

**TOWN OF RANDOLPH**  
**BOARD OF SELECTMEN**  
**Tuesday, November 17, 2020**  
**5:00 p.m. PUBLIC HEARING DANGEROUS BUILDING**

***BOS PRESENT:***

**Mark Roberts, Chair**

**Robert Henderson**

**Matt Drost**

***OTHERS PRESENT:***

**Lynn R. Mealey, Town Clerk**

**Greg Lumbert, CEO**

**Art Forand, Public Works**

**John Larouche, Town Attorney**

**Sam Thomas Structural Engineer, Colby Co. Engineering**

**Attorney Angela Hamlin, Legal Services for the Elderly**

**Lisa Danis, resident of Windsor Street**

**Tammy Trask, resident**

**Kyle Plossay, Klienfelder**

**Janet Richards, Treasurer/Tax Collector**

Meeting was called to order at 5:00 p.m. The Public Hearing was opened by Attorney John Larouche, (hereafter referred to as “JL” ) representing the Town of Randolph in the matter of a dangerous building at 34 Windsor Street.

JL: This is a public hearing on the issue of a dangerous building possibility at 34 Windsor Street, Randolph and Greg Lumbert has some information that we would like to get into the record, so why don't I just start that out and hopefully Greg will have the answers that shed some light on this, okay.

Lumbert: You ask the questions and I will have the answers.

JL: Okay, could you please state your name for the record.

Lumbert: Greg Lumbert and my official capacity in this matter is Code Enforcement Officer and Health Officer for the Town of Randolph.

JL: Are you acquainted with the building located at 34 Windsor Street

Lumbert: Yes.

JL: And according to the records of the Town who owns that building?

Lumbert: Robert Rausch

JL: And have you observed this building from the outside?

Lumbert: Yes I have on numerous occasions.

JL: And what did that show?

Lumbert: It shows significant damage, in my opinion, although I am not a certified building inspector. If you sight down one side of the house, it bows out like one of the big interior beams are broken and the rear of the house one of the chimneys is basically level with the roof and it's just a dilapidated old house.

JL: Okay, based on your observations of the building from outside, did the Board of Selectmen ask you to look inside the building for possible hazards?

Lumbert: Yes.

JL: And how did you do that?

Lumbert: Well, eventually, after doing quite a bit of research, I tracked down Robert Rausch's wife - her name is Tracey Brown Rausch and I had a conversation with her about the house and asked her if there was anybody living there and she didn't know but didn't think so, and she agreed to let us in the house for the purpose of a building inspection.

JL: And when you say us, do you know a person named Samuel Thomas?

Lumbert: Yes I do.

JL: And do you know where Mr. Thomas is employed?

Lumbert: I believe it is an engineering outfit out of Portland, Maine.

JL: And did Tracey Brown let both of you into the house?

Lumbert: Yes she did. In addition to that I had Kennebec Sheriff's Office there as a witness also.

JL: Okay and what did you and Mr. Thomas find when you went in the building?

Lumbert: How much time you got?

JL: Just give us the highlights but just make sure you get in everything that you think we ought to know.

Lumbert: The inside of the house for lack of better words looks like a dump and I don't mean just a few things here and there on the floor, I mean there is probably 300 garbage bags full of junk just on the first floor. And you look into the bathroom and the flush itself is halfway through the floor and you go down in the cellar and you look and there is no tube for it to drain into the sewer.

JL: And to the best of your knowledge does the building have any water supply?

Lumbert: No, and I did some research on that and it hasn't had any water for approximately two years.

JL: And you determined that with the Town?

Lumbert: No with the Gardiner Water District.

JL: Okay and well so that no one in the house could take a shower, could wash anything because they didn't have any water is that correct?

Lumbert: That's correct.

JL: Now what if a person found a way to flush the toilet, where would the waste go?

Lumbert: On the cellar floor.

JL: So it's not connected to any pipe that goes into any sanitary sewer?

Lumbert: That's correct.

JL: To the best of your knowledge does the building have any electric power?

Lumbert: It did initially, now it does not. I noticed three meters on the side of the house.

JL: Okay, on the basis of well, can you tell me what date you did this inspection with Mr. Thomas?

JL: And if you can't recall I can give you something to refresh your recollection.

Lumbert: I spoke with Sam..... September 21, 2020.

JL: So you did this inspection on September 21, 2020?

Lumbert: That's correct.

JL: And did Mr. Thomas report to you on that?

Lumbert: He did, he sent an e-mail right off that day I believe and a couple days later he sent a final report which I believe you have.

JL: What I would like to do is to introduce into the record for the Town, the e-mail that came from Mr. Thomas to the Town on September 21<sup>st</sup> 2020.

*Mr. Larouche passed out copies of the report to all parties of record. Angela Hamlin from Legal Services for the Elderly entered the meeting. She is the attorney of record representing Mr. Rausch in another matter. She was at the meeting as Mr. Rausch's proxy.*

JL: Now the e-mailed opinion from Samuel Thomas, this is the e-mail of September 21, 2020, said in his professional opinion that the building is unsafe to inhabit, is that correct?

Lumbert: That is correct.

JL: Now, also attached to this e-mail which I have introduced into the record of the hearing, are some photographs attached that show some of the outside issues with the house and the bowing of the house, is that correct?

Lumbert: That is correct.

JL: Okay, one more thing – did Mr. Thomas give you a signed and stamped opinion on the condition of the house?

Lumbert: He did – by e-mail.

JL: And what was the date of that e-mail?

Lumbert: Two days after the 21<sup>st</sup>....

JL: Let me help you out. I have a copy of the..

Lumbert: September 25<sup>th</sup>.

JL: I would like to introduce into the record of the hearing as Exhibit 2, the e-mail from Samuel Thomas to Greg Lumbert and the opinions in there that there are serious issues with the house and you can read the e-mail for yourself and attached to this e-mail are photographs of the inside of the house and the hazards that are inside.

*Mr. Larouche passed out copies of Exhibit 2 to all parties of record.*

JL: Now subsequent to your inspections of 34 Windsor Street and the conditions which you and Colby Co. Engineering observed, did the Board of Selectmen order that 34 Windsor Street be secured as a “dangerous building”?

Lumbert: Yes they did.

JL: I offer as evidence that order dated the 27<sup>th</sup> day of October 2020? Okay, the order is dated October 27, 2020 and you already have yours. Now pursuant to the order that I just

discussed and introduced into evidence here, was 34 Windsor Street “secured” under Maine law as a dangerous building?

Lumbert: Yes. Before it was secured, I went in with a deputy sheriff and checked the entire building to make sure nobody was in there and then from there it was secured.

JL: And what date was it secured?

Lumbert: It was on October 28<sup>th</sup>.

JL: Which was one day after the date of the Selectmen’s order that it be secured. Is that correct?

Lumbert: Correct

JL: Is the municipal hearing tonight, the municipal hearing called for by the October 27, 2020 order and notice of municipal hearing for a dangerous building?

Lumbert: Yes

JL: Okay, that is all I have for you. Do you have any questions Ms. Hamlin?

Hamlin: Thank you for letting me attend. (inaudible) I represent Bob in litigation not related to this but I agreed to be here tonight because I am basically his only form of communication at this point. He understands what’s going on and I am mostly here as his proxy not really trying to argue anything. I am more curious than anything else.....

This is the end of the verbatim transcript.....

Ms. Hamlin was concerned with the whereabouts of her client being disclosed through this proceeding. The opposing party of the lawsuit in which she represents Mr. Rausch has been trying to find Mr. Rausch and they do not want that. She was curious about how the Town found her client. Mr. Lumbert stated that he has been in law enforcement for many years and has many contacts. He is not interested in giving out this information to the party in question. This person stated that he had the deed to the house but that apparently is not the case – the deed has been “lost”.

Ms. Hamlin was interested to know for her client if there might be a neighbor or someone who would like to purchase the property. Lisa Danis who was at the meeting is the immediate neighbor (along with her husband Nathan) and is interested in purchasing the property. Attorney Hamlin says that she feels Mr. Rausch would be willing to sell the property to them. The Danis’ know Bob. There is no mortgage on the home and as far as is known, the taxes are mostly up to date on the property. She would like to ask Bob if he would be open to that happening.

Attorney Larouche stated that the building is not worth much of anything at this point and the lot would only be worth something if the house was gone and the lot was cleaned up. The normal process would be for the Town to tear the building down, put a lien on it and then the owner could sell but he would have to pay the Town first for the costs of demolition.

Matt Drost said that the Town is not in the business of tearing buildings down and would love to stay out of the situation if a settlement can be reached to sell the property with the idea that the building will indeed be torn down. After much discussion it was decided that in 2 weeks, Attorney Hamlin will return to the Selectboard meeting hopefully with a deal in place to sell the property as a whole.

Lisa said that she could work to get a deal in place starting tomorrow and she feels that they can accomplish this (purchase and demolition) in 30 days.

Greg mentioned that it would be good to get this done before snow falls on the roof and causes more damage.

Attorney Hamlin will come to the December 1, 2020 meeting to get a resolution for the Town.

Mark Roberts made a motion to go into **Executive Session** per 1 M.R.S.A. §405(6)(E) for consultation with the Town Attorney. Matt Drost seconded the motion. **VOTE – UNANIMOUS.** Board and Mr. Larouche went into executive session at 5:35 p.m.

At 5:40 p.m. Mark Roberts made a motion to come out of Executive Session. Matt Drost seconded the motion. **VOTE – UNANIMOUS.**

Mark informed the parties that the Town of Randolph will not ask for reimbursement of legal fees and engineering costs if this matter is resolved. Attorney Hamlin left the meeting at 5:45 p.m.

Attorney Larouche and the Board concluded the Public Hearing at 5:46 p.m.

Angie Ellis was on the agenda to discuss with the Board, her position as Cemetery Sexton. She was appointed at the November 4, 2020 meeting and signed her oath at this meeting. She had an issue while laying out some corner markers with the Lathrop family. Shirley Darveau was supposed to be buried in this lot but she is not in the properly placed in the grave. She suggested that the Town give the lot beside this burial to the family to rectify the position. The Board was in favor of this and instructed Angie to go ahead and make this happen. This will be done in the spring.

She also discussed some overgrowth and encroachment and there have been complaints. It needs to be trimmed and bush-hogged and moved over a bit. She will meet with Kevin about where this needs to happen.

Mark asked Angie about the contact person for plowing. She said that Chris needs to be the contact person, by cell phone and secondly by the house phone. Art has the numbers but Angie will come to the meetings etc., if necessary.

Matt asked Angie if the company had a COVID Plan? She said that luckily they do have family members that can step in if necessary.

She also wanted to inform the Board that she is going to be using Riverside Memorials instead of Collette Monuments because they are much quicker. Angie Ellis left the meeting.

Art told the Board that he has checked out the Cemeteries and that Maple Grove is “passing” but the Annex does not look like it has been touched in a while. Mark will send a message to Kevin and the Town will still hold his check until satisfactory resolution.

The Board decided to put out the contract (which is year to year) for the mowing of the Cemeteries and Town properties. Angie suggested that the Town get this out ASAP.

Angie Ellis left the meeting at 5:55 p.m.

Art and Kyle Plossay (Klienfelder) addressed the Board on the progress of the Fairview Avenue and Belmont projects. Fairview is almost wrapped up. Fairview will be looked at again in the spring in case anything needs to be attended to.

Last week they went out and marked test pits on Belmont. This will help to get a better handle on the costs and getting those down somewhat. They are down around about \$750,000. They want to do a walk through on Belmont before snow and some driveways may not have to be “box cut” and after this they have decided that they definitely do not have to do a 20” box cut. The Town wants to get down around \$600,000 or less. One of the contractors Art would like to ask to bid on the job is Coastal Road Repair.

Reclaim and mill and fill were discussed to save money but storage is a problem with this. Kyle said this could be used and possibly save money on depth but moving it is also a cost if it has to change hands in the process over the winter.

Also, the bottom of Belmont is in the Shoreland Zoning area but there is no permitting on the municipal end. There may have to be some trimming of trees in certain areas of Belmont. The Town may have to get easements.

The Bids should go out by the first of February at the latest. Kyle left the meeting at 6:20 p.m.

Getting a **new sand tank** was discussed. Matt Drost made a motion for public works to purchase a new sand tank for up to \$2500. Mark Roberts seconded the motion. **VOTE – UNANIMOUS.**

The Board signed the payroll and accounts payable warrants for the week.

Tax Collector Janet Richards informed the Board that the foreclosure on Fairview Avenue was paid this week so any and all bids are null and void and will be returned to the bidders.

Bob Henderson made a motion to **accept the minutes** of the November 10, 2020 meeting. Mark Roberts seconded the motion. **VOTE – UNANIMOUS.**

Matt Drost made a motion to give Christmas bonuses as follows: \$150 each to Lynn, Janet & Jessica - \$100 each to Greg, Art, Ron & Sonny. Bob Henderson seconded the motion. **VOTE – UNANIMOUS.** These will be payable on the first payday in December.

Matt informed the Board that there will be another **ZOOM** meeting on the proposed fire station building on Tuesday, November 24, 2020 @ 6 p.m. directly following the regular meeting at 5:00 p.m.

The conference room should be equipped by then with new equipment to handle teleconferencing etc.

Janet told the Board that Jessica Soucy has reached her 6 month **probation period**. She will be given a \$0.50 per hour raise effective with the next pay period. Matt Drost made a motion to award the raise to Jessica Soucy and end her probation period. Bob Henderson seconded the motion. **VOTE – UNANIMOUS.**

Mark Roberts made a **motion to adjourn** the meeting. Bob Henderson seconded the motion. **VOTE – UNANIMOUS.** The meeting was adjourned at 6:45 p.m. Next regular meeting is Tuesday, November 24, 2020 @ 5:00 p.m.

Respectfully submitted,

Lynn R. Mealey, Town Clerk