

## STATE OF MAINE

### COUNTY OF YORK

### CITY OF SACO

The following are minutes of the Council Meeting held on May 29, 2007.

- I. **CALL TO ORDER** – On May 29, 2007 at 8:20 p.m. a Council Meeting was held in the City Hall Conference Room.
- II. **ROLL CALL OF MEMBERS** – Mayor Johnston conducted a roll call of the members and determined that the Councilors present constituted a quorum. Councilor present: David Tripp, Leslie Smith, Jr., Ronald Morton, Roland Michaud, Arthur Tardif, Eric Cote and Christopher Jacques.

Mr. Richard R. Michaud, City Administrator and Lucette S. Pellerin, City Clerk were also in attendance this evening.

### III. PLEDGE OF ALLEGIANCE

### IV. APPROVAL OF MINUTES – May 7, 2007

Minutes were not presented this evening.

### V. AGENDA ITEMS

#### A. (Second & Final Reading) Code Amendment Wastewater Service Connections

The Council has requested that the City consider accepting responsibility, with conditions, for repairing failed wastewater service (house) connections within the City Right of Way (ROW). It has been the policy of the City that the homeowner owns and therefore has the responsibility for maintenance of the service connection to the City mainline including the connection to the main.

The proposed ordinance changes would allow the City to repair or replace the homeowner's house service connection within the City ROW. Based on a determination that the failed sewer is within the City's ROW, the Director of Public Works or designee, would issue a written determination of failure and authorization to make the repairs. The homeowner would be required to sign permission or authorization forms necessary for the City to work on their property (the house sewer).

The City would assume responsibility for the repairs within the ROW for failed sewers due to a collapsed or separation failure of the line. The city would not assume

responsibility for failures due to root intrusion, misuse of the sewer system, or other negligent use by the homeowner.

Staff has estimated a budget to assume responsibility of the lines of \$50,000 per year. This is based on an average of 8 repairs at a cost of \$6,000 per repair and 20 inspections during and after normal work hours to determine if the malfunction is city or homeowner.

Councilor Tardif move, Councilor Smith seconded, that the City of Saco hereby Ordains and Approves the Second and Final Reading of the document titled, ‘Code Amendment: § 176-27. Use of Old Building Sewers and § 176-30a. Repairs within the City Right of Way, dated February 20, 2007’.

AMENDMENT TO MAIN MOTION: Councilor Jacques moved, Councilor Michaud seconded, to set the implementation date to July 1, 2007.

Councilor Michaud moved, Councilor Tripp seconded, to table the matter. The motion passed with five (5) yeas and two (2) nays. Councilors Tripp and Cote voted in the negative.

**Code Amendment: § 176-27. Use of Old Building Sewers and § 176-30a. Repairs within the City Right of Way, dated February 20, 2007**

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

**ARTICLE V Building Sewers and Connections**

**§ 176-27. Use of old building sewers.**

Old building sewers shall not ~~may~~ be used in connection with new buildings only when they are found on examination and test by the Superintendent to meet all requirements of this article.

**§ 176-28. Construction standards.**

The size, slope, alignment and materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, joining, testing and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and

Materials (ASTM) and Water Pollution Control Federation (WPCF) Manual of Practice No. 9 shall apply.

**§ 176-29. Use of gravity flow.**

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

**§ 176-30. Prohibited connections.**

No person shall make connections of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain, which in turn is connected directly or indirectly to a public sanitary sewer.

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§ 176-30a. Repairs within the City Right of Way

The City shall assume responsibility for the repair and/or replacement of the failed residential house connections within the City Right of Way provided that the failure was not a result of negligence on the part of the owner, owner's agent, or tenant. The City shall not be responsible for private pressure sewers (force mains) residing within the right-of-way or for negligent use of the sewer system. The cost of initial installation shall be borne by the resident as provided in § 176-25.

**B. Agreement with Maine Department of Transportation – Establish Construction Area**

The Maine Department of Transportation is advertising Project #STP-1311 (200)X for the drainage and paving improvements for the Old Orchard Road, City of Saco – Hot Mix Asphalt Overlay and Safety Improvements. This will require signatures of municipal officers during the issuance of permits to Contractors transporting construction equipment (backhoes, bulldozers, etc.) that exceed legal limits to sources of materials located adjacent to town roads.

Although the municipal roads involved are not known at the present time as the Contractor's method of operation will not be known until just prior to beginning work, at which time the amount of the bond, if any should be determined.

Councilor Michaud moved, Councilor Tripp seconded, that it be Ordered that the City Council enter into an Agreement with the Maine Department of Transportation allowing the issuance of individual permits to the Contractor for transporting construction equipment that exceed legal limits; and, secondly, if needed to require a Contractor's bond of not more than \$14,000 per mile of traveled length for any damage sustained to

the roads, Project No. STP-1311 (200) X. Further move to approve the order. The motion passed with seven (7) yeas.

### **C. Declare Surplus Property and Authorize Sale of Fire Truck**

The City has a number of vehicles for the City Council to consider declaring as surplus, to then be sold. The surplus includes 1 Fire truck (Engine 1), 2 cars, 1 dump truck, and 1 pick-up truck.

The Fire Department is retiring 2 Engines from service when the new Engine arrives in July 2007. Engine 1 the 1986 ought to be declared surplus for auction.

Engine 2, a 1990 Mack [Renault] is in better shape and the Fire Department has found a buyer. The City of Portland maintains a fleet of older apparatus that are assigned to the outlying islands. Representatives from the Portland Fire Department have expressed interest in Engine 2. A price of \$7,500 has been negotiated for the engine and some additional equipment that the City no longer can use.

Traditionally, the City receives very little for surplus apparatus at auction, so the sale of Engine 2 to the City of Portland for \$7,500 is a fair price and the engine will serve the islands well with a limited call volume. The sale of Engine 2 will occur after the new engine is put in service.

While Chapter 4, Article VIII of the Administrative Code – Policies and Procedures - §4-40 loaning or selling city property or equipment – does not allow the sale of city-owned property, Council does have the authority to make exceptions to said policies.

Councilor Cote moved, Councilor Morton seconded, that it be Ordered that the City Council authorize the sale of Engine 2 to the City of Portland for \$7,500 and further move to make an exception to Chapter 4, Article VIII of the Administrative Code – Policies and Procedures - §4-40 Loaning or selling city property or equipment to declare as surplus property the list titled, ‘**Surplus Items, May 21, 2007**’, and authorize the City Administrator to dispose of the property in the most advantageous way’. The motion passed with seven (7) yeas.

Councilor Cote moved, Councilor Tripp seconded, that it be Ordered that the City Council amend the FY 2008 budget increasing Account # 10472/500317 Fire Department Minor Equipment for \$7,500, bringing the available balance to \$58,140, and further amend the budget to increase Revenue Account# 10270/300751 sale of city assets by \$7,500, bringing the available balance to \$37,500. Further move to approve the Orders. The motion passed with seven (7) yeas

### **D. Information Technology Budget Amendment**

On April 30, 2007 when the fiscal year 2008 budget was adopted, the Information Technology Officer position was vacant and the decision was made to cut this vacant position from the proposed budget.

The cuts totaled \$65,000 and were allocated as follows: IT Officer salary of \$54,614, FICA taxes of \$4,178 and health insurance of \$6,208. All departments became greatly concerned in this cut as technology affects the efficiency and effectiveness of the way every department of the city functions.

The city has made great advancements in the area of technology over the last 5 years, which have benefited the efficiency of our operations within each department as well as provided better services to the citizens of our community. All services that our citizens have become accustomed to and in one department have even amounted to the ability to eliminate positions due to the use of this technology. Making this cut will not even allow us to maintain these existing systems thus reducing service levels and efficiencies within each department. Almost everything we do requires the use of a computer and when they or the systems they operate are down, employees cannot do their jobs and money is wasted while they are idle.

In looking at subcontracting out to perform some of these maintenance functions, \$30,000 would need to be reallocated from other areas of the technology budget just to buy the city 10 hours a week of one persons time. For a little more than double this (including benefits), the city can get 4 times more hours out of a person. This makes a lot more economic sense not to mention the dollar value of infrastructure that the city has investment in technology that needs to be maintained in order to preserve its value. The City Administrator and all department heads met with Councilor Morton and Councilor Michaud on May 16<sup>th</sup> and each department articulated their dire needs to retain this position.

A way to fund the position has been discussed and includes the following: (1) The city budgeted \$30,000 within public works for a split position with the Town of Scarborough for a painter, this position was recently not approved in the Town of Scarborough's budget and therefore is not needed in Saco's budget, (2) The MDOT PACTS projects have been put on hold and the city had recently transferred \$454,879 from undesignated fund balance in order to fund the local match on these projects. It is being recommended that we utilize \$25,000 of this money to fund this IT position, and (3) There is currently \$20,000 budgeted within the technology department for the rotating computer purchase program, it is being recommended that this be reduced to \$10,000 to free up the remaining \$10,000 to fund this position.

Councilor Michaud moved, Councilor Morton seconded, that it be Ordered that the City Council authorize the following budget amendment:

Increasing the following expenditure accounts:

10384/500103 - Technology non-supervisory wages by \$54,614  
10600/500289 – FICA Taxes by \$4,178  
10600/500288 – Health Insurance by \$6,208

Decreasing the following expenditure accounts:

10482/500428 – Public works contracted services by \$30,000  
10384/500317 – Technology minor equipment by \$10,000  
10670/500910/03702 – Road Overlay by \$25,000”

Further move to approve the Order. The motion passed with six (6) yeas and one (1) nay. Councilor Tardif voted in the negative.

**VI. Councilor Michaud moved, Councilor Tripp seconded, that it Ordered that the City Council, Pursuant to M.R.S.A. Chapter 13, Subchapter 1, §405 (6) (C) move to enter into Executive Session to consider the: Acquisition of Property.**

The motion passed with seven (7) yeas. TIME: 8:38 p.m.

Councilor Tripp moved, Councilor Michaud seconded, to come out of executive session at 9:12 p.m. The motion passed with seven (7) yeas.

**Upon return from the executive session** Mayor Johnston conducted a roll call of the members and determined that the Councilors present constituted a quorum. Councilor present: David Tripp, Leslie Smith, Jr., Ronald Morton, Roland Michaud, Arthur Tardif, Eric Cote and Christopher Jacques.

**Report from Executive Session:**

Councilor Tripp moved, Councilor Michaud seconded, to authorize the City Administrator to offer, up to, thirteen thousand (\$13,000) dollars, contingent upon Planning Board approval to purchase land from Stephenson. Payment to Stevenson is contingent upon Planning Board. The motion passed with four (4) yeas and three (3) nays. Councilors Tripp, Morton and Jacques voted in the negative.

**VII. ADJOURNMENT**

Councilor Michaud moved, Councilor Tripp seconded, to adjourn. The motion passed with seven (7) yeas. TIME: 9:23 p.m.

ATTEST: \_\_\_\_\_  
Lucette S. Pellerin, City Clerk