

CRITERIUM[®] **ENGINEERS**

COAST TO COAST ENGINEERING SERVICES, INC.
22 MONUMENT SQUARE
PORTLAND, ME 04101
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January 12, 2015

Jeanie Bourke
Code Enforcement Officer/Plan Reviewer
City of Portland
Inspections Division
389 Congress St., Room 315
Portland, ME 04101

RECEIVED
JAN 14 2015
Dept. of Building Inspections
City of Portland Maine

Dear Jeanie,

Enclosed is a letter I sent to the management company for the Public Market Garage on Cumberland Avenue (between Elm and Preble) at the beginning of December. To date, no action has been taken.

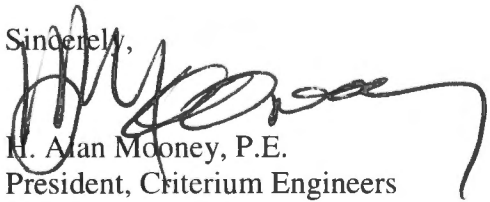
Dan McNutt called me right after he received the letter to say that they were going to be upgrading the lighting and it would soon be much better. He assured me that would happen in the "near future." I asked him to be more specific and he was not.

Most recently, the flood lights in the stairwell (photos 1 and 3) have not been used. While this eliminates the tripping and blinding hazard, it creates a completely unlighted stairwell between some floors of the garage. Again, in my opinion, this is seriously unsafe.

While it is not my intent to make matters difficult for Unified Parking Partners, as a licensed, Professional Engineer I simply cannot ignore this obviously unsafe condition. Promises have been made and this condition has existed for many months with no resolution. At this time of the year with short daylight hours, the risks related to this condition are particularly evident.

I trust you will be guided by the appropriate standards in determining what action to take.

Sincerely,


H. Alan Mooney, P.E.
President, Criterium Engineers

cc: Dan McNutt, Managing Partner, Unified Parking Partners
cc: Jerome F. LaMoria, City of Portland Fire Chief
cc: Bruce Wennerstrom, General Manager, The Westin Portland Harborview Hotel
cc: Steve Hewins, Executive Director, Portland's Downtown District



RECEIVED
JAN 14 2015
Dept. of Building Inspections
City of Portland, Maine

December 16, 2014

Mr. Dan McNutt
Managing Partner
Unified Parking Partners
496 Congress St.
Portland, ME 04101

VIA Certified and First Class Mail

RE: unsafe conditions at Public Market Garage

Dear Mr. McNutt,

I have been a parking tenant at the Public Market Garage on Cumberland Avenue for many years, since 1999. In the beginning, it was well managed by Boulos Property Management.

In recent years it has been poorly managed and, very recently, has been seriously neglected. The current condition is unsafe and hardly consistent with the "superior level of service we now provide" as claimed on your website.

While there are many issues related to maintenance including sealant failures, water leaks and walkway deterioration, my purpose in writing this letter is to inform you of two specific conditions related to safety and security.

First, at least 50% of the overhead lights throughout the garage are not functional. On some floors, there are virtually no lights operational. This is unsafe, especially in that part of the City. There are many standards related to proper lighting for garages and for safety. This include NFPA 101 (National Fire Protection Agency), the International Fire Code (IFC) and the Illuminating Engineers Society of North America (IESNA). The City of Portland has adopted most of these codes and is guided by all of them.

Second, the recent installation of some very bright lights in the stairwell/elevator lobby make walking through that area difficult. When going up the stairs, you are forced to look almost directly at one of those lights, which makes it difficult to see where you're going. Also (see photos), the cord for that light is a serious tripping hazard.

Both of these conditions put the owners and management of this garage at risk. If someone (including a Westin valet parking attendant) is hurt, vandalized, molested or assaulted in this garage, the owners and managers will be an easy target for a lawsuit. I

don't say this casually; as a licensed, Professional Engineer I have served as an expert in these types of situations.

I must also say that, as a licensed, Professional Engineer, I have a legal and ethical obligation to call attention to matters of public safety. While it is not my intent to deliberately make things difficult for the owners and managers of this garage, if I don't get a meaningful response to this letter by January 5, 2015, it will be necessary for me to notify the City authorities, including the fire marshal and the building inspection department about the unsafe conditions in this garage.

As a final note, I have called to talk about my concerns. I first tried the number posted in the garage, 699-2927, and encountered a hopeless phone message with no options to get to anyone unless I knew an extension. I then called the Westin (Nov 13, 2014) since I know they now do valet parking at the garage. After being handed off a few times there, I finally spoke to John Cooper. He assured me something would be done very soon and gave me his cell phone (266-5277) to call with any further concerns. I have since called back and left a message. He has not returned my call.

Today I tried the 699-2927 number again and Dave answered. I asked about the lights and he assured me that they would be taken care of "within a month." This should be treated as an urgent matter; if you wanted to this condition could be solved in a week. In fact, a good maintenance plan for this garage (such as the type we often prepare for our clients) would include a regular replacement program for lighting. Public safety cannot be compromised.

I trust you will give this the serious attention it deserves.

Sincerely,

H. Alan Mooney, P.E.
President

Encl. - photos

CC: Bruce Wennerstrom, General Manager, Westin Portland Harborview Hotel.

Location:
Public Market Garage
Cumberland Ave.
Portland, ME

Photo Taken by:
H. Alan Mooney, P.E.

Date:
December 15, 2014

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Dept. of Building Inspections
City of Portland



Description:
Third floor –
lighting cord,
tripping hazard

Photo Number
1



Description:
Floor location of
lighting cord

Photo Number
2

Location:
Public Market Garage
Cumberland Ave.
Portland, ME

Photo Taken by:
H. Alan Mooney, P.E.

Date:
December 15, 2014



Description:
Third floor –
lighting cord,
tripping hazard,
blinding light

Photo Number
3



Description:
Lobby reference

Photo Number
4

Location:
Public Market Garage
Cumberland Ave.
Portland, ME

Photo Taken by:
H. Alan Mooney, P.E.

Date:
December 15, 2014



Description:
Typical nighttime
floor illumination

Photo Number

5