



Memorandum

To: Members of the Select Board

From: Tammy Munson, Code Enforcement Officer

Re: Dangerous Building Hearing
17 Moderation St, Map 010 Lot 036

Date: 01.05.2021

This memo serves as a time frame of activity regarding the above referenced property. Originally on 11.01.2017 this property was deemed a "Dangerous Building" and the owner was given proper notice. No action was taken by either the owner or the Select Board after such determination was found.

In June of 2018, new Select Board members were voted into office and I began employment with the Town in July of 2018. In September of 2018, I reopened this case and sent a new notice of violation. At that time, the owner's son, Eric, did respond and came in and met with me regarding the property. He stated he would mitigate the violation by removing the foundation and filling in the hole. He proceeded to have an excavator moved to the site in order to perform the work he had committed to.

During the winter of 2020, I visited the site again to find it remained in the same condition. Towards the end of summer in 2020, once the Town was fully operational again after being partially closed for several months due to the pandemic, I visited the site again and sent the owner his last and final notice dated 10.06.2020.

In December of 2020, I contacted the Select Board and requested they schedule a "Dangerous Building" hearing in accordance with State law for this property. A Notice of Hearing was served on 12.16.2020 by the York County Sheriff's Office. Below is a time frame of applicable notices and actions regarding the property.

- 05.11.2017 - First Notice sent
- 06.13.2017 - Second Notice
- 09.05.2017 - Final Notice sent
- 11.01.2017 - Property found to be a dangerous building and ordered to remove it
- 09.28.2018 - First Notice Sent and correspondence follows
- 02.20.2020 - Took Pictures
- 10.06.2020 - Third Notice Sent
- 10.16.2020 - Dangerous Building Notice Served
- 12.01.2020 - Notice of Hearing Sent
- 12.16.2020 - Served Notice of Hearing

I have attached the above referenced notices, pictures, etc. for your review. You will find the attachments correspond with the above dates.

Town of Hollis
Office of the Select Board
34 Town Farm Road, Hollis ME 04042
Phone: (207) 929-8552 Fax: (207) 929-3686
Web Address: www.hollismaine.org

River Payne

Roger Hicks

Mike Seely, Sr.

May 11, 2017

Mr. Paul Plummer
P.O. Box 1007
Buxton, ME 04093

Re: Unsafe/Nuisance Buildings

Dear Mr. Plummer:

On May 10, 2017, following an inspection of your property located at 17 Moderation Street, Hollis, ME 04042, Map 10, Lot 36, the Select Board has determined that the two buildings which have been partially demolished are dangerous and a nuisance in accordance with State Statute Title 17, Chapter 91, subchapter 4, sub paragraph 2853. (Photos attached)

As such, these partially demolished buildings need to be abated or removed in accordance with the aforementioned State Statute and you are requested to comply with the Town's request as stated above.

In the event that you fail to comply with this request, the Town has the option of removing the dangerous buildings and debris, and all expenses thereof shall be repaid to the municipality by the owner or co-owners within 30 days after demand or a special tax may be assessed by the tax assessor against the land on which the buildings are located.

You will be given 30 days from the date of this letter to contact the Select Board to discuss your plans for resolving these issues.

If you fail to contact the Select Board within 30 days from the date of this letter, a public hearing will be held and with Town approval, a request for a court order will be sought to permit the Town to demolish the buildings on the site.

Please contact the Select Board's Administrative Assistant at 929-8552 ext. 26, with questions concerning this letter and to schedule a meeting with the Select Board regarding this matter.

Sincerely,



River Rayne, Select Board Chair



Roger Hicks, Select Board



Mike Seely, Sr., Select Board

Town of Hollis
Office of the Select Board
34 Town Farm Road, Hollis ME 04042
Phone: (207) 929-8552 Fax: (207) 929-3686
Web Address: www.hollismaine.org

River Payne

Roger Hicks

Mike Seely, Sr.

June 13, 2017

SECOND NOTICE

Mr. Paul Plummer
P.O. Box 1007
Buxton, ME 04093

Re: Unsafe/Nuisance Buildings

Dear Mr. Plummer:

On May 11, 2017, you were notified via registered mail that an inspection of your property located at 17 Moderation Street, Hollis, Maine, Map #10, Lot #36, the Hollis Select Board has determined that the two buildings which have been partially demolished are dangerous and a nuisance in accordance with State Statute Title 17, Chapter 91, subchapter 4, sub paragraph 2853. (Photos attached)

You were requested to remove these unsafe structures in accordance with the aforementioned State Statute.


To date, you have not complied with the Town's request, nor have you contacted the Code Enforcement Officer for guidance as requested by the Select Board in response to your inquiries.

In the event that you fail to comply with this request, the Town will seek civil action through the Superior Court in Alfred Maine to obtain a court order to remove the dangerous buildings and debris.

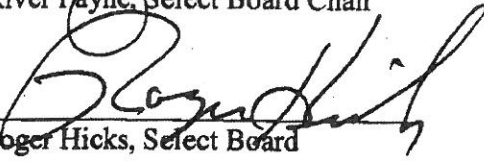
Any and all expenses thereof shall be repaid to the municipality by the owner or co-owners within 30 days after demand or a special tax may be assessed by the Town's Assessor against the land on which the buildings are located.

Please contact the Town's Code Enforcement Office, Bob Cyr at 838-7580 or the Select Board by July 14, 2017 to discuss your plans for resolving these issues. The Administrative Assistant to the Select Board can be reached at 929-8552 ext. 26 to schedule an appointment.

Sincerely,



River Payne, Select Board Chair



Roger Hicks, Select Board



Mike Seely, Sr., Select Board

/enclosures

Town of Hollis
Office of the Select Board
34 Town Farm Road, Hollis ME 04042
Phone: (207) 929-8552 Fax: (207) 929-3686
Web Address: www.hollismaine.org

Roger Hicks

Mike Seely, Sr.

Rita Perron

September 5, 2017

FINAL NOTICE

Mr. Paul Plummer
P.O. Box 1007
Buxton, ME 04093

Re: Unsafe/Nuisance Buildings – Tax Map 10, Lot 36, 17 Moderation Street

Dear Mr. Plummer:

On July 6, 2017, per discussion/conversation with Amy Shalney and the Hollis Select Board regarding the removal of brick remnants of the building structure located at 17 Moderation Street, Hollis, Maine, Tax Map 10, Lot 36, Ms. Shalney advised that the owner of the property, her father Paul Plummer, would be removing the remnants of the brick building shortly.

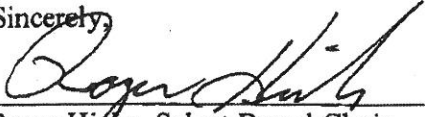
Ms. Shalney was advised that a demolition permit would have to be obtained from the Town Code Enforcement Officer (CEO) before the building is removed. Ms. Shalney was also informed that the Select Board would pause on any legal action until she had a chance to speak with the CEO and then let us know what plans and time frame were expected for the removal of the building structure.

To date, there has been no indication shown that the structure has or is being removed, nor has anyone contacted the CEO or Hollis Select Board regarding the demolition of the structure.

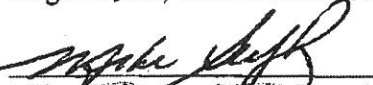
This is a FINAL NOTICE. If there is no plan of action communicated to the Hollis Select Board within 30 days of the date of this letter, legal action(s) will be taken to have the structure removed by the Town. Any and all expenses thereof shall be repaid to the municipality by the owner or co-owners within 30 days after demand or a special tax may be assessed by the tax assessor against the land on which the buildings are located.

Please contact the Administrative Assistant to the Select Board at 207-929-8552 extension 26 to arrange a meeting with the Select Board to discuss your plans for resolution within 30 days of the date of this letter. Thank you for your cooperation in this matter.

Sincerely,



Roger Hicks, Select Board Chair



Mike Seely, Sr., Select Board



Rita Perron, Select Board

FINDINGS AND ORDER

Pursuant to 17 M.R.S.A. §§ 2851-2859

(Dangerous Buildings)

TO: Paul Plummer
P.O. Box 1007
Buxton, Maine 04093

On November 1, 2017 at 7:00 PM at the Hollis Town Community Building, the Hollis Board of Selectmen held a hearing to determine whether the building owned by you on 17 Moderation Street, and shown on Map #10, Lot #36, of the current Tax Maps of the Town of Hollis is dangerous or a nuisance within the meaning of 17 M.R.S.A. § 2851. Notice of this hearing was duly served on you as the owner and on all parties in interest.

The following persons were present at the hearing and testified:

None

The following evidence was presented to the Selectmen and is part of the record:

Letters to the owner and photos of the unsafe building.

Based on testimony and the evidence presented and made part of the record, the Board of Selectmen finds the following facts:

The partially demolished building is unsafe, unsuitable for occupancy and a danger to the public.

Based on the foregoing findings, the Board of Selectmen concludes that the building/structure is dangerous or a nuisance because:

The entire building presents a danger to the community due to potential collapse of the structure and the major hole in the ground in the center of the partially collapsed structure.

Therefore, pursuant to 17 M.R.S.A. § 2851, you are hereby ORDERED to:

Within 90-days of this order, completely demolish the structure, remove all debris and fill in any and all depressions/holes to make the lot safe.

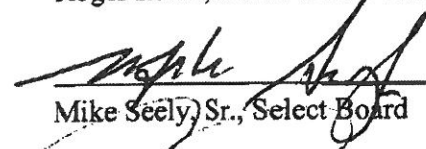
This decision may be appealed to Superior Court under the Maine Rules of Civil Procedures, Rule 80B.

If you fail to timely comply with this Order and no timely appeal is taken, the Town may undertake the ordered corrective action at the Town's expense and recover all expenses, including reasonable attorney's fees, by means of a special tax or civil action.

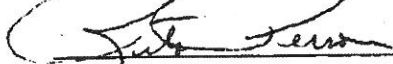
Dated: November 22, 2017

Hollis Select Board

Roger Hicks, Select Board Chair



Mike Seely Sr., Select Board

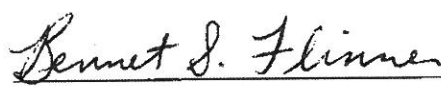


Rita Perron, Select Board

STATE OF MAINE
York County, ss.

Dated: November 22, 2017

Personally appeared before me the above-named Mike Seely, Sr. and
Rita Perron, and each
acknowledged the foregoing instrument to be his/her free act and deed.



Notary Public / Attorney at Law

BENNET S. FLINNER
NOTARY PUBLIC
State of Maine
My Commission Expires
March 22, 2024

TOWN OF HOLLIS, MAINE



Code Enforcement Department
Hollis Town Office
34 Town Farm Road
Hollis, Maine 04042

Tammy Munson, Code Enforcement Officer
Phone: (207) 929-2251
Email: CEO@hollismaine.org

September 28, 2018

Plummer Associates
P.O. Box 1007
Buxton, ME 04093

RE: 17 Moderation Street. Tax Map 10, Lot 36
Certified Receipt #7017066000087879631

DANGEROUS BUILDING NOTICE

Dear Mr. Plummer,

On September 26, 2018, a follow up inspection Dangerous Building Order from the Town of Hollis was conducted at the property located at the above referenced location. **Your structure has been deemed unsafe and MUST BE DEMOLISHED WITHIN TEN(10) DAYS FROM THE DATE OF THIS NOTICE.** The following conditions are in violation of Section 16 Dilapidated/Unsafe Buildings and Structures of the Town of Hollis building code:

VIOLATIONS:

1. This property has been deemed hazardous, dangerous to any person entering the property, structurally unsound and dilapidated.

The following is from the Town of Hollis Building Code:

Section 16: Dilapidated/Unsafe Buildings and Structures

Notice of Unsafe Buildings or Structures:

Upon determining that a building or structure or portion thereof is unsafe, the Code Enforcement Officer shall serve or cause to be served on the owner, or some one of the owners, executors, administrators, agents, lessees or other persons who may have a vested or contingent interest in the same, a written notice containing a

Page Two

description of the building or structure or portion of which is unsafe, and an order requiring that the same to be made safe and secure or removed, as may be deemed necessary by him.

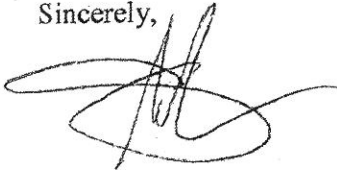
If the person to whom such notice and order is addressed cannot be found after diligent search, then such notice and order shall be sent by certified or registered mail to the last known address of such person; and a copy of such notice shall be posted in a conspicuous place on the premises to which it relates. Such mailing and posting shall be deemed adequate service.

Hearing:

Any person having a legal interest in the unsafe building may request that the Selectmen hold a public hearing within thirty (30) days of the notice being issued. Notice of the hearing shall be given in ample time to allow public attendance.

Failure to vacate and secure the premises will result in court action and legal fees. You have the right to appeal this decision to the Town of Hollis Appeals Board pursuant to Section 14 within thirty (30) days of the date of this letter. Please contact the Town of Hollis Code Enforcement Office at 207 929-2251 if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'Tammy Munson', written over a horizontal line.

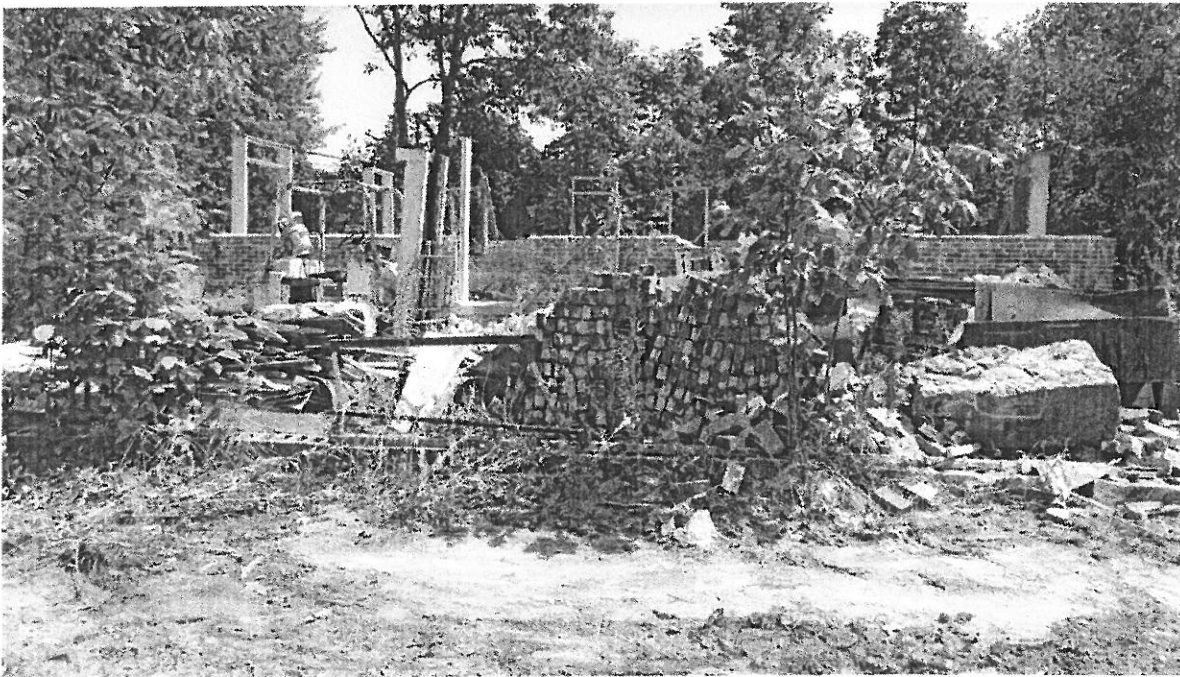
Tammy Munson
Code Enforcement Officer
Town of Hollis

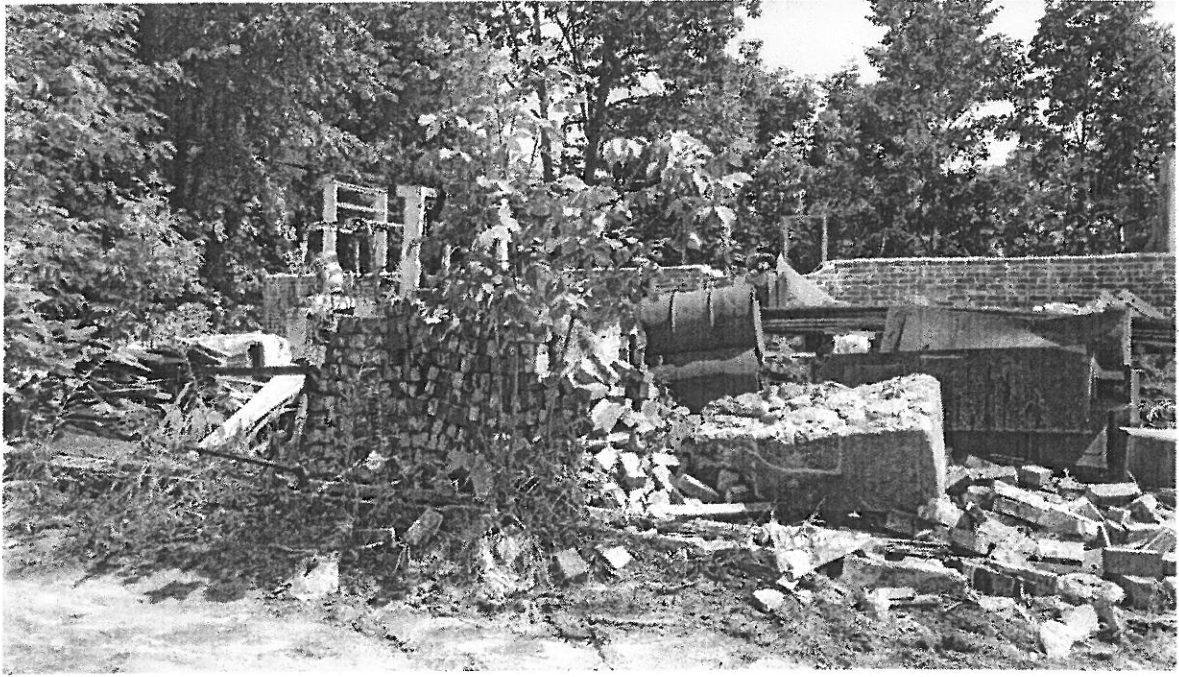
Enclosures

cc: Town of Hollis Appeals Board

17 MODERATION STREET

(MAP/LOT 10-36)











17 MODERATION STREET

M/L 10-36

2/20/2020



TOWN OF HOLLIS, MAINE



Code Enforcement Department
Hollis Town Office
34 Town Farm Road
Hollis, Maine 04042

Tammy Munson, Code Enforcement Officer
Phone: (207) 929-2251
Email: CEO@hollismaine.org

10.06.2020

Plummer Associates
P.O. Box 1007
Buxton, ME 04093

RE: 17 Moderation Street. Tax Map 10, Lot 36
Hand Delivery by Process Server

THIRD NOTICE DANGEROUS BUILDING NOTICE

Dear Mr. Plummer:

On 10.06.2020, a follow up inspection of the Dangerous Building Order from the Town of Hollis was conducted at the property located at the above referenced location. **Your structure has been deemed unsafe and MUST BE DEMOLISHED WITHIN 10 DAYS FROM THE DATE OF THIS NOTICE.** The following conditions are in violation of Section 16 Dilapidated/Unsafe Buildings and Structures of the Town of Hollis building code:

VIOLATIONS:

1. This property has been deemed hazardous, dangerous to any person entering the property, structurally unsound and dilapidated.

The following is from the Town of Hollis Building Code:

Section 16: Dilapidated/Unsafe Buildings and Structures

Notice of Unsafe Buildings or Structures:

Upon determining that a building or structure or portion thereof is unsafe, the Code Enforcement Officer shall serve or cause to be served on the owner, or some one of the owners, executors, administrators, agents, lessees or other persons who may have a vested or contingent interest in the same, a written notice containing a description of the building or structure or portion of which is

unsafe, and an order requiring that the same to be made safe and secure or removed, as may be deemed necessary by him.

If the person to whom such notice and order is addressed cannot be found after diligent search, then such notice and order shall be sent by certified or registered mail to the last known address of such person; and a copy of such notice shall be posted in a conspicuous place on the premises to which it relates. Such mailing and posting shall be deemed adequate service.

Hearing:

Any person having a legal interest in the unsafe building may request that the Selectmen hold a public hearing within thirty (30) days of the notice being issued. Notice of the hearing shall be given in ample time to allow public attendance.

FAILURE TO VACATE AND SECURE THE PREMISES WILL RESULT IN COURT ACTION AND LEGAL FEES. You have the right to appeal this decision to the Town of Hollis Appeals Board pursuant to Section 14 within thirty (30) days of the date of this letter. Please contact the Town of Hollis Code Enforcement Office at 207 929-2251 if you have any questions regarding this matter.

Sincerely,

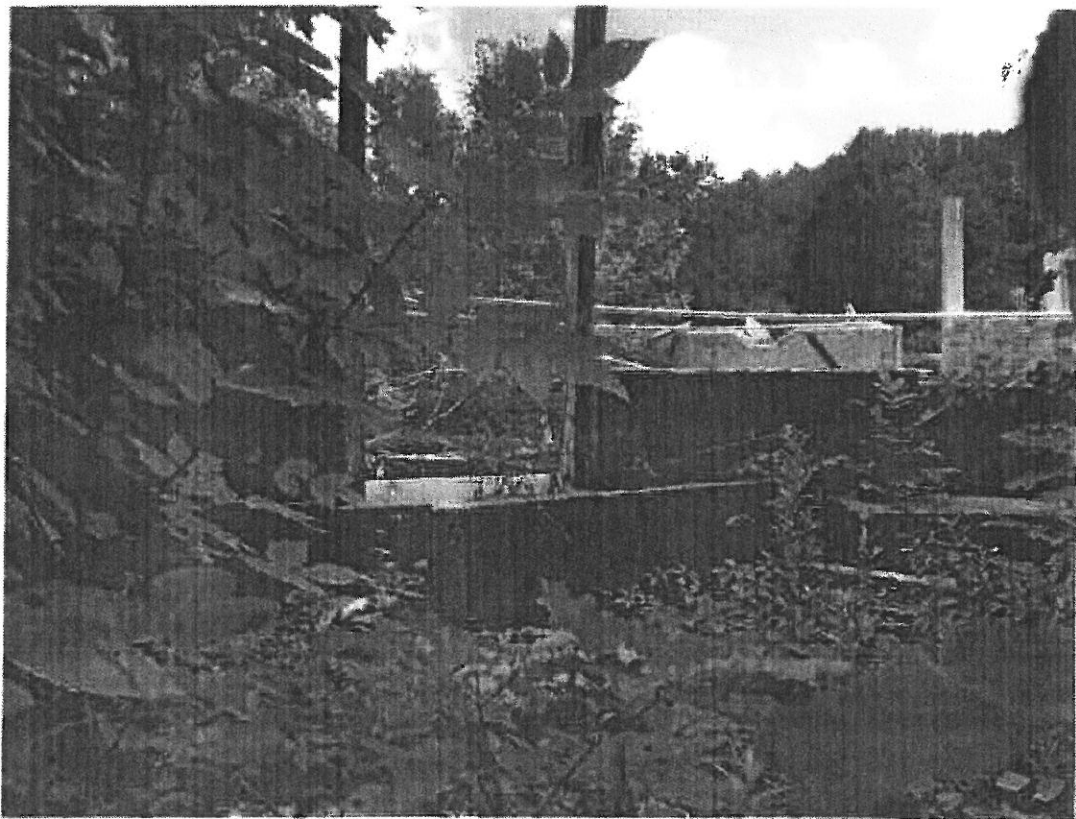
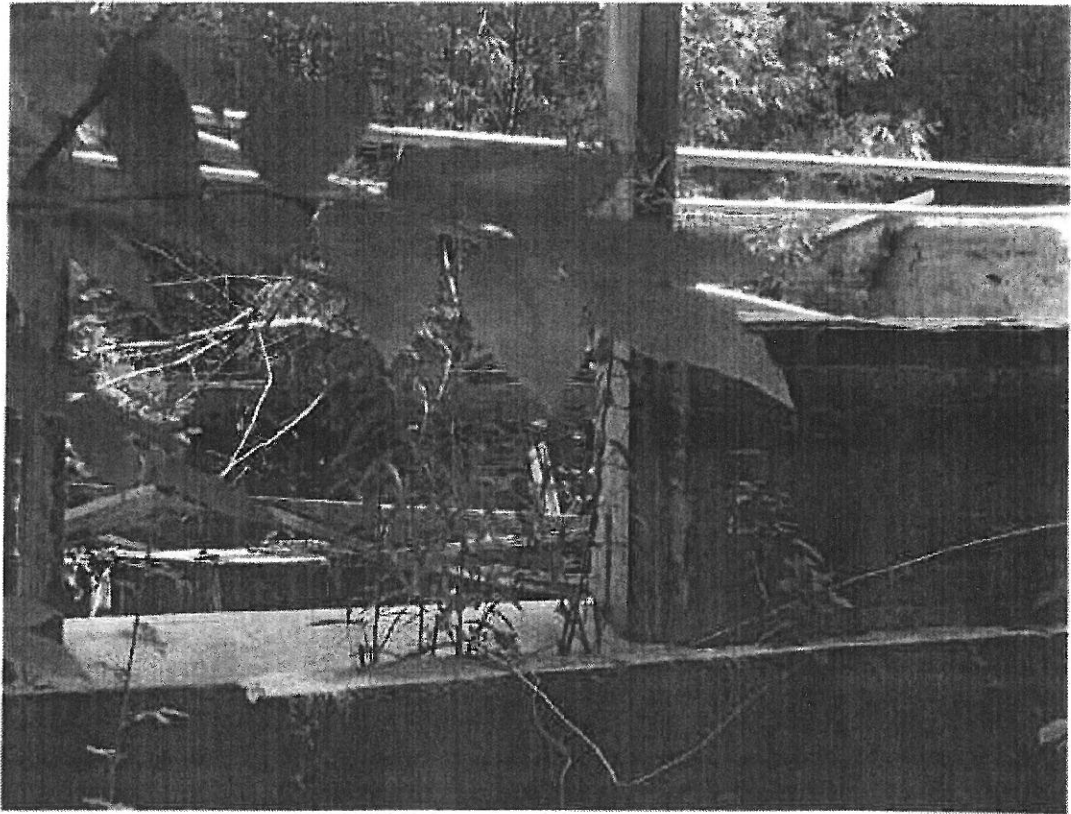


Tammy Munson
Code Enforcement Officer
Town of Hollis

Enclosures

cc: Town of Hollis Appeals Board







YORK COUNTY SHERIFF'S OFFICE

Sheriff William L. King, Jr. CIVIL DIVISION Chief Deputy Thomas Baran



STATE OF MAINE
YORK COUNTY

On the 16 day of October at 1120^{hr} 2020, I have made
Service upon the Defendant Paul Plummer

By delivering a copy of the 3rd Notice Dangerous Building Notice to the defendant in hand at
331 Bonny Eagle Road, Hollis, Me. 04042

By leaving a copy of the _____ with _____,
A person of suitable age and discretion at the defendant's dwelling house or usual place
of abode located at _____

Date: 10-16-20

Mike Heno
CIVIL DEPUTY

One Layman Way, Alfred, Maine 04002 Tel. (207) 324-1113

NOTICE OF HEARING
Pursuant to 17 M.R.S.A. §§ 2851-2859
(Dangerous Buildings)

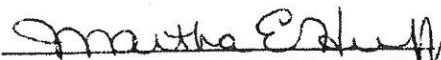
TO: Paul R. Plummer
Route 117
Hollis, ME 04042

P.O. Box 1007
Buxton, ME 04093

You are hereby notified that the Town of Hollis Select Board will hold a hearing on January 6, 2021 at 7:00 p.m. at the Town Office, located at 34 Town Farm Road in Hollis, and via Zoom, the participation information for which is attached hereto, to determine whether the building/structure owned by you located at 17 Moderation Street in Hollis and shown on Map 10, Lot 36 of the current Tax Maps of the Town of Hollis on file at the Town Office, is dangerous or a nuisance within the meaning of 17 M.R.S.A. § 2851.

If the Hollis Select Board finds that the building is dangerous or a nuisance, they may order appropriate corrective action, including but not limited to demolition and removal of the building/structure. If their order is not complied with by the deadline stated in their order and no appeal is taken, the Town may take the corrective action at the Town's expense and recover all expenses, including reasonable attorney's fees, by means of a special tax or civil action. This hearing is your opportunity to present evidence as to why the building/structure is not dangerous and to oppose any corrective action ordered by the Hollis Select Board.

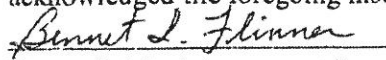
Dated: December 1, 2020


Town Clerk MARTHA E. HUFF

STATE OF MAINE
York County, ss

Date: Dec. 1, 2020

Personally appeared before me the above-named, Martha E. Huff, and acknowledged the foregoing instrument to be his free act and deed.


Notary Public / Attorney at Law

BENNET S. FLINNER
NOTARY PUBLIC
State of Maine
My Commission Expires
March 22, 2024



York County Sheriff's Office, Civil Division

Sheriff William King, Jr.

Chief Deputy Jeremy Forbes

State of Maine
York County,

Date of Service 12/16/2020 AT 1:35 PM

I have this day made service of the NOTICE OF HEARING.

✓ by serving the within named PAUL PLUMMER (in hand)

by delivering a copy to _____
a person of suitable age and discretion who was then residing at Defendant's usual residence.

by delivering a copy to _____
an agent authorized by appointment or by law to receive service of process.

by (other manner or service) _____

The said process was served this day at 331 BONNY EAGLE ROAD, HOLLIS, ME

Mike Hoar
Deputy Sheriff