the Applicants shall submit an application for site plan review to the Planning Office in order that the project may be reviewed by the Planning Board. Failure of the Applicants to secure site plan approval from the Planning Board within one 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 Applicants, this one year deadline may be extended by one year upon written request to the City Council.

i. 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.

j. Failure of the Applicants, or buyers of a second lot that is created by virtue of this Agreement, to seek a single family dwelling building permit as described in application materials for this Contract Zone within two (2) years from the date of approval shall render this approval and Contract null and void. This two year deadline may be extended by one year upon written request to the City Council.

k. 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.

III. Pursuant to authority found in 30A 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 October 17, 2017, and the Saco City Council on ______ 2017, the following findings are hereby adopted:

A. City Tax Map 11, Lot 116 is a parcel of an unusual nature and location, for the following reasons:

1. The parcel is one of 131 in Saco with beach frontage.

2. A portion of the parcel (the former Lot 202) has been previously prepared in anticipation of building a residence with the installation of a 50 foot seawall and plantings of sea grass, as well as a second sewer service to the property.

3. The parcel dates to 1919, identified as Lots 201 and 202 on a “Plan of Land for M.H. Kinney, Saco, ME called Kinney Shores” and existed for several decades as two separate lots.
B. The proposed rezoning is consistent with the Saco 2011 Comprehensive Plan, based on the following goals:

Chapter 3, Section D. Marine Resources —
Saco’s coastline, in the face of mounting development pressure in southern Maine, has managed to stay relatively undeveloped. Marine industries still have a foothold in Saco. To help maintain that foothold, commercial development should generally be limited to marine and tourism related uses at Camp Ellis. Development on the bulk of the beach area should be limited to primarily small-scale residential uses.

Chapter 5, Section A. Population and Demographics
1. The City should assure that residential growth is accommodated in appropriate locations that are properly zoned and able to be provided with public services.

Chapter 6, Land Use Goals and Policies
Limited growth areas are the parts of the community where the City desires a limited amount of growth and development over the next ten years (see Figure 6.1). Limited growth areas include two types of environments:

   Established Residential Neighborhoods — areas that are essentially fully developed and therefore have limited development potential where the City’s objective is to maintain the current land use pattern while allowing limited infill or redevelopment that is in character with the neighborhood…

C. The proposed use is consistent with the existing uses and permitted uses within the original zone. The original zones are, a) the Residential-1c (R-1c) zone, a low density residential district “…designated for areas which are predominately single-family residential in character. It includes both sewered and unsewered land, with appropriate lot size requirements for each situation. New land uses in this district are restricted to low-density residential and associated uses.” (Zoning Ordinance, Section 405-1.) Among the permitted and conditional uses allowed in the R-1c zone are single and two-family dwellings, churches, daycare centers, elderly congregate housing and bed and breakfast establishments. And, b) the Shoreland Overlay zone, which “…is intended to assure that activities that occur within close proximity of the waterbodies subject to state mandated shoreland zoning are carried out in a manner that protects water quality, promotes wildlife movement, and preserves the scenic quality of these shorelands.”

D. The conditions proposed are sufficient to meet the intent of Section 1405, 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 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 J. George Duscoll
City Administrator Applicant

by ___________________________
Nancy S. Duscoll
Applicant

MEMORANDUM

TO: Mayor Michaud and City Council
FROM: Kevin Sutherland, City Administrator
DATE: November 15, 2017
RE: 15 Oceanside Drive – Contract Zone

Several questions were asked of me by Councilors regarding the Contract Zone and it has taken some time to track that information down. I hope all the information that has been provided in the past has been helpful, most of that can be found back at the September 11th Workshop meeting (starting on page 3), but here are a few additional items that were presented to me that I am included as part of the final Council decision on this matter.
1. **Q:** The complaint that was included as part of the first reading packet – is that person a member of the Saco community?

   **A:** The individual who expressed concern as part of the packet from 10/30 (actually read in on 11/2, see page 39), is a property owner at 10 Oceanside Drive and 15 Outlook Avenue, both are abutters to the 15 Oceanside Drive property and were on the list of abutters who received notice.

2. **Q:** What happened with the code enforcement inspection?

   **A:** Dick Lambert, Saco’s Code Enforcer took a tour of the property – his memo is attached. He will need more time to figure out how to proceed.

3. **Q:** Is there a separate sewer stub out or not? The Driscoll’s claim there is, but the City says there is not.

   **A:** I’ve re-included the documents from before that I thought helped explain but I have now included the email chain from staff.

   The Driscoll’s hired Girard Plumbing in October of 2015 to do a sewer inspection which states there is tee-wye connection at 23 feet from the house clean out and 56 feet from the sewer. At 96 feet from the clean out, or 40 feet downstream, Girard says it found a stub out.

   Back in 2012 staff had run the camera down through here as well and mapped out where the sewer connections exist – this does not show a sewer connection at the 136’ location in one direction or 56’ in the other direction.

   **Administrator Note:** The contract zone should be amended to strike mention of this in III.A.2.

   In the email chain, staff made reference to a tee-wye. What is that? It would be used to make two lines into one. Based on the inspections, a tee-wye was installed outside of the Driscoll property. The Driscoll’s current property runs through one leg of the tee-wye and it appears an unused stub was installed in the other leg. I would assume this was for future development of the adjacent lot, but our city ordinance 176-26 states each property needs its own connection. This is what staff was referring to when using the term “illegal”. It is fine as is, but if another property connected to it, it would violate this code.

4. **Q:** There was talk about no new connections to the sewer based on the Federal grant? Is there any more information available?

   **A:** Attached to this is the Special Grant Conditions that was agreed upon in 1986. In the Grant Conditions, section 22 specifically outlines no additional structures may be allowed to discharge into the sewer.

   “The grantee shall not permit any person to discharge wastewater into any collection line, lateral sewer, interceptor or other means of conveying wastewater to the facilities constructed under this project, if such wastewater originates from any building, facility or other manner of construction which is hereafter erected or otherwise placed, in whole or in part, upon land which is defined as a wetland or floodplain…”

   In addition, I’ve included a letter from the EPA which further explains that new development is not allowed.

   Stub or no stub explored in question three, the property, if split and created as a separate tax parcel would not be allowed to connect to the sewer line for risk of having to pay back the funds provided by the federal government under this grant program.

5. **Q:** Have there been additional properties added since this grant was established?

   **A:** There have been expansions to properties in the flood plain and these have required EPA approval, an example is included.

   Properties that have been added were allowed to tie into the sewer as they were not in flood plain as explained in the GC-22 above.
D. AMENDMENT TO THE MAINE MOLECULAR QUALITY CONTROLS AND OMNIBUS MUNICIPAL TAX INCREMENT FINANCING DISTRICT (#14) AND DEVELOPMENT PROGRAM LOCATED AT MILL BROOK ROAD IN SACO – (PUBLIC HEARING)

The Development Program for the above referenced Development (TIF) District was previously approved by the Saco City Council on January 5, 2015 and by the Maine Department of Economic and Community Development on March 20, 2015, pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

The proposed amendments to the Development Program for the District include:
- establishing an alternative title for the District and Development Program;
- providing for changes to the categories of eligible expenditures of the tax increment revenues from the District by the City, including portage to the City’s Downtown Development District;
- amending the Original Assessed Value (“OAV”) of the District to reflect City-owned parcels included at the time of its designation;
- amending the acreage of the District; and,
- amending the estimates of the tax increment revenues and tax shifts.

Councilor Doyle moved, Councilor Minthorn seconded to open the public hearing on the First Amendment to City of Saco TIF #14, the Maine Molecular Quality Controls and Omnibus Municipal Development and Tax Increment Financing District Development Program. The motion passed with six (6) yeas.

There were no public comments.

Councilor Doyle moved, Councilor Minthorn seconded to close the public hearing and be it ordered that the City Council approves the First Amendment to City of Saco TIF #14, the Maine Molecular Quality Controls and Omnibus Municipal Development and Tax Increment Financing District Development Program. The motion passed with six (6) yeas.

MEMORANDUM

TO: Mayor Michaud and City Council
FROM: Kevin Sutherland, City Administrator
DATE: November 15, 2017
RE: Amendment to TIF #14, the Maine Molecular Quality Controls and Omnibus Municipal Development and Tax Increment Financing District Development Program

The lots in the Mill Brook Business Park have been owned by the City of Saco since the spring of 2004.

When Municipal Development District #14 was created in 2015 it included Lots #1 thru Lot # 9 in the Mill Brook Business Park. At that time, the Assessor indicated the “Assessed Value” as being the value as though the lots were privately owned and taxable. They should have been listed at the “Taxable Assessed Value” which was/is $0.00 until April 1 of the year following the purchase from the City of Saco.

To date, Lots #5, #6 and #8 have been sold and more is on its way. In addition, since the creation/approval of the district on January 5, 2015, two companies who purchased lots have received Credit Enhancements.

In order to properly track and capture added taxable value to our TIF districts, the Council will need to take action. This technical error and other recommended changes require a Public Hearing (which notice was made in the newspaper prior to the meeting) and a City Council vote which can take place in the same meeting. This is being reviewed by the Economic Development Commission’s meeting this evening and Bill Mann will bring their recommendation forward to the Council meeting on Monday.
First Amendment
to City of Saco TIF #14, the Maine Molecular Quality Controls and
Omnibus Municipal Development and Tax Increment Financing District
Development Program

The City of Saco designated the Maine Molecular Quality Controls and Omnibus Municipal Development and Tax Increment Financing District (the “District”) and approved a municipal development and tax increment financing district development program for that District (the “Development Program”) on January 5, 2015. The District and Development Program were approved by the Maine Department of Economic and Community Development by letter dated March 20, 2015 to be effective for a term of thirty (30) years from July 1, 2015 through June 30, 2045.

The District consisted of 61.06 acres that remain largely undeveloped as of the date of this First Amendment, with the exception of a 7.78 acre parcel developed by Maine Molecular Quality Controls (the “Company”) in 2016 as set forth in the Development Program. The Development Program was designed to assist the Company with costs of economic development activities within the District, to finance infrastructure and planning necessary for commercial development of property in the District and certain public improvements that would lead to additional commercial development throughout the City.

A substantial portion of the District remains undeveloped and the City desires to enhance and broaden its efforts to promote economic development within the District and throughout the City by utilizing the tax increment revenues from the District as necessary and appropriate. The City seeks to amend the District and Development Program in order to provide new employment opportunities in the City, improve and broaden the tax base of the City, and improve the general economy of the City and the State through its economic development initiatives.

Accordingly the District and Development Program are hereby amended for the following purposes:

(a) to establish an alternative title for the District and Development Program, as set forth in Section 1 below;

(b) to provide for certain changes to the categories of eligible expenditures of the tax increment revenues from the District by the City, as set forth in Section 2 below;

(c) to include portage of Real Property Captured Tax Increment Revenues to the City’s Downtown Development District for the purpose of mitigating adverse impacts of the District upon the City, as set forth in Section 3 below;

(d) to amend the Original Assessed Value (“OAV”) of the District to reflect City-owned parcels included at the time of its designation, as set forth in Section 4 below;

(e) to amend the acreage of the District, as set forth in Section 5 below; and

(f) to amend the estimates of the tax increment revenues and tax shifts, as set forth in Section 6 below.

The specifics of this Amendment are set forth in the following sections 1 through 6:

1. Alternative District and Development Program Title. The District and Development Program were referred to by the name of the first developer to propose a project within the business park that comprises the District, Maine Molecular Quality Controls. However, it is expected that other commercial and industrial businesses will develop and operate properties within the District. In the interest of consistency of records, the City is not proposing to amend the name of the District and Development Program. However, the City wishes to inform the Department that it may refer to the District as the “Mill Brook Business Park Omnibus Municipal Development and Tax Increment Financing District” going forward and that such reference is intended to be the same as “Maine Molecular Quality Controls and Omnibus Municipal Development and Tax Increment Financing District Development Program.”

2. Eligible Project Costs. The City will retain the Tax Increment from the District, for the term of the District to finance the public improvements and commercial projects described in Sections 2.03 and 2.04 of the original Development Program approved in 2015, as well as some or all of the costs of the following public facilities, improvements or programs (the “Public Facilities, Improvements and Programs”) and the following table supplements or adds to the proposed uses of TIF funds from this District, effective as of the date of approval hereof by the Maine Department of Economic and Community Development:
<table>
<thead>
<tr>
<th>Project Description</th>
<th>Statutory Authority</th>
<th>Estimated Cost Over Remaining District Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Acquisition or construction of land, improvements, public ways, buildings, structures, fixtures and equipment made within the District for public, recreational trail or commercial district use.</td>
<td>30-A MRSA §5225(1)(A)(1)</td>
<td></td>
</tr>
<tr>
<td>(b) Costs associated with the administration and implementation of the Development Program.</td>
<td>30-A MRSA §5225(1)(A)(5)</td>
<td></td>
</tr>
<tr>
<td>(c) Costs of public safety improvements made necessary by the establishment or operation of the District.</td>
<td>30-A MRSA §5225(1)(B)(2)</td>
<td></td>
</tr>
<tr>
<td>(d) Costs related to economic development initiatives within the City to include the acquisition of commercial and industrial properties outside the District for purposes of advancing such economic development initiatives; as well as the cost of improvements made on such properties that are directly related to or made necessary by the establishment or operation of the district.</td>
<td>30-A MRSA §5225(1)(B), (1)(C)</td>
<td></td>
</tr>
<tr>
<td>(e) Costs of funding environmental improvement projects developed by the City for commercial district use or related to such activities.</td>
<td>30-A MRSA §5225(1)(C)(2)</td>
<td></td>
</tr>
<tr>
<td>(f) Costs of funding to establish permanent economic development revolving loan funds, investment funds and grants.</td>
<td>30-A MRSA §5225(1)(C)(3)</td>
<td></td>
</tr>
<tr>
<td>(g) Costs associated with new or existing recreational trails that have significant potential to promote economic development within the City, to include planning, design, construction, maintenance, grooming and improvements to new or existing recreational trails within the City.</td>
<td>30-A MRSA §5225(1)(C)(6)</td>
<td></td>
</tr>
<tr>
<td>(h) Costs of constructing or improving facilities or buildings leased by State or local government within the City’s Downtown District.</td>
<td>30-A MRSA §5225(1)(D)</td>
<td></td>
</tr>
</tbody>
</table>

Total Project Costs:

3. **Portage.** In addition to the authorized project costs set forth in Sections 2.03 and 2.04 of the Development Program, as well as those set forth above in Section 1 of this amendment, the Development Program is amended to include portage of tax increment revenues from the captured assessed value in this District to the City’s Downtown Development District (#15) for the purpose of funding to mitigate adverse impacts of this District upon the City and for public facilities and improvements within the Downtown District. The City's Downtown TIF and Redevelopment Plan requires the City to reinvest 100% of the tax increment revenues from the captured assessed value in the Downtown District as set forth in the development program. The City recognizes that certain types of development that were traditionally downtown-based, but no longer require a downtown location have the potential to dilute demand for downtown space and negatively impact the long-term health of the downtown when located elsewhere. The development that is likely to occur within this District could result in this type of negative impact to the Downtown District. Thus the City will mitigate some of the impact of lost development in the Downtown by reinvesting some of the tax increment revenues from this District into the Downtown District pursuant to 30-A M.R.S.A. § 5225(1)(B)(3).

4. **Original Assessed Value.** Pursuant to Section 5222(13) of Title 30-A of the Maine Revised Statutes, "original assessed value" means the assessed value of a development district as of March 31st of the tax year preceding the year in which it was designated and, for development districts designated on or after April 1, 2014, "original assessed value" means the taxable assessed value of a development district as of March 31st of the tax year preceding the year in which it was designated by the legislative body of a municipality or a plantation. The Original Assessed Value of the taxable real property in the District was listed as $2,090,500 in Section 2.10(B) of the Development Program. However, the District was designated after April 1, 2014 (effective July 1, 2015 per Section 2.09 of the Development Program) and all of the property included within the District at the time of its designation was owned by the City of Saco. Therefore, the Original Assessed Value of the taxable real property in the District at the time of
designation should have been $0. The Development Program is hereby amended to reflect the correct Original Assessed Value as of March 31, 2014 (April 1, 2013). A revised Certificate of Assessor is attached hereto as Exhibit A. The tax increment revenues from the date of designation of the District (July 1, 2015) will not be impacted by this amendment. The correct Original Assessed Value will be adjusted effective upon approval of this amendment through the remaining term of the District.

5. **Acreage.** The acreage of the District was shown as 61.06 acres on the Certificate of Assessor, attached as Exhibit B to the Development Program. Lot Number 8 (045-019-003-008) was listed as including 13.12 acres, but was at the time of the designation of the District and remains as of this amendment 7.78 acres. The total acreage of the District is therefore 55.63 acres. Attached hereto as Exhibit A is a revised Certificate of Assessor reflecting the correct acreage of the District. Also attached hereto as Exhibit B is a revised Statutory Requirements and Thresholds document reflecting the actual Original Assessed Value as described in Section 4 above and the actual acreage as described in this Section.

6. **Estimated Tax Increment Revenues and Tax Shifts.** The table attached hereto as Exhibit C sets forth: (i) the annual estimates of the Increased Assessed Value of the District resulting from the amendment to the Original Assessed Value of the District during the remaining term of the District; and (ii) the estimated annual Tax Increment Revenues per year on the Increased Assessed Value during the remaining term of the Development Program.

In accordance with Maine statutes governing the establishment of tax increment financing districts, the table set forth in Exhibit D identifies the estimated tax shifts which will result during the remainder of the term of the District from the date of amendment to the District. A summary of the methodology used to calculate these tax shifts is attached hereto as Exhibit E.

7. **No Other Changes.** Except as expressly amended by this Amendment, the Development Program shall not be altered and is hereby ratified and confirmed in all respects.

8. **Notice of Public Hearing and Approval of Amendment.** A copy of the Notice of Public Hearing published in the Journal Tribune, a newspaper of general circulation in the City of Saco on ___________, is attached hereto as Exhibit F. A public hearing pursuant to such Notice was held on November 20, 2017. The minutes of the public hearing are attached hereto as Exhibit G, and the Order of the City Council approving this Amendment are attached hereto as Exhibit H.

### List of Exhibits

- **Exhibit A:** Certificate of Assessor
- **Exhibit B:** Statutory Requirements and Thresholds
- **Exhibit C:** Estimated Tax Increment Revenues
- **Exhibit D:** Estimated Tax Shifts
- **Exhibit E:** Tax shift calculation methodology
- **Exhibit F:** Notice of Public Hearing
- **Exhibit G:** Minutes of Public Hearing (attested)
- **Exhibit H:** City Council Order

### EXHIBIT A

**CITY OF SACO**

**CERTIFICATE OF ASSESSOR**

The undersigned assessor of the City of Saco, Maine does hereby certify pursuant to the provisions of Title 30-A M.R.S.A. Section 5227 that the Original Assessed Value of the taxable real property within the boundaries of Development District #14, the Maine Molecular Quality Controls and Omnibus Municipal Tax Increment Financing District, as described in the Development Program for the District was $0 as of March 31, 2014 (April 1, 2013), such value being determined or allocated as follows:

<table>
<thead>
<tr>
<th>Lot Number</th>
<th>Map/Lot Number</th>
<th>Building Assessment</th>
<th>Land Assessment</th>
<th>Taxable Value</th>
<th>Total Taxable Value</th>
<th>Lot Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>059-019-003-001</td>
<td>$0</td>
<td>$153,200</td>
<td>$0</td>
<td>$0</td>
<td>3.42</td>
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<td>059-019-003-002</td>
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<td>$167,600</td>
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<tr>
<td>3</td>
<td>045-019-003-003</td>
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<td>$174,700</td>
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<td>3.72</td>
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<td>4</td>
<td>045-019-003-004</td>
<td>$0</td>
<td>$109,000</td>
<td>$0</td>
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<td>3.86</td>
</tr>
<tr>
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<td>045-019-003-005</td>
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<td>$111,700</td>
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<td>3.81</td>
</tr>
<tr>
<td>6</td>
<td>045-019-003-006</td>
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<td>$0</td>
<td>$362,000</td>
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<td>8</td>
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<td>9</td>
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<td>11.83</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td></td>
<td>$0</td>
<td><strong>$55,63</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
IN WITNESS WHEREOF, this Certificate has been executed as of this ____ day of November 2017.

______________________________
Frank Yattaw, Municipal Assessor

EXHIBIT E

TAX SHIFT COMPUTATIONS METHODOLOGY

A tax increment financing district will result in certain tax shifts which result because the retained captured assessed value of the District will be excluded from the State Valuation of the property in the City. These tax shifts are noted in three basis formulae which use local property tax valuation as a basis for calculation. These three formulas are:

- State Aid to Education
- Municipal Share of County Taxes
- Revenue Sharing

The following is the process used to derive each of these tax shifts.

EDUCATION TAX SHIFT: Computed by comparing State Department of Education Form ED 279 Adjusted Local Share Mill Rate, as set forth on the Department of Education General Purpose Aid for Local Schools, for the City with and without retained CAV.

COUNTY TAX SHIFT: In order to compute this shift, we first obtained the most recent County State Valuation from the State Bureau of Taxation. We then determined the average Captured Assessed Value for the District over the life of the District. We then determined the City’s current share of the County Tax by dividing the current City Valuation by the Current County Valuation. We then determined what the City’s Share of the County Tax would be if the new value from the District were added by the City’s Valuation without the creation of the District by dividing the sum of the current City Valuation plus the average new value by the sum of the current County Valuation plus the average new value. The difference is the factor representing the percentage of the County Tax Shift. Next, we determined the estimated average annual county tax over the life of the district. To arrive at this number, the average change in County Tax for the last five years was determined and the percentage increase projected to the middle of the district’s life. This projected tax was then multiplied by the factor developed above to determine the County Tax Shift.

REVENUE SHARING SHIFTS: The revenue sharing shift can be determined by adding the CAV to the Maine Projected Revenue Sharing, and comparing the amount of revenue sharing for the City with vs. without the CAV. The first step in determining the Revenue Sharing Tax Shifts was to obtain the total Municipal Revenue Sharing Amount from the State Treasurer. The five steps outlined in the following formula were then applied:

STEP ONE: Municipal Population X Local Property Tax Levied = Current Factor
State Local Valuation

STEP TWO: Municipal Population X Local Property Tax Levied = Adjusted Factor
State Local Valuation + Captured Assessed Value

STEP THREE: Current Factor = 1.X
Adjusted Factor

STEP FOUR: 1.X - 1.0 = X

STEP FIVE: X (Total Municipal Revenue Sharing Amount) = Revenue Sharing Shift

The relevant computations are attached hereto as Exhibit D.

EXHIBIT F

CITY OF SACO NOTICE OF PUBLIC HEARING

CITY OF SACO, MAINE
NOTICE OF PUBLIC HEARING

The Saco City Council will hold a public hearing at 7 p.m. on Monday, November 20, 2017, at the City Council Chambers, 300 Main Street in the City of Saco to consider an amendment to the Maine Molecular Quality Controls and Omnibus Municipal Tax Increment Financing District (#14) and Development Program located at Mill Brook Road in Saco, also described as Tax Map 59, Lots 19-3-1 and 19-3-92, and Tax Map 45, Lots 19-3-3 – 19-3-9.
The Council will receive public comments on the proposed amendments to the Development Program for the District as previously approved by the City Council on January 5, 2015 and by the Maine Department of Economic and Community Development on March 20, 2015, pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

The proposed amendments to the Development Program for the District include to establish an alternative title for the District and Development Program; to provide for certain changes to the categories of eligible expenditures of the tax increment revenues from the District by the City, including portage to the City’s Downtown Development District; to amend the Original Assessed Value (“OAV”) of the District to reflect City-owned parcels included at the time of its designation; to amend the acreage of the District; and to amend the estimates of the tax increment revenues and tax shifts.

A copy of the proposed amendment to the Development Program for the District is on file with the Planning Department and may be reviewed during normal business hours. Interested residents are invited to attend the hearing and to be heard at that time.

**EXHIBIT G**
Minutes of Public Hearing
(certified as true copy by City Clerk and dated)

**EXHIBIT H**
City Council Orders

Ordered that the City, acting pursuant to the provisions of Title 30-A, Chapter 206 of the Maine Revised Statutes, hereby adopts the First Amendment to the City of Saco Maine Molecular Quality Controls and Omnibus Municipal Development and Tax Increment Financing District (TIF #14) Development Program (the “First Amendment”), as presented to this meeting and as has been on file in the City Clerk’s Office, a copy of which is incorporated herein and made a part of the minutes of this meeting. The Mayor or the City Administrator, acting singly, is hereby authorized and directed, on behalf of the City of Saco to execute and submit to the Commissioner of the Maine Department of Economic and Community Development (“DECD”) such applications and further documentation as may be necessary or appropriate for any necessary final approval of the First Amendment; and the Mayor or City Administrator be, and hereby is, authorized and empowered, at his discretion, from time to time, to make such technical revisions to the First Amendment or to the Development Program for the District as he deems reasonably necessary or convenient in order to facilitate the process for review and approval of the First Amendment by the Commissioner of DECD, so long as such revisions are not inconsistent with the First Amendment or the basic structure and intent of the District or the First Amendment.

E. AUTHORIZE LEASE OR AGREEMENT OF LAND USE AND IMPROVEMENTS AT 60 SCHOOL STREET FOR THE UNITARIAN UNIVERSALIST CHURCH OF SACO AND BIDDEFORD, MAINE

The Unitarian Universalist Church of Saco and Biddeford, Maine (UUC) had approached the City Council at their workshop meeting in January of 2017 to verify title ownership of the parcel at 60 School Street as the UUC had expressed interest in making repairs and updating elements of the property. A title search was completed which showed the Church was a larger part of the Pepperrell Parcel owned by the City of Saco.

While UUC is interested in making a purchase of part of the larger parcel, the legal challenges to do so would be lengthy and costly.

The City is proposing a lease of land option or a simple agreement in order to give the UUC the opportunity to make property and land improvements.

Councilor Cote moved, Councilor Minthorn seconded “Be it ordered that the city enter this lease agreement I drafted (Exhibit #3) with 7 paragraphs”. Further move to approve the Order. The motion was tied three (3) yea to (3) nays. Deputy Mayor Precourt broke the tie and voted yea. The motion passed with four (4) yea and three (3) nays – Johnston, Minthorn and Doyle.
AGREEMENT

Agreement between the City of Saco and the Unitarian Universalist Church of 60 School Street, Saco, Maine.
1. In 1827 and 1866 the parties entered into leases for land located on what is presently School Street in Saco, Maine. See exhibits A and exhibit B.
2. The parties cannot locate any further documentation describing in more detail the agreements.
3. It is not clear from the present documentation what area is covered by the lease.
4. The parties agree that the lease applies to the land depicted on the attached exhibit C and that the Unitarian Universalist Church may put a parking lot on any portion of the land that is being leased to them, subject to the City’s land use regulations.
5. People utilizing the AA program at the adjoining city property of the former Jordan School occupied presently by the Oasis Club, may use the parking lot also.
6. The City does not have to reimburse the Church for any improvements the Church makes to the land, and after any improvements are made, all the land shall continue to be owned by the City.
7. The Church shall maintain a $1,000,000 liability insurance for the land and buildings.

Date: 

City of Saco
By:

Date: 

Unitarian Universalist Church
1806,

Adjour ned Meeting Continued.

In the warrant, Soleo of the town
will grant the Second Parish in Soam
liberty to build a vestry building on the ran-
nor of the Thorton Academy lot in Soam, etc.

Noted. That the town grant the request
of the Second Parish in Soam, and that the
selectmen be instructed to give a lease
of the land formerly occupied by
the Thorton Academy in which to build
a vestry.

Noted. That to all persons who shall vol-
untarily pay the taxes assessed the present
year, an insuperable Polly, Personal and
Real Estate to the Treasurer and Collector of

---

[Diagram of a building and lot layout with annotations]
**F. ACCEPTANCE OF TRAILSIDE CIRCLE, ROSS RIDGE SUBDIVISION**

The Ross Ridge subdivision is complete, and developer Chamberlain Properties, LLC has requested that the remaining section of Trailside Circle be considered for acceptance by the City. The subdivision was approved by the Planning Board on August 7, 2007, later amended, and has been built as a 75 lot project. The Council accepted most of the streets, including the majority of Trailside Circle, in December, 2014.

The street segment proposed for acceptance includes sewer mains, utility lines, sidewalks and drainage structures, all constructed or installed to City standards.

A legal description of the street segment has been submitted, and found acceptable by the City Attorney and Dept. of Public Works. The Planning Board considered this request at its Nov. 7 meeting, and recommends acceptance.

Staff recommends that the Council accept the remaining segment of Trailside Circle and associated right of way, and drainage, utility and maintenance infrastructure and easements as offered by Chamberlain Properties, LLC. Note that the PB also considered whether to recommend the acceptance of open space, Lots 46 and 47, and due to the incomplete nature of each did not include either in its recommendation.

Councilor Doyle moved, Councilor Minthorn seconded “Pursuant to 23 MRSA Section 3025, I move to accept the dedication made by Chamberlain Properties, LLC of title in fee simple of the remaining segment of Trailside Circle right of way, a parcel of land bounded and described and titled in a Warranty Deed dated November 20, 2017.”

Councilor Doyle urged the Council to not approve the acceptance.

The Planning and Public Works Dept. discussed the work that has been completed and really the only thing left to complete was the open space/field.

Councilor Doyle withdrew his request to not approve the acceptance.

Friendly Amendment - Councilor Johnston moved, Councilor Doyle seconded the city is willing to accept the street with the condition that they are done tying up the loose ends by June 1, 2018.

Mayor Precourt called for a vote on the main motion with the friendly amendment. The motion passed with six (6) yeas.

**WARRANTY DEED**

NOW COMES CHAMBERLAIN PROPERTIES, LLC, a Maine Limited Liability Company with a principal office of 1022 Portland Road, Saco, Maine (“Grantor”) who herein transfers and conveys, with warranty covenants, to the CITY OF SACO, a Municipal Corporation, 300 Main Street, Saco, Maine (“The City”) a certain parcel of land in the City of Saco, County of York, State of Maine shown on the Third Amended Subdivision plan of Ross Ridge Subdivision for Chamberlain Properties, LLC by Seago Technics, Inc. dated October 25, 2010, recorded in the York County Registry of Deeds in Plan Book 346, pages 18-20 and being more particularly bounded and described as follows:

Beginning at a granite monument to be set on the southeasterly sideline of lot 30, at the southerly terminus of Equestrian Way at the westerly corner of Trailside Circle East at the terminus of Phase 2;

Thence S 59°-03'-34” W along the southeasterly sidelines of lots 30 and 38 a distance of 177.60 feet to a granite monument to be set at a point of curvature;

Thence continuing along Lot 38 along a curve to the right having a radius of 125.00 feet, an arc length of 142.65 feet and a chord of N 88°-14'-52” W, 135.03 feet to a granite monument to be set at a point of tangency;

Thence N 55°-33'-17” W along the southwesterly sidelines of lots 37 and 36 a distance of 189.62 feet to a granite monument to be set at a point of curvature;
Thence along the southwesterly and westerly sidelines of lots 36 and 35 along a curve to the right having a radius of 125.00 feet, and arc length of 200.05 feet and a chord of N 9°-42'-20" W, 179.38 feet to a granite monument to be set at a point of tangency;

Thence N 36°-08'-38" E along the westerly sidelines of lots 35 and 34 a distance of 82.04 feet to a point at the southeasterly terminus of Trailside Circle Phase 2 West;

Thence N 53°-51'-22" W along the southeasterly terminus of Trailside Circle Phase 2 West, a distance of 50.00 feet to an iron rebar at the southerly corner of lot 21;

Thence S 36°-08'-38" E along the easterly sideline of lot 22 a distance of 82.05 feet to a granite monument to be set at a point of curvature;

Thence along the easterly and southeasterly sidelines of lots 22, 23, 24, 25 and 26 along a curve to the left having a radius of 175.00 feet, and an arc length of 280.08 feet and a chord of S 9°-42'-20" W, 251.13 feet to a granite monument to be set at a point of tangency;

Thence S 55°-33'-17" E along the northeasterly sidelines of lots 26 and 27 a distance of 189.62 feet to a granite monument to be set at a point of curvature;

Thence along the northerly sidelines of lots 28, 29 and 45 along a curve to the left having a radius of 175.00 feet and an arc length of 199.71 feet and a chord of S 88°-14'-52" E, 189.05 feet to a granite monument to be set at a point of tangency;

Thence N 59°-03'-34" E a distance of 177.60 feet along lot 45 to a point at the southeasterly terminus of Trailside Circle Phase 2 East;

Thence N 30°-56'-26" W crossing Trailside Circle, a distance of 50.00 feet to the Point of Beginning.

Meaning and intending to describe the remaining portion of the 50 foot wide right of way shown as Trailside Circle on said plan. Grantor herein has previously transferred two other portions of Trailside Circle. See York County Registry of Deeds Book 16956, Pages 795-797 and Book 16956, Pages 801-803, the grant herein intending to complete the transfer of the remaining portion of Trailside Circle upon its completion by Grantor.

Also transferring all right, title and interest in all sidewalks, and all utilities and utilities infrastructure found on or in said parcel, including but not limited to drains, conduits, wires, pipes, pumps, manholes, sewers and drains, it being Grantor’s intent to transfer full title of all such facilities and infrastructure to the City for its perpetual use and benefit.

Together with those grading, drainage and stormwater easements, as shown on said plans, over portions of Lots 25, 26, 27, 28, 29, 32 & 36 as shown on said plan. Said easements to burden the land of Grantor in perpetuity, said easements for the purposes of allowing access by men and machines to the burdened premises, and to allow maintenance, repairs and improvements thereon and therein as the City may reasonably determine as needed or necessary but upon condition the City shall restore the premises, at its costs and expense, to the condition found or better.

Bearings herein are referenced to Grid North.

To Have and To Hold with all the benefits and privileges appurtenant thereto, for itself and its successors and assigns, now and forever.

Dated at Saco, Maine this ___ day of November, 2017.

WITNESS: CHAMBERLAIN PROPERTIES, LLC:

_________________________________________ ................................................

Print Name Its Manager

Print Name

STATE OF MAINE November___, 2017

YORK, ss. 

Then personally appeared before me Elliott Chamberlain, who gave oath and acknowledged the foregoing to be his free act and deed, and the free act and deed of the CHAMBERLAIN PROPERTIES, LLC, and of his authority herein to act on its behalf.

Before me,

_________________________________________

Notary Public/Attorney At Law
G. DEPARTMENT PRESENTATION – CITY CLERK

City Clerk Michele Hughes did an informative presentation on the City Clerk Dept. This presentation can be viewed on the cities website at: http://www.sacomaine.org/departments/administration/index.php

H. DEPARTMENT PRESENTATION – HUMAN RESOURCES

Human Resource Director MaryLou Kadlik did an informative presentation on the Human Resource Dept. This presentation can be viewed on the cities website at: http://www.sacomaine.org/departments/administration/index.php

I. DEPARTMENT PRESENTATION – PUBLIC WORKS

Public Works Director Patrick Fox did an informative presentation on the Public Works Dept. This presentation can be viewed on the cities website at: http://www.sacomaine.org/departments/administration/index.php

VIII. COUNCIL DISCUSSION AND COMMENT

➢ Councilor Roche – Thanked Eric Cote for his many, many years of service. It is not a easy role as a Councilor. I have appreciated Eric’s advice over the years and his laid back nature to often contentious nights around here. He will be missed. For the next Council, if we ever get to the open space secured for
downtown concerts I put in for it to be named Eric Cote Park or Pavilion or Outdoor Theatre. Just don’t have it sponsored by Exxon Mobil. For myself I have had 4 years of Council with 1 or 2 good ones. To prepare for meetings I need a miracle everyday. One way or another with politicians throwing stones I even told by daughter it hurts my ears to listen Shannon and burns my eyes to see. But Saco remains a great city with strangers stopping strangers just to shake their hand. For those that remain on Council you who choose to lead must follow. But if you fail you fall you fall alone. For me I’m going to listen to the Saco River sing sweet songs to rock my soul. As for Dave who is also leaving, don’t tell me he has no heart, you just have to poke around.

➢ Deputy Mayor Precourt – Thanked everyone for four years of support.

IX. EXECUTIVE SESSION

Deputy Mayor Precourt moved, Councilor Minthorn seconded “Be it Ordered that the City Council enter into executive session, Pursuant to [M.R.S.A. Title 1, Chapter 13, Subchapter 1, §405(6) to discuss:

C. disposition of publicly held property – Unit 91, 110 Main Street
E. consultation with attorney regarding Camp Ellis Jetty and the Army Corps of Engineers”.

Further move to approve the order. The motion passed with six (6) yeas. Time: 8:43 p.m.

X. REPORT FROM EXECUTIVE SESSION

Councilor Minthorn moved, Councilor Doyle seconded to move from the Executive Session at 9:31 p.m.

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

There was no report this evening.

XI. ADJOURNMENT

Councilor Gay moved, Councilor Roche seconded to adjourn the meeting at 9:32 p.m. The motion passed with unanimous consent.

Attest:____________________________
Michele L. Hughes, City Clerk