

**LEWISTON CITY COUNCIL AGENDA
CITY COUNCIL CHAMBERS
FEBRUARY 4, 2014**

6:00 p.m. Workshop - Update on Fund Raising Efforts (15 minutes)

6:15 p.m. Executive Session - To discuss a legal matter with the City Attorney.

Pledge of Allegiance to the Flag.
Moment of Silence.

Acceptance of minutes of the meeting of January 21, 2014.

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.

REGULAR BUSINESS:

1. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for the Sea Asian Bistro, Inc., 40 East Avenue.
2. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for the Franco American Heritage Center, 46 Cedar Street.
3. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for The Cage, 97-99 Ash Street.
4. Public Hearing for the Fiscal Year 2015 Lewiston Capital Improvement Program.
5. Public Hearing & Final Passage regarding amendments to the Elections ordinance regarding write-in candidates.
6. Public Hearing and First Passage on amendments to the Traffic and Vehicles ordinance regarding speed limits.
7. Public Hearing and First Passage on amendments to the Buildings and Building Regulations ordinance regarding the property maintenance code and erosion control.
8. Condemnation Hearing for the building located at 44 Birch Street.
9. Condemnation Hearing for the building located at 86 Nichols Street.
10. Order authorizing the Sale of 11 Walker Avenue and 7 Bartlett Street.
11. Reports and Updates.
12. Any other City Business Councilors or others may have relating to Lewiston City Government.
13. Executive Session to discuss labor negotiations regarding the American Federation of State, County and Municipal Employees (AFSCME Council #93) Local 1458-00, on behalf of the Lewiston Public Works Unit.

LEWISTON CITY COUNCIL
WORKSHOP AGENDA
TUESDAY, February 4, 2014
6:00 P.M.

1. Update on Fund Raising Efforts – 15 minutes

Finance Director Heather Hunter will update the Council on the progress of several fund raising initiatives authorized by the Council. These include the proposed improvements to Franklin Pasture, relocation and renovation of the bandstand in Kennedy Park, and the efforts of the Friends of Pettingill Park.

2. Executive Session – Consultation with the City Attorney – County Dispatch -- 30 minutes

Please see separate confidential memorandum.

LEWISTON CITY COUNCIL
MEETING OF FEBRUARY 4, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6:15pm

SUBJECT:

Executive Session to discuss a legal matter with the City Attorney.

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 state statutes outline the issues that will be discussed in executive session.

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)(E) to discuss a legal matter with the City Attorney.

LEWISTON CITY COUNCIL

MEETING OF FEBRUARY 4, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

SUBJECT:

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for the Sea Asian Bistro, Inc., 40 East Avenue.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from the Sea Asian Bistro, Inc., 40 East Avenue.

The Police Department has reviewed and approved the application.

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

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EIAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To grant a Special Amusement Permit for Live Entertainment to the Sea Asian Bistro, Inc., 40 East Avenue.

CITY OF LEWISTON
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: 1-17-14 Expiration Date: Feb 16 2014 License fee: \$116.00

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

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

****PLEASE PRINT****

Business Name: Sea Asian Bistro Inc. Business Phone: 207-795-6888

Location Address: 40 East Ave Lewiston ME 04240.

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

Mailing Address: 40 East Ave Lewiston ME 04240.

Contact Person: Franki Tam. Home Phone: 917-969-6306

Owner of Business: SAI QIN Dong Date of Birth: April 15 1983

Address of Owner: 36 Pineland Street.

Manager of Establishment: Franki Tam. Date of Birth: Nov 25 1977

Owner of Premises (landlord): _____

Address of Premises Owner: _____

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

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

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

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

Corporation Name: Frank's Sea Asian Bistro Inc

Corporation Mailing Address: 40 East Ave Lewiston.

Contact Person: Frank's Tam. Phone: 207-795-1888

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

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

Please describe the type of proposed entertainment:

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

If new applicant, what is your opening date?: _____

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

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

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

Signature: Sai Qin Doy Title: owner Date _____

Printed Name: _____

Sent to Code Enforcement: _____ Need reply by: _____ Approved: _____

Sent to Police & Fire: _____

Hearing Date: _____ Approved by Council: _____ Vote No: _____

CITY OF LEWISTON, MAINE
Department of City Clerk

Supplementary Questionnaire for Corporate Applicants

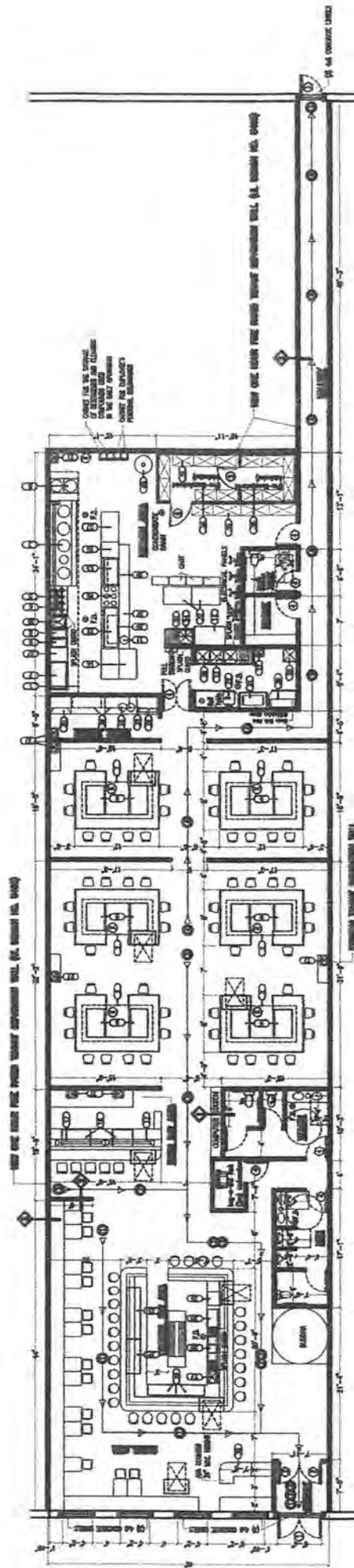
1. Exact corporate name: Sea Asian Bistro Inc
2. Date of incorporation: Dec 10 2010
3. State in which you are incorporated: Maine
4. If not a Maine corporation, date corporation was authorized to transact business within the State of Maine: _____
5. List the names, addresses previous 5 years, birth dates, title of all officers, directors, and % of stock owned:

NAME	ADDRESS PREVIOUS 5 YEARS	BIRTH DATE	% OF STOCK	TITLE
SAI QIN Dong	36 Pineland Street. Lewiston ME 04240	4/15/1983	100	owner

6. What is the amount of authorized stock? 100%. Outstanding stock? _____
7. Is any principal officer of the corporation a law enforcement official?

Dated at _____ on _____
City or Town Date

SIGNATURE OF DULY AUTHORIZED OFFICER



FLOOR PLAN
 SCALE 1/8" = 1'-0"

SEA ASIAN BISTRO
 40 EAST AVE.
 LEWISTON, ME 04240



POLICE DEPARTMENT

Michael J. Bussiere
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. Adam D. Higgins, Support Services

DT: December 30, 2013

RE: Liquor License/Special Amusement Permit – **Sea Asian Bistro Inc.**

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

Sea Asian Bistro
40 East Ave.



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



Professionalism Integrity Compassion Dedication Pride Dependability

LEWISTON CITY COUNCIL
MEETING OF FEBRUARY 4, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

SUBJECT:

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for the Franco American Heritage Center, 46 Cedar Street.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from the Franco American Heritage Center, 46 Cedar Street.

The Police Department has reviewed and approved the application.

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

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To grant a Special Amusement Permit for Live Entertainment to the Franco American Heritage Center, 46 Cedar Street.

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

Date of Application: 01.20.14 Expiration Date: 02.17.2014 License fee: \$116.00

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

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

****PLEASE PRINT****

Business Name: FRANCO American HeritAGE CRA. Business Phone: 207-783-1585

Location Address: 46 CEDAR St. LEWISTON, ME 04210

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

Mailing Address: 46 CEDAR St. LEWISTON ME 04210

Contact Person: EDMOND GAY Home Phone: 783-6942

Owner of Business: _____ Date of Birth: _____

Address of Owner: _____

Manager of Establishment: EDMOND GAY Date of Birth: 05.24.1942

Owner of Premises (landlord): _____

Address of Premises Owner: _____

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

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

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

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

Corporation Name: FRANCO AMERICAN HERITAGE @ ST MARY'S

Corporation Mailing Address: 46 CEDAR ST - LEWISTON ME 04240

Contact Person: EDMOND GAY Director of Operations Phone: 783-1585

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

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

Please describe the type of proposed entertainment:

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

If new applicant, what is your opening date?: _____

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

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

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

X Signature: Louis P. Morin X Title: Executive Director Date JAN. 22, 2014

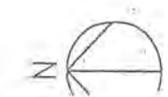
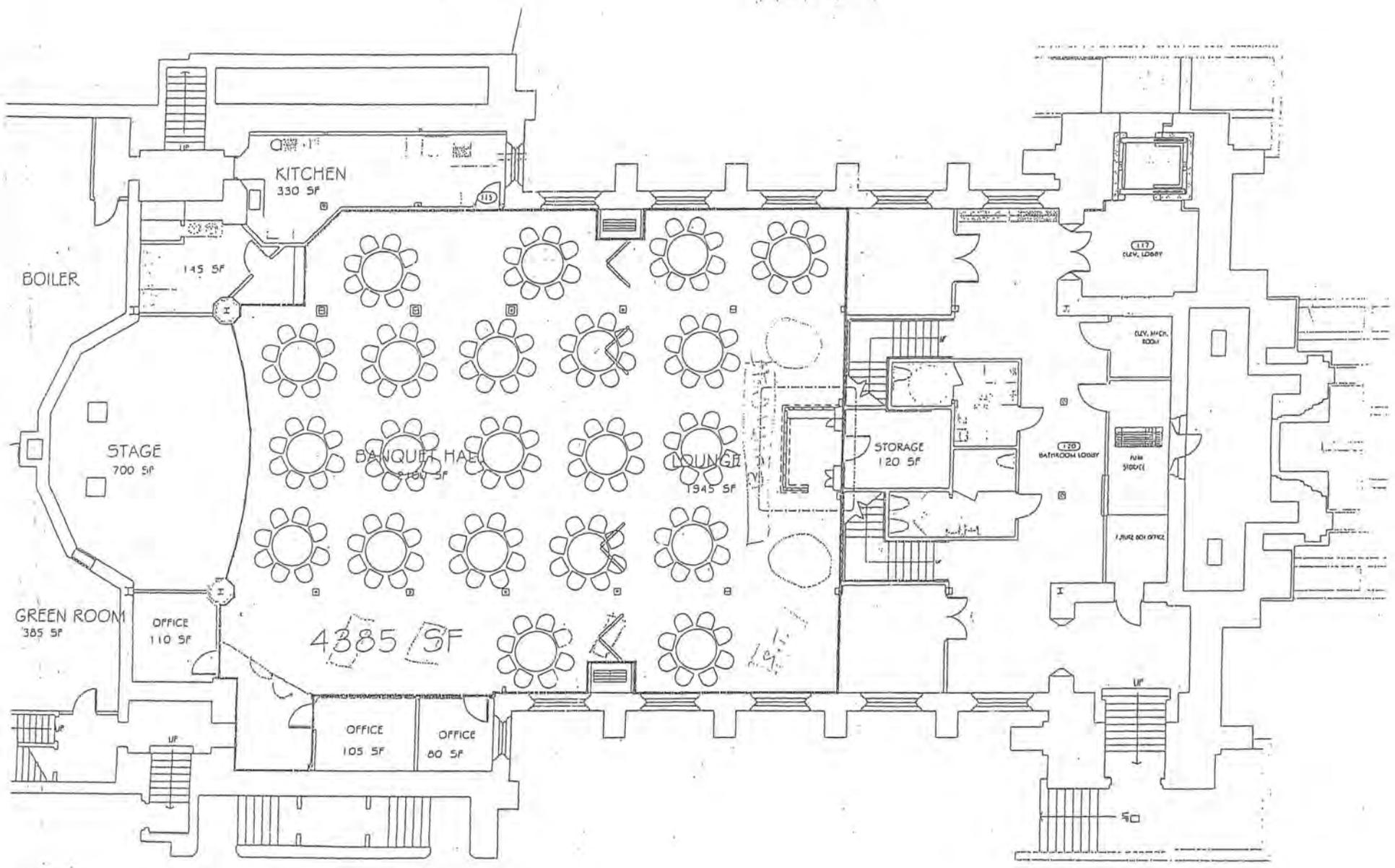
X Printed Name: LOUIS P. MORIN

Sent to Code Enforcement: _____ Need reply by: _____ Approved: _____

Sent to Police & Fire: _____

Hearing Date: _____ Approved by Council: _____ Vote No: _____

2143 - 100



0 5' 10'

Franco Center

Officers

President – Raymond Lagueux – dob 6/25/45

Vice President – Laurent F. Gilbert Sr. – dob 6/7/45

Treasurer – Gerry Langelier - dob 7/31/38

Secretary – Mike Courschene – dob 3/16/68



POLICE DEPARTMENT

Michael J. Bussiere
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. Adam D. Higgins, Support Services

DT: December 30, 2013

RE: Liquor License/Special Amusement Permit – **Franco Center**

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

Franco Center
46 Cedar St.



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



Professionalism

Integrity

Compassion

Dedication

Pride

Dependability

LEWISTON CITY COUNCIL

MEETING OF FEBRUARY 4, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 3

SUBJECT:

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for The Cage, 97-99 Ash Street.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from The Cage, 97-99 Ash Street.

The Police Department has reviewed and approved the application.

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

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To grant a Special Amusement Permit for Live Entertainment to The Cage, 97-99 Ash Street.

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

Date of Application: 1-28-14 Expiration Date: _____ License fee: \$116.00

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

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

****PLEASE PRINT****

Business Name: The Cage **Business Phone:** 783-0668

Location Address: 97-99 Ash St. Lewiston, Maine

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

Mailing Address: 97 Ash St. Lewiston, Maine 04240

Contact Person: Randall J. Collins **Home Phone:** 576-3668

Owner of Business: The Cage Inc **Date of Birth:** _____

Address of Owner: 97 Ash St. Lewiston, Maine 04240

Manager of Establishment: Randall J. Collins **Date of Birth:** 2-24-52

Owner of Premises (landlord): RDP Inc.

Address of Premises Owner: 97 Ash St. Lewiston, Maine 04240

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

Have any of the applicants, including the corporation if applicable, ever held a business license with the City of Lewiston? Yes No If yes, please list business name(s) and location(s): The Cage
97-99 Ash St. Lewiston, Maine

Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of the law? Yes No If yes, please explain: _____
Beer 94,056.00 Liquor 125,387.67 Food 11,576.00

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

Corporation Name: The Cage Inc.

Corporation Mailing Address: 97 Ash St. Lewiston, Maine 04240

Contact Person: Randall Collins Phone: 783-0618

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

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? Upstairs - 20 feet

Please describe the type of proposed entertainment:

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

If new applicant, what is your opening date?: _____

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

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

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

Signature: Randall J. Collins Title: President Date: 1-28-14

Printed Name: Randall J Collins

Sent to Code Enforcement: _____ Need reply by: _____ Approved: _____

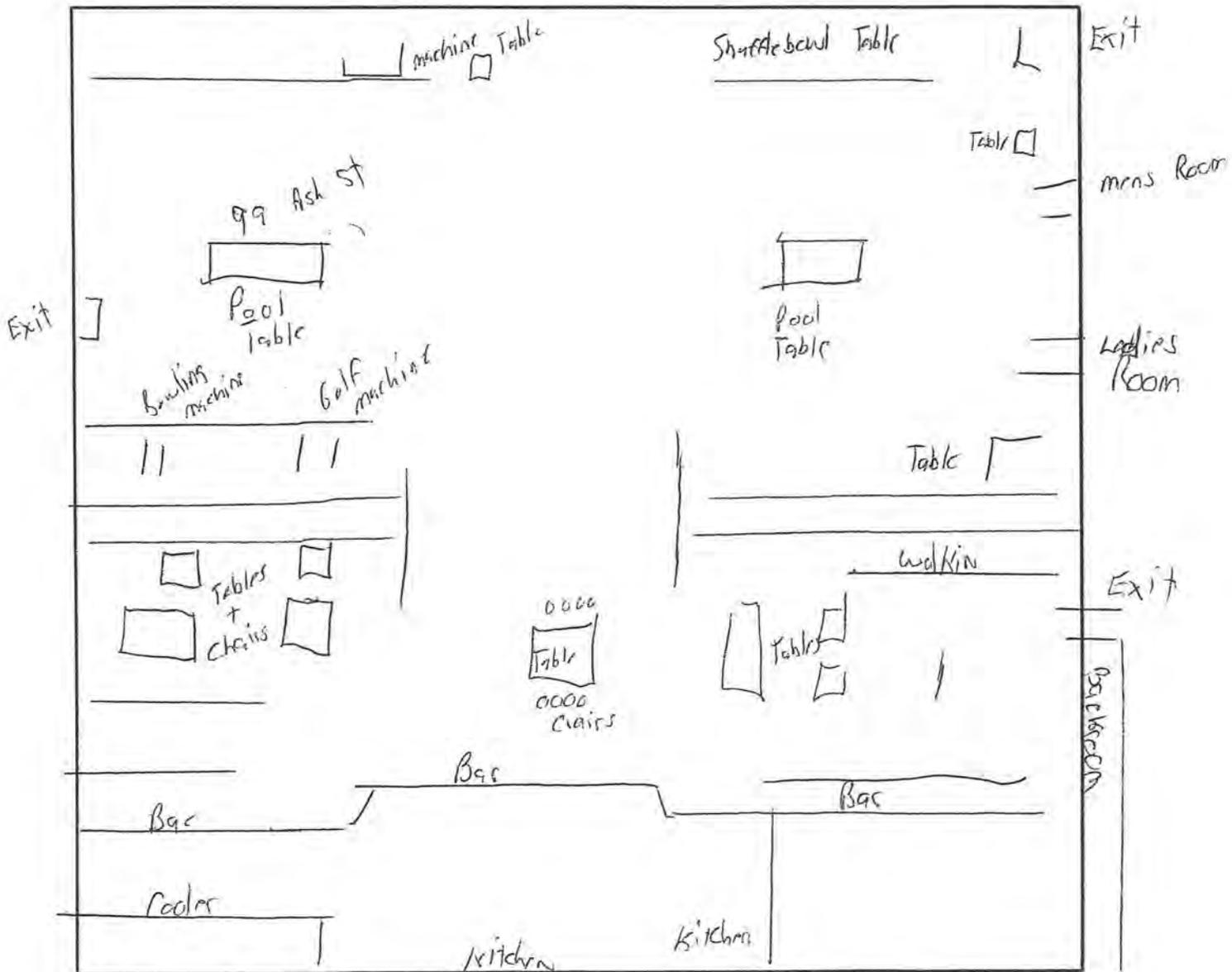
Sent to Police & Fire: _____

Hearing Date: _____ Approved by Council: _____ Vote No: _____

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

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

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





POLICE DEPARTMENT

Michael J. Bussiere
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. Adam D. Higgins, Support Services

DT: December 30, 2013

RE: Liquor License/Special Amusement Permit – **The Cage**

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

The Cage
97-99 Ash St.



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



Professionalism

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LEWISTON CITY COUNCIL

MEETING OF FEBRUARY 4, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT:

Public Hearing for the Fiscal Year 2015 Lewiston Capital Improvement Program.

INFORMATION: The municipal Capital Improvement Program (LCIP) is required by State Law and the City Charter. The LCIP is an important and necessary planning tool for the City's consideration in financial and development issues. It is a working document, and adoption does not constitute approval and/or funding of the various projects within the program. Each project will require funding approval from the City Council at a later date. The complete LCIP booklet was distributed to Council around January 15 for review. Prior to acting on the City's five year capital plan, the Council must hold a public hearing on it. In addition to the public hearing, the Council will also receive comments on the plan from the Finance Committee and the Planning Board; staff anticipates that these processes will be completed prior to the Council's February 18 meeting, at which time the Council will be asked to adopt the Plan.

This agenda item is for a Public Hearing to receive citizen input and comment regarding the contents of the Plan. Adoption of the LCIP is scheduled for the February 18 City Council meeting.

Copies of the Plan are available on the City's website at <http://www.ci.lewiston.me.us/Archive.aspx?AMID=39&Type=Recent> or by using the Financial Reports link on the Finance Department's home page. The City Administrator's Message summarizing the plan and a spreadsheet with all proposed projects is attached.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

Receiving input from the residents is an important part of the LCIP process.

EAB/1kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To conduct a public hearing to receive citizen input and comment regarding the Fiscal Year 2015 Lewiston Capital Improvement Program.

(No action or vote is required by the City Council.)



City of Lewiston Executive Department

EDWARD A. BARRETT
City Administrator

PHIL NADEAU
Deputy City Administrator



January 7, 2014

Honorable Mayor Robert E. Macdonald
Lewiston City Council Members
City Building
Lewiston, Maine 04240

RE: Proposed FY2015 Capital Improvement Program

Dear Mayor and Councilors:

The proposed FY2015 Lewiston Capital Improvement Program (LCIP) is hereby submitted for your review in accordance with the provisions of the City Charter.

The purpose of developing and annually updating a five-year capital plan is to ensure that policy makers are aware of both current and future capital needs and can take these into account during the annual budget process. It assists in setting priorities for addressing the City's infrastructure needs and in planning for and managing the City's overall debt.

At the same time, a capital plan is not and cannot be carved in stone. It must be a living and flexible document that, while informing judgments, does not predetermine them. While the plan serves as a guide to decision making, other factors must be weighed and balanced. These include: the overall economic and fiscal climate; the City's debt position; the availability of non-city funding sources; unexpected emergencies or development opportunities; public requests or expectations; and the ability of the City's operating budget to directly fund projects through normal City revenues.

Under our charter and procedures, this plan is also submitted to the Planning Board and the Finance Committee for their review, comments, and recommendations. The Council is required to hold a public hearing on this plan and to adopt it as it may be changed or modified at least four months prior to the end of the current fiscal year.

In addition to various summaries, each project is described and justified in the attached project detail sheets. Potential sources of funding are suggested such as federal or state grants, our operating budget, or general obligation bonds.

While a five-year time frame is appropriate for planning purposes, the focus of immediate attention will be on those projects scheduled for the coming fiscal year and, more specifically, those requiring either operating support or debt authorization. A summary of such projects can be found below.

OVERALL SUMMARY

The five-year capital plan calls for approximately \$130.3 million in projects of which \$62.8 million are supported by City resources including our various operating budgets or general obligation or enterprise revenue supported bonds. The following chart summarizes the proposed use of local resources for the first year of the plan (FY2015) and the total over the full five year period:

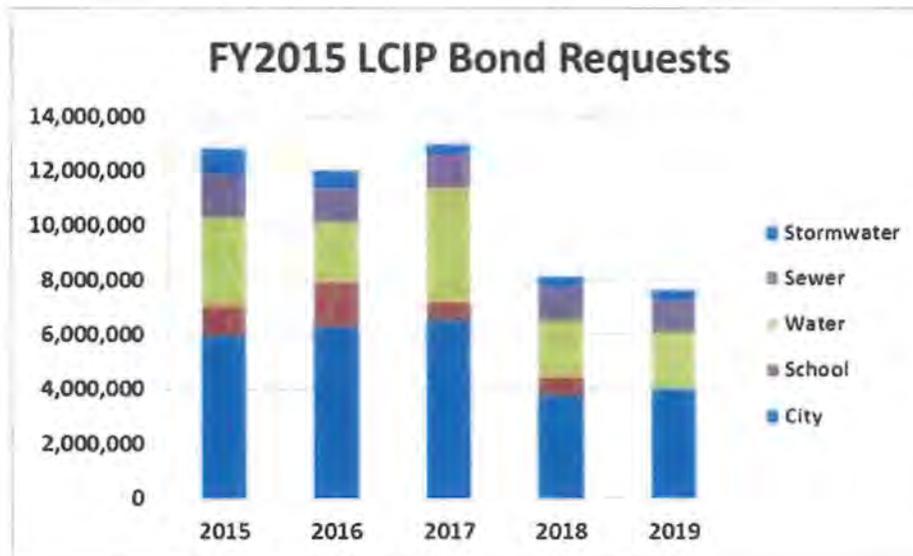
<u>AREA</u>	<u>FY2015</u>	<u>FY2015-FY2019</u>
City Bond Issue	\$5,931,000	\$26,566,000
City Operating Budget	1,721,963	7,268,963
School Bond Issue	1,144,000	4,071,500
Sewer Bond Issue	1,642,000	6,590,000
Sewer Operating Budget	47,000	305,000
Sewer Impact Fees	50,000	250,000
Water Bond Issue	3,248,650	13,840,200
Water Operating Budget	233,000	1,120,000
Storm Water Operating Budget	65,000	325,000
Storm Water Bond Issue	859,100	2,494,100
TOTAL	\$14,941,713	\$62,830,763

The significant changes from last year include a reduction in size of the proposed City bond issue of \$1 million from last year's \$7 million. The biggest single reason for this decrease was the \$2.5 million for demolition of Bates Mill 5 approved in FY2014. Proposed School projects increased by \$733,000, largely attributed to site work needed for portable classrooms at Martel and Farwell schools. Proposed Water projects increased by \$1 million as additional water treatment funds of \$1.2 million are requested.

PROPOSED BOND ISSUES

The following chart and accompanying graph summarizes the amount of bonded debt proposed for the City's General Fund and each of its Enterprise Funds over the next five years.

<u>Fund</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>Total</u>
City	5,931,000	6,287,500	6,547,500	3,789,000	4,011,000	26,566,000
School	1,144,000	1,627,500	650,000	650,000		4,071,500
Water	3,248,650	2,219,550	4,195,000	2,117,000	2,060,000	13,840,200
Sewer	1,642,000	1,256,000	1,225,000	1,227,000	1,240,000	6,590,000
Stormwater	859,100	618,000	391,000	316,000	310,000	2,494,100
TOTAL	12,824,750	12,008,550	13,008,500	8,099,000	7,621,000	53,561,800



OVERALL FISCAL AND ECONOMIC CLIMATE

During and subsequent to the recent recession, capital funding financed by our operating budget declined. In recent years, we took some modest steps to increase the operating capital budget. This progress was reversed in FY14 as a result of a significant additional reduction in state revenue sharing. Projects that preferably should be funded through current revenues continue to be proposed for bond funding or through use of fund balance. This includes equipment replacement and proposed funding for some smaller projects.

While significant pressure remains on the City's operating budget due to the after effects of the economic downturn and the continuing precarious position of State finances, staff will closely evaluate the potential to fund all or portions of some of the proposed bond projects through the operating budget. Funding recurring and on-going capital expenses from operations should continue to be our long-term goal.

DEBT POSTURE

At the present time, the City's outstanding issued and authorized debt for all funds and purposes is \$166,965,672. The following chart provides greater detail by fund and purpose:

Outstanding Debt Issued & Authorized as of 12/31/13

City	54,157,506
Pension	8,200,000
School	46,529,929
Water	19,104,226
Sewer	11,961,729
Stormwater	11,294,475
Special Revenue	2,846,182
Authorized and Unissued	<u>12,871,625</u>
TOTAL	166,965,672

While considered manageable by bond rating agencies, we should continue to work toward reducing tax supported debt. The current year's debt service budget of approximately \$8,617,293 represents slightly less than 20.2% of the City's operating budget exclusive of schools. The City Council has

recently reaffirmed our goal of reducing this percentage over time to a more sustainable level. This will be a major challenge given continuing economic constraints on our operating budget and reductions in state and federal funding.

While significant strategic investments have been required to address major changes occurring in the local economy in recent decades, these investments have come at a cost, and we must carefully manage our debt position moving forward. Our current approach to debt management involves a four part strategy. First, we must begin to move certain capital expenditures back into our operating budget or find other sources of funding. Generally, those projects that are on-going or fairly predictable from year to year should be supported by annual revenues. This includes such items as street overlay and fleet replacement. Second, we have closely monitor capital markets and refinanced outstanding bonds at lower interest rates whenever possible. Given the extent of the refinancings over the past few years, this option has just about been exhausted. Third, the City has eliminated its past budgetary practice of using one-time revenues and fund balance to support our operating budget and has adopted a fund balance policy. Under that policy, once certain targets are met, preference is given to using amounts over the target for capital expenditures, relieving the need to borrow. Finally, in 2011, the Council lowered the amount of debt that can be authorized in any one year from 97% of the average amount of principal retired over the last three years to 80%. To exceed this amount, an affirmative vote of five Councilors is required. Over time, these approaches should allow the city to gradually reduce its outstanding debt and the percentage of the operating budget devoted to debt service.

Unfortunately, reducing our outstanding debt will not result in an immediate significant reduction in the City's debt service payment schedule. Much of the City's current debt is structured on an equal annual payment basis, similar to a home mortgage. An alternative approach is to make equal annual principal payments, resulting in a declining payment schedule over time as principal is paid off. This approach, which we are now pursuing, requires higher payments in the early years after debt is issued. The Finance Director has also made a strategic decision to amortize the City's debt at a rapid pace, which results in higher annual principal payments but reduces overall debt burden and interest cost over the term of the issue.

The City's General Fund debt service requirements for the current year and the next five fiscal years, exclusive of authorized, but as yet unissued debt, are:

FISCAL YEAR	PRINCIPAL AND INTEREST PAYMENT
FY14 (Current)	\$8,647,162
FY15	8,473,904
FY16	8,238,004
FY17	7,563,326
FY18	7,258,669
FY19	6,837,156

Given these required payments and the additional borrowing that will occur over this time, annual principal is likely to continue to increase throughout this period; however, the City will experience a reduction in interest.

ENTERPRISE FUNDS

The majority of the projects in our water, sewer, and stormwater funds are directly related to either addressing old and deteriorating infrastructure or responding to state and federal mandates related to clean water. In all of these utilities, debt service costs are a major factor driving future rate increases.

In order to better plan for and manage such increases, we continue to develop multi-year revenue and expense projections to ensure that policy makers are aware of the impact of capital projects on the financial stability and rates of these utilities.

PROPOSED FY2015 CAPITAL IMPROVEMENT PROGRAM

Recognizing that one of the major purposes of a capital plan is to inform the City’s annual budget process, this section briefly summarizes the projects identified for potential funding through local resources (our operating budgets or by issuing bonds) during FY2015.

PROJECT	TOTAL COST	CITY RESOURCES
AIRPORT:		
Grind and Overlay of Taxiway B	317,000	15,850
Purchase of Existing Hanger	2,200,000	1,100,000
Replace Operations Service Vehicle	30,000	15,000
	2,547,000	1,130,850
EMERGENCY 9-1-1:		
Replace/Expand Recording System	28,226	14,113
TRANSIT COMMITTEE:		
Replace Buses for the Fixed Route Bus System	400,000	40,000
ECONOMIC & COMMUNITY DEVELOPMENT:		
Acquisition/Demolition Fund	450,000	400,000
Riverfront Island Master Plan Implementation	500,000	500,000
	950,000	900,000
MIS DEPARTMENT:		
Fiber Connectivity - Solid Waste Facility & Ops Center	35,000	35,000
FIRE DEPARTMENT:		
Apparatus Replacement Engine # 6 (1988 E-One Pumper)	575,000	575,000
PUBLIC WORKS:		
PW Vehicle/Equipment Wash Facility - BLDG 2	450,000	450,000
Parking Garages Signage Improvements - BLDG 4	60,000	60,000
Road Rehabilitation Program	575,000	575,000
Street Maintenance Program	877,000	877,000
Lincoln Street Alley Bridge Removal	30,000	30,000
Cedar St. Traffic-Bike-Pedestrian Improvements	100,000	100,000
Rt.196 Lisbon St. Resurfacing - MDOT 2	700,000	
Veterans Memorial Bridge Resurfacing - MDOT 3	665,144	
Bartlett St. Rehab. (East Ave. to College) - MDOT 6	1,500,000	150,000
River Road Recon. (Mount Hope Ave. to Razel Way) - MDOT 8	50,000	5,000
MTA Exit 80 Interchange Improvements - MDOT 10	8,500,000	
MTA Androscoggin Bridge Repair - MDOT 11	2,500,000	
MTA No Name Brook Culvert Repair - MDOT 12	300,000	
2015 TIP Signal Upgrades - MDOT 14	500,000	50,000
Replace Mercury Street Lighting	100,000	100,000
Street Light Wiring Replacement	70,000	70,000
Retrofit Downtown Decorative Street Lights	240,000	240,000
Pettingill Park	65,000	65,000
Marcotte Park Playground Improvements	205,000	75,000
Equipment Replacement	1,991,000	1,991,000

Landfill Paved Road Maintenance	120,000	120,000
	<u>19,598,144</u>	<u>4,958,000</u>
SCHOOL DEPARTMENT:		
Martel School: Site Work for 2 Portable Classrooms	89,000	89,000
Farwell School: Site Work for 8 Portable Classrooms	490,000	490,000
Lewiston High School Ventilation Improvements	177,000	177,000
Montello School: Restroom Renovations & Flooring Abatement	238,000	238,000
School Financial Software Migration	150,000	150,000
	<u>1,144,000</u>	<u>1,144,000</u>
WATER UTILITY:		
LAWPC Land Acquisition Program	250,000	125,000
Lewiston-Auburn Water Treatment Program	2,460,000	1,230,000
Distribution Water Main Replacement/Rehab.	1,768,650	1,768,650
Water Meter Replacement/Testing Program	160,000	160,000
Water Storage (Ice Pig and Scour at Ferry Road Site)	90,000	90,000
Equipment Replacement Program - Water	108,000	108,000
	<u>4,836,650</u>	<u>3,481,650</u>
SEWER UTILITY:		
Rehab. of Old Sanitary Sewer Mains	1,000,000	1,000,000
Pump Station Upgrades	292,000	292,000
Interceptor Inspection & Rehabilitation	200,000	200,000
CSO Separation - Various Areas	150,000	150,000
Inflow/Infiltration Removal Program	50,000	50,000
Equipment Replacement Program - Sewer	47,000	47,000
	<u>1,739,000</u>	<u>1,739,000</u>
STORM Water UTILITY:		
CSO Separation - Various Areas	150,000	150,000
Storm Drain for Road Rehabilitation Projects	109,100	109,100
NPDES Ph. II Permit	65,000	65,000
Hart Brook Water Quality Restoration	500,000	500,000
North Temple Storm Drain	100,000	100,000
	<u>924,100</u>	<u>924,100</u>
GRAND TOTAL	<u>32,777,120</u>	<u>14,941,713</u>

FY2015 MUNICIPAL BOND PROJECTS

Given the focus and concern regarding the City's debt posture, the following projects are proposed for bond funding in FY15:

City:	
Purchase of Existing Hangar	1,100,000
Riverfront Island Master Plan Imp.	500,000
Engine 6 Replacement	575,000
Parking Garage Signs	60,000
PW Wash Facility	450,000
Road Rehab	575,000
Cedar St. Traffic/Bike/Ped. Improve.	100,000
Bartlett St Rehab (MDOT Local Share)	150,000
Signal Upgrades (MDOT Local Share)	50,000

Retrofit Downtown Street Lights	240,000
Pettingill Park	65,000
Marcotte Playground Imp.	75,000
Vehicles - 21	1,991,000
City Subtotal	5,931,000
School:	
Martel Site Work - 2 Portables	89,000
Farwell 8 Portable Classrooms	490,000
LHS Ventilation	177,000
Financial Software Conversion	150,000
Montello School Restrooms & Flooring	238,000
School Subtotal	1,144,000
Total	7,075,000

Given the proposed bond projects, the 80% limit of \$6,330,493 would be exceeded by \$744,507.

As we move through the budget process, it is my hope that we will be able to reduce the proposed amount of borrowing to below the 80% limit. This can be accomplished by deferring projects and/or funding certain of them from either the City's operating budget or unallocated fund balance. Toward this end, the goal of reducing next year's bond issue should remain in our minds as we work on the FY2015 operating budget.

CONCLUSION

The LCIP is an important planning tool to assist policy makers as they consider financial and development issues. However, the LCIP is only a "tool," not a funded budget.

The City Council has the final authority over which projects are funded and which are not. I have attempted to limit the FY2015 program to those projects which are required, address critical needs, or are important to the continued revitalization of the City. In these economic times and given the City's overall debt and fiscal posture, it may be difficult to either afford or fully fund all of the scheduled LCIP projects, including those proposed for inclusion in the General Fund operating budget. As a result, these projects will require that we carefully prioritize what must and should be done. These are issues that will be fully discussed and evaluated during the upcoming budget process.

I would like to express my thanks to the members of City staff who contributed to developing this plan, especially our department directors, our Finance Director, Heather Hunter, and Norm Beauparlant, our Director of Budget and Purchasing. Without their efforts, this document could not have been produced in a timely fashion.

I look forward to the opportunity of reviewing this plan with you, the Planning Board, and the Finance Committee over the coming months.

Sincerely yours,

Edward A. Barnett
City Administrator

**FY 2015 Lewiston Capital Imp. Project Summary
by Department /Agency**

PROJECT	PAGE	FY2015		FY2016		FY2017		FY2018		FY2019
Veterans Memorial Bridge Resurfacing - MDOT 3	64	665,144	F/B	473,876	F/B					
Bartlett St Rehab (East Ave. to College) - MDOT 6	65	1,350,000	F/B							
		150,000	CBI							
River Road Recon. (Mount Hope Ave. to Razel Way) - MDOT 8	66	45,000	F/B					1,125,000	F/B	
		5,000	COB					125,000	CBI	
MTA Exit 80 Interchange Improvements - MDOT 10	67	8,500,000	F/B	9,800,000	F/B					
MTA Androscoggin Bridge Repair - MDOT 11	68	2,500,000	Other							
MTA No Name Brook Culvert Repair - MDOT 12	69	300,000	Other							
River Road Recon. (Razel Way to A.A. Plourde) - MDOT 13	70							1,350,000	F/B	
								150,000	CBI	
2015 TIP Signal Upgrades - MDOT 14	71	450,000	F/B							
		50,000	CBI							
PUBLIC WORKS - ATRC:										
South Ave Rehabilitation (Lisbon St to Lincoln St) - ATRC 1	72					180,000	F/B	1,800,000	F/B	
						20,000	COB	200,000	CBI	
Lisbon St Mill & Fill (Adams Ave. to Chestnut St) - ATRC 10	73					360,000	F/B			
						40,000	COB			
PUBLIC WORKS - STREET LIGHTING:										
Replace Mercury Street Lighting	74	100,000	COB	100,000	COB	65,000	COB			
Street Light Wiring Replacement (Lisbon St - Main St to Chestnut St)	75	70,000	COB							
Hydro-Electric Generation Turbine Repairs	76					125,000	CBI	400,000	CBI	
Retrofit Downtown Decorative Street Lights	77	240,000	CBI							
PUBLIC WORKS - OPEN SPACES:										
Park Improvements-Variou Locations	78									100,000
Pettingill Park	79	65,000	CBI							
Kennedy Park Master Plan Improvements	80			372,000	CBI	42,000	CBI	308,000	CBI	503,000
						260,000				
Marcolte Park Playground Improvements	82	130,000	Other	120,000	Other					
		75,000	CBI							
PUBLIC WORKS - MUNICIPAL GARAGE:										
Equipment Replacement	83	1,991,000	CBI	1,235,000	CBI	1,230,500	CBI	1,214,000	CBI	1,018,000
Fleet Tracking System (GPS System)	89							62,000	CBI	
PUBLIC WORKS - SOLID WASTE:										
Landfill Paved Road Maintenance	90	120,000	COB							
SCHOOL DEPARTMENT (SCH):										
Martel School Site Work for 2 Portable Classrooms	91	89,000	SCH							
Farwell School Site Work for 8 Portable Classrooms	92	490,000	SCH	595,000	SCH					
Lewiston High School Ventilation Improvements	93	177,000	SCH							
Montello School Restroom Renovations & Flooring Abatement	94	238,000	SCH							
Montello School Roof Replacement	95			600,000	SCH					
District-wide Playground Upgrades	96			200,000	SCH					
Upper Franklin Field Lights	97			32,500	SCH					
				32,500	CBI					
School Financial Software Migration	98	150,000	SCH							
New School Project (Replace Martel School)	99							28,500,000	F/B	
				200,000	SCH	650,000	SCH	650,000	SCH	
PUBLIC WORKS - WATER DIVISION (W):										
LAWPC Land Acquisition Program	100	125,000	WOB	125,000	WOB	125,000	WOB	125,000	WOB	125,000
		125,000	Other	125,000	Other	125,000	Other	125,000	Other	125,000
Lewiston-Auburn Water Treatment Program	101	1,230,000	WBI	250,000	WBI	250,000	WBI	250,000	WBI	250,000
		1,230,000	Other	250,000	Other	250,000	Other	250,000	Other	250,000
Distribution Water Main Replacement/Rehab	102	1,768,650	WBI	1,709,550	WBI	1,785,000	WBI	1,707,000	WBI	1,650,000
Water Meter Replacement/Testing Program	107	160,000	WBI	160,000	WBI	160,000	WBI	160,000	WBI	160,000
Dual River Crossing	109					2,000,000	WBI			
Water Storage (Ice Pig and Scour at Ferry Road Site)	110	90,000	WBI	100,000	WBI					
Equipment Replacement Program - Water	111	108,000	WOB	108,000	WOB	90,000	WOB	89,000	WOB	100,000
PUBLIC WORKS - SEWER DIVISION (S):										
Rehab of Old Sanitary Sewer Mains	114	1,000,000	SBI	1,000,000	SBI	1,000,000	SBI	1,000,000	SBI	1,000,000

FY 2015 Lewiston Capital Imp. Project Summary

by Department /Agency

PROJECT	PAGE	FY2015	FY2016	FY2017	FY2018	FY2019
Pump Station Upgrades	116	292,000 SBI	56,000 SBI	25,000 SBI	27,000 SBI	40,000 SBI
Interceptor Inspection & Rehabilitation	118	200,000 SBI				
Inflow/Infiltration Removal Program	120	50,000 SIF				
Equipment Replacement Program - Sewer	122	47,000 SOB	35,000 SOB	35,000 SOB	83,000 SOB	105,000 SOB
PUBLIC WORKS - STORM WATER (SW):						
CSO Separation - Various Areas	124	150,000 SWBI				
		150,000 SBI				
Storm Drain for Road Rehabilitation Projects	125	109,100 SWBI	108,000 SWBI	91,000 SWBI	66,000 SWBI	60,000 SWBI
NPDES Ph. II Permit	127	65,000 SWOB				
Hart Brook Water Quality Restoration	130	500,000 SWBI	300,000 SWBI	300,000 SWBI	250,000 SWBI	250,000 SWBI
Jordan Road Bridge	134		210,000 SWBI			
North Temple Storm Drain	135	100,000 SWBI				
TOTALS		32,777,120	26,955,426	16,688,500	43,683,000	10,231,000
City Bond Issue	CBI	5,931,000	6,287,500	6,547,500	3,789,000	4,011,000
City Operating Budget	COB	1,721,963	1,460,000	1,435,000	1,317,000	1,335,000
Community Dev. Block Grant		50,000	50,000	310,000	50,000	50,000
Federal/State Funding		12,315,444	11,193,876	900,000	33,135,000	360,000
Other Agency/Municipality	Other	5,469,963	1,860,000	670,000	670,000	420,000
School Operating Budget	SCHOB	-	-	-	-	-
School Bond Issue		1,144,000	1,627,500	650,000	650,000	-
Water Bond Issue	WBI	3,248,650	2,219,550	4,195,000	2,117,000	2,060,000
Water Operating Budget	WOB	233,000	233,000	215,000	214,000	225,000
Sewer Operating Budget	SOB	47,000	35,000	35,000	83,000	105,000
Sewer Bond Issue	SBI	1,642,000	1,256,000	1,225,000	1,227,000	1,240,000
Sewer Impact Fees	SIF	50,000	50,000	50,000	50,000	50,000
Storm Water Operating Budget	SWOB	65,000	65,000	65,000	65,000	65,000
Storm Water Bond Issue	SWBI	859,100	618,000	391,000	316,000	310,000
TOTALS		32,777,120	26,955,426	16,688,500	43,683,000	10,231,000
Bond Issues		12,824,750	12,008,550	13,008,500	8,099,000	7,621,000
20yr						
CBI (City Bond Issue)		450,000	2,690,000	2,700,000	250,000	1,000,000
SCBI (School Bond Issue)		490,000	1,195,000	650,000	650,000	
WBI (Water Bond Issue)		2,998,650	1,959,550	4,035,000	1,957,000	1,900,000
SBI (Sewer Bond Issue)		1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
SWBI (Storm Water Bond Issue)		500,000	300,000	300,000	250,000	250,000
sub-total		5,438,650	7,144,550	8,685,000	4,107,000	4,150,000
15yr						
CBI (City Bond Issue)		4,241,000	1,823,000	2,840,500	2,144,000	2,061,000
SCBI (School Bond Issue)						
WBI (Water Bond Issue)						
SBI (Sewer Bond Issue)		292,000				
SWBI (Storm Water Bond Issue)			210,000			
sub-total		4,533,000	2,033,000	2,840,500	2,144,000	2,061,000
10yr						
CBI (City Bond Issue)		990,000	1,442,000	740,000	1,283,000	700,000
SCBI (School Bond Issue)		654,000	400,000			
WBI (Water Bond Issue)						
SBI (Sewer Bond Issue)		350,000	200,000	200,000	200,000	200,000
SWBI (Storm Water Bond Issue)		259,100	108,000			
sub-total		2,253,100	2,150,000	940,000	1,483,000	900,000
5yr						
CBI (City Bond Issue)		250,000	332,500	867,000	112,000	250,000
SCBI (School Bond Issue)			32,500			
WBI (Water Bond Issue)		250,000	260,000	160,000	160,000	160,000
SBI (Sewer Bond Issue)			56,000	25,000	27,000	40,000
SWBI (Storm Water Bond Issue)		100,000		91,000	66,000	60,000
sub-total		600,000	681,000	1,143,000	365,000	510,000
Total		12,824,750	12,008,550	13,608,500	8,099,000	7,621,000

LEWISTON CITY COUNCIL
MEETING OF FEBRUARY 4, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

SUBJECT:

Public Hearing and Final Passage regarding amendments to the Elections ordinance regarding write-in candidates.

INFORMATION:

There are two small changes to the Elections ordinance regarding municipal write-in candidates that have been requested by Councilor Libby and city staff concur:

- 1) The ordinance requires that a voter wishing to cast a vote for a write-in candidate write in both the person's name and street address. With the new regulations under the revised City Charter adopted last year which require write-in candidates to register in advance of the election, having the street address written on the ballot is not necessary anymore, because the election clerks will know who the person is that they are tallying the votes for and will not need to identify them by street address as well.
- 2) The reference to completing the "arrow" is terminology that was applicable to the old style voting machines but not to the new machines. The language is now generic to allow for marking a vote in a box, oval or other possible option pre-printed on the ballot.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EA/Blkmm

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 32, "Elections", Section 32-2 "Write-in vote", receive final passage by a roll call vote.

AN ORDINANCE PERTAINING TO ELECTIONS

THE CITY OF LEWISTON HEREBY ORDAINS:

Chapter 32 of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

CHAPTER 32

ELECTIONS

ARTICLE I. IN GENERAL

Sec. 32-2. Write-in vote.

If a voter wishes to vote for a person whose name is not on the ballot, he shall write the full name ~~and street address~~ in the blank space provided at the end of the list of nominees for the office in question, with the surname first or last. The voter shall then complete the ~~arrow at the right of~~ voting indicator next to the name.

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

LEWISTON CITY COUNCIL
MEETING OF FEBRUARY 4, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6

SUBJECT:

Public Hearing and First Passage on amendments to the Traffic and Vehicles Ordinance regarding speed limits.

INFORMATION:

City Administration is proposing to remove the language in the City Code regarding speed limits since these are all set by the State and the City Council does not have the authorization to set these on the local municipal level. Under state statute, there are standards for street limits based upon the type of street (residential, highway, alley, etc.). The state may issue exceptions to the standards for individual streets. When these are issued, they will be incorporated into the City's Traffic Schedule as an administrative action rather than requiring a City Council vote. This change will streamline the process.

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 70 "Traffic and Vehicles", Section 70-83 "Speed limits at specific locations", 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.

AN ORDINANCE PERTAINING TO SPEED LIMITS

THE CITY OF LEWISTON HEREBY ORDAINS:

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

CHAPTER 70

TRAFFIC AND VEHICLES

ARTICLE II. TRAFFIC CONTROL DEVICES

Sec. 70-83. Speed limits at specific locations.

The rates of speed and speed limits on all streets and roads within the municipality shall be determined and defined by state statute. As authorized by the Maine Department of Transportation, exceptions to the standard speed limits shall be maintained in the City of Lewiston's Traffic Schedule and may be incorporated into the Schedule based upon administrative authority and does not require action by the municipal officers.

~~Subject thereto and except in those instances where a lower speed is specified by law, it shall be prima facie lawful for the driver of a vehicle to drive at a speed not exceeding the following, but in any case when such speed would be unsafe it shall not be lawful:~~

- ~~(1) — Fifteen miles an hour when passing a school during school recess or while children are going or leaving school during opening or closing hours.~~
- ~~(2) — Speed in excess of 15 miles an hour when approaching within 50 feet and in traversing an intersection of ways when the driver's view is obstructed shall be unlawful, except where preference is given to through movement of traffic in one direction at the expense of cross traffic by utilization of stop signs or other control devices or by direction of a traffic officer. A driver's view shall be deemed to be obstructed when at any time during the last 50 feet of his approach to such intersection he does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the ways entering such intersection for a distance of 200 feet from such intersection.~~
- ~~(3) — Twenty five miles an hour in a business or residential district, or built up portion, defined as the territory of the city contiguous to any way which is built up with structures devoted to business or where the dwelling houses are situated less than 150 feet apart for a distance of at least one quarter of a mile.~~
- ~~(4) — Forty five miles an hour outside of the built up section.~~
- ~~(5) — Ten miles per hour on such streets as are specified by the council.~~

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

LEWISTON CITY COUNCIL

MEETING OF FEBRUARY 4, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 7

SUBJECT:

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

INFORMATION:

Please reference the memorandum from Gil Arsenault, Director of Planning and Code Enforcement, for the background information regarding this agenda item.

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/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 18 "Buildings and Building Regulations", Section 18-52. "Amendments to the Property Maintenance Code", 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.

AN ORDINANCE PERTAINING TO EROSION

THE CITY OF LEWISTON HEREBY ORDAINS:

Chapter 18 of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

CHAPTER 18

ARTICLE III. INTERNATIONAL PROPERTY MAINTENANCE CODE

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

CHAPTER 3 GENERAL REQUIREMENTS

302.10 Erosion and sediment control. When determined by the code official that soil erosion is occurring or is likely to occur beyond the premises or into a protected natural resource as defined by M.R.S.A, Title 38 § 480-B erosion and sediment control measures shall be installed in accordance with the Maine Erosion and Sedimentation Control BMPs Pub. No. DEPLW0588, published by the Maine Department of Environmental Protection, Bureau of Land and Water Quality, (March 2003). Erosion control measures where required must be maintained until the site is permanently stabilized. Permanent erosion and sediment control measures shall be achieved with topsoil spread at a minimum compacted depth of 4 inches in keeping with the applicable best management practices as per the above referenced document. Lawfully established agricultural fields shall be exempt from this section.

Exception:

The code official may waive the requirement for the use of topsoil as the permanent soil stabilization method when determined that some other permanent soil stabilization best management practices method would be more appropriate for a given premises. Any such waiver must be requested in writing.

302.10.1 Demolition. On any premises located in the Downtown Residential District, the Neighborhood Conservation "B" District, the Centreville District, and the Riverfront District, the following provisions shall apply to demolition activity commencing on or after March 31, 2014 resulting in vacant premises:

Temporary erosion and sediment control measures in keeping with the applicable best management practices as per the above referenced document shall be in place on premises in these districts as necessary during and after the completion of demolition activity.

Permanent erosion and sediment control measures shall be in place within thirty days after the completion of demolition activity in these districts and shall be achieved with topsoil spread at a minimum compacted depth of 4 inches in keeping with the applicable best management practices as per the above referenced document.

Premises shall be barricaded within thirty days after the completion of demolition with boulders one cubic yard or larger placed around the entire perimeter of the premises at intervals of not less than six feet apart. The purpose for this provision is to discourage the unlawful use of any vacant premises for parking, storage, or related activity; however, such uses may be established subject to permitting.

Exceptions:

1. The code official may waive the requirement for the use of topsoil as the permanent soil stabilization method when determined that some other permanent soil stabilization best management practices method would be more appropriate for a given premises. Any such waiver must be requested in writing.

2. The code official may extend the thirty day provision for the installation of topsoil as the permanent soil stabilization method when determined that the redevelopment of the subject premises will likely occur within twelve months after the completion of demolition or when it is impractical due to fall and winter conditions. Any such waiver must be requested in writing.

3. The code official may waive the requirement for the placement of boulders in whole or in part when it can be demonstrated that structures on adjoining premises, topography, existing or proposed permanent fences, or other barriers are of such a nature to achieve the purpose of this section. Any such waiver must be requested in writing.

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

MEMORANDUM

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

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

RE: Erosion and Sediment Control

DT: January 29, 2014

The proposed amendment to the 2009 Edition of the International Property Maintenance Code provides erosion and sediment control for the entire community and is very similar to the provisions contained in the Zoning and Land Use Code. The main thrust of the amendment is to address lots that become vacant after March 31, 2014 in the Downtown Residential District, the Neighborhood Conservation "B" District, the Centreville District and the Riverfront District. Specifically, the proposed change requires that such lots in these districts be loamed, seeded and barricaded.

Over the past two years, some members of the public along with a limited number of City staff have debated the wisdom of requiring lots located in the above mentioned districts that become vacant as a result of demolition activity to be loamed, seeded and barricaded. A small number of lots that have become vacant have been loamed, seeded and/or barricaded. The purpose for barricading lots that become vacant in these district is to discourage the unlawful use of any vacant premises for parking, storage or related activity. The requirement for loam and seed is to prevent soil erosion on sloped sites and/or wind erosion. The other value this provision would have is to enhance the appearance of areas of the community with concentrations of vacant lots. Vacant lots are generally unsightly and contribute to the blight that negatively impacts the more heavily developed sections of the City. This provision will address this problem for lots in these districts that become vacant after March 31, 2014; however, it is not intended to require existing vacant lots to be loamed and seeded unless erosion is or will likely be a problem.

In addition to the above mentioned discussions, I received a complaint late last fall from the owner of 146 Bartlett Street. This property has been adversely impacted by wind erosion stemming from the lots located across Bartlett Street, including some Pierce Street lots that became vacant as a result of the buildings that were demolished in 2013. If this ordinance is passed the City will likely require that these vacant lots be loamed and seeded. As drafted, these lots will not be required to be barricaded; however, staff will encourage that they be barricaded, at least on a temporary basis until a permanent vegetative cover is achieved.

There are costs associated with loam, seeding and barricading. An estimate of \$6,540 was developed by a local contractor for the cost to loam, seed and barricade a 5,000 square foot lot, and the cost for a 10,000 square foot lot was estimated at \$10,585. If lots are loamed and seeded, they will need to be mowed occasionally as there is a weed ordinance for these districts requiring that all premises and exterior property be maintained free from weeds or plant growth in excess of 12". I do not have costs for maintaining weed growth on lots that would be required to be loamed and seeded if this proposed ordinance is enacted by the Council.

I plan to attend the February 4th public hearing on this matter to explain the proposed amendment in greater detail.

LEWISTON CITY COUNCIL

MEETING OF FEBRUARY 4, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 8

SUBJECT:

Condemnation Hearing for the building located at 44 Birch Street.

INFORMATION:

The City has begun the process for condemnation of the property at 44 Birch Street under the dangerous building classification. This property has been abandoned by the owner and upon inspection of city staff has been determined to be an unsafe structure.

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

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/ikmm

REQUESTED ACTION:

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

1) To conduct a hearing to determine if the building located at 44 Birch Street has meet the dangerous building statutes as defined in Title 17, sec. 2851 et all.

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

2) With regard to the property at 44 Birch Street, to adopt the Findings of Fact, Conclusions of Law and Order of Demolition proposed by the City Planning and Code Enforcement Department, which Order establishes the corrective action to be taken by the property owner and the time frame for taking such action, and which authorizes the City Administrator to take such corrective action if the property owner fails to do so, and to recoup the City's costs through a special tax or collective action.

MEMORANDUM

To: Mayor McDonald; Lewiston City Council
From: Gildace Arsenault, Director, Lewiston Planning Department
Date: February 4, 2014
RE: Dangerous Buildings Hearings for 44 Birch Street and 86 Nichols Street

Dear Mayor and City Council,

At the Council meeting on February 4, the Planning Department will be presenting evidence as to why 44 Birch Street and 86 Nichols Street are dangerous buildings within the meaning of 17 M.R.S. § 2851. We will be requesting that the Council find that these properties are dangerous buildings and order that they be demolished.

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

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

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

44 BIRCH STREET

OWNERSHIP DOCUMENTS

WARRANTY DEED

Know All Men By These Presents That I, Maria Hannes

of 44 Birch Street, Lewiston,
County of Androscoggin and State of Maine,

for consideration paid, grant to Sara L. Sullivan ^{and} Raymond M. Sullivan

of 34 Beaver Hill Road, Springvale,
County of Androscoggin and State of Maine

as Joint Tenants
with WARRANTY COVENANTS:

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

In Witness Whereof, I have hereunto set my hand(s) this 28th day of
February, 2005

Wendy L Swan
Witness

Maria Hannes
Maria Hannes

State of Maine
County of Cumberland ss.

On this 28th day of February, 2005, personally appeared before me the
above named
Maria Hannes
and acknowledged the foregoing to be his/her/their free act and deed.

Wendy L Swan
Notary Public, Attorney at Law

Return to: Sara L. Sullivan

Wendy L Swan
10/13/11

MAINE REAL ESTATE
TRANSFER TAX PAID



File No: 05030297

Exhibit A - Deed

A certain lot or parcel of land situated at 44 Birch Street (so-called) in Lewiston, County of Androscoggin and State of Maine, being on the Northerly side of Birch Street, bounded and described as follows:

Commencing on the Northerly line of Birch Street at a point fifty (50) feet Westerly from the Westerly line of Bates Street; thence running Westerly on Birch Street, fifty (50) feet; thence at a right angle Northerly fifty (50) feet; thence at a right angle Easterly fifty (50) feet; thence at a right angle Southerly fifty (50) feet to Birch Street and the point of beginning.

Reference is hereby made to a deed from Paul F. Melanson dated April 9, 2004 to Maria Hannes and recorded in the Androscoggin County Registry of Deeds in Book 5862, Page 102

Reviewed/Initialed M.H.

ANDROSCOGGIN COUNTY
Tina K. Chouard
REGISTER OF DEEDS

**NOTICE OF HEARING
CERTIFICATES OF SERVICE**

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

Sara L. Sullivan
30 Forest Falls Drive
Yarmouth, Maine 04096

Raymond M. Sullivan
45 Mills Terrace
Nahant, MA 01908

Wells Fargo Bank, NA
420 Montgomery Street
San Francisco, CA 94104

44 BIRCH STREET, LEWISTON, MAINE

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

February 4, 2014
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 44 Birch Street, Lewiston, Maine, identified as Lot 62 on Tax Map 196, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 6259, Page 32, 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: December 19, 2013


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

December 19, 2013

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

ANDROSCOGGIN COUNTY
TINA M CHOUINARD
REGISTER OF DEEDS


Kelly J. Brooks
Notary Public, Maine
My Commission Expires Sept. 11, 2018

Notary Public / Attorney at Law

EXHIBIT B

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

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

On January 4th, 2014, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on Sara Sullivan, as follows:

Sara Sellmann (f/k/a Sara Sullivan)
306 Austin Street
Portsmouth, NH

Costs of Service:

Service:	\$ <u>85.00</u>
Travel:	\$ _____
Postage:	\$ _____
Other:	\$ <u>20.00</u>
 TOTAL:	 \$ <u>105.00</u>

Kolbert Kaszynski
Signature

Internal Audit - Proj. Inv.
Agency



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

Sara L. Sullivan
30 Forest Falls Drive
Yarmouth, Maine 04096

Raymond M. Sullivan
45 Mills Terrace
Nahant, MA 01908

Wells Fargo Bank, NA
420 Montgomery Street
San Francisco, CA 94104

44 BIRCH STREET, LEWISTON, MAINE

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7:00 pm
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This hearing is your opportunity to present evidence as to why the structure is not dangerous or a nuisance and to oppose any corrective action ordered by the City Council. Failure to attend may result in the waiver of certain rights with regard to this property.

Dated: December 19, 2013


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

December 19, 2013

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

Kelly J. Brooks
Notary Public, Maine
My Commission Expires Sept. 11. 2018


Notary Public, Attorney at Law

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

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

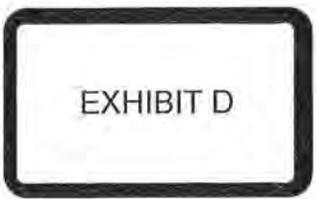
On December 30, 2013, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on Raymond Sullivan, as follows:

Raymond Sullivan
45 Mills Terrace
Nahant, MA 01908

Costs of Service:

Service:	\$	<u>65.00</u>
Travel:	\$	<u>included</u>
Postage:	\$	<u>included</u>
Other:	\$	<u>0</u>
 TOTAL:	\$	<u>65.00</u>

James M. Barina
 Signature
 James M. Barina
 Constable / 5 Hancock St.,
 Agency Salem, MA 01970
 278-430-1448



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

Sara L. Sullivan
30 Forest Falls Drive
Yarmouth, Maine 04096

Raymond M. Sullivan
45 Mills Terrace
Nahant, MA 01908

Wells Fargo Bank, NA
420 Montgomery Street
San Francisco, CA 94104

44 BIRCH STREET, LEWISTON, MAINE

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

February 4, 2014
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 44 Birch Street, Lewiston, Maine, identified as Lot 62 on Tax Map 196, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 6259, Page 32, 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: December 19, 2013


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

December 19, 2013

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

Kelly J. Brooks
Notary Public, Maine
My Commission Expires Sept. 11, 2018


Notary Public, ~~Attorney at Law~~

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

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

On December 26, 2013, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on Wells Fargo Bank, NA, as follows:

Wells Fargo Bank, NA
420 Montgomery Street
San Francisco, CA 94104

Costs of Service:

Service:	\$	<u>45.00</u>
Travel:	\$	_____
Postage:	\$	_____
Other:	\$	_____
 TOTAL:	\$	<u>45.00</u>


 Signature AVELINO MISERAY
 S&R Services, 903 Sneath Lane, Ste. 227
 Agency San Bruno, CA 94066



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

Sara L. Sullivan
30 Forest Falls Drive
Yarmouth, Maine 04096

Raymond M. Sullivan
45 Mills Terrace
Nahant, MA 01908

Wells Fargo Bank, NA
420 Montgomery Street
San Francisco, CA 94104

44 BIRCH STREET, LEWISTON, MAINE

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

February 4, 2014
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 44 Birch Street, Lewiston, Maine, identified as Lot 62 on Tax Map 196, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 6259, Page 32, 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: December 19, 2013


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

December 19, 2013

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

Kelly J. Brooks
Notary Public, Maine
My Commission Expires Sept. 11, 2014


Notary Public / Attorney at Law

CITY
CORRESPONDENCE

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

File
copy

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

14

January 23, 2012

Raymond Sullivan,
P.O. Box 152
Springvale, ME 04083

RE: 44 Birch Street, Lewiston Maine

Dear Sullivan,

It has come to the attention of this office that the building at 44 Birch Street is currently vacant and has suffered severe deterioration making it unfit for occupancy due to violation(s) of the following provisions of Chapter 18, Article III, Property Maintenance Code, Sections 18-51 and 18-52, Article VI, Sections 18-200 & 18-201, as per The Code of Ordinances of the City of Lewiston hereafter referred to as the (Code). The building is without necessary facilities such as heat, hot potable water and has suffered water damage due to frozen pipes. Water to be shut off today at the street by the Water Department. Due to obsolescence of the mechanical systems, dilapidation and deterioration of the structural elements, substantial rehabilitation is required for re-occupancy or the building must be demolished.

I hereby condemn and placard the building and property at 44 Birch Street as being unfit for occupancy pursuant to and in accordance with Chapter 18, Article III, Property Maintenance Code, Sections 18-51 and 18-52, IPMC-108.1 et seq, IPMC-109.1 et seq, IPMC-110.1 et seq, , IPMC-302.1 et seq, IPMC-304.1 et seq, IPMC-305.1 et seq, IPMC-306.1 et seq, IPMC-504.1 et seq, IPMC-505.1 et seq,, IPMC-506.1 et seq, IPMC-602.1 et seq, IPMC-603.1 et seq, of the Code of Ordinances of the City of Lewiston. You are hereby ordered to immediately ensure this building is secured from unauthorized entry. You are to make substantial repairs, with all appropriate permits issued by this office, or to demolish this building, leaving the property in manner to the satisfaction of this office by no later than March 23, 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,

Susan Reny,
Code Enforcement Officer

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

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

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

RAYMOND SULLIVAN
 PO BOX 152
 SPRINGVALE ME 04083

2. Article Number
(Transfer from service label)

7010 3090 0000 0593 9893

COMPLETE THIS SECTION ON DELIVERY

A. Signature *R. Sullivan* Agent Addressee

B. Received by (Printed Name)
Ray Sullivan

C. Date of Delivery

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

2008
 07
 1140

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

4. Restricted Delivery? (Extra Fee) Yes

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

E696 E650 0000 060E 0102

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total	\$

Postmark
Here

Send to
 RAYMOND SULLIVAN
 PO BOX 152
 SPRINGVALE ME 04083

PS Form

Instructions

PHOTOGRAPHS

44 Birch Street

Photo # 1 Photos taken 4-25-2013 & 6-6-2013. Front view



Photo # 2 Rear of building from head start parking lot showing severely deteriorated and leaning chimney.



EXHIBIT G

Photo # 3 Displacement of masonry units and deterioration of mortar resulting in an unstable foundation and structure.



Photo # 4 Collapsed front primary means of egress stairs, inappropriately exposed materials and severe mortar deterioration of masonry again resulting in an unstable foundation making for inadequate bearing capacity.



Photo # 5 severely deteriorated mortar resulting in masonry displacement making for an unstable structure.



Photo # 6 Further mortar deterioration resulting in the collapse of the masonry foundation.



Photo # 7 Projected forces resulting in damage to a front concrete retaining wall due to the building foundation movement and frost thaw cycles.



Photo # 8 shows the failure of the front means of egress stairs and the leaning of the porch is observable due to the settlement of the front retaining wall. Close examination of the front wall reveals a bulge on the far side of the basement window where the brick displacement begins.



Photo # 9 Severely deteriorated window trim.

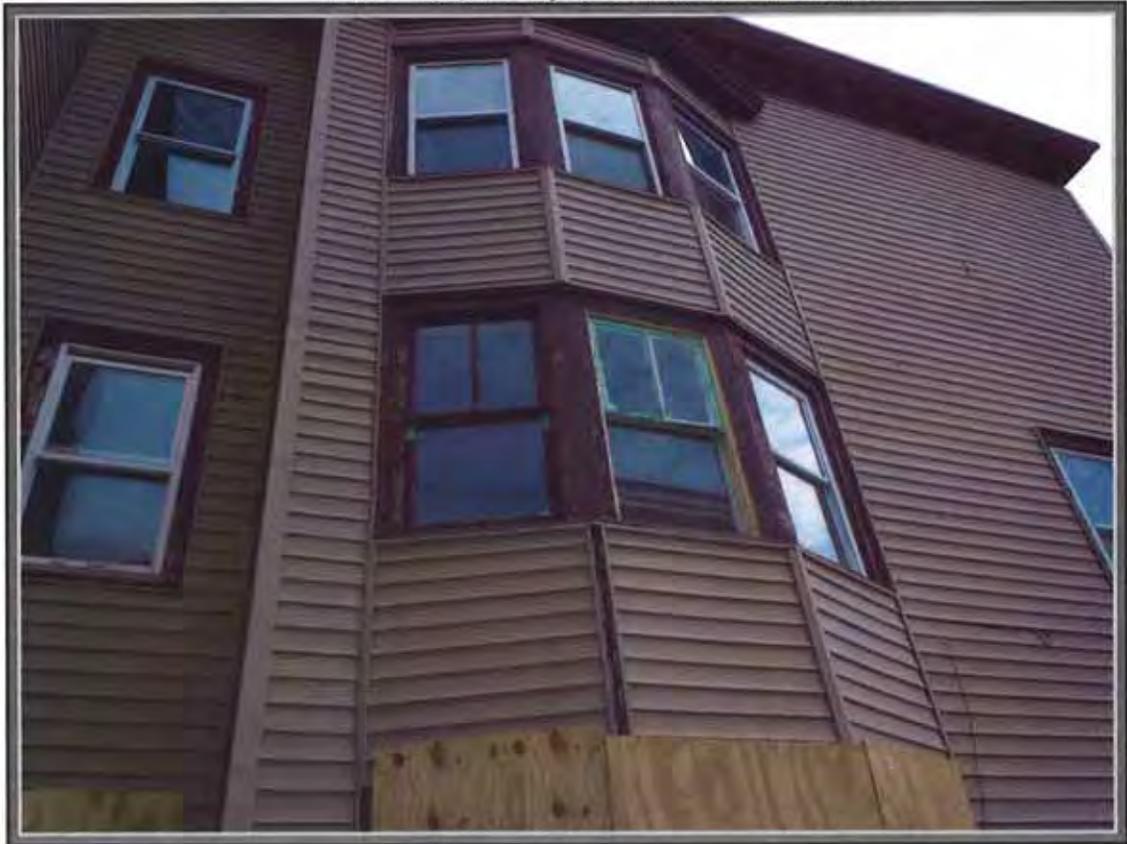


Photo # 10 Broken windows and removed copper heating registers.



Photo # 11 Severe damage from collapsing ceilings, broken window and debris contributing to fire loading.



Photo # 12 Removed base board copper heating registers and debris increasing fire loading.

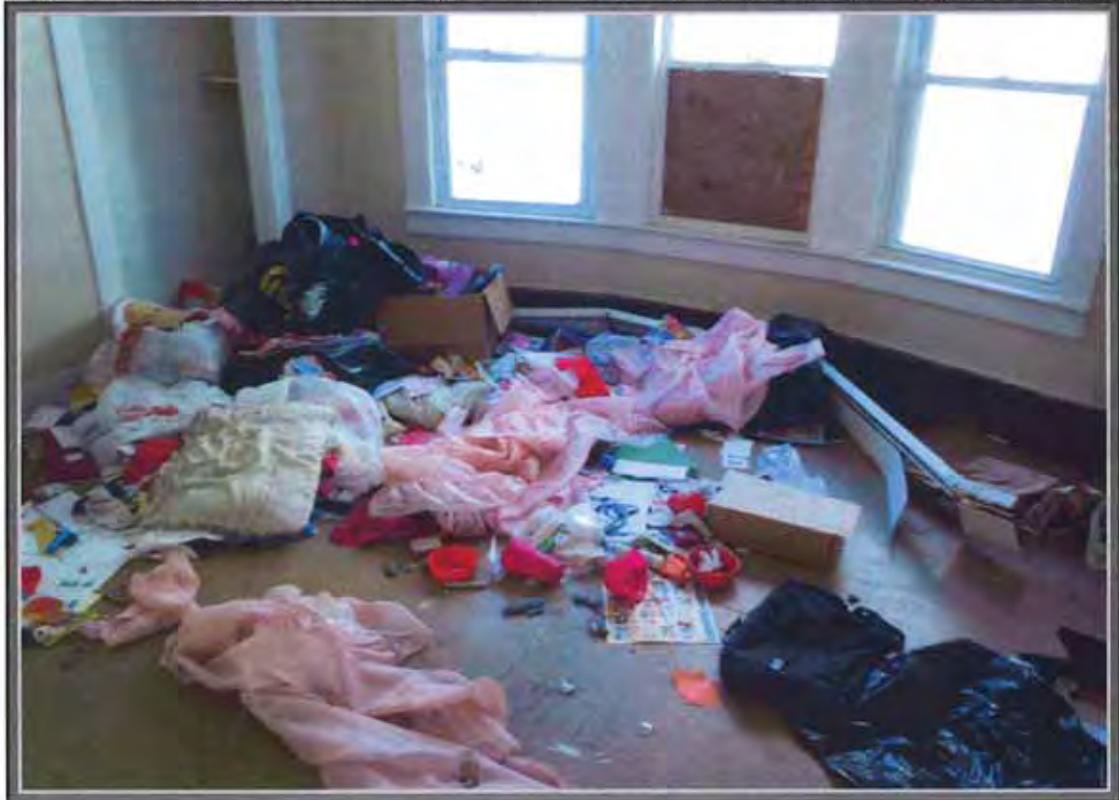


Photo # 13. Debris contributing to increased fire loading and garbage creating unsanitary conditions.

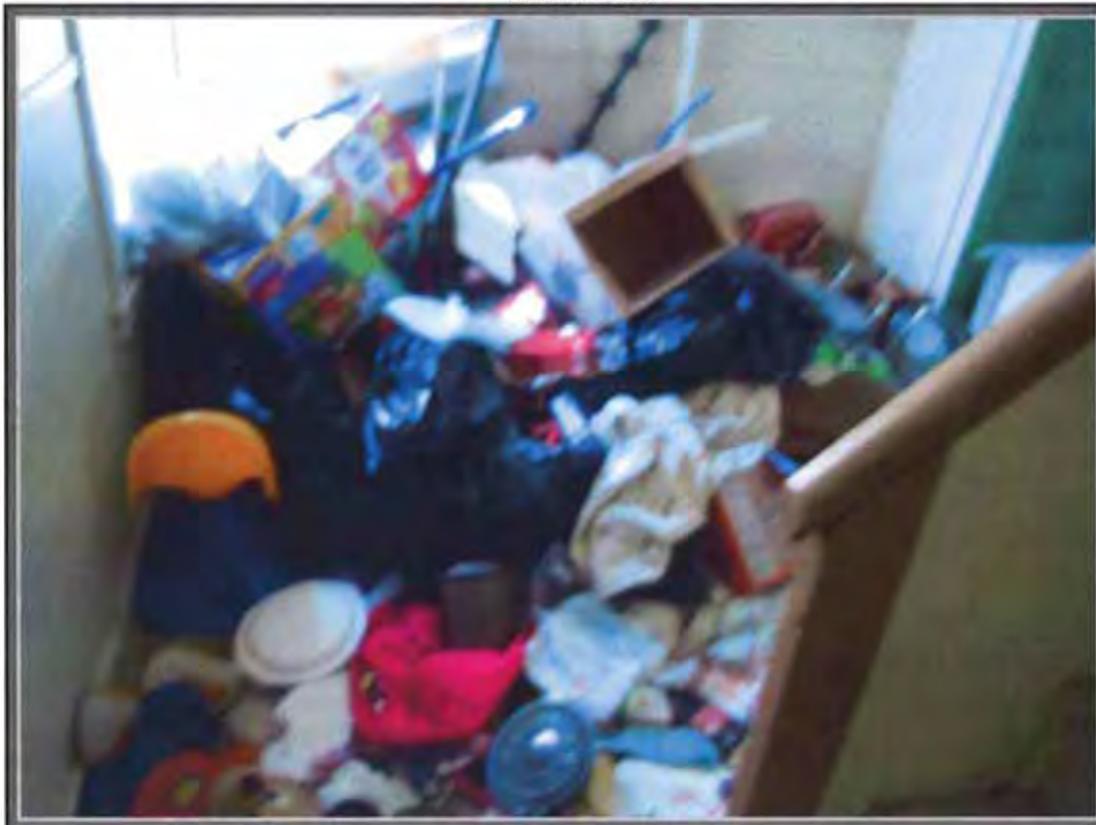


Photo # 14 Obsolete counter top covered in flooring tile and not adequately sealed. Removed base board heating registers



Photo # 15 Damage from copper removal and vandalism. Observe the sink on the floor and the toilet reservoir..



Photo # 16 Damaged ceiling tiles from roof leak.



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



Photo # 18 Wall open with cut framing members making an opening into the floors and ceiling increasing the potential for the spread of fire structural instability.



Photo # 19 Basement is loaded with combustibile debris increasing fire loading.



Photo # 20 Debris contributing to fire loading, severed electrical cables, and damaged plumbing drain resulting in unsanitary conditions.



Photo # 21 Fire loading materials, hazardous materials and potential fire accelerants.



Photo # 22 potential fire accelerants and hazardous materials.



Photo # 23 shows open panels, improper headroom clearance and improper wiring methods as required by Code.



Photo # 24 Shows the cut conductor to the boiler making it inoperative.



LEWISTON CITY COUNCIL

MEETING OF FEBRUARY 4, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 9

SUBJECT:

Condemnation Hearing for the building located at 86 Nichols Street.

INFORMATION:

The City has begun the process for condemnation of the property at 86 Nichols 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.

ETAB/kmm

REQUESTED ACTION:

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

1) To conduct a hearing to determine if the building located at 86 Nichols 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 86 Nichols 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: February 4, 2014
RE: Dangerous Buildings Hearings for 44 Birch Street and 86 Nichols Street

Dear Mayor and City Council,

At the Council meeting on February 4, the Planning Department will be presenting evidence as to why 44 Birch Street and 86 Nichols Street are dangerous buildings within the meaning of 17 M.R.S. § 2851. We will be requesting that the Council find that these properties are dangerous buildings and order that they be demolished.

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

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

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

86 NICHOLS STREET

OWNERSHIP DOCUMENTS

After Recording Return To:
Julia C. Sprague
Kristopher P. Sprague
86 Nichols Street
Lewiston, ME 04240
06-CN-02782

[Space Above This Line For Recording Data]

WARRANTY DEED

MAINE REAL ESTATE
TRANSFER TAX PAID

KNOW ALL MEN BY THESE PRESENTS, That We, **Blair L. Harmon and Julie M. Harmon, husband and wife**, with a mailing address of 76 Greenwood Road, Brunswick, ME 04011 for consideration paid grant to **Julia C. Sprague and Kristopher P. Sprague, husband and wife**, with a mailing address of 426 Lake Street, Auburn, ME 04210 as **Joint Tenants with Rights of Survivorship**, with Warranty Covenants:

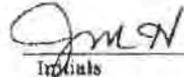
A certain tract or parcel of land, with any buildings or improvements thereon, situated in Lewiston, County of Androscoggin and State of Maine, more particularly bounded and described as follows:

Beginning at a point on the southerly side of Vale Street, at its intersections with the westerly line of Nichols Street; thence westerly on the southerly line of Vale Street eighty (80) feet; thence at right angles southerly fifty (50) feet; thence at right angles easterly to the westerly line of Nichols Street eighty (80) feet, thence northerly on the westerly line of Nichols Street fifty (50) feet to Vale Street and the point of beginning.

Meaning and intending to describe and convey the same premises as conveyed to Blair L. Harmon and Julie M. Harmon by deed dated April 6, 2004 and recorded in Volume 5869, Page 310, of the Androscoggin County Registry of Deeds.

We, the grantors herein hereby release all rights or homestead in the above described premises.


Initiale


Initiale



Executed this 26th day of January, 2007.

Blair L. Harmon
Blair L. Harmon

Julie M. Harmon
Julie M. Harmon

State of Maine
County of *Androscoggin*

Personally appeared the above-named **Blair L. Harmon and Julie M. Harmon** before me this _____ day of January, 2007 known to be the persons whose names are subscribed to the foregoing instrument and acknowledged that they executed the same for the purposes therein contained.



Mary F. Qua
Notary Public/Justice of the Peace
Commission Expiration:

ANDROSCOGGIN COUNTY
Tina M. Chouard
REGISTER OF DEEDS

**NOTICE OF HEARING
CERTIFICATES OF SERVICE**

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

Julia & Kristopher Sprague
2508 Ridge Road #6
Berkeley, CA 94709

M&T Bank
One M&T Plaza, 12th Floor
Buffalo, NY 14203-2399

86 NICHOLS STREET, LEWISTON, MAINE

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

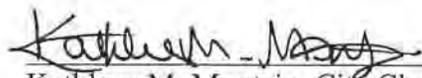
February 4, 2014
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 86 Nichols Street, Lewiston, Maine, identified as Lot 211 on Tax Map 194, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 7040, Page 94, 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.

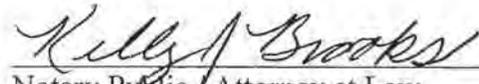
Dated: December 19, 2013


Kathleen M. Montejo, City Clerk

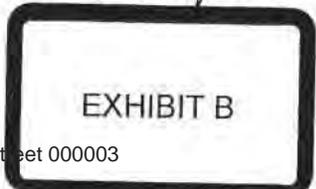
STATE OF MAINE
ANDROSCOGGIN, ss

December 19, 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

ANDROSCOGGIN COUNTY
TINA M CHOUINARD
REGISTER OF DEEDS



Kelly J. Brooks
Notary Public, Maine
My Commission Expires Sept. 11, 2018

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

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

On January 2, 2014 at 8:06pm, I served the above-referenced NOTICE OF HEARING , a copy of which is attached hereto, on Julia Sprague, as follows:

Julia Sprague
2508 Ridge Road #6
Berkeley, CA 94709

Costs of Service:

Service:	\$ 75.00
Travel:	\$ _____
Postage:	\$ _____
Other:	\$ _____
TOTAL:	\$ 75.00

Tim Ault
Signature TIM AULT

SAME DAY ATTORNEY SERVICE
Agency 29 Embarcadero Cove
Oakland, CA 94606
510-536-4000

EXHIBIT C

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

Julia & Kristopher Sprague
2508 Ridge Road #6
Berkeley, CA 94709

M&T Bank
One M&T Plaza, 12th Floor
Buffalo, NY 14203-2399

86 NICHOLS STREET, LEWISTON, MAINE

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

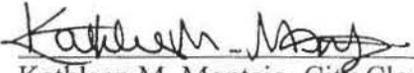
February 4, 2014
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 86 Nichols Street, Lewiston, Maine, identified as Lot 211 on Tax Map 194, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 7040, Page 94, 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: December 19, 2013


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

December 19, 2013

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


Notary Public / Attorney at Law

Kelly J. Brooks
Notary Public, Maine
My Commission Expires Sept 11 2018

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

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

On January 2, 2014 at 8:06pm, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on Kristopher Sprague, as follows:

Kristopher Sprague
2508 Ridge Road #6
Berkeley, CA 94709

Costs of Service:

Service:	\$ <u>75.00</u>
Travel:	\$ _____
Postage:	\$ _____
Other:	\$ _____
TOTAL:	\$ <u>75.00</u>

2 CAA
Signature TIM AULT

SAME DAY ATTORNEY SERVICE
Agency 29 Embarcadero Cove
Oakland, CA 94606
510-536-4000



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

Julia & Kristopher Sprague
2508 Ridge Road #6
Berkeley, CA 94709

M&T Bank
One M&T Plaza, 12th Floor
Buffalo, NY 14203-2399

86 NICHOLS STREET, LEWISTON, MAINE

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

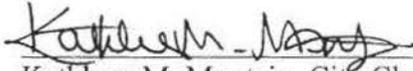
February 4, 2014
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

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Dated: December 19, 2013


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

December 19, 2013

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


Notary Public / Attorney at Law

Kelly J. Brooks
Notary Public, Maine
My Commission Expires Sept 11 2018

Kolwin

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

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

On December 23, 2013, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on M&T Bank, as follows:

M&T Bank
One M&T Plaza, 12th Floor
Buffalo, NY 14203-2399

Costs of Service:

Service:	\$	<u>60.00</u>
Travel:	\$	_____
Postage:	\$	_____
Other:	\$	_____
 TOTAL:	\$	<u>60.00</u>

Kathleen Hawking
Signature

SERVICES UNLIMITED
Agency

EXHIBIT E

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

Julia & Kristopher Sprague
2508 Ridge Road #6
Berkeley, CA 94709

M&T Bank
One M&T Plaza, 12th Floor
Buffalo, NY 14203-2399

86 NICHOLS STREET, LEWISTON, MAINE

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

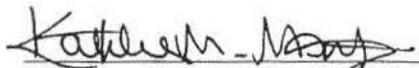
February 4, 2014
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

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Dated: December 19, 2013


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

December 19, 2013

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


Notary Public / Attorney at Law

Kelly J. Brooks
Notary Public, Maine
My Commission Expires Sept 11 2018

CITY
CORRESPONDENCE

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

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

June 20, 2012

AUG 6 2012

UNDELIVERABLE

Julia and Kristopher Sprague
2508 Ridge Road # 6
Berkeley, CA 94709

RE: 86 Nichols Street, Lewiston, Maine

Dear Mr. and Mrs. Sprague:

It has come to the attention of this office that the building at 86 Nichols 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 water. Due to obsolescence of the mechanical systems, dilapidation and deterioration of the structural elements, substantial rehabilitation is required for re- occupancy or the building must be demolished.

I hereby condemn and placard the building and property at 86 Nichols 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-305.3 et seq, IPMC-306.1 et seq, IPMC 308.1 et seq, IPMC-602.1 et seq, IPMC-603.1 et seq, and PMC-704.1 et seq of the Code of Ordinances of the City of Lewiston. You are hereby ordered to immediately ensure this building is vacated and secured from unauthorized entry. You are to make substantial repairs, with all appropriate permits issued by this office, or to demolish this building, leaving the property in manner to the satisfaction of this office by no later than August 5, 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.

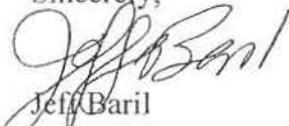
In the event that you do not comply with this order, this office may issue a citation pursuant to Chapter 50, Article II, and Section 50-36 thru 50-51 of the aforementioned Code. Said citation shall require you to pay a penalty of one hundred and ten dollars (\$110.00) for the first citation and you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



Jeff Baril
Code Enforcement Officer

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

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

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS FOR

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.Print your name and address on the reverse so that we can return the card to you.Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature <input type="checkbox"/> Agent X <input type="checkbox"/> Addressee	
1. Article Addressed to: Julia Christopher Spigue 2508 Ridge Rd #6 Berkeley CA 94709	B. Received by (Printed Name)	C. Date of Delivery
2. Article Number (Transfer from service label)	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
	3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
	7010 3090 0000 0594 6693	

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

The condemnation notice sent via regular mail was not returned.

PHOTOGRAPHS

86 Nichols Street

Photo # 1 Photo taken 11-15-2013. Street view front and side.



Photo # 2 Front and side of the building.



EXHIBIT G

Photo # 3 Insufficient non-code compliant means of egress stairs.



Photo # 4 Insufficient primary means of egress where 36" width is required.

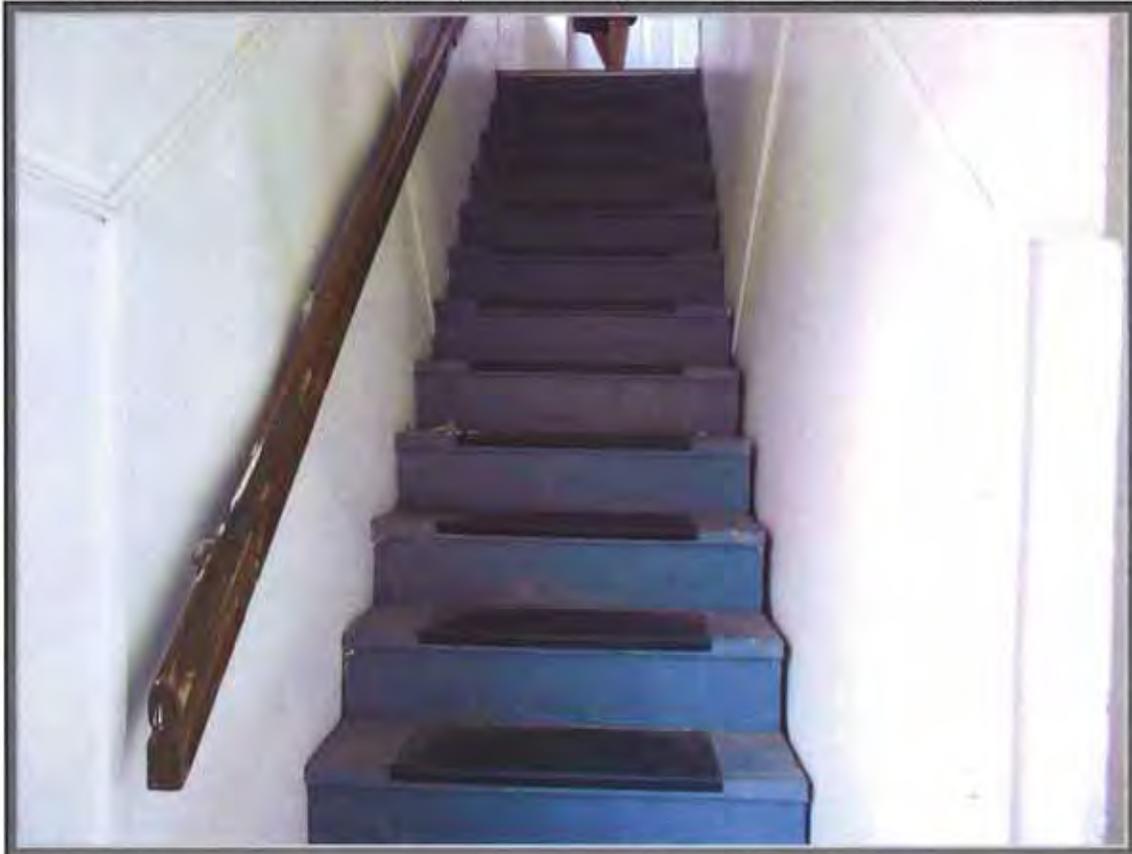


Photo # 5 Damage from settlement of structural elements where ineffective structural modifications were made.



Photo # 6 Damage from severe roof leak



Photo # 7 Light fixture supports have corroded resulting in it falling from the mounting box.



Photo # 8 Moisture damage to ceiling and structural elements due to a severe roof leak(s).



Photo # 9 Collapsed ceiling from severe roof leak.



Photo # 10 Blue tarp used in an attempt to hold back water from roof leak. Note the electrical wire and fallen junction box.



Photo # 11 a second angle on the ceiling where a tarp was used, the collapsed unsupported wire, collapsed junction box and moisture damaged structural elements.



Photo # 12 tarp in place before its collapse with the light fixture fitted through.



Photo # 13 insufficient means of egress stairs and debris contributing to fire loading.



Photo # 14 garbage and debris increasing fire loading.



Photo # 15 damaged drywall and staining from the roof leak.



Photo # 16 damaged baseboard heating registers.



Photo # 17 damaged bathroom fixtures, tile, subflooring and resulting mold from roof leak(s).

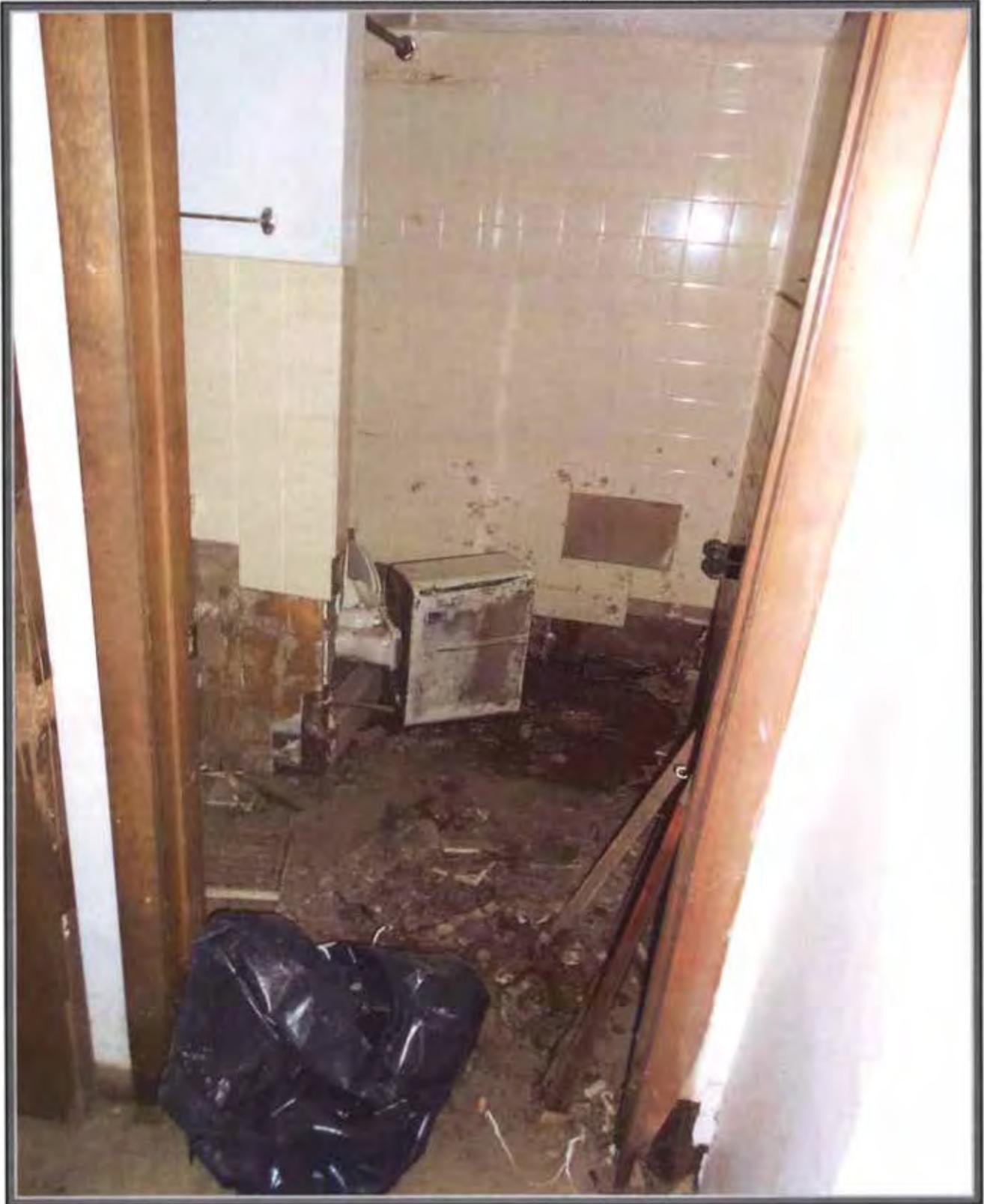


Photo # 18 Insufficient hallway dimension for means of egress.



Photo # 19 Unsupported wiring, broken drain pipe damaged walls from the basement flooding..



Photo # 20 Water damaged boiler and illegal wiring.



Photo # 21 Evidence of the basement flooding.



Photo # 22 Evidence of flooding and the resulting mold.



Photo # 23 Non-code compliant sleeping room with no emergency means of escape window..



Photo 24 bedroom without a window for emergency escape or an effective second means of egress.

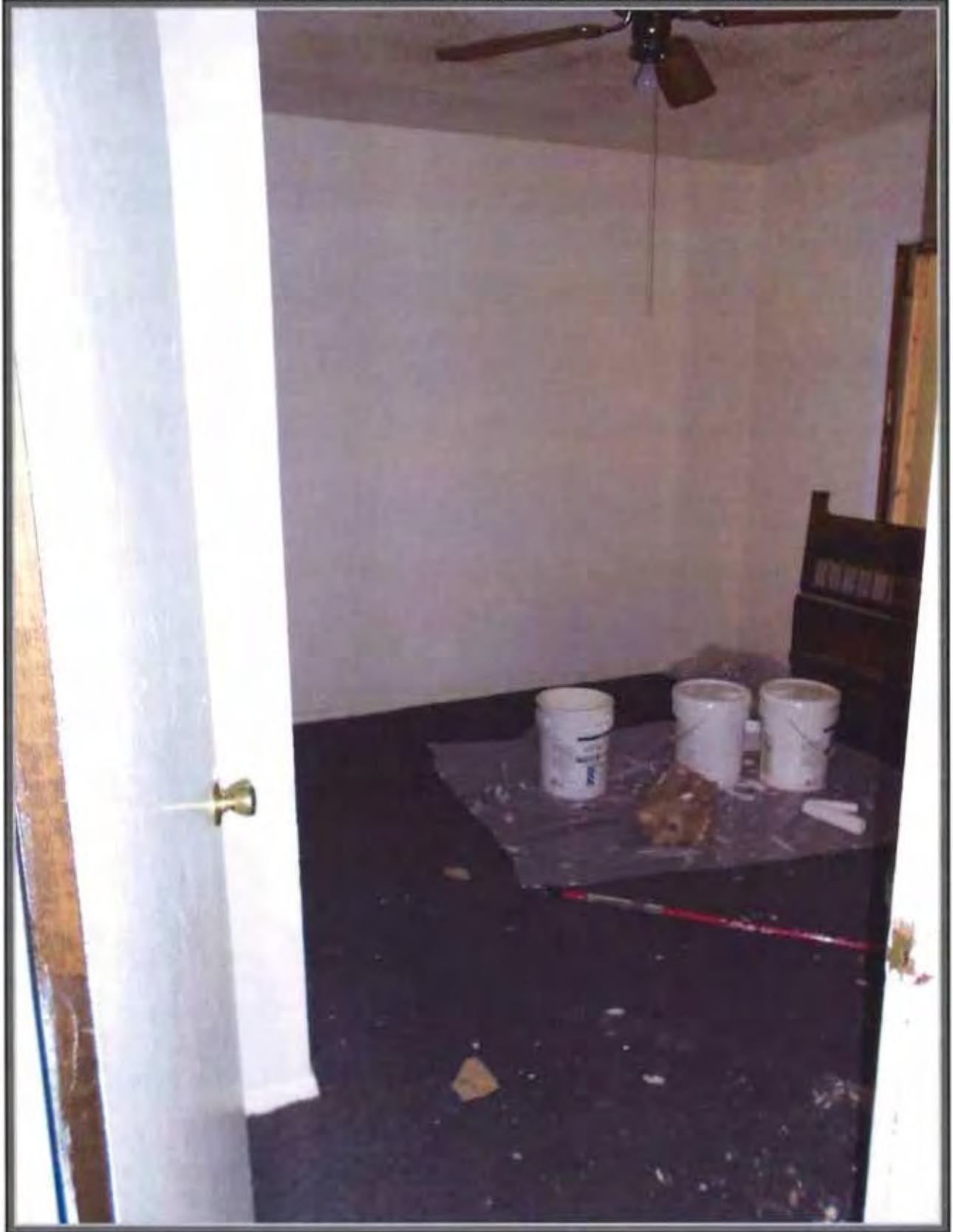


Photo # 25 another bedroom without a window for emergency escape or an effective second means of egress. Also evidence of prior squatters.

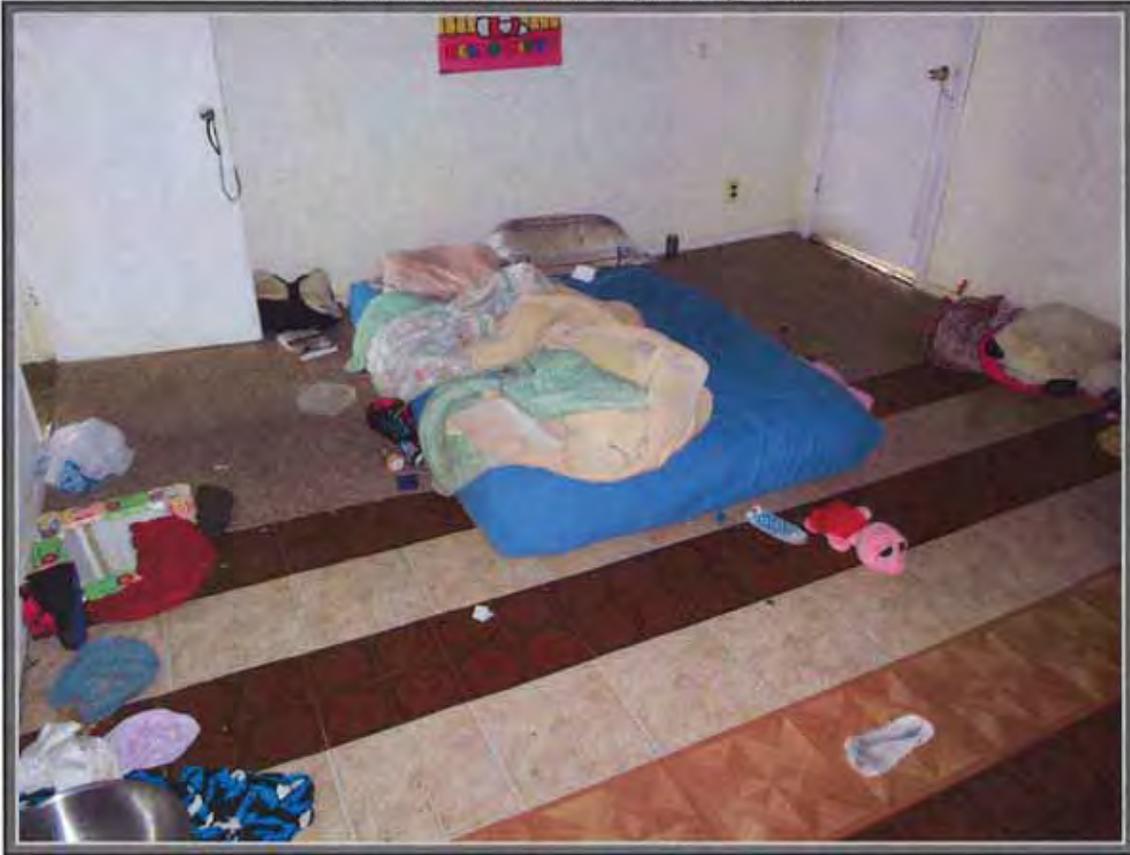


Photo # 26 attempt to create another bedroom also non-code compliant for escape or egress.



LEWISTON CITY COUNCIL

MEETING OF FEBRUARY 4, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 10

SUBJECT:

Order authorizing the Sale of 11 Walker Avenue and 7 Bartlett Street.

INFORMATION:

The City recently accepted bids for the sale of three tax acquired properties: 11 Walker Ave., 7 Bartlett St., and 68 Jones Ave. A single bid was received for 11 Walker in the amount of \$18,000 from Alan Withee, an abutting property owner who is looking to adjust his property line to conform to City zoning. This will require that the vacant and dilapidated house on the adjacent property be demolished, along with a garage, at which point the property will likely be sold for construction of a new house. The City received two bids and an expression of interest on 7 Bartlett Street. Both bidders indicated an interest in converting the property into parking that would support adjacent properties. The high bid is from Daniel Nere and David Wagabaza in the amount of \$10,001. The Planning Board has recommended that the City dispose of these properties. Given timing of the bids, the Board also had the opportunity to review the bidders proposed uses and has recommended that these properties be sold to the high bidders. The City received no bids on the final parcel at 68 Jones Avenue. This is a substandard sized parcel that could be built on only due to its grandfathered status and with the installation of a rather lengthy sewer service line since the City's sewer main is not adjacent to the property. The Planning Board recommends that we contact abutting property owners to see if there is interest in this property, and we plan to do so. Please see the attached supporting information for greater detail.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/ikmm

REQUESTED ACTION:

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

- 1) To approve the Order authorizing the City Administrator to negotiate and enter into a Purchase and Sale Agreement for 11 Walker Avenue.
- 2) To approve the Order authorizing the City Administrator to negotiate and enter into a Purchase and Sale Agreement for 7 Bartlett Street.



**City of Lewiston Maine
City Council Order
February 4, 2014**



Order, Authorizing the City Administrator to Negotiate and Enter into a Purchase and Sale Agreement for 11 Walker Avenue.

Whereas, the City acquired ownership of 11 Walker Avenue on the basis of a matured property tax lien; and

Whereas, the property consists of a vacant and dilapidated single family residence and detached garage; and

Whereas, a request for bids was issued for the sale of the property which resulted in response from Alan Withee, an abutting property owner; and

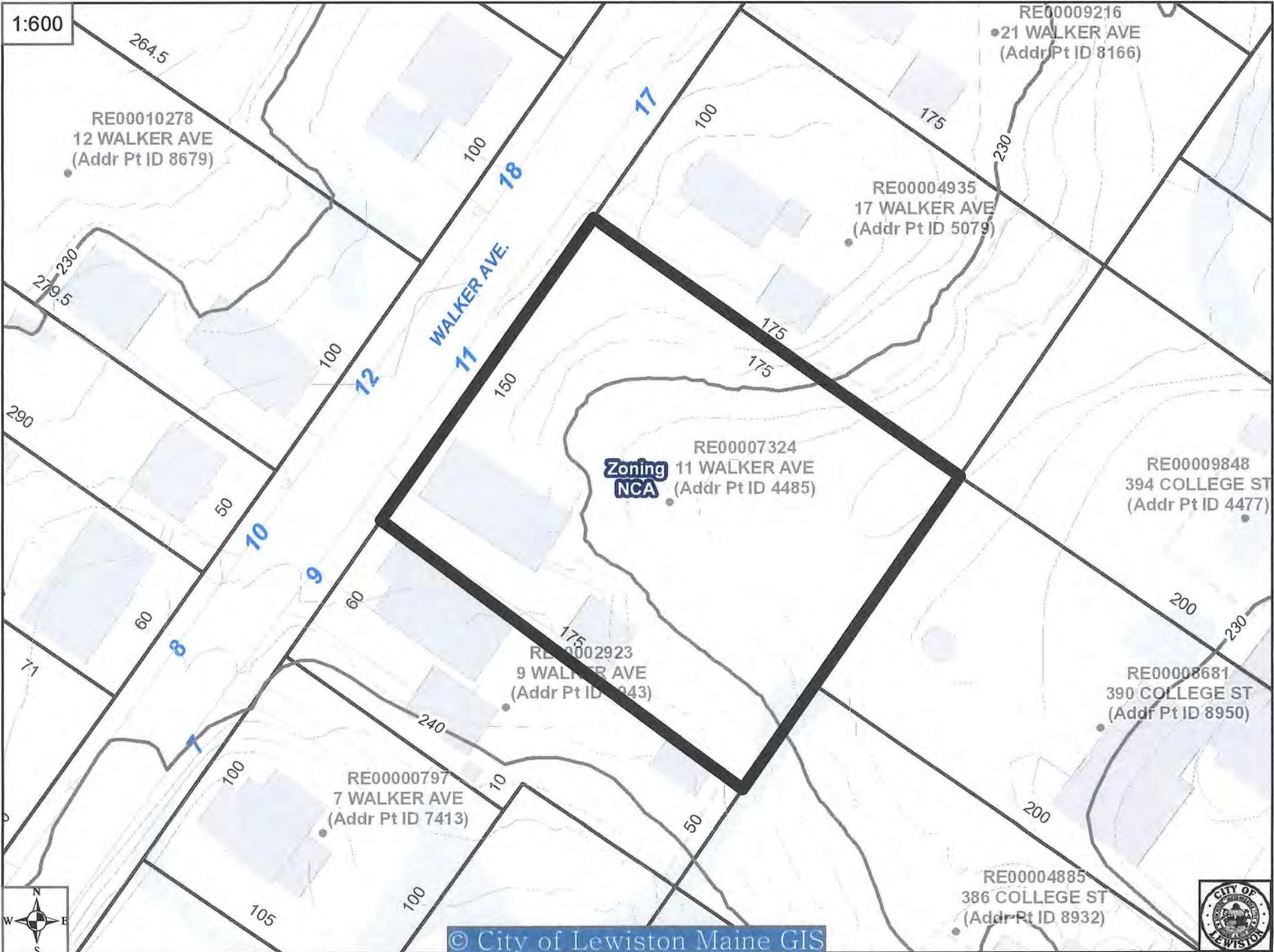
Whereas, has offered to purchase the property from the City for \$18,000; and

Whereas, the Planning Board has reviewed this property and recommends that the City dispose of it; and

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

the City Administrator is authorized to negotiate and enter into a purchase and sale agreement with Alan Withee for the sale of 11 Walker Avenue in the amount of \$18,000.

1:600



RE00010278
12 WALKER AVE
(Addr Pt ID 8679)

RE00009216
21 WALKER AVE
(Addr Pt ID 8166)

RE00004935
17 WALKER AVE
(Addr Pt ID 5079)

Zoning
NCA
RE00007324
11 WALKER AVE
(Addr Pt ID 4485)

RE00009848
394 COLLEGE ST
(Addr Pt ID 4477)

RE00002923
9 WALKER AVE
(Addr Pt ID 2943)

RE00008681
390 COLLEGE ST
(Addr Pt ID 8950)

RE00000797
7 WALKER AVE
(Addr Pt ID 7413)

RE00004885
386 COLLEGE ST
(Addr Pt ID 8932)





**City of Lewiston Maine
City Council Order
February 4, 2014**



Order, Authorizing the City Administrator to Negotiate and Enter into a Purchase and Sale Agreement for 7 Bartlett Street.

Whereas, the City acquired ownership of 7 Bartlett Street on the basis of a matured property tax lien; and

Whereas, the property consists of a vacant lot; and

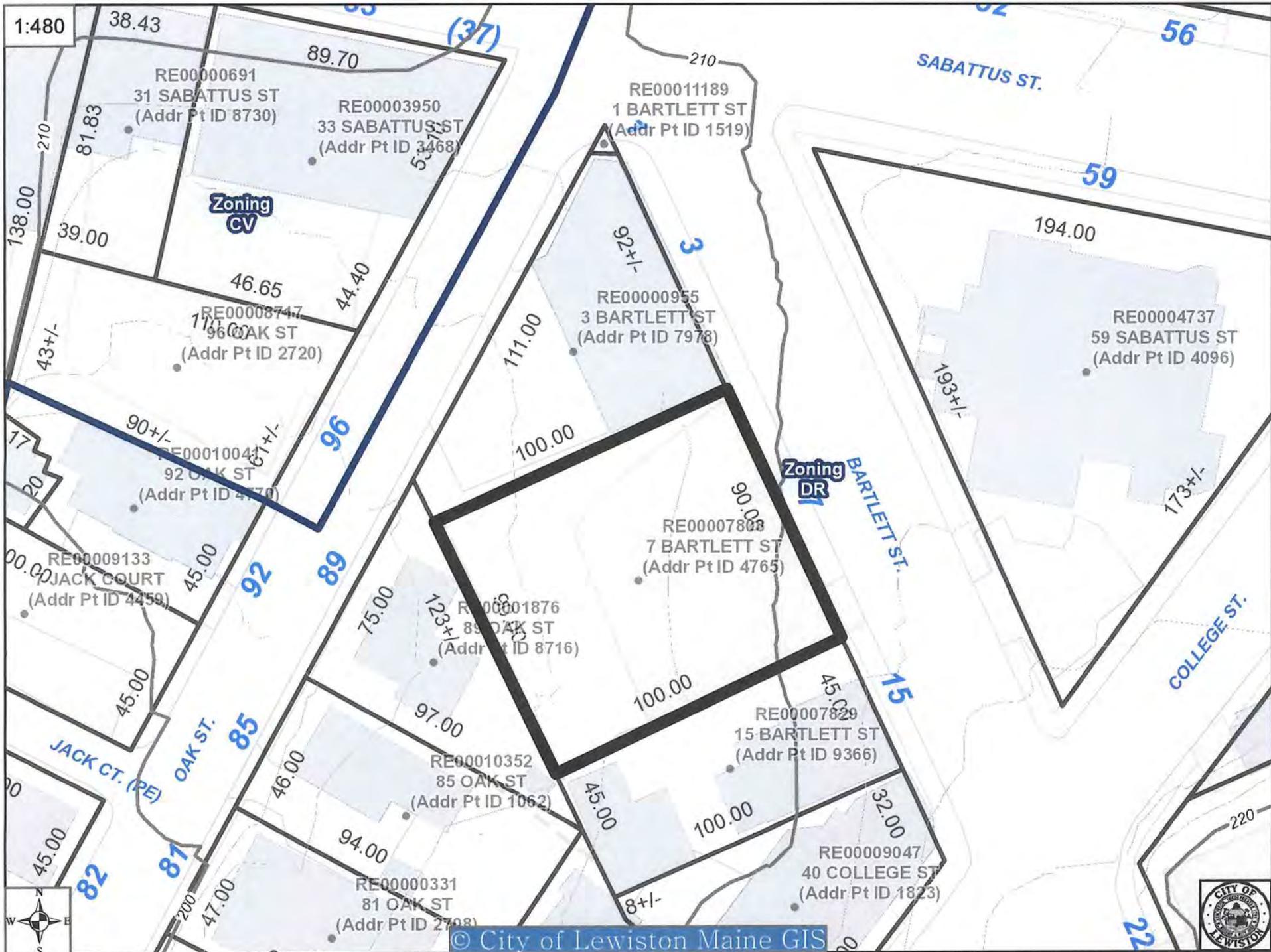
Whereas, a request for bids was issued for the sale of the property which resulted in response from Daniel Nere and David Wagabaza, an abutting property owner; and

Whereas, has offered to purchase the property from the City for \$10,001 for use as a parking lot serving adjacent properties; and

Whereas, the Planning Board has reviewed this property and recommends that the City dispose of it; and

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

the City Administrator is authorized to negotiate and enter into a purchase and sale agreement with Daniel Nere and David Wagabaza for the sale of 7 Bartlett Street in the amount of \$10,001.





City of Lewiston
Planning & Code Enforcement
Gil Arsenault, Director



MEMORANDUM

To: Ed Barrett, City Administrator
City Clerk's Office
City Council Members
Mayor Robert E. Macdonald

From: David Hediger

Date: January 29, 2014

Subject: Planning Board Action

The Planning Board took the following action at their public meeting held on January 27, 2014 regarding disposition of city property at 7 Bartlett Street, 68 Jones Avenue and 11 Walker Avenue.

The following motions were made:

MOTION: by **Eric Potvin** to send a favorable recommendation to City Council for the disposition of the property located at 7 Bartlett Street to be sold to the highest bidder with no restrictions. Second by **Paul Madore**.

VOTED: **6-1 (Passed)**
Kevin Morissette Opposed

MOTION: by **Michael Marcotte** to recommend to City staff in accordance with City Policy #38, to enter into direct negotiations with abutters and other interested parties for the disposition of the property located at 68 Jones Avenue. Second by **Eric Potvin**.

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

MOTION: by **Walter Hill** to send a favorable recommendation to City Council for the disposition of the property located at 11 Walker Avenue based upon the bid presented by the abutting property owner at 9 Walker Avenue for \$18,000 by demolishing the house and shed at 11 Walker Avenue and

moving the lot thereby creating two conforming lots in the Neighborhood Conservation "A" (NCA) district. Second by **Eric Potvin**.

VOTED: 7-0 (Passed)

c: Planning Board Members

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

Sale of Various City Parcels

Bid #: 2014-001

January 23, 2014

Bidder	11 Walker Ave	7 Bartlett St	68 Jones Ave
Alan Withee	\$ 18,000.00	No Bid	No Bid
9 Walker Avenue			
Lewiston ME 04240			
Daniel Nere & David Wagabaza	No Bid	\$ 10,001.00	No Bid
144 Sherwood St., Apt 3			
Portland ME 04103			
Marcel J. P. Robert	No Bid	\$ 7,505.00	No Bid
62 Saunders Road			
Greene ME 04236			
Calvary United Methodist Church	No Bid	No Bid	No Bid
59 Sabattus Street			
Lewiston ME 04240			

**CITY OF LEWISTON, MAINE
DEPARTMENT OF FINANCE
SALE OF VARIOUS CITY PARCELS**

REQUEST FOR BIDS

BID #: 2014-001

Due Date: Thursday, January 23, 2014 by 4:00 pm

Proposal Form

Director of Purchasing
City Hall, 27 Pine Street
Lewiston ME 04240

Dear Sir:

The undersigned hereby declares that he/she has carefully examined the proposed Sale of City owned land items and that he/she proposes and agrees, if the proposal is accepted, to complete the transaction on the item(s) proposed.

* Interested parties may bid on one or more of the parcels being offered.

Item #	Location #	Location Address	Price Offered
1	1	11 Walker Avenue (Land & Building)	\$ 18,000
2	2	7 Bartlett Street (Land)	\$ 0
3	3	68 Jones Avenue (Land)	\$ 0
Total Amount Bid			\$ 18,000

FUTURE USES:

11 Walker Avenue	<p><i>My intent for this property is to extend my property line over by 5-10 feet. That will put the property line in the middle of the driveway, but I have a couple ideas on how to solve that. No matter who wins the bid, the shed needs to be torn down - it is a danger. I would then sell off the remainder of the property. I do not</i></p>
7 Bartlett Street	
68 Jones Avenue	

State Bid Deposit Amount: \$ 1,800.00 (10% of the total amount bid) include certified check or bid bond. *cover please*

Sign the proposal form in ink before returning it to the Director of Purchasing. The City Council reserves the right to accept or reject any and all proposals.

Signature	Alan Withee
Printed Name	Alan Withee
Address	9 Walker Ave Lewiston, Me. 04240
Date	1-22-14
Telephone # (daytime)	212-5167
Fax #	—
E-Mail Address	Alan.Withee@gmail.com

believes there is much, if any, value in the house. Given its age and condition, I would expect renovations to cost \$40-50K+. Ideally, the house should be torn down and a new house built in the middle of the lot.

- 1.5. purchaser will be Alan Withee - individual, not business or corporation
- 1.7. I have read and understand conditions of the proposal.
- 1.8. I am acting alone - no connection to anyone working for the city.
- 3.1 I agree to comply with, meet or exceed all applicable controls, conditions, and objectives within this RFP.

Alan Withee

**CITY OF LEWISTON, MAINE
DEPARTMENT OF FINANCE
SALE OF VARIOUS CITY PARCELS**

REQUEST FOR BIDS

BID #: 2014-001

Due Date: Thursday, January 23, 2014 by 4:00 pm

Proposal Form

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City Hall, 27 Pine Street
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* Interested parties may bid on one or more of the parcels being offered.

Item #	Location #	Location Address	Price Offered
1	1	11 Walker Avenue (Land & Building)	\$
2	2	7 Bartlett Street (Land)	\$ 10,000.00
3	3	68 Jones Avenue (Land)	\$
Total Amount Bid			\$ 10,000.00

FUTURE USES:

11 Walker Avenue	
7 Bartlett Street	Parking for 15 Bartlett St (proposed 2 businesses) Parking for 40 College St. (nine apartments and one hair salon)
68 Jones Avenue	

State Bid Deposit Amount: \$ 1,000.00 (10% of the total amount bid) include certified check or bid bond.

Sign the proposal form in ink before returning it to the Director of Purchasing. The City Council reserves the right to accept or reject any and all proposals.

Signature	 <i>Daniel Nere</i>
Printed Name	Daniel Nere and David Wagabaza
Address	144 Sherwood St. Apt. 3 Portland, Maine 04103
Date	1/11/14
Telephone # (daytime)	207-772-8422 ^(Daniel) or 207-939-4169 ^(David)
Fax #	207-772-8424
E-Mail Address	alltempsservice@myfairpoint.net (Daniel) or dwagabaza@yahoo.com (David)

**Daniel Nere
David Wagabaza
144 Sherwood Street
Portland, Maine 04103**

January 11, 2014

**Norman Beuparlant
Director of Budget/Purchasing
Lewiston City Hall
27 Pine Street
Lewiston, Maine 04240**

Dear Mr. Norman Beuparlant:

Daniel Nere and David Wagabaza would like to submit a bid on the parcel of land at 7 Bartlett Street in Lewiston, Maine for \$10,001. Enclosed you will find a good faith deposit of ten percent of the bid.

Daniel and David recently purchased the property at 15 Bartlett Street which abuts the parking lot at 7 Bartlett Street. Historically these properties were joined as one and provided much needed parking to the building. We are in hopes to reunite the land again.

Currently, the condemned building at 15 Bartlett Street is being renovated in hopes to bring new life to the area and prevent yet another building falling into disrepair, vandalism or arson. Two businesses will be proposed for the building; an employment agency and a sandwich shop. Obviously parking is essential to avoid an already overburdened situation regarding street parking.

We appreciate the opportunity to submit this bid and regard the parking lot as a significant asset to the overall success of this undertaking. Please contact Daniel at 207-772-8422 or email him at alltempsservices@myfairpoint.net or David can be reached at 207-939-4169 or email him at dwagabaza@yahoo.com.

Sincerely,

Daniel Nere

&

David Wagabaza

Handwritten signatures of Daniel Nere and David Wagabaza. The signature of Daniel Nere is written above the signature of David Wagabaza.

**CITY OF LEWISTON, MAINE
DEPARTMENT OF FINANCE
SALE OF VARIOUS CITY PARCELS**

REQUEST FOR BIDS

BID #: 2014-001

Due Date: Thursday, January 23, 2014 by 4:00 pm

Proposal Form

Director of Purchasing
City Hall, 27 Pine Street
Lewiston ME 04240

Dear Sir:

The undersigned hereby declares that he/she has carefully examined the proposed Sale of City owned land items and that he/she proposes and agrees, if the proposal is accepted, to complete the transaction on the item(s) proposed.

* Interested parties may bid on one or more of the parcels being offered.

Item #	Location #	Location Address	Price Offered
1	1	11 Walker Avenue (Land & Building)	\$
2	2	7 Bartlett Street (Land)	\$ 7,505 ⁰⁰
3	3	68 Jones Avenue (Land)	\$
Total Amount Bid			\$

FUTURE USES:

11 Walker Avenue	
7 Bartlett Street	Parking for 1 Bartlett ST. work with owner of 15 Bartlett ST. for parking for them. Green space for kids to play or gardening
68 Jones Avenue	

State Bid Deposit Amount: \$ 800⁰⁰ (10% of the total amount bid) include certified check or bid bond.

Sign the proposal form in ink before returning it to the Director of Purchasing. The City Council reserves the right to accept or reject any and all proposals.

Signature	
Printed Name	Marcel J.P. Robert
Address	62 Saunders Rd. Greene, Mo. 04236
Date	1-14-14
Telephone # (daytime)	207-754-5414
Fax #	207-784-6363
E-Mail Address	Marceljp robert @ hotmail.com

Offer on Land for sale by the City of Lewiston

Property Address: 7 Bartlett St.

Offer from: Marcel J.P. Robert

Offer price: \$7,505.00 cash offer, no inspections

My plans with the vacant land is to have more parking for 1 Bartlett St. a 9 unit apartment building that has about 4 spaces for parking, and to work out an agreement with the owner's of 15 Bartlett St. so they can have parking for their new store they are about to open. I would also like to keep some of the land green space for Tenants to have an area for their kids to play on or maybe gardening.

Thank You Marcel

Marcel J.P. Robert
62 Saunders Rd. Greene, Me. 04236
207-754-5414

Mr. Norm Beuparlant
Director of Budget and Purchasing
City Hall
27 Pine Street
Lewiston, Maine 04240

Dear Norm,

First, I want to personally thank you for your gracious reception of Serena and I when we visited you about the lot at 7 Bartlett Street. Below is the rationale that I developed for the congregation to consider in regard to placing a bid on the lot.

In the early 70's the faithful congregation of Calvary United Methodist Church CUMC moved into its present facility at 59 Sabattus Street. Twenty years later the congregation made a missional decision to remain at the downtown location rather than move out to the suburbs and build a new facility with adequate parking space. Subsequent to that decision hundreds of thousands of dollars have been invested into the church in the form of numerous roof repairs, repointing of the bell tower, installation of a ramp for wheel chair usage, installation of an elevator to the main floor level, and most recently installation of an audiovisual sound system in the worship area.

Parking for the congregation has been a constant issue since coming to 59 Sabattus Street. The reasons we would like to own the lot at 7 Bartlett Street are as follows:

** More than 80% of our parishioners drive to church. They come from Lewiston, Auburn, Greene, Lisbon Falls, Turner, Poland, Gray, Durham, Sabattus, New Gloucester, and Brunswick.

** Every week we offer two free meals to the community on Wednesday evening and Sunday morning. People drive to these meals and we have a cadre of volunteers who prepare and serve those meals all of whom drive

to the church.

** During the year we have at least 15 fund raising projects that are held in our dining room in the basement of the church. These events are advertised for the general public and are well attended. The back entrance to our church faces directly across from the lot at 7 Bartlett Street. That entrance is also the access point to the church for anyone who has mobility issues.

** Currently we operate under a policy that if there is a parking ban in Lewiston due to winter weather conditions we do not hold services on Sunday. Recently we did not have services for two weeks during Advent because of that policy. If we had owned a parking lot we could have had our regular Sunday services.

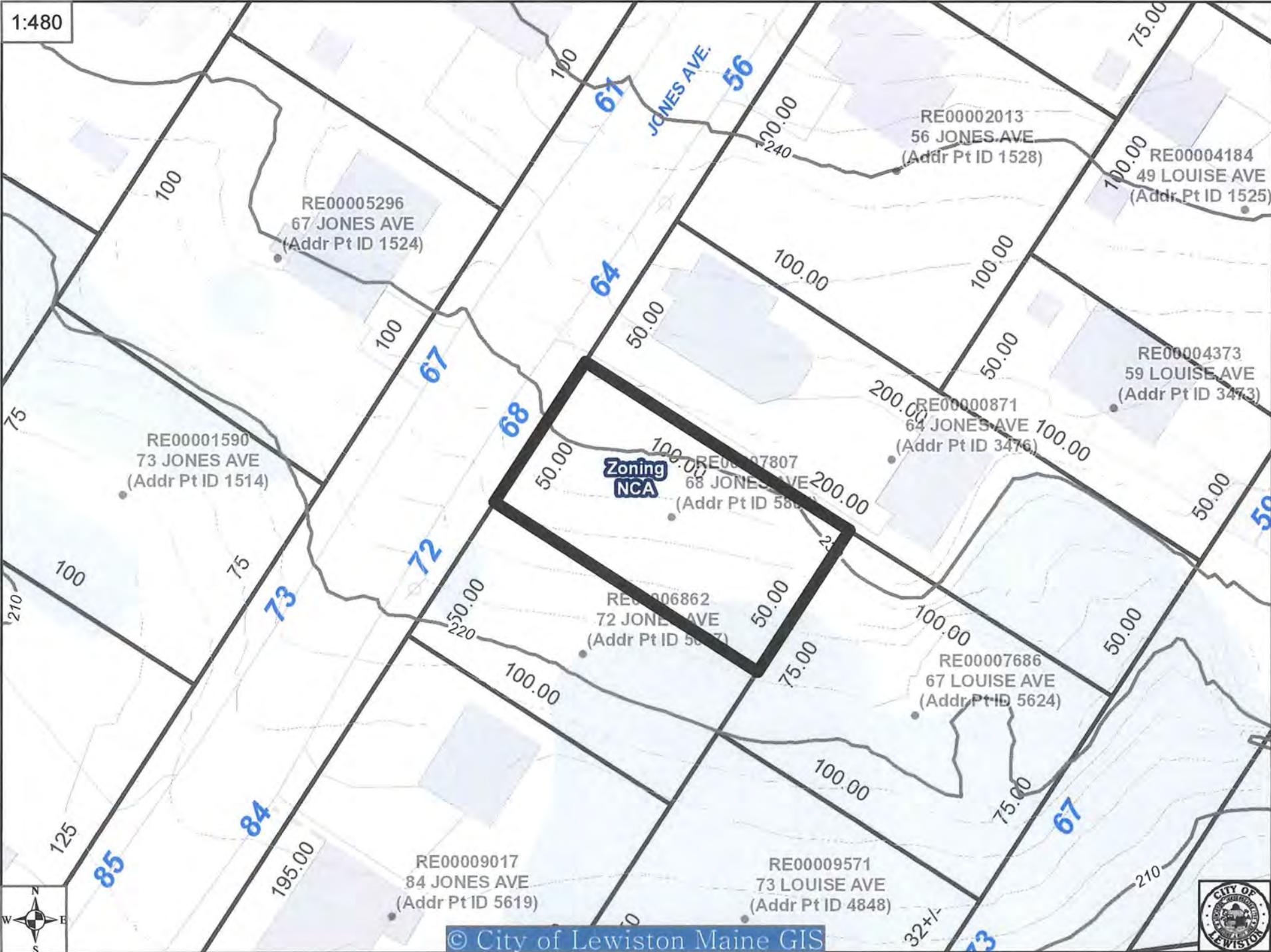
** CUMC is used by other groups as a meeting place. We currently have an Alcoholics Anonymous group and a Safe Voices support group that meet in our facility. There is also a Swahili religious congregation that meets weekly at CUMC.

** CUMC has been recognized by the New England Conference of the United Methodist Church as a missional church because of our vital location in the heart of a downtown setting. We are the only United Methodist Church in Maine to enjoy that distinction.

After considering all this information, the congregation has decided not to place a bid on the lot. Our primary reason for this decision was the cost related to grading, paving, draining, enhancing, and maintaining the lot during the coming years. We are simply not in a financial position to invest the necessary money at this time in our history. Please keep us apprised of the disposition of this parking lot.

Richard T. Gross
Chair, Finance Team
CUMC

1:480



LEWISTON CITY COUNCIL
MEETING OF FEBRUARY 4, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 13

SUBJECT:

Executive Session to discuss labor negotiations regarding the American Federation of State, County and Municipal Employees (AFSCME Council #93) Local 1458-00, on behalf of the Lewiston Public Works 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 American Federation of State, County and Municipal Employees (AFSCME Council #93) Local 1458-00, on behalf of the Lewiston Public Works Unit.