



Sanford City Council

City Council Meeting Minutes – January 22, 2019

The Sanford City Council met at 6:00 p.m. in the Chambers of the Sanford City Hall Annex on Tuesday, January 22, 2019. **Mayor:** Thomas P. Cote **COUNCILORS:** Deputy Mayor Lucas Lanigan, Councilor Maura A. Herlihy, Councilor Joseph Hanslip, Councilor John L. Tuttle, Jr., Councilor Robert G. Stackpole and Councilor Ayn Hanselmann **CITY STAFF:** City Manager, Steven Buck; Executive Assistant, Sherry Lord; Airport Manager, Allison Rogers; Code Officer, Jamie Cole; Land Bank Officer, Jeannie Wood; Fire Chief, Steven Benotti; SREGC Director, James F. Nimon and Director of Public Works, Matt Hill.

Mayor Cote called the meeting to order at 6:03 pm.

Pledge of Allegiance

The session began with the Pledge of Allegiance and a moment of silence

Moment of Silence

Roll Call:

Mayor Cote performs the Council Roll call: Councilor Hanselmann, Councilor Stackpole, present; Councilor Tuttle, present; Councilor Hanslip, absent w/notice; Councilor Herlihy, present; and Deputy Mayor Lanigan, absent w/notice.

Minutes

18-597-01 Ordered, to approve meeting minutes from Tuesday, January 8, 2019. Councilor Tuttle moved to approve, seconded by Councilor Herlihy. The City Council voted 5-0 to approve.

Mayor's Report/City Council Sub-Committee Reports

Still not live streaming from WSSR-TV.

Councilor Herlihy- reported from the marijuana task force. The Council will see something before them in early March.

City Manager's Report

See attached

Communications/Presentations

18-595-01 Growth Council Quarterly Report: James F. Nimon gave a presentation to the Council.

Public Participation

None

Public Hearings

The City Council will take public comment on the following:

- 18-603-01 A Public Hearing to receive comments on the Renewal of the City Special Amusement Permit and the Liquor License application with malt, spirituous, vinous privileges from The Sanford Lodge of Elks #1470. Mayor Cote declared the public hearing open at 6:37 PM. There was no one to speak for or against. The public hearing was declared closed at 6:37 PM.
- 18-612-01 Ordered, to approve the liquor license renewal application with malt, spirituous and vinous privileges for Springvale Publick House located at 481 Main Street, Springvale, Maine. Mayor Cote declared the public hearing open at 6:37 PM. There was no one to speak for or against. The public hearing was declared closed at 6:38 PM.
- 18-598-01 A Public Hearing on the FIRST OF TWO PUBLIC HEARINGS to receive comments on the Renewal Mental Health & Abuse Clinic license application from Sweetser. Mayor Cote declared the public hearing open at 6:38 PM. There was no one to speak for or against. The public hearing was declared closed at 6:38 PM.
- 18-589-01 A Public Hearing to receive comments on the new license application from Brett Castner to operate CQFK Unlimited, LLC, a medical marijuana production facility at 72 Emery Street Unit #307, Sanford, Maine 04073. Mayor Cote declared the public hearing open at 6:38 PM. Code Enforcement Officer Jamie Cole stated that he and the Fire Marshal did an inspection and they are in compliance. There was no one else to speak for or against. The public hearing was declared closed at 6:39 PM.
- 18-582-01 A public hearing on an Ordinance amending Chapter 114, Disorderly Houses. Mayor Cote declared the public hearing open at 6:40 PM. Director of Community Development, Ian Houseal presented the amendments to the Council. There was no one else to speak for or against. The public hearing was declared closed at 6:54 PM.
- 18-585-01 A public hearing on an Ordinance amending City Code § 149-13.10, Alcohol- and Drug- Free Housing, Minimum house rules. Mayor Cote declared the public hearing open at 6:54 PM. Director of Community Development, Ian Houseal presented the amendments to the Council. There was no one to speak for or against. The public hearing was declared closed at 6:56PM.

18-615-01 A hearing to determine whether the structure at 15 Grove Avenue, Sanford, Maine owned by John and Marian Lippincott identified as Lot 57, on Tax Map J32, and further described in a Deed recorded in the York County Registry of Deeds at Book 2989, Page 301, is a dangerous building or nuisance within the meaning of 17 M.R.S.A. §§ 2851-2859, and if so, what is the appropriate remedy. Notice of this hearing was duly served on the owner and mortgage holder and advertised in the newspaper for three successive weeks on January 4, 2019, January 11, 2019, and January 18, 2019 as required by Law when the owner cannot be ascertained with reasonable diligence. Mayor Cote declared the public hearing open at 7:51 PM. Director of Community Development, Ian Houseal explained the property. Code Enforcement officer, Jeannie Wood explained the violations she noted at the time of inspection. Andrea Druart, granddaughter of the owners explained that there is a short sale currently on the property. There was no one else to speak for or against. The public hearing was declared closed at 8:09PM.

18-614-01 A hearing to determine whether the structure at 22 North Avenue, Sanford, Maine owned by Rachel Grondin identified as Lot 120, on Tax Map I28, and further described in a Deed recorded in the York County Registry of Deeds at Book 7868, Page 331, is a dangerous building or nuisance within the meaning of 17 M.R.S.A. §§ 2851-2859, and if so, what is the appropriate remedy. Notice of this hearing was duly served on the mortgage holder and advertised in the newspaper for three successive weeks on January 4, 2019, January 11, 2019, and January 18, 2019 as required by Law when the owner cannot be ascertained with reasonable diligence. Mayor Cote declared the public hearing open at 8:13 PM. Community Development Director, Ian Houseal gave a brief overview of the property. Code Enforcement Officer, Jamie Cole explained his findings when he inspected the property on December 5th. Mr. Cole did put a placard on the property for lack of heat, water and unsanitary conditions. There was no one else to speak for or against. The public hearing was declared closed at 8:22 PM.

Consent Agenda

Mayor Cote sought comment from the City Council, there was no comment. The consent agenda was approved.

- 18-604-01 Ordered, to approve the following license requests.
1. An application for liquor license renewal from The Sanford Lodge of Elks #1470, 13 Elm Street, Sanford, Maine.
 2. An application for renewal of Special Amusement Permit from the Sanford Lodge of Elks #1470, 13 Elm Street, Sanford, Maine.

Old Business

- 18-586-01 Ordered, to approve the following license requests.
1. An application for liquor license renewal from Springvale Publick House, 481 Main Street, Springvale, Maine. Councilor Tuttle moved to approve, seconded by Councilor Stackpole. The City Council voted 5-0 to approve.

New Business

- 18-590-01 Ordered, to appoint Aaron Lederer as a City of Sanford Code Enforcement Officer and Constable for a period expiring June 30, 2019. Councilor Tuttle moved to approve, seconded by Councilor Stackpole. Community Development Director, Ian Houseal introduced Aaron to the Council. The City Council voted 5-0 to approve.
- 18-607-01 Ordered, to approve the Boards and Committees Code of Conduct. Councilor Tuttle moved to approve, seconded by Councilor Herlihy. The City Council voted 5-0 to approve.
- 18-593-01 Ordered, to approve the new license application for CQFK Unlimited, LLC to operate a medical marijuana production facility at 72 Emery Street, Unit #307, Sanford, ME 04073. Councilor Stackpole moved to approve, seconded by Councilor Herlihy. Councilor Tuttle asked how many medical marijuana facilities are in the building currently. Code officer Jamie Cole explained there are currently 12. The City Council voted 5-0 to approve.
- 18-532-01 Ordered, to accept Integrity Drive as a City-owned and maintained street. Councilor Tuttle moved to approve, seconded by Councilor Herlihy. Public Works Director, Matt Hill explained. The City Council voted 5-0 to approve.
- 18-613-01 Ordered, to accept the bid for the removal of identified asbestos containing material – 3 Beaver Hill Road from Servpro of Biddeford-Saco in the firm fixed price in the amount of \$9,926.20. Councilor Tuttle moved to approve, seconded by Councilor Herlihy. Director of Community Development, Ian Houseal explained the bid. The City Council voted 5-0 to accept.
- 18-537-01 Ordered, to authorize the expenditure of \$58,000 to purchase and set-up code enforcement, permitting, and licensing software from current fiscal year expenditure budgets for the Code Enforcement and Land

Bank Department's wage account contingent on the availability of actual and projected General Funds. Councilor Herlihy moved to approve, seconded by Councilor Stackpole. Director of Community Development, Ian Houseal gave a brief presentation to the Council. The City Council voted 5-0 to approve.

- 18-596-01 Ordered, to approve adjustment of ambulance rates. Councilor Tuttle moved to approve, seconded by Councilor Stackpole. Fire Chief Benotti explained the adjustments. The City Council voted 5-0 to approve.
- 18-620-01 Ordered, to approve and authorize the City Manager to sign the Land Lease and Operating Rights Agreement at the Sanford Seacoast Regional Airport between the City of Sanford and Sanford LFB, LLC. Councilor Tuttle moved to approve, seconded by Councilor Stackpole. Airport Manager, Allison Rogers explained the lease. The City Council voted 5-0 to approve.
- 18-606-01 Ordered, to authorize the expenditure of up to \$100,000 from the TIF Economic Development Account to support the Growth Council Marketing Plan. Councilor Tuttle moved to approve, seconded by Councilor Stackpole. Councilor Herlihy voiced her concerns about current marketing strategies. She would like to see updated marketing techniques. The City Council voted 5-0 to approve.
- 18-605-01 Ordered, to approve the following license request.
1. An application for Mental Health & Abuse Clinic License renewal from Sweetser, 863 Main Street, Sanford, ME. **(This license must have two public hearings. This is the First reading. Second reading is scheduled for February 5, 2019.)** No action
- 18-584-01 The City Council of the City of Sanford hereby ordains amendments to Chapter 149-13.10, Alcohol and Drug Free Housing, Minimum house rules. (This item must be read on two separate days. This is the first reading.) No action
- 18-437-01 The City Council of the City of Sanford hereby ordains amendments to Chapter 114, Disorderly Houses. (This item must be read on two separate days. This is the first reading.) No action
- 18-616-01 Findings and Order, pursuant to 17 M.R.S.A. §§ 2851-2859 - Dangerous Building - 22 North Avenue; Pursuant to 17 M.R.S.A §

2851, 2-A: "To adjudge a building to be a nuisance or dangerous, the municipal officers must find that the building is structurally unsafe, unstable or unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or is otherwise dangerous to life or property." Councilor Herlihy read the following findings (see attached), seconded by Councilor Tuttle. The City Council voted 5-0 to determine that 22 North Ave is in fact dangerous.

- 18-617-01 Findings and Order, pursuant to 17 M.R.S.A. §§ 2851-2859 - Dangerous Building - 15 Grove Avenue; Pursuant to 17 M.R.S.A § 2851, 2-A: "To adjudge a building to be a nuisance or dangerous, the municipal officers must find that the building is structurally unsafe, unstable or unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or is otherwise dangerous to life or property." Councilor Herlihy read the following findings (see attached), seconded by Councilor Tuttle. The City Council voted 5-0 to determine that 15 Grove Avenue is in fact dangerous.

Council Member Comments

Councilor Hanselmann: Thanked everyone for helping her out in her first few weeks.

Councilor Stackpole: He noticed that Eustis Cable was installing fiber throughout town.

Councilor Tuttle: Thanked Sherry Lord for her 18 years of service. Wished his grandson a happy birthday. He also congratulated the New England Patriots.

Councilor Hanslip: absent

Councilor Herlihy: none

Deputy Mayor Lanigan: absent

Mayor Cote: none

Future Agenda Items

- Manager's review

Adjournment

Mayor Cote moved to adjourn regular meeting at 8:35 pm

Respectfully submitted by Sherry Lord, Executive Assistant



FINDINGS AND ORDER

Pursuant to 17 M.R.S.A. §§ 2851-2859

Dangerous Buildings

JOHN AND MARIAN LIPPINCOTT
999 GOODWIN RD
ELIOT, ME 03903

HOME LOAN AND INVESTMENT BANK, FSB
ONE HOME LOAN PLAZA, SUITE 3
WARWICK, RI 02886

SHAPIRO & MORLEY LLC
707 SABLE OAKS DRIVE, SUITE 250
SOUTH PORTLAND, ME 04106

15 GROVE AVENUE, SANFORD, MAINE

On January 22, 2019 at 6:00 PM at City Hall, the Municipal Officers of the City of Sanford, Maine held a hearing to determine whether the structure at 15 Grove Avenue, Sanford, Maine identified as Lot 57, on Tax Map J32 and further described in a deed recorded in the York County Registry of Deeds at Book 2989, Page 301 is a dangerous building or nuisance within the meaning of 17 M.R.S.A. §§ 2851-2859, and if so, what the appropriate remedy would be. Notice of this hearing was duly served on the owner by the sheriff and by certified mail to the believed mortgage holder and advertised in the newspaper on January 4th, 11th, and 18th of 2019.

The following persons were present and testified:

- A. City of Sanford Code Enforcement Officer, Jeannie Wood
- B. City of Sanford Director of Community Development, Ian Houseal
- C. Property Owner/Representative: John & Marian Lippincott, Andrea Druert

Based on the testimony of those present and other evidence presented and made part of the record, the Sanford City Council hereby attests to the testimony and evidence and hereby finds the following facts:

- A. John and Marian Lippincott have owned the building (the property), since 1982.
- B. The owners have allowed the building to fall into a state of neglect and disrepair because of inadequate maintenance, care, and abandonment.
- C. Since John and Marian Lippincott have owned the property, there have been eight property tax liens assessed and discharged on the property and six sewer district liens assessed and discharged on the property.
- D. A foreclosure certificate was recorded in May 2017 to enforce a mortgage.
- E. There have been complaints against the sanitation of the property.
- F. The owners had rented the property and obtained a rental housing license in 2018, but did not schedule an inspection after multiple requests for an inspection from the Code Enforcement Officer.
- G. The water service to the property has been disconnected since November 2018.
- H. The property has not appeared to be occupied since November 2018.
- I. An exterior inspection on January 4, 2019 found the following violations of City Code § 90-13 et seq., the *International Property Maintenance Code, 2003 (IPMC, 2003)* as adopted by reference:
 - Roofs shall be maintained in good condition. Section 304.7

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919 Main St
Sanford, Me 04073

- Porch shall be maintained structurally sound in good condition. Section 304.10
- Accessory structures shall be maintained structurally sound in good condition. Section 302.7
- Structure unfit for human occupancy because of lack of water. Section 108.1.3

Pursuant to 17 M.R.S.A § 2851, 2-A: “To adjudge a building to be a nuisance or dangerous, the municipal officers must find that the building is structurally unsafe, unstable or unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or is otherwise dangerous to life or property.”

Based on the foregoing findings, the Municipal Officers conclude that the building is dangerous and a nuisance because it is structurally unsafe (due to the collapsing porch); it is unsanitary (due to the unmaintained roof and lack of water service); constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, and abandonment (the building contributes to blight as result of the continued lack of care, maintenance and security of the property and impacts the property value of surrounding properties); and is dangerous to life and property.

THEREFORE IT IS ORDERED that to protect the health, safety, and welfare, the building is to be immediately secured to prevent occupancy or use within 24 hours.

AND BE IT FURTHER ORDERED that any and all rubbish, debris, vehicles, equipment, household/human/hazardous waste, and dangerous materials are to be removed from the property and properly disposed and the premises maintained free of debris and plant growth within 30 days.

AND BE IT FURTHER ORDERED that to protect the health, safety, and welfare, the said dangerous building and nuisance is to be immediately abated (building removed/disposed/secured.)

AND BE IT FURTHER ORDERED, if the owner or party in interest demonstrates the ability and willingness to satisfactorily rehabilitate the building by submitting and having a rehabilitation plan approved by the City Manager within 30 days of recording this Order and carrying out such rehabilitation plan in a timely manner, the Order to immediately abate the nuisance may be delayed. Such rehabilitation plan must include:

- At a minimum, all deficiencies listed as part of the findings of fact as herein set forth are corrected in the approved timeframes;
- The said building is rehabilitated and brought into compliance with all applicable State and Local Codes and all applicable State and Local permits and licenses are obtained prior to making any rehabilitation;
- There shall be no occupancy or use of the property until a Certificate of Occupancy has been issued by the City upon satisfactory rehabilitation of the buildings.

AND BE IT FURTHER ORDERED that the City Clerk record this Order in the York County Registry of Deeds and cause attested copies of this Order to be served upon the persons as required by law.

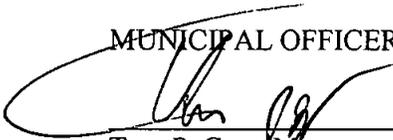
AND BE IT FURTHER ORDERED that, if this Order is not complied with, the City Manager is hereby authorized and directed to ask for bids for the abatement (buildings removal/disposal/securing) of the said dangerous building and nuisance.

This decision may be appealed to Superior Court under the Maine Rules of Civil Procedures, Rule 80B.

If this Order is not timely complied with and no timely appeal is taken, the Municipal Officers may undertake the ordered corrective action at municipal expense and recover all expenses, including reasonable attorney's fees, by means of a special tax or civil action.

MUNICIPAL OFFICERS OF THE CITY OF SANFORD

Dated: January 22, 2019



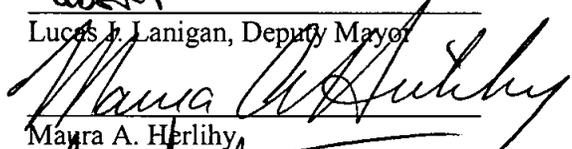
Tom P. Cote, Mayor

absent

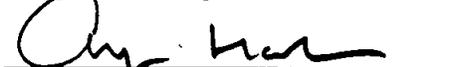
Lucas J. Lanigan, Deputy Mayor

absent

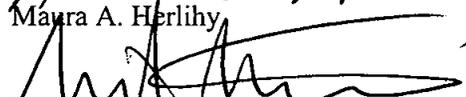
Joseph R. Hanslip



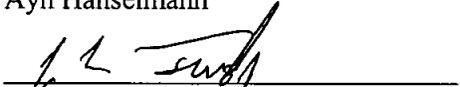
Maura A. Herlihy



Ayn Hanselmann



Robert G. Stackpole

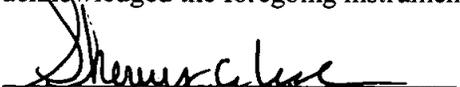


John L. Tuttle, Jr.

STATE OF MAINE, York County, ss.

Dated: January 22, 2019

Personally appeared before me the above-named City Council, of the City of Sanford, Maine and each acknowledged the foregoing instrument to be his/her free act and deed.



Sherry A. Lord
Notary Public, Maine
My Commission Expires May 22, 2020



SEAL



FINDINGS AND ORDER
Pursuant to 17 M.R.S.A. §§ 2851-2859
Dangerous Buildings

RACHEL GRONDIN
22 NORTH AVENUE
SANFORD, ME 04073

THE BANK OF NEW YORK MELLON
SELECT PORTFOLIO SERVICING, INC.
3217 S. DECKER LAKE DR.
SALT LAKE CITY, UT 84119

SHAPIRO & MORLEY LLC
707 SABLE OAKS DRIVE, SUITE 250
SOUTH PORTLAND, ME 04106

22 NORTH AVENUE, SANFORD, MAINE

On January 22, 2019 at 6:00 PM at City Hall, the Municipal Officers of the City of Sanford, Maine held a hearing to determine whether the structure at 22 North Avenue, Sanford, Maine identified as Lot 120, on Tax Map I28 and further described in a deed recorded in the York County Registry of Deeds at Book 7868, Page 331 is a dangerous building or nuisance within the meaning of 17 M.R.S.A. §§ 2851-2859, and if so, what the appropriate remedy would be. Notice of this hearing was duly served on the mortgage company by certified mail and advertised in the newspaper on January 4th, 11th, and 18th of 2019 when an owner or party in interest is unknown or is not ascertainable with reasonable diligence.

The following persons were present and testified:

- A. City of Sanford Code Enforcement Officer, Jamie Cole
- B. City of Sanford Director of Community Development, Ian Houseal
- C. Property Owner/Representative: None

Based on the testimony of those present and other evidence presented and made part of the record, the Sanford City Council hereby attests to the testimony and evidence and hereby finds the following facts:

- A. Rachel Grondin has owned the building (the property), since 1996.
- B. The owner has allowed the building to fall into a state of neglect and disrepair because of inadequate maintenance, care, security, and abandonment.
- C. Since Rachel Grondin has owned the property, there have been sixteen sewer district liens assessed and discharged on the property.
- D. A foreclosure certificate was recorded in March 2018 to enforce a mortgage.
- E. The water service to the property has been disconnected since November 2018.
- F. There was a fire and interior damage to the building caused by squatters and vandalism.
- G. An interior inspection on December 5, 2018 found the following violations of City Code § 90-13 et seq., the *International Property Maintenance Code, 2003 (IPMC, 2003)* as adopted by reference:
 - Structure is unfit for human occupancy because of unsanitary conditions. Section 108.1.3
 - Structure is unfit for human occupancy because of lack of water, heat, and electricity. Section 108.1.3

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- Structure is unfit for human occupancy because of removal of building wiring. Section 108.1.3
- H. A responsible party for the vacant building has obtain a vacant building license, pursuant to City Code § 149-6.1 et seq. as of January 22, 2019 after receipt of the notice of the Dangerous Building Hearing.

Pursuant to 17 M.R.S.A § 2851, 2-A: “To adjudge a building to be a nuisance or dangerous, the municipal officers must find that the building is structurally unsafe, unstable or unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or is otherwise dangerous to life or property.”

Based on the foregoing findings, the Municipal Officers conclude that the building is dangerous and a nuisance because it is unsanitary (due to the damage caused by squatter and vandalism); constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, and abandonment (the building contributes to blight as result of the continued lack of care, maintenance and security of the property and impacts the property value of surrounding properties); and is dangerous to life and property.

THEREFORE IT IS ORDERED that to protect the health, safety, and welfare, the building is to be immediately secured to prevent occupancy or use within 24 hours.

AND BE IT FURTHER ORDERED that any and all rubbish, debris, vehicles, equipment, household/human/hazardous waste, and dangerous materials are to be removed from the property and properly disposed and the premises maintained free of debris and plant growth within 30 days.

AND BE IT FURTHER ORDERED that to protect the health, safety, and welfare, the said dangerous building and nuisance is to be immediately abated (building removed/disposed/secured.)

AND BE IT FURTHER ORDERED, if the owner or party in interest demonstrates the ability and willingness to satisfactorily rehabilitate the building by submitting and having a rehabilitation plan approved by the City Manager within 30 days of recording this Order and carrying out such rehabilitation plan in a timely manner, the Order to immediately abate the nuisance may be delayed. Such rehabilitation plan must include:

- At a minimum, all deficiencies listed as part of the findings of fact as herein set forth are corrected in the approved timeframes;
- The said building is rehabilitated and brought into compliance with all applicable State and Local Codes and all applicable State and Local permits and licenses are obtained prior to making any rehabilitation;
- There shall be no occupancy or use of the property until a Certificate of Occupancy has been issued by the City upon satisfactory rehabilitation of the buildings.

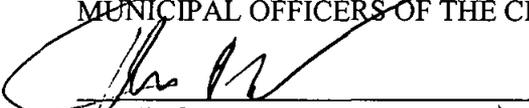
AND BE IT FURTHER ORDERED that the City Clerk record this Order in the York County Registry of Deeds and cause attested copies of this Order to be served upon the persons as required by law.

AND BE IT FURTHER ORDERED that, if this Order is not complied with, the City Manager is hereby authorized and directed to ask for bids for the abatement (buildings removal/disposal/securing) of the said dangerous building and nuisance.

This decision may be appealed to Superior Court under the Maine Rules of Civil Procedures, Rule 80B.

If this Order is not timely complied with and no timely appeal is taken, the Municipal Officers may undertake the ordered corrective action at municipal expense and recover all expenses, including reasonable attorney's fees, by means of a special tax or civil action.

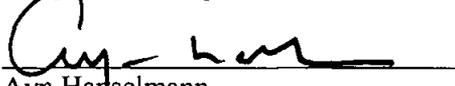
MUNICIPAL OFFICERS OF THE CITY OF SANFORD



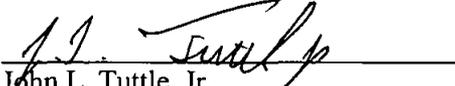
Tom P. Cote, Mayor

absent

Joseph R. Hanslip



Ayn Hanselmann

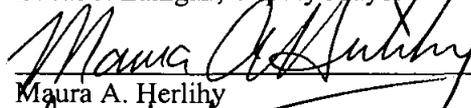


John L. Tuttle, Jr.

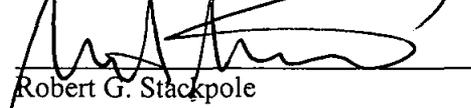
Dated: January 22, 2019

absent

Lucas J. Lanigan, Deputy Mayor



Maura A. Herlihy

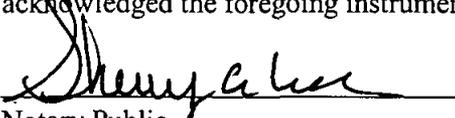


Robert G. Stackpole

STATE OF MAINE, York County, ss.

Dated: January 22, 2019

Personally appeared before me the above-named City Council, of the City of Sanford, Maine and each acknowledged the foregoing instrument to be his/her free act and deed.



Notary Public **Sherry A. Lord**
Notary Public, Maine
My Commission Expires May 22, 2020



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