



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov

Director of Planning and Urban Development
Jeff Levine, AICP, Director

SEPTEMBER 18, 2012

ELEVEN EXCHANGE LLC
PO BOX 4894
PORTLAND, ME 04112

CBL: 032 F014001
LOCATED AT 1 EXCHANGE ST

CERTIFIED MAIL: 70080500000145878355

Dear Mr. Joe Soley:

On September 13, 2012 the City conducted a 1:00 PM scheduled inspection of your property at 1 Exchange. Your property manager PJ, and Electrician agreed to be present for the inspection, and provide access to all portions of the building's basement.

By virtue of this letter and the violations listed below, the City is putting you on notice of existing Housing Code and Life Safety Code (Fire) Violations observed at 1 Exchange Street. These violations require immediate correction. They are as follows:

- 1) **Patch/ Repair:** Every foundation, basement, cellar, exterior wall, and roof shall be substantially weathertight, watertight, and vermin proof, in accordance with Section 6-108 (a).
 - a. All through-penetrations (openings in the basement ceiling), must be repaired with approved materials (Gypsum board, plaster, etc.) maintaining the required fire separations.
- 2) **Illumination:** Lighting within the basement must be functional, in accordance with Section 6-113 (e).
 - a. Note: If new wiring is installed, the City requires an electrical permit application to be submitted by a Master Electrician no later September 24, 2012.
 - b. The illumination of means of egress shall be continuous at all times during occupancy. Automatic, motion sensor-type lighting switches (set at a minimal of fifteen-minute duration) shall be permitted within the means of egress provided that the switch controllers are equipped for fail-safe operations.
- 3) **Pest Control:** The presence of rodent infestation is evident in the basement, a licensed Pest Control Operator must be retained to address this condition and a certification from such Operator needs to be submitted to the City.
 - a. Note: City Inspectors found at least three dead rodents and rodent feces throughout the basement.
- 4) **Garbage/ Improper Storage:** Garbage has been allowed to accumulate in the basement of 1 Exchange Street and throughout the rear of the property which needs to be removed, in accordance with Section 6-109 (d).
- 5) **Life Safety Code (Fire) Violations**
 - a. Exterior Windows/ Doors: The vines and other vegetation shall be removed from the exterior windows: vents, kitchen exhaust, and doors from the back exterior wall of 1 Exchange Street, in accordance with NFPA 1, 2009, Section 10.14.10 Exterior Vegetation.
 - b. See the attached notice of violation from Fire Prevention.
- 6) **Defective Sewer Lateral:** You must make satisfactory repairs and/or replacement of your failed sewer lateral, in accordance with Section 24-42 of the City Code.
 - a. See the attached final unappealed notice of violation from the Department of Public Services.

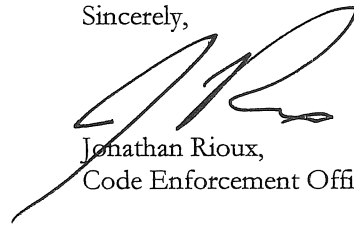
A re-inspection of the premises will occur on 09/28/2012 at which time compliance will be required.

Failure to comply with this notice will result in further enforcement action by the City of Portland Corporation Counsel, as provided for in § 1-15 of the Code and in Title 30-A of M.R.S.A § 4452. The above violations in paragraphs 1-5 may be appealed pursuant to §112 of the City of Portland Building Code.

The City is committed to maintaining safe buildings, quality neighborhoods and an excellent community environment. Our citizens expect us to do everything we can in this regard; we understand that this can only be achieved through the cooperation of everyone involved.

The City wants to work with you to bring this building into compliance with our minimal standard building and housing codes. We trust that your cooperation will be evident in your meeting the above time frames.

Sincerely,



Jonathan Rioux,
Code Enforcement Officer/ Plan Reviewer

cc: Michael Bobinsky, Director of Public Services
Chris Pirone, Captain/ Fire Prevention Officer
Harold L Downs, Senior Wastewater Technician
Chuck Fagone, Code Enforcement Officer
Michelle Sturgeon, Health Inspector



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Department of Public Services

Michael J. Bobinsky, Director

FINAL NOTICE

October 19, 2011

Joseph Soley
10 Exchange Street, LLC
PO Box 4894
Portland ME, 04112

RE: DEFECTIVE SEWER LATERAL 377 FORE STREET

Dear Mr. Soley,

On March 10, 2011, I hand delivered to you a Defective Lateral Notice and the City of Portland's Sewer Ordinance. At that time I informed you of the seriousness of 377 Fore Street's sewer lateral condition. As you may recall, you gave me a tour of the basement of 377 Fore Street and it was obvious at that time that the building's lateral was not working properly due to the ankle deep water on the basement's floor. I explained to you that the source of the depression in the sidewalk in front of 377 Fore Street is caused by the undermining of the compact soils from your failed sewer lateral installed in 1896. The hand delivered notice informed you of the condition of the building lateral and what your responsibilities were to correct the failed lateral. You were given 15 days to make the necessary repairs to correct the failed sewer lateral. During that 15-day period the City of Portland inspected the depression, televised the City's sewer main, and made temporary repairs to the depression in the sidewalk in front of 377 Fore St. To the best of my knowledge, you have not taken any action to repair the failed sewer lateral.

Please consider this your final notice to make satisfactory repairs or replacement of your failed sewer lateral in accordance with Section 24-42 of the Portland City Code. You have 15 days from the date of this notice to make said repairs or replacement. Should you fail to comply with this order, the City will repair the sewer lateral and will charge you for the cost of said repairs. The charges will be assessed by the City upon completion of the work and shall constitute a lien on the property to be enforced in the manner provided for the collection of sewer assessments.

Please feel free to contact me if you have any questions.

Sincerely
City of Portland

Harold L Downs

Harold L Downs
Senior Wastewater Technician

cc: Michael Bobinsky, Director of Public Services
Danielle West-Chuhta, Corporate Counsel
Mary Davis, Housing, and Community Services
Katherine Earley, Engineering Manager
Eric Labelle, Assistant Director – Operations
David Margolis-Pineo, Deputy City Engineer
John Emerson, Wastewater Coordinator
Bradley Roland, Project Engineer
Kevin Noyes, Construction Company
Gordon Greenlaw, Supervisor
James Sloan, Sewer Inspector
Carol Merritt, Account Clerk II



**City of Portland
Inspection Services
RETURN OF SERVICE**

On the 19th day of September, 2012, I made service of PJ Roberts (NOU)
at 389 Congress Street, Room 315.

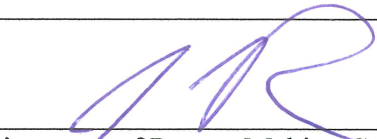
By delivering a copy in hand

By leaving copies at the individual's dwelling house or usual place of abode with a person of a suitable age or discretion who resides therein and whose is named _____.

By delivering a copy to an agent authorized to receive service of process, and whose name is _____.

By (describe other manner of service) _____

DATED 9/20/12


Signature of Person Making Service

Code Enforcement Officer/ Plan Reviewer
Title

I have received the above referenced documents


Person Receiving Service

Refused to Sign
 Unable to Sign



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Director of Planning and Urban Development
Jeff Levine, AICP, Director

SEPTEMBER 28, 2012

COPY

ELEVEN EXCHANGE LLC
PO BOX 4894
PORTLAND, ME 04112

CBL: 032 F014001
LOCATED AT 1 EXCHANGE ST

CERTIFIED MAIL: 70080500000145878355

SECOND NOTICE OF VIOLATION

Dear Mr. Joe Soley:

A re-evaluation (and phone conversation with P.J. Roberts, Property Manager) of the above-referenced property on September 28, 2012 revealed that the structure remains non-compliant with the Building, Life Safety (Fire), and Public Sewer Codes of the City of Portland.

These violations require immediate correction. They are as follows:

- 1) **Patch/ Repair:** Every foundation, basement, cellar, exterior wall, and roof shall be substantially weathertight, watertight, and vermin proof, in accordance with Section 6-108 (a).
 - a. All through-penetrations (openings in the basement ceiling), must be repaired with approved materials (Gypsum board, plaster, etc.) maintaining the required fire separations.
- 2) **Illumination:** Lighting within the basement must be functional, in accordance with Section 6-113 (e).
 - a. Note: If new wiring is installed, the City requires an electrical permit application to be submitted by a Master Electrician.
 - b. The illumination of means of egress shall be continuous at all times during occupancy. Automatic, motion sensor-type lighting switches (set at a minimal of fifteen-minute duration) shall be permitted within the means of egress provided that the switch controllers are equipped for fail-safe operations.
- 3) **Pest Control:** The presence of rodent infestation is evident in the basement, a licensed Pest Control Operator must be retained to address this condition and a certification from such Operator needs to be submitted to the City.
 - a. Note: City Inspectors found at least three dead rodents and rodent feces throughout the basement.
- 4) **Garbage/ Improper Storage:** Garbage has been allowed to accumulate in the basement of 1 Exchange Street and throughout the rear of the property which needs to be removed, in accordance with Section 6-109 (d).

5) **Life Safety Code (Fire) Violations**

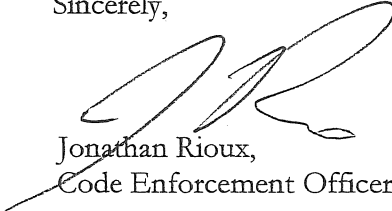
- a. Exterior Windows/ Doors: The vines and other vegetation shall be removed from the exterior windows: vents, kitchen exhaust, and doors from the back exterior wall of 1 Exchange Street, in accordance with NFPA 1, 2009, Section 10.14.10 Exterior Vegetation.
 - b. See the attached notice of violation from Fire Prevention.
- 6) **Defective Sewer Lateral**: You must make satisfactory repairs and/or replacement of your failed sewer lateral, in accordance with Section 24-42 of the City Code.
- a. See the attached final unappealed notice of violation from the Department of Public Services.

A re-evaluation will occur on October 4, 2012, at which time compliance will be required.

Failure to comply with this notice will result in further enforcement action by the City of Portland Corporation Counsel, as provided for in § 1-15 of the Code and in Title 30-A of M.R.S.A § 4452. Furthermore, the City Council has amended the Building regulations to include a \$75.00 re-inspection fee. Our files indicate that you owe \$275.00 in fees (see attached invoice). If there are any subsequent inspections, however, an additional \$75.00 fee will be assessed for each inspection.

The City is committed to maintaining safe buildings, quality neighborhoods and an excellent community environment. Our citizens expect us to do everything we can in this regard; we understand that this can only be achieved through the cooperation of everyone involved.

Sincerely,



Jonathan Rioux,
Code Enforcement Officer/ Plan Reviewer

cc: Danielle West-Chuhta, Acting Corporation Counsel
Michael Bobinsky, Director of Public Services
Chris Pirone, Captain/ Fire Prevention Officer
Harold L. Downs, Senior Wastewater Technician
Chuck Fagone, Code Enforcement Officer

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT
389 Congress Street
Portland, Maine 04101

INVOICE FOR FEES

Owner: ELEVEN EXCHANGE LLC
Location: 1 EXCHANGE ST
CBL: 032 F014001
Invoice Date: 09/28/2012

Fee Description	Fee Charge
09/28/2012 stop work order removal	\$100.00
09/28/2012 stop work order	\$100.00
09/28/2012 re inspection fee	\$75.00
Total Billed:	<u>\$275.00</u>
Total Paid:	\$0.00
Amount Due:	<u>\$275.00</u>

Program: FP322L
FIRE PREVENTION

Property address		Property name	Property number			
Inspection type	Date	Inspector	Reference	Target date	Actual date	
Seq.	Violation class	Violation type				
	Location(s)					
0001 EXCHANGE ST, PORTLAND ME 04101		CITY BEVERAGE	1439-000-002			
	CITY LICENSE INSPECTION	6/07/10 JOHN MARTELL, Fire HQ, Staff 10 hrs				
1	FIRE PROTECTION EQUIPMENT	SUPPRESSION SYSTEM NEEDS SERVICE		7/09/10	0/00/00	
	SPRINKLET SYSTEM NEEDS ANNUAL INSPECTIO					
2	ELECTRIC WIRING	EXT. CORD USED FOR PERMENANT WIRING		7/09/10	0/00/00	
	THROUGHOUT STORE					
3	ELECTRIC WIRING	CERTIFY ELECTRICAL SYSTEM		7/09/10	0/00/00	
	HAVE ELECTRICIAN INSPECT ALL WIRING; IN STORE AND CERTIFY					
4	FIRE EXTINGUISHERS	FIRE EXTINGUISHERS NEED ANNUAL SERV		7/09/10	0/00/00	
	EXTINGUISHERS NEED ANNUAL INSPC.					
	ROUTINE INSPECTION	9/13/12 JOHN JR CENATE, Munjoy Hill Station, Platoon 1				
1	FIRE PROTECTION EQUIPMENT	PROVIDE TEST & COMPLIANCE DOCUMENTA		9/13/12	0/00/00	
	SPRINKLER SYSYTEM					
2	HOUSE KEEPING	DEBRIS INSIDE BUILDING		10/23/12	0/00/00	
	BASEMENT AREA					
3	HOUSE KEEPING	UNNECESSARY DEBRIS OUTSIDE OF STRUC		10/23/12	0/00/00	
	BY BASEMENT DOOR					
4	HOUSE KEEPING	COMBUSTIBLES STORED UNDER STAIRWAY	1-4-1.2.1	10/23/12	0/00/00	
	UNDER FIRE ESCAPES					
5	ELECTRIC WIRING	OPEN ELECTRICAL JUNCTION BOX		10/23/12	0/00/00	
	BASEMENT					
6	MERCANTILE & BUSINESS	SMOKEPROOF ENCLOSURES		10/23/12	0/00/00	
	ALL WERTICAL OPENINGS IN THE BASEMENT					
7	LIFE SAFETY REQUIREMENTS	MAINTENANCE, INSPECTION, AND TESTIN	1-4.5.8	9/13/12	0/00/00	
	PLEASE SIGN THE SPRINKLER ROOM DOOR					

Violation Summary:

Open	Closed	Total
11	0	11

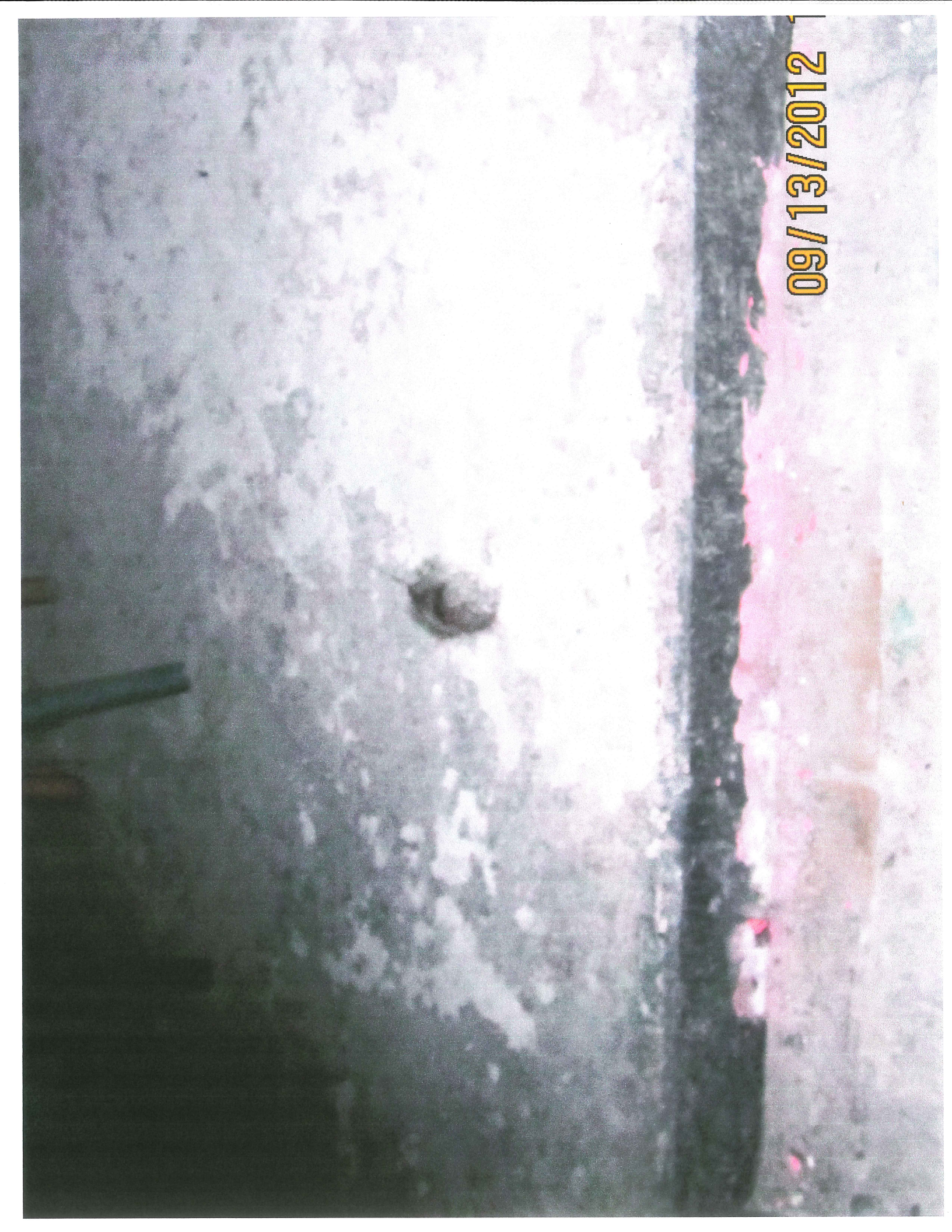
09/13/2012



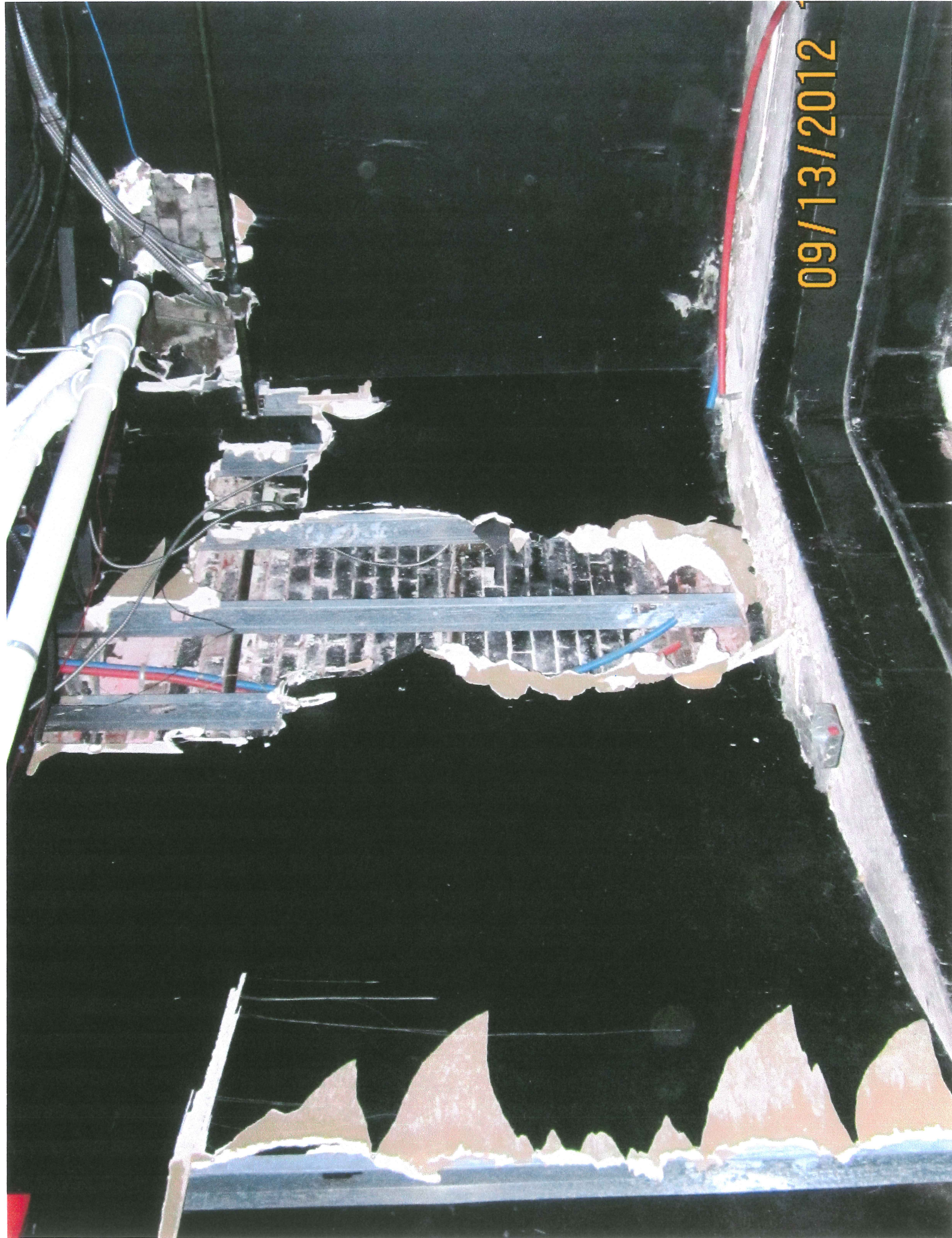
09/13/2012 1



09/13/2012



09/13/2012



Jonathan Rioux - Re: 377 Fore Street

From: Tammy Munson
To: Bradley Roland; Danielle West-Chuhta; Harold Downs; Jonathan Rioux; ...
Date: 9/14/2012 9:23 AM
Subject: Re: 377 Fore Street

Jon and Chuck were in the building. I have cc'd them on this email.

>>> Bradley Roland 9/14/2012 8:38 AM >>>

No we have not entered his building again and I doubt very much at this point he would allow us to.

And yes there was water on the floor when we inspected it as well.

He has a system of trays laying on the floor you can walk across to get to the utility room.

I can't find a picture but check with the building inspector that was with us - I can't remember his name - he took pictures as well.

I do not expect to be able to access the building when we replace the sewer lateral.

The question we are presented with is what size do we make the sewer lateral.

As the owner has connected the sewer of several adjacent buildings into a common sewer lateral, and even a private cath basin at the back of the buildings, we are struggling with whether we oversize the pipe.

We recognize he only has a 6-8 inch line for a sewer lateral. We entered the sewer with the push camera thru a 6 inch riser.

Once the sewer enters the street and turns into the brick trough is it larger.

If we undersize the pipe in the street he will blame us for any backups of course.

Once we open the street and measure the size of the trough we will likely install an equivalent sized pipe (even if the sewer can't get thru his lateral to it).

Brad

>>> Danielle West-Chuhta 9/13/2012 3:26 PM >>>

Brad/Harold:

Just a follow-up but it is my understanding that Building Inspections/Fire did an inspection of the property located at 1 Exchange Street and the basement (below the physic place) had some standing water, etc. - possibly from a sewer back-up. Have you guys looked at this again one recently?

Thanks a lot,

Danielle

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
Portland, Maine 04101

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Location: 1 EXCHANGE ST
CBL: 032 F014001
Invoice Date: 09/28/2012

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Director of Planning and Urban Development
Jeff Levine, AICP, Director

SEPTEMBER 28, 2012

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PO BOX 4894
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RECEIVED

OCT 29 2012

Dept. of Building Inspections
City of Portland Maine

5) **Life Safety Code (Fire) Violations**

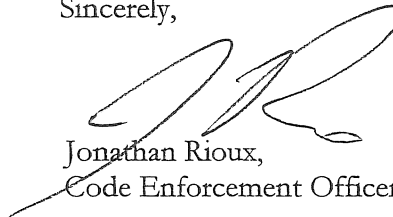
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Code Enforcement Officer/ Plan Reviewer

cc: Danielle West-Chuhta, Acting Corporation Counsel
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CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT
389 Congress Street
Portland, Maine 04101

INVOICE FOR FEES

Owner: ELEVEN EXCHANGE LLC
Location: 1 EXCHANGE ST
CBL: 032 F014001
Invoice Date: 09/28/2012

<u>Fee Description</u>	<u>Fee Charge</u>
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Total Billed:	<u>\$275.00</u>
Total Paid:	\$0.00
Amount Due:	<u>\$275.00</u>

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

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**ELEVEN EXCHANGE LLC
PO BOX 4894
PORTLAND ME 04112**

032 F014001

2. Article Number
(Transfer from service label)

PS Form 3811, February 2004

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X

Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

3. Service Type

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

4. Restricted Delivery? (Extra Fee) Yes

7008 0500 0001 4587 8355

Domestic Return Receipt

102595-02-M-1540

markable City,
munity for Life
LAND
LINE
Services Division
Street, RM 315
ne 04101-3509

CERTIFIED MAIL™

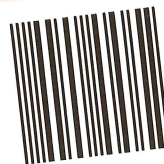


7008 0500 0001 4587 8355

 **UNCLAIMED**



1000



04112

U.S. POSTAGE
PAID
PORTLAND, ME
04101
OCT 01, 12
AMOUNT

\$5.75

00053806-20

NOTICE 10-2
NOTICE 10-13
10-23

**RETURN RECEIPT
REQUESTED**

0411284854 E210

