



Sanford City Council

City Council Meeting Minutes – April 2, 2019

The Sanford City Council met at 6:00 p.m. in the Chambers of the Sanford City Hall Annex on Tuesday, April 2, 2019. **Mayor:** Thomas P. Cote **COUNCILORS:** Deputy Mayor Lucas Lanigan, Councilor Maura A. Herlihy, Councilor Robert G. Stackpole and Councilor Ayn Hanselmann, Councilor John L. Tuttle, Jr.; Councilor Joseph R. Hanslip **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; Parks & Recreation Director, Alan Grady; City Treasurer, Paula Simpson; Finance Director, Ronni Champlin; Airport Manager, Allison Rogers; Public Works Director, Matt Hill.

Mayor Cote called the meeting to order at 6:05 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 Tuttle, present; Councilor Hanslip, present; Councilor Herlihy, present; and Deputy Mayor Lanigan, present.

Minutes

19-225-01 Ordered, to approve the City Council Minutes from March 19, 2019. Deputy Mayor Lanigan motioned to approve; Councilor Herlihy seconded. Motion passed 6-0. Councilor Hanslip Abstained.

19-236-01 Ordered, to approve the minutes from the Executive Session of the City Council on March 19, 2019. Councilor Stackpole motioned to approve. Councilor Tuttle seconded. Motion passed 6-0. Councilor Hanslip Abstained.

Mayor's Report/City Council Sub-Committee Reports

None.

City Manager's Report

See attached. Councilor Tuttle asked what the bills that the City Manager testified on mean for Sanford. Manager Buck said that the first bill would be a way to prevent discussions going forward. The second bill addresses the issue of space on poles that should belong to municipalities. The third bill addresses the issue of the utilities being nonresponsive.

Communications/Presentations

None.

Public Participation

Mr. Sabine stated that his wife and he fought for a year to have a business, then gave up and bought a different business that was already active. He then fought for 11 months to get an occupancy permit. As of January 1, he was required to have a salvage dealer's license. He stated that 15 businesses are required to have a license, but says he is the only one who has a license. He doesn't mind paying \$500 for the license; he thinks it is good to have oversight, but he asked why other businesses do not have to pay their license fees. Mr Sabine stated that if the Council wants to hear what is really going on, to get in touch with him.

Public Hearings

The City Council will take public comment on the following:

- 19-204-01 A Public Hearing to receive comments on the New Application for Medical Marijuana Grower from Botanical Compost LLC, 72 Emery St, Unit 503, Sanford, Maine. Public hearing opened at 6:22 PM. No public comment. Public hearing closed at 6:22 PM.
- 19-206-01 A Public Hearing to receive comments on the New liquor license application with malt, spirituous, and vinous privileges from Pilots Cove Cafe LLC, 199 Airport Road, Sanford, Maine. Public hearing opened at 6:23 PM. No public comment. Public Hearing closed at 6:23 PM.
- 19-209-01 A Public Hearing to receive comments on the Renewal of the City Special Amusement Permit, an application for liquor license renewal with malt, spirituous, vinous privileges and application for Auxiliary License from Bauneg Beg Country Club LLC, D/B/A Sanford Country Club, LLC, 588 Country Club Road, Sanford, Maine. Public hearing opened at 6:23 PM. No public comment. Public hearing closed at 6:23 PM.

- 19-210-01 The first of two Public Hearings to receive comments on the Renewal of the Mental Health and Abuse Clinic license from Maine Behavioral Healthcare, 474 Main Street, Sanford, Maine. Public hearing opened at 6:24 PM. No public comment. Public hearing closed at 6:24 PM.
- 19-211-01 The first of two Public Hearings to receive comments on the Renewal of the Mental Health and Abuse Clinic , ENSO, LLC D/B/A: Medicated Assisted Recovery, 69 Eagle Drive, Sanford, Maine. Public hearing opened at 6:24 PM. No public comment. Public hearing closed at 6:24 PM.
- 19-214-01 A public hearing to seek and receive comment on an ordinance amending City Code regarding the administrative provisions of Chapter 280 including sections pertaining to definitions, fees, public hearings, amendments, zoning board of appeals, nonconformance, variances and appeals, contract zoning, the single family residential zone, conditional use, and site plan review. Deputy Mayor Lanigan moved to table the item; Councilor Herlihy seconded. This item was tabled.
- 19-227-01 A public hearing for the purpose of deciding whether or not to discontinue, pursuant to the provisions of 23 M.R.S.A. § 3026-A, a portion of the public way known as Hoyt Street, shown in the proposed Order of Discontinuance, and to determine what damages, if any, should be paid to property owners abutting such way if it is discontinued. Public hearing opened at 6:25 PM. No public comment. Public hearing closed at 6:25 PM.
- 19-234-01 A hearing to determine whether the structure at 99 River Street, Sanford Maine owned by Ayesha Baye identified as Lot 21A, on Tax Map J26, and further described in a Deed recorded in the York County Registry of Deeds at Book 15327, Page 81, 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 the Cumberland County Sheriff, parties in interest by certified mail and advertised in the newspaper on March 15th, 22nd, and 29th 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 its history. Code Officer Lederer spoke about the condition of the building on inspection. Deputy Mayor Lanigan asked if Code Officer Lederer had been inside; Code Officer Lederer said no, the owner has just been in contact

this week. Mahfuz Fulli, husband of owner, spoke. He stated that when they noticed the roof was leaking they contacted a roofer, who said it was not the right time to fix it and covered it up with a tarp. He stated they fully intend to fix the roof and that the inside of the house is in good shape. He said he was not aware that there was money currently owed on the water or sewer. They had a tenant until November. Mayor Cote asked if Mr. Fulli was aware when it was rented out that it was in a condemned state. Mr. Fulli responded that he was not. Deputy Mayor Lanigan asked if Mr. Fulli is new to managing the building. Mr. Fulli stated that he works with a transportation company 6 days a week and is very busy but they intend to hire a building manager. Mayor Cote asked if there was a vacant building license on the building. Code Officer Lederer stated that Mr. Fulli had handed a rental license application to him this evening but conversations beyond that have not happened yet. Public Hearing closed at 8:56 PM.

19-235-01 A hearing to determine whether the structure at 50 High Street, Sanford Maine owned by DJM Enterprises LLC identified as Lot 48, on Tax Map I29, and further described in a Deed recorded in the York County Registry of Deeds at Book 16151, Page 199, 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 registered agent of the owner by the York County Sheriff, parties in interest by certified mail and advertised in the newspaper on March 15th, 22nd, and 29th of 2019 as required by Law when an owner or party in interest is unknown or is not ascertainable with reasonable diligence. Public Hearing opened at 9:06 PM.

Director Houseal presented documents related to the property and its condition. Code Officer Wood spoke about the condition of the property found on inspection. Mayor Cote asked if building permits have been taken out for improvements/changes. Code Officer Wood said yes. Deborah Miles stated she loves her junky old buildings and has done her best to run them over the years. She had the stairs repaired but it wasn't to code and it took three times to get it right; she said it was grandfathered. She says she put a sprinkler system in when she bought the building that she didn't have to. She pays a lot on taxes and is ready to rent it out now. Did everything that Codes has asked. Has had an empty building all winter, so no income from it. Maybe she should have done more, but will do her best. Bankruptcy confirmed in December. Has a plan to pay past due sewer and water. Has worked hard on the building. Needs to have the building lived in to keep it safe. Councilor Tuttle has been working with Ms. Miles over the past few months. She is actively seeking

to repair the property and we should give her time to make the repairs. Deputy Mayor Lanigan asked if she owns multiple properties in Sanford. Ms. Miles said she wanted to concentrate on this property. Deputy Mayor Lanigan said that this license is for exactly this reason; people coming in and renting sub-par living conditions to local residents. Mayor Cote said Ms. Miles called him after the first inspection and said then as well that she liked her junky buildings. There are multiple ongoing issues, he said, and there seems to be some acknowledgement that the building are sub-par, even by the owner. Councilor Herlihy asked Code Officer Wood how much, percentage-wise, has been addressed. Code Officer Wood said there is also a commercial portion of the building that needs to be inspected. The sprinkler system has been inspected and passed inspection. The latest report from pest control shows the problem is under control. Deputy Mayor Lanigan stated the building is abandoned. It has a rental license for 2019 but the placards will not be removed until everything is corrected. Councilor Tuttle asked Ms. Miles how much money she has paid to fix up the building. Ms. Miles stated over \$20,000 in the past few months. Public Hearing closed at 9:37 PM.

19-233-01 A hearing to determine whether the structure at 91 Pioneer Avenue, Sanford Maine owned by the heirs of Virginia St. Cyr identified as Lot 33, on Tax Map J32, and further described in a Deed recorded in the York County Registry of Deeds at Book 9542, Page 347, 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 advertised in the newspaper on March 15th, 22nd, and 29th 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 its condition. Fred Smith asked if the town now owns this property and Mayor Cote said yes. Public Hearing closed at 8:37 PM.

19-226-01 A public hearing to seek and receive comment on a proposed ordinance prohibiting persons convicted of Class A, B, or C sex offenses committed against persons who had not attained 14 years of age, at the time of the offense, from residing within 750 feet of any public or private school, municipally or state-owned park, athletic field, recreational facility or property. This item was tabled.

Consent Agenda

19-208-01 Ordered, to approve the following license requests:

1. An application for a New liquor license from Pilots Cove Cafe LLC, 199 Airport Road, Sanford, Maine.
2. Bauneg Beg Country Club LLC, D/B/A: Sanford Country Club, LLC, 588 Country Club Road, Sanford, Maine:
 1. A Renewal of the City Special Amusement Permit.
 2. Application for liquor license renewal.
 3. Application for Auxiliary license renewal.

Mayor Cote sought questions or comments from the Council on the Consent Agenda. Seeing none, the motion was approved.

Old Business

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 second reading.) Councilor Hanslip moved to approve; Councilor Tuttle seconded.

Councilor Herlihy stated that she would support the ordinance but has concerns about the issue of uninspected kitchens.

City Manager Buck read a statement from local resident Jack McAdam of Springvale, stating his reasons for opposing the ordinance (see attached).

Councilor Stackpole responded to the statement, asking how many people have gotten sick in the communities that have approved similar ordinances. He stated that the program is for neighbor to neighbor sales. Sellers are likely eating their own products and if someone were to get sick, it would immediately put them out of business. So they would be very motivated to ensure the quality and safety of their products. He believes it is a progressive step in the right direction and will help with food availability. He hopes the council will support it; is good for Sanford.

Mayor Cote said his question is, when people are selling at a farmer's market, would he know the difference between someone state inspected

and someone who isn't? City Manager Buck stated that only State-licensed producers are allowed to sell at farmer's markets. Councilor Lanigan said that the spirit of the ordinance is buy at your own risk.

Motion passed 7-0.

New Business

19-205-01 Ordered, to approve the request for a New Medical Marijuana Grower License from Botanical Compost LLC, 72 Emery Street, Unit 503, Sanford, Maine. Deputy Mayor Lanigan moved to approve. Councilor Herlihy seconded. Code Officer Cole spoke about the inspection; there were some issues on inspection which were addressed and brought into compliance. Councilor Tuttle asked how many growing facilities are now at 72 Emery Street. Code Office Cole replied that there are 11. Motion passed 7-0.

19-207-01 Ordered, to receive and take action on the Budget Committee's recommendation for the FY 19/20 Municipal and School budgets. Councilor Tuttle moved to discuss the Budget Committee's recommendation; Councilor Herlihy seconded.

Lance Koenig, Budget Committee Chair, presented the Budget Committee's findings and recommendations. He passed to City Manager Buck to speak about the increase in Pay as You Throw bag prices. Recyclables through June 30 are currently taken by EcoMaine at \$0/ton (approximately 46% of the waste stream). The rest is Mixed Solid Waste, which costs \$74.50/ton. Now, because the world recycling market is changing, China is no longer taking recyclables. So when the contract is renewed, the best case scenario for recyclables is \$65/ton. The cost of sleeves is being increased from \$10 per sleeve to \$13.50 per sleeve to offset this. This is the first price increase in the 7 years of the program's implementation. If this cost had not gone up, the sleeve price would not have increased.

Mr. Koenig presented the School side of the budget and the process that led to it. He asked if revenue sharing from the State/EPS were to be higher, could the Council vote now that this get used to offset local appropriation? Mayor Cote said that could be done for revenue sharing, but that could not be done for EPS. Councilor Tuttle asked if there has

been an assistant principal at the Junior High School previously. Matt Nelson, Superintendent of Schools, replied that the position would be a new position. In order to adjust the cost for the position down, it could be made it a school year position plus 10 days before and after. This would significantly decrease the cost and the position is badly needed. Mayor Cote stated that the plan for school consolidation creates this need due to the increased number of students in the facility and asked Superintendent Nelson to discuss the student to administrator ratio. Currently, there is a ratio of 257:1 at the High School; 345:1 students to administrators in the Junior High. This would bring the number to 296:1. Deputy Mayor Lanigan asked how many assistant principals there currently are at the high school: 3, for 1029 students. If this position were not added, the ratio would be about 450:1.

Councilor Stackpole went back to the trash-bag situation and pointed out that there has been no increase in the price of PAYT trash bags since the program began in 2012. Mayor Cote asked the timing of that increase. Councilor Stackpole pointed out that the cost of the increase worked out to 70 cents per week. City Manager Buck stated that the increase would take effect July 1, 2019. Mr. Koenig stated that increasing the bag cost puts the cost on all of those who generate trash; if it was not raised, the burden would be borne solely by single family home-owners.

Mr. Koenig discussed a possibility for addressing the road and infrastructure costs needed. The Budget Committee proposed bonding up to \$50,000,000 over a five year period. (3/21 and 3/28 Budget Committee meetings discussed this). Mayor Cote thanked Mr. Koenig for his efforts and said that as Chairman, he has provided deep thinking. Mayor Cote stated that the difference one person can make is exemplified by Mr. Koenig, who came up with this idea two weeks ago, developed a spreadsheet, and we are here discussing it as a viable option. Mayor Cote reminded the public that this is all for information and discussion, there is no vote on this tonight.

City Manager Buck presented a detailed Sanford Bonding Analysis. Mayor Cote suggested deferring discussion on this proposed bonding to a future session. Councilor Tuttle stated that the State will be bonding \$20 Million for fire stations; he suggested perhaps having grant writer Burnett look into that.

Fred Smith spoke and thanked everyone for their time and effort in the budget. He is a business owner and former Councilor and feels that as a community there are many small things we can do to save money. It costs \$65/ton to get rid of recyclables. He believes we could cut that by half. Some recyclables have stronger markets than others. Cardboard market is still strong; demolition waste; separate more at the transfer station and pay less for some of the materials. He proposed hiring a person who would be paid for half from school and half from City to work with kids and get them involved in the community and manage those hours (6000 hours of community service required each year) to benefit the youth, and could save the City money. He also suggested possibly using revenue from the natural gas expansion to pay for bond payment.

Mayor Cote stated this is his 7th year on the budget committee. This was one of the most difficult years – there is no low-hanging fruit left. He felt the City and Schools were well-represented in the process; was not sure the taxpayers were well-represented. He did not like the 5.5% increase that was settled on. There are a few positions that are being added: two firefighters and a Public Works sign position – around \$250,000 total. He advocated to keep the firefighter positions at the time but after thinking about this a lot, he feels we need to look at these positions and see if we can defer adding them until next year. The other thing he proposed was defunding the Fire Marshal after this fiscal year.

Mayor Cote motioned that the budget be decreased by \$317,596 by eliminating these four positions. Deputy Mayor Lanigan seconded.

Councilor Hanselmann asked City Manager Buck how much, given additional overtime costs, would be saved by eliminating those positions. Mr. Buck stated it is difficult to project how the two additional firefighter positions would offset overtime but the answer to that would be none if the department was fully staffed. The additional workforce would come in to replace those who are either injured on the job or have non-workplace-related injuries, so would replace straight time as opposed to overtime.

Councilor Herlihy stated that she had the same feeling as Mayor Cote when she left the last Budget Committee meeting; it was no reflection on the work of the Finance Committee. She feels that we do need to get to a

fire fighter staff level of 13 per team, but the solar project money is not coming for two years. A tax increase over 5% this year will not help the City or residents. As far as the sign position, she said they could possibly try to build it in next year's budget.

Deputy Mayor Lanigan feels they made commitments based on assumptions that did not come to be; it would be irresponsible to add positions right now or fund positions that are not required by the charter or necessary to keep the City running, but he has great hope for the future growth. Is fully committed to adding the new positions but not at this time. This is the responsible thing to do at this point.

Councilor Hanslip asked, whereas this vote will affect an agreement made during collective bargaining and a position of a current employee, does this vote have to take place tonight or can it be discussed and held off on voting until the next meeting? City Manager Buck stated that all materials for the June School Budget Referendum have to be in to the City Clerk by April 12 for printing. If the budget was tabled for further consideration, a vote happened next Tuesday, April 9, that would be the drop-dead date.

Mayor Cote asked if there is any room to move on the Assistant Principal position. Superintendent Nelson stated that one of the things looked at was to look at the assistant principal position differently. The schools could save nearly \$20,000 by aligning that position with the school year. Mayor Cote asked if the Superintendent was comfortable reducing the school budget by that amount. Superintendent Nelson said yes.

Councilor Tuttle moved to approve a school budget of \$53,589,732 and CIP of \$381,825. Councilor Hanslip seconded. Motion passed 7-0.

Mayor Cote asked if we are contractually obligated to table the City budget motion or whether they could move on it tonight. City Manager stated that contractually, eliminating the two additional positions and eliminating the Fire Marshal position, not firing the individual, is within the City Council's capacity.

Fire Chief Benotti spoke at length, stating that though he understands that when budgets come due someone has to pay for them, but he was sorely disappointed that only half the story was being told. Although the tax rate

figure would be lower, that number does not indicate the services that those positions provide. The Council is not talking about the revenue that changes in billing and ambulance service will bring in: over \$250,000 in new revenue next year. The Council is also not talking about the effect that having to use the State Fire Marshal for the plan review process. The State Fire Marshal cannot provide the service that it needs. It also costs to the department overtime if relying on the State Fire Marshal because they don't come out on evenings or weekends. Without a local fire marshal on site at the new high school construction, it would have negatively affected the school timing and quality of the building. Prepared a statement that talks about fire safety and code review, fire investigations, fire safety and education provided to students and businesses; and administration.

He stated that he also believes there need to be more than four Budget Committee meetings to discuss this.

Councilor Hanslip asked Chief Benotti if the stages of inspection and permitting currently being done by the Fire Marshal are State or City requirements. Chief Benotti replied that they are primarily local requirements and that it would be unfair to businesses who have worked with the fire marshal to obtain the level of safety and code adherence and must now work at a slower pace. The Fire Marshal has identified tax benefits to businesses by implementing things like sprinkler systems.

Matt Hill would like to echo his statements re the Fire Marshal and his necessity. He also explained that the Department of Public Works sign position was approved last year and is also a snow plow operator. Without the sign position, Public Works will need an additional \$25,000 to 30,000 to fill a hole on the snowplow route.

Diane Connolly thanked everyone for their hard work on the budget. She stated that last year she had a chimney fire. If it comes down to choosing between a signs position and firefighter, she wants to keep the firefighter.

Councilor Hanslip made a motion to amend the Municipal Services budget to include the fire marshal's position back in. The motion had no second.

Councilor Lanigan moved to accept the City operations budget of \$26,516,839 and CIP of \$2,728,688. Councilor Tuttle seconded. The motion passed 6-1 with Councilor Hanslip dissenting.

- 19-157-01 Ordered, to receive from the City Treasurer tax acquired property due to nonpayment of 2016/2017 real estate tax liens. Councilor Tuttle moved; Councilor Herlihy seconded. City Treasurer Paula Simpson gave information on the property located at 91 Pioneer Avenue, Tax Map J32 Lot 33. Motion passed 7-0.
- 19-228-01 Findings and Order, pursuant to 17 M.R.S.A. §§ 2851-2859 - Dangerous Building - 91 Pioneer Avenue, Sanford Maine, Tax Map J32, Lot 33. Deputy Mayor Lanigan stated the Council's findings and order on the property (see attached). Councilor Tuttle seconded. Motion passed 7-0.
- 19-229-01 Findings and Order, pursuant to 17 M.R.S.A. §§ 2851-2859 - Dangerous Building - 99 River Street, Sanford Maine, Tax Map J26, Lot 21A. Councilor Herlihy stated the Council's findings and order on the property (see attached). Deputy Mayor Lanigan seconded. Motion passed 7-0. Mayor Cote asked for clarification: how long has the condemned sign been on the property? Director Houseal stated that the signs are a courtesy; the sign was there for about six months, but the order to vacate has been in place and did not go away. Mr. Fulli said he has cleaned up debris since speaking with Code Officer Lederer. Motion passed 7-0.
- 19-230-01 Findings and Order, pursuant to 17 M.R.S.A. §§ 2851-2859 - Dangerous Building - 50 High Street, Sanford Maine, Tax Map I29, Lot 48. Deputy Mayor Lanigan stated the Council's findings and order on the property (see attached). Councilor Hanslip seconded. Motion passed 6-1 with Councilor Tuttle dissenting.
- 19-215-01 Ordered, to accept the bid for the demolition and removal of the 93 Lebanon Street Buildings - Phase I from Alex D. Cyr Excavation in the firm fixed price in the amount of \$5,500.00. Moved by Councilor Tuttle; seconded by Councilor Herlihy. Director Houseal presented on the condition of the property and stated the demolition would be of two outbuildings only. Motion passed 7-0.
- 19-212-01 Ordered, to accept the bid from Hall Implement Co. for one utility tractor, one flex wing rotary mower and one zero turn mower for the Airport in the amount of \$123,088.73. Councilor Tuttle moved; Deputy Mayor Lanigan

seconded. Airport Manager Rogers presented on the equipment and plan for paying for it. Motion passed 6-0.

19-237-01 Ordered, to discontinue, pursuant to the provisions of 23 M.R.S.A. § 3026-A, a portion of the public way known as Hoyt Street, shown in the Order of Discontinuance. (This item must be read on two separate days. This is the first reading.)

Council Member Comments

Future Agenda Items

None.

Council Member Comments

Councilor Hanselmann: none.

Councilor Stackpole: none.

Councilor Tuttle: Received a call from Jerry Newport of the Sanford-Springvale Veteran's Committee asking him to invite any Councilors who would like to march in the Memorial Day Parade and to ask if they could prepare a letter to be read this year from the City.

Councilor Hanslip: none.

Councilor Herlihy: Council is open for people to come and speak to them at all public meetings.

Deputy Mayor Lanigan: The issue of suicide has hit the community hard in the past couple of weeks. It is a tough conversation, but look out for your neighbors and ask them how they are doing.

Mayor Cote: Thanked everyone for hanging in there tonight.

Future Agenda Items

Deputy Mayor Lanigan: Marijuana office space in Zoning Subcommittee; address going after salvage businesses to ensure compliance with licensing.

Adjournment

Mayor Cote moved to adjourn regular meeting at 9:59 PM.

Respectfully submitted by Lorisa Ricketts, Executive Assistant