I. CALL TO ORDER – On Monday, August 1, 2016 at 8:05 p.m. a Council Meeting was held in the City Hall Auditorium.

II. RECOGNITION OF MEMBERS PRESENT – Mayor Roland Michaud recognized the members of the Council and determined that the Councilors present constituted a quorum. Councilors present: David Precourt, Roger Gay, William Doyle, Kevin Roche, Alan Minthorn, Eric Cote and Nathan Johnston. City Administrator Kevin Sutherland was also present this evening.

III. PLEDGE OF ALLEGIANCE

IV. GENERAL

A. APPEAL REGARDING 32 CLARK STREET

Mayor Michaud read the rules of order for the meeting as follows:

Code Appeals Board - Standard Operating Procedures for Appeals
Under the International Property Maintenance Code

The following procedures will be followed for appeals to the City of Saco Code Appeals Board (herein after referred to as "the board" for all appeals under the International Property Maintenance Code (hereinafter referred to as "the code"):

1. Authority of the board to hear appeals is strictly pursuant to Section 111.1 of the code.
   a. Pursuant to Section 111.1, appeals must be filed in writing and be received by the Office of the City Clerk/City Administrator, Saco City Hall, 300 Main Street, Saco, ME 04072 by the close of business on the twentieth (20th) day following notification of a violation by the Code Enforcement Officer. Any fee for the hearing prescribed by the Saco City Council must be paid in full for an appeal to be considered accepted.
   b. Pursuant to Section 111.1, appeals will be heard by the board based ONLY on the following criteria:
      i. "...a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted ..."
      ii. "...the provisions of this code do not fully apply ..."
      iii. "...the requirements of this code are adequately satisfied by other means..."

2. Upon receipt of a proper appeal, a public hearing will be scheduled and advertised in accordance with law and written notice of the hearing and copies of the appeal will be provided to all members of the board.

3. If requested by the Mayor, the City Solicitor or designee will support the Board during the hearing and decision-making process. The City Clerk will record the proceedings of the hearing, but full transcriptions will be ordered only in the event of an appeal to Superior Court under Maine Civil Rules of Procedure Rule 80-B and the appellant shall pay any required fees as prescribed by the Saco City Council under the Cost Recovery Ordinance.

4. Procedure for Hearings:
   a. Roll call of board members shall be made. Order shall be maintained at all times by the chairperson. Only the appellant, witnesses and a representative from the Code Enforcement Department may testify before the board.
   b. Pursuant to Section 111.4.1 of the Code, only relevant information may be presented to the board, and the board shall deem what is relevant.
   c. The Code Enforcement Officer shall present the case to the board, explaining the nature of the violation, relevant code sections, proof of notice, and response. The Code Enforcement Officer may be assisted by legal counsel, and may call upon city officials and city staff as needed to present the case.
   d. The property owner/affected person shall present his appeal to the board explaining the specific basis of the appeal under the applicable provisions of Section 111.1 of the code.
e. The property owner/affected person shall have the right to question the code enforcement officer and the code enforcement officer may question the property owner/affected person.
f. All witnesses must respond to any and all questions posed by board members.
g. The board may designate its solicitor to pose questions.
h. Following the hearing, the board will vote on each appeal as follows:
   i. Dismiss the appeal for failure to follow procedure, lack of standing, or failure to provide a basis for the appeal under Section 111.1;
   ii. Uphold the action of the Code Enforcement Officer;
   iii. Modify the action of the Code Enforcement Officer;
   iv. Overturn the action of the Code Enforcement Officer.
      i. The decision of the board will be issued in writing to the appellant, to the Code Enforcement Officer, and to the City Clerk/City Administrator, within twenty (20) days of the hearing. Certified mail to the appellant's address of record shall suffice for notice of the board decisions.

5. Copies of this Standard Operating Procedure shall be provided to each appellant prior to the hearing, and shall be available for public inspection in the office of the Chief Clerk/City Administrator.

Councilor Precourt moved, Councilor Roche seconded to adopt the Code Appeals Board - Standard Operating Procedures for Appeals under the International Property Maintenance Code as the rules of operation for this evening. The motion passed with seven (7) yeas.

Councilor Roche called a point of order because he received communication that the Council Meeting was not being streamed on TV and there are other televising issues. Note: It was determined that the meeting was recorded, but not live streamed. He also inquired as to where it specifically said that the Council is the board to hear the appeal? Code Enforcement Officer Richard Lambert referred to the City Code Chapter 163 Property Maintenance, section #3 D – Membership of Board which states that the Council would be the board.

Appeal of Peter Rivard
August 1, 2016
Item commentary

Summary of Appeal
Peter Rivard, 32 Clark Street, Saco is the appellant. Appellant is objecting to the issuance of a finding of Dangerous Premise and order to vacate by the City of Saco Code Enforcement Officer on June 11, 2016. The subject property is owned by Ronald Doe, 32 Clark Street, Saco. The property is located at 32 Clark Street, Saco Tax Map 39, lot211 in the R-1b Low Density Residential District.

Jurisdiction
The authority to hear this appeal is derived from Section 111 of the International Property Maintenance Code/ 2009 edition as adopted by reference in Chapter 163 of the Code of the City of Saco.

Conflict of Interest or Bias
If any member has a potential conflict of interest or bias, it should be disclosed at this point and a decision by the remaining members as to the conflict needs to be made.

Standing
Peter Rivard is a tenant of the building located at 32 Clark Street and is directly affected by the order to vacate.

History
See all evidence submitted by the applicant and from records found in the map/lot parcel in the Code Enforcement Office. The Notice and Order being appealed is was issued on July 11, 2016. The appeal was timely filed by the appellants on July 15, 2016.
Procedures & Hearing
The Board Chair should have the Council adopt the written procedure that will be used to hold this hearing (see appendix A). The Board Chair should open the public hearing and permit the appellant to present his case and submit evidence. After the appellant has had the opportunity to present his case, the Board Chair should allow the Code Enforcement Officer an opportunity to present his case and submit evidence. The Board may wish to question the applicants and/or the Code Enforcement Officer concerning any aspect of the testimony. After the presentations have been made, the Chair should ask if there are any other witnesses that wish to speak on the matter. Any written communications received by the City should be entered into the record before this hearing is closed. After the hearing is complete and the Board has heard all testimony, the Board Chair should close the public portion of the meeting and deliberate the matter.

Deliberations
During deliberations, the Board needs to make certain findings of facts which are those issues that are evident on their face and not in contention, such as the name of the property owner, name of the appellant, the location of the subject parcel, how it is developed and so on. Most of this information is found in the summary and jurisdiction sections above.

Conclusions of Law & Decision
The next phase would be to make conclusions of law. It would be at this point that you would deliberate the case and decide if the decision of the Code Enforcement Officer should be affirmed, modified or set aside in accordance with Code Appeals Board Standard Operating Procedure 1-b. Upon deciding those issues, a motion must be made under one of the four choices shown in 4-h. After the motion is made and seconded, a vote must be taken. A majority vote shall suffice to render a decision.

Adjourn

Code Enforcement Richard Lambert’s Testimony – Mr. Lambert stated that this building has quite a history in his office. It began back in 2014 with some complaints issued by the neighbors concerning a rooming house that was being operated and when we investigated we found that “Our Father’s House” had leased the building and was operating a type of recovery/half way house operation. We didn’t look into it too much further because we believed they were covered under the Fair Housing Act and that was a mistake in our belief. We didn’t pursue it that much until things began to heat up again this year. Mr. Rankin from the General Assistance Office came to me in May advising that a person he had assisted had rented a room at 32 Clark Street and found that after they had rented it they had to pass through a second floor bathroom in order to access their bedroom. That was the only way in and out of their bedroom. When other tenants occupy the bathroom and they need to exit their room they would be locked in until the bathroom occupant is had left the bathroom. I had requested that the Fire Department and I make arrangements for inspection of the building and I was not able to contact the owner at the time and it fell off our radar screen, so to speak for the moment. Until, June 3’ 2016 when we received another complaint from the mother of another tenant who was occupying the same room that Mr. Rankin had talked to me about and the person who he had assisted had moved out and the room was re-rented to another person. She was complaining about the fact that the room was behind the bathroom and that the building had bedbugs in it. We issued a violation to the owner on the 8th citing him for zoning infractions and the life safety code violations that we found in that building at the time. We sent it by certified mail to the owner but it was returned as unclaimed. On the following day we received another complaint from the residents of 34 Clark Street which is the same building on the other side of the firewall advising that they had bedbugs. Between June 11 and 12th I received 8 separate e-mails from Mr. Rivard outlining steps he had taken to rid the building of bedbugs. The cleaning operations that he had taken and the un-cooperation he was experiencing with the owner of the building. With the assistance of the City Attorney on June 13th we filed a notice of land use violation with the York County Registry of Deeds so that we would be placing anyone that might have a interest in purchasing the property that the building had violations. They violations outlined within that notice were contained in the letter that we sent Mr. Doe, the owner of the property on the 8th. On June 22nd I was visited by the owner who advised that he again had hired Bugsy’s Pest Control to handle the bedbug infestation and that Mr. Rivard was preventing the exterminator from entering his part of the building.
Without access to the entire building, any treatment of bedbugs would be ineffectual. I advised Mr. Doe that I would contact Mr. Rivard and ask that he cooperate with the exterminator. I telephoned Mr. Rivard and he advised that he did indeed refuse to allow Bugsy into his unit since he could not produce his State license as an exterminator and he was concerned about the type and proper application of pesticide in his unit. On the following day June 23rd I received an e-mail from Mr. Rivard indicating that the building's occupancy was again over 3 outsiders which moves it from a classification of single family to a rooming house. Three people f the demarcation line that classifies buildings under the life safety code. On June 28th we wrote a letter to Mr. Doe after speaking with him in person that we would set-up a full inspection of the building on July 6th at 2:00 p.m. I requested that he advise each of the tenants of this inspection so that we could have access to all portions of the building. On about July 1st the building went up for sale. A real estate sign was put in front of it. On the 6th we performed a full inspection of the building and that included myself and the Fire Department and it resulted in a list of deficiencies of notice which are the subject of the appeal here tonight. Mr. Lambert presented photos that document some of the findings that they came across during their inspection.

Smoke Detector with battery removed.

Electrical panel-Improperly terminated wires, board wide open.

Another improperly terminated wire.

Wires that were cut above the circuit breaker panel.

Picture of window in bedroom behind the bathroom. Inadequately sized and doesn’t meet the egress requirements under today’s code.

Smoke detector removed from its housing.
Door to the room behind the bathroom. This is the only door into that bedroom.

Another smoke detector that was missing from its housing.

This is what the tenants were using to eliminate the bedbugs.

Third floor bedroom with inadequate sized window.

The other window that was side by side to the window in the picture before. A wall was built in between to create 2 rooms and there is only one access way to the third floor bedrooms.

Exterior stairway. Tread and riser are rotted.

Mr. Rivard accompanied us throughout the entire inspection directing comments to both I and Deputy Chief Pendleton making many accusations towards the owner who also accompanied us. I advised Mr. Rivard that I would come and speak with him separately after our inspection was complete but he insisted on following us. Among statements he made during the inspection he questioned how the city could permit people to live in such conditions. I learned later that the owner had served Mr. Rivard with a Notice to Quit and also determined that Mr. Doe has on occasion been occupying the travel trailer parked near his garage. That was another one of the code violations that we found early on in 2014. I consulted with both the City Attorney and Fire Chief and Deputy Fire Chief as to the next steps that we were to take after I reviewed and listed some of the code violations we had found and we were all in agreement that the building should be vacated for the safety of the occupants and that was on the 8th of July. On the 11th of July the letter was finished and delivered in hand to the owner and each tenant in the
building and if the room was not occupied we left a copy of the letter at the door of the bedroom. Each bedroom
has its open hasp and padlock on it on the outside. I returned to the building to see if it had been vacated on the
18th and I found that most of the occupants had in fact vacated but there were still 3 that had not according to Mr.
Rivard. Mr. Rivard had posted a notice on his door, a copy of which is in your package, the 3 photographs. I took
that as an appeal to my notice to vacate the structure. The notice that Mr. Rivard wrote was dated July 15th and a
transcription of that notice was sent to Mr. Sutherland and the Mayor on the same date. On the 18th Mr. Sutherland,
Mr. Johnston, and Emily Roy who is the Administrative Assistant to Mr. Sutherland received various e-mails from
Mr. Rivard on this matter as well. We pretty much continued to receive inquiries from the Councilors because
apparently e-mails were being forwarded to the Councilors concerning our actions regarding this property. On the
29th of July I advised Mr. Rivard of the scheduled hearing tonight, so he received notice of this. Just today I
received another complaint from the tenant at 34 Clark Street indicating that she was attempting to relocate
however, the bedbug infestation was becoming a big problem and she didn’t want to take the bedbugs with her to
wherever she was relocating to. So I spoke to Mr. Doe this evening to see if we could make arrangements to get an
exterminator to at least take care of that problem in that unit. The International Property Code that we have adopted
is a basic regulatory tool that we use to enforce minimum property standards for the city. It is a model code that is
written and maintained by International Code Council it is changed every 3 years. We have adopted the 2009
edition and every 3 years there is a code cycle that is changes the code and listens to different proposals to make
amendments to that code. This is used internationally but mostly throughout the United States. I am the Chairman
of the body that listens to those changes for the United States. I’ve been on this particular panel for 12 years now.
So I’m very familiar with what is contained in this code and it is kind of near and dear to my heart. The letter that I
sent on July 11th as you can see has a number of serious violations that were discovered during our inspection is
apparent. Despite our repeated request to cease operating this building as a rooming home the use is still ongoing.
These notices of violation go back quite a few months. As many of your know the fire at 24 Noye Street in
Portland were several people perished, was occupied in a very similar fashion to this one. Zoning does not permit
boarding homes in this district, but even if it did there are missing smoke detectors as you saw in the photographs in
several of the bedrooms, many of the rooms do not have adequate egress size windows and the building is not
equipped with a fire alarm as required by new rooming and boarding homes. There are several major electrical and
code deficiencies as you saw and although currently unoccupied there is only one way out of the third floor
bedroom which is down an opening to a set of stairs and the windows in those bedrooms do not meet the standards.
The same goes for the finished basement space at the rear of the building. There is only one way in and out of that
space and that is through the interior set of stairs. The windows in the basement are standard windows, they are not
egress windows. Mr. Rivard advised me that until recently his space had been rented out to 2 occupants. As you
may recall a recent fire on Main Street in Biddeford which resulted in 2 deaths had a one way in and out of that
living space as well. I take my job very seriously and I weigh the decisions to vacate properties thoroughly. It
always boils down to the safety of the residents of the building. If god forbid the building ever catches fire and
those residents cannot safely escape the present conditions that I know existed and did not meet the minimum codes
I would find it pretty impossible to live with myself and conscience. Mr. Rivard is an occupant of the building and
certainly has standing to appeal my decision but he does not have permission of the owner to undertake the repairs
necessary to make the building code compliant. I’ll ask Mr. Doe to testify to that later on in the proceedings if the
Council wishes too.

The following are exhibits from the Council packet.
RE: Occupant Appeal regarding 32 Clark Street

On July 11th a letter was submitted to the property owner of 32 Clark Street (Appendix A) from Code Enforcement Officer Richard Lambert. According to the state Property Maintenance Code, any person directly affected by a decision of the code official shall have a right to appeal is filed within 20 days after the date of decision notice or order was served.

City Council and staff received several emails and a posting (Appendix B) on July 15th which is being considered an application for appeal. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

Under the same code, the appeals board (council) has to hear the appeal within 20 days and therefore we are calling a meeting of council after the workshop to hear the appeal and make a decision.

City of Saco
Inspection Department
Saco City Hall
300 Main Street
Saco, Maine 04072-1538

Richard Lambert, CBO, Code Enforcement Officer
Telephone: (207) 284-6983
Fax: (207) 283-8202
Email: rlambert@sacomaine.gov

July 11, 2016

Mr. Ronald Doe
32 Clark Street
Saco, Maine 04072

RE: Notice of Violation, Finding of Dangerous Premises. 32 Clark Street, Saco, ME. Tax Map 39, lot 211.

Dear Mr. Doe:

As you know, the City has been investigating a complaint concerning the operation of a lodging and boarding house in the single family apartment owned by you and located at 32 Clark Street, Saco. This occupancy is occurring on the left side of the building and this letter applies only to that portion of the building. On July 6, 2016 I performed an inspection of the east side of the building that is being operated as a boarding/home and was accompanied by Deputy Fire Chief David Pendleton and two Firefighters from the Saco Fire Department. The following is a report of our findings:

1. As indicated in previous letters to you dated November 4, 2015 and June 8, 2016, the use of this building as a boarding/home is not permitted by the Saco Zoning Ordinance, Section 410-1, Permitted and Conditional Uses in the R-1 Low Density District. The use of this building as a boarding/home must cease immediately.

2. The rear basement had numerous improperly terminated live wires and exposed live wires in a circuit breaker which constitute a shock hazard. In addition, the circuit breaker panel cover is missing thereby exposing the buss bar and energized components, also causing a shock hazard. This is a violation of the City of Saco’s Property Maintenance Code, Section 604.3, Electrical system hazards. Properly terminate and remove unused electrical wiring, secure circuit breaker panel cover to electrical distribution box to prevent shock hazard.

3. The smoke alarm in the rear basement is not properly secured to the ceiling and is supported by the power wires of the unit. Properly secure the smoke alarm to the ceiling or wall as per the manufacturer’s installation instructions.

4. There was what appeared and smelled like cat feces on the floor of the utility room under the stairs in the rear basement. This is a violation of Saco’s Property Maintenance Code, Section 305.3, Interior surfaces. Properly dispose of the cat feces and sanitize the area using a disinfectant solution.

5. Although at the time of our inspection no one appeared to be occupying the rear basement space, it appears that the space was arranged for occupants in the past. Information from your building manager also indicates that the space was recently used for human habitation. This space does not have an adequate second means of escape and cannot be used for human habitation.

6. The sump pump in the rear basement is piped directly into the sanitary plumbing lines and discharges to the municipal sanitary sewer system. This is a violation of the Saco City Code, Section 176-30 which prohibits the discharge of stormwater into the sanitary system. Disconnect the sump pump from the sanitary plumbing and discharge the stormwater into an approved stormwater system or directly to the exterior of the building.

7. The smoke alarm in the living room outside of the sleeping area designated as the manager’s sleeping area was missing the battery back-up. This is a violation of Saco’s Property Maintenance Code, Section 704.3. Power Source (for smoke alarms). Provide battery for the unit.
8. The front basement area has an unlawful accumulation of discarded mattresses & boxsprings. This can contribute fuel to a fire (fire load) and create noxious and toxic smoke. **Dispose of used and discarded bedding.**

9. The bedroom designated as “Room 2” has access only through the second floor bathroom and can be locked from the outside (from the bathroom side) preventing exiting from any occupant within the bedroom. All bedrooms within the occupancy appear to be fitted with exterior hasps and padlocks which can be used in such a manner as to prevent exiting from any occupant within the bedroom. This is a violation of the NFPA 101 Life Safety Code, Section 26.2.3.5.1. **Discontinue the use of bedroom 2 as a sleeping room and remove all hardware located on the exterior of bedroom doors that can be used to prevent exiting by an occupant.**

10. There was no smoke alarm in the front bedroom marked “Room 1”, the manager’s bedroom or room 6 on the third floor. This is a violation of Saco’s Property Maintenance Code, Section 704.2, Smoke Alarms. **Provide an AC powered smoke alarm with battery backup in all sleeping rooms.**

11. Rooms designated as “5” and “6” on the third floor do not have adequate emergency escape windows. This is a violation of the NFPA 101 Life Safety Code, Section 26.2.1.2. **Provide compliant emergency escape windows or discontinue the use of the rooms.**

12. As a Lodging or rooming house, the provisions of the NFPA Life Safety Code Section 26.3.4.1.1 requires that the building is provided with a manual fire alarm system and occupant notification in accordance with Section 9.6 of the same code. This building does not have such a system.

13. As a Lodging or rooming house, the provisions of the NFPA Life Safety Code Section 26.3.5.2 requires that the doors leading from the bedrooms to the corridor have no louvers or operable transoms in corridor walls. The rooms on the third floor are fitted with transoms above the doors which do not comply with this requirement.

14. As a Lodging or rooming house, the provisions of the NFPA Life Safety Code Section 26.2.2.1 requires that the walls separating the sleeping rooms from the stairway and corridor have a minimum ½ hour fire resistance rating, with all openings protected with smoke-actuated automatic-closing or self-closing doors having a fire resistance comparable to that required for the enclosure. The construction of the walls and doors within the occupancy does not meet this standard.

15. As I have indicated to you in a letter I sent you on July 30, 2014, the Saco City Code, Chapter 169 prohibits the occupation of recreation vehicles or campers on private property. It has been reported to the City by your building manager that you presently occupy the camper parked near the garage. During my inspection of the premise, I found that the camper was connected to the power supply in the garage. **You must discontinue the use of the camper as living quarters immediately.**

16. It has been reported to the City and evidence on site indicates that there is an infestation of bedbugs within the unit. This is a violation of the Saco Property Maintenance Code, Section 309.1. **You must hire a professional exterminator to eradicate the bedbugs.**

As this building lacks proper safeguards for fire-resistance ratings of exits, number of exits, fire protection systems and a dangerous electrical system, I am declaring this side of the building to be a dangerous premises. As such this side of the building is condemned and declared unfit for human occupancy. This side of the building must therefore be vacated by Friday, July 15, 2016 at 3 pm. At that time, the City will post this building as Condemned and order it to be vacated immediately. Any person who shall occupy a placarded premises and any owner or any person responsible for the premise who shall let anyone occupy a placarded premise shall be liable for penalties provided by Title 30A MRS, § 4452. A copy of this notice is being provided to all occupants of this building as well as to your local manager.

Any person failing to comply with a notice of violation or order served in accordance with Section 107 of the Property Maintenance Code shall be deemed guilty of a civil infraction and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violations, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of the Property Maintenance Code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.
Any person directly affected by a decision of the code official or a notice or order issued under the Property Maintenance Code shall have a right to appeal to the board of appeals (the Saco City Council), provided a written application for appeal is filed within 20 days after the date of decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

If you have any questions on this, please contact me at any of the methods listed above.

Sincerely,

Richard Lambert, CBO
Code Enforcement Officer
Local Health Officer
City of Saco, Maine

C: Occupants, 32 Clark St.

David Pendleton
Deputy Fire Chief
City of Saco, Maine

Kevin Sutherland

From: Peter Rivard <privard@my.com>
Sent: Friday, July 15, 2016 2:15 PM
To: Mayor
Subject: Richard Lambert’s unlawful decision to condemn and vacate 32 Clark street SACO

Richard Lambert CEO for the City of Saco has delivered a Notice of Violation, and finding of dangerous premises to 32 Clark st in Saco. This is not legal. He has not adhered to lawful or correct procedure. He has previously inspected these premises many times in the past and has even inspected them in the past couple of weeks. Prior to the inspection referred to in this notice, I have personally shown Mr. Lambert around the house and he expressed no concerns, nor did he offer any suggestions. He has preposterously gone from no guidance, no stipulations to the landlord, Mr Ronald P Doe, to a bizarre Condemnation and order to vacate on four days notice. There is nothing structurally wrong with this house. He has deemed the other half of the house to be sound. There has been no mention of demolition. The 16 points addressed in the notice ARE ALL WELL WITHIN REACH OF COMPLIANCE AND MOST CAN EASILY BE ACCOMPLISHED WITHIN ONE WEEK. It seems that rather than inconveniencing the landlord in any way, he chooses to put innocent tenants out into the streets. I have a right to appeal this decision within 20 days of the notice, and I assert my right to do so. My name is Peter G Rivard and I am a tenant at 32 Clark st. I have been here a year and acted as house manager, per Mr Does request, until the end of June. At this time I asked Mr Doe to take appropriate measures to eradicate an infestation of bedbugs. When I insisted I was fired. At this time I was also sending several emails to Mr Lambert. He was encouraging but did not choose to answer any of inquiries for guidance. The language in the notice is such that I fear for my safety. IF ANY PUBLIC OFFICIALS OR PUBLIC SERVANTS OF THE CITY OF SACO ATTEMPT TO INTIMIDATE HARASS OR INTERFERE WITH OR PHYSICALLY RESTRAIN MY PERSON, EITHER AT THE BEHEST OF MR LAMBERT OR INDEPENDENTLY, THE CITY OF SACO SHALL BE HELD LIABLE, AND EACH SUCH PERSON SHALL ALSO BE HELD LIABLE PERSONALLY. I will also post this on my door. I will be sending manners in which all the Code infractions may be abated. I will also be suggesting a trust fund of $10,000. Dollars to be set up. It will be fully funded, by me, immediately. It will be dispersed solely and exclusively by the (entire) Saco city council. It will be used exclusively to pay for work and supplies to address code violations and only code violations. None of if may be used towards any tax liens. Peter G Rivard call or text at (207) 502 3809. You have my email and you know my address. Thank You
6) It becomes increasingly difficult not undertake speculation as to Mr Lambert's motives in seeking a condemnation, vacation, and placarding as opposed to imposing repairs and a timetable on the landlord.
7) In his capacity as C.E.O. Mr Lambert has been here several times in the past, included recently. I showed him around the house and he expressed no concerns at this time.
8) There is an alarming deficit of housing for the disenfranchised, and people with considerable challenges are often rendered homeless.
9) Thus far Mr Doe has chosen to collect substantial rent, yet refused to provide even cleaning supplies.

Sent from myMail for iOS

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10) Ronald Paul Doe in perpetuating fraud in a number of ways, not the least of which is claiming I have not paid due rent for six months. This is quite demonstrably false as I shall document fully at 8:30 AM on July 22nd in public court. I have paid for July in full and (not for the first time) offered to pay a few months in advance with a view to aiding in any efforts at abatement.
11) One way or another it seems that the hard working taxpayers of Saco will unfairly be burdened while the appropriate party bears no reccriminations.

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11) I propose a solution wherein the taxpayers and the municipality will not be unduly burdened and the code violations will be abated. Also the loss valuation and ignominious result of neighboring a boarded, condemned property can be averted. Also not to be overlooked is the undeniable impact this scenario would have on valuation tax due to the City. I propose a fund of up to ten thousand (10,000.00) dollars that A) Will be administered exclusively by the entire City Council. B) No amount therein may be used on anything whatsoever that is not entirely specific to abatement of specific municipal code violations. C) None of the fund shall be used toward any tax liens or other purposes. D) If any agent is deemed appropriate and expeditious toward overseeing the undertaking it may not be Mr Lambert. E) I shall be entitled to peruse all receipts applicable. F) I will endow the fund and this same amount shall be applied towards my rent. G) The entire amount of this fund is on deposit with the Bank Of America, Saco branch, and is immediately available. H) My rent has been $600.00 per month, other than when I was working 60 hours a week as house manager. Mr Doe has a check already for July. I will know by tomorrow whether it has been cashed yet.i) My rent of six hundred dollars per month shall be reduced to five hundred dollars per month during the period of fulfillment of the undertaking described herein. At that time it will revert to $600. once again. Mr Doe was offered a choice between cash or check for July. Regards G.P. Rivard
LEGAL POST
DO NOT REMOVE

JULY 15 2016

(PeRTRON) PETER RIVARD

TENANT AT 32 CLARK ST
MAINE

I HAVE THE CIVIL RIGHT
TO APPEAL THE NOTICE
OF JULY 11TH BY SACK CEO.
RICHARD LAMBERT PERTAINING
TO THIS PROPERTY.

I HAVE A RIGHT TO FILE
(WITHIN 30 DAYS OF NOTICE)
AND APPEAR BEFORE THE
SACK CITY COUNSEL.

THEY HAVE ALL BEEN NOTIFIED
AS HAVE SACK P.D. ADMINISTRATION
THIS PROPERTY, IS NOT SUBJECT
TO DEMOLITION.

IT DOES NOT MEET
THE CRITERION FOR
CONDEMNATION.

68% PERCENT OF THE
POINTS MADE (1 THROUGH 16) 1-16
CAN BE FIXED
WITHIN ONE WEEK.

All CODE ISSUES CAN BE
ABATED WITHIN A REASONABLE
TIME FRAME AS DETERMINED
BY THE CITY COUNSEL.
ANY ATTEMPT TO INTIMIDATE, HARASS, OR RESTRAIN, OR PHYSICALLY INTIMIDATE MY PERSON WHETHER AT THE BEHEST OF MR. LAMBERT, MR. DUG, OR ANY CIVIL OFFICER, BY POLICE OR ANY OTHER CIVIL SERVANTS SHALL RESULT IN A LIABILITY SUIT AGAINST BOTH THE CITY OF SACO AND ALSO INDEPENDENTLY AGAINST THE INDIVIDUAL.

I HAVE ADDRESSED EACH AND EVERY STATUTE.

I HAVE OFFERED A TRUST FUND OF $10,000 DOLLARS TO BE DISPERSED SOLELY BY THE SACO CITY COUNCIL TO ABATE ANY AND ALL CODE ISSUES.
July 15, 2016

GONTRAN PETER RIVARD

OFFER OF TRUST ENDOWMENT TO CITY OF SACO AGAINST FUTURE RENT BUT AVAILABLE IMMEDIATELY. OFFER $10,000.00 TEN THOUSAND.

CAVEAT: MAY BE USED ONLY BY SACO CITY COUNCIL.

MAY BE USED ONLY TO RE-DRESS AND ABATE CODE VIOLATIONS AT 32 CLARK ST SACO.

MAY NOT BE USED IN SERVICE OF ANY TAXES OR TAX LIENS.

G. Peter Rivard
Mr. Rivard’s Testimony – Mr. Rivard clarified that the house was a 3 unit home. It has been rented out by Mr. Doe since 2004 which is the year in which he purchased the house and prior to that Mr. Roger Jalbert who is the inspector for the City of Biddeford was the owner of the house and he also rented it out parts of the house back then. It is a house and units 32 & 34 have two numbers by virtue of having that firewall and it was built in the 1800’s as a single family house but very large. It is subsequently separated into 3 approved units. So the issue is with the #32 part of the building and not, well there are other issues with the building absolutely, but that is what we have focusing on the #32 side of the building. I’m absolutely in accord with everything Mr. Lambert said, but I do have to clarify just a couple of things. 1) So it doesn’t look like this is a sorta retribution but it is a retribution but it is in the other direction because the Writ to Quit was nonsense just because I was the person who voiced the first complaints and I can document everything that I’m saying to you. I was the first person that voiced the complaint, raised the issue and insisted that something be done about the bedbugs. I insisted that after a number of days that had to be addressed, I was relieved of being the house manager and when I say relieved I mean relieved. So that has been judicator in court already on the 22nd which I’m sure Mr. Doe was in hopes that I would be in transit or on the street or something by the 22nd because so many actions were taken to have me moved out of my house, my space, my room so that I couldn’t even make an appearance on the 22nd and it was adjudicated in my favor completely because he was fraudulently claiming and in a public document, claiming that I owed 6 months of rent which is preposterous. I have never owed a penny in Maine and I have never owed in mortgage payments. I have paid all my life for that. I can document that. His case is open and I went back and then the next thing I get is a notice and it is very interesting to vacate. I would be remiss if I did not point out that Mr. Lambert whom I like very much had previously been in my presence and seen allot of what the problems are. So one would have hoped that this could have been a mirror and so more advanced notice of some kind even on Mr. Doe’s behalf that would have suggested what the possibilities or ramifications are and what had to be achieved for him to meet the barriers of the code. But whatever he may or may not have gotten, I sent a certified mail to him and he never picks it up because he doesn’t live in the house, he was living in the RV in the driveway and that was his, he still collects the mail but he doesn’t pick it up. You can’t get him to get a certified letter or anything because he won’t pick them up so you can’t be in contact with him that way. So I do understand Mr. Lambert’s problem in communicating with him but he has managed to personally connect with him because I have been there when it has happened. So nobody else had any concept what-so-ever that things were going to, it went from no guidance at all, no suggestions to me the house manager and I lived as a tenant and paid several months in cash in advance as a tenant there because Mr. Doe expressed to me that he was 4 days away from losing CMP, 4 days away from running out of oil and 4 days away from a foreclosure instituted by the City of Saco pertaining to a bill of $6,000 which he owed to the sewer company. Out of my concern for that and having just arrived I believed him and I advanced the money for him and further took it upon myself to go with him down to try to negotiate some kind of a concrete deal with the sewer company and the city so that he wouldn’t be foreclosed upon but he could make payments and then hopefully add onto those payments. He made the absolute minimum payments and never made any progress ad the thing that is very disturbing to me is that in the situation that I found myself I was fully aware of exactly what he Mr. Doe was making out of this house. It was $6, 372 a month from renting either side at the point in which I had began helping him because he pleaded with me for weeks to me to try to do this and that was not what I was interested in doing. I did not want to take this on but he spoke allot about Christianity and religious beliefs and I was swayed by that and I was fully convinced and he was in such dire straits he asked for assistance and when I started to view things properly and I realized this doesn’t add up he is making over $6,000 income and he is not paying you know a CMP bill or oil bill or any of the bills it didn’t add up. It was not correct. So I just wanted to state that as a view to my reputation as far as the order to quit that was just to get me out of his hair. I respect Mr. Lambert very much and I have enjoyed his company and I think he is a fair person but I think that over the course of the years he has probably, one would imagine the Mr. Lambert had some pre-existing relationship with Mr. Jalbert given that they both have the same job. It goes without saying that he has known Mr. Doe for quite a long time. You can understand an attempt to go for moderation. But to go from moderation all the way to condemnation is not an approach that anybody can deal with. Even Mr. Doe if given a concrete time table and persuasion enough and patience enough would make an effort to try and abate the code violations. Pertaining to the notice of the code violations delivered to tenants and landlord by Richard Lambert, CEO for the municipality of Saco dated July 11, 2016 there is no dispute that there is several code violations which must be abated. The 3 units located at 32 Clark have a solid foundation and is structurally sound. Condemnation does not stem from a claim of
eminent domain. Demolition has not been proposed thus the sole purpose remains the abatement of violations. This may be achieved by the City of Saco undertaking for the purposes of the abatements the work and then charging the landlord Ronald Doe for the work via a proper lien maybe. It is not equitable for a landlord to run up properties at a substantial profit yet appear to be unwilling to make any investment what-so-ever in abating code violations or performing standard maintenance. The 16 points of the notice may be adequately satisfied without resorting to condemnation and in fact some issues have already been rectified. 1) Section 410.1 as respect to the R1 Zone has been abated. There are only 3 units occupied on the #32 side of the house; 2) Section 604.3 with respect to the basement which will be remediated as soon as it is fixed by an experienced electrician; 3) Said electrician can spend 20 minutes to fix that smoke alarm down there; 4) The cats and their owners have long since departed and the entire area has been disinfected; 5) The basement is no longer used for rental accommodations period; 6) Section 176.30 pertaining to the discharge of stormwater must be addressed by a licensed plumber and I suggest a time frame of not than 2 weeks for Mr. Doe to achieve that; 7) Pursuant to 704.3 a battery will be provided by me for that unit. I have already bought all the cleaning materials, the mop, disinfectant because there was absolutely nothing in there. No soap, it was just incredible; 8) The front basement area has been cleared of discarded mattresses and box springs; 9) As provided for in the National Fire Prevention Association 101 Life Safety Code Section 26.2 .3 .5. I has been met. The tenant in unit #2 has moved into the code appropriate unit #4. Also all hasps and locks have been removed as per, well all hasps, no most of the hasps and all the padlocks have been removed as per Mr. Lambert’s instruction. Unfortunately that leaves no, your room is not locked you have no way to lock your room and the room doesn’t function to the street, parking lot. So people can roam by and come into your room if you are not there and it has happened: Room 1 and both #6 require some alarms in order to be in compliance with Section 704.2 of the Saco City Code. This is a very reasonable request and implementation is not complicated; Rooms 5 & 6 of the third floor are now in compliance with the NFPA Code 101, 26.2.1.2 they have both been vacated. It is in compliance 12) As this building is no longer a lodging or rooming house the NFPA Section 9.6 is not in effect. That’s it; 13) The rooms with transoms are vacant; 14) No longer applicable because of the same reason for the same room; 15) Regarding Saco City Code Chapter 169 the recreational vehicle has been removed from the property; 16) And this is the one near to my heart because I couldn’t live with the bedbugs and that is what started all this. I just could not live with them. A professional exterminator must be hired to apply heat treatment in order to eradicate all phases of bedbug infestation including eggs. The exterminator must own a license to practice in Maine and have liability insurance and willing to give you his name and not charge $200 for a $2,400 job. It has to be done the whole house. So he has used this person in the past and that is why is keeps happening to be done because it is toxic and if anything the bedbugs move to another room or to the other side. You have to do the whole house. I asked for that. I threw out some mattresses because they were so crawling infested I just couldn’t ask a human to sleep on it and I took them of my own volition out and put 3 of them out next to Mr. Doe’s truck with the view he would take them to the dump. No sooner do I go upstairs to the send floor I’m scrubbing and bleaching and cloroxing and I look outside and Mr. Doe is dragging the mattresses and box springs I just threw out, back into the house. So, the exterminator must have a license and he must also possess liability insurance. He must be able to show both on asked by a tenant. The landlord has not responded to this infestation despite previous repeated requests to do so. The city has the discretion to go and apply sanctions against Mr. Doe should he choose not to cooperate in this effort to abate and adhere to the city code enforcement authority. There is an addendum created by myself: 1) Pursuant CMP Section 308.2.2 dictate that a non functioning refrigerator such as that being stored in the basement common area must have its doors removed; 2) Pursuant to IPMC and contradiction to the section 403.51 the exterior door from the parking lot does not have functioning lock and the result is that any passer-ways, visitors or trespassers may enter the house at any hour and enter any room. So, for the record my rent is pre-paid and it was paid, he just kept onto the check until he needed it I guess because he cashed it. But it is always paid. Even again in court on the 22nd once again I offered to pay several months in advance which would have given him hopefully beginning to address some of these issues. Allot of these things can be addresses just by any form of will what-so-ever and allot of them are not that expensive. As most of you know if expense is the problem I have offered a solution to the problem which is extraordinarily generous of myself and that still remains in effect with one addendum to the offer that I made and that # G is deleted, completely deleted. Other than that it remains the same offer. Thank you very much.

---------------------------------------End of Mr. Rivard’s Testimony ---------------------------------------
At this point there was a question and answer period.  (Note: In the Standard Operating Procedures that were approved at the beginning of the hearing, the City Clerk will record the proceedings of the hearing, but full transcriptions will be ordered only in the event of an appeal to Superior Court under Maine Civil Rules of Procedure Rule 80-B and the appellant shall pay any required fees as prescribed by the Saco City Council under the Cost Recovery Ordinance.)

TABLE – Councilor Gay moved to table this item. The motion was not considered due to a lack of a second.

Councilor Doyle moved, Councilor Johnston seconded to accept the CEO’s findings and move forward.

AMENDMENT - Councilor Cote moved Councilor Johnston seconded to extend implementation of the final action until the close of business on Friday and the parties are to sit down and mediate which they agreed to do with respect to Unit #34. The motion passed with five (5) yeas and two (2) nays – Councilors Gay and Doyle.

Mayor Michaud called for a vote on the main motion with the amendment. The motion passed with seven (7) yeas.

X. ADJOURNMENT

Mayor Michaud adjourned the meeting with the unanimous consent of the Council at 9:49 p.m.

Attest: __________________________
Michele L. Hughes, City Clerk