

# City of Sanford



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



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## Memo

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To: City Council  
Subject: Manager's Report for July 10<sup>th</sup>, 2018  
Date: July 10<sup>th</sup>, 2018

### **SanfordNet Fiber:**

The City Council accepted the Low Bid by Eustis Cable LLC for the construction of SanfordNet Fiber on June 19<sup>th</sup>, 2018 as well as authorizing the Project Budget and Funds. The documentation was provided to EDA as required for review. EDA issues their acceptance of the Contractor, Budget, and Financing per their Letter dated July 9<sup>th</sup>, 2018, attached.

The City will now engage Eustis Cable by Contract for the Construction, submit to EDA for Review, and then issue a Notice to Proceed to start construction prior to July 31<sup>st</sup>, 2018. The City will then issue payment for the Make Ready Costs for the construction Route to Consolidated Communications and CMP thereby clearing the utility poles and the "reserved" municipal space on said poles and conduits to attach the City's fiber network.

The City will then start implementation of the Fiber Management System allowing GWI to operate the Network under Contract. Further, the Network Augmentation providing for the 10 Gig redundant loop will also be initiated as improvements to a pre-existing fiber network operated by GWI.

### **Post Road Pre-Feasibility Study:**

Post Road has selected Tilson Technology to perform the Pre-Feasibility Study for the Sanford Region as well as for Orono/Old Town. Chris Campbell, who was the City's consultant for the Operator Agreement, Dark Fiber Agreements, and Business Modeling, will be the lead consultant for the Study. Central Maine Power (CMP) will be a partner in the Study with the City. A Stakeholders meeting is being scheduled for July 26<sup>th</sup>, 2018 or later to review the initial work and further coordinate.

Matching Funds for \$20,000 has been committed by the City as required for the Study. The Study will be of National importance and portions will be openly published once complete. The City originally was to contribute \$10,000 with Kennebunk Light and Power, the other regional partner, also contributing \$10,000 to make the match. Due to a failure to act by Kennebunk Light and Power, Post Road removed them from the Study and the City Council fulfilled the missing match. Administration immediately sought a second partner for the Study and Match and has

now received communications from Maine Community Foundation to be the said partner and provide a \$5,000 match and the John T Gorham Foundation also providing \$5,000. The Maine Community Foundation has a focus on rural broadband expansion as an emphasis to achieving a number of their Five Priority Goals. Details are still being finalized.

**Stenton Trust:**

As last reported, the Environmental Protection Agency has agreed to perform a targeted demolition of the Rear Tower of the Stenton Trust Facility to specifically removed the asbestos and mixed contaminated wastes from the Facility. Region 1 is still waiting on the Action Letter from Washington approving use of funds from the Time Critical Remediation Fund to perfect the demolition. This has placed the demolition on approximately a one month delay with EPA Contractors assumed to come on site for scoping and scheduling sometime in July.

EPA has also filed to the State of Maine Historic Preservation Organization (SHPO) for a ruling on the saw-toothed roof connector portion of the Complex as to its historic significance and potential need to preserve during demolition.

The City has continued to meet with an engaged developer for the Stenton Trust Complex but per their request cannot disclose the identity or details until a pending Memorandum of Understanding is brought to the City Council for a partnered redevelopment of the Complex.

**Request for Qualifications for EPA Area Wide Assessment Grant:**

The City was awarded \$300,000 from EPA Region 1 to continue area wide assessment of formerly industrialized sites within Sanford. The Assessment performs a Phase I and II Assessment Studies identifying any petroleum or hazardous contaminations as well as developing a remediation plan. The City may then apply for remediation funds from EPA once the assessment and plan have been produced. Stenton Trust is one of the targeted sites for the use of these funds for this year.

**RFQ Schedule:**

Response are due by July 13, 2018

Review of Responses for July 16, 2018

Interviews to start as early as July 17<sup>th</sup>, 2018

City Council to act upon Recommendation for Contractor at the August 7, 2018 meeting.

Planning Director Beth Della Valle is seeking interested people to serve on the Brownfield Advisory Committee pursuant to the Brownfield Grant. The Committee will establish the criteria for the selection of Properties to be assessed using these funds. It is a 3-year commitment for the Committee's work starting in late August or early September with 3-4 meetings from then to year end for the initial selection of properties.

Please contact Beth Della Valle at 207 324 9150 if interested.

**Fire Department RFQ for Future Station Design and Placement:**

The City Fire and Paramedic Services have previously consolidated from three station locations into two, Central at Mid-Town and Auxiliary in Springvale. The Plan is to remain at two Stations but to identify two locations and the design of two Stations as necessary.

The RFQ seeks highly qualified architectural firms that specifically focus on Fire Station Design in recognition of the specialized design experience necessary to designing a 100 plus year structure to meet fire and EMS service needs in Sanford. The Schedule is as follows;

**Request for Qualification Schedule Fire Station Design**

The following will be the scheduling guideline for the purposes of this initial project:

- a. Qualification Requests will be sent out no later than July 3, 2018
- b. All proposals must be returned to the City of Sanford Fire Chief's Office no later than 5pm on August 3, 2018.
- c. August 17, 2018 Qualification proposals review shall be completed by design team.
- d. August 20-29, 2018, In-person interviews of the top 3 ranked firms' w/proposals shall be conducted.
- e. Firms shall be ranked in order of preference no later than August 31, 2018.
- f. The 1<sup>st</sup> choice of firms' shall meet with the City Design Team during the week of September 3, 2018 to clarify questions of the Scope of Work and details and shall submit any additional fee schedule for items added to the proposal for review by the city by 5pm on September 7, 2018.
- g. City will accept or reject proposed fee schedule by September 18, 2018.
- h. If agreement is reached then work can start immediately so future monetary items may be included into the 2019-20 budgetary process by December 31, 2018.
- i. If an agreement cannot be reached with the 1<sup>st</sup> choice firm then the other firms will be contacted in order of ranking for similar proposal agreements until an agreement can be reached.

**Sanford High School Traffic and Pedestrian Improvements:**

The City Council has accepted the Construction Contract with Shaw Brothers for the construction of the circumferential road to service Burger King, KFC, and O' Reilly's Auto as well as future commercial development off Route 109 or Main Street in this area. This was a necessary improvement to allow for the current Traffic Light at the Marden's Shopping Mall complex to be relocated to the Old Mill Intersection.

The City has also been working with the Maine Department of Transportation over the past three years on the design of all new traffic lights and systems in Sanford. To this end, the City is being asked to write a letter of support to the U.S. Department of Transportation for MaineDOT Traffic Mobility Improvements - Phase 1 Project under the Better Utilizing Investments to Leverage Development (BUILD) Grant, a Federal Grant. A successful Grant Application will allow for the earlier installation of the improved traffic light system with the highest level of technology currently available due to the City's pending investment in a fiber optic network. MEDOT description is as follows;

MaineDOT's Traffic Mobility Improvements – Phase 1 project allows the introduction of Advanced Traffic Controllers, Accessible Pedestrian Signals and ADA improvements to all of our signals. These improvements will be connected via fiber network already in the field. The City is also intrigued with the addition of dedicated short range communications (DSRC) to our traffic signals allowing for introduction of Autonomous and Connected Vehicle communications. The City also has several trucking firms that may benefit from the installations and the safety benefits they will present us.

Administration recognizes this progressive investment by the Maine Department of Transportation as but a first example of the technological investments within Sanford that can only be made via the construction of a operation of a Municipal Broadband Network.

### **Opioid Litigation:**

The City is part of a Multi-Jurisdictional Law Suit along with a number of other Maine Cities against the manufactures, prescribers, sales persons, and distributors of opioid based medications as knowing being overprescribed when known to be addictive. Attached is a recent update on the processing of these Claims. Several positive develops include;

1. Federal multidistrict litigation plaintiffs are now sharing/exchanging discovery and have noticed the depositions of the Defendants.
2. The Automation of Reports and Consolidated Orders System (ARCOS) database showing the flow of DEA controlled substances from their point of manufacture through distribution and final point of sale has been released for these cases.

There is also a series of other favorable Court Actions that weigh in the favor of the Plaintiffs as these cases move forward. The City's Attorney is preparing a Complaint for the City which should be ready for review on or before July 11<sup>th</sup>, 2018.

See Attachement

### **Sanford's Single Sort Recycling Changes:**

As most in the City are now very much aware of, EcoMaine has changed what they will accept in the Single Sort Recycling and they are now enforcing Penalties on the City that started hitting us in the May Billings received in June. If left unaddressed, the percentages and resulting penalties will account for well over \$100,000 this year for which the City has NOT budgeted.

The Solid Waste Subcommittee met on June 26<sup>th</sup>, 2018 with EcoMaine, our receiver of Single Sort Recycling, and Pine Tree/Casella our contracted waste hauler. The recent economics and difficulties with the single-sort system was presented by EcoMaine and the fact that the City of Sanford is one of the few remaining communities that does not pay a per ton cost for tipping recyclables at their facility. However, EcoMaine can and now is assessing a percentage of contamination in each load of recyclables being received and applying the applicable penalty rates to Sanford's Loads. EcoMaine did day that Sanford has some of the lower contamination rates, but if we remain at the currently assessed levels the City will pay penalties in excess of \$100,000 this year.

Pine Tree/Casella as the City's Hauler has within their contract the responsibility of monitoring the recyclable materials they collect. That is why their crews have clamped down on contamination at the curbside in accordance with changes at EcoMaine and have been placing stickers on the containers indicating the reason as to why the container was rejected. This enforcement has not been perfect, some stickers had no reason, others that were prefilled were wrongly applied, and a host of other issues have been identified. Public Works receives daily reports by address for any rejections and continues to work with Casella on amending the monitoring at curbside.

**Cart before the Horse:** The largest issue has been the rapid changes within the Program and the instantaneous penalties and how best to address them and reduce fiscal impacts. Inform versus Enforce is the question. The City is currently taking a parallel track. The enforcement mechanism and as an education mechanism was already in place via our Hauler. It started immediately upon the City receiving the Bill with the associated penalties and a review of why/what had changes and projecting the cost if the City did not react.

**Second is the Educational Component;**

Attached is an informational Flyer that was direct mailed with people receiving it shortly after July 4<sup>th</sup>, 2018. It provides an explanation as to Why/What has Changed, where to find the full Recyclopedia produced by EcoMaine, and an explanation of the do's and don'ts of the single-sort recycling system as currently allowed by EcoMaine. The direct mailing costs is approximately \$1,300 and is being paid out of Environmental Services.

The Journal Tribune has written one Article already and is preparing for a second. The City will also do a subsequent insert into this year's Tax Bills that will contain updated information on the changes in recyclables as well as changes with our Solid Waste Program as a whole.

EcoMaine will also provide a comprehensive presentation on these changes to the Recycling Program at the July 17<sup>th</sup>, 2018 Council Meeting. We tried for July 10<sup>th</sup>, but EcoMaine could not provide the Staff and Materials until the 17<sup>th</sup>.

I have also attached a sample of the Daily reports on rejected recycling before enforcement versus post enforcement. The majority of rejections are recyclables inside trash bags and the plastic shopping bags or other plastic film. This is the largest problem with/at EcoMaine now are plastic shopping bags. Aside from that issue, all of the other violations listed were already a violation prior to EcoMaine clamping down on contamination.

**Typical Pre-Enforcement Single Sort Recycling Load Data:**

Pre-Enforcement - At the start of enforcement of EcoMaine amendments 30 out of 31 Loads were credited significant penalties over a 15 day period.

This email is to notify you that the following load(s) of single sort recycling delivered to EcoMaine has/have been either downgraded or rejected depending on the level of excessive contamination.

The following schedule shows the varying levels of contamination and their respective fees:

- Loads which contain 3-5% contaminants by volume receive a warning notification
- loads which contain 6-10% contaminants by volume incur a \$35 per ton fee
- loads which contain 11-15% contaminants by volume incur a \$45 per ton fee
- loads which contain 16-20% contaminants by volume incur a \$55 per ton fee
- loads which contain 21-25% contaminants by volume incur a \$65 per ton fee
- loads which contain 26% or higher contaminants by volume incur a \$70.50 per ton fee

While your community is on a Neutral Recycling plan with us, where we do not charge for the processing of your recyclables, given the current state of the recycling market it has become necessary to charge all of our member communities for the handling of excessive contamination in the recycling loads we process. The verbiage in your contract which speaks to this policy is

in Section 3.e). You will receive an invoice from us at the end of the month which will include any accrued contamination fees. If you have any questions please feel free to contact me.

<b>Ticket Number</b>	<b>TOWN</b>	<b>DATE</b>	<b>% CONTAMINATION</b>
10281492	Sanford	5/15/2018	9%
10281496	Sanford	5/15/2018	15%
10281527	Sanford	5/16/2018	15%
10281785	Sanford	5/16/2018	15%
10281784	Sanford	5/16/2018	20%
10281804	Sanford	5/17/2018	10%
10281904	Sanford	5/17/2018	10%
10282320	Sanford	5/18/2018	10%
10282098	Sanford	5/18/2018	15%
10282321	Sanford	5/18/2018	15%
10282323	Sanford	5/18/2018	15%
10282344	Sanford	5/18/2018	15%
10282105	Sanford	5/18/2018	20%
10282620	SANFORD RECYCLE	5/21/2018	20%
10283031	SANFORD RECYCLE	5/22/2018	15%
10283044	SANFORD RECYCLE	5/22/2018	25%
10283074	SANFORD RECYCLE	5/23/2018	15%
10283168	SANFORD RECYCLE	5/23/2018	10%
10283312	SANFORD RECYCLE	5/23/2018	20%
10283315	SANFORD RECYCLE	5/23/2018	20%
10283320	SANFORD RECYCLE	5/23/2018	15%
10283400	SANFORD RECYCLE	5/24/2018	5%
10283845	SANFORD RECYCLE	5/25/2018	10%
10283853	SANFORD RECYCLE	5/25/2018	15%
10283868	SANFORD RECYCLE	5/25/2018	20%
10283870	SANFORD RECYCLE	5/25/2018	15%
10284445	SANFORD RECYCLE	5/29/2018	20%
10284479	SANFORD RECYCLE	5/30/2018	10%
10284480	SANFORD RECYCLE	5/30/2018	15%
10284767	SANFORD RECYCLE	5/30/2018	20%
10284768	SANFORD RECYCLE	5/30/2018	15%

Post Enforcement as of 7/10/2018 and over a 7-day period, only 1 load out of 18 will incur a penalty charge and that being only \$70.00.

10291064	SANFORD RECYCLE	6/29/2018	5%	f
10291067	SANFORD RECYCLE	6/29/2018	0%	f
10291068	SANFORD RECYCLE	6/29/2018	10%	f
10291076	SANFORD RECYCLE	6/29/2018	5%	f
10291299	SANFORD RECYCLE	6/29/2018	0%	f
10291427	SANFORD RECYCLE	7/2/2018	5%	f
10291433	SANFORD RECYCLE	7/2/2018	0%	f
10291434	SANFORD RECYCLE	7/2/2018	0%	f
10291439	SANFORD RECYCLE	7/2/2018	5%	f
10291849	SANFORD RECYCLE	7/3/2018	0%	f
10291962	SANFORD RECYCLE	7/3/2018	5%	f
10291966	SANFORD RECYCLE	7/3/2018	5%	f
10291969	SANFORD RECYCLE	7/3/2018	0%	f
10292092	SANFORD RECYCLE	7/5/2018	0%	f
10292096	SANFORD RECYCLE	7/5/2018	5%	f
10292097	SANFORD RECYCLE	7/5/2018	5%	f
10292109	SANFORD RECYCLE	7/5/2018	5%	f
10292110	SANFORD RECYCLE	7/5/2018	0%	f

EcoMaine and Pine Tree will be present for the City Council meeting on July 17<sup>th</sup>, 2018 to present, discuss, and communicate the changes that have been made and how the City can remediate.



**U.S. DEPARTMENT OF COMMERCE  
ECONOMIC DEVELOPMENT ADMINISTRATION**

Philadelphia Regional Office  
Robert N.C. Nix Building  
900 Market Street, Room 602  
Philadelphia, Pennsylvania 19107

July 9, 2018

Mr. Steven R. Buck  
City Manager  
City of Sanford  
919 Main Street  
Sanford, Maine 04073-3589

**Re: EDA Project No.: 01-01-14741  
City of Sanford, Maine  
Low Bid Award**

Dear Mr. Buck:

We have reviewed the proposed contract award material for the above referenced project. Accordingly, we concur in the award of the contract to the lowest responsible bidder as follows:

<b><u>Project Description</u></b>	<b><u>Contractor</u></b>	<b><u>Total Amount</u></b>
SanfordNet Fiber	Eustis Cable Enterprises, Ltd. 355 East Street Brookfield, VT 05036	\$1,384,755.18

You should notify the contractor and complete the contractual arrangements as soon as possible. One complete set of executed contract documents should be furnished to this office no later than 30 days of receipt of this letter for our review and approval. You are **not** authorized to issue the Notice-to-Proceed until EDA has reviewed and approved the executed contract.

The following information is required to be submitted to EDA for approval:

Complete copy of the executed contract.  
Evidence of adequate performance and payment bond and insurance coverage.  
Lobbying Certification (Form CD-512) signed by the contractor.

Please note that EDA funds will not be disbursed until ALL Special Conditions to the Financial Assistance Award with identified disbursement requirements are satisfied.

Should you have any questions feel free to address any questions to the undersigned at (215) 597-0642 or via email at [BSteinberg@doc.gov](mailto:BSteinberg@doc.gov).

Sincerely,

Digitally signed by BRETT STEINBERG  
DN: c=US, o=U.S. Government,  
ou=Department of Commerce, ou=Economic  
Development Administration, cn=BRETT  
STEINBERG,  
0.9.2342.19200300.100.1.1=13001003201441  
Date: 2018.07.09 12:33:44 -0400

Brett Steinberg  
Project Engineer

Cc: File

**PRIVILEGED & CONFIDENTIAL  
ATTORNEY-CLIENT COMMUNICATION/ATTORNEY WORK PRODUCT  
NOT SUBJECT TO FOIL OR FOIA DISCLOSURE**

July 3, 2018

Steven R. Buck  
City Manager  
Sanford, ME  
919 Main Street  
Sanford, ME 04073-

**Re: Opioid Litigation Update**

Dear: Steven R. Buck:

We are writing to provide you with an update on the opioid litigation.

First, in the Federal multidistrict litigation, plaintiffs for the three cases for bellwether trials: (1) *The County of Summit, Ohio. v. Purdue Pharma L.P.*, Case No. 18-OP-45090 (N.D. Ohio); (2) *The County of Cuyahoga v. Purdue Pharma L.P.*, Case No. 17-OP-45004 (N.D. Ohio)<sup>1</sup>; and (3) *City of Cleveland v. AmerisourceBergen Drug Corp.*, Case No. 18-OP-45132 (N.D. Ohio) have begun exchanging discovery with Defendants. Plaintiffs and Defendants have exchanged millions of pages of documents and Plaintiffs have noticed the depositions of the Defendants.

Defendants were ordered by the Court to produce, no later than June 11, documents previously produced pursuant to any civil investigation, litigation, and/or administrative action by federal (including Congressional), state, or local government entities involving the marketing or distribution of opioids. Defendants have already begun producing documents previously produced in *City of Chicago v. Purdue Pharma L.P.*, Case No. 14-CV-04361 (N.D. Ill.). Fact discovery is to be completed by August 31, 2018.

Another major milestone which has moved the litigation forward has been the release of the ARCOS database. We have worked closely with a small group of lawyers in the analysis of this data to allow us to identify potential defendants in your community that may have gone unnoticed. For example, in the three bellwethers the cases were amended to add, and in most cases drop, parties that without ARCOS may have been wrongfully named or not properly named. This database has allowed for targeted searches to identify what manufacturer, distributor and in many cases what major pharmacy<sup>2</sup> was responsible for the flood of opioids into your community.

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<sup>1</sup> Hunter J. Shkolnik and the Napoli Shkolnik opioid team are leading the effort for the County of Cuyahoga case and will be one of the three leads in the first opioid cost recovery trials to be held in the Country.

<sup>2</sup> Certain major pharmacy chains including CVS, Walgreens, Walmart, etc., possessed multiple distributor licenses up until 2014 and bypassed the big three distributors in the distribution of opioids. These pharmacy chains may have used the multiple licenses to allocate sales between licenses and to avoid the appearance of excessive shipments to local outlets. This issue is being pursued aggressively now.

Also, the Court is currently discussing potential coordination with the state court proceedings regarding written discovery, deposition protocols, and cross-noticing depositions.

*Second*, in the New York coordinated litigation<sup>3</sup>, the Court denied the Manufacturer Defendants' motions to dismiss in their entirety (*see* attached Ex. 1) and the Defendants' motion for an order seeking to preclude prosecution of the Plaintiffs' claims by outside counsel retained on a contingent-fee basis. The Manufacturer Defendants were ordered to serve their answers to the complaint on or before June 28.

These decisions are another major victory for the Plaintiffs in this litigation. We are still awaiting the Court's decision on the Distributor Defendants' motion to dismiss, but we expect a decision soon.

*Third*, in Pennsylvania, the cases brought by the Counties and Cities were coordinated in Delaware County. The next step is for the Court to enter a scheduling order detailing all upcoming deadlines.

*Fourth*, in West Virginia, our firm was selected as liaison counsel and we are now proceeding to the motion to dismiss stage.

*Fifth*, in the federal multidistrict litigation, the Court entered an Order requiring Plaintiffs to complete Plaintiff Fact Sheets. This is a streamlined discovery demand that all Plaintiffs with cases pending in the multidistrict litigation will be required to complete. It does not matter if the case is pending remand to state court, as it is anticipated that this will be a requirement as long as the case is in federal court. Our team will be working closely with you in preparing to respond to this document information request.

We will continue to update you on our progress. Please contact us if you have any questions.

Regards,  
Napoli Shkolnik PLLC

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<sup>3</sup> As you may already know, Paul J. Napoli is at the forefront of this successful effort as the Co-Lead in the New York coordinated litigation.

