



## Presque Isle City Council Meeting

Monday, April 7, 2014

6:00 PM

Presque Isle Council Chambers

### AGENDA

**Call to Order - Roll Call  
Pledge of Allegiance**

#### **Public Hearings**

- 14-80 Consider adopting a newly proposed Chapter 16A - Shoreland Zoning (Single Hearing)
- 14-81 Special Permit for Music, Dancing and Entertainment for Wintergreen Arts Center, with a location of 149 State Street (Single Hearing)
- 14-82 Special Permit for Music, Dancing and Entertainment for Hayward-Frazier VFW Post 2599, with a location of 6 State Road (Single Hearing)
- 14-83 Solicit comments regarding two year bid for Essential Air Service from Peninsula Airways Inc (Single Hearing)

#### **Citizen Comments**

#### **Consent Agenda**

- 14-84 Approve City Council minutes for the regular meeting held on March 3, 2014, March 17, March 24, 2014 and the workshop meeting minutes of February 13, 2014
- 14-85 Approve 2014 Warrants #8 - #12, totaling \$1,790,428.15
- 14-86 Approve list of election workers
- 14-87 Resolution of appreciation to Peninsula Airways Inc regarding the World Jr Biathlon
- 14-88 Resolution of appreciation to volunteers and supporters of the World Jr Biathlon
- 14-89 Construction Overlimit Permit by Maine Department Of Transportation
- 14-90 Abatement for Video Monitoring Services of America, LP

### **New Business**

- 14-91 Revocation of Malt, Spirituous and Vinous Liquor License and Special Permit for Music, Dancing and Entertainment for Bou's Brew Pub, 431 Main Street
- 14-92 Essential Air Service bid by Peninsula Airway's Inc
- 14-93 Employment License for Tempo Employment
- 14-94 Pawnbroker's License for Ben's Trading Post
- 14-95 Taxi Cab Service License for Town Taxi
- 14-96 Taxi Cab Service License for Aroostook Cab Company
- 14-97 Pool Room License for My Tai Restaurant & Lounge
- 14-98 Bowling Alley License for Northern Maine Bowling Alley
- 14-99 Appointment to Presque Isle Housing Authority Board of Commissioners
- 14-100 Appointment to Zoning Board of Appeals
- 14-101 Land Transfer to City of 69 North Street and 59 Elm Street
- 14-102 Authorize letter to Maine Department Of Transportation regarding the intersection at State, Dyer, Parsons and Mechanic Streets
- 14-103 Authorize letter to Maine Department Of Transportation regarding the intersection at Parsons and Main Streets and Fort Road
- 14-104 Approve Harriman contract and authorize funds for Community Center
- 14-105 Authorize demolition of indoor pool
- 14-106 Discuss revised building committee for Community Center
- 14-107 Discuss winter sidewalk maintenance in the downtown

### **Manager's Report**

### **Announcements**

### **Executive Session**

Pursuant to 1 M.R.S.A. Section 405 (6) (C) to discuss a real estate matter

### **Adjournment**



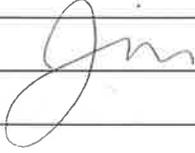
# City of Presque Isle, Maine

The Office of  
City Manager

**James A. Bennett**

Email: [jbennett@presqueisleme.us](mailto:jbennett@presqueisleme.us)

## MEMORANDUM

<b>TO:</b>	Honorable City Council
<b>FROM:</b>	James A. Bennett, City Manager 
<b>DATE:</b>	April 2, 2014
<b>RE:</b>	<b>April 7, 2014 Agenda</b>

Please find the following introductory comments for the upcoming meeting.

### Public Hearings

- 14-80 Included in the package is the information regarding the proposed zoning changes. The Planning Board has concluded their process and is recommending passage.
- 14-81 Included in the package is the application. Staff has reviewed the application and has no concerns.
- 14-82 Same as above.
- 14-83 This item allows the public to provide the Council any feedback it desires prior to action under new business.

### Consent Agenda

- 14-84 Standard business item.
- 14-85 Same as above.
- 14-86 Annually, the Council is required to approve/appoint the citizens that will be employed for elections. The list is contained within the package. Passage is requested.
- 14-87 Included in the package is a resolution of appreciation for Pen Air regarding their most recent efforts to assist during the World Jr. Biathlon.
- 14-88 Similar to the above, a resolution of appreciation is included in the package to express appreciation to the volunteers and supporters of the Biathlon.
- 14-89 Included in the package is a request for MDOT to exceed normal weight limits during the upcoming construction on the Washburn Road. This is a normal request. Staff has reviewed it and is recommending passage.
- 14-90 Included in the package is the abatement request for VMS because it is deemed uncollectible. Passage is recommended.

### New Business

- 14-91 Over the last year, the owners of Bou's Brew Pub have operated the facility in such a way that it has had adverse impact on surrounding businesses and residents. The facility has had an excessive amount of calls for services from the Police Department as well. As a direct result, staff has prepared the steps necessary for the City Council to conduct a hearing to determine if it will consider revoking their special permit for Music, Dancing, and Entertainment. At the same time, the Council will be asked to consider the revocation of the facility's liquor license. An extensive package of information is contained within your package.

12 Second Street      Presque Isle, ME 04769-2459      Phone: 207.760.2700      Fax 207.764.2501

*The City of Presque Isle is an equal opportunity provider. To file a complaint, write to  
Martin Puckett, Deputy City Manager, 12 Second Street Presque Isle, ME 04769, or call (207) 760-2700.*

- 14-92 Staff has provided in the package a written recommendation for the Council to consider requesting the Federal Department of Transportation (FDOT) to award the Essential Air Service (EAS) bid to Peninsula Airways. The draft communication includes the suggestion that the Council request FDOT award the so-called "option 2" to Pen Air (which would allow the return to earlier and later flights).
- 14-93 This is a standard business item annually. No concerns are being expressed by staff.
- 14-94 Same as above.
- 14-95 Same as above.
- 14-96 Same as above.
- 14-97 Same as above.
- 14-98 Same as above.
- 14-99 The subcommittee of the Council will report on Monday evening regarding their suggested appointments.
- 14-100 Same as above.
- 14-101 Included in the package is a request from the owners of the property for the City to accept the donation of the parcels mentioned. As a condition of accepting the donation, the owners are requesting the City abate the outstanding taxes. Staff has reviewed the request and is comfortable if the Council is interested.
- 14-102 Included in the package is the draft letter to send to MDOT regarding the so-called 5 corner intersection. Support of sending the letter is requested.
- 14-103 Similar to above, the draft letter that is included is in reference to work that will improve the Main St, Fort Rd, and Parsons St. intersection.
- 14-104 Included in the package is the information regarding the proposed agreement with Harriman Associates to bring the Community Center project to 35% completion level. The Council will be asked to authorize the contract and the funding mechanism to pay for the work.
- 14-105 The bids for the demolition of the indoor pool are being opened Friday, April 4th. On Monday evening, staff believes that it will have a recommendation for Council action.
- 14-106 Assuming passage of the contract with Harriman Associates, the City needs to determine how some decisions will be made during the next phase of the Community Center project. The types of decisions will include color schemes, flooring materials and lighting fixtures. Staff feels that some sort of committee is appropriate.
- 14-107 Included in the package is a memo that outlines the three principle ways that communities have successfully handled winter maintenance in a downtown area. On Monday, staff will briefly present the three options and will be looking for the Council to provide whatever direction it would like to used for the upcoming winter.

### Executive Session

Under a separate memo, background information is being provided.

# PRESQUE ISLE CITY COUNCIL

MEETING OF April 7, 2014

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 80**

**SUBJECT:**

**SINGLE PUBLIC HEARING** – Consider adopting Chapter 16A – Shoreland Zoning Ordinance

**INFORMATION:**

**INCLUDED IS:**

- Memo from Kenneth Arndt dated February 19, 2014
- Chapter 16A – Shoreland Zoning
- Public Hearing Notice

**APPROVAL AND/OR COMMENTS OF CITY MANAGER:**

Passage is recommended

**REQUESTED ACTION:**

ES

RS

MC

RE

CG

PH

BS

**BE IT RESOLVED** by Councilor \_\_\_\_\_, seconded by Councilor \_\_\_\_\_ to adopt Chapter 16A – Shoreland Zoning Ordinance as presented.

# Memo

January 29, 2014

TO: Jim Bennett and City Council Members  
FROM: Ken Arndt, Planning & Development Director



## **Background**

The Presque Isle Planning Board will be holding a formal public hearing on the "proposed" expansion of the language of permitted uses within the Light Industrial Zone, which will add "**Service Establishments**" as an additional "permitted use" within that zone.

This newly proposed language expansion and definition to the Light Industrial Zone is described in the attachment.

The Planning Board Public Hearing will take place at the following date, time & place:

DATE: **February 20, 2014**

TIME: **7:00 PM**

Place: **Presque Isle City Council Chambers, 3<sup>rd</sup> Floor of City Hall**

As a direct result of this public hearing, a recommendation for adoption of a expanded Light Industrial zone language will go forward to the City Council for their next regular City Council meeting in early March, 2014.

By City Charter, the City Council will hold an additional public hearing in March, 2014 to take testimony/comments from property owners in the impacted area.

Copies of the expanded language is available for public inspection Monday thru Friday at the City Planning & Development Department office of City Hall.

**Sample Motion:** On a motion by \_\_\_\_\_, it is moved & seconded that the Presque Isle City Council adopt expanded language & definition to the Land Use & Development Code to allow "Service establishments, as a permitted use within the Light Industrial Zone.

**So voted:** \_\_\_\_\_

Thank you.

**SECTION XXI**  
**LIGHT INDUSTRIAL ZONE - LIZ**

**A. PURPOSE**

To provide areas within the City of Presque Isle for urban and suburban light manufacturing, processing, storage, wholesaling and distribution operations, and limited commercial uses. The regulations established in this Code are intended to allow efficient use of the land while at the same time making the district attractive and compatible for a variety of uses.

**B. PERMITTED USES**

- 1) Manufacturing and fabrication facilities
- 2) Laboratories
- 3) Professional offices
- 4) Computer and data processing facilities
- 5) Wholesaling/ distribution/ storage
- 6) Mini-warehousing and self-storage facilities
- 7) Laundries and wholesale dry cleaning plants
- 8) Machine shops
- 9) Photo processing
- 10) Sheet metal shops
- 11) Maintenance and repair services
- 12) Research and development facilities
- 13) Chemical/ biochemical manufacturing, production, sales, and services
- 14) Service Establishments, excluding new & used car lots and junk yards  
and those uses specifically mentioned under subsection C, which follows.

**Definition of "Retail & Service Establishment"**- A "Retail Service", under this code, is an establishment or business which produces a tangible commodity, while a "Service Establishment" is a provider of an intangible commodity.

Some examples of establishments which may be retail sales or services are: automobile repair shops, bowling alleys, gasoline stations, appliance service and repair shops, department stores and restaurants. Some examples of establishments that are not retail, but are service establishments are: accounting and other professional firms, medical & dental clinics, construction companies, radio and television stations.

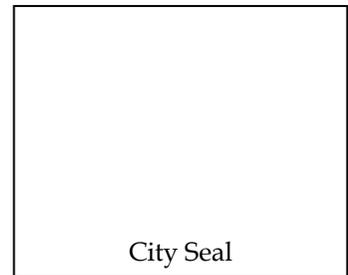
**CHAPTER 16A  
CITY OF PRESQUE ISLE**

**SHORELAND ZONING ORDINANCE**



Date of Passage: April 7, 2014

Attest: \_\_\_\_\_  
Beverly A. Labbe, City Clerk



## SECTION 1 PURPOSES

The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

## SECTION 2 AUTHORITY

This Ordinance has been prepared in accordance with the provisions of Title 38 sections 435-448 of the Maine Revised Statutes Annotated (M.R.S.A.).

## SECTION 3 APPLICABILITY

This Ordinance applies to all land areas within 250 feet, horizontal distance, of the normal high-water line of any great pond; within 250 feet, horizontal distance, of the normal high-water line of river; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland rated moderate or high value by the Department of Inland Fisheries and Wildlife; within 75 feet, horizontal distance, of the upland edge of a freshwater wetland not rated moderate or high value by the Department of Inland Fisheries and Wildlife; and within 75 feet, horizontal distance, of the normal high-water line of a stream.

This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.

## SECTION 4 EFFECTIVE DATE

**A. Effective Date of Ordinance and Ordinance Amendments.** This Ordinance, which was adopted by the municipal legislative body on April 7, 2014, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance or Ordinance Amendment, within forty-five (45) days of his/her receipt of the Ordinance, or Ordinance Amendment, it shall be automatically approved.

Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of this Ordinance, or Ordinance

Amendment, if the Ordinance, or Ordinance Amendment, is approved by the Commissioner.

## **SECTION 5 AVAILABILITY**

A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

## **SECTION 6 SEVERABILITY**

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

## **SECTION 7 CONFLICTS WITH OTHER ORDINANCES**

In applicable areas (refer to Section 3 above), the provisions of this Ordinance supercede the provisions of the Land Use and Development Code. Whenever a provision of this Ordinance conflicts with or is inconsistent with any other ordinance, regulation or statute administered by the municipality, or with another provision of this Ordinance, the more restrictive provision shall control.

## **SECTION 8 AMENDMENTS**

This Ordinance may be amended by majority vote of the legislative body. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

## **SECTION 9 DISTRICTS AND ZONING MAP**

**A. Official Shoreland Zoning Map.** The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the Official Shoreland Zoning Map(s) which is (are) made a part of this Ordinance:

- (1) Resource Protection
- (2) Limited Residential

- (3) Limited Commercial
- (4) General Development
- (5) Stream Protection

- B. Scale of Map.** The Official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.
- C. Certification of Official Shoreland Zoning Map.** The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office. In the event the municipality does not have a municipal office, the Municipal Clerk shall be the custodian of the map.
- D. Changes to the Official Shoreland Zoning Map.** If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

## **SECTION 10 INTERPRETATION OF DISTRICT BOUNDARIES**

Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, the centerlines of streets, roads and rights of way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Zoning Board of Appeals shall be the final authority as to location.

## **SECTION 11 LAND USE REQUIREMENTS**

Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

## **SECTION 12 NON-CONFORMANCE**

- A. Purpose.** It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance or amendments thereto shall be allowed to continue, subject to the requirements set forth in Section 12. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.
- B. General**

- (1) **Transfer of Ownership.** Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.
- (2) **Repair and Maintenance.** This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations that do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

### C. Non-conforming Structures

- (1) **Expansions.** A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure, and is in accordance with subparagraphs (a), and (b) below.
  - (a) Legally existing non-conforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as all other applicable standards contained in this Ordinance are met.
    - i. Expansion of any portion of a structure within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement.
    - ii. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body or wetland setback requirement.
    - iii. For structures located less than 75 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total floor area for all portions of those structures within that 75-foot distance is 1,000 square feet, and the maximum height of any portion of a structure that is within 75 feet, horizontal distance, of a water body, tributary stream or upland edge of a wetland is 20 feet or the height of the existing structure, whichever is greater.

- iv. For structures located less than 100 feet, horizontal distance, from the normal high-water line of a great pond, the maximum combined total floor area for all portions of those structures within that 100-foot distance is 1,500 square feet, and the maximum height of any portion of a structure that is within 100 feet, horizontal distance, of a great pond is 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet, horizontal distance from the normal high-water line of a water body, tributary stream, or the upland edge of a wetland must meet the floor area and height limits of subparagraph (iii).

For the purposes of Section 12(C)(1)(a), a basement is not counted toward floor area.

- (b) Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Code Enforcement Officer, basing its decision on the criteria specified in Section 12(C)(2) Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure, it shall not be considered to be an expansion of the structure.

**(2) Relocation.** A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Code Enforcement Officer, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Code Enforcement Officer shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Code Enforcement Officer shall require

replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

- (a) Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

- (b) Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

- (3) Reconstruction or Replacement.** Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within one (1) year of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Code Enforcement Officer in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12(C)(1) above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12(C)(2) above.

Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Code Enforcement Officer shall consider, in addition to the criteria in Section 12(C)(2) above, the physical condition and type of foundation present, if any.

- (4) Change of Use of a Non-conforming Structure.** The use of a non-conforming structure, is considered a special exception, and may not be changed to another use unless the Zoning Board of Appeals, after receiving a written application, determines that the new use will have no greater adverse impact on the water body, tributary stream, or wetland, or on the subject or adjacent properties and resources than the existing use.

In determining that no greater adverse impact will occur, the Zoning Board of Appeals shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and functionally water-dependent uses.

#### **D. Non-conforming Uses**

- (1) Expansions.** Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Zoning Board of Appeals, be expanded within existing residential structures or within expansions of such structures as allowed in Section 12(C)(1)(a) above.
- (2) Resumption Prohibited.** A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Zoning Board of Appeals may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.

- (3) **Change of Use.** Changing an existing non-conforming use to another non-conforming use is a special exception, and may occur provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, including water dependent uses, than the former use, as determined by the Zoning Board Appeals. The determination of no greater adverse impact shall be made according to criteria listed in Section 12(C)(4) above.

#### E. Non-conforming Lots

- (1) **Non-conforming Lots:** A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area, lot width and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Zoning Board of Appeals.
- (2) **Contiguous Built Lots:** If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

If two or more principal uses or structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

- (3) **Contiguous Lots - Vacant or Partially Built:** If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

This provision shall not apply to 2 or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on January 1, 1992, and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and

- (a) Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or

- (b) Any lots that do not meet the frontage and lot size requirements of Section 12(E)(3)(a) are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

## SECTION 13 ESTABLISHMENT OF DISTRICTS

**A. Resource Protection District.** The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland area, exclusive of the Stream Protection District, except that areas which are currently developed and areas which meet the criteria for the Limited Commercial, District need not be included within the Resource Protection District.

- (1) Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of December 31, 2008. For the purposes of this paragraph "wetlands associated with great ponds and rivers" shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. "Wetlands associated with great ponds or rivers" are considered to be part of that great pond or river.
- (2) Floodplains along rivers defined by the 100 year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils.
- (3) Areas of two or more contiguous acres with sustained slopes of 20% or greater.
- (4) Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater or coastal wetland as defined, and which are not surficially connected to a water body during the period of normal high water.

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NOTE: These areas usually consist of forested wetlands abutting water bodies and non-forested wetlands.

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- (5) Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement.

**B. Limited Residential District.** The Limited Residential District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District, or Stream Protection District, and areas which are used less intensively than those in the Limited Commercial District or the General Development District.

**C. Limited Commercial District.** The Limited Commercial District includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection District, which should not be developed as intensively as the General Development District. This district includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

**D. General Development District.** The General Development District includes the following types of existing or proposed, intensively developed areas:

- (1) Areas of two or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:
  - (a) Areas devoted to manufacturing, fabricating or other industrial activities;
  - (b) Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and
  - (c) Areas devoted to intensive recreational development and activities, such as, but not limited to amusement parks, race tracks and fairgrounds.
- (2) Areas otherwise discernible as having patterns of intensive commercial, industrial or recreational uses.

Portions of the General Development District may also include residential development. However, no area shall be designated as a General Development District based solely on residential use.

There shall be no General Development Districts established adjacent to great ponds.

**G. Stream Protection District.** The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland. Where a stream and its associated shoreland area are located within two-hundred

and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the district associated with that water body or wetland.

## **SECTION 14 TABLE OF LAND USES**

All land use activities, as indicated in Table 1, Land Uses in the Shoreland Area, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

### **Key to Table 1:**

Yes - Allowed (no permit required but the use must comply with all applicable land use standards.)

No - Prohibited

PB - Allowed with approval from the Planning Board and permit issued by the Code Enforcement Officer

ZBA - Allowed with approval from the Zoning Board of Appeals and permit issued by the Code Enforcement Officer.

CEO - Allowed with permit issued by the Code Enforcement Officer

LPI - Allowed with permit issued by the Local Plumbing Inspector

### **Abbreviations:**

RP - Resource Protection      GD - General Development

LR - Limited Residential

LC - Limited Commercial      SP - Stream Protection

**TABLE 1. LAND USES IN THE SHORELAND AREA**

<u>LAND USES</u>	<u>DISTRICT</u>				
	<u>SP</u>	<u>RP</u>	<u>LR</u>	<u>LC</u>	<u>GD</u>
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes	yes	yes
2. Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes	yes
3. Forest management activities except for timber harvesting & land management roads	yes	yes	yes	yes	yes
4. Timber harvesting	yes	CEO	yes	yes	yes
5. Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO <sup>1</sup>	yes	yes	yes
6. Fire prevention activities	yes	yes	yes	yes	yes
7. Wildlife management practices	yes	yes	yes	yes	yes
8. Soil and water conservation practices	yes	yes	yes	yes	yes
9. Mineral exploration	no	Yes <sup>2</sup>	yes <sup>2</sup>	yes <sup>2</sup>	yes <sup>2</sup>
10. Mineral extraction including sand and gravel extraction	no	PB <sup>3</sup>	PB	PB	PB
11. Surveying and resource analysis	yes	yes	yes	yes	yes
12. Emergency operations	yes	yes	yes	yes	yes
13. Agriculture	yes	PB	yes	yes	yes
14. Aquaculture	PB	PB	PB	yes	yes
15. Principal structures and uses					
A. One and two family residential, including driveways	ZBA <sup>4</sup>	ZBA <sup>9</sup>	CEO	CEO	CEO
B. Multi-unit residential	no	no	PB	PB	PB
C. Commercial	no <sup>10</sup>	no	no <sup>10</sup>	PB	PB
D. Industrial	no	no	no	no	PB
E. Governmental and institutional	no	no	PB	PB	PB
F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB <sup>4</sup>	PB	CEO	CEO	CEO
16. Structures accessory to allowed uses	PB <sup>4</sup>	PB	CEO	CEO	yes
17. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland	CEO <sup>11</sup> PB				
a. Temporary					
b. Permanent					
18. Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI	LPI
19. Home occupations	ZBA	ZBA	ZBA	CEO	yes
20. Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI	LPI

21. Essential services					
A. Roadside distribution lines (34.5kV and lower)	CEO <sup>6</sup>	CEO <sup>6</sup>	yes <sup>12</sup>	yes <sup>12</sup>	yes <sup>1</sup> <sub>2</sub>
B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland area	PB <sup>6</sup>	PB <sup>6</sup>	CEO	CEO	CEO
C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland area	PB <sup>6</sup>	PB <sup>6</sup>	PB	PB	PB
D. Other essential services	PB <sup>6</sup>	PB <sup>6</sup>	PB	PB	PB
22. Service drops, as defined, to allowed uses	yes	yes	yes	yes	yes
23. Public and private recreational areas involving minimal structural development	PB	PB	PB	CEO	CEO
24. Individual private campsites	CEO	CEO	CEO	CEO	CEO
25. Campgrounds	no	no	PB	PB	PB
26. Road construction	PB	No <sup>8</sup>	PB	PB	PB
27. Land management roads	yes	PB	yes	yes	yes
28. Parking facilities	no	no	PB	PB	PB
29. Marinas	PB	no	PB	PB	PB
30. Filling and earth moving of <10 cubic yards	CEO	CEO	yes	yes	yes
31. Filling and earth moving of >10 cubic yards	PB	PB	CEO	CEO	CEO
32. Signs	yes	yes	yes	yes	yes
33. Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO
34. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO
35. Uses similar to uses requiring PB approval	PB	PB	PB	PB	PB
36. Uses similar to uses requiring ZBA approval	ZBA	ZBA	ZBA	ZBA	ZBA

<sup>1</sup>In RP not allowed within 75 feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.

<sup>2</sup>Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.

<sup>3</sup>In RP not allowed in areas so designated because of wildlife value.

<sup>4</sup>Provided that a variance from the setback requirement is obtained from the Zoning Board of Appeals.

<sup>5</sup>Intentionally left blank.

<sup>6</sup>See further restrictions in Section 15(L).

<sup>7</sup> Intentionally left blank.

<sup>8</sup>Except as provided in Section 15(H).

<sup>9</sup>Single family residential structures may be allowed by special exception only according to the provisions of Section 16(E), Special Exceptions. Two-family residential structures are prohibited.

<sup>10</sup>Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.

<sup>11</sup>Excluding bridges and other crossings not involving earthwork, in which case no permit is required.

<sup>12</sup>Permit not required, but must file a written “notice of intent to construct” with *CEO*.

NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to 38 M.R.S.A. section 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:

- A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
- B. Draining or otherwise dewatering;
- C. Filling, including adding sand or other material to a sand dune; or
- D. Any construction or alteration of any permanent structure.

**SECTION 15 LAND USE STANDARDS**

All land use activities within the shoreland area shall conform with the following provisions, if applicable.

**A. Minimum Lot Standards**

(1)	Minimum Lot Area (sq. ft.)	Minimum Shore Frontage (ft.)
(a) Residential per dwelling unit within the shoreland area	40,000	200
(b) Governmental, Institutional, Commercial or Industrial structure within the shoreland area	60,000	300
(c) Public and Private Recreational Facilities within the shoreland area	40,000	200

(2) Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.

(3) Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.

(4) The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.

(5) If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

**B. Principal and Accessory Structures**

(1) All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland. In the Resource Protection District the setback requirement is effectively the shoreland area distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

**Exception:**

- (a) The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.

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NOTE: Refer to Section 17 for the definitions for water bodies, tributary stream, and wetland.

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- (2) Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, Limited Commercial, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.
- (3) The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent floodplain soils.
- (4) The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the shoreland area shall not exceed twenty (20) percent of the lot or a portion thereof, located within the shoreland area, including land area previously developed.
- (5) Retaining walls that are not necessary for erosion control shall meet the structure setback requirement.

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NOTE: If a structure and associated soil disturbance occurs within 75 feet, horizontal distance, of a water body, tributary stream or coastal wetland, a permit pursuant to the Natural Resource Protection Act is required from the Department of Environmental Protection.

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- (6) Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided: that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

**C. Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland.**

- (1) Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
- (2) The location shall not interfere with existing developed or natural beach areas.
- (3) The facility shall be located so as to minimize adverse effects on fisheries.
- (4) The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf shall not be wider than six feet for non-commercial uses.
- (5) No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending below the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.
- (6) New permanent piers and docks shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.
- (7) No existing structures built on, over or abutting a pier, dock, wharf or other structure extending below the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.
- (8) Structures built on, over or abutting a pier, wharf, dock or other structure extending below the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

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NOTE: New permanent structures, and expansions thereof, projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. section 480-C. Permits may also be required from the Army Corps of Engineers if located in navigable waters.

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**D. Campgrounds.** Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

- (1) Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.
- (2) The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

**E. Individual Private Campsites.** Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:

- (1) One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland area, whichever is less, may be permitted.
- (2) Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
- (3) Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.
- (4) The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.
- (5) A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
- (6) When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

**F. Commercial and Industrial Uses.** The following new commercial and industrial uses are prohibited within the shoreland area adjacent to great ponds and streams which flow to great ponds:

- (1) Auto washing facilities
- (2) Auto or other vehicle service and/or repair operations, including body shops
- (3) Chemical and bacteriological laboratories
- (4) Storage of chemicals, including herbicides, pesticides or fertilizers, other than amounts normally associated with individual households or farms

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NOTE: 22 M.R.S.A. section 1471-U requires municipal ordinances that apply to pesticide storage, distribution or use be filed with the Maine Board of Pesticides Control, 28 State House Station, Augusta, ME 04333. If a municipality's ordinance is more inclusive or restrictive than these Guidelines, as it pertains to pesticides, a copy of the ordinance must be filed with the Board of Pesticides Control.

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- (5) Commercial painting, wood preserving, and furniture stripping
- (6) Dry cleaning establishments
- (7) Electronic circuit assembly
- (8) Laundromats, unless connected to a sanitary sewer
- (9) Metal plating, finishing, or polishing
- (10) Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas
- (11) Photographic processing
- (12) Printing

**G. Parking Areas**

- (1) Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching facilities shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.

- (2) Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.
- (3) In determining the appropriate size of proposed parking facilities, the following shall apply:
  - (a) Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
  - (b) Internal travel aisles: Approximately twenty (20) feet wide.

**H. Roads and Driveways.** The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

- (1) Roads and driveways shall be set back at least one-hundred (100) feet, horizontal distance, from the normal high-water line of a great pond, and seventy-five (75) feet, horizontal distance from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.

Section 15 (H)(1) does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 15(H)(1) except for that portion of the road or driveway necessary for direct access to the structure.

- (2) Existing public roads may be expanded within the legal road right of way regardless of their setback from a water body, tributary stream or wetland.

- (3) New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant approval to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection District the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.
- (4) Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 15(Q).
- (5) Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.
- (6) In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.
- (7) Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:
  - (a) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road or driveway at intervals no greater than indicated in the following table:

Grade (Percent)	Spacing (Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21 +	40

- (b) Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.
  - (c) On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.
  - (d) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.
- (8) Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.
- I. Signs.** The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, Limited Residential and Limited Commercial Districts:
- (1) Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. In the Limited Commercial District, however, such signs shall not exceed sixteen (16) square feet in area. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.
  - (2) Name signs are allowed, provided such signs shall not exceed two (2) signs per premises, and shall not exceed twelve (12) square feet in the aggregate.
  - (3) Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.
  - (4) Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
  - (5) Signs relating to public safety shall be allowed without restriction.
  - (6) No sign shall extend higher than twenty (20) feet above the ground.
  - (7) Signs may be illuminated only by shielded, non-flashing lights.

## J. Storm Water Runoff

- (1) All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of stormwaters.
- (2) Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

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NOTE: The Stormwater Management Law (38 M.R.S.A. section 420-D) requires a full permit to be obtained from the DEP prior to construction of a project consisting of 20,000 square feet or more of impervious area or 5 acres or more of a developed area in an urban impaired stream watershed or most-at-risk lake watershed, or a project with 1 acre or more of developed area in any other stream, coastal or wetland watershed. A permit-by-rule is necessary for a project with one acre or more of disturbed area but less than 1 acre impervious area (20,000 square feet for most-at-risk lakes and urban impaired streams) and less than 5 acres of developed area. Furthermore, a Maine Construction General Permit is required if the construction will result in one acre or more of disturbed area.

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## K. Septic Waste Disposal

- (1) All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and the following:
  - (a) clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland; and
  - (b) a holding tank is not allowed for a first-time residential use in the shoreland area.

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NOTE: The Maine Subsurface Wastewater Disposal Rules require new systems, excluding fill extensions, to be constructed no less than one hundred (100) horizontal feet from the normal high-water line of a perennial water body. The minimum setback distance for a new subsurface disposal system may not be reduced by variance.

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## L. Essential Services

- (1) Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.
- (2) The installation of essential services, other than road-side distribution lines, is not allowed in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.
- (3) Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

**M. Mineral Exploration and Extraction.** Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes, shall be immediately capped, filled or secured by other equally effective measures to restore disturbed areas and to protect the public health and safety.

Mineral extraction may be permitted under the following conditions:

- (1) A reclamation plan shall be filed with, and approved, by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 15 (M)(3) below.
- (2) No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.
- (3) Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:

- (a) All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.

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NOTE: The State of Maine Solid Waste Laws, 38 M.R.S.A., section 1301 and the solid waste management rules, Chapters 400-419 of the Department of Environmental Protection's regulations may contain other applicable provisions regarding disposal of such materials.

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- (b) The final graded slope shall be two and one-half to one (2 1/2:1) slope or flatter.
- (c) Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
- (4) In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

## **N. Agriculture**

- (1) All spreading of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).
- (2) Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland area must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.
- (3) Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland area shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

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NOTE: Assistance in preparing a Conservation Plan may be available through the local Soil and Water Conservation District office.

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- (4) There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond; within seventy-five (75) feet, horizontal distance, from other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.
- (5) Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond; within seventy-five (75) feet, horizontal distance, of other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan.
- (6) Water withdrawals for agricultural irrigation are allowed within the shoreland area, as long as they are in compliance with Chapter 587 "In-stream flow standards" and with best management practices as applicable.

#### **O. Timber Harvesting – Statewide Standards**

- (1) **Shoreline integrity and sedimentation.** Persons conducting timber harvesting and related activities must take reasonable measures to avoid the disruption of shoreline integrity, the occurrence of sedimentation of water, and the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines, and soil lying within water bodies, tributary streams and wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation of water, or the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines, and soil lying within water bodies, tributary streams and wetlands occurs, such conditions must be corrected.
- (2) **Slash treatment.** Timber harvesting and related activities shall be conducted such that slash or debris is not left below the normal high-water line of any water body or tributary stream, or the upland edge of a wetland. Section 15(O)(2) does not apply to minor, incidental amounts of slash that result from timber harvesting and related activities otherwise conducted in compliance with this section.
  - (a) Slash actively used to protect soil from disturbance by equipment or to stabilize exposed soil, may be left in place, provided that no part thereof extends more than 4 feet above the ground.

(b) Adjacent to great ponds, rivers and wetlands:

- (i) No accumulation of slash shall be left within 50 feet, horizontal distance, of the normal high-water line or upland edge of a wetland; and
- (ii) Between 50 feet and 250 feet, horizontal distance, of the normal high-water line or upland edge of a wetland, all slash larger than 3 inches in diameter must be disposed of in such a manner that no part thereof extends more than 4 feet above the ground.

(3) Timber harvesting and related activities must leave adequate tree cover and shall be conducted so that a well-distributed stand of trees is retained. This requirement may be satisfied by following one of the following three options:

(a) **Option 1 (40% volume removal)**, as follows:

- (i) Harvesting of no more than 40 percent of the total volume on each acre of trees 4.5 inches DBH or greater in any 10 year period is allowed. Volume may be considered to be equivalent to basal area;
- (ii) A well-distributed stand of trees which is windfirm, and other vegetation including existing ground cover, must be maintained; and,
- (iii) Within 75 feet, horizontal distance, of the normal high-water line of rivers, streams, and great ponds, and within 75 feet, horizontal distance, of the upland edge of a freshwater or coastal wetlands, there must be no cleared openings. At distances greater than 75 feet, horizontal distance, of the normal high-water line of a river or great pond or upland edge of a wetland, timber harvesting and related activities must not create single cleared openings greater than 14,000 square feet in the forest canopy. Where such openings exceed 10,000 square feet, they must be at least 100 feet, horizontal distance, apart. Such cleared openings will be included in the calculation of total volume removal. Volume may be considered equivalent to basal area.

(b) **Option 2 (60 square foot basal area retention)**, as follows:

- (i) The residual stand must contain an average basal area of at least 60 square feet per acre of woody vegetation greater than or equal to 1.0 inch DBH, of which 40 square feet per acre must be greater than or equal to 4.5 inches DBH;

- (ii) A well-distributed stand of trees which is windfirm, and other vegetation including existing ground cover, must be maintained; and,
  - (iii) Within 75 feet, horizontal distance, of the normal high-water line of water bodies and within 75 feet, horizontal distance, of the upland edge of wetlands, there must be no cleared openings. At distances greater than 75 feet, horizontal distance, of the normal high-water line of a river or great pond, or upland edge of a wetland, timber harvesting and related activities must not create single cleared openings greater than 14,000 square feet in the forest canopy. Where such openings exceed 10,000 square feet, they must be at least 100 feet, horizontal distance, apart. Such cleared openings will be included in the calculation of the average basal area. Volume may be considered equivalent to basal area.
- (c) **Option 3 (Outcome based)**, which requires: An alternative method proposed in an application, signed by a Licensed Forester or certified wildlife professional, submitted by the landowner or designated agent to the State of Maine Department of Conservation's Bureau of Forestry (Bureau) for review and approval, which provides equal or better protection of the shoreland area than this rule.

Landowners must designate on the Forest Operations Notification form required by 12 M.R.S.A. chapter 805, subchapter 5 which option they choose to use. If landowners choose Option 1 or Option 2, compliance will be determined solely on the criteria for the option chosen. If landowners choose Option 3, timber harvesting and related activities may not begin until the Bureau has approved the alternative method.

The Bureau may verify that adequate tree cover and a well-distributed stand of trees is retained through a field procedure that uses sample plots that are located randomly or systematically to provide a fair representation of the harvest area.

- (4) **Skid trails, yards, and equipment operation.** This requirement applies to the construction, maintenance, and use of skid trails and yards in shoreland areas.
- (a) Equipment used in timber harvesting and related activities shall not use river, stream or tributary stream channels as travel routes except when surface waters are frozen and snow covered, and the activity will not result in any ground disturbance.
  - (b) Skid trails and yards must be designed and constructed to prevent sediment and concentrated water runoff from entering a water body, tributary stream, or wetland. Upon termination of their use, skid trails and yards must be stabilized.

(c) Setbacks:

- (i) Equipment must be operated to avoid the exposure of mineral soil within 25 feet, horizontal distance, of any water body, tributary stream, or wetland. On slopes of 10 percent or greater, the setback for equipment operation must be increased by 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5 percent increase in slope above 10 percent. Where slopes fall away from the resource, no increase in the 25-foot setback is required.
- (ii) Where such setbacks are impracticable, appropriate techniques shall be used to avoid sedimentation of the water body, tributary stream or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

(5) **Land Management Roads.** Land management roads, including approaches to crossings of water bodies, tributary stream channels, and freshwater wetlands, ditches and other related structures, must be designed, constructed, and maintained to prevent sediment and concentrated water runoff from directly entering the water body, tributary stream or wetland. Surface water on or adjacent to water crossing approaches must be diverted through vegetative filter strips to avoid sedimentation of the watercourse or wetland. Because roadside ditches may not extend to the resource being crossed, vegetative filter strips must be established in accordance with the setback requirements in Section 15(O)(7) of this rule.

- (a) Land management roads and associated ditches, excavation, and fill must be set back at least:
  - (i) 100 feet, horizontal distance, from the normal high-water line of a great pond, river or freshwater or coastal wetland;
  - (ii) 50 feet, horizontal distance, from the normal high-water line of streams; and
  - (iii) 25 feet, horizontal distance, from the normal high-water line of tributary streams

- (b) The minimum 100 foot setback specified in Section 15(O)(5)(a)(i) above may be reduced to no less than 50 feet, horizontal distance, and the 50 foot setback specified in Section 15(O)(5)(a)(ii) above may be reduced to no less than 25 feet, horizontal distance, if, prior to construction, the landowner or the landowner's designated agent demonstrates to the Planning Board's satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the water body, tributary stream or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.
  
- (c) On slopes of 10 percent or greater, the land management road setback must be increased by at least 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5 percent increase in slope above 10 percent.
  
- (d) New land management roads are not allowed within the shoreland area along Significant River Segments as identified in 38 M.R.S.A. section 437, nor in a Resource Protection District, unless, prior to construction, the landowner or the landowner's designated agent makes a clear demonstration to the Planning Board's satisfaction that no reasonable alternative route exists outside the shoreland zone, and that the new road must be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.
  
- (e) Ditches, culverts, bridges, dips, water turnouts and other water control installations associated with roads must be maintained on a regular basis to assure effective functioning. Drainage structures shall deliver a dispersed flow of water into an unscarified filter strip no less than the width indicated in the setback requirements in Section 15(O)(7). Where such a filter strip is impracticable, appropriate techniques shall be used to avoid sedimentation of the water body, tributary stream, or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

- (f) **Road closeout and discontinuance.** Maintenance of the water control installations required in Section 15(O)(5)(e) must continue until use of the road is discontinued and the road is put to bed by effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to avoid surface water flowing over or under the water bar, and extending a sufficient distance beyond the traveled way so that water does not reenter the road surface.
  - (g) **Upgrading existing roads.** Extension or enlargement of presently existing roads must conform to the provisions of Section 15(O). Any nonconforming existing road may continue to exist and to be maintained, as long as the nonconforming conditions are not made more nonconforming.
  - (h) **Exception.** Extension or enlargement of presently existing roads need not conform to the setback requirements of Section 15(O)(5)(a) if, prior to extension or enlargement, the landowner or the landowner's designated agent demonstrates to the Planning Board's satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.
  - (i) **Additional measures.** In addition to the foregoing minimum requirements, persons undertaking construction and maintenance of roads and river, stream and tributary stream crossings must take reasonable measures to avoid sedimentation of surface waters.
- (6) **Crossings of waterbodies.** Crossings of rivers, streams, and tributary streams must allow for fish passage at all times of the year, must not impound water, and must allow for the maintenance of normal flows.
- (a) **Determination of flow.** Provided they are properly applied and used for the circumstances for which they are designed, methods including but not limited to the following are acceptable as a means of calculating the 10 year and 25 year frequency water flows and thereby determining water crossing sizes as required in Section 15(O): The United States Geological Survey (USGS) Methods; specifically: Hodgkins, G. 1999. Estimating the Magnitude of Peak Flows for Streams in Maine for Selected Recurrence Intervals. U.S. Geological Survey. Water Resources Investigations Report 99-4008. 45 pp.

- (b) **Upgrading existing water crossings.** Extension or enlargement of presently existing water crossings must conform to the provisions of Section 15(O). Any nonconforming existing water crossing may continue to exist and be maintained, as long as the nonconforming conditions are not made more nonconforming; however, any maintenance or repair work done below the normal high-water line must conform to the provisions of Section 15(O).
- (c) **Other Agency Permits.** Any timber harvesting and related activities involving the design, construction, and maintenance of crossings on waterbodies other than a river, stream or tributary stream may require a permit from the Land Use Regulation Commission, the Department of Environmental Protection, or the US Army Corps of Engineers.
- (d) Any timber harvesting and related activities involving the design, construction, and maintenance of crossings of freshwater wetlands identified by the Department of Inland Fisheries and Wildlife as essential wildlife habitat require prior consultation with the Department of Inland Fisheries and Wildlife.
- (e) **Notice to Bureau of Forestry.** Written notice of all water crossing construction maintenance, alteration and replacement activities in shoreland areas must be given to the Bureau prior to the commencement of such activities. Such notice must contain all information required by the Bureau, including:
  - (i) a map showing the location of all proposed permanent crossings;
  - (ii) the GPS location of all proposed permanent crossings;
  - (iii) for any temporary or permanent crossing that requires a permit from state or federal agencies, a copy of the approved permit or permits; and
  - (iv) a statement signed by the responsible party that all temporary and permanent crossings will be constructed, maintained, and closed out in accordance with the requirements of this Section.
- (f) **Water crossing standards.** All crossings of rivers require a bridge or culvert sized according to the requirements of Section 15(O)(6)(g)) below. Streams and tributary streams may be crossed using temporary structures that are not bridges or culverts provided:
  - (i) concentrated water runoff does not enter the stream or tributary stream;
  - (ii) sedimentation of surface waters is reasonably avoided;
  - (iii) there is no substantial disturbance of the bank, or stream or tributary stream channel;
  - (iv) fish passage is not impeded; and,
  - (v) water flow is not unreasonably impeded.

Subject to Section 15(O)(6)(f)(i-v) above, skid trail crossings of streams and tributary streams when channels of such streams and tributary streams are frozen and snow-covered or are composed of a hard surface which will not be eroded or otherwise damaged are not required to use permanent or temporary structures.

- (g) **Bridge and Culvert Sizing.** For crossings of river, stream and tributary stream channels with a bridge or culvert, the following requirements apply:
- (i) Bridges and culverts must be installed and maintained to provide an opening sufficient in size and structure to accommodate 10 year frequency water flows or with a cross-sectional area at least equal to 2 1/2 times the cross-sectional area of the river, stream, or tributary stream channel.
  - (ii) Temporary bridge and culvert sizes may be smaller than provided in Section 15(O)(6)(g)(i) if techniques are effectively employed such that in the event of culvert or bridge failure, the natural course of water flow is maintained and sedimentation of the water body or tributary stream is avoided. Such crossing structures must be at least as wide as the channel and placed above the normal high-water line. Techniques may include, but are not limited to, the effective use of any, a combination of, or all of the following:
    - 1. use of temporary skidder bridges;
    - 2. removing culverts prior to the onset of frozen ground conditions;
    - 3. using water bars in conjunction with culverts;
    - 4. using road dips in conjunction with culverts.
  - (iii) Culverts utilized in river, stream and tributary stream crossings must:
    - 1. be installed at or below river, stream or tributary stream bed elevation;
    - 2. be seated on firm ground;
    - 3. have soil compacted at least halfway up the side of the culvert;
    - 4. be covered by soil to a minimum depth of 1 foot or according to the culvert manufacturer's specifications, whichever is greater; and
    - 5. have a headwall at the inlet end which is adequately stabilized by riprap or other suitable means to reasonably avoid erosion of material around the culvert.
  - (iv) River, stream and tributary stream crossings allowed under Section 15(O), but located in flood hazard areas (i.e. A zones) as identified on a community's Flood Insurance Rate Maps (FIRM) or Flood Hazard Boundary Maps (FHBM), must be designed and constructed under the stricter standards contained in that community's National Flood Insurance Program (NFIP). For example, a water crossing may be required to pass a 100-year flood event.

- (v) **Exception.** Skid trail crossings of tributary streams within shoreland areas and wetlands adjacent to such streams may be undertaken in a manner not in conformity with the requirements of the foregoing subsections provided persons conducting such activities take reasonable measures to avoid the disruption of shoreline integrity, the occurrence of sedimentation of water, and the disturbance of stream banks, stream channels, shorelines, and soil lying within ponds and wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation of water, or the disturbance of stream banks, stream channels, shorelines, and soil lying within ponds and wetlands occurs, such conditions must be corrected.
  
- (h) **Skid trail closeout.** Upon completion of timber harvesting and related activities, or upon the expiration of a Forest Operations Notification, whichever is earlier, the following requirements apply:
  - (i) Bridges and culverts installed for river, stream and tributary stream crossings by skid trails must either be removed and areas of exposed soil stabilized, or upgraded to comply with the closeout standards for land management roads in Section 15(O)(6)(i) below.
  
  - (ii) Water crossing structures that are not bridges or culverts must either be removed immediately following timber harvesting and related activities, or, if frozen into the river, stream or tributary stream bed or bank, as soon as practical after snowmelt.
  
  - (iii) River, stream and tributary stream channels, banks and approaches to crossings of water bodies and tributary streams must be immediately stabilized on completion of harvest, or if the ground is frozen and/or snow-covered, as soon as practical after snowmelt. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.
  
- (i) **Land management road closeout.** Maintenance of the water control features must continue until use of the road is discontinued and the road is put to bed by taking the following actions:
  - (i) Effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to reasonably avoid surface water flowing over or under the water bar, and extending sufficient distance beyond the traveled way so that water does not reenter the road surface.

- (ii) Water crossing structures must be appropriately sized or dismantled and removed in a manner that reasonably avoids sedimentation of the water body or tributary stream.
- (iii) Any bridge or water crossing culvert in roads to be discontinued shall satisfy one of the following requirements:
  1. it shall be designed to provide an opening sufficient in size and structure to accommodate 25 year frequency water flows;
  2. it shall be designed to provide an opening with a cross-sectional area at least 3 1/2 times the cross-sectional area of the river, stream or tributary stream channel; or
  3. it shall be dismantled and removed in a fashion to reasonably avoid sedimentation of the river, stream or tributary stream.

If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

**(7) Slope Table**

Filter strips, skid trail setbacks, and land management road setbacks must be maintained as specified in Section 15(O), but in no case shall be less than shown in the following table.

Average slope of land between exposed mineral soil and the shoreline (percent)	Width of strip between exposed mineral soil and shoreline (feet along surface of the ground)
0	25
10	45
20	65
30	85
40	105
50	125
60	145
70	165

**P. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting**

- (1) In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards.

Elsewhere, in any Resource Protection District the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

(2) Except in areas as described in Section P(1), above, and except to allow for the development of permitted uses, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond, and seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

- (a) There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed provided that a cleared line of sight to the water through the buffer strip is not created.
- (b) Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of Section 15(P)(2)(b) a "well-distributed stand of trees" adjacent to a great pond or stream flowing to a great pond, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

Diameter of Tree at 4-1/2 feet Above Ground Level (inches)	Points
2<4	1
4<8	2
8<12	4
12 or greater	8

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 16 per 25-foot by 50-foot rectangular area.

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NOTE: As an example, adjacent to a great pond, if a 25-foot x 50-foot plot contains four (4) trees between 2 and 4 inches in diameter, two trees between 4 and 8 inches in diameter, three trees between 8 and 12 inches in diameter, and two trees over 12 inches in diameter, the rating score is:

$$(4 \times 1) + (2 \times 2) + (3 \times 4) + (2 \times 8) = 36 \text{ points}$$

Thus, the 25-foot by 50-foot plot contains trees worth 36 points. Trees totaling 12 points (36 - 24 = 12) may be removed from the plot provided that no cleared openings are created.

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The following shall govern in applying this point system:

- (i) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
- (ii) Each successive plot must be adjacent to, but not overlap a previous plot;
- (iii) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
- (iv) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by is Ordinance;
- (v) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of Section 15(P)(2)(b) "other natural vegetation" is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 50-foot rectangle area. If five (5) saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until five (5) saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten (10) year period.

- (c) In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 15(P) paragraphs (2) and (2)(a) above.
- (d) Pruning of tree branches, on the bottom 1/3 of the tree is allowed.
- (e) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

Section 15(P)(2) does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.

- (3) At distances greater than one hundred (100) feet, horizontal distance, from a great pond, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the shoreland area or ten thousand (10,000) square feet, whichever is greater, including land previously cleared. This provision shall not apply to the General Development District.

- (4) Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.
- (5) Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 15(P).

#### **Q. Erosion and Sedimentation Control**

- (1) All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
  - (a) Mulching and revegetation of disturbed soil.
  - (b) Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
  - (c) Permanent stabilization structures such as retaining walls or riprap.

- (2) In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
  - (3) Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
  - (4) Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:
    - (a) Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
    - (b) Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
    - (c) Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
  - (5) Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty five (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap.
- R. Soils.** All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

- S. Water Quality.** No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body, tributary stream or wetland.
- T. Archaeological Site.** Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

## SECTION 16 ADMINISTRATION

### A. Administering Bodies and Agents

- (1) **Code Enforcement Officer.** A Code Enforcement Officer shall be appointed or reappointed annually by July 1st.
- (2) **Zoning Board of Appeals.** A Zoning Board of Appeals shall be created in accordance with the provisions of 30-A M.R.S.A. section 2691.
- (3) **Planning Board.** A Planning Board shall be created in accordance with the provisions of State law.

**B. Permits Required.** After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.

- (1) A permit is not required for the replacement of an existing road culvert as long as:
  - (a) The replacement culvert is not more than 25% longer than the culvert being replaced;
  - (b) The replacement culvert is not longer than 75 feet; and
  - (c) Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.

- (2) A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.
- (3) Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

### **C. Permit Application**

- (1) Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.
- (2) All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.
- (3) All applications shall be dated, and the appropriate official as indicated in Section 14 shall note upon each application the date and time of its receipt.
- (4) If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system.

**D. Procedure for Administering Permits.** Within 35 days of the date of receiving a written application, the the appropriate official as indicated in Section 14 shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The appropriate officials as indicated in Section 14 shall approve, approve with conditions, or deny all permit applications in writing within 35 days of receiving a completed application. However, if appropriate officials as indicated in Section 14 have a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the appropriate officials' agenda following receipt of the completed application, or within 35 days of the public hearing, if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

After the submission of a complete application to the appropriate officials as indicated in Section 14, the appropriate Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

- (1) Will maintain safe and healthful conditions;
- (2) Will not result in water pollution, erosion, or sedimentation to surface waters;
- (3) Will adequately provide for the disposal of all wastewater;
- (4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
- (5) Will conserve shore cover and visual, as well as actual, points of access to inland waters;
- (6) Will protect archaeological and historic resources as designated in the comprehensive plan;
- (7) Will avoid problems associated with floodplain development and use; and
- (8) Is in conformance with the provisions of Section 15, Land Use Standards.

If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance, or regulation or statute administered by the municipality.

- E. Special Exceptions.** In addition to the criteria specified in Section 16(D) above, excepting structure setback requirements, the Zoning Board of Appeals may approve an application for a single family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

- (1) There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.
- (2) The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.
- (3) All proposed buildings, sewage disposal systems and other improvements are:
  - (a) Located on natural ground slopes of less than 20%; and
  - (b) Located outside the floodway of the 100-year floodplain along rivers based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year floodplain elevation; and the development is otherwise in compliance with any applicable municipal floodplain ordinance.

If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-year floodplain.

- (4) The total ground-floor area, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.
  - (5) All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than 75 feet, horizontal distance. In determining the greatest practical extent, the Zoning Board of Appeals shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the floodplain, and its proximity to moderate-value and high-value wetlands.
- F. Expiration of Permit.** Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.

**G. Installation of Public Utility Service.** A public utility, water district, sanitary district or any utility company of any kind may not install services to any new structure located in the shoreland area unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officials and the utility.

## **H. Appeals**

(1) **Powers and Duties of the Zoning Board of Appeals.** The Zoning Board of Appeals shall also have the following powers:

(a) **Administrative Appeals:** To hear and decide administrative appeals, on a de novo basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board or the Code Enforcement Officer in the administration of this Ordinance or in the review of and action on a permit application under this Ordinance. Any order, requirement, decision or determination made, or failure to act, by the Zoning Board of Appeals in the administration of this Ordinance or in the review of and action on a permit application under this Ordinance is not appealable to the Zoning Board of Appeals. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Zoning Board of Appeals.

(b) **Variance Appeals:** To authorize variances upon appeal, within the limitations set forth in this Ordinance.

(2) **Variance Appeals.** Variances may be granted only under the following conditions:

(a) Variances may be granted only from dimensional requirements including, but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.

(b) Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.

(c) The Board shall not grant a variance unless it finds that:

(i) The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and

- (ii) The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:
- a. That the land in question cannot yield a reasonable return unless a variance is granted;
  - b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
  - c. That the granting of a variance will not alter the essential character of the locality; and
  - d. That the hardship is not the result of action taken by the applicant or a prior owner.
- (d) Notwithstanding Section 16(H)(2)(c)(ii) above, the Zoning Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.
- (e) The Zoning Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.
- (f) A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Zoning Board of Appeals. Any comments received from the Commissioner prior to the action by the Zoning Board of Appeals shall be made part of the record and shall be taken into consideration by Zoning the Board of Appeals.

### **(3) Administrative Appeals**

When the Zoning Board of Appeals reviews a decision of the the Planning Board or Code Enforcement Officer, the Zoning Board of Appeals shall hold a “de novo” hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a “de novo” capacity the Zoning Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

### **(4) Appeal Procedure**

#### **(a) Making an Appeal**

- (i) An administrative or variance appeal may be taken to the Zoning Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for matters as described in Section 16(H)(1)(a) above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.
- (ii) Applications for appeals shall be made by filing with the Zoning Board of Appeals a written notice of appeal which includes:
  - a. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.
  - b. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
- (iii) Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Zoning Board of Appeals all of the papers constituting the record of the decision appealed from.
- (iv) The Zoning Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.

**(b) Decision by Zoning Board of Appeals**

- (i) A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.
  - (ii) The person filing the appeal shall have the burden of proof.
  - (iii) The Board shall decide all administrative appeals and variance appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals.
  - (iv) The Zoning Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board's decision. Copies of written decisions of the Zoning Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.
- (5) **Appeal to Superior Court.** Except as provided by 30-A M.R.S.A. section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Zoning Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Zoning Board of Appeals.
- (6) **Reconsideration.** In accordance with 30-A M.R.S.A. section 2691(3)(F), the Zoning Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

**I. Enforcement**

- (1) **Nuisances.** Any violation of this Ordinance shall be deemed to be a nuisance.

**(2) Code Enforcement Officer**

- (a) It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.
- (b) The Code Enforcement Officer shall conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.
- (c) The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected.

**(3) Legal Actions.** When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

**(4) Fines.** Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A. section 4452.

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NOTE: Current penalties include fines of not less than \$100 nor more than \$2500 per violation for each day that the violation continues. However, in a resource protection district the maximum penalty is increased to \$5000 (38 M.R.S.A. section 4452).

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## SECTION 17 DEFINITIONS

**Accessory structure or use** - a use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

**Aggrieved party** - an owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

**Agriculture** - the production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green-house products. Agriculture does not include forest management and timber harvesting activities.

**Aquaculture** - the growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

**Basal Area** - the area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

**Basement** - any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

**Boat Launching Facility** - a facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

**Bureau** - State of Maine Department of Conservation's Bureau of Forestry

**Campground** - any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

**Canopy** - the more or less continuous cover formed by tree crowns in a wooded area.

**Commercial use** - the use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

**Cross-sectional area** - the cross-sectional area of a stream or tributary stream channel is determined by multiplying the stream or tributary stream channel width by the average stream or tributary stream channel depth. The stream or tributary stream channel width is the straight line distance from the normal high-water line on one side of the channel to the normal high-water line on the opposite side of the channel. The average stream or tributary stream channel depth is the average of the vertical distances from a straight line between the normal high-water lines of the stream or tributary stream channel to the bottom of the channel.

**DBH** - the diameter of a standing tree measured 4.5 feet from ground level.

**Development** - a change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

**Dimensional requirements** - numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

**Disability** - any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

**Disruption of shoreline integrity** - the alteration of the physical shape, properties, or condition of a shoreline at any location by timber harvesting and related activities. A shoreline where shoreline integrity has been disrupted is recognized by compacted, scarified and/or rutted soil, an abnormal channel or shoreline cross-section, and in the case of flowing waters, a profile and character altered from natural conditions.

**Driveway** - a vehicular access-way less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling, or less.

**Emergency operations** - operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

**Essential services** - gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

**Expansion of a structure** - an increase in the floor area or volume of a structure, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses.

**Expansion of use** - the addition of one or more months to a use's operating season; or the use of more floor area or ground area devoted to a particular use.

**Family** - one or more persons occupying a premises and living as a single housekeeping unit.

**Floodway** - the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

**Floor area** - the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

**Forest management activities** - timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

**Forest Stand** - a contiguous group of trees sufficiently uniform in age class distribution, composition, and structure, and growing on a site of sufficiently uniform quality, to be a distinguishable unit.

**Forested wetland** - a freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller.

**Foundation** - the supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frostwalls, or other base consisting of concrete, block, brick or similar material.

**Freshwater wetland** - freshwater swamps, marshes, bogs and similar areas, other than forested wetlands; which are:

1. Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of 10 acres; and
2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; but

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

“Freshwater wetland” does not include areas legally constructed and maintained by human activity.

**Functionally water-dependent uses** - those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, waters and that can not be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities (excluding recreational boat storage buildings), finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, retaining walls, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that can not reasonably be located or operated at an inland site, and uses that primarily provide general public access to waters.

**Great pond** - any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres; except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

**Ground cover** - small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

**Harvest Area** - the area where timber harvesting and related activities, including the cutting of trees, skidding, yarding, and associated road construction take place. The area affected by a harvest encompasses the area within the outer boundaries of these activities, excepting unharvested areas greater than 10 acres within the area affected by a harvest.

**Height of a structure** - the vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

**Home occupation** - is an special exception; an occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses, and 2) which employs no more than two (2) persons other than family members residing in the home.

**Increase in nonconformity of a structure** - any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

**Individual private campsite** - an area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fire place, or tent platform.

**Industrial** - The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

**Institutional** - a non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

**Land Management Road** - a route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.

**Licensed Forester** - a forester licensed under 32 M.R.S.A. Chapter 76.

**Lot area** - The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

**Marina** - a business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops and marine fuel service facilities.

**Market value** - the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

**Mineral exploration** - hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

**Mineral extraction** - any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

**Minimum lot width** - the closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland area, both lot lines shall be considered to be side lot lines.

**Multi-unit residential** - a residential structure containing three (3) or more residential dwelling units.

**Native** - indigenous to the local forests.

**Non-conforming condition** - non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

**Non-conforming lot** - a single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

**Non-conforming structure** - a structure which does not meet any one or more of the following dimensional requirements; setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

**Non-conforming use** - use of buildings, structures, premises, land or parts thereof which is not allowed in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

**Normal high-water line** - that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond.

**Person** - an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

**Piers, docks, wharves, bridges and other structures and uses** extending over or below the normal high-water line or within a wetland.

**Temporary:** Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

**Permanent:** Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

**Principal structure** - a building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

**Principal use** - a use other than one which is wholly incidental or accessory to another use on the same premises.

**Public facility** - any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

**Recent floodplain soils** - the following soil series as described and identified by the National Cooperative Soil Survey:

Fryeburg	Hadley	Limerick
Lovewell	Medomak	Ondawa
Alluvial	Cornish	Charles
Podunk	Rumney	Saco
Suncook	Sunday	Winooski

**Recreational facility** - a place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

**Recreational vehicle** - a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

**Replacement system** - a system intended to replace: 1.) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or 2.) any existing overboard wastewater discharge.

**Residential dwelling unit** - a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

**Riprap** - rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

**Residual basal area** - the average of the basal area of trees remaining on a harvested site.

**Residual Stand** - a stand of trees remaining in the forest following timber harvesting and related activities.

**River** - a free-flowing body of water including its associated floodplain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth.

**Road** - a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined.

**Service drop** - any utility line extension which does not cross or run beneath any portion of a water body provided that:

1. in the case of electric service
  - a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
  - b. the total length of the extension is less than one thousand (1,000) feet.
2. in the case of telephone service
  - a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
  - b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

**Setback** - the nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area.

**Shore frontage** - the length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

**Shoreland area** - land areas located within 250 feet, horizontal distance, of the normal high-water line of any great pond; within 250 feet, horizontal distance, of the normal high-water line of river; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland rated moderate or high value by the Department of Inland Fisheries and Wildlife; within 75 feet, horizontal distance, of the upland edge of a freshwater wetland not rated moderate or high value by the Department of Inland Fisheries and Wildlife; and within 75 feet, horizontal distance, of the normal high-water line of a stream.

**Shoreline** - the normal high-water line, or upland edge of a freshwater wetland.

**Skid Road or Skid Trail** - a route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

**Slash** - the residue, e.g., treetops and branches, left on the ground after a timber harvest.

**Stream** - a free-flowing body of water from the outlet of a freshwater wetland, a free-flowing body of water from the outlet of a great pond, or a free-flowing body of water from the confluence of two perennial streams, as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river or flows into the shoreland area of another water body or wetland.

“Stream” does not include:

- grassy swales without defined banks and lacking the presence of a bed
- rills, gullies, ditches or drainageways legally created by human activity

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NOTE: Freshwater wetlands as defined may have inclusions meeting the definition of stream, where it would be considered part of the wetland. Inlets and outlets within the shoreland area of a great pond, river or wetland are considered to be tributary streams as defined.

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**Structure** - anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes.

**Substantial start** - completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

**Subsurface sewage disposal system** - any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

**Sustained slope** - a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

**Timber harvesting** - the cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland area on a lot that has less than two (2) acres within the shoreland area shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 15 (P), *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting*.

**Timber harvesting and related activities** - timber harvesting, the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting.

**Tributary stream** - means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. This term only applies to that portion of the tributary stream located within the shoreland area of the receiving water body or wetland.

“Tributary stream” does not include:

- grassy swales without defined banks and lacking the presence of a bed as described above
- rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity
- ditches and draineways, which are legally constructed and maintained solely for the purpose of draining stormwater
- the term "stream" as defined elsewhere in this Ordinance

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NOTE: Water setback requirements apply to tributary streams within the shoreland area.

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**Upland edge of a wetland** - the boundary between upland and wetland. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) feet) tall or taller.

**Vegetation** - all live trees, shrubs, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 feet above ground level.

**Volume of a structure** - the volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

**Water body** - any great pond, river or stream.

**Water crossing** - any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

**Wetland** - a freshwater wetland.

**Windfirm** - the ability of a forest stand to withstand strong winds and resist windthrow, wind rocking, and major breakage.

**Woody Vegetation** - live trees or woody, non-herbaceous shrubs.

**NOTICE OF PUBLIC HEARING  
CITY OF PRESQUE ISLE  
LEGAL NOTICE**

Notice is hereby given that the Presque Isle City Council will hold a **PUBLIC HEARING** on **Monday, April 7, 2014 at 6 PM** to consider adopting *Chapter 16A - Shoreland Zoning*. The hearing will be held in the City Council Chambers, City Hall, 12 Second Street, Presque Isle.

The public is invited to attend the public hearing or submit written comments. The purpose of the public hearing is to receive citizen comments.

Copies of the proposed ordinance are available Monday - Friday 8:00 AM to 4:30 PM at the Planning and Development Department on the 3rd floor of City Hall at 12 Second Street, Presque Isle. You can also obtain more information from Planning Director Kenneth Arndt by e-mail at [karndt@presqueisleme.us](mailto:karndt@presqueisleme.us) and by telephone at (207) 760-27527.

Per Order of City Council  
Beverly A. Labbe  
City Clerk

# PRESQUE ISLE CITY COUNCIL

MEETING OF April 7, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 81

**SUBJECT:**

**SINGLE PUBLIC HEARING** – Special Permit for Music, Dancing and Entertainment for Wintergreen Arts Center, with a location of 149 State Street

**INFORMATION:**

**INCLUDED IS:**

- Application
- Public Hearing Notice

**APPROVAL AND/OR COMMENTS OF CITY MANAGER:**

Passage is recommended

**REQUESTED ACTION:**

ES

RS

MC

RE

CG

PH

BS

**BE IT RESOLVED** by Councilor \_\_\_\_\_, seconded by Councilor \_\_\_\_\_ to approve a Special Permit for Music, Dancing and Entertainment for Wintergreen Arts Center, with a location of 149 State Street.

STATE OF MAINE  
BUREAU OF ALCOHOLIC BEVERAGES  
APPLICATION FOR  
SPECIAL AMUSEMENT PERMIT FOR DANCING AND ENTERTAINMENT

1. A. Business Name Wintergreen Arts Ctr Phone # 762-3576  
B. Address 149 State St. Presque Isle  
Street City

2. Describe in detail kind and nature of entertainment:  
Acoustic Musical Performance

3. Describe in detail room or rooms to be used under this permit:  
Main room on ground floor

Dated At Presque Isle ME On 3/17/14

N.B. This permit includes all types of entertainment, dancing is inclusive only if you have a dancing license issued by the State Fire Marshall's Office, Department of Public Safety.

\$20.00 Per Year – Single Dance  
\$40.00 Per Year

[Signature]  
(Signature of Individual)

Make check payable to the City of Presque Isle  
(If partnership, by members)

\$45.00 Public Hearing Fee  
(Name of Corporation)

THIS APPLICATION MUST BE APPROVED BY THE MUNICIPAL OFFICERS OR COUNTY COMMISSIONERS IN THE CASE OF UNINCORPORATED PLACES  
(Place Corporate Seal)

BY \_\_\_\_\_  
(If a Corporation, by a duly authorized officer)

STATE OF MAINE  
Aroostook County SS

Dated At \_\_\_\_\_, Maine, On \_\_\_\_\_

The undersigned being Municipal Officers of the City of Presque Isle hereby approve the application in accordance with the provisions of Section 1054 of Title 28A, Maine Revised Statutes, 1964.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NOTICE OF PUBLIC HEARING  
CITY OF PRESQUE ISLE  
LEGAL NOTICE**

Notice is hereby given that the City of Presque Isle will hold a **PUBLIC HEARING** on **Monday, April 7, 2014** at **6:00 P.M.** to consider an application for

*Special Permit for Music, Dancing and Entertainment*

for Wintergreen Arts Center, 149 State Street, Presque Isle. The hearing will be held in the City Council Chambers, City Hall, 12 Second Street, Presque Isle.

The public may attend the public hearing or submit written comments. You can obtain more information by contacting the City Clerk's Office at City Hall, 12 Second Street, Presque Isle, ME 04769 or by calling 760-2720.

Per Order of  
Beverly A. Labbe  
City Clerk

# PRESQUE ISLE CITY COUNCIL

MEETING OF April 7, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 82

**SUBJECT:**

**SINGLE PUBLIC HEARING** – Special Permit for Music, Dancing and Entertainment for Hayward-Frazier VFW Post #2599, with a location of 6 State Road

**INFORMATION:**

**INCLUDED IS:**

- Application
- Public Hearing Notice

**APPROVAL AND/OR COMMENTS OF CITY MANAGER:**

Passage is recommended

**REQUESTED ACTION:**

ES	RS	MC	RE	CG	PH	BS	
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**BE IT RESOLVED** by Councilor \_\_\_\_\_, seconded by Councilor \_\_\_\_\_ to approve a Special Permit for Music, Dancing and Entertainment for Hayward-Frazier VFW Post #2599, with a location of 6 State Road.

STATE OF MAINE  
BUREAU OF ALCOHOLIC BEVERAGES  
APPLICATION FOR  
SPECIAL AMUSEMENT PERMIT FOR DANCING AND ENTERTAINMENT

1. A. Business Name Hayward-Frazier UFW Post 2599 Phone # 764-5441

B. Address 6 State Road Presque Isle  
Street City

2. Describe in detail kind and nature of entertainment:

Lounge

3. Describe in detail room or rooms to be used under this permit:

Dated At \_\_\_\_\_ On \_\_\_\_\_

N.B. This permit includes all types of entertainment, dancing is inclusive only if you have a dancing license issued by the State Fire Marshall's Office, Department of Public Safety.

\$20.00 Per Year – Single Dance

\$40.00 Per Year

Make check payable to the  
City of Presque Isle

\$45.00 Public Hearing Fee

\_\_\_\_\_  
(Signature of Individual)  
Randolph S. Michaud  
(If partnership, by members)

\_\_\_\_\_  
(Name of Corporation)

THIS APPLICATION MUST BE APPROVED  
BY THE MUNICIPAL OFFICERS OR COUNTY  
COMMISSIONERS IN THE CASE OF  
UNINCORPORATED PLACES

(Place Corporate Seal)  
BY Randolph S. Michaud  
(If a Corporation, by a duly authorized officer)

STATE OF MAINE

Aroostook County SS

Dated At \_\_\_\_\_, Maine, On \_\_\_\_\_

The undersigned being Municipal Officers of the City of Presque Isle hereby approve the application in accordance with the provisions of Section 1054 of Title 28A, Maine Revised Statutes, 1964.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

**NOTICE OF PUBLIC HEARING  
CITY OF PRESQUE ISLE  
LEGAL NOTICE**

**NOTICE IS HEREBY GIVEN** that the City of Presque Isle will hold a **PUBLIC HEARING** on **Monday, April 7, 2014 at 6:00 P.M.** to consider an application for

*Special Amusement Permit for Music, Dancing and Entertainment*

for Hayward Frazier VFW Post #2599, 6 State Road, Presque Isle. The hearing will be held in the City Council Chambers, City Hall, 12 Second Street, Presque Isle.

The public may attend the public hearing or submit written comments. You can obtain more information by contacting the City Clerk's Office at City Hall, 12 Second Street, Presque Isle, ME 04769 or by calling 760-2720.

Per Order of  
Beverly A. Labbe  
City Clerk

# PRESQUE ISLE CITY COUNCIL

MEETING OF April 7, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 83

**SUBJECT:**

**SINGLE PUBLIC HEARING** – Solicit comments regarding a two year bid for Essential Air Service (EAS) from Peninsula Airways Inc

**INFORMATION:**

**INCLUDED IS:**

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**APPROVAL AND/OR COMMENTS OF CITY MANAGER:**

**REQUESTED ACTION:**

ES

RS

MC

RE

CG

PH

BS

**NOTICE OF PUBLIC HEARING  
CITY OF PRESQUE ISLE  
LEGAL NOTICE**

NOTICE IS HEREBY GIVEN that the City of Presque Isle will hold a **PUBLIC HEARING** on **Monday, April 7, 2014 at 6:00 PM** in the City Council Chambers, City Hall at 12 Second Street, to solicit comments on a two year bid for Essential Air Service from Peninsula Airways, Inc.

The public may attend the public hearing or submit written comments. You can obtain more information by contacting the City Clerk's Office at City Hall, 12 Second Street, Presque Isle, ME 04769 or by calling 760-2720.

Per Order of  
Beverly A. Labbe  
City Clerk

# PRESQUE ISLE CITY COUNCIL

MEETING OF April 7, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 84

**SUBJECT:**

**CONSENT AGENDA** – Minutes

**INFORMATION:**

**INCLUDED IS:**

- Minutes of February 13, 2014
- Minutes of March 3, 2014
- Minutes of March 17, 2014
- Minutes of March 24, 2014

**APPROVAL AND/OR COMMENTS OF CITY MANAGER:**

Passage is recommended

**REQUESTED ACTION:**

ES

RS

MC

RE

CG

PH

BS

**BE IT RESOLVED** by Councilor \_\_\_\_\_, seconded by Councilor \_\_\_\_\_ to approve the regular City Council minutes from February 13, 2014, March 3, 2014, March 17, 2014 and March 24, 2014.



## Presque Isle City Council Meeting

Thursday, February 13, 2014

5:15 PM

Governor's Restaurant

### Call to Order - Roll Call

Present: Chairperson Emily Smith, Vice-Chairman Randy Smith, Councilors Mike Chasse, Richard Engels, Craig Green and Peter Hallowell

City Manager James A Bennett, Deputy City Manager Martin Puckett and Beverly A Labbe were also present.

Chairperson Emily Smith called the meeting to order at 5:15 PM.

### New Business

#### 14-57 Goal Setting process

City Manager Bennett started by providing Councilors with a list of suggested goals. The list was compiled by department heads, city manager and councilors. As a reference point, Bennett recapped the changes that have occurred in the City over the past four years.

Bennett stated each item will be reviewed and discussed, and then Councilors will be able to rank their priorities. Each Councilor will receive a "super" dot, which can be placed by a particular item. Once the goals have been rated, they will be developed into a work plan which will be presented at the March 3, 2014 meeting for adoption.

Items discussed were:

- (1) Upgrade broadcast capabilities
- (2) Realtors summit
- (3) Improve overall wellness opportunities for employees
- (4) Continue with joint work with Caribou and others
- (5) Finish the library enhancement project
- (6) Review existing grant writing capabilities
- (7) Funding for farmers market structure
- (8) Downtown infrastructure improvements
- (9) Right of way visibility
- (10) Form based Zoning applied to other districts
- (11) Fort Fairfield (Rt 167) Road rezoning, as a result of Phase 1I of the By-Pass

- (12) Zone descriptions to encourage appropriate “permitted uses” language expansion
- (13) Continue work on Site location and reviews of proposed development to expedite within established procedures
- (14) Non-conforming Use language change
- (15) Comprehensive Plan Review and updating
- (16) Complete electrical work for full utilization of emergency generator at Presque Isle Public Works Department
- (17) Continue aggressive ditching program
- (18) Secure agreement with MDOT regarding north Main Street sidewalk
- (19) Install new solar pedestrian warning lights on U.R. Route 1 neat UMPI
- (20) Plan construction of Carmichael Street sidewalk with TIF funds
- (21) Pursue acquisition of military surplus equipment
- (22) Submit application to DEP for reimbursement of funds used to close portions of Phase 1 at the landfill in 2007-2008
- (23) Complete final closure of remaining portions of Phase 1 at the Landfill using design/build team
- (24) Ensure smooth transition at Recycling center for sorting due to impending discontinuance of Work Opportunities Center labor force
- (25) Complete decisions on energy conversion for City owned buildings
- (26) Determine direction for city Hall
- (27) Increase the fire department call company membership
- (28) Increase eligible per-diem roster
- (29) EMS integration
- (30) Fire Prevention
- (31) Civilian police academy
- (32) Evaluate police supervision levels
- (33) Evaluate changing prison handling
- (34) Implement electronic PI system
- (35) Develop realistic calendar for decisions on Haskell Center and/or community center
- (36) Review the impact of incorporating municipal offices in Community Center project
- (37) Downtown storefront beautification
- (38) Consider privatizing forum operations
- (39) Complete internal controls review and implementation
- (40) Evaluate tax assessing in the city

After a great deal of discussion, Bennett stated he would take the information gathered at tonight’s meeting and develop a 2014 Work Plan that will be presented for adoption at the March 3, 2014 meeting.

Steve and Lucy Richard, co-chairs of the Community Center Fundraising Committee and Scott Norton made a brief presentation regarding their fund raising efforts. Steve Richard stated the closing of both the outdoor and indoor pools have made fundraising for the project more challenging. Another difficulty the committee has encountered is the proposed community center does not have any final drawings that can be presented to potential donors. Richard thanked the City for allowing employees to assist with fund raising efforts, but admits they need more help.

City Manager Bennett stated that to date \$440,000 of the \$3.5M has been raised.

### **Adjournment**

**BE IT RESOLVED** by Councilor Chasse, seconded by Councilor Green to adjourn the meeting at 7:16 PM. **Vote 6-0.**

Attested by: \_\_\_\_\_  
Beverly A. Labbe, City Clerk



## Presque Isle City Council Meeting

Monday, March 3, 2014

6:00 PM

Presque Isle Council Chambers

### Call to Order - Roll Call

Present: Chairperson Emily Smith, Vice-Chairman Randy Smith, Councilors Mike Chase, Richard Engels, Craig Green and Bruce Sargent

City Manager James A Bennett, Deputy City Manager Martin Puckett and Beverly A Labbe were also present.

### Pledge of Allegiance

Chairperson Emily Smith called the meeting to order at 6:00 PM and led those present in the Pledge of Allegiance.

### Public Hearings

#### **14-58 Special Permit for Music, Dancing and Entertainment for Presque Isle Country Club, with a location of 35 Parkhurst Siding Road (Single Hearing)**

The public hearing portion of the meeting was opened at 6:00 PM. Hearing no comments from the public, the public hearing portion of the meeting was closed at 6:00 PM.

**BE IT RESOLVED** by Councilor Green, seconded by Councilor Sargent to approve the Special Permit for Music, Dancing and Entertainment for Presque Isle Country Club, with a location of 35 Parkhurst Siding Road. **Vote 6-0.**

#### **14-59 Malt, Spirituous and Vinous Liquor License for Presque Isle Country Club, with a location of 35 Parkhurst Siding Road (Single Hearing)**

The public hearing portion of the meeting was opened at 6:01 PM. Hearing no comments from the public, the public hearing portion of the meeting was closed at 6:01 PM.

**BE IT RESOLVED** by Councilor Engels, seconded by Councilor Randy Smith to approve a Malt, Spirituous and Vinous Liquor License for Presque Isle Country Club, with a location of 35 Parkhurst Siding Road. **Vote 6-0.**

**14-60 Amend Chapter 16 - Land Use and Development Code, Chapter 1, Section XXI - Light Industrial Zone (Single Hearing)**

The public hearing portion of the meeting was opened at 6:01 PM.

Kenneth Arndt, Planning Director, addressed the Council regarding the amendment. Arndt stated the Light Industrial Zone is located in the Industrial Park. If the Council approves this amendment, businesses located in the Park would not need to receive approval from the Zoning Board of Appeals if they wished to open a retail or retail service establishment. Arndt stated a few of the businesses located on the Park are service establishments and because of current regulations they are prohibited from expanding. In addition to the new definitions being added to the Code, these amendments would allow businesses to sell ancillary goods.

The public hearing portion of the meeting was closed at 6:05 PM.

**BE IT RESOLVED** by Councilor Chasse, seconded by Councilor Engels to adopt the expanded language and definitions to Chapter 16 - Land Use & Development Code to allow “retail and retail service establishments”, as a permitted use within the Light Industrial Zone. **Vote 6-0.**

**14-61 Amend Chapter 50 - Advisory Board Ordinance (Single Hearing)**

The public hearing portion of the meeting was opened at 6:05 PM. Hearing no comments from the public, the public hearing portion of the meeting was closed at 6:05 PM.

**BE IT RESOLVED** by Councilor Engels, seconded by Councilor Sargent to approve amendment to Chapter 50 - Advisory Board Ordinance as presented. **Vote 6-0.**

**Public Hearing for Condemned Building**

**14-62 20 Dragon Drive**

City Manager Bennett stated the Council will now be acting in the capacity of a quasi-judicial board. Staff will present evidence and after the Council hears all testimony they will close the public hearing and deliberate on whether the structure is a danger. If so deemed, the Council will issue an Order for removal of the structure.

George Howe, Code Enforcement Officer for the City of Presque Isle, stated the owner is in agreement that the structure is unsafe and should be demolished. Howe stated the process began in 2012 with a garbage complaint. The owner of the building was contacted and Howe was told the garbage would be removed by the owner's son. For a few months the son kept the property cleaned up, but the son stopped maintaining the property. Howe stated he again contacted the owner who resides in New Jersey, and she agreed the property should be demolished. Diane Ashford, owner of the property, has been duly served a notice of this evening's hearing. Howe drew the Councilors attention to the photographs and noted the house trailer is in bad shape.

Councilor Engels asked Howe why he thought the trailer should be considered a dangerous building.

Howe stated the photographs show windows are broken, floors are rotten, there is a lot of garbage inside the premises, floor tiles are missing and the roof has leaked for some time causing mold. Howe stated upon inspection, he noted the floors were unsafe and the trailer frame has sunk into the ground making floor repairs nearly impossible.

Fire Chief Darrell White stated in the event of a fire, unless there is someone inside, he has issued a standing order that there is to be no interior fire attack because the structure is unsafe.

**BE IT RESOLVED** by Councilor Engels, seconded by Councilor Sargent, based upon the evidence presented and the testimony of the Code Enforcement Officer concerning the condition of the premises owned by Diane Ashford and located at 20 Dragon Drive, hereby moves: (1) that the Council adjudge this property to be a nuisance and dangerous to life or property; (2) that the Council make and record an Order stating that the owner shall, within (30) days of service of this Order, abate all conditions creating a nuisance or dangerous condition to the satisfaction of the Code Enforcement Officer; and (3) that should the owner fail to comply within the specified time, the owner shall be assessed a civil penalty of \$10.00 per day and the City Council further directs the City Manager to cause the structure to be demolished and removed. The cost of such demolition and removal shall be charged against the real estate upon which the structure sets and shall constitute a lien on such real estate. **Vote 6-0.**

### **Citizen Comments**

There were no citizen comments.

## Consent Agenda

- 14-63 Approve City Council minutes for the regular meeting held on February 3, 2014 and the workshop meeting minutes of January 27, 2014 and February 10, 2014**
- 14-64 Approve 2014 Warrants #3 - #7, totaling \$1,451,847.78**
- 14-65 Schedule a public hearing for April 7, 2014 to adopt a newly proposed Chapter 16A - Shoreland Zoning**
- 14-66 Investment Report**
- 14-67 Resolution for membership and appointment of voting delegate representative and alternate for Maine Service Center Coalition**
- 14-68 National Recognition Service Day**
- 14-69 Utility Location Permit from EmeraMaine Plan #14-1003-03530-015**

Councilor Emily Smith asked a few questions regarding some of the brokered Certificate of Deposits (CD) on the Investment Report. Pat Webb, Finance Director, stated the fluctuations were a result of movement from one bank to another, not a result of the stock market.

**BE IT RESOLVED** by Councilor Green, seconded by Councilor Randy Smith to approve the Consent Agenda as presented. **Vote 6-0.**

## New Business

- 14-70 Memorandum of Understanding in Manufacturing Communities Partnership Agreement**

Larry Clark, Executive Director of the Presque Isle Industrial Park, stated the purpose of this partnership is to strengthen and improve manufacturing in the United States. This process is competitive with only twelve communities designated as manufacturing communities. Clark clarified that a community does not mean Presque Isle, but regional areas. For example, Aroostook and Washington counties will be considered as one community. The designation will be for two years, and during that time they will be eligible to receive grants from multiple federal programs.

Clark stated there were certain criteria used to evaluate Northern Maine Development Corporation (NMDC) for eligibility such as workforce, infrastructure, training, capital access, etc. The designation is in the forestry sector and gaps will need to be identified. The deadline for application in the partnership is March 14, 2014, but Clark stated there will be an extension granted until April 14, 2014. The grant application, for which NMDC is the lead applicant, will be reviewed by several federal agencies and a determination is anticipated within 60-90 days.

City Manager Bennett stated that the Industrial Council has already agreed to enter the partnership and feels the City of Presque Isle should support the Memorandum Of Understanding.

**BE IT RESOLVED** by Councilor Emily Smith, seconded by Councilor Sargent to authorize the City Manager to sign the Memorandum of Understanding in Manufacturing Communities Partnership Agreement between Northern Maine Development Commission and the City of Presque Isle. **Vote 6-0.**

#### **14-71 Adoption of 2014 Work plan**

City Manager Bennett stated the Council has received two documents related to this agenda item. The first is the results of the goal setting meeting held on February 13, 2014, and the second is the 2014-2015 Work Plan. Bennett stated the items in the work plan have been prioritized, but completion dates are still needed. Bennett noted if an item received a “super dot” but has not been assigned a priority rating, in the next 90 days the Council will receive information regarding that item. If a majority of the Council wants to pursue that item, then it will be assigned a completion date.

**BE IT RESOLVED** by Councilor Randy Smith, seconded by Councilor Green to adopt the 2014-2015 Work Plan as presented. **Vote 6-0.**

#### **14-72 Authorization to seek grant writer**

City Manager Bennett stated one of the items on the Work Plan that received a highest critical rating was for a grant writer. Bennett suggested the City consider hiring a grant writer for one year as a contractual employee. If the position proves lucrative, the City could then consider hiring a full-time grant writer. Bennett asked the Council for approval of this position along with approval to advertise for it.

**BE IT RESOLVED** by Councilor Engels, seconded by Councilor Green to approve a grant writing position as a contractual position for up to one year, and authorize the City Manager to advertise said position. **Vote 6-0.**

#### **14-73 Resolution regarding State spending**

City Manager Bennett stated the Council has received other resolutions in the past that were more politically biased, and this is his first attempt at trying to develop a more factual resolution. The resolution reminds the State of the promise it made and asks the State to consider reducing spending. Bennett stated the Council has no obligation to approve the resolution and noted the current State budget is up by \$200M, an increase since the last bi-annual budget.

Councilors Green and Emily Smith stated the resolution has some great facts and suggested using the resolution as an editorial piece to educate the public instead.

City Manager Bennett reminded Councilors that Augusta has a lot of turnover in offices and keeping the issue fresh in everyone's mind may not be a bad thing.

**BE IT RESOLVED** by Councilor Green, seconded by Councilor Randy Smith to approve the resolution regarding State spending. **Vote 6-0.**

#### **14-74 Community Center Design Funds Authorization**

City Manager Bennett stated that Mark Carter, architect for the Community Center, was asked to complete the schematic design for the new community center, which completed 10% of the project. Because the City had not placed a definitive time frame for the next phase (design work), Carter has accepted new work and will not be available for a year.

Bennett stated Carter has recommended Harriman Associates to complete the next phase of the project, and Carter has agreed to consult on a limited basis.

**BE IT RESOLVED** by Councilor Chasse, seconded by Councilor Randy Smith to authorize staff to proceed with securing the design up to the 35% level, negotiate with Harriman Associates and bring back the contract for Council approval before it is signed. **Vote 6-0.**

#### **14-75 Presque Isle Police Department Citizen Academy**

Police Chief, Matt Irwin, stated the Police Department will be holding a citizen academy on Tuesday evenings from 6 PM to 9 PM starting March 18<sup>th</sup> - April 20<sup>th</sup>. The academy will cover topics such as criminal investigations, policies, canine tracking, etc. At the end of the academy, citizens can ride with an officer.

City Manager Bennett asked Chief Irwin to update the Council on the progress of the contest to redesign the police patches. Chief Irwin stated the patch the police department currently has are dull, and in his opinion, not a great representation of the department. The goal of the contest is to search for a badge that reflects Presque Isle. People in the community have been asked to submit a drawing and the winner will receive a cash award of \$300, which is coming from drug forfeiture funds. Irwin stated some entries have already been received, but submittals will continue to be accepted until April 4, 2014. Citizens will be able to judge the submittals which will be displayed at the art walk.

**14-76 Swim Lessons Funding**

Councilor Green asked for this item to be placed on the agenda because he initially thought the cost for swim lessons would be higher than what residents were paying at the indoor pool. Since then, Green has learned swim lessons have not increased, so he would like to defer this item.

**14-77 Reapportionment for Education Representation**

City Manager Bennett stated that Councilor Sargent has expressed interest in having the size of the school board reduced.

Martin Puckett, Deputy City Manager, stated he has searched state statutes and also consulted attorneys at Maine Municipal. State statutes pertain more to redistricting when there is not adequate representation. Puckett stated a request or petition can be made to the Education Commissioner. Once the Commissioner has been contacted, he would then contact the school district and determine whether or not the school has adequate representation. The Commissioner would have 90 days to make his determination.

City Manager Bennett stated that he is doubtful the Education Commissioner would determine the board was insufficient and feels the City's best course of action would be to speak with the school directly.

Councilor Sargent stated he has spoken with Lucy Richard, chair of the school board, and she has informed him that the school is in the process of hiring a new superintendant. Sargent stated his objective is not to drive a wedge between the school and the City, so he would like to delay this item until a new superintendant has been selected.

**14-78 Indoor Pool divestment update**

City Manager Bennett stated staff has approached Northern Maine Fair Association and they have decided they are not interested in the pool. Bennett stated the next step would be to advertize both for demolition and Request For Proposals (RFP) for the purchase of the building. Bennett stated a list of inventory from the building has been supplied to the Councilors. If the City receives any RFPs, they will be brought back to the Council, and if the City does not, they should proceed with demolition.

Chris Beaulieu, Rec & Parks Director, stated the first day of programs at UMPI started today. The programs previously offered are still available, just a little less. There are swim lessons offered in the morning, evening and some on Saturdays. The cost for lessons has not changed, and all general swim is now at the college.

Cheryl Bonville addressed the Council regarding the pool. Bonville stated her father used the indoor pool frequently and expressed concern about the additional expense at UMPI and the increased difficulty getting into Gentile Hall. Bonville stated a person must purchase a membership pass that allows you access to the entire facility, but her father only wants to use the pool.

Councilor Engels stated he has spoken with Dick Gardner and depending on the demand; UMPI may open the pool earlier and stated a yearly individual membership is \$330. Councilor Engels stated he has also spoken with UMPI asking if someone was able to use only the pool and not the rest of the facility. UMPI would have to completely revamp their system in order to allow an individual access to the pool only, and they are not willing to do that.

Councilor Emily Smith stated another option is the Presque Isle Inn & Convention Center which is \$30/month.

### **Manager's Report**

City Manager Bennett stated there will be a joint meeting with the Planning Board on March 13, 2014 at 7 PM.

The Community Fund Raising Committee is partnering with the Kiwanis Club on March 14<sup>th</sup> and March 15<sup>th</sup> with a Vegas Fever fundraiser.

Bennett thanked anyone who contacted their representative, because \$40M has been restored to revenue sharing. The latest edition of the Maine Municipal Association's newsletter featured the Presque Isle representatives.

### **Announcements**

Councilor Emily Smith read several announcements.

### **Adjournment**

**BE IT RESOLVED** by Councilor Randy Smith, seconded by Councilor Sargent to adjourn the meeting at 7:29 PM. **Vote 6-0.**

Attested by: \_\_\_\_\_  
Beverly A. Labbe, City Clerk



## Presque Isle City Council Meeting

Monday, March 17, 2014  
5:15 PM  
Presque Isle Council Chambers

### Call to Order - Roll Call

Present: Chairperson Emily Smith, Vice-Chairman Randy Smith, Councilors Mike Chase, Richard Engels, Craig Green, Peter Hallowell, and Bruce Sargent

City Manager James A Bennett, Deputy City Manager Martin Puckett and Deputy City Clerk Deborah Ouellette were also present.

### Pledge of Allegiance

Chairperson Emily Smith called the meeting to order at 5:15 PM and led those present in the Pledge of Allegiance.

### Executive Session

**BE IT RESOLVED** by Councilor Emily Smith, seconded by Councilor Randy Smith to enter into Executive Session at 5:18 PM pursuant to 1 M.R.S.A. Section 405 (6) (D) to discuss labor negotiations. **Vote 7-0.**

Councilors came out of Executive Session at 5:43 PM with no action taken.

### New Business

#### 14-79 Approval of Teamsters Local 340 - Fire Contract

**BE IT RESOLVED** by Councilor Engels, seconded by Councilor Randy Smith to approve the Teamsters Local 340 – Fire Contract as presented. **Vote 7-0.**

#### 14-80 Discuss Essential Air Service Bid

Northern Maine Regional Airport Director Scott Wardwell gave a brief presentation to Councilors about the Essential Air Service program and the proposal of Peninsula Airways, Inc. (PenAir) to provide essential air service at Presque Isle, Maine.

To provide background, Wardwell explained that over the past six months additional bids were sought from other airlines who could potentially have offered improved service to the area. However, essential air service options were limited because three airlines backed out due to new federal regulations. Those regulations, which became effective on January 1, 2014, increase the amount of pilot rest time between flights, and also the number of flight hours co-pilots must have for regional carriers.

Although responses are mixed, the new regulations increase operating costs and some airlines are opting to reduce air services. For example, United Airlines is parking a number of jets because there are not enough pilots available, and another major carrier is now at 64% of operations. It is difficult for small operators such as NMRA in Presque Isle to compete in this environment. Wardwell has been in touch with Olympia Snowe's office about the disparate impact of the new federal regulations.

Wardwell has submitted a letter to U.S. DOT requesting two options from Peninsula Air, Inc.--renewal of the existing service schedule and subsidy, and an expanded schedule which will cost an additional \$470,000.

Wardwell stated his opinion that U.S. DOT will not likely award the expanded schedule if left to its own devices. They don't do things for economic development concerns. The EAS program needs to be reformed so that it includes proper incentives. Councilor Engels expressed agreement and said he thinks the possibility of the expanded schedule being accepted is zero.

Transitioning from the Colgan Air, Inc. schedule has resulted in a downgrade of service and lost passengers at NMRA. City Manager Jim Bennett said the airport has experienced about a 20% loss in ticket sales, in part because the current schedule makes it difficult to complete travel in one day. Also, advertising has been too focused on the local market. The customer loss would not have occurred if timely changes had been made in response to the situation. Scott Wardwell has been making this point for a couple years. The expanded essential air schedule addresses these concerns.

Councilors requested that City Manager Bennett write up a suggested letter to the U.S. DOT outlining arguments in support of the City's request for an expanded schedule. Bennett said there will be a 30 day period for public comment, and recommended that a public hearing be scheduled at the next City Council meeting on April 7, 2014.

Wardwell commended Pen-Air for doing a great job to support the youth/junior Biathalon competition by adding flights in and out for the increased air traffic. Bennett said they have been very responsive and have done wonderful things whenever requested. Councilor Engels said the City Council should offer official recognition for PenAir for their efforts, and he asked City Manager Bennett and Scott Wardwell to put something together for the next meeting.

Councilor Green also wants to recognize individuals for their contribution to the Biathalon as well. The volunteer group, food services, and others deserve special recognition for their efforts; he recommends that we talk to the organizing committee for referrals.

Councilor Mike Chasse thanked the Kiwanis Club for their successful Vegas Fever event to raise funds for the new community center.

Councilor Engels raised concerns about the icy conditions of Main Street sidewalks which make pedestrian traffic very difficult. The merchants are supposed to be responsible for maintaining nearby walkways, but maybe the City should look at doing it completely.

City Manager Bennett said he would put options on the agenda to address these concerns at the April 7, 2014 meeting.

### **Adjournment**

**BE IT RESOLVED** by Councilor Green, seconded by Councilor Engels to adjourn the meeting at 6:12 PM. **Vote 7-0.**

Attested by: \_\_\_\_\_  
Deborah A. Ouellette, Deputy Clerk



## Presque Isle City Council Meeting

Monday, March 24, 2014

5:15 PM

Presque Isle Council Chambers

### Call to Order – Roll Call

Present: Chairperson Emily Smith, Vice-Chairman Randy Smith, Councilors Mike Chasse, Richard Engels, Craig Green, and Peter Hallowell

City Manager James A Bennett and Deputy City Manager Martin Puckett were also present.

Chairperson Emily Smith called the meeting to order at 6:32 PM.

### Workshop

Bennett discussed bypass and reviewed history of transportation plans and importance of created a plan especial involving state and federal funding

Ken Arndt started the conversation by discussing the comprehensive plan. The comp plan sought the bypass to be located as close to town as possible. Ken gave an overview of the contents of the comp plan including the multimodal facility, airport, railroad, public transit and traditional vehicular traffic. Ken also talked about other successful initiatives including the bike path, pedestrian safety in the downtown, and grants.

Roope discussed congestion in the downtown and the problem with moving traffic from east to west.

Bennett discussed some staff initiatives including the 5 corners, Maysville and the intersection at the mall.

The group discussed the importance of finding an alternative route for the large truck traffic.

Bennett asked for input on what actions to have staff take. The staff will write a letter asking the state for planning money or implementation funds for 5 points, Maysville, and the mall. Staff will look into past correspondence to ensure the requests are aligned with MDOT plans of past. Other Items presented were left hand turns onto the industrial park via Parson was a priority, corner of Brewer and the 5 corners.

Engels asked about zoning on route 1 and the group reviewed the makeup of the road.

Pat Cody inquired about the sidewalk on the northern section of Main st. Bennett said the state plans on having the sidewalk constructed in 2016.

Another topic discussed was the horse manure on the road way.

Bennett discussed traffic calming designs including temporary speed bumps, police presence and speed tables.

The cross walk light by the hotel was also discussed and the lack of brightness. Engels brought up the issue of ice on the sidewalk.

Another issue brought up was zoning issues around the bypass area.

**Adjournment**

Roope made a motion to adjourn, second by Randy Smith at 7:55.

Attest: \_\_\_\_\_  
Martin Puckett, Deputy City Manager

# PRESQUE ISLE CITY COUNCIL

MEETING OF April 7, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 85

**SUBJECT:**

**CONSENT AGENDA** – 2014 Warrants #8 - #12

**INFORMATION:**

**INCLUDED IS:**

--- Warrant #8	\$93,859.84
--- Warrant #9	\$306,322.12
--- Warrant #10	\$873,138.29
--- Warrant #11	\$441,539.08
--- Warrant #12	<u>\$75,568.82</u>
---	\$1,790,428.15

**APPROVAL AND/OR COMMENTS OF CITY MANAGER:**

Passage is recommended

**REQUESTED ACTION:**

ES	RS	MC	RE	CG	PH	BS	
----	----	----	----	----	----	----	--

**BE IT RESOLVED** by Councilor \_\_\_\_\_, seconded by Councilor \_\_\_\_\_ to approve 2014 Warrants #8 - #12, totaling \$1,790,428.15.

# PRESQUE ISLE CITY COUNCIL

MEETING OF April 7, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 86

**SUBJECT:**

**CONSENT AGENDA** – Ballot and Elections Clerks

**INFORMATION:**

**INCLUDED IS:**

--- Memo from Beverly A Labbe dated April 1, 2014

**APPROVAL AND/OR COMMENTS OF CITY MANAGER:**

Passage is requested

**REQUESTED ACTION:**

ES

RS

MC

RE

CG

PH

BS

**BE IT RESOLVED** by Councilor \_\_\_\_\_, seconded by Councilor \_\_\_\_\_ to approve the list of ballot and election clerks.



# *City of Presque Isle, Maine*

The Office of  
City Clerk

**Beverly A. Labbe**

Email: [blabbe@presqueisleme.us](mailto:blabbe@presqueisleme.us)

To: Most Honorable City Council

From: Beverly A Labbe

Date: 4/1/2014

Re: Ballot and Election Clerks

---

MSRA 21-A Elections § 503 Election Clerks states,

*“The municipal officers of each municipality shall appoint election clerks no later than May 1<sup>st</sup> of each general election year to serve at each voting place during the time the polls are open and as counters after the polls close”.*

MSRA 20-A §1304 Appointing Ballot Clerks also states that ballot clerks for school referendums need to be appointed.

The qualifications of an election clerk are: (1) they must be at least 18 years of age, (2) registered to vote and (3) residents of the municipality.

These individuals have met the qualifications to be both ballot and election clerks, therefore I am recommending they be approved as such.

## **Democrats**

Alice Bolstridge

Colleen Cochran

Gwen DeFelice

John DeFelice

Barbara DeVaney

Nancy Donovan

Ward Gerow

Martha Grant

Brenda Hall

Calvin Hall

Jackolyn Hancock

Erica Harding

Mary Harding

Eugene McLaughlin Jr

Pamela Palm

Greg Palm

Anna Saucier

Elaine Sipe

Janet Snow

Rodney Thompson

William P Urban

Carol Watson

12 Second Street Presque Isle, ME 04769-2459 Phone: 207.760.2720 Fax 207.764.2501

*This institution is an equal opportunity employer.*

*To file a complaint, write to Martin Puckett, Deputy City Manager, 12 Second Street Presque Isle, ME 04769, or call (207) 760-2700.*

**Republicans**

Patricia Bates  
Marilyn Bouchard  
Michael Bouchard  
Rebecca Boucher  
Jennifer Bridges  
Sharon Madore  
Elizabeth Michaud  
Linda Murchison  
Robert Palm  
Sharon Roix  
Robert Roy  
Tammy Scott  
David Steele

**Unenrolled**

Virginia Fischer  
Henry Furtek  
Gordon Michaud  
Donald Savage

# PRESQUE ISLE CITY COUNCIL

MEETING OF April 7, 2014

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 87**

**SUBJECT:**

**CONSENT AGENDA** – Resolution of appreciation to Peninsula Airways Inc

**INFORMATION:**

**INCLUDED IS:**

--- Resolution

**APPROVAL AND/OR COMMENTS OF CITY MANAGER:**

**REQUESTED ACTION:**

ES

RS

MC

RE

CG

PH

BS

# Proclamation



**WHEREAS**, Pen Air played a critical role in servicing visitors for the 2014 World Champion Junior Biathlon event, and

**WHEREAS**, the City of Presque Isle has a significant interest in the continued vitality of Pen Air's service to the Northern Maine Regional Airport customers; and

**WHEREAS**, the 2014 World Champion Junior Biathlon event is one of the largest events in the community, that draws thousands of people from all over the world, that promotes our community worldwide and adds to continued growth and commerce in the area; and

**WHEREAS**, Pen Air provided timely flights and exceptional customer service to those visiting the area for the Biathlon event.

**THEREFORE, BE IT RESOLVED** that we, the City Councilors of Presque Isle, do hereby proclaim our appreciation to Pen Air for the critical role they played in providing air service for the 2014 World Champion Junior Biathlon event.

\_\_\_\_\_  
Emily Smith, Council Chair

\_\_\_\_\_  
Randy Smith, Council Vice-Chair

\_\_\_\_\_  
Michael Chasse, Councilor

\_\_\_\_\_  
Richard Engels, Councilor

\_\_\_\_\_  
Craig Green, Councilor

\_\_\_\_\_  
Peter Hallowell, Councilor

\_\_\_\_\_  
Bruce Sargent, Councilor

# PRESQUE ISLE CITY COUNCIL

MEETING OF April 7, 2014

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 88**

**SUBJECT:**

**CONSENT AGENDA** – Resolution of appreciation to supporters and volunteers of the World Jr. Biathlon

**INFORMATION:**

**INCLUDED IS:**

--- Resolution

**APPROVAL AND/OR COMMENTS OF CITY MANAGER:**

**REQUESTED ACTION:**

ES

RS

MC

RE

CG

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BS

# Proclamation



**WHEREAS**, numerous supporters and volunteers came together to make the 2014 World Champion Junior Biathlon a success; and

**WHEREAS**, service to others is a hallmark of the American character, and central to how we meet our challenges; and

**WHEREAS**, our community are increasingly turning to volunteerism as a cost-effective strategy to meet community needs; and

**WHEREAS**, events like the Biathlon expands economic opportunity by raising the world wide profile of Aroostook County, draws thousands of tourists to the area, and provides opportunities for education, career skills, and leadership abilities for those who serve; and

**WHEREAS**, the Biathlon supporters and volunteers demonstrate commitment, dedication and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

**WHEREAS**, the supporters and volunteers share a priority with city management to engage citizens, improves lives, and strengthen communities;

**THEREFORE, BE IT RESOLVED** that we, the City Councilors of Presque Isle, do hereby proclaim our appreciation to the 2014 World Champion Junior Biathlon supporters and volunteers and encourage residents to recognize the positive impact of their service to our city; to thank those who serve; and to find ways to give back to their communities.

\_\_\_\_\_  
Emily Smith, Council Chair

\_\_\_\_\_  
Randy Smith, Council Vice-Chair

\_\_\_\_\_  
Michael Chasse, Councilor

\_\_\_\_\_  
Richard Engels, Councilor

\_\_\_\_\_  
Craig Green, Councilor

\_\_\_\_\_  
Peter Hallowell, Councilor

\_\_\_\_\_  
Bruce Sargent, Councilor

# PRESQUE ISLE CITY COUNCIL

MEETING OF April 7, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 89

**SUBJECT:**

**CONSENT AGENDA** – MDOT Construction Overlimit Permit

**INFORMATION:**

**INCLUDED IS:**

- Memo from Dana Fowler dated April 2, 2014
- Letter and permit from MDOT dated March 7, 2014

**APPROVAL AND/OR COMMENTS OF CITY MANAGER:**

Passage is recommended

**REQUESTED ACTION:**

ES

RS

MC

RE

CG

PH

BS

**BE IT RESOLVED** by Councilor \_\_\_\_\_, seconded by Councilor \_\_\_\_\_ to approve the agreement with Maine Department of Transportation authorizing overlimit permits for construction in 2014.



# City of Presque Isle, Maine

The Department of  
Public Services

**Dana H. Fowler, P.E.**

Email: dfowler@presqueisleme.us

## MEMORANDUM

<b>TO:</b>	City Council and City Manager James A. Bennett
<b>FROM:</b>	Dana H. Fowler, P.E., Director of Public Services <i>DHF</i>
<b>DATE:</b>	April 2, 2014
<b>RE:</b>	Agenda Item: MDOT Construction Overlimit Permit

The Maine Department of Transportation (MDOT) is planning to pave 10 miles of Route 164 (Washburn Road) this year. The paving project will start at the Compact Urban Limit, which is 0.5 mile northerly of the intersection of U.S. Route 1 and the Washburn Road, and extend into Washburn. It is standard practice for MDOT to obtain an agreement with the municipality in which the project is located to allow for overweight vehicles operated by MDOT and the MDOT's contractor over municipal roadways to have access to the work area.

Under state law, the municipality may require a bond or the withholding of final payment to the contractor to ensure that, if the roadway is damaged by the overweight vehicles, the municipality has adequate funds to cover repairs. The amount of the bond, if required, will be determined prior to use of the municipal roadway. Prior practice has been for bonds in the amount of \$14,000 per mile when they were required by the municipality.

It is recommended that the City Council approve the agreement. The Public Services Director will meet with MDOT prior to construction to discuss whether a bond will be required and, if so, the amount of the bond.

### RECOMMENDATION

Be it resolved by \_\_\_\_\_ and seconded by \_\_\_\_\_ to approve the agreement with the Maine Department of Transportation authorizing overlimit permits for construction in 2014.

Memo to City Council MDOT Overlimit Permit 040714.docx

12 Second Street

Presque Isle, ME 04769-2459

Phone: 207.760.2712

Fax 207.764.2501

*In accordance with Federal Law and the City of Presque Isle policy, this municipality is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. To file a complaint of discrimination, write to: Human Resources Director, Attn, Martin Puckett 12 Second Street, Presque Isle, ME 04769, or call 207-760-2780. The City of Presque Isle is an equal opportunity provider and employer.*

Return this AGREEMENT, when completed, to:

Maine Department of Transportation  
ATTN.: Mr. George Macdougall, Contracts & Specifications Engineer  
#16 State House Station, Child Street  
Augusta, Maine 04333-0016

Project No. STP-2044(600)X  
Location: City of Presque Isle and Town  
of Washburn

Pursuant to 29-A MRSA § 2382, the undersigned municipal officers of the **City of Presque Isle** agree that a construction overlimit permit will be issued to the Contractor for the above-referenced project allowing the contractor to use overweight equipment and loads on municipal ways.

The municipality may require the contractor to obtain a satisfactory bond pursuant to 29-A MRSA § 2388 to cover the cost of any damage that might occur as a result of the overweight loads. If a bond is required, the exact amount of said bond should be determined prior to the use of any municipal way. The Maine DOT will assist in determining the amount of the bond if requested. A suggested format for a general construction overlimit bond is attached. A suggested format for a construction overlimit permit is also attached. This construction overlimit permit does not supersede rules that restrict the use of public ways, such as posting of public ways, pursuant to 29-A MRSA § 2395.

The maximum speed limit for trucks on any municipal way will be 25 mph (40 km per hour) unless a higher speed limit is specifically agreed upon, in writing, by the Municipal Officers.

**CITY OF PRESQUE ISLE**  
By the Municipal Officials

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**MUNICIPAL OVERLIMIT PERMIT FOR CONSTRUCTION**

MUNICIPALITY: \_\_\_\_\_

Phone: 207-\_\_\_\_\_; fax: 207-\_\_\_\_\_

**APPLICATION FOR OVERLIMIT PERMIT TO MOVE CONSTRUCTION EQUIPMENT AND LOADS IN EXCESS OF LEGAL LIMITS ON MUNICIPAL WAYS**

Construction Time Period:

Per 29-A § 2382 (7) MRSA, application is hereby made to the MUNICIPALITY OF \_\_\_\_\_ for An Overlimit Permit to move construction equipment, material, objects or loads in excess of legal limits over ways maintained by the MUNICIPALITY in support of construction operations for the following Maine DOT project

Project Description:

Project Identification Number (PIN):

NAME OF PERMITTEE (Construction Company):

STREET/P.O. BOX:

CITY:

STATE/PROV:

ZIP / POSTAL CODE:

PHONE:

FAX:

This object of load cannot be readily reduced to the legal limits.

Signed by:

(name & title)

Permit is granted. A copy of this signed permit will be provided to the permittee as prove of permit. This permit will automatically expire at the physical completion of the above construction project. The original permit will be held on file at the municipality.

Signed:

Municipal Official



Paul R. LePage  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF TRANSPORTATION  
16 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0016

David Bernhardt  
COMMISSIONER

James Bennett, City Manager  
City of Presque Isle  
12 Second Street  
Presque Isle, ME 04769

3/7/2014

Subject: Hot Mix Asphalt Overlay  
Project No.: STP-2044(600) X  
City of Presque Isle and Town of  
Washburn

Dear Mr. Bennett:

The Maine Department of Transportation will soon advertise the subject project for construction, and pursuant to 29-A MRSA § 2382 (7) we have established a "Construction Area". A copy of 29-A § 2382 is enclosed for your information. Also included is an agreement, which requires signature by the municipal officers, and additional background documents.

The agreement stipulates that the municipality will issue a permit for a stated period of time to the MDOT contractor for transporting construction equipment (backhoes, bulldozers, etc.) that exceed legal weight limits, over municipal roads. The agreement acknowledges the municipality's right to require a bond from the contractor to "guarantee suitable repair or payment of damages" per 29-A MRSA.

29-A MRSA § 2382 (7) states that "*the suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers*". In other words, municipal officers determine the suitability of repairs on municipal ways and bridges.

The State cannot force municipalities to allow overweight vehicles to travel on posted municipal roads. Municipal postings supersede overweight permits. However, the agreement requires municipalities to make reasonable accommodations for overweight vehicles that are operated by contractors and the MDOT in connection with the construction project.

The specific municipal roads involved are not necessarily known at present, as the contractor's plan of operation won't be known until just prior to the start of work. If the municipality plans to require a bond; the amount of the bond should be determined prior to the start of work. If the project number administratively changes, you will be notified, and the agreement modified accordingly. Please return the completed agreement to my attention. Should you have any questions, please contact me at 624-3410.

Sincerely,

George MacDougall,  
Contracts & Specifications Engineer  
Bureau of Project Development



PRINTED ON RECYCLED PAPER

Return this AGREEMENT, when completed, to:

Maine Department of Transportation  
ATTN.: Mr. George Macdougall, Contracts & Specifications Engineer  
#16 State House Station, Child Street  
Augusta, Maine 04333-0016

Project No. STP-2044(600)X  
Location: City of Presque Isle and Town  
of Washburn

Pursuant to 29-A MRSA § 2382, the undersigned municipal officers of the **City of Presque Isle** agree that a construction overlimit permit will be issued to the Contractor for the above-referenced project allowing the contractor to use overweight equipment and loads on municipal ways.

The municipality may require the contractor to obtain a satisfactory bond pursuant to 29-A MRSA § 2388 to cover the cost of any damage that might occur as a result of the overweight loads. If a bond is required, the exact amount of said bond should be determined prior to the use of any municipal way. The Maine DOT will assist in determining the amount of the bond if requested. A suggested format for a general construction overlimit bond is attached. A suggested format for a construction overlimit permit is also attached. This construction overlimit permit does not supersede rules that restrict the use of public ways, such as posting of public ways, pursuant to 29-A MRSA § 2395.

The maximum speed limit for trucks on any municipal way will be 25 mph (40 km per hour) unless a higher speed limit is specifically agreed upon, in writing, by the Municipal Officers.

**CITY OF PRESQUE ISLE**  
By the Municipal Officials

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Project No.: STP-2044(600)X

**SPECIAL PROVISION 105**  
**CONSTRUCTION AREA**

A Construction Areas located in the **City of Presque Isle and Town of Washburn** has been established by the Maine Department of Transportation (MDOT) in accordance with provisions of 29-A § 2382 Maine Revised Statutes Annotated (MRSA).

- (a) The section of highway under construction in Aroostook County, Project No. STP-2044(600)X is located on Route 164, beginning in Presque Isle 0.57 mi. north of the intersection of Caribou Road, Main Street, Reach Road and Washburn Road and extending northwesterly 10.13 miles to the intersection of Caribou Road and Fire Lane 8 in Washburn.

Per 29-A § 2382 (7) MRSA, the MDOT may “*issue permits for stated periods of time for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation. The permit:*

*A. Must be procured from the municipal officers for a construction area within that municipality;*

*B. May require the contractor to be responsible for damage to ways used in the construction areas and may provide for:*

*(1) Withholding by the agency contracting the work of final payment under contract; or*

*(2) The furnishing of a bond by the contractor to guarantee suitable repair or payment of damages.*

*The suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers;*

*C. May be granted by the Department of Transportation or by the state engineer in charge of the construction contract; and*

*D. For construction areas, carries no fee and does not come within the scope of this section.”*

The Municipal Officers for the **City of Presque Isle and Town of Washburn** agreed that an Overlimit Permit will be issued to the Contractor for the purpose of using loads and equipment on municipal ways in excess of the limits as specified in 29-A MRSA, on the municipal ways as described in the “Construction Area”.

As noted above, a bond may be required by the municipality, the exact amount of said bond to be determined prior to use of any municipal way. The MDOT will assist in determining the bond amount if requested by the municipality.

The maximum speed limits for trucks on any town way will be 25 mph (40 km per hour) unless a higher legal limit is specifically agreed upon in writing by the Municipal Officers concerned.

## GENERAL GUIDANCE

### CONSTRUCTION OVERLIMIT PERMIT AND BONDING

The Maine Bureau of Motor Vehicles (BMV) establishes requirements and standards for the permitting of non-divisible over dimensional and overweight vehicles and loads (collectively overlimit loads) on state roads. These state motor vehicle permits are available on-line. 29-A MRSA and Secretary of State Administrative Rules Chapters 155-157 apply. Additionally, municipalities and county commissioners may issue overweight permits for travel on municipal and county ways maintained by that municipality or county. These permits are typically single trip permits requiring vehicle registration data, intended route etc.

**However, in this case we're dealing with *Construction Permits*** involving overlimit loads in support of construction projects. According to 29-A MRSA § 2382 (7), a Construction Permit is a permit *"for a stated period of time that may be issued for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation"*. According to 29-A § 2382 MRSA, the construction overlimit permit must be procured from the municipal officers for overweight loads on a municipal way in support of a construction project within that municipality.

**By signing the attached agreement, the municipality agrees to issue construction overlimit permits to the MDOT construction contractor.**

#### **Frequently Asked Questions:**

**A. Why sign the document in advance of the actual construction contract?**

**Response:** There are three primary reasons: First, to comply with 29-A § 2382. Second, to ensure that there are no surprises regarding the use of municipal roads by the Maine DOT contractor (to reasonably reduce risk and thus keep the cost of construction down) and third, to ensure the town is aware of its rights to control its own roads, and its rights to require a separate contractor's bond. (This is in addition to the Payment Bond and the Performance Bond the Maine DOT requires of the contractor).

**B. Different roads may require different levels of scrutiny. How is a posted road handled?**

**Response:** Despite the general construction overweight permit, the contractor cannot exceed the load limit on a posted municipal road without specific municipal permission. 29-A § 2395 MRSA notes that any ways requiring special protection (such as posted roads) will continue to be protected and overweight permits are superseded by such postings. In such a case the contractor would have to use an alternate route.

C. Is there any reason why the contractor cannot be held to indemnify and hold harmless the Municipality beyond the simple posting of a bond?

Response: The objective of our standard letter is to deal with overweight equipment and trucks on municipal ways during construction of an Maine DOT construction project. The bond merely provides a measure of protection against damage to municipal ways as a direct result of construction activity. Other areas of risk and indemnification are beyond the scope of our letter.

D. Are we required to obtain a bond?

Response: No. In fact, few municipalities have required a construction bond. It is a matter of risk management.

E. If used, what amount should be required on the bond?

Response: Previous MDOT letters used to speak about a maximum bond amount of \$14,000 / mile (\$9,000 / kilometer ) of traveled length, however 29-A § 2382 sets no maximum. The amount of the bond (if any bond is required at all) is based on the individual situation. The MDOT will assist in providing a bond amount estimate if so requested.

F. Why the blanket approval?

Response: The blanket approval we seek is the reasonable accommodation by the municipality to allow the Maine DOT contractor to use town ways (if required ) to haul overweight construction equipment and trucks. This theoretically gives the municipality and the MDOT time to discuss exceptions to a blanket approval. In general, this avoids unnecessary risks and saves money for all concerned in the long run.

G. Who determines the suitability of repairs?

Response: For municipal ways, the suitability of repairs may be determined by municipal officers. The MDOT will assist.

H. What is a non-divisible load?

Response: Per Chapter 157 (The Administration of Over-Dimension and Overweight Permits) under the Secretary of State administrative rules (See Rule Chapters for the Department of the Secretary of State on line), a non-divisible load is defined as: A load which, if separated into smaller loads or vehicles, would:

- 1) make it unable to perform the function for which it was intended;
- 2) destroy its value or;
- 3) require more than eight work hours to dismantle using appropriate equipment. Sealed oceangoing containers, spent nuclear materials in casks, and government-controlled military vehicles and their loads will be considered non-divisible

I. What is the standard for Overweight trucks and equipment?

Response: Overweight means a weight that exceeds the legal limits established in 29-A MRSA Chapter 21.

J. This is an unorganized township with no county or municipal roads. Why should I respond?

Response: Because of limited staff, we send out a standard letter to cover contingencies and minimize risk to the construction process. From time to time the letter may not have a practical application. In most cases of unorganized territories, the agreement is signed and returned as a matter of routine. This ensures that surprises will not be encountered after the start of construction regarding travel over municipal and county ways.

Additional tips:

False Information - Permit are invalidated by false information. A permit is invalidated by the violation of any condition specified by the terms of the permit or by false information given on the application. On evidence of such violation of falsification, the permittee may be denied additional permits.

Proper Registration - Overload permits do not relieve the registrants of vehicles from their obligations to properly register their vehicles in accordance with Motor Vehicle Laws.

Agent's Power of Attorney - If you do require a contractor's bond, make sure you have a copy of the Surety Agent's power of attorney authorizing the surety agent to sign for the surety. Keep the power of attorney with your duplicate original bond at the municipality. The contractor will also have a duplicate original.

Other bonds - The Maine DOT requires a payment bond and a performance bond of the contractor which is held against unsatisfactory performance on the part of the contractor for all construction projects over \$100,000. (The Miller Act (40 U.S.C. 270a-270f) normally requires performance and payment bonds for any federal aid construction contract exceeding \$100,000. 14 MRSA § 871 provides a similar requirement for state funded construction projects.) These bonds cover the proper performance of the contract and the payment of all employees, suppliers and subcontractors.

**SPECIAL PROVISION 105**  
**OVERLIMIT PERMITS**

**Title 29-A § 2382 MRSA Overlimit Movement Permits.**

- 1. Overlimit movement permits issued by State.** The Secretary of State, acting under guidelines and advice of the Commissioner of Transportation, may grant permits to move nondivisible objects having a length, width, height or weight greater than specified in this Title over a way or bridge maintained by the Department of Transportation
- 2. Permit fee.** The Secretary of State, with the advice of the Commissioner of Transportation, may set the fee for single trip permits, at not less than \$6, nor more than \$30, based on weight, height, length and width. The Secretary of State may, by rule, implement fees that have been set by the Commissioner of Transportation for multiple trip, long-term overweight movement permits. Rules established pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.
- 3. County and municipal permits.** A county commissioner or municipal officer may grant a permit, for a reasonable fee, for travel over a way or bridge maintained by that county or municipality
- 4. Permits for weight.** A vehicle granted a permit for excess weight must first be registered for the maximum gross vehicle weight allowed for that vehicle.
- 5. Special mobile equipment.** The Secretary of State may grant a permit, for no more than one year, to move pneumatic-tire equipment under its own power, including Class A and Class B special mobile equipment, over ways and bridges maintained by the Department of Transportation. The fee for that permit is \$15 for each 30-day period.
- 6. Scope of permit.** A permit is limited to the particular vehicle or object to be moved, the trailer or semitrailer hauling the overlimit object and particular ways and bridges.
- 7. Construction permits.** A permit for a stated period of time may be issued for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation. The permit:
  - A. Must be procured from the municipal officers for a construction area within that municipality;
  - B. May require the contractor to be responsible for damage to ways used in the construction areas and may provide for:
    - (1) Withholding by the agency contracting the work of final payment under contract; or

(2) The furnishing of a bond by the contractor to guarantee suitable repair or payment of damages.

The suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers;

C. May be granted by the Department of Transportation or by the state engineer in charge of the construction contract; and

D. For construction areas, carries no fee and does not come within the scope of this section.

**8. Gross vehicle weight permits.** The following may grant permits to operate a vehicle having a gross vehicle weight exceeding the prescribed limit:

A. The Secretary of State, with the consent of the Department of Transportation, for state and state aid highways and bridges within city or compact village limits;

B. Municipal officers, for all other ways and bridges within that city and compact village limits; and

C. The county commissioners, for county roads and bridges located in unorganized territory.

**9. Pilot vehicles.** The following restrictions apply to pilot vehicles.

A. Pilot vehicles required by a permit must be equipped with warning lights and signs as required by the Secretary of State with the advice of the Department of Transportation.

B. Warning lights may be operated and lettering on the signs may be visible on a pilot vehicle only while it is escorting a vehicle with a permit on a public way.

With the advice of the Commissioner of Transportation and the Chief of the State Police, the Secretary of State shall establish rules for the operation of pilot vehicles.

**9-A. Police escort.** A person may not operate a single vehicle or a combination of vehicles of 125 feet or more in length or 16 feet or more in width on a public way unless the vehicle or combination of vehicles is accompanied by a police escort. The Secretary of State, with the advice of the Commissioner of Transportation, may require a police escort for vehicles of lesser dimensions.

A. The Bureau of State Police shall establish a fee for state police escorts to defray the costs of providing a police escort. A county sheriff or municipal police department may establish a fee to defray the costs of providing police escorts.

B. The Bureau of State Police shall provide a police escort if a request is made by a permittee. A county sheriff or municipal police department may refuse a permittee's request for a police escort.

C. A vehicle or combination of vehicles for which a police escort is required must be accompanied by a state police escort when operating on the interstate highway system.

**10. Taxes paid.** A permit for a mobile home may not be granted unless the applicant provides reasonable assurance that all property taxes, sewage disposal charges and drain and sewer assessments applicable to the mobile home, including those for the current tax year, have been paid or that the mobile home is exempt from those taxes. A municipality may waive the requirement that those taxes be paid before the issuance of a permit if the mobile home is to be moved from one location in the municipality to another location in the same municipality for purposes not related to the sale of the mobile home.

**11. Violation.** A person who moves an object over the public way in violation of this section commits a traffic infraction.

Section History:

PL 1993, Ch. 683, §A2 (NEW).

PL 1993, Ch. 683, §B5 (AFF).

PL 1997, Ch. 144, §1,2 (AMD).

PL 1999, Ch. 117, §2 (AMD).

PL 1999, Ch. 125, §1 (AMD).

PL 1999, Ch. 580, §13 (AMD).

PL 2001, Ch. 671, §30 (AMD).

PL 2003, Ch. 166, §13 (AMD).

PL 2003, Ch. 452, §Q73,74 (AMD).

PL 2003, Ch. 452, §X2 (AFF).

**MUNICIPAL OVERLIMIT PERMIT FOR CONSTRUCTION**

MUNICIPALITY: \_\_\_\_\_

Phone: 207-\_\_\_\_\_ ; fax: 207-\_\_\_\_\_

**APPLICATION FOR OVERLIMIT PERMIT TO MOVE CONSTRUCTION EQUIPMENT AND LOADS IN EXCESS OF LEGAL LIMITS ON MUNICIPAL WAYS**

Construction Time Period:

Per 29-A § 2382 (7) MRSA, application is hereby made to the MUNICIPALITY OF \_\_\_\_\_ for An Overlimit Permit to move construction equipment, material, objects or loads in excess of legal limits over ways maintained by the MUNICIPALITY in support of construction operations for the following Maine DOT project

Project Description:

Project Identification Number (PIN):

NAME OF PERMITTEE (Construction Company):

STREET/P.O. BOX:

CITY:

STATE/PROV:

ZIP / POSTAL CODE:

PHONE:

FAX:

This object or load cannot be readily reduced to the legal limits.

Signed by:

(name & title)

Permit is granted. A copy of this signed permit will be provided to the permittee as prove of permit. This permit will automatically expire at the physical completion of the above construction project. The original permit will be held on file at the municipality.

Signed:

Municipal Official

BOND # \_\_\_\_\_

Date: \_\_\_\_\_

**MUNICIPAL CONSTRUCTION BOND**

KNOW ALL MEN BY THESE PRESENTS: That (name of construction firm) \_\_\_\_\_  
 \_\_\_\_\_ and the Municipality of \_\_\_\_\_, as  
 principal, and \_\_\_\_\_  
 \_\_\_\_\_, a corporation duly organized under the laws of the State of \_\_\_\_\_ and having a  
 usual place of business \_\_\_\_\_,  
 as Surety, are held and firmly bound unto the Treasurer of the Municipality of  
 \_\_\_\_\_ in the sum of  
 \_\_\_\_\_ and 00/100 Dollars (\$ \_\_\_\_\_ )  
 to be paid said Treasurer of the Municipality of \_\_\_\_\_ or  
 her/his successors in office, for which payment well and truly to be made, Principal and  
 Surety bind themselves, their heirs, executors and administrators, successors and assigns,  
 jointly and severally by these presents.

The condition of this obligation is such that if the Principal designated as Contractor in  
 the Contract to construct Project Number \_\_\_\_\_ in the Municipality of  
 \_\_\_\_\_ promptly and faithfully performs the Contract,  
 without damage to the municipal ways, other than normal wear and tear; then this  
 obligation shall be null and void; otherwise it shall remain in full force and effect.

However, if the Principal designated as Contractor causes damage to any municipal way  
 beyond normal wear and tear, in the construction of the above project through the use of  
 legal weight, legal dimension trucks or equipment; or overweight or over-dimension  
 equipment or trucks (as defined in 29-A MRSA) on the municipal ways, then this bond  
 may be used to guarantee that the contractor either repairs or pays for the damage caused  
 by the use of its equipment or trucks. The degree of damage beyond normal wear and  
 tear will be determined by municipal officials with the assistance of the Maine  
 Department of Transportation.

The Surety hereby waives notice of any alteration or extension of time made by the Municipality.

Signed and sealed this ..... day of ....., 20.....

WITNESS:

SIGNATURES:

CONTRACTOR:

Signature.....

.....

Print Name Legibly .....

Print Name Legibly .....

.....

.....

WITNESS:

SIGNATURES SURETY:

Signature.....

Signature.....

Print Name Legibly .....

Print Name Legibly .....

NAME OF LOCAL AGENCY: .....

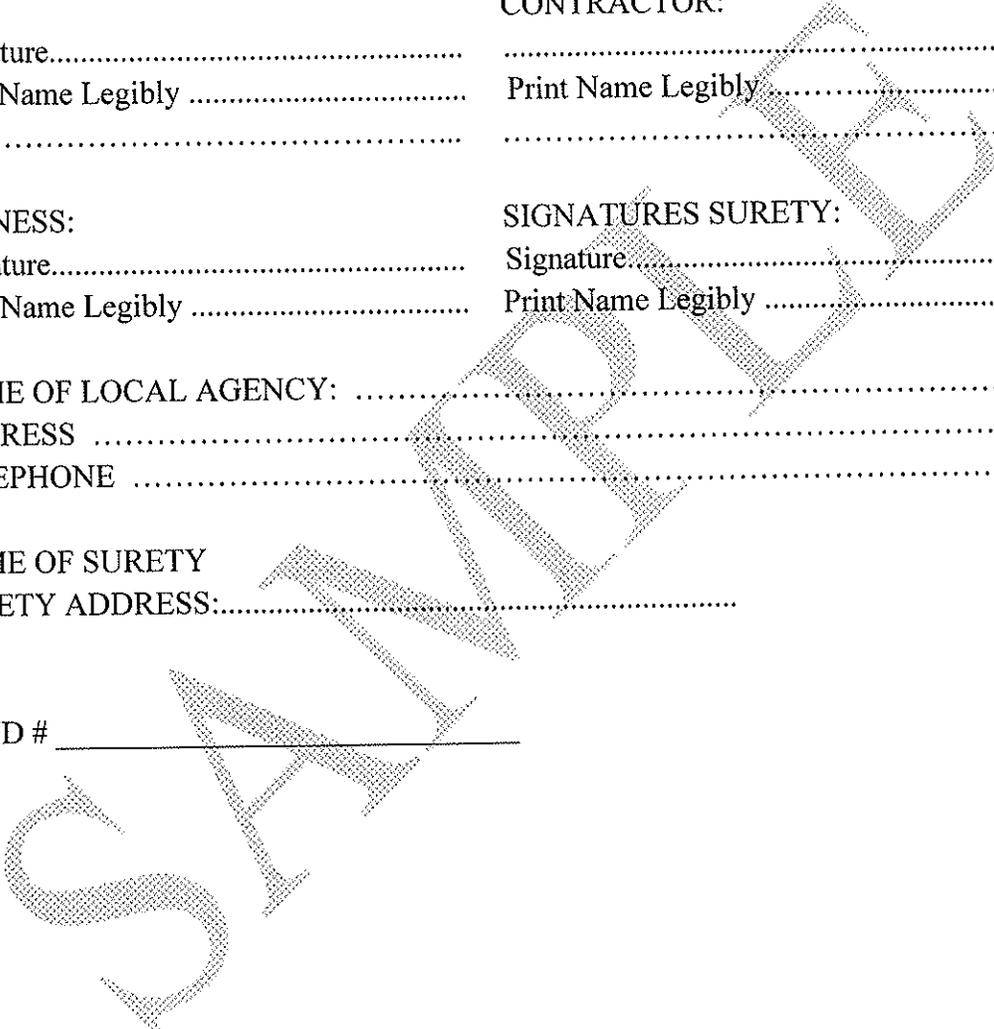
ADDRESS .....

TELEPHONE .....

NAME OF SURETY

SURETY ADDRESS:.....

BOND # \_\_\_\_\_



# PRESQUE ISLE CITY COUNCIL

MEETING OF April 7, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 90

**SUBJECT:**

**CONSENT AGENDA** – Abatement for Video Monitoring Services of America, LP

**INFORMATION:**

**INCLUDED IS:**

--- Memo from Deb Ouellette dated April 1, 2014

**APPROVAL AND/OR COMMENTS OF CITY MANAGER:**

Passage is recommended

**REQUESTED ACTION:**

ES

RS

MC

RE

CG

PH

BS

**BE IT RESOLVED** by Councilor \_\_\_\_\_, seconded by Councilor \_\_\_\_\_ that the City Council authorize an abatement of 2011 personal property taxes in the amount of \$3,405 against Video Monitoring Services of America, LP.



## City of Presque Isle, Maine

Finance Department  
From the desk of:  
**Deborah Ouellette**  
Email: douellette@presqueisleme.us

### MEMORANDUM

TO:	Presque Isle City Council
FROM:	Deborah Ouellette, Tax Collector
DATE:	April 1, 2014
RE:	Video Monitoring Services of America, L.P. -- Tax Abatement Request (Tax Account No. 909-PP)

Video Monitoring Services of America, LP (VMS) filed for Chapter 7 bankruptcy in New York on **09/01/11** and their office located at 260 Main Street in Presque Isle closed soon afterwards. However, certain business furniture was left behind by the company, which included cubicles, panels, chairs, desks, filing cabinets, lockers, mobile storage, and other miscellaneous items (Exhibit A).

The City held a first position tax lien for unpaid **2011** personal property taxes secured by the business assets as a result of completing a UCC filing. At the City's request, the U.S. Bankruptcy Trustee administering the VMS case abandoned the assets on July 10, 2013 on behalf of the bankruptcy estate (Exhibit B). The trustee's abandonment allowed the City to take possession of the assets in satisfaction of the personal property taxes owed. The furniture has been disbursed to City departments, MSAD #1, and the Industrial Council offices so as to make best use of the items. Unused items were placed in the City's garage sale.

We respectfully request abatement of the outstanding **2011** taxes in the amount of **\$3,405.15** as no further recovery is possible against the bankruptcy estate.

### TAX ABATEMENT RESOLUTION:

BE IT RESOLVED BY \_\_\_\_\_ and seconded by \_\_\_\_\_ that the City Council authorize an abatement of 2011 personal property taxes in the amount of \$3,405.15 against Video Monitoring Services of America, LP.



## EXHIBIT B

Personal property of Video Monitoring Services of America, LP as of April 1, 2011  
located at 260 Main Street, Suite B, Presque Isle, Maine

Quantity	Manufacturer	Equipment	Year
		Furniture & Fixtures	1997
		Equipment & Fixtures	1997
		Computers	1997
		Furniture & Fixtures	1998
		Equipment & Fixtures	1998
		Office Equipment	1998
		Computer	1998
		Equipment & Fixtures	1999
		Computer	1999
		Equipment & Fixtures	2000
		Computer	2000
		Video Equipment	2002
		Computer	2002
		Computer Equipment	2003
	HP	Desktop Computers	2004
2		Dubbing Machines	2005
1	Adobe	Photoshop CD	2005
3	HP	Workstations	2006
40	Office Max	Workstations	2006
	Triad	Computer Connectors	2007
4	CDW / HP	CDW Direct Computers, w/HP XW4400 Printers, & View Sonic Monitors	2007
1	CDW / HP	CDW Direct Computer Laptop, HP 6615B	2007
1	CDW	CDW Direct Computer, APC Rack	2007
1	CDW	CDW Direct Computer, APC Smart UPS	2007
		Logical Networks Computer Equipment	2007
	CDW	CDW Direct Computer - APC Backplate Kit	2007
	CDW	CDW Direct Computer - APC Smart UPS	2007
1	Cisco	VOIP Conference Phone	2008
3		Laptops	2008
8		Flat Panel Monitors	2008
	HP	Laserjet Printers	2008
		Power Pole, 12'	2008
		Workstations	2008

## EXHIBIT C

Fixtures of Video Monitoring Services of America, LP as of April 1, 2011 located at 260 Main Street, Suite B, Presque Isle, Maine, the parcel identified as Map/Lot 031-127-260 on the Official Tax Maps of the City of Presque Isle, Maine, which are on file at the City Assessor's Office

Quantity	Manufacturer	Equipment	Year
		Furniture & Fixtures	1997
		Equipment & Fixtures	1997
		Furniture & Fixtures	1998
		Equipment & Fixtures	1998
		Equipment & Fixtures	1999
		Equipment & Fixtures	2000
		Leasehold Improvements	2002
		A/C Repairs	2004
		Leasehold Improvements	2004
3	HP	Workstations	2006
40	Office Max	Workstations	2006
	Triad	Computer Connectors	2007
		Logical Networks Computer Equipment	2007
	County Physical Therapy	Leasehold Improvements	2007
3	Underwood Electric	Leasehold Improvements	2007
	Discount Floor Mart	Leasehold Improvements	2007
	Consolidated Commercial	Leasehold Improvements	2007
	Office Max	Leasehold Improvements	2007
	Condon Signs	VMS Signs, 24" X 96"	2007
	Condon Signs	VMS Signs, 42" X 192"	2007
		Sign lamps, F96	2007
2		Workstations and Cubicles Setup	2008
		Power Pole, 12'	2008
		Monitor and Workstations	2008

July 10, 2013

**BY Email: Douellette@presqueisleme.us**

City of Presque Isle, Maine  
Tax Collector  
12 Second Street  
Presque Isle ME 04769  
Attn: Deborah Ouellette,  
Tax Collector/Office Manager

**Re: Video Monitoring Services of America, L.P.  
Chapter 7  
Case No. 11-14160 (MG)  
Our File No. 060852**

Dear Ms. Ouellette:

As you are aware, we are counsel to Kenneth P. Silverman, Esq., (the "Trustee") the chapter 7 trustee of Video Monitoring Services of America, L.P. (the "Debtor").

We are in receipt of your correspondence dated June 25, 2013 regarding abandonment of certain assets (the "Assets") in connection with the above-referenced Debtor.

Please be advised, that on January 5, 2012 an Order was entered by the Bankruptcy Court which approved, among other things, the Trustee's abandonment of the certain of the Debtor's property (the "Sale Order") (ECF Doc. No. 82).

Specifically, Paragraph 19 of the Sale Order provides in relevant part as follows:

"Any and all of the Debtor's property not otherwise sold at the Auction shall be deemed abandoned, free and clear of any Liens, pursuant to Bankruptcy Code §554 Bankruptcy Rule 6007..."

"Moreover, any and all Assets in the possession of the Debtor's various landlords or parties to certain rejected contracts, including books and records, and certain computer equipment, are also deemed abandoned as set forth herein."

AN/1328391.1/060852

The Assets were never sold by the Trustee to any purchaser. As such, and pursuant to Paragraph 19 of the Sale Order, the Assets have been deemed abandoned by the Trustee since January 5, 2012.

If you have any questions, please do not hesitate to contact me.

Very Truly Yours,

*/s/Brett S. Silverman*

Brett S. Silverman

BSS:an

cc: Kenneth P. Silverman, Esq., the chapter 7 trustee (via email)

# PRESQUE ISLE CITY COUNCIL

MEETING OF April 7, 2014

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 91**

**SUBJECT:**

**NEW BUSINESS** – Revocation of Bou's Brew Pub's Special Permit for Music, Dancing and Entertainment as well as their Malt, Spirituous and Vinous Liquor License

**INFORMATION:**

**INCLUDED IS:**

- Memo from James Bennett dated April 1, 2014
- Memo from Chief of Police Matthew Irwin dated April 1, 2014
- Notice of Public Hearing

**APPROVAL AND/OR COMMENTS OF CITY MANAGER:**

**REQUESTED ACTION:**

ES

RS

MC

RE

CG

PH

BS



# City of Presque Isle, Maine

The Office of  
City Manager

**James A. Bennett**

Email: [jbennett@presqueisleme.us](mailto:jbennett@presqueisleme.us)

## MEMORANDUM

<b>TO:</b>	Honorable City Council
<b>FROM:</b>	James A. Bennett, City Manager
<b>DATE:</b>	April 1, 2014
<b>RE:</b>	April 7, 2014, Hearing on Bou's Brew Pub (431 Main St) Liquor License & Special Amusement

### Introduction

On Tuesday evening, you will be asked to consider the possibility of revoking the special amusement license as well as recommending the revocation of the state liquor license for the bar located at 431 Maine St., currently being operated as *Bou's Brew Pub*. This memo is intended to provide some preliminary information regarding the background on the request and details regarding the process. More specific information will also be provided on Monday at the hearing.

### Process

You will be acting on Monday evening in a quasi-judicial role (similar to the process you have been through with condemnation of buildings). In other words, in some ways you are acting as the judge and/or jury in the process. Your role, therefore, is to listen to the testimony of the case that is presented regarding the allegations and evaluate that evidence. Next, the owner of the bar will be allowed to provide input on his case. Again, you will listen to the evidence and explanations as presented. Once the presentations are concluded, your role is to determine what action, if any, you should take as the granting authority for the above mentioned licenses.

### Background

Control of liquor and establishments that serve the same have been strictly regulated by the state for many years. Local municipalities have very limited ability to control or influence the locations and types of liquor establishments within communities. Title 28-A, § 653 is the most relevant of the state law that governs operations and locations of bars. A copy of that section of state law is included.

On the other hand, the ability to establish reasonable rules and ordinances governing music and entertainment in a bar is almost totally left to the discretion of the local community. In most cases, without some sort of entertainment, drinking establishments are not usually profitable. We have also included a copy of Chapter 41-A which provides the framework for the issuance (and therefore the revocation) of special amusements within Presque Isle.

On Monday evening, you will hear testimony from city staff regarding the ongoing issues that have occurred at the bar. We are also aware that members of the business community will also be present to provide testimony regarding the impacts of the bar on their business as well.

The Police Chief has provided the raw data regarding the volume of calls at the location as well as the nature of the calls. You will see there are upwards of 20 pages of calls during the last year.

12 Second Street      Presque Isle, ME 04769-2459      Phone: 207.760.2700      Fax: 207.764.2501

The City of Presque Isle is an equal opportunity provider. To file a complaint, write to  
Martin Puckett, Deputy City Manager, 12 Second Street Presque Isle, ME 04769, or call (207) 760-2700.

Further, upon examination, many of the calls have involved physical altercations, including those that have involved weapons. There are also repeated complaints from neighbors regarding the noise from the establishment, most notably from the hotel. Finally, there has been vandalism in the downtown, most notably by the location of the bar.

Once the evidence has been presented and any response from the applicants, the Council should make two different and distinct findings. First, the Council should determine if the bar has operated in a manner that is inconsistent with state law. The Council should pay special attention to §653.2.B and §653.2C of Title 28-A. In regards to our local ordinance, section 203 would be the one that is most applicable.

### **Determination**

Once the Council has concluded the hearing, it may begin its deliberation process. If the Council determines that the bar has complied with the law, no further action is necessary. If the Council determines that the bar has violated either or both the state and local laws, then it needs to determine which course of action it desires to take.

In the case of the state law, the Council can only recommend to the state that they revoke the liquor license. The Council does not have the authority to revoke the license on its own. However, the Council could recommend that conditions and/or a temporary license be issued. Again, these would be recommendations to the state.

If the Council decides to take any action to restrict or revoke the license, a written finding of fact will need to be adopted and sent to the state. The suggestion would be that the Council hold another meeting in the very near future to adopt those findings. The appeal process for the owners are to the state and later into the court system, if they disagree with the decision of the state.

In the case of the local ordinance, the Council does have the authority to revoke the license or put other restrictions on the license. Much like the liquor license process discussed above, if the Council decides to take either action, then a finding of fact will need to be produced. In this case, appeal is directly into the court system.

### **Conclusion**

On Tuesday evening, staff will present the important details and the relevant sections of the law that is applicable. We will assist you both with the process and the findings. At this point, without hearing any of the arguments and defense of the owner, there appears to staff to be more than enough evidence to revoke both the special amusement license and recommend the revocation of the liquor license.

**Title 28-A: LIQUORS**  
**Chapter 27: APPLICATION PROCEDURE**

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**Maine Revised Statutes**  
**Title 28-A: LIQUORS**  
**Chapter 27: APPLICATION PROCEDURE**

**§651. APPLICATIONS**

**1. File application with bureau.** An applicant for a liquor license shall file an application in the form required by the bureau.

[ 1997, c. 373, §60 (AMD) .]

**2. Contents of application.** The application must contain the following.

A. Each applicant shall disclose the entire ownership or any interest in the establishment for which a license is sought. If the applicant is a purchaser by contract, the applicant shall also disclose the terms of the contract. [1997, c. 373, §61 (AMD) .]

B. Every applicant for a license for sale of liquor to be consumed on the premises where sold shall include in the application a description of the premises to be licensed and provide any other material information, description or plan of that part of the premises where the applicant proposes to keep or sell liquor as the bureau requires. [1997, c. 373, §61 (AMD) .]

C. The owner or the bona fide prospective purchaser must sign the application. If the owner or bona fide prospective purchaser is:

- (1) A natural person, then that person must sign;
- (2) A partnership, then the partners of the partnership must sign; or
- (3) A corporation, then a principal officer of the corporation or any person specifically authorized by the corporation must sign. [1987, c. 45, Pt. A, §4 (NEW) .]

[ 1997, c. 373, §61 (AMD) .]

**3. False answer given intentionally.** Any person who intentionally gives an untruthful answer in an application for a liquor license violates Title 17-A, section 453.

[ 1987, c. 342, §30 (AMD) .]

**SECTION HISTORY**

1987, c. 45, §A4 (NEW). 1987, c. 342, §30 (AMD). 1997, c. 373, §§60, 61 (AMD) .

**§652. APPLICATION PROCEDURE**

**1. License fee.** The applicant must enclose the fee prescribed by chapter 41 with the application for the license.

[ 1987, c. 45, Pt. A, §4 (NEW) .]

**2. Effective date and term of license.** All full-year licenses are effective for one year from the date of issuance. All part-time licenses are effective for the term of the license from the date of issuance.

[ 1987, c. 45, Pt. A, §4 (NEW) .]

**3. Renewal.** Licenses may be renewed upon application for renewal and payment of the annual fee, subject to bureau rules.

[ 1997, c. 373, §62 (AMD) . ]

**4. Multiple licenses.** Any licensee applying for a license to operate more than one premise shall pay the fee prescribed for the type of license to be exercised at each premise.

[ 1987, c. 45, Pt. A, §4 (NEW) . ]

**5. Filing fee.** Except as provided in paragraph A, every applicant for an original or renewal license shall pay a filing fee of \$10 when filing the application.

A. In unincorporated places, the applicant shall pay the filing fee of \$10 to the county treasurer of the county in which the unincorporated place is located. All applications for a license in unincorporated places must be accompanied by evidence of payment of the filing fee to the county treasurer. [1987, c. 769, Pt. A, §114 (AMD).]

[ 1987, c. 769, Pt. A, §114 (AMD) . ]

**6. Public service license.** One public service license is sufficient to cover all steamboats, cars and aircraft operated by any one public service corporation.

[ 1987, c. 45, Pt. A, §4 (NEW) . ]

#### SECTION HISTORY

1987, c. 45, §A4 (NEW). 1987, c. 342, §31 (AMD). 1987, c. 769, §A114 (AMD). 1997, c. 373, §62 (AMD).

### §653. HEARINGS; BUREAU REVIEW; APPEAL

**1. Hearings.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms. [1993, c. 730, §27 (AMD) . ]

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c. 140, §4 (AMD) . ]

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to

an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application. [2003, c. 213, §1 (AMD) .]

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant. [1995, c. 140, §5 (NEW) .]

[ 2003, c. 213, §1 (AMD) .]

**2. Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime; [1987, c. 45, Pt. A, §4 (NEW) .]

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c. 45, Pt. A, §4 (NEW) .]

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c. 730, §27 (AMD) .]

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c. 592, §3 (AMD) .]

E. A violation of any provision of this Title; [2009, c. 81, §1 (AMD) .]

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and [2009, c. 81, §2 (AMD) .]

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages. [2009, c. 81, §3 (NEW) .]

[ 2009, c. 81, §§1-3 (AMD) .]

**3. Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause. [1993, c. 730, §27 (AMD) .]

[ 1995, c. 140, §6 (AMD) .]

**4. No license to person who moved to obtain a license.**

[ 1987, c. 342, §32 (RP) .]

**5. Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

[ 1995, c. 140, §7 (AMD); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF) .]

## SECTION HISTORY

1987, c. 45, §A4 (NEW). 1987, c. 342, §32 (AMD). 1987, c. 623, §8 (AMD). 1989, c. 592, §§3,4 (AMD). 1993, c. 730, §27 (AMD). 1995, c. 10, §1 (AMD). 1995, c. 140, §§4-7 (AMD). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF). 1999, c. 589, §1 (AMD). 2001, c. 500, §1 (AMD). 2003, c. 213, §1 (AMD). 2009, c. 81, §§1-3 (AMD).

**§654. ADDITIONAL CONSIDERATIONS FOR LICENSURE**

**1. Character; location; operation of business.** In issuing or renewing licenses, the bureau, the municipal officers or the county commissioners, as the case may be, shall give consideration to:

- A. The character of any applicant; [1987, c. 45, Pt. A, §4 (NEW) .]
- B. The location of the place of business; [1987, c. 45, Pt. A, §4 (NEW) .]
- C. The manner in which the business has been operated; and [1997, c. 373, §63 (AMD) .]
- D. Whether the operation has endangered the safety of persons in or on areas surrounding the place of business. [1987, c. 45, Pt. A, §4 (NEW) .]

[ 1997, c. 373, §63 (AMD) .]

**2. Qualifications of corporations.** The bureau, the municipal officers or the county commissioners, as the case may be, may refuse to issue licenses to corporations when any of its officers, directors or stockholders do not possess the qualifications required of unincorporated persons under this section.

[ 1997, c. 373, §63 (AMD) .]

**3. Areas primarily for minors.** Without limitation of its other powers, the bureau may not approve as a proper place for the exercise of the license privilege amusement areas primarily for minors, beaches or any other area designed primarily for use by minors.

[ 1997, c. 373, §63 (AMD) .]

## SECTION HISTORY

1987, c. 45, §A4 (NEW). 1997, c. 373, §63 (AMD).

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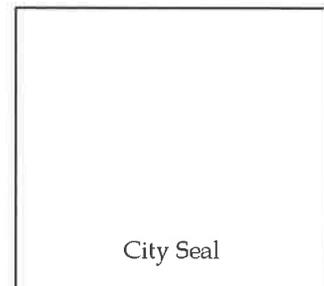
**CHAPTER 41-A**  
**CITY OF PRESQUE ISLE**

*Special Amusement Ordinance*



Adopted: December 15, 1997  
Repassed: March 19, 2001  
Repassed: February 23, 2005  
Repassed: February 2, 1009  
Repassed: January 7, 2013

Attest: \_\_\_\_\_  
Beverly A. Labbe, City Clerk



## CHAPTER 41-A

### SPECIAL AMUSEMENT ORDINANCE

#### Article 1 Title, Purpose and Definitions

##### **Section 101 - Title**

This Ordinance shall be known and may be cited as the Special Amusement Ordinance of the City of Presque Isle, Maine.

##### **Section 102 - Purpose**

The purpose of this Ordinance is to control the issuance of special permits for music, dancing or entertainment in facilities licensed by the State of Maine to sell liquor as required by 28 M.R.S.A. #702.

##### **Section 103 - Definitions**

**103.1 - Entertainment.** For the purposes of this Ordinance, "entertainment" shall include any amusement, performance, exhibition or diversion for patrons or customers of the licensed premises whether provided by professional entertainers or by full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value.

**103.2 - Licensee.** For purposes of this section, "licensee" shall include the holder of a license issued under the Alcoholic Beverages Statutes of the State of Maine, or any person, individual, partnership, firm, association, corporation, or other entity, or any agent, or employee of any such licensee.

#### Article 2 General

##### **Section 201 - Permit Required**

No licensee, for the sale of liquor to be consumed on his licensed premises, shall permit on his licensed premises, any music, except radio or other mechanical device, any dancing or entertainment of any sort unless the licensee shall have the first obtained from the municipality in which the licensed premises are situated, a special amusement permit signed by at least a majority of the municipal officers.

Applications for all special amusement permits shall be made in writing to the municipal officers and shall state the name of the applicant; his residence address; the name of the business to be conducted; his business address; the nature of his business; the location to be used; whether the applicant has ever had a license to conduct the business therein described either denied or revoked, and if so, the applicant shall describe those circumstances specifically whether the applicant, including all partners or corporate officers, has ever been convicted of a felony, and if so, the applicant shall describe specifically those circumstances; and any additional information as may be needed by the municipal officers in the issuing of the permit, including, but not limited to, a copy of the applicant's current liquor license.

No permit shall be issued for any thing, or act, or premises, if the premises and building to be used for the purposes do not fully comply with all Ordinances, articles, bylaws, or rules and regulations of the municipality.

The fee for a special amusement permit shall be forty dollars (\$40.00).

The municipal officers shall, prior to granting a permit and after reasonable notice to the municipality and the applicant, hold a public hearing at which the testimony of the applicant and that of any interested members of the public shall be taken.

The municipal officers shall grant a permit unless they find that issuance of the permit will be detrimental to the public health, safety or welfare, or would violate municipal Ordinances, or rules and regulations, articles, or bylaws.

A permit shall be valid only for the license year of the applicant's existing liquor license.

### **Section 202 - Inspections**

Whenever inspections of the premises used for or in connection with the operation of a licensed business which has obtained a special amusement permit are provided for or required by Ordinance or State law, or are reasonably necessary to secure compliance with any Ordinance provision or State law, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit any officer, official, or employee of the municipality authorized to make the inspection at any reasonable time that admission is requested.

Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any Ordinance provision or State law, it shall be the duty of the licensee, or the person in charge of the premises, to give to any authorized officer, official, or employee of the municipality requesting the same sufficient samples of the material or commodity for analysis.

In addition to any other penalty which may be provided, the municipal officers may revoke the special amusement permit of any licensee in the municipality who refuses to permit any such officer, official, or employee to make the inspection or take sufficient samples for analysis, or who interferes with such officer, official, or employee while in the performance of this duty, provided, that no license or special amusement permit shall be revoked unless written demand for the inspection or sample is made upon the licensee or person in charge of the premises, at the time it is sought to make the inspection.

### **Section 203 - Suspension or Revocation of a Permit**

The municipal officers may, after a public hearing preceded by notice to interested parties, suspend, or revoke any special amusement permits which have been issued under this Ordinance on the grounds that the music, dancing, or entertainment so permitted constitutes a detriment to the public health, safety, or welfare, or violates any municipal Ordinances, articles, bylaws, or rules and regulations.

### **Section 204 - Rules and Regulations**

The municipal officers are hereby authorized, after public notice and hearing, to establish written rules and regulations governing the issuance, suspension, and revocation of special amusement permits, the classes of permits, the music, dancing, or entertainment permitted under each class, and other limitations on these activities required to protect the public health, safety and welfare. These rules and regulations may specifically determine the location and size of permitted premises, the facilities that may be required for the permitted activities on those premises, and the hours during which the permitted activities are permitted.

Such rules and regulations shall be additional to and consistent with all sections of this Ordinance.

### **Section 205 - Permit and Appeal Procedures**

**205.1** Any licensee requesting a special amusement permit from the municipal officers shall be notified in writing of their decision no later than fifteen (15) days from the date his request was received. In the event that a licensee is denied a permit, the licensee shall be provided with the reasons for the denial in writing. The licensee may not reapply for a permit within thirty (30) days after an application for a permit which has been denied.

**205.2** Any licensee who has requested a permit and has been denied, or whose permit has been revoked or suspended, may, within thirty (30) days of the denial, suspension or revocation, appeal the decision by the Maine Rule Civil Procedures as amended under Rule 80B.

### **Section 206 - Admission**

A licensed hotel, Class A restaurant, Class A tavern or restaurant malt liquor licensee who has been issued a special amusement permit may charge admission in designated areas approved by the municipal special amusement permit.

### **Article 3 Penalty, Separability and Sunset Provision**

#### **Section 301 - Penalty**

Whoever violates any of the provisions of this Ordinance shall be punished by a fine of not more than fifty dollars (\$50.00) for the first offense, and up to one hundred dollars (\$100.00) for the subsequent offenses, to be recovered, on complaint, to the use of the City of Presque Isle.

#### **Section 302 - Separability**

The invalidity of any provision of this Ordinance shall not invalidate any other part.

#### **Section 303 - Sunset Provision**

This Ordinance shall be in force for the term of four (4) years from its effective date. This Ordinance shall become null and void upon the expiration of four (4) years from said effective date, unless recommended and required by the City Council to remain effective prior to such expiration date.



# PRESQUE ISLE POLICE DEPARTMENT

Matthew J. Irwin  
*Chief of Police*



## *Inter-Office Memorandum*

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April 1, 2014

TO: James Bennett, City Manager

FROM: Matthew Irwin, Chief of Police

SUBJECT: Bou's Pub

As you are aware, the police department along with a variety of other entities in local and state government have experienced challenging circumstances in our official interactions with the ownership/management of Bou's Pub. The following provides a summarization of those problems, the governmental agency involved, and Bou's management response.

Maine State Statute explicitly defines circumstances under which municipalities may take affirmative action to revoke liquor licensing. The information provided below will also capture where in the applicable statute any given issue with Bou's management falls. While this memorandum only provides a summary of issues and events, all related documents are provided for further review and context.

Recently I conducted an analysis of calls for service to Bou's Pub for the calendar year 2013. The analysis showed that the Presque Isle Police Department responded to Bou's Pub or calls related to patron's of Bou's Pub at least thirty (30) times in 2013. Of those calls for service,

1. Eleven (11) calls were related to some sort of a fight which violates MRS Title 28-A, Section 27, Paragraph 653(2)(D) pertaining to "*repeated incidents of record of breaches of the peace, disorderly conduct, vandalism, or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises.*" Please refer to the attached call log from the Presque Isle Police Department for further details of individual incidents.
2. Eight (8) calls were directly related to noise complaints from nearby businesses and/or residents which violates MRS Title 28-A, Section 27, Paragraph 653(2)(C) pertaining to "*Conditions of record such as...or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a*

*reasonable manner.*" Please refer to the attached call log from the Presque Isle Police Department for further details of individual incidents.

3. Twelve (12) calls were related to undefined or unconfirmed disturbances either inside or outside of the premises, initiated either by the pub staff or patrons of the pub which violates MRS Title 28-A, Section 27, Paragraph 653(2)(D) pertaining to *"repeated incidents of record of breaches of the peace, disorderly conduct, vandalism, or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises."* Please refer to the attached call log from the Presque Isle Police Department for further details of individual incidents.

Two of the fight related calls involved weapons (1 knife and 1 firearm) and multiple calls involved instances where the patrons seemed to be "over-served" alcohol, leading to the circumstance where the police department was called. Of the previously mentioned calls for service, the call dispatched earliest in the evening was 10:07 p.m. and the call dispatched latest into the morning hours was 3:29 a.m.

Presque Isle public safety, both police and fire, work closely with our state partners and has received documents (attached) pertaining to other matters of concern regarding Bou's Pub management practices. Both in 2012 and 2013, the State of Maine Department of Public Safety, Office of the State Fire Marshal cited Bou's Pub ownership/management for various deficiencies/violations. In each case, fire marshal officials were forced to threaten to close Bou's Pub in order to gain compliance from the ownership/management. Bou's Pub is currently in compliance with the Fire Marshal's Office.

Also, beginning on April 10, 2012, Bou's Pub ownership/management was cited by the Department of Health and Human Services, Maine Center for Disease Control and Prevention during their health inspection (documents attached). Due to the failure of ownership/management to respond and/or comply with DHHS' multiple requests for requirement compliance throughout 2013, on March 11, 2014 DHHS officials served Bou's Pub ownership/management with a Cease and Desist Order (attached), closing the business until and unless compliance was met. Bou's Pub is currently in compliance with DHHS.

On April 1, 2014, Presque Isle Code Enforcement conducted an inspection at Bou's Pub and found four (4) recommendation to be corrected (report attached).

In discussions I have had with concerned business owners and citizens residing or located near Bou's Pub, it has become clear that Bou's Pub ownership/management has willfully disregarded the harmful impact of their business and patrons upon the neighboring businesses or residents by showing deliberate indifference to complaints made directly to them by the aforementioned businesses and residents.

  
MJI

Regarding the call log from the Presque Isle Police Department, calls highlighted in:

**Purple** = Calls associated with a fight

**Orange** = Calls associated with a disturbance or unconfirmed fight

**Pink** = Calls associated with specific noise complaints

**Yellow** = Calls associated with weapons involved

For Date: 01/04/2013 - Friday

Call Number	Time	Call Reason	Action	Priority	Duplicate
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13-82	0032	Initiated - Harrasment Complaint	Closed (no report)	3	
Call Taker: ACOLE - Cole, Amber Primary Id: WSELFRI - Selfridge, Wayne Call Modified By: WSELFRI - Selfridge, Wayne Location/Address: [PT 500] BOU'S PUB - 431 MAIN ST Jurisdiction: Presque Isle Initiated By: WSELFRI - Selfridge, Wayne Party Entered By: 01/04/2013 0106 ACOLE - Cole, Amber Modified By: 01/04/2013 0422 ACOLE - Cole, Amber Involved Party: CALDWELL, JOSHUA B @ 46 STATE ST Apt. #102 - PRESQUE ISLE, ME 04769 CallBack Number: 207-554-0263 Cell Phone: 207-227-8101 Home Phone: 207-227-8101					

Race: W Sex: M Party Entered By: 01/04/2013 0108 ACOLE - Cole, Amber Modified By: 01/04/2013 0425 WSELFRI - Selfridge, Wayne Calling Party: BOU'S BREW PUB ***UNKNOWN*** @ ***UNKNOWN*** - PRESQUE ISLE, ME 04769 CallBack Number: 207-551-5990 ID: WSELFRI - Selfridge, Wayne					
--	--	--	--	--	--

ID:	CHAYES - Hayes, Christopher	Arvd-00:32:00	Clrd-02:52:52
	Disp-00:39:50	Arvd-00:39:53	Clrd-00:52:27
ID:	CCHANDL - Chandler, Cole	Disp-00:39:56	Arvd-00:39:59
		Clrd-00:52:25	

Narrative: 01/04/2013 0034 Cole, Amber  
 #304 Advising that one of Bou's Employee just advised him that there is a subject that just went into the bar that has been trying to pick a fight with different individuals, will be going in there to see if he can locate the subject and find out what his problem is.

Narrative: 01/04/2013 0037 Cole, Amber  
 Subject ran out the back door, will be looking around for him, actually will be off at State St/Exchange St. with that subject.

Narrative: 01/04/2013 0058 Cole, Amber  
 10-46 with the subject on the two warrants

Narrative: 01/04/2013 0106 Cole, Amber  
 Dispatch spoke with Bou's they advised that they do not want to press charges, however, they do not want the subject to return there, both bouncers will be advised this as well.

Narrative: 01/04/2013 0138 Cole, Amber  
 Trespass Entry made.

Narrative: 01/04/2013 0418 Selfridge, Wayne  
 Man ran into Mai Tai entrance. Lost him. Found Josh Caldwell, who gave false name at first, on Exchange St. Said he knew he had two warrants and didn't want to go to jail and was going to run. Officer Hayes and I restrained and arrested him on the warrants. When searched he had a pill in his pocket so was summonsed for Poss. of Sched. 2 Drug, Olanzapine. Couldn't make the warrant bails of \$1,250, so transported to CPD. He was intoxicated. No bail condition issues.

Refer To Incident:	13-6-OF		
Additional Activity:	01/04/2013 0048	Selfridge, Wayne	Investigation 0 Hrs 2 Min
Additional Activity:	01/04/2013 0050	Selfridge, Wayne	Investigation 1 Hrs 5 Min
Additional Activity:	01/04/2013 0155	Selfridge, Wayne	Investigation 0 Hrs 40 Min

Presque Isle Police Department

Selective Search From: 01/01/2013 Thru: 01/01/2014 0000 - 2359 Printed: 03/12/2014

Additional Activity: 01/04/2013 0235 10-8 TO CPD Selfridge, Wayne Investigation 0 Hrs 25 Min  
10-8 FROM CPD

For Date: 03/08/2013 - Friday

13-1716 0947 Phone - FOUND / LOST PROPERTY Closed (no report) 3  
 Call Taker: ACOLE - Cole, Amber  
 Primary Id: ACOLE - Cole, Amber  
 Location/Address: [PI 500] BOU'S PUB - 431 MAIN ST  
 Jurisdiction: Presque Isle  
 Party Entered By: 03/08/2013 0948 ACOLE - Cole, Amber  
 Calling Party: FAULKNER, ERIN @ 12 ROBERT ST - PRESQUE ISLE, ME 04769  
 CallBack Number: 207-551-9651  
 Narrative: 03/08/2013 0949 Cole, Amber  
 Erin reporting that she lost her wallet somewhere around Bou's last night. It is a green and blue Vera Bradley wallet.

13-1756 2344 Initiated - DISTURBANCE Closed (no report) 1  
 Call Taker: WJEPSON - Jepson, William  
 Primary Id: WSELFRI - Selfridge, Wayne  
 Call Modified By: WSELFRI - Selfridge, Wayne  
 Location/Address: [PI 500] BOU'S PUB - 431 MAIN ST  
 Jurisdiction: Presque Isle  
 Initiated By: WSELFRI - Selfridge, Wayne  
 Party Entered By: 03/08/2013 2357 WJEPSON - Jepson, William  
 Modified By: 03/09/2013 0058 WJEPSON - Jepson, William  
 Involved Party: WHITTAKER, TODD @ \*\*\*UNKNOWN\*\*\* - PRESQUE ISLE, ME 04769  
 Race: W Sex: M  
 ID: WSELFRI - Selfridge, Wayne Arvd-23:44:00 Clrd-23:48:20  
 Narrative: 03/08/2013 2348 Jepson, William  
 Supervisor: Cpl Selfridge

Cpl Selfridge escorted Todd Whittaker out of Bou's Pub after Todd was already escorted out of Copper's by the bouncer.

For Date: 03/14/2013 - Thursday

13-1951 2352 Phone - NOISE COMPLAINT Closed (no report) 3  
 Call Taker: WJEPSON - Jepson, William  
 Primary Id: WSELFRI - Selfridge, Wayne  
 Call Closed By: WSELFRI - Selfridge, Wayne 03/15/2013 0058  
 Call Modified By: WSELFRI - Selfridge, Wayne  
 Location/Address: [PI 500] BOU'S PUB - 431 MAIN ST  
 Jurisdiction: Presque Isle  
 Party Entered By: 03/14/2013 2358 WJEPSON - Jepson, William  
 Calling Party: ELLIS, ROGER D @ MAPLE ST - PRESQUE ISLE, ME 04769  
 Home Phone: 207-764-4321  
 Home Phone: 207-764-4476  
 Work Phone: 207-764-2532  
 Race: W Sex: M  
 ID: WSELFRI - Selfridge, Wayne  
 Narrative: 03/14/2013 2358 Jepson, William  
 Supervisor: Cpl Selfridge

Roger from the Northeastland Hotel called and advised he had received numerous complaints from guests about the volume of the music coming from Bou's Club.

Cpl Selfridge advised.

Narrative: 03/15/2013 0057 Selfridge, Wayne  
 I parked in front of Mai Tai for a bit to listen and watch. Music from DJ definitely too loud, especially when door

opens. People loud outside while smoking, but that is expected and not unusual. I spoke to management. They did speak to DJ while I was there and music was turned down. This is not first complaint and I suggest that management of PD work with Bou's and Northeastland for a more lasting solution. Bou's is always cooperative. I went over and spoke to Roger at Northeastland and confirmed with him that the complaint tonight was valid.

Additional Activity: 03/15/2013 0007 Selfridge, Wayne Patrol Supervisor 0 Hrs 38 Min  
BAR CHECKS

For Date: 03/15/2013 - Friday

13-1976 2350 Phone - ASSAULT Closed (no report) 1  
 Call Taker: TKING - King, Thomas  
 Primary Id: KREED - Reed, Kevin  
 Call Closed By: KREED - Reed, Kevin 03/16/2013 0035  
 Call Modified By: KREED - Reed, Kevin  
 Location/Address: [PI 500] BOU'S PUB - 431 MAIN ST  
 Jurisdiction: Presque Isle  
 Party Entered By: 03/16/2013 0008 KREED - Reed, Kevin  
 Modified By: 03/16/2013 0032 KREED - Reed, Kevin  
 Involved Party: ARCHAMBAULT, CHRISTOPHER @ \*\*\*UNKNOWN\*\*\* - PRESQUE ISLE, ME 04769  
 Race: W Sex: M  
 ID: BMCQUAR - McQuarrie, Brian  
 Disp-23:52:32 Enrt-23:52:38 Arvd-23:53:20 Clrd-03/16/2013 @ 00:05:07  
 ID: ACOLE - Cole, Amber  
 Disp-23:52:32 Enrt-23:52:38 Arvd-23:52:59 Clrd-03/16/2013 @ 00:14:22  
 KREED - Reed, Kevin  
 Narrative: 03/15/2013 2352 King, Thomas  
 Supervisor: Off. McQuarrie

Staff from 'Bou's Pub called advising the bouncer told them to dial 911. Apparently someone has either been punched or stabbed or something.

\*\*\*A/U advised.  
 \*\*\*Crown requested by Penobscot RCC

Narrative: 03/16/2013 0035 Reed, Kevin  
 Chris and two black males were in an altercation resulting in Chris being struck in the head. He fell backwards striking his head on a wall and the fell on the sidewalk. Witnesses report seeing a knife, but not sure who had it. Found a folding Buck knife on the sidewalk near Stew's with the blade extended.  
 Chris was checked by Crown and released without treatment. He refused to explain what had occurred.

For Date: 03/22/2013 - Friday

13-2153 2355 Radio - DISTURBANCE Closed (no report) 1  
 Call Taker: ACOLE - Cole, Amber  
 Primary Id: WSELFRI - Selfridge, Wayne  
 Call Modified By: WSELFRI - Selfridge, Wayne  
 Location/Address: [PI 500] BOU'S PUB - 431 MAIN ST  
 Jurisdiction: Presque Isle  
 Party Entered By: 03/23/2013 0014 ACOLE - Cole, Amber  
 Modified By: 03/23/2013 0304 WSELFRI - Selfridge, Wayne  
 Involved Party: PELLETIER, SCOTT J @ 764 BOG RD - LIMESTONE, ME 04750  
 Race: W Sex: M  
 ID: WSELFRI - Selfridge, Wayne  
 Disp-23:56:18 Arvd-23:56:21 Clrd-03/23/2013 @ 00:11:06  
 ID: CCHANDL - Chandler, Cole  
 Disp-23:56:24 Clrd-03/23/2013 @ 01:44:16  
 Narrative: 03/22/2013 2356 Cole, Amber

Have 312 head this way we have a fight.

Narrative: 03/23/2013 0001 Cole, Amber  
 Modified By: 03/23/2013 0013 Cole, Amber  
 0001 all set #304 10-46  
 0002 going to have to take subject to TAMC

Narrative: 03/23/2013 0303 Selfridge, Wayne  
 As I was driving by Bou's the bouncers had a man on the ground who was growling and screaming. They stood him up and I walked him over to the cruiser. He was drunk. Was compliant at first and then started to rise up and scream. I put him on the ground and Officer Chandler and I handcuffed him. Because of his extreme intoxication I took him to the hospital for detox. Will ask day shift to summons him for disorderly conduct for me. Checking with the bouncers he urinated on one of them and tried to fight people.

Refer To Summons: 13-200-AR  
 Summons: PELLETIER, SCOTT J  
 Address: 764 BOG RD LESTONE, ME  
 DOB: 12/10/1989 SSN: 005904372  
 Charges: DISORDERLY CONDUCT

Additional Activity:	03/23/2013 0003	Selfridge, Wayne OFF AT TAMC	Investigation	0 Hrs 30 Min
Additional Activity:	03/23/2013 0004	Chandler, Cole OFF AT TAMC	Investigation	0 Hrs 29 Min
Additional Activity:	03/23/2013 0033	Chandler, Cole	Patrol	1 Hrs 10 Min

For Date: 03/23/2013 - Saturday

13-2154 0007 911 - 911 Hang up and assoc. calls Closed (no report) 2  
 Call Taker: ACOLE - Cole, Amber  
 Location/Address: [PI 500] BOU'S PUB - 431 MAIN ST  
 Jurisdiction: Presque Isle  
 Party Entered By: 03/23/2013 0019 ACOLE - Cole, Amber  
 Calling Party: \*\*\*UNKNOWN\*\*\*, NENA @ \*\*\*UNKNOWN\*\*\* - PRESQUE ISLE, ME 04769  
 CallBack Number: 207-227-2123  
 Narrative: 03/23/2013 0008 Cole, Amber  
 911 Houlton Wade advising he just took a 911 call from in front of Bou's Pub, it was a Nena who sounded pretty upset. She stated that there was no emergency. Both officers tied up at TAMC. MSP Units in dispatch will assist.  
 Narrative: 03/23/2013 0015 Cole, Amber  
 00:15 624 Houlton advising all clear from that.  
 Narrative: 03/23/2013 0019 Cole, Amber  
 MSP took care of the call.

For Date: 03/28/2013 - Thursday

13-2314 2231 Phone - SUSPICIOUS ACTIVITY Closed (no report) 2  
 Call Taker: WJEPSON - Jepson, William  
 Primary Id: WSELFRI - Selfridge, Wayne  
 Call Closed By: WSELFRI - Selfridge, Wayne 03/29/2013 0627  
 Call Modified By: WSELFRI - Selfridge, Wayne  
 Location/Address: [PI 500] BOU'S PUB - 431 MAIN ST  
 Jurisdiction: Presque Isle  
 Party Entered By: 03/28/2013 2234 WJEPSON - Jepson, William  
 Calling Party: MILLER, JOSHUA @ 21 STATE ST Apt. #1 - PRESQUE ISLE, ME 04769  
 Cell Phone: 207-540-6915  
 Home Phone: 207-551-3393  
 Race: W Sex: M  
 Party Entered By: 03/28/2013 2255 WJEPSON - Jepson, William  
 Involved Party: MCLEOD, KYLE W @ 256 COBB RD - LEE, ME  
 Race: W Sex: M  
 Party Entered By: 03/28/2013 2257 WJEPSON - Jepson, William

Selective Search From: 01/01/2013 Thru: 01/01/2014 0000 - 2359 Printed: 03/12/2014

Involved Party: BELDEN, MATTHEW @ 176 ACADEMY ST - PRESQUE ISLE, ME 04769  
 CallBack Number: 207-764-5445  
 Race: W Sex: M  
 ID: WSELFRI - Selfridge, Wayne  
 Disp-22:34:45 Enrt-22:34:49 Arvd-22:45:49 Clrd-23:00:42  
 ID: WSELFRI - Selfridge, Wayne  
 Disp-05:34:52 Clrd-03/29/2013 @ 06:27:10  
 Cleared By: WSELFRI - Selfridge, Wayne  
 Vehicle Entered By: 03/28/2013 2249 WJEPSON - Jepson, William  
 Vehicle: BLK 1996 CHEV 1500 Reg: PC ME 6142TE VIN: 1GCEK19M5TE154786  
 Operator: BELDEN, MATTHEW G @ 176 ACADEMY ST Apt. #E P - PRESQUE ISLE, ME 04769  
 Sex: M OLN: ME 7644219  
 Owner: BELDEN, MATTHEW G @ 176 ACADEMY ST Apt. #E P - PRESQUE ISLE, ME 04769  
 Insurance Co:  
 Policy No:  
 Narrative: 03/28/2013 2234 JEPSON, William  
 Modified By: 03/28/2013 2241 JEPSON, William  
 Supervisor: Sgt Erickson

Josh reports that there is a male in the bed of a Black Chevy pickup parked in the parking lot behind Bou's Pub. Josh states the male is making a lot of noise and is unsure if he is all right.

Cpl Selfridge advised.

Narrative: 03/28/2013 2238 JEPSON, William  
 Modified By: 03/28/2013 2240 JEPSON, William  
 Josh called back and said he checked on the male in the back of the truck. He said the male appeared to be fine medically, but he was very upset about something. Josh said the male subject now had a friend with him who was trying to calm him down.

Narrative: 03/28/2013 2257 JEPSON, William  
 304// I'll be standing by here until the taxi arrives for him.

Narrative: 03/29/2013 0626 Selfridge, Wayne  
 I arrived and saw a male in the passenger seat writhing around. Windshield was broken. He had taken his shirt and shoes off. He was sticking legs, then arms out window. He had vomited on the ground. I spoke to him and he straightened up. He had not been drinking, but was stoning. I believe a huffing issue. I identified him as McLeod. His level of stoning did not require protective custody or medical treatment. He walked home to Cedar Street as his friend that showed up who owned the truck admitted he had drank too much. Between the two they did not have cab fare. I let him know I knew the method of his issue. He did not confirm or deny. He was cooperative.  
 I

13-2315

2308

Phone - NOISE COMPLAINT

Closed (no report)

3

Call Taker: WJEPSON - JEPSON, William  
 Location/Address: [PI 500] BOU'S PUB - 431 MAIN ST  
 Jurisdiction: Presque Isle  
 Party Entered By: 03/28/2013 2309 WJEPSON - JEPSON, William  
 Calling Party: ELLIS, ROGER D @ MAPLE ST - PRESQUE ISLE, ME 04769  
 Home Phone: 207-764-4321  
 Home Phone: 207-764-4476  
 Work Phone: 207-764-2532

Race: W Sex: M  
 ID: WSELFRI - Selfridge, Wayne  
 Disp-23:10:16 Enrt-23:10:33 Arvd-23:17:10 Clrd-23:34:35  
 ID: ERICKS - ERICKSON, Eric  
 Disp-06:27:55 Clrd-03/29/2013 @ 06:27:59

Narrative: 03/28/2013 2309 JEPSON, William  
 Supervisor: Sgt Erickson

Presque Isle Police Department

Selective Search From: 01/01/2013 Thru: 01/01/2014 0000 - 2359 Printed: 03/14/2014

Roger called from the Northeastland Hotel and advised that guests were complaining about the volume of music and people yelling coming from Bou's Pub.

Cpl Selfridge advised.

Narrative: 03/28/2013 2342 JEPSON, William  
03/28/2013 2332  
304// I talked to management and they turned the music down. I'll be standing by outside for a bit. There's a large crowd out here.

For Date: 04/05/2013 - Friday

13-2492 0048 Radio - DISTURBANCE Closed (no report) 1  
Call Taker: KWHITE - White, Kyle  
Primary Id: JSEELEY - Seeley, Joey  
Call Modified By: JSEELEY - Seeley, Joey  
Location/Address: [PI 173] WILDER'S JEWELRY STORE - 407 MAIN ST  
Jurisdiction: Presque Isle  
Party Entered By: 04/05/2013 0049 KWHITE - White, Kyle  
Calling Party: SEELEY, JOEY D @ 43 NORTH ST - PRESQUE ISLE, ME 04769  
Home Phone: 207-764-4476  
Race: W Sex: M  
ID: JSEELEY - Seeley, Joey  
Disp-00:49:40 Arvd-00:49:43 Clrd-00:49:46  
Narrative: 04/05/2013 0049 White, Kyle  
Supervisor Seeley:

305 states he just broke up a potential fight by wilders and its not sure if it will start up somewhere else. 308 advised.

Narrative: 04/05/2013 0052 Seeley, Joey  
Modified By: 04/05/2013 0055 Seeley, Joey  
Flagged down by intoxicated male running behind Mai Tai advising he was going to help his brother in a fight near Wilder's. Wanted to make me aware. I informed subject they just dispersed when they saw me approaching.

Narrative: 04/05/2013 0056 Seeley, Joey  
I will stay in area to try to prevent fight from starting up again.

For Date: 04/07/2013 - Sunday

13-2556 0002 Phone - MAN WITH A GUN CLOSED (REPORT WITH ARRE 1  
Call Taker: WJEPSON - JEPSON, William  
Primary Id: WSELFRI - Selfridge, Wayne  
Call Closed By: EERICKS - Erickson, Eric 04/07/2013 0300  
Call Modified By: EERICKS - Erickson, Eric  
Location/Address: [PI 500] BOU'S PUB - 431 MAIN ST  
Jurisdiction: Presque Isle  
Party Entered By: 04/07/2013 0006 WJEPSON - JEPSON, William  
Calling Party: HOULTON RCC  
\*\*\*UNKNOWN\*\*\* @ \*\*\*UNKNOWN\*\*\*  
CallBack Number: 800-924-2261  
ID: EERICKS - Erickson, Eric  
Disp-00:04:18 Arvd-00:04:31 Clrd-01:13:54  
ID: WSELFRI - Selfridge, Wayne  
Disp-00:04:26 Arvd-00:05:17 Clrd-02:48:02  
Location Change: CARIBOU PD [Modified: 04/07/20130229]  
Jurisdiction: Presque Isle  
Narrative: 04/07/2013 0004 JEPSON, William  
Modified By: 04/07/2013 0007 JEPSON, William  
Supervisor: Sgt Erickson

Presque Isle Police Department

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Multiple 911 calls for a subject with a loaded gun at Bou's Pub. First caller reports the man has been detained and the bouncer has taken the gun from him.

302 and 304 responding.

Narrative: 04/07/2013 0005 Jepson, William  
633 assisting on scene.

Narrative: 04/07/2013 0009 Jepson, William  
304// 10-19, 10-46

Narrative: 04/07/2013 0259 Erickson, Eric  
As a result of the investigation, Wayne Boulrier was arrested for multiple charges including possession of a firearm by a felon, and possession of a firearm in a liquor establishment. Boulrier was unable to make bail and transported to Caribou PD by Cpl Selfridge.

Refer To Arrest: 13-218-AR  
Arrest: BOULIER, WAYNE E  
Address: 29 ACADEMY ST Apt. #B PRESQUE ISLE, ME  
DOB: 07/14/1980 SSN: \*\*\*\*\*  
Charges: POSSESSION OF MARIJUANA  
POSSESSION OF FIREARM BY PROHIBITED PERSON  
VIOLATING CONDITION OF RELEASE  
CARRYING CONCEALED WEAPON  
POSSESSION OF MARIJUANA  
UNLAWFUL POSSESSION OF SCHEDULED Z DRUG (XANAX)  
ARREST ON WARRANT  
POSSESSION OF A SCHEDULE W DRUG MORPHINE  
RECKLESS CONDUCT WITH A FIREARM

For Date: 04/19/2013 - Friday

13-2888 1633 Phone - Police Information Closed (no report) 3  
Call Taker: JCARLSON - Carlson, Joan  
Call Closed By: ACOLE - Cole, Amber 04/20/2013 0109  
Call Modified By: ACOLE - Cole, Amber  
Location/Address: [PI 500] BOU'S PUB - 431 MAIN ST  
Jurisdiction: Presque Isle  
Party Entered By: 04/19/2013 1637 JCARLSON - Carlson, Joan  
Calling Party: \*\*\*UNKNOWN\*\*\*  
ID: BERICKS - Erickson, Eric Arvd-23:39:00 Clrd-23:48:51  
Dispatched By: ACOLE - Cole, Amber  
Arrived By: ACOLE - Cole, Amber  
Cleared By: ACOLE - Cole, Amber  
ID: WSELFRI - Selfridge, Wayne  
Disp-00:10:12 Arvd-00:10:23 Clrd-04/20/2013 @ 01:09:18  
Dispatched By: ACOLE - Cole, Amber  
Arrived By: ACOLE - Cole, Amber  
Cleared By: ACOLE - Cole, Amber  
Narrative: 04/19/2013 1637 Carlson, Joan  
Supervisor: DC Kelly

Anonymous called requesting officers patrol by Bou's around closing time as last night when they closed persons were loud and annoying. Says they were behind Cafe Supresso's and the Mai Tal.

ATTN: ALL NIGHT SHIFT UNITS

Additional Activity: 04/20/2013 0006 Selfridge, Wayne FOOT PATROL 1 Hrs 3 Min  
FOOT PATROL IN REFERENCE TO PENDING CALL

For Date: 04/21/2013 - Sunday

13-2936 0120 Radio - Criminal Complaint CLOSED (REPORT WITH ARRE 2

Selective Search From: 01/01/2013 Thru: 01/01/2014 0000 - 2359 Printed: 03/14/2014

Call Taker: ACOLE - Cole, Amber  
 Primary Id: EERICKS - Erickson, Eric  
 Call Closed By: EERICKS - Erickson, Eric 04/21/2013 0329  
 Call Modified By: EERICKS - Erickson, Eric  
 Location/Address: [PI 500] BOU'S PUB - 431 MAIN ST  
 Jurisdiction: Presque Isle  
 Party Entered By: 04/21/2013 0329 EERICKS - Erickson, Eric  
 Calling Party: ERICKSON, ERIC @ 43 NORTH ST - PRESQUE ISLE, ME 04769  
 Home Phone: 207-764-4476  
 Work Phone: 207-764-4476  
 Race: W Sex: M

Party Entered By: 04/21/2013 0330 ERICKS - Erickson, Eric  
 Involved Party: DONOVAN, SEAN @ 23 BARTON ST - PRESQUE ISLE, ME 04769  
 Home Phone: 207-227-1313  
 Home Phone: 207-764-6213  
 Work Phone: 207-764-0121  
 Race: W Sex: M

Narrative: 04/21/2013 0329 Erickson, Eric  
 While downtown assisting with incident at Stew's, Sgt Erickson observed a disturbance at Bou's and subsequently arrested Sean Donovan for Disorderly Conduct and Assault.

Narrative: 04/21/2013 0333 Erickson, Eric  
 Donovan was PR Bailed by Tim Lyford

Refer To Arrest: 13-239-AR  
 Arrest: DONOVAN, SEAN  
 Address: 23 BARTON ST PRESQUE ISLE, ME  
 DOB: 06/02/1971 SSN: 005760007  
 Charges: ASSAULT  
 DISORDERLY CONDUCT

For Date: 04/22/2013 - Monday

13-2963 0926 Phone - Criminal Complaint Closed (no report) 2

Call Taker: PSUTHER - Sutherland, Pamela  
 Primary Id: JSEELEY - Seeley, Joey  
 Call Closed By: JSEELEY - Seeley, Joey 04/22/2013 1139  
 Call Modified By: JSEELEY - Seeley, Joey  
 Location/Address: [PI 173] WILDER'S JEWELRY STORE - 407 MAIN ST  
 Jurisdiction: Presque Isle  
 Party Entered By: 04/22/2013 0927 PSUTHER - Sutherland, Pamela  
 Calling Party: WILDERS  
 BEAULIEU, KATHY M @ 2006 CHAPMAN RD - CHAPMAN, ME  
 Home Phone: 207-764-0309  
 Race: W Sex: F  
 ID: JSEELEY - Seeley, Joey  
 Disp-09:41:12 Enrt-09:41:17 Arvd-09:47:17 Clrd-10:40:55  
 Arrived By: JSEELEY - Seeley, Joey  
 Narrative: 04/22/2013 0927 Sutherland, Pamela  
 Supervisor: Sgt Barnes

Kathy called reporting someone took her chair from the outside of Wilders.

Narrative: 04/22/2013 1137 Seeley, Joey  
 The chair was taken at 0421 hours on 04/21/13 (Sunday morning). The male subject was walking north in front of Wilder's and took the chair walking west in between the buildings toward the railroad tracks. Kathy is not interested in pressing charges but would like her chair back if located. Value of chair - \$50.00

Narrative: 04/22/2013 1138 Seeley, Joey  
 I checked the surrounding areas and could not locate the chair

Refer To Incident: 13-229-OF

Presque Isle Police Department

Selective Search From: 01/01/2013 Thru: 01/01/2014 0000 - 2359 Printed: 03/14/2014

For Date: 05/20/2013 - Monday

13-3917 1856 Walk-In - Police Information Closed (no report) 3  
 Call Taker: TKING - King, Thomas  
 Primary Id: KSCHUMA - Schumacher, Kevin  
 Location/Address: [PI 173] WILDER'S JEWELRY STORE - 407 MAIN ST  
 Jurisdiction: Presque Isle  
 Party Entered By: 05/20/2013 1858 TKING - King, Thomas  
 Calling Party: BEAULIEU, KATHY M @ 2006 CHAPMAN RD - CHAPMAN, ME  
 Home Phone: 207-764-0309  
 Race: W Sex: F  
 Party Entered By: 05/20/2013 2015 TKING - King, Thomas  
 Involved Party: HIGGINS, JEFFREY P @ 30 LENFEST ST - PRESQUE ISLE, ME 04769  
 Home Phone: 207-764-0624  
 Race: W Sex: M  
 ID: KSCHUMA - Schumacher, Kevin CIRD-19:06:34  
 Disp-18:58:36  
 ID: KSCHUMA - Schumacher, Kevin ARVD-20:16:30 CIRD-20:16:35  
 Disp-20:16:25  
 Narrative: 05/20/2013 1858 King, Thomas  
 Supervisor: Off. Seeley

Beaulieu came into the station with a prescription bottle that she found outside the front of her store. She stated she called Rite Aid but they didn't want anything to do with it.

\*\*\*Off. Schumacher advised.

Narrative: 05/20/2013 2015 King, Thomas  
 Approx. 11 20 mg tablets of Citalopram, an anti-anxiety medication. Prescription indicates it belongs to Jeffrey Higgins.

Narrative: 05/20/2013 2016 King, Thomas  
 Bottle placed in L/F with this card number.

For Date: 06/02/2013 - Sunday

13-4343 1931 Alarm - ALARM, BURGLAR Closed (no report) 1  
 Call Taker: ACOLE - Cole, Amber  
 Primary Id: WSELFRI - Selfridge, Wayne  
 Location/Address: [PI 173] WILDER'S JEWELRY STORE - 407 MAIN ST  
 Jurisdiction: Presque Isle  
 ID: WSELFRI - Selfridge, Wayne  
 Disp-19:42:04 ARVD-19:43:43 CIRD-19:47:08  
 Narrative: 06/02/2013 1932 Cole, Amber  
 Modified By: 06/02/2013 1936 Cole, Amber  
 Supervisor: Cpl. Selfridge

Sea Coast Security reporting that Panic Alarm initiated at Wilder's Jewelry.

Narrative: 06/03/2013 0311 Cole, Amber  
 Building Checked and Secured, alarm company will notify Karen Beaulieu.

For Date: 06/14/2013 - Friday

13-4640 1732 Phone - Traffic Complaint Closed (no report) 3  
 Call Taker: JCARLSON - Carlson, Joan  
 Primary Id: CCHANDL - Chandler, Cole  
 Call Closed By: CCHANDL - Chandler, Cole 06/14/2013 1742  
 Call Modified By: CCHANDL - Chandler, Cole  
 Location/Address: [PI 77] GARY'S HOME APPLIANCE CENTERE - 435 MAIN ST  
 Jurisdiction: Presque Isle  
 Party Entered By: 06/14/2013 1740 JCARLSON - Carlson, Joan

Presque Isle Police Department

Selective Search From: 01/01/2013 Thru: 01/01/2014 0000 - 2359 Printed: 03/14/2014

Calling Party: \*\*\*UNKNOWN\*\*\*  
 Party Entered By: 06/14/2013 1741 JCARLSON - Carlson, Joan  
 Modified By: 12/10/2013 2052 EERICKS - Erickson, Eric  
 Involved Party: MCARDLE, DANIEL @ 157 REACH RD - PRESQUE ISLE, ME 04769  
 Home Phone: 207-540-1140  
 Race: W Sex: M  
 ID: CCHANDL - Chandler, Cole  
 Disp-17:40:16 Cldr-17:42:48  
 WJEPSON - Jepson, William  
 Cleared By: CCHANDL - Chandler, Cole  
 Vehicle Entered By: 06/14/2013 1740 JCARLSON - Carlson, Joan  
 Vehicle: BLK 2002 HYUN 4D ELANTR Reg: PC ME PINOS VIN: KMHDN45D12U245290  
 Insurance Co:  
 Policy No:  
 Narrative: 06/14/2013 1740 Carlson, Joan  
 Supervisor: Officer Hayes

Unknown called and wanted to know why MEPC PINOS was parked behind Gary's for so long. Says it has been there since February of this year. It really isn't in the way of anything but other vehicles might want to park there.

Officer Chandler assigned.

Narrative: 06/14/2013 1742 Chandler, Cole  
 The registraron on the car expired 5/30/13. The car is parked in a public parking lot so it is not considered abandoned at this time.

For Date: 06/28/2013 - Friday

13-5049 0331 Initiated - MOTOR VEHICLE STOP DEFECT ISSUED 3  
 Call Taker: WJEPSON - Jepson, William  
 Primary Id: REAGLES - Eagles, Ryan  
 Call Closed By: REAGLES - Eagles, Ryan 06/28/2013 0334  
 Call Modified By: REAGLES - Eagles, Ryan  
 Location/Address: [PI 500] BOU'S PUB - 431 MAIN ST  
 Jurisdiction: Presque Isle  
 Initiated By: REAGLES - Eagles, Ryan  
 ID: REAGLES - Eagles, Ryan  
 Arvd-03:31:00 Cldr-03:33:35  
 Vehicle Entered By: 06/28/2013 0333 WJEPSON - Jepson, William  
 Vehicle: TAN 2007 CHEV 4D COBALT Reg: AW ME 149AMN VIN: 1G1AK55F077291764  
 Owner: LOVELY, BRIAN M @ 433 DUDLEY RD - CASTLE HILL, ME 04757  
 Insurance Co:  
 Policy No:  
 Narrative: 06/28/2013 0333 Jepson, William  
 Chevy Cobalt. Occupied once.  
 Narrative: 06/28/2013 0334 Eagles, Ryan  
 stopped and waerned for a mv defect

For Date: 06/29/2013 - Saturday

13-5105 2355 Phone - DISTURBANCE Closed (no report) 1  
 Call Taker: ACOLE - Cole, Amber  
 Location/Address: [PI 500] BOU'S PUB - 431 MAIN ST  
 Jurisdiction: Presque Isle  
 Party Entered By: 06/29/2013 2357 ACOLE - Cole, Amber  
 Calling Party: NORTH EASTLAND HOTEL  
 LYONS, PETER J @ 68 CARMICHAEL ST Apt. #F - PRESQUE ISLE, ME 04769  
 Race: W Sex: M  
 ID: CHAYES - Hayes, Christopher

Selective Search From: 01/01/2013 Thru: 01/01/2014 0000 - 2359 Printed: 03/14/2014

Narrative: **Disp-23:56:54 Enrt-23:56:57 Arvd-23:57:49 Clrd-06/30/2013 @ 00:00:09**  
 06/29/2013 2356 Cole, Amber  
 Supervisor: Cpl. Selfridge

Pete stating that the noise from Bou's is disrupting their clients.

Narrative: 06/30/2013 0000 Cole, Amber  
 #310 advises, 10-8 and they were made aware of the complaint.

Narrative: 06/30/2013 0000 Hayes, Christopher  
 Bou's were made aware of the complaint. All set

For Date: 07/15/2013 - Monday

13-5502 0707 Phone - CRIMINAL COMPLAINT Closed (no report) 2  
 Call Taker: PSUTHER - Sutherland, Pamela  
 Primary Id: BMCQUAR - McQuarrie, Brian  
 Call Closed By: BMCQUAR - McQuarrie, Brian 07/15/2013 0738  
 Call Modified By: BMCQUAR - McQuarrie, Brian  
 Location/Address: [PI 173] WILDER'S JEWELRY STORE - 407 MAIN ST  
 Jurisdiction: Presque Isle  
 Party Entered By: 07/15/2013 0713 PSUTHER - Sutherland, Pamela  
 Calling Party: DEMERCHANT, LARRY @ \*\*\*UNKNOWN\*\*\* - PRESQUE ISLE, ME 04769  
 Cell Phone: 207-227-0757  
 Race: W Sex: M

ID: BMCQUAR - McQuarrie, Brian  
 Disp-07:13:46 Clrd-07:23:46  
 Narrative: 07/15/2013 0713 Sutherland, Pamela  
 Supervisor: McQuarrie

Larry called requesting an officer for a bench that has been destroyed in front of wilders

Narrative: 07/15/2013 0723 McQuarrie, Brian  
 Arrived at the scene and observed the Bench in front of Wilders had 1 slat broken on the front of the bench seat. Photos were taken of the damage. Was not able to locate any security cameras.

For Date: 07/19/2013 - Friday

13-5720 1641 Phone - ASSIST CITIZEN Closed (no report) 3  
 Call Taker: PSUTHER - Sutherland, Pamela  
 Primary Id: KWHITE - White, Kyle  
 Call Closed By: EERICKS - Erickson, Eric 07/19/2013 1707  
 Call Modified By: EERICKS - Erickson, Eric  
 Location/Address: [PI 173] WILDER'S JEWELRY STORE - 407 MAIN ST  
 Jurisdiction: Presque Isle  
 Party Entered By: 07/19/2013 1643 PSUTHER - Sutherland, Pamela  
 Calling Party: BEAULIEU, KATHY M @ 2006 CHAPMAN RD - CHAPMAN, ME  
 Home Phone: 207-764-0309  
 Race: W Sex: F

ID: EERICKS - Erickson, Eric  
 Disp-16:43:35 Enrt-16:43:44 Arvd-16:46:33 Clrd-17:07:23  
 Cleared By: EERICKS - Erickson, Eric  
 ID: KWHITE - White, Kyle  
 Disp-16:43:40 Enrt-16:43:42 Arvd-16:46:34 Clrd-16:57:40  
 Cleared By: KWHITE - White, Kyle  
 Narrative: 07/19/2013 1643 Sutherland, Pamela  
 Supervisor: Sgt Erickson

Kathy called reporting there is an unknown male sitting on the park bench in front of her store that is drinking beer. She describes him as having a beard, wearing a wig, with boobs and big biceps. She would like at least a drive by.

Narrative: 07/19/2013 1655 White, Kyle  
Spoke with Dennis Winchester 09/11/1964 who advised he was not drinking in public. He has been warned.

Narrative: 07/19/2013 1702 Erickson, Eric  
#302 and #314 located subject fitting the above description on the bench. When officers approached he had left the bench and gone down in behind the building. Officers stopped individual and he was identified as Winchester. Winchester denied drinking in public, however admitted to drinking. Winchester was warned for drinking in public and also advised he has a conditional license so not to be driving if he has been drinking. He understood both warnings and went walking.

Narrative: 07/19/2013 1707 Sutherland, Pamela  
(checked with Fort Kent PD they have delt with Dennis, advised he has a history of drinking and cross dressing. He is recently going thru a divorce and has a daughter with mental issues. Dispatch could not think of anything criminal they have dealt with, but she will double check with the officers.)

For Date: 07/27/2013 - Saturday

13-5932 0024 Phone - DISTURBANCE Closed (no report) 1  
 Call Taker: WJEPSON - Jepson, William  
 Primary Id: EERICKS - Erickson, Eric  
 Call Closed By: EERICKS - Erickson, Eric 07/27/2013 0039  
 Call Modified By: EERICKS - Erickson, Eric  
 Location/Address: [PI 500] BOU'S PUB - 431 MAIN ST  
 Jurisdiction: Presque Isle  
 Party Entered By: 07/27/2013 0023 WJEPSON - Jepson, William  
 Calling Party: REED, JENSEN @ 46 REED LN - WASHBURN, ME  
 Home Phone: 207-768-1890  
 Race: W Sex: M  
 ID: EERICKS - Erickson, Eric  
 Disp-00:26:35 Enrt-00:31:59 Arvd-00:33:59 Clrd-00:39:20  
 Enroute By: EERICKS - Erickson, Eric  
 Cleared By: EERICKS - Erickson, Eric  
 ID: BSCULL - Scull, William  
 Disp-00:28:58 Enrt-00:29:01 Arvd-00:33:51 Clrd-00:38:28  
 Narrative: 07/27/2013 0023 Jepson, William  
 Supervisor: Sgt Erickson

Jensen stated there is a man at Bou's refusing to leave. He is requesting officers to do a sweep of the establishment.

302 and 307 advised.

Narrative: 07/27/2013 0039 Erickson, Eric  
Subject was gone on officers arrival. He left without incident according to staff. Everything is all set here for now but will remain in the area due to close to closing time.

Additional Activity: 07/27/2013 0037 Scull, William Patrol 4 Hrs 5 Min

13-5933 0058 Phone - DISTURBANCE Closed (no report) 1  
 Call Taker: WJEPSON - Jepson, William  
 Primary Id: EERICKS - Erickson, Eric  
 Call Closed By: EERICKS - Erickson, Eric 07/27/2013 0123  
 Call Modified By: EERICKS - Erickson, Eric  
 Location/Address: [PI 500] BOU'S PUB - 431 MAIN ST  
 Jurisdiction: Presque Isle  
 Party Entered By: 07/27/2013 0059 WJEPSON - Jepson, William  
 Calling Party: \*\*\*UNKNOWN\*\*\*  
 ID: EERICKS - Erickson, Eric

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Disp-01:00:11 Arvd-01:00:12  
 ID: BSCULL - Scull, William  
 Disp-01:00:14 Enrt-01:00:16 Arvd-01:05:17 Clrd-01:12:45  
 Narrative: 07/27/2013 0059 Jepson, William  
 Supervisor: Sgt Erickson

Bou's called requesting an officer out front - he did not know what was going on only that an officer was needed.

Narrative: 07/27/2013 0123 Erickson, Eric [URGENT]  
 Staff reports that two individuals were fighting out front prior to officers arrival. When officers arrived they had seperated and gone on thier way. Officers stood by till the bar cleared out.

13-5934 0102 Phone - DISTURBANCE Closed (no report) 1

Call Taker: WJEPSON - Jepson, William  
 Primary Id: EERICKS - Erickson, Eric  
 Call Closed By: EERICKS - Erickson, Eric 07/27/2013 0125  
 Call Modified By: EERICKS - Erickson, Eric  
 Location/Address: [PT 173] WILDER'S JEWELRY STORE - 407 MAIN ST  
 Jurisdiction: Presque Isle  
 Party Entered By: 07/27/2013 0105 WJEPSON - Jepson, William  
 Calling Party: \*\*\*UNKNOWN\*\*\*  
 ID: BSCULL - Scull, William  
 Disp-01:13:23 Arvd-01:13:27 Clrd-01:15:43  
 ID: EERICKS - Erickson, Eric  
 Disp-01:14:04 Clrd-01:15:04  
 Narrative: 07/27/2013 0105 Jepson, William  
 Modified By: 07/27/2013 0107 Jepson, William  
 Supervisor: Sgt Erickson

Anonymous caller (refused) advised there was a group of drunk "idiots" yelling and fighting behind Wilder's. He says they just got out of the bar and need to be moved along.

Narrative: 07/27/2013 0124 Erickson, Eric  
 Officers checked the area, negative contact.

For Date: 08/23/2013 - Friday

13-6855 0039 Phone - DISTURBANCE Closed (no report) 1

Call Taker: TKING - King, Thomas  
 Primary Id: BMCQUAR - McQuarrie, Brian  
 Call Closed By: BMCQUAR - McQuarrie, Brian 08/23/2013 0052  
 Call Modified By: BMCQUAR - McQuarrie, Brian  
 Location/Address: [PI 500] BOU'S PUB - 431 MAIN ST  
 Jurisdiction: Presque Isle  
 Party Entered By: 08/23/2013 0041 TKING - King, Thomas  
 Calling Party: NORTHEASTLAND HOTEL  
 ELLIS, ROGER D @ MAPLE ST - PRESQUE ISLE, ME 04769  
 Home Phone: 207-764-4321  
 Home Phone: 207-764-4476  
 Work Phone: 207-764-2532  
 Race: W Sex: M  
 ID: BMCQUAR - McQuarrie, Brian  
 Disp-00:42:37 Enrt-00:42:41 Arvd-00:43:14 Clrd-00:46:10  
 Narrative: 08/23/2013 0042 King, Thomas  
 Supervisor: Off. McQuarrie

Patrons at the Northeastland are complaining the music is too loud at 'Bou's. It is even worse when they open the door. There is also a crowd outside that is loud.

\*\*\*Off. McQuarrie advised.

Narrative: 08/23/2013 0051 McQuarrie, Brian  
 Arrived at Bou's and only 4 subjects outside, two of them

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were Bouncers. Spoke to one of the Bouncers and advised them of the complaint re the noise. One patron exited the bar and the music was noticeably louder when the door opened. The bouncer advised he will advise the DJ. Closing time is about 14 minutes away..

For Date: 09/14/2013 - Saturday

13-7497 0055 Phone - POLICE INFORMATION Closed (no report) 3  
 Call Taker: TKING - King, Thomas  
 Primary Id: MBARNES - Barnes, Mark  
 Call Closed By: MBARNES - Barnes, Mark 09/14/2013 0125  
 Call Modified By: MBARNES - Barnes, Mark  
 Location/Address: [PI 500] BOU'S PUB - 431 MAIN ST  
 Jurisdiction: Presque Isle  
 Party Entered By: 09/14/2013 0057 TKING - King, Thomas  
 Calling Party: 'BOU'S  
 Party Entered By: 09/14/2013 0119 MBARNES - Barnes, Mark  
 Involved Party: TAVERAS, JOVANNY A @ 21 BERCE ST - WASHBURN, ME 04786  
 Race: B Sex: M  
 ID: MBARNES - Barnes, Mark  
 Disp-01:01:49 Enrt-01:01:55 Arvd-01:03:39 Clrd-01:13:09  
 ID: JSEELEY - Seeley, Joey  
 Disp-01:08:08 Enrt-01:08:11 Arvd-01:08:46 Clrd-01:10:23  
 Arrived By: JSEELEY - Seeley, Joey  
 Narrative: 09/14/2013 0057 King, Thomas  
 Supervisor: Sgt. Barnes

Bouncer called reporting patron ran outside with a beer bottle, threw it at a female, and is still on the premises. They would like assistance removing the patron.

Narrative: 09/14/2013 0102 King, Thomas  
 A/U 10-06 on other calls. Will respond when clear.

Narrative: 09/14/2013 0125 Barnes, Mark  
 Spoke with Jensen, the bouncer at Bou's, who stated that as Mr. Teveras was leaving the bar, he noticed that he was trying to conceal a bottle of beer. Jensen said that when he confronted him and Mr. Teveras denied it, he attempted to take it from him at which point Mr. Teveras threw the bottle to the side, striking an unknown woman. The police were called after he refused to leave. Management at Bou's would like him told not to return.

Mr. Teveras was standing in front of the Northeastland Hotel upon my arrival. He denied the incident occurred as Jensen had described. He said that Jensen was rude to him after he was already outside talking to a woman.

Advised Mr. Teveras not to return to Bou's. He stated that he's leaving the area Sunday, heading to Boston to start law school.

For Date: 09/15/2013 - Sunday

13-7534 0042 Phone - DISTURBANCE Closed (no report) 1  
 Call Taker: TKING - King, Thomas  
 Primary Id: JSEELEY - Seeley, Joey  
 Call Closed By: JSEELEY - Seeley, Joey 09/15/2013 0207  
 Location/Address: [PI 500] BOU'S PUB - 431 MAIN ST  
 Jurisdiction: Presque Isle  
 Party Entered By: 09/15/2013 0043 TKING - King, Thomas  
 Calling Party: THORNE, ARTHUR @ 26 COURT ST - HOULTON, ME 04730  
 Home Phone: 207-532-3471  
 Race: W Sex: M  
 Party Entered By: 09/15/2013 0048 TKING - King, Thomas

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Involved Party: DUMOND, JAMES @ 274 HOULTON RD - EASTON, ME 04740  
 Race: W Sex: M  
 ID: MBARNES - Barnes, Mark  
 Disp-00:43:15 Enrt-00:43:21 Arvd-00:44:00 Clrd-01:08:07  
 ID: JSEELEY - Seeley, Joey  
 Disp-00:43:15 Arvd-00:43:18 Clrd-01:50:54  
 Location Change: 10-40 TO CPD [Modified: 09/15/20130119]  
 Jurisdiction: Presque Isle  
 Narrative: 09/15/2013 0044 King, Thomas  
 Supervisor: Sgt. Barnes

Disp. Thorne called reporting a fight at 'Bou's. ACSO 227 is already there.

Narrative: 09/15/2013 0047 King, Thomas  
 Off. Seeley 10-46

Narrative: 09/15/2013 0051 King, Thomas  
 Off. Seeley 10-19/46

Narrative: 09/15/2013 0206 Seeley, Joey  
 Dumond was refused entry due to intoxication. Active warrant for Dumond for FTA. I arrested him and transported to PIPD where he was processed and could not get bail money. I transported Dumond to Caribou PD.

Narrative: 09/15/2013 0408 King, Thomas  
 Warrant located in METRO files. MRI# 016060

For Date: 09/29/2013 - Sunday

13-7856 0018 Phone - DISTURBANCE Closed (no report) 1  
 Call Taker: TKING - King, Thomas  
 Primary Id: JSEELEY - Seeley, Joey  
 Call Closed By: JSEELEY - Seeley, Joey 09/29/2013 0256  
 Call Modified By: JSEELEY - Seeley, Joey  
 Location/Address: [PI 500] BOU'S PUB - 431 MAIN ST  
 Jurisdiction: Presque Isle  
 Party Entered By: 09/29/2013 0019 TKING - King, Thomas  
 Calling Party: BOU'S BREW PUB  
 Party Entered By: 09/29/2013 0033 JSEELEY - Seeley, Joey  
 Involved Party: TARDIE, CAMERON @ 290 SKYWAY ST Apt. #76-2 - PRESQUE ISLE, ME 04769  
 Callback Number: 207-227-5537  
 Home Phone: 207-764-1540  
 Race: W Sex: M  
 ID: JSEELEY - Seeley, Joey  
 Disp-00:19:37 Enrt-00:19:40 Arvd-00:20:19 Clrd-00:34:02  
 Arrived By: JSEELEY - Seeley, Joey  
 Location Change: 290 SKYWAY ST [Modified: 09/29/20130029]  
 10-15 to apartments

Jurisdiction: Presque Isle  
 ID: WSELFRI - Selfridge, Wayne  
 Disp-00:20:44 Enrt-00:20:47 Arvd-00:22:13 Clrd-00:23:27  
 Narrative: 09/29/2013 0019 King, Thomas  
 Modified By: 09/29/2013 0020 King, Thomas  
 Supervisor: Cpl. Selfridge

Staff from Bou's called requesting an officer. They say they have someone detained there.

Officers report -

Narrative: 09/29/2013 0255 Seeley, Joey  
 Tardie was asked to leave Bou's and he did after exchanging

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words with a couple of bouncers. Tardie went toward one of them and an altercation took place and Tardie was held to the ground until I arrived. Tardie was banned from Bou's and I gave him a ride to his apartment on skyway Street. He was advised not to return to Bou's unless it had been approved by the owners. Nobody wished to press any charges. All set.

For Date: 10/04/2013 - Friday

13-8027 1350 Phone - ALARM, BURGLAR False Alarm 1  
 Call Taker: JCARLISO - Carlson, Joan  
 Location/Address: [PI 173] WINTERGREEN ARTS CENTER - 149 STATE ST  
 Jurisdiction: Presque Isle  
 ID: REAGLES - Eagles, Ryan  
 Disp-13:53:45 Arvd-13:53:49 Clrd-13:53:54  
 ID: CHAYES - Hayes, Christopher  
 Disp-13:53:45 Arvd-13:53:51 Clrd-13:55:00  
 Narrative: 10/04/2013 1353 Carlson, Joan  
 Supervisor: DC Kelly

Kassandra with Seacoast Security reporting a rear entry door alarm at Wintergreen.

(Kassandra called back and advised Wendy Gilman Zubrick will be enroute in a green Honda.)

Officer Hayes advised it was an employee error.

For Date: 10/10/2013 - Thursday

13-8218 2339 Phone - DISTURBANCE CLOSED (REPORT WITH ARRE 1  
 Call Taker: ACOLE - Cole, Amber  
 Primary Id: CHAYES - Hayes, Christopher  
 Location/Address: [PI 500] BOU'S PUB - 431 MAIN ST  
 Jurisdiction: Presque Isle  
 Party Entered By: 10/10/2013 2341 ACOLE - Cole, Amber  
 Calling Party: TATE, SYDNEY @ 87 BIRCH ST - PRESQUE ISLE, ME 04769  
 Home Phone: 207-764-8064  
 Race: W Sex: F  
 Party Entered By: 10/10/2013 2342 ACOLE - Cole, Amber  
 Involved Party: BREWER, SHANE W @ 189 ACADEMY ST Apt. #40 - PRESQUE ISLE, ME 04769  
 Callback Number: 207-762-1478  
 Race: W Sex: M  
 Party Entered By: 10/10/2013 2352 ACOLE - Cole, Amber  
 Involved Party: WHITE, JARED A @ 33 EDMONT DR - PRESQUE ISLE, ME 04769  
 Callback Number: 207-659-5245  
 Race: W Sex: M  
 ID: CHAYES - Hayes, Christopher  
 Disp-23:41:00 Arvd-23:41:06 Clrd-10/11/2013 @ 00:13:10  
 ID: REAGLES - Eagles, Ryan  
 Disp-23:41:04 Arvd-23:41:08 Clrd-23:48:03  
 Narrative: 10/10/2013 2340 Cole, Amber  
 Modified By: 10/10/2013 2343 Cole, Amber  
 Supervisor: Cpl. Selfridge

Bou's requesting an officer, a Shane subject is attempting to fight with someone inside of the bar.

Narrative: 10/10/2013 2342 Cole, Amber  
 Modified By: 10/10/2013 2345 Cole, Amber

2340 Sidney Tate advising that someone was attempting to beat her friend up at Bou's and she needs an officer there now. When dispatched asked she advised that they are now out in front of Bou's.

Narrative: 10/11/2013 0015 Cole, Amber

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10-8 10-14 with subject to Beacon Dr.

Narrative: 10/11/2013 0502 Cole, Amber  
Shane was summonsed for assault.

Refer To Summons: 13-565-AR  
Summons: BREWER, SHANE W  
Address: 14 BEACON RD Apt. #40 PRESQUE ISLE, ME  
DOB: 02/29/1976 SSN: 006727236  
Charges: ASSAULT

For Date: 10/12/2013 - Saturday

13-0250 0017 Phone - DISTURBANCE Closed (no report) 1

Call Taker: TKING - King, Thomas  
Primary Id: KSCHUMA - Schumacher, Kevin  
Call Closed By: KSCHUMA - Schumacher, Kevin 10/12/2013 0046  
Call Modified By: KSCHUMA - Schumacher, Kevin  
Location/Address: [PI 500] BOU'S PUB - 431 MAIN ST  
Jurisdiction: Presque Isle  
ID: KSCHUMA - Schumacher, Kevin  
Disp-00:18:18 Enrt-00:18:28 Arvd-00:19:33 Clrd-00:35:59  
ID: CHAYES - Hayes, Christopher  
Disp-00:18:18 Enrt-00:18:28 Arvd-00:19:32 Clrd-00:35:59  
Narrative: 10/12/2013 0018 King, Thomas  
Modified By: 10/12/2013 0020 King, Thomas  
Supervisor: Cpl. Selfridge

Staff report a fight outside 'Bou's Pub.

Officers report -

Narrative: 10/12/2013 0048 Schumacher, Kevin  
Two intoxicated males we denied entry to the bar due to their level of intoxication. Bouncer had to remove one that attempted to argue with them.

A cab was called and they left without incident.

13-0201 2344 Phone - POLICE INFORMATION Closed (no report) 3

Call Taker: TKING - King, Thomas  
Call Closed By: CHAYES - Hayes, Christopher 10/12/2013 2350  
Call Modified By: CHAYES - Hayes, Christopher  
Location/Address: [PI 500] BOU'S PUB - 431 MAIN ST  
Jurisdiction: Presque Isle  
ID: KSCHUMA - Schumacher, Kevin  
Disp-23:45:27 Enrt-23:45:58 Arvd-23:46:47 Clrd-23:48:53  
ID: CHAYES - Hayes, Christopher  
Disp-23:45:27 Enrt-23:45:42 Arvd-23:46:46 Clrd-23:48:51  
Narrative: 10/12/2013 2345 King, Thomas  
Supervisor: Off. Schumacher

Jensen from 'Bou's Pub called advising they have a highly intoxicated patron that has been cut off but he refuses to leave. They'd like some assistance.

Narrative: 10/12/2013 2350 Hayes, Christopher  
Left before our arrival

For Date: 10/18/2013 - Friday

13-0415 0040 Phone - POLICE INFORMATION Closed (no report) 3

Call Taker: TKING - King, Thomas  
Primary Id: CHAYES - Hayes, Christopher  
Call Closed By: CHAYES - Hayes, Christopher 10/18/2013 0043  
Call Modified By: CHAYES - Hayes, Christopher  
Location/Address: [PI 500] BOU'S PUB - 431 MAIN ST

Jurisdiction: Presque Isle  
 Party Entered By: 10/18/2013 0041 TKING - King, Thomas  
 Calling Party: ELLIS, ROGER D @ MAPLE ST - PRESQUE ISLE, ME 04769  
 Home Phone: 207-764-4321  
 Home Phone: 207-764-4476  
 Work Phone: 207-764-2532  
 Race: W Sex: M  
 ID: CHAYES - Hayes, Christopher  
 Disp-00:41:23 Arvd-00:41:24 Clrd-00:42:28  
 Cleared By: CHAYES - Hayes, Christopher  
 Narrative: 10/18/2013 0041 King, Thomas  
 Modified By: 10/18/2013 0042 King, Thomas  
 Supervisor: Off. Schumacher

Ellis from Northeastland Hotel called advising he can hear the music from 'Bou's Pub inside at the desk with the doors closed.

\*\*\*Off. Hayes responded, told them to turn it down. All 10-04.

Narrative: 10/18/2013 0043 Hayes, Christopher  
 I spoke to management at Bou's and they will turn it down.  
 All set

For Date: 10/27/2013 - Sunday

13-8699 0054 Phone - DISTURBANCE Closed (no report) 1  
 Call Taker: TKING - King, Thomas  
 Primary Id: BSCULL - Scull, William  
 Location/Address: [PI 500] BOU'S PUB - 431 MAIN ST  
 Jurisdiction: Presque Isle  
 Party Entered By: 10/27/2013 0107 TKING - King, Thomas  
 Involved Party: MACEK, ERIC @ 243 MAIN ST Apt. ##3 - PRESQUE ISLE, ME 04769  
 Home Phone: 207-551-4501  
 Race: W Sex: M  
 ID: KSCHUMA - Schumacher, Kevin  
 Disp-01:03:18 Enrt-01:03:23 Arvd-01:03:44 Clrd-01:08:59  
 ID: BSCULL - Scull, William  
 Disp-01:03:18 Enrt-01:03:23 Arvd-01:03:45 Clrd-01:09:01  
 Narrative: 10/27/2013 0100 King, Thomas  
 Supervisor: Det. Scull

Bou's Pub reports bouncer has someone pinned to the ground and he's fighting. They need an officer.

Bou's called a second time. Same request. No one to send.

Tr. Flynn will respond from Mapleton.

Narrative: 10/27/2013 0108 King, Thomas  
 Tr. Flynn responded, followed by Off. Scull and Schumacher.  
 Macek has been banned for life. All 10-04.

For Date: 11/14/2013 - Thursday

13-9252 1732 Initiated - ASSIST OTHER AGENCY (P Closed (no report) 3  
 Call Taker: JSEELEY - Seeley, Joey  
 Primary Id: JSEELEY - Seeley, Joey  
 Location/Address: [PI 500] BOU'S PUB - 431 MAIN ST  
 Jurisdiction: Presque Isle  
 Initiated By: JSEELEY - Seeley, Joey  
 Party Entered By: 11/14/2013 1736 JSEELEY - Seeley, Joey  
 Calling Party: LIQUOR LICENSING 207-624-7225  
 BELANGER, CAROLYN @ 164 STATE HOUSE STA - AUGUSTA, ME 04333  
 Callback Number: 207-624-7225  
 Race: W Sex: F

For Date: 11/15/2013 - Friday

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>	<u>Duplicate</u>
13-9298	2202	Phone - DISTURBANCE	CLOSED (REPORT WITH ARRE	1	
Call Taker: ACOLE - Cole, Amber Primary Id: REAGLES - Eagles, Ryan Location/Address: BOUS PUB - MAIN ST Jurisdiction: Presque Isle Party Entered By: 11/15/2013 2215 ACOLE - Cole, Amber Modified By: 11/16/2013 0609 ACOLE - Cole, Amber Involved Party: MICHAUD, ANDREA @ 18 DOYLE RD - CARIBOU, ME 04736 CallBack Number: 207-999-1054 Home Phone: 207-551-6670 Race: W Sex: F Party Entered By: 11/15/2013 2249 ACOLE - Cole, Amber Modified By: 11/15/2013 2334 ACOLE - Cole, Amber Involved Party: PETERPAUL, EDWARD J @ 1405 PRESQUE ISLE RD - CARIBOU, ME 04736 CallBack Number: 207-540-7100 Home Phone: 207-227-6128 Home Phone: 207-764-5129 Race: I Sex: M ID: REAGLES - Eagles, Ryan Disp-22:07:05 Arvd-22:07:09 Clrd-11/16/2013 @ 00:27:12 ID: CHAYES - Hayes, Christopher Disp-22:07:22 Enrt-22:07:24 Arvd-22:08:59 Clrd-23:03:08 KMCLAUG - McLaughlin, Kaitlyn ID: KSCHUMA - Schumacher, Kevin Disp-22:10:38 Arvd-22:10:40 Clrd-22:48:16 ID: WSELFRI - Selfridge, Wayne Disp-22:33:49 Arvd-22:34:41 Clrd-23:53:28 Narrative: 11/15/2013 2205 Cole, Amber Supervisor: Schumacher Narrative: 11/15/2013 2215 Cole, Amber Modified By: 11/15/2013 2221 Cole, Amber 2202 Bou's Pub requesting assistance for disruptive subjects. All units on other calls. 2203 Advised units, #308 almost to Caribou line, call #310 and have him head that way. Dispatch advised 310, will clear. 2205 another phone call danny from cab advising pretty big crowd fighting. 2205 #313 advising will be off there. Someone on the ground/big crowd. 2206 #313 advising keep them coming. 2206 #310 advising heading that way. 2207 #313 requesting Crown/Dispatch advised Crown- en route. 2208 #310 off with #313 2210 #308 off on Main 2211 310 10-29 requested Narrative: 11/15/2013 2230 Cole, Amber 2225 #308 status check they are all set, waiting for another ambulance, ended up fighting the female and she is in hand cuffs now. 2229 #308 advising didnt realize the time, still waiting for ambulance you could have #304 head this way/#304 advised. Narrative: 11/15/2013 2249 Cole, Amber 2241 310 advising that (3) counts of assault on the Michaud subject. 2242 131/310/316 off at TAMC					

2242 304 10-14 to TAMC with Crown with other subject  
2242 308 10-8

Narrative: 11/15/2013 2320 Cola, Amber  
Andrea was arrested on three counts of assault.

Narrative: 11/15/2013 2334 Cola, Amber  
December 18, 2013 court date for both individuals.

Narrative: 11/16/2013 0120 Cola, Amber  
2350 #313 starting miloage 17624 to caribou pd.

Refer To Arrest: 13-619-AR  
Arrest: MICHAUD, ANDREA L  
Address: 42 MIDWAY DR PRESQUE ISLE, ME  
DOB: 05/24/1981  
Charges: ASSAULT  
ASSAULT  
ASSAULT  
DISORDERLY CONDUCT

Refer To Summons: 13-620-AR  
Summons: PETER-PAUL, EDWARD  
Address: 53 SUNSET LOOP PRESQUE ISLE, ME  
DOB: 04/07/1970  
Charges: ASSAULT  
ASSAULT  
ASSAULT  
DISORDERLY CONDUCT

Additional Activity: 11/15/2013 2254 Eagles, Ryan Investigation 0 Hrs 3 Min  
10-8, 10-19 10-46 STARTING MILEAGE OF 83119  
Additional Activity: 11/15/2013 2257 Eagles, Ryan Investigation 1 Hrs 6 Min  
ENDING MILEAGE 83120  
Additional Activity: 11/15/2013 2317 Selfridge, Wayne Investigation 0 Hrs 36 Min  
10-19 10-14 STOPPING BY BOUS TO PICK UP HIS COAT  
Additional Activity: 11/16/2013 0003 Eagles, Ryan Investigation 0 Hrs 24 Min  
OFF AT CPD ENDING MILEAGE 17637

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ID: JSEELEY - Seeley, Joey

Arvd-17:34:21 Clrd-17:48:29

Narrative: 11/14/2013 1734 Seeley, Joey  
Was provided summons by dispatch to serve Bou's Pub on behalf of liquor licensing for Inspector Carolyn Belanger.

Narrative: 11/14/2013 1740 Seeley, Joey  
Served owner the summons at 1753 hours.

For Date: 11/15/2013 - Friday

13-9299 2352 Phone - DISTURBANCE Closed (no report) 1

Call Taker: ACOLE - Cole, Amber  
Primary Id: CHAYES - Hayes, Christopher  
Location/Address: [PI 500] BOU'S PUB - 431 MAIN ST  
Jurisdiction: Presque Isle  
ID: CHAYES - Hayes, Christopher  
Disp-23:53:37 Enrt-23:53:39 Arvd-23:54:43 Clrd-23:56:54  
KMCLAUG - McLaughlin, Kaitlyn  
ID: WSELFRI - Selfridge, Wayne  
Disp-23:53:58 Enrt-23:55:19 Clrd-23:59:47  
Narrative: 11/15/2013 2353 Cole, Amber  
Supervisor: Cpl. Selfridge

Bous requesting assistance with individual that is trespassing. Bouncers are dealing with him right now.

Narrative: 11/15/2013 2356 Cole, Amber  
10-8 subject was going before arrival. They were not able to give name of subject.

For Date: 11/24/2013 - Sunday

13-9557 0102 Phone - ASSAULT Closed (no report) 1

Call Taker: TKING - King, Thomas  
Primary Id: KREED - Reed, Kevin  
Call Closed By: KREED - Reed, Kevin 11/24/2013 0409  
Call Modified By: KREED - Reed, Kevin  
Location/Address: [PI 500] BOU'S PUB - 431 MAIN ST  
Jurisdiction: Presque Isle  
Party Entered By: 11/24/2013 0117 TKING - King, Thomas  
Involved Party: WILCOX, CHRISTOPHER D @ MANCHESTER CT - PRESQUE ISLE, ME 04769  
Cell Phone: 207-768-7439  
Home Phone: 207-764-6558  
Race: W Sex: M  
Party Entered By: 11/24/2013 0403 KREED - Reed, Kevin  
Involved Party: DOW, BRADLEY @ 1674 STATE RD - MAPLETON, ME 04757  
Home Phone: 207-227-9891  
Race: W Sex: M  
Party Entered By: 11/24/2013 0403 KREED - Reed, Kevin  
Involved Party: LONG, ANTHONY L @ 1018 MAPLETON RD - MAPLETON, ME 04757  
Race: W Sex: M  
Party Entered By: 11/24/2013 0403 KREED - Reed, Kevin  
Involved Party: REED, JENSEN @ 46 REED LN - WASHBURN, ME  
Home Phone: 207-768-1890  
Race: W Sex: M  
Party Entered By: 11/24/2013 0405 KREED - Reed, Kevin  
Involved Party: SAED, SCOTT @ 408 E RIDGE RD - MARS HILL, ME 04758  
Home Phone: 207-227-0547  
Home Phone: 207-227-4284  
Race: W Sex: M  
Party Entered By: 11/24/2013 0405 KREED - Reed, Kevin  
Involved Party: COREY, JAMIE @ CHURCH ST Apt. #8A - PRESQUE ISLE, ME 04769  
CallBack Number: 207-227-8532  
Home Phone: 207-498-2514  
Race: W Sex: M  
Party Entered By: 11/24/2013 0407 KREED - Reed, Kevin

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Selective Search From: 01/01/2013 Thru: 01/01/2014 0000 - 2359 Printed: 03/14/2014

Modified By: 11/24/2013 0408 KREED - Reed, Kevin  
 Involved Party: HOCKRIDGE, BRANDEN @ 223 HOULTON RD - PRESQUE ISLE, ME 04769  
 Callback Number: 207-227-8970  
 Race: W Sex: M  
 ID: REAGLES - Eagles, Ryan  
 Disp-01:03:22 Arvd-01:03:30 Clrd-01:23:51  
 ID: KREED - Reed, Kevin  
 Disp-01:03:22 Arvd-01:03:32 Clrd-01:23:51  
 ID: JSEELEY - Seeley, Joey  
 Disp-01:03:22 Arvd-01:04:23 Clrd-01:15:41  
 Narrative: 11/24/2013 0103 King, Thomas  
 Modified By: 11/24/2013 0104 King, Thomas  
 Supervisor: Off. Seeley

Caller reports a couple of altercations at Bou's.

\*\*\*Officers report -

Narrative: 11/24/2013 0402 Reed, Kevin  
 Observed altercation outside of Bou's while passing by. Both units stopped and broke up the altercation. Brad Dow claimed that he was assaulted by Bou's bouncer Scott Saed. The altercation initially started when Zach Lavalley and Dow started getting upset at each other and some punches were thrown.  
 Dow indicated that he may have suffered injury but refused medical attention. I requested parties provide written statements and an investigation would ensue.

For Date: 12/14/2013 - Saturday

13-10189 2241 Phone - DISTURBANCE Closed (no report) 1  
 Call Taker: ACOLE - Cole, Amber  
 Primary Id: WSELFRI - Selfridge, Wayne  
 Location/Address: [PI 500] BOU'S PUB - 431 MAIN ST  
 Jurisdiction: Presque Isle  
 Party Entered By: 12/14/2013 2250 ACOLE - Cole, Amber  
 Calling Party: BOU'S PUB  
 \*\*\*UNKNOWN\*\*\* @ \*\*\*UNKNOWN\*\*\*

Callback Number: 207-768-1890  
 ID: WSELFRI - Selfridge, Wayne  
 Disp-22:42:56 Enrt-22:43:03 Arvd-22:44:20 Clrd-23:01:39  
 ID: KREED - Reed, Kevin  
 Disp-22:42:56 Enrt-22:43:05 Arvd-22:44:08 Clrd-22:45:48  
 ID: BMCQUAR - McQuarrie, Brian  
 Disp-22:44:30 Arvd-22:44:32 Clrd-22:45:50

Narrative: 12/14/2013 2242 Cole, Amber  
 Supervisor: Sgt. Barnes

Jenson calling from Bou's reportingt a drunken disorderly.

Narrative: 12/14/2013 2247 Cole, Amber  
 2243 #309 all units 10-8 the subject had left prior to arrival.

Narrative: 12/14/2013 2248 Cole, Amber  
 #304 going around behind northeastland to make sure subjects do not go in there.

Narrative: 12/14/2013 2253 Cole, Amber  
 #304 advising it was three men and a women, they were kicked out of Coppers as well, they did not know who they were either.

Narrative: 12/14/2013 2253 Cole, Amber  
 #304 will be checking Mai Tai.

Additional Activity: 12/14/2013 2244 Selfridge, Wayne Patrol Supervisor 0 Hrs 34 Min



STATE OF MAINE  
Department of Public Safety  
Office of State Fire Marshal  
52 State House Station  
Augusta, ME 04333-0052

PAUL R. LEPAGE  
GOVERNOR

JOHN E. MORRIS  
COMMISSIONER

JOSEPH E. THOMAS  
STATE FIRE MARSHAL

February 20, 2013

ALAN BOUCHARD  
290 SKYWAY ST - APT #71-2  
PPRESQUE ISLE, ME 04769-2161

**RE: Over Due Statement of Deficiency**

Dear To whom it may concern:

A representative of this office conducted an inspection of your facility and a Statement of Deficiency was sent to you on JANUARY 10, 2013. You were requested to respond within 10 days with a Plan of Corrections indicating what action you proposed to take or anticipate in correcting the deficiencies. To date, we have not received your Plan of Correction. We are enclosing a copy of your Statement of Deficiencies and urgently request that you inform us of your plans to make the corrections requested.

Your failure to respond with a Plan of Corrections could jeopardize the continued operation of your facility. Should you experience any problems in understanding the work that is required, please indicate so on your response to this Office.

We will plan to re-inspect your facility to insure the correction(s) have been completed and/or are in substantial compliance with our Code requirements.

Yours for better fire prevention,

A handwritten signature in black ink, appearing to read "Richard M. McCarthy".

Richard McCarthy, Supervisor  
Office of State Fire Marshal  
Licensing & Inspections Unit

Cc: Enclosure

PREVENTION \* MITIGATION/ SUPPRESSION \* LAW ENFORCEMENT

OFFICES LOCATED AT: 45 COMMERCE DRIVE, STE.1, AUGUSTA, MAINE 04330  
ADMINISTRATIVE/ INVESTIGATIONS (207) 287-3659 TDD

(207) 287-6251 FAX



STATE OF MAINE  
Department of Public Safety  
Office of State Fire Marshal  
52 State House Station  
Augusta, ME 04333-0052

PAUL R. LEPAGE  
GOVERNOR

JOHN B. MORRIS  
COMMISSIONER

JOSEPH B THOMAS  
STATE FIRE MARSHAL

May 7, 2013

ALAN BOUCHARD  
290 SKYWAY STREET – APT 71-2  
PRESQUE ISLE, ME 04769-2161

**RE: Over Duo Statement of Deficiency**

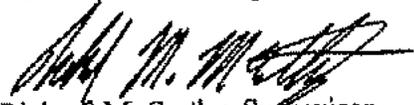
Dear To whom it may concern:

A representative of this office conducted an Inspection of your facility and a Statement of Deficiency was sent to you on DECEMBER 31, 2012. You were requested to respond within 10 days with a Plan of Corrections indicating what action you proposed to take or anticipate in correcting the deficiencies. To date, we have not received your Plan of Correction. We are enclosing a copy of your Statement of Deficiencies and urgently request that you inform us of your plans to make the corrections requested.

Your failure to respond with a Plan of Corrections could jeopardize the continued operation of your facility. Should you experience any problems in understanding the work that is required, please indicate so on your response to this Office.

We will plan to re-inspect your facility to insure the correction(s) have been completed and/or are in substantial compliance with our Code requirements.

Yours for better fire prevention,

  
Richard McCarthy, Supervisor  
Office of State Fire Marshal  
Licensing & Inspections Unit

Cc: Enclosure

Paul R. LePage  
Governor



Maine Department of Public Safety  
State Fire Marshal's Office  
52 State House Station  
Augusta, ME 04333-0052



John E. Morris  
Commissioner

Phone: (207) 626-3890  
Fax: (207) 287-6251

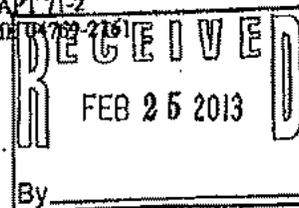
Joseph B. Thomas  
State Fire Marshal

### Statement of Deficiencies and Plan of Corrections

Facility Name: BOU'S BREW PUB  
Location: 431 MAIN ST  
PRESQUE ISLE, ME 04769-2651

Owner Name: ALAN BOUCHARD  
Address: ALAN BOUCHARD  
290 SKYWAY ST APT 71-2  
PRESQUE ISLE, ME 04769-2651

Telephone: +1 (207) 762-3755  
Facility Type:  
File Number: 76899  
Resource ID:



During an inspection of your facility a certified State Inspector has found the following violations:		In this right hand column, you are required to indicate how and when you will have these violations corrected. Complete this information and return this "Plan of Correction" to the above address within 10 days of receipt of this statement.
1. VIOLATION	Violations found as described Provide documentation of last 4 sprinkler inspections of facility. (NFPA 25).	- The last 4 sprinkler inspections are located at 427 Main St. Presque Isle, ME. at Mr. Alan Bouchard's office the landlord of our establishment. They would not relinquish those records upon my request.
2. VIOLATION	Violations found as described Facility shall not go over posted occupancy unless written permission given from the office of State Fire Marshall. (NFPA101)	- Our entire staff displays the utmost vigilance in not exceeding our occupancy of 78 people at any given time. We have continue to turn away patrons to stay in compliance with our capacity.
3. VIOLATION	Violations found as described 7.5 Arrangements of Means of Egress. 7.5.1.1 Exit shall be located and exit access shall be arranged so that exits are readily accessible at all times. (NFPA101)	- We have re-arranged our seating in a manner that is compliant to a forementioned violation. All exits are in plain site as well as in working order. We keep a monthly inspection log located in our office.
4. VIOLATION	Violations found as described 7.2.1.5.2 Locks, if provided, shall not require the use of a key, a tool, or special knowledge or effort for operation from the egress side. (NFPA 101)	- The lock on the downstairs doors has been replaced to meet the standards & compliance of the aforementioned violation.

Paul R. LePage  
Governor

Phone: (207) 626-3880  
Fax: (207) 287-6251



Maine Department of Public Safety  
State Fire Marshal's Office  
52 State House Station  
Augusta, ME 04333-0052



John E. Morris  
Commissioner

Joseph B. Thomas  
State Fire Marshal

### Statement of Deficiencies and Plan of Corrections

	PENDING POC	
--	-------------	--

Date of Inspection: 12/31/2012  
Inspector: GREG DAY  
Date Sent: 1/10/2013

Owner/Occupant Signature: *Alan Bouchard*

Date: 2-25-13

Dear To Whom It May Concern:

I received the original POC on the afternoon of Monday January 7th. I mailed the original paperwork the morning of Monday January 14th. Apparently your offices did not receive the original POC. I am faxing this copy I received in the mail today to ensure that you have my POC & there are no further issues involving this matter. I apologize for any inconvenience and/or misunderstanding involving the timing in which this Plan of Correction was received to your offices. Thank you again & any questions or concerns, please contact me (207)-768-0416.

Sincerely,

*Alan Bouchard*

Formerly 431 LLC DBA Foreddy p's

This application form is to be completed and returned to this office together with a fee of \$117.00 prior to  
No fee is required for the inspection of public, private or state owned school buildings or municipally owned buildings if dances are for students and run by students.

### State Fire Marshal's Office

Department of Public Safety  
Fire Prevention Unit

52 State House Station  
Augusta, Maine 04333-0052



Tel. 207-626-3880

Fax 207-287-8251

APR 17 2012  
By

### APPLICATION FOR DANCE LICENSE

NAME OF FACILITY: Bon's Brew Pub TEL: 207-540-1445  
 PHYSICAL LOCATION OF FACILITY: 431 Main St. FAX: N/A  
 TOWN: Resque Isle COUNTY: Acadia EMAIL ADDRESS: omesta655321@yahoo.com  
 NAME AND TELEPHONE NUMBER OF PERSON HAVING KEY TO PREMISES TO ALLOW FOR INSPECTION: NAME: Alan Bouchard TEL: 207-768-0416

NAME OF BUILDING OWNER: Lloyd Harding  
 MAILING ADDRESS: 1/207 Main St. ZIP CODE: 04769  
Resque Isle ME  
 TELEPHONE: \_\_\_\_\_ FAX: \_\_\_\_\_ EMAIL: \_\_\_\_\_  
 Signature of building owner: \_\_\_\_\_

NAME OF LESSEE: Alan Bouchard TEL: 207-768-0416  
 MAILING ADDRESS: 290 Skyway St. Apt. 71-2 FAX: N/A  
 TOWN: Resque Isle ZIP: 04769 EMAIL ADDRESS: omesta655321@yahoo.com  
 Signature of Applicant: \_\_\_\_\_

This is a new license request:  Any new construction or renovation will require a construction permit from the State Fire Marshal's Office prior to any inspection for a dance license, prior to any construction and prior to the issuance of any Dance License. Permit is required by State Statute MRSA 26 § 2448.  
 This is a renewal:   
 Existing Occupant Capacity:

A facility that wishes to renew a Dance or Theater License must apply at least 30 days prior to expiration date on the existing license to allow handling time and time for the required inspection.

OFFICE USE ONLY

EXISTING LICENSE WILL EXPIRE ON: \_\_\_\_\_  
 INSPECTED BY: [Signature] DATE: 4/12/2012  
 OK TO ISSUE? [Signature]  
 Chapter/s inspected under: \_\_\_\_\_

		SENT TO INSPECTOR	DATE
FEE REC'D	CHECK NO.	LICENSE NO.	EXPIRATION DATE
<u>117.00</u>	<u>347</u>	<u>50315</u>	
			FILE NUMBER

Occupancy: 78 Max. 4/12/12



STATE OF MAINE - DEPARTMENT OF PUBLIC SAFETY  
 OFFICE OF STATE FIRE MARSHAL  
 52 STATE HOUSE STATION  
 AUGUSTA, ME 04333-0052

No. 50315

*In accordance with the provisions of M.R.S.A. Title 8, Sec. 161 license is hereby granted to the person named herein to use the premises named herein for dancing purposes. Any changes to the structure or layout of the building that affects exiting, seating layout, occupant capacities or safety of the occupants shall be submitted to this Office for approval at least 10 days prior to any scheduled change. The owner and/or operator of the facility must submit a request for renewal of this License at least 30 days prior to the expiration of this License.*

Licensee: ALAN BOUCHARD  
 Mailing Address: 290 SKYWAY ST APT 71-2, PRESQUE ISLE, ME 04769-2161  
 Hall: BOU'S BREW PUB  
 Hall Address: 431 MAIN ST, PRESQUE ISLE, ME 04769-2651  
 Permit Date: 04/17/2012 Expiration Date: 04/16/2013

*John E. Moroz*

COMMISSIONER OF PUBLIC SAFETY



STATE OF MAINE - DEPARTMENT OF PUBLIC SAFETY  
 OFFICE OF STATE FIRE MARSHAL  
 52 STATE HOUSE STATION  
 AUGUSTA, ME 04333-0052



No. 50315

**BOU'S BREW PUB**

The following limitations have been set for this facility and/or room as specified here:

- Maximum Occupancy: 78
- Maximum capacity with tables and chairs
- Maximum capacity without tables and chairs

Any change of these limitations shall be applied for in writing and a new inspection may be required. This information shall be posted in a prominent location at the main entrance of the facility and/or room that has these limitations. These limitations are calculated by the use of specific formulas and do not reflect limitations set forth by other agencies or authorities having jurisdiction. Other entities may be more restrictive than the limitations set herein. Any violations of these limits may constitute a class E crime under MRSA 25 Subsection 2452.

Expiration Date: 04/16/2013



Paul R. LePage  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF PUBLIC SAFETY  
Office of State Fire Marshal  
52 State House Station  
Augusta, ME 04333-0052

John E. Morris  
COMMISSIONER

Joseph E. Thomas  
STATE FIRE MARSHAL

June 14, 2013

ALAN BOUCHARD  
290 SKYWAY ST - APT #71-2  
PRESQUE ISLE, ME 04769-2161

*\* CLIENT DID NOT RESPOND \**

Dear Operator:

Due to the failure to respond to the violations and "Statement of Deficiencies" sent JANUARY 10, 2013 you are hereby notified that your facility has failed the required inspection for a Dance License. You are hereby ordered to cease and desist renting or using the premises Assembly/Dance purposes..

Should you wish to Renew Assembly/Dance License from this date forward, please . submit your request to Fire Marshal's Office. Upon receiving your request, FMO will assign an Inspector to conduct an inspection of the facility. With the completion of the inspection, a decision will be made regarding issuing a Dance License.

If I can be of any further assistance in this matter please feel free to contact me at 626-3880.

Richard McCarthy  
Assistant State Fire Marshal  
Inspections & Prevention Division

This application form is to be completed and returned to this office together with a fee of \$117.00 prior to \_\_\_\_\_.

No fee is required for the inspection of public, private or state owned school buildings or municipally-owned buildings if dances are for students and run by students.

# State Fire Marshal's Office

Department of Public Safety

Fire Prevention Unit

52 State House Station

Augusta, Maine 04333-0052



Tel. 207-626-3880

Fax 207-287-6251

## APPLICATION FOR DANCE LICENSE

NAME OF FACILITY: Bon's Brew Pub TEL: 207-540-1445  
 PHYSICAL LOCATION OF FACILITY: 431 Main St. FAX: N/A  
 TOWN: Presque Isle COUNTY: Acadstook EMAIL ADDRESS: emesta655321@yahoo.com  
 NAME AND TELEPHONE NUMBER OF PERSON HAVING KEY TO PREMISES TO ALLOW FOR INSPECTION: NAME: Alan Bouchard TEL: 207-768-0416

NAME OF BUILDING OWNER: Lloyd Harding  
 MAILING ADDRESS: 427 Main St. Signature of building owner: \_\_\_\_\_  
Presque Isle, ME. ZIP CODE: 04769  
 TELEPHONE: 207-764-0131 FAX: \_\_\_\_\_ EMAIL: \_\_\_\_\_

NAME OF LESSEE: Alan Bouchard TEL: 207-768-0416  
 MAILING ADDRESS: 200 Skyway St. Apt. 71-2 FAX: \_\_\_\_\_  
 TOWN: Presque Isle ZIP: 04769 EMAIL ADDRESS: emesta655321@yahoo.com  
 Signature of Applicant: Alan Bouchard

This is a new license request:  Any new construction or renovation will require a construction permit from the State Fire Marshal's Office prior to any inspection for a dance license, prior to any construction and prior to the issuance of any Dance License. Permit is required by State Statute MRSA 25 § 2448.  
 This is a renewal:   
 Existing Occupant Capacity:  78

A facility that wishes to renew a Dance or Theater License must apply at least 30 days prior to expiration date on the existing license to allow handling time and time for the required inspection.

▼ OFFICE USE ONLY ▼

EXISTING LICENSE WILL EXPIRE ON: \_\_\_\_\_  
 INSPECTED BY: [Signature] DATE: 7/16/13  
 OK TO ISSUE? Yes

Chapter/s inspected under:			SENT TO INSPECTOR	DATE
			<u>GREEN DAY</u>	<u>04-01-13</u>
FEE REC'D	CHECK NO.	LICENSE NO.	EXPIRATION DATE	FILE NUMBER
<u>117.00</u>	<u>378</u>	<u>50315</u>	<u>04-16-13</u>	<u>76899</u>



STATE OF MAINE - DEPARTMENT OF PUBLIC SAFETY  
 OFFICE OF STATE FIRE MARSHAL  
 52 STATE HOUSE STATION  
 AUGUSTA, ME 04333-0052

No. 50315

*In accordance with the provisions of M.R.S.A. Title 8, Sec. 161 license is hereby granted to the person named herein to use the premises named herein for dancing purposes. Any changes to the structure or layout of the building that affects exiting, seating layout, occupant capacities or safety of the occupants shall be submitted to this Office for approval at least 10 days prior to any scheduled change. The owner and/or operator of the facility must submit a request for renewal of this License at least 30 days prior to the expiration of this License.*

Licensee: ALAN BOUCHARD  
 Mailing Address: ALA BOUCHARD, 290 SKYWAY ST APT 71-2, PRESQUE ISLE, ME 04769-2161  
 Hall: BOU'S BREW PUB  
 Hall Address: 431 MAIN ST, PRESQUE ISLE, ME 04769-2651  
 Permit Date: 08/06/2013 Expiration Date: 08/06/2014

*John E. Morano*

COMMISSIONER OF PUBLIC SAFETY



STATE OF MAINE - DEPARTMENT OF PUBLIC SAFETY  
 OFFICE OF STATE FIRE MARSHAL  
 52 STATE HOUSE STATION  
 AUGUSTA, ME 04333-0052



No. 50315

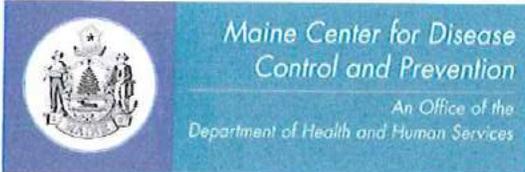
**BOU'S BREW PUB**

The following limitations have been set for this facility and/or room as specified here:

- Maximum Occupancy: 78
- Maximum capacity with tables and chairs
- Maximum capacity without tables and chairs

Any change of these limitations shall be applied for in writing and a new inspection may be required. This information shall be posted in a prominent location at the main entrance of the facility and/or room that has these limitations. These limitations are calculated by the use of specific formulas and do not reflect limitations set forth by other agencies or authorities having jurisdiction. Other entities may be more restrictive than the limitations set herein. Any violations of these limits may constitute a class E crime under MRSA 25 Subsection 2452.

Expiration Date: 08/06/2014



Paul R. LePage, Governor

Mary C. Mayhew, Commissioner

Tel. (207) 287-5671

Health Inspection Program

Department of Health and Human Services  
Maine Center for Disease Control and Prevention  
286 Water Street  
11 State House Station  
Augusta, Maine 04333-0011  
Tel.: (207) 287-8016; Fax: (207) 287-9058  
TTY Users: Dial 711 (Maine Relay)

Fax (207) 287-3165

April 24, 2013

BOU'S BREW PUB. EST ID#21311  
Attn: ALAN BOUCHARD  
431 MAIN STREET  
PRESQUE ISLE, MAINE 04769

**RE: BOU'S BREW PUB EST ID#21311**  
**Expired License/Certified Food Protection Manager (CFPM) Certificate Required**

Dear Mr. Bouchard:

Department of Health and Human Services (Department) records indicate that Bou's Brew Pub, an Eating Establishment has been operating without a valid license since April 13, 2013. Eating **Establishments** are subject to annual licensure by the Department, and the Department has not received your license fees.

According to Department records, you as the owner or manager owe license and late fees in the amount of **\$245** (\$220 plus a \$25 late fee for this license year). Please remit **\$245**, in the form of a check or money order made payable to the "**Treasurer, State of Maine**", with your Establishment's ID# on the bottom left corner of your check.

In addition, pursuant to 10-144 CMR, CHAPTER 201, Section 2, every eating establishment must employ a Certified Food Protection Manager (CFPM). As such, you have 90 days (until July 24, 2013) to submit the required certification to the Department in accordance with 10-144 CMR, Chapter 201, Section 2. Information on training to obtain a CFPM certificate is available on the Department website at: [www.maine.gov/healthinspection/training.htm](http://www.maine.gov/healthinspection/training.htm). Failure to demonstrate compliance with the CFPM requirement will prevent you from obtaining an annual eating establishment license.

As promulgated in 22 M.R.S.A., Chapter 562, §2492, a person, corporation, firm or copartner ship must obtain a license issued by the Department before conducting, controlling, managing or operating an eating establishment, eating and lodging place, lodging place, recreational camp or camping area. Failure to pay licensing fees within 30 days of billing by the Department constitutes grounds for license revocation. Additionally, the continued operation of an unlicensed establishment may result in administrative penalties against an establishment without any further notice to you pursuant to 22 M.R.S.A., Chapter 562, §2498 and the Department's implementing rules. As such, you could be subject to civil fines of up to \$200 per day of operation without a license and as much as \$500 per day for a second offence. Additionally, the Department is authorized to refer unlicensed cases to the Office of Attorney General, which may seek court orders to prevent further unlicensed operation. Accordingly,

you are directed to **cease further operation immediately, until you obtain valid license from the Department.**

In order to secure your license and avoid any of the penalties and fines listed above, **please remit payment in full by May 23, 2013 and your CFPM certificate by July 23, 2013.** Upon receipt of your license fee, the Department will issue a 90-day Conditional License pending receipt of your CFPM certificate. Once the Department receives your CFPM certificate, your Annual License will be issued and will be valid until April 13, 2014.

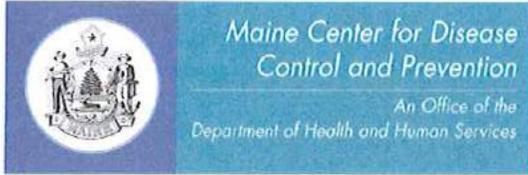
Thank you in advance for your cooperation and immediate attention to this important health matter. Should you have any questions, please call Eric Wightman at 207-287-4484 or email [Eric.Wightman@maine.gov](mailto:Eric.Wightman@maine.gov).

Sincerely,

A handwritten signature in cursive script that reads "Eric Wightman".

Eric Wightman  
Compliance and Enforcement  
Health Inspection Program  
Division of Environmental Health  
[Eric.Wightman@Maine.Gov](mailto:Eric.Wightman@Maine.Gov)

cc: District Health Inspector, File



Paul R. LePage, Governor

Mary C. Mayhew, Commissioner

Department of Health and Human Services  
Maine Center for Disease Control and Prevention  
286 Water Street  
11 State House Station  
Augusta, Maine 04333-0011  
Tel.: (207) 287-8016; Fax: (207) 287-9058  
TTY Users: Dial 711 (Maine Relay)

Tel. (207) 287-5671

Health Inspection Program

Fax (207) 287-3165

## **CERTIFIED MAIL RETURN RECEIPT-9664**

May 29, 2013

BOU'S BREW PUB: EST ID#21311  
ATTN: ALAN BOUCHARD  
431 MAIN STREET  
PRESQUE ISLE, MAINE 04769

### **RE: INITIAL LETTER OF ENFORCEMENT**

#### **Expired License/Certified Food Protection Manager (CFPM) Required**

Dear Mr. Bouchard:

Records indicate that Bou's Brew Pub, an Eating Establishment subject to annual licensure by the Department of Health and Human Services (Department), has been operating without a valid license since April 13, 2013. We have not received any license fees during this period. On April 24, 2013, the Department sent you a letter to remind you of the expired license and late fees owed by May 23, 2013.

The letter stated that you are operating without a license and directed you to remit \$245 in license fees owed to the Department in order to renew your license. The Department has not received any response from you to date.

According to Department records, you as the owner or manager owe license and late fees for the period between April 13, 2013 to the present, in the amount of **\$420** (\$220 plus a \$200 late fee for your second offense). Please remit to the Health Inspection Program **\$420**, in the form of a bank check or money order (no personal checks will be accepted) made payable to the "**Treasurer, State of Maine**", with your Establishment's ID# on the bottom left corner of your check. Once your payment has been received and processed, your license will be valid through April 13, 2014.

In addition, pursuant to 10-144 CMR, CHAPTER 201, Section 2, every eating establishment must employ a Certified Food Protection Manager (CFPM). As such, you have (until July 24, 2013) to submit the required certification to the Department in accordance with 10-144 CMR, Chapter 201, Section 2. Information on training to obtain a CFPM certificate is available on the Department website at: [www.maine.gov/healthinspection/training.htm](http://www.maine.gov/healthinspection/training.htm). Failure to demonstrate compliance with the CFPM requirement will prevent you from obtaining an annual eating establishment license.

Maine law (22 MRSA §2492) requires that a person, corporation, firm or copartnership must obtain a license issued by the Department before conducting, controlling, managing or operating an eating establishment, eating and lodging place, lodging place, recreational camp or camping area. The statute provides that the failure to pay licensing fees within 30 days of billing by the Department constitutes grounds for license revocation. In addition, the continued unlicensed operation of your establishment may result in administrative penalties against your establishment, without any further notice to you, pursuant to 22 M.R.S.A. §2498 and the Department's implementing rules. Accordingly, you would be subject to civil fines of up to \$200 per day of operation without a license, or for second offenses, as much as \$500 per day of operation without a license (see 22 MRSA §2498). The Department is also authorized to refer unlicensed cases to the Office of Attorney General, which may seek court orders to prevent further unlicensed operation. Accordingly, you are directed to **cease further operation immediately, until you obtain the proper license from the Department.**

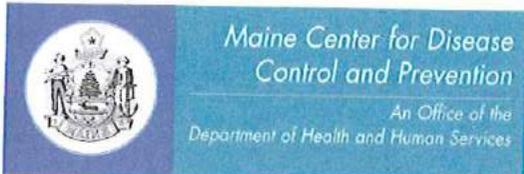
In order to secure your renewal license and avoid any of the penalties and fines listed above, **please remit payment in full, by June 29, 2013 and your CFPM by July 24, 2013.** Thank you in advance for your cooperation in this important public health matter. Should you have any questions, please call Eric Wightman (207) 287-4484 or email Eric.Wightman @maine.gov.

Sincerely,



Eric. Wightman  
Compliance and Enforcement  
Health Inspection Program  
Division of Environmental Health  
Eric.Wightman@Maine.Gov

cc: District Health Inspector, File



Paul R. LePage, Governor

Mary C. Moyhew, Commissioner

Tel. (207) 287-5671

Health Inspection Program

Department of Health and Human Services  
Maine Center for Disease Control and Prevention  
286 Water Street  
11 State House Station  
Augusta, Maine 04333-0011  
Tel. (207) 287-8016  
Fax (207) 287-9058; TTY (800) 606-0215  
Fax (207) 287-3165

**CERTIFIED MAIL/RETURN RECEIPT REQUESTED OR HAND DELIVERY**

JULY 26, 2013

**ALAN BOUCHARD**  
**BOU'S BREW PUB: EST ID#21311**  
**431 MAIN STREET**  
**PRESQUE ISLE, MAINE 04769**

**RE: Notice of Administrative Penalty Assessment BOU'S BREW PUB ID#21311**

Dear Mr. Bouchard:

On April 10, 2012 District Health Inspector Don McAllister inspected you're Eating Place Establishment licensed with the Department of Health and Human Services (Department), Health Inspection Program and identified failure to submit a Certified Food Protection Manager (CFPM). Mr. McAllister informed you a CFPM must be hired within 60 days, To date the Department have not received your CFPM.

On April 24, 2013, the Department sent you a letter to inform you we had not received your CFPM, and gave you 90 days to submit a CFPM to the Department. In addition on May 29 2013, you were notified with an Initial Letter of Enforcement to submit a CFPM by July 24, 2013. Department records indicate that you failed to submit a CFPM within the timeframe that the Department determined to be appropriate to protect public health.

Pursuant to its authority under 22 M.R.S. §2498 and 10-144 C.M.R.Ch. 201, §8, the Department has imposed an Administrative Penalty Assessment for uncorrected violations of the 10-144 C.M.R. Ch. 201, § 8, (E) (1), (5), (c). in the amount of **\$800**. Full payment of the administrative penalty assessment is due within thirty (30) days of receipt of this Administrative Penalty Assessment. Please make payment in full to "**Treasurer, State of Maine**", and mail the bank check or money order to this office (at the address listed below). Personal checks will not be accepted.

You have the right to appeal this Administrative Penalty Assessment and request a hearing to appeal this agency action, pursuant to the Maine Administrative Procedure Act, 5 M.R.S. § 9051-9064 and the Department's *Rules Relating to the Administration and Enforcement of Establishments Licensed by the Health Inspection Program* (10-144 CMR 201). You may appeal this Administrative Penalty Assessment within thirty (30) days of receipt by submitting a **written** request for an administrative fair hearing, which identifies the basis for the appeal, to the following address:

**Health Inspection Program**  
**Division of Environmental Health**  
**11 State House Station**  
**Augusta, Maine 04333-0011**

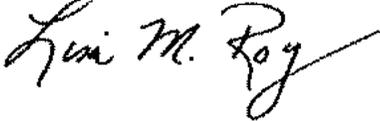
Pursuant to 22 M.R.S. §2498, the Department is authorized to assess penalties for failure to correct violations. In order to return to compliance with licensing requirements and avoid referral to the Attorney General's Office for civil action, **you must complete the following actions within 30 days of receipt of this Penalty Assessment:**

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**Please pay the enclosed Notice of Penalty Assessment with a bank check or money order. The Penalty Assessment is \$800, pursuant to the *Rules Relating to the Administration and Enforcement of Establishments Licensed by the Health Inspection Program* (10-144 CMR 201).**

Should you have any questions, please call Eric Wightman at (207) 287-4484 or email Eric. Wightman@maine.gov

Sincerely,

A handwritten signature in black ink that reads "Lisa M. Roy". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Lisa M. Roy, Program Manager  
Health Inspection Program  
Division of Environmental Health  
Lisa.Roy@Maine.Gov

cc: Deanna White (A.A.G.), District Health Inspector, License Clerk, File

Enclosures: *Notice of Administrative Penalty Assessment*



5. The Department issued an Initial Letter of Enforcement via Certified Mail on May 29, 2013, advising the Establishment that it failed to submit a Certified Food Protection Manager (CFPM) for an Eating Place. The Initial Letter of Enforcement informed the Establishment that if it failed to submit the Certified Food Protection Manager by July 24, 2013, the Department could pursue further enforcement actions.
6. The Establishment is in violation of Maine Statute (22 M.R.S. § 2498), due to its failure to meet the following requirements:
  - The Establishment was required to submit the Certified Food Protection Manager before the deadline in the Department's Initial Letter of Enforcement, which was mailed on May 29, 2013. The Certified Food Protection Manager was not submitted by the July 24, 2013.
7. The Department is authorized to impose Administrative Penalties of up to \$100 per violation per day, pursuant to 22 M.R.S. § 2498, for unresolved uncorrected violations, and to impose fines up to \$200 per day for unlicensed operation (per *Rules Relating to the Administration and Enforcement of Establishments Licensed by the Health Inspection Program*, 10-144 CMR § 201 (8)).

## II. NOTICE OF ADMINISTRATIVE PENALTY ASSESSMENT:

Pursuant to Maine Statute (22 M.R.S § 2498) and the *Rules Relating to the Administration and Enforcement of Establishments Licensed by the Health Inspection Program* (10-144 CMR § 201 (8)), the Department hereby issues this formal Notice of Administrative Penalty Assessment to the Establishment, for the amount of **\$800**. This penalty assessment results from Bou's Brew Pub uncorrected violations and Bou's Brew Pub is hereby required to pay a total of **\$800** to the Department.

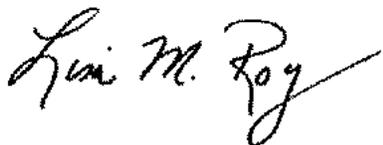
## III. GENERAL PROVISIONS:

1. The Establishment remains responsible for meeting the conditions of the Initial Letter of Enforcement, as well as any additional requirements under the Federal and State Eating and Lodging rules, statutes and other applicable regulations.
2. The Establishment shall make payment by **bank check or money order** to "Treasurer, State of Maine". The full amount of the penalty is due within 30 days of receipt of this Notice of Penalty Assessment. Please send payment to the following address:

**Attn: Eric Wightman  
Health Inspection Program  
Division of Environmental Health  
11 State House Station  
Augusta, Maine 04333-0011**
3. The Establishment has the right to appeal the above penalty amount and request an administrative hearing. Requests for a hearing must be made in writing to the Department within thirty (30) days of receipt of this penalty assessment.
4. A representative of the Establishment may contact Eric Wightman at (207) 287-4484 if there are any questions about the Administrative Notice of Penalty Assessment.
5. According to 22 M.R.S. § 2498(3), the Department is authorized to withhold processing of a license until the Licensee pays the penalties due, either within this Penalty Assessment or subsequent penalties assessed.

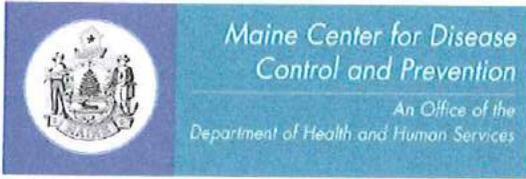
6. Continued violation may result in additional formal enforcement, which may include referral for civil action at Maine's Attorneys General Office. Civil referrals may include civil fines in addition to the administrative penalties currently due.

Dated this 26th day of July, 2013.

A handwritten signature in black ink that reads "Lisa M. Roy". The signature is written in a cursive style with a long, sweeping underline.

Lisa M. Roy, Program Manager  
Health Inspection Program  
Division of Environmental Health  
Lisa.Roy@Maine.Gov

cc: Deanna White (AAG), District Health Inspector, License Clerk, File



Paul R. LePage, Governor

Mary C. Mayhew, Commissioner

Tel. (207) 287-5671

Health Inspection Program

Department of Health and Human Services  
Maine Center for Disease Control and Prevention  
286 Water Street  
11 State House Station  
Augusta, Maine 04333-0011  
Tel.: (207) 287-8016; Fax: (207) 287-9058  
TTY Users: Dial 711 (Maine Relay)

Fax (207) 287-3165

**CERTIFIED MAIL/ U.S.MAIL SENT**

March 11, 2014

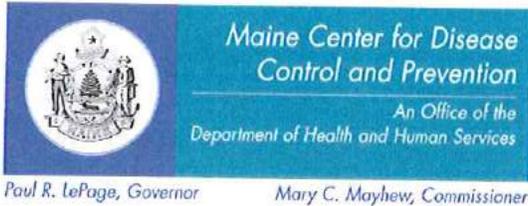
BOUS BREW PUB  
ALAN BOUCHARD  
431 MAIN STREET  
PRESQUE ISLE, MAINE 04769

**RE: CEASE AND DESIST ORDER EST ID#21311**  
**Certified Food Protection Manager/Penalty Assessment \$800**

Dear Mr. Bouchard:

On April 10, 2012, the Health Inspection Program (Department) District Health Inspector Don McAllister conducted a health inspection of your establishment. The inspection constituted violation of Certified Food Protection Manager (CFPM), and gave you 60 days to submit a certificate to the Department. On April 24, 2013, the Department sent you an expired license/CFPM letter and gave you 30 days to respond. On May 29, 2013, the Department sent you an expired license/ CFPM Initial Letter of Enforcement and gave you 30 days to respond. The Department received \$420 license fees on June 27, 2013, and issued your license. On July 26, 2013, the Department sent you a Penalty Assessment for \$800 which remains outstanding today. Your Eating License will be place on hold until you resolve these violations. If you fail to resolve these violations by April 13, 2014, the Department hereby **directs you to immediately Cease and Desist further operations.** Furthermore, the Department will not issue you a license renewal which expires April 13, 2014 until all violations and penalties are resolved.

As promulgated in 22 M.R.S. §2492, a person, corporation, firm or copartnership must obtain a license issued by the Department before conducting, controlling, managing or operating an eating establishment, eating and lodging place, lodging place, recreational camp or camping area. Additionally, the continued operation of an unlicensed establishment may result in administrative penalties against an establishment, pursuant to 22 M.R.S. §2498 and the Department's implementing rules. As such, you could be subject to civil fines of up to \$200 per day of operation without a license and as much as \$500 per day for a second offence. Additionally, the Department is authorized to refer unlicensed cases to the Office of Attorney General, which may seek court orders to prevent further unlicensed operation.



Department of Health and Human Services  
Maine Center for Disease Control and Prevention  
286 Water Street  
11 State House Station  
Augusta, Maine 04333-0011  
Tel.: (207) 287-8016; Fax: (207) 287-9058  
TTY Users: Dial 711 (Maine Relay)

In order to secure your renewal license and avoid any of the penalties and fines listed above, **submit a CFPM certificate and Penalty Assessment \$800 by April 13, 2014.**

Should you have any questions regarding this matter, contact this office at 207-287-4484 or by email at [Eric.Wightman@maine.gov](mailto:Eric.Wightman@maine.gov).

Sincerely,

Eric Wightman  
Compliance and Enforcement  
Health Inspection Program  
Division of Environmental Health  
[Eric.Wightman@Maine.Gov](mailto:Eric.Wightman@Maine.Gov)

cc: Don McAllister (District Health Inspectors), Carol Gott (License Clerk), File



Presque Isle Fire Department  
Inspection Report

Page: 1  
04/01/2014

Inspection #: 14-115-IS  
Inspection Type: Fire Safety

Entered: 04/01/2014

By: First Driver Grant S Spinney

Status: Completed

Completed: 04/01/2014 Start: 1330 End: 1410 By:

First Driver Grant S Spinney

Disposition: Pass Conditionally

Location

BOU'S PUB  
431 MAIN ST  
PRESQUE ISLE ME 04769  
Contact: ALAN BOUCHARD

Recommendations

Description: HAVE ALL EXSTINGUISHERS INSPECTED

Location: FIRST FLOOR AND BASEMENT

Description: REPAIR EMERGENCY LIGHT

Location: REAR OF BAR FRONT OF BASEMENT DOOR

Description: REMOVE EXTENSION CHORD & INSTALL OUTLET

Location: FRONT OF FURNACE ROOM DOOR WAY

Description: REPAIR LEAKING DRAIN PIPE

Location: ALONG BASEMENT NORTH WALL

Description: XXX PLEASE HAVE ALL VIOLATIONS COMPLETED BY

Location: 4-16-14 FOR RE-INSPECTION @ 1330

# SITE INFORMATION SHEET

## Basic Site Information

Location: BOU'S PUB

Address 1: 431 \_\_\_\_\_ MAIN ST \_\_\_\_\_ Apt: \_\_\_\_\_

Address 2: Presque Isle , ME 04769

Location Phone: \_\_\_\_\_

Primary Contact: ALAN HARDING

Primary Phone: 207-764-6796

Secondary Contact: ALAN BOUCHARD

Secondary Phone: 207-768-0416

Alarm Company: \_\_\_\_\_

Alarm Phone: \_\_\_\_\_

## Extended Site Information

Latitude: +046.68062      Longitude: -68.01558

Fixed Usage: 162

General Use: Business, Office Use

Construction: Protected Wood Frame

Roof Type: Flat Tar

Complex: Office

Num. Stories: 2 Stories Above: \_\_\_\_\_ Below: \_\_\_\_\_

Mixed Use: Office use

Structure Type: Enclosed building

Detector Type: Sprinkler, water flow detectio

Detector Power: Hardwire only

No Cautions Found.

## Directions To Site

Directions: MAIN ST ;

New Directions: \_\_\_\_\_

## Employees/Contacts (O|B Key: O=Owner, B=Bill)

<u>TYPE</u>	<u>O B</u>	<u>Name</u>	<u>Title</u>
PRI	O	HARDING, ALAN - CHAPMAN ME 04757	OWNER

Home #>207-764-6796

Other #>207-227-1507

SEC |                   BOUCHARD, ALAN                   PUB OWNER  
      - PRESQUE ISLE ME 04769  
Other #>207-768-0416

OTH |                   BOUCHARD, TAMMY                   KEYHOLDER  
      - PRESQUE ISLE ME 04769  
Home #>207-762-2181

New Contacts: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Hydrants**

New Hydrants: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**HAZMATS on Site**

New HAZMATS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**HAZMAT Activities**

New Activities: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**HAZMAT Response**

New Response: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Hazardous Waste Area**

New Waste Area: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Water Systems**

New Water Sys.: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Utility Shutoffs**

New Shutoff: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Fire Plan**

New Fire Plan: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Special Equipment**

New Equipment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Surrounding Facilities**

New Facilities: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Inspections**

**Number:** 14-115-IS

**Type:** Fire Safety

**Status:** Completed

**Entered By:** First Driver Grant S Spinney on 04/01/2014

**NOTICE OF HEARING  
(OWNERS)**

To: Alan and Kylie Bouchard  
290 Skyway Street, Apt. 71-2  
Presque Isle, ME 04769

A hearing before the Presque Isle City Council will be held on the 7<sup>th</sup> day of April, 2014 at 6:00 PM (EDST), at the City Council Chambers located on the 3<sup>rd</sup> floor of City Hall, located at 12 Second Street, Presque Isle, Maine, at which hearing you may represent yourself, or be represented by an attorney of your choice, you may produce witnesses and/or evidence at this hearing.

The City Council will be holding a revocation hearing in regards to Bou's Brew Pub license to sell alcohol and special amusement permit at 431 Main Street, Presque Isle, Maine.

**PLEASE DO NOT IGNORE THIS NOTICE OF HEARING.**

**WE URGE YOU TO CONSULT WITH YOUR ATTORNEY IN ORDER TO DETERMINE YOUR LEGAL RIGHTS IN THIS MATTER.**

Dated this 1<sup>st</sup>, day of April, 2014.

By: George Howe  
**GEORGE HOWE, CODE ENFORCEMENT OFFICER**  
For the City of Presque Isle

Received by: Alan J. Bouchard Date: 4-1-14  
Owner or Manager

**NOTICE OF PUBLIC HEARING  
CITY OF PRESQUE ISLE  
LEGAL NOTICE**

NOTICE IS HEREBY GIVEN that the City of Presque Isle will hold a **PUBLIC HEARING** on **Monday, April 7, 2014 at 6:00 PM** in the City Council Chambers, City Hall at 12 Second Street, to consider *revocation* of licenses for:

*Malt, Spirituous and Vinous Liquor License, and  
Special Permit for Music, Dancing and Entertainment*

for Bou's Brew Pub, LLC d/b/a Bou's Brew Pub, 431 Main Street, Presque Isle.

The public may attend the public hearing or submit written comments. You can obtain more information by contacting the City Clerk's Office at City Hall, 12 Second Street, Presque Isle, ME 04769 or by calling 760-2720.

Per Order of  
Beverly A. Labbe  
City Clerk

# PRESQUE ISLE CITY COUNCIL

MEETING OF April 7, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 92

**SUBJECT:**

**NEW BUSINESS** – Award Essential Air Service bid to Peninsula Airways, Inc

**INFORMATION:**

**INCLUDED IS:**

- Memo from Scott Wardwell dated April 2, 2014
- Letter from Northern Maine Regional Airport to EAS dated April 4, 2014
- Proposal by Peninsula Airways, Inc

**APPROVAL AND/OR COMMENTS OF CITY MANAGER:**

**REQUESTED ACTION:**

ES

RS

MC

RE

CG

PH

BS

**BE IT RESOLVED** by Councilor \_\_\_\_\_, seconded by Councilor \_\_\_\_\_ to direct the manager of the Northern Maine Regional Airport to send the attached letter to the United States Department of Transportation on behalf of the Presque Isle City Council.



# City of Presque Isle, Maine

The Office of  
Airport Director

**Scott E. Wardwell**

Email: scottw@flypresqueisle.com

## MEMORANDUM

<b>TO:</b>	<b>Presque Isle City Council and Presque Isle City Manager</b>
<b>FROM:</b>	Scott Wardwell, Airport Director <i>Scott Wardwell</i>
<b>DATE:</b>	April 2, 2014
<b>RE:</b>	<b>2014 Essential Air Service Comments to USDOT</b>

In their last monthly meeting, the Airport Advisory Committee voted to recommend that the Presque Isle City Council request that the USDOT work with Pen Air to revise the airline schedule for the next two year contract period. This revised schedule was included as Option 2 in the attached Pen Air proposal.

The request to USDOT to adopt the revised airline schedule and the rationale is included in the attached letter addressed to Mr. Kevin Schlemmer, Chief of the Essential Air Service Division.

### RECOMMENDATION

- 1) Be it resolved by \_\_\_\_\_ and seconded by \_\_\_\_\_ to direct the Manager of the Northern Maine Regional Airport to send the attached letter to the United States Department of Transportation on behalf of the Presque Isle City Council.

# NORTHERN MAINE REGIONAL AIRPORT



April 4, 2014

Kevin Schlemmer, Chief  
Essential Air Service Division  
Office of Aviation Analysis  
United States Department of Transportation  
400 Seventh Street, S.W., Room 64171  
Washington, D.C. 20590

Subject: Comments on Pen Air Essential Air Service Bid

Dear Mr. Schlemmer:

Both the Presque Isle City Council and the Airport Advisory Committee have reviewed the single bid received for the next two year contract period from Pen Air. Both have voted and approved a recommendation for the schedule outlined in Option 2 of the Pen Air proposal. This schedule is similar to that used by Colgan Air dba US Airways Express for the majority of their 11 year tenure at PQI before leaving the market in June of 2012. The recommended schedule seeks to address the significant decline in boardings of 20% and several complaints received by the local business community. These complaints stem from the significant shortening of the airline operational day by Pen Air. Both the Council and Committee encourage USDOT to incorporate this revised schedule in their final agreement with Pen Air.

Shortly after entering the Presque Isle and Plattsburg markets, Pen Air made the decision to not overnight two crews in the out stations. Having the same crew that flew in the night before fly the first flight the next morning became standard operating procedure. In order to meet crew rest requirements, the first departure in the morning for PQI moved from 6:00 AM to 8:45 AM. In addition, the last arrival at night was moved from 9:10 PM to 8:15 PM.

Over the last 10 years, the role that Boston Logan plays as a regional air transportation hub has changed significantly. Many of the airports in the New England region no longer use Logan as a mini hub. Instead, Boston Logan operates very much like an O&D airport. None of the legacy carriers with which Pen Air has an interline agreement have Boston Logan as one of their hubs. Therefore many of those connecting out of PQI are required to fly to a hub from Boston only to catch another flight to their final destination. In addition, connecting to airlines located in terminals other than Terminal B requires the passenger to go through security a second time. Given these two factors, it is imperative to give the business traveler an early departure of 6:00 AM out of PQI and a late arrival into PQI of 10:10 PM. Under the current schedule, the business traveler must leave the

650 Airport Drive, Suite 11, Presque Isle, ME 04769  
Phone: 207-764-2550 • FAX: 207-764-2551  
[www.FlyPresqueIsle.com](http://www.FlyPresqueIsle.com)  
An Equal Opportunity Employer

day before any morning meetings and return a day later after any afternoon meetings. In short he can not reach even the largest business markets on the East Coast by 9:00 am and have a full day of meetings and make it back home the same day.

Both the Presque Isle City Council and the Airport Advisory Committee thank you for your consideration in this matter. If you have any questions, feel free to give me a call at (207) 764-2550.

Best Regards,

A handwritten signature in cursive script that reads "Scott Wardwell".

Scott Wardwell  
Airport Director

Cc: Michael F. Martin

Option 2 Schedule from Pen Air Proposal :

	PQI	BOS	
KS124	6:00	7:40	1234567
KS126	11:00	12:40	12345XX
KS128	16:30	18:10	1234567

	BOS	PQI	
KS125	8:50	10:30	12345XX
KS127	14:00	15:40	1234567
KS129	20:30	22:10	1234567

BEFORE THE  
DEPARTMENT OF TRANSPORTATION  
WASHINGTON, DC

Essential Air Service at	)	
	)	
PRESQUE ISLE/HOULTON, MAINE	)	Docket DOT-OST-2000-8012
PLATTSBURGH, NEW YORK	)	Docket DOT-OST-2003-14783
	)	
	)	

**PROPOSAL OF PENINSULA AIRWAYS, INC.  
TO PROVIDE ESSENTIAL AIR SERVICE AT  
PRESQUE ISLE, MAINE, AND PLATTSBURGH, NEW YORK**

Correspondence with regard to this document should be addressed to:

Scott Bloomquist, President  
PENINSULA AIRWAYS, INC.  
6100 Boeing Avenue  
Anchorage, AK 99502  
907-243-2485

Robert E. Cohn  
Patrick R. Rizzi  
HOGAN LOVELLS US LLP  
Columbia Square  
555 Thirteenth Street, NW  
Washington, DC 20004  
202 637 4999/5659  
robert.cohn@hoganlovells.com  
patrick.rizzi@hoganlovells.com

Counsel for  
Peninsula Airways, Inc.

March 11, 2014

BEFORE THE  
DEPARTMENT OF TRANSPORTATION  
WASHINGTON, DC

_____	)	
Essential Air Service at	)	
	)	
PRESQUE ISLE/HOULTON, MAINE	)	Docket DOT-OST-2000-8012
PLATTSBURGH, NEW YORK	)	Docket DOT-OST-2003-14783
	)	
_____	)	March 11, 2014

**PROPOSAL OF PENINSULA AIRWAYS, INC.  
TO PROVIDE ESSENTIAL AIR SERVICE AT  
PRESQUE ISLE, MAINE, AND PLATTSBURGH, NEW YORK**

Pursuant to DOT Order 2014-1-21 ("Order"), Peninsula Airways, Inc. ("PenAir") hereby submits its proposal to continue providing subsidized, year-round essential air service ("EAS") for two years between Presque Isle/Houlton ("PQI"), Maine, and Plattsburgh ("PBG"), New York, on the one hand, and Boston Logan International Airport, on the other hand.<sup>1</sup>

In June 2012, PenAir established an East Coast operation based in Boston and, as part of its East Coast system, began operating subsidized EAS between Boston and Plattsburgh/Presque Isle, as well as non-subsidized EAS between Boston and Bar Harbor during the High Season. PenAir has developed substantial knowledge and experience with the two communities operating these EAS flights during the past two years. Based on this experience, PenAir has crafted service and subsidy proposals to meet the service needs of the two communities and the operational needs of PenAir, with subsidy amounts necessary to fairly compensate PenAir for the EAS service.

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<sup>1</sup> The Department granted PenAir's request for a one-week extension to submit its EAS proposal.

PenAir is offering two EAS options for the Department's consideration:

**Option 1-** This service and subsidy proposal is based on a schedule similar to the one PenAir currently operates at PQI and PBG.

**Option 2-** This alternative service and subsidy proposal is based on the schedule Presque Isle has requested involving an early morning PQI departure and a late evening PQI arrival.

PenAir's proposal to provide EAS to Plattsburgh and Presque Isle is indivisible. PenAir will only accept an award for subsidized service covering both Plattsburgh and Presque Isle. In addition, if PenAir's proposal to provide subsidized EAS at both Presque Isle and Plattsburgh for a two-year period is granted, PenAir also intends to provide non-subsidized essential air service between Bar Harbor, Maine, and Boston during the High Season<sup>2</sup> for the same two-year period (as described herein), complementing Cape Air's year-round subsidized EAS. In the absence of an award at both Presque Isle and Plattsburgh for another two-year period, however, PenAir could not commit to continuing service to Bar Harbor.

PenAir's EAS proposals readily satisfy the criteria set forth in the Statute and the Order, and would continue to offer substantial benefits for passengers and the local communities.

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<sup>2</sup> The High Season covers the period approximately a week before Memorial Day and approximately a week after Labor Day.

## I. PENAIR'S PRESQUE ISLE AND PLATTSBURGH PROPOSALS.

### Presque Isle.

PenAir offers two service options for EAS to Presque Isle.

**Option 1:** Under this proposal, PenAir would provide 19 weekly nonstop roundtrips between PQI and Boston with the following pattern of service: 3 roundtrips per weekday; 2 roundtrips on Saturday; and 2 roundtrips on Sunday, on the same or very similar schedules to those currently being operated at PQI. The annual subsidy under Option 1 for Presque Isle–Boston service would be \$ 4,710,683.

**Option 2:** Under this proposal, PenAir would provide 19 weekly nonstop roundtrips between PQI and Boston with the following pattern of service: 3 roundtrips per weekday; 2 roundtrips on Saturday; and 2 roundtrips on Sunday. As requested by Presque Isle,<sup>3</sup> this schedule would provide an early morning PQI departure and a late evening PQI arrival each day. The annual subsidy under Option 2 for Presque Isle–Boston service would be \$ 5,180,456.

### Plattsburgh.

PenAir proposes to operate 12 weekly nonstop roundtrips between PBG and Boston with the following pattern of service: 2 roundtrips per weekday; 1 roundtrip on Saturday; and 1 roundtrip on Sunday, on the same or very similar schedules to those currently being operated at PBG. The annual subsidy for Plattsburgh–Boston service would be \$ 2,714,074.

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<sup>3</sup> Letter from S. Wardwell, Northern Maine Regional Airport, to K. Schlemmer, USDOT, March 1, 2014.

The combined annual subsidy for EAS to Plattsburgh and Presque Isle under Option 1 totals \$ 7,424,757 and under Option 2 totals \$ 7,894,530.

PenAir would operate these services year-round using a pressurized, multi-engine Saab 340 aircraft with 30-33 passenger seats.<sup>4</sup> This service would provide about 90 passenger seats each way Monday–Friday for Presque Isle and 60-66 such seats per weekday for Plattsburgh. The Saab 340 has a two-person cockpit crew, a flight attendant providing on-board drink/snack services, and a lavatory.

The chart below summarizes PenAir's subsidized EAS proposals for Presque Isle and Plattsburgh.

	Hub	Frequencies/ Schedule	Aircraft / Pax Capacity	OPTION 1 Subsidy Request	OPTION 2 Subsidy Request
Presque Isle	Boston	<i>19 weekly, Year-Round:</i> 3x per weekday 2x on Saturday 2x on Sunday	Saab 340  30-33 pax	\$ 4,710,683 per year	\$ 5,180,456 per year
Plattsburgh	Boston	<i>12 weekly, Year-Round:</i> 2x per weekday 1x on Saturday 1x on Sunday	Saab 340  30-33 pax	\$ 2,714,074 per year	\$ 2,714,074 per year
			<b>TOTAL ANNUAL SUBSIDY</b>	\$ 7,424,757 per year	\$ 7,894,530 per year
			<b>TOTAL SUBSIDY FOR TWO-YEAR PERIOD</b>	\$ 14,849,514	\$ 15,789,060

<sup>4</sup> PenAir is moving to commonality among its Saab 340 aircraft, thereby making its passenger aircraft interchangeable. One result of this fleet commonality initiative is that each Saab 340 will carry 30-33 passengers. This change will not affect the service proposal because, regardless of the seat capacity on the Saab aircraft serving Presque Isle, three daily weekday flights would be needed to meet the requirement for 67 seats per day each way. DOT Order 2014-1-21, at 3.

The proposed annual EAS subsidies for Presque Isle (under Option 1) and Plattsburgh are modestly higher than the current subsidies for these routes by about \$810,000 and \$240,000, respectively. Notably, the increased subsidies are not due to increases in expenses, but are principally driven by the substantial decline in passenger traffic and passenger revenues in recent years: from 28,795 passengers (YE 3Q 2010) to 21,800 (YE 3Q 2013) at Presque Isle and from 17,091 (YE 3Q 2010) to 14,748 (YE 3Q 2013) at Plattsburgh. DOT Order 2014-1-21. Indeed, under Option 1, PenAir's projected total operating expenses for PQI are about \$300,000 lower than the expenses on which the previous EAS subsidy amount for 2012 was based. For Plattsburgh, expenses are only slightly (about \$120,000) higher than the 2012 EAS projection. Notably, the unit costs used in calculating PenAir's subsidy request are firmly based on PenAir's actual expense data, as reported to the Department, for the YE September 2013.

The proposed subsidy for Presque Isle EAS under Option 2 is somewhat higher than under Option 1. In order to provide the EAS schedule requested by Presque Isle involving an early morning PQI departure and a late evening PQI arrival and to meet the FAA's new flight, duty, and rest time regulations under 14 C.F.R. Part 117 (and to accommodate training, sick leave, etc.), the Option 2 schedule would require PenAir to double-crew these PQI flights. That is, Option 1 can be operated daily, with one crew and one crew overnight; Option 2 will require two crews daily and two crew overnights. In addition to paying for an additional crew complement to handle the schedule, PenAir would have the added cost for overnight accommodations for the additional crew at PQI.

On the other hand, the subsidies for Presque Isle and Plattsburgh are mitigated when the Department takes into account the subsidy-free Bar Harbor service that PenAir would offer as part of its package (described further below).

**II. PENAIR'S SUBSTANTIAL EXPERIENCE IN SAFELY AND RELIABLY SERVING SMALL COMMUNITIES WITH ITS SAAB 340 AIRCRAFT AND ITS CODESHARE AND INTERLINE RELATIONSHIPS WITH OTHER AIRLINES WILL CONTINUE TO PROVIDE SUBSTANTIAL BENEFITS FOR PASSENGERS ON THESE ROUTES.**

In selecting a carrier to provide subsidized essential air service, the Department considers several factors: (1) service reliability; (2) contractual and marketing arrangements with a larger carrier at the hub; (3) interline arrangements with a larger carrier at the hub; (4) community views of actual and potential users of the air service, and (5) whether the carrier has included in its proposal a plan to market its service to the community, see 49 U.S.C. § 41733(c)(1), as well as the relative subsidy requirements. See DOT Order 2014-1-21, at 2 n.4. PenAir's EAS proposal offers the Department, the communities, and the travelling public substantial benefits.

**Service Reliability and Experience.** PenAir has been operating air service in the challenging weather environment in Alaska for more than half a century. In 2013, PenAir flew approximately 216,400 passengers and nearly 96 million revenue passenger miles. For YE September 2013, PenAir had more than 48,000 enplanements on its "East Coast" network, of which 21,800 were for Presque Isle and 14,748 were for Plattsburgh. PenAir is a family-owned carrier, has approximately 470 employees, and operates an all-Saab 340 fleet. As the Department knows, PenAir was the very first recipient of an EAS subsidy when the program began decades ago. It has

provided subsidized EAS to small communities in Alaska and currently provides such service to Presque Isle and Plattsburgh.

Safety is PenAir's highest priority. It was the first Part 135 U.S. air carrier to become a Part 121 air carrier. The FAA has also awarded the Diamond Certificate of Excellence to PenAir for 12 years. PenAir's management, crews, mechanics, dispatchers, and Saab 340 aircraft have relatively unparalleled experience in safely and reliably operating from small, remote, single-runway airports and major hubs, over water, and in all types of weather, including harsh winter weather. This experience is of substantial value to PenAir, these EAS communities, and passengers on these routes. Indeed, despite the sometimes challenging weather environment in the Northeast, PenAir had a 97% completion rate for its Plattsburgh and Presque Isle services in 2013.

**The Saab 340.** As noted above, PenAir proposes operating Saab 340 aircraft on these EAS routes. It is an aircraft with which PenAir has more than 15 years of operational experience in the harsh Alaskan weather. The Saab 340 is well-suited for these routes. It is a dependable, multi-engine aircraft with seats for 30-33 passengers in a comfortable 2-by-1 seating configuration. It has a cargo capacity of 2,500 lbs. and cruises at approximately 265 knots. In addition, the Saab 340 aircraft has significant passenger amenities: lavatory facilities, a pressurized cabin, and a flight attendant. It also has a two-pilot cockpit crew.

**Relationships with Other Carriers.**

**Codeshare:** PenAir has a longstanding relationship with Alaska Airlines, including codesharing. Alaska Airlines places its designator code on PenAir's flights between Boston and Presque Isle/Plattsburgh, and, as such, these flights have high

visibility not only on PenAir's and Alaska Airlines' websites, but also on third-party travel distribution systems such as Orbitz. Travelers on PenAir's Plattsburgh and Presque Isle flights can also earn and redeem frequent flyer miles as part of the Alaska Airlines frequent flyer program. Frequent flyer miles earned on PenAir's flights can be redeemed for free travel or upgrades on flights offered not only by Alaska Airlines but also by some of its partners, Air France, American Airlines, British Airways, Cathay Pacific, Delta Air Lines, KLM Airlines, Korean Air Lines, LAN, PenAir, Fiji Airways, Aero Mexico, and Emirates.

**Interline:** PenAir has Electronic Interline Ticket and Baggage agreements with Alaska Airlines, Delta Air Lines (and its regional carriers), US Airways (and its regional carriers), and United Air Lines (and its regional carriers). These relationships allow for single check-in, single-ticket air travel, making it easier for passengers traveling from/to these EAS points to/from destinations beyond Boston.

**Marketing.** PenAir will continue its local marketing efforts, in conjunction with the local communities, as part of its ongoing initiative to raise awareness and brand recognition about its services.

**III. IF SELECTED TO CONTINUE PROVIDING SUBSIDIZED EAS AT PRESQUE ISLE AND PLATTSBURGH FOR TWO MORE YEARS, PENAIR WOULD OFFER NON-SUBSIDIZED SERVICE TO BAR HARBOR DURING THE HIGH SEASON.**

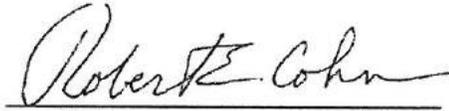
If the Department awards the subsidized EAS for Presque Isle and Plattsburgh to PenAir for another two-year term, PenAir intends to operate 14 weekly nonstop roundtrips between Bar Harbor and Boston, without subsidy, for the High Season, using its 30-33 seat Saab 340 aircraft. PenAir's Bar Harbor service will continue to provide

important and beneficial larger aircraft, High Season service, complementing Cape Air's smaller-aircraft, subsidized EAS service. Indeed, more than 9,500 passengers traveled on PenAir between Bar Harbor and Boston during the High Season in 2013.

**IV. CONCLUSION.**

PenAir's proposals fulfill the statutory prerequisites for EAS and offer superior benefits to passengers and these EAS communities. Accordingly, PenAir urges the Department to select it to provide essential air service for another two years between Boston, on the one hand, and Presque Isle and Plattsburgh, on the other hand, at the subsidy levels presented herein.

Respectfully submitted,

A handwritten signature in black ink, reading "Robert E. Cohn", is written over a horizontal line.

Robert E. Cohn  
Patrick R. Rizzi  
HOGAN LOVELLS US LLP  
Columbia Square  
555 Thirteenth Street, NW  
Washington, DC 20004  
+1 202 637 4999/5659  
Counsel to Peninsula Airways, Inc.

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Proposal of Peninsula Airways, Inc., has been served this March 11, 2014, upon each of the following addressees:

**Dennis DeVaney, USDOT**  
Dennis.DeVany@dot.gov

**Michael Martin, USDOT**  
Michael.F.Martin@dot.gov

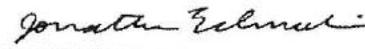
**Essential Air Service Program**  
EAS@dot.gov

**Scott Wardwell**  
Airport Director, Northern Maine Regional Airport  
swardwell@presqueisleme.us

**Chris Kreig**  
Manager, Plattsburgh International Airport  
kreigc@co.clinton.ny.us

**Garry Douglas**  
North Country Chamber of Commerce, President & CEO  
gfdoug@hotmail.com

**Brad Medera**  
Manager, Hancock County-Bar Harbor Airport  
manager@bhairport.com

  
Jonathan Felmet

**OPTION 1**

**PBG**

**PQI**

Annual Flights	1,917	Note 1	1,211
Fare	\$131	Note 2	\$84
Block Time	1.6	Note 3	1.2
Annual Block Hours	3067.2	Note 4	1453.2
Passengers	23,306		15,515
<b>REVENUE</b>	<b>\$ 3,053,086.00</b>		<b>\$ 1,303,260.00</b>

<i>Per Hour</i>			
FLOps Crew	\$324.40	Note 5	\$ 471,418.08
Fuel	\$513.90	Note 5	\$ 746,759.48
Maintenance	\$612.90	Note 5	\$ 890,666.28
Insurance	\$60.38	Note 5	\$ 87,744.22
A/C Depr/Rental	\$240.16	Note 5	\$ 349,000.51

**TOTAL DIRECT EXPENSES** \$ 5,372,936.93 \$ 2,545,628.57

FIAttendant	per hour	\$65.40	Note 5	\$ 95,039.28
Traffic Related	per pax	\$42.04	Note 7	\$ 652,250.60
Departure Related	per dept	\$349.97	Note 6	\$ 423,613.67
Capacity Related	per dept	\$34.65	Note 6	\$ 42,203.35
Cost Increase Estimates @6% of Traffic, Departure, and Capacity-Related,		\$ 103,049.05		\$ 67,096.06

**TOTAL INDIRECT EXPENSES** \$ 2,021,128.11 \$ 1,280,402.96

**TOTAL OPERATING EXPENSES** \$ 7,394,065.04 \$ 3,826,031.53

Profit @ 5% \$ 369,703.25 \$ 191,301.58

**ECONOMIC COST** \$ 7,763,768.29 \$ 4,017,333.10

**ANNUAL SUBSIDY** \$4,710,682.29 \$2,714,073.10

Note 1: PQI- 19 flights/wk x 2 directions x 52 weeks x .97 completion = 1,917; PBG- 12 flights/wk x 2 directions x 52 weeks x .97 completion = 1,211  
 Note 2: Average Fare rounded based on average fare for year ending January 2014  
 Note 3: Projected Block Time based on average block time for four quarters ending September 2013  
 Note 4: Annual Passengers based on Annual Totals for YE January 2014

Note 5: The per hour rates were calculated as follows:  
 (Sum of Total Costs Reported for Each Category to USDOT for East Coast Network for QE 12/2012 + QE 03/2013 + QE 06/2013 + QE 09/2013) divided by Reported Block Hours Operated (5,556)

Note 6: The per departure rates were calculated as follows:  
 (Sum of Total Costs Reported for Each Category to USDOT for East Coast Network for QE 12/2012 + QE 03/2013 + QE 06/2013 + QE 09/2013) divided by Reported Departures (4,111)

Note 7: The per passenger rates were calculated as follows:  
 (Sum of Total Costs Reported for Each Category to USDOT for East Coast Network for QE 12/2012 + QE 03/2013 + QE 06/2013 + QE 09/2013) divided by Reported Passengers for East Coast YE 09/13 (48,159 pax)

**OPTION 2**

**PBG**

**PQI**

Annual Flights	1,917	Note 1	1,211
Fare	\$131	Note 2	\$84
Block Time	1.6	Note 3	1.2
Annual Block Hours	3067.2		1453.2
Passengers	23,306	Note 4	15,515

<b>REVENUE</b>	<b>\$ 3,053,086.00</b>		<b>\$ 1,303,260.00</b>
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<i>Per Hour</i>			
FIops Crew	\$324.40	\$ 994,999.68	Note 5
Fuel	\$513.90	\$ 1,576,234.08	Note 5
Maintenance	\$612.90	\$ 1,879,866.88	Note 5
Insurance	\$60.38	\$ 185,197.54	Note 5
A/C Depr/Rental	\$240.16	\$ 736,618.75	Note 5

<b>TOTAL DIRECT EXPENSES</b>	<b>\$ 5,372,936.93</b>		<b>\$ 2,545,628.57</b>
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FIAttendant	per hour	\$65.40	\$ 200,594.88	Note 5
Traffic Related	per pax	\$42.04	\$ 979,784.24	Note 7
Departure Related	per dept	\$349.87	\$ 670,892.49	Note 6
Capacity Related	per dept	\$34.85	\$ 66,807.45	Note 6

<i>Cost Increase Estimates @6% of Traffic, Departure, and Capacity-Related,</i>		\$ 103,049.05		\$ 67,096.06
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<b>TOTAL INDIRECT EXPENSES</b>	<b>\$ 2,021,128.11</b>		<b>\$ 1,280,402.96</b>
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<b>COSTS</b> for Additional Crews, and Accommodations for Early/Late PQI Flights	<b>\$ 447,403.00</b>	Note 8	
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<b>TOTAL OPERATING EXPENSES</b>	<b>\$ 7,841,468.04</b>		<b>\$ 3,826,031.53</b>
Profit @ 5%	\$ 392,073.40		\$ 191,301.58
<b>ECONOMIC COST</b>	<b>\$ 8,233,541.44</b>		<b>\$ 4,017,333.10</b>

<b>ANNUAL SUBSIDY</b>	<b>\$ 5,180,455.44</b>		<b>\$ 2,714,073.10</b>
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Note 1: PQI: 19 flights/wk x 2 directions x 52 weeks x .97 completion = 1,917; PBG: 12 flights/wk x 2 directions x 52 weeks x .97 completion = 1,211  
 Note 2: Average Fare rounded based on average fare for year ending January 2014  
 Note 3: Projected Block Time based on average block time for four quarters ending September 2013  
 Note 4: Annual Passengers based on Annual Totals for YE January 2014

Note 5: The per hour rates were calculated as follows:  
 (Sum of Total Costs Reported for Each Category to USDOT for East Coast Network for QE 12/2012 + QE 03/2013 + QE 06/2013 + QE 09/2013) divided by Reported Block Hours Operated (5,556)

Note 6: The per departure rates were calculated as follows:  
 (Sum of Total Costs Reported for Each Category to USDOT for East Coast Network for QE 12/2012 + QE 03/2013 + QE 06/2013 + QE 09/2013) divided by Reported Departures (4,111)

Note 7: The per passenger rates were calculated as follows:  
 (Sum of Total Costs Reported for Each Category to USDOT for East Coast Network for QE 12/2012 + QE 03/2013 + QE 06/2013 + QE 09/2013) divided by Reported Passengers for East Coast YE 09/13 (48,159 pax)

Note 8: The costs for the early/late PQI flights include the costs of additional crews, additional hotel accommodations, and training for the additional crews

# PRESQUE ISLE CITY COUNCIL

MEETING OF April 7, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 93

**SUBJECT:**

**NEW BUSINESS** – Employment License for Lois Dickson d/b/a Tempo Employment Services

**INFORMATION:**

**INCLUDED IS:**

--- Application

**APPROVAL AND/OR COMMENTS OF CITY MANAGER:**

Passage is recommended

**REQUESTED ACTION:**

ES

RS

MC

RE

CG

PH

BS

**BE IT RESOLVED** by Councilor \_\_\_\_\_, seconded by Councilor \_\_\_\_\_ to approve an Employment License to Lois Dickson d/b/a Tempo Employment.



**CITY OF PRESQUE ISLE**  
**EMPLOYMENT AGENCY License Application**  
Per Maine Statute Title 26, Chapter 7 § 612-A  
Chapter 9 - License and Public Hearing Fees

NEW LICENSE     RENEWAL OF LICENSE

EXPIRATION DATE: MAY 1st OF EACH YEAR  
FEE: \$100.00 - FLAT FEE PER YEAR

DATE: 03-05-14

NAME UNDER WHICH BUSINESS WILL BE OPERATED:

Tempo Employment Services

LOCATED AT: 40 North Street, Presque Isle, ME

DAYS OF PERATION: Monday thru Friday

HOURS OF OPERATION: 8:00 a.m. - 5:00 p.m.

OTHER INFORMATION, IF ANY: \_\_\_\_\_

DATED THIS 5th DAY OF March, 20 14

  
\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Address  
\_\_\_\_\_

# PRESQUE ISLE CITY COUNCIL

MEETING OF April 7, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 94

**SUBJECT:**

**NEW BUSINESS** – Pawnbroker License for Benjamin L LeBlanc d/b/a Ben's Trading Post

**INFORMATION:**

**INCLUDED IS:**

--- Application

**APPROVAL AND/OR COMMENTS OF CITY MANAGER:**

Passage is recommended

**REQUESTED ACTION:**

ES

RS

MC

RE

CG

PH

BS

**BE IT RESOLVED** by Councilor \_\_\_\_\_, seconded by Councilor \_\_\_\_\_ to approve a Pawnbroker License to Benjamin L LeBlanc d/b/a Ben's Trading Post.



# CITY OF PRESQUE ISLE PAWNBROKER License Application

In accordance with City of Presque Isle Ordinance Chapter 23, the undersigned hereby applies for a License to conduct pawn transactions.

**EXPIRATION DATE:** First Monday of May of each year  
**FEES:** Municipal - \$25.00

1. COMPANY NAME: Bens Trading Post
2. COMPANY ADDRESS: 719 Main Street  
Presque Isle Maine 04769  
City/Town State Zip Code
3. TELEPHONE: (207) 768-3181 (207) 768-1982  
Daytime Evening/Weekend
4. LOCATION OF RECORDS: Bens Trading Post
5. BUSINESS STRUCTURE: L.L.C.  
 Proprietorship  Partnership  Corporation

**Proprietors, Partners, or Directors**

<u>Benjamin L LeBlanc</u>	<u>P.O. Box 525</u>	<u>(207) 768-1982</u>
Name	Address <u>Mapleton, ME</u>	Telephone
	<u>04757</u>	
<b>Name</b>	<b>Address</b>	<b>Telephone</b>

<b>Name</b>	<b>Address</b>	<b>Telephone</b>
-------------	----------------	------------------

CHIEF OF POLICE: [Signature]  APPROVED  
Signature  NOT APPROVED

**CERTIFICATION**

I hereby certify that the above statements are true and correct to the best of my knowledge and belief.

Dated this 10<sup>th</sup> day of March, 2014

Ben LeBlanc  
Signature  
Ben LeBlanc President  
Name printed or typed and title

Return to City Clerk's Office, 12 Second Street, Presque Isle ME 04769, with the proper fee.

# PRESQUE ISLE CITY COUNCIL

MEETING OF April 7, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 95

**SUBJECT:**

**NEW BUSINESS** – Taxi Cab Service License for Lori Hodsdon d/b/a  
Town Taxi

**INFORMATION:**

**INCLUDED IS:**

--- Application

**APPROVAL AND/OR COMMENTS OF CITY MANAGER:**

Passage is recommended

**REQUESTED ACTION:**

ES

RS

MC

RE

CG

PH

BS

**BE IT RESOLVED** by Councilor \_\_\_\_\_, seconded by Councilor \_\_\_\_\_  
to approve a Taxi Cab Service License to Lori Hodsdon d/b/a  
Town Taxi.



**CITY OF PRESQUE ISLE  
TAXI CAB SERVICE License Application**

**EXPIRATION DATE: MAY 1<sup>ST</sup> OF EACH YEAR  
FEE: \$40.00 PER VEHICLE**

NAME OF APPLICANT: Lori Hodsdon

HOME ADDRESS: 7 Northern Ave Caribou

DATE OF BIRTH: 8-5-72 PLACE OF BIRTH: Caribou

TRADE NAME: Town Taxi PHONE # 227-5999

OFFICE ADDRESS: 538 Fort Rd Caribou

DO YOU CARRY LIABILITY & PROPERTY DAMAGE INSURANCE? Yes *see enclosed copy*

NAME OF COMPANY: Hayden Perry POLICY # \_\_\_\_\_

IS THIS A RENEWAL? Yes # OF CABS YOU OPERATE: 4

I HEREBY AGREE TO OPERATE THE ABOVE IN ACCORDANCE WITH THE LAWS OF THE STATE AND THE ORDINANCES OF THE CITY.

DATE: 3-11-14

SIGNED: [Signature]

Completed by Police Department	APPROVED	NOT APPROVED
	<u>[Signature]</u>	<u>[Signature]</u>
	CHIEF OF POLICE	CHIEF OF POLICE

I hereby certify that the above applicant has complied with Sections 1 and 2 of Chapter 12 - Taxicab Ordinance.

Beverly L. Falke  
City Clerk

Acted upon by the City Council on: 04.07.2014  
By vote of the City Council, the above application was: GRANTED

DENIED

*Town Taxi*

*7 Northern Ave  
Caribou, ME 04736  
Phone (207)496-3146  
Fax (207)496-0376*

To: Presque Isle City Council

Im writing this requesting our 2014/ 2015 taxi license renewal. Enclosed in this packet is a copy of our insurance policy, list of drivers, list of fleet vehicles and a check for the fees. Thank you and we look forward to serving the citizens of Presque Isle for another year.

Lori Hodsdon

DECLARATIONS FOR A BUSINESS AUTO

RENEWAL 11/20/13  
 ITEM ONE Named Insured and Address

Policy No: CNE 000-7112-251-3  
Producer Name and Address

LORI HODSDON  
 TOWN TAXI  
 538 FORT FAIRFIELD RD  
 CARIBOU NE 04736

UNITED INSURANCE  
 DBA HAYDEN/PERRY  
 40 NORTH ST SUITE 1  
 PRESQUE ISLE NE 04769

Producer Code: .050

Broker:

Report Basis:

Policy Period: From 11/20/13 to 11/20/14 at 12:01 A.M. Standard Time at your mailing address shown above.

Insurer Company and Code: 10243

NATIONAL CONTINENTAL INSURANCE COMPANY

Named Insured's Business: 2 TAXI CAB COMPANY

\*TOTAL ESTIMATED PREMIUM \$16,782

Form of Business: INDIVIDUAL

\*This policy may be subject to final audit.

IN RETURN FOR THE PAYMENT OF THE PREMIUM, AND SUBJECT TO ALL THE TERMS OF THIS POLICY, WE AGREE WITH YOU TO PROVIDE THE INSURANCE AS STATED IN THIS POLICY

ITEM TWO

Schedule Of Coverages And Covered Autos  
 This policy provides only those coverages where a charge is shown in the premium column on the covered autos schedule. Each of these coverages will apply only to those "autos" shown as covered "autos" for a particular coverage by the entry of one or more symbols from the Covered Autos Section of the Business Auto Coverage Form next to the name of the coverage.

Coverages	Covered Autos	Limit
Liability	7	350,000 CSL
Personal Injury Protection (Or Equivalent No-fault Coverage)		Separately Stated In Each PIP Endorsement
Added Personal Injury Protection (Or Equivalent Added No-fault Coverage)		Separately Stated In Each Added PIP Endorsement
Property Protection Insurance (Michigan Only)		Separately Stated In The P.P.I. Endorsement
Auto Medical Payments		
Uninsured Motorists	7	50,000 PER PERSON 100,000 PER ACCIDENT
Underinsured Motorists (When Not Included In Uninsured Motorists Coverage)		
Physical Damage Comprehensive Coverage		Actual Cash Value Or Cost Of Repair, Whichever Is Less Minus \$ Ded. For Each Covered Auto. But No Deductible Applies To Loss Caused By Fire Or Lightning. See Item Four for Hired or Borrowed Autos.
Physical Damage Specified Causes Of Loss Coverage		Actual Cash Value Or Cost Of Repair, Whichever Is Less Minus \$ Ded. For Each Covered Auto For Loss Caused By Mischief Or Vandalism. See item Four for Hired or Borrowed Autos.
Physical Damage Collision Coverage		Actual Cash Value Or Cost Of Repair, Whichever Is Less Minus \$ Ded. For Each Covered Auto. See Item Four for Hired or Borrowed Autos.
Physical Damage Towing And Labor (Not available in California)		\$ For Each Disablement Of A Private Passenger Auto

RECEIVED

DEC 02 2013

HAYDEN/PERRY

CA DS 03 03 10

TAXI CAB SERVICE  
VEHICLE INFORMATION

The form below must be filled out completely, signed by a State of Maine inspection mechanic and given to the Chief of Police for approval before license will be granted.

Date: 2-11-14

UNIT/CAB # 23

REGISTRATION # 9758 SERIAL # 213006 MOTOR # \_\_\_\_\_

MAKE Ford YEAR 2007 TYPE 4D BODY Car

COLOR Blue H.P. \_\_\_\_\_ CAPACITY \_\_\_\_\_

LIGHTS CONDITION: Good

BRAKES, FOOT yes 2 WHEEL: \_\_\_\_\_ 4 WHEEL: ✓

CONDITION: Good

BRAKES, HAND, CONDITION: Good

STEERING GEAR, CONDITION: Good

MIRRORS: yes WINDSHIELD WIPERS: New

HORN OR SIGNAL DEVICE: yes

REAR SIGNAL LIGHT OR DEVICE: yes

IS THIS VEHICLE IN GOOD MECHANICAL CONDITION? yes

IS THIS VEHICLE IN SUCH MECHANICAL CONDITION AS TO GUARANTEE THE SAFE TRANSPORTATION OF PASSENGERS? yes

STATE INSPECTION STATION: Louis Auto

BY: [Signature]

APPROVED: \_\_\_\_\_ (PRINT NAME) DATE: \_\_\_\_\_

CITY OF PRESQUE ISLE  
TAXI CAB SERVICE  
VEHICLE INFORMATION

The form below must be filled out completely, signed by a State of Maine inspection mechanic and given to the Chief of Police for approval before license will be granted.

Date: 1-15-14

UNIT/CAB # 25

REGISTRATION # 8923 SERIAL # 8X124186 MOTOR # 8

MAKE: 08 YEAR: 08 TYPE: 4D BODY: Car

COLOR: Blue H.P.: \_\_\_\_\_ CAPACITY: 5

LIGHTS CONDITION: Good

BRAKES, FOOT \_\_\_\_\_ 2 WHEEL: \_\_\_\_\_ 4 WHEEL:

CONDITION: Good

BRAKES, HAND, CONDITION: Good

STEERING GEAR, CONDITION: Good

MIRRORS: yes WINDSHIELD WIPERS: yes

HORN OR SIGNAL DEVICE: yes

REAR SIGNAL LIGHT OR DEVICE: yes

IS THIS VEHICLE IN GOOD MECHANICAL CONDITION? yes

IS THIS VEHICLE IN SUCH MECHANICAL CONDITION AS TO GUARANTEE THE SAFE TRANSPORTATION OF PASSENGERS? yes

STATE INSPECTION OPERATION: Louis Auto

BY: [Signature]

APPROVED: \_\_\_\_\_ (PUP Initials) DATE: \_\_\_\_\_

TAXI CAB SERVICE  
VEHICLE INFORMATION

The form below must be filled out completely, signed by a State of Maine inspection mechanic and given to the Chief of Police for approval before license will be granted.

Date: 1-29-74

UNIT/CAB # 26

REGISTRATION # 9761 SERIAL # 1X163115 MOTOR # 8

MAKE Ford YEAR 1969 TYPE 4D BODY Car

COLOR Bl H.P. \_\_\_\_\_ CAPACITY 5

LIGHTS CONDITION: Good

BRAKES, FOOT \_\_\_\_\_ 2 WHEEL: \_\_\_\_\_ 4 WHEEL:

CONDITION: Good

BRAKES, HAND, CONDITION: Good

STEERING GEAR, CONDITION: Good

MIRRORS: yes WINDSHIELD WIPERS: New

HORN OR SIGNAL DEVICE: yes

REAR SIGNAL LIGHT OR DEVICE: yes

IS THIS VEHICLE IN GOOD MECHANICAL CONDITION? yes

IS THIS VEHICLE IN SUCH MECHANICAL CONDITION AS TO GUARANTEE THE SAFE TRANSPORTATION OF PASSENGERS? yes

STATE INSPECTION STATION: 6439- Louis' Auto

BY: Jimmy King

APPROVED: \_\_\_\_\_ (Signature) DATE: \_\_\_\_\_

CITY OF PRESQUE ISLE  
TAXI CAB SERVICE  
VEHICLE INFORMATION

The form below must be filled out completely, signed by a State of Maine inspection mechanic and given to the Chief of Police for approval before license will be granted.

Date: 1-15-2014

UNIT/CAB # 22

REGISTRATION # 2760 SERIAL # 2FAFP71U314156263 MOTOR # V8

MAKE Ford YEAR 08 TYPE Custom Van BODY 4 dr.

COLOR Blue HP: V8 CAPACITY: 5

LIGHTS CONDITION: good

BRAKES, FOOT good 2 WHEEL:  4 WHEEL:

CONDITION: good

BRAKES, HAND, CONDITION: good

STEERING GEAR, CONDITION: good

MIRRORS: good WINDSHIELD WIPERS: good

HORN OR SIGNAL DEVICE: good

REAR SIGNAL LIGHT OR DEVICE: good

IS THIS VEHICLE IN GOOD MECHANICAL CONDITION? yes

IS THIS VEHICLE IN SUCH MECHANICAL CONDITION AS TO GUARANTEE THE SAFE TRANSPORTATION OF PASSENGERS? yes

STATE INSPECTION STATION: 6439

BY: [Signature]

APPROVED: \_\_\_\_\_ (PID initials) DATE: \_\_\_\_\_

# *Town Taxi*

7 Northern Ave  
Caribou, ME 04736  
Phone (207)496-3146  
Fax (207)496-0376

Re: Drivers for Presque Isle

Lori Hodsdon	1441206
Mary Adams	3261170
Lisa Cote	9965170
Norman Smith	0223100
Robert Davis	1795174
Kyah Hudson	0761256
Gideon Green Jr.	8087165

Unit # 22 2FAHP71V38X156263  
Unit # 23 2FAHP71W87X130006  
Unit # 25 2FAHP71V38X174486  
Unit # 26 2FAHP71W37X163115

# PRESQUE ISLE CITY COUNCIL

MEETING OF April 7, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 96

**SUBJECT:**

**NEW BUSINESS** – Taxi Cab Service License for Marty Clayton d/b/a Aroostook Cab Company

**INFORMATION:**

**INCLUDED IS:**

--- Application

**APPROVAL AND/OR COMMENTS OF CITY MANAGER:**

Passage is recommended

**REQUESTED ACTION:**

ES

RS

MC

RE

CG

PH

BS

**BE IT RESOLVED** by Councilor \_\_\_\_\_, seconded by Councilor \_\_\_\_\_ to approve a Taxi Cab Service License to Marty Clayton d/b/a Aroostook Cab Company.



CITY OF PRESQUE ISLE  
TAXI CAB SERVICE License Application

EXPIRATION DATE: MAY 1<sup>ST</sup> OF EACH YEAR  
FEE: \$40.00 PER VEHICLE

NAME OF APPLICANT: Marty Clayton

HOME ADDRESS: 456 Tabor Rd. Washburn, Me 04786

DATE OF BIRTH: 5-9-61 PLACE OF BIRTH: Presque Isle

TRADE NAME: Aroostook Cab Company PHONE # 496-3227

OFFICE ADDRESS: 4 Mecon St. Caribou, Me 04736

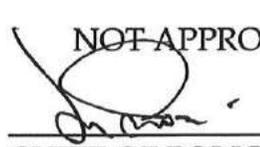
DO YOU CARRY LIABILITY & PROPERTY DAMAGE INSURANCE? yes

NAME OF COMPANY: FA Pea Body POLICY # PIA07396001

IS THIS A RENEWAL? yes # OF CABS YOU OPERATE: 4

I HEREBY AGREE TO OPERATE THE ABOVE IN ACCORDANCE WITH THE LAWS OF  
THE STATE AND THE ORDINANCES OF THE CITY.

DATE: 3-19-14 SIGNED: Marty Clayton

Completed by Police Department	
<input checked="" type="radio"/> APPROVED	<input type="radio"/> NOT APPROVED  CHIEF OF POLICE

I hereby certify that the above applicant has complied with Sections 1 and 2 of Chapter 12 -  
Taxicab Ordinance.

Beverly L. Faller  
City Clerk

Acted upon by the City Council on: 04.07.2014  
By vote of the City Council, the above application was: GRANTED

DENIED



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

3/21/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> <b>FA Peabody Company</b> 25 Sweden Street Ste C P O Box 1155 <b>Caribou ME 04736</b>	<b>CONTACT NAME:</b> Diane DuMont <b>PHONE (A/C, No, Ext):</b> (207) 498-2523 <b>FAX (A/C, No):</b> (207) 498-3404 <b>E-MAIL ADDRESS:</b> diane.dumont@fapeabody.com	
	<b>INSURER(S) AFFORDING COVERAGE</b>	
<b>INSURED</b> <b>Aroostook Cab Company, DBA: Marty Clayton</b> 4 Mecon St <b>Caribou ME 04736</b>	<b>INSURER A:</b> Canal Ins Co <b>NAIC #</b> 10464	
	<b>INSURER B:</b>	
	<b>INSURER C:</b>	
	<b>INSURER D:</b>	
	<b>INSURER E:</b>	
	<b>INSURER F:</b>	

**COVERAGES** **CERTIFICATE NUMBER:** CL1432111503 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	<b>GENERAL LIABILITY</b> <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC					EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ \$
A	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS		PIA07396001	5/3/2013	5/3/2014	COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ 100,000 BODILY INJURY (Per accident) \$ 300,000 PROPERTY DAMAGE (Per accident) \$ 100,000 Medical payments \$ 2,000
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$ \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N/A (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below					<input type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)**  
 2007 Crown Victoria (2FAHP71W87X129941)  
 2000 Buick LeSabre (1G4HP54K644283804)  
 2005 Buick LeSabre (1G4HP52K35U107369)  
 2001 Buick LeSabre (1G4HP54K516126934)  
 2004 Buick LeSabre (1G4HP52K24U102565)

**CERTIFICATE HOLDER** **CANCELLATION**

City of Presque Isle Presque Isle, ME 04769	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE  Troy Heald CIC/TROY

CITY OF PRESQUE ISLE  
TAXI CAB SERVICE  
VEHICLE INFORMATION

The form below must be filed out completely, signed by a State of Maine inspection mechanic and given to the Chief of Police for approval before license will be granted.

Date: 3/11/14

UNIT/CAB # 6

REGISTRATION # TX9772 SERIAL # 2FAHP71W87X139941 MOTOR # \_\_\_\_\_

MAKE: Ford YEAR: 2007 TYPE: CROWN BODY: 4DR

COLOR: TAN H.P.: \_\_\_\_\_ CAPACITY: 5

LIGHTS, CONDITION: good

BRAKES, FOOT good 2 WHEEL: \_\_\_\_\_ 4 WHEEL:

CONDITION: good

BRAKES, HAND, CONDITION: good

STEERING GEAR, CONDITION: good

MIRRORS: good WINDSHIELD WIPERS: good

HORN OR SIGNAL DEVICE: good

REAR SIGNAL LIGHT OR DEVICE: good

IS THIS VEHICLE IN GOOD MECHANICAL CONDITION? good

IS THIS VEHICLE IN SUCH MECHANICAL CONDITION AS TO GUARANTEE THE SAFE TRANSPORTATION OF PASSENGERS? yes

STATE INSPECTION STATION: 679

BY: Scott St. Peter

APPROVED: [Signature] (PIPD initials) DATE: 3/11/14

CITY OF PRESQUE ISLE  
TAXI CAB SERVICE  
VEHICLE INFORMATION

The form below must be filed out completely, signed by a State of Maine inspection mechanic and given to the Chief of Police for approval before license will be granted.

Date: 3/10/14

UNIT/CAB # 007

REGISTRATION # TX9768 SERIAL # 1G4HP54K64283804 MOTOR # \_\_\_\_\_

MAKE: Buick YEAR: 2000 TYPE: Lesabre BODY: 4DR

COLOR: TAN H.P.: \_\_\_\_\_ CAPACITY: 6.

LIGHTS, CONDITION: good

BRAKES, FOOT good 2 WHEEL: \_\_\_\_\_ 4 WHEEL: \_\_\_\_\_

CONDITION: \_\_\_\_\_

BRAKES, HAND, CONDITION: good

STEERING GEAR, CONDITION: good

MIRRORS: good WINDSHIELD WIPERS: OK

HORN OR SIGNAL DEVICE: good

REAR SIGNAL LIGHT OR DEVICE: good

IS THIS VEHICLE IN GOOD MECHANICAL CONDITION? yes

IS THIS VEHICLE IN SUCH MECHANICAL CONDITION AS TO GUARANTEE THE SAFE TRANSPORTATION OF PASSENGERS? yes

STATE INSPECTION STATION: Hoyt Tire Center

BY: Bert MacBurnie

APPROVED: \_\_\_\_\_ (PIPD initials) DATE: \_\_\_\_\_

**CITY OF PRESQUE ISLE  
TAXI CAB SERVICE  
VEHICLE INFORMATION**

The form below must be filed out completely, signed by a State of Maine inspection mechanic and given to the Chief of Police for approval before license will be granted.

Date: 3/21/17

UNIT/CAB # 2

REGISTRATION # 9789 SERIAL # 1G4HP52K35U107369 MOTOR # \_\_\_\_\_

MAKE: Buick YEAR: 2005 TYPE: Lesabre BODY: 4DR

COLOR: Blue H.P.: \_\_\_\_\_ CAPACITY: \_\_\_\_\_

LIGHTS, CONDITION: good

BRAKES, FOOT good 2 WHEEL: \_\_\_\_\_ 4 WHEEL: \_\_\_\_\_

CONDITION: \_\_\_\_\_

BRAKES, HAND, CONDITION: good

STEERING GEAR, CONDITION: good

MIRRORS: good WINDSHIELD WIPERS: good

HORN OR SIGNAL DEVICE: good

REAR SIGNAL LIGHT OR DEVICE: good

IS THIS VEHICLE IN GOOD MECHANICAL CONDITION? yes

IS THIS VEHICLE IN SUCH MECHANICAL CONDITION AS TO GUARANTEE THE SAFE TRANSPORTATION OF PASSENGERS? yes

STATE INSPECTION STATION: Hwy 101 Caribou

BY: Art MacBride

APPROVED: \_\_\_\_\_ (PIPD initials) DATE: \_\_\_\_\_

CITY OF PRESQUE ISLE  
TAXI CAB SERVICE  
VEHICLE INFORMATION

The form below must be filed out completely, signed by a State of Maine inspection mechanic and given to the Chief of Police for approval before license will be granted.

UNIT/CAB # 4 Date: 3-19-14

REGISTRATION # TX9752 SERIAL # 1G4HP54K51U126934 MOTOR # \_\_\_\_\_

MAKE: Buick YEAR: 2001 TYPE: Leasbre BODY: 4DR

COLOR: White H.P.: \_\_\_\_\_ CAPACITY: 6

LIGHTS, CONDITION: Good

BRAKES, FOOT Good 2 WHEEL:  4 WHEEL:

CONDITION: Good

BRAKES, HAND, CONDITION: Good

STEERING GEAR, CONDITION: Good

MIRRORS: Yes WINDSHIELD WIPERS: Yes

HORN OR SIGNAL DEVICE: Yes

REAR SIGNAL LIGHT OR DEVICE: Yes

IS THIS VEHICLE IN GOOD MECHANICAL CONDITION? Yes

IS THIS VEHICLE IN SUCH MECANICAL CONDITION AS TO GUARANTEE THE SAFE TRANSPORTATION OF PASSENGERS? Yes

STATE INSPECTION STATION: 715-A Gery's Auto Repair

BY: [Signature]

APPROVED: \_\_\_\_\_ (PIPD initials) DATE: \_\_\_\_\_

CITY OF PRESQUE ISLE  
TAXI CAB SERVICE  
VEHICLE INFORMATION

The form below must be filed out completely, signed by a State of Maine inspection mechanic and given to the Chief of Police for approval before license will be granted.

UNIT/CAB # 11

Date: 3/18/14

REGISTRATION # TX9769 SERIAL # 1G4HP52K24U162565 MOTOR # \_\_\_\_\_

MAKE: Buick YEAR: 2004 TYPE: Leisure BODY: 4DR

COLOR: White H.P.: \_\_\_\_\_ CAPACITY: 6

LIGHTS, CONDITION: good

BRAKES, FOOT good 2 WHEEL: \_\_\_\_\_ 4 WHEEL: \_\_\_\_\_

CONDITION: \_\_\_\_\_

BRAKES, HAND, CONDITION: good

STEERING GEAR, CONDITION: good

MIRRORS: good WINDSHIELD WIPERS: good

HORN OR SIGNAL DEVICE: good

REAR SIGNAL LIGHT OR DEVICE: good

IS THIS VEHICLE IN GOOD MECHANICAL CONDITION? yes

IS THIS VEHICLE IN SUCH MECHANICAL CONDITION AS TO GUARANTEE THE SAFE TRANSPORTATION OF PASSENGERS? yes

STATE INSPECTION STATION: Hogart Ave

BY: [Signature] [Signature] Bob MacBain

APPROVED: \_\_\_\_\_ (PIPD initials) DATE: \_\_\_\_\_

Daniel Shorey 2012

Dauri Raymond 2012

Leroy Murphy 2012 - AUGUST

Stanley Sarmiento 2012 - HEART ATTACK 03.24.2014  
BE IN LATER

Daniel Carroll 2013

Wathana Loughlin 2013

# PRESQUE ISLE CITY COUNCIL

MEETING OF April 7, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 97

**SUBJECT:**

**NEW BUSINESS** – Pool Room License for Xian Ping Cao d/b/a My Tai, Inc

**INFORMATION:**

**INCLUDED IS:**

--- Application

**APPROVAL AND/OR COMMENTS OF CITY MANAGER:**

Passage is recommended

**REQUESTED ACTION:**

ES

RS

MC

RE

CG

PH

BS

**BE IT RESOLVED** by Councilor \_\_\_\_\_, seconded by Councilor \_\_\_\_\_ to approve a Pool Room License to Xian Ping Cao d/b/a My Tai, Inc.



**CITY OF PRESQUE ISLE**  
**POOLROOM License Application**  
Per Maine Statute Title #8, Chapter 1 §2

NEW LICENSE

RENEWAL OF LICENSE

EXPIRATION DATE: MAY 1<sup>st</sup> of EACH YEAR  
FEE: \$20.00 - FLAT FEE PER YEAR

NAME OF APPLICANT: Xian Ping Cao

NAME UNDER WHICH BUSINESS WILL BE OPERATED: \_\_\_\_\_

My Tai

TELEPHONE#: 764-4426

LOCATED AT: 449 Main Street

DAYS OF OPERATION: Sunday through Saturday

HOURS OF OPERATION: Sun. 11:00am - 10:00pm Mon 11 AM - 11:00 pm  
Tues + Wed 11:00am - midnight Thurs, Fri, Sat 11:00am - 1:00 a.m.

NUMBER OF TABLES: \_\_\_\_\_

1 pool table

Dated this 1 day of April, 2014

Cao Xian Ping

Applicant's Signature

Address: 449 Main St.

Presque Isle, ME

04769

# PRESQUE ISLE CITY COUNCIL

MEETING OF April 7, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 98

**SUBJECT:**

**NEW BUSINESS** – Bowling Alley License for Northern Lanes, Inc

**INFORMATION:**

**INCLUDED IS:**

--- Application

**APPROVAL AND/OR COMMENTS OF CITY MANAGER:**

Passage is recommended

**REQUESTED ACTION:**

ES

RS

MC

RE

CG

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BS

**BE IT RESOLVED** by Councilor \_\_\_\_\_, seconded by Councilor \_\_\_\_\_  
to approve a Bowling Alley License to Northern Lanes, Inc.



CITY OF PRESQUE ISLE  
BOWLING ALLEY Application  
Per Maine Statute Title 8, Chapter 8, §2

NEW LICENSE

RENEWAL OF LICENSE

EXPIRATION DATE: May 1<sup>st</sup> OF EACH YEAR

FEE: \$25.00 per year

NAME OF APPLICANT: Northern Lanes, Inc.

NAME UNDER WHICH BUSINESS WILL BE OPERATED: Same

TELEPHONE NUMBER OF BUSINESS: (207) 764-1532

LOCATED AT: 510 Main St., Presque Isle, ME 04769

HOURS OF OPERATION: Mon-Fri. 8am-12:00, 2:00p-10:00pm Sat. 9a-9p, Sun. 1:00p-8pm

NUMBER OF ALLEYS: 12

Dated this 13<sup>th</sup> day of March, 2014

Paul J. Anderson  
Applicant's Signature

Address: 510 Main St.

Presque Isle, ME 04769

# PRESQUE ISLE CITY COUNCIL

MEETING OF April 7, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 99

**SUBJECT:**

**NEW BUSINESS** – Appointment to Presque Isle Housing Authority Board of Commissioners

**INFORMATION:**

**INCLUDED IS:**

--- Application

**APPROVAL AND/OR COMMENTS OF CITY MANAGER:**

Passage is recommended

**REQUESTED ACTION:**

ES

RS

MC

RE

CG

PH

BS

**BE IT RESOLVED** by Councilor \_\_\_\_\_, seconded by Councilor \_\_\_\_\_ to appoint Marie E Faggiolo to the Presque Isle Housing Authority Board of Commissioners.

City of Presque Isle

Application for Appointment to City Board/Commission/Committee

Full Name: Marie E. Faggiolo

Street Address: 46(B) Howard Street P.I.

Mailing Address (if different):

Telephone Number: 760-0835 (daytime) (evening)

Email Address: mfaggiolo@yahoo.com

Length of time as a Resident: 6 months

I wish to be considered for appointment to the:

P.I. housing authority / Board of Comm. for Public Housing  
(Name of Board/Commission/Committee)

Check one or both: Full Membership Status Associate Membership Status

Educational Background:

H.S. graduate 1982 Newton H.S.  
C.N.A. course 1987

Employment History:

I worked as a C.N.A. for a few years before stopping to become a "full time mother" & caregiver to my family.

Community Service:

Late 90's I was on the board of M&M Ministries (supkitchen) I also cooked there for a while. I've also donated knit items to local charities

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

I feel that my ability to look out for others well being & their best interests, as well as my ability to get along well with many types of people is an asset to the commission.

Date: February 27, 2014

Signature: Marie Faggiolo

Please return form to: City Clerk's Office, 12 Second Street, Presque Isle, ME 04769

P: 207-760-2700 F: 207-764-2521

# PRESQUE ISLE CITY COUNCIL

MEETING OF April 7, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 100

**SUBJECT:**

**NEW BUSINESS** – Appointment to Zoning Board of Appeals

**INFORMATION:**

**INCLUDED IS:**

--- Application

**APPROVAL AND/OR COMMENTS OF CITY MANAGER:**

Passage is recommended

**REQUESTED ACTION:**

ES

RS

MC

RE

CG

PH

BS

**BE IT RESOLVED** by Councilor \_\_\_\_\_, seconded by Councilor \_\_\_\_\_ to appoint Peter Charette to the Zoning Board of Appeals to fill the unexpired term of Hank King, term to expire December 31, 2014.

**City of Presque Isle**

Application for Appointment to City Board/Commission/Committee

Full Name: Peter W. Churette

Street Address: 154 Perkins Rd.

Mailing Address (if different): P.O. Box 814

Telephone Number: (207)764-8578 (daytime) \_\_\_\_\_ (evening)

Email Address: frenchie@excite.com

Length of time as a Presque Isle Resident: 20+ yrs.

I wish to be considered for appointment to the:

Zoning Board  
(Name of Board/Commission/Committee)

Check one or both:  Full Membership Status  Associate Membership Status

Educational Background: Associates Degree in Computer Electronics

Employment History: McCain Foods 13+ yrs.

Community Service: \_\_\_\_\_

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

Date: 3-6-2014

Signature: 

Thank you for your interest in serving the City of Presque Isle.  
Please return form to: City Clerk's Office, 12 Second St., Presque Isle, ME 04769

# PRESQUE ISLE CITY COUNCIL

MEETING OF April 7, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 101

**SUBJECT:**

**NEW BUSINESS** – Land Transfer to City of 69 North Street and 59 Elm Street

**INFORMATION:**

**INCLUDED IS:**

--- Memo from Larry Clark dated April 2, 2014

**APPROVAL AND/OR COMMENTS OF CITY MANAGER:**

**REQUESTED ACTION:**

ES

RS

MC

RE

CG

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BS

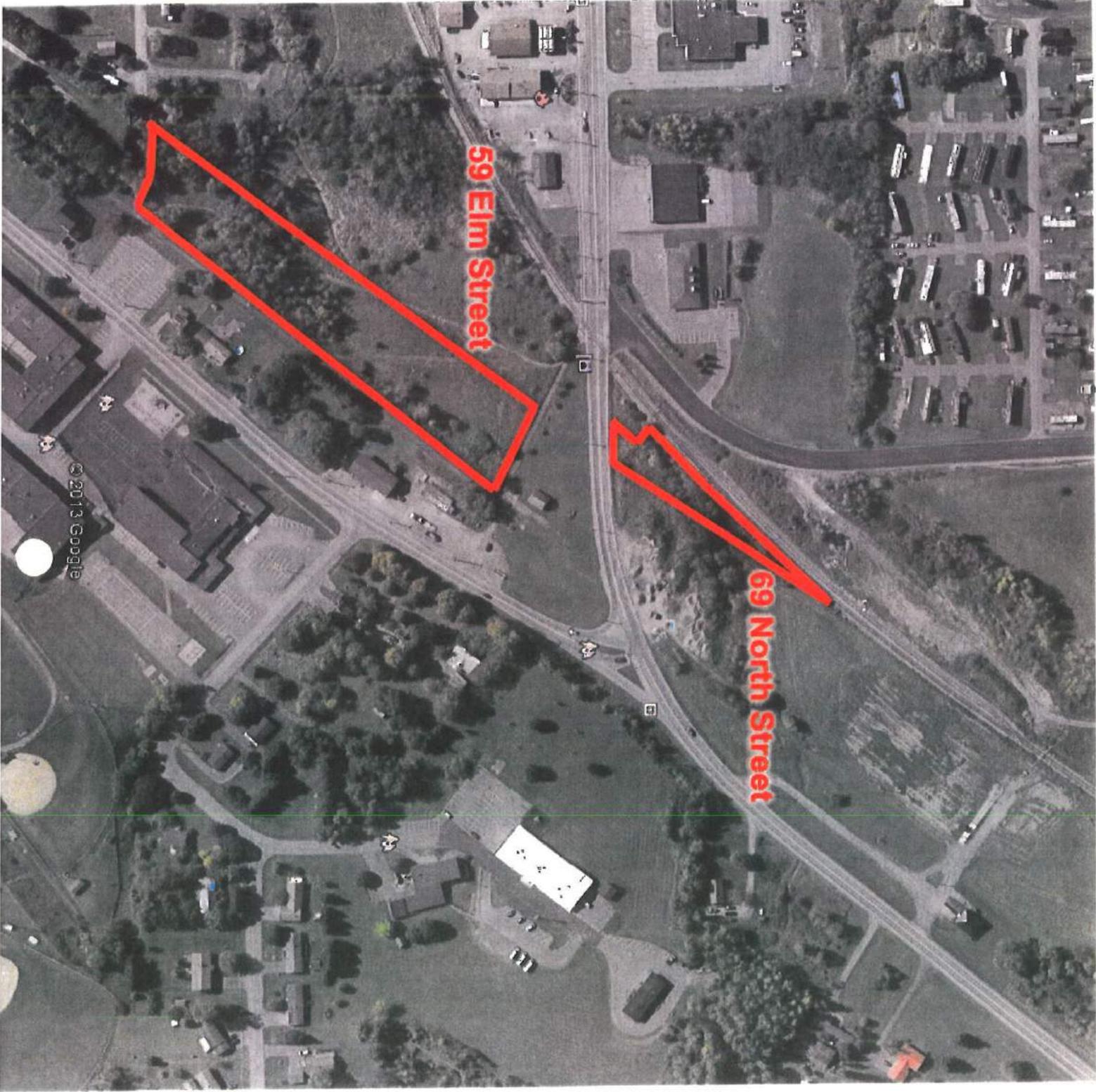
**BE IT RESOLVED** by Councilor \_\_\_\_\_, seconded by Councilor \_\_\_\_\_ to accept title to 59 Elm Street and 69 North Street, by Quitclaim Deed, subject to City Attorney being able to issue Title Insurance for each, in return for relieving Pension Guaranty Corporation for the 2013 and 2014 real estate taxes.

MEMORANDUM

**To:** City Council & James A. Bennett, City Manager  
**From:** Larry E. Clark, Executive Director *L.E.C.*  
**Date:** April 2, 2014  
**RE:** Land Transfer to City

Pension Guaranty Corporation, statutory trustee of the Pension II Trust of the Bangor & Aroostook Railroad Company has expressed an interest in deeding the property located at 59 Elm Street and 69 North Street to the City of Presque Isle. In return, the City would relieve Pension Guaranty Corporation of all past (2013) and present (2014) property taxes to the above referenced properties. The tax assessed value of 59 Elm Street is \$80,900 and taxes for 2013 were \$1,998.23. The tax assessed value of 69 North Street is \$45,600 and taxes for 2013 were \$1,126.32. The Elm Street property consists of 2.7 acres and is located adjacent to a portion of the City's Bike Path. The North Street property consists of 0.57 acres and is located adjacent to former BAR tracks – see attached aerial photo. I would anticipate the properties would be conveyed to the City by a Quitclaim Deed.

BE IT RESOLVED by \_\_\_\_\_ seconded by \_\_\_\_\_ the City accept title to 59 Elm Street and 69 North Street, by Quitclaim Deed, subject to City Attorney being able to issue Title Insurance for each, in return for relieving Pension Guaranty Corporation for the 2013 and 2014 real estate taxes.



59 Elm Street

69 North Street

© 2013 Google

# PRESQUE ISLE CITY COUNCIL

MEETING OF April 7, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 102

**SUBJECT:**

**NEW BUSINESS** – Authorize letter to MDOT regarding the State, Dyer, Parsons and Mechanic Streets intersection

**INFORMATION:**

**INCLUDED IS:**

---- Letter from James Bennett to MDOT

**APPROVAL AND/OR COMMENTS OF CITY MANAGER:**

Support of the letter is requested

**REQUESTED ACTION:**

ES	RS	MC	RE	CG	PH	BS	
----	----	----	----	----	----	----	--

**BE IT RESOLVED** by Councilor \_\_\_\_\_, seconded by Councilor \_\_\_\_\_ to authorize the City Manager to send the letter to Maine Department of Transportation as drafted.



# *City of Presque Isle, Maine*

The Office of  
City Manager

**James A. Bennett**

Email: [jbennett@presqueisleme.us](mailto:jbennett@presqueisleme.us)

April 8, 2014

MDOT

Attn: Robert Watson, Regional Director

PO Box 1178

Presque Isle, ME 04769

RE: Intersection of State, Dyer, Parsons, and Mechanic Streets

Dear Mr. Watson,

The Presque Isle City Council and Planning Board met on March 24, 2014, to discuss transportation issues in the community. This letter is written as a result of the direction of the two Boards and further, has been formally voted on by the City Council at their April 7 meeting. A significant part of the discussion includes the traffic movements on and across Route 1 which serves as our Main St. Not surprisingly, the impact of the long awaited construction of the first part of the by-pass was part of the discussion.

It has been the vision and plan of the City for many years to positively impact the amount of truck traffic that moves through the downtown in an east to west and west to east fashion. With the anticipated opening of the first section of the by-pass, the City intends to create a designated truck route for such traffic. The intention is to create the route from Mechanic Street along Parsons Street to Fort Road. Traffic will then use the constructed by-pass to the Conant Rd. This route will reduce the amount of left turning moments that are currently required by trucks in our downtown area.

One of the potential bottlenecks that will make the proposed truck route more difficult is the so-called five point intersection (State, Dyer, Parsons and Mechanic Streets). Therefore, the City is officially requesting that Maine Department of Transportation included the necessary funds in the upcoming budget year to conduct the studies necessary to improve this intersection to more effectively handle the proposed truck route. In addition, the City requests that the department include the funding necessary to improve the design of the intersection and fund those improvements.

The residents and business owners have waited for many decades for the promise of traffic relief in the downtown area via the construction of the by-pass. Given the numerous delays on the by-pass

*12 Second Street*

*Presque Isle, ME 04769-2459*

*Phone: 207.760.2700*

*Fax 207.764.2501*

*The City of Presque Isle is an equal opportunity provider. To file a complaint, write to  
Martin Puckett, Deputy City Manager, 12 Second Street Presque Isle, ME 04769, or call (207) 760-2700.*

project, the City is requesting that the department make this request a priority so further promised traffic relief in the downtown is not delayed.

Please feel free to contact me if you have any questions or concerns.

Sincerely,

James A. Bennett,  
City Manager

cc: Presque Isle City Council  
Presque Isle Planning Board  
Representative Alexandar Willette  
Representative Robert Saucier  
Senator Roger Sherman

DRAFT

# PRESQUE ISLE CITY COUNCIL

MEETING OF April 7, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 103

**SUBJECT:**

**NEW BUSINESS** – Authorize letter to MDOT regarding the intersection at Parsons and Main Streets and Fort Road

**INFORMATION:**

**INCLUDED IS:**

--- Letter from James Bennett to MDOT

**APPROVAL AND/OR COMMENTS OF CITY MANAGER:**

Support of the letter is requested

**REQUESTED ACTION:**

ES

RS

MC

RE

CG

PH

BS

**BE IT RESOLVED** by Councilor \_\_\_\_\_, seconded by Councilor \_\_\_\_\_ to authorize the City Manager to send the letter to Maine Department of Transportation as drafted.



# *City of Presque Isle, Maine*

The Office of  
City Manager

**James A. Bennett**

Email: [jbennett@presqueisleme.us](mailto:jbennett@presqueisleme.us)

April 8, 2014

MDOT

Attn: Robert Watson, Regional Director

PO Box 1178

Presque Isle, ME 04769

RE: Intersection of Parsons Street, Main Street and Fort Road

Dear Mr. Watson,

The Presque Isle City Council and Planning Board met on March 24, 2014, to discuss transportation issues in the community. This letter is written as a result of the direction of the two Boards and further, has been formally voted on by the City Council at their April 7 meeting. A significant part of the discussion includes the traffic movements on and across Route 1 which serves as our Main St. Not surprisingly, the impact of the long awaited construction of the first part of the by-pass was part of the discussion.

It has been the vision and plan of the City for many years to positively impact the amount of truck traffic that moves through the downtown in an east to west and west to east fashion. With the anticipated opening of the first section of the by-pass, the City intends to create a designated truck route for such traffic. The intention is to create the route from Mechanic Street along Parsons Street to Fort Road. Traffic will then use the constructed by-pass to the Conant Rd. This route will reduce the amount of left turning moments that are currently required by trucks in our downtown area.

One of the potential bottlenecks that will make the proposed truck route more difficult is the intersection of Parsons, Main and Fort Rd. Therefore, the City is officially requesting that Maine Department of Transportation include the funds necessary in the upcoming budget year to make the improvements to this intersection to more effectively handle the proposed truck route. A study done in April, 2011, indicated the improvements that were necessary.

The residents and business owners have waited many decades for the promise of traffic relief in the downtown area via the construction of the by-pass. Given the numerous delays on the by-pass

*12 Second Street*

*Presque Isle, ME 04769-2459*

*Phone: 207.760.2700*

*Fax 207.764.2501*

*The City of Presque Isle is an equal opportunity provider. To file a complaint, write to  
Martin Puckett, Deputy City Manager, 12 Second Street Presque Isle, ME 04769, or call (207) 760-2700.*

project, the City is requesting that the department make this request a priority so further promised traffic relief in the downtown is not delayed.

Please feel free to contact me if you have any questions or concerns.

Sincerely,

James A. Bennett,  
City Manager

cc: Presque Isle City Council  
Presque Isle Planning Board  
Representative Alexandar Willette  
Representative Robert Saucier  
Senator Roger Sherman

DRAFT

# PRESQUE ISLE CITY COUNCIL

MEETING OF April 7, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 104

**SUBJECT:**

**NEW BUSINESS** – Authorize the contract from Harriman Associates and the funding mechanism for the Community Center

**INFORMATION:**

**INCLUDED IS:**

- Memo from Chris Beaulieu dated April 3, 2014
- Resolve regarding funding
- Contract from Harriman dated April 2, 2014

**APPROVAL AND/OR COMMENTS OF CITY MANAGER:**

**REQUESTED ACTION:**

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**BE IT RESOLVED** by Councilor \_\_\_\_\_, seconded by Councilor \_\_\_\_\_ to authorize the City Manager to sign the contract from Harriman for architectural services as proposed and the funding mechanism to pay for the work.

**SEE SECOND PAGE REGARDING RESOLVES FOR FUNDING.**

**Be it ordered** by Councilor \_\_\_\_\_, seconded by Councilor \_\_\_\_\_, that under and pursuant to the provisions of the Charter of the City of Presque Isle, Maine, the City Manager is authorized to engage the services of a Harriman & Associates to provide:

• Community Center Schematic Design	\$ 18,000
• Community Design Development	158,465
• Construction Documents	
Pool & Bath House	<u>50,000</u>
Total	\$226,465

**Be it further ordered**, that, notwithstanding any provision of the City's Policy on Unassigned General Fund Balance to the contrary, a sum not to exceed **\$226,465** is hereby appropriated from the Unassigned General Fund Balance for the costs of the professional fees approved herein; and

**Be it further ordered**, that it is the intent of the City that the funds appropriated by this Order shall be restored to the Unassigned General Fund Balance from the proceeds of any bonds issued or grants received by the City for the construction of a new Community Center in the City.

**City of Presque Isle  
General Fund Unassigned Balance (surplus)  
Estimated for 2014**

Historically, the City has maintained a balance in Unassigned Fund Balance (Surplus) equal to 2 months (18%) of budgeted expenditures. In July 2009, the City adopted a Policy stating that this amount can be reduced to 12% if the balance in the Emergency Reserve is a minimum of 4% of budgeted expenditures.

<b>Emergency Reserve Balance et December 31, 2013</b>	<b>\$</b>	<b>1,868,512</b>
<b>4% of Budgeted Expenditures</b>	<b>\$</b>	<b><u>692,804</u></b>
<b>Calculation of 2014 Surplus Requirement et 12%</b>		
2014 Budgeted Expenditures		10,370,474
Add: SAD #		6,202,368
County Tax		613,702
TIF		<u>133,554</u>
<b>Total 2013 Budgeted Expenditures</b>		<b>17,320,098</b>
		12%
<b>MINIMUM SURPLUS REQUIREMENT PER POLICY</b>	<b>\$</b>	<b><u>2,078,412</u></b>
 General Fund Unassigned Fund Balance Estimated At December 31, 2013	 <b>\$</b>	 <b>1,744,975</b>
 Amount Assigned for Community Center Fund Raising Committee		 <b>122,486</b>
Amount Assigned for Community Center Design Services		<b>226,465</b>
Anticipated to be refunded from future bond proceeds.		
 General Fund Anticipated <i>Unassigned Fund Balance (Surplus)</i> at 04/01/2014	 <b>\$</b>	 <b><u>1,396,024</u></b>
 <b>Amount Below the Current Policy</b>	 <b>\$</b>	 <b><u>(882,388)</u></b>



Presque Isle Recreation & Parks  
270 Main Street  
Presque Isle, ME 04769  
207-764-2545  
www.pirec.org

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## MEMORANDUM

<b>TO:</b>	Honorable City Council
<b>FROM:</b>	Chris Beaulieu, Director of Recreation & Parks
<b>DATE:</b>	April 3, 2014
<b>RE:</b>	Architectural Planning for Community Center Project

At the last City Council meeting, the Council was informed that Mark Carter would be unable to continue as lead architect of the Community Center Project. As a result, Mark recommended Harriman Associates to assume that role. You the Council then directed City Manager Jim Bennett and staff to work with Harriman in developing a strategy that would get this project to the 35% level.

Jim and I have since met with staff from Harriman and believe their firm's experience and resources will in fact make their firm an excellent choice moving forward. To get the project to the 35% level, City staff and Harriman have developed a plan. This plan would include the completion of schematic design and design development for the project. This essentially means the architectural planning would be completed just shy of construction documents. After which, the City can then initiate the next step in preparing construction documents and putting the project out to bid.

Staff and I are recommending the City enter into an agreement with Harriman for architectural services as detailed in the attached document provided.

### RECOMMENDED MOTION:

Be It Resolved by \_\_\_\_\_ seconded by \_\_\_\_\_ to  
authorize the City Manager to enter the City into an agreement with Harriman for architectural  
services as proposed.

Attachment: Harriman Proposal

cc: James Bennett, City Manager  
Beverly Labbe, City Clerk  
Judy Dionne, Executive Assistant to the City Manager  
Kevin Sipe, Recreation & Parks Advisory Board Chairman



April 2, 2014

Mr. James A. Bennett [jbennett@presqueisleme.us](mailto:jbennett@presqueisleme.us)  
City Manager  
City of Presque Isle  
12 Second Street  
Presque Isle, ME 04769

Re: City of Presque Isle  
Community Center  
Presque Isle, ME  
No. 14342  
Proposal

Dear Jim:

It was a pleasure to meet with you, Chris Beaulieu, and Mark Carter to discuss the Presque Isle Community Center. We are very excited about the project and look forward to working with you and the City of Presque Isle. We understand that the drawings provided to us by Mark Carter are complete through schematic design and it is our goal to provide you with a smooth transition from North Peak Architecture to Harriman. To that end, Harriman suggests the following scope of work in order to develop the design to a 35% or Design Development level of documentation.

#### **SCOPE OF WORK**

Harriman proposes to provide full Design Development Services (35%) for the community center and sports field portions of the project.

For the pool, splash pad and bath house we suggest that we begin with Schematic Design and work with you and our pool consultant to develop the program and functional requirements of the pool. Once that scope is established our services will continue through Design Development.

Permitting is currently excluded from the scope of work until we have a more comprehensive understanding of the project goals and objectives.

A summary of the scope of each phase is described below:

#### Schematic Design Phase (pool only)

Harriman and the pool consultant will work with the City of Presque Isle to determine the program requirements of the pool and to establish a construction budget as well as schedule for the pool, splash pad and bath house facility.

A written program will be prepared for review and the architecture, engineering and pool design will be developed to reflect the design direction established from the program.

46 HARRIMAN DRIVE  
AUBURN, ME 04210  
207.784.5100

123 MIDDLE STREET  
PORTLAND, ME 04101  
207.775.0053

ONE PERIMETER ROAD  
MANCHESTER, NH 03103  
603.626.1242

[www.harriman.com](http://www.harriman.com)



Mr. James A. Bennett  
April 2, 2014  
Page 2 of 3

#### Design Development Phase

Floor plans, exterior and interior elevations, reflected ceiling plans, sections, finish and door schedules and typical details will be developed in this phase. Regular review meetings will be held with key staff members to gain approval of the design direction and to verify that all design concerns have been considered. Harriman will also provide an updated cost estimate to verify that the design is in alignment with the project budget.

Building systems will be developed, including one-line drawings and outline specifications of the structural, plumbing, fire protection, mechanical, and electrical systems. Conversations with the Fire Chief and Code Enforcement Officer as well as the State Fire Marshal's office will begin in this phase to allow their concerns to be incorporated.

Work products in this phase will include:

- Floor plans, building sections, finishes, doors, typical details
- Exterior elevations and materials will be developed and finalized
- Interior elevations and material will be developed
- Millwork drawings will be developed
- Diagrammatic plans of building engineering systems
- Summary technical specifications
- Cost estimate

#### **SCHEDULE**

Harriman is ready to begin work immediately and proposes to provide the scope of services described above as follows:

Schematic Design (pool only)	May 1, 2014
Design Development	September 1, 2014

#### **BUDGET**

Harriman will work with the City of Presque Isle to develop a comprehensive budget for the project with a scope that meets your cost expectations.

#### **FEE**

Harriman proposes to provide the services for a lump sum fee of \$159,500 which will be allocated as indicated below:

	Community Center and Site	Sports Fields	Pool, Splash Pad and Bath House
Schematic Design			18,000
Design Development	105,000	11,500	25,000
<b>Total Fee</b>	<b>105,000</b>	<b>11,500</b>	<b>43,000</b>



Mr. James A. Bennett  
April 2, 2014  
Page 3 of 3

Should you wish to continue with the Construction Documents for the pool we propose to provide that service for a lump sum fee of \$50,000.

In addition to the fees described above we suggest that you carry approximately \$2,000 for reimbursable expenses.

Any services beyond those described above, and with prior authorization, will be invoiced at our attached standard hourly rates. If you find this proposal and the attached Terms and Conditions satisfactory and acceptable, please sign and return to my attention.

Thank you very much for the opportunity to submit this proposal and we look forward to working with you and the City of Presque Isle on this very exciting project. If you have any questions please give me a call.

Sincerely,

Harriman

Judy L. Johnson, AIA, LEED AP BD+C

Principal, Architect

[jjohnson@harriman.com](mailto:jjohnson@harriman.com)

Accepted by:

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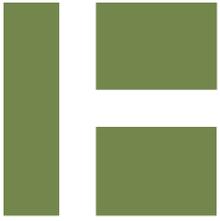
Mr. James A. Bennett, City of Presque Isle

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Date

raf

Enclosures: Hourly Rates  
Terms and Conditions



HARRIMAN

**HOURLY RATES**

**2014**

Principal	\$165
Sr. Manager	\$145
Sr. Project Manager/Sr. Architect/ Sr. Engineer/Sr. Landscape Architect/ Sr. Interior Designer	\$130
Architect/Engineer/Project Manager/ Interior Designer/Sr. Designer	\$105
Designer/Construction Administrator/ Estimator/Commissioning Agent/ Testing and Balancing Technician	\$90
CADD Technician	\$75
Support Staff	\$60

46 HARRIMAN DRIVE  
AUBURN, ME 04210  
207.784.5100

123 MIDDLE STREET  
PORTLAND, ME 04101  
207.775.0053

ONE PERIMETER ROAD  
MANCHESTER, NH 03103  
603.626.1242

[www.harriman.com](http://www.harriman.com)

## TERMS AND CONDITIONS

Work performed by Harriman will be conducted in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing under similar conditions. No warranty, express or implied is made.

### INVOICES, TERMS, AND CHARGES

Harriman will submit invoices to the client on a monthly basis. Billing will usually occur at the end of each month. Payment on each invoice is due 30 days net from the posted date of invoice. Failure to pay invoices within the allotted time will constitute a breach of contract and will result in suspension of work by Harriman until all overdue payments are made in full. A service fee of 1-1/2% of the overdue balance will be charged monthly on all accounts not paid within 30 days of the date of invoice. If a suit is filed, attorney's fees, and other costs incurred in collecting any delinquent account, shall be paid by the client in any judgment in favor of Harriman.

Charges for professional, technical, and administrative personnel are computed by multiplying the hours of labor by the latest personnel rates.

Company and personal vehicles used in conjunction with project work in 2013 will be charged at \$0.56.5 per mile. Vehicle rental or special vehicle requirements will be charged directly to the client. Reimbursable project-related expenses are billed at cost +10%.

### CLAIMS FOR CONSEQUENTIAL DAMAGES

The architect and the owner waive consequential damages for claims, disputes or other matters in question arising out of or relating to this Agreement. This mutual waiving is applicable, without limitations, to all consequential damages due to either party's termination.

### OWNERSHIP OF DOCUMENTS

With the exception of the reports supplied to the client as a deliverable, all other documents prepared by Harriman shall remain the property of Harriman as instruments of service. The client agrees that all reports and other work furnished to the client or his agents, that is not paid for, will be returned upon demand and will not be used by the client for any purpose whatever.

### ELECTRONIC FILES

In accepting and utilizing any drawings, reports and data on any form of electronic media generated and furnished by Harriman, the client agrees that all such electronic files are instruments of service of Harriman. The client agrees not to reuse these electronic files, in whole or in part, for any purpose other than for the project. The client further agrees to waive all claims against Harriman resulting in any way from any unauthorized changes to or reuse of the electronic files for any other project by anyone other than Harriman. In no event will Harriman be liable for indirect or consequential damages as a result of the client's use or reuse of the electronic files.

### THIRD PARTY EXCLUSION

This agreement does not create any right or benefits for parties other than Harriman and the client.

### THIRD PARTY RELIANCE

This agreement does not allow any party other than the client to rely on reports or other work furnished to the client without the express permission of Harriman.

### DISPUTES

In the event that the client makes a claim or brings action against Harriman for any act arising out of the performance of Harriman work, and fails to prove such a claim or action, then the client will pay all legal and other costs incurred by Harriman in defense of such claim or action.

### INDEMNIFICATION

In connection with the services performed by Harriman and its officers, agents, and employees, the client agrees to indemnify and hold harmless Harriman, its officers, agents, and employees, against any and all claims, liability, injury, loss, or damage, and any expense arising therefrom, including loss or damage, and expense arising therefrom, including costs and attorney's fees, except for those claims, injuries, and damages arising out of negligent or willful misconduct of Harriman or its officers, agents and employees acting within the scope of their employment.

### LIMITATION OF LIABILITY

The client agrees to limit Harriman liability to the client on the project arising from Harriman professional acts, errors, or omissions, such that the total aggregate liability of Harriman to all those named shall not exceed Harriman total fee for services rendered on the project.

### INSURANCE

Harriman represents and warrants that it is protected by Workmen's Compensation insurance. Harriman shall not be responsible for any loss, damage, or liability arising from any acts by client, its agents, staff, and other consultants employed by it.

### TERMINATION

This agreement may be terminated by either party upon seven (7) days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof. In the event of termination, Harriman shall be paid for services performed to the termination notice date, plus reasonable termination expenses.

### MISCELLANEOUS

This agreement shall be governed and construed in accordance with the laws of the States of Maine and New Hampshire.

# PRESQUE ISLE CITY COUNCIL

MEETING OF April 7, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 105

**SUBJECT:**

**NEW BUSINESS** – Authorize demolition of indoor pool

**INFORMATION:**

**INCLUDED IS:**

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**APPROVAL AND/OR COMMENTS OF CITY MANAGER:**

Bids will be opened on Friday, April 4<sup>th</sup>.

**REQUESTED ACTION:**

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# PRESQUE ISLE CITY COUNCIL

MEETING OF April 7, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 106

**SUBJECT:**

**NEW BUSINESS** – Building Committee for Community Center

**INFORMATION:**

**INCLUDED IS:**

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**APPROVAL AND/OR COMMENTS OF CITY MANAGER:**

**REQUESTED ACTION:**

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# PRESQUE ISLE CITY COUNCIL

MEETING OF April 7, 2014

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 107**

**SUBJECT:**

**NEW BUSINESS** – Discuss winter sidewalk maintenance in the downtown

**INFORMATION:**

**INCLUDED IS:**

- Memo from James Bennett dated April 1, 2014
- Chapter 24 – Sidewalk Snow Removal Ordinance

**APPROVAL AND/OR COMMENTS OF CITY MANAGER:**

**REQUESTED ACTION:**

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# City of Presque Isle, Maine

The Office of  
City Manager

**James A. Bennett**

Email: [jbennett@presqueisle.me.us](mailto:jbennett@presqueisle.me.us)

## MEMORANDUM

<b>TO:</b>	<b>Honorable City Council</b>
<b>FROM:</b>	James A. Bennett, City Manager
<b>DATE:</b>	April 1, 2014
<b>RE:</b>	<b>Downtown Sidewalk Winter Maintenance</b>

Historically Maine communities have approached winter maintenance on downtown sidewalks in one of three major approaches. Those approaches are;

- the municipality provides the service as part of the core services that are budgeted for and paid for by the operating budget
- regulated that sidewalks must be maintained by the abutters through ordinances (city's current practice), or
- created a 'special' district' in order to collect the funding for the service.

Each of these three approaches has their collective advantages and disadvantages. They also have varying policy arguments that can be made for each of them. This memo is intended to briefly capture each of the points as background information for your meeting Monday evening.

It is Staff's thought that on Monday evening, members of the Council can express their thoughts regarding the approaches. Given the discussion, staff can outline a process that will contemplate any changes that appear to be desired in order to implement prior to next winter (assuming that this winter will actual conclude!). We would suggest that the implementation process would include asking the opinion of the Downtown Revitalization Committee and an opportunity for the general public to offer their opinion as well.

### Municipality provides services:

Most urban communities in Maine have some sort of mechanical sidewalk device to remove snow. Generally, sidewalk snow removal is considered a secondary function. Often, the actual plowing occurs after the completion of the storm with sidewalk clearing on the next day after the crews have rested from plowing. Mechanical maintenance of sidewalks usually does not completely remove the snow and ice. While acceptable for most able adults, those with challenges do not find the level of service acceptable and will often not venture on the sidewalk.

This approach is expected to be the most common in Maine. The ability to implement without significant public issues (in comparison with the other two) is probably the most significant reason for its popularity.

12 Second Street  
207.764.2501

Presque Isle, ME 04769-2459

Phone: 207.760.2700

Fax

*The City of Presque Isle is an equal opportunity provider. To file a complaint, write to  
Martin Puckett, Deputy City Manager, 12 Second Street Presque Isle, ME 04769, or call (207) 760-2700.*

### Regulating winter maintenance:

The City currently requires abutters to be responsible for winter operations. The City does do a run through with the sidewalk snow blower when they are handling other sidewalks in the community. Chapter 24 (copy is included) covers this. The ordinance mandates in a set area (downtown) that building/land owners and/or tenants in position are responsible to keep the sidewalks clear. Generally, this approach is effective for most areas. However, there usually are areas that do not receive the same attention as others. Vacant buildings, land that does not have buildings, residential properties and/or abandon properties are the usual suspects in terms on non-conforming compliance.

Compelling compliance is a function of enforcement. Most communities, including Presque Isle, takes a complaint driven approach to code enforcement. Without specific complaints, rarely does staff self initiate enforcement action. This is especially true on winter sidewalks. Even with aggressive enforcement, there will often be holes in the service because of disinterested parties.

### Special Districts

Few Maine communities have set up special purpose districts in the downtown area to pay for 'extra services' for the downtown area. The more famous of these districts is the Old Port district in Portland. Like any taxing district, a budget is prepared for expenditures and then allocated on a fair basis. To illustrate, to pay for sidewalk maintenance, a private contractor may be employed to cover the area in question. All costs associated would be divided by the total linear footage of sidewalk. Failure to pay would allow the community to utilize a process similar to tax lien processes.

Such districts include representation processes. In the above example, items such as the Old Port festival costs were rolled into the assessments as well as general marketing funds.

While some might argue this is the fairest way to obtain the results desired and maintain consistency, it is also the most controversial. In some communities, overzealous elected officials or appointed staff have become aggressive about shifting other costs out of the general budget and into the special purpose district. When pressures have arisen on the general operating budgets, avoidance of across the board tax increases have been replaced with increased rates in the special taxing district.

### Summary

Each of the three principle ways that communities deal with winter sidewalk maintenance have advantages and disadvantages. Each of them have strengths in terms of accomplishing the task at hand. They also have different policy ramifications.

On Monday night, the Council should provide feedback on which of the three ways it prefers to proceed with. If the decision is to continue with the current method, then a stepped up enforcement would be the vehicle that staff would use. A potential review of the existing ordinance and increasing the fines might also be an avenue to consider.

Finally, the Council may consider asking the opinion of the Downtown Revitalization Committee for their input.

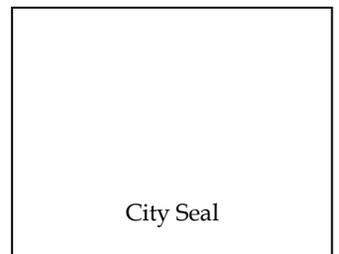
**CHAPTER 24**  
**CITY OF PRESQUE ISLE**

*Sidewalk Snow Removal  
Ordinance*



Adopted: December 15, 1997  
Repassed: March 19, 2001  
Repassed: February 23, 2005  
Repassed: February 2, 2009  
Repassed: January 7, 2013

Attest: \_\_\_\_\_  
Beverly A. Labbe, City Clerk



## CHAPTER 24

### SIDEWALK SNOW REMOVAL ORDINANCE

#### Section 1 Sidewalks/Walkways

In the City of Presque Isle, the abutting owners, or tenants in control in the areas designated on the following named streets, alleyways, or walkways, shall within twelve (12) hours of daylight after the same shall cease to fall or be formed and with reasonable diligence at all other times, keep the sidewalks and/or walkways abutting their respective places cleared of snow and/or ice, so that such sidewalks and/or walkways may be safely used by pedestrian traffic:

- ❖ Main Street – From north side of Howard Street to south side of Blake Street
- ❖ State Street – From west side of Second Street to B & A Railroad crossing
- ❖ West side of Second Street – From north side of State Street to south side of Church Street
- ❖ South side of Hall Street
- ❖ South side of Church Street – From Main Street to Second Street
- ❖ North side of Academy Street – From Main Street to a point which is 120' westerly from the westerly side of Second Street
- ❖ Chapman Street – From Main Street to the first B & A Railroad crossing
- ❖ The following alleyways, walkways, and/or sidewalks outlined on the attached map, denoted as “Exhibit A” and made a part of this Ordinance.

#### Section 2 Penalty

Any abutting owner or tenant in control failing to comply with this Ordinance shall be subject to a fine of not less than thirty-five dollars (\$35.00) nor more than one hundred dollars (\$100.00) for each offense. Said fine to enure to the benefit of the City.

#### Section 3 Sunset Provision

This Ordinance shall be in force for the term of four (4) years from its effective date. This Ordinance shall become null and void upon the expiration of four (4) years from said effective date, unless recommended and required by the City Council to remain effective prior to such expiration date.

# PRESQUE ISLE CITY COUNCIL

MEETING OF April 7, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO.

**SUBJECT:**

**EXECUTIVE SESSION** – Pursuant to 1 M.R.S.A. Section 405 (6) (C) to discuss a real estate matter

**INFORMATION:**

**INCLUDED IS:**

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**APPROVAL AND/OR COMMENTS OF CITY MANAGER:**

**REQUESTED ACTION:**

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**BE IT RESOLVED** by Councilor \_\_\_\_\_, seconded by Councilor \_\_\_\_\_ to enter into Executive Session pursuant to 1 M.R.S.A. Section 405 (6) (C) to discuss a real estate matter.

## **PRESQUE ISLE CITY COUNCIL ANNOUNCEMENTS**

**MONDAY, April 7, 2014**

- If you would like information regarding City meetings, please check the City's website at [www.presqueislemaine.gov](http://www.presqueislemaine.gov) under the City Events Calendar tab or Channel 16
- The next regularly scheduled meeting of the Presque Isle City Council is on Monday, May 5, 2014, at 6:00 PM in the Council Chambers at City Hall.
- Questions regarding City Council meetings may be directed to Judy Dionne at 760-2785 or [jdionne@presqueisleme.us](mailto:jdionne@presqueisleme.us). Most city council meetings are broadcast live via Time Warner Channel 16.
- All City Council Agenda information is posted on the City's website at [www.presqueislemaine.gov](http://www.presqueislemaine.gov) on the Friday before the scheduled meeting.