

Portland Properties
42 Market St.
Portland, ME 04101
207.774.1100

April 1, 2011

17 Elm Street, Portland, ME 04101

Exchange LLC
P.O. Box 4894
Portland, ME 04112

Re: Market Street Alley Maintenance – Violation Notice

Dear Sir/Madam:

Pursuant to a “Protective Covenant and Maintenance Agreement” (“Agreement”) signed on March 10, 2004 and recorded with the Cumberland County Registry of Deeds in Book 21388, Page 41, please be advised you and/or your tenants, employees, invitees, and agents are in violation of said Agreement. Therefore, we request you take immediate action to comply with said Agreement and take appropriate steps to ensure future compliance by your tenants or other persons, irrespective of their residential or commercial use.

Supplementing the foregoing, Portland Properties (affiliate successor to ELC Management, Inc.) has witnessed and addressed numerous instances of trash, waste, and other refuse left in (1) uncovered receptacles, (2) on the ground, (3) against buildings other than those in which the trash was generated, (4) un-“broken down” cardboard, and (5) uncollected trash sitting for an unreasonable period of time. Upon investigation, these items are being generated by tenants or other users located in your properties.

Additionally, on behalf of 36 Market Street, Inc. and Ocean Associates, LLC, we request removal of refuse containers stored at the entrance of the alley between the properties located at 36 Market Street and 42 Market Street. While an accommodation had been offered to your tenants allowing the storage of closed receptacles in this area, that accommodation is rescinded and the Agreement requires “storage receptacle[s] be located against or as close as practical to the wall of the building in which the trash/garbage was generated.” Failure to comply with these requests may result in costs assessed against your properties, to include attorneys’ fees and interest, as well as appropriate reports made to competent authority, including the City of Portland Public Health Division.

Thank you for your attention to this matter. Should you have any questions, please contact me at:

Sincerely,



Ken Cianchette
Operations Manager

Notice:

All users that share use of this alleyway are hereby required to ensure that their removal containers (recycling, trash, compost, etc.) are placed next to the building they occupy pursuant to a shared maintenance agreement, and in no case further than 15 feet from their property in a manner which meets city code (e.g. closed containers).

Users are no longer permitted to move their containers to other properties, or block ingress/egress of other properties. Failure to do so will result in unlawful trespassing/illegal dumping.

Removal services are still permitted to access the alleyway through the gates located between 36 and 38 market street, however, it is the user's full responsibility to ensure that those containers are returned to original locations adjacent to their property, and not stored, either temporarily or permanently, outside of their areas.

Thank you in advance for your compliance.

Portland Properties

Dawn Shockley

From: Dawn Shockley
Sent: Monday, April 25, 2016 8:16 AM
To: 'plewis01022000@yahoo.com'
Subject: trash in alley
Attachments: IMG_0369.jpg; IMG_7783.jpeg

Importance: High

Hi PJ,
There is a lot of trash in the alley this morning. The seagulls got into it and it is all over the alley now. There are lots of cups from BGood, but honestly it could be anyone's trash. Can you please send someone to pick it up?
Thanks!

Dawn

Dawn Shockley
Property Manager
ELC, Inc.
42 Market Street
Portland, ME 04101-5022
Phone 207-774-1000
Fax 207-774-2946
dshockley@theregency.com

Dawn Shockley

From: Dawn Shockley
Sent: Monday, April 25, 2016 8:32 AM
To: 'plewis01022000@yahoo.com'
Subject: letters in the trash

Some of the trash was B Goods, and some are Sarah Duke (d/b/a Black Studio) 371 Fore St. Please speak to them about their trash. Thank you!

Dawn

Dawn Shockley
Property Manager
ELC, Inc.
42 Market Street
Portland, ME 04101-5022
Phone 207-774-1000
Fax 207-774-2946
dshockley@theregency.com



Dawn Shockley

From: Dawn Shockley
Sent: Friday, April 29, 2016 8:29 AM
To: 'plewis01022000@yahoo.com'
Subject: More trash in alley
Attachments: IMG_0381.jpg

Importance: High

Dawn

Dawn Shockley
Property Manager
Portland Properties
42 Market Street
Portland, ME 04101-5022
Phone 207-774-1000
Fax 207-774-2946
dshockley@portlandproperties.com

Dawn Shockley

From: Dawn Shockley
Sent: Tuesday, November 29, 2016 3:12 PM
To: 'patricia lewis'
Subject: residential trash

Can you speak to your tenants again about dumping trash in the back alley? Please have someone pick up the trash piles that are back there.

Thank you,

Dawn

Dawn Shockley
Property Manager
Portland Properties
42 Market Street
Portland, ME 04101-5022
Phone 207-774-1000
Fax 207-774-2946
dshockley@portlandproperties.com

Dawn Shockley

From: Dawn Shockley
Sent: Thursday, December 01, 2016 9:34 AM
To: Kenneth Cianchette; plewis01022000@yahoo.com
Subject: RE: debris back alley

Importance: High

Tracking:	Recipient	Read
	Kenneth Cianchette	Read: 12/1/2016 9:40 AM
	plewis01022000@yahoo.com	

PJ,
All this debris is still there. Please send someone over ASAP to clean the alley. This is a health violation and a safety issue and must be dealt with immediately!

From: Kenneth Cianchette
Sent: Wednesday, November 30, 2016 2:25 PM
To: plewis01022000@yahoo.com
Cc: Dawn Shockley
Subject: debris back alley
Importance: High

Good Afternoon PJ,

Some of your tenants appear to have piled trash in the back alley again in the alley of market st, including furniture this time. Please ensure that this is removed immediately and prevent this from happening again. This is a health and safety issue, as well as a traffic flow issue come the winter when we try to clean the back alley of snow.

Also, *please try to send someone to do rounds to check this out daily to ensure it stops happening.* I hate writing/calling you to inform you of this, as I believe you are not deliberately allowing it to happen, but it is a huge issue for us for it occurring. It is highly dangerous as well as I believe gas risers for your buildings are in that area. This practice needs to end immediately for good.

Regards,

Ken Cianchette

Portland Properties
42 Market St
Portland, ME 04101
t. (207) 774-1000
f. 774-2946
e. Kcianchette@portlandproperties.com

Dawn Shockley

From: Kenneth Cianchette
Sent: Monday, February 27, 2017 10:00 AM
To: plewis01022000@yahoo.com
Cc: Dawn Shockley
Subject: debris

Hello PJ,

We have severe trash in the back alley this morning. It is residential furniture remaining from last week, and trash that contains items that are labeled with Bull Feeneys and B. Good. Please send someone over to clear this up as soon as you can. Our tenant's delivery persons could not even get past it this morning until we cleared a path for them.

Thank you,

Ken Cianchette

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Portland, ME 04101
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f. 774-2946
e. Kcianchette@portlandproperties.com

Dawn Shockley

From: plewis01022000@yahoo.com
Sent: Monday, April 10, 2017 1:05 PM
To: Dawn Shockley
Subject: Re: Alley

Joe said its not from his tenants

On Apr 10, 2017, at 10:03 AM, Dawn Shockley <dshockley@portlandproperties.com> wrote:

Hi PJ,

Please send someone, or contact your tenants, to clean up the trash in the alley. There are several pieces of broken furniture that is not in bins. Many of the bins are not shut and the birds have got into the bags.

Please resolve this ASAP. If it is not taken care of we will have to have it cleaned at your expense.

Thank you for your attention to this matter.

Dawn

Dawn Shockley
Property Manager
Portland Properties
42 Market Street
Portland, ME 04101-5022
Phone 207-774-1000
Fax 207-774-2946
dshockley@portlandproperties.com

Dawn Shockley

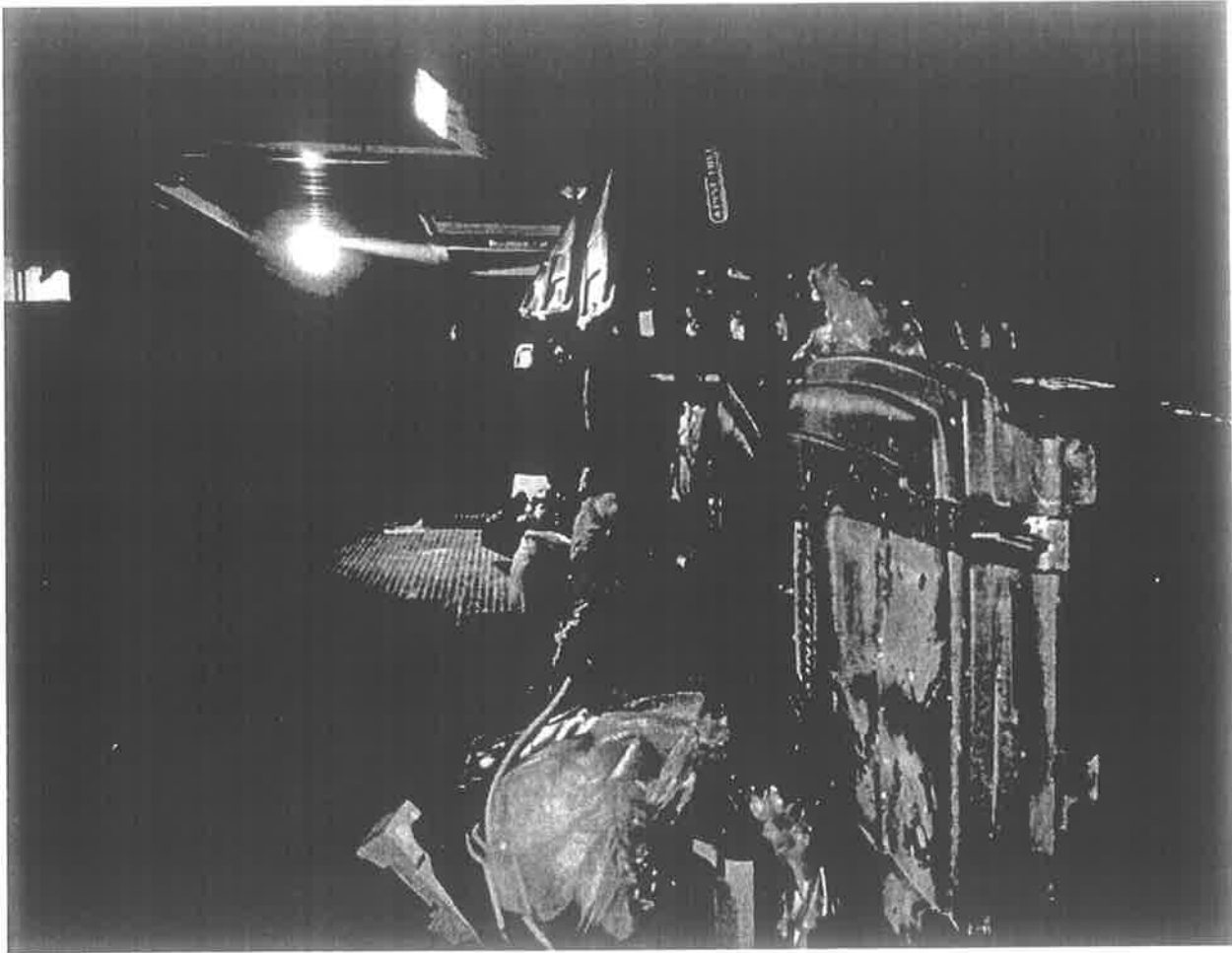
From: Dawn Lapointe <dawnlapointe@gmail.com>
Sent: Wednesday, April 19, 2017 9:40 AM
To: Dawn Shockley
Subject: 724AD6FB-A279-472F-B231-2701071E0285.JPG



Sent from my iPhone

Dawn Shockley

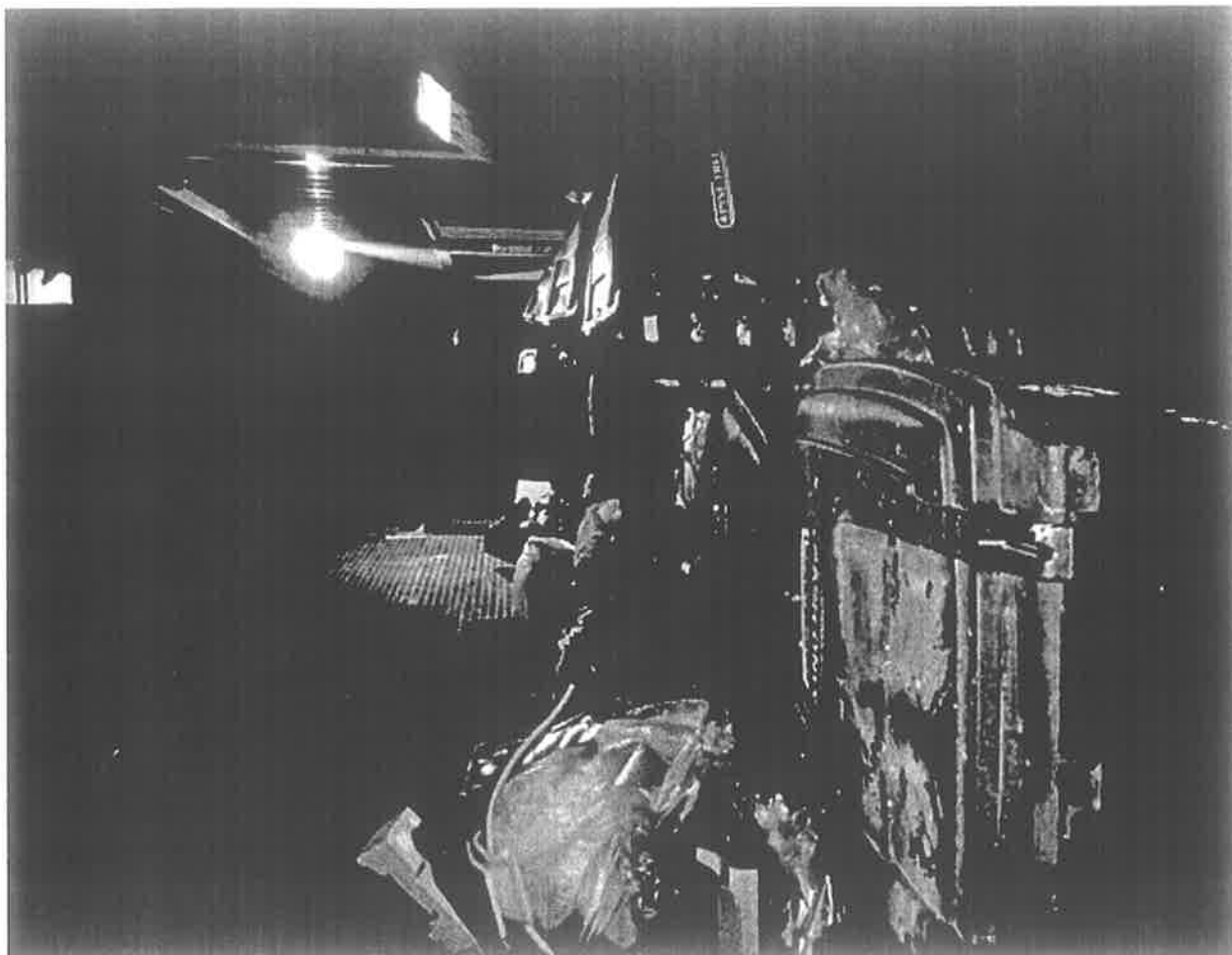
From: Dawn Lapointe <dawnlapointe@gmail.com>
Sent: Wednesday, April 19, 2017 9:41 AM
To: Dawn Shockley



Sent from my iPhone

Dawn Shockley

From: Dawn Lapointe <dawnlapointe@gmail.com>
Sent: Wednesday, April 19, 2017 9:41 AM
To: Dawn Shockley



Sent from my iPhone