

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

The following are minutes of the March 7, 2011 Council Meeting

I. CALL TO ORDER – On Monday, March 7, 2011 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., Marie Doucette, Jeffrey Christenbury, Arthur Tardif, Eric Cote and Marston Lovell. Also in attendance this evening were City Administrator Rick Michaud and Lucette S. Pellerin, City Clerk.

III. PLEDGE OF ALLEGIANCE

IV. GENERAL: Paul Jansen Award – To be presented at later date.

Recognition of Ms. Collegiate America

Ms. Shannon Folsom, Ms. Collegiate America, was recognized the Mayor and Council for her accomplishment.

Employee Recognition – John Hart

Mayor Michaud received from Rear Admiral D.A. Neptun, U.S. Coast Guard, Commander, First Coast Guard District, to say thank you for allowing one of Saco's employees, John Hart, Coast Guard Reserve at Sector Northern New England, to take leave of this employment to assist in the Gulf of Mexico oil spill.

Rear Admiral Neptun wrote "Mr. Hart filled a unique position in the Coast Guard that required continuity to be successful. His work contributed greatly towards meeting our national security mission and is a credit to your organization."

An award was presented to John F. Hart, Chief Operator, and Saco WWTP for his patriotism, diligence and self sacrifice to the nation in the clean-up of the Gulf of Mexico oil spill, in his capacity as Reserve Command Senior Chief, U.S. Coast Guard. Congratulations to John for a job well done.

Employer Recognition – Howard Carter

The Patriotic Award Presentation, was given to Howard Carter, Deputy Director WWTP, for Maine's Employer Support of the Guard and Reserve Committee. Congratulations to Howard for his support of this effort in the Gulf.

Mayor Michaud requested a brief recess at 7:17 p.m.

Mayor Michaud re-convened the meeting at 7:23 p.m.

V. APPROVAL OF MINUTES: February 7, 2011; February 22, 2011

Minutes were approved as written.

VI. AGENDA

A. (Public Hearing) Code Amendment Chapter 34 Personnel §34-38 Retirement

In 1942 the newly established retirement system for State employees was named the Employees Retirement System of the State of Maine by the Legislature; in 1950 the name changed to the Maine State Retirement System. On September 20, 2007, the Maine State Retirement System became the Maine Public Employees Retirement System abbreviated to MainePERS.

As a matter of housekeeping, the City Code Chapter 34 Personnel, section 34-38 Retirement is being changed in all appropriate places to reflect the name: Maine Public Employees Retirement System, referred to as MainePERS.

Councilor Doucette moved, Councilor Tardif seconded, to open the Public Hearing on the document titled, 'Amendments to Chapter 34 Personnel Ordinance § 34-38 Retirement, dated February 7, 2011' the motion passed with seven (7) yeas.

There being no comments from the public Councilor Doucette moved, Councilor Tardif seconded, to close the Public Hearing and Be it Ordered that the City Council set the Second and Final Reading for March 21, 2011. I move to approve the Order. The motion passed with seven (7).

"Amendment to the City Code Chapter 34 Personnel, Section 34-38 Retirement, dated February 7, 2011".

(~~Strikethrough~~ represents language to be deleted, while underline represents new language.)

§ 34-38 Retirement

A. All full-time employees are able to participate in the ~~Maine State Retirement System~~ Maine Public Employees Retirement System (MainePERS) or the City's own retirement

programs; the Great West 457 Deferred Compensation Program, the ICMA 457 Deferred Compensation Retirement Plan or the ICMA 401(a) Retirement Plan, as provided by state statute and State Retirement and/or adopted by the City Council. The City shall contribute to only one of the above at a level commensurate with union contracts and equal to 5% of the employee's gross wages ("gross wages" are defined by Internal Revenue Service Publication 525 as follows: "Gross wages is everything received in payment for services including wages, salaries, commissions, fees and other forms of compensation such as overtime, bonuses and fringe benefits."), with the exception of ~~Maine State Retirement~~ where the City shall contribute the applicable percentage established by the ~~Maine State Retirement System~~ on an annual basis. Employees are able to select from the following:

- (1) ~~Maine State Retirement~~ **Maine Public Employees Retirement Services (MainePERS)**. Participants of ~~Maine State Retirement~~ **Maine Public Employees Retirement System (MainePERS)** and future new enrollees may contribute to the 457 plans noted below but not to the 401(a) plan. However, no employer contributions are to be made to this additional retirement plan.

B. Maine Department of Transportation Overlimit Permit for Project: STP-1734(100)X & STP 1734(200)X

The Maine Department of Transportation (MDOT) is seeking two executed agreements which stipulate for the section of highway under construction beginning at ***"Spring Street and extending westerly of Tasker Street, and North Street beginning at Elm Street and extending northwesterly to the railroad tracks west of Park Street"***; that the municipality will issue a permit for a stated period of time to the MDOT contractor for transporting construction equipment (backhoes, bulldozers, etc.) that exceed legal weight limits, over municipal roads. The agreement acknowledges the municipality's right to require a bond from the contractor to "guarantee suitable repair or payment of damages" per 29-A MRSA.

Councilor Cote moved, Councilor Christenbury seconded, that it be it ordered that the City Council approve the 'Municipal State Overlimit Agreements regarding the improvements to Spring Street and North Street Project numbers STP 1734(100)X and 1734 (200)X, and authorize the City Administrator to sign said agreements. Further move to approve the order. The motion passed with seven (7) yeas.

C. Maine Department of Transportation Overlimit Permits

The Maine Department of Transportation (MDOT) periodically requests the City to execute overlimit permits for projects done within city limits. The overlimit agreements stipulate that the municipality will issue a permit for a stated period of time to the MDOT contractor for transporting construction equipment (backhoes, bulldozers, etc.) that exceed legal weight limits, over municipal roads. The agreement acknowledges the municipality's right to require a bond from the contractor to "guarantee suitable repair or payment of damages" per 29-A MRSA.

Councilor Cote moved, Councilor Mills seconded, that it be t ordered that the City Council authorize the City Administrator to execute all Maine Department of Transportation (MDOT) ‘**construction overlimit permit agreements**’ requested by the MDOT pursuant to Overlimit Movement Permits Title 29-A §2382 MRSA(3) . Further move to approve the order.” The motion passed with seven (7) yeas.

D. Comprehensive Plan 2011

The Comprehensive Plan Update Committee has completed a draft update to the City’s Comprehensive Plan. Both the Update Committee and the Planning Board voted on February 16 to recommend the plan to the City Council. When adopted by the City Council, it will be the city’s fifth comprehensive plan, with the most recent plans adopted in 1987 and 1999. The Council reviewed the draft plan with the Update Committee on January 3, which has made only minor tweaks since.

A comprehensive plan serves as a guide for the decisions the City makes about growth, development, redevelopment, and change over the coming decade. Locally the plan will provide the basis to update the land use ordinances and will guide decisions on land use matters, including rezoning of any kind. This Comprehensive Plan update is intended to conform to the requirements of the State’s Growth Management Act. The plan plays an important role since state law requires that the City’s zoning be consistent with the Comprehensive Plan. Delegated review of environmental permits by the DEP is based on the Comprehensive Plan, and a few state grant programs either award points for projects consistent with local comprehensive plans or will not accept applications for projects which are not.

The Plan continues the City’s established long range planning process. In most cases, the recommendations of the 2011 Plan continue the basic policy directions set by the City Council in the 1999 plan. In other cases, the 2011 Plan addresses emerging issues or provides a fresh look at ongoing issues. In a few cases the new issues have been persistent ones for the Planning Board or other city boards.

The Process

The 400 page document before you was prepared by the 11 member Comprehensive Plan Committee in 26 evening meetings beginning on December 1, 2009 through December 1, 2010. A public hearing was held on January 19 and a cleanup final meeting was held on February 16. That committee includes the seven Planning Board members, plus Councilor Jeff Christenbury, and representatives from the Economic Development Commission, the Conservation Commission, and the Historic Preservation Commission. Mark Eyerman of Planning Decisions, of South Portland, assisted the committee and staff in preparation of the plan.

The input from the Council on January 3, from the public hearing on January 19, from letter writer Ted Sirois, from letter writer and public hearing participant Melissa Field, from Mayor Michaud at the public hearing, from a second focus group on infill development, and from a few

inconsistencies and omissions noted by staff, led in January to a 12 item punch list of items to be reviewed. The Update Committee met on February 16 to review these one-by-ones.

The changes include one related to infill development which grew out of the second focus group which on infill development, a persistently difficult issue for the Planning Board. One of these would add to the zoning ordinance a provision for a neighborhood meeting as part of the development review for larger scale infill projects.

The motion before the Council tonight is to adopt the plan and to authorize the city administrator to submit it for State Planning Office review.

Mr. Neil Schuster, Chair of the Planning Board, spoke in favor of the proposed Comprehensive Plan.

Councilor Tardif stated that he wished that the Committee had looked into the Contract Zone aspect of the plan.

Councilor Christenbury moved, Councilor Doucette seconded, to adopt the “City of Saco, Maine, Comprehensive Plan, 2011 Update” dated March 7, 2011, and to authorize the City Administrator to submit the Plan to the State Planning Office for review; further move to thank the Update Committee, including the Planning Board, for over one year’s work. Further move to approve the order. The motion passed with seven (7) yeas.

E. Performance Measurement Policy Amendments

The members of the Personnel Committee: Councilors Christenbury and Lovell, City Administrator Michaud, Finance Director Fournier, Personnel Officer Lambert, Deputy Police Chief Holland, Deputy Public Works Director Fox, Fire Chief Duross, and the Director of the WWTP Carter, were assembled to address a solution for City employees at the top of the pay scale and to consider current more effective pay systems.

The conclusions of the Committee are incorporated into the amended Performance Measurement Policy, and in part reflect the new Malcolm Baldrige criteria and scoring system, as well, a revised pay grade scale which is expense neutral and will not require additional cost to the city. Instead, the pay system is designed to move employees through the system at a slower pace. Variable pay will be used to compensate high performers who have reached the top of the pay scale.

Councilor Christenbury moved, Councilor Doucette seconded, that it be Ordered that the City Council adopt the ‘Pay Scale July 1, 2011’ and further adopt the document titled, ‘Performance Measurement Policy, amended February 22, 2011’. Further move to approve the Order. (Please see tabling motion)

Councilor Tardif moved, Councilor Mills seconded, to table the matter. The motion passed with four (4) yeas and three (3) nays. Councilors Doucette, Christenbury and Lovell voted in the negative.

Grade	1	2	3	4	5	6	7	8
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CAP	\$ 46,042	\$ 50,595	\$ 55,599	\$ 61,777	\$ 68,641	\$ 76,268	\$ 85,694	\$ 96,830
Quartile 4	\$ 40,585	\$ 45,803	\$ 50,333	\$ 55,926	\$ 62,140	\$ 69,044	\$ 77,578	\$ 87,659
Quartile 3	\$ 36,741	\$ 41,465	\$ 45,566	\$ 50,629	\$ 56,254	\$ 62,505	\$ 70,230	\$ 79,356
Quartile 2	\$ 33,228	\$ 37,500	\$ 41,209	\$ 45,788	\$ 50,875	\$ 56,528	\$ 63,515	\$ 71,768
Quartile 1	\$ 30,661	\$ 34,603	\$ 38,026	\$ 42,251	\$ 46,945	\$ 52,161	\$ 58,608	\$ 66,224

	A	B	C	D	E	F	G	H	I
1	8 GRADE SCALE - 07/01/2010								
2	0.027								
3	Grade	7%	8%	8%	8%	9%	9%	9%	
4		1	2	3	4	5	6	7	8
5	39	\$ 46,042	\$ 50,595	\$ 55,599	\$ 61,777	\$ 68,641	\$ 76,268	\$ 85,694	\$ 96,830
	38	\$ 44,387	\$ 50,094	\$ 55,049	\$ 61,165	\$ 67,961	\$ 75,513	\$ 84,846	\$ 95,871
	37	\$ 43,948	\$ 49,598	\$ 54,504	\$ 60,560	\$ 67,289	\$ 74,765	\$ 84,006	\$ 94,922
8	36	\$ 43,513	\$ 49,107	\$ 53,964	\$ 59,960	\$ 66,622	\$ 74,025	\$ 83,174	\$ 93,982
9	35	\$ 43,082	\$ 48,621	\$ 53,430	\$ 59,366	\$ 65,963	\$ 73,292	\$ 82,350	\$ 93,051
10	34	\$ 42,655	\$ 48,140	\$ 52,901	\$ 58,779	\$ 65,310	\$ 72,566	\$ 81,535	\$ 92,130
11	33	\$ 42,233	\$ 47,663	\$ 52,377	\$ 58,197	\$ 64,663	\$ 71,848	\$ 80,728	\$ 91,218
12	32	\$ 41,815	\$ 47,191	\$ 51,858	\$ 57,621	\$ 64,023	\$ 71,136	\$ 79,929	\$ 90,315
13	31	\$ 41,401	\$ 46,724	\$ 51,345	\$ 57,050	\$ 63,389	\$ 70,432	\$ 79,137	\$ 89,421
14	30	\$ 40,991	\$ 46,261	\$ 50,837	\$ 56,485	\$ 62,761	\$ 69,735	\$ 78,354	\$ 88,535
15	29	\$ 40,585	\$ 45,803	\$ 50,333	\$ 55,926	\$ 62,140	\$ 69,044	\$ 77,578	\$ 87,659
16	28	\$ 40,183	\$ 45,350	\$ 49,835	\$ 55,372	\$ 61,525	\$ 68,361	\$ 76,810	\$ 86,791
17	27	\$ 39,786	\$ 44,901	\$ 49,342	\$ 54,824	\$ 60,915	\$ 67,684	\$ 76,049	\$ 85,931
18	26	\$ 39,392	\$ 44,456	\$ 48,853	\$ 54,281	\$ 60,312	\$ 67,014	\$ 75,296	\$ 85,081
19	25	\$ 39,002	\$ 44,016	\$ 48,369	\$ 53,744	\$ 59,715	\$ 66,350	\$ 74,551	\$ 84,238
20	24	\$ 38,615	\$ 43,580	\$ 47,890	\$ 53,212	\$ 59,124	\$ 65,693	\$ 73,813	\$ 83,404
21	23	\$ 38,233	\$ 43,149	\$ 47,416	\$ 52,685	\$ 58,539	\$ 65,043	\$ 73,082	\$ 82,578
22	22	\$ 37,855	\$ 42,722	\$ 46,947	\$ 52,163	\$ 57,959	\$ 64,399	\$ 72,358	\$ 81,761
23	21	\$ 37,480	\$ 42,299	\$ 46,482	\$ 51,647	\$ 57,385	\$ 63,761	\$ 71,642	\$ 80,951
24	20	\$ 37,109	\$ 41,880	\$ 46,022	\$ 51,135	\$ 56,817	\$ 63,130	\$ 70,933	\$ 80,150
25	19	\$ 36,741	\$ 41,465	\$ 45,566	\$ 50,629	\$ 56,254	\$ 62,505	\$ 70,230	\$ 79,356
26	18	\$ 36,374	\$ 41,050	\$ 45,110	\$ 50,123	\$ 55,692	\$ 61,880	\$ 69,528	\$ 78,563
27	17	\$ 36,010	\$ 40,640	\$ 44,659	\$ 49,621	\$ 55,135	\$ 61,261	\$ 68,833	\$ 77,777
28	16	\$ 35,650	\$ 40,234	\$ 44,213	\$ 49,125	\$ 54,584	\$ 60,648	\$ 68,144	\$ 76,999
29	15	\$ 35,294	\$ 39,831	\$ 43,771	\$ 48,634	\$ 54,038	\$ 60,042	\$ 67,463	\$ 76,229
30	14	\$ 34,941	\$ 39,433	\$ 43,333	\$ 48,148	\$ 53,497	\$ 59,442	\$ 66,788	\$ 75,467
31	13	\$ 34,591	\$ 39,039	\$ 42,900	\$ 47,666	\$ 52,962	\$ 58,847	\$ 66,120	\$ 74,712
32	12	\$ 34,245	\$ 38,648	\$ 42,471	\$ 47,190	\$ 52,433	\$ 58,259	\$ 65,459	\$ 73,965
33	11	\$ 33,903	\$ 38,262	\$ 42,046	\$ 46,718	\$ 51,908	\$ 57,676	\$ 64,805	\$ 73,226
34	10	\$ 33,564	\$ 37,879	\$ 41,625	\$ 46,250	\$ 51,389	\$ 57,099	\$ 64,157	\$ 72,493
	9	\$ 33,228	\$ 37,500	\$ 41,209	\$ 45,788	\$ 50,875	\$ 56,528	\$ 63,515	\$ 71,768
35	8	\$ 32,896	\$ 37,125	\$ 40,797	\$ 45,330	\$ 50,367	\$ 55,963	\$ 62,880	\$ 71,051
37	7	\$ 32,567	\$ 36,754	\$ 40,389	\$ 44,877	\$ 49,863	\$ 55,403	\$ 62,251	\$ 70,340
38	6	\$ 32,241	\$ 36,387	\$ 39,985	\$ 44,428	\$ 49,364	\$ 54,849	\$ 61,629	\$ 69,637
39	5	\$ 31,919	\$ 36,023	\$ 39,585	\$ 43,984	\$ 48,871	\$ 54,301	\$ 61,012	\$ 68,940
40	4	\$ 31,600	\$ 35,662	\$ 39,189	\$ 43,544	\$ 48,382	\$ 53,758	\$ 60,402	\$ 68,251
41	3	\$ 31,284	\$ 35,306	\$ 38,798	\$ 43,108	\$ 47,898	\$ 53,220	\$ 59,798	\$ 67,568
42	2	\$ 30,971	\$ 34,953	\$ 38,410	\$ 42,677	\$ 47,419	\$ 52,688	\$ 59,200	\$ 66,893
43	1	\$ 30,661	\$ 34,603	\$ 38,026	\$ 42,251	\$ 46,945	\$ 52,161	\$ 58,608	\$ 66,224

VII. EXECUTIVE SESSION

Councilor Mills moved, Councilor Christenbury seconded, to move to Executive Session: "Be it Ordered that the City Council, Pursuant to [M.R.S.A. Chapter 18, Subchapter 1, §405 (6) (A)] move to enter into Executive Session to discuss the Appointment of the City Administrator. The motion passed with seven (7) yeas. TIME: 7:53 p.m.

Upon return from the Executive Session at 8:40 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 in attendance.

Report from Executive Session

Councilor Christenbury moved, Councilor Lovell seconded, to table the employment agreement. The second draft of the contract, with language to be clarified, is requested. The motion passed with seven (7) yeas.

VIII. ADJOURNMENT

Councilor Christenbury moved, Councilor Lovell seconded, to adjourn. The motion passed with seven (7) yeas. TIME: 8:43 p.m.

ATTEST: _____
Lucette S. Pellerin, MMC/CCM
City Clerk