

**LEWISTON CITY COUNCIL AGENDA
CITY COUNCIL CHAMBERS
APRIL 1, 2014**

6:00 p.m. Workshop - Discussion of Multi-Family Housing Issues (60 minutes)

7:00 p.m. Regular Meeting

Pledge of Allegiance to the Flag.
Moment of Silence.

Proclamation - April is "Fair Housing Month"
Acceptance of minutes of the meetings of March 18 and March 25, 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 7.

REGULAR BUSINESS:

1. Public Hearing on an amendment to the conditions of the Automobile Graveyard/Junkyard permit for ReEnergy Lewiston LLC, 38 Alfred A. Plourde Parkway.
2. Public Hearing and Final Passage regarding an amendment to the Buildings and Building Regulations ordinance regarding the property maintenance code and heat supply.
3. Public Hearing and Final Passage regarding amendments to the Elections ordinance for the redistricting of city ward boundary lines.
4. Condemnation Hearing for the building located at 40 Union Street.
5. Condemnation Hearing for the building located at 112 College Street.
6. Condemnation Hearing for the building located at 178 Holland Street.
7. Annual appointment for the Lewiston-Auburn Railroad Company Board of Directors.
8. Reports and Updates.
9. Any other City Business Councilors or others may have relating to Lewiston City Government.
10. Executive Session to discuss Real Estate Negotiations of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

LEWISTON CITY COUNCIL
WORKSHOP AGENDA
TUESDAY, April 1, 2014
6:00 P.M.

1. Workshop – Multi-Family Housing Issues Discussion (60 minutes)

Over the last several months, a group of City staff along with Councilors Cayer and Libby have been meeting with representatives of multi-family property owners to discuss issues and concerns along with potential programs and policies that the City could adopt that would assist in addressing housing issues, particularly in the core areas of the City. We would like to brief the full Council on these discussions as a first step in determining a future course of action.



City of Lewiston Executive Department

EDWARD A. BARRETT
City Administrator

PHIL NADEAU
Deputy City Administrator



To: Honorable Mayor and Members of the City Council
Fr: Edward A. Barrett
Su: Multi-Family Housing

Over the last several months, Councilors Cayer and Libby with various City staff have been meeting with landlords to attempt to develop policies/programs that might effectively address issues of substandard housing and struggling landlords, especially in downtown. This group is meeting Monday to review ideas and approaches that we hope to share with you at Tuesday's workshop.

Among these programs are:

- Our existing 1-4 unit rehabilitation program which provides 0 to 3% interest rehabilitation loans of up to \$25,000 per unit to properties in the downtown area;
- A new Energy Conservation/Gas Conversion program that is in development that is designed to assisted multi-family owners in improving the energy efficiency of their buildings, lowering their costs and assisting in moving these properties toward sustainability (see attached description);
- The City's on-going demolition efforts that are designed to address the over-supply of units in the area;
- A disorderly property program designed to address problem tenants that negatively affect not only those who rent in the same building but those in surrounding buildings and who perpetuate the negative perceptions of areas of our downtown. While the landlords have expressed concerns over formalizing this program as a municipal ordinance, I would suggest that, at a minimum, the Police Department initiate this program on a voluntary basis allowing us to track complaints and ask landlords or their designees to meet with the department to discuss issues and actions that could be taken. This would allow us to calibrate the program and gauge landlord reaction without the imposition of fines and penalties. In effect, a way to try it out and hopefully overcome some of the landlord concerns. A draft of the ordinance is attached. It provides more detail on the program.
- A proposed landlord training program that the City could coordinate but with content provided by others with appropriate expertise. This would be designed to provide less experienced landlords with the tools that they need to become successful, including such items as landlord/tenant relations, lease provisions, requirements of state law, financial planning, etc.

We will also be discussing several other possible approaches at the next meeting with representatives of the landlords, which is scheduled for Monday. As a result, we may have other suggestions to bring forward at Tuesday's workshop.

While this remains a work in progress, we believe it is timely to review this effort with you and seek your comments and suggestions prior to moving forward to adopt and implement these programs. I look forward to discussing this effort with you. In the meantime, should you have any questions or concerns, please feel free to contact me.

Lewiston City Hall, 27 Pine Street, Lewiston, ME 04240-7242; Telephone: (207) 513-3121, Ext. 3200;
TTY/TDD: (207) 513-3007; Email: ebarrett@lewistonmaine.gov; Web: www.lewistonmaine.gov

Existing 1-4 Unit Rehabilitation Loan Program:

1 - 4 Unit Need Work?

LOW COST REHABILITATION LOANS
0 % TO 3 % for up to 20 year terms

-Loans of up to \$25,000 per unit depending upon work to be done

-Loan proceeds can be used for:

- Insulation, boiler, energy improvements
- Paint, siding, windows, interior partitions
- Lead, asbestos or other hazardous material abatement
- Handicap accessibility improvements

-10% cash match required

-Property must be in Target Area

-If owner occupied, owner household income must be at or below 80% of Area Median Family Income. If rental property, at least 51% of units must be rented to tenants at or below 80% Median Family Income for a period of 1 year.

-Area Median Family Income varies by household size, please call for details.

FOR MORE INFORMATION CONTACT:

JAYNE JOCHEM

COMMUNITY DEVELOPMENT PROGRAM COORDINATOR

207.513.3000 EXT. 3233

JJOICHEM@LEWISTONMAINE.GOV

DEPT. OF ECONOMIC AND COMMUNITY DEVELOPMENT

3RD FLOOR OF CITY HALL

TDD/TTY 207.513.3007

Lewiston City Hall, 27 Pine Street, Lewiston, ME www.lewistonmaine.gov

Multifamily Energy Efficiency Loan Program (ENERGY)

Program Overview

The City's Multifamily Energy Efficiency Loan Program (ENERGY) is a key strategy to bring energy improvements and financial stability in the downtown rental housing properties. Eligible multifamily property owners will be required to participate in Efficiency Maine's "Custom Path" energy program which requires that an Efficiency Maine Multifamily Partner (Energy auditor approved by Efficiency Maine) will develop an Energy Reduction Plan that will reduce energy consumption by 20% and generate a 10% internal rate of return.

The City's program is being funded through the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) program and administered by the City's Economic and Community Development Department. Funding will be concentrated in downtown Census Tracts 201, 202, 203, and 204, which has the largest concentration of multifamily rental housing units. (See Appendix 1: Map of the Target Area).

The benefits to the property owner through the "Custom Path" program through Efficiency Maine, will be a guarantee that each property will have a full energy audit, a written Energy Reduction Plan with direct/meaningful recommendations and scope of work needed to qualify for a 50% rebate in total project costs from Efficiency Maine. This strategy will maximize the amount of funding available for the property owner with the guarantee of a return on investment.

Program Criteria

Property Eligibility: To be eligible, the property must be a rental property, located in the target area; may be owner occupied or investor owned property; in "good standing" with Code Enforcement, and building must be structurally sound. Mixed use commercial properties with rental units may qualify under this program, but needs to meet the parameters of the Efficiency Maine program.

Applicant Eligibility: The applicant must have proof of ownership of the building; must be current on all City assessments for the property itself and any other buildings owned in the City of Lewiston; and may not be an elected or appointed City Official. At least 51% of the rental units in the property must be occupied by low-moderate income residents. (See Appendix 3: Median Family Income Guidelines). As part of the application, the owner must provide Tenant Income Verification Forms filled out and signed by the tenant. (See Appendix 4: Tenant Income Verification Form). Owner must provide releases to the City for all energy consumption for the past year, and must provide a rental proforma, with a rent roll, for the term of the loan to determine financial viability.

Affordability Requirements: At least 51% of the units must be rented to low-moderate income residents for a period of one year. (See Appendix 2: Fair Market Rents). See Boilerplate for detailed description.

City Assessments: Applicants may not be delinquent on property taxes, personal property taxes, trash, water or sewer bills, or have any outstanding or delinquent accounts on any property of which they are a principal owner within the City of Lewiston. Applicants must demonstrate a record of compliance with the City of Lewiston's codes, ordinances and policies and any other local, state, or federal rules and regulations that apply. Isolated violations will not be considered as a failure if addressed in a cooperative manner.

Eligible Expenses: Allowable improvements are identified in the energy audit and delineated in the Custom Path Energy Reduction Plan that has been customized by a Multifamily Partner. The most common improvements may include: replacement of furnace, conversion of oil to gas, water heaters, insulation, basement rim joists, low flow aerators, etc. Other improvements affecting the efficiency of the property may be required and can be included under the total project costs with the Efficiency Maine program. These are: repair replacement of a roof before insulation is blown into the attic or replacement of knob and tube wiring before insulating the walls; etc. PLEASE NOTE: while these type of repairs are required for the owner to meet the efficiency qualifications of a 20% energy reduction, the owner may be responsible for paying more than the required owners match, if the total project costs exceed the amount financed in the projects. This will be explained under the financing details in a later section.

Process: The rental property owner will apply to the City of Lewiston Economic and Community Development Department for the City's ENERGY program. The City will complete due diligence to ensure that the property and the owner qualifies for the City's loan programs. Once pre-qualified, the owner will choose a Multifamily Partner from the Efficiency Maine website. The Multifamily Partner will complete the audit for the building and design the Energy Reduction Plan and complete the specifications and scope of work. Once completed, the owner will utilize the City's Construction Manager (CCI) to bid the scope of work to qualified contractors. The contractors will be required to obtain the proper permits from the Code Enforcement Department. There will be no self-help allowed by the owner even if they are a contractor, only qualified contractors that have been properly vetted by the Construction Manager will complete the work (City requirement not Efficiency Maine). Once the qualified bids are in and the owner chooses to move forward, the Loan Qualification Committee (LQC) will review the loan.

Financing Structure: Once approved by the LQC, the Total Cost of the Project (rebates are based on the total project cost) known, a 20% cash, not equity, match by the owner will be deposited in a construction escrow account and managed by the City.

The maximum rebate for a 1- 4 unit property is \$3,000. The maximum per unit rebate for a 5+ unit property is \$1,600. Efficiency Maine offers a 50% incentive program based upon the total project cost.

For example:

1) Small rental 1-4 unit properties

4 unit property – cost of improvements:	\$10,000
Owner contribution (20%)	\$ 2,000
Efficiency Maine rebates maximum	\$3,000
City of Lewiston loan after rebates are received	\$5,000

2) Multi-family 5+ Rental property:

10 unit building - cost of improvements	\$32,000
Owner contribution (20%)	\$ 6,400
Efficiency Maine (\$1,600/unit)	\$16,000
City of Lewiston loan after rebates received	\$ 9,600

After construction is completed, it takes 4-6 weeks for Efficiency Maine to pay out the rebates. City of Lewiston as “Agent for owner” receives rebate directly from Efficiency Maine, after an independent Engineering Company determines that the program thresholds have been met and the energy improvements have met the threshold requirements of 20% in energy savings and 10% internal rate of return.

Financing Terms: Terms will be tiered as follows:

- Principal residence of owner inside Lewiston or Auburn, 2% up to 20 years as determined by LQC
- Principal residence outside Lewiston-Auburn, 3% up to 20 years as determined by LQC

Funding Agreement: Applicants must agree to the terms and conditions of the program. All loans will be secured by a Mortgage and require a Personal Guaranty of all owners and partners.

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

Funding Source: Community Development Block Grant (CDBG). Other federal, state, or local funding may also be used based on availability and at the City’s discretion.

What follows is a draft of a disorderly property ordinance. The landlord community has expressed concerns over this ordinance and its potentially punitive nature. It could be adopted as a new ordinance. However, it could also serve as the guidance document for introducing this program on a voluntary basis without fines. Following the definitions and guidelines outlined below, the Police Department would contact landlords or their representatives to arrange a meeting to discuss the issues at a particular property and work to develop a plan to address those issues. Such an approach would complement the Department’s project hot spots effort.

Lewiston Disorderly Property Ordinance.

I. Purpose; Findings.

The purpose of this Disorderly Property Ordinance is to protect the health, safety, and welfare of the residents of the City of Lewiston by reducing the recurrence of disorderly conduct in dwellings, which disturbs the peace and tranquility of others. The City has a substantial and compelling interest in protecting neighborhoods affected by conduct that unreasonably disturbs the peace and/or constitutes a nuisance, because such conduct adversely affects the health, safety, and welfare of citizens, and diminishes the quality of life in neighborhoods where it occurs. Such disorderly conduct, and its impact, should be abated. This Disorderly Property Ordinance is required because other prohibitions and penalties under state law and the City's code of ordinances have not adequately eliminated or controlled chronic disorderly or nuisance activity in the City. The enactment of this ordinance and its occasional amendment is intended to alleviate the deleterious impact of chronic disorderly or nuisance activity in dwelling places and neighborhoods by authorizing early and constructive intervention by the Lewiston Police Department.

II. Definitions.

"Disorderly Conduct" is any conduct that would have a tendency to unreasonably disturb the health, safety, or peaceful enjoyment of the community, the neighborhood, or an ordinary individual in the vicinity of a Dwelling where the Disorderly Conduct is occurring. Such conduct includes, but is not limited to: loud music; boisterous parties; sounds emanating from within the Dwelling that are annoying outside the Dwelling; loud noise or fights within the Dwelling or in its vicinity involving owners, occupants, or invitees (excluding incidents involving domestic violence); owners, occupants, or invitees being intoxicated in shared areas within the Dwelling such as hallways, stairways, or on public ways in the vicinity of the Dwelling; the arrest of owners, occupants, or invitees for activities that constitute either a crime or civil infraction under either state or local law; other similar activities in the Dwelling or in areas outside of but in the vicinity of the Dwelling itself; or other conduct proscribed pursuant to 17-A M.R.S. § 501-A.

A "Disorderly Property" is any property on which there is located a Dwelling Unit at which the police have found to have occurred, on five (5) or more occasions in any thirty (30) day period, or fifteen (15) or more occasions in the preceding year, that the owner, an occupant, invitee, or any combination thereof have engaged in Disorderly Conduct.

A "Disorderly Property Agreement" is a written agreement entered into between an owner of a Disorderly Property and the City, under which the owner agrees to take effective measures to abate and eliminate the concerns that led to the property being declared a Disorderly Property.

A "Disorderly Property Meeting" is a meeting between the owner of a Disorderly Property and the Police Chief and/or his or her designees to identify ways in which the owner will abate and eliminate the concerns that led to the property being declared a Disorderly Property and to enter into a Disorderly Property Agreement.

"Dwelling" is any building that houses one or more dwelling units, or any bed and breakfast establishment, hotel, motel, lodging or rooming house, or other structure that provides residential accommodations, including any lot, plot, or parcel of land on which such a structure is located.

"Dwelling Unit" is an individual and separate living space within a Dwelling such as an apartment, hotel or motel room, or single family residence.

"Owner" shall mean any person, including any legal entity, having the right of legal title to or a beneficial interest in a Dwelling or any portion thereof, as that interest is recorded in the tax records of the City of Lewiston or the Androscoggin County Registry of Deeds. Owner shall also include any entity or individual responsible for maintaining, controlling or managing a Dwelling other than the owner of record.

III. Violations

1. It shall be a violation of this ordinance for any person to own, maintain, control, or manage a Disorderly Property.
2. It shall be a violation of this ordinance for any person who owns, maintains, controls, or manages a Disorderly Property to refuse to engage in a Disorderly Property Meeting within the stated deadlines.
3. It shall be a violation of this ordinance for any person who owns, maintains, controls, or manages a Disorderly Property to fail to enter into a Disorderly Property Agreement at or before the conclusion of the Disorderly Property Meeting.
4. It shall be a violation of this ordinance for any person who owns, maintains, controls, or manages a Disorderly Property to fail to comply with a Disorderly Property Agreement.

IV. Administration; Notice.

1. The Police Department shall document and monitor the recurrence of Disorderly Conduct at Dwelling Units in the City. Each occurrence of Disorderly Conduct will be documented by general property address, as well as specific Dwelling Unit.
2. Whenever there have been five (5) or more occurrences of Disorderly Conduct at a Dwelling Unit in any thirty (30) day period, or fifteen (15) or more occurrences of disorderly conduct within the preceding year, the Police Chief, or his or her designee, may declare the property to be a Disorderly Property.
3. For the purpose of this ordinance, the Police Chief, or his or her designee, shall have sole discretion in determining whether conduct is disorderly, and whether a property constitutes a Disorderly Property.
4. Whenever the Police Chief or his or her designee has declared a property to be a Disorderly Property, the City shall notify the owner of such declaration, and of each occurrence of Disorderly Conduct, and the identity(ies) of its perpetrators, if known, that form the basis for that declaration.

The notice shall require the owner to provide the information required in subsection 5 below,

and to engage in a Disorderly Property Meeting within five (5) business days from the date of the notification.

5. At the time of the Disorderly Property Meeting, the owner shall provide to the City the following documentation:
 - A. The names of all occupants and other persons authorized to occupy the Dwelling Unit, and the units they occupy; and
 - B. Contracts with any property manager or other person responsible for the orderly operation of the property.
6. At the Disorderly Property Meeting, the owner shall have an opportunity to present evidence as to why the property is not a Disorderly Property.
7. If, based on the information presented at the meeting, the Police Chief does not reverse his declaration that the property is a Disorderly Property, the owner and the City shall enter into a Disorderly Property Agreement. The owner shall implement the measures set forth in the Disorderly Property Agreement within one (1) week of the Disorderly Property Meeting, unless another date is agreed upon by the City in writing.
8. If the same Dwelling Unit serves the basis for a subsequent declaration that a property is a Disorderly Property, the City is under no obligation to meet with the owner but may proceed as outlined in the "Enforcement" section of this ordinance.

V. Enforcement.

Each day that a violation is permitted to continue shall constitute a separate offense.

The first violation of this ordinance will result in a \$100 fine being imposed against the owner. The second and all subsequent violations will result in a fine of up to \$500 per occurrence. The imposition of a fine shall not excuse the violation or permit it to continue. Any fine may be appealed to the City Administrator or his or her designee.

In the event of any violation, except for the first declaration that a property is a Disorderly Property, the City may file a legal action against the Owner seeking any and all compensatory and equitable relief to which it is entitled under state and local laws. The City shall be entitled to recover all of its fees and costs, including attorneys' fees, incurred in enforcing this ordinance.



City of Lewiston
27 Pine Street • Lewiston, ME 04240

**PROCLAMATION
FAIR HOUSING MONTH**

WHEREAS, April marks the anniversary of the passage of the Fair Housing Act of 1968, which sought to eliminate discrimination in housing opportunities and to affirmatively further housing choice for all Americans; and

WHEREAS, vigorous local efforts to combat discrimination can be as effective, if not more so, than Federal efforts; and

WHEREAS, illegal barriers to equal opportunity in housing, no matter how subtle, diminish the rights of all;

NOW, THEREFORE, I, Robert E. Macdonald, Mayor of the City of Lewiston, in the pursuit of the shared goal and responsibility of providing equal housing opportunities for all men and women,

do hereby join in the national celebration by proclaiming

April, 2014 as Fair Housing Month,

and encourage all agencies, institutions, and individuals in Lewiston, whether public or private, to abide by the letter and the spirit of the Fair Housing Law.

Given under my hand this the 1st day of April, 2014.

**Robert E. Macdonald
Mayor of Lewiston**

Economic & Community Development

Lincoln Jeffers
Director



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

RE: Fair Housing Month

DATE: April 1, 2014

As our community becomes more diverse it is important to understand, accept and appreciate what Fair Housing is all about. A poster contest has been designed to increase awareness of the state and federal laws which say that all residents of this country should have equal access to housing regardless of race, color, religion, sex, national origin, familial status, physical or mental disability, sexual orientation, and status as a recipient of federal, state, or local public assistance.

The Cities of Lewiston & Auburn, Lewiston Housing Authority and Auburn Housing Authority have partnered with the Lewiston and Auburn School Departments to help raise awareness of fair housing issues. Students in the 7th & 8th grades participated in a poster contest with the theme of *"Will You Be My Neighbor"*. The posters that are selected are the best at conveying this year's theme and will be featured throughout the year at Fair Housing Workshops and displayed in various locations in the communities. All who participate will receive a Certificate of Participation and will be welcome to attend the City Council Meeting scheduled for April 1, 2014 where the Honorable Mayor McDonald will be asked to read a proclamation that declares the month of April as Fair Housing Month. Winners of the contest will receive prizes and their posters will be featured in a Fair Housing Calendar. We hope that this lesson of our basic human rights will stay with the students into adulthood and that they will share this information with family and friends. This activity is part of the 5 year strategy identified in the Analysis of Impediments to Fair Housing Choice and adopted by the Auburn and Lewiston City Councils.



LEWISTON CITY COUNCIL

MEETING OF APRIL 1, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

SUBJECT:

Public Hearing on an amendment to the conditions of the Automobile Graveyard/Junkyard permit for ReEnergy Lewiston, LLC, 38 Alfred A. Plourde Parkway.

INFORMATION:

ReEnergy Lewiston, LLC, 38 Alfred A. Plourde Parkway is applying for an amendment to the conditions for their Automobile Graveyard/Junkyard permit. This new condition is number 15 on the attached material (the other conditions have been approved previously with the renewal of their annual permit) and pertains to a new screening fence the company would like to install. Please see the attached memorandum from City Planner David Hediger for additional information.

The Police Department, Code Enforcement Division and Fire Department have approved the proposed condition for this license.

The yard has been inspected and meets all local and state requirements.

Approval is recommended.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the amendment to the conditions of the Automobile Graveyard/Junkyard permit for ReEnergy Lewiston, LLC, 38 Alfred A. Plourde Parkway.



CITY OF LEWISTON

Department of Planning & Code Enforcement



TO: Honorable Mayor and Members of the City Council
FROM: David Hediger, City Planner
DATE: March 26, 2014
RE: Amendment to automobile graveyard/junkyard permit:
ReEnergy Lewiston at 38 Alfred A Plourde Parkway

Planning and Code Enforcement staff have been working with ReEnergy Lewiston (ReEnergy) since December 2013 with respect to their junk yard license for 38 Alfred A Plourde Parkway (AAPP). ReEnergy discovered this past fall that the twenty-five foot high wood fence structure that was in place to provide screening was structurally unsound and subject to failure. Given this safety hazard, staff approved ReEnergy's request to remove the fence. After several meetings with staff, ReEnergy is proposing a new fence for screening a portion of their site that is comprised of screen-mesh and metal poles of similar length and height to that of the wood fence.

As a licensed junkyard, this facility is required to be screened from abutting properties pursuant to state law and city ordinances. Title 30-A M.R.S. § 3754-A requires that screening must be well constructed and properly maintained at a minimum height of six feet that is found acceptable to the municipal officers. The Code of Ordinances of the City of Lewiston, Article III, Sec. 22-75 requires an effective visual screen at least six feet in height located and maintained such that the area is entirely screened from ordinary view from all abutting properties and public ways at all times.

The proposed screen-mesh fence design was developed in effort to reduce the weight and mass of the fence structure while providing an effectual visual screen in keeping with the requirements of the City Code of Ordinances and state law. It is my understanding the applicant has discussed the proposed fence design with their two abutters (Gendron & Gendron and Heutz Oil) and they are comfortable with the proposed screening.

Staff has worked with ReEnergy relative to the placement of a condition to their junkyard license that makes clear that the City has the right to evaluate the effectiveness and integrity of the screen-mesh fence bi-annually. If it is determined that it is not an effective visual screen and/or its integrity deteriorates resulting in an ineffective visual screen, it will need to be replaced.

**CITY OF LEWISTON
RENEWAL APPLICATION
FOR AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT**

DATE OF APPLICATION: MARCH 11, ~~2013~~ 2014

PUBLICATION FEE: \$50.00 LICENSE FEE: _____

LICENSE EXPIRES: 9/30/2014

NAME OF BUSINESS REEnergy Lewiston, LLC

BUSINESS ADDRESS 38 ALFRED A. PLOURDE PARKWAY

CITY/STATE LEWISTON, ME 04240

BUSINESS TELEPHONE 207-783-2941

NAME OF OWNER(S) REEnergy Lewiston, LLC

HOME ADDRESS 38 ALFRED A. PLOURDE PARKWAY

CITY/STATE LEWISTON, ME 04240

HOME TELEPHONE 207-783-2941

CITY & STATE REGULATIONS

(In accordance with Title 30 A, M.R.S.A., Sections 3751 to 3760, and Chapter 22 of the Code or Ordinances of the City of Lewiston)

Location of Automobile Graveyard/Junkyard _____

38 ALFRED A PLOURDE PARKWAY

(Street address)

How is yard "screened" - Fence? (Type) 1) Wood & Pole Height? 15⁺ FEET
2) SCREEN & POLE

Trees? (Type) WHITE PINE Embankment? EARTHEN BERM

Gully? _____ Hill? _____ Other? _____

How far is edge of "yard" from center of highway? 300 FEET +

Can junk be seen from any part of highway? Yes X No _____

Was junkyard law, requirements and fees explained to you?

Yes X No _____

When was last permit issued? 10/01/2013

To whom? REENERGY LEWISTON, LLC

How does applicant intend to dispose of tires, fuel tanks, batteries, engine lubricant, transmission fluid, brake fluid and engine coolant:

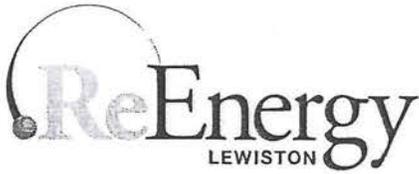
Applicant is a CONSTRUCTION AND DEMOLITION (C&D) AND WOOD PROCESSING / RECYCLING COMPANY AND DOES NOT SOLICIT OR ACCEPT THE MATERIALS LISTED ABOVE. IT IS THE APPLICANT'S INTENT TO OPERATE THE FACILITY IN A MANNER CONSISTENT WITH THE CURRENT LICENSE WITH EXCEPTION OF ONE ADDITIONAL CONDITION -- SEE ATTACHED ADDENDUM

The undersigned certifies that all of the requirements listed below will be complied with:

1. A visual screen at least six (6) feet in height shall be maintained around all sides of the area where vehicles and junk will be located.
2. All screening & location requirements of Title 30 A, M.R.S.A., Section 3755 have been satisfied.
3. Upon receiving a motor vehicle, the fuel tank, battery shall be removed and the fuel, engine lubricant, transmission fluid, brake fluid and engine coolant shall be drained into watertight, covered containers and shall be recycled or disposed of according to all applicable Federal and State laws, rules and regulations regarding disposal of waste oil and hazardous materials.
4. All federal and state hazardous waste laws and regulations will be satisfied.
5. All required state and/or federal permits will be obtained.
6. No noise, vibration, glare, fumes or odor shall be emitted which is detectable to the normal senses from any abutting property.

SIGNED BY 

FOR REENERGY LEWISTON, LLC
(Name of Company, corporation, partnership or individual)



ReEnergy Lewiston
38 Alfred A Plourde Pkw
Lewiston, ME 04240

P: (207) 783-2941
F: (207) 784-9851
www.reenergyholdings.com

March 17, 2014

Lewiston City Council
City Council Chambers (First Floor)
City Hall
27 Pine Street
Lewiston, ME 04240

Re: **ReEnergy-Lewiston, LLC, 34 Alfred A. Plourde Parkway
Automobile Graveyard/Junkyard Permit Application**

Dear Council Members:

ReEnergy-Lewiston, LLC, has submitted an Automobile Graveyard/Junkyard Permit Application requesting that the following language be added to the list of operating conditions included as part of the City of Lewiston Business License:

An effective visual screen at least six feet in height shall be located and maintained around all sides of the area where junk is located such that these areas are entirely screened from ordinary view from all directly abutting properties and public ways at all times. The existing 'wood and pole' fence that was adjacent to 32 Plourde Parkway will be replaced with a 'screen-mesh and pole' fence of similar length and height. This new fence shall be properly maintained at all times, including the replacement of the 'screen-mesh' should the material degrade such that an effective visual screen is no longer provided. Given that the proposed screening material represents a non-standard design with limited history on its performance, the City reserves the right to evaluate the screening integrity of the fence bi-annually and if it is determined that it no longer meets the requirements of the City Code of Ordinances, Article XII, Section. 22-75 (c) {1} and (2) and MRS Title 30-A §3754-A it will need to be replaced.

The above language is being requested to allow for the replacement of the original 'wood and pole' fence that was damaged with a 'screen-mesh and pole' fence of similar length and height. The proposed fence design was developed in an effort to reduce the weight of the fence structure while at the same time provide for an effectual visual screen meeting the requirements of the City Code of Ordinances. The proposed fences design has been discussed with our two abutters (Gendron & Gendron and Huetz Oil) and they are comfortable with the proposed design change. Assuming the above language is approved by City Council, the City will have the ability to require ReEnergy to replace the fence should the fence over time fail to provide an effective visual screen.

ReEnergy-Lewiston respectfully requests that the City Council vote in favor of our application at the Tuesday April 1st City Council Meeting.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Jason M Grant".

Jason Grant
Facility Manager

ReEnergy Lewiston, LLC

38 Alfred A Plourde Parkway

(x-x-2014 through 9-30-2014)

AUTOMOBILE GRAVEYARD/ JUNKYARD PERMIT CONDITIONS

1. Permit is granted for storage of construction and demolition debris (CDD), wood waste (includes demolition debris) and oversized bulky waste (OBW). CDD and OBW will consist of wood waste, sheetrock, insulation, metal, wire, aggregate products, dirt, sand, furniture, rugs, plastics, roofing materials, cardboard and any other large burnable household goods. Unacceptable materials are units containing CFC's, universal waste, municipal solid waste (MSW), hazardous materials, asbestos, and medical waste.
2. All wood waste and OBW which is to be placed in storage shall be piled no higher than 30'.
3. The width and length of the piles will be sized as indicated on the plan view of the back yard, but shall be no wider than 90' and no longer than 150'.
4. There shall be no more than nine (9) piles of wood waste and OBW at any time. OBW will not exceed two (2) piles.
5. Access rows or fire lanes shall be maintained between piles with a minimum distance of 30' between piles.
6. The main entrance roadway must be kept at a minimum of 24' of travel way at all times.
7. An additional access road or fire lane shall be maintained from Alfred A. Plourde Parkway at a minimum width of 20' to the storage area at all times.
8. All roads and fire lanes on the facility shall be of all weather surface adequately constructed to support fire apparatus likely to be operated on site at all times.
9. All storage pile locations shall be properly identified by the placement of a pole at the corner of the pile. A mark shall be placed at a height of 30' on the pole.
10. The site shall be designated no smoking throughout except office areas and control room. A no smoking sign shall be placed at the entrance to the facility.
11. Training of employees shall be provided on the use of fire protection equipment and fire reporting procedures on an annual basis.

12. ReEnergy Lewiston, LLC shall conduct a self-inspection of their activities and inspections shall be conducted on a weekly basis. Records of inspections shall be kept on site for Fire Prevention Bureau review when requested.

13. Pine trees shall be planted along the perimeter to provide a buffer and dead and/or missing trees shall be replaced promptly.

14. That the processing of pressure treated wood be done in full compliance with the EPA & DEP regulations.

15. An effective visual screen at least six feet in height shall be located and maintained around all sides of the area where junk is located such that these areas are entirely screened from ordinary view from all directly abutting properties and public ways at all times. The existing 'wood and pole' fence that was adjacent to 32 Plourde Parkway will be replaced with a 'screen-mesh and pole' fence of similar length and height. This new fence shall be properly maintained at all times, including the replacement of the 'screen-mesh' should the material degrade such that an effective visual screen is no longer provided. Given that the proposed screening material represents a non-standard design with limited history on its performance, the City reserves the right to evaluate the screening integrity of the fence bi-annually and if it is determined that it no longer meets the requirements of the City Code of Ordinances, Article XII, Section. 22-75 (c) {1} and (2) and MRS Title 30-A §3754-A it will need to be replaced.

PUBLIC NOTICE

CITY OF LEWISTON

Notice is hereby given that a public hearing will be held by the Municipal Officers of the City of Lewiston on an amendment to a current license for an Automobile Graveyard/Junkyard Permit with respect to fencing requirements for ReEnergy Lewiston, LLC, 38 Alfred A. Plourde Parkway. The public hearing will be held on *Tuesday, April 1, 2014*, in the Council Chambers, City Hall, at 7:00 P.M. or as soon thereafter as it may be heard. Any interested person may appear and will be given the opportunity to be heard before final action is taken on said application.

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine

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PUBLISH ON: Monday, March 24, 2014

LEWISTON CITY COUNCIL
MEETING OF APRIL 1, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

SUBJECT:

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

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", Chapter 6 "Mechanical and Electrical Requirements" receive final passage by a roll call vote.

AN ORDINANCE PERTAINING TO HEATING REQUIREMENTS

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 6

MECHANICAL AND ELECTRICAL REQUIREMENTS

602.2 Residential occupancies. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68 degrees Fahrenheit in all habitable rooms, bathrooms and toilet rooms measured at a distance of 3 feet from the exterior walls, 5 feet above floor level. In addition, the heating facilities must be operated to protect the building equipment and systems from freezing.

~~Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 66°F (19°C) in all habitable rooms, bathrooms and toilet rooms. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.~~

602.3 Heat supply. An owner or operator of any building who rents, leases or lets one or more dwelling units or sleeping units and the occupant thereof under a lease or tenancy at will may enter into an agreement for the owner or operator to provide heat at less than 68 degrees Fahrenheit. The agreement must:

1. Be in a separate written document, apart from the lease, be set forth in a clear and conspicuous format, readable in plain English and in at least 12-point font, and be signed by both parties to the agreement;
2. State that the agreement is revocable by either party upon reasonable notice under the circumstances;
3. Specifically set a minimum temperature for heat, which may not be less than 62 degrees Fahrenheit; and
4. Set forth a stated reduction in rent that must be fair and reasonable under the circumstances.

An agreement under this subsection may not be entered into or maintained if a person over 65 years of age or under 5 years of age resides on the premises. An owner or operator is not responsible if an occupant who controls the temperature on the premises reduces the heat to an amount less than 68 degrees Fahrenheit as long as the owner or operator complies with Section 602.2 or if the occupant fails to inform the owner or operator that a person over 65 years of age or under 5 years of age resides on the premises.

~~Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from September 15 to May 15 to maintain a temperature of not less than 66°F (19°C) in all habitable rooms, bathrooms and toilet rooms.~~

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

Maine Revised Statutes
Title 14: COURT PROCEDURE -- CIVIL
Chapter 710: RENTAL PROPERTY

§6021. IMPLIED WARRANTY AND COVENANT OF HABITABILITY

1. Definition. As used in this section, the term "dwelling unit" shall include mobile homes, apartments, buildings or other structures, including the common areas thereof, which are rented for human habitation.

[1977, c. 401, §4 (NEW) .]

2. Implied warranty of fitness for human habitation. In any written or oral agreement for rental of a dwelling unit, the landlord shall be deemed to covenant and warrant that the dwelling unit is fit for human habitation.

[1977, c. 401, §4 (NEW) .]

3. Complaints. If a condition exists in a dwelling unit which renders the dwelling unit unfit for human habitation, then a tenant may file a complaint against the landlord in the District Court or Superior Court. The complaint shall state that:

A. A condition, which shall be described, endangers or materially impairs the health or safety of the tenants; [1977, c. 401, §4 (NEW) .]

B. The condition was not caused by the tenant or another person acting under his control; [1977, c. 401, §4 (NEW) .]

C. Written notice of the condition without unreasonable delay, was given to the landlord or to the person who customarily collects rent on behalf of the landlord; [1977, c. 401, §4 (NEW) .]

D. The landlord unreasonably failed under the circumstances to take prompt, effective steps to repair or remedy the condition; and [1977, c. 401, §4 (NEW) .]

E. The tenant was current in rental payments owing to the landlord at the time written notice was given. [1977, c. 401, §4 (NEW) .]

The notice requirement of paragraph C may be satisfied by actual notice to the person who customarily collects rents on behalf of the landlord.

[1977, c. 401, §4 (NEW) .]

4. Remedies. If the court finds that the allegations in the complaint are true, the landlord shall be deemed to have breached the warranty of fitness for human habitation established by this section, as of the date when actual notice of the condition was given to the landlord. In addition to any other relief or remedies which may otherwise exist, the court may take one or more of the following actions.

A. The court may issue appropriate injunctions ordering the landlord to repair all conditions which endanger or materially impair the health or safety of the tenant; [1977, c. 401, §4 (NEW) .]

B. The court may determine the fair value of the use and occupancy of the dwelling unit by the tenant from the date when the landlord received actual notice of the condition until such time as the condition is repaired, and further declare what, if any, moneys the tenant owes the landlord or what, if any, rebate the landlord owes the tenant for rent paid in excess of the value of use and occupancy. In making this determination, there shall be a rebuttable presumption that the rental amount equals the fair value of the dwelling unit free from any condition rendering it unfit for human habitation. A written agreement

whereby the tenant accepts specified conditions which may violate the warranty of fitness for human habitation in return for a stated reduction in rent or other specified fair consideration shall be binding on the tenant and the landlord. [1977, c. 696, §164 (AMD) .]

C. The court may authorize the tenant to temporarily vacate the dwelling unit if the unit must be vacant during necessary repairs. No use and occupation charge shall be incurred by a tenant until such time as the tenant resumes occupation of the dwelling unit. If the landlord offers reasonable, alternative housing accommodations, the court may not surcharge the landlord for alternate tenant housing during the period of necessary repairs. [1981, c. 428, §9 (AMD) .]

D. The court may enter such other orders as the court may deem necessary to accomplish the purposes of this section. The court may not award consequential damages for breach of the warranty of fitness for human habitation.

Upon the filing of a complaint under this section, the court shall enter such temporary restraining orders as may be necessary to protect the health or well-being of tenants or of the public. [1977, c. 401, §4 (NEW) .]

[1981, c. 428, §9 (AMD) .]

5. Waiver. A written agreement whereby the tenant accepts specified conditions which may violate the warranty of fitness for human habitation in return for a stated reduction in rent or other specified fair consideration shall be binding on the tenant and the landlord.

Any agreement, other than as provided in this subsection, by a tenant to waive any of the rights or benefits provided by this section shall be void.

[1977, c. 401, §4 (NEW) .]

6. Heating requirements. It is a breach of the implied warranty of fitness for human habitation when the landlord is obligated by agreement or lease to provide heat for a dwelling unit and:

A. The landlord maintains an indoor temperature which is so low as to be injurious to the health of occupants not suffering from abnormal medical conditions; [1983, c. 764, §1 (NEW) .]

B. The dwelling unit's heating facilities are not capable of maintaining a minimum temperature of at least 68 degrees Fahrenheit at a distance of 3 feet from the exterior walls, 5 feet above floor level at an outside temperature of minus 20 degrees Fahrenheit; or [1983, c. 764, §1 (NEW) .]

C. The heating facilities are not operated so as to protect the building equipment and systems from freezing. [1983, c. 764, §1 (NEW) .]

Municipalities of this State are empowered to adopt or retain more stringent standards by ordinances, laws or regulations provided in this section. Any less restrictive municipal ordinance, law or regulation establishing standards are invalid and of no force and suspended by this section.

[1983, c. 764, §1 (NEW) .]

6-A. Agreement regarding provision of heat. A landlord and tenant under a lease or a tenancy at will may enter into an agreement for the landlord to provide heat at less than 68 degrees Fahrenheit. The agreement must:

A. Be in a separate written document, apart from the lease, be set forth in a clear and conspicuous format, readable in plain English and in at least 12-point type, and be signed by both parties to the agreement; [2009, c. 139, §1 (NEW) .]

B. State that the agreement is revocable by either party upon reasonable notice under the circumstances; [2009, c. 139, §1 (NEW) .]

C. Specifically set a minimum temperature for heat, which may not be less than 62 degrees Fahrenheit; and [2009, c. 139, §1 (NEW) .]

D. Set forth a stated reduction in rent that must be fair and reasonable under the circumstances. [2009, c. 139, §1 (NEW) .]

An agreement under this subsection may not be entered into or maintained if a person over 65 years of age or under 5 years of age resides on the premises. A landlord is not responsible if a tenant who controls the temperature on the premises reduces the heat to an amount less than 68 degrees Fahrenheit as long as the landlord complies with subsection 6, paragraph B or if the tenant fails to inform the landlord that a person over 65 years of age or under 5 years of age resides on the premises.

[2009, c. 139, §1 (NEW) .]

7. Rights are supplemental.

[T. 14, §6021, sub-§7 (RP) .]

SECTION HISTORY

1971, c. 270, (NEW). 1977, c. 401, §4 (RPR). 1977, c. 696, §164 (AMD). 1981, c. 428, §9 (AMD). 1983, c. 764, §1 (AMD). 1989, c. 484, §3 (AMD). 2009, c. 139, §1 (AMD). MRSA T. 14, §6021, sub-§7 (AMD) .

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MEMORANDUM

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

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

RE: International Property Maintenance Code – Heating Revisions

DT: March 11, 2014

I recently learned that a municipality cannot have a less restrictive residential rental heating provision than that required by the State of Maine and any such lesser standards are invalid and of no force. M.R.S. Title 14 Chapter 710, §6021, Section 6 requires that heating facilities be capable of maintaining a minimum temperature of 68 degrees Fahrenheit. The 2009 Edition of the International Property Maintenance Code (IPMC) as amended requires a minimum temperature of 66 degrees Fahrenheit from September 15th to May 15th. The State law minimum temperature is required regardless of the time of the year; therefore, the proposed amendments to the IPMC will correct this oversight.

Thank you.

LEWISTON CITY COUNCIL

MEETING OF APRIL 1, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 3

SUBJECT:

Public Hearing and Final Passage regarding amendments to the Elections ordinance for the redistricting of city ward boundary lines.

INFORMATION:

The Council recently held a workshop on this topic where the Council reviewed the new ward boundaries. Every ten years, municipalities must reapportion their wards, based upon the most recent federal census, to ensure an equal population balance between each ward. The variable between the lowest and the highest ward can be 10%.

Rather than adopting the written street description of the wards, City Administration has recommended the maps be adopted, similar to the adoption of the city zoning map. In the current language, there is the written street description and the maps, and it is noted if there is a discrepancy between the two, the map shall prevail. Attached is a citywide map depicting every ward as well as an individual map for each ward. The maps are referenced in the Elections Ordinance.

Please note these changes will be made effective June 13, 2014 in order to meet the state deadline of June 14, but held after the June 10 state primary election in order to avoid multiple ballot styles.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.



REQUESTED ACTION:

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That the proposed amendments to the City Code of Ordinances, Chapter 32, "Elections", Section 32-1 "Wards described", receive final passage by a roll call vote and that the amendments shall go into effect on June 13, 2014.

City of Lewiston ward population
March 18, 2014

WARD	Current	Proposed	Difference
1	5197	5357	+160
2	5164	5138	-26
3	5047	5412	+365
4	5137	5076	-61
5	5906	5400	-506
6	5142	5189	+47
7	4999	5020	+21
TOTAL	36,592	36,592	

36,592 divided by 7 wards = 5,228 average - target ward population starting point

Proposed ward breakdown - 7.2% difference smallest to largest

State statutes allow for up to a 10% difference

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. 32-1. Wards described.

Official Ward Map. The wards of the city for all elections of the city shall be as shown on the map dated June 13, 2014 and maintained on file in the office of the city clerk.

The map shall depict the boundaries of each of the seven city electoral wards.

All amendments to the map shall be approved by the city council, and all amendments so approved shall be recorded in the office of the city clerk.

~~The ward and precinct boundaries of the city are as follows:~~

~~A. *Map included.* The wards and precincts of the city for all elections of the city shall be as shown on the map dated September 9, 2004, on file in the office of the city clerk.~~

~~B. *Narrative description of wards.* The ward and precinct boundaries of the city shown on the map as enacted by this section are further described as follows:~~

~~(1) *Ward one, precinct one:* Beginning at the Androscoggin River and the Vietnam Veterans Memorial Bridge; thence in a general easterly direction along said bridge to Maine Central Railroad Tracks; thence in a general northerly direction along Maine Central Railroad Tracks to Strawberry Avenue; thence in an easterly direction along Strawberry Avenue to Main Street; thence in a general southerly direction along Main Street to Ware Street; thence in a general easterly direction along Ware Street to College Street; thence in a general southwesterly direction along College Street to Elm Street; thence in a general westerly direction along Elm Street to Oak Street; thence in a general southerly direction along Oak Street to Union Street; thence in a general westerly direction along Union Street to Main Street; thence in a general southwesterly direction along Main Street to Park Street; thence in a general southeasterly direction along Park Street to Ash Street; thence in a general southwesterly direction along Ash Street to Canal Street; thence in a general southeasterly direction along Canal Street to Cedar Street; thence in a general~~

~~southwesterly direction along Cedar Street to Oxford Street; thence in a general northwesterly direction along Oxford Street to the Canal; thence in a general southwesterly direction along the Canal to the Androscoggin River; thence in a general northerly direction along said river to the point of beginning.~~

- (2) ~~Ward one, precinct two: Beginning at the Androscoggin River and the Vietnam Veterans Memorial Bridge; thence in a general easterly direction along said bridge to Maine Central Railroad Tracks; thence in a general easterly direction along said bridge to Maine Central Railroad Tracks; thence in a general northerly direction along Maine Central Railroad Tracks to Strawberry Avenue thence in an easterly direction along Strawberry Avenue to Main Street; thence in a general southerly direction along Main Street to Ware Street; thence in a general easterly direction along Ware Street to College Street; thence in a general northerly direction along College Street to Fair Street; thence in a general northwesterly direction along Fair Street to King Avenue; thence in a general northwesterly direction along King Avenue to Main Street; thence in a general northerly direction along Main Street to Maine Central Railroad Tracks; thence in a general northerly direction along the Maine Central Railroad Tracks to Stetson Road; thence in a general westerly direction along Stetson Road to Main Street; thence in a general northerly direction along Main Street to the Greene town line; thence in a general northwesterly direction along Greene Town Line to the Androscoggin River; thence in a general southerly direction along the Androscoggin River to the point of beginning.~~
- (3) ~~Ward two, precinct one: Beginning on Main Street at the Greene town line; thence in a general southeasterly direction along the Greene town line to Old Greene Road; thence in a general southerly direction along Old Greene Road to Sabattus Street; thence in a general westerly direction along Sabattus Street to Russell Street; thence in a general westerly direction along Russell Street to College Street; thence in a general northerly direction along College Street to Fair Street; thence in a general northwesterly direction along Fair Street to King Avenue; thence in a general northwesterly direction along King Avenue to Main Street; thence in a general northerly direction along Main Street to Maine Central Railroad Tracks; thence in a northerly direction along the Maine Central Railroad Tracks to Stetson Road; thence in a general westerly direction along Stetson Road to Main Street; thence in a general northerly direction along Main Street to the point of beginning.~~
- (4) ~~Ward two, precinct two: Beginning on Old Greene Road at the Greene town line; thence in a general southeasterly direction along the Greene town line to the Sabattus town line; thence in a general southerly direction along the Sabattus town line to Sabattus Street; thence in a general southwesterly direction along Sabattus Street to~~

~~Golder Road; thence in a general northerly direction along Golder Road to Pond Road; thence in a general northerly direction along Pond Road to No Name Pond Road; thence in a general westerly direction along No Name Pond Road to Old Greene Road; thence in a general northerly direction along Old Greene Road to the point of beginning.~~

- (5) ~~Ward two, precinct three: Beginning on Owen Street at Jean Street; thence in a general southerly direction along Jean Street to Sabattus Street; thence in a general southwesterly direction along Sabattus Street to East Avenue; thence in a general northeasterly direction along East Avenue to Owen Street; thence in a general easterly direction along Owen Street to the point of beginning.~~
- (6) ~~Ward three, precinct one: Beginning on College Street at Campus Avenue; thence in a general northeasterly direction along College Street to Russell Street; thence in a general easterly direction along Russell Street to Lafayette Street; thence in a general southwesterly direction along Lafayette Street to Campus Avenue; thence in a general westerly direction along Campus Avenue to the point of beginning.~~
- (7) ~~Ward three, precinct two: Beginning on Park Street at Ash Street; thence in a general northwesterly direction along Park Street to Main Street; thence in a general northeasterly direction along Main Street to Union Street; thence in a general easterly direction along Union Street to Oak Street; thence in a general northerly direction along Oak Street to Elm Street; thence in a general easterly direction along Elm Street to College Street; thence in a general northerly direction along College Street to Campus Avenue; thence in a general easterly direction along Campus Avenue to Lafayette Street; thence in a general northeasterly direction along Lafayette Street to Russell Street; thence in a general easterly direction along Russell Street to East Avenue; thence in a general southerly direction along East Avenue to Tampa Street; thence in a general westerly direction along Tampa Street to Sylvan Avenue; thence in a general southerly direction along Sylvan Avenue to Webster Street; thence in a general westerly direction along Webster Street to Walnut Street; thence in a general southwesterly direction along Walnut Street to Bradley Street; thence in a general northwesterly direction along Bradley Street to Sabattus Street; thence in a general southwesterly direction along Sabattus Street to Bartlett Street; thence in a general southeasterly direction along Bartlett Street to Ash Street; thence in a general southwesterly direction along Ash Street to the point of beginning.~~
- (8) ~~Ward three, precinct three: Beginning on Walnut Street at Webster Street; thence in a general southwesterly direction along Walnut Street to Bradley Street; thence in a general northwesterly direction along Bradley Street to Sabattus Street; thence in a general easterly~~

~~direction along Sabattus Street to Webster Street; thence in a general southeasterly direction along Webster Street to the point of beginning.~~

- (9) ~~Ward four, precinct one: Beginning on Connector Road at Sabattus Street; thence in a southerly direction along Connector Road to Farwell Street; thence in a southerly direction along Farwell Street to Webster Street; thence in a general southeasterly direction along Webster Street to 592 Webster Street; thence in a general northeasterly direction from 592 Webster Street to the Right of Way to Pagoma Lane; thence in a general northeasterly direction along Pagoma Lane to Randall Road; thence in a northerly direction along Randall Road to Sabattus Street; thence in a general westerly direction along Sabattus Street to the point of beginning.~~
- (10) ~~Ward four, precinct two: Beginning on Old Greene Road at Randall Road; thence in a general northeasterly direction along Old Greene Road to No Name Pond Road; thence in a general easterly direction along No Name Pond Road to Pond Road; thence in a general southerly direction along Pond Road to Sabattus Street; thence in a general westerly direction along Sabattus Street to Grove Street; thence in a general southeasterly direction along Grove Street to Pond Road; thence in a general southerly direction along Pond Road to Webster Street; thence in a general westerly along Webster Street to 592 Webster Street; thence in a general easterly direction from 592 Webster Street to the Right of Way to Pagoma Lane; thence in a general northerly direction along Pagoma Lane to Randall Road; thence in a general northerly direction along Randall Road to the point of beginning.~~
- (11) ~~Ward five, precinct one: Beginning on Webster Street at Walnut Street; thence in a general southeasterly direction along Webster Street to East Avenue; thence in a general southerly direction along East Avenue to Bartlett Street; thence in a general northwesterly direction along Bartlett Street to Adams Avenue; thence in a general southerly direction along Adams Avenue to Knox Street; thence in a general northwesterly direction along Knox Street to Birch Street; thence in a general southwestery direction along Birch Street to Park Street; thence in a general northwesterly direction along Park Street to Ash Street; thence in a general northeasterly direction along Ash Street to Bartlett Street; thence in a general northwesterly direction along Bartlett Street to Sabattus Street; thence in a general easterly direction along Sabattus Street to Bradley Street; thence in a general southeasterly direction along Bradley Street to Walnut Street; thence in a general northeasterly direction along Walnut Street to the point of beginning.~~
- (12) ~~Ward five, precinct two: Beginning on Webster Street at Sylvan Avenue; thence in a general easterly direction along Webster Street to Farwell Street; thence in a general northeasterly direction along~~

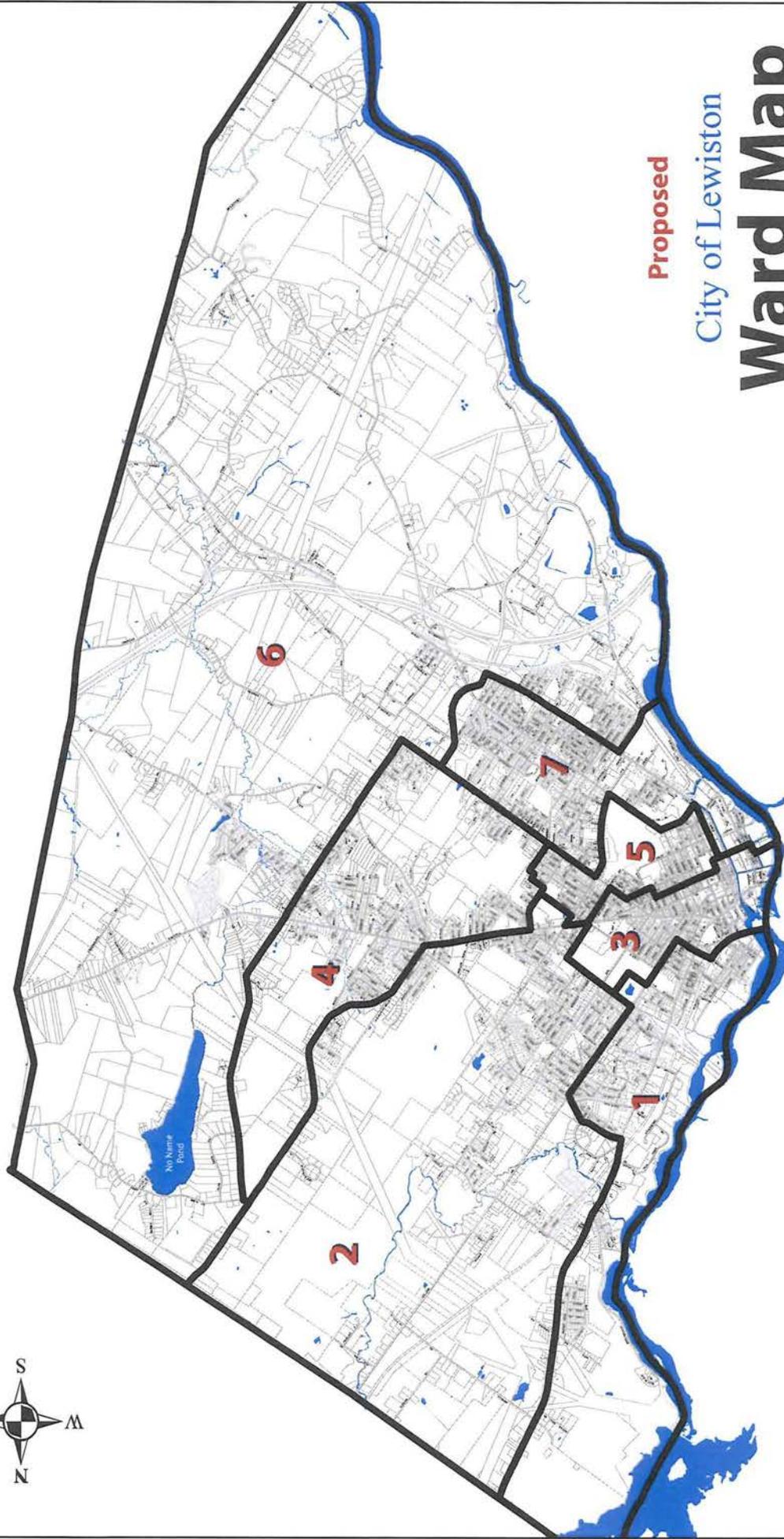
~~Farwell Street to Connector Road; thence in a general northerly direction along Connector Road to Sabattus Street; thence in a general westerly direction along Sabattus Street to East Avenue; thence in a general southwesterly direction along East Avenue to Tampa Street; thence in a general westerly direction along Tampa Street to Sylvan Avenue; thence in a general southwesterly direction along Sylvan Avenue to the point of beginning.~~

- (13) ~~*Ward six, precinct one:* Beginning at Lisbon Street and Cassell Street; thence in a general easterly direction along Lisbon Street to Interstate 495; thence in a general easterly direction along Interstate 495 to the Sabattus town line; thence in a general northerly direction along the Sabattus town line to Sabattus Street; thence in a general westerly direction along Sabattus Street to Golder Road; thence in a general northerly direction along Golder Road to Pond Road; thence in a general southerly direction along Pond Road to Sabattus Street; thence in a general westerly direction along Sabattus Street to Grove Street; thence in a general southeasterly direction along Grove Street to Pond Road; thence in a general southerly direction along Pond Road to Webster Street; thence in a general westerly direction along Webster Street to Alfred A. Plourde Parkway; thence in a southerly direction along Alfred A. Plourde Parkway to Mitchell Street; thence in a general southerly direction along Mitchell Street to Pleasant Street; thence in a westerly direction along Pleasant Street to Cassell Street; thence in a general southerly direction along Cassell Street to the point of beginning.~~
- (14) ~~*Ward six, precinct two:* Beginning on Gully Brook at Lisbon Street; thence in a general southwesterly direction along Gully Brook to the Androscoggin River; thence in a general southerly direction along the Androscoggin River to the Lisbon Town Line; thence in a general northerly direction along the Lisbon Town Line to the Sabattus Town Line; thence in a general northerly direction along the Sabattus Town Line to Interstate 495; thence in a general southwesterly direction along Interstate 495 to Lisbon Street; thence in a general westerly direction along Lisbon Street to the point of beginning.~~
- (15) ~~*Ward seven, precinct one:* Beginning on Webster Street at Webber Avenue; thence in a general southeasterly direction along Webster Street to Alfred A Plourde Parkway; thence in a general southwesterly direction along Alfred A Plourde Parkway to Mitchell Street; thence in a general southwesterly direction along Mitchell Street to Pleasant Street; thence in a general westerly direction along Pleasant Street to Webber Avenue; thence in a general northeasterly direction along Webber Avenue to the point of beginning.~~
- (16) ~~*Ward seven, precinct two:* Beginning on Webster Street at East Avenue; thence in a general southeasterly direction along Webster Street to Webber Avenue; thence in a general southerly direction~~

~~along Webber Avenue to Pleasant Street; thence in a general easterly direction along Pleasant Street to Cassell Street; thence in a general southerly direction along Cassell Street to Lisbon Street; thence in a general westerly direction along Lisbon Street to Gully Brook; thence in a general southerly direction along Gully Brook to the Androscoggin River; thence in a general northwesterly direction along the Androscoggin River to the Canal; thence in a general easterly direction toward Oxford Street; thence in a general southerly direction along Oxford Street to Cedar Street; thence in a general easterly direction along Cedar Street to the Canal Street; thence in a general northerly direction along Canal Street to the Ash Street; thence in a general easterly direction along Ash Street to Park Street; thence in a general southerly direction along Park Street to Birch Street; thence in a general easterly direction along Birch Street to Knox Street; thence in a general southerly direction along Knox Street to Adams Avenue; thence in a general easterly direction along Adams Avenue to Bartlett Street; thence in a general southeasterly direction along Bartlett Street to East Avenue; thence in a general northerly direction along East Avenue to the point of beginning.~~

C. ~~Conflicts between map and description.~~ In the event of any conflict between the above map and the preceding description, the map provision shall control.

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



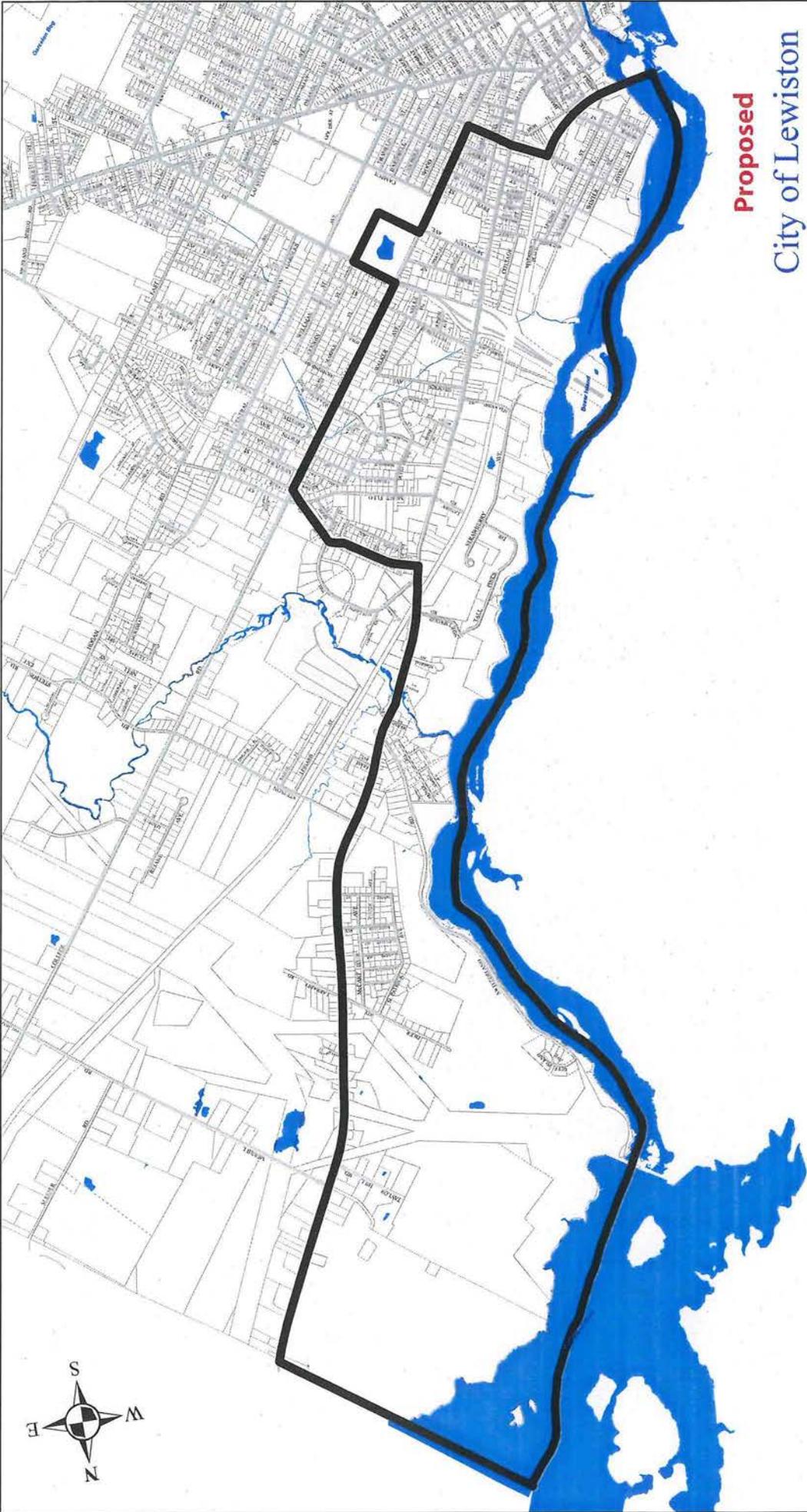
Proposed

City of Lewiston

Ward Map

March 2014

Not to Scale

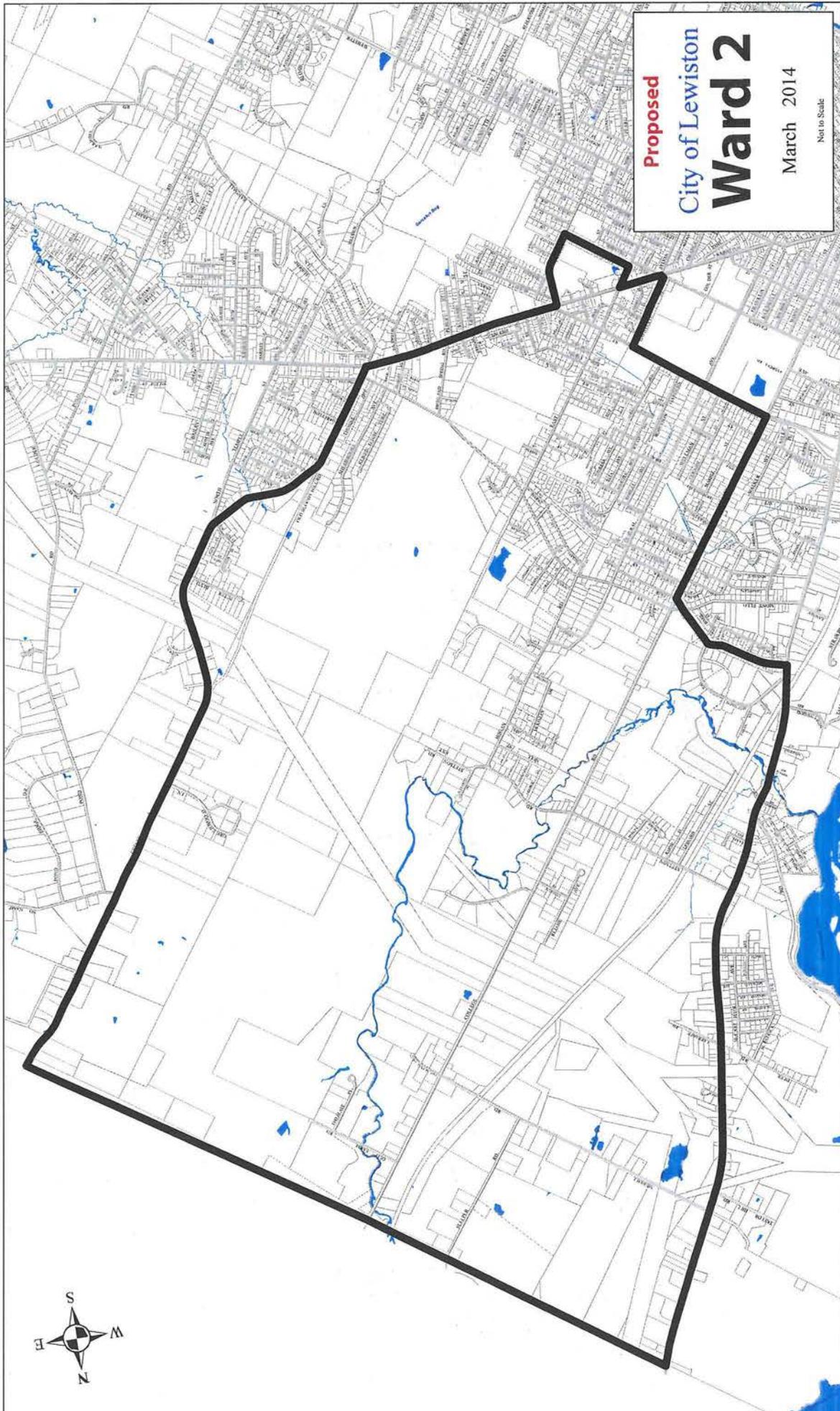


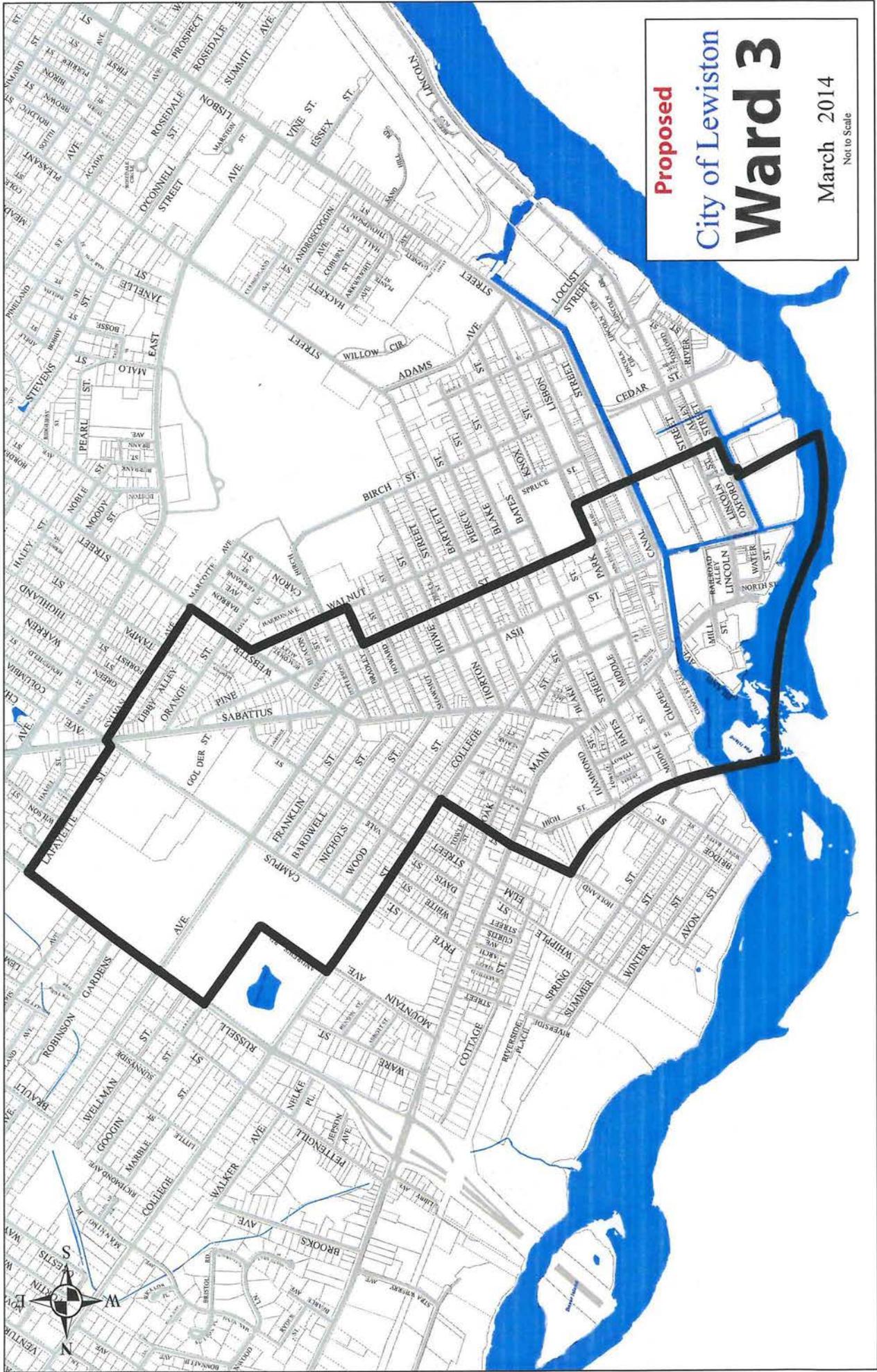
Proposed
City of Lewiston
Ward 1

March 2014
Not to Scale

Proposed
City of Lewiston
Ward 2

March 2014
Not to Scale

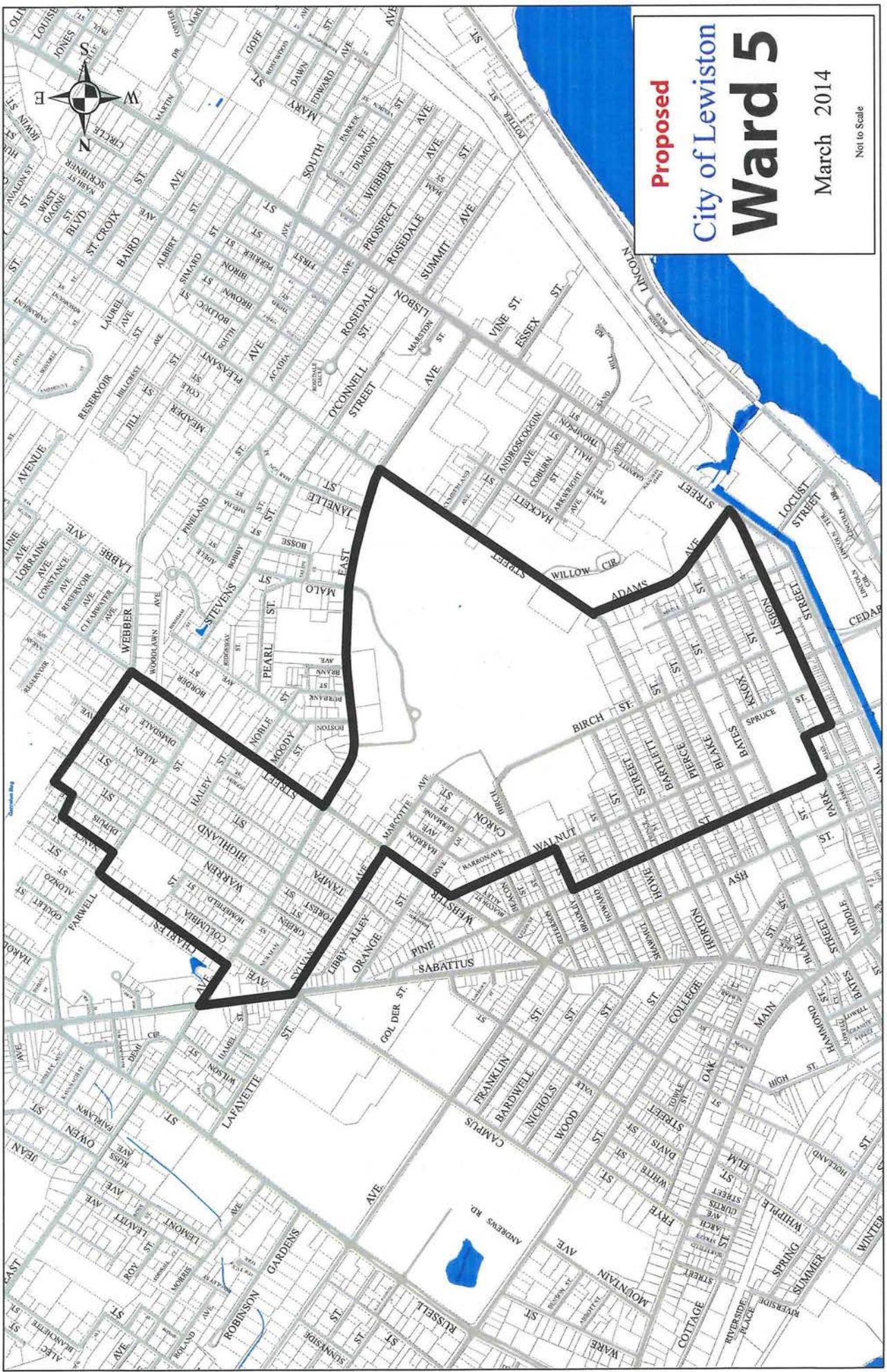


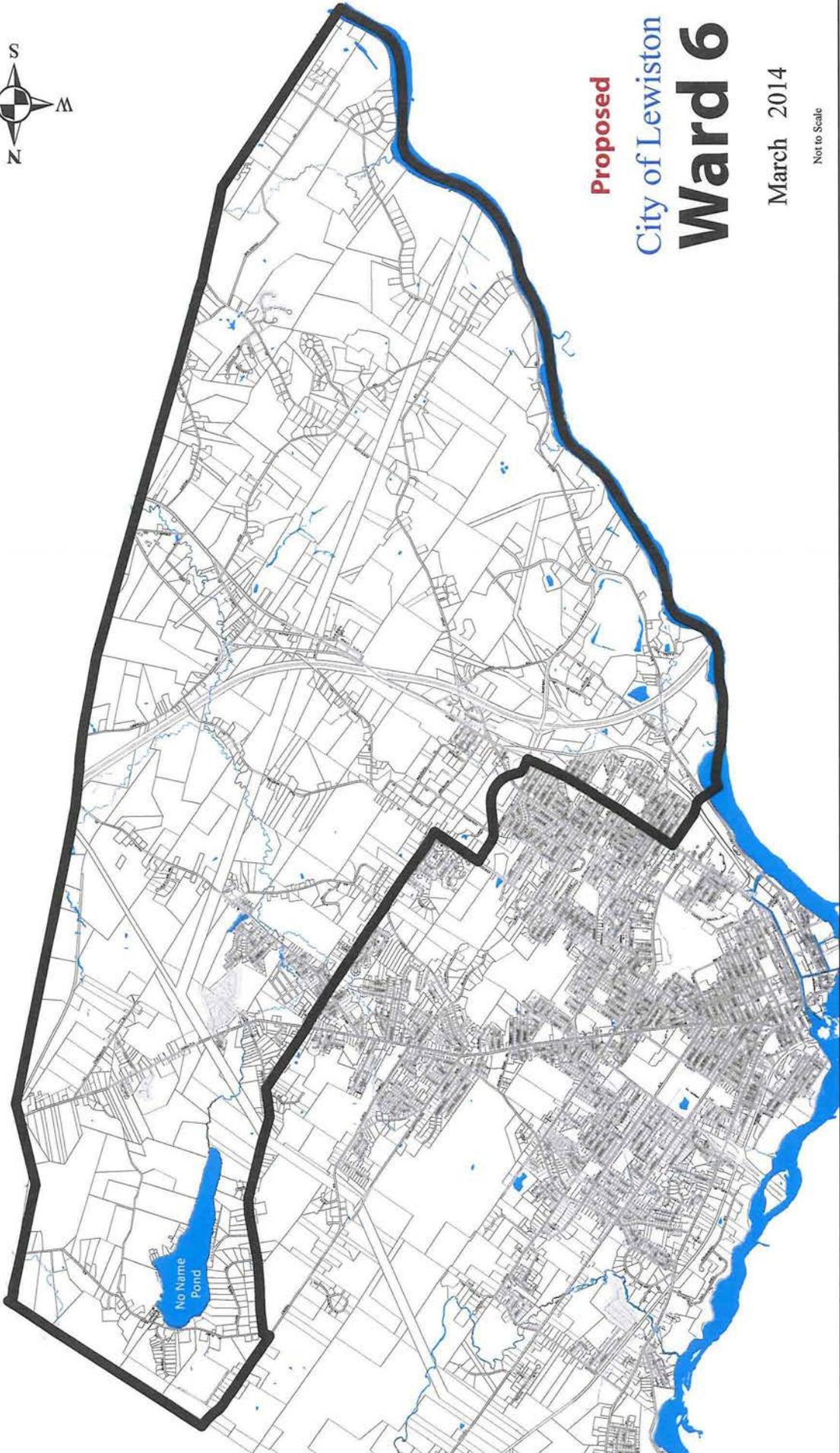


Proposed
City of Lewiston
Ward 3
March 2014
Not to Scale



Proposed
City of Lewiston
Ward 5
March 2014
Not to Scale

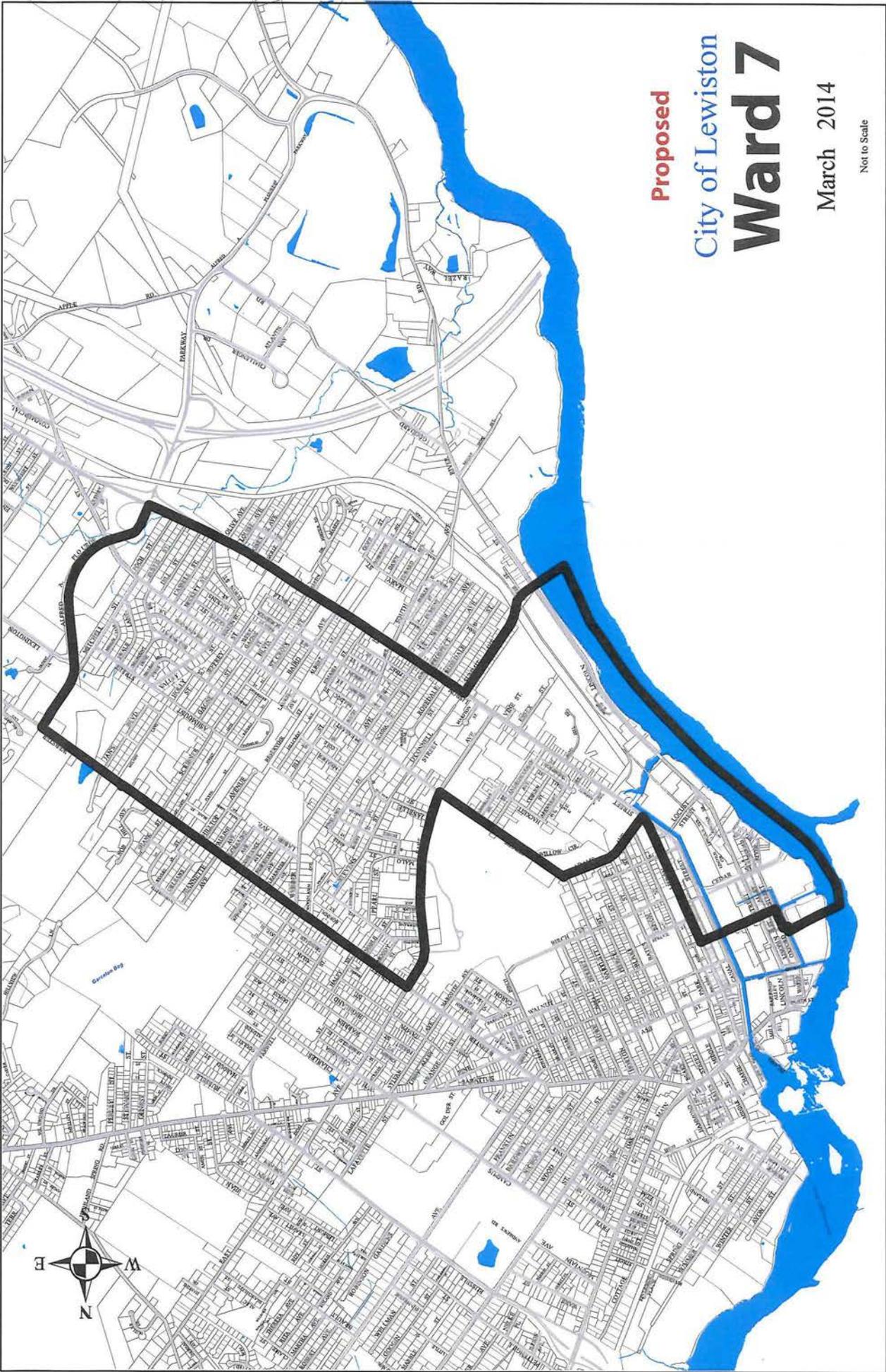




Proposed
City of Lewiston
Ward 6

March 2014

Not to Scale



Proposed
City of Lewiston
Ward 7

March 2014

Not to Scale

LEWISTON CITY COUNCIL

MEETING OF APRIL 1, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT:

Condemnation Hearing for the building located at 40 Union Street.

INFORMATION:

The City has begun the process for condemnation of the property at 40 Union Street under the dangerous building classification. This property has been abandoned by the owner and upon inspection of city staff has been determined to be an unsafe structure.

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

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

REQUESTED ACTION:

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

1) To conduct a hearing to determine if the building located at 40 Union 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 40 Union 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: April 1, 2014
RE: Dangerous Buildings Hearings for 40 Union Street, 112 College Street and 178 Holland Street

Dear Mayor and City Council,

At the Council meeting on April 1, 2014, the Planning Department will be presenting evidence as to why 40 Union Street, 112 College Street and 178 Holland 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.

THOMAS MAYNARD
City of Lewiston
Code Enforcement Officer

RESPONSIBILITIES

Responsible for implementing and enforcing City of Lewiston land use, zoning, and building codes.

MAINE STATE CERTIFICATIONS

Internal Plumbing
Subsurface Wastewater Disposal
Zoning Officer
Shoreland Zoning
Land Use Planning
Building Standards (Residential Building, Commercial Building, Residential Energy, Commercial Energy, Residential Indoor Ventilation, Commercial Indoor Ventilation, Residential Radon)
Legal Issues

EXPERIENCE

Home Building

NV Ryan Homes, Maryland (1985-1988)
Production supervisor

Thunderlion, Maryland (1994-1997)
Production superintendent

Governmental

Montgomery County, Maryland (1988-1994)
1 & 2 family building and electrical inspector

Scarborough, Maine (1997-2001)
Code enforcement officer, building inspector, electrical inspector, plumbing inspector

Washington County, Maryland (2001-2004)
1 & 2 family building and electrical inspector

Lewiston, Maine (2004-present)
Code enforcement officer, constable, housing inspector, building inspector, internal and external plumbing inspector, shoreland zoning officer, land use compliance officer

40 UNION STREET

OWNERSHIP DOCUMENTS

WARRANTY DEED
(Maine Statutory Short Form)

KNOW ALL PERSONS BY THESE PRESENTS, that DC Properties, LLC, of Wales, County of Androscoggin and the State of Maine, for consideration paid, GRANTS to James D. Eckert and Lizette K. Eckert, as Joint Tenants, of Raymond, County of Cumberland, and the State of Maine, whose mailing address is 49 Arundel Road, Raymond, Maine 04071 and Daniel Pierce, as a Tenant in Common, of Baldwin, County of Cumberland and the State of Maine, whose mailing address is 28 New Road, West Baldwin, Maine 04091, with WARRANTY COVENANTS, the land with buildings thereon in Lewiston, County of Androscoggin, and the State of Maine, described as follows:

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

Commencing on Union Street one hundred ten (110) feet from the point where the northeasterly line of Union Street intersects the northwesterly line of College Street; thence northeasterly at right angles with Union Street, sixty-four (64) feet to land formerly owned by Hanson Cook; thence northwesterly on the line of land formerly owned by the said Cook seventy-two (72) feet to the northeasterly corner of land formerly owned by Jesse Webber; thence on the line of land formerly owned by said Webber seventy-five (75) feet to the northeasterly line of Union Street; thence on Union Street to the point begun at about seventy (70) feet.

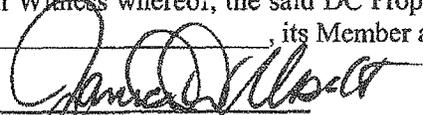
MAINE REAL ESTATE
TRANSFER TAX PAID

Excepting and reserving from the above-described premises a parcel of land conveyed by Leon and Diane Blouin to Lawrence A. and Margaret M. Goodwin by deed dated July 15, 1971 and recorded in the Androscoggin County Registry of Deeds, Book 1036, Page 795. Said deed erroneously described the point of beginning on College Street. It should have read forty-four (44) feet northwesterly of the point of beginning of the above-described parcel.

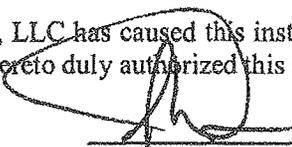
Subject to and together with a right in common with others to use the twelve foot (12') driveway along the northwesterly side of the premises, a portion of which driveway must be on the premises hereby conveyed.

Meaning and intending to convey the same premises conveyed to the Grantor by virtue of a deed from Gary Caron, of equal or close date and recorded in the Androscoggin County Registry of Deeds immediately prior hereto. Further reference the same premises conveyed to Gary Caron by virtue of a deed from Bank One National Association, as Trustee for the Certificate Holders of ARC 2001-BC6 Trust, dated January 25, 2005 and recorded in the Androscoggin County Registry of Deeds in Book 6232, Page 192.

In Witness whereof, the said DC Properties, LLC has caused this instrument to be signed in its name by _____, its Member and thereto duly authorized this 31st day of March 2005.



Witness



DC Properties, LLC
By:
Its:

A05-213



STATE OF MAINE
COUNTY OF CUMBERLAND, SS.

MARCH 31, 2005

Then personally appeared before me the above named _____, Member, DC Properties LLC, and acknowledged the foregoing instrument to be his/her free act and deed, and the free act and deed of DC Properties, LLC.

Before me, 

Notary Public/ Attorney at Law

JANICE D. WESCOTT
Notary Public, Maine
My Commission Expires August 5, 2011

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

James D. Eckert and Lizette K. Eckert
49 Arundel Road
Raymond, Maine 04071

Daniel Pierce
Cairn Leadership School
710 Pequawket Trail
Baldwin, Maine 04091

Residential Credit Solutions, Inc.
c/o Corporation Service Company
45 Memorial Circle
Augusta, Maine 04330

Nation One Mortgage Company, Inc.
c/o Corporation Service Company
45 Memorial Circle
Augusta, Maine 04330

Internal Revenue Service
c/o Thomas Delahanty, II
100 Middle Street Plaza, E. Tower, 6th Floor
Portland, Maine 04101

40 UNION STREET, LEWISTON, MAINE

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

April 1, 2014
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 40 Union Street, Lewiston, Maine, identified as Lot 328 on Tax Map 194, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 6283, Page 179, 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: March 7, 2014

Kathleen M. Montejo
Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

March 7, 2014

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 / Attorney at Law

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

ANDROSCOGGIN COUNTY
TINA M CHOUINARD
REGISTER OF DEEDS 2

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING
40 UNION STREET, LEWISTON, MAINE
Pursuant to 17 M.R.S. §§ 2851, *et seq.*

On MARCH 19, 2014 (date), I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, by serving James D. and Lizette K. Eckert, by delivering a copy of same to the following address:

James D. Eckert
~~19 Homestead Place, Suite 3A~~
~~Alton, New Hampshire~~

NEW ADDRESS
THE MOORE FARM
OLD ROUTE 11 ALTON N.H.

Costs of Service:

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

Stevan C. Byer
Signature

Steve Byers Investigations
Agency



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

James D. Eckert and Lizette K. Eckert
49 Arundel Road
Raymond, Maine 04071

Daniel Pierce
Cairn Leadership School
710 Pequawket Trail
Baldwin, Maine 04091

Residential Credit Solutions, Inc.
c/o Corporation Service Company
45 Memorial Circle
Augusta, Maine 04330

Nation One Mortgage Company, Inc.
c/o Corporation Service Company
45 Memorial Circle
Augusta, Maine 04330

Internal Revenue Service
c/o Thomas Delahanty, II
100 Middle Street Plaza, E. Tower, 6th Floor
Portland, Maine 04101

40 UNION STREET, LEWISTON, MAINE

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

April 1, 2014
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 40 Union Street, Lewiston, Maine, identified as Lot 328 on Tax Map 194, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 6283, Page 179, 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: March 7, 2014

STATE OF MAINE
ANDROSCOGGIN, ss

Kathleen M. Montejo
Kathleen M. Montejo, City Clerk

March 7, 2014

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 / 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
40 UNION STREET, LEWISTON, MAINE
Pursuant to 17 M.R.S. §§ 2851, *et seq.*

On 3-11-, 2014 (date), I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, by serving Daniel Pierce, by delivering a copy of same to the following address:

Daniel Pierce
28 New Rd. ~~Cain Leadership School~~
710 Pequawket Trail
Baldwin, ME 04091

In hand.

Costs of Service:

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

TOTAL: \$ _____

Jasper Z. Waldron
Signature
C.C.S.O.
Agency

EXHIBIT D

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

James D. Eckert and Lizette K. Eckert
49 Arundel Road
Raymond, Maine 04071

Daniel Pierce
Cairn Leadership School
710 Pequawket Trail
Baldwin, Maine 04091

Residential Credit Solutions, Inc.
c/o Corporation Service Company
45 Memorial Circle
Augusta, Maine 04330

Nation One Mortgage Company, Inc.
c/o Corporation Service Company
45 Memorial Circle
Augusta, Maine 04330

Internal Revenue Service
c/o Thomas Delahanty, II
100 Middle Street Plaza, E. Tower, 6th Floor
Portland, Maine 04101

40 UNION STREET, LEWISTON, MAINE

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

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

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Dated: March 7, 2014

Kathleen M. Montejo
Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

March 7, 2014

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, Attorney at Law

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

172011

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

**NOTICE OF HEARING
40 UNION STREET, LEWISTON, MAINE
Pursuant to 17 M.R.S. §§ 2851, et seq.**

On MAR 11 2014, 2014 (date), I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, by serving Corporation Services Company, authorized to accept service for Residential Credit Solutions, Inc., by delivering a copy of same at the following address:

Residential Credit Solutions, Inc.
c/o Corporation Service Company, *Agent*
45 Memorial Circle
Augusta, ME 04330

Costs of Service:

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

TOTAL: \$ _____


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

EXHIBIT E

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

James D. Eckert and Lizette K. Eckert
49 Arundel Road
Raymond, Maine 04071

Daniel Pierce
Cairn Leadership School
710 Pequawket Trail
Baldwin, Maine 04091

Residential Credit Solutions, Inc.
c/o Corporation Service Company
45 Memorial Circle
Augusta, Maine 04330

Nation One Mortgage Company, Inc.
c/o Corporation Service Company
45 Memorial Circle
Augusta, Maine 04330

Internal Revenue Service
c/o Thomas Delahanty, II
100 Middle Street Plaza, E. Tower, 6th Floor
Portland, Maine 04101

40 UNION STREET, LEWISTON, MAINE

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

April 1, 2014
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

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Dated: March 7, 2014

STATE OF MAINE
ANDROSCOGGIN, ss

Kathleen M. Montejo
Kathleen M. Montejo, City Clerk

March 7, 2014

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/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
40 UNION STREET, LEWISTON, MAINE
Pursuant to 17 M.R.S. §§ 2851, et seq.

On MAR 11 2014, 2014 (date), I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, by serving Corporation Services Company, authorized to accept service for Nation One Mortgage Company, Inc., by delivering a copy of same at the following address:

Nation One Mortgage Company, Inc.
c/o Corporation Service Company, Agent
45 Memorial Circle
Augusta, ME 04330

Costs of Service:

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

TOTAL: \$ _____


Signature

HARRY MCKENNEY
Chief Civil Deputy
Agency: SENNEBEC COUNTY
SHERIFF'S OFFICE

EXHIBIT F

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

James D. Eckert and Lizette K. Eckert
49 Arundel Road
Raymond, Maine 04071

Daniel Pierce
Cairn Leadership School
710 Pequawket Trail
Baldwin, Maine 04091

Residential Credit Solutions, Inc.
c/o Corporation Service Company
45 Memorial Circle
Augusta, Maine 04330

Nation One Mortgage Company, Inc.
c/o Corporation Service Company
45 Memorial Circle
Augusta, Maine 04330

Internal Revenue Service
c/o Thomas Delahanty, II
100 Middle Street Plaza, E. Tower, 6th Floor
Portland, Maine 04101

40 UNION STREET, LEWISTON, MAINE

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

April 1, 2014
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

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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: March 7, 2014

Kathleen M. Montejo
Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

March 7, 2014

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, 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
40 UNION STREET, LEWISTON, MAINE
Pursuant to 17 M.R.S. §§ 2851, *et seq.*

On MAR 20 2014, 2014 (date), I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on a person authorized to accept service on Mortgage Electronic Registration Systems, Inc. o/b/o by delivering a copy of same at the following address:

Mortgage Electronic Registration Systems, Inc. o/b/o
c/o CT Corporation System, *Agent*
1536 Main Street
Readfield, ME 04355

Costs of Service:

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

TOTAL: \$ _____


Signature

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



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

James D. Eckert and Lizette K. Eckert
49 Arundel Road
Raymond, Maine 04071

Daniel Pierce
Cairn Leadership School
710 Pequawket Trail
Baldwin, Maine 04091

Residential Credit Solutions, Inc.
c/o Corporation Service Company
45 Memorial Circle
Augusta, Maine 04330

Nation One Mortgage Company, Inc.
c/o Corporation Service Company
45 Memorial Circle
Augusta, Maine 04330

Internal Revenue Service
c/o Thomas Delahanty, II
100 Middle Street Plaza, E. Tower, 6th Floor
Portland, Maine 04101

40 UNION STREET, LEWISTON, MAINE

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

April 1, 2014
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

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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: March 7, 2014

STATE OF MAINE
ANDROSCOGGIN, ss

Kathleen M. Montejo
Kathleen M. Montejo, City Clerk

March 7, 2014

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/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
40 UNION STREET, LEWISTON, MAINE
Pursuant to 17 M.R.S. §§ 2851, *et seq.*

On 3-11-, 2014 (date), I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, by serving Thomas Delahanty, II, person authorized to accept service for Internal Revenue Service, by delivering a copy of same at the following address:

Internal Revenue Service
c/o Thomas Delahanty, II
100 Middle Street, Plaza E. Tower, 6th Floor
Portland, ME 04101

c/o Patti Daigle Admin Asst

Costs of Service:

Service:	\$ <u>16.00</u>
Travel:	\$ <u>8.40</u>
Postage:	\$ <u>6.00</u>
Other:	\$ <u>5.00</u>
TOTAL:	\$ <u>30.00</u>

Sammy Rucella
Signature

D/SWIFF
Agency



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

James D. Eckert and Lizette K. Eckert
49 Arundel Road
Raymond, Maine 04071

Daniel Pierce
Cairn Leadership School
710 Pequawket Trail
Baldwin, Maine 04091

Residential Credit Solutions, Inc.
c/o Corporation Service Company
45 Memorial Circle
Augusta, Maine 04330

Nation One Mortgage Company, Inc.
c/o Corporation Service Company
45 Memorial Circle
Augusta, Maine 04330

Internal Revenue Service
c/o Thomas Delahanty, II
100 Middle Street Plaza, E. Tower, 6th Floor
Portland, Maine 04101

40 UNION STREET, LEWISTON, MAINE

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

April 1, 2014
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 40 Union Street, Lewiston, Maine, identified as Lot 328 on Tax Map 194, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 6283, Page 179, 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: March 7, 2014

Kathleen M. Montejo
Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

March 7, 2014

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, Attorney at Law

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

CITY
CORRESPONDENCE

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

Copy

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

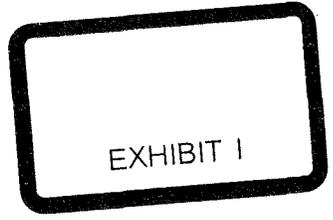
62

January 20, 2012

James & Lizette Eckert(owners) & All occupants
49 Arundal Road
Raymond, ME 04071

ATTN: Owner and all occupants

RE: 40 Union Street, Lewiston, ME 04240



Dear Mr. & Mrs Eckert and all occupants;

On January 20, 2012 I inspected the building at 40 Union Street, Lewiston and have found several property maintenance code violations and have determined that this building is unfit for human habitation or occupancy due to violations of the following provisions of Chapter 18, Article III, Property Maintenance Code, Sections 18-51 and 18-52 as per The Code of Ordinances of the City of Lewiston hereafter referred to as the (Code).This building has no heat and no hot water. There is also water damage on the second floor from a pipe freezing up and third floor has water damage from the roof leaking. The Lewiston Fire Department responded to a call from the occupant at 1:00AM1/12/2012 for broken water pipe that had frozen up in the second floor vacant unit. These Violations must be corrected immediately .

- IPMC-602.2 Residential occupancies: Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 66 degrees F in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the International plumbing code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.
- IPMC-603.1 Mechanical appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating system appliances shall be properly installed and maintained in a safe working condition and shall be capable of performing the intended function.
- IPMC-505.1 GENERAL. Every sink, lavatory, bathtub, shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchens sinks, lavatories ,laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code.

- IPMC-305.5 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of a structure and exterior property.

As per the above mentioned violations I hereby condemn and placard the building at 40 Union St. Lewiston Maine as being unfit for human habitation and occupancy pursuant to and in accordance with Chapter 18, Article III, Property Maintenance Code, Sections 18-51 and 18-52, IPMC 108.1 IPMC108.2, IPMC108.1.1-IPMC-108.1.2, IPMC 108.1.3, IPMC108.1.5 IPMC-108.1.4, IPMC 108.3 IPMC 108.4.IPMC 108.4.1 IPMC 108.6,IPMC602.2,IPMC603.1,IPMC505.1,IPMC305.1 of the Code of Ordinances of the City of Lewiston. All occupants are here ordered to vacate the property and you are hereby ordered to immediately ensure this building is secured from unauthorized entry. You are to make substantial repairs, with appropriate permits issued by this office including but not limited to providing heat and hot water and repairing all interior water damage after the roof has been repaired or replaced.

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

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

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

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

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

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

Sincerely,

Susan Reny
Code Enforcement Officer

cc: Gil Arsenault, Director Planning and Code

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

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:

**James & Lizette Eckert
& All Occupants
49 Arundal Road
Raymond ME 04071**

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Handwritten Signature] Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

Lizette Eckert *1-31-12*

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

3. Service Type

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

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number
(Transfer from service label)

7010 3090 0000 0593 9886

PHOTOGRAPHS

40 Union Street

Photo # 1 Photos taken 2-10-2014. Front view



Photo # 2 Rear of building showing deteriorated non -code compliant 2nd means of egress porches.



Photo # 3 Collapsed ceiling tiles, plaster and lathing due to a severe roof leak leaving unsupported wiring in violation of Code and an open chase without the necessary fire stopping, allowing for the accelerated spread of fire throughout the building.



Photo # 4 Damage to ceiling from severe roof leak leaving openings for the spread fire.



Photo # 5 Example of mold from excessive moisture.

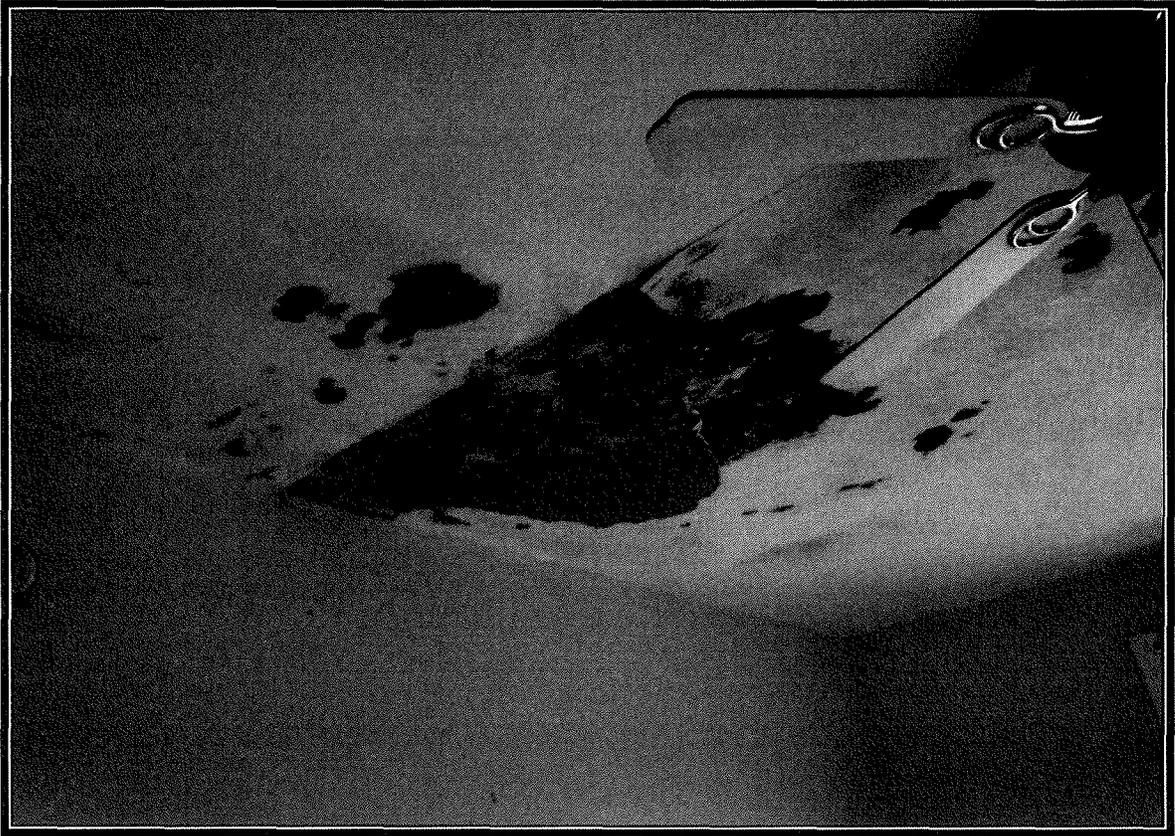


Photo # 6 Damaged ceiling and development of mold due to moisture from roof leak.

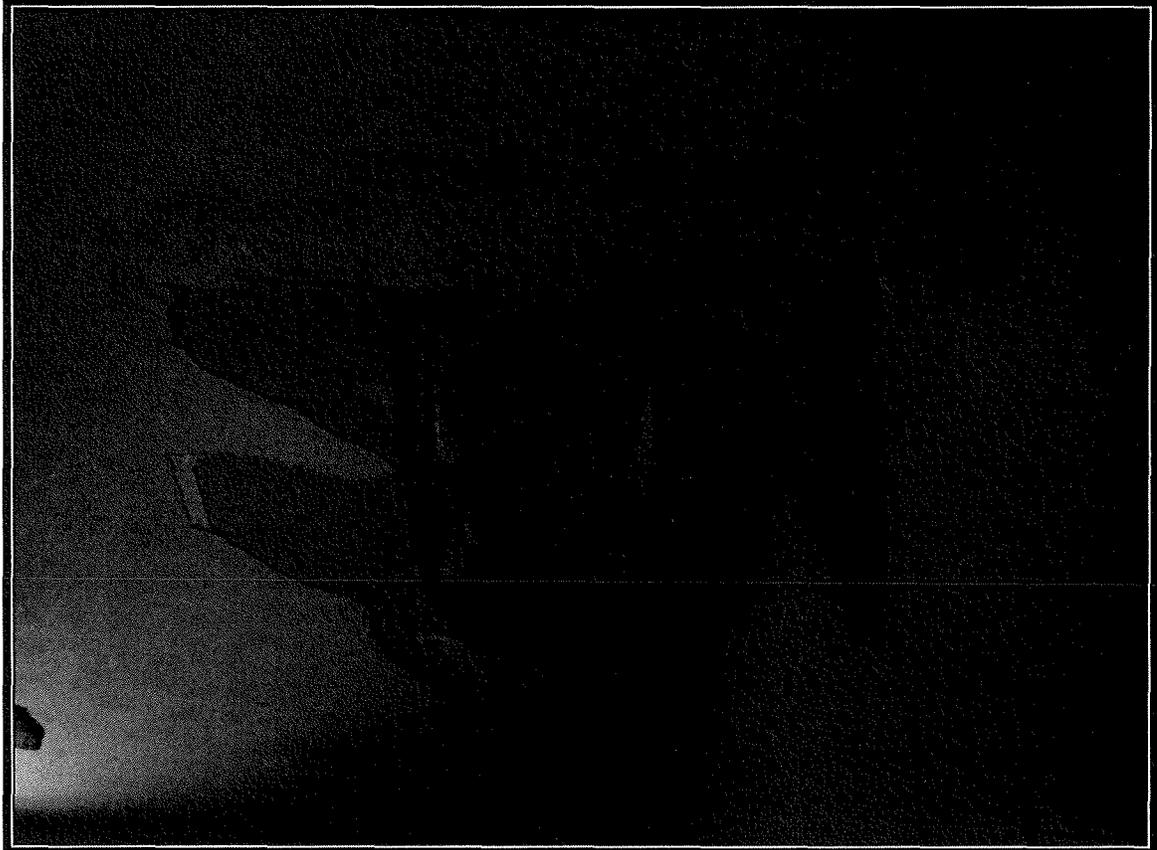


Photo # 7 Collapsed ceiling materials from roof leak making for unsanitary conditions.



Photo # 8 Collapsed ceiling material and garbage making for insanitary conditions.



Photo # 9 Debris from collapsed ceiling due to roof leak.



Photo # 10 Debris from collapsed ceiling and attic insulation soaked by moisture.



Photo # 11 Collapsed drywall from moisture.



Photos # 12 Collapsed ceiling and perforated fire stop barriers allowing for the accelerated spread of fire.



Photo # 13 Ice and debris accumulation from roof leak.



Photo # 14 Excrement accumulation in toilet from squatters creating unsanitary conditions.



Photo # 15 Severely deteriorated and damaged bathroom from roof leak and squatter vandalism making for unsanitary conditons.



Photo # 16 Garbage and debris stored by squatters creating unsanitary conditions.



Photo # 17 Garbage and debris stored by squatters creating unsanitary conditions



Photo # 18 Dismantled copper heating registers due to theft.



Photo #19 Dismantled copper heating registers due to theft.



Photo # 20 Means of egress stairs with insufficient tread depth and excessive riser height making them hazardous as required by Code.



Photo # 21 Insufficient tread depth as required by Code.



Photo # 22 Insufficient stair width for egress as well as insufficient tread depth and excessive riser height as required by Code.



Photo # 23 Insufficient egress stair headroom as required by Code.



Photo # 24 Installation of non-code compliant plumbing drains and signs of moisture damage.



Photo # 25 Non-code compliant plumbing drainage system installation.



Photo # 26 Example of structural failure of floor joist(s) making for an unstable structure.

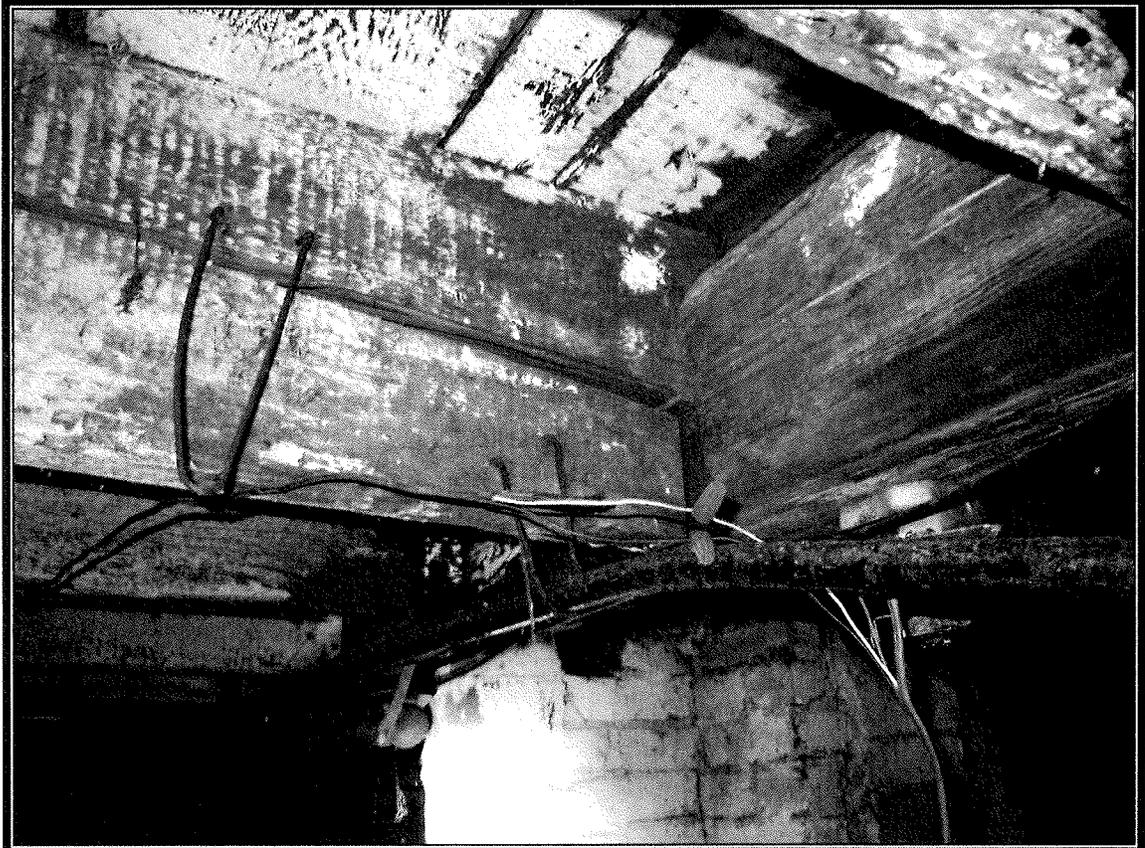
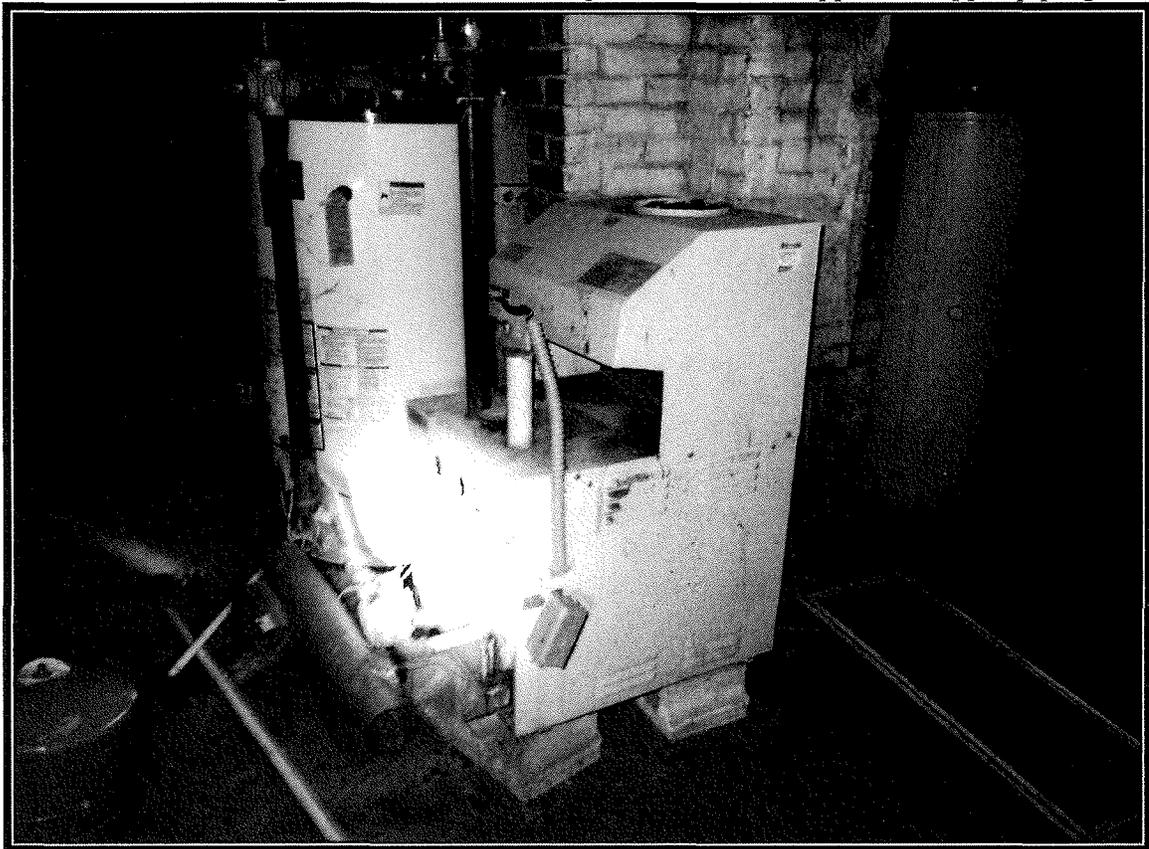


Photo # 27 Damaged and deteriorated masonry foundation wall and cut plumbing drain pipes.



Photo # 28 Damaged and deteriorated inoperative boiler stripped of copper piping.



LEWISTON CITY COUNCIL

MEETING OF APRIL 1, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

SUBJECT:

Condemnation Hearing for the building located at 112 College Street.

INFORMATION:

The City has begun the process for condemnation of the property at 112 College Street under the dangerous building classification. This property has been abandoned by the owner and upon inspection of city staff has been determined to be an unsafe structure.

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

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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1) To conduct a hearing to determine if the building located at 112 College 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 112 College 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: April 1, 2014
RE: Dangerous Buildings Hearings for 40 Union Street, 112 College Street and 178 Holland Street

Dear Mayor and City Council,

At the Council meeting on April 1, 2014, the Planning Department will be presenting evidence as to why 40 Union Street, 112 College Street and 178 Holland 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.

THOMAS MAYNARD
City of Lewiston
Code Enforcement Officer

RESPONSIBILITIES

Responsible for implementing and enforcing City of Lewiston land use, zoning, and building codes.

MAINE STATE CERTIFICATIONS

Internal Plumbing
Subsurface Wastewater Disposal
Zoning Officer
Shoreland Zoning
Land Use Planning
Building Standards (Residential Building, Commercial Building, Residential Energy, Commercial Energy, Residential Indoor Ventilation, Commercial Indoor Ventilation, Residential Radon)
Legal Issues

EXPERIENCE

Home Building

NV Ryan Homes, Maryland (1985-1988)
Production supervisor

Thunderlion, Maryland (1994-1997)
Production superintendent

Governmental

Montgomery County, Maryland (1988-1994)
1 & 2 family building and electrical inspector

Scarborough, Maine (1997-2001)
Code enforcement officer, building inspector, electrical inspector, plumbing inspector

Washington County, Maryland (2001-2004)
1 & 2 family building and electrical inspector

Lewiston, Maine (2004-present)
Code enforcement officer, constable, housing inspector, building inspector, internal and external plumbing inspector, shoreland zoning officer, land use compliance officer

112 COLLEGE STREET

OWNERSHIP DOCUMENTS

Bk 6543 Pg 315 #26996
10-21-2005 @ 02:33p

19

File Number 51221

WARRANTY DEED
Maine Statutory Short Form

KNOW ALL MEN BY THESE PRESENTS, That I/we **Omer Demers** of the City/Town of Livermore in the State of Maine, for consideration paid, grant(s) to **Randy W. Ingerson and Julie A. Ingerson** whose mailing address is P.O. Box 175, Lisbon Falls, Maine 04252, as Joint Tenants, with **WARRANTY COVENANTS**, the real property 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/we have hereunto set my/our hands(s) and seal(s) this 19th day of October, 2005.

MAINE REAL ESTATE
TRANSFER TAX PAID

[Handwritten signature]

Witness to all

[Handwritten signature: Omer Demers]

Omer Demers

State of Maine
Androscoggin, ss.

October 19, 2005

Personally appeared before me the above named **Omer Demers** and acknowledged the foregoing instrument to be his/her/their free act and deed.

[Handwritten signature]

Notary Public/Attorney at Law

NICHOLAS JON MORRILL
ATTORNEY AT LAW



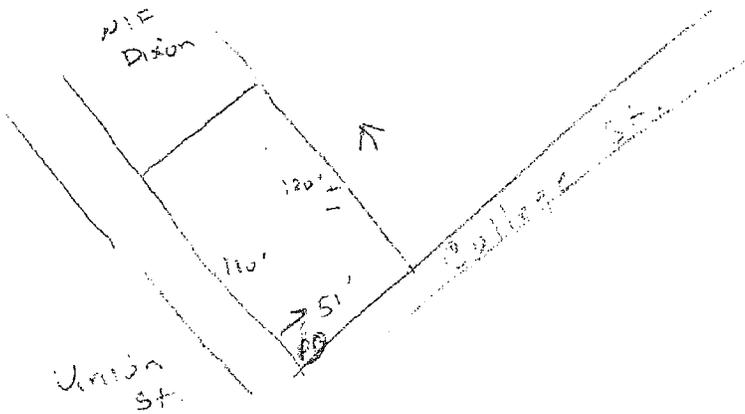
EXHIBIT A
(DEED)

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

Commencing at a point where the northwesterly line of College Street and the northeasterly line of Union Street intersect each other; thence on College Street northeasterly fifty-one feet (51') to corner of land formerly of W.W. Woods; thence northwesterly on line of said Woods land about one hundred twenty feet (120') to land formerly of Harmon Dixon, in the direction of Pollock's Corner; thence southwesterly on said Dixon's line to Union Street one hundred ten feet (110') to the point of beginning.

Ⓢ thence on Union Street

Meaning and intending to convey and hereby conveying the same premises described in a deed from Arvilla Harmon LaChance to Omer Demers dated October 10, 2002 and recorded in the Androscoggin County Registry of Deeds in Book 5143, Page 136.



ANDROSCOGGIN COUNTY
Tina K. Chouinard
REGISTER OF DEEDS

Reviewed and Approved:  _____

NOTICE OF HEARING
CERTIFICATES OF SERVICE

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

Randy W. Ingerson and
Julie A. Ingerson
149 Bowdoinham Road
Lisbon Falls, Maine 04252

Citibank, N.A. as Successor Trustee to US Bank National
Association, as Trustee for MASTR Alternative Loan Trust 2006-
1, Mortgage Pass-Through Certificates, Series 2006-1
c/o Glenn S. Gray, Vice President
399 Park Street, Mezzanine/Zone 10
New York, NY 10043

112 COLLEGE STREET, LEWISTON, MAINE

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

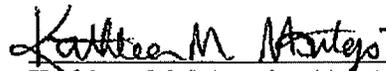
April 1, 2014
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 112 College Street, Lewiston, Maine, identified as Lot 329 on Tax Map 194, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 6543, Page 315, 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: March 7, 2014


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

March 7, 2014

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


Notary Public / Attorney at Law

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



EXHIBIT B

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING
112 COLLEGE STREET, LEWISTON, MAINE
Pursuant to 17 M.R.S. §§ 2851, *et seq.*

On March 26, 2014 (date), I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, by serving Randy W. Ingerson and Julie A. Ingerson, by delivering a copy of same to the following address:

Randy W. Ingerson and
Julie A. Ingerson
149 Bowdoinham Road
Lisbon Falls, Maine 04252

Costs of Service:

Service:	\$	<u>21.00</u>
Travel:	\$	<u>13.20</u>
Postage:	\$	<u>1.00</u>
Other:	\$	<u>2.00</u>
 TOTAL:	\$	<u>37.20</u>


Signature

DSC
Agency

EXHIBIT C

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

Randy W. Ingerson and
Julie A. Ingerson
149 Bowdoinham Road
Lisbon Falls, Maine 04252

Citibank, N.A. as Successor Trustee to US Bank National
Association, as Trustee for MASTR Alternative Loan Trust 2006-
1, Mortgage Pass-Through Certificates, Series 2006-1
c/o Glenn S. Gray, Vice President
399 Park Street, Mezzanine/Zone 10
New York, NY 10043

112 COLLEGE STREET, LEWISTON, MAINE

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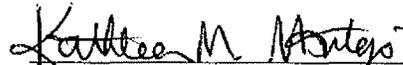
April 1, 2014
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

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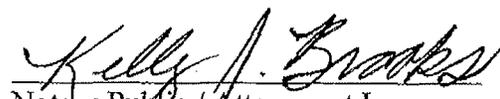
Dated: March 7, 2014


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

March 7, 2014

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
112 COLLEGE STREET, LEWISTON, MAINE
Pursuant to 17 M.R.S. §§ 2851, et seq.

On 20th March, 2014 (date), I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, by serving Glenn S. Gray, Vice President, the person authorized to accept service for Citibank, N.A. as Successor Trustee of US Bank National Association, by delivering a copy of same at the following address:

Citibank, N.A. as Successor Trustee to US Bank National Association, as Trustee for MASTR Alternative Loan Trust 2006-1, Mortgage Pass-Through Certificates, Series 2006-1
c/o Glenn S. Gray, Vice President
399 Park Street, Mezzanine/Zone 10
New York, NY 10043

Costs of Service: _____

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

TOTAL: \$ _____


Signature Ahmed A. Abderrahman # 1302265
Agency _____

MY BRODSKY
Notary Public, State of New York
No. 31-4683271
Qualified in New York County
Commission Expires Feb. 1, 2015



CITY OF LEWISTON
CITY COUNCIL

Index No _____

Date Filed / /
Office No B9939910

CITIBANK, N.A. AS SUCCESSOR TRUSTEE TO: (DEFENDANT)
US BANK NATIONAL ASSOCIATION TRUSTEE FOR MASTR ALTERNATIVE Loan Trust 2006-1
Mortgage Pass-through Certificates, Series 2006-1

STATE OF NEW YORK, COUNTY OF NEW YORK SS:

AHMED A. ABDERRAHMAN being duly sworn, deposes and says

that he is over the age of 18 years not a party to the action, and resides in the State of New York:

That on the 20 day of March 2014 at 11:29 AM, at

1 COURT SQUARE; LONG ISLAND CITY, NEW YORK 11120

he served the annexed NOTICE OF HEARING

upon CITIBANK, N.A. AS SUCCESSOR TRUSTEE TO: US BANK NATIONAL ASSOCIATION TRUSTEE FOR MASTR
Alternative Loan Trust 2006-1 Mortgage Pass-through Certificates, Series 2006-1
in this action, by delivering to and leaving with said MR. RUSS ABIDALLY, AUTHORIZED TO ACCEPT
a true copy thereof.

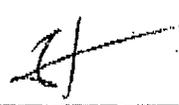
Deponent describes person served as aforesaid to the best of deponents ability at the time and circumstances of service as follows:

1. Sex MALE Color BROWN Hair BLACK app. age 40 YRS app. ht 5'8"5'11 app. wt 200+

DEPONENT FURTHER SAYS, that he knew the Corporation so served as aforesaid to be the Corporation mentioned and described in the said NOTICE OF HEARING.

SWORN to before me this 25

day of March 2014.



AHMED A. ABDERRAHMAN
License No.: 1302265

:bb



B 9 9 3 9 9 1 0

JAY BROOSKY
NOTARY PUBLIC, STATE OF NEW YORK
NO. 31-4683271
QUALIFIED IN NEW YORK COUNTY
COMMISSION EXPIRES FEB 2, 2015

JOSHUA A. NAVARRETTE
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01NA6193079
QUALIFIED IN NEW YORK COUNTY
COMMISSION EXPIRES SEP 8, 2012

BRIAN C. MCMAHON
NOTARY PUBLIC, STATE OF NEW YORK
NO. D1MC6155852
QUALIFIED IN NEW YORK COUNTY
COMMISSION EXPIRES NOV 20, 2014

ABC PROCESS
225 BROADWAY
SUITE 615
NEW YORK, NY 10007

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

Randy W. Ingerson and
Julie A. Ingerson
149 Bowdoinham Road
Lisbon Falls, Maine 04252

Citibank, N.A. as Successor Trustee to US Bank National
Association, as Trustee for MASTR Alternative Loan Trust 2006-
1, Mortgage Pass-Through Certificates, Series 2006-1
c/o Glenn S. Gray, Vice President
399 Park Street, Mezzanine/Zone 10
New York, NY 10043

112 COLLEGE STREET, LEWISTON, MAINE

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

April 1, 2014
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 112 College Street, Lewiston, Maine, identified as Lot 329 on Tax Map 194, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 6543, Page 315, 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.

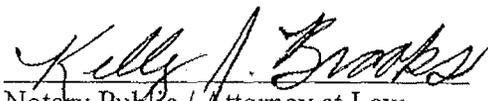
Dated: March 7, 2014


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

March 7, 2014

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

February 29, 2012

Randy Ingerson
Julie A. Ingerson
P.O. Box 175
Lisbon Falls, Maine 04252

Citibank N.A.
C/O Glenn S. Gray
399 Park Street
Mezzanine/Zone 10
New York, NY 10043



RE: 112 College Street

Map: 194 Lot: 329

Dear Owner(s):

It has come to the attention of this office that rear building(s) at 112 College Street is vacant, without heat, hot water, and has suffered severe deterioration making it unfit for occupancy due to violation(s) of the provisions of Chapter 18, Article III, Property Maintenance Code, Sections 18-51 and 18-52, as per The Code of Ordinances of the City of Lewiston hereafter referred to as the (Code). Due to obsolescence of the mechanical systems, dilapidation and severe deterioration of structural elements, substantial rehabilitation is required for re-occupancy or the building must be demolished.

I hereby condemn and placard the building(s) at 112 College Street as being unfit for occupancy pursuant to and in accordance with Chapter 18, Article III, Property Maintenance Code, Sections 18-51 and 18-52, IPMC-108.1 et seq, IPMC-109.1 et seq, IPMC-110.1 et seq, , IPMC-302.1 et seq, IPMC-304.1 et seq, IPMC-305.1 et seq, IPMC-306.1 et seq, IPMC-402.2 et seq, IPMC-504.1 et seq, IPMC-505.1 et seq,, IPMC-506.1 et seq, IPMC-602.1 et seq, IPMC-603.1 et seq, IPMC-604.1 et seq, IPMC-605.1 et seq, IPMC-703.1 et seq and PMC-704.1 et seq and Appendix A, Article V, Section 3, (l) 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 demolish this building, leaving the property in manner to the satisfaction of this office by no later than **June 1, 2012.**

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

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. An inspection may be conducted to confirm compliance. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code."

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

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

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

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

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

Sincerely,



Thomas E. Maynard
Code Enforcement Officer

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

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

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) Randy Ingerson</p> <p>C. Date of Delivery 3-13-12</p>
<p>1. Article Addressed to:</p> <p>Randy & Julie Ingerson P.O. Box 175 Kusbau Falls, Me 04252</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p style="text-align: center; font-size: 1.5em;">MAR 21 2012</p> <p>3. Service Type <input checked="" 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.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7010 3090 0000 0594 5566</p>

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) J. Santoro</p> <p>C. Date of Delivery 3-5-12</p>
<p>1. Article Addressed to:</p> <p>Citibank c/o Glenn S. Gray 399 Park Street Manhattan / Zone 10 New York, New York</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>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.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7010 3090 0000 0594 55</p>

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

PHOTOGRAPHS

112 College Street

Photo # 1 Photos taken 2-10-2014. Front view



Photo # 2 Rear of building showing deteriorated porches.

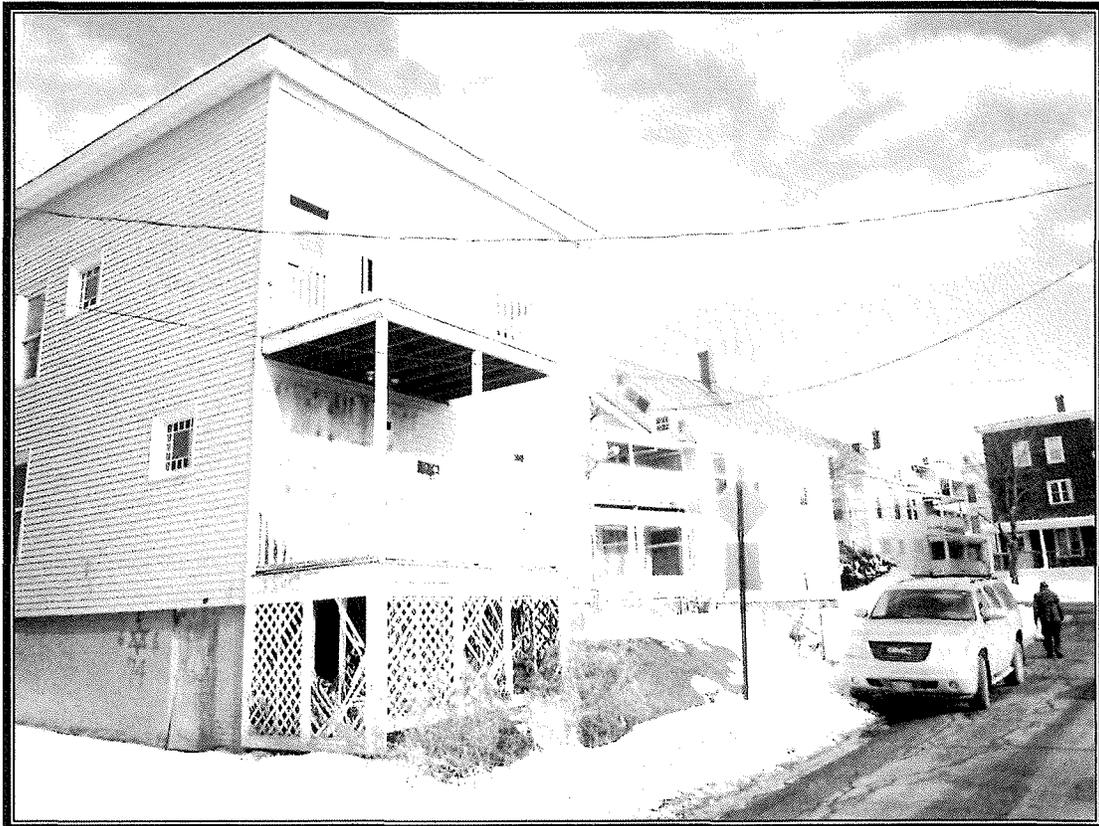


Photo # 3 Mortar deterioration of the brick joints, weakening the foundation, allowing the entry of water making it unstable..



Photo # 4 The brick foundation can be observed bowing inward due to hydrostatic pressure. The pavement next to the foundation has settled, accumulating water that permeates between the pavement and the wall.



Photo # 5 Severely deteriorated foundation showing collapsed masonry units creating opening to the outside of the structure. Attempted and ineffectual repairs are observable. Note the settlement of the foundation wall by the slope of the old stair treads.



Photo # 6 Moisture entering the foundation where Photos # 3 & 4 show the exterior conditions. Collapsed masonry brick and stone have fallen to the floor. The resulting conditions create an unstable foundation.

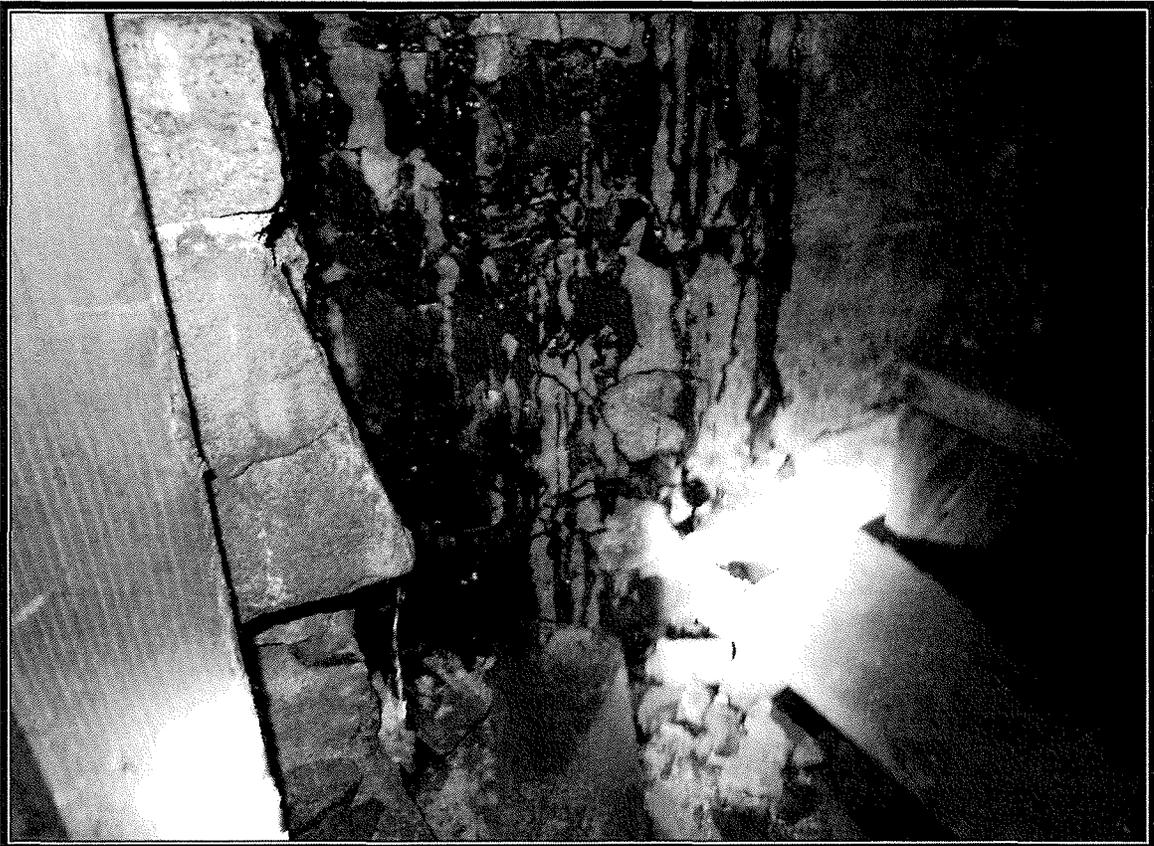


Photo # 7 Moisture entering the basement walls damaging and bowing the walls inward and creating unsanitary conditions.



Photo # 8 Soils are observable having washed in from the undermining of the wall and footing.



Photo # 9 Broken window.



Photo # 10 Exposed Romex electrical cable in violation of code.



Photo # 11 Separation of the joist tails creating exponentially increased loadings on the back nails through the ledger board. .



Photos # 12 & Deteriorated insulation and exposed flammable materials including paper faced insulation and framing members in and area required to have fire rated protections increasing the threat of fire.



Photo # 13 Example of cut wiring from theft of copper.

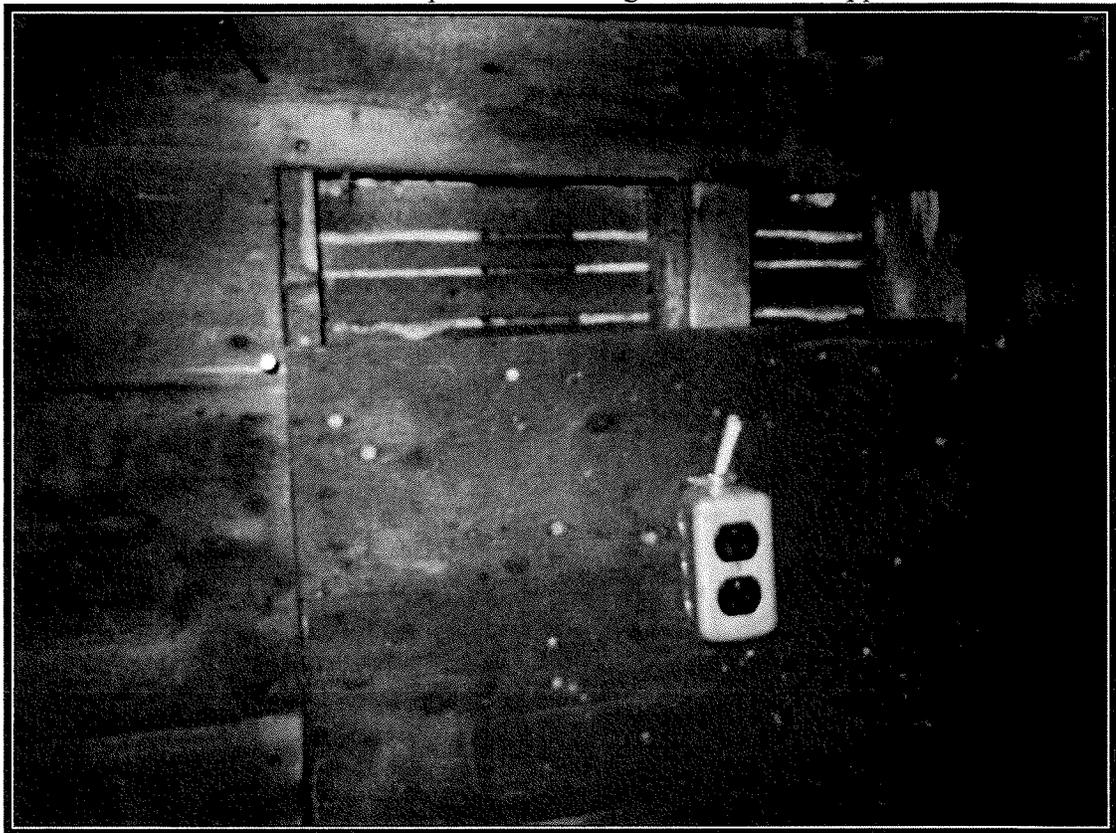


Photo # 14 Damaged wall from theft of copper.



Photo # 15 Damage to bath area.



Photo # 16 Non Code compliant primary means of egress stairs with excessive riser heights and insufficient tread depth.

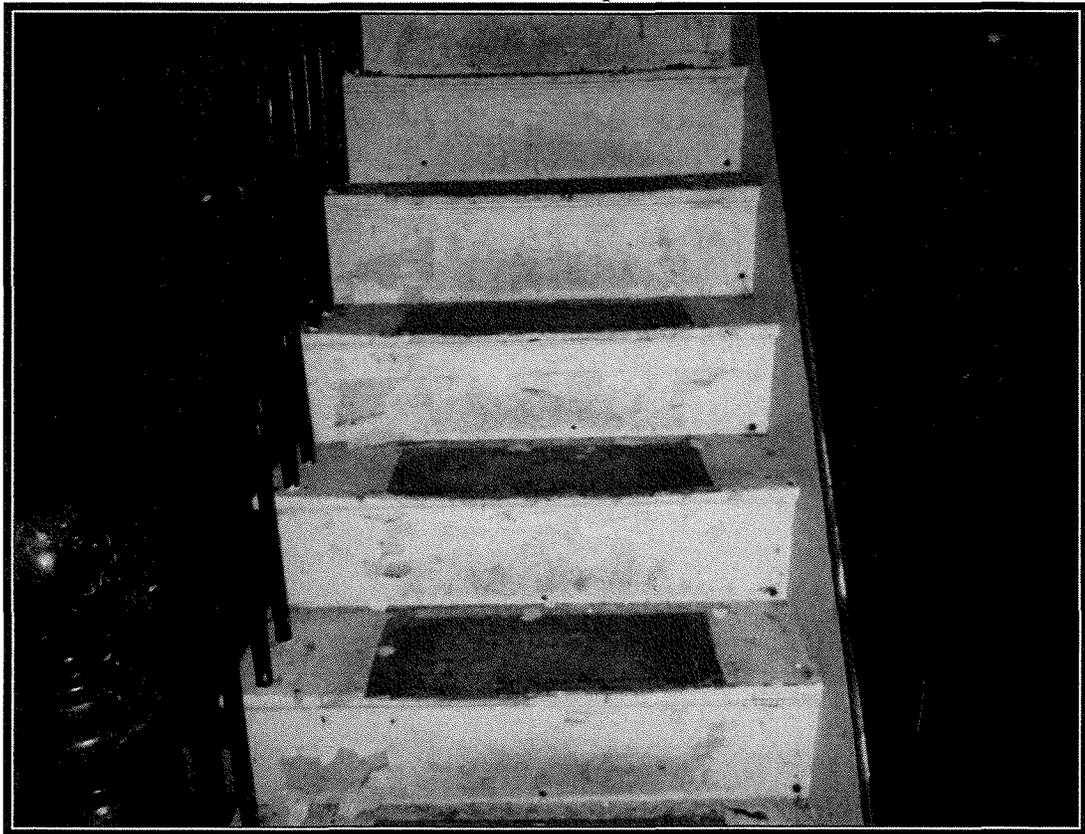


Photo # 17 Stairway lacking Code required guard/handrails. Excessive riser heights and insufficient tread depths.



Photo #18 View from the top of staircase shown in photos # 16..



Photo # 19 Means of egress stairs with insufficient head room as required by Code. ^ feet 8 inches are required.



Photo # 20 Moisture damage from roof leak.



Photo # 21 Boarded broken windows and removed copper heat registers from theft.



Photo # 22 Boarded broken window and removed heat registers.



Photo # 23 Damaged bathroom fixtures including the toilet and vanity cabinet.



Photo # 24 Damaged and missing kitchen sink and cabinets.



Photo # 25 Severely deteriorated and damaged paint.

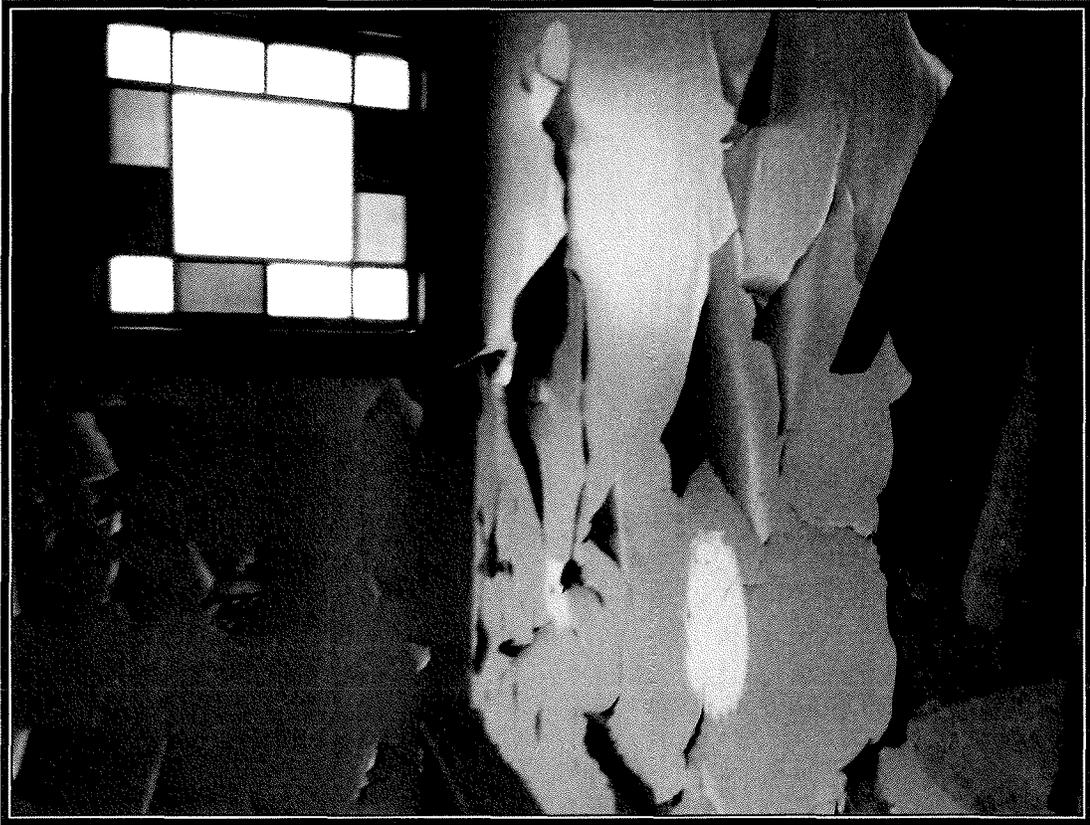


Photo # 26 Severely deteriorated ceiling with missing plaster creating gaps into the joist bays creating a pathway for fire to spread at an accelerated rate through the building.



Photo # 27 Breezeway area between front building and rear building without appropriate fire rated assemblies.



Photo # 28 Same area as show in photo # 26 indicating homeless squatters have used this area.

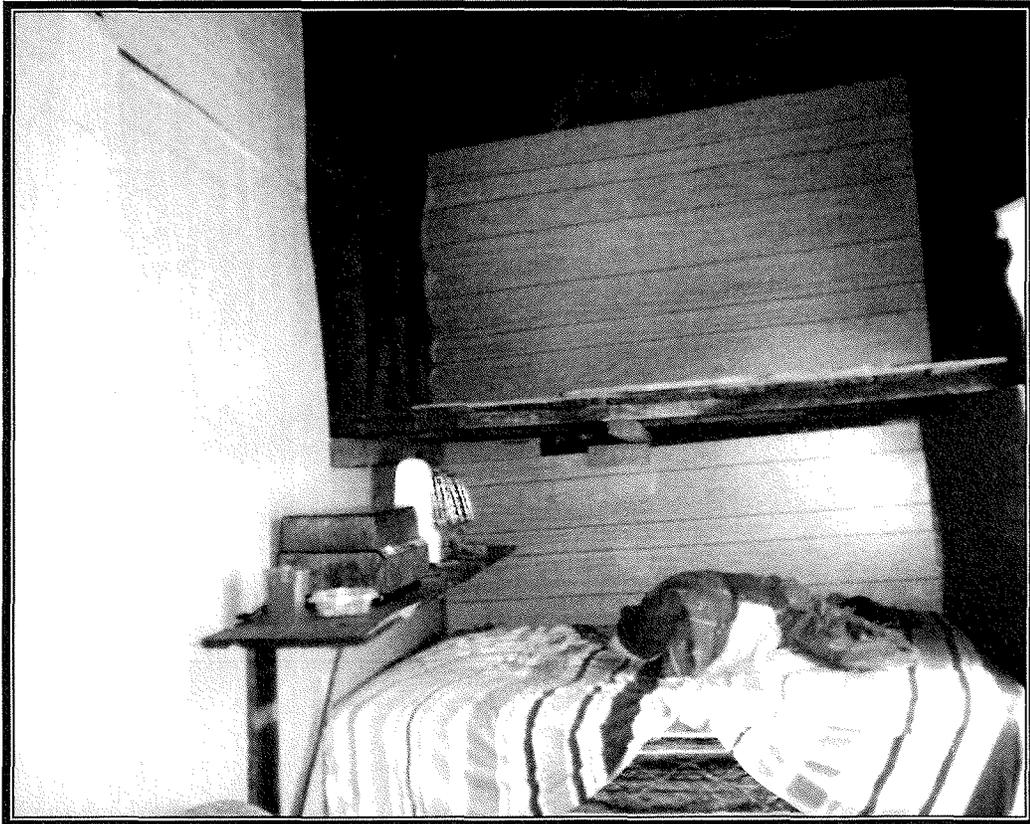


Photo # 29 Damaged and severely deteriorated asbestos pipe insulation.



Photo # 30 Damaged and inoperative boiler in front building. Damaged and deteriorated heating pipes.

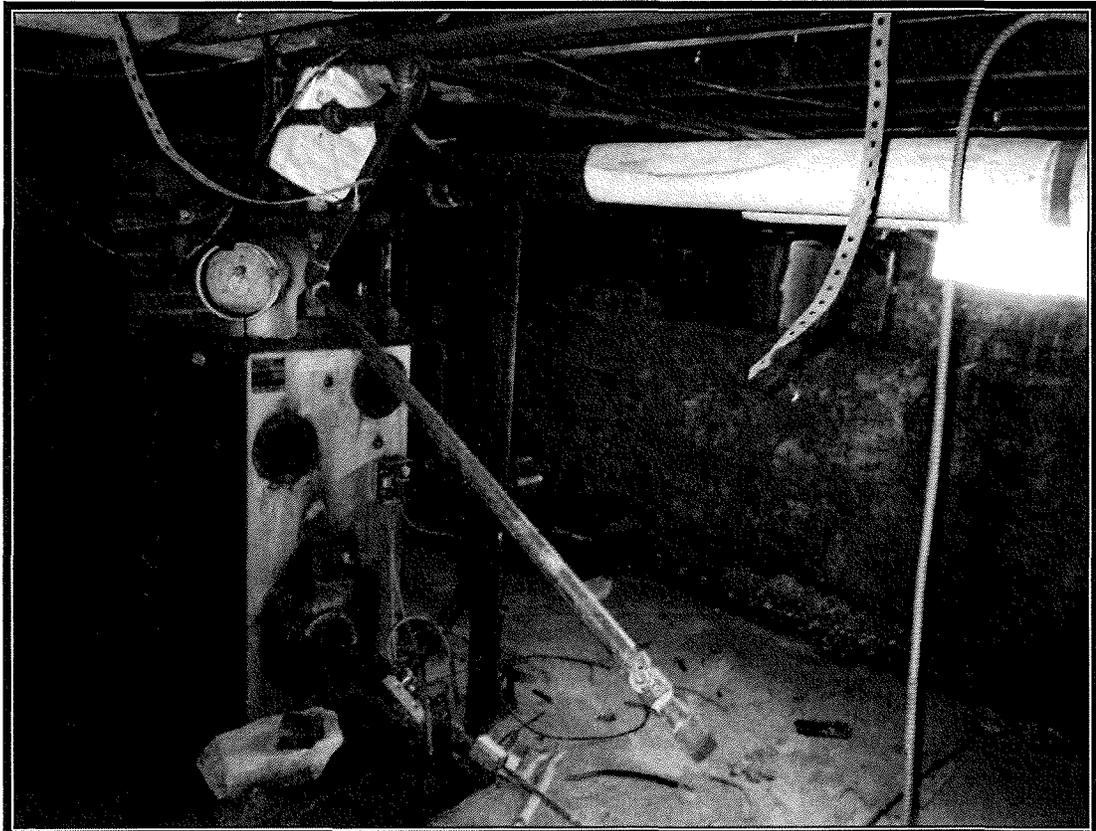


Photo # 31 Damaged and deteriorated boiler in rea building. Loose and unsupported wiring in violation of Code.



Photo # 32 Evidence of previously leaking oil tank.

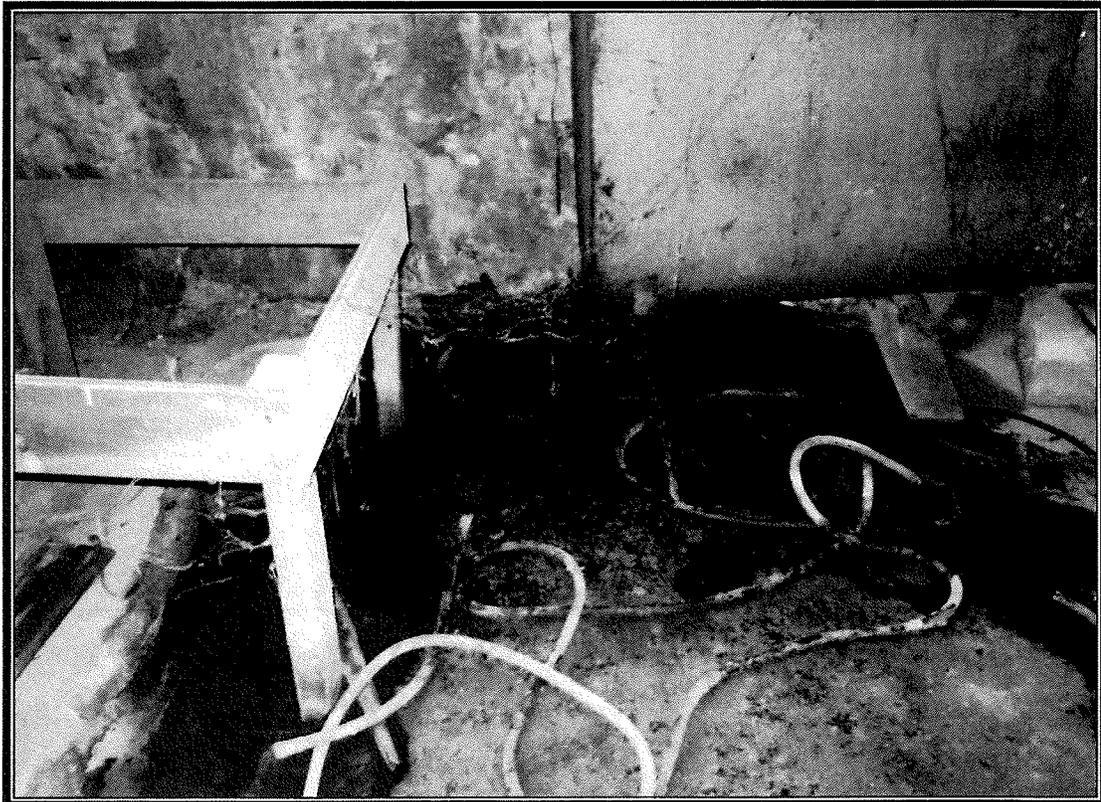
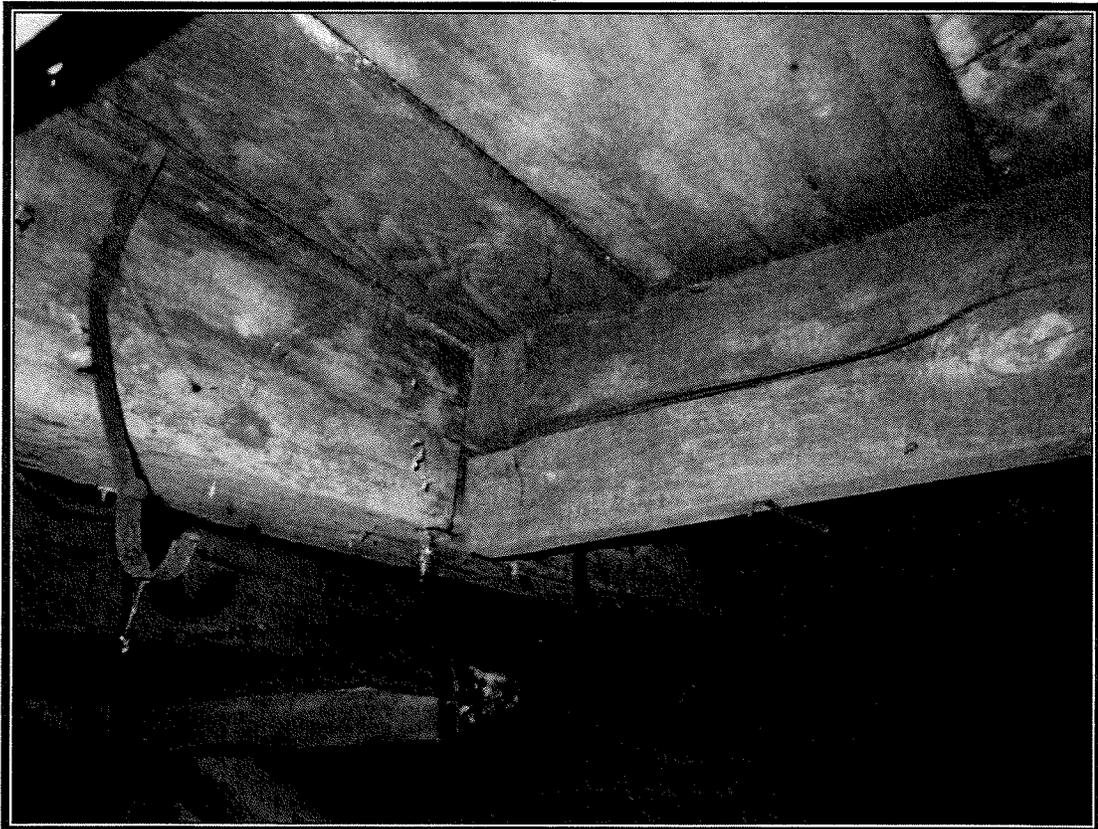


Photo # 33 An example of a severely deteriorated floor joist having split due to excessive notching.



Photo # 34 Another example of a split joist due to excessive notching making for a structural instability.



LEWISTON CITY COUNCIL

MEETING OF APRIL 1, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6

SUBJECT:

Condemnation Hearing for the building located at 178 Holland Street.

INFORMATION:

The City has begun the process for condemnation of the property at 178 Holland 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.

EA:BJ/kmm

REQUESTED ACTION:

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

1) To conduct a hearing to determine if the building located at 178 Holland 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 178 Holland 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: April 1, 2014
RE: Dangerous Buildings Hearings for 40 Union Street, 112 College Street and 178 Holland Street

Dear Mayor and City Council,

At the Council meeting on April 1, 2014, the Planning Department will be presenting evidence as to why 40 Union Street, 112 College Street and 178 Holland 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.

THOMAS MAYNARD
City of Lewiston
Code Enforcement Officer

RESPONSIBILITIES

Responsible for implementing and enforcing City of Lewiston land use, zoning, and building codes.

MAINE STATE CERTIFICATIONS

Internal Plumbing
Subsurface Wastewater Disposal
Zoning Officer
Shoreland Zoning
Land Use Planning
Building Standards (Residential Building, Commercial Building, Residential Energy, Commercial Energy, Residential Indoor Ventilation, Commercial Indoor Ventilation, Residential Radon)
Legal Issues

EXPERIENCE

Home Building

NV Ryan Homes, Maryland (1985-1988)
Production supervisor

Thunderlion, Maryland (1994-1997)
Production superintendent

Governmental

Montgomery County, Maryland (1988-1994)
1 & 2 family building and electrical inspector

Scarborough, Maine (1997-2001)
Code enforcement officer, building inspector, electrical inspector, plumbing inspector

Washington County, Maryland (2001-2004)
1 & 2 family building and electrical inspector

Lewiston, Maine (2004-present)
Code enforcement officer, constable, housing inspector, building inspector, internal and external plumbing inspector, shoreland zoning officer, land use compliance officer

178 HOLLAND STREET

OWNERSHIP DOCUMENTS

Bk 6327 Pg2 #9821
05-11-2005 @ 09:12a

VISION TITLE & CLOSING, LLC
1045 ELM STREET, SUITE 501
MANCHESTER, NH 03101-1824

05-1344

Warranty Deed

KNOW ALL MEN BY THESE PRESENTS, that it
MIP LLC, a Maine Limited Liability Company, with a principal place of business at 187
Flaggy Meadow Road, Gorham, County of Cumberland and State of Maine, 04038

for consideration paid, grant to Jason Morgan of 10 Summerglen Road, South Portland,
County of Cumberland and State of Maine, 04106

with WARRANTY COVENANTS,

A certain tract of land with the buildings thereon bounded and described as follows:

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

Commencing on the northerly line of Holland Street at a point on said Holland Street 100 feet
West of College Street and that the westerly corner of land of Ira L. Nevens; thence
northeasterly on the west line of land of said Nevens and land of Alfred J. Moore 100 feet;
thence westerly on a line parallel with said Holland Street 50 feet; thence southerly 100 feet back
to Holland Street at a point 50 feet westerly of the point of departure; thence easterly along said
Holland Street 50 feet to the point begun at.

Meaning and intending to convey a portion of the premises conveyed to the above grantors by
deed of Shawn T. Malloy and Lora W. Malloy dated May 9, 2002, and recorded at the
Androscoggin County Registry of Deeds at Book 4991, Page 131.

WITNESS our hand and seal this 6th day of May, 2005.

MIP LLC

Lora W. Malloy

Witness

BY: Lora W. Malloy
ITS: Manager

State of MAINE
County of Cumberland

May 6, 2005

Personally appeared Lora W. Malloy, Manager of MIP LLC, known to me, or
satisfactorily proven, to be the person(s) whose name(s) is(are) subscribed to the foregoing
instrument and acknowledged that they executed the same for the purposes therein contained
and in the capacity so stated,

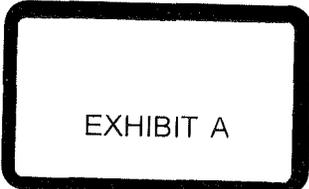
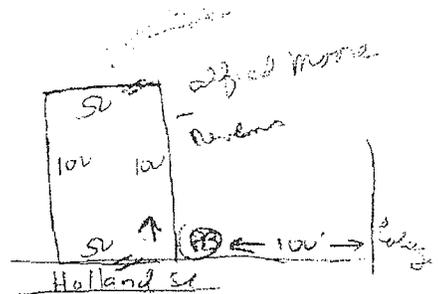
Before me, *[Signature]*
Notary Public/Justice of the Peace
My Commission Expires:

ANDROSCOGGIN COUNTY
Tina R. Chouinard
REGISTER OF DEEDS

DIANE L. ARSENAULT
Notary Public, Maine
My Commission Expires March 15, 2010

MAINE REAL ESTATE
TRANSFER TAX PAID

Back
1978
Lora
Shawn
Malloy
Malloy
Malloy



**NOTICE OF HEARING
CERTIFICATES OF SERVICE**

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

Jason Morgan
c/o Joanne Morgan
1 Tori Lane
Gorham, Maine 04038

The Bank of New York Mellon f/k/a The Bank
of New York as Trustee for the
Certificateholders CWALT, Inc. Alternative
Loan Trust 2005-28CB Mortgage Pass-
Through Certificates, Series 2005-28CB
One Wall Street
New York, NY 10286

178 HOLLAND STREET, LEWISTON, MAINE

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

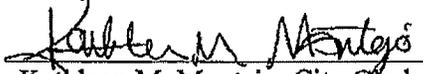
April 1, 2014
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 178 Holland Street, Lewiston, Maine, identified as Lot 343 on Tax Map 194, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 6327, Page 2, 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.

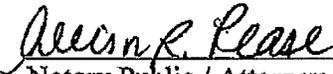
Dated: March 10, 2014


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

March 10, 2014

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

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



Chris Mason

From: Circ Class <class@sunjournal.com>
Sent: Wednesday, March 19, 2014 1:03 PM
To: Chris Mason
Subject: Re: Publication to be run 3/20, 3/24 and 3/31
Attachments: 1188219-1.PDF

Revised Proof attached, runs 3/19/14, 3/24/14, 3/31/14, cost \$452.22.

EXHIBIT C

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

Jason Morgan
c/o Joanne Morgan
1 Tori Lane

Gorham, Maine 04038

The Bank of New York Mellon f/k/a The
Bank of New York as Trustee for the
Certificateholders CWALT, Inc. Alternative
Loan Trust 2005-28CB Mortgage Pass-
Through Certificates, Series 2005-28CB
One Wall Street
New York, NY 10286

**178 HOLLAND STREET, LEWISTON,
MAINE**

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

April 1, 2014

7:00 pm

Lewiston City Hall, 27 Pine Street,
Lewiston, Maine

This hearing is to determine whether the
residential structure at 178 Holland Street,
Lewiston, Maine, identified as Lot 343 on Tax
Map 194, and further described in a Warranty
Deed recorded in the Androscoggin County
Registry of Deeds at Book 6327, Page 2, 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
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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: March 10, 2014

Kathleen M. Montejo, City Clerk

STATE OF MAINE

ANDROSCOGGIN, ss March 10, 2014

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

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING
178 HOLLAND STREET, LEWISTON, MAINE
Pursuant to 17 M.R.S. §§ 2851, et seq.

On 20th day of March, 2014 (date), I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on a person authorized to accept service on The Bank of New York Mellon, Trustee, by delivering a copy of same at the following address:

The Bank of New York Mellon f/k/a The Bank of New York as Trustee for the Certificateholders CWALT, Inc. Alternative Loan Trust
2005-28CB Mortgage Pass-Through Certificates, Series 2005-28B
One Wall Street
New York, NY 10286

Costs of Service:

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



Signature
Emmanuel S. Torres # 1244582

Agency

JAY BRAGLSKY
Notary Public, State of New York
No. 31-4680271
Qualified in New York County
Commission Expires Feb. 2, 2011

EXHIBIT D

ABC PROCESS SERVICE INC.
Attorney:
BRANN & ISAACSON

CITY OF LEWISTON
CITY COUNCIL

Index No _____

Date Filed 11
Office No B991785

THE BANK OF NEW YORK MELLON F/K/A THE: (DEFENDANT)
BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWALT, Inc

STATE OF NEW YORK, COUNTY OF NEW YORK SS:

EDMANUEL S. TORRES being duly sworn, deposes and says

that he is over the age of 18 years, not a party to the action, and resides in the State of New York:

That on the 20 day of March 2014 at 3:50 PM, at
1 WALL STREET; NEW YORK, NY 10286 31ST FLOOR

he served the annexed NOTICE OF HEARING

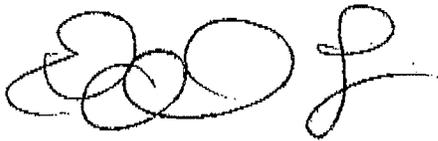
upon THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK AS TRUSTEE FOR THE *Certificate holder*
CWALT, Inc
in this action, by delivering to and leaving with said MR. TOM MCCAULEY, AUTHORIZED TO ACCEPT
a true copy thereof.

Deponent describes person served as aforesaid to the best of deponents ability at the
time and circumstances of service as follows:

1. Sex MALE Color WHITE Hair BROWN app.age 50 YRS app.ht 6+ app.wt 200+

DEPONENT FURTHER SAYS, that he knew the Corporation so served as aforesaid to be
the Corporation mentioned and described in the said NOTICE OF HEARING.

SWORN to before me this 25
day of March 2014.



EDMANUEL S. TORRES
License No.: 1244582

:bb



JAY BRODSKY
NOTARY PUBLIC, STATE OF NEW YORK
NO. 31-4583271
QUALIFIED IN NEW YORK COUNTY
COMMISSION EXPIRES FEB 2, 2015

JOSHUA A. NAVARRETTE
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01NA6193079
QUALIFIED IN NEW YORK COUNTY
COMMISSION EXPIRES SEP 8, 2012

BRIAN C. MCMAHON
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01MC6155852
QUALIFIED IN NEW YORK COUNTY
COMMISSION EXPIRES NOV 20, 2014

ABC PROCESS
225 BROADWAY
SUITE 616
NEW YORK NY 10007

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

Jason Morgan
c/o Joanne Morgan
1 Tori Lane
Gorham, Maine 04038

The Bank of New York Mellon f/k/a The Bank
of New York as Trustee for the
Certificateholders CWALT, Inc. Alternative
Loan Trust 2005-28CB Mortgage Pass-
Through Certificates, Series 2005-28CB
One Wall Street
New York, NY 10286

178 HOLLAND STREET, LEWISTON, MAINE

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

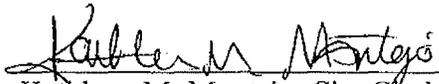
April 1, 2014
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 178 Holland Street, Lewiston, Maine, identified as Lot 343 on Tax Map 194, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 6327, Page 2, 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.

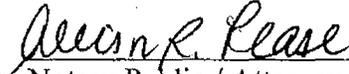
Dated: March 10, 2014


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

March 10, 2014

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


Notary Public / Attorney at Law

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

CITY
CORRESPONDENCE

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

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

December 13,2011

Bank of America
P.O. Box 5170
Semi Valley, CA 93062



ATTN: Owner and all occupants

RE: 178-180 Holland Lewiston, ME 04240

Dear Sir/Madam

On December 13 2011, I inspected the building at 178 Holland Street, Lewiston and have found several property maintenance code violations and have determined that this building is unfit for human habitation or occupancy due to violations of the following provisions of Chapter 18, Article III, Property Maintenance Code, Sections 18-51 and 18-52 as per The Code of Ordinances of the City of Lewiston hereafter referred to as the (Code).This building has no heat and no hot water, the building has an accumulation of trash through-out , and there is not running water in the building.

- IPMC-602.2 Residential occupancies: Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 66 degrees F in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the International plumbing code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.
- IPMC-603.1 Mechanical appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating system appliances shall be properly installed and maintained in a safe working condition and shall be capable of performing the intended function.
- IPMC-505.1 GENERAL. Every sink, lavatory, bathtub, shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchens sinks, lavatories ,laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code.
- IPMC-305.5 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in sanitary condition. Occupants shall keep that part of the

structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of a structure and exterior property.

As per the above mentioned violations I hereby condemn and placard the building at 178 Holland St. Lewiston Maine as being unfit for human habitation and occupancy pursuant to and in accordance with Chapter 18, Article III, Property Maintenance Code, Sections 18-51 and 18-52, IPMC 108.1 IPMC108.2, IPMC108.1.1-IPMC-108.1.2, IPMC 108.1.3, IPMC108.1.5 IPMC-108.1.4,IPMC 108.3 IPMC 108.4.IPMC 108.4.1 IPMC 108.6, of the Code of Ordinances of the City of Lewiston. **Due to the threat to public safety to you, and/or other tenants, you are hereby ordered vacate this building and you and/or the owner maintain it secure from unauthorized entry in accordance withIPMC-108.5 of the Code.** In accordance with PM-105.6, the City of Lewiston cause this apartment to be secured, if found open, by public agency, contract, or by private persons and the cost shall be charged to the owner.

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

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

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

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

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

If you sell, transfer or lease this property, you must notify the grantee, mortgagee, transferee, or lessee of any outstanding code violations pursuant to Section PM-107.6 of the Property Maintenance Code.

You must also furnish this office with a signed notarized statement from the grantee, mortgagee, transferee or lessee acknowledging receipt of any orders or notices and fully accepting responsibility for the abatement of said violations.

Sincerely,

Susan Reny
Code Enforcement Officer

cc: Gil Arsenault, Director Planning and Code

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

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

copy

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

20

December 13, 2011

Bank of America
 P.O. Box 5170
 Semi Valley, CA 93062

ATTN: Owner and all occupants

RE: 178-180 Holland Lewiston, ME 04240

Dear Sir/Madam

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- IPMC-305.5 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in sanitary condition. Occupants shall keep that part of the

178 Holland 000011

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
1. Article Addressed to: BANK OF AMERICA PO BOX 5170 SEMI VALLEY CA 93062		A. Signature _____ <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee B. Received by (Printed Name) Wesley Hernandez C. Date of Delivery _____	
2. Article Number (Transfer from service label) 7010 3090 0000 0593 9800		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 checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D. <input type="checkbox"/> Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		4. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540		DEC 20 2011	

PHOTOGRAPHS

178 Holland Street

Photo # 1 Photos taken 11-15-2013 & 2-27-2014. Front view showing deteriorated soffit and deteriorated brick chimney with missing bricks.



Photo # 2 Side view.



Photo # 5 Side view showing severely deteriorated soffit and fascia board leaving the structure open to the elements and vermin.



Photo # 4 Excessive fire loading from combustible debris.



Photo # 5 Excessive fire loading from combustible debris.



Photo # 6 Excessive fire loading from combustible debris. Non-code compliant means of egress stairs with insufficient tread depth and excessive riser height.

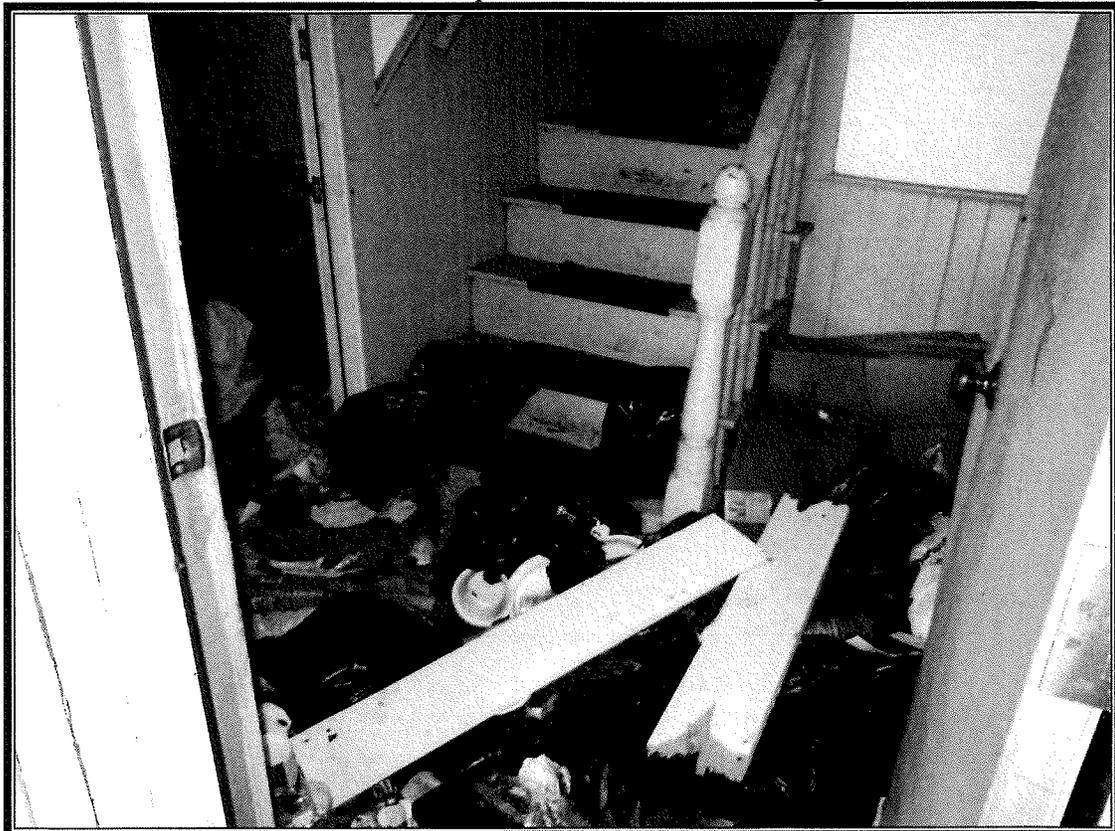


Photo # 7 Damaged bathroom with an open drainage system allowing the entry of sewer gases making for unsanitary conditions.



Photo # 8 Damaged and deteriorated bathroom with an open drainage system.



Photo # 9 Damaged bathroom with a removed toilet leaving an open drainage system allowing for the entry of sewer gases making for unsanitary conditions.



Photo # 10 Damage ceiling and fire rated assembly copper theft allowing for the accelerated spread of fire through open chases.

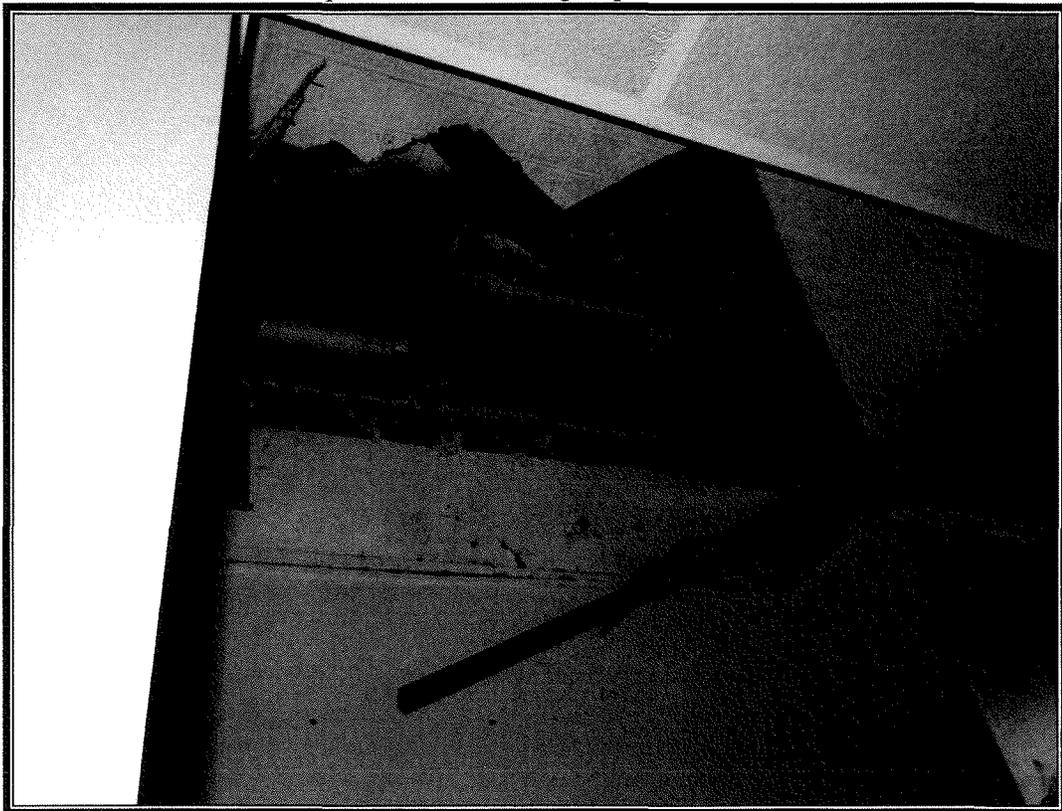


Photo # 11 Damage due to copper theft leaving open chases allowing for the accelerated spread of fire throughout the building.



Photos # 12 Extraordinary deterioration of walls and ceilings with collapsed ceiling dry wall.



Photo # 13 Debris from collapsed ceiling, removed copper heat registers likely from theft and buckled hardwood floor from moisture.



Photo # 14 Buckled hardwood flooring from moisture.



Photo # 15 Example of damaged plaster wall also creating opening through the fire rated assembly allowing the accelerated spread of fire.



Photo # 16 Removed copper heating registers likely due to theft.



Photo # 17 Broken window.



Photo #18 View from the top of staircase showing non-code compliant stairs.



Photo # 19 Star to basement of rear building showing damage due to copper theft leaving the drainage system open allowing the entry of sewer gases making for unsanitary conditions.



Photo # 20 Damaged and deteriorated inoperative forced hot air furnace in rear building.



Photo # 21 Damaged and inoperative hot water tank. Also broken drain line allowing the entry of sewer gases.



Photo # 22 Insufficient headroom for means of egress stairs where 6 feet 8 inches is required. Headroom at this location is less than 6 feet.



Photo # 23 Deteriorated masonry foundation with loose bricks and severely deteriorated mortar.



Photo # 24 Severely deteriorated mortar and brick showing an accumulation of powdered mortar.

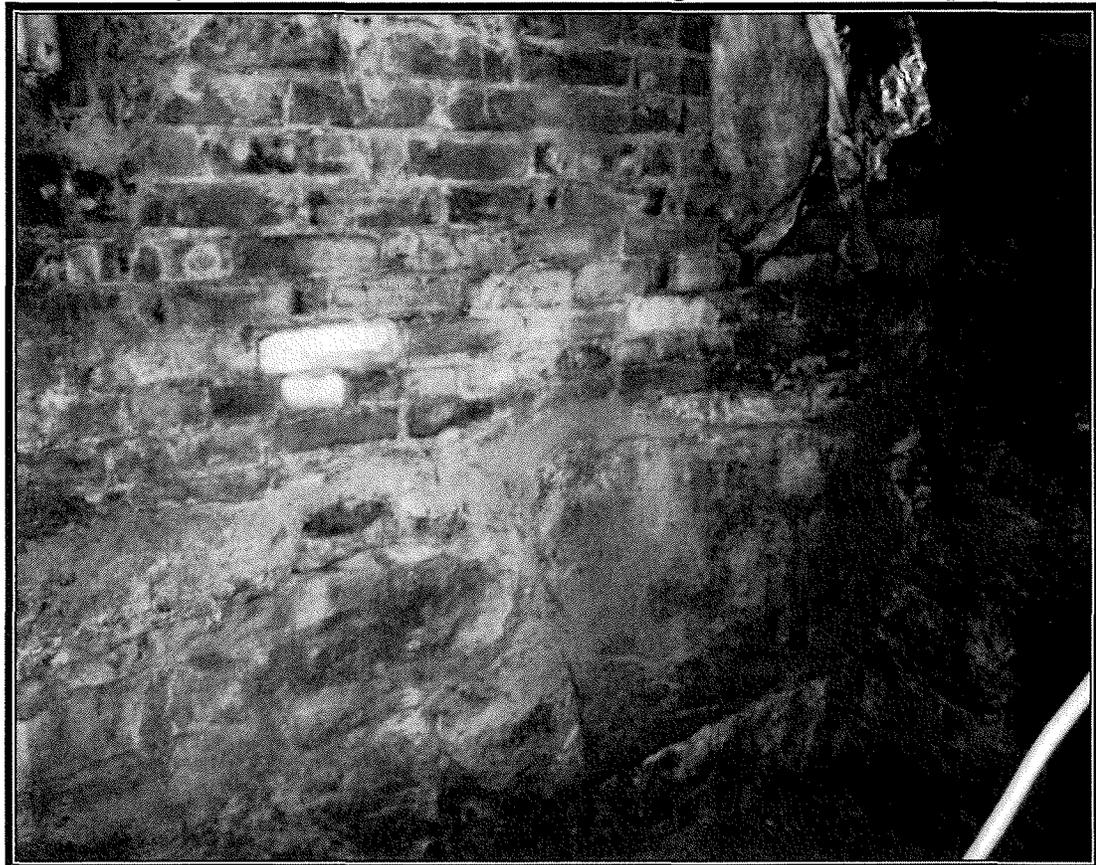


Photo # 25 Severely deteriorated, damaged and inoperative boiler.

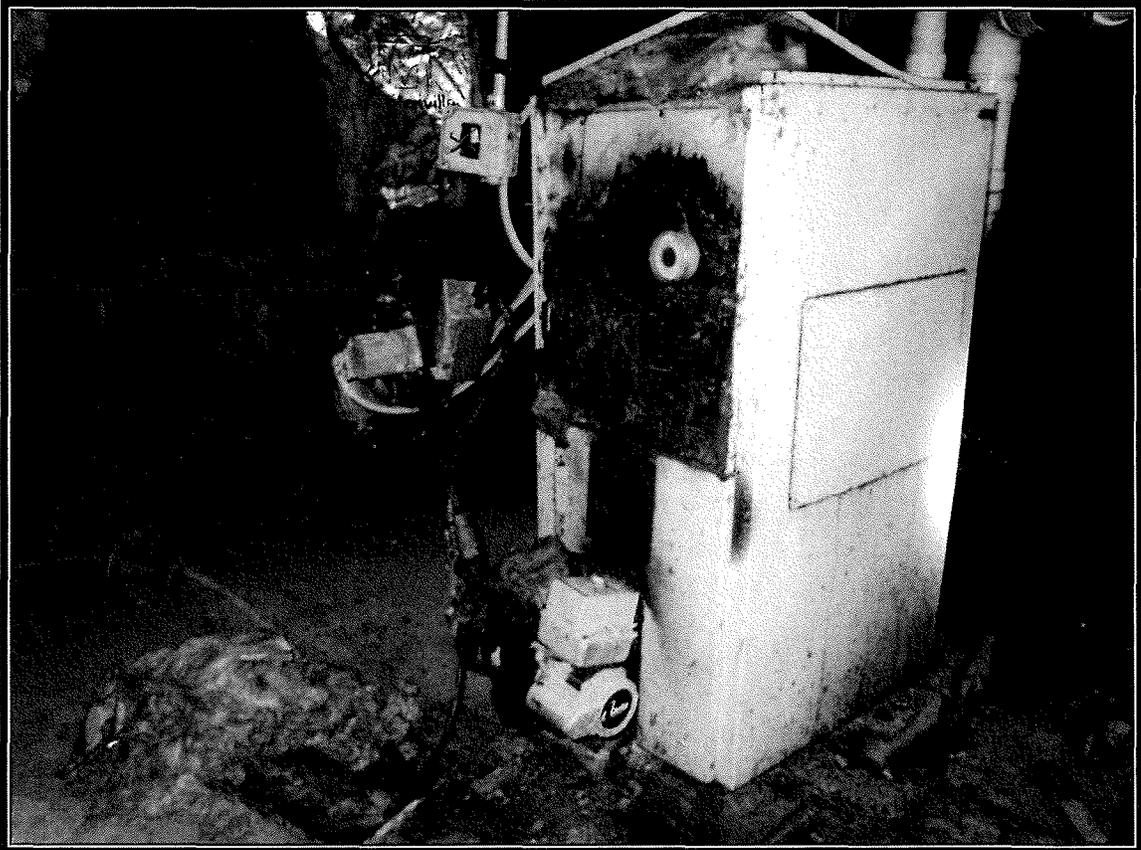


Photo # 26 Damaged drainage piping due to copper theft leaving the sewer system open.

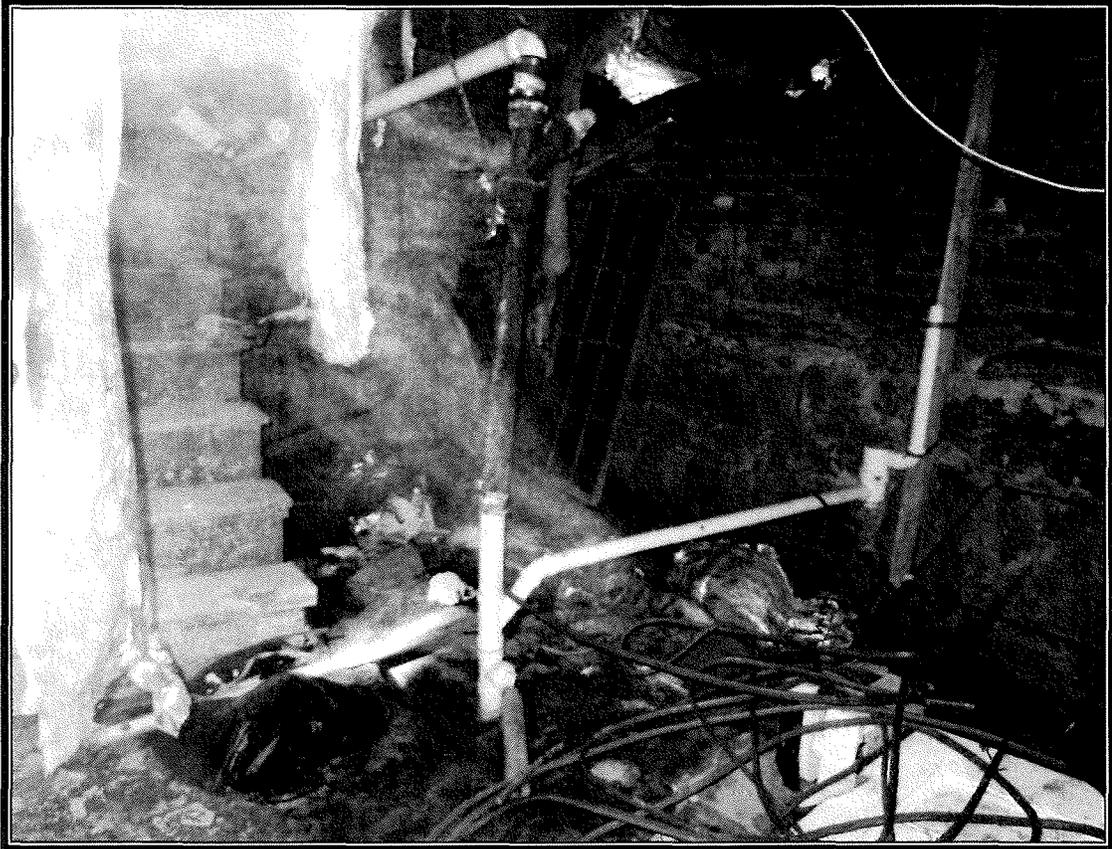
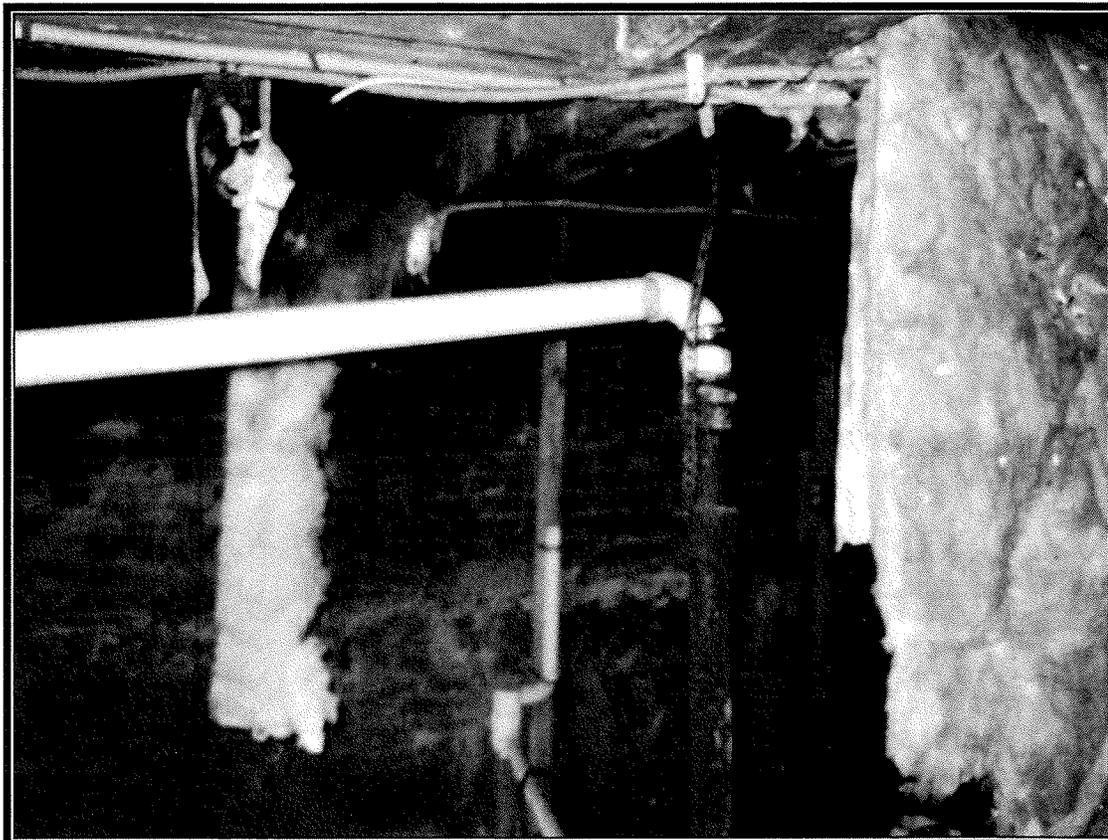


Photo # 21 Reversed pitched drainage pipe making for unsanitary conditions due to the ineffective flow of effluent.



LEWISTON CITY COUNCIL

MEETING OF APRIL 1, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 7

SUBJECT:

Annual appointment for the Lewiston-Auburn Railroad Company Board of Directors.

INFORMATION:

Each year, the City Council is asked to appoint people to serve as Lewiston's representatives on the Lewiston-Auburn Railroad Board of Directors.

The Nominating Committee of the Railroad Board has nominated the following Lewiston residents to serve on the Board: Gerald P. Berube, 3 year term expiring April 2017 and Jeffrey Gosselin, 3 year term expiring April 2017. The Board will hold its annual meeting in April. Passage is requested.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

ERAB/kmm

REQUESTED ACTION:

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

To accept the nominations from the Lewiston Auburn Railroad Board of Directors and to elect the following residents to serve on the Lewiston Auburn Railroad Company Board of Directors:

- 1) Gerald P. Berube , three year term expiring April 2017
- 2) Jeffrey Gosselin, three year term expiring April 2017

LEWISTON AND AUBURN RAILROAD COMPANY



March 20, 2014

Mayor Robert Macdonald
City of Lewiston
27 Pine Street
Lewiston, ME 04240

Dear Mayor Macdonald:

The Nominating Committee of the Lewiston and Auburn Railroad Company is charged to recommend two Lewiston Citizens as directors of the Lewiston and Auburn Railroad Company.

Article VI, Section 2 and 4 of the Bylaws of the Lewiston and Auburn Railroad Company with incorporated Shareholders Agreement read as follows:

Section 2. Classes of Directors. Notwithstanding anything to the contrary contained in the Charter or Article V of these Bylaws, the members of the Board of Directors shall be divided into two classes, one from each City, as follows: (a) the first class of Directors shall be hereafter referred to as the "Lewiston Directors" and shall be composed of six (6) Directors, all of whom shall be and shall continue to be residents of the City of Lewiston during their term of office; and (b) the second class of Directors shall be hereinafter referred to as the "Auburn Directors" and shall be composed of three (3) Directors, all of whom shall be and shall continue to be residents of the City of Auburn during their term of office.

Section 4. Election of Directors by Class. Notwithstanding anything to the contrary in the Charter or Article V of these Bylaws, the Lewiston Directors shall be elected by the Lewiston City Council and the Auburn Directors shall be elected by the Auburn City Council.

The Nominating Committee recommends the following individuals to be reappointed / appointed to the Board of Directors:

<u>Name:</u>	<u>Term:</u>
Gerald P. Berube	3-Year Term Expiring April 2017
Jeffrey Gosselin	3-Year Term Expiring April 2017

Upon election of the noted individuals, the Board of Directors of the Lewiston and Auburn Railroad Company will confirm the appointment. On behalf of the Board of Directors, I encourage prompt action on the nominations by the Lewiston City Council.

Very truly yours,


Gerald Berube
President

Cc: City Administrator, Ed Barrett

LEWISTON CITY COUNCIL
MEETING OF APRIL 1, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 10

SUBJECT:

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

INFORMATION:

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

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

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