

CITY OF SACO

COUNTY OF YORK

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The following are minutes of the March 19, 2007 Council Meeting.

I. CALL TO ORDER – On Monday, March 19, 2007 at 7:00 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, Eric Cote and Christopher Jacques.

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

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES:

V. GENERAL:

VII. CONSENT AGENDA:

A. (First Reading) Code Amendment – Chapter 60 Ambulance Service

The Saco Fire Department has based its ambulance fee schedule on the New England Fee schedule set by Medicare. This fee schedule, based on nationally accepted reasonable fees with regional variables, is updated annually by Medicare to allow for inflation. The city last adjusted the ambulance fees in 2003, and it is time to consider adjusting them again to stay in line with Medicare.

The City of Saco hereby approves the First Reading of the document titled, ‘Code Amendment to Chapter 60 Ambulance Service, § 60-2, Fee Schedule, **dated March 5, 2007. And further move to set the Public Hearing for April 2, 2007.**

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B. (First Reading) Contract Zone Amendment – Acapella

**CITY OF SACO FEE SCHEDULE
Chapter 60 – Ambulance Service §60-2, dated March 5, 2007**

<u>Code Section</u>	<u>Subject</u>	<u>Amounts</u>
Chapter 60, Ambulance Service § 60-2		
20020-400107	BLS Non-Emergency	\$225 <u>According to Medicare, New England Fee Schedule</u>
	BLS Emergency	\$280 <u>According to Medicare, New England Fee Schedule</u>
	ALS 1 Emergency	\$350 <u>According to Medicare, New England Fee Schedule</u>
	ALS 2 Emergency	\$500 <u>According to Medicare, New England Fee Schedule</u>
	ALS Non-Emergency	\$225 <u>According to Medicare, New England Fee Schedule</u>
	ALS-SCT Special Care	\$575 <u>According to Medicare, New England Fee Schedule</u>
	Loaded Mile	\$10 per mile
10250-300710	Fire/Ambulance Reports	\$5

The City of Saco hereby ordains and approves the First Reading of the contract zone document entitled “Contract Zone Agreement by and Between Acapello Salons, Inc., and the City of Saco,” dated November 1, 2005, amended July 3, 2006”; and further moves to set the Public Hearing for April 2, 2007 for the property at 401 Main Street.

C. Consider Zoning Ordinance Amendment – Addiction Treatment Facility

Councilor Jacques moved, Councilor Smith seconded, to approve the Consent Agenda. The motion passed with seven (7) yeas.

VI. AGENDA ITEMS:

- a. **(Per Charter)** School Budget Submitted to City Council & City Administrator’s City Budget Submitted to City Council

Mr. Michael Lafortune, Superintendent of Schools for Saco and Dayton presented the proposed budget for the Saco schools for the fiscal year 2007/2008.

Mr. Richard R. Michaud, City Administrator, City of Saco, presented the proposed municipal budget for the coming fiscal year.

The First Reading of the joint budget was set for April 2, 2007.

**b. (Public Hearing) Zoning Ordinance Amendment -
Compensation Fee Utilization Plan: Stormwater**

The Department of Environmental Protection passed new rules on stormwater regulation, specific to Chapters 500 and 502, and as provided for in the Maine Stormwater Management Rules, Chapter 500 §6, the city has prepared a “Saco Compensation Fee Utilization Plan,” (CFUP) which is intended to offer an alternative to developers of large projects wherein a fee may be paid in lieu of either on-site or off-site remediation work. The CFUP would:

- Specify how funds received as a compensation fee payment will be allocated to reduce the impact of stormwater pollution to Goosefare Brook, classified by the Maine DEP as an Urban Impaired Stream.
- Identify actions that can be taken to reduce the degradation of water quality in the Goosefare Brook watershed.
- Identify specific sites for which compensation work is proposed, including a list of Best Management Practices (BMPs) to be installed or constructed with a cost estimate for each.
- Plan for how BMPs will be maintained, including the parties responsible for maintenance.

The draft amendment to Zoning Ordinance Section 1102.10 would serve notice to projects that trigger Site Location of Development review – 3 acres or more of impervious area -- within the Goosefare Brook watershed that a CFUP is available if applicants choose. While payment into the CFUP is not required – a developer with a project in the Goosefare Brook watershed may choose to “...mitigate project impacts by treating, reducing or eliminating an off-site or on-site pre-development impervious stormwater source ...” – it will likely be viewed as an attractive alternative.

On February 6, 2007, the Planning Board considered the proposed Ordinance amendment, and made a positive recommendation for passage.

Councilor Tripp moved, Councilor Jacques seconded, to open the Public Hearing on an ‘Amendment to Zoning Ordinance Article 11, Section 1102.10, Stormwater Permits, dated February 20, 2007’. The motion passed with seven (7) yeas.

There being no comments from the public, Councilor Tripp moved, Councilor Morton seconded, to close the Public Hearing on the ‘Amendment to Zoning Ordinance Article 11, Section 1102.10, Stormwater Permits, dated February 20, 2007’, and Be it Ordered that the City Council set the Second and Final Reading to accept the documents titled, ‘City of Saco, Stormwater Compensation Fee Utilization Plan For Goosefare Brook

Urban Impaired Watershed – Dated February 20, 2007’, and ‘Amendment to Zoning Ordinance Article 11, Section 1102.10, Stormwater Permits, dated February 20, 2007’ for April 2, 2007. Further move to approve the Order. The motion passed with seven (7) yeas.

c. (Public Hearing) Adjustments to Fees: Ambulance Service

The Saco Fire Department has based its ambulance fee schedule on the New England Fee schedule set by Medicare. This fee schedule, based on nationally accepted reasonable fees with regional variables, is updated annually by Medicare to allow for inflation. The city last adjusted the ambulance fees in 2003, and it is time to consider adjusting them again to stay in line with Medicare.

Councilor Morton moved, Councilor Smith seconded, to open the Public Hearing on the adjustment of ambulance fees. The motion passed with seven (7) yeas.

There being no comments from the public, Councilor Morton moved, Councilor Smith seconded, to close the Public Hearing and Be it Ordered that the City Council accept the document titled, ‘City of Saco Fee Schedule – Chapter 60, Ambulance Service §60-2, dated March 5, 2007. Further move to approve the Order. The motion passed with six (6) yeas and one (1) nay. Councilor Tardif voted in the negative.

D. (Public Hearing) NEW Liquor License/Entertainment Permit for Aube Corp. d/b/a

The **Aube Corp. d/b/a Cascades** has applied for a liquor license and entertainment permit for one year.

The applicant has paid all applicable permit fees and the clerk has properly advertised the public hearing in accordance with M.R.S.A., Title 28-A, Subsection 653 and in accordance with Saco City Code, Chapter 93, Entertainment sub-section 93-2.

Councilor Morton moved, Councilor Smith seconded, to open public hearing. The motion passed with seven (7) yeas.

There being no comments from the public, Councilor Morton moved, Councilor Smith seconded, to close the Public Hearing and Be it Ordered that the City Council approve the Cascades’ Liquor License and Entertainment Permit for one year to expire on March 11, 2008”. Further move to approve the Order. The motion passed with seven (7) yeas.

VIII. Councilor Smith moved, Councilor Michaud seconded, that it Be Ordered that the City Council, Pursuant to M.R.S.A. Chapter 13, Subchapter 1, §405 (6) (E) (C) move to enter into Executive Session to discuss:

A. Contract Dispute Regarding MERC Tip Fees

B. Property Acquisition – Public Works Facility
The motion passed with seven (7) yeas. TIME: 8:41 p.m.

Report from Executive Session:

Mayor Johnston conducted a roll call of the members and determined that the Councilors present constituted a quorum. Councilor present: Davit Tripp, Leslie Smith, Jr., Ronald Morton, Roland Michaud, Arthur Tardif, Eric Cote and Christopher Jacques.

Councilor Michaud moved, Councilor Smith seconded, to move out of executive session. The motion passed with seven (7) yeas. TIME: 7:52 p.m.

Councilor Smith moved, Councilor Michaud seconded, to reconvene to Council Meeting and to move to and executive session. The motion passed with seven (7) yeas. TIME: 8:28 p.m.

Councilor Michaud moved, Councilor Smith seconded, to come out of executive session. The motion passed with seven (7) yeas. TIME: 9:52 p.m.

Upon return from the executive session 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, Eric Cote and Christopher Jacques.

MAIN MOTION: Councilor Michaud moved, Councilor Morton seconded, to authorize \$21,936.64 with condition that they wave and release all claim for additional tip fee increases. The motion passed with six (6) yeas and one (1) nay. Councilor Cote voted in the negative.

AMENDMENT TO MAIN MOTION: Councilor Cote moved, Councilor Tripp seconded, that the amendment be contingent upon prejudgment interest running from the entire time from notice of claim filed on pending lawsuit. The amendment to the main motion **failed** with one (1) yea and six (6) nays. Councilors Tripp, Smith, Morton, Michaud, Tardif and Jacques voted in the negative.

VII. ADJOURNMENT

Councilor Michaud moved, Councilor Smith seconded, to adjourn. The motion passed with yeas. TIME: 10:58 p.m.

ATTEST: _____
Lucette S. Pellerin, City Clerk