



# Sanford City Council

City Council Meeting Minutes – March 19, 2019

The Sanford City Council met at 6:00 p.m. in the Chambers of the Sanford City Hall Annex on Tuesday, March 19, 2019. **Mayor:** Thomas P. Cote **COUNCILORS:** Deputy Mayor Lucas Lanigan, Councilor Maura A. Herlihy, Councilor Robert G. Stackpole and Councilor Ayn Hanselmann **CITY STAFF:** City Manager, Steven Buck; Executive Assistant, Lorisa Ricketts; Director of Community Development, Ian Houseal; City Clerk, Sue Cote; Code Officer, Jamie Cole; Code Officer, Aaron Lederer; Code Officer, Jeannie Wood; Grant Writer, Lee Burnett; Airport Manager, Allison Rogers.

Absent with notice: Councilor John L. Tuttle, Jr.; Councilor Joseph R. Hanslip.

Mayor Cote called the meeting to order at 6:09 pm.

## Pledge of Allegiance

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

## Moment of Silence

## Roll Call:

Mayor Cote performed the Council Roll call: Councilor Hanselmann, present; Councilor Stackpole, present; Councilor Herlihy, present; and Deputy Mayor Lanigan, present.

## Minutes

19-196-01 Ordered, to approve the City Council Minutes from March 5, 2019.  
Councilor Herlihy moved to approve, seconded by Councilor Stackpole.  
The City Council voted 5-0 to approve.

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

Mayor Cote thanked the Junior High School for having him there for Career Day. He met with eighth graders and told them about his job. He also met with a local Girl Scout who is working on a project to change something in the community; she is focusing on road conditions and he is interested in hearing what comes out of it.

## City Manager's Report

See attached. Councilor Lanigan asked if the housing licensing bill was coming up yet at the State level. Manager Buck replied that it has not yet been scheduled for a hearing, but he is watching for it and will have testimony ready for it.

## **Communications/Presentations**

None.

## **Public Participation**

Nicholas Farrow stated that the potholes have not yet been repaired on Nowell Street. His dog got her foot caught in one the other day and he would like to have something done about it. He has incurred \$940 worth of damage to his car; his insurance company will not cover it; needs to have it fixed. Roads should be maintained like we maintain houses. Mayor Cote asked if he is in communication with the Public Works Department. Mr. Farrow said yes but insurance had rejected his claim. Mayor Cote suggested that Mr. Farrow should speak to City Manager Buck.

## **Public Hearings**

The City Council will take public comment on the following:

- 19-172-01 A Public Hearing to receive comments on the Renewal liquor license application with malt, spirituous, vinous privileges, and the City Special Amusement Permit from The American Legion Post #19. No public comment.
- 19-173-01 A Public Hearing to receive comments on the New license to operate a Medical Marijuana Production Facility at 81 Industrial Avenue, Unit C, Sanford Maine. No public comment.
- 19-178-01 A hearing to determine whether the structure at 14 Proulx Court, Sanford Maine owned by Michael and Joielle Lunny identified as Lot 36, on Tax Map K14, and further described in a Deed recorded in the York County Registry of Deeds at Book 14352, Page 762, is a dangerous building or nuisance within the meaning of 17 M.R.S.A. §§ 2851-2859, and if so, what is the appropriate remedy. Notice of this hearing was duly served on parties in interest by certified mail and advertised in the newspaper on March 1st, 8th, and 15th of 2019 as required by Law when an owner or party in interest is unknown or is not ascertainable with reasonable diligence. Director Houseal presented documents related to the property; Code Officer Lederer spoke about the condition of the property.
- 19-180-01 A hearing to determine whether the structure at 65 Emery Street, Sanford Maine owned by Debra Ducharme identified as Lot 88, on Tax Map J31, and further described in a Deed recorded in the York County Registry of Deeds at Book 14907, Page 560, is a dangerous building or nuisance within the meaning of 17 M.R.S.A. §§ 2851-2859, and if so, what is the appropriate remedy. Notice of this hearing was duly served on parties in interest by certified mail and advertised in the newspaper on March 1st, 8th, and 15th of 2019 as required by Law when an owner or party in interest is unknown or is not ascertainable with reasonable diligence.

Director Houseal presented documents related to the property; Code Officer Jeannie Wood spoke about the condition of the property. Mayor Cote asked how long the building has been without water. Director Houseal stated the water had been turned off in 2011. Mayor Cote asked for an estimate of the number of properties like this one. Director Houseal explained that these properties are being worked through over time and there are only a few left.

Deputy Mayor Lanigan asked if there is a way to collaborate with the water district on these properties to help identify them before they deteriorate so far. Director Houseal stated that they currently collaborate extensively with the water and sewer districts. A monthly list from water district shows properties which have lost connections.

Brandon Albert, a business owner in town, asked if the bank decides they have no interest in foreclosure but if someone was interested in acquiring a property like this, how would they go about it? Mayor Cote said he doesn't know if there is an easy answer to that because the City does not own these properties and often the owner is unknown. Director Houseal said that sometimes this process leads to success in finding owners on these properties. A couple of times, Habitat for Humanity has been able to use lots to create new buildings. The City can supply a citizen with documents showing who the City believes the owner of record is so they can follow up if they choose.

Mr. Albert followed up with another question: if the City can't go inside properties without a warrant, would it be possible to put a law through to allow access after a certain amount of time so the neglect could not progress so far? Councilors Herlihy and Lanigan stated it is probably a constitutional issue.

19-182-01

A hearing to determine whether the structure at 46 High Street, Sanford Maine owned by High Street Rental Property LLC identified as Lot 46, on Tax Map I29, and further described in a Deed recorded in the York County Registry of Deeds at Book 14975, Page 435, is a dangerous building or nuisance within the meaning of 17 M.R.S.A. §§ 2851-2859, and if so, what is the appropriate remedy. Notice of this hearing was duly served on the owner by certified mail and advertised in the newspaper on March 1st, 8th, and 15th of 2019 as required by Law when an owner or party in interest is unknown or is not ascertainable with reasonable diligence. Director Houseal presented documents related to the property and spoke about its history and environmental condition. Code Officer Wood spoke about the condition of the property found on inspection, and during the rental inspection.

Mayor Cote asked if this property is current on its taxes. Director Houseal stated that the property has \$3,414 in tax liens outstanding.

Mayor Cote asked if we know the current PCE levels on the building. Director Houseal stated that the last measurements were during the cleanup in 2009.

Deputy Mayor Lanigan and Councilor Hanselmann asked whether the existing tenants had been made aware of the reason for the building being posted. Director Houseal stated he would do whatever he could to find out. City Manager Buck stated that DHHS would be notified so the tenants can be informed. He also stated that a dialogue will be opened with the EPA regarding this property.

Diane Connolly asked whether there is concern about children at the Calvary Baptist Church nearby. Councilor Herlihy replied that the spread map does not show the contamination reaching that far.

19-184-01 A Public Hearing to consider a grant application seeking a \$300,000 Downtown Revitalization grant from the Community Development Block Grant program for a series of improvements at the Mid-town Mall.

Grant Writer Lee Burnett presented on the history of the Midtown Mall and prior obstacles to improvements, largely due to lack of single ownership. He presented plans for three major improvements: pedestrian walkway; façade improvements; and pedestrian connector between St. Ignatius Street and the Midtown Mall parking lot. Community Groups want to concurrently fix the retaining wall and paint a river-themed mural on it. Sanford is one of three communities invited to submit an application. Benjamin and Sarah Meggs have pledged to provide the \$75,000 local match that is required. We will find out in May if Sanford has been chosen.

Other outreach has included a presentation at the Town Club with 30 people in attendance. Two more presentations are scheduled in the next week.

Deputy Mayor Lanigan said the project looks amazing; he asked if the parking lot itself would be repaved, or just restriped. Mr. Burnett responded that putting the money into paving the lot would make the application less competitive.

Councilor Herlihy said she thinks the plan works well without tackling the parking. It acts as a first step which will then encourage future investment. Future parking lot work would not impact the improvements that would be installed.

Director Houseal stated that the proposal takes out a lot of obstructions so plowing is easier. Deputy Mayor Lanigan asked whether, with the work being proposed, the surface of the parking lot would be affected. Director

Houseal stated that some repairs will take place concurrently with this project. Pavement would be cut and patched where it needs repair.

Deputy Mayor Lanigan noted that the St. Ignatius connection is \$62,000 of the project; he asked if St. Ignatius has been approached to put funds toward the project. Mr. Burnett responded that they have not yet been approached, but there are additional community meetings scheduled.

Mayor Cote noted that the City is extremely fortunate that the Meggs have stepped forward to care for the Midtown Mall as it should be cared for. Their confidence in the community has allowed them to step forward with the match which will help create revitalization. It is a breath of fresh air to be making improvements there.

Councilor Stackpole added his endorsement of the project and said it is a great idea. He thanked everyone for their hard work on it.

19-136-01 A Public Hearing to receive comments on the Renewal liquor license application with malt and vinous privileges from Lord's Lobster Inc. D/B/A: Lord's Clam Box. No public comment.

19-197-01 A public hearing on a proposed ordinance to provide Sanford Residents unimpeded access to local food and to reduce governmental regulation of local foods to the extent permitted by home rule authority under 30-A M.R.S.A. § 3001, the Constitution of Maine, Article VIII, Part Second, and pursuant to 7 M.R.S.A. § 281 et seq. for Direct Producer-to-Consumer Transactions. The Ordinance will further create allowances of stock-in-trade regulations under Home Occupation. (This item must be read on two separate days. This is the first reading.)

Councilor Stackpole gave an overview of the ordinance. Approval of this ordinance will establish Sanford as a Food Sovereign community. It would allow individuals to produce and grow food at their homes and then sell it as a home business.

### **Consent Agenda**

19-137-01 Ordered, to approve the following license requests:

1. An application for liquor license renewal from Lord's Lobster Inc. D/B/A: Lords Clam Box, 1465 Main Street, Sanford, Maine.
2. American Legion Post #19, 656 Main Street, Springvale, Maine requests the following:
  1. Application for liquor license renewal.
  2. A request for extending their alcohol consumption area per the attached diagram.
  3. A Renewal of the City Special Amusement Permit.

- 19-175-01 Ordered, to approve the Renewal Medical Marijuana Grower License from Nature's Medicine, 72 Emery Street, Unit 305, Sanford, Maine.
- 19-176-01 Ordered, to approve the renewal license application from Westbrook Creek LLC to operate as a Medical Marijuana Grower at 72 Emery Street, Unit 405, Sanford, Maine.
- 19-144-01 Ordered, to approve the Medical Marijuana Grower renewal License application from Lighthouse Relief/Wisely Cannabis at 81 Industrial Avenue, Unit A, Sanford, Maine.
- 19-186-01 Ordered, to approve the request for a Medical Marijuana Grower License renewal from Nick Wyman, GSG Consulting, 72 Emery Street, Unit 301, Sanford, Maine.
- 19-187-01 Ordered, to approve the request for a Medical Marijuana Grower License renewal from Thomas Pham, North East Exotics 72 Emery Street, Unit 310, Sanford, Maine.
- 19-188-01 Ordered, to approve the request for a Medical Marijuana Grower License renewal from Philip Chabot, Earthly Meds, LLC, 72 Emery Street, Unit 150, Sanford, Maine.
- 19-189-01 Ordered, to approve the request for a Medical Marijuana Grower License renewal from John Fredericks, Alfred Farms, 1609 Main Street, Unit A, Sanford, Maine.
- 19-190-01 Ordered, to approve the request for a Medical Marijuana Grower License renewal from North Thompson, III, NorthStar Property Management, 72 Emery Street, Unit 201, Sanford, Maine.
- 19-191-01 Ordered, to approve the request for a Medical Marijuana Grower License renewal from Christopher Smith, C & M Farms, 27 Hancock Lane, Building 4, Units 1 & 2, Sanford, Maine.
- 19-192-01 Ordered, to approve the request for a Medical Marijuana Grower License renewal from Bryce Legere, G-Force, LLC, 27 Hancock Lane, Building 4, Units 3 & 4, Sanford, Maine.
- 19-194-01 Ordered, to approve the request for a Medical Marijuana Grower License renewal from Justin Graves, Five Jacks Production, LLC, 72 Emery Street, Unit 210, Sanford, Maine.
- 19-193-01 Ordered, to approve the request for a Medical Marijuana Grower License renewal from Peter Grillo, Mr. Green Thumb Holistic Solutions, 72 Emery Street, Unit 407, Sanford, Maine.

Councilor Herlihy asked if any items should be removed because of inspection issues. Code Officer Jamie Cole stated that he and the other Code Officers performed the inspections and the inspections were very thorough. A few minor issues were identified at some facilities and they were promptly addressed and resolved by the businesses.

No issues with any items being identified, the consent Agenda was approved.

### **Old Business**

19-105-01 Ordered, to discuss the discontinuance of a portion of Hoyt Street, Springvale, ME and to file an order of discontinuance with the City Clerk.

Councilor Herlihy moved to approve; Deputy Mayor Lanigan seconded. Motion was approved 5-0. City Manager Buck summarized the discontinuance process for the Council.

Linda Rankin, an abutter, spoke and asked when the process would be complete. City Manager Buck said that provided the City council approves, the discontinuance would be final after the second reading at the City Council meeting on April 16.

### **New Business**

19-181-01 Findings and Order, pursuant to 17 M.R.S.A. §§ 2851-2859 - Dangerous Building - 65 Emery Street, Sanford Maine, Tax Map J31, Lot 88. Deputy Mayor Lanigan stated the Council's findings and order regarding the property (see attached). Councilor Herlihy seconded. Motion carried 5-0.

19-179-01 Findings and Order, pursuant to 17 M.R.S.A. §§ 2851-2859 - Dangerous Building - 14 Proulx Court, Sanford Maine, Tax Map K14, Lot 36. Deputy Mayor Lanigan stated the Council's findings and order regarding the property (see attached). Councilor Herlihy seconded. Motion carried 5-0.

19-183-01 Findings and Order, pursuant to 17 M.R.S.A. §§ 2851-2859 - Dangerous Building - 46 High Street, Sanford Maine, Tax Map I29, Lot 46. Councilor Herlihy stated the Council's findings and order regarding the property (see attached). Deputy Mayor Lanigan seconded. Motion carried 5-0.

19-158-01 Ordered, to approve the plan for renovating the kitchen of the Airport Terminal Building restaurant and authorize the use of the Airport Capital Reserve account for the expenditures and the sale of the old maintenance shop for offsetting revenue. Councilor Herlihy motioned to approve; Deputy Mayor Lanigan seconded. Airport Manager Rogers spoke to provide background on the project and the need for the work, and explained the plan to offset the expenditure. Motion carried 5-0.

- 19-174-01 Ordered, to approve the New Medical Marijuana Grower License from Grown East LLC. 81 Industrial Avenue, Unit C, Sanford, Maine. Moved by Councilor Stackpole; seconded by Deputy Mayor Lanigan. Code Officer Cole stated he and another code officer conducted the inspection and found a few minor issues which were addressed. Deputy Mayor Lanigan asked if the business owners were finding the process easy to follow. Code Officer Cole stated that there was some minor confusion over some interpretation issues which he was working to resolve. The Zoning Subcommittee will address. Motion carried 5-0.
- 19-195-01 Ordered, to accept the recommendations of the Public Works Department concerning the extents of the 2019 Spring Roadway Postings. Deputy Mayor Lanigan moved to approve. City Manager Buck laid out the background on the existing ordinance on road postings and the list of roads to be posted. The plan for subsequent action is to bring a separate motion and amendment to make this same list of postings each year without having to come back and ask for it each year. Motion carried 5-0.
- 18-540-01 Ordained, an ordinance to provide Sanford Residents unimpeded access to local food and to reduce governmental regulation of local foods to the extent permitted by home rule authority under 30-A M.R.S.A. § 3001, the Constitution of Maine, Article VIII, Part Second, and pursuant to 7 M.R.S.A. § 281 et seq. for Direct Producer-to-Consumer Transactions. The Ordinance will further create allowances of stock-in-trade regulations under Home Occupation. (This item must be read on two separate days. This is the first reading.)
- 19-168-01 Ordered, to waive the fee for certificate of occupancy or zoning determination fees when, for administrative purposes, residential properties are administratively reclassified from two-unit residential properties to single family properties. Councilor Herlihy moved; Councilor Stackpole seconded. Director Houseal explained the administrative process and need for the fee to be waived in certain instances to facilitate reclassification of the properties. Deputy Mayor Lanigan asked for clarification that the units are owner-occupied and asked what would happen if the property then became multi-unit again. Director Houseal stated that this issue has been discussed by the Land Bank Authority. Motion carried 5-0.

### **Council Member Comments**

Councilor Hanselmann: Shared her gratitude to the Council members and taxpayers who have been working on the budget and urged taxpayers to attend budget meetings.

Councilor Stackpole: Shared some things he thinks are great for the community. Had wondered why there weren't community garden plots, but found out that the community garden program is moving along thanks to Mousam Valley Land Trust and applications are being accepted; \$25 membership fee. Applications at libraries and other locations in town.

Notice was in the Portland Press Herald March 18. More information and application can be found here: [Mousam Way Land Trust Community Garden](#).

Will provide more information on food sovereignty at the next meeting.

Councilor Tuttle: Absent w/notice

Councilor Hanslip: Absent w/notice

Councilor Herlihy: This week is the joint public hearing for the budget and she encourages School Committee, Council and public to attend.

Deputy Mayor Lanigan: Hopes the community can see the housing license works. It is our job to keep community members safe. Having the licenses and the codes team's work are working to keep the community safe. He also gave a big shout out to police fire and dispatch – they have been extremely busy and understaffed recently. They are working long hours and are extremely professional and on point.

Mayor Cote: Also reminded the City Council to be at the meeting on Thursday at 6:00 and also reminded members of the public

### **Future Agenda Items**

Deputy Mayor Lanigan: Would like the Zoning subcommittee to discuss Sign Ordinance to remove old signs when businesses move. By seeing and being reminded of what was, people aren't focusing on what may come.

Councilor Hanselmann: Would like a committee to put together a resource list for people who have been unintentionally made homeless as a result of the current work to tackle unsafe buildings. Would like to see a committee put together a resource list for these people. Public Safety subcommittee will discuss.

Mayor Cote: Agreed it would be good to have a packet of helpful information for people in this situation.

### **Adjournment**

Mayor Cote moved to adjourn regular meeting at 8:59 PM.

Respectfully submitted by Lorisa Ricketts, Executive Assistant