The following are minutes of the Feb. 4, 2008 Council Meeting.

I. CALL TO ORDER – On Monday, February 4, 2008 at 7:00 p.m., a Council Meeting was held in the City Hall Auditorium.

II. ROLL CALL OF MEMBERS – Mayor Michaud conducted a roll call of the members and determined that the Councilors in attendance constituted a quorum. Councilors present: Margaret Mills, Leslie Smith, Jr., Ronald Morton, Sandra Bastille, Arthur Tardif, Eric Cote and Marston Lovell.

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:
Minutes were not presented this evening.

V. GENERAL:

VI. AGENDA ITEMS:

A. (Public Hearing) Proposed Sweetser Street Project

The City is being asked to support a request to pursue federal funding for the proposed construction of Sweetser Street. Rationale is stated below:

- Sweetser Street would provide a second means of egress for Moody Street residents and the Sweetser residential/school campus;
- The proposed street would address the safety issue of ‘left-turning’ from Route One onto/out of Moody Street by re routing traffic through the new proposed intersection at the Ross Road and Route One which is signalized;
- The proposed street would reduce vehicular traffic in the Moody Street neighborhood;
- Any future growth and development on Sweetser’s Saco campus would likely require this type of expanded access & egress; and
- Due to the anticipated expense to construct the proposed road and the lack of local or private funds, Federal funding is the only viable option.
In sum, Sweetser proposes a looping road that would connect Moody Street and the intersection at the Ross Road. Option I – as see on the attached map has concerns about configuration. Consequently, Sweetser is proposing a different route in Option II. A chronology of supporting documents on the plan is included as exhibits, and the last document includes a Deluca Hoffman construction cost estimate of $1,119,250; and a sketch as well.

Sweetser indicated that it would be willing to deed the land needed for the road and remaining land. Right of way would need to be acquired and the right of way costs is not included in the estimate.

The estimated assessed value for the right of way area located between the Ross Road intersection and the Sweetser property line is $63,000 or approximately 130,680 square feet.

The City Council discussed this item at Workshop on January 22, 2008. Public notice was sent to abutters.

Councilor Morton moved, Councilor Tardif seconded, to open the Public Hearing on the proposed construction of the Sweetser Street project. The motion passed with seven (7) yeas.

Ms. Sandra Taylor, 12 Moody St., suggested closing Moody St., near Sweetser School in order to allow residents to continue to gain access to Route One.

Mr. Christian Dube, 34 Moody St., suggested the placement of a traffic light at the Moody St. intersection to Route One.

Mr. Mistos made reference to the natural gas line leak which caused an emergency for the school. He felt that the school and city should pursue the new road as a safety issue.

Ms. Carol Gordon, 19 Moody St., requested that the street end at the residential portion of the street.

Ms. Amy Deslisle and Leon Foster both expressed concerns regarding the topography and loss of natural borders with the construction of the new street to the school.

Councilor Morton moved, Councilor Tardif seconded, to close the Public Hearing and Be it Ordered that the City Council pursue federal funding for the proposed construction of Sweetser Street. Further move to approve the Order. The motion passed with seven (7) yeas.

January 23, 2008

RE: Abutter Notification

The City of Saco will hold a Public Hearing on Monday, February 4, 2008 at 7:00 pm in the City Hall Auditorium to discuss the following:
The City is being asked to support a request to pursue federal funding for the proposed construction of Sweetser Street. Rationale is stated below:

- Sweetser Street would provide a second means of egress for Moody Street residents and the Sweetser residential/school campus;

2 cm_2008_02_04
• The proposed street would address the safety issue of ‘left-turning’ from Route One onto/out of Moody Street by re-routing traffic through the new proposed intersection at the Ross Road and Route One which is signalized;
• The proposed street would reduce vehicular traffic in the Moody Street neighborhood;
• Any future growth and development on Sweetser’s Saco campus would likely require this type of expanded access & egress; and
• Due to the anticipated expense to construct the proposed road and the lack of local or private funds, Federal funding is the only viable option.

The City Council is seeking public comment either in writing or in person at the public hearing on February 4, 2008.

Plans for the project can be viewed at the City Clerk’s office on the 1st floor of City Hall at 300 Main Street, or on the city website at www.sacomaine.org

B. Resolution: Expressing Support for the Eastern Trail Alliance’s Request for Congressional Funding for Portions of the Eastern Trail

Resolution: Expressing Support for the Eastern Trail Alliance’s Request For Congressional Funding for the Construction of a Portion of the Eastern Trail Within the City of Saco
2008 - City Council of the City of Saco, Maine

Whereas: the Eastern Trail, a multi-use bicycle and pedestrian trail, would promote the appropriate and highly desirable goal of developing a recreational-transportation trail and off-road multi-community connector, and

Whereas, the Eastern Trail route serves the further purpose of utilizing the historic Eastern Railroad route in order to attain its stated goal of establishing a multi-use recreational – transportation trail from Kittery to South Portland, Maine, and

Whereas, municipalities are required by the State of Maine to study and plan for recreation - transportation needs, such as trails, through the Local Growth Management Program, and

Whereas, the Honorable John Baldacci has recognized the need for government agencies and outdoor organizations in Maine to encourage outdoor activities for Maine’s youth through his “Take It Outside” campaign, and

Whereas, the Governor’s Council on Maine’s Quality of Place has recommended that community revitalization be achieved, in part, through the development of an intrastate trail system “to connect all of Maine’s major centers with trails…a statewide, off-road biking and walking network for all Maine residents and visitors to enjoy, and

Whereas, the City of Saco recognizes the desirability of creating alternatives to the existing transportation system of highways, roads and motor vehicles,
Now therefore, the Council of the City of Saco, hereby resolves as follows: To support the request from the Eastern Trail Alliance to the Office of Congressman Tom Allen that funding be appropriated by the U.S. Congress for the design and construction of the portion of the Eastern Trail from Thornton Academy north to the Old Orchard Beach town line.

Signed this 4\textsuperscript{th} day of February, 2008

_______________________________  ________________________________
Roland B. Michaud, Mayor                              Margaret Mills, Ward 1

_______________________________  ________________________________
Councilor Leslie Smith, Jr., Ward 2                     Councilor Ronald Morton, Ward 3

_______________________________  ________________________________
Councilor Sandra Bastille, Ward 4                        Councilor Arthur Tardif, Ward 5

_______________________________  ________________________________
Councilor Eric B. Cote, Ward 6                          Councilor Marston Lovell, Ward 7

Councilor Morton moved, Councilor Mills seconded, to support the Eastern Trail Alliance request for congressional funding for construction of Saco’s portion of the Eastern Trail. The motion passed with five (7) yeas and two (2) nays. Councilors Smith and Tardif voted in the negative.

January 15, 2008

Mayor Roland Michaud
City of Saco
300 Main Street
Saco, Maine 04072

Re: Request for Letter of Support for Congressman Tom Allen's Office

Dear Mayor Michaud:

This is a request to the Saco City Council for a letter supporting a February 2008 request for congressional funding for construction of Saco’s portion of the Eastern Trail.

Thanks to Saco voters, the local Trails Bond was approved in November 2007, providing $500,000 for the construction of a 2.25 mile portion of the Eastern Trail, from Thornton Academy north to a point just south of Cascade Road. As you know, the issue was presented to voters with the assurance that use of the $500,000 would proceed only if not less than an additional $1 million could be secured from the Maine DOT. The project has been preliminarily estimated at $1.78 million.
The Eastern Trail Alliance is working closely with Dan Stewart, Bicycle and Pedestrian Program Manager for the MDOT, to keep tabs on the planned Spring 2008 funding round for the 2010-2011 biennium. Dan is well aware of Saco’s support for this project, and has assured the ETA that the Eastern Trail and this project in particular are well known in Augusta.

The ETA is pursuing other funding sources as well, and for that we seek a letter of support. We have met with Dan Coyne, Director of Economic Development for Congressman Tom Allen’s office. He has indicated that funding requests submitted to Congressman Allen’s office by early February would be considered for funding as part of the FY09 federal budget. Mr. Coyne stated also that should support be expressed by the City, this would be considered a strong statement and should accompany the request.

Therefore, the ETA formally requests that the attached Resolution be considered and approved by the Council. Thank you for your support, and we look forward to meeting with you and the Council to discuss the matter.

Sincerely,

John Andrews, President
Eastern Trail Alliance

C. (Public Hearing) Code Amendment §211-80 Permit Parking

In 2007, the Council passed Chapter 211-80 “Permit Parking” to establish permit parking in some of the City’s downtown lots. The Gooch Street lot has experienced significant and ongoing disruptions caused by the Island Point Project and the train station construction, and it is apparent that the number of spaces will need adjustment periodically to deal with the public’s needs. Similar problems exist also at the Free Street lot, where demand has not yet met the need for the set aside six (6) spaces, resulting in a loss of available parking for other lot users.

Police Chief Paul recommends moving the process of determining the appropriate number of parking spaces to the Traffic Safety Committee, where the public’s needs could be assessed and the number of spaces per lot periodically adjusted as the community’s needs change. This change would simplify the process without otherwise affecting the ordinance and allow the committee to coordinate the permit regulations with the other parking regulations in place in each lot.

Councilor Lovell moved, Councilor Smith seconded, to open the Public Hearing on the document titled, ‘Code Amendment §211-80 Permit Parking, dated January 7, 2008’. The motion passed with seven (7) yeas.

There being no comments from the public Councilor Lovell moved, Councilor Bastille seconded, to close the Public Hearing and Be it Ordered that the City Council set the Second and Final Reading for February 19, 2008. Further move to approve the Order. The motion passed with seven (7) yeas.
A. **Purpose.** The purpose of this sub-section is to allow business owners, employees and residents to park in the municipal parking lots, exempted from the two-hour parking restriction.

B. **Location of parking lots.** Parking lots subject to this section include the Free Street Lot and the Gooch Street Lot.

C. **Parking Permit Regulations.** Permittees shall be subject to the following regulations:

a. Permits for parking spaces in the parking lots shall be issued by the City Clerk on either an annual or a month-to-month basis for a fee established by the City Council at a public hearing. Annual permits shall be valid for a single calendar year (January thru December). Annual permits may be purchased at any time during a calendar year and the fee will be prorated at a monthly basis for the number of months remaining in that year.

   i. Up to six (6) permits for parking spaces shall be issued for the eastern side of the Free Street Lot,

   ii. Up to twenty-three (23) permits for parking spaces shall be issued for the southern side of the West lot on Gooch Street

b. The number of permitted parking spaces at each location shall be determined by the Traffic Safety Committee, and subject to any existing agreements concerning said lots.

c. Any permits not renewed by the 25th of the month for which the permit was issued shall be considered available for the next month and may be assigned to another user on a first come, first serve basis.

d. No one business, corporation or individual may hold more than 25% of the available parking permits in any given month or for any given year.

e. No vehicle shall be allowed to park in a spot designated “Permit Parking Only” unless properly displaying a City of Saco Parking Permit. Parking permits must be clearly displayed in the windshield of the vehicle, either by hanging the permit from the vehicle’s rearview mirror or affixing it to the windshield. Anyone receiving an overtime parking ticket because the permit was not properly displayed shall be responsible for paying the full violation amount.

f. Permitted vehicles should be parked in the designated “Permit Parking Only” area; however, if the designated “Permit Parking Only” area is full, permitted vehicles may park in any other space in the Parking Lot that is available.

g. Parking Permits are issued to individuals and may be used only on vehicles owned by the permittee.

h. Permitted vehicles may not be parked overnight during the City’s winter parking ban, except as otherwise posted.

i. The Police Chief shall have the authority to revoke any parking permit if
the holder of that permit fails to follow these regulations or any other relevant provision of this Code. Any such revocation may be appealed to the City Administrator.

D. **Permit Hours.** Permit restrictions and regulations shall be in effect from 7:00 AM to 6:00 PM

E. **Dedication of Funds.** All revenues collected for Parking Lot parking permits shall be deposited into a dedicated reserve account to be used for the maintenance and improvement of City parking lots and/or the establishment, maintenance and improvement of other parking facilities.
PARKING AND RELEASE AGREEMENT

NOW COME the Parties, CITY OF SACO, a municipal corporation located at 300 Main Street, Saco, Maine ("City") and 199 MAIN STREET LLC, of 55 Hardy Road, Falmouth, Maine, ("the LLC") who state as follows:

WHEREAS, the LLC has an interest in purchasing certain real property at 199 Main Street ("the Premises") in Saco, Maine, and in re-developing said parcel and the building thereon; and

WHEREAS, the City has an existing Parking Agreement with Smith, Elliott, Smith & Garmey ("Attorneys’ Parking Agreement") wherein the City has assured said Attorneys the availability and reservation of a fixed number of municipal parking spaces for a fixed term of years, and which Parking Agreement has not yet expired; and

WHEREAS, the assignment by the Attorneys to the LLC of the above referenced Attorneys’ parking rights and the provision of sufficient parking are critical for the rehabilitation of 199 Main Street, and the continued value of the Premises; and

WHEREAS, it is in both Parties’ interests to define and assure the LLC’s interests in municipal parking on a going forward basis so that the rehabilitation of 199 Main Street can move forward;

NOW THEREFORE, the Parties agree as follows:

1. The City hereby consents that the Attorneys may, at the LLC’s request, assign their rights under the current Parking Agreement between City and Attorneys. Notice must be provided to City.

2. Upon confirmation of said assignment, the LLC shall enjoy all the same rights and benefits as Attorneys hereunder without further fee or charge. It may not assign these rights to any other person or entity without written consent from the City, which consent the City shall not unreasonably, condition, withhold or delay.

3. Upon expiration of the term of Attorneys’ Parking Agreement (June 26, 2015), the City will, for an additional ten (10) years, provide the LLC with a fixed number of reserved municipally owned and maintained parking spaces per the terms set forth below, all provided that the LLC is and remains the owner of the 199 Main Street parcel.

4. Upon expiration of Attorneys’ Parking Agreement, City will reserve to the LLC, or its assignee, solely for the use of tenants at 199 Main Street, up to 20 public parking spaces not more than 1,000 feet from the front door entrance of 199 Main Street.
5. The exact locations of said spaces will be solely set and determined by the City, who shall assign them in good faith, and they may be relocated upon 60 days notice, as City needs dictate.

6. The fee for said spaces shall be $30.00 per month/per space for the first ten (10) spaces reserved by the LLC. The fee for each additional spot, up to the remaining ten (10) allowable spaces shall be $20.00 per month/per space, all as permitted herein. All fees set forth in this paragraph shall be subject to cost of living adjustment based upon the Department of Labor, Bureau of Labor Statistics, CPI “all urban Consumers” (Boston Average 1982-1984=100), commencing June 26, 2016.

7. Each January for the term of this Agreement, the LLC, or its assignee, will advise the City Administrator or designee of the number of 20 reserved spaces it desires and intends to use for that year, and the fees set forth above shall be assessed, and paid in advance in the form of one (1) payment for all said spaces. Those spaces herein reserved, but not otherwise requested by the LLC in January, may thereafter for the balance of that year be used or leased as the City deems, subject always to the LLC’s rights each subsequent year to reserve and occupy up to the total of 20 spaces.

8. This Agreement shall become effective upon signing, but the LLC’s independent rights to parking shall not become effective until termination of the assignment referenced in paragraphs 1, 2 and 3 above, and will then commence to run for ten (10) years from the termination date referenced in Paragraph 3.

9. The LLC’s rights to use or occupy any and all spaces described herein shall begin at 8:00 a.m. each morning and end at 6:00 p.m. each evening Monday through Sunday. Neither the LLC nor its assignee will permit, authorize or offer overnight parking in any such reserved spaces, any such overnight parking to constitute a breach of this Agreement. Between 6:00 p.m. each evening and 8:00 a.m. each morning, such spaces shall be non-reserved. Neither the LLC nor its assignees shall be considered in default in the event that such overnight parking takes place without its knowledge or consent.

10. Parking herein is solely for the benefit of the 199 Main Street parcel and its tenants, and there shall be no selling, loaning, leasing or sub-leasing of the spaces by the LLC or its assignee, to any party that is not a tenant of 199 Main Street.

11. City shall perform occasional repairs, striping, plowing, and otherwise maintain said delegated spaces as it needs and finances permit, but shall have no contractual obligation to the LLC arising hereunder as to such repairs and plowing. Notwithstanding the preceding, the LLC’s parking spaces shall receive the same care and attention as all other City owned/maintained parking spaces.

12. The LLC and its assignees herein release and hold the City harmless from any and all injuries, claims, suits, damages and causes of action related to or arising from its use and occupancy of said parking spaces, except for the gross negligence of City as regards its obligations under Section 9 above.
5. The exact locations of said spaces will be solely set and determined by the City, who shall assign them in good faith, and they may be relocated upon 60 days notice, as City needs dictate.

6. The fee for said spaces shall be $30.00 per month/per space for the first ten (10) spaces reserved by the LLC. The fee for each additional spot, up to the remaining ten (10) allowable spaces shall be $20.00 per month/per space, all as permitted herein. All fees set forth in this paragraph shall be subject to cost of living adjustment based upon the Department of Labor, Bureau of Labor Statistics, CPI “all urban Consumers” (Boston Average 1982-1984=100), commencing June 26, 2016.

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10. Parking herein is solely for the benefit of the 199 Main Street parcel and its tenants, and there shall be no selling, loaning, leasing or sub-leasing of the spaces by the LLC or its assignee, to any party that is not a tenant of 199 Main Street.

11. City shall perform occasional repairs, striping, plowing, and otherwise maintain said delegated spaces as it needs and finances permit, but shall have no contractual obligation to the LLC arising hereunder as to such repairs and plowing. Notwithstanding the preceding, the LLC’s parking spaces shall receive the same care and attention as all other City owned/maintained parking spaces.

12. The LLC and its assignees herein release and hold the City harmless from any and all injuries, claims, suits, damages and causes of action related to or arising from its use and occupancy of said parking spaces, except for the gross negligence of City as regards its obligations under Section 9 above.
STATE OF MAINE  
COUNTY OF YORK, ss.  

August 28, 2006

Then personally appeared before me RICHARD MICHAUD, who gave oath and acknowledged the foregoing to be his free act and deed, and the free act and deed of the City of Saco, and of his authority herein to act on its behalf.

Before me,

[Signature]

My Notary commission  
Expires on: 

Notary Public/Attorney-at-Law

(Print Name)

Kathleen Kern  
Notary Public, State of Maine  
Commission Expires Sept. 17, 2008

The CITY OF SACO, a municipal corporation located at 300 Main Street in the City of Saco, County of York and State of Maine, hereby consents to 199 MAIN STREET LLC granting an assignment, to TD Banknorth, N.A., of its parking rights described in the foregoing Parking and Release Agreement.

WITNESS:  

[Lambert]  
(Signature)  
Tammy Lambert  
(Print Name)

CITY OF SACO

Richard Michaud  
Richard Michaud  
Its City Administrator

Page 5 of 5
AGREEMENT

NOW COMES the parties, the CITY OF SACO ("the City") a municipal corporation located at 300 Main Street, Saco, Maine and SACO HOUSE PARTNERS ("Partners") a Maine corporation with a principal place of business at 197 Main Street, Saco, Maine who agree and state as follows:

1.) The City owns a cleared lot along so-called Free Street in Saco also shown in City records as Tax Map 31 Lot 76 and Lot 77, which lots it desires to develop into downtown parking.

2.) Partners own property at 197 Main Street, Tax Map 31, Lot 79, which parcel in its northeasterly corner abuts the City's parcel, and which contains sufficient cleared land to allow parking if access over the City parcel could be secured.

3.) The parties wish and agree to jointly develop these respective areas so as to create a paved public parking lot, which lot will lie partly on Partners land and partly on City's land.

4.) In further consideration, the parties agree that the City will construct the parking lot in the form shown and attached hereto as Tab 1. Said lot will lie partly upon Partners land and partly upon City's land all as shown on Tab 1, but all paved area will be treated as "public" parking, notwithstanding its location.

5.) The cost of construction of the parking lot will be pro-rated based upon the percent of paved area lying on each lot, i.e. of the total square footage paved, each party will pay their share based upon the square footage paved on each lot, with the exception that the City will pay certain unique costs such as the landscaping behind the sidewalk and work on fences which may abut the easterly and westerly boundaries of its parcel. City will fairly apprise partners in advance of the likely costs of construction.

6.) Partners herein agrees to permit the City, its agents and employees access to that portion of its property necessary to complete construction. Partners agree to accept the work upon completion as is, and agrees that, upon termination of this Agreement, said improvements will remain and need not be removed by the City, and Partners in said event, herein releases the City from any claim or cause of action relating to said work and the improvements thereon.

7.) City will manage the lot for all times this Agreement is in effect. Part of City's responsibility will be:

A. Plowing lot in winter;

B. Cleaning lot remainder of year;
C. Maintenance of lot; and

D. Enforcement of parking regulations;

City will bear all costs of said management except maintenance (Section C) which costs shall be pro-rated as described in Section 5 above. City will consult with Partners before undertaking any substantial maintenance.

8.) City will maintain lot as both public, short term parking, short term meaning 1 or 2 hour parking, but not longer. No spots will be assigned or reserved in the lot for either party or its employees.

9.) This contract shall run from month to month, year to year, but can be revoked by either party upon 90 days written notice. If contract is terminated, neither party will retain rights or interests in the land and improvements of the other.

Dated at Saco, Maine this 15 day of September, 1999.

SACO HOUSE PARTNERS:


CITY OF SACO:


Print Name

It's:
D. Adopt City Council Goals

Per the Council Goal Setting Policy, the Council met on December 17, 2007 to engage in a “goal setting” process. The Council discussed what each Council member would like to accomplish over the next 2 years. The goals were then prioritized. The council met again on January 22, 2008 for more discussion of the goals and to make any final changes at that time.

The next step in the process is to adopt the goals as prioritized in the document titled, ‘City Council Goals, dated February 4, 2008’.

Councilor Bastille moved, Councilor Lovell seconded that it be ordered that the City Council adopt the City Council Goals as described in the document titled, ‘City Council Goals, dated February 4, 2008’. Further move to approve the order. The motion passed with seven (7) yeas.

City Council Goals, Dated February 4, 2008

Per the City Council goal-setting process completed on January 22, 2008, the following outlines the strategic objectives the Council intends to focus on over the next two years.

2008

Goal 1 - Work to keep taxes down by observing the strictures of LD1 in 2008.
Goal 2 - Address wastewater building structural issues in 2008 with construction to occur by 2010.
Goal 3 - Increase marketing efforts for Mill Brook Business Park to increase sales.
Goal 4 - Finalize all aspects of solution to Camp Ellis erosion problem in 2008 and 2009 and begin construction in 2009.
Goal 5 - Reduce residential waste tonnage by increasing recycling end education efforts.
Goal 6 - Reduce the city’s energy consumption by employing alternative energy sources and conservation measures.
Goal 7 - Consider a plan for Public Works facility expansion.
Goal 8 - Implement regional school unit mandate in a manner that improves education in Saco, and maintains the quality of recreation services and recreation areas in the city as part of school unit consideration.

Goal 9 - Plan recreational development – boat ramp for the former Prentiss property on the Saco River.

Goal 10 - Satisfactorily resolve structural issues at the Stackpole Creek Bridge.

Goal 11 - Work with Biddeford on the Mill District Plan to address issues of joint interest including access, parking, and traffic.

Goal 12 - Add Fire Department day shift personnel.

Goal 13 - Train Biddeford and Saco fire personnel on Brunacini command process.

Goal 14 - Develop site review standards for marinas.

Goal 15 - Establish Saco-Biddeford committee to consider consolidation of services in order to improve services, or to reduce the cost or to stabilize the cost of services.

2009

Goal 16 - Improve safety Awareness.

Goal 17 - Improve parking lot connectivity and availability west of Main Street as outlined in Downtown Plan.

Goal 18 - Law enforcement accreditation provides a process to systematically conduct an internal review and assessment of the agencies’ policies and procedures, and make adjustments wherever necessary to meet a body of internationally accepted standards.

Goal 19 - Develop strategy to add sidewalks to at least one side of Route 1.

Goal 20 - Develop asset management program - Implementing an asset management program starts with establishing our organization’s strategic objectives for managing and improving its assets and identifying the specific measurable performance and service levels needed to meet those objectives;

Goal 21 - Explore consolidating Saco Middle School with Thornton Academy’s middle school;

Goal 22 - Apply to Malcolm Baldridge National Quality Program;
## CITY COUNCIL GOAL SETTING PROCESS - 12/18/2007

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<td>Apply to Malcolm Baldridge Program</td>
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<td>Affordable Housing</td>
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**E. LD 1431 Providing for the Protection of Communities that Host a Solid Waste Incineration Facility**

In the spring of 2007, the Legislative session approved “An Act to Provide for the Protection of Communities that Host a Solid Waste Disposal Facility or Incineration Facility” (LD 1431), which states in part, ‘Host community’ means any town, township or city that is the geographic site of a solid waste disposal facility or incineration facility or any immediately contiguous town, township or city if such town, township or city can demonstrate to the department that it incurs a demonstrable impact from that solid waste disposal from that solid waste disposal facility or incineration facility.’

Saco can demonstrate that it incurs a demonstrable impact from Maine Energy Recovery Company’s (MERC) solid waste disposal and incineration facility in Biddeford and meets the standard set forth in 38 MRSA § 1303-C, sub-§15-B.

Further, pursuant to § 2. 38 MRSA §2178 (1), if Saco is a host community, then MERC is required to have a host community agreement with Saco (if we choose) during its operation and through the closure of the facility.

Maine Energy Recovery Company has been contacted on this topic and advises that we follow the letter of the law.

Therefore, the first step in the process would be to demonstrate to the Maine Department of Environmental Protection that Saco meets the criterion of a “host community”, as set forth in LD 1431.

In 1987, Saco had a host community agreement with MERC which expired June 30, 2007. In the final months of said agreement the city negotiated a solid waste disposal contract with EcoMaine and we did not extend our agreement with MERC.

For the past two Legislative sessions, Senator Barry Hobbins and Representative Linda Valentino, on behalf of the City of Saco, submitted the proposed legislation that would claim Saco as a “host community” after our 1987 agreement expired. The Legislature did pass LD 1431 on March 14, 2007.

Councilor Morton moved, Councilor Smith seconded, that it be ordered that the City Council request status as a ‘host community’ from the Maine Department of Environmental Protection, pursuant to LD1431, and be granted the benefits afforded to host communities. Further move to approve the Order. The motion passed with seven (7) yeas.
VII. CONSENT AGENDA:

A. Confirmation of Mayor’s Appointments

The Mayor has made several appointments to different boards and commissions that require City Council confirmation.

Be it ordered that the City Council confirm the following appointments:

- **Southern Maine Regional Planning Commission**: Councilor Marston Lovell – for the duration of his Council term;
- **Planning Board**: Rene Ittenbach for a 3 year term beginning January 1, 2008 and expiring December 31, 2011;
- **Economic Development Commission**: Marty Devlin for a 5 year term beginning January 1, 2008 and expiring December 31, 2013;
- **Conservation Commission**: Reappoint Peter Anderson and Reappoint Donna Goulding for 3 as full members to 3 year terms ending December 31, 2011.

B. Confirmation of Mayor’s Appointments to the Shoreline Commission

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.

The Mayor has appointments and the council is being asked to confirm the appointments.

Be it ordered that the City Council confirm the following appointments:

1. **Year term** – to expire December 31, 2008, Richard Milliard, Vice Chair; Faye Casey, and Pauline Kane
2. **Year term** – to expire December 31, 2009, Dean Coniaris, Chair; Peter Marks, Secretary; and George Roth
3. **Year term** – to expire December 31, 2010, Paul Descoteau, Gil Lauson

C. Appointment of the Local Health Officer

The City of Saco shall employ a local health officer who is to be appointed by the municipal officers.

Pursuant to Title 22, Part 2, Chapter 153 §451 - “every municipality in the State shall employ an official who shall be known as the local health officer who shall be appointed by the municipal officers of such municipality. The local health officer shall be appointed for a term of 3 years and until his/her successor is appointed”.

18 cm_2008_02_04
Dr. Conner Moore is a resident of Saco and has been the city’s health officer for decades - along with Building Inspector Dick Lambert as acting deputy local health inspector.

Be it ordered that the City Council appoint Dr. Conner Moore as the local health officer for the City of Saco, for a 3-year term and until his successor is appointed, and further appoint Building Inspector Richard G. Lambert as deputy health officer for a 3 year term and until his successor is appointed.

E. Mobile Communication Device Policy

Currently, the city does not have a mobile communication device policy. As a result of the city’s audit process, it was recommended in the management letter that the city evaluate employee cell phone use and determine what policy best fits the needs of city and at the same time better comply with any Internal Revenue Service Codes pertaining to employee cell phone use.

The purpose of the policy is to establish guidelines for mobile communication device acquisition and use of the devices while on city time; and to outline the use of personal mobile communication devices at work, the personal use of city mobile communication devices and the safe use of the devices while carrying out daily work tasks.

Be it ordered that the City Council approve the document titled, ‘Mobile Communication Device Policy, dated January 22, 2008’.

Mobile Communication Device Policy
Dated, January 22, 2008

Effective March 1, 2008

(Please note language that is underlined is new language, while strikethrough represents language to be deleted).

A. Purpose
1. The purpose of this policy is to establish guidelines for mobile communication device acquisition and use of the devices while on City time.
2. This policy outlines the use of personal mobile communication devices at work, the personal use of City mobile communication devices and the safe use of the devices by employees while carrying out daily City tasks.

B. General
1. Mobile communication devices are provided to improve customer service and to enhance business efficiencies. Mobile communication devices are
not a personal benefit and shall not be a primary mode of communication, unless they are the most cost-effective means to conduct city business.

2. Possessing a mobile communication device is a privilege and all employees are expected to use them responsibly. The City prohibits use of a mobile communication device will seek reimbursement for any additional charges resulting from personal use calls. Misuse of the City mobile communication device may result in its revocation and possible disciplinary action against the employee.

3. The City Administrator will respond to each request on a case by case basis. Factors that will be considered in the authorization process include emergency response, administrative efficiency, and customer service. An emergency response employee is on call to respond to an urgent need such as snow removal, sewer backup or a system failure. Employees who spend long periods of time on a regular basis away from their desk or access to a land line and who need to be in contact with their office staff or customers to expeditiously address issues may also be provided a device.

C. Options
   1. There are two options for Mobile Communications Devices within the City of Saco.
      i. City owned device
         1. The employee will be issued a device, and responsible for all auditing rules set up by the City.
         2. No personal use of the device.
      ii. Reimbursement of a personal device
         1. The employee will receive the City’s current reimbursement, and will be subject to all other rules contained within this policy.
         2. The employee receiving reimbursement will not be subject to the auditing procedure unless excessive personal use during work hours is being suspected.

D. Acquisition of City Owned Device
   1. The IT (Information Technology) Department, upon request from the Department Head or his /her designee, and authorization from the City Administrator will facilitate the purchase of the device. The request will be made via the IT Department’s Helpdesk solution. The person making the request should have an estimate of the amount of time this user will spend
using the device to assist the IT Department with the placement of the
device on the municipalities plan.

2. Other consideration / services
   i. Mobile email
   ii. Text messaging / paging

3. IT Department guidelines
   i. If the cellular phone contract is based on minutes used, a minimal
      plan shall be utilized. In other words, the smallest plan available to
      accommodate the particular business need shall be utilized.
   ii. No employee may approve his/her own cellular service plan

4. General Information
   i. Mobile Communication devices are provided by the City and are
      intended for City business. Calls home or to the family, etc, by City
      staff when required to work extended hours shall be considered
      business calls. Such calls shall be brief in nature and do not
      require re-imbursement by the employee.

5. Auditing
   1. The City Administrator or his/her designee will be
      responsible for auditing of mobile communication device
      usage to ensure compliance with this policy as well as the
      continued appropriateness and justification for the use of any
      mobile communication device and associated service plans.
      i. Auditing will be conducted twice a year. These
         periods will be the beginning of June and the
         beginning of December. A randomly selected
         month during the previous period will be
         selected and audited. Audits will be
         documented and if an audit produces a misuse
         of the mobile communication device, the
         employee will be required to log all calls:
         ii. a. Date and time of call
            b. Purpose of the call
            c. Incoming or outgoing call
            d. Number called or number received from

   2. This call log will need to be completed and turned in to the
      Department Head or his/her designee within two (2) days of
      completion of the billing cycle. The employee's call log will
      be verifying there were no personal calls made during the
      period. If there was, a call as described used by the above
      paragraph relating to change in work hours a note should be
      made Department Head or his/her designee in the margin on
the bill (ex. “change in work hours”). This will accomplish
noting the call as non-personal. Monthly Audit of all city
owned mobile communication lines of service. (sample call
log attached as appendix 2)

E. Authorization to use Personal device in lieu of City device
1. Monthly re-imbursement
   i. An employee is encouraged to use their personally owned mobile
communication device in lieu of a City owned mobile
communication device. This will alleviate the employee having to
carry two devices if they choose not to. The employee carrying
their personally owned device is eligible for re-imbursement of
fifteen dollars a month ($15.00 per month) for carrying their
own device. Users that require data usage may - On a case by case
basis reviewed by the City Administrator there will be reimbursed
be a re-imbursement of seventy five dollars a month ($75.00 per
month) for the users that require data usage.

   ii. Making the request – the employee shall forward a letter stating
their intention to carry their personally owned device. On the letter
will be the date in which they wish to start carrying their own device
as well as the intention to receive the city’s current re-
reimbursement rate for carrying their own device. This letter will be
forwarded to the Department Head or his/her designee. The
Department Head or his/her designee will sign the letter and
forward to Human Resources where it will be kept in the
employee’s file. The employee making the request is also accepting
they will be subject to all rules and regulations as a person carrying
a City owned mobile communications device.

   iii. Reimbursement process – The reimbursement process will be
conducted through the Accounts Payable (AP) process for the City.
Each employee authorized to carry his or her personal device will
submit a form through the AP process for payment twice a year (2
times per year). The periods designated are the beginning of July
which would reimburse for the period January - June and the
beginning of January which would reimburse for the period July –
December. Employees who do not have the monthly re-
reimbursement may submit a copy of the original bill and
documentation of date and time and purpose of the call for re-
reimbursement of the monetary amount of the call.
2. **Per call reimbursement (vacant)**

**The reimbursement plans CAN NOT be used in conjunction with one another it is one or the other.**

3. **General Information**
   i. The City assumes no liability for loss or damage to any personally owned mobile communications device carried by an employee at any time.

F. **Rules**
1. **There is No Excessive personal use of city owned mobile communication devices** while on City time is strictly prohibited.
   i. The only exception is noted above in section C, in regards to change in work hours and should be brief in nature. Excessive personal use will be determined by the Department Head and the City Administrator on a case by case basis.

   1. **Items considered**
      a. Repetitive in nature
      b. Cost incurred by the City for additional charges

2. Excessive misuse or damage to mobile communications devices could result in disciplinary action and possible re-imbursement by the employee.

3. **Mobile Communications Safety Concerns**
   i. Employees whose job responsibilities include regular or occasional driving who carry mobile communication devices are expected to refrain from using devices while driving. Safety MUST come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before using the device. If operating the vehicle and using the device is unavoidable and pulling over is not an option, employees are expected to keep the use short, and discouraged from discussion of complicated or emotional issues and keep to their eyes on the road.

   ii. In situations where job responsibility includes regular driving and accepting business calls, hands free equipment may be provided to facilitate compliance with policy. These situations will be considered on a case by case basis.

   iii. Employees who are charged with traffic violations resulting from the use of the mobile communication device while driving will be solely responsible for all liabilities that result from such actions.
Violations of this policy will be subject to the highest forms of discipline, including termination.

4. Policy Compliance
   i. Department heads or his/her designee will be responsible for monitoring of mobile communication device usage to ensure compliance with this policy as well as the continued appropriateness and justification for the use of any mobile communication device and associated service plans.

4. As with any policy, management staff is expected to serve as role models for proper compliance with the provisions above and are encouraged to regularly remind employees their responsibilities in complying with this policy.
Memo

Date: February 1, 2008
From: Richard R. Michaud, City Administrator
To: Mayor Michaud & City Councilors

RE: Mobile Communication Device Policy Changes

On the Consent Agenda is the item “Mobile Communication Device Policy”. The Council discussed this item at Workshop on January 22, 2008, at which time the Council made several suggestions to be incorporated into the policy:

- Section D. Acquisition of City Owned Device – 5. Auditing, changes have been made to address mobile communication device usage to ensure compliance with this policy as well as continued appropriateness and justification for the use of any mobile communication device and associated service plans. The City Administrator or his/her designee will be responsible for auditing of mobile communication device usage.

- Section B. General – 3. The City Administrator will have authority to issue a cell phone to an employee.

- The audit process language in Section D. replaces the language in F. Rules – 4.

- The IRS rules have been included in the commentary packet, as well as the auditor’s management letter.
November 20, 2007

To the Saco City Council and School Board
City of Saco, Maine

In planning and performing our audit of the financial statements of the City of Saco (the City) for the year ended June 30, 2007, in accordance with U.S. generally accepted auditing standards, we considered the City’s internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City’s internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the City’s internal control over financial reporting.

A control deficiency exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency, or a combination of control deficiencies, that adversely affects the City’s ability to initiate, authorize, record, process, or report financial data reliably in accordance with generally accepted accounting principles such that there is more than a remote likelihood that a misstatement of the City’s financial statements that is more than inconsequential will not be prevented or detected by the City’s internal control.

A material weakness is a significant deficiency, or a combination of significant deficiencies, that results in more than a remote likelihood that a material misstatement of the financial statements will not be prevented or detected by the City’s internal control.

Our consideration of internal control was for the limited purpose described in the first paragraph and would not necessarily identify all deficiencies in internal control that might be significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control that we consider to be material weaknesses or significant deficiencies, as defined above.

However, we have noted several other comments that warrant management’s consideration.

This report is intended solely for the use of management of City of Saco, Maine and should not be used for any other purposes.

It should be noted that this letter, by its nature, is critical in that it contains only our comments and recommendations on deficiencies observed in the course of our examination. It does not include our observations on the many strong features of the City’s internal control system.

We wish to express our appreciation for the cooperation and assistance we received from the management and employees of City of Saco, Maine during the course of our audit and to advise you that we are available to provide any assistance required to implement the above suggestions.

Very truly yours,

[Signature]
SIGNIFICANT DEFICIENCIES

None noted.

OTHER COMMENTS

Semi-annual Certification of Federally Funded Employees

Our test work revealed that currently the Department of Public Schools does not require semi-annual certifications of employees who are paid 100% through the Local Entitlement federal program. Federal Circular OMB A-87 states that “Where employees are expected to work solely on a single Federal award or cost objective, charges for their salaries and wages will be supported by periodic certifications that the employees worked solely on that program for the period covered by the certification. These certifications will be prepared at least semi-annually and will be signed by the employee or supervisory official having first hand knowledge of the work performed by the employee.” These certifications replace the need for weekly or bi-weekly timesheets and the intent is to ensure that the employees whose salaries are being charged to certain federal programs are actually working in those programs. We recommend that certificates be distributed to federally funded staff twice a year and be signed by the employee and the grant director. Since this comment relates specifically to a major federal award program, it has been noted in our reports required by Circular A-133 dated November 20, 2007.

School Chart of Accounts

The State of Maine Department of Education has recently promulgated a required chart of accounts for school units in Maine. School units were to begin using this format in the 2007-08 fiscal year. One of the goals of these new requirements is to eliminate the need for certain manual reporting and convert to a system of automatic downloading of account information from the individual school unit’s accounting system directly to the State system used to accumulate and analyze this data.

Although we understand that the School Department is currently working with their general ledger vendor on the new chart of accounts requirements as of June 30, 2007, there is still a significant amount of work involved to become fully compliant.

School Lunch Losses

For the past two years, School Lunch Program expenditures have exceeded revenues resulting in fund deficits ($26,827 and $13,477 in 2006 and 2007, respectively). We understand that the School continues to review this fund closely and has taken steps to identify any possible changes that could potentially reduce costs or increase revenues. We recommend that the School Lunch Program continue to be monitored closely and other measures taken as appropriate to ensure that future shortfalls are eliminated.
Taxability of Fringe Benefits

Cell phones: In light of the recent, more aggressive scrutiny by the IRS regarding entities capturing employee's personal use of cell phones as a "taxable fringe benefit" for payroll reporting purposes, we recommend that the City evaluate situations in which cell phones are provided to employees and determine whether the service is necessary for business purposes. Additionally, we recommend that the City evaluate situations in which cell phones are provided and determine to what extent any taxable fringe benefit is being incurred.

The Internal Revenue Code (IRC) specifically addresses the following:

✓ Business use is excludable from wages of the employee as a working condition fringe benefit.
✓ Personal use is included in the wages of the employee.
✓ If substantiation requirements are not met or records are not kept of business and personal use, all use is included in the wages of the employee. IRC § 274(d); IRC § 280F(d)(4); IRC § 132(d)

The City has begun reviewing the cell phone policy and will allow an $11 reimbursement for those with a personal cell phone. As for the current users (predominantly Public Safety and Public Works) there are varying plans including text messaging, internet access and other 'add-ons' that would require that the City significantly increase this stipend to make it feasible for the employee to utilize a personal cell phone for business use.

Human Resources / IT Collaboration

During the course of our audit, we noted that there are no consistent procedures relating to the termination of employees. We recommend that the City implement a checklist system to ensure that upon termination an employee has completed the following steps:

- Access to all applications is turned off
- Username is removed from system
- Email access is terminated
- Citrix outside user access is eliminated
- Computer, cell phone and/or other hardware has been returned and is in working order

All of these items could be accomplished with a simple exit interview checklist. Oftentimes entities will hold-back vacation or sick time payouts to ensure that a terminated employee completes all of the required termination documents prior to compensation.

City Should Utilize a Capital Assets Tracking System

Instead of an integrated accounting system that includes a capital asset accounting module, the City's capital assets are maintained on an excel spreadsheet. Depreciation is calculated using formulas, which must be created when a new asset has been acquired. We recommend that the City consider utilizing a capital asset system to account for and monitor its physical assets and related depreciation. Additionally, we recommend that formal controls be adopted to ensure that all additions and disposals of capital assets are reported to the accounting department so that the accounting records can be properly updated.

During the course of our audit, we noted two capital asset additions as well as one additional capital lease that were not in the capital assets spreadsheets. Further, we noted one depreciable capital asset that was being over-depreciated on the excel spreadsheet maintained to roll forward accumulated depreciation. The capital asset additions and lease were adjusted for the audited financial statements; the over-depreciated item was included as a passed audit adjustment as the balance was below individually significant.
Employee Cell Phones

Government employers frequently provide their employees with cellular telephones and pagers to employees to conduct business. This can raise special tax concerns, due to the fact that these items are listed property under the Internal Revenue Code, and because employees may use them for business as well as personal use.

What is Listed Property?

"Listed property" includes items obtained for use in a business but designated by the Internal Revenue Code as tending themselves easily to personal use. This includes automobiles, computers, and entertainment or recreation-related items. In 1989, cellular telephones were added to this category. Although the use of these phones is much more widespread and economical today, they remain listed property and are subject to these restrictions.

For a for profit business, the designation of an item as listed property has implications for depreciation deductions taken by the business and the computation of net income. However, this article focuses on the employment tax issues raised for employees of government entities.

Substantiation Requirements

To be able to exclude the use by an employee from taxable income from an employer-owned cell phone, the employer must have some method to require the employee to keep records that distinguish business from personal phone charges. If the telephone is used exclusively for business, all use is excludable from income (as a working condition fringe benefit). The amount that represents personal use is included in the wages of the employee. This includes individual personal calls, as well as a pro rata share of monthly service charges.

In general, this means that unless the employer has a policy requiring employees to keep records, or the employee does not keep records, the value of the use of the phone will be income to the employee.

At a minimum, the employee should keep a record of each call and its business purpose. If calls are itemized on a monthly statement, they should be identifiable as personal or business, and the employee should retain any supporting evidence of the business calls. This information should be submitted to the employer, who must maintain these records to support the exclusion of the phone use from the employee's wages.

http://www.irs.gov/govt/fslg/article/0,,id=167154,00.html
Employee Cell Phones

The following situations illustrate the application of the rules:

Example 1: A municipal government provides an employee a cell phone for business purposes. The government’s written policy prohibits personal use of the phone. The government routinely audits the employee’s phone billings to confirm that personal calls were not made. No personal calls were actually made by the employee. The business use of the phone is not taxable to the employee.

Example 2: A municipal government provides an employee a cell phone for business purposes. The government’s written policy prohibits personal use of the phone. However, the government does not audit phone use to verify exclusive business use. The fair market value of the phone, plus each monthly service charge and any individual call charges are taxable income to the employee, reportable on Form W-2.

Example 3: A state agency provides an employee with a cell phone and pays the monthly service charge. The employee is required to highlight personal calls on the monthly bill. The employee is then required to timely reimburse the agency for the cost of the personal calls, and the employee is charged a pro rata share of the monthly charge. The value of the business use portion of the phone is not taxable to the employee.

Employee-Owned Telephones

If the employee owns the phone, the listed property requirements do not apply. Any amounts the employer reimburses the employee for business use of the employee’s own phone may be excluded from wages if the employee accounts for the expense under the accountable plan rules. See Publication 15, Employer’s Tax Guide (Circular E), for more information about the accountable plan rules.

http://www.irs.gov/govt/fslg/article/0,,id=167154,00.html
VIII. Cellular Phone Use Policy

A. Purpose - The purpose of this policy is to establish guidelines for cellular telephone acquisition and employee cellular telephone usage.

1. This policy outlines the use of personal cellular phones at work, the personal use of business cellular phones and the safe use of cellular phones by employees while driving. The use of cellular phones while operating City vehicles is strongly discouraged as it is inconsistent with the responsibility of City employees to operate City vehicles in a safe and prudent manner. The use of City cellular phones for personal, non-city business purposes can constitute an improper use of City property.

B. General

1. Cellular phones are provided to improve customer service and to enhance business efficiencies. Cellular phones are not a personal benefit and shall not be a primary mode of communication, unless they are the most cost-effective means to conduct city business.

2. Possessing a cellular phone is a privilege and all employees are expected to use them responsibly. The City will seek reimbursement for any additional charges resulting from personal calls. Misuse of a City cellular phone may result in its revocation and possible disciplinary action against the employee.

3. If the cellular phone contract is based on minutes used, a minimal plan shall be utilized. In other words, the smallest plan available to accommodate the particular business need shall be utilized. No employee may approve his/her own cellular service plan.

C. Acquisition, Distribution and Use of Cellular Phones

1. The purchase of cellular phone services will be solicited through the purchasing process. Any requests for cellular phones shall be sent to the Finance Department and/or Purchasing Agent for approval. The Purchasing Agent will handle contacting the cellular phone representative to order the phones.

2. The acquisition, distribution, and use of cellular telephones will be based on a rigorous analysis and justification taking into account cost, efficiency, and enhanced job performance. Cellular phone service, due to the cost of acquisition and operation, should be used only when normal telephone service is not reasonably available to initiate or receive calls. Examples of justified use include but not limited to;

   a. Mobile communications are essential to assign job responsibilities and performance would be impaired without the use of a cellular phone.

   b. Telephone calls are necessary and other normal landline services are not readily available.
c. Cellular phones are a more economical alternative to mobile radio or alternative communication devices.

d. Job related time, travel, and safety factors dictate use of a cellular phone as the most prudent and cost efficient communications option.

D. Use of Personal Cellular Phones

1. The following policy shall be in effect for the use of employee personal cellular phones in order to promote a safe working environment and to limit the liability of the City due to the use of personal cellular phones in non-work related situations. City employees may carry personal cellular phones with them while on City time or while operating City equipment, but are subject to the following restrictions:

a. Excessive use of a personal cellular phone for personal business during duty hours is considered outside the employees’ scope of employment.

b. Employees are responsible for operating City-owned vehicles and potentially hazardous equipment in a safe and prudent manner, and therefore, employees should refrain from using personal cellular phones while operating such vehicles and equipment.

c. The City assumes no liability for loss or damage to employees’ personal cellular phones carried in City vehicles or left on City property. Employees assume the risk of loss or damage to personal cellular phones carried by employees during working hours.

d. When authorized in writing by the City Administrator or his/her designee, the cost of using a personal cellular phone for official business may be reimbursed to the employee. Having a personal cellular phone is a choice the employee makes, and if the cellular phone is used for business purposes, any reimbursement will be for reasonable costs in excess of the base plan plus any additional fees such as roaming fees or other fees and taxes incurred as a direct result of the business use. In no instance will the employee be reimbursed more than the monthly cost to the employee.

e. Employees are not permitted to receive a monthly allowance from a City department for the use of a cellular phone.

E. Employee-owned Cellular Phones

1. Employees who conduct City business on employee-owned cellular phones may apply for reimbursement for such calls. To receive reimbursement, employees must document the date and purpose of the call and submit it with a copy of the original phone invoice.

F. Procedures
1. Cellular phones provided by the City are intended for City business. Calls home or to the family, etc, by City staff when required to work extended hours shall be considered business calls. These calls shall be limited to three (3) minutes and do not require reimbursement from the employee.

2. If an employee does need to make or receive a personal call on a City-owned cellular phone, then that employee is required to pay the City the full cost of such calls. Employees in such circumstances are required to assist the cellular phone representative for their Department/Division/Office in differentiating between business-related and personal calls, and to remit the full amount owed for personal calls within thirty days of first notification.

3. Employees may elect to maintain a log of personal calls made on City-owned cellular telephones. Employees will review the invoice for their cellular telephones they have used and identify personal calls they have made by clearly marking the calls and initialing the cityment. A copy of the invoice highlighting the personal calls and a check payable to City of Saco shall be submitted to the Purchasing Agent/Finance Department.

G. Personal Cellular Phones Use While On Duty

1. While at work employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of phones. Personal calls during the work hours, regardless of the phone used can interfere with employee productivity and be distracting to others. Cellular phones are not to be carried on the job without specific permission from the Department Head who will keep the Deputy Director and immediate supervisors regularly informed of this permission. Employees will inform their Supervisor of the need to carry a cellular phone who in turn will set up a meeting with the Department Head to discuss with the employee a need to have a cellular phone on the job. Specific permission for use will be granted/denied on a case-by-case basis. Employees are therefore asked to make personal calls during breaks and lunch period and to ensure that friends and family members are aware of the department’s policy. The City will not be liable for the loss of personal cellular phones brought into the workplace. Employees are not authorized to use personnel cellular phones in place of City provided beepers and radios.

H. Personal Use of City-Provided Cellular Phones, Beepers and Radios
1. Where job or business needs demand immediate access to an employee the City may issue a business cellular phone, beeper and/or two-way radios to an employee for work-related communications. In order to protect the employee from incurring a tax liability for the personal use of equipment, such equipment is to be used for business reasons only. Phone logs may be audited regularly to ensure no unauthorized use has occurred. If an employee experiences a severe personal emergency that results in the need to use the city’s cellular phone, he or she is required to report this to their supervisor. Failure to report such use may result in disciplinary action. Employees in possession of City equipment such as cellular phones, beepers and radios are expected to protect the equipment from loss, damage or theft. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the equipment for return or inspection. Employees unable to present the equipment in good working condition within the time period requested (i.e. 24 hours) might be expected to bear the cost of a replacement. Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

a. Because cellular phone accounts are billed on a time-used basis, City-owned cellular telephones and services shall not be used when a less costly alternative method of communication is safe, convenient, and readily available.

b. The City reserves the right to audit all City-owned cellular telephones and their use, which will include but not be limited to, a review of the monthly billing.

c. Cellular transmissions are not secure. Therefore, employees shall use discretion in relaying confidential information, and reasonable precautions shall be made to prevent equipment theft and vandalism.

d. Misuse, including but not limited to excessive personal use and damage due to mishandling, of a City-owned cellular phone will result in disciplinary action to the employee by the City.

e. If an individual requires liberal use of a cellular phone for personal calls, prior written approval must be obtained from the City Administrator or Department Head. A copy of the written approval must be forwarded to the Finance Department. The employee must reimburse the City for all personal calls within five (5) calendar days of receipt of the bill.

2. Personal Use of Shared Cellular Phones/Cellular Phones Installed in Vehicles

3. In those circumstances when a City-owned cellular phone is not assigned to an individual but rather is shared by more than one employee, all employees who make or receive any personal calls on such phones shall retain a record of such calls including the date, cellular telephone number, and inbound/outbound telephone number. Such employees shall then be required to assist in reconciling cellular phone bills in accordance with City procedures.
I. Review of Monthly Invoices

1. Agency accounting personnel will review each cellular phone invoice for personal calls. A copy of any invoice containing personal calls will be forwarded to the employee responsible for the personal calls. The user must review the monthly statement for billing accuracy. The employee must reimburse the City for all personal calls within five calendar days of the receipt of the invoice. Because of the restrictions of the personal use of City cellular phone this process should be the exception rather than the rule.

J. Safety Issues for Cellular Phone Use

1. Employees whose job responsibilities include regular or occasional driving and who are issued a cellular phone for business use are expected to refrain from using their phone while driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off the side of the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is unavoidable and pulling over is not an option, employees are expected to keep the call short, use hands-free options if available, refrain from discussion of complicated or emotional discussions and keep their eyes on the road. Special care should be taken in situations where there is traffic; inclement weather or the employee is driving in an unfamiliar area. In situations where job responsibilities include regular driving and accepting of business calls, hands-free equipment may be provided to facilitate the provisions of this policy. Employees whose job responsibilities do no specifically include driving as an essential function, but who are issued a cell phone for business use, are also expected to abide by the provisions above. Under no circumstances are employees allowed to place themselves at risk to fulfill business needs. Employees who are charged with traffic violations resulting from the use of their cellular phone while driving will be solely responsible for all liabilities that result from such actions. Violations of this policy will be subject to the highest forms of discipline, including termination.

K. Monitoring of Policy Compliance

1. Department heads will be responsible for the monitoring of cellular phone usage to ensure compliance with this policy and the continued appropriateness and justification for the use of cellular phones and the service plans being purchased.

L. Special Responsibilities for Managerial Staff

1. As with any policy, management staff is expected to serve as role models for proper compliance with the provisions above and are encouraged to regularly remind employees of their responsibilities in complying with this policy.
F. Application to Operate Games of Chance – BPOE #1597

BPOE #1597 has applied for a license to operate Game of Chance: Pull Tickets from April 1, 2008 to June 1, 2008.

The applicant has submitting the applications in accordance with the provisions of Title 17 M.R.S.A. chapter 13-A and in accordance with the Rules and Regulations promulgated by the Chief of the State Police governing the operation of Beano/Bingo or Games of Chance.

Be it Ordered that the City Council grant the applications for a License to Operate a Game of Chance: Pull Tickets from April 1, 2008 to June 30, 2008.

Councilor Smith moved, Councilor Morton seconded to approve items A, B, C, E, and F of the Consent agenda. The motion passed with seven (7) yeas.

Councilor Tardif requested the Item D. be considered separately from the Consent Agenda.

D. Appointment of the Sealer of Weights and Measures

The City of Saco must appoint a Sealer of Weights and Measures as required by MRSA, Title 10 §2451.

A portion of sub-section 2451 reads as follows: “The municipal officers of each municipality shall elect or appoint a sealer of weights and measures, and a deputy sealer if necessary, not necessarily a resident therein, and said sealer and deputy shall hold office during their efficiency and the faithful performance of their duties.”

Louis A. Waterhouse III, has experience in this field and has presented his qualifications for this appointment attached herewith, and will be replacing Keith Finley.

Councilor Mills moved, Councilor Bastille seconded, that it be ordered that the City Council appoint Louis Waterhouse III, as the Sealer of Weights and Measures for the City of Saco as required by MRSA, Title 10 §2451. The motion passed with seven (7) yeas.

G. ADJOURNMENT

Councilor Smith moved, Councilor Morton seconded, to adjourn. The motion passed with seven (7) yeas. TIME: 9:20 p.m.

ATTEST: ____________________________

Lucette S. Pellerin, City Clerk