

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

The following are minutes of the Council Meeting held on Monday, March 16, 2009.

- I. **CALL TO ORDER** - On Monday, March 16, 2009 a Council Meeting was held in the City Hall Auditorium.
- II. **ROLL CALL OF MEMBERS** - Mayor Roland Michaud conducted a roll call of the members and determined that the Councilors present constituted a quorum. Councilors present: Margaret Mills, Leslie Smith Jr., Ronald E. Morton, Arthur Tardif, Eric Cote and Marston Lovell. Councilor Sandra Bastille was excused this evening.

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

III. **PLEDGE OF ALLEGIANCE**

IV. **GENERAL: York County Emergency Management Presentation**

Mr. Bob Bohlmann, Director, York County EMA presented Steven Boucouvalas, CEM, Emergency Preparedness Director, City of Saco with an award for having completed the required State of Maine, Emergency Management classes and training Levels 1 and 2. Congratulations Steve for a job well done.

IV. **APPROVAL OF MINUTES:** February 17, 2009

The minutes for the February 17, 2009 City Council Minutes were approved as written.

VI. **AGENDA ITEMS:**

A. **(Public Hearing) Liquor License/Entertainment Permit – Deep Brook Bar & Grill**

Paul M. Picard d/b/a Deep Brook Bar & Grill has applied for a Liquor License/Special Entertainment Permit for a term of one year.

Councilor Mills moved, Councilor Smith seconded to open the Public Hearing. The motion passed with six (6) yeas.

There being no comments from the public Councilor Mills moved, Councilor Tardif seconded, to close the Public Hearing and that it be Ordered that the City Council grant the applications submitted by the Deep Brook Bar & Grill for a Liquor License and Entertainment permit for the period of one year. Further move to approve the Order. The motion passed with six (6) yeas.

B. **City Council FY 2010 Budget Submitted to Council**

Pursuant to the City Charter Article VI, Financial Procedures §6.02, “at the second City Council meeting in March of each year, the City Administrator shall submit to the City Council their respective sections of the budget for the ensuing fiscal year and the accompanying messages.”

Section 6.03 – Budget Messages. “The City Administrator’s message shall explain the budget in fiscal terms and in terms of work programs. They shall describe the important features of the budget, indicate any major changes from the current year in expenditures and revenues together with the reasons for such changes, summarize the City’s debt

position, and include such other materials as the City Administrator may deem desirable or the Mayor and the City Council

Budget Requirements Pursuant to the City of Saco

Charter

ARTICLE VI, Financial Procedures

Section 6.02. Submission of Budget.

At the second City Council meeting in March of each year, the City Administrator and the Board of Education shall submit to the City Council their respective sections of the budget for the ensuing fiscal year and the accompanying messages. [Amended 11-6-1984; 11-5-1996]

Section 6.03. Budget Messages.

The City Administrator's and the Board of Education's messages shall explain the budget in fiscal terms and in terms of work programs. They shall describe the important features of the budget, indicate any major changes from the current year in expenditures and revenues together with the reasons for such changes, summarize the City's debt position, and include such other materials as the City Administrator may deem desirable or the Mayor and the City Council shall request.

Section 6.04. Budget.

The budget shall be submitted to the City Council in two parts, one by the City Administrator and one by the Board of Education. The section of the budget submitted by the Board of Education shall include its estimated cost for the operation of the public schools for the ensuing year, including capital expenditures, priorities, and debt costs. The budget, including the section submitted by the Board of Education shall be in such form as the City Council may require, except as otherwise required by law or this Charter.

At the second regular meeting of the City Council in April of each year, the City Administrator shall submit to the City Council a summary of the two parts of the budget previously submitted to the City Council by the Board of Education and the City Administrator, which summary shall be itemized further than by principal sources of anticipated revenue, and which shall state separately the amount to be raised by property tax. It shall be itemized also by departments and kinds of expenditures in such a manner as to present to the taxpayers a simple and clear summary of the detailed estimates of the budget.

The summary of the proposed budget shall be published at least once in one or more newspapers of general circulation in the City within the two-week period following submission to the City Council. [Amended 11-6-1984; 11-5-1996]

Section 6.05. Capital Program.

a. Submission to Council. The City Administrator shall prepare and submit to the City Council a five-year capital program at the second regular meeting of the City Council in March of each year.

b. Contents. The capital program shall include:

1. A clear general summary of its contents.
2. A list of all capital improvements which are proposed to be undertaken during the five fiscal years ensuing, with appropriate supporting information as to the necessity of such improvements.
3. The costs estimates, methods of financing, and recommended time schedules for each improvement.
4. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition. [Amended 11-6-1984; 11-5-1996]

Section 6.06. City Council Action on the Budget.

a. **Notice and Hearing.** The City Council shall publish at least once in one or more newspapers of general circulation in the City the following:

1. The time and place where copies of the messages and budgets are available for inspection by the public.
2. A copy of the proposed budget prepared in such a manner as to present to the taxpayers a simple and clear summary of the detailed estimates of the budget. This publication shall take place fourteen (14) days prior to the date of each public hearing on the budget.

3. The time and place, not less than two weeks after such publication, for a public hearing on the budget.

b. **Amendment before Adoption.** At the next regular or special City Council meeting, at least seven (7) days after the public hearing, the City Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law, or for debt service or for estimated cash deficit.

c. **Adoption.** The City Council shall, by order, **adopt the budget at a regular City Council meeting on or before the first regular City Council meeting in June.** Until the budget is adopted, the amounts appropriated for the previous year shall be deemed adopted for the current fiscal year on a month-to-month basis. Adoption of the budget shall constitute appropriations of the amounts specified therein as the amount to be raised by the property tax shall constitute a determination of the amount of the tax levy. [Amended 11-5-1996]

Section 6.07. Council Action on Capital Program.

a. **Notice and Hearing.** The City Council shall publish at least once in one or more newspapers of general circulation in the City a notice stating:

1. The time and place where copies of the capital program are available for inspection by the public.
2. The time and place, not less than two weeks after such publication, for a public hearing on the capital program.

b. **Adoption.** The City Council by order shall adopt a capital program with or without amendment after the public hearing, at a regular City Council meeting on or before the first regular City Council meeting in June. [Amended 11-5-1996]

Section 6.08. Public Records.

Copies of the budget and capital program as adopted shall be public records and shall be made available to the public at suitable places in the City.

Councilor Cote moved, Councilor Tardif seconded, that pursuant to the City Charter Article VI, Financial Procedures §6.02, be it ordered that the City Council accept the City Administrator's Budget for Fiscal Year 2010. Further moved to approve the Order. The motion passed with six (6) yeas.

Mayor Michaud stated for the record that the Council would work on the revenues.

VII. CONSENT AGENDA:

- a. **(Second & Final Reading)** Zoning Ordinance Amendment - §1104,1110 & 1112 Electronic Submission and Financial Guarantees

Ordains and approves the Second and Final Reading of the document titled, 'Amendment to Zoning Ordinance Sections 1104, 1112, and 110 dated Dec. 16, 2008.

Amendments to Zoning Ordinance Sections 1104, 1112 and 1110- Dated December 16, 2008

The underlined passages are proposed as new language; language proposed for deletion is ~~struck through~~.

ARTICLE 11 – SITE PLAN REVIEW

Section 1104. Submission Requirements

(Under 1104-1. Basic Information)

1. A fully executed and signed copy of the application for site plan review.
2. Twelve (12) copies of a site plan on paper not larger than 24 by 36 inches nor smaller than 11 by 17 inches, drawn at a scale sufficient to allow review of the items listed under the approval criteria herein, but at not more than 50 feet to the inch for that portion of the total tract of land being proposed for development. (Amended 2/19/02)

The site plan shall be prepared by an engineer, architect, landscape architect, or land surveyor registered in Maine using the following standards:

- a. Plan units; decimal feet, NAD83, Maine State Plane West, vertical datum NAVD1988
- b. Georeferencing; drawing features should be tied into state plane coordinates
- c. Rotation of grid north maintained. Plan data should not be “rotated” in any way which might compromise data coordinate integrity. (Alternately, a ‘dview, twist’ or similar CAD display operation will allow for convenient plotting/layout fitting while still properly maintaining spatial reference.)
- d. Coordinates shall be shown on at least four corners of the site plan. Coordinates shall be referenced to the Maine State Coordinate System. (Amended 11/18/08)

Section 1112. As-Built Plans

As-built plans shall be prepared by an engineer, architect, landscape architect, or land surveyor registered in Maine. Prior to the release of the Letter of Credit and Inspection Fee Account, the developer shall submit to the Planning Office a digital copy of the Final Site Plan approved by the Planning Board, and including all approved amendments to the plan during construction. The digital data shall be a single composite AutoCAD (up to Release 2007) drawing file as well as a ‘pdf’ file, and may be submitted on CD-ROM, via e-mail, or other format acceptable to the City Planner. The following standards shall be followed:

- a. Plan units; decimal feet, NAD83, Maine State Plane West, vertical datum NAVD1988
- b. Georeferencing; drawing features should be tied into state plane coordinates
- c. Rotation of grid north maintained. Plan data should not be “rotated” in any way which might compromise data coordinate integrity. (Alternately, a ‘dview, twist’ or similar CAD display operation will allow for convenient plotting/layout fitting while still properly maintaining spatial reference.)
- d. Coordinates shall be shown on at least four corners of the site plan. Coordinates shall be referenced to the Maine State Coordinate System.
- e. AutoCAD (up to Release 2007) drawing or equivalent
- f. Any dependent external referenced (xref’s) should be bound to the drawing file(s)
- g. Drawing layers should be named in a logical fashion to allow identification of features; preferably, all drawings should be accompanied by a file that describes the layer structure
- h. Significant proposed polygon features, ie: building footprints, parking areas, driveways, should be closed 2d polylines (looped for closure). (Amended 11/18/08)

Section 1110. Financial Guarantees

The Planning Board, or in the case of a minor site plan, the City Planner, may require the posting with the city, prior to the start of site work or issuance of a site plan review permit or building permit, either an escrow account established with the City, or a certified letter of credit, or a passbook account established at a state or federally chartered bank or credit union that names the City as either account holder or co-holder, and ~~the consent~~

of the City shall be required for any withdrawal. ~~performance bond~~, Said account or letter of credit shall be found suitable by ~~to~~ the city, so as to ensure the completion of all site improvements. The ~~performance~~ financial guarantee shall include date of completion for the project. The City shall have access to the site at all times to review the progress of the work and shall have the right upon default to enter on to the site and perform the work necessary to remedy the default.

b. **Travel and Training Policy Amendment**

Be it Ordered that the City Council approve the document titled, 'Amendment to Travel & Training Policy dated March 2, 2009'.

Amendment to 'Travel & Training Policy', dated March 2, 2009

(Note that language that is underlined is new, and language to be deleted is represented by ~~strikethrough~~)

E. VEHICLE ASSIGNMENTS

2. Marked Vehicles - Employees who positions require that they are available during off-duty hours to respond to stakeouts, surveillance sites, fire or emergency calls, may with the prior approval of the City Council, use the City's marked vehicles while "on-call" during off-duty hours. The following positions are authorized to take home a marked City vehicle: Police Chief, Fire Chief, Deputy Fire Chiefs, Treatment Plant Operator, Deputy Wastewater Director, Director of Public Works, and Deputy Public Works Director. This policy allows the City Administrator to temporarily authorize other employees to take home a marked vehicle as work assignments warrant. Any personal use of the City's vehicles during off-duty hours is strictly prohibited.

c. **Tri Community Fuel Oil Bid Results**

Confirm Saco's commitment to participate in the Tri-Community cooperative fuel purchase for the Fiscal Year 2009/2010.



2009.5

IN BOARD OF CITY COUNCIL...FEBRUARY 17, 2009

BE IT ORDERED, that the City Manager be authorized to sign a one year contract with Dennis K. Burke Company for #2 heating oil commencing July 1, 2009 per the pricing bid on February 17, 2009 for City and School needs at a fixed price of \$1.725 per gallon for a fixed number of gallons (to be determined from actual usage), for ultra low sulfur diesel fuel at a variable cost of Portland OPIS plus \$0.0272, and for 87 octane gasoline at a variable cost of Portland low net rack plus \$0.0372.

NOTE: Due to the current market conditions, the City thought it prudent to try to lock in prices for heating oil and vehicle fuels for Fiscal Year 2010. These prices are good until noon on Wednesday, February 18, 2009. Dennis K.

Burke was the low bidder. Other bids received are detailed on the accompanying sheet. Our current contract expires on June 30th, 2009.

February 17, 2009

Motion by Councilor Mills, seconded by Councilor Staples to grant the order.

Vote: Unanimous.

Attest by: _____
Carmen J. Lemieux, City Clerk

**Tri-Community Heating and Vehicle Fuel Bid Results
 FY2010
 Bid Responses 2/17/09**

Phil Radding, City of Biddeford (207) 571-1602

Type	Dead River	Dennis K. Burke Inc.	Irving Oil	Frontier Energy
#2 Heating Oil - Fixed Price	\$1.7449 no downside savings price good to 9 am 2/18 fixed gallons	1.725/gallon no downside savings noon on 2/18 fixed gallons	no bid	no bid
		1.785/gallon no downside savings noon on 2/18 flexible gallons		
Bio-Heat B20 Heating Fuel - Fixed Price	no bid	1.985/gallon no downside savings noon on 2/18	no bid	1.919 per gallon no downside savings definite gallons
#2 Heating Oil - Variable Price	Portland OPIS plus .12 add-on current base - \$1.4578	Portland OPIS plus .0722 add-on current base - \$1.4174	NYH Platts prior day plus .2572 straight add-on current base - \$1.3131	no bid
Bio-Heat B20 Heating Fuel - Variable Price	no bid	Portland base plus .1722 add-on	no bid	no bid
#2 Heating Oil - G.A. for normal hours	Retail price	same as above .3522 add-on variable	no bid	no bid
#2 Heating Oil - G.A. for nights & weekends	Retail price plus \$100 trip charge	same as above .5522 add-on variable	no bid	no bid
Bio-Heat B20 Heating Fuel - G.A. for	no bid		no bid	no bid

normal hours

Bio-Heat B20 Heating Fuel - G.A for nights & weekends	no bid		no bid	no bid
Ultra Low Sulfur Diesel - Fixed Price	not asked for	1.825 per gallon flexible gallons	no bid	no bid
Ultra Low Sulfur Diesel - Fixed Price	not asked for	1.765 per gallon definite gallons	no bid	no bid
Ultra Low Sulfur Diesel - Variable Price	OPIS plus .11 add-on current base - \$1.6136	Portland base plus .0272 add-on*	no bid	no bid
Bio-Diesel Fuel Oil B5 Winter, B20 rest of year - Variable Price	no bid	Portland base plus .1272 add-on	no bid	no bid
87 Octane Gasoline-Variable Price	Portland low net rack plus .0850 add-on current base - \$1.4876	Portland low net rack plus .0372 add-on current base - \$1.4328	no bid	no bid
87 Octane Gasoline-Fixed Price	not asked for	1.785 per gallon flexible gallons	no bid	no bid
87 Octane Gasoline-Fixed Price	not asked for	1.725 per gallon definite gallons	no bid	no bid

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

VIII. ADJOURNMENT

Councilor Mills moved, Councilor Morton seconded, to adjourn. The motion passed with six (6) yeas. TIME: 7:47 p.m.

ATTEST: _____
Lucette S. Pellerin, City Clerk