

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

The following are minutes of the March 21, 2011 Council Meeting.

I. CALL TO ORDER - On Monday March 21, 2011, at 7:00 p.m. 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: ► Thornton Academy Hockey Team Proclamation & Award

The Thornton Academy Trojans, coached by Shawn Rousseau with assistance from Michael Roux, Ron Seigny, Rick Hebb, and manager Bryce Lamontagne entered the tournament ranked second and finished their season with a record of 17 wins and 5 losses; and the 2011 Thornton Academy's Varsity Boys' Hockey team is the school's first team to win the Western Division Championship, and the first to win the State of Maine Championship.

Members of the Western Division Championship team are as follows:

Sam Canales	Rob Downing	CJ Maksut	Nick Chen
Andrew Carignan	Andrew Lemoine	Greg Lodge	Jon Pate
Brett Levasseur	Alex Lambert	Ryan Locke	Jon Herlihy
Drew Lavigne	Taylor Browne	Alex Fallon	Jon Dupree
John Remmes	Cooper O'Brien	Dakota Matthews	Tyler Danley
Brandon Veilleux	Jeremy Sylvain	Matt Letellier	Jay Finch

► Paul Jansen Award

Donna Goulding, Chair of the Saco Conservation commission presented the 2010 Paul Janson Award to long time member of the Saco Conservation Commission, Debi McKenny. Debi was secretary of the Commission and for an extended period of time stepped up to fill in as the chair. She retired from Conservation Commission in May of 2008 due to family and work demands.

Ms. McKenny organized the Coastal Cleanup for many years and worked on the Hazardous Waste Collections.

She served on the \$1.5 Million Land for Saco's Future Proposal team and later served on the committee that helped to choose the parcels that have been put aside within the community to preserve open spaces; specifically a large parcel which contain trails, special wetland, Sandy Bottom and a second large parcel along the Saco River.

In addition to the above accomplishments Debi is a member of the Saco Bay Trails and a Board Trustee and Secretary of the Dyer Library.

► **Asset Management Award – Presented to City of Saco Public Works Department**

Mayor Michaud presented the Department of Public Works the Asset Management Award that the department earned. Congratulations to Public Works!

V. APPROVAL OF MINUTES: March 6, 2011

Minutes were approved as written.

VI. AGENDA

A. (Public Hearing) New Applications for Liquor/Entertainment Permit

Melissa A. Pennell d/b/a Sandbaggers Grill **Melissa A. Pennell d/b/a Sandbaggers Grill, located at 36 New County Road, has** made application for a NEW Liquor License/Entertainment Permit for a term of one year.

The applicant has paid all applicable permit fees and the clerk has properly advertised the public hearing in accordance with M.R.S.A., Title 28-A, Subsection 653 and in accordance with Saco City Code, Chapter 93, and Entertainment sub-section 93-2.

Councilor Smith moved, Councilor Lovell seconded, to open the Public Hearing. The motion passed with seven (7) yeas.

There being no comments from the public Councilor Smith moved, Councilor Tardif seconded, to close the Public Hearing and Be it Ordered that the City Council grant the applications submitted by Sandbaggers Grill for new Liquor License/Entertainment Permit for the period of one year. Further move to approve the Order. The motion passed with seven (7) yeas.

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

The meeting was reconvened at 7:25 p.m.

B. Approval of City Administrator's Employment Agreement

The Employment Agreement terms for the City Administrator expire on June 30, 2011. The City Administrator desires to be reappointed for a two (2) year term.

Councilor Lovell moved, Councilor Christenbury seconded, that it be Ordered that the City Council approve the document titled, 'City of Saco City Administrator Employment Agreement' dated March 21, 2011. Further move to approve the Order. The motion passed with five (5) yeas and two (2) nays. Councilors Smith and Tardif voted in the negative.

C. Performance Measurement Policy Amendment

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 Lovell seconded, that it be Ordered that the City Council adopt the document titled, 'Performance Measurement Policy, amended February 22, 2011'. Further move to approve the Order. The motion passed with seven (7) yeas.

D. Central Fire Station Action

On August 16, 2010, the Council accepted a report from the Historic Preservation Commission and the Planning Board with regard to the future of Central Fire Station and Office Building – 12 and 14 Thornton Avenue. By the direction of the Council a Committee was formed to further study options for the properties.

On October 4, 2010, the Council accepted a report on the disposition of the properties from the "Central Fire Station Committee". As a result of the report from the station committee, the city sent out 3 '*Request for Proposals*', (RFP Fire Station); (RFP Office Building); and (RFP Fire Station & Office Building). The RFP deadline for submission was December 1, 2010. There were no submissions by December 1, 2010, but the city did receive late submissions by Saco Spirit and Nate Libby Masonry.

On December 20, 2010, the Council held a Workshop and discussed the Fire Station; the consensus of the Council was to seek commercial broker's 'opinion of value'; two are included as exhibits herein.

Since December 20, 2010, the Maine Historic Preservation Commission has determined that the Fire Station located at 12 Thornton Avenue is eligible for listing on the Historic Preservation Register.

The City Attorney offered his opinion that the properties at 12 and 14 Thornton Avenue were joined by Deed and can't be sold separately without proposing a Contract Zone.

On February 7, 2011, the City Council discussed this item in workshop where it was agreed to give Nate Libby Masonry and Saco Spirit for Business a chance to put together a joint proposal for the site. Since February 7th, the City has received another "Letter of Intent" from Waterman Development LLC.

Councilor Lovell moved, Councilor Christenbury seconded, that it be Ordered that the City Council list the property identified on Tax Map 38, Lot 84 (12 and 14 Thornton Avenue) with a Commercial Real Estate Broker for a price of \$474,000, for a 6 month period; and further to exclude commission payments on a sale to Waterman Development LLC, Nate Libby Masonry and Saco Biddeford Savings Bank. Further move to approve the Order. (Please see tabling motion)

Councilor Christenbury moved, Councilor Lovell seconded, to table the matter until April 4, 2011 when a public hearing would be held on the matter. The motion passed with six (6) yeas and one (1) nay. Councilor Tardif voted in the negative.

E. Presentation of the City Administrator's City Budget

Richard R. Michaud, City Administrator for the City of Saco, presented his Budget, for the fiscal year 2012 to the Mayor, Council and those attending the meeting this evening. A Public Hearing will be scheduled for May 2, 2011.

Councilor Smith moved, Councilor Mills 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 2012. Further move to approve the Order. The motion passed with seven (7) yeas.

VII. CONSENT:

a. (First Reading) Contract Zone Amendment: Bear Brook Estates Mobile Home Park

Applicant Bear Brook Estates LLC, represented by John Daigle of the Old Orchard Beach Campground, was granted a contract zone approval on June 1, 2009, that would allow a 41-unit

mobile home park to be constructed on a 16.5 acres portion of the campground parcel. The contract zone would limit dwelling units within the park to manufactured homes installed on foundations, and establishes the minimum lot size at 7,500 s.f.

As is true with all contract zone agreements in Saco, there is a two year “sunset provision” That requires Planning Board approval be accomplished within two years of the contract zone Approval, or said approval becomes null and void. Due to the real estate market, Mr. Daigle Has not yet pursued Planning Board approval. Therefore, he requests that the Council Consider a one year extension of the 2009 approval, which would mean approval is valid through June 1, 2012. The Council discussed this item at Workshop on March 7, 2011.

The City of Saco hereby Ordains and approves the First Reading of amendment to the document titled, “Contract Zone Agreement By and Between Bear Brook Estates, LLC and the City of Saco,” dated April 7, 2009 and further moves to set the Public Hearing for Apr8il 4, 2011.

b. (Final Reading) 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.

The City of Saco hereby Ordains and approves the Second and Final Reading of the document titled, ‘Amendments to Chapter 34 Personnel Ordinance § 31-38 Retirement, dated February 7, 2011.

Councilor Christenbury moved, Councilor Mills seconded, to approve the Consent Agenda. The motion passed with seven (7) yeas.

VIII. ADJOURNMENT

Councilor Smith moved, Councilor Mills seconded, to adjourn. The motion passed with seven (7) yeas. TIME: 8:45 p.m.

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