

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

6:15 p.m. Workshop - Parking Requirements Downtown

7:00 p.m. Regular Meeting

Pledge of Allegiance to the Flag.
Moment of Silence.

Acceptance of minutes of the meetings of October 7 and November 18, 2014.

Public Comment period - Any member of the public may make comments regarding issues pertaining to Lewiston City Government (maximum time limit is 15 minutes for all comments)

ALL ROLL CALL VOTES FOR THIS MEETING WILL BEGIN WITH THE COUNCILOR OF WARD 7.

REGULAR BUSINESS:

1. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for the Ramada, 490 Pleasant Street.
2. Public Hearing for approval of an outdoor entertainment event at Kennedy Park in conjunction with the Twin Cities Holiday Celebration.
3. Public Hearing and Final Passage regarding amendments to the Election ordinance regarding the citizen initiative and referendum process.
4. Public Hearing and Final Passage for the conditional rezoning of the property at 239 Bartlett Street, from the Highway Business (HB) District to the Downtown Residential (DR) District.
5. Condemnation Hearing for the building located at 227 Lincoln Street.
6. Order authorizing the use of the unexpected balance of the FY2013 Water Treatment bond for the purpose of reimbursing the Auburn Water District for Lewiston's share of the cost of cleaning the Drinking Water Intake Line for the Lake Auburn Water Treatment Facility.
7. Order authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 78 Bailey Avenue.
8. Resolve approving the third negotiated Allonge between the City and Firland Management Colisee LLC.
9. Order authorizing the City Administrator to dispose of the city owned properties at 116 & 122 Pierce Street and 139 & 155 Bartlett Street.
10. Order authorizing the City Administrator to dispose of the city owned property at 154 Blake St.
11. Request from the Kora Northeast Shrine organization for a waiver of city fees for the organization's September 2015 Field Days event.
12. Appointment of a City Councilor to the Taxi & Tattoo Appeals Board.
13. Reports and Updates.
14. Any other City Business Councilors or others may have relating to Lewiston City Government.



CITY OF LEWISTON

Department of Planning & Code Enforcement



**TO: City Council
Honorable Mayor**

FROM: David Hediger, City Planner

DATE: November 24, 2014

RE: Parking Requirements Downtown

As the Council may be aware, Lewiston's off-street parking requirements, especially in the greater downtown area, have been questioned for many years. The current provisions are not uncommon to other communities and are likely based upon Institute of Transportation Engineers (ITE) traffic manuals. These provisions are modeled to require that a minimum of 85% of the vehicles associated with a use at any one time must be accommodated with off street parking. Just as in many other communities, Lewiston's provisions have been questioned as unneeded and more onerous than necessary, especially in the more urban/developed sections of a community. Provisions like Lewiston's minimum parking requirements increase the density of both parking spaces and cars. More cars create more traffic congestion, which in turn incites the need for more local remedies such as street widening, additional turning lanes, traffic signal improvements, etc. It also places costs on property owners as they rarely charge motorists for parking, although there are exceptions where some provide private lots and/or garages. This results in the cost of parking spaces included as an additional cost of development.

For some time, staff has discussed relaxing the off street parking requirements in effort to facilitate development, avoid overbuilding parking, and, in part, to allow the market to determine its own demand for parking. There are numerous alternatives that may be considered: shared parking (which we already encourage), in-lieu of parking fees, incentives for transit, bike/ped improvements, travel demand management (TDM) programs, parking districts, etc.

At a Planning Board workshop on November 10, 2014, staff recommended that parking standards be relaxed in two areas:

- Consider waving the parking standards for all uses located in the Riverfront, Mill, and Centreville districts: Let the market decide what their "real" demand for parking may be. All three districts have municipal parking garages with excess capacity within walking distance (i.e. ¼ mile). Managing parking effectively in this area is supported by the Riverfront Masterplan and is referenced in the draft comprehensive plan.
 - The Board was generally supportive of waiving the standards for nonresidential uses. There was some concern with respect to waiving the standards for residential uses. The Board directed staff to schedule a public hearing at which time two proposals would be considered: one waiving the parking requirements for all uses and the other maintaining a requirement for only residential uses.
- Downtown Residential and Neighborhood Conservation "B" districts: The elimination of the overnight winter parking ban in the city has greatly increased the availability of year round on-street parking in these districts. Given that change, relaxing off-street standards would allow for on-street parking to occur when there is excess demand (i.e. family gatherings, special events or sales, etc.). Staff is suggesting a lesser parking standard be considered for all uses or for select uses. The reduction could be as a matter of right or

through a process requiring a waiver when specific criteria are met. Managing parking effectively in this area is supported by the Third Place Downtown Neighborhood Action Plan and is referenced in the draft comprehensive plan.

- The Board was concerned with relaxing the standards for all residential uses in these two districts. The majority agreed that a standard should remain and that it may differ for residential and nonresidential uses. The Board directed staff to provide some additional alternatives before scheduling a public hearing.

Staff believes establishing more realistic parking standards will help assist in the redevelopment of Lewiston's urban residential and nonresidential districts by reducing site costs for property owners and developers. Instead of investing in a vacant lot for parking, that lot could be used for additional future development or open space. It could be an incentive for property owners to invest in new construction or the rehabilitation of existing structures versus additional site costs. Other benefits of relaxed parking provisions include supporting walking, cycling and transit use; reduced stormwater management costs and water pollution; and the maintenance or creation of a more interesting and attractive urban environment.

Staff is interested in discussing with the Council options that would relax the city's current parking requirement to learn of any concerns or suggestions you may have prior to developing any specific amendments for the Planning Board's consideration.

Below are Lewiston's existing parking requirements taken from Article XII, Section 17:

(d) *Off-street parking required.* The following minimum off-street parking shall be provided and maintained for each situation identified in subsection (a). In computing the number of spaces required, lots with two or more uses shall meet the combined requirement for all of the uses. In calculating the parking requirement, major fractional spaces (0.5 or greater) shall be rounded up to the next whole space. Employee parking is based on the largest shift.

Single-family detached dwellings	two spaces per dwelling unit
Two-family dwellings	two spaces per dwelling unit
Single-family attached or multifamily dwellings with	two spaces per dwelling unit with three or more bedrooms, one and one-half spaces per dwelling unit with one or two bedrooms, one space per efficiency dwelling unit; plus 0.2 spaces per dwelling unit for visitor parking for all single-family attached or multi-family dwellings
Housing for the elderly	one-half space per dwelling unit
Types "A" and "B" group care facilities	one space per three bedrooms, plus one space per employee
Tourist homes	two spaces plus one space per lodging unit

Motels, hotels and inns	three spaces plus one space per sleeping room (accessory eating and drinking establishments or other facilities shall provide additional parking as required).
Rooming houses, boarding houses, lodging houses	one space per three bedrooms
Bed and breakfast establishments	one space per guest sleeping room and two spaces per dwelling unit plus one space per every two employees on the largest shift; establishments approved by development review pursuant to article XIII for meeting facilities for non-guests or for special outdoor functions shall provide one space per two seats in any meeting facilities and one space per two special outdoor function guests based on the approved capacity; if such additional off-street parking is provided off the site, it shall comply with the requirements of article XII section 17.e except that, notwithstanding the provisions of subsection e, the planning board shall have the authority to approve such off-site parking.
Hospitals	one space per patient bed plus one space per three employees
Medical clinics	two spaces per treatment room or patient bed, whichever is greater
Nursing or convalescent homes	one parking space per five resident beds and one space per employee
Schools	
Elementary schools	one and a half spaces per classroom
Secondary schools	five spaces per classroom
Residential colleges, universities and institutions of higher education, including accessory facilities athletic and assembly facilities designed primarily for student use	one space per 7 seats in classroom facilities
Business colleges and schools	one space per 4 seats in classroom facilities
Retail and personal service establishments	one space per two hundred fifty square feet of gross floor area. For retail stores which are part of a gasoline service station complex, one-half of the service spaces at the pump islands may be applied to meet not more than one-half of the required parking demand
Eating and drinking establishments	one space per three seats
Drive-in restaurants	ten spaces plus one additional space per one hundred feet of gross floor area
Professional and business offices	one space per 300 square feet of gross floor area

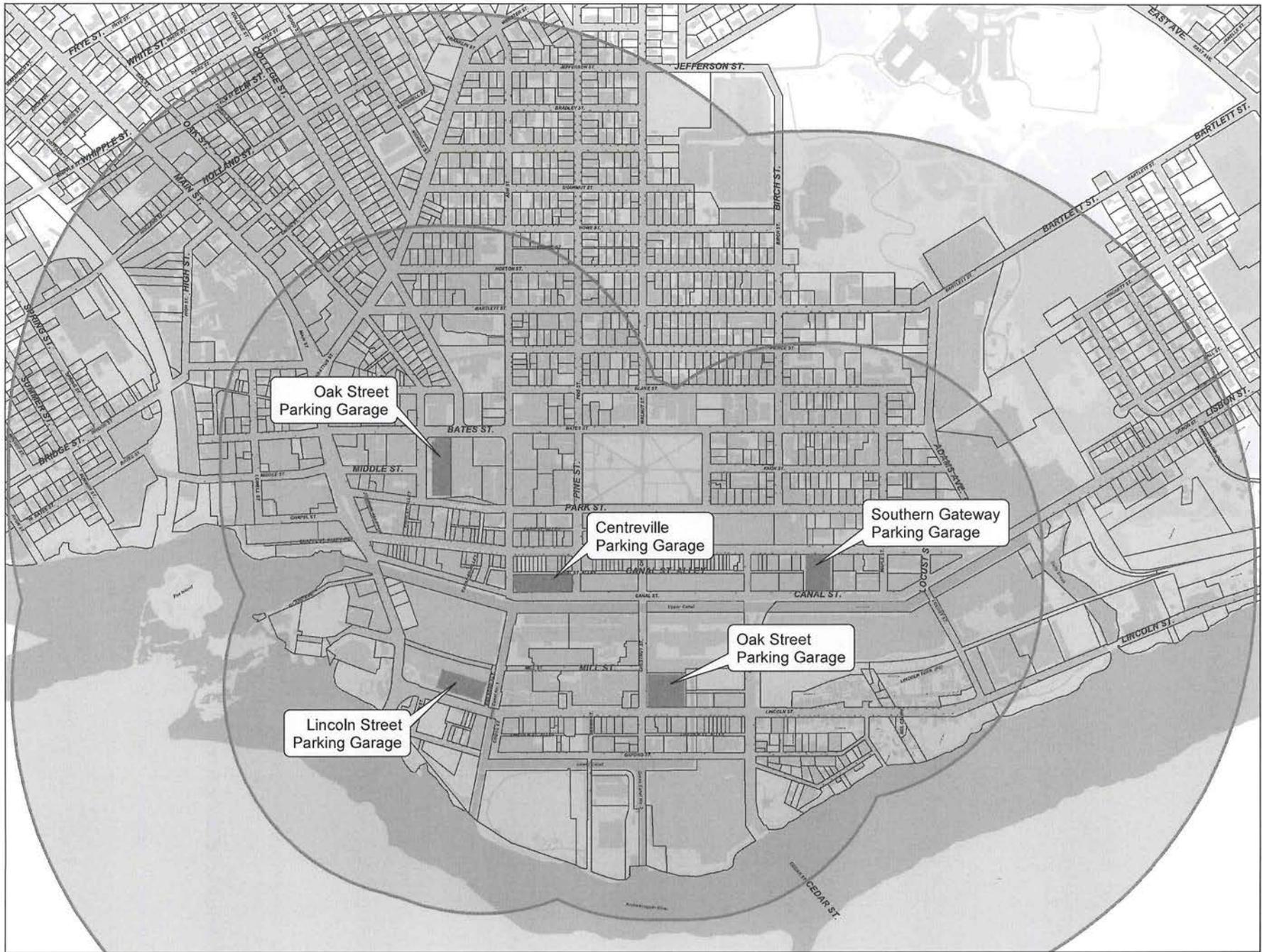
Construction contractors, tradesman, offices, laboratories and similar uses	one space per 500 square feet of gross floor area
Adult business establishments, drinking place	one space per 3 seats or 200 square feet of gross floor area, whichever is greater
New and used car dealers	five spaces plus one space per 3,000 square feet of display area (indoor and outdoor)
Auto repair garages and gasoline service stations	two spaces per service bay plus one space per employee
Light industrial uses, industrial uses, wholesale, storage and distribution facilities	one space per 500 square feet of gross floor area up to 3,000 sq. ft. plus one space for each 1,000 sq. ft. of gross floor area in excess of
community centers, libraries, museums, civic clubs, theatres, places of indoor assembly, amusement or culture, religious facilities, and similar uses	3,000 square feet one space per 4 seats where fixed seating is provided plus 1 space per 200 square feet of area otherwise available for assembly
Auditoriums, stadiums, sport arenas, race tracks, skating rinks, gymnasiums, convention halls or similar uses	one space per each 4 seats; where individual seats are not provided, each 24 inches of bench or other similar seating, or eight sq. ft. of seating or standing space shall be considered as one seat for the purpose of determining requirements thereof
Self storage facilities	five spaces
Uses not specifically listed or able to be placed into one of the above categories, or listed uses which can be clearly shown to have a differing parking need (either fewer or greater) than otherwise required	Sufficient spaces to accommodate the normal parking demand of the use without requiring on-street parking. The number of required spaces shall be determined by the planning board for major project development review or by the staff review committee for minor project development review or by the planning director if no review is required in accordance with accepted standards.

(e) *Location of off-street parking facilities.* Required or provided off-street parking in all districts shall be located on the same lot as the principal building or use, except as may be allowed by the board of appeals on the basis of an appeal as provided below:

- (1) In residential districts, the board of appeals may authorize required or provided off-street parking, serving permitted or conditional uses, to be located off the site, provided it is located within 500 feet of the principal building or use and cannot reasonably be provided on the same lot. Such off-street parking shall be held in fee simple by the owner of the principal use served, or in such other tenure as assures continued availability for parking as long as the particular land will be needed for such use, provided that if tenure is other than ownership in fee simple, the form of tenure shall be approved by the planning director before the request is considered by the board of appeals. Evidence of fee simple ownership or approved tenure shall be required.
- (2) In all zones other than residential, required or provided off-street parking shall be located on the same lot with the principal building or use, or within 500 feet

measured along lines of public access, except that where off-street parking cannot be provided within these limits, the board of appeals may permit such off-street parking to be located a reasonable distance from the principal buildings or use, measured along lines of access if such off-lot parking areas shall be held in fee simple by the owner of the use served, or in such other tenure as assures continued availability for parking as long as the particular land will be needed for such use, provided that if tenure is other than ownership in fee simple, the form of tenure shall be approved by the planning director before the request is considered by the board of appeals. Evidence of fee simple ownership or approved tenure shall be required, and such lots shall be located within nonresidential districts.

- (3) Required off-street parking in all districts other than residential may be substituted by parking facilities which, in the public's interest, may be provided by the municipality. Such substitution shall be shown to be representative of the off-street parking turnover or requirements of the particular use in question and shall take into consideration the needs of other uses with similar demands upon such public space. No such public off-street parking spaces shall be considered as a substitute unless located within 500 feet of the principal building or use measured along lines of public access.
- (4) No additional parking spaces shall be required for any structure that has been designated as significant for historic preservation under article XV, section 3 of this Code that is proposed for reuse. Any expansion to the building will need to provide the required additional parking. All modifications to the building must be done in accordance with the criteria established under article XV, section 5 of this Code.



Map provided by the City of Lewiston, Maine. All rights reserved. This map is for informational purposes only and does not constitute a warranty. 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 injuries resulting from the use of this map.

November 2010
Scale: 1" = 50'

Lewiston
Maine

LEWISTON CITY COUNCIL

MEETING OF DECEMBER 2, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

SUBJECT:

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for the Ramada, 490 Pleasant Street.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from the Ramada, 490 Pleasant Street.

The Police Department has reviewed and approved the application.

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

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To grant a Special Amusement Permit for Live Entertainment to the Ramada, 490 Pleasant Street.

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

Date of Application: 11-18-14

Expiration Date: 11-23-2015

- 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: ADAMAR ASSOC., dba RAMADA Business Phone: 207-784-2331

Location Address: 490 PLEASANT ST., LEWISTON, ME 04240

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

Mailing Address: SAME

Email address: OFFICES RAMADA @ AOL.COM

Contact Person: GEORGE J GENDRON Phone: 784-2331

Owner of Business: GEORGE J GENDRON Date of Birth: 5-26-1949

Address of Owner: 490 PLEASANT ST.

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): GENDRON'S U SAVE
1290 LISBON ST., LEWISTON, ME

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? 150-200 yds

Please describe the type of proposed entertainment:

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

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

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

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

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

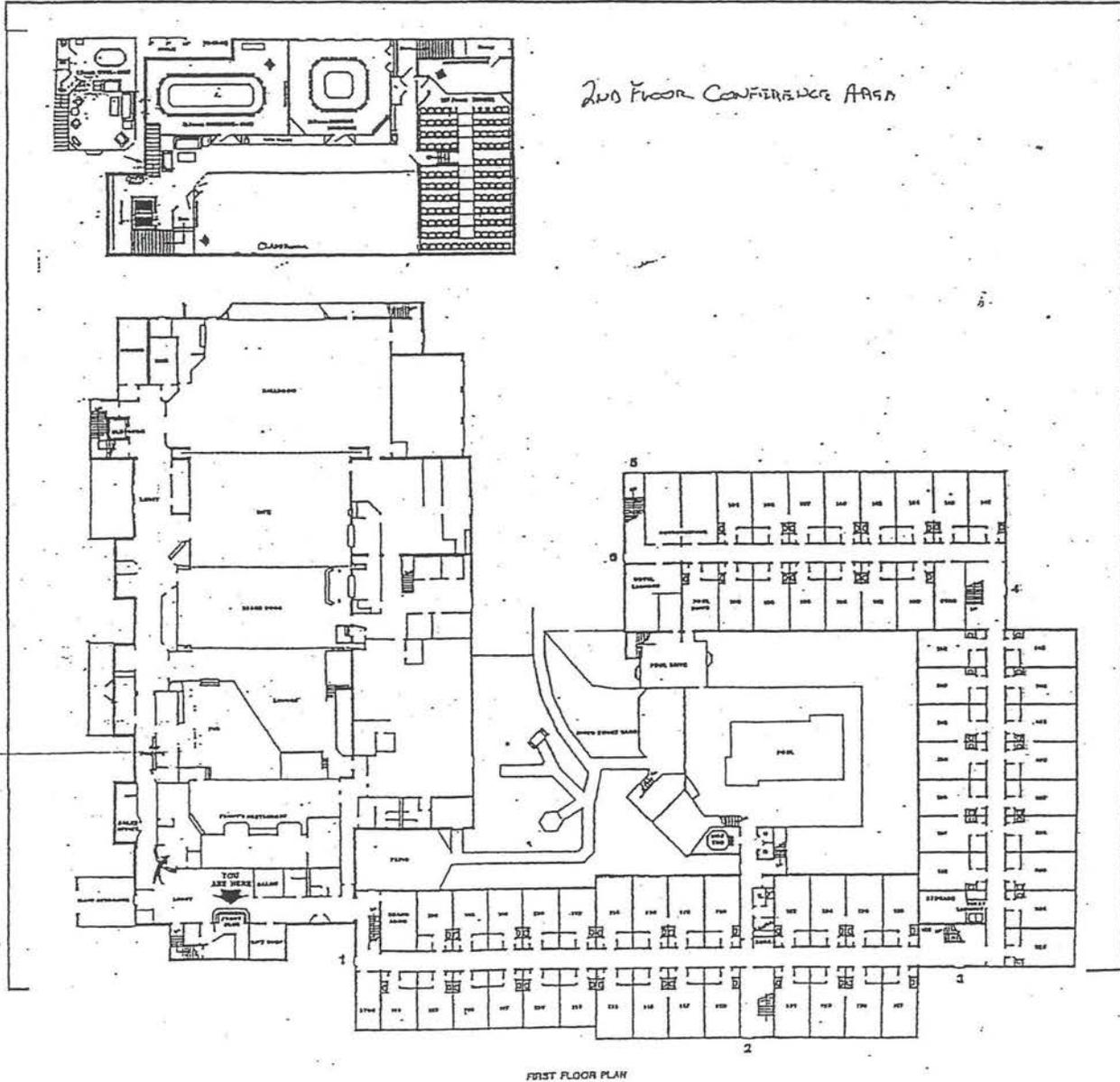
Signature: George J Gendron Title: OWNER Date 11-18-14
Printed Name: George J Gendron

Hearing Date: _____

SUPPLEMENTAL APPLICATION FORM
ON-PREMISE DIAGRAM

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

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





POLICE DEPARTMENT

Michael J. Bussiere
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. Adam D. Higgins, Support Services

DT: October 1, 2014

RE: Liquor License/Special Amusement Permit – **Ramada Inn**

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

Ramada Inn
490 Pleasant Street



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 DECEMBER 2, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

SUBJECT:

Public Hearing for approval of an outdoor entertainment event at Kennedy Park in conjunction with the Twin Cities Holiday Celebration.

INFORMATION:

The Lewiston Downtown Holiday Celebration Committee has submitted an application for an Outdoor Entertainment Permit to hold an outdoor music event at Kennedy Park. The Twin Cities Holiday Celebration will be held on December 3, 2014 at 6:00pm in Kennedy Park.

Per the City Code, an outdoor entertainment event cannot be held in the City without approval by a majority of the Council after a public hearing. Staff recommendations are being sought from the Police Department, Fire Department, Code Enforcement/Health Officer and the Land Use Code Officer for compliance. Their recommendations will be available for Tuesday night's meeting.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To conduct a public hearing on an application for an outdoor entertainment event to be held at Kennedy Park on December 3, 2014 at 6:00pm, 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 Downtown Holiday Celebration Committee for an outdoor music event, contingent upon positive recommendations from the Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances.

DUE: MARCH 3rd

CITY OF LEWISTON Special Event Application

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

Application Date 3/3/14

SPONSOR INFORMATION

Name of Sponsoring Organization: Lewiston Township Holiday Celebration Cmt.

Name of Contact Person for Event: Dollie Peckham-Whittier W/Auburn Business Assoc.

Title of Contact Person: Community Relations Coordinator

Mailing Address: Lewiston City Hall, 57 Pine St.

Daytime Telephone: 513-3000 Cell Phone: 576-7951

Email Address: dollie@lewistonmaine.gov

Contact Name and Cell Phone Number DURING the Event: Dollie - 576-7951

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

Non-Profit Number: N/A

EVENT INFORMATION

Name of Event: Twin Cities Holiday Celebration

Type of Event (walk, festival, concert, etc.): Parade of Lights, Tree/Menorah Lighting, Cmty. Activities

12-3-14, 6pm TBS - in
Date of Event: Last week of Nov.
or first week of Dec.

Rain Date: N/A

Not set yet

Times of Event: Start Time including set-up: _____ Ending time including clean up: _____
Actual Event Start Time: _____ Actual Event End Time: _____

Estimated Attendance: 2,000 - 2,500

Location of Event: Lighting in Kennedy Park*; activities on Liberty St.

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 Will apply

Date request submitted to the Recreation Department: -

* Tentative location; was there last year

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: <i>We usually have Salvation Army's canteen on site</i> Note - A food service license may be required.	✓		
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: Note - A peddling permit may be required.		✓	
\$11	*LIVE MUSIC – Will there be any outdoor musical performances? If yes, please describe: <i>NJ will provide music</i>	✓		
\$16/day	SOUND AMPLIFICATION – Will there be a microphone or speaker system to project sound?	✓		
Separate fee and permit required	ALCOHOLIC BEVERAGES – Will alcoholic beverages be served?		✓	
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.		✓	
Separate fee and permit required	FIREWORKS – Will there be a fireworks display? If yes, a permit from the Fire Department is required.		✓	
N/A	PARADE – Will there be a parade? If yes, describe route: <i>Will come from Keuburn, cross Longley Bridge, route from that pt. TBIS.</i> Note - A permit from the Police Department is required.	✓		
N/A	RUN/WALK/CYCLE – Will event involve participants doing a walk-a-thon, road race, etc? If yes, describe route:		✓	
Separate permit required	BURN PERMIT – Will there be any open flame such as a bon fire? If yes, describe activity: <i>We "may" seek a fire "twirler" performance.</i> Note - A permit from the Fire Department is required.	✓		
N/A	TENT/CANOPY – Will you be setting up a tent or canopy? If yes, list number and sizes: <i>act</i>		✓	
N/A	ROAD/INTERSECTION CLOSURE – Will any roads need to be closed to accommodate your event? If yes, please list: <i>KPIS's Dave Chick & PW's Steve Much will review/decide</i>	✓		
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. <i>Not done yet</i>			

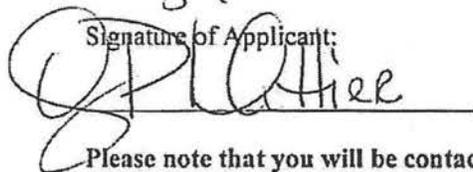
N/A	PARKING ACCOMODATIONS – What will be the anticipated need for parking and what is your parking plan? N/A			
N/A	TOILETS – Please list amount at event and/or nearest location: None @ Kennedy Park		✓	
N/A	WASTE DISPOSAL – Please list process and location:		/	
N/A	HAND WASHING FACILITIES – Please list amount at event and/or nearest location:		/	
N/A	POTABLE WATER – Please list amount at event and location:		/	
N/A	FIRST AID FACILITIES – Please list location at event:		/	
\$	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

The 50/50 event will include a Parade of lights w/ St. George & walking groups. Live @ Kennedy Park Music, Santa visits, Santa photos, Tree Menorah lighting, & possibly a fire twirling act will occur. The event & ABA also plan to work w/ the city this year to put together a holiday calendar so as to promote “Holidays in LA.” Wagon rides & recognition of Sec. holidays will also occur.

Signature of Applicant:


Printed Name:
 Dorothy Perham-Whitton

Date Submitted:
 3/3/14

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

LEWISTON CITY COUNCIL

MEETING OF DECEMBER 2, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 3

SUBJECT:

Public Hearing and Final Passage regarding amendments to the Election ordinance regarding the citizen initiative and referendum process.

INFORMATION:

This proposed amendment is pertaining to the citizen initiative and referendum process. Under the current ordinance, if a group of citizens would like to initiate a formal petition on a topic, they first must submit a petition application stating the name and purpose of the petition. This petition must be signed by 10 registered voters of Lewiston. At present, there is no time table for when this application must be signed by 10 voters. In the past, we have had 1 or 2 people come in to start a petition effort and sign the application. Then no other voters come in to sign it. The application is still open and pending, but the original signers have seemed to have lost interest in their original effort. In order to allow for some completion period, staff is recommending a 10 working day period when the 10 voters must come in to sign the application to initiate the petition process. This will allow enough time for interested voters to support the effort while not allowing the process to remain in an unending cycle. Usually a item for a petition issue is of strong interest to a group of people and having 10 people sign it is usually accomplished within 1-2 days. Adding this time frame of 10 working days will eliminate efforts that do not have the support of at least 10 voters.

Staff is supportive of the recommended changes and passage is requested.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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That the proposed amendment to the City Code of Ordinances, Chapter 32 "Elections", Article II "Initiative and Referendum", Section 32-27 "How to invoke", receive final passage by a roll call vote.

AN ORDINANCE PERTAINING TO ELECTIONS

THE CITY OF LEWISTON HEREBY ORDAINS:

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

CHAPTER 32

ELECTIONS

ARTICLE II. INITIATIVE AND REFERENDUM

Sec. 32-27. How to invoke.

The submission to the vote of the people of any proposed or enacted ordinance, order or resolve, or question, may be accomplished by the presentation of a petition therefor to the council in the manner provided in this article. Any ten qualified voters of the city may originate a petition putting in operation the initiative or the referendum by signing a petition application at the office of the city clerk. The petition application shall be available to accept signatures for 10 working days. Whenever requested by ten such voters, the clerk shall prepare the proper petition with a copy of the ordinance, order or resolve to be submitted attached thereto, and upon its being signed by the ten voters, the clerk shall issue the petition forms to the ten voters and upon the request of any registered voter within the city, who shall for 60 days thereafter collect signatures of qualified voters of the city. Any signatures collected outside of the 60-day period shall be deemed invalid. Prior to the close of business on the 60th day, or in the event said day is a nonbusiness day, the immediate next business day, the petition forms shall be submitted to the city clerk, the city clerk shall declare the petition closed, shall verify the signatures on the petition within ten business days, and shall at the first regular meeting of the council thereafter present the petition with verification of the number of valid signatures thereto attached to the council. If the number of valid signatures to such petition shall amount to seven percent of the number of votes cast in the City of Lewiston at the last gubernatorial election or greater, the council shall order that the question proposed in the petition be submitted to the voters of the city at the next available, scheduled election following.

Provided, that in the case of the referendum, the entire repeal of the ordinance, order or resolve sought to be referred, and in the case of the initiative, the passage by the council of the desired ordinance, order or resolve, shall put an end to all proceedings under the petition.

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

LEWISTON CITY COUNCIL

MEETING OF DECEMBER 2, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT:

Public Hearing and Final Passage for the conditional rezoning of the property at 239 Bartlett Street, from the Highway Business (HB) District to the Downtown Residential (DR) District.

INFORMATION:

The Planning Board voted 7-0 to send a favorable recommendation to the City Council to conditionally rezone the property at 239 Bartlett Street from the Highway Business (HB) District to the Downtown Residential (DR) District, subject to the conditional rezoning agreement.

Please see the enclosed memorandum from City Planner David Hediger for additional information as well as a site map and other background information.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

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

To approve final passage of the amendment to the Zoning and Land Use Code and Map to conditionally rezone the property at 239 Bartlett Street from the Highway Business (HB) District to the Downtown Residential (DR) District, subject to a conditional agreement.



CITY OF LEWISTON

Department of Planning & Code Enforcement



**TO: City Council
Honorable Mayor**

FROM: David Hediger, City Planner

DATE: November 10, 2014

RE: Request to conditionally rezone the property at 239 Bartlett Street from the Highway Business (HB) district to the Downtown Residential (DR) district.

Denis Theriault has submitted a petition pursuant to Article XVII, Section 5 of the Zoning and Land Use Code to amend the zoning and land use map for the property at 239 Bartlett Street to be conditionally rezoned from the Highway Business (HB) district to the Downtown Residential (DR) district.

This property of approximately .9 acres consists of an 8,864+/- SF single story structure last occupied by a daycare and religious facility. The petitioner is interested in converting the structure into single family attached dwellings while maintaining the ability to create a mixed use structure in the future. The petitioner believes there is a solid market for mixed use structures where quality housing units can co-exist with existing nonresidential uses. This type of mixed use neighborhood already exists for this section of Bartlett Street which has consisted of multifamily dwellings and nonresidential uses for over 50 years. The conditional zoning request would build upon existing land use patterns in this neighborhood and provide the ability for redevelopment of a structure into dwelling units meeting today's modern standards. To do so, the proponent would like to have the property conditionally rezoned to the DR zoning district to allow for the creation and establishment of residential developments, including single family attached dwellings and multifamily dwellings in addition to those uses currently allowed in the HB. Allowing these additional uses provides the petitioner more options of utilizing the property.

On October 27, 2014 the Planning Board voted unanimously pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration to conditionally rezone the property a 239 Bartlett Street from the Highway Business (HB) district to the Downtown Residential (DR).

It should be noted that upon a successful rezoning of the property, the applicant will need to pursue development review approval from the staff review committee for a change of use for the creation of dwelling units.



City of Lewiston
Planning & Code Enforcement
Gil Arsenault, Director



MEMORANDUM

To: Ed Barrett, City Administrator
City Clerk's Office
City Council Members

From: David Hediger

Date: November 10, 2014

Subject: Planning Board Action

The Planning Board took the following action at their public meeting held on October 27, 2014 regarding the Conditional Rezoning of 239 Bartlett Street.

The following motion was made:

MOTION: by **Walter Hill** pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration to conditionally rezone the property a 239 Bartlett Street from the Highway Business (HB) district to the Downtown Residential (DR).
Second by **Pauline Gudas**.

VOTED: 7-0 (Passed)

c: Planning Board Members

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

Pursuant to Appendix A, Article XVII, Section 5 A Amendments@ of the City of Lewiston Zoning and Land Use Code, we the undersigned residents of the City of Lewiston, being eighteen (18) year of age or older, do hereby petition the City of Lewiston to conditionally rezone the property at 239 Bartlett Street from the Highway Business (HB) zoning dis to the Downtown Residential (DR) zoning district as described in the exhibits attached hereto:

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1		DENIS L. THERIAULT	21 Marguerite St, Lewiston	9/16/14
2		STEVEN N DUBOIS	215 Scilner Blvd	9-16-14
3		CLAIRE D. BOSSE	59 CHARLES ST. LEWISTON	9-17-14
4		AURELE J. BOSSE	59 CHARLES ST. LEWISTON	9-17-14
5		Marc Weillat	258 Bartlett St Lewiston Me 04240	9-17-14
6		Nelson Patena, Jr	10 Michinley Dr Lewiston	9-20-14
7		George J. Simones	115 Wellman St. Lewiston	09-20-14
8		BRUCE R. OUELLE HE	33 Jeannette Ave Lewiston, ME	9/20/14
9		Newellyn A Turcotte	22 Orleans St.	9-20/14
10		ROBERT C Macdonald	6 Jolie ST	9/23/14
11		Donald Jordan	158 N. Temple ST	9/24/14
12		JOHN D. CLIFFORD JR	14 WARE ST	9/26/14

13	<i>Heather M. Gatlin</i>	Heather M. Gatlin	243 Bartlett St. Apt 1 Lewiston, ME	9/26/14
14	<i>Matthew R. Theriault</i>	MATTHEW R. THERIAULT	243 BARTLETT ST. APT 1 LEWISTON, ME	9/26/14
15				
16				
17				
18				
19				
20				

CIRCULATOR=S VERIFICATION

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

Dennis L. Theriault

Dennis L. THERIAULT
9/26/2014

Signature of Circulator

Printed Name of Circulator

Date

REGISTRAR=S CERTIFICATION

I hereby certify and verify that the names of all of the petitioners listed as valid appear on the voting list as registered voters in the City of Lewiston.

Total Valid: 13

Total Invalid: 1

Erica Smith

9/26/14 Date:

Signature of Registrar/Deputy Registrar



IO

Proposal to conditionally rezone
239 Bartlett Street from "HB" to "DR"

HB

DR

M

DR

BLAKE ST.

ADAMS AVE

BARTLETT ST

**Proposed Conditional Rezoning
239 Bartlett Street**

AN ORDINANCE PERTAINING TO ZONING BOUNDARIES

THE CITY OF LEWISTON HEREBY ORDAINS:

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

APPENDIX A ZONING AND LAND USE CODE ARTICLE IV. ESTABLISHMENT OF DISTRICTS

Sec. 1. Zoning Map.

The "Official Zoning Map, City of Lewiston," adopted pursuant to this Section, is hereby amended by conditionally rezoning the parcel more fully described in Exhibit "A" attached hereto, and as shown on Exhibit "B," said parcel being located at 239 Bartlett Street, Lewiston, Maine, from the Highway Business (HB) zoning district to the Downtown Residential (DR) zoning district.

REASONS FOR THE PROPOSED AMENDMENT

The reasons for the proposed conditional rezoning of 239 Bartlett Street is that there is a solid market for mixed use structures where quality housing units can co-exist with supporting Highway Business uses where applicable. The Bartlett Street Highway Business area currently has existed with Housing units within the current area for over 50 years. The conditional zoning request would only reinforce an already existing working use and encourage modern standards in requested new development plans. Specifically, proponent would like to have the property, which is currently zoned for the Highway Business (HB) zoning district, conditionally rezoned to the Downtown Residential (DR) zoning district to allow for the creation and establishment of residential developments, including multifamily dwellings in addition to those uses currently allowed in the HB.

CONFORMANCE WITH COMPREHENSIVE PLAN

1. Stimulate and maintain vital business investment in the Downtown area (Downtown Goals #1, page 22).
2. Attract new investors to purchase, redevelop and whenever possible utilize the buildings within the Downtown Area (Downtown Policy #7, page 32).
3. Encourage orderly growth and development in appropriate areas of the City, while protecting the City's rural character, making efficient use of public services and preventing development sprawl (Land Use Goal #1, page 122).

4. Provide incentives for adaptive reuse of building or infill construction (Long Range Planning Policy #3, Strategy A, page 133).

CONDITIONAL REZONING AGREEMENT

The proponent requests that the official zoning map for the City be amended by deleting the subject property from the Highway Business (HB) zoning district and conditionally rezone the subject premises to the Downtown Residential (DR) zoning district, subject to the limitations more fully described below.

In compliance with the provisions of the Code, Article XVII, Section 5(g), the proponent hereby proposes the following conditions:

- (a) Allowed uses of the property shall include those uses which are presently permitted and conditional uses in the Highway Business (HB) zoning district, and the following uses: “Multifamily dwellings”....as listed below and subject to the conditions contained herein.

Land Use Table: All Zoning Districts 6.27.14	Conditional Rezoning -(DR) 239 Bartlett Street
USES(15)(33)	
Accessory use or structure	P
Commercial-Service	
Veterinary facilities excluding kennel and humane societies	P
Veterinary facilities including kennels and humane societies	
Small day care facilities	P
Day care centers	P
Day care centers accessory to public schools, religious facilities, multifamily or mixed res. developments, and mobile home parks	
Business and professional offices including research, experimental, testing laboratories, engineering, research, management and related services	P
Restaurants	P(26)

Drinking places	C
Adult business establishments	
Hotels, motels, inns	P
Movie theaters except drive-in theaters	P
Places of indoor assembly, amusement or culture	P
Art and crafts studios	P
Personal Services	P
Retail stores	P
Neighborhood retail stores	
Lumber and building materials dealer	P
Gasoline service stations	P
Gasoline service stations which are a part of and subordinate to a retail use	P
New and used car dealers	P
Recreational vehicle, mobile home dealers	P
Equipment dealers and equipment repair	C
Automotive services including repair	P
Registered dispensary(27)	C
Registered primary caregivers engaged in the cultivations of medical marijuana for two to five registered patients.	P
Tattoo Establishments	C
Industrial	
Light industrial uses	P(9)
Industrial uses	
Building and construction contractors	P(6)
Fuel oil dealers and related facilities	
Wholesale sales, warehousing and distribution facilities and self-storage facilities	P
Self storage facilities	
Commercial solid waste disposal facilities	
Junkyards and auto graveyards	
Recycling and reprocessing facilities	
Private industrial/commercial developments(23)	P

Transportation	
Airports or heliports	
Commercial parking facilities	P
Transit and ground transportation facilities	C
Transportation facilities	P
Public and Utility	
Pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface and towers for municipal use	P
Power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use	C
Municipal buildings and facilities	P
Preservation of historic areas; emergency and fire protection activities; bridges and public roadway	
Dams	
Institutional	
Religious facilities	P
Cemeteries	
Congregate care/assisted living facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities	P
Hospitals, medical clinics,	P
Museums, libraries, and non-profit art galleries and theaters	P
Academic institutions, including buildings or structures for classroom, administrative, laboratory, dormitories, art, theater, dining services, library, bookstores, athletic facilities and student recreational uses together with buildings accessory to the foregoing permitted principal buildings or structures,	P
Civic and social organizations	

Public community meeting and civic function buildings including auditoriums	P
Residential(8)	
Single-family detached dwellings on individual residential lots	P(11)
Mobile homes on individual residential lots	
Two-family dwellings	P(11)
Multifamily dwellings in accordance with the standards of Article XIII	P(11)
Single-Family attached dwelling in accordance with the standards of Article XIII	P(11)
Mixed single-family residential developments in accordance with the standards of Article XIII	
Mixed residential developments in accordance with the standards of Article XIII	
Mixed use structures	P(11)
Lodging houses	P(11)
Home occupations	P
Bed and breakfast establishments as a home occupation	P
In-law apartments in accordance with the standards of Article XII	P
Single family cluster development	
Family day care home	P
Shelters	C
Natural Resource	
Agriculture	
Farm Stands	
Forest management and timber harvesting activities in accordance with the standards of Article XIII	P
Earth material removal	
Community gardens(20)	P

Water dependent uses, e.g. docks and marinas	
Non-residential structures for educational, scientific or nature interpretation purposes, containing a maximum floor area of not more than ten thousand (10,000) square feet	
Recreation	
Campgrounds	
Public or private facilities for nonintensive outdoor recreation	C
Commercial outdoor recreation and drive-in theaters	C
Fitness and recreational sports centers as listed under NAICS Code 713940	

- (b) Violations of any of the conditions herein will constitute a violation of the Code.
- (c) The conditions described herein shall bind the proponent, its successors and assigns, and any person in possession or occupant of the subject premises, or any portion thereof, and shall inure to the benefit of and be enforceable by the City.
- (d) The proponent shall, at his own expense, record in the Androscoggin County Registry of Deeds a copy of the conditions within thirty (30) days following final approval of this proposal by the City. Such form of recording is to be in a form satisfactory to the City.
- (e) The conditions described herein shall run with the subject premises.
- (f) In addition to other remedies to which the City may be entitled under applicable provisions of statute or ordinance, if any party in possession of use of the subject premises fails or refuses to comply with any of the conditions imposed, any rezoning approved by the City in accordance with the conditions shall be of no force or effect. In that event, any use of the subject premises and any building or structures developed pursuant to the rezoning shall be immediately abated and brought into compliance with all applicable provisions of the Code with the same effect as if the rezoning had never occurred.
- (g) If any of the conditions are found by a court of competent jurisdiction to be invalid, such determination shall not invalidate any of the other conditions.
- (h) Any rezoning approved by the City conditionally shall be of no force or effect if the proponent fails or refuses to comply with conditions imposed.

(i) Any allowed proposed use, addition, or expansion of the property deemed applicable to Article XIII, Section 2 of the Zoning and Land Use Code shall be subject to the applicable sections of Article XIII of the Zoning and Land Use Code, Development Review and Standards.

(j) By submitting this proposal, the proponent agrees in writing to the conditions described herein.

Denis Theriault, Proponent

On _____, 20____, personally appeared the above named Denis Theriault and acknowledged the foregoing to be of his free act and deed.

Notary Public
Commission Expires:

I, RAYMOND L. THERIAULT of Lewiston, County of Androscoggin and State of Maine, for consideration paid, grant to DENIS L. THERIAULT of Lewiston, County of Androscoggin and State of Maine, with WARRANTY COVENANTS, the land in Lewiston, County of Androscoggin and State of Maine, bounded and described as follows:

TWO CERTAIN LOTS OR PARCELS OF LAND situated in said Lewiston, bounded and described as follows:

PARCEL #1: BEGINNING on the westerly line of Bartlett Street at the northeasterly corner of land conveyed by the Franklin Company to J. Nazaire Theriault by deed #1973, dated October 29, 1957; thence in a northerly direction by line of Bartlett Street about one hundred two and ninety-five hundredths (102.95) feet to the southeasterly corner of land conveyed by the Franklin Company to John N. Jutras, March 26, 1962; thence westerly by said land of Jutras one hundred (100) feet to other land of the Franklin Company; thence southerly about ninety-seven and forty-eight hundredths (97.48) feet to the northwesterly corner of said land of Theriault; thence easterly to the point of beginning.

SUBJECT to the restriction that no building shall be placed nearer the line of Bartlett Street than twelve (12) feet.

PARCEL #2: BEGINNING in the easterly line of Pierce Street at the northwesterly corner of land conveyed by Franklin Company to George Caron by deed #1846, dated April 19, 1947; thence in an easterly direction by line of Caron land one hundred (100) feet; thence in a northerly direction by land conveyed by Franklin Company to J. Nazaire Theriault by deed #1913 dated October 22, 1952 and by deed #1973 dated October 29, 1957, and by Parcel #1, one hundred ninety-seven and forty-eight hundredths (197.48) feet to land conveyed by Franklin Company to John N. Jutras, March 26, 1962; thence in a westerly direction by line of said Jutras one hundred (100) feet to the easterly line of Pierce Street; thence southerly one hundred ninety-two and one hundredths (192.01) feet to the point of beginning.

SUBJECT to a sewer easement conveyed by the Franklin Company to Joseph Houle et al by deed #1968 dated July 16, 1957.

BOTH PARCEL #1 AND PARCEL #2 are subject to a sewer easement conveyed by Franklin Company to the City of Lewiston by deed dated June 10, 1936 and subject to sewer easements granted the City of Lewiston by Jeanne M. Theriault and Roland A. Theriault, Trustees under the Will of J. Nazaire Theriault by deed dated January 22, 1975 and recorded in Book 1139, Page 204 of the Androscoggin County Registry of Deeds.

BEING THE SAME PREMISES conveyed to Raymond L. Theriault by deed of Jeanne M. Theriault and Roland A. Theriault, Trustees under the Will of J. Nazaire Theriault dated August 27, 1980 and recorded in Book 1481, Page 315 of the Androscoggin County Registry of Deeds.

BOOK 1562 PAGE 237

CARMEN B. THERIAULT, wife of the above-named grantor, joins as grantor and releases all rights by descent and all other rights.

WITNESS our hands and seals this 1st day of January, 1982.

[Handwritten signature]

[Handwritten signature]
RAYMOND L. THERIAULT
[Handwritten signature]
CARMEN B. THERIAULT



STATE OF MAINE
ANDROSCOGGIN, SS

January 1, 1982

Personally appeared the above-named Raymond L. Theriault and acknowledged the foregoing instrument to be his free act and deed.

Before me,

[Handwritten signature]
Notary Public



ANDROSCOGGIN, SS
RECEIVED FEB 17 1982
AT 9 H - M. P.M.
and recorded from original

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

LEWISTON CITY COUNCIL

MEETING OF DECEMBER 2, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

SUBJECT:

Condemnation Hearing for the building located at 227 Lincoln Street.

INFORMATION:

The City has begun the process for condemnation of the property at 227 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 227 Lincoln Street has met 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 227 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.

MEMORANDUM

To: Mayor McDonald; Lewiston City Council
From: Gildace Arsenault, Director, Lewiston Planning Department
Date: December 2, 2014
RE: Dangerous Building Hearing for 227 Lincoln Street

Dear Mayor and City Council,

At the Council meeting on December 2, 2014, the Planning Department will be presenting evidence as to why 227 Lincoln Street is a dangerous building within the meaning of 17 M.R.S. § 2851. We will be requesting that the Council find that this property is a dangerous building and order that it be demolished.

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

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

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

LEWISTON CITY COUNCIL MEETING
DECEMBER 02, 2014
DANGEROUS BUILDINGS HEARING
227 LINCOLN STREET
CITY OF LEWISTON PLANNING DEPARTMENT EXHIBITS

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

OWNERSHIP DOCUMENTS

8

WARRANTY DEED

DANIEL R. GOUSSE, of Wales, County of Androscoggin and State of Maine, **DONALD E. GOUSSE**, of Port St. Lucie, County of Saint Lucie and State of Florida, and **YVETTE GOUSSE**, of Lewiston, County of Androscoggin and State of Maine, for consideration paid, grant to **KENNETH SWEET, SR.**, of Portland, County of Cumberland and State of Maine, with **WARRANTY COVENANTS**, a certain lot or parcel of land with the buildings and improvements thereon, lying and being in the City of Lewiston, County of Androscoggin and State of Maine, bounded and described as follows:

Commencing at a point in the westerly line of Lincoln Street two hundred (200) feet southerly from Cedar Street; thence westerly at a right angle and parallel with Cedar Street and by land conveyed by the Franklin Company to Irene F. Guay by Deed No. 1207, July 10, 1907, one hundred (100) feet; thence running southerly at a right angle fifty (50) feet; thence easterly at a right angle one hundred (100) feet to Lincoln Street; thence northerly by the westerly line of said Lincoln Street fifty (50) feet to the point of beginning.

Being the same premises conveyed to Daniel Gousse, Donald E. Gousse, and Joanne C. Gousse by deed of Yvette Gousse dated October 16, 1986 and recorded in Book 2002, Page 274 of the Androscoggin County Registry of Deeds. Yvette Gousse joins in this deed for the sole purpose of releasing her life estate in the premises reserved in the above-referenced deed. Reference is also made to a deed from Joanne C. Gousse to Donald E. Gousse and Daniel Gousse dated August 6, 1987 and recorded in Book 2132, Page 72 of said Registry.

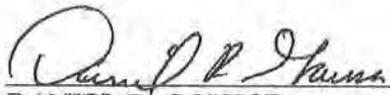
The premises hereinabove described are conveyed subject to any easements and restrictions of record and together with the benefit of all rights, easements, privileges and appurtenances belonging thereto.

This transfer is a conveyance for value and grantors acknowledge receipt of adequate and full consideration for the transfer.

WITNESS our hands and seals this 25th day of February, 2008.

WITNESS:




_____ DANIEL R. GOUSSE



MAINE REAL ESTATE
TRANSFER TAX PAID

[Signature]

Donald E. Gousse by Daniel R. Gousse
DONALD E. GOUSSE, by Daniel R. Gousse,
his attorney-in-fact under Power of Attorney
dated February 25, 2008 to be recorded
simultaneously herewith.

Angela J. M. Blais

Yvette R. Gousse
YVETTE GOUSSE

STATE OF MAINE
ANDROSCOGGIN, SS
Cumberland.

February 25, 2008

Personally appeared the above-named **Daniel R. Gousse**, individually, and in his capacity as attorney-in fact for Donald E. Gousse, and acknowledged the foregoing instrument to be his free act and deed. Before me,

[Signature]
Notary Public/Attorney at Law
Print name _____

Kristine Pauline Esz

STATE OF MAINE
ANDROSCOGGIN, SS

February 25, 2008

Personally appeared the above-named **Yvette Gousse**, and acknowledged the foregoing instrument to be her free act and deed. Before me,

Angela J. M. Blais
Notary Public/Attorney at Law
Print name _____

ANGELA J.M. BLAIS
Notary Public Maine
My Commission Expires November 18, 2013

SEAL

K:\ANGELAB\Files\Clients\Gousse, Daniel & Donald\227 Lincoln St., Lewiston (Sweet)\Warranty Deed.doc

ANDROSCOGGIN COUNTY
Tina K. Chaurand
REGISTER OF DEEDS

DISCHARGE OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS, that **NORTHEAST BANK**, a Maine State Chartered Banking Corporation, with its office and place of business in Lewiston, County of Androscoggin and State of Maine, owner of a certain mortgage given by **KENNETH E SWEET, SR** dated 2/25/08, and recorded in the **ANDROSCOGGIN County Registry of Deeds, Book 7374 Page 114**, does hereby discharge said mortgage.

IN WITNESS WHEREOF, the said Northeast Bank, has caused this instrument to be sealed with its corporate seal and signed in its corporate name by **KATHERINE SMITH, ASSISTANT MANAGER** of Loan Servicing thereunto duly authorized, 10/29/14.

Signed, Sealed, and Delivered
in the presence of:

Donna Obe

Northeast Bank,

Katherine Smith

By: **KATHERINE SMITH**
Title: **ASSISTANT MANAGER**

State of Maine

County of Androscoggin ss.

10/29/14

Then personally appeared the above named **KATHERINE SMITH, ASSISTANT MANAGER** of said Northeast Bank, and acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of said Northeast Bank.

Before me,

Sonia M. Strout

SEAL

Notary Public

SONIA M. STROUT
Notary Public, Maine

My Commission Expires September 13, 2015

Print Name

Please return the recorded document to:
Northeast Bank
Po Box 1707
Lewiston, ME 04241-1707

Loan# 132065515

ANDROSCOGGIN COUNTY
TINA M CHOUINARD
REGISTER OF DEEDS



**NOTICE OF HEARING
CERTIFICATES OF SERVICE**

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

Kenneth E. Sweet, Sr.
41 Lane Avenue
Portland, ME 04103

Donald E. Gousse
360 NW Claria Court
Port St. Lucie, FL 34986

Daniel R. Gousse
315 East Road
Wales, ME 04280

Northeast Bank
c/o Suzanne M. Carney, Registered Agent
500 Canal Street
Lewiston, ME 04240

227 LINCOLN STREET, LEWISTON, MAINE

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

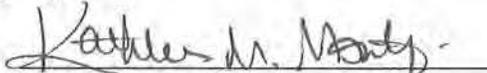
December 2, 2014
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 227 Lincoln Street, Lewiston, Maine, identified as Lot 127 on Tax Map 208, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 7374, Page 112, 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: Nov. 3, 2014

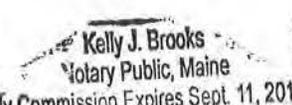

Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

Nov. 3, 2014

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

ANDROSCOGGIN COUNTY
TINA M CHOUINARD
REGISTER OF DEEDS


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


Notary Public / Attorney at Law



CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

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

On 11/14/14, 2014 (date), I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, by serving a copy of same on Kenneth E. Sweet, Sr., at the following address:

Kenneth E. Sweet, Sr.
41 Lane Avenue
Portland, ME 04103

Costs of Service:

Service:	\$	<u>16.00</u>
Travel:	\$	<u>19.40</u>
Postage:	\$	<u>.60</u>
Other:	\$	<u>5.00</u>
TOTAL:	\$	<u>38.40</u>


Signature

CCSC
Agency



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

Kenneth E. Sweet, Sr.
41 Lane Avenue
Portland, ME 04103

Donald E. Gousse
360 NW Claria Court
Port St. Lucie, FL 34986

Daniel R. Gousse
315 East Road
Wales, ME 04280

Northeast Bank
c/o Suzanne M. Carney, Registered Agent
500 Canal Street
Lewiston, ME 04240

227 LINCOLN STREET, LEWISTON, MAINE

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

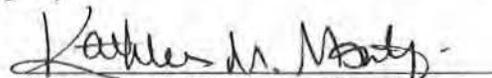
December 2, 2014
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 227 Lincoln Street, Lewiston, Maine, identified as Lot 127 on Tax Map 208, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 7374, Page 112, 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: Nov. 3, 2014

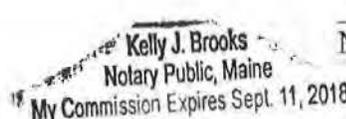

Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

Nov. 3, 2014

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


Notary Public / Attorney at Law



RETURN OF SERVICE

State of MAINE

County of ANDROSCOGGIN

Lewiston City Hall Court

Case Number: N/A

**KENNETH E. SWEET, SR.; DANIEL R. GOUSSE,
NORTHEAST BANK
C/O: SUZANNE M. CARNE, REGISTERED AGENT**

For:
BRANN & ISAACSON
184 Main Street
P.O. Box 3070
Lewiston, ME 04243-3070

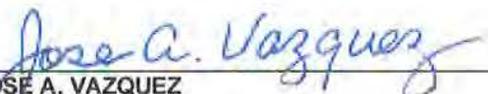
Received by JOSEPH RICH CPS, INC. on the 4th day of November, 2014 at 12:31 pm to be served on **DONALD E. GOUSSE, 360 NW CLARIA COURT, PORT ST. LUCIE, FL 34986**

I, JOSE A. VAZQUEZ, do hereby affirm that on the **5th day of November, 2014 at 12:00 pm, I:**

INDIVIDUAL/PERSONAL: served by delivering a true copy of the **NOTICE OF HEARING PURSUANT TO 17 M.R.S. §§ 2851-59 DANGEROUS BUILDINGS** to: **DONALD E. GOUSSE** as **SELF** at the address of **360 NW CLARIA COURT, PORT ST. LUCIE, FL 34986** with the date and hour of service endorsed thereon by me, and informed said person of the contents therein, pursuant to F.S. 48.031.

Description of Person Served: Age: 75, Sex: M, Race/Skin Color: WHITE, Height: 6'0, Weight: 175, Hair: SALT & PEPPER, Glasses: Y

I certify that I am a US citizen over the age of 18, have no interest in the above action, and am a Certified Process Server in good standing in the judicial circuit in which the process was served. Under penalty of perjury, I declare that I have read the foregoing and that the facts stated in it are true. No notary is necessary pursuant to Florida Statute §92.525.



JOSE A. VAZQUEZ
CPS# 05-06

JOSEPH RICH CPS, INC.
10380 S.W. Village Center Drive, #414
Port St. Lucie, FL 34987
(772) 340-0011

Our Job Serial Number: JJR-2014011022



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

Kenneth E. Sweet, Sr.
41 Lane Avenue
Portland, ME 04103

Donald E. Gousse
360 NW Claria Court
Port St. Lucie, FL 34986

Daniel R. Gousse
315 East Road
Wales, ME 04280

Northeast Bank
c/o Suzanne M. Carney, Registered Agent
500 Canal Street
Lewiston, ME 04240

227 LINCOLN STREET, LEWISTON, MAINE

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

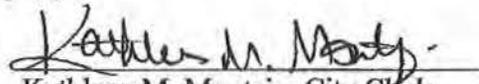
December 2, 2014
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 227 Lincoln Street, Lewiston, Maine, identified as Lot 127 on Tax Map 208, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 7374, Page 112, is a dangerous building or nuisance within the meaning of 17 M.R.S. § 2851, and if so, what is the appropriate remedy.

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Dated: Nov. 3, 2014

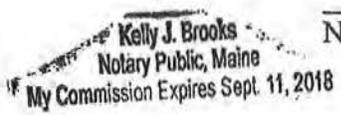

Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

Nov. 3, 2014

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

Received 11/4/14 Served 11/5/14
Time 12:00pm by JV
CPS# PS D5-06 Server _____


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


Notary Public / Attorney at Law

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

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

On 11-5, 2014 (date), I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, by serving a copy of same on Daniel R. Gousse, at the following address:

Daniel R. Gousse
315 East Road
Wales, ME 04280

Costs of Service:

Service:	\$	<u>2100</u>
Travel:	\$	<u>352</u>
Postage:	\$	<u>100</u>
Other: <i>cp</i>	\$	<u>200</u>
TOTAL:	\$	<u>2752</u>

J. Chalup
Signature

Andreascojgen SD
Agency



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

Kenneth E. Sweet, Sr.
41 Lane Avenue
Portland, ME 04103

Donald E. Gousse
360 NW Claria Court
Port St. Lucie, FL 34986

Daniel R. Gousse
315 East Road
Wales, ME 04280

Northeast Bank
c/o Suzanne M. Carney, Registered Agent
500 Canal Street
Lewiston, ME 04240

227 LINCOLN STREET, LEWISTON, MAINE

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

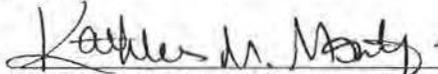
December 2, 2014
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

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Dated: Nov. 3, 2014


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

Nov. 3, 2014

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


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


Notary Public / Attorney at Law

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

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

On 11-5, 2014 (date), I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, by serving a copy of same on Suzanne M. Carney, Registered Agent for Northeast Bank, at the following address:

Suzanne M. Carney, Registered Agent
Northeast Bank
500 Canal Street
Lewiston, ME 04240

Costs of Service:

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

[Handwritten Signature]

Signature

[Handwritten Agency Name]

Agency



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

Kenneth E. Sweet, Sr.
41 Lane Avenue
Portland, ME 04103

Donald E. Gousse
360 NW Claria Court
Port St. Lucie, FL 34986

Daniel R. Gousse
315 East Road
Wales, ME 04280

Northeast Bank
c/o Suzanne M. Carney, Registered Agent
500 Canal Street
Lewiston, ME 04240

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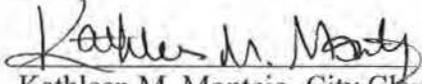
December 2, 2014
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

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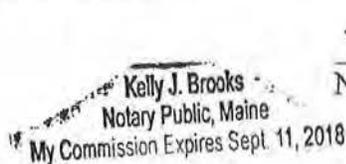
Dated: Nov. 3, 2014


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

Nov. 3, 2014

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


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


Notary Public / Attorney at Law

CITY
CORRESPONDENCE

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

12

NOTICE OF VIOLATION
VIA FIRST CLASS & CERTIFIED MAIL
RETURN RECEIPT REQUESTED
CODE-1749-2013

January 04, 2013

Kenneth Sweet
41 Lane Ave , Portland, ME 04103

RE: 227 LINCOLN ST
LEWISTON, ME 04240
PID#: RE00004361

Dear Kenneth Sweet:

227 LINCOLN ST

On January 4, 2013 I inspected the property at 227 Lincoln Street, Lewiston, Maine and found a violation(s) of Chapter 18, Article III, Property Maintenance Code, Sections 18-51 and 18-52 as per the Code of Ordinances of the City of Lewiston. In accordance with Section 18-52, I PMC-107.5 of the aforementioned code you are hereby ordered to correct the Property Maintenance violation(s) shown on the attached sheet(s) on or before the compliance date(s) listed:

Violation(s):

Violation: IPMC-602.2

Description: Heating facilities/Residential Occupancies

Revision: 602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 66°F (19°C) at a level of three feet (914 mm) above the floor and a distance of three (914 mm) from the exterior walls in all habitable rooms, bathrooms and toilet rooms. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

Corrective Action: Have boiler repaired to maintain heat to at 66 Degrees all times. (Note: Owner stated that he contacted Crowley Energy to repair problem).

Compliance Date: 01/04/2013 (6:00PM)

Therefore, in accordance with the above referenced ordinance requirements, you are hereby ordered to complete the above corrective action by the compliance date given. 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 reordred 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 fifteen dollars (\$215.00), 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. as amended. A judgment 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), per violation per day, 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 Planning/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 dollars (\$150.00) appeal fee. Should you fail to appeal you will be barred from any opportunity to contest or challenge the content or 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-107.5 of the International 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.

Please contact this office or me should you have any questions or concerns.

Sincerely,



Susan Reny, Sanitarian/Code Enforcement Officer

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

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

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X <i>Kenneth Sweet</i></p> <p>B. Received by (Printed Name) C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">KENNETH SWEET 41 LANE AVENUE PORTLAND ME 04103</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p style="text-align: center;">41 10 2013</p> <hr/> <p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p style="text-align: center;">7010 3090 0000 0594 5238</p>

**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**

February 13, 2013

Kenneth Sweet Sr.
41 Lane Ave
Portland, Maine 04103

RE: 227 Lincoln Street
Map: 208 Parcel: 127

Dear Kenneth Sweet Sr.:

An inspection conducted on February 13, 2013 by Thomas E. Maynard, Code Enforcement Officer/Constable, and myself found that the building at 227 Lincoln Street is has suffered severe deterioration and damage from broken water pipes making it unfit for occupancy due to violation(s) of the provisions of Chapter 18, Article III, International Property Maintenance Code, Sections 18-51 and 18-52, as per The Code of Ordinances of the City of Lewiston hereafter referred to as the (Code). The building is without required utilities and facilities for habitation and shall be required to be substantially rehabilitated, meeting the Code requirements of the City of Lewiston, for a new occupancy permit to be issued.

I hereby condemn and placard the building and property at 227 Lincoln Street as being unfit for occupancy pursuant to and in accordance with Chapter 18, Article III, International 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 IPMC-704.1 et seq of the Code of Ordinances of the City of Lewiston. You are hereby ordered to ensure this building is maintained 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 1, 2013.**

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

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



Jeffrey Baril

Code Enforcement Officer/Corporal Lewiston Police Department

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

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

PHOTOGRAPHS

227 Lincoln Street

Photo #1 and following photos taken October 24, 2014 shows the front of the building in close proximity to another building.



Photo # 2 shows the rear of the building with broken windows and incomplete fire escape.



EXHIBIT

1 **J**

Photo # 3 shows the missing siding.



Photo # 4 shows the severely deteriorated collapsed ceiling materials with mold and debris contributing to fire loading and unsanitary conditions.



Photo # 5 shows the debris contributing to fire loading and removed heating registers making the heating system inoperative.



Photo # 6 shows the severely deteriorated ceiling with penetrations through the fire rated assembly allowing for the accelerated spread of fire. Additionally, there are materials contributing to fire loading. Though not readily observable, the wood flooring beneath the carpet has buckled creating instability of the floor system.



Photo # 7 shows the collapsed ceiling materials, deteriorated cabinets and debris contributing to fire loading and unsanitary conditions.



Photo # 8 shows the collapsed ceiling leaving openings through the fire rated assembly allowing for the accelerated spread of fire, damaged bath fan and exposed wiring.



Photo # 9 shows another example collapsed ceilings and open chases with inappropriately cut bearing joists decreasing bearing capacity.



Photo # 10 shows the collapsed ceiling materials in the shower enclosure and washing machine.



Photo # 11 shows the collapsed ceiling materials with mold and deteriorated cabinets.



Photo # 12 shows the collapsed ceiling material fragments, paint chips and garbage contributing to unsanitary conditions.

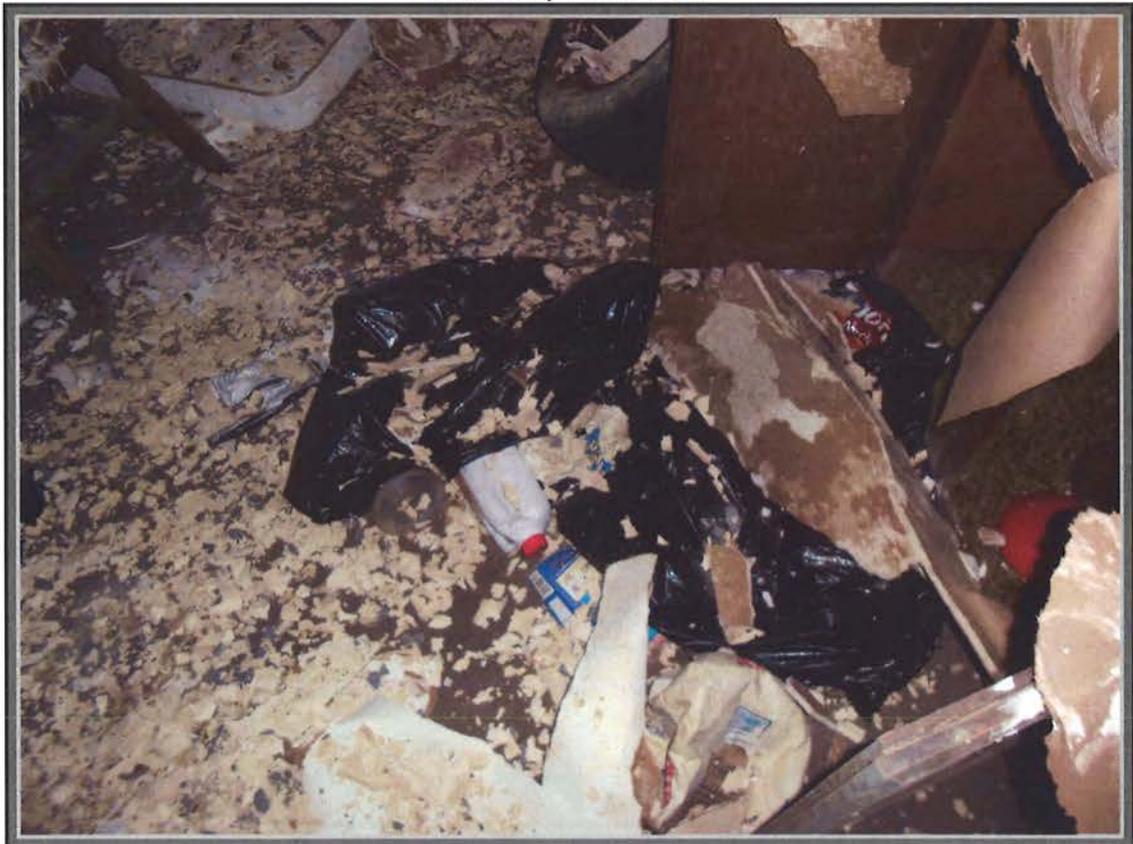


Photo # 13 shows the damaged drywall leavening openings for the accelerated spread of fire..



Photo # 14 shows the collapsed fire rated ceiling assembly providing a pathway for the spread of fire.



Photo # 15 shows the collapsed ceiling assembly and mold.



Photo # 16 shows an example of removed copper heating registers making the heating system inoperative.



Photo # 17 shows the debris, furniture and garbage contributing to fire loading and unsanitary conditions.



Photo # 18 shows additional combustible materials contributing to fire loading.



Photo # 19 shows the structural deformity and settlement of the hallway due to failing structural members.

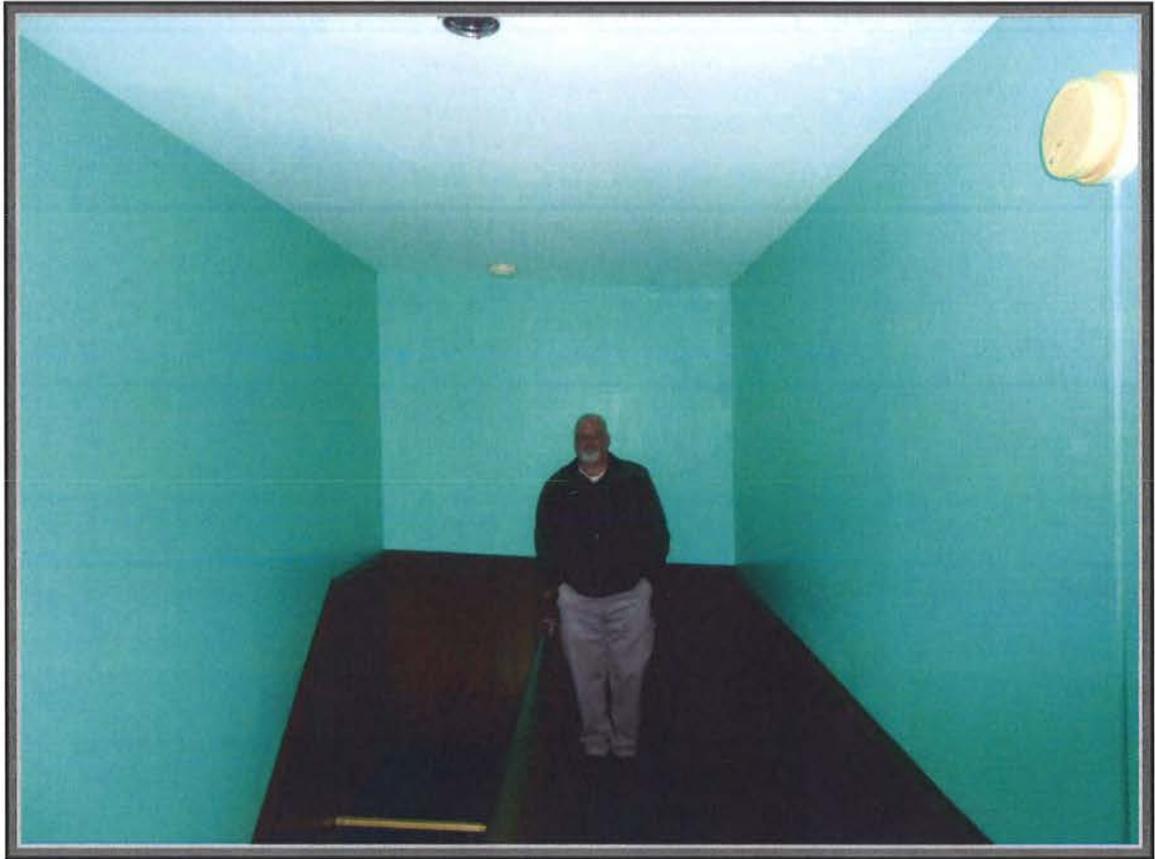


Photo # 20 shows the missing guardrails and an open chase where hydronic heating copper piping was removed.

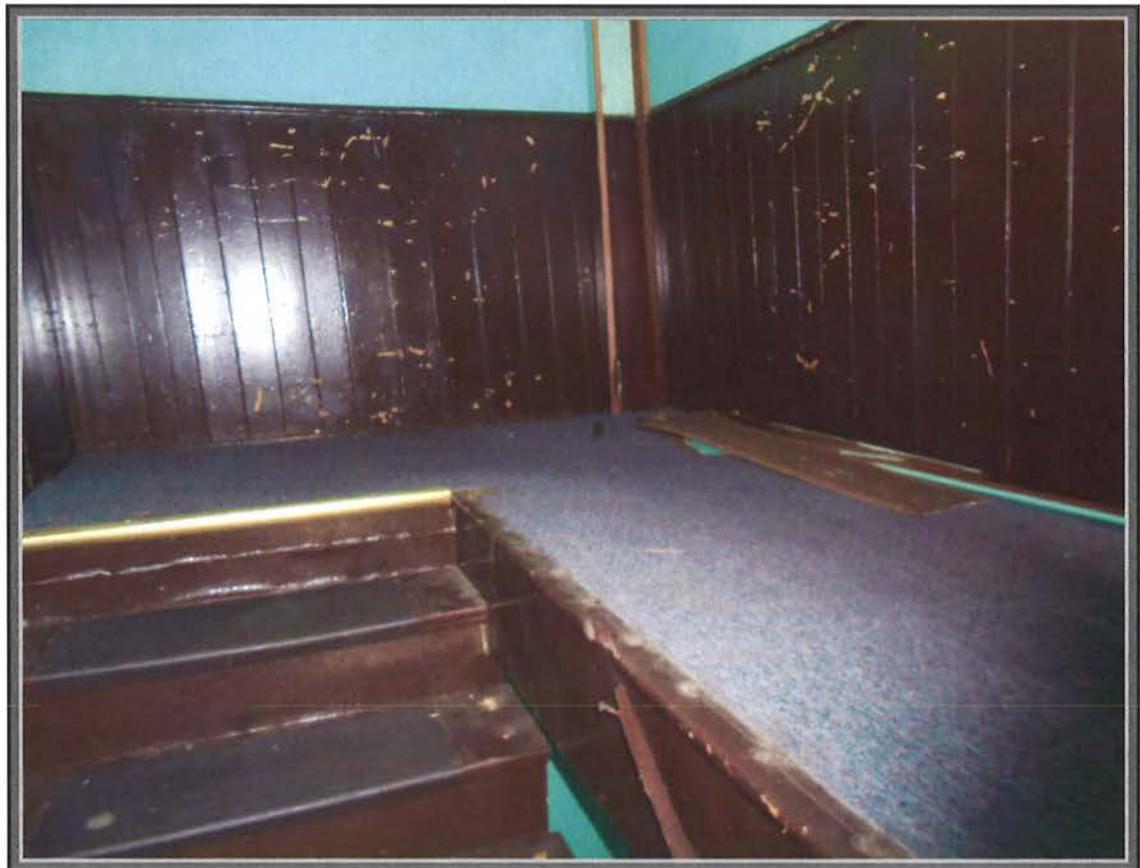


Photo # 21 shows the deteriorated, vandalized and inoperative boiler.



Photo # 22 show the electrical panels with the circuit conductors (wires) cut and removed due to theft and wires not properly supported per code.



Phot # 23 shows a collapsed light fixture, assorted paints other chemicals making for dangerous conditions.

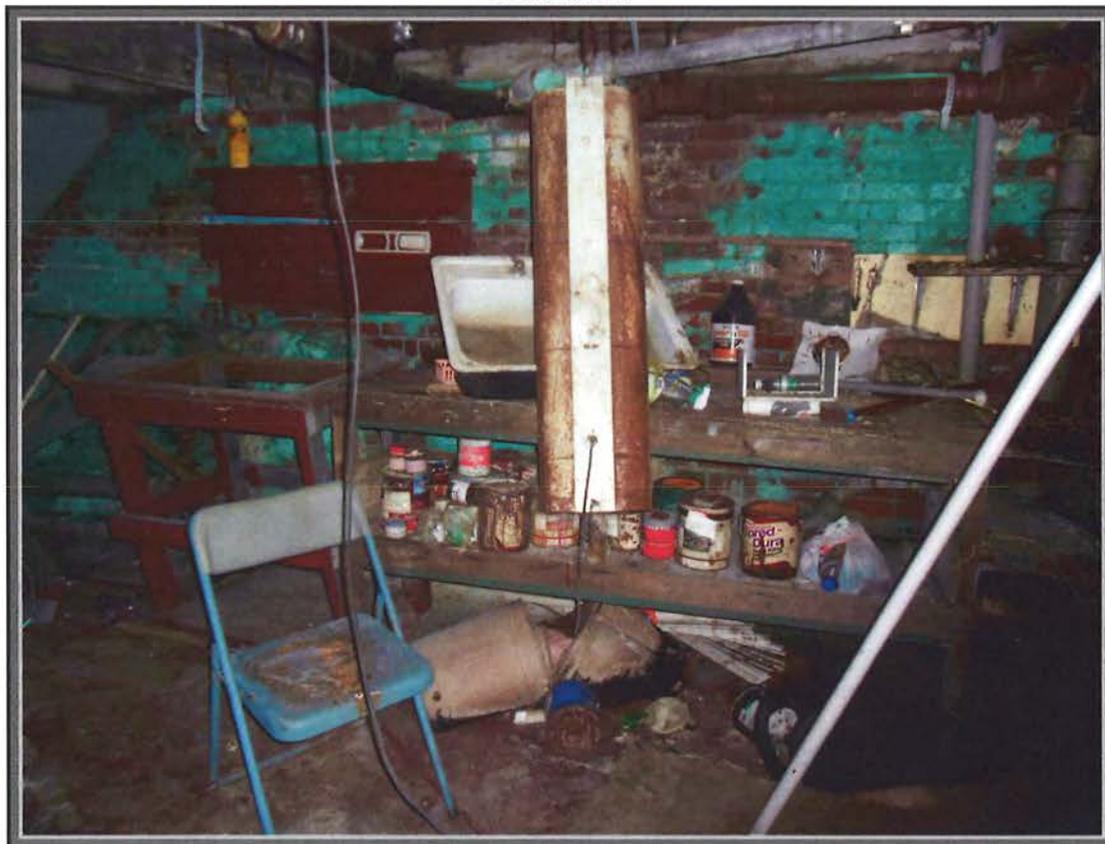


Photo # 24 shows beds and box spring contributing to fire loading.



OTHER

CODE CASE DETAILED
FOR CODE CASE CODE-1746-2013

GENERAL INFORMATION

Case Type: Property Maintenance

Project:

Case Status: In Violation

Case District:

Assigned To: Jeff Baril

Description: Ashley Bickford of 227 Lincoln St Apt-2 is reporting that her apartment is cold and has not been above 60 Degrees today.

Opened Date: 01/03/2013

Closed Date: 01/03/2013

PARCELS

ZONES

JOB ADDRESS

Primary Parcel Number(s)
✓ RE00004361

Main ZONECODE
✓ RF

Main Job Address(es)
✓ 227
LINCOLN ST
LEWISTON, ME 04240

Contact Type

Contact Name

Address

Owner Kenneth Sr. Sweet

Tenant Ashley Bickford

NOTES

Note	Created By	Created Date
On 01-03-2013 at 13:30hrs I received a call from 227 Lincoln St. The tenant Ashley Bickford was reporting that her apartment has not been above sixty degrees yet today. She has called the landlord Ken Sweet and he does not seem to think it is an emergency to get fixed.	Jeff Baril	01/03/2013

On 01-03-2013 at 15:10hrs I contacted Ken Sweet and advised him of the problem. He was very cooperative and stated that he would try and get someone to come check out the issue. He is in Portland and will be trying to find a company to come check out the problem.

ACTIVITIES

<u>Activity Number</u>	<u>Activity Type</u>	<u>Activity Name</u>	<u>Created By</u>	<u>Created On</u>
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ATTACHED CITIZEN REQUEST

REQUESTNUMBER Resolved



CODE CASE DETAILED

FOR CODE CASE CODE-1777-2013

GENERAL INFORMATION

Case Type: Property Maintenance

Project:

Case Status: Condemnation

Case District:

Assigned To: Jeff Baril

Description: On 02-12-2013 The Lewiston Fire Department responded to 227 Lincoln St for frozen water pipe. The landlord is shutting the building down and the last tenants should be out today. I advised Mr Sweet that I would be having the water shut off and the meter pulled out to prevent any further damage to the property.. He agreed and stated that he would board the doors to secure it.

Opened Date: 02/13/2013

Closed Date:

PARCELS

ZONES

JOB ADDRESS

Primary Parcel Number(s)
 RE00004361

Main ZONECODE
 RF

Main Job Address(es)
 227
 LINCOLN ST
 LEWISTON, ME 04240

Contact Type
Owner

Contact Name
Kenneth Sweet

Address
41 Lane ave

NOTES

<u>Note</u>	<u>Created By</u>	<u>Created Date</u>
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ACTIVITIES

<u>Activity Number</u>	<u>Activity Type</u>	<u>Activity Name</u>	<u>Created By</u>	<u>Created On</u>
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ATTACHED CITIZEN REQUEST

REQUESTNUMBER	Resolved
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CODE CASE DETAILED
FOR CODE CASE CODE-1749-2013

GENERAL INFORMATION

Case Type: Property Maintenance

Project:

Case Status: In Compliance

Case District:

Assigned To: Susan Reny

Description: no heat

Opened Date: 01/04/2013

Closed Date: 01/16/2013

PARCELS

ZONES

JOB ADDRESS

Primary Parcel Number(s)
✓ RE00004361

Main ZONECODE
✓ RF

Main Job Address(es)
✓ 227
LINCOLN ST
LEWISTON, ME 04240

Contact Type
Owner

Contact Name
Kenneth Sweet

Address
41 Lane ave

NOTES

<u>Note</u>	<u>Created By</u>	<u>Created Date</u>
heat back on case closed	Susan Reny	01/16/2013
Attorney Kim Vasbiras called to say that Kenneth Sweet is the owner, he filed bankruptcy but there has been no discharge sent to his office and the bank is not yet the owner until foreclosure proceedings take place which will be awhile down the road.	Susan Reny	01/04/2013
Spoke with Kenneth Sweet he stated that he is aware of the problem and has contacted Crowley Energy (Steve) to go over and take care of the problem. A part on the boiler has frozen(according to the LFD) . He evicted a tenant on the first floor and she broke the cellar window and cold air got to the boiler and caused this freeze-up.		
I told him he was responsible for the building until the deed changes hands.		
I will send out a NOV today in case we have future heat problems.		

ACTIVITIES

<u>Activity Number</u>	<u>Activity Type</u>	<u>Activity Name</u>	<u>Created By</u>	<u>Created On</u>
------------------------	----------------------	----------------------	-------------------	-------------------

ATTACHED CITIZEN REQUEST

REQUESTNUMBER	Resolved
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LEWISTON CITY COUNCIL

MEETING OF DECEMBER 2, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6

SUBJECT:

Order authorizing the use of the unexpended balance of the FY2013 Water Treatment bond for the purpose of reimbursing the Auburn Water District for Lewiston's share of the cost of cleaning the Drinking Water Intake Line for the Lake Auburn Water Treatment Facility.

INFORMATION:

The Council recently held a workshop to review the details of this project. Staff is seeking approval from the Council to spend up to \$100,000 from the FY13 Water Treatment Program Bond funds for half of the cost of cleaning the intake pipe at Lake Auburn. The Auburn Water District will cover the other half of the expense. The intake pipe transfers water from the Lake to the treatment facility and the water is used as drinking water for the city's residents. Please see the attached memorandum from Public Works staff for additional information.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/ymm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order authorizing the use of the unexpended balance of the FY2013 Water Treatment bond for the purpose of reimbursing the Auburn Water District for Lewiston's share of the cost of cleaning the Drinking Water Intake Line for the Lake Auburn Water Treatment Facility.



City of Lewiston Maine

December 2, 2014

ORDER, Authorizing the Use of the Unexpended Balance of the FY 2013 Water Treatment bond for the Purpose of Reimbursing the Auburn Water District for Lewiston's Share of the Cost of Cleaning the Drinking Water Intake Line for the Lake Auburn Water Treatment Facility.

Whereas, the Lake Auburn joint drinking water intake was installed in 1996; and

Whereas, the City jointly owns and operates the intake and drinking water treatment facility with the Auburn Water District (AWD); and

Whereas, the drinking water intake has never been internally cleaned since its initial installation; and

Whereas, inspections show that this line is now in need of cleaning as several inches of biogrowth has built up and has been causing additional operating costs to clean the intake screens more frequently; and

Whereas, the City and AWD evaluated proposals using divers, chemical cleaning and mechanical brushes to clean the intake; and

Whereas, the City and AWD researched and discussed intake cleaning options with three local companies that have proven experience working with the City and AWD for similar work; and

Whereas, the critical nature of this intake requires the installation of primary and backup pumping capability during the cleaning process to ensure a continuous flow of water to our UV treatment facility on a 24 hour a day 7 day basis until the permanent intake is back in service; and

Whereas, the only local vendor that has adequate pumping experience with a well-researched, documented plan and the staff and experience to clean the intake with mechanical brushes is Ted Berry Company; and

Whereas, the Auburn Water District Board of Trustees approved funding and award of the intake cleaning work to Ted Berry Company on September 17, 2014 in a not to exceed amount of \$200,000; and

Whereas, the Auburn Water District has a contract with Ted Berry Company for the intake cleaning work to begin on or soon after the week of December 8, 2014 and to be completed before Christmas; and

Whereas, because of savings resulting from good bids on prior projects (Dechlorination, Ammonia & Main Street pump station), there are sufficient funds available in the FY13 Lewiston Water Treatment Program Bond to pay for the City's share of these costs;

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

There is hereby authorized the use of up to \$100,000 from the FY 2013 Water Treatment Program Bond for the Purpose of reimbursing the Auburn Water District for Lewiston's 50% share of the cost of cleaning the intake pipe at the Lake Auburn Water Treatment Facility.



Department of Public Works

David A. Jones, P.E.
Director



TO: Edward Barrett, City Administrator

FROM: Kevin A. Gagne, Deputy Director

SUBJECT: Authorization of Funds for Intake Cleaning at UV Facility

DATE: November 21, 2014

We have been monitoring and inspecting our single and only drinking water intake since 2000. Our intake is jointly owned and operated by Lewiston Water Division (City) and Auburn Water District (AWD) and was installed in 1996. The intake has not been cleaned or required any service or repairs since its installation. However, for several years we have been seeing an increase in biological growth on the inside walls of the pipe. Since 2010, we have also seen higher algae numbers in the lake and have focused on keeping the lake healthy after experiencing an algae bloom with fish kill in 2012.

The construction of our new UV Treatment facility, completed in 2012, provided us with new stainless steel screens at the wet well -- just after the intake enters the facility -- and an automated strainer to protect the UV bulbs in the treatment plant. We have noticed several major events where bio-growth came off the inside of the intake and affected water treatment operations with turbidity spikes, requiring emergency overtime for crews to flush the treatment facility and clean screens. Our operators have been cleaning the inlet screens more frequently to keep ahead of the biogrowth buildup and avoid emergency situations and overtime work.

However, these efforts are reactionary and we need to actively address the problem by cleaning the intake pipe in order to avoid an event where significant material is scoured from it, clogging the screens and increasing turbidity to the point where delivery of water to the cities of Lewiston and Auburn would risk safe drinking water violations. During the winter months, Lewiston routinely experiences water main breaks and a large main break could put enough demand on the water system that scouring of the intake could occur, stopping water flow to the city for an extended time due to water quality. The regulatory consequences of scouring the intake start with violation of drinking water regulations and could result in a City wide boil water order, running out of water to customers taps (also resulting in a boil water order upon the return of running water), and loss of our waiver from filtration. Drinking water quality standards are intended to protect the public health. Violation of certain water quality standards poses health risks to the public and our water customers. We cannot afford to be reactionary to the water quality issues that might result if the intake is not cleaned as soon as possible.

Our Treatment Plant Manager, Mike Broadbent, has been overseeing operations at the water plant and has prepared the attached memo regarding the need and method for cleaning the Lake Auburn intake pipe.

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Department of Public Works • 103 Adams Ave • Lewiston, ME • 04240 • Voice Tel. 207-513-3003 • Fax 207-784-5647 • TTY/TDD 207-513-3007 – www.lewistonmaine.gov

With our immediate need to clean the intake pipe, staff discussed possible cleaning methods with several different vendors/contractors. We (AWD & City) discussed options and possible solutions and believe the experience and cleaning process proposed by the Ted Berry Company is the best way to complete this project. This Maine based company has experience cleaning HDPE (plastic) intake pipes and the use of bypass pumping for temporary intake lines and will use a cleaning technique that will not damage the drinking water intake pipe and is compatible with a time frame that will meet our schedule. Ted Berry Company proposed a price of \$200,000 for the proposed work, including operations, equipment, manpower, coordination, set up & tear down, and disposal fees to complete the cleaning project. This would be a shared cost project with the City of Auburn at 50/50, so our share will be \$100,000. With the critical issues involving the intake pipe, Auburn Water District Trustees have already approved the funding and awarded the work to Ted Berry Company on September 17, 2014.

The work is expected to begin on December 8, 2014 and be completed before this Christmas. Since this work was not funded in the currently approved budget, I am asking that \$100,000 in remaining 2013 Water Bond funds be redirected to cover Lewiston's share of this project. This has an unspent balance of \$174,000 after the original planned work planned was completed under budget.

I have attached a draft Council Order Authorizing the use of the remaining funds from the FY 2013 Water Treatment bonds for the purpose of reimbursing the Auburn Water District for Lewiston's share of the cost of cleaning the drinking water intake in the amount of \$100,000.

If you have any questions, please feel free to call me at 513-3003, Ext. 3430.

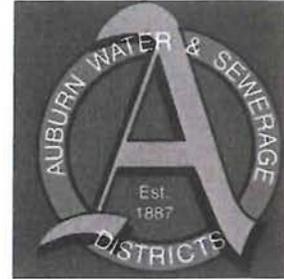
Cc: D. Jones (PW Director)
H. Hunter (Finance Director)
K. Montejo (City Clerk)

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TTY/TDD 207-513-3007 – www.lewistonmaine.gov

LAUV Memo



To: John Storer, Kevin Gagne
From: Michael Broadbent
CC: Sid Hazelton
Date: August 28, 2014
Re: Intake Cleaning

A handwritten signature in black ink, likely of Michael Broadbent, written over a horizontal line.

This Memo serves as my recommendation that Lewiston and Auburn proceed with the cleaning of the shared 48" intake line. The Intake line was one of the first Joint Lewiston and Auburn projects, the project was completed in 1996. In the past several years there has been a sharp increase in the operations and maintenance associated with the intake. The increased effort is a direct result of the buildup of organic matter that is clinging to the sidewalls and the bottom of the main. Increases and decreases in raw water flow associated with the start-up and shut down of the UV facility cause this organic matter to detach from the sidewalls of the main and clog up the facilities intake screens and low lift pumps.

What was once a periodic task of cleaning the screens once / month has morphed into cleaning the screens every three to four days. In the past year we've had two failures with both the intake screens and the low lift pumps that disabled our ability to supply water to Lewiston and Auburn for an entire day. The new screens that were installed in 2012 as part of the upgrade to the UV facility are starting to show signs of stress and are on the verge of failure. The screens were not designed to withstand pressure that is applied to them when they're completely blinded with algae. In August of 2013 the screens became blinded with algae overnight causing one of the three/four foot panels to break free of its mounts. The result was an in rush of water that created a scouring effect on the 1200' long intake line that shut the UV facility down for nearly 10 hours. In September of 2013 the suction screens on the low lift pumps became blinded causing cavitation and eventually the failure of the pump. Lewiston and Auburn crews made an emergency entrance into the low lift wet well to clean the screens (see **attachment A**). In October we attempted to camera the intake line, we were only able to navigate 130' before the camera which is operated remotely started to stir up the line to the point of failure. What we saw was a buildup of almost a foot of sediment on the bottom of the main and a 2-3" coating on the sidewalls (see **attachments B & C**).

Last fall I looked at three different methods to clean the intake;

Chemical Cleaning

I looked at a chemical cleaning method utilizing a sister company of EJ Prescott. Utilizing this method would require the anchoring of a barge near the inlet of the intake. The barge would house chemical storage and injection equipment. Algaecides would be applied to chemically treat the intake line. The issues I saw with this method were numerous. The chemical they were proposing has never been approved for use in Maine, the applicator company did not want to assume ownership or responsibility

for the residual matter that would subsequently be freed from the main and flushed into the plant. We would have to research the effects of this treatment on the rest of our facility.

Divers

I contacted Underwater Solutions to inquire about using divers to navigate and clean the intake line. They provided me with a daily charge for their crews to clean the main with a four person dive team. They could not provide an estimate of time to complete the task and they also did not want to deal with the collection and or disposal of the residuals. They were not capable to set up or operate the bypass pump system.

Mechanical Cleaning

I contacted Ted Berry Company to inquire about mechanically cleaning the intake. Matt Timberlake came down and presented a plan to pull a brush through the intake line. He had a plan for a bypass pump station to temporarily feed the plant during the work and he had a dewatering and disposal plan for the residual organic matter. Ted Berry Company's proposal was by far more detailed and thoughtful than any of the other proposals. (Attachment D).

At this point I recommend that we sit down with Ted Berry and plan through the logistics of the project to make sure the scope of work is accurate and adequate for our needs. If you need anything further let me know.

Attachment A



Attachment B



Attachment C



LEWISTON CITY COUNCIL
MEETING OF DECEMBER 2, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 7

SUBJECT:

Order Authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 78 Bailey Avenue.

INFORMATION:

The Council is asked to approve a municipal quitclaim deed for the property located at 78 Bailey Avenue. 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.

EATB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 78 Bailey Avenue.



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

Order, Authorizing Execution of a Municipal Quitclaim Deed – Real Estate Located at 78 Bailey Avenue.

WHEREAS, the owners, Donald R. and Debra A. Castonguay, failed to pay their tax bill on a timely basis for the property located at 78 Bailey Avenue (Tax Map 90, Lot 123, Parcel 00-001869); and

WHEREAS, a tax lien lien was filed on June 13, 2012 (Book 8417 Page 16) and matured on December 19, 2013, in the amount of \$1,760.70; and

WHEREAS, payment was received in full on November 12, 2014;

NOW, THEREFORE, BE IT ORDERED by the CITY COUNCIL of the CITY of LEWISTON,

That a quitclaim for 78 Bailey Avenue is hereby authorized to release the City's interest in the property to the former 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: November 21, 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) and water, sewer, and stormwater balances. Once a lien is recorded, eighteen months must pass 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 on certain properties 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 December 2nd meeting, you will be asked to approve a quitclaim deed for the following property to address a matured tax lien. The property taxes in the amount of \$1,760.70 have been paid.

Former Owner: Donald & Debra Castonguay
Deed Released to: Donald & Debra Castonguay
Address: 78 Bailey Avenue
Tax Map: 90 Lot 123 Parcel: 00-001869
Type of Lien: Tax Lien Filed: 6/13/12 (B8417 P16)
Matured: 12/19/13 Paid: 11/12/14

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 DECEMBER 2, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 8

SUBJECT:

Resolve approving the third negotiated Allonge between the City and Firland Management Colisee LLC.

INFORMATION:

The owners of the Colisee have a loan from the City which was executed in 2008. The loan is for the purchase of the property. Due to low attendance at the Portland Pirates game and the withdrawal of another hockey team, the facility is experiencing financial difficulties and is now in default on their loan payments to the City. They have asked to renegotiate the terms of the loan agreement. The agreement will restructure the terms of the Colisee loan agreement and the repayment schedule. Please reference the attached memorandum from City Finance Director Heather Hunter for additional information.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EARBKmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Resolve approving the third negotiated Allonge between the City and Firland Management Colisee LLC.



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

Resolve, Approving the Third Negotiated Allonge between the City and Firland Management Colisee LLC. (Colisee)

WHEREAS, the Colisee failed to make their July 1, 2014 annual payment in the amount of \$60,000; and

WHEREAS, Given the lack of attendance at the locally hosted Portland Pirates games last winter, coupled with the withdrawal of the Timber Wolves team this year, significant financial strain was placed on the organization; and

WHEREAS, the Colisee is now in default of their loan and would like to renegotiate the terms of the agreement by executing a third allonge known as the Forbearance Agreement; and

WHEREAS, the new payment schedule would provide a forbearance fee paid monthly to June 1, 2015, for a total of \$5,000, then monthly loan payments would begin July 1, 2015 through July 1, 2032 in accordance with the amended repayment schedule; and

WHEREAS, the Forbearance Agreement strengthens the City's position by requiring regular financial reporting, automatic default language, favorable late fee assessments, preapproval by the City prior to debt assumption or distributions may be made to owners, and assigns accounts receivable collateral to the City;

NOW, THEREFORE, BE IT ORDERED by the CITY COUNCIL of the CITY of LEWISTON, to execute the third allonge between the City and Firland Management Colisee LLC and have the City Administrator sign on the City's behalf.



Finance Department

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



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

FROM: Heather Hunter, Finance Director

SUBJECT: **Colisee Note Amendment**

DATE: November 21, 2014

On August 21, 2008, the City executed the initial agreement with Firland Management Colisee, with an allonge dated April 8, 2009, to provide an interest free loan totaling \$1.2 million. In accordance with the terms, repayment was scheduled to begin July 1, 2013, with annual required payments of 5% of the face value (\$60,000) to 2022 then annual payments accelerating to 10% of the face value (\$120,000) until the loan was paid in full on July 1, 2027. The note provides for a 5% late fee, collateral obligations, personal guarantees, and other normal loan covenants.

The Colisee made their July 1, 2013 payment, albeit after the 10 day grace period due to a communication lapse so a \$3,000 late fee was also collected. An invoice was sent 30 days in advance of the July 1, 2014 due date and payment wasn't received in time, thus another \$3,000 late fee was assessed.

Shortly thereafter, a series of discussions took place with the Colisee management team regarding their ability to pay and the desire to renegotiate the terms of the note. Given the lack of attendance at the locally hosted Portland Pirates games last winter, coupled with the withdrawal of the Timber Wolves team this year, significant financial strain was placed on the organization.

At this point, the City has three options: 1) to renegotiation the terms of the note and perhaps strengthen our collection position while doing so; 2) issue a right to cure letter and either foreclose on the property and/or send demand letters to the guarantors; or 3) agree to a default under the note and enter into a forbearance period and renegotiated loan payment terms (a combination of options 1 and 2).

The City's management team is recommending the following:

- All parties agree that a default has occurred under the note;
- Revise the loan documentation to include the attached forbearance agreement which strengthens the City's position by:

- waiving further requirements to provide default notice for future late payments;
 - requiring regular and more vigorous financial reporting on the personal guarantors and company operations;
 - shortening the late fee period from 10 days to 5 days;
 - assigning outstanding accounts receivable to the City;
 - forbidding dividend distributions, payments, and excessive salaries to be paid to any members of the top management and/or owners without City authorization;
 - forbidding the Colisee from incurring additional debt greater than \$25,000 without City authorization; and
 - forbidding the personal guarantors from incurring additional debt greater than \$25,000 if their net worth falls below \$300,000 without City authorization.
- Revise the amortization payments based upon the attached schedule with varying monthly payments beginning on July 1, 2015 and continuing to July 1, 2032, with accelerating overall annual payments capping at \$70,000.
 - The currently due \$3,000 late fee payment be converted to a monthly forbearance fee beginning upon signing and continuing to June 1, 2015 for a total of \$5,000

I will be available prior to and at the meeting if you should have any questions regarding this.

FORBEARANCE AGREEMENT

This Forbearance Agreement (“Agreement”) is made by and between FIRLAND MANAGEMENT COLISEE LLC, a Maine limited liability company with a mailing address of 190 Birch Street, Lewiston, Maine 04240 (the “Debtor” or “Maker”); the CITY OF LEWISTON, a Maine municipal corporation with a mailing address of 27 Pine Street, Lewiston, Maine 04240 (the “City”); JAMES M. CAIN, an individual resident of Maine with a mailing address of _____ (“Cain”); KELLY KRYUKOV, an individual resident of _____, with a mailing address of _____ (“Kryukov”); FIRLAND MANAGEMENT LLC, a Maine limited liability company with a mailing address of 190 Birch Street, Lewiston, Maine 04240 (“Firland Management”); and LEWISTON URBAN CIVIC CENTER ENTERPRISES LLC, a Maine limited liability company with a mailing address of 190 Birch Street, Lewiston, Maine 04240 (“LUCCE”) (Cain, Kryukov, Firland Management, and LUCCE are collectively referred to as the “Guarantors” and each of Cain and Kryukov, an “Individual Guarantor”).

RECITALS

WHEREAS the Debtor is obligated to the City under the following loan documents:

- (a) Promissory Note dated August 21, 2008, in the amount of \$1,050,000.00 (the “Original Note”);
- (b) Allonge to Promissory Note dated April 8, 2009, which amendment increased the face value of the Original Note to \$1,200,000.00 (the “2009 Allonge”); and
- (c) Allonge and Note Modification Agreement dated December 27, 2012 (the “2012 Allonge”);

WHEREAS the Guarantors have each unconditionally guaranteed the due fulfillment of all obligations of the Debtor under the Loan Documents each pursuant to a Guaranty dated August 21, 2008 (the “Guaranties”);

WHEREAS the Original Note, the 2009 Allonge, the 2012 Allonge and the Guaranties are referred to collectively herein as the “Loan Documents” and the face value of \$1,200,000.00 is referred to as the “Indebtedness.”

WHEREAS the Loan Documents are secured by a Mortgage Deed and Security Agreement dated August 21, 2008 and recorded in the Androscoggin County Registry of Deeds at Book 7512, Page 2, and a UCC-1 Financing Statement filed with the Maine Secretary of State, Filing Number 20141009109000152-35 (collectively, the “Security Documents”); and

WHEREAS the Maker failed to make payment to the City in the amount of \$60,000.00 on or before July 1, 2014 (the “July 1, 2014 Payment”), as required by the Loan Documents, and as a result of which the Maker is now in default of the Loan Documents, which default remains uncured; and

WHEREAS the Maker and Guarantors have requested that the City forbear from exercising its rights and remedies under the Loan Documents and the Security Documents in exchange for the promises and undertakings set forth in this Agreement;

NOW THEREFORE, for good and valuable consideration, the receipt, adequacy, and sufficiency of which all parties hereto acknowledge, the parties agree and stipulate as follows:

AGREEMENT

1. Declaration of Default and Waiver of City’s Obligation to Give Written Notice.

As of the date of this Agreement, the Debtor and the Guarantors acknowledge that the Debtor is in default of its Obligations under the Loan Documents, and hereby waive any and all requirement that the City give the Debtor or the Guarantors written notice of the Debtor’s default for failure to make the payment due on July 1, 2014.

2. Forbearance Regarding Default.

Subject to the conditions set forth in Section 3, the City agrees to forbear from taking action

to exercise its rights and remedies under the Loan Documents and the Security Documents, solely with respect to the Debtor's Default for failure to make the July 1, 2014 Payment. I. DEBTOR REPRESENTS, WARRANTS AND AGREES THAT NO REPRESENTATIONS, ASSURANCES OR PROMISES HAVE BEEN MADE REGARDING ANY RENEWAL HEREOF OR THE TERMS HEREOF AND DEBTOR WILL NOT RELY UPON ANY REPRESENTATIONS, ASSURANCES OR PROMISES MADE AFTER THE DATE HEREOF UNLESS IN WRITING AND SIGNED BY THE CITY.

3. Conditions of City's Forbearance.

The City's promise to forbear is conditioned upon the following:

- 3.1. The Debtor making payments pursuant to the revised repayment schedule (as set forth in Exhibit A hereto).
- 3.2. No further default under the Loan Documents or the Security Documents shall occur.

4. Debtor's Cure of Default.

In the event the Debtor complies with the conditions set forth in Section 3, the Debtor shall have cured the Default and the parties' rights and obligations under the Loan Documents and Security Documents shall continue as if no default had occurred.

5. City's Remedies in Event of Default.

In the event the Debtor defaults under any of the terms and conditions of Section 3 of this Agreement, the City shall have no further obligation to forbear from enforcing its rights and remedies against the Debtor or the Guarantors, and the City may immediately exercise any or all of its rights and remedies at law and under the Loan Documents, the Security Documents, and each Guaranty, all as the City determines in its discretion, and the City may assess interest and penalties as permitted by the Loan Documents beginning from the date of Debtor's default under this Agreement.

6. Revision of Loan Documents.

6.1. The Note: This Agreement shall constitute the third Allonge to the Original Note.

The Original Note as amended by the 2009 Allonge and the 2012 Allonge is hereby amended so that

- i. Repayment of the Indebtedness and payment of certain fees is as set forth in the Repayment Schedule.
- ii. A late payment fee of 5% of the installment due will automatically be imposed when any payment of the Indebtedness is received 5 days after the due date.
- iii. Checks issued to the City for which there are insufficient funds available will be assessed a 5% late fee of the amount of the check, in addition to the \$35 per check NSF fee.
- iv. The following covenants of the Debtor are added to the Note, whereby the Debtor agrees, unless otherwise consented in writing by the City Administrator : to provide to the City monthly financial statements, including a balance sheet, income statement, rolling twelve month statement of anticipated cash flows, and a detailed and aged listing of receivables, within forty-five (45) days after the end of the month; not to make a distribution, dividend or other payment to any members of Debtor aside from reasonable salaries for work performed for Debtor and payments to member Paul Spellman for debt provided to Debtor; and not to incur debt of a sum greater than \$25,000 without 60 day notice from Debtor to the City.

6.2. The Guaranties: The Guaranties of the Individual Guarantors are amended to include the following covenants of each of the Individual Guarantors, whereby each

Individual Guarantor agrees, unless otherwise consented in writing by the City Administrator : to provide to the City a semi-annual statement of net worth within forty-five (45) days after the end of each calendar six month period; to provide notice to the City in the event the net worth of the Individual Guarantor is less than \$300,000 and not to incur debt in excess of \$25,000 in the event the net worth of the Individual Guarantor is less than \$300,000. The Guaranty of Firland Management is amended to include a covenant of Firland Management, whereby Firland Management agrees to provide to the City semi-annual financial statements, including a balance sheet, income statement and statement of cash flows, within forty-five (45) days after the end of each calendar six month period.

7. Acknowledgements.

7.1. No Obligation to Forbear.

The Debtor and the Guarantors acknowledge that, before execution and delivery of this Agreement by all parties, the City has no obligation to enter into this Agreement or otherwise modify, extend, or amend the terms and conditions of the Loan Documents, the Guaranties, or the Security Documents. The Debtor and the Guarantors acknowledge that the City's execution of this Forbearance Agreement does not create any future obligation to modify, extend or otherwise amend the terms and conditions of the Loan Documents, or to negotiate with the Debtor or any other person or entity concerning any of the foregoing.

7.2. No Claims or Setoff.

As of the date of this Agreement, Debtor has no claims or set-offs against the indebtedness evidenced by the Loan Documents, nor does the Debtor nor any Guarantor contest the City's right to enforce or administer Debtor's obligations to the City as evidenced by the Loan Documents, the Guaranties, and the Security Documents.

7.3. Requirement of a Writing.

Debtor and the Guarantors confirm and acknowledge their understanding that, pursuant to 10 M.R.S.A. §1146(2), to the extent applicable, in order to maintain an action against the City with respect to a promise, contract or agreement to lend money, extend credit, forbear from collection of a debt or make any other accommodation of the repayment of a debt, such promise, contract or agreement (or some memorandum or note thereof) must be both (a) in writing and (b) signed by the City.

7.4. Effect of Agreement.

Except as expressly modified in this Agreement, the Loan Documents and the Security Documents shall remain unmodified and in full force and effect, and all terms of the Loan Documents and the Security Documents, except as amended by this Agreement, are ratified and confirmed by the parties and are valid and enforceable in accordance with their terms. If there is any conflict between the terms of this Agreement and the Loan Documents and the Security Documents, the terms of this Agreement shall control.

8. Authority.

All parties to this Agreement warrant and represent that each of them has the full right and legal authority to execute this Agreement.

9. Miscellaneous.

9.1. Acceptance of Payments and Reservation of Rights.

Except as specifically provided in this Agreement, the execution and delivery of this Agreement, and any act, proceeding, or order of payment (past, present or future) related to the Loan Documents, the Security Documents, , or this Agreement, and all past or present acts or omissions taken or foregone or payments made or to be made by any party hereto or thereto in relation to such documents, shall not, did not, and will not in any way constitute a release of any

claim that the City may have against Debtor or the Guarantors; and the City specifically reserves all claims of any kind that the City may have against Debtor and the Guarantors, including claims for indemnity, contribution, counterclaim, or set-off, and any and all such rights, interests, defenses, offsets, causes of action, indebtedness, obligations, or claims are hereby expressly reserved and preserved. The City, the Guarantors, and Debtor hereby stipulate and agree that, except as may be provided in this Agreement, the past, present and/or future acceptance or receipt of anything of value by the City, its successors and assigns, whether pursuant to this Agreement, the Loan Documents, or otherwise, and whether received prior to the date of this Agreement or hereafter, shall not constitute a modification, amendment, waiver, release, payment in full, satisfaction, default or discharge of: (a) any default, breach, violation or failure to perform by Debtor, under or pursuant to the Loan Documents; (b) any proceedings now or hereafter pending; or (c) any notice, acceleration or demand for payment to the City.

9.2. Non-waiver.

No waiver of any of the terms of this Agreement or of any other terms of any of the Loan Documents, or of any additional documents to be executed in connection with carrying out this Agreement, and no extension thereof will be deemed to have occurred or to be effective unless in writing signed by the City. No course of dealing heretofore or hereafter between Debtor and the City, or any failure or delay on the part of the City in exercising any rights or remedies under this Agreement, the Loan Documents, or existing by law shall operate as a waiver or preclusion of the exercise of any other rights or remedies the City may have.

9.3. Further Concessions.

Nothing in this Agreement shall be construed as requiring the City to grant further concessions or to extend the term of this Forbearance Agreement, or the terms of the Forbearance Agreement, and the City shall be under no such obligation.

9.4. Relationship.

The relationship between the City and Debtor is solely that of a lender and borrower in a commercial loan transaction, and nothing contained herein or in any of the Loan Documents shall in any manner be construed as making the parties hereto partners, joint venturers or any other relationship other than as a lender and borrower.

9.5. Counterparts.

This Agreement and any amendment hereof may be executed in several counterparts and by each party on a separate counterpart, each of which when so executed and delivered shall be an original, and all of which together shall constitute one instrument. In proving this Agreement it shall not be necessary to produce or account for more than one such counterpart signed by the party against whom enforcement is sought.

9.6. Jury Trial Waiver.

WAIVER OF JURY TRIAL AND CERTAIN DAMAGE CLAIMS. THE PARTIES HEREBY MUTUALLY WAIVE THEIR RIGHT TO A JURY TRIAL WITH RESPECT TO ANY ACTION OR CLAIM ARISING OUT OF ANY DISPUTE IN CONNECTION WITH THIS AGREEMENT, THE INDEBTEDNESS, OR THE LOAN DOCUMENTS, OR ANY RIGHTS OR OBLIGATIONS HEREUNDER OR THEREUNDER OR THE PERFORMANCE OF SUCH RIGHTS AND OBLIGATIONS.

In witness whereof the parties have set their hands and seals this ____ day of November, 2014.

[SIGNATURE PAGE FOLLOWS]

DEBTOR:
FIRLAND MANAGEMENT COLISEE LLC

WITNESS

By: James M. Cain
Its: Manager

CITY OF LEWISTON:

WITNESS

By: Edward Barrett
Its: City Administrator

GUARANTORS:

WITNESS

James M. Cain, in his individual capacity

WITNESS

Kelly Kryukov, in her individual capacity

FIRLAND MANAGEMENT LLC

WITNESS

By: James M. Cain
Its: Manager

LEWISTON URBAN CIVIC CENTER
ENTERPRISES LLC

WITNESS

By: James M. Cain
Its: Manager

Exhibit A to Forbearance Agreement

Repayment Schedule

Outstanding Balance: 1,140,000

Proposed Repayment Plan (no interest)

Month	Payment	Balance	Month	Payment	Balance	
	-	*	1/1/2024	8,000	589,500	
			2/1/2024	8,000	581,500	
12/1/2014	1,000		3/1/2024	3,000	578,500	
1/1/2015	1,000		4/1/2024	8,000	570,500	
2/1/2015	1,000		5/1/2024	3,000	567,500	
3/1/2015	500		6/1/2024	3,000	564,500	70,000
4/1/2015	500		7/1/2024	3,000	561,500	
5/1/2015	500		8/1/2024	6,000	555,500	
6/1/2015	500	Fee	9/1/2024	6,000	549,500	
7/1/2015	500	1,140,000	10/1/2024	6,000	543,500	
8/1/2015	500	1,139,500	11/1/2024	8,000	535,500	
9/1/2015	2,500	1,137,000	12/1/2024	8,000	527,500	
10/1/2015	2,500	1,134,500	1/1/2025	8,000	519,500	
11/1/2015	2,500	1,132,000	2/1/2025	8,000	511,500	
12/1/2015	5,000	1,127,000	3/1/2025	3,000	508,500	
1/1/2016	5,000	1,122,000	4/1/2025	8,000	500,500	
2/1/2016	5,000	1,117,000	5/1/2025	3,000	497,500	
3/1/2016	2,500	1,114,500	6/1/2025	3,000	494,500	70,000
4/1/2016	2,500	1,112,000	7/1/2025	3,000	491,500	
5/1/2016	500	1,111,500	8/1/2025	6,000	485,500	
6/1/2016	500	1,111,000	9/1/2025	6,000	479,500	
7/1/2016	1,000	1,110,000	10/1/2025	6,000	473,500	
8/1/2016	1,000	1,109,000	11/1/2025	8,000	465,500	
9/1/2016	5,000	1,104,000	12/1/2025	8,000	457,500	
10/1/2016	5,000	1,099,000	1/1/2026	8,000	449,500	
11/1/2016	5,000	1,094,000	2/1/2026	8,000	441,500	
12/1/2016	7,500	1,086,500	3/1/2026	3,000	438,500	
1/1/2017	7,500	1,079,000	4/1/2026	8,000	430,500	
2/1/2017	7,500	1,071,500	5/1/2026	3,000	427,500	
3/1/2017	5,000	1,066,500	6/1/2026	3,000	424,500	70,000
4/1/2017	7,500	1,059,000	7/1/2026	3,000	421,500	
5/1/2017	2,500	1,056,500	8/1/2026	6,000	415,500	
6/1/2017	2,500	1,054,000	9/1/2026	6,000	409,500	
7/1/2017	2,500	1,051,500	10/1/2026	6,000	403,500	
8/1/2017	6,000	1,045,500	11/1/2026	8,000	395,500	
9/1/2017	6,000	1,039,500	12/1/2026	8,000	387,500	

10/1/2017	6,000	1,033,500		1/1/2027	8,000	379,500	
11/1/2017	8,000	1,025,500		2/1/2027	8,000	371,500	
12/1/2017	8,000	1,017,500		3/1/2027	3,000	368,500	
1/1/2018	8,000	1,009,500		4/1/2027	8,000	360,500	
2/1/2018	8,000	1,001,500		5/1/2027	3,000	357,500	
3/1/2018	3,000	998,500		6/1/2027	3,000	354,500	70,000
4/1/2018	8,000	990,500		7/1/2027	3,000	351,500	
5/1/2018	3,000	987,500		8/1/2027	6,000	345,500	
6/1/2018	3,000	984,500	69,500	9/1/2027	6,000	339,500	
7/1/2018	3,000	981,500		10/1/2027	6,000	333,500	
8/1/2018	6,000	975,500		11/1/2027	8,000	325,500	
9/1/2018	6,000	969,500		12/1/2027	8,000	317,500	
10/1/2018	6,000	963,500		1/1/2028	8,000	309,500	
11/1/2018	8,000	955,500		2/1/2028	8,000	301,500	
12/1/2018	8,000	947,500		3/1/2028	3,000	298,500	
1/1/2019	8,000	939,500		4/1/2028	8,000	290,500	
2/1/2019	8,000	931,500		5/1/2028	3,000	287,500	
3/1/2019	3,000	928,500		6/1/2028	3,000	284,500	70,000
4/1/2019	8,000	920,500		7/1/2028	3,000	281,500	
5/1/2019	3,000	917,500		8/1/2028	6,000	275,500	
6/1/2019	3,000	914,500	70,000	9/1/2028	6,000	269,500	
7/1/2019	3,000	911,500		10/1/2028	6,000	263,500	
8/1/2019	6,000	905,500		11/1/2028	8,000	255,500	
9/1/2019	6,000	899,500		12/1/2028	8,000	247,500	
10/1/2019	6,000	893,500		1/1/2029	8,000	239,500	
11/1/2019	8,000	885,500		2/1/2029	8,000	231,500	
12/1/2019	8,000	877,500		3/1/2029	3,000	228,500	
1/1/2020	8,000	869,500		4/1/2029	8,000	220,500	
2/1/2020	8,000	861,500		5/1/2029	3,000	217,500	
3/1/2020	3,000	858,500		6/1/2029	3,000	214,500	70,000
4/1/2020	8,000	850,500		7/1/2029	3,000	211,500	
5/1/2020	3,000	847,500		8/1/2029	6,000	205,500	
6/1/2020	3,000	844,500	70,000	9/1/2029	6,000	199,500	
7/1/2020	3,000	841,500		10/1/2029	6,000	193,500	
8/1/2020	6,000	835,500		11/1/2029	8,000	185,500	
9/1/2020	6,000	829,500		12/1/2029	8,000	177,500	
10/1/2020	6,000	823,500		1/1/2030	8,000	169,500	
11/1/2020	8,000	815,500		2/1/2030	8,000	161,500	
12/1/2020	8,000	807,500		3/1/2030	3,000	158,500	
1/1/2021	8,000	799,500		4/1/2030	8,000	150,500	
2/1/2021	8,000	791,500		5/1/2030	3,000	147,500	
3/1/2021	3,000	788,500		6/1/2030	3,000	144,500	70,000
4/1/2021	8,000	780,500		7/1/2030	3,000	141,500	
5/1/2021	3,000	777,500		8/1/2030	6,000	135,500	
6/1/2021	3,000	774,500	70,000	9/1/2030	6,000	129,500	
7/1/2021	3,000	771,500		10/1/2030	6,000	123,500	
8/1/2021	6,000	765,500		11/1/2030	8,000	115,500	

9/1/2021	6,000	759,500		12/1/2030	8,000	107,500	
10/1/2021	6,000	753,500		1/1/2031	8,000	99,500	
11/1/2021	8,000	745,500		2/1/2031	8,000	91,500	
12/1/2021	8,000	737,500		3/1/2031	3,000	88,500	
1/1/2022	8,000	729,500		4/1/2031	8,000	80,500	
2/1/2022	8,000	721,500		5/1/2031	3,000	77,500	
3/1/2022	3,000	718,500		6/1/2031	3,000	74,500	70,000
4/1/2022	8,000	710,500		7/1/2031	3,000	71,500	
5/1/2022	3,000	707,500		8/1/2031	6,000	65,500	
6/1/2022	3,000	704,500	70,000	9/1/2031	6,000	59,500	
7/1/2022	3,000	701,500		10/1/2031	6,000	53,500	
8/1/2022	6,000	695,500		11/1/2031	8,000	45,500	
9/1/2022	6,000	689,500		12/1/2031	8,000	37,500	
10/1/2022	6,000	683,500		1/1/2032	8,000	29,500	
11/1/2022	8,000	675,500		2/1/2032	8,000	21,500	
12/1/2022	8,000	667,500		3/1/2032	3,000	18,500	
1/1/2023	8,000	659,500		4/1/2032	8,000	10,500	
2/1/2023	8,000	651,500		5/1/1932	3,000	7,500	
3/1/2023	3,000	648,500		6/1/1932	3,000	4,500	
4/1/2023	8,000	640,500		7/1/1932	4,500	-	71,500
5/1/2023	3,000	637,500					
6/1/2023	3,000	634,500	70,000				
7/1/2023	3,000	631,500					
8/1/2023	6,000	625,500					
9/1/2023	6,000	619,500					
10/1/2023	6,000	613,500					
11/1/2023	8,000	605,500					
12/1/2023	8,000	597,500					

LEWISTON CITY COUNCIL

MEETING OF DECEMBER 2, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 9

SUBJECT:

Order authorizing the City Administrator to dispose of the city owned properties at 116 & 122 Pierce Street and 139 & 155 Bartlett Street.

INFORMATION:

The City currently owns these four parcels of vacant land. They were to be conveyed to St. Laurent Housing Associates under a joint development agreement where St. Laurent agreed to construct 29 units of affordable housing. The Council action to approve the joint development agreement was subsequently overturned by the public by referendum. At this time, the City has no need to retain ownership of these properties and doing so will involve some City expense in terms of mowing and maintaining the property. The process for disposing of excess City property is outlined in the attached Property Disposition Policy. In reviewing the available disposition options, the City Administrator is recommending that these properties be sold through the formal bid process. The bid would be structured so that the three contiguous properties (116 and 122 Pierce and 155 Bartlett) would be bid as a single unit and 139 Bartlett would be bid as a stand-alone lot. The City Administrator also recommends that a minimum bid price be set for this sale. In consultation with the City Assessor, the minimum required bid would be \$30,000 for the contiguous properties and \$7,500 for the remaining lot.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EATB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order authorizing the City Administrator to dispose of the city owned properties at 116 & 122 Pierce Street and 139 & 155 Bartlett Street.



COUNCIL ORDER

Order, Authorizing the City Administrator to Dispose of the City Owned Properties at 116 and 122 Pierce and 139 and 155 Bartlett

Whereas, the City currently owns the properties at 116 and 122 Pierce and 139 and 155 Bartlett; and

Whereas, these properties were to be conveyed to a developer under a joint development agreement between the City and St. Laurent Housing Associates Limited Partnership; and

Whereas, as a result of a citizen initiated referendum, this Council order approving this joint development agreement was overturned; and

Whereas, the City has no need to retain ownership of these properties, which will require ongoing maintenance and expense; and

Whereas, in conjunction with the subsequently abandoned Volunteers of America Project proposed for this area, the Planning Board provided an affirmative recommendation to the Council as to the disposition of these properties in August 2013; and

Whereas, the City has a number of available options for disposing of these properties as outlined in our Property Disposition policy; and

Whereas, consistent with that Policy, the City Administrator recommends that these properties be disposed of through the formal bid process; and

Whereas, the Administrator further recommends that the single bid document be structured to provide for one bid on the three contiguous properties at 116 Pierce, 122 Pierce, and 155 Bartlett with a minimum acceptable bid set at \$2 per square foot (\$30,000) and one separate bid for 139 Bartlett with a minimum acceptable bid set at \$1.50 per square foot or \$7,500;

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

The City Administrator is hereby authorized to offer the properties at 116 and 122 Pierce and 155 Bartlett for disposition through the formal bid process subject to a minimum bid of \$2 per square foot or \$30,000 and 139 Bartlett for \$1.50 per square foot of \$7,500.



**154 Blake St
Aerial Photo Taken April 2013**

1 inch = 60 feet

11/25/2014



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



To: Ed Barrett, City Administrator

From: David Hediger , City Planner

Date: August 28, 2013

Subject: City Acquisition/Disposition of Real Estate

The Planning Board took the following action at their meeting held on August 26, 2013:

The following motion was made:

MOTION: by **Walter Hill** pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration for the acquisition and disposition of 139 and 155 Bartlett Street and 116 and 122 Pierce Street as discussed during the Planning Board's executive session held on August 26, 2013, subject to the following conditions:

- 1) The disposition of the properties must include the City recovering its costs for demolition of said properties;
- 2) A percentage of the housing units must be dedicated as market rate housing;
- 3) The project is to be redesigned to improve its presence on Bartlett Street (i.e. lessen the amount of parking and the desire for some units to front Bartlett Street, etc.).

Second by **Kevin Morissette**.

VOTED: 7-0 (Passed).

PROPERTY DISPOSITION

1.0 Purpose

The purpose of this Policy is to provide guidelines for City staff to follow in handling and processing real property in the City's possession which is considered excess to the City's needs.

2.0 Policy

It is the City's policy to periodically review real property in the City's possession to determine whether retention, sale, or lease of such property is in the best interest of the City and to respond in a timely fashion to requests from private parties seeking to purchase or lease such property.

3.0 Determination of Willingness to Sell or Lease City-Owned Property

3.1 City Initiated Sale or Lease

3.1.1 The Planning and Code Department of the City will periodically review real property currently owned by the City but not in active use for municipal purposes to determine whether these properties should be retained or considered for sale or lease. Once properties have been identified for which there is no current City use, the Department will notify the City Administrator.

3.1.2 The City Administrator will then notify all Department Heads of the property or properties being considered for sale and offer them the opportunity to indicate any potential use or need their department might have for the property, including its potential for land banking against future uses.

3.1.3 After consideration of the responses of the various Departments, the Administrator will make a determination if the property should be declared surplus or retained for potential future use.

3.2 Private Sector Request to Purchase or Lease

3.2.1 All requests from the private sector for the purchase or lease of City property shall be directed to the City Administrator.

3.2.2 The Administrator shall notify all Department Heads of the request and provide them with the opportunity to identify any current or potential use which the City may have for the property.

3.2.3 After consideration of the responses of the various Departments, the Administrator will make a determination of whether the property should be declared surplus or retained for current or potential future use.

3.2.3 Once the Administrator has determined a property to be surplus, the Planning Board will be asked to review and make a recommendation on whether to proceed with its disposition. A recommendation from the Planning Board will remain valid for three years; however, should

PROPERTY DISPOSITION

circumstances change during this period, the Administrator may seek an updated review and recommendation.

4.0 Procedure for Disposition of Surplus Property – Substandard Lots

- 4.1 Vacant lots that do not meet minimum space and bulk standards for construction may, at the discretion of the City Administrator, be offered for sale or lease to abutting property owners. If one or more of these owners express an interest in the property, the City Administrator shall make a recommendation to the City Council on the disposition of the property.
- 4.2 The following factors will be considered in determining whether the property should be sold:
 - 4.2.1 The proposed sale price or lease rate, if any, as compared to an estimate of the value of the property prepared by the City Assessor;
 - 4.2.2 The proposed use of the property;
 - 4.2.3 The value of any proposed improvements to the property;
 - 4.2.4 The impact of the sale or lease of the property on the assessed value of the adjacent property in the same ownership; and
 - 4.2.5 The extent to which the sale or lease will support overall City policy in the area or neighborhood within which the property is located.

5.0 Procedure for the Disposition of Surplus Property – Potentially Developable

In instances where surplus property may be redeveloped or developed, that property may be marketed by one of a number of methods based on the nature and estimated value of the property and any specific plans or policies which development of the property might either further or hinder. The following methods may be used to market the property, including a combination of two or more.

- 5.1 **Request for Proposals.** The City may use a Request for Proposals process. This process is generally best suited to significant development parcels for which the City has specific expectations as to the nature, type, and value of the anticipated development.
- 5.2 **Real Estate Broker.** The City may contract with a real estate broker to find a buyer. This method may be most applicable to individual properties or groups of properties that the City is seeking to redevelop or develop for a specified purpose such as single family housing and/or multi-family housing renovation.
- 5.3 **Formal Bid.** The City may advertise for formal bids. This method may be most applicable in instances where the City believes that multiple parties may be interested in the property and the nature of the development or redevelopment is such that the City does not anticipate placing additional restrictions on what is to happen on the property after its sale.
- 5.4 **Self-Brokerage.** The City may employ a sell by owner approach. This would generally be applicable to situations such as the sale of individual lots within a residential or commercial subdivision.

PROPERTY DISPOSITION

- 5.5 **Direct Negotiation.** Where alternative methods have failed to produce an acceptable sale and/or in instances where the City has been directly approached by an individual or organization with a proposal that matches or exceeds the City's expectations for development on the parcel, the City may entertain direct negotiations with a private party who expresses interest in purchasing a property.
- 5.6 The City Administrator shall recommend to the City Council the disposition method or methods to be used at the time the Council is asked to approve disposition of the property.

6.0 Council Approval of Disposition

- 6.1 The final decision to accept a bid, proposal, or offer to purchase City-owned property must be made by the City Council.
- 6.2 The normal process for transferring a city-owned property will be by way of municipal quitclaim deed. Warranty deeds may be approved in instances where such action is recommended by the City Administrator for good and reasonable cause.

LEWISTON CITY COUNCIL
MEETING OF DECEMBER 2, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 10

SUBJECT:

Order authorizing the City Administrator to dispose of the city owned property at 154 Blake Street.

INFORMATION:

The City currently owns this parcel of vacant land. The owner of the adjacent multi-family unit building has approached the City requesting to purchase the lot to support his building. In accordance with the City's policy, Department Directors were asked to determine if there was any need for the City to retain ownership. None was identified. At this time, the City Administrator is recommending that these properties be sold through the formal bid process since the lot is large enough to be developed, unlike 10 Oak Street where the parcel was too small to develop and disposition is being done through offering it to abutters. The Planning Board has been asked to provide a recommendation as to whether the property should be sold. It has declined to do so, but has recommended that the disposition process be initiated and proposals on reuse be returned to it for their recommendation. As a result, the attached order authorizes the disposition of this property subject to an affirmative recommendation of the Planning Board.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EATB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order authorizing the City Administrator to dispose of the city owned property at 154 Blake Street.



COUNCIL ORDER

Order, Authorizing the City Administrator to Dispose of the City Owned Property at 154 Blake Street.

Whereas, the City currently owns the vacant land at 154 Blake Street; and

Whereas, the owner of an abutting apartment building has approached the City with an offer to purchase the property; and

Whereas, after consultation with the City's various Department Directors, the City Administrator has determined that the City has no use for this land; and

Whereas, the Planning Board has reviewed the recommendation that the City dispose of this property and has recommended that the City begin the disposition process subject to its review of any proposed reuse; and

Whereas, in accordance with the City's property disposition policy, the City Administrator recommends that this property be disposed of through the formal bid process; and

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

The City Administrator is hereby authorized to offer the property at 154 Blake Street for disposition through the formal bid process and to sell the property to the successful bidder subject to a positive recommendation of the Planning Board.



154 Blake St
Aerial Photo Taken April 2013

1 inch = 50 feet

11/25/2014



City of Lewiston
Planning & Code Enforcement
Gil Arsenault, Director



MEMORANDUM

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

From: David Hediger

Date: November 21, 2014

Subject: Planning Board Action: 154 Blake Street

The Planning Board took the following action at their public meeting held on October 27, 2014 regarding the disposition of property at 154 Blake Street.

The following motion was made:

MOTION:

by **Sandy Marquis** to direct Administration to begin the Request For Proposal (RFP) process for the disposition of 154 Blake Street and for the Planning Board to provide a recommendation for the City Council's consideration pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code upon their review of the requests. Second by **Norm Anttil**.

VOTED: 7-0 (Passed).

c: Planning Board Members

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

LEWISTON CITY COUNCIL
MEETING OF DECEMBER 2, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 11

SUBJECT:

Request from the Kora Northeast Shrine organization for a waiver of city fees for the organization's September 2015 Field Days event.

INFORMATION:

The organizers of the Kora Northeast Shrine, located in Lewiston, are requesting a waiver from the City Council for the permitting fees and applicable city staff overtime costs for their September 2015 Field Days event. They are seeking a waiver of the approximate \$2,720 expense. Their function is a three day event that is expected to draw about 1,000 Shriners from around New England and Canada, as well as local members of the public. Please see the memorandum from Deputy City Administrator Phil Nadeau for additional details on this event.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

This is a policy decision of the City Council.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To review the request submitted by the Kora Northeast Shrine organization for a waiver of city fees for the organization's September 2015 Field Days event and to determine a course of action.



The Office of
Deputy City Administrator
Phil Nadeau
MEMORANDUM

TO: Ed Barrett
FR: Phil Nadeau
CC:
RE: Kora Shrine Northeast Shrine 2015 Field Days
DT: 12.2.14

For the first time in the city's history, Lewiston-Auburn has been selected as the site for the Northeast Shrine Field Day event. Though the Kora Shrine serves as home to one of the only two Kora Shrine Temple's in Maine, Lewiston has been bypassed as a host site for the event in the past as the area did not have enough hotel-room capacity to handle the event. It is notable that Lewiston's Kora Shrine Temple is listed on the National Register of Historic places and is one of the premier Shrine centers in the United States.

Given the expansion of hotel development in the city over the last 10 years, the Kora Shrine organization has permitted the Lewiston Kora Shrine Temple to serve as the host organization for their annual Field Day event in 2015. This is a major event undertaking for the Shriners as it occurs only once every fifteen years.

This three day event is scheduled to begin on Thursday, September 17, 2015 with an opening ceremony at Veterans Park; Friday will feature a public clown competition at the Auburn Mall; and Saturday's closing events will include a unit competition in the morning; a major Kora Shrine parade (as only the Shriners can assemble with units from all over New England and Canada) in the afternoon, and a member lobsterbake at Simard-Payne Park on Saturday evening. Saturday's events will also include band concerts and competitions at Dufresne Plaza.

Over 600 hundred hotel rooms have been booked by the Shriners for this event and their activities are expected to draw well over 1,000 Shriners, spouses and members of the public (not including the thousands that will undoubtedly want to see the first major parade in the city since the last "Maine State Parade" formerly hosted by WCSH-TV).

Given the size and importance of this community event, the Shriners have requested that this office submit their request to waive applicable staff and service support costs well in advance of the city's "Charitable Donations" budget process which is over four months away. The scale and complexity of

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this event warrant that it be brought before the City Council at this time so that they have a full understanding of what costs they must underwrite to host this event as they will be considerable.

It should be noted that the L-A Transit Committee has had a preliminary discussion with the organizers and plans are being developed to extend service hours during the event and we will continue to work with the event to see if what more might be done to support their event.

City staff has been working with the Lewiston Kora Shrine organizers since January 2014 on this event. The following is our best estimate on what staff and permitting costs will be associated with supporting those public events scheduled during the Field Day and what the Kora Shrine is requesting :the City Council approve to waive for the event:

1. Public Works est. overtime for parade-42 hrs.:	\$1,416
2. Public Works est. regular hours for parade-12 hrs:	\$289
3. PD overtime for parade-21 hrs:	\$864
4. City Clerk permitting:	\$151
5. Code Enforcement:	\$0
6. Fire Department:	\$0
Est. Total Costs:	\$2,720

A sampling of event schedule is as follows:

Thursday, September 17, 2015

- 8am – 4pm – golf tournament
- 6pm – 7pm – opening ceremonies at Veterans Park
- 7pm – counterparts dinners

Friday, September 18, 2015

- 8:30am – 11:30am NSA business meeting at Kora Shrine Center
- 9am thru day – registrations at hotels
- 9am – 3pm – clown competition at Auburn Mall
- 4pm – unit and parade meetings

Saturday, September 19, 2015

- 7am – 12pm – unit competition
- 9am – 12pm – marketplace at Kora Shrine Center
- 11am – 1pm – unit music presentation at Dufresne Plaza
- 12:30pm – parade lineup
- 6pm – 8:30pm – lobster bake at Simard-Payne Park

LEWISTON CITY COUNCIL

MEETING OF DECEMBER 2, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 12

SUBJECT:

Appointment of a City Councilor to the Taxi & Tattoo License Appeals Board.

INFORMATION:

Due to the resignation of Councilor Christ, there is a vacancy on the city's Taxi & Tattoo License Appeals Board. The board is comprised of the Deputy City Administrator, who serves as the chairperson, and two City Councilors. This board hears appeals from applicants who have been denied issuance of these licenses. Meetings are held a few times a year on an as needed basis.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The appointments to the Board are the responsibility of the municipal officers.

CA/B/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To nominate and appoint a City Councilor to serve as the Council's representative to the Taxi & Tattoo Licensing Appeals Board.