

# **LEWISTON CITY COUNCIL WORKSHOP AGENDA**

**Tuesday, September 27, 2011**

**City Council Chambers**

## **6:00 p.m. Workshop**

Pledge of Allegiance to the Flag.

Moment of Silence.

Please note: The time segments added to each agenda item are to serve as guidelines only and the Council may take up an item earlier than indicated or an item might run later than indicated.

## **WORK SESSION**

1. Review and discussion of the proposed ordinance regulating the sale and use of Consumer Fireworks. (15 minutes)
2. Discussion regarding the Gazebo in Kennedy Park. (60 minutes)

LEWISTON CITY COUNCIL  
WORKSHOP AGENDA  
SEPTEMBER 27, 2011  
6:00 P.M.

1. Draft Ordinance Regulating the Sale and Use of Consumer Fireworks -- 15 Minutes

Under a new state law, the sale and use of consumer fireworks will become legal in Maine effective January 1, 2012. Under the new law, municipalities are authorized to adopt additional regulations on this subject. Attached please find the draft of such an ordinance. It would allow for the year round use of fireworks within the City's unregulated firearms zone which is located in more rural areas of the community. Within the regulated zone, fireworks would be permitted only on December 31, January 1, and July 4. In addition, a number of other restrictions would apply. Please see the attached memo from Chief LeClair and draft ordinance.

2. Gazebo in Kennedy Park – 60 minutes

There have been a variety of discussions over the past year regarding the possibility of renovating the Gazebo in Kennedy Park. To date, these have not resulted in a specific proposal and plan of action. We would like to review various options with the Council in an effort to move toward a decision on the future of this structure.

# Lewiston Fire Department

Central Fire Station

2 College Street • Lewiston, ME 04240

## Memo

To: Mayor and Council  
From: Chief Paul M. LeClair  
Date: September 16, 2011  
Re: City of Lewiston Fireworks Ordinance

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Mayor and Council,

On January 1, 2012 the sale, possession and use of fireworks shall become legal in the State of Maine. As the authority having jurisdiction for our community, the Lewiston City Council has the ability to adopt an ordinance limiting or banning the use, sale and possession of fireworks.

City Administrator Ed Barrett, Chief Michael Bussiere, Director of Code Enforcement Gil Arsenault and I have met to discuss and prepare conditions on the use, sale or possession of fireworks in the form of a draft City of Lewiston Fireworks Ordinance for the Council to consider. The attached draft ordinance is a recommendation only and would provide for the acceptable limits of use should the council determine a complete ban on the sale, use and possession of fireworks is not desired.

**Section (a) Definitions:** This section makes reference to the same definition language found in the State Law.

**Section (b) Fireworks Restricted Use:** This section identifies conditions for use and specific times and dates of the year when use of fireworks will be permitted. Fireworks would be permitted under certain conditions only on December 31, January 1, and July 4.

**Section (c) Fireworks Unrestricted Use:** This section identifies conditions for use in the areas of the City where year round use of fireworks shall be permitted. Year round use would be permitted in the City's established unrestricted fire arms zone which includes rural areas of the City.

**Section (d) Exception:** This section addresses fireworks display permits issued to a licensed pyrotechnic technician.

**Section (e) Violations:** This section details violation citation penalties.

**Section (f) Sale of Fireworks:** This section addresses the sale of fireworks within the City of Lewiston.

**Section (g) Seizure and disposal of fireworks:** This section grants authority to seize fireworks from violators.

While we have concerns with the un-restricted use of fireworks within city limits, we feel the conditions detailed in the draft ordinance for un-restricted use will provide an opportunity to gauge the impact of allowing some level of fireworks use in our community. We also recognize we will experience a level of non compliance regarding the restricted use of fireworks on the specific dates noted, however we feel a cautious level of optimism that our citizens will respect the City Ordinance and allow for the use of fireworks as envisioned with the passage of the State Law.

**Sec. ---. Sale and Use of consumer fireworks.**

**(a) Definitions.** The following definitions shall apply in this section:

- (1) Consumer fireworks shall have the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provision, but includes only products that are tested and certified by a 3<sup>rd</sup>-party testing laboratory as conforming with United States Consumer Product Safety Commission standards in accordance with 15 United States Code, Chapter 47. "Consumer fireworks" does not include the following products:
  - a. Missile-type rockets, as defined by the State Fire Marshal by rule;
  - b. Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and
  - c. Sky rockets and bottle rockets. For purposes of this paragraph, "sky rockets and bottle rockets" means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule, with a wooden stick attached for guidance and stability, that rise into the air upon ignition, and that may produce a burst of color or sound at or near the height of flight.
- (2) Display means an entertainment feature where the public or a private group is admitted or permitted to view the display or discharge of fireworks or special effects.

**(b) Fireworks Restricted Use.** The use, discharge or ignition of fireworks within the City of Lewiston's restricted fire arms zone, Zone 2 as defined in Chapter 50, Section 107 of this Code, is permitted on and only on the dates of December 31, January 1, and July 4 provided, however, that:

- (1) The use, discharge, or ignition of fireworks is prohibited on all public property, including all public parks, public rights of way, and School Department property;
- (2) The use, discharge, or ignition of fireworks is prohibited on any day specified by the Fire Chief as presenting a high fire danger as identified by posting such designation on the City website;
- (3) The use, discharge, or ignition of fireworks shall not be permitted in close proximity to any building in the City of Lewiston by maintaining a distance of no less than 75' from said building;
- (4) No fireworks will be permitted before 10 a.m. and after 10 p.m. on July 4<sup>th</sup>;
- (5) No fireworks will be permitted before 10 a.m. on December 31<sup>st</sup>; and

(6) No fireworks will be permitted between the hours of 1 a.m. and 10 a.m. and after 10 p.m. on January 1<sup>st</sup>.

(c) **Fireworks Unrestricted Use.** The use, discharge, or ignition of fireworks within the City is permitted year round in the unrestricted fire arms zone, Zone 1 as defined in Chapter 50, Section 107 of this Code, subject to the restrictions set forth in section (b) above.

(d) **Exception.** This section does not apply to a person issued a fireworks display permit by the City of Lewiston and/or the State of Maine pursuant to 8 M.R.S.A. §227-A.

(e) **Violations.**

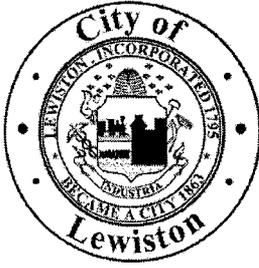
(1) Any person who uses consumer fireworks or possesses consumer fireworks with the intent to use in the City of Lewiston in violation of this ordinance shall receive a citation.

(2) The following civil penalties shall be imposed for violations of this ordinance:

First Citation	\$110.00
Second Citation	\$215.00
Third Citation	\$425.00
Fourth and subsequent Citation	\$850.00

(f) **Sale of Fireworks.** The sale of fireworks in the City of Lewiston shall be permitted providing all State of Maine Laws regarding such sale are satisfied and a valid permit to conduct sales is issued by the State Fire Marshall's Office and the City of Lewiston.

(g) **Seizure and disposal of fireworks.** The City may seize consumer fireworks that the City has probable cause to believe are used, possessed, or sold in violation of this section. Seized consumer fireworks shall be forwarded to the State for disposal.



The Office of  
Deputy City Administrator  
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## MEMORANDUM

<b>TO:</b>	<b>Mayor and City Council</b>
<b>FROM:</b>	Phil Nadeau, Deputy City Administrator
<b>DATE:</b>	September 27, 2011
<b>RE:</b>	<b>Gazebo Status Report</b>

### 1. BACKGROUND

The city condemned the Gazebo on or about March 3, 2010 following the issuance of structural reports from Shelley Engineering which effectively declared that it was not structurally sound. The reports are enclosed with the additional materials provided to you for this workshop.

Shortly following news of the Gazebo's condemnation by the city, private interests contacted me to discuss the possibility of pursuing community donations to raise money to restore the Gazebo to its original historic condition. The very early preliminary estimates were around \$150,000 to restore the structure. The idea was brought before the City Council during this year's budget discussion with the caveat that the private fundraising effort would be targeted at \$100,000 with the hope that the city would match the effort with \$50,000 in Community Development Block Grant funds.

After almost a year of discussions, it has been determined by those private interests that there is insufficient interest in the business community to raise this level of funding. A new, more complete analysis (enclosed as part of this memo) of an historic restoration effort pegs the cost of restoration at in the area of \$300,000. Merely repairing the Gazebo could approach or exceed \$130,000.

Additionally, the materials in the separate packet provide a historical perspective of the Gazebo as written by Douglass Hodgkin, our city's resident historian, along with pictures of the Gazebo's current condition.

### 2. RECOMMENDED ACTION

The materials provided provide two rehabilitation scenarios: one which speaks to full historic restoration of the structure and the other which simply repairs the Gazebo without preserving much of the physical structure less the domed roof. The assumptions and costs stated in the enclosed spreadsheets can change depending on the extent to which the work uses certain approaches (recreating and preserving original materials as an example) and complying with

certain requirements (e.g., ADA access at 5 feet high will be more expensive than access to a structure only 1 foot off the ground).

A third option, not expressed in the materials, would be to simply demolish the entire structure and to rebuild new. A new structure could be made larger to accommodate more entertainment options; resemble a gazebo like structure; and be fabricated in a way that will likely be less or at the very least not exceed the cost of repairing the existing structure.

The 2010 Shelley reports underscore the fragile structural state of the Gazebo. It is likely that the structure will have to endure yet another Maine winter. It is likely that each additional year of inaction will mean that the ongoing physical deterioration of the structure will not only progress but progress at an increasingly quicker rate. Each additional year of inaction will raise the specter that the city will eventually be forced to demolish the Gazebo in order to protect the public from any harm associated with a partial or full collapse of the structure.

At this juncture, city staff is requesting that the Council provide us with direction as to what our next steps will be.

KENNEDY PARK GAZEBO REPAIR PROJECT		
COST ESTIMATE - 9.27.11		
TASK DESCRIPTION	COMMENTS	
Remove and replace gazebo roof	The roof would be placed on cribbing right next to the existing location. Quote from Cote Crane	\$ 4,000.00
Tin roof rehabilitation	There is about 700 square feet of tin roof. Remove existing paint with high pressure water and apply a rubber membrane.	\$ 5,000.00
Gazebo demolition	Demolition of existing concrete floor, portion of brick piers and concrete block walls	\$ 2,000.00
No repointing and repair of brick columns but install roof anchoring systems	Install anchoring system but cover with new wood columns	\$ 7,000.00
Rehabilitate roof structure & beef up domed roof support	Roof requires anchoring given aerodynamic characteristics of domed roof. Ceiling needs replacing	\$ 40,000.00
No granit curbing		\$ -
Furnish and install concrete slab	400 square ft. @ 4 inches thick	\$ 2,000.00
Furnish and install new wooden handrail with two gates	Pine and painted	\$ 6,000.00
Asphalt patio rebuild	1,200 square ft. @ \$5 per sq ft. Could be less.	\$ 6,000.00
Side walk reconstruction	Reconstruct two twenty five foot asphalt sidewalks.	\$ 3,000.00
Furnish and install perimeter fencing	Four foot high steel fence similar to skate board park with (2) gates	\$ 18,000.00
Lighting and electrical service	The estimate includes lights similar to existing fixtures	\$ 10,000.00
Loam and seed		\$ 1,000.00
Engineer and Architectural Services	Ten (10) percent cost for engineering and architectural fees	\$ 13,000.00
Contingency 10%	Piers and foundations will be eliminated. Contingency fee in line with estimated total project costs	\$ 13,000.00
<b>TOTAL</b>		<b>\$ 130,000.00</b>
<b>ADDITIONAL UPGRADE OPTIONS</b>		
Furnish and install colored stamped concrete	400 square ft. @ 4 inches thick	\$ 6,000.00
Concrete pavers for gazebo floor	400 square ft. @\$15.00	\$ 6,000.00
Federal Funding / Davis Bacon Act	If federal fund are used to complete this project, add thirty (30%) percent due to Davis Bacon Act wage rate requirements	\$ 40,000.00

## KENNEDY PARK GAZEBO RESTORATION PROJECT

COST ESTIMATE - 9.27.11

TASK DESCRIPTION	COMMENTS	
Remove and replace gazebo roof structure	The roof would be placed on cribbing right next to the existing location. Quote from Cote Crane.	\$ 4,000.00
Tin Roof Rehabilitation	Remove existing paint with high pressure water and apply a rubber membrane. There is about 700 square feet of tin roof.	\$ 5,000.00
Gazebo Demolition	Demolition of existing concrete floor, brick piers/foundation and concrete block walls.	\$ 3,000.00
Furnish and install new brick support piers	Includes new pier foundation, structural steel columns and brick veneer to duplicate the original column supports.	\$ 25,000.00
Replace concrete floor decking with wood decking	Frame and deck with wood. Iron wood, timbertech and cedar are about the same price at \$15.00 per square foot. There is about 400 square feet of decking. Pressure treated wood is about one third the price.	\$ 6,000.00
ADA access elevator	New ADA lift installed.	\$ 30,000.00
Replace wood structure	Replace support columns and beams with wood. The beams and columns would be covered with wood or other material to duplicate what is there now. Also replace ceiling.	\$ 50,000.00
Furnish and install new wooden railings with two gates	Cedar wood railing as shown in 1925 photo.	\$ 13,000.00
Furnish and install wood lattice	Cedar wood lattice as shown in 1925 photo.	\$ 5,000.00
Furnish and install wood stairway and railings	Cedar wood stairway will have hand railing that matches the deck railings as shown in 1925 photo. The stairs would be slightly different to meet current code requirements.	\$ 13,000.00
Furnish and install concrete paver walkway around the perimeter of Gazebo	1,200 square ft. @ \$15 per sq ft. Could be less.	\$ 18,000.00
Sidewalk reconstruction	Reconstruct two twenty five foot asphalt sidewalks.	\$ 3,000.00
Furnish and install perimeter fence	Four foot high steel fence similar to skate board park with (2) two gates.	\$ 18,000.00
Lighting and electrical service	The estimate includes lights similar to existing fixtures.	\$ 10,000.00
Loam and seed		\$ 1,000.00
Ornamental Metal Pieces on Roof	Furnish and install new metal ornament of roof.	\$ 18,000.00
Engineer and Architectural Services	Ten (10) percent cost for engineering and architectural fees	\$ 20,000.00
Contingency 10%	Smaller contingency because most elements are being replaced.	\$ 24,000.00
Construction contingency 20%	Higher contingency driven by restoration unknowns	\$ 50,000.00
<b>TOTAL</b>		<b>\$ 316,000.00</b>
<b>ADDITIONAL COSTS</b>		
Federal Funding / Davis Bacon Act	If federal fund are used to complete this project, add thirty (30%) percent due to Davis Bacon Act wage rate requirements	\$ 80,000.00

# Kennedy Park Bandstand/Gazebo

## Architectural History

A bandstand, more recently called a gazebo, has stood in Lewiston's Kennedy Park for 143 years. The two successive structures have been on the long crosswalk near the Soldier's Monument about midway between the flagstaff and the path leading to the Civil War monument, as indicated by the map in the Sanford-Evert Atlas of Androscoggin County and in nineteenth century stereo-view photos.

The first bandstand was constructed in 1868, soon after the Franklin Company deeded the park to the Town of Lewiston. Almost every year until 1932, the city paid for summer band concerts, including local bands such as Johnson's Cornet Band, Montcalm Band, Lewiston Brigade Band, Dominican Band, and St. Cecelia Boys Band.

This original bandstand was moved in 1925 and reconstructed on the Lincoln Street Playground, which was opened that same year.



City Park bandstand, 1868–1925  
Lincoln Street Playground, 1925–1937

Band concerts continued for a few years, but then it was simply a play area for the children. When Mayor Levesque was informed that the bandstand was unsafe, it was razed suddenly in July 1937.

In the meantime, the current bandstand was constructed in 1925. In mid-August, the *Lewiston Evening Journal* reported completion of the new facility and included a picture. [“New City Park Bandstand Ready for Music Makers,” *Lewiston Evening Journal*, 18 August 1925, 12.] The architect for the new bandstand was Evan O. P. Desjardins of Lewiston. [Attribution under drawing, “Children’s Parade to Dedicate Bandstand,” *LEJ*, 9 July 1925, 4.] On the roof were “pressed zinc ornaments in the form of a lyre and scroll,” open to permit the green roof to show through as a background. A seven-foot finial, twenty inches at the base, was topped by a light. The brackets joining the roof and the columns would exhibit the letter “L.” The ceiling was composed of eight panels, each with a light, and meeting an octagonal centerpiece with a central light. The wooden floor was covered with galvanized iron. “A seat of heavy plank will be built around the sides of the stand, capable of holding about 45 people. The floor is to be painted gray, the ceiling blue with cream colored ribs and the roof green. The remainder of the trimmings will be cream colored.” [“Ornamental Work of Bandstand Ready,” *Lewiston Daily Sun*, 31 July 1925, 16.] The newspaper picture reveals that this bandstand had a porch-style balustrade with elaborate, light-colored balusters. At the top of the steps are gates of the same style.

Contractor Louis Malo, who had won the bid for construction at \$1,907.00 without painting and wiring, began work on July 8, 1925. [“The sub-contracts were let to Davis & Evan, carpenters; to J. Nazaire Theriault, painting; A. & R. Simpson Co., wiring; Hahnel & Hoffman, metal work.” “... Collapse,” *LEJ*, 8 July 1925, 12.] The *Journal* inaccurately reported that the

bandstand “has cost the Lewiston taxpayers the neat little sum of only \$1000 dollars ... because the Lewiston contractors have taken a profound interest in the structure and have given efficient and expeditious work here.” [“... Ready for Music Makers,” *LEJ*, August 18, 1925, 12.] However, Mayor Wiseman later quoted the bid figure of \$1,907, not including the wiring. [“Four Concerts Next Week,” *Lewiston Daily Sun*, August 21, 1925.] The City’s annual report for 1926 listed an expenditure of \$2,058.55 for the bandstand, which presumably would be the bid amount plus the cost of wiring. [63<sup>rd</sup> Annual Report, 1926, page 125.]

the replacement of the balustrade with fancy, beveled wrought iron because some one thought this would provide a more “antique” or Victorian appearance. These were recycled from the balcony in the auditorium in the Lewiston City Building, which was constructed in the early 1890’s. This has fooled those writers who accepted this feature as part of an alleged 1881 construction, for which there is no evidence. Additional changes were replacement of the lattice work between the supporting posts with concrete blocks. The steps are a commercial, pre-cast concrete. Only one of the fancy zinc decorations on the roof remains in place.



“New Band Stand at Lewiston City Park,” *Lewiston Evening Journal*, August 18, 1925.

The new bandstand was inaugurated with a band concert on 6 August 1925. The Brigade Band of twenty-five pieces, directed by Arthur N. Pettingill in its thirty-eighth season, provided the entertainment, with additional solo performances by soprano Miss Malo and baritone Mr. Tremblay, as well as the Harmony Four. [“Band Concert tonight,” *Lewiston Daily Sun*, August 6, 1925, 14].

In 1972, an expenditure of \$2,017 for capital outlay in the park was made, “mainly on the restoration of the bandstand.” [Annual report for 1972, p. 13]. This probably was the occasion of



### Selected Historic Events

Countless events have been associated with the two gazebos that have stood in Kennedy Park. Throughout the latter part of the nineteenth century and through the twentieth century they were the focal point for political rallies, musical events, and festivals. Presidents, candidates for president, and state and local politicians used it as a venue to address crowds that came to hear them speak. As recently as 2008, Democratic National Chairman Howard Dean appeared in the gazebo at a pre-election rally. Band and other concerts have entertained local residents and tourists. Festivals have included the Franco-American Festival during the 1970s and 1980s.

Some of the most memorable occasions have been the visits of national political figures. The following are some of the most significant that



*Senator John F. Kennedy, Senator Edmund Muskie, senatorial candidate Lucia Cornier, and congressional candidate John Donovan, November 6, 1960.*

were associated with the current gazebo, constructed in 1925.

Clearly the visit that has taken on mythic proportions is that of Senator John F. Kennedy. He attended a campaign rally the night of November 6 to 7, 1960 in Lewiston City Park just before his election as President. He was held up by enthusiastic crowds in New Jersey and finally flew into the Auburn-Lewiston Airport. Meanwhile at Lewiston City Park, Senator Edmund Muskie and Democratic candidates and leaders had kept the crowd entertained. There were also several bands to keep things lively. Kennedy arrived just before midnight on November 6, 1960. 14,000 people were on hand for the scheduled time of 9:00 P.M., and more than 8,000 remained despite the freezing temperatures. ["Sen. Kennedy Gets Rousing Vote Of Confidence In His Textile City Appearance," "Kennedy Gets Uproarious Greeting by Enthusiastic Supports [sic] in Visit Here," "Carnival Air Prevailed at the Rally," *Lewiston Evening Journal*, November 7, 1960.]

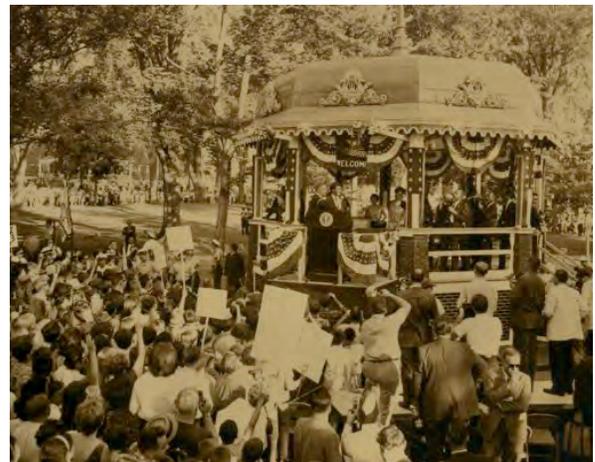
As an interesting aside, on Monday, November 7, the Republican vice-presidential nominee Henry Cabot Lodge came to Lewiston City Park at noon for a rally of 3,000. ["Lodge in

Lewiston: Says America Needs Experienced Captain," "Estimated 3,000 Crowd Hears Lodge," all in *Lewiston Evening Journal*, November 7, 1960]

The Park was named for Kennedy on December 3, 1963, right after the assassination. ["Lewiston Renames Park for President Kennedy," *Lewiston Daily Sun*, January 29, 1964.] To lose the gazebo from which he spoke would deprive current and future generations of the context for the park's name.

A few years later, an incumbent president came to speak at the gazebo. President Lyndon B. Johnson arrived by limousine to address 12,000 people at Kennedy Park in the late afternoon on August 20, 1966. He was accompanied by his wife Lady Bird and his daughter Lynda Bird and a host of officials. This was part of a five-state tour. The Maine portion of Johnson's trip began with his arrival at Brunswick Naval Air Station and a motorcade to Lewiston. (In the past, the Dairy Queen in Topsham advertised, "LBJ Ate Here.")

Johnson's speech focused on concerns about government spending and inflation and on the need for "a great society," the theme of the domestic policy of his administration. After the speech, Johnson plunged into the crowd to shake hands with members of the enthusiastic crowd. A local reporter noted that the "newspaper crowd"



*President Lyndon Johnson, his wife Lady Bird Johnson, and daughter Lynda Bird Johnson greet the crowd, August 20, 1966.*

traveling with the President said, "Lewiston's welcome was the biggest turnout in the entire northeast tour." ["President Johnson's Visit To Lewiston Is Huge Success" and "It Was A Big Day For 'The People'" *Lewiston Evening Journal*, August 22, 1966. "Thousands Hear Johnson Address at Kennedy Park," *Lewiston Daily Sun*, August 23, 1966.]

Other notable figures who spoke at the gazebo are Democratic National Chairman James A Farley, Senator Edward Kennedy and Senator Hubert H. Humphrey. Farley was a powerful member of the Franklin Roosevelt administration who campaigned for Democratic candidates in 1938. ["Democrats Pleased with Farley Visit," *Lewiston Evening Journal*, September 2, 1938.] Senator Edward Kennedy of Massachusetts came three times between September 1978 and January 1980 in what was a prelude to his challenge to President Jimmy Carter for the Democratic nomination. One of those was a rally November 3 at Kennedy Park on behalf of U. S. Senator William Hathaway. ["Kennedy Visits Again; Cohen Camp Cries Foul," *Lewiston Daily Sun*, Nov. 4, 1978; "Sen. Kennedy Lights up the Park" and "And sparks fiery response from Mayor Caron," *Lewiston Evening Journal*, November 4, 1978.] On October 13, 1964, as the Democratic vice-presidential nominee, Humphrey spoke from the bandstand to a crowd estimated at 5,000. He invoked Kennedy's name. ["Humphrey Gets Warm (Wet) Lewiston-Auburn Welcome," *Lewiston Evening Journal*, October 14, 1964.]



*Kennedy Park Gazebo, 2009*

Demolition of the bandstand would eliminate one of the three landmarks that have stood in the City/Kennedy Park for more than 140 years. The other two are the Franklin Simmons Civil War statue and the flagpole near the center of the park. The bandstand, moreover, constitutes the landmark that has a living history. There events have taken place that add weight to its historic character. Every effort must be made to maintain this historic site.

Douglas I. Hodgkin  
Lewiston, Maine  
September 2011



*Preparations for Humphrey Visit, Lewiston Evening Journal, October 9, 1964.*

City of Lewiston  
City Hall - 27 Pine Street  
Lewiston, Maine 04240

February 26, 2010  
Job No. 2010-024  
Pg. 1 of 3

**Subject:** Structural Assessment of the Gazebo at Kennedy park, Lewiston, Maine.

**Attention:** Mr. Norm Beauparlant: Director of Budget / Purchasing.

**Purpose:**

The purpose of this initial structural assessment of the Kennedy Park Gazebo was to determine the relative condition of the structure, to identify any major deficiencies, and comment on its structural integrity. This assessment did not address the structure of the Gazebo to withstand current IBC Code mandated snow and wind loads.

**Introduction:**

I have completed a preliminary structural assessment of the Gazebo at Kennedy Park in Lewiston, Maine. As a preliminary assessment, the work was limited to a visual inspection, without any removal of components or invasive sampling of the structure.

The Kennedy park Gazebo is at least 50 years old. It has an octagonal raised floor, which is approximately 22ft. in width. The platform floor is accessed by concrete stairs. The platform is covered by an ornate roof structure. The roof is shaped like a "shallow bell", with a flat ceiling. The roof is supported by (8) wood columns on (8) brick piers. The platform is supported by the same brick piers, and by (1) interior brick pier. The platform floor is wood framed and has a concrete topping. The underside of the platform floor is accessed by doors on one side of the Gazebo.

Overtime, modifications and repairs have been made to the Gazebo. Masonry block has been installed between the brick piers, and is supported on steel members spanning between the brick piers. The existing wood framing of the platform floor has been shored and reinforced in numerous places, to combat loss of strength due to rot.

**Inspection:**

The Gazebo structure contains the following primary structural components:

1. Wood framed bell shaped roof with ornate perimeter wood trim.
2. Eight wood support columns.
3. Eight brick support piers.
4. Raised wood framed platform with a concrete topping.
5. Ornate perimeter iron railings.
6. Concrete Stairs.

**Findings of the Inspection:****1. Wood framed bell shaped roof with ornate perimeter wood trim:**

The roof framing of the Gazebo was mostly not visible for inspection. Only the ends of the roof rafter were visible. The underside of the roof structure has a flat wood ceiling. There is no evidence of water leakage or damage. There are ornate trim pieces and trim boards along the perimeter of the roof that are showing obvious signs of decay. In some locations, the ornate trim is completely gone. From the visual inspection, given the condition of the ceiling and lack of signs of water infiltration, the roof structural framing is likely to still be in good condition. The trim work is in poor condition.

**2. Eight wood support columns:**

The roof support columns consist of (2) 4x6 wood members that are encased in vertical trim and base trim. The wood columns are supported on the brick piers that terminate 3ft. above the platform floor. In general, some trim work is missing on the columns. At (1) brick pier, only a small portion of the upper course of bricks remains to support the roof column. The wood columns appear to be in fair condition.

**3. Eight brick support piers:**

The brick piers are a make up a primary part of the Gazebo structure, as they support both the roof and the platform floor. The brick piers are in poor condition. At their base, water and ice has dislodged bricks and opened brick joints. This has happened at the platform floor level as well. In many cases, the joints have opened dramatically. Being left open will only allow water and ice to continue to damage the brick piers.

**4. Raised wood framed platform with a concrete topping:**

The raised wood floor of the Gazebo is framed with rough sawn 2x8s spaced at 20"oc, spanning to a 6x8 interior wood girder. A perimeter built-up 2x8 girder spans from pier to pier at the perimeter, behind the masonry block wall. Most of the wood framing is rotted where the members frame near the exterior sides of the Gazebo. In many cases, the rot is severe, and temporary shoring has already been added. If the framing were in good condition, it would have a live load capacity in the 60psf range, which is light for its potential use.

**5. Ornate perimeter iron railings:**

Ornate iron railings span between the brick piers. The railings appear to have been salvaged from a previous location. The top of the railings are severely rusted. It is unlikely that the railings could be repaired.

**6. Concrete Stairs:**

The stairs to the Gazebo platform are pre-cast concrete with brick veneer. The stairs appear to be in good condition.

**Conclusion:**

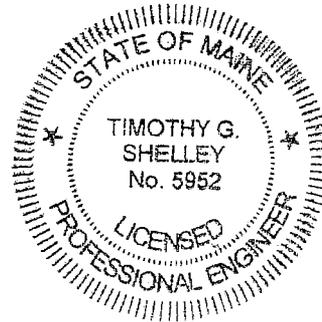
Although the Kennedy Park Gazebo may still provide safe limited use, it is beyond basic repairs. I recommend that occupant use of the Gazebo be remain limited, and plans to either rebuild the Gazebo or demolish it be made in the near future.

I personally believe the only salvageable portion of the Gazebo is the roof structure. If this course of action were taken, the roof could be removed for restoration work, while the rest of the Gazebo is demolished and rebuilt. If this option is not feasible, plans to either demolish the Gazebo or make it off limits to the public will be required. Annual inspections of the Gazebo should be made to keep track of its condition.

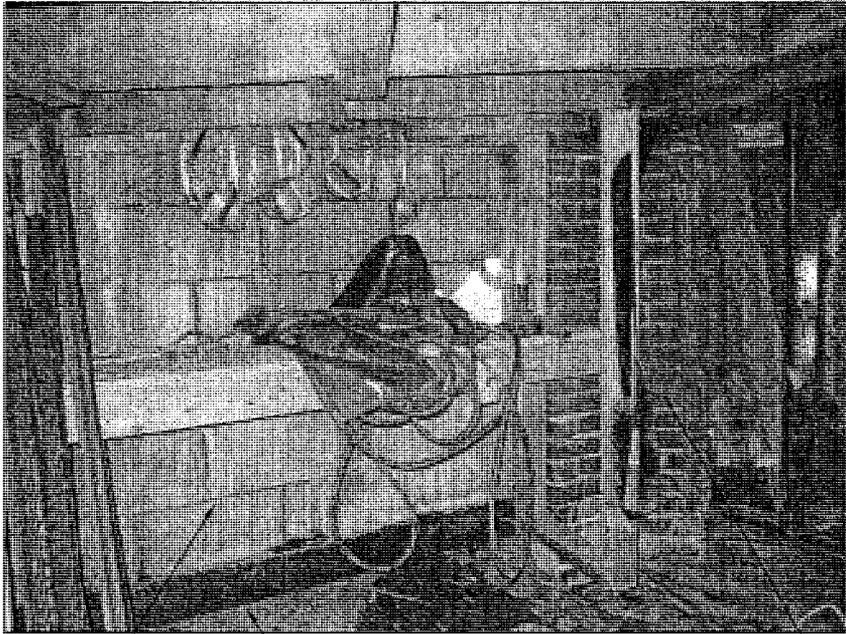
Please let me know if you have any questions.

Sincerely:

*Timothy G. Shelley*  
Timothy G. Shelley, P.E.



See Additional Photos P1-10 attached



Masonry In-Fill

Brick Pier

Rusted Steel Member  
Supporting In-Filled Masonry Block

# PHOTO - No. 1

View from Under-Side of Gazebo

<p>—SEI—</p> <p>SHELLEY ENGINEERING, INC.</p> <p>STRUCTURAL CONSULTANTS</p> <p>90 BRIDGE STREET</p> <p>WESTBROOK, MAINE 04092</p> <p>PHONE (207) 854-5465</p> <p>FAX (207) 854-8706</p> <p>WWW.SHELLEYENGINEERING.COM</p>	KENNEDY PARK GAZEBO		
	LEWISTON		MAINE
	<p>DRAWN BY:</p> <p style="text-align: center;">TGS</p>	<p>DATE:</p> <p style="text-align: center;">2/26/10</p>	<p>SHEET No. :</p> <p style="text-align: center;">P1 OF 10</p>
<p>CHECKED BY:</p> <p style="text-align: center;">TGS</p>	<p>SCALE:</p> <p style="text-align: center;">N/A</p>	<p>JOB No.:</p> <p style="text-align: center;">2010-024</p>	

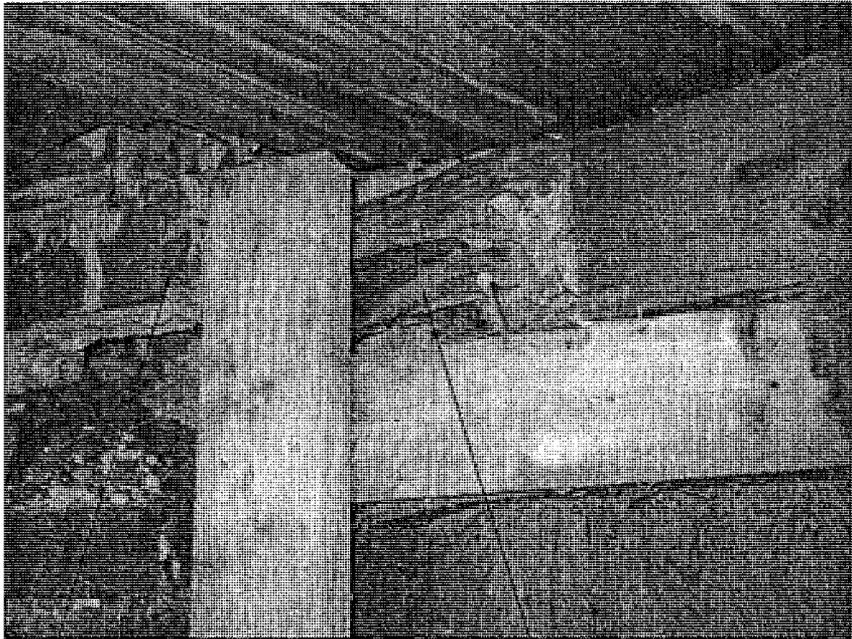


Floor Joists

Temporary Shoring

PHOTO - No. 2  
View from Under-Side of Gazebo

<p>—SEI—</p> <p><b>SHELLEY ENGINEERING, INC.</b> STRUCTURAL CONSULTANTS 90 BRIDGE STREET WESTBROOK, MAINE 04092 PHONE (207) 854-5465 FAX (207) 854-8706 WWW.SHELLEYENGINEERING.COM</p>	<p><b>KENNEDY PARK GAZEBO</b></p>		
	<p><b>LEWISTON</b></p>		<p><b>MAINE</b></p>
	<p>DRAWN BY: <b>TGS</b></p>	<p>DATE: <b>2/26/10</b></p>	<p>SHEET NO. : <b>P2 OF 10</b></p>
<p>CHECKED BY: <b>TGS</b></p>	<p>SCALE: <b>N/A</b></p>	<p>JOB No.: <b>2010-024</b></p>	



Brick Pier

Rotted End of Perimeter Wood Girder

**PHOTO - No. 3**  
View from Under-Side of Gazebo

<p>—SEI—</p> <p><b>SHELLEY ENGINEERING, INC.</b>                  STRUCTURAL CONSULTANTS                  90 BRIDGE STREET                  WESTBROOK, MAINE 04092                  PHONE (207) 854-5465                  FAX (207) 854-8706                  WWW.SHELLEYENGINEERING.COM</p>	<p><b>KENNEDY PARK GAZEBO</b></p>		
	<p><b>LEWISTON</b></p>		<p><b>MAINE</b></p>
	<p>DRAWN BY: <b>TGS</b></p>	<p>DATE: <b>2/26/10</b></p>	<p>SHEET No. : <b>P3 OF 10</b></p>
<p>CHECKED BY: <b>TGS</b></p>	<p>SCALE: <b>N/A</b></p>	<p>JOB No.: <b>2010-024</b></p>	



Rotten Floor Board

Underside of Conc. Topping

Reinforced Floor Joist

## PHOTO - No. 4

View from Under-Side of Gazebo

—SEI—

SHELLEY ENGINEERING, INC.

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WESTBROOK, MAINE 04092  
PHONE (207) 854-5465  
FAX (207) 854-8706  
WWW.SHELLEYENGINEERING.COM

KENNEDY PARK GAZEBO

LEWISTON

MAINE

DRAWN BY:

TGS

DATE:

2/26/10

SHEET No. :

P4 OF 10

CHECKED BY:

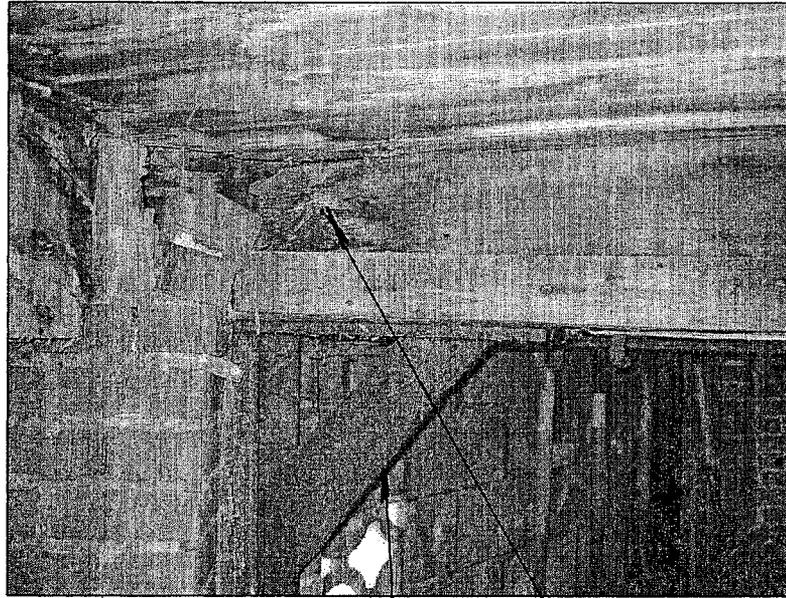
TGS

SCALE:

N/A

JOB No.:

2010-024



— Rotten End of Floor Girder

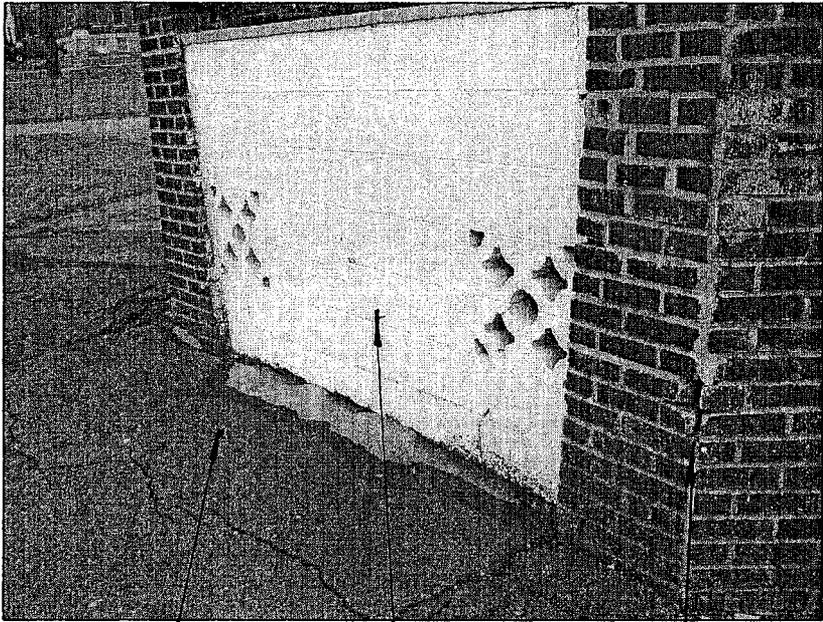
— Rusted Steel Support

— Brick Pier (loose bricks)

## PHOTO - No. 5

View from Under-Side of Gazebo

—SEI— SHELLEY ENGINEERING, INC. STRUCTURAL CONSULTANTS 90 BRIDGE STREET WESTBROOK, MAINE 04092 PHONE (207) 854-5465 FAX (207) 854-8706 WWW.SHELLEYENGINEERING.COM	KENNEDY PARK GAZEBO		
	LEWISTON		MAINE
	DRAWN BY: TGS	DATE: 2/26/10	SHEET No. : P5 OF 10
CHECKED BY: TGS	SCALE: N/A	JOB No.: 2010-024	



Cracked Brick Pier

Masonry Block In-Fill

Failing Pavement causing Drainage Problems

# PHOTO - No. 6

View from Out-Side of Gazebo

—SEI—

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WWW.SHELLEYENGINEERING.COM

KENNEDY PARK GAZEBO

LEWISTON

MAINE

DRAWN BY:

TGS

DATE:

2/26/10

SHEET No. :

P6 OF 10

CHECKED BY:

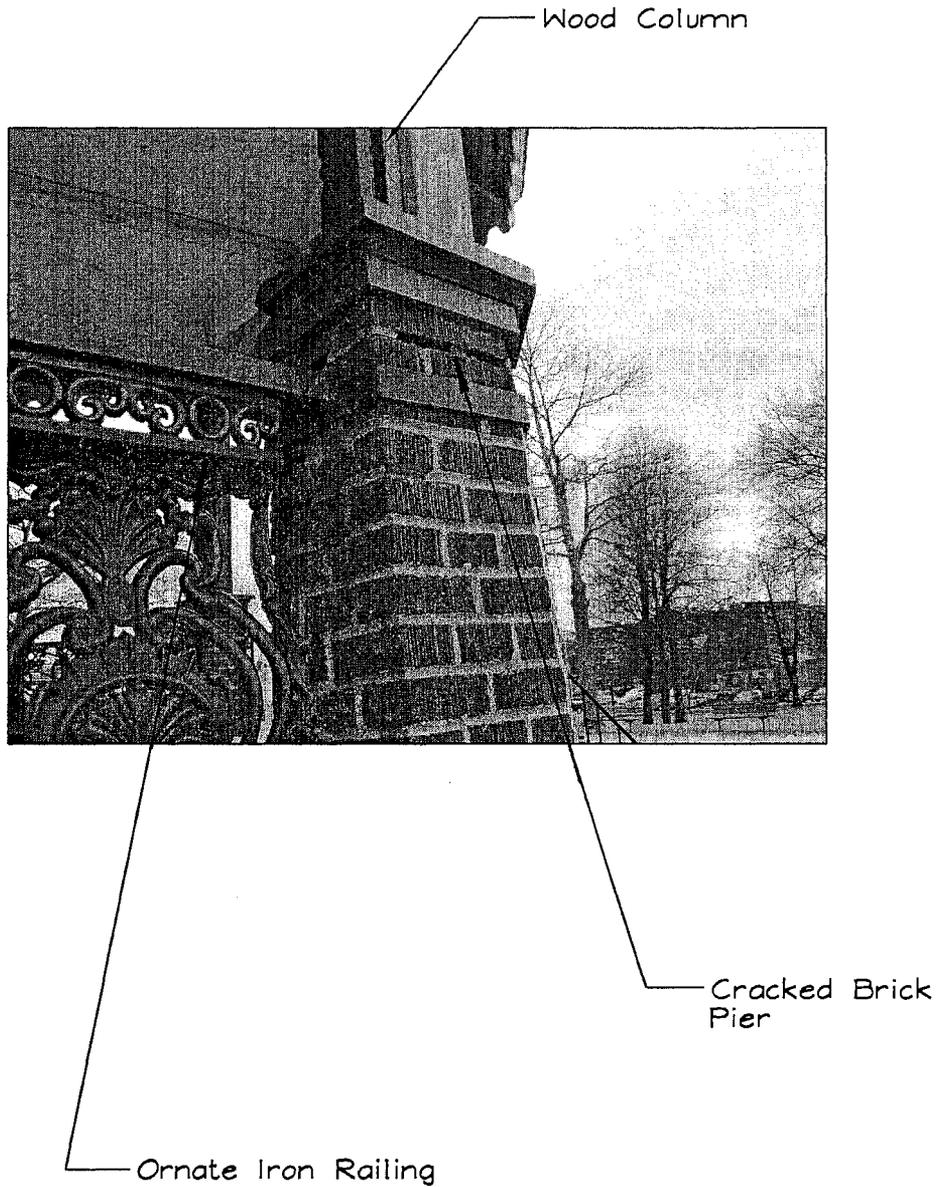
TGS

SCALE:

N/A

JOB No.:

2010-024



## PHOTO - No. 7

View from Out-Side of Gazebo

—SEI—

SHELLEY ENGINEERING, INC.

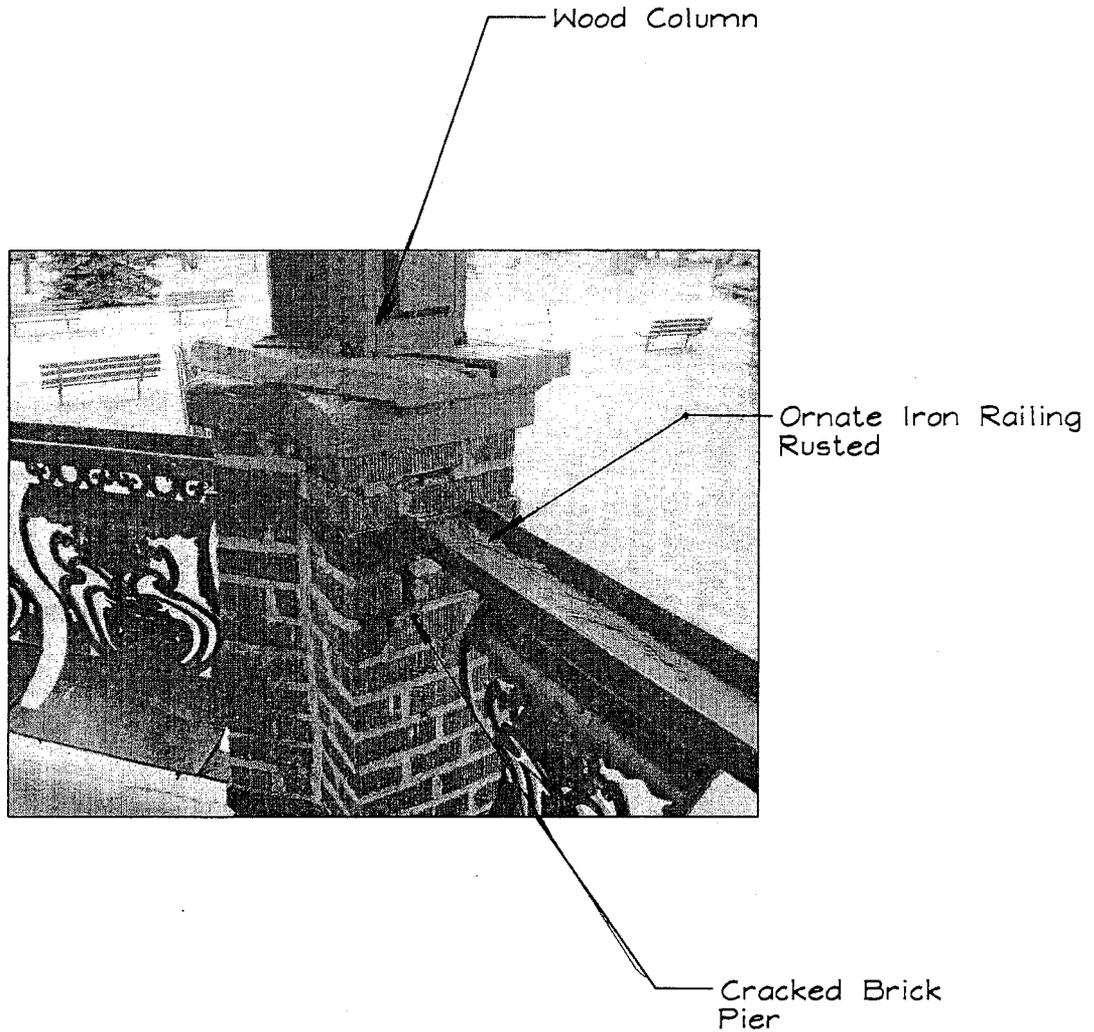
STRUCTURAL CONSULTANTS  
90 BRIDGE STREET  
WESTBROOK, MAINE 04092  
PHONE (207) 854-5465  
FAX (207) 854-8706  
WWW.SHELLEYENGINEERING.COM

KENNEDY PARK GAZEBO

LEWISTON

MAINE

DRAWN BY: TGS	DATE: 2/26/10	SHEET No. : P7 OF 10
CHECKED BY: TGS	SCALE: N/A	JOB No.: 2010-024



## PHOTO - No. 8

View from Out-Side of Gazebo

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KENNEDY PARK GAZEBO

LEWISTON

MAINE

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DATE:

2/26/10

SHEET No. :

P8 OF 10

CHECKED BY:

TGS

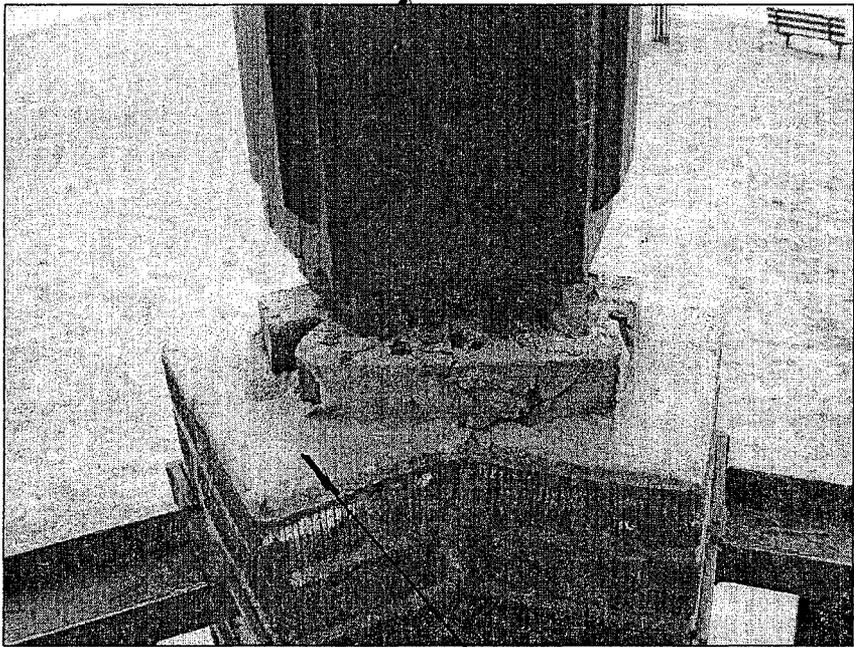
SCALE:

N/A

JOB No.:

2010-024

Wood Column



Missing Brick at  
Wood Column Support

# PHOTO - No. 9

View from Out-Side of Gazebo

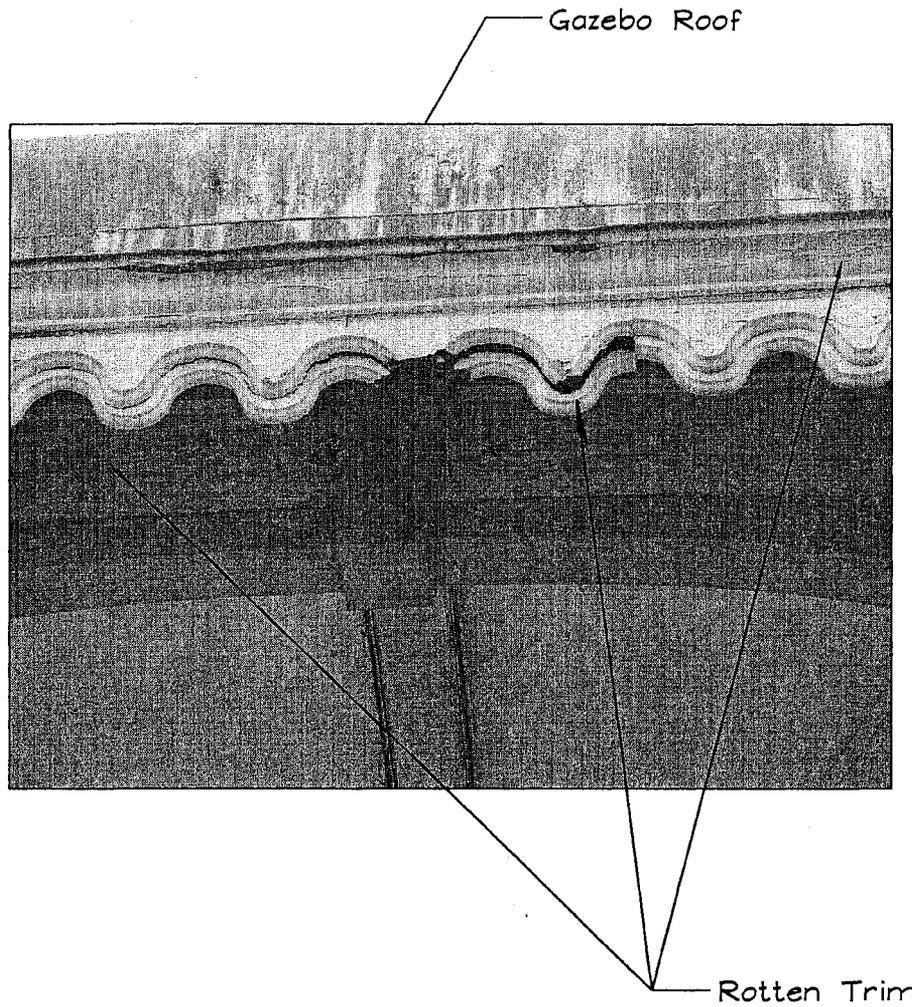
—SEI—  
 SHELLEY ENGINEERING, INC.  
 STRUCTURAL CONSULTANTS  
 90 BRIDGE STREET  
 WESTBROOK, MAINE 04092  
 PHONE (207) 854-5465  
 FAX (207) 854-8706  
 WWW.SHELLEYENGINEERING.COM

## KENNEDY PARK GAZEBO

LEWISTON

MAINE

DRAWN BY: TGS	DATE: 2/26/10	SHEET No. : P9 OF 10
CHECKED BY: TGS	SCALE: N/A	JOB No.: 2010-024



## PHOTO - No. 10

View from Out-Side of Gazebo

—SEI—

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FAX (207) 854-8706  
WWW.SHELLEYENGINEERING.COM

KENNEDY PARK GAZEBO

LEWISTON

MAINE

DRAWN BY:

TGS

DATE:

2/26/10

SHEET NO. :

P10 OF 10

CHECKED BY:

TGS

SCALE:

N/A

JOB No.:

2010-024

City of Lewiston  
City Hall - 27 Pine Street  
Lewiston, Maine 04240

July 27, 2010  
Job No. 2010-024  
Pg. 1 of 1

**Subject:** Structural Assessment of the Gazebo Roofing at Kennedy Park, Lewiston, Maine.

**Attention:** Mr. Mike Paradis, P.E.

Mike:

I made a structural inspection of the Kennedy Park Gazebo roofing on July, 22, 2010. The Gazebo Roofing is constructed with tin and tin flashing, and is painted. The inspection was conducted from a ladder and was visual. Minor sanding of the roofing surface was done.

The tin has a coat of paint that is old and is in poor condition. In some places the paint is completely gone or detached and blistered. Some of the tin eave flashing is in poor condition or is missing.

Although the paint is in poor condition, the tin roofing was found to be in fair condition. The underside of the Gazebo roof does not show signs of water infiltration. There is some perimeter wood decay at the tin eave flashing.

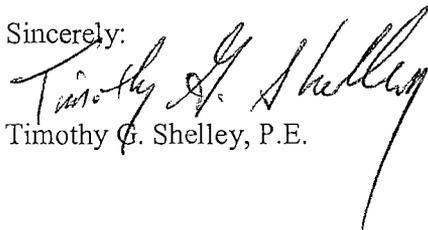
The areas of the tin roofing that are bare of paint have minor surface rusting. An application of sandpaper revealed solid material under the surface rust.

Overall, I found the condition of the Gazebo tin roofing to be in fair condition. For the roofing to continue to perform well, repainting of the roof and repair to flashing are required. The existing paint will need to be removed. After the removal of the paint, the tin should be cleaned with a proper solvent.

I suggest that the painting and repair of the Gazebo roof be done only by a qualified painting contractor who has experience with working with tin roofing materials. The contractor(s) selected for this work should provide a detailed outline of their proposed means and methods of all work.

Please let me know if you have any questions.

Sincerely:



Timothy G. Shelley, P.E.





















