



Sanford City Council

City Council Meeting Minutes – August 4, 2015

The Sanford City Council met at 7:00 p.m. in the Chambers of the Sanford City Hall Annex on Tuesday, August 4, 2015.

Mayor Tom Cote called the meeting to order at 7:05 pm.

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

Roll Call: Mayor Cote performs the Council Roll Call: Councilor DiGregorio, present; Councilor Smith, present; Councilor Wilkins, absent with notice; Councilor Walsh, present; Councilor Hanslip, present; and Deputy Mayor Herlihy, present. Also present were City Manager Steve Buck and Executive Assistant Bette Smith.

Minutes

Regular Meeting: July 21, 2015

A motion to accept the minutes was made by Councilor Fred Smith and seconded by Councilor Maura Herlihy. Vote was 5-0, since Mayor Cote was not present at that meeting.

Mayor's Reports/City Council Sub-Committee Reports

The lighting ceremony was a great event at the falls with red, white and blue lights.

Thank you to Marcel Blouin, Sherry Lord, City Manager Steve buck, Rick Stanley, and Luke Lanigan.

The colors can be changed. The lighting will be done nightly, and was paid entirely by the William Oscar Emery Trust.

No sub-committee reports.

City Manager's Report

See Attachment 1.

The City lost the central server last night, so we currently have no access to records. Data backup is available but it is an ongoing process. The City Council recently enacted an Information Systems Disaster Recovery Program which will be utilized during this time.

An additional comment not entered in the original manager's report distributed earlier today concerns the circus, Walker Events, which suffered a tragedy in New Hampshire when a wind shear apparently affected the large tent, resulting in two deaths. This is the same company that is scheduled to hold an event in Sanford this week. A response from Walker Events indicated they may need to go without a tent at the Sanford event, holding their circus in open air. Status is still not confirmed for their event on August 9th.

Communications/Presentations

Report from State Representative Anne Marie Mastraccio. See attachment 2.

Councilor Alan Walsh thanked State Representative Anne Marie Mastraccio for her efforts on behalf of the city of Sanford.

Councilor Fred Smith spoke on adding smaller "little nip" bottles to bottle return law.

Public Participation

Diane Connolly offered thanks for the lighting of the falls, stating she received comments from Washington, Florida and Canada. Also, she expressed concern about hydrants, seeing them as a safety issue. They have not been cleared, especially on Grammar Street, Main Street. Also, trash pickup trucks are zigzagging across both lanes of traffic and causing a traffic issue.

Steve Bruno expressed concern that higher taxes are a financial strain on citizens. He is also concerned about June voting, since not as many people show up. Issues on a June ballot go through due to lack of participation, so council gets its way. He believes leadership is taking advantage by putting issues on a June ballot.

Also, businesses say it is hard to get new businesses into the area. The park at the falls is beautiful, but buildings had to be removed. What did that cost? How do we pay for maintenance since we lose the tax dollars from the properties?

Public Hearings

The City Council will take public comment on the following:

1. An application for liquor license renewal for Apple New England, LLC, D/B/A: Applebee's Neighborhood Grill & Bar, 1364 Main Street, Sanford, ME.

There was no one to speak for or against.

2. An application for Pioneer Gaming, LLC, D/B/A: Sanford OTB, 890 Main Street, Sanford, ME.

There was no one to speak for or against.

Consent Agenda

15-91.01 Ordered, to approve the following license request:

1. An application for liquor license renewal for Apple New England, LLC, D/B/A: Applebee's Neighborhood Grill & Bar, 1364 Main Street, Sanford, ME.
2. An application for Pioneer Gaming, LLC, D/B/A: Sanford OTB, 890 Main Street, Sanford, ME.
3. An application for Blanket letter for the Sanford Lodge of Elks #1470, 7 Elm Street, Sanford, ME to extend the liquor consumption are for their membership for two events; August 15th from 12:00pm to 10:00pm and September 20th from 9:00am to 1:00pm.
4. An application for Paquette Holdings LLC., D/B/A: The BackStreet Grill, 16 School Street, Sanford, ME for off premise catering for block party to be held on August 22, 2015 (rain date 8/29) in the parking lot adjacent to the restaurant. (**as a condition of approval, two police officers will need to be hired for the duration of this event. Per Thomas Connolly, Jr. Chief of Police.)

Pioneer gaming issue is for liquor only. No other questions or concerns. Consent agenda was approved.

Old Business

NONE

New Business

15-92.02 Ordered, to authorize the St. Thomas 7th Annual Run for Our School 5K Walk/ Run & Fun Run on Saturday, October 24th at 9:00 a.m. beginning at St. Thomas School.

Councilor Fred Smith moved to approve, Councilor Walsh seconded, all approve 6-0.

15-93.03 Ordered, to accept a bid from All State Materials Group of Sunderland, MA for Chip Seal in the amount of \$4.53/SY for Asphalt Rubber Surface Treatment and a lump sum \$43,860.00 for preparation work.

Motion to approve was made by Councilor Herlihy and seconded by Councilor Walsh. All were in favor 6-0. Details will be posted to the City of Sanford web site.

15-94.04 Ordered, to authorize an easement for the Sanford Sewerage District to gain access to their pump station at the West Side of the Sanford Seacoast Regional Airport; as described in the easement deed.

The sub-committee is in favor of this issue. It will allow the sewer district better access and will be paid in full by the sewer district. Motion to approve was made by Councilor Herlihy and seconded by Councilor Walsh. All voted in favor 6-0.

15-95.05 Ordered, to authorize a sole source contact with H.P. Fairfield for the conversion and fitting of a government surplus truck into a front line plow unit.

The sub-committee is in favor of this issue. .Motion to approve was made by Councilor Herlihy and seconded by Councilor Smith. All voted in favor 6-0.

15-96.06 Ordered, to send a communication to the Governor of the State of Maine, pursuant to Title 21-A §382 informing of the vacancy in House District #19 and the need to fill the vacancy before the next general election.

Motion to approve was made by Councilor Walsh and seconded by Councilor Hanslip. All voted in favor 6-0. The Governor will declare the vacancy. Then the District will hold a special election, preferably in November.

15-97.07 Ordered, to approve amendments to the City of Sanford Ambulance Service – Billing, Financial Assistance Program and Collection Policy.

Motion to discuss was made by Councilor Herlihy and seconded by Councilor Smith
Explanation was made by City Manager Buck, who reviewed the history of the issue and clarified the costs for ambulance runs. The proposal by Councilor DiGregorio did not receive consensus in sub-committee. The potential lossto the City of Sanford is \$220, 542 per year. Due to the significant loss in revenue, the proposal was rejected.

Discussion by Councilor Smith and Councilor Hanslip indicated that the Public Safety sub-committee looked at this and recommended that we not overly burden those not using the service. Those who use service should pay. If they are unable to pay, there are financial assistance options.

Councilor Hanslip moved to adopt and Councilor Herlihy seconded.

Councilor Walsh questioned the best way to communicate to patients the option for financial assistance. City manager Buck confirmed that Comstar will place a disclaimer on the bill.

Councilor DiGregorio expressed concern about the editing of the proposal, and indicated he will present his view to the public. His concern is that the public has already paid through insurance, copays, and through taxation. The budget covers the fire department. Also, the city makes no deals with insurances. Councilor DiGregorio will work for amendment to exempt tax payers from paying again. We are saying municipal employees don't have to pay but others do. It's discriminatory. Councilor Digregorio promised that his recommendation will happen and that this topic will come back each week. Then he will put it on the ballot. Mayor Cote encouraged Councilor DiGregorio to take his time and express himself fully at this time.

City Manager Buck clarified that city employees will not be treated differently from the public. The only exception to that will be for current and past employees who were injured on duty.

Mayor Cote questioned Councilor Digregorio's readiness to propose an amendment at this time, since he had been working on this project for several months. Mayor Cote offered

Councilor DiGregorio the opportunity to propose an amendment at this time.

Councilor DiGregorio did not propose an amendment, indicating he did not have the policy.

The City Manager clarified that the vote will happen tonight and future agenda items will not include this subject which will be complete after tonight's vote.

Councilor Hanslip encouraged that false statements be corrected for the public. City employees and former city employees pay for the ambulance, unless injured on duty. Also, the policy was given to all Councilors in well in advance.

Councilor Smith clarified that employees injured on duty do not have to pay because that helps keep workers comp costs down.

The vote was taken and passed 5-1.

15-98.08 Ordered, to review and affirm Section 41 of the Council Rules and Order of Business pertaining to the structure and operation of Standing and other Subcommittees.

A motion was made to discuss by Councilor Smith and seconded by Councilor Herlihy.

Sub-committees weed thru details and recommend to council, however, too many councilors present at sub-committee looks questionable. Decisions must come before the council at regular meeting for integrity sake.

Clarification on proposal: proposal is to affirm the regulation already in effect that requires "no more than three" Councilors attend sub-committee meetings. It is a reaffirmation.

Councilor DiGregorio insisted on going to a sub-committee meeting this week, making a fourth presence. He believes he has the right to go to any meeting, as a Councilor. He also believes things are happening in these small meetings that he is not privy to and that people don't realize. He states that he will attend. and manager can contact the attorney if he needs to do.

City Manager Buck emphasized that the city does not conduct closed meetings. The Sanford City Council voted on the rules of sub-committees. They have chosen to place up to 3 members on the committee. When a fourth shows up, it becomes a quorum. It would need to be posted as a business meeting and must be posted, etc. The work at committee level comes before full council for conducting business. The councilors are not members of the public. They are councilors and count toward a quorum.

Councilor DiGregorio confirmed that he signed the regulations on sub-committees at a previous time, but he disagrees now and will continue to attend committee meetings.

When a councilor wants or needs to attend a committee meeting, another councilor will step back and allow this or will discuss issues.

Ongoing discussion continued. Motion to affirm was made by Councilor Herlihy and second by Councilor Hanslip. The final vote was 5-1 in favor.

Council Member Comments

Councilor DiGregorio: He respects the council's decision, but feels very strongly that councilors as a whole don't know what's going on. He expressed his right to know and will look into this further tomorrow.

Diane Connolly: As former councilor, she never felt things were being hidden or kept from her. All information is in the packets. If necessary, questions may be asked and all are willing to share information..

Councilor Smith: It is a privilege to be a public servant. My door is always open. The integrity of the seats we hold must be maintained. No one is trying to hide anything.

Councilor Wilkins: absent with notice

Councilor Walsh: I'm beside myself that you can have a packet 5 days prior and still say you lack the information. This cannot happen at future meetings.

Councilor Hanslip: No action is happening behind the scenes. In 10 years of service, I know of no instance of secret meetings and behind the scenes conduction of business. It does not happen. Answers will be shared. These false assertions are not allowed to stand.

Deputy Mayor Herlihy: These rules and procedures were started by myself and then-Councilor Mastraccio. We do an excellent job. Concerns can be expressed to the councilors on the sub-committees. The process works and the public is invited. On a separate note, It was a great lighting of the falls the other night. Good job. Sanford Mainers are in the playoffs, currently tied, and playing again tomorrow.

Mayor Cote: This will be the last meeting like this. I wanted to give everyone the opportunity to speak their minds. Councilors voted on rules and procedures. We couldn't conduct business this week, and we also incurred legal fees. Agenda guidelines are set. Things are getting done quickly. This is the way it will operate. We need to work together without anyone working independently, but we can work together to address that as well.

Future Agenda Items

Councilor Smith would like to discuss property maintenance and blight. This is currently with the property sub-committee. Councilor Smith's recommendation is to have a workshop. Mayor Cote would like to get some recommendations for action from the committee.

Councilor DiGregorio would like to reinstitute garbage cans in the park.

The property sub-committee isn't anxious to pursue this because of issues with porta-potties at number one.

Councilor Walsh would like a policy for non-profits.

Adjournment

Mayor Cote moved to adjourn regular meeting at 8:52 pm

Respectfully submitted:

Bette M. Smith
Executive Assistant