

**LEWISTON CITY COUNCIL AGENDA
CITY COUNCIL CHAMBERS
SEPTEMBER 2, 2014**

6:00 p.m. Executive Sessions

- ES 1. Executive Session pursuant to MRSA Title 1, section 405 (6) (a) to discuss a personnel matter. (15 minutes)
- ES 2. Executive Session pursuant to MRSA Title 1, section 405 (6) (c) to discuss an Economic Development issue of which the premature disclosure of the information would prejudice the competitive bargaining position of the City. (30 minutes)

7:00 p.m. Regular Meeting

Pledge of Allegiance to the Flag.
Moment of Silence.

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 1.

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

- * 1. Order authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 724 Main Street.
- * 2. Request from the Kora Shrine for use of city services and a waiver of parking garage fees regarding the organization's November Feztival of Trees fundraising event.
- * 3. Authorization to accept transfer of forfeiture funds.
- * 4. Amendments to the City Policy Manual regarding the Commercial Loan Program Policy.

REGULAR BUSINESS:

- 5. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for the Androscoggin Bank Colisee, 190 Birch Street.
- 6. Public Hearing for approval of an outdoor concert at Dufresne Plaza for the Great Falls Yoga Festival on September 13, 2014.
- 7. Approving easements and various Right of Way and parking changes associated with the Bates College project to construct two dormitories on Campus Avenue and Central Avenue.
- 8. Condemnation Hearing for the building located at 233 Lincoln Street.
- 9. Condemnation Hearing for the building located at 248 Lincoln Street.
- 10. Condemnation Hearing for the building located at 390 Lincoln Street.
- 11. Condemnation Hearing for the building located at 66 River Street.
- 12. Condemnation Hearing for the building located at 2 Summer Street.

13. Order authorizing the City Administrator to execute an Agreement with CMP to accept \$175,000 for the reconstruction of Larrabee Road including installation of a culvert and appropriating these fees for that purpose.
14. Resolve adopting the Franklin Pasture Trustees' Sign Sponsorship Program.
15. Order authorizing the City Administrator to execute a First Amendment to the AL (Auburn Lewiston) Consortium Mutual Cooperation Agreement to form a Consortium under the Home Investment Partnership Program.
16. City Council Options regarding the implementation of the citizen petition for the adoption of the proposed ordinance regarding the Use of Marijuana by Persons 21 Years of Age or Older.
17. Order authorizing the Award of Bid 2014-051 for the purchase of a Street Saw and Trailer.
18. Appointment of a City Council member to the School Committee.
19. Appointment of a Community Member to the School Redistricting Committee.
20. Reports and Updates.
21. Any other City Business Councilors or others may have relating to Lewiston City Government.
22. Executive Session pursuant to MRSA Title 1, section 405 (6) (c) to discuss an Economic Development issue of which the premature disclosure of the information would prejudice the competitive bargaining position of the City

LEWISTON CITY COUNCIL
MEETING OF SEPTEMBER 2, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. ES - 6pm

SUBJECT:

Executive session pursuant to MRSA Title 1, section 405(6)(A) to discuss a personnel matter.

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:

Entering into executive session is permitted and defined under Maine State Statutes.

EPB/kmm

REQUESTED ACTION:

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To enter into an executive session pursuant to MRSA Title 1, section 405(6)(A) to discuss a personnel matter.

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 2, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. ES

SUBJECT:

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

INFORMATION:

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

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

EAB/kmm

REQUESTED ACTION:

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

LEWISTON CITY COUNCIL
MEETING OF SEPTEMBER 2, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

SUBJECT:

Order Authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 724 Main Street

INFORMATION:

The Council is asked to approve a municipal quitclaim deed for the property located at 724 Main Street. The quitclaim deed will release any interest the City may have by virtue of undischarged real estate tax liens or utility liens on this property.

Please see the memorandum from Finance Director Heather Hunter for additional information.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EVAB/kmm

REQUESTED ACTION:

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To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 724 Main Street.



**City of Lewiston Maine
City Council Order
September 2, 2014**

**Order, Authorizing Execution of a Municipal Quitclaim Deed – Real Estate Located
at 724 Main Street.**

WHEREAS, the owner, Maine Urban Properties Inc., failed to pay its utility bill on a timely basis for 724 Main Street (Tax Map 169, Lot 2, Parcel 00-007487); and

WHEREAS, a water lien was filed on June 25, 2009 (Book 7728 Page 281) and matured on December 25, 2010 in the amount of \$146.49; and

WHEREAS, a sewer lien was filed on June 25, 2009 (Book 7729 Page 37) and matured on December 25, 2010 in the amount of \$190.38; and

WHEREAS, payment was received in full on April 24, 2014;

NOW, THEREFORE, BE IT ORDERED by the CITY COUNCIL of the CITY of LEWISTON that the issuance of a quitclaim deed for 724 Main Street is hereby authorized to release the City's interest in the property back to the owner.



Finance Department

Heather Hunter
Director of Finance/Treasurer
hhunter@lewistonmaine.gov



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

FROM: Heather Hunter, Finance Director/Treasurer

SUBJECT: Quitclaim Deeds

DATE: August 20, 2014

One of the most powerful collection tools in a municipality's arsenal is the ability to lien properties for delinquent taxes (real and special only), water and sewer balances, and most recently stormwater balances. Once a lien is recorded, eighteen months must lapse without payment before the lien matures. Prior to maturity, the City Council may waive the right to foreclose on a maturing lien as you have done in the past. If the lien is permitted to mature, the municipality may elect to foreclose on the property or, if subsequent payment is received, return the property to its owner via a quitclaim deed.

At your September 2nd meeting, there will be a quitclaim deed involving a matured utility lien for the following property requiring your action.

Owner: Maine Urban Properties Inc.
Deed Released to: Maine Urban Properties Inc.
Address: 724 Main Street
Tax Map: 169 Lot 2 Parcel: 00-007487
Type of Lien: Water Lien Filed: 6/25/09 (B7728 P281)
Matured: 12/25/10 Paid: 4/24/14

Owner: Maine Urban Properties Inc.
Deed Released to: Maine Urban Properties Inc.
Address: 724 Main Street
Tax Map: 169 Lot 2 Parcel: 00-007487
Type of Lien: Sewer Lien Filed: 6/25/09 (B7729 P37)
Matured: 12/25/10 Paid: 4/24/14

At this time, I am requesting you approve the quitclaim order for the above account so the property can be released from the City to the owner.

Please feel free to contact me with any questions or concerns you may have. I will also be available at the meeting to address comments.

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 2, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

SUBJECT:

Request from the Kora Shrine for use of city services and a waiver of parking garage fees regarding the organization's November Festival of Trees fundraising event.

INFORMATION:

The director of the Lewiston Kora Shrine Festival of Trees event is requesting free use of the Oak Street Parking Garage for their event crafters and volunteers for Friday, November 28. Since this is the day after Thanksgiving and many places are closed due to the holiday weekend, many of the regular users of the garage will not be using the facility that day. Public Works said the garage is normally quiet on this day and does not see a concern with allowing free use of the garage for the event volunteers this day.

Please see their attached letter of request for additional information.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

This is a policy decision of the City Council.

EAB/Kmm

REQUESTED ACTION:

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To review the request submitted by the Lewiston Kora Shrine for a request for use of city services and a waiver of parking garage fees for the organization's November Festival of Trees fundraising event and to determine a course of action.



Kora Shrine 11 Sabattus Street Lewiston Maine 04240

August 11, 2014

**City Clerk Kathy Montejo
City Hall
Park Street
Lewiston, Maine**

Dear Kathy,

Kora Shrine Fesztival of Trees has grown to be one of premier holiday event in Maine. Last year the City of Lewiston allowed us to use the Oak Street Parking Garage for free on the Friday following Thanksgiving. We provided transportation to and from the parking garage which reduced the need for parking around Kora Shrine.

We are hopeful that by seeking approval early and if approved we will be able to better communicate with people about this option of parking.

The date that we are requesting is for Friday, November 28th, 2014.

We know that the parking lot is free on Saturday and Sunday so the waiver of fees would be for Friday only. We expect that some thirty five crafters and 75 volunteers that help run the Fesztival would use the garage each day. Thanks you're in advance for your support and please stop by the Kora Shrine Fesztival the Trees.

Please contact Bernie McAllister Director of Personnel at the Fesztival of Tree 2013 if you have any questions please call 783-4267

Sincerely,

Bernard McAllister Kora Shrine Fesztival of Trees

LEWISTON CITY COUNCIL
MEETING OF SEPTEMBER 2, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 3

SUBJECT:

Authorization to accept transfer of forfeiture funds.

INFORMATION:

The Lewiston Police Department is requesting that the City Council authorize the acceptance of funds, in the amounts outlined below, as reimbursement for costs associated with assisting in a criminal investigation.

The funds are available to the Lewiston Police Department due to its substantial contribution to the investigation of this or a related criminal case.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/4mm

REQUESTED ACTION:

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That pursuant to Title 15, Maine Revised Statutes Annotated, Section 5824(3) and Section 5822(4)(A), the City Council hereby acknowledges and approves of the transfer of items as outlined on the attached listing, less administrative fees or any portion thereof, in the cases of US Department of Justice Drug Enforcement Administration vs the cases outlined on the attached listing. Being funds forfeited pursuant to court process. It is further acknowledged that these funds shall be credited to the 'City of Lewiston Drug Enforcement Program' account.



MEMO



Date: August 12, 2014
To: Kathy Montejo, City Clerk
From: Michael Bussiere, Chief of Police
Re: Forfeiture funds

The following investigations are pending in federal court and upon a favorable final disposition, the funds in the cases listed below will be released to the Lewiston Police Department. Please make the necessary notifications to the City Council that would allow them to address the issue and consent to the acceptance of these funds. Please credit these funds to the Federal Drug Forfeiture Account, number 590-3514050.

Case #	Asset #	Asset
CE-14-0005	14-DEA-598874	11.43% less adm fee of \$3,700
CE-14-0005	14-DEA-600319	100% Lenova IdeaPad K1 Tablet
CE-14-0005	14-DEA-600321	100% Apple 16GB Ipad
CE-14-0005	14-DEA-600322	7.27% less adm fee from sale of 2004 Audi A6 3.0 Quattro
CE-14-0005	14-DEA-599597	11.43% less adm fee of 15,417
CE-14-0005	14-DEA-600122	5.7% less adm fee of \$9,400
CE-14-0027	14-DEA-601549	10% less adm fee of \$5,789



MEMO



Date: June 11, 2014
To: Kelly Mercier, Deputy City Clerk
From: Michael Bussiere, Chief of Police
Re: Forfeiture funds

The following investigations are pending in federal court and upon a favorable final disposition, the funds in the cases listed below will be released to the Lewiston Police Department. Please make the necessary notifications to the City Council that would allow them to address the issue and consent to the acceptance of these funds. Please credit these funds to the Federal Drug Forfeiture Account, number 590-3514050.

Asset #	Case #	Asset
14-DEA-593822	CE-14-0012	6% less adm fees of \$6,000 in currency
14-DEA-593826	CE-14-0013	4% less adm fees of \$18,900 in currency
14-DEA-593838	CE-12-0022	8% less adm fees from the sale of 2009 Cadillac CTS
14-DEA-597004	CE-12-0022	11% less adm fee of \$177,500
14-DEA-596672	CE-14-008	2% less adm fee of \$25,065
14-DEA-597002	CE-14-0019	5% less adm fee of \$10,550
14-DEA-596847	CE-12-0022	9.33% less adm fee of \$50,000

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 2, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT:

Amendments to the City Policy Manual regarding the Commercial Loan Program Policy.

INFORMATION:

The City's Community Development staff is recommending amendments to the Commercial Loan Program policies regarding the Life Safety Grant/Loan Program.

Please see the attached memorandum from Lincoln Jeffers for additional information on this issue.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.



REQUESTED ACTION:

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To amend the Commercial Loan Program Policy regarding the Life Safety Grant/Loan Program, Policy Manual Number 27, as recommended by the Community Development Department staff and the City Administrator.



**City of Lewiston Maine
City Council Resolve
September 2, 2014**



Resolve, Amending the City of Lewiston Life Safety Grant/Loan Program

Whereas, the City Council established a Life Safety Loan/Grant Program in September 2012 designed to assist the owners of historic downtown properties to bring them into conformity with today's life safety codes; and

Whereas, the geographic area in which buildings are eligible for the program is currently limited to Lisbon Street between the Pepperell Mill/Adams Avenue and Main Street; and

Whereas, other historic buildings in the greater downtown area face similar challenges, including the former St. Patrick's church rectory which is planned for renovation into an inn; and

Whereas, the developer of this building has applied for a life safety grant for the purposes of installing a sprinkler system needed to meet code and life safety requirements; and

Whereas, this request meets the program's objectives, but the structure is located two blocks outside of the targeted geographic area; and

Whereas, given the importance of this structure to the downtown area and the stated purposes of this program, it is appropriate to adjust the program to allow for consideration of this request;

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

the City of Lewiston Life Safety Grant/Loan Program is hereby amended to broaden the area within which buildings may be eligible for this program and as shown on the attached program description.

Economic and Community Development

Lincoln Jeffers

Director



To: Honorable Mayor and Members of the City Council
From: Lincoln Jeffers
RE: Life Safety Program Amendment
Date: August 25, 2014

The City Council established a Life Safety Loan/Grant Program in September 2012. To date, the program has only been utilized once. The geographic area in which buildings are eligible for the program has been limited to Lisbon Street between the Pepperell Mill/Adams Avenue and Main Street.

The developer of the Agora Grand Events Center (formerly St. Patrick's church) is moving forward with plans to renovate the former rectory into an inn. The building needs to be sprinklered to meet code and life safety occupancy requirements. The developer has applied for a Life Safety grant/loan from the city. The request meets the program objectives, but it is located 2 blocks outside of the targeted geographic area.

Attached is a proposed amendment to the **Life Safety Program** that will allow the program to be applied to buildings located outside of the Lisbon Street corridor, but that are still within the CDBG target area (Census Tracts 201-204). Preference will still be given to properties in the target area, but the amendment will give the Loan Qualification Committee the authority to consider and fund **Life Safety Program** investments outside of the target area when the program objectives and underwriting criteria will be met.

City staff recommends approval of the amendment.

City of Lewiston Life Safety Grant/Loan Program

Program Overview

Downtown Lewiston has many historic downtown properties that have upper stories that no longer meet life safety codes. Market rents currently do not support the costs of redeveloping these upper stories to current life safety code requirements. This program is intended to match private sector investment made to complete code required life safety improvements that will result in re-utilization of the upper stories of commercial and mixed use taxable downtown buildings. Putting the upper stories of these buildings back into productive use will increase the vitality and sustainability of the downtown, add to the critical mass of people necessary to create and sustain downtown businesses, and expand the city's tax base. The funds may be used to participate in the installation of sprinkler systems, creating or fire rating a second means of egress, or other life safety related improvements.

The City will match private sector investment, on a 1:1 basis, up to \$50,000 per building on a tiered grant and loan basis. Up to \$50,000 is available for life safety on the subject property. Once the total cost of the project has been determined, one-half of the City's portion will be a grant and the other half will be a loan at 3% interest for up to 10 years as determined by the ability to repay and as approved by the LQC.

The Life Safety Grant/Loan Program is being funded and administered through the City's Economic and Community Development Department. The program is targeted to the "priority area" identified in Attachment A. When requests for funding are received for properties located outside of the priority area but within the CDBG Target Area (Census Tracts 201-204), the Lewiston Loan Qualification Committee has the latitude to fund such requests if the committee determines program objectives and other underwriting criteria will be met.

Program Objectives

- To encourage private investment that results in the re-utilization and tenancy in the upper floors of taxable downtown commercial and mixed use buildings.
- To stimulate economic development through financial incentives to building owners that result in increased leasable square footage, and in turn, more people and businesses in the target area.
- To remove spot blight, rehabilitation of privately owned commercial buildings expand housing options, create jobs, and increase downtown tenancy and vitality.

Program Criteria

Life Safety Improvements: Shall include sprinkler systems, second means of egress, and other building improvements as may be required by the National Fire Protection Act (NFPA) 101 and International Building Code as adopted by the City of Lewiston and/or State of Maine.

Project Eligibility: To be eligible the property must be located in the “priority area” illustrated in Attachment A. The building must be taxable, privately owned, and a commercial or mixed use property.

Applicant Eligibility: The applicant must have proof of ownership of the building, must be current on all City assessments, provide evidence of cash match from a financial institution, lender, insurance payment or owner cash; and meet financial and underwriting requirements if part of the financing is a loan. ~~Neither~~ Neither the applicant nor any member of his/her family may be an elected or appointed City Official; Director of any City Department; an employee of the City’s Economic and Community Development Department or Code Enforcement and Planning Department.

City Assessments: Applicants may not be delinquent on property taxes, personal property taxes for business equipment, trash, water or sewer or have any outstanding or delinquent accounts on any property of which they are a principal owner within the City of Lewiston.

Historic Properties: Some of the properties located in the “priority area” are listed on the National Historic Register or have been designated locally as being a historic building or is located in a designated historic district. Historic properties by federal law have review requirements. Applicants are encouraged to know the historical significance of the building. The life safety program utilizes federal funding which requires a historic review under federal law. The historical significance triggers the level of review. Please check “Appendix A - Zoning and Land Use Code Article XV Significant Buildings and Districts” at the City of Lewiston to determine local significance and review requirements. Historic projects must follow the Secretary of Interior’s Standards for Rehabilitation. Construction documents shall be prepared by an architect, design consultant, or contractor, preferably with experience in the building restoration field.

Cost Estimates: Applicants are required to obtain two firm bids for eligible improvements that are being funded by the Life Safety Program. Bids must be from independent contractors and cover the same scope of work by each contractor. Projects approved for funding will be based on the lowest and most qualified bids; however, applicants may choose any of the submitted bidders but will be responsible for paying the cost that exceeds the lowest qualified bidder. A building owner with a construction company may not bid to do work under this program.

Maximum Funding Available per Project: Up to \$50,000 available for life safety required improvements on the subject property. Once the total cost of the project has been determined, one-half of the City's portion will be a grant and the other half will be a loan at 3% interest for up to 10 years as determined by the ability to repay and as approved by the LQC.

Matching Funding: A 1:1 match (50% of total project cost) is required for any increment of funding provided under this program. Applicant may secure match from a lender, owner equity, or insurance, etc. Match must be cash, or liquid and available when the project is approved for funding. A letter of firm commitment from a lender or award letter will be used to verify match from sources other than owner equity. Once the application is approved for funding, each disbursement request of public funding must be matched by an equal amount of private funding. All of these forms of match are acceptable providing the funding is available at the time the project is ready to proceed. No self-help labor is allowed as match.

Funding Agreement: Applicants must have a signed funding agreement with the City prior to commencement of improvements. Other than for architectural design, project expenditures made prior to approval of the project by the LQC, and if needed, Maine Historic Preservation Commission approval, do not qualify as matching funds. Other than as described above, only those expenditures made after execution of a funding agreement are eligible for inclusion as match or for 50% reimbursement.

Federal, State and Local Requirements May Apply: Most of the funding available to the City for grants and loans comes from federal or state resources 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); and or other federal, state or local funding may be used.

To Apply for a City Loan or Grant

A property or business owner interested in participating in the City's Commercial Programs must submit a completed, signed application, along with the required submissions to the Economic and Community Development Department, City of Lewiston, 27 Pine Street, Lewiston, ME 04240. If you have questions specific to the program, you can contact Jayne Jochem, Community Development Coordinator at 207-513-3126 x 3233 or jjochem@lewistonmaine.gov. Personal appointments can be made upon request. There is an open application period as long as funding is available. Commercial loans and grants are processed on a first come, first serve basis for approved projects.

Application Submission

The following items must be submitted as part of the application package.

- a) Completed and signed application form and application checklist for documents required to be submitted
- b) Certain financial information is required with all applications including: personal and business income sources, two years personal and business income taxes financial statements or other documentation from a certified accountant, two months of personal and business bank statements, Year to date profit and loss; projected cash flow for next 12 months, collateral sheet, other information as requested; Copy of the Hazard Insurance on the property
- c) Addresses of all properties owned wholly or in part in the City of Lewiston by the Applicant
- d) Current photograph of property to be improved
- e) Written description of the project improvements including material list and color selections, if appropriate to the project
- f) Construction drawings of the proposed improvements, if applicable
- g) Two written bids/estimates of each component of the proposed scope of work needed to complete the project

Application Processing and Review

Each application received will be dated upon receipt in the Economic and Community Development Department offices on the Third Floor at City Hall. Only one original application is needed; however, retain a copy of the completed application for your files. There are two types of funding available, grants or loans. The program itself describes the type of funding available as well as the maximum funding limits. You may request up to that limit; however, if the ask does not support the need, the City may fund an amount less than the maximum funding levels.

Additionally, applications will be accepted for one or more programs offered through the Economic and Community Development Department depending upon the scope and breadth of the project. For example, you may apply for a Façade Improvement Program and a Commercial Rehabilitation Loan or a Housing Rehabilitation Loan; however, you must meet the individual program as well as the financial guidelines for each type of program applied for. City funds from one funding source cannot be counted as match towards another commercial program. Owner's capacity to finance and complete the scope of the approved project on a timely basis is evaluated as other community development programs are accessed.

Verification of Information

Once the application is submitted, Community Development staff will verify all sources of income, assets, and matching source. Third party written verifications may be needed. Credit Reports to determine credit worthiness of the business including its members and principals will be obtained.

Community Development staff will conduct a title search of the property to make sure that the title is clear from liens and will complete property verifications with City Departments, (Assessing, Finance – Water and Sewer, Treasurers, etc Code Enforcement and Planning) that there are no outstanding assessments or complaints on the property. Staff will check the State of Maine's Corporate Database to ensure that the Corporation is considered in good standing. The Community Development staff will check the Federal State and local databases to determine whether or not the building is historic and the type of review needed. City staff will also check the FIRMettes Flood Map and the Wetlands Map and print a GIS map of the property location.

Community Development staff will review the project and the bids with the Building Inspector and set an appointment to conduct the initial inspection of the property to ensure that the improvements made to the property will add value and that the building can support the proposed improvements. The Building Inspector will make recommendations as needed including items that do not meet code and need to be repaired as part of the project.

Community Development staff will check the Contractors that have provided proposals against the Excluded Parties List System (EPLS) <http://www.epls.gov> to determine if the contractor has been debarred, suspended, is proposed for debarment, excluded or otherwise disqualified from work that is being federally funded. Staff will document the file.

Community Development staff will document the file defining the National Objective and the eligible activity that the project falls under.

Once the initial verification has been completed, if favorable, staff will document the file and send to underwriting.

Risk Analysis and Underwriting Criteria

All grants will be underwritten by staff in the Economic and Community Development Department. Commercial loans will be underwritten on a contractual basis.

The following underwriting criteria will be used to evaluate the financial strength of the borrower and the anticipated success of the project:

1. Debt Coverage Ratio (DCR) defined as the monthly debt compared to the monthly net income. The City will accept a DCR of 1:1.1. (loan only)
2. Debt Service Coverage Ratio (DSCR) defined as the Net Operating Income (NOI) divided by the Total Debt Service. The City will accept a DSCR of 1:1.20 (loan only)
3. Loan to Value Ratio (LTV) defined as the Total Loan Balances of the mortgages divided by the Fair Market Value of the Property. The LTV will not exceed 100% LTV (loan only)
4. Years in Business
5. Commitment of other lenders/Terms of the Commitment/Subordination
6. Repayment/Refinancing Collateral (loan only)
7. Matching source from an institutional lender, owner financing, insurance company, and/or any other source acceptable to the lender
8. Track record of accomplishments
9. Verification that all City Department assessments (taxes, City utilities, etc) have been paid

The file will be documented with this information and reviewed by staff to determine whether or not the project is financially feasible and ready to move to the Loan Qualification Committee for approval.

Application Approval:

All applications for program funding are presented for review and approval to the Loan Qualification Committee (LQC), which consists of: the City of Lewiston's City Administrator, Economic & Community Development Director, Director of Finance, one member of the City Council, and one citizen representative preferably with lending experience.

The actions of the Committee shall be governed by the following rules:

1. A majority of the Committee's members must be present to constitute a quorum. At least three (3) votes on the prevailing side are required to constitute a valid vote on any funding application.

2. Committee approval of applications will be contingent upon the applicant meeting the requirements of the program they are applying for
3. The Committee has the authority to adjust terms, rates and the match requirement and underwriting ratios on a case-by-case basis.

Approval/Disapproval of the Funding Request

Once the LQC makes a recommendation, the applicant will be notified via telephone by a representative of the Economic and Community Development Staff. If the terms have been modified, the borrower will be given an opportunity to accept the new terms and conditions or request an appeal.

Appeal Process

The applicant may appeal the decision of the Loan Qualification Committee (LQC) under the following circumstances:

- 1.) Must be in writing with an explanation regarding why the applicant should be granted an appeal
- 2) No new information may be presented by the applicant only clarification of information that was not presented correctly.
- 3) Request for an appeal must be made within 30 days of the date of the decision to deny or modify the terms of participation in writing to The LQC, Chairperson, who will conduct the appeal process.
- 4) The decision of the Chairperson is final.

General Terms and Conditions for Participation in the City Programs

This section sets forth the general terms and conditions to which an applicant must agree in order to receive a loan through the Loan Programs.

Once the proposed work is approved for funding and a Commitment Letter is issued. Community Development Department staff will contact the owner, schedule an appointment for a loan closing. The following documents become part of the Funding Agreement between the City and the Owner: 1) Commitment Letter, Terms and Conditions of the Program, Security Agreement or Mortgage, Promissory Note, Personal Guaranties of all owners, if Equipment is

purchased UCC-1 and 2; or other Agreements pertinent to the type of funding (eg Job Creation, Façade Maintenance Agreement, etc.)

The City of Lewiston views the documents executed at the loan closing as a contractual agreement between the Borrower and the City. To fulfill this agreement, the Borrower must:

1. Complete within six (6) months all rehabilitation work as described in the loan application submitted by the applicant and approved by the Loan Qualification Committee. For exterior work scheduled allowances may be made for weather if needed.
2. Repay in full and in the manner prescribed, all loan money disbursed to the Borrower by the City of Lewiston through its programs.
3. The Borrower accepts ultimate responsibility for fulfillment of this agreement and further agrees that:
 - a. Other verbal agreements or written contracts entered into for the completion of any rehabilitation activity is made solely between borrower and the respective contractor and/or supplier;
 - b. Will indemnify and hold harmless the City of Lewiston and its agents from any and all disputes or claims of any nature for damages which may arise from the performance of any rehabilitation activity.
4. If a Borrower fails to maintain the property at or above the minimum acceptable level prescribed by municipal codes, the City Treasurer may assess an interest penalty to be added to the Borrower's monthly payment. This interest penalty shall be equal to the unpaid principal of the loan after the code violations are discovered, times one-twelfth of the annual effective interest rate of the matching bank loan, and shall be assessed each first day of the month thereafter, until the code violations are corrected.
5. The Borrower's failure to make any monthly payment in full within thirty (30) days of the date when due, or the Borrower's failure to make full payment of any late charge or interest penalty within thirty (30) days of the date assessed, shall constitute a default.
6. The entire principal balance and all accrued interest shall become immediately due and payable without notice or demand upon the foregoing events:
 - a) The Borrower's failure to make any monthly payment in full within 30 days of the date when due, or the Borrower's failure to make full payment of any late charge or interest penalty within 30 days of the date assessed shall constitute a default;

- b) The commencement of any proceedings by or against the developer under any bankruptcy or insolvency laws:
 - c) The dissolution of, insolvency of, appointment of a receiver for, or assignment for the benefit of creditors of any property of, the developer;
 - d) Loss of, substantial damage to, destruction of, sale of encumbrance upon (whether first or second position to this note and the mortgage securing this note), seizure of, levy against, attachment of, failure to pay any property taxes or other city utilities upon, or insurance premiums on the project property
7. Rehabilitation Loans will require a security instrument which is acceptable to the City. The cost of preparation and registration of the security document will be the Borrower's responsibility to bear and will be payable to the City at the time of the loan closing.
8. A Borrower agrees to permit inspection of the property, rehabilitation work and all contract agreements, materials, equipment, payrolls, and conditions of employment pertaining to the rehabilitation project by the City's ECDD and/or Code Enforcement personnel.
9. The Borrower agrees to follow the procedures and conditions of all established and applicable municipal ordinances in the physical rehabilitation and maintenance of improved property. Work not meeting minimum standards and procedures established by code is unacceptable for disbursement of any loan funds.
10. Disbursement of Program funds
- a) Disbursement of all Rehabilitation Loan funds is made to the Borrower and the contracted contractor upon request submitted to the City's ECDD. Invoices received by Tuesday, end of day, will be processed for payment on Wednesday of the following week, no earlier than 3:00 pm.
 - b) Repayment of the loan will begin upon completion of the construction phase or six (6) months after the closing date.
 - c) The above is contingent upon approved activities being completed according to applicable municipal codes. No money will be disbursed to reimburse the Borrower for improvements made to the property which were not approved by the Loan Qualification Committee before they were commenced.
12. The Borrower is required to maintain hazard insurance on the improved property for the full term of the note and for an amount equal to the total value of all mortgages held on the

property. Prior to disbursement of program funds, the City shall be listed as a loss payee on the policy for the property.

13. The Borrower agrees to keep such records as may be required by the City of Lewiston with respect to the rehabilitation activities.

14. The Borrower further agrees to abide by all terms and conditions of Federal Regulations, including:

1. **Federal Labor Standards**: The Borrower must abide by established minimum wage rates (Davis Bacon Act as supplemented by Department of Labor regulations) contained in entitlement grant regulations 24 CFR 570.603 FOR ALL commercial construction contracts awarded in excess of two thousand dollars (\$2,000).

2. **Lead-Based Paint Hazards**: Any Rehabilitation loans made by the City of Lewiston shall be subject to the current federal regulations contained in entitlement grant regulations 24 CFR Part 35 provisions providing for the elimination of lead-based paint hazards.

3. **"Section 3" of the Housing and Urban Development Act of 1968**: The Borrower must comply with the Provisions of Training, Employment and Business Opportunities and will comply with Title IX Section 915, Section 3 of the Housing and Urban Development Act of 1968, as amended in 1992; and in accordance, in all work made possible by or resulting from this contract, affirmative action will be taken to ensure that residents (preferably; lower income) of the City of Lewiston are given maximum opportunities for training and employment and that business concerns located in or owned in substantial part by residents of the City of Lewiston are to the greatest extent feasible, awarded contracts.

4. **Flood Hazard Insurance**: If the property to be improved is located in a designated flood hazard area, the applicant is required to carry flood plain insurance in accordance with the National Insurance Act of 1968 (as amended) and abide by the regulations of the Flood Disaster Protection Act of 1973 as contained in Entitlement Grant Regulations 24 CFR 570.605.

5. **Civil Rights Act of 1964**: The Borrower must not discriminate upon the basis of race, color, creed, or national origin in the sale, lease, rental or occupancy of an improved property and will comply with Title VI of the **Civil Rights Act of 1964**, codified in United States Code Title 42 Sec. 2000(d), and Title VIII of the Civil Rights Act of 1968, and

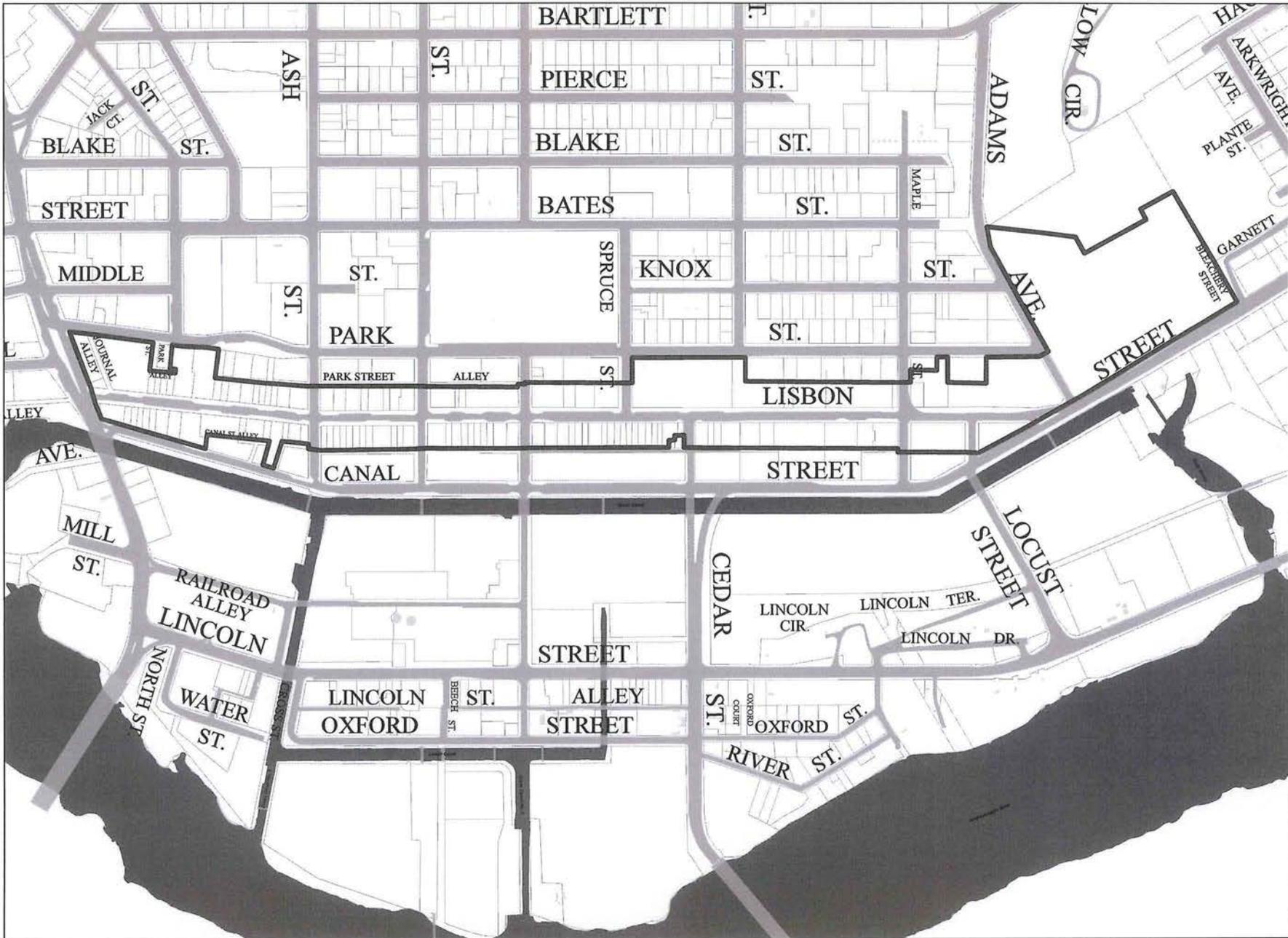
Section 109 of the Housing and Community Development Act of 1974, and in accordance therewith, no person in the United States shall, on the ground of race, color, national origin, religion, age, or sex, be excluded from participation in, be denied the benefits, or be subjected to discrimination under, any program or activity funded in whole or in part with the Community Development funds or any other federal financial assistance. The operating agency will immediately take any measures necessary to effectuate this agreement.

6. **Interest of Certain Federal Officials:** No member of or Delegate to the Congress of the United States, and no Federal Housing Commissioner shall be admitted to share any part of this Program or any benefit to arise from the same.

7. **Interest of Members, Officers, or Employees of Operating Agency, Members of Local Governing Body, or Other Public Officials:** No member, officer or employee of the Department of Development (Planning, Community Development or Code Enforcement) or its agents or assignees, no municipal officers of the City, and no other member of any board or commission, elected or appointed official of Lewiston or employee of the City of Lewiston, who exercises any decision-making functions or responsibilities regarding the Community Development Program, shall have any direct or indirect pecuniary interest, as that term is defined by 30 MRSA, Section 2250, et seq., in any contract, subcontract or the proceeds thereof for work to be performed in connection with the program assisted under this agreement.

8. **Federal Funding Accountability and Transparency Act:** The Owner shall comply with requirements established by the Office of Management and Budget (OMB) concerning the Dun and Bradstreet Data Universal Numbering System (DUNS), the Central Contractor Registration (CCR) database, and the Federal Funding Accountability and Transparency Act, including Appendix A to Part 25 of the *Financial Assistance Use of Universal Identifier and Central Contractor Registration*, 75 Fed. Reg. 55671 (Sept. 14, 2010)(to be codified at 2 CFR part 25) and Appendix A to Part 170 of the *Requirements for Federal Funding Accountability and Transparency Act Implementation*, 75 Fed. Reg. 55663 (Sept. 14, 2010)(to be codified at 2 CFR part 170).

These guidelines may be amended as required by changes in federal programs.



This map is provided by the City of Lewiston, Land Information and Planning Department. It is not a warranty, nor a guarantee of accuracy. It is for informational purposes only and should not be used for legal, financial, or other purposes. The City of Lewiston is not responsible for any errors or omissions on this map. The City of Lewiston is not responsible for any damages or losses resulting from the use of this map. The City of Lewiston is not responsible for any damages or losses resulting from the use of this map.

Legend

 Priority Area

**Attachment A
Downtown
Facade
Improvement
&
Life Safety Grant/
Loan Programs
Eligibility Area**

February 2012
Not To Scale



LEWISTON CITY COUNCIL
MEETING OF SEPTEMBER 2, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

SUBJECT:

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for the Androscoggin Bank Colisee, 190 Birch Street.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from the Androscoggin Bank Colisee, 190 Birch Street.

The Police Department has reviewed and approved the application.

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

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/cmh

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To grant a Special Amusement Permit for Live Entertainment to the Androscoggin Bank Colisee, 190 Birch Street.

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

Date of Application: 8/26/14

Expiration Date: 7/31/14

- Class A - \$125.00 - restaurants with entertainment, which **does not have dancing**
- Class B - \$125.00 - lounges/bars with entertainment, which **does not have dancing**
- Class C - \$150.00 - either restaurants or lounges/bars with entertainment, including dancing
- Class D - \$150.00 - function halls with entertainment, including dancing
- Class E - \$150.00 - dance hall or nightclub that admits persons under the age of 21
- Class F - \$150.00 - "chem-free" dance hall or nightclub for patrons aged 18 yrs and older, with no liquor

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

****PLEASE PRINT****

Business Name: Androscooggin Bank Colisée **Business Phone:** (207) 783-2009

Location Address: 190 Birch Street Lewiston ME 04240

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

Mailing Address: 190 Birch St Lewiston ME 04240

Email address: diamondtagne@thecolisee.com

Contact Person: Mike Cain **Phone:** (207) 783-2009

Owner of Business: Jim Cain **Date of Birth:** 01/14/1948

Address of Owner: 50 Russell St Lewiston ME 04240

Manager of Establishment: same **Date of Birth:** _____

Owner of Premises (landlord): same

Address of Premises Owner: same

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

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

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

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

Corporation Name: _____

Corporation Mailing Address: _____

Contact Person: _____ Phone: _____

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

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? 300 ft

Please describe the type of proposed entertainment:

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> dancing | <input checked="" type="checkbox"/> stand up comedian | <input checked="" type="checkbox"/> piano player |
| <input checked="" type="checkbox"/> music by DJ | <input checked="" type="checkbox"/> karaoke | <input checked="" type="checkbox"/> other, please list <u>HOCKEY, BOXING</u> |
| <input checked="" type="checkbox"/> live band/singers | <input checked="" type="checkbox"/> magician | <input type="checkbox"/> other, please list <u>INDOOR EVENTS</u> |

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

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

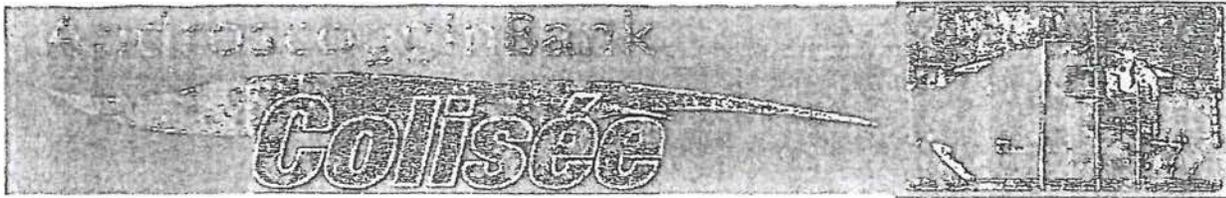
It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto.

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

Signature: [Signature] Title: OWNER Date: 8/26/14

Printed Name: Jim Cain

Hearing Date: _____



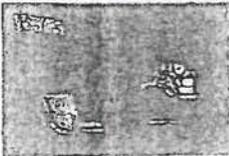
190 Birch St. Lewiston, ME

TICKETS: 1-877-GO-TIX-GO

- HOME
- EVENT SCHEDULE
- BOX OFFICE
- GROUP SALES
- DIRECTIONS
- SEATING CHART
- SHIPYARD LOUNGE
- EVENT PHOTOS
- GENERAL INFO
- CONTACT
- PROMOTER GUIDE
- COMMENTS

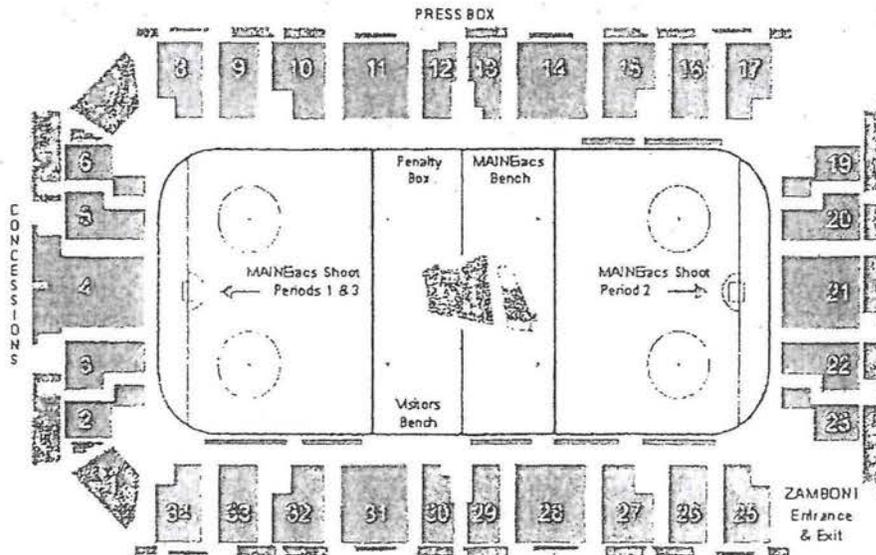
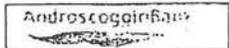
SEATING CHART

* Rows K, L, M, N, O are bench style seats with no backing with the exception of Section 4.



HOCKEY SEATING

Arena seats (with backs)
Ice level seats (with backs)
Bench seats (no backs)



END STAGE WITH SEATS

Arena seats (with backs)
Bench seats (no backs)
Floor seats (with backs)



POLICE DEPARTMENT

Michael J. Bussiere
Chief of Police



TO: Kelly Mercier, Deputy City Clerk

FR: Sgt. Robert P. Ullrich

DT: June 11, 2014

RE: Liquor License/Special Amusement Permit – **Androscoggin Bank Colisee**

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

Androscoggin Bank Colisee
190 Birch St.



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



Professionalism

Integrity

Compassion

Dedication

Pride

Dependability

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 2, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6

SUBJECT:

Public Hearing for approval of an outdoor concert at Dufresne Plaza for the Great Falls Yoga Festival on September 13, 2014.

INFORMATION:

The YWCA has submitted an application requesting permission to hold an outdoor concert on City property in conjunction with their September 13 Great Falls Yoga Festival in downtown Lewiston. They plan to hold an event outdoors involving live music at Dufresne (Courthouse) Plaza on Saturday, Sept 13 as part of their festival.

Per the City Code, an outdoor concert cannot be held on city property without approval by a majority of the Council after a public hearing. Staff recommendations are being sought from the Recreation Department, Police Department, Fire Department, Code Enforcement/Health Officer and the Land Use Code Officer for compliance.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/Kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To conduct a public hearing on an application from the YWCA for an outdoor concert to be held at Dufresne Plaza on Saturday, September 13 for the Great Falls Yoga Festival, and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the YWCA for the outdoor concert, contingent upon positive recommendations from the Recreation Department, Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances.

CITY OF LEWISTON

Special Event Application

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

Application Date 8/13/14

SPONSOR INFORMATION

Name of Sponsoring Organization: YWCA of Central Maine

Name of Contact Person for Event: Kathy Durgin-Keighton

Title of Contact Person: Executive Director

Mailing Address: 130 East Avenue Lewiston, ME 04240

Daytime Telephone: 795-4050 Cell Phone: 751-4253

Email Address: KKeighton@ywcamaine.org

Contact Name and Cell Phone Number DURING the Event: Kathy 751-4253

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

Non-Profit Number: 01-0211570

EVENT INFORMATION

Name of Event: Great Falls Yoga Festival

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

Date of Event: Sept. 13, 2014 Rain Date: N/A

Times of Event: Start Time including set-up: 7 AM Ending time including clean up: 5 pm
Actual Event Start Time: 8 AM Actual Event End Time: 4 pm

Estimated Attendance: 100

Location of Event: various locations Lisbon Street

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

Date request submitted to the Recreation Department: _____

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

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

N/A	PARKING ACCOMODATIONS – What will be the anticipated need for parking and what is your parking plan? <i>Parking garages</i>		X	
N/A	TOILETS – Please list amount at event and/or nearest location: <i>Businesses are opening up their space for classes as well as their toilet facilities.</i>		NA	
N/A	WASTE DISPOSAL – Please list process and location: <i>All food will be sold at restaurants –</i>		NA	
N/A	HAND WASHING FACILITIES – Please list amount at event and/or nearest location:		NA	
N/A	POTABLE WATER – Please list amount at event and location: <i>Bottled water provided @ library / registration</i>			
N/A	FIRST AID FACILITIES – Please list location at event: <i>First Aid Kit @ Registration (Calahan Hall)</i>			
\$	TOTAL FEE AMOUNT INCLUDED – Checks payable to “City of Lewiston”			

EVENT LIABILITY INSURANCE COVERAGE FOR EVENT

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

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

Yoga classes will be taught at various outdoor locations along Lisbon Street. Vendors will be selling t-shirts, jewelry, etc. along corresponding sidewalks (Pine St. to Main St.). Registration at Calahan Hall (Library). Music @ Plaza.

Signature of Applicant:

Kathy Durgin Leighton

Printed Name:

Kathy Durgin Leighton

Date Submitted:

8/13/14

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

Please return this completed application with diagram and any applicable fee to:

MAIL: City Clerk's Office
Lewiston City Hall
27 Pine Street
Lewiston, Maine 04240

FAX: 207-777-4621

EMAIL: kmontejo@lewistonmaine.gov

Questions: 207-513-3124 phone

******FOR STAFF USE******

DEPARTMENT COMMENTS AND RECOMMENDATIONS:

DEPARTMENT	APPROVE	DENY	DATE	INITIALS
Sanitarian/Health Inspector				
Code Officer/Land Use & Zoning				
Fire Department				
Police Department				
Public Works Department				
Recreation Department				

COMMENTS/CONDITIONS from any of the above departments:

City Council Public Hearing date, if applicable: _____

License Approved/Denied: _____ Date applicant notified: _____

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 2, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 7

SUBJECT:

Approving Easements and various Right of Way and parking changes associated with the Bates College project to construct two dormitories on Campus Avenue and Central Avenue.

INFORMATION:

Please see the attached information including the letter of request from Bates College and memorandums from the Public Works Department and the Planning Department.

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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Two actions are requested:

- 1) To approve the Order authorizing the City Administrator to develop, approve and execute documents issuing and accepting easements associated with the Bates College Dormitory project.
- 2) To approve the Resolve indicating the support of the City Council for various changes involving bike/pedestrian striping, on-street parking, curb extensions, and other right-of-way modifications associated with the Bates College dormitory project.



**City of Lewiston, Maine
City Council Order
September 2, 2014**



ORDER, Authorizing the City Administrator to Develop, Approve and Execute Documents Issuing and Accepting Easements associated with the Bates College Dormitory Project.

Whereas, Bates College proposed a project to construct two (2) new residence halls (dormitories) with a total of 230-250 beds, a campus store and a mail room; and

Whereas, the project will require several easements for both the City and Bates College; and

Whereas, the Planning Board at their meeting on July 28, 2014 approved the project with 9 conditions as identified City Planner David Hediger's letter dated July 31, 2014; and

Whereas, the City has agreed to allow Bates College to narrow a portion of Franklin Street from 30-34 feet wide to 26 feet wide (2-11 foot travel lanes and 2-2 foot gutters) as approved by the Director of Public Works; and will provide an easement allowing Bates to improve the sidewalk and landscaping in the area to provide a safer and more attractive pedestrian access, which the College will maintain at their own expense; and

Whereas, Bates College has agreed to provide the City with sidewalk easements along Campus Avenue and Central Avenue where the sidewalk will straddle the property lines; and

Whereas, Bates College has agreed to maintain the sidewalk on Campus Avenue between Bardwell Street and Central Avenue at their own cost; and

Whereas, the City agrees to provide Bates College with a 15 foot wide utility easement to cross Bardwell Street, Franklin Street (two (2) locations) and Campus Avenue; and

Whereas, the City agrees to provide Bates College with a stormwater pipe easement for their stormwater pipe crossing Franklin Street and Bardwell Street; and

Whereas, Bates College has agreed to provide the City with a stormwater easement for the catch basin located on the property of 96 Bardwell St and the associated piping that crosses 129 Nichols Street to Nichols Street where the pipe connects to the City's stormwater collection system; and

Whereas, the Bates College shall record all the easements in the Androscoggin County Registry of Deeds;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the City Administrator is Authorized to execute any documents to complete the agreement and issue/receive the easements as described in the completed easement deeds.



**City of Lewiston Maine
City Council Resolve
September 2, 2014**



Resolve, Indicating the Support of the City Council for Various Changes Involving Bike/Pedestrian Striping, On-Street Parking, Curb Extensions, and Other Right-of-Way Modifications Associated with the Bates College Dormitory Project on Campus and Central.

Whereas, Bates College is planning to develop two dormitories located at 55 and 65 Campus Avenue; and

Whereas, as a result of this project, Bates is requesting that certain changes be made to Campus and Central affecting such items as on- street parking, right of way modification, striping, and signage; and

Whereas, these improvements have been reviewed and are recommended by the Planning Board and supported by City-staff; and

Whereas, prior to the issuance of a building permit, the City Council must indicate support for these changes;

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

The following changes involving bike/pedestrian striping, changes to on-street parking, curb extensions, and other right-of-way modifications are hereby supported and staff is directed to work with Bates College to implement them and, where necessary, to prepare the Council actions required for them to be implemented:

Bike/pedestrian striping

- Paint Sharrow marking in Campus Ave 50' from the intersections at College Street and at Central Ave.
- Paint a double yellow solid line down the center of Campus Avenue between College Street and Central Avenue.
- Paint ladder style pedestrian crosswalks with handicap ramps at three locations on Campus Ave, and on the south side of Campus Ave at the intersections with Central Ave, Bardwell Street and Franklin Street.

Elimination of on street Parking: There will be a net addition of 10 new parking spaces in the development area after compensating for the loss of 14 on-street spaces.

Curb extensions and other right-of way modifications

- Curb extensions on Campus Ave at the painted crosswalks noted above are proposed for pedestrian safety and will require adjustments to the no parking signs in the area resulting in changes to the inventory of on-street parking.
- Narrowing of Franklin Street to 26' wide from Campus Ave to a point near the north entrance of the proposed parking lot will require adjustments to the no parking signs in the area resulting in changes to the inventory of on-street parking.

Summary of On-Street parking changes in the development area

- There will be a net loss of 14 parking spaces
 - Central Ave. net loss of 4 spaces
 - Campus Ave. net gain of 2 spaces
 - Bardwell Street net gain of 6 spaces
 - Franklin Street net loss of 18 spaces

Summary of Off-Street parking changes in the development area

- There will be 24 new parking spaces in the development area that will be added to the total campus inventory

Signage

- New signage is proposed as identified on the attached map indicating signage for:
 - Pedestrian Crossings
 - No parking here to corner
 - School Zone
 - Stop signs

Bates

Facility Services

8/27/2014

City of Lewiston
Mr. David Hediger
City Planner/Deputy Director, Planning and Code Enforcement
27 Pine Street
Lewiston, ME 04240-7201

Re: Bates College Campus Avenue Project

Dear Mr. Hediger,

On July 28, 2014 the Planning Board found the application submitted by Ann Beha Architects on behalf of Bates College meets all of the necessary criteria contained in the Zoning and Land Use code, and granted approval for the construction of two 4-story residence halls that will provide 230-250 beds, the campus store and mail/print facilities at 55 and 65 Campus Avenue, with conditions. Over the last month the College has worked closely with city staff to develop and agree on the scope of work as relates to modifications in the right of ways and to the stormwater system in this vicinity. At this time we are requesting your recommendation and approval of the following conditions as per the July 31, 2014 letter from Planning and Code Enforcement and as necessary for building permits to be issued:

Item 4: *"No building permits will be issued and no site activity shall commence until the City and Bates secure easements for utilities, sidewalks, and street closings."*

We are requesting approval for the development and execution of easements for utilities, sidewalks, and street modifications to Franklin Street and Campus Avenue. Bates and Lewiston Public Works have worked together to agree on easements in the following areas:

- **General Utility and Sidewalk Easements**
 - Utilities (crossing Bardwell, Franklin (2 locations) and Campus Ave)
 - Sidewalks (along Campus Ave and Central Ave)

- **Franklin Street Easements**
 - Narrow Franklin Street to two-way vehicular traffic and eliminate parking within this section of road.
 - 26' wide pavement (two 11' travel lanes with 2' gutters each side)
 - Easement for a 6' wide side walk on west side only
 - Easement for landscaping improvements within the ROW.
- **Combined Storm/Sewer Drain**
 - Storm Drain (crossing Franklin Street and Bardwell Street)
 - Catch basin and piping from 129 Nichols Street to City system in Nichols St.

Item 5: *"No building permits will be issued and no site activity shall commence until the City Council approves of the proposed bike/pedestrian striping and approval to eliminate on street parking and post no parking signs in select areas along city streets."*

We are requesting City Council approval of the following:

- **Bike/pedestrian striping**
 - Paint Sharrow marking in Campus Ave 50' from the intersections at College Street and at Central Ave.
 - Paint a double yellow solid line down the center of Campus Avenue between College Street and Central Avenue.
 - Paint ladder style pedestrian crosswalks with handicap ramps at three locations on Campus Ave, and on the south side of Campus Ave at the intersections with Central Ave, Bardwell Street and Franklin Street.
- **Elimination of on street Parking:** There will be a net add of 10 new parking spaces in the development area after compensating for the loss of 14 on-street spaces.
 - **Curb extensions and other right-of way modifications.**
 - Curb extensions on Campus Ave at the painted crosswalks noted above are proposed for pedestrian safety and will require adjustments to the no parking signs in the area resulting in changes to the inventory of on-street parking.
 - Narrowing of Franklin Street to 26' wide from Campus Ave to a point near the north entrance of the proposed parking lot will

require adjustments to the no parking signs in the area resulting in changes to the inventory of on-street parking.

- **Summary of On-Street parking changes in the development area**
 - There will be a net loss of 14 parking spaces
 - Central Ave. net loss of 4 spaces
 - Campus Ave. net gain of 2 spaces
 - Bardwell Street net gain of 6 spaces
 - Franklin Street net loss of 18 spaces
- **Summary of Off-Street parking changes in the development area**
 - There will be 24 new parking spaces in the development area that will be added to the total campus inventory
- **Signage**
 - New signage is proposed as identified on the attached map indicating signage for:
 - Pedestrian Crossings
 - No parking here to corner
 - School Zone
 - Stop signs

Item 6. *Within 12 months of the date of issuance of the certificate of occupancy, Bates College will submit and report their findings on the parking conditions in the vicinity of this project at 55 and 65 Campus Avenue to city staff and the Planning Board (anticipated late summer 2016).*

We believe it's in the best interest of neighbors, the city and the college to work together and coordinate efforts related to monitoring and developing recommendations for future parking modifications should the conditions warrant. The college will form a Campus Transportation Committee this fall, who will engage the neighbors and city on a regular basis, to ensure the findings and recommendations are coordinated and comprehensive.

Item 7. *Bates must demonstrate to the City staff by October 31, 2014 their recommended parking policy changes have been implemented, including:*

a) Requiring all students (and employees to the extent permitted by law) that are issued parking permits to park in college lots only or risk forfeiture of parking privileges.

COMPLETED

b) Requiring any student bringing a vehicle to Bates College regardless of whether or not they have obtained a Bates College Parking Permit must register with security for the fall 2014 semester.

IN PROCESS

- c) *Working with the Lewiston Police Department to identify students who park on street in violation of the policy discussed above who are not tenants of off campus housing.*
IN PROCESS
- d) *Updating the parking section of the Campus Security Webpage to consolidate Parking Policy and Information.*
COMPLETED
- e) *Creating a dedicate parking map that is easily accessible on Bates.edu*
COMPLETED
- f) *Eliminating student parking in the Smith, Olin and Bardwell lots where it is currently allowed.*
COMPLETED
- g) *Providing additional information and evidence clearly showing student, staff, and faculty parking lots.*
COMPLETED
- h) *Providing evidence that the transportation committee has been created.*
IN PROCESS

Sincerely,

Pam Wichroski, AIA
Director Capital Planning and Construction

pjw

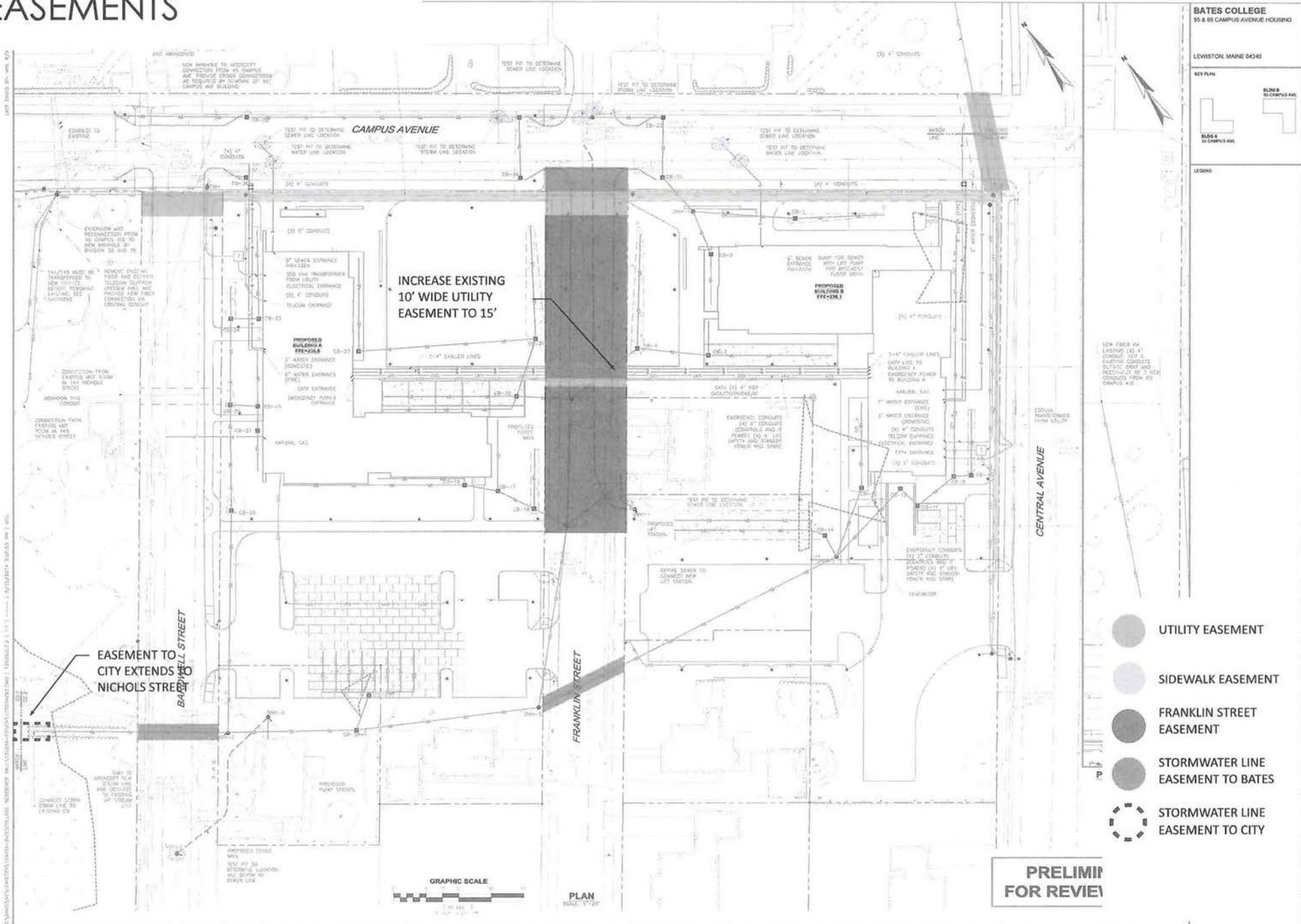
cc: Doug Ginevan, Chris Streifel

ENCL: Requested ROW Modification Exhibit
Easements Exhibit

EASEMENTS

LAST REVISION: 08/14/24

PROJECT: BATES COLLEGE 50 & 55 CAMPUS AVENUE HOUSING



BATES COLLEGE
50 & 55 CAMPUS AVENUE HOUSING

LEWISTON, MAINE 04240

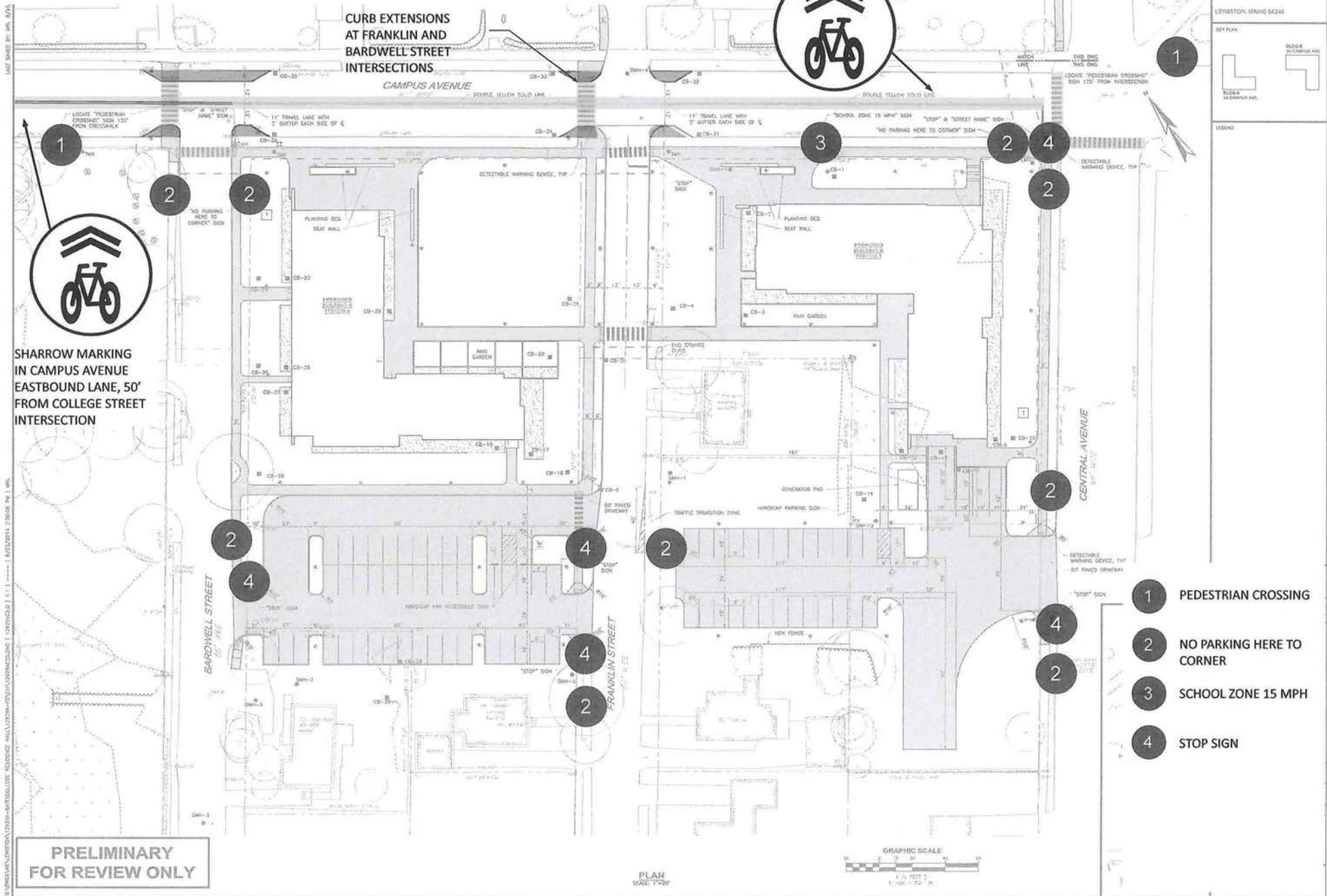
KEY PLAN

LEGEND



PLAN
SCALE: 1"=20'

REQUESTED ROW MODIFICATIONS





CITY OF LEWISTON



Department of Planning & Code Enforcement

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

FROM: David Hediger, City Planner

DATE: August 27, 2014

RE: Bates College Dormitory/Planning Board Conditions of Approval

At the Planning Board meeting of July 28, 2014, the Board approved (6-1) an application submitted by Ann Beha Architects on behalf of Bates College for the construction of two 4-story residence halls that will provide 250-beds, the campus store and mail/print facilities at 55 and 65 Campus Avenue subject to a number of conditions.

The following identifies the Planning Board's conditions and provides an explanation and update at this time:

1. Prior to a certificate of occupancy being issued, documentation regarding the maintenance and upkeep of the stormwater system pursuant to Lewiston MS4 stormwater requirement contained in Article XII, Section 15e(3) must be recorded in the Androscoggin Registry of Deeds.
 - This is a routine requirement of any project disturbing more than one acre within specific areas of Lewiston. Bates understands the condition will be addressed prior to a certificate of occupancy being issued.
2. No building permits will be issued and no site activity shall commence until the stormwater design has been reviewed to staff's satisfaction.
 - On August 22, 2014, the stormwater design was approved by Lewiston Public Works. It should be noted that permits for the demolition of the structures associated with this development have been issued.
3. No certificate of occupancy shall be issued for this development until written verification by a professional engineer is provided to the city that all stormwater improvements have been completed in accordance with the approved plan.
 - This is a routine requirement of any project where the proposed stormwater management system requires oversight during construction. Bates understands the condition will be addressed prior to a certificate of occupancy being issued.
4. No building permits will be issued and no site activity shall commence until the City and Bates secure easements for utilities, sidewalks, and street closings.
 - The City Council will be acting upon Bates request for these items at their September 2, 2014 meeting. Bates and Lewiston Public Works have come to an agreement on the details of the request for the Council's consideration.
5. No building permits will be issued and no site activity shall commence until the City Council approves of the proposed bike/pedestrian striping and approval to eliminate on street parking and post no parking signs in select areas along city streets.

- Parking was discussed at length at the Planning Board meeting. Bates and the Planning Board agreed upon a number of conditions in an effort to start monitoring and improving parking conditions in and around the campus (see condition #7 below). Bates' proposal approved by the Board includes a number of changes to off-street parking that need to be amended in the City's Traffic Schedule administered by the Lewiston Police Department with approval by the Council. Bates is also proposing bicycle lane striping on Campus Avenue, consistent with the City's Complete Street policy, which City Council should be aware of and consider. It is my understanding Bates is requesting these changes be approved in concept by the Council as a resolve at the September 9th meeting with a formal amendment to the traffic schedule at a future meeting.
- 6. Within 12 months of the date of issuance of the certificate of occupancy, Bates College will submit and report their findings on the parking conditions in the vicinity of this project at 55 and 65 Campus Avenue to City staff and the Planning Board.
 - Bates, the Planning Board, and staff believe the proposed changes to monitoring parking around the campus (condition #7) will result in improvements to existing conditions. However, it's not clear what the exact impact of the new dormitories will have with respect to on- and off-street parking conditions in the vicinity of this project at 55 and 65 Campus Avenue. This condition requires Bates to monitor and update City staff and the Planning Board on their findings regarding parking conditions.
- 7. Bates must demonstrate to the City staff by October 31, 2014 their recommended parking policy changes have been implemented, including:
 - a) Requiring all students (and employees to the extent permitted by law) that are issued parking permits to park in college lots only or risk forfeiture of parking privileges.
 - b) Requiring any student bringing a vehicle to Bates College regardless of whether or not they have obtained a Bates College Parking Permit must register with security for the fall 2014 semester.
 - c) Working with the Lewiston Police Department to identify students who park on street in violation of the policy discussed above who are not tenants of off campus housing.
 - d) Updating the parking section of the Campus Security Webpage to consolidate Parking Policy and Information.
 - e) Creating a dedicated parking map that is easily accessible at Bates.edu
 - f) Eliminating student parking in the Smith, Olin and Bardwell lots where it is currently allowed.
 - g) Providing additional information and evidence clearly showing student, staff, and faculty parking lots.
 - h) Providing evidence that the transportation committee has been created.
 - The Planning Board and staff believe that the measures noted above will result in improved conditions around the Bates campus. Bates has already completed a number of these policy changes and understands the condition and the requirement to be met by October 31, 2014.
- 8. If development has not occurred as defined within the scope of the Zoning and Land Use Code within two years, development review approval shall expire, pursuant to Article XIII, Section 11. This must be noted on the site plan.
 - This is a routine requirement of any development review project. Bates understands the condition.

9. That the Planning Board encourages and recommends to the City Council not to approve Bates College request for the closure of Franklin Street limited to pedestrian access and emergency vehicle access and that the street continues to be used and maintained as a city accepted street.
 - As originally proposed, Bates was looking to close approximately 140' of Franklin Avenue starting from Campus Avenue to create a pedestrian only walkway between the two proposed dormitories. Lewiston Public Works expressed concerns with the proposed closure and recommended the road remain open to vehicular traffic as a city maintained street. The Planning Board agreed with Public Works recommendation. The Board included this condition not to close the street recognizing the project could move forward with or without the closure and that ultimately, the City Council has jurisdiction on the closure of city streets. Bates and Lewiston Public Works have since reached an agreement that will result in the road remaining open as a city street.

Staff will be available at the meeting if there are any questions.



Department of Public Works

David A. Jones, P.E.

Director



July 27, 2014

To: Mayor and Members of the City Council

Re: Bates College Dorm Project Easements

This agenda item is to approve easements needed to support a Bates College project to build two dormitories.

Background

Bates College prepared a project to construct two (2) new residence halls (dorms) with a total of 230-250 student beds, a campus store and a mail room. To accommodate the project, 12 buildings are or have already been demolished. The College reoriented parking on the Franklin St parking lot to increase parking from 41 to 45 spaces and a new 24 space lot will be built to accommodate the campus store and mail facility. The project will also separate sanitary sewer from stormwater and will use the low area at 96 Bardwell Street as a detention pond during large storm events. For the

Easement Requests

Bates originally proposed closing ~150 feet of Franklin St for a pedestrian way. However, both the Public Works Department and Planning Board had concerns with creating a ~650 foot dead-end street (from Vale St). The City Council should understand it is more difficult and more expensive to operate and maintain a dead-end street than a through street. Access and the need to turn around plow trucks, trash collection trucks and other service delivery vehicles on dead-end roads is not as efficient as a through street. Public Works offered instead to allow Franklin Street to be narrowed from 30-34 feet wide to 26 feet wide (2-11 foot wide travel lanes and 2-2 foot gutters) and then to allow the College to improve the sidewalk and landscaping in the area to achieve their goal of a safer and more attractive pedestrian access. This is one of the easements shown on the attached easement plan, which also will include a stipulation that the College would assume all responsibilities to maintain the sidewalk and landscaping improvements.

Other easements required for the project to proceed include:

- Bates providing a sidewalk easement to the City for a sidewalk along Campus Ave that straddles the property line. (Bates has agreed to maintain this sidewalk at their expense.)
- Bates providing a sidewalk easement to the City for a sidewalk along Central Ave that straddles the property line. (The City would maintain this sidewalk.)
- The City providing Bates a utility easement for crossing City streets at the following locations as shown on the attached map
 - Bardwell Street adjacent to the intersection with Campus Ave
 - Franklin Street adjacent to the intersection with Campus Ave
 - Franklin Street where there already exists a 10 foot utility easement that needs to be widened to 15 feet
 - Campus Avenue near the intersection with Central Ave

Bates proposes to remove the sanitary sewer connections for 101 Franklin Street and 101 Bardwell Street and connect them directly to the separated sewer lines on Campus Ave and Bardwell St respectively. Bates also proposes to replace the existing combined sewer line with a dedicated

stormwater line that would run from near Central Avenue to the low area on the 96 Bardwell Street property. Bates would own and maintain all the piping up to and including the detention pond on 96 Bardwell Street. The City stormwater system would begin when the stormwater entered the catch basin on the 96 Bardwell Street property from the detention pond. The City would own the catch basin and the associated piping which connects it to the City system in Nichols Street. Bates is also evaluating any need to maintain a catch basin in Franklin St and if so, the City would own that basin and the piping to where it connects to the Bates stormwater line. To achieve all this stormwater work, the following additional easements would be needed:

- City would provide Bates an easement for stormwater line crossings at Franklin Street and Bardwell Street.
- Bates would provide the City an easement for the catch basin located on 96 Bardwell Street property and the associated piping from that catch basin across the property at 129 Nichols to where it connects to a separated stormwater line in Nichols Street.

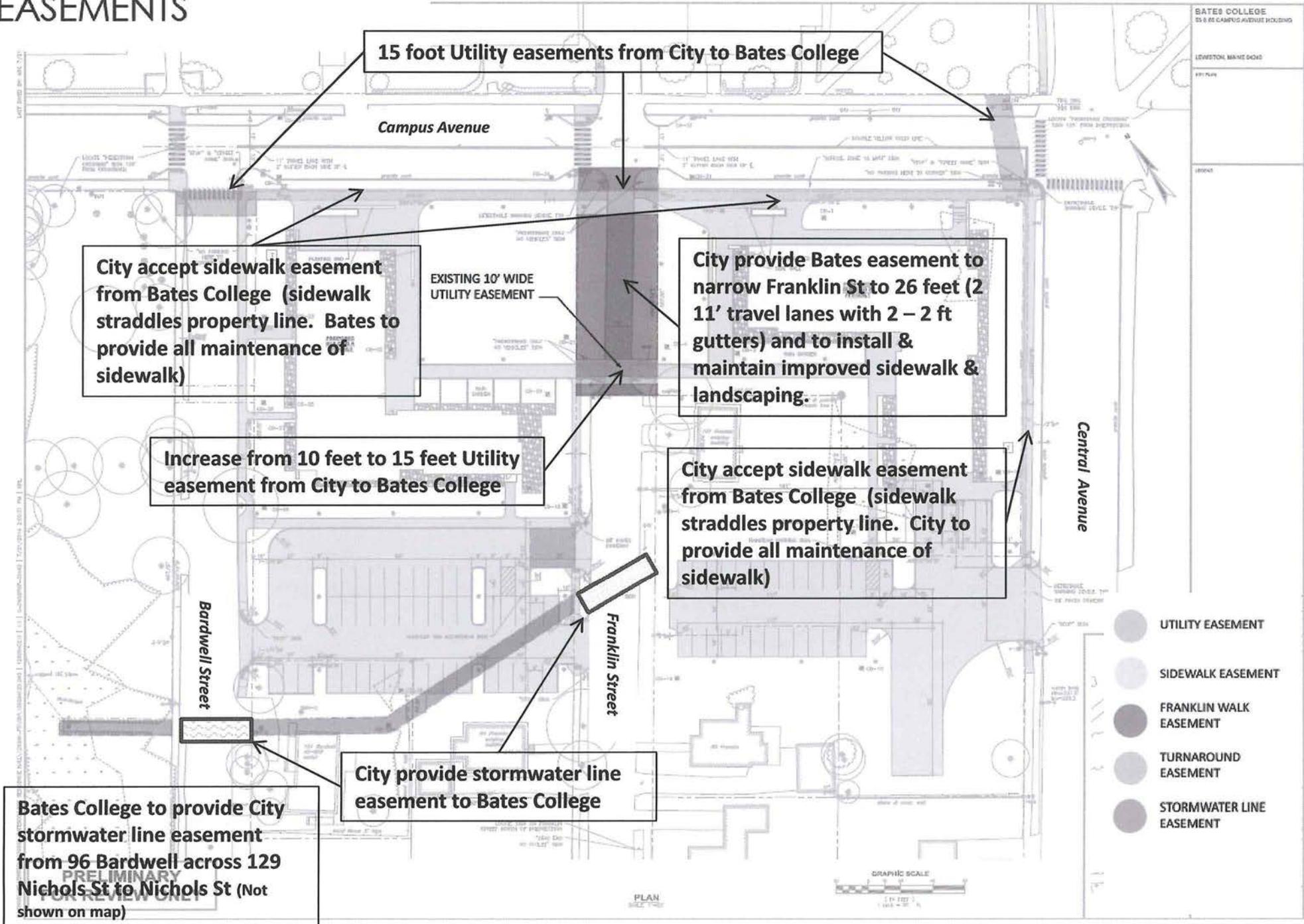
Both Bates College and the Public Works Department support the above identified easements and requests the City Council approve the draft order authorizing the City Administrator to develop, review and execute any final drafts of the easements associated with this Bates College project.

Sincerely,

David A. Jones, P.E.
Director

Cc: E. Barrett, P. Nadeau, D. Hediger, G. Arsenault, R. Burnham, R. Barnes, D. Ginevan, P. Wichroski, C. Streifel

EASEMENTS



LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 2, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 8

SUBJECT:

Condemnation Hearing for the building located at 233 Lincoln Street.

INFORMATION:

The City has begun the process for condemnation of the property at 233 Lincoln Street under the dangerous building classification. This property has been abandoned by the owner and upon inspection of city staff has been determined to be an unsafe structure.

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

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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1) To conduct a hearing to determine if the building located at 233 Lincoln 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 233 Lincoln 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.

LEWISTON CITY COUNCIL MEETING
SEPTEMBER 2, 2014
DANGEROUS BUILDINGS HEARING
233 LINCOLN STREET, 248 LINCOLN STREET,
390 LINCOLN STREET, 66 RIVER STREET
AND 2 SUMMER STREET
CITY OF LEWISTON PLANNING DEPARTMENT EXHIBITS

MEMORANDUM

To: Mayor McDonald; Lewiston City Council
From: Gil Arsenault, Director, Lewiston Planning Department
Date: September 2, 2014
RE: Dangerous Buildings Hearing for 233 Lincoln Street, 248 Lincoln Street, 390 Lincoln Street, 66 River Street and 2 Summer Street

Dear Mayor and City Council,

At the Council meeting on September 2, 2014, the Planning Department will present evidence as to why the buildings at 233 Lincoln Street, 248 Lincoln Street, 390 Lincoln Street, 66 River Street and 2 Summer Street are dangerous buildings within the meaning of 17 M.R.S. § 2851. We will request that the Council find that the buildings at these addresses are dangerous buildings and order that they be demolished.

To assist your decision I have included the following materials:

- Documents establishing the identity of interested parties in the buildings and the underlying real estate;
- The Notice of Hearing and proof of service on all interested parties;
- Previous correspondence, notices, or citations involving the building, if any; and
- Photographs depicting the dilapidation of the building.

At the meeting, the Planning Department will present this evidence as well as testimony showing why the buildings at these addresses are dangerous and should be demolished.

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)
I & 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

233 LINCOLN STREET

OWNERSHIP DOCUMENTS

Nov 18, 2009

Beth Clark

I, Beth Clark give the property

at 233 Lincoln st to April

and William Pratt. Mr

and Mrs Pratt assume all

debt (taxes, land rent)

As of this date November 18, 2009

Beth Clark no longer owns

this property.

Beth Clark

Beth Clark

EXHIBIT A

Tax Collections

STCSBINQRI

Tax Bill Inquiry

```

=====
* Bill Nbr: 08A00010179          Bill Date: 08/08/07   Bill Status: C
  Account: 24538      CAYOUILLE, JOHN          Bill Class: RR
* * Desc/Loc: 00233 LINCOLN ST              Bill Type: R
  Parcel ID: 00-010179
  Page/Line:
Real Value:          13,300          Principal:      Interest:      Net Due:
Pers Value:          Due 1:          0.00          0.00          0.00
Exemptions:          9,750          Due 2:          0.00          0.00          0.00
Deferments:          Total:          0.00          0.00          0.00
=====

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Ln  Date:  Trans:      Amount:  Paid By:      Reference:
 1 06/18/08 TAX LIEN      54.91
 2 02/19/10 CTR PAY      159.78-  WILLIAM PRATT      WSK*10*50*13
 3
 4
 5
=====

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Enter detail (/n), date (D), receipt (Ln#), report (P), or return <CR>



Tax Collections

STCSBINQRI

Tax Bill Inquiry

```

=====
* Bill Nbr: 09A00010179          Bill Date: 07/30/08   Bill Status: C
  Account: 24538      CAYOQUETTE, JOHN          Bill Class: RR
** Desc/Loc: 00233 LINCOLN ST                Bill Type: R
  Parcel ID: 00-010179
  Page/Line:                                08/28/14
Real Value:      15,240          Principal: Interest:      Net Due:
Pers Value:                                Due 1:      0.00      0.00      0.00
Exemptions:      9,750          Due 2:      18.36      7.18      25.54
Deferments:                                Total:      18.36      7.18      25.54
=====

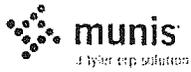
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Ln  Date:  Trans:      Amount:  Paid By:      Reference:
 1 06/17/09 TAX LIEN      57.66
 2 12/16/10 MSG(PRL)          FILED LIEN WAIVER AT REGISTRY OF DEEDS PUR-
 3 12/16/10 MSG(PRL)          SUANT TO CITY COUNCIL ACTION OF 12/07/10
 4 01/03/11 CTR PAY      100.00- PRATT, APRIL          TLB*11*3*3
 5 02/07/11 CTR PAY      100.00- PRATT, APRIL          WSK*11*38*8
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Enter detail (/n), date (D), receipt (Ln#), report (P), or return <CR>



08/28/2014 09:47
plabelle

CITY of LEWISTON DEPT of PUBLIC SERVICES
UB Account Customer Inquiry Report

10PEN		.00	1.63	.00	1.63
10PEN		.00	1.63	.00	1.63
10PEN		.00	1.46	.00	1.46
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10PEN		.00	1.31	.00	1.31
10PEN		.00	1.16	.00	1.16
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10PEN		.00	1.01	.00	1.01
10PEN		.00	.86	.00	.86
10PEN		.00	.86	.00	.86
10PEN		.00	.71	.00	.71
10PEN		.00	.71	.00	.71
10PEN		.00	.56	.00	.56
10PEN		.00	.56	.00	.56
10PEN		.00	.41	.00	.41
10PEN		.00	.41	.00	.41
10PEN		.00	.26	.00	.26
10PEN		.00	.26	.00	.26
10PEN		.00	.13	.00	.13
10PEN		.00	.13	.00	.13
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1WLIEN		.00	2.09	.00	2.09
1WLIEN		.00	2.09	.00	2.09
1WLIEN		.00	2.09	.00	2.09
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1WLIEN		.00	1.55	.00	1.55
1WLIEN		.00	1.55	.00	1.55
1WLIEN		.00	83.25	.00	83.25
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1WLIEN		.00	1.11	.00	1.11
1WLIEN		.00	1.11	.00	1.11
1WLIEN		.00	14.59	.00	14.59
1WLIEN		.00	57.48	.00	57.48
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1WPEN		.00	1.24	.00	1.24

233 Lincoln Street 000005



08/28/2014 09:47
plabelle

CITY of LEWISTON DEPT of PUBLIC SERVICES
UB Account Customer Inquiry Report

PG 4
ubcsting

5SLIEN	.00	2.12	.00	2.12
5SLIEN	.00	59.86	.00	59.86
5SLIEN	.00	.80	.00	.80
5SLIEN	.00	.82	.00	.82
5SLIEN	.00	.84	.00	.84
5SLIEN	.00	.86	.00	.86
5SLIEN	.00	14.59	.00	14.59
5SNOD	.00	.00	.00	.00
FMTR	.00	.00	.00	.00
OPEN	.00	.00	.00	.00
OPEN	.00	.00	.00	.00
OSRPR	.00	.00	.00	.00
SHDLQ	.00	25.00	.00	25.00
	.00	1795.56	.00	1795.56

** END OF REPORT - Generated by Pam Labelle **

KNOW ALL MEN BY THESE PRESENTS,
 THAT It, FRANKLIN COMPANY, a Maine corporation with its principal place of business located at 191 LISBON STREET, LEWISTON, County of ANDROSCOGGIN, and State of MAINE, in consideration of ONE DOLLAR AND OTHER VALUABLE CONSIDERATION, paid by FRANKLIN PROPERTY TRUST, in accordance with a declaration of trust to be recorded in the Androscoggin County Registry of Deeds, having its office at 191 LISBON STREET, LEWISTON, County of ANDROSCOGGIN, and State of MAINE, the receipt whereof it does hereby acknowledge, does hereby REMISE, RELEASE, BARGAIN, SELL and CONVEY, and forever QUIT-CLAIM unto the said FRANKLIN PROPERTY TRUST, its successors and assigns forever,

A certain lot or parcel of land situated in Lewiston, County of Androscoggin and State of Maine, with any buildings thereon, bounded and described as follows: COMMENCING on the westerly line of Lincoln Street at the southeasterly corner of land conveyed by this Grantor to Francois Lizotte by deed dated July 11, 1907, # 1208; thence southwesterly by said Lizotte land 100 feet, more or less, to the northerly corner of land conveyed by this Grantor to Clara Rivard on November 2, 1916, by deed # 1483; thence southeasterly by said Rivard land 40 feet, more or less, to the northerly corner of land conveyed by this Grantor to Francis Jutras by deed dated October 8, 1918, # 1513; thence southeasterly along said Jutras land 40 feet, mor or less, to the northerly corner of land conveyed by this Grantor to Philomena Lessard by deed dated June 15, 1903, # 1164; thence southeasterly 50 feet more or less along said Lessard land; thence continuing southeasterly 75 feet, more or less, by line of land conveyed by this Grantor to Henry Croteau by deed dated October 29, 1956, # 1963; thence continuing southeasterly 83 feet, by line of land conveyed by this Grantor to Celestine Ledoux by deed dated June 10, 1903, # 1163; thence continuing southeasterly 65 feet, by line of land conveyed by this Grantor to The Roman Catholic Bishop of Portland, by deed dated April 1, 1903, # 1159; thence at an angle southwesterly 51 feet, more or less, by line of land conveyed by this Grantor to The Roman Catholic Bishop of Portland on February 14, 1898 by deed # 1093 to Oxford Street; thence southeasterly by the northeasterly line of Oxford Street 50 feet, more or less, to an angle therein; thence northeasterly by the northerly line of said Oxford Street 125 feet, more or less, to Lincoln Street; thence northwesterly by the easterly line of Lincoln Street 425 feet, more or less to the point of beginning.

MARSHALL RAYMOND,
 BELIVEAU & DIONNE
 ATTORNEYS AT LAW
 79 PARK STREET
 LEWISTON, MAINE 04240
 83 MAIN STREET
 FARMINGTON, MAINE 04830



TO HAVE AND TO HOLD the same, together with all the privileges and appurtenances thereunto belonging, to the said FRANKLIN PROPERTY TRUST, its successors and assigns forever.

AND it does COVENANT with the said Grantee, its successors and assigns, that it will WARRANT and FOREVER DEFEND the premises to it, the said Grantee, its successors and assigns forever, against the lawful claims and demands of all persons claiming by, through or under it.

IN WITNESS WHEREOF, It, the said FRANKLIN COMPANY, has caused these presents to be signed in its corporate name, and sealed with its corporate seal, by JOHN W. KING, its Treasurer, thereunto duly authorized, this 10TH day of September in the year of our Lord one thousand nine hundred and seventy-six (1976).

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

FRANKLIN COMPANY

Arthur Waller

BY: J. W. King
JOHN W. KING, Its Treasurer



STATE OF MAINE, ANDROSCOGGIN, SS. September 10, 1976

Personally appeared the above named, JOHN W. KING, Treasurer of the said Franklin Company, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation.

Before me,

Arthur Waller
~~Notary Public~~ Attorney at Law

STATE OF MAINE, ANDROSCOGGIN REGISTRY OF DEEDS
Received SEP 10 1976 at 12 H., 10 M., P. M., and recorded from the original ~~instrument~~

MARSHALL RAYMOND,
BELIVEAU & DIONNE
ATTORNEYS AT LAW
70 PARK STREET
LEWISTON, MAINE 04540
80 MAIN STREET
FARMINGTON, MAINE 04830

**NOTICE OF HEARING
CERTIFICATES OF SERVICE**

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

William & April Pratt
11 Brookside Mobil Home Park
Waldoboro, Maine 04572

Capital One Bank (USA), N.A.
4851 Cox Road
Glen Allen, VA 23060

Franklin Property Trust, LLC
c/o Ronald Bissonnette, Esq.
Isaacson & Raymond
75 Park Street
Lewiston, Maine 04240

233 LINCOLN STREET, LEWISTON, MAINE

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

September 2, 2014
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 233 Lincoln Street, Lewiston, Maine, located on Lot 126 on Tax Map 208, and further shown on the diagram attached hereto as Exhibit A, 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.

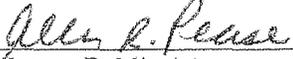
Dated: August 7, 2014



Kelly Brooks, Deputy City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

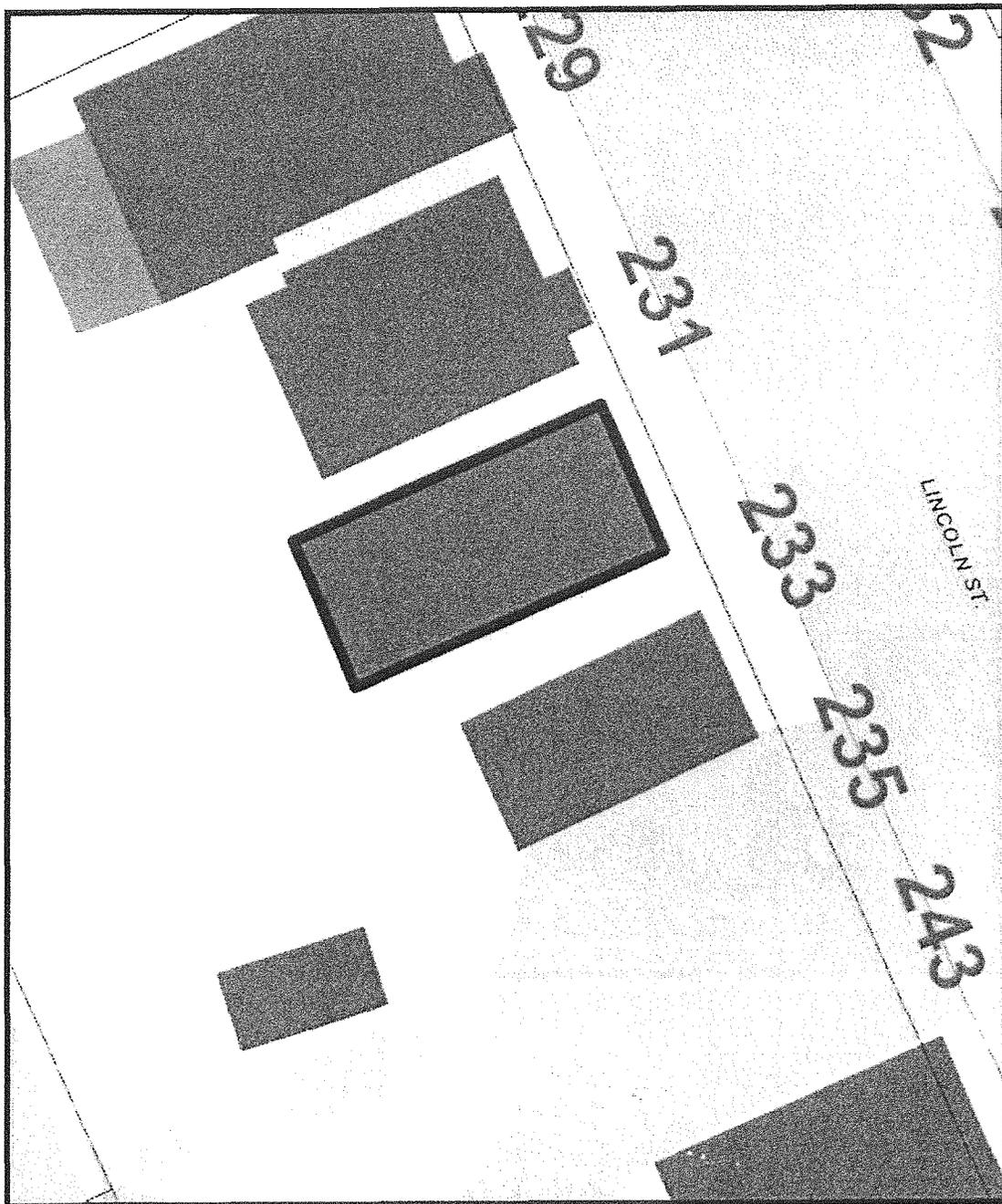
Before me this day personally appeared Kelly Brooks who acknowledges the foregoing instrument to be her free act and deed.



Notary Public / Attorney at Law

ALLISON R. PEASE
Notary Public, Maine
My Commission Expires August 31, 2018

233 Lincoln Street



ANDROSCOGGIN COUNTY
TINA M CHOUINARD
REGISTER OF DEEDS

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

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

On 7-16-14, 2014 (date), I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, by serving a copy of same on William and/or April Pratt, at the following address:

William or April Pratt
11 Brookside Mobil Home Park
Waldoboro, ME 04572

Costs of Service:

Service:	\$ <u>16.00</u>
Travel:	\$ <u>25.20</u>
Postage:	\$ <u>0.49</u>
Other:	\$ <u>6.60</u>
 TOTAL:	 \$ <u>48.29</u>

William B. Bragg
Signature
Lincoln County Sheriff Dept
Agency



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

William & April Pratt
11 Brookside Mobil Home Park
Waldoboro, Maine 04572

Capital One Bank (USA), N.A.
4851 Cox Road
Glen Allen, VA 23060

Franklin Property Trust, LLC
c/o Ronald Bissonnette, Esq.
Isaacson & Raymond
75 Park Street
Lewiston, Maine 04240

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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: August 7, 2014



Kelly Brooks, Deputy City Clerk

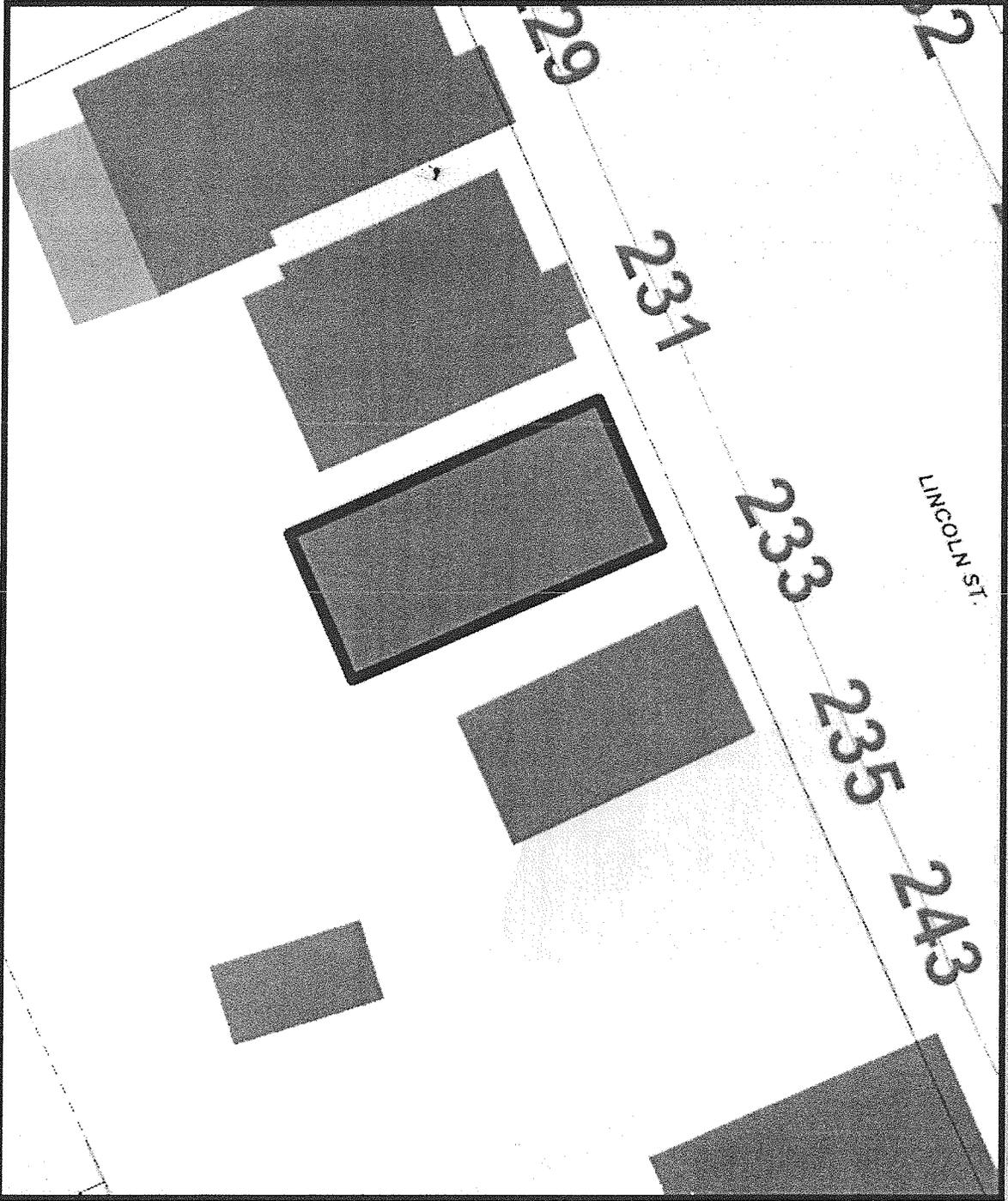
STATE OF MAINE
ANDROSCOGGIN, ss

Before me this day personally appeared Kelly Brooks 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, 2014



CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

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

On August 8, 2014 (date), I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, by serving a copy of same on a person authorized to accept service for Capital One Bank (USA), N.A., at the following address:

Capital One Bank (USA), N.A.
4851 Cox Road
Glen Allen, VA 23060

Served at:
Corporation Service Company (Reg Agent)
1111 E. Main Street - 16th Floor
Richmond, VA 23219

Costs of Service:

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

TOTAL: \$ _____

Norman E. Allen III
Signature Norman E. Allen III
Richmond Court Services
Agency

EXHIBIT F

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

William & April Pratt
11 Brookside Mobil Home Park
Waldoboro, Maine 04572

Capital One Bank (USA), N.A.
4851 Cox Road
Glen Allen, VA 23060

Franklin Property Trust, LLC
c/o Ronald Bissonnette, Esq.
Isaacson & Raymond
75 Park Street
Lewiston, Maine 04240

233 LINCOLN STREET, LEWISTON, MAINE

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September 2, 2014
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

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Dated: August 7, 2014



Kelly Brooks, Deputy City Clerk

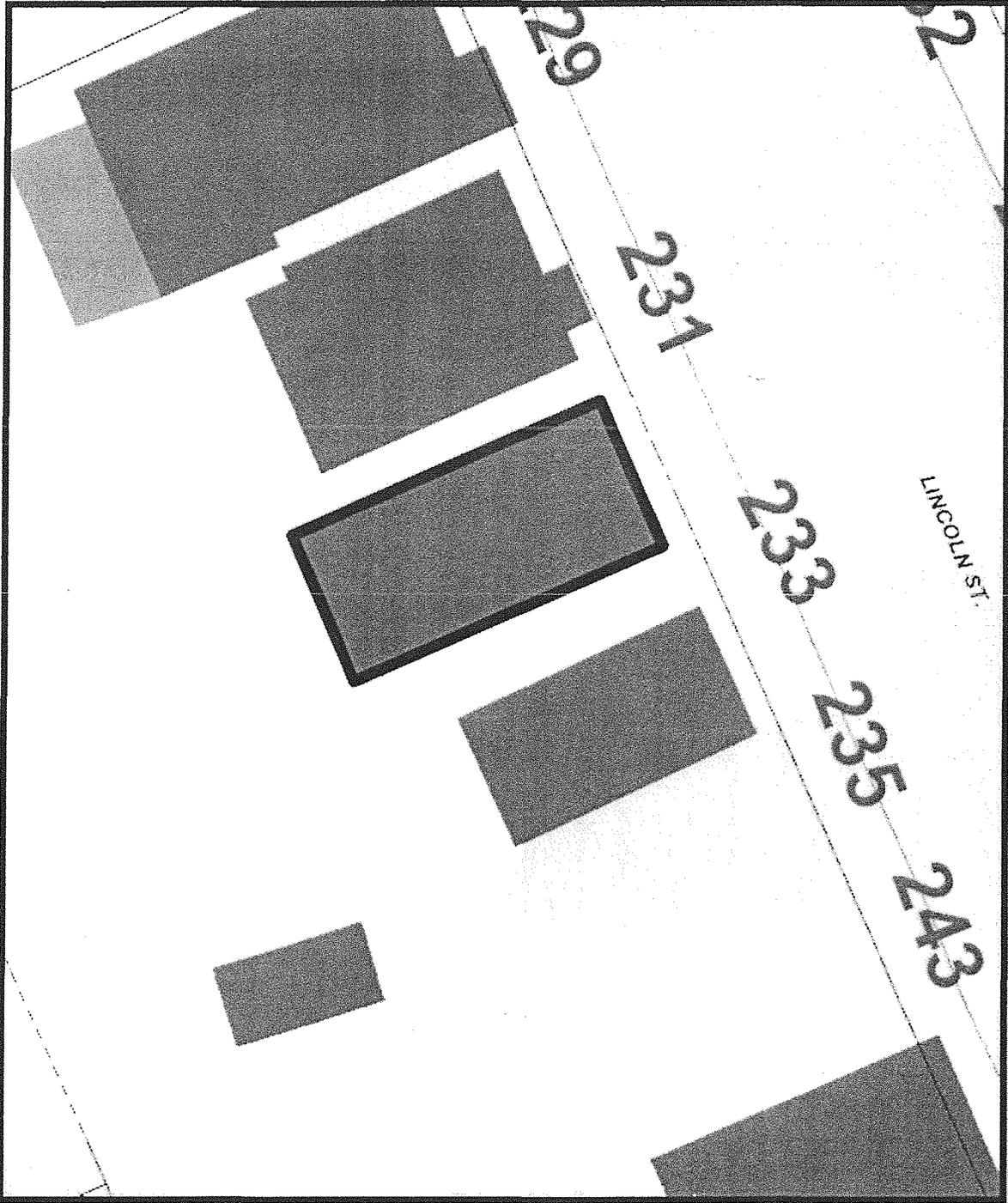
STATE OF MAINE
ANDROSCOGGIN, ss

Before me this day personally appeared Kelly Brooks 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, 2014



CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING
233 LINCOLN STREET, 248 LINCOLN STREET,
390 LINCOLN STREET, 66 RIVER STREET
and 2 SUMMER STREET, LEWISTON, MAINE
Pursuant to 17 M.R.S. §§ 2851, *et seq.*

On 8-11, 2014 (date), I served the above-referenced NOTICES OF HEARING, a copies of which are attached hereto, by serving a copy of same to Ronald Bissonnette, Registered Agent for Franklin Property, Inc., at the following address:

Franklin Property, Inc.
c/o Ronald Bissonnette, Registered Agent
Isaacson & Raymond
75 Park Street
Lewiston, ME 04240

Costs of Service:

Service:	\$ <u>2100</u>
Travel:	\$ <u>160</u>
Postage:	\$ <u>100</u>
Other: <i>cp</i>	\$ <u>200</u>
TOTAL:	\$ <u>2560</u>

J. Charles
Signature
Anchoraggin SO
Agency

EXHIBIT G

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

William & April Pratt
11 Brookside Mobil Home Park
Waldoboro, Maine 04572

Capital One Bank (USA), N.A.
4851 Cox Road
Glen Allen, VA 23060

Franklin Property Trust, LLC
c/o Ronald Bissonnette, Esq.
Isaacson & Raymond
75 Park Street
Lewiston, Maine 04240

233 LINCOLN STREET, LEWISTON, MAINE

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

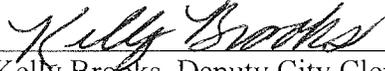
September 2, 2014
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

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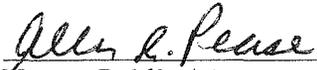
Dated: August 7, 2014



Kelly Brooks, Deputy City Clerk

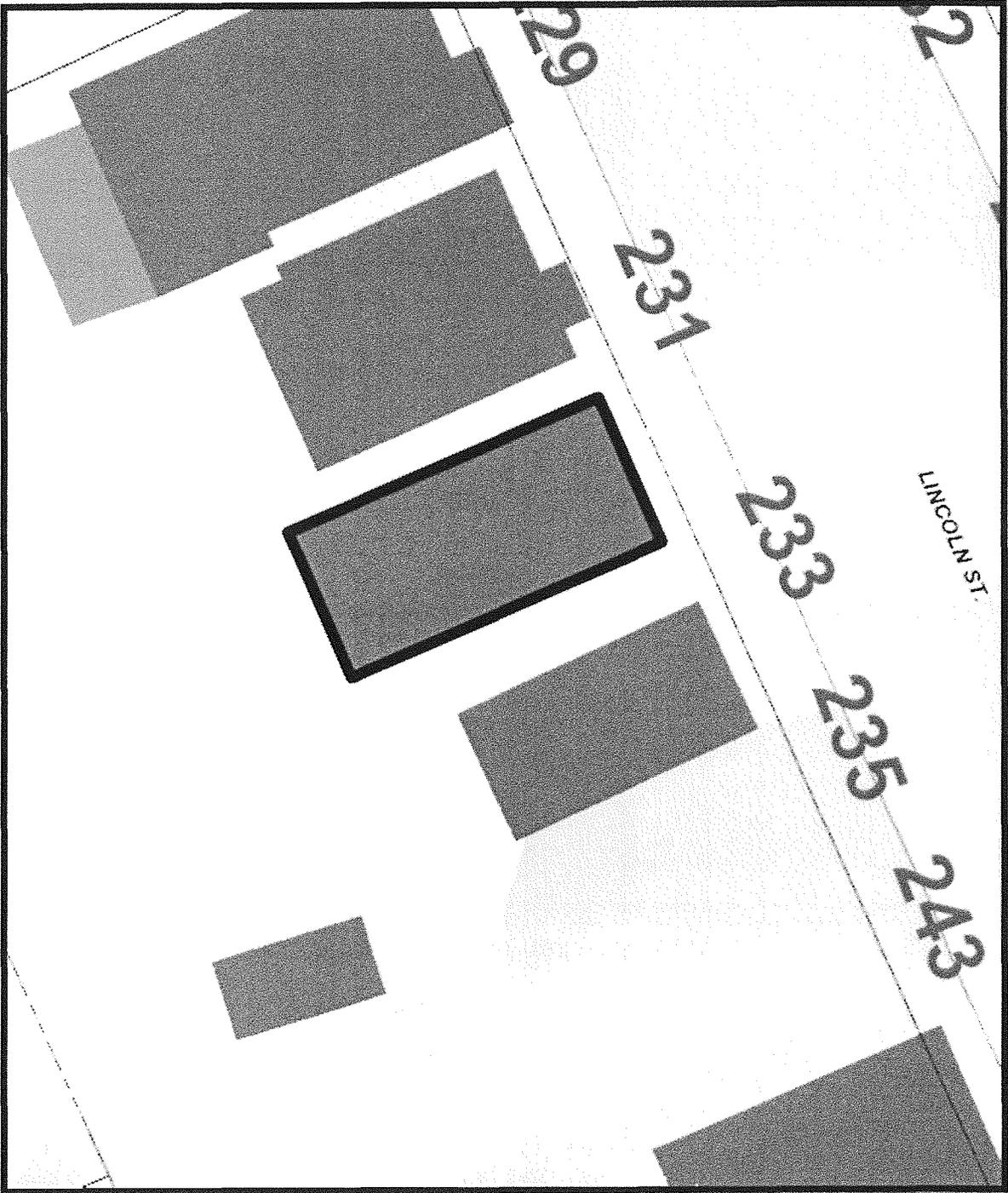
STATE OF MAINE
ANDROSCOGGIN, ss

Before me this day personally appeared Kelly Brooks 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, 2016



CITY
CORRESPONDENCE

**CITY OF LEWISTON
CODE ENFORCEMENT
CITY BUILDING
27 PINE STREET
LEWISTON, MAINE 04240
(207) 513-3125 EXT. 3245**

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

October 23, 2012

April Pratt
233 Lincoln St
Lewiston, Maine 04240

RE: 233 Lincoln St, Lewiston Maine

Dear Owner(s):

EXHIBIT H

It has come to the attention of this office that a single family residential structure located at 233 Lincoln Street, is without heat, hot water, and has suffered severe deterioration making it unfit for occupancy. chapter 18, Article III, Property Maintenance Code, Sections 18-51 and 18-52 and Appendix A, Article V, Section 3, (l) as per The Code of Ordinances of the City of Lewiston hereafter referred to as the (Code). Due to the obsolescence of the mechanical systems, dilapidation and deterioration of the structural elements and being a non conforming structure pursuant to Article V, Section 3, (l) of the Code, this building is not eligible for rehabilitation and occupancy.

I hereby condemn and placard the building address as 233 Lincoln Street, as being unfit for occupancy pursuant to and in accordance with Chapter 18, Article III, Property Maintenance Code, Sections 18-51 and 18-52, IPMC-108.1 et seq, IPMC-109.1 et seq, IPMC-110.1 et seq, , IPMC-302.1 et seq, IPMC-304.1 et seq, IPMC-305.1 et seq, IPMC-306.1 et seq, IPMC-402.2 et seq, IPMC-504.1 et seq, IPMC-505.1 et seq,, IPMC-506.1 et seq, IPMC-602.1 et seq, IPMC-603.1 et seq, IPMC-604.1 et seq, IPMC-605.1 et seq, IPMC-703.1 et seq and PMC-704.1 et seq of the Code of Ordinances of the City of Lewiston. You are hereby ordered to immediately ensure this building is maintained vacant and secured from unauthorized entry. You are to make arrangements for the demolition, with all appropriate permits issued by this office leaving the property in a manner to the satisfaction of this office by no later than **December 1, 2012**

The City of Lewiston may order the demolition of this building pursuant to the provisions of the Maine Revised Statutes, Title 17, Chapter 91, Subchapter 4, Dangerous Buildings, Section § 2851, if the building has not been demolished in compliance with this order.

The above-mentioned property will be placarded and may not be re-occupied. An inspection shall be conducted to confirm compliance. At such time the condemnation order and placarding shall be discontinued pursuant to the above referenced Code Section IPMC-108.4.1 stating "the code official shall remove the condemnation and placard. 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 demolition of this building. Please contact this office immediately if circumstances do not permit the timely compliance with this order 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 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 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,

Cpl Jeffrey S Baril
Code Enforcement Officer/Lewiston Police 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

PHOTOGRAPHS

233 Lincoln Street Franklin Property Trust Land

Photo #1 taken October 23, 2012



Photo # 2 taken May 28, 2014 show continued deterioration and severely deteriorated roof.



EXHIBIT I

Photo # 3. Deteriorated masonry porch making them unsafe.



Photo # 4. View south Lincoln Street with the building leaning away from the street making it structurally unsound.



Photo # 5. The eaves are open to the attic allowing for the entry of the elements and vermin.

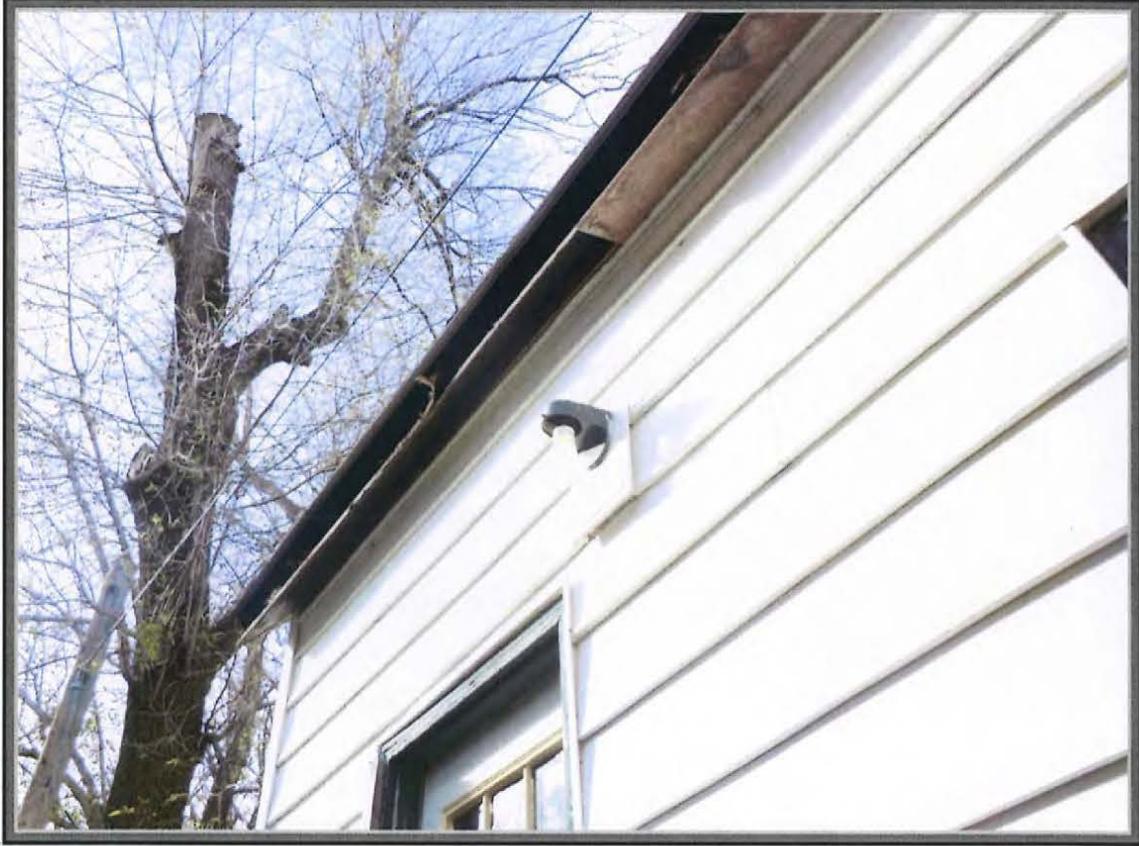


Photo # 6. There is debris and garbage about the interior of the building increasing fire loading and making for unsanitary conditions.



Photo # 7. Deteriorated kitchen cabinets, garbage and debris contributing to fire loading and making for unsanitary conditions.



Photo # 8. Vandalism, damage and debris.

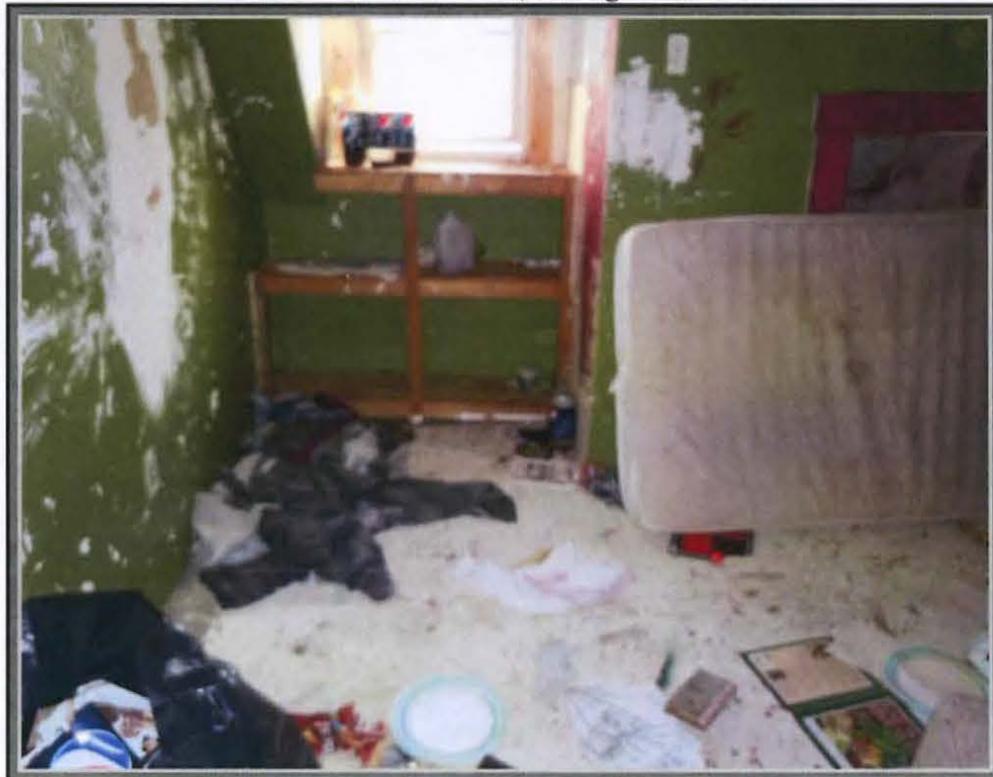


Photo # 9 Damage and deterioration with open walls.

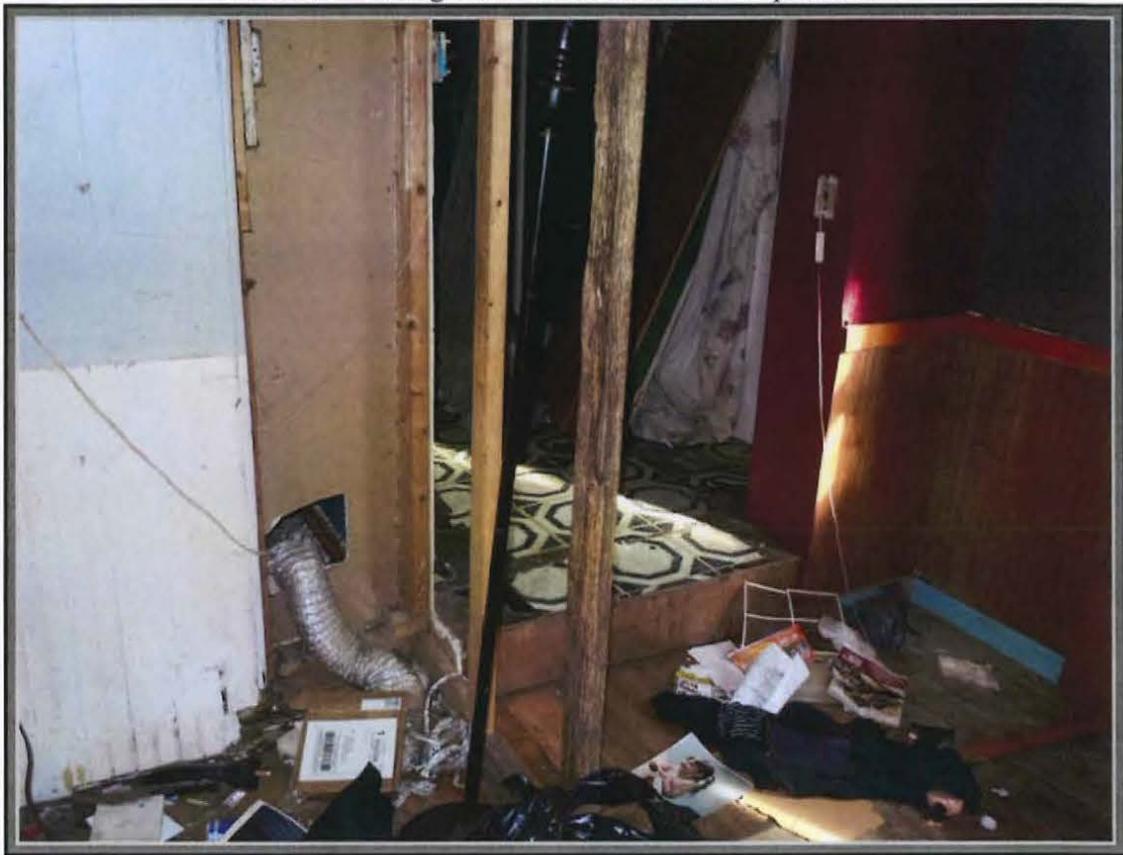


Photo # 10 Damage to walls with exposed wiring not installed in accordance with Code.



Photo # 11 Damage and deterioration to wall resulting in compromised fire rated assemblies allowing for the accelerated spread of fire..

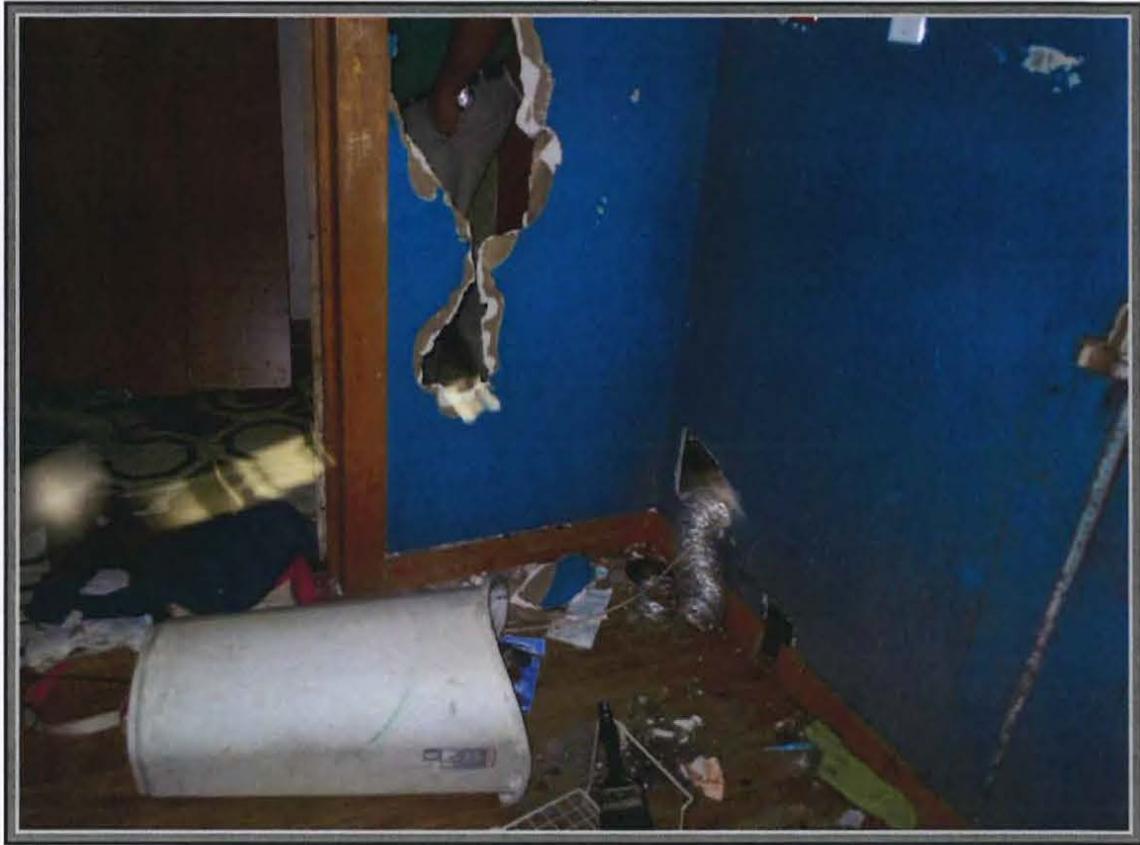


Photo # 13 Non-code compliant exposed wiring creating hazardous conditions and damaged walls.



Photo # 14. Damage walls and illegal wiring.



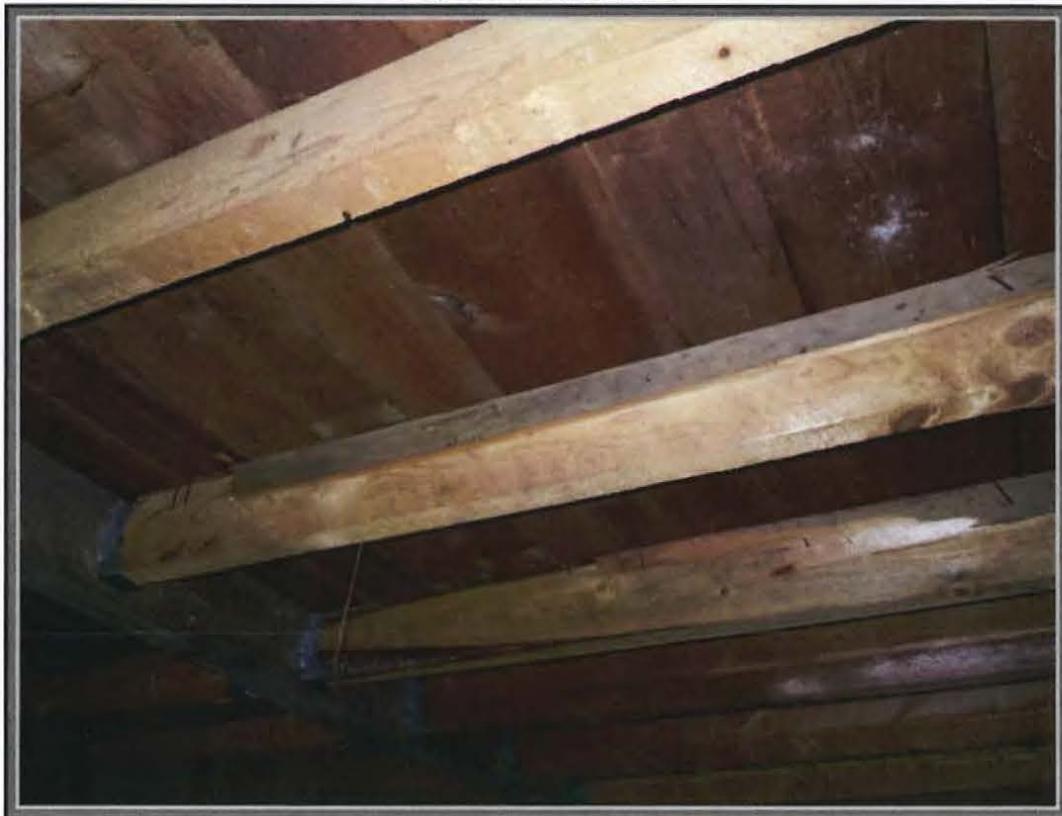
Photo # 15. Further example of illegal wiring methods.



Photo # 16. Illegally installed plumbing without permits left open and incomplete allowing for the entry of sewer gases making for unsanitary conditions.



Photo # 17 Recent and illegal installation of non-code compliant 2x4 floor joists and hangers supporting second floor bedroom.



Photos # 18 through 21. Show increased fire loading with combustible debris.



Photo # 19. Combustible debris contributing to fire loading.

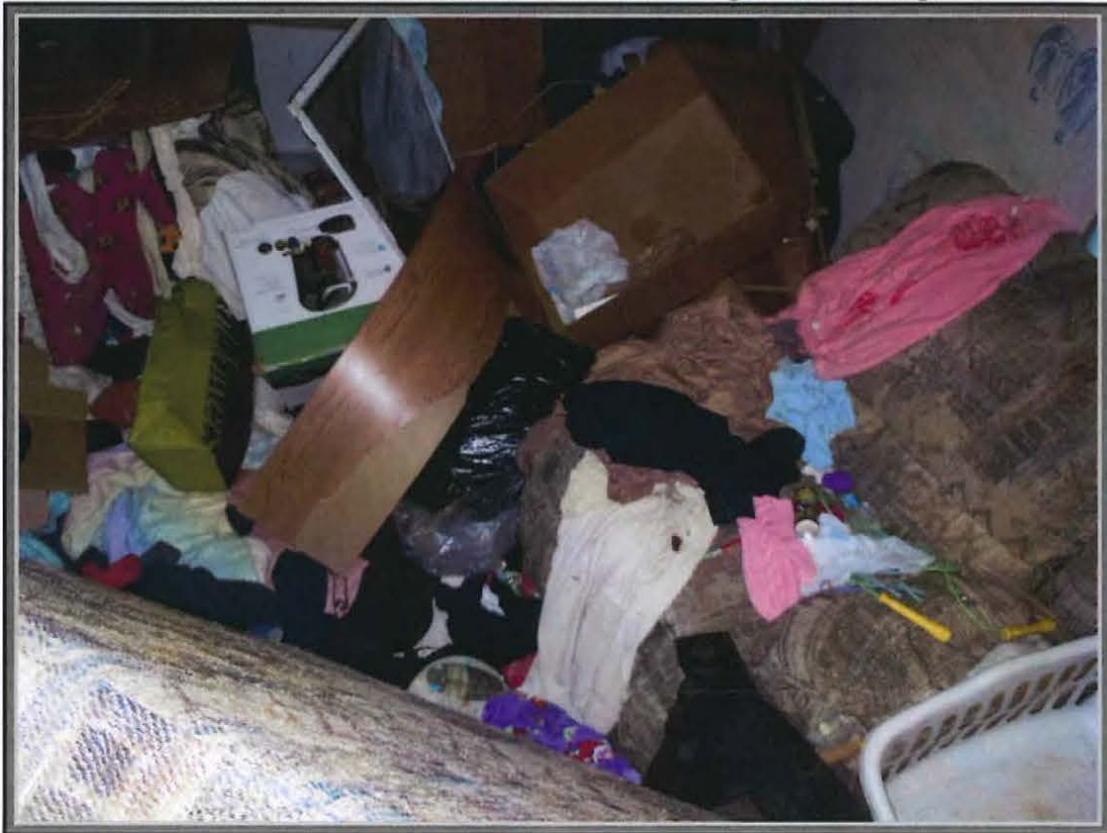


Photo # 20. Combustible debris contributing to fire loading.

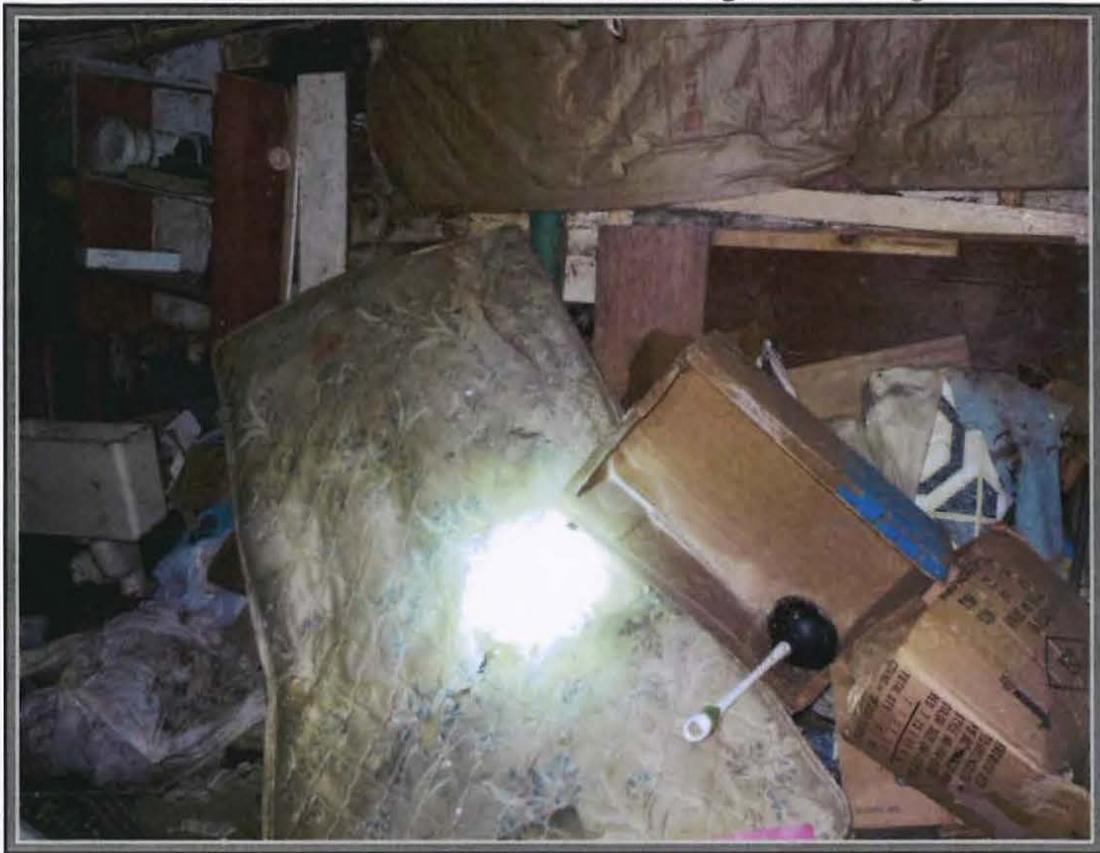


Photo # 21. Combustible debris contributing to fire loading.



LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 2, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 9

SUBJECT:

Condemnation Hearing for the building located at 248 Lincoln Street.

INFORMATION:

The City has begun the process for condemnation of the property at 248 Lincoln 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.

EATSI/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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1) To conduct a hearing to determine if the building located at 248 Lincoln 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 248 Lincoln 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.

248 LINCOLN STREET

OWNERSHIP DOCUMENTS

Mar 28 08 10:00a
MAR-17-2008 08:34

Goffs Machine
OFFICE OF ELDER SERVICES

2078544573

201 201 7227 P. 2
P. 02

248 Lincoln St
RE6825

PUBLIC GUARDIAN/CONSERVATOR
BILL OF SALE

The Maine Department of Health and Human Services, appointed the Public Guardian and Public Conservator of Theresa A. Moreau by the Androscoggin County Probate Court. Docket #2007-163 on November 6, 2007. (hereinafter "Seller") in accordance with powers conferred by law and every other power, hereby transfers to M & L Real Estate, LLC (hereinafter "Buyer") the house located at 248 Lincoln Street, Lewiston, Maine for the sum of ELEVEN THOUSAND FIVE HUNDRED and NO/100 DOLLARS (\$11,500.00). Real estate at this location, owned by The Franklin Company, is not included in this transaction.

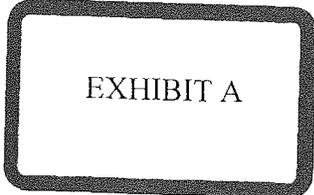
Sale is where is, as is, no guarantee.

By way of explanation and not by way of limitation, this contract for sale does NOT include money, documents, instruments, accounts, chattel paper, general intangibles, contract rights, or other things in action. Buyer agrees that should intangible property of value be discovered among the goods after the effective date of this contract, Buyer will immediately turn it over to the Seller.

Date 17 March 2008 David A. Vaughan, Duly Delegated Agent
Estate of Theresa A. Moreau, (Seller)
David A. Vaughan, Duly Delegated Agent
Maine Department of Human Services

Date 19 MAR 08 M & L Real Estate
M & L Real Estate, (Buyer)
494 Ossipee Trail
Gorham, ME 04038

Copy of Order Attached



Tax Collections

STCSBINQRI

Tax Bill Inquiry

```

=====
* Bill Nbr: 09A00006825          Bill Date: 07/30/08   Bill Status: C
  Account: 32743      M & L REAL ESTATE LLC          Bill Class: RR
  Desc/Loc: 00248 LINCOLN ST                          Bill Type: R
  Parcel ID: 00-006825
  Page/Line:
Real Value:          16,900          Principal:      Interest:      Net Due:
Pers Value:          0              Due 1:          0.00          0.00          0.00
Exemptions:          0              Due 2:          0.00          0.00          0.00
Deferments:          0              Total:          0.00          0.00          0.00
=====

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Ln  Date:   Trans:      Amount:  Paid By:      Reference:
 1 09/15/08 MI PAY      210.41- M & L REAL ESTATE LLC  PLL*08*260*55
 2 04/08/09 CTR PAY      211.73- M & L REAL ESTATE LLC  SSW*09*98*17
 3 05/08/09 WRITE-OF      0.12-                               TWO*09*128*98
 4
 5
=====

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Enter detail (/n), date (D), receipt (Ln#), report (P), or return <CR>





08/28/2014 09:51
plabelle

CITY of LEWISTON DEPT of PUBLIC SERVICES
UB Account Customer Inquiry Report

PG 2
ubcsting

10PEN	.00	1.46	.00	1.46
10PEN	.00	1.46	.00	1.46
10PEN	.00	1.31	.00	1.31
10PEN	.00	1.31	.00	1.31
10PEN	.00	1.16	.00	1.16
10PEN	.00	1.16	.00	1.16
10PEN	.00	1.01	.00	1.01
10PEN	.00	1.01	.00	1.01
10PEN	.00	.86	.00	.86
10PEN	.00	.86	.00	.86
10PEN	.00	.71	.00	.71
10PEN	.00	.71	.00	.71
10PEN	.00	.56	.00	.56
10PEN	.00	.56	.00	.56
10PEN	.00	.41	.00	.41
10PEN	.00	.41	.00	.41
10PEN	.00	.26	.00	.26
10PEN	.00	.26	.00	.26
10PEN	.00	.13	.00	.13
10PEN	.00	.13	.00	.13
10PEN	.00	.13	.00	.13
1158R	.00	.00	.00	.00
1WPEN	.00	.00	.00	.00
4158R	0	F	0	.00
4SPEN	.00	.56	.00	.56
4SPEN	.00	.00	.00	.00
	.00	336.17	.00	336.17

** END OF REPORT - Generated by Pam Labelle **

KNOW ALL MEN BY THESE PRESENTS,

THAT It, FRANKLIN COMPANY, a Maine corporation with its principal place of business located at 191 LISBON STREET, LEWISTON, County of ANDROSCOGGIN, and State of MAINE, in consideration of ONE DOLLAR AND OTHER VALUABLE CONSIDERATION, paid by FRANKLIN PROPERTY TRUST, in accordance with a declaration of trust to be recorded in the Androscoggin County Registry of Deeds, having its office at 191 LISBON STREET, LEWISTON, County of ANDROSCOGGIN, and State of MAINE, the receipt whereof it does hereby acknowledge, does hereby REMISE, RELEASE, BARGAIN, SELL and CONVEY, and forever QUIT-CLAIM unto the said FRANKLIN PROPERTY TRUST, its successors and assigns forever,

A certain lot or parcel of land situated in Lewiston, County of Androscoggin and State of Maine, with any buildings thereon, bounded and described as follows: COMMENCING on the easterly line of Lincoln Street at the southwesterly corner of land conveyed by this Grantor to the Maine Central Railroad Company by deed dated February 2, 1895, # 1043; thence north-easterly by line of land of said Maine Central Railroad Company 100 feet, to a right angle therein; thence southerly by line of land of said Maine Central Railroad Company 80 feet, more or less, to an angle therein; thence south easterly still by line of land of MCRR Co. 163 feet, more or less, to an angle therein; thence still continuing southeasterly by line of land of said MCRR Co. 140 feet, more or less, to an angle therein; thence continuing southerly still by line of land of MCRR Co. 100 feet, more or less, to the northwesterly line of land conveyed by this Grantor to the Union Water Power Co. by deed dated July 17, 1914, # 1424; thence southwesterly by line of land of said Union Water Power Co. about 200 feet, to said Lincoln Street; thence northwesterly by said Lincoln Street about 560 feet to the point of beginning.

TO HAVE AND TO HOLD the same, together with all the privileges and appurtenances thereunto belonging, to the said FRANKLIN PROPERTY TRUST, its successors and assigns forever.

AND it does COVENANT with the said Grantee, its successors and assigns, that it will WARRANT and FOREVER DEPEND the premises to it, the said Grantee, its successors and assigns forever, against

MARSHALL RAYMOND,
BELIVEAU & DHONNE
ATTORNEYS AT LAW
76 PARK STREET
LEWISTON, MAINE 04240
—
88 MAIN STREET
FARMINGTON, MAINE 04830

EXHIBIT C

the lawful claims and demands of all persons claiming by, through or under it.

IN WITNESS WHEREOF, It, the said FRANKLIN COMPANY, has caused these presents to be signed in its corporate name, and sealed with its corporate seal, by JOHN W. KING, its Treasurer, thereunto duly authorized, this 16th day of September in the year of our Lord one thousand nine hundred and seventy-six (1976).

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

FRANKLIN COMPANY

Arthur Wether BY: John W. King Its Treasurer
STATE OF MAINE, ANDROSCOGGIN, SS. September 16, 1976

Personally appeared the above named, JOHN W. KING, Treasurer of the said Franklin Company, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation.

Before me,

Arthur Wether
Notary Public & Attorney at Law

STATE OF MAINE, ANDROSCOGGIN REGISTRY OF DEEDS
SEP 10 1976
Received at 12 H., 10 M., P. M., and recorded from the original ~~book~~ _____

~~RECORDED~~ _____ ~~INDEXED~~

MARSHALL RAYMOND,
BELIVEAU & DIONNE
ATTORNEYS AT LAW
75 PARK STREET
LEWISTON, MAINE 04240
25 MAIN STREET
FARMINGTON, MAINE 02840

**NOTICE OF HEARING
CERTIFICATES OF SERVICE**

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

M&L Real Estate, LLC
c/o Thomas F. Jewell
477 Congress Street, Suite 1104
Portland, Maine 04101

Franklin Property Trust, LLC
c/o Ronald Bissonnette, Esq.
Isaacson & Raymond
75 Park Street
Lewiston, Maine 04240

248 LINCOLN STREET, LEWISTON, MAINE

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

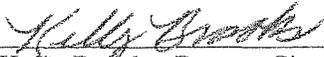
September 2, 2014
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 248 Lincoln Street, Lewiston, Maine, located on Lot 125 on Tax Map 208, and further depicted on the attached Exhibit A 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: August 7, 2014



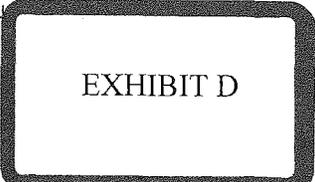
Kelly Brooks, Deputy City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

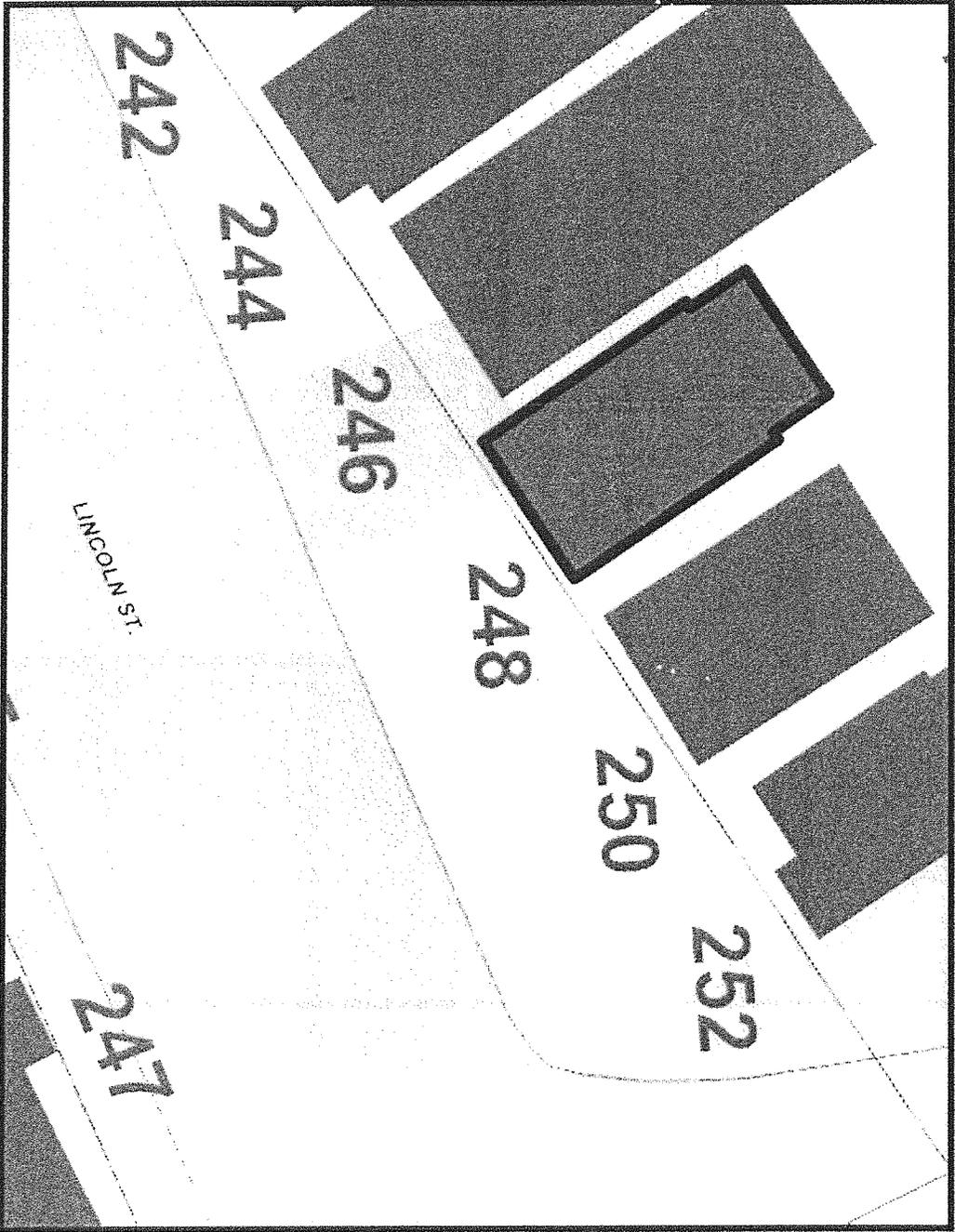
Before me this day personally appeared Kelly Brooks who acknowledges the foregoing instrument to be her free act and deed.



Notary Public / Attorney at Law



248 Lincoln Street



ANDROSCOGGIN COUNTY
TINA M CHOUINARD
REGISTER OF DEEDS

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

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

On 8-11-, 2014 (date), I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, by serving a copy of same on Thomas F. Jewell, the person authorized to accept service for M&L Real Estate, LLC, at the following address:

M&L Real Estate, LLC
c/o Thomas F. Jewell
477 Congress Street, Suite 1104
Portland, ME 04101

Costs of Service:

Service:	\$ <u>16.00</u>
Travel:	\$ <u>8.40</u>
Postage:	\$ <u>60</u>
Other:	\$ <u>5.00</u>
TOTAL:	\$ <u>30.00</u>

Dennis A. Arnold
Signature
D Sheriff
Agency

EXHIBIT E

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

M&L Real Estate, LLC
c/o Thomas F. Jewell
477 Congress Street, Suite 1104
Portland, Maine 04101

Franklin Property Trust, LLC
c/o Ronald Bissonnette, Esq.
Isaacson & Raymond
75 Park Street
Lewiston, Maine 04240

248 LINCOLN STREET, LEWISTON, MAINE

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

September 2, 2014
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 248 Lincoln Street, Lewiston, Maine, located on Lot 125 on Tax Map 208, and further depicted on the attached Exhibit A 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.

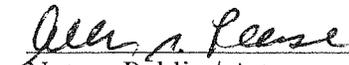
Dated: August 7, 2014



Kelly Brooks, Deputy City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

Before me this day personally appeared Kelly Brooks who acknowledges the foregoing instrument to be her free act and deed.



Notary Public / Attorney at Law



return

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING
233 LINCOLN STREET, 248 LINCOLN STREET,
390 LINCOLN STREET, 66 RIVER STREET
and 2 SUMMER STREET, LEWISTON, MAINE
Pursuant to 17 M.R.S. §§ 2851, *et seq.*

On 8-11, 2014 (date), I served the above-referenced NOTICES OF HEARING, a copies of which are attached hereto, by serving a copy of same to Ronald Bissonnette, Registered Agent for Franklin Property, Inc., at the following address:

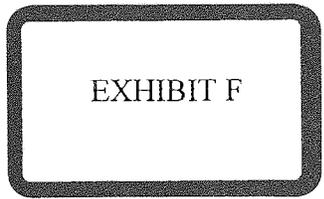
Franklin Property, Inc.
c/o Ronald Bissonnette, Registered Agent
Isaacson & Raymond
75 Park Street
Lewiston, ME 04240

Costs of Service:

Service:	\$	<u>2100</u>
Travel:	\$	<u>160</u>
Postage:	\$	<u>100</u>
Other: <i>cp</i>	\$	<u>200</u>
TOTAL:	\$	<u>25.60</u>

J. Isaacson
Signature

Anchoragen SO
Agency



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

M&L Real Estate, LLC
c/o Thomas F. Jewell
477 Congress Street, Suite 1104
Portland, Maine 04101

Franklin Property Trust, LLC
c/o Ronald Bissonnette, Esq.
Isaacson & Raymond
75 Park Street
Lewiston, Maine 04240

248 LINCOLN STREET, LEWISTON, MAINE

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

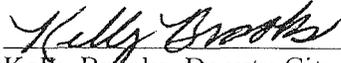
September 2, 2014
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 248 Lincoln Street, Lewiston, Maine, located on Lot 125 on Tax Map 208, and further depicted on the attached Exhibit A 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.

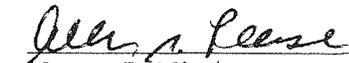
Dated: August 7, 2014



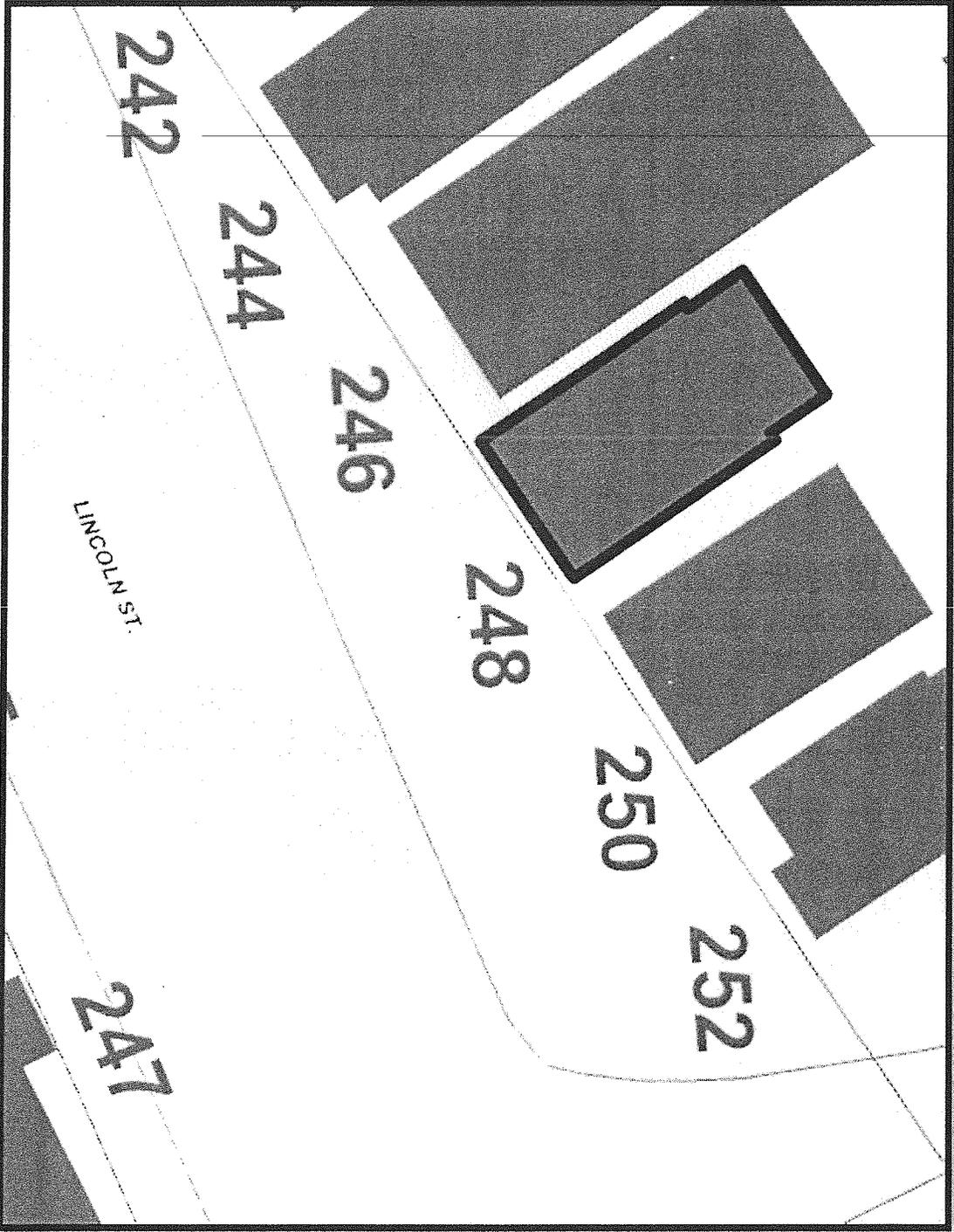
Kelly Brooks, Deputy City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

Before me this day personally appeared Kelly Brooks who acknowledges the foregoing instrument to be her free act and deed.



Notary Public / Attorney at Law



CITY
CORRESPONDENCE

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

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

January 28, 2010

M&L Real Estate
494 Ossipee Trail
Gorham, ME 04038

RE: 248 Lincoln St. Lewiston

Dear Property Owner:

It has come to the attention of this office that the building at 248 Lincoln Street, Lewiston Maine is unfit for human habitation and/or occupancy due to violation(s) of the following provisions of Chapter 18, Article III, Property Maintenance Code, Sections 18-51 and 18-52, Sections 18-200 & 18-201, Appendix A, Zoning and Land Use Code, Article V, Sections 1, 3 (l), Article VI, as per The Code of Ordinances of the City of Lewiston hereafter referred to as the (Code). This building has been vacant for over 2 years, extinguishing its use pursuant to Article V, Section 3, (l), Article VI, Section 4, (c).

As per the above mentioned violations I hereby condemn and placard the building at 248 Lincoln Street 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, PM 105.1, PM 105.4, PM-105.6, PM 107.1, PM 107.2, PM-107.3, PM 601.1, PM 601.3 and PM 601.4, of the Code of Ordinances of the City of Lewiston. Due to the threat to public safety you are hereby ordered to maintain this building secure from unauthorized entry in accordance with PM-105.6 and to demolish this structure with an approved demolition permit from the City of Lewiston's Department of Planning and Code Enforcement in accordance with Code by no latter than March 1, 2010. In accordance with PM-105.6, the City of Lewiston may cause the building to be secured by public agency, contract, or by private persons and the cost shall be charged to the owner. If such costs to the City are not reimbursed, the City shall initiate legal action to recover its expenses and any legal fees incurred. The City of Lewiston may take legal action to order the demolition of this building pursuant to provisions of the Maine Revised Statutes, Title 17, Chapter 91 Subchapter 4, Dangerous Buildings, Section 2851.

The above-mentioned property will be placarded and may not be re-occupied. An inspection shall 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."

EXHIBIT G

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 for violations of the Property Maintenance Code and thirty (30) days for violations of Appendix A, the Zoning and Land use Code. 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-106.6 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 R. Reny
Code Enforcement Officer

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

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

PHOTOGRAPHS

248 Lincoln Street Tenancy Franklin Property Trust Land

Photo #1. Taken March 31, 2009 vacant and abandoned structure left open in close proximity to occupied adjacent structures increasing the threat of the spread of fire.



Photo # 2. Taken 2-27-2013 lack of maintenance and further deterioration.



EXHIBIT H

Photo # 3. Photo taken May 29, 2014 showing continuing deterioration.



Photo # 4. Shows the rear of the building.



Photo # 5. Shows the severely deteriorated roof and chimney.



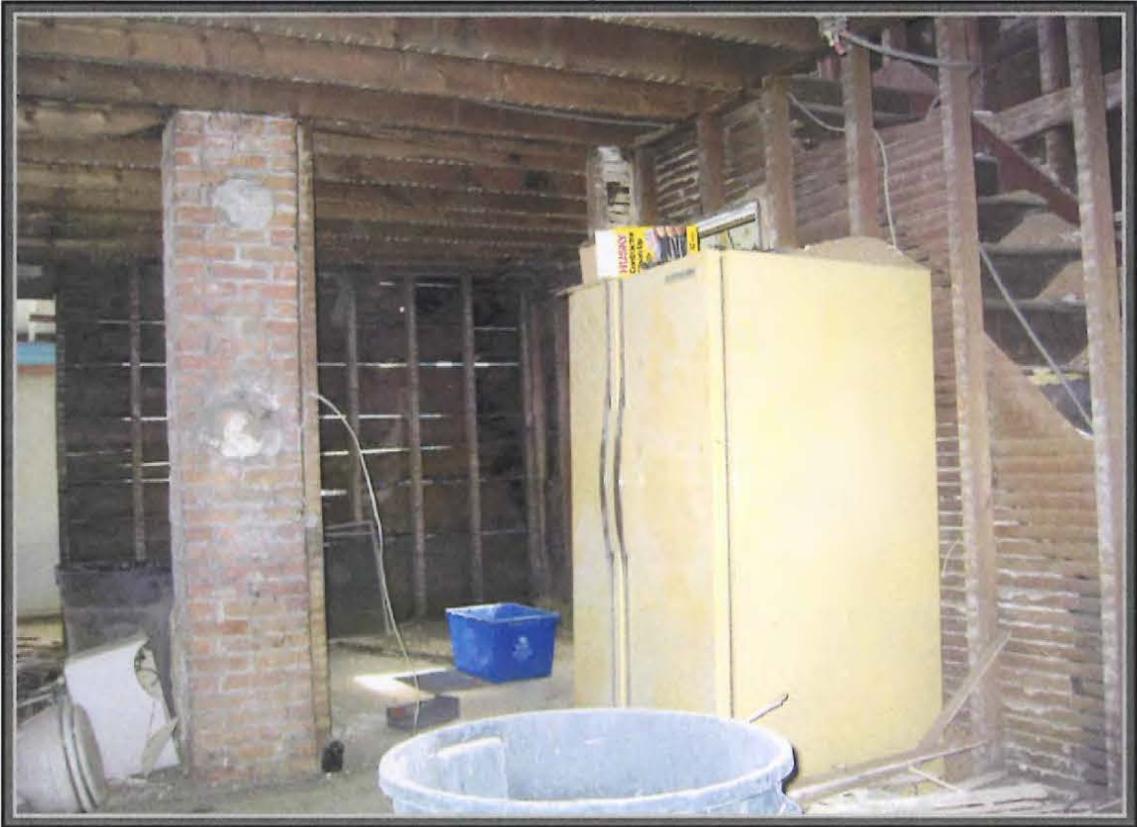
Photo # 6. Shows a close up of the deteriorated leaning chimney with eroded mortar in jeopardy of collapse.



Photo # 7. Interior stripped of plaster, lathing, insulation and wiring before abandonment leaving unprotected combustible materials exposed.



Photo # 8. Shows interior stripped of plaster and lathing rendering the structure without fire rated assemblies as required by Code.



LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 2, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 10

SUBJECT:

Condemnation Hearing for the building located at 390 Lincoln Street.

INFORMATION:

The City has begun the process for condemnation of the property at 390 Lincoln Street under the dangerous building classification. This property has been abandoned by the owner and upon inspection of city staff has been determined to be an unsafe structure.

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

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/Kmm

REQUESTED ACTION:

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

1) To conduct a hearing to determine if the building located at 390 Lincoln 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 390 Lincoln 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.

390 LINCOLN STREET

Know all Men by these Presents,

That I, Nancy Ivy

in consideration of release of my one half interest

~~XXXXXX~~ to Wayne J Ivy

the receipt whereof is hereby acknowledged, do hereby grant, sell, transfer and deliver unto the said Wayne J Ivy

the following goods and chattels, namely:

A Two-Story House-Colonial Type Style located at 390 Lincoln Street, City of Lewiston, County of Androscoggin, State of Maine on Leased land owned by Franklin Properties.

To have and to hold, all and singular the said goods and chattels to the said Wayne J Ivy

executors, administrators and assigns, to their own use and behoof forever.

And I hereby covenant with the said Wayne J Ivy

that I the lawful owner of said goods and chattels; that they are free from all encumbrances

that I have good right to sell the same as aforesaid; and that I will warrant and defend the same unto him the said Wayne J Ivy

His heirs, executors, administrators or assigns, against the lawful claims and demands of all persons.

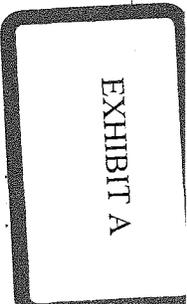
In Witness Whereof, I the said Nancy Ivy

hereunto set my hand and seal this 11th day of the month of April, A.D. 19 97

Signed, Sealed and Delivered in presence of

J. Ellen Larkin
Jo Ellen Larkin-Loan Officer

Nancy Ivy
Nancy Ivy



Tax Collections

STCSBINQRI

Tax Bill Inquiry

```

=====
* Bill Nbr: 08A00007854      Bill Date: 08/08/07      Bill Status: C
  Account: 19064      IVY, WAYNE J      Bill Class: RR
  Desc/Loc: 00390 LINCOLN ST      Bill Type: R
  Parcel ID: 00-007854
  Page/Line:
Real Value:      17,100      Principal:      Interest:      Net Due:
Pers Value:
Exemptions:      9,750      Due 1:      0.00      0.00      0.00
Deferments:      Total:      0.00      0.00      0.00
=====

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Ln  Date:  Trans:      Amount:  Paid By:      Reference:
 1 06/18/08 TAX LIEN      60.55      LFN*08*170*251
 2 06/01/09 CTR PAY      200.00-  IVY, WAYNE J      WSK*09*152*2
 3 12/09/09 MSG(PRL)      MR.IVY CALLED-WILL PAY 08 BALANCE B-4 12/18
 4 12/11/09 CTR PAY      62.14-  IVY, WAYNE J      WSK*09*345*1
 5
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Enter detail (/n), date (D), receipt (Ln#), report (P), or return <CR>





08/28/2014 09:54
plabelle

CITY of LEWISTON DEPT of PUBLIC SERVICES
UB Account Customer Inquiry Report

Acct 009094 Customer 12724 Owner 12724
 Cust IVY, WAYNE Bill Addr Tel740-2254
 ★★ Owner IVY, WAYNE 137 HOWE ST
 Loc 390 LINCOLN ST AUBURN, ME 04210-4058
 LEWISTON, ME 04240
 Rt/Bk 121 Dist LE Type RS Parcel
 Acct Created 02/05/2000 Stat A
 Last Bill 06/18/2014 42.60 Last Cust Chg 05/05/1994
 ★★ Last Pmt 09/08/2010 87.57 Group Billing N

S E R V I C E S

Charge	Last Rd	T	Last Usq	Current	Delinq	Int/Pen	Total Bal
1010SH				.00	127.06	.00	127.06
1010SH				.00	.00	.00	.00
1010SH				.00	.00	.00	.00
10LIEN				.00	12.50	.00	12.50
10LIEN				.00	.17	.00	.17
10LIEN				.00	.17	.00	.17
10LIEN				.00	.17	.00	.17
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10PEN				.00	1.58	.00	1.58
10PEN				.00	1.56	.00	1.56
10PEN				.00	2.09	.00	2.09
10PEN				.00	1.39	.00	1.39
10PEN				.00	1.22	.00	1.22
10PEN				.00	1.05	.00	1.05
10PEN				.00	1.05	.00	1.05
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10PEN				.00	1.05	.00	1.05
10PEN				.00	1.05	.00	1.05
10PEN				.00	1.05	.00	1.05
10PEN				.00	1.05	.00	1.05
10PEN				.00	.88	.00	.88
10PEN				.00	.88	.00	.88
10PEN				.00	.73	.00	.73
10PEN				.00	.73	.00	.73
10PEN				.00	.58	.00	.58
10PEN				.00	.58	.00	.58
10PEN				.00	.43	.00	.43
10PEN				.00	1.52	.00	1.52
10PEN				.00	.28	.00	.28

390 Lincoln Street 000003



08/28/2014 09:54
plabelle

CITY of LEWISTON DEPT of PUBLIC SERVICES
UB Account Customer Inquiry Report

PG 2
ubcsting

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10PEN				.00	.13	.00	.13
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1158R	0	A	0	.00	75.05	.00	75.05
1158R				.00	.00	.00	.00
1158R				.00	.00	.00	.00
1158R				.00	.00	.00	.00
1158R				.00	.00	.00	.00
1158R				.00	.00	.00	.00
1158R				.00	.00	.00	.00
1158R				.00	.00	.00	.00
1WLFEE				.00	44.59	.00	44.59
1WLFEE				.00	89.50	.00	89.50
1WLFEE				.00	45.11	.00	45.11
1WLIEN				.00	37.53	.00	37.53
1WLIEN				.00	.50	.00	.50
1WLIEN				.00	75.55	.00	75.55
1WLIEN				.00	1.50	.00	1.50
1WLIEN				.00	1.50	.00	1.50
1WLIEN				.00	39.90	.00	39.90
1WLIEN				.00	69.67	.00	69.67
1WLIEN				.00	2.42	.00	2.42
1WLIEN				.00	40.82	.00	40.82
1WLIEN				.00	78.73	.00	78.73
1WLIEN				.00	8.58	.00	8.58
1WLIEN				.00	2.04	.00	2.04
1WLIEN				.00	39.93	.00	39.93
1WLIEN				.00	2.04	.00	2.04
1WLIEN				.00	14.36	.00	14.36
1WLIEN				.00	1.02	.00	1.02
1WLIEN				.00	44.73	.00	44.73
1WLIEN				.00	36.81	.00	36.81
1WLIEN				.00	1.07	.00	1.07
1WLIEN				.00	1.07	.00	1.07
1WLIEN				.00	7.70	.00	7.70
1WLIEN				.00	.59	.00	.59
1WLIEN				.00	45.60	.00	45.60
1WLIEN				.00	.61	.00	.61
1WLIEN				.00	.61	.00	.61
1WLIEN				.00	.61	.00	.61
1WLIEN				.00	7.48	.00	7.48
1WLIEN				.00	57.48	.00	57.48
1WNOD				.00	.00	.00	.00
1WNOD				.00	.00	.00	.00
1WNOD				.00	.00	.00	.00
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1WNOD				.00	.00	.00	.00
1WPEN				.00	1.00	.00	1.00
1WPEN				.00	1.00	.00	1.00
1WPEN				.00	1.00	.00	1.00
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1WPEN				.00	1.00	.00	1.00
1WPEN				.00	1.00	.00	1.00
1WPEN				.00	1.00	.00	1.00

390 Lincoln Street 000004



08/28/2014 09:54
plabelle

CITY of LEWISTON DEPT of PUBLIC SERVICES
UB Account Customer Inquiry Report

PG 3
ubesting

1WPEN				.00	1.00	.00	1.00
1WPEN				.00	1.00	.00	1.00
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1WPEN				.00	1.00	.00	1.00
1WPEN				.00	1.00	.00	1.00
1WPEN				.00	1.00	.00	1.00
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1WPEN				.00	.49	.00	.49
4158R	0	A	0	.00	119.03	.00	119.03
4158R				.00	.00	.00	.00
4158R				.00	.00	.00	.00
4158R				.00	.00	.00	.00
4158R				.00	.00	.00	.00
4158R				.00	.00	.00	.00
4158R				.00	.00	.00	.00
4SPEN				.00	1.58	.00	1.58
4SPEN				.00	1.21	.00	1.21
4SPEN				.00	1.24	.00	1.24
4SPEN				.00	.84	.00	.84
4SPEN				.00	.86	.00	.86
4SPEN				.00	.88	.00	.88
4SPEN				.00	.90	.00	.90
4SPEN				.00	.92	.00	.92
4SPEN				.00	.94	.00	.94
4SPEN				.00	.96	.00	.96
4SPEN				.00	.98	.00	.98
4SPEN				.00	1.00	.00	1.00
4SPEN				.00	1.02	.00	1.02
4SPEN				.00	1.04	.00	1.04
4SPEN				.00	1.06	.00	1.06
4SPEN				.00	1.08	.00	1.08
4SPEN				.00	1.10	.00	1.10
4SPEN				.00	.55	.00	.55
4SPEN				.00	.56	.00	.56
5SLFEE				.00	44.75	.00	44.75
5SLFEE				.00	44.59	.00	44.59
5SLFEE				.00	44.75	.00	44.75
5SLFEE				.00	45.11	.00	45.11
5SLFEE				.00	57.48	.00	57.48
5SLIEN				.00	61.10	.00	61.10
5SLIEN				.00	.82	.00	.82
5SLIEN				.00	.83	.00	.83
5SLIEN				.00	.83	.00	.83
5SLIEN				.00	37.30	.00	37.30
5SLIEN				.00	1.34	.00	1.34
5SLIEN				.00	35.82	.00	35.82
5SLIEN				.00	.89	.00	.89
5SLIEN				.00	.91	.00	.91
5SLIEN				.00	31.03	.00	31.03
5SLIEN				.00	104.03	.00	104.03
5SLIEN				.00	2.21	.00	2.21
5SLIEN				.00	32.35	.00	32.35
5SLIEN				.00	32.35	.00	32.35

390 Lincoln Street 000005

KNOW ALL MEN BY THESE PRESENTS,

THAT It, FRANKLIN COMPANY, a Maine corporation with its principal place of business located at 191 LISBON STREET, LEWISTON, County of ANDROSCOGGIN, and State of MAINE, in consideration of ONE DOLLAR AND OTHER VALUABLE CONSIDERATION, paid by FRANKLIN PROPERTY TRUST, in accordance with a declaration of trust to be recorded in the Androscoggin County Registry of Deeds, having its office at 191 LISBON STREET, LEWISTON, County of ANDROSCOGGIN, and State of MAINE, the receipt whereof it does hereby acknowledge, does hereby REMISE, RELEASE, BARGAIN, SELL and CONVEY, and forever QUIT-CLAIM unto the said FRANKLIN PROPERTY TRUST, its successors and assigns forever,

A certain lot or parcel of land situated in Lewiston, County of Androscoggin and State of Maine, with any buildings thereon, bounded and described as follows: COMMENCING on the northeasterly side of Lincoln Street at the southerly line of land conveyed by this Grantor to W. E. Cloutier on November 20, 1973 by deed # 3076; thence running northeasterly by land of said Cloutier about 143 feet to line of land conveyed by this Grantor to the Lewiston Gas Light Co. on August 16, 1869 by deed #422; thence running southeasterly by line of land of said Lewiston Gas Light Co., now Maine Central Railroad, about 2471 feet to land conveyed by this Grantor to Florida Lemieux on September 23, 1955 by deed # 1944; thence southwesterly by line of land of said Lemieux about 320 feet to the northeasterly side of Lincoln Street; thence northwesterly by the northeasterly side of Lincoln Street about 2687 feet to the point of beginning.

The foregoing parcel is subject to a right of way conveyed by this Grantor to Lewis J. and Robert A. Rosenthal on October 24, 1972 by deed # 3058.

TO HAVE AND TO HOLD the same, together with all the privileges and appurtenances thereunto belonging, to the said FRANKLIN PROPERTY TRUST, its successors and assigns forever.

AND it does COVENANT with the said Grantee, its successors and assigns, that it will WARRANT and FOREVER DEFEND the premises to it, the said Grantee, its successors and assigns forever, against the lawful claims and demands of all persons claiming by, through or under it.

MARSHALL, RAYMOND,
BELIVEAU & BIONNE
ATTORNEYS AT LAW
78 PARK STREET
LEWISTON, MAINE 04240
—
33 MAIN STREET
FARMINGTON, MAINE 04830



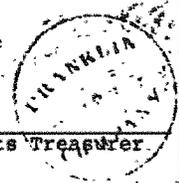
IN WITNESS WHEREOF, It, the said FRANKLIN COMPANY, has caused these presents to be signed in its corporate name, and sealed with its corporate seal, by JOHN W. KING, its Treasurer, thereunto duly authorized, this 10th day of September in the year of our Lord one thousand nine hundred and seventy-six (1976).

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

FRANKLIN COMPANY

Antonia Wetten

BY: J. W. King
John W. King, Its Treasurer



STATE OF MAINE, ANDROSCOGGIN, SS.

September 10, 1976

Personally appeared the above named, JOHN W. KING, Treasurer of the said Franklin Company, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation.

Before me,

Antonia Wetten
Notary Public
A Harney at Law

STATE OF MAINE ANDROSCOGGIN

REGISTRY OF DEEDS

Received **SEP 10 1976** at 12 H., 11 M., P. M., and recorded from the original _____, _____.

~~NOTARY~~ _____ ~~REGISTER~~

MARSHALL, RAYMOND,
BELIVEAU & DIONNE
ATTORNEYS AT LAW
79 PARK STREET
LEWISTON, MAINE 04240

65 MAIN STREET
FARMINGTON, MAINE 04830

**NOTICE OF HEARING
CERTIFICATES OF SERVICE**

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

Wayne Ivy
137 Howe Street
Auburn, Maine 04210

Franklin Property Trust, LLC
c/o Ronald Bissonnette, Esq.
Isaacson & Raymond
75 Park Street
Lewiston, Maine 04240

Rainbow Federal Credit Union
381 Main Street
Lewiston, Maine 04240

390 LINCOLN STREET, LEWISTON, MAINE

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

September 2, 2014
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 390 Lincoln Street, Lewiston, Maine, located on Lot 19 on Tax Map 197, and further depicted on Exhibit A attached hereto, 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 structures. 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.

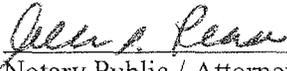
Dated: August 7, 2014



Kelly Brooks, Deputy City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

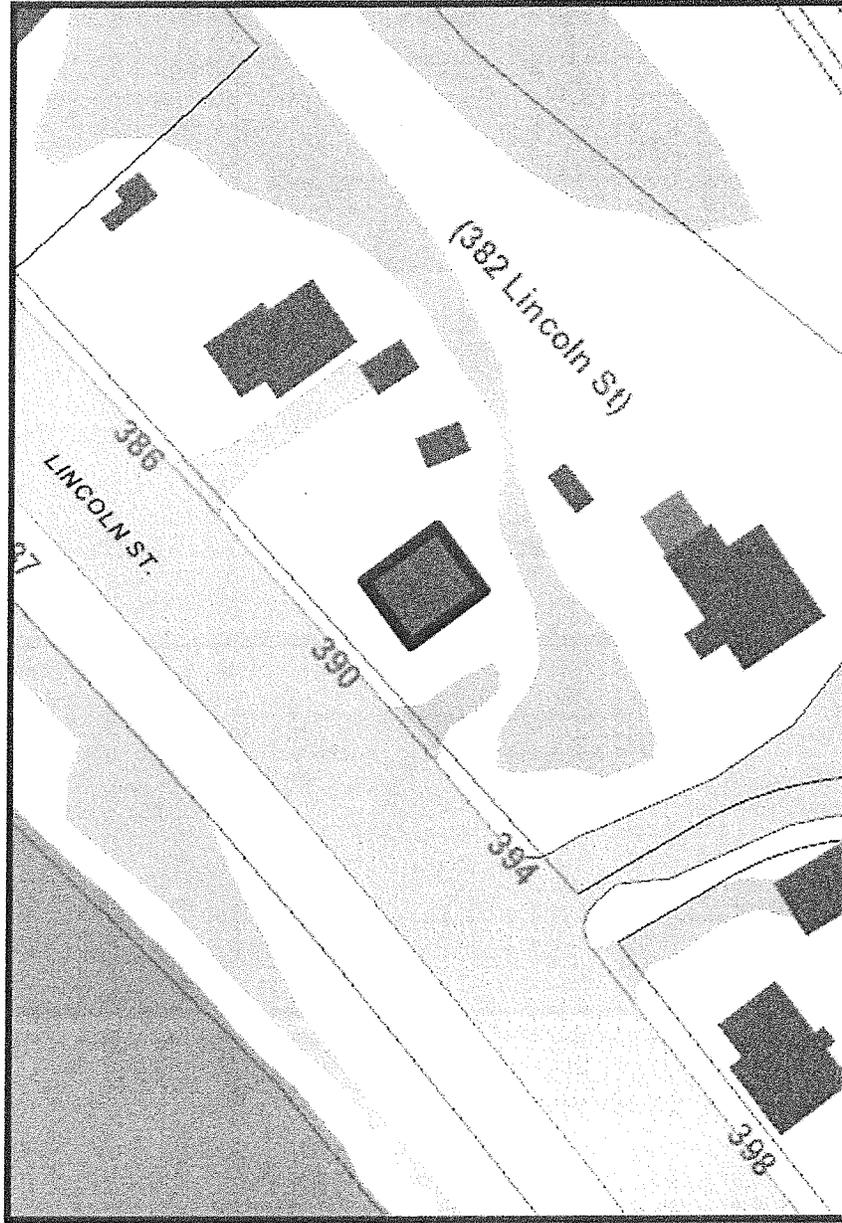
Before me this day personally appeared Kelly Brooks who acknowledges the foregoing instrument to be her free act and deed.



Notary Public / Attorney at Law

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

390 Lincoln Street



ANDROSCOGGIN COUNTY
TINA M CHOUINARD
REGISTER OF DEEDS

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

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

On August 12, 2014 (date), I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, by serving a copy of same on Wayne Ivy, at the following address:

Wayne Ivy
137 Howe Street
Auburn, ME 04210

Costs of Service:

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

TOTAL: \$ _____



Signature


Agency



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

Wayne Ivy
137 Howe Street
Auburn, Maine 04210

Franklin Property Trust, LLC
c/o Ronald Bissonnette, Esq.
Isaacson & Raymond
75 Park Street
Lewiston, Maine 04240

Rainbow Federal Credit Union
381 Main Street
Lewiston, Maine 04240

390 LINCOLN STREET, LEWISTON, MAINE

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September 2, 2014
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

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If the City Council finds that the structure is dangerous or a nuisance, it may order the appropriate corrective action, including, but not limited to, demolition and removal of the structures. 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.

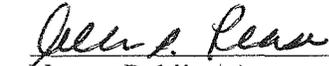
Dated: August 7, 2014



Kelly Brooks, Deputy City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

Before me this day personally appeared Kelly Brooks who acknowledges the foregoing instrument to be her free act and deed.

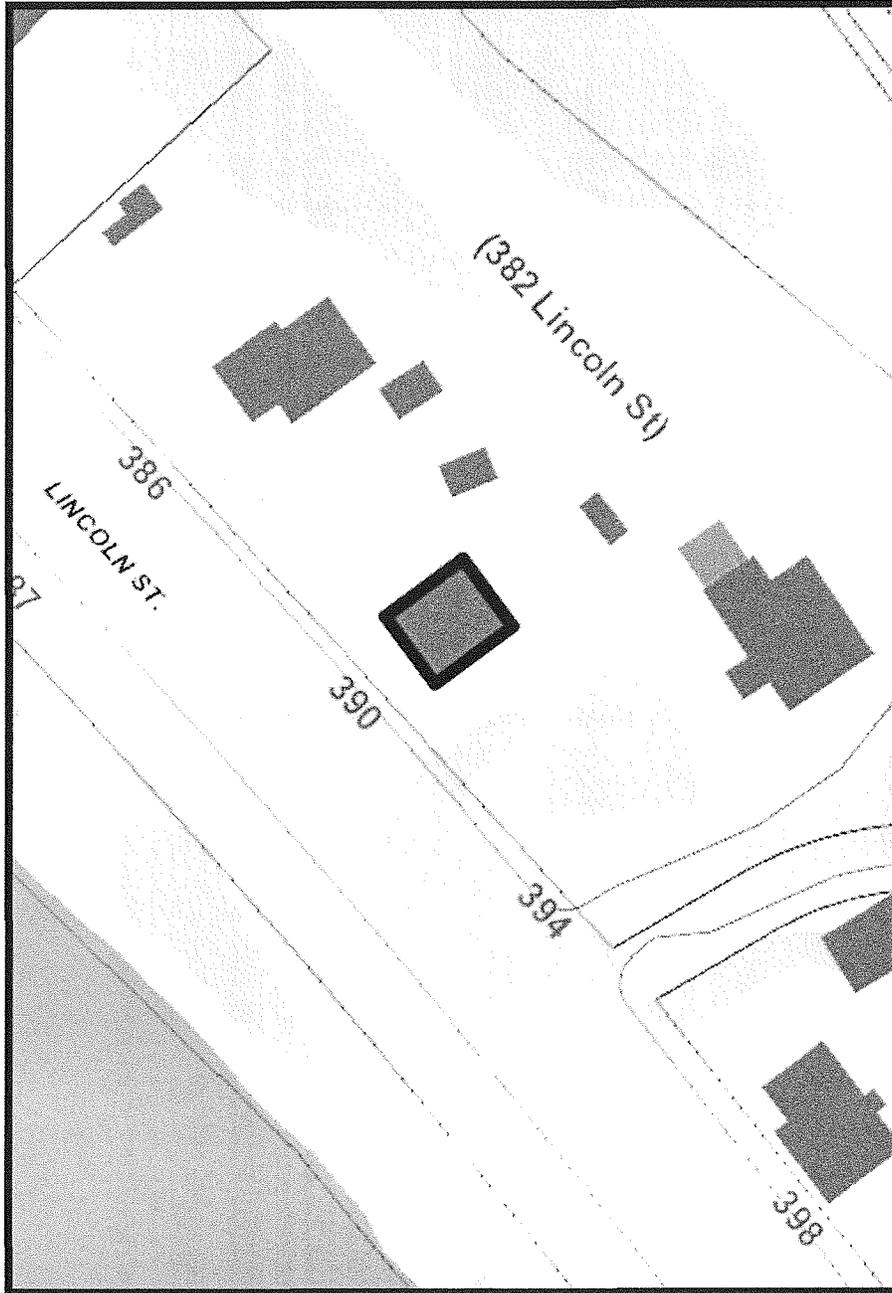


Notary Public / Attorney at Law

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

EXHIBIT A

390 Lincoln Street



CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

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

On 8-11, 2014 (date), I served the above-referenced NOTICES OF HEARING, a copies of which are attached hereto, by serving a copy of same to a person authorized to accept service for Rainbow Federal Credit Union, , at the following address:

Rainbow Federal Credit Union
381 Main Street
Lewiston, ME 04240

Costs of Service:

Service:	\$	<u>2100</u>
Travel:	\$	<u>160</u>
Postage:	\$	<u>100</u>
Other: <i>CP</i>	\$	<u>200</u>
TOTAL:	\$	<u>2560</u>

[Signature]
Signature

Androscoggin SO
Agency

EXHIBIT F

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

Wayne Ivy
137 Howe Street
Auburn, Maine 04210

Franklin Property Trust, LLC
c/o Ronald Bissonnette, Esq.
Isaacson & Raymond
75 Park Street
Lewiston, Maine 04240

Rainbow Federal Credit Union
381 Main Street
Lewiston, Maine 04240

390 LINCOLN STREET, LEWISTON, MAINE

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

September 2, 2014
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 390 Lincoln Street, Lewiston, Maine, located on Lot 19 on Tax Map 197, and further depicted on Exhibit A attached hereto, 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 structures. 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: *AUGUST 7, 2014*



Kelly Brooks, Deputy City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

Before me this day personally appeared Kelly Brooks who acknowledges the foregoing instrument to be her free act and deed.

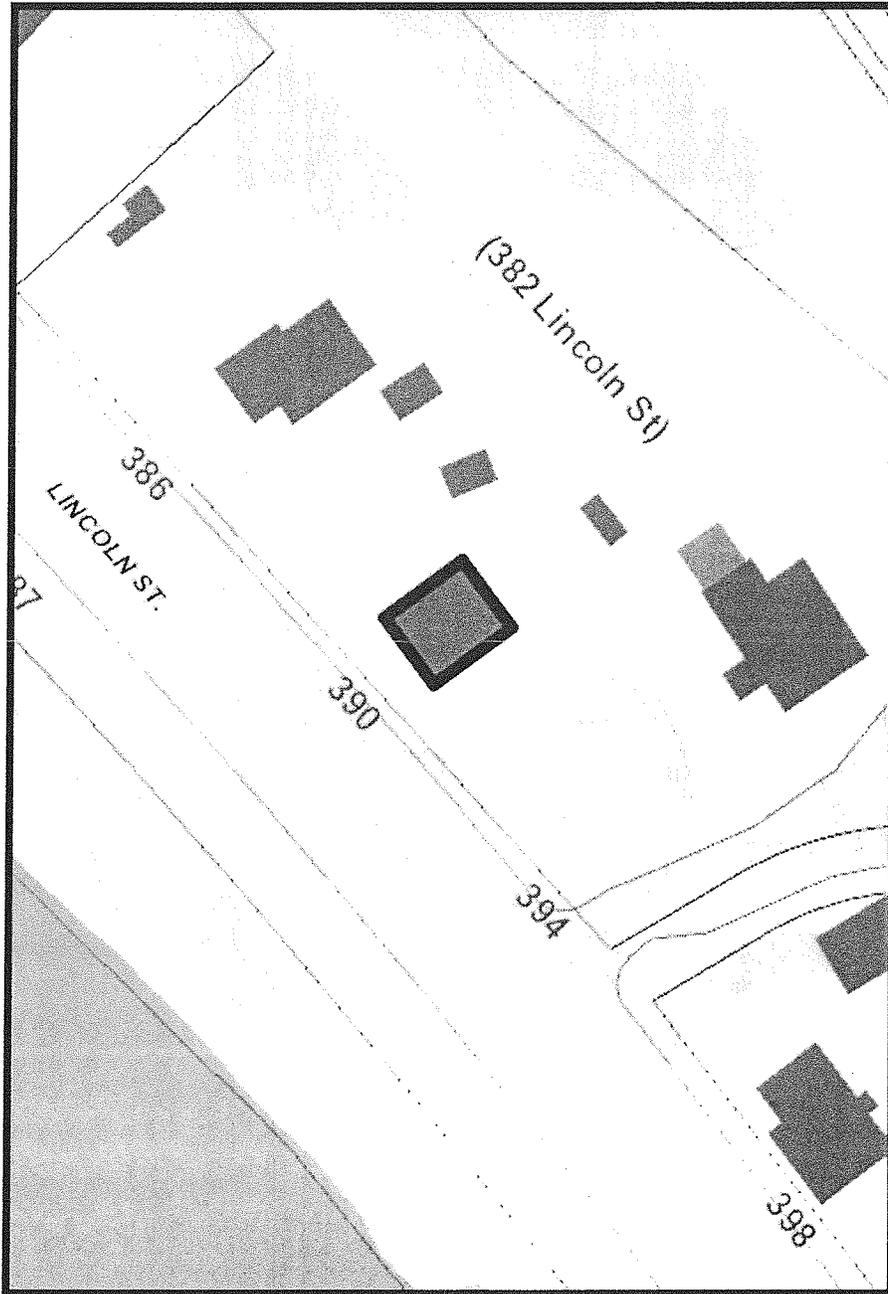


Notary Public / Attorney at Law

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

EXHIBIT A

390 Lincoln Street



CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING
233 LINCOLN STREET, 248 LINCOLN STREET,
390 LINCOLN STREET, 66 RIVER STREET
and 2 SUMMER STREET, LEWISTON, MAINE
Pursuant to 17 M.R.S. §§ 2851, *et seq.*

On 8-11, 2014 (date), I served the above-referenced NOTICES OF HEARING, a copies of which are attached hereto, by serving a copy of same to Ronald Bissonnette, Registered Agent for Franklin Property, Inc., at the following address:

Franklin Property, Inc.
c/o Ronald Bissonnette, Registered Agent
Isaacson & Raymond
75 Park Street
Lewiston, ME 04240

Costs of Service:

Service:	\$	<u>2100</u>
Travel:	\$	<u>160</u>
Postage:	\$	<u>100</u>
Other: ep	\$	<u>200</u>
TOTAL:	\$	<u>2560</u>

J. Charles
Signature

Anchoraggin SO
Agency



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

Wayne Ivy
137 Howe Street
Auburn, Maine 04210

Franklin Property Trust, LLC
c/o Ronald Bissonnette, Esq.
Isaacson & Raymond
75 Park Street
Lewiston, Maine 04240

Rainbow Federal Credit Union
381 Main Street
Lewiston, Maine 04240

390 LINCOLN STREET, LEWISTON, MAINE

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

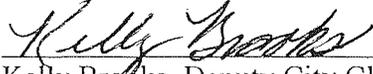
September 2, 2014
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 390 Lincoln Street, Lewiston, Maine, located on Lot 19 on Tax Map 197, and further depicted on Exhibit A attached hereto, 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 structures. 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: August 7, 2014



Kelly Brooks, Deputy City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

Before me this day personally appeared Kelly Brooks who acknowledges the foregoing instrument to be her free act and deed.

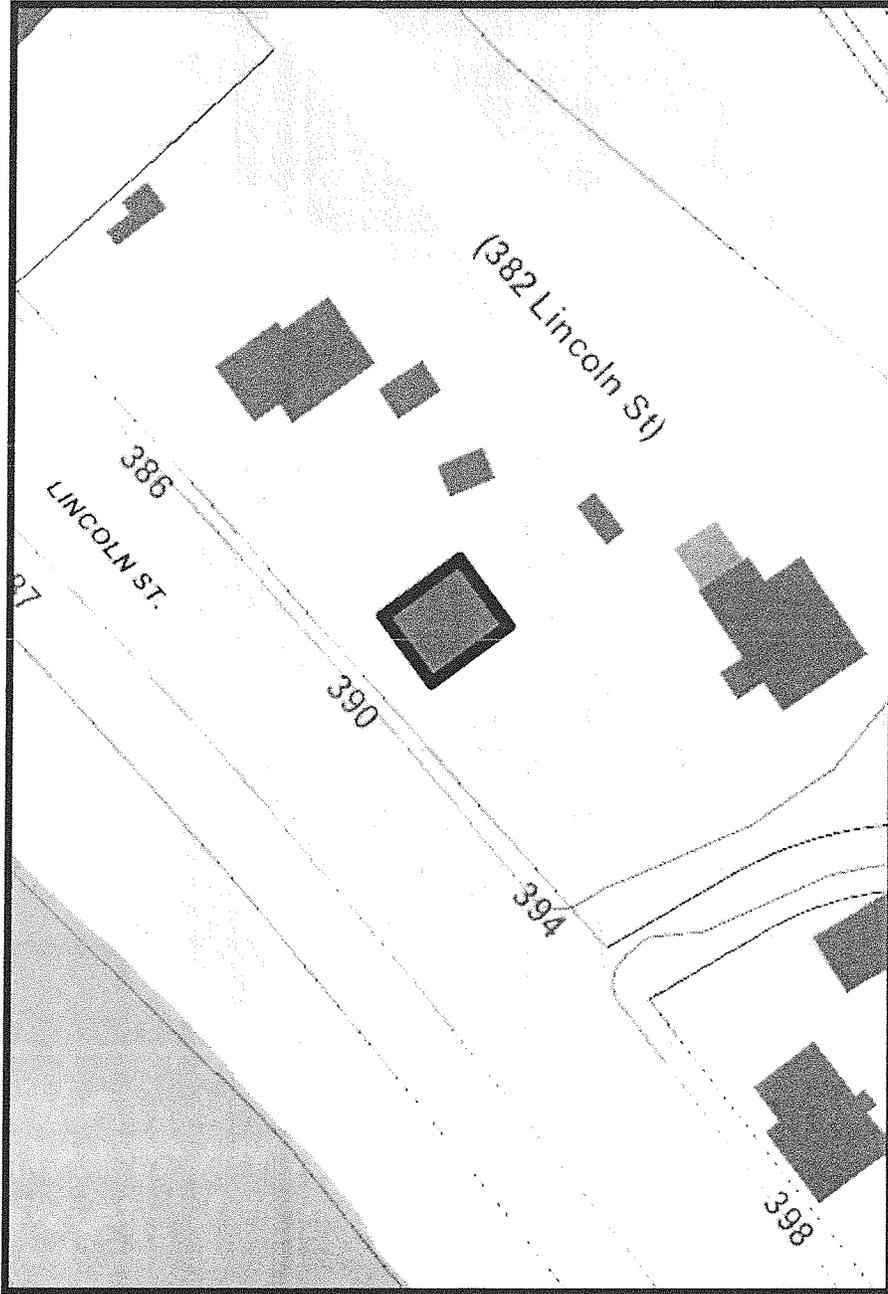


Notary Public / Attorney at Law

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

EXHIBIT A

390 Lincoln Street



CITY
CORRESPONDENCE

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

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

UNDELIVERABLE

February 16, 2012

IVY Wayne
390 Lincoln Street
Lewiston, ME 04240

FEB 22 2012

RE: 390 Lincoln Street , Lewiston Maine 04240

EXHIBIT H

Dear Mr. Wayne:

It has come to the attention of this office that the building at 390 Lincoln Street is vacant and has suffered severe deterioration making it unfit for occupancy due to violation(s) of the following provisions of Chapter 18, Article III, Property Maintenance Code, Sections 18-51 and 18-52, Article VI, Sections 18-200 & 18-201, as per The Code of Ordinances of the City of Lewiston hereafter referred to as the (Code). The building is without necessary facilities such as heat, hot potable water, electricity and has been abandoned. Due to obsolescence of the mechanical systems, dilapidation and deterioration of the structural elements, substantial rehabilitation is required for re-occupancy or the building must be must be demolished.

I hereby condemn and placard the building and property at 390 Lincoln Street as being unfit for occupancy pursuant to and in accordance with Chapter 18, Article III, Property Maintenance Code, Sections 18-51 and 18-52, IPMC-108.1 et seq, IPMC-109.1 et seq, IPMC-110.1 et seq, , IPMC-302.1 et seq, IPMC-304.1 et seq, IPMC-305.1 et seq, IPMC-306.1 et seq, IPMC-402.2 et seq, IPMC-504.1 et seq, IPMC-505.1 et seq,, IPMC-506.1 et seq, IPMC-602.1 et seq, IPMC-603.1 et seq, IPMC-604.1 et seq, IPMC-605.1 et seq, IPMC-703.1 et seq and PMC-704.1 et seq of the Code of Ordinances of the City of Lewiston. You are hereby ordered to immediately ensure this building is secured from unauthorized entry. You are to make substantial repairs, with all appropriate permits issued by this office, or to demolish this building, leaving the property in manner to the satisfaction of this office by no later than April 16th 2012.

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

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

above referenced Code Section IPMC-108.4.1 stating “the code official shall remove the condemnation and placarding whenever the defect or defects upon which the Condemnation and Placarding were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.”

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

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

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

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

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

Sincerely,

Jeff Baril
Code Enforcement Officer

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

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

PHOTOGRAPHS

390 Lincoln Street
Franklin Property Trust
Severely Deteriorated Building
Photos taken July 13, 2011
May 14, 2014

Photo # 1. Front view showing deteriorated siding and roof.



Photo # 2. Side view showing severely deteriorated and collapsed roof.



EXHIBIT I

Photo # 3. Severely deteriorated porch with makeshift repairs using and old door.



Photo # 4. Severe damage and deterioration of the ceiling and the structural members of the floor due to moisture from collapsed roof. The second floor is collapsing



Photo # 5. A second area showing a collapsed floor ceiling assembly due to moisture from the open roof.



Photo # 6. Second floor front bed room ceiling damaged and collapsed due to roof leaks and the propagation of mold.



Photo # 7. Second floor rear bedroom ceiling, rafter and roof destruction due to open roof. Sunlight can be observed through hole in roof. Additionally, there is an abundance of debris contributing to fire loading and the propagation of mold.



Photo #8. Debris contributing to fire loading.



Photo # 9. Severely deteriorated bathroom with the fixtures removed due to copper theft.

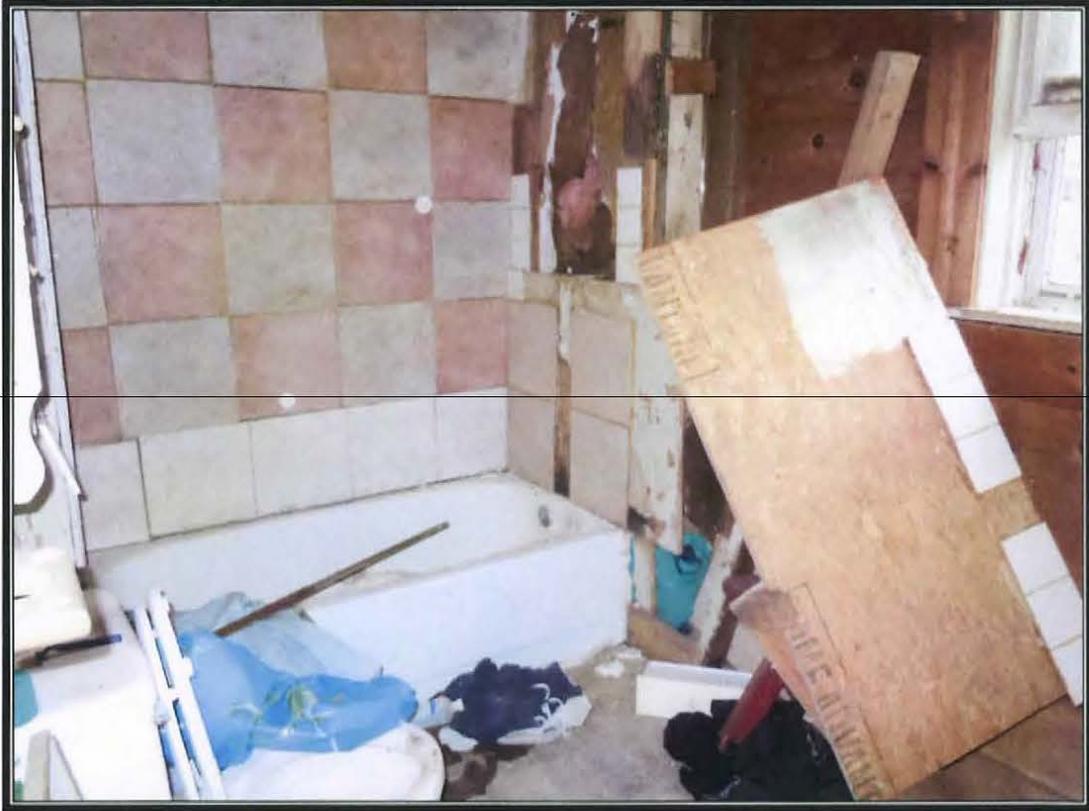


Photo # 10. Collapsed basement stairs and water in the basement making for unsanitary conditions...



LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 2, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 11

SUBJECT:

Condemnation Hearing for the building located at 66 River Street.

INFORMATION:

The City has begun the process for condemnation of the property at 66 River 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.

EATS/kmm

REQUESTED ACTION:

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

1) To conduct a hearing to determine if the building located at 66 River 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 66 River 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.

66 RIVER STREET

OWNERSHIP DOCUMENTS

Tax Collections

STCSBINQRI

Tax Bill Inquiry

```

=====
* Bill Nbr: 14A00001866          Bill Date: 08/01/13   Bill Status: C
  Account: 1925          CASTONGUAY, GERARD          Bill Class: RR
  Desc/Loc: 00066 RIVER ST          Bill Type: R
  Parcel ID: 00-001866
  Page/Line:
Real Value:          950          Principal:          Interest:          Net Due:
Pers Value:          Due 1:          0.00          0.00          0.00
Exemptions:          0          Due 2:          0.00          0.00          0.00
Deferments:          Total:          0.00          0.00          0.00
=====

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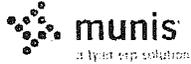
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Ln  Date:   Trans:      Amount:  Paid By:      Reference:
 1 11/19/13 CTR PAY      25.12-  CASTONGUAY, GERARD  LML*13*323*7
 2 01/10/14 WRITE-OF    0.15-
 3
 4
 5
=====

```

Enter detail (/n), date (D), receipt (Ln#), report (P), or return <CR>





08/28/2014 09:45
plabelle

CITY of LEWISTON DEPT of PUBLIC SERVICES
UB Account Customer Inquiry Report

PG 1
ubcsting

Acct 012301 Customer 31788 Owner 31788
 Cust CASTONGUAY, GERARD Bill Addr Tel
 Owner CASTONGUAY, GERARD 30 BRADLEY ST
 Loc 66 RIVER ST LEWISTON, ME 04240
 Rt/Bk 022 Dist LE Type RS Parcel
 Acct Created 09/01/2006 Stat A
 Last Bill 07/09/2014 12.50 Last Cust Chg 09/01/2006
 Last Pmt 06/06/2014 12.67 Group Billing N

Charge	Last Rd	T	Last Usq	S E R V I C E S	Current	Delinq	Int/Pen	Total Bal
1030SQ					.00	12.50	.00	12.50
10PEN					.00	.17	.00	.17
4SPEN					.00	.00	.00	.00
					.00	12.67	.00	12.67

** END OF REPORT - Generated by Pam Labelle **

Know all Men by these Presents,

That FRANKLIN COMPANY, a corporation duly created by law and having an established place of business in Lewiston, County of Androscoggin and State of Maine

in consideration of one dollar and other valuable consideration

paid by FRANKLIN PROPERTY TRUST of Lewiston, County of Androscoggin and State of Maine,

the receipt whereof it do hereby acknowledge, do hereby remise, release, bargain, sell and convey and forever quit-claim unto the said

Franklin Property Trust, its successors

heirs and assigns forever.

A certain lot or parcel of land situated in Lewiston, County of Androscoggin and State of Maine, with any buildings thereon, bounded and described as follows: COMMENCING on the southwesterly side of Lincoln Street where it intersects with the southeasterly side of Oxford Street; thence running southwesterly by the southeasterly side of Oxford Street one hundred twenty-seven (127) feet, more or less, to an angle therein; thence at an angle to the left still southwesterly by the southeasterly side of said Oxford Street one hundred seventy (170) feet, more or less, to the easterly bank of the Androscoggin River; thence southeasterly by the bank of said river to land conveyed by this grantor to Union Water Power Company by deed dated July 17, 1914 numbered 1424; thence northeasterly by land of said Union Water Power Company about three hundred (300) feet to the southwesterly side of Lincoln Street; thence northwesterly by said Lincoln Street about one hundred twenty (120) feet to point of beginning.

EXHIBIT B

DOM 1227 PAGE 50

To have and to hold, the same, together with all the privileges and appurtenances thereunto belonging, to the said Franklin Property Trust, its successors and assigns

~~forever.~~

And do covenant with the said grantee, its successors and assigns, that it will warrant and forever defend the premises to the said grantee, its successors and assigns forever, against the lawful claims and demands of all persons claiming by, through, or under it.

In Witness Whereof, the said Franklin Company has caused this instrument to be signed, sealed, acknowledged and delivered by John W. King, its Treasurer, thereunto duly authorized,

~~xxxx~~

~~xxxxxxxx~~

~~joining in this deed as Grantor, and relinquishing and conveying~~

~~rights by donors and all other rights in the above described~~

~~premises, have hereunto set~~ ~~their~~ ~~and~~ ~~and~~ this 10th day of September in the year of our Lord one thousand nine hundred and seventy-six.

Signed, Sealed and Delivered in presence of

Ante Welke

FRANKLIN COMPANY

BY: *J. W. King*
Its Treasurer



State of Maine, Androscooggin } ss.

September 10, 19 76 .

Personally appeared the above named

John W. King

and acknowledged the above instru-

ment to be free act and deed, in his said capacity and the free act and deed of said corporation. Before me,

Ante Welke
Attorney at Law

ANDROSCOGGIN, SS.
RECEIVED SEP 10 1976 M/M
and recorded from the original

**NOTICE OF HEARING
CERTIFICATES OF SERVICE**

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

Gerard Castonguay
30 Bradley Street
Lewiston, Maine 04240

Franklin Property Trust, LLC
c/o Ronald Bissonnette, Esq.
Isaacson & Raymond
75 Park Street
Lewiston, Maine 04240

66 RIVER STREET, LEWISTON, MAINE

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

September 2, 2014
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 66 River Street, Lewiston, Maine, located on Lot 5 on Tax Map 209, and depicted on the attached Exhibit A, 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: August 7, 2014



Kelly Brooks, Deputy City Clerk

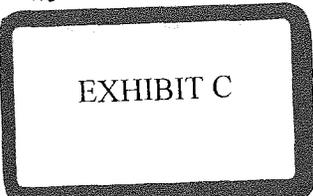
STATE OF MAINE
ANDROSCOGGIN, ss

Before me this day personally appeared Kelly Brooks who acknowledges the foregoing instrument to be her free act and deed.

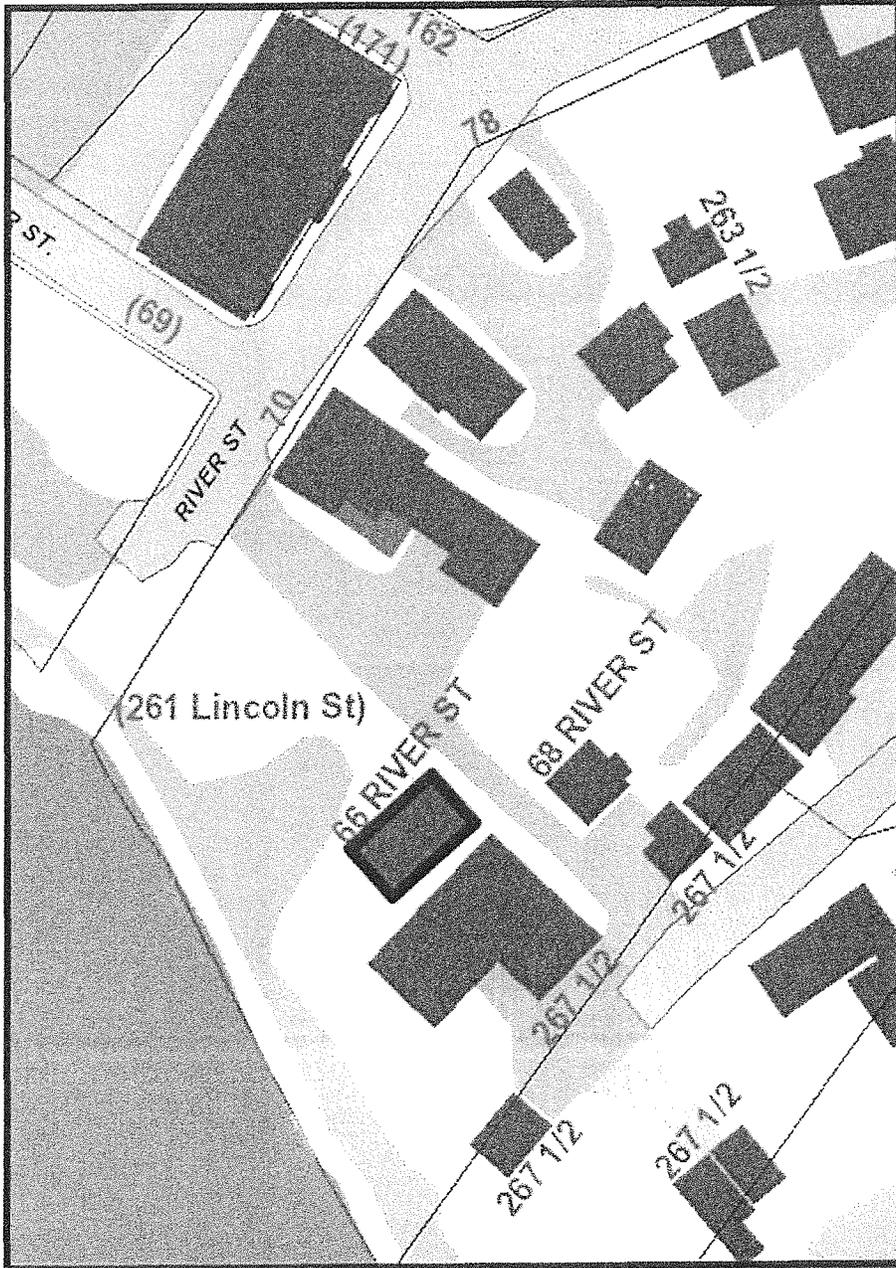


Notary Public / Attorney at Law

ALLISON R. PEASE
Notary Public, Maine
My Commission Expires Au



66 River Street



ANDROSCOGGIN COUNTY
TINA M CHOUINARD
REGISTER OF DEEDS

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

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

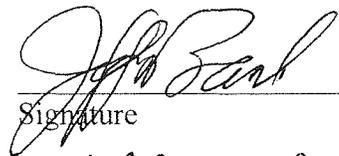
On August 12, 2014 (date), I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, by serving a copy of same on Gerard Castonguay, at the following address:

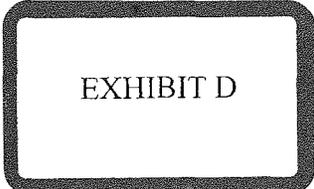
Gerard Castonguay
30 Bradley Street
Lewiston, ME 04040

Costs of Service:

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

TOTAL: \$ _____


Signature
LPD P5F
Agency



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

Gerard Castonguay
30 Bradley Street
Lewiston, Maine 04240

Franklin Property Trust, LLC
c/o Ronald Bissonnette, Esq.
Isaacson & Raymond
75 Park Street
Lewiston, Maine 04240

66 RIVER STREET, LEWISTON, MAINE

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

September 2, 2014
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 66 River Street, Lewiston, Maine, located on Lot 5 on Tax Map 209, and depicted on the attached Exhibit A, 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.

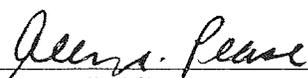
Dated: August 7, 2014



Kelly Brooks, Deputy City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

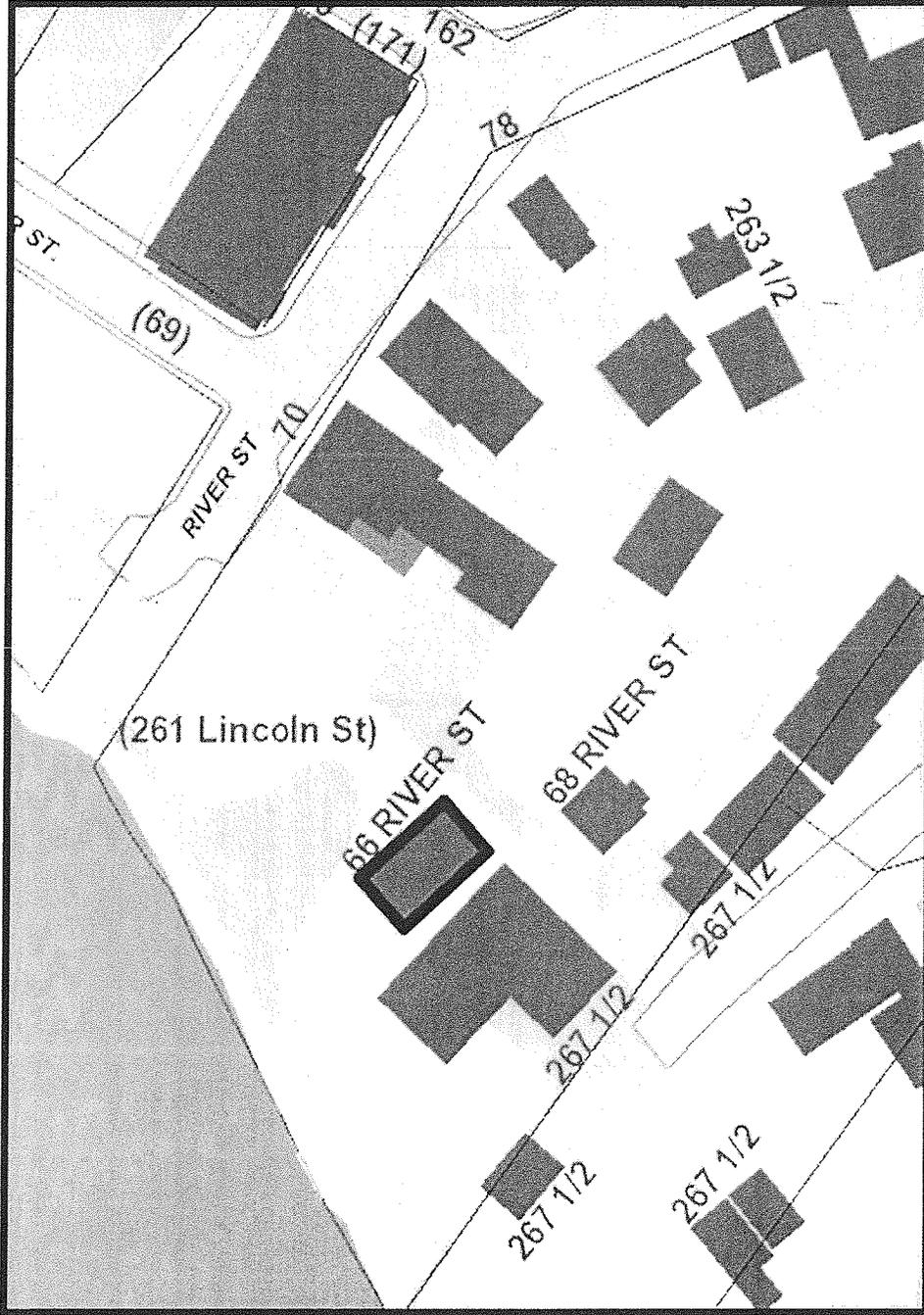
Before me this day personally appeared Kelly Brooks who acknowledges the foregoing instrument to be her free act and deed.



Notary Public / Attorney at Law

EXHIBIT A

66 River Street



CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING
233 LINCOLN STREET, 248 LINCOLN STREET,
390 LINCOLN STREET, 66 RIVER STREET
and 2 SUMMER STREET, LEWISTON, MAINE
Pursuant to 17 M.R.S. §§ 2851, et seq.

On 8-11, 2014 (date), I served the above-referenced NOTICES OF HEARING, a copies of which are attached hereto, by serving a copy of same to Ronald Bissonnette, Registered Agent for Franklin Property, Inc., at the following address:

Franklin Property, Inc.
c/o Ronald Bissonnette, Registered Agent
Isaacson & Raymond
75 Park Street
Lewiston, ME 04240

Costs of Service:

Service:	\$ <u>2100</u>
Travel:	\$ <u>160</u>
Postage:	\$ <u>100</u>
Other: <i>cp</i>	\$ <u>200</u>
TOTAL:	\$ <u>25.60</u>

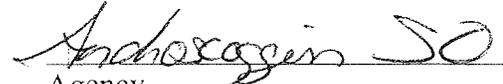

Signature

Agency

EXHIBIT E

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

Gerard Castonguay
30 Bradley Street
Lewiston, Maine 04240

Franklin Property Trust, LLC
c/o Ronald Bissonnette, Esq.
Isaacson & Raymond
75 Park Street
Lewiston, Maine 04240

66 RIVER STREET, LEWISTON, MAINE

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

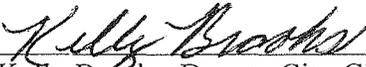
September 2, 2014
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 66 River Street, Lewiston, Maine, located on Lot 5 on Tax Map 209, and depicted on the attached Exhibit A, 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.

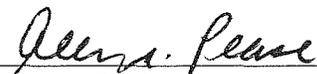
Dated: August 7, 2014



Kelly Brooks, Deputy City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

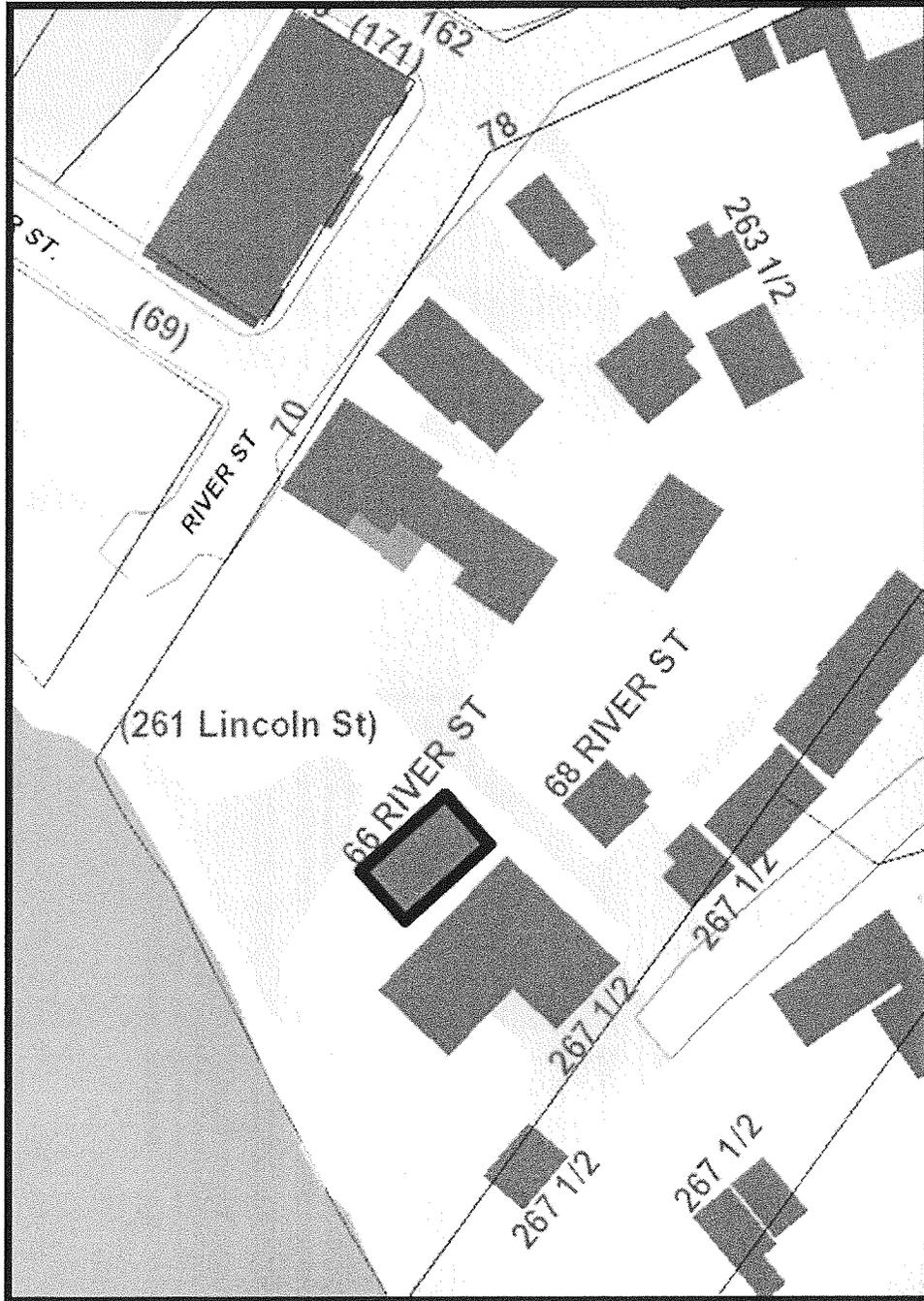
Before me this day personally appeared Kelly Brooks who acknowledges the foregoing instrument to be her free act and deed.



Notary Public / Attorney at Law

EXHIBIT A

66 River Street



PHOTOGRAPHS

66 River Street
Franklin Property Trust
Progressive collapse of the structure constituting a dangerous
appurtenance upon the land.

Photo #1 taken November 12, 2008



Photo #2 taken December 30, 2011

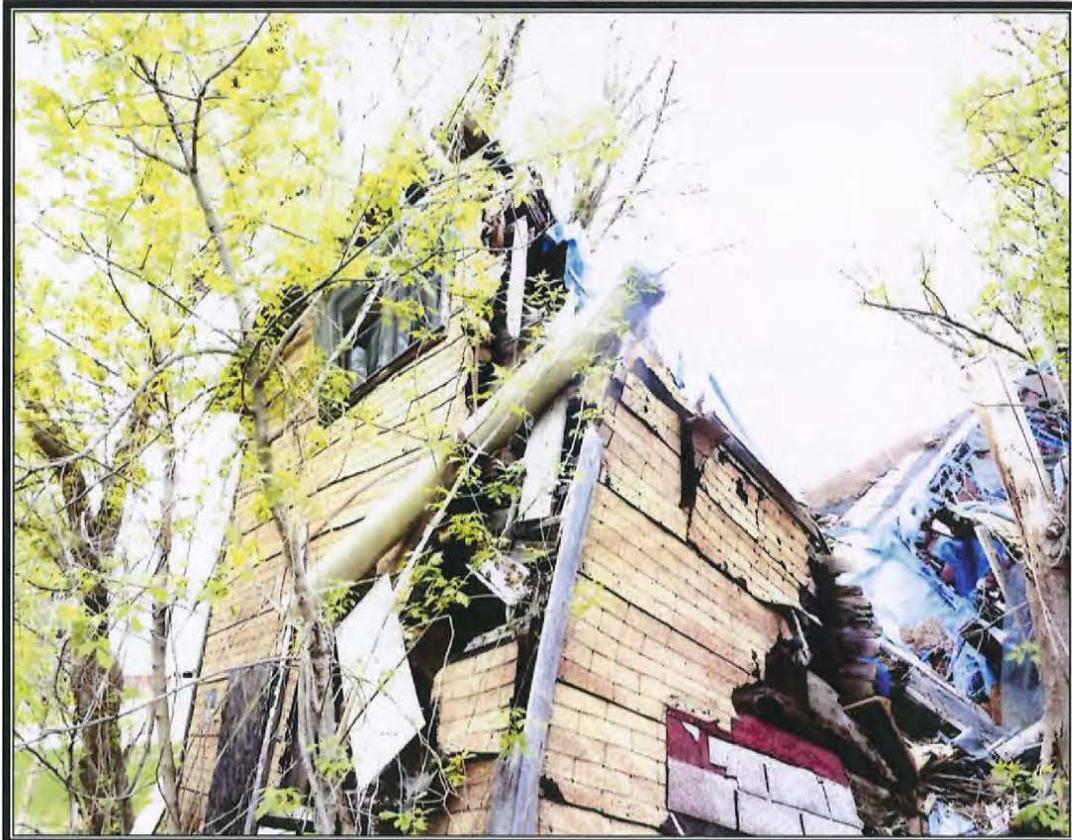


EXHIBIT F

Photo #3 taken February 12, 2013



Photo # 4 Taken May 14, 2014.



Photos taken from the rear of the structure.

Photo # 5 taken November 12, 2008



Photo # 6 taken December 30, 2011



Photo # 7 taken February 12, 2013

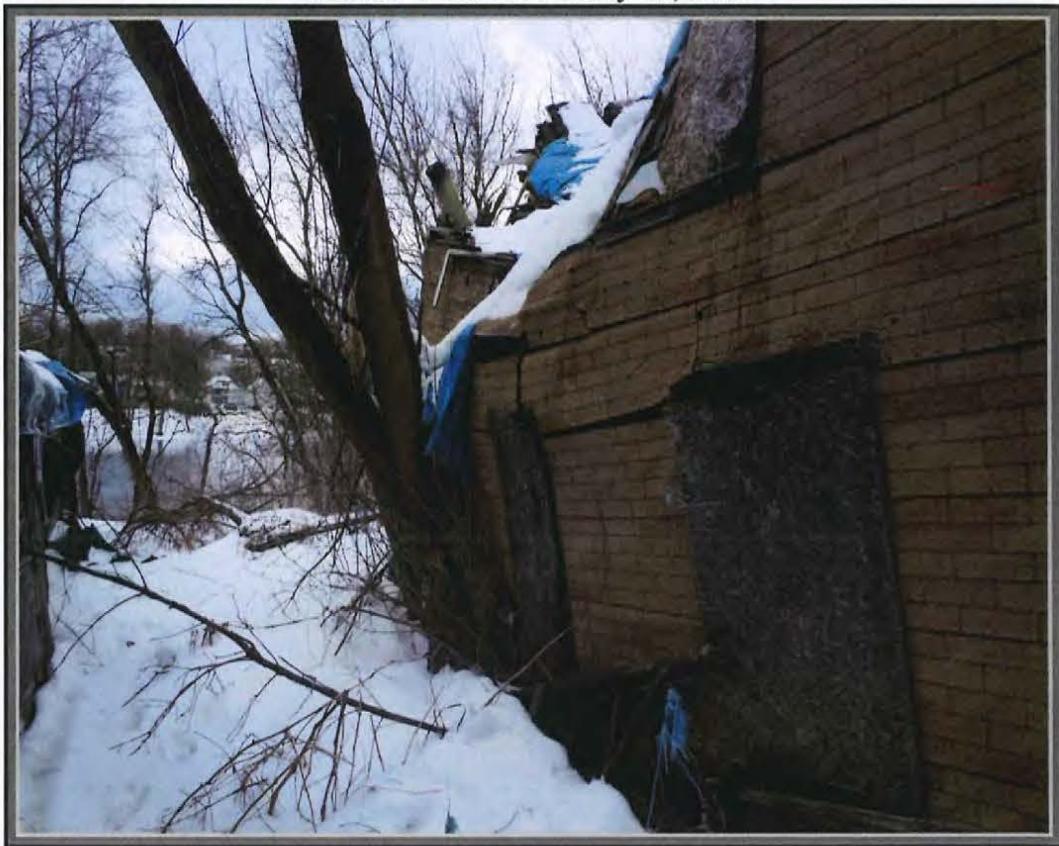


Photo # 8 Debris about the property.



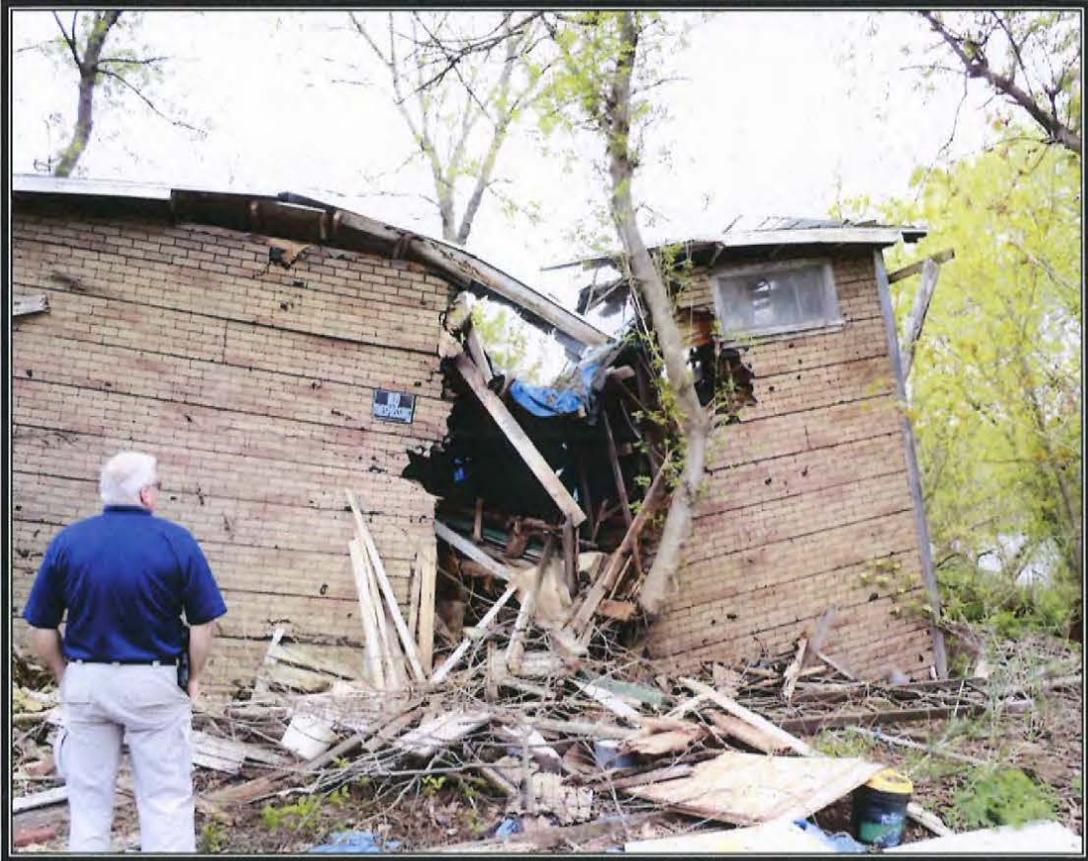
Photo # 9 Debris about the property.



Photo # 10 Debris about the property.



Photo # 11 Debris ejected from collapsing structure.



LEWISTON CITY COUNCIL
MEETING OF SEPTEMBER 2, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 12

SUBJECT:

Condemnation Hearing for the building located at 2 Summer Street.

INFORMATION:

The City has begun the process for condemnation of the property at 2 Summer 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.

EATB/Kmm

REQUESTED ACTION:

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

1) To conduct a hearing to determine if the building located at 2 Summer 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 2 Summer 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.

2 SUMMER STREET

OWNERSHIP DOCUMENTS

Tax Collections

STCSBINQRI

Tax Bill Inquiry

```

=====
* Bill Nbr: 12A00001517      Bill Date: 07/21/11      Bill Status: C
  Account: 31839      TIBBETT, MARY      Bill Class: RR
  Desc/Loc: 00002 SUMMER ST      Bill Type: R
  Parcel ID: 00-001517
  Page/Line:
Real Value:      20,400      Principal:      Interest:      Net Due:
Pers Value:
Exemptions:      8,500      Due 1:      0.00      0.00      0.00
Deferments:
Total:      206.59      23.72      230.31

```

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Ln  Date:  Trans:      Amount:  Paid By:      Reference:
1  09/08/11  CTR PAY      153.45-  TIBBETT, MARY  WSK*11*251*16
2  06/13/12  TAX LIEN      53.14
3
4
5

```

Enter detail (/n), date (D), receipt (Ln#), report (P), or return <CR>





08/28/2014 09:33
plabelle

CITY of LEWISTON DEPT of PUBLIC SERVICES
UB Account Customer Inquiry Report

PG 2
ubcastinq

4SPEN	.00	9.76	.00	9.76
4SPEN	.00	9.89	.00	9.89
4SPEN	.00	10.02	.00	10.02
4SPEN	.00	10.15	.00	10.15
4SPEN	.00	10.29	.00	10.29
4SPEN	.00	10.43	.00	10.43
4SPEN	.00	10.57	.00	10.57
4SPEN	.00	10.71	.00	10.71
4SPEN	.00	10.85	.00	10.85
4SPEN	.00	11.00	.00	11.00
4SPEN	.00	11.15	.00	11.15
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4SPEN	.00	.81	.00	.81
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5SLIEN	.00	.47	.00	.47
5SLIEN	.00	29.76	.00	29.76
5SLIEN	.00	7.11	.00	7.11
5SNOD	.00	.00	.00	.00
	.00	1672.15	.00	1672.15

** END OF REPORT - Generated by Pam Labelle **

Know All Men by These Presents,

That the Franklin Company, a corporation duly created by law and having an established place of business in Lewiston, County of Androscoggin and State of Maine

in consideration of one dollar and other valuable consideration

paid by Franklin Property Trust of Lewiston, Maine

the receipt whereof it do hereby acknowledge, do hereby remise, release, bargain, sell and convey and forever quit-claim unto the said

Franklin Property Trust, its successors

~~HEREBY~~ and assigns forever,

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

COMMENCING at the point 100 feet southwesterly where the southwesterly side of West Bates Street intersects the southeasterly side of Avon Street; thence southwesterly by the southeasterly side of Avon Street about 135 feet, to the northeasterly bank of the Androscoggin River; thence southeasterly by the bank of said River about 500 feet to a point where the northwesterly side of Summer Street would intersect if extended; thence northeasterly by said extension of Summer Street about 130 feet to the northwesterly line of Summer Street; thence by said northwesterly side of Summer Street 50 feet, more or less, to line of land conveyed by this Grantor to John Cheveshkevic on March 25, 1911 by deed #1304; thence northwesterly by said Cheveshkevic land 100 feet, more or less, to the southwesterly corner thereof; thence northeasterly by said Cheveshkevic land 50 feet, more or less, to line of land conveyed by this Grantor to George Pouilaitis on January 9, 1906 by deed #1187; thence by Pouilaitis land 50 feet, more or less, to a point 100 feet from the southwesterly side of Bates Street; thence northwesterly 50 feet to the southerly corner of land conveyed by this Grantor to Frank Weller May 22, 1911, by deed #1311; thence northwesterly by said Weller land 100 feet, more or less, to the southeasterly line of land conveyed by this Grantor to Frank Kaulakis, January 24, 1913 by deed #1371; thence northwesterly by said Kaulakis land 50 feet, more or less, to the southerly line of land conveyed by this Grantor to Alizas Kaulakis on August 28, 1917 by deed #1504; thence northwesterly by said Kaulakis land to line of land conveyed by this Grantor to Isaac and Rosie Adler by deed dated April 1, 1918, and being deed #1509; thence northwesterly by said Adler land 50 feet, more or less, to land conveyed by this Grantor to Julia Hughes, August 5, 1908, by deed #1225; thence northwesterly by said Hughes land 50 feet, more or less to the point of beginning.

The foregoing premises are encumbered by a dedicated street unaccepted known as Middle Street and said premises are also subject to an easement held by the City of Lewiston for an interceptor sewer line.

EXHIBIT B

**NOTICE OF HEARING
CERTIFICATES OF SERVICE**

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

Mary Tibbets
42 Brackett Street, Apt. 2
Westbrook, ME 04092

Franklin Property Trust, LLC
c/o Ronald Bissonnette, Esq.
Isaacson & Raymond
75 Park Street
Lewiston, Maine 04240

2 SUMMER STREET, LEWISTON, MAINE

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

September 2, 2014
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential and accessory structures at 2 Summer Street, Lewiston, Maine, located on Lot 9 on Tax Map 206 and further depicted on the attached Exhibit A are dangerous buildings 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 structures are dangerous or nuisances, it may order the appropriate corrective action, including, but not limited to, demolition and removal of the structures. 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 structures are not dangerous or nuisances 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: August 7, 2014



Kelly Brooks, Deputy City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

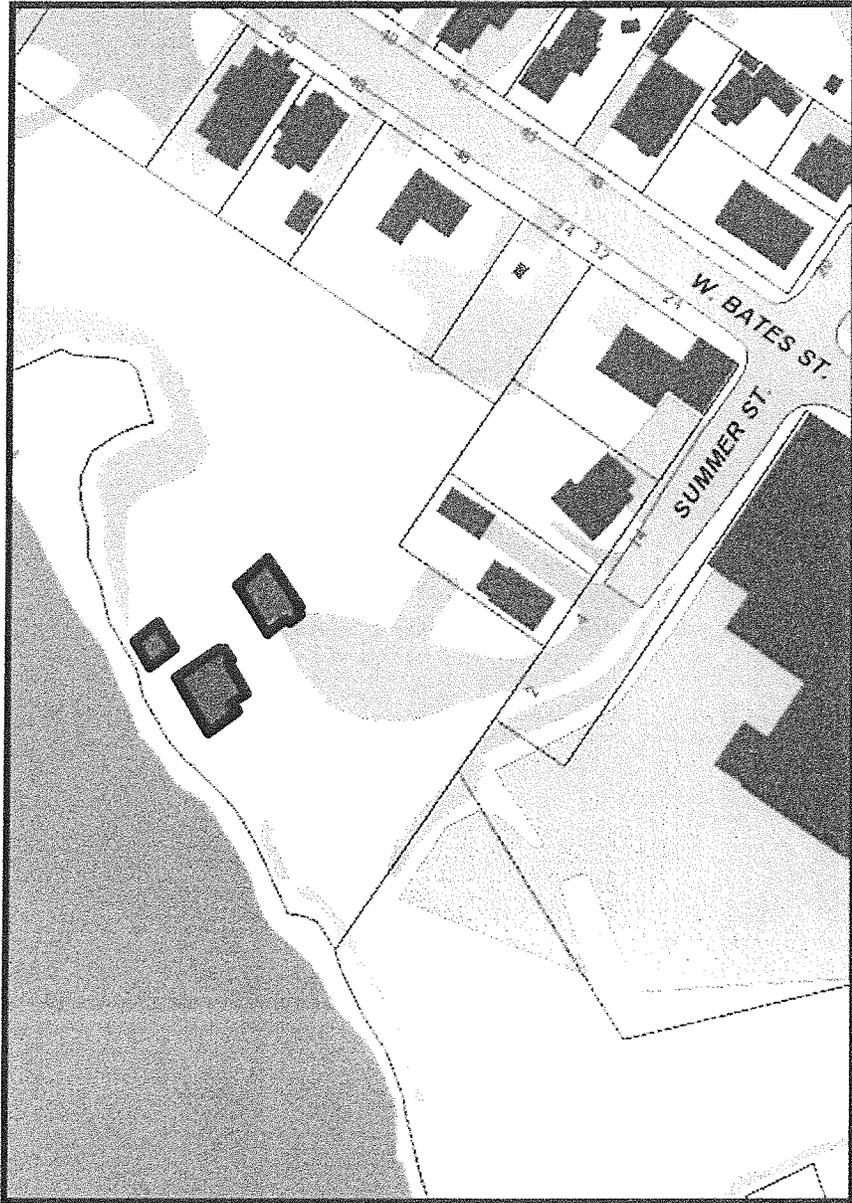
Before me this day personally appeared Kelly Brooks who acknowledges the foregoing instrument to be her free act and deed.



Notary Public / Attorney at Law

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

2 Summer Street



ANDROSCOGGIN COUNTY
TINA M CHOUINARD
REGISTER OF DEEDS

THIS NOTICE OF HEARING
WAS PUBLISHED IN THE LEWISTON
SUN-JOURNAL ON 8/15/14, 8/22/14
& 8/29/14

SUN JOURNAL » FRIDAY, AUGUST 22, 2014

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

Mary Tibbets
42 Brackett Street, Apt. 2
Westbrook, ME 04092

Franklin Property Trust, LLC
c/o Ronald Bissonnette, Esq.
Isaacson & Raymond
75 Park Street
Lewiston, Maine 04240

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September 2, 2014
7:00 pm

Lewiston City Hall, 27 Pine Street,
Lewiston, Maine

This hearing is to determine whether the residential and accessory structures at 2 Summer Street, Lewiston, Maine, located on Lot 9 on Tax Map 206 and further depicted on the attached Exhibit A are dangerous buildings 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 structures are dangerous or nuisances, it may order the appropriate corrective action, including, but not limited to, demolition and removal of the structures. 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 structures are not dangerous or nuisances 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: August 7, 2014 Kelly Brooks,
Deputy City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

Before me this day personally appeared Kelly Brooks who acknowledges the foregoing instrument to be her free act and deed.

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

2 Summer Street 000008

EXHIBIT D

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING
233 LINCOLN STREET, 248 LINCOLN STREET,
390 LINCOLN STREET, 66 RIVER STREET
and 2 SUMMER STREET, LEWISTON, MAINE
Pursuant to 17 M.R.S. §§ 2851, et seq.

On 8-11, 2014 (date), I served the above-referenced NOTICES OF HEARING, a copies of which are attached hereto, by serving a copy of same to Ronald Bissonnette, Registered Agent for Franklin Property, Inc., at the following address:

Franklin Property, Inc.
c/o Ronald Bissonnette, Registered Agent
Isaacson & Raymond
75 Park Street
Lewiston, ME 04240

Costs of Service:

Service:	\$	<u>2100</u>
Travel:	\$	<u>160</u>
Postage:	\$	<u>100</u>
Other: ep	\$	<u>200</u>
TOTAL:	\$	<u>2560</u>

J. Charles
Signature

Anchoraggin SO
Agency



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

Mary Tibbets
42 Brackett Street, Apt. 2
Westbrook, ME 04092

Franklin Property Trust, LLC
c/o Ronald Bissonnette, Esq.
Isaacson & Raymond
75 Park Street
Lewiston, Maine 04240

2 SUMMER STREET, LEWISTON, MAINE

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

September 2, 2014
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential and accessory structures at 2 Summer Street, Lewiston, Maine, located on Lot 9 on Tax Map 206 and further depicted on the attached Exhibit A are dangerous buildings 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 structures are dangerous or nuisances, it may order the appropriate corrective action, including, but not limited to, demolition and removal of the structures. 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 structures are not dangerous or nuisances 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: August 7, 2014



Kelly Brooks, Deputy City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

Before me this day personally appeared Kelly Brooks who acknowledges the foregoing instrument to be her free act and deed.

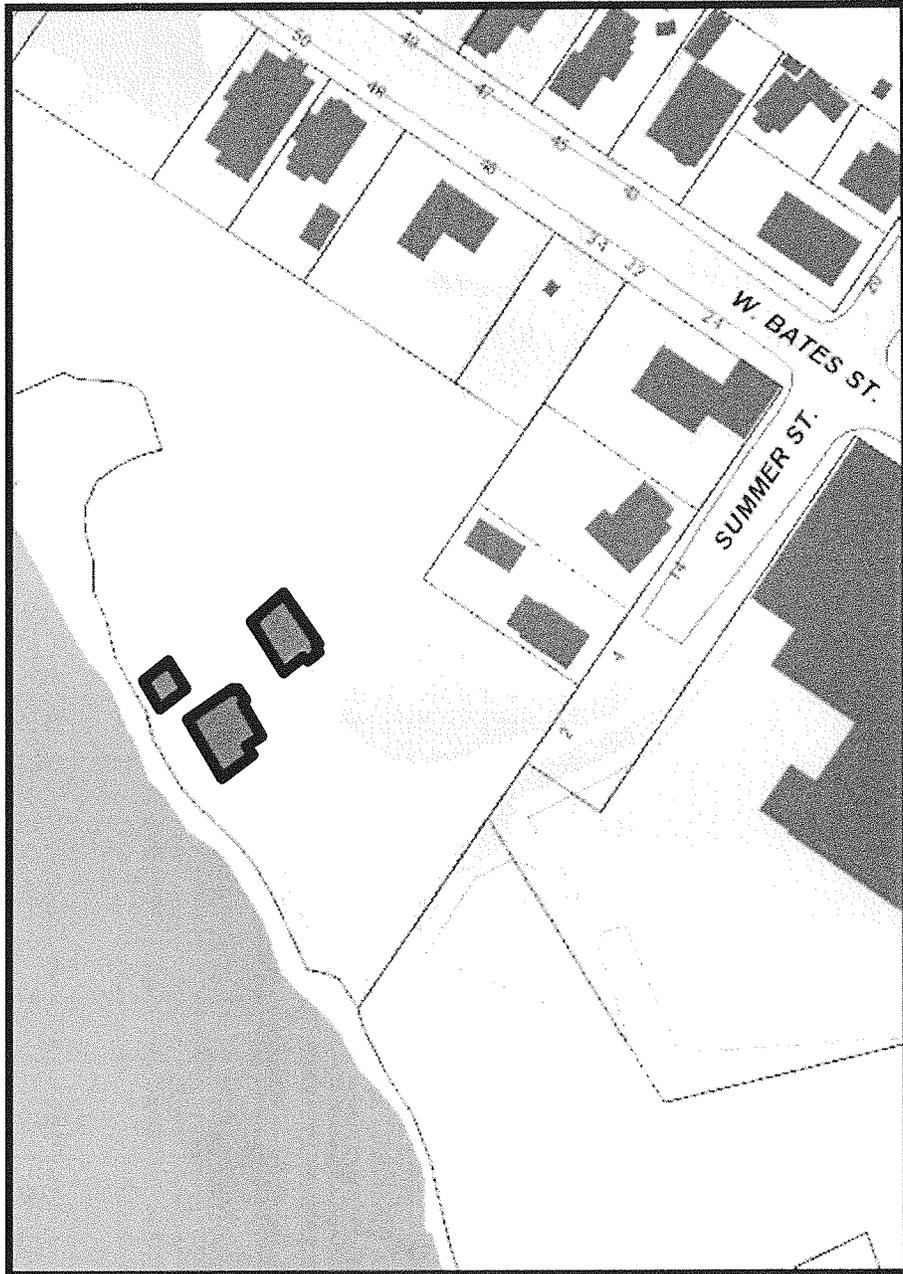


Notary Public / Attorney at Law

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

2 Summer Street

EXHIBIT A



CITY
CORRESPONDENCE

CITY OF LEWISTON
PLANNING & CODE
ENFORCEMENT

February 24, 2012

Mary Tibbett
2 Summer Street
Lewiston, ME. 04240

FEB 27 2012

UNDELIVERABLE

RE: 2 Summer Street

Dear Ms. Tibbett:

On or about February 23, 2012, the building on the above referenced property was severely by fire (please see the enclosed fire damage report). Article VI, Section 3 (b) of Appendix A - Zoning and Land Use Code of the City of Lewiston states that a nonconforming structure which is located in the shoreland zone and damaged 50 percent or more of its market value can only be reconstructed in conformance with the applicable setback standards for the subject water body. It is my opinion that the building damage exceeds 50 percent of its market value and that it is nonconforming due to the building encroaching into the required twenty-five (25) foot setback from the Androscoggin River (hereafter, the river); consequently, it cannot be repaired or rebuilt on the existing foundation as a matter of right.

Therefore, in accordance with Article V, Section 7 of the aforementioned Zoning and Land Use Code, you are hereby ordered to demolish said structure and remove the foundation by March 23, 2012. In the interim period prior to demolition, you are hereby ordered to keep the building secured, as well as removing any loose material from the building and keeping the site free from debris, particularly broken glass upon receipt of this order. Be advised that the Maine Department of Environmental Protection is investigating a petroleum-product spill adjacent to the outside oil tank which may require a more immediate removal of the building to facilitate remediation of the spill.

Telephone: 207-513-3125, ext. 3225 Fax: 207-795-5071
e-mail: gcampbell@lewistonmaine.gov

In addition, in accordance with Article 18, Section 18-51, subsections 104.5, 108.1.5(7), 108.3, and 108.4 of the Code of Ordinances of the City of Lewiston, I hereby deem this building to be a dangerous structure which will be posted with a placard of condemnation.

Because the single-family dwelling is a non-conforming use in the urban enterprise zoning district, a permit for construction must be obtained within one year of the demolition of the existing building. In addition, the property is currently located in the 100-year floodplain of the river, and the new building must be elevated one foot above the base flood elevation for that area. A surveyor or civil engineer must determine that elevation and provide certification of the pre- and post-construction elevation of the building. Any building reconstructed on the property must be relocated to comply with the twenty-five (25) foot setback from the normal high-water mark of the river.

Please contact this office immediately if you have any questions regarding this matter, as failure to comply with this order may result in the following legal actions which will subject you to civil penalties and legal fees.

This office is empowered to issue a citation pursuant to Chapter 50, Article II, Sections 50—36 through 50—51 of the aforementioned Code of Ordinances. Said citation shall require you to pay a penalty of one-hundred dollars (\$110.00) for the first citation and will order you to abate the violation(s) at issue. 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 fifteen dollars (\$215.00), the third - four hundred dollars (\$425.00), the fourth and subsequent citations - subsequent citations - eight hundred dollars (\$850.00) and penalties are cumulative. In the future, if the specific violation is repeated, you are not entitled to receive any further notification and this office may serve you with a citation.

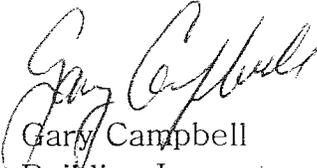
In lieu of or in addition to the issuance of citations, this office may initiate a land use complaint pursuant to Rule 80-K of the Maine Rules of Civil Procedure and 30-A M.R.S.A. §4452 et seq. as amended. A judgement from such a lawsuit in the City's favor can result in a court order that any violations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

Enforcement within thirty (30) days of receipt of this notice. This petition shall be submitted on a form provided by this office along with the one hundred and five dollar (\$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.

Please do not hesitate to contact me should you have any questions.

Yours truly,



Gary Campbell
Building Inspector

enclosure

- c. David Hediger, City Planner
Franklin Company

CITY OF LEWISTON FIRE DAMAGE REPORT

Address: *2 Summer Street*

Owner and Contact Information

Owner: *Mary Tibbett* **Phone:** *689-3098*
2 Summer Street
Lewiston, ME. 04240

Description of Property

Lot Size: *Franklin Company land* **Lot Area:** *N/A*
Building Area per Floor: *755 sq. ft.* **No. of Stories:** *1*
Use: *Single-family dwelling* **Zoning District:** *Urban Enterprise/ Shoreland*
Non-conforming Structure: Yes X No **Non-conforming Use:** Yes X No
Building Market Value: *\$10,000.* **BOCA Construction Type:** *5B*

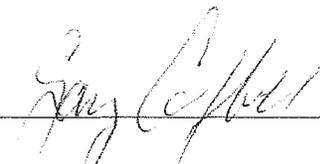
Description of Damage

Date of Fire: *February 23, 2012* **Inspection Date:** *February 23, 2012*

The building, which consists of a mobile home with two additions on the front and rear, suffered extensive fire, smoke, and water damage throughout. The south wall of the mobile home was destroyed in the fire-fighting process. The building is damaged more than 100% of the market value and is a total loss based on the building market value.

Staff Recommendation for the Disposition of Building

Estimated Replacement Cost: *\$75,000.+/-* **Staff Determination:** *Demolition*



Gary Campbell
Building Inspector

Date: *February 24, 2012*

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

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:

Mary Tubbett
2 Summer Street
Keenston, Maine
04240

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
X Addressee

B. Received by (*Printed Name*) C. Date of Delivery

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

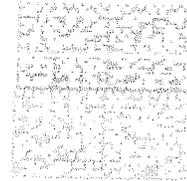
2. Article Number 7010 3090 0000 0594 5498
(Transfer from service label)



PLANNING & CODE ENFORCEMENT

City of **LEWISTON** *Maine*

27 Pine Street, City Hall
Lewiston, Maine 04240



Lewiston

0384
\$00.46
US POSTAGE

Mary Tibbett
2 Summer Street
Lewiston, ME 04240

041 NYE 1 912C 00 03/12/12
RETURN TO SENDER
TIBBETTS
MOVED LEFT NO ADDRESS
UNABLE TO FORWARD
RETURN TO SENDER
BC: 04240720427 *2321-19127-24-98

04240+7524
04240@7204



PHOTOGRAPHS

2 Summer Street
Franklin Property Trust
Home Destroyed by Fire
Severely Deteriorated Building
Photos taken February 23, 2012.
January 28, 2013 & May 14, 2014

A fire destroyed mobile home/trailer seen protruding from the building with multiple additions built around it left open and unsecured. This structure with its accessory structures constitutes a dangerous appurtenance upon the land.



Photo # 2 Following photos taken May 14, 2014



EXHIBIT G



Photo # 4 Destruction from fire and debris.



Photo # 5 Destruction by fire in the trailer portion of the structure.



Photo # 6 Fire damage.



Photo # / Fire damaged rafters.



Photo #8 Destruction by fire.



Photo # 9 A view showing the end of the trailer and the subsequent addition. The windows have been destroyed by fire.



Photo # 10 Obsolete fused electrical service next to the garage..



Photo # 11 Garage with broken windows.



Photo # 12 Debris in garage contributing to fire loading.

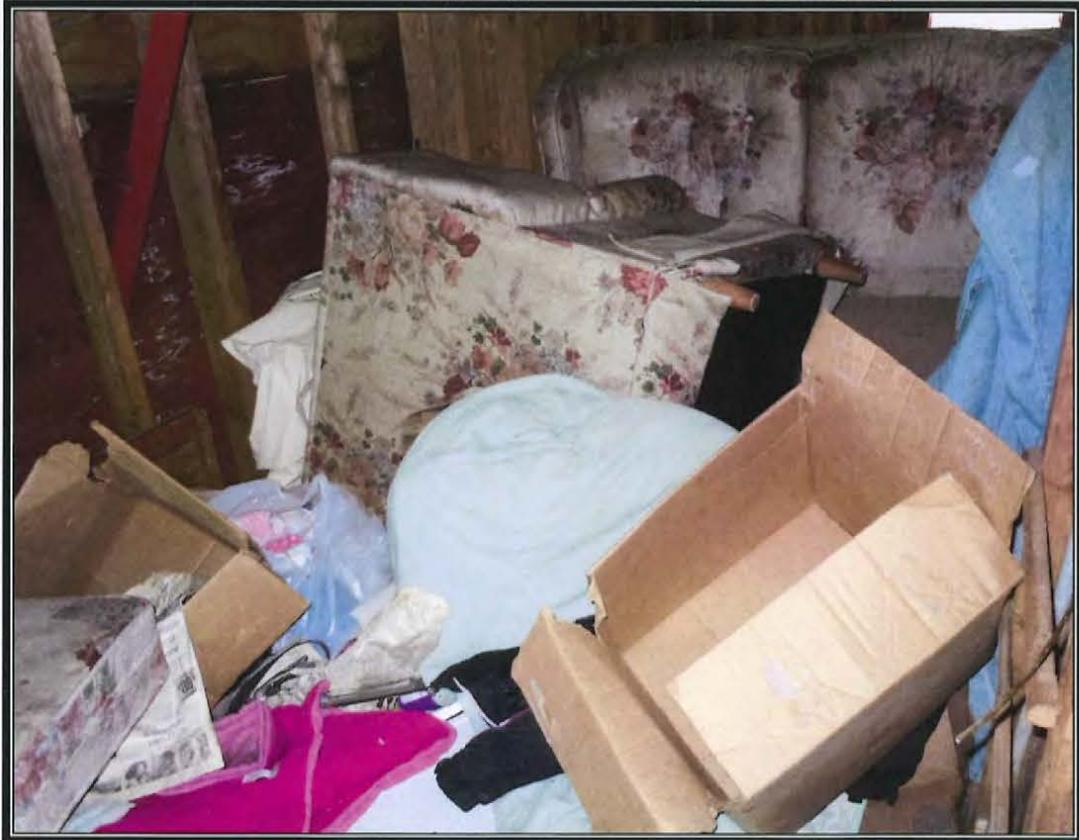


Photo # 13 Deteriorated screened accessory structure.



Photo # 14 Debris about the river shoreline and deteriorated stairs.



LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 2, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 13

SUBJECT:

Order Authorizing the City Administrator to execute an Agreement with CMP to accept \$175,000 for the reconstruction of Larrabee Road including installation of a culvert and appropriating these fees for that purpose.

INFORMATION:

CMP's recent power upgrades included the construction of a large energy substation at the end of Larrabee Road. When the project was proposed, Public Works staff notified CMP representatives that Larrabee Road is a rural residential street and was not designed to accommodate the weight and loads needed for their major construction project. CMP agreed to pay for any damages to the roadway as a result fo their construction vehicles. The City has negotiated the price and agreement with CMP and Council is asked to authorize the City Administrator to execute the agreement.

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order authorizing the City Administrator to execute an Agreement with CMP to accept \$175,000 for the reconstruction of Larrabee Road including installation of a culvert and appropriating these fees for that purpose.



**City of Lewiston, Maine
City Council Order
September 2, 2014**



ORDER, Authorizing the City Administrator to Execute an Agreement with CMP to Accept \$175,000 for the reconstruction of Larrabee Road Including Installation of a Culvert and Appropriating these Funds for that Purpose.

Whereas, Central Maine Power (CMP) Company's Maine Power Reliability Program included the construction of a major substation at the end of Larrabee Road in Lewiston; and

Whereas, Larrabee Road was originally a rural residential street that was not designed to carry the heavy trucks and equipment used during the construction project; and

Whereas, the City brought this to the attention of CMP's project managers early in the process and negotiated with them to pay for repairs to the road required as a result of the project; and

Whereas, the City and CMP representatives have negotiated an agreement wheree CMP will provide \$175,000 to the City to rehabilitate the roadway and replace a 48 inch culvert at the end of the roadway; and

Whereas, the attached document prepared by CMP or their representatives reflect this agreement;

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

the City Administrator or his designee is hereby authorized to complete and execute an agreement with CMP for the rehabilitation of Larrabee Road and installation of a culvert at the end of the roadway in a form substantially as attached hereto.

Be it Further Ordered, that there is hereby accepted and appropriated the \$175,000 payment from CMP, said funds to be used for the rehabilitation of Larrabee Road and installation of a culvert at the end of the roadway.



Department of Public Works

David A. Jones, P.E.
Director



August 21, 2014

To: City Administrator Ed Barrett & City Clerk Kathleen Montejo

Re: City Council Agenda Issue re: CMP funding of repairs for Larrabee Rd as part of MPRP

Over the past several years, part of Central Maine Power (CMP) Company's Maine Power Reliability Program (MPRP) included construction of a major substation facility on property they acquired at the end of Larrabee Road. This road was a quiet rural residential street until the construction began. The road was never designed to handle the heavy truck and equipment loads it handled during the construction, and early in the process Lewiston Public Works made the CMP construction managers aware of this issue and that we would be looking to CMP or their MPRP project repairing the road once their project was complete. CMP agreed.

We have been negotiating with Burns & McDonnell (CMP's Project Manager) about the needed repairs, and recently they and CMP agreed with the City on our assessment and cost estimate. They have agreed to provide the City with \$175,000 to perform road reconstruction and replace a 48 inch culvert at the end of the roadway just before their property. I have attached a draft of an agreement prepared by CMP or their representatives.

We request the City Council authorize the City Administrator (or his representative) to execute a completed agreement with CMP and approve acceptance of the funds and appropriate these funds for use in reconstructing Larrabee Road and installing a 48 inch culvert.

Sincerely,

David A. Jones, P.E.
Director

Cc: R. Burnham, J. Elie, C. Marshall



August X, 2014

David Jones
Public Works Director
City of Lewiston
103 Adams Avenue
Lewiston, ME 04240

RE: Road Damage Associated with the Maine Power Reliability Program

Dear Mr. Jones,

The following letter serves as the agreement between the City of Lewiston (the City) and Central Maine Power Company (CMP) related to damage that occurred to Larrabee Road as a result of the Maine Power Reliability Program (MPRP).

CMP will provide the City the sum total of \$175,000.00 to complete the necessary replacement of a 48" culvert including the installation of any associated erosion controls associated with culvert replacement and road reconstruction above the culvert and to address deterioration of the road caused by heavy truck traffic during MPRP construction. \$100,000.00 will be transferred to the City at the execution of this agreement. The remainder of the funds will be transferred once the culvert replacement is complete. Any permitting necessary to complete the work will be the responsibility of the city of Lewiston.

Replacement of the culvert must be completed by **Month Day, 201X**.

The City shall provide CMP with a five day notice prior to replacement of the culvert, as maintenance equipment may need to be delivered to the substation property prior to repairs commencing.

Any and all liability associated with the work will be solely the responsibility of the City.

In consideration of the compensation as stated above, the City does hereby release and discharge CMP, its subcontractors, parent companies, affiliates, directors, officers, shareholders, employees, agents and its successors and assigns of and from any and all actions, causes of actions, claims, demands damages, costs, expenses or compensation on account which the City may have had, now have, or which may hereafter arise whether known or unknown, foreseen or unforeseen, arising out of or in any way related to the culvert replacement and damages to Larrabee Road.

David Jones
Public Works Director
City of Lewiston
Dated:

Douglas Herling,
Vice President of Special Projects
Central Maine Power Co.
Dated:

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 2, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 14

SUBJECT:

Resolve Adopting the Franklin Pasture Trustees' Sign Sponsorship Program.

INFORMATION:

The Trustees overseeing the Franklin Pasture Athletic Complex redevelopment and improvement upgrade project are seeking approval from the City Council for a new fundraising initiative regarding a sign sponsorship program on the field. The Trustees are proposing the development of a program for paid sponsor signs to be displayed on the press box, bleachers and fencing. All funds raised from the advertising signs will be reinvested into the improvements of the Complex. The School Committee has recently approved this Program.

Please see the attached memorandum from Finance Director Heather Hunter for additional information on this item.

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
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To approve the Resolve adopting the Franklin Pasture Trustees' Sing Sponsorship Program.

**City of Lewiston Maine
City Council Resolve
September 2, 2014**

RESOLVE, Adopting the Franklin Pasture Trustees' Sign Sponsorship Program.

WHEREAS, the Franklin Pasture Athletic Complex needs immediate and substantial infrastructure improvements and additions as detailed in the Harriman Franklin Pasture Improvement Guide; and

WHEREAS, the total project estimate, including administrative support, contingency, and a future maintenance endowment, is \$5 million; and

WHEREAS, the Lewiston Athletic Foundation Trustees recognize that this level of funding cannot be born solely through the tax rate and desire to help raise the needed funds; and

WHEREAS, the Lewiston School Department has Administrative Policy EFDA and KHB with which fundraising efforts, corporate sponsors, and donors must comply; and

WHEREAS, the Lewiston Athletic Foundation Trustees have developed various successful fundraising initiatives; and

WHEREAS, the Lewiston Athletic Foundation Trustees have created a Sign Sponsorship Program which is compliant with all applicable policies; and

WHEREAS, the program allows businesses to advertise through the use of signage throughout the complex at a one- or three-year rate; and

WHEREAS, all funds raised through this program will be dedicated to the Franklin Pasture Trustees' infrastructure and maintenance improvement initiative;

NOW, THEREFORE, BE IT RESOLVED by the CITY COUNCIL of the CITY of LEWISTON that the Franklin Pasture Trustees' Sign Sponsorship Program is hereby approved and adopted.



Finance Department

Heather Hunter
Director of Finance/Treasurer
hhunter@lewistonmaine.gov



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

FROM: Heather Hunter, Finance Director

SUBJECT: **Franklin Pasture Sign Sponsorship Program**

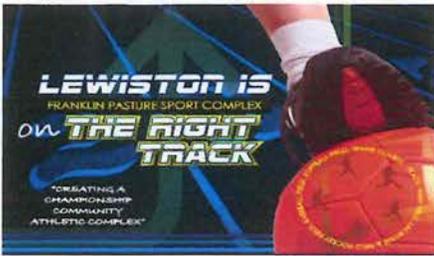
DATE: August 20, 2014

Over two years ago, the Franklin Pasture Trustees, partnering with the City and School Department, undertook raising \$3.45 million for infrastructure improvements to this community complex. Recognizing this is no small feat, the group has utilized several fundraising strategies such as the Buy-a-Brick Program, an annual golf tournament, a tiered naming rights program, pursuing grants, and most recently participating in the State Farm e-mail challenge where we were awarded \$25,000. I'm please to say over \$1.03 million has been raised to date through community and municipal support.

Improvements either completed to date or slated for completion by this fall include: plans for the main complex and baseball field, resurfacing and lining the tennis courts, installation of new scoreboards and sound systems in the main complex and baseball fields, irrigation to the baseball outfield, and coming soon – a newly constructed baseball press box. The Committee has raised approximately 50% of the needed funds to lay the artificial turf and resurface the track, both of which are sorely needed. The group is negotiating with a level sponsor to provide the remaining funds for this high priority item.

Through this fundraising process, a consistent request was made to provide sponsorship signage throughout the complex in order for appropriately deemed businesses to advertise. After consideration and research, a draft Sign Sponsorship Program was developed and the agreement is attached for your review. Approval was received by the Franklin Pasture Trustees on August 22nd and the School Committee on August 18th.

I am recommended the City Council approve the Sign Sponsorship Program. I will be available at the meeting to address any concerns and answer your questions.



Sign Sponsorship Program

Complex Demographic Brief

Franklin Pasture and the Franklin Athletic Complex is a host to over 150 events each year. These activities include youth sports and activities, middle and high school athletic events, various adult leagues, and a few major championships. Each year, the number of activities occurring on these grounds increases and will continue to expand significantly when the improvements to the complex have been completed, especially when a synthetic field and new track are installed. Additionally, Franklin Pasture is open to the public and is used daily for various recreational activities. Over 25,000 people annually, from age 4 to 80, take advantage of this community's complex by attending events, participating in activities or simply using the facility for personal exercise.

Advertising Location Options & Signage Sizes

Press Box Level: Signage will be located on the Press Box at Don Roux Field. Sign size is 3' tall by 6' wide.

Upper Level: Signage will be located along the back of the elevated bleachers or on the elevated fencing area in front of the bleachers on Don Roux Field. Sign size is 3' tall by 6' wide.

Lower Level: Signage will be located on the fences at the field or track level; locations include the Don Roux Field fence, the outfield fence of the Joseph Deschenes Baseball Field, or the outfield fence of the softball field. Sign size is 3' tall by 8' wide.

Advertising Rates

<u>SINGLE YEAR PRICING</u>		<u>THREE SPONSORSHIP PLAN</u>				
		Total	1 st Year	2 nd Year	3 rd Year	
Press Box	\$1,500	Press Box	\$2,500	\$1,500	\$500	\$500
Upper Level	\$1,000	Upper Level	\$1,500	\$1,000	\$250	\$250
Lower Level	\$750	Lower Level	\$1,250	\$800	\$225	\$225

Advertising Specifications

Signs must have a blue background or a blue border. Other colors may be used for type, graphics or photos. All artwork for signage must be submitted electronically by the customer to Jason Fuller at jfuller@lewistonpublicschools.org. All files must be vector with a minimum 150ppi. Once the signed agreement and initial payment is received, the City of Lewiston will handle the purchase, ordering, and installation of the signage.

Advertisements on the Franklin Pasture Athletic Complex must comply with Lewiston School Board Policy KHB, which prohibits the advertising of tobacco products, alcoholic beverages, drugs, performance enhancing substances or dietary supplements. The School Committee and the City of Lewiston reserves the right to consider requests on a case-by-case basis.

Disclosure

The City of Lewiston may require the Sponsor to approve their signage proof in writing prior to sign creation. Sign reproduction to correct errors, layout changes or logo amendments after written approval is obtained, will be subject to an additional \$75 charge. The City of Lewiston reserves the right to temporarily remove signs at their discretion due to weather or other extenuating circumstances. Sponsors participating in the three-year plan must remit payment by August 1st annually to continue participation. The program year runs from September 1st through August 31st. The City of Lewiston may elect to cancel this program at any time prior to September 1st.

Sign Sponsorship Agreement

(PLEASE PRINT)

Organization/Business: _____

Contact Person: _____

Billing Address: _____

City: _____ State: _____ Zip: _____

Phone #: _____ Email: _____

Signature of Contact Person: _____ Date: _____

Select Advertising Location:

- Press Box:** One Year Plan - \$1,500 Three Year Plan - \$2,500 (Yr1 - \$1,500, Yr2 - \$500, Yr3 - \$500)
- Upper Level:** One Year Plan - \$1,000 Three Year Plan - \$1,500 (Yr1 - \$1,000, Yr2 - \$250, Yr3 - \$250)
- Lower Level Fence Location:** _____ Track/Don Roux Field _____ Joseph Deschenes Field _____ Softball Field
One Year Plan - \$750 Three Year Plan - \$1,250 (Yr1 - \$800, Yr2 - \$225, Yr3 - \$225)

Select Sponsorship Plan:

Organization/Contact Person agrees to the following payment plan:

- Single Year Three Year Sponsorship Plan – subsequent year payment is due by August 1st.

Amount enclosed: _____

Artwork for the sign must be electronically submitted to Jason Fuller: jfuller@lewistonpublicschools.org.

Please make checks payable to: City of Lewiston Franklin Pasture Trustees

Please submit completed agreement & initial payment to: City of Lewiston
Attn: Heather Hunter
27 Pine St.
Lewiston, Me 04240

For more information, please contact: Jason Fuller
795-4190, ext. 2211
jfuller@lewistonpublicschools.org

For Franklin Pasture Trustees/City of Lewiston Purposes Only

Program Year: _____ Check #: _____ TR#: _____

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 2, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 15

SUBJECT:

Order authorizing the City Administrator to execute a First Amendment to the AL (Auburn Lewiston) Consortium Mutual Cooperation Agreement to form a Consortium under the Home Investment Partnership Program.

INFORMATION:

The City of Lewiston is requesting, through the City of Auburn which is the lead agency in the HOME Consortium, to repay HUD for inappropriately expended grant funds through a three year reduction in the City's HOME grant totaling \$140,000. Under the regulations governing the program, 10% of the total HOME grant can be used for program administration. If the multi-year repayment arrangement is accepted by HUD, the Lewiston share of the grant will be reduced by \$46,667 per year, proportionately reducing the administrative percentage by \$4,667. The Consortium agreement calls for the parties to indemnify and protect each other against any penalties or program losses caused by either party to the agreement. Given this, the proposed amendment to the agreement will ensure that Auburn continues to receive its full anticipated share of administrative costs through a reduction in the City's administrative percentage. Since the three year repayment penalty extends beyond the expiration date of the current agreement, the proposed amendment is written to survive the expiration of the agreement and will be incorporated into any subsequent agreement.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order authorizing the City Administrator to execute a First Amendment to the AL (Auburn Lewiston) Consortium Mutual Cooperation Agreement to form a Consortium under the Home Investment Partnership Program.

FIRST AMENDMENT

To AL (AUBURN LEWISTON) CONSORTIUM MUTUAL COOPERATION AGREEMENT TO FORM A CONSORTIUM UNDER THE HOME INVESTMENT PARTNERSHIP PROGRAM

Whereas, in June 2007, the City of Lewiston agreed to provide a HOME Investment Partnership Program ("HOME") loan to Pine Properties, LLC in the amount of \$200,000 to rehabilitate residential rental properties located on Pine Street; and

Whereas, over a period of approximately 12 months, the City loaned Pine Properties, LLC approximately \$180,000 based on invoices for property rehabilitation provided by Travis Soule, the principal owner of Pine Properties, LLC; and

Whereas, the City subsequently became aware that some of the work for which Pine Properties was reimbursed from HOME funds was not actually performed; and

Whereas, upon verifying that the work had not been performed, the City immediately notified officials of the United States Department of Housing and Urban Development ("HUD") and local law enforcement of the issue; and

Whereas, federal officials then instituted an investigation that eventually resulted in charges of making false claims and theft of public money against Travis Soule, who subsequently pleaded guilty in June of 2011 and was sentenced to 14 months in federal prison; and

Whereas, the City and its employees cooperated fully in this investigation and its associated legal proceedings; and

Whereas, of the \$180,000 in question, \$40,000 was subsequently recovered from a bank that improperly paid on a forged check endorsement; and

Whereas, in 2013, HUD officials notified the City of an administrative claim against it for reimbursement of the remaining \$140,000 in federal funds misused by Mr. Soule; and

Whereas, through negotiations with HUD, the City has agreed to a settlement pursuant to which a request will be made to HUD to permit repaying this amount through annual reductions in the amount of HOME funds that the City will receive over the next three years; and

Whereas, should HUD agree to this approach, a reduction in the annual grant may result in a reduction to the percentage of the grant allowed for administrative expenses, a reduction which would have a negative impact on the City of Auburn's ability to oversee the consortium; and

Whereas, recognizing this impact, the Cities wish to amend the existing Consortium agreement to hold Auburn harmless from any reduction in the administrative allowance by amending Section 4 (a) of the agreement;

NOW, THEREFORE, in consideration of the mutual promises herein contained and other good and valuable considerations, receipt and sufficiency of which is hereby acknowledged, the parties hereby agree to this First Amendment to the AL (AUBURN LEWISTON) CONSORTIUM MUTUAL COOPERATION AGREEMENT TO FORM A CONSORTIUM UNDER THE HOME INVESTMENT PARTNERSHIP PROGRAM

1. Section 4 – Funding – Subsection (a) is hereby amended through the addition of the following:

“In the event of an agreement that allows the City of Lewiston to reimburse HUD for improperly expended HOME funds through a multi-year reduction in the Consortium’s annual HOME grant, the administrative funds allocated from the grant to the City of Lewiston will be reduced annually by the amount required to ensure that the City of Auburn continues to receive a total administrative allocation of 7% of the grant funds that would have been received if the grant had not been reduced. Should the reimbursement arrangement continue beyond the term of this agreement, this adjustment to the administrative allocation shall survive the term of this agreement and be incorporated into any subsequent agreement.”

IN WITNESS WHEREOF, the parties hereto have caused this Lease to be executed in their respective names and on their respective behalves by their duly authorized officers this _____ day of _____, 2014.

Representative Member:

Member:

City of Auburn, by its
City Manager
Clinton Deschene

City of Lewiston, by its
City Administrator
Edward A. Barrett

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 2, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 16

SUBJECT:

City Council Options regarding the implementation of the citizen petition for the adoption of the proposed ordinance regarding the Use of Marijuana by Persons 21 Years of Age or Older.

INFORMATION:

On August 8, the City received a valid petition, signed by 863 registered voters, calling for the adoption of a local ordinance regarding the Use of Marijuana by Persons 21 Years of Age or Older. The Council received the petition report at their August 12 meeting.

At this point, the staff believes the Council has two options for next steps to implement the petition:

- 1) Call for a special city election to be held on November 4 in conjunction with the state Gubernatorial election. (Estimated cost \$2,000 for ballot printing and machine programming)
- 2) Adopt the proposed ordinance at the next regular City Council meeting

Sample language for suggested motions are included in the agenda background material.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

This is a policy decision of the City Council.

EATS/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To review the various options regarding the implementation of the citizen petition for the adoption of the proposed ordinance regarding the Use of Marijuana by Persons 21 Years of Age or Older and to determine a course of action.



Option # 1

**City of Lewiston Maine
City Council Order
September 2, 2014**



Order, Authorizing a Special Municipal Election be held on Tuesday, November 4 for the purpose of holding a municipal referendum regarding the adoption of the proposed ordinance regarding the Use of Marijuana by Persons 21 Years of Age or Older

Whereas, on June 4, 2014, a petition application was filed by ten registered voters to initiate the City's referendum process regarding the adoption of an ordinance regarding the Use of Marijuana by Persons 21 Years of Age or Older, and

Whereas, on June 9, 2014, the petitions were issued to the organizers and the petitions were open for the collection of signatures, and

Whereas, on August 8, 2014, the City Clerk determined that more than the required 859 valid signatures had been collected, and

Whereas, under the City's election ordinance, the City Council is provided the option of either implementing the action directed under the petition or placing the matter that was petitioned on a referendum ballot for a citizen vote,

Now, Therefore, be It Ordered by the City Council of the City of Lewiston that the City Council hereby calls for a Special Municipal Election to be held on Tuesday, November 4, 2014 for the purpose of holding a citizen vote on the issue of adopting the proposed ordinance regarding Use of Marijuana by Persons 21 Years of Age or Older, and the City Council further directs the City Clerk to prepare actions necessary for conducting such election.

Agenda Item 16 - Proposed Marijuana ordinance

Option # 2

Suggested Motion:

To direct city staff to place the proposed ordinance regarding the Use of Marijuana by Persons 21 Years of Age or Older on the next regular City Council meeting agenda and to prepare all materials necessary in accordance for this action.

LEWISTON CITY COUNCIL
MEETING OF SEPTEMBER 2, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 17

SUBJECT:

Order authorizing the Award of Bid 2014-051 for the purchase of a Street Saw and Trailer.

INFORMATION:

The FY2015 budget approved by the City Council included the use of unassigned Fund Balance for Capital Outlay purchases and other onetime costs. An authorization of \$696,000 was included for the Public Works Department Municipal Garage. A street saw and trailer was part of that authorization.

Formal competitive bids were received on August 12, 2014, and on August 18, 2014 the Director of Budget and Purchasing made a recommendation to the Finance Committee that the bid be awarded to the low bidder. The motion to do so failed by a vote of 2-2-1.

Given that all applicable City purchasing policies and procedures were followed, staff is appealing the decision of the Finance Committee to the Council.

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 review the appeal of the Finance Committee's failure to award Bid 2014-051, Street Saw and Trailer, and to approve the Order awarding the bid to the low bidder at its bid price of \$24,675 as recommended to the Finance Committee.



**City of Lewiston, Maine
City Council Order
September 2, 2014**



Order, Authorizing the Award of Bid 2014-051 for the Purchase of a Street Saw and Trailer.

Whereas, the FY 2015 budget approved by the City Council included the appropriation of unassigned Fund Balance for Capital Outlay purchases and other one-time costs; and

Whereas, among the items authorized to be purchased from these funds was a street saw and trailer; and

Whereas, in accordance with the City's purchasing policy, a request for bids was issued for this equipment and three (3) competing bids were received and evaluated by staff; and

Whereas, on August 18, 2014, a recommendation to award the bid to the low bidder meeting specifications was made to the Finance Committee by the Director of Budget and Purchasing; and

Whereas, the Finance Committee subsequently failed to award the bid on a vote of 2 in favor, 2 opposed, and 1 abstention; and

Whereas, given that the City's purchasing policy was adhered to in all respects, the action of the Finance Committee to fail to award the bid was incorrect; and

Whereas, city staff, in accordance with the provisions of the City Charter establishing the Finance Committee and its powers and duties, has appealed this action to the City Council; and

Whereas, the Council has reviewed the Appeal and has determined that the bid solicitation and award recommendation was done in a manner consistent with City Policy;

Now, therefore, be It Ordered by the City Council of the City of Lewiston that Bid 2014-051 Street Saw and Trailer be awarded to Hertz Equipment, Scarborough, Maine, at their bid price of \$24,675.



Department of Public Works

David A. Jones, P.E.
Director



August 21, 2014

To: Ed Barrett, City Administrator

Re: Appeal of City Finance Committee Failure to award Bid 20014-051

Dear Ed,

The City advertised contract 2014-051 Street Saw and Trailer on July 29, 2014. These pieces of equipment were identified in the FY2015 City operating budget and funding in the amount of \$28,000 was authorized by the City Council using the City's Fund Balance. Bids were opened on August 12, 2014 with three bids being received (see attached bid tabulation).

Hertz Equipment of Scarborough, ME was the apparent low bidder. Their bid for the gas engine saw was \$11,900 and 6,000lb capacity trailer was \$12,775 for a total of \$24,675. They beat the second low bidder by only \$1! The third low bidder was ~\$1,600 higher, so there was good competition for this bid.

The Public Works Department and Purchasing Director recommended award to Hertz Equipment. At the Finance Committee meeting on August 18 a member of the Committee mentioned he had googled the saw and found the same saw as in the bid for \$8,900 located in Texas. However, this internet sales company did not respond to the City's call for bids. A lengthy discussion ensued and we reminded the Committee of the process used and that staff had followed the process. In this case the Committee was spit with 2 members voting to award the contract as recommended by staff, 2 members voting against award and 1 member abstaining as that member "was on the fence". As a result, the issue failed to be approved.

My understanding is the Finance Committee is to ensure the policies and procedures are followed. Lewiston staff responded to all concerns expressed by the Finance Committee. It is important to protect the integrity of the process for both the City and those who bid on our projects. Failure to do so may result in potential bidders being unwilling to respond to bid requests. As a result, the Public Works and Finance Department staffs are appealing the decision of the Finance Committee and requesting the Lewiston City Council approve award of contract 2014-051 Street Saw and Trailer to Hertz Equipment of Scarborough, ME for their bid price of \$24,675.

Sincerely,

A handwritten signature in black ink, appearing to read "David A. Jones".

David A. Jones, P.E.
Director

A handwritten signature in black ink, appearing to read "Norman Beauparlant".

Norman Beauparlant
Purchasing Director



Finance Committee

Norman J. Beuparlant
Director of Budget/Purchasing
nbeuparlant@lewistonmaine.gov



Item # 13

to: Finance Committee
from: Norman Beuparlant, Purchasing Director
subject: 2014-051 Street Saw and Trailer
date: August 14, 2014

Bids were opened on August 12, 2014 for the purchase of a self-propelled street saw and trailer for use by the Public Works Department.

The bids have been reviewed by the Public Works Fleet Operation Manager and it is recommended that the award be made to Hertz Rental, Scarborough, Maine, at their bid price of \$24,675 for a gas powered saw and trailer.

The budget estimate was \$28,000 and was part of the \$696,000 authorized from Fund Balance.

NJB/syt

Street Saw & Trailer
Bid #: 2014-051

	Hertz Equipment Scarborough ME	United Rentals Westbrook ME	Sunbelt Rentals Scarborough ME
Description			
Item 1: Street Saw	\$ 11,900.00	\$ 13,270.00	\$ 10,785.00
Option 1: Street Saw w/diesel engine	\$ 18,150.00	\$ 24,300.00	\$ -
Item 2: Trailer	\$ 12,775.00	\$ 12,975.00	\$ 13,891.00
Total: Item 1 and Item 2	\$ 24,675.00	\$ 26,245.00	\$ 24,676.00
Total: Option 1 and Item 2	\$ 30,925.00	\$ 37,275.00	\$ -
Year	2014	2014	2014
Make	Edco	Edco	Edco

STREET SAW & TRAILER

BID # 2014 – 051

There were 3 bids submitted for the Street Saw and Trailer. The results are as follow:

Hertz Rental

2014 EDCO SS-26-38K SAW	\$11,900.00
2014 Core Cut 3730-D-26	\$18,150.00
2014 Edco WT 300 Trailer	<u>\$ 12,775.00</u>
Total Trailer W/ Gas saw	\$24,675.00
Total Trailer W Diesel saw	\$30,925.00

Meets Spec.

United Rentals

2014 EDCO SS-26-38K SAW	\$13,270.00
2014 26" 31 HP Diesel saw	\$24,300.00
2014 Edco WT 300 Trailer	<u>\$ 12,975.00</u>
Total Trailer W/ Gas saw	\$26,245.00
Total Trailer W Diesel saw	\$37,275.00

Meets Spec.

Sunbelt Rental

2014 EDCO SS-26-38K SAW	\$13,270.00
No Diesel offered	
2014 EDCO WT 300 Trailer	<u>\$13,891.00</u>
Total trailer W/ Gas saw	\$24,676.00

After reviewing the bids all vender bid the same Gas saw and trailer o the bid should be awarded to Hertz Rental for the EDCO SS-26-38 and WT 300 trailer for the bid amount of \$ 24,675.00

**LEWISTON CITY COUNCIL
MEETING OF SEPTEMBER 2, 2014**

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 18

SUBJECT:

Appointment of a City Council member to the School Committee.

INFORMATION:

Councilor D'Auteuil, the City Council representative on the Lewiston School Committee, has submitted his resignation from the School Committee. Therefore, a vacancy exists in this seat for the current term scheduled to expire January 4, 2016.

Under the Charter, the Mayor shall nominate a replacement and the Council shall vote to confirm the appointment.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The appointments are a policy decision of the Mayor and City Council.

ETABIKmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To receive the Mayor's nomination of a City Councilor to serve as the City Council representative to the Lewiston School Committee, and to appoint the nominee to serve on the School Committee for the remainder of the current term set to expire January 4, 2016.

LEWISTON CITY COUNCIL
MEETING OF SEPTEMBER 2, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 19

SUBJECT:

Appointment of a Community Member to the School Redistricting Committee.

INFORMATION:

The School Committee is establishing a School Redistricting Committee in relation to future school construction projects. The School Committee is asking the City Council to appoint one community member to this committee. Please see the attached memorandum from the School Superintendent for additional information on this process.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The appointments are a policy decision of the Mayor and City Council.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To review the request from the School Committee and to nominate and appoint one member of the community to serve on the Lewiston School Committee Redistricting Committee.

August 19, 2014

To: Lewiston School Committee, Lewiston City Council, Lewiston Planning Board, School Principals, PTO Presidents, Facilities Committee and all Interested Community Members

From: Superintendent Bill Webster

Re: Moving Forward on our School Construction Project

Summary and Action Steps

This memo provides some background on our upcoming elementary school construction project, sets tentative meeting dates for the new Redistricting Committee and the Facilities Committee, and requests that the Redistricting Committee membership ranks be filled as follows:

1. Elementary school parents who are interested in serving should immediately contact their PTO president or school principal. Each elementary school principal is asked to work with their local PTO to identify two interested parents to serve on the Committee. These names and contact information (email and phone) should be provided to Sue Turgeon, my Executive Assistant, no later than Friday, September 12th, as the first meeting is Tuesday, 9/16, at 4:30 pm.
2. The School Committee, Planning Board and City Council are all also asked to make their membership selections by Friday, September 12th.
3. Interested community parties, who are not parents with children in any of our elementary schools, are asked to send a letter of interest to me at Lewiston Public Schools, 36 Oak Street. The two community member selections will be made no later than Monday, September 15th.

Background

As you likely know, Martel Elementary School is No. 8 on the Department of Education's school construction priority list, and the Board of Education approved the commencement of the project last April. On July 30th, Joe Perryman, Facilities Director, Elaine Runyon, Controller, and I were finally able to meet in Augusta with the DOE construction team headed up by Scott Brown. The team went over the requirement for a state-funded project and made suggestions as to how we might best proceed. We also received confirmation that the needs at Longley Elementary School are to be considered as that school is No. 20 on the list.

The DOE team has tentatively scheduled bond financing for this project(s) for the fall of 2017. This is a doable, but aggressive, schedule that will require that construction commence no later than the spring of 2017. In order to increase the likelihood of meeting this schedule, I proposed at the August 18th meeting that we establish a new redistricting committee and charge the existing Facilities Committee to initiate the architect selection process and to contract for a school enrollment projection study.

A redistricting committee is necessary because DOE will likely not fund a new school that would just replace Martel without meeting the needs of Longley. Without making any comment on the merits of possible options, there are at least two approaches that would impact present school district boundaries. One would be to replace both Longley and Martel with one new school. Another would draw on the work of the prior redistricting committee, which recommended that Longley and Farwell both be converted to preK-2 schools with Farwell serving the present Farwell and Martel districts. In this scenario the new school would include grades 3-6 for the present Longley, Farwell and Martel districts.

School Committee Action Taken

The School Committee unanimously adopted the following motions at the August 18th meeting:

1. Move that a redistricting committee be established and charged to make recommendations to the School Committee no later than January 31, 2015 on the grade configuration for the proposed new elementary school and any related redistricting that may be required. The membership will be solicited by the Superintendent, confirmed by the School Committee chair and include the following representation:

#	
1	Farwell Principal
2	Farwell Parents
1	Longley Principal
2	Longley Parents
1	Martel Principal
2	Martel Parents
2	Geiger Parents
2	McMahon Parents
2	Montello Parents
2	Community Members
1	Community Member appointed by City Council
1	Planning Board Member
2	Board Members
1	Superintendent
22	

2. Move that the Facilities Committee initiate the process to select an architect for the school project and to contract for a school enrollment projection study. The final architect selection will be approved by the full School Committee.

Once the above steps are completed we would establish a site location and building committee specific to the school project, but this step is premature at this point since we don't yet know the grade configuration or what students will be served.

Redistricting Committee

The work of this Committee is critical to moving this school construction project along. In order to meet the 1/31/15 deadline, I have tentatively scheduled the following meetings:

Date and Time	Location
Tuesday, 9/16, 4:30 pm – 6:00 pm	Dingley Room, Dingley Bldg, 36 Oak St.
Tuesday, 9/30, 4:30 pm – 6:00 pm	Dingley Room, Dingley Bldg, 36 Oak St.
Tuesday, 10/21, 4:30 pm - :6:00 pm	Dingley Room, Dingley Bldg, 36 Oak St.
To be scheduled in Oct. or Nov.	Farwell Elementary School
To be scheduled in Oct. or Nov.	Geiger Elementary School
To be scheduled in Oct. or Nov.	Longley Elementary School
To be scheduled in Oct. or Nov.	Martel Elementary School
To be scheduled in Oct. or Nov.	McMahon Elementary School
To be scheduled in Oct. or Nov.	Montello Elementary School
Tuesday, 12/16, 4:30 pm – 6:00 pm	Dingley Room, Dingley Bldg, 36 Oak St.
Wednesday, 1/7, 7:00 pm – 8:30 pm	Presentation of Preliminary Recommendations, Dingley
Tuesday, 1/13, 4:30 pm – 6:00 pm	Dingley Room, Dingley Bldg, 36 Oak St.
Monday, 1/18, 6:45 pm	Presentation to School Committee

I am asking each elementary school principal to work with their local PTO to identify two interested parents to serve on the Committee and one or two dates in October, November or early December when the Redistricting Committee could meet their respective elementary school. These names and contact information should be provided to Sue Turgeon, my Executive Assistant, no later than Friday, September 12th. In addition, I ask that the School Committee, Planning Board and City Council make their membership selections by that date as well.

Finally, there are two community member slots on the Redistricting Committee. Interested parties, who are not parents with children in any of our elementary schools, are asked to send a letter of interest to me at Lewiston Public Schools, 36 Oak Street. Community member selection will be made no later than Monday, September 15th.

Facilities Committee

The Facilities Committee already exists and is made up of the following membership:

Name	Position
Bruce Damon	Planning Board Member
Elaine Runyon	Controller, Lewiston Public Schools
Joe Perryman	Facilities Director, Lewiston Public Schools
Linda Scott	School Committee Member
Paul St. Pierre	School Committee Member
Ronnie Paradis	Community Member
Bill Webster	Superintendent, Lewiston Public Schools

Althea Walker	Farwell Principal
Steve Whitfield	Martel Principal
Kristie Clark	Longley Principal
Jim Handy, ex officio	School Committee Chair

The tentative meeting schedule for this Committee is as follows:

Date and Time	Location
Wednesday, 8/27, 4:30 pm – 6:00 pm	Superintendent’s Conference Room, Dingley Bldg.
Wednesday, 9/24, 4:30 pm – 6:00 pm	Superintendent’s Conference Room, Dingley Bldg. (Selection of enrollment projection consultant)
Wednesday, 10/15, 3:00 pm - 6:00 pm	Board Room, Dingley (Architect Interviews)
Thursday, 10/16, 4:30 pm – 8:00 pm	Board Room, Dingley (Architect Interviews)
Monday, 10/20, 6:45 pm	Recommendation to School Committee

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 2, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 22

SUBJECT:

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

INFORMATION:

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

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

EATB/Kmm

REQUESTED ACTION:

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