

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

I. CALL TO ORDER – On Monday, June 1, 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. Interim City Administrator Cheryl Fournier was also present.

III. PLEDGE OF ALLEGIANCE

IV. GENERAL

PRESENTATION OF CITY COINS TO 2014 TA GIRLS OUTDOOR AND INDOOR TRACK STATE CHAMPIONS

Mayor Pilon and the Council recognized the Thornton Academy Girls, their coaches, staff members and families for winning the 2015 State Girls Track Championship title. They demonstrated exceptional teamwork and commitment in order to achieve their winning results.

Each team player and staff member was presented a City of Saco coin.

2014- 2015 Thornton Academy Girl’s Indoor Track Team

Savannah Bouchard	Noelle Boudreau	Desiree Bracamonte	Emily Camire
Isabella Capozzi	Abbey Carignan	Abigail Cook	Brayden Costa
Alison Cote	Sarah Couture	Samantha Curran	Amanda Cyr
Tori Daigle	Grace Decker	Samantha Dow	Helia Gonzalez
Kimberly Grant	Kathleen LeBlanc	Olivia Libby	Alexis Nason
Taylor Ouelette	Jenna Paul	Alexandra Pettaway	Delaney Prejean
Elizabeth Provencher	Abby Runnells	Rachel Schofield	Maria Seneres
Cheryl Sparks	Arianna True		

Head Coach-Lisa Huntress	Asst. Coach-Carl Smith	Asst. Coach-Kaitlyn Hall
Asst. Coach-Christine Reaser	Asst. Coach-Thomas Quentin	Asst. Coach-Shira Burns
Coach-George Mendros	Team Manger: Kristen Grant	Headmaster: Rene Menard

V. PUBLIC COMMENTS

There were 8 people who addressed the Mayor and Council.

- John Harkins, 4 Christopher Terr. – Glad to see the Maine Municipal Association Approval Letter Requesting a Legal Opinion on the Agenda.
- Beth Johnston, Pleasant St. – Spoke on the demolition of the historic house at 90 Temple Street which is on the National Register. Seek out and solicit someone who would be interested in restoring the building rather than demolishing it for tax dollars.
- Tom Klak, 166 Simpson Rd – Spoke on rehabilitation of the Stackpole Creek Bridge, its history and was in support of the award of the contract to Chesterfield.
- Inga Brown, 161 Simpson Rd – Spoke on rehabilitation of the Stackpole Creek Bridge and was in support of the award of the contract to Chesterfield. RFP process was fair.
- Elizabeth DeSimone, 220 Ferry Rd – Spoke on rehabilitation of the Stackpole Creek Bridge and support of the award of the contract to Chesterfield and was in support of saving the 90 Temple St. property.
- Barbara Colman, Saco Resident – Spoke on the transparency of the City finances which still remains an issue. Internal controls are a major importance.
- Ron Michaud, Bayview Rd – Spoke on the Stackpole Creek Bridge. Was confused as to why the contract award was an issue.

- Scott Thibeau, 3 Chases Lane – Spoke on the key attributes that the city should be looking for when it hires a new City Administrator.

VI. AGENDA

A. 90 TEMPLE STREET DEMOLITION

On April 1, 2012 a structure fire severely damaged the building located at 90 Temple Street, Saco. At that time, the building was occupied by tenants and the owner lived elsewhere. The fire caused heavy damage to the third floor and roof of the building and since that time, the building has not been made weather tight. There has since been significant damage caused to the interior of the structure due to rain and snow entering the building through several holes in the roof. There is mold and mildew throughout the interior of the building and the basement is filled with rain water. Despite receiving several notices of violation from the City, the owner, Angela Harvey, has been unwilling or unable to repair the structure and the financing company, Bank of America, has begun foreclosure proceedings against the owner.

The Code Enforcement Department filed suit against the owner and Bank of America as party in interest for maintaining a dangerous building. Both parties failed to appear to the court hearings despite being notified of these hearings and the nature of them. The Biddeford District Court issued a demolition order to the City on March 17, 2015 allowing it to remove the structure and assessing all costs to the real estate on which the building is located. If the owner fails to pay these charges, the costs are added to the taxes due and will accrue and mature the same way. Currently back taxes are due on the property and an existing lien will mature in January 2016. Staff estimates that the cost to demolish and remove this structure will be in the \$20 - \$30,000 range.

Councilor Roche moved, Councilor Precourt seconded to authorize the City Code Enforcement Officer to carry out the Court order to remove the building at 90 Temple Street, and to charge any costs of such demolition work to Contingency.

TABLED - Councilor Brunswick moved, Councilor Johnston seconded to table this issue until the first Council meeting in September and send to the Historic Preservation Commission to find out if there are any other avenues for this building. The motion passed with six (6) yeas and one (1) nay – Councilor Tardif.

B. MAINE MUNICIPAL ASSOCIATION APPROVAL LETTER REQUESTING A LEGAL OPINION

At the Council Meeting on March 16, 2015, Mayor Pilon proposed an amended motion with regard to the validity of the City Administrator's Employment Contract, to have the City Council seek a legal opinion of Maine Municipal Association (MMA) on whether the Council acted in violation of the City Charter when they were conducting deliberations and negotiations on a new employment contract with the City Administrator.

The Council voted affirmatively 3-2 on March 16th to authorize MMA to review all related contract information and to offer an opinion on the matter.

Councilor Roche moved, Councilor Brunswick seconded "Be it ordered that the City Council approves the City Attorney's Letter dated May 7, 2015, as the written request to Maine Municipal Association to opine on whether the Council acted in violation of the City Charter when they were conducting deliberations and negotiations on a new employment contract with the City Administrator."

TABLED – Councilor Roche moved, Councilor Brunswick seconded to table this item until the next meeting. The motion passed with six (6) yeas and one (1) nay – Councilor Tardif.

VII. CONSENT AGENDA

Councilor Precourt asked that item #B (Amendments to Article 16, Zoning Ordinance Fire/EMS Impact Fees) be discussed and voted on separately.

Councilor Johnston moved, Councilor Precourt seconded to approve Consent Agenda item # A, C, D, E and F as follows:

A. Be it Ordered that the City Council approve the minutes for May 18, 2015 and further move to approve the order;

C. Be it ordered that the City Council confirm the Mayor's reappointment of George Starr Jr., to the Zoning Board of Appeals for a 5-year term to expire on June 1, 2010 and further move to approve the order;

D. Be it ordered that the City Council grant the application for a License to Operate Games of Chance as follows: Meat shoot on June 28th, Aug. 30th, Nov. 15th and Dec. 6, 2015 as submitted by the Fraternal Order of Eagles #3792 and further move to approve the order;

E. Be it ordered that the City Council grant Liane Weiner a Massage Therapist License in accordance with the Codes of the City of Saco, Chapter 138 and further move to approve the order;

F. Be it Ordered that the City Council approve spending up to \$5,000 to hire outside facilitator Mike Wing to work with the Council in the recruitment and selection of the next City Administrator and further move to approve the Order.

The motion passed with seven (7) yeas.

Note: The complete item commentaries are listed below including item #B's motion and vote.

B. 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.

TABLED – Councilor Precourt moved, Councilor Smith seconded to table this item for a Workshop at the next Council meeting. The motion passed with seven (7) yeas.

C. CONFIRM MAYOR'S REAPPOINTMENT OF GEORGE STARR TO THE ZONING BOARD OF APPEALS

The Zoning Board of Appeals consists of seven (7) members appointed by the Mayor and confirmed by the City Council for a term of five (5) years.

The primary function of the Zoning Board of Appeals, after public hearing and majority vote of its members, is to decide administrative appeals, planning board appeals, variances, historic preservation commission appeals, shore land variances, and denials of building permits.

Mayor Pilon has reappointed George Starr, Jr. of 60 Plymouth Drive from Ward 4, to a 5-year term on the Zoning Board of Appeals.

D. APPLICATION FOR LICENSE TO OPERATE GAMES OF CHANCE

Fraternal Order of Eagles #3792 has applied for a License to Operate Games of Chance as follows: Meat shoot on June 28th, Aug. 30, Nov. 15 and Dec. 6, 2015.

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.

E. MASSAGE THERAPIST LICENSE APPLICATION: LIANE WEINER

Liane Weiner, located at Peak Performance, 334 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.

F. USE OF OUTSIDE RESOURCE TO ASSIST THE COUNCIL WITH CA HIRING PROCESS

City Administrator Richard Michaud resigned effective May 20, 2015. The City Charter provides that the Council as a whole work together in the recruitment and selection process; and ultimately, that the Mayor appoints and the Council confirms the next City Administrator.

The recruitment and selection process includes certain decisions that must be made to determine the process that will be undertaken. The first step in this process includes approving a Job Description for the City Administrator that will be used, in part, to help the Council define a profile of the ideal candidate. Two formal proposals from local professionals frequently used by Councils to assist in such a process were provided by the Mayor to the Council, as well as background information on why Councils often use an outside facilitator, prior to the Executive Session, which were included in the July 28, 2014 council packet.

The benefits of using an outside facilitator to assist in the recruitment and selection process include having their expertise in: a) reaching consensus on the professional profile of the City Administrator; b) guiding the Council through this process; and c) helping the Council evaluate candidates, as well as providing the Council with objective input to support a transparent process.

The considerations for using an outside facilitator include the cost (quoted by both resources as \$5,000 for their services) and the preference of some Councilors to undertake this process using only in house staff to assist.

No formal decision was made during the Executive Session on this matter. If the Council proceeds with outside assistance, the \$5,000 cost would be charged against account 10430-500428 Contracted Services in the General Government Legal budget.

Councilor Roche called a Point of Order and requested that the “Executive Session” be moved up before the “Workshop”.

VIII. EXECUTIVE SESSION – STACKPOLE CREEK BRIDGE

Councilor Brunswick moved, Councilor Precourt seconded “Be it Ordered that the City Council, Pursuant to [M.R.S.A Chapter 18, Subchapter 1, §405] move to enter into Executive Session to discuss: Stackpole Creek Bridge”. The motion failed with three (3) yeas and four (4) nays – Councilors Smith, Roche, Johnston and Cote. TIME: 8:15 p.m.

The item was discussed in a public forum.

City Attorney Tim Murphy noted that the city has received a letter from the unsuccessful bidder which states that a law suit may be filed. They have requested copies of records which have been sent and there is also other correspondence the city is in the process of gathering.

IX. RECESS THE MEETING AND CONVENE THE WORKSHOP

Mayor Pilon recessed the meeting with the unanimous consent of the Council. TIME: 8:33 p.m.

X. ADJOURNMENT

Councilor Smith moved, Councilor Precourt seconded to adjourn the meeting. The motion passed with seven (7) yeas. TIME: 9:13 p.m.

Attest: _____
Michele L. Hughes, City Clerk