

**LEWISTON CITY COUNCIL AGENDA
CITY COUNCIL CHAMBERS
SEPTEMBER 4, 2012**

6:00 p.m. Workshop - Review of proposed amendments to the CDBG Commercial Loan Programs

6:30 p.m. Executive Session - To discuss labor negotiations regarding the International Association of Firefighters, Local 785.

7:00 p.m. Regular Meeting

Pledge of Allegiance to the Flag.
Moment of Silence.

Public Comment period - Any member of the public may make comments regarding issues pertaining to Lewiston City Government (maximum time limit is 15 minutes for all comments)

ALL ROLL CALL VOTES FOR THIS MEETING WILL BEGIN WITH THE COUNCILOR OF WARD 1.

CONSENT AGENDA: All items with an asterisk (*) are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

- * 1. Authorization to accept transfer of forfeiture funds.
- * 2. Amendment to the Traffic Schedule regarding changes of parking regulations and traffic lanes for a portion of Park Street.
- * 3. Amendments to the Plumbing Permit Fee Policy and the Building Permit Fee Policy regarding the addition of belated fees.
- * 4. Resolve authorizing Laurent F. Gilbert, Sr. to solicit and raise fund for lighting the clock tower of Lewiston City Hall.

REGULAR BUSINESS:

- 5. Public Hearing for approval of an Outdoor Entertainment Permit for The Dempsey Challenge and approval for use of city services.
- 6. Public Hearing and First Passage for amendments to the Solid Waste Ordinance regarding the new ePass system.
- 7. Public Hearing and Final Passage on amendments to the Traffic and Vehicles Ordinance regarding winter nighttime parking.
- 8. Condemnation Hearing for the building located at 46 River Street.
- 9. Condemnation Hearing for the building located at 117 Pine Street.
- 10. Disposition of the property at 233 Blake Street.
- 11. Order authorizing the City Administrator to execute documents issuing an easement for 45 Labbe Avenue.

12. Authorization for the Auburn-Lewiston Municipal Airport Board of Directors to sell Lot Nine at the Auburn-Lewiston Industrial Airpark.
13. Resolve supporting a U.S. Constitutional amendment on campaign finance.
14. Order authorizing the City Administrator to provide city services for the American Heart Association Central Maine Heart Walk on Sunday, September 16, 2012.
15. Reports and Updates.
16. Any other City Business Councilors or others may have relating to Lewiston City Government.



Executive Department
Lincoln Jeffers
Assistant to the Administrator



To: Honorable Mayor and Members of the City Council
From: Lincoln Jeffers
RE: Draft Proposed Amendments to Commercial Loan Programs
Date: August 31, 2012

The City's current Commercial Loan Programs and Guidelines were first drafted in the late '90's. Since then, they have seen few amendments. Over the last year it became evident that the programs were becoming dated, and some of the guidelines were creating constraints and funding challenges for worthy projects. Staff reviewed the commercial programs and guidelines with a critical eye, looking to make them better reflect the current needs of the community and easier to understand. Drafts of proposed changes are attached. In some instances, the size of grants available have been reduced, a reflection of reduced CDBG funding with which we capitalize our loan and grant programs.

Application for our loan and grant programs, along with the guidelines for all of the programs, was previously combined into one package. Applicants found it confusing, and somewhat daunting. They weren't sure what needed to be filled out and provided for loans, and what needed to be done for grants. The City's Community Development Program Coordinator, Jayne Jochem, who works closely with applicants, has reformatted the program guidelines so that each program will have its own application. In the draft documents provided are program guidelines for each program. Also included in the drafts is verbiage titled: *Application Procedure and Review Outline*. That verbiage would be included at the end of each of the program guidelines, making each a complete, standalone document. The goal is to simplify the process, and make clear what the expectations and requirements of each program are.

Following is a brief summary of the programs as revised.

Façade Program

The proposed changes make clear that up to \$50,000 in public funding is available per building to be spent on building facades visible from the street. The first \$25,000 in funding will be provided as a grant, the second \$25,000 as a 0% interest loan with up to a 10 year payback term. All public funding must be matched on a 1:1 basis with private sector funding for façade work. Façade grants are only available in the priority area shown on a map, which consists of

Lisbon Street from Adams Ave. to Main Street, and the south side of Main Street between Canal and Park Streets. Decision making on façade grants will move from the current 3 person staff committee, to the Loan Qualification Committee.

Life Safety Program

This is a new program that will make up to \$50,000 per building available for installation of sprinkler systems, a second means of egress, or other improvements required by life safety codes. The first \$25,000 will be provided as a grant, the second \$25,000 as a 0% interest loan with up to a 10 year payback term. All public funding must be matched on a 1:1 basis with private sector funding for life safety code related work.

Elevator Grant Program

With reduced federal funding to capitalize city loan and grant programs, elevator grants will increasingly become difficult to fund. Decision making on grants will need to take into consideration the availability of funds, activity in other funding segments, and which projects will provide the most return on public investment. Elevator grants are available in most of the downtown area (see Downtown Elevator Grant Application Map) running from Bates Street to the river, Island Point to Gully Brook. This area includes most of the mill properties. Grants require three dollars of private investment elsewhere in the project for each public dollar going to the elevator. The grant is capped at \$150,000, and would require \$450,000 in private sector investment to maximize. To be eligible, buildings, or adjoining buildings served by the same elevator must have at least 25,000 s.f. of leasable square footage.

Commercial Loan Program

The Downtown Improvement Program and Commercial Rehabilitation Program have been combined. Historically, funding for these programs has been pooled. The only distinction in allowable uses for the funding was that Downtown Improvement loans could be used for acquisition and demolition, while the Commercial Rehabilitation funding could not. Money is to be used for rehabilitation of building exteriors, interiors, structural repairs and mechanical systems. Loans are available for up to \$50,000 at 3% for terms of up to 10 years. Public funding must be matched on a 1:1 basis with private sector funding.

Application Procedure and Review Outline

This verbiage would be added to the back of each of the program packages described above. The intent of the language is to clarify what is needed as part of the application process, and to provide, in common language, a better sense of the federal requirements that come with utilization of funding capitalized with federal dollars.

Please be in touch if you have specific concerns. I look forward to our discussion on Tuesday.

City of Lewiston Façade Improvement Program

Program Overview

The City of Lewiston's Façade Program is a key aspect of the City's downtown redevelopment strategy. By redeveloping a concentrated number of storefronts in our designated "priority area", the program will improve the overall image of the Centreville District and the City as a whole and will spur additional private sector investment.

The Façade Improvement Program is being funded and administrated through the City's Economic and Community Development Department. The "priority area" is located along a portion of Main Street and Lisbon Street between Main Street and Adams Street. The maximum amount of funding allowed is \$50,000 and if awarded through the program must be matched on a 1:1 basis by the owner or tenant. Design plans for historic properties will be reviewed by the local Historic Preservation Review Board (HPRB) and the Maine State Historic Preservation Officials (SHPO) for appropriateness of design. Applications recommended for funding will be reviewed and approved by the City's Loan Qualification Committee (LQC) prior to funding.

Program Objectives

- To encourage private investment that enhances the visual aesthetics of the downtown and leads to increased property value.
- To stimulate economic development through financial incentives to existing business owners to ensure business sustainability and to create aesthetically pleasing areas to attract new businesses and consumers.
- To create jobs and remove slum and blight

Program Criteria

Façade: Building exterior visible from the primary means of travel at street level

Project Eligibility: To be eligible the property must be located in the "priority area" in the Centreville District. The building must be taxable, privately owned, and a commercial or mixed use property. A map of the "priority area" is located in Attachment A.

Applicant Eligibility: The applicant must have proof of ownership of the building, must be current on all City assessments, provide evidence of cash match from a financial institution, lender, insurance payment or owner cash; and meet financial and underwriting requirements if part of the financing is a loan. The applicant nor any member of his/her family may be an elected or appointed City Official;

Director of any City Department; an employee of the City's Economic and Community Development Department or Code Enforcement and Planning Department.

City Assessments: Applicants may not be delinquent on property taxes, personal property taxes for business equipment, trash, water or sewer or have any outstanding or delinquent accounts on any property of which they are a principal owner within the City of Lewiston.

Tenants: Tenants of the subject property may apply for funding; however, all intended improvements must be agreed upon by the building owner and a written consent must be included with the application and tenants must Submit a copy of their Lease Agreement with the owner that specifies the terms and conditions of leasing the space and the date the agreement ends. Any changes in the scope of the project while being considered for funding will require final approval by the owner of the property.

Historic Properties: Some of the properties located in the "priority area" are listed on the National Historic Register or have been designated locally as being a historic building or is located in a designated historic district. Applicants are encouraged to know the historical significance of the building they are applying for funding for. The Facade Program utilizes federal funding which requires review and approval of proposed changes to historic properties by the Maine Historic Preservation Commission, or by the Lewiston Historic Preservation Review Board. The level of historic significance triggers the level of review. Please check "Appendix A - Zoning and Land Use Code Article XV Significant Buildings and Districts" at the City of Lewiston to determine local significance and review requirements. Historic projects must follow the Secretary of Interior's Standards for Rehabilitation. Construction documents shall be prepared by an architect, design consultant, or contractor, preferably with experience in the building restoration field.

Cost Estimates: Applicants are required to obtain two firm bids for eligible improvements that is being funded by the façade program. Bids must be from independent contractors and are of the same scope of work by each contractor. Projects approved for funding will be based on the lowest and most qualified bids; however, applicants may choose any of the submitted bidders but will be responsible for paying the cost that exceeds the lowest qualified bidder. A building owner with a construction company may not bid to do work under this program.

Eligible Expenses: Some of the improvements that may be made with this funding source include but are not limited to:

- Exterior building renovations/improvements including construction of new entryways or other improvements as may be required by HPRB or SHPO
- Exterior Lighting
- New or renovated signs (See City Code requirements)
- Windows

- Masonry, repointing/painting
- Awnings
- Roof repairs/replacement related to structural improvements that hold the façade in place
- Architectural Design work (\$2,000 limit for historic properties)
- Landscaping in areas visible to the public

Ineligible Expenses: Improvements that are not eligible with this funding source include but are not limited to:

- New construction
- Interior renovations
- Costs associated with security systems, solar systems or satellites
- Decorative Fencing
- Sidewalks on private property
- Project improvements commenced prior to the receipt of a signed funding agreement from the City (except architectural design)

Maximum Funding Available per Project: Up to \$50,000 available for two facades on the subject property. The first \$25,000 of investment from the City will be provided as a grant and the second \$25,000 of investment from the City provided as a 0% loan for up to 10 years as determined by the ability to repay and as approved by the LQC.

Matching Funding: A 1:1 match (50% of total project cost) is required for any increment of funding provided under this program. Applicant may secure match from a lender, owner equity, or insurance, etc. Match must be cash, or liquid and available when the project is approved for funding. A letter of firm commitment from a lender or award letter will be used to verify match from sources other than owner equity. Once the application is approved for funding, each disbursement request of public funding must be matched by an equal amount of private funding. All of these forms of match are acceptable providing the funding is available at the time the project is ready to proceed. No self-help labor is allowed as match.

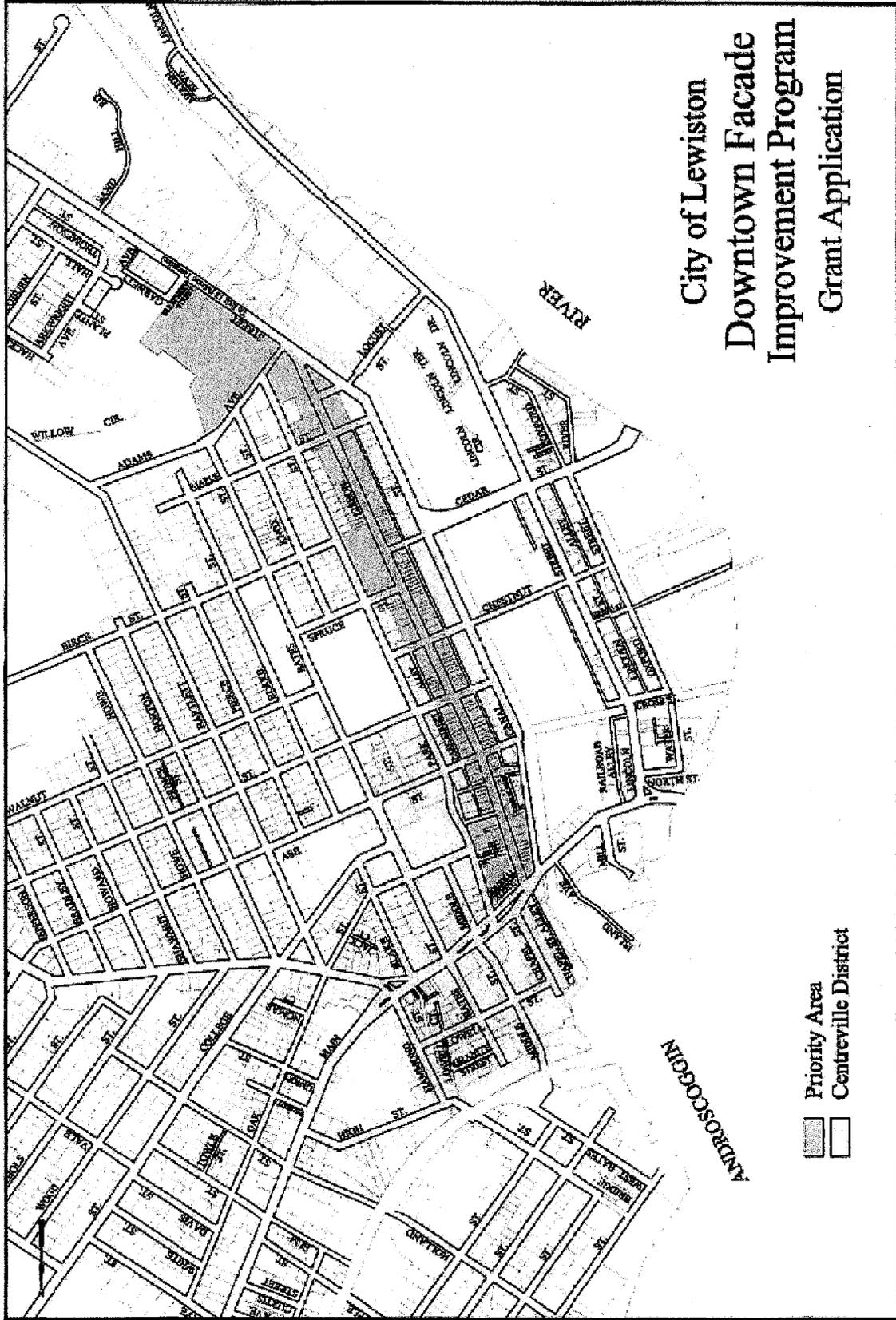
Funding Agreement: Applicants must have a signed funding agreement with the City prior to commencement of improvements. Other than for architectural design, project expenditures made prior to the LQC approval and a signed funding agreement, do not qualify as matching funds and are not eligible for reimbursement.

Federal, State and Local Requirements May Apply: Most of the funding available to the City for grants and loans comes from federal or state resources which means there are some

restrictions or requirements that must be met. Additionally local ordinances may apply. Restrictions governing these funds are described in a later section of these guidelines.

Funding Source: Community Development Block Grant (CDBG); Other federal, state or local funding that may be available for Façade Grants

City of Lewiston Downtown Facade Improvement Program Grant Application



City of Lewiston Life Safety Grant/Loan Program

Program Overview

Downtown Lewiston has many historic downtown properties that have upper stories that no longer meet life safety codes. Market rents currently do not support the costs of redeveloping these upper stories to current life safety code requirements. This program is intended to match private sector investment made to complete code required life safety improvements that will result in re-utilization of the upper stories of commercial and mixed use taxable downtown buildings. Putting the upper stories of these buildings back into productive use will increase the vitality and sustainability of the downtown, add to the critical mass of people necessary to create and sustain downtown businesses, and expand the city's tax base. The funds may be used to participate in the installation of sprinkler systems, creating or fire rating a second means of egress, or other life safety related improvements.

The City will match private sector investment, on a 1:1 basis, up to \$50,000 per building on a tiered grant and loan basis. The first \$25,000 will be provided as a grant. The second \$25,000 will be provided as a 0% interest loan, to be repaid on a term not to exceed ten years.

The Life Safety Grant/Loan Program is being funded and administered through the City's Economic and Community Development Department. The program is targeted to the "priority area" identified in Attachment A.

Program Objectives

- To encourage private investment that results in the re-utilization and tenancy in the upper floors of taxable downtown commercial and mixed use buildings.
- To stimulate economic development through financial incentives to building owners that result in increased leasable square footage, and in turn, more people and businesses in the target area.
- To remove spot blight, rehabilitation of privately owned commercial buildings expand housing options, create jobs, and increase downtown tenancy and vitality.

Program Criteria

Life Safety Improvements: Shall include sprinkler systems, second means of egress, and other building improvements as may be required by the National Fire Protection Act (NFPA) 101 and International Building Code as adopted by the City of Lewiston and/or State of Maine.

Project Eligibility: To be eligible the property must be located in the "priority area" illustrated in Attachment A. The building must be taxable, privately owned, and a commercial or mixed use property.

Applicant Eligibility: The applicant must have proof of ownership of the building, must be current on all City assessments, provide evidence of cash match from a financial institution, lender, insurance payment or owner cash; and meet financial and underwriting requirements if part of the financing is a loan. The applicant nor any member of his/her family may be an elected or appointed City Official; Director of any City Department; an employee of the City's Economic and Community Development Department or Code Enforcement and Planning Department.

City Assessments: Applicants may not be delinquent on property taxes, personal property taxes for business equipment, trash, water or sewer or have any outstanding or delinquent accounts on any property of which they are a principal owner within the City of Lewiston.

Historic Properties: Some of the properties located in the "priority area" are listed on the National Historic Register or have been designated locally as being a historic building or is located in a designated historic district. Historic properties by federal law have review requirements. Applicants are encouraged to know the historical significance of the building. The life safety program utilizes federal funding which requires a historic review under federal law. The historical significance triggers the level of review. Please check "Appendix A - Zoning and Land Use Code Article XV Significant Buildings and Districts" at the City of Lewiston to determine local significance and review requirements. Historic projects must follow the Secretary of Interior's Standards for Rehabilitation. Construction documents shall be prepared by an architect, design consultant, or contractor, preferably with experience in the building restoration field.

Cost Estimates: Applicants are required to obtain two firm bids for eligible improvements that are being funded by the Life Safety Program. Bids must be from independent contractors and cover the same scope of work by each contractor. Projects approved for funding will be based on the lowest and most qualified bids; however, applicants may choose any of the submitted bidders but will be responsible for paying the cost that exceeds the lowest qualified bidder. A building owner with a construction company may not bid to do work under this program.

Maximum Funding Available per Project: Up to \$50,000 available for life safety required improvements on the subject property. The first \$25,000 of investment from the City will be provided as a grant and the second \$25,000 of investment from the City provided as a 0% loan for up to 10 years as determined by the ability to repay and as approved by the LQC.

Matching Funding: A 1:1 match (50% of total project cost) is required for any increment of funding provided under this program. Applicant may secure match from a lender, owner equity, or insurance, etc. Match must be cash, or liquid and available when the project is approved for funding. A letter of firm commitment from a lender or award letter will be used

to verify match from sources other than owner equity. Once the application is approved for funding, each disbursement request of public funding must be matched by an equal amount of private funding. All of these forms of match are acceptable providing the funding is available at the time the project is ready to proceed. No self-help labor is allowed as match.

Funding Agreement: Applicants must have a signed funding agreement with the City prior to commencement of improvements. Other than for architectural design, project expenditures made prior to approval of the project by the LQC, and if needed, Maine Historic Preservation Commission approval, do not qualify as matching funds. Other than as described above, only those expenditures made after execution of a funding agreement are eligible for inclusion as match or for 50% reimbursement.

Federal, State and Local Requirements May Apply: Most of the funding available to the City for grants and loans comes from federal or state resources which means there are some restrictions or requirements that must be met. Additionally local ordinances may apply. Restrictions governing these funds are described in a later section of these guidelines.

Funding Source: Community Development Block Grant (CDBG); and or other federal, state or local funding may be used.

City of Lewiston Elevator Grant Program

Program Overview

Downtown Lewiston is home to a number of large multi-story buildings with vast underutilized space and limited stair access to the upper floors. The City of Lewiston's Elevator Grant Program is intended to provide critical financial support to assist in the redevelopment of these properties. Attachment A shows the area of the city in which elevator grants may be given, with a special emphasis on properties in the designated "priority area."

The Elevator Grant Program is being funded and administrated through the City's Economic and Community Development Department to stimulate new private investment in existing multifamily buildings.. The "priority area" is located at 1-541 Lisbon Street and 2-550 Lisbon Street, and on Main Street from the intersection of Main and Bates Streets to the intersection of Main and Canal Streets. The maximum amount of funding allowed is \$150,000 and if awarded through the program, must be matched on a 3:1 basis by the owner. Design plans for historic properties will be reviewed by the local Historic Preservation Review Board (HPRB) and the Maine State Historic Preservation Officials (SHPO) for appropriateness of design. Applications recommended for funding will be reviewed and approved by the City's Loan Qualification Committee (LQC) prior to funding.

Program Objectives

- To encourage private investment that encourages productive re-use of underutilized multi-story buildings with limited access to the upper floors and leads to increased property value.
- To stimulate economic development through financial incentives to existing business owners to ensure business sustainability and to create business or residential opportunities and attract new businesses and consumers.
- To create jobs and economic opportunities through the provision of funding that will leverage 3:1 in private investment, and result in the completion of leasable square footage on the upper floors of the structure.

Program Criteria

Project Eligibility: To be eligible the property must be located in the area shown in Attachment A. The building or adjoining buildings served by the same elevator must be at least 3 stories high on the street the primary entrance to the building(s) is located on, have at least 25,000 s.f. of leasable square footage, be taxable, privately owned, and a commercial or mixed use property. The "priority area" is indicated on Attachment A. Included among other evaluation

criteria, funding requests will also be evaluated on the return on public investment a grant will provide.

Applicant Eligibility: The applicant must have proof of ownership of the building, must be current on all City assessments, provide evidence of cash match of \$3 of new, private investment in building rehabilitation from a financial institution, lender, insurance payment or owner cash; and meet financial and underwriting requirements if part of the financing is a loan. The applicant nor any member of his/her family may be an elected or appointed City Official; Director of any City Department; an employee of the City's Economic and Community Development Department or Code Enforcement and Planning Department.

City Assessments: Applicants may not be delinquent on property taxes, personal property taxes for business equipment, trash, water or sewer or have any outstanding or delinquent accounts on any property of which they are a principal owner within the City of Lewiston.

Historic Properties: Some of the properties located in the eligible area are listed on the National Historic Register or have been designated locally as being a historic building or is located in a designated historic district. Applicants are encouraged to know the historical significance of the building they are applying for funding for. The Facade Program utilizes federal funding which requires review and approval of proposed changes to historic properties by the Maine Historic Preservation Commission, or by the Lewiston Historic Preservation Review Board. The level of historic significance triggers the level of review. Please check "Appendix A - Zoning and Land Use Code Article XV Significant Buildings and Districts" at the City of Lewiston to determine local significance and review requirements. Historic projects must follow the Secretary of Interior's Standards for Rehabilitation. Construction documents shall be prepared by an architect, design consultant, or contractor, preferably with experience in the building restoration field.

Cost Estimates: Applicants are required to obtain two firm bids for eligible improvements that are being funded by the elevator program. Bids must be from independent contractors and are of the same scope of work by each contractor. Projects approved for funding will be based on the lowest and most qualified bids; however, applicants may choose any of the submitted bidders but will be responsible for paying the cost that exceeds the lowest qualified bidder. A building owner with a construction company may not bid to do work under this program.

Maximum Funding Available per Project: Up to a \$150,000 grant available for the acquisition and installation of an elevator. The amount of the grant is based upon the amount of new private investment that will be made into the subject property.

Maximum Number of Grants Funded: Only one Elevator Grant will be funded in the City's fiscal year based upon the availability of funds.

Matching Funding: A 3:1 match is required for any increment of funding provided under this program. Matching funds can be used for other improvements to the building. To obtain the maximum amount for any one project, the amount of new private investment must equal \$450,000. Applicant may secure match from a lender, owner equity, or insurance, etc. Match must be cash, or liquid and available when the project is approved for funding. A letter of firm commitment from a lender or award letter will be used to verify match from sources other than owner equity. Once the application is approved for funding, each disbursement request of public funding must be matched by an equal amount of private funding. All of these forms of match are acceptable providing the funding is available at the time the project is ready to proceed. No self-help labor is allowed as match.

Funding Agreement: Applicants must have a signed funding agreement with the City prior to commencement of improvements. Other than for architectural design, project expenditures made prior to the LQC approval and a signed funding agreement, do not qualify as matching funds and are not eligible for reimbursement.

Federal, State and Local Requirements May Apply: Most of the funding available to the City for grants and loans comes from federal or state resources which means there are some restrictions or requirements that must be met. Additionally local ordinances may apply. Restrictions governing these funds are described in a later section of these guidelines.

Funding Source: Community Development Block Grant (CDBG); other federal, state or local funding that may be available.



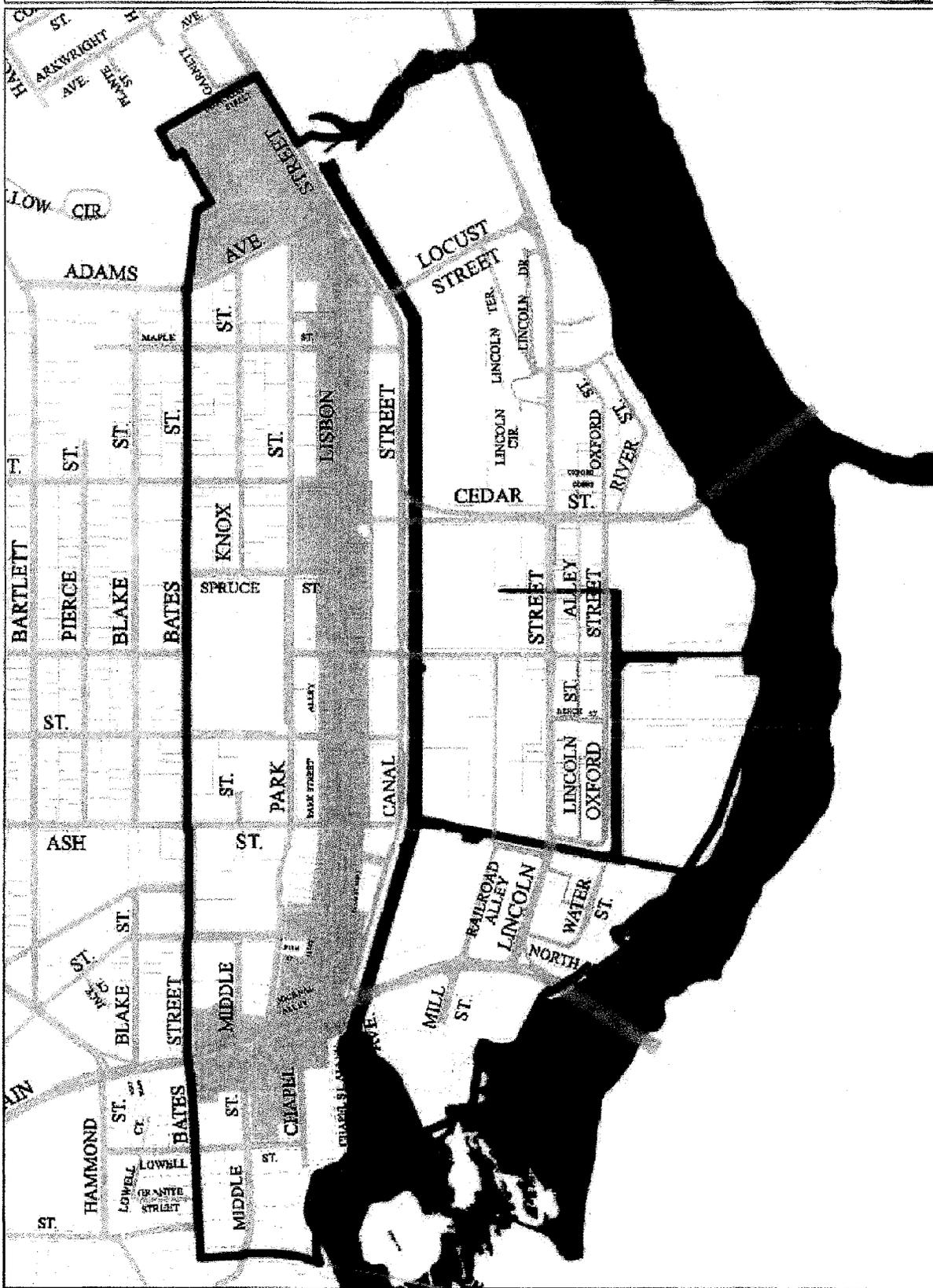
Map of Downtown Elevator Grant Application Area
Map Date: 1/1/12
Map Scale: 1" = 100'

Legend

-  Elevator Grant Program
-  Priority Area

Downtown Elevator Grant Application

February 2012
Map 1 - 1st



City of Lewiston Commercial Loan Program

Program Overview

This loan program is to provide financing that will assist with the rehabilitation of commercial properties in the City of Lewiston. Improvements must meet the City's building code standards. Funds can be used for the rehabilitation of building exteriors, upgrading building interiors, mechanical systems, and structural repairs.

Public funds must be matched on a 1:1 basis with private investment. The maximum city loan is \$50,000. City funds will be lent at a 3% interest rate for a term not to exceed 10 years.

Program Objectives

- To leverage private sector investment in taxable commercial buildings, improving the functionality, safety, and appearance of the structure.
- Elimination of blighted properties
- Encourage investments that enhance the economic viability and appearance of the City, and that result in increased occupancy and job creation.

Program Criteria

Project Eligibility: The building must be taxable, privately owned, and a commercial or mixed use property.

Applicant Eligibility: The applicant must have proof of ownership of the building, must be current on all City assessments, provide evidence of cash match from a financial institution, lender, insurance payment or owner cash; and meet financial and underwriting requirements if part of the financing is a loan. The applicant nor any member of his/her family may be an elected or appointed City Official; Director of any City Department; an employee of the City's Economic and Community Development Department or Code Enforcement and Planning Department.

City Assessments: Applicants may not be delinquent on property taxes, personal property taxes for business equipment, trash, water or sewer or have any outstanding or delinquent accounts on any property of which they are a principal owner within the City of Lewiston.

Historic Properties: Some of the properties located in the downtown area are listed on the National Historic Register or have been designated locally as being a historic building or is located in a designated historic district. Applicants are encouraged to know the historical

significance of the building they are applying for funding for. The Commercial Loan Program utilizes federal funding which requires review and approval of proposed changes to historic properties by the Maine Historic Preservation Commission, and or by the Lewiston Historic Preservation Review Board. The level of historic significance triggers the level of review. Please check "Appendix A - Zoning and Land Use Code Article XV Significant Buildings and Districts" at the City of Lewiston to determine local significance and review requirements. Historic projects must follow the Secretary of Interior's Standards for Rehabilitation. Construction documents shall be prepared by an architect, design consultant, or contractor, preferably with experience in the building restoration field.

Cost Estimates: Applicants are required to obtain two firm bids for eligible improvements that are being funded by the Commercial Loan Program. Bids must be from independent contractors and cover the same scope of work by each contractor. Projects approved for funding will be based on the lowest and most qualified bids; however, applicants may choose any of the submitted bidders but will be responsible for paying the cost that exceeds the lowest qualified bidder. A building owner with a construction company may not bid to do work under this program.

Maximum Funding Available per Project: Up to \$50,000 available for approved project costs.

Matching Funding: A minimum of a 1:1 match (50% of total project cost) is required for any increment of funding provided under this program. Applicant may secure match from a lender, owner equity, or insurance, etc. Match must be cash, or liquid and available when the project is approved for funding. A letter of firm commitment from a lender or award letter will be used to verify match from sources other than owner equity. Once the application is approved for funding, each disbursement request of public funding must be matched by an equal amount of private funding. All of these forms of match are acceptable providing the funding is available at the time the project is ready to proceed. No self-help labor is allowed as match.

Funding Agreement: Applicants must have a signed funding agreement with the City prior to commencement of improvements. Other than for architectural design, project expenditures made prior to approval of the project by the LQC, and if needed, historic review approvals, do not qualify as matching funds. Other than as described above, only those expenditures made after execution of a funding agreement are eligible for inclusion as match or for 50% reimbursement.

Federal, State and Local Requirements May Apply: Most of the funding available to the City for grants and loans comes from federal or state resources which means there are some restrictions or requirements that must be met. Additionally local ordinances may apply. Restrictions governing these funds are described in a later section of these guidelines.

Funding Source: Community Development Block Grant (CDBG); and or other federal, state or local funding may be used.

APPLICATION PROCEDURE AND REVIEW OUTLINE

To Apply for a City Loan or Grant

A property or business owner interested in participating in the City's Commercial Programs must submit a completed, signed application, along with the required submissions to the Economic and Community Development Department, City of Lewiston, 27 Pine Street, Lewiston, ME 04240. If you have questions specific to the program, you can contact Jayne Jochem, Community Development Coordinator at 207-513-3126 x 3233 or jjochem@lewistonmaine.gov. Personal appointments can be made upon request. There is an open application period as long as funding is available. Commercial loans and grants are processed on a first come, first serve basis for approved projects.

Application Submission

The following items must be submitted as part of the application package.

- a) Completed and signed application form and application checklist for documents required to be submitted
- b) Certain financial information is required with all applications including: personal and business income sources, two years personal and business income taxes financial statements or other documentation from a certified accountant, two months of personal and business bank statements, Year to date profit and loss; projected cash flow for next 12 months, collateral sheet, other information as requested; Copy of the Hazard Insurance on the property
- c) Addresses of all properties owned wholly or in part in the City of Lewiston by the Applicant
- d) Current photograph of property to be improved
- e) Written description of the project improvements including material list and color selections, if appropriate to the project
- f) Construction drawings of the proposed improvements, if applicable
- g) Two written bids/estimates of each component of the proposed scope of work needed to complete the project

Application Processing and Review

Each application received will be dated upon receipt in the Economic and Community Development Department offices on the Third Floor at City Hall. Only one original application is needed; however, retain a copy of the completed application for your files. There are two types of funding available, grants or loans. The program itself describes the type of funding City of Lewiston Commercial Programs

DRAFT 09/4/2012

available as well as the maximum funding limits. You may request up to that limit; however, if the ask does not support the need, the City may fund an amount less than the maximum funding levels.

Additionally, applications will be accepted for one or more programs offered through the Economic and Community Development Department depending upon the scope and breadth of the project. For example, you may apply for a Façade Improvement Program and a Commercial Rehabilitation Loan or a Housing Rehabilitation Loan; however, you must meet the individual program as well as the financial guidelines for each type of program applied for. City funds from one funding source cannot be counted as match towards another commercial program. Owner's capacity to finance and complete the scope of the approved project on a timely basis is evaluated as other community development programs are accessed.

Verification of Information

Once the application is submitted, Community Development staff will verify all sources of income, assets, and matching source. Third party written verifications may be needed. Credit Reports to determine credit worthiness of the business including its members and principals will be obtained.

Community Development staff will conduct a title search of the property to make sure that the title is clear from liens and will complete property verifications with City Departments, (Assessing, Finance – Water and Sewer, Treasurers, etc Code Enforcement and Planning) that there are no outstanding assessments or complaints on the property. Staff will check the State of Maine's Corporate Database to ensure that the Corporation is considered in good standing. The Community Development staff will check the Federal State and local databases to determine whether or not the building is historic and the type of review needed. City staff will also check the FIRMettes Flood Map and the Wetlands Map and print a GIS map of the property location.

Community Development staff will review the project and the bids with the Building Inspector and set an appointment to conduct the initial inspection of the property to ensure that the improvements made to the property will add value and that the building can support the proposed improvements. The Building Inspector will make recommendations as needed including items that do not meet code and need to be repaired as part of the project.

Community Development staff will check the Contractors that have provided proposals against the Excluded Parties List System (EPLS) <http://www.epls.gov> to determine if the contractor has

been debarred, suspended, is proposed for debarment, excluded or otherwise disqualified from work that is being federally funded. Staff will document the file.

Community Development staff will document the file defining the National Objective and the eligible activity that the project falls under.

Once the initial verification has been completed, if favorable, staff will document the file and send to underwriting.

Risk Analysis and Underwriting Criteria

All grants will be underwritten by staff in the Economic and Community Development Department. Commercial loans will be underwritten on a contractual basis.

The following underwriting criteria will be used to evaluate the financial strength of the borrower and the anticipated success of the project:

1. Debt Coverage Ratio (DCR) defined as the monthly debt compared to the monthly net income. The City will accept a DCR of 1:1.1. (loan only)
2. Debt Service Coverage Ratio (DSCR) defined as the Net Operating Income (NOI) divided by the Total Debt Service. The City will accept a DSCR of 1:1.20 (loan only)
3. Loan to Value Ratio (LTV) defined as the Total Loan Balances of the mortgages divided by the Fair Market Value of the Property. The LTV will not exceed 100% LTV (loan only)
4. Years in Business
5. Commitment of other lenders/Terms of the Commitment/Subordination
6. Repayment/Refinancing Collateral (loan only)
7. Matching source from an institutional lender, owner financing, insurance company, and/or any other source acceptable to the lender
8. Track record of accomplishments
9. Verification that all City Department assessments (taxes, City utilities, etc) have been paid

The file will be documented with this information and reviewed by staff to determine whether or not the project is financially feasible and ready to move to the Loan Qualification Committee for approval.

Application Approval:

All applications for program funding are presented for review and approval to the Loan Qualification Committee (LQC), which consists of: the City of Lewiston's City Administrator,

Economic & Community Development Director, Director of Finance, one member of the City Council, and one citizen representative preferably with lending experience.

The actions of the Committee shall be governed by the following rules:

1. A majority of the Committee's members must be present to constitute a quorum. At least three (3) votes on the prevailing side are required to constitute a valid vote on any funding application.
2. Committee approval of applications will be contingent upon the applicant meeting the requirements of the program they are applying for
3. The Committee has the authority to adjust terms, rates and the match requirement and underwriting ratios on a case-by-case basis.

Approval/Disapproval of the Funding Request

Once the LQC makes a recommendation, the applicant will be notified via telephone by a representative of the Economic and Community Development Staff. If the terms have been modified, the borrower will be given an opportunity to accept the new terms and conditions or request an appeal.

Appeal Process

The applicant may appeal the decision of the Loan Qualification Committee (LQC) under the following circumstances:

- 1.) Must be in writing with an explanation regarding why the applicant should be granted an appeal
- 2) No new information may be presented by the applicant only clarification of information that was not presented correctly.
- 3) Request for an appeal must be made within 30 days of the date of the decision to deny or modify the terms of participation in writing to The LQC, Chairperson, who will conduct the appeal process.
- 4) The decision of the Chairperson is final.

General Terms and Conditions for Participation in the City Programs

This section sets forth the general terms and conditions to which an applicant must agree in order to receive a loan through the Loan Programs.

Once the proposed work is approved for funding and a Commitment Letter is issued. Community Development Department staff will contact the owner, schedule an appointment for a loan closing. The following documents become part of the Funding Agreement between the City and the Owner: 1) Commitment Letter, Terms and Conditions of the Program, Security Agreement or Mortgage, Promissory Note, Personal Guaranties of all owners, if Equipment is purchased UCC-1 and 2; or other Agreements pertinent to the type of funding (eg Job Creation, Façade Maintenance Agreement, etc.)

The City of Lewiston views the documents executed at the loan closing as a contractual agreement between the Borrower and the City. To fulfill this agreement, the Borrower must:

1. Complete within six (6) months all rehabilitation work as described in the loan application submitted by the applicant and approved by the Loan Qualification Committee. For exterior work scheduled allowances may be made for weather if needed.
2. Repay in full and in the manner prescribed, all loan money disbursed to the Borrower by the City of Lewiston through its programs.
3. The Borrower accepts ultimate responsibility for fulfillment of this agreement and further agrees that:
 - a. Other verbal agreements or written contracts entered into for the completion of any rehabilitation activity is made solely between borrower and the respective contractor and/or supplier;
 - b. Will indemnify and hold harmless the City of Lewiston and its agents from any and all disputes or claims of any nature for damages which may arise from the performance of any rehabilitation activity.
4. If a Borrower fails to maintain the property at or above the minimum acceptable level prescribed by municipal codes, the City Treasurer may assess an interest penalty to be added to the Borrower's monthly payment. This interest penalty shall be equal to the unpaid principal of the loan after the code violations are discovered, times one-twelfth of the annual effective interest rate of the matching bank loan, and shall be assessed each first day of the month thereafter, until the code violations are corrected.
5. The Borrower's failure to make any monthly payment in full within thirty (30) days of the date when due, or the Borrower's failure to make full payment of any late charge or interest penalty within thirty (30) days of the date assessed, shall constitute a default.

6. The entire principal balance and all accrued interest shall become immediately due and payable without notice or demand upon the foregoing events:
 - a) The Borrower's failure to make any monthly payment in full within 30 days of the date when due, or the Borrower's failure to make full payment of any late charge or interest penalty within 30 days of the date assessed shall constitute a default;
 - b) The commencement of any proceedings by or against the developer under any bankruptcy or insolvency laws;
 - c) The dissolution of, insolvency of, appointment of a receiver for, or assignment for the benefit of creditors of any property of, the developer;
 - d) Loss of, substantial damage to, destruction of, sale of encumbrance upon (whether first or second position to this note and the mortgage securing this note), seizure of, levy against, attachment of, failure to pay any property taxes or other city utilities upon, or insurance premiums on the project property
7. Rehabilitation Loans will require a security instrument which is acceptable to the City. The cost of preparation and registration of the security document will be the Borrower's responsibility to bear and will be payable to the City at the time of the loan closing.
8. A Borrower agrees to permit inspection of the property, rehabilitation work and all contract agreements, materials, equipment, payrolls, and conditions of employment pertaining to the rehabilitation project by the City's ECDD and/or Code Enforcement personnel.
9. The Borrower agrees to follow the procedures and conditions of all established and applicable municipal ordinances in the physical rehabilitation and maintenance of improved property. Work not meeting minimum standards and procedures established by code is unacceptable for disbursement of any loan funds.
10. Disbursement of Program funds
 - a) Disbursement of all Rehabilitation Loan funds is made to the Borrower and the contracted contractor upon request submitted to the City's ECDD. Invoices received by Tuesday, end of day, will be processed for payment on Wednesday of the following week, no earlier than 3:00 pm.
 - b) Repayment of the loan will begin upon completion of the construction phase or six (6) months after the closing date.
 - c) The above is contingent upon approved activities being completed according to applicable municipal codes. No money will be disbursed to

reimburse the Borrower for improvements made to the property which were not approved by the Loan Qualification Committee before they were commenced.

12. The Borrower is required to maintain hazard insurance on the improved property for the full term of the note and for an amount equal to the total value of all mortgages held on the property. Prior to disbursement of program funds, the City shall be listed as a loss payee on the policy for the property.

13. The Borrower agrees to keep such records as may be required by the City of Lewiston with respect to the rehabilitation activities.

14. The Borrower further agrees to abide by all terms and conditions of Federal Regulations, including:

1. **Federal Labor Standards**: The Borrower must abide by established minimum wage rates (Davis Bacon Act as supplemented by Department of Labor regulations) contained in entitlement grant regulations 24 CFR 570.603 FOR ALL commercial construction contracts awarded in excess of two thousand dollars (\$2,000).

2. **Lead-Based Paint Hazards**: Any Rehabilitation loans made by the City of Lewiston shall be subject to the current federal regulations contained in entitlement grant regulations 24 CFR Part 35 provisions providing for the elimination of lead-based paint hazards.

3. **"Section 3" of the Housing and Urban Development Act of 1968**: The Borrower must comply with the Provisions of Training, Employment and Business Opportunities and will comply with Title IX Section 915, Section 3 of the Housing and Urban Development Act of 1968, as amended in 1992; and in accordance, in all work made possible by or resulting from this contract, affirmative action will be taken to ensure that residents (preferably; lower income) of the City of Lewiston are given maximum opportunities for training and employment and that business concerns located in or owned in substantial part by residents of the City of Lewiston are to the greatest extent feasible, awarded contracts.

4. **Flood Hazard Insurance**: If the property to be improved is located in a designated flood hazard area, the applicant is required to carry flood plain insurance in accordance with the National Insurance Act of 1968 (as amended) and abide by the regulations of the Flood Disaster Protection Act of 1973 as contained in Entitlement Grant Regulations 24 CFR 570.605.

5. **Civil Rights Act of 1964**: The Borrower must not discriminate upon the basis of race, color, creed, or national origin in the sale, lease, rental or occupancy of an improved property and will comply with Title VI of the **Civil Rights Act of 1964**, codified in United States Code Title 42 Sec. 2000(d), and Title VIII of the Civil Rights Act of 1968, and Section 109 of the Housing and Community Development Act of 1974, and in accordance therewith, no person in the United States shall, on the ground of race, color, national origin, religion, age, or sex, be excluded from participation in, be denied the benefits, or be subjected to discrimination under, any program or activity funded in whole or in part with the Community Development funds or any other federal financial assistance. The operating agency will immediately take any measures necessary to effectuate this agreement.

6. **Interest of Certain Federal Officials**: No member of or Delegate to the Congress of the United States, and no Federal Housing Commissioner shall be admitted to share any part of this Program or any benefit to arise from the same.

7. **Interest of Members, Officers, or Employees of Operating Agency, Members of Local Governing Body, or Other Public Officials**: No member, officer or employee of the Department of Development (Planning, Community Development or Code Enforcement) or its agents or assignees, no municipal officers of the City, and no other member of any board or commission, elected or appointed official of Lewiston or employee of the City of Lewiston, who exercises any decision-making functions or responsibilities regarding the Community Development Program, shall have any direct or indirect pecuniary interest, as that term is defined by 30 MRSA, Section 2250, et seq., in any contract, subcontract or the proceeds thereof for work to be performed in connection with the program assisted under this agreement.

8. **Federal Funding Accountability and Transparency Act**: The Owner shall comply with requirements established by the Office of Management and Budget (OMB) concerning the Dun and Bradstreet Data Universal Numbering System (DUNS), the Central Contractor Registration (CCR) database, and the Federal Funding Accountability and Transparency Act, including Appendix A to Part 25 of the *Financial Assistance Use of Universal Identifier and Central Contractor Registration*, 75 Fed. Reg. 55671 (Sept. 14, 2010)(to be codified at 2 CFR part 25) and Appendix A to Part 170 of the *Requirements for Federal Funding Accountability and Transparency Act Implementation*, 75 Fed. Reg. 55663 (Sept. 14, 2010)(to be codified at 2 CFR part 170).

These guidelines may be amended as required by changes in federal programs.

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 4, 2012

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6:30pm

SUBJECT:

Executive Session to discuss labor negotiations regarding the International Association of Firefighters, Local 785.

INFORMATION:

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EATS/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (D) to discuss Labor Negotiations regarding the International Association of Firefighters, Local 785.

LEWISTON CITY COUNCIL
MEETING OF SEPTEMBER 4, 2012

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

SUBJECT:

Authorization to accept transfer of forfeiture funds.

INFORMATION:

The Lewiston Police Department is requesting that the City Council authorize the acceptance of funds, in the amounts outlined below, as reimbursement for costs associated with assisting in a criminal investigation. The funds are available to the Lewiston Police Department due to its substantial contribution to the investigation of this or a related criminal case.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

ETAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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That pursuant to Title 15, Maine Revised Statutes Annotated, Section 5824(3) and Section 5822(4)(A), the City Council hereby acknowledges and approves of the transfer of \$1,252.00, or any portion thereof, in the case of the State of Maine vs. Stephen Farrington, CR-12-707 Court Records. Being funds forfeited pursuant to court process. It is further acknowledged that these funds shall be credited to the 'City of Lewiston Drug Enforcement Program' account.

STATE OF MAINE
Androscoggin, ss

SUPERIOR COURT
Criminal Action
Docket No. CR-12-707

State of Maine	}	
	}	
v.	}	Municipality of Lewiston
	}	Approval of Transfer
Stephen Farrington	}	15 M.R.S.A. §5824(3) & §5822(4)(A)
Defendant;	}	
	}	
And	}	
	}	
\$1,252.00 U.S. Currency	}	
Defendant(s) In Rem	}	

NOW COMES the municipality of Lewiston, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) to the transfer of the above captioned Defendant(s) in Rem, or any portion thereof, on the grounds that the Lewiston Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the municipality of Lewiston, Maine does hereby approve of the transfer of the Defendant(s) In Rem, or any portion thereof, pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Lewiston municipal legislative body on or about

Dated: _____

Municipal Officer
Lewiston, Maine
(Impress municipal legislative body seal here)

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 4, 2012

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

SUBJECT:

Amendment to the Traffic Schedule regarding changes of parking regulations and traffic lanes for a portion of Park Street.

INFORMATION:

The Police Department and Public Works Department have worked to create many changes along a portion of Park Street, primarily along the part of the street near City Hall and the Police Station. Changes involve parking meter time limitations, single traffic lanes, reserved parking for handicapped customers, reserved parking for municipal employees and 10 minutes, 30 minute and 1 hour parking spaces for customers.

Please see the attached memorandum from Sgt. David Chick of the Police Department for additional information.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

To adopt the proposed amendments to the Traffic Schedule regarding the changes of parking regulations and traffic lanes on a portion of Park Street, as outlined on the attached vote sheet.



POLICE DEPARTMENT

Sgt. David K. Chick
Inspector of Police



DATE: August 27, 2012
TO: Traffic Schedule Review
FROM: Sgt. David Chick, Inspector of Police
Subject: Park St

**Traffic Schedule Amendment – Chapter 70 Section 198
Parking Meters – Time Limitations
One (1) Hour (Section 7)**

**Traffic Schedule Amendment – Chapter 70 Section 198
Parking Meters – Time Limitations
Two (2) Hours (Section 8)**

**Traffic Schedule Amendment
Single Lane Streets (Section 11)**

**Traffic Schedule Amendment – Chapter 70 Section 158
Ten (10) Minute Parking
9:00 A.M. to 6:00 P.M. (Section 18)**

**Traffic Schedule Amendment – Chapter 70 Section 158
Thirty (30) Minute Parking
9:00 A.M. to 6:00 P.M. (Section 24)**

**Traffic Schedule Amendment – Chapter 70 Section 158
One (1) Hour Parking
9:00 A.M. to 6:00 P.M. – Monday to Friday (Section 27)**

**Traffic Schedule Amendment – Chapter 70 Section 176
Parking Reserved
City Officers And Employees (Section 34)**

**Traffic Schedule Amendment – Chapter 70-176
Parking Reserved
Handicapped (Chapter 35)**



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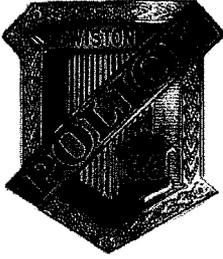
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POLICE DEPARTMENT

Sgt. David K. Chick
Inspector of Police



In order to properly align the Traffic Schedule wording being incorporated with ongoing approved projects which are aimed at limiting traffic flow congestion and enhancing the provisions of on-street parking, the following amendments are being forwarded for Council review...

NOTE: (Additions are underlined; deletions are ~~struck-out~~).

Section 7 – Parking Meters – Time Limitations – 1 Hour

PARK STREET ~~4 parking spaces on the westerly side between Chestnut St & Spruce St.~~
AMEND by City Council – 11/16/2004, Vote # 354

+

Section 8 – Parking Meters – Time Limitations – 2 Hours

PINE STREET 26 18 angled delineated parking spaces on the southerly side between Park St & Bates St (including 2 spaces being designated as ADA reserved use; situated nearer to Park St and separated from the rest by spaces designated as for employee permit use).
AMEND by City Council – 11/16/2004, Vote # 354

+

Section 11 – Single Lane Street

ASH STREET Ash St westerly from Sabattus St; a single lane of travel continuing until the intersection with Canal St; allowing for turning lanes established at major intersections.

PARK STREET Park St southerly from Main St; a single lane of travel continuing until the intersection with Spruce St; allowing for turning lanes established at major intersections.

PINE STREET Pine St easterly from Webster Lisbon St; merging to a single lane of travel continuing until flaring back to double lanes for turning at the intersection with Sabattus St; allowing for turning lanes established at major intersections.
ADDED by City Council – 6/5/2007, Vote # 156

+

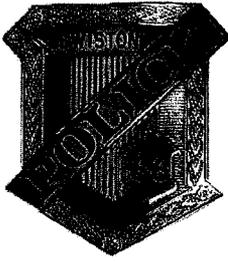
NOTE: (Additions are underlined; deletions are ~~struck-out~~).



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POLICE DEPARTMENT

Sgt. David K. Chick
Inspector of Police



Section 18 – Parking Time Regulated – 10 Minutes – 09:00 AM to 06:00 PM

PINE STREET

3 parallel delineated parking spaces on the southerly side beginning at a point 45' of the southwesterly corner of Pine St and Park St and extending westerly on Pine St a distance of 40' between Park St & Park St Alley.

+

Section 24 – Parking Time Regulated – 30 Minutes – 09:00 A.M. to 06:00 P.M.

PARK STREET

~~South side beginning at a point 25' westerly of the southwesterly corner of Pine Street and Park Street and extending westerly on the south side of Pine St a distance of 22'.~~

~~ADDED by City Council 4/19/2005, Vote # 130~~

~~West side beginning at a point 100' from the northwest corner of Park St & Spruce St and extending northerly on Park St a distance of 66' (3 spaces).~~

~~ADDED by City Council 11/18/1986, Vote # 2~~

~~East side beginning at a point approximately 68' from the southeasterly corner of Park St & Pine St and extending southerly on Park St a distance of 70' and designated as spaces #1 through #9.~~

~~AMEND by City Council 9/23/2003, Vote # 271~~

~~West side beginning at a point 64' from the southwesterly corner of Park St & Pine St and extending southerly on Park St a distance of 100' (5 spaces).~~

~~AMEND by City Council 8/3/1982, Vote # 17~~

PINE STREET

Odd numbered side beginning at a point from the southwest corner of Park Street and Pine Street and extending southerly on Pine Street a distance of 72'.

ADDED by City Council 4/19/2005, Vote # 130

+

NOTE: (Additions are underlined; deletions are ~~struck-out~~).



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POLICE DEPARTMENT

Sgt. David K. Chick
Inspector of Police



Section 27 – Parking Time Regulated – Monday Through Friday – 1 Hour – 09:00 AM to 06:00 PM

PARK STREET

~~16~~ 32 ~~angled delineated perpendicular parking spaces (including 2 designated handicap spaces sharing space between) easterly side beginning at a point approximately 156' from the northwesterly line of Chestnut Street and extending northerly on Park St a distance of approximately 158' on the westerly side between Pine St & Spruce St (including 4 spaces being designated as ADA reserved use; at least 2 of those being van accessible).~~

ADDED by City Council – 12/7/2010, Vote # 339

+

Section 34 – Parking Reserved – City Officers & Employees

PARK STREET

~~(4 delineated perpendicular parking spaces easterly side beginning at a point approximately 120' from the northwesterly line of Chestnut Street and extending 36'. Designaed as reserved for “Mayor”, (2) reserved for “City Councilors” and reserved for the “City Administrator”.~~

ADDED by City Council – 12/7/2010, Vote # 339

~~(36 delineated perpendicular parking spaces (including 2 designated handicap spaces sharing additional space between) easterly side beginning at a point at the southeasterly line of Chestnut St and extending southerly on Park St (to Spruce St) a distance of approximately 342'— Designated as “Reserved For Permitted City Employees”.~~

ADDED by City Council – 12/7/2010, Vote # 339

~~(13 delineated perpendicular parking spaces easterly side beginning at a point approximately 178' from the southeasterly corner of Park St & Pine St and extending southerly on Park St a distance of approximately 207'— “Reserved For City Employees”.~~

49 angled delineated parking spaces easterly side between Pine St & Spruce St (including at least 1 space designated as ADA reserved use) “Reserved For Permitted City Employees”;
Monday – Friday 07:00 AM to 04:30 PM.

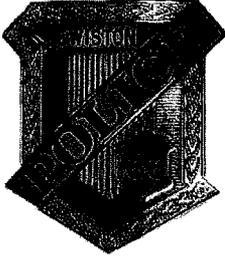
NOTE: (Additions are underlined; deletions are ~~struck out~~).



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POLICE DEPARTMENT

Sgt. David K. Chick
Inspector of Police



Beginning at a point 38' measured from the northwest corner of the intersection of Park St & Spruce St and traveling northerly on Park St for a distance of 18'. 1 delineated parallel parking space designated for "Police Vehicles Only".

PINE STREET

8 angled delineated parking spaces on the southerly side between Park St & Bates St "Reserved For Permitted City Employees": Monday – Friday 07:00 AM to 04:30 PM.

+

Section 35 – Parking Reserved – Handicapped

LISBON STREET

Beginning at a point 56' measured from the northeast corner of the intersection of Lisbon St & Pine St and traveling northerly on Lisbon St for a distance of 50' (1 van accessible space with space for additional sedan vehicle as well).

PARK STREET

Beginning at a point 68' measured from the northeast corner of the intersection of Pine Street and Park Street, traveling easterly on the Kennedy Park side for a distance of approximately 30' (or 1 angled delineated space and the indented curb corner apron), 109'. From that point extending easterly a distance of 27' (enough to make 2 parking stalls and include the 5' buffer for handicap van accessibility) creating 1 space on the easterly side between Pine St & Spruce St, within the area designated as permitted employee parking, opposite the City Building nearer to Pine St.

ADDED by Police Chief – 9/22/2004

Beginning at a point approximately 43' measured from the southeast corner of the intersection of Pine St & Park St, traveling approximately 26' (creating 2 angled delineated spaces – 1 being van accessible); the first couple spaces on the westerly side of Park St alongside the City Building, within the area designated as 1-hour parking.

NOTE: (Additions are underlined; deletions are ~~struck out~~).



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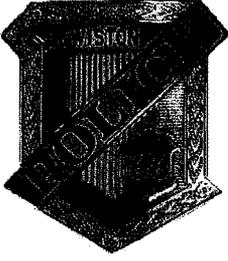
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POLICE DEPARTMENT

Sgt. David K. Chick
Inspector of Police



Beginning at a point approximately 142' measured from the southeast corner of the intersection of Chestnut St & Park St, traveling approximately 30' (creating 2 angled delineated spaces – 1 being van accessible); on the westerly side of Park St at the walkway to the lobby entrance of the Police Department building.

PINE STREET

Northerly side beginning at a point 65' from the southwesterly corner of Pine St & Lisbon St and extending easterly on Pine St a distance of 20' "one hour limit".

ADDED by City Council 3/4/1997, Vote # 9

Odd numbered side east side beginning at a point 50' from the northeast corner of Bates St & Pine St and extending northerly on Pine St a distance of 24'.

(ADDED by Police Chief 5/1/96)

Beginning at a point approximately 58' measured from the northeast corner of the intersection of Park St & Pine St, traveling approximately 30' (or 2 angled delineated van accessible spaces, and incorporating the adjacent indented curb apron); the first couple spaces on the southerly side between Park St and Bates St, within the area designated as 2-hour metered parking.

+

NOTE: (Additions are underlined; deletions are ~~struck-out~~).



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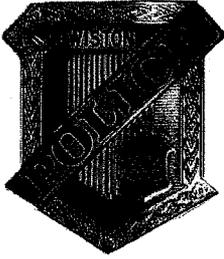
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POLICE DEPARTMENT

Sgt. David K. Chick
Inspector of Police



If this amendment is approved, this would require Public Works department to install sign(s) and marking(s) pertaining to the intended designations.

David Chick
Inspector of Police

cc: **Michael Bussiere**
Ed Barrett – City Hall; Phil Nadeau – City Hall; Lincoln Jeffers – City Hall;
Kathy Montejo – City Clerk; Steve Murch – Public Works; Paul Ouellette – Fire

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LEWISTON CITY COUNCIL
MEETING OF SEPTEMBER 4, 2012

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 3

SUBJECT:

Amendments to the Plumbing Permit Fees Policy and the Building Permit Fee Policy regarding the addition of belated fees.

INFORMATION:

Please see the memorandum from Gil Arsenault, Director of Planning and Code Enforcement. Most of these fee changes are housekeeping in nature. The Department is recommending the addition of a belated fee for plumbing work, which would double the original permit fee if the work is started without first obtaining a permit. This is a standard practice in many communities. This amendment would also add back into the Policy the language regarding a belated fee for building permits. This fee was in the Policy at one time and was accidentally removed.

Note: Additions are underlined; deletions have ~~strikeout~~ lines.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the proposed amendments to the Plumbing Permit Fees Policy, Policy Manual Number 43, and to the Building Permit Fee Schedule Policy, Policy Manual Number 4, as recommended by the Director of Planning and Code Enforcement and the City Administrator.

(Note - Full copy of the amendments are attached.)

MEMORANDUM

TO: Mayor Robert E. Macdonald
Members of the City Council

FR: Gildace J. Arsenault, Director of Planning and Code Enforcement

RE: Building & Plumbing Permit Fee Schedules

DT: August 29, 2012

Staff has prepared five proposed changes to the Building Permit Fee Schedule that are considered to be of a housekeeping nature. The only noteworthy change is the addition of a belated fee provision that will enable staff to double the customary building permit fee where work commences prior to the issuance of the appropriate permits. This provision was contained in a past fee schedule; however, it was inadvertently eliminated at the time Lewiston and Auburn developed the current schedule.

Staff has also prepared one proposed change to the Plumbing Permit Fee Schedule to include a belated fee provision that will enable staff to double the customary plumbing permit fee where work commences prior to the issuance of the appropriate permits.

I should note that the Electrical Permit Fee Schedule contains a belated fee provision that enables staff to double the customary permit fee where work commences prior to the issuance of the appropriate permits.

BUILDING PERMIT FEE SCHEDULE – POLICY # 4

In accordance with the provisions of the Code of Ordinances of the City of Lewiston, the City Council hereby establishes the following fees:

Single Family

- New construction/Additions \$20 base + \$0.21 sf
- Accessory Structure \$20 base + \$0.05 sf
- Renovation < \$2,500 \$20
- Renovation > \$2,500 \$20 base + \$5.00 per \$1,000 value

Multi-family

- New Construction/Additions \$20 base + \$0.25 sf
- Renovations \$20 base + \$5.00 per \$1,000 value

Mobile Home

- New or Used \$20 base + \$0.14 sf
- Additions \$20 base + \$0.21 sf

Commercial

- New Construction \$20 base + \$0.30 sf (per floor)
- Renovation \$20 base + \$7.00 per \$1,000 value
- ~~Foundation Only \$20 base + \$5.00 per \$1,000 value~~

Swimming Pools

- Above Ground Swimming Pool \$30
- In-ground Swimming Pool \$75

All Structures

- Fences \$20
- Underground Storage Tank \$32 (first tank) + \$11 (additional tanks)
- Moving Building \$100
- Driveways \$21
- Parking lots \$50 + \$2.00 per parking stall
- Change of Use \$32
- Certificate of Occupancy Included in Permit (\$260 penalty)
- Signs \$25 base + \$0.50 sf

Demolition

- Interior demolition not in conjunction with a construction project \$50
- Less than 1,000 sf \$27
- Greater than 1,000 sf and less than 5,000 sf \$80 + \$0.02 sf
- Greater than 5,000 sf \$210 + \$0.02 sf

Belated Fee

The customary permit fee shall double where work commences prior to the issuance of the appropriate permits

Building Permit Fee Reimbursement Policy

In the event that the recipient of a building permit does not undertake any of the building activity associated with a given permit, he/she may submit a written request to the Director of Planning and Code Enforcement for the reimbursement of the permit fee paid for said permit. If the request for reimbursement is made within six months of the issuance of said permit, and if no work associated with said permit was commenced, 75% of the permit fee will be reimbursed. The City shall retain 25% of the permit fee to provide compensation for the costs associated with issuance of said permit and to process reimbursement.

Note: sf - square feet

PLUMBING PERMIT FEE SCHEDULE – POLICY # 43

In accordance with the provisions of the Code of Ordinances of the City of Lewiston, the City Council hereby establishes the following fees:

INTERNAL PLUMBING

L/A Permit Fee \$10 per fixture/\$40.00 minimum

Belated Fee: The customary permit fee shall double where work commences prior to the issuance of the appropriate permits

SUBSURFACE WASTE WATER

Non-engineered Systems \$250.00

Field Only \$150.00

Treatment Tank Only (non eng.) \$150.00

Engineered System \$300.00

Treatment Tank Only (eng.) \$120.00

Holding Tank \$150.00

Other System Components \$50.00

Separate Laundry Disposal Field \$50.00

Seasonal Conversion \$75.00

Variance \$50.00

Primitive System (inc 1 alt wc) \$150.00

Alternative Toilet Only \$75.00

Belated Fee: The customary permit fee shall double where work commences prior to the issuance of the appropriate permits

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 4, 2012

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT:

Resolve authorizing Laurent F. Gilbert, Sr. to solicit and raise funds for lighting the clock tower of Lewiston City Hall.

INFORMATION:

The City Council recently held a workshop at which time they received a presentation from former Mayor Laurent Gilbert regarding his recommendation to illuminate the City Hall clock tower in the evening. During the presentation, he showed photos from different communities as well as from various buildings around Lewiston which have steeples and spires with evening lighting, noting the beauty it adds to the landscape. He urged the Council to consider supporting this project idea noting it would add to the aesthetic look of downtown in the evenings.

This agenda item is to authorize former Mayor Gilbert to initiate a fundraising campaign to light the City Hall clock tower at night.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/Kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To adopt the Resolve authorizing Laurent F. Gilbert, Sr. to solicit and raise funds for lighting the clock tower of Lewiston City Hall.



**City of Lewiston Maine
City Council Resolve
September 4, 2012**



Resolve, Authorizing Laurent F. Gilbert, Sr. to Solicit and Raise Funds for Lighting the Tower of Lewiston City Hall.

WHEREAS, former Mayor Laurent F. Gilbert, Sr. has approached the City with a proposal to undertake a fund raising effort to light the tower of City Hall; and

WHEREAS, Lewiston City Hall is an historic structure whose clock tower, an integral part of Lewiston's historic skyline, can be seen over a wide area; and

WHEREAS, the estimated cost of this project is \$35,547, including all materials, labor, and equipment costs; and

WHEREAS, Mr. Gilbert has requested that the City provide the required labor to install the lighting as an in-kind donation in the amount of \$9,255; and

WHEREAS, subject to the provision of in-kind services, the fund raising goal for this effort would be \$26,292;

NOW, THEREFORE, BE IT RESOLVED by the CITY COUNCIL of the CITY of LEWISTON that Laurent F. Gilbert, Sr. is hereby authorized to solicit and raise donations for the purpose of lighting the tower of Lewiston City Hall. This authorization shall remain valid until September 31, 2013 or until the project's fundraising goal has been met, whichever occurs first. Pledges and Donations for this purpose shall be made to the City of Lewiston and shall be deposited in a separate account established by the Finance Director for this purpose. The Finance Director shall provide all donors with receipts recognizing their contribution. If, for any reason, this project is not completed, the Finance Director shall return any donations actually received by the City.

Be it Further Resolved that the City's web site may be used to provide information on this project and request donations.

Be it Further Resolved that, upon receipt of project funds in the amount of \$26,292, the lighting project is authorized to proceed and the City shall provide the necessary in-kind labor to install the lighting.

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 4, 2012

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

SUBJECT:

Public Hearing for approval of an Outdoor Entertainment Permit for The Dempsey Challenge and approval for use of city services.

INFORMATION:

The Dempsey Challenge is now an annual event in Lewiston and this year's event will be held on Saturday, October 13 and Sunday, October 14. As part of the athletic events, the function will also have live music entertainment. As such, the organizers are required to obtain an Outdoor Entertainment permit from the city. The organizers are also seeking approvals for road closures and other logistical items for the execution of this event.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.



REQUESTED ACTION:

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To conduct a public hearing on an application from The Dempsey Challenge Committee for outdoor musical concerts to be held at Simard-Payne Memorial Park on October 13th and 14th, as part of The Dempsey Challenge, and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the organizing committee for the outdoor music concerts, contingent upon positive recommendations from the Recreation Department, Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances, and to also approve their request for the use of city services and related logistical aspects to assist with the success of their event.

CITY OF LEWISTON

Event Application

Applications must be submitted at least 7 days prior to the event.

Application Date _____

FESTIVAL INFORMATION

Name of Organization: Dempsey Center

Contact Person for Event: Jeff Corbett

Title of Contact Person: Technical Director - Dempsey Challenge

Contact Name and Phone number during the Event: Jeff Corbett - 803-447-4068

Mailing Address: 10 High St. Sulte 301 Lewiston, ME 04240

Telephone: 803-447-4068

Cell Phone: same

Email Address: jeff.corbett@medallistsports.com

Is your organization incorporated as a non-profit organization? Yes No

Non-Profit Number: 01-0211494

EVENT INFORMATION

Name of Event: The Dempsey Challenge

Location of Event: Simard-Payne Park and surrounding roads

Date of Event: October 10-16

Rain Date: none

Time of Event: Start Time: Oct 13 - 8:00am Ending Time: Oct 13 - 2:00pm
Oct 14 - 7:30am Oct 15 - 5:00pm

Estimated Attendance: 5000 over 2 days

Does the Sponsoring Organization own the property? No, city property
If not, please attach a letter from the property owner authorizing this event.

Does the Applicant have insurance for this event? Yes No

**CHARITABLE FUNDING APPLICATION
APPLICATION DEADLINE: MARCH 1**

****Only complete if you are requesting City Contributions or in-kind services****

Are you requesting a cash donation? _____ Yes _____ No (If yes) Amount: \$ _____

Include itemized cost and explanation, see below: (Use separate sheet if necessary)

CATEGORY	DESCRIPTION/COST	TOTAL
Personnel <i>(Rate, No. of Hours)</i>		
Supplies <i>(List Supply Items)</i>		
Equipment <i>(List Equipment)</i>		
Other		
Total		

Other Non-City contributions, please itemize below:

Does your application require any in-kind support from the City relative to city properties, resources, assets or departments? Yes _____ No *See attached document*
(If yes) please have your application reviewed by the applicable City staff to ensure the value of the City's in-kind support.

DEPARTMENTS	CITY IN-KIND REQUEST	AMOUNT	TOTAL
City Clerks			
Code Enforcement			
Fire			
Police			
Public Works			
Public Services			
Recreation			
Other			
TOTAL			

Other Non-City contributions, please itemize below:

Other information pertinent to your application:

IN ADDITION, PLEASE BE SURE TO INCLUDE THE FOLLOWING INFORMATION WITH YOUR APPLICATION. IN ORDER TO HAVE YOUR GRANT REQUEST CONSIDERED:

A. Financial statements from the previous event of fiscal year

B. A budget for the upcoming fiscal year or event

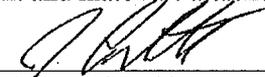
C. Attach information pertaining to evaluation criteria

D. If this event occurred last year, was the event a financial success: Yes No
(If not, why not?) You must attach financial statements to this application.

E. If this event occurred last year, describe how the event met your projections and expectations:

DECLARATION

We, the undersigned, declare that we have been authorized to file this report and that to the best of our knowledge, all answers provided in the report, as well as all the information contained in the document and materials attached to it, are true and complete.

Signature:  Print Name: Jeff Corbett

Title: Technical Director Date: 2/16/12

Phone: 803-447-4068 Email: jeff.corbett@medallistsports.com

PLEASE ATTACH COPIES OF MARKETING/ADVERTISING/PROMOTIONAL MATERIALS ACKNOWLEDGING THE SUPPORT OF THE MUNICIPALITY FOR THE EVENT, SERVICE, AND/OR ACTIVITY FOR WHICH FUNDING WAS RECEIVED FROM THE CITY.

Please return this application to: City Clerks Office
Business Licenses
27 Pine Street
Lewiston, Maine 04240
207-513-3000 X3219
jhanscombe@ci.lewiston.me.us

City Services Request
For
The Dempsey Challenge- 2012

Police

Estimated Manpower/Time/Location

October 11, Thursday- posting of "No Parking" signs on Oxford St, Lincoln St. and run courses

October 13, Saturday- 7:30am to 10:00am, Road closure and detour traffic control for 5K and 10K run courses.

Manpower- 5 fix post officers for course closure, 3 officers with cruisers for manning detours and lead/follow, 1 officer for command center, 2 bike patrol officers (if available)

October 14, Sunday- 7:30am to 9:00am, Road closure and detour traffic control for bike route and general security in Simard-Payne Police Memorial Park (7:30am-6:00pm)

Manpower- 2 fix post officers for course closure, 2 officers with cruisers for manning detours, 1 officer for command center. Also, 2 foot officers in park at all times (7:00am to 6:00pm)

Public Works

Tasks/Times/Locations

October 9, Tuesday- By this date would like Simard-Payne Park mowed and cleaned. Maintenance of dirt lot on Oxford behind pizza place (grate/level)

October 10, Wednesday- Drop of 2 large roll off dumpsters, 1 at Simard-Payne, and 1 at Acorn Mill lot. Access to water and power in Simard-Payne.

October 11, Thursday- Review electrical layout.

October 13, Friday- Remove bollards from railroad bridge. Place trash cans throughout park. Drop barricades for closure of run course along route and at Simard-Payne. Block off Oxford St.

October 15, Monday- pick up of dumpsters, barricades, trash cans, and all city owned supplies. Replace bollards on railroad bridge.

Parks Department

Facilities needed and Times

October 8-October 16- Full closure of Simard Payne Park for building, events, and tear down. Can leave access to southern footpath and bridge during build.

Loan of trash cans and stanchions for event use

Fire

Pre-event- Review of layout, materials, and activities. Including fire pit for lobster cookout.

Parking

October 12 – October 14 – Arms raised and free use of parking garages (2 on Lincoln and 1 on Canal) from 2:00pm on Oct. 12 to 6:00pm on October 14.

Fees, Waivers, Etc.

We request the following:

Waiver off all permitting fees including but not limited to; parks, parade, food, fire, sound, concessions, and alcohol.

Waiver of tipping fees for 2 large roll off dumpsters

2011 Dempsey Challenge

Expenses \$ 547,000

Revenue \$ 1,800,000 Includes registration fees, donations, sponsorships.

2012 Dempsey Challenge

Anticipated Expenses \$ 500,000

Anticipated Revenue \$ 2,000,000 Increase in number of participants, fundraising.

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 4, 2012

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6

SUBJECT:

Public Hearing and First Passage for amendments to the Solid Waste Ordinance regarding the new ePass system.

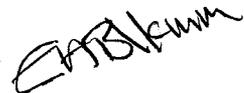
INFORMATION:

The City needs to update the Solid Waste Ordinance to reflect the recent upgrade to the punch pass/ePass system regarding customer disposal of bulky items. The previous system was a paper based punch pass system and it has been converted to an ePass card that is processed electronically. Customers will no longer need to keep track of their paper punch pass to bring items to the Solid Waste facility.

The ordinance changes are suggested by the Director of Public Works and the Solid Waste Superintendent. Passage is recommended.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.



REQUESTED ACTION:

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That the proposed amendment to the City Code of Ordinances, Chapter 62 "Solid Waste", Section 62-11 "Definitions" and Section 62-24 "ePass program", receive first passage by a roll call vote and the public hearing on said ordinance be continued to the next regular City Council meeting for final passage.

AN ORDINANCE PERTAINING TO SOLID WASTE

THE CITY OF LEWISTON HEREBY ORDAINS:

Chapter 62 of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

CHAPTER 62

SOLID WASTE

ARTICLE I. IN GENERAL

Sec. 62-11. Definitions.

The following words and terms as used in sections 62-12 through 62-23 of this article will have the meanings ascribed thereto, unless the context otherwise indicates:

Punch pass ePass: A voucher, distributed by the city annually, for the purpose of disposing of specific types of solid waste at the facility. The punch pass is nontransferable and is invalid if used by anyone other than the recipient.

Sec. 62-24. ~~Punch pass~~ ePass program.

The city issues ~~a punch pass~~ an ePass through the treasurer's office and the Scale House at the Solid Waste Facility for a fee, as described in the solid waste fee schedule (section 62-14). ~~Punch passes will be sold to~~ ePasses are sold at these locations, only, and can not be obtained at any other location. ePasses will be sold to:

- (1) Owners of residential properties, as defined in section 62-11 of this chapter. Limit, two ~~punch passes~~ ePasses, per property owner, per year.
- (2) Owners of multi-unit apartment buildings, as defined, who ~~currently receive~~ are eligible and have paid for trash collection services provided by the city will be eligible to ~~purchase punch passes~~ receive ePasses based on the following--One epass per three dwelling units (i.e. a five unit building would be eligible for two ~~punch passes~~ ePasses), per year. The ePass will only be valid for the fiscal year in which it was issued. The City's fiscal year is from July 1 through June 30.
- (3) Tenants of Multiple unit apartment buildings are not eligible to purchase ePasses or utilize this service

The ~~punch pass~~ ePass is good for one year from the day of issue. If a second ePass is purchased by the owner of a residential property, as defined, it will expire on the expiration date listed on the first pass.

The ~~punch pass~~ ePass will allow the holder to dispose of waste material at the facility at no charge. Types and quantities of materials, which can be disposed at no charge for each ~~punch pass~~ ePass shall be:

- (1) Six items of bulky waste (includes one universal waste item and one Freon containing appliance);

- (2) Three tons (6,000 pounds) of solid waste (may include construction and demolition debris); and
- (3) Two tires (16 inches or less) without rims.

The ~~punch pass~~ ePass will allow Lewiston residents free disposal of items listed ~~on the pass above~~ at the facility. The city will not be responsible for hauling these ~~waste items. material described on the punch pass.~~ Waste hauling is the responsibility of the ~~punch pass~~ ePass holder. Only items listed in sec. 62-24 ~~on the punch pass~~ will be accepted at no charge. The ~~punch pass~~ ePass holder will present the pass (their driver's license) at the time he/she enters the facility in order to receive this service and the pass ~~will be marked for the items to be disposed of~~ will be recorded on the city's computer system at that time. Once the item is ~~marked or punched on the punch pass~~ recorded, that item will be excluded from further disposal at no charge. Expired ~~punch passes~~ ePasses will not be accepted at the solid waste facility.

The ePass service is not transferrable. Individuals eligible to receive this service include:

The purchaser of the ePass.

A member of the purchaser's household (as determined by reviewing the address on the driver's license of the individual wishing to use this service) is eligible to use the service described in Sec. 62-24 – ePass Program

Individuals wishing to use this service will be asked to present their driver's license to the Scale House attendant when entering the solid waste facility, to determine their eligibility to receive this service. Failure to present a driver's license or meet the eligibility requirements listed in this ordinance may disqualify the individual from receiving the services listed in this ordinance.

~~The recipient of the punch pass will be responsible for the pass. Replacement of lost punch passes will be reviewed by the city on a case-by-case basis. Replacement will be at the city's discretion.~~

Note: Additions are underlined; deletions are ~~struck-out~~.



Department of Public Works
Deputy Director for Highway and Open Spaces
Megan Bates



DATE: August 22, 2012
TO: Kathy Montejo, City Clerk
FROM: Megan Bates, Deputy Director for Highway and Open Spaces
SUBJECT: Request for Changes to Ordinance Section 62-24

The City needs to update Ordinance Section 62-24 to reflect changes needed to reflect the new e-pass (electronic pass) software recently installed at the Solid Waste Facility.

This section of the City's Ordinance described the previous punch pass system. This system had a paper punch pass customers would purchase at City Hall. The new, more convenient system enables customers to purchase an e-pass at both City Hall and the Solid Waste Facility. The amount of material purchased on the previous paper punch pass is now electronically recorded on the city's computer system. The customer's driver's license is used to track use of the pass. Customers will no longer need to keep track of a paper pass.

The Department recommends Council approval for the attached changes to the Ordinance drafted by the Department.

We will update the City website to reflect once the Council approves.

Thank you for your time and attention to this matter.

Cc: Ed Barrett, City Administrator
Phil Nadeau, Asst. City Administrator
Dave Jones, Public Works Director
Timothy Earl, MIS Director
Rob Stalford, Solid Waste Facility Superintendent

LEWISTON CITY COUNCIL
MEETING OF SEPTEMBER 4, 2012

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 7

SUBJECT:

Public Hearing and Final Passage on amendments to the Traffic and Vehicles Ordinance regarding winter nighttime parking

INFORMATION:

This proposed ordinance amendment would eliminate the winter nighttime parking ban. During a recent Council workshop, this issue was discussed and the idea of the creation of a central parking lot was also reviewed. However, recent discussions with the tow truck operators has indicated this will not work. Lewiston staff have also reviewed Auburn's procedures for winter night time parking issues and is recommending the elimination of the winter parking ban without the creation of a central parking lot.

Please see the attached memorandum from Deputy City Administrator Phil Nadeau for additional information on this issue.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EATB/kmm

REQUESTED ACTION:

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That the proposed amendment to the City Code of Ordinances, Chapter 70 "Traffic and Vehicles", Section 70-2 "Emergency or temporary regulations", Section 70-158 "Parking time limited on streets; winter nighttime parking" and Section 70-178 "Interference with snow removal", receive final passage by a roll call vote.

AN ORDINANCE PERTAINING TO WINTER NIGHTTIME PARKING

THE CITY OF LEWISTON HEREBY ORDAINS:

Chapter 70 of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

CHAPTER 70

TRAFFIC AND VEHICLES

ARTICLE I. IN GENERAL

Sec. 70-3. Emergency or temporary regulations.

Whenever the chief of police and public works director, or their designees, shall deem it advisable during an emergency, and only for such a period of time as is necessitated ~~thereby~~ for public safety or convenience, they shall have the power and authority to temporarily impose a ~~no~~ parking ban on any and all streets within the city. The chief of police shall notify the public through any means reasonably available, at least four hours prior to when the ban is to take effect, in addition to. ~~Notwithstanding~~ the imposition of a fine, the chief of police may ~~also~~ cause any vehicle parked in violation of this section to be removed and stored at the owner's expense. The chief of police, ~~or~~ the director of the department of public works, or their designees ~~is~~ are empowered and authorized to temporarily close Lisbon Street, between Chestnut and Main Streets, to vehicular traffic for the purpose of removing snow ~~therefrom~~.

Any vehicle of any kind or description parked upon a public street of the city at any place or in any manner during any emergency parking ban declared under this chapter may be removed by, or under the direction of or at the request of, any police officer of the city to an authorized wrecker impound lot until all the requirements of this chapter are met. Such police officer may use such force as may be necessary to enter the vehicle and cause the same to be placed in a condition to be moved and may summon a licensed tow operator pursuant to the provisions of article IV of this chapter for such purpose.

Sec. 70-158. Parking time limited on streets; ~~winter nighttime parking.~~

- (a) ~~When signs are erected in each block giving notice thereof, no~~ No person shall park a vehicle on streets or sections of streets for longer than the period of time specified by the city council and identified by signs erected in each block. ~~thereon between the hours prescribed thereon, upon any of the streets or parts of streets specified by the city council.~~
- (b) ~~Parking vehicles upon any street in the city for more than one hour between the hours of 12:00 midnight and 6:00 a.m. each day during the period commencing December 1 of each year and ending March 31 of the following year is hereby prohibited, except in cases of emergency. Provided, however, that this section shall not apply to such streets as are specified by the city council. No person shall park a vehicle on streets or sections of streets between dates or during times specified by the city council and identified by signs erected in each block.~~
- (c) ~~The foregoing provisions shall not apply to automobiles belonging to or used by the~~

No. 12-
Effective:

~~following; physicians, nurses, persons employed in night work and using such automobiles in their business or as a means of conveyance; taxicabs in their regular stands; municipal employees or officers of the city engaged in public business; persons attending a house or establishment where a deceased is being prepared or kept for burial; police or fire departments.~~

Sec. 70-178. Interference with snow removal.

No vehicle shall be parked at any time on any public street or way so as to interfere with or hinder the removal of snow from the street or way by the city by plowing, loading, and hauling, and any person parking a vehicle in violation of a parking ban or no parking sign placed on any street or way because of snow plowing, loading, or hauling operations shall be guilty of an offense. Notwithstanding the imposition of a fine, the chief of police or his or her designee may also cause any vehicle so parked to be removed from such street in accordance with the provisions of this chapter.

Note: Additions are underlined; deletions are ~~struck out~~.



The Office of
Deputy City Administrator
Phil Nadeau
27 Pine Street • Lewiston, Maine • 04240
Tel. 207-513-3121, Ext. 3201 • Fax 207-795-5069
Email: pnadeau@lewistonmaine.gov



MEMORANDUM

TO:	Mayor and City Council
FROM:	Phil Nadeau, Deputy City Administrator
DATE:	August 6, 2012
RE:	Downtown Neighborhood Action Committee Proposal to Eliminate the Overnight Winter Parking Ban – UPDATE ON CENTRAL PARKING WRECKER LIABILITY

1. BACKGROUND

Following the last Council workshop on the winter parking ban issue, questions were raised regarding the cost of liability insurance for wrecking companies in the event that the city chose to utilize a central impound lot.

The Downtown Neighborhood Advisory Board (DNAC) has advocated for the elimination of the overnight winter parking ban but has not formally endorsed a proposal for the elimination of the ban conditional upon the acceptance of a central lot.

It should also be noted that of the largest cities in Maine, Lewiston is the only city that continues to enforce an overnight winter parking ban. Auburn eliminated the overnight winter parking ban three years ago and has encountered no public sentiment supporting the reintroduction of the ban.

I met with Lewiston wrecker representatives on June 27th and followed up that meeting with a telephone conference with Lewiston wrecker representatives and Portland PD parking enforcement. The results of those conversations regarding the costs of liability coverage and other related issues are listed below:

2. COST INFO

- Portland officials have reported that all aspects of vehicle management at the lot, which include the unhooking and re-hooking the vehicle, are supervised by city personnel at the lot. This would mean that Lewiston would need to cover the lot during every hour of operation with one additional staff position (no less than three people to cover multiple shifts) in addition to the police officer, raising the labor cost for the city.
- Portland police also make a point of inspecting every vehicle before it is hooked by the wrecker. All visible damage on the vehicle is recorded on a written report by Portland PD on every vehicle towed to the central lot.
- The combination of the Portland PD vehicle inspection and the supervision of the towed vehicle, both when it is delivered and when it is picked up, provides ample protection from false damage accusations for Portland wreckers and significantly reduces their liability exposure.
- The City of Portland pays for additional central lot liability insurance coverage in the event that personal effects are stolen from the vehicle while in the possession of the city. Given that this has rarely occurred with the level of supervision at the Portland central lot, the cost is nominal for the city.
- The car remains the property of the wrecker once they hook up on the street.
- Though not many cars remain after most storms, the "retow" from the central parking lot to the wrecker company lot is paid for by the City of Portland (no figures available on this cost). The \$25 cost for the retow is regulated by city ordinance as is the cost for the initial tow of \$70. The Lewiston wrecking companies have shared that the Portland wrecking companies are approaching the City of Portland to increase both fees.
- It was very difficult for the local wrecking companies to get a specific dollar amount, but Maine Municipal Association agreed that Portland's staff coverage at their central lot operation most likely reduces the liability cost to nominal levels for the Portland wrecking companies.
- For the record, Public Works Director Dave Jones has publicly stated on several occasions that it is likely that the elimination of the overnight ban will result in increased staff and plowing time in those instances where cars are not removed quickly enough by wrecking companies. Wrecking companies believe that they have the capacity to meet the demand but acknowledge that, depending on the severity of the storm, there may be instances where tow trucks may not be able to stay ahead of PW plowing needs.
- We will amend Section 42 of the Policy Manual and add a new line in the "Parking Violation Payment Schedule" as follows: Emergency Parking Ban Violation: \$30. Currently, violators pay \$24 for violation of the existing overnight parking ban and \$29 for violation of the overnight parking ban during snow plowing operations. This new violation fee will be consistent with both Auburn and Portland.

3. OPTIONS

- A. Approve the elimination of the winter ban without the central lot. This will require a minimum number of code changes. If the Council consensus is to move forward with a formal vote, city staff will conduct a full review of roads with a focus on

reviewing what additional streets should be designated with restricted parking on one side of street, prohibiting overnight parking year round, etc.).

- B. Approve the elimination of the winter parking ban with a central lot (will also involve same staff street review mentioned above).
- C. Keep the existing ban.

4. RECOMMENDATION

Given the costs associated with a central impound lot and the concerns expressed about it by representatives of Lewiston's wrecker community, and the successful implementation of a declared emergency parking ban system (without a central impound lot) in Auburn, I would recommend that we move forward the elimination of the parking ban as outline in Option A above.

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 4, 2012

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 8

SUBJECT:

Condemnation Hearing for the building located at 46 River Street.

INFORMATION:

The City has begun the process for condemnation of the property at 46 River Street under the dangerous building classification. This property has been abandoned by the owner and upon inspection of city staff has been determined to be an unsafe structure.

The agenda background material pertains to the condition of this property. The City Attorney will be present on Tuesday evening to assist the City Council with the condemnation hearing and to advise accordingly.

PLEASE NOTE - The background material for this agenda item is included in a separate binder that was distributed with the meeting agenda binder.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EA3/11/12

REQUESTED ACTION:

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

1) To conduct a hearing to determine if the building located at 46 River Street has meet the dangerous building statutes as defined in Title 17, sec. 2851 et all.

If it is determined that the building does meet the dangerous building criteria, then the Council is asked :

2) With regard to the property at 46 River Street, to adopt the Findings of Fact, Conclusions of Law and Order of Demolition proposed by the City Planning and Code Enforcement Department, which Order establishes the corrective action to be taken by the property owner and the time frame for taking such action, and which authorizes the City Administrator to take such corrective action if the property owner fails to do so, and to recoup the City's costs through a special tax or collective action.

46 River Street

Ownership Documents

WARRANTY DEED

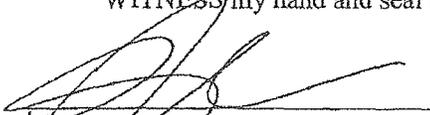
DAVID BEAUDETTE of 46 River Street, Lewiston, County of Androscoggin, State of Maine, for consideration paid, grants to **KENNETH S. OUELLETTE AND PENNY L. OUELLETTE** of 144 North Main Street, North Moomouth, County of Kennebec, State of Maine, with WARRANTY COVENANTS, as Joint Tenants, that certain lot or parcel of land, situated in the City of Lewiston, County of Androscoggin, State of Maine, bounded and described as follows:

This transfer is a conveyance for value and grantor acknowledges receipt of adequate and full consideration for the transfer.

MAINE REAL ESTATE
TRANSFER TAX PAID

SEE ATTACHED EXHIBIT A

WITNESS my hand and seal this 5th day of April, 2006


Witness


David Beaudette

STATE OF MAINE
ANDROSCOGGIN COUNTY, SS:

April 5, 2006

Personally appeared the above named David Beaudette and acknowledged the foregoing instrument to be his free act and deed.

Before me,


Notary Public

SARAH E. RIPLEY
NOTARY PUBLIC
STATE OF MAINE
COMMISSION EXP. 10/17/09



Exhibit A

A certain lot or parcel of land, together with any buildings thereon, situated in Lewiston, County of Androscoggin and State of Maine, bounded and described as follows:

Commencing at a point on the northeasterly line of River Street one hundred sixteen and six tenths (116.6) feet southeasterly from the angle in said River Street; thence running northwesterly by said northeasterly line of said River Street thirty-two (32) feet; thence northeasterly at a right angle with said River Street about eighty-five (85) feet; thence southerly about thirty-seven and four tenths (37.4) feet to land now or formerly of George Croteau; thence southwesterly by a line at right angles with said River Street sixty-five (65) feet to the point of beginning.

Being the same premises conveyed by deed from Banknorth, N.A. to David Beaudette dated April 29, 2003 and recorded at Book 5398, Page 188 in the Androscoggin County Registry of Deeds.



ANDROSCOGGIN COUNTY
Tina M. Charnod
REGISTER OF DEEDS

WARRANTY DEED

We, **KENNETH S. OUELLETTE** and **PENNY L. OUELLETTE**, both of North Monmouth, Kennebec County, State of Maine for consideration paid, grants to **OUELLETTE PROPERTY MANAGEMENT, LLC** a Maine Limited Liability Company, organized and operating under the laws of the State of Maine, whose mailing address is P.O. Box 208, North Monmouth, ME 04265, with **WARRANTY COVENANTS**,

Certain lots or parcels of land, with buildings thereon, situated in Lewiston, Androscoggin County, State of Maine, bounded and described as follows:

NO MAINE R.E.
TRANSFER TAX PAID

Parcel I: Beginning at a point at the intersection of southerly line of Maple Street and the westerly line of Blake Street; thence in a southerly direction along the westerly line of said Blake Street, ninety-three and thirty-five hundredths (93.35) feet to a point marked by an iron pipe set in the ground; thence in a westerly direction at an internal angle of ninety (90) degrees, fifty (50) feet to a point marked by an iron pipe set in the ground; thence in a northerly direction at an internal angle of ninety degrees and parallel with Blake Street, ninety-three and thirty-five (93.35) feet to a point marked by an iron pipe set in the ground in the southerly line of Maple Street; thence in an easterly direction along the southerly line of said Maple Street, fifty (50) feet to the point of beginning.

Also hereby conveying all rights, easement, privileges, and appurtenances, belonging to the premises herein above described.

Meaning and intending to convey the premises described in deed of Pat Wescott Properties, LLC to Penny L. Ouellette and Kenneth S. Ouellette, dated January 2, 2007 and recorded in said Registry of Deeds at Book 7022, Page 148.

46 River
Street
Description

Parcel II: Commencing at a point on the northeasterly line of River Street one hundred sixteen and six tenths (116.6) feet southeasterly from the angle in said River Street; thence running northwesterly by said northeasterly line of said River Street thirty-two (32) feet; thence northeasterly at a right angle with said River Street about eighty-five (85) feet; thence southerly about thirty-seven and four tenths (37.4) feet to land now or formerly of George Croteau; thence southwesterly by a line at right angles with said River Street sixty-five (65) feet to the point of beginning.

Meaning and intending to convey the premises described in deed of David Beaudette to Kenneth S. Ouellette and Penny L. Ouellette, dated April 5, 2006 and recorded in said Registry of Deeds at Book 6721, Page 147.

Parcel III:

LOT I: Beginning at a point in the northeasterly line of River Street, one hundred sixteen and six tenths (116.6) feet southeasterly from the angle in said River Street; thence southeasterly continuing on same line of River Street, thirty-three (33) feet to land now or formerly owned by Eugene Madore; thence

EXHIBIT B

northeasterly forty-six (46) feet; thence in a northerly direction slightly northwest, thirty-eight and four tenths (38.4) feet, more or less; thence southwesterly sixty-five (65) feet to the point of beginning.

Lot II: Commencing on the westerly line of River Street at the southeasterly corner of land conveyed by Franklin Company to George Croteau and Louis Bosse by deed dated December 3, 1908, No. 1235, and recorded in Androscoggin Registry of Deeds, Book 165, Page 213; thence running westerly by the southerly line of said land twenty-five (25) feet; thence running northerly and parallel to River Street thirty (30) feet; thence easterly at right angles twenty-five (25) feet to River Street; thence southerly by said River Street thirty (30) feet to point of beginning.

Lot III: Beginning at a point located at the southeasterly corner of premises conveyed by this grantor to Armand Michaud et al by deed recorded in the Androscoggin County Registry of Deeds, said point being located 25 feet southeasterly of the northeasterly corner of land described in the deed of the Franklin Co. to this grantor dated November 18, 1974 and recorded in said Registry of Deeds in Book 1132, Page 254; thence in a southeasterly direction along the southwesterly line of premises described in a deed of the Franklin Co. to George Croteau and Louis Bosse dated December 3, 1908 and recorded in said Registry of Deeds in Book 165, Page 213, 35 feet, more or less, to the southwesterly corner of said premises now or formerly of Croteau and Bosse; thence in a southwesterly direction, in an extension of the southeasterly line of said premises now or formerly of Croteau and Bosse, 66 feet, more or less, to the northeasterly shore of the Androscoggin River; thence in a northwesterly direction along the northeasterly shore of the Androscoggin, 35 feet, more or less, to the southeasterly line of said premises conveyed to Armand Michaud, et al.; thence in a northeasterly direction along said southeasterly line of said Michaud, 66 feet, more or less, to the point of beginning.

Meaning and intending to convey the premises described in deed of Robert Henry Croteau to Kenneth S. Ouellette and Penny L. Ouellette, dated April 5, 2006 and recorded in the Androscoggin County Registry of Deeds at Book 6721, Page 109.

WITNESS our hands and seals this 6th day of February, 2009.

Carol L. Grover

Kenneth S. Ouellette

Penny L. Ouellette

Kenneth S. Ouellette

Penny L. Ouellette

STATE OF MAINE
COUNTY OF KENNEBEC

February 6, 2009

Personally appeared the above named Kenneth S. Ouellette and Penny L. Ouellette and acknowledged the foregoing instrument to be their free act and deed.

Before me,

Carol L. Grover

Notary Public

(Type or Print Name Below Line)

ANDROSCOGGIN COUNTY
Yna M. Chauvard
REGISTER OF DEEDS

HL/t/File3607misc

SEAL

Carol L. Grover
Notary Public, Maine
My Comm. Exp. May 18, 2011

Notice of Hearing
Certificates of Service

NOTICE OF HEARING
Pursuant to 17 M.R.S. §§ 2851-59
Dangerous Buildings

Ouellette Property Management, LLC
c/o R. Howard Lake
Lake & Denison, LLC
258 Main Street
Winthrop, Maine 04364

Bank of America, N.A.
c/o CT Corporation System
One Portland Square
Portland, Maine 04101

Penny Ouellette
144 Main Street North
North Monmouth, Maine 04265

Kenneth Ouellette
144 Main Street North
North Monmouth, Maine 04265

46 RIVER STREET, LEWISTON, MAINE

You are hereby notified that the City Council of the City of Lewiston, Maine will hold a hearing on:

September 4, 2012
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 46 River Street, Lewiston, Maine, identified as Lot 15 on Tax Map 209, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 7620, Page 285, is a dangerous building or nuisance within the meaning of 17 M.R.S. § 2851, and if so, what is the appropriate remedy.

If the City Council finds that the structure is dangerous or a nuisance, it may order the appropriate corrective action, including, but not limited to, demolition and removal of the structure. If the corrective action is not taken by the deadline established by the City Council's order, and no appeal is taken, the City may take the corrective action at the City's expense. The City may then recover all of its expenses, including reasonable attorneys' fees and costs, by means of a special tax or civil action.

This hearing is your opportunity to present evidence as to why the structure is not dangerous or a nuisance and to oppose any corrective action ordered by the City Council. Failure to attend may result in the waiver of certain rights with regard to this property.

Dated: August 3, 2012

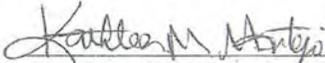
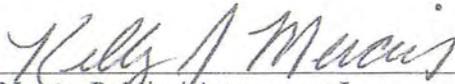

Kathleen M. Montejo, City Clerk

EXHIBIT C

STATE OF MAINE
ANDROSCOGGIN, ss

August 3, 2012

Before me this day personally appeared Kathleen M. Montejo who acknowledges the foregoing instrument to be her free act and deed.



Notary Public / Attorney at Law

 KELLY J. MERCIER
Notary Public, Maine
My Commission Expires September 11, 2016

ANDROSCOGGIN COUNTY
TINA M CHOUINARD
REGISTER OF DEEDS

CITY OF LEWISTON
CITY COUNCIL

ACKNOWLEDGEMENT OF SERVICE

NOTICE OF HEARING PURSUANT TO 17 M.R.S. §§ 2851-59
46 RIVER STREET, LEWISTON, MAINE

Due and sufficient service of the Notice of Hearing Pursuant to 17 M.R.S. §§ 2851-59 for 46 River Street in Lewiston, Maine is hereby acknowledged for and on behalf of Kenneth Ouellette. All formal service of process is hereby waived.

Dated:

8-14-12

Kenneth Ouellette

Kenneth Ouellette

EXHIBIT D

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING
46 RIVER STREET, LEWISTON
Pursuant to 17 M.R.S. §§ 2851-59
Dangerous Buildings

On August 16, 2012, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on Kenneth Ouellette as follows:

in hand to Penny Ouellette

Kenneth Ouellette
144 Main Street North
North Monmouth, ME 04265

Costs of Service:

Service:	\$	_____
Travel:	\$	_____
Postage:	\$	_____
Other:	\$	_____
 TOTAL:	\$	_____

James Brunelle

Signature

KSO Deputy

Agency

NOTICE OF HEARING
Pursuant to 17 M.R.S. §§ 2851-59
Dangerous Buildings

Ouellette Property Management, LLC
c/o R. Howard Lake
Lake & Denison, LLC
258 Main Street
Winthrop, Maine 04364

Bank of America, N.A.
c/o CT Corporation System
One Portland Square
Portland, Maine 04101

Penny Ouellette
144 Main Street North
North Monmouth, Maine 04265

Kenneth Ouellette
144 Main Street North
North Monmouth, Maine 04265

46 RIVER STREET, LEWISTON, MAINE

You are hereby notified that the City Council of the City of Lewiston, Maine will hold a hearing on:

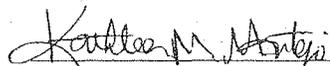
September 4, 2012
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 46 River Street, Lewiston, Maine, identified as Lot 15 on Tax Map 209, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 7620, Page 285, is a dangerous building or nuisance within the meaning of 17 M.R.S. § 2851, and if so, what is the appropriate remedy.

If the City Council finds that the structure is dangerous or a nuisance, it may order the appropriate corrective action, including, but not limited to, demolition and removal of the structure. If the corrective action is not taken by the deadline established by the City Council's order, and no appeal is taken, the City may take the corrective action at the City's expense. The City may then recover all of its expenses, including reasonable attorneys' fees and costs, by means of a special tax or civil action.

This hearing is your opportunity to present evidence as to why the structure is not dangerous or a nuisance and to oppose any corrective action ordered by the City Council. Failure to attend may result in the waiver of certain rights with regard to this property.

Dated: August 3, 2012


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

August 3, 2012

Before me this day personally appeared Kathleen M. Montejo who acknowledges the foregoing instrument to be her free act and deed.



Notary Public / Attorney at Law

 KELLY J. MERCIER
Notary Public, Maine
My Commission Expires September 11, 2018

CITY OF LEWISTON
CITY COUNCIL

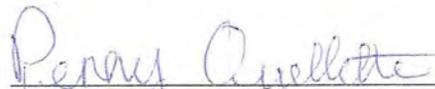
ACKNOWLEDGEMENT OF SERVICE

NOTICE OF HEARING PURSUANT TO 17 M.R.S. §§ 2851-59
46 RIVER STREET, LEWISTON, MAINE

Due and sufficient service of the Notice of Hearing Pursuant to 17 M.R.S. §§ 2851-59 for 46 River Street in Lewiston, Maine is hereby acknowledged for and on behalf of Penny Ouellette. All formal service of process is hereby waived.

Dated:

8-14-12



Penny Ouellette

EXHIBIT E

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING
46 RIVER STREET, LEWISTON
Pursuant to 17 M.R.S. §§ 2851-59
Dangerous Buildings

On August 16, 2012, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on Penny Ouellette as follows: *in hand*

Penny Ouellette
144 Main Street North
North Monmouth, ME 04265

Costs of Service:

Service: \$ _____
Travel: \$ _____
Postage: \$ _____
Other: \$ _____

TOTAL: \$ _____

Jessica Brunelle

Signature

KSO Deputy

Agency

NOTICE OF HEARING
Pursuant to 17 M.R.S. §§ 2851-59
Dangerous Buildings

Ouellette Property Management, LLC
c/o R. Howard Lake
Lake & Denison, LLC
258 Main Street
Winthrop, Maine 04364

Bank of America, N.A.
c/o CT Corporation System
One Portland Square
Portland, Maine 04101

Penny Ouellette
144 Main Street North
North Monmouth, Maine 04265

Kenneth Ouellette
144 Main Street North
North Monmouth, Maine 04265

46 RIVER STREET, LEWISTON, MAINE

You are hereby notified that the City Council of the City of Lewiston, Maine will hold a hearing on:

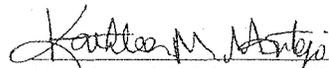
September 4, 2012
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 46 River Street, Lewiston, Maine, identified as Lot 15 on Tax Map 209, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 7620, Page 285, is a dangerous building or nuisance within the meaning of 17 M.R.S. § 2851, and if so, what is the appropriate remedy.

If the City Council finds that the structure is dangerous or a nuisance, it may order the appropriate corrective action, including, but not limited to, demolition and removal of the structure. If the corrective action is not taken by the deadline established by the City Council's order, and no appeal is taken, the City may take the corrective action at the City's expense. The City may then recover all of its expenses, including reasonable attorneys' fees and costs, by means of a special tax or civil action.

This hearing is your opportunity to present evidence as to why the structure is not dangerous or a nuisance and to oppose any corrective action ordered by the City Council. Failure to attend may result in the waiver of certain rights with regard to this property.

Dated: August 3, 2012


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

August 3, 2012

Before me this day personally appeared Kathleen M. Montejo who acknowledges the foregoing instrument to be her free act and deed.



Notary Public / Attorney at Law

 KELLY J. MERCIER
Notary Public, Maine
My Commission Expires September 11, 2018

CITY OF LEWISTON
CITY COUNCIL

ACKNOWLEDGEMENT OF SERVICE

NOTICE OF HEARING PURSUANT TO 17 M.R.S. §§ 2851-59
46 RIVER STREET, LEWISTON, MAINE

Due and sufficient service of the Notice of Hearing Pursuant to 17 M.R.S. §§ 2851-59 for 46 River Street in Lewiston, Maine is hereby acknowledged for and on behalf of Ouellette Property Management, LLC by its members, Penny Ouellette and Kenneth Ouellette. All formal service of process is hereby waived.

Dated: 8-14-12

Penny Ouellette
Penny Ouellette
On behalf of Ouellette Property Management, LLC

Dated: 8-14-12

Kenneth Ouellette
Kenneth Ouellette
On behalf of Ouellette Property Management, LLC

EXHIBIT F

Return

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING
46 RIVER STREET, LEWISTON
Pursuant to 17 M.R.S. §§ 2851-59
Dangerous Buildings

On August 16, 2012, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on Ouellette Property Management, LLC as follows:

Howard LAKE in Hand
Ouellette Property Management, LLC
c/o R. Howard Lake
Lake & Denison, LLC
258 Main Street
Winthrop, Maine

Costs of Service:

Service: \$ _____
Travel: \$ _____
Postage: \$ _____
Other: \$ _____

TOTAL: \$ _____

[Handwritten Signature]

Signature

[Handwritten Signature]

Agency

NOTICE OF HEARING
Pursuant to 17 M.R.S. §§ 2851-59
Dangerous Buildings

Ouellette Property Management, LLC
c/o R. Howard Lake
Lake & Denison, LLC
258 Main Street
Winthrop, Maine 04364

Bank of America, N.A.
c/o CT Corporation System
One Portland Square
Portland, Maine 04101

Penny Ouellette
144 Main Street North
North Monmouth, Maine 04265

Kenneth Ouellette
144 Main Street North
North Monmouth, Maine 04265

46 RIVER STREET, LEWISTON, MAINE

You are hereby notified that the City Council of the City of Lewiston, Maine will hold a hearing on:

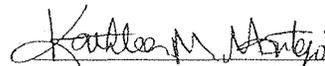
September 4, 2012
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

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If the City Council finds that the structure is dangerous or a nuisance, it may order the appropriate corrective action, including, but not limited to, demolition and removal of the structure. If the corrective action is not taken by the deadline established by the City Council's order, and no appeal is taken, the City may take the corrective action at the City's expense. The City may then recover all of its expenses, including reasonable attorneys' fees and costs, by means of a special tax or civil action.

This hearing is your opportunity to present evidence as to why the structure is not dangerous or a nuisance and to oppose any corrective action ordered by the City Council. Failure to attend may result in the waiver of certain rights with regard to this property.

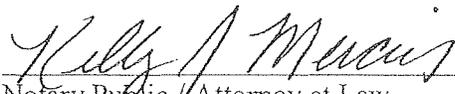
Dated: August 3, 2012


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

August 3, 2012

Before me this day personally appeared Kathleen M. Montejo who acknowledges the foregoing instrument to be her free act and deed.



Notary Public / Attorney at Law

 KELLY J. MERCIER
Notary Public, Maine
My Commission Expires September 11, 2018

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING
46 River Street, Lewiston
Pursuant to 17 M.R.S. §§ 2851-59
Dangerous Buildings

On August 6, 2012, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on Bank of America, N.A. as follows:

90 William Richardson Admin. ASST

Bank of America, N.A.
c/o CT Corporation System
One Portland Square
Portland, Maine

Costs of Service:

Service:	\$ <u>16 00</u>
Travel:	\$ <u>8 40</u>
Postage:	\$ <u>60</u>
Other:	\$ <u>5 00</u>
 TOTAL:	 \$ <u>30 00</u>

Scammell & Rinaldi
Signature

D/Sheriff
Agency



NOTICE OF HEARING
Pursuant to 17 M.R.S. §§ 2851-59
Dangerous Buildings

Ouellette Property Management, LLC
c/o R. Howard Lake
Lake & Denison, LLC
258 Main Street
Winthrop, Maine 04364

Bank of America, N.A.
c/o CT Corporation System
One Portland Square
Portland, Maine 04101

Penny Ouellette
144 Main Street North
North Monmouth, Maine 04265

Kenneth Ouellette
144 Main Street North
North Monmouth, Maine 04265

46 RIVER STREET, LEWISTON, MAINE

You are hereby notified that the City Council of the City of Lewiston, Maine will hold a hearing on:

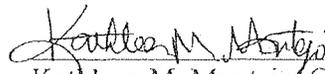
September 4, 2012
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 46 River Street, Lewiston, Maine, identified as Lot 15 on Tax Map 209, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 7620, Page 285, is a dangerous building or nuisance within the meaning of 17 M.R.S. § 2851, and if so, what is the appropriate remedy.

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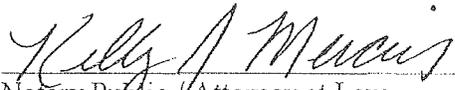
Dated: August 3, 2012


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

August 3, 2012

Before me this day personally appeared Kathleen M. Montejo who acknowledges the foregoing instrument to be her free act and deed.



Notary Public / Attorney at Law

 KELLY J. MERCIER
Notary Public, Maine
My Commission Expires September 11, 2018

City
Correspondence

CITY OF LEWISTON
CODE ENFORCEMENT
CITY BUILDING
27 PINE STREET
LEWISTON, MAINE 04240
(207) 513-3125 EXT. 3224
TTY/TDD (207) 513-3007

NOTICE OF VIOLATION
NOTICE OF CONDEMNATION/PLACARDING
VIA FIRST CLASS & CERTIFIED MAIL
RETURN RECEIPT REQUESTED
POSTED AT SITE

December 15,2011

Ken & Penny Ouellette
P.O. Box 208
North Monmouth, ME 04265

ATTN: Owner and all occupants

RE: 46 River Street Lewiston, ME 04240

Dear Mr. & Mrs. Ouellette and All Occupants

On December 15, 2011, I inspected the building at 46 River Street, Lewiston and have found several property maintenance code violations and have determined that this building is unfit for human habitation or occupancy due to violations of the following provisions of Chapter 18, Article III, Property Maintenance Code, Sections 18-51 and 18-52 as per The Code of Ordinances of the City of Lewiston hereafter referred to as the (Code).This building has no heat and no hot water and the electrical system has been tampered with.

- IPMC-602.2 Residential occupancies: Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 66 degrees F in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the International plumbing code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.
- IPMC-603.1 Mechanical appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating system appliances shall be properly installed and maintained in a safe working condition and shall be capable of performing the intended function.
- IPMC-604.3 Electrical Systems Hazards: Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation. Deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

EXHIBIT H

As per the above mentioned violations I hereby condemn and placard the building at 46 River St. Lewiston Maine as being unfit for human habitation and occupancy pursuant to and in accordance with Chapter 18, Article III, Property Maintenance Code, Sections 18-51 and 18-52, IPMC 108.1 IPMC108.2, IPMC108.1.1-IPMC-108.1.2, IPMC 108.1.3, IPMC108.1.5 IPMC-108.1.4,IPMC 108.3 IPMC 108.4.IPMC 108.4.1 IPMC 108.6, of the Code of Ordinances of the City of Lewiston. **Due to the threat to public safety to you, and/or other tenants, you are hereby ordered vacate this building and you and/or the owner maintain it secure from unauthorized entry in accordance with IPMC-108.5 of the Code.** In accordance with PM-105.6, the City of Lewiston cause this apartment to be secured, if found open, by public agency, contract, or by private persons and the cost shall be charged to the owner.

The above-mentioned property will be placarded and may not be re-occupied until proper abatement of all applicable violations have been completed. An inspection shall be conducted to confirm compliance. At such time the condemnation order and placarding shall be discontinued pursuant to the above referenced Code Section IPMC108.4.1 stating "the code official shall remove the condemnation and placarding whenever the defect or defects upon which the Condemnation and Placarding were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code."

Your prompt attention to this matter is advised to avoid legal action. It is our sincere desire to work with you in devising an implementation schedule for the correction of these conditions. Please contact this office immediately if circumstances do not permit the timely compliance with this order and abatement of the violations or if you have any questions regarding this matter.

In the event that you do not comply with this order, this office may issue a citation pursuant to Chapter 50, Article II, and Section 50-36 thru 50-51 of the aforementioned Code. Said citation shall require you to pay a penalty of one hundred dollars (\$110.00) for the first citation and you will be reordered to abate the outstanding violations in the previous Notices and Orders. In the event that you do not comply with the first citation, additional citations may be issued. The second citation imposes a civil penalty of two hundred dollars (\$225.00), the third is four hundred dollars (\$425.00), the fourth and subsequent citations are eight hundred dollars (\$850.00), and penalties are cumulative. In the future, if any of the above violations are repeated, you are not entitled to receive any further notification, and this office may serve you with a citation.

In lieu of or in addition to the issuance of citations, this office may initiate a land use complaint pursuant to Rule 80-K of the Maine Rules of Civil Procedure and 30-A M.R.S.A. § 4452 et seq. and § 3758-A et seq. as amended. A judgment from such a lawsuit in the City's favor will result in a court order that any violations be abated, the imposition of a fine of up to two thousand, five hundred dollars (\$2,500.00) per violation, per day, the payment of court costs and the City's legal fees.

You may appeal this order and request a hearing before the Lewiston Board of Appeals by filing a written petition at the office of the Director of Planning and Code Enforcement within ten (10) days of receipt of this notice. This petition shall be submitted on a form provided by this office along with the one hundred dollar (\$105.00) appeal fee. Should you fail to appeal you will be barred from any opportunity to contest or challenge the terms of this Notice and Order in any further legal proceedings.

If you sell, transfer or lease this property, you must notify the grantee, mortgagee, transferee, or lessee of any outstanding code violations pursuant to Section PM-107.6 of the Property Maintenance Code. You must also furnish this office with a signed notarized statement from the grantee, mortgagee, transferee or lessee acknowledging receipt of any orders or notices and fully accepting responsibility for the abatement of said violations.

Sincerely,

Jeff Baril & Susan Reny
Code Enforcement Officer

cc: Gil Arsenault, Director Planning and Code

The City of Lewiston is an EOE. For more information, please visit our website @ www.ci.lewiston.me.us and click on the Non-Discrimination Policy

Certified Mail

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**KEN & PENNY OUELLETTE
PO BOX 208
NORTH MONMOUTH ME 04265**

2. Article Number
(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee
X

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

7010 3090 0000 0593 9824

PS Form 3811, February 2004

Domestic Return Receipt

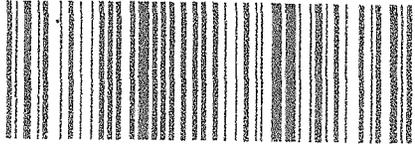
102595-02-M-1540

CODE ENFORCEMENT

WISTON *Maine*

3 Street, City Hall
on, Maine 04240

POSTAL SERVICE
CERTIFIED MAIL



7010 3090 0000 0593 9824

MJF

KEN & PENNY OUELLETTE
PO BOX 208
NORTH MONMOUTH ME 04265

Regular

46 River 000027

PLANNING & CODE ENFORCEMENT

City of LEWISTON Maine

27 Pine Street, City Hall
Lewiston, Maine 04240



DEC 21 2011
LEWISTON ME
POST OFFICE

UTF

KEN & PENNY OUELLETTE
PO BOX 208
NORTH MONMOUTH ME 04265

NIXIE 041 5E 1 00 12/21/11

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

EC: 04240720427 *2322-18589-13-42

042407204
042407204



Photographs

46 River Street

All photos dated July 23, 2012 and taken by Thomas E. Maynard unless otherwise indicated.



Photo # 1

View of the North West Wall and damage resulting from a fire at 32 River Street.

Photo #2



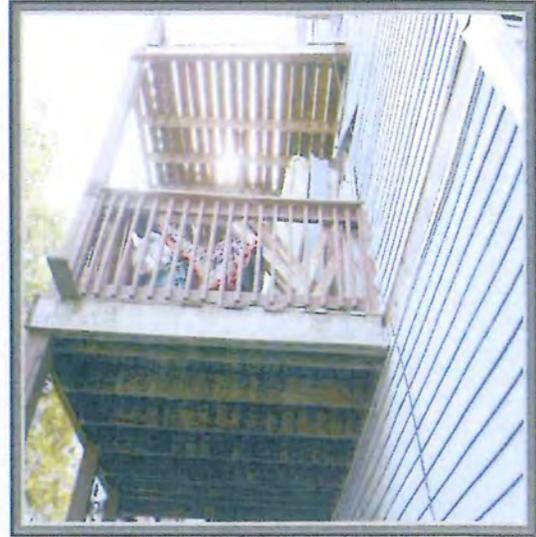
Melted and damage siding due to fire.

EXHIBIT I



Photo # 3

Damaged siding at rear of building due to fire.



Photos # 4,5 & 6

Garbage and debris on the porches and about the property.



Photo # 7



Photo # 8

The brick foundation is separating at the joints and collapsing at front bay window and front corner of building.



Photo # 9

The brick foundation is also separating and collapsing at the rear corner of the building with brick missing.



Photo # 10



Photo # 11



Photo # 12



Photo # 13



Photo # 14

These are examples of garbage and debris about the interior of the building that create an unsanitary condition and increase fire loading.



Photo # 15



Photo # 16



Photo # 17

These photos show the back panels exposed due to the removal of the copper piped baseboard heating system.

The next picture shows the remnants of the aluminum fins stripped from the copper piping.



Photo # 18



Photo # 19

Photo of heating zone pumps where piping has been removed and boiler has been damaged.



Photo # 20

Disconnected and open vents for hot water boilers.



Photo # 21
Cut wiring.

Photo # 21



Photo # 22



The plumbing system has had fixture removed and damaged leaving the system open, inoperative and unsanitary. (Toilets)



Photo # 23

No hardwired smoke detectors were observed throughout the building.

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 4, 2012

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 9

SUBJECT:

Condemnation Hearing for the building located at 117 Pine Street.

INFORMATION:

The City has begun the process for condemnation of the property at 117 Pine Street under the dangerous building classification. This property has been abandoned by the owner and upon inspection of city staff has been determined to be an unsafe structure.

The agenda background material pertains to the condition of this property. The City Attorney will be present on Tuesday evening to assist the City Council with the condemnation hearing and to advise accordingly.

PLEASE NOTE - The background material for this agenda item is included in a separate binder that was distributed with the meeting agenda binder.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.



REQUESTED ACTION:

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

1) To conduct a hearing to determine if the building located at 117 Pine Street has meet the dangerous building statutes as defined in Title 17, sec. 2851 et all.

If it is determined that the building does meet the dangerous building criteria, then the Council is asked :

2) With regard to the property at 117 Pine Street, to adopt the Findings of Fact, Conclusions of Law and Order of Demolition proposed by the City Planning and Code Enforcement Department, which Order establishes the corrective action to be taken by the property owner and the time frame for taking such action, and which authorizes the City Administrator to take such corrective action if the property owner fails to do so, and to recoup the City's costs through a special tax or collective action.

117 Pine Street

Ownership Documents

WARRANTY DEED

ARBORIO PROPERTIES, LLC

a Maine Limited Liability Company with an office and place of business located at PO Box 10763, Portland, ME 04104

for consideration paid, grants to

RICHARD L. SEAMON

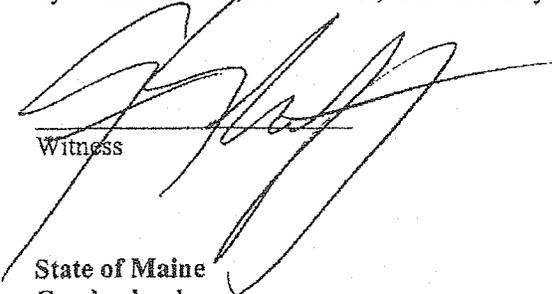
of 80 Androscoggin Avenue, Lewiston, ME 04240, with WARRANTY COVENANTS, the following described real property in Lewiston, County of Androscoggin and State of Maine:

See Exhibit A attached hereto and made a part hereof

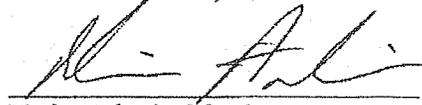
Also hereby conveying all rights, easements, privileges, and appurtenances, belonging to the premises hereinabove described.

IN WITNESS WHEREOF, Arborio Properties, LLC has caused this instrument to be executed by Nasim Arborio, its Member, thereunto duly authorized this 30th day of December, 2004.

MAINE REAL ESTATE
TRANSFER TAX PAID



Witness

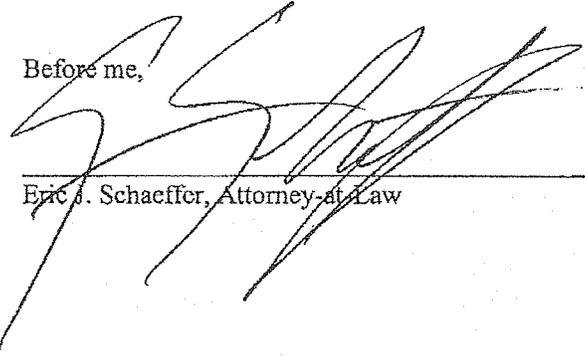
Arborio Properties, LLC


Nasim Arborio, Member

State of Maine
Cumberland, ss.

December 30, 2004

Personally appeared before me Nasim Arborio, and acknowledged the foregoing instrument to be his free act and deed in his/her said capacity and the free act and deed of Arborio Properties, LLC.

Before me,


Eric J. Schaeffer, Attorney-at-Law

R-SEAMON

EXHIBIT A

EXHIBIT A

A certain lot or parcel of land together with any buildings, improvements and fixtures thereon situated in the City of Lewiston, County of Androscoggin, and State of Maine, bounded and described as follows:

Commencing at a point on the southerly side of Pine Street thirty-one (31) feet easterly from the southeasterly corner of Bartlett and Pine Street; thence easterly on Pine Street sixty-nine (69) feet, more or less; thence at a right angle southerly one hundred (100) feet; thence at a right angle and parallel to said Pine Street to a point forty-two (42) feet nine (9) inches easterly from Bartlett Street; thence at a right angle northerly forty-five (45) feet; thence at a right angle westerly eleven (11) feet nine (9) inches, thence at a right angle and a parallel to Bartlett Street northerly fifty-five (55) feet to the point of beginning.

Also included in this conveyance is a right of way in common with others to pass and repass with vehicles, on foot, and otherwise upon and across a certain parcel of land without obstructing or blocking the same or interfering with the passage of others in like manner, lying westerly of the above-described premises and running from the southwest corner of the above-described premises in a westerly direction to the easterly line of Bartlett Street more particularly described as follows: Beginning at a point which is the most southwesterly corner of the above-described premises; thence westerly in a straight line in a continuation of the southerly line of the above-described premises in a distance of forty-two (42) feet nine (9) inches to the easterly line of Bartlett Street; thence northerly along the easterly line of Bartlett Street fourteen (14) feet, more or less; thence easterly and parallel to the first described boundary a distance of forty-two (42) feet nine (9) inches to the westerly line of the above-described premises; thence southerly along the westerly line of the above-described premises fourteen (14) feet, more or less, to the point of beginning.

For title of Grantor reference is hereby made to a deed of Blake Avenue, LLC dated December 17, 2003 recorded in Androscoggin County Registry of Deeds in Book 5749, Page 11.

R-SEAMON

ANDROSCOGGIN COUNTY
Tina K. Chaword
REGISTER OF DEEDS

Notice of Hearing
Certificates of Service

NOTICE OF HEARING
Pursuant to 17 M.R.S. §§ 2851-59
Dangerous Buildings

Richard L. Seamon
451 Court Street
Auburn, Maine 04210

Rigby Auto Repair, Inc.
c/o Andrew J. Doukas
673 Congress Street
Portland, Maine 04101

Cavalry SPV I, LLC
c/o CT Corporation
One Portland Square
Portland, Maine 04101

US Bank National Association, as Trustee for
Bear Stearns Asset Backed Securities Trust
2005-AC2 Asset-Backed Certificates, Series
2005-AC2
3476 Stateview Blvd.
Fort Mill, South Carolina 29715

117 PINE STREET, LEWISTON, MAINE

You are hereby notified that the City Council of the City of Lewiston, Maine will hold a hearing on:

September 4, 2012
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 117 Pine Street, Lewiston, Maine, identified as Lot 411 on Tax Map 195, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 6203, Page 306, is a dangerous building or nuisance within the meaning of 17 M.R.S. § 2851, and if so, what is the appropriate remedy.

If the City Council finds that the structure is dangerous or a nuisance, it may order the appropriate corrective action, including, but not limited to, demolition and removal of the structure. If the corrective action is not taken by the deadline established by the City Council's order, and no appeal is taken, the City may take the corrective action at the City's expense. The City may then recover all of its expenses, including reasonable attorneys' fees and costs, by means of a special tax or civil action.

This hearing is your opportunity to present evidence as to why the structure is not dangerous or a nuisance and to oppose any corrective action ordered by the City Council. Failure to attend may result in the waiver of certain rights with regard to this property.

Dated: August 6, 2012

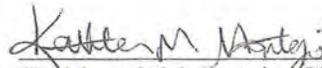
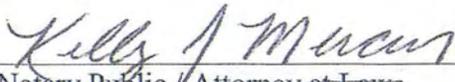

Kathleen M. Montejo, City Clerk

EXHIBIT B

STATE OF MAINE
ANDROSCOGGIN, ss

August 6, 2012

Before me this day personally appeared Kathleen M. Montejo who acknowledges the foregoing instrument to be her free act and deed.


Notary Public / ~~Attorney at Law~~

 KELLY J. MERCIER
Notary Public, Maine
My Commission Expires September 11, 2018

ANDROSCOGGIN COUNTY
TINA M CHOUINARD
REGISTER OF DEEDS

Return

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING
Pursuant to 17 M.R.S. §§ 2851-59
117 Pine Street, Lewiston, Maine
Dangerous Buildings

On August 13, 2012, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on Richard L. Seamon as follows:

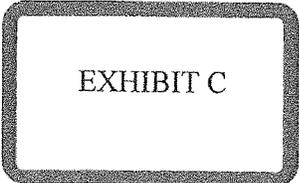
Richard L. Seamon
451 Court Street
Auburn, Maine

Costs of Service:

Service:	\$	<u>21.00</u>
Travel:	\$	<u>1.60</u>
Postage:	\$	<u>1.00</u>
Other:	\$	<u>2.00</u>
 TOTAL:	\$	<u>25.60</u>

[Signature]
Signature

ASD
Agency



NOTICE OF HEARING
Pursuant to 17 M.R.S. §§ 2851-59
Dangerous Buildings

Richard L. Seamon
451 Court Street
Auburn, Maine 04210

Rigby Auto Repair, Inc.
c/o Andrew J. Doukas
673 Congress Street
Portland, Maine 04101

Cavalry SPV I, LLC
c/o CT Corporation
One Portland Square
Portland, Maine 04101

US Bank National Association, as Trustee for
Bear Stearns Asset Backed Securities Trust
2005-AC2 Asset-Backed Certificates, Series
2005-AC2
3476 Stateview Blvd.
Fort Mill, South Carolina 29715

117 PINE STREET, LEWISTON, MAINE

You are hereby notified that the City Council of the City of Lewiston, Maine will hold a hearing on:

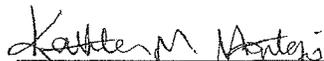
September 4, 2012
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 117 Pine Street, Lewiston, Maine, identified as Lot 411 on Tax Map 195, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 6203, Page 306, is a dangerous building or nuisance within the meaning of 17 M.R.S. § 2851, and if so, what is the appropriate remedy.

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This hearing is your opportunity to present evidence as to why the structure is not dangerous or a nuisance and to oppose any corrective action ordered by the City Council. Failure to attend may result in the waiver of certain rights with regard to this property.

Dated: August 6, 2012



Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

August 6, 2012

Before me this day personally appeared Kathleen M. Montejo who acknowledges the foregoing instrument to be her free act and deed.


Notary Public / ~~Attorney at Law~~

 KELLY J. MERCIER
Notary Public, Maine
My Commission Expires September 11, 2018

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING
Pursuant to 17 M.R.S. §§ 2851-59
117 Pine Street, Lewiston, Maine
Dangerous Buildings

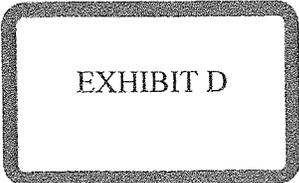
On August 10, 2012, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on Rigby Auto Repair, Inc., as follows:

Rigby Auto Repair, Inc.
c/o Andrew J. Doukas
673 Congress Street
Portland, ME 04101

Costs of Service:

Service:	\$	<u>16</u>	<u>00</u>
Travel:	\$	<u>8</u>	<u>40</u>
Postage:	\$	<u>60</u>	
Other:	\$	<u>5</u>	<u>00</u>
TOTAL:	\$	<u>30</u>	<u>00</u>

Samuel R. Rinaldi
Signature
D. J. Skiff
Agency



NOTICE OF HEARING
Pursuant to 17 M.R.S. §§ 2851-59
Dangerous Buildings

Richard L. Seamon
451 Court Street
Auburn, Maine 04210

Rigby Auto Repair, Inc.
c/o Andrew J. Doukas
673 Congress Street
Portland, Maine 04101

Cavalry SPV I, LLC
c/o CT Corporation
One Portland Square
Portland, Maine 04101

US Bank National Association, as Trustee for
Bear Stearns Asset Backed Securities Trust
2005-AC2 Asset-Backed Certificates, Series
2005-AC2
3476 Stateview Blvd.
Fort Mill, South Carolina 29715

117 PINE STREET, LEWISTON, MAINE

You are hereby notified that the City Council of the City of Lewiston, Maine will hold a hearing on:

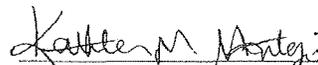
September 4, 2012
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 117 Pine Street, Lewiston, Maine, identified as Lot 411 on Tax Map 195, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 6203, Page 306, is a dangerous building or nuisance within the meaning of 17 M.R.S. § 2851, and if so, what is the appropriate remedy.

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Dated: August 6, 2012

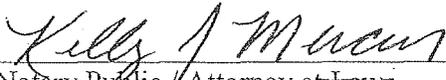


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

August 6, 2012

Before me this day personally appeared Kathleen M. Montejo who acknowledges the foregoing instrument to be her free act and deed.



Notary Public / ~~Attorney at Law~~

 KELLY J. MERCIER
Notary Public, Maine
My Commission Expires September 11, 2018

9/10/12

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING
Pursuant to 17 M.R.S. §§ 2851-59
117 Pine Street, Lewiston, Maine
Dangerous Buildings

On August 8, 2012, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on Cavalry SPV I, LLC., as follows:

Cavalry SPV I, LLC
c/o CT Corporation
One Portland Square
Portland, ME 04101

to William Richardson
Admin. Asst

Costs of Service:

Service:	\$	<u>16.00</u>
Travel:	\$	<u>8.70</u>
Postage:	\$	<u>2.00</u>
Other:	\$	<u>5.00</u>
 TOTAL:	\$	<u>30.00</u>

William Richardson
Signature

D. Skiff
Agency



NOTICE OF HEARING
Pursuant to 17 M.R.S. §§ 2851-59
Dangerous Buildings

Richard L. Seamon
451 Court Street
Auburn, Maine 04210

Rigby Auto Repair, Inc.
c/o Andrew J. Doukas
673 Congress Street
Portland, Maine 04101

Cavalry SPV I, LLC
c/o CT Corporation
One Portland Square
Portland, Maine 04101

US Bank National Association, as Trustee for
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2005-AC2 Asset-Backed Certificates, Series
2005-AC2
3476 Stateview Blvd.
Fort Mill, South Carolina 29715

117 PINE STREET, LEWISTON, MAINE

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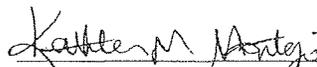
September 4, 2012
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

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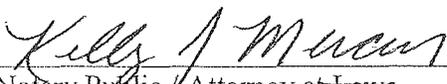
Dated: August 6, 2012


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

August 6, 2012

Before me this day personally appeared Kathleen M. Montejo who acknowledges the foregoing instrument to be her free act and deed.



Notary Public / ~~Attorney at Law~~

 KELLY J. MERCIER
Notary Public, Maine
My Commission Expires September 11, 2018

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING
Pursuant to 17 M.R.S. §§ 2851-59
117 Pine Street, Lewiston, Maine
Dangerous Buildings

On August 22, 2012, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on US Bank National Association, as Trustee for Bear Stearns Asset Backed Securities Trust 2005-AC2 Asset-Backed Certificates, Series 2005-AC2.

US Bank National Association, as Trustee
For Bear Stearns Asset Backed Securities Trust
2005-AC2 Asset-Backed Certificates, Series 2005-AC2
3476 Stateview Blvd.
Fort Mills, South Carolina 29715

SERVED TO KELLY ROFF
8/22/12 12:20 pm
LOAN Admin SUPERVISOR

Costs of Service:

Service: \$ _____
Travel: \$ _____
Postage: \$ _____
Other: \$ _____

TOTAL: \$ _____

Susan J. Watson
Signature

Watson Investigations
Agency

502 Sweetgum Dr.
Ft Mill SC 29715
(803) 548-3020



NOTICE OF HEARING
Pursuant to 17 M.R.S. §§ 2851-59
Dangerous Buildings

Richard L. Seamon
451 Court Street
Auburn, Maine 04210

Rigby Auto Repair, Inc.
c/o Andrew J. Doukas
673 Congress Street
Portland, Maine 04101

Cavalry SPV I, LLC
c/o CT Corporation
One Portland Square
Portland, Maine 04101

US Bank National Association, as Trustee for
Bear Stearns Asset Backed Securities Trust
2005-AC2 Asset-Backed Certificates, Series
2005-AC2
3476 Stateview Blvd.
Fort Mill, South Carolina 29715

117 PINE STREET, LEWISTON, MAINE

You are hereby notified that the City Council of the City of Lewiston, Maine will hold a hearing on:

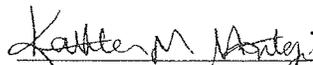
September 4, 2012
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 117 Pine Street, Lewiston, Maine, identified as Lot 411 on Tax Map 195, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 6203, Page 306, is a dangerous building or nuisance within the meaning of 17 M.R.S. § 2851, and if so, what is the appropriate remedy.

If the City Council finds that the structure is dangerous or a nuisance, it may order the appropriate corrective action, including, but not limited to, demolition and removal of the structure. If the corrective action is not taken by the deadline established by the City Council's order, and no appeal is taken, the City may take the corrective action at the City's expense. The City may then recover all of its expenses, including reasonable attorneys' fees and costs, by means of a special tax or civil action.

This hearing is your opportunity to present evidence as to why the structure is not dangerous or a nuisance and to oppose any corrective action ordered by the City Council. Failure to attend may result in the waiver of certain rights with regard to this property.

Dated: August 6, 2012



Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

August 6, 2012

Before me this day personally appeared Kathleen M. Montejo who acknowledges the foregoing instrument to be her free act and deed.


Notary Public ~~Attorney at Law~~

 KELLY J. MERCIER
Notary Public, Maine
My Commission Expires September 11, 2018

City
Correspondence

CITY OF LEWISTON
CODE ENFORCEMENT
CITY BUILDING
27 PINE STREET
LEWISTON, MAINE 04240
(207) 513-3125 EXT. 3226

NOTICE OF CONDEMNATION/PLACARDING
VIA FIRST CLASS & CERTIFIED MAIL
RETURN RECEIPT REQUESTED
POSTED AT SITE

January 17, 2012

Richard L. Seamon
451 Court Street
Auburn, Maine 04210

RE: 117 Pine Street

Dear Richard L. Seamon:

It has come to the attention of this office that the building at 117 Pine Street is without heat, hot water, and has suffered severe deterioration making it unfit for occupancy due to violation(s) of the following provisions of Chapter 18, Article III, Property Maintenance Code, Sections 18-51 and 18-52, Article VI, Sections 18-200 & 18-201, as per The Code of Ordinances of the City of Lewiston hereafter referred to as the (Code). Due to obsolescence of the mechanical systems, dilapidation and deterioration of the structural elements, substantial rehabilitation is required for re-occupancy or the building must be demolished.

I hereby condemn and placard the building and property at 117 Pine Street as being unfit for occupancy pursuant to and in accordance with Chapter 18, Article III, Property Maintenance Code, Sections 18-51 and 18-52, IPMC-108.1 et seq, IPMC-109.1 et seq, IPMC-110.1 et seq, , IPMC-302.1 et seq, IPMC-304.1 et seq, IPMC-305.1 et seq, IPMC-306.1 et seq, IPMC-402.2 et seq, IPMC-504.1 et seq, IPMC-505.1 et seq,, IPMC-506.1 et seq, IPMC-602.1 et seq, IPMC-603.1 et seq, IPMC-604.1 et seq, IPMC-605.1 et seq, IPMC-703.1 et seq and PMC-704.1 et seq of the Code of Ordinances of the City of Lewiston. You are hereby ordered to immediately ensure this building is vacated and secured from unauthorized entry. You are to make substantial repairs, with all appropriate permits issued by this office, or to demolish this building, leaving the property in manner to the satisfaction of this office by no later than March 2, 2012.

The City of Lewiston may order the demolition of this building pursuant to the provisions of the Maine Revised Statutes, Title 17, Chapter 91, Subchapter 4, Dangerous Buildings, Section § 2851, if the building is not maintained secured or is a threat to public safety and a nuisance.

The above-mentioned property will be placarded and may not be re-occupied until proper abatement of all violations and rehabilitation has been completed. An inspection shall be conducted to confirm compliance. At such time the condemnation order and placarding shall be discontinued pursuant to the above referenced Code Section IPMC-108.4.1 stating "the code official shall remove the

EXHIBIT G

25

condemnation and placarding whenever the defect or defects upon which the Condemnation and Placarding were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.”

Your prompt attention to this matter is advised to avoid legal action. It is our sincere desire to work with you in devising an implementation schedule for the correction of these conditions. Please contact this office immediately if circumstances do not permit the timely compliance with this order and abatement of the violations or if you have any questions regarding this matter.

In the event that you do not comply with this order, this office may issue a citation pursuant to Chapter 50, Article II, and Section 50-36 thru 50-51 of the aforementioned Code. Said citation shall require you to pay a penalty of one hundred and ten dollars (\$110.00) for the first citation and you will be reordered to abate the outstanding violations in the previous Notices and Orders. In the event that you do not comply with the first citation, additional citations may be issued. The second citation imposes a civil penalty of two hundred and twenty five dollars (\$225.00), the third is four hundred and twenty five dollars (\$425.00), the fourth and subsequent citations are eight hundred and fifty dollars (\$850.00), and penalties are cumulative. In the future, if any of the above violations are repeated, you are not entitled to receive any further notification, and this office may serve you with a citation.

In lieu of or in addition to the issuance of citations, this office may initiate a land use complaint pursuant to Rule 80-K of the Maine Rules of Civil Procedure and 30-A M.R.S.A. § 4452 et seq. and § 3758-A et seq. as amended. A judgment from such a lawsuit in the City’s favor will result in a court order that any violations be abated, the imposition of a fine of up to two thousand, five hundred dollars (\$2,500.00) per violation, per day, the payment of court costs and the City’s legal fees.

You may appeal this order and request a hearing before the Lewiston Board of Appeals by filing a written petition at the office of the Director of Planning and Code Enforcement within ten (10) days of receipt of this notice. This petition shall be submitted on a form provided by this office along with the one hundred and fifty dollar (\$150.00) appeal fee. Should you fail to appeal you will be barred from any opportunity to contest or challenge the terms of this Notice and Order in any further legal proceedings.

If you sell, transfer or lease this property, you must notify the grantee, mortgagee, transferee, or lessee of any outstanding code violations pursuant to Section IPMC-107.6 of the Property Maintenance Code. You must also furnish this office with a signed notarized statement from the grantee, mortgagee, transferee or lessee acknowledging receipt of any orders or notices and fully accepting responsibility for the abatement of said violations.

Sincerely,


Thomas E. Maynard
Code Enforcement Officer

c: Gildace J. Arsenault, Director of Planning & Code Enforcement

The City of Lewiston is an EOE. For more information, please visit our website @ www.ci.lewiston.me.us and click on the Non-Discrimination Policy

PLACE STAMP OR LABELS TO THE RIGHT OF THE RETURN ADDRESS TO MAINTAIN LINE

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Richard Seamon
 451 Court Street
 Auburn, Maine
 04210

2. Article Number
 (Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

X

B. Received by (*Printed Name*) C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (*Extra Fee*) Yes

7010 3090 0000 0593 9879

Photographs

117 Pine Street

All photos dated July 30, 2012 and taken by Thomas E. Maynard unless otherwise indicated.



Photo # 1

View from Pine Street

Photo #2

Tarp torn from the roof was used to repair a roof leak



Rear view.

EXHIBIT H

Photo # 3



The above photo also shows damage from vandals and copper theft.

Photo # 4



Garbage and old food waste.

Photo # 5



Photo # 6



Examples of garbage throughout the building making for unsanitary conditions and increased fire loading.

The following photos show extensive damage due to the theft of copper and vandalism.

Photo # 7



Debris and torn ceiling in effort to remove copper.



Photo # 8

Photo # 9
Damage due to copper theft.



Photo # 10
Damage from copper theft and vandalism.

Photo # 11

Damage from copper theft. Removed baseboard pipes, pipes and wiring removed from wall, pipes remove from under sink.



Photo # 12

Damaged ceiling showing an open chase and illegal and dangerous wiring. The open chase creates a path for fire and smoke to move through the building.



Photo # 13
Damage to ceiling and dangerous and illegal wiring.



Photo # 14
Damage from roof leak.



Photo # 15
Rotting and collapsing basement stairs.

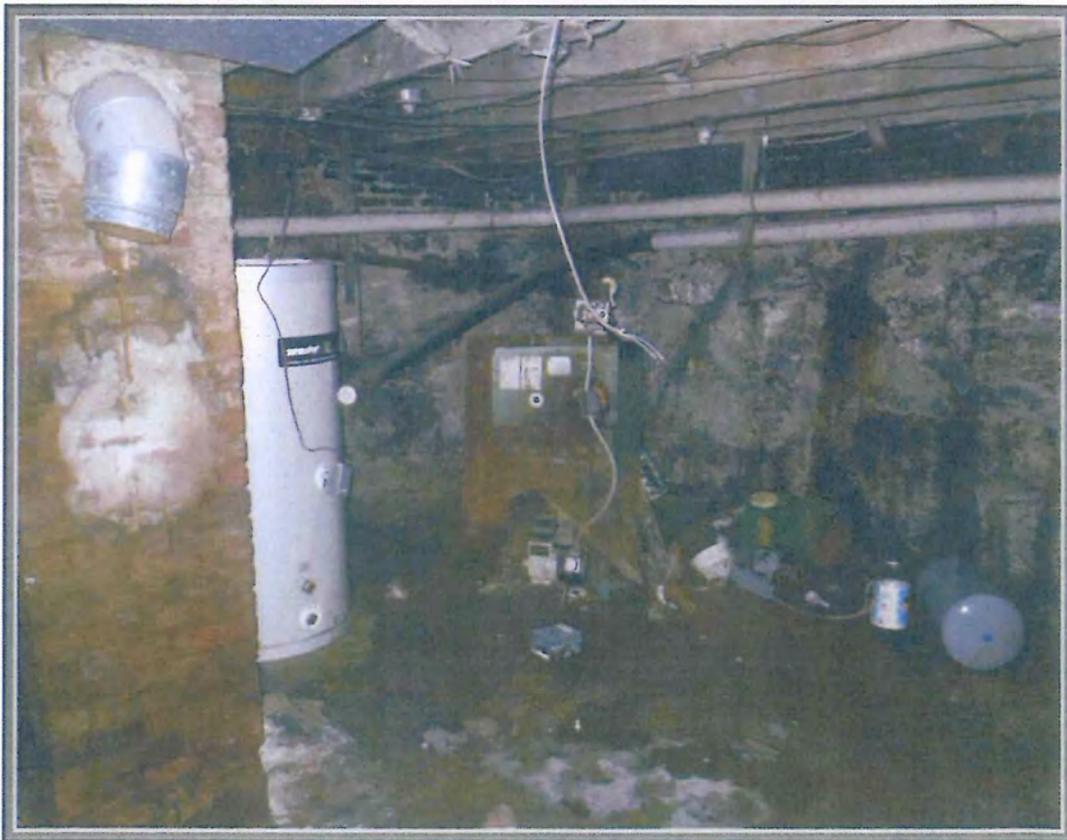


Photo # 16
The boiler has been removed from the building leaving the metal flue vent into the masonry chimney. A hot water tank can be viewed behind the chimney and an old boiler is set in the back corner of the basement.



Photo # 17
The hot water heater's flue is disconnected.



Photo # 18
Open electrical panels. Illegal wiring.



Photo # 19

Damaged shower stall where copper was removed.



Photo # 20

Removed copper baseboard heating pipes.



Photo # 21

The above and below photos show damage from copper theft.

Photo # 22



LEWISTON CITY COUNCIL
MEETING OF SEPTEMBER 4, 2012

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 10

SUBJECT:

Disposition of the property at 233 Blake Street.

INFORMATION:

During their meeting of July 9, 2012, the Planning Board voted 6-1 to sell the vacant parcel of city owned land at 233 Blake Street. The City has been in discussions with Maurice M. Landry, the abutting property owner at 231 Blake Street, who is interested in acquiring the property.

Please see the attached memorandum from the City Attorney's Office for additional information. Mr. Landry as the purchaser needs to complete certain improvements to the lot in a reasonable time frame. If Mr. Landry fails to complete those improvements, ownership of the lot will revert back to the City.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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Be It Resolved by the City Council that the City Administrator be and hereby is authorized to dispose of the city-owned property at 233 Blake Street, be authorized to sell the parcel of land to Maurice M. Landry, and that the City Administrator be and hereby is authorized to make, execute and deliver any and all documents as he, in his discretion, may deem necessary or convenient to the accomplishment of such transaction.

MEMORANDUM

TO: Mayor McDonald; Lewiston City Council
FROM: Martin Eisenstein, City Attorney; Anne Torregrossa
DATE: August 28, 2012
RE: Transfer of 233 Blake Street

As we understand it, the City is interested in transferring the vacant lot at 233 Blake Street to Maurice Landry, so long as Mr. Landry completes certain improvements to the lot in a reasonable timeframe. If Mr. Landry fails to complete those improvements, ownership of the lot would revert to the City.

To accomplish this, we propose adopting a deed with an automatic, one-year reverter provision, which would be effective unless the City filed a certification of completion before the one-year deadline. This means that the property would automatically revert to the City's ownership on September 1, 2013, unless Mr. Landry completes the promised improvements and the City files a certification of completion with the registry of deeds.

We would be happy to address any questions you might have about this at the City Council meeting on September 4, 2012.

QUITCLAIM RELEASE DEED
STATUTORY SHORT FORM
TITLE 33, §775

CITY OF LEWISTON, a body corporate and politic in Androscoggin County, Maine, having a mailing address of 27 Pine Street, Lewiston, Maine 04240, for consideration paid, releases to **MAURICE M. LANDRY**, an individual residing at 231 Blake Street, Lewiston, Maine, all its right, title, and interest in and to a certain lot or parcel of land situated in the City of Lewiston, County of Androscoggin, and State of Maine, known as 233 Blake Street and described as follows:

A certain lot or parcel of land situated in the City of Lewiston, County of Androscoggin, State of Maine, commencing at the northeasterly corner of land formerly owned by B.A. Bailey, on the westerly side of Blake Street; thence westerly on the northerly (erroneously called southerly in previous deeds) line of said Bailey's land one hundred (100) feet to a stake and stone; thence northerly and parallel with Blake Street twenty-five (25) feet to stake and stones; thence easterly and parallel with said Bailey's northerly line one hundred (100) feet to Blake Street; thence southerly on said Blake Street twenty-five (25) feet to the point of beginning.

Notwithstanding the foregoing, Grantor gives this deed, and Grantee accepts the same, upon the express condition that said property shall revert to and vest in Grantor on September 1, 2013 unless, before that date, Grantor files a certification with the Androscoggin County Registry of Deeds, which Grantor shall do upon satisfaction of the requirements stated in a letter dated August 20, 2012 from Grantee to Grantor, a copy of which is on file with the Grantor. Such reversion, if it occurs, shall be automatic and require no further deeds or documentation in order to be effective.

DATED: _____, 2012

CITY OF LEWISTON

By: _____

Name: Edward A. Barrett

Its: City Administrator

STATE OF MAINE
ANDROSCOGGIN COUNTY

_____, 2012

Personally appeared before me the above-named Edward A. Barrett, and acknowledged the above instrument to be his free act and deed in his said capacity, and the free act and deed of the City of Lewiston.

Before me,

Notary Public/Attorney-at-Law

(Print Name)



City of Lewiston
Planning & Code Enforcement
Gil Arsenault, Director



MEMORANDUM

To: City Clerk's Office
City Council Members

From: David Hediger

Date: July 10, 2012

Subject: Planning Board Action

The Planning Board took the following action at their public meeting held on July 9, 2012 regarding the disposition of 233 Blake Street.

The following motion was made:

MOTION: by Eric Potvin pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code to send a favorable recommendation to the City Council for the disposition of 233 Blake Street. Second by Trinh Burpee.

VOTED: 6-1 (Passed)
Michael Marcotte - Opposed

c: Ed Barrett, City Administrator
Planning Board Members

Maurice Landry
231 Blake Street
Lewiston, ME 04240

August 20, 2012

As per our conversation and our agreement on the purchase and reconstructing the property of 233 Blake Street, onto a small parking space and adding an 8X11 green space and rearranging a few curbing for a straight entrance, all is in agreement with David Hediger from the Planning Code Enforcement office.

The construction would begin as soon as I receive the deed for the property, and the time frame that Dick Dube would be able to squeeze in this work.

I would hope to have it completed this year maybe in late September or October depending on the weather. If the tree can be planted at that time it would be great, otherwise we will do it in the spring. Grass and flowers will have to wait for spring.

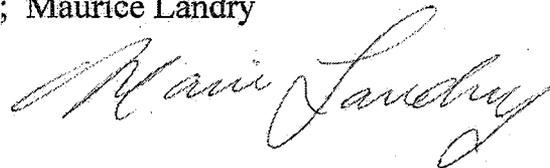
I was hoping this project would have been done this year at a much earlier date, as I have been waiting since January of this year to move forward on this property.

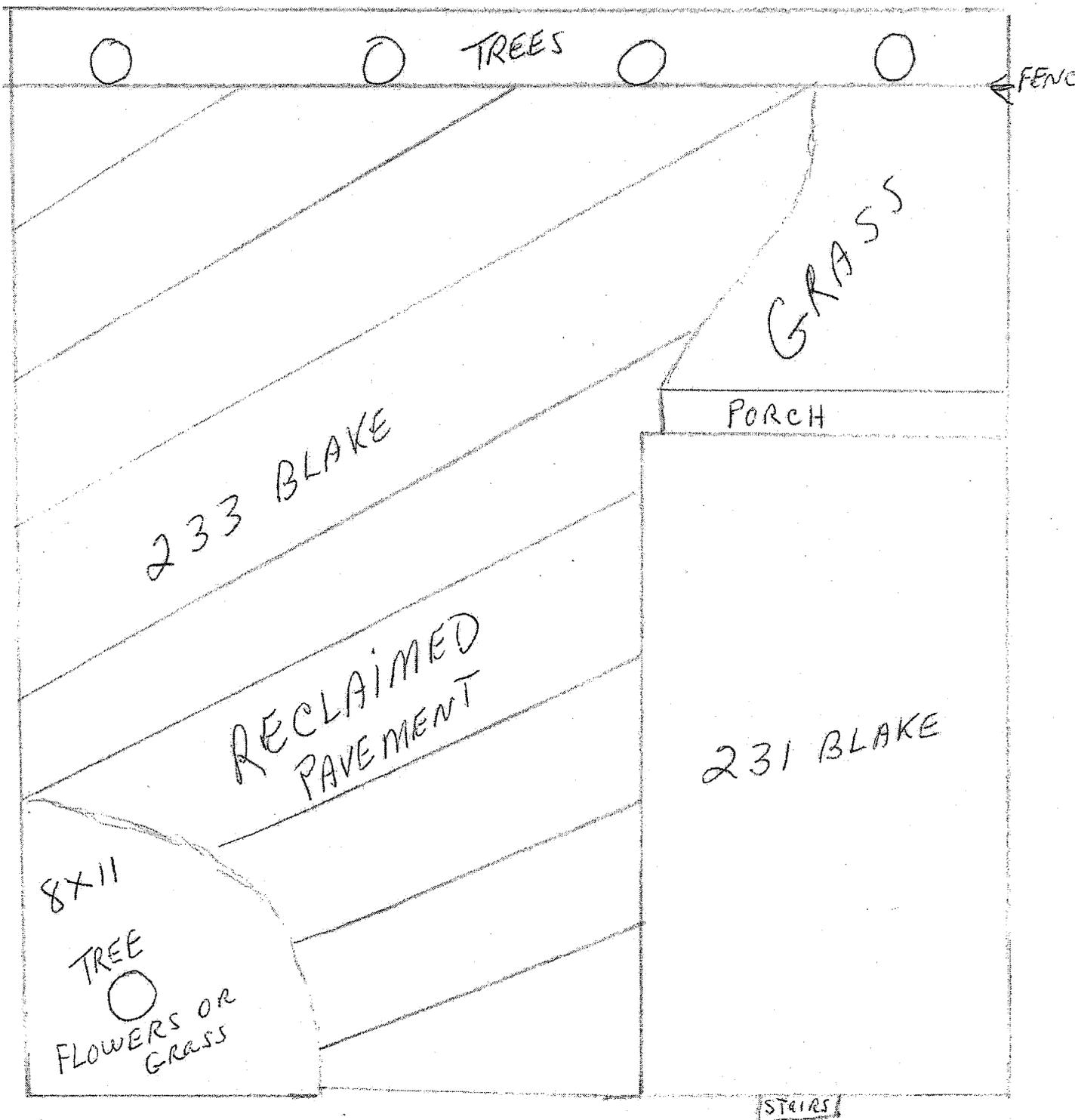
As for a full completion for this project, I commit to have this done in a timely matter and of no later than one year from the time I receive the deed for the property. I believe that this is a fair time frame for all involved in this matter.

If any other matter needs to be addressed, please let me know as soon as possible, not to drag this any longer.

Thank You

Sincerely; Maurice Landry

A handwritten signature in cursive script that reads "Maurice Landry". The signature is written in dark ink and is positioned to the right of the typed name.



SIDEWALK

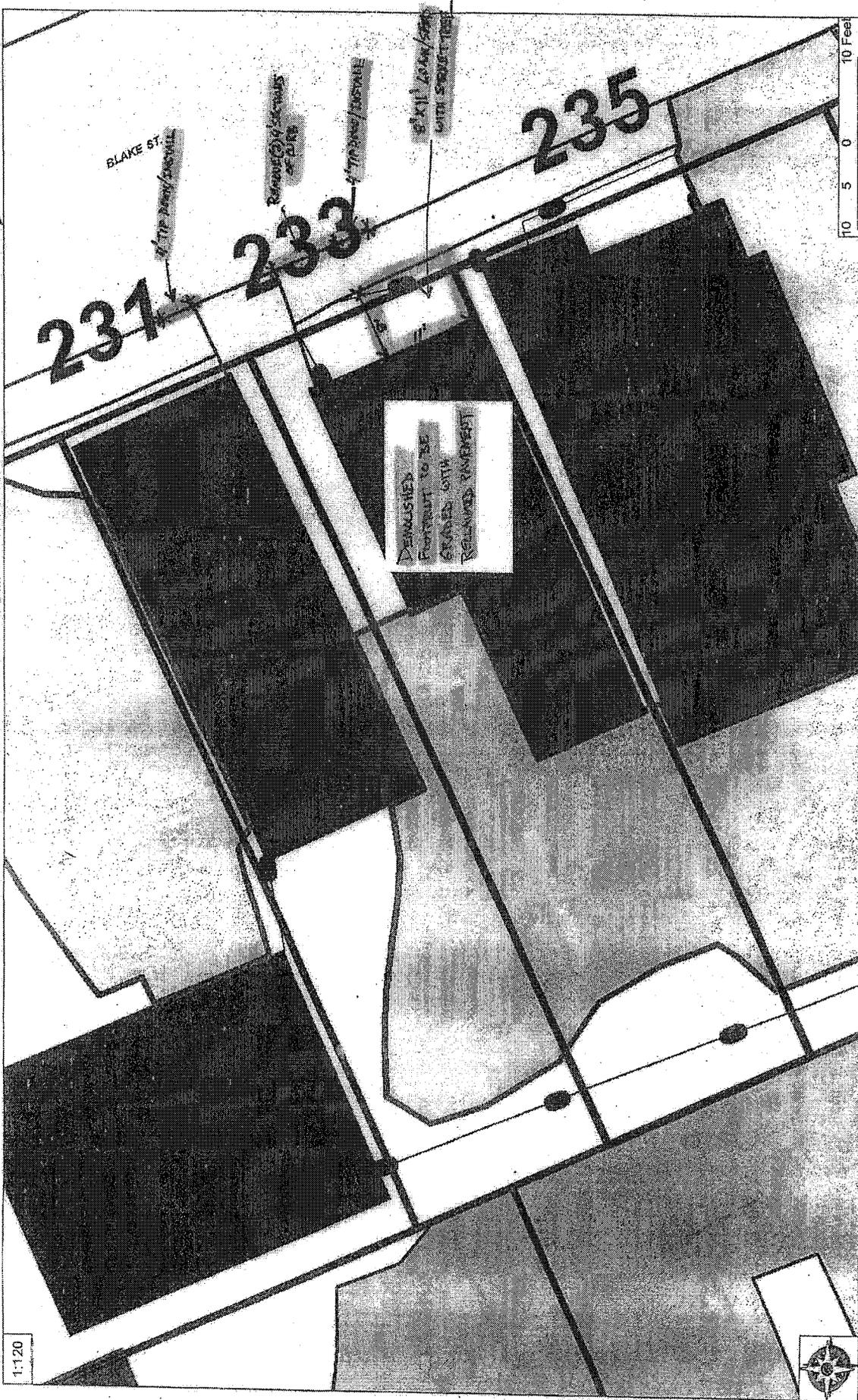
CURBING

REMOVE 2 CURBS

CURBING

ADD 1 CURB

Subject Area: Proceed Investigations for 233 Blake (DRAFT)



1:120

GIS City of Lewiston Maine - see disclaimer at www.avgis.org/lewis/ton/disclaimer.htm

Proposal

Page No. _____

of _____

Pages _____

DUBE GRAVEL CO., INC.

812 Webster Street
 Lewiston, Maine 04240
 Phone 207-783-1567
 Fax 207-783-1567

PROPOSAL SUBMITTED TO Maurice Landry		PHONE 782-8027	DATE 8/20/2012
STREET 6 JUNE Ave		JOB NAME	
CITY, STATE AND ZIP CODE Lewiston, ME 04240		JOB LOCATION 233 Blake Street, Lewiston, ME	
ARCHITECT	DATE OF PLANS		JOB PHONE

We hereby submit specifications and estimates for:

1. Excavate lot to remove tar & grade lot making sure water does not drain to existing building.
2. Install gravel base & put reclaimed asphalt on lot.
3. Install planting area 8'x11' for a tree planting.
4. Relocate curbs for opening & repair side walk.
5. All grading & compacting included.
6. City permits included.

NOTE: Do job sometime in October 2012 or before.

We Propose hereby to furnish material and labor — complete in accordance with above specifications, for the sum of: _____

dollars (\$ _____).

Payment to be made as follows:

NET TEN DAYS

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Authorized
Signature _____

Richard D. Dube

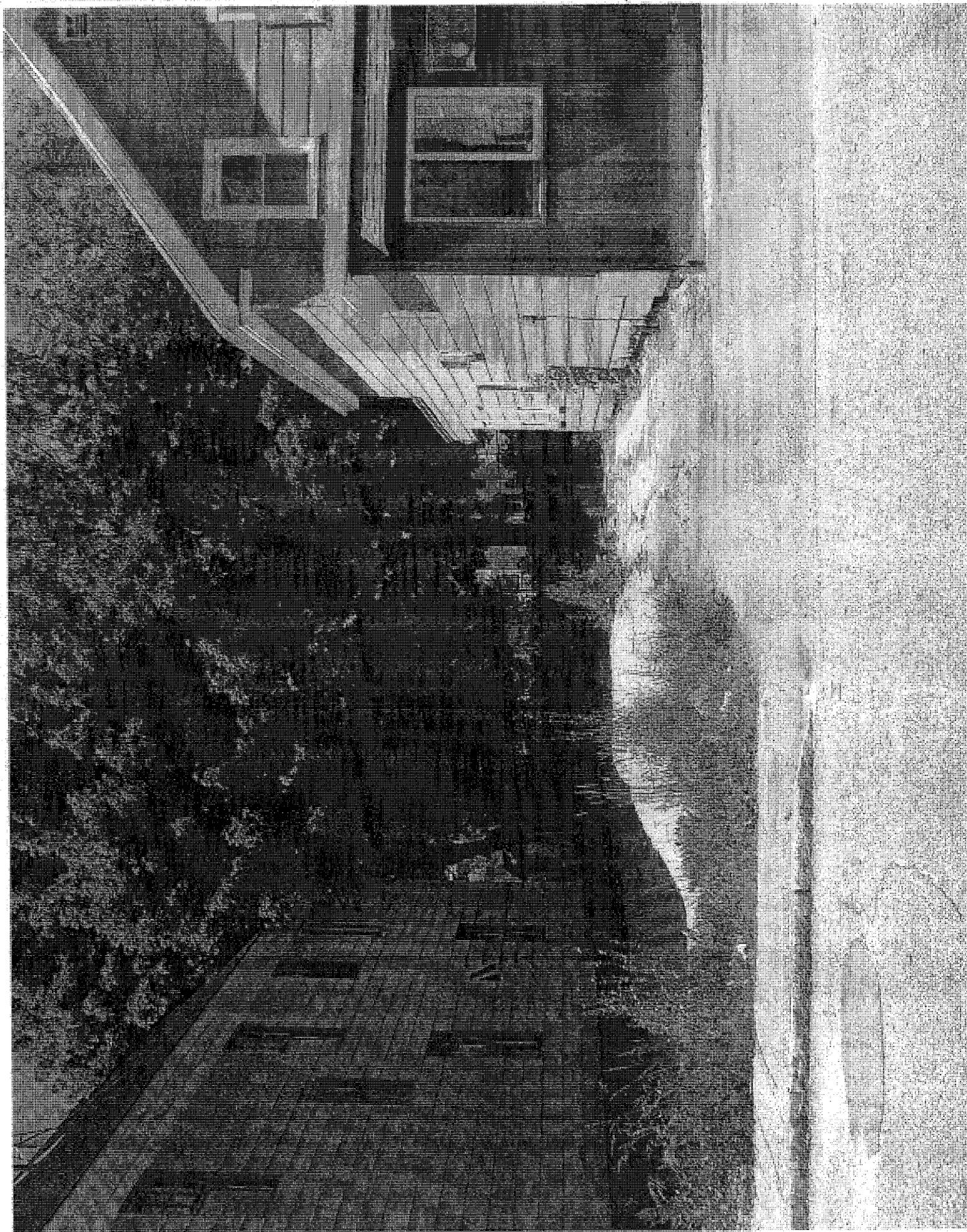
Note: This proposal may be withdrawn by us if not accepted within _____ days.

Acceptance of Proposal — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____

Date of Acceptance: _____

Signature _____



LEWISTON CITY COUNCIL
MEETING OF SEPTEMBER 4, 2012

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 11

SUBJECT:

Order authorizing the City Administrator to execute documents issuing an easement for 45 Labbe Avenue.

INFORMATION:

During the pending sale of the property at 45 Labbe Avenue, it was discovered that a portion of their yard with flower and vegetable gardens, the shed and a portion of the driveway are actually located on city owned property. The parcel at 45 Labbe Avenue abuts the adjacent property of 389 Webber Avenue which the City owns and is where the water reservoir tanks are located. This property encroachment appears to date back to the 1960's and it not the fault of the current property owners.

It is requested the City issue an easement for the property at 45 Labbe Avenue for use of this limited amount of land. Please see the attached material for additional information on this issue.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

To adopt the Order authorizing the City Administrator to execute documents issuing an easement for 45 Labbe Avenue.



**City of Lewiston, Maine
City Council Order
September 4, 2012**



ORDER, Authorizing the City Administrator to Execute Documents Issuing an Easement for 45 Labbe Ave.

Whereas, Christopher M. Bakkila and Katherine Stefko are preparing to sell their property at 45 Labbe Ave and the mortgage loan inspection questioned their deeds, which indicated their some gardens, a small outbuilding, and at least part of their driveway were not on their property; and

Whereas, the City owns the adjacent property at 389 Webber Ave where the Webber Ave Water Reservoir Tanks are located; and

Whereas, the encroachment upon the City of Lewiston's property at 389 Webber Ave appears to have been in place since before the early 1960's; and

Whereas, the encroachment is outside a fence erected when the new water tanks were installed in the early 2000's and in a buffer area between the City property and the adjacent residential area; and

Whereas, the owners of 45 Labbe Ave worked with their attorneys and with those of the potential property buyer and the City to develop an easement acceptable to all parties; and

Whereas, the easement would allow continued use of the property for the driveway, walking paths, and vegetable and flower gardens up to ten (10) feet from the fence; and

Whereas, the small outbuilding (shed) will be allowed to remain in place until any renovations or enlargement of the shed, at which time the shed will be removed from City property; and

Whereas, the grantees, their heirs and assigns shall hold the City harmless from any and all claims or liabilities arising out of or relating to their use of the easement, including costs of enforcement and reasonable attorney fees; and

Whereas, the grantees shall obtain and maintain homeowner's insurance or other insurance coverage satisfactory to the City and an endorsement naming the City as an additional insured; and

Whereas, the grantees shall record the easement in the Androscoggin County Registry of Deeds;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that
the City Administrator is authorized to execute any documents necessary to issue the easement as described in the attached Easement Deed (Release).



Department of Public Works

David A. Jones, P.E.
Director



August 28, 2012

To: City Administrator Ed Barrett & City Clerk Kathy Montejo

Re: Easement for 45 Labbe Ave

Ed and Kathy,

Attached is a proposed City Council Order and easement to provide an easement to the owners of 45 Labbe Ave to use a portion of the property which is currently the City's Webber Ave water tank reservoirs. I ask the Council consider this at their September 4, 2012 meeting such that the closing for the sale of the 45 Labbe Ave can occur as scheduled on September 14th.

Chris Bakkila and Katherine Stefko (joint owners of the property) approached the City earlier this month indicating they had their property on the market for nearly a year and finally got an offer to purchase the property. During the mortgage loan inspection, they were notified a shed they installed in 2007, some of their flower/vegetable gardens and part of their driveway were actually not on their property. These were located on the edge of the property the City owns that is part of the Webber Ave reservoir site. The owners asked if the City would consider an easement, such that they could proceed with the sale of their property.

In researching the property it became evident the encroachments onto the City property began back before the early 1960's. The encroachment has not adversely affected the City to this point and the owners have actually maintained and improved the property.

The owners offered to prepare the easement language which was reviewed and revised by the City's attorney, with all costs being paid by the owners. We recommend the City Council approve the order and allow the City Administrator to execute the Easement Deed.

Sincerely,

David A. Jones, P.E.
Director

EASEMENT DEED (RELEASE)

THE INHABITANTS OF THE CITY OF LEWISTON, a Maine municipal corporation, with a mailing address of 27 Pine Street, Lewiston, ME 04240, *releases* to CHRISTOPHER M. BAKKILA and KATHERINE STEFKO, AS JOINT TENANTS, with a mailing address of 301 Kousa Trail, Chapel Hill, North Carolina 27516, the following:

A CERTAIN interest in real estate located in Lewiston, Androscoggin County, State of Maine, bounded and described as follows:

An appurtenant easement permitting the grantees, their heirs and assigns, to continue to locate and maintain an existing fence, driveway, walking paths and vegetable and flower gardens on land of the grantor as described in a deed to it recorded in the Androscoggin County Registry of Deeds in Book 94, Page 274, and adjacent to the land now owned by the grantees. Also permitted is the continued location of an existing shed, provided, however, that the shed shall be removed from the property of the grantor if the grantees wish to do any renovations or enlargements to this shed. The grantees shall be permitted to go onto the burdened property to enjoy the use of and to maintain the items described herein, but no entry or use shall extend closer than ten feet from the current fence line of the Webber Avenue water reservoir property, and the grantees may not relocate the items without the prior written consent of the grantor.

The grantees shall indemnify, defend and hold the grantor harmless from any and all claims or liabilities arising out of or relating to the grantees' use of the easement, including costs of enforcement of this easement and reasonable attorneys' fees.

The grantees shall obtain and maintain homeowner's insurance or other insurance coverage in amounts reasonably satisfactory to the grantor, and an endorsement naming the grantor as an additional insured. By acceptance of this deed, the grantees release the grantor from any liability or responsibility (to the grantees or anyone claiming through or under the grantees by way of subrogation or otherwise) for any loss or damage to any tangible property, notwithstanding the fact that such loss or damage shall have been caused by the fault or negligence of the grantor, or anyone for whom the grantor may be responsible. The grantees shall provide the grantor with proof of insurance reasonably satisfactory to the grantor, such as a certified copy of the endorsement and a certificate of insurance showing the required coverage and providing that the required coverage cannot be cancelled without ten days' notice to the grantor.

The burden of this easement shall be binding on the successors and assigns of the grantor.

The property of the grantees benefited by this easement is that conveyed to them by Warranty Deed dated September 24, 2004, and recorded in the Androscoggin County Registry of Deeds in Book 6081, Page 127.

IN WITNESS WHEREOF, The City of Lewiston has caused this instrument to be signed in its corporate name by Edward A. Barrett, in his capacity as City Administrator, thereunto duly authorized this ____ day of September, 2012.

THE CITY OF LEWISTON

By: _____
Edward A. Barrett
Its City Administrator

State of Maine
Androscoggin County

September __, 2012

Then personally appeared the above named Edward A. Barrett, in his capacity as City Administrator and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of The City of Lewiston.

Before me,

Notary Public

CROCKETT, PHILBROOK & CROUCH, P.A.

ATTORNEYS AT LAW

BANK BUILDING

178 COURT STREET

AUBURN, MAINE 04210

TELEPHONE

207-784-1587

FAX

207-784-3014

RALPH W. CROCKETT-1888-1852

JOHN C. CROCKETT-1915-2001

MALCOLM W. PHILBROOK, JR.

JOHN E. CROUCH

August 20, 2012

David A. Jones
Director, Dept. of Public Works
City of Lewiston
103 Adams Ave.
Lewiston, ME 04240

Re: Easement concerning property owned by Chris Bakkila at 45 Labbe Ave., Lewiston

Dear David:

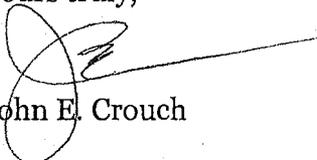
I am sending this as a follow-up to our phone conversation this morning. Paul Gosselin's client (the purchaser) has approved the draft. I am sending a copy to Marty Eisenstein to look over on the City's behalf.

Please contact me with any comments or questions, and I invite Marty to do the same. Marty, do you have the information to identify the City's deed?

It is my understanding from earlier e-mails that the final product needs to be ready by August 24th.

Thank you.

Yours truly,



John E. Crouch

JEC/djb

Enclosure

cc: Marty Eisenstein (via e-mail)
Chris Bakkila (via e-mail)

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 4, 2012

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 12

SUBJECT:

Authorization for the Auburn-Lewiston Municipal Airport Board of Directors to sell Lot Nine at the Auburn-Lewiston Industrial Airpark.

INFORMATION:

During its meeting of August 20, 2012, the Auburn-Lewiston Airport Board of Directors voted to sell Lot 9 of the Industrial Airpark to Paul Cutter. The Lewiston City Council is asked to vote to authorize this sale and to authorize the Chairman of the Airport Board to sign all documents on behalf of the City for this sale transaction. The Auburn City Council will also be asked to take the same action.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.



REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To authorize the sale of Lot 9 at the Auburn-Lewiston Industrial Airpark and to authorize the Chairman of the Board of Directors of the Auburn-Lewiston Municipal Airport to sign on behalf of the City of Lewiston any and all documents necessary for the completion of this transaction.



Auburn-Lewiston Municipal Airport
80 Airport Drive ♦ Auburn, Maine 04210

August 24, 2012

Lewiston City Mayor Macdonald
Lewiston City Councilors

Auburn City Mayor LaBonte
Auburn City Councilors

Dear Mayor Macdonald, Mayor LaBonte and Councilors:

The Airport Board of Directors voted on August 20, 2012, to authorize the sale and purchase agreement to Paul Cutter for Lot 9 in the Auburn-Lewiston Industrial Airpark.

The Auburn-Lewiston Airport Board of Directors is recommending the Cities of Lewiston and Auburn to authorize the sale of lot 9 and to authorize the Chairman of the Board of Directors of the Auburn-Lewiston Municipal Airport to sign the necessary documents on behalf of the City of Lewiston and the City of Auburn.

Respectfully Submitted,

Edouard Plourde
Interim Airport Manager

SHORT FORM QUITCLAIM DEED

The **CITY OF AUBURN** and the **CITY OF LEWISTON**, each a Maine municipal corporation, with a mailing address c/o Auburn-Lewiston Municipal Airport, 80 Airport Drive, Auburn, Maine 04210 (collectively, "Grantor") FOR CONSIDERATION PAID, grant to **CUTTER LLC**, a Maine limited liability company with a mailing address of PO Box 128, Turner, Maine 04282 ("Grantee"), with **QUITCLAIM COVENANT**, certain real property with the buildings and improvements thereon, situated in Auburn, County of Androscoggin, and State of Maine, and more particularly described on Exhibit A attached hereto and made a part hereof.

IN WITNESS WHEREOF, each of the **CITY OF AUBURN** and the **CITY OF LEWISTON** has caused this deed to be executed in its name and on its behalf under seal by Edouard Plourde, the Chairman of the Board of Directors of the Auburn-Lewiston Municipal Airport, thereunto duly authorized as of this ____ day of September, 2012.

CITY OF AUBURN and CITY OF LEWISTON
By: Auburn-Lewiston Municipal Airport, a
Maine non-profit corporation
Its duly Authorized Representative

Witness

By: _____
Edouard Plourde
Chairman of the Board of Directors
of the Auburn-Lewiston Municipal
Airport

STATE OF MAINE
COUNTY OF ANDROSCOGGIN, ss.

September ____, 2012

Personally appeared the above-named Edouard Plourde, the Chairman of the Board of Directors of the Auburn-Lewiston Municipal Airport, the duly Authorized Representative of the City of Auburn and the City of Lewiston, as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said City of Auburn and City of Lewiston.

Before me,

Notary Public/Attorney at Law
Print Name:
My Commission Expires:

EXHIBIT A

A certain lot or parcel of land situated on the westerly side of Kittyhawk Avenue in the City of Auburn, County of Androscoggin, State of Maine, being Lot 9 as depicted on a plan entitled "Revision 2 of Lots 7, 8, 9, 10, 11, & 12, Auburn-Lewiston Airpark", prepared by Technical Services, Inc., dated August 5, 1988, and recorded at the Androscoggin County Registry of Deeds in Plan Book 34, Page 49.

There is specifically excepted from this conveyance and reserved to the Cities of Auburn and Lewiston, their successors and assigns the following easements and rights:

1. An aviation easement and right of way over the land herein conveyed for the use and benefit of the public and for the unobstructed flight of aircraft, at and above an imaginary plane at 389' mean sea level (MSL).
2. Rights of entry, ingress and egress, with respect to the land herein conveyed; to remove or demolish structures and to cut or top trees or other vegetation which might, at any time, project above such plane; and
3. The right for the use and benefit of the public, to cause in the air space above the surface of the land herein conveyed such noise as may be inherent in the operation of aircraft, now known or hereafter used for navigation of or flight in the air, using said air space for landing at, taking off from, or operating on the Auburn-Lewiston Municipal Airport (the "Airport").

The Grantee herein expressly agrees for itself, its successors and assigns:

1. That no structures or objects of natural growth, which project or might project above the imaginary plane described above, shall be erected, maintained or allowed on the land herein conveyed; and
2. That no use shall be made of the land herein conveyed for any purpose which may interfere with the use, operation, maintenance and further development of the Airport, and in addition, no use shall be made of such land and of structures thereon for purposes which shall create or result in a hazard to flight such as, but not limited to, any purpose which will: (i) produce electrical interference with radio communications; (ii) make it difficult for pilots to distinguish between airport lights and other lights; (iii) project glare in the eyes of pilots; (iv) impair visibility in the vicinity of the Airport; or (v) otherwise endanger the landing, taking off and maneuvering of aircraft; and
3. That the reservations and restrictions set forth in this instrument of conveyance shall run with the land herein conveyed which shall be the servient tenement, it being intended that the lands now and hereafter comprising the Airport shall be the dominant tenement; excepting, however, that such reservations and restriction shall become void and of no force and effect on such date as the lands comprised in the aforesaid Airport shall cease to be used as an airport.

This conveyance is also made subject to and with the benefit of the following:

1. Protective Covenants for The Auburn-Lewiston Municipal Airport Industrial Airpark with an effective date of May 12, 1987 and recorded at said Registry of Deeds in Book 2111, Page 254, as the same have been or may be further amended or revised;

2. Maine Department of Environmental Protection Order dated June 25, 1980 and recorded at said Registry of Deeds in Book 1475, Page 85;

3. Deed of Release from the Administrator of the Federal Aviation Administration to the Cities of Auburn and Lewiston dated July 25, 1988 and recorded at said Registry of Deeds in Book 2329, Page 271; and

4. All utility easements which serve the premises herein conveyed, zoning and building restrictions, other easements, covenants, conditions and restrictions of record affecting the premises herein conveyed, and real estate taxes assessed but not yet due, which Grantee by acceptance hereof assumes and agrees to pay.

Meaning and intending to convey a portion of the premises conveyed to City of Auburn and City of Lewiston by deed from Levinson Steel Company dated September 26, 1989 and recorded at said Registry of Deeds in Book 2468, Page 151.

**AMENDMENT TO
AGREEMENT FOR THE PURCHASE AND SALE OF REAL ESTATE**

That certain Agreement (the "Agreement") dated as of June 18, 2012 by and between **THE CITIES OF AUBURN and LEWISTON**, by and through their duly authorized representative, **AUBURN-LEWISTON MUNICIPAL AIRPORT**, a Maine nonprofit corporation, as Seller, and **CUTTER LLC**, a Maine limited liability company, as Buyer, is hereby modified and amended as follows:

1. **PURCHASE AND SALE.** The description of the Premises described in Section 1 of the Agreement and Exhibit A attached to the Agreement are hereby deleted and replaced with the following:

"the approximately 2.64 acre parcel of vacant land located on Kittyhawk Avenue, Auburn, Androscoggin County, Maine, shown as Lot 9 on the plan entitled "Revision 2 of Lots 7, 8, 9, 10, 11 & 12 Auburn-Lewiston Airpark" prepared for Auburn-Lewiston Airport by Technical Services, Inc. dated August 15, 1988 and recorded at the Androscoggin County Registry of Deeds in Plan Book 34, Page 49, and which is a portion of the property described in that certain deed to Seller dated September 26, 1989, and recorded at said Registry of Deeds in Book 2468 Page 151 (the "Seller's Deed") (the "Premises")."

2. **PURCHASE PRICE.** The Purchase Price referenced in Section 2 of the Agreement is hereby revised from "One Hundred Twenty Thousand Dollars (\$120,000.00)" to "**One Hundred Thousand Five Hundred Seventy Dollars (\$100,570.00)**" and the balance of the Purchase Price to be paid at closing referenced in Section 2(a) of the Agreement is hereby revised from "One Hundred Seventeen Thousand Six Hundred Dollars (\$117,600.00)" to "Ninety Eight Thousand One Hundred Seventy Dollars (\$98,170.00)"

3. **TITLE.** Buyer's right to object to title matters under Section 3 of the Agreement is hereby limited to new matters appearing of record after the date hereof. Buyer acknowledges that the Premises will be conveyed subject to those certain Protective Covenants for the Auburn-Lewiston Municipal Airport Industrial Airpark, with an effective date of May 5, 1987 and recorded in the Androscoggin County Registry of Deeds in Book 2111, Page 254, as the same have been or may be amended from time to time (the "Airpark Covenants"). Notwithstanding the foregoing, Seller agrees that in the event it exercises its option to re-purchase the Premises from Buyer under the Speculation Covenant for Sales provision contained in the Airpark Covenants ("Seller's Re-purchase Right"), it shall pay the Buyer an amount equal to the Purchase Price described herein, plus Buyer's actual and verifiable out of pocket due diligence costs associated with its purchase and attempted development of the Premises up to a capped amount of Ten Thousand Dollars (\$10,000.00). Seller further agrees that notwithstanding the language of the Airpark Covenants, its Re-purchase Right with respect to the Premises shall not become exercisable until six (6) months from the date of this Amendment and shall automatically expire if not exercised within ninety (90) days thereafter.

4. **CLOSING.** The closing date referenced in Section 4 of the Agreement is hereby extended to **November 30, 2012**;

5. **INSPECTION.** The Due Diligence Deadline referenced in Section 5 of the Agreement is hereby extended until 5:00pm EDT on **November 20, 2012**. Notwithstanding the foregoing, Buyer is satisfied with its inspections and hereby waives its right to terminate the Agreement under Section 5 of the Agreement. Buyer's right to terminate the Agreement under Sections 8, 9 and 10 of the Agreement remains in effect.

This Amendment is intended to supersede all prior amendments and addenda to the Agreement. Except as otherwise specifically provided herein, the Agreement shall remain undisturbed and in full force and effect. In the event that any provision in this Amendment conflicts in whole or in part with any of the terms contained in the Agreement, the provisions of this Amendment shall control.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed under seal by their respective duly authorized representatives as of this 20th day of August, 2012.

WITNESS:

Hebbie Baube

Angelo J. M. Blais

CITIES OF AUBURN and LEWISTON
By: **Auburn-Lewiston Municipal Airport**
Their Duly authorized representative

By: Edward Plouffe
Name: Edward Plouffe
Title: Chair - Airport Board

CUTTER LLC

By: Paul A. Cutter
Paul A. Cutter
Its Principal

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 4, 2012

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 13

SUBJECT:

Resolve supporting a U.S. Constitutional amendment on campaign finance.

INFORMATION:

Some communities throughout the country have been considering the adoption of a Resolution supporting an amendment to the United States Constitution regarding campaign finance issues. This agenda item is an opportunity for the Lewiston City Council to review and consider this Resolution should they choose to weigh in on this matter.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

This is a policy decision of the City Council.

EAB/kmm

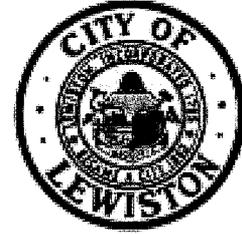
REQUESTED ACTION:

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To adopt the Resolve supporting a U.S. Constitutional amendment on campaign finance.



**City of Lewiston Maine
City Council Resolve
September 4, 2012**



Resolve, Supporting a U.S. Constitutional Amendment on Campaign Finance

WHEREAS, government of, by, and for the people is a cherished American ideal, and the right of self-governance is fundamental; and

WHEREAS, it is the right of the people to alter the government when it becomes destructive to the goals of securing the right to life, liberty, and the pursuit of happiness articulated in the Declaration of Independence; and

WHEREAS, United States Supreme Court rulings, beginning with Buckley v. Valeo and continuing through Citizens United v. FEC and others, have interpreted the First Amendment and its application to elections in such a way as to disproportionately elevate the role of wealthy special interests in elections and diminish the voices and influence of ordinary Americans; and

WHEREAS, the citizens of the City of Lewiston are deeply concerned that the proliferation of unlimited campaign contributions can unfairly influence our local, state, and federal elections, elected representatives, and public policy; and

WHEREAS, the current legal landscape severely constrains the range of options available to correct these problems through normal legislative means;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEWISTON that

the City of Lewiston hereby calls on our state and federal representatives to support an amendment to the Constitution of the United States that would:

FIRST, differentiate the spending of money in elections from First Amendment activities;

SECOND, empower state and federal governments to regulate the raising and spending of funds in elections; and

THIRD, clarify that only human beings, not Corporations, are endowed with constitutional rights relating to freedom of speech.

BE IT FURTHER RESOLVED that the City of Lewiston calls on other communities and jurisdictions across the state to join this action by passing similar resolutions.

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 4, 2012

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 14

SUBJECT:

Order authorizing the City Administrator to provide city services for the American Heart Association Central Maine Heart Walk on Sunday, September 16, 2012.

INFORMATION:

The American Heart Association will be holding their annual Heart Walk on Sunday, September 16 to raise both awareness and funds regarding heart disease. Most of the event such as registration, refreshments, majority of the route, etc. will all occur in Auburn. However, the route recently changed and will now bring the walkers through part of Lewiston. As such, the Association is seeking some barriers to close down portions of some roads for a short period of time. Since this event is on a Sunday, Public Works crews needing to do the work for the road closures will be on overtime. However, the Association is seeking a waiver of these fees since they are a non-profit organization raising funds for their cause.

Please see attached memorandum outlining the details of this event and this request.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EATB/Kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order authorizing the City Administrator to provide city services for the American Heart Association Central Maine Heart Walk on Sunday, September 16, 2012.



**City of Lewiston, Maine
City Council Order
September 4, 2012**



ORDER, Authorizing the City Administrator to Provide City Services for American Heart Association-Central Maine Heart Walk on September 16, 2012.

Whereas, the City of Lewiston has a history of providing support services for a variety of activities that will enhance our city's quality-of-life and provide approved non-profit organizations a source of revenue to support programming available to eligible Lewiston residents; and

Whereas, the American Heart Association-Central Maine Heart Walk event on September 16, 2012 was not approved as part of the City Council FY2013 budget approved Charitable Donations events; and

Whereas, the City cost for the event have been fully reviewed by city staff;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that

the City Administrator is authorized to direct all impacted city departments to provide applicable city support services at levels not to exceed those specified in Recreation Department Director Margaret Chisholm's memo.



**City of Lewiston
Department of Recreation**



TO: Honorable Mayor and members of the City Council
FR: Maggie Chisholm, Director Lewiston Recreation Department
RE: American Heart Association request
DT: 8/28/12

The American Heart Association-Central Maine Heart Walk is requesting City Council waive the overtime fees that Public Works requires in order to set up for their Heart Walk. Public Works is needed to close one lane on Longley Bridge as well as one lane on Bernard Lowen Bridge. Police overtime is not required; however there will be a police presence by on duty police officers. The event is 9/16/12 from 8am – 12 noon. The group will also be using Simard Payne Park as part of their route.

Please see below the overtime estimate received from Public Works:

Traffic worker \$18.00/hour x 2 (DT) x 30% (fringe) x 7 hours = \$331.00
Highway worker \$16.00/hour x 2 (DT) x 30% (fringe) x 7 hours = \$286.00
Vehicle Rental from Municipal Garage – 2 pickup trucks = \$123.00

The American Heart Association's event is on a Sunday; therefore the overtime rate is double time.

A staff person from the American Heart Association will be present at the 9/16/12 City Council meeting should Council members have any questions regarding the event.

Kathy Montejo

Subject: FW: request to waive overtime fees

From: Susan Crandall [<mailto:Susan.Crandall@heart.org>]

Sent: Thursday, August 23, 2012 10:22 AM

To: Maggie Chisholm

Cc: Carrie Fortino

Subject: request to waive overtime fees

Hello Maggie,

This is a request for a representative from the American Heart Association to go before the Lewiston City Council to ask them to waive the overtime fees for public works employees on Sunday September 16th for the Central Maine Heart Walk. Public works is needed in order to close one lane on the Longley Bridge and also one on the Lowen Bridge that morning. They will need to put up traffic cones, wait for the walkers to go past, and then remove the cones. Cones will need to be put out about 9:00 AM and then can be removed about 11:00 AM.

Thank you and please let me know if you need any more information from me.

Susan

Susan Crandall
Corporate Events Director

American Heart Association

Founders Affiliate

51 US Route 1, Suite M

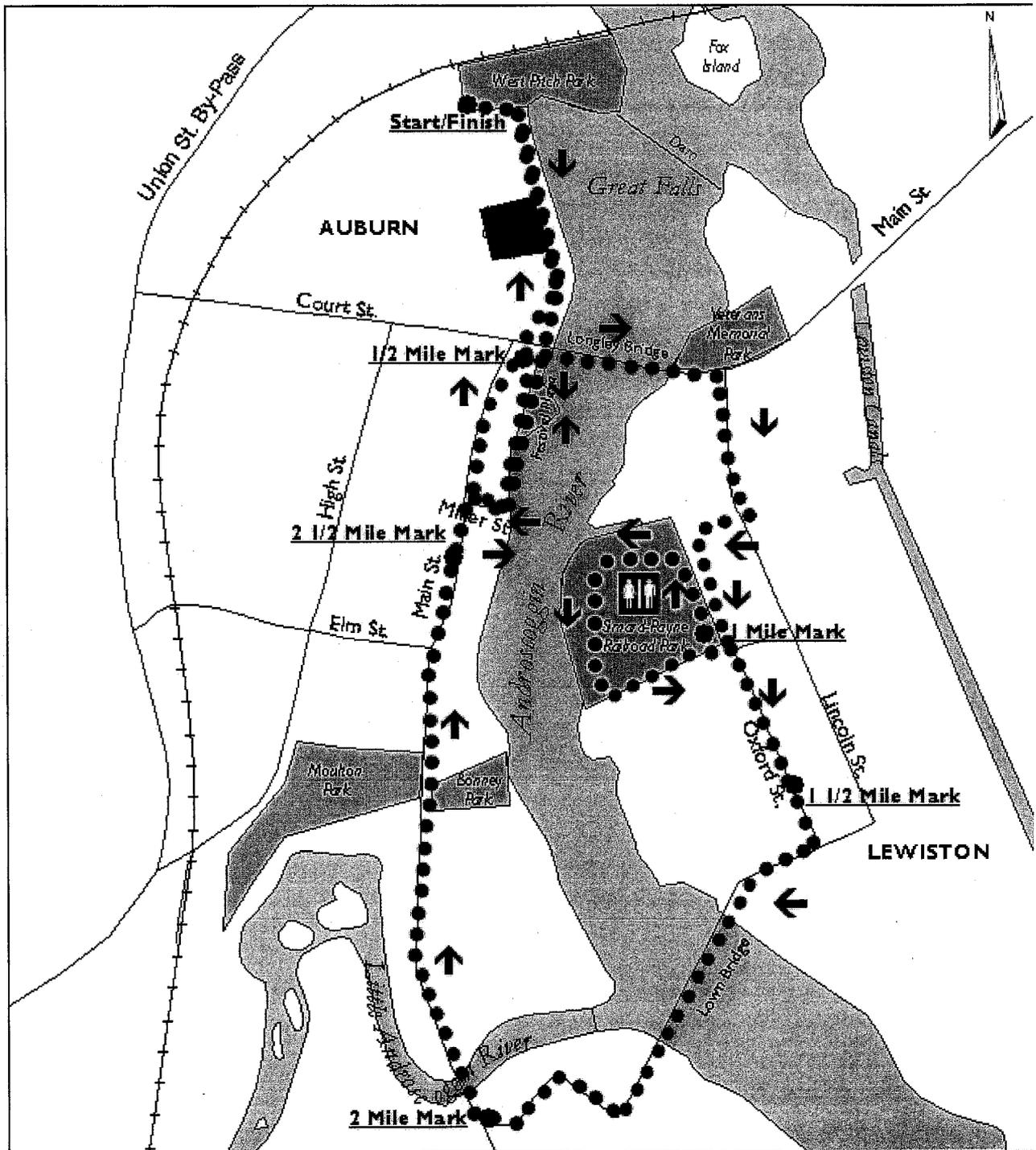
Scarborough, ME 04074

Phone: 207-449-3127

Fax: 207-879-5918

Join us at the Central Maine Heart Walk, Sept 16, 2012 at the Hilton Garden Inn, Auburn

Mail to: susan.crandall@heart.org



LA Trails Riverwalk

- Start Walking route
- City parks
- ➔ Route direction
- ♿ Porta potties

LA Trails, a program of the Androscoggin Land Trust, was founded in 2001 and advocates for wild development and recreation and works to improve the quality of life in Lewiston and Auburn.

www.androscogginlandtrust.org
207.782.2302



A Program of
the Androscoggin Land Trust



Map created by Michael Ayer, Androscoggin Land Trust

CITY OF LEWISTON Special Event Application

Applications must be submitted at least 14 days prior to the event, unless an * appears next to the permit type. *Application must be turned in 30 days prior to the event due to public hearing requirement.

Application Date 8/23/12

SPONSOR INFORMATION

Name of Sponsoring Organization: American Heart Association

Name of Contact Person for Event: Susan Crandall

Title of Contact Person: Event Director

Mailing Address: 51 US Route 1, Scarborough 04074

Daytime Telephone: 449-3127 Cell Phone: 800-214-9137

Email Address: Susan.Crandall@heart.org

Contact Name and Cell Phone Number DURING the Event: Pauline Cormier 229-0497

Is your organization incorporated as a non-profit organization? Yes No

Non-Profit Number: 13-5613797

EVENT INFORMATION

Name of Event: Central Maine Heart Walk

Type of Event (walk, festival, concert, etc.): walk / fun run

Date of Event: 9/16/12 Rain Date: none

Times of Event: Start Time including set-up: 8:30 Ending time including clean up: NOON
Actual Event Start Time: 9:30 Actual Event End Time: NOON

Estimated Attendance: 800-1,000

Location of Event: Hilton Garden Inn, Auburn, ^{walk through} Simard Payne

If location is a city park, have you applied for use of the property with the Recreation Department and has your request been approved? Yes No Pending

Date request submitted to the Recreation Department: July 2012

TYPES OF PERMITS/PERMISSIONS NEEDED – PROVIDE AN ANSWER FOR EACH LINE:

Permit Fee	Permission/Permit Type	YES	NO	NOT SURE
Separate fee and permit possible	FOOD – Will food or beverages be sold or given away? If yes, list what types of food or beverages: <i>Note - A food service license may be required.</i>		X	
Separate fee and permit possible	NON-FOOD ITEMS – Will products be sold or given away (such as t-shirts, crafts, cds, etc.)? If yes, list what items: <i>Note - A peddling permit may be required.</i>		X	
\$11	*LIVE MUSIC – Will there be any outdoor musical performances? If yes, please describe:		X	
\$16/day	SOUND AMPLIFICATION – Will there be a microphone or speaker system to project sound?		X	
Separate fee and permit required	ALCOHOLIC BEVERAGES – Will alcoholic beverages be served?		X	
Separate fee and permit required	*CARNIVAL – Will carnival rides be offered? If yes, attach a copy of the state permit. A city permit is required as well.		X	
Separate fee and permit required	FIREWORKS – Will there be a fireworks display? If yes, a permit from the Fire Department is required.		X	
N/A	PARADE – Will there be a parade? If yes, describe route: <i>Note – A permit from the Police Department is required.</i>		X	
N/A	RUN/WALK/CYCLE – Will event involve participants doing a walk-a-thon, road race, etc? If yes, describe route: <i>route map attached</i>	X		
Separate permit required	BURN PERMIT – Will there be any open flame such as a bon fire? If yes, describe activity: <i>Note - A permit from the Fire Department is required.</i>	X	X	
N/A	TENT/CANOPY – Will you be setting up a tent or canopy? If yes, list number and sizes: <i>1) 10' x 10' canopy over water station</i>	X		
N/A	ROAD/INTERSECTION CLOSURE – Will any roads need to be closed to accommodate your event? If yes, please list:		X	
N/A	MAP/DIAGRAM – Is a map or diagram attached detailing this event and depicting the placement of such items as tables, tents, port-a-potties, stage, parking, etc.? This is a mandatory requirement for this application and must be included with the application form.	X		

N/A	PARKING ACCOMODATIONS – What will be the anticipated need for parking and what is your parking plan?	N/A		
N/A	TOILETS – Please list amount at event and/or nearest location: two port-a-potties, one accessible at Simard-Payne			
N/A	WASTE DISPOSAL – Please list process and location: volunteers to remove			
N/A	HAND WASHING FACILITIES – Please list amount at event and/or nearest location: Hilton Garden Inn, Auburn			
N/A	POTABLE WATER – Please list amount at event and location: bottle water available at Simard-Payne			
N/A	FIRST AID FACILITIES – Please list location at event: Hilton Garden Inn, first aid kit at water station			
\$	TOTAL FEE AMOUNT INCLUDED – Checks payable to “City of Lewiston”			

EVENT LIABILITY INSURANCE COVERAGE FOR EVENT

For an event such as a walk-a-thon, race, festival, concert, etc. the City requires insurance coverage – general liability. The City of Lewiston needs to be named as additionally insured in regards to the event activities on that date. Once the event is approved, the Certificate of Insurance will need to be received before the event permits can be issued. Please have “City of Lewiston” listed as additionally insured on the Certificate of Insurance (minimum coverage \$1,000,000) and have your insurance company fax a copy to: City Clerk 207-777-4621

DESCRIPTION OF EVENT – Please describe what will occur during your event

Fundraising walk / fun run to benefit
 AAA. Walkers and runners will go
 through Simard-Payne park. Life flight
 helicopter will land at SP park and
 be available for viewing.

Signature of Applicant:

Printed Name:

Date Submitted:

Susan Crandall

Susan Crandall

8/23/12

Please note that you will be contacted by City Staff if you require additional permitting.