



Sanford City Council

City Council Meeting Minutes – September 18, 2018

The Sanford City Council met at 6:00 p.m. in the Chambers of the Sanford City Hall Annex on Tuesday, September 18, 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; Executive Assistant, Sherry Lord; City Planner, Beth Della Valle; Grant Writer, Lee Burnett; Fire Chief Steven Benotti; Assistant Fire Chief, Stephen Cutter and Community Development Director, Ian Houseal.

Mayor Cote called the meeting to order at 6:02 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, absent w/notice; Councilor Hanslip, present; Councilor Herlihy, present; Deputy Mayor Lanigan, tardy and Mayor Cote, present.

Minutes

- 18-465-01 Ordered, to approve the following meeting minutes:
- **Tuesday, August 21, 2018: Executive Session:** Councilor Stackpole moved to approve, seconded by Councilor Herlihy. The City Council voted 5-0 to approve.
 - **Tuesday, August 21, 2018: Regular Meeting:** Councilor Stackpole moved to approve, seconded by Councilor Herlihy. The City Council voted 5-0 to approve.
 - **Tuesday, September 4, 2018: Regular Meeting:** Councilor Stackpole moved to approve, seconded by Councilor Herlihy. The City Council voted 5-0 to approve.

Mayor's Report/City Council Sub-Committee Reports

Mayor Cote thanked the folks from Living Innovations in Sanford for visiting City Hall on Constitution Day for a tour. He thanked the City staff for being accommodating.

City Manager's Report

(see attached)

Mayor Cote moved to adjust the agenda so that the three public hearings and agenda items regarding the dangerous buildings be moved to the end of the agenda and be read after all other agenda items, seconded by Councilor Herlihy. The City Council voted 5-0.

Communications/Presentations

18-467-01 Build Maine temporary traffic improvements. Lee Burnett gave a presentation to the City Council. Linda Lou Lambert asked why parking was not restricted on Pioneer Ave to avoid accidents etc.

Public Participation

none

Public Hearings

The City Council will take public comment on the following:

18-469-01 A public hearing on the proposed amendments to Chapter 280: Zoning Ordinance related to Design Standards and the Design Review Committee. Mayor Cote declared the public hearing open at 6:36pm. City Planner, Beth Della Valle explained changes to the ordinance. She noted that the standards do not apply to single family homes. There are other changes to the committee that she feels will make it easier to fill vacant positions. There was no one else to speak for or against. Mayor Cote declared the public hearing closed at 6:39pm.

18-458-01 A hearing is to determine whether the structure at 2 Bougie Lane, Sanford, Maine owned by Freeway Investments, Inc. identified as Lot 64A, on Tax Map I29, and further described in a Deed recorded in the York County Registry of Deeds at Book 16998, Page 324, is a dangerous building or nuisance within the meaning of 17 M.R.S.A. §§ 2851-2859, and if so, what is the appropriate remedy. Notice of this hearing was duly served on the owner by certified mail and advertised in the newspaper on August 31, September 7, and September 14, 2018 when an owner or party in interest is unknown or is not ascertainable with reasonable diligence. Mayor Cote declared the public hearing open at 9:00pm. Community Development Director Ian Houseal explained the findings and notification process. Code Enforcement Officer Jeannie Wood presented her findings and a presentation of the code violations. Mayor Cote declared the public hearing closed at 9:08pm.

18-459-01 A hearing is to determine whether the structure at 16 West Elm Street, Sanford, Maine owned by Heirs of Robert Putnam, Senior identified as Lot 9, on Tax Map K31, and further described in a Deed recorded in

the York County Registry of Deeds at Book 13809, Page 86, 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 Stephanie Albert, the special administrator for the estate of Robert E. Putnam, Sr., Stephanie A Williams of Duane Morris LLP, and TD Bank by certified mail and advertised in the newspaper on August 31, September 7, and September 14, 2018 when an owner or party in interest is unknown or is not ascertainable with reasonable diligence. Mayor Cote declared the public hearing open at 8:33pm. Community Development Director, Ian Houseal explained the findings. Jeannie Wood explained her findings and showed a slide show of the findings. Joe Putnam owner of the building, inherited it and then run into some issues with family financing and basically left the home. He had someone staying at the property for free so it wouldn't be vacant. He stated that he brought in a 40 yard dumpster to clean up most of the stuff that was there. He is waiting for another dumpster to finish cleaning. Mayor Cote declared the public hearing closed at 8:49pm.

18-461-01

A hearing is to determine whether the structure at 60 Riverside Avenue, Sanford, Maine owned by Hill Street Apartments LLC identified as Lot 31, on Tax Map K27, and further described in a Deed recorded in the York County Registry of Deeds at Book 17636, Page 576, 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 for Hill Street Apartments LLC and Drew Anderson by certified mail and advertised in the newspaper on August 31, September 7, and September 14, 2018 when an owner or party in interest is unknown or is not ascertainable with reasonable diligence. Mayor Cote declared the public hearing open at 7:13pm. Community Development Director Ian Houseal gave a presentation to the Council on the findings. Code Officer Jeannie Wood presented her findings. Rose Marie Rose who lives at 4 William Oscar Emery Drive said that the retaining wall gave way and the landlord did not repair it. July 3, 2013 Former Code Officer Shirley Sheesley condemned the building. She spoke of the many years of issues with this apartment building. Linda Lee Lambert lives in the building. She lives in apartment #3 claims that the toilet has been fixed and most of the issues have been fixed. Walter Stevens and his wife Cat are tenants of unit #7, they moved in August 30th. Their friend found the property online and met with Terrance who manages the property. Kathy Fogg is a tenant of the property in Unit #5 and had been there for 25 years. Tim Lee, Mainely property manager stated that the management company is trying to be more pro-active. They are going through the list of code violations and they are working on them. He stated they are in court currently and there is a mediation scheduled. There is also a lien on the property. Deputy Mayor Lanigan spoke of the living conditions in the building do not

look like he would put a human in the building. Councilor Hanslip asked if he was aware that the apartment was rented to people after it was condemned. Walter Stevens explained that Terrance (whom Tim Lee says that was fired a few days ago) was at the building today doing work. Code Officer Wood stated that electrical permit has been pulled but the work has not been inspected, there have not been any building or plumbing permits pulled as of today. The tenant of unit #5 shared that she would hope that the Council give property management give them a chance to do their work. Tenant of apartment #3 said she was told by Terrance that they wouldn't have to move and they would get extensions and not have to move by September 13th. There are two children on the 1st floor and 3 on the second. There are many people in this building that are disabled. Mayor Cote declared the public hearing closed at 8:13pm.

Consent Agenda

None

Old Business

None

New Business

18-445-01 Ordered, to sign the Municipal Warrant calling for the Election on Tuesday, November 6, 2018. Councilor Tuttle moved to approve, seconded by Councilor Herlihy. The City Council voted 5-0 to approve.

18-452-01 Ordered, to authorize the road closure of Oscar emery near armory to Lincoln and Gowen park drive from lower gazebo to Oscar emery for the Great Pumpkin Festival on Saturday, September 29th from 7:00 AM to 7:00 PM. Councilor Tuttle moved to approve, seconded by Councilor Herlihy. The City Council voted 5-0 to approve.

18-426-01 The City Council of the City of Sanford hereby ordains Amendment of Chapter 280: Zoning - Design Review Standards and Design Review Committee. (This item must be read on two separate days, this is the first reading).

18-446-01 Ordered, to accept the bid for demolition and removal of the 13 Island Ave building from Guillemette Bros. Inc. in the firm fixed price amount of \$8,572.00. Councilor Tuttle moved to approve, seconded by Councilor Herlihy. Community Development Director, Ian Houseal reviewed the findings and order as well as other backup for this property. The City Council voted 5-0 to approve.

- 18-448-01 Ordered, to accept the bid for installation of fencing at the 37 River Street property from H. A. Stone and Sons in the firm fixed price amount of \$10,700.00. Councilor Tuttle moved to approve, seconded by Councilor Stackpole. Community Development Director gave background on this property. The City Council voted 5-0 to approve.
- 18-438-01 Ordered, to accept an RFP from WBRC/Mitchell Associates to proceed with preliminary Fire Stations Architectural and land use design in the amount of \$67,200.00. Councilor Tuttle moved to approve, seconded by Councilor Stackpole. Fire Chief Benotti explained the RFQ and RFP process as well as the firms that responded. The City Council voted 5-0 to approve.
- 18-454-01 Ordered, to accept a 2017 Assistance to Firefighters Grant award in the amount of \$16,386.00 to be used for the purchase of a FIT Test Machine and associated hardware and to authorize a 10% match of \$1,638.00. Councilor Tuttle moved to approve, seconded by Councilor Herlihy. Fire Chief Benotti explained the grant and gave credit to Assistant Fire Chief Cutter for writing the grant. The City Council voted 5-0 to approve.
- 18-468-01 Ordered, to ratify a three-year Collective Bargaining Agreement between the City and the Sanford Public Works Unit Local 481 Council 93 AFSCME retroactive to the period of July 1, 2018 through June 30, 2021 as set forth. Councilor Herlihy moved to approve, seconded by Councilor Hanslip. City Manager Buck explained the contract and gave an overview of the changes. The City Council voted 5-0 to approve.
- 18-466-01 Order, to authorize a contract with GZA Geo Environmental, Inc. for Final Design and Bid Phase Engineering Services for the repairs to the Emery Mills Dam Upstream Improvements, Phase I to include a \$2,000 contingency, Contract Total not to exceed \$28,000. Councilor Tuttle moved to approve, seconded by Councilor Herlihy. City Manager Buck explained the project. Funding for this project is coming through the Maine Emergency Management loan through FAME for \$1,000,000. The City will be responsible to pay back \$50,000.00 over a 5 year period and the Towns of Acton and Shapleigh will each pay back \$25,000.00 over a 5 year period. The City Council voted 5-0 to approve.
- 18-455-01 Ordered, to appoint two members as voting delegates for Maine Municipal Associations Annual Business meeting scheduled for Wednesday, October 13th. Councilor Herlihy moved to elect Deputy

Mayor Lanigan and Manager Buck, seconded by Councilor Tuttle. The City Council voted 5-0 to approve.

18-462-01 Findings and Order, pursuant to 17 M.R.S.A. §§ 2851-2859 - Dangerous Building - 2 Bougie Lane; 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 approve and declare the findings and ordered (attached) a dangerous building, seconded by Councilor Hanslip. The City Council voted 6-0 to approve.

18-463-01 Findings and Order, pursuant to 17 M.R.S.A. §§ 2851-2859 - Dangerous Building - 16 West Elm 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." Deputy Mayor Lanigan moved to discuss, seconded by Councilor Herlihy. Councilor Herlihy moved to approve and declare the findings and ordered (attached) a dangerous building, seconded by Councilor Tuttle. Mayor Cote clarified that the property being discussed is only 16 West Elm Street the White 3 bedroom house. The City Council voted 6-0 to approve.

18-464-01 Findings and Order, pursuant to 17 M.R.S.A. §§ 2851-2859 - Dangerous Building - 60 Riverside Avenue; Pursuant to 17 M.R.S.A § 2851, 2-A: "To adjudge a building to be a nuisance or dangerous, the municipal officers must find that the building is structurally unsafe, unstable or unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or is otherwise dangerous to life or property." Councilor Herlihy moved to approve and declare the findings and ordered (attached) a dangerous building, seconded by

Councilor Hanslip. Deputy Mayor Lanigan voiced his concern regarding the amount of funding it would need to bring it up to code. Councilor Stackpole mentioned as of the motion there is an opportunity for the land owner to rehabilitate the property. The City Council voted 6-0 to approve.

Council Member Comments

Councilor Stackpole: None

Councilor Tuttle: spoke of the issues with Prompto and not complying with traffic issues. The Rotary club is having breakfast with Life Flight on Thursday. Wished his wife a Happy 34th Anniversary.

Councilor Smith: absent

Councilor Hanslip: Wished Councilor Tuttle and his wife a happy anniversary.

Councilor Herlihy: spoke of the tour through the high school and was excited that the school is coming along nicely. She also brought up the fact that the extra lane needs to be looked at when we are looking into the downtown review.

Deputy Mayor Lanigan: June Street – when will it be paved? 24 Pine Street issues with tenants etc.

Mayor Cote: He voiced his concern about the tenants that suffer when landlords don't take care of their buildings.

Future Agenda Items

- Create resource guide for displaced tenants
- Complaints of ATV's using the Springvale trails on the rail bed.

Adjournment

Mayor Cote moved to adjourn regular meeting at 9:25 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 September 18, 2018
Date: September 18, 2018

Stenton Trust Update:

Update of Site Meeting on 8/21/18 from Catherine Young, On Scene Coordinator
Based on our meeting today, the following EPA coordination with the town and/or DEP will be required before site work can commence at the end of September.

- The EPA contractor (Mark Bixler or his soon-to-be assigned Removal Manager) will be working with DPW and other parties to connect water and utilities services.
- The EPA contractor will draft options for addressing the issue of restricted access to Central Furniture inventory located at their building located on High Street. Inventory located on the second floor of the building is accessed via Stenton Trust Drive, which will be closed for the duration of the removal action. To proceed with the removal action, EPA will need to pay the cost for one of 2 of the following options. 1) constructing a temporary road to allow alternate access for vehicles delivering or receiving inventory at the Central Furniture building, or 2) determining locations and the cost for providing temporary storage for 6 months for the inventory currently stored on the second floor of the building on High Street. The cost estimate will also include the cost of reimbursing the company for moving the equipment to the temporary storage location. The EPA OSC (Young or McKeown) will choose the option best suited for operations at the site, is the most cost-effective and that is satisfactory to the business owner.
- The town will need to assist EPA with access to the buildings at the Site, as needed, until the EPA removal action starts in September.
- The EPA contractor (Mark Bixler or his assigned person) will contact the town for support as needed while planning for the start of removal activities in September.
- The EPA Community Involvement Coordinator will be working with the town to conduct a public meeting during the 3rd week of September.

Next Steps as communicated on 9/17/18:
Catherine Young, On Scene Coordinator at EPA

- **We have scheduled a public meeting for Wednesday September 26 at 7pm at the City Hall Council Chambers.** I have attached the fact sheet that was developed for the Site and which provides the details for the public meeting. The EPA Community

Involvement Coordinator, Kate Melanson, has been working with the town to determine the date for this meeting and to whom the fact sheet should be mailed. Please let me know if you have any questions regarding the public meeting or the fact sheet.

- Regarding the start date of the removal action, we are having some trouble finding appropriate storage space to move the contents from the second story of the Central Furniture and Appliance building. The removal action cannot start until we can resolve the access issues for the inventory stored in the building used by Central Furniture. If you have any information on storage space that is available within Sanford which can hold the contents of the inventory currently stored in the second floor of this building, it would be much appreciated. My contractor has been reaching out to real estate agents but is having some difficulties with getting his calls returned. From the assessors record info for the property at 12 High Street, it looks like the second floor has a square footage of approximately 17,000ft², so we will be looking for a similarly sized space, if possible. I have attached the document that I printed from the Sanford Assessor's website for your reference.
- I received a response from the SHPO. They have determined that Tower A and Section B appear to be eligible for the National Register of Historic Places. They also determined that Tower C and Section D have lost integrity so are not eligible for the Register. For EPA removal activities, this only impacts Section B, as we will need to keep this building intact, if possible. EPA will continue to work with the SHPO throughout the Section 106 process regarding our activities related to the Section B part of the building. I have attached a map which has each section of the building labeled.

Please let me know if you have any questions. I do not yet have a mobilization date set because I cannot start until we get the items moved from the Central Furniture building. As soon as we get this resolved and a date is set, I will inform everyone. I am planning to travel to Sanford on Wednesday morning of this week. The purpose of this visit is to meet with someone from the York County Community Center and to visit the site with my contractor for mobilization planning. I will be available if anyone would prefer to meet with me to speak with me directly. Thank you!

Please see Attachments for:

Public Meeting Fact Sheet

Stenton Trust satellite and Building Reference

SanfordNet Fiber:

- The Notice to Proceed has been issued to Eustis Cable Enterprises LTD.
- Fiber has been ordered and is to be delivered in the near term.
- A laydown area and basis of operations has been established at the Airport behind the fenced and secure areas.
- Letters of introduction have been sent to all Community Anchor Institutions that Eustis Cable will be making appointments to install the Fiber Optic Cable connection to their Buildings and the Optical Network Terminals per the designs previously engineered. The installations of the connections will start next week.
- GWI has prepared Marketing Materials that are currently under review.
- GWI is working on a Marketing Video as well for as early as the Film Festival to premier.
- Make Ready Estimated Construction Completion Dates (ECCD) have been provided by FairPoint for all 7 Aerial Segments and 3 Conduit Segments. ECCD's range from 10/20/18 to as late as 2/11/19. CMP has not yet replied with ECCD dates for the same Segments.
- Based upon ECCD's by FairPoint, startup of the Network could be delayed until March of 2019
- GWI will start active marketing within the month to identify Drops on the Network to be constructed during SanfordNet's construction, first pass.

Solar:

NextEra is still waiting for DEP to issue the last of the Environmental permits. The State delay of issuance has caused the start date to move from this summer to next spring. Otherwise, the Project remains as planned but the economic benefit is obviously delayed.

Municipal Capacity:

City Administration is working to increase Sanford's Municipal Capacity to aid in development permitting. Currently the City has a Fire Marshall with Plan review capacity and has also recently added a contracted Electrical Inspector to double the capacity for inspection purposes. The Municipality currently has the capacity to permit Site Developments for 1 acres of cumulative development by Permit by Rule, all other must go to DEP for permitting.

As we do not expect the current delays within Maine DEP to lessen in the future, the City is seeking to obtain Municipal Capacity pursuant to Title 38 MRSA Section 488: **19. Municipal capacity**. In order to file to the State for Capacity of Review, the City must work on several areas;

1. Comprehensive Plan Updates
2. Storm Water Management Ordinances
3. Professional Staff Capacity of;
 - a. Additional Planner – authorized for 1/1/19
 - b. Dedicated Engineer for Site Review and environmental permitting
 - c. Restore 4 Code Officers

Further details will be presented as well as the fiscal planning elements as necessary to move the City in this direction to better accommodate business and economic development.

Sanford Armory Open House

Family members, community members and guest, come meet with Soldiers of the 262nd Engineer Company from the Maine Army National Guard. Enjoy a tour of our beautiful new facility and see some of the engineer equipment we operate. There will be a power point of the projects our Soldiers have completed throughout the years in the State of Maine and abroad.

Refreshments and beverages will be available.

Date: Sunday October 14th, 2018

Time: 10:00am– 12:00pm

Where: 88 William Oscar Emery Drive, Sanford, ME 04073



262 EN



REMOVAL

SITE UPDATE



Stenton Trust Mills Sanford, Maine

U.S. EPA | HAZARDOUS WASTE PROGRAM AT EPA NEW ENGLAND

THE EMERGENCY RESPONSE AND REMOVAL PROGRAM

responds to chemical, biological and radiological releases and large-scale national emergencies, including homeland security incidents. EPA conducts short term cleanups in the removal program when necessary to protect human health and the environment by either funding response actions directly or overseeing and enforcing actions conducted by potentially responsible parties.



SITE DESCRIPTION:

The Stenton Trust Mill Site is an abandoned former textile manufacturing facility built in the 1920's. In 2008, EPA completed a removal action that included consolidating and removing hazardous materials stored in drums from the site. At the time of the removal action, EPA noted that portions of the facility were constructed with asbestos containing building materials. The asbestos-containing building materials were part of the occupied and actively leased properties and did not pose a threat to human health or the environment. In June of 2017, a large fire engulfed and badly damaged significant sections of the Mill Building. The Maine Department of Environmental Protection and the City of Sanford requested EPA's assistance in conducting a site investigation to evaluate the damage caused by the fire. EPA's 2017 sampling, supported by findings in a 2008 Asbestos Determination Report for the Stenton Trust Mill, confirmed the presence of asbestos in the building debris that was now exposed to the environment.

KEY CONTACTS:

CATHERINE YOUNG
U.S. EPA
Project Manager
617-918-1217
young.catherine@epa.gov

KATE MELANSON
U.S. EPA
Community Involvement
617-918-1491
melanson.kate@epa.gov

JOHN A. BUCCI
Maine Dept. of
Environmental Protection
(207)557-1194
john.a.bucci@maine.gov

GENERAL INFO:

**TOLL-FREE
CUSTOMER SERVICE**
1-888-EPA-7341

LEARN MORE AT:
response.epa.gov

Public Meeting:	
Sept 26, 2018 - 7:00pm	919 Main St
City Hall, Council Chambers	Sanford, ME 04073

NEXT STEPS

In order to prevent environmental release and migration of friable, or potentially friable, asbestos containing material; EPA, working with the Maine Department of Environmental Protection and the Town of Sanford, is developing a plan to dismantle and dispose of portions of the

mill building as well as soils around the building that contain hazardous materials.

WHAT TO EXPECT

EPA expects the building demolition and removal will take approximately 6 months to complete. EPA will mobilize



In May 2017, EPA established a task force to restore the Superfund program to its rightful place at the center of the Agency's core mission to protect health and the environment. epa.gov/superfund/superfund-task-force

September 2018

environmental contractors and equipment to the project area in the Fall of 2018. EPA will establish a temporary staging area on the property to store debris and soil that is removed from the building area, pending transportation and disposal to an appropriate disposal location. To prevent

asbestos material from becoming airborne, EPA will be using dust suppression techniques, such as keeping all material worked on wet through continuous misting. Real time air monitors will be set up along the perimeter of the site to confirm the

effectiveness of the dust suppression techniques. Residents should expect to see workers in protective suits designed to reduce exposure to the materials they are handling.



Figure 2
Site Diagram and
Sample Location Map
Stenton Trust Mill Drum
13 River Street
Sanford, Maine

EPA Region I
 Superfund Technical Assessment and
 Response Team (START) IV
 Contract No. EP-S3-15-01
 TDD Number: TO1-01-17-08-0001
 Created by: B. Mahany
 Created on: 8 September 2017
 Modified by: B. Mace
 Modified on: 20 November 2017

LEGEND

- Approximate Site Boundary
- ▲ Soil/Bulk Asbestos Samples
- Soil Samples

* = Bulk Asbestos Sample

Data Sources:
 Imagery: ESRI, i-cubed, USDA FSA, USGS
 AEX, GeoEye, Getmapping, Aerogrid, IGP
 Topos: MicroPath
 All other data: START, Sanford, ME GIS



Garage

Stenton Trust Dr

Stenton Trust Dr

Loading Dock

Section D - 1 Story

Section B - 1 Story

Stenton Trust Mill

13 River Street

**Tower A - 5 Stories
(West Tower)**

**Tower C - 5 Stories
(East Tower)**

Stenton Trust Dr

River St

River St

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

Hill Street Apartments LLC
Tim Q. Ly
188 Dartmouth Street
Portland, Maine 04103

60 RIVERSIDE AVENUE, SANFORD, MAINE

On September 18, 2018 at 6:00 PM at City Hall, the Municipal Officers of the City of Sanford, Maine held a hearing to determine whether the structure at 60 Riverside Avenue, Sanford, Maine identified as Lot 31, on Tax Map K27 and further described in a deed recorded in the York County Registry of Deeds at Book 17636, Page 576 is a dangerous building or nuisance within the meaning of 17 M.R.S.A. §§ 2851-2859, and if so, what the appropriate remedy would be. Notice of this hearing was duly served on the registered agent for Hill Street Apartments LLC and Drew Anderson by certified mail and advertised in the newspaper on August 31, September 7, and September 14, 2018 when an owner or party in interest is unknown or is not ascertainable with reasonable diligence.

The following persons were present and testified:

- A. City of Sanford Code Enforcement Officer, Jeannie Wood
- B. Property Owner/Representative: Tim Lee

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. Hill Street Apartments LLC has owned the buildings (the property), since December 26, 2017.
- B. Since Hill Street Apartments LLC has owned the building, the building has continued to fall into a state of neglect and disrepair because of inadequate maintenance and care.
- C. Since Hill Street Apartments LLC has owned the building there have been multiple calls for Police and Fire service.
- D. On July 9, 2018, a responsible party for the rental housing had failed to obtain a rental housing license, pursuant to City Code § 149-5.1 et seq. after multiple notices by certified mail in March and May and by phone during that same time period.
- E. An inspection on July 9, 2018 found the following violations of City Code § 90-13 et seq., the *International Property Maintenance Code, 2003 (IPMC, 2003)* as adopted by reference:
 - All exterior doors shall be maintained in good condition and secured. Section 304.15
 - Fire resistance ratings of fire-resistance-rated walls, fire stops, and shafts shall be maintained. Section 703.1
 - Smoke alarms shall be installed and maintained. Section 704.2
 - Carbon monoxide alarms shall be installed and maintained. Section 704.5
 - Two safe, separate, and remote means of escape shall be provided from any bedroom or living area in the building to the public way. Section 702.1 and NFPA 101.
 - Electrical systems shall be safe and not be defective or inadequate. Section 604.3
 - Plumbing systems shall be safe and not be defective or inadequate. Section 504.3
 - Bathrooms shall have proper ventilation. Section 403.2

- The exterior and interior of the property shall be free from accumulation of rubbish or garbage. Section 307.1
 - The exterior property shall be maintained free from weeds and plant growth. Section 302.4
 - Exterior walls shall be free from holes, breaks, loose, or rotting material. Section 304.6
 - Handrails and guardrails shall be firmly fastened and supporting loads. Section 304.12
 - Windows shall be in good condition and operable. Section 304.13.2
 - Interior surfaces shall be free of defective surface conditions. Section 305.3
- F. Due to the significant violations of City Code impacting the residents of the building, surrounding properties and causing undue burden on Police and Fire service and due to the lack of response from the owner after multiple notices to correct, the persons responsible for the property were noticed on July 13, 2018 that the property is condemned as unfit for human occupancy and use and must be vacated on or before September 13, 2018 and secured and may not be occupied or used until repairs are made to the approval of the Code Enforcement Officer and that the materials, methods, or work is, for the purpose intended and of quality, strength, effectiveness, fire resistance, durability and safety, pursuant to IPMC, 2003: Section 105.2 and 105.3.
- G. The building has been condemned and placarded as unfit for human occupancy or use, pursuant to IPMC, 2003: Section 108.1.3, 108.2, 108.4, and 108.5.
- H. As of September 14, 2018, the persons responsible for the property did not vacate or secure the building by the specified date, and instead, engaged in new leases with new tenants in units of the building which were unoccupied at the time of the inspection on July 13, 2018 in violation of the order of the City to vacate the property by September 13, 2018.
- I. A party for the rental housing obtained a rental housing license on September 14, 2018 after receipt of the notice of the Dangerous Building Hearing.

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

Based on the foregoing findings, the Municipal Officers conclude that the building is dangerous and a nuisance because the building constitutes a fire hazard and constitutes a hazard to health or safety (the building has inadequate fire protection, emergency egress, and notification); is inadequately maintained and is dilapidated (the buildings contribute to blight as result of the continued lack of care, maintenance and security of the property and impacts the property value of surrounding properties) and is otherwise dangerous to life or 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.

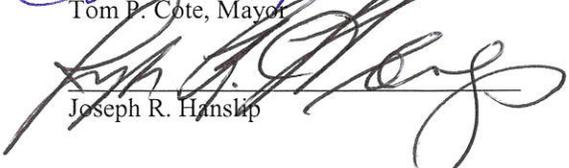
If this Order is not timely complied with and no timely appeal is taken, the Municipal Officers may undertake the ordered corrective action at municipal expense and recover all expenses, including reasonable attorney's fees, by means of a special tax or civil action.

MUNICIPAL OFFICERS OF THE CITY OF SANFORD

Dated: September 18, 2018



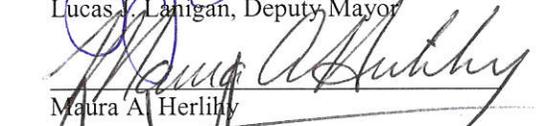
 Tom P. Cote, Mayor



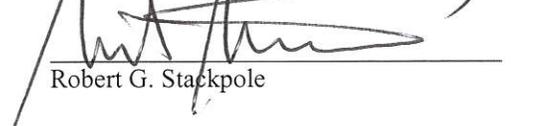
 Joseph R. Hanslip



 Lucas J. Lanigan, Deputy Mayor



 Maura A. Herlihy



 Robert G. Stackpole

Fred W. Smith

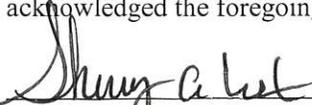


 John L. Tuttle, Jr.

STATE OF MAINE, York County, ss.

Dated: September 19, 2018

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

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

Freeway Investments, Inc.
Todd Johnson, Sr.
259 Minot Avenue
Auburn, Maine 04210

2 BOUGIE LANE, SANFORD, MAINE

On September 18, 2018 at 6:00 PM at City Hall, the Municipal Officers of the City of Sanford, Maine held a hearing to determine whether the structure at 2 Bougie Lane, Sanford, Maine identified as Lot 64A, on Tax Map I29 and further described in a deed recorded in the York County Registry of Deeds at Book 16998, Page 324 is a dangerous building or nuisance within the meaning of 17 M.R.S.A. §§ 2851-2859, and if so, what the appropriate remedy would be. Notice of this hearing was duly served on the owner and registered agent of the corporation by certified mail and advertised in the newspaper on August 31, September 7, and September 14, 2018 when an owner or party in interest is unknown or is not ascertainable with reasonable diligence.

The following persons were present and testified:

- A. City of Sanford Code Enforcement Officer, Jeannie Wood
- B. Property Owner/Representative: None

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

- A. Freeway Investments, Inc. has owned the buildings (the property), since March 5, 2015.
- B. Freeway Investments, Inc. has allowed the buildings to fall into a state of neglect and disrepair because of inadequate maintenance and care.
- C. Since Freeway Investments, Inc. has owned the property, there have been eight property tax liens assessed and six property tax liens discharged on the property and from the liens assessed in 2015 and 2016, \$9,406.38 is owed, as of September 11, 2018.
- D. A responsible party for the vacant building 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 June 2018 by certified mail to the owner and registered agent of the corporation and therefore the building is apparently abandoned as defined in City Code.
- E. 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 as if 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 15, 2016 and lack of electricity.

- F. An exterior inspection on June 25, 2018 found the following violations of City Code § 90-13 et seq., the *International Property Maintenance Code, 2003 (IPMC, 2003)* as adopted by reference:
- Doors shall be maintained in good condition. Section 304.15
 - Exterior property shall be maintained free from excessive plant growth. Section 302.4
 - Exterior walls shall be free from hole, breaks, loose or rotting material, and deterioration. Section 304.6
 - Windows shall be in good repair and weather tight. Section 304.13
 - Structure is unfit for human occupancy because of lack of water and electricity. Section 108.1.3

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

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

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

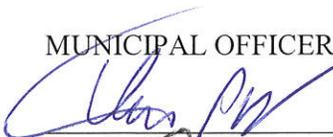
AND BE IT FURTHER ORDERED that, if this Order is not complied with, the City Manager is hereby authorized and directed to ask for bids for the abatement (buildings removal/disposal/securing) of the said dangerous buildings and nuisance.

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

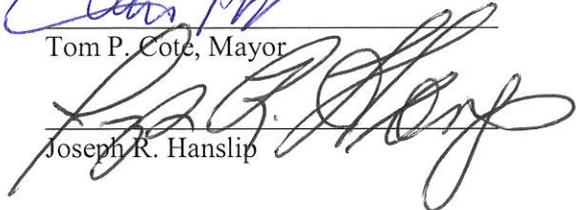
If this Order is not timely complied with and no timely appeal is taken, the Municipal Officers may undertake the ordered corrective action at municipal expense and recover all expenses, including reasonable attorney's fees, by means of a special tax or civil action.

MUNICIPAL OFFICERS OF THE CITY OF SANFORD

Dated: September 18, 2018



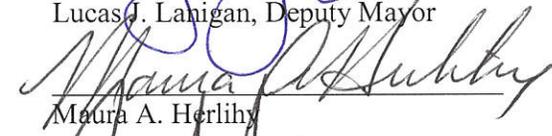
Tom P. Cote, Mayor



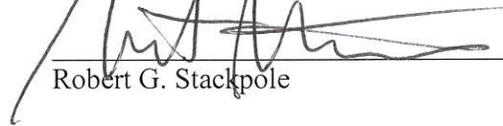
Joseph R. Hanslip



Lucas J. Lanigan, Deputy Mayor

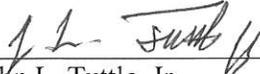


Maura A. Herlihy



Robert G. Stackpole

Fred W. Smith

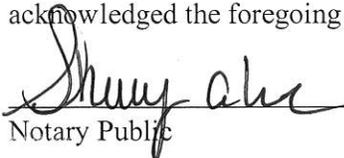


John L. Tuttle, Jr.

STATE OF MAINE, York County, ss.

Dated: September 19, 2018

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

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

Heirs of Robert Putnam Sr.
251 Landing Road
Hampton, New Hampshire 03842

Joe Putnam
14 Malden Avenue
Sanford Maine 04073

TD Bank, N.A. f/k/a Boston
Federal Savings Bank
2035 Limestone Road
Wilmington, Delaware 19808

Stephanie A. Williams, Esq.
Duane Morrris LLP
Two Monument Square, Suite 505
Portland, Maine 04101

Stephanie Albert, Esq.
Barns, Greenfield and Thornton
8 Fundy Road
Falmouth, Maine 04105

16 WEST ELM STREET, SANFORD, MAINE

On September 18, 2018 at 6:00 PM at City Hall, the Municipal Officers of the City of Sanford, Maine held a hearing to determine whether the structure at 16 West Elm Street, Sanford, Maine identified as Lot 9, on Tax Map K31 and further described in a deed recorded in the York County Registry of Deeds at Book 13809, Page 86 is a dangerous building or nuisance within the meaning of 17 M.R.S.A. §§ 2851-2859, and if so, what the appropriate remedy would be. Notice of this hearing was duly served on Stephanie Albert, the special administrator for the estate of Robert E. Putnam, Sr., Stephanie A. Williams of Duane Morris LLP, and TD Bank by certified mail and advertised in the newspaper on August 31, September 7, and September 14, 2018 when an owner or party in interest is unknown or is not ascertainable with reasonable diligence.

The following persons were present and testified:

- A. City of Sanford Code Enforcement Officer, Jeannie Wood
- B. Property Owner/Representative: Joe Putnam

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. Robert E. Putnam Sr. has owned the buildings (the property), since December 16, 2003.
- B. Robert E. Putnam Sr. has allowed the buildings to fall into a state of neglect, disrepair, and dilapidation because of inadequate maintenance and care.
- C. Since Robert E. Putnam Sr. has owned the property, there have been fourteen liens assessed and thirteen liens discharged for non-payment of sewer fees in the total amount of \$1,141.65, as of September 11, 2018.
- D. A responsible party for the vacant building 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, July, and September 2018 by certified mail and therefore the building is apparently abandoned as defined in City Code.

- E. An exterior inspection on September 10, 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:
- Doors and windows are broken and left unlocked;
 - The premises is vacant and it appears as if 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 June, 2018 and lack of electricity.
- F. An exterior inspection on September 10, 2018 found the following violations of City Code § 90-13 et seq., the *International Property Maintenance Code, 2003 (IPMC, 2003)* as adopted by reference:
- Structural members shall be structurally maintained free from deterioration. Section 304.4
 - Accessory structures shall be maintained structurally sound and in good repair. Section 302.7
 - Windows shall be in good repair and weather tight. Section 304.13
 - Structure is unfit for human occupancy because of lack of water and electricity. Section 108.1.3

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

Based on the foregoing findings, the Municipal Officers conclude that the building is dangerous and a nuisance because the building is structurally unsafe, unstable or unsanitary; constitutes a hazard to health or 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 impacts the property value of surrounding properties), and is dangerous to life and property.

THEREFORE IT IS ORDERED that to protect the health, safety, and welfare, the 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;
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MUNICIPAL OFFICERS OF THE CITY OF SANFORD

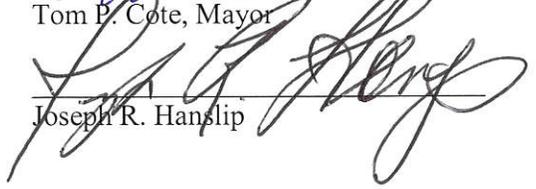
Dated: September 18, 2018



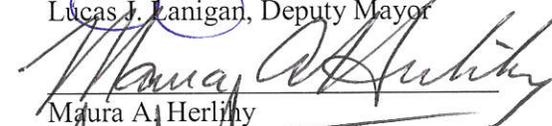
Tom P. Cote, Mayor



Lucas J. Lanigan, Deputy Mayor

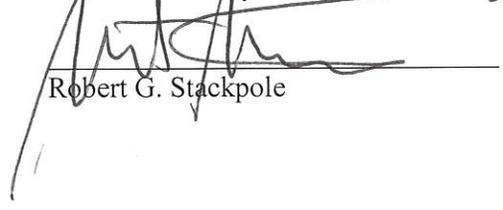


Joseph R. Hanslip

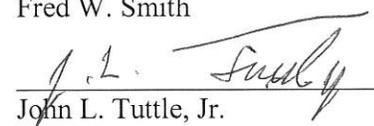


Maura A. Herlihy

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Robert G. Stackpole

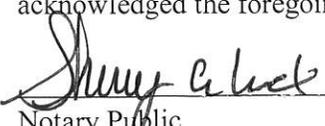


John L. Tuttle, Jr.

STATE OF MAINE, York County, ss.

Dated: September 19, 2018

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