



Sanford City Council

City Council Meeting Minutes – August 21, 2018

The Sanford City Council met at 6:00 p.m. in the Chambers of the Sanford City Hall Annex on Tuesday, August 21, 2018. **Mayor:** Thomas P. Cote **COUNCILORS:** Deputy Mayor Lucas Lanigan, Councilor Maura A. Herlihy, Councilor Joseph Hanslip, Councilor Fred W. Smith, Councilor John L. Tuttle, Jr. and Councilor Robert G. Stackpole **CITY STAFF:** City Manager, Steven Buck; Fire Chief, Steven Benotti; Assistant Fire Chief, Stephen Cutter; Thomas P. Connolly, Police Chief.

Mayor Cote called the meeting to order at 6:00 pm.

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

Pledge of Allegiance

Moment of Silence

Roll Call:

Mayor Cote performs the Council Roll call: Councilor Stackpole, present; Councilor Tuttle, present; Councilor Smith, present; Councilor Hanslip, present; Councilor Herlihy, present; Deputy Mayor Lanigan, present and Mayor Cote, present.

Minutes

Mayor's Report/City Council Sub-Committee Reports

City Manager's Report

(see attached)

Communications/Presentations

- 18-343-01 Presentation from Strategies for a Stronger Sanford: Megan Walsh from the School department gave a brief presentation to the Council.
- 18-390-01 Citizen Life Saving Awards Recognition: Fire Chief Benotti presented Paul Auger with the Citizen Life Saving Award and also Zachary Boutilier

Public Participation

Public Hearings

The City Council will take public comment on the following:

- 18-407-01 A Public Hearing to receive comments on the Renewal liquor license application with malt, spirituous and vinous privileges from Green Tea Restaurant. Mayor Cote declared the public hearing open at 7:07pm. There was no one to speak for or against. The public hearing was declared closed at 7:07pm.
- 18-408-01 A Public Hearing to receive comments on the Renewal liquor license application with malt, spirituous and vinous privileges from Bowl-A-Rama. Mayor Cote declared the public hearing open at 7:07pm. There was no one to speak for or against. The public hearing was declared closed at 7:07pm.
- 18-416-01 A Public Hearing to receive comments on the new license application from Lighthouse Relief (Calvin Akers) to operate Wisely Brand, a medical marijuana production facility located at 81 Industrial Avenue, Sanford, Maine. Mayor Cote declared the public hearing open at 7:08pm. There was no one to speak for or against. The public hearing was declared closed at 7:08pm.
- 18-418-01 A hearing is to determine whether the structure at 93 Lebanon Street, Sanford, Maine owned by Mill Station Realty Trust identified as Lot 6, on Tax Map M28, and further described in a Deed recorded in the York County Registry of Deeds at Book 13620, Page 62, 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 Eugene Cormier, Trustee of Mill Station Realty Trust by certified mail. Mayor Cote declared the public hearing open at 7:35pm. Director of Community Development Ian Houseal presented his facts and findings to the City Council. Fire Chief Steve Benotti spoke of the fire risk due to the condition of the property. Jeannie Wood addressed the Council with her findings of Code Violations. There was no one else to speak for or against. Mayor Cote declared the public hearing closed at 7:48pm.
- 18-419-01 A hearing is to determine whether the structure at 199 Jagger Mill Road, Sanford, Maine owned by Jagger Mill LLC identified as Lot 69, on Tax Map R15, and further described in a Deed recorded in the York County Registry of Deeds at Book 15532, Page 871, 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 registered agent (Paul Bulger) for Jagger Mill LLC by certified mail. Mayor Cote declared the public hearing open at 7:49pm. Director of Community Development Ian Houseal presented his facts and findings to the City Council. Fire Chief Steven Benotti addressed the Council and explained the issues including the fact that there is no working sprinkler system. Jeannie Wood addressed the Council with her findings of Code Violations as she showed pictures of the property. Brenda Scally managing member of Jagger Mill LLC, addressed the Council. She stated that she has had two structural engineers in the property and they stated the building is safe. Judy Parks, abutters of the Jagger Mill property voiced her concerns regarding the

potential chemicals that were used on the property. City Planner Beth Della Valle stated that this property is also a concern of hers. The Brownfields planning committee will be adding this property to the list in September. There was no one else to speak for or against. The public hearing was declared closed at 8:24pm.

Consent Agenda

Mayor Cote sought comment from City Council, there was no comment. The Consent Agenda was approved.

18-409-01 Ordered, to approve the following license requests:

1. An application for liquor license renewal from Green Tea Restaurant, 1005 Main Street, Sanford, Maine.
2. An application for liquor license renewal for Bowl-A-Rama, 1217 Main Street, Sanford, Maine.

Old Business

18-379-01 The City Council of the City of Sanford hereby ordains amendments for Rezoning from Industrial Business to Urban Zone - Map R15, Lots 52, 52C-E, 55, 67, 67D & E, 68, 68A, & B, 117, 118, 201-206. (This item must be read on two separate days. This is the second reading.) Councilor Stackpole moved to approve, seconded by Councilor Smith. The City Council voted 6-0 to approve.

18-380-01 The City Council of the City of Sanford hereby ordains the proposed Rezoning from Residential Development to Urban Zone - 199 Jagger Mill Road (Map R15, Lot 69) - Jagger Mill LLC. (This item must be read on two separate days. This is the second reading.) Councilor Stackpole moved to approve, seconded by Councilor Smith. The City Council voted 6-0 to approve.

18-378-01 Ordered, to authorize the proposed Termination of Contract Zone and Rezoning to Urban Zone - Sanford Institute for Savings - Tax Map R15, Lot 103C. (This item must be read on two separate days. This is the second reading.) Councilor Smith moved to approve, seconded by Councilor Stackpole. The City Council voted 6-0 to approve.

18-348-01 The City Council of the City of Sanford hereby ordains amendments to Chapter 280: Zoning - Child Care and Adult Day Services. (This item must be read on two separate days. This is the second reading.) Councilor Smith moved to approve, seconded by Councilor Stackpole. The City Council voted 5-0 to approve.

New Business

- 18-411-01 Ordered, to approve the closure of Shaw Rd from the intersection of Shaw's Ridge Rd to Spur Rd for the Weekend of October 6-8, 2018 between the hours of 6 am and 6pm for the Annual Columbus Day Soccer Tournament. Councilor Herlihy moved to approve, seconded by Councilor Tuttle. The City Council voted 6-0 to approve.
- 18-412-01 Ordered, to accept and authorize the use of \$21,390.00 of Justice Assistance Grant funds for the police department to be used by September 30, 2021. Councilor Herlihy moved to accept, seconded by Councilor Tuttle. Chief Connolly explained that he would like to purchase 9 rifles for the police department so that each police officer will be issued their own. The City Council voted 6-0 to approve.
- 18-406-01 Ordered, vote to accept a property located on the southerly side of Airport Road, encompassing a portion of parcel numbered R18-42, and including approximately 29 acres, at a cost of zero dollars, to be placed into a termed Declaration of Covenants and Restrictions in order to provide requisite compensatory mitigation for natural resource impacts incurred by the Sanford Airport Solar LLC (SAS) development; and to hereby authorize the City Manager to execute an acceptance of said property and conveyance of easement rights. Councilor Tuttle moved to approve, seconded by Councilor Hanslip. Allison Rogers explained the need for the compensatory mitigation at the airport. Mrs. Rogers asked that the City not turn the property into Airport property and that it stay City owned property. The City Council voted 6-0 to approve.
- 18-417-01 Ordered, to approve the new license application from Wisely Brand to operate a medical marijuana production facility at 81 Industrial Avenue, Sanford, Maine. Councilor Herlihy moved to approve, seconded by Councilor Hanslip. Code Enforcement Officer Jamie Cole reported from the inspection team that they have passed the inspections. The City Council voted 6-0 to approve.
- 18-383-01 Ordered, to accept a bid and approve the proposed contract for Qualified Environmental Professional Assistance to TRC Companies, Inc. for Sanford's Brownfields Assessment Grant program for up to \$281,000. Councilor Tuttle moved to accept, seconded by Councilor Herlihy. The City Council voted 6-0 to approve.
- 18-420-01 Findings and Order, pursuant to 17 M.R.S.A. §§ 2851-2859 - Dangerous Building - 93 Lebanon Street - 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 moved to accept the attached findings and order, seconded by Councilor Tuttle. The City Council voted 6-0 to approve.

18-421-01 Findings and Order, pursuant to 17 M.R.S.A. §§ 2851-2859 - Dangerous Building - 199 Jagger Mill Road - 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 moved to accept the attached findings and order, seconded by Councilor Tuttle. Mayor Cote voiced his concerns and stated that he would appreciate the property owner’s act as fast as possible to clean up the property. Councilor Stackpole voiced his concerns of the condition of the property and building and agrees with the findings and order as presented tonight. Councilor Smith also agrees and would like to see clean up as soon as possible. The City Council voted 6-0 to approve.

Council Member Comments

Councilor Stackpole: Changes to the City Charter and where we are at with that? He spoke about the changes in Medical Marijuana laws.

Councilor Tuttle: No Comment

Councilor Smith: Thanked the Citizens of Sanford and reflected on the time he spent as a councilor for the City of Sanford.

Councilor Hanslip: No comment

Councilor Herlihy: No comment

Deputy Mayor Lanigan: absent

Mayor Cote: Wished daughter Sophie good luck at College as she will be leaving soon. He would like public safety to take a look at the disorderly housing ordinance.

Future Agenda Items

- Disorderly housing ordinance (public safety 9/11 meeting)

Adjournment

Mayor Cote moved to adjourn regular meeting at 8:53 pm

Respectfully submitted by Sherry Lord, Executive Assistant

City of Sanford



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



Memo

To: City Council
Subject: Manager's Report for August 21, 2018
Date: August 21, 2018

Stenton Trust:

EPA conducted on onsite scoping meeting with Contractors at 10:00Am on 8/21/18. Matters addressed were as follows;

1. Access to Central Furniture's Warehouse, second floor off High Street, using a R/W behind the Stenton Trust Tower C will be addressed by one of three options.
 - a. Option A - Temp Road - deemed viable
Must maintain a 150 ft. separation by OSHA Standards between access and Temp Road
 - b. Option B - Alternative Storage of Inventory in another warehouse
 - c. Repair of Freight Elevator - Not initially thought to be feasible
2. Environmental Restoration will perform the Demolition
 - a. Anticipated Start Date – End of September
 - b. Duration - Four to Six Months – Use the Four Months as target
 - c. Will remove and dispose of All Contaminated Materials
 - d. Will process and remove all Concrete as unable to certify as clean for use as inert fill
 - e. Will also remove the steel as part of the Contract and credit EPA
 - f. Will leave the foundation intact
3. State Historic Preservation Organization (SHPO) was provided Notice of Demolition received as of 7/30/18 with 30 days to respond to EPA
 - a. All, a portion, or none of the Complex may be deemed Historically Significant
 - b. Portions of the Saw-Toothed Roof might be saved and reused (undetermined)
4. Westin will be the scientific contractor monitoring particulates and contaminants, in charge of the safety assurance plan
5. As Tower A, Section B, and Tower C are all on one continuous foundation, the EPA is able to remove all identifiable friable asbestos from Tower A (along River St.)
6. City is coordinating with EPA Outreach Team to hold a public informational meeting the third week in September, date to be determined and announced.

Fire Station Feasibility Study and Design:

Fire Chief Benotti issued a Request for Qualifications, approved within the FY 18/19 CIP at \$65,000

Five well-qualified Responses were received, all having the requisite experience as requested and all teaming with local Architects and Engineering firms for the Team.

Respondents were:

Manns Woodward Studios – Selected for Interview

HG Architects – Selected for Interview

Mitchell Associates Architects/WBRC – Selected for Interview

Context Architecture

Port City Architecture

Scope: The City of Sanford seeks proposals, based on qualifications, that will cover multiple areas in the first steps toward the design and building of (2) two new fire stations for the city to be located along the general Main Street corridor dividing the city into two equal response areas as determined by the response profiling for adequate emergency response to all areas of the city. The Scope of Work shall include:

- a. Programming for both facilities (i.e. number of bays, rooms, dorms, etc. as well as approximate square footage of all areas of the buildings)
- b. Schematic design- renditions that will give an overall idea of what the buildings will look like, size, shape, and layout of facilities. This will be used in presentations for further funding of the project.
- c. Site Selection- help in selection of proper sites for the project with a determination of city owned or need to purchase sites and approximate costs involved if purchase is needed.
- d. Estimate of full costs of the project with estimated time lines for completion.
- e. Full reports for the city to use in the progression of this project that will yield initial aspects of financial costs, traffic, planning, and environmental concerns.

Timeline:

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 1st 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 1st choice firm then the other firms will be contacted in order of ranking for similar proposal agreements until an agreement can be reached.



STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0016

Paul R. LePage
GOVERNOR

David Bernhardt
COMMISSIONER

August 10, 2018

M. Allison Rogers, Manager
Sanford-Seacoast Regional Airport
167 Airport Rd., Suite D
Sanford, ME 04073

Dear Ms. Rogers,

As authorized by Title 6 MRSA §302, I am pleased to re-appoint you to a two-year term on the Maine Aeronautical Advisory Board (MAAB). The Board's duty is to actively advise the Department on all matters related to aeronautics, including recommended changes to state statute.

In addition to the expertise you bring to the Board in airport management from your experience at the Hancock County-Bar Harbor and Sanford-Seacoast Regional Airports, your background in flight instruction, airport maintenance and installation of the largest airport-based solar array in the country set you apart as an exceptionally qualified Board member. Furthermore, I appreciate your enthusiasm for embracing innovation, your leadership of the Maine Aviation Business Association marketing campaign, and your willingness to continue service as the Board vice-chair.

Your term became effective August 1, 2018 and will expire on July 31, 2020 (unless adjusted by statutory action).

A copy of the MAAB bylaws and current Board membership is enclosed. The next scheduled meeting is on October 24 from 1-4pm at our Augusta headquarters. You will receive further Board communications from Mary Ann Hayes, our Aviation Director and Commissioner designee on the Board, and/or Stacie Haskell, Aviation Planner and Board clerk. Please feel free to contact either of them if you need more information at any time. Their contact information is below.

Again, thank you for agreeing to serve on the Board. Your time and expertise is highly valued. I look forward to receiving the Board's recommendations.

Sincerely,

David Bernhardt, P.E.
Commissioner

cc: Mary Ann Hayes, maryann.hayes@maine.gov, 624-3239
Stacie Haskell, stacie.haskell@maine.gov, 624-3243

Enclosures: Maine Aeronautical Advisory Board Bylaws (*Adopted 3-28-18*)
Current Board Membership List



FINDINGS AND ORDER

Pursuant to 17 M.R.S.A. §§ 2851-2859

Dangerous Buildings

Diana Cormier
7 Ivana Drive
Andover, Massachusetts 01810

Eugene Cormier and Janet Cormier
8 Pickard Lane
North Reading, Massachusetts 01864

93 LEBANON STREET, SANFORD, MAINE

On August 21, 2018 at 6:00 PM at City Hall, the Municipal Officers of the City of Sanford, Maine held a hearing to determine whether the structures at 93 Lebanon Street, Sanford, Maine identified as Lot 6, on Tax Map M28 and further described in a deed recorded in the York County Registry of Deeds at Book 13620, Page 62 are dangerous buildings 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 Eugene Cormier, Trustee of Mill Station Realty Trust by certified mail.

The following persons were present and testified:

- A. City of Sanford Code Enforcement Officer, Jeannie Wood
- B. City of Sanford Fire Chief, Steven Benotti
- C. Property Owner/Representative: none

Based on their testimony and other evidence presented and made part of the record, the Municipal Officers find the following facts:

- A. Mill Station Realty Trust has owned the buildings (the property), since October 22, 2003.
- B. Mill Station Realty Trust has allowed the buildings to fall into a state of neglect, disrepair, and dilapidation because of inadequate maintenance and care.
- C. Since Mill Station Realty Trust has owned the property, there have been two property tax liens assessed on the property in 2016 and 2017 in the amount of \$13,312.74 as of August 14, 2018.
- D. Since 2009 there have been multiple calls for Police service.
- E. The Fire Marshall notified Mill Station Realty Trust by certified mail in June 2017 that due to the fact that the building lacks water service and therefore a sprinkler system; and as well as the fact the building is very large and lacks security the building presents a very high fire danger and is unsafe to the surrounding community.
- F. A responsible party for the vacant buildings has failed to obtain a vacant building license, pursuant to City Code § 149-6.1 et seq. after notice to obtain a vacant building license in June 2018 by certified mail to a trustee and the buildings are therefore apparently abandoned as defined in the Code and unfit for human occupancy.
- G. An exterior inspection on June 25, 2018, pursuant to City Code § 149-6.1 et seq. observed the buildings to be vacant and apparently abandoned as evident by the following property defects:
 - The premises is vacant and it appears that the occupant has no intent to return;
 - Furnishings and personal property indicating habitable presence are absent from the premises; and

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- A Code Enforcement Officer has made a determination that this premises is abandoned or unfit for occupancy including lack of water since before 2004.
- H. An exterior inspection on June 25, 2018 found the following violations of the *International Property Maintenance Code, 2003 (IPMC, 2003)* as adopted as Code by the City of Sanford (see referenced sections below) and hereby attested by the Sanford City Council as follows:
- Deterioration walls. Section 304.6
 - Exterior property shall be maintained free from excessive plant growth. Section 302.4
 - Windows and doors must be in good repair and weather tight. Section 304.13
 - Deterioration of roof. Section 304.7
 - Structure is unfit for human occupancy. 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 buildings are dangerous and a nuisance because they constitute a fire hazard (the building has inadequate fire protection, water service, and security and in the event of a fire endanger surrounding properties and life); constitute a hazard to health and safety because of inadequate maintenance, dilapidation, and abandonment (the buildings contribute to blight as result of the continued lack of care, maintenance and security of the property and impacting the property value of surrounding properties), and are dangerous to life and property.

THEREFORE IT IS ORDERED that to protect the health, safety, and welfare, the buildings are 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 buildings and nuisance are 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 buildings 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 buildings are 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.

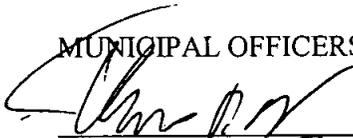
AND BE IT FURTHER ORDERED that, if this Order is not complied with, the City Manager is hereby authorized and directed to ask for bids for the abatement (buildings removal/disposal/securing) of the said dangerous buildings and nuisance.

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

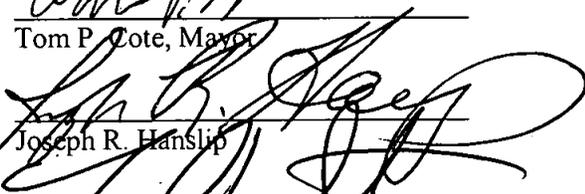
If this Order is not timely complied with and no timely appeal is taken, the Municipal Officers may undertake the ordered corrective action at municipal expense and recover all expenses, including reasonable attorney's fees, by means of a special tax or civil action.

MUNICIPAL OFFICERS OF THE CITY OF SANFORD

Dated: 8/21/18



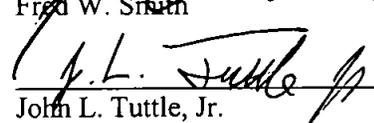
 Tom P. Cote, Mayor



 Joseph R. Hanslip



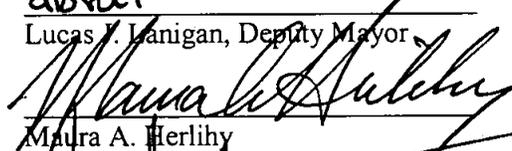
 Fred W. Smith



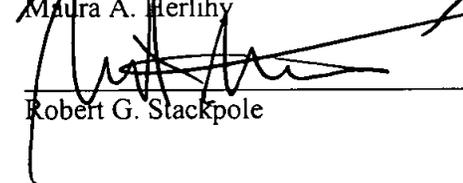
 John L. Tuttle, Jr.

about

 Lucas J. Lanigan, Deputy Mayor



 Maura A. Herlihy

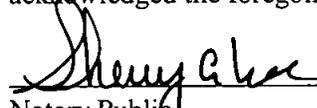


 Robert G. Stackpole

STATE OF MAINE, York County, ss.

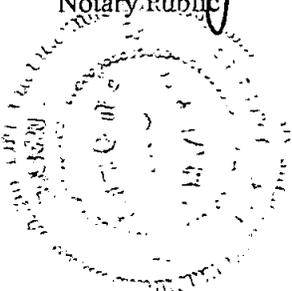
Dated: 8/21/18

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



SEAL



FINDINGS AND ORDER

Pursuant to 17 M.R.S.A. §§ 2851-2859

Dangerous Buildings

JAGGER MILL LCC

Brenda Scally
117 Elm Street
Saco, Maine 04072

JAGGER MILL LLC, LA PROJECTS LLC

Paul Bulger
477 Congress Street, Suite 1104
Portland, Maine 04101

GENEVA VENTURES LLC

Dennis Coulombe
35 Woodlands Drive
Falmouth, Maine 04105

199 JAGGER MILL ROAD, SANFORD, MAINE

On August 21, 2018 at 6:00 PM at City Hall, the Municipal Officers of the City of Sanford, Maine held a hearing to determine whether the structures at 199 Jagger Mill Road, Sanford, Maine identified as Lot 69, on Tax Map R15 and further described in a deed recorded in the York County Registry of Deeds at Book 15532, Page 871 are dangerous buildings 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 registered agent (Paul Bulger) for Jagger Mill LLC by certified mail.

The following persons were present and testified:

- A. City of Sanford Code Enforcement Officer, Jeannie Wood
- B. City of Sanford Fire Chief, Steven Benotti
- C. Property Owner/Representative: Brenda Scally

Based on their testimony and other evidence presented and made part of the record, the Municipal Officers find the following facts:

- A. Jagger Mill LLC has owned the buildings (the property), since December 15, 2008.
- B. Jagger Mill LLC has allowed the buildings to fall into a state of neglect, disrepair, and dilapidation because of inadequate maintenance and care.
- C. Since Jagger Mill LLC has owned the property, a property tax lien has been assessed and discharged eight times and a lien for non-payment of water service from March 2016 was discharge in May 2018.
- D. The Fire Marshall notified Jagger Mill LLC of the requirement for an inspection in July 2017 and as a result the first floor windows of the buildings were boarded.
- E. As of August 20, 2018, a responsible party for the vacant buildings has failed to obtain a vacant building license, pursuant to City Code § 149-6.1 et seq. after multiple notices to obtain a vacant building license in April and August 2018 by certified mail to the registered agent and the buildings are therefore apparently abandoned as defined in the Code and unfit for human occupancy.
- F. An exterior inspection on August 8, 2018, pursuant to City Code § 149-6.1 et seq. observed the buildings to be vacant and apparently abandoned as evident by the following property defects:

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- The premises is vacant and it appears that the occupant has no intent to return;
 - Furnishings and personal property indicating habitable presence are absent from the premises; and
 - A Code Enforcement Officer has made a determination that this premises is abandoned or unfit for occupancy including lack of water since December 16, 2015.
- G. An exterior inspection on August 8, 2018 found the following violations of the *International Property Maintenance Code, 2003 (IPMC, 2003)* as adopted as Code by the City of Sanford (see referenced sections below) and hereby attested by the Sanford City Council as follows:
- Deterioration of structural members. Section 304.4
 - Windows are broken/boarded over. Section 304.13 and 304.13.1
 - Accumulation of rubbish or garbage including abandoned vehicles. Section 307.1
 - Deterioration of roof. Section 304.7

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 buildings are dangerous and a nuisance because they constitute a fire hazard (lack of adequate fire protection, water service, sewer service, and security and in the event of a fire endanger surrounding properties and life); constitute a hazard to health and safety because of inadequate maintenance and dilapidation (the buildings contribute to blight as result of the continued lack of care, maintenance and security of the property and impacting the property value of surrounding properties), and are dangerous to life and property.

THEREFORE IT IS ORDERED that to protect the health, safety, and welfare, the buildings are 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 buildings and nuisance is to be immediately abated (buildings removed/disposed/secured.)

AND BE IT FURTHER ORDERED, if the owner or party in interest demonstrates the ability and willingness to satisfactorily rehabilitate the buildings 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 buildings are 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 buildings 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: 8/21/18

[Signature]
Tom P. Cote, Mayor

[Signature]
Joseph R. Hanks

[Signature]
Fred W. Smith

[Signature]
John L. Tuttle, Jr.

absent
Lucas J. Lanigan, Deputy Mayor

[Signature]
Maura A. Herlihy

[Signature]
Robert G. Stackpole

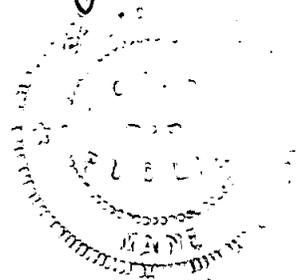
STATE OF MAINE, York County, ss.

Dated: 8/21/18

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.

[Signature]
Notary Public

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



SEAL