



Sanford City Council

City Council Meeting Minutes – March 24, 2020

The Sanford City Council met at 6:00 p.m. via teleconference with live streaming from the Chambers of the Sanford City Hall Annex on Tuesday, March 24, 2020. **MAYOR:** Thomas P. Cote. **COUNCILORS:** Councilor Ayn M. Hanselmann; Councilor Robert G. Stackpole; Councilor John L. Tuttle, Jr.; Councilor Lucas L. Lanigan; Councilor Maura A. Herlihy; Deputy Mayor Joseph R. Hanslip; **CITY STAFF:** City Manager Steven Buck; Executive Assistant Lorisa Ricketts; Community Development Director Ian Houseal; Code Enforcement Officer Jamie Cole; Code Enforcement Officer Aaron Lederer.

Pledge of Allegiance

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

Moment of Silence

Roll Call:

Mayor Cote performed the Council roll call of Councilors present via teleconference: Councilor Hanselmann, present; Councilor Stackpole, present; Councilor Tuttle, present; Councilor Lanigan, present; Councilor Herlihy, present; Deputy Mayor Hanslip, present.

Minutes

19-826-01 Ordered, to approve the minutes from the City Council Meeting held on March 10, 2020.

Councilor Tuttle moved to approve. Councilor Stackpole seconded.

Motion passed 6-0 by roll call vote. Councilor Hanselmann abstained because she was not considered in attendance at the March 10 meeting.

19-827-01 Ordered, to approve the minutes from the Emergency City Council Meeting held on March 17, 2020.

Councilor Tuttle moved to approve. Councilor Stackpole seconded.

Motion passed 6-0 by roll call vote. Councilor Hanselmann abstained because she was not considered in attendance at the March 10 meeting.

Mayor's Report/City Council Sub-Committee Reports

The Mayor put out a statement with information and links. It is available on the City's website and posted on the City's Facebook page: Welcome to Sanford, Maine. See attached.

Land Bank met and gave approval on a couple of items that are on the agenda tonight. Mayor Cote acknowledged the great work of Director Houseal and the Codes team on the Gendron Lumber building coming down. It was a long process and this is a big win.

City Manager's Report

Manager Buck did not give a formal report, but updated that the Governor has formalized many of the things that were already in place regarding only essential services staying operational. He is working with the Admin staff to adapt the pandemic policy so that updates can be adopted, likely at an emergency Council meeting next week. He shared current staffing numbers including any outings related to COVID-19.

Communications/Presentations

None.

Public Participation

None.

Public Hearings

The City Council will take public comment on the following:

19-782-01 A Public Hearing to receive comments in favor or against the renewal application submitted by Northeast Exotics, LLC for a medical marijuana grower/cultivator license at 72 Emery St. Unit #310, Sanford, ME 04073.

Public hearing opened at 6:18.

No public comment.

Public hearing closed at 6:18.

19-783-01 A Public Hearing to receive comments on the Renewal of the City Special Amusement Permit and the liquor license renewal with malt, spirituous, vinous privileges for T.W. Cole Post 19 D/B/A American Legion, 656 Main Street, Springvale, Maine.

Public hearing opened at 6:18.

No public comment.

Public hearing closed at 6:18.

19-784-01 Public Hearing to receive comments on the liquor license renewal with malt, spirituous, and vinous privileges from Third Alarm LLC, D/B/A Third Alarm Diner, 47 Washington Street, Sanford, Maine.

Public hearing opened at 6:18.

No public comment.

Public hearing closed at 6:18

19-786-01 A Public Hearing to receive comments in favor or against the renewal application submitted by North Thomson Property Management F/K/A: Northstar Property Management for a medical marijuana grower/cultivator license at 72 Emery St, Suite 201, Sanford, Maine.

Public hearing opened at 6:19.

No public comment.

Public hearing closed at 6:19.

19-787-01 A Public Hearing to receive comments in favor or against the renewal application submitted by GSG Consulting for a medical marijuana grower/cultivator license at 72 Emery St, Suite 301, Sanford, Maine.

Public hearing opened at 6:19.

No public comment.

Public hearing closed at 6:19.

19-788-01 A Public Hearing to receive comments in favor or against the renewal application submitted by CQFK Unlimited, LLC for a medical marijuana grower/cultivator license at 72 Emery St, Suite 307, Sanford, Maine.

Public hearing opened at 6:20.

No public comment.

Public hearing closed at 6:20.

19-789-01 A Public Hearing to receive comments in favor or against the renewal application submitted by Heavens Leaf for a medical marijuana grower/cultivator license at 72 Emery St, Suite 401, Sanford, Maine.

Public hearing opened at 6:20.

No public comment.

Public hearing closed at 6:20.

19-790-01 A Public Hearing to receive comments in favor or against the renewal application submitted by MDM Enterprise for a medical marijuana grower/cultivator license at 72 Emery St, Suite 403, Sanford, Maine.

Public hearing opened at 6:20.

No public comment.

Public hearing closed at 6:20.

19-791-01 A Public Hearing to receive comments in favor or against the renewal application submitted by Westbrook Creek for a medical marijuana grower/cultivator license at 72 Emery St, Suite 405, Sanford, Maine.

Public hearing opened at 6:20.

No public comment.

Public hearing closed at 6:21.

19-792-01 A Public Hearing to receive comments in favor or against the renewal application submitted by Leaf Labs for a medical marijuana grower/cultivator at 72 Emery St, Suite 450, Sanford, Maine.

Public hearing opened at 6:21.

No public comment.

Public hearing closed at 6:21.

- 19-793-01 A Public Hearing to receive comments in favor or against the renewal application submitted by Botanical Compost for a medical marijuana grower/cultivator license at 72 Emery St, Suite 503, Sanford, Maine.

Public hearing opened at 6:21.

No public comment.

Public hearing closed at 6:21.

- 19-794-01 A Public Hearing to receive comments in favor or against the renewal application submitted by Grown East, LLC for a medical marijuana grower/cultivator license at 81 Industrial Ave, Unit C, Sanford, Maine.

Public hearing opened at 6:22.

No public comment.

Public hearing closed at 6:22.

- 19-795-01 A Public Hearing to receive comments in favor or against the renewal application submitted by Cal & Co D/B/A Wisely Cannabis for a medical marijuana grower/cultivator license at 81 Industrial Ave, Unit A, Sanford, Maine.

Public hearing opened at 6:22.

No public comment.

Public hearing closed at 6:22.

- 19-796-01 A Public Hearing to receive comments in favor or against the renewal application submitted by Vetted Cannabis Company, LLC, F/K/A: Alfred Enterprise for a medical marijuana grower/cultivator license at 1603 Main St, Unit A, Sanford, Maine.

Public hearing opened at 6:22.

No public comment.

Public hearing closed at 6:23.

19-798-01 A Public Hearing to receive comments in favor or against the New application submitted by High Octane Farms, LLC for a medical marijuana grower/cultivator license at 168 Country Club Rd, Unit D, Sanford Maine.

Public hearing opened at 6:23.

No public comment.

Public hearing closed at 6:23.

19-806-01 A public hearing to receive comments in favor or against the renewal application submitted by Northeast Exotics LLC for a medical marijuana grower/cultivator license at 72 Emery Street, Unit 310, Sanford, Maine.

Public hearing opened at 6:23.

No public comment.

Public hearing closed at 6:24.

Consent Agenda

19-785-01 Ordered, to approve the following license requests and authorize the City Clerk to sign the licenses on behalf of the City Council:

1. An application for a Liquor License renewal from Third Alarm LLC, D/B/A Third Alarm Diner, 47 Washington Street, Sanford, Maine.
2. T.W. Cole Post 19, D/B/A American Legion, 656 Main Street, Sanford, Maine.
 1. Special Amusement Permit.
 2. Application for Liquor License renewal.
3. An application for Games of Chance for Wolves Social Club, 40 High Street, Sanford, Maine.
4. Applications for renewal licenses for Medical Marijuana Grower facilities from the following:
 1. Grown East, LLC, 81 Industrial Ave, Unit C, Sanford, Maine.
 2. Westbrook Creek, LLC 72 Emery Street, Unit 405, Sanford, Maine.
 3. Cal & Co. D/B/A Wisely Cannabis, 81 Industrial Ave, Unit A, Sanford, Maine.

4. Northstar Property Management, 72 Emery Street, Unit 201, Sanford, Maine.
5. GSG Consulting, 72 Emery Street, Unit 301, Sanford, Maine.
6. Northeast Exotics, 72 Emery Street, Unit 310, Sanford, Maine.
7. Vetted Cannabis Company, LLC F/K/A: Alfred Farms, 1609 Main Street, Unit A, Sanford, Maine.
8. Heavens Leaf Garden, 72 Emery Street, Unit 401, Sanford, Maine.
9. CQFK Unlimited, LLC, 72 Emery Street, Unit 307, Sanford, Maine.
10. Botanical Compost, LLC, 72 Emery Street, Unit 503, Sanford, Maine.
11. MDM Enterprise, 72 Emery Street, Unit 403, Sanford, Maine.
12. Leaf Labs, LLC, 72 Emery Street, Unit 450, Sanford, Maine.

Mayor Cote sought questions or comments from the Council on the Consent Agenda items. Seeing none, the consent agenda was approved.

Old Business

- 19-772-01 Ordered, to approve amendment of Chapter 280: Zoning and Land Use Tables to allow Commercial and Utility Scale Solar as a conditional use in the Rural Residential (RR) and Urban (U) Zones, and amend Zones in the Rushton Street area from Residential Development (RD) to Industrial Reuse (IR) or Single Family Residential (SFR). (This item must be read on two occasions; this is the second reading.)

Councilor Tuttle moved to approve. Councilor Stackpole seconded.

Councilor Herlihy said we have a conditional use in farmland; why are we not requiring them to preserve the farmland? Is there a way to have it so that they have to preserve the farmland for the same length of use as the solar contract?

City Manager Buck said there was disallowance in the ordinance for prime mapped farmlands; there was a lot of discourse around that. There were amendments out of subcommittee to allow the projects there, avoiding the soils of high value to the extent possible.

Councilor Herlihy was a supporter of doing this in farmland; she doesn't think this does enough to protect the farmland. She thinks we should require a protective covenant for the length of the solar project so the rest of the land can't be sold into single family housing.

Councilor Tuttle agreed with Councilor Herlihy. How would this be dealt with by the Council?

Councilor Stackpole said the intent was to provide people with farms in the zones the opportunity to put relatively small-scale solar projects on their property to supplement income from their farms. This was presented as an alternative to selling the land as house lots.

Councilor Lanigan said his only question is whether there are any restrictions right now for the property to subdivide into house lots if they want to. Mayor Cote said they would still need to request a waiver from the Planning Board.

Mayor Cote does not want to see this fail tonight; if more discussion is needed, he would prefer for it to go back to subcommittee.

Councilor Stackpole would like to hear more from Councilor Herlihy. If farmers want to sell their property, they sell their property; the intent is to allow them to have some income.

Councilor Hanselmann said it seems to her that some of the intent is around economic viability for farms and wanting to preserve the farms. There are concerns about the Ridge becoming just covered with solar farms instead of being beautiful as it currently is.

Councilor Herlihy is concerned about what percent of the total land can be put into solar project. Would the percentage preservation apply only to the prime farmlands or to the acreage as a whole?

April 17 is the State's deadline for solar developments. The City's partnership with Walden Green Energy is dependent upon this passing tonight. There are two elements: one pertaining to farmland and one pertaining rezoning of Rushton Street Landfill from RD (residential) to allow for the solar development there on the closed landfill, where there will never be residential development.

Planning Board Member Jack McAdam emailed in the following comments:

What are your thoughts on protecting Sanford/Springvale's farm land?

The planning boards initial ordinance protected farmland with prime farmland soils and soils of state wide significance in the rural zones. Utility Solar Systems would not be allowed. We felt there were other areas in the rural zones and other zones in the city that could accommodate Utility Solar Systems. These are 5 megawatt systems take up 25-30 acres. The Planning Board voted unanimously in favor of the original ordinance.

Nine (9) farms on the ridge plus the community gardens signed up for the Springvale Farm Walk (on Open Farm Day) on July 26th this year. All within 4 miles of each other. There are other farms in the area that are not participating in the Farm Walk because of their distance from the ridge.

I feel this is very unique, at least in Southern Maine, that less than one mile from downtown you are out in the country with this many farms.

The rezoning for the Rushton St (Sanford Solar) solar project should be approved as it is sited on previously impacted lands (gravel pits). The project will also provide local benefits through lease payments and personal property taxes to the city.

*Respectfully submitted
Jack McAdam*

Councilor Herlihy moved to divide the question, and to approve amendment of Chapter 280: Zoning and Land Use Tables so as to amend Zones in the Rushton Street area from Residential Development (RD) to Industrial Reuse (IR) or Single Family Residential (SFR). Councilor Tuttle seconded.

Motion passed 6-0 by roll call vote (Deputy Mayor Hanslip lost connection and was unable to vote on this item).

Councilor Stackpole moved to return to Zoning Subcommittee an amendment to Chapter 280: Zoning and Land Use Tables to allow Commercial and Utility Scale Solar as a conditional use in the Rural Residential (RR) and Urban (U) Zones and be brought before the next regular City Council meeting for a vote.

New Business

19-841-01 Ordered, to recognize and support the Declaration of Emergency as declared by the City Manager pursuant to the authority in City Code 27-5 Emergency Proclamation in response to the 2020 Coronavirus Pandemic, National Emergency, and State Civil Emergency declarations.

Councilor Tuttle moved to approve. Councilor Hanselmann seconded.

City Manager Buck explained the declaration of emergency (see attached).

Councilor Stackpole said the important thing is that we want the City to be able to respond expeditiously to things as they arrive. Mayor Cote agreed.

Motion passed 7-0 by roll call vote.

- 19-771-01 Ordered, to support and authorize a letter of intent from WABAN for a CDBG Public Service Grant Application.

Councilor Tuttle moved to approve. Deputy Mayor Hanslip seconded.

Waban has been struck hard by economic challenges. Have 38 openings. This would allow to work in three ways: work directly with high schoolers; solicit college students to work partial shifts; work with new Mainers. With this support, can create or retain 20 positions, 10 full time and 10 part time over 2 years.

Councilor Lanigan said this grant is work force; a lot of the employees make minimum wage in Waban's positions. Could this be spread out to increase wages for staff? Waban only gets reimbursed at minimum wage but most of the wages are significantly higher.

www.waban.org – people can view job openings there.

Motion passed 7-0 by roll call vote.

- 19-769-01 Ordered, to approve road closures as detailed in the Council Packet for the New England Waterski Championships to be held at Number One Pond on July 24-26, 2020.

Councilor Tuttle moved to approve. Councilor Hanselmann seconded.

Motion passed 7-0 by roll call vote.

- 19-810-01 Ordered to approve the New license application for Medical Marijuana grower from High Octane Farms LLC, 168 Country Club Rd, Unit D, Sanford, Maine, and to authorize the City Clerk to sign the license on behalf of the City Council.

Councilor Herlihy moved to approve. Councilor Lanigan seconded.

Motion passed 7-0 by roll call vote.

- 19-811-01 Ordered, to approve the new license application from Cal & Co D/B/A Wisely Cannabis to operate a medical marijuana manufacturing facility at 81 Industrial Ave. Unit A, Sanford, Maine, and to authorize the City Clerk to sign the license on behalf of the City Council.

Councilor Herlihy moved to approve. Councilor Lanigan seconded.

Motion passed 7-0 by roll call vote.

19-817-01 Ordered, to approve the new license application for medical marijuana establishment property-Tier 1, from RNA LLC at 168 Country Club Rd, Sanford, Maine, and to authorize the City Clerk to sign the license on behalf of the City Council.

Councilor Herlihy moved to approve. Councilor Lanigan seconded.

Motion passed 7-0 by roll call vote.

19-821-01 Ordered, to approve the new license application for medical marijuana establishment property-Tier 1, from After Glow Edible Co., 9 Renaissance Way, Sanford, Maine, and to authorize the City Clerk to sign the license on behalf of the City Council.

Councilor Herlihy moved to approve. Councilor Lanigan seconded.

Motion passed 7-0 by roll call vote.

19-822-01 Ordered, to approve the new license application from After Glow Edible Co. to operate as a medical marijuana manufacturing facility at 9 Renaissance Way, Sanford, Maine, and to authorize the City Clerk to sign the license on behalf of the City Council.

Councilor Herlihy moved to approve. Councilor Lanigan seconded.

Motion passed 7-0 by roll call vote.

19-823-01 Ordered, to defer collection of rent and payments from commercial operators at the Sanford Seacoast Regional Airport for the months of April and May 2020. Rents and payments will be invoiced and collected in June without interest or penalties.

Councilor Herlihy moved to approve. Councilor Tuttle seconded.

Manager Navia would be for Southern Maine Aviation and for Pilot's Cove Café. SMA is down to essential services for the airport and in-house pilots. The café is still offering curbside takeout and catering.

Councilor Stackpole asked what would happen in June to recapture the rents. Manager Navia said it would be worked out individually. SMA has said they will try to at least cover April on time. The café may decide to do something similar. The full amount would be due by June 30, but without any interest or penalties.

Motion passed 7-0 by roll call vote.

19-797-01 Ordered, to approve a bid from MB Tractor of Tilton, New Hampshire for a new Chipper for the Department of Public Works in the amount of \$48,117.50.

Councilor Tuttle moved to approve. Councilor Lanigan seconded.

Recommendation is to accept the low bid out of the bidders; this is within the CIP.

Motion passed 7-0 by roll call vote.

19-804-01 Ordered, to accept the bid for the demolition and removal of the 8 Perkins Ct building from Alex D. Cyr Excavation in the firm fixed price in the amount of \$9,300.25.

Councilor Tuttle moved to approve. Councilor Herlihy seconded.

Director Houseal presented on this item. Land Bank weighed in on this last week and he has no reservations on working with Alex Cyr on this.

Councilor Hanselmann asked if there is anything in place for future upkeep of the property. The property will be prepared so vehicles can't park on it; people won't be prohibited from walking across it.

Motion passed 7-0 by roll call vote.

19-805-01 Ordered, to accept the bid for the demolition and removal of the 46 High Street building from Green Shadow Property Maintenance LLC in the firm fixed price in the amount of \$7,900.00.

Councilor Tuttle moved to approve. Councilor Hanselmann seconded.

Director Houseal presented the background on this item.

Director Houseal said there are closure reports on the property; that doesn't suggest the property has been remediated. Mayor Cote said he thinks the concern is the demolition affecting the safety of neighbors. Director Houseal said the above-ground contamination has been removed. The ground will not be disturbed.

Dianne Connelly asked where, if there is contaminated material found, where it would be transported to. Director Houseal said it would depend on what would be found.

Councilor Herlihy asked if the Land Bank discussed this property to ensure there will be no long-term blight, Director Houseal said this will be a useable slab for parking. Beyond that, it is a contaminated site and will remain that way

for some time. Counselor Herlihy said her concern is that it won't look horrible. The site will be cleaned up.

Motion passed 7-0 by roll call vote.

- 19-828-01 This hearing is to determine whether 3 Harvard Street, identified as Tax Map H29, Lot 60 and further described in a Deed recorded in the York County Registry of Deeds at Book 2112, Page 587 and Mortgage recorded at Book 15001, Page 691, is a dangerous building or a 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 and advertised in the newspaper on March 6, 13, and 20 as required by Law when an owner or party in interest is unknown or is not ascertainable with reasonable diligence.

Hearing opened at 7:45

Director Houseal and Code Officer Aaron Lederer presented on this item. There are four dangerous building hearings tonight.

Director Houseal stated the facts and gave the history on this property. Code Officer Lederer agreed with Director Houseal's description of the property. He has spoken with the owners and they were sad to see it had deteriorated so much after the bank took it over. They would like to see it knocked down.

Hearing closed at 7:55.

- 19-830-01 Based on the testimony and other evidence presented and made part of the record, it is adjudged that 3 Harvard Street, Tax Map H29, Lot 60 is a dangerous building or a nuisance, pursuant to 17 M.R.S.A. §§ 2851-2859.

Mayor Cote read the judgement of the Council (see attached).

Councilor Hanselmann moved to declare the property a dangerous building or a nuisance. Councilor Tuttle seconded.

Motion passed 7-0 by roll call vote.

- 19-831-01 This hearing is to determine whether 17 State Street, identified as Tax Map L27, Lot 46 and further described in a Deed recorded in the York County Registry of Deeds at Book 3785, Page 213 and Mortgage recorded at Book 15007, Page 740, is a dangerous building or a 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 parties in interest and advertised in the newspaper on March 6, 13, and 20 as required by Law when an owner or party in interest is unknown or is not ascertainable with reasonable diligence.

Hearing opened at 7:57.

Director Houseal presented on this item and said a realtor representing a potential buyer might be on the call and may want to speak.

Director Houseal stated the facts and gave the history on this property. Code Officer Lederer agreed with Director Houseal's description of the property. He asked if there were any questions from the Council; there were none. Noone was logged into the call to speak on behalf of the property.

Hearing closed at 8:07.

- 19-832-01 Based on the testimony and other evidence presented and made part of the record, it is adjudged that 17 State Street, Tax Map L27, Lot 46 is a dangerous building or a nuisance, pursuant to 17 M.R.S.A. §§ 2851-2859.

Mayor Cote read the judgement of the Council (see attached).

Councilor Tuttle moved to declare the property a dangerous building or a nuisance. Councilor Hanselmann seconded.

Motion passed 7-0 by roll call vote.

- 19-833-01 This hearing is to determine whether 22 Montreal Street, identified as Tax Map I28, Lot 76 and further described in a Deed recorded in the York County Registry of Deeds at Book 10686, Page 24 and Mortgages recorded at Book 15133, Page 285 and Book 15133, Page 304 is a dangerous building or a 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 parties in interest and advertised in the newspaper on March 6, 13, and 20 as required by Law when an owner or party in interest is unknown or is not ascertainable with reasonable diligence.

Hearing opened at 8:10.

Director Houseal gave the history of this property, stated the facts and presented the background on this property. Code Officer Lederer stated that the heating unit and copper pipes have been stolen from the building. Neighbors have said they would like to have a solution to the property.

Hearing closed at 8:18.

- 19-834-01 Based on the testimony and other evidence presented and made part of the record, it is adjudged that 22 Montreal Street, Tax Map I28, Lot 76 is a dangerous building or a nuisance, pursuant to 17 M.R.S.A. §§ 2851-2859.

Mayor Cote read the judgement of the Council (see attached).

Councilor Tuttle moved to declare the property a dangerous building or a nuisance. Councilor Hanselmann seconded.

Motion passed 6-0 by roll call vote.

- 19-835-01 This hearing is to determine whether 52 Brook Street, identified as Tax Map I28, Lot 31 and further described in a Deed recorded in the York County Registry of Deeds at Book 15826, Page 346 and Mortgage recorded at Book 15826, Page 348 and Book 15829, Page 224 is a dangerous building or a 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 parties in interest and advertised in the newspaper on March 6, 13, and 20 as required by Law when an owner or party in interest is unknown or is not ascertainable with reasonable diligence.

Hearing opened at 8:20.

Director Houseal gave the history of this property, stated the facts and presented the background on this property. Code Officer Lederer stated that the owner of two rental properties next door has complained multiple times, as well as other properties on Brook Street. The Mortgagee gave permission to take photos of the interior of the building. The property is known to be vacant and there is criminal activity that could be and is occurring on the property.

Hearing closed at 8:30.

- 19-836-01 Based on the testimony and other evidence presented and made part of the record, it is adjudged that 52 Brook Street, Tax Map I28, Lot 31 is a dangerous building or a nuisance, pursuant to 17 M.R.S.A. §§ 2851-2859.

Mayor Cote read the judgement of the Council (see attached).

Councilor Tuttle moved to declare the property a dangerous building or a nuisance. Councilor Hanselmann seconded.

Motion passed 7-0 by roll call vote.

- 19-837-01 After hearing testimony and other evidence presented and adjudging 3 Harvard Street, Tax Map H29, Lot 60 to be a dangerous building or a nuisance pursuant to 17 M.R.S.A. §§ 2851-2859, the nuisance is ordered, abated and appropriate corrective actions taken.

Mayor Cote read the Council's order pertaining to this property. Councilor Tuttle moved to approve the order as read. Councilor Hanselmann seconded.

Motion passed 7-0 by roll call vote.

- 19-838-01 After hearing testimony and other evidence presented and adjudging 17 State Street, Tax Map L27, Lot 46 to be a dangerous building or a nuisance pursuant to 17 M.R.S.A. §§ 2851-2859, the nuisance is ordered, abated and appropriate corrective actions taken.

Mayor Cote read the Council's order pertaining to this property. Councilor Tuttle moved to approve the order as read. Councilor Hanselmann seconded.

Motion passed 7-0 by roll call vote.

- 19-839-01 After hearing testimony and other evidence presented and adjudging 22 Montreal Street, Tax Map L28, Lot 66 to be a dangerous building or a nuisance pursuant to 17 M.R.S.A. §§ 2851-2859, the nuisance is ordered, abated and appropriate corrective actions taken.

Mayor Cote read the Council's order pertaining to this property. Councilor Tuttle moved to approve the order as read. Councilor Hanselmann seconded.

Motion passed 7-0 by roll call vote.

- 19-840-01 After hearing testimony and other evidence presented and adjudging 52 Brook Street, Tax Map I28, Lot 31 to be a dangerous building or a nuisance pursuant to 17 M.R.S.A. §§ 2851-2859, the nuisance is ordered, abated and appropriate corrective actions taken.

Mayor Cote read the Council's order pertaining to this property. Councilor Tuttle moved to approve the order as read. Councilor Hanselmann seconded.

Motion passed 7-0 by roll call vote.

Council Member Comments

Councilor Hanselmann: Thanked Manager Buck and Lorisa Ricketts

Councilor Stackpole: Stay well and do not fear.

Councilor Tuttle: Ditto.

Councilor Herlihy: The length of self-quarantine will be longer than we want. The more we adhere to quarantine, the quicker life can return to normal. Self-quarantine is our best defense and best offense. We need to buckle down to protect the medical establishment and our citizens. As a population we can do this and we must do this. Thank you to medical and emergency staff.

Councilor Lanigan: Is proud of the community and of everyone's efforts at social distancing. It's not easy but thank everyone so much.

Deputy Mayor Hanslip: Stay well, be safe, be kind.

Mayor Cote: Agreed with Councilor Herlihy's comments. This is not a test, this is the real deal. He took a long walk on Sunday and was surprised to see the co-mingling. It affects our first line and our senior citizens. This is a time to be thinking of everybody else. It is a major inconvenience, but everyone needs to do their part. The school system will be delivering meals via the bus routes. The schools are utilizing their resources to keep the kids fed. There will be more notices regarding an emergency meeting next week.

Future Agenda Items

Councilor Hanselmann: This may be better addressed by getting info out to folks: people have been asking about pay as you throw bags. May need to get information out to folks who have been asking.

Councilor Stackpole: None.

Councilor Tuttle: None.

Councilor Lanigan: Would like to talk about a Communications Director. Could this be discussed at the subcommittee level?

Councilor Herlihy: For the City Manager: is it possible to have the gates open for the cemeteries? It is a wonderful place to social-distance walk. City Manager Buck will discuss with Alan Grady, Parks & Rec Director.

Deputy Mayor Hanslip: None.

Mayor Cote: None.

Adjournment

Mayor Cote moved to adjourn regular meeting at 8:45 PM.

Respectfully submitted by Lorisa Ricketts, Executive Assistant.

City of Sanford



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



Proclamation – Declaration of Emergency

To: City Council

Subject: **Declaration of Emergency, pursuant to City Code Chapter 27-5**

Emergency Management

Date: March 24th, 2020

Whereas, the President of the United States has declared a National Emergency due to the Pandemic of the coronavirus to make available federal resources and activate federal emergency actions plans, and

Whereas, the Governor of the State of Maine has declared a Civil State of Emergency in alignment with the National Declaration to access and make available funds, activate the State Emergency Management Agency for coordinated actions with all Counties and Towns, and

Whereas, York County Emergency Management Agency has activated due to the Federal and State Declarations and has begun coordinated daily response actions within York County, and

Whereas, the City of Sanford Emergency Management Agency has also been activated in coordination with Federal and State Agencies and to provide coordinated local response within Sanford to the coronavirus or COVID-19 Pandemic, and

Whereas, the City Council has authorized an Emergency Epidemic and Pandemic Response Policy to all Municipal Operations.

Therefore, pursuant to the authority delegated in City Code Chapter 27-5 Emergency Proclamation, and as the City Manager in conjunction with the Mayor and City Council;

An Emergency Proclamation is hereby made as of March 24th, 2020.

The **Emergency Proclamation is declared** to allow for the emergency provisions of;

- Activation of the Sanford Emergency Management Operations Center as needed
- Notice to the Council should Emergency Appropriations be warranted pursuant to Charter Section 619.2
- City Manager to amend Municipal Operations, Departmental Assignments, Hours and Staffing in response to Staff outages due to the COVID-19 virus

Activation of the Authority granted pursuant to City Code 27-7 City Manager's Duties and Emergency Powers will be invoked to include;

- (1) Regulations prohibiting or restricting the movement of vehicles in areas within or without the Town;
- (2) Regulations facilitating or restricting the movement of persons within the Town;
- (3) Regulations pertaining to the movement of persons from hazardous areas within the Town;
- (4) Such other regulations necessary to preserve public peace, health and safety.

This Declaration of Emergency shall terminate pursuant to Code 27-6 in conjunction with the end of both the Federal and State Emergency Declarations provided the State of Emergency is also relieved within the municipal bounds of Sanford.

FINDINGS AND ORDER

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

ROBERT AND LUCILLE DEMERS
30 CHARLES ST
SANFORD, ME 04073

US BANK NATIONAL ASSOCIATION
60 LIVINGSTON AVE, EP-MN-WS2D
ST. PAUL, MN 55107

SHELLPOINT MORTGAGE SERVICING
55 BEATTIE PLACE, SUITE 300
GREENVILLE, SC 29601

3 HARVARD STREET, SANFORD MAINE

On March 24, 2020, the Municipal Officers of the City of Sanford, Maine held a hearing to determine whether 3 Harvard Street, Sanford identified as Tax Map H29, Lot 60 and further described in a Deed recorded in the York County Registry of Deeds at Book 2112, Page 587 and Mortgage recorded at Book 15001, Page 691, is a dangerous building or a 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 and advertised in the newspaper on March 6, 13, and 20 as required by Law 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 Director of Community Development, Ian Houseal
- B. City of Sanford Code Enforcement Officer, Aaron Lederer
- C. Property Owner/Representative: _____

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. The owner has owned the building (the property) since 1976.
- B. The building is abandoned as evidenced by:
 - No water service to the building since November 2012, and therefore no habitable occupancy since that time;
 - Doors and windows are boarded up, broken, left unlocked, open, and missing and generally unsecure and the property is unmanaged which is indicative of abandonment and is therefore inviting to trespassers and vandals;
 - Personal property and furnishings indicating habitable occupancy are absent from the property and any remaining personal property is damaged or unusable and generally describable as junk, debris, and household trash and is a fire hazard and is unsanitary;
 - The building and property is deteriorating so as to constitute a threat to public health and safety due to risk of collapse or pieces of the building falling off and blowing onto neighboring properties to passersby;
 - A mortgagee initiated foreclosure proceedings 2019 and has taken steps to take possession of the property, but has not completed that process;

- Vandalism and other illegal acts were committed on the premises and might have been the likely cause of the recent fires;
 - Electrical power is disconnected.
- C. The building had a structural fire on March 17, 2020 and a smaller fire on March 7, 2020.
- D. The building is dilapidated as evidenced by missing siding, open wall cavities, broken windows, missing windows, broken doors, fire damage, deteriorated roof membrane.
- E. Inspections on September 13, 2019, February 14, 2020, and February 18, 2020 found violations of City Code § 90-13B(5), *2015 International Property Maintenance Code* as adopted by reference:
- Generally poor exterior condition. § 304.1.
 - Deteriorated exterior walls. §304.6.
 - Non-openable, broken, missing, and boarded windows. § 303.13.2.
 - Deteriorating and defective roof, tarp tearing off roof. § 304.7.
 - Unsecure doors. § 304.15.
 - Exterior surface in poor condition. § 304.2.
 - Unsanitary conditions. § 302.1.
 - Accumulation of rubbish or garbage. § 308.1.
 - Structure unfit for human occupancy due to disrepair, insanitary conditions, and lack of utilities. § 108.1.3.
 - Unsecure dangerous structure and premises is neglected, dilapidated, and abandoned and is therefore also unsafe, unsanitary, a fire hazard, and an attractive nuisance to vandals and trespassers. § 108.5.7.

Based on the foregoing findings, the Municipal Officers adjudge that 3 Harvard Street is a dangerous building and nuisance because the building is unsafe, unstable, and unsanitary; constitutes a fire hazard; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, and abandonment; and is otherwise dangerous to life and property because the abandoned building and condition of the property is dangerous and a nuisance and contributes to blight, acts as an attractive nuisance for vandalism and other illegal acts, all of which negatively impact the property value, health, safety, and welfare of surrounding properties and their occupants and their wellbeing.

THEREFORE IT IS ORDERED that to protect the health, safety, and welfare, the property is to be immediately secured 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 property 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 dangerous building and 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;
- The building is rehabilitated and brought into compliance with all applicable State and Local Codes and meets all permitting and inspection requirements;
- There shall be no occupancy or use of the building until the property has been satisfactorily rehabilitated.

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.

AND BE IT FURTHER ORDERED that, if this Order is not timely complied with and no timely appeal is taken, the City Manager 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.

This decision may be appealed to Superior Court pursuant to Maine Rule of Civil Procedure 80B.

MUNICIPAL OFFICERS OF THE CITY OF SANFORD

Dated: _____

Tom P. Cote, Mayor

Joseph R. Hanslip, Deputy Mayor

Lucas J. Lanigan

Maura A. Herlihy

Ayn Hanselmann

Robert G. Stackpole

John L. Tuttle, Jr.

STATE OF MAINE, York County, ss.

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

FINDINGS AND ORDER

Pursuant to 17 M.R.S.A. §§ 2851-2859

Dangerous Buildings

HEIRS OF THOMAS GARDNER
17 STATE STREET
SANFORD, ME 04073

DLJ MORTGAGE CAPITAL, INC.
C/O SELECT PORTFOLIO SERVICING, INC.
3217 S. DECKER LAKE DRIVE
SALT LAKE CITY, UT 84119

17 STATE STREET, SANFORD MAINE

On March 24, 2020, the Municipal Officers of the City of Sanford, Maine held a hearing to determine whether 17 State Street, Sanford identified as Tax Map L27, Lot 46 and further described in a Deed recorded in the York County Registry of Deeds at Book 3785, Page 213 and Mortgage recorded at Book 15007, Page 740, is a dangerous building or a 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 parties in interest and advertised in the newspaper on March 6, 13, and 20 as required by Law 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 Director of Community Development, Ian Houseal
- B. City of Sanford Code Enforcement Officer, Aaron Lederer
- C. Property Owner/Representative: _____

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. The owner has owned the building (the property) since 1986.
- B. The building is abandoned as evidenced by:
 - No water service to the building since October 2016, and therefore no habitable occupancy since that time;
 - Windows are boarded up and broken, and the property is unmanaged which is indicative of abandonment and is therefore inviting to trespassers and vandals;
 - Personal property and furnishings indicating habitable occupancy are absent from the property and any remaining personal property is damaged or unusable and generally describable as junk, debris, and household trash and is a fire hazard and is unsanitary;
 - The building and property is deteriorating so as to constitute a threat to public health and safety due to vines and other plants growing through the building from the exterior;
 - A mortgagee has not initiated a foreclosure proceedings nor has taken steps to take possession of the property;
 - Electrical power is disconnected.
- C. The building is dilapidated as evidenced by rotten and broken siding, vines and plants overgrowing the building, broken windows, and boarded windows.

D. Inspections on September 17, 2019 and February 14, 2020 found violations of City Code § 149-6.5, vacant building license required and City Code § 90-13B(5), *2015 International Property Maintenance Code* as adopted by reference:

- A required vacant building license, pursuant to City Code §149-6.1 et seq. expired February 19, 2020.
- Rotting and damaged siding. §304.6.
- Overgrowth of vegetation. §302.4.
- Exterior of property in poor condition. § 304.1.
- Deck structure unsafe. § 304.10.
- Chimney in poor repair. § 304.11.
- Boarded windows. § 303.13.2.
- Interior of building is unfinished. § 305.4.
- Dangerous building and property is neglected, dilapidated, and abandoned and is therefore also unsafe, unsanitary, a fire hazard, and an attractive nuisance to vandals and trespassers. § 108.1.5.7.
- Structure unfit for human occupancy due to disrepair, insanitary conditions, and lack of utilities. § 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 adjudge that 17 State Street is a dangerous building and nuisance because the building is unsafe and unsanitary; constitutes a fire hazard; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, and abandonment; and is otherwise dangerous to life and property because the abandoned building and condition of the property is dangerous and a nuisance and contributes to blight, acts as an attractive nuisance for vandalism and other illegal acts, all of which negatively impact the property value, health, safety, and welfare of surrounding properties and their occupants and their wellbeing.

THEREFORE IT IS ORDERED that to protect the health, safety, and welfare, the property is to be immediately secured 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 property 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 dangerous building and 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;
- The building is rehabilitated and brought into compliance with all applicable State and Local Codes and meets all permitting and inspection requirements;
- There shall be no occupancy or use of the building until the property has been satisfactorily rehabilitated.

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.

AND BE IT FURTHER ORDERED that, if this Order is not timely complied with and no timely appeal is taken, the City Manager 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.

This decision may be appealed to Superior Court pursuant to Maine Rule of Civil Procedure 80B.

MUNICIPAL OFFICERS OF THE CITY OF SANFORD

Dated: _____

Tom P. Cote, Mayor

Joseph R. Hanslip, Deputy Mayor

Lucas J. Lanigan

Maura A. Herlihy

Ayn Hanselmann

Robert G. Stackpole

John L. Tuttle, Jr.

STATE OF MAINE, York County, ss.

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

FINDINGS AND ORDER

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

MICHAEL COZZONE
18 RANKIN ST, UNIT B
SPRINGVALE, ME 04083

U.S. BANK, N.A.
C/O SELECT PORTFOLIO SERVING, INC.
3217 S. DECKER LAKE DR
SALT LAKE CITY, UT 84119

JOAN COZZONE
19 GOODWIN ST, UNIT A
SANFORD, ME 04073

RELIANT LOAN SERVICING LLC
920 CASSATT RD, SUITE 210
BERWYN, PA 19312

22 MONTREAL STREET, SANFORD MAINE

On March 24, 2020, the Municipal Officers of the City of Sanford, Maine held a hearing to determine whether 22 Montreal Street, Sanford identified as Tax Map I28, Lot 76 and further described in a Deed recorded in the York County Registry of Deeds at Book 10686, Page 24 and Mortgages recorded at Book 15133, Page 285 and Book 15133, Page 304 is a dangerous building or a 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 and advertised in the newspaper on March 6, 13, and 20 as required by Law 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 Director of Community Development, Ian Houseal
- B. City of Sanford Code Enforcement Officer, Aaron Lederer
- C. Property Owner/Representative: _____

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. The owner has owned the building (the property) since 2001.
- B. The building is abandoned as evidenced by:
 - No water service to the building since April 2016, and therefore no habitable occupancy since that time;
 - Windows are boarded up and broken, indicative of abandonment and is therefore inviting to trespassers and vandals;
 - Personal property and furnishings indicating habitable occupancy are absent from the property and any remaining personal property is damaged or unusable and generally describable as junk, debris, and household trash and is a fire hazard and is unsanitary;
 - A mortgagee initiated foreclosure proceedings in 2016 and 2018, but has not completed that process;
 - Electrical power is disconnected.

- C. The building is dilapidated as evidenced by rotten and broken siding and trim, plants overgrowing the building, broken windows, boarded windows and accumulated personal property on the premises and interior to the building.
- D. Inspections on September 16, 2019 and February 14, 2020 found violations of City Code § 149-6.5, vacant building license required and City Code § 90-13B(5), *2015 International Property Maintenance Code* as adopted by reference:
- A required vacant building license, pursuant to City Code §149-6.1 et seq. expired December 31, 2019.
 - Exterior of the property is in disrepair so as to pose a threat to the public health, safety and welfare and is therefore also unsafe, unsanitary, a fire hazard, and an attractive nuisance to vandals and trespassers. §304.1.
 - Overgrowth of vegetation. §302.4.
 - Exterior walls are in poor condition. § 304.6.
 - Exterior surfaces are in disrepair. § 304.2.
 - Chimney in poor repair. § 304.11.
 - Boarded, open, and unsecure windows. § 303.13.
 - Interior accumulation of debris. § 305.1.
 - Doors are boarded. § 304.15.
 - Structure unfit for human occupancy due to disrepair, insanitary conditions, and lack of utilities. § 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 adjudge that 22 Montreal Street is a dangerous building and nuisance because the building is unsafe and unsanitary; constitutes a fire hazard; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, and abandonment; and is otherwise dangerous to life and property because the abandoned building and condition of the property is dangerous and a nuisance and contributes to blight, acts as an attractive nuisance for vandalism and other illegal acts, all of which negatively impact the property value, health, safety, and welfare of surrounding properties and their occupants and their wellbeing.

THEREFORE IT IS ORDERED that to protect the health, safety, and welfare, the property is to be immediately secured 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 property 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 dangerous building and 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;
- The building is rehabilitated and brought into compliance with all applicable State and Local Codes and meets all permitting and inspection requirements;
- There shall be no occupancy or use of the building until the property has been satisfactorily rehabilitated.

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.

AND BE IT FURTHER ORDERED that, if this Order is not timely complied with and no timely appeal is taken, the City Manager 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.

This decision may be appealed to Superior Court pursuant to Maine Rule of Civil Procedure 80B.

MUNICIPAL OFFICERS OF THE CITY OF SANFORD

Dated: _____

Tom P. Cote, Mayor

Joseph R. Hanslip, Deputy Mayor

Lucas J. Lanigan

Maura A. Herlihy

Ayn Hanselmann

Robert G. Stackpole

John L. Tuttle, Jr.

STATE OF MAINE, York County, ss.

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

FINDINGS AND ORDER

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

KARI YEAGER
52 BROOK ST
SANFORD, ME 04073

JPMORGAN CHASE BANK, N.A.
700 KANSAS LN, MC 8000
MONROE, LA 71203

52 BROOK STREET, SANFORD MAINE

On March 24, 2020, the Municipal Officers of the City of Sanford, Maine held a hearing to determine whether 52 Brook Street, Sanford identified as Tax Map I28, Lot 31 and further described in a Deed recorded in the York County Registry of Deeds at Book 15826, Page 346 and Mortgage recorded at Book 15826, Page 348 and Book 15829, Page 224 is a dangerous building or a 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 parties in interest and advertised in the newspaper on March 6, 13, and 20 as required by Law 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 Director of Community Development, Ian Houseal
- B. City of Sanford Code Enforcement Officer, Aaron Lederer
- C. Property Owner/Representative: _____

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. The owner has owned the building (the property) since 2010.
- B. The building is abandoned as evidenced by:
 - No water service to the building since May 2018, and therefore no habitable occupancy since that time;
 - Windows are boarded up and broken, and the property is unmanaged which is indicative of abandonment and is therefore inviting to trespassers and vandals;
 - Personal property and furnishings indicating habitable occupancy are absent from the property and any remaining personal property is damaged or unusable and generally describable as junk, debris, and household trash and is a fire hazard and is unsanitary;
 - The building and property is deteriorating so as to constitute a threat to public health and safety due to plant overgrowth, accumulation of trash and garbage and general dilapidation of the building;
 - A mortgagee initiated foreclosure proceedings in 2019, but has not completed that process;
 - Electrical power is disconnected.
- C. The building is dilapidated as evidenced by broken siding, plants overgrowing the building, broken windows, and boarded windows.

D. Inspections on August 21, 2018, October 24, 2018, September 6, 2019, and February 14, 2020 found violations of City Code § 149-6.5, vacant building license required and City Code § 90-13B(5), *2015 International Property Maintenance Code* as adopted by reference:

- A required vacant building license, pursuant to City Code §149-6.1 et seq. expired May 31, 2018.
- Rotting and damaged siding. §304.6.
- Overgrowth of vegetation. §302.4.
- Exterior steps are hazardous. § 302.3.
- Exterior of property in poor condition. § 304.1.
- Roof is in poor condition. § 304.7.
- Chimney is deteriorating. § 304.11.
- Accumulation of rubbish and garbage on exterior and interior of the property. § 308.1.
- Dangerous building and property is neglected, dilapidated, and abandoned and is therefore also unsafe, unsanitary, a fire hazard, and an attractive nuisance to vandals and trespassers. § 108.5.7.
- Structure unfit for human occupancy due to disrepair, insanitary conditions, and lack of utilities. § 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 adjudge that 52 Brook Street is a dangerous building and nuisance because the building is unsafe and unsanitary; constitutes a fire hazard; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, and abandonment; and is otherwise dangerous to life and property because the abandoned building and condition of the property is dangerous and a nuisance and contributes to blight, acts as an attractive nuisance for vandalism and other illegal acts, all of which negatively impact the property value, health, safety, and welfare of surrounding properties and their occupants and their wellbeing.

THEREFORE IT IS ORDERED that to protect the health, safety, and welfare, the property is to be immediately secured 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 property 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 dangerous building and 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;
- The building is rehabilitated and brought into compliance with all applicable State and Local Codes and meets all permitting and inspection requirements;
- There shall be no occupancy or use of the building until the property has been satisfactorily rehabilitated.

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.

AND BE IT FURTHER ORDERED that, if this Order is not timely complied with and no timely appeal is taken, the City Manager 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.

This decision may be appealed to Superior Court pursuant to Maine Rule of Civil Procedure 80B.

MUNICIPAL OFFICERS OF THE CITY OF SANFORD

Dated: _____

Tom P. Cote, Mayor

Joseph R. Hanslip, Deputy Mayor

Lucas J. Lanigan

Maura A. Herlihy

Ayn Hanselmann

Robert G. Stackpole

John L. Tuttle, Jr.

STATE OF MAINE, York County, ss.

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