

## City of Sanford



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



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### Memorandum

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To: City Council  
Subject: Manager's Report for July 1<sup>st</sup>, 2014  
Date: July 1<sup>st</sup>, 2014

#### **General Assistance:**

To: Key Municipal Officials  
General Assistance Administrators  
Fr: Christopher Lockwood, Executive Director  
Re: Update on MMA efforts to assist Municipalities regarding General Assistance Issues  
Date: June 30, 2014

As you are well aware, over the last two weeks municipal officials have been sent a number of directives, opinions, guidance documents and amended forms regarding how municipal General Assistance (GA) administrators should manage applications for assistance from people who are not U.S. citizens. These directions, instructions and opinions have been distributed, alternatively, by the Department of Health and Human Services (DHHS), the Governor and the State's Attorney General. In various ways, all of these opinions and directives conflict with each other in such a way that municipal GA administrators have been placed in an untenable position.

There is no indication that the dilemma confronting municipal officials that has been generated by sharply conflicting instructions from State Government will be resolved among the various state entities, at least anytime soon.

**DHHS/Governor's directives.** If the municipality elects to deny assistance to a GA applicant solely on the basis of DHHS' or the Governor's directions, there is a clear risk that the municipal action will be legally challenged, very probably in federal court, on the grounds that the municipality violated certain rights of the applicant that are protected by both the Maine and U.S. Constitutions.

**A.G.'s opinion.** On the other hand, if the municipality follows the Attorney General's opinion and elects to provide GA benefits to these applicants according to current state law and local ordinance, DHHS and the Governor are saying they will withhold reimbursement either proportionately (DHHS) or entirely (the Governor). To protect its property taxpayers, this state action would force the municipality to first appeal administratively and potentially then into the courts.

**MMA Actions:**

1. Verify the Process by which the Governor’s Office has changed the rules, standards, and administration of this State program, GA. AG’s Office has ruled these changes must be by formal rule making procedures governed by the Administrative Procedures Act, which was not followed. MMA will assist an appropriate Party to file in Superior Court for a ruling on the required process for changes to the GA Administraiton.

2. MMA has engaged an outside law firm to research whether the State’s recent actions violates state and or federal laws, in combination or independently, as it pertains to the provision of general assistance to certain noncitizens in Maine who cannot otherwise provide for their basic needs.

**Timeframe:**

MMA will file for the declaratory judgment as soon as possible. How long it will take for the ruling is anyone’s guess. The legal research referenced should be complete and a brief issues in the next two to three weeks.

**School Construction:**

The Core Building Committee (CBC) held a Straw Poll on the Site Selection for the New High School on June 25<sup>th</sup> at 6:00PM at the Sanford High School. There were about 110 people in attendance to receive a summation of the Site Selection process, analysis, and resulting land negotiation materials. After the presentation, a Straw Poll was conducted. All but 7 people voted in the affirmative to continue work to design a school for the Site 3 off Route 109 behind Burger King. A presentation followed on the pending design showing visuals of what a student would see during a typical day at the new facilities.

**Next Steps:**

The CBC was scheduled to present to the Department of Education (DOE) Construction Subcommittee last Friday, June 27<sup>th</sup> and then to the State Board of Education on July 9<sup>th</sup>. These two dates were postponed as the last details and signatures were not ready to enclose in the informational packets as of June 25<sup>th</sup>, 2014. These details are now being resolved and new dates have been set for presentations to the State:

<p><b>8/4/2014</b> <b>9:00 AM</b></p>	<p><b>Augusta Cross Building #541</b></p>	<p>TENTATIVE: Present Site Application to DOE Construction Sub-Committee - Scott Brown to verify day/time</p>	<p>Kendra, Steve, Lance, Kylie, David, Anne Marie and DOE Team.</p>
<p><b>8/12/2014</b> <b>1:00 PM</b></p>	<p><b>Augusta Cross Building #103</b></p>	<p>TENTATIVE: Present Site Application to State School Board - Scott Brown to verify day/time</p>	<p>Kendra, Steve, Lance, Kylie, David, Anne Marie and DOE Team.</p>

Once the Site is resolved, the CBC will resume work for a public presentation on the Concept Approval. Concept Approval will include the entire Building Design, Grounds and Sports Complexes, and a breakdown of State and Local Costs. The City will also present on potential tax impacts and how the Local Debt Service is anticipated to be met. City Administration has also worked with Bond Counsel and Bond options to include a stand-alone issue under the Maine Municipal Bond Bank as a potentially cost savings and administrative savings options for the Project Bond. The schedule for this phase of the Project is as follows:

9/30/2014 6:00PM	SHS Cafe	TENTATIVE: Public Hearing and Straw Poll on Concept Design	CBC, LBA, Public
10/6/2014 9:00	Augusta Cross Building #541	Present Concept to State Construction Sub-Committee	Kendra, Steve, Lance, Kylie, David, Anne Marie, and DOE Team
10/15/2014 1:00 PM	Augusta Cross Building #103	Present Concept to State School Board	Kendra, Steve, Lance, Kylie, David, Anne Marie, and DOE Team

Provided all of these phases are accepted locally and by the State DOE, a Citywide Referendum Vote on the entire Project is tentatively being scheduled for December 2<sup>nd</sup>, 2014. If affirmed by Vote, the Project would then move to final engineering in 2015 and construction for 2016 & 2017 with a move in date of Summer 2018.

**Broadband:**

Director Nimon is working to set a Workshop for the Growth Council and City Council for July 15<sup>th</sup> at 6:00PM prior to the start of the regular Council meeting. The Tilson Report has been finalized. The presentation will review the Broadband Study, summarize Administrations work with and investigation into provider and business model options, and preparations for a future Request for Proposals (RFP) to construct. The City’s need to finance all or a portion of the Fiber Network is highly dependent upon the business model selected, construction and operational partners, anchor institution participation, and the ability to gain leverage funding. One option even considers a neighboring community and their pending desire to construct and the ability to share construction costs for a portion of a network to the Three Ring Binder network.

**Traffic Control Ordinance:**

Implementation of the recently passed ordinance has caused some concerns and or interpretation issues. An Administrative meeting with the Water and Sewer Districts, Public Works, Parks, Police Chief and Union representation has been scheduled for July 9<sup>th</sup> at 10:00AM. The Ordinance and its application, accommodation, and enforcement will be reviewed in an effort to aid conformance with the newly implemented public safety regulation.

**Safety Committee:**

The Committee meets monthly to review any injury claims, address related safety items, and to proactively seek solutions addressing employee and public safety. To further protect employees, the pending signage improvements will reduce the number of public entry points to the elevator tower. Another proactive measure is the establishment of an emergency button on all phones complete with location connected directly to the Dispatch Center and our Police Department. Training is being scheduled on the new procedures to ensure all employees are

confident in the use of this notification system should members of the Public present themselves in a threatening manner.

#### **New Hires:**

- Chief Benotti was affirmed at the June 17<sup>th</sup>, 2014 City Council.
- The Assistant Fire Chief's position has been advertised with applications due by Friday, July 11<sup>th</sup>, 2014.
- Adrian Cleveland has been hired as Systems Administrator in the IT Department. Adrian has been working for the City through a Temp Agency for several months and was the best candidate upon interviewing for the advertised position. He is officially a full-time employee with the City of Sanford as of today, July 1, 2014. Adrian brings 14 years of technical experience and support which includes serving in the positions of Systems Administrator, Network Operations Manager, and Desktop Support Specialist. Adrian also served in the United States Marine Corps from 1981-1998.
- Jessica McPherson has been hired as a part-time Assistant Clerk as of June 11<sup>th</sup>, 2014.
- The Public Works Director position offer has been extended to a Best Candidate with an expectation that information pertaining to this Candidate will be made public and part of the Council packet for the July 15<sup>th</sup>, 2014 Council meeting with a request for confirmation, pursuant to Charter Section 402.3.

#### **Subcommittee Work:**

- Subcommittee work continues on the following items:
- Disposition of Tax Acquired Properties
- Marketing of Roosevelt and Emerson School Properties
- Property Maintenance Code Enforcement
- Downtown Parking issues and maintenance
- Residential Chicken Ordinance
- Pole Replacement Ordinance - to provide limitations on the cleanup and removal of utility poles

#### **Fire Works:**

There have been recent inquiries about fireworks in Sanford as there is a new Fireworks Store now operational at 1787 Main Street, formerly Matheson Tri-Gas. The sale, purchase, and possession of consumer fireworks is legal in Sanford, but one cannot discharge fireworks in Sanford. The new Store was permitted after inspections for use, zoning, all code application and inspection by our Fire Marshal and Department of Public Safety.

The State law that provides for the sale, purchase, and possession of Fireworks falls under M.R.S.A Title 8, Chapter 9-A: Fireworks §223-A, specifically subsection 2:

**Municipalities.** The legislative body of a municipality may adopt an ordinance to prohibit or restrict the sale or use of consumer fireworks within the municipality. Municipalities that prohibit or restrict the sale or use of consumer fireworks shall provide to the Office of the State Fire Marshal a copy of the relevant restriction or prohibition within 60 days of adoption. A municipality may require that a person obtain a municipal permit for selling consumer fireworks within the municipality. A municipality that chooses to issue municipal permits under this subsection shall notify the Office of the State Fire Marshal at least 60 days prior to

the initiation of its permitting program for the sale of consumer fireworks. A municipal permit may not be issued unless:

Sanford Code:

Code Chapter 125 §125-2 (B) Fireworks. No person shall discharge any fireworks within the corporate boundaries of the town of Sanford. Nothing in this section shall be so construed as to prohibit a public display of fireworks under supervision of the municipal officers of the Town.

Chapter 125 §125-3 Violations and penalties.

Any person violating any of these provisions shall, on conviction thereof, be fined as follows:

A.

First violation: \$500.

B.

Second violation: \$750.

C.

Third violation: \$1,000.

**Updates on Fireworks & Parade:**

After studying the forecast from the National Weather Service and seeing that the forecast calls for thunder and lightning on Thursday and seeing that the forecast calls for clear skies and mild temperatures on Saturday, I have postponed the Fireworks for Sanford until Saturday. We are going to assume that all vendors and performers will be able to participate on Saturday and look forward to a wonderful evening around #1 Pond in Sanford.

The 4th of July Parade which is scheduled presently for Friday the 4th is still on at this time pending further evaluation of the weather. The Concert with FELIX CAVALIERE'S RASCALS is still on for Sunday July 6 at GOODALL PARK. The weather forecast for that evening is clear skies and mild temperatures. We are expecting a great enthusiastic crowd.

Please tell all you come in contact with by any means at your disposal. Thank you

If you have any questions please contact me.

Marcel G. Blouin

Director

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