

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

I. CALL TO ORDER – On Monday, June 17, 2019 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

SEASHORE TROLLEY MUSEUM PROCLAMATION – 80TH ANNIVERSARY

Mayor Lovell read the following proclamation:

The City of Saco wishes to acknowledge the accomplishments of the New England Electric Railway Historic Society d/b/a Seashore Trolley Museum located in Kennebunk, Arundel, and Biddeford on its 80th anniversary.

The museum began as a global street car preservation movement on July 5, 1939 when the founders purchased car No. 31 from the Biddeford/Saco Railroad and brought it to Kennebunkport. In the 1940's-1960's the collection grew to include both New England Country Trolleys and city cars, significant national and international cars, trackless trolleys and buses.

Whereas, over 1 million people have visited the museum from around the country and the world, the museum has become an educational historic institution and a respected resource in the transit industry.

Since its inception, it has expanded to over 1,000 members and over 300 historic railway and public transportation vehicles preserved. The efforts and dedication of the volunteers and staff of the museum over the years has demonstrated the extraordinary vision and preserved the history of trolleys in a manner that educates the public.

The City of Saco is honored to have such a valuable resource and historic asset in our community.

Now therefore, I Marston Lovell, Mayor of Saco, Maine do hereby declare in the City of Saco, July 2019 as Seashore Trolley Museum month.

In witness thereof, by my hand.

V. PUBLIC COMMENT

- Stephen Shiman, School Board Liaison - Had a finance meeting to discuss how we are going to handle the budget with what the council had amended. We have a meeting Wednesday which we will discuss this further with the board. We did have an issue which I think you are aware of with the auditor because of the way it was set up and it gave us a bit of a problem. In the realistic things in terms of what we have to do on the budget there were some options and there was leadership that made their suggestions about. I'm talking about school leadership about how to handle it there was some discussion in the finance meeting. There will be more on Wednesday. There were other things that I can't discuss that had to do with executive sessions.
- Don Pilon, 16 Glenhaven Circle – Last week the people of Saco voted on the School Budget. It was a very poor turnout. Approximately 3.8 percent of the voters in town turned out to vote on the school budget. Why was there such a low turnout? What could we have done better to get the vote out? You may say, other towns had the same experience. Frankly, I don't care about other towns. One suggestion someone made to me is to hang a banner in town. We hang banners in the center of town all the time announcing festivals. There is allot of traffic on Main Street and it is always backed up which makes a great time to sit there and read the banner. The banner that is hanging up now costs \$600. When the council was appropriating funds recently and gave \$500 to the Red Cross and \$1,500 to another non-profit and so on down the line. Don't you think it is wise to perhaps invest in \$600 of surplus money to get a banner. There is no banner to put up every time there is a vote to be taken. Well, maybe this is what the council and school board wanted, a low

turnout. It would work in their favor to have a low turnout. We could do better and should do better as public officials to get the vote out. I would urge the council and the school board that the next time we have some surplus funds, don't give it to the Red Cross \$500, you could buy a banner for that. Old Orchard Beach and Gorham had a banner. Think about what is good for the public.

- Barbara Colman, 45B Stockman Avenue – First, I'm going to address the contract zone agreement you are going to be having your first hearing on tonight. I have watched this through four years, this individual Chamberlain coming before us and asking various things from the council. It has been proved since 2005, if you look at the chart in the council packet and look at the 3 columns. It is a third completed in one, a third completed in the middle, and a third completed uncompleted totally. So, you have 2/3 of the contract zone agreement no even in completion and only 1/3 of it completed and to who's advantage, the city or the developer? You are to make that decision for yourself. I just saw it as an observation. Mayor, this is directed directly at you. I have watched council meeting from home and also been in attendance. I have watched how you over the course of the last several months how you have spoken to several councilors. Specifically, when they are trying to ask a question and you immediately jump and say "oh, I'll have the administrator ask the question" or "I'll have so and so answer the question". You don't know what the question is yet. So, please allow that councilor and I'm looking at the councilor right now that gets the most problems because she is attempting to learn. She is new to the council and doesn't have all the years' experience that other people do. It is a learning curve just like when I learned about TIF's from sitting here for 4 years. So, would you please allow your council members to ask their questions before you answer to who they should be going to. Second, the 3-minute rule. It is amazing how I'm cut off at the 3-minute rule and Mr. Harkins is cut off at the 3-minute rule. But, I've watched repeatedly where you allow others to speak for 5-7 minutes and not shut them down. That to me is favoritism. You either follow the 3-minute rule for all or don't be consistent at all. One of the other because it is no fair to the people who are attending every week to try to make a difference in this municipality and we are. There are comments that we want to make heard like if I wasn't persistent about the senior program would Councilor Minthorn been able to lead a committee to bring not one but two programs that increase for seniors. I've gone over the 3-minute mark, are you going to cut me off or allow me to finish what I have to say? Last comment, it is not directed at you but at technology. I recognize that you need to turn to your left and right to speak to your council. We cannot hear you when you are speaking over there because your mic is over there. I would ask the someone please purchase you a lapel mic so that we can all hear you and that is not a criticism of you, but the system should have had that from the beginning. Thank you.

VI. CONSENT AGENDA

Councilor Minthorn and Councilor Copeland asked to have item #E Disposition of Foreclosed properties removed.

Councilor Copeland moved, Councilor Smart seconded to approve items #A, B, C, and D as follows:

A. CONFIRM MAYOR'S REAPPOINTMENT OF GLENYS SALAS TO DYER LIBRARY BOARD OF TRUSTEES – "Be it Ordered that the City Council confirm the City Administrator's appointment of Glenys Salas to the Saco Museum/Dyer Library Association Board of Trustees for a 2-year term to expire on June 17, 2021." Further move to approve the Order.

B. CONFIRM MAYOR'S REAPPOINTMENT OF KELLEY ARCHER TO HISTORIC PRESERVATION COMMISSION – "Be it Ordered that the City Council confirm the Mayor's re-appointment of Kelley Archer to the Historic Preservation Commission, for a 3-year term to expire on June 30, 2022 and thank Ms. Archer for her continued and valued service." Further move to approve the Order.

C. BAXTER LANE: REQUEST FOR CITY STREET ACCEPTANCE – "Move to accept Baxter Lane as a City Street."

D. TAX WRITE-OFFS FOR FY2019 – "Be it Ordered that the City Council authorize the Finance Director to write off the delinquent amounts for the identified persons and entities and remove them from the books." Further move to approve the order.

The motion passed with seven (7) yeas.

Note: Background information on consent agenda items #C & D are listed below as well as the background and motion on consent agenda item #E.

C. BAXTER LANE: REQUEST FOR CITY STREET ACCEPTANCE

Mike Eon, developer of the eleven-lot subdivision at 300 Bradley Street, received subdivision approval on September 6, 2016. On October 15, 2018, Mr. Eon wrote to former Planner Zach Mosher requesting review of street acceptance of Baxter Lane. Since that time, Mr. Eon has worked with City Staff to address any outstanding concerns. There are currently four homes constructed on Baxter Lane.

At their meeting on April 2, 2019, the Planning Board reviewed the request and made a positive recommendation pending final legal review. City Atty. Tim Murphy has reviewed the Warranty Deed. The Public Works Department has reviewed and approved the request. As most roads in subdivisions have been historically considered for acceptance when 70-80% of the homes on the road are complete, and in this case, the percentage is about 37%, Mr. Eon has proposed an escrow agreement until 6 of the foundations have been constructed. Please see the workshop memo for full details.

TO: Mayor Lovell and City Council

FROM: Emily Cole-Prescott, City Planner

CC: Mike Eon, Mike Eon Associates Joe Laverriere, City Engineer

RE: Baxter Lane: Recommendation from Planning Board for Request for City Acceptance

DATE: May 31, 2019; revised through June 12, 2019 (June 17, 2019 Council Meeting)

June 12, 2019 Update for June 17th Council meeting, revised by Emily Cole-Prescott, Planner & Pat Fox, Public Works Director:

At the June 10th Council workshop, the proposed escrow agreement was mentioned. Staff has attached the agreement which has been presented by the developer and reviewed by the City's Attorney. The developer has completed the road, and all improvements for the road to the satisfaction of the Public Works Department, per the City's ordinance standards. The road was completed before the winter months. The purpose of the attached escrow agreement is not for improvements or additional work to the road, but rather a financial guarantee for the City to ensure that if, for some reason, the road is damaged during construction of the house lots, there is some financial assurance to mitigate and repair any damage to the road. Although it is Saco's normal process to review acceptance of City streets after the private house lots have been between 70 and 80% complete, this policy is not written into any ordinances and regulations, as verified by the City Attorney. Through discussions with the City Attorney, City Administration, and Public Works Department, the developer has presented this escrow agreement which will remain in effect until the sixth house foundation is complete.

Original Memo sent to Workshop:

Mike Eon, developer of the eleven-lot subdivision at 300 Bradley Street, received subdivision approval on September 6, 2016. Baxter Lane is an approximately 400' dead-end street that ends in a hammerhead. During subdivision review, the developer's intention was to offer the street to the city once the street was complete. Subdivision regulations section 8.1 indicate that "all street and infrastructure construction shall be completed within thirty-six (36) months after the posting of the financial guarantee. All streets and infrastructure intended for City acceptance shall be offered to the City . . . within ninety (90) days of said date".

On October 15, 2018, Mr. Eon wrote to former Planner Zach Mosher requesting review of street acceptance of Baxter Lane. Since that time, Mr. Eon has worked with City Staff to address any outstanding concerns. There are currently four homes constructed on Baxter Lane. As most roads in subdivisions have been historically considered for acceptance when 70-80% of the homes on the road are complete, and in this case, the percentage is about 37%, Mr. Eon has proposed an escrow agreement until 6 of the foundations are constructed.

At their meeting on April 2, 2019, the Planning Board reviewed the request and made a positive recommendation pending final legal review. City Atty. Tim Murphy has reviewed the Warranty Deed and as built plans. The Public Works Department has also reviewed and approved the as built plans.

Staff looks forward to answering any questions about the request; and has provided the minutes of the April 2, 2019 Planning Board meeting, along with the letter sent to Mike Eon noting the Planning Board's positive recommendation of this request.

ESCROW AGREEMENT

AGREEMENT made as of the ____ day of _____, 2019, by and between M & B LAND HOLDINGS, LLC, a Maine limited liability company with a place of business in Biddeford, York County, Maine, (hereinafter referred to as "Developer") and THE CITY OF SACO, a body politic and corporate located in Saco, Maine, (hereinafter referred to as "the City").

Basic Factual Background

Developer is the owner and developer of a subdivision (the "Subdivision") in the City of Saco located adjacent to Bradley Street, so-called, and being shown and depicted on plan entitled "Final Plan-300 Bradley, Bradley Street, Saco, Maine for M & B Land Holdings, LLC, P. O. Box 444, Biddeford, Maine", dated May, 2016, as revised through September 6, 2016, recorded in the York Registry of Deeds in Plan Book 386, Page 3 (the Plan"). The City is engaged in the process of accepting Baxter Lane as shown on the plan as a public street as well as certain infrastructure improvements (the street and improvements being collectively known as the "Improvements"). At present construction activity is complete on the roadway and infrastructure improvements but all lots have not been sold and some lots which have been sold have not been constructed upon. The City wishes to condition its acceptance of the Improvements upon Developer dedicating a sum of money to protect the City against damage to the curbing and paving due to additional construction activities in the Subdivision.

It is agreed:

1. Upon acceptance by the City of the Improvements, the existing Letter of Credit provided by the Developer to the City shall be reduced to \$10,000.00, and the term shall be extended until December 31, 2019, or the installation of the 6th foundation, whichever shall last occur.
2. The City shall release all obligations under the Letter of Credit upon the final completion of 6 foundations on lots in the Subdivision.
3. Prior to such time, the Developer shall be responsible for any damage caused by others lawfully in the Subdivision to the paving and curbing located in Baxter Lane as a result of their construction activities (other than normal wear and tear and/or damage caused by the City in its activities with respect to the road). The City, upon reasonable notice to Developer and an opportunity to contest the same, may draw on the Letter of Credit to pay for the costs of correcting any such damage.
4. At such time as the 6th foundation is completed and payment for any prior damages has been made from the Letter of Credit, the City shall release its rights under the Letter of Credit and notify Biddeford Savings Bank of the same.

Executed at Saco, Maine, this ____ day of _____, 2019

M & B Land Holdings, LLC

by: _____
Michael R. Eon, Member

Witness

The City of Saco
by: _____

Its

BIDDEFORD SAVINGS BANK, the issuer of a Letter of Credit dated _____, _____, as reduced, does hereby acknowledge that the terms of such Letter are hereby extended to December 31, 2019, and shall be available to secure the obligations of Developer hereunder.

Biddeford Savings Bank

By: _____ Cynthia
E. Convery, Vice President

D. TAX WRITE-OFFS FOR FY2019

It is standard practice for the Finance Director to request Council Approval on writing off amounts owed to the City, especially with regards to taxes. The items recommended for write-off have been deemed uncollectible and therefore we are recommending that Council approve removal of these items from our books.

Other Write-Offs for FY 2019

Hardship Forgiveness for Medical Patient

On 11/17/2018, an individual was transported via ambulance to Biddeford Hospital and remained under medical care until 12/19/18. As a direct result of her hospitalization, this patient lost her source of employment and, with it, her insurance coverage. I am recommending that, given the patient's current financial hardship, we accept her payment of \$10 against the \$112.05 balance owed on her ambulance transport and write-off the remaining \$102.05.

Amount owed - \$102.05 – *complete write-off*

Wormwood, Colin T – 18 Beach Avenue

The owner transferred this property to the City on August 10, 2018, as it had been under water for some time. Since transfer of ownership occurred prior to April 1st, the Wormwoods received the tax bills for FY2019. The Wormwoods paid the first half tax bill but have forwarded the second half on to City Hall. I am recommending that we write off the second half.

Amount owed - \$16.47 – *complete write-off*

Saco Shoe Hospital – Personal Property Taxes

Saco Shoe Hospital is no longer in business and the owner has since passed.

Balance due as of 5/1/2019 (1999 – 2008 Taxes) - \$2539.75 – *complete write-off*

Earth Waste Systems, Inc – Personal Property Taxes

City of Saco took ownership of the property located at 29 Lund Road in 2005. Property taxes appear to have been paid by EWS prior to the acquisition, but personal property taxes were not. It is currently used to store equipment for various departments, primarily Public Works. None of the original equipment on which these taxes were assessed remains. To construct a comparable storage facility would cost the tax payers of Saco north of \$1 million. Additionally, the City saves roughly \$8000 annually on road striping because a portion of the facility is used to store the paint for our contractor (which is based in Massachusetts). For the amount of property taxes to be written off, the City has received a very good deal.

Balance due as of 5/1/2019 (1999 – 2004 Taxes) - \$29,255.01 – *complete write-off*

E. DISPOSITION OF FORECLOSED PROPERTIES

The City foreclosed on several properties on January 19, 2019. Many attempts have been made to get the property owners to either pay off the matured tax liens or enter into Option Agreement and remain current with them. All attempts were unsuccessful.

Councilor Archer moved, Councilor Gay seconded “Be it Ordered that the City Council authorize the Finance Director to write off the delinquent tax amount for 19 Market Street and remove it from the tax rolls, and further move to authorize the City Administrator to dispose of the tax acquired property at 19 Market Street.” Further move to approve the order. The motion failed with two (2) yeas and five (5) nays – Councilors Doyle, Copeland, Minthorn, Smart, and Johnston.

VII. AGENDA

A. TABLED (FIRST READING) PARK NORTH CONTRACT ZONE: AMENDMENT

Elliott Chamberlain, applicant, had requested a contract zone amendment to add the uses of “offices of contractors and tradesmen” and “contractors” to the Park North Contract Zone (Contract Zone Agreement by and between Park North Development LLC and Preston Properties LLC and the City of Saco dated December 20, 2005, amended through October 17, 2016).

At their meeting on March 19, 2019, the Planning Board reviewed the contract zone amendment request and forwarded a positive recommendation to the City Council for the following:

- Add “Offices of Contractors and Tradesmen” as a permitted use to parcel two of the Park North Contract Zone;
- Add “Contractors” as a conditional use to parcel two of the Park North Contract Zone.

Councilor Gay moved, Councilor Doyle seconded to take from the table, Park North Contract Zone: Amendment. The motion passed with five (5) yeas and two (2) nays – Archer and Johnston.

Councilor Gay moved, Councilor Doyle seconded to approve the first reading of, ‘Park North Contract Zone: Amendment’ and further move to schedule a public hearing on this item at the July 15, 2019 meeting. The motion passed with four (4) yeas and three (3) nays – Councilors Johnston, Copeland, and Archer.

B. PARK NORTH CONTRACT ZONE: SUBDIVISION AMENDMENT – (FIRST READING)

The City Council had asked at the November 13, 2018 workshop, that the eight amendments to the Park North Subdivision previously approved by the Planning Board be brought to the City Council for review. Recently, the Planning Board conditionally approved the ninth amendment to create one additional lot from the parcel currently addressed as 4 Cascade Road.

For the Council’s review, the following is a description of the eight amendments to the Park North Subdivision approved by the Planning Board to date:

- First Amendment – Division of Lot C1, resulting in the creation of Lot C5 at the corner of Cascade Road and Rte. One, approved 1/22/08
- Second Amendment – Further division of Lot C1, resulting in the creation of Lot C6, approved 1/20/09. Applicant Wagner Drywall received site plan approval for the commercial building that now houses a day care and other uses.
- Third Amendment – Creation of Lots C4A, C4B and 22. The latter was carved out of the existing Lot 18 at the corner of Portland Road and Main Road (now Waterfall Drive) and is now occupied by the former Ocean Communities credit union building. Lots C4A and C4B were created from the existing parcel that lies between Cascade Road and Old Cascade Road. It is described in the parcel deed for the Cascade Inn as a separate parcel from the larger, former Inn property. Zones C4A and C4B have since been developed with single family dwellings.
- Fourth Amendment – Easements associated with a force main and the pump station for Lots C1, C5 and C6 were created.
- Fifth Amendment – Updating dimensional regulations in parcels 2, 3, and 4 of the contractzone agreement.

The space and bulk regulations in Parcel 4 necessitated a change to the subdivision plan for Parcel 4.

- Sixth Amendment – Modified the residential area of Lot 18.
- Seventh Amendment
 - The 1st part proposes to alter phases 3 and 5 within the residential portion of the development which will consist of consolidating the proposed right-of-way of Bears Den Rd (not currently built), the previously proposed Open Space 1, lot C4 and lot CA-5 to accommodate 17 duplexes.
 - The 2nd part proposes to subdivide lot 18 (at the corner of Waterfall Dr and Portland Rd) to create an approx. 6-acre parcel for future development of a 72-unit apartment building.
- Eighth Amendment – This amendment consolidates Lots 6 through 15 (located in the northeastern portion of the parcel), the previously proposed right-of-way for Minor Park Road, the previously proposed right-of-way for approximately 1,100 feet of Dawn Marie Drive and the parcel formerly containing Stormwater Detention Area 2. The purpose of this change is to accommodate the out-sale of approximately 27.52 acres to Maine State Department of Defense. As a result of this out-sale, it is necessary to reconfigure the roadway alignments and intersection of Dawn Marie Drive & East View Parkway. Additionally, former lot 5 and the parcel containing Stormwater Detention Area 1 are proposed to be adjusted. In conjunction with these changes, the applicant is proposing to subdivide Lots 2 through 4 to create six lots.
- Ninth Amendment – This amendment creates one additional lot from 4 Cascade Road. The applicant has submitted a site plan application for construction of a 6,000-sq. ft. mixed use structure (3,000 sq. ft. business use and 3,000 sq. ft. medical office).

Councilor Doyle moved, Councilor Minthorn seconded to schedule a public hearing on July 15, 2019 for the Park North Contract Zone Subdivision Amendments as enumerated above.”

Amendment – Councilor Johnston moved, Councilor Archer seconded to remove the ninth amendment. The motion passed with seven (7) yeas. Note: The first reading will be on July 1st.

Mayor Lovell called for a vote on the Main motion for the 8 amendments. The motion passed with six (6) yeas and one (1) nay – Councilor Johnston.

C. CHARTER AMENDMENTS: 2.09 ORDINANCES IN GENERAL & BORROWING FOR PERMANENT IMPROVEMENT, POSTING AND PUBLISHING – (FIRST READING)

➤ 2.09 Ordinances in General, Posting and Publishing

The City Council endeavors to make a few amendments to the Charter. As described in [MRSA, Title 30A, Chapter 111, Section 2104](#), the process for making amendments to the Charter requires a Public Hearing before a vote by Council. Additionally, if approved by the Council, the item would be voted in referendum by the public in November.

This particular change is meant to add posting of proposed ordinance amendments or new ordinances to the city website and at City Hall for public hearings and the adoption of any ordinance as a requirement. In addition, it also saves money on advertising costs by publishing a summary of the proposed ordinance for the public hearing versus the full ordinance and striking the requirement that the ordinance be published again after its adoption.

Councilor Smart moved, Councilor Minthorn seconded “Be it ordered that the City Council approve the first reading of the Charter Amendments included in the document titled, ‘Saco City Charter Amendment #1: 2.09 Ordinances in General, Posting and Publishing, dated June 17, 2019’ and further move to schedule a public hearing for July 1, 2019, before a vote to add to the November referendum”. The motion passed with seven (7) yeas.

**Saco City Charter Amendment #1:
2.09 Ordinances in General, Posting and Publishing,
dated June 17, 2019**

Section 2.09 Ordinances in General.

- a. Form. Every proposed ordinance shall be introduced in writing and in the form proposed for final adoption. No ordinance shall contain more than one (1) subject, which shall be clearly stated in its title. The enacting clause shall be "The City of Saco hereby ordains....."
- b. Procedure. A proposed ordinance shall be placed on the agenda by the Mayor or any City Councilor at any regular or special meeting of the City Council. Upon introduction of any ordinance, the City Clerk shall distribute a copy to the Mayor, to each City Councilor and to the City Administrator. The Clerk shall file a reasonable number of copies in the office of the City Clerk and such other public places as the City Council may designate. A public hearing shall be held on the proposed ordinance, and Prior to public hearing, the Clerk shall postpublish the entire ordinance and shall publish a brief summary along with notice of the public hearing, together with a notice setting out the time and place for a public hearings thereon, and for its consideration by the City Council. The public hearing shall follow the publication and the posting by at least seven (7) days, and may be held separately or in connection with a regular or special City Council meeting. All persons interested shall have a reasonable opportunity to be heard. After the hearing, the City Council shall hold a second reading, no less than seven (7) days and no more than thirty (30) days, following the date of the public hearing, at which time the City Council may adopt the ordinance, with or without amendment, or reject it. As soon as practicable after the adoption of any ordinance, the Clerk shall have it published and posted the approved ordinance, again, together with a notice of its adoption.
- c. Effective Date. Except as otherwise provided in this Charter, every adopted ordinance shall become effective at the expiration of thirty (30) days after adoption or any later date specified therein.
- d. "Publish" Defined. As used in this Section, the term "Publish" means to print at least once in one or more newspapers of general circulation in the City:
 1. The date, time and place for of the public hearing on a proposed ordinance and for its consideration by the City Council, or as applicable the date of adoption and effective date of an ordinance;
 2. The ordinance or a A brief summary of the ordinance thereof if the text, exclusive of title headings, contains more than one thousand words; and
 3. The place where copies of it have a full version of the proposed ordinance has been filed, and the time when they are it is available for public inspection.
- e. "Post" Defined. As used in this section, the term "post" shall mean to place a full version of the proposed ordinance or the adopted ordinance in a public place at City Hall and on the City's website.

➤ **6.15 Borrowing for Permanent Improvements**

The City Council endeavors to make a few amendments to the Charter. As described in [MRSA, Title 30A, Chapter 111, Section 2104](#), the process for making amendments to the Charter requires a Public Hearing before a vote by Council. Additionally, if approved by the Council, the item would be voted in referendum by the public in November.

This particular change is meant to clarify where full versions of the bond order shall be posted. In addition, it also saves money on advertising costs by publishing a summary of the bond order rather than a full version in a daily newspaper having a general circulation in the City of Saco at least 2 weeks before the final action of the City Council, and approval of five members of the City Council.

Councilor Johnston moved, Councilor Doyle seconded "Be it ordered that the City Council approve the first reading of the Charter Amendments included in the document titled, 'Saco City Charter Amendment #4: 6.15 Borrowing for Permanent Improvements, Posting and Publishing, dated June 17, 2019' and further move to schedule a public hearing for July 1, 2019 before a vote to add to the November referendum". The motion passed with seven (7) yeas.

**Saco City Charter Amendment #2:
6.15 Borrowing for Permanent Improvements, Posting and Publishing,
dated June 17, 2019**

Section 6.15 Borrowing for Permanent Improvements.

[Amended 11-6-2001]

Money may be borrowed, within the limits fixed by the constitution and statutes of the State now or hereafter applying to said City of Saco, by the issue and sale of bonds or notes pledged on the credit of the City. The proceeds to be used for the acquisition of land, the construction, reconstruction, major alterations extraordinary repairs, and equipment of buildings and other permanent public improvements, the purchase of machinery and equipment. No order providing for the issue of bonds shall be passed without public notice given by posting ~~notice of the same in two public places in the City of Saco,~~ a full version of the Order at a public place in City Hall and on the City's website, and by publishing a brief summary of the Order ~~publishing said notice~~ in a daily newspaper having a general circulation in the City of Saco at least two weeks before the final action of the City Council, and the approval of five members of the City Council. The City Council may refund bonds, notes and certificates of indebtedness previously issued.

The City Council, upon approval of the issuance of said bonds or notes, shall take all necessary legal steps to submit their action to the voters of Saco for ratification or rejection at the next regular municipal election or at a special election that shall be called, advertised and conducted according to the law relating to municipal elections, but the total number of votes cast at said special election must be equal to or exceed twenty per cent (20%) of the total votes cast for all candidates for Mayor at the previous general municipal election. No bond or note issue, excepting, however, borrowing for purposes set forth in Sections 6.09(b) and 6.14, shall be valid unless the City Council's action has been ratified by the voters of Saco as above provided.

Every issue of bonds shall be payable within a fixed term of years; if said bonds are issued in payment of indebtedness incurred for a permanent improvement, the term of such bonds shall not exceed the estimated period of utility of said improvement but the declaration of the City Council embodied in the order authorizing the issue shall be conclusive determination of the estimated period of utility thereof; and the term within which all bonds shall be made payable shall in no case exceed thirty years. Bonds issued after the adoption of this Charter shall be made payable as pertains to interest semi-annually and as pertains to principal in equal, annual serial installments, except that: (1) each year's installments may be adjusted to the nearest multiple of \$5,000.00; and (2) the amount of each year's installment may vary provided that it is equal to or greater than the installment due and payable in any succeeding year. Every order for the issue of bonds shall provide for a tax levy for each year of an amount necessary to meet the payment of the annual, serial installment of principal and interest, and such amounts shall be included in the tax levy for each year until the debt is extinguished.

VIII. ADMINISTRATIVE UPDATE

City Administrator Kevin Sutherland provided the following updates:

- Police Dept. – With the retirement of Ray Demers last week, I have appointed Jack Clements to lead the department through the transition to the next chief. The Police Chief position was posted this evening and more sites tomorrow. It will remain posted until July 5th with interviews beginning on July 8th. I have chosen an interview team and having conversation with the Mayor and they will include myself, Human Resources Director MaryLou Kadlik, Fire Chief John Duross, Councilor Roger Gay, community leader Jean Saunders, and one of the union employees from one of the police unions (TBD). The interview team will make a decision for my recommendation to council and as the charter requires, that recommendation will come to council for confirmation. That is the time that council will have any opportunity to confirm the recommendation as the charter states. At the workshop last week 2 additional items were discussed as goals for myself before my departure. I will work to put together a merit pay program for your consideration and

developing an ordinance for no smoking on city property. The 2 additional items that we discussed by 5 of us at the workshop last week.

IX. COUNCIL DISCUSSION AND COMMENT

- Councilor Smart – Thanked Kate LeBlanc a 7th grade student on the Sebago Team at Saco Middle School. She sent us a very well written letter regarding the benefits of riding bikes to cut down on emissions. I think that we should give this a little more thought. Thank you, Kate.
- Councilor Johnston – First, former Mayor Pilon was here earlier and mentioned putting up banners and it made me question whether or not we had posted the elections on all of the led sign boards around town. City Clerk Michele Hughes replied that notice was posted on both boards. Another thing, we had approved the street acceptance tonight and I would like to add another thing to his list before he leaves us which is updating Chapter 186 to incorporate that 70-80% build out as a requirement before we accept any streets of subdivisions. Right now, it seems to be a policy in word and not on paper. Mayor Lovell stated that would be the consensus of the council.
- Councilor Minthorn – I would like to see if possible another councilor and another community member or police chiefs on the committee. I think that more than 1 councilor ought to be involved with that activity. Next item, I participated Friday in a Stupendous Transit Tournament as well as our City Administrator. I must say he donned a rainbow wig very well for most of the day. It was a very interesting event. There were a number of our elected officials from basically southern York County all the way up through central Cumberland County that participated in using the various bus lines, Amtrak, Casco Bay line, and some other different trolleys. I was lucky enough to be on a bus that we went from Saco to Old Orchard Beach round trip. It was a substitute bus, so it was already on its last leg and we had enough people on there that evidently the horn wire was being pinched, so intermittently it was going off all the way to Old Orchard Beach when we had a full bus and on the way back, it stopped which was great because I think the driver had been given the shiny finger more than one time for the horn going off at a red light. I totally admire the bus driver for his patience given the awkwardness of the situation. I couldn't believe how well he did and made fun of it. It kind of slowly went through the bus as to what was going on and that we weren't doing it on purpose. We then took an Amtrak ride down to Wells I will say that if you want to ride Amtrak, bring your credit card. The cash process is extremely convoluted as many people found out. Finally, we did the Shoreline Explorer which they opened and brought out one of their trolleys for our group of 4 and we had the drivers exclusive time and tourist comments. He pointed out several times it wasn't like any trolley at the trolley museum. But, it was a great day and Perian Carpenter was on the winning team of the tournament. She is one of the folks over at the Shuttlebus. It brought a lot of visibility to elected officials about how we can do more to promote public transportation in our communities.
- Councilor Johnston – I want to congratulate both the City Administrator Kevin Sutherland and Emily Roy our Marketing Communications Specialist for receiving the Innovator Award for GPCOG at their annual summit for their efforts in innovative communication.

X. EXECUTIVE SESSION

Councilor Minthorn moved, Councilor Doyle 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)]:

(C) Parks and Recreation Potential Real Estate

(E) Consultation with Counsel regarding a pending matter

The motion passed with seven (7) yeas. Time: 7:35 p.m.

XI. REPORT FROM EXECUTIVE SESSION

Mayor Lovell, Councilors: Archer, Gay, Doyle, Copeland, Minthorn, Johnston and the City Administrator were all present. Councilor Smart left half-way through the meeting.

Councilor Minthorn moved, Councilor Gay seconded to come out of Executive Session. The motion passed with six (6) yeas. Time: 8:48 p.m.

Councilor Minthorn stated that there was no report on item #C- Parks and Recreation Potential Real Estate.

Councilor Minthorn moved, Councilor Johnston seconded “the City Council authorizes the City Administrator to work with the City Solicitor and City Staff to resolve the lease issues with the Pre-K program and explore alternate options. The motion passed with six (6) yeas.

XII. ADJOURNMENT

Councilor Minthorn moved, Councilor Gay seconded to adjourn the meeting. The motion passed with six (6) yeas. Time: 8:51 p.m.

Attest: _____
Michele L. Hughes, City Clerk

DRAFT