

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

I. CALL TO ORDER – On Tuesday, February 17, 2015 at 7:00 p.m. a Council Meeting was held in the City Hall Auditorium.

II. ROLL CALL OF MEMBERS – Mayor Donald Pilon conducted a roll call of the members and determined that the Councilors present constituted a quorum. Councilors present: David Precourt, Leslie Smith Jr., Bette Brunswick, Kevin Roche, Arthur Tardif, Eric Cote and Nathan Johnston.

III. PLEDGE OF ALLEGIANCE

IV. GENERAL:

V. AGENDA:

A. SPECIAL ENTERTAINMENT PERMIT FOR SACO PLAZA – (PUBLIC HEARING)

Saco Plaza LLC d/b/a Ramada Saco has applied for a renewal of their Special Entertainment Permit. The permit will be concurrent with the establishment's liquor license.

The applicant has paid all applicable permit fees and the clerk has properly advertised the public hearing in accordance with the Saco City Code, Chapter 93 - Entertainment §93-2.

Councilor Smith moved to open the public hearing

There were no comments from the public

Councilor Smith moved, Councilor Roche seconded to close the Public Hearing and “Be it ordered that the City Council grant the renewal application submitted by Saco Plaza LLC d/b/a Ramada Saco for a Special Entertainment permit to be concurrent with the establishment's current liquor license”. Further move to approve the Order. The motion passed with seven (7) yeas.

B. ACCEPTANCE OF STACKPOLE CREEK BRIDGE PROJECT STATUS REPORT

On November 4, 2014 the following bond question was approved by the citizens of Saco (Yes- 4255, No- 3791).

Shall the Order of the City Council of the City of Saco entitled "Order Authorizing the City of Saco to Borrow and Amount Not to Exceed \$990,000 for improvements to the Stackpole Bridge to Reopen the Simpson Road for Through Vehicle Traffic in Compliance with Standard Weight Limitations" be ratified and approved?

Following voter approval in November, City Staff, along with the Stackpole Creek Bridge Committee, have been carrying out pre-bid planning activities and setting anticipated project milestone dates. A summary of the work performed to date, as well as the projected actions moving forward are summarized in the exhibits.

The purpose of this progress report is to keep the Council and the community informed on this significant project.

Councilor Precourt moved, Councilor Brunswick seconded “The City of Saco hereby accepts the Public Works Department project status report on the Stackpole Creek Bridge project.” Further move to approve the Order. The motion passed with unanimous consent.

Stackpole Creek Bridge Project Status Report February 17th, 2015

Project Background:

Since April 2013 the Stackpole Creek Bridge on Simpson Road has been closed to a vehicular traffic. In November of 2014, voters approved replacing or rehabilitating the structure at a cost not to exceed \$990,000. Council has previously discussed and voted to proceed with a design/build project where rehabilitation or reconstruction options will both be considered for implementation.

Following voter approval in November, City Staff, along with the Stackpole Creek Bridge Committee, has been carrying out pre-bid project planning and documentation. A summary of the activities performed to date, as well as the projected actions moving forward are summarized in this report.

Preliminary documentation and data compiled (Status: Completed) 11/14

- Studies, reports, and data pertinent to potential design/build teams' concepts have been itemized and archived on the City website for access during the bid process.
- Topographical and Boundary survey was completed, to be utilized by potential bidders and will be included in the archive documentation.

Preliminary Meetings and Correspondence (Status: Complete) 12/14 – 1/15

- The City accepted the SIB Loan funding through MDOT for up to \$495,000 of the project costs.
- City staff met with the ad-hoc Bridge Committee on 1/15/15 for discussion and feedback on the project approach prior to drafting a final Request for Proposals (RFP).

Request for Design/Build Proposals (Status: Ongoing) 2/15

- The City Engineer drafted the RFP, which will be advertised from 2/20 to 3/23/15. This document stipulates the technical requirements of the rehabilitated or new structure on Simpson Road to meet current engineering design standards with regard to:
 - H-20 weight loading
 - 2-lane traffic (each 11' wide)
 - Improved hydrology through the structure
 - 75-year design life

Design Consideration and Review Process (Status: Pending) 3/15 – 4/15

- City staff will perform the bid opening on 3/23/15 and compile all bids that meet the minimum bid criteria for consideration.
- City staff, Bridge Committee members, and the City's structural engineering consultant will review proposals and provide recommendations on the best replacement and best rehabilitation proposal for Council review.
- City Council will vote and accept the winning proposal during the 4/20 City Council Meeting.

- Following bid award the selected design/build team will move forward with final design and work through approvals and permitting with City staff.
- City Staff will work to secure any necessary easements or permits outside of the contractor's scope of work, based on the final approved design. This may include removing the structure from the National Register of Historic Places eligibility list, if a new structure is selected during the project award process by City Council.
- Contractor will receive final notice to proceed and begin project scheduling and ordering materials.

- Contractor shall begin construction activity on Simpson Road in August 2015.
- The structural work associated with the crossing will be completed by December 2015.
- Final construction of the approaches to the bridge will be completed in the Spring of 2016.

Stackpole Creek Bridge Replacment or Rehabilitation Project Schedule

Updated: 11/19/2014

Proposed Completion Date	Milestone
12/15/2014	Boundary Survey performed
1/6/2015	Draft Request for Proposals
1/13/2015	Meet and review of draft RFP with Bridge Committee
2/16/2015	RFP to Council for approval
2/23/2015	Advertise RFP
3/15/2015	Acquisition of easements/land complete
3/23/2015	Receive Proposals and Bids
4/10/2015	Staff and Bridge Committee review and recommendations
4/20/2015	Council selection of contractor proposal
4/24/2015	Bid award and notice to proceed on final design
5/25/2015	Contractor submits final design of bridge
6/10/2015	Staff and Engineering review of final design
8/1/2015	Construction begins on-site
12/1/2015	Contractor bridge work completed
5/1/2016	Final paving and bridge approaches completed by DPW
5/15/2016	Project complete

VI. CONSENT AGENDA

Councilor Precourt moved, Councilor Smith seconded to approve the Consent Agenda items #1, 2, 3, 4 and 5 as follows:

1. Be it Ordered that the City Council Approve the minutes for January 20, 2015 and further move to approve the Order;
2. Be it Ordered that the City Council grant Monica Thompson a Massage Therapist License in accordance with the Codes of the City of Saco, Chapter 138 and further move to approve the Order;
3. Be it Ordered that the City Council confirm the City Administrator's appointment of Kevin Lombard to the Saco Museum/Dyer Library Association Board of Trustees for a 2-year term to expire in February 2017 and further move to approve the Order;
4. Be it Ordered that the City Council grant the applications for a License to Operate Games of Chance as follows: 1 License for a Meat shoot on March 29, 2015 and 2 Licenses for Various pull tickets from April 1, 2015 to March 31, 2016 as submitted by the Fraternal Order of Eagles #3792 and further move to approve the Order;
5. Be it Orrdered that the City Council confirm the Mayor's reappointments of Bruce Kerns (Chair); Cuong Do; Rotha Chan; and Dr. Robert Bolduc to the Board of Assessment Review, each to a 5-year term expiring on February 16, 2020 and further move to approve the order.

The motion passed with unanimous consent.

The complete item commentaries for the above Consent Agenda are listed below.

2. MASSAGE THERAPIST APPLICATION: THOMPSON

Monica Thompson, located at Saco Healing Arts Center, 209 Main Street has applied for a Massage Therapist License.

The applicant has paid all applicable permit fees and has provided a copy of her State of Maine Massage Therapist License in compliance with Chapter 138, Sub-section §138-9 Basic proficiency.

3. CONFIRM THE CITY ADMINISTRATOR'S APPOINTMENT TO THE SACO MUSEUM/DYER LIBRARY BOARD OF TRUSTEES

The non-profit Dyer Library provides a public library and a museum to the city. The board has up to 21 members charged with the purpose of operating and maintaining a public library, which shall ever be free to the citizens of Saco, and a regional museum. The Dyer Library/Saco Museum promotes life-long learning and appreciation of culture; preservation of the past; and state-of-the-art services and resources for all. Per Bylaws of the Dyer Library/Saco Museum Article IV, Board of Trustees, Section C, one Trustee shall be a representative of the Saco City Council and one shall be the City Administrator or his/her designee appointed by the Saco City Administrator. The board meets monthly at the Dyer Library.

The City Administrator recommends confirmation of the appointment of Kevin Lombard to the Saco Museum/Dyer Library Board of Trustees.

4. APPLICATION FOR GAME OF CHANCE – FRATERAL ORDER OF EAGLES AERIE

Fraternal Order of Eagles #3792 has applied for Licenses to Operate Games of Chance as follows: 1 License for a Meat shoot on March 29, 2015 and 2 Licenses for Various pull tickets from April 1, 2015 to March 31, 2016.

The applicant has submitted their application in accordance with the provisions of Title 17 M.R.S.A. Chapter 13-A, and in accordance with the Rules and Regulations promulgated by the Chief of the State Police governing the

operation of Beano/Bingo or Games of Chance.

5. CONFIRM MAYOR REAPPOINTMENTS TO THE BOARD OF ASSESSMENT REVIEW

The Board of Assessment Review shall consist of five members appointed by the Mayor and confirmed by the City Council, for a 5 year term. Primarily the Board shall review tax appeals duly filed in writing by taxpayers regarding any tax assessment made by the Tax Assessor within 60 days from the date appeal is filed.

Mayor Pilon has reappointed Bruce Kerns (Chair) of 10 Shore Avenue, Cuong Do of 18 Evergreen Drive, Rotha Chan of 14 Chantelle Way; and Dr. Robert Bolduc of 15 Thunder Road, each to a 5-year term on the Board of Assessment Review.

VII. RECESS THE MEETING AND CONVENE THE WORKSHOP

Councilor Brunswick moved, Councilor Johnston seconded to recess the meeting and to convene the Workshop. The motion passed with unanimous consent. TIME: 7:06 p.m.

VIII. ADJOURN THE WORKSHOP AND RECONVENE THE MEETING

Councilor Precourt moved, Councilor Roche seconded to adjourn the Workshop and reconvene the meeting. The motion passed with unanimous consent. TIME: 8:47 p.m.

C. DISCUSSION ON PAY PHILOSOPHY AND PRIVATE SECTOR AND MUNICIPAL COMPARABLES FOR NON-UNION EMPLOYEE PAY AND CLASSIFICATION STUDY

In December, 2014, the Council approved a plan to conduct a Wage and Classification Study for the City's Non-union positions with the assistance of Dacri & Associates, an outside consulting firm. For the purpose of the study, the approved Dacri plan outlined the need for the Council to determine: the comparable municipal communities to Saco, the private sector employers to be used as comparables, and the City's pay philosophy. The following summary information and exhibit documents are provided to guide and assist the Council in discussing these topics.

Comparable Communities. For the purposes of comparing wages, service levels and staffing levels, over the last 5 or so years Saco has compared itself to the following 10 communities: Auburn, Augusta, Biddeford, Brunswick, Sanford, Scarborough, South Portland, Westbrook, Windham, and York. The attached Comparable Communities Worksheet is provided to summarize key criteria about the current 10, plus 4 additional communities, for the Council's consideration. The 4 additional communities were added based on their similar population size and general proximity to Saco.

Private Sector Comparables. The committee charged with developing the Wage Study came up with an initial list of local employers that might be included and reviewed that with Dacri & Associates. The attached list outlines the employers proposed to be included in the study.

Pay Philosophy. As outlined in the City Code, the pay philosophy of the City is to be "at market" – to pay at a rate similar to comparable communities and private sector employers. The City has not chosen to be a "pay leader," whereby it would pay above market rates in order to recruit and retain the most highly qualified potential employees; nor has it chosen to be "below market," which tends to create a high turnover rate as employees seek better compensation elsewhere. Those are the three basic positions typically considered in discussing pay philosophy.

Councilor Roche moved, Councilor Brunswick seconded "Be it Ordered that the City Council move to add Gorham and Kennebunk to the list of its 10 current comparable communities, for a total of 12 comparable communities for the purpose of this study; and that the Council approve the proposed private sector employers in the 'Personnel Committee Final Recommended List of Proposed Private Sector Employers to Include in City of Saco Non-union Wage Study,' as well as continue to adhere to the pay philosophy

outlined in the City Code.” Further move to approve the order. The motion passed with six (6) yeas and one (1) nay – Councilor Smith.

The representative of Darci & Associates inquired whether he would need to come back to Council if there were under 10 communities that wanted to participate. After discussion it was recommended that he report to the Personnel Committee and they would make the decision.

<u>Municipality:</u>	<u>Population</u>	<u>Total Taxable Valuation</u>	<u>Median Home Value</u>	<u>Geo Size</u>	<u>Median HHI</u>	<u>Location</u>	<u>County</u>	<u>Service Level</u>	<u>Service Center</u>	<u>FTE excl schools</u>
	2014 ME Muni Directory	(Data from Maine Revenue Services)	(Data from 2015 State Valuation Report)	(Sq Miles) (Data from Census.gov)				(as determined by town contacts)	(as determined by town contacts)	(as determined by town contacts)
Saco	18482	\$2,018,499,204	\$246,335	37	\$55,524	south/coast	York	full	yes	170

Current Comparable Municipalities:

Auburn	23055	\$1,984,917,378	\$182,423	65.74	\$45,449	mid state/interior	Androscoggin	full	yes	240
Augusta	19136	\$1,677,742,000	\$128,460	56	\$37,027	mid state/interior	Kennebec	full	yes	215
Biddeford	21277	\$2,237,819,700	\$239,704	30	\$44,645	south/coast	York	full	yes	240
Brunswick	20278	\$1,379,778,500	\$213,913	54.4	\$54,758	south/coast	Cumberland	full	yes	153
Sanford	20798	\$1,328,160,860	\$166,039	48.71	\$45,390	south/interior	York	full	yes	170
Scarborough	18919	\$3,700,488,200	\$385,183	54	\$75,487	south/coast	Cumberland	full	yes	171
South Portland	23002	\$3,601,160,000	\$239,780	12.5	\$52,839	south/coast	Cumberland	full	yes	274
Westbrook	17494	\$1,864,560,400	\$194,311	17.33	\$44,465	south/interior	Cumberland	full	yes	239
Windham	17001	\$1,768,153,500	\$340,000	50.15	\$63,066	south/interior	Cumberland	full	yes	94
York	12529	\$3,902,473,318	\$427,267	55.6	\$66,515	south/coast	York	full (ex Fire)	yes	90

Other Possible Comparables:

Gorham	16381	\$1,342,175,000	\$245,780	51	\$75,833	south/interior	Cumberland	full	yes	85
Waterville	15722	\$636,827,669	\$111,572	14.2	\$33,298	mid state/interior	Kennebec	full	yes	110
Falmouth	11185	\$2,328,863,100	\$422,105	36.34	\$94,942	south/coast	Cumberland	full (ex Fire)	no	75
Kennebunk	10798	\$2,029,269,200	\$321,451	43.87	\$75,357	south/coast	York	full	no	65

Personnel Committee Final Recommended List of Proposed Private Sector Employers to Include in City of Saco Non-union Wage Study/January 26, 2015

- 1) Central Maine Power
- 2) Portland Water District
- 3) Shaw Bros.
- 4) FST
- 5) Maine Water
- 6) Saco Biddeford Savings
- 7) General Dynamics/Saco Armament
- 8) Thornton Academy
- 9) Volk Packaging
- 10) Acadia Insurance
- 11) Hussey Seating
- 12) Hutchings Trucking
- 13) Kennebunk Water
- 14) Woodard & Curran

IX. EXECUTIVE SESSION

Councilor Brunswick moved, Councilor Johnston seconded “Be it Ordered that the City Council, Pursuant to [M.R.S.A. Chapter 18, §405(6)(A)] move to enter into Executive Session to discuss: (A) Employment of Officials – City Administrator Contract Review”.

No vote was taken on the motion. The Council determined that they didn’t need to go into an Executive Session to discuss the contract review, so it was discussed in an open forum.

Councilor Brunswick moved, Councilor Johnston seconded to give the City Administrator a six (6) month termination notice because contract negotiations (for the City Administrator employment agreement dated August 11, 2014) were not done in good faith regarding the elected Mayor's ability to appoint the position and because there was no legal representation present at the time of negotiations.

Councilor Cote stated that the discussion and motion were out of order because the item was not on the Agenda.

Councilor Johnston withdrew his second on the motion.

The Council agreed that the item would be added to the agenda at a later date.

X. ADJOURNMENT

Councilor Smith moved, Councilor Precourt seconded to adjourn the meeting. The motion passed with unanimous consent. TIME: 10:23 p.m.

Attest: _____
Michele L. Hughes, City Clerk