

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

The following are minutes of the City Council Meeting held on Feb. 5, 2007.

- I. **CALL TO ORDER** – On Monday, February 5, 2007 at 7:30 p.m. a Council Meeting was held in the City Hall Auditorium.
- II. **ROLL CALL OF MEMBERS** – Mayor Johnston conducted a roll call of the members and determined that the Councilors present constituted a quorum. Councilor present: David Tripp, Leslie Smith, Jr., Ronald Morton, Roland Michaud, Arthur Tardif and Christopher Jacques. Councilor Cote was absent this evening.

Mr. Richard R. Michaud, City Administrator and Lucette S. Pellerin, City Clerk were also in attendance this evening.

**III. PLEDGE OF ALLEGIANCE**

Mayor Johnston requested a moment of silence to honor Mr. Gerard Doyon, Ward Clerk from Ward 5, who expired on February 4, 2007. Mr. Doyon had served the City of Saco in the capacity of Warden as well as the current position of Ward Clerk.

**IV. APPROVAL OF MINUTES:**

**V. GENERAL:**

**2007 Government Finance Officers Association Award Presentation:  
City of Saco & Lisa Parker, Finance Director**

The Government Finance Officers Association of the United States and Canada presented a Distinguished Budget Presentation Award to the City of Saco, Maine for its annual budget for the fiscal year beginning July 1, 2006. This award is the highest form of recognition in governmental budgeting. Its attainment represents a significant achievement by our organization.

Additionally, for this quality work, Finance Director Lisa Parker has again received a "Certificate of Recognition for Budget Presentation", for fiscal year beginning July 1, 2006, given by the Government Finance Officers Association.

**Congratulations** to the City of Saco and to Lisa Parker for the excellent work, and may we continue with this record in the future.

**VI. AGENDA ITEMS:**

**A. (Public Hearing) Transfer Station Fees**

Public works staff reviewed the operation of the Municipal Transfer Facility. This review included an examination of the different disposal fees currently in place.

Shingles are an acceptable item for disposal at the Transfer Site and the fee for disposal is currently:

Residents \$20/ cubic yard  
Commercial \$22/ cubic yard

The City must transport these shingles to Scarborough for final disposal. These costs are based on weight and work out to an expense of \$53.04 per ton (\$6.33 for transportation and \$46.71 for disposal). The cubic yard equivalent is \$26.52.

Therefore, staff recommends adjusting charges for shingles to offset this expense. The recommended price adjustment is as follows:

Residents \$30/ cubic yard  
Commercial \$35/ cubic yard

Councilor Tardif moved, Councilor Michaud seconded, to open the Public Hearing on the disposal fees for shingles at the Transfer Station. The motion passed with six (6) yeas.

There were no comments from the public. Councilor Tardif moved, Councilor Michaud seconded, to close the Public Hearing and Be it ordered that the City Council authorize the disposal fees for shingles at the Transfer Facility be changed to \$30.00 per cubic yard for residents and \$35.00 per cubic yard for commercial users. Further move to approve the order. The motion passed with six (6) yeas.

## **B. Budget Amendment – Infrastructure Bond**

On November 7, 2006, the voters of Saco approved an infrastructure bond of \$4,358,848 to include the following authorized capital improvement expenditures:

Parks Department Maintenance Building-\$200,000  
Main Street Improvements-\$700,000  
Saco Middle School Entrance-\$365,000  
Temple, Pleasant, Green & Pearl Street-\$1,249,400  
Parks & Recreation Community Center-\$68,700  
Garfield Street Sidewalk-\$75,000  
Fairfield Street Reconstruction-\$286,600  
Fenderson Road Construction-\$337,800  
Shadagee Road Reconstruction-\$455,000  
80 Common Street Renovations-\$621,348

The City therefore needs to authorize a budget amendment to recognize the bond proceeds as budgeted revenues as well as recognize the various capital improvement expenditures.

Councilor Michaud moved, Councilor Smith seconded, that it be Ordered that the City Council authorize the following budget amendment:

Increasing bond proceeds revenue (account number 10340/300970) by \$4,358,848 as well as increase the following capital improvement expenditure accounts:

Parks Dept. Maintenance Building (account number 10670/500910/07201) by \$200,000  
Main Street Improvements (account number 10670/500910/07202) by \$700,000  
Saco Middle School Entrance (account number 10670/500910/07203) by \$365,000  
Temple, Pleasant, Green & Pearl Street (account number 10670/500910/07204) by \$1,249,400  
Parks & Recreation Community Center (account number 10670/500910/07205) by \$68,700  
Garfield Street Sidewalk (account number 10670/500910/07206) by \$75,000  
Fairfield Street Reconstruction (account number 10670/500910/07207) by \$286,600  
Fenderson Road Construction (account number 10670/500910/07208) by \$337,800  
Shadagee Road Reconstruction (account number 10670/500910/07209) by \$455,000  
80 Common Street Renovations (account number 10670/500910/07210) by \$621,348.

MAIN MOTION: Further move to approve the Order. The motion passed with five (5) yeas and one (1) nay. Councilor Tardif voted in the negative.

AMENDMENT TO THE MAIN MOTION: Councilor Tardif moved, Councilor Morton seconded, to vote on the budget amendments individually. The motion **failed** with two (2) yeas and four (4) nays. Councilors Tripp, Smith, Michaud and Jacques voted in the negative.

### **C. Property Acquisition by MDOT - Seaside Ave Construction**

The Maine Department of Transportation (MDOT) is planning to begin construction of the Seaside Avenue road reconstruction project in the summer of 2007. The project will include changing the geometry of the road to provide safer pedestrian and vehicular traffic and drainage improvements. As part of this project, the MDOT will need to acquire land and/or drainage easements from the City of Saco to complete the construction as designed. The two properties are listed below:

#### **Bayview Parking lot at the intersection of Bayview Road and Seaside Avenue**

This taking will acquire 583 square feet (s.f.) of prescriptive easement and 1,271 s.f. of land and 1,594 s.f. of drainage easement to widen the corner along Seaside and Bayview Road. The State is offering \$9,200 in compensation to the City for this acquisition.

#### **Seaside Avenue near Atlantic Way**

This taking will acquire 1,414 s.f. of drainage easement on the westerly side of Seaside Avenue. The State is offering 500.00 to the City for this acquisition.

Councilor Michaud moved, Councilor Smith seconded, that it be ordered that the City Council authorize the City accept to the State offer of \$9,200 for Parcel #21 and \$500.00

for Parcel # 8 for land needed to complete the improvements to the Seaside Avenue, Route 9. Further I move to approve the orders. The motion passed with six (6) yeas.

**D. Approval of PACTS Projects**

Portland Area Comprehensive Transportation Committee (PACTS) and Maine Department of Transportation (MDOT) are requesting that the City sign a “*Letter of Intent*” confirming and committing the City to the anticipated expenses associated with the proposed projects. The City has 4 roads and 1 sidewalk project scheduled with PACTS for 2007. Those projects and the associated costs (local and state) are listed below:

<b>PIN</b>	<b>Road:</b>	<b>Maximum PACTS Funding</b>	<b>MDOT Est. 12.06</b>	<b>Funding Gap</b>	<b>Original Local Share</b>	<b>Revised Local Share</b>	<b>% Share</b>
13112	Old Orchard Rd	\$237,038	\$220,000	\$17,038	\$35,556	\$35,556	15%
13110	Garfield	\$299,750	\$353,000	(\$53,250)	\$44,963	\$98,213	15%
14312	Bayview	\$260,916	\$400,000	(\$139,084)	\$52,183	\$191,267	20%
13111	North Street	\$213,125	\$260,000	(\$46,875)	\$31,969	\$78,844	15%
13112	Sidewalk Project	\$340,000	\$340,000	\$0	\$51,000	\$51,000	15%
					\$215,670	\$454,879	

Councilor Tripp moved, Councilor Smith seconded, that it be ordered that the City Council authorize the City Administrator to issue the letters of intent for PACTS projects – PIN 13110: Garfield Street, PIN 13112: Old Orchard Beach Road, PIN 13111: North Street and for PIN 14312: Bayview Road.

Be it further ordered that the City Council authorize the City Administrator transfer \$454,879 from Undesignated Fund Balance Account 10630/500801 for the fiscal year ending June 30, 2006 to Account number 1000/13000 Overlay. Further I move to approve the orders. The motion passed with six (6) yeas.

**VII. CONSENT AGENDA:**

**A. Offer Passport Service at City Hall**

Be it ordered that the City Council authorize the Finance Department to proceed with offering passport service within Saco City Hall effective March 1, 2007, and further move to create a new revenue account “Passport Revenue” to track the revenues that are collected from this service.

**B. (First Reading) Code Amendment Personnel §34**

The Personnel Ordinance is being revised, and the following amendments are recommended:

- new revised federal and state language that addresses the Family Medical Leave;

- a new section addressing Non-Discrimination and Anti-Harassment in the workplace,
- inserting the new Maine law that addresses Leave for Victims of Domestic Violence,
- amending the payment in lieu of health insurance to \$1950 to have it the identical to the unions,
- eliminating the section on Tool Allowance since we no longer have a Garage Foreman,
- and finally the remaining amendments are housekeeping improvements to the ordinance.

The Personnel Committee as well as the Department Heads have reviewed these proposed amendments and have no quandary with the changes.

The City of Saco hereby Ordains and approves the First Reading of the document titled, 'Code Amendments to Chapter 34 Personnel Ordinance, dated January 22, 2007', and further move to schedule the Public Hearing for February 20, 2007.

## **CODE AMENDMENTS TO CHAPTER 34 PERSONNEL ORDINANCE, DATED January 22, 2007**

(~~Strikethrough~~ indicates language to be deleted, while underline represents new language)

### **§ 34-9. Compensation.**

It is the intent of the City that employees shall be paid on a basis that is commensurate with salaries and wages for comparable public and private work in the area and that will attract and retain well-qualified employees. For this purpose, a position classification and pay plan (hereinafter referred to as the "plan") is adopted which specifies a salary range for each position in the service. ~~The plan is attached as Appendix A.~~

### **§ 34-14. Harassment policy. [Amended 3-4-2002]**

A. ~~The City of Saco prohibits all forms of discrimination and harassment, including harassment based upon race, color, religion, national origin, age, gender, sexual orientation, and disability. In addition, this policy prohibits sexual harassment.~~

~~B. Sexual harassment is a form of misconduct that undermines the integrity of the employment relationship. "Sexual harassment" can be defined as the attempt to control, influence, or affect the career, salary, or job of an individual in exchange for sexual favors or the creation of an intimidating, hostile, or offensive working environment based on unsolicited and unwelcome sexual overtures or conduct, either verbal or physical.~~

~~C. The definition of sexual harassment under the Regulations of the Maine Human Rights Commission is:~~

- ~~(1) Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:~~

- ~~(a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;~~
- ~~(b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;~~
- ~~(c) Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.~~

~~D. Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior which is unwelcome.~~

~~(1) Examples of sexual harassment include, but are not limited to:~~

- ~~(a) Repeated unwelcome sexual flirtations, advances, or propositions;~~
- ~~(b) Continued or repeated verbal abuse of a sexual nature;~~
- ~~(c) Graphic or degrading comments about an individual or his or her appearance;~~
- ~~(d) The display of sexually suggestive objects or pictures;~~
- ~~(e) Any offensive physical contact; and~~
- ~~(f) Any retaliation or threat of retaliation against one who has made a complaint of harassment.~~

~~(2) In addition, no one should suggest, imply, or threaten that an applicant or employee's cooperation of a sexual nature (or refusal thereof) will have any effect on the individual's employment, assignment, compensation, advancement, career development, or any other condition of employment.~~

~~E. All supervisory or managerial personnel at City of Saco are responsible for enforcing this policy. Failure to do so will be considered a failure to fulfill all the responsibilities and duties of the position.~~

~~F. Employees shall report, in writing, all instances of sexual harassment directly to the City Administrator. The incident report must include any witnessed harassment or harassment directed at the employee. Female employees may report an incident to a Personnel Secretary, female supervisor or department head and then report an incident to the City Administrator. The City Administrator or his/her designated representative shall investigate thoroughly and respond to the appropriate parties as soon as possible, not to exceed 15 working days. The response to the party (employee) shall be general and will not divulge the contents of the investigations. There will no retaliation measures taken against any employee who makes a complaint of harassment. If you become aware that any employee is being harassed, it is your responsibility to bring this to the attention of the City of Saco management or immediately.~~

~~G. If the harassment allegations are found to be true, the City Administrator or his/her designated representative shall take the appropriate corrective action, including the suspension or discharge of the offending employee(s). Any repeated conduct with regard to harassment shall be grounds for immediate termination of employment. If~~

~~the investigation leads the Mayor and City Council to the conclusion that the City Administrator is the offending employee, the Mayor and City Council shall appoint a Personnel Board to review the facts of the investigation and shall recommend the appropriate corrective action to the Mayor and City Council.~~

~~H. Employees may file a complaint of sexual harassment with the Maine Human Rights Commission at State House Station 51, Augusta, Maine 04333, (207) 289-2326. Employees are protected by law from retaliation for filing a complaint of harassment with the Commission.~~

~~I. Employees who have suffered harassment in the workplace may be eligible for recovery of civil penal damages and other monetary damages, through the courts, the Commission, or the Workers Compensation Commission.~~

#### **§34-14. Non-Discrimination and Anti-Harassment Policy**

A. The City is committed to providing a workplace that is free from discrimination and discriminatory harassment. It is a violation of City policy and/or state and federal law for any employee to discriminate against or harass another employee based on race, color, religion, national origin, ancestry, age, sex, sexual orientation (including gender identity and expression), physical or mental disability, veteran status, or status as a whistleblower, and for any supervisory employee to permit any such act of harassment in the workplace by anyone, whether or not an employee.

B. Any employee of the City who believes that he or she has been discriminated against in employment on the basis of race, color, religion, national origin, ancestry, age, sex, sexual orientation, physical or mental disability, veteran status, or status as a whistleblower, or has been harassed on that basis, must report the behavior to the Personnel Officer or to the City Administrator. The City takes allegations of discriminatory treatment very seriously. The City will investigate every allegation of discrimination promptly and take whatever action is necessary to stop discrimination and remedy any effects of discrimination. Any employee who believes that he or she has been harassed or discriminated against in any way should follow the "Internal Complaint Procedure" set forth below.

#### C. Definition of Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (3) Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

#### D. Description of Sexual Harassment

The following type of conduct is considered sexual harassment and is not permitted:

(1) Physical assaults of a sexual nature such as:

(a) rape, sexual battery, molestation or attempts to commit these assaults;  
and

(b) intentional physical conduct which is sexual in nature, such as touching,  
pinching, patting, grabbing, brushing against another employee's body,  
or poking another employee's body.

E. Unwanted sexual advances, propositions or other sexual comments, such as:

(1) sexually-oriented gestures, noises, remarks, jokes, or comments about a  
person's sexuality or sexual experience directed at or made in the presence of  
any employee who indicates or has indicated in any way that such conduct in  
his or her presence is unwelcome;

(2) preferential treatment or promise of preferential treatment to an employee for  
submitting to sexual conduct, including soliciting or attempting to solicit any  
employee to engage in sexual activity for compensation or reward; and

(3) subjecting, or threats of subjecting, an employee to unwelcome sexual  
attention or conduct or intentionally making performance of that employee's  
job more difficult because of that employee's sex.

F. Sexual or discriminatory displays or publications anywhere in the workplace by  
employees, such as:

(1) displaying pictures, posters, calendars, graffiti, objects, promotional  
materials, reading materials, or other materials that are sexually suggestive,  
sexually demeaning, or pornographic, or bringing into the work environment  
or possessing any such material to read, display or view at work.

A picture will be presumed to be sexually suggestive if it depicts a person of  
either sex who is not fully clothed or in clothes that are not suited to or  
ordinarily accepted for the accomplishment of routine work in and around  
the Town and who is posed for the obvious purpose of displaying or drawing  
attention to private portions of his or her body.

(2) reading or otherwise publicizing in the work environment materials that are  
in any way sexually revealing, sexually suggestive, sexually demeaning or  
pornographic; and

(3) displaying signs or other materials purporting to segregate an employee by  
sex in any area of the workplace (other than restrooms and similar semi-  
private lockers/changing rooms).



### C. Authorization to Release Foreclosures

The City through the automatic foreclosure of unpaid tax acquired the following properties or sewer liens as allowed under Maine law:

- 14 Stockman Ave, formerly owned by Richard and Kathy Bergeron (sewer);
- 15 Norman St, formerly owner by Timothy M Needham (sewer);
- 12 Promenade Ave, formerly owned by Dennis P Waters (sewer); and
- 20 Coolidge Ave, formerly owned by Darren & Nicole Day (Sewer).

These are “sewer foreclosures” whose property owners or mortgage companies (Bergeron, Needham, Waters, Day) have come forward as allowed by policy and submitted payment with the understanding that upon payment the City of Saco will provide a Quit Claim deed to return ownership back to the home owner. The remaining property legally now belongs to the city and next steps are determined by the City Council. The following exhibits provide history on acquisition of each property, as required by policy, as well as a copy of the policy for reference. The City Council discussed this item at Workshop on January 22, 2007.

Be it Ordered that the City Council authorize issuing Quit Claim deeds to Kathy & Richard Bergeron, Timothy M Needham, Dennis P Waters and Darren & Nicole Day, and to return the city’s interest in those properties to these former owners

### D. Personnel Policy Amendment

Be it Ordered that the City Council approve the amendments to the document titled, ‘Amendments to the Performance Measurement Policy, dated January 22, 2007’.

#### **Amendments to the Performance Measurement Policy, dated January 22, 2007**

(~~Strikethrough~~ indicates language to be deleted, while underline represents new language)

#### **Performance Measurement Policy**

##### B. Vision

1. City Council Vision: Our vision is a high quality of life for Saco citizens and central to this vision is a sustainable economy that offers an opportunity for everyone to have rewarding employment and for business to prosper, now and in the future. The people of Saco bring this vision into reality by working together and building on our tradition of hard work, dedication, and ingenuity.
2. Citizens Statement that Symbolizes the City of Saco: Saco is a City that provides families of all kinds with a community that values its heritage, cherishes its environment, balances its growth, and offers a concerned and caring spirit.

3. Staff's statement of vision for the City: To enhance our community through exceptional service.

### C. Definitions

1. CAREER DEVELOPMENT BUDGET: Used to reward added value, new skills or job changes; to move employees closer to market or for equity adjustments; may be given as base pay or lump sum; DRIVER: Senior executive leadership sets directions, creates values, goals, and systems, and guides the pursuit of customer value and organization performance improvement
2. EFFICIENCY: The relationship between inputs and outputs – ratios. Efficiency measures reflect the relationship between work, performed and the resources required to perform it.
3. EVALUATION: The two-part process of measurement and subjective judgment based on facts.
4. FINANCIAL OBJECTIVE: Financial performance targets the city wants to achieve.
5. JOB ANALYSIS: This involves a determination of the business necessity of the job. Those business relationships need to be analyzed and documented.
6. MARKET ADJUSTMENT: Steps are adjusted each fiscal year as the same increases approved for the union contracts.
7. MERIT ANNIVERSARY DATE: ~~The date on which the employee may be eligible for consideration of a merit pay increase. This generally occurs at twelve month intervals and may not coincide with the anniversary date. A promotion, demotion, leave of absence, or extended use of sick leave or Workers' Compensation, or a change in regular or limited employment status may change the merit anniversary date.~~ The date in which an employee shall receive his/her merit increase. The date shall be the first month beginning of the forthcoming fiscal year (July 1<sup>st</sup>).

### E. Strategic Plan

1. The current Strategic Plan for the City. ~~which was accepted by the City Council in March of 2004.~~

### F. Strategic Objectives

3. The various objectives established for each strategic goal by the various department heads can be reviewed within the City's separately bound Strategic Plan as well as the City's web site. ~~Those objectives established by the City Council are located below. The City Council has established the following essential strategic objectives for 2004 through 2006:~~

(a) Objective 1— Schools

- (i) Develop better communication with school department and Board of Education.
- (ii) Investigate the restructuring of the school department, particularly business and facilities management
- (iii) Investigate consolidation of 2 elementary schools
- (iv) Consider whether capital assistance is needed to upgrade school technology—

(b) Objective 2— Camp Ellis erosion

- (i) Continue vigorous efforts to finalize the plan to address Camp Ellis erosion and build solution

(c) Objective 3— Solid waste

- (i) Work to remove MERC from downtown Biddeford and to find alternative means of disposal of MSW.
- (ii) Complete a solid waste transfer station
- (iii) Increase residential and commercial recycling—

(d) Objective 4— Maintain stable tax rate

- (i) Work to stabilize the city tax rate—
- (ii) Plan for potential result of 2004 tax cap vote—
- (iii) Continue efforts in Augusta for local option taxes and other Service center coalition initiatives
- (iv) Complete construction of Mill Brook Business Park

(e) Objective 5— Downtown development and rehabilitation

- (i) Continue support of downtown development rehabilitation efforts, including Main Street from Saco Island to North Street
- (ii) Intersection upgrade and regionalization of Scammon Corner
- (iii) The reconstruction of Pleasant Street from Main to Spring Street
- (iv) The Police Department pump station construction
- (v) Support Saco Spirit's leadership efforts—
- (vi) Redevelopment of Mill Building 4
- (vii) Redevelopment of Mill Building 108

(f) Objective 6— Traffic and Transportation

- (i) Continue to upgrade and implement the Road Surface Management Survey (RSMS) System
- (ii) Address traffic safety generally and congestion downtown
- (iii) Complete studies with PACTS on bicycle and pedestrian access
- (iv) Outer Main Street congestion and east/west access
- (v) Evaluate the use of cameras for signal light enforcement

(g) Objective 7 — Parks and Open space

- ~~(i) Acquire open space as authorized by voters in bond referendum~~
- ~~(ii) Begin implementation of the Plan for the Parks~~
- ~~(iii) Landfill reuse plan Investigate need and potential funding for improved parking at the Front Street boat launch and improved access to the upper Saco River.~~

I. Performance Measurement

1. Annually, the Employer and Employee shall define outcomes, outputs, and efficiencies and productivity measures for objectives. They shall generally be attainable within the time limitations as specified and the annual operating and capital budgets and appropriations provided. Said measures and objectives to be reduced in writing.
2. The employee shall prepare ~~quarterly~~ bi-annual reports of progress towards objectives to his/her supervisor and shall be submitted ~~March 31<sup>st</sup>; June 30<sup>th</sup> 1<sup>st</sup> September 30<sup>th</sup> and December 31<sup>st</sup> 1<sup>st</sup>~~ each year. His/her report shall include his/her assessment of employment goals and objectives established at his/her previous evaluation. A summary of these quarterly reports will be submitted with the annual evaluation.

J. Sources for and approach to setting objectives.

1. Summary of progress on objectives will be submitted in ~~June~~ December for the first six (6) months and in ~~January~~ June for the following ~~the~~ next six (6) months. This summary will be considered for inclusion in the City's Annual Report. A summary of progress on objectives will be submitted with budget request for the coming year, as will proposed changes in objectives for the department.

K. Evaluation by the Employer

1. The employee shall meet with the employer in ~~January for department heads and meet in February for all other full-time employees~~ June for the purpose of evaluating the employee. The Employer shall, at that meeting, discuss with the Employee his/her performance in relation to criteria as defined by the Employer. They shall also discuss the progress made toward meeting the employment goals and objectives established for the year. Note: The purpose of establishing specific employment goals and objectives is intended to assist the employee and employer to establish priorities for action. Failure to accomplish certain employment goals and/or objectives is not intended, necessarily, to connote failure on the part of the employee in his/her position.
2. The Employer shall see that a written summary be prepared, subsequent ~~to the~~ January and February to June, reflecting the evaluation of the Employee by the Employer as a whole. A copy of the summary shall be signed by the supervisor on behalf of the Employer and discussed with the Employee who shall, in turn, sign it as an indication that he/she has read and discussed the document with the Supervisor. A copy of the summary shall be placed in the employee's personnel file, a copy retained by the supervisor and a copy provided the Employee.

3. Any statements by employee expressing disagreements with any portion of the employer's evaluation as summarized, may be included with the summary, providing the employee signs them.
4. Merit Increase – Merit increases, if awarded, shall be effective ~~on the employee's anniversary date, not upon the completion of the employee evaluation~~ July 1<sup>st</sup> of the upcoming fiscal year. Employee evaluations shall be completed in January or February for the current fiscal year merit increase for all employees.

#### L. New Hires & Promotions

1. Performance evaluations shall be done ~~in January of each year for department heads and in February of each year for non-union non department heads employees, as outlined in the Performance Measurement Manual dated April 7, 2003. The evaluation process shall be for the fiscal year in which it is being conducted. (July 1<sup>st</sup> through June 30<sup>th</sup>).~~
  - a. For example: When your evaluation has been completed, your merit pay increase, if any, shall take place ~~on your anniversary date of the fiscal year in which it was earned. If your anniversary date fell before January or February, retro pay back to your anniversary date shall take place on July 1<sup>st</sup> for the forthcoming fiscal year.~~
  - b. ~~If your anniversary dates falls after your evaluation, your merit pay increase, if any, shall take place on that date (i.e., April 10<sup>th</sup>).~~
2. For new employees or new promotions into a new non-union position or title, these employees would follow the ~~same procedure. For promotions and new title change, they adopt a new anniversary date. New employees would be evaluated after six (6) months and reviewed after one year of service in the months of January or February. As mentioned above, those anniversaries that fall before January or February, retro pay would take place; and for those whose anniversary dates fall after, their merit pay would take place on their new anniversary date. In some instances it may take an employee eighteen (18) months to obtain his/her merit pay increase (i.e., an employee hired in July). (Employee Evaluation Policy attached.)~~ following format; if hired or promoted into a non-union position and there is nine (9) to twelve (12) months remaining to the fiscal year, the employee shall be entitled up to a three (3%) percent merit increase which shall take place on July 1<sup>st</sup> for forthcoming year; if hired or promoted into a non-union position and there is six (6) to nine (9) months remaining to the fiscal year, the employee shall be entitled up to a two (2%) percent merit increase which shall take place on July 1<sup>st</sup> for forthcoming year. Merit increases shall be according to the points outlined in the Performance Rating Scoring Table under N. Merit Pay.
3. ~~Employees hired July 1<sup>st</sup> of the fiscal year, or any time between July 1<sup>st</sup> & December 31<sup>st</sup> shall establish goals and be evaluated in January or February or at their six month review. However, there would not be a merit pay tied to these goals at this time. Goals set for the new fiscal year would be established and reviewed the following January or February and retroed back to the previous July 1<sup>st</sup>.~~

~~4.(Example) Employee hired August 16, would establish goals and reviewed next February for their six month review with no merit increase. New goals would be established in January or February and the employee would be evaluated next February and these goals would count towards their merit pay increase for August 16, with pay being retroactive.~~

~~5. Employees hired before July 1<sup>st</sup> would establish goals and be evaluated January or February, with the merit pay system used. Their merit pay increase, if any, would be effective on their up coming anniversary date.~~

~~6.(Example) An employee hired May 21, , would establish goals and evaluated next January or February . These goals would be counted towards their merit pay increase effective May 21,).~~

## N. Merit Pay

1. The Four/Fifths Rule: The performance levels of employees working in similar units should not vary by more than 20% provided they have similar desire, opportunity and ability to perform the standards. When performance levels within similar work units vary by more than 20% lack of desire and/or opportunity is assumed to be the source of the problem.

~~2. The plan includes a merit increase scale based upon the 2003 Pay Study. The granting, failing to grant or revocation of merit pay shall be at sole discretion of the City based upon job performance. The City shall adopt a point system for the purpose of evaluating employees for merit pay.~~

3. Partial score: How are you rated when one or more of the of the items listed as Characteristic Performance do not apply?

4. The Supervisor and you shall review all of the Performance Characteristics at the performance evaluation meeting and determine which ones apply to your position. The Performance Characteristics that do not apply will be removed from the scoring process. The total score will be decreased proportionately to recognize that fewer measures are being used. For example, lets assume that measure I. H. Delegation does not apply to the position: 5 points would then reduce the total possible score of 175 to 170 and so on for each measure that does not apply. ~~The new partial score would be as follows:~~

Performance Ratings Scoring	Step	Points: Full Score
Marginal Performance	0	<del>0-134</del> 0-144
Merit Step Scale		
Meets Requirements	1	<del>135-144</del> 145-154
Good Performance	2	<del>145-165</del> 155-165
Exceeds Requirements	3	166 - 175



Appendix C – Evaluation Form

Evaluation Summary

Category		I	II	III	IV	V	VI	TOTAL
Possible	Employee	35	20	15	20	35	45	170
Points	Supervisor	40	20	15	20	35	45	175
Actual Score								

Merit Step Scale		
Performance Ratings Scoring	Step	Points: Full Score
Fails to Meet, Marginal Performance	0	<del>0-134</del> <u>0-144</u>
Meets Basic Requirements	1	<del>135-144</del> <u>145-154</u>
Good Performance	2	<del>145-165</del> <u>155-165</u>
Exceeds Requirements	3	166-175

Evaluator: \_\_\_\_\_ Date: \_\_\_\_\_

Employee's signature does not mean that he/she agrees with the ratings. It simply acknowledges that the employee has reviewed and discussed the evaluation with his/her supervisor.

Employee's Comments \_\_\_\_\_

The evaluation with higher supervisor.

Employee's Signature \_\_\_\_\_

I would like to discuss this performance evaluation with someone other than my supervisor. Yes \_\_\_\_\_ No \_\_\_\_\_

Evaluator \_\_\_\_\_

Department Head \_\_\_\_\_

Date \_\_\_\_\_

In order to provide the employee with guidance and direction for the upcoming year, please list below key goals, or development issues. The list should be reviewed during the year and progress monitored. The Work Plan will serve as a basis for discussion in the next performance evaluation session. In those positions for which a Work Plan is required, each goal and objective will be rated on both the quality of work performed and the degree to which it was completed. The quality rating scale shall be 5-4-3-2-1 and will correspond with the characteristic performance standards on the front of this form. The completion rating scale shall be 3-2-1 (3 complete, 2 partially complete, 1 not complete). These ratings shall serve as a guide when determining the quality and quantity of work scores (VI. A and B) on the valuation form.

**E. Confirmation of Reappointment to the Conservation Commission: David Shaw & Debi McKenny**



Be it ordered that the City Council approve the Mayor's reappointment of David Shaw and Debi McKenny to a full membership term of (3) years on the Saco Conservation Commission to expire January 2010.

**F. Game of Chance Application – BPOE 1597**

Be it Ordered that the City Council grant the application for a License to Operate a Game of Chance: Pull Tickets, from April 1, 2007 to June 30, 2007, as submitted by BPOE #1597.

Councilor Smith moved, Councilor Tripp seconded, to approve the Consent Agenda. The motion passed with six (6) yeas.

**VIII. ADJOURNMENT AND RECONVENE THE WORKSHOP**

Councilor Tripp moved, Councilor Smith seconded, to adjourn. The motion Passed with six (6) yeas. TIME: 7:50 p.m.

ATTEST:

\_\_\_\_\_  
Lucette S. Pellerin, City Clerk