



Sanford Town Council

Town Council Meeting Minutes-TUESDAY, April 19, 2011

7:00PM

The Sanford Town Council met at 7:00 p.m. in the Chambers of the Sanford Town Hall Annex on Tuesday, April 19, 2011. Those present were: **COUNCILORS:** Councilor Alan R. Walsh, Councilor Anne Marie Mastraccio, Councilor Bradford J. Littlefield, Councilor Richard L. Wilkins, and Councilor Kenneth Burgess. **TOWN MANAGER:** Mark Green **TOWN STAFF:** Diane Sheldon, Director of General Assistance; Jim Nimon, Executive Director of the Growth Council, Michael Casserly, Assistant Town Engineer; Paula Simpson, Town Clerk/Treasurer; Also present: Bob Hardison, Growth Council; James Drummey, Chair of Finance Committee.

Vice Chairman Walsh called the meeting to order at 7:09 pm.

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

Roll Call: Vice Chairman Walsh performs the Council Roll Call: Councilor Burgess, present; Councilor Wilkins, present; Councilor Littlefield, present; Councilor Hanslip, absent w/notice; Councilor Mastraccio, present; Vice Chairman Walsh, present; Chairman Paul, absent w/notice.

Minutes

Executive Session: April 5, 2011; Councilor Mastraccio motioned to approve with the addition that Councilor Littlefield was late but present for most of the meeting, seconded by Councilor Littlefield. The Town Council voted 5-0 to approve.

Regular Meeting: April 5, 2011 Councilor Mastraccio moved to approve, seconded by Councilor Littlefield. The Town Council voted 5-0 to approve.

Chairman's Reports/Town Council Sub-Committee Reports

Councilor Littlefield reported on the Finance Committee. He discussed using \$200,00 from the Fund Balance and that he did speak to the Town Treasurer, Finance Director and the Auditor regarding its use to help balance the budget. He also noted that the CIP was changed by removing one police car. He has concerns that this will create a hardship next year when we will potentially need to buy 4-5 cruisers to make up for the shortfall on this year.

Councilor Littlefield also reported on the Charter Commission. He stated that the Commission is done reviewing the charter, they have all noted concerns and at the next meeting on May 12, 2011 they will prioritize those concerns. They have a couple of resignations, one from the elected body and one from the appointed body.

Councilor Littlefield reported on the Legislative Committee and noted there will be a public hearing on April 28, 2011 concerning the transportation corridor and the possible effects of increased traffic from the Biddeford Racino.

Town Manager, Mark Green, discussed using the \$200,000 from the Fund Balance. He stated that he is conservative with the Town Fund Balance and that it has helped stabilize and keep the Town strong.

He has concerns that it will set up a problem for next year's budget planning and will limit solutions in this year's budget. However, he feels the town can afford it but will have issues next year.

Town Manager's Report

Town Manager Green stated that he was notified Friday that they were granted \$3.7 million in National Stabilization Money for the Mill renovations. The Developer will need to find private financing and do a market housing study to fine the best fit for the community and the renovations. This needs to be done by June 30, 2011.

Communications/Presentations

Maura Herlihy, Downtown Legacy introduced Fran Libby as the newly hired Executive Director for the organization. Mrs. Libby formerly worked 7 years for the Chamber of Commerce, has been actively involved in The Downtown Legacy and is looking forward to the work ahead in improving the Downtown.

Jeremy Farrah gave the Municipal audit presentation. He noted federal findings in the School Department. He stated that because the Town uses Munis and the School uses a different accounting system that reconciling accounts needs to be done monthly. Councilor Mastraccio asked how to prevent further problems and Mr. Farrah reiterated that monthly reconciliations would be helpful. Councilor Littlefield asked if the School should switch to Munis accounting system. Town Manager Green stated that the School use to be on the Munis system but in order to comply with some reporting rules that Munis didn't offer they changed to their current system.

Councilor Walsh asked if the \$200,00 fund balance that may be used to reduce tax liability and a \$250,000 Emergency Appropriation for a total of 450,000 out of the Fund balance would be okay? Mr. Farrar stated that it would have an impact on the percentage and that now we are at 12.6% and it could go down to about 10% if that money is used to offset the budget. Typically the auditors like to see the undesignated fund balance of 6-16% of the budget or one to two month's expenditures.

The Bauneg Beg Lake Association gave a presentation on improving the watershed quality of the Goodall Park brook. They asked permission to use "tree boxes" to filter for runoff into the brook to prevent over exposure of phosphates, which are a pollutant. Dana Peterson from the association explained that they will be using local products and businesses and that there are no up front costs to this project. Councilor Burgess asked about maintenance and any costs of maintenance to the Town. The "tree box" will be low maintenance and probably in 10-15 years the Maple tree will die and need to be replaced. Councilor Mastraccio noted that the property subcommittee gave this project a thumb up and Town Manager Green stated that DPW also was very supportive of this program.

Public Participation

Mrs. Alberta Sevigny spoke about her concern that, in her opinion, there was no notification of the Town Hall being closed for the holiday. She questioned specifically, Councilor Littlefield, about the Town Charter, and was asked by Councilor Walsh to address the Chair and the Town Manager. She stated concerns over what she perceived as the "deletion of the Town Clerk position and that this is a violation of the Town Charter". She also stated concerns that the Town Clerk's office is moving to the Annex and that she should be able to walk up the front stairs of the Town Hall and do her business.

Public Hearings

The Town Council will take public comment on the following:

- 1) To discuss the acceptance of a referral from the Sanford Planning Board of File #999-10-T(6): requesting that the Town Council consider amending Chapter 280 Zoning of the Town Municipal Code to add to Article II Section 280-5 Definitions, Article XIV Conditional Uses and Attachment 1 Table of Land Uses by changing the definition of Commercial School, and allowing it as a Conditional Use in the RMU zone, and a Permitted with Review use in t ORB, SB, UB, DB, IB, &IR zones in the Table of Land Uses. Chairman Walsh declared the public hearing open at 8:05pm. Mr. Hardison from Economic Growth Council was present to answer any questions. Town Manager Green explained that this change will allow for dance schools in those zones to be permitted. Councilor Mastraccio stated that planning board approval and compliance rules would still apply. There was no one else to speak for or against. The public hearing was declared closed at 8:07pm.
- 2) To receive public comments on the designation of the proposed municipal tax increment financing district to be known as the Route 4/109 Intersection Municipal Development and Tax Increment Financing District (the "District"), and the adoption of a development program for the District pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statues, as amended. The proposed municipal development and tax increment financing district consists of certain property designated as the Sanford Property Overlay Contract Zone, which is located in Sanford at the intersection of Route 4 and Route 109. Chairman Walsh declared the public hearing open at 8:08 pm. Jim Nimon, Director of Sanford Growth Council gave a brief presentation on this topic. Town Manager Mark Green asked to table any action on the as they are still waiting for the tax calculations to be completed. Councilor Littlefield motioned to table until the 5/3/2011 Town Council Meeting. There was no one else to speak for or against. The public hearing was declared closed at 8:19pm.

Old Business

- 11-38.06 Ordered, to authorize a contract zone agreement for Arista Development LLC, c/o Curtis Neufeld, Sitalines P.A., 8 Cumberland Street, Brunswick for a contract zone application, under Article X Section 280-38 to consolidate Tax Map K28, lots 64, 75, 76, 77, 79, 80, and 82 into two (2) parcels and to authorize the Town Manager to execute the necessary documents. (This item must be read on two separate days. this is the second reading). Councilor Littlefield moved to approve seconded by Councilor Wilkins. Ms. Janet Zapalla spoke against this item. Town Manager Green noted that Walgreens has agreed to pay \$1,000 up from \$750 to tenants for moving expenses. Councilor Littlefield stated that he was encouraged by his constituents to vote for this item. Chairman Walsh stated that he would also vote yes on this item as it would be bringing jobs to town. The Town Council voted 4-0 to approve and Councilor Mastraccio abstained.
- 11-39.07 Ordered, to authorize a contract zone agreement for Sanford properties Holdings, LLC c/o Alton Palmer P.E>, Gorrill-Palmer Consulting Engineers, Inc., PO Box 1237, 15 Shaker Road, Gray ME 04039 for a contract zone application, under Article X Section 280-38 for a mixed use development a t the southeast quadrant of the Route 4/Route 109 roundabout in Sanford. The property is identified as Tax Map R15, lots 103, 104A and 10A and is located in the CC Zone and to authorize the Town Manager to execute the necessary documents. This items must be read on two separate days. This is the second reading. Councilor Mastraccio moved to approve seconded by Councilor Littlefield. Councilor Littlefield extended his appreciation to developers and stated it

was a great contract to use TIF money to help move this project forward. Councilor Walsh also stated he felt it was a good project and good economic development. The Town Council voted to approve 5-0.

New Business

- 11-44.01 Ordered, to accept the annual audit conducted by Runyon, Kersteen & Ouellette. Councilor Mastraccio moved to approve seconded by Councilor Wilkins. The Town Council voted to approve 5-0.
- 11-45.02 Ordered, to confirm the Town Manager's appointment of Paula E. Simpson as the Tax Collector of the Town of Sanford. Councilor Mastraccio moved to approve, seconded by Councilor Wilkins. The Town Council voted to approve 5-0.
- 11-46.03 Ordered, to receive, from the Town Treasurer, tax acquired property due to maturity of 2008/2009 real estate tax liens. Paula Simpson discussed the foreclosures and that there are no liability issues for the Town. Councilor Littlefield moved to approve seconded by Councilor Wilkins. The Town Council voted to approve 5-0.
- 11-47.04 Ordered, to approve a Municipal Tax Increment Financing District to be known as Sanford Holdings LLC Municipal Development and Tax Increment Financing District and to authorize the Town Manager to execute the required documents. Councilor Littlefield moved to table until May 3rd meeting seconded by Councilor Mastraccio. The Town Council voted to table 5-0.
- 11-48.05 Ordered, to award a bid for the Permeable Interlocking Concrete Pavement Installation project to Levesque Excavation, Inc. of Sanford, ME. Councilor Littlefield moved to discuss seconded by Councilor Wilkins. Mike Casserly discussed the project. Councilor Littlefield confirmed there would be no town tax money involved. Councilor Mastraccio confirmed that local materials and contractors would be used as much as possible. Councilor Mastraccio moved to approve seconded by Councilor Littlefield. The Town Council voted to approve 5-0.
- 11-49.06 Ordered, to approve the recommendations of the Capital Improvement Committee on a capital improvement program (per Charter Section 508.5). Councilor Mastraccio noted that the Town could go out to bond for paving. Councilor Littlefield noted his concern that a police cruiser was cut from the program and that this may create a hardship for the next budget season as they may need to buy 4 to 5 cruisers for that year. Councilor Littlefield moved to approve seconded by Councilor Wilkins. The Town Council moved to approve 5-0.
- 11-50.07 Ordered, to accept the resignation of Tom Sevigny from the Charter Commission and to Consider the appointment of a replacement if appropriate. Councilor Littlefield asked to split this item and vote on the resignation. It was agreed to do this for this item. Councilor Mastraccio moved to accept the resignation of Tom Sevigny seconded by Councilor Littlefield. The Town Council voted to approve 5-0. The Council discussed putting a notice on the Town Website and local newspaper and to be voted on at the next meeting of the Charter Commission on 5/12/2011 and those candidates should be encouraged to be at this meeting. Town Manager Mark Green noted that he and Sherry Lord had already put in a generic ad on vacancies on the Charter Commission and asked that interested people apply by 4/29/2011. There was more discussion on the dates.

Councilor Mastraccio asked that all applications be accepted up until the Charter meeting on the 12th of May.

- 11-51.08 Ordered, to eliminate the punch pass as the transfer station and to establish a \$5 fee for residential transfer station permits effective 7/1/11. Councilor Littlefield moved to approve seconded by Councilor Wilkins. Councilor Littlefield noted that the Solid Waste Committee recommends this item. Councilor Mastraccio noted concerns about Recycling and that it be clear to citizens that recycling items are not to be disposed of in the upper hopper. Councilor Littlefield stated that discussion of that issue was being debated among members of the Solid Waste Committee. Town Manager Green stated that it wasn't considered if the upper hopper traffic would be effected by this rule. The goal was to try to contain costs in the lower transfer station and the SWC had debated charging a \$2/bag fee for the upper hopper but nothing was decided yet. There was more discussion by the Council. Resident Crickett Crockett spoke and asked for more explanation of the fee. Mr. Talbot wanted more explanation on costs of disposing certain items. The Town Council voted to approve 5-0.
- 11-52.09 The Town Council hereby ordains amendments to Chapter 280 Zoning of the Town Municipal Code to add to Article II Section 280-5 Definitions, Article XIV Conditional Uses and Attachment 1 Table of Land Uses by changing the definition Commercial School, and allowing it as a Conditional Use in RMU Zone, and a Permitted with Review use in the ORB, SB, UB, DB, IB, & IR zones in the Table of Land Uses. This item must be read on two separate days. This is the first reading. No action required.
- 11-53.10 Ordered, to approve a blanket letter for application to operate Games of Chance (Beano) for the V.F.W. Post #9935, 1 Hutchinson Street, Sanford, ME. Councilor Littlefield moved to approve seconded by Councilor Mastraccio. Town Council voted to approve 5-0.
- 11-54.11 Ordered, to approve the proposed amendments to the Sanford Sewerage District Charter. Councilor Littlefield moved to discuss seconded by Councilor Wilkins. Mike Hanson from the Sewerage District explained the changes to the Charter, Councilors asked questions and wanted to know if variances are granted. Mr Demers from the Sewerage District BOD stated a plumbing inspector could issue a variance for special circumstances. Councilor Littlefield moved to approve seconded by Councilor Wilkins. The Town Council voted to approve 5-0.

Council Member Comments

Councilor Burgess: none

Councilor Wilkins: none

Councilor Littlefield: discussed feasibility study and that there is a hearing on 4/28/11

Councilor Mastraccio: none

Vice Chair Walsh: Congratulations to the Town of Sanford for the \$3.7 million National Stabilization project money. Congratulations to Fran Libby on her appointment to the Downtown Legacy as their director. Thank you to the Bauneg Beg Association for their presentation. Noted appreciation to the Economic projects to the Town of Sanford and job creations.

Future Agenda Items

none

Adjournment

Councilor Littlefield moved to adjourn at 9:15

Respectfully submitted by
Diane Sheldon