



Sanford City Council

City Council Special Meeting Minutes – April 9, 2019

The Sanford City Council met at 6:00 p.m. in the Chambers of the Sanford City Hall Annex on Tuesday, April 9, 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; Finance Director, Ronni Champlin.

Mayor Cote called the meeting to order at 6:00 pm.

Pledge of Allegiance

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

Moment of Silence

Councilor Hanslip asked that all be mindful of Maine State Detective Ben Campbell, whose memorial service was held today, and spoke of him and other first responders.

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

None.

Mayor's Report/City Council Sub-Committee Reports

Last week the City Council was presented with a budget; the Council took action to reduce the budget by an additional \$317,596 including eliminating the position of Fire Marshal.

Mayor Cote listed what was reduced from the budget: Parks & Rec capital improvements; eliminated hiring a police officer; and eliminated a host of school positions. Even with those reductions, there was a 5.5% increase in the tax rate. The Council eliminated an additional two new firefighter positions, a sign position

and the Fire Marshal position, for a total of 25 positions eliminated, resulting in a 4.4% tax increase. He said it was a very difficult budget.

Mayor Cote laid out how the public participation portion of the meeting would work and said the Council would invite Chief Benotti to speak, and would invite Fire Marshal Cotter as well if he chose to do so. If members of the public want to speak and feel there is something they want to say that hasn't been covered, they can speak.

City Manager's Report

None.

Communications/Presentations

None.

Public Participation

Bernard Broder, resident of Sanford stated he wanted to speak to the process and governance issues he sees with what happened at the last meeting. Eliminating the Fire Marshal position would signal a significant change in City policy and public safety. It appeared to be a vote without significant discussion. At least one member of the Council stated to the Journal Tribune that it all happened so fast, he wasn't sure what was going on. Appreciates the efforts of the Council and that Council positions are difficult, but thinks the public deserved better in this instance. Council left itself open to speculation that this is about perhaps the functions of the Fire Marshal. There are some positions in all communities that nobody is happy to have show up at the doorstep (code enforcement, parking enforcement, fire marshal), but they are just doing their jobs. He doesn't know if that factors in to the decision, but to suggest that the position could be eliminated in favor of relying on State service, why would it not be done with police. In view of terrible Noise Street fire in Portland, the need for fire safety has increased, not decreased. This issue deserved more scrutiny and input and he is glad to see it being revisited.

Hazen Carpenter & Richard Tockman Stated that they appreciate the efforts of the budget committee and the City Council. Trails Committee Funding was cut from the requested \$20,000 to \$0 in the budget. Wanted to speak in support of the Trails Committee funding that was requested: \$20,000. In the last 4 months, have contributed over 250 Hours (do more in Summer). Over 22 miles of trails; trails bring people here; are economic growth for Sanford. Not asking for money to expand the trails, just money to maintain them. Deputy Mayor Lanigan asked if the new ATV club gets any funding from the Maine excise tax. Mr. Carpenter replied that the snowmobile club is very helpful. But it still takes a lot to maintain the trails. The City Council allocates back the snowmobile club's funds for maintenance of the trails; do not yet get funds for ATVs that could be allocated back. Mr Carpenter stated it takes \$15,000 to maintain the trails. Councilor Stackpole stated that he

had missed seeing the reduction in the Trails Committee funding; doesn't believe it was common knowledge that the Trails funding was included in with the Parks and Rec amount that was cut. Asked what amount the Trails Committee could live with. Mr. Carpenter stated \$15,000.

Jonathan Mapes stated that having spent the last 6 years on the School Committee and this year on the Budget Review Committee, he knows there isn't a line item on the budget that isn't of special interest to someone. Tough decisions must be made tonight. He reminded the Council to do their best tonight that they representing a lot of taxpayers tonight, not just the first responders.

Jason Clark, a resident of Sanford stated he is disappointed with the leadership example that has been set. He questioned the motives behind the elimination of the Fire Marshal position and said he is not buying that it is for "budget purposes".

David Parent from the Sanford Water District spoke. He said hesitated to come to speak and commended the Council for all showing up tonight. He felt obligated to come because he works with the Fire Marshal a lot. The Fire Marshal position administers a lot of very complex regulations and the current Marshal does a good job. He stated that he has seen a lot of Fire Marshals and the current one works hard to work with businesses/people and save them money without bending the rules. If the City loses the position, it will lose flexibility and cost money.

Eric Beecher, President of Sanford Firefighters Association IAFF Local 1624. Stands by what he said in the local press in the past week: that these cuts will put the City, citizens and fire department at risk, jeopardize fire prevention efforts in the schools and delay growth for new and existing businesses. Maine state fire marshal's office will not be able to meet the personal and timely service that Sanford has come to expect. State Fire Marshal has only 5 inspectors and 3 positions dedicated to plans review statewide. Sanford's fire marshal is one of only 4 local fire marshals statewide who is certified state-wide. Scarborough and S. Portland have their own fire inspectors. S. Portland used Sanford's Fire Marshal job description as a template. Union has worked diligently with management to improve communication and move towards interest-based bargaining. Felt the cut in the Fire Marshal position was a direct attack on a union member and violated the trust under which contracts had been negotiated.

John Garvin, lifetime resident of Springvale, spoke in support of the Fire Marshal position. Current fire marshal is Sanford's only certified fire investigator; undertakes plan review of commercial, industrial and multi-family projects. Fire prevention officer (part of job description) was eliminated by the City years ago but became part of the Fire Marshal position. Code enforcement and fire inspection are not easy jobs. The City cannot eliminate a position that enforces codes before you eliminate the codes themselves.

Old Business

19-257-01 Ordered, to review and act upon amendments to the FY 19/20 Municipal Budget as adopted on April 2, 2019.

Councillor Tuttle moved to reconsider funding of the Fire Marshal's position. Councilor Hanslip seconded.

Chief Benotti thanked the Council for the opportunity speak tonight. Here tonight to discuss motion that took place last week resulting in eliminating fire marshal position and two other positions that were supposed to start July 1 as part of a comprehensive collaborative plan with the City. This would be year three of a six year plan of action. These positions were part of the plan presented to the City from the Budget Advisory Committee and passed by that committee on a 7-0 vote. Chief Benotti said he was extremely troubled by what had transpired.

Chief Benotti stated that what happened was not just a loss of positions, but a loss of trust, relationships, and communication. The Fire Department has worked long and hard with the City to deliver quality programs that ensure the safety of the citizens and the community, and works tirelessly to put forward well-structured, comprehensive plans to deliver common goals.

He asked that the Council reconsider last week's vote and reinstate the positions, especially the Fire Marshal position. He listed in detail the Fire Marshal's functions and duties and stated that since last week, countless people have contacted him to express support for the position. He also stated that in addition to the duties in his job description, the Fire Marshal administers Knox box program; administers software program that companies use when they respond in the vehicles; administers the fire alarm program; acts as liaison between the Fire Department and School Department. He sits on the safety committee for the schools and helps develop evacuation plans. The Fire Marshal worked on the new school and worked diligently day after day to help school open as soon as possible. He is now working to find cost-saving measures for the new schools.

We are on a good course; have good things going in the City and are hiring extremely talented people.

Councilor Stackpole said he speaks only for himself. Nobody bats 1000; the Council didn't bat 1000 on this one. He said he intended to support a motion. He was a member of the Budget Committee this year. His intention this year was to keep the increase in taxes as low as possible. He felt they needed to be fairly conservative this year. It didn't take too long for all involved in the budget to see taxes would go up; the question was how much. They went through all the appropriate steps (televised meetings); toward the

end, they were able to pare budget down to a 71 cent increase in the mil rate. Would have liked to see 50 cents. He floated the question of how to take another \$250,000 out but they couldn't figure out how to do it, so they brought it to City Council. He stated that the other piece of the budget were salary contract negotiations; he doesn't believe the Fire Chief has come asking for pretty much anything that the Council haven't supported. Has said many times public safety aspect was extremely important. He emailed the other Budget Committee members and said that this year with good negotiations that took place, they were investing in staff and therefore didn't support additional positions. The proposal came up to cut the new positions and the Fire Marshal position, which passed, and lowered mil rate to 48 cents, which was about where he felt the tax rate should be. He felt that they had worked to get rate where it belonged for the taxpayers; had done the job he should do as a city councilor. He has heard this week that maybe they went too far in trying to reach the 50 cent goal, so they are here tonight reconsidering that.

The Council discussed and clarified that Councilor Tuttle's motion was for reinstatement of the Fire Marshal position and the \$87,335 funding that was associated with it.

Cllr Hanslip stated he plans on supporting Cllr Tuttle's motion. His belief in supporting the motion is that the \$87,335 will increase the bottom line of the upcoming year's budget and will not come at the cost of additional cuts elsewhere in the budget. Mayor Cote stated that he believed that was implied.

Deputy Mayor Lanigan noted that there has been speculation re motivations for the decision to cut the position and that it had to do with the individual in the position. Deputy Mayor Lanigan stated he has dealt with Patrick on multiple occasions and has had nothing but positive experiences with him as an individual. The Fire Marshal position can be frustrating, but Patrick is only the individual delivering the service. Doesn't think it is the person or the position at this point. Patrick is doing a great job out there and appreciates what he does for the community. He apologized to Patrick for the way he got the news; to the City Manager and Fire Chief, he also apologized for the way they got the news. As a Council, they only have so many ways to adjust the budget and protect the taxpayers. Also cut two firefighter positions, a sign position and some trails money.

Mayor Cote stated that he has taken a lot of heat; he made the motion. He views this as two separate things: an investigation perspective and an inspector perspective. He did not imagine the functions would disappear, he imagined they would be absorbed by the Fire Department. He did not intent to put the community in harm's way. We pride ourselves on Municipal Capacity; he is not sure it has served us well. We have passed ordinances that made sense at the time, but that may have been 10 years ago. So need

to look at how we do business and what is most efficient and responsible for the taxpayers. He is not an unreasonable person; he is going to support the Fire Marshal being reinstated. But there is a problem with the structure behind the way the service is being delivered – not with the person. Patrick answers to the Fire Department but sits in City Hall and has lots of responsibilities on the Code and Economic Development side. This needs to be addressed. There needs to be some sort of reporting structure that changes. If the ordinance around that needs to be changed, then they need to look at that. It is a unique organizational structure around this position. Businesses also pay taxes. A 5% increase is not sustainable without economic growth. We need to be stewards of economic development. We need to do some digging and understand if this position as it is designed currently is still effective in our goals and structure and reporting structure in particular.

Motion passed 5-2, with Councilors Herlihy and Hanselmann opposed.

Deputy Mayor Lanigan motioned to add back in half a year of the sign position and half a year of the two firefighter positions, so they would start on a January 1 basis at a cost of roughly \$116k. Cllr Tuttle seconded but suggested it would be better to do one position for the full year, but said he would defer to the City Manager. City Manager Buck said it would be much easier to take the two positions at half a year. The motion failed 4-3. (For: Cote, Hanslip, Lanigan. Against: Tuttle, Stackpole, Herlihy, Hanselmann)

Councilor Herlihy stated that income from the solar project has been delayed; it is reasonable to delay adding the two positions until the Solar project takes effect.

Councilor Stackpole added a caveat that this is kind of a budget gimmick – by putting these positions in for half a year we have already begun to inflate next year's budget.

Mayor Cote asked for the tax impact of adding the Fire Marshal back in and adding the other three positions in for half a year. Finance Director Ronni Champlin stated that it would increase the mil rate to 64 cents; including the county tax increase this week

Councilor Hanselman stated she is inspired by the presence of the firefighters in the room supporting the Fire Marshal. Her vote is purely based on the bottom line. She has not worked with him and has no personal opinion on Patrick, but does have a strong opinion on the budget and the fact that the mil rate is going up and intended to make a motion to find \$87,000 elsewhere in the budget to cut.

Councilor Stackpole moved to increase the funding for trails by \$15,000. Councilor Tuttle seconded. Mayor Cote apologized for the trail committee funding being overlooked during the initial City Council budget discussion.

Lance Hoenig, Budget Committee Chair suggested reducing the legal fee allocation from \$100,000 to \$80,000. Mayor Cote asked City Manager Buck if that seemed reasonable and City Manager Buck said yes.

Jonathan Mapes said to just be mindful that in June is the referendum for the school budget. That will be public's only chance to object to what is done with the budget now, and the voters may not pass school's budget because of it.

Councilor Hanslip offered a friendly amendment to Councilor Stackpole's motion to absorb the \$15,000 for the Trails Committee by reducing the legal fee allocation by \$20,000. Councilor Tuttle seconded. Motion carried 5-2, with Councilors Hanselman and Lanigan opposed.

Councilor Hanselmann made a motion to assign the City Manager to make a reduction of \$87,335 in the budget elsewhere to bring the mil rate back down. Councilor Herlihy seconded. The motion failed 2-5 with Councilors Stackpole, Tuttle & Hanslip, Mayor Cote and Deputy Mayor Lanigan opposed.

Councilor Stackpole said that with the adjustments that have already been made, the tax increase went from 48 to 56 cents, we are close to where want to be and he can live with that.

Councilor Lanigan said adding the Fire Marshal position back in was worth the investment in services in the community. If we cut \$87,000 elsewhere, it would just cut services elsewhere, and would not be fair on the City Manager.

Councilor Tuttle agreed and said we need to do a better job in years ahead attracting business to attract revenue.

Councilor Herlihy stated that they made a lot of promises with solar money; the project is a year off, so she is okay with taking the money out of the budget and readjusting the forward thinking so promises aren't made before the money is in hand.

Councilor Hanselmann stated that as a municipality the City has to do its fair share of cutting. The School Department took significant cuts. She felt that the support for the Fire Marshal position was an emotional and public-safety based response, not one based on the tax rate.

New Business

None

Council Member Comments

Councilor Hanselmann: None

Councilor Stackpole: None

Councilor Tuttle: None

Councilor Hanslip: It is good to see Assistant Chief Cutter in the audience.

Councilor Herlihy: We should take Mr. Mapes's comments into consideration. Encourages people to support the school budget. If it fails, it will be a reaction to the entire budget, not just to the school budget.

Deputy Mayor Lanigan: None

Mayor Cote: None

Future Agenda Items

Adjournment

Mayor Cote moved to adjourn special meeting at 7:22 PM.

Respectfully submitted by Lorisa Ricketts, Executive Assistant