



Town of Bowdoinham

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www.bowdoinham.com

Nicole Briand, Town Manager

November 12, 2021

REQUEST FOR PROPOSALS

CLEANUP OF A STRUCTURE DETERMINED TO BE A DANGEROUS BUILDING

Invitation to Bid:

The Town of Bowdoinham is soliciting bids for the removal of the Structure located at 84 Ridge Road, Bowdoinham Maine 04008 (Tax Map R02, Lot 001-A), as well as any debris, rubble, or trash remaining from the fire that destroyed the Structure.

Background Information:

Following a Findings of Fact and an Order pursuant to Title 17 M.R.S. §2851 *et. seq.*, the Select Board for the Town of Bowdoinham determined that the structure and remnants at 84 Ridge Road, Bowdoinham Maine 04008 (Tax Map R02, Lot 001-A) ("the property") to be a dangerous building. For your reference, a copy of the order is attached to this RFP as Appendix A.

Minimum Qualifications for Bidders:

1. Bidders must have the capacity to provide all labor and equipment to complete the scope of work defined below.
2. Bidders must assign and identify at least one single point of contact (provide contact information) to the Bowdoinham Town Manager and Code Enforcement Officer.
3. Bidders must provide at least three (3) references, including addresses and telephone numbers.
4. Bidders may provide any additional information that would serve to distinguish itself from other bidders submitting proposals, such as examples of completed work projects similar to the scope of work defined by this RFP, and any special expertise or experience of respondent.
5. The Town of Bowdoinham may make such inquiries as it deems necessary to determine the ability of each bidder to perform the scope of work defined by this RFP. Bidders shall promptly furnish all information and data for this purpose as may be subsequently requested by the Town of Bowdoinham.

Scope of Work:

1. The Town of Bowdoinham is seeking bidders that are qualified and capable of carrying out the following:
 - Inventory and document all personal property not damaged by fire prior to the commencement of work.
 - Remove the structure as well as any debris, rubble, or trash remaining from the fire that destroyed the Structure.
 - Backfill location of foundation with clean fill
 - Loam and seed all disturbed areas
 - Personal Property not related to the Structure Fire shall remain at the property
2. The bidder must remove and dispose of all materials in a lawful and environmentally appropriate manner, and shall comply with all other applicable federal, state and local laws and regulations.
3. The Code Enforcement Officer will take “before” and “after” photos to document the condition of the Property.
4. The bidder will be responsible for procuring and paying for all permits required to perform the outlined scope of work, if any.
5. The bidder shall fully comply with all applicable federal, state, and local laws, ordinances, rules and regulations and all orders and rules of any duly constituted authorities affecting the Property or bearing on the performance of the services.

Insurance Requirements:

The bidder shall be required to provide for and maintain, at its own cost and expense until the completion of the scope of work, the following forms of insurance:

1. Commercial General Liability coverage with limits of liability not less than One Million Dollars (\$1,000,000.00) per occurrence and not less than Two Million Dollars (\$2,000,000.00) annual aggregate, and shall name the Town of Bowdoinham as an additional insured on the certificate of insurance.
2. Comprehensive Automobile Liability coverage on owned, hired, leased, or non-owned vehicles with limits of not less than \$1,000,000.00 combined for each accident, and arising out of the ownership, maintenance or use of any vehicle for damage because of injury to or destruction of property, including the loss of use thereof, caused by accident and arising out of the ownership, maintenance or use of any vehicle. The Town of Bowdoinham shall be named as an additional insured on the certificate of insurance.
3. Worker’s Compensation and Employers’ Liability in form and amounts required by law. The bidder shall provide to the Town of Bowdoinham certificates of insurance demonstrating the above coverages upon request.

Indemnification:

The bidder shall defend, indemnify and hold harmless the Town of Bowdoinham, its employees and agents, from and against any and all liabilities, causes of action, judgments, claims, damages, losses and expenses (including, without limitation, reasonable attorneys’ fees) for personal injury (including death) or property damage arising out of, or in consequence of, any negligent or intentional act or omission of the bidder, its employees, agents or subcontractors.

Proposal Requirements:

All bid proposals shall include, at a minimum, the following documents or information:

1. A pricing sheet, which can be based on a lump sum for the complete project.
2. Business address, phone number, fax number, e-mail address, and federal tax ID number for bidder and all sub-contractors.
3. A brief description of the bidder's history and experience in providing services covered by this RFP, as well as your experience and knowledge of hazardous and regulated material disposal.
4. A description of other similar projects completed by the bidder (including the names of clients serviced and length of time providing such services).
5. A description of the procedure you will utilize to ensure that, to the greatest extent practicable, materials will be reused, recycled, or refurbished, and diverted from landfills, as well as a list of the intended disposal sites for the various categories of materials that are listed in the scope of work.
6. A description of your financial and technical capability to handle the volume of work that will be required to carry out the scope of work, including the number of employees and number of vehicles (trucks/trailers) that you anticipate using for the job.

Proposal Submission:

1. Proposals will be received by the Town at the Bowdoinham Town Office until 4:00 PM on November 29, 2021. Each proposal shall be submitted in a sealed envelope, clearly marked "Dangerous Building Cleanup RFP" and addressed as follows:

Town of Bowdoinham

Attn: Town Manager

13 School Street

Bowdoinham, ME 04008

2. The bidder is expected to carefully review this RFP and scope of work. The submission of a bid shall be considered evidence that the bidder has made such examination and is satisfied as to the conditions to be encountered in performing the scope of work and as to the requirement of this RFP. The bidder will be held responsible for its failure or neglect to observe or comply with these instructions.
3. The Town of Bowdoinham will not be responsible for any expenses incurred by any firm or person in preparing or submitting a proposal.
4. The bidder is advised that the work to be accomplished under this RFP will be awarded to the lowest responsive, responsible bidder, in the Town's sole discretion.
5. The Town reserves the right to accept or reject any and all submissions, to waive any or all formalities in the bidding, to evaluate bids, to investigate the references of any and all bidders, to negotiate with one or more bidders and otherwise to act as it deems to be in the best interests of the Town.

APPENDIX A

Town of Bowdoinham
Board of SelectmenFINDINGS OF FACT AND ORDER
PURSUANT TO 17 M.R.S. § 2851 *et. seq.*
DANGEROUS BUILDING PROCEEDING
84 RIDGE ROAD, BOWDOINHAM, MAINE 04008

Mr. Todd M. Delair
8 Newton St.
Ticonderoga, NY 12883

Palisades Acquisition XVI, LLC
210 Sylvan Avenue
Englewood Cliffs, NJ 07632

I. Overview

Subject Property: 84 Ridge Road, Bowdoinham, Maine 04008 (Tax Map R2, Lot 001-A) (“84 Ridge Road Property”).

Owner of Record for Subject Property: Todd M. Delair

Party-In-Interest: Palisades Acquisition XVI, LLC

Issue: Whether to adjudge the structure located on the 84 Ridge Road Property a dangerous building pursuant to 17 M.R.S. § 2851 *et seq.*, and if the structure is adjudged a dangerous building, what disposal must be made of the building.

II. Findings of Fact

1. Todd Delair is the record owner of the 84 Ridge Road Property. Margrete and George Leska conveyed the 84 Ridge Road Property to Mr. Delair and his wife Andrea Delair, as joint tenants, by deed dated August 2, 2002, and recorded in the Sagadahoc County Registry of Deeds at Book 2039, Page 169. On January 12, 2017, Andrea Delair predeceased Mr. Delair, and her interest in the 84 Ridge Road Property passed to Mr. Delair upon her death, thus making Mr. Delair the sole owner of said Property.
2. In July of 2019, the single-family structure located on the 84 Ridge Road Property (“Structure”) caught fire, causing the Structure’s walls and roof to collapse into the Structure’s foundation.
3. On February 3, 2020, Darren Carey, the Town of Bowdoinham’s (“Town”) Deputy Code Enforcement Officer (“CEO”) at the time, issued a letter to Mr. Delair requesting that he remove the remnants of the Structure from the 84 Ridge Road Property.
4. Mr. Delair failed to take any steps to remediate or secure the remnants of the Structure on the 84 Ridge Road Property, and the Town issued three notices of violation to Mr. Delair (on April 20, 2021, May 26, 2020 and July 20, 2020) for maintaining an unpermitted



junkyard on the property, and because the remnants of the Structure appeared to meet the definition of a dangerous building pursuant to 17 M.R.S. § 2851(2-A).

5. The Town's attorneys also issued two letters to Mr. Delair respectively, on September 10, 2020 and June 11, 2021, informing him that the Town would take legal action if he failed to remove and properly dispose of the remnants of the Structure on the 84 Ridge Road Property.
6. On August 24, 2021, the Town's Board of Selectmen ("Board") signed a notice of hearing ("Notice"), which provided that the Board would hold a hearing on September 14, 2021 to determine whether the Structure on the 84 Ridge Road Property is a dangerous building pursuant to 17 M.R.S § 2851.
7. The Town Clerk attested the Notice, and the Notice was then recorded in the Sagadahoc County Registry of Deeds on August 25, 2021 at Book 2021R, Page 07286.
8. On August 30, 2021, the Notice was served upon Mr. Delair in accordance with Maine Rule of Civil Procedure 4, pursuant to an Affidavit of Service by a process server dated August 31, 2021.
9. Palisades Acquisition XVI, LLC, a party-in-interest to this proceeding, holds a judgment against the 84 Ridge Road Property. On September 9, 2021, the Town served Palisades Acquisition XVI, LLC with the Notice in accordance with Maine Rule of Civil Procedure 4, pursuant to an Affidavit of Service by a process server of the same date.
10. On September 14, 2021, at 5:30 PM, the Board held a hearing to determine whether to adjudge the Structure at the 84 Ridge Road Property as a dangerous building.
11. Mr. Delair was present at the hearing. A representative of Palisades Acquisition XVI, LLC was not present. The Town's Code Enforcement Officer, and the Town Manager, were both present at the hearing.
12. At the hearing, the Board heard testimony from CEO Carey regarding the Structure, viewed pictures CEO Carey took of the structure, and reviewed an inspection report CEO Carey wrote after visiting the Structure on September 8, 2021.
13. CEO Carey testified that the 84 Ridge Road Property has been abandoned by Mr. Delair, and that no work has been done to remove any debris or rubble from the remnants of the Structure since the fire occurred in 2019 despite having sent various letters, notices, and orders requiring him to do so. CEO Carey further testified that he visited the 84 Ridge Road Property on September 8, 2021, and observed the following:
 - (a) The walls and roof of the structure collapsed in on themselves, and are currently lying in a heap of debris on top of the Structure's foundation. The remnants of the Structure that remain include the exterior walls, the roof, and various

belongings and pieces of furniture from the interior of the Structure that were not completely destroyed by the fire.

- (b) The concrete walls inside the basement of the Structure are visible from the exterior of the Structure, and these walls contain multiple fractures, likely caused by the fire, demonstrating that the foundation is structurally unstable, and cannot safely support a single family structure.
- (c) The remnants of the Structure can no longer support the single-family use for which the Structure was intended. The fire caused the Structure to collapse into a heap of debris and rubble, rendering the Structure uninhabitable.
- (d) The remnants of the Structure have not been secured in any way, thus posing potential harm or injury to anyone who enters the 84 Ridge Road Property, and who comes in contact with the Structure.

14. Mr. Delair testified at the hearing that he agreed with CEO Carey's assessment of the Structure on the 84 Ridge Road Property.

III. Conclusions of Law

17 M.R.S. § 2851 permits this Board, after notice and a hearing, to adjudge a building to be a "dangerous building" and to record an order prescribing what disposal must be made of such building.

Section 2851(2-A) provides that "[t]o adjudge a building to be a nuisance or dangerous, the municipal officers or county commissioners must find that the building is structurally unsafe, unstable or unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or is otherwise dangerous to life or property." Section 2851 defines a "building" as "a building or structure or any portion of a building or structure or any wharf, pier, pilings or any portion of a wharf, pier or pilings thereof that is or was located on or extending from land within the boundaries of the municipality or the unorganized or deorganized area, as measured from low water mark."

We find that the Structure on the 84 Ridge Road Property is a "building" within the meaning of section 2851. Although the Structure was largely destroyed by fire, the remnants of the Structure, including the walls, roof, foundation, and debris from the interior of the Structure, remain on the 84 Ridge Road Property. *See* 17 M.R.S. § 2851 (defining "building" to include "any portion of a building or structure").

Based upon the evidence and testimony that was presented to the Board at the hearing that took place on September 14, 2021, we find that the Structure on the 84 Ridge Road Property is both a nuisance and dangerous to the community.

First, the evidence and testimony presented to us demonstrated that the Structure is both structurally unsafe and unstable. A fire at the 84 Ridge Road Property caused the walls and roof of the structure to collapse into a pile of rubble that now sits atop the Structure's foundation. Additionally, photographic and testimonial evidence demonstrates that the foundation itself is significantly cracking, and that it could no longer support a single family structure.

Second, the photographs and testimony at the hearing demonstrate that the Structure can no longer be put to the single-family use for which it was intended. The Structure was rendered completely unusable by the fire, and is thus uninhabitable. As such, neither Mr. Delair, nor anyone else, could inhabit the Structure on the property for any single-family use.

Third, the Structure poses a threat to health and safety due to inadequate maintenance and abandonment. The remnants of the Structure remain unsecured. As such, the Structure poses a danger to anyone who enters the 84 Ridge Road Property because its jagged, sharp, charred remains are openly exposed to anyone who comes near the Structure. Any person who enters the 84 Ridge Road Property could potentially fall into the open foundation that is currently exposed. Additionally, the 84 Ridge Road Property is located in close proximity to a school, and the Structure may entice school students onto the 84 Ridge Road Property to view the Structure's remnants. We therefore find that the Structure poses an attractive nuisance that could result in injury to curious school students who enter the property to view the Structure.

As a result, we adjudge the Structure both a nuisance and a danger to the community pursuant to 17 M.R.S. § 2851(2-A).

IV. Decision and Order

For the forgoing reasons, the Board voted 4-0 to adjudge the Structure on the 84 Ridge Road Property a nuisance and a danger pursuant to the standards elucidated in 17 M.R.S. § 2851(2-A).

THEREFORE IT IS ORDERED that the Structure located at 84 Ridge Road, Bowdoinham, Maine 04008 (Tax Map R2, Lot 001-A), as well as any debris, rubble, or trash remaining from the fire that destroyed the Structure, shall be removed from the 84 Ridge Road Property, and lawfully disposed of within 60 days of this Order, so as to abate the danger and nuisance that the Structure poses to the community.

IT IS FURTHER ORDERED that the Town Clerk shall attest and record this Order in the Sagadahoc Registry of Deeds, and shall cause attested copies of this Order to be served upon the owner of the 84 Ridge Road Property, and on any parties-in-interest, in accordance with Maine Rules of Civil Procedure.

IT IS FURTHER ORDERED that if the owner fails to comply with this Order, the Town Manager is hereby authorized and directed to undertake all reasonable and necessary actions to abate the dangerous building and nuisance, and effectuate the provisions of this Order.

This decision may be appealed to Superior Court pursuant to Maine Rule of Civil Procedure 80B.

If the owner or any parties-in-interest fail to comply with this Order, and no timely appeal is taken, then the Town's Municipal Officers may undertake the ordered corrective action at the Town's expense and may recover any and all expenses reasonably related to said corrective action as set forth in 17 M.R.S. § 2852. If said expenses, (including, but not limited to, costs reasonably relating to the removal of the Structure, including reasonable attorney's fees) are not paid within 30 days after demand, then they may be recovered by means of a special tax, (which may be foreclosed upon as any other tax), or, by civil action.

9/28/21
Dated

David Engler
David Engler, Chair

9/28/21
Dated

Jeremy Cluchey
Jeremy Cluchey, Vice-Chair

9-28-21
Dated

Mark Favreau
Mark Favreau, Selectman

9-28-2021
Dated

Peter Lewis
Peter Lewis, Selectman

9-28-21
Dated

Thomas Walling
Thomas Walling, Selectman

STATE OF MAINE
SAGADAHOC, ss

September 28, 2021

Personally appeared before me the above-named Tina Magno and made oath that the above statements are true and accurate and are based on her own personal knowledge.

Before me,

Tina Louise Magno
Notary Public, State of Maine
My Commission Expires:
Print Name: Tina Louise Magno

TINA LOUISE MAGNO
Notary Public, State of Maine
My Commission Expires June 16, 2026

