

**STATE OF MAINE**

**COUNTY OF YORK**

**CITY OF SACO**

The following are minutes of the October 4, 2010 Council Meeting.

- I. CALL TO ORDER** – On Monday, October 4, 2010 at 7:00 p.m. a Council Meeting was held in the City Hall Auditorium.

**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., Marie Doucette, Jeffrey Christenbury, Arthur Tardif, Eric Cote and Marston Lovell. Mr. Richard Michaud, City Administrator and Lucette S. Pellerin, City Clerk were also in attendance.

- II. PLEDGE OF ALLEGIANCE**

- III. GENERAL**

- IV. APPROVAL OF MINUTES:** *September 20, 2010*

Minutes were accepted as presented.

- V. AGENDA:**

- A. Meeting with the Historic Preservation Commission**

The Historic Preservation Commission met on June 9, 2010, to consider its recommendation for the disposition of the Central Fire Station and the adjacent office building. In addition to the Commission’s suggestion for re-use of the Station, the HPC also directed City Planner Bob Hamblen to communicate with the Maine Historic Preservation Commission regarding the process for determining whether the Station merits a National Register of Historic Places designation. Because the City is the owner of the property, the Council should be consulted prior to the application for a determination of eligibility being submitted.

The Council should be clear on that point: that the Eligibility Assessment that the HPC wants to pursue is for MHPC review only, and would result in the City being advised as to the eligibility of the Station for being listed on the National Register. The Assessment does not initiate the nomination process for a property to become listed.

Councilor Mills moved Councilor Christenbury seconded, to endorse the application dated June 1, 2010. The motion passed with six (6) yeas and one (1) nay. Councilor Tardif voted in the negative.

- B. Meeting with Central Station Reuse Committee to Report on the Disposition of the Central Fire Station Property.**

The new Central Fire Station at 271 North Street will be ready for occupancy in April, 2011. The Council has appointed a committee to provide recommendations for the possible sale or lease of

the existing fire station and the adjacent office building. A report from the Committee recommends that a Request for Proposals be advertised.

Councilor Lovell moved, Councilor Christenbury seconded, that it be Ordered that the City Council accept the report and further adopt the recommendations provided by the Central Fire Station Re-Use Committee. Further move to approve the Order. The motion passed with seven (7) yeas.

### **C. Report from Saco Spirit for Business**

Ms. Johanna Hoffman representing Saco Spirit presented, to the Mayor and Council, a report of various activities that the Saco Spirit has undertaken. The Saco Spirit members are very enthusiastic about the various programs they are implementing to encourage residents to shop locally.

### **D. (Public Hearing) Contract Zone Amendment – CVS**

A contract zone was approved on October 17, 2005, allowing the owners of three abutting Main Street parcels to address shared access, parking, signage and setback issues. The three parties, including Linron Inc., doing business as KFC; the York County Federal Credit Union; and Shannon Realty Limited Partnership, now request amendments to the contract zone that would increase the width of the landscaped buffer along Main Street; increase the setback of the building from Main Street from 65.5 feet to 73 feet; reduce the number of parking spaces on the pharmacy parcel from 65 to 53; and allow a left turn into the Main Street entrance to the pharmacy and credit union, which had previously not been part of the Planning Board's site plan approval.

The Planning Board reviewed this item on September 15, 2010. If the contract zone amendments are approved by the Council, the project would be subject to amending the approved site plan prior to development occurring.

Councilor Doucette moved, Councilor Christenbury seconded, to open the Public Hearing on the contract zone document entitled '**Amended Contract Zone Agreement by and Between Linron, Inc., Shannon Realty Limited Partnership, York County Federal Credit Union and the City of Saco**'. The motion passed with seven (7) yeas.

Councilor Doucette moved, Councilor Christenbury seconded, to close the Public Hearing and Be it Ordered that the Second and Final Reading of the contract zone document entitled '**Amended Contract Zone Agreement by and Between Linron, Inc., Shannon Realty Limited Partnership, York County Federal Credit Union and the City of Saco**', be scheduled for October 18, 2010. The motion passed with seven (7) yeas.

### **E. Adopt the City of Saco Sewer Back Up Policy**

The city has no formal policy regarding a sewer or storm water backup in buildings. On average, there are 5 to 6 sewer backups a year. A sewer or storm water backup can cause thousands of

dollars in property damage and clean up costs. These costs are typically not covered in the homeowner's insurance policy. The City's insurance will cover homeowner's damages only if there is negligence on the part of the City.

The attached policy gives the background, causes, and precautions that the homeowner can take to protect their health and property. Further, the policy lays out the responsibilities of the homeowner and the City.

Councilor Cote moved, Councilor Christenbury seconded, that it be Ordered that the City Council approve the document titled, 'Sewer and Storm water Back-ups Policy – October 4, 2010'. Further move to approve the Order". The motion passed with seven (7) yeas).

## **VI. CONSENT AGENDA:**

### **B. Amend the Strategic Plan**

The intent of this plan is to provide strategic direction for the management of the City and to align departmental objectives with this direction. The City Council completed the objective setting process on February 1, 2010 whereby prioritizing the projects and activities included in this Strategic Plan.

In addition to adding the 2010 -2011 strategic objectives from the City Council, Departments have added their objectives with milestones.

Councilor Smith moved, Councilor Doucette seconded, that it be Ordered that the City Council adopt the document titled, 'City of Saco Strategic Plan – Amended September 2010'. The motion passed with seven (7) yeas.

### **A. Thornton Academy TV Agreement**

The agreement between Thornton Academy TV (TATV) and the city for financial support of the TATV program and airing of city meetings expired on August 5, 2010. The TATV Committee, including representatives from the Regional School Unit, has met to develop a mutually agreeable proposed TATV Agreement for future operations. Changes to the Agreement basically reflect: changes to staffing protocol; having the Regional School Unit provide staffing for recording monthly Board Meetings; and the term of the Agreement has been changed to 5 years, while the payment contribution amount will be negotiated on a yearly basis, with a \$12,500 payment for FY2011, as approved by the Council for the FY11 Budget, noted in the Agreement.

Councilor Christenbury moved, Councilor Tardif seconded that it be Ordered that the City Council approve the document titled, 'Agreement of Services for City of Saco and TATV, Dated October 4, 2010.' Further move to approve the Order. The motion passed with six (6) yeas and one nay. Councilor Mills voted in the negative.

*(Please note: underline represents new language, while ~~strikethrough~~ represents language to be deleted)*

***Agreement of Services for City of Saco and TATV  
Dated October 4, 2010***

The following agreement is between Thornton Academy (TA), Thornton Academy Television (TATV), and the City of Saco regarding certain broadcasting services.

**Whereas**, the City will contribute a one-time payment of \$12,500.00 to TATV, in FY2011 and will meet with TATV annually to determine future payments for the purpose of ongoing support and growth of the TATV program; and

**Whereas**, the parties are desirous of seeing TATV expand its operations in the future; and

**Whereas**, the City has an ongoing need for LIVE airing and subsequent re-broadcasting of certain City business, and has an interest in exploring other avenues for distribution of broadcasts to the public in various media formats;

NOW THEREFORE, the Parties agree as follows:

- I. **Payment:** The City shall pay TATV the sum of \$12,500.00 within 7 days of the full execution of this Agreement.
- II. **Terms:** During the term of this Agreement, the following Conditions/Schedule shall be met but the Parties as applicable:
  - a. Two (2) Council Meetings aired live each month and taped for subsequent airing – These meetings would be held at City Hall the first and third Monday of every month at 7:00 PM; however, due to a Monday Holiday or when City Hall is closed on a Monday in observance of a holiday, the regularly scheduled Council Meeting typically is moved to the Tuesday immediately after.
  - b. Due to unforeseen events, these meetings and/or additional meetings could be scheduled for an alternate evening, which meetings also should be aired live and taped for later airing;
  - c. It would be the City’s responsibility to notify the TATV contact person of the specific meeting information; sufficient notice will be needed from the City for TATV to arrange for coverage by its staff of alternately scheduled meetings.
  - d. It will be the City’s responsibility to train TATV representatives in the workings of the equipment being used at City Hall for airing and recording the meetings. After the meetings have been aired and taped, the created media (DVD) will be taken to TATV facilities and set into their programming for playback at the specified times.
  - e. One (1) RSU (Regional School Unit) Board Meeting to be aired live each month and taped for subsequent airing, however the RSU will provide their

own staffing, using the City's resources when meetings are held at City Hall, for these meetings. The RSU will be providing taped media to TATV for subsequent airing.

**III. Schedule:** The playback time frames are as follows:

- a. Monday 7:00 PM will be the live meetings being aired for the City Council Meetings.
- b. Tuesday 7:00 PM (2<sup>nd</sup> Tuesday) will be the live meeting being aired for the RSU meeting.
- c. During the week that corresponds with the live Council meeting and during the next week after that, that meeting should be replayed three (3) times during each week. In order to keep programming more current, TATV will not rebroadcast any meeting over two weeks old.
- d. The Council meeting replay times should be Wednesday Evening at 7:00PM, Saturday Morning at 10:00 AM and Sunday Evening at 7:00PM.
- e. During the week that corresponds with the live RSU meeting and during the next week after that, that meeting should be replayed three (3) times during each week upon receipt of the taped media. In order to keep programming more current, TATV will not rebroadcast any meeting over two weeks old.
- f. The RSU meeting replay times should be Thursday Evening at 7:00PM, Saturday Morning at 11:00 AM and Sunday Evening at 6:00PM, dependent on when the taped media is received.
- g. TATV has the right to adjust program times due to special events that need to be aired at the same times.

**IV. Staffing:**

- a. After the school year ends and until TATV is back in session in September, the City's Information Technology Director will provide staff for the camera work for Council meetings.
- b. The replacement could be one of the Technology Department's staff or other personnel adequately trained to operate the equipment.
- c. During the School year, it will be the responsibility of TATV to provide staffing. If TATV does not staff the cameras for a meeting, the media (DVD) will be left for the City Technology Staff and procedures will be developed to get the recorded DVD to TATV representatives to be added to the programming. Procedures also will be developed to ensure that: (a) TATV contacts the City IT Director if TATV will not be able to staff a meeting; (b) that the City contacts Ray Lund in the case where a TATV representative does not show for a Council meeting; and (c) a process is developed for continued coverage if the TATV person must leave prior to the end of a meeting.
- d. The City will provide a contact person who is responsible for: (a) greeting or checking in on the TATV representative (and contacting Ray Lund if no one from TATV shows up); (b) providing a copy of the agenda to the TATV representative; and (c) briefing the TATV representative on the meeting to ensure that the TATV representative understands the meeting process and

when the meeting is over for airing purposes, at the start of each Council meeting.

**V. Community Sporting Events:**

- a. The community has expressed an interest in seeing sporting events on TATV.
- b. The City realizes that there are possible staffing issues for these live events or gathering the footage for re-broadcast. In an attempt to get equal time for multiple sports, TATV will attempt to air during each session at least one game per sports team as part of the programming within the NEXUS system. In order to build capacity of its volunteer staff, TATV will attempt to recruit adult volunteers for sports and other coverage.

The term of this Agreement is ~~one (1)~~ five (5) years from its date of execution, which date shall be the first date any Party below signs this document. The Parties may amend the terms of the Agreement after the passage of six months should conditions warrant. A

_____ Richard Michaud, City Administrator	_____ Dated
_____ David Lawler, City IT Director	_____ Dated
_____ Ray Lund, TATV Representative	_____ Dated
_____ <del>Lloyd Hunt</del> Chris Indorf, TA Representative	_____ Dated

Mayor Michaud called for a recess.

Councilor Cote moved, Councilor Mills seconded to recess. The motion passed with seven (7) yeas at 8:18 p.m.

*The Meeting reconvened at 8:20 p.m.*

**VIII. Executive Session –**

**Councilor Cote moved, Councilor Mills seconded, that it be Ordered that the City Council, Pursuant to M.R.S.A. Chapter 18, Subchapter 1, §405 (6) (E)] move to enter into Executive Session to discuss legal rights and duties of the municipality:**

- a. Report from Executive Session

The motion passed with seven (7) yeas. TIME: 8:20 p.m.

Upon return from executive session, at 9:11 p.m., 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., Marie Doucette, Jeffrey Christenbury, Arthur Tardif, Eric Cote and Marston Lovell. City Administrator Rick Michaud was also present.

A report was not submitted from the executive session.

### **IX. ADJOURNMENT**

Councilor Tardif moved, Councilor Christenbury seconded, to adjourn. The motion passed with seven (7) yeas. TIME 9:12 p.m.

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



