



Sanford City Council

City Council Meeting Minutes – March 18, 2014

The Sanford City Council met at 7:00 p.m. in the Chambers of the Sanford City Hall Annex on Tuesday, March 18, 2014. Those present were: **COUNCILORS:** Councilor Fred Smith, Councilor Richard Wilkins, Councilor Alan Walsh, Deputy Mayor Maura Herlihy and Mayor Thomas Cote. **CITY MANAGER:** Steven R. Buck **CITY STAFF:** Paula Simpson, City Tax Collector/Treasurer, Tim Strout, Deputy Chief of Police, Jim Gulnac, City Planner, John McAdam, City Planning Board Chair.

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 performs the Council Roll Call: Councilor Smith, present; Councilor Burgess, absent with notice; Councilor Wilkins, present; Councilor Walsh, present; Councilor Hanslip, absent with notice; Deputy Mayor Herlihy, present; Mayor Tom Cote, present.

Minutes

Regular Meeting: March 4, 2014 motion made by Councilor Smith to approve, seconded by Councilor Wilkins. Council voted 5-0 to approve.

Mayor's Reports/City Council Sub-Committee Reports

Mayor Cote announced the kick-off of Synergize Sanford on Friday, March 21, 2014 at the new restaurant, Mill 67 on Washington Street. Mayor Cote and Deputy Mayor Herlihy joined in on a Civics class with Mrs. Paradis' 4th graders. There were no sub-committee reports.

City Manager's Report

Manager Steve Buck's report is attached.

Communications/Presentations

Mayor Tom Cote presented Roland A. Cote with a plaque and thanked him for his 40+ years of service to the community as a teacher, coach, Selectman and Town Meeting member;

David Parent, Superintendent of Sanford Water District gave a presentation of the District's Master Plan. Also present were Trustees Roland A. Cote and Roger Durant.

Public Participation

Dianne Connolly asked if sub-council meetings be published on the Sanford.org site so citizens could ask questions in a smaller round table setting rather than a televised public meeting they may not feel comfortable doing.

Public Hearings

The City Council will take public comment on the following:

Councilor Walsh made a motion to approve the liquor license requests for Emily's Wood Fired Pizza and Lord's Clam Box prior to the public hearing for Cell Tower Overlay Zone. Seconded by Councilor Wilkins; Council voted 5-0 to move licenses ahead of the Cell Tower hearing.

1. A public hearing to discuss the acceptance of a referral from the Sanford Planning Board of File #10-13-W: Mariner Tower c/o Christopher Ciolfi, 374 South Street, Suite 202, Pittsfield, MA 01201 for a contract zone application, under Article X Section 280-38 to establish a Cell Tower Overlay Zone to permit the construction of a telecommunications tower on tax map R5, lot 32 off Oak Street in the Springvale section of the City of Sanford. Mayor Cote declared the public hearing open at 7:41 pm. Christopher Ciolfi and Louis Vitali of Mariner Tower, accompanied by Peter Cook and Ernesto Chua, Jr., representatives of AT & T, gave a presentation regarding the project and went over citizen concerns that were voiced at the February 18th meeting. Parcel R5-32 landowners, Richard and Patrick Bond spoke in support of the project and addressed negative comments that were submitted to a local newspaper letters to the editor. Harland Eastman voiced his concerns that this approval may be in conflict with the City's comprehensive plan. City Planner Jim Gulnac explained that language in this application and planning board decision was not inconsistent with comprehensive plan. Alberta Sevigny voiced her concerns about the location of the proposed tower; she is not against the idea of a tower in general but favors alternate locations should be looked at. Jace Clarke voiced concerns about environmental issues. Mr. Ciolfi responded to those concerns. Robert Rizzo voiced concerns about the scenic areas of Springvale Village and how these might be effected by a cell tower. Gary Pike, who lives across the street from proposed location spoke in support of tower. He believes it will be an improvement for emergency communications, not just cell reception. James Drummey questioned how many other companies may locate in the future. Merrill Clark had questions about tower height and whether it could be expanded in the future should it change ownership. Mr. Ciolfi explained that it was part of the planning board approval to have limitations on tower height above one hundred sixty feet. Kevin McKeon voiced his concerns about vernal pool studies being done more than just once. Paul Demers spoke about visibility of the tower and happy it would not interfere with the scenic vista although it is visible from many other locations in Sanford. Hopes that it would not be the beginning of many towers being located in Sanford/Springvale; also questioned feasibility of co-locating with silos on Shaw's Ridge. Mr. Ciolfi stated many alternate locations had been looked at and reasons why they were not chosen are in the council packets. Jim Gulnac concluded that planning board approval at this stage is preliminary and contingent on Council approval of overlay zone and environmental studies being done, also there will be more public hearings held by the planning board once those studies are conducted. Councilor Walsh made a motion that at the conclusion of this public hearing, the next public hearing on reading proposed amendment to code regarding traffic be tabled to next meeting and the next agenda item to be considered should be old business 14-27.04. Second by Councilor Smith. The Council voted 5-0 to table traffic public hearing to next meeting. Mayor Cote closed the public hearing at 9:30 pm.
2. A public hearing to receive comments on the proposed change to Chapter 245 Vehicles and Traffic, Article II Patrol Traffic and Administration, Sub-section 245-14.1 - Traffic Detail and Road Closures of the Town Code of the City of Sanford.

3. A public hearing for a new liquor license for Emily's Wood Fired Pizza, LLC, 489 Main Street, Springvale, ME. Mayor Tom Cote declared the public hearing open at 7:39 pm. There was no one present to speak for or against this request. The public hearing was closed at 7:39 pm.
4. A public hearing for a new liquor license for Lord's Clam Box, 1465 Main Street, Sanford, ME. Mayor Cote declared the public hearing open at 7:40 pm. Owner Dave Kershaw spoke about the new business and that he anticipates opening on April 9th pending final health license and weather. There was no one to speak in opposition to this request. The public hearing was closed at 7:41 pm.

Consent Agenda

Mayor Cote sought comments or opposition on the licenses requested on the consent agenda. There were none, the following items were approved.

14-35.01 Ordered, to approve the following license requests:

1. A new liquor license application for Emily's Wood Fired Pizza, LLC, 489 Main Street, Springvale, ME.
2. A new liquor license application for Lord's Clam Box, 1465 Main Street, Sanford, ME.

Old Business

14-27.04 Ordered, to authorize a contract zone agreement from the Sanford Planning Board of File #10-13-W: Mariner Tower c/o Christopher Cioffi, 374 South Street, Suite 202, Pittsfield, MA 01201 for a contract zone application, under Article X Section 280-38 to establish a Cell Tower Overlay Zone to permit the construction of a telecommunications tower on tax map R5, lot 32 off Oak Street in the Springvale section of the City of Sanford. (This item must be read on two separate days. This is the second reading). Motion to approve made by Councilor Wilkins, seconded by Councilor Walsh. Councilor Walsh pointed out that the Council action is to only approve a contract zone application and most, if not all other concerns addressed at the public hearing including environmental issues and conflict with comprehensive plan, will be taken up by the planning board, and hopes that citizens will attend those hearings. Deputy Mayor shared her experience in the last application process, appreciates the efforts of citizens in this process, and favors approval of this application. Mayor Cote commented on poor cell service in Springvale and had concerns about it interference with views, especially in Hanson Ridge area prior to balloon float being done, but now sees it effects Downtown area more. He believes there is a need to make tower height and number of towers a limit and should be done at the planning board level, and encourages citizens to see all the alternate locations that had been looked at. Councilor Smith supports this application and also believes in limitations being set regarding tower locations. City Council voted 5-0 to authorize the contract zone. After the vote Councilor Walsh thanked Patrick and Dick Bond for their land stewardship, and allowing public recreation across their land. He felt that if this would have any negative effect they would not have offered their land for it.

New Business

14-36.02 Ordered, to discuss and take action on authorizing the City Manager, on behalf of the Treasurer, to execute an Agreement between TD Bank and the City of Sanford to extend our existing banking service agreement for an additional year from April 1, 2014 to March 31, 2015. Councilor Walsh makes the motion to discuss which is seconded by Councilor Smith. City Treasurer/Tax Collector Paula Simpson gave a brief explanation and stated that she would be submitting RFP for banking services in November and in the meantime will be streamlining City services so as not to be as dependant and costly in our future needs. Councilor Walsh made the motion to approve, seconded by Councilor Wilkins. Council voted 5-0 to extend banking agreement with TD Bank to March 31, 2015. A second motion, to authorize the City Manager, to enter into an agreement with the courier service as negotiated by City Treasurer, Paula Simpson was made by Councilor Walsh and seconded by Councilor Smith. The City Council voted 5-0 in favor of entering agreement as negotiated by City Treasurer.

14-37.03 Ordered, to authorize the City Manager to enter into a three (3) year contract with MACPAGE, LLC for Auditing Services. Motion to approve made by Councilor Smith, seconded by Councilor Wilkins. Council voted 5-0 to authorize City Manager to enter three year contract for auditing services.

Council Member Comments

Councilor Smith: none

Councilor Wilkins: none

Councilor Walsh: Thanked Mayor and Council for recognition of Roland Cote and his accomplishments to the Town & City of Sanford.

Deputy Mayor Herlihy: Check City website/Parks Department for information regarding free concert by Army Band coming April 5 or 6 at Memorial Gym. Many citizens who have been helped by Bet in Parks office to complete their property tax fairness credit applications. Senior citizens who don't normally file income tax returns encouraged to contact City Clerk's office and be directed to Bet or Maura for assistance obtaining the tax credit.

Mayor Cote: Wished Tammy Wells, Journal Tribune reporter a Happy 35th Birthday

Future Agenda Items

Adjournment

Mayor Cote moved to adjourn at 9:47pm.

Respectfully submitted by Susan Cote, City Clerk

City of Sanford



From the Desk of
Steven R. Buck
City Manager



Memorandum

To: City Council
Subject: Manager's Report for March 18th, 2014
Date: March 18th, 2014

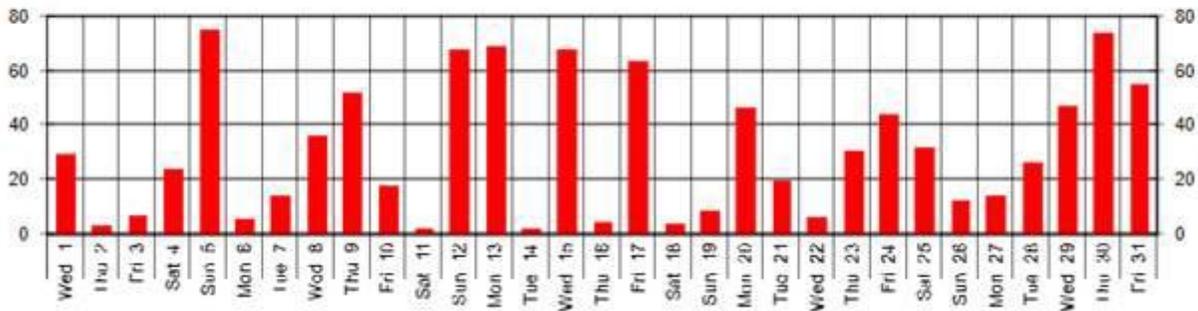
Airport:

1. GARD report on estimated operations numbers for the months of January and February 2014

Summary:

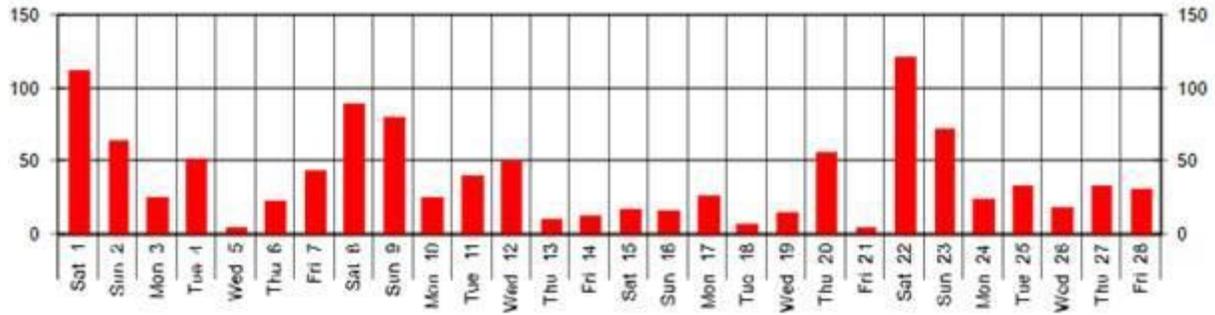
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Estimate of Aircraft Operations Per Day For the 01 Month 2014



Estimate of Total Aircraft Operations for the 01 Month is 953

Estimate of Aircraft Operations Per Day For the 02 Month 2014



Estimate of Total Aircraft Operations for the 02 Month is 1100

Dispatch:

I have met with both Kennebunk and Old Orchard Beach pertaining to our Regional Dispatch Center. Kennebunk is a dedicated partner and has offered future assistance with the standardization of services and with the governance board. I truly appreciate the professionalism and willingness of Manager Tibbetts, his staff, and most importantly the Town of Kennebunk for actively participating in making this regionalized service successful.

Our meeting with Old Orchard Beach (OOB) was very productive. We met with Manager Mead, Police Chief Kelly, and Fire Chief Glass to review the needs of OOB, services rendered by Sanford, and the proposed new pricing structure as well as the participation in the governance board and quarterly meetings. Recognition was given as to the responsiveness over the past two years to address concerns. The standardization of fire response and the run cards continues but with recognition as to recent efforts to complete this task.

OOB will be considering a proposal from Scarborough for dispatching. We presented Sanford’s information as it pertains to the continuation of OOB’s Contract for the next two years. They had wrong information on the pricing as well as recent development pertaining to splitting the Quarterly Meetings into two user groups one for Fire and one for Police. This is viewed by all as allowing a more focused meeting on the individual needs of each type of service rendered to Police versus Fire dispatch models.

The meeting was very productive with a greater understanding of past operations and future operations and how the Sanford Regional Communications Center may well serve the Town of Old Orchard Beach.

Call Company:

Management continues to work with the Fire Call Company on a successor agreement to the contract that will expire the end of June. The discussions have been very productive with many changes proposed to positively address language issues stemming from old contact language. We are now focused on the total compensation package and also increasing the number of members within the Call Company. Both the Company and City have ownership in this matter and the dialog has been very positive and productive. The City is fortunate to have such a dedicated Company to accomplish the mission of fire protection in Sanford. We are

hoping to have an Agreement ready for future negotiations committee review and pending Council review and actions later next month.

City Budget:

Administration has presented to the Budget Committee for the past 4 weeks. There are a couple of response items to present this week to complete. The School will start presenting this week, March 20th and for at least the next three weeks. At this juncture until amended, the City Budget as proposed is:

Total Appropriations	\$21,601,039	
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School Department will be presenting their Budget, anticipated expense, revenue, and commitment starting this Thursday at 6:00PM in the Council Chambers and broadcast on Metrocast.

Sale of Property:

Pursuant to the Tax Acquired Property Policy, the Property Subcommittee actions, and the Council's authorization the sale of Tax Acquired Property located a 4 Gulliver Drive was completed today; a vacant lot of 0.70 acres. Attorney Norman Rattey prepared the Quitclaim Deed without Covenants for the sale. The Property sold for the full asking price of \$24,000 to TPD Construction of Sanford.

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Taxes remaining to resolve	-204.43
<u>Net to TAP Remediation Fund Act. 2116</u>	<u>\$21,167.77</u>
Balance Acct 2116	-\$45,972.05

City of Sanford, Maine
OFFICE OF THE CITY ASSESSOR
919 MAIN STREET, SANFORD, MAINE 040733689
Tel: (207) 324-9115 Fax: (207) 3249122



Memorandum

To: Mr. Steven R. Buck, City Manager
From: Assessor's Office
Date: March 18, 2014
Re: Exemptions Available to Sanford Homeowners

With the April 1st taxation deadline approaching, there are still a number of homeowners or new homeowners, who may be eligible that have not applied for the following exemptions:

1. Homestead - \$ 10,000
2. Veteran - \$ 6,000 - must be 62 yrs by April 1st, or 100% disable*
3. Widow or Widower of a Veteran - \$6,000*
4. Blind exemption - \$4,000*

* Must provide appropriate documentation to prove eligibility for these exemptions.

If you have questions on any of these exemptions, or to find out if you may be eligible, please contact the Assessor's Office at 324-9115.

Sincerely,

George W. Greene, C.M.A.

City Assessor

rec'd
3-18-14
@ 7:35 PM

Executive Lord
Public file

MEMORANDUM 3-18-2014

EXCERPTS

TO BE READ PUBLICLY AT THE MARCH COUNCIL HEARING

BY EXECUTIVE SHERRY LORD

ABOUT THE UNFAIR CONSTRUCTION OF A CELL PHONE TOWER

BY V. C. ENTERPRISE AND APPLICATOR Christopher

I OPPOSE THE CELL TOWER CONSTRUCTION BECAUSE THE RECOMMENDATION ARE
CONTRARY TO THE CITY CHARTER GUIDELINES PROVIDED BY THE CITY'S STATE
GUIDELINES
FURTHER MORE ;
A REVIEW OF THE WHOLE CIOLPHI APPLICATIONS NEED TO BE REVIEWED BY ALL
INVOLVED AND BE MADE ACCOUNTABLE FOR THE ZONING CONTRACT CONDONEMENTS.

ALBERTA M SEVIGNY

THIS MERANDUM
HAS THE OPTION NOT TO BE READ AND JUST FILED IN THE PUBLIC PARTICAPATONS
GIVEN AT THIS MEETING



No-response

Public file

3-18-2014

Appeals Petition

Executive Lord

City Council , dated March 18 2014 Public Hearing of Mariner Tower

I submit this petition in opposition of Sanford Planning Director, James Gulnac, Planning Board Chair Hardison, Planning Board Chair Mc Adam and Planning Board Vice Chair Tarbox et al.

Their recommendations to allow a Major Industrial or Technical Business facility, to be located on Oak Street Springvale, Maine is nonsense.

The negotiated technical Zoning Contract allows Mariner Tower to Supersede the valid Comprehensive Plan established by Kent Associates designed for a Town instead of a City .

This Superseding Zoning Contract is considered an unconstitutional and illegal contract procedure by many

My Objection and Opinions are

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1=I Object to the Waiver, Stipulation Contract, by the City Planners to give special free access to their City with a cell phone service called Mariner Tower on Oak Street.

The stipulation is a compromised negotiation concocted by an agreement of the city Negotiators and the Planning Board Director.

The technical 'intrusion of RS Lot 32 on Oak Street is a 'tag along action' act considered to be act a malfeasant by the ones who should know better.(while in the capacity doing (their official duties)

The irresponsible act to exchange a commodity service, for their own city use is considered a misdemeanor act and a violation of Maine Charter Rule.

Furthermore; The Free Access Taylor made deal by the City looks rather questionable to me, because the so called gap in the Town has nothing to do the City's unknown need, which is not shown at this point in time.

=====

2 = I Object to site becoming a part of the Comprehensive Oak Street zoning projections.

The undesirable proposed site given to Mariner Enterprise favors a 60,000

s f portion of a 29 rural acre area , on Oak Street and a 160 f unlit infrastructure high tower, a 2,000 feet road the adding another burden to the.already overburden· 3 tier, Oak Street Zone.

=====:;::; =====: ::::: =====

3= I Object to the negotiated Stipulation Waiver, that favor a 2,000 f road right of way access, that favors a prison like barbed wire locked fence, or favors noisy gas or sulphid generators, favors ugly and numerous telephone poles to add more traffic on Oak Street.

The permits to the Zoning Contract includes business activities (renting commercial poles) to other commercial cell business and Industrial activities of that nature, much more suitable for the city of Sanford.

=====

4= I object to the negligent actions of the city negotiators, to have given the green light to Mariner Enterprise and the License Bureau by a negotiated Zoning Contract favoring Waivers upon Waivers to circumvents zoning laws already in place ,by the State of Maine Charter.

One of those Waivers in the Zoning Contract is to cut short a survey of possible endangered life and endangered trees on Oak Street. (Oak Trees have acorns) a fruit that squirrels need to survive in the harsh winters of Maine.

The survey was compromised when the Planners allowed a waiver for the cutting of the trees not knowing the full extent, that cutting larger trees than 24 feet can have on the Oak Street forest 's environmental land use preservation.

=====

Moreover;

5= I object to the divisive Zoning Contract claimed by Planning Director James Gulnac, Chairman Mc Adam, Chair Hardison, et al because Oak Street contains numerous historical area, which have been overlooked by the non comprehensive City Planners and the Planning Board.

A-The Street is named after the huge Oak Tree

B- The fire station goes back, to the days when the town had a large fire here in the town and the brave firemen from the Oak Street fire Station, risk their lives to protect the population of Springvale

C-The Nasson Complex has a History all its own, of how Nasson survived

the demise of a bankrupt college and became Springvale Heritage among other things

D- The Nasson Complex has somewhat been revitalized and the Little Theatre is doing well.

E "The Springvale Library is a good neighbor and try to keep up some of activities once provided by Nasson College (Art Exhibitions)= (Collectible Exhibitions)=(to name a few

The Town own the property, once called a cultural Library by Nasson ,no longer exist,it is now a rezoned business complex.

This is because The Economic Development Grant Team and the Planning Board Team mix and match (Zoning Codes) with a (Detrimental Thing)called

(Zoning Contracts Superseding Tactics)

The Town Property Park in Springvale, with access from Oalc Street has the same intrusive barbed wire fencing that was accepted the City Council Planning Board negotiators and for the now proposed On Upper Oak Street demise.

=====;

Opinion

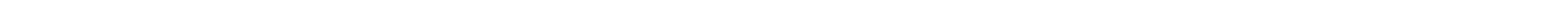
A There is plenty of Grant money for the City Mill Projects,such as a Grand New Park and a Grand New Parking lot.

B Landscaping Scenic Views of a Classic nature for Cityscape Avenue Boulevard and other unnecessary appropriations given by the City Planners.

Meanwhile;

JN the forsaken Town of Springvale, the Villagers can look forward to a Humongous Tower contraption on the overburdened Residential, Rural Gate Way Oak Street and be mandated to have

The Ugly Monster !The unwanted Zoning Contract !Rearing its Ugly Head,with a smile and a handshaketo the Villagers of Springvale,Maine.



Alberta M Seigny

Alberta M Seigny

Alberta M Seigny

no Response

Public file = 3-18-2014

Executive Sord

@ Sanfordmaine.org
Friday, February 21, 2014 600 p. m.
Subject Springvale Village up for grabs
By Sanford City Negotiators

Opposition 1

I oppose the Springvale Village recommendations as proposed by the Tower Council negotiators and others.

Mr Ciolphi, in one of his proposals, proposed the restriction conservation easement, to contract council Negotiator Mayor Tom Cote, contract Negotiator Maura Herlihy, contract Council negotiator Fred Smith and Council Negotiator Joeseeph Hanslip.

After Mr Ciolphi receives his Special Zoning Contract' according to Sanford City's so called none invasive zoning contract' and the City's planning standards, he proposes that future sites similar to his be denied others, which seem to be a somewhat sort of monopoly to no other competitors. The 160 foot tower that, the design team proposed is actually designed for Sanford city's (no longer a town) Contract Zoning (added Code) the one and only to numerous developers during a few short years.

Alberta m Sevigny

No Response Public file 3-18-2014
Executive Panel

@ Sanford Maine. Org

Tuesday February 25,2014 6.35 p.m.

To City Manager Steve Buck

On February 6, 2016 a Sub - committee meeting took place between you and the City Council.

Please send a e mail copy of said meeting within the perimeters of the privacy act.

Also; does sub-committee Planning Board Director James Gulnac and you plan to give your recommendations to the City Council on March 4, 2014 'whatever they may be; Please e mail a response as soon as possible.

Please send a copy to Chair Mc Adam of the Planning Board.

Alberta m. Sevigny

COMMENT

NO RESPONSE FROM EITHER

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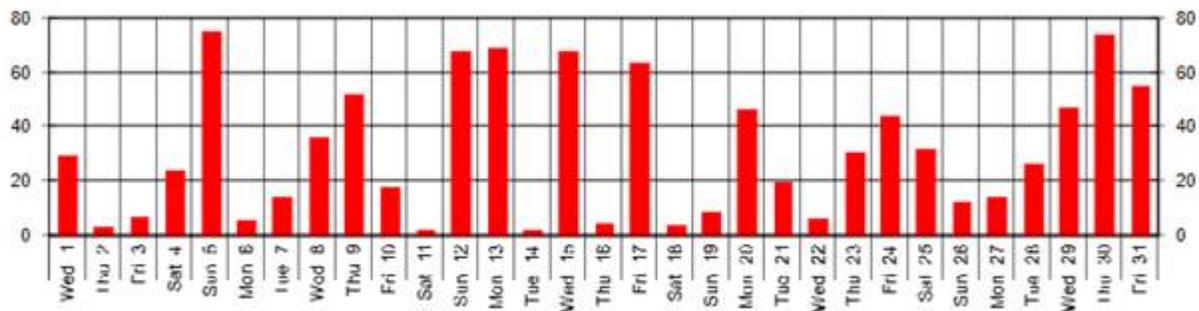
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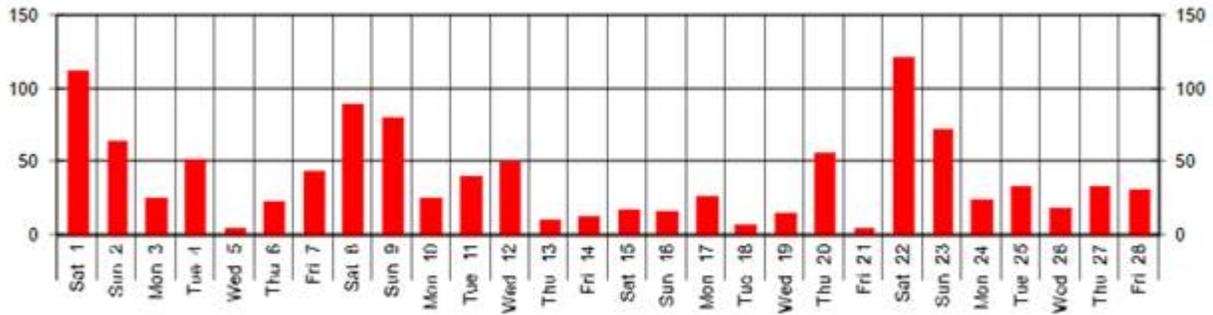
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