



# Sanford City Council

City Council Meeting Minutes – July 23, 2019

The Sanford City Council met at 6:00 p.m. in the Chambers of the Sanford City Hall Annex on Tuesday, July 23, 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; City Clerk, Sue Cote; Code Enforcement Officer, Jamie Cole.

## Pledge of Allegiance

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

## Moment of Silence

## Roll Call:

Deputy Mayor Lanigan performed the Council roll call: Councilor Hanselmann, present; Councilor Stackpole, present; Councilor Tuttle, present; Councilor Hanslip, present; Councilor Herlihy, present.

Absent with notice: Mayor Cote.

## Minutes

19-404-01 Ordered, to approve the minutes from the City Council Meeting held on July 9, 2019.

Councilor Hanslip moved to approve. Councilor Tuttle seconded. Motion passed 5-0. Councilor Hanselmann abstained.

19-405-01 Ordered, to approve the minutes from the City Council Executive Session held on July 9, 2019.

Councilor Hanslip moved to approve. Councilor Tuttle seconded. Motion passed 5-0. Councilor Hanselmann abstained.

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

There was discussion of the Site Plan Review committee at Zoning Subcommittee, as well as discussion of single family homes with accessory departments. It was agreed to send it back to the Planning Board. It was agreed to have clearer communication from the subcommittee with their opinions back to the Planning Board.

## **City Manager's Report**

None.

## **Communications/Presentations**

19-348-01 Nomination Papers for Municipal Offices available this Friday, July 26, 2019.

City Clerk Sue Cote listed the municipal offices that will become open at the end of the year: two City Council members: Robert Stackpole and John Tuttle; two School Committee members: John Roux and Scott Shepard, one trustee for Sanford Water District: Roger Durant; two trustees for the Sanford Sewerage District: Adam Brock and Kevin Eaton.

19-408-01 Proclamation honoring Joleen Maynard on the 20th anniversary of her employment at Sanford Regional Communications Center.

Deputy Mayor Lanigan read the proclamation and the Councilors and attendees applauded Ms. Maynard.

Councilor Tuttle said that average job expectancy for a dispatcher is only five years, so 20 years is a real achievement.

Councilor Herlihy said Joleen is a great employee and stayed through a very rough transition period at SRCC.

## **Public Participation**

Nicholas Farrar spoke regarding the drug users near 72 Emery Street at the red pump house. He said the police had said there wasn't much they could do. DM Lanigan said it is on the radar and will be discussed at the next Public Safety subcommittee meeting.

Mr. Farrar also said that 15 Grove Avenue looks really good.

Councilor Herlihy moved that the 3 public hearings be held immediately before the agenda items. Seconded by Councilor Stackpole. Motion passed 6-0.

## **Public Hearings**

The City Council will take public comment on the following:

19-378-01 A Public Hearing to receive comments on the Renewal of an application for a Liquor license with malt, spirituous, vinous privileges from Pioneer Gaming LLC., D/B/A: Sanford OTB, 890 Main Street, Sanford, Maine.

Public Hearing opened at 6:40 PM. There were no public comments.  
Public Hearing closed at 6:40 PM.

19-398-01 A hearing to determine whether a certain structure on Malcolm Avenue Extension, Sanford Maine owned by Lee and Ellen Desautels identified as Lot 43A, on Tax Map L36, and further described in a Deed recorded in the York County Registry of Deeds at Book 17118, Page 935, is a dangerous building or nuisance within the meaning of 17 M.R.S.A. §§ 2851-2859, and to determine what, if any, remedy is appropriate. Notice of this hearing was duly served on the owner by the York County Sheriff on July 3, 2019 and advertised in the newspaper on June 29th, July 5th, and July 12th 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 7:23 PM.

Director Houseal presented the background on this building and Code Officer Lederer described the property and the unsafe conditions that were found there.

Councilor Herlihy asked what would be needed to rehabilitate this building. Director Houseal said there would need to be road access.

Lee Desautels, the owner, said he bought the property because of the development that was happening around there, but the development stopped because of the recession. Would like to sell the property.

The house is solid and could be finished. They have secured the property now.

Deputy Mayor Lanigan reminded Mr. Desautels that there is a vacant property license. Mr. Desautels said he can't develop the property because it is surrounded by property that the City now owns from tax acquisition.

Councilor Herlihy asked whether, given this special circumstance, the building could be secured well enough to satisfy the requirements and then a plan developed.

City Manager Buck suggested that one of the considerations be the abandoned building license, which does allow for a plan for securing the property and a plan or timeframe for occupancy. The owner stated he is willing to sell it and hopefully get someone to finish it.

Counselor Hanselmann asked if there is a way to do this without having it declared dangerous. Director Houseal stated that the hearing notice has already been filed with the Register of Deeds.

Public Hearing closed at 7:47 PM.

19-400-01 A hearing to determine whether the building at 408 Main Street, Sanford Maine owned by MECAP LLC identified as Lot 36, on Tax Map L14, and further described in a Deed recorded in the York County Registry of Deeds at Book 17717, Page 542, is a dangerous building or nuisance within the meaning of 17 M.R.S.A. §§ 2851-2859, and to determine what, if any, remedy is appropriate. Notice of this hearing was duly served on the owner and parties in interest by certified mail as required by Law.

Public Hearing opened at 8:03 PM.

Director Houseal presented the background on this property. Code Enforcement Officer Jeannie Wood described the property and the conditions found there.

The building was occupied at the time of the inspection; it is not occupied now. It appears that it was rented prior to application for a rental housing license.

Gregory Owen, representing the property owners, spoke. This morning they picked up a building permit because they had an engineer examine the porch and the beam in question. Those items are on the permit as things that need to be addressed.

Director Houseal said that the building permit is for the porch, not the beam. Code Enforcement Officer Jamie Cole said that the permit is for the porch. There are many other issues with the house but they have started to take steps in the right direction.

Hearing closed at 8:20 PM.

19-402-01 A hearing to determine whether the building at 54 Emery Street, Sanford Maine owned by Lawberg Real Estate Development Group LLC identified as Lot 34, on Tax Map J31, and further described in a Deed recorded in the York County Registry of Deeds at Book 15334, Page 597, is a dangerous building or nuisance within the meaning of 17 M.R.S.A. §§ 2851-2859, and to

determine what, if any, remedy is appropriate. Notice of this hearing was duly served on the owner and parties in interest by certified mail as required by Law.

Public Hearing opened at 8:27 PM.

Director Houseal gave a history of the property and Code Officers Wood and Lederer presented photos and described the property and the conditions found there.

Deputy Mayor Lanigan disclosed that he has worked with Titcomb Associates on unrelated personal issues and not on this matter being discussed tonight, and stated he can give an unbiased and unprejudiced evaluation of the matter being discussed tonight.

Councilor Herlihy moved to accept Deputy Mayor Lanigan's disclosure and statement. Councilor Stackpole seconded. Council voted 6-0 to agree.

Deputy Mayor Lanigan read into the record information on an incident on July 17 where the police were called again.

Police Chief Connolly stated that after a building has been determined to be a disorderly house, every verified call can result in a \$100 fine. The most recent call was for a dispute and alleged assault and notification was sent of another fine.

Councilor Herlihy said it looked like since the last letter there may have been more incidents; Chief Connolly cautioned that those have not been verified; he will need verification from the officers on the scene.

Edward Titcomb, legal counsel for the property owner, spoke on behalf of the property owners, including Mark Ginsberg. The LLC owns this property on Emery Street as well as a multi-unit building on Elm Street.

The disorderly house designation does go back to the fall. It brought about a meeting with Mr. Ginsberg and other parties to put together a plan, part of which was to evict certain problem tenants. After the process, the tenant did not leave, so was served with 48 hour notice, and they left. There was then one vacant unit. Additional problems ensued.

Three 30 day notices to quit were served on June 24 and will end the tenancies of the two apartments of problem tenants on July 24. Therefore, Attorney Titcomb said, the owner had taken all the steps possible. Next step is contested forcible entry and would be served next week. He says Mr. Ginsberg is taking all of the legal steps that he has to address the tenant issues.

Regarding building condition and structural issues. There was a June 14 notice of violation and order to correct and condemnation order, and a June 24 notice of violation and order to correct. That notice happened after the notice for this meeting and therefore shouldn't be considered tonight.

Mr. Ginsberg signed certification notices on both of the notices of violation.

Councilor Stackpole observed that he doesn't really see a problem; Mr. Ginsberg is willing to fix the property up. The disorderly house is a separate issue. It is a step forward for the community.

Councilor Herlihy asked whether, if the building is declared dangerous, it would add things to the list of things the owner will have to do. Director Houseal said the building would have to be brought up to code. Councilor Herlihy asked if the building would need to be sprinkled after this. Code Officer Cole said that current code requires a six unit building to be sprinkled.

Deputy Mayor Lanigan asked if there is a property management company locally that can be contacted for these issues. Attorney Titcomb said no – Mr. Ginsberg is in town taking care of the properties.

Deputy Mayor Lanigan expressed concern that once the problem tenants are out, additional problem tenants might come in.

City Manager Buck stated that if occupancy is discontinued and a dangerous and hazardous declaration is made and upheld, in order to get a new certificate of occupancy, the building will need to be brought up to current code. Even issues that are not identified in the original notice of violations may need to be addressed.

Councilor Herlihy said she is concerned that these property owners aren't aware that if their buildings are declared dangerous and hazardous, they will have to meet standards that may be more stringent than they originally had to meet.

Director Houseal stated that there was mention of tools in the unit that was secured; there were no tools there. He also said it is important to note that the notice of violations should be taken as a whole.

Hearing closed at 9:42.

## **Consent Agenda**

- 19-377-01      Ordered, to approve the following license request:
1.      An application for a Liquor License renewal from Pioneer Gaming LLC., D/B/A: Sanford OTB, 890 Main Street, Sanford, Maine.

Deputy Mayor Lanigan sought questions or comments from the Council on the Consent Agenda. Seeing no questions or comments, the motion was approved.

## **Old Business**

19-356-01 Ordained, amendments to City Code § 245-134 regarding parking control signs in the mid-town mall parking lot to allow for the management of parking. (This item must be read at two separate meetings; this is a second reading.)

Councilor Herlihy moved to discuss. Councilor Hanselmann seconded. Motion passed 6-0.

Director Houseal explained the history of the item. The owner of Midtown Mall requested changes to parking signs to facilitate turnover of customers at Midtown Mall.

Councilor Herlihy said Property Subcommittee discussed this. This change would be to allow greater flexibility without having to come before the council for minor changes. Property Subcommittee voted to approve.

Councilor Tuttle said that Biddeford has had major issues with parking. He thinks that this change would make the Council less open to the public so he encourages a no vote.

Councilor Hanslip said he initially didn't support it, but he understands this will enable greater flexibility to make changes in response to changing conditions. He would like to see an enforcement mechanism. Councilor Tuttle agreed with that.

Councilor Stackpole said he believes streamlining the process would be positive. He asked what the process would be for a business with a 30 minute sign to have that changed. City Manager Buck said that currently, it would take a public hearing notice, a first read and a second read at another meeting.

Deputy Mayor Lanigan said he was not originally in favor of this, but he now sees this allows more flexibility and ability to be business-friendly.

Councilor Hanselmann said she realizes we are working with a private property owner; but has the Council heard from businesses on this? Deputy Mayor Lanigas said the subcommittee only met with the owner.

Councilor Herlihy said you know your downtown is getting successful when people start complaining about parking, so she congratulates Biddeford on the success of their downtown.

City Manager Buck said the last amendment to parking at Midtown Mall was in 2015. The current request is only for a portion of the short-term parking to be marked 30 minutes.

Councilor Herlihy motioned to approve; Councilor Stackpole seconded. Motion passed 5-1 with Councilor Tuttle opposed.

### **New Business**

19-390-01 Ordered, to approve the new license application for Medical Marijuana Establishment Property - Tier 1, from Eastwood Estates, LLC, 27 Hancock Lane, Sanford, Maine.

Councilor Hanslip moved to approve. Councilor Stackpole seconded. Motion passed 6-0.

19-391-01 Ordered, to approve the request from V.F.W. Post #9935, 1 Hutchinson Street, Sanford, Maine, to extend their alcohol consumption area for a car show event on on August 24, 2019 per the attached diagram (attachment 2). This request is an expansion to the current approved area for outside consumption that was granted City Council approval on February 19, 2019 (attachment 1).

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

19-406-01 Ordered, to review and accept the proposed slate of officers as put forward for the Maine Municipal Association (MMA) Executive Committee.

Councilor Stackpole moved to approve. Councilor Hanselmann seconded. Motion passed 6-0.

19-376-01 Ordered, to approve and Authorize the City Manager to sign a proposal for design and permitting with Sebago Technics in the amount of \$32,700.00 for the west side infrastructure and utility development project at the Sanford Seacoast Regional Airport for the purpose of economic development.

Airport Manager Allison Rogers explained the request. There is more demand, sooner than expected, for development on the west side of the airport. Permits are currently taking six months each time to approve. She is proposing a larger master plan permit to cover the area so that each new project only requires a much faster condition of compliance, which is not expensive and moves much faster. The Commissioner has indicated this would be acceptable. It is consistent with the FAA approved master plan and the airport business plan. A special revenue account will be created for the design and work. The initial cost for the work will be recouped as infrastructure fees from the tenants as they come in.

Councilor Tuttle thanked Manager Rogers for her excellent work at the airport.

Councilor Hanselmann asked if this would create cost savings. Manager Rogers said absolutely. Every time you have to add on to a water main or sewer, has to be capped. Much more cost-effective to do a larger piece at a time.

Deputy Mayor Lanigan asked about the impact on the tax base of adding these hangars. Manager Rogers said there is the infrastructure fee, the land use fee and the taxable value of the buildings themselves. They are working on a credit program for excise tax. Deputy Mayor Lanigan said the airport has become a hotspot for commercial jets and is one of the fastest growing part of the City. Manager Rogers said the helicopter school is also really doing well right now. Deputy Mayor Lanigan said that we often don't see some of the great things that are happening.

Manager Buck commented that fuel flowage fees are also associated with the corporate jets. Sanford already has the most based aircraft in the state, and there are more in the queue. 16 are in the works, and the waiting list is longer.

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

19-407-01 Ordered, to review and approve a proposed new three year contract with Granicus for agenda management software.

City Manager Buck explained the Granicus software and how it has greatly changed and streamlined the agenda process. He said it is an exceptional tool and we find great value in it.

Councilor Hanselmann asked if other software had been vetted and she was told, yes, three others had been vetted. She also asked if the School Department uses this software; they do not, but they could do so.

Councilor Stackpole moved to approve. Councilor Hanslip seconded. Motion passed 6-0.

19-383-01 Ordered, to authorize a letter of support and intention to work with Sanford's "Thriving in Place" group to achieve designation of Sanford as part of the AARP/World Health Organization Network of Age-Friendly Communities.

Councilor Tuttle moved to approve. Councilor Herlihy seconded.

Director Della Valle explained the background on this item and read a draft letter into the record (see attached).

Deputy Mayor Lanigan said this is good for the community. Councilor Herlihy thanked the members of the public for coming out to support this item.

Motion passed 6-0.

- 19-379-01 Ordered, to accept the bid for the demolition and removal of the 14 Proulx Court building from Alex D. Cyr Excavation in the firm fixed price in the amount of \$6,801.50.

Councilor Tuttle moved to approve. Councilor Herlihy seconded.

Director Houseal explained there was only one bid on this item. He said the dangerous and hazardous building process has been effective. There are several U.S. Department of Agriculture Rural Development mortgage properties on the land bank's inventory of abandoned buildings. The new owner did not do a title check for this building when purchased, so didn't see the City's notice of impending action on this building. In this case, he recommends that the buyer be required to produce a rehabilitation plan. The City has evaluated the building for asbestos and remediated it.

Brian Marafa is a local business owner. He shared photos of the current property and a house he rehabilitated a few years back. Within 24 hours, they filled a 15 foot dumpster and had broom swept the property.

DM Lanigan asked if Director Houseal had gone over the deficiencies in the building with the new owner. Mr. Marafa has been through the property and has not seen anything that could not be rehabbed; there is no water damage and it is structurally sound. Director Houseal agreed that the determination of dangerousness was due to abandonment. Deputy Mayor Lanigan asked if Mr. Marafa still wanted to move forward and Mr. Marafa said he would like to move forward.

Deputy Mayor Lanigan said the council would accept the bid and hold it off to the side while Mr. Marafa submits his plan and undertakes the work.

The bid will be held for about 30 days; the rehabilitation plan will be quite simple – a renovation to bring the building up to code.

Motion passed 6-0.

- 19-399-01 Findings and Order, pursuant to 17 M.R.S.A. §§ 2851-2859 - Dangerous Building - A certain structure on Malcolm Avenue Extension, Sanford Maine, Tax Map L36, Lot 43A

Councilor Hanslip moved to discuss. Councilor Herlihy seconded.

Councilor Hanslip suggested they table this item for perhaps 60 days. Deputy Mayor Lanigan said that the process would then have to start over.

Councilor Stackpole suggested moving forward with the motion.

Councilor Hanselmann said she is confused about what the process will achieve. There have been no actions taken to date on this building. The job tonight is to determine whether the building is dangerous, and if it is, then a remediation plan can be put in place.

Councilor Stackpole said if they vote on this motion, part of the plan could be to work on selling the property. Director Houseal said that appropriate timeframes can be allowed depending on the activities that need to be undertaken.

City Manager Buck said the subdivision is still a current subdivision, infrastructure is in place; the road just needs to be built.

Deputy Mayor Lanigan stated that the owners were notified of the vacant building license and they did not respond at that point. That vacant building permit

Councilor Herlihy stated the Council's findings and order regarding the property (see attached). Councilor Hanslip seconded.

Motion passed 6-0.

19-403-01 Findings and Order, pursuant to 17 M.R.S.A. §§ 2851-2859 - Dangerous Building - 54 Emery Street, Sanford Maine, Tax Map J31, Lot 34.

Councilor Herlihy stated the Council's findings and order regarding the property (see attached). Councilor Tuttle seconded.

Motion carried 6-0.

19-401-01 Findings and Order, pursuant to 17 M.R.S.A. §§ 2851-2859 - Dangerous Building - 408 Main Street, Sanford Maine, Tax Map L14, Lot 36.

Councilor Hanslip stated the Council's findings and order regarding the property (see attached). Councilor Tuttle seconded.

Councilor Herlihy stated she will not vote for this because she doesn't feel there is an adequate notification process to fully explain what allowing things get to this point.

Motion passed 5-1 with Councilor Herlihy dissenting.

### **Council Member Comments**

Councilor Hanselmann: None.

Councilor Stackpole: None.

Councilor Tuttle: Would like to work with Lorisa to nominate Sue Cote for an award.

Councilor Hanslip: None.

Councilor Herlihy: Condolences to the family of Helen Wilkinson.

Deputy Mayor Lanigan: Have a moving homeless population feeding into some of the issues downtown. Discuss in public safety meeting.

Mayor Cote: None.

### **Future Agenda Items**

Workshop on Dangerous Housing Ordinance so everyone understands it.

### **Adjournment**

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

Respectfully submitted by Lorisa Ricketts, Executive Assistant.