

**LEWISTON CITY COUNCIL AGENDA
CITY COUNCIL CHAMBERS
SEPTEMBER 3, 2013**

6:00 p.m. Executive Session - To discuss Disposition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

6:20 p.m. Executive Session - To discuss labor negotiations regarding the Lewiston Police Supervisory Command Unit.

7:00 p.m. Regular Meeting

Pledge of Allegiance to the Flag.
Moment of Silence.

Recognition of Councilor Nate Libby for Facilitating the August Youth Council Leadership Training

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 3.

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. Appointment to the Historic Preservation Review Board.
- * 2. Appointment to the Lewiston Housing Authority Board of Commissioners.
- * 3. Appointment to the Board of Library Trustees.

REGULAR BUSINESS:

4. Public Hearing and First Passage regarding an amendment to the Offenses and Miscellaneous Provisions Ordinance regarding the regulation of Solicitation/Aggressive Panhandling.
5. Public Hearing and First Passage on amendments to the Solid Waste Ordinance.
6. Public Hearing and First Passage for Land Use Code Amendment regarding tattoo establishments.
7. Public Hearing for approval of an Outdoor Entertainment Permit for The Dempsey Challenge.
8. Condemnation Hearing for the building located at 91 Pine Street.
9. Condemnation Hearing for the building located at 102 Walnut Street.
10. Order authorizing the City Administrator to execute a New Lease with Catholic Charities Maine for use of Lewiston City Hall.
11. Potential Amendment to the Joint Development Agreement with Parallax Partners, Inc. regarding the hotel development project on Lisbon Street.
12. Ballot for Election of the Androscoggin County Budget Committee members.

13. Request from the Alzheimer's Association for use of city services and a waiver of fees regarding the organization's September 7 fund-raising event.
14. Reports and Updates.
15. Any other City Business Councilors or others may have relating to Lewiston City Government.
16. Executive Session to discuss Real Estate Negotiations of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.
17. Executive Session to discuss Acquisition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

LEWISTON CITY COUNCIL
WORKSHOP AGENDA
TUESDAY, SEPTEMBER 3, 2013
6:00 P.M.

1. Executive Session, Land Disposition – 20 minutes

It appears that we are now very close to having all of the financing in place for the proposed hotel on Lincoln Street with construction to begin shortly thereafter. We would like to update the Council on this project and review some final modifications that may be required to the Joint Development Agreement for this project. (20 minutes)

2. Executive Session – Labor Negotiations – 30 minutes

Negotiations have started with several of our bargaining units including Police Command staff. We would like to update you on these negotiations and seek your guidance on them.

AFTER THE MEETING

1. Executive Session – Land Acquisition/Disposition – Bartlett and Pierce Streets

We would like to update you on the status of efforts to replace the housing lost in this area as a result of the May fires.

2. Executive Session – Land Acquisition – Riverfront Island

We have recently met with representatives of Brookfield regarding the Canal System and would like to briefly update you on our conversations with them.

LEWISTON CITY COUNCIL
MEETING OF SEPTEMBER 3, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6:00pm

SUBJECT:

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

INFORMATION:

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To enter into an Executive Session, pursuant to MRSA Title 1, section 405(6)(c), to discuss Disposition of Property, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 3, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6:20pm

SUBJECT:

Executive Session to discuss labor negotiations regarding the Lewiston Police Supervisory Command Unit.

INFORMATION:

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (D) to discuss Labor Negotiations regarding the Lewiston Police Supervisory Command Unit.

LEWISTON CITY COUNCIL
MEETING OF SEPTEMBER 3, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

SUBJECT:

Appointment to the Historic Preservation Review Board.

INFORMATION:

The Mayor is nominating Gabrielle Russell of 223 Lisbon Street to serve as an alternate member of the Historic Preservation Review Board. This is a three year term, but this appointment is filling a current vacancy, and therefore will expire January 5, 2016. The Director of Code Enforcement supports this appointment and Council confirmation is requested.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EA/B/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To confirm the Mayor's nomination of Gabrielle Russell of 223 Lisbon Street to serve as an alternate member of the Historic Preservation Review Board and to appoint Ms. Russell as a member of the Board for a three year term, said term to expire January 5, 2016.

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 3, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

SUBJECT:

Appointment to the Lewiston Housing Authority Board of Commissioners.

INFORMATION:

There is one opening on the Lewiston Housing Authority Board of Commissioners. The Mayor is recommending the following reappointment to the Lewiston Housing Authority Board of Commissioners:

1) Theresa Samson, 15 Shank Street, term to expire Sept. 17, 2018

This is a five year appointment.

James Dowling, Executive Director of the Housing Authority, endorses this appointment. These appointments do require Council confirmation.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

Appointments to Boards and Committees are a policy decision of the Council.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To confirm the Mayor's nomination and to appoint the following resident as a member of the Board of Commissioners of the Lewiston Housing Authority:

Theresa Samson of 15 Shank Street (term to expire September 17, 2018)

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 3, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 3

SUBJECT:

Appointments to the Board of Library Trustees.

INFORMATION:

Currently there are two openings on the Library Board of Trustees:

- 1) The Mayor is nominating Mohamed Abdillahi of 77 Rideout Avenue to serve as a member of the Board of Library Trustees. This is a three year term, but this appointment is filling a vacancy due to a resignation, and therefore will expire January 5, 2016. The Library Director supports this appointment and Council confirmation is requested.
- 2) The Mayor is nominating Adam Sherman of 4 Laase Avenue to serve as a member of the Board of Library Trustees. This is a three year term, but this appointment is filling a vacancy, and therefore will expire January 5, 2016. The Library Director supports this appointment and Council confirmation is requested.

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 confirm the Mayor's nomination of:

- 1) Mohamed Abdillahi of 77 Rideout Avenue to serve as a member of the Board of Library Trustees and to appoint Mr. Abdillahi as a member of the Board of Library Trustees for a three year term, said term to expire January 5, 2016, and
- 2) Adam Sherman of 4 Laase Avenue to serve as a member of the Board of Library Trustees and to appoint Mr. Sherman as a member of the Board of Library Trustees for a three year term, said term to expire January 5, 2016.

City of Lewiston

Application for Appointment to City Board/Commission/Committee

Full Name: MOHAMED ABDILLAHI

Street Address: 77 Rideout Ave 1-5, Lewiston ME 04240

Mailing Address (if different): PO Box 381

Telephone Number: [redacted] (daytime) [redacted] (evening)

Email Address: aleebani@gmail.com

Length of time as a Lewiston Resident: 6 years Council Ward: _____

I wish to be considered for appointment to the:

Board of Library Trustees
(Name of Board/Commission/Committee)

Check one or both: [X] Full Membership Status _____ Associate Membership Status

Educational Background: USM (working on my bachelor - 1 year left)

University of Ivory Coast - Equivalent of Bachelor of Science

Employment History: Currently: Spurwink service as case worker since 02/11; previously: Social Service case worker From 2008-2011

Community Service: Youth Street - African Community Center

Please note any prior experience, knowledge or abilities that you have which would contribute to the activities of the Board/Commission/Committee:

Worked as Real Estate Agent for Century 21 (From 2005-2008)

Date: 7/31/2013 Signature: [Handwritten Signature]

Thank you for your interest in serving the City of Lewiston. Please return form to: City Clerk's Office, 27 Pine Street, Lewiston, ME 04240-7297

RECEIVED

AUG 27 2013

CITY CLERK'S OFFICE
LEWISTON

City of Lewiston

Application for Appointment to City Board/Commission/Committee

Full Name: Adam P. Sherman

Street Address: 4 Laase Avenue, Lewiston, ME 04240

Mailing Address (if different): _____

Telephone Number: [REDACTED] (daytime) [REDACTED] (evening)

Email Address: asherma@pswlegal.com

Length of time as a Lewiston Resident: 9 years Council Ward: 1 yr.

I wish to be considered for appointment to the:

Library Board of Trustees
(Name of Board/Commission/Committee)

Check one or both: Full Membership Status Associate Membership Status

Educational Background: J.D. 2006, University of Maine Law School;

B.A. English, 2003, University of Maine at Farmington

Employment History: Managing partner at Paradie, Sherman, Walker, Worden
since 2012; owner/solo practitioner Law office
of Adam Sherman 2006-2012; U.S. Army 1996-1999

Community Service: _____

Please note any prior experience, knowledge or abilities that you have which would contribute to the activities of the Board/Commission/Committee:

In addition to legal experience, I have business management
experience. I've also travelled the U.S. and Europe/Africa widely.

Date: 27 Aug 13 Signature: [Signature]

Thank you for your interest in serving the City of Lewiston.
Please return form to: City Clerk's Office, 27 Pine Street, Lewiston, ME 04240-7297

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 3, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT:

Public Hearing and First Passage regarding an amendment to the Offenses and Miscellaneous Provisions Ordinance regarding the regulation of Solicitation/Aggressive Panhandling.

INFORMATION:

This proposed ordinance is pertaining to safety concerns with regard to pedestrians in traffic medians and interacting with traffic while soliciting for money. Several other communities have recently enacted local ordinances regarding panhandlers and it is recommended that Lewiston consider doing so as well.

This proposed ordinance was discussed by the Council during a recent workshop. The Police Department prepared the draft ordinance language. During the workshop, Councilors suggested a few changes and these have been incorporated.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.



REQUESTED ACTION:

1	2	3	4	5	6	7	M
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That the proposed amendment to the City Code of Ordinances, Chapter 50 "Offenses and Miscellaneous Provisions", Article X. "Aggressive Panhandling", receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regularly scheduled City Council meeting for final passage.

**AN ORDINANCE PERTAINING TO SAFETY CONCERNS WITH REGARD TO
PEDESTRIAN ACTIVITIES OCCURRING IN TRAFFIC DIVIDING MEDIANS AND
AREAS IMMEDIATELY PERTAINING TO VEHICULAR TRAFFIC AND DEALING
WITH “AGGRESSIVE” PANHANDLING OCCURRING IN THE PUBLIC
CONCOURSE**

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 X. AGGRESSIVE PANHANDLING

Sec. 50-266. Purpose.

The purpose and intent of this ordinance is to prevent dangers to persons and property, to prevent delays, and to avoid interferences with traffic flow caused by persons soliciting employment, business, contributions or sales of any kind, or collecting monies for the same, in or near a publicly maintained street, road or highway used primarily for the conveyance of motorized vehicle traffic; and not negating or restricting pedestrian access and use for travel established in accordance with State statutes. The additional purpose and intent of this ordinance is to protect the safety of the general public against abusive conduct of persons engaged in solicitation, by imposing reasonable manner and place restrictions on solicitation while respecting the constitutional rights of free speech for all citizens. These purposes are constituted from the following statements of findings:

1. The activity of soliciting from occupants of vehicles distracts drivers from their primary duties to watch traffic and to avoid potential hazards in the roadway, including pedestrians, to observe all traffic control signals or warnings, and to prepare to move through the City’s travel ways and intersections.
2. The practice of soliciting from occupants of vehicles when persons approach vehicles to negotiate with the occupants impedes the flow of traffic on the streets within the City, results in the delay and obstruction of the public’s free flow of travel, and results in congestion and blockage of the travel ways, driveways to parking areas, and sidewalks.
3. Distracted drivers are more prone to automobile accidents which constitute a substantial traffic safety problem that impedes and prevents the orderly flow of traffic, and are a threat to the safety of the person engaging in the solicitation, pedestrian traffic, and the traffic in general.

4. Aggressive solicitation creates fear and intimidation and results in a loss of access to the enjoyment of public places.
5. The State Statute dealing with divided highways, Title 29-A M.R.S. §2052(5), speaks to a municipality having the authority to limit the use of such travel way to prohibit pedestrians in the use of those ways. The State Statute addressing pedestrian traffic, Title 29-A M.R.S. §2056(2), clarifies how a pedestrian is expected to conduct on a public way. The State Statute dealing with offenses against public order, Title 17-A M.R.S.A. §505, addresses obstruction of a public way.

Sec. 50-267. Definitions.

For the purposes of this article, the following words and phrases shall have the following meanings:

- (1) “City” means the City of Lewiston, Maine.
- (2) “Curb” means the lateral lines of a street, road or highway, whether constructed above grade or not, which are not intended for vehicular travel.
- (3) “Median” means the area of a street, road or highway, generally in the middle, which separates traffic traveling in one (1) direction from the traffic traveling in another direction, or which, at intersections, separates traffic turning left or right from traffic proceeding straight. Such area is physically defined by curbing, landscaping, or other physical obstacles, to the area used by motor vehicles, or by traffic control markings which prohibit use of a portion of the pavement of a street, road or highway by motor vehicles other than to drive generally perpendicularly across the markings or to idle there awaiting the opportunity to cross or merge with opposing lanes of traffic (also known as “painted medians”, which are wider than a double yellow line); or the area of a street, road or highway or a right-turn only lane, roughly triangular in shape, and separated from the motor vehicle traffic lanes by curbing, landscaping, or other physical obstacles to the area used by motor vehicles (also known as an “island”).
- (4) “Public right-of-way” means real property:
 - a. Owned by a governmental entity or owned by a non-governmental entity or person and deeded, used, reserved or dedicated to or for public use for travel or transportation purposes, including but not limited to sidewalks, medians, curbs, shoulders, improved shoulders, walkways, paths and any other area so owned, dedicated, used, or reserved for public use, including but not limited to use by vehicles, pedestrians, and public utilities; and

- b. The public right-of-way includes the area extending from the right and left of the center line of a public street, road, highway, sidewalk or walkway to the nearest property line which marks the juncture of private property and the public right-of-way.
- (5) “Shoulder” means the portion of a street, road or highway that is:
- a. Adjacent to the travel way;
 - b. Designed or ordinarily used for parking;
 - c. Distinguished from the travel way by different design, construction, or marking; and
 - d. Not intended for normal vehicular travel.
- (6) “Sidewalk” means that improved surface which is between the curb lines, or lateral line of a street, road or highway, and the adjacent property line, and is designed, intended, and ordinarily used for pedestrian travel.
- (7) “Solicitation” means the act of asking another for money or other items of value, whether or not in exchange for a service or item of value.
- (8) “Street, road or highway” means the entire width between the boundary lines of every way publicly maintained when any part thereon is open to the use of the public for purposes of vehicular travel, or the entire width of every way declared to be a public street, road or highway by any law of the State; including, but not limited to frontage roadways of every way publicly maintained when any part thereof is open to the use of the public for the purposes of vehicular traffic, and the area intended for or capable of pedestrian travel, such as a sidewalk or shoulder.
- (9) “Traveled portion” means that portion of the publicly maintained street, road or highway which is improved, designed or ordinarily used by moving motor vehicle traffic.

Sec. 50-268. Prohibited acts generally.

- (1) It shall be unlawful for any person to solicit a ride, employment, business, contributions or sales of any kind, or collect monies for the same, from the occupant of any motor vehicle traveling upon any publicly maintained street, road or highway, when the person performing the activity:
- a. Enters onto the traveled portion of a publicly maintained street, road or highway;
 - b. Is located upon any median or area of the street, road or highway;

- c. Is located on a sidewalk or shoulder intended for or capable of pedestrian travel such that it interferes with, infringes on, or inhibits the ability of pedestrians to travel on such highway, sidewalk, or shoulder; that it causes a visual obstruction for vehicles traveling on the adjacent street, road or highway interfering with the operators ability to clearly observe other vehicles or pedestrians; or results in vehicles stopping within the travel lane to respond to the solicitation; or
 - d. Is located such that vehicles cannot move into or out from a legal parking area to safely conduct the transaction.
- (2) A person may not stand on or near any publicly maintained street, road or highway to solicit the watching or guarding of a vehicle parked or to be parked on such way.

Sec. 50-269. Invasively Aggressive Solicitation.

- (1) It shall be unlawful for a person to intentionally or recklessly position their self or any held or placed sign or object in such a manner to interfere with the line of sight for a driver of a vehicle while engaging in any conduct of solicitation.
- (2) A person may not intentionally or recklessly block, follow or accompany without consent, or threaten another person on a public right-of-way while engaging in any solicitation request or after the solicited individual has declined to donate.
- (3) A person may not use abusive or profane language, or make a statement, gesture, or other communication that is inherently likely to provoke an immediate violent reaction, ether before, during or after engaging in a solicitation request.
- (4) A person may not intentionally or recklessly block the entrance for another person to a building or vehicle while engaging in a solicitation request.
- (5) A person who is making a solicitation request may not intentionally or recklessly touch or cause physical contact with another person without that person's consent.

Sec. 50-270. Penalty.

- (1) The civil penalty set in accordance with the city's policy manual as approved by the city council shall be imposed for the issuance of citations. The civil penalties imposed are cumulative.
- (2) In addition to the civil citation being issued for violation of this ordinance, or other discretionary communicated warning for offense, the person may be served with a corresponding warning or other enforcement action relating to Criminal

Trespass as is authorized by State Statute, Title 17-A M.R.S. §402(1)(D)(E), and or Obstructing Public Ways as is authorized by State Statute, Title 17-A M.R.S. §505.

- (3) In addition to the civil citation being issued for violation of this ordinance, or other discretionary communicated warning for offense, the person alleged to have engaged in invasively aggressive solicitation may be served with a corresponding warning or other enforcement action relating to Disorderly Conduct as is authorized by State Statute, Title 17-A M.R.S. §501-A(1)(B), and or Harassment as is authorized by State Statute, Title 17-A M.R.S. §506-A(1)(A).

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 3, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

SUBJECT:

Public Hearing and First Passage on amendments to the Solid Waste Ordinance.

INFORMATION:

These proposed Code amendments incorporate language to address the new “ePass” program which replaces the old punch pass system, adds an “abbreviated ePass” program which allows tenants of multi-unit apartment buildings to dispose of materials for a 30 day period, expands the list of recyclable materials, adds an open enrollment period for properties that have been previously terminated from the program and shifts the spring clean up language from the ordinance into the Solid Waste Policy instead.

Please see the attached memorandum from Public Works Director David Jones for additional information.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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That the proposed amendments to the City Code of Ordinances, Chapter 62 “Solid Waste”, Section 62-11 “Definitions”, Section 62-13 “Municipal collection of solid waste and recyclable materials”, Section 62-14 “Fee Schedule”, Section 62-22 “Recycling Agreement”, Section 62-23 “Spring cleanup event” and Section 62-24 “ePass program”, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regularly scheduled City Council meeting for final passage.



Department of Public Works

David A. Jones, P.E.
Director



August 27, 2013

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

Re: Council Approval of Solid Waste Ordinance and Policy Changes

At their August 13, 2013 meeting, we held a workshop with the City Council on the proposed changes to both the Solid Waste Ordinance (Chapter 62 of the City Ordinances) and the Solid Waste Policy (formerly Policy #52 Solid Waste Fee Schedule). Members of the City Council provided valuable feedback, which has since been incorporated as part of the proposed revisions to both the Ordinance and the Policy. At their meeting on September 3, 2013, we will ask the City Council to vote to approve the first reading of the proposed changes to the Solid Waste Ordinance (Chapter 62 of City Ordinances). At the City Council meeting scheduled for September 17, 2013, we will ask the City Council to take two votes:

1. Vote to approve the second reading of the proposed changes to the Solid Waste Ordinance (Chapter 62 of City Ordinances); and
2. Vote to approve the proposed changes to Policy #52 Solid Waste

Here is a quick summary of the proposed changes;

Chapter 62 of City Ordinances – Solid Waste

- Incorporates language to address the new ePass, which replaced the old punch pass;
- Adds an “abbreviated ePass”, which allows tenants of multi-unit apartment buildings in the City to dispose of materials for a 30 day period at the solid waste facility. The amount and types of materials allowed for both ePasses and abbreviated ePases are established;
- Expands the list of materials that can be recycled;
- Adds an open enrollment period for the properties which had been terminated from the program. (As discussed during the workshop this was changed to begin in even numbered years);
- Eliminates the Spring Cleanup event from the Ordinance and refers to the Solid Waste Policy for details about the Spring Cleanup Assistance Event. (The revised policy describes the Spring Cleanup Assistance Event and services provided if funded).

Policy #52 Solid Waste Policy (to be voted on at Sept 17 meeting)

- Updates the language to replace “Punch Pass” with “ePass”;
- Establishes a fee for “abbreviated ePass at \$10.00;
- For Waste Collection and Disposal from Multi-Unit Apartment Buildings, the per dwelling unit fee per year will be waived for owner occupied units;
- Eliminates “Processing Fees” for other towns as Single Stream Recycling has replaced this effort. Other towns can still deliver their Single Stream recyclables to Lewiston for processing, but there is no sharing of revenues;
- Adds a section to describe the Spring Cleanup Assistance Event (as mentioned above).

We recommend approval of the Ordinance and Policy revisions as written when the City Council votes.

Sincerely,
David A. Jones, P.E.
Director

Cc: K. Gagne, M. Bates, R. Stalford

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.~~ Spring Cleanup Assistance 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.

SOLID WASTE

ARTICLE I. IN GENERAL

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).

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.

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~~ ePass is nontransferable and is invalid if used by anyone other than the ~~recipient.~~ authorized user.

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.~~

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,

SOLID WASTE

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.

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).

Universal waste includes the following:

- (1) Rechargeable batteries, which contain lead, cadmium and/or mercury.

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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

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 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.

SOLID WASTE

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, 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 even numbered year for properties, which had been terminated from the program due
 1. to failure to pay required disposal fees and/or
 2. failure to address any outstanding violations/penalties, as required in this section and/or,
 3. failure to request Finance Department assistance with an alternate payment schedule,

may re-apply to participate in this program. The owner of the property, which was terminated, may submit an application and

SOLID WASTE

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.

- (6) If a landlord provides the Finance Department a 30-day pre-notification in advance of payment due date that they wish to be removed from a program and to private haul their trash, they may rejoin the program beginning on the next semiannual cycle. Pre-notification of termination and applying for reinstatement in the program will be the sole responsibility of the landlord. If pre-notification is not received, the property will be removed from the program due to lack of payment and be subject to the open enrollment rules reflected in section 5.

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 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.

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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 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.

Sec. 62-14. Fee schedule.

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

Sec. 62-22. Recycling agreement.

Any municipality or quasi-municipal organization requesting disposal and/or transfer services of

SOLID WASTE

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.~~

~~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.~~

~~c. — *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~~

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~~penalties described in section 62-16.~~

Spring Clean-Up Assistance Event

The Solid Waste Policy (ref. Spring Cleanup Assistance Event) describes a limited service to Residential Property owners, by the City, for the collection of solid waste materials, which are not typically collected curbside and for which the City charges a fee for disposal. This policy and any modifications to this policy shall be filed with the City clerk.

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.

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

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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.

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 3, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6

SUBJECT:

Public Hearing & First Passage for Land Use Code Amendments regarding tattoo establishments.

INFORMATION:

James Bernard of Professional Pierces of Maine has submitted a petition to amend the Land Use Code regarding tattoo establishments and zoning restrictions.

On August 26, the Planning Board voted 6-1 to send a favorable recommendation to the City Council for the adoption of proposed amendments in support of the requested Code changes.

Please see the enclosed memorandum from City Clerk Planner, David Hediger.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of this item.

EAB/Kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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That the proposed amendments to the Appendix A, Article II "Definitions", Article XI "District Regulations", and Article XII "Performance Standards", of the City Zoning and Land Use Code, regarding tattoo establishments and zoning, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regularly scheduled City Council meeting for final passage.

AN ORDINANCE PERTAINING TO TATTOO ESTABLISHMENTS

THE CITY OF LEWISTON HEREBY ORDAINS:

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

APPENDIX A

ZONING AND LAND USE CODE

Article II. Definitions.

Sec. 2. Definitions.

Unless otherwise expressly stated, the following words shall, for the purpose of this Code, have the meaning herein indicated:

Adult business establishment means a business which:

- (1) Keeps for public patronage, or permits or allows the operation of, any adult amusement device as defined in Chapter 22, Article I, section 22-2 of the Code of Ordinances of the City of Lewiston; or
- (2) Offers live entertainment, customarily exhibits motion pictures, or displays any other visual representation described or advertised as being "X-Rated" or "For Adults Only", and which excludes persons from any portion of the premises by reason of immaturity of age or by use of such, or similar phrases; or
- (3) Offers as a substantial portion of its stock-in-trade, books, magazines, other periodicals, video recordings, marital aides, and devices characterized by their emphasis on specified anatomical areas or specified sexual activities, as defined in Chapter 22, Article I, section 22-2 of the Code of Ordinances of the City of Lewiston, "adult amusement devices"; or
- (4) Has an adult oriented live entertainment license pursuant to Chapter 10, Article IV of the aforementioned Code; or
- ~~(5) — Performs or practices the art of tattooing (tattoo parlors)~~

As used in this definition, "customarily" shall mean more often than an average of one (1) calendar week during any calendar month of operation, and "substantial portion" shall mean greater than thirty (30) percent of the books, magazines, other periodicals, video recordings, marital aides, and devices carried as stock-in-trade.

Tattoo Establishment means a permanent, nondwelling premise where a tattoo practitioner/operator, being the person who places a tattoo on a human being, and is at least 18 years of age, performs tattooing.

Article XI. District Regulations

(c) *Land Use Table* – uses appearing in the table are part of this Code and set forth the uses allowed in all district. (SEE TABLE: Tattoo establishments, HB, CB)

Article XII. Performance Standards

Sec. 9. Adult business establishment, tattoo establishment, and drinking place standards.

The regulation of the density of adult business establishments, tattoo establishments, and drinking places is intended to permit the location of such establishments within the community, yet ensure that they will not become overly concentrated in neighborhoods or areas to the detriment of other uses. Therefore, in addition to the regulations of article XI, adult business establishments, tattoo establishments, and drinking places shall conform to the following standards:

(1) The minimum distance between an adult business establishment, tattoo establishments, and/or drinking place and any two other adult business establishments, tattoo establishments, and/or drinking places in the same or adjoining zoning district shall be 300 feet for businesses located within the Centreville district as measured along the ordinary course of travel between the main entrance of each premises.

(a) Drinking places with 5,000 square feet or greater on the first floor are exempt from the above referenced standard. Drinking places of 5,000 square feet or greater shall not be included in the locational criteria determinations for drinking places of less than 5,000 square feet or adult business establishments.

(2) The minimum distance between an adult business establishment, tattoo establishments, and/or drinking place and any two other adult business establishments, tattoo establishments, and/or drinking places in the same or adjoining zoning district shall be 500 feet for businesses located in any other district as measured along the ordinary course of travel between the main entrance of each premises.

(3) An adult business establishment, or drinking place may not be located within 300 feet, as measured along the ordinary course of travel between the main entrance of each premises, of a public or private school, school dormitory, church, chapel or parish house, or legally-established dwelling in a residential zoning district, in existence prior to the establishment of the business.

Reason for proposed amendment

Tattoo establishments are currently regulated as adult business establishments in the City of Lewiston and are permitted in the Community Business (CB) district as a conditional use. Listed as an adult business limits tattoo establishments to one zoning district and subjects them to additional performance standards, including locational criteria requiring 300 feet of separation along the ordinary course of travel between the main entrance of each premises, of a public or private school, school dormitory, church, chapel or parish house, or legally-established dwelling in a residential zoning district, in existence prior to the establishment of the business.

The tattoo/body art industry is commonly classified as a personal service, which includes saunas, ear piercing services, tanning salons, hair salons, etc. Tattoos and tattoo establishments have become very common in society and many of the associated stigmas and sensitivities have moderated. The City has historically held tattoo establishments to a more onerous zoning requirement than other permitted personal services. Personal services are presently allowed as a permitted use in 12 zoning districts. Creating a separate definition for tattoo establishments provides the ability to limit which districts said uses may be allowed in. A separate definition provides for limitations to be placed upon tattoo establishments rather than combining with the use group of personal services which are allowed as permitted uses with no performance standard requirements.

The proposed amendment:

- Creates a separate definition for tattoo establishments, removing it from the definition of adult business establishments.
- Continues to allow tattoo establishments as a conditional use in the CB district.
- Adds tattoo establishments as a conditional use to the highway business (HB) district.
- Continues to regulate the distance between an adult business establishment, tattoo establishments, and/or drinking place and any two other adult business establishments, tattoo establishments, and/or drinking places.
- Does not require the previously established setback of a 300 feet between the main entrance of a tattoo establishment and that of a public or private school, school dormitory, church, chapel or parish house, or legally-established dwelling in a residential zoning district, in existence prior to the establishment of the business.

Conformance with Comprehensive Plan

- Review permitting and licensing policies and practices to see where they can be streamlined in order to better service the development community. . . (see Economy, Policy 1, Strategy C, p 39).

- Encourage the orderly growth and development of the appropriate areas of the City while making efficient use of public services ... (Land Use, Goals, #1, page 123).



CITY OF LEWISTON

Department of Planning & Code Enforcement



TO: Mayor and Members of the City Council
FROM: David Hediger, City Planner
DATE: August 30, 2013
RE: Zoning and Land Use Amendment: Tattoo Establishments

James J Bernard of Professional Piercers of Maine has submitted a petition pursuant to Article XVII, Section 5 of the Zoning and Land Use Code to amend the City of Lewiston's Zoning and Land Use Code as it relates to tattoo establishments. Tattoo establishments are currently regulated as adult business establishments in the City of Lewiston and are permitted in the Community Business (CB) district as a conditional use. Regulated as an adult business limits tattoo establishments to one zoning district and subjects them to additional performance standards, including locational criteria requiring 300 feet of separation along the ordinary course of travel between the main entrance of each premises, of a public or private school, school dormitory, church, chapel or parish house, or legally-established dwelling in a residential zoning district, in existence prior to the establishment of the business.

The tattoo/body art industry is commonly classified as a personal service, which includes saunas, ear piercing services, tanning salons, hair salons, etc. Tattoos and tattoo establishments have become very common in society and many of the associated stigmas and sensitivities have moderated. The City has historically held tattoo establishments to a more onerous zoning requirement than other permitted personal services. Personal services are presently allowed as a permitted use in 12 zoning districts. Creating a separate definition for tattoo establishments provides the ability to limit which districts said uses may be allowed in. In addition, a separate definition provides for limitations to be placed specifically upon tattoo establishments rather than combining with the use group of personal services which are allowed as permitted uses with no performance standard requirements.

The proposed amendment:

- Creates a separate definition for tattoo establishments, removing it from the definition of adult business establishments;
- Continues to allow tattoo establishments as a conditional use in the CB district;
- Adds tattoo establishments as a conditional use to the highway business (HB) district;
- Continues to regulate the distance between an adult business establishment, tattoo establishments, and/or drinking place and any two other adult business establishments, tattoo establishments, and/or drinking places;
- Does not require the previously established setback of a 300 feet between the main entrance of a tattoo establishment and that of a public or private school, school dormitory, church, chapel or parish house, or legally-established dwelling in a residential zoning district, in existence prior to the establishment of the business.

The City currently has three licensed tattoo establishments: 807 Main Street zoned HB; 890 Lisbon Street, zoned CB; 1384 Lisbon Street, zoned HB. The two establishments in the HB are currently legally established nonconforming uses currently not allowed in the HB district. Said establishments were permitted in the HB until the early/mid 2000's when the Planning Board and City Council adopted changes due in part to concerns with adult merchandise natured stores and complaints about drinking establishments, which were included in the definition of adult business establishments. The proposed amendment will make the two existing tattoo establishments in the HB conforming uses.

On August 26, 2013 the Planning Board voted 6-1 to send a favorable recommendation for the City Council's consideration to amend Appendix A of the Zoning and Land Use Code, Article II, Section 2, definition of tattoo establishment; Article XI, District Regulations, Section 22 to allow tattoo establishments as a conditional use in the Highway Business and Community Business districts; and, Article XII, Performance Standards, Section 9 regarding the minimum distance between an adult business establishment, tattoo establishment, and/or drinking place. The opposing vote was due to concerns with the proposed removal of the performance standard which currently prohibits tattoo establishments from being located within 300 feet, as measured along the ordinary course of travel between the main entrance of each premises, of a public or private school, school dormitory, church, chapel, mosque, synagogue, or parish house, or legally-established dwelling in a residential zoning district.



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



To: City Council Members
From: David Hediger
Date: August 27, 2013
Subject: Planning Board Action: Tattoos Establishments –
Amendment to Ordinance

The Planning Board took the following action at their meeting held on August 26, 2013 regarding a petition submitted by James J Bernard, Professional Piercers of Maine to amend the Zoning and Land Use Code pertaining to tattoo establishments:

The following motion was made:

MOTION: by **Paul Robinson** pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration to amend Appendix A of the Zoning and Land Use Code, Article II, Section 2, definition of tattoo establishment; Article XI, District Regulations, Section 22 to allow tattoo establishments as a conditional use in the Highway Business and Community Business districts; and, Article XII, Performance Standards, Section 9 regarding the minimum distance between an adult business establishment, tattoo establishment, and/or drinking place. Second by **Kevin Morissette**.

VOTED: **6-1 (Passed).**
Michael Marcotte Opposed – concerned with the proposed removal of the performance standard which currently prohibits tattoo establishments from being located within 300 feet, as measured along the ordinary course of travel between the main entrance of each premises, of a public or private school, school dormitory, church, chapel, mosque, synagogue, or parish house, or legally-established dwelling in a residential zoning district.

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.

To whom it may concern,

With respect to the growth of business in Lewiston Maine, I propose to change the zoning rules for the TATTOO/BODY ART INDUSTRY OUT OF THE ADULT BUSINESS CLASSIFICATION.

I propose that the TATTOO/BODY ART industry be allowed, in addition to, STANDARD BUSINESS DISTRICT AND BUSINESS HIGHWAY, which would allow business growth with minimal expansion.

TATTOOING AS AN INDUSTRY HAS BECOME MORE MAINSTREAM WITH 25 PERCENT OF THE POPULATION BETWEEN 18 AND 25 YEARS OLD BEING TATTOOED AND PIERCED AND EXPANDING YEARLY.

PROFESSIONAL PIERCERS OF MAINE HAS ENJOYED DOING MANY YEARS OF BUSINESS IN THE CITY OF LEWISTON AND ARE LOOKING FORWARD TO EVEN GREATER SUCCESS WITH THIS EXPANSION.

Thank you in advance for helping to promote the business growth in the city of Lewiston.

Very Sincerely Yours,


PROFESSIONAL PIERCERS OF MAINE
1205 LISBON STREET
LEWISTON, ME. 04241
207-689-3238

(10)

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

Pursuant to Appendix A, Article XVII, Section 5 A Amendments of the City of Lewiston Zoning and Land Use Code, we the undersigned residents of the City of Lewiston, being eighteen (18) year of age or older, do hereby petition the City of Lewiston to allow tattoo establishments as a conditional use in the Highway Business and Community Business zoning districts described and shown in the exhibits attached hereto:

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1	<i>Kristen Globensky</i>	Kristen Globensky	221 Pine St. H 3 ^{ap24} Lewiston ME	6/6/13
2	<i>Diann J. King</i>	DIANN J. KING	486 Old Greene Rd. Lewiston ME	6/7/13
3	<i>Chad Taylor</i>	CHAD TAYLOR	56 Spring St. Lewiston	6/12/13
4	<i>Cheralynn Rowe</i>	Cheralynn Rowe	69 Lincoln St	6/14/13
5	<i>Shari K. Gosselin</i>	Shari K Gosselin	16 Lucille Ave	6/14/13
6	<i>Chris Pomerleau</i>	Chris Pomerleau	20 Forest St	6/18/13
7	<i>Trina Elsmar</i>	Trina Elsmar	6 Cherrywood Dr	6/18/13
8	<i>Jessie Moady</i>	Jessie Moady	89 Whitney St	6/20/13
9	<i>Kayla A. Zemla</i>	Kayla A. Zemla	50 James St	6-26-13
10	<i>Shantel Fournier</i>	Shantel Fournier	738 Lisbon St.	6/28/13
11	<i>Nicole Boulet</i>	Nicole Boulet	45 Buckley St.	6/29/13
12	<i>Laura Murphy</i>	Laura Murphy	56 Howard St ^{Apt 2}	7/1/13
13	<i>Kayla Parent</i>	Kayla Parent	91 Warren Ave ^{apt 5}	7/1/13
14	<i>Holly Lavorgna</i>	Holly Lavorgna	1841 N Lisbon St	7/8/13
15	<i>Ciara Bergeron</i>	Ciara Bergeron	17 Ellis St.	7/8/13
16	<i>Amy Michaud</i>	Amy Michaud	25 Demi Circle ^{Lewiston} ME ^{ap20}	7/10/13
17	<i>Tia Ray</i>	TIA RAY	358 EAST AVE	7/12/13
18	<i>Tiffany Dick</i>	Tiffany Dick	85 Lafayette St.	7/12/13
19	<i>Kurt Sturgis</i>	Kurt Sturgis	184 Highland Ave	7/12/13
20	<i>Katelyn Major</i>	Katelyn Major	48 Androsoggin Ave	7/12/13

CIRCULATOR=S VERIFICATION

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

Signature of Circulator

Printed Name of Circulator

Date

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

Pursuant to Appendix A, Article XVII, Section 5 AAmendments@of the City of Lewiston Zoning and Land Use Code, we the undersigned residents of the City of Lewiston, being eighteen (18) year of age or older, do hereby petition the City of Lewiston to allow tattoo establishments as a conditional use in the Highway Business and Community Business zoning districts described and shown in the exhibits attached hereto:

	SIGNATURE	PRINTED NAME *	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1		Steve Harris	1205 Lisbon St Lewiston ME 04240	7-12-13
2		Phalen Anctil	55 Randall Rd Lewiston, ME	7/12/13
3		Bradley Esty	16 wildwood Dr. Apt #3 Lewiston ME	7-12-13
4		Lauren Chapman	151 Sabbath St. Lewiston, ME	7/16
5		Melissa Cole	73 Knox St Lewiston ME 04240	7/16/13
6		LISA FRANKLIN	2 Tringlewood Dr #5 Lewiston, ME	7/17/13
7		Kathleen Labbe	32 Bradbury Rd Lewiston, Me 04240	7/18/13
8		Steven W. Curran	34 Albert St Lewiston, Me 04240	7/20/13
9		Stacey Dideau-Curran	11	11
10		Dina Margston	309 Old Greene Rd Lewiston, Me	7/24
11		Lonie Morin	Woodville Rd Lewiston ME 04240	7/25
12		Jennifer Feltner	16 Leeds St #7 Lewiston, ME	10/1 08/13
13		Heidi Lemieux	229 Lincoln St	8-1-13
14		Jennifer Pray	56 Wood St. Lewiston me 04240	8-2-13
15		Aileen St. Onge	262 Russell St Lewiston, Me 04240	8/8/13
16				
17				
18				
19				
20				

CIRCULATOR=S VERIFICATION

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

Signature of Circulator

Printed Name of Circulator

Date

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 3, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 7

SUBJECT:

Public Hearing for approval of an Outdoor Entertainment Permit for The Dempsey Challenge.

INFORMATION:

The Dempsey Challenge is now an annual event in Lewiston and this year's event will be held on Saturday, October 12 and Sunday, October 13. As part of the athletic events, the function will also have live music entertainment. As such, the organizers are required to obtain an Outdoor Entertainment permit from the city.

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 conduct a public hearing on an application from The Dempsey Challenge Committee for outdoor musical concerts to be held at Simard-Payne Memorial Park on October 12th and 13th, as part of The Dempsey Challenge, and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the organizing committee for the outdoor music concerts, contingent upon positive recommendations from the Recreation Department, Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances.

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 2/15/13

SPONSOR INFORMATION

Name of Sponsoring Organization: Dempsey Center

Name of Contact Person for Event: Jeff Corbett

Title of Contact Person: Technical Director

Mailing Address: 29 Lowell St, 5th Floor Lewiston, ME 04240

Daytime Telephone: _____ Cell Phone: 803-447-4068

Email Address: jeff.corbett@medalistsports.com

Contact Name and Cell Phone Number DURING the Event: same as above

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

Non-Profit Number: _____

EVENT INFORMATION

Name of Event: Dempsey Challenge

Type of Event (walk, festival, concert, etc.): 5K/10K run and bike ride

Date of Event: October 12 and 13 Rain Date: rain or shine

Times of Event: Start Time including set-up: 10/7 @ 7:00am Ending time including clean up: 10/14 @ 5:00pm
Actual Event Start Time: 10/11 @ 2:00pm Actual Event End Time: 10/13 @ 6:00pm

Estimated Attendance: 5000

Location of Event: Simard-Payne Park and surrounding roads

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: Verbally reserved, application pending

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: Lobster, corn, potatoes, water, beer, soda, and breakfast 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: merchandise....hats, jackets, shirts Note- A peddling permit may be required.	X		
\$11	*LIVE MUSIC – Will there be any outdoor musical performances? If yes, please describe: live bands on 10/13	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: same route as 2012, map attached	X		
Separate permit required	BURN PERMIT – Will there be any open flame such as a bon fire? If yes, describe activity: pit for cooking lobster 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: 20- from 10x10 up to 40x80	X		
N/A	ROAD/INTERSECTION CLOSURE – Will any roads need to be closed to accommodate your event? If yes, please list: Oxford St. for 10/11 to 10/13, 5K and 10K course...maps attached	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 ACCOMMODATIONS – what will be the anticipated need for parking and what is your parking plan? requesting city garages and Bates Mills lot as in past years	X		
N/A	TOILETS – Please list amount at event and/or nearest location: 40 portables	X		
N/A	WASTE DISPOSAL – Please list process and location: 3 x 30yard dumpsters-2 for trash, 1 for recycling	X		
N/A	HAND WASHING FACILITIES – Please list amount at event and/or nearest location: 5- one with each bank of portable toilets	X		
N/A	POTABLE WATER – Please list amount at event and location: 5 gallon jugs and 20oz bottle donated by Poland Springs	X		
N/A	FIRST AID FACILITIES – Please list location at event: Medical tent in park, fully staffed	X		
\$	TOTAL FEE AMOUNT INCLUDED – Checks payable to “City of Lewiston”			

EVENT LIABILITY INSURANCE COVERAGE FOR EVENT

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

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

Friday 10/11 - Registration and Expo open from Noon to 8:00pm

Saturday 10/12 - 5K and 10K at 8:00am, Festival open until 2:00pm

Sunday 10/13 - Bike ride starts at 7:30am, ride and Festival go until 6:00pm

Signature of Applicant:



Printed Name:

Jeff Corbett

Date Submitted:

2/18/13

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

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 3, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 8

SUBJECT:

Condemnation Hearing for the building located at 91 Pine Street.

INFORMATION:

The City has begun the process for condemnation of the property at 91 Pine Street under the dangerous building classification. This property has been abandoned by the owner and upon inspection of city staff has been determined to be an unsafe structure.

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

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/1/11/11

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 91 Pine Street has meet the dangerous building statutes as defined in Title 17, sec. 2851 et all.

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

2) With regard to the property at 91 Pine Street, to adopt the Findings of Fact, Conclusions of Law and Order of Demolition proposed by the City Planning and Code Enforcement Department, which Order establishes the corrective action to be taken by the property owner and the time frame for taking such action, and which authorizes the City Administrator to take such corrective action if the property owner fails to do so, and to recoup the City's costs through a special tax or collective action.

MEMORANDUM

To: Mayor McDonald; Lewiston City Council
From: Gildace Arsenault, Director, Lewiston Planning Department
Date: August 28, 2013
RE: Dangerous Buildings Hearings for 91 Pine Street and 102 Walnut Street

Dear Mayor and City Council,

At the Council meeting on September 3, the Planning Department will present evidence as to why 91 Pine Street and 102 Walnut Street are dangerous buildings within the meaning of 17 M.R.S. § 2851. We will request 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.

LEWISTON CITY COUNCIL MEETING
SEPTEMBER 3, 2013
DANGEROUS BUILDINGS HEARINGS
91 PINE STREET
102 WALNUT STREET
CITY OF LEWISTON PLANNING DEPARTMENT EXHIBITS

91 PINE STREET

OWNERSHIP DOCUMENTS

WARRANTY DEED

Jason Lerman and Nicole Lerman, both of Auburn, County of Androscoggin and State of Maine, for consideration paid, grant to PMN Properties, LLC, a Nevada limited liability company with a place of business at 285 Park Avenue, Auburn, County of Androscoggin, and State of Maine, with **WARRANTY COVENANTS**, certain lots or parcels of land, together with the buildings and improvements thereon, situated in the Cities of Auburn and Lewiston, County of Androscoggin, and State of Maine bounded and described as follows:

PARCEL ONE – 15 Seventeenth Street, Auburn:

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

Being a lot fifty (50) feet by two hundred (200) feet located on the southerly side of Seventeenth Street, said lot being at the corner of Dunn Street and said Seventeenth Street, as depicted on the First Plan of the Pickard Farm dated May 1873, and recorded in Plan Book Volume 1, Book 2, Page 46 on January 25, 1877, and being fifty (50) feet on Dunn Street and two hundred (200) feet on Seventeenth Street, said lot being a parallelogram.

Also conveyed herewith the perpetual right and easement to enter upon, construct, repair, replace and maintain a sanitary sewer pipe with necessary appurtenances on a portion of land located in Auburn, County of Androscoggin, State of Maine, being more particularly described in a deed recorded at the Androscoggin County Registry of Deeds in Book 1485, Page 125. Said easement being described as follows:

Beginning at a point on the westerly line of South Main Street, said point being the most southeasterly corner of the land of Conrad R. and Rita M. Deschenes, thence in a westerly direction along the most southerly line of land of said Conrad R. and Rita M. Deschenes a distance of approximately 95 feet to the most southwesterly corner of the land of said Conrad R. and Rita M. Deschenes, thence in a northerly direction along the westerly line of the land of said Conrad R. and Rita M. Deschenes a distance of ten (10) feet, thence in an easterly direction along a line parallel and ten (10) feet northerly of the most southerly line of the land of said Conrad R. and Rita M. Deschenes to the westerly line of South Main Street, thence southerly along the westerly line of South Main Street to the point of beginning. Intending and meaning to describe an area ten (10) feet in width and running along the most southerly line on the land of said Conrad R. and Rita M. Deschenes.

NO MAINE R.E.
TRANSFER TAX PAID



Said easement is limited to providing sewer service to the property conveyed by this deed to Grantees which is located at 15 Seventeenth Street, Auburn, County of Androscoggin, State of Maine.

This easement is granted and is subject to the following conditions and covenants: The Grantee covenants and agrees that it will cause no unnecessary damage in connection with their use of the land above described and that upon each and every entry it will restore the surface to its original condition so far as is possible and will not otherwise interfere with the said Conrad R. and Rita M. Deschenes' use of said land.

Being the same premises described in the Easement from Conrad R. and Rita M. Deschenes to Roger G. Royer and Therese A. Royer, dated May 7, 1998 and recorded in Book 3973, Page 247.

Subject to an easement over land in the City of Auburn described as follows: The right to enter upon the proposed unaccepted portion of Seventeenth Street in said Auburn adjacent to property conveyed to Roger G. Royer and Therese A. Royer by deed of Donald N. Royer and Jacqueline Royer, dated March 23, 1966 and recorded at the Androscoggin County Registry of Deeds in Book 955, Page 579, to install and maintain drainage structures and drainage pipes and to flow water through the same.

Being the same premises described in the Drainage Easement from Roger G. Royer and Therese A. Royer to the City of Auburn, dated December 11, 1998 and recorded in said Registry in Book 4293, Page 76.

Together with the fee to any portion of Seventeenth Street and Dunn Street that abuts the parcels.

Being the same premises conveyed to Jason Lerman and Nicole Lerman by virtue of the deed from Steven T. Patterson and Kristina M.R. Patterson dated December 31, 2007 and recorded on January 4, 2008 in the Androscoggin County Registry of Deeds in Book 7341, Page 119.

PARCEL TWO – 285 Park Avenue, Auburn:

A certain lot or parcel of land, together with the buildings thereon, situated on the easterly side of Park Avenue in Auburn, County of Androscoggin and State of Maine, more particularly described as follows:

Beginning at a point on said easterly side of Park Avenue three hundred eighteen (318) feet, more or less, southerly from the intersection of the said easterly line of Park Avenue with the southerly line of Lake Street, which point marks the most southerly corner of land now or formerly of Gerald Briggs; thence at a right angle easterly one hundred fifty (150) feet to a point; thence at a right angle southerly along a line parallel with the said easterly line of Park Avenue

three hundred (300) feet to a point; thence at a right angle westerly one hundred fifty (150) feet to the said easterly line of Park Avenue; thence at a right angle northerly along the said easterly line of Park Avenue three hundred (300) feet to the point of beginning.

✓ Being the same premises conveyed to Nicole M. Lerman and Jason A. Lerman by virtue of the deed from Bernice M. Parker dated March 3, 2004 and recorded on September 7, 2004 in the Androscoggin County Registry of Deeds in Book 6060, Page 46.

PARCEL THREE – 91 Pine Street, Lewiston:

Two certain lots or parcels of land, together with the buildings thereon, situated in Lewiston, County of Androscoggin and State of Maine, being more particularly bounded and described as follows:

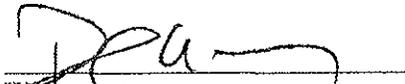
Parcel One: Commencing at a point on the southerly line of Pine Street sixty-one and five tenths (61.5) feet westerly from its intersection with the westerly line of Pierce Street; thence westerly along said line of Pine Street, thirty-eight and five tenths (38.5) feet; thence at a right angle southerly and parallel with Pine Street thirty-eight and five tenths (38.5) feet; thence at a right angle northerly fifty (50) feet to Pine Street and the point of beginning.

Parcel Two: Commencing at a point on the southerly line of Pine Street sixty-one and five tenths (61.5) feet westerly from its intersection with the westerly line of Pierce Street; thence easterly along said line of Pine Street six (6) inches to the northwesterly corner of land conveyed by Ralph W. Crockett to Maria M. Wedgewood by deed dated June 19, 1913, recorded in the Androscoggin County Registry of Deeds, Book 249, Page 327; thence at a right angle southerly along the westerly line of said lot now or formerly of Maria M. Wedgewood fifty (50) feet; thence at a right angle westerly and parallel with Pine Street six (6) inches to the southeasterly corner of lot conveyed by George W. Crockett to Annie B. Girouard (later owned by Gracienne Dussault) by deed dated March 11, 1912, recorded in said Registry of Deeds, Book 241, Page 592; thence at a right angle northerly along the easterly line of said lot formerly of Girouard and later owned by Gracienne Dussault to Pine Street and the point of commencement; hereby meaning and intending to convey a strip of land six (6) inches wide on Pine Street and extending fifty (50) feet southerly therefrom, and being of uniform width of six inches, said strip being easterly from the adjacent to said lot formerly of Girouard, later owned by Gracienne Dussault.

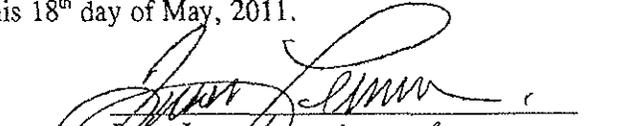
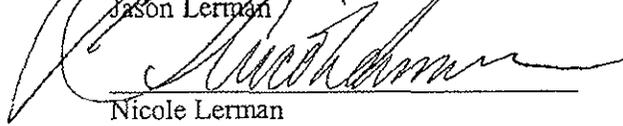
Being the same premises conveyed to Jason Lerman and Nicole Lerman by virtue of the deed from Michael A. Gooldrup and Michael J. Pomerleau dated August 14, 2006 and recorded on August 17, 2006 in the Androscoggin County Registry of Deeds in Book 6868, Page 197.

Also, hereby conveying all rights, easements, privileges and appurtenances belonging to the parcel and subject to any easements, covenants and restrictions of record.

WITNESS, our hands and seals this 18th day of May, 2011.


Witness


Witness


Jason Lerman

Nicole Lerman

STATE OF MAINE
ANDROSCOGGIN, SS.

May 18, 2011

Personally appeared the above-named Jason Lerman and Nicole Lerman, and acknowledged the foregoing instrument to be their free act and deed.

Before me,


Daniel A. D'Auteuil, Jr., Attorney at Law

drc F:\ADAD\Chents\Mortgage Network, Inc\Jarvis, Keith\Warranty Deed to LLC.doc

ANDROSCOGGIN COUNTY
TINA M. CHOUINARD
REGISTER OF DEEDS

Search...

PMN PROPERTIES, LLC

[New Search](#) [Printer Friendly](#) [Calculate Reinstatement Fees](#)

Business Entity Information			
Status:	Revoked	File Date:	5/9/2011
Type:	Domestic Limited-Liability Company	Entity Number:	E0265442011-8
Qualifying State:	NV	List of Officers Due:	5/31/2012
Managed By:	Managers	Expiration Date:	
NV Business ID:	NV20111313059	Business License Exp:	Exempt - 003

Registered Agent Information			
Name:	NEVADA CORPORATE HEADQUARTERS, INC	Address 1:	101 CONVENTION CENTER DR SUITE 700
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89109
Phone:		Fax:	
Mailing Address 1:	P O BOX 27740	Mailing Address 2:	
Mailing City:	LAS VEGAS	Mailing State:	NV
Mailing Zip Code:	89126		
Agent Type:	Commercial Registered Agent - Corporation		
Jurisdiction:	NEVADA	Status:	Active

[View all business entities under this registered agent](#)

Officers			
<input type="checkbox"/> include inactive Officers			
Manager - JASON LERMAN			
Address 1:	PO BOX 27740	Address 2:	
City:	LAS VEGAS	State:	NV
Zip Code:	89126	Country:	USA
Status:	Active	Email:	
Manager - NICOLE LERMAN			
Address 1:	PO BOX 27740	Address 2:	
City:	LAS VEGAS	State:	NV
Zip Code:	89126	Country:	USA
Status:	Active	Email:	

Actions/Amendments

EXHIBIT B

**NOTICE OF HEARING
CERTIFICATES OF SERVICE**

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

PMN Properties, LLC
285 Park Avenue
Auburn, Maine

Ocwen Loan Servicing, LLC
45 Memorial Circle
Augusta, Maine 04330

Mechanic Savings Bank
c/o John Conway
Linnell, Choate & Webber, LLP
83 Pleasant Street
Auburn, Maine 04210

91 PINE STREET, LEWISTON, MAINE

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

September 3, 2013
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 91 Pine Street, Lewiston, Maine, identified as Lot 520 on Tax Map 195, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 8162, Page 258, 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: July 25, 2013

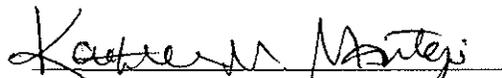

Kathleen M. Montejo, City Clerk

EXHIBIT C

STATE OF MAINE
ANDROSCOGGIN, ss

July 25, 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

SEAL

ERICA L. SOIETT
Notary Public, Maine
My Commission Expires October 5, 2019

ANDROSCOGGIN COUNTY
TINA M. CHOUINARD
REGISTER OF DEEDS

Return

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

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

On August 12, 2013 (date), I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on PMN Properties, LLC, by delivering a copy of same at the following address:

PMN Properties, LLC
c/o Nicole Lerman
79 Tapley Road
Buxton, ME
(207) 749-0856

Costs of Service:

Service:	\$ <u>16.00</u>
Travel:	\$ _____
Postage:	\$ _____
Other:	\$ <u>5.00</u>
 TOTAL:	 \$ <u>21.00</u>

J. L. Lerman
Signature

V.C.S.O.
Agency



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

PMN Properties, LLC
285 Park Avenue
Auburn, Maine

Ocwen Loan Servicing, LLC
45 Memorial Circle
Augusta, Maine 04330

Mechanic Savings Bank
c/o John Conway
Linnell, Choate & Webber, LLP
83 Pleasant Street
Auburn, Maine 04210

91 PINE STREET, LEWISTON, MAINE

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

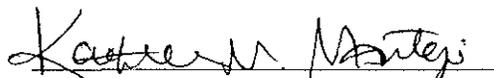
September 3, 2013
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 91 Pine Street, Lewiston, Maine, identified as Lot 520 on Tax Map 195, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 8162, Page 258, 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: July 25, 2013


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

July 25, 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

ERICA L. SOIETT
Notary Public, Maine
My Commission Expires October 5, 2019

Return
B

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

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

On July 31, 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 Mechanic Savings Bank, by delivering a copy of same at the following address:

Mechanic Savings Bank
c/o John Conway
Linnell, Choate & Webber, LLP
83 Pleasant Street
Auburn, ME 04210

Costs of Service:

Service:	\$ <u>21.00</u>
Travel:	\$ _____
Postage:	\$ _____
Other:	\$ _____
 TOTAL:	 \$ <u>21.00</u>

[Signature]
Signature

ASU
Agency

EXHIBIT E

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

PMN Properties, LLC
285 Park Avenue
Auburn, Maine

Ocwen Loan Servicing, LLC
45 Memorial Circle
Augusta, Maine 04330

Mechanic Savings Bank
c/o John Conway
Linnell, Choate & Webber, LLP
83 Pleasant Street
Auburn, Maine 04210

91 PINE STREET, LEWISTON, MAINE

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

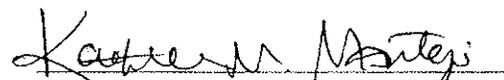
September 3, 2013
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 91 Pine Street, Lewiston, Maine, identified as Lot 520 on Tax Map 195, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 8162, Page 258, is a dangerous building or nuisance within the meaning of 17 M.R.S. § 2851, and if so, what is the appropriate remedy.

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Dated: July 25, 2013


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

July 25, 2013

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Notary Public / Attorney at Law

ERICA L. SOIETT
Notary Public, Maine
My Commission Expires October 5, 2019

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

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

On JUL 30 2013, 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 Ocwen Loan Servicing, LLC, by delivering a copy of same at the following address:

Ocwen Loan Servicing, LLC *CEO Corporation Service Co Agent*
45 Memorial Circle
Augusta, ME 04330

Costs of Service:

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

TOTAL: \$ _____


Signature
HARRY MCKENNEY
Chief Civil Deputy
Agency KENNEBEC COUNTY
SHERIFF'S OFFICE



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

PMN Properties, LLC
285 Park Avenue
Auburn, Maine

Ocwen Loan Servicing, LLC
45 Memorial Circle
Augusta, Maine 04330

Mechanic Savings Bank
c/o John Conway
Linnell, Choate & Webber, LLP
83 Pleasant Street
Auburn, Maine 04210

91 PINE STREET, LEWISTON, MAINE

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

September 3, 2013
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 91 Pine Street, Lewiston, Maine, identified as Lot 520 on Tax Map 195, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 8162, Page 258, 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: July 25, 2013


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

July 25, 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

ERICA L. SOIETT
Notary Public, Maine
My Commission Expires October 5, 2019

CITY
CORRESPONDENCE

**CITY OF LEWISTON
CODE ENFORCEMENT
CITY BUILDING
27 PINE STREET
LEWISTON, MAINE 04240
(207) 513-3125 EXT. 3245
NOTICE OF CONDEMNATION/PLACARDING
VIA FIRST CLASS & CERTIFIED MAIL
RETURN RECEIPT REQUESTED
POSTED AT SITE**

October 31, 2012

P M N Properties, LLC (Nevada Limited Liability Company not registered with the State of Maine)

Jason Lerman
285 Park Avenue
Auburn, Maine 04210

Nicole Lerman
71 Tapley Road
Buxton, Maine 04093

RE: 91 Pine St. Lewiston, ME 04240

Dear Owner(s):

It has come to the attention of this office that the building at 91 Pine Street has suffered severe deterioration making it unfit for occupancy due to violation(s) of the following provisions of Chapter 18, Article III, Property Maintenance Code, Sections 18-51 and 18-52, Article VI, Sections 18-200 & 18-201, as per The Code of Ordinances of the City of Lewiston hereafter referred to as the (Code). The front porch is progressively collapsing, leaning forward into the street. Measures must be taken immediately to ensure the porch does not suffer a catastrophic collapse by either demolishing the failing structural systems and the porch or to secure it from further leaning forward towards complete collapse. Due to this porch being a component of the primary means of egress, it is necessary for our office to condemn this building until the necessary repairs can be made to the front porch and primary means of egress.

I hereby condemn and placard the building and property at 91 Pine Street as being unfit for occupancy pursuant to and in accordance with Chapter 18, Article III, Property Maintenance Code, Sections 18-51 and 18-52, IPMC-108.1 et seq, IPMC-109.1 et seq, IPMC-110.1 et seq, , IPMC-302.1 et seq, IPMC-304.1 et seq, IPMC-305.1 et seq, IPMC-306.1 et seq, IPMC-504.1 et seq, IPMC-603.2 et seq, IPMC-604.1 et seq, IPMC-605.1 et seq, IPMC-702.1, IPMC-703.1 et seq and PMC-704.2 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 December 3, 2012.**

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

Revised Statutes, Title 17, Chapter 91, Subchapter 4, Dangerous Buildings, Section § 2851, if the building is not maintained secured or is a threat to public safety and a nuisance.

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

Cpl Jeffrey Baril

Code Enforcement Officer/Cpl Lewiston Police Department

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

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

CITY OF LEWISTON

RETURN OF SERVICE

NOTICE OF SECURING PROPERTY
Pursuant to 17 M.R.S. §§ 2856, *et seq.*

On August 12, 2013 (date), I served the above-referenced Notice of Securing Property issued by the City of Lewiston, a copy of which is attached hereto, on PMN Properties, LLC, by serving a copy of same as follows:

PMN PROPERTIES, LLC
c/o Nicole Lerman
79 Tapley Road
Buxton, ME

Costs of Service:

Service:	\$ <u>14.00</u>
Travel:	\$ <u>64.10</u>
Postage:	\$ <u>.46</u>
Other:	\$ <u>14.05</u>
 TOTAL:	 \$ <u>96.61</u>

[Signature]
Signature

Y.C.S.O.
Agency



CITY OF LEWISTON
PLANNING & CODE
ENFORCEMENT

July 24, 2013

PMN Properties, LLC
285 Park Avenue
Auburn, Maine
Mechanic Savings Bank
c/o John Conway
Linnell, Choate & Webber, LLP
83 Pleasant Street
Auburn, Maine 04210

Ocwen Loan Servicing, LLC
45 Memorial Circle
Augusta, Maine 04330

RE: Dangerous Porch at 91 Pine Street

To whom it may concern,

The building and garage located on property you own, or in which you have an interest, at 91 Pine Street in Lewiston, Maine posed a serious and imminent threat to the public health and safety due to it the front porch roof being in danger of collapse. That threat required the City of Lewiston (the "City") to take prompt action. As such, pursuant to 17 M.R.S. § 2856, and the City of Lewiston Code of Ordinances Chapter 18, Sections 18-51 and 18-52 (IPMC 109.2), the City took steps to secure the porch roof by removing it at its own expense on July 20, 2012. This letter shall serve as the notice required by 17 M.R.S. § 2856.

Pursuant to 17 M.R.S. § 2853, the City is entitled to recover its costs, including reasonable attorneys' fees, by means of a special tax against the property or by means of a civil action against the owner.

Sincerely,



Thomas Maynard
City of Lewiston
Code Enforcement Officer

CITY OF LEWISTON

RETURN OF SERVICE

NOTICE OF SECURING PROPERTY
Pursuant to 17 M.R.S. §§ 2856, *et seq.*

On July 31, 2013 (date), I served the above-referenced Notice from Thomas Maynard, Code Enforcement Officer, a copy of which is attached hereto, on Mechanic Savings Bank, c/o John Conway, as follows:

MECHANICS SAVINGS BANK
C/O JOHN CONWAY
LINNELL, CHOATE AND WEBBER, LLP
83 PLEASANT STREET
AUBURN, ME 04210

Costs of Service:

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

[Signature]
Signature

ASO
Agency



CITY OF LEWISTON
PLANNING & CODE
ENFORCEMENT

July 24, 2013

PMN Properties, LLC
285 Park Avenue
Auburn, Maine
Mechanic Savings Bank
c/o John Conway
Linnell, Choate & Webber, LLP
83 Pleasant Street
Auburn, Maine 04210

Ocwen Loan Servicing, LLC
45 Memorial Circle
Augusta, Maine 04330

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Pursuant to 17 M.R.S. § 2853, the City is entitled to recover its costs, including reasonable attorneys' fees, by means of a special tax against the property or by means of a civil action against the owner.

Sincerely,



Thomas Maynard
City of Lewiston
Code Enforcement Officer

return

CITY OF LEWISTON

RETURN OF SERVICE

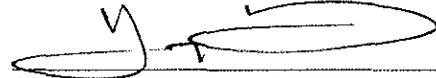
NOTICE OF SECURING PROPERTY
Pursuant to 17 M.R.S. §§ 2856, et seq.

On JUL 30 2013, 2013 (date), I served the above-referenced Notice from Thomas Maynard, Code Enforcement Officer, a copy of which is attached hereto, on Ocwen Loan Servicing, LLC, as follows:

OCWEN LOAN SERVICING, LLC *Cl Corporation Servia Co., Agent*
45 MEMORIAL CIRCLE
AUGUSTA, ME 04330

Costs of Service:

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



 Signature
 HARRY MCKENNEY
 Chief Civil Deputy

 Agency KENNEBEC COUNTY
 Sheriff's Office

EXHIBIT J

CITY OF LEWISTON
PLANNING & CODE
ENFORCEMENT

July 24, 2013

PMN Properties, LLC
285 Park Avenue
Auburn, Maine
Mechanic Savings Bank
c/o John Conway
Linnell, Choate & Webber, LLP
83 Pleasant Street
Auburn, Maine 04210

Ocwen Loan Servicing, LLC
45 Memorial Circle
Augusta, Maine 04330

RE: Dangerous Porch at 91 Pine Street

To whom it may concern,

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Sincerely,



Thomas Maynard
City of Lewiston
Code Enforcement Officer

PHOTOGRAPHS

91 Pine Street

Photo # 1 Photo taken 6-11-2013 Progressive failure and collapse of the front porch requiring its removal.



Photo # 2 Photo taken 7-24-2013. Front view showing removed porch's remaining condition and proximity to adjacent structure increasing threat from fire.



EXHIBIT K

Photo # 3 Side of building fronting Pierce Street showing severely deteriorated soffit and trim in a state of collapse allowing the entry of the elements.



Photo # 4 Photo taken 10-22-2013 of damage ceiling drywall due to roof leak.



Photo #5 Taken 8-16-2013 showing progressive nature of destruction and mold due to roof leaks.



Photo # 6 further ceiling tile damage due to leaks.



Photo # 7 Missing ceiling tiles and chipping paint on old metal ceiling. .



Photo # 8 The carpet has the remnants of mold and animal feces.



Photo # 9 The material on the carpet is mold and feces.



Photo #10 Debris and damage from copper theft.



Photo # 11 Broken and deteriorated window.



Photo # 12 Removed toilet due to copper theft.



Photo # 13 Obsolete egress window in bedroom not in compliance with required code dimensions.



Photo # 14. Obsolete egress window in bedroom not in compliance with required code dimensions.



Photo # 15 Torn open wall space creating pathway for fire.



Photo # 16 Open sewer line creating unsanitary conditions.



Photo # 17 Stripped copper from hot water tanks, severely deteriorated boiler...



Photo # 18 Failure of floor joists due to excessive notching that is 50 % or greater rather than 25% or less required by Code and inappropriate spacing and span.



Photo # 19 Failure of floor joists due to excessive notching that is 50 % or greater rather than 25% or less required by Code.



Photo # 20 Insufficient and ineffective attachment of header an joist members as well as notching in inappropriate location and excessive depth..



Photo # 21 Further evidence of failing joists.



Photo # 22 Damage and corrosion of pipes and BX Cable due to drainage leaks.



Photo # 23 Damage from copper removal and destroyed BX cable due moisture.



Photo # 24 Evidence of excessive damage from moisture, penetration through the floor resulting in a pathway for fire.



LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 3, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 9

SUBJECT:

Condemnation Hearing for the building located at 102 Walnut Street.

INFORMATION:

The City has begun the process for condemnation of the property at 102 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.

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 102 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 102 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: August 28, 2013
RE: Dangerous Buildings Hearings for 91 Pine Street and 102 Walnut Street

Dear Mayor and City Council,

At the Council meeting on September 3, the Planning Department will present evidence as to why 91 Pine Street and 102 Walnut Street are dangerous buildings within the meaning of 17 M.R.S. § 2851. We will request 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.

LEWISTON CITY COUNCIL MEETING
SEPTEMBER 3, 2013
DANGEROUS BUILDINGS HEARINGS
91 PINE STREET
102 WALNUT STREET
CITY OF LEWISTON PLANNING DEPARTMENT EXHIBITS

102 WALNUT STREET

OWNERSHIP DOCUMENTS

WARRANTY DEED
(Maine Statutory Short Form)
(Joint Tenants)

MAINE REAL ESTATE
TRANSFER TAX PAID

KNOW ALL PERSONS BY THESE PRESENTS, that I, **VERNON V. PELLETIER**, of, Lewiston, County of Androscoggin, and State of Maine, for consideration paid, grant to **GABRIEL J. REDMOND AND MICHAEL FARLEY**, of Cumberland, Maine, whose mailing address is 15 Shirley Lane, Cumberland, Maine 04021, as **Joint Tenants with rights of survivorship with WARRANTY COVENANTS**, the land with buildings thereon, in Lewiston, County of Androscoggin, and State of Maine, described as follows:

The land together with the buildings and improvements thereon, situated in Lewiston, County of Androscoggin and State of Maine, bounded and described as follows:

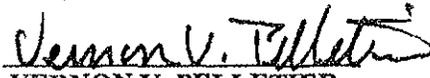
Commencing at a point on the northerly side of Walnut Street fifty (50) feet easterly from the northeasterly corner of Walnut and Shawmut Streets; thence easterly along the northerly side of said Walnut Street fifty (50) feet; thence northerly at a right angle with said Walnut Street fifty (50) feet; thence westerly at a right angle fifty (50) feet; thence southerly at a right angle fifty (50) feet to the point of beginning.

The premises are conveyed subject to any easements and restrictions of record and this deed includes all rights, easements, privileges and appurtenances belonging to the premises hereinabove described

Meaning and intending to convey the same premises described in deed of Priscilla B. Fournier dated January 17, 1995 and recorded in the Androscoggin County Registry of Deeds in Book 3378, Page 229.

Witness my hand and seals this 27th day of August, 2003.

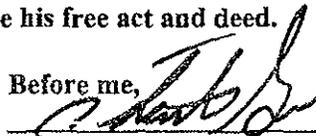

Witness

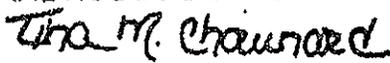

VERNON V. PELLETIER

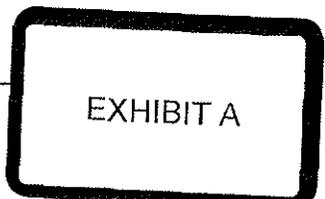
STATE OF MAINE
COUNTY OF CUMBERLAND, SS

August 27, 2003

Then personally appeared before me the above named **VERNON V. PELLETIER** and acknowledged the foregoing instrument to be his free act and deed.

Before me,  AUG 27 2003
Notary Public/ Attorney at Law
C. TRENT GRACE
Notary Public, Maine
My Commission Expires February 6, 2008

ANDROSCOGGIN COUNTY

REGISTER OF DEEDS



**NOTICE OF HEARING
CERTIFICATES OF SERVICE**

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

Gabriel Redmond
32 Spring Valley Road
Raymond, Maine 04071

Michael Farley
15 Shirley Lane
Cumberland, Maine 04021

OneWest Bank FSB
888 East Walnut Street
Pasadena, CA 91101

Bank of America
c/o CT Corporation System
1536 Main Street
Readfield, Maine 04355

102 WALNUT STREET, LEWISTON, MAINE

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

September 3, 2013
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 102 Walnut Street, Lewiston, Maine, identified as Lot 278 on Tax Map 195, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 5597, Page 99, 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: July 25, 2013

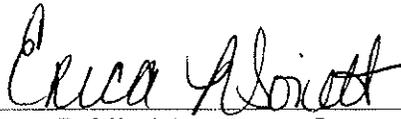

Kathleen M. Montejo, City Clerk

EXHIBIT B

STATE OF MAINE
ANDROSCOGGIN, ss

July 25, 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

SEAL

ERICA L. SOIETTI
Notary Public, Maine
My Commission Expires October 5, 2015

ANDROSCOGGIN COUNTY
TINA M CHOUINARD
REGISTER OF DEEDS

CTY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

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

On 7-31-, 2013, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on Gabriel Redmond, as follows:

Gabriel Redmond
32 Spring Valley Road
Raymond, ME 04071

Costs of Service:

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

TOTAL: \$ 59.27

Joyce F. Hodadon
Signature
D.C.S.O.
Agency



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

Gabriel Redmond
32 Spring Valley Road
Raymond, Maine 04071

Michael Farley
15 Shirley Lane
Cumberland, Maine 04021

OneWest Bank FSB
888 East Walnut Street
Pasadena, CA 91101

Bank of America
c/o CT Corporation System
1536 Main Street
Readfield, Maine 04355

102 WALNUT STREET, LEWISTON, MAINE

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

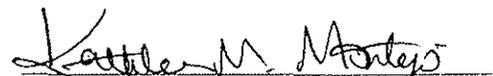
September 3, 2013
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 102 Walnut Street, Lewiston, Maine, identified as Lot 278 on Tax Map 195, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 5597, Page 99, 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: July 25, 2013


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

July 25, 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

ERICA L. SOIETT
Notary Public, Maine
My Commission Expires October 5, 2015

CTY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

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

On 7-30, 2013, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on Michael Farley, as follows:

Michael Farley
15 Shirley Lane
Cumberland, ME 04021

Costs of Service:

Service:	\$ _____
Travel:	\$ _____
Postage:	\$ _____
Other:	\$ _____
TOTAL:	\$ <u>42.46</u>

Y. L. L...
Signature
Rep Sheriff
Agency

EXHIBIT D

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

Gabriel Redmond
32 Spring Valley Road
Raymond, Maine 04071

Michael Farley
15 Shirley Lane
Cumberland, Maine 04021

One West Bank FSB
888 East Walnut Street
Pasadena, CA 91101

Bank of America
c/o CT Corporation System
1536 Main Street
Readfield, Maine 04355

102 WALNUT STREET, LEWISTON, MAINE

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

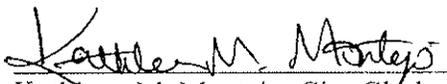
September 3, 2013
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 102 Walnut Street, Lewiston, Maine, identified as Lot 278 on Tax Map 195, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 5597, Page 99, is a dangerous building or nuisance within the meaning of 17 M.R.S. § 2851, and if so, what is the appropriate remedy.

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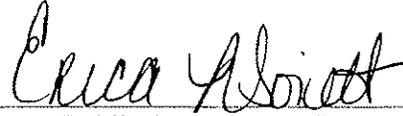
Dated: July 25, 2013


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

July 25, 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

ERICA L. SOIEFF
Notary Public, Maine
My Commission Expires October 5, 2015

CTY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

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

On 8/06, 2013, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on OneWest Bank FSB, as follows:

OneWest Bank FSB
888 East Walnut Street
Pasadena, CA 91101

Costs of Service:

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


Signature ISAURA FLORES, PS 6720

KMS PROCESS SERVERS
Agency

EXHIBIT E

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

Gabriel Redmond
32 Spring Valley Road
Raymond, Maine 04071

Michael Farley
15 Shirley Lane
Cumberland, Maine 04021

OneWest Bank FSB
888 East Walnut Street
Pasadena, CA 91101

Bank of America
c/o CT Corporation System
1536 Main Street
Readfield, Maine 04355

102 WALNUT STREET, LEWISTON, MAINE

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

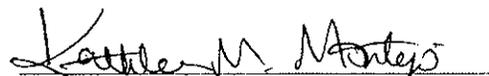
September 3, 2013
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

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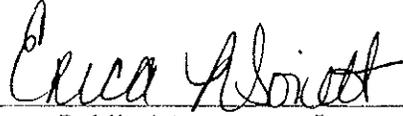
Dated: July 25, 2013


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

July 25, 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

ERICA L. SOIETT
Notary Public, Maine
My Commission Expires October 5, 2016

CTY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

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

On JUL 30 2013, 2013, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on Bank of America, as follows:

Bank of America
c/o CT Corporation System, Agent *lhm*
1536 Main Street
Readfield, ME 04355

Costs of Service:

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

TOTAL: \$ _____

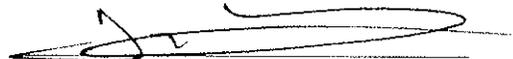

Signature
HARRY MCKENNEY
Chief Civil Deputy
Agency KENNEBEC COUNTY
Sheriff's Office

EXHIBIT F

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

Gabriel Redmond
32 Spring Valley Road
Raymond, Maine 04071

Michael Farley
15 Shirley Lane
Cumberland, Maine 04021

OneWest Bank FSB
888 East Walnut Street
Pasadena, CA 91101

Bank of America
c/o CT Corporation System
1536 Main Street
Readfield, Maine 04355

102 WALNUT STREET, LEWISTON, MAINE

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

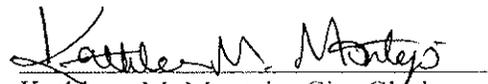
September 3, 2013
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

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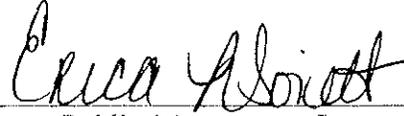
Dated: July 25, 2013


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

July 25, 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

ERICA L. SOIETT
Notary Public, Maine
My Commission Expires October 5, 2015

CITY
CORRESPONDENCE

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

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

February 14, 2013

Gabriel Redmond
P.O. Box 11511
Portland, ME 04104

RE: 102-104 Walnut Street, Lewiston, Maine

Dear Mr. Redmond,

It has come to the attention of this office that the building at 102-104 Walnut Street has suffered severe deterioration making it unfit for occupancy due to violation(s) of the following provisions of Chapter 18, Article III, Property Maintenance Code, Sections 18-51 and 18-52, Article VI, Sections 18-200 & 18-201, as per The Code of Ordinances of the City of Lewiston hereafter referred to as the (Code). The building is without necessary facilities such as heat, hot portable water, cold water and electricity. Due to obsolescence of the mechanical systems heat-hot water and cold water and electricity is required for re-occupancy or the building must be demolished. There is also an accumulation of trash and debris through-out the building making for unsanitary conditions through the building.

I hereby condemn and placard the building and property at 102-104 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-308.1 et seq, IPMC-504.1 et seq, IPMC-505.1 et seq,IPMC-602.1 et seq, IPMC-603.1 et seq, IPMC-604.1 et seq of the Code of Ordinances of the City of Lewiston. You are hereby ordered to immediately ensure this building is vacated and secured from unauthorized entry. You are to make substantial repairs, with all appropriate permits issued by this office, or to demolish this building, leaving the property in manner to the satisfaction of this office by no later than March 31,2013.

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

The above-mentioned property will be placarded and may not be re-occupied until proper abatement of all violations and rehabilitation has been completed. An inspection shall be conducted to confirm

EXHIBIT G

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.

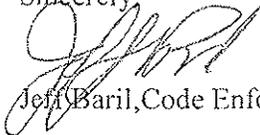
In the event that you do not comply with this order, this office may issue a citation pursuant to Chapter 50, Article II, and Section 50-36 thru 50-51 of the aforementioned Code. Said citation shall require you to pay a penalty of one hundred and ten dollars (\$110.00) for the first citation and you 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

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

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

PLANNING & CODE ENFORCEMENT

City of **JEWISTON** *Maine*

27 Pine Street, City Hall
Lewiston, Maine 04240

GABRIELLE REDMOND

7012 1640 0003 6643 6246

GABRIELLE REDMOND
PO BOX 11511
PORTLAND ME 04104

MAILING
POST NOTICE
RETURN

0000 0000 0000 0000 0000 0000

RETURN TO SENDER
UNDELIVERABLE MAIL

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PHOTOGRAPHS

102 Walnut Street

Photo # 1 Photos 8-15-2013 & 2-14-2013, front view showing damaged and deteriorated shingles, fiberglass panels and stairs. Also its proximity to adjacent structures increasing the risk of the spread of fire.



Photo # 2 rear of building showing deteriorated shingles, rear 3rd floor door and lack of guard rails on roof are. Danger presented by proximity to adjacent buildings.



EXHIBIT H

Photo # 3 collapsed ceiling tiles and ceiling plaster potentially allowing the stack effect venting of fire hot gases accelerating the spread of fire...



Photo # 4 collapsed ceilings and accumulation of debris contributing to fire loading.



Photo # 5 garbage and debris contributing to fire loading.



Photo # 6 garbage and debris contributing to fire loading.



Photo # 7 debris contributing to fire loading.



Photo # 8 debris contributing to fire loading and making for unsanitary conditons.

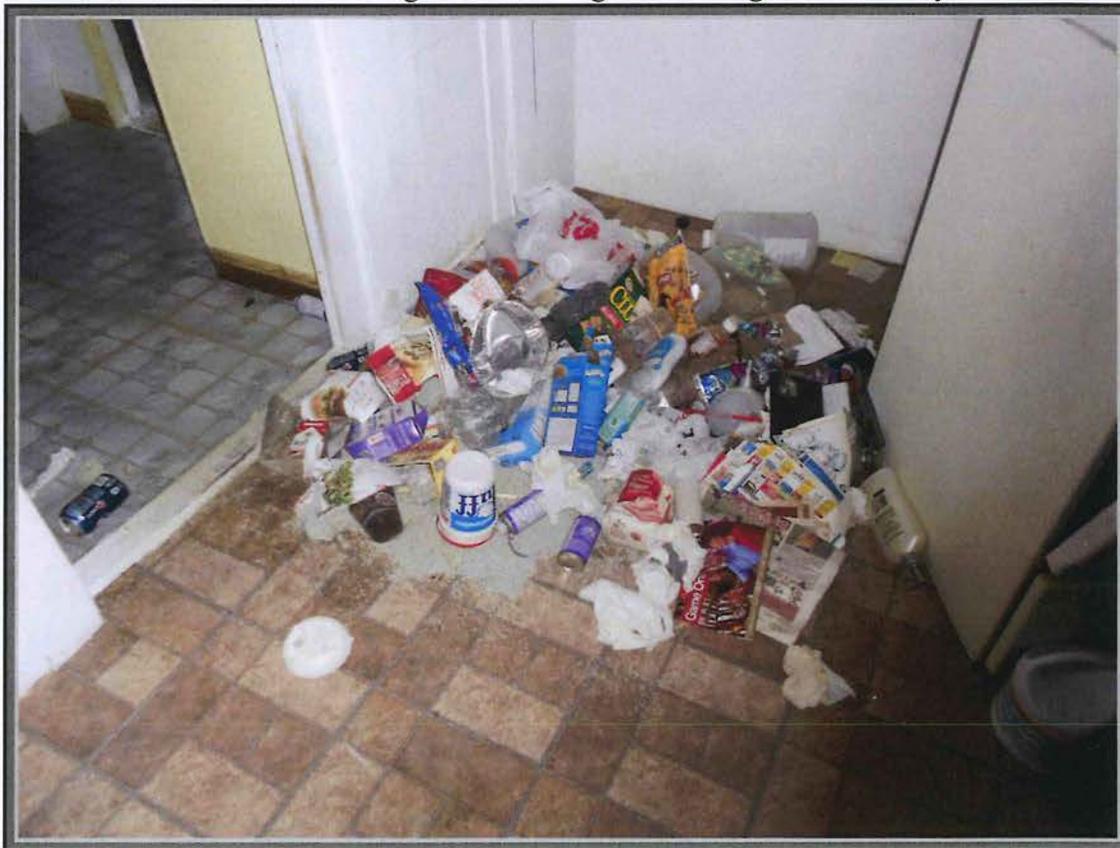


Photo # 9 collapsed ceiling tiles and removed copper heat piping.



Photo # 10 damaged kitchen sink due to copper theft.

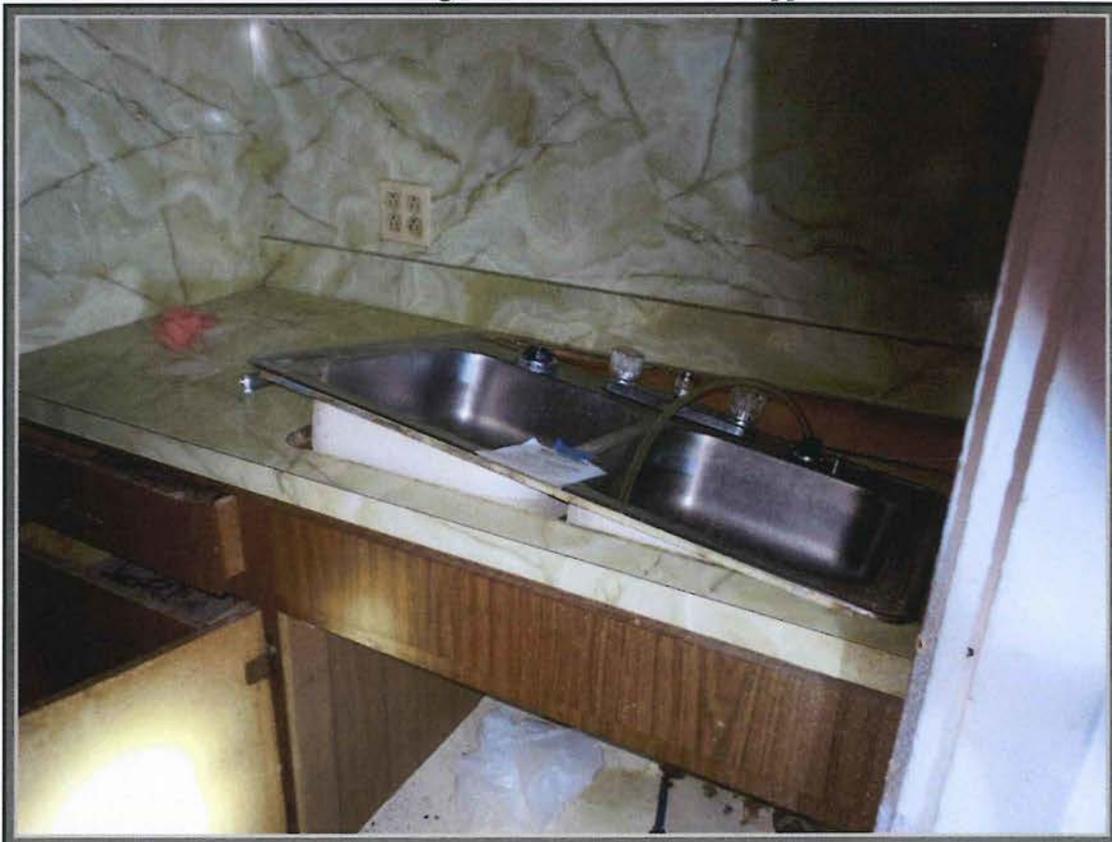


Photo # 11 collapsed ceiling and hanging ceiling light wiring.



Photo # 12 collapsed ceiling tiles and peeling paint.



Photo # 13 collapsed and damaged ceiling from roof leaks potentially allowing the stack effect venting of fire hot gases accelerating the spread of fire.



Photo # 14 ceiling damaged potentially allowing stack effect venting of fire hot gases accelerating the spread of fire.



Photo # 15 means of egress stairs showing damage due to copper theft and opening allowing for stack effect accelerated spread of fire.

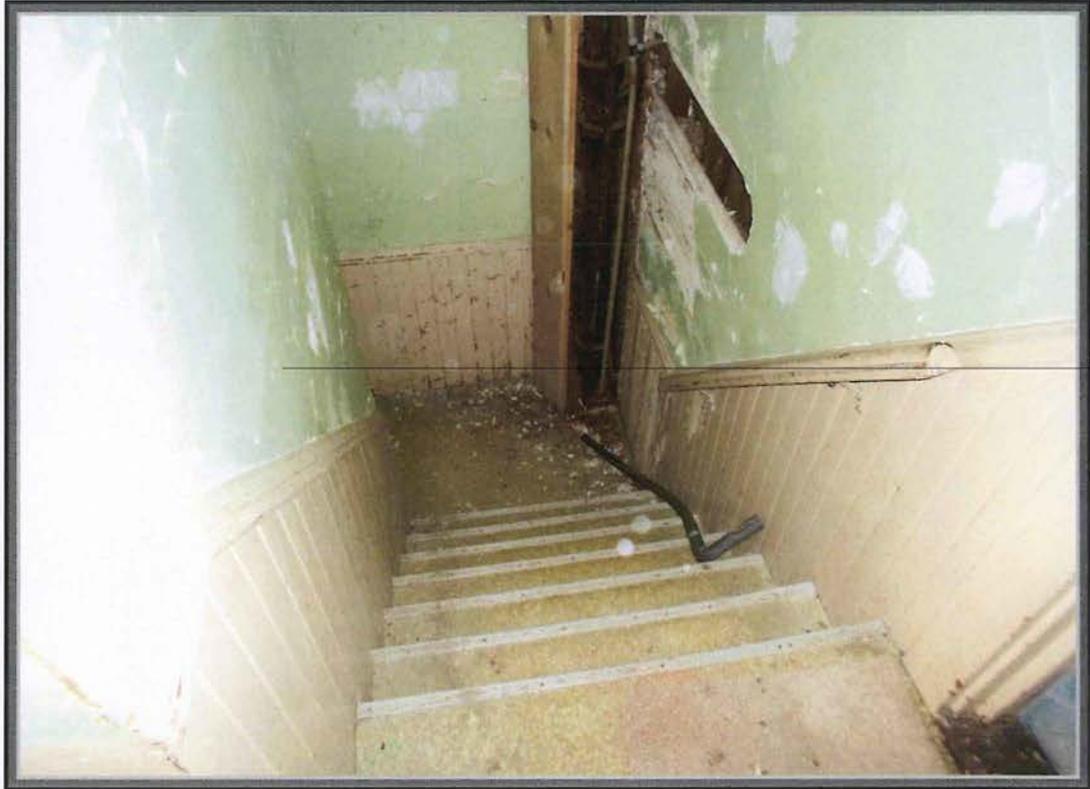


Photo # 16 remnants of piping insulation left after copper theft.

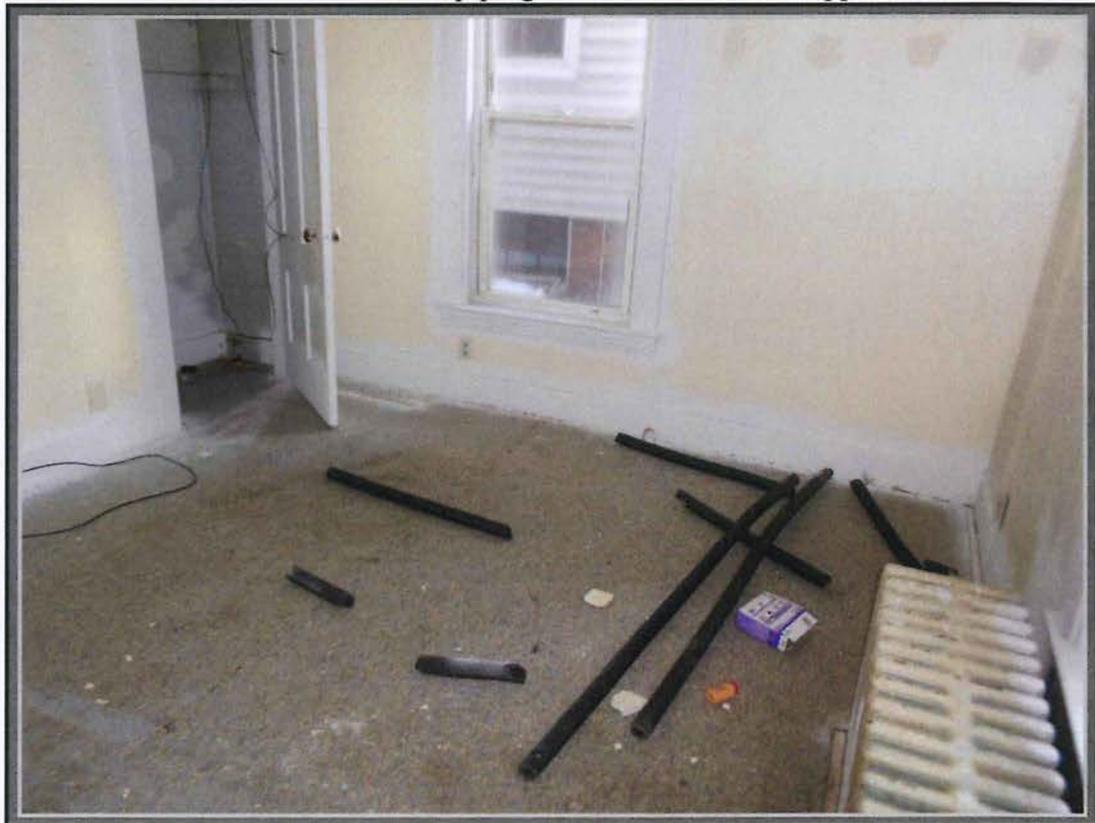


Photo # 17 rear primary means of egress rear stair with an inadequate tread depth of 7 ½ inches.



Photo # 18 insufficient means of egress front stair width of 32 inches when 36 inches is required.

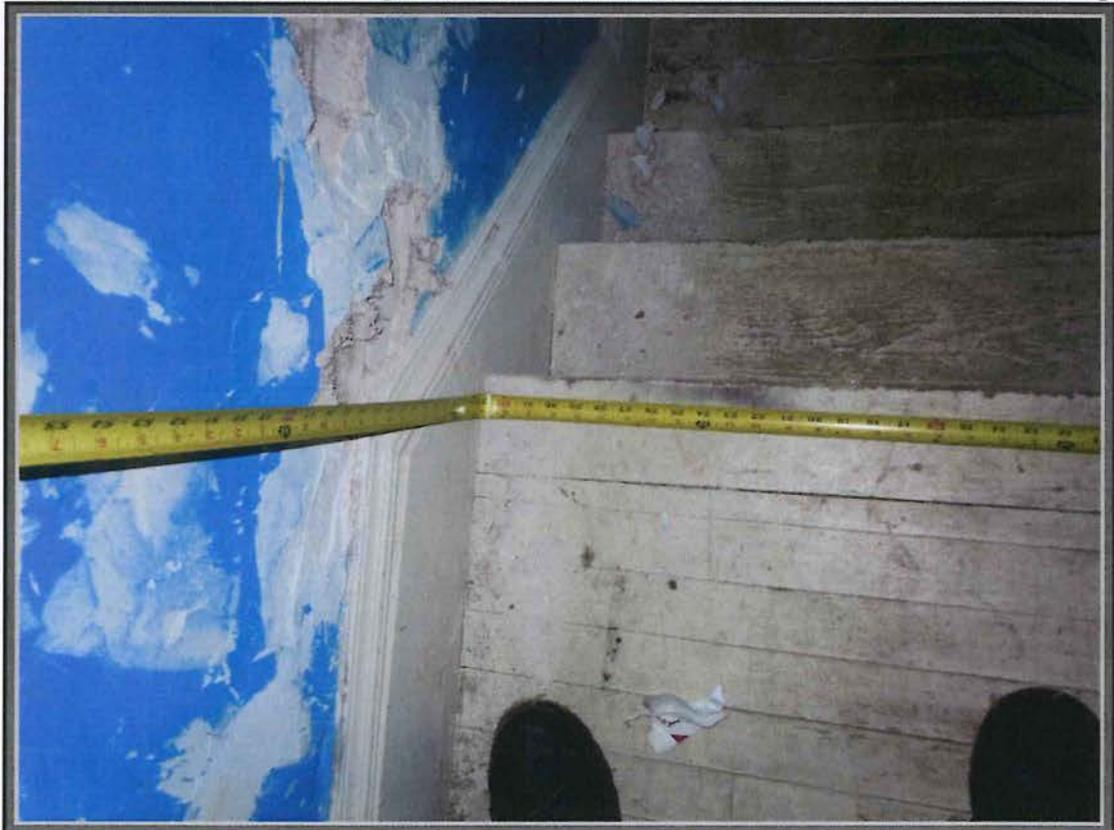


Photo # 19 insufficient stair tread depth of approximately 5 ½ inches.



Photo # 20 shows 6 foot headroom on means of egress stairs where a minimum 6 feet 8 inches is required.



Photo # 21 shows the cramped conditions of the bathroom not meeting the minimum dimensional code requirements.



Photo # 22 measurement of 10 ½ inches to tub where 15 inches is required per code.



Photo # 23 12 inches where 15 inches is required per code.



Photo # 24 toilet removed due to copper theft allowing the entry of sewer gases creating unsanitary conditions and another example of a clearance violation.

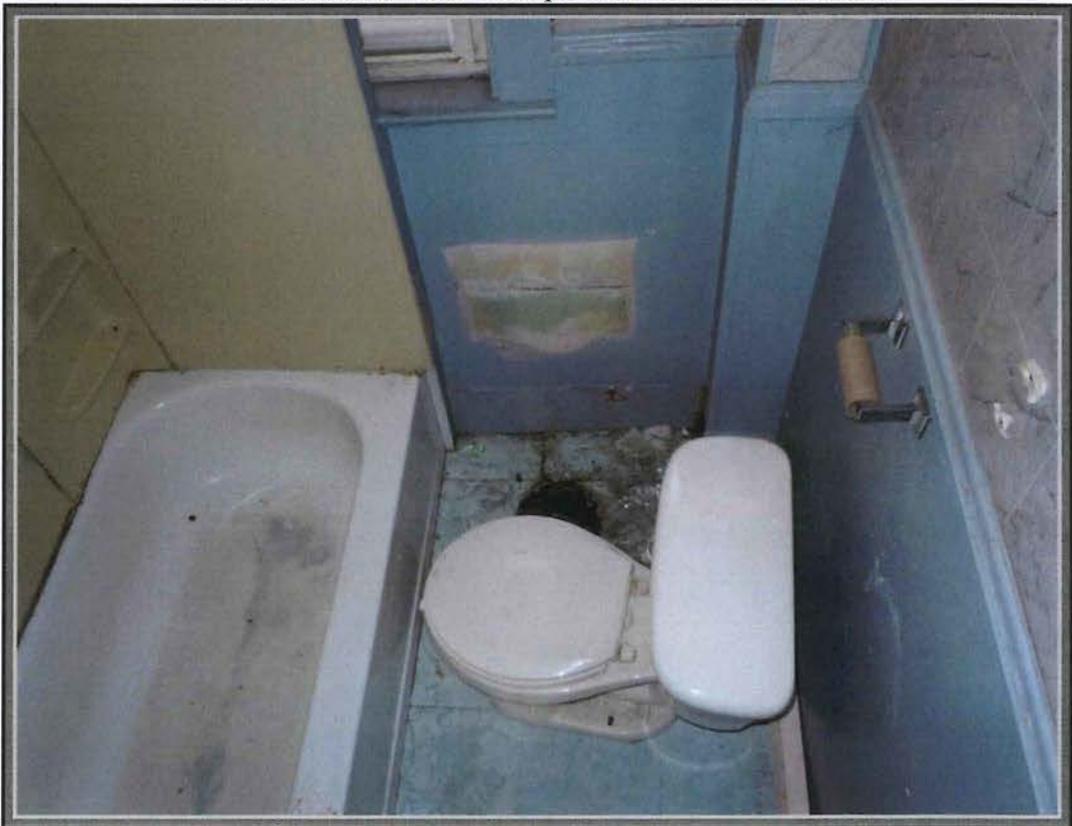


Photo # 25 water in the basement as result of leaking walls. Due to the amount of water and mold, we did not inspect the basement further.



Photo # 26 severely deteriorated and dangerous porch.

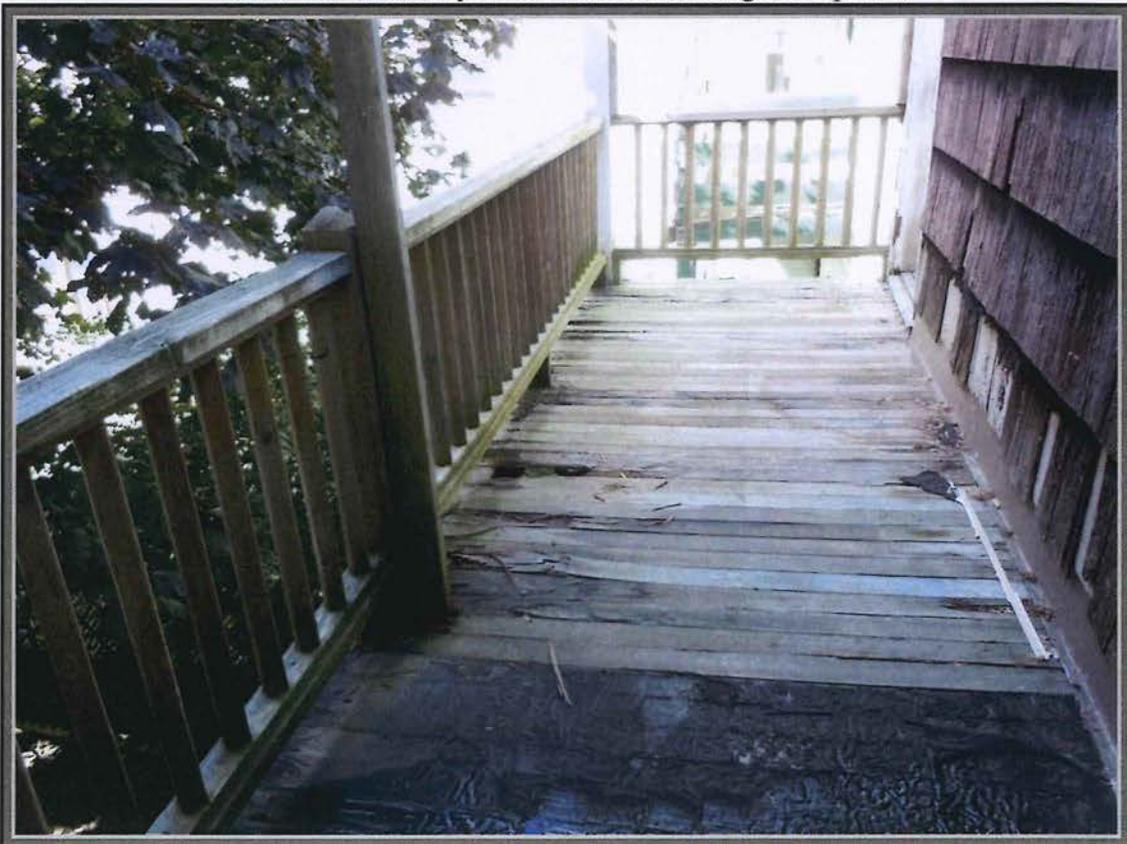


Photo # 27 severely deteriorated primary means of egress stairs.



Photo # 28 severely deteriorated and dangerous porch.



Photo # 29 deteriorated and leaning chimneys with disintegrating mortar leaving brick unsupported and in jeopardy of collapsing allowing bricks to fall to the surrounding areas below creating a dangerous condition to the public.



LEWISTON CITY COUNCIL
MEETING OF SEPTEMBER 3, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 10

SUBJECT:

Order - Authorizing the City Administrator to Execute a New Lease with Catholic Charities Maine for use of Lewiston City Hall.

INFORMATION:

In September 2011, the City entered into a one year lease agreement with Catholic Charities Maine (CCM) to provide office space in City Hall so they could provide immigrant services for Lewiston residents. Due to federal funding budget cuts, CCM is reducing their staff and therefore does not need as much office space from the City. This new one year lease will reflect the changes.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.



REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order authorizing the City Administrator to Execute a new lease with Catholic Charities Maine for use of Lewiston City Hall.



**City of Lewiston Maine
City Council Order
September 3, 2013**



Order, Authorizing the City Administrator to Execute a New Lease with Catholic Charities Maine for Use of Lewiston City Hall.

Whereas, in September 2011, the City entered into a one year lease agreement with Catholic Charities Maine to provide space in City Hall to provide immigrant services for Lewiston residents; and

Whereas, continued cutbacks in federal immigrant funding have necessitated a reduction in Catholic Charities Maine personnel and services; and

Whereas, the new one year lease will be for reduced office space in City Hall and a smaller annual payment, but maintains Catholic Charities Maine's secondary migrant case management services;

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

The City Administrator is authorized to execute a new lease with Catholic Charities Maine for use of Lewiston City Hall.



City of Lewiston Executive Department

EDWARD A. BARRETT
City Administrator

PHIL NADEAU
Deputy City Administrator



August 27, 2013

To: Honorable Mayor and Members of the City Council
Fr: Edward A. Barrett
Su: Lease with Catholic Charities

Our current arrangement with Catholic Charities (CCM) calls for CCM to pay about \$5,000 per year for office space in City Hall and to support 9.75 hours of a CCM staff member to provide joint clerical support to CCM and our Social Services Department. CCM's cost for this position is \$7,098 annually. The City pays this position for an additional 10 hours per week.

CCM currently employees three individuals in City Hall occupying one room, 2 full-time case managers and 1 part-time employment case manager. One other CCM employee based in Portland runs two separate workshops here every other week each month. Due to funding reductions, CCM will be eliminating the part-time employment counselor position as of October 1st and will reduce one of the two full-time case managers to part time, also on October 1st, and totally eliminate this position as of February 2014.

CCM's budget is being impacted due to fund reductions from a variety of grant sources. In addition, CCM was not included in the Targeted Assistance Grant from the Office of Refugee Resettlement that will be available starting in October. The decision to not include them in this grant was made by the State. As a result, they will not receive the approximately \$25,000 from this source that they have seen in the last three years.

As a result, CCM has requested that their payment to the City be reduced from \$12,098 per year to \$8,400.

Please note that the City of Lewiston will be a partner in the TAG grant and funding from that grant will allow us to pay for a part-time employment case manager. In addition, approximately \$9,500 from that grant can be used toward the salary costs of our Director of Social Services. This will more than offset the lower revenue from CCM.

CCM will continue to provide services in Lewiston City Hall and the jointly funded CCM/City position is essential to the effective functioning of our Social Services Department. I would recommend your approval of this new lease.

LEASE AGREEMENT BETWEEN
CITY OF LEWISTON
AND
CATHOLIC CHARITIES MAINE
FINAL 8.21.13

This Lease is made between the **City of Lewiston**, hereinafter called "Landlord", with a mailing address of, 27 Pine Street Lewiston ME 04240 and **Catholic Charities Maine**, hereinafter called "Tenant", with a mailing address of PO Box 10660, Portland, ME 04104, for the purpose of leasing space at Lewiston City Hall, 27 Pine Street, Lewiston, ME.

Premises

To lease three (3) currently occupied office spaces on the 3rd floor of the Lewiston City Hall.

Term

This Lease would be for a **term of one year** from October 1, 2013 to September 30, 2014 with two automatic one (1) year renewals. Any provisions to extend or modify the lease at the end original term must be done in writing by the Landlord or Tenant at least 120 days prior to the expiration date.

Term Notice

If premises are destroyed by fire or other casualty, then the lease can be terminated by Landlord or Tenant.

If property is claimed by Eminent Domain then the lease is terminated.

Monetary Amounts

The Tenant agrees to pay the Landlord the rental amount of Eighty Four Hundred Dollars (\$8,400) per year, or Seven Hundred Dollars (\$700) per month for the office space and receptionist, payable on the first day of each month.

No rental shall be due and payable until the beginning of the first month or partial month of occupancy.

Alterations

No structural alterations shall be made to the premises by Tenant without the written consent of the Landlord. Tenant when so authorized shall have the right to make alterations or additions to the demised premises at its sole cost and expense; provided nevertheless that any such alterations or additions shall be of workmanship and material at least equal to that state or condition of the demised premises as they exist immediately prior to the making of such alterations or additions.

Landlord hereby covenants and agrees to join with Tenant in applying for and securing from any governmental authority having jurisdiction thereof, any permits or licenses which may be necessary in connection with the making of any alterations, additions or changes, and Landlord agrees, upon request by the Tenant, to execute or join in the execution of any application for such licenses and permits.

Repairs and Maintenance

Tenant by taking possession of the premises, shall accept and shall be held to have accepted the same as suitable for the use intended by Tenant. Landlord shall be responsible for maintenance and repair of the roof, exterior walls, windows, including exterior window washing, structure, heating and plumbing systems, and electrical system and common areas and common facilities of the Building as necessary to maintain them in good order and condition; provided, however, that any such maintenance or repairs made necessary by fault or neglect of the Tenant or the employees and visitors of the Tenant shall be at the expenses of the Tenant.

Utilities

Heat, lights and water to the demised premises shall be provided by the Landlord. Landlord shall maintain control of its heating and lighting systems.

Janitor and Char Services

Basic and reasonable janitor and char services required by the Tenant are to be at the expense of the Landlord.

Landlord shall provide the snow removal and sanding when appropriate to allow safe ingress and egress to demised premises and parking areas.

Taxes

Landlord shall pay all taxes and other assessments, if any, when due on its real property which shall be lawfully assessed by any governmental authority, as well as any personal property taxes assessed on Landlord's furniture and equipment which may be located on the premises and used by the Tenant.

Insurance

The Landlord shall obtain and maintain fire and extended coverage insurance upon the demised premises.

The Tenant agrees that it will maintain throughout the term of this Lease a policy or policies of general liability insurance in an insurance company licensed to do business in the State of Maine naming and indemnifying the Landlord, as its interest may appear, against all claims and demands for any personal injuries to or death of any persons, and damage to or destruction or loss of property which may have or be claimed to have occurred on the leased premises in an amount not less than One Million Dollars (\$ 1,000,000.00) in a single limit policy. Copies of such policies together with evidence of payment shall be furnished to the Landlord. Tenant shall also maintain throughout the term of this Lease and any extensions thereof a fire policy on the contents of the building belonging to the tenant. It is acknowledged and understood by the parties hereto that such insurance for fire and extended coverage as the Landlord elects to purchase shall be for the sole benefit of the Landlord and that such insurance shall not cover Tenant's personal property, trade fixtures, leasehold improvements and other appurtenances and that in the event of damage to or loss of any such items, Landlord shall have no obligation to repair or replace the same. The Landlord shall, upon the request of the Tenant, deposit certificates of such insurance at or prior to the commencement of the term and thereafter ten (10) days prior to the expiration of such policies. Such policies shall, to the extent obtainable, provided that the policies may not be canceled without at least ten (10) days prior written notice to each assured.

Signs

Tenant shall not paint or place any signs, displays, advertising devices or the like upon the windows of the premises or at any other location in, upon or about the premises or the building which are visible from outside the premises or the building without the prior consent of the Landlord, which shall not be unreasonably withheld or delayed.

Compliance with Laws

Tenant agrees that it will not knowingly do, and will not knowingly permit its agents, servants, invitees and guests to do anything in, on or about the demised premises which would result in adverse and notorious publicity or affect the good name and reputation of the Landlord. Landlord shall provide fire extinguishers and other safety devices and shall not store any dangerous, flammable, or other toxic materials on or near the premises.

Landlord shall be responsible for making existing facilities used by Tenant, its agents, servants, employees, business invitees and guests readily accessible and usable to handicapped individuals pursuant to the terms and provisions of Americans with Disabilities Act and all local and State codes.

Use

Tenant agrees that during the term of the original Lease and any renewal thereof it will not use the demised premises for any purpose other than for office use. At no time shall the premises be used to store or warehouse materials, furniture or objects of any kind that are not specific to those materials, furniture, technology and supplies that are consistent with typical back office operations and specific to the field work performed by employees of Catholic Charities Maine.

Access of Landlord

Landlord, its agents, employees, servants or other representatives shall have reasonable access to the demised premises for the purpose of examining and inspecting the same and of showing said premises to prospective purchasers, provided that such access shall not unnecessarily interfere with Tenant's use of the premises nor the conducting of the tenant's business thereon.

Default by Tenant

It is mutually agreed that if Tenant shall be in default in performing any of the terms or provisions of this Lease and if Landlord shall give to Tenant notice in writing of such default and if Tenant shall fail to cure such default within thirty (30) days after the date of receipt of such notice, then and in such event, Landlord may cure default for the account of and at the cost and expense of Tenant and the sum so expended by Landlord shall be deemed to be rent and on demand shall be paid by Tenant to Landlord. Landlord agrees that such default if, but only if, paid for by Tenant within thirty (30) days after receipt of first notice as aforesaid shall not be the basis of a forfeiture of this Lease or otherwise result in the eviction of Tenant or the termination of this Lease.

Except as provided in the preceding paragraph, in the event Tenant violates any of the terms, covenants or conditions of this Lease on its part to be performed, and such violation continues after notice to Tenant, then and in such case Tenant's right to possession of the demised premises shall thereupon terminate immediately if Landlord so elects, but not otherwise, upon Landlord giving Tenant thirty (30) days notice of such election. And the mere retention of possession thereafter by Tenant shall constitute a forcible detainer of said premises and in such event this Lease shall terminate upon Landlord giving Tenant notice of such election, both Landlord and Tenant hereby expressly waiving any provision of law now in force or which

may hereafter be enacted giving either Tenant or Landlord any rights other than expressed herein.

Default by Landlord

It is mutually agreed that if Landlord shall be in default in performing any of the terms or provisions of this Lease and if Tenant shall give to Landlord notice in writing of such default and if Landlord shall fail to cure such default within fifteen (15) days after the date of receipt of such notice, then and in such event, Tenant may cure default for the account of and at the cost and expense of Landlord by deducting said cost and expense from the rent due Landlord. In such event, the Tenant shall have all legal and equitable rights normally available for such a default including, but not limited to, the option to terminate or continue the existing Lease.

Waiver

Tenant covenants and agrees that, except as herein otherwise provided, the rights and remedies of Landlord under this Lease shall be cumulative and that the exercise of any one of them shall not be exclusive of any other right or remedy provided by this Lease or otherwise allowed by law or in equity and that waiver by Landlord of any breach of any covenant or covenants or conditions of this Lease shall be limited to the particular instance and shall not operate or be deemed to waive any other or further breach of any covenant or covenants or conditions or failure or omission on the part of Tenant to perform any other different covenant or condition on the same or any other occasion and that, except as aforesaid, the receipt of any rent or other amounts or any portion thereof shall not operate as a waiver of Landlord's right to enforce the payment of subsequent installments of rent or any of the other rights of Landlord under this Lease, by any remedies which may be available to Landlord.

Waiver of Subrogation

(A) Each of Landlord and Tenant hereby releases the other to the extent of its insurance coverage, from any of the extended coverage casualties or any other casualty insured against, even if such fire or other casualty shall be brought about by the fault or negligence of the other party, or any persons claiming under it, provided, however, this release shall be in force and effect only with respect to loss or damage occurring during such time as releasor's policies of fire and extended coverage insurance shall contain a clause to the effect that this release shall not affect said policies or the right of the releasor to recover thereunder. Each of Landlord and Tenant agrees that its fire and extended coverage insurance policies will include such a clause so long as the same is obtainable and is includible without extra costs, or if such extra cost is chargeable therefor, so long as the other party pays such extra cost. If extra cost is chargeable therefor, each party will advise the other thereof and of the amount thereof, and the other party, at its election, may pay the same but shall not be obligated to do so.

(B) Except as provided in Section (A) of this Article, nothing else in this Lease contained shall be deemed to release either party hereto from liability for damages resulting from the fault or negligence of said party or its agents.

Damage to Premises

If the demised premises shall be so damaged by fire, the elements, casualty, war, insurrection, riot, public disorder, acts authorized on the part of any governmental authority or any cause or happening so as to be substantially destroyed, then Landlord or Tenant may terminate the Lease. In the event of partial destruction which requires less than ninety (90) days to repair, Landlord may restore demised premises to their previous condition and Tenant shall have the option to terminate or continue the existing Lease. In such event, the rental herein shall be

abated in the proportion that the amount of space which is not available to and usable by the Tenant as a result of such casualty and/or the work and labor incidental to its rehabilitation bears to all of the space in the demises premises.

Limitations

This lease is made subject to budgetary funding. In the event that the amount of funds is such that the Tenant or Landlord must terminate a significant portion of its program or program support, this lease may be terminated upon ninety (90) days written notification given to Landlord by Tenant or to Tenant by Landlord, and Tenant shall not be liable for or owe any rent to the Landlord beyond the end of the ninety (90) day period. This provision shall not be construed so as to permit the Tenant to cancel the lease in order to lease similar premises from a third party.

Quiet Enjoyment

Tenant, upon paying the rent and additional rent and all other sums and charges to be paid by it as herein provided, and observing and keeping all covenants, warranties, agreements and conditions of this Lease on its part to be kept, shall quietly have and enjoy the premises during the term of this Lease, without hindrance or molestation by anyone. Landlord shall quietly have and enjoy the premises during the term of this Lease, without hindrance or molestation by anyone.

Notice

Any notice required to be given hereunder by either party shall be in writing and shall be mailed or delivered in hand to Landlord at City of Lewiston, **27 Pine Street Lewiston ME 04240**, and to Tenant, Catholic Charities Maine, PO Box 10660, Portland, ME 04104, or at such other addresses as may from time to time be designated in writing by the addressee to the other party.

Modifications

No modifications of this Lease shall be binding unless in writing executed and acknowledged in due form for recording.

Captions

The captions of this Lease are for convenience only and are not a part of this Lease and do not in any way limit or amplify the terms and provisions of this Lease, nor shall they be considered in the interpretation of any of the provisions hereof.

CITY OF LEWISTON

Signature

Date

Printed Name

CATHOLIC CHARITIES MAINE

Signature

Date

Printed Name

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 3, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 11

SUBJECT:

Potential Amendment to the Joint Development Agreement with Parallax Partners, Inc. regarding the hotel development project on Lisbon Street.

INFORMATION:

The City Administrator and the Director of Economic and Community Development may have an amendment to bring forth to the Council at Tuesday night's meeting. At the time the agenda material was prepared, the language was still being reviewed by both parties.

Additional information will be presented on Tuesday night during the meeting.

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 be determined

LEWISTON CITY COUNCIL
MEETING OF SEPTEMBER 3, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 12

SUBJECT:

Ballot for Election of the Androscoggin County Budget Committee members.

INFORMATION:

Each community in Androscoggin County has the opportunity to vote on members of the County Budget Committee. The Committee will be advising the Commissioners on the budget for fiscal years 2014, 2015 and 2016.

Due to the new reapportionment of the Androscoggin County District lines, all or part of Districts 1, 2 and 3 are located within the City of Lewiston. Therefore, the Council is asked to vote on ballots for each of the three Districts.

Please see the attached material for more information.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

This is a policy decision of the City Council.



REQUESTED ACTION:

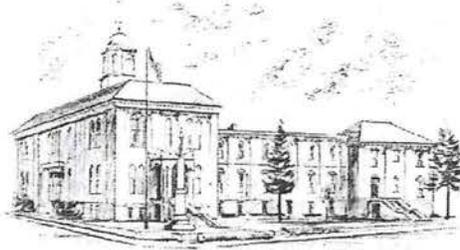
1	2	3	4	5	6	7	M
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To review the list of candidates as presented on the Androscoggin County Ballot for Election of the County Budget Committee and to decide which candidates to support on the ballots.

ANDROSCOGGIN COUNTY

COMMISSIONERS

Randall A. Greenwood, Chairperson
Elaine Makas, Commissioner
Beth C. Bell, Commissioner



CLERK

Patricia Fournier

TO: Municipal Officers

FROM: County Commissioners

DATE: August 23, 2013

The Commissioners held the caucus for District 1, on August 21, 2013 at 6:00 p.m. in the Androscoggin County Building for the purpose of accepting nominations for the Androscoggin County Budget Committee for a 3-year term for budget years 2014, 2015 & 2016. Nominations were accepted and those names have been placed on the enclosed ballot.

The Councilor must, as a Board, vote for two (2) Budget Committee members to serve on the Committee, the Municipal Officers must vote for at least one (1) candidate who is a municipal official.

The ballots must be returned to the County Commissioners no later than September 10, 2013.

If you have any questions please feel free to call the Commissioners' Office.

ANDROSCOGGIN COUNTY COMMISSION
DISTRICT 1
(Part of Lewiston)



ANDROSCOGGIN COUNTY BUDGET COMMITTEE
2014 / 2015 / 2016

OFFICIAL BALLOT

Municipal Officers shall vote, as a board, for two (2) Budget Committee members to serve on the Androscoggin County Budget Committee to represent District 1. The municipal officers must vote for at least one (1) candidate who is a municipal official. 30-A M.R.S.A. §722 defines municipal officials to mean "mayor, alderman, councilors or manager of a city".

Mark the box with an X.

- Richard Desjardins (Councilor)
55 Baird Street
Lewiston

- Michael Marcotte (Resident)
12 O'Connell Street
Lewiston

VOTED AT MEETING OF _____, 2013

_____, Councilor

ANDROSCOGGIN COUNTY COMMISSION
DISTRICT 2
(Part of Lewiston)



ANDROSCOGGIN COUNTY BUDGET COMMITTEE
2014 / 2015 / 2016

OFFICIAL BALLOT

Municipal Officers shall vote, as a board, for two (2) Budget Committee members to serve on the Androscoggin County Budget Committee to represent District 2. The municipal officers must vote for at least one (1) candidate who is a municipal official. 30-A M.R.S.A. §722 defines municipal officials to mean "mayor, alderman, councilors or manager of a city".

Mark the box with an X.

- Nel Anctil (Resident)
11 Mountview Terrace
Lewiston

- Donald D'Auteuil (Councilor)
400 Montello Street
Lewiston

VOTED AT MEETING OF _____, 2013

_____, Councilor

LEWISTON CITY COUNCIL
MEETING OF SEPTEMBER 3, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 13

SUBJECT:

Request from the Alzheimer's Association for use of city services and a waiver of fees regarding the organization's September 7 fundraising event.

INFORMATION:

The state director of the Alzheimer's Association walk is requesting the use of trash barrels, some city staff time and a waiver from the City Council for the \$16 Sound Amplification permit fee for their September 7 walk-a-thon fundraising event.

Please see their attached letter of request for additional information.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

This is a policy decision of the City Council.

EA B/kmm

REQUESTED ACTION:

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To review the request submitted by the Alzheimer's Association for a request for use of city services and a waiver of fees for the organization's September 7 fundraising event and to determine a course of action.

To: Honorable Mayor and City Council
Fr: Alzheimer's Association, Maine Chapter
Re: Central Maine Walk to End Alzheimer's at Simard Payne Park
Dt: August 28, 2013



Background

The Alzheimer's Association, Maine Chapter serves the entire State of Maine from its Scarborough office. There are approximately 37,000 families in Maine who are affected by Alzheimer's disease or a related dementia.

Our mission:

To eliminate Alzheimer's disease through the advancement of research; to provide and enhance care and support for all affected; and to reduce the risk of dementia through the promotion of brain health.

The Walk to End Alzheimer's is our signature event to raise funds and awareness for Alzheimer's disease and other related dementia. The Central Maine Walk to End Alzheimer's will be held at Simard Payne Memorial Park on Saturday, September 7. We will begin setting up at 5:30-6:00 am. Registration will begin at 8:00 am. The opening ceremony will begin at 10:00 am and the 3 mile walk will start immediately following the ceremony. Clean up will begin around 12:00-12:30 pm and will be leaving the park before 2pm.

We currently have 61 walkers registered. Our participant goal is 235. We project at this point to have 120-150 walkers total on September 7. Our early estimates of 250-300 are probably inaccurate at this point.

Request: (Modification to the Charitable Donation Application)

- Bollard removed from entrance for potty and tent delivery
- 3-4 Trash barrels delivered to the park,
- Dig Safe services implemented
- Sound/Amp fee waived- \$16.00

On behalf of the staff here at the Maine Chapter, and the 37,000 families in Maine who are affected by this disease, thank you kindly for taking the time to consider our modified requests regarding our Charitable Donation Application. Please let me know if you have any further questions.

Warm Regards,

A handwritten signature in cursive script that reads "Ross Endres".

Ross Endres
Walk Director
Alzheimer's Association, Maine Chapter

LEWISTON CITY COUNCIL
MEETING OF SEPTEMBER 3, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 16

SUBJECT:

Executive Session to discuss Real Estate Negotiations of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

INFORMATION:

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/14mm

REQUESTED ACTION:

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

LEWISTON CITY COUNCIL
MEETING OF SEPTEMBER 3, 2013

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 17

SUBJECT:

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

INFORMATION:

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To enter into an Executive Session, pursuant to MRSA Title 1, section 405(6)(c), to discuss Acquisition of Property, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.