I. CALL TO ORDER - On Monday, May 18, 2015 at 7:00 p.m. a Council Meeting was held in the City Hall Auditorium.

II. ROLL CALL OF MEMBERS – Mayor Donald Pilon introduced the members and determined that the Councilors present constituted a quorum. Councilors present: David Precourt, Leslie Smith, Bette Brunswick, Kevin Roche, Eric Cote, and Nathan Johnston. Councilor Arthur Tardif was excused for this meeting. Also present was City Administrator Rick Michaud.

III. PLEDGE OF ALLEGIANCE

IV. GENERAL

Mayor Pilon read a proclamation designating the week of May 17 – 23, 2015 as Emergency Medical Services Week.

EMS Week Proclamation

To designate the Week of May 17 - 23, 2015, as Emergency Medical Services Week

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, the emergency medical services system consists of first responders, emergency medical technicians, paramedics, firefighters, educators, administrators, emergency nurses, emergency physicians, and others; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; now
THEREFORE, I, Donald Pilon, Mayor of the City of Saco, Maine, in recognition of this event, do hereby proclaim the week of May 17-23, 2015, as

EMERGENCY MEDICAL SERVICES WEEK

Mayor, Don Pilon

Mayor Pilon read a proclamation designating the week of May 17 – 23, 2015 as Arbor Week.

Whereas, In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas, In 1978, the State of Maine first celebrated Arbor Week during the 3rd full week of May, and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and beautify our community, and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal.

Now, Therefore, I, Donald Pilon, Mayor of the City of Saco, do hereby proclaim May 17th through May 23rd as the celebration of 2015 Arbor Week in the City of Saco, and I urge all citizens to celebrate Arbor Week and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant trees to gladden the heart and promote the well-
V. PUBLIC COMMENTS

There were no comments from the public.

VI. AGENDA

A. (Public Hearing) Amendments to Article 16, Zoning Ordinance Fire/EMS Impact Fees

The City currently assesses an impact fee on new residential development that results in revenue specific to open space and recreational facilities. Title 30-A §4354 was approved by the Legislature in 1991, allowing a municipality, under its home rule, authority to assess such fees to offset the cost of capital or infrastructure improvements made necessary by new development.

The proposed Fire Department/Emergency Medical Services Impact Fee seeks to ensure that current levels of service are maintained as Saco’s population grows. With current and future capital facilities and equipment needs estimated at $400,000 annually, there is a great need for additional resources. The proposed fee would be assessed on new residential and non-residential buildings. Based on an average year from 2001-2013, the fee would generate $40,000-50,000 in revenue specifically for capital facilities and equipment.

The Planning Board considered this and held a public hearing at their meeting on March 31, 2015, and discussed further on April 14, 2015. Public comments were supportive. The Board forwards a positive recommendation for the proposed amendments.

_Councilor Roche moved, Councilor Johnston seconded to open the Public Hearing for “Amendments to Zoning Ordinance Article 16 – Impact Fees, Amended April 14, 2015”, as described in the document._

There were no comments from the public.

_Councilor Roche moved, Councilor Johnston seconded to close the Public Hearing and Be it Ordered that the City Council set the Second and Final Reading for June 1, 2015.” Further move to approve the order.” The Motion passed with four (4) yeas and two (2) Nays – Councilors Precourt and Cote._

**Article 16 Impact Fees**

Draft Amendments

Fire Department/Emergency Medical Services Impact Fee

Through 4/14/15

Section 1601. General Provisions for Impact Fees

1601-1. PURPOSE
The purpose of these impact fee provisions is to ensure that new development in Saco will be accomplished in a safe and healthful manner and that such development will bear a proportional or reasonably related share of the cost of new, expanded or modified infrastructure necessary to service the development through: 1) the payment of impact fees that shall be dedicated to paying for the needed improvements, or 2) the construction of appropriate improvements as provided for herein.

1601-2. AUTHORITY

These impact fee provisions are adopted by the City under the authority of 30A M.R.S.A. § 4354 and its statutory and constitutional home rule provisions.

1601-3. PAYMENT OF IMPACT FEES

The impact fees provided for under this article shall be paid to the City of Saco in care of the Code Enforcement Department.

1601-4. IMPACT FEE ACCOUNTS

All impact fees collected under the provisions of this article shall be segregated and accounted for in separate impact fee accounts designated for the particular improvements in question. The impact fee accounts are as follows.

1. Recreational Facilities Impact Fee Account
2. Open Space Facilities Impact Fee Account
3. Fire Department/Emergency Medical Service Impact Fee Account

1601-5. USE OF IMPACT FEES

A. Impact fees collected under the provisions of this article shall be used only to pay for the capital cost of the infrastructure improvements specifically associated with the fee as identified below. No portion of the fee shall be used for routine maintenance or operational activities. The following costs may be included in the capital cost of the Recreational Facilities or Open Space Facilities infrastructure improvement:

1. acquisition of land or easements including conservation easements,
2. engineering, surveying and environmental assessment services directly related to the design, construction and oversight of the construction of the improvement,
3. the actual construction of the improvement including, without limitation, demolition costs, clearing and grading of the land, and necessary capital equipment,
4. mitigation costs,
5. legal and administrative costs associated with construction of the improvement including any borrowing necessary to finance the project,
6. debt service costs including interest if the City borrows for the construction of the improvement,
7. relocation costs, and
8. similar costs that are directly related to the project.

B. Impact fees collected under the provisions of this article shall be used only to pay for the capital cost of the equipment and facilities specifically associated with the Fire Department/Emergency Medical Services (FD/EMS) Impact Fee as identified below.
   1. Vehicles utilized by public safety personnel for FD/EMS purposes,
   2. Equipment utilized by public safety personnel for FD/EMS purposes,
   3. Construction of capital improvements, including the expansion or replacement of existing infrastructure facilities,
   4. Acquisition of land,
   5. Engineering, surveying and environmental assessment services directly related to the design, construction and oversight of the construction of the improvement,
   6. The actual construction of the improvement including, without limitation, demolition costs, clearing and grading of the land, and necessary capital equipment,
   7. Mitigation costs,
   8. Legal and administrative costs associated with construction of the improvement including any borrowing necessary to finance the project,
   9. Debt service costs including interest if the City borrows for the construction of the improvement.

1601-6. REFUND OF IMPACT FEES

Impact fees shall be refunded in the following cases:

1. If a building permit is surrendered or if a subdivision or site plan approval lapses without commencement of construction, the permit holder or developer shall be entitled to a refund, without interest, of any impact fee paid in conjunction with that project. A request for a refund shall be made in writing to the City Planner and shall occur within ninety (90) days of the lapse of the approval or the expiration of the permit.

2. Any fees collected that are not spent or obligated by contract for the specified improvements or acquisitions by the end of the calendar quarter immediately following ten (10) years from the date the fee was paid shall be returned to the current owner of the property for which the fee was paid together with interest calculated at three (3) percent per year from the date of the payment of the fee.

1601-7. MODIFICATION OF IMPACT FEES

The City Council may, by formal vote following a public hearing, reduce or eliminate the payment of a required impact fee if it finds that:
1. The developer or property owner who would otherwise be responsible for the payment of the impact fee voluntarily agrees to construct the improvement for which the impact fee would be collected or an equivalent improvement approved by the City Council, or

2. The developer or property owner is required, as part of a development approval by the City or a state or federal agency, to make or to pay for infrastructure improvements that are of the same nature as the improvement to be funded by the impact fee, or

3. The project subject to the impact fee involves the construction of affordable housing as defined by the U.S. Department of Housing and Urban Development or the Maine State Housing Authority. If only part of the project is affordable housing, the Council may waive only the portion of the fee attributable to the affordable units, or

4. The project involves the construction of an elder/disability housing facility, elderly congregate housing, assisted living, or other elder care facilities.

1601-8. REVIEW AND REVISION

The City Council shall periodically review each impact fee established under this chapter. If the Council finds that the anticipated cost of the improvement has changed or that the identification of developments subject to the fee is no longer appropriate, the Council may adopt changes in the impact fee.

Section 1602. Recreational Facilities and Open Space Impact Fee

1602-1. DESCRIPTION OF THE IMPROVEMENTS

This project involves the acquisition of land for and the development of new community-wide recreational facilities and the acquisition of land or conservation easements for use as substantially undeveloped open space and the related development of these parcels to facilitate their role and use as open space. The recreational facilities portion of this impact fee may be used for the following improvements.

1. The development of the City’s former landfill on the Foss Road into a multi-purpose community recreational complex.

2. The development of a skating area at Pepperell Park or another location.

3. The construction of a baseball field at the Middle School Recreational Area.

4. The construction of pedestrian and bicycle trails including the City’s share of the cost of the development of the Eastern Trail.

5. The acquisition of land for the future development of community recreation facilities, and/or

6. The development of other community recreational facilities that expand the City’s supply of recreational areas or facilities.

The open space facilities portion of this impact fee may be used for the following improvements:
1. The acquisition of land or conservation easements for use as substantially undeveloped open space and the related development of these parcels to facilitate their role and use as open space.

1602-2. NEED FOR THE IMPROVEMENTS

The need for community recreation facilities and open space is a function of the size of the community’s population. As the community grows, it needs more recreation land, fields, playgrounds, natural areas, and open spaces. The City’s adopted Comprehensive Plan identifies the need to expand the supply of recreational facilities and open space to serve a growing population. The need for the specific improvements is set out in the City of Saco’s Recreational Facilities and Open Space Impact Fee Methodology.

1602-3. ACTIVITIES SUBJECT TO THE FEE

Any construction or development that involves the creation of a new dwelling unit as defined by the zoning ordinance including single family homes, apartment units, manufactured housing units, and mobile homes shall be subject to the payment of an impact fee for this project except as provided below:

1. No impact fee shall be paid if the dwelling unit is located in a subdivision that was approved by the Saco Planning Board prior to the date of adoption of this Article.

2. No impact fee shall be paid if the dwelling unit is located in a subdivision which is a complete application under review by the Saco Planning Board prior to the date of adoption of this Article.

3. The recreational facilities portion of the impact fee shall not be paid if the unit is located in a residential subdivision or other residential development that has provided recreational facilities in accordance with the requirements of the City’s Subdivision Regulations.

4. The open space portion of the impact fee shall not be paid if the unit is located in a residential subdivision or other residential development that has provided open space in accordance with the requirements of the City’s Subdivision Regulations.

5. No impact fee shall be paid if the new dwelling unit is to be constructed on a lot where a dwelling unit has been demolished or permanently removed from use within the last twelve months. The fee shall be charged for any unit beyond the number demolished or permanently removed from use.

6. No impact fee shall be paid if the dwelling unit is moved from one lot within the city to another lot within the city.

7. Downsizing Provisions for Elderly Homeowners (Amended 7/2/02)

Persons building new single-family dwelling units which meet the requirements of subparagraphs A through D of this subsection are not required to pay the recreation and open space impact fee. However the transfer of the property by any means during the five years following the issuance of a building permit shall require that the impact fee be paid. Likewise the property shall not be leased or rented during the five years after the issuance of a building permit unless the impact fee is paid. An agreement outlining the limitations on the
waiver shall be recorded at the York County Registry. Evidence of the recording shall be presented to the code enforcement officer before the building permit is issued.

A. The person or persons proposing to build the new single-family dwelling unit have previously owned and occupied an existing permanent residence in Saco and paid property taxes on it continuously for at least 20 years.

B. The owner(s) is/are selling or transferring their existing permanent residence in Saco and are planning to make the new house their permanent residence.

C. At least one owner of the proposed house is 62 years old or older.

D. The proposed house is a single-family dwelling unit with one or two bedrooms.

1602-4. CALCULATION OF THE FEE

The recreational facilities and open space impact fee is a per capita fee and is based upon the City’s Impact Fee Calculation Methodology. The per capita fee consists of a recreational facilities component and an open space component. The amount of the fee paid by a development project shall be determined by multiplying the per capita fee by the number of people expected to reside in the project. The following occupancy ratios shall be used in determining the fee unless the applicant provides verifiable written documentation from an independent, objective source demonstrating other occupancy levels:

Single family dwellings and mobile homes 3.2 people/unit

Dwelling unit in a two-family or multi-family dwelling with:

a. one bedroom 1.2 people/unit

b. two bedrooms 2.0 people/unit

c. three or more bedrooms 3.0 people/unit

Dwelling unit in elderly housing, assisted living facility, or other eldercare facility limited to occupancy by households sixty-five years of age or older 1.2 people/unit

1602-5. IMPACT FEE

Fees shall be determined by Council after a public hearing.

1602-6. COLLECTION OF THE FEE

The Code Enforcement Officer shall collect the impact fee prior to the issuance of any building, plumbing or other permit for residential construction that is subject to the fee. The amount of the fee shall be based upon
the procedure set out in subsection 1602-4 above. The City Administrator may approve the payment of impact fees over time in accordance with an approved payment schedule provided that appropriate arrangements are in place to guarantee collection of the fees.

1602-7. EFFECTIVE DATES

This impact fee shall be applicable to activities subject to the impact fee 30 (thirty) days after the date of adoption of this Article

Section 1603. Fire Department/Emergency Medical Services Impact Fee

1603-1. DESCRIPTION OF THE IMPROVEMENTS

The Fire Department/Emergency Medical Services Impact Fee will be used to ensure an adequately capitalized and funded Fire Department in the provision of fire, rescue and emergency medical services. The Fee may be used for the following purposes:

1. Acquisition of vehicles utilized by Fire Department personnel for fire, rescue and emergency medical services,
2. Purchase of equipment utilized by Fire Department personnel for fire, rescue and emergency medical services,
3. Construction of capital improvements, including the expansion or replacement of existing infrastructure facilities, or, if the improvements were constructed at municipal expense prior to the development, the fee must be reasonably related to the portion of percentage of the infrastructure used by the development,
4. Acquisition of land or easements necessary for or related to existing and proposed Fire Department facilities,
5. Legal and administrative costs associated with construction of capital improvements including any borrowing necessary to finance the project,

1603-2. NEED FOR THE IMPROVEMENTS

The need for public safety equipment and facilities is a function of the growth of the community’s population. As the community grows, increased capacity is required to meet the public safety needs of greater numbers of residents. The City’s adopted Comprehensive Plan identifies the need to expand the ability of the Fire Department and Emergency Medical Services to serve a growing population. The need for the specific improvements is set out in the City of Saco’s Fire Department/Emergency Medical Services Impact Fee methodology.

1603-3. ACTIVITIES SUBJECT TO THE FEE

Any construction or development that involves the creation of a new dwelling unit as defined by the Zoning Ordinance including single family homes, apartment units, manufactured housing units, and mobile homes, or the construction of a new structure intended for commercial or industrial use shall be subject to the payment of a Fire Department/Emergency Medical Services Impact Fee except as provided below:
1. No impact fee shall be paid if a new dwelling unit or commercial or industrial structure is to be constructed on a lot where a dwelling unit or commercial or industrial structure has been demolished or permanently removed from use within the last twelve months. The fee shall be charged for any unit beyond the number demolished or permanently removed from use.

2. No impact fee shall be paid if a dwelling unit or commercial or industrial structure is moved from one lot within the city to another lot within the city.

1603-4. CALCULATION OF THE FEE

The Fire Department/Emergency Medical Services Impact Fee is based upon the City’s Impact Fee Calculation Methodology.

1603-5. IMPACT FEE

Fees shall be determined by the Council after a public hearing.

1603-6. COLLECTION OF THE FEE

The Code Enforcement Officer shall collect the impact fee prior to the issuance of any building, plumbing or other permit for construction that is subject to the fee. The amount of the fee shall be based upon the procedure set out in subsection 1603-4 above. The City Administrator may approve the payment of impact fees over time in accordance with an approved payment schedule provided that appropriate arrangements are in place to guarantee collection of the fees.

1603-7. EFFECTIVE DATES

This impact fee shall be applicable to activities subject to the impact fee 30 (thirty) days after the date of amendment of this Article.

Appendix, Impact Fees

<table>
<thead>
<tr>
<th>Section of Code</th>
<th>Fee Name</th>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning Ordinance, Article 16, §1602-5</td>
<td>Impact Fees</td>
<td>Per Capita Impact Fee</td>
<td>$531.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Recreational Facilities Per Capita</td>
<td>$375.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Open Space Component Per Capita</td>
<td>$156.00</td>
</tr>
<tr>
<td>Zoning Ordinance, Article 16, §1603-5</td>
<td>Fire Department/Emergency Medical</td>
<td>Fire/EMS</td>
<td>$500.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Single Family Dwelling</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Two Family Dwelling</td>
<td></td>
</tr>
</tbody>
</table>
B. (Public Hearing) Special Entertainment Permit – The Run of the Mill

**Island Brewing LLC d/b/a The Run of the Mill** 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 Roche Moved to open the Public Hearing, Seconded by Councilor Johnston.**

Scott Thibeau – 3 Chases Lane. Commenting because he is the manager of the Peppermill Campus across the River from The Run of the Mill. Mr. Thibeau states that he is in favor of the permit. He has had some complaints from his tenants about the sound being too loud, but he has tested the noise level at Run of the Mill with a decibel meter and found that it is not excessively loud. The only request that he is making, based on some complaints that he has had from his tenants, is to turn the speakers either up river or down river, as the locations of the buildings seem to intensify the noise level.

**Councilor Roche Moved, Councilor Johnston Seconded to close the Public Hearing and be it ordered that the City Council grant the renewal application submitted by Island Brewing LLC d/b/a The Run of the Mill for a Special Entertainment permit to be concurrent with the establishment’s current liquor license”**. Further Moved to approve the Order.

Councilor Cote made a comment that the Council has had complaints about this in the past, and asked Mr. Thibeau if the situation had gotten better.

Mr. Thibeau replied that he did not think the situation had gotten better or worse, but that Run of the Mill is conscious of the noise level and tries to make sure that the speakers are not pointing at the buildings directly across the river from them. They only thing that Mr. Thibeau is asking is that Run of the Mill be very conscientious about making sure that the speakers are facing straight down river, or even up river if necessary. Mr. Thibeau said that a
resident named Doug Sanford recorded the noise level from his apartment and it is really loud. Again, Mr. Thibeau said that this is the result of how sound travels between the mill buildings. Run of the Mill is a great establishment and an asset to the area.

Councilor Cote then asked Mr. Thibeau about the hours of operation. Mr. Thibeau said that in his building, the lease states quiet enjoyment after 10:00 p.m. It would be nice if that were the case at Run of the Mill, but he does not want to draw a line in the sand. Mr. Thibeau said that his organization is trying to be a good neighbor and work things out with Run of the Mill, so that everyone can be in agreement. He said that every tenant that moves into his building knows that Run of the Mill is right across the river, and that he would be willing to go to each one of his tenants and say that Run of the Mill is pointing its speakers downriver, and doing the best that they can do, and that this situation is subject to where their apartment is located.

Mayor Pilon said that Doug Sanford had called him to complain about the noise level last year. At that time, Mayor Pilon had contacted Jeff, one of the owners of Run of the Mill, to suggest that they turn the speakers inward, because turning them up river would cause an echo.

Mr. Thibeau said that might be an alternative, but then the sound seems to bounce off the Run of the Mill building and shoot back across the river. He said that he was no expert on the situation, and obviously a sound barrier could not be constructed along the river. He said the only thing that he could think of was to turn the speakers facing downriver, but then there might be complaints from people in that area, near the treatment plant, since there are no trees or natural sound barriers in the area.

Councilor Cote asked about turning the volume down. Mr. Thibeau replied that he had to defend Run of the Mill in that regard. He said that he frequents the establishment and that he tested the sound level, and that it was only 90 decibels, which he did not consider loud. He also tested them from his building across the river and again, the level was at 90 decibels. There is simply very little loss of sound coming across the river, due to the organization of the buildings. It’s the way that sound travels between buildings # 18, #19, and # 20, making a natural amphitheater, and if they can point the speakers downriver, that might help.

Rebecca O’Neill, General Manager of Run of the Mill said that they would be willing to do whatever they could to help with the noise. Run of the Mill plays music only three nights a week: Sunday from 4:00 p.m. to 7:00 p.m., Thursdays and Saturdays from 8:00 p.m. to 11:00 p.m. She acknowledged that they had received complaints in the past about the noise and had lowered the volume of the music, trying to be as conscientious about this issue as they can. She agreed with Mr. Thibeau that the organizations of the buildings were probably contributing to the noise issue, and that Run of the Mill would do whatever they could to mitigate the noise, turning the speakers downriver if that would help. Run of the Mill would like to keep everybody in the area happy, and not disrupt their neighbors. Ms. O’Neill said that she lives in North Saco, and if her neighbors were playing loud music every evening, then she would not be happy either. She restated that Run of the Mill would like to do whatever it can to make the neighborhood happy.

Mr. Thibeau said that Ms. O’Neill made a good point. The Saturday night or the Sunday afternoon music was not so much a concern as the Thursday night music, when people have to get up and go to work on Friday morning. That is their biggest concern.

Motion passed with six (6) Yeas and Zero (0) Nays.

C. Vacant
D. Request for Waiver of 60 Day Notice for City Administrator’s Resignation

The City Administrator resigned May 15, 2015 with the request for the sixty day notice provision in his contract to be waived.

_Councilor Cote Moved, and Councilor Roche Seconded, Be it Ordered that the City Council accept the City Administrator’s notice of termination effective May 20, 2015 and waive the sixty day notice provision. And further move to approve the order._

Councilor Johnston asked The City Administrator if the Council grants the request, would he still be available by telephone or email to answer questions for the Interim Administrator or Council Members going forward. The City Administrator replied that he would.

Councilor Roche asked if Mr. Michaud would no longer be an employee of the City. The City Administrator replied that he would no longer be an employee as of Wednesday, May 20th.

Councilor Roche then asked, after May 20th, would Rick still have use of the City Administrator’s car, would he still have health insurance?

Mr. Michaud replied that he would no longer be an employee.

Councilor Brunswick asked if the Council would still be pursuing a ruling from Maine Municipal Association about the legality of the original contract.

Mayor Pilon said that would be up to the Council. It is not included on this Agenda. This item only accepts his resignation and waves the sixty day notice provision.

Councilor Brunswick asked if the ruling was no longer on the Agenda.

Mayor Pilon said that the ruling was no longer on the Agenda for this evening.

Councilor Roche asked if the pursuit of a ruling would be on the next Council Agenda.

Mayor Pilon replied that it is scheduled to be on the next Council Agenda.

_The Motion passed with six (6) Yeas and Zero (0) Nays._

E. Reconfirm the appointment of the City Administrator and Acting City Administrator effective May 20, 2015.

On May 15, 2015 the City Administrator provided his resignation notice to be effective May 20th. During the City Administrator’s January absence, the council appointed Finance Director Cheryl Fournier as City Administrator from January 1, 2015 to January 31, 2015 with Police Chief Bradley Paul as acting City Administrator in Ms. Fournier’s absence for the period of January 1, 2015 to January 31, 2015.

_Councilor Roche Moved and Councilor Precourt Seconded and Be it ordered that the City Council reconfirm the appointment of the Finance Director Cheryl Fournier to be the City Administrator, in addition to Finance Director, with a salary increase; and appoint Police Chief Bradley Paul as acting City Administrator in her absence with no change in compensation. Further Moved to approve the order._
Councilor Smith said that the last time the Council did this, that he had issues. He said that he is sure that Ms. Fournier if very competent as the Finance Director, but having the same person serve as the City Administrator and the Finance Director means that there is a loss of a perceived system of checks and balances. Councilor Smith said that he was uncomfortable with that, and also that last time, Chief Paul was appointed as the Acting City Administrator in her absence, with no change in compensation, and that didn’t seem fair. Councilor Smith said that he felt the same way this time.

Mayor Pilon asked Councilor Smith if he understood Councilor Smith’s position correctly that one person shouldn’t do both jobs.

Councilor Smith said that he had some issues with that: When one person is directing the disposition and the same person is issuing the checks.

Councilor Roche said that concern about having someone approving the checks and also writing the checks is a legitimate issue, especially considering The City as a forty-five million dollar operation. The second issue that he has is that the January motion was for a set period, January 1, 2015 to January 31, 2015. This motion has no set period. It is simply naming a City Administrator, who happens to be the Finance Director, too. He said that this is a somewhat unique and emergency situation, and to him, the individuals involved might still be the right people, but this would definitely still be an interim situation. This motion would have to be re-worded or debated as to who is back up and who is not.

Councilor Johnston said that he agrees with Councilor Smith. To have one person hold three positions, because The Finance Department also was given the responsibilities of Human Resources, is a lot for a sustained period of time.

Councilor Brunswick asked if Chief Paul was available to fill the role of Interim City Administrator, rather than Acting City Administrator.

Councilor Cote said that Chief Paul had sent around an email that afternoon, saying that he did not want the position.

Councilor Brunswick said that none of the Councilors had the opportunity to talk with him about that.

Mayor Pilon suggested that the Council hold the item until the end of the Agenda and enter Executive Session at that time to consider the item.

Councilor Johnston moved to table the item until the end of the meeting and to enter Executive Session to discuss it further, seconded by Councilor Precourt.

Motion to table and to enter Executive Session to discuss the item later in the meeting passed with five (5) Yeas and one (1) Nay. Councilor Cote.

VII. CONSENT AGENDA

Councilor Smith moved, Councilor Brunswick seconded to approve consent agenda items A,B,C,D F, and G as follows, reserving Item E for further discussion.

A. Be it ordered that the City Council Approve the minutes for May 11, 2015. Further move to approve the order.
B. Notice of Election – MSAU Budget Validation Referendum Election for June 9, 2015 (Citizen Validation Vote for FY 2016 School Budget)

C. Be it Ordered that the City Council grant Baojuan Ski a Combined Massage Therapist and Establishment License in accordance with the Codes of the City of Saco, Chapter 138. Further move to approve the Order.

D. Be it Ordered that the City Council grant Kathleen Cote a Combined Massage Therapist and Establishment License in accordance with the Codes of the City of Saco, Chapter 138. Further move to approve the Order.

F. Be it Ordered that the City Council confirm the Mayor’s Appointment of Cathy Stackpole to the Southern Maine Planning and Development Commission, General Assembly.

G. Be it Ordered that the City Council confirm the Mayor’s Appointment of William Mann to the Southern Maine Planning and Development Commission General Assembly.

The motion passed with six (6) yeas.

E. Be it Ordered that the City Council confirm the Mayor’s Appointment of Councilors Kevin Roche and David Precourt to the Fire/EMS Consolidation Ad Hoc Committee.

Councilor Smith said that he has attended many of these meetings in Biddeford, and that the feeling that he gets is that Biddeford is looking for Saco’s consolidation on their terms. Biddeford is looking for a client, not a partner. So, He would like to know how severely wedded the City of Saco would be to the idea of merging Fire and EMS with Biddeford. Councilor Smith said that he is a firm believer in mutual aid. However, Saco has tried shared positions with other communities previously, and he never felt that Saco got its money’s worth. He wants an eight hour Fire Chief, not a four hour one. He wants someone on this side of the river, who knows what is going on here. He would like to know how the rest of the Council feels about a potential merger.

Mayor Pilon said that he understands Councilor Smith’s position, but felt it would be irresponsible and premature to not attend a few meetings to see if this was something that would even be feasible.

Councilor Smith said that he felt it would be premature to go there, unless the feeling of the council is known on the issue.

Mayor Pilon said that he feels it is worth going to Biddeford and talking about.

Councilor Cote asked what the proposal is.

Mayor Pilon said that Chief Warren in Biddeford had retired. The Mayor of Biddeford had suggested that the two communities discuss having one Chief to serve both communities.

Councilor Cote said that is not what this Item says.

Mayor Pilon said that the combined population of Biddeford and Saco is approximately 40,000 people. The City of Portland has a population of 65,000 people and are served by only one fire chief.

Councilor Cote said that Portland has only one City Council.

The Mayor said this is just an ad hoc committee for discussion purposes only.
Councilor Cote said that he agreed with Councilor Smith. The idea of one chief, dealing with two supervisory bodies would not work.

Mayor Pilon said that it wouldn’t cost any money to go and discuss the idea.

Councilor Cote said that Mayor Pilon could go and discuss the issue, but that he doesn’t believe that the idea would work.

Councilor Brunswick said that she thought it was worth a vote to see if the issue moved forward on its own accord. She said that she was not opposed to exploring the idea.

Councilor Johnston said that he was not opposed to the idea, but as Councilor Smith had said, the Council itself had not explored it yet. So, what it is that is really being discussed? What are Councilors Roche and Precourt discussing with Biddeford.

Councilor Roche said that he was not signing on to combining Fire Departments. The Charter says that the City will have its own Fire Chief. He has brought up a possible discussion about combining Deputies, or something in place that would cover the downtown areas of both cities. He said he welcomed the appointment to this ad hoc committee to go and have a discussion, and then to bring that information back for discussion within this council, to see what would be acceptable.

Councilor Johnston said that he was not opposed, but would like to know if other members of the Council could sit in on the meetings.

Mayor Pilon said yes, certainly.

Councilor Brunswick asked if all the councilors could be informed as to when the meetings were taking place. She said she was aware that the Mayor could call the meetings when he wanted, but all the councilors would have the choice to attend.

The Motion passed with four (4) Yeas and two (2) nays. Councilors Smith and Cote.

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

Warrant & Notice of Election – Saco Municipal School Administrative
Unit - Budget Validation Referendum Election

The Notice of Election is being submitted to the Mayor and Council to authorize a Budget Validation Referendum Election for June 9, 2015.

Once signed by the municipal officers, the Warrant and Notice of Election will be posted at all polling places on or before June 2, 2015 by Chief Paul or his designee.
STATE OF MAINE
WARRANT AND NOTICE OF ELECTION
BUDGET VALIDATION REFERENDUM ELECTION
TUESDAY, JUNE 9, 2015
WARDS 1-7 INCLUSIVE

COUNTY OF YORK

CITY OF SACO

TO: BRADLEY PAUL, CHIEF OF POLICE OF SACO

GREETINGS:

YOU ARE HEREBY REQUIRED, in the name of the State of Maine, to notify and warn the inhabitants of the City of Saco in said county and state, qualified according to law to vote in city affairs, to meet at their respective Ward in said City, viz:

Ward 1  Saco Community Center, 75 Franklin Street
Ward 2  Saco Community Center, 75 Franklin Street
Ward 3  Saco Community Center, 75 Franklin Street
Ward 4  Saco Community Center, 75 Franklin Street
Ward 5  Saco Community Center, 75 Franklin Street
Ward 6  Saco Community Center, 75 Franklin Street
Ward 7  Saco Community Center, 75 Franklin Street

Tuesday, June 9, 2015 at 7:00 a.m. in for forenoon, to give their votes for the following:

Article #1 – To vote by secret ballot on the following question:
Do you favor approving the Saco Municipal School Administrative Unit budget for the upcoming school year adopted at the latest Saco Municipal School Administrative Unit budget meeting?

The polls shall be opened at 7 o’clock a.m. and shall be closed at 8:00 o’clock p.m.
A person may register to vote on or before Election Day.

Pursuant to Title 21-A §759 (7), absentee ballots will be processed during Election Day at the following times: approximately 8:00 a.m.; 2:00 p.m. and 8:00 p.m.

Dated at Saco, this 18th day of May, 2015.

__________________________________  ____________________________________

__________________________________  ____________________________________

__________________________________  ____________________________________

__________________________________  ____________________________________

A majority of the City Council of the City of Saco

__________________________________  ____________________________________

Donald E. Pilon, Mayor          Michele L. Hughes, City Clerk

A TRUE COPY ATTEST:

__________________________________

City Clerk of Saco
**OFFICER’S RETURN**

** YORK COUNTY, SS. **

CITY OF SACO

I certify that I have notified the voters of the City of Saco, Wards 1 through 7, of the time and place of the June 9, 2015 Budget Validation Referendum Election by posting an attested copy of the within Notice of Election/Warrant at the place(s) of posting and on the date and time of posting for each Ward set forth below, each of which is at least 7 days prior to election day:

<table>
<thead>
<tr>
<th>WARD</th>
<th>PLACE(S) OF POSTING</th>
<th>DATE</th>
<th>TIME OF POSTING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ward 1</td>
<td>Saco Middle School</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ward 2</td>
<td>North Saco Fire Department</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ward 3</td>
<td>Hannaford Supermarket</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ward 4</td>
<td>Camp Ellis Pier</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ward 5</td>
<td>Saco Community Center</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ward 6</td>
<td>Gov. John Fairfield School</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ward 7</td>
<td>City Hall</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Dated at the City of Saco: __________________________, 2015

Bradley S. Paul, Chief of Police or his Designee
City of Saco

Combined Massage Therapist and Establishment License:

Baojuan Shi

**Baojuan Shi, owner of Oriental Massage, 819 Portland Road** has applied for a Combined Massage Therapist and Establishment 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.

CITY OF SACO
MASSAGE THERAPIST / ESTABLISHMENT LICENSE
APPLICATION

The undersigned hereby applies to the City pursuant to Chapter 138 of the Code of Ordinances for a (check one):

- Massage Establishment License $100.00
- Massage Therapist License $60.00
- Combined Establishment Therapist License $125.00

Name of applicant: Baojuan Shi
Applicant's date of birth: 12/07/1962
Home Address: 135-4A Roosevelt Ave Apt 7A, Flushing NY 11355
Mailing address: 135-4A Roosevelt Ave Apt 7A, Flushing NY 11355
Home Telephone: 677-5241 Ext 99
Business Telephone: 677-5241 Ext 99

If applicant is a corporation, names and home addresses of all officers, directors, shareholders and managers:

This application, together with the appropriate fee, must be completed and submitted to the Clerk's office. An applicant for a Massage Therapist License or Combined Establishment Therapist License must also submit satisfactory evidence of basic proficiency as required by Section 138-9. The applicant, by signing this application, certifies that neither the applicant nor any person named in the application has, within the five years preceding the date of application, had any criminal conviction for any violation of Title 17-A, Maine Revised Statutes Annotated, Chapter 35.

Warning

Any false statement made on this application shall be cause for denial or revocation of a license and may subject the applicant to criminal prosecution.

Date 4/28/2015

Signature of Applicant Baojuan Shi

I, Michele Hughes (City Clerk or Deputy City Clerk) hereby certify that the above application was submitted in proper form on April 28, 2015 and the license applied for was (granted or denied) by the City Council on 

ATTEST: _________________________________
State of Maine
DEPARTMENT OF PROFESSIONAL & FINANCIAL REGULATION
MASSAGE THERAPISTS
License # MT5166

Be it known that: BAOJUAN SHI
has qualified as required by 32 MRSA, Chapter 127 and is licensed as a
MASSAGE THERAPIST

ISSUE DATE
Nov 01, 2014

EXPIRATION DATE
Oct 31, 2015

Director, Office of Professional & Occupational Regulation
CITY OF SACO
2015 – APPLICATION FOR BUSINESS REGISTRATION

**INDIVIDUALS OR ENTITIES WHO SECURE A LICENSE WITH THE STATE PURSUANT TO TITLE 32 OF MAINE’S REVISED STATUTES (E.G. ACCOUNTANTS, PHYSICIANS, SOCIAL WORKERS, ETC.) OR MAINE CORPORATIONS WHICH ARE REGISTERED WITH THE SECRETARY OF STATE AND WHICH HAVE AN AGENT FOR SERVICE OF PROCESS, NEED TO FILE AN APPLICATION, AND SEND ALONG PROOF OF DUE LICENSING WITH THE STATE OF MAINE. NO FEE IS REQUIRED.**

If you have a Vendor License with us, you need to file an application. **NO fee required.**

All other individuals or entities must file an application with a $15.00 fee.

| NAME OF BUSINESS: | Oriental Massage |
| NAME OF CORPORATION: | 
| TYPE OF BUSINESS AND DESCRIPTION OF BUSINESS BEING CONDUCTED: | Massage Therapy |
| HOURS OF OPERATION: | June 1st, 2015, 7:00 AM - 10:00 PM |
| STREET ADDRESS OF BUSINESS: | 817 US Rte 1 Saco |
| MAP & LOT #: | 
| PHONE: | 917-528-3361 |
| FAX: | 
| E-MAIL: | yovnnkmao821@gmail.com |
| NAME OF OWNER: | Broton Sfy |
| HOME PHONE: | 917-528-2092 |
| NAME OF MANAGER, IF DIFFERENT: | 
| CIRCLE ONE: | PARTNERSHIP CORP. PROPRIETOR CORPORATION |
| IF PARTNERSHIP, LIST PARTNERS & THEIR ADDRESS: | 
| IF CORPORATION, LIST OFFICERS & IDENTIFY CLERK: | 
| FEDERAL IDENTIFICATION NUMBER: | 

**FOR OFFICE USE ONLY**

| DATE PAID: | 6-25-15 |
| FEE PAID: | 
| BUILD. INSCT: | PASS |
| FAIL | SIGNATURE: | 

PERSONAL PROPERTY TAXES PAID: YES NO
REAL ESTATE TAXES PAID: YES NO
WASTEWATER USE FEES PAID: YES NO
OUTSTANDING LIENS: YES NO

TAX COLLECTOR: SIGNATURE: 
DATE:

CITY CLERK SIGNATURE: 
DATE:

ISSUING CLERK’S SIGNATURE: 
DATE ISSUED:

COMMENTS: (List Dept. Name)

Mail to: City Clerk’s Office, 300 Main Street, Saco, ME 04072
Questions: 207-284-4831
Kathleen Cote, owner of Healing Hands, 895 Portland Road has applied for a Combined Massage Therapist and Establishment 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.
CITY OF SACO
MASSAGE THERAPIST / ESTABLISHMENT LICENSE
APPLICATION

The undersigned hereby applies to the City pursuant to Chapter 138 of the Code of Ordinances for a (check one):

- Massage Establishment License $100.00
- Massage Therapist License $50.00
- Combined Establishment / Therapist License $125.00

Name of applicant: Kathleen Cote
Applicant's date of birth: 12-01-1980
Home Address: 195 Elm St, Biddeford ME 04005
Business address: 895 Portland Rd, Saco ME 04072
Home Telephone: 207-430-8429
Business Telephone: 207-430-8429

If applicant is a corporation, names and home addresses of all officers, directors, shareholders and managers:

This application, together with the appropriate fee, must be completed and submitted to the Clerk's office. An applicant for a Massage Therapist License or Combined Establishment/Therapist License must also submit satisfactory evidence of basic proficiency as required by Section 138-8. The applicant, by signing this application, certifies that neither the applicant nor any person named in the application has, within the five years preceding the date of application, had any criminal conviction for any violation of Title 17-A, Maine Revised Statutes Annotated, Chapter 35.

Warning
Any false statement made on this application shall be cause for denial or revocation of a license and may subject the applicant to criminal prosecution.

Date April 29, 2015

Signature of Applicant

Michèle Hughes (City Clerk or Deputy City Clerk) hereby certify that the above application was submitted in proper form on April 29, 2015 and the license applied for was (granted or denied) by the City Council on _______________________.

ATTEST: ____________________________

STATE OF MAINE
DEPT. OF PROFESSIONAL & FINANCIAL REGULATION
MASSAGE THERAPISTS
License # MT2699

KATHLEEN B. COTE
MASSAGE THERAPIST

ISSUED Jul 01, 2014 EXPIRES Jun 30, 2015
CITY OF Saco
2015 – APPLICATION FOR BUSINESS REGISTRATION

Individuals or entities who secure a license with the State pursuant to Title 32 of Maine’s Revised Statutes (e.g. accountants, physicians, social workers, etc.) or Maine Corporations which are registered with the Secretary of State and which have an agent for service of process, need to file an application, and send along proof of due licensing with the State of Maine. NO FEE is required.

If you have a Vendor License with us, you need to file an application. NO fee required.

All other individuals or entities must file an application with a $15.00 fee.

NAME OF BUSINESS: Healing Hands (Mainly #12 Building)

NAME OF CORPORATION: 

TYPE OF BUSINESS AND DESCRIPTION OF BUSINESS BEING CONDUCTED: Massage Therapy and Aesthetician

HOURS OF OPERATION: Wed Mon Fri 8:30-5 pm

STREET ADDRESS OF BUSINESS: 895 Portland Rd. Saco Maine 04072

MAILING ADDRESS OF BUSINESS: 895 Portland Rd. Saco Maine 04072

PHONE: 207-423-8479 FAX: E-MAIL: 

NAME OF OWNER: Kathleen Cole HOME PHONE: 423-8479

OWNER’S ADDRESS: 46 Elm St. Biddeford ME 04005

NAME OF MANAGER, IF DIFFERENT: 

CIRCLE ONE: PARTNERSHIP SOLE PROPRIETOR CORPORATION

IF PARTNERSHIP, LIST PARTNERS & THEIR ADDRESS:

IF CORPORATION, LIST OFFICERS & IDENTIFY CLERK:

FEDERAL IDENTIFICATION NUMBER:

DATE PAID: 4/24/13 FEE PAID: 

BUILD. INSPECT: PASS FAIL SIGNATURE: DATE:

PERSONAL PROPERTY TAXES PAID YES NO
REAL ESTATE TAXES PAID YES NO
WASTEWATER USE FEES PAID YES NO
OUTSTANDING LIENS YES NO

TAX COLLECTOR: SIGNATURE: DATE:

CITY CLERK SIGNATURE: DATE:

ISSUING CLERK’S SIGNATURE: DATE ISSUED:

COMMENTS: (List Dept. Name)

Mail to: City Clerk’s Office, 300 Main Street, Saco, ME 04072 Questions: 207-284-4831
Confirm the Mayor’s Appointment of Cathy Stackpole to the Southern Maine Planning and Development Commission, General Assembly

Cathy Stackpole is the Executive Director of Ferry Beach Park Association, a retreat and conference center on the beach in Saco, Maine. Prior to that, she was CEO of the Girl Scouts of Western Oklahoma for seven years. Her previous experience includes holding the positions of Executive Director of the Kansas City Safe City Initiative (post 9-11 activities related to city services in the case of emergencies and working with the city, state and county emergency management systems, police, fire and county officials) and the Communications/Volunteer Coordinator for FOCUS (Forging our Comprehensive Urban Strategy) Kansas City, a planning initiative that won an American Planning Association Award for citizen participation. She has a master’s degree in Regional and Community Planning from Kansas State University.

Stackpole has also held positions in several other not for profit organizations in Kansas City, MO. She has done consulting with businesses and not for profits in diversity, management, planning and other special topics. She has taught at the college level as an adjunct professor. She resides in Saco, Maine with her partner and two daughters.

Mayor Pilon requests consideration for the appointment of Cathy Stackpole, Executive Director of Ferry Beach Park Association, to Southern Maine Planning and Development Commission.

BYLAWS

SOUTHERN MAINE PLANNING and DEVELOPMENT COMMISSION, Incorporated

JUNE 12, 2013

ARTICLE I

NAME

The name of this corporation is the Southern Maine Planning and Development Commission (known as SMPDC).

ARTICLE II

LEGAL BASIS

Section 1.

The legal basis for SMPDC is Title 13, MRSA, Chapter 81, and Title 30-A, MRSA, Section 2311 - 2316.

Section 2.

Title 30-A, MRSA, Section 2313, 1. allows SMPDC to study area governmental problems common to 2 or more member municipalities, to promote cooperative arrangements and actions among member municipalities, and to make recommendations for review and action to its member municipalities and other public agencies that perform functions within the region.

Section 3.
Title 30-A, MRSA, Section 2313, 2, gives SMPDC the authority, on behalf of one or more member municipalities and upon appropriate action of the municipalities' legislative bodies, to exercise any power capable of exercise by a member municipality, except legislative powers, taxing powers, and eminent domain powers.

ARTICLE III

PURPOSE

The purpose of SMPDC is to strengthen local municipal self-government while combining total resources for meeting regional challenges beyond individual capacities; to serve as a mutual forum to identify, study, and bring into focus regional challenges and opportunities; provide organizational support to enable communication and coordination among governments and agencies concerned with regional issues and opportunities; to act as an advocate where membership directs; and to exercise such powers as the member municipalities may delegate.

ARTICLE IV

MEMBERSHIP AND REPRESENTATION

Section 1.
Eligibility for membership in SMPDC is open to any municipality or county in the geographic area known as the Southern Maine Planning and Development District as described by Maine Gubernatorial Executive Order.

Section 2.
Application for admission or requests for withdrawal may only be done by a formal resolution adopted by the legislative body of the municipality or the Board of County Commissioners of the county requesting consideration. The Executive Committee of SMPDC may vote to suspend any member for failure to meet membership criteria.

Section 3.
The board of municipal officers of each member municipality of SMPDC is eligible to appoint two representatives to the SMPDC General Assembly. Any municipal member having a population over 10,000 as determined by the latest decennial census may appoint one additional representative for every 10,000 population or fraction thereof over 10,000 population. At least one-half of the representatives of any municipal member must be municipal officers -- Selectmen or Council Members. (MRSA, Title 30-A, Section 2313 requires that at least half of the representatives from each member municipality be municipal officers.) The Board of County Commissioners of member counties may appoint two representatives to the General Assembly.

ARTICLE V

ORGANIZATION

Section 1.
General Assembly
A. The General Assembly is the policy making body of SMPDC. The powers and functions of the General Assembly include the adoption of the SMPDC work plan and budget; election of officers and other Executive Committee members; adopting and amending the Bylaws, the Regional Policies, and the Strategic Plan, and the acceptance of municipal powers as a member municipality's legislative body may delegate.

B. Each representative to the General Assembly must be appointed, by the municipal officers, prior to the annual meeting of the General Assembly and serves for a term of one year and until replaced. However, the term of any General Assembly member who is a municipal officer ends if that member is no longer a municipal officer.

Section 2.

Officers

A. The officers of the SMPDC consist of a Chair, a Vice Chair, a Treasurer, and a Secretary. These officers serve as the officers of both the General Assembly and of the Executive Committee.

B. Officers are elected at the annual meeting of the General Assembly and serve for a term of one year or until their successors are elected. Election may be by show of hands vote or written ballot. A majority vote of those General Assembly members present and voting is needed to elect.

C. The Chair of the SMPDC presides over the meetings of the General Assembly and the Executive Committee. In the absence the Chair, the Vice Chair presides. In the absence of the Vice Chair the next highest ranking officer presides; the Treasurer, then the Secretary.

D. The Treasurer is responsible for care and custody of all the funds and the securities of the SMPDC and to ensure that they are deposited in the name of the SMPDC in the bank or banks as the Executive Committee may direct. The Treasurer must provide a report of the finances at each meeting of the Executive Committee and at each annual meeting of the General Assembly. The Treasurer is responsible for disbursement of funds as is required to pay for the operations of the SMPDC. The Treasurer may direct the Executive Director to undertake the disbursements. The Executive Director must consult with the Treasurer in the preparation of the proposed work plan and budget.

E. The Secretary is responsible for keeping the minutes of the Executive Committee meetings and the meetings of the General Assembly. The Executive Committee may delegate this duty to the Executive Director.

F. The Executive Committee may fill any vacancy in any office until the next Annual Meeting.

Section 3.

Executive Committee

A. The Executive Committee consists the officers of the SMPDC General Assembly, and ten members of the General Assembly elected by the General Assembly at the SMPDC Annual Meeting.

B. The Executive Committee has the following functions and powers:

   (1) To act on behalf of the General Assembly in conducting the business of the SMPDC.

   (2) To appoint, fix the salary of, and remove for cause the Executive Director.

   (3) To propose an annual work plan and budget to the General Assembly.
(4) From time to time to consider and recommend action on regional policies, a strategic plan, and other studies or plans.

(5) To set annual membership criteria.

(6) To set fees for services rendered to member and non-member municipalities.

(7) To oversee the receiving, holding, and disbursing of funds of the SMPDC.

(8) To provide for an annual audit.

(9) To exercise such municipal powers as may be delegated to SMPDC by any of its members.

(10) To create committees to serve from time to time as it deems appropriate.

(11) To fill any vacancy on the Executive Committee and of any of the officers until the next annual meeting of the General Assembly

ARTICLE VI
MEETINGS

Section 1.

General Assembly

A. The General Assembly must meet annually during the month of June, with the date, time, and place determined by the Chair. Fifteen days notice of the date, time, and place must be given to each member municipality and county, and each member of the General Assembly.

B. Special meetings may also be called by the Chair, by a majority vote of the Executive Committee, or by request of 25 percent of the members of the General Assembly. Notice of a special meeting must be mailed at least seven days prior to the date of the meeting and addressed to the head elected official of each member of the SMPDC and to the members of the General Assembly.

C. Each member of the General Assembly is entitled to one vote. Twenty percent of the members of the General Assembly constitutes a quorum.

D. Votes of the General Assembly, including elections, may be by show of hands or written ballot.

E. Records will be maintained at the offices of SMPDC.

F. Parliamentary authority is the current edition of Robert's Rules of Order Newly Revised for all matters not covered in these bylaws.

Section 2.

Executive Committee

A. The Executive Committee must meet regularly with the Executive Director, generally on a monthly basis, with the date, time, and place of each regular meeting determined by the Executive Committee.
B. Special meetings may be held at the call of the Chair, at the direction of the General Assembly, or upon request of a majority of the members of the Executive Committee. The Secretary of the SMPDC must cause notice to be given of the business to be conducted and the date, time, and place of the special meeting to each member of the Executive Committee at least five days prior to the meeting.

C. Each member of the Executive Committee has one vote. Seven of the members of the Executive Committee constitutes a quorum. Votes of the Executive Committee are by show of hands vote.

D. The Executive Committee may create ex-officio, non-voting, memberships on the Executive Committee.

E. Records will be maintained at the offices of SMPDC.

F. Parliamentary authority is the current edition of Robert's Rules of Order Newly Revised for all matters not covered in these bylaws.

ARTICLE VII

STAFF

Section 1.

Executive Director

The Executive Director is in charge of the office and the hiring of all employed and contractual staff; directs the activities outlined in the annual work plan and budget; is in charge of general correspondence; receives all funds of the SMPDC; prepares the annual work plan and budget, including estimates of revenues and expenditures for the fiscal year; keeps accounts which are open for inspection by the Executive Committee; and performs such other duties as the Executive Committee may assign.

Section 2.

Other Staff

A. Other staff may consist of personnel, either employed or on a contractual basis, in positions established by the Executive Committee.

B. No employee of SMPDC may be a member of the General Assembly

ARTICLE VIII

FINANCES

Section 1.

Funds

Funds which accrue to the SMPDC for its use in furthering its aims and purposes are controlled, disbursed, and accounted for in a manner prescribed by these Bylaws and the Executive Committee.

Section 2.

Fiscal Year
The fiscal year of the SMPDC is July 1 to June 30.

Section 3.

Bonds

The Treasurer and the Executive Director may be bonded for the faithful performance of their duties in the sum and with such sureties as the Executive Committee may require and approve. The cost of bonds are paid by the SMPDC.

Section 4.

Reimbursement of General Assembly Members

Members of the General Assembly may not be remunerated for their services, but may be reimbursed upon approval of the Executive Committee for expenses incurred on behalf of the SMPDC.

ARTICLE IX

COMMITTEES

Section 1.

Nominating Committee

A. The Nominating Committee consisting of five members of the General Assembly must be appointed by the Executive Committee at its regular meeting in March.

B. The Nominating Committee must recommend a slate of Officers and Executive Committee members to be voted on at the annual meeting of the General Assembly. They may recommend more than one person for any office and they must take into consideration geographic distribution of nominees. Consent to serve must be obtained from all nominees before nominations are made. Additional nominations may be made from the floor by members of the General Assembly at the annual meeting.

Section 2.

Finance Committee

A. The Finance Committee consists of the Treasurer and two members of the Executive Committee appointed by the Chair of the SMPDC. The Treasurer is Chair of the Finance Committee.

B. The Finance Committee reviews and makes recommendations to the Executive Committee concerning the budget and other financial matters.

Section 3.

Personnel Committee

A. The Personnel Committee consists of the Vice Chair and two members of the Executive Committee appointed by the Chair of the SMPDC.
B. The Personnel Committee reviews and makes recommendations to the Executive Committee concerning staff positions and other personnel matters.

C. The Personnel Committee with advice from the Finance Committee must annually make a recommendation to the Executive Committee concerning compensation levels for the staff.

Section 4.

Other Committees

The Executive Committee may create other committees to study and make recommendations on issues affecting the region with respect to such matters as land use, capital improvements, natural resources, intergovernmental relations, solid waste and recycling management, coordination of public services, and internal organization. The Chair of the SMPDC appoints the members of any committee created.

ARTICLE X

AMENDMENTS

These bylaws may be amended by a two-thirds vote of the members present and voting at the annual or special meeting of the General Assembly, provided the proposed amendment is sent with the written notice of the meeting to each member.

ARTICLE XI

MISCELLANEOUS

Section 1.

Annual Reports

The Chair, Executive Director, Treasurer, and Secretary must prepare annual reports which are included in the Annual Report of the SMPDC and are presented at the annual meeting of the General Assembly.

Section 2.

Regional Cooperation

SMPDC may join with other regional councils to promote regional interests within the state of Maine, New England, and the Nation. The Chair of the SMPDC may appoint representatives to such organizations.

Section 3.

Termination

A. In the event the General Assembly or Executive Committee determines by vote that it is necessary to dissolve the SMPDC, the Executive Committee must adopt a resolution to such effect which must be submitted to the legislative bodies of the member municipalities and the Board of County Commissioners of member counties.
B. Termination of the SMPDC requires the affirmative vote on a resolution to terminate and dissolve the SMPDC by two-thirds of the member municipalities.

C. If terminated and dissolved, upon settling the debts, liabilities, and obligations of the SMPDC, the remaining assets of the SMPDC must be divided proportionately among the member municipalities on the basis of their state valuation.

Section 4.

Saving Clause

If any portion of these Bylaws is found to be contrary to law, it does not invalidate other portions.

G. Appointment of William Mann to the Southern Maine Planning and Development Commission, General Assembly

COUNCIL RESOURCE: Councilor Eric Cote

STAFF RESOURCE: William Mann, Economic Development Director

Southern Maine Planning and Development Commission bylaws say “the Board of municipal officers of each member municipality of SMPDC is eligible to appoint two (2) representatives to the SMPDC General Assembly. Any municipality with a population over 10,000 may appoint one additional representative for every 10,000 citizens. (1) Councilor or Selectmen, and (1) staff member.”

Councilor Smith moved, Councilor Roche seconded to enter Workshop at 8:42 p.m. Motion passed with six (6) Yeas.

Council completed Workshop at 9:15 p.m. Mayor acknowledged Rick Michaud, City Administrator, for his many years of service to the City of Saco.

Vote to enter executive session to discuss personnel matters surrounding Agenda Item E. at 9:20 p.m. Motion passed with five (5) Yeas and one (1) Nay. Councilor Cote.

Council returned to open session at 9:39 p.m.

AGENDA

E. Reconfirm the appointment of the City Administrator and Acting City Administrator effective May 20, 2015. Discussion continued.

Councilor Roche noted that the check and balance system that is in place surrounding the disbursement of funds is a good one, but suggested getting an interim Finance Director while Cheryl Fournier serves temporarily as the City Administrator.
Councilor Brunswick stated that there are organizational health issues that need to be addressed before the final choice of a City Administrator can be made. And Interim City Administrator should work to make the organization healthy before a new City Administrator comes in.

Councilor Roche noted that we are not in a new fiscal year yet, and are still in the last quarter.

Cheryl Fournier said that Larry Mead and Tom Hall would be available to help her. They would be very helpful in checking the Agenda policies.

Mayor Pilon suggested that Kate Kern be moved from the Assessing Department and returned to her previous position as Executive Assistant.

Chief Brad Paul suggested that the City might call upon Kate as a consultant. He also suggested that Mayor Bubier from Biddeford might be available to help.

Councilor Smith suggested that the council appoint an Interim Administrator in thirty day increments.

Councilor Brunswick said that if Cheryl is Interim Administrator, then there should be a salary increase.

Mayor Pilon said that on July 28, 2014, during a previous meeting, Mr. Gerrish and Mr. Wing were looked at as possible advisors to the process, and at that time, members of the City Council chose Mike Wing.

Cheryl Fournier said that Kelly Dorr could be very helpful to Cheryl doing some of the higher level Human Resource functions, while the plan is in place to hire a person to do the payroll. Kelly would now be a deputy.

The Mayor and Council decided on a special meeting to discuss the City Administrator’s issue on Tuesday, May 26, at 7:00 pm.

Mayor Pilon will call Maine Municipal Association for advice on who might be available to serve as an interim City Administrator as the search for a new City Administrator continues.

Cheryl Fournier suggested that Don Gerrish might be a good resource.

Councilor Johnston asked Cheryl if she would email her plan about delegating her duties. She replied that she would be doing that soon.

Councilor Cote asked Cheryl if she would be comfortable as the Interim City Administrator for a couple of months. Cheryl said that yes, she would be.

Councilor Roche moved, and Councilor Smith seconded, to amend Item E, to read: “Reconfirm the appointment of the Interim City Administrator, with a salary increase of $750.00 per month, and Acting City Administrator, said appointments to be reviewed in thirty (30) day increments.

Motion passed with six (6) yeas and Zero (0) Nays.

Meeting adjourned at 10:00 p.m.

Respectfully Submitted,

William T. Rankin,
Deputy City Clerk