



Sanford Town Council

Town Council Meeting Minutes – November 1, 2011

The Sanford Town Council met at 7:00 p.m. in the Chambers of the Sanford Town Hall Annex on Tuesday, November 1, 2011. Those present were: **COUNCILORS:** Councilor Gordon N. Paul, Councilor Alan R. Walsh, Councilor Anne Marie Mastraccio, Councilor Bradford J. Littlefield, Councilor Joseph R. Hanslip, Councilor Richard Wilkins and Councilor Ken Burgess. **TOWN MANAGER:** Mark Green, Town Manager **TOWN STAFF:** Sherry Lord, Executive Assistant

Chairman Paul called the meeting to order at 7:02pm.

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

Roll Call: Chairman Paul performs the Council Roll Call: Councilor Burgess, present; Councilor Wilkins, present; Councilor Littlefield, present; Councilor Hanslip, present; Councilor Mastraccio, present; Vice-Chair Walsh, present; Chairman Paul, present.

Minutes

Executive Session: October 18, 2011 Councilor Littlefield moved to approve, seconded by Councilor Wilkins. The Town Council voted 7-0 to approve.

Regular Meeting: October 18, 2011: Councilor Mastraccio moved to approve, seconded by Councilor Littlefield. The Town Council voted 7-0 to approve.

Chairman's Reports/Town Council Sub-Committee Reports

Councilor Littlefield spoke about the Central York County Corridor. He explained that the Growth Council will be sending a letter of support for this project and asked if the Council could do the same.

Town Manager's Report

Town Manager Green did not have a presentation today. He asked that Sue Cote, Town Clerk and Voter Registrar give an election update. Sue Cote addressed the Council. She explained that voting day will be on Tuesday, November 8th. The Town has begun ward consolidations starting with Ward 7 which will now be at St. Ignatius Gym on Riverside Ave.

Communications/Presentations

Public Participation

Public Hearings

The Town Council will take public comment on the following:

- 1) An application for James U. Colley DBA: Fresh Start Catering, 47 High Street, Sanford, ME for the following licenses:
 - a) New liquor license
 - b) New amusement license
 - c) New dance permit
 - d) New Victualer's License

Chairman Paul declared the public hearing open at 7:06pm. Jim Colley addressed the Council. He apologized for his poor business judgment. There was no one else to speak for or against. The public hearing was declared closed at 7:08pm.

- 2) An application for liquor license renewal for the Weathervane Seafood Restaurant, 1601 Main Street, Sanford, ME. Chairman Paul declared the public hearing open at 7:08pm. There was no one to speak for or against. The public hearing was declared closed at 7:08pm.
- 3) An application for liquor license renewal for the Springvale Social Club, 22 Bridge Street, Sanford, ME. . Chairman Paul declared the public hearing open at 7:08pm. There was no one to speak for or against. The public hearing was declared closed at 7:08pm.
- 4) An application for license to operate Games of Chance (Meat Raffle and Dice Game) for the American Legion Post #19, 657 Main Street, Sanford, ME. Chairman Paul declared the public hearing open at 7:09pm. Sherry Whittaker of the American Legion explained what a Meat Raffle is. There was no one else to speak for or against. The public hearing was declared closed at 7:11pm.
- 5) An application for liquor license renewal for Bon Ami Catering, 457 Main Street, Sanford, ME. Chairman Paul declared the public hearing open at 7:11pm. There was no one to speak for or against. The public hearing was declared closed at 7:11pm.
- 6) A public hearing on the proposed amendments to the Town of Sanford Traffic Ordinance Chapter 245, Article XX, Schedule 1, to include Berwick Avenue as a One-Way Street from Twombly Road to Lebanon Street (Rte 202). (Traffic to flow northerly). Chairman Paul declared the public hearing open at 7:11pm. Barbara Berry of Berwick Ave addressed the Council. There was no one else to speak for or against. The public hearing was declared closed at 7:14pm.
- 7) A public hearing to consider a request to amend a Contract Zone granted

to Washington Street Associates d/b/a Gallo Construction Inc., 2 Mill Street, Springvale and approved on September 27, 2006 to eliminate the current age restriction on residents of the development of 55 years of age and older and to allow up to three bedrooms. All other provisions of the contract will remain in place. The property is located on Patriots Way in the IB, Shoreland, Mousam River watershed, and Airport Overlay Zones. The property is identified as Tax Map R15, lots 67F and 67G. Chairman Paul declared the public hearing open at 7:15pm. There was no one to speak for or against. The public hearing was declared closed at 7:15pm.

- 8) A public hearing on the proposed changes to the reorganization of the Land Use Codes of the Town of Sanford's Code. The land use section currently consists of Chapter 265, Floodplain Management; Chapter 270, Shoreland Zoning; Chapter 275, Subdivision; and Chapter 280, Zoning. The reorganization would revise the subdivision and zoning chapters and create a chapter entitled Site Plan with a suggested number of 272. Chairman Paul declared the public hearing open at 7:16pm. Jim Gulnac, Director of Planning and Kelly Tarbox of the planning board addressed the Council. There was no one else to speak for or against. The public hearing was declared closed at 7:18pm.
- 9) A public hearing on the proposed amendments to the current zoning for tax map R9 lots 6F, 63 & 64 from ORB to RR. This will allow the Sanford Soccer Association to construct a gravel parking lot on property adjacent to the playing field on Shaw Road. Chairman Paul declared the public hearing open at 7:18pm. Jim Gulnac, Director of Planning and Kelly Tarbox of the planning board addressed the Council. There was no one else to speak for or against. The public hearing was declared closed at 7:20pm.
- 10) A public hearing on the proposed revisions to Chapter 280-90R (1) by deleting "except that they shall be prohibited in any portion of that zone which is also in the Airport Protection Overlay District." This will then mean that mobile home parks are not prohibited under the overlay zone. Chairman Paul declared the public hearing open at 7:20pm. Jim Gulnac, Director of Planning and Kelly Tarbox of the planning board addressed the Council. There was no one else to speak for or against. The public hearing was declared closed at 7:23pm.
- 11) A public hearing on the proposed revisions to the zoning for tax map I31 lot 8 from IR to GR. This property is located at the northern end of Jackson Street and has been used as a residential property and is separated from industrial use by a large grade change. Chairman Paul declared the public hearing open at 7:23pm. Jim Gulnac, Director of Planning and Kelly Tarbox of the planning board addressed the Council. There was no one else to speak for or against. The public hearing was declared closed at 7:24pm.

Old Business

New Business

- 11-121.01 Ordered, to authorize the Town Manager to execute a deed for the sale of 61 Washington Street to Sanford Mill Redevelopment LP and to accept a promissory note at five percent (5%) interest per annum to be paid in a lump sum in full on April 1, 2012 with the promissory note secured by a mortgage from Sanford Mill Redevelopment LP to the Town. Vice-Chair Walsh moved to approve, seconded by Councilor Littlefield. Town Manager Green explained and introduced Rex Bell. Rex thanked the Council for all the work they have done to make this project happen. The Town Council voted 7-0 to approve.
- 11-122.02 Ordered, to authorize the Town Manager to sign an Agreement with HM Payson authorizing them to be the successor Trustee. Councilor Mastraccio moved to approve, seconded by Councilor Wilkins. Town Manager Green explained. The Town Council voted 7-0 to approve.
- 11-123.03 Ordered, to authorize the Town Manager to negotiate a lease with Southern Maine Aviation for the relocation of their fueling system from the west to the east side of the airport in proximity to the present town owned fueling system. Councilor Littlefield moved to approve, seconded by Councilor Mastraccio. Town Manager Green explained the project. Armand Talbot voiced his concerns regarding no fuel on the west side of the airport is this project is passed. The Town Council voted 7-0 to approve.
- 11-124.04 Ordered, to accept a bid from Hew's Truck Bodies and Equipment of So. Portland, ME, for the purchase price of \$5,795.00. Councilor Littlefield moved to approve, seconded by Councilor Mastraccio. Eugene Alley, Director of Sanitation explained the reason for only purchasing one container instead of two as provided in the budget. The Town Council voted 7-0 to approve.
- 11-125.05 Ordered, to accept a bid from Benchmark of Westbrook, ME for the Midtown Mall Stairway in the amount on \$230,916.00 and to authorize the use of \$105,000 in Downtown TIF funds and \$25,000 in former CDBG funds for the project. Councilor Mastraccio moved to accept a bid from benchmark in the amount of \$230,916.00, and give the Town Council Property Sub-Committee the authority to approve the sub-contractors for this project, seconded by Councilor Wilkins. Councilor Burgess voiced he is not in favor of this project. The Town Council voted 6-1 to approve. (Councilor Burgess opposed) Councilor Mastraccio would like a ground breaking ceremony to kick off this project.
- 11-126.06 The Town Council hereby ordains amendments to a Contract Zone granted to Washington Street Associates d/b/a Gallo Construction Inc., 2 Mill Street, Springvale and approved on September 27, 2006 to eliminate the

current age restriction on residents of the development of 55 years of age and older and to allow up to three bedrooms. (This item must be read on two separate days. This is the first reading). Town Manager Green explained the proposed changes to the Contract Zone. He also added that in the original contract zone a payment of \$5,000.00 was to be paid to the Town at the beginning of the project and \$5,000.00 at the completion. Those fees have not been paid. He suggests that upon approval of this amendment the Town collect those fees in full. Councilor Mastraccio moved to add to the amendment that is to collect the total \$10,000.00 payment upon approval of this amendment, seconded by Councilor Wilkins. The Town Council voted 7-0 to the amendment.

- 11-127.07 The Town Council hereby ordains amendments to the proposed amendments to the Town of Sanford Traffic Ordinance Chapter 245, Article XX, Schedule 1, to include Berwick Avenue as a One-Way Street from Twombly Road to Lebanon Street (Rte 202) (Traffic to flow northerly). (This item must be read on two separate days. This is the first reading). Councilor Littlefield asked why the traffic would flow northerly. Councilor Mastraccio explained that is the way the majority of the traffic flows on that street. She also feels that before the Town makes this a one-way they should post no parking on either side of the street and see if that alleviates the problems. There was no action taken on this item as it is only the first reading.
- 11-128.08 The Town Council hereby ordains amendments on the proposed changes to the reorganization of the Land Use Codes of the Town of Sanford's Code. The land use section currently consists of Chapter 265, Floodplain Management; Chapter 270, Shoreland Zoning; Chapter 275, Subdivision; and Chapter 280, Zoning. The reorganization would revise the subdivision and zoning chapters and create a chapter entitled Site Plan with a suggested number of 272. (This item must be read on two separate days. This is the first reading). There was no discussion on this item.
- 11-129.09 The Town Council hereby ordains amendments to the current zoning for tax map R9 lots 6F, 63 & 64 from ORB to RR. This will allow the Sanford Soccer Association to construct a gravel parking lot on property adjacent to the playing field on Shaw Road. (This item must be read on two separate days. This is the first reading). Vice-Chair Walsh believes this is a good project.
- 11-130.10 The Town Council hereby ordains amendments to the proposed revisions to Chapter 280-90R (1) by deleting "except that they shall be prohibited in any portion of that zone which is also in the Airport Protection Overlay District." This will then mean that mobile home parks are not prohibited under the overlay zone. (This item must be read on two separate days. This is the first reading). Vice-Chair Walsh voiced his concerns and would like this sent back to the planning board for further review. Vice-Chair Walsh moved to table, seconded by Councilor Mastraccio. The Town Council voted 6-1 to

table. (Councilor Littlefield opposed).

11-131.11 The Town Council hereby ordains amendments on the proposed revisions to the zoning for tax map I31 lot 8 from IR to GR. This property is located at the northern end of Jackson Street and has been used as a residential property and is separated from industrial use by a large grade change. (This item must be read on two separate days. This is the first reading). There was no discussion on this item.

11-132.12 Ordered, to approve the following license requests: Councilor Mastraccio moved to approve license requests 2-5, seconded by Councilor Littlefield. The Town Council voted 7-0 to approve.

- 2) An application for liquor license renewal for the Weathervane Seafood Restaurant, 1601 Main Street, Sanford, ME.
- 3) An application for liquor license renewal for the Springvale Social Club, 22 Bridge Street, Sanford, ME.
- 4) An application for license to operate Games of Chance (Meat Raffle and Dice Game) for the American Legion Post #19, 657 Main Street, Sanford, ME.
- 5) An application for liquor license renewal for Bon Ami Catering, 457 Main Street, Sanford, ME.
- 1) An application for James U. Colley DBA: Fresh Start Catering, 47 High Street, Sanford, ME for the following licenses:
 - a) New liquor license
 - b) New amusement license
 - c) New dance permit
 - d) New Victualer's License

Councilor Mastraccio moved to deny the applications based on the violations of the ordinances, seconded by Vice-Chair Walsh. There was much discussion. Councilor Littlefield read a letter and moved to approve the licenses with the following stipulations:

- 1.) Grant the licenses for a year
- 2.) With a provision that the license and licensee shall be reviewed in 6 months
- 3.) That this Council has the full authority to rescind the license at that time should violations of this nature continue.
Seconded by Councilor Hanslip. The Town Council voted 4-3 on the amendment. (Councilors Paul, Walsh and Mastraccio). The Town Council voted 4-3 on the original motion . (Councilors Paul, Walsh and Mastraccio).

Council Member Comments

Councilor Burgess: None

Councilor Wilkins: recognized the public works department for the good job they did cleaning up the snow storm.

Councilor Hanslip:

Councilor Littlefield: None

Councilor Mastraccio: None

Vice-Chair Walsh: Mentioned the new trees in front of the Jr. High on Main Street.

Chairman Paul: None

Future Agenda Items

Workshop on Airport Overlay Zones

Adjournment

Chairman Paul moved to adjourn at 8:36 pm.

Respectfully submitted by
Sherry A. Lord