



**GARDINER CITY COUNCIL  
AGENDA ITEM INFORMATION SHEET**



<b>Meeting Date</b>	01/19/2022	<b>Department</b>	City Council
<b>Agenda Item</b>	4.a) Consideration to accept Gardiner City Council's resolution declaring 235 Water St. a dangerous building		
<b>Est. Cost</b>			

<b>Background Information</b>	
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<b>Requested Action</b>	"I move to accept Gardiner City Council's resolution declaring 235 Water St. a dangerous building."
<b>City Manager and/or Finance Review</b>	Acting City Manager approves the above action.
<b>Council Vote/ Action Taken</b>	
<b>Departmental Follow-Up</b>	

<b>City Clerk Use Only</b>	1 <sup>st</sup> Reading _____	Advertised _____	<b>EFFECTIVE DATE</b> _____
	2 <sup>nd</sup> Reading _____	Advertised _____ w/in 15 Days	
	Final to Dept _____	Updated Book _____	Online _____

**CITY OF GARDINER**

**Resolution of the Gardiner City Council on January 19, 2022, Regarding a Dangerous Building Located at 235 Water Street and Authorized Remedial Actions**

**WHEREAS**, the building located on 235 Water Street, Gardiner, is in significant disrepair, structurally unsound, and in need of immediate corrective action; and

**WHEREAS**, the building was involved in a fire in July of 2015 that resulted in the complete removal of the abutting property to the south. Since the fire, little work has been done to the building to address the deterioration, bowing, fire damage, and lack of maintenance of the floor, roof, and wall framing which has created a substantial public safety hazard; and

**WHEREAS**, the building is located in the downtown area of Gardiner within a designated Historic District;

**WHEREAS**, the City recognizes the desire to maintain continuity in the downtown façade and maintenance and protection of historic features and character, but also that public safety is an important consideration in addressing the building at 235 Water Street; and

**WHEREAS**, the City has attempted to work with the owner of 235 Water Street over an extensive period of time to remedy the dangerous building conditions and these efforts to date have not resulted in a complete resolution; and

**WHEREAS**, the City has placed parking barriers outside the building to prevent the public from parking near the building due to the risk of falling debris; and

**WHEREAS**, the City initially consulted with A.E. Hodsdon Consulting Engineers to provide a report dated October 7, 2020, which describes observations of the dangerous condition of the building made during their site visit on September 24, 2020; and

**WHEREAS**, the City held a meeting on April 26, 2021, with the owner of 235 Water Street and abutters to the building as well as the City’s Code Enforcement Officer; and

**WHEREAS**, the City has previously closed the outdoor dining space owned by Gerard’s Pizza, which is adjacent to the building at 235 Water Street, due to concerns of brick debris falling from the building and concerns for diners should the debris continue to fall near the outdoor dining patio; and

**WHEREAS**, by notice dated August 3, 2021, the City provided the owner with a demand letter as a last attempt to satisfactorily address the building’s dangerous condition to potentially avoid formal legal action; and

**WHEREAS**, the City further consulted with Wentworth Partners and Associates to provide a detailed October 15, 2021, engineering structural evaluation report of 235 Water Street, attached to this resolution as Exhibit A (“the Wentworth Report”); and

**WHEREAS**, the Wentworth Report describes the severe and pervasive deterioration of the building concluding that that the building is considered unsuitable for any purpose and that the disrepair is considered dangerous; and

**WHEREAS**, the Wentworth Report sets forth options to address the dangerous building conditions described therein taking into account structural considerations with adjacent buildings and other property owners; and

**WHEREAS**, the City has shared the Wentworth Report with the owner, who has engaged in discussions with the City Solicitor for potential resolution of the dangerous building conditions; and

**WHEREAS**, in the judgment in the City Council, the City of Gardiner has made reasonable attempts to have the owner address the dangerous conditions; and

**WHEREAS**, the City Council desires to adopt this Resolution to provide a summary of the steps the City has taken to date to address the building located on 235 Water Street, and to authorize further actions, including legal actions if necessary, to provide resolution of the dangerous conditions.

**NOW THEREFORE, IT HEREBY IS RESOLVED**, That the City Council, based upon the above, finds the building located at 235 Water Street is a dangerous building; and

**BE IT FURTHER RESOLVED**, That the City Solicitor is hereby authorized to take any and all measures necessary and appropriate to resolve the dangerous conditions of the building located at 235 Water Street, including without limitation taking all necessary legal actions in court; and

**BE IT FURTHER RESOLVED**, That the City Code Enforcement Officer in his judgment may continue to take all necessary and appropriate actions to protect the public health, safety, and welfare consistent with the laws and regulations of the City of Gardiner and State of Maine.

Dated this 19<sup>th</sup> day of January, 2022, in Gardiner, Maine.

**GARDINER CITY COUNCIL<sup>1</sup>**

\_\_\_\_\_  
**Patricia Hart, Mayor**

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**Kerstin Gilg**

\_\_\_\_\_  
**Colin Frey**

\_\_\_\_\_  
**Marc Rines**

\_\_\_\_\_  
**Rusty Greenleaf**

\_\_\_\_\_  
**Kathy Brown**

\_\_\_\_\_  
**Timothy Cusick**

<sup>1</sup> Councilor Terry Berry recused himself from any consideration, discussion, or vote on this Resolution.



# CLASSIFIED

Tuesday, January 11, 2022

## Public Notices

Public Notices are a permanent and independent record of government and court actions. These include state and local government meetings, rule making, available contracts, zoning changes, and many more, as required by law. In addition, parties to some court proceedings, such as foreclosures, probate, and estate actions are required to publish notices to ensure notification of affected parties, as well as the general public. These notices also alert business owners, large and small, to potential government contractual jobs, helping to ensure economic activity across a level playing field. Public notices have existed to ensure transparency in all levels of government since the founding of the United States.

State and local notices are published in Maine newspapers and are also recorded at mainenotices.com, where anyone can browse or search notices, and sign up to receive email alerts when relevant notices appear.

## ANNOUNCEMENTS

## Public Notices

### Public Notice

#### City of Gardiner Notice of Public Hearing

The City of Gardiner will hold a Public Discussion on January 19, 2022 at 6pm in the City Council Chambers at City Hall 6 Church St Gardiner, ME.

There will be a public discussion regarding an update on 235 Water St. City Tax Map 037 Lot 127 in the Traditional Downtown District.

For more information please contact interim City Manager Anne Davis at [adavis@gardinermaine.com](mailto:adavis@gardinermaine.com)

### Public Notice

#### Kennebec Valley Community College

is requesting bids for the supply and delivery of various electrical technology supplies for educational purposes. To request an RFP email [efortin@kvcc.me.edu](mailto:efortin@kvcc.me.edu) All Bids must be received no later than January 21, 2022 by 3:00 p.m. Envelopes to be marked "Electrical

## Public Notices

metal and replace windows on the Christian Education Wing, Assessor's Map 34 Lot 109. Located at 9 Church Street in the Winthrop Street Historic Overlay District.

3. Application of Roy Miller for the Augusta Boys & Girls Club for building mounted signage at the Augusta Teen Center facing Water Street, Assessor's Map 34 Lot 57. Located at 244 Water Street in the Water Street Historic District.

### Public Notice

#### NOTICE OF PUBLIC SALE

Notice is hereby given that in accordance with the Stipulated Judgment of Foreclosure and Sale entered September 29, 2021, in the action entitled LoanDepot.com, LLC v. Mary J. Page, by the Maine District Court, Division of Skowhegan, Docket No. SKODC-RE-19-25, wherein the Court adjudged the foreclosure of a mortgage granted by Mary J. Page, mortgagor, to Mortgage Electronic Registration Systems, Inc., as Mortgagee, as nominee for LoanDepot.Com, LLC, its successors and/or assigns, dated February 17, 2017 and recorded in the Somerset County Registry of Deeds in Book 5135 at Page 317, the period of redemption having been waived by the mortgagor, a public sale of the property described in the mortgage will be conducted on February 10, 2022 commencing at 10:00 AM at the Office of Brock & Scott, PLLC, 190 U.S. Route One, 2nd Floor-Rear, Falmouth, ME 04105. The property is located at 100 Salisbury Road, Canaan, ME 04924, in Somerset County, reference as described in said mortgage

## Public Notices

purchase price shall be paid within thirty (30) days of the public sale. In the event a representative of LoanDepot.com, LLC is not present at the time and place stated in this notice, no sale shall be deemed to have occurred and all rights to reschedule a subsequent sale are reserved.

Additional terms will be announced at the public sale.

LoanDepot.com, LLC by its attorneys, Brock & Scott, PLLC  
John Michael Ney, Jr, Esq.  
Sonia J. Buck, Esq.  
1080 Main Street,  
Suite 200Pawtucket,  
RI 02860

### Public Notice

#### NOTICE OF PUBLIC SALE

Notice is hereby given that in accordance with the Judgment of Foreclosure and Sale entered August 27, 2018 in the action entitled U.S. Bank National Association, as successor in interest to Bank of America National Association, successor by merger to LaSalle Bank National Association, as Trustee for GSAMP Trust 2007-HE1, Mortgage Pass-Through Certificates, Series 2007-HE1 v. Jeffrey J. Reny and Ellen M. Reny, by the Waterville District Court, Docket No. RE-17-85, wherein the Court adjudged the foreclosure of a mortgage granted by Jeffrey J. Reny and Ellen M. Reny, to Mortgage Lenders Network USA, Inc dated November 10, 2006 and recorded on November 15, 2006 in the Kennebec County Registry of Deeds in Book 9146, Page 80, the period of redemption having expired, a public sale of the property described in the mortgage will be conducted on

**February 10, 2022 at 10:00 AM At Holiday Inn by the Bay, 88 Spring Street, Portland, Maine**

## Public Notices

P.C., which deposit is non-refundable as to the highest bidder. The balance of the purchase price shall be paid within sixty (60) days of the public sale. In the event a representative of the mortgagee is not present at the time and place stated in this notice, no sale shall be deemed to have occurred and all rights to reschedule a subsequent sale are reserved. If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the deposit paid. The Purchaser shall have no further recourse against the Mortgagor, the Mortgagee or the Mortgagee's attorney.

This property will be sold as is. Additional terms will be announced at the public sale.

U.S. Bank National Association, as successor in interest to Bank of America National Association, successor by merger to LaSalle Bank National Association, as Trustee for GSAMP Trust 2007-HE1, Mortgage Pass-Through Certificates, Series 2007-HE1 by its attorneys, Bendett & McHugh, P.C.

30 Danforth Street, Ste. 104  
Portland, ME 04101  
207-221-0016

### Public Notice

On Tuesday, January 25, 2022, at 7:00 p.m. at the Elm, 21 College Avenue, Waterville Planning Board will meet to consider the following:

Ware Butler is requesting rezoning for assessor parcels 48-195 and 52-17, 20 and 24 North Street, from Residential-D to Commercial-A. Ware Butler proposes to use those two lots for parking or an office. This review is in accordance with Section 7.1 of the Zoning Ordinance.

### Public Notice

## Public Notices

payment of real estate taxes. Sealed bids will be accepted until 2pm, Friday January 28, 2022 at which time they will be publicly opened and read. Interested bidders may obtain bid documents on the City of Gardiner website or at City Hall in Gardiner. Questions may be directed to Tax Collector Kathleen Cutler @ (207) 582-2223. Sealed bids shall be submitted and accepted at:  
City of Gardiner  
Tax Collector's Office  
6 Church St  
Gardiner, Maine  
04345

## Lost & Found

FREE JVC 4 standing stereo speakers 1 works, 1 needs work. 582-5421

## SERVICE DIRECTORY

### Carpentry & Remodeling

**B. RODERICK** Free Estimates. Call 680-0647  
[roderickcontracting.com](http://roderickcontracting.com)

### Coal Oil & Wood

**A.W. ALLEN FIREWOOD**  
Cut-Split-Delivered  
623-6002

## Coal Oil

**FIREWOOD** delivered (1 Vouche Discover J & M L. Call 6:

**HARDWOOD** length 4 \$100/cc

## Handyp

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## Painting Paper

**MAINEP** Interior p prices! F Kitchen ed too. z

**THE HOU** Husband 20 yrs. e: estimate

## Roofing Gutters

**HI-TECH F** new roc Quality an afforc ple A rat sured. W Save the can star 446-6984

## Rubbish

**ANY TRA:** of aparh garages etc. mo services.

