

## STATE OF MAINE

### CITY OF SACO

### COUNTY OF YORK

The following a minutes of the June 21, 2010 Council Meeting.

- I. CALL TO ORDER** – On Monday June 21, 2010, at 7:00 p.m. a Council Meeting was held in the City Hall Auditorium.
- I. ROLL CALL OF MEMBERS** – In the absence of Mayor Roland Michaud, Lucette S. Pellerin, City Clerk, conducted a roll call of the members and determined that the Councilors present constituted a quorum. Councilors present: Margaret Mills, Leslie Smith, Jr., Marie Doucette, Jeffrey Christenbury, Arthur Tardif, and Eric Cote. Councilor Marston Lovell was excused this evening. Also in attendance, this evening, were City Administrator Richard R. Michaud and Lucette S. Pellerin, City Clerk.

The Clerk requested a motion to elect an acting temporary Deputy Mayor until the arrival of Mayor Roland Michaud.

Councilor Mills moved, Councilor Tardif seconded, to nominate Councilor Smith. The motion passed with five (5) yeas. Councilor Smith voted in the negative.

Councilor Smith moved, to no nominate Councilor Tardif.

Councilor Smith assumed the responsibilities as temporary Deputy Mayor.

### II. PLEDGE OF ALLEGIANCE

### III. GENERAL:

### IV. APPROVAL OF MINUTES: May 17, 2010; June 1, 2010; June 7, 2010

Councilor Doucette moved, Councilor Mills seconded, to approve the minutes as printed. The motion passed with five (5) yeas.

### VI. CONSENT AGENDA

#### a. Eastern Trail Easement

The proposed easement deed was drafted by attorney Bill Kany, and has been reviewed and found acceptable by City Attorney Tim Murphy. Final design of the Saco-OOB section of the

Trail will be completed in June, and construction should begin this summer, with completion expected prior to cold weather.

Councilor Cote moved, Councilor Christenbury seconded, to authorize the City Administrator to execute the document titled, "Permanent Trail Use Easement, by and between Thornton Academy, Eastern Trail Management District, and the City of Saco, dated March 18, 2010. Further move to approve the Order. The motion passed with five (5) yeas.

**Mayor Michaud arrived at 7:15 p.m.**

**b. (First Reading) Zoning Ordinance Amendment- Medical Marijuana Law**

Ordain and approve the First Reading of the document Titled, "Proposed Amendments to the Saco Zoning Ordinance Recommended by the Saco Planning Board, May 18, 2010 (corrected) and further move to set the Public Hearing for July 6, 2010.

**c. Certification of Election Results**

Approve the results of the June 8, 2010 election as presented.

Councilor Mills moved, Councilor Doucette seconded, to approve Consent Agenda items B and C. The motion passed five (5) with yeas.

**VII. AGENDA:**

**A. Cable Television Ascertainment of Needs – License Renewal Public Proceeding**

The cable television license renewal process has begun relative to the City of Saco Time Warner cable television license which is due to expire on October 31, 2012. This proceeding is held pursuant to federal law 47 USC 546 to ascertain cable-related needs and interests as part of the license renewal process.

Richard R. Michaud, City Administrator, requested that the Preliminary Statement be made part of the record.

**City of Saco  
Preliminary Statement of Community's Franchise Renewal Needs and Interests**

Under the existing cable franchise Time Warner Cable and its predecessors do not currently provide adequate local studio equipment for educational, governmental and related community cable casting and institutional networking, and the level of Time Warner Cable (TWC) support under the current Franchise is not adequately responsive to City cable needs and interests for reasons enumerated below.

The current franchise does not provide for adequate capital funds for studio development, or for replacement and upgrading of facilities and equipment for production, editing, office and other

necessary studio functions and build-out, nor does it provide for adequate for an institutional Network or functionally equivalent technology.

The City of Saco has a uniquely strong need to obtain such additional capital and operating funding for studio and Institutional Network development at this particular time.

Under the current Franchise, TWC does not provide for a Police Department, Fire Department, City Hall, City Hall Annex, Public Works, Bus Dispatch Office, Parks and Recreation Community Center, Treatment Plant, Adult Learning Center, Thornton Academy, Dyer Library, Notre Dame de Lourdes School., Superintendent of Schools, Middle School, CK Burns School, Young School, Fairfield School, Train Station, and Learning Center Institutional Network (“I-Net”); and such sites are within reasonable proximity to one another and can be interconnected with reasonable mileage and I-Net build-out and maintenance cost to TWC. That provision of such Institutional Network is necessary to adequately respond to the City’s long term needs for high speed, secure, and cost-effective data and video transmissions.

The City needs additional support for equipment purchases and for developing, operating and maintaining the foregoing studio and I-Net.

The foregoing studio and I-net Program require investments in equipment for additional municipal meeting and school coverage; increased development of school educational programs designed to generate community programming, and expanded school and municipal use of cable system technology, including video origination from regional school district locations in Dayton and expanded video origination from Old Orchard and Biddeford.

That provision of not less than three local channels are necessary for the City’s cable-related needs including expansion of governmental and educational access programming. The Council finds that provision of an upgraded regional channel is necessary to important inter-local communications. The Council finds that Franchisee needs to provide and maintain upstream and downstream paths from the new studio and other locations, as needed for remote originations.

With respect to customer service there have been reported delays in TWC customer call centers handling of subscribe telephone calls, including long hold periods and frequent busy signals.

That cable modem service, including a free cable modem for each school with free cable modem service internet access, and cable modems available to municipal buildings at regular subscriber rates, are priority local needs. The Council finds that TWC should continue its policy of allowing schools, if technically feasible, to interconnect cable modems to multi-user school local area networks. That TWC has not been responsive to school cable needs in its refusal to make a contractual commitment to provide standards service or free cable modem service to schools and library.

It necessary for a renewal Franchise to provide for a 10% standard service senior citizen and SSI/SSDI discount available to senior head of household subscribers 65 or older and to disabled and handicapped SSI or SSDI recipients or for TWC to otherwise make provision for a needs-based senior discount.

Time Warner Cable must make reasonable renewal Franchise commitments with respect to the foregoing and that Franchisee must generally provide Saco a renewal franchise that responds to community needs for the next ten years, as outlined above.

The foregoing are set forth as preliminary findings of need of the City of Saco base on preliminary inquiry into the City's cable-related needs and interests. It is the intent of the City to engage in further ascertainment of needs during the renewal process and the City will accordingly supplement the ascertainment record going forward. The City reserves its rights to hold additional public ascertainment proceedings and/or hearings as necessary.

Councilor Tardif moved, Councilor Mills seconded that it be Ordered that the City Council invite public comment on the Cable Television Ascertainment of Needs – License Renewal Public Proceeding. Further move to approve the order. The motion passed with five (5) yeas.

### **VIII. RECESS THE MEETING**

Councilor Mills moved, Councilor Christenbury seconded, to recess. The motion passed with six (6) yeas. TIME 7:18 p.m.

### **IX. Reconvene The Meeting**

Mayor Michaud reconvened the meeting at 7:43 p.m.

#### **A. Harriman Farm Road Easement**

Peter Perro is the proposed purchases of the home located a Two Harriman Drive through the bank that has foreclosed on the property's previous owner. The owner of record had illegally added to the dwelling making the addition in violation of the side setbacks. In order to make the lot conforming, Mr. Perro is requesting to purchase or trade for additional property from the City. Specifically, Mr. Perro has proposed to provide the city with maintenance easements for drainage across the back of his property and utility easements in from of the property in exchange for a 20 X 40 strip of land owned by the City as describe in Map 22, Lot 28-6.

Councilor Christenbury moved, Councilor Mills seconded, that it be Ordered that the City Council authorize the City Administrator to authorize and execute the sale of City Property ;and the acquisition of drainage and utility easements as describe in exhibits two (2), three (3) and four (4). The motion passed with six (6) yeas.

#### **B. Saco Central Fire Station Subcontractor Bid Awards**

Bids from subcontractors for the Saco Central Fire Station were received by Pizzagalli Construction, Inc. (Pizzagalli) on May 25, 2010 for review and recommendation by Pizzagalli to the City of Saco. In order to continue the construction process, Pizzagalli request approval from

the City Council to award the following subcontractors based on the bid results outline in the Letters of Recommendations dated June 16, 2010.

Councilor Cote moved, Councilor Christenbury seconded, that it be Ordered, that the City Council authorize the City Administrator to execute the acceptance of subcontract awards by Pizzagalli Construction Company for the Masonry subcontract to Nate Libby Masonry for \$437,575; the Overhead Door subcontract to Overhead Door Company of Portland for \$44,340; the Drywall to Dirigo Drywall for \$171,748; the Communication Tower to Green Mountain Communications for \$70,637; the Hydraulic Elevator to Pine State Elevator Company for \$44,370; the Mechanical Plumbing subcontract to Titan Mechanical for \$654,267; the Fire Protection to Eastern Fire Protection for \$30,210; and the Electrical subcontract to BH Milliken for \$394,000. Further move to approve the order. The motion passed with five (5) yeas and one (1) nay. Councilor Tardif voted in the negative.

#### **X. Executive Session**

Councilor Mills moved, Councilor Smith seconded, that it be Ordered that the City Council, Pursuant to M.R.S.A. Chapter 18, Subchapter 1, §405 (6) (C) (D) move to enter into Executive Session to discuss: Labor Negotiations: Real Estate Negotiations. The motion passed with six (6) yeas.

a. Report from Executive session.

Councilor Mills moved, Councilor Smith seconded to move to executive session. The motion passed with six (6) yeas. TIME: 7:48 p.m.

Councilors, by unanimous consent, come out of executive session at 8:24 p.m.

A report was not given on the executive session held this evening.

#### **XI. ADJOURNMENT**

Councilor Mills moved, Councilor Smith seconded, that the meeting be adjourned. The motion passed with six (6) yeas. TIME: 8:25 p.m.

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