

City of Saco Boards, Committees and Commissions:

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Biddeford – Saco Area Economic Development Corporation Board

The Board is an outside agency and is represented by 1 member from Saco. The Biddeford Saco Area Economic Development Corporation (BSAEDC) is a non profit partnership between the Cities of Biddeford and Saco and Biddeford Saco Chamber of Commerce & Industry. The purpose of the corporation shall be to foster, encourage and assist: (1) the physical location, expansion, settlement or resettlement of industrial, manufacturing, and commercial enterprises; and (2) public policy leadership; within the Cities of Biddeford and Saco.

- The Board meets monthly at 110 Main Street during the work day.

Board of Assessment Review

The Board shall consist of five members appointed by the Mayor and confirmed by the Council, for a 5 year term. Primarily the Board shall review tax appeals duly filed in writing by taxpayers regarding any tax assessment made by the Tax Assessor within 60 days from the date the appeal is filed.

- The Board meets on an ‘as needed’ basis

Board of Education

The Board is created Pursuant to City Code, the Mayor is the ex officio chair of the Board of Education. The Board of Education has 7 members plus the ex officio chair. Maine School law sets the duties of the Board which involve governance, management and operation of the public schools, including the appointment of the Superintendent of Schools and furnishing a budget request for the support of the public schools to the Council, Mayor, and City Administrator.

- The Board meets twice per month, once at 90 Beach Street for Workshop and once at City Hall for a meeting.

Coastal Waters Commission

The Commission is created by City Code – The Commission has 7 members and a council appointed liaison who serves with no privilege beyond a member of the public. The commission exists for the general purpose of studying and evaluating public usage of and boating access to coastal waters under the jurisdiction of the City of Saco, planning for its future use, advising the Council on policy matters and proposing regulations concerning the Saco River and coastal waters.

Article VII Boards, Commissions and Committees §4-39: The term of office of a member shall be three years. Members shall be eligible for reappointment to two consecutive three-year terms. Thereafter, members may be appointed for a maximum of two three-year terms but may be appointed again after one year off the Commission. Two new members appointed in 2002 shall be appointed to terms of three years respectively. Each Commissioner shall be a resident of the City, shall be persons qualified to perform the duties of such office and shall serve without compensation. [**Amended 9-16-2002**]

- The Commission meets monthly at City Hall.

Conservation Commission

The Commission currently consists of seven members appointed by the Mayor and confirmed by the Council, for a term of three years. Primarily, the Commission shall: conduct research into local land area usage; make recommendations to preserve and enhance the natural resources of the City; and assist the Planning Board on development applications.

Article VII Boards, Commissions, and Committees §4-37: Membership of Commission; terms of office. The Commission shall be composed of 11 regular and four associate members, to be appointed by the Mayor and approved by the Council. All shall be residents of the City of Saco. There shall be no more than three regular members on the Commission who are residents of the same ward. No more than two members of a similar profession shall serve on the Commission at one time. No member shall

hold any elective office or other appointive position in the City, county, state or federal government, except that member(s) may be appointed to ad hoc or other special committees for a specified period of time. Members shall be appointed for a term of three years, except that the new appointments of three members shall be for terms of one year and one member for a term of two years. [Amended 9-16-2002; 5-17-2004]

- The Commission meets on a monthly basis at City Hall

Eastern Trail Board of Directors

- Bob Hamblen, City Planner is member, Joe Hirsh (alternate member)

Economic Development Commission

The Commission is created by the City Code – The Commission consists of seven (7) voting members who shall be appointed by the Mayor, with Council confirmation, for terms of 5 years. One Councilor serves as a liaison. Primarily, the Commission may: negotiate to purchase, enter into options to purchase and purchase lands lying within the City for current and prospective industrial uses, negotiate and enter into lease and rental transactions of industrial sites and improvements owned by the City; review site plans and building designs and make recommendations to the Planning Board.

Article VII Boards, Commissions and Committees §4-35: Commission membership and terms of office. The Commission shall consist of seven voting members and the City Administrator or his/her appointed representative as an ex officio member. The Commission members shall be appointed by the Mayor, with Council confirmation, for terms of five years. Initial appointments shall be made as follows: two members for five years, two members for four years, one member for three years and one member for one year. Commission members shall be residents of the City of Saco and shall be persons qualified to perform the duties of such office.

- The Board meets during the day at City Hall on an ‘as needed’ basis.

Fair Hearing Authority (FHA) for General Assistance

The Authority is an authority created by City Code and whose purpose is to determine, based on all the evidence presented at the fair hearing, whether the claimant(s) were eligible to receive assistance at the time they applied for general assistance. The FHA is charged with the responsibility of ensuring that general assistance is administered in accordance with the state law and local ordinance. Municipal officers will appoint the FHA.

- The FHA operates on an ‘as needed’ basis.

Health Administrator

Administrative Code §4-25. Establishment. There shall be a Division of Public Health, the head of which shall be a person appointed by the City Administrator, as provided under Article V of the City Charter. Subject to budget limitations, the Health Administrator shall have one or more health assistants. There shall also be one or more Plumbing Inspectors, appointed by the City Administrator,

to be under the direction of the Building Inspector, but who will be used on loan by the Division of Public Health when deemed necessary by the Health Administrator.

Historic Preservation Commission

The Commission consists of five members and five associate members, appointed by the Mayor and confirmed by the Council, for a term of 3 years. Some of the duties of the Commission are to: advise and inform the City officials and owners of historic buildings, structures or sites, on physical and financial aspects of preservation, renovation, and rehabilitation

- The Commission meets on a monthly basis at City Hall

Lucia Kimball Deering Trust -

Land for Saco's Future Committee

The Committee is created by Council policy out of a voter approved \$1.5 million bond issue to acquire open space and park land for the City, to recommend land purchases, to preserve community character and to provide recreational opportunities to residents. In addition to purchasing land outright, the program considers gifts, partial gifts, purchase of easements or development rights, partial gifts and partial sales, and other proven methods of preserving land. The Committee has 5 members, one of which is a Councilor.

- The Committee meets at City Hall on an 'as needed' basis.

Parks & Recreation Advisory Board

The Board is established by City Code with the purpose of planning a citywide parks and recreation program and to advise and assist the Parks & Recreation director in initiating and maintaining this program. The responsibilities of the Board include: a) overall responsibility to promote, enhance and protect recreational opportunities in Saco in order to maintain and further develop the quality of life; b) serving as an advisor to the Parks & Recreation Director and as a forum for the discussion of new and creative programs, including needs and requirements of present and future activities, programs, and projects. The Board consists of 11 members appointed by the Mayor and confirmed by Council.

Article VII Boards, Commissions and Committees §4-39: Membership and terms. The Parks and Recreation Advisory Board shall consist of 11 members, all being residents of the City of Saco. Members shall be appointed by the Mayor, with Council confirmation, for a term of three years beginning July 1 initially with four members being appointed for one year, four members appointed for two years and three members being appointed for three years. An appointment to fill a vacancy during an unexpired term shall be for the remainder of the unexpired term. **[Amended 5-16-2005]**

- The Board meets monthly on a date and place agreed on by the Board with all meetings open to the public.

Planning Board

The Board consists of seven members appointed by the Mayor and confirmed by the City Council for a 3 year term. Primarily, the Board reviews subdivisions and site plans. The Board is also authorized at

its discretion to undertake studies and make recommendations on matters of land development, energy and water conservation, transportation, solid waste disposal, location of municipal and school facilities, affordable housing, urban beautification and design improvements, historic and scenic preservations and agricultural preservation. Prepare and present to the municipal officers recommended building, plumbing, fire, electrical, housing and related codes and enforcement procedures and construction specifications for streets and related public improvements.

Article VII Boards, Commissions and Committees §4-34: Terms of office; vacancies; procedure.

ms. The terms of membership shall be three years. An appointment to fill a vacancy during an expired term shall be for the remainder of the unexpired term. Board members serving as full members the time of the effective date of this section shall serve for the remainder of their current term. Alternate members serving at the time of the effective date of this section shall be eligible for appointment for membership under this section; any alternate member appointed as a member shall be deemed to begin serving his/her first term upon appointment. In the event of an appointment for the remainder of an unexpired term, the partial term shall be considered a first term if the time to be served is 1 year or more, but shall not be considered a first term under this subsection if the portion of the term to be served is less than two years.

- The Board meets on the first and third Tuesday of the month at 5:30 pm at Saco City Hall

Personnel Committee/Board–

The Committee is created by the City Code and is comprised of 5 non union employees and two (2) Councilors to review facts of a personnel investigation and to recommend appropriate corrective action to the Mayor and Council and also represents the interest of the non union workforce, and is usually tasked with specific issues assigned by the Council.

- The Board meets during a workday at City Hall on an ‘as needed’ basis.

Regional School Unit Committee

The Committee is a state formed committee in place to plan for the formulation of a regional school unit. The Committee consists of (3) representatives from Dayton, Saco, and Old Orchard Beach.

- The Committee meets twice per month at Saco City Hall

Saco Energy Committee

The Committee is a standing committee assembled by the City Administrator to explore environmental conservation options and to make recommendations to the City. The Committee consists of Councilor Cote and 5 city employees. Individual communities send representatives as they deem appropriate.

- The committee meets on a monthly basis during the work day.

Saco Museum/Dyer Library Board of Trustees

The board is an outside agency with 21 members charged with the purpose of operating and maintaining a public library, which shall ever be free to the citizens of Saco, and a regional museum. The Dyer Library/Saco Museum promotes life-long learning and appreciation of culture; preservation of the past; and state-of-the-art services and resources for all. One representative of the Saco City Council and the City Administrator or his/her designee appointed by the Saco City Administrator will serve on the board.

- The board meets monthly at the Dyer Library.

Saco River Corridor Commission (SRCC)

The Commission is an outside agency and Saco is represented by 2 members. The Commission administers the Saco River Corridor Act, which was established by the Legislature in 1973. Through the Act, the Commission helps oversee land use development within 500 to 1,000 feet of the Saco, Ossipee, Little Ossipee Rivers, the Little Ossipee Flowage, and Balch Lake. The Commission is made up of representatives from twenty communities bordering these water bodies. Each of the twenty municipalities has an obligation and opportunity to be represented by one regular and one alternate member who are appointed by the Selectmen or Mayor.

- The Commission meets on an 'as needed' basis.

School Capital Improvement Plan Committee

The Committee is a standing committee created by the Superintendent of Schools to evaluate school facility improvement needs and make recommendations of findings to the Board of Education and Council. The Committee consists of (2) Councilors, (2) Board of Ed members, Superintendent, Business Manager, Facilities Director, City Administrator, Finance Director.

- The Committee meets during the work day on an 'as needed' basis.

Shoreline Commission

The Commission is created by City Code and consists of nine members, appointed by the Mayor and confirmed by Council. A council appointed liaison serves on the shoreline commission with no privilege beyond a member of the public. The Commission shall study the continuing effects of erosion on Saco's shorefront, and evaluate public usage of the beaches and other public infrastructure within a coastal zone under the jurisdiction of the City of Saco and advise the Council on policy matters relating to coastal erosion and use.

Chapter 45: Shoreline Commission § 45-2 : The term of office of a member shall be three years, except the initial appointments, which shall be as follows: three members for three-year terms; three members for two-year terms; and three members for one-year terms.

- The Commission meets 9 to 10 times per year, usually at Wormwoods in Camp Ellis.

Solid Waste Management and Recycling Team (SMART)

The Committee is a standing committee assembled by the City Administrator and consists of Councilor Cote and 5 city employees in place to work with neighboring communities to address Public Works and Solid Waste related issues. The Committee meets monthly and consists of members from South Portland, Scarborough, Old Orchard Beach, Biddeford, and Saco. Individual communities send representatives as they deem appropriate.

- Meetings are held monthly at Saco City Hall.

Southern Maine Regional Planning Commission (SMRPC)

The purpose of SMRPC is to strengthen local municipal self-government while combining total resources for meeting regional challenges beyond individual capacities; to serve as a mutual forum to identify, study, and bring into focus regional challenges and opportunities; provide organizational support to enable communication and coordination among governments and agencies concerned with regional issues and opportunities; to act as an advocate where membership directs; and to exercise such powers as the member municipalities may delegate. Eligibility for membership in SMRPC is open to any municipality or county in the geographic area known as the Southern Maine Planning and Development District as described by Maine Gubernatorial Executive Order. The Board of municipal officers of each member municipality of SMRPC is eligible to appoint two (2) representatives to the SMRPC General Assembly. Any municipality with a population over 10,000 may appoint one additional representative for every 10,000 citizens. (1) Councilor or Selectmen, and (1) staff member.

- The Assembly meets in June for an evening, after a meal. They usually meet in Alfred or Wells.

Traffic Safety Committee

The Committee is created by the City Code- The Committee consists of two members of the City Council, the Police Chief, Fire Chief, Public Works Director, Traffic Safety Officer and the City Administrator. Primarily, the Committee reviews the functions and needs of traffic control devices, reviews and analyzes high crash areas to determine remedial actions. Reviews development and construction plans to consider their impact on traffic and other safety related concerns and makes recommendations to the planning department. Reviews and evaluates all traffic safety complaints and ensures that proper traffic control devices are set into place to mitigate potential hazards.

- The committee meets at City Hall at 7:00 p.m. approximately 10 times per year.

Transit Committee

The Transit Committee is an outside agency of which Saco is represented by three members of a nine member committee. The purpose of the Committee is to establish, maintain and implement a short and long-range bus transit development program, and to apply for, receive and administer Federal and State grants-in-aid for mass transit on behalf of the municipalities of Biddeford, Old Orchard Beach, and Saco to provide adequate and efficient bus mass transit for the Biddeford, Old Orchard Beach, Saco area.

- The Committee meets quarterly during the work day.

Zoning Board of Appeals

The Board consists of seven members appointed by the Mayor and confirmed by the Council, for a term of 5 years. Primarily the Zoning Board of Appeals, after public hearing and majority vote of its members, will decide administrative appeals, planning board appeals, variances, historic preservation commission appeals, shore-land variances, and denials of building permits.

- The Board meets in the evening on a monthly ‘as needed’ basis.

Mayor’s Ad Hoc Committees:

Cable Committee

The purpose of the committee is to meet annually with Thornton Academy TV for services related to cable-casting city council meetings. The Committee has met three times to date. Representatives are: Councilor Morton, Councilor Tardif, and Steve Bedell.

- The Committee meets on an “as needed” basis – during daytime hours.

Housing Committee

The purpose of the Committee is to define affordable housing and develop a plan for addressing affordable housing in Saco. Committee members are Councilor Morton, Councilor Tardif, Councilor Cote, and Development Director Morelli.

- The Committee meets on an “as needed” basis during daytime working hours.

ADDENDUM: City Code - Boards, Commissions, and Committees

ARTICLE VII Boards, Commissions and Committees

§ 4-34. Planning Board.

A. Organization.

- (1) A City Planning Board is hereby created, which Board shall consist of seven members who shall be appointed by the Mayor and confirmed by the City Council, none of whom shall hold the elective office of Mayor, Councilor or School Board member.
- (2) A quorum, for the purpose of voting, shall consist of four members, and a simple majority of members present and voting shall be sufficient for passage of a motion. In case of a tie vote, the motion fails.
- (3) The City Planning Board shall meet with the City Council at least twice each year to report on problems, progress and needs, to make recommendations to the Council and to be assigned whatever advisory tasks the Council may request.
- (4) Membership of the Planning Board shall be subject to the following requirements:
 - (a) Only residents of the City may serve on the Board.
 - (b) There shall be no more than two members on the Board who are residents of the same ward. In

the event that a member moves during his/her term and his/her move results in more than two members living in the same ward, the member who has moved shall forfeit his/her seat on the Board.

(c) No more than two members of the Board shall have the same full-time occupation.

(5) Any question of whether a member shall be disqualified from voting or shall abstain from voting on a particular issue before the Board shall be decided by a majority vote of the members present except the member who is the subject of the vote, who shall not vote on the question of his/her disqualification or abstention.

B. Terms of office; vacancies; procedure.

(1) Terms. The terms of membership shall be three years. An appointment to fill a vacancy during an unexpired term shall be for the remainder of the unexpired term. Board members serving as full members at the time of the effective date of this section shall serve for the remainder of their current term. Alternate members serving at the time of the effective date of this section shall be eligible for appointment for membership under this section; any alternate member appointed as a member shall be deemed to begin serving his/her first term upon appointment. In the event of an appointment for the remainder of an unexpired term, the partial term shall be considered a first term if the time to be served is two years or more, but shall not be considered a first term under this subsection if the portion of the term to be served is less than two years.

(2) Vacancies. Vacancies on the Board shall be created under any of the following circumstances:

(a) A member submits his/her resignation, in writing, to the Chairperson of the Planning Board or to the Mayor.

(b) A member's residence is no longer within the City or a member moves to a ward which already has two Planning Board members, in which instance the Chairperson shall so notify the Mayor in writing.

(c) A member fails to attend three or more consecutive regular monthly meetings of the Board without being excused by the Chairperson, in which instance the Chairperson shall so notify the Mayor in writing.

(d) A member fails to attend 75% of all meetings, including workshops, special meetings and regular meetings, within the four most recent consecutive months, in which instance the Chairperson shall so notify the Mayor in writing.

(e) The term of a member expires.

(3) Procedure. Upon the occurrence of any of the above circumstances, the City Council shall declare the seat vacant, and the Mayor shall appoint a new member with the approval of the City Council.

C. Powers and duties. The Board shall have the power and be required to:

(1) Prepare any amendments to the Comprehensive Plan and/or prepare a new Comprehensive Plan approved by a majority vote after a public hearing. The Board shall refer any amendments to the Comprehensive Plan or the new Comprehensive Plan to the City Council for approval.

(2) Prepare and adopt and thereafter amend subdivision regulations approved by a majority vote of the Board after a public hearing.

(3) Review subdivisions within the City as required by state law, local ordinances and Planning Board regulations.

(4) Review site plans, planned unit developments and other land use proposals as authorized by state statutes, City ordinances and Planning Board regulations. The Board may delegate, through written procedures, all or part of the review function to the City Planner and may refer applications to special committees, commissions and technical experts for review and comment.

- (5) Prepare and recommend, after approval by a majority vote following a public hearing, for adoption by the City Council a Zoning Plan and Map and amendments thereto which shall be pursuant to and consistent with the Comprehensive Plan.
- (6) Meet in regular session not less than once a month, adopt rules for transaction of business and keep a public record of its resolutions and determinations. At its first meeting in January of every year, the Board shall elect a Chairperson and a Vice Chairperson. The Board shall file its rules for procedure with the City Clerk and shall amend these by majority vote, as needed.
- (7) Participate in and review programs or plans required by state and federal law or regulation.
- (8) Review applications for conditional uses, as required by the City of Saco Zoning Regulations.
- (9) Perform such other advisory duties as are assigned to it by ordinance or by resolution of the City Council for the assistance of the Council or other City agencies or officers.

D. Authorization. The Planning Board is not required, but is authorized at its discretion, to:

- (1) Undertake studies and make recommendations on matters of land development, energy and water conservation, transportation, solid waste disposal, location of municipal and school facilities, affordable housing, urban beautification and design improvements, historic and scenic preservations and agricultural preservation.
- (2) Prepare and present to the municipal officers recommended building, plumbing, fire, electrical, housing and related codes and enforcement procedures and construction specifications for streets and related public improvements.
- (3) Participate in a regional planning program with regional planning agencies, municipalities, state and federal agencies.

E. Record of membership. The City Clerk and Chairperson of the Planning Board shall keep an accurate record of membership which shall be available to the Board, the City Council and the public at all times.

§ 4-35. Economic Development Commission.

A. Creation and name. There is hereby created the Economic Development Commission.

B. Purposes. The Economic Development Commission shall encourage, promote, establish, solicit and provide for industrial development, expansion and growth within the City of Saco, within the Saco Industrial Park, so called, and on lands hereafter acquired by the City for industrial uses and purposes and on other lands within the City which may be privately owned but which are particularly adaptable to industrial uses; option and purchase lands within the City on behalf of the City and do all those things designed to promote and encourage the location and perpetuation of industry within the City; encourage and promote the development and expansion of existing industrial and commercial uses within the City; gather, correlate and preserve statistics, surveys and other data relating to land classification and uses, buildings, labor statistics and other matters that will enable it to carry out its function and purposes; and perform such other functions as may be required for economic development and improvement.

C. Commission membership and terms of office. The Commission shall consist of seven voting members and the City Administrator or his/her appointed representative as an ex officio member. The Commission members shall be appointed by the Mayor, with Council confirmation, for terms of five years. Initial appointments shall be made as follows: two members for five years, two members for four years, one member for three years and one member for one year. Commission members shall be residents of the City of Saco and shall be persons qualified to perform the duties of such office.

D. Vacancy in office.

- (1) Vacancies in office occur when:
 - (a) A member submits his/her resignation, in writing, to the City Council, which shall declare that member's seat vacant.

- (b) A member's official residence is no longer within the City, in which instance the Secretary of the Commission shall notify the City Council in writing, which shall declare that member's seat vacant.
 - (c) A member fails to attend three consecutive unexcused meetings of the Commission, in which instance the Secretary of the Commission shall notify the City Council in writing, which shall declare that member's seat vacant.
 - (d) Upon the expiration of the term of a member.
- (2) In the event that a vacancy does occur, the Mayor shall appoint a replacement for the unexpired term, subject to confirmation by the City Council. A member whose term has expired may continue to serve until the vacancy is filled.

E. Organization.

- (1) A quorum consists of four members. The Commission may act by a majority vote of those present and voting, but at least three affirmative votes shall be necessary to take any action under Subsection F.
- (2) The Commission shall annually elect a Chairman and Secretary. They shall hold regular meetings as they shall determine. Special meetings may be called by the Chairman after notice to each member at least three days in advance of such meeting.

F. Powers and duties.

- (1) The Commission may collect, hold, manage, control, invest, reinvest and expend all funds annually appropriated to it by the City, subject to approval of the Council.
- (2) The Commission may, in the name of the City, negotiate to purchase, enter into options to purchase and purchase lands lying within the City for current and prospective industrial uses, subject, however, to approval by the Council.
- (3) The Commission may, in the name of the City, negotiate and enter into lease and rental transactions of industrial sites and improvements owned by the City, subject to approval by the Council.
- (4) The Commission shall, in the name of the City, manage and administer all revolving loan funds. Any expenditures of these funds are subject to approval by the Council.
- (5) Review site plans and building designs and make recommendations to the Planning Board.
- (6) The Commission may, in the name of the City, negotiate and enter into options for the sale of industrial 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.
 - (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 industrial 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.
- (7) The Commission may accept, in the name of the City, gifts and devises of real estate and real estate interests to be used by the Commission and the City for further industrial development and expansion.

- (8) The Commission may employ personnel, including engineers, surveyors, architects, contractors, attorneys at law, accountants and other necessary persons, for the purpose of designing, developing, constructing and promoting the Saco Industrial Park, so called, and any other industrial real estate which may be hereafter acquired by the City, subject to its authority and the expenditures of funds, as provided in Subsection F(1).
 - (9) The Commission shall ensure, through the City Code Enforcement Office, any covenant and deed restrictions on industrial property. The Code Enforcement Office is authorized to initiate legal action to enforce covenant and deed restrictions.
- G. Budget. The Commission shall prepare an operating budget for each fiscal year and shall submit such budget to the City Administrator, for inclusion in the City operating budget, not less than three months prior to the commencement of such fiscal year.
- H. Confidentiality of negotiations. It is hereby determined that premature disclosure of information used in or generated by negotiations undertaken pursuant to Subsection F(6) would prejudice the competitive and bargaining positions of the Commission and the City. Therefore, the Commission may conduct those negotiations in accordance with 1 M.R.S.A. § 405.

§ 4-36. Board of Assessment Review.

- A. Adoption. Pursuant to 30 M.R.S.A. § 5351, Subsection 2, *Editor's Note: Said section was repealed by Chapter 737 of the Laws of 1987. See now 30-A M.R.S.A. § 2552.* and the City Charter, a Board of Assessment Review is hereby adopted.
- B. Composition. The Board of Assessment Review shall consist of five members. A quorum, for the purpose of voting, shall consist of three members eligible to vote, and a simple majority shall be sufficient for passage of a motion.
- C. Appointment of members. The Members of the Board of Assessment Review shall, subject to the confirmation by the Council, be appointed by the Mayor.
- D. Terms of office of members.
- (1) The terms of the appointive members shall be five years.
 - (2) Vacancies. Vacancies on the Board shall be created under any of the following circumstances:
 - (a) A member submits his/her resignation, in writing, to the Mayor and City Council.
 - (b) A member's official residence is no longer within the City.
- E. Compensation. The members of the Board of Assessment Review shall receive such compensation as determined and approved by the Council.
- F. Duty to review tax appeals. It shall be the duty of the Board of Assessment Review to review appeals duly filed in writing by taxpayers regarding any tax assessment made by the Tax Assessor, such review to commence within 60 days from the date the appeal is filed.
- G. Authority to review tax assessments. Any member or members of the Board of Assessment Review shall have the authority to initiate an appeal, in writing, for any tax assessment made by the Tax Assessor which he/she and/or they severally deem to merit review.
- H. Political activities of members restricted. The members of the Board of Assessment Review shall not indulge in City political activity, as defined and understood under the City Charter.

§ 4-37. Conservation Commission.

- A. Intent. The intent of this section is to create a **Conservation Commission** under 30 M.R.S.A. § 3851, Parks and Conservation Commissions. *Editor's Note: See 30-A M.R.S.A. § 3261 et seq.* The Commission shall act as

advisory body to the City Council and any other municipal bodies requesting its services.

- B. Name. A Commission to be called the "Saco **Conservation Commission**" is hereby established for the City of Saco.
- C. Membership of Commission; terms of office. The Commission shall be composed of 11 regular and four associate members, to be appointed by the Mayor and approved by the Council. All shall be residents of the City of Saco. There shall be no more than three regular members on the Commission who are residents of the same ward. No more than two members of a similar profession shall serve on the Commission at one time. No member shall hold any elective office or other appointive position in the City, county, state or federal government, except that member(s) may be appointed to ad hoc or other special committees for a specified period of time. Members shall be appointed for a term of three years, except that the new appointments of three members shall be for terms of one year and one member for a term of two years. **[Amended 9-16-2002; 5-17-2004]**
- D. Vacancies. Vacancies on the Commission shall be created under the following circumstances:
- (1) When a member submits his/her resignation, in writing, to the Mayor, who shall declare that the member's seat is vacant.
 - (2) When a member's official residence is no longer in the City, the Secretary of the Commission shall notify, in writing, the Mayor and the City Council, who shall declare that seat vacant.
 - (3) Upon expiration of the term of a member.
 - (4) When a member is asked to resign by the Commission Chairman because he/she missed three consecutive meetings without his/her absence approved by the **Conservation Commission**.
- E. Election of officers; rules; quorum.
- (1) The Commission shall annually elect its own Chairman and Secretary and have power to adopt rules of procedure and prescribe regulations for the conduct of all business within its jurisdiction. Six regular members shall constitute a quorum. Associate members shall not vote, unless the Chairman appoints them to act in place of a regular member who is absent or is excused from voting because of a conflict of interest, in order to achieve a quorum. If less than a quorum is present, the meeting shall be adjourned. **[Amended 9-16-2002]**
 - (2) The **Conservation Commission** may, at its discretion, by majority vote, appoint for a term of one year up to 30 nonvoting affiliate members to staff special committees. Said committees shall include, but not be limited to, the Trail Committee, Recreation Committee, Open Space Inventory Committee, Regulatory Study Committee, Land Use Committee, etc. **[Added 12-18-1995]**
- F. Authority.
- (1) The Commission shall conduct research, in conjunction with the Planning Board, into local land area usage at the request of the Planning Board, follow any plan of development adopted by the Planning Board and make recommendations to preserve and enhance the natural resources of the City.
 - (2) In addition to its responsibility for the stewardship of the City's natural resources, the **Conservation Commission** shall provide the Planning Board with technical assistance, operating as an advisory body to the Board, with the following functions. The Commission shall:
 - (a) Review and provide comments to the Planning Board on development applications as to their potential impacts, either positive or negative, on the natural environment.
 - (b) Assist the Planning Board in the preparation and periodic updating of the Comprehensive Plan, particularly in the data collection, mapping and interpretation of natural features.
 - (c) Advise the Planning Board on other relevant issues pertaining to the natural resources of the City.
 - (d) Perform monitoring services.
 - (3) The Commission may seek to coordinate activities of conservation bodies organized for similar

purposes.

- (4) The Commission may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets deemed necessary, subject to approval of funds by the City Council.
- (5) The Commission shall keep an index of all open areas, publicly or privately owned, within the City, including springs, open marshland, swamps and other wetlands, for the purpose of obtaining information pertinent to proper utilization, protection and development or use of such areas.
- (6) The Commission may recommend to the City Council, any municipal board or any board of the State of Maine a program for the better utilization, protection, development or use of such areas, including conservation easements. It may recommend acquisition of land in the name of the City for the purposes set forth in this section with the approval of the City Council.
- (7) The Commission shall be notified at least 30 days prior to implementation of any action, plans or planning operations by any body politic or public agency of the State of Maine in any open areas.
- (8) The Commission may receive gifts in the name of the City for any purpose set forth in this section and shall administer the same for such purposes subject to the terms of the gifts.
- (9) The Commission shall keep records of all its meetings and activities and submit copies of its agendas.
- (10) The Commission shall make an annual report to the Council, which shall be published as part of the City of Saco's Annual Report.

G. Definitions. As used in this section, the following terms shall have the meanings indicated:

OPEN AREAS — Includes but is not limited to the preservation or restriction of the use of which would maintain or enhance the conservation of natural or scenic resources, protect natural streams or water supplies, promote conservation of swamps, wetlands, beaches or tidal marshes, forests, wildlife preserves, nature reservations, sanctuaries. In the case where an open area may already be under the control of another environmental protection agency of the City, state or federal government, including the Saco River Corridor and the Saco Parks and Recreation Commission, the **Conservation Commission** shall operate in these areas under the guidelines set up by the other body.

§ 4-38. (Reserved) *Editor's Note: Former § 4-38, Community Activities Committee, was repealed 12-20-2004.*

§ 4-39. Coastal Waters Commission.

A. Duties of the Coastal Waters Commission.

- (1) Establishing policy. The Saco Coastal Waters Commission exists for the general purpose of studying and evaluating public usage of and boating access to coastal waters under the jurisdiction of the City of Saco, planning for its future use, advising the City Council on policy matters and proposing to the City Council regulations concerning the Saco River and the City's coastal waters. The proposed regulations and policies shall be consistent with federal and state law.
- (2) Further duties. In addition, the Commission shall review and cooperate in maintenance and care of City-owned waterfront facilities with the Harbor Master and Public Works Department and plan harbor improvements in conjunction with the City, state and federal authorities. The Commission shall sit as a Board of Appeals to hear an appeal from any person aggrieved by any decision, act or failure to act of the Harbor Master. The Commission shall regularly inform the City Council and other boards, committees, commissions or officials of the City, as is appropriate, of its activities.

B. Organization.

- (1) The Coastal Waters Commission shall consist of seven members, appointed by the Mayor and confirmed by the Council. Each Commissioner shall be a resident of the City and shall serve without compensation. **[Amended 9-16-2002]**

- (2) Neither a municipal officer nor his/her spouse may be a member of the Commission.
- (3) Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members, except the member who is being challenged.
- (4) Commissioners may be removed by the City Council for cause, after notice and hearing. A Commissioner shall forfeit his/her membership on the Commission if he/she fails to attend three consecutive regular meetings of the Commission without being excused by the Commission. The Chairman of the Commission shall notify the Mayor of the forfeiture of office by a Commissioner.
- (5) The term of office of a member shall be three years. Members shall be eligible for reappointment to two consecutive three-year terms. Thereafter, members may be appointed for a maximum of two three-year terms but may be appointed again after one year off the Commission. Two new members appointed in 2002 shall be appointed to terms of three years respectively. Each Commissioner shall be a resident of the City, shall be persons qualified to perform the duties of such office and shall serve without compensation. **[Amended 9-16-2002]**

C. Procedure.

- (1) A Chairman and a Secretary shall be elected by the Board in April of each year.
- (2) The Chairman or City Administrator shall call meetings of the Commission as required. The Chairman shall also call meetings of the Commission when requested to do so by a majority of the members or by the Mayor. The Commission shall meet at least twice per year, semiannually, to conduct official business. A quorum of the Commission necessary to conduct an official Commission meeting shall consist of at least three members. The Chairman shall preside at all meetings of the Commission and shall be the official spokesman of the Commission.
- (3) The Secretary shall maintain a permanent record of all Commission meetings and all correspondence of the Commission. The Secretary shall be responsible for maintaining those records which are required as a part of the various proceedings which may be brought before the Commission. All records to be maintained or prepared by the Secretary are deemed public and shall be filed in the Municipal Clerk's office and may be inspected at reasonable times. The City Administrator may assign secretarial help to do minutes and other clerical work of the Commission.
- (4) The Commission shall adopt rules of procedure, which shall be recorded by the Secretary, for any matter relating to the conduct of any hearing, provided that any rule may be waived by the Commission upon good cause shown.

D. Procedure for appeals from decision of the Harbor Master.

- (1) Jurisdiction. The Coastal Waters Commission shall hear any appeal by any person affected directly or indirectly by any decision, order, rule, act or failure to act of the Harbor Master. In deciding any appeal, the Commission shall hear and approve, approve with modifications or conditions or disapprove the decision, order, rule, act or failure to act of the Harbor Master from which the appeal is made. The Commission's decision shall be made within 30 days of the filing of the appeal.
- (2) Evidence. The Commission may receive any oral or documentary evidence but shall provide, as a matter of policy, for the exclusion of irrelevant, immaterial or unduly repetitious evidence. Every party shall have the right to present his/her case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts.
- (3) Record of proceedings. The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceeding, shall constitute the record. All decisions shall become part of the record and shall include a statement of findings and conclusions, as well as the reasons and/or basis therefor. Notice of any decision shall be mailed or hand-delivered to the petitioner, his/her representative or agent, agency or office, the City Administrator, City Clerk, Mayor and City Council within seven days of the Commission's decision.

(4) Appeal. An appeal may be taken from any act or decision of the Coastal Waters Commission by appeal to the City Council.

E. Interlocal cooperation. The municipal officers of the City of Saco recognize the aesthetic beauty and environmentally sensitive condition of the Saco River, its harbors and the coastal waters of Saco Bay and fully recognize the City's obligation to the citizens of Saco and future generations to protect such a natural resource. The City Council further recognizes that the City of Biddeford also has an obligation to its citizens to protect these natural resources and, in the spirit of cooperation, hereby authorizes that the Coastal Waters Commission of Saco join with a similar Commission created by the City of Biddeford to address and incorporate community needs and wishes. The Commission shall have no police powers nor authority to create regulations or ordinances or to commit funds, but shall exist for the general purpose enumerated in Subsection A(1), Establishment of policy.

§ 4-39.1. Parks and Recreation Advisory Board. [Added 12-15-2003]

A. Purpose and responsibilities.

- (1) The Parks and Recreation Advisory Board is established with the purpose of planning a Citywide parks and recreation program and to advise and assist the Parks and Recreation Director in initiating and maintaining this program.
- (2) The responsibilities of the Parks and Recreation Advisory Board include:
 - (a) Overall responsibility to promote, enhance and protect recreational opportunities in Saco in order to maintain and further develop the quality of life.
 - (b) Serving as an advisor to the Parks and Recreation Director and as a forum for the discussion of new and creative programs, including needs and requirements of present and future activities, programs, and projects.

B. Membership and terms. The Parks and Recreation Advisory Board shall consist of 11 members, all being residents of the City of Saco. Members shall be appointed by the Mayor, with Council confirmation, for a term of three years beginning July 1 initially with four members being appointed for one year, four members appointed for two years and three members being appointed for three years. An appointment to fill a vacancy during an unexpired term shall be for the remainder of the unexpired term. **[Amended 5-16-2005]**

C. Vacancy on the Parks and Recreation Advisory Board. Vacancies on the Parks and Recreation Advisory Board shall be created under any of the following circumstances:

- (1) Letter of resignation to the Chair of the Parks and Recreation Advisory Board or to the Mayor.
- (2) The expiration of the term of a member.
- (3) The residency requirement is not met.
- (4) Failure to attend three or more consecutive regular monthly meetings of the Parks and Recreation Advisory Board.

D. Officers, rules and quorum.

- (1) The members of the Board shall elect a Chairman for a one-year term. Election of officers shall take place at the regularly scheduled meeting in July.
- (2) A majority of the Board members shall constitute a quorum for the conducting of business. The Board may adopt such rules and regulations as it deems proper and necessary for the carrying out of its duties and functions.

E. Meetings.

- (1) The Parks and Recreation Advisory Board will meet monthly on a date and place agreed on by the Parks and Recreation Advisory Board with all meetings open to the public.

- (2) Special meetings may be called by the Chair or by the Parks and Recreation Director, with the approval of the Chair.

Chapter 45: SHORELINE COMMISSION

[HISTORY: Adopted by the City Council of the City of Saco 4-6-1998. Amendments noted where applicable.]

GENERAL REFERENCES

Floodplain Management — See Ch. 106.

Harbor and waterfront — See Ch. 118.

§ 45-1. Powers and duties.

- A. The Saco Shoreline Commission exists for the general purpose of studying the continuing effects of erosion on Saco's shorefront, as well as evaluating public usage of the beaches and other public infrastructure within a coastal zone under the jurisdiction of the City of Saco and advising the City Council on policy matters relating to coastal erosion and use.
- B. The Commission shall review and advise the city on issues relating to the Saco shoreline, including but not limited to maintenance and the care of city-owned waterfront facilities. In addition, the Commission shall advise on all dredging issues related to the mouth of the Saco River.
- C. The Commission shall participate in planning efforts and review plans affecting the shoreline as required by city, state or federal rules or regulations.
- D. The Commission shall make recommendations to the City Council regarding the implementation or amendment of the Camp Ellis Beach Erosion Study Committee Report of October 1997.
- E. The Commission shall participate in local, regional or state coastal planning efforts.
- F. The Commission shall perform other such advisory duties as are assigned to it by ordinance or by the City Council
- G. The Commission shall regularly inform the City Council and other boards, committees, commissions or officials of the city, as is appropriate, of its activities.

§ 45-2. Organization and membership; conflicts and removal; terms.

- A. Saco Shoreline Commission shall consist of nine members, appointed by the Mayor and confirmed by the Council. Each Commissioner shall be a resident of the city and shall serve without compensation.
- B. Neither a municipal officer nor his/her spouse may be a member of the Commission.
- C. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members, except the member who is being challenged.
- D. Commissioners may be removed by the City Council for cause, after notice and hearing. A Commissioner shall forfeit his/her membership on the Commission if he/she fails to attend three consecutive regular meetings of the Commission without being excused by the Commission. The Chairman of the Commission shall notify the Mayor of the forfeiture of office by a Commissioner.
- E. The term of office of a member shall be three years, except the initial appointments, which shall be as follows: three members for three-year terms; three members for two-year terms; and three members for one-year terms.

§ 45-3. Officers; administrative procedures.

- A. A Chair, Vice Chair and Secretary shall be elected by the Commission annually.
- B. The Commission shall meet at least monthly, except that the Chairperson or City Administrator may call special meetings of the Commission as required. The Chairman shall also call meetings of the Commission when requested to do so by a majority of the members or by the Mayor. A quorum of the Commission necessary to conduct an official Commission meeting shall consist of at least five members. The Chairman shall preside at all meetings of the Commission and shall be the official spokesman of the Commission. A simple majority of members present and voting shall be sufficient for passage of a motion.
- C. The Secretary shall maintain a permanent record of all Commission meetings and all correspondence of the Commission. The Secretary shall be responsible for maintaining those records which are required as a part of the various proceedings which may be brought before the Commission. All records to be maintained or prepared by the Secretary are deemed public and shall be filed in the Planning Office and may be inspected at reasonable times.
- D. The Commission shall adopt rules of procedure, which shall be recorded by the Secretary, for any matter relating to the conduct of any hearing, provided that any rule may be waived by the Commission upon good cause shown.
- E. The Commission shall provide public notice of Commission meetings by posting agendas at City Hall at least 24 hours in advance of a meeting. All meetings shall be open to the public. The Commission may hold hearings at its discretion, upon published notice in a newspaper of general circulation at least 7 days prior to the hearing.

§ 45-4. Interlocal cooperation.

The municipal officers of the City of Saco recognize the aesthetic beauty and environmental sensitivity of the ocean front and fully recognize the city's obligation to the citizens of Saco and future generations to protect such a natural resource. The City Council further recognizes that Saco's beach front, as part of the Saco Bay system, is integrally connected with beach systems in Old Orchard Beach and Scarborough and that these towns have an obligation to their citizens to protect these natural resources and, in the spirit of cooperation, hereby authorizes that the Saco **Shoreline Commission** join with similar commissions, committees, organizations or individuals established by the Towns of Old Orchard Beach and Scarborough to address and incorporate community needs and wishes. The Commission shall have no police powers nor authority to create regulations or ordinances or to commit funds but shall exist for the general purpose enumerated in § 45-1, Powers and duties.

§ 45-5. Definitions.

" Shoreline" shall mean that portion of Saco's waterfront affected by daily tides, excluding the portions of the shoreline within the Saco River or between the jetties at the mouth of the Saco River.

§ 4-25. Division of Public Health.

- A. Establishment. There shall be a Division of Public Health, the head of which shall be a person appointed by the City Administrator, as provided under Article V of the City Charter. Subject to budget limitations, the Health Administrator shall have one or more health assistants. There shall also be one or more Plumbing Inspectors, appointed by the City Administrator, to be under the direction of the Building Inspector, but who will be used on loan by the Division of Public Health when deemed necessary by the Health Administrator.
- B. Duties of the Health Administrator. The Health Administrator shall have charge and control of all functions involved in protecting and preserving the public health, with the exception of supervising contract administration for health services, which shall be the responsibility of the City Administrator or his/her appointed delegate. The Health Administrator shall have all powers provided by state law or City ordinance relative thereto. Among other powers, the Health Administrator shall exercise the function of:

- (1) Communicable disease control, which shall include the power of quarantine and detention and the adoption of such other measures as will prevent the spreading or aid in the prevention of communicable diseases.
 - (2) Sanitation, which shall include inspection of the preparation, manufacture, storage and sale of all articles and commodities intended for human consumption and the regulation of all matters pertaining to the sanitary condition affecting the public health.
 - (3) Nursing, which shall consist of the inspection of the operation of all private or public infant, preschool and school hygiene programs, and their direct operation, if and when so authorized by ordinance.
 - (4) The prompt inspection of any premises for which a license has been applied and which requires certification by the **health officer**. The Health Administrator shall deliver to the City Clerk promptly a certificate to the effect that the health laws are complied with and the proper sanitary conditions exist or promptly advise, in writing, the City Clerk of his/her refusal to so certify.
- C. Complaints. The Health Administrator shall receive and investigate all complaints made by any of the inhabitants of Saco concerning nuisances dangerous to life and health which are known or believed by him/her to exist and, personally or by appointed agents, inspect and examine the same. All owners and occupants shall permit such sanitary examination. The Health Administrator shall have the power and duty to order the suppression and removal of nuisances and conditions detrimental to life and health which exist within the limits of the City.
- D. Plumbing Inspector. The Plumbing Inspector or Inspectors shall perform all such duties as may be required by state law and by ordinances of the City.