



Sanford City Council

City Council Meeting Minutes – December 2, 2014

The Sanford City Council met at 7:00 p.m. in the Chambers of the Sanford City Hall Annex on Tuesday, December 2, 2014. Those present were: **MAYOR:** Thomas P. Cote. **COUNCILORS:** Deputy Mayor Maura A. Herlihy, Councilor Joseph R. Hanslip, Councilor Alan R. Walsh, Councilor Richard L. Wilkins, Councilor Fred W. Smith and Councilor Dianne R. Connolly. **CITY MANAGER:** Steven R. Buck **CITY STAFF:** Sherry Lord, Executive Assistant; Allison Rogers, Airport Manager; Shirley Sheesley, Code Enforcement Officer; Sue Cote, City Clerk/Voter Registrar; Jim Gulnac, Director of planning and community development; Randy White, Director of General Assistance; Steve Benotti, Fire Chief; Steve Cutter, Assistant Fire Chief, Patrick Cotter, Fire Marshal; Michael Casserly, City Engineer, Donna Gray, Assistant to the Public Works Director; Matt Hill, Public Works Director and many members of the public works department.

Mayor Cote called the meeting to order at 7:05 pm.

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

Roll Call: Mayor Cote preformed the Council Roll Call: Councilor Connolly, present; Councilor Smith, present; Councilor Wilkins, present; Councilor Walsh, present; Councilor Hanslip, present; Deputy Mayor Herlihy, Present.

Minutes

Executive Session: October 21, 2014; Deputy Mayor Herlihy moved to approve, seconded by Councilor Smith. The City Council voted 7-0 to approve.

Executive Session: November 18, 2014; Deputy Mayor Herlihy moved to approve, seconded by Councilor Smith. The City Council voted 6-0-1 to approve. (Councilor Hanslip abstained).

Regular Meeting: November 18, 2014; Deputy Mayor Herlihy moved to approve, seconded by Councilor Wilkins. The City Council voted 6-0-1 to approve. (Councilor Hanslip abstained).

Mayor's Reports/City Council Sub-Committee Reports

Mayor Cote spoke of the next Synergize Sanford event. They will focus on multi-generational businesses in Sanford/Springvale. They will meet at a date to be determined at the end of January 2015.

City Manager's Report

See attached

Communications/Presentations

Recognition of Public Works Department employees – Director, Matthew Hill recognized Tom Gilman and Donald Cabana for going above and beyond in the line of duty to help out co-workers in need.

Public Participation

Public Hearings

The City Council will take public comment on the following:

1. A public hearing for the proposed changes to the City of Sanford General Assistance Ordinance. Mayor Cote declared the public hearing open at 7:26pm. There was no one to speak for or against. The public hearing was closed at 7:26pm.
2. A public hearing for the proposed application for a Mental Health & Abuse Clinic license for Sweetser, 863 Main Street, Sanford, ME. (This is the second of two public hearings). Mayor Cote declared the public hearing open at 7:26pm. There was no one to speak for or against. The public hearing was closed at 7:26pm.
3. A public hearing for the proposed application for a Mental Health & Abuse Clinic license for Spectrum Health Systems, Inc., 69 Eagle Drive, Sanford, ME. (This is the second of two public hearings). Mayor Cote declared the public hearing open at 7:26pm. There was no one to speak for or against. The public hearing was closed at 7:26pm.
4. A public hearing for the proposed application for liquor license renewal for Happy Valley Inc., D/B/A: Fi Wood Restaurant, 797 Main Street, Sanford, ME. Mayor Cote declared the public hearing open at 7:26pm. There was no one to speak for or against. The public hearing was closed at 7:26pm.
5. A public hearing for the proposed application for liquor license renewal for the Springvale Social Club, 22 Bridge Street, Springvale, ME. Mayor Cote declared the public hearing open at 7:27pm. There was no one to speak for or against. The public hearing was closed at 7:27pm.

6. A public hearing for the proposed application for liquor license renewal for the Lafayette Social Club, 48 Winter Street, Sanford, ME. Mayor Cote declared the public hearing open at 7:27pm. There was no one to speak for or against. The public hearing was closed at 7:27pm.
7. A public hearing for the proposed application for liquor license renewal for the VFW Post #9935, 1 Hutchinson Street, Sanford, ME. Mayor Cote declared the public hearing open at 7:28pm. There was no one to speak for or against. The public hearing was closed at 7:28pm.
8. A public hearing for the proposed application for liquor license renewal for the BackStreet Grill, 16 School Street, Sanford, ME. Mayor Cote declared the public hearing open at 7:28pm. There was no one to speak for or against. The public hearing was closed at 7:28pm.
9. A public hearing for the proposed application for transfer of liquor license for Pioneer Gaming, LLC., D/B/A: Sanford OTB, 9 Renaissance Way, Sanford, ME. Mayor Cote declared the public hearing open at 7:29pm. There was no one to speak for or against. The public hearing was closed at 7:29pm.
10. A public hearing for the proposed application for transfer of Pari-Mutuel Wagering for Pioneer Gaming, LLC., D/B/A: Sanford OTB, 9 Renaissance Way, Sanford, ME. Mayor Cote declared the public hearing open at 7:29pm. Don Barberino spoke in favor of moving the location of the OTB to Main Street in the Mid-Town Mall. Manager Buck noted that the space is not built out at this time. The build out will require necessary permitting. Councilor Smith asked what the specific location was. Mr. Barberino described it as the old Goodwill space. There was no one else to speak for or against. The public hearing was closed at 7:33pm.
11. A public hearing for the proposed amendments to the fee structure for the Sanford Fire Marshal's Office. Mayor Cote declared the public hearing open at 7:33pm. There was no one to speak for or against. The public hearing was closed at 7:33pm.
12. A public hearing for the proposed amendments to the "Life Safety" Section of the Sanford City Code (Elevators). Mayor Cote declared the public hearing open at 7:33pm. There was no one to speak for or against. The public hearing was closed at 7:34pm.

13. A public hearing for the proposed amendments to the “Sprinkler Code” of the City of Sanford. Mayor Cote declared the public hearing open at 7:34pm. There was no one to speak for or against. The public hearing was closed at 7:34pm.
14. A public hearing on the proposed amendment revisions to the City’s Land Use ordinances:
 - i. Replace Section 280-84 SIGNS of the City Zoning Ordinance with a revised ordinance;
 - ii. Delete Section 272-2-41 Signs from the City Land Stewardship Site Plan Ordinance.

Mayor Cote declared the public hearing open at 7:34pm. Lucas Lanigan of Springvale Maine asked to clarify a certain section of the ordinance regarding flashing signs. Councilor Smith explained that the concern was in regards to flashing lights and distracting drivers. There was no one else to speak for or against. The public hearing was closed at 7:49pm.

Consent Agenda

Mayor Cote sought comments or concerns regarding the following items. There were no comments or concerns. Consent agenda items were approved.

14-175.01 Ordered, to approve the following license requests:

1. An application for liquor license renewal for Happy Valley Inc., D/B/A: Fi Wood Restaurant, 797 Main Street, Sanford, ME.
2. An application for liquor license renewal and application for four blanket letters (1-Daily Pool, 1-Weekly Pool, 2-Sealed Tickets, 1-Queen of Hearts Game and 1-Card Playing) for the Springvale Social Club, 22 Bridge Street, Springvale, ME.
3. An application for liquor license renewal and application for four blanket letters (1-Daily Pool, 1-Weekly Pool, 2-Sealed Tickets, 1-Card Playing) for the Lafayette Social Club, 48 Winter Street, Sanford, ME.
4. An application for liquor license renewal and application for three blanket letters (1-Daily Pool, 2-Sealed Tickets, 1-Meat Raffle) for the VFW Post# 9935, 1 Hutchinson Street, Sanford, ME.
5. An application for liquor license renewal for the BackStreet Grill, 16 School Street, Sanford, ME.

Old Business

14-174.16 The City Council hereby ordains amendments to the City of Sanford General Assistance Ordinance. (This item must be read on two separate days. This is the second reading). Councilor Smith moved to approve, seconded by Councilor Wilkins. The City Council voted 7-0 to approve.

New Business

14-176.02 Whereas Question 2 in Order #14-161.03 and in the warrant approved for the January 13, 2015 City referendum referred to a Supplemental Project Cost of “not to exceed \$2,737,430,” and whereas it was noted at the Council meeting held November 18, 2014, that the correct Supplemental Project cost is “not to exceed \$2,737,380,” I move that the City staff’s correction of this error be ratified and approved for all purposes, including the election warrants and ballots, and that Order #14-161.03 be amended accordingly. Deputy Mayor Herlihy moved to approve, seconded by Councilor Wilkins. The City Council voted 7-0 to ratify.

14-177.03 Ordered, to re-appoint Susan Cote as the City of Sanford Registrar of Voters for the period of January 1, 2015 through December 31, 2016. Deputy Mayor Herlihy moved to approve, seconded by Councilor Smith. The City Council voted 7-0 to approve.

14-178.04 Ordered, to authorize the City Manager to enter into a Private Hangar Lease Agreement between the City of Sanford and Sumner Properties LLC at the Sanford Seacoast Regional Airport. Councilor Walsh moved to approve, seconded by Councilor Wilkins. Allison Rogers, Airport Manager explained the lease and subsequently the sale of the hangar at the end of the short term lease. The City Council voted 7-0 to approve.

14-179.05 Ordered, to see if the City of Sanford will vote to amend its MainePERS service retirement plan for Fire Fighters effective January 1, 2015. Deputy Mayor Herlihy moved to approve that all Firefighter/paramedics and Firefighter/EMTs hired after December 31, 2014, shall be covered under Special Plan 2C, seconded by Councilor Walsh. The City Council voted 7-0 to approve. Deputy Mayor Herlihy moved to approve that Effective January 1, 2015 to provide Special Plan 3C for Fire Fighters/paramedics and Firefighter/EMTs, for service rendered after December 31, 2014. Service rendered from July 1, 2004 through December 31, 2014 remains Special Plan 1C service, and service rendered prior to July 1, 2004 remains Regular Plan AC/AN service. Current members of the Plan will have a one-time, irrevocable election to remain under Special Plan 1C instead of moving to Special Plan 3C, seconded by Councilor Walsh. The City Council voted 7-0 to approve. Deputy Mayor Herlihy moved to authorize the City Manager to sign the contract between the City, and the Maine Public Employees Retirement System, seconded by Councilor Walsh. The City Council voted 7-0 to approve.

14-180.06 Ordered, to approve an application for the transfer of liquor license and the

transfer of Pari-Mutuel wagering for Pioneer Gaming LLC., D/B/A: Sanford OTB, 9 Renaissance Way, Sanford, ME. Deputy Mayor Herlihy moved to approve with the following concerns (see attached), seconded by Councilor Walsh. The City Council voted 7-0 to approve.

- 14-181.07 Ordered, to approve a Mental Health & Abuse Clinic license renewal for Sweetser, 863 Main Street, Sanford, ME. Councilor Walsh moved to approve, seconded by Councilor Smith. The City Council voted 7-0 to approve.
- 14-182.08 Ordered, to approve a Mental Health & Abuse Clinic license renewal for Spectrum Health Systems, 69 Eagle Drive, Sanford, ME. Councilor Walsh moved to approve, seconded by Councilor Wilkins. The City Council voted 7-0 to approve.
- 14-183.09 The City Council of the City of Sanford hereby ordains amendments to the City's Land Use Ordinances, chapters 272 & 280 – (Signs). (This item must be read on two separate days. This is the first reading). Councilor Walsh would like this to go back to the Sub-Committee to discuss political signs and bring it back on December 16th. This was the first reading, there was no action taken.
- 14-184.10 The City Council of the City of Sanford hereby ordains amendments to the City of Sanford Code Chapter 280, zoning – attachment 2 (Fire Marshal, Fee Structure). (This item must be read on two separate days. This is the first reading). Fire Chief Benotti addressed the Council with the proposed amendments. There was much discussion regarding fees. There was no action taken as this was the first reading.
- 14-185.11 The City Council of the City of Sanford hereby ordains amendments to the Life Safety section of the City of Sanford Code- (Elevators). (This item must be read on two separate days. This is the first reading). Deputy Mayor Herlihy expressed her concerns regarding existing buildings such as her building. There was no action taken as this was the first reading.
- 14-186.12 The City Council of the City of Sanford hereby ordains amendments to the City of Sanford Fire Code, chapter 128-12 – (Fire protection water supply for subdivisions). (This item must be read on two separate days. This is the first reading). This would only pertain to new construction. There was no action taken as this was the first reading.

Council Member Comments

Councilor Connolly: Thanked a group of people that helped with the recount.

Councilor Smith: Remind everyone about Coats for Kids and Toys for kids will be this Saturday at Hannaford.

Councilor Wilkins: None

Councilor Walsh: None

Councilor Hanslip: None

Deputy Mayor Herlihy: Announced Holly Daze Events this coming weekend.

Mayor Cote: Spoke of potential changes and how it affects businesses in the City.

Future Agenda Items

Adjournment

Mayor Cote moved to adjourn at 8:47pm

Respectfully submitted by

Sherry Lord, Executive Assistance

City of Sanford



**From the Desk of
Steven R. Buck
City Manager**



Memorandum

To: City Council
Subject: Manager's Report for December 2nd, 2014
Date: December 2nd, 2014

MDOT Scoping Meeting Route 109 Traffic Light Upgrades –

Administration participated in a scoping meeting with Region 1 MDOT Project Manager Brian Keezer and VHB Consultant Project Manager Chris Bobay on pending improvements to the Route 109 corridor traffic lights and lights leading to Route 109.

Project Overview and Phasing

- The traffic signal modernization project consists of upgrading signal equipment and pedestrian facilities to meet current Manual on Uniform Traffic Control Devices (MUTCD) and Americans with Disabilities Act (ADA) standards for 12 existing signalized intersections. The intersections are as follows: Route 109 at Walmart, Jagger Mill Rd, Shaws, Bank/Westview, Mardens, Emerson School /Emery St, Washington St, Lebanon/Winter, River/Cottage/Winter, Routes 11A/224 (Springvale), Cottage/Grammar/Shaws Ridge and Pleasant/River/Shaws Ridge.
- The project is presently 100% funded through design. Steve Landry (MaineDOT State Traffic Engineer) is seeking approval for \$1.5 million dollars in construction funding beginning in the 2016 work plan; however, given the size of the traffic signal modernization project and anticipated reduction in available funds for these type of projects in 2016, this project is likely to be phased.
- The City questioned whether existing flashers (ex., Route 4 at School Street) could be added to the project for upgrade to signalized control. MaineDOT noted only the 12 listed intersections are included in the project.
- The City noted that consideration of information presented in the Central York County Connections Study (CYCCS, <http://maine.gov/mdot/planningstudies/cycc/index.shtml>) and Complete Streets program should be given in the signal modernization design.
- The City also noted the potential update to their comprehensive plan and a traffic impact fee ordinance.
- Project base plans will be developed from existing MaineDOT Right-of-Way (R/W) plans, available GIS information, and overlay with supplemental digitizing based on aerial photography. City staff noted that Tom Burns maintains a comprehensive GIS database that can be used in support of the project. The City will provide Tom's contact information to VHB.

- There will be 3 formal opportunities for the City to provide feedback on the project, listed as follows:
 - o At the Preliminary Design Report (PDR) milestone submission,
 - o At the Public Informational Meeting (if desired by the City), and
 - o At the PS&E (Final Design) submission.
- The City prefers a Public Informational Meeting (PIM) on the project in lieu of simple plan display and notification with the City receiving and forwarding written comments (if applicable) to VHB and MaineDOT.

Project Schedule

The Project schedule was discussed with the following tentative milestones highlighted:

- **JUNE 2015** - VHB/MaineDOT would need to know if the City would like to pursue potential signal interconnection using City owned fiber optic cable (proposed for installation along Route 109 and Cottage Street).
- **AUGUST 2015** - Preliminary Design Report (PDR) and 50% plan submission to MaineDOT and City.
- **OCTOBER 2015** - City Public Informational Meeting
- **NOVEMBER 2015** – Deadline for firm commitment to use City owned fiber optic cable for potential interconnection so Final Design plans may be modified accordingly.
- **JUNE 2016** – Utilities certified and Municipal Agreement sent to Sanford for signing.
- **AUGUST 2016** - Plans, Specifications, and Estimate (PSE) 98% submission to MaineDOT and City.
- **SEPTEMBER 7, 2016** – Phase 1 project advertising (number of intersections in Phase 1 TBD based on funding secured in 2016 work plan).

Sanford Regional Dispatch Contract:

The Contract that was ratified by the City Council on November 18th has finally been signed by the Unit. The Unit ratified at the same time as the City, yet their Representative had lingering concerns with changes as he came late into the process. After confirmation with the City's notes as well as the Union's attorney's notes, the Agreement and language were accepted as ratified. HR is now making all necessary changes pursuant to the New Agreement.

Mayor's Coalition:

Deputy Mayor Herlihy and City Manager Buck attended the latest Mayor's Coalition Meeting held in Augusta on November 19th, 2014. A partial list of Advocacy Efforts were developed to include:

1. Federal Delegation Topics:
 - a. Economic Development
 - b. Infrastructure Needs – Highways and Bridges
 - c. Public Transit Funding
 - d. Water/Wastewater
 - e. Affordable Housing
 - f. Education and Title 1 Funding in Maine
 - g. Medicare Reimbursements versus other States having higher reimbursements
 - h. EDA Funding and stimulation programs

- i. Federal Waters of the United States – expansion of EPA jurisdiction to inland waters
2. State Advocacy and areas to develop –
 - a. Restoration/Preservation of Revenue Sharing
 - b. Reductions of detrimental tax shifting and other unfunded mandates
 - c. Homestead Exemption as targeted Property Tax Relief
 - d. General Assistance to be administered and fully funded by the State
 - e. Fire Service Fees as Local Option
 - f. Skilled Workforce Development
 - g. Investment Capital and EB-5 Program
 - h. Broadband expansion for the future
 - i. Education for Pre-K, Title 1, Impacts of Charter School Funding, Teacher Retirement

The Mayor's Coalition will reconvene after the cloture date to review pending legislation and work on their platform. A series of meetings is also being scheduled with various Commissioners to discuss matters specific to the 12 Cities within the Coalition.

School Construction:

The City Council will hold a Public Hearing on December 16th, 2014 pursuant to Title 30-A for the dissemination of information on the pending January 13th, 2014 School Construction Referendum. The Public Hearing offers the opportunity for further review of the information contained on the Ballot, the contents and supporting information, and the implications of a "yes" or "no" vote on one or both of the two referendum questions. Members from the Core Building Committee will be present for the meeting as will the Architect.

Senator Elect David Woodsome:

City Administrators and Growth Council Director, as well as Mayor Cote, met with recently elected Senator David Woodsome to discuss matters of importance to Sanford and the Region. The Senator Elect was very appreciative of the opportunity and time as we discussed the preservation of Revenue Sharing, service center tax disparages, education funding, transportation, broadband, and a host of other topics. Senator elect Woodsome is eager to start his new duties and pledges to serve our Region well, representing all interests.

Sanford Broadband:

Administration recently held a phone conference with Tilson towards the development of an RFP for construction and operations of a Fiber Optic Network System. Ultimately the RFP will identify the construction costs and lease back options allowing the City to finalize the net contribution beyond leverage funding and private investments. Once the outcome of the RFP is known, the Growth Council will reconvene with the City Council to discuss options for future construction.

Ambulance Services:

The City authorized a communication to be sent to the Town of Lebanon extending assistance in restructuring their Volunteer Ambulance Company while also setting a charge for services rendered by Sanford in the interim. The Town of Milton, NH has also sent the same communications to Lebanon with the same effective dates as the City of Sanford's as the Town

wanted to send their own letter as opposed to a sign-on with Sanford. It is our hope that Sanford and Milton can become part of a comprehensive solution with the Town of Lebanon to address their ambulance service needs.

Chief Benotti has continued to meet with the Lebanon Rescue Chief to review options and provide clarification that Sanford will only charge for primary response, not when Lebanon is on scene or has already been dispatched and is already in service. We believe there are cooperative solutions and that the current situation has highlighted the need to actively pursue such options regionally.

Off Track Betting

I make a motion to approve an application for the transfer of liquor license and the transfer of Pari-Mutuel wagering for Pioneer Gaming LLC., D/B/A: Sanford

OTB, 9 Renaissance Way, Sanford, ME with the following concerns about the location chosen by Pioneer Gaming LLC to be brought to the attention of the Maine Harness Racing Commission:

1. The City of Sanford has been working hard to improve Sanford's Downtown over the past 8 years including:
 - a. the purchase of land and the building of a park and stairway;
 - b. investments in studies designed to enhance the Downtown through improved walkability; and
 - c. working to attract and grow businesses that will improve the economic viability of our Downtown area.

The City Council believes that an Off Track Betting and/or "bar" in a prime Main Street retail location would discourage the type of businesses we hope to attract.

2. Furthermore, all parking lots in the Mid Town Mall are owned by the City of Sanford as part of our Urban Renewal Contract from the 1960's-70's. Over the past decade or longer, parking in the Mid Town Mall has shown considerable constraints due to the presence of the Maine Department of Health and Human Services and other office uses in the buildings surrounding the parking lot.

The buildings and parking lots were originally designed for retail use, a use that allows for the ebb and flow of short term parkers. The parking lots now have a considerable percentage of parking spots used by the employees of the surrounding businesses making it difficult for customers to find parking. This problem has been one of the main reasons that rental of retail space in Sanford's Downtown has been extremely difficult.

Due to this constraint and the damage it has done to local Downtown businesses, the City of Sanford has spent considerable time researching the installation of a parking metering system which may likely be installed within the next year.

3. Furthermore, the City of Sanford cannot designate parking for Pioneer Gaming LLC's specific use as that would exacerbate an already difficult parking situation.