STATE OF MAINE
COUNTY OF YORK
CITY OF SACO

The following are minutes of the June 25, 2007 Council Meeting.

I. CALL TO ORDER - On Monday, June 25, 2007 at 8:23 p.m. a Councilor Meeting was held in the City Hall Conference room.

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 present this evening.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES: April 30, 2007; May 29, 2007; June 4, 2007

Minutes for the above dates were approved as written.

V. AGENDA ITEMS:

A. (SECOND & FINAL READING) CODE AMENDMENT WASTEWATER SERVICE CONNECTION

The Council had requested that the City consider accepting responsibility, with conditions, for repairing failed wastewater service (house) connections within the City Right of Way (ROW). It has been the policy of the City that the homeowner owns and therefore has the responsibility for maintenance of the service connection to the City mainline including the connection to the main.

The proposed ordinance changes would allow the City to repair or replace the homeowner’s house service connection within the City ROW. Based of a determination the failed sewer is within the City's ROW, the Director of Public Works or designee, would issue a written determination of failure and authorization to make the repairs. The homeowner would be required to sign permission or authorization forms necessary for the City to work on their property (the house sewer).

The City would assume responsibility for the repairs within the ROW for failed sewers due to a collapsed or separation failure of the line. The city would not assume responsibility for failure due to root intrusion, misuse of the sewer system, or other negligent use by the homeowner.

Councilor Tardif moved, Councilor Smith seconded, that it be Ordered that the City Council remove from being table, the document titled, Code Amendment: sub-section 176-27. Use of Old Building Sewers and sub-section 176-30a. Repairs within the City Right of Way, Dated February 20, 2007. Further move to approve the Order. The motion with amendment passed with seven (7) yeas.
MAIN MOTION WITH AMENDMENT: Councilor Tardif moved, Councilor Tripp seconded, that the City of Saco hereby Ordains and Approves the Second and Final Reading of the document titled, 'Code Amendment: sub-section 176-27. Use of Old Building Sewers and sub-section 176-30a. Repairs within the City Right of Way, Dated February 20, 2007'. The motion as amended passed with seven (7) yeas.

AMENDMENT TO ABOVE MOTION: Councilor Michaud moved, Councilor Morton seconded, that immediately after sub-section 176-30a. Repairs within the City Right of Way reference be made to Building Sewer Repairs in the City Right of Way Policy, Section 86 for clarification. The motion passed with seven (7) yeas.

VI. CONSENT AGENDA:

C. BUILDING SEWER REPAIRS IN THE CITY RIGHT OF WAY POLICY

The Council has requested that the City consider accepting responsibility, with conditions, for repairing failed wastewater service (house) connections within the City Right of Way (ROW). It has been the policy of the City that the homeowner owns and therefore has the responsibility for maintenance of the service connection to the City mainline including the connection to the main.

The proposed ordinance changes would allow the City to repair or replace the homeowner’s house service connection within the City ROW. A proposed policy to administer the building sewer ordinance has been drafted for the City Council approval.

Main Motion with amendments: Councilor Tardif moved, Councilor Michaud seconded, that it be Ordered that the City Council approve and authorize the policy entitled Building Sewer Repairs in the City Right of Way, Dated June 18, 2007. Further move to approve the order. The Motion as amended passed with five (5) yeas and two (2) nays. Councilors Morton and Michaud voted in the negative.

Amendment: Councilor Jacques moved, Councilor Smith seconded, that the policy be retroactive to April 2, 2007. The motion passed with six (6) yeas and one nay. Councilor Michaud voted in the negative.

AMENDMENT: Councilor Cote moved, Councilor Jacques seconded, to add the end of paragraph D. of Policy 86.Building Sewer Repairs in the City Right of Way the following language: If the homeowner is not negligent and the failure is in the City Right of Way the City would be responsible. The motion passed with five (5) yeas and two (2) nays. Councilors Morton and Michaud voted in the negative.

AMENDMENT: Councilor Cote moved, Councilor Jacques seconded, that the word "improper" be stricken from paragraph G AND H of the policy. The motion passed with seven (7) yeas.

B. PLEASANT, TEMPLE AND GREET STREET PROJECT

Bids were opened for the Temple, Green, and Pleasant Streets Infrastructure Project on Monday, June 18, 2007. This project was part of the Capital Infrastructure Bond approved by voters in November 2006. The project includes replacement or repair of sanitary and stormwater utilities and road and

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sidewalk reconstruction. The base bid's scope included road and utility work on Temple, Green, Pleasant and Pearl Streets between Spring and Elm Streets. The alternative bid provides road reconstruction and sidewalk construction on Pleasant between Elm and Main Street.

Councilor Jacques moved, Councilor Tripp seconded, that it be Ordered that the City Council award the contract for the Temple, Green, Pleasant Street Infrastructure Project to Shaw Brothers of Gorham for the base bid of $1,319,582 from Account #16070-500910-07204.

Be it further ordered that the city Council authorizes the City Administrator to award the contract for the bid alternate to Shaw Brothers for $318,214.00 from Account #16070-500910-07204. Further move to approve the Order. The motion passed with six (6) yeas and one (1) abstention. Councilor Tardif abstained. Councilor Tardif has family employed by Shaw Brothers.

VI. CONSENT AGENDA

A. PRESERVE AMERICA GRANT RESOLUTION

Be it Resolved, that the City Council of the City of Saco authorizes and supports the application for Preserve America Grant that will be used to widely disseminate the story of the region's history.

B. ENERGY CONSERVATION UPGRADES

Authorize the expenditure of $9,309 from the Conservation Projects Account # 10670/500910/07101 for the lighting upgrades at the Police Department and to modify the ductwork at the Dispatch Center.

Councilor Cote moved, Councilor Tardif seconded, to approve Items A and B of the Consent Agenda. The motion passed with seven (7) yeas.

VII. Councilor Jacques moved, Councilor Morton seconded, that it be Ordered that the City Council, Pursuant to M.R.S.A. Chapter 13, Subchapter1, sub-section 405 (6) (E) move to enter into Executive Session to discuss:

a. Several Lease Options.

The motion passed with seven (7) yeas. TIME: 9:15 p.m. Also attending the Executive Session this evening were Bill Danton, Ted Sylvester and Tim Murphy, Esq.

Councilor Tripp moved, Councilor Smith seconded, to come out of executive session. The motion passed with seven (7) yeas. TIME: 9:46 p.m.

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

No report was given this evening.

VIII. ADJOURNMENT

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Councilor Morton moved, Councilor Michaud seconded, to adjourn. The motion passed with seven (7) yea.s. TIME: 9:46 p.m.

ATTEST: ______________________

Lucette S. Pellerin, City Clerk