STATE OF MAINE  
COUNTY OF YORK  
CITY OF SACO

I. CALL TO ORDER – On Monday, May 7, 2018 at 6:30 p.m. a Council Meeting was held in the City Hall Auditorium.

II. RECOGNITION OF MEMBERS PRESENT – Mayor Marston Lovell recognized the members of the Council and determined that the Councilors present constituted a quorum. Councilors present: Marshall Archer, Roger Gay, William Doyle, Lynn Copeland, Alan Minthorn, Micah Smart and Nathan Johnston. City Administrator Kevin Sutherland and City Clerk Michele Hughes were also present this evening.

III. PLEDGE OF ALLEGIANCE

IV. GENERAL

➢ Letter from Town of O.O.B.

TOWN OF
Old Orchard Beach

The Honorable Saco City Council:

May 7, 2018

Cc: Mayor Marshall D. Lovell

Councillor Marshall Archer
Councillor Roger Gay
Councillor William P. Doyle
Councillor Lynn Copeland
Councillor Alan Minthorn
Councillor Micah Smart
Councillor Nathan Johnson

Dear Councillors:

Last June the Old Orchard Beach Town Manager, Larry Mead, placed on my desk information about the AARP Age Friendly Initiative and basically said “ make it work.” As I read the mission statement I realized that this was something that our community would enhance and more importantly it covered all ages from child to senior – thus the change of name to Community Friendly Connection.

To be successful one needs a mentor. One of the greatest values of mentors is the ability to see ahead what others cannot see and to help them navigate a course to their destination. Mentoring is a brain to pick; an ear to listen; and a push in the right direction.

We were blessed beyond measure. We had the assistance and mentorship of Jean Saunders who organized successfully in Saco the Age Friendly Program. We have come to where we are today because of the leadership and direction that Jean has provided to us.

I ask that my letter of appreciation be read into the City Council Minutes and that our recognition of Jean and her great work and professionalism be acknowledged with our sincere thanks to Jean and to the Council for recognizing the value of the hours of work and initiative she has put into Saco’s program but, as equally important, that she was willing to share her wealth of knowledge and expertise with us.

Sincerely yours,

V. Louise Reid
Assistant Town Manager

oo:
Town Manager Larry Mead
City Manager Kevin Sutherland
Facilitator Pat Brown
Facilitator Helene Whittaker
Jean Saunders

➢ T.A. Student Art Exhibition

Thornton Academy’s 2018 Art Exhibition open this Thursday, May 10, 2018 running through May 25, 2018.

V. PUBLIC COMMENT

➢ Heath Road residents spoke against the proposed Contract Zone for 95 Heath Road and also submitted a petition signed by the neighborhood. These residents also voiced their comments and concerns at the public hearing on April 17th. Residents: Richard Ayotte, 104 Heath Road, Dennis & Charlotte Johnson, 102 Heath
Road and Carol & John McEnaney, 108 Heath Road. Dr. Robert E. & Edna E. Haines, 490 Flag Pond Road submitted a letter stating that they were strictly opposed to the so-called development on Heath Road.

- Charles Tsomides, 43 Middle Street - I would like to bring up a question about the new school. The one the involves a couple of schools to build a new one. I agree with that except to one school. Burns School I would like to keep.

- Barbara Colman, 45B Stockman Ave. – First, I need to make an apology to the City Administrator. Last week during a Workshop there was discussion regarding the Dyer Library and the fact that he was involved and instrumental in getting them their health insurance. That is not a true fact. I called and reached out to the library director and she had already started the process and all of that and because Maine Municipal Association is a quasi-governmental agency and the Dyer Library is as well, they were able to join it. Budget - What is lacking is dis-concerning compared to last year’s budget and the budget before that and that is why I bring this to you, is details. If one did not look very closely one would not realize how much the library (nothing against the library) has gone up. Where the administration has been instrumental but not providing details is the difficult part of the budget process this year, compared to the prior 2 years. We do not know how much money is being supported for the health insurance because it is already built into the budget and not a separate RAD as in years past. Nor, the increase to the Dyer Library for ongoing support as years past. Nor, increases for COLA raises. All of this detail that is in the 2018 book that I still review is lacking from the 2019 book. You will see how the RAD’s have reduced to simple one liners. Yet, we don’t really know what is being built into these budgets and for what purpose. I think that the council really needs to delve in and figure out where those numbers are derived from. I understand it is administrations responsibility to build a budget but it is the council’s responsibility to understand what makes up all of that. There has to be a way to obtain a spreadsheet and I’m requesting through FOAA tomorrow a Munis dump for the budget detail for FY2019 that helps create this budget book. So that I can then sort it and I can look to see how each number was derived because I’m capable of doing that. I think it would be worthwhile for everybody else to know those numbers. Mayor Lovell noted that Ms. Colman was correct and that everything in the directive can be amended either up or down. It is not only the requests above directive but the entire budget. Under the Maine Freedom of Access Law I believe that we have received the FOAA request because it can be done verbally, and if you send an e-mail tomorrow that will help clarify it. But on the other hand all present know that a FOAA request has been received.

VI. CONSENT AGENDA

Councilor Doyle moved, Councilor Minthorn seconded to approve Consent Agenda items #A, #B, and #C as follows:

A. Approval of Minutes for: April 17, 2018 – Be it Ordered that the City Council approve the minutes of the April 17, 2018 City Council Meeting.

B. Confirmation of Mayor’s Appointment to the Conservation Commission - Be it Ordered that the City Council confirm the Mayor’s appointment of Amy Safford to the Conservation Commission as a full member for a three-year term ending on May 7, 2021. Further move to approve the Order.

C. Confirmation of Mayor’s Appointments to the Planning Board - Be it Ordered that the City Council confirm the Mayor’s appointments to the Planning Board of Matthew Provencal for a 3-year term to expire on May 1, 2021, and of Joyce Leary Clark to fill an unexpired term to expire on April 19, 2019. Further move to approve the Order.

The motion passed with seven (7) yeas.

VII. AGENDA

A. CONVERSATION WITH COUNTY COMMISSIONER CYNTHIA CHADWICK-GRANGER

Commissioner Chadwick-Granger thanked the City Council and Mayor Lovell for letting her speak tonight as the new York County Commissioner taking Mayor Lovell’s position. I was appointed by the Governor in February and I’m very honored to be representing Saco my home town. Also, Buxton, Dayton, Hollis and Old Orchard Beach.

I’m honored to be part of a productive and professional board in York County. They are awesome people and they really do get things done. I wanted to let you know tonight that one of the projects that they have been working very hard on and I joined that mission is the Recovery Center. So, on May 18th at 10:00 a.m. we are going to be having a grand opening and I would like to personally invite the City Administrator, Mayor Lovell and any of the Council that...
would like to attend. This is a great way to see the county at its best work at making a difference and I hope to see everyone there.

We have been working on the budget and one of my personal goals like everyone else is we do not want to raise taxes. No one wants to pay more taxes. There is a small increase for Saco. The increase is $17,852.18. When you take that number, and divide it over the population of Saco it is pennies for what we do for the county. I apologize this evening because the County Manager was going to come with me and we were going to have a breakdown of some things that were happening, but he had some family matters come up and he couldn’t do that. So, I’m working on that for you and I’ll plan to come back at another time and can give you the breakdown if you would like to have that on what you get for those dollars. I understand that that would be very important but I do not have it this evening. I basically wanted to put it out there that I’m in the position and have served on the Planning Board for Saco, School Board for Saco, have been very active in the Saco Main Street in the past helping downtown and very active in my community. So, I just wanted to let everyone know. I also have over 26 years in the Real Estate industry. I gave you my card and if you have any questions please feel free to reach out to me. I do stay in contact with the City Administrator and Mayor Lovell.

Councilor Archer asked Commission Chadwick-Granger to pass his thanks onto the other commissioners for the increase on pennies on the mill rate for this year is significant. Please pass my thanks for all the good work to keep the York County taxes down.

B. ACCEPTANCE OF CDBG ECONOMIC DEVELOPMENT GRANT FOR LOW/MODERATE INCOME JOB CREATION – (PUBLIC HEARING)

The City of Saco submitted a Community Development Block Grant (CDBG) Economic Development application to help fund new technology that will enable a Ready Seafood and Maine Seafood Ventures business cluster to hire and retain more full-time year-round employees than they currently can. With the building of their new facility and procurement of new technology, Ready Seafood and Maine Seafood Ventures are investing in the City of Saco.

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 the invitation to the project development phase are included as exhibit items below.

Multiple personnel from Ready Seafood and Maine Seafood Ventures will be in attendance at the public hearing to help answer any questions.

Councilor Doyle moved, Councilor Minthorn seconded to open the public hearing on the Community Development Block Grant for economic development and low/moderate income job creation. The motion passed with seven (7) yeas.

Brian Skoczenski, 30 Country Club Drive – COO of Ready Seafood & Maine Seafood Adventures – Thanked the entire city staff and council for being so welcoming to our organization. When we were looking at a few southern Maine communities to move our operations too, I had a chance to set up a meeting with Councilor Johnston. I got a pulse of were the city of Saco stood as far as bringing in new business. After meeting with him and discussing with him what the city was looking for in new businesses, I realized there were allot of synergies and immediately went back to the office, myself and 2 of the owners and cancelled meetings with 3 other communities. The amount of work that goes into moving an operation of this size is pretty overwhelming and the city has been unbelievable to work with. So, I just wanted to take this time to say, “thank you” to everyone who has been part of the process. Curtis Brown will explain a little bit about what we are looking for with this grant and explain about our organization a little more.

Curtis Brown, 301 Fowler Road, Cape Elizabeth -Part of Management Team and a Marine Biologist – My sister grew up in Cape Elizabeth too and now teaches at Thornton Academy. I want to echo what Brian has said about how great it has been working with everyone here over the last few months. It has been wonderful to meet you all and show you all Ready Seafood and Maine Seafood Adventures. I don’t want to take up too much time tonight because I know you have a busy schedule. Maine Seafood Adventures is a lobster processing company. One of few here in
Maine believe it or not. The lobster processing business here in Maine is slowly growing and Canada is light years ahead of us. This piece of equipment we are putting in the Community Development Block Grant for will help us level the playing field somewhat. It will also enable us to produce 12 months a year whereas right now we only produce 7 months a year. It is a block grant that we are applying for along with the city of Saco for a high-pressure processing machine. Allot of you have probably never heard of a high-pressure processing machine before, but if you go to your local grocery store you are surrounded by products that have benefited from this new technology. Whether it is guacamole, salsa or pre-packaged deli meats, allot of things that you would see that have a very extended shelf life yet are all-natural products. What it would do for our highest value product, fresh picked lobster meat would extend our shelf life from 7 days to 30 days. What the means for us is our market for highest value product goes from New England to the entire domestic market and beyond. This meat like I said before will be produced 12 months a year whereas right now we are able to produce 7 months a year. So, it will enable us to employ more workforce at our processing plant year-round. It will enable us to add a number of jobs from low income to moderate income to high income and it will be a real big boost for the Maine economy. The machine we are looking at is in the ballpark of $1.2 million. We have secured a competitive grant through the Maine Technology Institute for $400,000 already, so we have the full support of the state. Like I said it has been great working with the city so far and we are really excited to continue that relationship and we would be happy to try to answer any questions that you might have.

There were no questions from the Mayor or the Council.

Councilor Doyle moved, Councilor Johnston seconded to close the public hearing and further move to set the Council resolution on the Community Development Block Grant for economic development and low/moderate income job creation for May 21st, 2018. The motion passed with seven (7) yeas.

C. ADOPTION OF FISCAL YEAR 2018 MUNICIPAL BUDGET – (PUBLIC HEARING)

To start the fiscal year 2019 budget process, the Finance Director and City Administrator presented a budget forecast in workshop on February 5, 2018 which established a directive for staff. On March 19, 2018, the City Administrator presented a recommended FY 2019 budget which partially covered school department expenditures.

The School Board voted on their budget on March 21st and was subsequently moved forward to the Council for consideration.

The Council met with departments and agencies to review and discuss budgets in workshop on March 26th, April 9th, April 17th, April 23rd and April 30th.

Councilor Minthorn moved, Councilor Doyle seconded to open the Public Hearing on the Fiscal Year 2019 City Budget and the Water Resource Recovery Department. The motion passed with seven (7) yeas.
Mary Pelkey, 35 McKenney Road - I have been asked by several seniors to share their concerns with the city council. If you don’t realize it there are allot of older folks who cannot drive at night so this excludes them from attending the council meetings. As you will notice we have a few seniors who are present tonight. Everybody says we have to take care of the kids. So, they feel guilty if they don’t fund school budgets no matter how expensive they are. How much of that budget really goes to the kids? We love our kids and never will pit seniors against kids. Each year more increases are sought by the school board yet we don’t really see a great improvement. This year a $3.3 million increase or at least that is what I saw in the school budget. Statistics show that enrollment is down so why are we upping the budget? How many people are so fortunate to have such a high portion of their health insurance paid for by the employer? This is so unfair to expect our citizens to pay all this when they have exorbitant health insurance premiums themselves. Also, how many working-class people get COLA increases every year? I can tell you that
social security recipients have looked at no increases for a few years and are looking at a 2% increase this year but part of that was taken away due to the Medicare increase of $24.00. Well, don’t be owe our elders and working-class families a thought about how they are going to be able to pay these taxes. Remember, the senior population of Saco is over 24% and the medium family income is $45,000 a year. These seniors are the people who grew this town and made it what it is today. What happened with all this talk about keeping seniors in their homes. Many of them have to sell their homes in order to survive and they can’t afford to buy another one in this town. Some families are helping their parents with their tax bills. Is it fair to working families that are also struggling to pay their own taxes? We please with you to consider what an impact even a 1% increase and working-class families. I thank you for your attention.

Michael Burman, 6 Margaret Circle – Thank you City Council for your time. As you know I have been following the school budget debate very carefully. I really appreciate the level of scrutiny and your efforts to find savings. I really share some of your frustrations with the process. I’m speaking in part now to thank you for your statements at the last school board meeting. Seeing that despite some personal reservations some of you might have as a group you would support the school budget as proposed on the ballot and letting the citizens vote. It is the right thing to do and I believe the community will support this budget. I have also been reading and hearing that there might be some confusion about Saco’s demographics that might be giving you some pause in that decision. Did you know that according to the 2010 Census and your 2017 updates to Saco’s Comprehensive Plan that the school age population is larger than the retired population? There are 50% more kids under 18 than folks 65 and older that make up over 30% of our population. Of course, they are not writing letters and they are not coming here to council chambers to advocate for themselves. In addition, depending on family size the federal poverty level is about $25,000 of household income per year. Saco has the same number of families making over $100,000 per year as below the poverty level. Saco as a community is neither old or poor. So, I hope we are not confusing the loud voices you can hear as the voices of all our citizens. I fully agree that we need to take care and protect our most vulnerable citizens like Ms. Burgos who wrote in. I admire and support your instinct there. What I want to see is our children treated and added to that group of vulnerable citizens and insure they are getting the treatment and support they need. There need is great. If you look at the Saco School web page and at the most recent report card you will see that only 1/3 of our students are meeting the state standards in math and only 50% are meeting state standards in English. That is completely unacceptable and needs to be fixed. So, I’m hoping that we can find a way to leave these decisive politics behind us and do what it right for our kids and support the School Budget.

Jean Saunders, 3 Plymouth Drive – I’m here to speak on behalf of the people who can’t speak for themselves. As Mary mentioned they are not here tonight and can’t drive at night and that is a very high percentage. I have personal experience this past year working with some of our isolated seniors and some very low-income seniors through the Habitat for Humanity Weatherization Program. One particular woman comes to mind who is on the tax work-program. She is 72 years old and lives in her own home. She is very concerned about continuing to pay taxes and survives on less than $975 a month. She gets all the food she can from the food pantry and she wants to stay in her home. We have not yet obviously been able to identify every senior out there that needs help. I don’t have the statistics at my fingers but the population is growing and the number of people who would be impacted with an increase in taxes and their ability to stay in their homes is great. I ask you to please give consideration that an increase in taxes will have a very serious impact on the senior who want to stay in their homes.

Mary Starr, Senior Program Coordinator for the Senior Tax Work-off Program – I’m here to show my support for the program and what it does for senior. As you know it is for 40 seniors to participate in the program. Provides a $750 tax rebate for seniors so that they can stay in their home. I know there has been allot of discussion in council regarding the program. I just want to speak in support of it. I think having a coordinator for the program so the seniors have someone to work with and someone to support their work at the train station and throughout the town is very beneficial. I feel the program provides allot of benefits for seniors in that the volunteers get to meet members of the community and other volunteers and they have a better understanding of the work being done in the city. They are also able to stay active and volunteering on a regular basis helps them to maintain that life style and in aiding the city their involvement may become more invested in the community. The program has been running smoothly. We have coffee hours once a month so that they can have time to get together and I know that many of the seniors have enjoyed how the program has been run in the past and support it going forward.
We appreciate your time. No one wants higher taxes and no one likes rent, mortgages, or oil prices going up either. However, you can help put our best foot forward and put reasonable numbers out for the rest of us to vote on.

in-law. Thank you for your time. I don’t envy your positions. Especially, this time of year you cannot make everyone happy. Also, I’m seeing the effect of increasing taxes. How long will I be able to stay in my home? I do not know. But, as our population continues to age I think it is important that city and town governments take a look at the tax structure and consider some kind of a arrangement that will help these seniors stay in their homes Not necessarily cutting the school budget. I’m not looking to raise everybody else’s taxes but I think if a person has owned property in this town for the better part of their life and have served their town that when they reach a certain age there should be some consideration in regard to their taxes. No seniors should lose their home as a result of the tax increases. I’m sure that in some places there are seniors who at a certain age are allowed to have their taxes capped. I know there has to be some way to deal with the aging population and still serve our young people. I urge you to keep that in mind as you review the budget.

Tracey Collins, 378 Main Street, Ward 6– I’m delighted to have 3 of our school buildings in my ward and the Dyer Library. I’m a trustee of the Dyer Library. I’m here to support both the Dyer Library and the school budget. As a trustee we are very proud once again to deliver a responsible budget that is 10% lower than Kennebunk, 36% lower than McAranth and 56% lower than Scarborough. We handle the equivalent if not more public in our community. Switching to the school budget. I’m wearing a button that I have worn every year since 2012. It says, “It is time to pass the budget” and it is about the school budget. I bring this up because in the 11 years that I have been here and my three children. My oldest is 11 and at Thornton, I have 1 at the Middle School and 1 at Burns School. We have gone through 3 different school districts and I have had 3 different math curriculums that my daughter has had to go through. We have had 4 superintendents and what that tells us is that we have had allot of turmoil and transition and it is not fair and it has been costly. We had debt service that we finally paid off. But, it is time to stand up and get back on par with what the community favors. The budget that is put forward is addressing the strategic plan and initiatives. We are already behind the 8 ball in Pre-K and we are super excited to see that there. We have seen an increased number of students entering our schools needing significant early interventions in reading and math. I’m hoping that they will get to a place where they don’t have to play catch up when they get to T.A. We have some great programs and interventions going on at Saco Middle School. My son I’m happy to report for the 1st year in his life is above proficiency in math and reading. There are some good things going on and we need to continue with that strategic plan and focus. I also want to remind you that Saco continues even with this increase to be the lowest cost per pupil in all of York and Cumberland County with the exceptions of Sanford, Massabesic, and Noble. Those are different communities than we are. Forty percent of that K-8 budget we cannot contractually change and I’m not going to talk about T.A. But, I think it is only fair to say that we get what we put into the system and if we are constantly having to cut, where do those cuts come from? They come from our K-8 students. I also this year have had the great privilege to become an educator and work with the students at the Biddeford Regional Center of Technology. As a parent I know from my professional experience that we need to keep young people in our community. Educating them in the trades, educating them in entrepreneurship and those are things that if we continue to cut, cut, cut we can’t support the growing elderly in our community. So, I ask you to please support this budget. I know it is a big one and I also know it has been a long time coming.

Paul Gurney, 160 Bracket Hill, Alfred, Co-Owner of 95 Heath Road – We currently have land and we pay taxes and as a team we were discussing how excited we are to build a business that will pay taxes and shoulder some of the burden from the homeowners in Saco, Maine. It makes sense to us that everybody shares a function town and support and we are eager to do our part. I think we missed the chance for public comment on the CZA. We support the school budget as described by the former educators and retired teacher.

Tony Palleschi, 7 Chantelle Way – I’m here representing myself, my wife, 13-year-old, 10-year-old and my mother-in-law. Thank you for your time. I don’t envy your positions. Especially, this time of year you cannot make everyone happy. However, you can help put our best foot forward and put reasonable numbers out for the rest of us to vote on. We appreciate your time. No one wants higher taxes and no one likes rent, mortgages, or oil prices going up either.
Fortunately, these are things that we all need to deal with if we want to maintain our way of living. We should not be having a conversation that pits one group of citizens against another group. No one to my knowledge has been kicked out of their house due to taxes in the last 2 years that I have asked. We shouldn’t be talking about fixed income elderly versus finding school budget money. That is an oil bill or grocery bill question. That is not a fair question. We need to be doing both. 1) We need to fund the school budgets to improve on the numbers that are lacking. If there are people that cannot pay their taxes we need to find a way to make it so they don’t need to. Some of the proposals tonight sounded like reasonable things to me to consider. Don’t mistake the lack of voices as a lack of support for the school budget. The implication at your workshop last Wednesday was that you will push the school budget through to the voters. That is what you stated. So, most of the people who were for it were relieved and that kept them quiet. So, keep that in mind when weighing the voices that you are hearing tonight. One thing that has been clear to me watching this entire process is there is tremendous opportunity for better communication and planning all around. The proposal that I have heard about doing a school budget every 2 years at least sounds like a great start. Let’s push the school budget and the rest of the municipal budget forward to a referendum vote and let the rest of us speak at the ballot box.

Mary Pelkey, 35 McKenney Road – Senior Tax Program – I’m also here tonight to address the Senior Tax Work-Off Program. I would like to correct a couple of mistakes that were in the Couriers article a couple of weeks ago. First, prior to being brought on as the Volunteer Coordinator this program was managed by the Chamber of Commerce staff. They recruited, placed and supervised the volunteers that worked days. They handled the paperwork, calendars, work schedule, time sheets, completion forms, and called in replacements when someone was unable to work their shift. They were always right there to answer any questions that a volunteer might have. I know this because I was working as a volunteer at that time. The evening volunteers were supervised by former councilor Eric Cote. When the Chamber moved from the train station the then City Administrator Rick Michaud asked me to develop a volunteer program for the City of Saco. Which brings me to the next misnomer in the Courier. I was offered $3,500 a year by Rick to manage this program. Which he said was a stipend given by the Mayor’s position. After Jim Thomas came on as the Assessor he asked Rick to raise that stipend to $6,000 because of the amount of responsibility and time that I invested in the program since he was new to the program and needed help administering it. When I gave Kevin my notice that I wanted to retire last June I told him that I thought that he should raise that amount because it would be difficult to get somebody to replace me without offering more. Kate in the Assessor’s Office had advocated strongly for this increase. This was presented to the council because I heard Kevin tell the councilors that he wanted to give me a raise. It was mentioned last May during budget time and it went into effect July 2017. I’m here to tell you that if you cut the coordinator position, this will have a major impact on the program. This position involves an extensive time commitment. Volunteers need a designated person who is available to them when they need them. The train station was staffed from 8:00 a.m. – 9:00 p.m. weekdays and 8:00 a.m. – 10:00 p.m. on weekends. I was going to address the tax credit and how lowering it to a 59-hour commitment from the original 100 hours will impact not only the volunteers who will lose $149 of their tax credit from the original $750. But, also this will severely impact the coverage at the train station. We are talking about a 40% drop in hours. Don’t assume that all volunteers will continue to work full time. My experience is that half will continue and the other half will stop when their 59-hours are completed. I have just recently found out that the agreement from the New England Passenger Service was to have the station to be monitored and be available for use for passengers and staffing was not a part of that agreement. I have several ideas but will wait until a committee is formed to address these issues at which time I will offer recommendations for this program.

John Harkins, 4 Christopher Terrace – I’m probably in the minority here but I don’t think this community can sustain a 16% increase in the city and school budget. You seem to forget that we have 2 major bond issues, more capital items and additional appropriations through the year for various projects. Of course, that is just the start. Last year we all learned that we had a across the board increase in our assessments on land. I expect another 3% increase there too. So, the question is? Not one nickel was cut from budget and I’m disappointed. I’m also disappointed that this budget is very hard to follow because the information was not there again to be able to do a general analysis. Some people around here have a little experience in budgeting So, I hope the Mayor would see to it before any further action was taken that this information is provided to taxpayers.

Councilor Minthorn moved, Councilor Smart seconded to close the Public Hearing, and be it ordered that the City Council set the vote on the FY19 Municipal Budget and the Water Resource Recovery Department for May 14, 2018. The motion passed with seven (7) yeas.
D. ADOPTION OF THE CAPITAL PROGRAM – (PUBLIC HEARING)

The Capital Plan Committee met on January 17th and subsequently on February 28th to develop and recommend a Capital Program that would be included as part of the City Administrator’s recommended budget. On March 19, 2018, the City Administrator presented a recommended FY 2019 budget which included as Section 3 of the overall budget, the five year Capital Program.

The Council discussed the Capital Program as part of April 9th workshop.

Councilor Gay moved, Councilor Doyle seconded to open the Public Hearing on the FY19-FY23 Capital Program. The motion passed with seven (7) yeas.

Barbara Colman, 45B Stockman Avenue – Was the Capital Plan published in the newspaper per procedure? City Administrator Kevin Sutherland noted that it was. Ms. Colman inquired as to what paper? The City Administrator stated it was advertised in the Portland Press Herald because our Charter says it has to be advertised exactly 14 prior to the public hearing and on Monday’s the Journal Tribune does not publish a paper. At the top of the notice is says “There will be a Public Hearing on May 7th, 2018 on the City of Saco’s Municipal and Capital Improvement Budget”.

Councilor Gay moved, Councilor Doyle seconded to close the Public Hearing, and be it ordered that the City Council set the vote on the FY19-FY23 Capital Program for May 14, 2018. The motion passed with seven (7) yeas.

E. CONTRACT ZONE APPLICATION – 95 HEATH ROAD – (SECOND & FINAL READING)

Applicant Cole Coletro proposes to establish an “event venue” at 95 Heath Road. A “rustic barn” is proposed along with various improvements in order to allow events such as weddings or graduations parties for up to 150 people.
The 15 acre parcel has adequate space for parking, the season would be May through September, with hours no later than 11 p.m. A commercial kitchen would be installed in the barn, with food largely being provided by caterers.

The Planning Board held a public hearing on this proposal at its March 6, 2018 meeting, and made a negative finding on each of the four standards required for a contract zone, and voted to forward a negative recommendation to the Council.

Councilor Gay moved, Councilor Archer seconded “Saco City Council hereby accepts the Planning Boards recommendation and dismisses this contract zone. The motion passed with seven (7) yeas.

Contract Zone Agreement
by and between
Cole Coletro and the City of Saco
March 6, 2018

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 further amended by adopting this contract by and between the City of Saco and Cole Coletro.

1. Cole Coletro (Applicant) has submitted an application for a contract zone for the parcel (Subject Property) at 95 Heath Road.

2. The Subject Property is owned by Cole K. Coletro, acquired January 22, 2017, and subject to a deed recorded in Book 17178, Pages 62-65 at the York County Registry of Deeds.

3. The Subject Property is a 15.16 acre parcel identified as Tax Map 108, Lot 1 on City of Saco tax maps.

4. The Subject Property is in the C-1 zoning district.

5. The Applicants propose to establish a Place of Public Assembly on the Subject Property. This is not an allowed use in the C-1 zoning district.

6. Recognizing the requirements of the Zoning Ordinance, and the limitations on establishing such a use in the C-1 zoning district, the Applicant hereby makes application for a Contract Zone that would allow said use to be established on the Subject Property as a legally conforming use.

II. This Contract Zone Agreement amends the Saco Zoning Ordinance as follows:

This Contract Zone, specifically and exclusively for the Subject Property as identified above, would allow the Applicants to establish a Place of Public Assembly as an allowed use, as provided for in Article 14 of the Saco Zoning Ordinance:

Section 230-410-22 of the Zoning Ordinance is hereby amended so that “Place of Public Assembly” shall be a permitted use on the Subject Property.

A Place of Public Assembly shall be defined as follows: A commercial use that may operate either fully enclosed within a building, or outdoors, or both, that provides a place for public gatherings such as weddings, graduations, anniversaries and similar events. A place of public assembly may include facilities for eating and drinking, provided that required licenses and permits have been issued by the applicable agencies.

III. This Contract Zone Agreement is subject to the following conditions and restrictions, as provided for in Section 230-1405.F of the Saco Zoning Ordinance:

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

b. City and Applicant recognize that the plan/map submitted for contract zone review is a representation of existing site layout, but is subject to change as the result of site plan review conducted by the Planning
Board. If it is determined that the changes constitute a significant change in the contract, then the developer shall also be required to obtain City Council approval of the changes.

c. Upon approval of this contract by the City Council, the Applicants shall submit materials required for site plan review to the Planning Office. Failure of the Applicants to secure site plan approval 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.

d. Hours for which the Place of Public Assembly is open to the public shall be reasonable in order to accommodate gatherings as proposed, by shall be limited to between the hours of 9:00 a.m. and 11:00 p.m.

e. Parking shall be limited to the Subject Property. No parking shall be permitted within the Heath Road right of way.

f. All permits, licenses and approvals required by local or state agencies for a Place of Public Assembly and/or commercial kitchen shall be secured by the Applicants prior to opening for business. These may include but are not limited to a building permit for the barn, a building permit for the installation of a commercial kitchen, a Victualer’s License, a business license, and a Certificate of Occupancy.

g. For the purposes of this Agreement, a Food Truck shall be defined as, “A motorized vehicle with on-board power, refrigeration, food preparation facilities, and usually room for two to four employees. A food truck is distinct from push carts, trailers (towed carts), and other mobile retail vendors.”

h. 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 prior to review of said qualifications by a potential buyer or other operator of the Place of Public Assembly by the Planning Board.

i. 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.

IV. Pursuant to authority found in 30A M.R.S.A. Section 4352 (8), and the City of Saco Zoning Ordinance, Section 1405, and by vote of the Saco Planning Board on March 6, 2018 and the Saco City Council on __________, 2018, the following findings are hereby adopted:

A. The parcel identified as City Tax Map 108, Lot 1 comprises the Subject Property, a parcel of an unusual nature and location for the following reasons:

1. The Subject Property is the proposed location of the sole Eating and Drinking Establishment based on a “rustic barn and landscaping” rental venue concept, featuring native landscaping, orchard trees, local produce and foods, in the City of Saco. The City seeks to encourage rural-preservation efforts, which are reflective of the agricultural heritage in Saco.

2. The Subject Property borders the 1,200 acre Heath Preserve, and contains a mix of forest groves and open grasslands. The owner’s intent is to preserve the property and forest for non-residential use, to promote wildlife and nature. The proposed use as a rental venue will minimize the impact of housing development on these 15 acres, but still positively contribute to the economic activity of Saco as well as rural appreciation.

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

The parcel’s **C-1 Conservation District zone** allows conditional agriculturally-based commercial uses (“agriculturally related business uses,” “the processing and/or sale of agricultural products raised on the premises,” and “farm stands”). A **contract zone** could allow establishment of the proposed use. The draft
agreement would amend Section 230-410-22 in order to allow a Place of Public Assembly in the C-1 zone, and to rely on either external caterers or a commercial kitchen.

Chapter 3, Overview of Updated Inventories
L. Land Use
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.

Chapter 5, Community Goals and Policies
J. Historic, Archaeological, and Cultural Resources
11. The City should continue to support regional “creative economy” efforts that leverage cultural resources for economic development.

Chapter 6, Land Use Goals and Policies
Farm and Forest Land
33. Within areas designated as Rural Conservation Areas, the City’s land use regulations should allow for the continued operation of traditional agricultural and forestry uses. The City’s standards should permit reasonable signage and display in conjunction with uses related to agriculture and forestry. In addition, nonresidential uses that are compatible with a working rural landscape should be allowed as part of these active uses.

C. The proposed use is consistent with but not limited to the existing uses and permitted uses within the original zone. The original (existing) zone is the C-1 Conservation District, designated to promote agriculture and open space while permitting low density residential uses. Examples of uses allowed in the vicinity of the subject property include single-family dwellings, agriculture, agriculturally related business uses, the processing and/or sale of agricultural products raised on the premises, and farm stands.

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

V. 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 __________, 2018.

by ______________________ by ______________________
Kevin L. Sutherland Cole K. Coletro
City Administrator Applicant

Mayor Lovell stated that there would be a 5-minute recess and that the Executive Session for this evening has been cancelled. Time: 8:25 p.m.

Mayor Lovell brought the meeting back to order. Time: 8:30 p.m.

F. PRICING OF REAL ESTATE HELD BY THE CITY FOR RESALE

As directed in Saco’s City Charter, Chapter 4, Article VII § 4-35 F. 6. (b) the listing prices for real estate held by the City for resale shall be set by the City Council.

City staff have recommended new proposed list prices for the remaining lots in the Mill Brook Business Park that also reflect adjustments made to usable acreage following discussions with the City Assessor and City Engineer. The proposed rate is $65,000 per usable acre.
Councilor Doyle moved, Councilor Archer seconded “Be it ordered that the City Council authorize the Economic Development Commission to set the list prices for lots 1, 2, 4, and 7 in the Mill Brook Business Park at a rate of $65,000 per usable acre.” Further move to approve the order. The motion passed with seven (7) yeas.

City Charter, Chapter 4, Article VII § 4-35 F 6.

(c) The Commission may, in the name of the City, negotiate and enter into options for the sale of industrial and business real estate, contracts for sale of real estate and conveyances of real estate with prospective buyers of the same, subject to the approval of the Council; provided, however, that the Council shall determine site prices of improved and unimproved industrial real estate and real estate interests owned by the City.

[Amended 11-18-2013]]

(a) In the event that the Commission secures a prospective purchaser for one or more of said sites and/or improvements, the Commission may, without further authority from the Council, enter into a contract to sell, an option to sell or a conveyance of such site or sites or improvements, based upon the predetermined prices or a price in excess of the predetermined prices.

(b) The predetermined prices for such real estate and real estate interests as determined by the Council shall remain in force for a period of 12 months from the date of such determination for the purposes as set forth in this subsection; provided, however, that the Council may, within any twelve-month period, adjust the prices and provide written notification of such adjustments to the Commission, in which event the Commission shall use the adjusted prices in dealing with prospects. In any event, the Council shall, at least every 12 months, review the predetermined prices and notify the Commission, in writing, of any adjustments thereto.

<table>
<thead>
<tr>
<th>Lot Number</th>
<th>Address</th>
<th>Zone</th>
<th>Usable Acreage</th>
<th>Total Acreage</th>
<th>Assessed Value</th>
<th>Current Listing</th>
<th>Sale Price ($65,000 per usable acre)</th>
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<tr>
<td>1</td>
<td>4 Mill Brook Rd</td>
<td>B-6</td>
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<td>3.86</td>
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<tr>
<td>7</td>
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<td>L-3</td>
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<td>13.12</td>
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Recent Lot Sales

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<tr>
<th>Lot Number</th>
<th>Address</th>
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<th>Usable Acreage</th>
<th>Total Acreage</th>
<th>Assessed Value</th>
<th>Current Listing</th>
<th>Sale Price ($65,000 per usable acre)</th>
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<tbody>
<tr>
<td>9</td>
<td>19 Mill Brook Rd</td>
<td>L-3</td>
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<td>$352,800</td>
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<td>$442,000</td>
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Usable acreage adjusted down from 7.56, Council approved lot sale in 2018

VIII. COUNCIL DISCUSSION AND COMMENT

➢ Councilor Doyle – President Ronald Reagan declared a proclamation on May 6, 1982 that this be the start of National Nurses Week. So, thank you very much for all the national nurses and nurses all over the United States who do a great job. Also, President Reagan on May 6, 1984 proclaimed National Correction Officer Week. So, thank you to all the hard-working correction officers out there that do a great job for all our citizens.

➢ Councilor Archer – Reminded everyone that Sunday is Mother’s Day. Make sure you go out there and recognize your mother and let them know how awesome they are.

IX. EXECUTIVE SESSION

There was no executive session this evening.

X. REPORT FROM EXECUTIVE SESSION

XI. ADJOURNMENT

Councilor Doyle moved, Councilor Copeland seconded to adjourn the meeting at 8:35 p.m. The motion passed with seven (7) yeas.

Attest:_____________________________
Michele L. Hughes, City Clerk