

**LEWISTON CITY COUNCIL AGENDA  
CITY COUNCIL CHAMBERS  
MARCH 19, 2013**

**6:00 p.m. Workshop** - Demolition Practices and Requirements

**6:30 p.m. Executive Session** - To discuss Disposition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

**7:00 p.m. Regular Meeting**

Pledge of Allegiance to the Flag.

Moment of Silence.

Lewiston Youth Advisory Council Update

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 7.

**REGULAR BUSINESS:**

1. Public Hearing on a new liquor license application for Apple Valley Golfers Club, Inc., 316 Pinewoods Road.
2. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for the Derby Athletic Association, 37 Park Street.
3. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Fuel, Inc., 49 Lisbon Street.
4. Public Hearing and Final Passage for the conditional rezoning of the property at 393 Main Street from the Community Business (CB) District to the Downtown Residential (DR) District.
5. Condemnation Hearing for the building located at 115 Bartlett Street.
6. Condemnation Hearing for the building located at 186 Bartlett Street.
7. Order authorizing the Lewiston City Administrator to execute Amendment 1 to the Joint Development Agreement with Parallax Partners, Inc.
8. Order authorizing the City Administrator to execute the First Amendment #1 to Interlocal Cooperation Agreement #2 for Lake Auburn Intake & Water Treatment.
9. Ratification of Collection Bargaining Agreement with Local #785, International Association of Firefighters (IAFF).
10. Amendments to the Traffic Schedule regarding loading zone on Ash Street.
11. Reports and Updates.
12. Any other City Business Councilors or others may have relating to Lewiston City Government.



## Finance Department

Norman J. Beuparlant  
Director of Budget/Purchasing  
[nbeau@ci.lewiston.me.us](mailto:nbeau@ci.lewiston.me.us)



**TO:** Edward Barrett, City Administrator  
**FROM:** Norman J. Beuparlant, Director of Budget/Purchasing  
**SUBJECT:** Demolition Projects Protocol  
**DATE:** March 14, 2013

This memo follows up on Councilor Saddleire's request to have an ordinance/policy developed by staff that would document the requirements for demolition contractors to adhere to and provide a higher level of safety during the demolition process. This would cover not only the physical activity of demolition and removal but also the environmental concerns regarding hazardous waste and lead dust. I have met with our Code Enforcement people to formulate a recommended City Policy.

The City may not be able to make amendments to the Maine Uniform Building and Energy Code (MUBEC), which includes provisions regarding building demolition. The state law adopting this code and mandating its use pre-empts municipal authority to modify it under the theory that the State should have a single, consistent code in all municipalities that have such a code. Gil Arsenault has indicated that any amendment to this code would need MUBEC Technical and Building Code and Standards Board review and approval. With that said, it may be more practical to address the concerns raised in so far as they relate to City demolition projects while we continue to determine whether it is or is not possible to add any additional requirements to private demolitions on non-city projects through ordinances or the permitting process.

I have viewed a number of municipal websites looking for standards/best practices and would offer the following for consideration.

Current practice on City projects, include the following steps leading up to the demolition and removal of any structure, are:

1. Building/Structure identified for demolition and demolition authorized;
2. City Staff – Purchasing Director meets with Code Enforcement to develop perimeters for the project;
3. City Staff – Purchasing Director initiates ACM Impact Survey to be done in compliance with state DEP requirements;
4. Depending on results of Impact Survey, one of two things occurs:
  - a. Impact Survey reveals no ACM contamination and demolition bid goes out; or
  - b. ACM materials identified, work plan for removal is developed, and bids are solicited. State DEP is notified of abatement project and once underway, State DEP Inspector visits site and reviews work plan with contractor.
5. Once structure has been cleared of Asbestos Containing Materials (ACM's) and hazardous waste materials, bid specifications are developed. Each location is reviewed by the Director of Purchasing and adjustments are made to specification if needed;

6. Site walk with contractors is done on all projects with awards made by the Finance Committee;
7. Work is monitored by Purchasing Director from start to finish with adjustments to work plan made in the field as work progresses if needed;
8. Currently, bid requirements call for dust control on any City project; however, time of year and weather conditions may impact the ability to use water as the means to control dust.

The Purchasing Director also works closely with the Neighborhood Housing League (NHL) to notify residents near the demolition site of the steps they should take to minimize dust exposure and to provide educational materials on how residences can be safely cleaned should dust be present. The notification area includes properties within 300 feet of the demolition site. The City supplies the educational materials which are then distributed by the NHL and its volunteers. Over the past year, both sides have worked to refine the notification and material distribution process as experience was gained.

Based on the last year's experience, the following additions to City contract language are being considered:

1. More detailed instructions on the need for dust control. (Note: these would be developed on a case by case basis depending upon size and location of structure.) Director would set standards as locations change;
2. Add a requirement for demolition contractor to submit a Traffic Plan and a Site Safety Plan for approval by Director prior to the start of any demolition; and
3. Add a requirement that the contractor notify abutting property owners of planned demolition schedule.

During 2012, City projects have included thirteen (13) buildings of varying sizes and with a variety of circumstances. The projects have been completed successfully with little or no impacts on the surrounding properties. Attached is the list of activities and costs associated with each project.

Also attached is a copy of the bid package, including specifications, for an upcoming project.

NJB/syt





City of Lewiston  
Finance Department

Norman Beauparlant, Director of Budget/Purchasing



Bid 2012-062  
Demolition of 117 Pine Street  
November 29, 2012

Sir/Madam:

Sealed bids will be received in the office of the Purchasing Agent on **Thursday, December 13, 2012** until **2:00 p.m.** at which time they will be publicly opened and read on the enclosed specifications for the **Demolition of the structure at 117 Pine Street.**

**Pre-bid meeting** and site walk will start on site at **117 Pine Street** on **Thursday, December 6, 2012** at **10:00 a.m.** Attendance at this meeting by the bidder or his qualified representative is a **mandatory requirement** for acceptance of a bid from that contractor. Complete bid packages with plans and specifications will be available at the pre-bid meeting.

**Special Attention:** directed to dust control requirement

The Lewiston Finance Committee reserves the right to accept or reject any and all bids.

Please use the enclosed envelope when submitting your bid.

Sincerely,

Norman J. Beauparlant  
Director of Budget/Purchasing

NJB/syt

# CITY OF LEWISTON, MAINE

## DEMOLITION OF STRUCTURE AT 117 PINE STREET

**BID #: 2012-062**

**BID DATE: December 13, 2012 @ 2:00 PM**

**PRE-BID: December 6, 2012 @ 10:00 AM**

1. Bids for the demolition and removal of the remaining structures at **117 Pine Street**, Lewiston, Maine will be accepted by:

Norman J. Beuparlant  
Director of Budget/Purchasing  
City of Lewiston  
City Hall, 27 Pine Street  
Lewiston ME 04240

until **2:00 p.m. on Thursday, December 13, 2012** at the Purchasing Department at the City Building, Lewiston, Maine 04240 at which time bids shall be opened publicly.

**SPECIAL NOTE:** Pre-bid meeting and site walk will start at **117 Pine Street** on **Thursday, December 6, 2012 at 10:00 a.m.** Attendance at this meeting by the bidder or his/her qualified representative is a **mandatory** requirement for acceptance of a bid form from that contractor.

2. **BID SECURITY**

No proposal will be considered unless it is accompanied by a **Certified Check or Bid Bond** in the amount of **ten (10%) percent** of the bid price, made out in favor of the City of Lewiston. The successful bidder **will not** be required to present a 100% Performance and Payment Bond as surety for the performance of the contract.

3. **AWARD OR REJECTION OF BIDS**

- A. The owner may consider informal, any bid not prepared and submitted in accordance with the provisions hereof and may waive any formalities prior to the above scheduled time of opening of bids or authorized postponement thereof. Any bid received after the time and date specified shall not be considered. No bid may be withdrawn within 30 days after the actual date of the opening thereof.
- B. Award shall be based on the most responsive advantageous and responsible bid.

4. **QUALIFICATION OF BIDDERS**

The owner may make such investigation as he deems necessary to determine the ability of the bidder to perform the work, and the bidder shall furnish to the owner all such information and data for this purpose as owner may request. The owner reserves the right to reject any bid if the evidence submitted by, or the investigation of, the bidder fails to satisfy the owner that the bidder is properly qualified to carry out the obligations of the contract and to satisfactorily complete the work included therein.

5. **PREPARATION OF PROPOSAL**

- A. Proposals must be submitted on the actual form furnished herewith. All blank spaces for prices must be filled in, in ink or typewriter.
- B. Proposals must be submitted in a sealed envelope bearing on the outside the name of the bidder, his address and the name of the project. If forwarded by mail, the sealed envelope, containing the proposal and marked as directed above, must be enclosed in another envelope, addressed as specified in the proposal form.

6. **ADDENDA AND INTERPRETATION**

No interpretation of the meaning of the plans, specifications or other documents will be made to any bidder orally. Every request for such interpretation should be in writing, addressed to the Director of Budget/Purchasing, Lewiston, Maine.

7. **OBLIGATION OF BIDDERS**

At the time of the opening of bids, each bidder will be presumed to have inspected the site and to have read and to be thoroughly familiar with the Plans and Contract Documents (including all Addenda). The failure or omission of any bidder to receive or examine any form, instrument or documents shall in no way relieve any bidder from any obligation in respect to his/her bid.

8. **TIME LINE**

The contractor shall prosecute the work continuously until completion. Deadline for complete demolition and removal is **30 days from Notice to Proceed**. Designated available date to be determined by the Director of Budget/Purchasing.

Site Walk..... 10:00 a.m. on Thursday, December 6, 2012  
Bids Due. .... 2:00 p.m. on Thursday, December 13, 2012  
Bid Awarded by. .... Tuesday, December 18, 2012  
Start date to follow ACM Abatement scheduled for completion. .... within 30 days

9. **TIPPING FEES**

The contractor **will not** be responsible for the cost of tipping fees, however, all demolition materials not salvaged must be weighed at the Lewiston Landfill before either going to

Biofuels located on Alfred A Plourde Parkway, Lewiston or into the Lewiston Landfill. The City shall identify all sites to be used for disposal of brick, concrete and other fill material prior to contract signing.

10. **CLAIMS:**

The City of Lewiston will not be held responsible for any damages or injuries arising out of any snow removal activity for the City. Any related claim will be referred to the Contractor. The contractor may wish to make personal restoration within a reasonable amount of time at the property owner's satisfaction or process a claim with their insurance carrier.

**INSURANCE:**

The Contractor shall furnish proof of coverage with adequate insurance of the types and to the limits specified below **naming the City of Lewiston as additional insured**. Certificate of such insurance shall be filed with the Director of Budget/Purchasing **within 5 days of Notice of Award**.

**WORKERS' COMPENSATION:**

Workers' Compensation, coverage with Statutory Limits and Employers Liability for all employees with limits of \$400,000 per incident; and in case any work is sublet, the Contractor shall require the sub-contractor similarly to provide coverage for the latter's employees unless such employees are covered by the protection afforded the Contractor.

**AUTOMOTIVE LIABILITY INSURANCE:**

Automotive Liability insurance with minimum limits of liability for bodily injury in the amount of \$400,000 for each occurrence and minimum limits of liability for property damage in the amount of \$50,000/\$100,000 aggregate.

**GENERAL LIABILITY INSURANCE:**

General Liability insurance with minimum limits of liability for bodily injury in the amount of \$500,000 for each occurrence and minimum limits of liability for property damage in the amount of \$50,000/\$100,000 aggregate, or a combined single limit of \$500,000 for each occurrence, including completed operations shall be required.

*"In the event of cancellation, change or expiration of any of the foregoing policies, ten (10) written notice will be mailed to the Owner."*

11. **PAYMENTS**

Progress payments shall be made on a monthly basis for work completed based on a percentage of the total project. Constructor shall submit pay requisition with an estimate on percent of completion. Amount completed to be determined by Director of Budget/Purchasing.

12. **DEFINITIONS**

- A. **Property:** All structures located within the boundary lines as indicated on the plans and maps.
- B. **City:** The term refers to the City of Lewiston, Maine.

# CITY OF LEWISTON, MAINE

## DEMOLITION OF STRUCTURE AT 117 PINE STREET

BID #: 2012-062

BID DATE: December 13, 2012 @ 2:00 PM

PRE-BID: December 6, 2012 @ 10:00 AM

### SPECIFICATIONS

#### PART 1: GENERAL

**1.01 SCOPE:** Contractor agrees and undertakes to demolish structures at **117 Pine Street** in their entirety, including removal of foundations.

- A. Demolition of the aforesaid structures located upon the City of Lewiston's land;
- B. Securing all demolition permits from the State of Maine, or the City of Lewiston and paying for any fees required with respect to such permit;
- C. Removal of all debris from the site;
- D. Disposition of any and all of the demolition debris *other than (I)* that sold by Contractor, or otherwise recovered by Contractor as salvage, either on its own behalf or on behalf of the City, in accordance with the laws of the United States and the State of Maine and ordinances of the City of Lewiston; provided, nevertheless, that Contractor is authorized to sell any salvageable components of the structures for its own account, as set forth below. Within thirty (30) days after completion of Contractor's services, Contractor will provide the City with copies of any documents evidencing the ultimate disposition of all demolition debris, except for such as has been sold for salvage;
- E. The Contractor **will not** be responsible for tipping fees, however, all demolition materials not salvaged must be weighed at the Lewiston Landfill before either going to Biofuels or into the Lewiston Landfill;
- F. The Contractor shall identify any fill sites to be used prior to contract signing;
- G. Disconnection and capping of any water or sewer service(s) currently connected within the project;
- H. **Foundation walls, shall be removed completely.** Concrete floor shall be broken up, removed and cellar hole filled as directed by Purchasing Agent as part of the base bid;
- I. Compliance at all times and at Contractor's sole cost, during the period of demolition, with the requirements of the laws of the United States and the State of Maine, and the ordinances of the City of Lewiston, including, without limitations, conformity with the reasonable demands of the Lewiston Fire Department.
- J. Securing the demolition area during the period of demolition at all times by reasonable means acceptable to the Lewiston Police Department or Building Inspector. In the event it shall be or become necessary to temporarily close any streets, Contractor shall, prior to commencement of the work, apply for and obtain from the Lewiston City Council a permit for the temporary closing of such streets.

In the event that the performance of the work shall entail any closing of a vehicular access to Lisbon Street, Contractors agrees to notify the City at least three (3) days prior to each day on which the accesses will be closed and will place signage in compliance with the Manual on Uniform Traffic Control Devices. In addition, the Contractor shall not so undertake its operations as to block *all* access to any portion of Lisbon Street except on a Sunday.

- K. Any pavement removed shall be disposed of by the Contractor.
- L. Concrete and brick shall be disposed of at City designated site.
- M. **Buildings will be demolished in a safe and orderly way and comply with all State and Federal regulations. Neighbors' areas must be policed every day for any debris on his/her properties.**
- N. **During the course of the demolition project, the Contractor must practice dust control by wetting down the building and its debris during the active part of demolishing the building and loading the debris onto the transport vehicles.**

## **PART 2: EXECUTION**

### **2.01 DEMOLITION OR RELOCATION**

- A. Demolish all structures covered by this contract including all exterior steps, platforms and underpinning and foundation walls, etc. in accordance with the following terms and conditions:

Demolition shall be done in a manner to maximize the amount of wood materials that will be accepted at Biofuels.

1. The structures and their components are to be demolished in such a manner as to prevent dust, dirt and undue noise from the operation from becoming a nuisance in the area.
2. Cellars are to be cleared of all combustible and perishable material and of all tanks and piping. Tanks used for the storage of fuel oil or other flammable materials shall be removed in accordance with the regulations of the Lewiston Fire Department and Maine Department of Public Safety.
3. Stone, concrete and masonry walls, chimneys, etc. shall be completely removed.
4. No structures shall be removed substantially as a whole. All structures shall be demolished completely on the premises. Masonry walls, piers, columns or chimneys shall be demolished in small sections. All floor construction over basements or cellars shall be completely removed regardless of whether they are above or below existing ground level.
5. Contractor shall remove all tanks (water, gas, oil, etc.) and piping. Should underground oil tanks be identified, they shall be part of the project and the cost

shall be part of the bid.

6. Once the work of demolition is started, it shall be continued to completion, uninterrupted except for Sundays and holidays or acts beyond the contractor's control. Material shall be removed from the site as quickly as possible and not be stored on site.
  7. The contractor shall comply with all applicable laws and ordinances.
  8. The contractor must exercise proper care in loading so that no waste or salvage material is strewn on public streets, neither during loading nor en route to the dumping site. Any material spilled on public streets will be promptly cleaned up and removed by the contractor.
- B. After the demolition and removal work have been accomplished, the site shall be cleared of all obstructions. Site shall be brought to grade as directed by the Director of Budget/Purchasing.

## **2.02 CLEAN UP**

- A. All debris resulting from the operation under this contract and all tools and apparatus are to be removed from the site at the completion of the work and the site left clear and free from hazards, to the satisfaction of the Owner.
- B. Bidders shall assume that all movable equipment and furnishings left on the premises during the bidding period shall remain the property of the occupant or owner and shall be removed by him/her prior to commencement of demolition and removal. Any such movable equipment or furnishings remaining on the premises after the date indicated shall become the property of the contractor and he/she shall remove same from premises.
- C. All fixed equipment which is on the premises during the bidding process shall become the property of the contractor and he/she shall remove same from premises.

# CITY OF LEWISTON, MAINE

## DEMOLITION OF STRUCTURE AT 117 PINE STREET

**BID #: 2012-062**

**BID DATE: December 13, 2012 @ 2:00 PM**

**PRE-BID: December 6, 2012 @ 10:00 AM**

### PROPOSAL FORM

TO: Norman Beuparlant, Director of Budget/Purchasing  
City of Lewiston  
City Hall, 27 Pine Street  
Lewiston ME 04240

Dear Sir:

Have carefully examined the premises and existing conditions affecting the work, we, the undersigned, hereby agree to furnish all labor, materials, appliances, supplies, plants, equipment and other facilities incidental to the demolition and removal of structures as required by, and in strict accordance with, the Specifications dated **November 29, 2012** as prepared by the City of Lewiston and that the undersigned will accept in full payment thereof of the following sum to wit:

<u>ITEM</u>	<u>PAYMENT</u>	<u>DESCRIPTION OF WORK</u>
1	Lump Sum	Demolition and removal of all structures located at <b>117 Pine Street</b> as specified.

	\$	
Unit Price for additional fill material	\$	CY

State equipment to be used: (list all equipment)


List all Sub-Contractors:


<b>The undersigned further agrees to complete work by:</b>	
The undersigned acknowledges the receipt of addenda #:	

The undersigned further agrees that after notification by the City of the acceptance of his/her proposal and the readiness of the contract for signature, he/she will execute the contract within five (5) days, Saturdays, Sundays and holidays excepted, and that he/she will commence the work within five (5) days after the execution of the contract unless otherwise specified in the Supplemental Specifications or directed by the City in writing, and that he/she will prosecute the work to its completion.

Performance & Payment Bonds **are not** required.

The undersigned further agrees that in the employment of labor, preference will be given, all other things being equal, to the citizens of Lewiston and of the State of Maine, in that order.

The undersigned hereby further declares that the only person or parties interested in this proposal as principals are named below; that the proposal is made without any connection with any other person or party making any proposal for the same work; and that no person acting for or employed by the City of Lewiston is directly or indirectly interested in this proposal or in any contract which may be made under it or in profits expected to arise therefrom, except as provided by the City Charter. The full names and addresses of all persons or parties interested in this proposal as principals are named below; (Give first and last names in full; and in case of a corporation, give names and addresses of President, Treasurer and Manager; and in case of a partnership, give names and addresses of members):


Accompanying this proposal is a bid security deposit in the amount of:

%	\$
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which is to become the property of the City by forfeiture if the undersigned fails, after notification by the Director of Budget/Purchasing of the acceptance of his/her proposal, to execute a contract with the City within five (5) days agreed to herein; or, in case the undersigned withdraws his/her proposal within thirty (30) days after the opening of the proposals. Otherwise, the deposit will be returned to the undersigned in accordance with the provisions in the Notice to Contractors.

<b>FIRM NAME</b>	
<b>SIGNATURE</b>	
<b>PRINTED/TYPED NAME</b>	
<b>TITLE</b>	
<b>LEGAL ADDRESS</b>	
<b>PLACE OF BUSINESS</b>	
<b>FIRM'S IRS ID #</b>	
<b>DATE</b>	
<b>TELEPHONE #</b>	
<b>FAX #</b>	
<b>E-MAIL ADDRESS</b>	

# CITY OF LEWISTON, MAINE

## DEMOLITION OF STRUCTURE AT 117 PINE STREET

**BID #: 2012-062**

**BID DATE: December 13, 2012 @ 2:00 PM**

**PRE-BID: December 6, 2012 @ 10:00 AM**

### AGREEMENT

This Agreement entered into at Lewiston, Maine this \_\_\_\_ day of **December, 2012**, by and between the **City of Lewiston** a municipal corporation with a principal place of business in Lewiston, Androscoggin County, Maine (hereinafter referred to as "**City**", which expression shall include its successors and assigns) and \_\_\_\_\_, a corporation with a place of business at \_\_\_\_\_ (hereinafter sometimes collectively referred to as "**Contractor**", which expression shall include their heirs, successors and assigns).

#### **I. WHEREAS:**

- A. The City desires to have certain buildings located at **117 Pine Street** demolished;
- B. Contractor desires to provide demolition services to the City for the purposes of accomplishing the complete demolition of **117 Pine Street**; and
- C. The parties have reached an agreement with respect to the same which they wish to reduce to a written memorandum.

#### **II. NOW, THEREFORE,** for consideration paid, including without limitations the mutual covenants and undertaking more fully hereinafter expressed, the parties do hereby agree as follows:

- A. **Scope of Services:** Contractor agrees and undertakes to demolish **117 Pine Street** in its entirety, including cement block garage. The specific scope of Contractor's undertaking is as follows:
  - 1. Demolition of the aforesaid structures located upon the City of Lewiston's land;
  - 2. Securing all demolition permits from the State of Maine, or the City of Lewiston and paying for any fees required with respect to such permit;
  - 3. Removal of all debris from the site;
  - 4. Asbestos Containing Materials have been removed by others. Should ACM be identified, work shall stop and the City shall be notified;
  - 5. Disposition of any and all of the demolition debris *other than* (I) that sold by Contractor, or otherwise recovered by Contractor as salvage, either on its own behalf or on behalf of the City, in accordance with the laws of the United States and the State of Maine and ordinances of the City of Lewiston; provided,

nevertheless, that Contractor is authorized to sell any salvageable components of the structures for its own account, as set forth below. Within thirty (30) days after completion of Contractor's services, Contractor will provide the City with copies of any documents evidencing the ultimate disposition of all demolition debris, except for such as has been sold for salvage;

6. The Contractor **will not** be responsible for tipping fees, however, all demolition materials not salvaged may be weighed at the Lewiston Landfill before either going to Biofuels or into the Lewiston Landfill. The Contractor shall identify all fill sites to be used prior to contract signing.
7. Disconnection and capping of any water or sewer service(s) currently connected at **117 Pine Street**;
8. Foundation walls, footers and floors shall be completely removed and disposed of. The foundation hole shall be filled as directed by the Director of Budget/Purchasing as part of the Base Bid;
9. Compliance at all times and at Contractor's sole cost, during the period of demolition, with the requirements of the laws of the United States and the State of Maine, and the ordinances of the City of Lewiston, including, without limitations, conformity with the reasonable demands of the Lewiston Fire Department;
10. Securing the demolition area during the period of demolition at all times by reasonable means acceptable to the Lewiston Police Department or Building Inspector. In the event it shall be or become necessary to temporarily close any streets, Contractor shall, prior to commencement of the work, apply for and obtain from the City any permit for the temporary closing of such streets.
11. **Buildings will be demolished in a safe and orderly way and comply with all State and Federal regulations. Neighbors' areas must be policed every day for any debris on his/her properties.**
12. **During the course of the demolition project, the Contractor must practice dust control by wetting down the building and its debris during the active part of demolishing the building and loading the debris onto the transport vehicles.**

**B. Time and Sequence of Demolition:**

Demolition shall be completed **within 30 days from Notice to Proceed**. In the event during the course of the demolition project, additional asbestos, hazardous waste, chemicals, toxic or otherwise, are found to exist, which are known to Contractor at the time of execution of this Contract, the Contractor shall immediately notify the City. The Contractor shall, in addition to the aforesaid period, have additional time to complete the Contract equal to the number of days that the hazardous removal parties are required to return and be upon the premises for the removal of any "after discovered" materials. Contractor shall commence demolition within **five (5) days** after the date of execution of this Agreement.

- C. **Contract Price and Payment:** The City agrees to pay Contractor for the services called for in this Contract. Contractor shall be solely responsible for collection of any sales tax upon sale of salvage, and for remittance of the same to the State of Maine and shall hold the City harmless from and indemnify the City against any liability for the collection of such tax.
- D. **Responsibility for Hazardous Materials:** Contractor shall not be responsible under the terms of this Contract for the removal, demolition or disposal of any asbestos or other hazardous materials, substance or wastes at **117 Pine Street** .
- E. **Compliance with Laws:** The bidder's attention is drawn to the fact that they shall observe and comply with all applicable Federal and State Laws and Regulations, City Ordinances and the Rules and Regulations of all authorities having jurisdiction over the project, and these shall apply to the contract the same as though written out herein in full, and the Contractor shall indemnify the City and its representatives against any claim or liability arising from or based on any such law, ordinance, rules and regulations by themselves or by their employees.
- F. **INSURANCE:**  
The Contractor shall furnish proof of coverage with adequate insurance of the types- and to the limits specified below **naming the City of Lewiston as additional insured**. Certificate of such insurance shall be filed with the Director of Budget/Purchasing **within 5 days from Notice of Award**.

**WORKERS' COMPENSATION:**

Workers' Compensation, coverage with Statutory Limits and Employers Liability for all employees with limits of \$500,000 per incident; and in case any work is sublet, the Contractor shall require the sub-contractor similarly to provide coverage for the latter's employees unless such employees are covered by the protection afforded the Contractor.

**AUTOMOTIVE LIABILITY INSURANCE:**

Automotive Liability insurance with minimum limits of liability for bodily injury in the amount of \$400,000 for each occurrence and minimum limits of liability for property damage in the amount of \$50,000/\$100,000 aggregate.

**GENERAL LIABILITY INSURANCE:**

General Liability insurance with minimum limits of liability for bodily injury in the amount of \$500,000 for each occurrence and minimum limits of liability for property damage in the amount of \$50,000/\$100,000 aggregate, or a combined single limit of \$500,000 for each occurrence, including completed operations shall be required.

- G. **Indemnity:** Contractor shall indemnify the City against and hold the City of Lewiston harmless from any and all claims and/or liabilities for (1) injury to person or property arising on or adjacent to the premises proximately caused by Contractor's negligence during the period of Contractor's services; (2) the unlawful, improper or negligent disposal of debris from **117 Pine Street** ; (3) the assertion of a lien or right

to a lien, whether at law or in equity by any sub-contractor of the Contractor, claiming such lien to have arisen, in whole or in part, by reason of the services contemplated under the terms of this Contract on behalf of Contractor. This obligation of indemnity shall include the payment of costs and attorney's fees reasonably incurred by the City in connection with the defense of any action or proceeding arising from such claims and/or liabilities.

The Contractor shall be responsible for all damages to property, or injury to persons arising out of their actions or failure to act. The Contractor shall indemnify and hold harmless the City from any and all demands, suits or judgements arising in conjunction with or as a result of the Contractor's performance of this contract. The Contractor shall have no liens or encumbrances which would adversely affect the ability of the Contractor to perform as stipulated under this agreement, its terms and conditions.

- H. **Assignment:** Contractor may not assign or delegate this Contract or their obligations hereunder without the prior express written permission of the City of Lewiston.
- I. **Title to Salvage:** Upon removal from the premises of any materials, Contractor shall immediately, without need of further evidence of title or conveyance, be vested with title to the material; any sales of materials salvaged from the premises shall be sales by Contractor rather than by the City; the City makes no warranty title, condition, fitness for any purpose or merchantability with respect to its transfer of title to any salvage, which is transferred to Contractor without any warranty of any kind whatsoever. The City is aware of no competing claims of liens which may encumber the property or personal property interests therein.
- J. **Bond Requirements:** Not required for this project.
- K. **Default:**
  - 1. In Contractor fails to timely perform its obligation hereunder and written notice of such failure shall be sent to Contractor by the City and such defaults is not cured within ten (10) days after receipt of said notice, or if such default shall be of the character that it cannot be completely cured within ten (10) days after receipt of said notice, if Contractor shall not within this period commence to cure such failure and thereafter proceed with reasonable diligence to cure same, the City may terminate this Contract without further obligations to the Contractor. No materials may be removed from the City premises after receipt by Contractor of such ten (10) day notice, unless cure be effectuated.
  - 2. In the event that the letter of credit furnished pursuant to the provisions of Paragraph I above shall fail to have been renewed for an additional one (1) year term and the expiry date of the letter of credit shall be reached within thirty (30) days, the City shall have the right to draw upon the letter of credit.
  - 3. In the case where Contractor is required to do any act under the terms of this Agreement, delays which are caused by or resulting from an act of God, war, civil unrest, fire or other casualty, labor difficulties, general shortage of labor, materials or equipment, or other causes beyond Contractor's reasonable control,

shall not be counted in determining the time when the performance of such act must be completed, whether such time be designated by a fixed time or a reasonable time.

- L. **Notices:** In the event it becomes necessary for any party to this Contract to give written notice to the other party, such notice shall be sent via U.S Postal Service, postage prepaid, first class mail, and such notice shall be deemed to have been received on the third day following the date of mailing of such notice. The notice may also be hand-delivered, in which case it shall be deemed to have been received on the day so delivered. In the event any notices are required by or useful under the terms of this Contract, such notices shall be given in the case of:

City to:                      City of Lewiston  
Norman Beauparlant, Director of Budget/Purchasing  
City Building, 27 Pine Street  
Lewiston ME 04240

the Contractor to:

- M. **Arbitration:** In the event of a dispute arising out of this Contract, the parties agree to submit such dispute to binding arbitration pursuant to the Construction Industry Arbitration Rules of the American Arbitration Association, except that there shall be a single arbitrator, appointed by agreement of the parties, and if the parties are unable to agree upon an arbitrator, then an arbitration shall be appointed by the Superior Court pursuant to 14 M.R.S.A Section 5929; provided, nevertheless, that the agreement to arbitrate shall not preclude resort by either party to a Court of general jurisdiction for the purpose of seeking interlocutory relief, to the extent such relief may be available.
- N. **Integration and Modification:** This Agreement contains and expresses the entire contractual relationship between the parties and there are no other promises, undertakings, representations or obligations of any kind existing between the parties which do not appear on the face hereof. This Agreement may not be modified or abrogated except by means of a writing signed by both parties.
- O. **Miscellaneous:**
1. Any components of **117 Pine Street** which Contractor wishes to sell for salvage must be removed from the premises by Contractor on or before the expiration of the time for completion of Contractor's services hereunder. At the time of such removal of each component from the City's premises, title to such component shall immediately vest in Contractor and responsibility for lawful disposal (or sale) of such components shall thereafter remain solely Contractor;
  2. Time is of the essence with regard to this Agreement;
  3. Contractor agrees to attend pre-demolition meeting with such officials as may be designated for such purpose by the City. At that time, Contractor shall submit to the City a progress schedule;

4. Contractor shall provide for maintenance of traffic in accordance with Sub-section 104.04 and 107.11 of the Maine State Highway Commission Standards Specifications (4) Highway and Bridges, Revision of June, 1981 and the following provisions:
  - a. Since the project area is in or abuts streets used for passage on foot, the Contractor shall be responsible for scheduling his/her work in such a manner that safe passage for pedestrian and vehicular traffic is provided at all times with a minimum of obstruction.
  - b. Contractor shall make arrangements with the Chief of Police, the Chief of the Fire Department, and other City officials as required for performance of the work. Contractor shall arrange any pay for all police protection and assistance required to adequately handle traffic.
  - c. When it necessary for traffic to pass over portions of the abutting roadway during the demolition, the Contractor shall at all times provide for the safety of traffic by using such warning signs, flares and lights as may be required by the City of Lewiston. All such temporary traffic controls shall be provided at the sole expense of Contractor. In the event any street or way is to be temporarily or permanently closed to travel (by permission of the Lewiston City Council), a 48 hour notice will be given by Contractor to the City of Lewiston, the Chief of the Lewiston Fire Department, the Chief of the Lewiston Police Department and the Traffic Engineer. In the event the closing of a street becomes necessary, all costs involved in establishing and maintaining a suitable detour, as may be required by the municipal officers, will be borne by the Contractor. Approved signs shall be furnished, placed and maintained by the Contractor at such points as designated by the Engineer. The Contractor shall be liable for all damages occasioned in any way by the act or neglect of themselves or their agents, employees or workmen. When the bridges or other temporary expedients are no longer necessary, they shall remove them and restore the private ways, paths, drives or walks to their original condition.
  - d. The City of Lewiston or any of their duly authorized representatives, shall have access to and be permitted to observe and review all work, materials, equipment, employment conditions, books, documents, papers, records, correspondence, receipts, vouchers, payrolls, agreements with sub-contractors relating to this Contract for the purpose of making audit, examination, excerpts and transcriptions. The Contractor shall preserve all such records for a period of three (3) years after the final payment and all other pending matters are closed.
  - e. No member of or delegate to the Congress of the United States and no resident commissioner shall be admitted to any share or part of this Agreement, or to any benefit to arise from the same. No member, officer, or employee of the City of Lewiston or its designees or agents, no member of the governing body of the locality in which the program is situated and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the program during his/her tenure or for one (1) year thereafter, shall have any interest, direct or indirect, in any contract or sub-contract with the program assisted under this Agreement.

<u>ITEM</u>	<u>PAYMENT</u>	<u>DESCRIPTION OF WORK</u>
1	Lump Sum	Demolition and removal of the structure located at 117 Pine Street as specified.

	\$	
Unit Price for additional fill material	\$	/CY

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals as of the day and year first above written.

Signed, Sealed and Delivered  
in the presence of

\_\_\_\_\_

Witness

Owner  
**CITY OF LEWISTON, MAINE**

By: \_\_\_\_\_  
Edward Barrett  
City Administrator

**Contractor:**

\_\_\_\_\_

Witness

By: \_\_\_\_\_

**LEWISTON CITY COUNCIL**  
**MEETING OF MARCH 19, 2013**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. B**

**SUBJECT:**

Executive Session to discuss Disposition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

**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.

*ERB/kmm*

**REQUESTED ACTION:**

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

To enter into an Executive Session, pursuant to MRSA Title 1, section 405(6)(c), to discuss Disposition of Property, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

# LEWISTON CITY COUNCIL

## MEETING OF MARCH 19, 2013

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 1**

**SUBJECT:**

Public Hearing on a new liquor license application for Apple Valley Golfers Club, Inc., 316 Pinewoods Road.

**INFORMATION:**

We have received an application for a liquor license for Apple Valley Golfers Club, Inc., 316 Pinewoods Road. The liquor license application is for malt & vinous.

The police department has reviewed and approved the application.

The business owner has been notified of the public hearing and requested to attend.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*ENB/kmm*

**REQUESTED ACTION:**

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

To authorize the City Clerk's Office to approve a new liquor license application for Apple Valley Golfers Club, Inc., 316 Pinewoods Road.

**Department of Public Safety  
Division**



**Liquor Licensing & Inspection**

Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded. To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

<b><u>BUREAU USE ONLY</u></b>	
License No. Assigned:	
Class:	
Deposit Date:	
Amt. Deposited:	

**PRESENT LICENSE EXPIRES** \_\_\_\_\_

**INDICATE TYPE OF PRIVILEGE:**  MALT  SPIRITUOUS  VINOUS

**INDICATE TYPE OF LICENSE:**

- |  |   |
|--|---|
| <input type="checkbox"/> RESTAURANT (Class I,II,III,IV)  | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI)             |
| <input type="checkbox"/> HOTEL-OPTIONAL FOOD (Class I-A) | <input type="checkbox"/> HOTEL (Class I,II,III,IV)                |
| <input type="checkbox"/> CLASS A LOUNGE (Class X)        | <input type="checkbox"/> CLUB-ON PREMISE CATERING (Class I)       |
| <input type="checkbox"/> CLUB (Class V)                  | <input checked="" type="checkbox"/> GOLF CLUB (Class I,II,III,IV) |
| <input type="checkbox"/> TAVERN (Class IV)               | <input type="checkbox"/> OTHER: _____                             |

**REFER TO PAGE 3 FOR FEE SCHEDULE**

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

<b>1. APPLICANT(S)</b> —(Sole Proprietor, Corporation, Limited Liability Co., etc.) Linda Kelley			<b>2. Business Name (D/B/A)</b> Apple Valley Golfers Club, Inc		
DOB: 4/11/1958			DOB:		
DOB:			Location (Street Address) 316 Pinewoods Rd		
Address 23 Perkins Rd			City/Town Lewiston	State ME	Zip Code 04240
City/Town Mechanic Falls			State ME	Zip Code 04256	Mailing Address 316 Pinewoods Rd
Telephone Number 207-345-3340			City/Town Lewiston		
Fax Number			State ME		
Federal I.D. # 46-2087354			Zip Code 04240		
Business Telephone Number 207-784-9773			Fax Number		
Seller Certificate #					

3. If premises are a hotel, indicate number of rooms available for transient guests: \_\_\_\_\_
4. State amount of gross income from period of last license: ROOMS \$ \_\_\_\_\_ FOOD \$ \_\_\_\_\_ LIQUOR \$ \_\_\_\_\_
5. Is applicant a corporation, limited liability company or limited partnership? YES  NO

complete Supplementary Questionnaire ,If YES

6. Do you permit dancing or entertainment on the licensed premises? YES  NO

7. If manager is to be employed, give name: N/A

8. If business is NEW or under new ownership, indicate starting date: 5/1/2013

Requested inspection date: 4/15/2013 Business hours: 7AM-8PM

9. Business records are located at: 316 Pinewoods Rd Lewiston ME

10. Is/are applicants(s) citizens of the United States? YES  NO

11. Is/are applicant(s) residents of the State of Maine? YES  NO

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:  
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Linda Anne Kelley	04/11/1958	Drexill Hill, PA

Residence address on all of the above for previous 5 years (Limit answer to city & state)

Mechanic Falls, ME 2 1/2 years Gray, ME 2 yrs 10 mo

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES  NO

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?  
Yes  No  If Yes, give name: \_\_\_\_\_

15. Has/have applicant(s) formerly held a Maine liquor license? YES  NO

16. Does/do applicant(s) own the premises? Yes  No  If No give name and address of owner: Gard Crow  
2 MacIntosh Ln Lewiston ME 04240

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) Golf Course Club House

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?  
YES  NO  Applied for: March 4, 2013

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? \_\_\_\_\_ Which of the above is nearest? \_\_\_\_\_

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES  NO

If YES, give details: \_\_\_\_\_

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

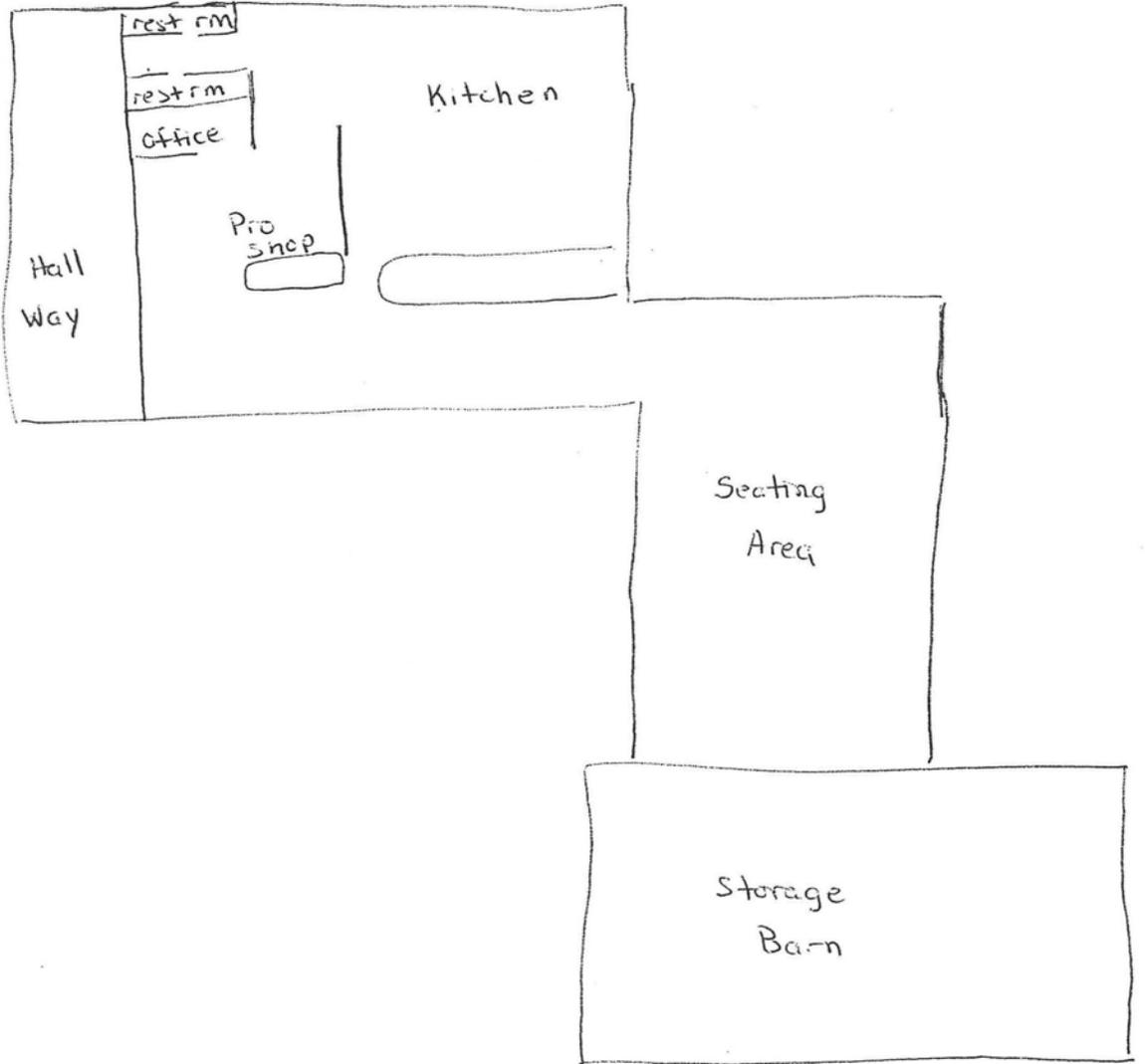
Dated at: Lewiston on March 4, 2013, 20 13  
Town/City, State Date

Please sign in blue ink

Linda C. Kelley  
Signature of Applicant or Corporate Officer(s)

\_\_\_\_\_  
Signature of Applicant or Corporate Officer(s)

PREMISE DIAGRAM



STATE OF MAINE  
**Liquor Licensing & Inspection Unit**  
 164 State House Station  
 Augusta, Maine 04333-0164  
 Tel: (207) 624-7220 Fax: (207) 287-3424

**SUPPLEMENTARY QUESTIONNAIRE FOR CORPORATE APPLICANTS, LIMITED LIABILITY COMPANIES AND LIMITED PARTNERSHIPS**

1. Exact Corporate Name: Apple Valley Golfers Club, Inc

Business D/B/A Name: \_\_\_\_\_

2. Date of Incorporation: February 19, 2013

3. State in which you are incorporated: Maine

4. If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine:  
 \_\_\_\_\_

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list percent of stock owned:

Name	Address Previous 5 Years	Birth Date	% of Stock	Title
Linda Kelley	23 Perkins Rd Mechanic Falls ME	04/11/58	100	President
	378 Portland Rd Gray, ME			
George Daddona	23 Perkins Rd Mechanic Falls ME	02/21/41	0	Treasurer
	378 Portland Rd Gray ME			

6. What is the amount of authorized stock? 1,000 Outstanding Stock? \_\_\_\_\_

7. Is any principal officer of the corporation a law enforcement official? ( ) YES (X) NO

8. Has applicant(s) or manager ever been convicted of any violation of the law, other than a minor traffic violation(s), of the United States? ( ) YES (X) NO.

9. If yes, please complete the following: Name: \_\_\_\_\_

Date of Conviction: \_\_\_\_\_ Offense: \_\_\_\_\_

Location: \_\_\_\_\_ Disposition: \_\_\_\_\_

Dated at: Lewiston On: March 4, 2013  
City/Town Date

Linda Kelley Date: March 4, 2013  
 Signature of Duly Authorized Officer

Linda Kelley  
 Print Name of Duly Authorized Officer



## ***POLICE DEPARTMENT***

Michael J. Bussiere  
Chief of Police



TO: Kelly Mercier, Deputy City Clerk

FR: Lt. Adam D. Higgins, Support Services

DT: March 7, 2013

RE: Liquor License/Special Amusement Permit – **Apple Valley Golfers Club**

We have reviewed Liquor License/Special Amusement Permit Application and have no objections to the following establishment;

**Apple Valley Golf Course  
316 Pinewoods Road**



---

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# CITY OF LEWISTON

## PUBLIC NOTICE

A hearing on the following liquor license application will be held by the Lewiston City Council in the Council Chambers, City Hall on *Tuesday, March 19, 2013, at 7:00 p.m.*, or as soon thereafter as they may be heard. Any interested person may appear and will be given the opportunity to be heard before final action on said application.

Apple Valley Golfers Club, Inc.

316 Pinewoods Road

Linda Kelley, owner

The City of Lewiston is an EOE. For more information, please visit our website @ [www.lewistonmaine.gov](http://www.lewistonmaine.gov) and click on the Non-Discrimination Policy.

Kathleen Montejo, MMC

City Clerk

Lewiston, Maine

***PUBLISH ON: March 14, 15 & 16, 2013***

Please bill the City Clerk's Dept. account. Thank you.

# LEWISTON CITY COUNCIL

## MEETING OF MARCH 19, 2013

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 2**

**SUBJECT:**

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for the Derby Athletic Association, 37 Park Street.

**INFORMATION:**

We have received a renewal application for a Special Amusement Permit for Live Entertainment from the Derby Athletic Association, 37 Park Street.

The Police Department has reviewed and approved the application.

There was no reference to this business or property address in the Council Constituent Concern log, as maintained by the Administrator's Office.

The business owners have been notified of the public hearing and requested to attend.

**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 grant a Special Amusement Permit for Live Entertainment to the Derby Athletic Association, 37 Park Street.

**CITY OF LEWISTON  
APPLICATION FOR SPECIAL AMUSEMENT PERMIT**

Date of Application: 3-4-2013 Expiration Date: 3/27/2013 License fee: \$116.00

- Class A - restaurants with entertainment, which does not have dancing
- Class B - lounges/bars with entertainment, which does not have dancing
- Class C - either restaurants or lounges/bars with entertainment, including dancing
- Class D - function halls with entertainment, including dancing
- Class E - dance hall or nightclub that admits persons under the age of 21
- Class F - "chem-free" dance hall or nightclub for patrons aged 18 years and older, with no liquor service

Renewal Applicants: Has any or all ownership changed in the 12 months?  Yes  No

\*\*\*\*PLEASE PRINT\*\*\*\*

Business Name: Derby Athletic Association Business Phone: 207-782-9285

Location Address: 37 Park Street Lewiston, Maine 04240

(If new business, what was formerly in this location: \_\_\_\_\_)

Mailing Address: 37 Park Street, Lewiston, me

Contact Person: Roger Plourde Home Phone: 207-782-9285

Owner of Business: None Date of Birth: \_\_\_\_\_

Address of Owner: None

Manager of Establishment: Roger Plourde Date of Birth: 12-1-56

Owner of Premises (landlord): Justin Flannery (37 LLC)

Address of Premises Owner: 37 Park St, Lewiston, me suite 404

Does the issuance of this license directly or indirectly benefit any City employee(s)?  Yes  No  
If yes, list the name(s) of employee(s) and department(s): \_\_\_\_\_

Have any of the applicants, including the corporation if applicable, ever held a business license with the City of Lewiston?  Yes  No If yes, please list business name(s) and location(s): \_\_\_\_\_

Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of the law?  Yes  No If yes, please explain: \_\_\_\_\_

CORPORATION APPLICANTS: Please attach a list of all principal officers, date of birth & town of residence

Corporation Name: Derby Athletic Association

Corporation Mailing Address: 37 Park St, Lewiston, Me

Contact Person: Roger Plourde Phone: 207-782-9285

Do you permit dancing on premises?  Yes  No (If yes, you must first obtain a dance hall permit from the State Fire Marshall's Office) If yes, do you permit dancing or entertainment after 1:00 AM?  Yes  No

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? 200 St.

Please describe the type of proposed entertainment:

- dancing
- music by DJ
- live band/singers
- stand up comedian
- karaoke
- magician
- piano player
- other, please list \_\_\_\_\_
- other, please list \_\_\_\_\_

If new applicant, what is your opening date?: \_\_\_\_\_

\*\*\*\*\*

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above/ licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto.

I/We hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We hereby waive any rights to privacy with respect thereto.

Signature Roger Plourde Title: manager Date 03-14-2013

Printed Name: Roger Plourde

\*\*\*\*\*

Sent to Code Enforcement: \_\_\_\_\_ Need reply by: \_\_\_\_\_ Approved: \_\_\_\_\_

Sent to Police & Fire: \_\_\_\_\_

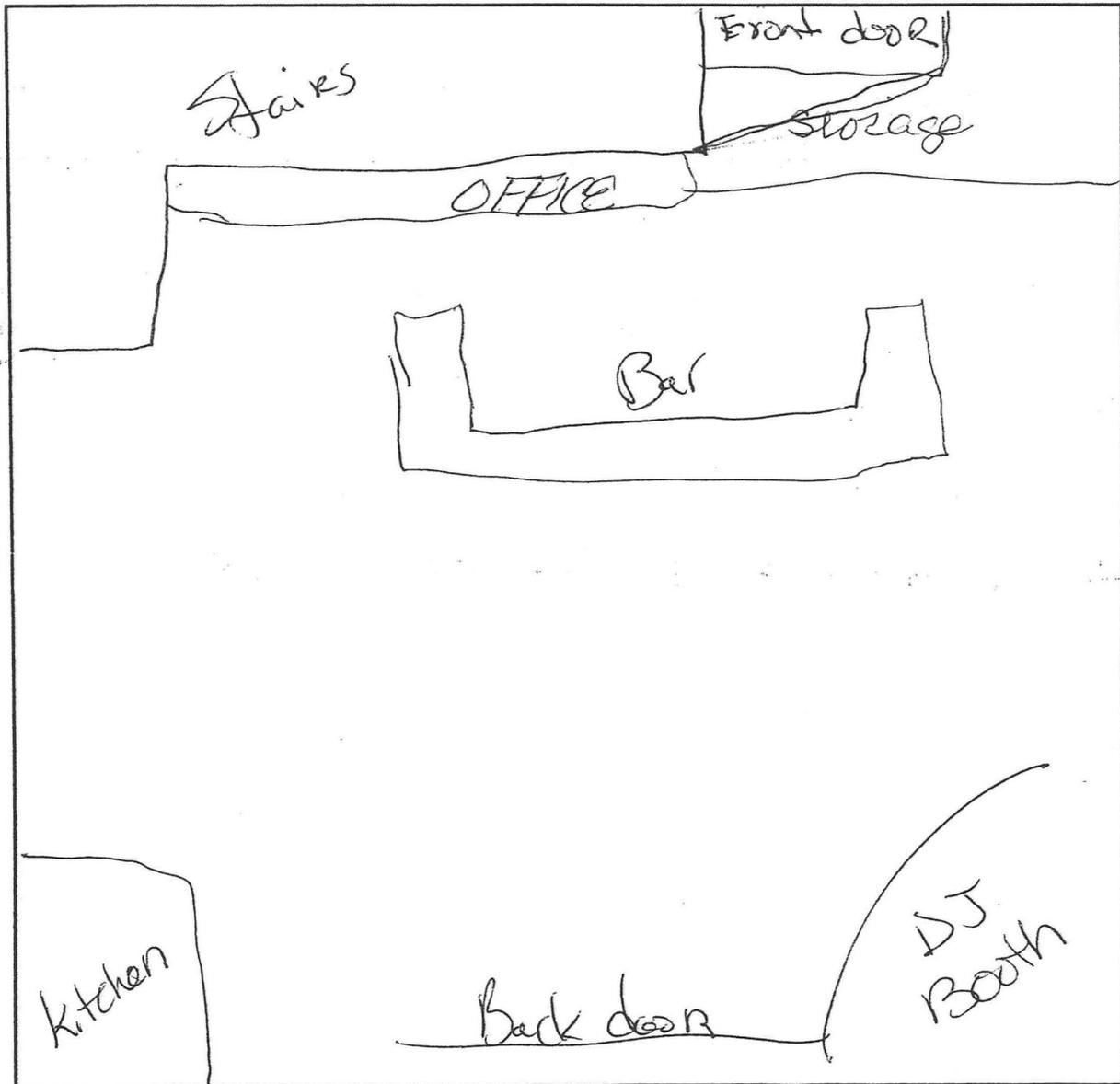
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Hearing Date: \_\_\_\_\_ Approved by Council: \_\_\_\_\_ Vote No: \_\_\_\_\_

**SPECIAL AMUSEMENT PERMIT  
SUPPLEMENTAL APPLICATION FORM  
ON-PREMISE DIAGRAM**

In an effort to clearly define your licensed premise and areas that the entertainment is allowed, the City of Lewiston is requiring all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram showing where in the facility the entertainment will be, the direction of any speakers and where the dance floor, if any will be located.





## ***POLICE DEPARTMENT***

Michael J. Bussiere  
Chief of Police



TO: Kelly Mercier, Deputy City Clerk

FR: Lt. Adam D. Higgins, Support Services

DT: February 1, 2013

RE: Liquor License/Special Amusement Permit – **Derby Athletic Association**

We have reviewed Liquor License/Special Amusement Permit Application and have no objections to the following establishment;

**Derby Athletic Association**  
**37 Park Street**



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[www.lewistonpd.org](http://www.lewistonpd.org)



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# LEWISTON CITY COUNCIL

## MEETING OF MARCH 19, 2013

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 3**

**SUBJECT:**

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Fuel, Inc., 49 Lisbon Street.

**INFORMATION:**

We have received a renewal application for a Special Amusement Permit for Live Entertainment from Fuel, Inc., 49 Lisbon Street.

The Police Department has reviewed and approved the application.

There was no reference to this business or property address in the Council Constituent Concern log, as maintained by the Administrator's Office.

The business owner has been notified of the public hearing and requested to attend.

**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
---	---	---	---	---	---	---	---

To grant a Special Amusement Permit for Live Entertainment to Fuel, Inc., 49 Lisbon Street.

**CITY OF LEWISTON  
APPLICATION FOR SPECIAL AMUSEMENT PERMIT**

Date of Application: 3/8/2013 Expiration Date: 3-16-14 License fee: \$116.00

- Class A - restaurants with entertainment, which does not have dancing  
 Class B - lounges/bars with entertainment, which does not have dancing  
 Class C - either restaurants or lounges/bars with entertainment, including dancing  
 Class D - function halls with entertainment, including dancing  
 Class E - dance hall or nightclub that admits persons under the age of 21  
 Class F - "chem-free" dance hall or nightclub for patrons aged 18 years and older, with no liquor service

Renewal Applicants: Has any or all ownership changed in the 12 months?  Yes  No

\*\*\*\*PLEASE PRINT\*\*\*\*

Business Name: FVA Inc. Business Phone: 207-333-2347

Location Address: 49 LISBON ST

(If new business, what was formerly in this location: \_\_\_\_\_)

Mailing Address: 49 LISBON ST, LEWISTON, ME

Contact Person: ERIC AUBEN Home Phone: 207-333-2347

Owner of Business: ERIC AUBEN Date of Birth: 2/10/1970

Address of Owner: 49 LISBON ST, LEWISTON, ME 04240

Manager of Establishment: ERIC AUBEN Date of Birth: 2/10/1970

Owner of Premises (landlord): ERIC AUBEN

Address of Premises Owner: 49 LISBON ST

Does the issuance of this license directly or indirectly benefit any City employee(s)?  Yes  No  
If yes, list the name(s) of employee(s) and department(s): \_\_\_\_\_

Have any of the applicants, including the corporation if applicable, ever held a business license with the City of Lewiston?  Yes  No If yes, please list business name(s) and location(s):  
FVA INC.

Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of the law?  Yes  No If yes, please explain: \_\_\_\_\_

CORPORATION APPLICANTS: Please attach a list of all principal officers, date of birth & town of residence

Corporation Name: Fuel Inc.

Corporation Mailing Address: 49 LISBON ST. WILTON, ME 04240

Contact Person: ERIC ABRAHAM Phone: 207-333-2347

Do you permit dancing on premises? \_\_\_ Yes  No (If yes, you must first obtain a dance hall permit from the State Fire Marshall's Office) If yes, do you permit dancing or entertainment after 1:00 AM? \_\_\_ Yes \_\_\_ No

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? UPSTAIRS FROM RESTAURANT (OWNER OCCUPIED)

Please describe the type of proposed entertainment:

- dancing
- stand up comedian
- piano player
- music by DJ
- karaoke
- other, please list \_\_\_\_\_
- live band/singers
- magician
- other, please list \_\_\_\_\_

If new applicant, what is your opening date?: \_\_\_\_\_

\*\*\*\*\*

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto.

I/We hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We hereby waive any rights to privacy with respect thereto.

Signature: [Signature] Title: PROVISIONAL Date: 3/8/2013

Printed Name: ERIC ABRAHAM

\*\*\*\*\*

Sent to Code Enforcement: \_\_\_\_\_ Need reply by: \_\_\_\_\_ Approved: \_\_\_\_\_

Sent to Police & Fire: \_\_\_\_\_

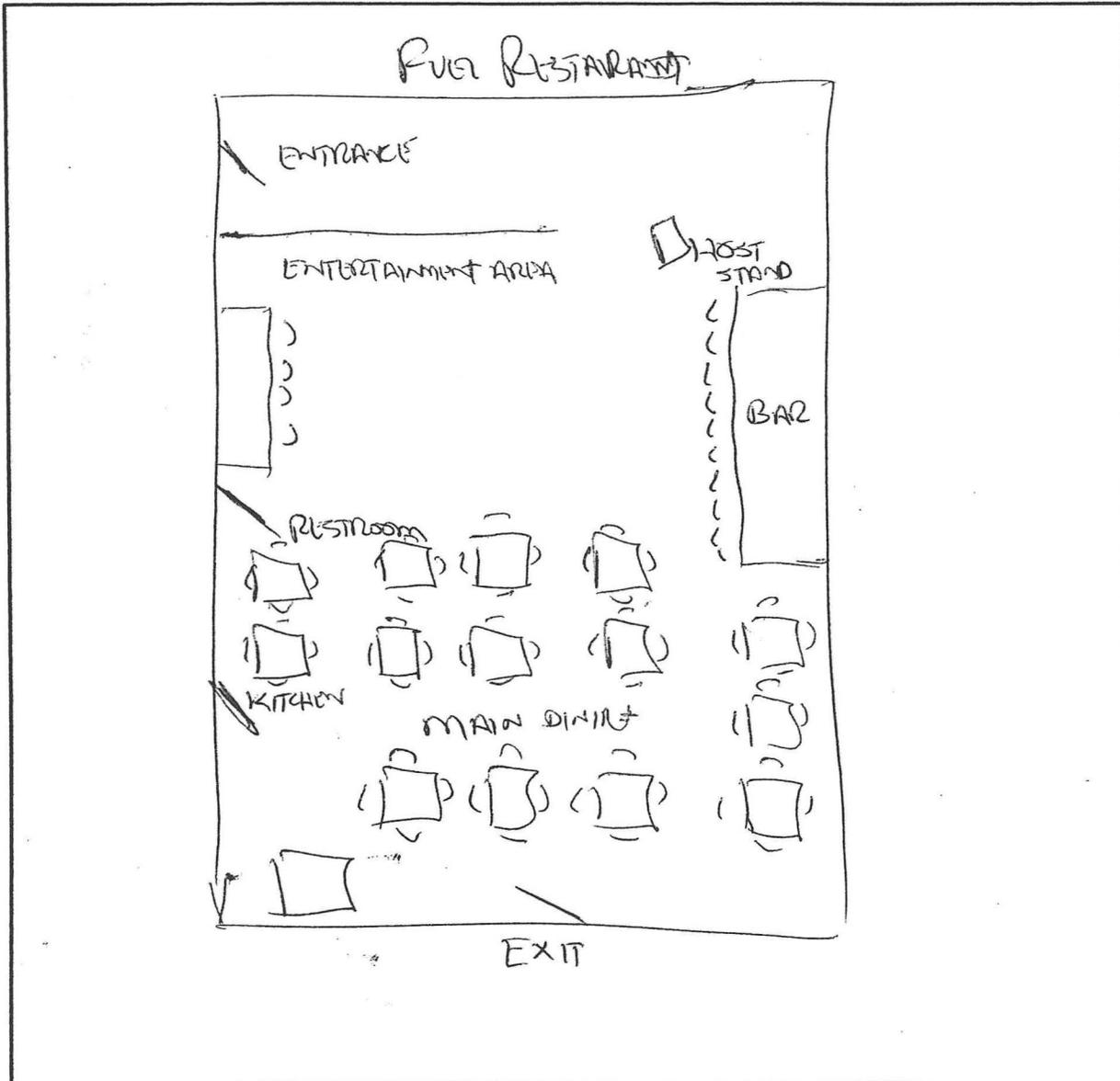
\*\*\*\*\*

Hearing Date: \_\_\_\_\_ Approved by Council: \_\_\_\_\_ Vote No: \_\_\_\_\_

**SPECIAL AMUSEMENT PERMIT  
SUPPLEMENTAL APPLICATION FORM  
ON-PREMISE DIAGRAM**

In an effort to clearly define your licensed premise and areas that the entertainment is allowed, the City of Lewiston is requiring all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram showing where in the facility the entertainment will be, the direction of any speakers and where the dance floor, if any will be located.



CITY OF LEWISTON, MAINE  
Department of City Clerk

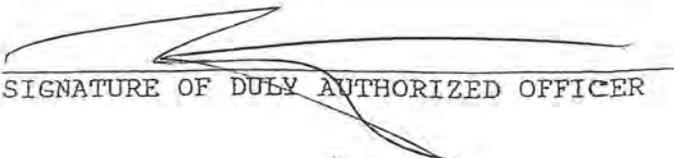
Supplementary Questionnaire for Corporate Applicants

- 1. Exact corporate name: Fuel, Inc.
- 2. Date of incorporation: 3/2007
- 3. State in which you are incorporated: ME
- 4. If not a Maine corporation, date corporation was authorized to transact business within the State of Maine: \_\_\_\_\_
- 5. List the names, addresses previous 5 years, birth dates, title of all officers, directors, and % of stock owned:

NAME	ADDRESS. PREVIOUS 5 YEARS	BIRTH DATE	% OF STOCK	TITLE
ERIC ABRAHAM	49 LISBON ST	2/10/76	100	PRESIDENT

- 6. What is the amount of authorized stock? 100 Outstanding stock? 100
- 7. Is any principal officer of the corporation a law enforcement official?  
No

Dated at LEWISTON, ME on 3/9/2013  
City or Town Date

  
SIGNATURE OF DULY AUTHORIZED OFFICER



## ***POLICE DEPARTMENT***

Michael J. Bussiere  
Chief of Police



TO: Kelly Mercier, Deputy City Clerk

FR: Lt. Adam D. Higgins, Support Services

DT: February 1, 2013

RE: Liquor License/Special Amusement Permit – **Fuel**

We have reviewed Liquor License/Special Amusement Permit Application and have no objections to the following establishment;

**Fuel**  
**49 Lisbon Street**



171 Park St • Lewiston, Maine • 04240 • Phone 207-513-3137 • Fax 207-795-9007  
[www.lewistonpd.org](http://www.lewistonpd.org)



*Professionalism*

*Integrity*

*Compassion*

*Dedication*

*Pride*

*Dependability*

# LEWISTON CITY COUNCIL

## MEETING OF MARCH 19, 2013

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 4**

**SUBJECT:**

Public Hearing and Final Passage for the conditional rezoning of the property at 393 Main Street from the Community Business (CB) District to the Downtown Residential (DR) District.

**INFORMATION:**

The Planning Board voted 7-0 to send a favorable recommendation to the City Council to conditionally rezone the property at 393 Main Street from the Community Business (CB) District to the Downtown Residential (DR) District, subject to the conditional rezoning agreement.

Veteran's Inc. has submitted a petition to request a conditional rezoning of this property to allow an increase in the number of dwelling units from 11 to 25 efficiency units to house veterans. Last spring, approval was granted to allow the 11 units at the site of the former St. Joseph's School. The housing units will provide transitional housing for men in a safe, drug and alcohol free facility. Veteran's Inc. would like to expand from 11 to 25 units.

Please see the enclosed memorandum from City Planner David Hediger for additional information as well as a site map and other background information.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator supports the requested action.

*EAB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To approve final passage of the amendment to the Zoning and Land Use Code and Map to conditionally rezone the property at 393 Main Street from the Community Business (CB) District to the Downtown Residential (DR) District, subject to a conditional agreement.

# MEMORANDUM

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

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

RE: 393 Main Conditional Rezoning Recommendation

DT: February 26, 2013

Included with your Council materials for the meeting of March 5, 2013 you will find the following documents relative to the above referenced matter:

A memorandum from me regarding the February 25, 2013 Planning Board recommendation to the Lewiston City Council for the conditional rezoning of 393 Main Street

A copy of a memorandum to the Planning Board dated February 15, 2013 from City Planner David Hediger regarding a request from Veteran's Inc. to conditionally rezone 393 Maine Street from the community business district to the downtown residential district

A copy of an ordinance pertaining to zoning boundaries submitted by Veterans, Inc.

As you will learn upon your review of the above mentioned documents, Veteran's Inc. received Planning Board approval on May 14, 2012 to convert the former St. Josephs School property located at 393 Main Street to eleven (11) dwelling units with a total of twenty-four (24) bedrooms to provide occupancy for up to twenty-four (24) United States military veterans. This facility, as approved, also includes medical, vocational and nutritional services and administrative functions for the veterans to be housed at this location.

Veteran's Inc. has given greater consideration to their development of 393 Main Street, and they wish to create up to twenty-five (25) efficiency dwelling units for a maximum of twenty-five (25) veterans to include the provision of the above mentioned services. The property is currently zoned community business and, given the required minimum net lot area of 3,000 square feet per dwelling unit, the property cannot be developed with more than eleven (11) dwelling units. The minimum net lot area per dwelling unit for properties zoned downtown residential is 1,500 square feet. If the conditional rezoning is approved, the proposed twenty-five (25) dwelling units can be developed.

Staff, along with representatives from Veterans Inc., will be on hand at your March 5<sup>th</sup> meeting to field any questions that you may have regarding this request.



## CITY OF LEWISTON

### Department of Planning & Code Enforcement



**TO: Planning Board**  
**FROM: David Hediger, City Planner**  
**DATE: February 15, 2013**  
**RE: February 25, 2013 Planning Board Agenda Item IV(a)**

**A petition submitted by Veterans Inc. to conditionally rezone the property at 393 Main Street from the Community Business (CB) district to the Downtown Residential (DR) district.**

Veterans Inc. has submitted a petition to conditionally rezone the property at 393 Main Street from the Community Business (CB) district to the Downtown Residential (DR) district pursuant to Article XVII, Section 5 of the Zoning and Land Use Code to allow an increase in the number of dwelling units from 11 to 25 efficiency units to house veterans. The Board will recall granting approval on May 14, 2012 to Veterans, Inc. to convert the existing St. Josephs School located at 393 Main Street into 11 residential dwelling units for veterans. These dwelling units will provide transitional housing for men in a safe, drug- and alcohol-free facility. The goal of this housing and related support services is to give veterans a stable base from which to find or hold a job, continue their physical or mental recovery, and, ultimately, return to independent living.

The applicant is now requesting that the property be conditionally rezoned to DR in order to add additional dwelling units to the property. The property at 393 Main Street is currently zoned community business (CB). The conditional rezoning agreement will be limited to those uses currently allowed in the downtown residential (DR) zoning district. The CB district has a minimum net lot area requirement of 3,000 square feet per dwelling unit, limiting the number of units on this site to 11 as approved by the Board: four units with three bedrooms; five units with two bedrooms; two units as efficiencies. By conditionally rezoning the property to DR, the minimum net lot requirement is reduced to 1,500 square feet per dwelling unit. The property is 34,282 square feet, which would allow for a maximum of 27 dwelling units on the property. The applicant is proposing 25 units. The increased number of dwelling units will allow for veterans to live independently in efficiency units and will no longer have to share a unit with another individual.

As noted in the conditional rezoning documents, the proposed rezoning allows for the adaptive, mixed-reuse of this building, encourages orderly growth and development in an area of the city where existing multifamily dwellings exist, and provides an incentive for adaptive reuse of a building that was otherwise being underutilized with only 11 dwelling units. The conditional rezoning also provides affordable, decent, and diverse housing opportunities for area residents.

To be clear, in conditionally rezoning this property, those uses that were permitted in the CB that are not permitted in the DR will no longer be allowed. This should not be an issue as the primary intent of the conditional rezoning request to increase the density of dwelling units on the

property. With that in mind, the conditional rezoning agreement has been drafted such that the conditional rezoning of said property shall expire and revert to the underlying zoning of the property by December 3, 2015 if activity has not commenced for use in accordance with this agreement. Furthermore, should this rezoning become effective, the applicant will need to return to the planning board for an amendment to a previously approved subdivision being the conversion of an existing building into a residential use that results in the creation of three or more units regulated as a subdivision.

#### **ACTIONS NECESSARY**

1. Make a motion to consider a petition submitted by Veterans Inc. to conditionally rezone the property at 393 Main Street from the Community Business (CB) district to the Downtown Residential (DR) district ;
2. Obtain input on the petition;
3. Make a motion pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration to conditionally rezone the property at 393 Main Street from the Community Business (CB) district to the Downtown Residential (DR), subject to any concerns raised by the Planning Board or staff.



City of Lewiston  
Planning & Code Enforcement  
Gil Arsenault, Director



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## MEMORANDUM

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**To:** City Clerk's Office  
City Council Members

**From:** Gil Arsenault 

**Date:** February 26, 2013

**Subject:** Planning Board Action

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The Planning Board took the following action at their public meeting held on February 25, 2013 regarding a petition submitted by Veteran's, Inc. to conditionally rezone 393 Main Street from the Community Business (CB) district to Downtown Residential (DR).

The following motion was made:

**MOTION:** by **Walter Hill** pursuant to Article VII, Section 4(c) and Article XVII, Section 5(b) of the Zoning and Land Use Code of the City of Lewiston to send a favorable recommendation to the City Council to conditionally rezone 393 Main Street from the Community Business district to the Downtown Residential (DR) district. Second by **Kevin Morissette**.

**VOTED:** 7-0 (Passed)

c: Ed Barrett, City Administrator  
Planning Board Members



January 23, 2013

David Hediger  
Planning Department  
City of Lewiston  
27 Pine Street  
Lewiston, ME 04240

David,

Please see the attached documentation as part of our submission for a conditional Re-Zone for the property located at 393 Main Street. We are proposing to re-zone the property from the current CB zone to the DR zone to allow a higher density of units at the site. The building is a great candidate for housing and to realize its full potential we propose to build 25 efficiency units to house Veterans. The DR zone allows this density and we can accommodate all of the required parking for the 25 units on site. Please review the attached information and contact me with any questions. We will be sending the signed petition you have requested under a separate cover.

We look forward to discussing this proposal with you in further detail at the next appropriate public forum.

Call me with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ryan Senatore', is written over a light blue circular stamp.

Ryan Senatore, AIA LEED-AP  
Project Architect

TFH Architects  
80 Middle Street  
Portland ME 04101  
207.775.6141  
[www.tfharchitects.com](http://www.tfharchitects.com)

## **AN ORDINANCE PERTAINING TO ZONING BOUNDARIES**

### **THE CITY OF LEWISTON HEREBY ORDAINS:**

Appendix A of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

#### **APPENDIX A**

#### **ZONING AND LAND USE CODE**

#### **ARTICLE IV. ESTABLISHMENT OF DISTRICTS**

##### **Sec. 1. Zoning Map.**

The "Official Zoning Map, City of Lewiston", adopted pursuant to this Section, is hereby amended by conditionally rezoning the parcels more fully described in Exhibit "A" attached hereto, and as shown on a site plan attached hereto as Exhibit "B", said parcels being located at 393 Main Street Lewiston, Main, from the community business (CB) zoning district to the downtown residential (DR) district.

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#### **REASONS FOR THE PROPOSED AMENDMENT**

The reason for the amendment is to provide the proponent (Veterans Inc.) the ability to develop 393 Main Street. Specifically, the proponents are interested in having the property conditionally rezoned to the downtown residential (DR) district in order to develop a veterans service center, providing supporting services to United States military veterans including housing, medical, vocational and nutritional services, and administrative functions related thereto. The property at 393 Main Street is currently zoned community business (CB). The conditional rezoning agreement will be limited to those uses currently allowed in the downtown residential (DR) zoning district and those uses specifically set forth herein.

#### **CONDITIONAL REZONING AGREEMENT**

The proponents requests that the official zoning map for the City be amended by deleting the subject property from the community business (CB) zoning district and conditionally rezone the subject premises to downtown residential (DR) district, subject to the limitations more fully described below.

In compliance with the provisions of the Code, Article XVII, Section 5 (g), the proponents hereby propose the following conditions:

- (a) Permitted uses of the property shall be those uses which are presently permitted and conditional uses in the downtown residential (DR) district subject to the conditions contained herein.
- (b) Should a future rezoning of the proponent's property result in less stringent standards than those of this conditional rezoning agreement, the latter standards shall no longer apply.
- (c) Violations of any of the conditions herein will constitute a violation of the Code.
- (d) The conditions described herein shall bind the proponent, its successors and assigns, and any person in possession or occupant of the subject premises, or any portion thereof, and shall inure to the benefit of and be enforceable by the City.
- (e) The proponent shall, at its own expense, record in the Androscoggin County Registry of Deeds a copy of the conditions within thirty (30) days following final approval of this proposal by the City. Such form of recording is to be in a form satisfactory to the City.
- (f) The conditions described herein shall run with the subject premises.
- (g) In addition to all other remedies to which the City may be entitled under applicable provisions of statute or ordinance, if any party in possession or use of the subject premises fails or refuses to comply with any of the conditions imposed, any rezoning approved by the City in accordance with the conditions shall be of no force or effect. In that event, any use of the subject premises and any building or structures developed pursuant to the rezoning shall be immediately abated and brought into compliance with all applicable provisions of the Code with the same effect as if the rezoning had never occurred.
- (h) If any of the conditions are found by a court of competent jurisdiction to be invalid, such determination shall not invalidate any of the other conditions.
- (i) Any rezoning approved by the City conditionally shall be of no force or effect if the proponent fails or refuses to comply with conditions imposed.
- (j) By submitting this proposal, the proponent agrees in writing to the conditions described herein.
- (k) This conditional rezoning of said property shall expire and revert to the underlying zoning of the property by December 3, 2015 if activity has not commenced for use in accordance with this agreement.

#### **CONFORMANCE WITH COMPREHENSIVE PLAN**

1. Encourage adaptive, mixed-reuse of buildings, including housing...(Downtown Goals, #7, Page 23).
2. Improve labor force skills and the awareness and quality of job training and retraining programs (Economy, Policy 5, Page 45).
3. Continue to allow a wide range of housing types in all appropriate zones within the City (Housing, Strategy H, Page 71).
4. Encourage the orderly growth and development of the appropriate areas of the City while making efficient use of public services... (Land Use, Goals, #1, page 123).

5. Provide incentive for adaptive reuse of buildings or infill construction... (Long Range Planning, Strategy A, Page 134).
6. Encourage and promote affordable, decent housing opportunities for all Lewiston citizens and continue to allow a diverse range of housing types in the community (Long Range Planning, Policy 5, Pages 135-136).

Witness

\_\_\_\_\_

Proponent

Veterans Inc.

by: *[Signature]*

*Worcester County*  
Androscoggin, SS  
Lewiston, Maine *Worcester, MA*

*January 21*, 2013

Personally appeared the above named *Vincent J Perrone* of Veterans Inc. and acknowledged the foregoing to be the free act and deed of Veterans Inc.

*Jennifer Allen*  
Notary Public

Commission expires: *Sept 20, 2013*



**EXHIBIT A**  
**(DEED)**

**PARCEL ONE:**

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

Beginning at a hub standing on the easterly line of Main Street, said hub standing about ten feet northerly from underpinning of Daniel Holland's house; thence at right angles with Main Street easterly one hundred feet to a post and fence; thence at right angles southerly twenty-eight feet; thence nearly at right angles easterly by said Holland's land one hundred thirty-one and one-half feet; thence North fifty-six degrees West about one hundred thirty-four feet to the street leading from Main Street to College Street; thence westerly on said cross street about fourteen rods to Main Street; thence southerly on Main Street about one hundred sixty-five feet to the bounds begun at.

Being the same premises conveyed to Roman Catholic Bishop of Portland by deed dated May 26, 1953, and recorded in the Androscoggin County Registry of Deeds in Book 686, Page 591.

EXCEPTING AND RESERVING from the above described premises the land situated in said City of Lewiston, County of Androscoggin and State of Maine, bounded and described as follows:

Beginning at a point at the easterly corner of land of the first parcel of land conveyed to Grantee by Kenneth R.L. Finley by deed dated August 15, 1991, and recorded in said Registry of Deeds in Book 2724, Page 19; thence South forty-four degrees thirty-seven minutes fifty-four seconds East (S 44° 37' 54" E) along a line which is the projection southeasterly of the northeasterly line of Grantee's land, a distance of seventy-three hundredths (0.73) feet to a point; thence South forty-three degrees twelve minutes forty-eight seconds West (S 43° 12' 48" W) a distance of twenty-eight and fifty-six hundredths (28.56) feet to a point in the southwesterly line of the Grantor's land; thence North twenty-eight degrees twenty-six minutes forty-six seconds West (N 28° 26' 46" W) along the southwesterly line of the Grantor's land, a distance of one and ninety-four hundredths (1.94) feet to a point in the southeasterly line of Grantor's land; thence North forty-five degrees twenty-nine minutes fifty-eight seconds East (N 45° 29' 58" E) along the southeasterly line of Grantee's land and parallel to Oak Street, so called, a distance of twenty-eight and no hundredths (28.00) feet to the point of beginning.

Reviewed and Approved: \_\_\_\_\_



Containing 36.45 square feet.

Bearings are magnetic June 1995.

The above excepted parcel Parcel Two as described in deed from the Roman Catholic Bishop of Portland to the Rainbow Federal Credit Union dated July 31, 1995, and recorded in said Registry of Deeds in Book 3459, Page 79.

**PARCEL TWO:**

A certain tract or parcel of land, with the buildings thereon, situated in the City of Lewiston, County of Androscoggin and State of Maine, bounded and described as follows, to wit:

Commencing at the intersection formed by the northwesterly line of Oak Street and the northeasterly line of Holland Street; thence northeasterly along the northwesterly line of Oak Street, one hundred thirty-one (131) feet, more or less, to the southwesterly corner of land described in deed from said Elizabeth A. McKenna, as life tenant under the Will of George D. McKenna to Charles Jenkins; thence northwesterly along the southwesterly line of said land described in said deed to said Jenkins and along the southwesterly line of land of said Jenkins which abuts on Main Street, a distance of two hundred fifteen (215) feet, more or less, to the southeasterly line of Main Street at the northwesterly corner of the last mentioned Jenkins' land; thence southwesterly along the southeasterly line of Main Street, forty-seven (47) feet, more or less, to a point forty (40) feet northeasterly from the intersection of the southeasterly line of Main Street and the northeasterly line of Holland Street, which point is the northeasterly corner of land formerly owned by Frank T. Powers; thence southeasterly along the northeasterly line of said Powers' land, a distance of eighty (80) feet, more or less, to the southeasterly corner of said Powers' land; thence southwesterly along the southeasterly line of said Power' land, fifty-seven (57) feet, more or less, to the northeasterly line of Holland Street at a point eighty (80) feet southeasterly from the intersection of the southeasterly line of Main Street and the northeasterly line of Holland Street; thence southeasterly along the northeasterly line of Holland Street, one hundred thirty-eight (138) feet, more or less, to the point of beginning.

Being the same premises conveyed to the Roman Catholic Bishop of Portland by deed of Harold N. Skelton, Executor under the Wills of Elizabeth A. McKenna and George McKenna dated February 25, 1957, and recorded in the Androscoggin County Registry of Deeds in Book 758, Page 114.

Reviewed and Approved: \_\_\_\_\_



Excepting and reserving that property conveyed to the Rainbow Federal Credit Union by The Roman Catholic Bishop of Portland dated July 31, 1995 and recorded in said Registry of Deeds in Book 3459, Page 79 dated December 1, 1968 and also property conveyed by The Roman Catholic Bishop of Portland to St. Joseph's Federal Credit Union by deed recorded in said Registry of Deeds in Book 997, Page 737.

**PARCEL THREE:**

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

Beginning at a point at the intersection of the northwesterly line of Oak Street, so called, at the southerly corner of land conveyed to The Roman Catholic Bishop of Portland by Agnes T. Davis et al by deed dated May 26, 1953, and recorded in the Registry of Deeds for Androscoggin County in Book 686, Page 591, said point being North forty-five degrees twenty-nine minutes fifty-eight seconds East (N 45° 29' 58" E) along the northwesterly line of said Oak Street, a distance of one hundred seventy-three and ninety-four hundredths (173.94) feet from the northeasterly line of Holland Street, so called; thence South forty-five degrees twenty-nine minutes fifty-eight seconds West (S 45° 29' 58" W) along the northwesterly line of said Oak Street, a distance of forty-three and no hundredths (43.00) feet to a point at the southerly corner of Rainbow Federal Credit Union's land; thence North forty-four degrees thirty-seven minutes forty-five seconds West (N 44° 37' 45" W) along the southwesterly line of said Rainbow Federal Credit Union's land, a distance of eighty-seven and fifty-six hundredths (87.56) feet to a point; thence North forty-two degrees thirty-five minutes twenty-seven hundredths East (N 42° 35' 27" E) a distance of eighty-nine and fifty-two hundredths (89.52) feet to a point in the southwesterly line of The Roman Catholic Bishop of Portland's land; thence South twenty-eight degrees twenty-six minutes forty-six seconds East (S 28° 26' 46" E) along the southwesterly line of The Roman Catholic Bishop of Portland's land, a distance of ninety-four and seventy-eight hundredths (94.78) feet to the point of beginning.

Containing 4,996.74 square feet.

Bearings are magnetic June, 1995.

Being the same premises conveyed in deed by Rainbow Federal Credit Union to Roman Catholic Bishop of Portland to Rainbow Federal Credit Union dated August 4, 1995, and recorded in the Androscoggin County Registry of Deeds in Book 3459, Page 81.

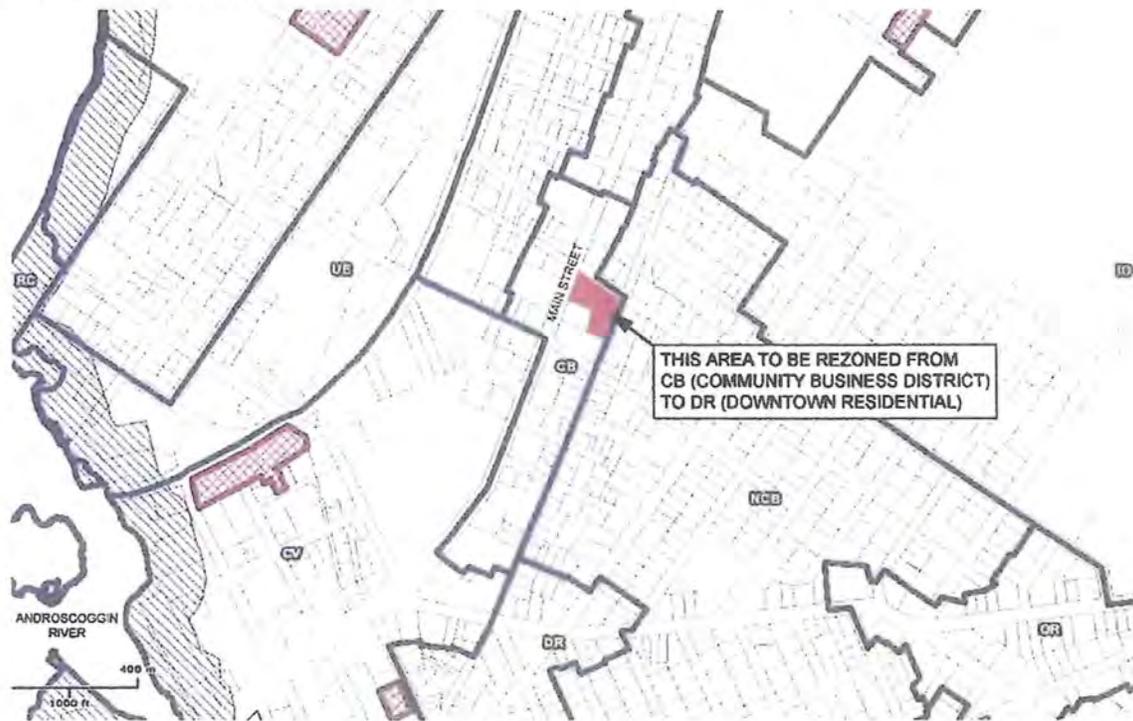
Reviewed and Approved:  \_\_\_\_\_

**EXHIBIT B**

(SITE PLAN)

# VETERAN'S HOUSING AT THE FORMER ST. JOSEPHS SCHOOL

393 MAIN STREET, LEWISTON, MAINE



PROPOSED ZONING MAP MODIFICATION

JANUARY 10, 2013





**PETITION TO AMEND THE CITY OF LEWISTON  
ZONING AND LAND USE CODE**

Pursuant to Appendix A, Article XVII, Section 5 A Amendments of the City of Lewiston Zoning and Land Use Code, we the undersigned residents of the City of Lewiston, being eighteen (18) year of age or older, do hereby petition the City of Lewiston to rezone the property at 343 Main St from Enterprise District to the Enterprise District district described and shown in the exhibits attached hereto:

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1	<i>Paul Dube</i>	PAUL DUBE	58 VILLAGE DR.	2-5
2	<i>Donald Boom</i>	DONALD BOOM	81 HOWARD ST	2-5
3	<i>Tina Carrier</i>	TINA CARRIER	6 Kevlin St	2-5
4	<i>Michael Boom</i>	MICHAEL BOOM	30 HOWARD ST	2-5
5	<i>Jill Cusson</i>	JILL CUSSON	4 Poulin Avenue	2-5
6	<i>Justine Robert</i>	JUSTINE ROBERT	155 PINEWOODS RD	2-5
7	<i>Robert Mc Donough</i>	ROBERT MCDONOUGH	54 GINA ST.	2-5
8	<i>Angela Lyle</i>	ANGELA LYLE	85 WOODSIDE DR.	2-5
9	<i>Cheryl Dube</i>	CHERYL DUBE	58 VILLAGE DR.	2-5
10	<i>Thomas A Rioux</i>	THOMAS A RIOUX	6 Oxbow Dr.	2-5
11	<i>Normand R. Bussiere</i>	NORMAND R. BUSSIERE	75 St. Lisieux Rd.	2-5
12	<i>Bertrand A Dutil</i>	BERTRAND A DUTIL	23 SPOFFORD ST	2-5
13	<i>John H Stebbins SR</i>	JOHN H STEBBINS SR	26 HOLLAND ST.	2-5
14	<i>Paul W. Enon</i>	PAUL W. ENON	123 Vail St	2-5
15	<i>Donald Pelletier</i>	DONALD PELLETIER	33 Hickend-Cove.	2-7
16	<i>Liane Pelletier</i>	LIANE PELLETIER	33 Wickham	2-7
17	<i>Mona Chiarantona</i>	MONA CHIARANTONA	39 Jenkins ST	2-7
18	<i>Irene Powerleau</i>	IRENE POWERLEAU	4 Brant St.	2-7
19	<i>Katherine Remillard</i>	KATHERINE A. REMILLARD	47 Resident Cove.	2-7
20	<i>Richard Lanquar</i>	RICHARD LANQUAR	1/2 Ste-Croix Street	2-7

**CIRCULATOR-S VERIFICATION**

I hereby verify that I am the Circulator of this petition that all the signatures to this petition were made in my presence, and to the best of my knowledge and belief, each signature is that of the person it purports to be, and each person is a resident of the City of Lewiston.

*Donald T. Dube*  
Signature of Circulator

RONALD T. DUBE  
Printed Name of Circulator

2-7-13  
Date

**REGISTRAR-S CERTIFICATION**

I hereby certify and verify that the names of all of the petitioners listed as valid appear on the voting list as registered voters in the City of Lewiston.

Total Valid: 20

Total Invalid: 0

*Allen Sloan*  
Signature of Registrar/Deputy Registrar

Date: 2-7-13

**PETITION TO AMEND THE CITY OF LEWISTON**  
**ZONING AND LAND USE CODE**

Pursuant to Appendix A, Article XVII, Section 5 A Amendments of the City of Lewiston Zoning and Land Use Code, we the undersigned residents of the City of Lewiston, being eighteen (18) year of age or older, do hereby petition the City of Lewiston to rezone the property at 303 Main St from Enterprise District to the Enterprise District district described and shown in the exhibits attached hereto:

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1	<i>Arthur J. Paradis</i>	ARTHUR J. PARADIS	57 Bailey Ave	2-7-13
2	<i>Pauline J. Gilbert</i>	PAULINE J. GILBERT	23 Fortin Way	2-7-13
3	<i>Robert M. Gilbert</i>	ROBERT M. GILBERT	23 Fortin Way	2-7-13
4	<i>Romance D. Gagne</i>	ROMANCE D. GAGNE	39 JENKINS ST	2-7-13
5	<i>Maurice G. Gagne</i>	MAURICE G. GAGNE	39 JENKINS ST	2-7-13
6	<i>Fernand R. Fournier</i>	FERNAND R. FOURNIER	10 Heathwood Lane	2-7-13
7	<i>Avita Fournier</i>	AVITA FOURNIER	10 Heathwood Lane	2-7-13
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				

**CIRCULATOR=S VERIFICATION**

I hereby verify that I am the Circulator of this petition that all the signatures to this petition were made in my presence, and to the best of my knowledge and belief, each signature is that of the person it purports to be, and each person is a resident of the City of Lewiston.

*Donald T. Dube*  
 Signature of Circulator

Donald T. Dube  
 Printed Name of Circulator

2-7-13  
 Date

**REGISTRAR=S CERTIFICATION**

I hereby certify and verify that the names of all of the petitioners listed as valid appear on the voting list as registered voters in the City of Lewiston.

Total Valid: 7

Total Invalid: 0

*Allen R. Pease, Jr*  
 Signature of Registrar/Deputy Registrar

Date: 2-7-13

# LEWISTON CITY COUNCIL

## MEETING OF MARCH 19, 2013

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 5**

**SUBJECT:**

Condemnation Hearing for the building located at 115 Bartlett Street.

**INFORMATION:**

The City has begun the process for condemnation of the property at 115 Bartlett 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.

*EAB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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1) To conduct a hearing to determine if the building located at 115 Bartlett 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 115 Bartlett 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.

## MEMORANDUM

**To:** Mayor McDonald; Lewiston City Council  
**From:** Gildace Arsenault, Director, Lewiston Planning Department  
**Date:** March 19, 2013  
**RE:** Dangerous Buildings Hearings for 115 Bartlett Street and 186 Bartlett Street

---

Dear Mayor and City Council,

At the Council meeting on March 19, the Planning Department will be presenting evidence as to why 115 Bartlett Street and 186 Bartlett Street are dangerous buildings within the meaning of 17 M.R.S. § 2851. We will be requesting that the Council find that these properties are dangerous buildings and order that they be demolished.

To assist your decision I have included the following materials for each property:

- Documents establishing the identity of the current owner;
- The Notice of Hearing and proof of service on the owners and any party in interest;
- Previous correspondence, notices, or citations to the owner; and
- Photographs depicting the dilapidation at the property.

At the meeting, the Planning Department will present this evidence as well as testimony showing why these properties are dangerous and should be demolished. I will also prepare for the Council proposed findings of fact, conclusions of law, and proposed orders of demolition.

**115 Bartlett Street**

# Ownership Documents

SHORT FORM WARRANTY DEED

Solo Affordable Housing Solutions, LLC, a Maine Limited liability company, with a principal place of business at 19 Woodland Way, New Gloucester, ME, 04260, FOR CONSIDERATION PAID, grants to Travis P. Soule of 19 Woodland Way, New Gloucester, ME 04260 and Vincent M. Loboizzo of 382 Water Street, Lewiston, ME 04240, as tenants in common, with WARRANTY COVENANTS, the following described real property located in the City of Lewiston, County of Androscoggin and State of Maine:

A certain lot or parcel of land, with any buildings 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 westerly side of Bartlett Street, a distance of one hundred twenty-two (122) feet northerly from the northerly corner of Bartlett and Walnut Streets; thence

Running southerly on the line of said Bartlett Street, a distance of fifty (50) feet; thence

At right angles westerly, a distance of one hundred (100) feet; thence

At right angles northerly, a distance of fifty (50) feet; thence

At right angles easterly, a distance of one hundred (100) feet to the point of beginning.

The premises are conveyed together with and subject to any and all easements or appurtenances of record, insofar as the same are in force and applicable.

This conveyance is made subject to unpaid real estate taxes for the current tax year, if any, which the Grantees herein, by acceptance of this deed, assume and agree to pay.

Meaning and intending to convey and hereby conveying the same premises conveyed to the Grantor herein by deed of Glenn A. Cugno dated August 25, 2003 and recorded in the Androscoggin County Registry of Deeds in Book 5589, Page 175.

IN WITNESS WHEREOF, Solo Affordable Housing Solutions, LLC has caused this instrument to be executed by Travis P. Soule, its managing member, thereunto duly authorized, this 7<sup>th</sup> day of October, 2004.

WITNESS

Solo Affordable Housing Solutions, LLC

Christine P. Tanguay

By: [Signature]

Its: Managing Member

NO MAINE R.E.  
TRANSFER TAX PAID

EXHIBIT A

STATE OF MAINE  
Cumberland, ss.

October 7, 2004

Personally appeared the above named Travis P. Soule, Managing member of Solo Affordable Housing Solutions, LLC and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of Solo Affordable Housing Solutions, LLC.

Before me,

CHRISTINE E. TANGUAY  
NOTARY PUBLIC, MAINE  
MY COMMISSION EXPIRES  
OCTOBER 4, 2005

Christine E. Tanguay  
Notary Public/Attorney at Law

\_\_\_\_\_  
print name

ANDROSCOGGIN COUNTY  
Una K. Charnock  
REGISTER OF DEEDS

S:\CFreeman\Clients\S\Soule-Lobozzo-0625-04\Deed.wpd

**Notice of Hearing  
Certificates of Service**

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

Travis Soule (Inmate No. 07000-036)  
c/o FMC Devens  
Satellite Camp  
P.O. Box 879  
Ayer, Massachusetts 01432

Vincent M. Lobo  
382 Webster Street  
Lewiston, Maine 04240

BAC Home Loan Servicing, LP f/k/a Countrywide Home Loans Servicing, LP  
Bank of America Towers Collier Center 20<sup>th</sup> Floor  
201 East Washington Street  
Phoenix, Arizona 85004

Camden National Bank  
245 Commercial Street  
Rockport, Maine 04856

Gerard Morin  
c/o John Crouch, Esq.  
Crockett, Philbrook & Crouch  
178 Court Street  
Auburn, Maine 04210

**115 BARTLETT STREET, LEWISTON, MAINE**

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

March 19, 2013  
7:00 pm  
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 115 Bartlett Street, Lewiston, Maine, identified as Lot 452 on Tax Map 195, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 6109, Page 168, 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.

EXHIBIT B

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: February 11, 2013

Kathleen M. Montejo  
Kathleen M. Montejo, City Clerk

STATE OF MAINE  
ANDROSCOGGIN, ss

February 11, 2013

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

Allison R. Pease  
Notary Public / Attorney at Law

ALLISON R. PEASE  
Notary Public, Maine  
My Commission Expires August 31, 2015

SEAL

ANDROSCOGGIN COUNTY  
TINA M CHOUINARD  
REGISTER OF DEEDS

BRANN & ISAACS  
Attorneys and Counselors at Law  
184 Main Street  
P.O. Box 307  
Bangor, Maine 04413-0307

## Chris Mason

---

**From:** Manish Patel [mnpatel@bop.gov]  
**Sent:** Tuesday, March 12, 2013 6:33 AM  
**To:** Benjamin Redmond  
**Cc:** Anne M. Torregrossa; Chris Mason  
**Subject:** Re: Document For Service - Travis P. Soule BOP Reg. No. 07000-036  
**Attachments:** Manish Patel.vcf

Mr. Redmond  
A copy was delivered to the inmate on 03-11-2013 @ 5:20 PM.

Manish Patel  
Contract Oversight Specialist  
Northeast Regional Office  
Philadelphia, PA  
215-521-7467  
[mnpatel@bop.gov](mailto:mnpatel@bop.gov)

>>> Benjamin Redmond <[BRedmond@brannlaw.com](mailto:BRedmond@brannlaw.com)> 3/11/2013 12:44 PM >>>  
Good afternoon Mr. Patel,

Thank you for taking the time to speak with me this morning. As discussed on the phone, I have attached a copy of the Notice of Hearing that we need served on inmate Travis P. Soule, Reg. No. 07000-036. Please note that the hearing is scheduled for March 19, 2013, so time is of the essence.

Additionally, could you please send us an email confirming the service of the attached notice on Mr. Soule?

Thank you again for your assistance and feel free to contact me, should you have any questions.

Respectfully,

Benjamin A. Redmond | BRANN & ISAACSON

---

Tel: 207.786.3566 | Fax: 207.783.9325  
184 Main Street | Box 3070 | Lewiston, ME 04243  
[benr@brannlaw.com](mailto:benr@brannlaw.com)  
CONFIDENTIALITY NOTICE

This e-mail is intended only for the person(s) to whom it is addressed. It may contain information that is privileged, confidential, and exempt from disclosure under applicable laws. If you received this e-mail in error, please notify me immediately, delete the e-mail, and destroy any copies.

EXHIBIT C

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

Travis Soule (Inmate No. 07000-036)  
c/o FMC Devens  
Satellite Camp  
P.O. Box 879  
Ayer, Massachusetts 01432

Vincent M. Lobo  
382 Webster Street  
Lewiston, Maine 04240

BAC Home Loan Servicing, LP f/k/a Countrywide  
Home Loans Servicing, LP  
Bank of America Towers Collier Center 20<sup>th</sup> Floor  
201 East Washington Street  
Phoenix, Arizona 85004

Camden National Bank  
245 Commercial Street  
Rockport, Maine 04856

Gerard Morin  
c/o John Crouch, Esq.  
Crockett, Philbrook & Crouch  
178 Court Street  
Auburn, Maine 04210

**115 BARTLETT STREET, LEWISTON, MAINE**

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

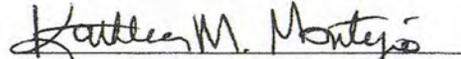
March 19, 2013  
7:00 pm  
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 115 Bartlett Street, Lewiston, Maine, identified as Lot 452 on Tax Map 195, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 6109, Page 168, 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.

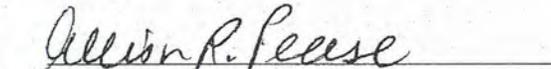
Dated: February 11, 2013

  
Kathleen M. Montejo, City Clerk

STATE OF MAINE  
ANDROSCOGGIN, ss

February 11, 2013

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

ALLISON R. PEASE  
Notary Public, Maine  
My Commission Expires August 31, 2015

CITY OF LEWISTON  
CITY COUNCIL

ACKNOWLEDGEMENT OF SERVICE

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

Due and sufficient service of the Notice of Hearing, a copy of which is attached hereto, pursuant to 17 M.R.S. §§ 2851-59 for 115 Bartlett Street in Lewiston, Maine is hereby acknowledged for and on behalf of Vincent Lobo. All formal service of process is hereby waived.

Dated: 3/2/13

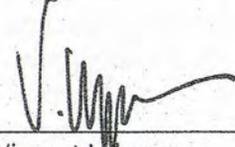
  
\_\_\_\_\_  
Vincent Lobo

EXHIBIT D

CITY OF LEWISTON  
CITY COUNCIL

RETURN OF SERVICE

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

On ~~February~~ <sup>March</sup> 5, 2013, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on Vincent M. Lobozzo, as follows:

Vincent M. Lobozzo  
382 Webster Street  
Lewiston, ME 04240

Costs of Service:

Service:	\$ <u>21.00</u>
Travel:	\$ <u>6.40</u>
Postage:	\$ <u>1.00</u>
Other: <i>cf</i>	\$ <u>2.00</u>
TOTAL:	\$ <u>30.40</u>

*Jan Chalce*  
Signature

*Androscoggin S.O.*  
Agency

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

Travis Soule (Inmate No. 07000-036)  
c/o FMC Devens  
Satellite Camp  
P.O. Box 879  
Ayer, Massachusetts 01432

Vincent M. Lobo  
382 Webster Street  
Lewiston, Maine 04240

BAC Home Loan Servicing, LP f/k/a Countrywide Home Loans Servicing, LP  
Bank of America Towers Collier Center 20<sup>th</sup> Floor  
201 East Washington Street  
Phoenix, Arizona 85004

Camden National Bank  
245 Commercial Street  
Rockport, Maine 04856

Gerard Morin  
c/o John Crouch, Esq.  
Crockett, Philbrook & Crouch  
178 Court Street  
Auburn, Maine 04210

**115 BARTLETT STREET, LEWISTON, MAINE**

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

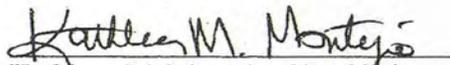
March 19, 2013  
7:00 pm  
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 115 Bartlett Street, Lewiston, Maine, identified as Lot 452 on Tax Map 195, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 6109, Page 168, 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.

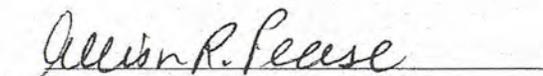
Dated: February 11, 2013

  
Kathleen M. Montejo, City Clerk

STATE OF MAINE  
ANDROSCOGGIN, ss

February 11, 2013

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

ALLISON R. PEASE  
Notary Public, Maine  
My Commission Expires August 31, 2015

CITY OF LEWISTON  
CITY COUNCIL

RETURN OF SERVICE

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

On February 13<sup>TH</sup>, 2013, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on BAC Home Loan Servicing, LP f/k/a Countrywide Home Loans Servicing, LP, as follows:

BAC Home Loan Servicing, LP  
f/k/a Countrywide Home Loans Servicing, LP  
Bank of America Towers Collier Center, 20<sup>th</sup> Floor  
201 East Washington Street  
Phoenix, Arizona 85004

Costs of Service:

Service:	\$ <u>50<sup>00</sup></u>
Travel:	\$ _____
Postage:	\$ _____
Other:	\$ _____
TOTAL:	\$ <u>50<sup>00</sup></u>

Audra Evans #8398

Signature

Hot Shot Delivery Inc  
Agency

EXHIBIT E

CITY OF LEWISTON  
CITY COUNCIL

RETURN OF SERVICE

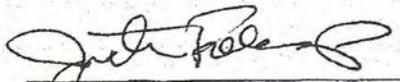
NOTICE OF HEARING  
Pursuant to 17 M.R.S. §§ 2851-59  
115 Bartlett Street, Lewiston, Maine  
Dangerous Buildings

On ~~FEBRUARY~~ MARCH 1<sup>ST</sup>, 2013, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on BAC Home Loan Servicing, LP f/k/a Countrywide Home Loans Servicing, LP, as follows:

BAC Home Loan Servicing, LP  
f/k/a Countrywide Home Loans Servicing, LP  
Bank of America Towers Collier Center, 20<sup>th</sup> Floor  
201 East Washington Street  
Phoenix, Arizona 85004

Costs of Service:

Service:	\$	<u>50<sup>00</sup></u>
Travel:	\$	_____
Postage:	\$	_____
Other:	\$	_____
TOTAL:	\$	<u>50<sup>00</sup></u>

 #5805  
Signature  
Hot Shot Delivery, Inc  
Agency

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

Travis Soule (Inmate No. 07000-036)  
c/o FMC Devens  
Satellite Camp  
P.O. Box 879  
Ayer, Massachusetts 01432

Vincent M. Lobo  
382 Webster Street  
Lewiston, Maine 04240

BAC Home Loan Servicing, LP f/k/a Countrywide Home Loans Servicing, LP  
Bank of America Towers Collier Center 20<sup>th</sup> Floor  
201 East Washington Street  
Phoenix, Arizona 85004

Camden National Bank  
245 Commercial Street  
Rockport, Maine 04856

Gerard Morin  
c/o John Crouch, Esq.  
Crockett, Philbrook & Crouch  
178 Court Street  
Auburn, Maine 04210

**115 BARTLETT STREET, LEWISTON, MAINE**

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

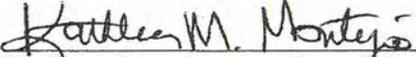
March 19, 2013  
7:00 pm  
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 115 Bartlett Street, Lewiston, Maine, identified as Lot 452 on Tax Map 195, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 6109, Page 168, 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.

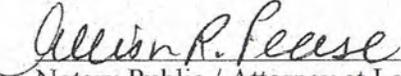
Dated: February 11, 2013

  
Kathleen M. Montejo, City Clerk

STATE OF MAINE  
ANDROSCOGGIN, ss

February 11, 2013

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

ALLISON R. PEASE  
Notary Public, Maine  
My Commission Expires August 31, 2015

CITY OF LEWISTON  
CITY COUNCIL

RETURN OF SERVICE

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

On ~~February~~ <sup>March</sup> 6, 2013, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on Camden National Bank, as follows:

Gen Magurek  
(Name of Person Served)  
Camden National Bank  
245 Commercial Street  
Rockport, ME 04856

Costs of Service:

Service: \$ \_\_\_\_\_  
Travel: \$ \_\_\_\_\_  
Postage: \$ \_\_\_\_\_ *See Inv.*  
Other: \$ \_\_\_\_\_  
TOTAL: \$ \_\_\_\_\_

Linda L Lasko-Hall  
Signature

Knox 50  
Agency



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

Travis Soule (Inmate No. 07000-036)  
c/o FMC Devens  
Satellite Camp  
P.O. Box 879  
Ayer, Massachusetts 01432

Vincent M. Lobo  
382 Webster Street  
Lewiston, Maine 04240

BAC Home Loan Servicing, LP f/k/a Countrywide Home Loans Servicing, LP  
Bank of America Towers Collier Center 20<sup>th</sup> Floor  
201 East Washington Street  
Phoenix, Arizona 85004

Camden National Bank  
245 Commercial Street  
Rockport, Maine 04856

Gerard Morin  
c/o John Crouch, Esq.  
Crockett, Philbrook & Crouch  
178 Court Street  
Auburn, Maine 04210

**115 BARTLETT STREET, LEWISTON, MAINE**

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

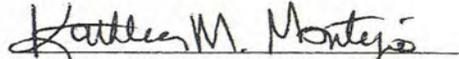
March 19, 2013  
7:00 pm  
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

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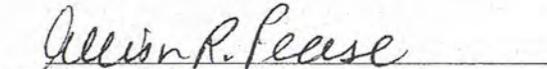
Dated: February 11, 2013

  
Kathleen M. Montejo, City Clerk

STATE OF MAINE  
ANDROSCOGGIN, ss

February 11, 2013

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

ALLISON R. PEASE  
Notary Public, Maine  
My Commission Expires August 31, 2015

CITY OF LEWISTON  
CITY COUNCIL

ACKNOWLEDGEMENT OF SERVICE

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

Due and sufficient service of the Notice of Hearing, a copy of which is attached hereto, pursuant to 17 M.R.S. §§ 2851-59 for 115 Bartlett Street in Lewiston, Maine is hereby acknowledged for and on behalf of Gerard Morin. All formal service of process is hereby waived.

Dated: \_\_\_\_\_

2/21/13

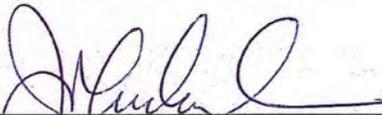
  
\_\_\_\_\_  
John Crouch, Esq.  
On behalf of Gerard Morin

EXHIBIT G

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

Travis Soule (Inmate No. 07000-036)  
c/o FMC Devens  
Satellite Camp  
P.O. Box 879  
Ayer, Massachusetts 01432

Vincent M. Loboazzo  
382 Webster Street  
Lewiston, Maine 04240

BAC Home Loan Servicing, LP f/k/a Countrywide Home Loans Servicing, LP  
Bank of America Towers Collier Center 20<sup>th</sup> Floor  
201 East Washington Street  
Phoenix, Arizona 85004

Camden National Bank  
245 Commercial Street  
Rockport, Maine 04856

Gerard Morin  
c/o John Crouch, Esq.  
Crockett, Philbrook & Crouch  
178 Court Street  
Auburn, Maine 04210

**115 BARTLETT STREET, LEWISTON, MAINE**

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

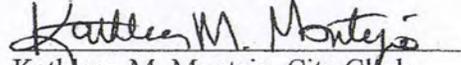
March 19, 2013  
7:00 pm  
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 115 Bartlett Street, Lewiston, Maine, identified as Lot 452 on Tax Map 195, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 6109, Page 168, 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.

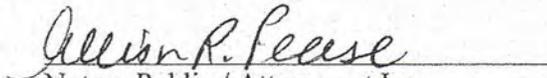
Dated: February 11, 2013

  
Kathleen M. Montejo, City Clerk

STATE OF MAINE  
ANDROSCOGGIN, ss

February 11, 2013

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

ALLISON R. PEASE  
Notary Public, Maine  
My Commission Expires August 31, 2015

# Photographs

# 115 Bartlett Street

Photos taken February 15, 2013 Photo #1.



Photo # 2 Deteriorated porches and soffits.



EXHIBIT H

1

Photo # 3 Deteriorated porches and debris including propane gas tank.



Photo #4 Debris increasing fire loading.

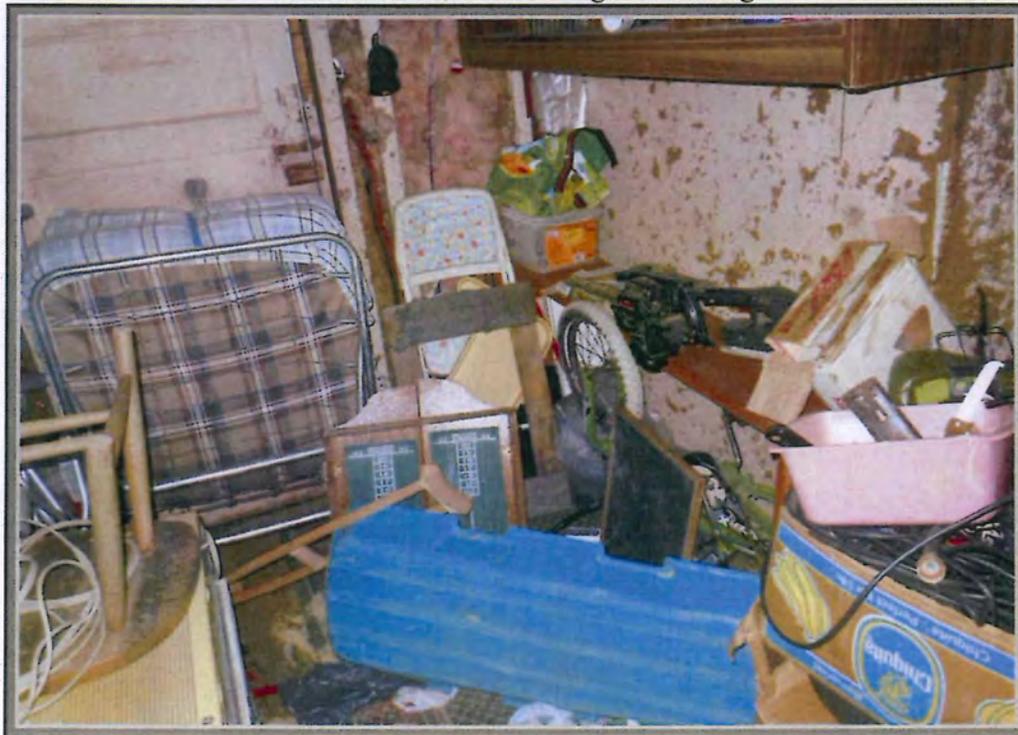


Photo #5 Debris and Garbage.



Photo # 6 Beds and debris.



Photo # 7 Removed heating pipes.



Photo # 8 Removed heating pipes.

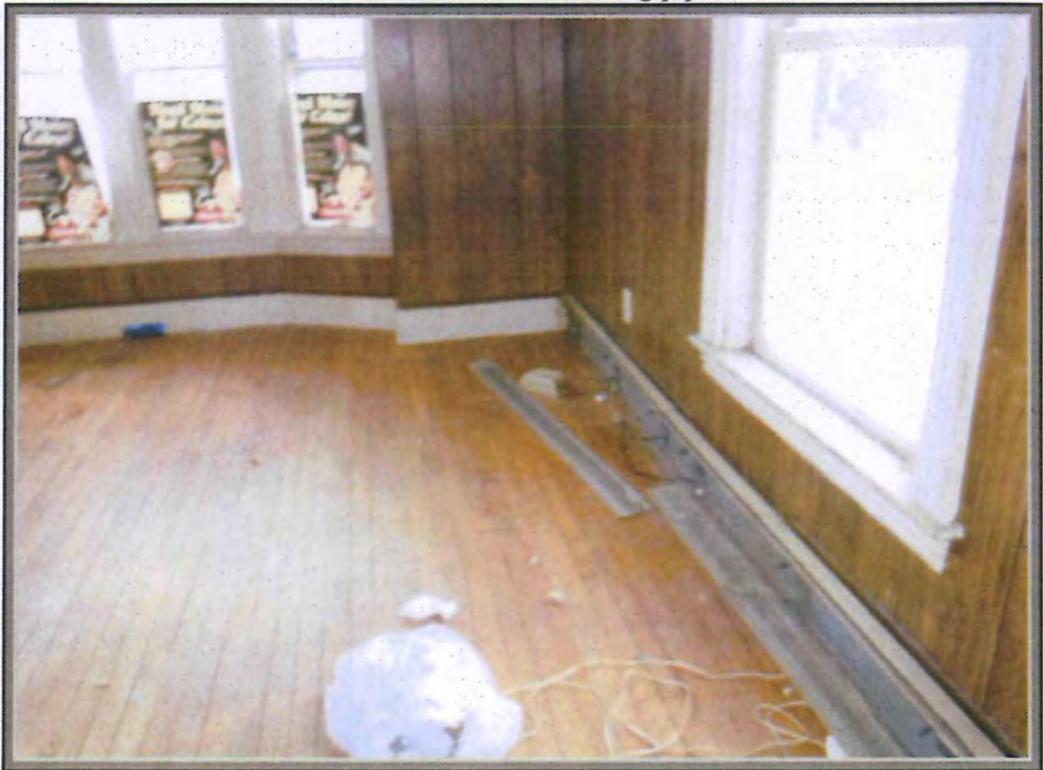


Photo # 9 Severe damage from plumbing leaks.



Photo # 10 Damage from leaks.



Photo # 11 Damage from leaks.



Photo # 12 PVC plumbing drainage pipes installed without permits, damage from leaks and illegally installed romex wiring.



Photo # 13 Illegal PVC piping and damage from leaks.



Photo # 14 Broken toilet and damage from leaks. Obsolescent plumbing fixtures.

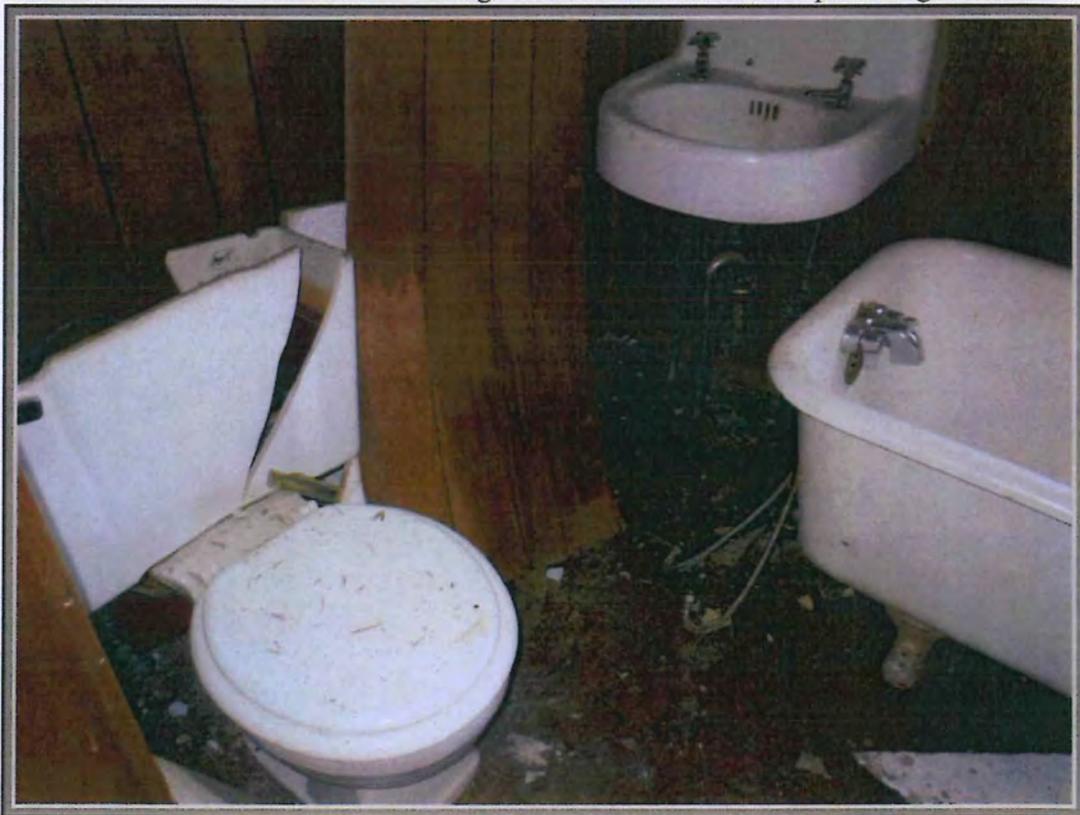


Photo # 15 Illegal washing machine plumbing drainage system.



Photo # 16 Obsolete and insufficient stair tread run of less than 8 inches. 9 inches required.



Photo # 17 Obsolete and insufficient stair width. 32 ½ inches where 36 inches are required.



Photo # 18 Obsolete and insufficient stair width. 34 inches where 36 inches is required.



Photo # 19 stair tread of 6 ½ inches where 9 inches are required.



Photo # 20 Severely damaged and deteriorated boiler.

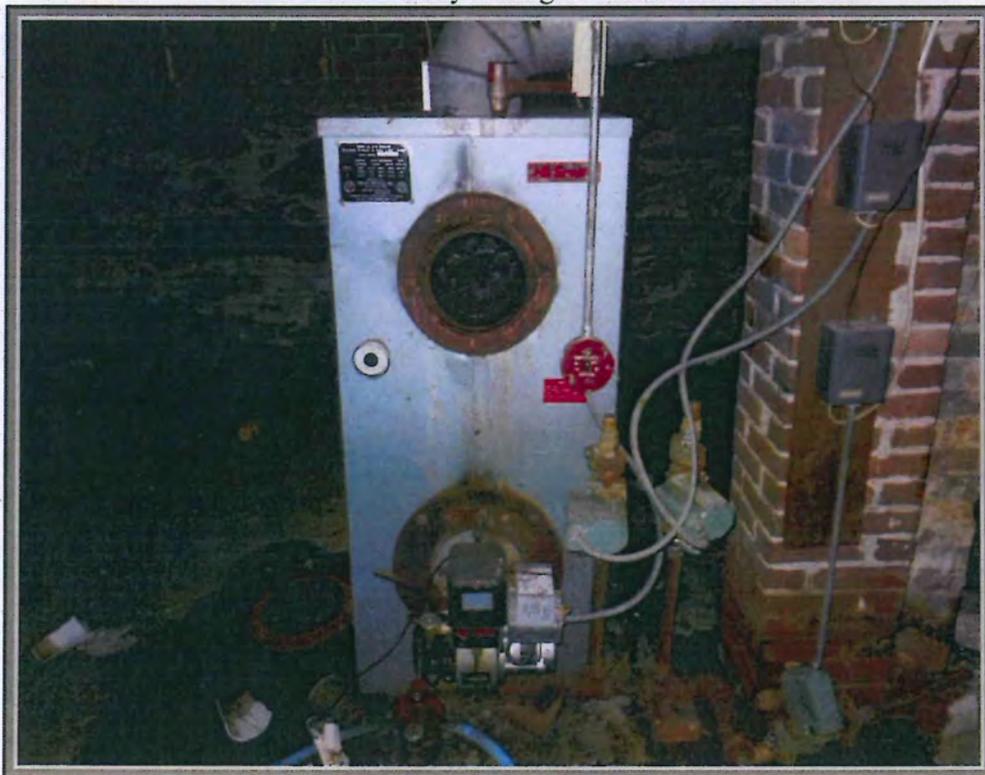


Photo # 21 Remove copper heating pipes.



Photo # 22 Broken and deteriorated basement slab and wiring pulled in process of being removed.



Photo # 23 More wiring in process of being removed. (Theft)



Photo # 24 Waste fuel oil creating a hazard and unsanitary.



# LEWISTON CITY COUNCIL

## MEETING OF MARCH 19, 2013

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 6**

**SUBJECT:**

Condemnation Hearing for the building located at 186 Bartlett Street.

**INFORMATION:**

The City has begun the process for condemnation of the property at 186 Bartlett 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.

*EAB/KMM*

**REQUESTED ACTION:**

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

1) To conduct a hearing to determine if the building located at 186 Bartlett 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 186 Bartlett 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.

## MEMORANDUM

**To:** Mayor McDonald; Lewiston City Council  
**From:** Gildace Arsenault, Director, Lewiston Planning Department  
**Date:** March 19, 2013  
**RE:** Dangerous Buildings Hearings for 115 Bartlett Street and 186 Bartlett Street

---

Dear Mayor and City Council,

At the Council meeting on March 19, the Planning Department will be presenting evidence as to why 115 Bartlett Street and 186 Bartlett Street are dangerous buildings within the meaning of 17 M.R.S. § 2851. We will be requesting that the Council find that these properties are dangerous buildings and order that they be demolished.

To assist your decision I have included the following materials for each property:

- Documents establishing the identity of the current owner;
- The Notice of Hearing and proof of service on the owners and any party in interest;
- Previous correspondence, notices, or citations to the owner; and
- Photographs depicting the dilapidation at the property.

At the meeting, the Planning Department will present this evidence as well as testimony showing why these properties are dangerous and should be demolished. I will also prepare for the Council proposed findings of fact, conclusions of law, and proposed orders of demolition.

186 Bartlett Street

# Ownership Documents

### WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS, that Burak M. Sezan and Sonya LaChance of 174 Beacon Street Portland, ME for consideration paid grants to Greg Burt and Tanya Burt of 22 Richardson Avenue, Livermore Falls, Maine with WARRANTY COVENANTS, as joint tenants, the premises in the City of Lewiston, County of Androscoggin and State of Maine, being more particularly described in Exhibit A attached hereto and made a part hereof.

IN WITNESS WHEREOF, the said Burak M. Sezan and Sonya LaChance has caused this instrument to be signed this 5/04/2007

MAINE REAL ESTATE  
TRANSFER TAX PAID

  
\_\_\_\_\_  
Burak M. Sezan

  
\_\_\_\_\_  
Sonya LaChance

\_\_\_\_\_  
Witness

State of Maine  
County of Cumberland

Then personally appeared before me this 4<sup>th</sup> day of May, 2007 the said Burak M. Sezan and Sonya LaChance and acknowledged the foregoing to be his/her/their voluntary act and deed.

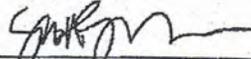
  
\_\_\_\_\_  
Notary Public/Maine Attorney at Law  
Commission Expiration: 12/31/11  
SLOTT SARAFAS

EXHIBIT A

File Number: 07-0750

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

A certain lot or parcel of land, with improvements thereon, situated in Lewiston, County of Androscoggin and State of Maine, and being more particularly described as follows:

Commencing at a point in the easterly line of Bartlett Street seven hundred forty-five (745) feet southerly from the southerly line of Walnut Street; thence running southerly by the easterly line of Bartlett Street fifty (50) feet; thence easterly at a right angle by a line parallel to and distant seven hundred ninety-five (795) feet from the southerly line of Walnut Street one hundred (100) feet; thence northerly at a right angle by a line parallel to and distant one hundred (100) feet from the easterly line of Bartlett Street fifty (50) feet; thence westerly at a right angle by a line parallel to and distant seven hundred forty-five (745) feet southerly from the southerly line of Walnut Street one hundred (100) feet to Bartlett Street and the point of beginning.

Subject to the restriction that no buildings erected thereon shall be placed nearer the line of Bartlett Street than twelve (12) feet.

The premises herein above described are conveyed subject to any easements and restrictions of record and together with the benefit of all rights, easements, privileges and appurtenances belonging thereto.

Being the same premises conveyed to Burak M. Sezan and Sonya LaChance by deed of LiDucia Group, LLC dated June 1, 2004 and was recorded with the Androscoggin County Registry of Deeds at Book 5938, Page 156.

ANDROSCOGGIN COUNTY  
*Tina M. Chaudet*  
REGISTER OF DEEDS

Notice of Hearing  
Certificates of Service

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

Greg & Tanya Burt  
10384 Woodchuck Avenue  
Brooksville, Florida 34614

Mary Wegrzyn  
388 North Lubec Road  
Lubec, Maine 04652

Onewest Bank, FSB  
888 East Walnut Street  
Pasadena, California 91101

**186 BARTLETT STREET, LEWISTON, MAINE**

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

March 19, 2013  
7:00 pm  
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 186 Bartlett Street, Lewiston, Maine, identified as Lot 143 on Tax Map 196, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 7132, Page 38, 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: February 7, 2013

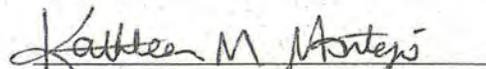
  
Kathleen M. Montejo, City Clerk

EXHIBIT B

STATE OF MAINE  
ANDROSCOGGIN, ss

February 7, 2013

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

*Allison R. Pease*  
\_\_\_\_\_  
Notary Public / Attorney at Law

ALLISON R. PEASE  
Notary Public, Maine  
My Commission Expires August 31, 2015

SEAL

ANDROSCOGGIN COUNTY  
TINA M CHOUINARD  
REGISTER OF DEEDS

BRANN & ISAACSON, LLP  
Attorneys and Counselors at Law  
184 Main Street  
P.O. Box 3070  
Lewiston, Maine 04243-3070

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

Greg & Tanya Burt      Mary Wegrzyn  
10384 Woodchuck Ave.      388 North Lubec Rd  
Brooksville, Florida 34614      Lubec, Maine 04652  
Onwest Bank, FSB  
888 East Walnut Street  
Pasadena, California 91101

**186 BARTLETT STREET, LEWISTON, MAINE**  
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March 19, 2013  
7:00 pm  
Lewiston City Hall  
27 Pine Street  
Lewiston, Maine

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Dated: February 7, 2013

Kathleen M. Montejo, City Clerk

STATE OF MAINE  
ANDROSCOGGIN, ss      February 7, 2013  
Before me this day personally appeared Kathleen M. Montejo who acknowledges the foregoing instrument to be her free act and deed.

Allison R. Pease  
Notary Public  
My Commission Expires  
August 31, 2015

Sun Journal 3/15/13

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

Greg & Tanya Burt      Mary Wegrzyn  
10384 Woodchuck Ave.      388 North Lubec Rd  
Brooksville, Florida 34614      Lubec, Maine 04652  
Onwest Bank, FSB  
888 East Walnut Street  
Pasadena, California 91101

**186 BARTLETT STREET, LEWISTON, MAINE**  
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March 19, 2013  
7:00 pm  
Lewiston City Hall  
27 Pine Street  
Lewiston, Maine

This hearing is to determine whether the residential structure at 186 Bartlett Street, Lewiston, Maine, identified as Lot 143 on Tax Map 196, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 7132, Page 38, 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: February 7, 2013

Kathleen M. Montejo, City Clerk

STATE OF MAINE  
ANDROSCOGGIN, ss      February 7, 2013  
Before me this day personally appeared Kathleen M. Montejo who acknowledges the foregoing instrument to be her free act and deed.

Allison R. Pease  
Notary Public  
My Commission Expires  
August 31, 2015

Sun Journal 3/12/13

EXHIBIT C

**INVOICE**

Invoice #FLE-2013000742  
2/20/2013

FLORIDA CENTRAL PROCESS SERVICE, INC.  
26355 Sout Road  
Brooksville, FL 34601  
Phone: (352) 796-9225  
Fax: (352) 544-5710  
20-0387338



BRANN & ISAACSON  
184 Main Street  
Lewiston, ME 04243

Case Number: Androscoggin NA

Plaintiff:  
CITY OF LEWISTON

Defendant:  
GREG & TANYA BURT

Received: 2/19/2013 Non-Served: 2/19/2013 NON SERVICE  
To be served on: TANYA BURT

**ITEMIZED LISTING**

Line Item	Quantity	Price	Amount
Service Fee (Local)	1.00	40.00	40.00
<b>TOTAL CHARGED:</b>			<b>\$40.00</b>
02/19/2013 Check #67405 Pre-Payment			40.00
<b>BALANCE DUE:</b>			<b>\$0.00</b>

Thank you for your business!

THANK YOU FOR USING FLORIDA CENTRAL FOR YOUR LEGAL NEEDS. WE SERVE HERNANDO, CITRUS, SUMTER AND PASCO COUNTIES.



**VERIFIED RETURN OF NON-SERVICE**

State of MAINE

County of Androscoggin

Court

Case Number: NA Court Date: 3/19/2013 7:00 pm

Plaintiff:

**CITY OF LEWISTON**

vs.

Defendant:

**GREG & TANYA BURT**

For:

BRANN & ISAACSON

184 Main Street

Lewiston, ME 04243

Received by FLORIDA CENTRAL PROCESS SERVICE, INC. on the 19th day of February, 2013 at 2:15 pm to be served on **TANYA BURT, 10384 WOODCHUCK AVENUE, BROOKSVILLE, FL 34614.**

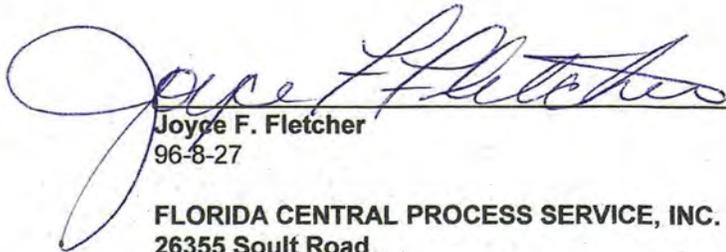
I, Joyce F. Fletcher, do hereby affirm that on the **19th day of February, 2013 at 6:10 pm, I:**

**NON-SERVED:** After due search, careful inquiry and diligent attempts I was unable to serve the **NOTICE OF HEARING** for the reason that I failed to find TANYA BURT or information to allow further search.

**Additional Information pertaining to this Service:**

ATTEMPTED ADDRESS OF 10384 WOODCHUCK AVENUE, BROOKSVILLE, FL., 34614; PROPERTY IS VACANT AND ELECTRIC IS OFF;

I certify that I am over the age of 18, have no interest in the above action, and have proper authority in the jurisdiction in which this service was made. Pursuant to Florida Statue 92.525. no notary is required, and under penalty of perjury. I declare that the facts set forth in the foregoing Return of Service are true and correct.



Joyce F. Fletcher  
96-8-27

**FLORIDA CENTRAL PROCESS SERVICE, INC.**  
26355 Sout Road  
Brooksville, FL 34601  
(352) 796-9225

Our Job Serial Number: FLE-2013000742

**INVOICE**

Invoice #FLE-2013000741  
2/20/2013

FLORIDA CENTRAL PROCESS SERVICE, INC.  
26355 Sout Road  
Brooksville, FL 34601  
Phone: (352) 796-9225  
Fax: (352) 544-5710  
20-0387338



BRANN & ISAACSON  
184 Main Street  
Lewiston, ME 04243

Case Number: Androscoggin NA

Plaintiff:  
CITY OF LEWISTON

Defendant:  
GREG & TANYA BURT

Received: 2/19/2013 Non-Served: 2/19/2013 NON SERVICE  
To be served on: GREG BURT

**ITEMIZED LISTING**

Line Item	Quantity	Price	Amount
Service Fee (Local)	1.00	40.00	40.00
TOTAL CHARGED:			\$40.00
02/19/2013 Check #67405 Pre-Payment			40.00
<b>BALANCE DUE:</b>			<b>\$0.00</b>

Thank you for your business!

THANK YOU FOR USING FLORIDA CENTRAL FOR YOUR LEGAL NEEDS. WE SERVE HERNANDO, CITRUS, SUMTER AND PASCO COUNTIES.



**VERIFIED RETURN OF NON-SERVICE**

State of MAINE

County of Androscoggin

Court

Case Number: NA Court Date: 3/19/2013 7:00 pm

Plaintiff:

**CITY OF LEWISTON**

vs.

Defendant:

**GREG & TANYA BURT**

For:

BRANN & ISAACSON

184 Main Street

Lewiston, ME 04243

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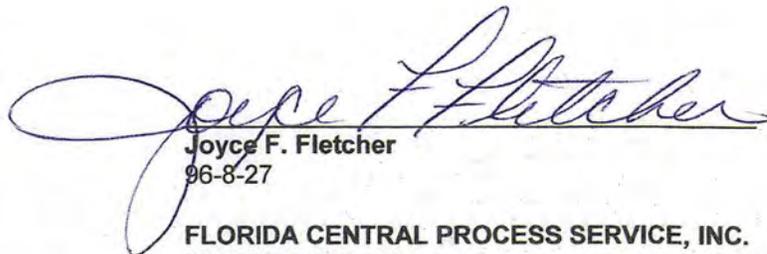
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**Additional Information pertaining to this Service:**

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Joyce F. Fletcher  
96-8-27

**FLORIDA CENTRAL PROCESS SERVICE, INC.  
26355 Sault Road  
Brooksville, FL 34601  
(352) 796-9225**

Our Job Serial Number: FLE-2013000741

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

Greg & Tanya Burt  
10384 Woodchuck Avenue  
Brooksville, Florida 34614

Mary Wegrzyn  
388 North Lubec Road  
Lubec, Maine 04652

Onewest Bank, FSB  
888 East Walnut Street  
Pasadena, California 91101

**186 BARTLETT STREET, LEWISTON, MAINE**

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

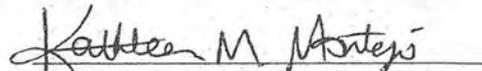
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7:00 pm  
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

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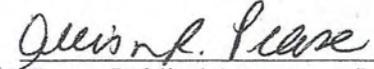
Dated: February 7, 2013

  
Kathleen M. Montejo, City Clerk

STATE OF MAINE  
ANDROSCOGGIN, ss

February 7, 2013

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

ALLISON R. PEASE  
Notary Public, Maine  
My Commission Expires August 31, 2015

CITY OF LEWISTON  
CITY COUNCIL

RETURN OF SERVICE

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

On February 22<sup>nd</sup>, 2013, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on OneWest Bank FSB as follows:

OneWest Bank FSB  
888 East Walnut Street  
Pasadena, California 91101

Costs of Service:

Service:	\$ <u>50.00</u>
Travel:	\$ _____
Postage:	\$ _____
Other:	\$ _____
 TOTAL:	 \$ <u>50.00</u>

  
 \_\_\_\_\_  
 Signature ISAURA FLORES, PS 6720  
KMS PROCESS SERVERS  
 Agency

EXHIBIT F

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

Greg & Tanya Burt  
10384 Woodchuck Avenue  
Brooksville, Florida 34614

Mary Wegrzyn  
388 North Lubec Road  
Lubec, Maine 04652

Onewest Bank, FSB  
888 East Walnut Street  
Pasadena, California 91101

**186 BARTLETT STREET, LEWISTON, MAINE**

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

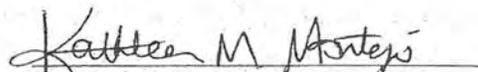
March 19, 2013  
7:00 pm  
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

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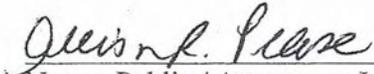
Dated: February 7, 2013

  
Kathleen M. Montejo, City Clerk

STATE OF MAINE  
ANDROSCOGGIN, ss

February 7, 2013

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

ALLISON R. PEASE  
Notary Public, Maine  
My Commission Expires August 31, 2015

CITY OF LEWISTON  
CITY COUNCIL

RETURN OF SERVICE

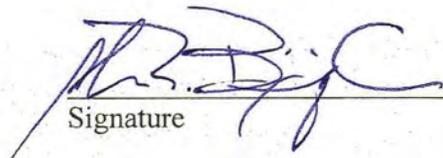
NOTICE OF HEARING  
Pursuant to 17 M.R.S. §§ 2851-59  
186 Bartlett Street, Lewiston, Maine  
Dangerous Buildings

On February 19, 2013, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on Mary Wegrzyn, as follows:

Mary Wegrzyn  
38 North Lubec Road  
Lubec, ME 04652

Costs of Service:

Service:	\$	_____
Travel:	\$	_____
Postage:	\$	_____
Other:	\$	_____
TOTAL:	\$	<u>26<sup>90</sup></u>

  
 \_\_\_\_\_  
 Signature

W.C.S.O.  
 \_\_\_\_\_  
 Agency

EXHIBIT G

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

Greg & Tanya Burt  
10384 Woodchuck Avenue  
Brooksville, Florida 34614

Mary Wegrzyn  
388 North Lubec Road  
Lubec, Maine 04652

Onewest Bank, FSB  
888 East Walnut Street  
Pasadena, California 91101

**186 BARTLETT STREET, LEWISTON, MAINE**

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

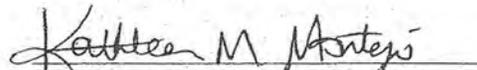
March 19, 2013  
7:00 pm  
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 186 Bartlett Street, Lewiston, Maine, identified as Lot 143 on Tax Map 196, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 7132, Page 38, 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.

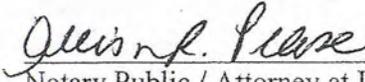
Dated: February 7, 2013

  
Kathleen M. Montejo, City Clerk

STATE OF MAINE  
ANDROSCOGGIN, ss

February 7, 2013

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

ALLISON R. PEASE  
Notary Public, Maine  
My Commission Expires August 31, 2015

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**

June 26, 2012

Tanya & Greg Burt  
10384 Woodchuck Avenue  
Brooksville, FL 34614

RE: 186 Bartlett Street, Lewiston, Maine

Dear Mr. & Mrs. Burt,

It has come to the attention of this office that the building at 186 Bartlett Street 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). The building is without necessary facilities such as heat, hot portable water and cold water. 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 186 Bartlett 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-504.1 et seq, IPMC-505.1 et seq, IPMC-602.1 et seq, IPMC-603.1 et seq2 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 **August 10, 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

EXHIBIT H

186 Bartlett 000018

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 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 five 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 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,

Jeff Baril  
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](http://www.ci.lewiston.me.us) and click on the Non-Discrimination Policy

# Photographs

# 186 Bartlett Street

Photo # 1      Photos taken 6-12-2012, 2-15-2013 and 3-11.2013



Photo # 2 Rear of the building showing deteriorated roof, porches and chimneys.



EXHIBIT I

1

186 Bartlett 000020

Photo # 3 Damage from severely deteriorated porch..



Photo # 4 Deteriorated porch.



Photo # 5 Severely deteriorated trim and soffits.



Photo # 6 Severely deteriorated chimney with bricks falling from the building.



Photo # 7 Damaged, deteriorated and molded walls.



Photo # 8 Mold damaged walls.



Photo # 9 Damaged and deteriorated ceilings.



Photo # 10 Debris and garbage about the building adding to fire loading and making for unsanitary conditions.



Photo # 11 Debris and garbage.



Photo # 12 Debris and garbage.



Photo # 13 Feces about the floor.



Photo # 14 Dead turtle.



Photo # 15 Damaged heat registers



Photo # 16 Damaged heat registers



Photo # 17 Obsolete and insufficient head room for means of egress components. 6 feet 2 inches where 6 feet 8 inches are required.



Photo # 18 Insufficient head room.



Photo # 19 Severely deteriorated, friable and hazardous asbestos heating pipe insulation.



Photo # 20 Severely deteriorated and friable asbestos heating pipe insulation creating hazardous conditions.



Photo # 21 Oil leaking from tank. Tank had been drained.



Photo # 22 Severely deteriorated and inoperative boiler.



Photo # 23 Illegal waste pipe hook-up. Evidence of a severe sewage leak that undermined the basement slab and the corner of the building's footing making it structurally unsound.



**LEWISTON CITY COUNCIL**  
**MEETING OF MARCH 19, 2013**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 7**

**SUBJECT:**

Order authorizing the Lewiston City Administrator to execute Amendment 1 to the Joint Development Agreement with Parallax Partners, Inc.

**INFORMATION:**

This item is to approve an amendment to the Joint Development Agreement between Parallax Partners, Inc. and the City regarding the development of a 90 bed hotel to be located at 15-29 Lincoln Street. The scheduled closing date of the property is March 24 but the developer has asked for a 90 day extension to allow time for additional paperwork and documents to be processed.

Please see the attached memorandum from Lincoln Jeffers, Assistant to the City Administrator, outlining the details of the project.

**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 Order authorizing the Lewiston City Administrator to execute Amendment 1 to the Joint Development Agreement with Parallax Partners, Inc.



**City of Lewiston Maine  
City Council Order  
March 19, 2013**



**Order,** Authorizing the Lewiston City Administrator to Execute Amendment 1 to the Joint Development Agreement with Parallax Partners, Inc.

Whereas, the City's Comprehensive Plan, Downtown Master Plan, and similar documents clearly establish the City's policy of stimulating the rehabilitation of property and developing economic opportunities in its downtown, particularly in the vicinity of 15 Lincoln Street through 29 Lincoln Street; and

Whereas, the City and the Developer executed a Joint Development Agreement on December 20, 2011 that outlines the mutual obligations to invest in and improve property; and

Whereas, as part of this agreement, the City agreed to transfer to Parallax the properties located at 15 and 29 Lincoln Street; and

Whereas, Parallax intends to construct a 90 bed hotel at an anticipated total investment of \$9,900,000; and

Whereas, this investment will result in significant economic benefit to the City, including the rehabilitation of property and the creation of jobs; and

Whereas, under the Joint Development Agreement, Parallax is required to close on the property within 240 days of the effective date of the development agreement; and

Whereas, since the execution of the agreement, Parallax and the City have worked diligently toward fulfilling the various duties and obligations imposed by the agreement, many of which have been completed; and

Whereas, we are now approaching the March 24, 2013 deadline for closing on the property; and

Whereas, while Parallax now has a signed commitment for the necessary financing for the project, the final details necessary to allow for a closing on the property transfer are still being finalized; and

Whereas, staff, therefore, recommends that the deadline for closing be extended for an additional ninety (90) day period;

**Now, therefore, be It Ordered by the City Council of the City of Lewiston** that:

The City Administrator is hereby authorized to execute Amendment 1 to the Joint Development Agreement with Parallax Partners, Inc., such amendment to extend the deadline for closing on the property transfer for an additional ninety (90) days to June 22, 2013.

# Economic and Community Development

Lincoln Jeffers

Director

Lewiston



2007



**To:** Honorable Mayor and Members of the City Council  
**From:** Lincoln Jeffers  
**RE:** Amendment to Joint Development Agreement with Parallax Partners  
**Date:** March 14, 2013

The Lewiston City Council approved a Joint Development Agreement with Parallax Partners at its December 20, 2011 meeting. The agreement outlined the responsibilities of each party. This consisted of Parallax developing a 90 to 100 room hotel at 15 and 29 Lincoln Street at an estimated cost of \$9.9 million. To assist with the development of that project the City agreed to sell 15 and 29 to Parallax for \$500,000; invest \$425,000 in parking and public green space on the property where the Water Street CSO storage tanks are located, and allow the hotel to have primary use of the parking area in exchange for their maintenance of the lot and associated green space; lease up to 15 parking spaces in the Lincoln Street Garage at a reduced rate; and provide a 10 year TIF that will return an average of \$100,000 per year to the project. The state has approved the Tax Increment Financing District and Program.

Since approval of the agreement, Parallax has been actively engaged in designing the project, conducting the feasibility study, securing the franchise, and getting the necessary development review and regulatory approvals. They have met all of the requirements of the Joint Development Agreement with the exception of closing on the financing. They have secured a loan commitment from Machias Savings Bank for the amount needed to develop the project. That loan incorporates a USDA guarantee. The developer, his consulting team, and city staff are engaged in checking off the list of due diligence requirements of that USDA guarantee. While the commitment is in place, the due diligence will not be complete until sometime in April. Under the terms of the original Joint Development Agreement and associated agreements, the agreement expires on March 24, 2013.

The City Council is asked to authorize the City Administrator to execute *Amendment 1 to the Joint Development Agreement between the City of Lewiston and Parallax Partners, Inc.* which will extend the closing date on the real estate for an additional 90 days, until June 22, 2013. All other terms and conditions of the development agreement will remain the same. Parallax expects to close on the financing and real estate by the end of April, but would like the option agreement to provide some latitude in case unforeseen loan due diligence requirements are encountered.

**AMENDMENT 1  
JOINT DEVELOPMENT AGREEMENT  
BETWEEN THE CITY OF LEWISTON AND  
PARALLAX PARTNERS, INC.**

THIS AMENDMENT 1 TO THE JOINT DEVELOPMENT AGREEMENT (“AGREEMENT”) is made as of \_\_\_\_\_, 2013 by and between THE CITY OF LEWISTON, a body politic and corporate situated in Androscoggin County, Maine (hereinafter sometimes referred to as the “City,” which expression shall include its successors and assigns), and PARALLAX PARTNERS, INC., a Maine corporation, with a place of business in Lewiston, Maine (hereinafter sometimes referred to as “Developer,” which expression shall include its successors and assigns). Developer and the City are referred to individually as a "Party" and collectively as the "Parties."

RECITALS

WHEREAS, Developer and the City entered into an Option Agreement dated October 6, 2011 (the “Option Agreement”) under which the City granted Developer an option (the “Option”) to purchase two parcels of real estate located at 15 Lincoln Street and, 29 Lincoln Street, Lewiston, Maine, as further described in the Option Agreement (the “Properties”), upon the satisfaction of certain conditions in connection with Developer’s +/- \$9.9 million investment in the construction of a +/-90-100-room hotel (the “Hotel”) on the Properties (the “Project”); and

WHEREAS, One of the conditions to exercise of the Option was the Parties’ negotiation and entry into a Joint Development Agreement addressing specific details of the Project and outlining the Parties’ respective responsibilities and obligations following Developer’s exercise of the Option; and

WHEREAS, the parties thereafter negotiated and entered into such Joint Development Agreement which set forth a number of conditions and specified the various obligations of the parties, one of which required that a closing take place on the transfer of the property within two hundred forty (240) days of the effective date of the development agreement; and

WHEREAS, the majority of the requirements of the Joint Development Agreement have been met; however, additional time is required to finalize project financing to allow the property closing to take place; and

WHEREAS, the City and Developer remain committed to this project.

NOW, THEREFORE, in consideration of the promises and for other good and valuable consideration, the receipt and sufficiency of which the parties acknowledge, the parties agree to extend the closing date for transfer of the property, as outlined in paragraph 2.4 (a) of the Joint Development Agreement, for an additional ninety (90) day period to end on June 22, 2013.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their duly authorized officers as of the day and year first above written.

\_\_\_\_\_  
Witness

PARALLAX PARTNERS, INC.

By: \_\_\_\_\_  
Its

\_\_\_\_\_  
Witness

CITY OF LEWISTON, MAINE

By: \_\_\_\_\_

# LEWISTON CITY COUNCIL

## MEETING OF MARCH 19, 2013

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 8**

**SUBJECT:**

Order authorizing the City Administrator to execute the First Amendment #1 to Interlocal Cooperation Agreement #2 for Lake Auburn Intake & Water Treatment.

**INFORMATION:**

The City of Lewiston and the Auburn Water District have an Interlocal Agreement for the Lake Auburn Intake and Water Pretreatment facilities at the Lake. The two groups completed the joint Ultra-Violet Light Water Treatment Facility in 2012 to comply with the federal Safe Drinking Water Act. The complexity of the operation of the facility requires management and oversight by a State Licensed water treatment operator/manager. The City of Lewiston and Auburn Water District will split the cost of this new position. The Lewiston funding is available in the Lewiston water utility budget.

Please see the attached memorandum from Public Works Director David Jones 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
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To approve the Order authorizing the City Administrator to execute the First Amendment #1 to Interlocal Cooperation Agreement #2 for Lake Auburn Intake & Water Treatment.



City of Lewiston, Maine  
City Council Order  
March 19, 2013



**ORDER,** Authorizing the City Administrator to Execute the First Amendment #1 to Interlocal Cooperation Agreement #2 For Lake Auburn Intake & Water Treatment

Whereas, Maine Law permits municipalities to enter into interlocal cooperation agreements to make efficient use of their powers and to cooperate with other municipalities or political subdivisions on a basis of mutual advantage to provide services and facilities to the local communities; and

Whereas, on October 3<sup>rd</sup>, 1997, the City of Lewiston and the Auburn Water District signed an Interlocal Agreement for the Lake Auburn Intake and Water Pretreatment facilities at the lake, an agreement which remains in effect and binding on both parties; and

Whereas, the parties completed a joint ultra-violet (UV) light water treatment facility in 2012 to comply with the Safe Drinking Water Act; and

Whereas, the complexity of the operation of the UV light treatment plant requires management and oversight by a Class IV Water Treatment Operator as mandated and licensed by the Maine Drinking Water Program; and

Whereas, the Trustees of the Auburn Water District approved moving forward with the hiring of a Licensed Class IV Operator to manage the UV Facility at their November 14, 2012 meeting, subject to a 50/50 cost sharing arrangement with the Lewiston Water Division; and

Whereas, the attached proposed Amendment to the 1997 agreement has been signed by the current Auburn Water District General Manager and has been reviewed and is recommended by City of Lewiston staff; and

Whereas, the funding for the Water Treatment Plant Manager is available in the City of Lewiston Water Utility budget;

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

the City Administrator is Authorized to execute the First Amendment #1 to Interlocal Cooperation Agreement #2 For Lake Auburn Intake & Water Treatment



## Department of Public Works

David A. Jones, P.E.  
Director



March 8, 2013

To: Ed Barrett (City Administrator), Kathy Montejo (City Clerk)

Re: Amendment to Interlocal Cooperation Agreement #2 Lake Auburn Intake & Water Pretreatment Plant Manager

Ed & Kathy,

I am requesting City Council consideration and approval of an order authorizing the City Administrator to sign a proposed Amendment to the 1997 Interlocal Cooperation Agreement #2 for Lake Auburn Intake and Water Pretreatment.

On October 3<sup>rd</sup>, 1997, the City of Lewiston and the Auburn Water District signed an Interlocal Cooperation Agreement for the Lake Auburn Intake and Water Pretreatment facilities located at the lake. This agreement was signed by then Lewiston City Administrator Robert J. Mulready and then Auburn Water District General Manager Normand R. Lamie. The agreement addressed the facilities at the lake and how the joint use and funding of the facilities would be shared. That agreement currently remains in effect and is binding on both parties.

With the construction of the joint ultra-violet light water treatment facility in 2012 to comply with the Safe Drinking Water Act and the complex operations of the treatment facility, the two utilities recognized and understood the need for professional management by a Maine licensed Class IV Water Treatment Operator to operate and maintain oversight over this new facility. The utilities began developing an amendment to the Interlocal Agreement while the facility was still under construction and have finally agreed on the needed language.

Auburn Water District has agreed to employ the Water Treatment Plant Manager; however, this will be a joint position with both utilities sharing the responsibility for supervision, evaluation, and costs on a 50/50 basis. The City of Lewiston's share of the funding for this agreement is available in the Water Utility budget.

Sincerely,

David A. Jones, P.E.  
Director

Cc: K. Gagne, R. Burnham, J. Storer

**FIRST AMENDMENT #1 TO:  
INTERLOCAL COOPERATION AGREEMENT # 2  
FOR LAKE AUBURN INTAKE & WATER PRETREATMENT**

This First Amendment to Interlocal Cooperation Agreement #2 for Shared Lake Auburn Intake & Water Pretreatment Services is made as of this \_\_\_\_\_ day of 2013, by and among the Trustees of the Auburn Water District, (“Auburn”) and the City of Lewiston, (“Lewiston”) for the purposes of jointly sharing a Class IV Water Treatment Plant Manager.

**WITNESSETH THAT:**

WHEREAS, Maine law permits municipalities to enter into interlocal cooperation agreements to make the most efficient use of their powers and to cooperate with other municipalities of political subdivisions on a basis of mutual advantage, in order to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best geographic, economic, population and other factors influencing the needs and development of local communities; and

WHEREAS, the parties hereto executed an Interlocal Cooperation Agreement for Shared Lake Auburn Intake & Water Pretreatment Services in 1997, which currently remains in effect and is binding on all parties hereto; and

WHEREAS, the parties hereto completed a joint ultra-violet light water treatment facility in 2012, necessary to comply with amendments to the Safe Drinking Water Act, which facility requires additional staff time and attention to function properly in order to safe guard public health; and

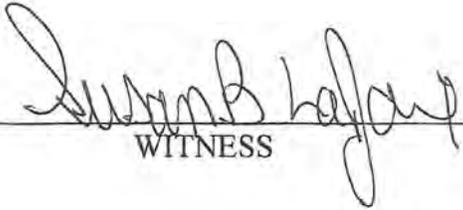
WHEREAS, the complexity of operation of the newly completed ultra-violet light water treatment plant requires management and oversight by a Class IV Water Treatment Operator, as mandated and licensed by the Maine Drinking Water Program; and

WHEREAS, the Trustees of the Auburn Water District approved moving "*forward with the hiring of a Licensed Class IV Operator to manage the UV Facility*" at their November 14, 2012 meeting, subject to a 50/50 cost sharing arrangement with the Lewiston Water Division.

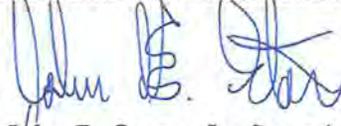
NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree that the above recitals are made a part of this First Amendment, and as follows:

1. A joint Class IV Water Treatment Plant Manager position will be added as part of the overall shared management and operation of the joint Lake Auburn Ultra-Violet Light Treatment Facility. The Auburn Water District will employ and supervise this Class IV Water Treatment Plant Manager, and the annual salary and benefits of the position will be borne equally by the parties.
2. The Auburn Water District and City of Lewiston Water Division will share elements of employment, supervision, and evaluation of the Manager. The Water Treatment Plant Manager shall report to a committee composed of the District Engineer of the Auburn Water District and Superintendent of the Lewiston Water Division. The parties will continue to cooperate in good faith to effect the combined operation of their joint facilities. Any required equipment, vehicles, or support items will be jointly shared, as necessary.

IN WITNESS WHEREOF, the parties have caused this First Amendment to be executed by their duly authorized representatives pursuant to due legal authorization and authority as of the day and year first written above.

  
\_\_\_\_\_  
WITNESS

**AUBURN WATER DISTRICT**

By:  3/7/13  
John B. Storer, Its Superintendent  
& General Manager

**CITY OF LEWISTON**

\_\_\_\_\_  
WITNESS

By: Edward A. Barrett, Its  
City Administrator

DRAFT February 26, 2013

# LEWISTON CITY COUNCIL

## MEETING OF MARCH 19, 2013

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 9**

**SUBJECT:**

Ratification of Collective Bargaining Agreement with Local #785, International Association of Firefighters (IAFF).

**INFORMATION:**

The City Council is requested to ratify a three year agreement with Local #785 - International Association of Firefighters (IAFF) which represents the Lewiston firefighters. This agreement is for the period of July 1, 2010 to June 30, 2013.

Please see the memorandum from Deputy City Administrator Phil Nadeau which highlights details of the contract.

**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 ratify the FY 2011-2013 Collective Bargaining Agreement between the City of Lewiston and the International Association of Firefighters (IAFF), Local #785, said agreement being for the period of July 1, 2010 to June 30, 2013, and to approve the Order authorizing the City Administrator to execute the collective bargaining agreement on behalf of the City of Lewiston.



**City of Lewiston Maine  
City Council Order  
March 19, 2013**



**Order,** Authorizing the City Administrator to Execute a New Collective Bargaining Agreement with International Association of Firefighters, Local #785.

Whereas, the City and Local #785 Unit representatives have worked diligently over the last several months to develop a new collective bargaining agreement; and

Whereas, all who participated in the development of the Local #785 Collective Bargaining Agreement believe that negotiations have produced a contract which is sensitive to the current economic climate and reflects the organizational goals and objectives of both the city Local #785;

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

The City Administrator is authorized to execute the new FY 2011-2013 International Association of Firefighters, Local #785 Collective Bargaining Agreement and is authorized to approve any final administrative, non-monetary, and non-substantive amendments as needed.



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

<b>TO:</b>	<b>Mayor and City Council</b>
<b>FROM:</b>	Phil Nadeau, Deputy City Administrator & Chief City Negotiator
<b>DATE:</b>	March 19, 2013
<b>RE:</b>	<b>Proposed Lewiston Firefighters Association (LFA) Contract</b>

### 1. BACKGROUND

The city and LFA negotiating teams have worked diligently to develop the enclosed proposed contract. The LFA membership voted to support the contract. Notable features of the proposed contract are as follows:

- Contract if for three years: FY2011 through FY2013.
- COLA adjustments: FY2011 – 0%; FY2012 – 1.0%; FY2013 (effective 1/1/13) – 2.0%.
- New top step for Firefighters, Lieutenants, Captains and Inspector effective 6/30/13.
- Agreement to offset new step adjustments with across the board deductions of 8.75% on all Retirement Health Savings contributions effective with first deposits in July 2013.
- Freezing of entry level step for all new hires.
- Updating of Clothing Issue to reflect improved safety choices.
- Increasing clothing stipend to \$500 retroactive to July 1, 2010 to allow for updating of related non-issued firefighting personal safety equipment.
- New "K" firefighter replacement language that will help control department overtime costs.
- New training language to enhance firefighting training impacted by prior staffing reductions and which will result in training account savings.
- New Fire Inspector recall language to address after-hours recall.
- New fire grounds operations language which will improve safety and not impact budget.

### 2. RECOMMENDED ACTION

To approve the proposed contract.

# LEWISTON CITY COUNCIL

## MEETING OF MARCH 19, 2013

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 10**

**SUBJECT:**

Amendments to the Traffic Schedule regarding loading zone on Ash Street.

**INFORMATION:**

Last summer, the Council approved a Traffic Schedule amendment regarding loading zones on Ash Street. The intention of the change was to have the loading zone time designation begin at 6am. However, the material submitted by the Police Department, and subsequently approved by the City Council, stated 9am, by mistake. City staff is asking to have this oversight corrected and for the Council to formally authorize the start time of 6am for this loading zone.

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

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*ETAS/kmm*

**REQUESTED ACTION:**

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To approve an amendment to the Traffic Schedule regarding a loading zone on Ash Street, as proposed on the attached vote sheet.

(Note: New language is underlined and deleted language is struck-out.)



**POLICE DEPARTMENT**

Sgt. David K. Chick  
Inspector of Police



**DATE:** March 11, 2013  
**TO:** Traffic Schedule Review  
**FROM:** Sgt. David Chick, Inspector of Police  
**Subject:** Ash Street

**Traffic Schedule Amendment – Chapter 70 Section 177  
Loading Zones (Section 3)**

Last year, when the Traffic Schedule was amended to reduce and relocate spaces associated with loading zones and other parking restrictions in order to make more public use available, the time period failed to get noticed and changed to reflect upon the commercial need. This is being submitted to correct that oversight...

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

**Section 3 – Loading Zones**

**ASH STREET**                      **Odd numbered side, south side, beginning at a point 40' from the southeasterly corner of Ash St & Lisbon St and extending easterly on Ash St a distance of 30' (1 delineated van accessible space). Monday-Friday 9:00 AM to 6:00 PM**

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

If this amendment is approved, this would require Public Works department to install sign(s) and marking(s) pertaining to the intended designations (perhaps as easily as a numeral sticker being affixed to the existing sign for interim).

**David Chick**  
**Inspector of Police**



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