

**LEWISTON CITY COUNCIL AGENDA
CITY COUNCIL CHAMBERS
JUNE 18, 2013**

5:30 p.m. Workshop - Please note: The time segments added to each workshop item are to serve as guidelines only and the Council may take up an item earlier than indicated or an item might run later than indicated.

- A. Update on State Budget (10 minutes)
- B. Review of Demolition Protocols (30 minutes)
- C. Discussion of Code Enforcement Practices Regarding Enforcement Actions (20 minutes)
- D. Proposed Revisions to Solid Waste Ordinance and Fee Schedule (20 minutes)

7:00 p.m. Regular Meeting

Pledge of Allegiance to the Flag.
Moment of Silence.

Lewiston Youth Advisory Council - Farewell to graduating seniors

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.

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

- * 1. Authorization to accept transfer of forfeiture funds.
- * 2. Order authorizing the City to participate in applying for a Targeted Assistance Grant from the Office of Refugee Resettlement for the purpose of assisting refugees in finding employment.

REGULAR BUSINESS:

- 3. Public Hearing and Final Passage regarding an amendment to the Buildings and Building Regulations ordinance regarding the property maintenance code.
- 4. Public Hearing & Final Passage regarding an amendment to the Offenses and Miscellaneous Provisions Ordinance regarding the regulation of synthetic drugs.
- 5. Public Hearing & First Passage for Land Use Code amendments regarding nonconforming uses of single-family and two-dwelling units.
- 6. Public Hearing for approval of an Outdoor Entertainment Permit for the Liberty Festival.
- 7. Condemnation Hearing for the building located at 80 Birch Street.
- 8. Condemnation Hearing for the building located at 92 Walnut Street.
- 9. Resolve approving the FFY2013 Community Development Block Grant (CDBG) Action Plan Budget for submittal to the U.S. Department of Housing and Urban Development (HUD).

10. Public Hearing and Order Authorizing Application and Acceptance of Funds from the U.S. Department of Justice - Edward Byrne Justice Assistance Grant Program.
11. Order authorizing the City Administration to execute an Easement Deed from the Lewiston and Auburn Railroad Company appurtenant to 46 Beech Street and 46 Beech Street Rear.
12. Resolve Extending the Term of the Kennedy Park Bandstand Restoration Committee.
13. Resolve authorizing application for and acceptance of grants from the Northern Border Regional Commission.
14. Consideration of request from the African Immigrant Association for City Co-Sponsorship of a Diversity Celebration planned for September.
15. Reports and Updates.
16. Any other City Business Councilors or others may have relating to Lewiston City Government.
17. Executive Session pursuant to MRSA Title 1, section 405 (6) (c) to discuss an Economic Development issue of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

LEWISTON CITY COUNCIL
WORKSHOP AGENDA
JUNE 18, 2013
5:30 P.M.

1. Update on State Budget (10 minutes)

This will provide an opportunity to bring the Council and public up to date on state budget status, its potential impact on the City's budget, and what we anticipate will be the process through which the Council will address these impacts.

2. Review of Demolition Protocols (30 minutes)

A number of months ago, the Council reviewed the City's demolition practices at a workshop. At that time, it was suggested that staff have further discussions with various interested parties and further refine our practices. Norm Beauparlant has done so, and we will have revised protocols for your review and consideration on Tuesday. If possible, we will attempt to email these to you in advance of Tuesday's meetings.

3. Discussion of Code Enforcement Practices Regarding Enforcement Actions (20 minutes)

Councilor Saddlemire has requested a workshop to discuss the approaches and practices our Code Enforcement Department uses in enforcing the City's various building and land use codes. Staff will be present at the meeting to outline and discuss these approaches and provide additional information requested by the City Council.

4. Proposed Revisions to Solid Waste Ordinance and Fee Schedule (20 minutes)

Staff has been working on revisions to the City's Ordinance on Solid Waste and our Policy on Solid Waste Fees. Memorandums from Rob Stalford, Superintendent of Solid Waste, summarizing the proposed changes are attached as are the proposed revisions to the ordinance and policy.

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City of Lewiston Executive Department

EDWARD A. BARRETT
City Administrator

PHIL NADEAU
Deputy City Administrator



June 14, 2012

To: Honorable Mayor and Members of the City Council
Fr: Edward A. Barrett
Su: State Budget Impacts

The Legislature's Appropriations Committee has unanimously approved a budget for the coming year, which the legislature as a whole has also now approved shortly. The Governor has stated that he will hold the budget for up to ten days prior to vetoing it. Once vetoed, it would return to the legislature for an over-ride vote. At this time, many anticipate that the veto will be over-ridden, but this is not assured. Given this, final action on the budget is not anticipated until the final week in June.

The budget's largest impact to municipalities is reduced revenue sharing. According to the most recent figures from Maine Municipal, we will see a loss of \$1,426,154 next year. Based on our adopted budget, this loss will be lower since we used a conservatively estimate for next year. With this adjustment, our loss is reduced to \$1,111,342, or 61 cents on the property tax. Keep in mind that there is an additional cut in revenue sharing for FY15 of another \$217,851.

Using the approved Appropriations Committee budget, we have been working with our various department heads to review potential budget adjustments so that we will be prepared to present various recommendations and alternatives to you.

While the date when there will be a "final" state budget remains uncertain, I would look to tentatively schedule a budget workshop during the week of June 24th. Our workshops are normally held on Tuesdays. However, Tuesday, June 25th is the closing night of our Planapalooza. Alternate dates would be Wednesday, June 26th or Thursday, June 27th (although Councilor Saddleire has suggested the 27th for a screening of his recent documentary). We should, however, at least tentatively schedule a date for this budget workshop.

In the event that a second workshop is needed, I would suggest either Tuesday, July 2nd or Tuesday, July 8th. This would allow the Council to adopt revisions to the budget at the regular meeting scheduled for July 16th.

All of this is built on the assumption that the state will have a budget prior to the end of the year. If the Governor vetoes the budget and the over-ride fails, state government may shut down and additional budget negotiations may be needed. Should this occur, we will need to revisit how to proceed.

If you have any questions or concerns, please let me know.

To: David Jones, P.E., Megan Bates
From: Rob Stalford – Superintendent, Solid Waste
Subject: Proposed Revision to Chapter 62 of
Lewiston's Code of Ordinance
Date: May 16, 2013

A meeting was held on April 23, 2013, between staff members of Lewiston's (City) Finance Dept. & Public Works Dept. The purpose of the meeting was to review sections of Chapter 62 of the City's Solid Waste Ordinance (Chapter 62 of the City's Code Of Ordinance, COA) and prepare recommendations for revision of this particular Ordinance. The primary areas within the Ordinance, which were reviewed dealt with –

- Section 62-13 Municipal Collection of Solid Waste and Recyclable Materials and
- Section 62-24 ePass Program

The third item discussed during the meeting dealt with fees charged to multiple unit apartment building owners for trash collection services. Fees are addressed in the Solid Waste Policy (which is described in Section 62-14 Fee Schedule , COA). Therefore, this matter will be described in a separate memo.

Section 62-13 Municipal Collection of Solid Waste and Recyclable Materials

This section of the COA describes the rules governing trash & recyclable waste collection services provided by the City. In particular, the services provided to owners of multiple unit apartment builds. The meeting attendees developed language for this section of the COA, which would provide owners of multiple unit apartment building owners, who had previously been terminated from the trash collection program, an opportunity to re-apply & obtain these services.

Section 62-24 ePass Program

This section of the COA describes the rules governing the City's ePass program. In particular, the City waives certain fees at the Solid Waste & Recycling Facility for specific waste materials, from those property owners who are eligible to receive these services. The meeting attendees developed language for this section of the COA, which would provide tenants of multiple unit apartment buildings the opportunity to participate in this program by providing them with an "abbreviated" ePass, which would allow them to waive fees for disposal of a limited amount of waste for a period of 30 days.

Other proposed revisions to the Ordinance deal with bringing the language of the document in line with current procedures & practices when managing the City's solid waste & recyclable material. These include –

- Removing Day Care Facilities from the definition of Commercial Activities.

- Removing asphalt waste from the definition of Inert Fill.
- Revising the definition of Recyclable Material. This revision reflects the materials collected & contained in the City's Single Stream Recyclable Material program.
- Revising the definition of Suitable Container to include containers for recyclable materials.
- Revising the definition of Universal Waste to address recent statutory changes in Maine rules, which add more electronic waste items to this definition.
- Elimination of Section 62-23 Spring Clean-up Event and all references to curbside collection of these waste materials given this service is no longer offered by the City.

Chapter 62

SOLID WASTE*

Article I. In General

- Sec. 62-1. Depositing solid waste in public places or in sources of water.
- Sec. 62-2. Reserved.
- Sec. 62-3. Containers required; permitting unauthorized collections.
- Sec. 62-4. Duty of citizens to deliver to collectors.
- Sec. 62-5. Conveyance regulated.
- Sec. 62-6. Municipal collection from certain establishments.
- Sec. 62-7. Reserved.
- Sec. 62-8. Reserved.
- Sec. 62-9. Reserved.
- Sec. 62-10. Dumping of certain waste prohibited.
- Sec. 62-11. Definitions.
- Sec. 62-12. Waste disposal permits.
- Sec. 62-13. Municipal collection of solid waste and recyclable materials.
- Sec. 62-14. Fee schedule.
- Sec. 62-15. Payments.
- Sec. 62-16. Penalties and enforcement.
- Sec. 62-17. Special waste.
- Sec. 62-18. Solid wastes not accepted for disposal at the facility.
- Sec. 62-19. Demolition debris.
- Sec. 62-20. Covering of loads.
- Sec. 62-21. Dump picking prohibited.
- Sec. 62-22. Recycling agreement.
- Sec. 62-23. ~~Spring cleanup event.~~
- Sec. 62-24. ~~Punch pass program.~~ ePass Program
- Secs. 62-25--62-30. Reserved.

Article II. Private Collectors

- Sec. 62-31. License or authorization required.
- Sec. 62-32. Duration of license; revocation.
- Sec. 62-33. Voluntary relinquishment of license.
- Secs. 62-34--62-55. Reserved.

Article III. Hazardous Materials

- Sec. 62-56. Definitions.
- Sec. 62-57. Disposal and storage of hazardous waste.
- Sec. 62-58. Waste oil.
- Sec. 62-59. Penalty for violation of article.
- Secs. 62-60--62-69. Reserved.

*Cross references: Littering prohibited, § 6-2; buildings and building regulations, ch. 18.

State law references: Maine Litter Control Act, 17 M.R.S.A. § 2261 et seq.
Lewiston Code

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ARTICLE I. IN GENERAL

Sec. 62-1. Depositing solid waste in public places or in sources of water.

No person shall throw or deposit or cause to be deposited in any street, or in any well, solid waste, including household waste, commercial waste, industrial waste, construction or demolition waste, or hazardous waste.

(Code 1982, § 29-1)

Sec. 62-2. Reserved.

Editor's note: Ord. No. 03-10, effective Aug. 1, 2003, repealed § 62-2 in its entirety. Formerly, said section pertained to placement of trash for collection as enacted by Code 1982, § 29-2.

Sec. 62-3. Containers required; permitting unauthorized collections.

All house offal, swill or garbage, whether consisting of animal or vegetable substances, shall be deposited in suitable containers and shall be placed in some conveniently accessible place to be taken away by such person as may be designated or licensed by the department of public works of the city to receive and carry away such garbage and it shall be unlawful to knowingly cause, allow or permit the receiving and carrying away of such garbage by anyone other than the abovementioned designees or licensees.

(Code 1982, § 29-3; Ord. No. 06-11, 7-27-06)

Sec. 62-4. Duty of citizens to deliver to collectors.

All persons shall promptly deliver all offal, swill or garbage accumulated on their premises to the person who shall be authorized or licensed by the department of public works to receive and carry away the same.

(Code 1982, § 29-4)

Sec. 62-5. Conveyance regulated.

No house offal, swill or garbage shall be carried or conveyed through any public street or sidewalk in the city except in suitable containers, or in vehicles so constructed as to be watertight and tightly covered at all times, except when such offal, swill or garbage is being deposited or removed therefrom.

(Code 1982, § 29-5; Ord. No. 06-11, 7-27-06)

Sec. 62-6. Municipal collection from certain establishments.

The department of public works shall not collect, or cause to be collected, from hotels, motels, stores, manufacturing plants, restaurants, produce houses, food processing plants, nursing homes, hospitals, social clubs, colleges or any other commercial, industrial or institutional establishment engaged in a commercial activity, as defined in section 62-11 of this chapter, at municipal expense, any offal, swill, garbage, refuse or trash of any kind.

(Code 1982, § 29-6; Ord. No. 06-11, 7-27-06)

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Sec. 62-7. Reserved.

Editor's note: Ord. No. 03-10, effective Aug. 1, 2003, repealed § 62-7 in its entirety. Formerly, said section pertained to authority to designate public solid waste facility; duty to use as enacted by Code 1982, § 29-7.

Sec. 62-8. Reserved.

Editor's note: Ord. No. 03-10, effective Aug. 1, 2003, repealed § 62-8 in its entirety. Formerly, said section pertained to removal of materials from solid waste facilities as enacted by Code 1982, § 29-8.

Sec. 62-9. Reserved.

Editor's note: Ord. No. 03-10, effective Aug. 1, 2003, repealed § 62-9 in its entirety. Formerly, said section pertained to duties of police chief pertaining to solid waste facilities; abatement of violations as enacted by Code 1982, § 29-9.

Sec. 62-10. Dumping of certain waste prohibited.

No person shall dump solid waste on any public or private land in the city.

(Code 1982, § 29-10)

Sec. 62-11. Definitions.

The following words and terms as used in sections 62-12 through ~~62-23~~ 62-24 of this article will have the meanings ascribed thereto, unless the context otherwise indicates:

Abbreviated ePass: An ePass (as defined) issued to a tenant of a Residential property (as defined) or multiple unit apartment building (as defined).

Authorized collector: Employees or contractors of the city or a private collector employed by the owner, occupant, agent or other person having custody of a building, for the purpose of hauling solid waste to the facility or other location for waste disposal as designated by the city.

Asphalt shingles: Asphalt roofing shingles and tar paper and shall be devoid of any other solid waste.

Batteries: Wet cell (lead-acid) batteries collected for recycling and alkaline batteries. This definition will not include rechargeable batteries defined as universal waste.

Building: Any structure or vessel, whether public or private, that is adapted to or used for: dwelling occupancy; the transaction of business; the rendering of professional services; amusement; the display, or sale, or storage of goods, waste, merchandise, articles or equipment; the performance of work or labor; office buildings, stores, theaters, markets, restaurants, warehouses, day care facilities, hotels, motels, bed and breakfast facilities, worship, garages, bakeries; structures where domestic or other animals or fowl are kept; or sheds, barns, outbuildings, or other structures or premises used as accessory to any such use.

Bulky waste: Any items whose large size or weight precludes or complicates their handling by normal collection, processing or disposal methods (includes old furniture; carpeting; appliances such as stoves, dryers, washing machines, etc., but does not include universal waste

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or refrigerant containing appliances) or as further defined by the rules and regulations of public works.

City: The City of Lewiston, Maine, a municipality organized and regulated by the laws of the state.

Commercial waste: Solid waste generated by a commercial property or as a result of commercial activity.

Commercial activity: Any property or service provider, which has received a license from the City of Lewiston to conduct business and/or a structure used for commercial or business purposes including, but not limited to, the following:

- (1) Hotels, motels, bed and breakfast facilities, restaurants, warehouses;
- (2) Markets, bakeries, grocery stores, food vendors;
- (3) Manufacturing or industrial facilities;
- (4) Business offices;
- (5) ~~Day care facilities or a~~Any business establishment adjoining a residential structure;
- (6) Trailer parks and manufactured home parks, and;
- (7) Condominiums.

Construction and demolition debris: Solid waste generated through construction, remodeling, repair or demolition of structures. This includes but is not limited to: building materials such as plaster and lath, plumbing fixtures, insulation, asphalt, wall board, pipes, treated wood (wood products, which have been treated with copper, chromium, arsenic and/or creosote) and metal conduits. It excludes: partially filled containers of any kind, friable asbestos and other special waste.

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

Facility: The city's solid waste and recycling facility, located on 424 River Road, which is a division within the city's department of public works.

Inert fill: Clean soil material including soil from road ditching and sand from winter sand cleanup. Inert fill can also include crushed clean glass and porcelain (not included in recycled glass) as well as bricks, rocks and cured concrete (that does not contain rebar or wire mesh), ~~and asphalt waste from road and driveway construction.~~

MEDEP: The Maine Department of Environmental Protection.

Multiple unit apartment building: An apartment building or complex of buildings, which contain a total of four or more dwelling units per parcel of property or three or more dwelling units per parcel of property, which are not owner occupied.

Occupant: The person that has the use of or occupancy of any building or a portion thereof, whether the actual owner or tenant. In the case of vacant buildings or any vacant portion

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of a building, the owner, agent or other person having custody of the building will have the responsibility of an occupant of the building or portion thereof.

Owner: The actual owner of the building, whether individual, partnership or corporation, or the agent of the building, or other person having custody of the building or to whom the rent is paid.

Public works: The City of Lewiston's Department of Public Works.

Recyclable material includes the following:

- (1) Newspaper (including inserts), magazines (glued or stapled), catalogs, telephone books, hard & soft cover books and junk mail.
- (2) Corrugated cardboard, ~~cut into two foot x three foot pieces. No waxed containers, "gray" paperboard or "yellow" cardboard.~~
- (3) ~~Clear~~ Glass containers (any color), rinsed with caps and rings removed and discarded; paper labels are acceptable. No window glass, ~~colored glass~~, mirrors, light bulbs, dishes or ceramics.
- (4) ~~Tin cans~~ Metal Items, cleaned of foodstuff. Aluminum (pie plates, trays, foil), metal cans (tin, steel, aluminum), empty aerosol containers. No cans/containers with residual materials remaining.
- (5) Mixed paper, includes manila folders, brochures, envelopes (manila, white, colored-windows are acceptable), junk mail without plastic wrapping, cards, post cards, calendars, multiple copy forms, aseptic containers, wrapping paper including tube, all types of paper board boxes (including shoe boxes, cereal boxes and dry food boxes), Asian corrugated (yellow or gray in color), milk cartons, paper towel tubes, photography paper, frozen food boxes and egg and berry cartons. Does not include: garbage or plastic.
- (6) ~~HDPE plastic bottles (#2 plastic only, both colored and clear) completely emptied of contents, rinsed and flattened. Caps and rings are to be discarded.~~
Recyclable plastic, includes plastic bottles & containers #1 – 7: soda/juice/water, milk jugs, bleach/detergent, shampoo, food containers (cottage cheese, margarine, yogurt). Rigid plastics: 1 & 5 gallon buckets with handles attached, milk/soda crates, laundry baskets, small plastic trash bins, plastic toys, landscape trays, plastic plant pots, kitty litter buckets, children size rigid pools.
Recyclable plastic does not include: plastic bags or film, foam of any kind (including packaging), stretch wrap, hard/brittle plastic or computers.
- (7) High grade paper--Ledger paper, computer paper, letterhead, lined paper and envelopes.
- (8) Any other material so designated by public works. Recyclable material will be considered solid waste material for the purposes of this chapter.

Refrigerant containing appliance: Appliances (refrigerators, air conditioners, freezers, etc.) which contain freon or other regulated refrigerant (as determined by state and federal

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environmental regulations).

Residential properties: Any parcel of property, located in the city, upon which is situated a single residential structure or a complex of structures containing not more than two dwelling units, or an apartment building or complex of structures, which contain three dwelling units, per parcel of property, one of which is occupied by the owner.

Scrap metal: All scrap metal including white goods such as appliances. Does not include: engines, gear boxes or tanks (whether full or empty which contained chemicals or fuels) of any kind, or refrigerant containing appliances.

Sheetrock: Clean and dry sheetrock, which is devoid of paint, wall paper and other solid waste.

Solid waste: Municipal solid waste as defined by Maine's Solid Waste Regulations (MEDEP Reg. Ch. 400), which states "solid waste emanating from household and normal commercial sources". This waste will include, but is not limited to garbage, trash, rubbish, paper, plastics, metal cans, glass, crockery, cold ashes and refuse.

Special waste: Any solid waste generated by sources other than residential and commercial establishments that exists in such an unusual quantity or in such a chemical or physical state, or any combination thereof, that it may disrupt or impair effective waste management or threaten public health, human safety or the environment and requires special handling, transportation and disposal procedures. Special waste includes, but is not limited to; ash, industrial and industrial process waste, sludge and dewatered septage, nonfriable asbestos and asbestos containing materials and all other solid wastes designated special waste as defined in Maine's Solid Waste Regulations.

Suitable container: For solid waste generated at a residential property, ~~other than including~~ recyclable material, means a suitable plastic container, which is covered and watertight and prevents the attraction of vectors (such as birds, rodents, insects, etc.). The container shall be no larger than 36 gallons and shall be covered. The weight of the solid waste/recyclable material placed in the container shall not exceed 30 pounds. Plastic bags, in and of themselves, shall not be considered a suitable container, for the purposes of this definition. For solid waste generated through commercial activities or at multiple unit apartment buildings, suitable containers may include metal dumpsters or plastic totes, specifically designed and manufactured for the storage of solid waste/recyclable material and which prevent the attraction of vectors (such as birds, rodents, insects, etc.). Suitable containers, which contain recyclable material shall have a "RECYCLING" sticker (distributed by the City) affixed to the container.

~~*Suitable recycling container:* The rectangular bin distributed by the city for the sole purpose of containing and transferring recyclable materials to the authorized collector.~~

Superintendent: That person appointed by the director of public works as the city's superintendent of the division of solid waste management.

Tenant: A person, group of individuals or family that pays rent to the owner of a residential property or multiple unit apartment building for use of that building's dwelling unit(s). Use of the buildings by the tenant shall not include use for Commercial Activities, as defined in this section.

Tires: Tires (with and without rims) from all commercial and residential vehicles (refer to fee schedule provided for under section 62-14 to determine charges).

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Universal waste includes the following:

- (1) Rechargeable batteries, which contain lead, cadmium and/or mercury. Rechargeable batteries, do not include wet-cell (lead acid) batteries.
- (2) Lamps, which contain mercury (include fluorescent lamps, mercury vapor lamps, high pressure sodium lamps, and all other mercury containing lamps as defined by MEDEP Hazardous Waste Regulations, Chapter 850).
- (3) Mercury containing switches, thermostats, manometers and thermometers.
- (4) Polychlorinated biphenyl (PCB) ballasts, which are totally enclosed and nonleaking.
- (5) Cathode ray tubes, including video display components of televisions, computer monitors (includes flat screen monitors) and other video display devices.
- (6) Computer central processing unit
- (7) Desk-top printer

Waste material: Any waste materials, including, but not limited to, solid waste, recyclable material, bulky waste, commercial waste, construction and demolition debris, inert fill, scrap metal, special waste and universal waste.

Waste oil: Used motor oil delivered to the facility in clear plastic containers in order to facilitate inspection. Waste oil does not include; synthetic motor oil, hydraulic fluid or any other lubricants or liquids of any kind.

Wood includes all wood including demolition wood (free of metal, sheetrock, insulation, and other solid waste), brush and tree waste (does not include stumps). Does not include treated wood (refer to construction and demolition debris).

(Ord. No. 03-10, 8-1-03; Ord. No. 04-13, 7-1-04; Ord. No. 06-11, 7-27-06; Ord. No. 12-11, 10-18-12)

Sec. 62-12. Waste disposal permits.

Any vehicle engaged in a commercial activity, which requests the services of the facility shall have a permit issued by the city. There will be a charge for each permit issued in accordance with the city's policy manual as approved by the city council.

- (1) *Commercial permit.* Issued to any Lewiston business that generates commercial waste (excluding recyclable material and scrap metal) and does not have waste collected by a waste hauler and brings their waste to the facility for disposal. Any and all solid waste brought to the facility in a vehicle which has been issued a commercial permit will be charged for the disposal of that waste in accordance with the current fee schedule. Commercial permits are renewable each October.
- (2) *Contractor permit.* Issued to any contractor hauling construction or demolition debris from a job site located within Lewiston. Evidence of job location shall be presented prior to entry into the facility. A contractor can be issued either an annual permit or a permit for an individual project. Any and all solid waste brought to the facility by a vehicle which has been issued a contractor permit will

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be charged for the disposal of that waste in accordance with the current fee schedule. Contractor permits (annual) are renewable each October.

- (3) *Waste hauler permit.* Issued to all authorized collectors engaged in solid waste collection. All applicants for a waste hauler permit shall provide the superintendent with an updated list of customers they are servicing with an estimated annual tonnage for each customer. In addition, haulers will provide an annual estimated tonnage of recyclable material diverted for each customer. Waste hauler permits are renewable each October.

(Ord. No. 03-10, 8-1-03; Ord. No. 06-11, 7-27-06; Ord. No. 08-06h, 8-14-08)

Sec. 62-13. Municipal collection of solid waste and recyclable materials.

- (a) *Collection of solid waste and recyclable materials from residential properties.* Public works will provide for the collection of solid waste and recyclable material from all residential properties receiving waste collection provided by the city, in accordance with this chapter.

Occupants of residential properties that receive city waste collection in accordance with section 62-4 of this chapter shall utilize suitable containers for the storage, transportation and disposal of solid waste. This includes all solid waste placed curbside for disposal. The weight of solid waste placed in each suitable container shall not exceed 30 pounds.

All residents who live in residential structures receiving city waste collection shall separate recyclable material from their rubbish. Recyclable material must either be transported to the facility or be placed in suitable ~~recycling~~ recycling containers, which have a City issued "RECYCLING" sticker affixed to the container. for curbside collection.

Recyclable material and solid waste are to be set curbside no earlier than 6:00 p.m. of the day preceding regularly scheduled waste collection and no later than 7:00 a.m. of the day of waste collection as established by public works.

- (b) *Collection of solid waste and recycling materials from commercial properties and multiple unit apartment buildings.* Solid waste and recyclable material will not be collected by the city from any commercial activity or property engaged in a commercial activity, as defined in section 62-11 of this chapter.

Private vendors providing curbside solid waste and recyclable material collection service to commercial properties and multiple unit apartment buildings not receiving this service from the city shall schedule their collection to occur on the same day as the city-provided service for the geographic area of the city where the property is located.

Recyclable material and solid waste are to be set curbside no earlier than 6:00 p.m. of the day preceding regularly scheduled trash collection and no later than 7:00 a.m. of the day of waste collection. All solid waste and recyclable material must be removed by the end of the scheduled day of collection. This applies to all curbside collection, whether it is provided by the city or through a private vendor.

The city will collect solid waste and recyclable material from multiple unit apartment buildings for only those buildings who:

- (1) Received solid waste and recyclable material collection from the city on May 6,

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2003; and

- (2) Complete and submit an application fee to continue this service and receive approval from the city to continue this service.

The city will provide service to these limited multiple unit apartment buildings on a fee-for-service basis. The amount of the fee will be reviewed and adjusted annually as needed based on the cost to provide service. Fees and fee adjustments will be published in the fee schedule filed with the city clerk pursuant to section 62-14 of this chapter. Fees will be billed semi-annually in advance. Failure to pay the fee and any outstanding violations/penalties, imposed by the city, on time will result in ~~the permanent~~ termination of the service to that property. Multiple unit apartment buildings, which are sold to new owners shall only be eligible to go on the program if:

- (1) The property is new to the program, yet is an existing building with a new owner, or
- (2) The property is already on the program and there is no break in service, or
- (3) The new owner already has other properties in the program and has met all obligations of the program for all these other properties including but not limited to paying on time and addressing solid waste issues with those properties in a timely manner, or
- (4) The new owner has previously owned, operated, or managed, or been the primary ownership interest in any company, corporation or other legal entity that has previously been part of the program, then such information may be used as a basis for determination for entering the program.

The new owner shall submit a one-time application fee and complete an application to go on the program within 90 days of purchasing the property.

- (5) Open enrolment, during the month of June on every odd numbered year for properties, which had been terminated from the program due to failure to pay required disposal fees and/or address any outstanding violations/penalties, as required in this section, may re-apply to participate in this program. The owner of the property, which was terminated, may submit an application and fee. The applicant may receive the services provided in this section if they are current on all payments and have no outstanding violations/penalties on their properties, as imposed by the City.

Service will not be reinstated once it is terminated, except as noted above.

- (c) *Collection of solid waste from Lewiston public schools.* Public works may provide collection of solid waste and recyclable material to the Lewiston School Department from schools that received collection service as of January 1, 1990. Public works will invoice the Lewiston School Department for services related to solid waste collection and

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disposal. The Lewiston School Department includes all Lewiston public schools and associated administration buildings.

- (d) *Collection of bulky waste.* ~~Bulky waste will be collected by the city during the annual "Spring Clean Up Event" as prescribed in section 62-22 of this chapter.~~

No person shall place bulky waste out for collection by the city, ~~except in compliance with section 62-22 of this chapter.~~

The city will not be responsible for the collection of bulky waste, construction and demolition debris, scrap metal, and wood, as defined, at any time, ~~other than the time known as "Spring Cleanup Event"~~

Any person disposing of waste in violation of section 62-13 of this chapter shall be guilty of an offense. Penalties for said offense are described in section 62-16 of this chapter.

- (e) *Collection of recyclable material by unauthorized agents.* In accordance with section 62-3 of this chapter, no person, other than authorized collectors, shall pick up recyclable materials that have been set out at the curb for collection by the city or its contracted agent. For purposes of this chapter, authorized collectors shall be limited to employees of the City of Lewiston acting in the course of their employment or employees of private firms that have been contracted by the City of Lewiston to collect recyclable material. Individuals found in violation of this article are subject to the penalties listed in section 62-16 of this chapter.

- (f) *Solid waste containers.* Occupants of a residential property must maintain adequate suitable containers for the accumulation and disposal of solid waste & recyclable waste located and/or generated at their residence. An occupant of a residential property shall be responsible for the disposal of solid waste & recyclable waste located and/or generated at their residence as provided in this chapter.

The owner or owner's agent of a multiple unit apartment building, shall be responsible for waste collected from that building and must ensure that all solid waste & recyclable waste is placed in suitable containers, as defined. The owner or owner's agent of a multiple unit apartment building shall be responsible for the disposal of solid waste & recyclable waste located at the multiple unit apartment building in accordance with section 62-4 of this chapter.

~~Public works reserves the right, but has no obligation, to confiscate city provided recycling containers which are being used for purposes other than the curbside recycling program.~~

- (g) *Waste not to accumulate except in suitable storage containers.* The occupants of buildings, owners of residential properties and/or owners of multiple unit apartment buildings or commercial buildings shall place or cause to be placed all solid waste & recyclable waste in suitable containers. ~~in suitable containers, and all recyclable material in suitable recycling containers~~ and shall not permit any accumulation or deposit of such substances in or about the premises except in such suitable containers, per section 62-3 of this chapter.

- (h) *Unlawful to deposit.* It is unlawful for any person or entity to throw or deposit or cause to be deposited on property not owned or controlled by the person or entity any solid waste, including household waste, commercial waste, industrial waste, construction or

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demolition waste or hazardous waste.

- (i) *Owners duty to inspect and remove wastes.* The owner of land and the person(s) in possession of such land abutting a city street or public easement have an affirmative obligation to inspect those portions of their property which have such frontage and to promptly remove or dispose of, in a ~~matter-~~ manner consistent with this chapter, any waste material found in or along such property.

The owner of, and any person having responsibility for, property abutting the area of the street, sidewalk, or property where waste material has been deposited shall be presumed to have deposited same and shall be liable for violations of this article in the absence of evidence to the contrary. Notwithstanding the aforesaid, any owner of and/or any person having responsibility for property abutting the area of the street where any waste materials has been deposited in violation of this chapter shall remove the waste materials and dispose the waste material as required.

- (j) *Penalty.* Violation of any part of this section, including failure to utilize suitable containers as described, shall be considered a violation of this chapter, and shall be subject to penalties as described in section 62-16 of this chapter.

(Ord. No. 03-10, 8-1-03; Ord. No. 04-13, 7-1-04; Ord. No. 04-23, 1-6-05; Ord. No. 06-11, 7-27-06; Ord. No. 08-07, 9-11-08)

Sec. 62-14. Fee schedule.

A schedule of fees for the use of the facility shall be set by the solid waste disposal policy (the "fee schedule"). The schedule and any modifications of the schedule shall be filed with the city clerk.

(Ord. No. 03-10, 8-1-03)

Sec. 62-15. Payments.

- (a) All parties who deposit one or more loads per week at the facility for a period of greater than 30 days shall be required to pay applicable disposal fees on a monthly basis. Failure to make required payments within 30 days of the date of billing will result in the suspension of all privileges to utilize the facility.
- (b) Upon use of the facility for the first time, all new accounts will be required to make payment at that time. If the customer continues to use the facility at least once per week for a period of greater than 30 days, the customer will be billed on a monthly basis.
- (c) Owners of multiple unit apartment buildings receiving city-provided curbside waste collection service, as described under subsection 62-13(b) of this chapter, shall pay a \$100.00 application fee at the time of application for city service. Fees for these services will be billed semi-annually in advance. The owner is responsible for ensuring bills are paid in full and on time. Failure to pay the fees within 30 days of billing will result in termination of the service.
- (d) Sporadic users of the facility, or users that do not remit fees on a monthly basis, must make payment at the time of service.

(Ord. No. 03-10, 8-1-03; Ord. No. 04-13, 7-1-04; Ord. No. 06-11, 7-27-06)

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Sec. 62-16. Penalties and enforcement.

- (a) *Waste generated outside city limits.* No vehicle, whether commercial or private, shall dispose of any solid waste material at the facility unless it is generated from within the geographical limits of the city (as determined by reviewing the generator's driver's license, property tax receipt, and/or building permit) or is authorized under the terms of a contract with the city. The city reserves the right to make spot inspection of solid waste entering the facility. Vehicles bringing in waste that is from outside the city shall be subject to the penalties described later in this section.
- (b) *Enforcement.* It shall be the duty of the chief of police, the director of code enforcement or their duly authorized representatives to enforce the provisions of chapter 62 of this Code and to prosecute any and all persons violating any such provisions.

Enforcement procedures as set out in chapter 50, article II of the Lewiston Code of Ordinances shall apply to enforcement of this chapter, except that the specific penalties listed in subsection (c) herein will apply instead of those listed in section 50-45.

Notwithstanding any provisions in this chapter 62 to the contrary, due to the public nuisance and threat to public health created by the presence of waste on or near city streets in violation of subsections 62-13(a), (b), (h) and (i), the chief of police, the director of code enforcement or their designees are authorized to fine violators, without any prior notification, in accordance with subsection 62-16(c).

- (c) *Penalties.* Violators of any provisions of this chapter shall for the first offense receive a fine equal to twice the current disposal charge for the disposal of the waste material (including all costs of collection and transportation). The minimum fine is in accordance with the city's policy manual as approved by the city council, plus accrued interest, attorney's fees and court costs. A second violation or any subsequent violations occurring within two years of a previous violation shall result in a fine equal to three times the disposal fee for disposal of the waste material (including all costs of collection and transportation). The minimum fine is in accordance with the city's policy manual as approved by the city council, plus accrued interest, attorney's fees and court costs. Such fees shall be charged each time the city removes waste material deposited in violation of this chapter, whether or not additional notice has been given.
- (d) *Responsibilities not transferable.* No contract or agreement between the owner or operator and the occupant relating to the compliance with the terms of this article shall be effective in relieving any person of the responsibility for compliance with the provisions of this chapter as described.

(Ord. No. 03-10, 8-1-03; Ord. No. 04-23, 1-6-05; Ord. No. 06-11, 7-27-06; Ord. No. 08-06h, 8-14-08)

Sec. 62-17. Special waste.

Special waste is defined in section 62-11. Solid waste brought to the facility that contains special waste mixed with residential and commercial waste will be charged at the additional rate of \$2.50/ton for the entire load unless the special waste is separated from the other waste.

All special waste shall be subject to the hazardous and special waste handling and
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exclusion plan (appendix C) and special waste characterization, testing and permitting (appendix D) of the facility's operations and maintenance (OM) manual as approved by the MEDEP, as well as the specific waste characterization sampling and analytical work plans developed by public works.

No special waste shall be accepted at the facility without a proper manifest that tracks the movement of the special waste from the point of generation to any intermediate points and finally to its deposition in the landfill. Each manifest shall have a section for the generator, the transporter, and the facility. The generator shall:

- Prepare a manifest before any special waste is transported.
- Design the destination of the waste.
- Identify and list each waste separately on the manifest.
- Provide a hand-written signature and date.
- Obtain the hand-written signature and date of the transporter and keep one copy.

The transporter (or generator if the generator is also the transporter) shall:

- Ensure that the manifest accompanies any special waste.
- Sign and date the manifest in the presence of the generator.
- Upon delivery to the site, indicate the destination of the special waste.
- Obtain the signature and date from the weigh station attendant.
- Keep one copy of the manifest and give the remaining copies and original to the weigh station attendant.

The facility shall:

- Not accept special waste from a generator or transporter unless the waste is accompanied by a manifest, properly completed by the generator and transporter.
- Upon acceptance of the load, the weigh station attendant shall sign and date the manifest, and note any discrepancies in the manifest.
- Record the weight of the load.
- Send signed copies of the manifest to the generator and transporter.
- Retain two copies on file at the facility.

The superintendent shall have the authority to require a waste audit of any company that brings or pays a commercial hauler to bring special waste to the facility.

(Ord. No. 03-10, 8-1-03)

Sec. 62-18. Solid wastes not accepted for disposal at the facility.

The following waste materials are not accepted for disposal at the facility:

- (1) Liquids and other free-flowing material.*
- (2) Junk automobiles, trucks, lawn mowers, snow mobiles or any other motor driven

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vehicle.**

- (3) Closed containers used for shipping or storing chemicals.
- (4) Fuel tanks or devices used for containing petroleum based compounds, such as gasoline, fuel oil, hydraulic fluid or lubricants or other chemicals.
- (5) Debris or residuals from nonhazardous chemical spills or spill cleanup.*
- (6) Contaminated soils or dredged soils.*
- (7) Friable asbestos.*
- (8) Sand blast grit and nonliquid paint wastes.*
- (9) Medical wastes. Includes fecal waste and all bodily fluids (and waste materials which have come in contact with said fluids) of any kind.***
- (10) Infectious and/or hospital waste. All such waste (includes any and all body parts and waste materials which have come in contact with said body parts) are considered hazardous as defined by state and federal regulations, this includes, but is not limited to all "red bag" waste.***
- (11) Animal carcasses or animal parts.****
- (12) High and low pH materials.*
- (13) Spent filter media residue.*
- (14) Hazardous waste excluding normal waste from household activities defined by Chapter 850 of MEDEP Regulations.*

* Residential property owners are encouraged to bring these materials to the household hazardous waste depot, located at the facility, for disposal. Others are encouraged to contact the Maine DEP (287-2651) regarding the proper disposal of these materials.

** Generators of these wastes are encouraged to contact scrap metal salvage facilities regarding proper disposal.

*** Generators are encouraged to contact the Maine DEP (287-2651) regarding the proper disposal of these materials.

**** Generators are encouraged to bury small quantities at the site of origin or contact either local veterinarian offices or the Maine DEP (287-2651) regarding the proper disposal of these materials.

(Ord. No. 03-10, 8-1-03; Ord. No. 06-11, 7-27-06)

Sec. 62-19. Demolition debris.

All haulers bringing construction and demolition debris to the facility for disposal must show a copy of the contractor permit for the project from which the waste is generated to the weigh station attendant each time construction and demolition debris is disposed of at the facility.

(Ord. No. 03-10, 8-1-03)

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Sec. 62-20. Covering of loads.

All vehicles entering the facility shall cover, tie down, or otherwise secure any waste transported to the facility in a manner reasonably calculated to keep the load secured within the vehicle. Failure to properly secure incoming loads, as determined by facility personnel, is a violation of this chapter and shall result in a penalty equal to twice the disposal fee for the material.

(Ord. No. 03-10, 8-1-03)

Sec. 62-21. Dump picking prohibited.

No person, resident, business or city employee shall enter the facility without authorization or remove waste material or recyclable materials from the facility without specific authorization from the superintendent. Violation of this may result in the immediate revocation of the disposal privileges by the superintendent.

(Ord. No. 03-10, 8-1-03)

Sec. 62-22. Recycling agreement.

Any municipality or quasi-municipal organization requesting disposal and/or transfer services of recyclable material ~~processing and marketing services by the facility~~ shall be required to enter into a formal agreement for use of the facility which is approved by the Lewiston City Council.

(Ord. No. 03-10, 8-1-03)

Sec. 62-23. ~~Spring cleanup event.~~

~~The City of Lewiston will sponsor, on an annual basis, a spring cleanup event for residential properties, as defined. This service will collect bulky waste, construction and demolition debris, wood, and scrap metal, which are not normally collected during regular weekly waste collection. The dates of the spring cleanup event and rules for participation will be advertised prior to the event. Solid wastes not accepted for disposal at the facility, as described in section 62-18 of this chapter, will not be collected during the spring cleanup event. Disposal of solid wastes not accepted for disposal at the facility as described in section 62-18, or waste not collected by the city during the spring cleanup event, shall be the responsibility of the owner as described in section 62-16.~~

~~(1) — Volume shall be limited to six items of bulky waste (which may include one television set or computer monitor and one freon-containing appliance) and three cubic yards solid waste per dwelling unit.~~

~~(2) — All waste items placed curbside must be separated according to waste type:~~

~~a. — *Bulky waste.* Includes, old furniture; carpeting; mattresses, televisions, etc.~~

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~~b. — Construction and demolition debris (single family residents only). Includes, but is not limited to, building materials such as; plaster and lath, plumbing fixtures, insulation, asphalt, wall board, pipes and metal conduits, etc.~~

~~e. — Wood. Includes all wood including demolition wood (free of metal, sheetrock, insulation, and other solid waste), brush and tree waste (butt ends to face the street, does not include stumps), wood furniture, etc.~~

~~d. — Scrap metal. Appliances, such as stoves, dryers, washing machines, refrigerators, etc. Does not include; engines, gear boxes, lawnmowers, tanks (whether full or empty which contained chemicals or fuels) of any kind.~~

~~(3) — All material to be collected during the spring cleanup event must be placed at curbside no later than 7:00 a.m. on Monday of the week scheduled to be picked up. Materials placed curbside after this time as determined by the city, shall be the responsibility of the property owner and are subject to the penalties described in section 62-16.~~

~~Waste items which are not separated or exceed the volume of waste specified in this section (as determined by the city) will not be picked up and shall be the responsibility of the owner. Failure to dispose of waste as required is a violation of this chapter, subject to penalties described in section 62-16.~~

(Ord. No. 03-10, 8-1-03)

Sec. 62-24. ePass program.

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

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

The ePass is good for one year from the day of issue. If a second ePass is purchased by the owner of a residential property, as defined, it will expire on the expiration date listed on the first pass. The abbreviated ePass is good for 30 days from date of issue. Only one abbreviated ePass shall be issued per tenant, per year, from date of issue.

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

- (1) Six items of bulky waste (includes one universal waste item and one freon-containing appliance);
- (2) Three tons (6,000 pounds) of solid waste (may include construction and demolition debris); and
- (3) Two tires (16 inches or less) without rims.

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

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

- (1) Six items of bulky waste (includes one universal waste item and one freon-containing appliance);
- (2) 800 pounds of solid waste (shall not include construction and demolition debris)
- (3) Two tires (16 inches or less) without rims.

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

The purchaser of the ePass.

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

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

(Ord. No. 03-10, 8-1-03; Ord. No. 06-11, 7-27-06; Ord. No. 12-11, 10-18-12)

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Secs. 62-25--62-30. Reserved.

ARTICLE II. PRIVATE COLLECTORS

Sec. 62-31. License or authorization required.

No person shall collect any house offal, swill or garbage, or carry the same through any of the streets or sidewalks of the city, except such person as may be authorized or licensed by the department of public works.

(Code 1982, § 29-20)

Sec. 62-32. Duration of license; revocation.

- (a) The department of public works shall determine the length of time for which any license under this article shall issue, and all such licenses for the collection of garbage shall be granted subject to revocation by the department.
- (b) The department of public works may at any time revoke any or all licenses granted, in whole or in part, upon failure of any licensee to comply with the provisions of this article. Upon revocation of any license, the department shall send a notice thereof by registered mail to the licensee at least 15 days before the date such revocation shall become effective.

(Code 1982, § 29-21)

Sec. 62-33. Voluntary relinquishment of license.

Any licensee wishing to discontinue the collection of garbage, in whole or in part, shall notify the department of public works in writing of his intention to do so, at least 15 days prior to the date of such discontinuance, and shall return his license to the department.

(Code 1982, § 29-22)

Secs. 62-34--62-55. Reserved.

ARTICLE III. HAZARDOUS MATERIALS*

*Cross references: Fire prevention and protection, ch. 38.

Sec. 62-56. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Disposal means the discharge, deposit, injection, dumping, spilling, leaking or placing of any hazardous or solid waste, sludge or septage into or on any land, water, sanitary or storm drainage system so that the hazardous or solid waste, sludge or sewage or any constituent thereof

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may enter the environment or be emitted into the air, or discharged into any waters, including groundwater.

Generator means a person whose activity results in the generation of waste which is or may be hazardous.

Hazardous waste means any chemical substances or materials, gas, solid or liquid, designated as hazardous by the United States Environmental Protection Agency pursuant to the United States Resource Recovery and Conservation Act, Public Law 94-580, and amendments to the act or designated hazardous by the act or its amendments.

Oil means any of a class of substances typically unctuous, viscous, combustible, liquid at 60 degrees Fahrenheit and soluble in ether or alcohol but not in water.

Storage means the placement of materials in drums, tanks or other structures intended to retain the materials for subsequent use or disposal.

Waste oil means discarded oil generated by residential, institutional, commercial, industrial or agricultural sources or oil recovered from spills.

(Code 1982, § 29-31)

Cross references: Definitions generally, § 1-2.

Sec. 62-57. Disposal and storage of hazardous waste.

- (a) No person shall dump, dispose of, or store hazardous waste except by those methods approved by state or federal regulations. Hazardous waste, properly packaged and labeled identifying the waste, may be stored in quantities of 100 kilograms (220.46 pounds) or less only upon written approval of the code enforcement officer and fire chief. Notwithstanding the foregoing, it shall be unlawful for any person to dispose of hazardous waste by the landfill method.
- (b) A generator may accumulate hazardous waste in excess of 100 kilograms (220.46 pounds) on the site of its generation for a period not to exceed 90 days upon written approval of the code enforcement officer and fire chief subject to the following conditions:
 - (1) All such waste is shipped off-site in 90 days or less.
 - (2) The waste is placed in containers in accordance with local, state and federal regulations.
 - (3) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container.
 - (4) Each container is properly labeled and marked as specified by local, state and federal regulations.
 - (5) The generator complies with all the requirements for owners or operators as outlined in local, state and federal regulations.

(Code 1982, § 29-32)

Sec. 62-58. Waste oil.

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No person shall dump or dispose of any waste oil except that waste oil may be stored in quantities up to 1,000 gallons. Notwithstanding the foregoing, waste oil may be stored in quantities greater than 1,000 gallons upon written approval of the code enforcement officer and fire chief.

(Code 1982, § 29-33)

Sec. 62-59. Penalty for violation of article.

Any person found to be in violation of this article shall be subject to a fine in accordance with the city's policy manual as approved by the city council. Each day during which a violation of this article occurs shall constitute a separate offense.

(Code 1982, § 29-34; Ord. No. 08-06h, 8-14-08)

Secs. 62-60--62-69. Reserved.

Editor's note - Ord. No. 09-02, effective 4-16-09, repealed Article IV in its entirety, repealing § § 62-70 – 62-74. Formerly, said sections pertained to the Solid Waste Committee.

To: David Jones, P.E., Megan Bates
From: Rob Stalford – Superintendent, Solid Waste
Subject: Proposed Revision to Solid Waste Fee Schedule (Policy)
Date: May 16, 2013

A meeting was held on April 23, 2013, between staff members of Lewiston's (City) Finance Dept. & Public Works Dept. The purpose of the meeting was to review sections of Chapter 62 of the City's Solid Waste Ordinance (Chapter 62 of the City's Code Of Ordinance, COA). This included review and proposed revisions to the City's Solid Waste Fee Schedule (Policy), as described in Section 62-14 Fee Schedule, COA.

The meeting attendees developed proposed revisions to this document, which deal with fees paid to the City, by owners of multiple unit apartment buildings, for curbside collection of trash and recyclable waste material, from their properties. In particular, the proposed modification in the Policy will allow owners of these properties to deduct the fee charged to one of their properties by \$170 (the fee charged to each dwelling unit, per year, for trash collection services) if they live at the property being charged for this service.

Additional revisions proposed to the Policy include –

- Removing all references to the "Punch Pass" program and replacing them with "ePass", given the changes to the way the City administers this program. These changes are the result of the purchase & installation of the new Scale Management System, which was implemented in July 2012.
- A fee of \$10 was added for the purchase on an "abbreviated ePass".
- Language referring to Section J – Processing Fees – has been removed from the Policy given the implementation of the Single Stream Recyclable Material program and the sale of the baling equipment at the Solid Waste & Recycling Facility (Facility). The Facility does not process / bale recyclable material or market this material, given the change to Single Stream Recyclable Material and does not charge communities who bring their Single Stream material to Lewiston, for transfer to Material Recovery Facilities.

SOLID WASTE FEE SCHEDULE

The following schedule of fees shall be charged for use of the City's Solid Waste Facility (Facility) and services rendered by the City's Department of Public Works (DPW). A Facility employee shall determine whether a vehicle entering the Facility contains a full or partial load and the fees listed below will be adjusted accordingly:

- A. Vehicles with an "Punch Pass" "ePass" or an "abbreviated ePass" (as defined in Section 62-11 of the City of Lewiston Code of Ordinances) will not be charged for waste disposal of those materials identified on the Punch Pass ePass or abbreviated ePass up to the limit as set on the Punch Pass ePass or abbreviated ePass. When material is brought to the Facility and the Punch Pass ePass or abbreviated ePass is presented, it will be entered into the Facility's Scale Management System marked to identify that material being disposed. ~~The minimum amount for "solid waste/construction & demolition/wood & brush" will be 200 pounds. If a vehicle is bringing in less than 200 pounds, the punch card will be marked as if 200 pounds were brought in.~~ Once all items of a particular type on the Punch Pass ePass or abbreviated ePass have been used, any additional waste material brought to the Facility will be paid for at the rates identified in the following sections. Failure to present the Punch Pass ePass or abbreviated ePass to the Scale House Attendant will result in charges for the disposal of the waste material.

"Abbreviated ePass" \$10.00
 First "Punch ePass" \$20.00
 Second "Punch ePass" \$40.00

- | | |
|--|------------------------|
| B. All vehicles, which do not have a valid <u>Punch ePass</u> for the type of materials to be disposed and compaction vehicles shall be weighed and charged a unit price of: | \$95.00/Ton |
| The minimum disposal charge shall be: | \$7.00 |
| C. All vehicles with special waste shall be weighed and charged (in addition to the \$95.00/ton disposal fee) a State surcharge of: | \$2.00/Ton |
| All vehicles with special waste shall be weighed and charged (in addition to the \$95.00/ton disposal fee and the \$2.00 State surcharge) a City surcharge of: | \$11.00/Ton |
| D. All vehicles hauling commercial, or construction debris shall be subject to a minimum charge of: | \$8.00/Ton |
| E. All vehicles containing only recyclables and/or scrap metal, as defined in Chapter 62 of the City Code of Ordinances: | NO FEE |
| F. Scale Weights (includes Commercial & Waste Haulers, as defined: | \$10.00/vehicle weight |

SOLID WASTE FEE SCHEDULE

- G. All vehicles not having a valid ~~punch~~ epass for the following waste materials will be charged at the identified rate:
- | | |
|--|--------------|
| Wood Waste | |
| Asphalt, bricks, concrete (without rebar) | \$ 90.00/Ton |
| Asphalt shingles and sheetrock (March – October) | 6.00/Ton |
| Asphalt shingles and sheetrock (November – February) | 79.00/Ton |
| Bulky Waste | 90.00/Ton |
| 20# Propane Tanks | 79.00/Ton |
| Refrigerant containing appliances | 3.00/Ton |
| Batteries (Non-Universal Waste) | 11.00/Ton |
| Waste Oil | NO FEE |
| Florescent lights | NO FEE |
- H. All mixed loads containing recyclables mixed with solid waste as determined by the Superintendent or his designee: \$180.00/Ton
- I. Tires from all commercial and residential vehicles will be accepted as follows:
- | | |
|-------------------|--------------|
| Up to 16” w/o rim | \$ 3.00/tire |
| Up to 16” w/rim | \$ 6.00/tire |
| >16” to 24” | \$ 6.00/tire |
| over 24” | \$22.00/tire |
- J. ~~Processing Fees— Fees levied on Towns, which have contracted with the City of Lewiston, as approved by the City Council (per Section 62-16 of the Solid Waste Ordinance) for the processing and marketing of their Recyclable Material (as defined in 62-11 of the Solid Waste Ordinance). These fees will be reviewed and revised annually based on Solid Waste Facility expenses and prevailing market conditions.~~
- | | |
|---|---------------------------|
| a. Original Grant Communities— Turner, Leeds & Greene | \$30.00per ton |
| b. Non Grant Communities, currently Raymond, Bowdoin, New Gloucester, Poland, & Mechanic Falls | \$33.00per ton |
| e. Auburn | \$28.00per ton |
- K. Exceptions: No fees shall be levied on the City (includes all City departments, agencies and school district) for the disposal of solid waste, as defined.
- L. Waste Collection and Disposal from Multi-Unit Apartment Buildings, as defined in Section 62-11 of the City Code of Ordinances: \$170.00 per dwelling unit per year. In cases where the Multi-Unit Apartment Building is owner occupied the fee on the owner’s dwelling unit will be waived.

SOLID WASTE FEE SCHEDULE

M. One time application fee for Multi-Unit Apartment Buildings not receiving waste collection service provided by the City, as of July 1, 2006:	\$100.00
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Waste Disposal Permits - Chapter 62 Solid Waste

Commercial permit	\$ 55.00
Contractor annual permit	55.00
Individual construction project permit	11.00
Waste hauler permit	110.00

Note: This permit schedule is outlined in the City Code of Ordinances Chapter 62, Article I In General.

Penalties - Chapter 62 Solid Waste

The minimum fine is \$210. A second violation minimum fine is \$420.00. Note: This penalty is outlined in the City Code of Ordinances Chapter 62 , Article I In General.

Hazardous Material - Chapter 62 Solid Waste

A fine of \$1,055.00 for each offense. Note: This penalty is outlined in the City Code of Ordinances Chapter 62, Article III Hazardous Materials.

LEWISTON CITY COUNCIL
MEETING OF JUNE 18, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

SUBJECT:

Authorization to accept transfer of forfeiture funds.

INFORMATION:

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EVAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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That pursuant to Title 15, Maine Revised Statutes Annotated, Section 5824(3) and Section 5822(4)(A), the City Council hereby acknowledges and approves of the transfer of the proceeds from the sale of one 9mm Black Hi-Point Model C9 Firearm, serial number P1445103, or any portion thereof, in the case of the State of Maine vs. Bobby Alan Keggins, CR-13-581 Court Records, being funds forfeited pursuant to court process. It is further acknowledged that these funds shall be credited to the 'City of Lewiston Drug Enforcement Program' account .

STATE OF MAINE
Androscoggin, ss

SUPERIOR COURT
Criminal Action
Docket No. CR-13-581

State of Maine	}	
	}	
v.	}	Municipality of Lewiston
	}	Approval of Transfer
Bobby Alan Keggins	}	15 M.R.S.A. §5824(3) & §5822(4)(A)
Defendant;	}	
	}	
And	}	
	}	
One 9mm Black Hi-Point Model C9	}	
Firearm, serial #P1445103	}	
Defendant(s) In Rem	}	

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

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

Dated: _____

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

LEWISTON CITY COUNCIL

MEETING OF JUNE 18, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

SUBJECT:

Order authorizing the City to participate in applying for a Targeted Assistance Grant from the Office of Refugee Resettlement for the purpose of assisting refugees in finding employment.

INFORMATION:

Staff is requesting City Council approval of a payment of up to \$800 from the Social Services budget for the City's share of a grant writer to prepare an application for a Targeted Assistance Grant from the US Office of Refugee Resettlement (ORR). The State is the lead applicant and will contract with the City of Portland to implement the grant. The City of Lewiston will then contract with Portland to deliver services under the grant. The grant period is October 1, 2013 to September 30, 2014.

The city's share of the grant would pay for a part-time contracted employment caseworker. It would also cover a portion of the Social Services director's salary (including fringe, estimated at approximately \$9,500.00). The employment caseworker would work closely with Lewiston Adult Education in training and securing employment for our refugee population.

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 to participate in applying for a Targeted Assistance Grant from the Office of Refugee Resettlement for the purpose of assisting refugees in finding employment.



**City of Lewiston Maine
City Council Order
June 18, 2013**



Order, Authorizing the City to Participate in Applying for a Targeted Assistance Grant from the Office of Refugee Resettlement for the Purpose of Assisting Refugees in Finding Employment

Whereas, the United States Government's Office of Refugee Resettlement provides grants designed to assist local communities in finding employment for refugees residing in that community; and

Whereas, the State of Maine will be the lead applicant in seeking this grant and will contract with the City of Portland to implement the grant; and

Whereas, as proposed, the City of Lewiston will contract with the City of Portland to deliver services under the grant; and

Whereas, the grant period will run from October 2013 through September 2014; and

Whereas, the City's share of the grant would pay for a part-time contracted employment caseworker and a portion of the salary of the City's Social Services Director; and

Whereas, the employment caseworker would work closely with Lewiston Adult Education to train and secure employment for our refugee population; and

Whereas, refugee unemployment remains a serious concern in Lewiston; and

Whereas, the City's initial commitment toward securing this grant is a payment of up to \$800 to fund the City's share of a grant writer to prepare the grant; and

Whereas, these funds are available within the Social Services budget;

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

The participation of the City in preparing and applying for a Targeted Assistance Grant from the Office of Refugee Resettlement is hereby authorized as is the payment of up to \$800 toward the cost of securing this grant, such funding to come from the current Social Services budget.

LEWISTON CITY COUNCIL

MEETING OF JUNE 18, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 3

SUBJECT:

Public Hearing and Final Passage regarding an amendment to the Buildings and Building Regulations ordinance regarding the property maintenance code.

INFORMATION:

Given recent events, city staff is undertaking a concerted effort to ensure that vacant and abandoned properties are being secured and that trash, debris, and discarded items are being removed from both within and around such structures. In doing so, staff reviewed both state law and local ordinances and determined that additional ordinance language is required to more clearly authorize and govern such work and to provide clear recourse for the City to attempt to recover its expenses. An ordinance amendment to this effect was adopted as an emergency ordinance a previous Council meeting. Per the City Charter, emergency ordinances going into effect immediately and expire after sixty days. As a result, the ordinance must be re-adopted in accordance with our standard procedure in order to become permanent.

Note: Underlines are additions and strike-outs are ~~deletions~~:

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/ksmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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That the proposed amendments to the City Code of Ordinances, Chapter 18 "Buildings and Building Regulations", Section 18-52. "Amendments to the Property Maintenance Code", receive final passage by a roll call vote.

ARTICLE III. INTERNATIONAL PROPERTY MAINTENANCE CODE

Sec. 18-51. Adoption of International Property Maintenance Code.

Sec. 18-52. Amendments to the property maintenance code.

The property maintenance code adopted in section 18-51 is amended and changed as follows:

~~**109.2 Temporary safeguards.** Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official may order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and may cause such other action to be taken as the code official deems necessary to meet such emergency.~~

109.2 Securing dangerous structures. When, in the determination of the City Administrator, the Director of the Planning & Code Enforcement Department, the Chief of Police, or the Fire Chief, a structure poses a serious threat to the public health and safety, a code official may secure the structure and/or the premises pursuant to 17 M.R.S. § 2856. The code official shall cause notice, as required by 17 M.R.S. § 2851(1), to be given before securing the structure unless the threat requires prompt action, in which case notice may be given after the premises are secured. The City is entitled to recover its expenses of securing the structure. Expenses shall include, but not by way of limitation, the costs of title searches, location reports, service of process, and all costs reasonably related to the securing of the structure. The City may recover its expenses, including its reasonable attorney's fees, by means of a civil action brought against the owner or by a special tax pursuant to 17 M.R.S. § 2853. Appeals from a decision of the code official shall be taken directly to Superior Court.

109.2.1 Removal of trash, debris, or other discarded materials. When, in the determination of the City Administrator, the Director of the Planning & Code Enforcement Department, the Chief of Police, or the Fire Chief, a structure or property poses a serious threat to the public health and safety as a result of the accumulation of trash, debris, or other discarded materials, the code official may:

1. Order that the trash, debris, or other discarded materials be removed.
 - a. The code official must cause to be served with the order each owner of the structure or property i) in person, ii) in accordance with the Maine Rules of Civil Procedure, iii) by registered or certified mail, return receipt requested, where receipt is acknowledged, or iv) when the name or address of any owner or co-owner is unknown or is not ascertainable with reasonable diligence, by publication once a week for two (2) successive weeks in a newspaper generally circulated in the area.
 - b. Appeals from an order may be made to the Board of Appeals within ten days of service.

- c. If, within twenty-one (21) days of service, the owner fails to comply with the order or to appeal the order to the Board of Appeals, the code official may remove the trash debris, and other discarded materials.
2. Removal of the trash, debris and other discarded materials if the threat to public health and safety requires prompt action.
 - a. The code official must cause to be served each owner of the structure or property with a notice of the action taken i) in person, ii) in accordance with the Maine Rules of Civil Procedure, or iii) when the name or address of any owner or co-owner is unknown or is not ascertainable with reasonable diligence, by publication once a week for three (3) successive weeks in a newspaper generally circulated in the area.
 - b. The owner may challenge the removal and/or petition for the return of the trash, debris, or other discarded materials to the City Administrator, or the Director of the Planning & Code Enforcement Department, within ten days of service of the notice.
 - c. Appeals from the decision of the City Administrator or Director of the Planning & Code Enforcement Department may be taken to the Board of Appeals within ten days of the decision.
 - d. The trash, debris or other discarded materials removed shall be stored at a secure location until i) the expiration of twenty-one (21) days after service of the notice on all owners, if no appeal is taken, ii) if an appeal is taken, the later to occur of a (x) decision by the City Administrator or Director of the Planning and Code Enforcement Department upholding the decision of the code official; or (y) a decision by the Board of Appeals upholding the prior decision. After the expiration of the period described above, and absent a decision requiring return of the waste, debris, or other discarded materials, such waste, debris, and other discarded materials may be disposed of by the City.

The City is entitled to recoup any expenses incurred under this section from the owner. Expenses shall include, but not by way of limitation, the costs of title searches, location reports, service or process, costs of removing, storing and/or disposing of the trash, debris, and other discarded materials, and all other costs incurred by the municipality that are reasonably related to the removal and disposal of the trash, debris, and other discarded materials. The City may recover its expenses, including its reasonable attorney's fees, by means of a civil action brought against the owner.

LEWISTON CITY COUNCIL

MEETING OF JUNE 18, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT:

Public Hearing and Final Passage regarding an amendment to the Offenses and Miscellaneous Provisions Ordinance regarding the regulation of synthetic drugs.

INFORMATION:

At the June 4 City Council meeting, the Council approved first passage of the proposed ordinance amendments. After review by the City Attorney, he recommended some changes to the ordinance in regards to product labeling based on a concern that such regulation has been pre-empted by federal statute. This has been discussed with the Police Chief who believes that this change will not materially weaken the Ordinance although it may require that the Ordinance be periodically amended to include other product names in the definition of Bath Salts.

Background regarding the need for such an ordinance:

At a previous workshop, the Police Department briefed the Council on the dangers and issues surrounding the sale, possession, and use of synthetic drugs. A draft ordinance that would prohibit the sale, use, and possession was reviewed. The Police Department is requesting that the City Council consider adopting a new ordinance regulating the sale and possession of synthetic drugs. This ordinance is addressed at a class of drugs known initially as "bath salts". As regulations have been placed on these substances, manufacturers have slightly modified them to sidestep the regulations. This ordinance would address that issue and is modeled after ordinances adopted in several other communities, most notably Bangor which has experienced significant problems associated with these drugs. While we have not experienced the same level of issues as has Bangor, we have seen these substances in Lewiston and the Police Department has noted their easy availability. As other areas tighten regulations on these drugs, it is important that we also do so to prevent an expanded presence or use here.

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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That the proposed amendment to the City Code of Ordinances, Chapter 50 "Offenses and Miscellaneous Provisions", Article IX. "Synthetic Drugs", receive final passage by a roll call vote.

AN ORDINANCE PERTAINING TO SYNTHETIC DRUGS

THE CITY OF LEWISTON HEREBY ORDAINS:

Chapter 50 of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

CHAPTER 50

OFFENSES AND MISCELLANEOUS PROVISIONS

ARTICLE IV. SYNTHETIC DRUGS

Sec. 50-251. Purpose.

The purpose of this article is to regulate the availability of products which are enhanced with synthetic chemicals, which chemicals mimic the effects of controlled substances on users, because these products are a danger to the public health, safety and welfare.

Sec. 50-252. Definitions.

For purposes of interpreting this article, the following terms, phrases, words and their derivatives shall have the meanings given herein unless the context clearly indicates or requires a different meaning:

SPICE, SYNTHETIC CANNABINOIDS, SYNTHETIC MARIJUANA

Any aromatic plant material in granular, loose leaf or powder form, or in liquid or as a food additive, or any herbal-incense-type stimulant or hallucinogen product, when the label is in any way false or misleading, or which does not contain a label specifying (1) the identity of the commodity and (2) the name and place of business of the manufacturer, packer, or distributor. Street names for these products include, but are not limited to: Bliss, Black Mamba, Bombay Blue, Fake Weed, Genie, Spice, Zohai, K2, K3, Smoke, Pot-Pourri, Buzz, Spice 99, Voodoo, Pulse, Hush, Mystery, Earthquake, Stinger, Ocean Blue, Serenity, Chronic Spice, Spice Gold, Spice Silver, Skunk, Mr. Nice Guy, Mr. Happy, K3 Legal, Sence, Smoke, Chill X, Earth Impact, Galaxy Gold, Space Truckin, Solar Flare, Moon Rocks, Aroma, Scope, Sky High, Atomic, G-20, Guerrilla Warfare, Makes Scents, g-13, Tiger Shark, California Dreams, Dank, Bullet, Mind Trip, Voodoo Child, Jazz, Nightlights, Matrix, Hypnotiq, AK47, Maui Wowie, Cloud 9, Daylights, Joker, Dead Man Walking, Brain Storm, Soul Sence, Kush, Kush Mania, Dragons Fire, Lucid, Mad Hatter, Scooby Snax, D-ZL, 0MG, Demon, Barely In, Pineapple Express, Hayze. This definition shall include any plant material to which any Synthetic Chemical or Synthetic Chemical Compound has been added which has no legitimate relation to the advertised use of the product whether or not the label meets the requirements herein.

BATH SALTS, SYNTHETIC CATHINONES, SYNTHETIC STIMULANTS

Any crystalline or powder product in crystalline, loose-powder, block, tablet, or capsule form, or any stimulant-type product, when the label is in any way false or misleading. Street names for these products include, but are not limited to: Bliss, Blue Silk, Cloud Nine, Drone, Energy-1, Ivory Wave, Lunar Wave, Meow Meow, Ocean Burst, Pure Ivory,

Purple Wave, Red Dove, Snow Leopard, Stardust, Vanilla Sky, White Dove, White Knight, White Lightning, Blizzard, Bonzai Grow, Charge Plus, Charlie, Euphoria, Hurricane, Lunar Wave, Ocean, Pixie Dust, Posh, Scarface, Lovely Dovey, Aura, MDPV, MDPK, MTV, Maddie, Hurricane Charlie, Black Rob, Super Coke, PV, Peeve, Meph, Drone, MCAT. This definition shall include any product to which any Synthetic Chemical or Synthetic Chemical Compound has been added which has no legitimate relation to the advertised use of the product whether or not the label meets the requirements herein.

DRUG

An article that is intended to affect the function of the body of humans.

MISBRANDED DRUG

Any drug for which the label is in any way false or misleading.

ILLICIT SYNTHETIC DRUGS

Spice, synthetic cannabinoids, synthetic marijuana, bath salts, synthetic cathinones, synthetic stimulants, and misbranded drugs as defined herein.

SYNTHETIC CHEMICAL OR SYNTHETIC CHEMICAL COMPOUND

Any chemical or chemical compound whose molecular make up is similar to those substances listed as controlled substances in 17-A M.R.S. § 1101(16-A) (including any isomers, esters, ethers, salts, and salts of isomers, esters, and ethers of such substances) or to those substances listed in 17-A M.R.S. § 1102(4) (F) and whose intended use when introduced into the human body is to mimic or simulate the effects of a controlled substance.

Sec. 50-253. Prohibition of Illicit Synthetic Drugs.

A. It is unlawful for any person to possess, use, provide, sell, produce, manufacture, or distribute, or to offer, display, market, or advertise for sale, any illicit synthetic drug.

B. In determining whether a product is prohibited by this article, statements on package labeling such as "not for human consumption" may be disregarded when other relevant factors (viewed alone or in totality) indicate that the product is intended to be consumed or ingested by humans, or is a product regulated by this article. Other relevant factors that may be used to determine whether a product or sale is prohibited by this article include, but are not limited to: verbal or written representations at the point of sale regarding the purpose, methods, use, or effect of the product; aspects of the packaging or labeling suggesting that the user will achieve a "high," euphoria, relaxation, mood enhancement, or that the product has other effects on the body; the cost of the product is disproportionately higher than other products marketed for the same use; the product contains a warning label stating or suggesting that the product is in compliance with state laws regulating controlled substances; the product's name or packaging uses images or slang referencing an illicit street drug; illicit or underground methods of sale or delivery are employed by the seller or provider; the product resembles an illicit street drug such as cocaine, methamphetamine, or marijuana.

C. Defense. It shall be a defense to the prosecution of a violation of this article that a product is specifically excepted by, or regulated within and in compliance with, state or

federal law. For the purposes of this section, it shall not be a defense that a product is not subject to regulation unless the product is specifically excepted from regulation; mere "non-regulation" by these acts without a specific regulatory exemption does not render a product exempt under this section.

Sec. 50-254. Sale of Certain Products for Human Consumption Prohibited.

It is unlawful for any person to provide, sell, or offer for sale a product for human consumption when the product is labeled "not for human consumption" or contains similar warnings.

Sec. 50-255. Violation and Seizure.

- A. Each package shall be a separate violation. The fine for each violation shall be \$500.
- B. Any products found in violation of this section may be seized and held as evidence to be used in any future proceeding and may be disposed of as appropriate after their use for evidentiary purposes is no longer required.

LEWISTON CITY COUNCIL
MEETING OF JUNE 18, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

SUBJECT:

Public Hearing & First Passage for Land Use Code amendments regarding nonconforming uses of single-family and two-dwelling units.

INFORMATION:

The Planning Board voted 6-1 at their meeting of June 10 to make a recommendation to the City Council to amend the Land Use Code regarding nonconforming uses and abandonment.

They are recommending an amendment to the LUC which would exempt single-family detached dwellings on individual lots and two-family dwellings on individual lots from becoming nonconforming uses upon abandonment.

Please see the attached memorandum from City Planner David Hediger 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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That the proposed amendments to Appendix A, Article VI "Nonconformance", Section 4, "Nonconforming Uses", Subsection C "Abandonment", of the City Zoning and Land Use Code, regarding exemptions for single family and two-family dwellings, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regularly scheduled Council meeting.



CITY OF LEWISTON



Department of Planning & Code Enforcement

TO: Mayor Robert Macdonald
Members of the City Council
FROM: David Hediger, City Planner
DATE: June 11, 2013
RE: Proposed Zoning and Land Use Amendment: Nonconforming uses.

Pursuant to Article VII, Section 4(c) and Article XVII, Section 5(b)(1)(c) of the Zoning and Land Use Code staff has prepared an amendment to Article VI, Section 4(c) of the Zoning and Land Use Code regarding the abandonment of nonconforming uses. The Planning Board initiated said amendment at staff's request at their April 22, 2013 meeting and voted 6-1 to send a favorable recommendation to adopt said amendment at their June 10, 2013 meeting. The proposed amendment will exempt single-family detached dwellings on individual lots and two-family dwellings on individual lots from the abandonment provisions contained in Article VI, Section 4(c) of the aforementioned code.

Single-family detached dwellings on individual lots and two-family dwellings on individual lots are currently nonconforming uses if located in a zoning district where said uses are not permitted. A nonconforming use means a use of a premise, parcel of land or structure which, at the effective date of the adoption or amendment of this Code, was in lawful existence, but which does not comply with the applicable use regulations of the zoning district in which it is located. Currently, any nonconforming use of a building, structure or land is discontinued for a period of 12 consecutive months or more, abandonment is conclusively presumed and such use shall not be resumed, and only a use conforming to the provisions of the district in which the property is located shall be made of such building, structure or land. Nonconforming uses presumed abandoned may be reestablished during the 12-month period immediately following the date of presumed abandonment as long as a completed application for a conditional use permit is submitted to the office of the director of code enforcement within this period, and the permit is subsequently granted by the board of appeals.

Typically, the goal of regulating nonconforming uses is to restrict rather than to increase any nonconforming uses and to secure their gradual elimination. This makes a good deal of sense where you may have a district designated residential and nonresidential uses have been deemed detrimental or unsuitable for that area. However, with respect to single-family detached dwellings and two-family dwellings on individual lots, the right to continue with these nonconforming uses is not likely to be deemed damaging or harmful to abutting properties in nonresidential districts. Landowners in nonresidential districts are often aware they are surrounded by or the potential of nonresidential uses.

It is often not the intent of the landowner to give up their legal right to continue the existing nonconforming use. A residential home may be deemed abandoned if a landowner placed a vacant single-family or two-family detached dwellings on the market for more than 12 months, if a landowner were to vacate the structure for some reasons for more than 12 months, or if a landowner were unable to find a tenant for more than 12 months. The mere non-use of a property is generally not sufficient to show abandonment or discontinuance of a use. The Maine Superior Court has ruled that although non-occupancy can be taken as some evidence of intent, it is not alone enough to establish intent to abandon. (Henner v. Town of Glenburn, Me. Super. Ct. Pen. Cty., CV-89-452, October 24, 1990.)

The word "abandoned" generally is interpreted by the courts on the basis of whether the intent of the landowner was to give up their legal right to continue the existing nonconforming use. While this proposed amendment does not define abandoned, it does provide clarity and provides more flexibility and opportunities for nonconforming single-family detached dwellings on individual lots and two-family dwellings on individual lots.

As previously noted, the Planning Board voted 6-1 to send a favorable recommendation to adopt said amendment. The one opposing vote questioned whether the code should allow single-family detached dwellings on individual lots and two-family dwellings on individual lots in all zoning districts since the amendment will continue to allow said nonconforming uses to exist. Staff does not believe nonresidential districts should allow as a permitted use the development of new single family and two family dwellings. Nonresidential districts have been identified specifically for uses that may not be compatible with residential uses due to possible adverse impacts. The proposed amendment simply allows for the continued use of existing single family and two family dwellings, not the development of new dwellings. The Board also requested of staff for future discussion to clarify the term "abandonment" as it may relate to any uses permitted in the Zoning and Use Code.

**AN ORDINANCE PERTAINING TO ZONING AND LAND USE:
NONCONFORMING USES**

THE CITY OF LEWISTON HEREBY ORDAINS:

**APPENDIX A – ZONING AND LAND USE CODE
ARTICLE VI. NONCONFORMANCE**

Sec. 4. Nonconforming uses.

(a) *Continuance.* The use of land, buildings, structures, lawful at the time of adoption or subsequent amendment of this Code, may continue, although such use does not conform to the provisions of this Code. This shall include the replacement of mobile homes in a nonconforming mobile home park, provided all other provisions of article XII, section 14 are met, as well as the replacement of mobile homes on individual lots, provided all other provisions of article XII, sections 2, 4, and section 13, subsections (2) through (6) are met and the new mobile home must meet the suggested safety standards as proposed in appendix A of "Maine's New Mobile Home Park Law - A Guidebook for Local Officials," dated September, 1989. Permitted uses that were made conditional uses as a result of the adoption or amendment of this Code shall be treated as conditional uses for which a permit was duly issued, and any expansion of such structure or use shall occur only after the issuance of a conditional use permit in accordance with article X.

(b) *Resumption.* Whenever a nonconforming use of land and/or a structure is superseded by an allowed use, such structure and/or land shall thereafter conform to the provisions of this Code and the nonconforming use may not be resumed, except as provided below in section 4(c)(2).

(c) *Abandonment.*

(1) Except for single-family detached dwellings on individual lots and two-family dwellings on individual lots, if any nonconforming use of a building, structure or land is discontinued for a period of 12 consecutive months or more, abandonment, except as provided below, is conclusively presumed and such use shall not be resumed, and only a use conforming with the provisions of the district in which the property is located shall be made of such building, structure or land. Abandonment of a seasonable nonconformity is conclusively presumed when the building, structure or use is idle, unopened or otherwise not in actual use during any part of any two consecutive calendar years. Nonconforming uses presumed abandoned may be reestablished during the 12-month period immediately following the date of presumed abandonment as long as a completed application for the conditional use permit is submitted to the office of the director of code enforcement within this period, and the permit is subsequently granted by the board of appeals. In addition to applying the standards for conditional use permits (article X, sections 3 and 4), the board of appeals shall grant a permit only when it finds that the following additional standards have been met: (a) Good cause has been shown for the discontinuance of the use; and (b) The proposed use will not inhibit or discourage the creation, development or use of permitted uses in the neighborhood.

(2) For those historic buildings and structures identified in Appendix A, Article XV, Sections 6 through 10 of this Code located in the Centreville district, a nonconforming use may be reestablished to its original use in an effort to retain and preserve the original purpose of said building or structure as long as a completed application for the conditional use permit is submitted to the office of the director of planning and code enforcement and the permit is subsequently granted by the board of appeals. In addition to applying the standards for conditional use permits (article X, sections 3 and 4), the board of appeals shall grant a permit only when it finds that the following additional standards have been met:

- a. Documentation has been shown demonstrating what the original use of the building or structure was;
- b. Good cause has been shown for the discontinuance of the use;
- c. That the proposed use will not inhibit or discourage the creation, development or use of permitted uses in the Centreville district;
- d. That the proposed use will not create a traffic hazard, nor increase an existing traffic hazard;
- e. That the amount of parking required to meet the minimum code requirements for the proposed use exists on the site or will be otherwise provided in accordance with article XII, Section 17 of the Code;
- f. That the amount of noise, odors, vibrations, smoke, dust and air discharges of the proposed use shall be equal to or less than the present use;
- g. That the rate of surface water runoff from the site will not be increased;
- h. That the hours of operation of the proposed use will be compatible with the existing, surrounding land uses;
- i. That the proposed use will not increase the adverse impact on surrounding properties.

Reason for proposed amendment

This proposed ordinance will exempt single-family detached dwellings on individual lots and two-family dwellings on individual lots from the abandonment provisions contained in Article VI, Section 4(c) of the Zoning and Land Use Code.

Single-family detached dwellings on individual lots and two-family dwellings on individual lots are currently nonconforming uses if located in a zoning district where said uses are not permitted. A nonconforming use means a use of a premise, parcel of land or structure which, at the effective date of the adoption or amendment of this Code, was in lawful existence, but which does not comply with the applicable use regulations of the zoning district in which it is located. Currently, any nonconforming use of a building, structure or land is discontinued for a period of 12 consecutive months or more, abandonment is conclusively presumed and such use shall not be resumed, and only a use conforming with the provisions of the district in which the property is located shall be made of such building, structure or land. Nonconforming uses presumed abandoned may be reestablished during the 12-month period immediately following the date of presumed abandonment as long as a completed application for a conditional use permit is submitted to the office of the director of code enforcement within this period, and the permit is subsequently granted by the board of appeals.

Typically, the goal of regulating nonconforming uses is to restrict rather than to increase any nonconforming uses and to secure their gradual elimination. This makes a good deal of sense where you may have a district designated residential and nonresidential uses have been deemed detrimental or unsuitable for that area. However, with respect to single-family detached dwellings and two-family dwellings on individual lots, the right to continue with these nonconforming uses is not likely to be deemed damaging or harmful to abutting properties in nonresidential districts. Landowners in nonresidential districts are often aware they are surrounded by or the potential of nonresidential uses.

It is often not the intent of the landowner to give up their legal right to continue the existing nonconforming use. A residential home may be deemed abandoned if a landowner placed a vacant single-family or two-family detached dwellings on the market for more than 12 months, if landowner were to vacate the structure for some reasons for more than 12 months, or if a landowner were unable to find a tenant for more than 12 months. The mere non-use of a property is generally not sufficient to show abandonment or discontinuance of a use. The Maine Superior Court has ruled that although non-occupancy can be taken as some evidence of intent, it is not alone enough to establish intent to abandon. (*Henner v. Town of Glenburn, Me. Super. Ct. Pen. Cty.*, CV-89-452, October 24, 1990.)

The word "abandoned" generally is interpreted by the courts on the basis of whether the intent of the landowner was to give up their legal right to continue the existing nonconforming use. While this proposed amendment does not define abandoned, it does provide clarity and provides more flexibility and opportunities for nonconforming single-family detached dwellings on individual lots and two-family dwellings on individual lots.

Conformance with the Comprehensive Plan

1. Continue to allow a wide range of housing types in the Zoning and Land Use Code, and explore the need and feasibility of expanding the opportunity for the creation of single family and two family homes...through code amendments and rezonings (Housing, Policy 1, Strategy H(1), p. 70).
2. Review permitting and licensing policies and practices to see where they can be streamlined in order to better service the development community (Economy, Policy 1, Strategy C, p 38).
3. Promotes the orderly growth and development of the appropriate areas of the City while making efficient use of public services (Land Use, Goals, #1, p. 122).
4. Continue to allow a wide range of housing types in the zoning (Long Range Planning, Policy 5, Strategy A, p. 135).



City of Lewiston
Planning & Code Enforcement
Gil Arsenault, Director
MEMORANDUM



To: City Council Members
From: David Hediger
Date: June 12, 2013
Subject: Planning Board Action: Zoning and Land Use Amendment:
Nonconforming Uses

The Planning Board took the following action at their meeting held on June 10, 2013 regarding a proposed amendment to Appendix A, of the Zoning and Land Use Code, Article VI, Section 4(c) Nonconforming uses, Abandonment:

The following motion was made:

MOTION: by **Paul Robinson** pursuant to Article VII, Section 4(c) and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration to adopt the proposed amendment to Appendix A, of the Zoning and Land Use Code, Article VI, Section 4(c) Nonconforming uses, Abandonment, which would exempt single-family detached dwellings on individual lots and two-family dwellings on individual lots from becoming nonconforming uses upon abandonment.
Second by **Walter Hill**.

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

c: Ed Barrett, City Administrator
Planning Board Members

The City of Lewiston is an EOE. For more information, please visit our website at www.lewistonmaine.gov and click on the Non-Discrimination Policy.

LEWISTON CITY COUNCIL

MEETING OF JUNE 18, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6

SUBJECT:

Public Hearing for approval of an Outdoor Entertainment Permit for the Liberty Festival.

INFORMATION:

The Liberty Festival is finalizing plans for their annual Independence Day celebration in the Twin Cities. Typically, the Festival features live music concerts outside in the city parks and this year's plans will be similar. The Council is asked to approve the standard Outdoor Entertainment Permit for the Festival. On July 4, there will be musical concerts and other activities in Veteran's Memorial Park.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EATB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To conduct a public hearing on an application from the Independence Day Committee for outdoor musical concerts to be held at Veteran's Memorial Park on July 4, as part of the Liberty Day Festival, and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the Independence Day Committee for the outdoor music concerts, contingent upon positive recommendations from the Recreation Department, Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances.

CITY OF LEWISTON

Special Event Application

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

Application Date 3/1/13

SPONSOR INFORMATION

Name of Sponsoring Organization: Liberty Festival / Independence Day Committee

Name of Contact Person for Event: Cathy McDonald

Title of Contact Person: President

Mailing Address: P.O. Box 97

Daytime Telephone: 786-3088 Cell Phone: 212-8227

Email Address: liberty.festival@aol.com / BMC51690@aol.com

Contact Name and Cell Phone Number DURING the Event: Cathy McDonald - 212-8227

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

Non-Profit Number: _____

EVENT INFORMATION

Name of Event: Liberty Festival

Type of Event (walk, festival, concert, etc.): Festival

Date of Event: July 3rd - 7th, 2013 Rain Date: July 3rd-7th, 2013

Times of Event: Start Time including set-up: 7am Ending time including clean up: 1am
Actual Event Start Time: 4 pm Actual Event End Time: 11 pm

Estimated Attendance: 15,000

Location of Event: Veteran's Park, Longley Bridge and surrounding area

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

Date request submitted to the Recreation Department: 3/1/13

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

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

N/A	PARKING ACCOMODATIONS – What will be the anticipated need for parking and what is your parking plan? Bates Mill Parking Garage & Lots, Chestnut Street Parking Garage Chestnut Street parking lot	x		
N/A	TOILETS – Please list amount at event and/or nearest location: 10 Regular units, 2 handicap units located on Mill St, Lewiston and Great Falls Plaza, Auburn	x		
N/A	WASTE DISPOSAL – Please list process and location: City provided trash can liner stands and dumpster	x		
N/A	HAND WASHING FACILITIES – Please list amount at event and/or nearest location: 1 portable at each food vending station	x		
N/A	POTABLE WATER – Please list amount at event and location: 2 hose hook ups from Main Street Pump station	x		
N/A	FIRST AID FACILITIES – Please list location at event: United Ambulance and Lewiston Fire Dept. on Lincoln Street and Mill Street	x		
\$	TOTAL FEE AMOUNT INCLUDED – Checks payable to “City of Lewiston”	0		

EVENT LIABILITY INSURANCE COVERAGE FOR EVENT

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

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

7/3 set up will begin and from 7/4 - 7/6 will be the festival with fireworks, carnival,
vendors and a variety of entertainment.

Signature of Applicant:

Cathy McDonald

Printed Name:

Cathy McDonald

Date Submitted:

3/1/13

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

LEWISTON CITY COUNCIL

MEETING OF JUNE 18, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 7

SUBJECT:

Condemnation Hearing for the building located at 80 Birch Street.

INFORMATION:

The City has begun the process for condemnation of the property at 80 Birch 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 80 Birch 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 80 Birch 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: June 12, 2013
RE: Dangerous Buildings Hearings for 80 Birch Street and 92 Walnut Street

Dear Mayor and City Council,

At the Council meeting on June 18, the Planning Department will be presenting evidence as to why 80 Birch Street and 92 Walnut 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, if any; 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.

80 BIRCH STREET

OWNERSHIP DOCUMENTS

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, THAT, **DOUBLE EAGLE PROPERTIES, LLC**, of Lewiston, County of Androscoggin and State of Maine, FOR CONSIDERATION PAID, grants to **BARBARA RECORD-RANKINS**, of Lewiston, County of Androscoggin and State of Maine, with **WARRANTY COVENANTS**, the following described real property located in the City of Lewiston, County of Androscoggin and State of Maine:

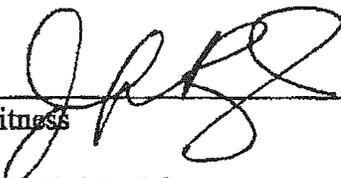
Commencing at the northwesterly corner formed by the intersection of Birch Street and Pierce Street; thence northerly on the westerly line of said Pierce Street 63 feet to an iron pin set in the ground; thence westerly and parallel with the northerly line of Birch Street 57 feet to another pin set in the ground; thence southerly and parallel with the easterly line of Pierce Street 63 feet to another pin set in the ground on the northerly line of Birch Street; thence easterly by the northerly line of Birch Street 57 feet to the point of beginning.

Being the same premises as described in a deed from B & D Properties, LLC to Double Eagle Properties, LLC dated November 2003 and recorded in the Androscoggin County Registry of Deeds in Book 6139, Page 14.

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.

WITNESS my hand(s) and seal(s) this 29th day of November, 2004.

MAINE REAL ESTATE
TRANSFER TAX PAID

Witness 

DOUBLE EAGLE PROPERTIES, LLC

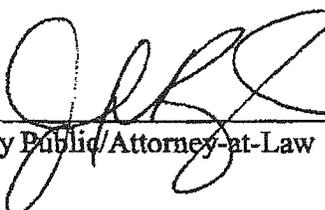
Richard F. Breton, 

STATE OF Maine
COUNTY OF Cumberland, ss.

November 29, 2004

Personally appeared the above-named Richard F. Breton in said capacity and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of said company.

Before me,


Notary Public/Attorney-at-Law

Jennifer Raymond, Notary Public
State of Maine
My Commission Expires 7/13/2007

ANDROSCOGGIN COUNTY
Tina K. Chouard
REGISTER OF DEEDS

EXHIBIT A

**NOTICE OF HEARING
CERTIFICATES OF SERVICE**

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

Barbara Record-Rankins
80 Birch Street
Lewiston, Maine

Deutsche Bank National Trust Company, as
Trustee of the Home Equity Mortgage Loan
Asset-Backed Trust Series INABS 2006-E
Home Equity Mortgage Loan Asset-Backed
Certificates, Series INABS 2006-E Under the
Pooling and Servicing Agreement Dated
December 1, 2006
1761 East St. Andrew Place
Santa Ana, California 92705-4934

80 BIRCH STREET, LEWISTON, MAINE

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

June 18, 2013
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 80 Birch Street, Lewiston, Maine, identified as Lot 89 on Tax Map 196, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 6159, Page 59, 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: May 20, 2013

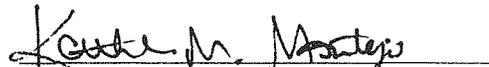
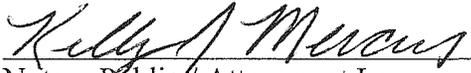

Kathleen M. Montejo, City Clerk

EXHIBIT B

STATE OF MAINE
ANDROSCOGGIN, ss

May 20, 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

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

ANDROSCOGGIN COUNTY
TINA M CHOUINARD
REGISTER OF DEEDS

CITY OF LEWISTON
CITY COUNCIL

ACKNOWLEDGEMENT OF SERVICE

NOTICE OF HEARING PURSUANT TO 17 M.R.S. §§ 2851-59
80 BIRCH 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 80 BIRCH Street in Lewiston, Maine is hereby acknowledged for and on behalf of Barbara Record-Rankins. All formal service of process is hereby waived.

Dated: 5/20/13

Barbara Record-Rankins
Barbara Record-Rankins

EXHIBIT C

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

Barbara Record-Rankins
80 Birch Street
Lewiston, Maine

Deutsche Bank National Trust Company, as
Trustee of the Home Equity Mortgage Loan
Asset-Backed Trust Series INABS 2006-E
Home Equity Mortgage Loan Asset-Backed
Certificates, Series INABS 2006-E Under the
Pooling and Servicing Agreement Dated
December 1, 2006
1761 East St. Andrew Place
Santa Ana, California 92705-4934

80 BIRCH STREET, LEWISTON, MAINE

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

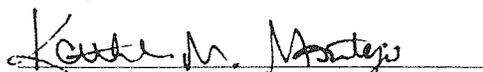
June 18, 2013
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

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

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

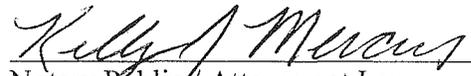
Dated: May 20, 2013


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

May 20, 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

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

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING
Pursuant to 17 M.R.S. §§ 2851, *et seq.*

On May 30th, 2013 (date), I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on a person authorized to accept service on Deutsche Bank National Trust Company by delivering a copy of same at the following address:

Deutsche Bank National Trust Company
1761 East St. Andrew Place
Santa Ana, CA 92705-4934

Costs of Service:

Service:	\$	<u>65⁰⁰</u>
Travel:	\$	_____
Postage:	\$	_____
Other:	\$	_____
 TOTAL:	\$	<u>65⁰⁰</u>

Alan Rowe
Signature

ALL Counties ATTY SER.
Agency



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address)		TELEPHONE NUMBER	FOR COURT USE ONLY	
BRANN & ISAACSON 184 MAIN STREET LEWISTON ME 04243		207-786-3566		
ATTORNEY FOR PLAINTIFF		Ref. No. or File No.		
Insert name of court and name of judicial district and branch if any.				
SHORT TITLE OF CASE: CITY OF LEWISTON : DEUTSCHE BANK				
INVOICE NO.	DATE:	TIME:	DEP./DIV.	CASE NUMBER:
080882				

PROOF OF SERVICE

1. At the time of service I was at least 18 years of age and not a party to this action, and I served copies of the:

Notice of Hearing

2. a. Party served: DEUTSCHE BANK NATIONAL TRUST COMPANY

b. Person served: SUSAN PATTEN
Title: AUTHORIZED TO ACCEPT

c. Address: 1761 E. ST. ANDREW PLACE
SANTA ANA CA 92705

3. I served the party named in item 2

a. by personally delivering the copies on 05/30/13 at 11:25AM

4. Person serving: ALAN THOMAS

Fee for service:\$ 65.00

All Counties Attorney Service
1625 E. 17th Street
Santa Ana, CA 92705
714-558-1403 FAX 714-558-0261

d. Registered California process server
(1) [] Employee or [X] Independent Contractor
(2) Registration No. 1098
(3) County: RIVERSIDE
(4) Expiration: 03/26/15

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATE: 05/31/13

>

SIGNATURE



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

Barbara Record-Rankins
80 Birch Street
Lewiston, Maine

Deutsche Bank National Trust Company, as
Trustee of the Home Equity Mortgage Loan
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December 1, 2006
1761 East St. Andrew Place
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80 BIRCH STREET, LEWISTON, MAINE

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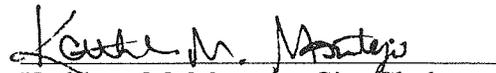
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7:00 pm
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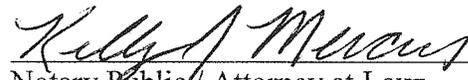
Dated: May 20, 2013


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

May 20, 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~~

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

CITY
CORRESPONDENCE

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

JB

File
copy

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

February 15, 2012

Indy Mac Bank
3465 East Foothill Blvd
Pasadena, CA 91101

Former Owner :Barbara Rankus' Loan # 124193107
File # Rankus06-159MEA

RE: 80 Birch Street , Lewiston Maine 04240

Dear Sir.Madam:

It has come to the attention of this office that the building at 80 Birch Street is vacant and has suffered severe deterioration making it unfit for occupancy due to violation(s) of the following provisions of Chapter 18, Article III, Property Maintenance Code, Sections 18-51 and 18-52, Article VI, Sections 18-200 & 18-201, as per The Code of Ordinances of the City of Lewiston hereafter referred to as the (Code). The building is without necessary facilities such as heat, hot potable water, electricity and has been abandoned. 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 must be demolished.

I hereby condemn and placard the building and property at 80 Birch Street as being unfit for occupancy pursuant to and in accordance with Chapter 18, Article III, Property Maintenance Code, Sections 18-51 and 18-52, IPMC-108.1 et seq, IPMC-109.1 et seq, IPMC-110.1 et seq, , IPMC-302.1 et seq, IPMC-304.1 et seq, IPMC-305.1 et seq, IPMC-306.1 et seq, IPMC-402.2 et seq, IPMC-504.1 et seq, IPMC-505.1 et seq,, IPMC-506.1 et seq, IPMC-602.1 et seq, IPMC-603.1 et seq, IPMC-604.1 et seq, IPMC-605.1 et seq, IPMC-703.1 et seq and PMC-704.1 et seq of the Code of Ordinances of the City of Lewiston. You are hereby ordered to immediately ensure this building is 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 April 15th **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

EXHIBIT E

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

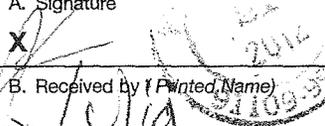
If you sell, transfer or lease this property, you must notify the grantee, mortgagee, transferee, or lessee of any outstanding code violations pursuant to Section IPMC-107.6 of the Property Maintenance Code. You must also furnish this office with a signed notarized statement from the grantee, mortgagee,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

Sincerely,

Susan Reny
Code Enforcement Officer/Sanitarian

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

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

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X </p> <p>B. Received by (Printed Name) C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">INDY MAC BANK 3465 EAST FOOTHILL BLVD. PADADINA CA 91101</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <hr/> <p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <hr/> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p style="text-align: center;">7010 3090 0000 0594 5405</p>

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

PHOTOGRAPHS

80 Birch Street

Photo # 1 Photos taken 4-25-2013 & 6-6-2013. Front view showing deteriorated and damaged soffit, trim and boarded damaged garage door.



Photo # 2 Side of building fronting Pierce Street showing severely deteriorated soffit and trim in a state of collapse allowing the entry of the elements.



EXHIBIT F

1

Photo # 3 Collapsed roof structure over porch.



Photo # 4 Severely deteriorated soffit allowing the entry of the elements. .



Photo # 5 Displacement and settlement of the block wall on the Southwest wall progressively collapsing.



Photo # 6 The Northwest wall showing displacement due to progressive collapsing of the footing and foundation system is evident by the cracks.



Photo # 7 A view from the 2nd floor window of the collapsed porch roof, note the tarp set in an attempt to solve a roof leak .



Photo # 8 A view from inside the porch door showing the collapsed roof.



Photo # 9 Broken windows.



Photo # 10 Broken and deteriorated windows, stripped copper baseboard heating registers.



Photo # 11 Broken windows.



Photo # 12 Damage from roof leak causing mold and rot.



Photo # 13. Damage and mold from leaks and destruction as a result of copper piping removal.



Photo # 14 Debris contributing to fire loading and moisture from roof and wall leaks



Photo # 15 Evidence of flooding on wall, debris increasing fire loading and rats feces on the mattress creating unsanitary conditions.



Photo # 16 debris and garbage contributing to fire loading and making for unsanitary conditions..



Photo # 17 Remove copper baseboard heating elements and opened wall to remove copper:



Photo # 18 Separation of 2nd means of egress stairs creating a dangerous condition.

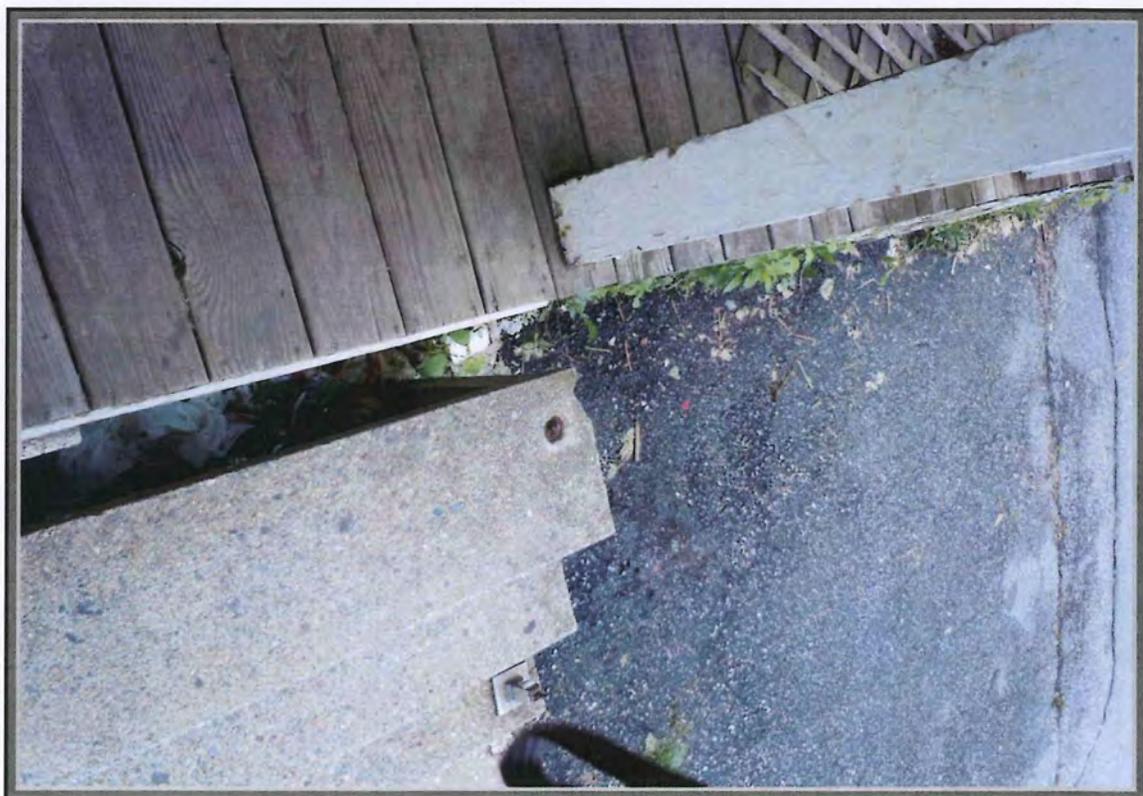


Photo # 19 Increased fire loading from debris and unsanitary conditions from garbage.



Photo # 20 damage from removal of copper piping.



Photo # 21 Damage and deterioration.



Photo # 22 damage from copper removal.

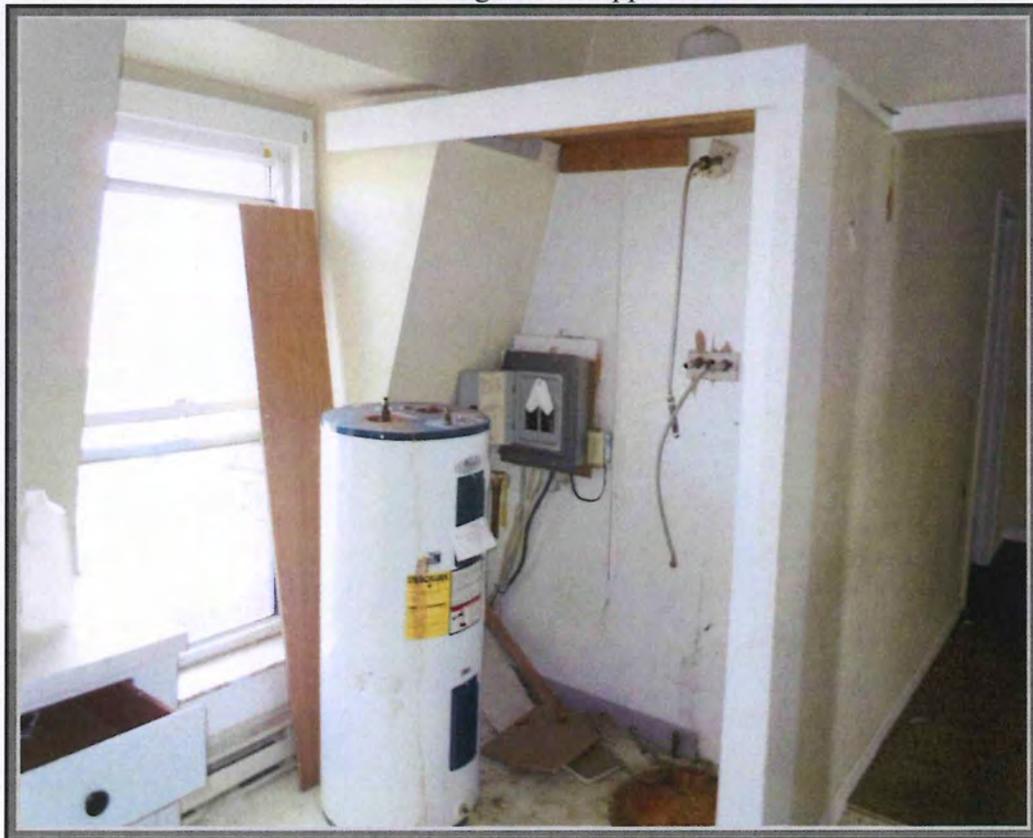


Photo # 23 Debris and stripped base board registers taken for copper.

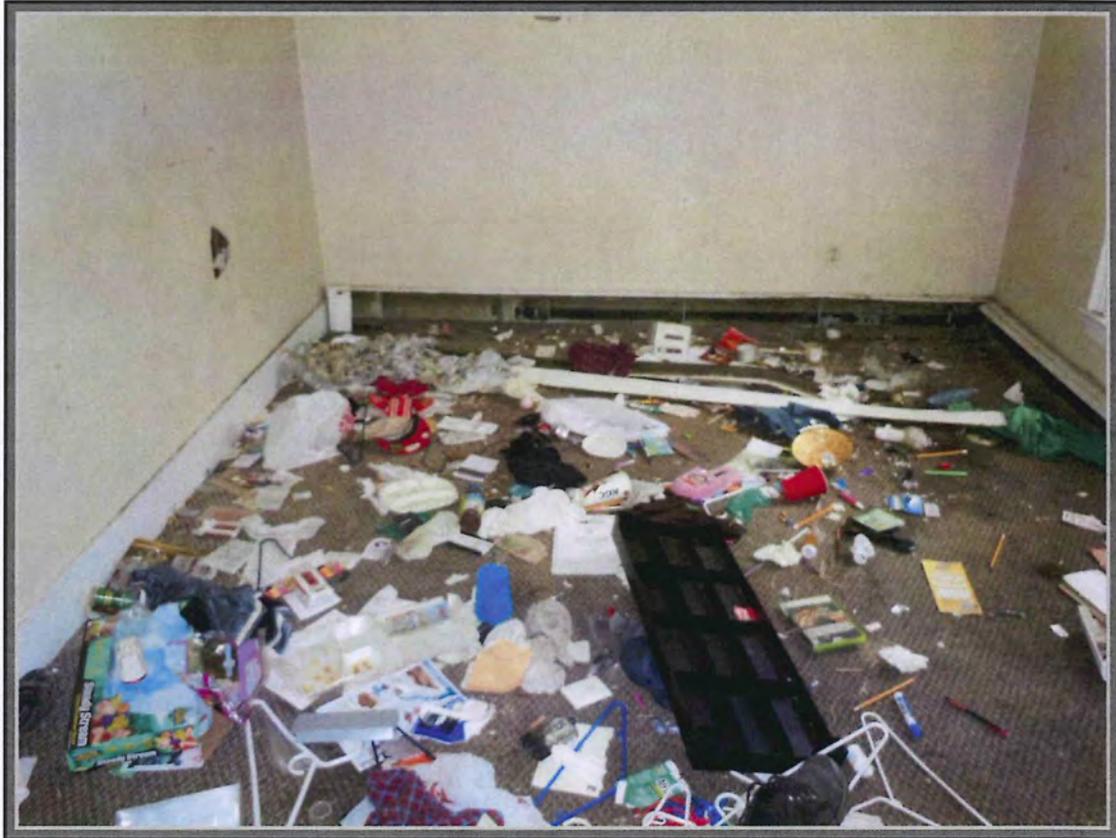
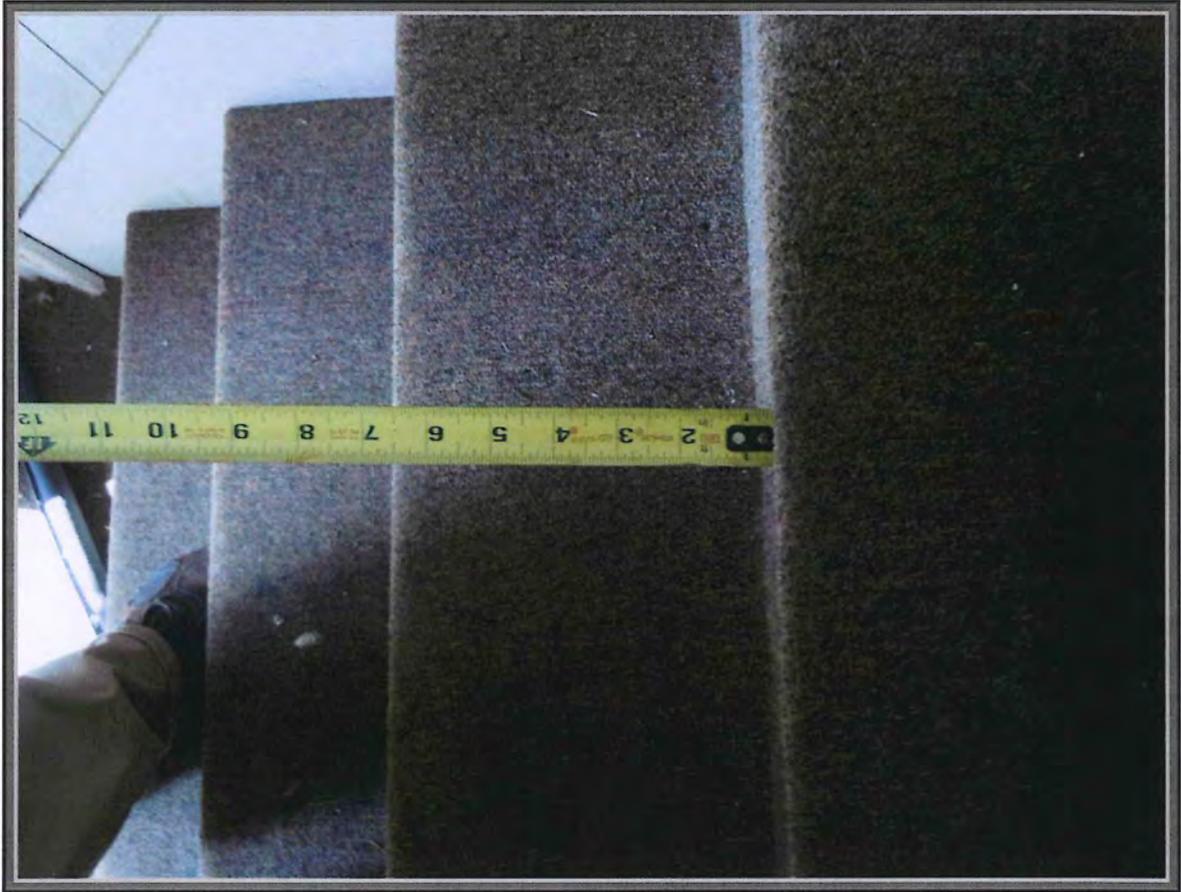


Photo # 24 Damaged base board heating registers from copper removal.



Photo # 25 The stair treads are 6 1/2 inches in depth far less than Code requirements of 9 inches. To correct the primary means of egress stairs would require extensive structural modifications not economically feasible.



LEWISTON CITY COUNCIL

MEETING OF JUNE 18, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 8

SUBJECT:

Condemnation Hearing for the building located at 92 Walnut Street.

INFORMATION:

The City has begun the process for condemnation of the property at 92 Walnut 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.

EARB/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 92 Walnut 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 92 Walnut 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: June 12, 2013
RE: Dangerous Buildings Hearings for 80 Birch Street and 92 Walnut Street

Dear Mayor and City Council,

At the Council meeting on June 18, the Planning Department will be presenting evidence as to why 80 Birch Street and 92 Walnut 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, if any; 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.

92 WALNUT STREET

OWNERSHIP DOCUMENTS

WARRANTY DEED

Know All Men By These Presents That I, Monique D. Roberts

of 92 Walnut Street, Lewiston,
County of Androscoggin and State of Maine,

for consideration paid, grant to Joseph W. McCarthy

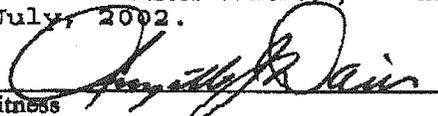
of 691 Lisbon Street, Lewiston,
County of Androscoggin and State of Maine

with WARRANTY COVENANTS:

A certain lot or parcel of land together with any buildings thereon situated in
Lewiston County of Androscoggin
and State of Maine, more particularly described in Exhibit A attached hereto and
incorporated herein by reference.

MAINE REAL ESTATE
TRANSFER TAX PAID

In Witness Whereof, I have hereunto set my hand(s) this 9th day of
July, 2002.

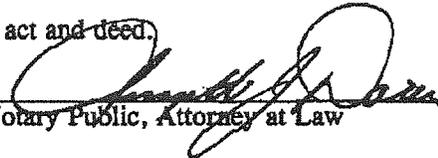

Witness


Monique D. Roberts

State of Maine
County of Androscoggin ss.

On this 9th day of July, 2002, personally appeared before me the
above named Monique D. Roberts

and acknowledged the foregoing to be his/her/their free act and deed.


Notary Public, Attorney at Law

Return to: Joseph W. McCarthy

ANNETTE J. DAVIS
Notary Public - Maine
My Commission Expires May 18, 2006

EXHIBIT A

File No: 02050544

Exhibit A - Deed

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

Beginning in the northerly line of Walnut Street, one hundred (100) feet westerly from the westerly line of Shawmut Street; thence in a northerly direction parallel with said westerly line of Shawmut Street, fifty (50) feet; thence in an easterly direction parallel with the said northerly line of said Walnut Street, forty-one and seven tenths (41.7) feet; thence in a southerly direction by a line one and twenty-five hundredths (1.25) feet westerly from the parallel with the westerly line of brick underpinning of the building situated on the lot now or formerly owned by Caroline Drouin easterly of the within described premises, fifty (50) feet to the said northerly line of said Walnut Street, to a point fifty-eight and four hundredths (58.4) feet from the westerly line of said Shawmut Street; thence in a westerly direction by the said northerly line of said Walnut Street, forty-one and ninety-six hundredths (41.96) feet to the point of beginning.

Subject to the right in said Caroline Drouin, her heirs and assigns, to maintain the cornice of the building above referred to as it existed on April 20, 1953. Also subject to the right in said Caroline Drouin, her heirs and assigns, to enter upon the easterly part of the above described premises for the purpose of repairing and painting the above described buildings and receiving fuel oil for said buildings and putting storm windows or screens on the same.

Reference is hereby made to a deed from dated January 1, 1998 to Monique D. Roberts and recorded in the Androscoggin County Registry of Deeds in Book 3935, Page 10

A properly executed and recorded Mortgage Deed from Joseph W. McCarthy to Homeowners Assistance Corporation in the proposed loan amount of \$40,000.00 to be recorded in the Androscoggin County Registry of Deeds.

ANDROSCOGGIN COUNTY*Jeanine D. Bergeson***REGISTER OF DEEDS**

**NOTICE OF HEARING
CERTIFICATES OF SERVICE**

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

Ashley McCarthy
81 Oak Street, Apt. 2
Lewiston, Maine 04240

Justin McCarthy
c/o Danielle Epstein
366 Berry Road
Barrington, New Hampshire 03825

JP Morgan Chase Bank NA
c/o CT Corporation
1536 Main Street
Readfield, Maine 04355

Penobscot Bay Medical Center
c/o Maura Kelly
Six Glen Cove Drive
Rockport, Maine 04856

Kathryn Robichaud

92 WALNUT STREET, LEWISTON, MAINE

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

June 18, 2013
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 92 Walnut Street, Lewiston, Maine, identified as Lot 290 on Tax Map 195, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 5047, Page 162, 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: May 13, 2013

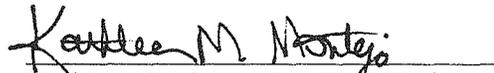
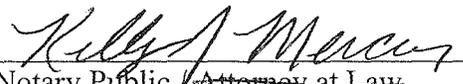

Kathleen M. Montejo, City Clerk

EXHIBIT B

STATE OF MAINE
ANDROSCOGGIN, ss

May 13, 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~~

KELLY J. MENCHER
Notary Public, Maine
My Commission Expires September 11, 2013

ANDROSCOGGIN COUNTY
TINA M CHOUINARD
REGISTER OF DEEDS

return

CTY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

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

On May 20, 2013, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on Ashley McCarthy, as follows:

Ashley McCarthy
81 Oak Street, Apt. 2
Lewiston, ME 04240

Costs of Service:

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

Jan Chelap

Signature

Archoscoggin S.O

Agency

EXHIBIT C

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

Ashley McCarthy
81 Oak Street, Apt. 2
Lewiston, Maine 04240

Justin McCarthy
c/o Danielle Epstein
366 Berry Road
Barrington, New Hampshire 03825

JP Morgan Chase Bank NA
c/o CT Corporation
1536 Main Street
Readfield, Maine 04355

Penobscot Bay Medical Center
c/o Maura Kelly
Six Glen Cove Drive
Rockport, Maine 04856

Kathryn Robichaud

92 WALNUT STREET, LEWISTON, MAINE

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

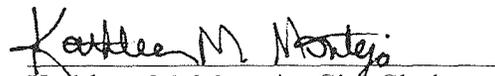
June 18, 2013
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 92 Walnut Street, Lewiston, Maine, identified as Lot 290 on Tax Map 195, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 5047, Page 162, 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.

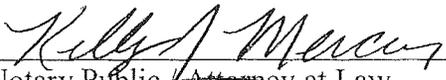
Dated: May 13, 2013


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

May 13, 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

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

Return

CTY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

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

On May 22nd 2013, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on Justin McCarthy, as follows:

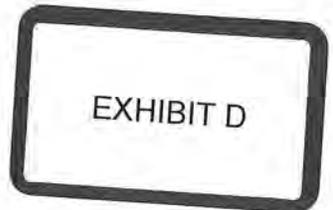
Justin McCarty
c/o Danielle Epstein
366 Berry Road
Barrington, New Hampshire 03825

Costs of Service:

Service:	\$	<u>65.00</u>
Travel:	\$	_____
Postage:	\$	_____
Other:	\$	_____
 TOTAL:	\$	<u>65.00</u>

Steven C. Byers
Signature

Steve Byers Investigations
Agency



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

Ashley McCarthy
81 Oak Street, Apt. 2
Lewiston, Maine 04240

Justin McCarthy
c/o Danielle Epstein
366 Berry Road
Barrington, New Hampshire 03825

JP Morgan Chase Bank NA
c/o CT Corporation
1536 Main Street
Readfield, Maine 04355

Penobscot Bay Medical Center
c/o Maura Kelly
Six Glen Cove Drive
Rockport, Maine 04856

Kathryn Robichaud

92 WALNUT STREET, LEWISTON, MAINE

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

June 18, 2013
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 92 Walnut Street, Lewiston, Maine, identified as Lot 290 on Tax Map 195, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 5047, Page 162, 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.

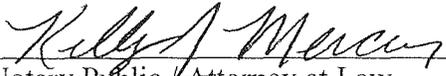
Dated: May 13, 2013


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

May 13, 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

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

Return

CTY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

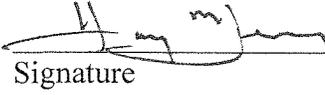
NOTICE OF HEARING
Pursuant to 17 M.R.S. §§ 2851-59
92 Walnut Street, Lewiston, Maine
Dangerous Buildings

On May 16, 2013, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on JP Morgan Chase Bank, NA, as follows:

JP Morgan Chase Bank, NA
c/o CT Corporation, Registered Agent
1536 Main Street
Readfield, ME 04355

Costs of Service:

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



 Signature

HARRY MCKENNEY
Chief Civil Deputy

 Agency KENNEBEC COUNTY
 SHERIFF'S OFFICE

EXHIBIT E

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

Ashley McCarthy
81 Oak Street, Apt. 2
Lewiston, Maine 04240

Justin McCarthy
c/o Danielle Epstein
366 Berry Road
Barrington, New Hampshire 03825

JP Morgan Chase Bank NA
c/o CT Corporation
1536 Main Street
Readfield, Maine 04355

Penobscot Bay Medical Center
c/o Maura Kelly
Six Glen Cove Drive
Rockport, Maine 04856

Kathryn Robichaud

92 WALNUT STREET, LEWISTON, MAINE

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

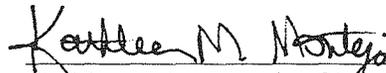
June 18, 2013
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

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

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

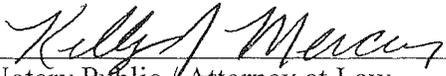
Dated: May 13, 2013


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

May 13, 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

KELLY J. MURGIER
Notary Public, Maine
My Commission Expires September 11, 2013

CTY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

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

On May 16, 2013, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on Penobscot Bay Medical Center, as follows:

Penobscot Bay Medical Center
c/o Maura Kelly
Six Glen Cove Drive
Rockport, ME 04856

*Served Theresa Nizio
(Maura Kelly's asst)*

Costs of Service:

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

TOTAL: \$ _____

See Inv.

Linda L Laska Hall

Signature

Knox 50

Agency



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

Ashley McCarthy
81 Oak Street, Apt. 2
Lewiston, Maine 04240

Justin McCarthy
c/o Danielle Epstein
366 Berry Road
Barrington, New Hampshire 03825

JP Morgan Chase Bank NA
c/o CT Corporation
1536 Main Street
Readfield, Maine 04355

Penobscot Bay Medical Center
c/o Maura Kelly
Six Glen Cove Drive
Rockport, Maine 04856

Kathryn Robichaud

92 WALNUT STREET, LEWISTON, MAINE

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

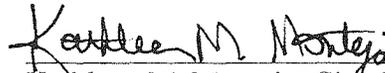
June 18, 2013
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 92 Walnut Street, Lewiston, Maine, identified as Lot 290 on Tax Map 195, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 5047, Page 162, 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.

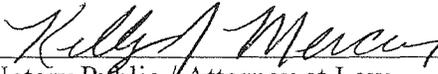
Dated: May 13, 2013


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

May 13, 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

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

Sun Journal

Connecting you with your community

06/07/13

BRANN AND ISAACSON
DIANE MCINTIRE
PO BOX 3070
LEWISTON, ME 04240

TO WHOM IT MAY CONCERN:

We hereby certify that the following:

LEGAL AD NOTICE OF HEARING: 92 WALNUT ST LEWISTON ME

was published in the DAILY Sun-Journal a newspaper having its principal place of business in the County of Androscoggin. With general circulation in the Counties of Androscoggin, Franklin and Oxford.

Dates Published: 5/16, 5/23, 5/30/2013

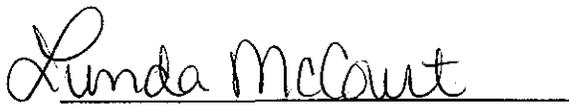
Tearsheet (s): ENCLOSED
Invoice: ENCLOSED

Sun-Journal/SUNDAY
Lewiston, Me



Maureen Wedge
Vice President/Human Resources

Subscribed and sworn to before me this 7TH Day of JUNE, 2013 at Lewiston, in the County of Androscoggin, in the State of Maine.



NOTARY PUBLIC

Expires Sept 4, 2016

104 PARK STREET • PO BOX 4400 • LEWISTON, MAINE • 04243-4400

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EXHIBIT G

... program with the cost more than doubling since 2008. The rolls rose rapidly because of the economic downturn, rising food prices and expanded eligibility under President Barack Obama's 2009 economic stimulus law.

Republicans criticized Obama in last year's presidential campaign for his expansion of the program, and many House conservatives have refused to consider a farm bill without cuts to food stamps, which make up about 80 percent of the bill's cost.

Obama administration officials leaked secret information to the media last year to enhance the president's national security credentials in an election year.

"It's an ongoing matter and an ongoing matter in which I know nothing," Holder told the House Judiciary Committee.

The Justice Department secretly obtained two months of telephone records of reporters and editors for the AP, seizing the records for more than 20 separate telephone lines

self from the investigation though he couldn't provide the panel with the exact date nor did he do so formally in writing. He said he was unable to answer questions on the subpoenas and why the Justice Department failed to negotiate with the AP prior to the subpoenas, a standard practice.

"The telephone records would not disappear if the AP had been notified," said Rep. Zoe Lofgren, D-Calif. "How could it ever be the case?"

h Apple, Samsung devices

and operate the system by the end of June, he said.

Samsung's Android and Apple's iOS operating systems have vulnerabilities that will remain even with a device-management system, McGarry said. They have different architectures than BlackBerry and offer more attack vectors for hackers, including the use of 3G, 4G, Wi-Fi and Bluetooth networks, he said.

BlackBerry "was architected from Day One to allow for end-to-end secure communications," McGarry said.

Samsung "is aggressively

pursuing the necessary features and security enhancements to meet the stringent requirements of doing business with the U.S. military," Ashley Wimberly, a company spokeswoman, said in an email.

NOTICE OF PUBLIC SALE

Notice is hereby given that in accordance with the Judgment of Foreclosure and Sale entered January 14, 2013 in the action entitled *US Bank National Association, as Trustee for MASTR Asset Backed Securities Trust 2005-WFI v. Holly Hobart, et al.*, by the Lewiston District Court, Docket No. RE-09-326, wherein the Court adjudged the foreclosure of a mortgage granted by Wayne Hobart and Holly Hobart to Wells Fargo Bank, N.A. dated April 4, 2005 and recorded in the Androscoggin County Registry of Deeds in Book 6291, Page 134, the period of redemption having expired, a public sale of the property described in the mortgage will be conducted on **June 20, 2013 commencing at 1:00 pm At Bendett & McHugh, P.C., 30 Danforth Street, Suite 104, Portland, Maine**

The property is located at 49 VILLAGE ST, LISBON, Maine, as described in said mortgage. The sale will be by public auction. All bidders for the property will be required to make a deposit of \$5,000.00 in certified or bank check at the time of the public sale made payable to Bendett & McHugh, P.C., which deposit is non-refundable as to the highest bidder. The balance of the purchase price shall be paid within thirty (30) days of the public sale. In the event a representative of the mortgagee is not present at the time and place stated in this notice, no sale shall be deemed to have occurred and all rights to reschedule a subsequent sale are reserved. This property will be sold as is. Additional terms will be announced at the public sale.

Wells Fargo Home Mortgage, N.A. a division of Wells Fargo Bank, N.A. By its attorneys, **BENDETT & MCHUGH, P.C.** 30 Danforth Street, Ste. 104 Portland, ME 04101 207-221-0016

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

Ashley McCarthy 81 Oak Street, Apt. 2 Lewiston, Maine 04240	Justin McCarthy c/o Danielle Epstein 366 Berry Road Barrington, New Hampshire, 03825
J.P. Morgan Chase Bank NA c/o CT Corporation 1536 Main Street Readfield, Maine 04355	Penobscot Bay Medical Center c/o Maura Kelly Six Glen Cove Drive Rockport, Maine 04856

Kathryn Robichaud
92 WALNUT STREET, LEWISTON, MAINE
You are hereby notified that the City Council of the City of Lewiston, Maine will hold a hearing on:

June 18, 2013
7:00 pm
Lewiston City Hall,
27 Pine Street,
Lewiston, Maine

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Dated: May 13, 2013
Kathleen M. Montejo,
City Clerk

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

Kelly J. Mercier
Notary Public, Maine
My Commission Expires
September 11, 2018

NOTICE

The Eustis Planning Board will conduct a public hearing on Thursday, May 23, 2013 at 6:00 PM at the Town of Eustis Community Building on:

The adoption of a Wireless Telecommunications Siting Ordinance

Copies of the Proposed Telecommunications Facility Siting Ordinance are available at the Town Office and will also be available at the hearing.

And on the adoption of An Amendment to the Town of Eustis Land Use Ordinance Page 10 Land Uses, by adding to the list of permitted uses the term "Telecommunications Facilities" and by adding on the same line in the columns listing the zoning districts. And by adding to the schedule footnote on page 11 stating that telecommunications facilities must also comply with the Town of Eustis Wireless Telecommunication Facility Siting Ordinance.

Sandra S. Scribner,
Secretary, Eustis Planning Board

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for comment

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re e're just a fair and obvious- t a lot on utures in GA Tour rica con- decision ommonly

more. He did it in an era where he did all the innova- tion himself," Richard said. "He didn't have a comput- er or anything else. He just did everything himself. It's good to see him join Dale and myself."

Flock is 18th on NAS- CAR's all-time list with 39 victories. He won series ti- tles in 1952 and 1955. Flock put on a dominant display on the way to his second championship, winning 18 of 39 races that season. Flock died in 1998.

Flock received 76 percent of the vote, the highest total of this year's class.

Ingram is considered one of the all-time greats on what's become the Nation- wide Series. He won three straight series titles from 1972-74 when it was called the Late Model Sportsman Division. When the cir- cuit became the NASCAR Busch Series in 1982, In- gram won its first-ever race and series championship.

Ingram added another Busch Series crown in 1985.

DETROIT (AP) — Indy- Car says qualifying for the second race of series dou- bleheaders at Belle Isle, To- ronto and Houston will be split into two groups.

All cars will be split in- to the groups for 12 min- utes each, with five min- utes of guaranteed green- flag time. That's a change from the initial plan for a 30-minute, all-car session.

Series race director Beau Barfield says split- ting up qualifying for the second race of these dou- bleheaders will "give a premium to the amount of track time available to each competitor" and "im- prove the ability for com-

petitors to get a clean lap and post a true lap time. IndyCar is hosting dou- bleheader races at Belle Isle in June, Toronto in Ju- ly, and Houston in October.

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

Ashley McCarthy 81 Oak Street, Apt. 2 Lewiston, Maine 04240	Justin McCarthy c/o Danielle Epstein 366 Berry Road Barrington, New Hampshire 03825
JP Morgan Chase Bank NA	Penobscot Bay Medical Center c/o Maura Kelly Six Glen Cove Drive Rockport, Maine 04856
c/o CT Corporation 1536 Main Street Readfield, Maine 04355	

Kathryn Robichaud
92 WALNUT STREET, LEWISTON, MAINE
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Dated: May 13, 2013
Kathleen M. Montejo,
City Clerk

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

Kelly J. Mercier
Notary Public, Maine
My Commission Expires
September 11, 2018

NOTICE OF PUBLIC SALE

Notice is hereby given that in accordance with the Judgment of Foreclosure and Sale entered January 17, 2013 in the action entitled Wells Fargo Bank, NA v. Vincent R. Morey, by the Lewiston District Court, Docket No. RE-11-201, wherein the Court adjudged the foreclosure of a mortgage granted by Vincent R. Morey to Mortgage Electronic Registration Systems, Inc. as nominee for Merrimack Mortgage Company, Inc. dated March 24, 2009 and recorded in the Androscoggin County Registry of Deeds in Book 7652, Page 106, the period of redemption having expired, a public sale of the property described in the mortgage will be conducted on

June 27, 2013 commencing at 12:00 pm
At Bendett & McHugh, P.C.,
30 Danforth Street, Suite 104,
Portland, Maine

The property is located at 59 Nichols Street, Lewiston, Maine, as described in said mortgage. The sale will be by public auction. All bidders for the property will be required to make a deposit of \$5,000.00 in certified or bank check at the time of the public sale made payable to Bendett & McHugh, P.C., which deposit is non-refundable as to the highest bidder. The balance of the purchase price shall be paid within thirty (30) days of the public sale. In the event a representative of the mortgage is not present at the time and place stated in this notice, no sale shall be deemed to have occurred and all rights to reschedule a subsequent sale are reserved. This property will be sold as is. Additional terms will be announced at the public sale.

Wells Fargo Bank, NA
By its attorneys,
BENDETT & MCHUGH, P.C.
30 Danforth Street, Suite 104
Portland, ME 04101
207-221-0016



Notice of FORMAL PUBLIC MEETING FOR DURHAM-LISBON

TO DISCUSS THE IMPROVEMENTS TO DURHAM BRIDGE AND ROUTE 9 SLOPE STABILIZATION AND ROADWAY RELOCATION

TUESDAY, JUNE 4, 2013 AT 6:00PM

AT THE FIRE STATION ON 615 HOLLOWELL ROAD DURHAM

Please join MaineDOT at a formal public meeting to discuss the future improvements to the Durham Bridge (#3334), over the Androscoggin River, located between Durham and Lisbon. Also,

30

NOTICE OF PUBLIC SALE

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11 file by the magery n, Army Bales exercise at Center Bales, htering one of s of the agreed deal to alty, his associated

tacked mud-walled compounds in two slumbering villages nearby, lawyer John Henry Browne said. But his client's mental state didn't rise to the level of a legal insanity defense, Browne said, and Bales will plead guilty next week. The outcome of the case carries high stakes. The Army had been trying to have Bales executed, and Afghan villagers have demanded it. In interviews with the AP in Kandahar last month,

does not hang, I will have my revenge." Any plea deal must be approved by the judge as well as the commanding general at Joint Base Lewis-McChord, where Bales is being held. A plea hearing is

A sentencing-phase trial set for September will determine whether Bales is sentenced to life in prison with or without the possibility of parole.

Inn won't seek action to House

(AP) — Michele Unced fourth will be to leave or a dish her lapsed aged to ing fig-move-ecision to sup- ie said related nming lential nced out my Wash- eft the dical didn't ht be. 1 Rus- ession- as not VS. rn for r-par- ative mb to coin- of the

tea party. She swiftly became a face of the movement and helped found the tea party caucus in the House. But she was also at risk of being left behind as the movement matured. Her departure is part of a larger shift in tea party personalities such as former Alaska Gov. Sarah Palin, former Rep. Allen West of Florida and former South Carolina Sen. Jim DeMint, who have moved over into conservative organizations and commentary roles. They've slowly been replaced by a new round of tea party-backed lawmakers such as Sens. Ted Cruz of Texas and Mike Lee of Utah and Rep. Raul Labrador of Idaho.

NOTICE OF HEARING

Pursuant to 17 M.R.S. § 2851-59
Dangerous Buildings
 Ashley McCarthy Justin McCarthy
 81 Oak Street, Apt. 2 c/o Danielle Epstein
 Lewiston, Maine 04240 366 Berry Road
 Barington,
 New Hampshire
 03825
 JP Morgan Chase Bank NA Penobscot Bay
 Medical Center
 c/o CT Corporation c/o Maura Kelly
 1536 Main Street Six Glen Cove
 Drive
 Readfield, Maine 04355 Rockport, Maine
 04856

Kathryn Robichaud
 92 WALNUT STREET, LEWISTON, MAINE
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June 18, 2013
 7:00 pm
 Lewiston City Hall,
 27 Pine Street,
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 Dated: May 13, 2013 Kathleen M. Montejo,
 City Clerk

STATE OF MAINE
 ANDROSCOGGIN, ss May 13, 2013
 Before me this day personally appeared Kathleen M. Montejo who acknowledges the foregoing instrument to be her free act and deed.

Kelly J. Mercier
 Notary Public, Maine
 My Commission Expires
 September 11, 2018

STATE OF MAINE

PROBATE COURT
COUNTY OF Piscataquis
Location of Court Dover Foxcroft
DOCKET NO. 2013A-009

In the Matter of the Adoption Petition of:
 Baby Boy Corkum a.k.a. Owen Michael Green

NOTICE TO PUTATIVE FATHER ABOUT PENDING ADOPTION

This notice is directed to any known or unknown birth fathers that Krista Corkum wishes to consent to the adoption of her child named Baby Boy Corkum a.k.a. Owen Michael Green who was born on April 29, 2013, or to execute a surrender and release of her rights to the child which will allow the child to be adopted. She has named you as the father of said child. You have not consented to the adoption according to the records of this Court. The adoption, consent or the surrender and release has been filed and is pending in the Probate Court in Piscataquis County.

IF YOU WISH TO ESTABLISH YOUR PARENTAL RIGHTS TO THIS CHILD, YOU MUST, WITHIN 20 DAYS FROM THE DATE THIS NOTICE WAS SERVED, FILE A PETITION WITH THE JUDGE OF THE PROBATE COURT IN PISCATAQUIS COUNTY REQUESTING THAT THE JUDGE GRANT TO YOU PARENTAL RIGHTS OF THIS CHILD.

You must file your petition with the Court in Piscataquis County Probate Court at 159 East Main St. Suite. 12 Dover Foxcroft, ME and send a copy of the petition to the mother at Christopher Berry, 28 State Street, Gorham, ME 04038

If you file a petition within 20 days you must include an allegation that you are in fact the birth father of the child and the judge will set a date for hearing to determine whether you shall have parental rights to this child. If you do not petition within 20 days, the judge shall rule that you have no parental rights and that only the birth mother of the child need consent to the adoption or execute a surrender and release. Upon such a ruling, you lose all rights to prove that you are the child's father or that you have any legal relationship with this child.

IF YOU WANT AN ATTORNEY TO REPRESENT YOU AND ARE UNABLE TO AFFORD ONE, THE COURT WILL APPOINT AND PAY FOR AN ATTORNEY FOR YOU. YOU MUST COME TO THIS COURT IN PERSON OR APPLY IN WRITING FOR THE APPOINTMENT OF AN ATTORNEY WITHIN 20 DAYS OF SERVICE OF THIS NOTICE. IF YOU HAVE APPLIED FOR THE APPOINTMENT OF A LAWYER, THE COURT WILL EXTEND THE TIME IN WHICH YOU MUST PETITION TO ESTABLISH YOUR PARENTAL RIGHTS UNTIL YOUR ATTORNEY HAS HAD AN OPPORTUNITY TO REVIEW THIS CASE AND ADVISE YOU.
 Dated: 5/23/13

Donna M Peterson
 Register of Probate

first publication date of this notice is May 24, 2013.

If you are a creditor of an estate listed below, you must present your claim within four (4) months of the first publication date of this Notice to Creditors or be forever barred. You may present your claim by filing a written statement of your claim on a proper form with the Register of Probate of the Court probating the estate or by delivering or mailing to the Personal Representative below at the address shown by his or her name a written statement of the claim indicating the basis therefore, the name and address of the claimant and the amount claimed, or in such other manner as the law may provide. See 18-A M.R.S.A. §3-804.

2012-499 PAUL N. GAGNON, late of Auburn, deceased. Roland Gagnon, 516 Webster St., Lewiston, ME 04240, Personal Representative.

2013-147 HOLLIS C. WINSLOW, late of Sabattus, deceased. Holly B. Dostie, P.O. Box 1695, Auburn, ME 04211 and Stacy T. Dostie, 674 Sabattus Rd., Sabattus, ME 04280, Personal Co-Representatives.

2013-148 RICHARD A. TURNER, late of Greene, deceased. Kelly Freve, 22 Richard St., Greene, ME 04236, Personal Representative.

2013-156 MAURICE LUCIEN LANDRY, late of Lewiston, deceased. Maurice E. Michaud, 116 S. Levant Rd., Levant, ME 04456, Personal Representative.

2013-159 NELLIE FRANCES THOMPSON, late of Lewiston, deceased. Dana Lewis Thompson, 8 Surry Ln., Lewiston, ME 04240, Personal Representative.

2013-161 MARGARET S. WAGNER, late of Livermore Falls, deceased. Clayton S. Wagner, 5 Wagner Ln., Livermore Falls, ME 04254, Personal Representative.

2013-163 KENNETH P. BUTCHER, late of Turner, deceased. Kacie M. Butcher, 410 Pleasant Pond Rd., Turner, ME 04282, Personal Representative.

2013-169 MARIE CECILE BLANCHE BOISVERT, late of Lewiston, deceased. Robert A. Boisvert, 15 Judith St., Lewiston, ME 04240, Personal Representative.

2013-170 WARREN C. CARKIN, late of Lewiston, deceased. Florence E. Carkin, c/o DHHS/OADS, 32 Blossom Ln., SHS 11, Augusta, ME 04330, Personal Representative.

2013-173 FRANCE L. POUSSARD, late of Lewiston, deceased. Arthur A. Poussard, Jr., 290 Williams Rd., Sabattus, ME 04280, Personal Representative.

2013-174 VIVIANE M. LLEWELLYN, late of Lisbon, deceased. Robert K. Carter, 55 Free St., Lisbon, ME 04252, Personal Representative.

2013-175 DOUGLAS J. WIGGINS, late of Livermore, deceased. Tressa Springmann, 3315 Saddle Horse Ct., Glenwood, MD 21738, Personal Representative.

2013-178 RODOLPHE A. GRENIER, late of Lewiston, deceased. Pierre Grenier, 11 Martin Dr., Lewiston, ME 04240, Personal Representative.

2013-180 RENE N. ALBERT, JR., late of Livermore Falls, deceased. Donna Jude, 63 Androscoggin Bluffs, Livermore Falls, ME 04254, Personal Representative.

WENDY S. SANBORN
 Register of Probate
 Published May 24 & 30, 2013.

THE PROBATE COURT IS A PASSPORT AGENT. GET YOUR PASSPORT HERE FOR FAST AND COURTEOUS SERVICE!

Notice to bid

WELD TOWN GARAGE ROOF
 The Town of Weld is accepting sealed bids on a new Garage Roof. Bids will be submitted in sealed envelopes clearly marked "Weld Town Garage Roof" to the Weld Town Office no later than 1:00 PM on Monday, June 17, 2013. The bid package can be picked up at the Town Office. The Town of Weld reserves the right to reject any or all proposals. Bids may be submitted in person or mailed/ faxed to:

Town of Weld
 P.O. Box 87
 23 Mill Street
 Weld, Maine 04285
 Phone: 207-585-2348
 Fax: 207-585-2540

NOTICE OF PUBLIC SALE

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June 27, 2013 commencing
 at 12:00 pm
 at Randall & McWhinney, PC

NOTICE TO CONTRACTORS TOWN OF LISBON, MAINE LISBON ANDROSCOGGIN RIVER TRAIL Maine Department of Transportation PIN 017468.00 Federal Project No: STP-1746(800)X

1. PROJECT
 The Lisbon Androscoggin River Trail consists of the construction of a 1.96-mile long bike and pedestrian trail and sidewalk. The paved 10-foot wide off-street trail consists of three different sections; trail adjacent to railroad; trail adjacent to river; trail through woods. In addition, the project includes a 5-foot wide sidewalk adjacent to a residential street.

2. PLANS AND SPECIFICATIONS
 Bid documents for the above named project may be obtained at the Lisbon Town Hall, 300 Lisbon Street, Lisbon, ME 04250, upon receipt of \$75.00 for each set (\$100.00 if shipped). Checks shall be made payable to Town of Lisbon. Partial sets will not be issued. No refund will be given for the return of documents.

3. PRE-BID MEETING
 A mandatory pre-bid meeting shall be held at the Lisbon Town Hall at 300 Lisbon Street, Lisbon, ME on June 11, 2013 at 9 AM. Attendance will be taken at the pre-bid meeting. Bids received from Contractors not in attendance at the mandatory pre-bid meeting shall be rejected.

4. RECEIPT OF BIDS
 The Town of Lisbon will receive sealed Bids plainly marked to indicate the name of the bidder along with "Bids for Androscoggin River Trail, Lisbon, ME" addressed to Town of Lisbon, 300 Lisbon Street, Lisbon, ME 04250 until 10 AM prevailing local time on June 27, 2013, at which time the Bids will be publicly opened and read aloud at the Lisbon Town Hall located at 300 Lisbon Street, Lisbon, ME.

5. GENERAL INFORMATION
 All questions shall be directed in writing ONLY to Woodard & Curran at 41 Hutchins Drive, Portland, ME 04102 and be received at least five (5) business days prior to the bid opening date (Fax 207.774.6635, or e-mail mmcddevitt@woodardcurran.com). Questions received after this time will not be addressed. Responses from the Engineer that substantially alter this bid will be issued in the form of a written addendum to all bid holders registered in the Town Engineer's Office. Oral explanations or interpretations given before the award of the contract will be binding.

CITY
CORRESPONDENCE

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

April 18,2013

The Estate of Joseph W. McCarthy
92 Walnut St.
Lewiston, ME 04240

Mortgagor : J.P. Morgan Chase
C/O Attorneys Shapiro & Morley LLC
707 Sable Oaks Drive
Suite 250
South Portland, ME 04106

RE: 92 Walnut Street, Lewiston, ME 04240

To whom it may concern,

It has come to the attention of this office that the building at 92 Walnut Street is vacant and has suffered severe deterioration making it unfit for occupancy due to violation(s) of the following provisions of Chapter 18, Article III, Property Maintenance Code, Sections 18-51 and 18-52, Article VI, Sections 18-200 & 18-201, as per The Code of Ordinances of the City of Lewiston hereafter referred to as the (Code). The building is without necessary facilities such as heat, hot potable water, electricity and has been abandoned. Due to obsolescence of the mechanical systems, dilapidation and deterioration of the structural elements and unsanitary conditions, substantial rehabilitation is required for re-occupancy or the building must be demolished.

I hereby condemn and placard the building and property at 92 Walnut Street as being unfit for occupancy pursuant to and in accordance with Chapter 18, Article III, Property Maintenance Code, Sections 18-51 and 18-52, IPMC-108.1 et seq, IPMC-109.1 et seq, IPMC-110.1 et seq, , IPMC-302.1 et seq, IPMC-304.1 et seq, IPMC-305.1 et seq, IPMC-306.1 et seq, IPMC-402.2 et seq, IPMC-504.1 et seq, IPMC-505.1 et seq,, IPMC-506.1 et seq, IPMC-602.1 et seq, IPMC-603.1 et seq, IPMC-604.1 et seq, IPMC-605.1 et seq, IPMC-703.1 et seq and PMC-704.1 et seq of the Code of Ordinances of the City of Lewiston. You are hereby ordered to immediately ensure this building is 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 June 1,2013.

The City of Lewiston may order the demolition of this building pursuant to the provisions of the

EXHIBIT H

the building is not maintained secured or is a threat to public safety and a nuisance.

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

**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**

April 18, 2013

The Estate of Joseph W. McCarthy
92 Walnut St.
Lewiston, ME 04240

Mortgagor : J.P. Morgan Chase
C/O Attorneys Shapiro & Morley LLC
707 Sable Oaks Drive
Suite 250
South Portland, ME 04106

RE: 92 Walnut Street, Lewiston, ME 04240

To whom it may concern,

It has come to the attention of this office that the building suffered severe deterioration making it unfit for occupan provisions of Chapter 18, Article III, Property Maintenance VI, Sections 18-200 & 18-201, as per The Code of Ordir referred to as the (Code). The building is without necessary electricity and has been abandoned. Due to obsolescence of deterioration of the structural elements and unsanitary condit for re-occupancy or the building must be must be demolished

I hereby condemn and placard the building and property occupancy pursuant to and in accordance with Chapter 18, Sections 18-51 and 18-52, IPMC-108.1 et seq, IPMC-109.1 et seq, IPMC-304.1 et seq, IPMC-305.1 et seq, IPMC-306.1 et seq, IPMC-505.1 et seq,, IPMC-506.1 et seq, IPMC-602.1 et seq, IPMC-605.1 et seq, IPMC-703.1 et seq and PMC-704.1 City of Lewiston. You are hereby ordered to immediatel unauthorized entry. You are to make substantial repairs, wi office, or to demolish this building, leaving the property in n no later than June 1, 2013.

The City of Lewiston may order the demolition of this bu.

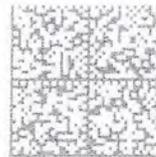
U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only, No Insurance Coverage Provided) For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage \$ Certified Fee \$ Receipt Fee \$	Postmark Here
2. Article Number (Transfer from service label) PS Form 3811, February 2004	1. Article Addressed to: MORTGAGOR: J.P. MORGAN CHASE C/O ATTORNEYS SHAPIRO & MORLEY, LLC 707 SABLE OAKS DRIVE, STE. 250 SOUTH PORTLAND ME 04106
7010 3090 0000 0594 0127 Domestic Return Receipt	SENDER: COMPLETE THIS SECTION <input type="checkbox"/> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. <input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D.	COMPLETE THIS SECTION ON DELIVERY A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> <i>Joseph W. McCarthy</i> B. Received by (Printed Name) <input type="checkbox"/> Addressee <i>Joseph W. McCarthy</i> C. Date of Delivery <input type="checkbox"/> Yes <i>4/19/13</i> D. Is delivery address different from item 1? <input type="checkbox"/> No If YES, enter delivery address below:
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	<input type="checkbox"/> Yes

Regular mail returned

CODE ENFORCEMENT

LEWISTON *Maine*

City Hall
Lewiston, Maine 04240



U.S. POSTAGE >> PITNEY BOWES



ZIP 04240 \$ 000.46⁰
02 1W
0001375818 APR 16 2013

THE ESTATE OF JOSEPH W.
MCCARTHY
92 WALNUT STREET
LEWISTON ME 04240

NIXIE 015 3E 1 00 04/21/13

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 04240720427 *3044-04583-18-38

04240841589



Chase (OH1-8021)
800 Brookside Boulevard
Westerville, OH 43081-2822



April 30, 2013

MAY 06 2013

07697-01 IF1A 120-000000000000
City of Lewiston Code Enforcement
Code Officer Jeff Baril
27 Pine St
Lewiston, ME 04240



We are not able to act on your notice

Property Address: 92 Walnut Street
Lewiston, ME 04240-0000

Dear City of Lewiston Representative:

We recently received a municipal code violation notice from your office regarding the property referenced above. Please see the following information on the notice of violation received.

- 92 Walnut St Lewiston ME 04240
- April 18, 2013

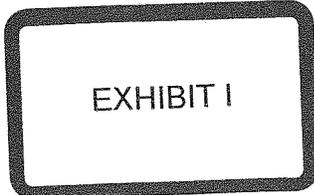
Because our position with respect to this account is mortgagee, we do not have the legal authority to respond to this notice, but we will forward it to the borrower(s). We reserve the right to be notified of future violations.

Your prompt attention to this matter is greatly appreciated. If you have any questions, please call us at one of the telephone numbers listed below.

Sincerely,

Chase
888-310-1506
800-582-0542 TDD / Text Telephone
614-776-8688 Fax
Cpc.Violations@Chase.com
www.chase.com

HR502



PHOTOGRAPHS

92 Walnut Street

Photo # 1 Photos taken 4-17-2013. Front view showing deteriorated soffit.



Photo # 2 Destruction from copper removal in the bath area.

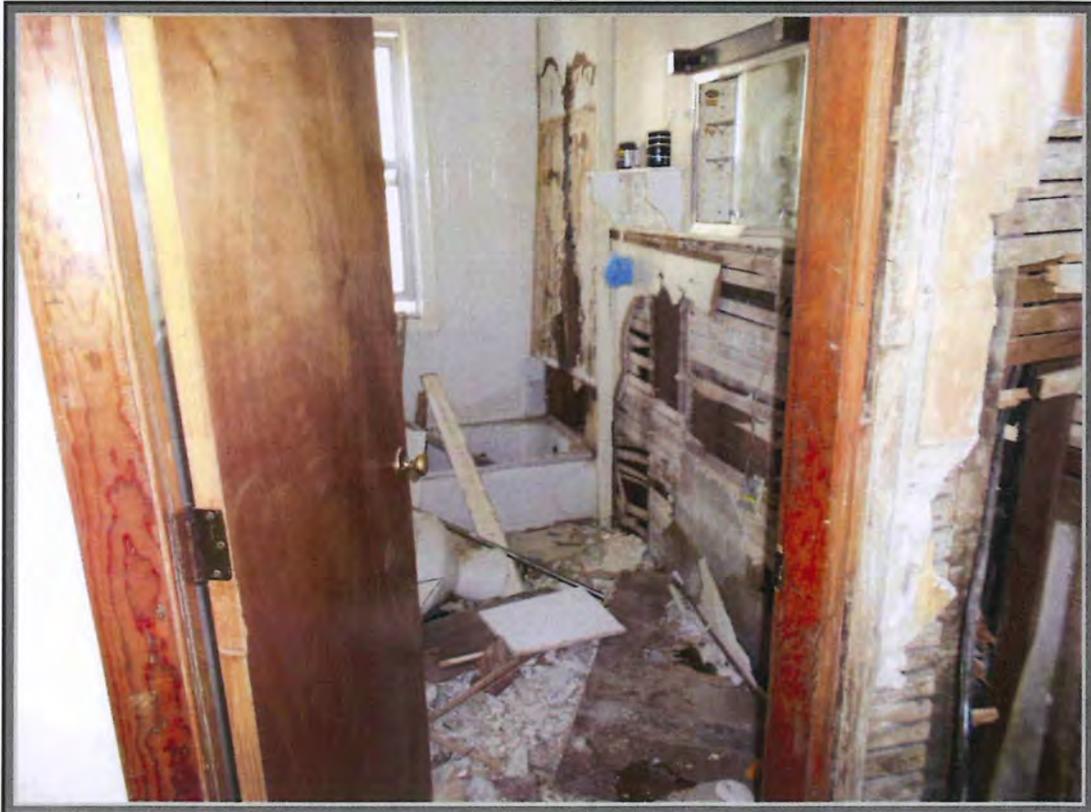


EXHIBIT J

1

Photo # 3 Destruction from copper theft debris.



Photo # 4 Debris contributing to increased fire loading and removed copper heating baseboard elements on wall next to refrigerator.



Photo # 5 Damage and destruction to bathroom with removed bathtub and fixtures.
Increased fire loading.



Photo # 6 Destruction and damage from copper theft creating structurally unsafe conditions. Openings through walls and ceiling circumvent fire stopping and allow for the accelerated spread of fire through floors and walls.



Photo # 7 Corroded BX armored cable due to moisture and structurally unsafe conditions.



Photo # 8 Damage to plumbing fixtures making for unsanitary conditions and structural damage floors and walls creating unsafe and unstable conditions.

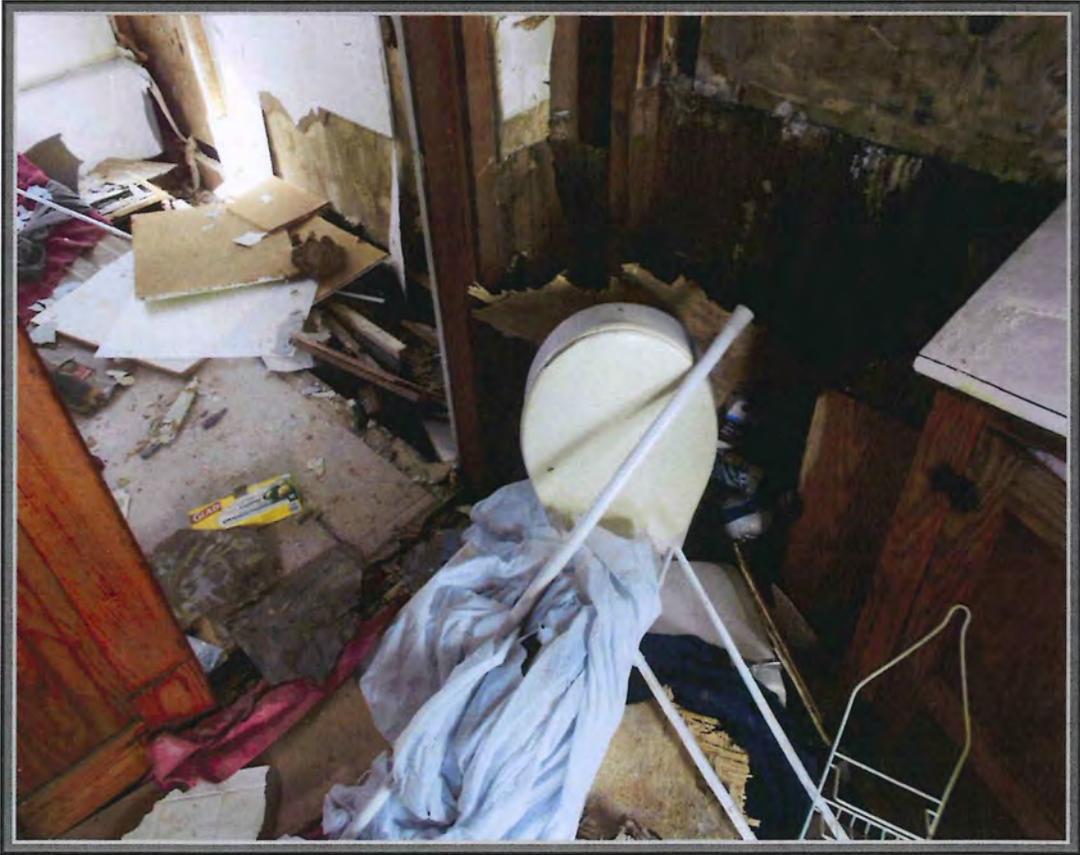


Photo # 9 Damage from vandalism and increased fire loading from debris.



Photo # 10 Debris increasing fire loading and damage from the removal of copper leaving open and unsanitary drainage systems.



Photo # 11 Debris increasing fire loading and damage from the removal of copper leaving open and unsanitary drainage systems.

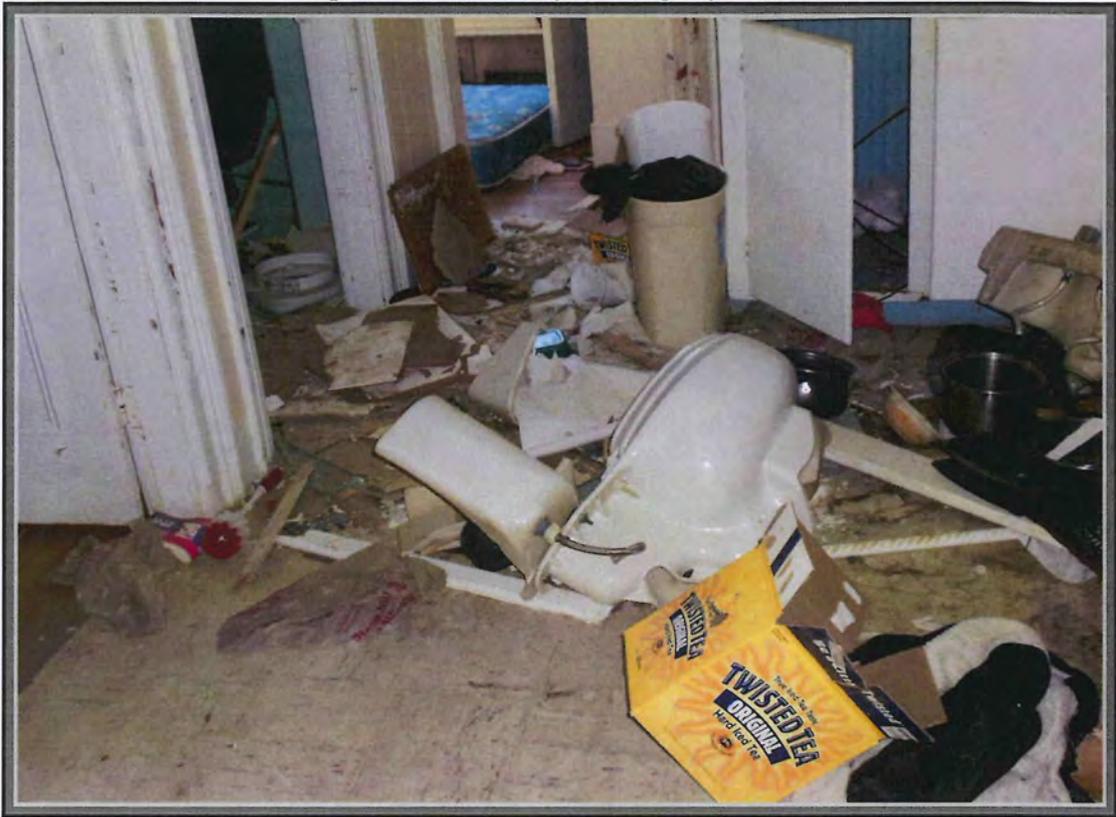


Photo # 12 Damage from copper removal leaving structurally unsafe conditions and the removal of a toilet leaving an unsanitary and open sewage drainage system.



Photo # 13. Deteriorated paint peeling and falling from the ceilings.



Photo # 14 Water entering through the foundation wall making it unstable and unsanitary.



Photo # 15 Deteriorated and obsolete boiler.

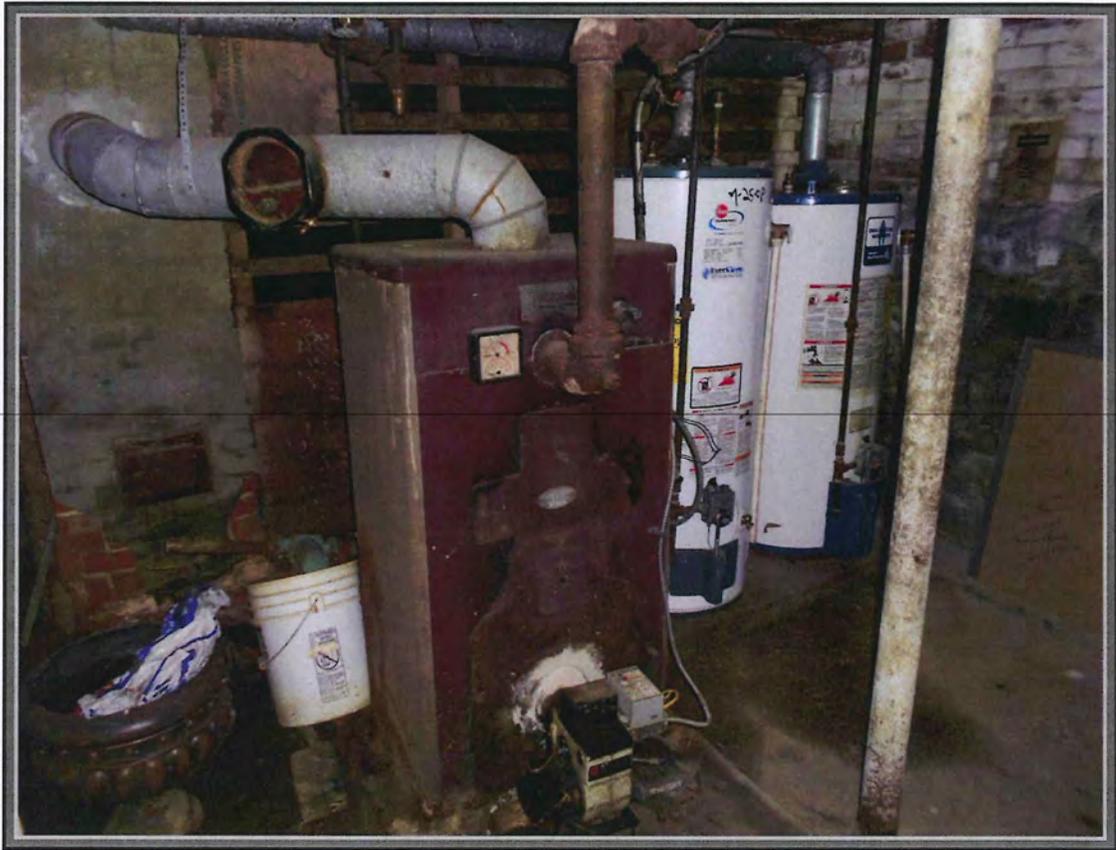


Photo # 16 Moisture entering the structure through creating unsanitary conditions and structural damage.



Photo # 17 Remove copper baseboard heating elements.



Photo # 18 Structural damage making for an unstable and unsafe building.



Photo # 19 Rear means of egress stairs and porch collapsed.



Photo # 20 Porch deterioration and collapse.



Photo # 21 Porch post is out of plumb due to footing movement and settlement making the porch structurally unstable and unsafe.



LEWISTON CITY COUNCIL

MEETING OF JUNE 18, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 9

SUBJECT:

Resolve approving the FFY2013 Community Development Block Grant (CDBG) Action Plan Budget for submittal to the U.S. Department of Housing and Urban Development (HUD).

INFORMATION:

The City Council approved the CDBG Budget at their May 7 meeting. Since that time, the US Department of Housing and Urban Development increased Lewiston's allocation by 4.5%. The CDBG Committee is recommending the additional funds be allotted to fund a temporary fire mitigation program and additional funding for acquisition and demolition. The Council is asked to approve this adjustment to the CDBG budget and is also asked to vote to authorize the submission of the Action Plan Budget to the Department of Housing and Urban Development.

Please see the memorandum from Lincoln Jeffers, Economic and Community Development Director.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To adopt the Resolve approving the FFY2013 Community Development Block Grant (CDBG) Action Plan Budget for submittal to the U.S. Department of Housing and Urban Development (HUD).



**City of Lewiston Maine
City Council Resolve
June 18, 2013**



Resolve, Approving the FFY2013 Community Development Block Grant (CDBG) Action Plan Budget for Submittal to the U.S. Department of Housing and Urban Development (HUD).

Whereas, in accordance with applicable sections of 24 CFR Parts 91 and 570 and the City's Citizen Participation Plan, the City has provided citizens with adequate notice and opportunity to review and comment on its annual Action Plan budget; and

Whereas, the City Council has conducted a public hearing and accepted public comments on the proposed Action Plan; and

Whereas, HUD requires that final local acceptance of the CDBG Action Plan budget take effect a minimum of 45 days prior to the end of this fiscal year, which occurs on June 30, 2013; and

Whereas, the City Council approved a CDBG Action Plan budget at their May 7th meeting; and

Whereas, a final determination from Congress on the amount of CDBG allocation Entitlement Communities were to receive was delayed and HUD asked Lewiston to request an extension of the filing deadline for the Action Plan, which was done and extended to July 15th; and

Whereas, Congress increased the level of CDBG funding allocated to Lewiston for the FFY 2013 year to \$794,492; and

Whereas, Lewiston's Citizen's Advisory Committee has made additional funding recommendations based upon the increased level of funding,

Now, therefore, be It Resolved by the City Council of the City of Lewiston that

The attached schedule of funds for the Federal Fiscal Year 2013 (FFY13) CDBG budget (Action Plan) is hereby adopted and City staff is hereby authorized to submit the FFY2013 Action Plan to the U.S. Department of Housing and Urban Development as adopted.

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

27 Pine Street Lewiston, Maine 04240 Telephone (207) 513-3017 Fax (207) 784-2959

Economic and Community Development

Lincoln Jeffers

Director



To: Honorable Mayor and Members of the City Council
From: Lincoln Jeffers
RE: Recommended Revisions to CDBG Budget
Date: June 13, 2013

Background

The City Council approved the FY2014 CDBG Budget at their May 7th meeting. In the week leading up to that Council action, the U.S. Department of Housing and Urban Development had increased their projection of Lewiston's FY2014 allocation from \$722,298, to flat funding at the FY2013 level of \$760,314. The Citizen Advisory Committee (CAC) had built their budget recommendations in large measure around the original projected allocation, and their recommended budget left \$26,744 unallocated. The CDBG budget approved by the Council on May 7th recognized that when HUD settled on a final allocation amount, the CAC would need to reconvene to discuss and make spending recommendations for any increase in funding and the Council would need to meet after the CAC meeting to make a final decision on the FY 2014 CDBG Budget.

Final Allocation and Recommendations

HUD has determined that Lewiston will receive \$794,492 for FY 2014, an increase of \$34,178 over the FY2013 allocation. This represents a 4.5% increase. This increased funding, combined with the unallocated amount from the approved budget, results in \$60,922 in additional funding to be allocated.

The CAC met on June 6th to discuss and make recommendations on how to spend the additional funding. Their recommendation was to allocate \$10,000 toward a program that would help reduce the fire hazard and fire loading in the downtown area and to increase the amount of funding going toward Acquisition/Demolition by \$50,922; from \$49,805 to a total amount of \$100,727.

No other changes to funding were recommended.

There was considerable discussion around how to structure the fire loading and trash removal program, with the initial inclination being to replicate and build upon the 4 week free dump pass program that was implemented shortly after the fires for a designated portion of the downtown. The CAC's overarching goals were to expand the geography of eligible areas to include all of the CDBG

targeted Census Tracts and to reduce the volume of accumulated trash that increase fire potential in the area. Not knowing the cost or mechanics of administering the program, the CAC agreed to have city staff experienced in solid waste and fiscal issues make recommendations on the structure of the program.

Staff from Community Development, Public Works, and the Finance Director met to discuss how to structure the program. The month long free passes to landlords and tenants within the target area resulted in 172 tons of trash being brought to the dump, which represented approximately \$16,000 in foregone revenues. Administering the program was challenging, with no way to insure that all the material brought to the dump under the free pass program originated in the target area.

Staff's proposal for how to most effectively utilize the \$10,000 recommended for mitigating fire hazards is to fund:

- 1) Securing abandoned buildings from entry
- 2) Removal of trash on city owned property, including alleyways and around the exterior of abandoned properties
- 3) Expand the area in which these services would be performed to include Census Tracts 201 – 204.

Based upon the larger geography and costs incurred during the month long program, it is projected the \$10,000 will fund this program for approximately one month.

Requested Action

With the delay in providing entitlement communities with a committed allocation for FY 2014, HUD recommended entitlement communities ask for an extension of the time frame for filing of the required annual Action Plan. Lewiston requested, and was granted an extension to July 15th.

Attached is a copy of the final CDBG budget recommended by the CAC. The only changes from the budget approved by the Council on May 7th are the allocation of \$10,000 to fund a temporary fire mitigation program; and \$50,922 in additional funding for acquisition/demolition. The Council is asked to review and approve, or amend and approve the budget presented.

		FY2013	FY2013	FY2013	FY2013	FY2014			FY2014	FY2014	FY2014
		Amount	Review Com.	Review Com.	City Council	Amount	CDBG CAC	%	Review Com.	Review Com.	City Council
		Requested	Recommend	Revised	Recommend	Requested	Score	of request	Recommend	Revised	Recommend
TAB	PUBLIC SERVICE AGENCIES										
10	Lewiston Social Services-Casemanagement	\$86,340	\$64,755	\$46,250	\$46,250	\$47,690	95	95%	\$27,183	\$27,183	
3	Androcoggin Head Start & Child Care	\$30,900	\$20,085	\$20,085	\$20,085	\$30,900	90	90%	\$16,686	\$16,686	
11	Literacy Volunteers	\$5,000	\$3,750	\$3,750	\$3,750	\$5,000	87	87%	\$2,610	\$2,610	
24	Trinity Jubilee Center-Food Pantry	\$5,000	\$3,500	\$3,500	\$3,500	\$5,000	87	87%	\$2,610	\$2,610	
25	Trinity Jubilee Center-Warming Center	\$15,000	\$10,500	\$10,500	\$10,500	\$15,000	87	87%	\$7,830	\$7,830	
23	Tree Street Youth					\$16,015	86	86%	\$8,264	\$8,264	
9	Lewiston Adult Education-Workready Training	\$22,000	\$14,300	\$14,300	\$14,300	\$14,300	85	85%	\$7,293	\$7,293	
18	St. Mary's Nutrition Center-Lots to Gardens					\$45,000	84	84%	\$22,680	\$22,680	
13	New Beginnings, Inc.-Outreach Program					\$13,125	83	83%	\$6,536	\$6,536	
19	Seniors Plus	\$25,000	\$16,250	\$16,250	\$16,250	\$25,000	83	83%	\$12,450	\$12,450	
26	Western Maine Community Action	\$10,000	\$7,000	\$7,000	\$7,000	\$10,000	82	82%	\$4,920	\$4,920	
5	Catholic Charities - St. Francis Rec. Ctr.	\$7,000				\$7,000	80	80%	\$3,360	\$3,360	
17	Safe Voices (formerly AWAP)	\$5,500	\$3,575	\$3,575	\$3,575	\$5,500	80	80%	\$2,640	\$2,640	
8	Cultivating Community-Sustainable Agricultural Pro					\$20,470	80	80%	\$9,826	\$9,826	
4	Catholic Charities - SEARCH	\$1,800	\$1,170	\$1,170	\$1,170	\$2,000	79				
20	Sexual Assault Prevention & Response Services	\$7,500				\$7,500	79				
22	Tedford Housing-Lew. Supp. Housing	\$20,000				\$13,500	79				
16	Pathways - Early Learning Center	\$8,500				\$7,500	74				
2	American Red Cross-United Valley Chapter					\$5,000	73				
6	Community Concepts-BB/Big Sisters	\$14,000				\$5,000	71				
15	Pathways-W.T. Twarog Senior Enrich Center					\$6,500	66				
14	Pathways-Certified Employment Specialist Prog.					\$7,500	59				
7	Community Concepts-A Thriving DT Neighbor					\$5,000	59				
12	Museum L-A-Making the Future for Lewiston					\$11,325	54				
1	Advocates for Children-Maine Families	\$10,000				\$3,600	53				
21	Somali Bantu Community Mutual Assistance					\$10,000	45				
	Alternate Advantage OutSource Works	\$40,000									
	Andro. Home Health - Lew. Home Care	\$3,500									
	Community Concepts Homebuyer Ed.	\$5,000									
	Lewiston Rec.--Drop In Program	\$17,400									
	Lewiston Rec.--Multi-Purpose Ctr After School Prog.	\$6,500									
	Lewiston Rec.--Summer Playdays	\$6,500									
	Nutrition Center of ME - Emergency Food Access	\$12,000	\$7,800	\$7,800	\$7,800						
	St. Martin de Porres - Residence	\$5,000	\$3,250	\$3,250	\$3,250						
	Tri-County Mental Health Services	\$20,000									
	Visible Community	\$10,000									
	Lewiston Rec-Camp Smiles	\$15,000									
	United Somali Women of Me-life skills training	\$22,201									
	SUBTOTAL	\$436,641	\$155,935	\$137,430	\$137,430	\$344,425			\$134,888	\$134,888	0.0%
	Amount under/over projected PS Cap:					(\$196,271)			\$13,266	\$13,266	\$ 148,154
A	ECONOMIC DEVELOPMENT										
A1	Acquisition & Demolition	\$100,000	\$96,819	\$96,819	\$96,819	\$50,000	95	95%	\$49,805	\$100,727	
	SUBTOTAL	\$100,000	\$96,819	\$96,819	\$96,819	\$50,000			\$49,805	\$100,727	0.0%
B	HOUSING										
B1	Lead Program Match					\$32,584	withdrawn				
B2	Housing Loan Program	\$100,000	\$37,500	\$37,500	\$37,500	\$140,000	93	93%	\$126,294	\$126,294	
B3	Rehab Office Administration					\$73,215	not scored		\$73,215	\$73,215	
B4	Code Enforcement - General	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	90	0%	\$0	\$0	
B5	Code Enforcement Officer	\$45,000	\$45,000	\$45,000	\$45,000	\$96,400	92	100%	\$96,400	\$96,400	
B6	Community Concepts-Energy & Heating Assist					\$80,000	87	87%	\$71,242	\$71,242	

LEWISTON CITY COUNCIL
MEETING OF JUNE 18, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 10

SUBJECT:

Public Hearing and Order Authorizing Application and Acceptance of Funds from the U.S. Department of Justice - Edward Byrne Justice Assistance Grant Program.

INFORMATION:

The Lewiston and Auburn Police Departments have an opportunity to receive \$46,809 in federal grant funds. These funds are available annually. In the past, these grant funds have been used to purchase surveillance camera equipment, computer upgrades, bicycle patrol unit and provide specialized training.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EATB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order to authorize city staff to apply for and accept funds from the U.S. Department of Justice - Edward Byrne Justice Assistance Grant Program.



City of Lewiston Maine
City Council Resolve
June 18, 2013



**Order, Authorizing Staff to Apply for and Accept Funds Through
the Edward Byrne Memorial Justice Assistance Grant**

WHEREAS, the Lewiston and Auburn Police Departments are eligible to apply for a joint Byrne Memorial Justice Assistance Grant in the amount of \$46,809; and

WHEREAS, in order to apply for these funds, the City must accept the funds if they are awarded and provide opportunities for public feedback and the proposed uses of these funds; and

WHEREAS, the agencies involved will meet and discuss how to spend their portions of this grant as outlined in the attached material from the Chief of Police;

NOW THEREFORE, Be It Ordered by the City Council of the City of Lewiston that staff is hereby authorized to apply for and accept funding through the Edward Byrne Memorial Justice Assistance Grant program subsequent to the receipt, if any, of public feedback on the proposed uses of these funds.



POLICE DEPARTMENT

Michael J. Bussiere
Chief of Police



To: Mayor Robert Macdonald
Members of the City Council
Edward Barrett, City Administrator
Kathy Montejo, City Clerk

From: Michael Bussiere, Chief of Police

Date: June 10, 2013

Re: 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) Program

We have recently received notification from the Department of Justice's Bureau of Justice Assistance of the local solicitation award for the Cities of Lewiston and Auburn for 2013. The JAG Program, administered by the Bureau of Justice Assistance (BJA) and authorized under Public Law 109-162, is the leading source of federal justice funding to state and local jurisdictions. The JAG Program provides states and local governments with funding necessary to support a range of program areas including law enforcement, crime prevention and education, planning, evaluation and technology improvement, among others.

The Lewiston Police Department has agreed to be the fiscal agent for the participants listed below.

Total Eligible Joint Allocation:	\$46,809
Lewiston:	\$32,227
Auburn:	\$14,582
Androscoggin County:	N/A separate funding received thru State

As per the grant application, we need to make this available for review by the governing body and provide the public an opportunity to comment.



171 Park St • Lewiston, Maine • 04240 • Phone 207-513-3137 • Fax 207-795-9007
www.lewistonpd.org



Professionalism

Integrity

Compassion

Dedication

Pride

Dependability

LEWISTON CITY COUNCIL

MEETING OF JUNE 18, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 11

SUBJECT:

Order authorizing the City Administrator to execute an Easement Deed from the Lewiston and Auburn Railroad Company appurtenant to 46 Beech Street and 46 Beech Street Rear.

INFORMATION:

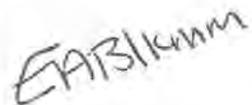
The Riverfront Island Master Plan calls for extending Simard Payne Park to Lincoln Street by improving the vacant land located next to the Depot located at the corner of Lincoln and Chestnut. This property is owned by the Lewiston Auburn Railroad Company. This project was identified as a high priority for plan implementation and work on designing the improvements is underway.

On May 7th of this year, the Council authorized staff to execute an easement agreement with the Railroad to allow this project to move forward. When the easement was reviewed by the Railroad Board, the Board requested a minor change to include in the easement that motorized vehicles be prohibited from the easement area and that this prohibition be enforced both on this property and the adjacent Simard Payne Park. Note that City ordinances already prohibit unauthorized motorized vehicles from the Park.

This is a minor change that will allow this project to move forward.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.



REQUESTED ACTION:

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To adopt the Order authorizing the City Administrator to execute an Easement Deed from the Lewiston and Auburn Railroad Company appurtenant to 46 Beech Street and 46 Beech Street Rear.



**City of Lewiston Maine
City Council Order
JUNE 18, 2013**



Order, Authorizing the City Administrator to Execute an Easement Deed from the Lewiston and Auburn Railroad Company Appurtenant to 46 Beech Street and 46 Beech Street Rear.

Whereas, the Riverfront Island Master Plan was recently completed and adopted by the City Council; and

Whereas, one element of that plan is the extension of Simard-Payne Memorial Park from Oxford Street to Lincoln Street; and

Whereas, the Lewiston and Auburn Railroad Company currently owns the property adjacent to the Grand Trunk Railroad Depot across which the park would be extended; and

Whereas, the Railroad Company has indicated its willingness to work with the City in improving this property by granting the City an easement, subject to certain conditions, to allow its use for pedestrian access to and from the Park and which will allow the City to landscape and improve the property; and

Whereas, this park extension has been identified as a high priority project which should be undertaken as one of the first steps in implementing the plan; and

Whereas, the City Council approved an initial draft of an easement on May 7, 2013; the draft was subsequently reviewed by the LARC Board which requested a minor modification to include in the easement a requirement that the City enforce existing prohibitions against motorized vehicles in Simard Payne Park and that such restrictions be extended to the easement area; and

Whereas, given this request, the proposed easement has been modified to include these conditions;

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

the City Administrator is hereby authorized to execute an easement deed from the Lewiston and Auburn Railroad Company appurtenant to 46 Beech Street and 46 Beech Street Rear in a form substantially as attached hereto.

EASEMENT DEED

Lewiston and Auburn Railroad Company, a Maine corporation with a mailing address of 415 Lisbon Street, Lewiston, ME 04240 (the "Railroad"), grants to the City of Lewiston, Maine whose mailing address is 27 Pine Street, Lewiston, ME 04240, (the "City"), with QUITCLAIM COVENANT, an easement (the "Easement"), in the location shown on the attached Exhibit A ("Easement Area"), which is a portion of the property at 38 Oxford Street and 103 Lincoln Street in Lewiston, which property is described in a deed recorded in the Androscoggin County Registry of Deeds ("Registry") in Book 5418, Page 345.

The Easement shall be appurtenant to 46 Beech Street and 46 Beech Street Rear, Lewiston, described in a deed recorded in the Registry in Book 4007, Page 318, now known as Simard-Payne Memorial Park (the "Park"). The Easement Area shall be used for pedestrian access by the public to and from the Park, and includes the right of the City to: landscape and plant; install signs, walkways, seating, lighting and other pedestrian improvements; to maintain the Easement Area and the improvements thereon; and to temporarily install and/or place tables, tents and kiosks in connection with events taking place in the Park. The making of any improvements shall be subject to the approval of the Railroad, which shall not be unreasonably withheld, conditioned or delayed.

By accepting this Easement, the City agrees to the following conditions:

1. The City accepts the Easement Area in its present condition and agrees that the existing tracks and bumper on the property shall remain in their existing location, and shall not be altered, buried or otherwise concealed by any structure that cannot be removed without damage to the tracks. The City shall be solely responsible for all maintenance within the Easement Area and shall maintain the Easement Area and all improvements thereon in a manner that is consistent with the safe use of the Easement Area by the public. Additionally, the City shall be solely responsible for the enforcement of the existing prohibitions of motorized vehicle operation in the Park served by this Easement as well as enforcement of the same prohibitions of motorized vehicle operations on the Easement Area.
2. Any tenant of the Grand Trunk Depot is authorized to use the area adjacent to the Grand Trunk Depot and extending to the first set of railroad tracks, for purposes of outside seating, provided, however, that such seating does not interfere or otherwise restrict public passage across the Easement Area and provided that the Tenant must comply with applicable City ordinances in effect at the time, including but not limited to Section 66-36 of the City Ordinances, as it may be amended in the future.
3. The City shall require any contractor it engages to perform work in or on the Easement Area to: (a) maintain liability insurance in such amount as the Railroad may reasonably require; (b) name the Railroad as an additional insured on such policies; and (c) provide the Railroad with a certificate of insurance evidencing such insurance prior to commencing any work in or on the Easement Area. The City shall not permit any mechanic's lien to be asserted against the

property by any person claiming under the City. In the event any such lien is asserted, the City shall promptly cause the lien to be discharged by payment, bond or otherwise and shall pay all costs incurred by the Railroad, including attorney's fees, that arise out of or in connection with any such lien.

4. Subject to any immunity or other defense to which the City may be entitled under the Maine Tort Claims Act, including any future amendments, the City shall hold the Railroad harmless from and defend and indemnify the Railroad against any and all claims and costs of any type whatsoever, including attorney's fees, that arise out of or in connection with the use of the Easement Area by the public or City's employees, agents or subcontractors of the City, except to the extent such claims arise out of the negligence of the Railroad or its tenants, invitees or guests. The City shall maintain liability insurance that provides coverage for its obligations hereunder; and

5. In the event the Railroad intends to re-establish rail service on the property, this Easement may be terminated by written notice to the City of Lewiston at least six months prior to the termination date. The Railroad may also terminate this Easement by written notice to the City in the event the City, for a period of two years or more, ceases to use the Easement Area for pedestrian access by the public to and from the Park or if the City transfers (by sale, lease, or otherwise) the Park or any substantial portion thereof or any interest therein such that the Park is not used for a public purpose.

In Witness whereof this Easement Deed has been executed by the duly authorized representatives of the parties on this ___ day of _____, 2013.

**LEWISTON AND AUBURN RAILROAD
COMPANY**

By:
Its:

STATE OF MAINE
ANDROSCOGGIN COUNTY

_____, 2013

Now personally appeared before me the above-named _____,
_____ of Lewiston and Auburn Railroad Company, acknowledged the
foregoing to be the free act and deed of the Lewiston and Auburn Railroad Company and
_____ free act and deed in that capacity.

Notary Public/Attorney at Law
Print Name: _____

CITY OF LEWISTON

By:
Its:

STATE OF MAINE
ANDROSCOGGIN COUNTY

_____, 2013

Now personally appeared before me the above-named _____,
_____ of the City of Lewiston, acknowledged the foregoing to be the free
act of the City of Lewiston and _____ free act and deed in that capacity.

Notary Public/Attorney at Law
Print Name: _____

LEWISTON CITY COUNCIL

MEETING OF JUNE 18, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 12

SUBJECT:

Resolve Extending the Term of the Kennedy Park Bandstand Restoration Committee.

INFORMATION:

In November 2011, the City Council established the Kennedy Park Bandstand Restoration Committee and authorized the Committee to undertake a fund raising effort and establish a process for seeking and handling donations. Per the original Resolve, the Committee was to dissolve in July 2012 unless they were making sufficient progress and there was still work to accomplish. Last fall, the Council extended their term to June 2013. Since the Committee is still working on their goal of restoration of the bandstand, the Council is asked to authorize a second extension of the Committee until June 30, 2014 to allow them to continue toward their goal and to complete their task. The Committee has developed a fundraising brochure and a budget.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/11/11/11

REQUESTED ACTION:

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To approve the Resolve extending the term of the Kennedy Park Bandstand Restoration Committee.



**City of Lewiston Maine
City Council Resolve
June 18, 2013**



Resolve, Extending the Term of the Kennedy Park Bandstand Restoration Committee

Whereas, on November 1, 2011, the City Council established the Kennedy Park Bandstand Restoration Committee and authorized it to undertake fund raising efforts for the restoration of the Kennedy Park Bandstand; and

Whereas, the Council has designated up to \$75,000 in Community Development Block Grant Funds to be used to match donations received by the City for the restoration; and

Whereas, the Committee also received Council authorization to expend up to \$4,000 of this \$75,000 to undertake design activities and to develop a cost estimate for the restoration project; and

Whereas, this work has been completed and the Kennedy Park Bandstand Restoration Committee has developed a fundraising brochure and a budget; and

Whereas, the initial term of the Committee expired on July 31, 2012 and was subsequently extended to June 30, 2013; and

Whereas, the Committee has requested a further extension to June 30, 2014;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that

The term of the Kennedy Park Bandstand Restoration Committee is hereby extended to June 30, 2014.

MEMORANDUM

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

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

RE: Kennedy Park Bandstand Committee Reauthorization

DT: June 12, 2013

On November 1, 2011, the City Council established the Kennedy Park Bandstand Restoration Committee which has been authorized to undertake fund raising efforts to accept donations, on behalf of the City, for the restoration of the Kennedy Park Bandstand. The Council designated up to \$75,000 in Community Development Block Grant funds that have been appropriated for Kennedy Park improvements to be used to match donations received by the City for the restoration. The City will contribute \$1 for every \$2 received in cash or documented in-kind donations from private individuals and organizations.

The Kennedy Park Bandstand Restoration Committee received Council authorization on March 6, 2012 to expend up to \$4,000 of the \$75,000 allocated for the Bandstand to engage the services of Smith Reuter Lull Architects to undertake design activities and to develop a cost estimate for the restoration project. This work has been completed and the Kennedy Park Bandstand Restoration Committee has developed a fund raising brochure and a budget. Given the condition of the Bandstand and the recommendation of the Architects, the Committee voted to demolish the existing Bandstand; however, the roof will be saved to be used for a new bandstand.

On May 3, 2012 the Historic Preservation Review Board granted a certificate of appropriateness to demolish the bandstand with the exception of the roof and to construct a new bandstand adjacent to the Bates Street and Walnut Street entrance to Kennedy Park. This location was chosen in part as it offers excellent handicapped accessibility without the use of a mechanical lift while preserving the height of the bandstand.

Chair William Clifford, Jr. Esq., Lee Myles of the Bandstand Restoration Committee and I attended a Council workshop on July 17, 2012 and we discussed the status of the restoration and fund raising project. We indicated that we would return to the Council to request approval to extend the Committee as the November 1, 2011 resolution passed by the Council to create the Committee states that it shall be officially dissolved on September 30, 2012 unless its term is formally extended by the City Council after a finding that sufficient fund raising progress has been made to justify extending the Committee's term to allow it to complete the project. On October 2, 2012 the Council voted to reauthorize the Committee to June 30, 2013 in order to complete the project.

Fund raising is now underway in earnest and \$8,000.00 via a single contribution has been made to date. In order to continue with fund raising activities Chair Clifford requests that the Committee's term be extended until June 30, 2014.



**City of Lewiston Maine
City Council Resolve
November 1, 2011**



Resolve, Establishing Kennedy Park Bandstand Restoration Committee

Whereas, the bandstand in Kennedy Park is a historic structure closely tied to the history of this community; and

Whereas, in addition to numerous community events and celebrations, the bandstand was the site of speeches by John F. Kennedy on the eve of his election as President and of President Lyndon B. Johnson; and

Whereas, in recent years, the bandstand has suffered from age and deferred maintenance resulting in its closure in 2010; and

Whereas, after considering various options and hearing from members of the public, the City Council has determined that renovation or restoration of the bandstand is both appropriate and desired by the community; and

Whereas, given current financial realities, it is clear that such a project will require the combined resources of the City and of private individuals and organizations;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that

There is hereby established a Kennedy Park Bandstand Restoration Committee.

1. Purpose. The Committee is authorized to undertake fund raising efforts and to accept, on behalf of the City, donations toward the renovation/restoration of the Kennedy Park Bandstand. The Committee shall also make recommendations to the City Council on the scope of restoration/repair work to be undertaken and its estimated cost.
2. Composition. The Committee shall be appointed by the Mayor and shall be composed of representatives of the Historic Preservation Commission and others who have indicated support for this effort. The Mayor shall designate one of its members to serve as Chair. The Committee shall be comprised of seven members.

3. Term. The Committee shall submit a report to the City Council on or before July 31, 2012 summarizing the status of its fund raising efforts and, if available, the proposed scope of work and its estimated cost. The Committee shall be officially dissolved on September 30, 2012 unless its term is formally extended by the City Council after a finding that sufficient fund raising progress has been made to justify extending the Committee's term to allow it to complete the project.
4. Staff Support. The Planning and Code Enforcement Department shall provide logistical support to the Committee. Other members of the City Management Team shall cooperate with the Committee as required.
5. Fund Raising Protocol. All donations made for the purpose of renovating/restoring the Kennedy Park Bandstand shall be made to the City of Lewiston. The Finance Director or her designee shall establish the necessary and appropriate procedures and policies to govern the solicitation of funds and to provide assurance to donors that their contributions will be used for the stated purposes. In addition, the Finance Director shall take steps to put in place the necessary financial controls, including issuing receipts acknowledging all contributions, to ensure full accountability for donated funds accepted by the City for this purpose. In the event that sufficient funds are not raised to allow the project to be undertaken, contributed funds shall be returned to the donor. If funds are received from anonymous sources and cannot be refunded, these donations shall be used for other projects designed to repair or improve historic properties located in the City of Lewiston.
6. Meetings and Reports. The Committee shall meet as necessary at a time convenient to its members. Minutes of these meetings shall be kept and provided to the City Council.

Be it Further Resolved, that the City Council hereby designates up to \$75,000 in Community Development Block Grant Funds currently appropriated for Kennedy Park improvements to be used to match donations received by the City for this restoration project. The City will contribute \$1 for every \$2 received in cash or documented in-kind donations from private individuals and organizations.



**City of Lewiston Maine
City Council Resolve
October 10, 2012**



Resolve, Extending the Term of the Kennedy Park Bandstand Restoration Committee

Whereas, on November 1, 2011, the City Council established the Kennedy Park Bandstand Restoration Committee and authorized it to undertake fund raising efforts for the restoration of the Kennedy Park Bandstand; and

Whereas, the Council has designated up to \$75,000 in Community Development Block Grant Funds to be used to match donations received by the City for the restoration; and

Whereas, the Committee also received Council authorization to expend up to \$4,000 of this \$75,000 to undertake design activities and to develop a cost estimate for the restoration project; and

Whereas, this work has been completed and the Kennedy Park Bandstand Restoration Committee has developed a fundraising brochure and a budget; and

Whereas, the Term of the Committee formally expired on September 30, 2012 with the caveat that the Council would consider extending this term if sufficient progress had been made by that date; and

Whereas, the Council finds that sufficient progress has been made;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that

The term of the Kennedy Park Bandstand Restoration Committee is hereby extended to June 30, 2013.

LEWISTON CITY COUNCIL

MEETING OF JUNE 18, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 13

SUBJECT:

Resolve authorizing application for and acceptance of grants from the Northern Border Regional Commission.

INFORMATION:

The Northern Border Regional Commission is now accepting applications for grants that will award \$1.2 million for eligible projects aimed at improving the economies within a thirty-six county region in Maine, New Hampshire, Vermont, and New York, including Androscoggin County.

Lewiston and Auburn, in conjunction with the Androscoggin Land Trust, have developed a plan for the installation of wayfinding and heritage signage throughout each community designed to provide directions and information for area visitors and to enhance the tourism and arts and culture based industries in our area. This includes detailed plans indicating potential locations for such signage and for its construction and installation. As a result, this project is shovel ready and can be quickly implemented. It should be noted that a similar application was submitted last year and not funded. Since the project is now ready to go, we hope its chances will improve.

We would also like to submit a proposal from the City of Lewiston alone for assistance in providing parking for the proposed hotel to be located on Lincoln Street. This project will also support the visitor industry in our region and create new and sustainable jobs.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EATB/kmm

REQUESTED ACTION:

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To approve the Resolve authorizing application for and acceptance of grants from the Northern Border Regional Commission.



**City of Lewiston Maine
City Council Resolve
June 18, 2013**



Resolve, Authorizing Application for and Acceptance of Grants from the Northern Border Regional Commission

Whereas, the Northern Border Regional Commission is now accepting applications for grants that will award \$1.2 million for eligible projects aimed at improving the economies within a thirty-six county region in Maine, New Hampshire, Vermont, and New York; and

Whereas, Androscoggin County is an area eligible for such grants; and

Whereas, Lewiston and Auburn, in conjunction with the Androscoggin Land Trust, have developed a plan for the installation of wayfinding and heritage signage throughout each community designed to provide directions and information for area visitors and to enhance the tourism and arts and culture based industries in our area; and

Whereas, this plan includes detailed plans indicating potential locations for such signage and plans for its construction and installation; and

Whereas, as a result, this project is shovel ready and can be quickly implemented; and

Whereas, the City of Lewiston is interested in separately seeking a grant to assist in the provision of parking for the proposed hotel to be located on Lincoln Street; and

Whereas, this project will also support the visitor industry in our region and create new and sustainable jobs; and

Whereas, this project can also be quickly implemented;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that

Application for an acceptance of a grant for wayfinding and heritage signage from the Northern Border Regional Commission is hereby authorized, such grant to be in conjunction with the City of Auburn and the Androscoggin Land Trust.

Be it further Resolved, that

Application for and acceptance of a grant from the Northern Border Regional Commission for funding for a parking area to support the development of a hotel on Lincoln Street is hereby authorized

Office of the Federal Co-Chair

NORTHERN BORDER REGIONAL COMMISSION

Margaret Chase Smith FOB, Suite 103
202 Harlow Street
Bangor, ME 04401

sblitz@nbrc.gov

202-590-6650

FOR IMMEDIATE RELEASE

May 22, 2013

Contact: Sandy Blitz
202-590-6650
sblitz@nbrc.gov

NORTHERN BORDER REGIONAL COMMISSION ANNOUNCES NEXT ROUND OF GRANT FUNDS AVAILABILITY

Sandy Blitz, the Federal Co-Chair of the Northern Border Regional Commission (NBRC), announced that the next round of grant funds are now available for federal assistance, and, will begin accepting applications. Chairman Blitz stated that "It is our goal to award approximately \$1.2 million by late Summer, 2013". He further indicated that the maximum grant for any applicant will be \$200,000 of NBRC funds.

The NBRC was created by the Congress to alleviate economic distress, and, to save/create job opportunities throughout a thirty-six county region in Maine, New Hampshire, Vermont, and New York. The Commission has responsibility for fourteen counties (14) counties in New York (Cayuga, Clinton, Essex, Franklin, Fulton, Hamilton, Herkimer, Jefferson, Lewis, Madison, Oneida, Oswego, Seneca, and St. Lawrence); six (6) counties in Vermont (Caledonia, Essex, Franklin, Grand Isle, Lamoille, and Orleans); four (4) counties in New Hampshire (Carroll, Coos, Grafton, and Sullivan); and, twelve (12) counties in Maine (Androscoggin, Aroostook, Franklin, Hancock, Kennebec, Knox, Oxford, Penobscot, Piscataquis, Somerset, Waldo, and Washington). The NBRC is governed by a Board consisting of the Federal Co-Chair and the Governors of the four states.

In its short history, the NBRC has awarded twenty-one grants amounting to a little over \$3.6 million. At the completion of these projects, it is estimated that over 2000 jobs will be created and/or saved. In addition, for every \$1 of NBRC federal funds expended, they will be leveraged with approximately \$7 of other public or private funds.

Eligible projects must develop the transportation, water, sewer, energy, and telecommunications infrastructure of the region; assist the region in obtaining job skills and employment related education, as well as entrepreneurship, technology and business development; provide basic health care and other public services for those areas that are severely economically distressed and underdeveloped; promote resource conservation, tourism, recreation, and preservation of open spaces in a manner consistent with economic development goals; and, to promote the development of renewable and alternative energy sources.

Mr. Blitz indicated that each state will develop its own process for scoring and ranking eligible applications that meet all the criteria of the NBRC. The local economic development districts, in each state, will provide technical assistance to prospective grantees. After the ranking is completed, the Governors of the four states will certify to the Commission their priority projects.

To learn more about the NBRC grant program, and to receive technical assistance in completing the application process, interested parties should contact their Agency of Commerce(VT 802-828-5236), or Department of Economic Development (NH 603-271-2341; ME 207-624-9804) , or in the state of New York, the Department of State (518-473-3355), as well as their regional development corporation.

LEWISTON CITY COUNCIL
MEETING OF JUNE 18, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 14

SUBJECT:

Consideration of request from the African Immigrant Association for City Co-Sponsorship of a Diversity Celebration planned for September.

INFORMATION:

The African Immigrant Association is planning a Diversity Celebration with the objective of strengthening and enhancing diversity in our community, increasing popular acceptance of difference, and reducing racism and discrimination. The planned event will include music, dance, food, cultural displays, and short speeches. See attached letter.

The Association has requested that the City consider co-sponsoring the event and Councilor Saddlemire has asked that the Council consider this request.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

This is a policy decision of the City Council.

EATB/kmm

REQUESTED ACTION:

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To consider the request to co-sponsor a Diversity Celebration with the African Immigrant Association and to determine a course of action.

African Immigrant Association

276 Lisbon St, Lewiston ME 04240

DIVERSITY CELEBRATION

The Diversity Celebration conveys a message of sustainability through cultural interaction. Each year, we organize a multi-cultural night event. In that event we perform cultural dances, food, arts, fashion, and music. The aim of the festival is to bring the culture of African immigrant population to Mainers.

Our main objective is to strengthen and enhance diversity in our community, so that we may increase popular acceptance of difference and reduce threats of racism and discrimination. We plan to perform music and dance performance, arts display, traditional food, and short speeches. We hope to foster a better understanding between the diverse folks bringing people of different cultures and faiths together and hope to see an opportunity that can pave the way for social changes. We also plan to hold periodic community meetings and workshops to address events related to racism in schools and other public domains.

This year we will like to hold the Diversity Celebration event in September and would love to have Lewiston be a co-sponsor of the event.

Thanks,

Nimo Yonis

Executive Director

African Immigrant Association

LEWISTON CITY COUNCIL

MEETING OF JUNE 18, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 17

SUBJECT:

Executive Session pursuant to MRSA Title 1, section 405 (6) (c) to discuss an Economic Development issue 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:

State statutes define the purposes for entering into an executive session.

EAS/kmm

REQUESTED ACTION:

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