



# Sanford City Council

City Council Meeting Minutes – August 5, 2014

Mayor Cote called the meeting to order at 7:02 pm.

The session began with the Pledge of Allegiance followed by a moment of silence.

**Roll Call:** Mayor Cote performed the Council Roll Call.

Councilor Connolly, present

Councilor Smith, present

Councilor Wilkins, absent with notice

Councilor Walsh, present

Councilor Hanslip, present

Deputy Mayor Herlihy, present

Mayor Cote, present

## **Minutes**

Councilor Walsh moved to accept the minutes of the regular meeting that was held on July 15, 2014.

Councilor Smith seconded the motion, and approval was unanimous.

## **Mayor's Reports/City Council Sub-Committee Reports**

Mayor Cote acknowledged the passing of Dan Condon. His passion and dedication to his community are noted appreciated.

Councilor Walsh stated the property sub-committee continues to work on the sale of town owned property and is reviewing leaf pick-up process. More information will be forthcoming.

## **City Manager's Report**

Construction of the riverfront park is ongoing. We are waiting for RFPs to come back. Bid award is scheduled for the week of September 6, 2014. Authority to approve bids up to amount of the grant has been given to the Park Committee.

Mr. Stephen Cutter has been selected as the new Assistant Fire Chief. His first day is expected to be August 18<sup>th</sup>. The plan is to present him to the City Council on August 19<sup>th</sup>. Also, the Fire Department is actively involved in the promotional process, understanding there will be several openings in the near future. Additionally, written exams for entry level firefighter/ paramedic are ongoing.

The process continues for State Board of Education site approval. Meeting was held in Augusta, unanimous motion was made to recommend the site. The move is on toward the next step in the process. Construction estimate is for the 2016-2017 year with occupation scheduled for 2018.

Nomination papers are available in the City Clerk's office from August 11 through September 22. Positions include the City Councilor position currently held by Diane Connolly, two City Councilor positions currently held by Councilors Hanslip and Herlihy, two school committee member positions, one trustee for water district and two trustees for sewer district.

Tax commitment and Mil Rate: The Assessor has assembled info to determine rate and will levy taxes on August 11<sup>th</sup>. Mil rate is recommended to be 21.62, an increase of \$0.42, less than the 0.48 that was projected.

(See attachment for more detailed information on these issues)

## **Communications/Presentations**

None.

## **Public Participation**

Mr. Stephen Hartford expressed his concern, stating the Codes Office told him that things left out in the yard are considered a yard sale and subject to fine of \$100 per day.

Businesses have items out on the sidewalk. It makes it impossible for handicapped people or wheelchairs to pass. Mr. Hartford will call City Manager's office in the morning

## **Public Hearings**

The City Council will take public comment on the following:

1. A public hearing to receive comments on a proposed Ordinance Chapter 125-2 Prohibited Acts A. Firearms to provide for the following exceptions:
  1. Approved indoor Firearms Range
  2. Military Funerals
  3. Memorial Events
  4. Law enforcement officers in the performance of their duties
  5. In the destruction of a dangerous animal as authorized by law
  6. Statutory rights of a person to act in self-defense.

No one rose to speak for the issue. Speaking against is Mr. Gary Pike. He would like better communication. The guidelines for fireworks are not at issue tonight. The subject at hand is firearms. Currently, no one can legally discharge a firearm within  $\frac{3}{4}$  mile of route 109. Manager Buck states that review is in process to allow for reasonable discharge of fireworks. Tonight, a business person is looking to open an indoor firing range. This brought the matter to the forefront. The owner of the property is willing to create a range to NRA standards, but general code needs to be amended.

2. A public hearing to receive comment on a proposed Residential Chicken Ordinance establishing limits and standards for the ownership and housing of non-commercial chickens in other than the Rural Residential Zone.

No one wishes to speak for or against.

## **Consent Agenda**

- 14-111.01 Ordered, to approve the following license requests:
1. An application for blanket letter for applications for license to operate Game of Chance five (5) Video Poker Games for the AMVETS Post #3, 169 School Street, Sanford, ME.

Councilor Walsh questions whether video poker compliance is being monitored. Manager says state comes in to review. Locally, we are not inspecting. We are going by the sworn affidavit. Councilor Walsh will not support it and would like it removed from the consent agenda. Although there is no requirement for inspecting for these issues, Councilor Walsh would like to know these establishments are complying. Councilor Herlihy trusts the state process.

2. An application for blanket letter for application for license to operate Game of Chance Meat Raffle for the American Legion Post #19, 656 Main Street, Springvale, ME.

Councilor Walsh would like item #1 removed from the consent agenda, and will not support the issue until he has reassurance of compliance. The revised agenda is approved.

## **Old Business**

### **New Business**

14-112.02 Ordered, to authorize the City Manager to enter into an Inter-local Agreement with Sanford Water and Sewer Districts for satisfaction of liens at time of sale of real property.

Councilor Walsh moves to approve. Councilor Herlihy, and the vote is 6-0 unanimous.

14-113.03 Ordered, to see if the Sanford City Council will vote to amend its MainePERS service retirement plan for Police Officers effective, July 1, 2014. The City agrees to:

- a.) Provide Special Plan 2C for Police Officers hired after June 30, 2014. Officers hired prior to July 1, 2014 remain covered under Plan 1C.

Motion to approve is made by Councilor Walsh, and seconded by Councilor Herlihy. This item is the result of contract negotiations. Pending this vote, the MMA is graciously holding this open for us since we notified them by the July deadline. The vote is unanimous in favor of approval.

- b.) To authorize the City Manager to sign the contract between the City and the Maine Public Employees Retirement System.

Motion to approve is made by Councilor Herlihy and second by Councilor Walsh. The vote is unanimous in favor.

14-114.04 Ordered, to authorize the City Manager to execute Lease Amendment No. 1 for MAS Hangar lease at the Sanford Seacoast Regional Airport.

Motion to discuss: This follows the FAA requirement of equal treatment. Councilor Walsh moves to approve, Councilor Hanslip seconds, and the vote is unanimous.

14-115.05 Ordered, to authorize the City Manager to enter into a lease agreement with

MAS Hangar LLC for the airport manager's office at the Sanford Seacoast Regional Airport.

Airport Manager Alison Rogers informs council of long-term plan to have a CIP for the building of an office for director, maintenance and equipment. Councilor Walsh makes a motion to approve, Councilor Herlihy seconds, and there is unanimous approval.

14-116.06 Ordered, to set the due dates for the 2014 real estate and personal property tax commitment as follows: first installment due by September 15, 2014 and second installment due by March 16, 2015 with a delinquent interest rate of 7% as determined by the State Treasurer. Interest will begin to accrue on the first installment on September 16, 2014 and on the second installment on March 17, 2015.

Councilor Walsh makes a motion to discuss, and Councilor Herlihy seconds. Councilor Walsh would like time to review the mil rate since he just received the information. Manager Buck indicates it is time sensitive, and Councilor Walsh is agreeable, making the motion to approve. The motion was seconded by Councilor Herlihy. The vote is 6-0, unanimous in approval.

14-117.07 Ordered, to authorize the City Manager to execute a quitclaim deed without covenant for a property located at Tax Map R11 Lot 52 with a physical address of 269 Twombly Rd, Sanford.

Councilor Walsh moved to approve, Councilor Herlihy seconded, Councilor Walsh shared the subcommittee's recommendation of approval, vote is unanimous, 6-0.

14-118.08 Ordered, to authorize the Code Enforcement Department to pursue violations of Chapter 90-19 C International Property Maintenance Code for trash and debris, pursuant to 30-A M.R.S.A. §4452.

Manager Buck clarified that the Council must authorize Codes Director to take this to court before she is able to do so. Councilor Walsh expressed concerned about legal fees. Manager Buck expressed belief that Codes Director Sheesley can represent us for this particular case, and he does not believe it is complex enough to warrant great legal fees. This strengthens our case to gain compliance with the individuals involved. Councilor Smith voiced his belief that we must do this for the good of the city as a whole. Councilor Hanslip clarified this is a specific instance that has been ongoing. The point at hand is this one property.

Councilor Herlihy indicated that she has seen it work effectively in Biddeford. Councilor Connolly wonders if there is any hope to recoup the money. City Manager Buck explained that it is a long term process: court, then criminal case, city clean-up, a UCC filing and lien is placed against property. We must take a more aggressive approach. This is no change in code but a commitment to enforcement. Councilor Hanslip voiced his understanding of the American concept of property rights, but recognized that the rights must not infringe on someone else's right. This particular property has affected the value of surrounding properties.

Motion was made by Councilor Herlihy to authorize Codes Enforcement to pursue violations in this manner and seconded by Councilor Hanslip. After further discussion, the vote was unanimous.

14-119.09 Ordered, to authorize the expenditure of up to \$50,000 from TIF economic

development account to support the Growth Council Marketing Plan.

Motion to approve was made by Councilor Walsh and second by Councilor Walsh, the vote was unanimous.

14-120.10 Order, to authorize School Department Expenditures to complete the Site Selection and Design Referendum Processes, pursuant to State of Maine Department of Education School Construction requirements.

After motion to discuss and second, Councilor Walsh expressed concern for finances, recognizing that it is still subject to vote and could be rejected. City Manager Buck indicated we are about half way through the 22 step process. An official Master Plan for the athletic fields has not been done yet. Councilor Herlihy shared that, in many ways, “we are at the mercy of the state” because it won’t be reimbursed unless it is done at the proper time and through certain procedures. Motion to approve was made by Councilor Walsh and seconded by Councilor Herlihy. The vote was unanimous to allow school dept to expend an additional \$150,000 for this purpose.

14-121.11 Ordered, to authorize the Emergency Management Director and Deputy Director to accept applications for volunteers to create a Community Emergency Response Team.

Motion to approve was made by Councilor Walsh and seconded by Councilor Herlihy. The concept went before the Public Safety Sub-committee. This response team will take part of the burden off emergency management officials and helps to coordinate resources. They will go through training. This utilizes the abilities of community. The vote was unanimous.

14-122.12 The City Council of the City of Sanford hereby ordains Chapter 125-2 Prohibited Acts A. Firearms to provide for the following exceptions: 1. Approved indoor Firearms Range 2. Military Funerals 3. Memorial Events 4. Law enforcement officers in the performance of their duties 5. In the destruction of a dangerous animal as authorized by law 6. Statutory rights of a person to act in self-defense. (This item must be read on two separate days. This is the first reading).

14-123.13 The City Council of the City of Sanford hereby ordains the proposed Residential Chicken Ordinance establishing limits and standards for the ownership and housing of non-commercial chickens in other than the Rural Residential Zone. (This item must be read on two separate days. This is the first reading).

Councilor Walsh moved to discuss, seconded by Councilor Herlihy. In that discussion, Councilor Walsh voiced concern about this adding to the range of duties for the codes office. Mayor Cote agreed he would like to discover more about how this would affect the role of Codes Enforcement. Councilor Herlihy wonders if it is just as much work to delay the issuing of summons. Councilor Smith is under the impression that the public has been told an ordinance is coming. If they’ve been told an ordinance would be put in place, this should be done. Councilor Walsh is of the opinion that no such ordinance was promised. City Manager Buck clarified that people can come and request a

permit, but there are no guidelines, which is a difficult situation to be in.

## **Council Member Comments**

Councilor Connolly: expressed sympathies to the Condon family. Thanks to the people of Springvale who have been supportive concerning a vehicular problem in north Springvale. She would like the Safety Sub-committee to review these concerns. Councilor Connolly also raised the issue of overgrown vegetation along the public roadways. She would like this addressed in the future.

Councilor Smith: was away from the panel seating area

Councilor Walsh: no comments.

Councilor Hanslip: no comments.

Councilor Herlihy: Yard sale signs should not be attached to telephone poles. The classic auto show is scheduled for this Friday. The street will be closed from Washington Street to Twombly Road, and children should be monitored concerning skateboards and bicycles. This should be a good evening.

Mayor Cote: Happy birthday, Dad. We understand people here feel passionately about their community. Mayor Cote has a scheduling conflict for next meeting. He will be absent.

## **Future Agenda Items**

### **Adjournment**

Mayor Cote moved to adjourn at 8:38 pm.

Respectfully submitted,

Bette M. Smith

Executive Assistant to the Fire Chief