



Sanford City Council

City Council Meeting Minutes – June 18, 2019

The Sanford City Council met at 6:00 p.m. in the Chambers of the Sanford City Hall Annex on Tuesday, June 18, 2019. **Mayor:** Thomas P. Cote. **COUNCILORS:** Deputy Mayor Lucas J. Lanigan, Councilor Maura A. Herlihy, Councilor Ayn M. Hanselmann; Councilor John L. Tuttle, Jr.; Councilor Joseph R. Hanslip, Councilor Robert G. Stackpole. **CITY STAFF:** City Manager, Steven Buck; Executive Assistant, Lorisa Ricketts; Director of Community Development, Ian Houseal; Treasurer, Paula Simpson; City Clerk, Sue Cote; Code Enforcement Officer, Jamie Cole; Planning & Development Director, Beth Della Valle.

Pledge of Allegiance

The regular City Council 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 Hanslip, present; Councilor Herlihy, present; Deputy Mayor Lanigan, present.

Councilor Tuttle, absent with notice.

Minutes

19-350-01 Ordered, to approve the minutes from the City Council Meeting held on June 4, 2019.

Deputy Mayor Lanigan moved to approve. Councilor Stackpole seconded. Motion passed 5-0. Councilor Hanslip abstained.

Mayor's Report/City Council Sub-Committee Reports

Zoning subcommittee will report at the next meeting.

Solid Waste subcommittee has some good work product out of the last meeting.

City Manager's Report

See attached.

Lanigan: congratulations to City Staff – between the Brownfields Multi-Use grant and the CDBG grant, over \$2 Million in funds for improvements

Communications/Presentations

None.

Public Participation

David Houle – Apache Campground. Asking what progress has been made? Hasn't had any information yet and was told it would be taking effect July 1. City Manager Buck stated that if the amendments go through tonight as proposed, Apache Campground's situation will be addressed.

Public Hearings

The City Council will take public comment on the following:

19-352-01 A Public Hearing to take comment on proposed amendments to City Code, Chapter 280 and Chapter 161.

Public Hearing opened at 6:25 PM.

Planning Director Della Valle explained the proposed amendments. No public comment. Deputy Mayor Lanigan explained some of the history of the medical marijuana office space – allows by appointment only for clients to come to a secure office location to purchase their product. Councilor Herlihy asked if this is to help address the issue of them having to meet in parking lots. City Manager Buck said a lot of work had been done to ensure that the office space does not meet retail standards: size limits; access limits; no products on display; signage limits; keeping of a log. All put in place to prevent it from being a retail space, confining it to an office space for consultation with patients.

Public hearing closed at 6:35 PM.

Consent Agenda

None.

Old Business

- 17-178-01 Ordered, to discontinue, pursuant to 23 M.R.S.A §3026-A, a portion of July Street (Hill Crest Avenue) as set forth in the Order of Discontinuance. This item must be read on two occasions. This is the second reading.

Councilor Herlihy moved to approve. Councilor Tuttle seconded. Motion passed 6-0.

- 19-274-01 Ordained, amendments to City Code, Chapter 120 and 220 regarding solid waste disposal, the use of the transfer station, and amending the fees for residential solid waste collection and disposal of material at the transfer station. This item must be read on two occasions. This is the second reading.

Deputy Mayor Lanigan proposed that the amendments be approved with the following addition: "Unless the calculated fee is obviously disadvantageous to the City, the fee shall be \$100.00." Councilor Stackpole seconded.

Deputy Mayor Lanigan explained the solution that solid waste subcommittee came up with amendments that would allow people like Apache Campground or residential apartment operators will be allowed to pay a greater fee (\$100) to still use the transfer station for PAYT bags without a commercial hauler permit required. Permits for these types of businesses will be per business, so if someone had two campgrounds, would have one permit per campground.

City Manager Buck said that sleeve price has been modified to offset the cost of disposal of mixed solid waste as well as recyclables.

Deputy Mayor Lanigan said the subcommittee wanted to be sure to continue to encourage recycling – that's why the residency piece was important.

Motion carried 6-0.

19-328-01 Ordered, to approve a revised contract with EcoMaine for downstream acceptance of single-sort recycling at a base rate of \$65.00 per ton.

Councilor Hanslip moved to approve. Councilor Stackpole seconded.

City Manager Buck explained the amendments that were made after discussion with EcoMaine and recommended approval of the contract.

Motion passed 6-0.

New Business

19-323-01 Ordered, to appropriate to the Southern Maine Sno-Goers Snowmobile Club, the funds received on a yearly basis from the Department of Inland Fisheries and Wildlife, which originates from registration of snowmobiles in the City of Sanford, County of York, for the purpose of buying equipment and maintaining trails.

Councilor Herlihy moved to approve. Deputy Mayor Lanigan seconded. Motion passed 6-0.

19-324-01 Ordered, to authorize the City to expend in addition to the amounts otherwise raised and appropriated under this "budget" for the City purposes any unanticipated, unbudgeted surplus, gifts, grants, bequests, devises, or revenues from any other source.

Councilor Herlihy moved to approve. Councilor Stackpole seconded.

Councilor Herlihy asked if this would apply to revenue sharing. City Manager Buck said at this point Revenue Sharing hasn't been decided. That would come to the City Council for discussion and approval. Could discuss at the July 9 meeting.

Councilor Stackpole asked if there were large things aside from roads that were unfunded in the current budget that this money might be needed for. Mayor Cote suggested that the Council revisit the discussion once the final figures on revenue sharing amounts have been received from the State.

Motion passed 5-0.

19-325-01 Ordered, to see what percentage of unencumbered appropriations the City Council will vote to permit the City Manager to transfer, with City Council approval, from one account to another within the 2019-2020 budget according to Charter section 613.

Councilor Herlihy moved to recommend that the percentage should not exceed 2 percent (2%) of the City budget. Two percent of the 2019/2020 municipal budget is \$531,783. She also noted that 2% is the standard that seems to be consistent year after year. Councilor Stackpole seconded. Motion passed 5-0.

- 18-331-01 Ordered, to appoint Jamie Cole, Jeannie Wood, and Aaron Lederer as City of Sanford Code Enforcement Officers and appoint Jamie Cole as Local Plumbing Inspector and appoint Jeannie Wood and Aaron Lederer as Alternate Plumbing Inspectors for a period beginning on July 1, 2019 and ending June 30, 2020.

Councilor Herlihy moved to approve. Deputy Mayor Lanigan seconded. Motion passed 5-0.

- 18-338-01 Ordered, to appoint Jeannie Wood and Aaron Lederer as constables for a period beginning July 1, 2019 and ending June 30, 2020.

Director Houseal pointed out that we do use the constable service. Are aiming at a fully cross-trained department.

Manager Buck explained what powers the constables would have – aimed at enforcing codes only.

Councilor Herlihy moved to approve. Councilor Stackpole seconded. Motion passed 5-0.

- 19-341-01 Ordered, to accept and authorize the City Manager to enter into a commercial land lease and operating rights agreement with HW57 LLC at the Sanford Seacoast Regional Airport.

City Manager Buck explained the background on this item.

Deputy Mayor Lanigan moved to approve. Councilor Stackpole seconded. Motion passed 5-0.

- 19-349-01 Ordered, to accept and authorize the City Manager to terminate a commercial land lease and operating rights agreement with Airtech Management Inc. at the Sanford Seacoast Regional Airport.

City Manager Buck explained the background on this item.

Deputy Mayor Lanigan moved to approve. Councilor Herlihy seconded. Motion passed 5-0.

- 19-351-01 Ordered, to accept the bid from Yankee Ford Sales for three (3) 2020 Ford Interceptor utility vehicles in the amount of \$89,497.

Manager Buck stated that the bids had been opened on Friday so there was a short turnaround on this item. Bids were made pursuant to the City's purchasing policy. Bid amounts were as follows: Yankee Ford Sales \$89,497; Key Ford of York \$91,711; Arundel Ford \$92,011.60; Rowe Ford Sales: \$92,070; Stoneham Motor Company: \$93,261; Rochester Ford: \$94,100. Obtained the requisite number of bids; recommendation is to approve the low bid.

Councilor Herlihy moved to approve. Councilor Stackpole seconded. Motion passed 5-0.

- 18-553-01 Ordained, an ordinance amending City Code, Chapter 161: Marijuana and Chapter 280: Zoning regarding medical marijuana regulations. (This item must be read on two separate days. This is a first reading.)

Mayor Cote asked if there needs to be a report again on this. City Manager Buck stated this has been discussed at length and does not need to go back to the Medical Marijuana Task Force. The only addition is the creation of medical marijuana office space definition. The industry representatives are very comfortable with this.

Deputy Mayor Lanigan said that the signage requirements were very particularly designed so that there is no advertisement of the facility.

- 19-353-01 Ordered, to approve Professional Services Agreement for Mapping and Testing of Alternative Scenarios for Sanford Comprehensive Plan.

Councilor Herlihy moved to approve. Councilor Stackpole seconded.

Director Della Valle explained that a lot of the work on the comprehensive plan will be done in house, but will need assistance with the maps, and with scenario-generating software to allow looking at proposals and alternatives to get a sense of impacts. Item went out to bid. Spatial Alternatives are very knowledgeable of the software and they do this work frequently, so they are able to do the work more cheaply. They are very familiar with Sanford and its GIS. Will be funded out of the Planning Department budget: \$16,000.

Motion passed 5-0.

- 19-342-01 Ordered, to accept the bid for the demolition and removal of the 22 North Avenue building from Peter Petit Landscaping Inc. in the firm fixed price in the amount of \$5,800.

Director Houseal presented on the history of this site. The owner or a responsible party have not taken action to remediate the property. The property manager (the bank) has agreed to the demolition.

Councilor Herlihy asked whether this building could have been renovated. Director Houseal stated that there has been a lack of people willing to take on projects like this, and the value of the land for development without the house will be about twice the cost for demolition of the house.

Councilor Stackpole stated that the Land Bank is having some success with new buildings being built and with some owners fixing up their properties.

Deputy Mayor Lanigan stated that a lot of the City's housing stock dates to the 1950s, so taking some of those buildings down may be a good thing.

Councilor Herlihy asked if it is possible to have some sort of design considerations made on buildings put on vacant lots so they fit the character of the neighborhoods in which they are built.

Councilor Herlihy moved to approve. Councilor Stackpole seconded. Motion passed 5-0.

- 19-340-01 Ordered, to receive from the City Treasurer additional tax acquired property due to nonpayment of 2016/2017 real estate tax liens.

Councilor Stackpole moved to approve. Councilor Hanselmann seconded.

Treasurer Simpson explained Tax Map J38, Lot 13 is owner-occupied. They will get a tax bill

Councilor Herlihy moved to accept Tax Map J38, Lot 13 for nonpayment of taxes. Councilor Stackpole Seconded.

Motion passed 5-0.

Council Member Comments

Councilor Hanselmann: None.

Councilor Stackpole: His term is up this year and he will be running for reelection to his seat this fall. Has enjoyed his time on the Council and there's a lot of work left to do, so he asks for support for his reelection.

Councilor Hanslip: None.

Councilor Herlihy: None.

Deputy Mayor Lanigan: None.

Mayor Cote: The City Council had a second goal-setting session tonight; will be finalizing over the next week or so and communicating to the public.

Future Agenda Items

None.

Adjournment

Mayor Cote moved to adjourn regular meeting at 7:24 PM.

Respectfully submitted by Lorisa Ricketts, Executive Assistant.

City of Sanford



**From the Desk of
Steven R. Buck
City Manager**



Memo

To: City Council
Subject: Manager's Report for June 18th, 2019
Date: June 18th, 2019

Key Legislative Updates:

Local Option Sales Tax – Final versions of this effort is within LD 1254 amended to include all sales tax items down to meals and lodging only and then attached to opioids as, “An Act to Authorize a Local Option Sales Tax on Meals and Lodging and Provide Funding to Treat Opioid Use Disorder.” The Bill was later amended, after failing in the Senate and amended by the House, to take 25% of any such revenue raised to also divert to aid “Maine Rural Development” as areas less able to raise the revenue on meals and lodging. Then meals were removed with the final version. The Senate will now reconsider but the likely hood of any version passing is remote at best and viewed as having very little value in relation to the implementation.

State Municipal Revenue Sharing: The most recent Budget on June 14th supported Revenue Sharing going from the current 2% and from the Governor's Budget at 2.5% to the Legislatively supported 3% and then 3.75% in the second year. The Manager's Budget set Revenue Sharing at 2% as \$1,598,513. During the Budget Committee process the Governor's Budget was revised to 2.5% and the estimate at City level increased to \$1,913,463. According to a recently produced MMA Estimate, the projected 3% would increase Sanford's projected revenue sharing to \$2,014,970, an increase of \$101,507 over current Budget.

Homestead Exemption: Appropriation Budget version of the biennial budget increases the homestead exemption from \$20,000 to \$25,000 and provides full reimbursement for the increased \$5,000 raising the effective State reimbursement rate from 62.5% to 70%. As of the drafting of this Report, this change will not become effective until State Fiscal Year 2021, being the next fiscal year.

Solar Omnibus Bill LD 1711: As of June 17, 2019 LD 1711 “An Act to Promote Solar Energy Projects and Distributed Generation Resources in Maine” passed the Senate at 32-2 and the House at 93-52. It is now likely to pass the procedural votes as well as received the Governor's signature. Favorable elements for Sanford's next anticipated solar developments are;

- Allows for municipal participation in distributed energy projects of 5 megawatts and or less

- Directs competitive procurement of 125 megawatts of output associated with commercial and institutional accounts
- Directs competitive procurement of 250 megawatts of output associated with shared distributed generation resources achieved by 7/1/24

Adult Use Marijuana LD 335; would require the State to distribute 12% of sales tax collected on Adult Use marijuana retail sales and excise taxes to generating municipalities. Currently Maine is the ONLY to have legalized marijuana for non-medical purposes without allowing local governments to recoup a reasonable return to offset impacts, per MMA. Sanford still has a Prohibition Moratorium on all Adult Use Marijuana activities. State Legislature is still debating as if the State benefits more by collecting and retaining 100% of these future revenues versus allowing municipalities to retain a portion. The Veterans and Legal Affairs Committee did vote by majority to move the Maine Office of Marijuana Policy's rules, that if passed, will govern adult use marijuana activities. Full Legislative passage remains to be seen.

Prior Bills of Importance to Municipal Broadband and Utility Poles:

City Administration worked with the MMA LPC and others to write, and have sponsored, three difference Bills to assist in future expansion of Municipal Fiber, SanfordNet Fiber. All three of the Bills were passed and are now pending for enactment, a major accomplishment towards expansion.

LD 1063 *An Act to Support the Role of Municipalities in Expanding Broadband Infrastructure* Adds Community Broadband systems as a defined and essential Municipal Facility clarifying a municipality's ability to build and own fiber optic networks no different than other municipal infrastructure and facilities. Signed by Governor!

LD 1192

An Act to Establish Municipal Access to Utility Poles Located in Municipal rights-of-way

Allows for a municipality to attach to joint shared-use poles without paying make ready if;

- A. For a governmental purpose consistent with the police power of the municipality; or
- B. For the purpose of providing broadband service to an unserved or underserved area

LD 1206

An Act to Improve Aboveground Utilities' Responsiveness to Public Interests

Relieves a municipality from liability for utility poles and facilities in the public way. The Law also requires the PUC to develop and report rules governing abandoned utility poles and facilities in the public right of ways.

School Construction: Pursuant to a finalized communication sent on June 7th, 2019 by Superintendent Matt Nelson, it is anticipated that the Old High School, currently under renovation to become the next Central Middle School of Grades 5-8, will not be ready for the start of the 2019-2020 school year. The Plan to house the class rooms in the interim if as follows:

- Margaret Chase Smith School will close for the 2019-2020 school year as planned. All MCS kindergarten classes will move to Carl J Lamb School for the 2019-2020 school year. All MCS grades 1-3 classes will move to Willard School for the 2019-2020 school year.
- The converted middle school (old SHS/SRTC) will not be ready for the beginning of the 2019-2020 school year.

- Next year's 8th graders will temporarily move to the new SHS/SRTC in the 2nd floor of the business and marketing pathway most likely for the 2019-2020 school year.
- Next year's 7th graders will stay at the current SJHS for the start of the 2019-2020 school year and plan to move to the converted middle school (old SHS/SRTC) when it is ready.
- Next year's 6th graders will start the 2019-2020 school year at the current SJHS and plan to move to the converted middle school (old SHS/SRTC) when it is ready.
- Next year's 5th graders will start the 2019-2020 school year and replace the 8th graders at the current SJHS and plan to move to the converted middle school (old SHS/SRTC) when it is ready. All 5th grade will move from Willard and CJL.
- All of next year's 4th graders will be together at Willard School for the 2019-2020 school year. All 4th grade classrooms at CJL will move to Willard.
- The Bridge program will move back to Anderson Learning Center for the 2019-2020 school year.

School Budget Validation Results: Attached from City Clerk Sue Cote is the official elections results resulting in validating the School portion of the City's Budget as well as affirming, again, that for the next two years the City will continue to vote by referendum on the School Budget. These results stemmed from a very low, less than 4%, voter turnout at the poles. Given the low voter turnout, future considerations should be made to either muster greater participation or amend the validation process. Election results are attached.

Portsmouth Naval Shipyard Joint Land Use Study:

City Administration continues to work with the Regional Joint Land Use Study (JLUS) to address traffic and parking impacts associated with the expanding Portsmouth Naval Shipyard workforce. The impacts of an older generation of Shipyard Workers retiring, and living in close proximity of the Shipyard, are being replaced with a younger workforce that cannot afford housing along the coast in close proximity to the Shipyard. This change in workforce and where they live is impacting traffic and parking needs all while the Shipyard continues to expand operations. The JLUS is being facilitated by Southern Maine Regional Planning Commission with engineering services contracted through Stantec.

The City of Sanford has the largest number of civilian Workers of any Community. Information from the latest Report based upon 2018 data shows over 502 Residents earning over \$35.4 million in wages. Administration relayed the offsite parking impacts associated with the "park n ride" van and bus scenarios transporting workers to the Shipyard. The JLUS will account for our dedicated parking needs as well as improved public and share transportation options for Workers. The regional survey work has been completed and the Planning and Engineering work will now progress to be reported out later this summer to the JLUS Policy Committee. The Committee will then submit the documents comprised of recommendations, an implementation plan with cost estimates and possible funding sources, to the respective legislative bodies in each participating Community for consideration and actions.

EPA Award of the Region 1 Multipurpose Grant to Sanford: Pursuant to the EPA Press Release, the City of Sanford has been awarded the Region 1 Multipurpose Grant in the amount of \$800,000 for hazardous substances;

Multipurpose Grant
\$800,000 for hazardous substances

EPA has selected the City of Sanford for a Brownfields Multipurpose Grant. Hazardous substances grant funds will be used to conduct six Phase I and five Phase II environmental site assessments in the Sanford Energy Redevelopment Corridor and clean up the 17-acre former CGA Circuit Board site, which is targeted for solar and recreational development. Grant funds also will be used to develop plans for market analysis, development, and site reuse and to conduct community involvement activities.

Contacts

For further information, including specific grant contacts, additional grant information, brownfields news and events, and publications and links, visit the EPA Brownfields Web site (<http://www.epa.gov/brownfields>).

The Energy Corridor refers to the pending solar development on the closed Rushton Street Landfill and the former CGA Recycling Site off New Dam Road as a Community Energy Project to benefit the Sanford Mills and other Properties. The scope of work will also perform a number of Phase I and II Assessment on International Woolen Mill Properties as well as perform a current Phase II Assessment and Remediation on the Stenton Mill Site, to result in a VRAP.

Recognition is made of the work by Planning Director Beth Della Valle for compiling the Application to EPA and to the Administrative Team that conceptualized a best practices approach to leverage and utilize such EPA funding towards remediation resulting in economic development in Sanford. The Application was comprehensive and unique in its develop plans and creation of the Energy Corridor, a primary goal within EPA for Brownfield sites reutilization. The use of the Grant funds is essential to the Stenton Trust redevelopment as well as the initial phases of the International Woolen Mill. It will also complete the now MEDEP accepted remediation plan for the CGA Site preparing it for a solar array development.



City of Sanford, Maine
Office of the City Clerk/Registrar of Voters
919 MAIN STREET
SANFORD, MAINE 04073-3589
(207) 324-9125 (207) 324-9127 FAX

CITY CLERK
&
REGISTRAR
Susan H. Cote

**MUNICIPAL CLERK'S CERTIFICATION OF
RESULTS FOR A SECRET BALLOT ELECTION**

School Budget Validation Referendum

The undersigned Municipal Clerk for the City of Sanford, hereby certifies that a total of 630 ballots cast at the School Budget Validation Referendum Election held June 11, 2019 were counted and tabulated as follows:

ARTICLE 1

Shall the City of Sanford adopt the 2019/2020 School Budget as proposed by the Budget Committee and approved by the City Council?

YES 510 NO 119 BLANKS 1

ARTICLE 2

Do you wish to continue the budget validation referendum process in Sanford School Department for an additional three years?

YES 421 NO 206 BLANKS 3

I further certify no other questions appeared on the ballots cast in this Election.

Dated: June 12, 2019

Susan H. Cote, City Clerk