

Town of Northport

Dangerous Building Hearing, Public Hearing, and Select Board Meeting

August 14, 2023 @ 6:15 pm

Chair: Jeanine Tucker

Vice Chair: Breanna Pinkham Bebb

Municipal Officer: Molly Schauffler

Town Administrator: James Kossuth

Finance Director: Vicki Eugley

Town Clerk: Amy Eldridge

Road Commissioner: Amon Morse – not present

NVC Representative: Jeffrey Wilt – not present

Present: Jeanine Tucker, Breanna Pinkham Bebb, Molly Schauffler, James Kossuth, Vicki Eugley, Amy Eldridge, Toupie Rooney, William Kelly, Janae Novotny, Carmen Bombeke, Blair & Beanie Einstein, Beverly Crofoot, Sandra Butters, Paul Dillon, Peter Hunt, Patricia Campbell, Marisa Nopakun, Daniel Mooney, Louise Nadeau, Celine Bewsher.

Dangerous Building Hearing:

Tucker opened the hearing at 6:16 pm. Kelly described the process of the hearing. Kelly had served notice of the hearing to all parties on June 2, 2023. The hearing was originally scheduled for July 10, but was postponed until August 14 by request of the parties.

Kelly explained that the Board will hear the evidence about the building and then make a decision. Kelly explained what the dangerous building statute, MRS Title 17, Section 2851 et seq., requires in order for the Board to determine that the building is dangerous or a nuisance. If the Board finds that the building is dangerous or a nuisance, then the Board may make an order to abate that condition.

Rooney summarized her inspections of the property after receiving complaints, in 2016 and again in 2022. In 2016, she had inspected the building's exterior and determined that no action was necessary. In 2022, she noticed that the building had noticeably deteriorated, and she sent a letter to both owners in April 2022, requiring them to make the building safe within one year. In January 2023, Rooney sent both owners a letter reminding them of their obligation to make the building safe before April 2023. In April 2023, because the owners had not taken any action, Rooney retained the services of Carmen Bombeke at Gartley & Dorsky to conduct a dangerous building investigation.

Bombeke, a senior structural engineer at Gartley & Dorsky, described her background and training, and then summarized her findings from her April 2023 dangerous building report. As a result of her investigation, she deems the building unsafe and structurally unsound.

Kelly asked Bombeke whether the building can be repaired, and Bombeke answered that, with enough money, any building can be saved, and this building would require substantial investment.

Sandra Butters reported that the exterior looks worse than the interior, and that the building is sound inside. She summarized her efforts to have the building repaired, including her conversations with Suydam and Sons in July 2022, when they told her that they could have it done before winter, but then they told her in September 2022 that they could not do the work. In April 2023, she found a contractor who could repair the foundation between May and July. She got quotes from him for two different scopes of work. She reported that because the other owner did not want to pay for that work, and she

could not afford it herself, she could not do it. She reported that she found another contractor in July 2023 to remove the chimney, but the Northport Village Corporation would not allow construction vehicles access to the Village Park in front of the house in the summer.

Butters asked the Board for more time to move forward with a plan to remove the chimney and work on the foundation. She would like to have the chimney removed and start on the foundation work. She would like to have the other owner share the expenses 50/50.

Kelly asked what the Village's position is on the access to the park. Novotny, NVC President reported that the Village requires the Overseers to approve any construction vehicle access to Village property, that the contractors have insurance to cover any possible damage to the Village property, and that the work only happen between October 20 and May 15. The Village provided Butters with the necessary paperwork to fill out, but she did not fill it out completely and the Overseers declined to consider her request at the most recent Overseers meeting.

Schauffler asked Butters about the application, and, specifically, what her plan would be to make the building safe, and when. Butters stated she is not sure of the timeline, but her plan is to remove the chimneys, repair the foundation, and then the porch, all by this fall. Schauffler asked about the cost, and Butters said that \$55,000 would be the cost for the foundation work, but she didn't have a cost for the chimney.

Pinkham Bebb asked if she will be able to pay for the full cost of the repairs if the other owner does not pay for the other half. Butters is hoping to split the cost 50/50.

Tucker asked if her plan is contingent on the other owner paying for 50% of the work.

Dillon, as attorney for James Butters, read the proposed scope of work from the June 25, 2023, quote from Pelletier and Daughters for the foundation work, which was for \$ 91,900.00, and would take an estimated six weeks. Pelletier had also quoted \$62,900 for a more limited scope of work. Kelly marked that proposal as Exhibit E.

Dillon thanked Rooney for her help throughout the process. Butters agreed and said that Rooney has been a very good resource.

Dillon reported that James couldn't find a contractor but when he did find a contractor they wouldn't provide an estimate. Dillon reported that James cannot afford the cost of repairs as provided in the Pelletier estimate and James is on disability. Dillon reported that James had the property appraised, and James would rather sell it than repair it. Dillon would like the Board to give James more time – up to a year – to sell the property.

Dillon produced eight photographs showing support posts that James had installed this summer to try to support the porch. Kelly marked the photos as Exhibit 1 and gave them to Bombeke to review. Dillon confirmed that the posts were resting on the ground without concrete footings.

Schauffler asked when the building was last occupied. Butters said that she has been at the cottage during the summer on and off over the years, but has not really stayed there for some time.

Schauffler asked if Butters knows how much it would cost to repair the cottage completely. Butters replied that her goal is to have the chimney and foundation repaired by this fall. Schauffler stated that

the Board needs to make sure that the building will be safe and how realistic it is that the building can be made safe. She understands the sentimental value.

Kelly suggested that a motion be made to close the hearing.

Tucker motioned to close the testimony part of the hearing at 7:27 pm, seconded by Schauffler. Board voted 3-0, motion passed.

Kelly mentioned that the first decision to make is whether the building is in fact dangerous or a nuisance, and if so, what order to make. Kelly would draft the findings of fact and a proposed order for the Board to review and approve at a subsequent meeting.

Tucker stated that she felt that the pictures show that it is a dangerous building. Schauffler agreed that she has not heard anything tonight that suggested that it is not a dangerous building. Pinkham Bebb agreed that the building met the standards under the statute for finding it to be a nuisance or dangerous. Pinkham Bebb suggested that the two parties have until October 15, 2023, to have a plan, written estimates, and insurance requirements set. Schauffler would like to see a written plan for fixing the building completely, not just the chimney and foundation.

Kelly asked what an alternate plan would be for the owners. Schauffler said that if the Butters would like to sell the property to someone willing to repair it, she doesn't want to prevent that. The Board would like the building to be secured in the next two weeks for the safety of the children in the area.

The Board will continue this hearing to August 21, 2023, at 6:15pm, to finalize and issue the order.

Tucker motioned to continue deliberation on August 21, 2023, at 6:15 pm, seconded by Schauffler. Board voted 3-0, motion passed.

Tucker motioned to close the hearing at 7:43 pm, seconded by Pinkham Bebb. Board voted 3-0, motion passed.

Special Amusement Permit Hearing: Tucker opened the public hearing at 7:44 pm. Kossuth provided the Board with The Hoot's application for a Special Amusement Permit. The Board reviewed the application. Tucker closed the hearing at 7:46 pm. The Board approved the Special Amusement Permit.

Citizen Concerns: None at this time.

Northport Village Corporation (NVC): Novotny reported that NVC had its annual meeting on August 8. The turnout was about 80 voters but less than previous years. All the incumbent Overseers were reelected. She mentioned that if the Town ever needs to use Community Hall for future town meetings, it is available. She mentioned that the Village is very thankful that the Town provided funds to support additional days to pay a lifeguard for 7 days week coverage. She also reported on Bayside Arts events and invited them to join.

Road Commissioner: Kossuth reported on behalf of Morse that Morse has taken some trees down and is working on a list of other trees that need to come down. The list includes some trees on Summit Ave, Shore Road, at the Drinkwater School, and at the sand garage to make room for a new shed for the Harbor Master to store floats and buoys in the winter.

Kossuth also reported that Morse will be repainting the “School AHD” markings on Bayside Road, and that there have not been any significant washouts even with all the rain.

Town Administrator: MCOG Housing Opportunity Grant – Kossuth reported that Midcoast Council of Governments had asked for a letter of support for MCOG’s Housing Opportunity Grant application. The grant will allow MCOG to conduct an in-depth analysis of housing needs in Waldo County, and Northport in particular. The Board agreed that that information would be helpful and approved the letter of support.

Eastside Cemetery Fence / Transfer Station Gate – The fence at the Eastside Cemetery was damaged earlier this year, and Kossuth got a preliminary estimate from Tom Fence to repair it. The Board approved Kossuth going ahead with the repair. Kossuth is scheduled to meet with Tom Fence on Friday, August 25, to get a binding estimate from Tom Fence. The Board suggested that Kossuth ask Tom Fence about an entirely new gate at the Transfer Station, if it is too expensive to fix the existing gate.

Management Discussion and Analysis (MDA) for audit – Kossuth provided a draft MDA for the Board to review. The Board approved it with some edits.

GA audit – Kossuth reported that the Town had a General Assistance audit last week. The auditor had some recommendations for the Town, but found that the Town is in compliance with General Assistance statutes.

Upcoming conferences and events – The MMA Annual Conference is coming up in October, there is a GA training at the end of September, and a bar association real estate institute the first week of September, all of which Kossuth plans to attend.

Waldo County Budget Committee – Dave Kinney, the Town Administrator in Lincolville, spoke with Kossuth and asked if any of the Board wanted to serve on the County Budget Committee, since there is no one running for the open position. No one on the Board can commit at this time.

Joint meeting with Lincolville Select Board – Kossuth reported that September 18, 2023, works for both Lincolville and Northport boards, and asked whether the Board has any topics to put on the agenda. Tucker asked that municipal waste be included. The meeting will be here in Northport.

Recycling Committee – The members of the new Recycling Committee will attend the next meeting to discuss the scope of their work with the Board and begin their work.

Town Clerk: Eldridge provided the minutes from the July 10, 2023, to the Board to review. The Board approved the July 10, 2023, Select Board minutes with corrections.

Finance Director: Eugley provided the Payroll & Accounts Payable warrants to the Board for review and approval. The Board approved the Payroll & Accounts Payable warrants.

Old Business: None at this time.

New Business: Kossuth confirmed the dangerous building hearing for Butters Cottage, 9 North Avenue, will be continued on Monday, August 21, 2023, at 6:15 pm.

Adjourn: *Pinkham Bebb motioned to adjourn the meeting at 8:38 pm, seconded by Schauffler. Board voted 3-0, motion passed.*

Respectfully submitted by,

Amy Eldridge