

KATE SNYDER (MAYOR)  
PIOUS ALI (A/L)  
APRIL FOURNIER (A/L)  
ROBERTO RODRÍGUEZ (A/L)



ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
REGINA L. PHILLIPS (3)  
ANDREW ZARRO (4)  
MARK N. DION (5)

## **CITY COUNCIL MEETING - FEBRUARY 27, 2023 AT 5:00 PM**

**The Portland City Council will hold a City Council Meeting in Council Chambers. The Honorable Kate Snyder, Mayor, will preside.**

To submit written public comment on an agenda item, email [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov). Submissions must be received by 12:00 pm the day before the Council meeting to guarantee their inclusion in the agenda packet. All submissions must include the commenter's name and legal address. To help ensure your comment is submitted for the correct item, please include the order number (see below).

### **REMOTE ACCESS INFORMATION:**

The City Council will conduct this meeting from Council Chambers, located on the second floor of City Hall. The public may attend the meeting in person, however space in Council Chambers is limited. The public is therefore strongly encouraged to participate remotely via Zoom pursuant to the Remote Meeting Policy adopted by the Portland City Council. Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live either in person or via Zoom, a recording will be available in the [Agenda Center](#) following the meeting.

For public comment via Zoom, you will need to use the "raise your hand" feature. To raise your hand via the telephone, please hit \*9. You will be unmuted by the host when it is time for public comment.

Please click the link below to join the webinar:

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Passcode: 115765

Or One tap mobile :

US: +19292056099,,89911473409#,,,,\*115765# or +13017158592,,89911473409#,,,,\*115765#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 929 205 6099 or +1 301 715 8592 or +1 305 224 1968 or +1 309 205 3325 or +1 312 626 6799 or +1 646 931 3860 or +1 253 215 8782 or +1 346 248 7799 or +1 360 209 5623 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 669 444 9171 or +1 669 900 6833 or +1 689 278 1000 or +1 719 359 4580 or +1 253 205 0468

Webinar ID: 899 1147 3409

Passcode: 115765

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### **PLEDGE OF ALLEGIANCE:**

### **ROLL CALL:**

### **SPECIAL MEETING:**

### **5:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:**

### **ANNOUNCEMENTS:**

**RECOGNITIONS:**

**Recognizing the Excellence of Portland's First Responders - Kate Snyder, Mayor**

**Recognizing the 15th Anniversary of Maine Restaurant Week - Kate Snyder, Mayor**

**APPROVAL OF MINUTES OF PREVIOUS MEETING:**

**Minutes from the City Council Meeting of February 6, 2023**

**APPOINTMENTS:**

**Order 136-22/23 Appointing Members to Various Boards & Committees -  
Sponsored by the Legislative/Nominating Committee, Mayor Kate Snyder, Chair**

This item would appoint the following individuals to various Boards and Commissions for the terms listed below:

|                   |                                         |            |
|-------------------|-----------------------------------------|------------|
| Nick Alfiero      | Fish Exchange                           | 10/31/2025 |
| Mary Hudson       | Fish Exchange                           | 10/31/2025 |
| Anna Bullett      | CDBG                                    | 9/30/2025  |
| Larissa Holland   | CDBG                                    | 9/30/2025  |
| Brandon Mazer     | Planning Board                          | 2/28/2025  |
| Marpheen Chann    | Planning Board                          | 2/28/2025  |
| Jennifer Wriggins | Fair Hearing Officer                    | 11/30/2025 |
| Sam Dargan        | Portland Development Corporation        | 9/30/2024  |
| Stephanie Motter  | Portland Public Art Committee           | 6/30/2026  |
| Priscilla Skerry  | Pesticide Management Advisory Committee | 3/31/2026  |
| Reginald Parson   | Police Citizen Review Subcommittee      | 3/31/2026  |
| Kaylin Kerina     | Police Citizen Review Subcommittee      | 3/31/2026  |
| Xavier Botana     | Police Citizen Review Subcommittee      | 3/31/2026  |

Five affirmative votes are required for passage after public comment.

**Order 137-22/23 Appointing Troy Moon to the Pest Management Advisory Committee - Sponsored by Danielle P. West, Interim City Manager**

This order appoints Sustainability Director Troy Moon to the Pest Management Advisory Committee as the City Manager's appointee.

Five affirmative votes are required for passage after public comment.

**LICENSES:**

**Order 138-22/23 Granting Municipal Officers' Approval of Volcano LLC, dba Volcano. Application for Indoor Entertainment at 155 Riverside Street - Sponsored by Danielle P. West, Interim City Manager**



Application was filed on 1/25/23. New City application. Establishment was previously approved for a Class IA Inn (41+ rooms).

Five affirmative votes are required for passage after public comment.

**Order 139-22/23 Granting Municipal Officers' Approval of Bread and Friends, LLC, dba Bread and Friends. Application for Class III & IV FSE with Outdoor Dining on Public Property at 505 Fore Street - Sponsored by Danielle P. West, Interim City Manager**

Application was filed on 1/27/23. New City and State application. Location was previously Pizzarino.

Five affirmative votes are required for passage after public comment.

**Order 140-22/23 Granting Municipal Officers' Approval of DBH Portland, LLC, dba Portland Sea Dogs. Application for Civic Auditorium with Combined Entertainment at 271 Park Avenue - Sponsored by Danielle P. West, Interim City Manager**

Application was filed on 2/7/23. New City and State application. Change of ownership and classification of an existing establishment.

Five affirmative votes are required for passage after public comment.

**COMMUNICATIONS:**

**Communication 24-22/23 Regarding the Sustainable Neighborhood Pilot Program - Troy Moon, Sustainability Director**

As a communication this item requires no public comment or formal Council action.

**Communication 25-22/23 - Update re: Asylum Seekers in Portland - Danielle P. West, Interim City Manager**

As a communication this item requires no public comment or formal Council action.

**UNFINISHED BUSINESS:**

**Order 135-22/23 Approving the Purchase and Sale Agreement with The Trust for Public Land for North Deering Park - Sponsored by Danielle P. West, Interim City Manager**

This item approves the Purchase and Sale Agreement between The Trust for Public Land (seller) and the City of Portland (buyer) to purchase approximately 24 acres of land in North Deering neighborhood for the purpose of creating a new park. The total purchase price is \$833,000 with funds provided through federal and state grants, philanthropic funds from The Trust for Public Land, and the Portland Land Bank. The Trust for Public Land holds the purchase contracts with the landowners (Julie and Dan Anderson and Haverty Park, LLC) of the 24 acres. These contracts allow The Trust for Public Land to direct the deed to the City of Portland at closing, with approval of the Purchase and Sale agreement. The City is being asked to provide \$644,123.00 as outlined in the back-up material.

This item must be read on two separate days. It received its first reading on February 6, 2023. Five affirmative votes are required for passage after public comment.

## **ORDERS:**

### **Order 141-22/23 Approving the Memorandum of Understanding for Mutual Aid with the City of Westbrook - Sponsored by Danielle P. West, Interim City Manager**

This order approves a Memorandum of Understanding (MOU) with the City of Westbrook is to formalize a collective mutual aid agreement and clearly illustrate the procedures both cities will follow upon requests received for mutual aid assistance between the City of Portland and the City of Westbrook. In addition to the clear illustration of process and procedure, the agreement has the added benefit of supporting increased levels of legal immunity when providing mutual aid outside the confines of each municipality's geographic boundaries.

Five affirmative votes are required for passage after public comment.

### **Order 142-22/23 Accepting the 2022 Annual Land Bank Report - Sponsored by Danielle P. West, Interim City Manager**

The Portland Land Bank Commission is required by City Ordinance to submit an annual report that details the commission's activity over the past year, its yearly budget, and a registry of conservation properties.

Five affirmative votes are required for passage after public comment.

### **Order 143-22/23 Approving the Winchester Woods Boundary Line Agreement - Sponsored by Michael Goldman, Associate Corporation Counsel**

The Winchester Woods subdivision, a residential development, was approved by the Planning Board on October 12, 2021 and called for a boundary line agreement between the City and the adjacent private land of Winchester Woods, LLC to confirm the location of the shared boundary line along the southeasterly and northeasterly edges of the City's Grand Trunk Cemetery. This boundary line is poorly described in existing land records such as deeds and survey plans. The proposed boundary line agreement has been reviewed by the Department of Public Works' land surveying staff and Corporation Counsel according to the previously approved site plan, and it has been found complete and ready for City Council consideration in the attached order.

Five affirmative votes are required for passage after public comment.

### **Order 144-22/23 Accepting and Appropriating a \$10,000 Anonymous Donation to the National EMS Appreciation Week Fund - Sponsored by Danielle P. West, Interim City Manager**

On December 28, 2022, at approximately 3:21 pm, Portland Fire Department first responders worked together to respond to and transport a Portland resident suffering from an emergency medical event. Specifically, Captain/Advanced EMT Mark Stewart, and Firefighters/Advanced EMTs Torrin Hults and Robert White responded in Engine 11, while Firefighter/Paramedic Molly Hillman and Firefighter/Advanced EMT Jonathan Cronin responded in MEDCU 4.

In gratitude for their care and responsiveness, the individual has made an extremely

generous donation to the Portland Fire Department. If approved by the Council, this donation will help support a National EMS Week (May 21-27) celebration in recognition of our City's first responders.

Five affirmative votes are required for passage after public comment.

**EXECUTIVE SESSION:**

**Motion to go into Executive Session pursuant to 1 M.R.S.A. section 405(6)(E) to discuss the City Council's legal rights and duties concerning the First Amendment.**

The City Council will meet in Executive Session in another room, after the Regular Meeting is adjourned.

**ADJOURNMENT:**

**ZOOM INFORMATION:**

The City Council will conduct this meeting from Council Chambers, located on the second floor of City Hall. The public may attend the meeting in person, however space in Council Chambers is limited. The public is therefore strongly encouraged to participate remotely via Zoom pursuant to the Remote Meeting Policy adopted by the Portland City Council. Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live either in person or via Zoom, a recording will be available in the [Agenda Center](#) following the meeting.

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Or One tap mobile :

US: +19292056099,,84536489671#,,, \*649486# or +13017158592,,84536489671#,,, \*649486#

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US: +1 929 205 6099 or +1 301 715 8592 or +1 305 224 1968 or +1 309 205 3325 or +1 312 626 6799 or +1 646 931 3860 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 669 444 9171 or +1 669 900 6833 or +1 689 278 1000 or +1 719 359 4580 or +1 253 205 0468 or +1 253 215 8782 or +1 346 248 7799 or +1 360 209 5623

Webinar ID: 845 3648 9671

Passcode: 649486

International numbers available: <https://portlandmaine-gov.zoom.us/j/84536489671?pwd=R0NHMmlyRXdPWXVKYUNYdDBoVIU3UT09>

**PLEDGE OF ALLEGIANCE:**

Mayor Snyder led all present in the Pledge of Allegiance.

**ROLL CALL:**

Mayor Snyder called the meeting to order at 5:00pm.

City Councilors Present: Councilor Fournier, Councilor Rodriguez, Councilor Dion, Councilor Ali, Councilor Zarro, Councilor Trevorrow, Councilor Pelletier, Councilor Phillips, Mayor Snyder.

**ANNOUNCEMENTS:**

Mayor Snyder opened the floor to announcements. The following staff and Councilors made an announcement:

Mayor Snyder, Councilor Pelletier, Danielle West (Interim City Manager)

**5:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:**

Mayor Snyder opened the floor for public comment. The following individuals spoke:

Becca (No last name given, District 1), Dave Aceto (District 1), Aaron (No last name given, Congress Street), Brody Wood (District 1), Jason Shedlock (Prospect Street, District 3), Wess (No last name given, District 2), Peter McLaughlin (Peaks Island), Amelia Kheler (District 2), Joclyn Leyton (District 2), Kelsey Rairdon (District 1), Naomi Meyer (District 3), Michele Souliere (Park Street), Sidney (No last name given, District 3), Elizabeth McCormick, (No address given), Kate (No last name given, District 5), Charlie (No last name given,

District 2), Councilor Fournier, Councilor Rodriguez, Councilor Dion, Councilor Ali, Councilor Zarro, Councilor Trevorrow, Councilor Pelletier, Councilor Phillips, Mayor Snyder.

**SPECIAL MEETING:**

**Special Meeting of the Corporator of the Portland Fish Pier Authority**

Motion to suspend City Council rules and recess the meeting of the City Council and convene the Special Meeting of the Corporator of the Portland Fish Pier Authority.

Motion was made by Councilor Ali and seconded by Councilor Dion for passage.  
Passage 9-0.

**Order 128-22/23 Appointing Ben Martens a Class B Director of the Board of Portland Fish Pier Authority - Sponsored by Kate Snyder, Mayor**

Motion was made by Councilor Ali and seconded by Councilor Rodriguez for passage.  
Passage 9-0.

Mayor Snyder gave an overview of the item.

Mayor Snyder opened the floor for public comment. No one spoke.

Motion to adjourn the Special Meeting of the Corporator of the Portland Fish Pier Authority and reconvene the regular meeting of the City Council.

Moved by Councilor Zarro, seconded by Councilor Rodriguez for passage. Passage 9-0

**APPROVAL OF MINUTES OF PREVIOUS MEETING:**

**Regular City Council Meeting- January 18, 2023**

Motion was made by Councilor Zarro and seconded by Councilor Fournier for approval of the City Council Meeting minutes, January 18, 2023. Passage 9-0.

**PROCLAMATIONS:**

**Proclamation 12-22/23 Recognizing February 2023 as Black History Month - Sponsored by Kate Snyder, Mayor**

Councilor Ali Read Proclamation 12-22/23 Recognizing February 2023 as Black History Month into the record.

**Proclamation 13-22/23 Recognizing February 7, 2023 as "2-0-7 Day" - Sponsored by Kate Snyder, Mayor**

Mayor Snyder read Proclamation 13-22/23 Recognizing February 7, 2023 as "2-0-7 Day" into the record.

**APPOINTMENTS:**

**Order 129-22/23 Appointing Kelly Hrenko, PhD as a member of the Public Art Committee - Sponsored by Danielle P. West, Interim City Manager**

Motion was made by Councilor Ali and seconded by Councilor Rodriguez for passage.  
Passage 9-0.

Danielle West (Interim City Manager) gave an overview of the item.

Mayor Snyder opened the floor for public comment. The following individuals spoke:  
Kelly Hrenko

**LICENSES:**

**Order 130-22/23 Granting Municipal Officers' Approval of Banded Horn Brewing Company LLC, dba Banded Brewing Company. Application for Class III & IV FSE at 82 Hanover Street - Sponsored by Danielle P. West, Interim City Manager**

Motion was made by Councilor Rodriguez and seconded by Councilor Ali for passage. Passage 9-0.

Danielle West (Interim City Manager) gave an overview of the item.

Mayor Snyder opened the floor for public comment. No one spoke.

**COMMUNICATIONS:**

**Communication 22-22/23 Regarding the 2023 East End Food Truck Program - by Danielle P. West, Interim City Manager**

Danielle West (Interim City Manager) gave a communication update on the 2023 East End Food Truck Program. As a communication, no formal action is required.

**Communication 23-22/23 Regarding the Portland Harbor Dredge Project and Funding Commitment - Danielle P. West, Interim City Manager**

Danielle West (Interim City Manager) gave a communication update on the Portland Harbor Dredge Project and Funding Commitment. As a communication, no formal action is required.

**UNFINISHED BUSINESS:**

**Order 117-22/23 Approving and Appropriating \$3,257,004 in Housing Trust Funds and \$1,000,000 in American Rescue Plan Act Funds for the Avesta Housing Winchester Woods Affordable Housing Project - Sponsored by Danielle P. West, Interim City Manager**

Motion was made by Mayor Snyder and seconded by Councilor Ali to postpone item indefinitely.

Danielle West (Interim City Manager) gave an overview of the item.

Mayor Snyder opened the floor for public comment. The following individuals spoke: Steven Scharf (Brackett Street)

Item was postponed indefinitely.

**Order 125-22/23 Amendment to Portland City Code Chapter 14 re: Roux Institute Overlay Zone - Sponsored by Portland Planning Board, Maggie Stanley, Chair**

Motion was made by Councilor Ali and seconded by Councilor Fournier for passage. Passage 9-0.

Christine Grimando (Director of Planning and Urban Development) and Maggie Stanley (Planning Board Chair) gave an overview of the item.

Mayor Snyder opened the floor for public comment. Public Committee for Order 125, 126, and 127 will all be taken together. The following individuals spoke:

Chris Nala (Roux Institute), Caitlin Enz (Employee of Roux Institute), Collin Campo (East Deering), Ian Stevenson (Director Portland Landmarks), Jason Shedlock (Laborers' International Union), Dana O'Brien (President of Focus Maine), Dr Paul Linberg (Falmouth), Mike Tremblay (Portland Metro), John Carol (Peaks Island), Eamonn

Dundon (Portland Regional Chamber), Cheryl Leeman (East Deering), Emma Bond (East Deering), John Levitt, Ben Carling (81 sherwood street), Allison Brown (25 lennox street), Deborah Nygier, Bob Bond, (27 Oakley Street), Jacob C (East Deering), Kevin Castle (57 Veranda Street) , David Packard (PK Realty Management), Steve Von Vogt (19 Lennox Street), Ethan Boxer-Macomber (Macomber Ave), Peter Stecky (20 Vail Street), Jaime Parker (Portland Trails), Margaret Angel (Partnerships Roux Institute), Dale Belanger (Randall Street), Tony McDonald (Bolus Company), Nate Stevens (80 Best Street), Sam Rike (IDEALS), Dan Kolaski (1296 Westbrook Street)

Motion was made by Councilor Zarro, seconded by Councilor Snyder to include the following:

*c. A Community Advisory Group shall be created for the purpose of sharing information on project development, planning, and seeking input. To the extent practicable, the group shall be comprised of representatives of interested groups such as the East Deering Neighborhood, East Deering Neighborhood Association, East Deering Neighborhood for Responsible Development, Front Street Area Neighborhood, recreation, parks and trails, including the Friends of Payson Park, sustainability, rail, bicycle/pedestrian, public transit, Portland Harbor, Portland Public Schools, including a Presumpscot School parent, higher education, and the business community*

The following Councilors commented on amendment: Councilor Zarro, Councilor Rodriguez

Passage 9-0.

Motion was made by Councilor Ali, seconded by Councilor Fournier to add to Councilor Zarro's Amendment and include the following neighborhoods:

a tenant representative from Portland Housing Authority's Washington Gardens and Front Street developments

The following Councilors commented on amendment: Mayor Snyder, Councilor Fournier, Councilor Dion, Councilor Zarro, Councilor Trevorrow, Councilor Ali

Passage 9-0.

Order 125-22/23 passed as amended. Passage 9-0

**Order 126-22/23 Amendment to the Zoning Map Re: B-5 Urban Commercial Zone for Roux Institute - Sponsored by Portland Planning Board, Maggie Stanley, Chair**

Motion was made by Councilor Ali and seconded by Councilor Fournier for passage.

Passage 9-0.

Christine Grimando (Director of Planning and Urban Development) and Maggie Stanley (Planning Board Chair) gave an overview of the item..

Public comment was given for order 125, 126, and 127 at the same time.

**Order 127-22/23 Amendment to the Zoning Map Re: Institutional Overlay Zone for Roux Institute - Sponsored by Portland Planning Board, Maggie Stanley, Chair**

Motion was made by Councilor Ali and seconded by Councilor Fournier for passage.

Passage 9-0.

Christine Grimando (Director of Planning and Urban Development) and Maggie Stanley (Planning Board Chair) gave an overview of the item.

Public comment was given for order 125, 126, and 127 at the same time.

**ORDERS:**

**Order 131-22/23 Approving Modification 1 to an Agreement between the Maine Department of Transportation, the Portland Area Comprehensive Transportation System and Portland Re: Improvements to Cumberland Avenue - Sponsored by Danielle P. West, Interim City Manager**

\*Point of Order- Orders 131, 132, 1333, and 134 were read before Orders 125, 126 and 127

Motion was made by Councilor Fournier and seconded by Councilor Zarro for passage. Passage 9-0.

Mike Murray (Public Works Director) gave an overview of the item.

Mayor Snyder opened the floor for public comment. No one spoke.

**Order 132-22/23 Approving Modification 3 of Agreement with Maine Department of Transportation Re: West Commercial Street Trail - Sponsored by Danielle P. West, Interim City Manager**

Motion was made by Councilor Fournier and seconded by Councilor Rodriguez for passage. Passage 9-0.

Nell Donaldson (Director of Special Projects) gave an overview of the item.

Mayor Snyder opened the floor for public comment. The following individuals spoke:  
Mayor Snyder

**Order 133-22/23 Approving the Revised Remote Participation Policy of the Portland City Council - Sponsored by Kate Snyder, Mayor**

Motion was made by Councilor Dion and seconded by Councilor Zarro for passage. Passage 9-0.

Mayor Snyder & Michael Goldman (Acting Corporation Counsel) gave an overview of the item.

Mayor Snyder opened the floor for public comment. No one spoke.

**Order 134-22/23 Order Approving City Application, in a partnership with the Maine Department of Transportation, for Federal Funds to Dredge Public and Private Berthing and Vessel Support Resources and to Develop a Confined Aquatic Disposal Cell in Portland Harbor - Sponsored by Danielle P. West, Interim City Manager**

Motion was made by Councilor Ali and seconded by Councilor Zarro for passage. Passage 9-0.

Danielle West (Interim City Manager) gave an overview of the item.

Mayor Snyder opened the floor for public comment. The following individuals spoke:  
Mayor Snyder.

**Order 135-22/23 Approving the Purchase and Sale Agreement with The Trust for Public Land for North Deering Park - Sponsored by Danielle P. West, Interim City Manager**

The item is a first read item. No Council action taken.

**ADJOURNMENT:**



Motion was made by Councilor Ali and seconded by Councilor Fournier to adjourn. Passage 9-0 at 9:27pm.

A TRUE RECORD

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Ashley Rand, City Clerk

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** February 9, 2023

**SUBJECT:** Order 136-22/23 Appointing Members to Various Boards & Committees -  
Sponsored by the Legislative/Nominating Committee, Mayor Kate Snyder, Chair

**SPONSOR:** The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

**(If sponsored by a Council committee, include the date the committee met and the results of the vote.)**

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final  
Action**

**Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.**

**Does this item involve a new contract with the City: n/a**

**PRESENTATION:** Please list the presenter(s), type, and length of presentation

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

This item would appoint the following individuals to various Boards and Commissions for the terms listed below:

|                   |                                         |            |
|-------------------|-----------------------------------------|------------|
| Nick Alfiero      | Fish Exchange                           | 10/31/2025 |
| Mary Hudson       | Fish Exchange                           | 10/31/2025 |
| Anna Bullett      | CDBG                                    | 9/30/2025  |
| Larissa Holland   | CDBG                                    | 9/30/2025  |
| Brandon Mazer     | Planning Board                          | 2/28/2025  |
| Marpheen Chann    | Planning Board                          | 2/28/2025  |
| Jennifer Wriggins | Fair Hearing Officer                    | 11/30/2025 |
| Sam Dargan        | Portland Development Corporation        | 9/30/2024  |
| Stephanie Motter  | Portland Public Art Committee           | 6/30/2026  |
| Priscilla Skerry  | Pesticide Management Advisory Committee | 3/31/2026  |
| Reginald Parson   | Police Citizen Review Subcommittee      | 3/31/2026  |
| Kaylin Kerina     | Police Citizen Review Subcommittee      | 3/31/2026  |
| Xavier Botana     | Police Citizen Review Subcommittee      | 3/31/2026  |

Five affirmative votes are required for passage after public comment.

### **III. BACKGROUND**

Background information that will not appear in the Agenda Description

### **IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

### **V. FINANCIAL IMPACT**

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

### **VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis that will not appear in the Agenda Description.

### **VII. RECOMMENDATION**

### **VIII. LIST ATTACHMENTS**

1. Appointing Various Boards and Committees 2.27.2023
2. Board and Commission Appointments-Resume and Cover Letter Packet for Council Agenda

Prepared by:

Date: 02/09/2023

KATE SNYDER (MAYOR)  
APRIL D. FOURNIER(A/L)  
PIOUS ALI (A/L)  
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
REGINA L. PHILLIPS (3)  
ANDREW ZARRO (4)  
MARK DION (5)

**ORDER APPOINTING MEMBERS TO VARIOUS BOARDS & COMMITTEES**

**ORDERED**, that the following people are hereby appointed to the Boards and Committees indicated for the stated term:

| <b>Name</b>       | <b>Board and Committee</b>              | <b>Expiration</b> |
|-------------------|-----------------------------------------|-------------------|
| Nick Alfiero      | Fish Exchange                           | 10/31/2025        |
| Mary Hudson       | Fish Exchange                           | 10/31/2025        |
| Anna Bullett      | CDBG                                    | 9/30/2025         |
| Larissa Holland   | CDBG                                    | 9/30/2025         |
| Brandon Mazer     | Planning Board                          | 2/28/2025         |
| Marpheen Chann    | Planning Board                          | 2/28/2025         |
| Jennifer Wriggins | Fair Hearing Officer                    | 11/30/2025        |
| Sam Dargan        | Portland Development Corporation        | 9/30/2024         |
| Stephanie Motter  | Portland Public Art Committee           | 6/30/2026         |
| Priscilla Skerry  | Pesticide Management Advisory Committee | 3/31/2026         |
| Reginald Parson   | Police Citizen Review Subcommittee      | 3/31/2026         |
| Kaylin Kerina     | Police Citizen Review Subcommittee      | 3/31/2026         |
| Xavier Botana     | Police Citizen Review Subcommittee      | 3/31/2026         |

# Nick Alfiero

City of Portland | Generated 1/26/2023 @ 10:01 am by OnBoard2 - Powered by ClerkBase

## Status

**Name** Nick Alfiero  
**Application Date** 8/19/2022  
**Expiration Date** 8/19/2023  
**Status** Received

## Board

Fish Exchange

## Vacancies

2

## Status

Pending

## Basic Information

**Name**  
Nick Alfiero

## Contact Information

**Address**  
9 Custom House Wharf  
Portland, ME 04101

## Cell Phone

## Email

## Additional Information

## Notes

Generated 1/26/2023 @ 10:01 am

Nick Alfiero

August 19,2022

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Harbor Fish Market  
9 Custom House Wharf  
Portland, Maine 04101  
[REDACTED]

41 Pearl Street  
Scarborough, Maine 04074  
[REDACTED]

Email- [REDACTED]

---

#### Employment

Co-owner Harbor Fish Market since 1976  
Sales Manager Lever Bros., NYC 1971-1975

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#### Skills

Involved in every aspect of the Seafood Industry in New England with an emphasis on Fish production,purchasing,sales and management.

Personally responsible for every operation in our business, including Finance, HR,advertising,Marketing,IT,Sales(retail,wholesale,internet),Purchasing,Personnel, Transportation.

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#### Professional

A member of the original Board of Directors of the Portland Fish Exchange for 3 years 1985-1988

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#### Personal

Married to Kathleen 45 years, son Rian  
Outdoor activities, golf,biking, hiking  
Car enthusiast

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8/19/2022

City Clerk of Portland

Hi , This letter is to re-apply for a seat on the Portland Fish Exchange Board of Directors. My resume is being emailed separately . Thank you for the consideration. . .

Regards , Nick Alfiero

**Mary Hudson**

[REDACTED] Pleasant Hill Rd, Brunswick, ME 04011

October 17<sup>th</sup>, 2022

Dear Sir/Madam,

Thank you for providing me with the opportunity to apply to the Board of Directors of the Portland Fish Exchange. I am excited at the prospect of becoming a part of your team, as I am passionate about Maine's fishing communities and the success of our working waterfronts.

My work experience is a great fit for the PFE board. As sector manager of the Maine Coast Community Sector and Director of Fisheries Programs at the Maine Coast Fishermen's Association, I represent a diversity of boats and fisheries from the entire coast. My roles require me to be deeply involved in the science, policy, and business and economics of fisheries, and I have a wealth of knowledge on permits, operating costs, and quota and leasing. My work the past two years through the Fishermen Feeding Mainers program has also led me to develop close relationships with local buyers and processors, and these relationships coupled with my investment in the success of all seafood businesses, from the sea to shore, make me a great candidate for the board. Lastly, I have recently started as a seller representative at the Fish Exchange, representing the majority of the boats landing.

The Portland Fish Exchange is integral to the future of Portland's working waterfront and Maine's groundfish fleet, and I am highly invested in working with colleagues to ensure its success. I work closely with many fishermen landing at the Fish Exchange, as well as many of the large Maine boats currently landing in Massachusetts- I'm deeply committed to representing both these fleets, and believe that the success of PFE and our shoreside infrastructure is dependent on the strong presence of *both* small and large vessels. In any capacity, I look forward to continuing to work with PFE and industry towards developing creative pathways forward.

Thank you for taking the time to review my application, I look forward to hearing from you.

Sincerely,



Mary Hudson



**Mary Hudson**

533 Pleasant Hill Rd, Brunswick, ME 04011  
[REDACTED]

**Education**

University of Rhode Island, Kingston, RI – M.A. in Marine Affairs (2014)

University of Hawaii at Hilo, Hilo, HI – B.A. in Marine Science (2009)

**Professional Experience**

*Sector Manager* – Maine Coast Community Sector – Brunswick, ME (June 2018 -present)

- Works closely with fishermen to aid with regulations, reporting, and quota leasing
- Works closely with fisheries regulators at the state, regional, and federal levels
- Manages 100 permits spread across over 60 fishing businesses

*Director of Fisheries Programs* – Maine Coast Fishermen's Association – Brunswick, ME (June 2018 – present)

- Develops policy material to help strengthen Maine fisheries
- Manages electronic monitoring programs in the scallop and groundfish fleets
- Runs programs that aid industry, such as MCFA's Fishermen Feeding Mainers program
- Works closely with industry, including shoreside businesses, and fishing communities

*Fisheries Technical Assistance Program Project Manager* – Gulf of Maine Research Institute – Portland, ME (Jan. 2015 – May 2018)

- Coordinated meetings and outreach with industry, scientist, and managers around relevant management and science issues
- Worked with Science Center staff and fishing industry to enhance industry participation and input in the stock assessment process
- Collaborated with GMRI Communication Manager to produce newsletters, op-eds, and articles etc.
- Managed projects on improving the efficiency of data collection and reporting systems, particularly with the for-hire industry
- Provided industry outreach around climate adaptation projects
- Aided in implementation and planning of Marine Resource Education Program workshops
- Maintained knowledge of and develop projects for the groundfish sector management, climate change and emerging fisheries, and ecosystem-based fisheries management
- Managed project budgets
- Developed proposals for federal grants

- Worked with team members and partners on GARFO's Fishery Dependent Data Visioning Project
- Provided project support for Sector Business Viability, particularly around ACE utilization.

*Biology and Marine Biology Teaching Assistant*- University of Rhode Island- Kingston, RI (2012-2014)

- Taught undergrad Marine Biology and Intro to Biology labs
- Responsible for 24 students per section, up to 4 sections per semester

*Fisheries Technical Assistant Program Intern* – Gulf of Maine Research Institute –Portland, Me (Summer 2013)

- Conducted research for and wrote *Preparing for Emerging Fisheries*, which details the stock status and movement, permitting and regulations, and economy and markets of Mid-Atlantic stocks trending northward.
- Offered FTAP project support through analyzing sector permit, ACE utilization, and catch data.

### **Publications**

Hudson, M. 2014. Fishermen's perceptions of fisherman-scientist relations in Maine. Master's Thesis, Marine Affairs University of Rhode Island, Kingston, RI.

Hudson, M. and Peros, J. 2013. Preparing for emerging fisheries: an overview of Mid-Atlantic stocks on the move. Gulf of Maine Research Institute, Portland, ME.  
[https://www.gmri.org/sites/default/files/resource/preparing\\_for\\_emerging\\_fisheries\\_final.pdf](https://www.gmri.org/sites/default/files/resource/preparing_for_emerging_fisheries_final.pdf)

# Anna Bullett

City of Portland | Generated 1/26/2023 @ 9:58 am by OnBoard2 - Powered by ClerkBase

| Status           |              | Board                             | Vacancies | Status  |
|------------------|--------------|-----------------------------------|-----------|---------|
| Name             | Anna Bullett | CDBG (Annual Allocation Committee | 3         | Pending |
| Application Date | 1/5/2023     |                                   |           |         |
| Expiration Date  | 1/5/2024     |                                   |           |         |
| Status           | Received     |                                   |           |         |

## Basic Information

Name  
Anna Bullett

## Contact Information

Address  
80 Chenery Street  
Portland, ME 04103

Phone  
[REDACTED]

Cell Phone  
[REDACTED]

Email  
[REDACTED]

## Additional Information

Notes  
I am actually very interested in one of the Planning Board Seats which should be vacant as of February but it is not currently an option in the drop down (?). In lieu of that, and because I am very qualified as well for CSBG if there truly is no open seat on planning - I clicked CSBG.

My first choice is planning board - a board in dire need of more women and a member to serve as an advocate for planning that takes into consideration the needs of poor people, unhoused people, and families with young children.

Thanks!

Generated 1/26/2023 @ 9:58 am

# Anna Y. Bullett, MS RD

80 Chenery Street • Portland, Maine 04103

• she/her/hers

## Executive Summary

Public health leader, nutrition expert, and changemaker. A natural relationship builder. Known for innovative policy and programs, stakeholder coordination, and effective team management. Strives to improve health outcomes for all, with a focus on individuals and populations negatively impacted by systemic oppression, environmental injustice, racism, poverty, and trauma.

## Education

### University of Maine

Master of Science, Food Science & Human Nutrition

Orono, ME

### Johnson & Wales University

Bachelor of Science, Culinary Nutrition

Associate of Applied Science, Culinary Arts

Providence, RI

## Professional Licensure

Registered Dietitian (ID 977712)

Maine State Licensed Dietitian (DI1327)

## Work Experience

02/17 – Present

### The Opportunity Alliance **Program Director, WIC**

Portland, ME

- Manage WIC contract and \$800,000 annual budget.
- Oversee distribution of \$2 million in food and infant formula benefits annually.
- Supervise a multi-disciplinary team of 12-14 staff and 2 graduate interns per year.
- Inform and improve Maine State WIC policy and procedures in partnership with Local Agency WIC Directors (LAWD) and the Maine CDC.
- Plan and host COVID-19 vaccination clinics at WIC for children ages 6 months – 11 years.
- Give WIC and nutrition lectures for local and national audiences, in person and virtually.
- Represent WIC on county, state, and national committees, including policy innovation groups.
- Administer farmer's market program, annually distributing \$12,000 redeemed by Maine farmers.
- Track and analyze data, participate in QI, audits, lead RFP, and write and manage grants.
- Use evidence to implement program policies that seek to uplift equity, diversity, and inclusion.
- Develop and lead pandemic response and communicate plans to partners and participants.

09/13 – 03/16

### Cooking Light & MyRecipes **Executive Chef, Marketing Department**

New York, NY

- Partner with various private label manufacturers on CL branded products and execute launches.
- Fostered and maintained key relationships with advertising clients and consumers.
- Served as the nutrition science expert on the marketing & sales team.
- Worked with marketing team to plan and present activations at special events nationwide to represent Cooking Light, MyRecipes, Health Magazine and advertising partners.
- Analyzed nutritional data for recipes utilizing ESHA the Food Processor SQL.

# Anna Y. Bullett, MS RD

80 Chenery Street • Portland, Maine 04103

she/her/hers

- 
- 01/09 – 03/16      **YMCA of Greater New York Bedford-Stuyvesant Branch**      Brooklyn, NY  
**Group Exercise Instructor**
- Instructed advanced step aerobics and mat Pilates and subbed various other group exercise classes for adult participants. (Previously AFAA certified in group exercise and mat Pilates).
- 06/08 – 05/13      **CulinArt Group**      Plainview, NY  
**Culinary Development & Nutrition Specialist**
- Guided company policy, marketing, training, and development in all matters related to nutrition.
  - Served as subject matter expert on emerging culinary and nutrition trends.
  - Developed and implemented company specifications and programs.
  - Represented CulinArt at sales meetings and customer events nationwide.
  - Developed and led employee nutrition and food allergen training.
  - Designed and implemented nutrition facts, ingredient, and allergen labeling program.
  - Wrote and tested recipes and performed nutrition analysis with ESHA Genesis.
  - Planned, wrote, and edited a quarterly print and web newsletter.
- 01/08 – 05/08      **St. Joseph Hospital, Morrison Healthcare Food Service**      Bangor, ME  
**Inpatient Clinical Dietitian**
- Assessed patient nutritional needs and provided medical nutrition therapy recommendations.
  - Conducted nutrition education sessions with patients and their families.
- 05/07 – 01/08      **UMaine & Academy of Nutrition and Dietetics**      Various, ME  
**Dietetic Intern (900 hours supervised nutrition practice)**
- Placements included Eastern Maine Medical Center, St. Joseph's Hospital, Central Maine Medical Center, and Penobscot Indian Health Center.
- 09/06 – 05/07      **UMaine Food Science & Nutrition Department**      Orono, ME  
**Graduate Teaching Assistant**
- Provided support for "The Science of Food Preparation" and "World Food & Nutrition".
  - Instructed Intro to Food Science culinary lab.
  - Graded weekly lab reports, extra credit papers, term projects and exams.
- 02/06 – 08/06      **Western Maine Community Action: WIC Program**      Auburn, ME  
**Women, Infants & Children (WIC) Dietary Counselor**
- Completed anthropometric measurement and blood iron testing of adults and children.
  - Conducted WIC appointments and issued benefits.
  - Led parent & toddler playgroups and nutrition education classes.
- 09/02 – 03/06      **YMCA of Greater Providence InTown Branch**      Providence, RI  
**Various Positions**
- Interim healthy lifestyles coordinator.
  - Assistant director for YMCA Camp Sheppard.

# Anna Y. Bullett, MS RD

80 Chenery Street • Portland, Maine 04103

• she/her/hers

City of Portland  
389 Congress Street  
Portland, ME 04101

Dear City of Portland Planning Board Members,

As the WIC Director for Maine's most complex public health district, I have significant expertise in state and federal policy interpretation and implementation. My superpower is stakeholder collaboration. In my management role at a large Community Action Program, I experience firsthand the effectiveness of investment and intervention that uplifts community voices, utilizes equity frameworks and multidisciplinary approaches, and brings elected officials, business owners, and nonprofit leaders together around a common, actionable, cause.

From hospital to corporate nutrition, from foodservice management to public health leadership, each of my 15 years as a dietitian has deepened my understanding of the social determinates of health and how to shape and maintain thriving communities. With the support of the Maine CDC, I transformed the WIC program in Cumberland County to improve participant access, experience, and health outcomes all while simultaneously improving working conditions, technology use, and employee morale.

A sample of my public health projects: Partnered with the City of Portland, the Red Cross, Maine CDC, Maine Immigrant Rights Coalition, and Catholic Charities for the swift activation of WIC for large, overnight influxes of extremely high-risk families in 2019 and again in 2021. Expanded WIC breast and chest feeding programming to incarcerated perinatal people in Maine's State Prison. Ensured access to grant-funded prenatal vitamins. Hosted onsite pediatric oral health care. Obtained funding to create a birth empowerment video series by African immigrant women for African immigrant women. Continued WIC operations during the global pandemic. Ensured formula access during the ongoing formula crisis. And most recently, planned and hosted fourteen COVID-19 children's vaccination clinics.

From an all-white staff serving a 50% BIPOC caseload, the TOA WIC team is now half BIPOC. And where we once operated from a neglected, hard-to-find building, we now administer WIC from welcoming offices in the heart of Portland and off Route 32 in Windham, both minutes away from public transit, public libraries, and approved WIC vendors.

The keys to my accomplishments are my commitment to short and long-term goals, communicating best practices, leading with transparency, maintaining strong partnerships, and spinning multiple, nuanced plates. I will bring value to any Portland board but especially the Planning Committee due to my varied professional experience and my personal experience as a Portland homeowner and public-school parent.

Sincerely,

*Anna Bullett*

# Larissa Holland

City of Portland | Generated 1/31/2023 @ 8:18 pm by OnBoard2 - Powered by ClerkBase

## Status

|                  |                 |
|------------------|-----------------|
| Name             | Larissa Holland |
| Application Date | 1/29/2023       |
| Expiration Date  | 1/29/2024       |
| Status           | Received        |

| Board (Rank)                                | Vacancies | Status  |
|---------------------------------------------|-----------|---------|
| Planning Board (1)                          | 0         | Pending |
| CDBG (Annual Allocation Committee (2)       | 3         | Pending |
| Portland Public Art Committee (3)           | 2         | Pending |
| Rental Housing Advisory Committee (4)       | 1         | Pending |
| Rent Board (5)                              | 2         | Pending |
| Police Citizen Review Subcommittee (6)      | 0         | Pending |
| Portland Development Corporation (7)        | 1         | Pending |
| Board of Assessment Review (8)              | 3         | Pending |
| Pesticide Management Advisory Committee (9) | 0         | Pending |
| Fair Hearing Officer (10)                   | 2         | Pending |
| Fish Exchange (11)                          | 2         | Pending |

## Basic Information

Name  
Larissa Holland

## Contact Information

Address  
536 Cumberland Ave  
Unit #2  
Portland, ME 04101

Cell Phone  
[REDACTED]

Email  
[REDACTED]

## Additional Information

Notes  
All info is in the attached resume and cover letter. Thank you!

Generated 1/31/2023 @ 8:18 pm

# Larissa C. Holland, ENV SP

536 Cumberland Ave Unit #2, Portland, Maine 04101 | [REDACTED] E: [REDACTED] | LinkedIn: [REDACTED]

## Education

**Smith College, Northampton, MA** - Graduated May 2020

**Bachelor of Arts:** Environmental Science and Policy | **Minor:** Architecture & Urbanism | **Elective Focus:** Sustainable Community Development

**Senior Capstone Project: Exploring Embodied Carbon within Smith College Construction**

- **Sustainable Design:** I completed an embodied carbon analysis and life-cycle assessment of common materials utilized in the construction of Smith College's LEED certified library. This study advocated for construction policies that would drastically reduce the amount of carbon existing within the college's Scope-3 capital construction supply chain.

**Student Profile:** [Read Here](#).

## Work Experience

**Aviation Sustainability Consultant, C&S Companies** | Employed Currently

- **Planning:** I assist airports with the creation and implementation of climate vulnerability and adaptation plans, carbon benchmarking, material efficiency assessments for construction projects, and Envision verification support for numerous aviation, education, and commercial projects.
- **Design:** I integrate sustainability efforts to construction projects and infrastructure development of every size and scale to help maximize climate resiliency and regional economic health and development throughout the design process.

**Community Life Grant & Contract Manager, The Community Builders, INC** | 2021 - 2022

- **Grant Management:** I managed the post-award process for roughly 60 active grants and contracts. The grants I managed ranged from \$10,000 private grants to \$5,500,000 CDBG & HUD grants.
- **Industry Sustainability:** I was appointed to represent the Community Life department on TCB's Climate Change Task Force, a committee that facilitates the organization and deployment of a company-wide approach to combat the climate crisis.

**Research Consultant, Nuclear Decommissioning Collaborative** | Contract Position, 2022.

- **Technical Assistance:** I worked on a report for public distribution that serves as the proceedings of a recently-completed webinar series on the community economic impact of nuclear power plant decommissioning.

**Project Coordinator, Resonant Energy** | 2020 - 2021

- **Project Management:** I managed the third phase of Resonant's **Solar Access Program** (SAP III) - a unique solar hosting program that expanded the benefits of solar into populations traditionally excluded from the market.
- **Research and Presentation:** I contributed to ongoing network-based research into utility, state and federal policies relating to solar expansion in affordable housing developments and low to moderate income communities.
- **DEI:** I designed and created Resonant's **Diversity, Equity, and Inclusion statements** as well as facilitated the monthly racial justice working group meetings.

**Lead Solar Researcher, Center for the Environment, Ecological Design, & Sustainability (CEEDS)** | 2019

- **Analytical Management:** I independently designed and managed a **collaborative summer internship** among Amherst, Smith, and Williams Colleges that researched the local scale of impact of the **New England College Renewable Partnership (NECRP)**.
- **Rural Economic Development:** I worked closely with the Farmington townspeople to understand and share the story of rural dependance on the declining dairy industry and how renewable energy development could diversify the local economy.
- **Shareholder Engagement:** As requested by the Town of Farmington, I designed a **website** that worked to communicate the moving pieces of rural-based, utility-scale solar projects & the communities they impact - from the lens of this project.

## Skills

- Project & program management
- Grant writing & management
- Skilled at providing technical training
- Ability to interpret complex information
- Excellent writing and presentation skills
- Skilled at engaging multiple shareholders
- Team building & collaborative thinking
- Independently motivated

## Leadership & Volunteering

- **Climate Change Task Force Member** - The Community Builders | 2022
- **Volunteer Coordinator** - Project Right to Housing | 2022



- **Programming Committee Member** - Young Professionals in Energy (Boston) | 2022
  - I designed, presented and facilitated YPE's May event, **Solar: An Engine for Energy Justice**
- **Community Volunteer** - Women for Healthy Rural Living (WHRL) | 2021 - 2022
- **Racial Justice Monthly Working Group Facilitator** - Resonant Energy | 2020 - 2021
- **Student Chair** - Smith College's Committee on Sustainability | 2017 - 2020
- **Sustainability Chair** - Smith College Student Government Association (SGA) | 2017 - 2019
- **Student Body Liaison** - Environmental Science & Policy Department | 2018 - 2019
- **Student Body Liaison** - Smith College's First Generation Student Alliance | 2016 - 2018

### **Awards & Recognitions**

- **Public Health Management Certificate** - New England Public Health Training Center
- **National Morris K. & Stewart L. Udall Scholar** - Environment Category
  - In 2019, I was one of 55 students from across the nation to receive the prestigious **Udall Scholarship**, recognizing students who have demonstrated leadership, public service and a commitment to careers in the environment or related to Native American nations. I am Smith College's third Udall Scholar.
- **Michael & Susan Dell Foundation Scholar**
- **Senator George Mitchell Scholar**
- **C2C Fellow** | Bard College Center for Environmental Policy

# Larissa C. Holland, ENV SP

536 Cumberland Ave Unit #2, Portland, Maine 04101 | C: [REDACTED] | E: [REDACTED] | LinkedIn: [REDACTED]

Dear City of Portland Board of Planning:

I am writing to express my sincere interest in serving on either the City of Portland's Planning Board or the Community Development Block Grant (CDBG) Annual Allocation Committee in 2023. I believe this position would provide me with a unique and impactful opportunity to leverage my experience developing, coordinating, and completing complex projects, implementing strategies for internal and external relations, and working as a liaison and mediator for various stakeholders to help advance the equity goals of this great City.

I will highlight the skills that prepare me for this position by sharing three examples from my experience with a national affordable housing developer, a community-based solar development company, and the Smith College Office of Sustainability below.

Prior to my current position, I was the Community Life Grants & Contracts Manager for The Community Builders (TCB), a nation-wide affordable housing developer devoted to developing affordable housing, and sustaining healthy lives for residents. I managed 60 active grants that support community health outcomes of our residents by investing in workforce development, youth engagement, food security, and financial wellness. One of my projects was to support on-site Community Life staff in implementing Federal awarded grant dollars according to the timeline, work scope, and agreed upon budget set by the United States Department of Housing and Urban Development (HUD). Through this role I saw the need to improve cross departmental and regional collaboration to track the progress of grant funded projects. I accomplished this by organizing regional, cross-department weekly check-ins with internal and external shareholders, coordinating monthly cross-regional training sessions for internal, peer-facilitated learning, and working with our accounting department to build specific grant tracking infrastructure. My commitment to internal collaboration and interest in climate centered design led to me being appointed to TCB's Climate Change Task Force as the sole representative from my team.

Prior to this role,, I was a Project Coordinator at Resonant Energy, a Boston-based solar developer. One of my projects was managing the third phase of the Solar Access Program (SAP III), a unique solar-hosting program that allows low to moderate income (LMI) homeowners in Environmental Justice neighborhoods to host solar panels in exchange for up to 30% savings on their electric bill. In addition to navigating complex zoning and permitting bylaws, needing to quickly comprehend state and federal solar incentives, and proficiently communicate with our clients and EPC partner, one of the challenges of this portfolio was staying within the fixed project cost set by the financier. Although this project had been assigned to prior project managers, I was able to keep project costs low by identifying, interviewing, and eventually hiring three individual contractors to complete the engineering, procurement, and construction work scope. I also applied for and was awarded Resonant's first private grant to cover the pre-installation barriers of each portfolio site. In addition to my project management work scope, I co-published Resonant's monthly newsletter, contributed to op-eds and LMI residential solar policy calls, facilitated the monthly meetings for Resonant's Racial Justice Working Group, and published Resonant's Diversity, Equity, and Inclusion statements.

As an undergraduate student, I developed and completed two climate resiliency projects that were tied to Smith College's sustainability strategy. The first was an embodied carbon analysis of the concrete and steel used in the construction of Smith's library. As a result of our analysis we were able to define steps Smith could take to lower its Scope-3 GHG emissions in the development of the library and in future capital projects. The second was a collaborative research project for Amherst, Bowdoin, Hampshire, Smith, and Williams Colleges that I independently designed and managed. The goal of the project was to learn how utility scale renewable energy projects interact with the host communities in which they are placed. We interviewed shareholders of the New England College Renewable Partnership, the first collaborative purchase of New England-generated solar power by higher education institutions, to better understand their concerns about the socioeconomic impacts of the array. Throughout the project, I presented at sustainability conferences, and completed a website that worked as a public relation effort between the five involved colleges and the town of Farmington, Maine itself.

I see a Board position with the City of Portland as an incredible opportunity to both build out the City's strategic goals and planning practices, and to further develop my experience in city planning and policy. I am passionate about working on systems issues in the context of community development and would love to have the opportunity to work with this awesome board of changemakers.

I thank you for the opportunity to apply for this position and for your consideration. I look forward to further conversations about this role.

Sincerely yours,  
Larissa Holland

# Marpheen Chann

City of Portland | Generated 1/26/2023 @ 9:52 am by OnBoard2 - Powered by ClerkBase

## Status

**Name** Marpheen Chann  
**Application Date** 1/19/2023  
**Expiration Date** 1/19/2024  
**Status** Received

## Board

Planning Board

## Vacancies

0

## Status

Pending

## Basic Information

**Name**  
Marpheen Chann

## Contact Information

**Address**  
25 Rackleff Street  
Portland, ME 04103

**Cell Phone**  
[REDACTED]

**Email**  
[REDACTED]

## Additional Information

**Notes**

Generated 1/26/2023 @ 9:52 am

# MARPHEEN S. CHANN-BERRY

25 Rackleff St. · Portland, Maine 04103

[REDACTED]

## RELEVANT EXPERIENCE

Strategic community engagement professional with experience in program development, management, and implementation in the nonprofit and advocacy sectors.

## EDUCATION

UNIVERSITY OF MAINE SCHOOL OF LAW, *Juris Doctor*, graduated May 2017

Focus: Administrative Law; State & Local Government; Property; Real Estate.

HOWARD UNIVERSITY SCHOOL OF LAW, *Visiting Student*, Spring 2017

Focus: Immigration Law; Refugee Law.

USM MUSKIE SCHOOL OF PUBLIC SERVICE, *Masters in Policy, Planning, and Management*, in progress.

UNIVERSITY OF SOUTHERN MAINE, *Bachelor of Arts with Honors, Political Science*, graduated May 2014

## PROFESSIONAL EXPERIENCE

GOOD SHEPHERD FOOD BANK, Yarmouth, Maine

*Community Impact Manager*, 10/2021 – Present

- Manage all functions of a participatory, community-led, bi-annual grantmaking fund that supports BIPOC-led organizations in their efforts to increase access to culturally important foods in their communities
- Deepen existing relationships and build new relationships with CRF committee members and grantees
- Match priorities identified by CRF grantees and partners with existing Food Bank programs and partners and when necessary support changes to internal processes at the Food Bank to meet these priorities
- Convene a diverse, multicultural planning team to develop a community-led process focused on addressing the root causes of food insecurity and emergency food needs within and alongside communities of color
- Convene a diverse, multicultural planning team to develop a community-led process focused on addressing the root causes of food insecurity and emergency food needs within and alongside communities of color

HOLOCAUST AND HUMAN RIGHTS CENTER OF MAINE, Augusta, Maine

*Southern Maine Regional Educator*, 02/2019 – 08/2021

- Deliver educational workshops and seminars on topics including Holocaust history and human rights to students, grades 5 through 12, in schools across northern Maine.
- Participate in training at the HHRC to achieve mastery of HHRC subject matter, curriculum and materials developed in collaboration with Facing History and Ourselves and the Southern Poverty Law Center's Teaching Tolerance.
- Recruit teachers and schools to participate in the HHRC programming including student workshops, class visits to the Michael Klahr Center and teacher training.

CHANN CREATIVE, Portland, Maine

*Owner & Digital Consultant*, 05/2018 – Present

- Established solo consulting practice and provided public relations and policy advice to state and local election candidates.
- Provided expertise on available website hosting platforms, online services, social media outreach and advertising.

MAINE CENTER FOR ECONOMIC POLICY, Augusta, Maine

*Campaign & Digital Communications Coordinator*, 07/2017 – 05/2018

- Coordinate issue campaign strategies and communications to a variety of audiences, including the public, lawmakers, and allies as well as donors and foundations.

Marpheen S. Chann-Berry, Page 1 of 2

- Design graphics and videos for social media channels.
- Update website.
- Design and setup digital ad campaigns.

**CONSUMER FINANCIAL PROTECTION BUREAU**, Washington, D.C.  
*Legal Intern & Program Assistant, Office of Minority & Women Inclusion*

Full Time, Volunteer (09/2016 – 12/2016); Full Time, Pathways Intern/CN-0999-30 / \$45,579.00 (06/2016 – 08/2016)

- Researched and drafted legal memorandum on diversity in Federal agency recruiting, hiring and workplace diversity and inclusion practices.
- Facilitated and drafted documents for discussions between employee council leaders and business units.
- Summarized responses from research interviews with mortgage industry leaders.
- Planned logistics for diversity and inclusion roundtable discussion with CFPB and mortgage industry leaders.
- Compiled data and reports for diversity and inclusion strategic planning meetings with business units.
- Briefed employees on new Bureau policy on resource groups and operational procedures to audience of 10.
- Reviewed employee submissions for compliance with Employee Resource Group Policy and Operational Procedure.
- Served as the point of contact for office's submissions under the Paper Work Reduction Act.

**LAW OFFICE OF JOHN LEMIEUX**, Portland, Maine  
*Legal & Marketing Assistant, 06/2015 – 05/2016*

- Researched case law, administrative rules and regulations, and statutes.
- Drafted various correspondences and documents including memos, wills, healthcare, financial directives, and Power-of-Attorney documents.
- Managed social media accounts and online presence.

**UNIVERSITY OF SOUTHERN MAINE**, Portland, Maine  
*Student Body Vice-President, 04/2013 – 04/2014*

- Built a coalition between the student government, local radio station, and student newspaper to host a forum on public education funding with a bipartisan group of state legislators.
- Advocated for solutions to student concerns including education funding, student loan debt, and student housing and parking issues before university committees and public entities.
- Supervised student government entities to ensure compliance with university policies, and state, local, and Federal laws.

**MAINE DEMOCRATIC PARTY**, Portland, Maine  
*Finance Intern, 07/2012 – 11/2012*

- Promoted organizational goals and solicited donations or sponsorships at community events, meetings, and conferences.
- Created and updated donor databases.
- Managed logistics for programs and events.

## COMMUNITY & PUBLIC EXPERIENCE

- **KHMER MAINE**, *President*, 12/2018 – Present
- **PLANNING BOARD MEMBER**, CITY OF PORTLAND, *Member*, 03/2020 – Present
- **EQUALITY COMMUNITY CENTER**, *Board Member*, 10/2021 – Present
- **MAINE CONSERVATION VOTER**, 06/2022 – Present
- **PORTLAND CHARTER COMMISSION (2020-2022)**, *Charter Commissioner (At-Large, elected)*, 07/2021 – 08/2022
- **GREATER PORTLAND IMMIGRANT WELCOME CENTER**, *Board Member*, 07/2017 – 11/2019

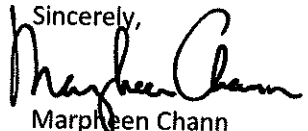
Ashley Rand  
Portland City Clerk  
389 Congress Street  
Portland, ME

RE: Planning Board Reappointment

To Whom It May Concern:

I am writing to submit my application for reappointment for another term on the City of Portland's Planning Board. The past three years have been a valuable learning experience and I believe the institutional knowledge and perspectives I bring will continue to benefit the Planning Board.

Attached is my resume. Thank you for your consideration.

Sincerely,  
  
Marphaen Chann  
Planning Board Member

# Brandon Mazer

City of Portland | Generated 1/26/2023 @ 10:04 am by OnBoard2 - Powered by ClerkBase

| Status           |               | Board          | Vacancies | Status  |
|------------------|---------------|----------------|-----------|---------|
| Name             | Brandon Mazer | Planning Board | 0         | Pending |
| Application Date | 1/13/2023     |                |           |         |
| Expiration Date  | 1/13/2024     |                |           |         |
| Status           | Received      |                |           |         |

## Basic Information

Name  
Brandon Mazer

## Contact Information

Address  
45 Eastern Promenade  
Unit 9F  
Portland, ME 04101

Cell Phone  
[REDACTED]

Email  
[REDACTED]

## Additional Information

Notes

Generated 1/26/2023 @ 10:04 am

**Brandon J. Mazer, Esq.**  
**45 Eastern Promenade, Unit 9F**  
**Portland, Maine 04101**

January 13, 2023

City of Portland Nominating Committee  
Mayor Kate Snyder, Chair  
389 Congress Street  
Portland, Maine 04101

Dear Mayor Snyder and Members of the Nominating Committee,

Please let this letter serve as my strong desire to serve on the Portland Planning Board for a third and final term.

I have enjoyed my time on the Board working with City staff and applicants to ensure that we have the highest quality development in the City that addresses the goals of our Comprehensive Plan.

We are continuing to move forward with Phase II of the ReCode, and I hope to continue to be a part of the process that will affect development in the City for years to come. We also have a number of important projects that we have started to review, including the Roux Institute and the hotel/condominium project next to City Hall.

We have had a number of new members join the Planning Board over the last few years. My experience and tenure, I believe, has been an asset and has assisted those newer members in understanding their role and responsibility as a Planning Board member.

I also believe my legal background brings an important viewpoint to the Board. One of the roles of the Planning Board is to implement the standards of the Land Use Code, and my ability to interpret and apply those standards through a legal lens is valuable.

I appreciate your time and consideration.

Sincerely,

Brandon J. Mazer



## **Brandon J. Mazer, Esq.**

**Attorney skilled in navigating complex regulatory environments and commercial transactions, including highly regulated licensure, manufacturing and wholesaler appointment processes.**

### **EXPERIENCE**

**Perkins Thompson P.A.  
2018-Present**

**March**

#### **Attorney**

Attorney in the Business and Corporate Law, the Municipal Law, and the Hospitality Law Practice Group with particular experience in the Craft Beverage specialty practice area. Focused on advising clients on all aspects of their operation, including entity formation, sales and acquisitions, permitting and licensing, contract negotiations, real estate transactions and day-to-day business advice.

**Shipyard Brewing Company  
February 2018**

**2011 to**

#### **General Counsel**

Provide regulatory compliance and transactional oversight across spectrum of environments, including manufacturing; contract manufacturing; development of beverage, food and retail establishments; wholesale distribution relationships; domestic & international trademark protection, and corporate administration.

### **EDUCATION AND PROFESSIONAL QUALIFICATIONS**

**University of Maine School of Law, Portland, ME  
JD May 2011**

**Involvement:** Intellectual Property Clinic

Conducted patent clearance and trademark clearance and filings for entrepreneurial start-ups

**Licensure:** Admitted to Bar of the State of Maine, 2011 - present  
Member, Maine State Bar Association

**Bowdoin College, Brunswick, ME,**

**BA May 2008**

Government & Legal Studies Major, History Minor

### **COMMUNITY AND PROFESSIONAL SERVICE**

#### **Current**

**Planning Board - Portland, Maine**

**February 2017-present**

*Vice- Chair*

*December 2021-present*

**Maine State Music Theater Trustee**

**December 2018-present**

|                                                      |                              |
|------------------------------------------------------|------------------------------|
| <i>President</i>                                     | <i>December 2022-</i>        |
| <i>present</i>                                       |                              |
| <b>Special Olympics of Maine, Board of Directors</b> | <b>2013 -</b>                |
| <b>present</b>                                       |                              |
| <i>Vice-Chair</i>                                    | <i>October 2022-</i>         |
| <i>present</i>                                       |                              |
| <u><i>Past</i></u>                                   |                              |
| <b>Candidate, Portland Maine City Council</b>        | <b>2021</b>                  |
| <b>Portland House Condominium Association</b>        | <b>2017-</b>                 |
| <b>December 2020</b>                                 |                              |
| <i>President</i>                                     | <i>2018-2019</i>             |
| <b>Zoning Board of Appeals - Portland, Maine</b>     | <b>2016-</b>                 |
| <b>2017</b>                                          |                              |
| <b>Candidate, Portland Maine City Council</b>        | <b>2015</b>                  |
| <b>Friends of the Eastern Promenade</b>              | <b>2016-</b>                 |
| <b>2019</b>                                          |                              |
| <i>President</i>                                     | <i>2018-2019</i>             |
| <b>Maine Brewers' Guild Board of Directors</b>       | <b>2011</b>                  |
| <b>- 2015, 2016-2018</b>                             |                              |
| <i>President</i>                                     | <i>July 2016 - Feb. 2018</i> |
| <b>National Brewers' Association</b>                 | <b>2013 - 2018</b>           |
| <i>Member, Governmental Affairs Committee</i>        |                              |

## PRESENTATIONS

**New England Craft Brew Summit**, March 31, 2022, Portland, Maine

- Presenter: Low and No-Alcohol Beers: Legal Basics

**Craft Beer Professionals Virtual Presentation**, March 1, 2022, via Zoom

- Panelist: Rapid Fire Legal

**Maine Professional Photographer Association**, February 17, 2022

- Presenter: Legal Crash Course

**Craft Beer Professionals Panel Fest**, December 24, 2020, via Zoom

- Panelist: Legal Issues in Craft Beer Today

**Craft Beer Professionals Virtual Presentation**, July 28, 2020, via Zoom

- Presenter: Contract Brewing and Alternating Proprietorships

**New England Craft Brew Summit**, February 28, 2020, Portland, Maine

- Presenter: Contract Brewing and Alternating Proprietorships

**Import/Export Compliance Course**, November 2, 2018, University of Maine School of Law, Portland Maine

- Guest Lecturer

**Conference: Arctic Opportunities: Exploring New Passages for Business Growth in the Arctic & North Atlantic**, October 19, 2017, Portland ME

- Panelist: Arctic Impact on Industrial Economic Landscapes

**New England Craft Brew Summit**, March 31, 2017, Portland, ME

- Panelist: Creating a Distinct and Sustainable Brand

**Nixon Peabody LLP Industry Presentation**, January 15, 2015, Boston MA

- Panelist: Taking your Craft Brewery, Distillery, or Winery to the Next Level

**University of Maine School of Law Industry Discussion**, September 29, 2015, Portland, ME

- Panelist: Maine's Craft Beer and Spirit Industry

Jennifer Wriggins

14 Kenwood St.

Portland ME 04102

January 19, 2023

Appointments Committee Chairman

c/o Portland City Clerk

389 Congress Street,

Portland ME 04101

Dear Appointments Committee:

I am interested in serving as a volunteer Fair Hearing Officer for the City of Portland. I understand there may be an opening for a person to serve in such a role. I am a lawyer and law professor who has not previously served in a role like this.

I am attaching a copy of my resume. I understand there is an interview process. I am generally available except Thursday afternoons.

Thank you for your consideration. My cell number is [REDACTED] My email is [REDACTED]

Sincerely,

Jennifer Wriggins

**JENNIFER B. WRIGGINS**  
Sumner T. Bernstein Professor of Law  
University of Maine School of Law  
246 Deering Ave.  
Portland ME 04102



**EDUCATION**

- 1984 J.D., Harvard Law School, *cum laude*, Articles and Executive Editor, Harvard Women's Law Journal
- 1980 B.A., Yale University, *magna cum laude*, distinction in philosophy

**PROFESSIONAL EXPERIENCE**

- 2002-Current Professor, University of Maine School of Law.  
(July 2015-July 2017, Associate Dean for Academic Affairs)  
(Sept. 2007, Named Sumner T. Bernstein Professor of Law).  
Courses include civil procedure, torts, insurance law, torts, health law, race/gender/sexual orientation & the law
- 2013-2014 Visiting Scholar, George Washington University School of Law,  
Visiting Scholar, American University-Washington College of Law  
(on sabbatical in Washington D.C.).
- Spring 2005 Visiting Professor, Harvard Law School, Visiting Professor, Boston University Law School.
- 1996-2002 Associate Professor, University of Maine School of Law.
- 1995-1996 Partner, Pressman, Kruskal & Wriggins.
- 1991-1994 Attorney, Pressman & Kruskal, Cambridge, Massachusetts.  
Civil litigation including representation of lead-poisoned children, real estate, adoptions, wills and trusts.
- 1990-1991 Assistant Attorney General, Civil Rights Division, Massachusetts.  
Attorney General's Office, Boston, Massachusetts. Litigated civil rights cases under Massachusetts Civil Rights Act, federal statutes, and other laws.
- 1988-1990 Attorney, Berman, Simmons & Goldberg, Lewiston, Maine. Litigated tort claims and claims involving civil rights (42 U.S.C. § 1983), sex and

# Sam Dargan

City of Portland | Generated 1/26/2023 @ 9:58 am by OnBoard2 - Powered by ClerkBase

| Status           |            | Board                            | Vacancies | Status  |
|------------------|------------|----------------------------------|-----------|---------|
| Name             | Sam Dargan | Portland Development Corporation | 1         | Pending |
| Application Date | 1/12/2023  |                                  |           |         |
| Expiration Date  | 1/12/2024  |                                  |           |         |
| Status           | Received   |                                  |           |         |

## Basic Information

Name  
Sam Dargan

## Contact Information

Address  
34 Taylor St  
Unit 2  
Portland, ME 04102

Cell Phone  
[REDACTED]

Email  
[REDACTED]

## Additional Information

Notes  
20 years experience starting, running, growing businesses ranging from small startups to international corporations. I am looking for ways to use my experience to contribute to my new community of Portland.

Generated 1/26/2023 @ 9:58 am

Expression of Interest in serving on Portland Development Corporation Board

12 January 2023

Dear Ma'am or Sir,

I have many years' experience running my own small business, and experience growing businesses to scale. Because my experience is from Rwanda, with its heavy exposure to development programs, I have significant first-hand experience with how grants and loans can best help small companies both survive and grow, and experience with how well-intentioned grant and loan programs at times fail to be fully effective for the intended beneficiaries.

From my exposure of building and operating companies I am well practiced at understanding a SME's risk factors in its given market, its key strengths, and the alignment between them. I believe I can be a useful contribution to assessing applicants or developing criteria for assessing applicants.

I have recently moved to Portland with my wife and 2 yr old daughter after 19 years running businesses of various scales and industries in Rwanda. I am hoping to find ways to use my experience to support our new community of Portland.

Thank you for your consideration.

Sincerely,



Sam Dargan

[Redacted contact information]

May 2022 to date

**Director, Global Operations, OX Global Ltd.**

OX Delivers is an e-mobility firm providing logistics services to rural developing world farmers using electric trucks. We have an R&D and engineering team for truck development and manufacture in the UK, consisting of 40 employees, and an operations team in Rwanda consisting of 75 employees. We operate all teams using Agile and TEAL organization values (full transparency, empowered teams) My role at OX is to ensure the company has the internal plumbing and cultural environment for all teams to deliver their best work, aligned with company level OKRs.

**Achievements**

- Developed, structured, and lead 3 of the companies 7 teams, those focusing on accounting, impact tracking, human resources, and product development
- Finance/Accounting team (Product Owner)
  - Creation of new companywide operation budget and development of cash planning tool
  - Integration of accounting workflows across geographies (UK, Rwanda)
  - Development of tools and processes to ensure precise cash flow management and high-quality and IFRS compliant accounting while matching the operational needs of a non-hierarchical organization in which each team is empowered to commit resources without centralized oversight
  - Development (on-going) of bespoke software to match bookkeeping requirements to our unique operational needs
  - This team has kept both the UK company and Rwanda company compliant with HMRC and Rwanda Revenue Authority and other relevant governmental bodies
- Talent Development team (Product Owner)
  - Launched and lead the team that supports all other self-managing teams in recruitment and talent management
  - Development of HR related practices & policies, employee handbook
- Product Development Team (Product Owner)
  - Launched and lead the team that develops the logistics service product, taking into account Customer needs, efficient use of EV trucks, and profitability

January 2021 to May 2022

**Managing Director, OX Rwanda, Ltd**

OX Delivers is an e-mobility firm providing logistics services to rural farmers using electric trucks. OX Rwanda is the company's first market. As Managing Director I built the Rwanda company, including hiring the team, creating the operations strategy, co-developing the processes, approaches with the early team.

**Achievements**

- Used \$30k of capital the company allotted to the pilot of our Mobility as a Service business model in Rwanda to launch the Rwanda business. The pilot quickly demonstrated market demand exceeding our expectations, and more resources were assigned to scaling it.
- The MaaS (Mobility as a Service) operation in Rwanda has achieved 30% month-on-month revenue growth since our first month of operation, cumulative revenue since our first cargo 15 months ago is \$350,000, month-on-month growth continuing.
- Hired first 5 employees – grew to 50 employees at time of me changing roles



- Achieved mandate of recruiting and developing the leadership team of the Rwanda operation to be exclusively Rwandan staff, including hiring my replacement who has taken the operation to greater heights
- Achieved a gender balance of 40% women in an industry (logistics) that has an average of 0.1% women in employment.
- Developed the customer acquisition strategy and tactics, operating model, and demonstrated the business case for our MaaS approach
- Oversaw the development of the company's mobile app, through which all customer services and truck movements are managed

#### **April 2019 to December 2020: Managing Director, Earth Enable Rwanda, Ltd**

Earth Enable offers concrete-free construction services to rural homes. The construction offered is more affordable and more durable than concrete alternatives. Earth Enable employs approximately 600 people in Rwanda. My role as MD has been to help secure the future of the company by increasing quality of construction and customer satisfaction, and developing the future leaders of the company.

#### **Achievements**

- Lead company turn-around, 50% customer satisfaction to 99% customer satisfaction.
- Doubled geography of company operations
- Significantly improved gross margin
- Lead cultural transformation resulting in an overall low morale becoming high morale, with lots of internal promotion and skills development, resulting in an happy and committed workforce.
- Significantly improved gender balance, from 3% to 15%, overall, with 30% in management/leadership levels.
- Co-created and implemented a new franchisee-based business model, which proved successful after my departure
- Achieved mandate of developing the leadership team to be fully Rwandese and hiring my replacement.

#### **December 2017 to November 2018: Managing Director, Ignite Power Rwanda, Ltd**

Ignite Power Rwanda is the largest PAYGO solar company in Rwanda and the fastest growing. As Managing Director, I was responsible for the oversight and administration of a workforce of 400 people and the execution of the company objectives. I started this role at a time when the company was in severe distress and quickly developed the systems and marketing strategies required to maintain and grow the company's sales volume while at the same time significantly improving the customer experience.

#### **Achievements**

- Led company turnaround
  - Below 50% repayment rate on customer Pay-as-you-go solar products, to 80%
  - Extreme low customer satisfaction due to low morale and dysfunctional systems, to high customer satisfaction and functional systems ensuring consistent service to all customers.
  - Lead company to highest sales of PAYGO systems in Rwanda, more units sold per month than all other companies together did in half a month

#### **September 2017 to December 2017: Director of Strategic Projects, Ignite Power Rwanda, Ltd**

As Director of Strategic Projects I was responsible for developing and implementing innovative practices to improve the current business model and a new revenue line: solar power drip irrigation.

**2016 to 2018: Elected head of Solar Sub-group & Board member at Energy Private Developers**

Having helped found EPD, the private sector association for energy companies, I served as head of the Solar Group of companies, engaging frequently in policy related dialogue with key government institutions, development partners and solar companies.

**Achievements**

- Co-created the structure, mission, and purpose, activity plan, budget of EPD
- Led the fund raising efforts and achieved funding partnerships for first years of origination's opex and growth needs
- Represented the private sector solar energy companies in formulation of key national energy policy with Government of Rwanda
- Organized private sector feedback and input into multiple policies prior to Presidential cabinet approval
- Helped companies navigate disputes or disagreements with government and visa versa on multiple occasions where investments worth hundreds of thousands of dollars were affected or at risk.

**2007 – 2008: Product Development & Sales, G24 Innovations**

G24 Innovations was a flexible thin-film solar company based in the UK. Over the course of two years I led product development for the African market and served on the sales team for global sales.

**2005 to Present: CEO, Great Lakes Energy, Ltd**

As CEO of Great Lakes Energy, Dargan has steered the company through multiple strategic iterations, exploring many aspects of the market, until arriving at market focus which reliability produces sustainable profits. Today GLE serves both off-grid institutions and on-grid commercial and industrial clients. Company has a Managing Director who manages all day to day operations, my role is currently limited to board chair.

**Achievements**

- Led the company to survive 13 years of challenging market conditions, navigating 3 crises of insolvency
- Oversaw development of bespoke remote monitoring and control hardware and software for solar power systems.
- Established a reputation for the company as reliable and proven-value partners for complex or large solar power projects

**Participations and Roles (all below are past roles)**

Co-Chairman of The Solar Group, Rwanda's private sector association for solar energy companies

Board member, Energy Private Developers

Strategic Guidance Committee, Engineering for Change, American Society of Mechanical Engineers

Member of Advisory Board of Nibakure Children's Village

WHO Expert for conference on measuring energy access in the healthcare setting

**Other Information**

Birthdate: 29 May 1982

Contact email: [sam.dargan.jr@gmail.com](mailto:sam.dargan.jr@gmail.com)

Phone: +1 207 481 1050

Please feel free to contact me if you have any questions about the information presented in this CV.

# Stephanie Motter

City of Portland | Generated 1/26/2023 @ 10:02 am by OnBoard2 - Powered by ClerkBase

## Status

**Name** Stephanie Motter  
**Application Date** 1/19/2023  
**Expiration Date** 1/19/2024  
**Status** Received

| Board (Rank)                         | Vacancies | Status               |
|--------------------------------------|-----------|----------------------|
| Portland Public Art Committee (1)    | 2         | <span>Pending</span> |
| Planning Board (2)                   | 0         | <span>Pending</span> |
| Rent Board (3)                       | 1         | <span>Pending</span> |
| Portland Development Corporation (4) | 1         | <span>Pending</span> |

## Basic Information

**Name**  
Stephanie Motter

## Contact Information

**Address**  
766 Ocean Ave, Unit 2  
Portland, ME 04103

**Cell Phone**  
[REDACTED]

**Email**  
[REDACTED]

## Additional Information

**Notes**  
I am moving to Portland in February 2023. If that is an issue with joining a board, I'd love to find out more ways I can get involved with the community!

Generated 1/26/2023 @ 10:02 am

# STEPHANIE MOTTER

Hello!

My name is Stephanie Motter - I'm a marketing, communications, and public relations professional with a diverse background in areas ranging from art and art history, to public education, to community resources, and more. My varied background allows me to pick up on projects, concepts, and goals with ease.

I would be thrilled to contribute my input and time to the Portland Public Art Committee - art, especially public art, is something I value deeply. I have interned at a public art museum and worked for almost three years at a public park - so the positivity of art and connecting people with art in nature is something I am well aware of.

I am moving to Portland in February and would love to get involved with the community. Being on the Portland Art Committee board would allow me to use my experience to bring positive change to the community while building new connections. Thank you for your time. I look forward to hearing from you.

Best,

Stephanie Motter

[REDACTED]

# STEPHANIE MOTTER

• marketing and communications professional •

## EDUCATION

2014 - 2018 • University of Georgia

Bachelor of Arts in Journalism- Major: Advertising

Certifications: Marketing Analytics - University of Virginia | Google Analytics - Google | Email Fundraising Optimization - NextAfter | Growth-Driven Design - Hubspot

## EXPERIENCE

**Georgia School Boards Association - 10/2021 - present**

Communications Coordinator

- Implemented re-design of all secondary pages for website, which resulted in a 16% increase in pageviews, a 19% increase in new users, increased organic search acquisitions by 22%, and increased social media acquisitions by 142%- all within the first 6 months of implementation
- Led building and implementation of award platform that was used for eight different programs, leading to an increase in applications for a majority of the programs
- Oversaw the creation, operation, and logistics of a youth advisory council for the organization
- Managed email communications with members - increased email open rates by 33.6%, click rates by 3%, and decreased unsubscribe rates by 22.8%
- Created a social media content calendar, drafted posts, and scheduled through online scheduling platform
- Assisted with statewide conference (650+ attendees), community events, and other public facing roles
- Analyzed results of individual and team efforts within department against strategic plan goals

**Piedmont Park Conservancy - 02/2019 - 09/2021**

Marketing Coordinator

- Managed projects and execution of marketing content and communications for four different departments in organization
- Created and built marketing campaigns focused on brand messaging and mission. These campaigns were related to fundraising, public awareness, program awareness, event awareness, or member engagement
- Oversaw email marketing (20,000+ subscribers), social media advertising (65,000+ followers), website updates, event promotion, graphic design needs, and more for the organization
- Served as a representative of the Conservancy for public activations, event management, and committee meetings
- Drafted blogs, email newsletters, media articles, and more
- Built, presented and interpreted quarterly marketing analytics reports for the organization, board members, and committees
- Increased brand awareness and digital audience growth through lead generation
- Assists with event management, planning, and execution efforts for four annual fundraising events that attract over 500 attendees
- Managed external agency and marketing intern

**ARPR (Tech PR Agency) - 06/2018 - 12/2018**

Intern

- Drafted social media content, press releases, and blogs for Healthcare IT, Cyber Security, FinTech, and SaaS clients

**Georgia Museum of Art - 05/2017 - 05/2018**

Public Relations Intern

## SKILLS

Graphic Design

Wordpress

Google Ads

Hootsuite

Email Marketing

Google Analytics

Microsoft Office Suite

Project Management

**Priscilla Skerry, N.D.,P.A.  
Healing Routes  
100 Brickhill Ave. Suite 304  
S.Portland, ME 04106**  
[REDACTED]

January 5, 2023

Attn: Ashley Aranda  
City of Portland  
389 Congress Street  
Portland, ME 04101

Dear Ashley,

I am resubmitting the following post our phone conversation to inform you that I wish to continue my position on the PMAC (Portland Pesticide Management Advisory Committee) following the completion of this term on 3/30/23.

I am a graduate of the National College of Naturopathic Medicine, Portland, OR (6/1994), which has been re-named the National University of Naturopathic Medicine. I have been serving the Portland and S.Portland communities as a licensed naturopathic doctor (NP 185) for the past 25 years. Presently I practice at the above address. I reside in Portland at 95 Emery St., 04102. Prior to attending National College, I was a student at the University of New England, College of Osteopathic Medicine for three years before leaving to complete my medical degree at NCNM (now NUMN).

Note: I was a licensed Radiologic Technologist for over 30 years prior to becoming a naturopathic doctor.

The medicine I practice is based in the philosophy that a person's health is dependent upon the environment (mental, emotional and physical) in which they are raised and reside in. It depends upon the quality of the food they eat, water they drink and air they breathe. The number of chemicals in present day use contaminating our environment and putting our health— and that of all living forms on our planet— at risk. This has got to be addressed. It is with this intent that I wish to remain a part of the Portland PMAC (LMAC).

I am also a member of the citizens' group Protect S. Portland and Elders for Future Generations.

Thank you for considering.

Priscilla Skerry, N.D. [REDACTED]  
95 Emery St. [REDACTED]  
Portland, ME 04102 [REDACTED]  
[REDACTED]

# Reginald C Parson

City of Portland | Generated 1/26/2023 @ 10:03 am by OnBoard2 - Powered by ClerkBase

| Status           |                   | Board                              | Vacancies | Status  |
|------------------|-------------------|------------------------------------|-----------|---------|
| Name             | Reginald C Parson | Police Citizen Review Subcommittee | 0         | Pending |
| Application Date | 1/14/2023         |                                    |           |         |
| Expiration Date  | 1/14/2024         |                                    |           |         |
| Status           | Received          |                                    |           |         |

## Basic Information

Name  
Reginald C Parson

## Contact Information

Address  
1 Sumner Court  
Portland, ME 04101

Phone  
[REDACTED]

Cell Phone  
[REDACTED]

Email  
[REDACTED]

## Additional Information

Notes

Generated 1/26/2023 @ 10:03 am

**Reginald Parson, J.D., MPA**

1 Sumner Court  
[REDACTED]  
[REDACTED]  
[REDACTED]

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January 14, 2023

Dear Members of the Legislative and Nominating Committee,

I am writing to express my interest and consideration of my materials to serve an additional term as a member on the Police Citizen Review Subcommittee (PCRS).

As a member of the PCRS for nearly six years, I have been honored to serve in a role where I can help make positive change in building the bridge between the Portland Police Department and our community. I have worked extremely hard to improve the process of how citizen complaints are handled and how Portland Police reviews cases through their policies adopted regarding the citizen complaint process. I have also not been afraid to ask the hard questions of Portland Police which I believe has improved transparency and strengthening trust for all parties.

I have also been proud to assist with soliciting feedback from the public on how police oversight could be improved in Portland. In the spring of 2021, the PCRS, in conjunction with the Subcommittee's City Attorney developed and released the "Community Survey of Police Oversight" which produced close to 80 responses from the public. We also developed stronger internal processes with the development of guidelines for reviewing internal affairs cases.

With regards to my leadership on this panel, I was given the solemn responsibility and honor by my peers to be elected as Vice Chair in 2021. This opportunity has allowed me to improve communication with the Subcommittee and Portland Police with monthly meetings with Command Staff to discuss upcoming cases to prepare for. I have also demonstrated leadership to the Subcommittee with presiding over multiple meetings and working with the Chair and City Staff to develop the agenda for the month.

Finally, serving on the Subcommittee has allowed me to provide a citizen's perspective on promotion interviews conducted by the Portland Police Department, use of force reviews and the advisory panel on evaluating data on traffic and arrest data through the Roux Institute titled "Assessing Arrest & Traffic Stop Patterns through the Roux Institute. This report was released in December 2022.

As the current version of the PCRS will soon transition into the Civilian Police Review Board, I look forward to bringing my experiences both personally and professionally. My goal if re-appointed is to ensure that the citizens can report potential violations of police department policy using a process that is fair and equitable for all parties.

Thank you for your consideration in allowing me to continue serving the City of Portland.

Sincerely,

Reginald Parson



**REGINALD PARSON, J.D.,MPA**

1 Sumner Court  
Portland, Maine 04101

[REDACTED]

[REDACTED]

---

**EDUCATION**

**University of Maine School of Law, Portland, Maine**

*Juris Doctor, May 2019*

- *Pro Bono Publico Award, May 2019*
- *Faculty Award for Community Service, May 2019*
- *Recipient, Maine Association for Public Interest Law (MAPIL) Fellowship, Summer 2017*

**University of Wisconsin Oshkosh (UWO), Oshkosh, Wisconsin**

*Master of Public Administration, May 2016*

- *Recipient, Outstanding Student Leadership Award, April 2016*
- *Titan Graduate National Scholar designation, September 2015*
- *Tom Segnitz Leadership Award, April 2015*

**Marian University, Fond du Lac, Wisconsin**

*Bachelor of Science, Homeland Security (Minors: Criminal Justice and Pre-Law), May 2013*

- *Student Commencement Speaker, May 2013*
- *Recipient, Senator of the Year, Marian University Student Senate, April 2013*
- *Recipient, Ronald E. McNair Scholar designation, April 2012*

**PROFESSIONAL EXPERIENCE**

**Maine State Legislature, Maine House of Representatives, Augusta, Maine, September 2019-current**

***Legislative Aide, House Majority Office, Maine House of Representatives, December 2022-current***

- *Provide excellent service and leadership as legislative aide and advisor to eleven members in the House of Representatives (eight House Democratic members and three unenrolled members-two Independents in the House and Tribal Representative to the Maine Legislature) elected to the 131st Maine Legislature.*
- *Assist members with strong analytical policy analysis, thorough research and excellent constituent services/communications on behalf of the members.*
- *Successfully connect legislators to the various state agencies and other non-partisan offices in the Maine Legislature.*

***Senior Legislative Aide and Policy Analyst, Speaker of Maine House of Representatives, September 2019-December 2022***

- *Policy analyst and advisor for two Speakers of the Maine House of Representatives on policy areas such as criminal justice and public safety, healthcare, health and human services, marine resources, inland, fisheries and wildlife and state and local government.*
- *Coordinated the Speaker's legislative and non-legislative appointments to various boards and commissions as required by Maine law.*
- *Successfully responded to constituents on behalf of the Speaker and provided timely and thorough responses to constituents which led to successful outcomes with constituent related matters.*

(Parson, 1 of 3)

***Interim Legislative Aide, Office of Independent and Tribal Representatives, Maine House of Representatives*** August 2021-September 2021 and July 2022-November 2022

- Entrusted to provide excellent service as the legislative aide to four members in the Office of Independent and Tribal Representatives in the 130th Maine Legislature.
- Successfully drafted and responded to constituents on behalf of the members and provided timely and thorough responses to constituents.
- Demonstrated excellent communication skills with the executive and judicial branches on behalf of members with regard to policy and other important matters.

***City of Portland Municipal Government, Portland Maine***  
*Executive Department Intern, January 2019-September 2019*

- Demonstrated excellent writing skills by authoring a report to the City Manager on identifying ways to improve diversity for the City of Portland Boards and Committees.
- Collaborated with departments in obtaining information to complete multiple projects assigned by the Executive Department.

***Maine Regulatory Training and Ethics Center (MeRTEC), Portland, Maine***  
*Legal Intern, September 2018-May 2019*

- Provided clients strategic advice on achieving desired outcomes on regulatory and policy matters by demonstrating excellent writing and communication skills.
- Collaborated with the U.S Food and Drug Administration to obtain regulatory information regarding the use of xenotransplantation on burn patients on behalf of an assigned client.
- Researched and drafted memoranda concerning U.S Customs and Border Protection's scope-of-search authority at Ports of Entry, and interpretation of the University of Maine System Intellectual Property Policy defining rights and responsibilities of students with respect to intellectual property rights (for the University of Southern Maine CI2 innovation lab).

***Cumberland Legal Aid Juvenile Justice Clinic-University of Maine School of Law, Portland, Maine***  
*Student Attorney, September 2018-January 2019*

- Maintained an active caseload of five juvenile clients and appeared on their behalf in criminal and civil matters in Maine state courts. Also appeared at nine juvenile hearings, including some for unrepresented juveniles.
- Negotiated and collaborated with prosecutors, Juvenile Community Correctional Officers and other parties to obtain successful outcomes for clients.
- Demonstrated excellent writing skills by drafting legal documents and other correspondence on behalf of clients, to opposing counsel, and other parties to assigned cases.

***American Civil Liberties Union of Maine, Portland, Maine***  
*Legal Intern, June-August 2018*

- Researched and drafted legal memoranda concerning racial profiling, limitations imposed by Judicial Officers in relation to violation of conditions of release, transgender rights of inmates, national origin discrimination, and in-custody and out-of-custody hearings.
- Conducted weekly reviews of proposed rules promulgated by the Maine Department of Health and Human Services and Department of Corrections that had potential implications of individuals civil rights and civil liberties in Maine.
- Collected data during criminal adult in-custody and out-of-custody hearings at Cumberland County Courthouse for purposes of providing recommendations to improve Maine's Bail System.

(Parson, 2 of 3)

### **GUEST LECTURES, PRESENTATIONS, AND SPEECHES**

**Facilitator**, Maine Shared Community Health Needs Assessment for Black/ African-American Residents (November 2021)

**Panelist**, Influential Black Leaders of Maine, University of Southern Maine Student Government Association (July 2021)

**Panelist**, Young Men Professional Panel, University of Wisconsin Oshkosh Gentleman of Excellence-Men of Color & Latino/a/Hispanic Initiatives (April 2021)

**Guest speaker**, Lift Your Voice Workshop, TRIO First Generation College Celebration, Marian University (November 2020)

**Panelist**, Student Support Services (SSS) Alumni Panel, TRIO First Generation College Celebration, Marian University (November 2020)

**Panelist**, Juvenile Justice Reform: Restitution Reconsidered, University of Maine School of Law (March 2019)

**Creator/Facilitator**, United We Stand Oshkosh: Building Bridges with Law Enforcement, University of Wisconsin Oshkosh (September 2015)

**Keynote Speaker**, Dr. Martin Luther King Jr. Interfaith Community Breakfast, Marian University (January 2013)

### **Community Awards:**

**TRIO Achiever Award**, Wisconsin Association of Educational Opportunity Program Personnel (WAEOPP) (October 2021)

### **Leadership Roles in Professional Organizations**

**Class President**, Class of 2021 Eastern Leadership Academy, Council of State Governments Eastern Region (August 2021-August 2022)

**Member**, Council of State Governments East Executive Committee (August 2021-August 2022)

### **Community Advisory Boards & Task Force Panels**

**Co-Chair**, Gerald Whitburn Center MPA Alumni Advisory Board, (January 2022-present)

**Board Member and Corporator**, Boys & Girls Club of Southern Maine (October 2021-present)

**Member**, Portland and South Portland Disproportionate Police Activities Data Analysis Project, University of Southern Maine Cutler Institute (August 2021-July 2022)

**Member**, Racial Justice Fund Advisory Committee, Maine Justice Foundation, (August 2020-present)

**Member**, Diversity, Equity and Inclusion Taskforce (DEI), University of Maine School of Law, (July 2020-September 2022)

**Vice Chair and Member**, Police Citizen Review Subcommittee, City of Portland (March 2017-present)

# Kaylin Nadine Kerina

City of Portland | Generated 1/26/2023 @ 9:54 am by OnBoard2 - Powered by ClerkBase

| Status           |                      | Board                              | Vacancies | Status  |
|------------------|----------------------|------------------------------------|-----------|---------|
| Name             | Kaylin Nadine Kerina | Police Citizen Review Subcommittee | 0         | Pending |
| Application Date | 1/20/2023            |                                    |           |         |
| Expiration Date  | 1/20/2024            |                                    |           |         |
| Status           | Received             |                                    |           |         |

## Basic Information

Name  
Kaylin Nadine Kerina

## Contact Information

Address  
22 Fessenden Street, 22 Fessenden Street  
22 Fessenden Street  
Portland, ME 04103

Phone  
[REDACTED]

Cell Phone  
[REDACTED]

Email  
[REDACTED]

## Additional Information

Notes

Generated 1/26/2023 @ 9:54 am

## Kaylin N Kerina

22 Fessenden Street

Portland, ME 04103

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City of Portland Maine | City Clerk

Dear City of Portland City Clerk,

My name is Kaylin Kerina and I am reapplying for my current seat for the Police Citizens Review Board. At this time, I seek to continue be a more active member of the city of Portland and give back to my community. This committee speaks to my experience here in Maine and in the City of Portland, and I would like to be able to bring change and a new perspective to the Committees.

I have been working in Workforce Development and Career Services for over 5 years and have specialized in working with those who have barriers to employment. I have been working with at-risk youth and helping them realize their full potential for the last 4 years and truly have dedicated my life to this work. Sitting on the Police Citizens Review Board would give me the opportunity to help the city's Police Force to better understand the youth that are at-risk in the community to better serve them with a trauma informed view. Currently, at Youth Building Alternatives I work with at-risk youth who have dropped out of the "traditional" school system, and work with us at a small-scale alternative education placement. These students not only work on their HiSETS, they also receive individualized career development and post-secondary education guidance. They also work towards learning a trade and I relish in the opportunity to help them succeed. Translating this work to help the committee I would be able to bring my motivational interviewing skills, my training in behavioral health as it applies to helping students work through their barriers to go to school, and lastly, I would be able to bring students positive mentoring and coaching.

Now working at the state level with program implementation and leading the Maine Career Exploration Program I look forward to bringing that systems wide viewpoint to the work we do on the PCRS. Also, with the changes made by the charter commission I feel it incredibly important that I continue to serve to implement these immense changes to our group.

As a soon to be master's Candidate in Clinical Social Work, I would love to bring my skills and expertise, and research to either of the committee positions listed. As an "on the ground" direct service Social Worker I would like to bring that perspective to the committee again. I would love to be afforded the ability to grow within The City of Portland and with those you serve.

Best,  
-Kay Kerina

# Kaylin N Kerina

22 Fessenden Street | Portland, ME 04103

## Education

**Southern Maine Community College**  
South Portland, ME  
Graduated May 2019  
*MHRT/C Behavioral Health Certificate*

**Manhattanville College**  
Purchase, NY  
Graduated 2015 | Board of Trustee  
Scholar | Dean's List  
*Major: Communications & Marketing*

**University of Westminster**  
London, England  
*Studied: Integrated Marketing Communications*  
Semester Abroad Fall 2014

## Work Experience

### State of Maine Department of Economic & Community Development

#### Maine Career Exploration Program Manager, August 2022 – Present

- Plans and develops comprehensive educational and workforce programs.
- Reviews and evaluates federal and state applications and programs for compliance.
- Consults with school officials in order to determine most effective use of available funds and programming.
- Consults and coordinates with department officials to ensure program effectiveness.
- Identifies goals and objectives in specialty/subject area in order to assess program.
- Develops evaluative techniques to ascertain the effectiveness of programs and program expenditures.
- Manage outside contracts and contractors.
- Lead events to attract students and businesses to the Maine Career Exploration Program.
- Manage, organize, and motivate volunteers.

### Jobs for Maine's Graduates | Portland, ME

#### High School Completion Specialist, February 2020 – August 2022

- Provided student focused and strengths-based career, post-secondary education, and training opportunities for at-risk youth in the Deering High School system.
- Provided follow up services for youth in program, including job placement, social services referrals, and post-secondary success check-ins for one year after date of graduation.
- Maintained community partnerships and relationships to facilitate a well-rounded job placement board for students.

### Deering High School | Portland, ME

#### Title IX Liaison March 2020 – August 2022

#### Equity Cohort Team Co-Leader August 2021 – Present

- Worked in team to address student equity, harassment, bullying, and other school needs.
- Trained staff on district policies and guidelines that pertain the equity.
- Confidentially took student reports of harassment, discrimination, bullying, sexual assault and misconduct and directs them for investigation to appropriate parties.
- Worked with other team and school leaders to facilitate conversations about equity.

### Muskie School of Public Service | Portland, ME

#### Consultant - Workforce Development, July 2020 – March 2021

- Co-designed the facilitation approach, including developing meeting materials (agendas, presentations, etc.) for meetings with WIOA core partners, state agencies, and Maine-based education and workforce organizations.
- Conducted research to identify educational and career-focused training programs in the Portland area and statewide. Document findings in asset mapping tools provided by YCE staff.
- Reviewed data provided by CCWI and WIOA core partners and collaborate on recommendations for CCWI's integrated service delivery plan.
- Participated in coaching calls, as needed, with Jobs for the Future's coaching team for the Modernizing Apprenticeship for Opportunity Youth initiative.

### LearningWorks - Youth Building Alternatives | Portland, ME

#### Student Development Coordinator, October 2017- February 2020

- Developed and implemented individualized career development plans with each student, including both a vocational goal and measurable, time-limited intermediate goals that will ameliorate or remediate identified barriers to successful completion of the YBA program.

# Kaylin N Kerina

22 Fessenden Street | Portland, ME 04103

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- Developed, tracked, reported, and documented student and graduate placement statistics, success stories, and employment progress for up to one year after exit of the program.
- Developed and maintained relationships with representatives from business, government, and postsecondary education institutions that result in academic and employment placements for students and graduates.
- Recruited members for the Community Advisory Group and Chairs the CAG for further development of YBA programming for youth.

## **Goodwill Northern New England | Portland, ME**

### **Employment Counselor, June 2016 – October 2017**

- Created, implemented, and taught the "Ready to Work" class curriculum for residents at Long Creek Youth Development Center to gain job readiness skills.
- Instructed in job seeking, application procedures, resume writing, interview preparation and job retention skills to residents at facility.

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## **Certifications**

**Youth Mental Health First Aid | NAMI Maine | Feb 2018 – Feb 2021**

**Certified Career Services Provider | National Career Development Association | In Progress**

**Mental Health Rehabilitation Technician/ Community | Southern Maine Community College | Pending Completion**

**NAPPI (Non-Abusive Psychological and Physical Intervention) | Goodwill Northern New England | June 2017 – Present**

**Certified Re-entry Employment Specialist | National Institute of Corrections | October 2016 – Present**

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## **Public Speaking**

**Educate Maine Leadership Fellowship | Inclusion, Diversity, and Equity in Action | August 2020 | Carrabassett, ME**

**MELMAC Foundation | Supporting Post-Secondary Education Transitions | October 2019 | Augusta, ME**

**Aspen Institute National Opportunity Youth Conference | Career Development in Rural Areas for Opportunity Youth | April 2019 | Philadelphia, PA**

**Educate Maine Conference | Putting Positive Youth Development to Work | December 2018 | Portland, ME**

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## **Professional Organizations**

**Committee Member for Maine Department of Labor – Young Worker's Committee | March 2019 – February 2020**

**Maine Career Development Association Member | January 2019 – Present**

**National Career Development Association Member | March 2018 – Present**

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## **Public Office & Boards**

**Appointed Member**

**Citizens Police Review Subcommittee | Portland Maine**

**Term 2020-2023**

- Reviews the process of police investigations of citizen complaints to ensure it is thorough, objective, fair, and timely.
- Reports to the city manager on the results of its reviews.
- Reports to the city manager any recommendations or proposals for improving the police investigation process, policies, or training, and for enhancing public confidence in the complaint investigation process; and
- Holds a public hearing to receive public comments on the police citizen complaint process.

**Portland Youth Dance | Portland, ME**

**President of the Board, October 2019 – June 2021**

**Board Member, August 2018 – June 2021**

- Led and developed strategic plan for organizational growth and development.

## ***Kaylin N Kerina***

22 Fessenden Street | Portland, ME 04103



- Developed and maintained relationships with donors, funders, supporters, collaborators, allies, vendors, and other stakeholders.
- Developed, implemented, monitored, and assessed sound and compliant fundraising practices.
- Developed, informed, and supported the board and the board committees to carry out their governance functions.



# Mr XAVIER BOTANA

City of Portland | Generated 1/26/2023 @ 9:52 am by OnBoard2 - Powered by ClerkBase

| Status           |                  | Board                              | Vacancies | Status  |
|------------------|------------------|------------------------------------|-----------|---------|
| Name             | Mr XAVIER BOTANA | Police Citizen Review Subcommittee | 0         | Pending |
| Application Date | 1/19/2023        |                                    |           |         |
| Expiration Date  | 1/19/2024        |                                    |           |         |
| Status           | Received         |                                    |           |         |

## Basic Information

Name  
Mr XAVIER BOTANA

## Contact Information

Address  
15 Brookside Lane  
Portland, ME 04103

Phone  
[REDACTED]

Cell Phone  
[REDACTED]

Email  
[REDACTED]

## Additional Information

Notes  
I am writing to ask for consideration for service on the police citizen review committee. I have attached my cover letter and resume. I look forward to hearing from you.  
Xavier Botana

[REDACTED]

Generated 1/26/2023 @ 9:52 am

January 19, 2023

City of Portland  
% City Clerk  
389 Congress Street  
Portland, ME 04101

Dear Commission Selection Committee,

I am writing to request consideration for membership on the Police Citizen Review Committee. I have recently left service to the Portland Public Schools and am looking forward to engaging in other community service activities that will further the quality of life in my community.

I have tremendous respect for the work of law enforcement. As superintendent of schools in Portland and over 40 years of experience in education, I have seen the valuable service our law enforcement provides to all of us. I have been particularly impressed by the leadership and members of the Portland Police Department. In seven years of involvement, they have always shown a commitment to understanding our school community context and collaborating with us to ensure safety of all students and staff.

At the same time, as an educator committed to social justice, I have come to recognize the challenging intersection of law enforcement and schools. I believe that my deep understanding of the causes of the school to prison pipeline and experience working with law enforcement in Portland to reduce that effect, I hope to have the opportunity to bring my perspective to the work of the committee.

I have attached my resume as well. I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read 'X. Botana', with a horizontal line extending to the right.

Xavier Botana

Xavier E. Botana

15 Brookside Lane Portland, Maine 04103

[REDACTED]

[REDACTED]

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|                  |                                                                                                                                                                                     |             |
|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| <b>Education</b> | <b>Illinois Superintendent's Training Academy Graduate</b><br><i>Chicago, Illinois</i>                                                                                              | <b>2010</b> |
|                  | <b>PhD Program in Education and Social Policy, Admitted to Candidacy</b><br><b>Earned Illinois Superintendent Endorsement</b><br><i>Northwestern University, Evanston, Illinois</i> | <b>1994</b> |
|                  | <b>Master's Degree in Educational Administration</b><br><i>Chicago State University, Chicago, Illinois</i>                                                                          | <b>1989</b> |
|                  | <b>Bachelor's Degree in Curriculum and Instruction</b><br><i>Chicago State University, Chicago, Illinois</i>                                                                        | <b>1984</b> |

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#### **Career History & Accomplishments**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| <b>Superintendent, Portland (ME) Public Schools</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>2016-Present</b> |
| <ul style="list-style-type: none"><li>• Led the development and operationalized the district's Portland Promise Strategic Plan with a focus on closing opportunity gaps and redressing practices that lead to inequitable outcomes predicted by race</li><li>• Developed budgets that prioritized resources aligned to the Portland Promise equity goal that garnered 70-80% community support</li><li>• Diversified the workforce (from 97% to 90% identifying as White)</li><li>• Led ambitious policy agenda to align policy to the Portland Promise focus on equity (student discipline, harassment and discrimination, relations with law enforcement)</li><li>• Led ambitious academic and programmatic agenda to align practice with the Portland Promise equity focus (decolonize curriculum with Wabanaki and African American studies curriculum, Lau/English Language Learners plan, Mathematics reform curriculum, Pre-K expansion, behavioral health supports programming for students with emotional disabilities)</li><li>• Oversaw the completion of a new school and the renovation of four locally bonded elementary schools and placement of two high schools on the State's major school construction priority list</li><li>• Oversaw increase of graduation rates to all time high</li></ul> |                     |
| <b>Associate Superintendent and Principal, Michigan City Area Schools.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>2010-2016</b>    |
| <ul style="list-style-type: none"><li>• Elementary: All time high elementary performance on ISTEP+</li><li>• HS: all time high graduation rate</li><li>• Increased from last to first in Duneland Conference in the number dual credits earned by graduates</li><li>• Designed and implemented two elementary magnet schools (STEM and Fine Arts); served as principal of Pine Elementary Fine Arts Magnet</li><li>• Accomplished this while reducing over \$10 million from \$50 million educational budget</li></ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                     |

**Chief Academic Officer, Portland (Oregon) Public Schools**

2009-10

- Lead HS Redesign effort to develop Community Comprehensive High School Core Program which became the baseline for significant increase in graduation rate (from 52% in '08 to 60% in 2013) with significant closing of the racial graduation gap
- Established district's education partnership with Glenn Singleton for "Courageous Conversations" focused on anti-racism;
- Lead district math adoption and coaching support structure for writing and math; Math performance increased significantly the year after departure, partly resulting from new rigorous math program and support system established during tenure

**Chief Officer, Instructional Design and Assessment, Chicago Public Schools.**

2002-2009

- Served as a senior instructional staff member in former Secretary of Education Arne Duncan's administration
- Established CPS' first ever common reading curriculum adoption and lead district's successful Math and Science Initiative
- Oversaw district's middle level efforts to increase teacher specialization and co-lead Algebra I in Middle School Initiative
- Oversaw assessment department during transition away from Iowa Test of Basic Skills and implementation of first ever formative assessment program
- Managed district's response to and implementation of No Child Left Behind law

**Multiple Teaching and Administrative Positions in Illinois**

1984-2002

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**Selected Recent Service to the Profession**

- National Academies for the Sciences/National Research Council Member of Consensus Study Committee on Improving the Education of Dual Language Learners (2015- 2016)
- National Academies for the Sciences COVID School Reopening Consensus Study Reviewer (2020)
- Maine Department of Education English Language Learners Advisory Committee (2017-Present)
- Maine School Management Association Facilities Committee (Present)
- Active member of Cumberland County Superintendent's Association (Present), Marketing Committee member (Present)
- Southern Maine Partnership DEI Initiative 2020 (Steering Committee)

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**Service to the Portland Community**

- Portland ConnectEd (CEO membership organization) Steering Committee member and Executive Committee member (2016-Present)
- Early Childhood Revenue Task Force Co-chair (2019-Present)
- United Way of Southern Maine, Board member (2018-Present)
- Thrive 2027 Council member (since 2017) and Co-Chair (Present)
- Boys and Girls Club of Greater Portland Board member (2017-Present)
- Rotary Club of Portland member (2017-Present)
- Portland Museum of Art Education Committee member (2019-Present) and Architect Selection Committee (Present)

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## Summary

- Over 25 years of senior management experience in the education sector
- Experience with all aspects of school and district operations from curriculum and instruction to human resources, operations and transportation
- Expertise working in lean environments while retaining focus on student achievement
- Able to work directly with student and organizational data and formulate effective data based strategies
- Excellent communication skills
- Bilingual in English and Spanish

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** February 9, 2023

**SUBJECT:** Order 137-22/23 Appointing Troy Moon to the Pest Management Advisory Committee - Sponsored by Danielle P. West, Interim City Manager

**SPONSOR:** The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

**(If sponsored by a Council committee, include the date the committee met and the results of the vote.)**

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final  
Action**

**Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.**

**Does this item involve a new contract with the City: no**

**PRESENTATION:** Please list the presenter(s), type, and length of presentation

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

This order appoints Sustainability Director Troy Moon to the Pest Management Advisory Committee as the City Manager's appointee.

Five affirmative votes are required for passage after public comment.

**III. BACKGROUND**

Background information that will not appear in the Agenda Description

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis that will not appear in the Agenda Description.

**VII. RECOMMENDATION**

**VIII. LIST ATTACHMENTS**

1. Appointing Troy Moon to Pest Management Advisory Committee 2.27.2023

Prepared by:

Date: 02/09/2023

KATE SNYDER (MAYOR)  
APRIL D. FOURNIER(A/L)  
PIOUS ALI (A/L)  
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
REGINA L. PHILLIPS (3)  
ANDREW ZARRO (4)  
MARK DION (5)

**ORDER APPOINTING TROY MOON TO THE  
PEST MANAGEMENT ADVISORY COMMITTEE**

**ORDERED**, that Troy Moon is hereby appointed to the Pest Management Advisory Committee.



**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** February 13, 2023

**SUBJECT:** Order 138-22/23 Granting Municipal Officers' Approval of Volcano LLC, dba Volcano. Application for Indoor Entertainment at 155 Riverside Street - Sponsored by Danielle P. West, Interim City Manager

**SPONSOR:** The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

**(If sponsored by a Council committee, include the date the committee met and the results of the vote.)**

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final  
Action**

**Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.**

**Does this item involve a new contract with the City: n/a**

**PRESENTATION:** Please list the presenter(s), type, and length of presentation

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

Application was filed on 1/25/23. New City application. Establishment was previously approved for a Class IA Inn (41+ rooms).

Five affirmative votes are required for passage after public comment.

**III. BACKGROUND**

Background information that will not appear in the Agenda Description

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis that will not appear in the Agenda Description.

**VII. RECOMMENDATION**

**VIII. LIST ATTACHMENTS**

1. 2023.02.27\_Volcano
2. 2023.02.23\_Volcano\_Council Packet

Prepared by:

Date: 02/13/2023

KATE SNYDER (MAYOR)  
ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
REGINA PHILLIPS (3)  
ANDREW ZARRO (4)

**CITY OF  
PORTLAND**  
IN THE CITY COUNCIL

MARK DION (5)  
APRIL D. FOURNIER(A/L)  
PIOUS ALI (A/L)  
ROBERTO RODRÍGUEZ (A/L)

ORDER  
GRANTING MUNICIPAL OFFICERS'  
APPROVAL OF:

**Volcano LLC, dba Volcano. Application for Indoor Entertainment at 155 Riverside Street**

25 January 2023

Offices of the Mayor and City Council  
City of Portland, Maine

We have submitted an application for an indoor  
entertainment license for our Bar Restaurant, ~~Volcano~~,  
located in 155 Riverside St Portland Maine.

Ivo Bartra  
Managers



**CITY OF PORTLAND**  
**Permitting and Inspections Department**

**Application for an Entertainment License**

|                                                                   |                                                         |                                                          |
|-------------------------------------------------------------------|---------------------------------------------------------|----------------------------------------------------------|
| <input checked="" type="checkbox"/> Indoor Entertainment \$500.00 | <input type="checkbox"/> Outdoor Entertainment \$700.00 | <input type="checkbox"/> Combined Entertainment \$800.00 |
| <input checked="" type="checkbox"/> Sound Mitigation Fee \$150.00 |                                                         |                                                          |

|                                               |                                                                             |
|-----------------------------------------------|-----------------------------------------------------------------------------|
| <b>Business Information</b>                   |                                                                             |
| Establishment Name (d/b/a):                   | Volcano <span style="float:right">Phone: 207 775 6538</span>                |
| Location Address:                             | 155 Riverside St Portland Maine <span style="float:right">Zip: 04103</span> |
| Owner Name:                                   | George Papanikolaou <span style="float:right">Phone: 207 880 9735</span>    |
| Owner Email:                                  | Volcanolcstaff@gmail.com                                                    |
| Contact Person responsible for Entertainment: | George Papanikolaou <span style="float:right">Phone: 207 880 9735</span>    |
| Contact Person Email:                         | volcanolcstaff@gmail.com                                                    |
| Manager of Establishment:                     | George Papanikolaou <span style="float:right">Phone: 207 880 9735</span>    |
| Manager Email:                                | Volcanolcstaff@gmail.com                                                    |

**About Your Establishment**

Describe in detail the type and nature of the business and proposed entertainment:

Bar, Restaurant, Catering with Band Entertainment, Karaoke

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

Signature

Title

Owner

Date

1/25/2023

For more information, refer to the City Code of Ordinance: Chapter 4 Amusements, at [www.portlandmaine.gov](http://www.portlandmaine.gov)

# Volcano LLC Venue Sound Mitigation Plan

Prepared By Neil Griggs

Audio Engineer- Headlight A.V.

---

(207)838-6818

Methods used to minimize impact on surrounding uses.

Both the Ballroom and the Bar area are separated from the rest of the hotel with no guest rooms in the vicinity. There are no other businesses in the area that could be impacted by noise. They are wanting to do Karaoke and some small bands in the bar area and weddings in the ballroom (DJ/small bands). I don't see a need for any added sound mitigation.

Speaker locations and direction/sound system details and controls.

No existing sound system on site. Bands and DJ's will bring their own.

Stage and site layout and direction.

In the Bar the performance area will be by the north entrance facing the bar. In the Ballroom the performance area will be on the south wall facing the north entrances.

Noise canceling or mitigation measures proposed.

None.

Anticipated sound readings.

Used 100 db (A weighted) on the attached diagrams. Put some generic PA in the rooms to model the sound. It's about 60 db 10' outside the rooms according to my program.

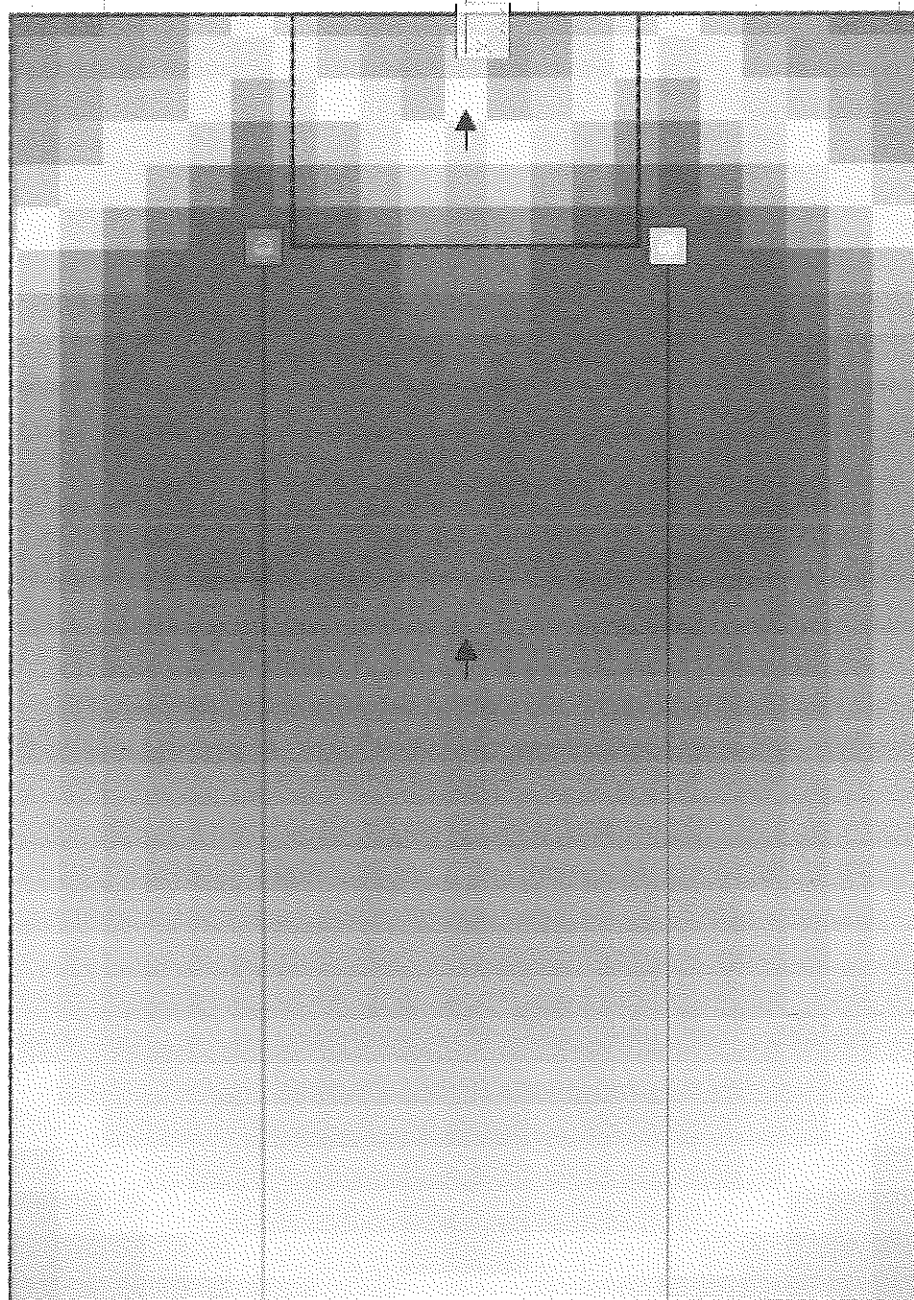
*Neil Griggs*

1/11/23

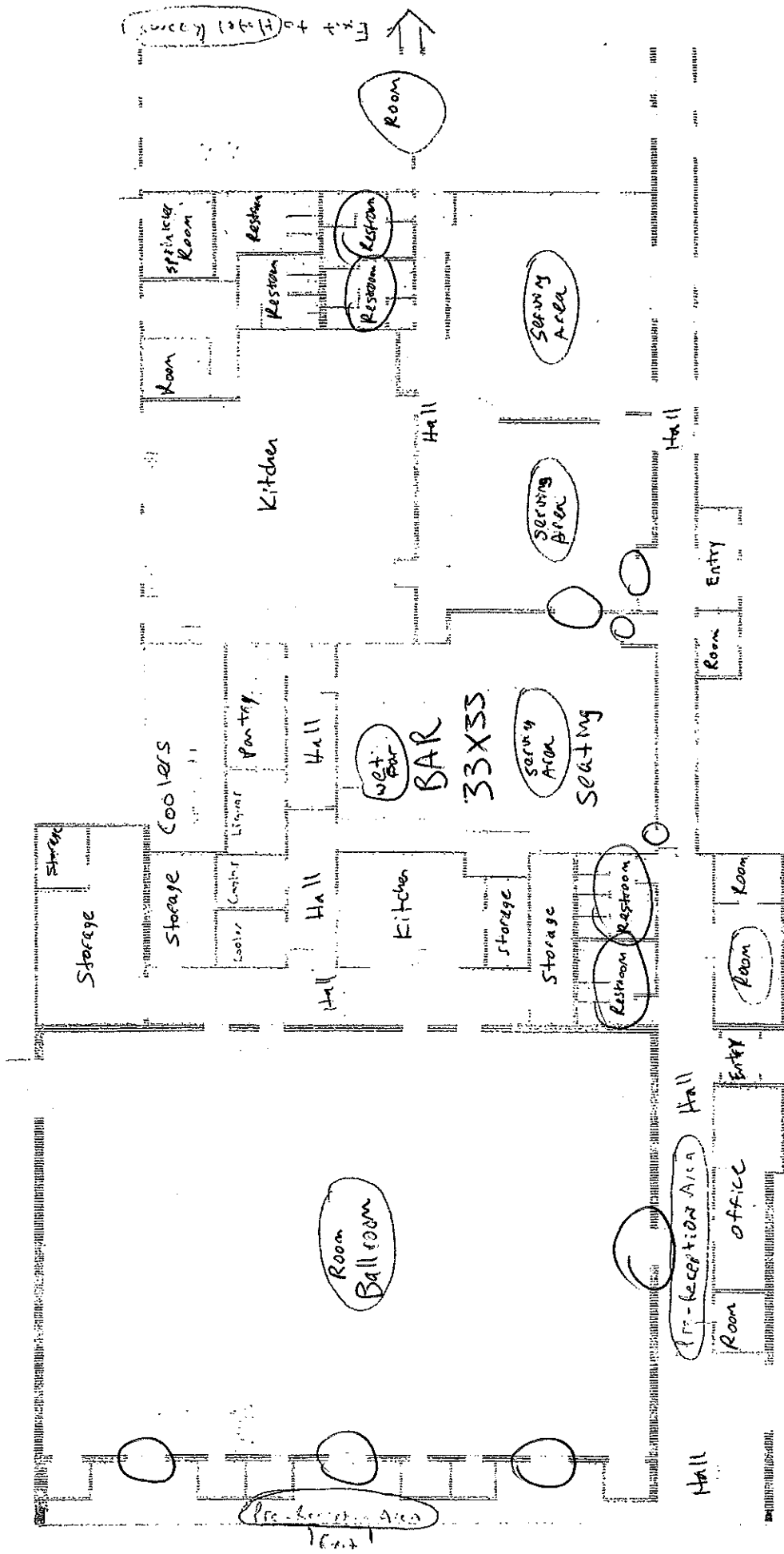




Ball Room



\* The Circled Areas = Hotel Guest Rooms Are Liquor Consumption Areas



155 RIVERSIDE ST.  
 PORTLAND, ME 04103  
 (207) 774-5861

SITE # 1919

JOHNSON PLAZA HOTEL  
 RIVERSIDE STREET  
 PORTLAND, ME 04103

# DIMENSIONS

## AREA

### THEATER

### CLASSROOM

### BANQUET NO DANCE

### BANQUET WITH DANCE

### BANQUET RECEPTION DANCE, HEAD TABLE EACH

### MAXIMUM CEILING HEIGHT

## ROOM

|                           |          |      |      |     |     |     |     |    |
|---------------------------|----------|------|------|-----|-----|-----|-----|----|
| Convention Center & Foyer | 108 X 76 | 8200 | 1100 | 462 | 720 | 560 | 480 | 14 |
| Convention Center         | 93 X 61  | 5700 | 1100 | 462 | 720 | 560 | 480 | 14 |
| <u>Kennebec</u>           | 31 X 61  | 1900 | 224  | 96  | 240 | 130 | 100 | 14 |
| <u>Oxford</u>             | 31 X 61  | 1900 | 224  | 96  | 240 | 130 | 100 | 14 |
| <u>Cumberland</u>         | 31 X 61  | 1900 | 224  | 96  | 240 | 130 | 100 | 14 |
| 2 Convention Center Rooms | 62 X 61  | 3780 | 500  | 282 | 480 | 320 | 240 |    |
| Conference                | 25 X 10  | 250  | N/A  | 12  | 12  | N/A | N/A | 8  |
| Somerset                  | 35 X 27  | 900  | 74   | 36  | 80  | N/A | N/A | 8  |
| York                      | 39 X 27  | 1050 | 80   | 40  | 88  | 50  | 50  | 8  |
| York / Somerset           | 74 X 27  | 2000 | 150  | 80  | 150 | 120 | 110 |    |
| Riverside                 | 32 X 42  | 1344 | 120  | 76  | 96  | 75  | 75  | 8  |
| Pool Conference Rooms     | 27 X 21  | 567  | 30   | 24  | N/A | N/A | N/A | 8  |
| Cove                      | 27 X 17  | 459  | 30   | 24  | N/A | N/A | N/A | 8  |
| Loft                      | 27 X 17  | 459  | 30   | 24  | N/A | N/A | N/A | 8  |
| Lampighter                | 22 X 20  | 440  | N/A  | N/A | 40  | 40  | 40  | 8  |

## Notes:

Riverside, Cumberland & Kennebec Rooms each has access to an 8' wide street level loading door  
 Foyer Room has a 7' wide street level loading door  
 York Room has a 4' wide street level loading door  
 Remember: additions to the room set up reduces capacity

Volcano LLC Venue Sound Mitigation Plan  
Prepared By Neil Griggs  
Audio Engineer- Headlight A.V.

(207)838-6818

Methods used to minimize impact on surrounding uses.

Both the Ballroom and the Bar area are separated from the rest of the hotel with no guest rooms in the vicinity. There are no other businesses in the area that could be impacted by noise. They are wanting to do Karaoke and some small bands in the bar area and weddings in the ballroom (DJ/small bands). I don't see a need for any added sound mitigation.

Speaker locations and direction/sound system details and controls.

No existing sound system on site. Bands and DJ's will bring their own.

Stage and site layout and direction.

In the Bar the performance area will be by the north entrance facing the bar.  
In the Ballroom the performance area will be on the south wall facing the north entrances.

Noise canceling or mitigation measures proposed.

None.

Anticipated sound readings.

Used 100 db (A weighted) on the attached diagrams. Put some generic PA in the rooms to model the sound. It's about 60 db 10' outside the rooms according to my program.

Neil Griggs  
1/11/23

## Sound Mitigation Review

**Applicant** George Papanikolaou

kschneck@portlandmaine.gov



Zachary Lenhart <zlenhart@portlandmaine.gov>

---

## Volcano - Entertainment

---

Eric Nevins <erickn@portlandmaine.gov>

Sat, Feb 11, 2023 at 3:44 PM

To: Zachary Lenhart <zlenhart@portlandmaine.gov>

Cc: Ron Kelton <rkellon@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Katlyn Sawyer <ksawyer@portlandmaine.gov>, Zoning <zoning@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Christina Stacey <cstacey@portlandmaine.gov>, Glen McGary <glenm@portlandmaine.gov>, Kevin Schneck <kschneck@portlandmaine.gov>

Approved

On Wed, Feb 8, 2023 at 1:08 PM Zachary Lenhart <zlenhart@portlandmaine.gov> wrote:  
[Quoted text hidden]

--

Eric Nevins  
Lieutenant  
Portland Police Department  
(207) 874-8513



Zachary Lenhert <zlenhert@portlandmaine.gov>

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## Volcano - Entertainment

---

**Matthew Coldwell** <mcoldwell@portlandmaine.gov>

Tue, Feb 14, 2023 at 8:31 AM

To: Zoning <zoning@portlandmaine.gov>

Cc: Zachary Lenhert <zlenhert@portlandmaine.gov>, Ron Kelton <rkelton@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Katlyn Sawyer <ksawyer@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Eric Nevins <ericon@portlandmaine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, cstacey <cstacey@portlandmaine.gov>, Glen McGary <glenm@portlandmaine.gov>, Kevin Schneck <kschneck@portlandmaine.gov>

Good Morning,

Legal use for the property is hotel and restaurant. Zoning approves.

Thank you,

Mac

Mac Coldwell

City of Portland  
Zoning Specialist  
Permitting & Inspections Department  
389 Congress ST, Room #315  
Email: mcoldwell@portlandmaine.gov  
he/him

[Quoted text hidden]

## **Legal Advertisement**

### **Notice of Public Hearing City of Portland**

A Public Hearing will be held on February 27, 2023 at 5:00 P.M., virtually Volcano LLC, dba Volcano. Application for Indoor Entertainment at 155 Riverside Street - Sponsored by Danielle P. West, Interim City Manager



City of Portland | Permitting and Inspections  
Zachary Lenhert, Licensing and Housing Safety Manager



February 22, 2023

Volcano LLC  
4 Skampa Dr  
Windham, ME 04062

Re: Volcano LLC, dba Volcano. Application for Indoor Entertainment at 155 Riverside Street

Dear Volcano:

This letter shall serve as a reminder of the public hearing before the Portland City Council on Monday February 27, 2023 at 5:00 p.m., for the review of application for Volcano LLC, dba Volcano. Application for Indoor Entertainment at 155 Riverside Street. The meeting will take place in person and virtually. The link can be found on the Meeting Agenda which will be posted on the City Website on February 24, 2023.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or at [bl@portlandmaine.gov](mailto:bl@portlandmaine.gov).

Sincerely,

Zachary J. Lenhert  
Licensing and Housing Safety Manager

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** February 13, 2023

**SUBJECT:** Order 139-22/23 Granting Municipal Officers' Approval of Bread and Friends, LLC, dba Bread and Friends. Application for Class III & IV FSE with Outdoor Dining on Public Property at 505 Fore Street - Sponsored by Danielle P. West, Interim City Manager

**SPONSOR:** The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

**(If sponsored by a Council committee, include the date the committee met and the results of the vote.)**

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final  
Action**

**Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.**

**Does this item involve a new contract with the City: n/a**

**PRESENTATION:** Please list the presenter(s), type, and length of presentation

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

Application was filed on 1/27/23. New City and State application. Location was previously Pizzarino.

Five affirmative votes are required for passage after public comment.

**III. BACKGROUND**

Background information that will not appear in the Agenda Description

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis that will not appear in the Agenda Description.

**VII. RECOMMENDATION**

**VIII. LIST ATTACHMENTS**

1. 2023.02.27\_Bread and Friends
2. 2023.02.27\_Bread and Friends\_Council Packet

Prepared by:

Date: 02/13/2023

KATE SNYDER (MAYOR)  
ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
REGINA PHILLIPS (3)  
ANDREW ZARRO (4)

**CITY OF  
PORTLAND**  
IN THE CITY COUNCIL

MARK DION (5)  
APRIL D. FOURNIER(A/L)  
PIOUS ALI (A/L)  
ROBERTO RODRÍGUEZ (A/L)

ORDER  
GRANTING MUNICIPAL OFFICERS'  
APPROVAL OF:

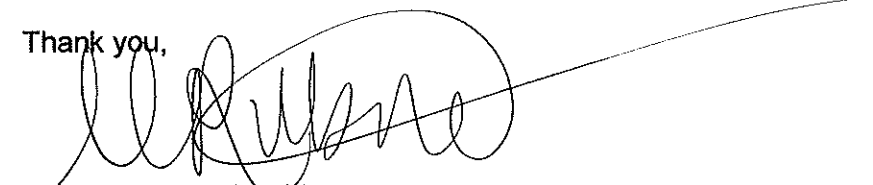
**Bread and Friends, LLC, dba Bread and Friends. Application for Class III & IV FSE with  
Outdoor Dining on Public Property at 505 Fore Street**

Morgan 'Maggie' Rubin  
22 Clinton St.  
South Portland, ME 04106  
720.394.8754  
maggie@breadandfriendsmaine.com

To Whom It May Concern,

I am writing to make our intentions known for the property at 505 Fore Street, Portland. My three partners and I plan to open Bread & Friends, a bakery and daytime restaurant featuring artisan pastries, naturally leavened bread, craft coffee, an elevated breakfast and lunch menu, and beer and wine. We plan to offer both indoor and outdoor dining (seasonally).

Thank you,



Handwritten signature of Morgan 'Maggie' Rubin in black ink, featuring a large, stylized 'M' and 'R'.

◀ Morgan 'Maggie' Rubin



**CITY OF PORTLAND**

**Permitting and Inspections Department**

**Application for Food Service Establishment with Alcoholic Beverages License**

|                                             |                                                          |
|---------------------------------------------|----------------------------------------------------------|
| <b>Business Information</b>                 |                                                          |
| Establishment Name (d/b/a):                 | Bread and Friends                                        |
| Location Address:                           | 505 Fore st Portland ME 04101                            |
| If new, what was formerly at this location: |                                                          |
| Mailing Address:                            | 505 Fore st Portland ME 04101                            |
| Contact Person:                             | Tanner Rubin                                             |
| Contact Person Email:                       | Tanner@breadandfriendsmaine.com                          |
| Manager of Establishment:                   | Morgan Rubin                                             |
| Owner of Premises (Landlord):               | Casco View Holdings 111, LLC                             |
| Address of Premises Owner (Landlord):       | C/o Boulos Asset Management<br>One Canal Plaza Suite 500 |

**Sole Proprietor/Partnership Information (If Corporation, leave blank)**

| Name of Owner(s) | Date of Birth | Residence Address |
|------------------|---------------|-------------------|
|                  |               |                   |
|                  |               |                   |

|                        |                                    |
|------------------------|------------------------------------|
| <b>Corporate Name</b>  | <b>Corporate Mailing Address</b>   |
| Bread and Friends, LLC | 505 Fore st Portland ME Zip: 04101 |

**Corporate/LLC/Non-Profit Organization Applicants (If Sole Proprietor or Partnership, leave blank)**

|                           |              |                      |                                  |
|---------------------------|--------------|----------------------|----------------------------------|
| Contact Person:           | Morgan Rubin | Phone:               | 720-394-8754                     |
| <b>Principal Officers</b> | <b>Title</b> | <b>Date of Birth</b> | <b>Residence Address</b>         |
| Morgan Rubin              | Owner        | 03/07/92             | 22 Clinton St So Portland 04106  |
| Tanner Rubin              | Owner        | 07/06/90             | 22 Clinton St So Portland 04106  |
| Jeremy Broucek            | Owner        | 11/25/87             | 154 Belfort st Portland ME 04103 |
| Jessica Rattey            | Owner        | 01/29/84             | 154 Belfort st Portland 04103    |
| Class of Liquor License:  |              |                      |                                  |



**CITY OF PORTLAND**  
**Permitting and Inspections Department**

see attached menu.

|                                                                                                                                     |                                                 |                             |
|-------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|-----------------------------|
| Type of food served:                                                                                                                | Breakfast and Lunch, Bread, pastries and Coffee |                             |
| Please circle all that will be served:                                                                                              | Beer Wine Liquor                                |                             |
| Projected percentage of sales:                                                                                                      | Generated from Food: 90%                        | Generated from Alcohol: 10% |
| Hours & days of operation:                                                                                                          | 8am - 3pm Thurs - Mon                           |                             |
| <b>QUESTIONS</b>                                                                                                                    |                                                 | <b>Y/N</b>                  |
| Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open? |                                                 | Y/N                         |
| If No, please explain:                                                                                                              |                                                 |                             |
| Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?                 |                                                 | Y/N                         |
| If yes, give the distance:                                                                                                          |                                                 |                             |
| Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)                    |                                                 | Y/N                         |
| Will you permit dancing after 1:00 a.m.?                                                                                            |                                                 | Y/N                         |
| Will you have outside dining? (If yes, an Outdoor Dining Application is required)                                                   |                                                 | Y/N                         |
| If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).                                                      |                                                 |                             |
| Will you have any amusement devices (pinball, video games, juke box)?                                                               |                                                 | Y/N                         |
| If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____                                    |                                                 |                             |
| What is your targeted opening date?                                                                                                 |                                                 |                             |
| Does the Issuance of this license directly or indirectly benefit any City employee(s)?                                              |                                                 | Y/N                         |
| If Yes, list name(s) of employee(s) and department(s):                                                                              |                                                 |                             |
| Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?      |                                                 | Y/N                         |
| If Yes, please list business name(s) and location(s): Bread and Friend LLC 123 Washington Ave 04101                                 |                                                 |                             |
| Is any principal officer under the age of 21?                                                                                       |                                                 | Y/N                         |
| Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?    |                                                 | Y/N                         |
| If Yes, please explain: Jeremy Broucek OUI/DWI 2011 in Massachusetts<br>Jeremy Broucek OUI/DWI 2013 in Massachusetts                |                                                 |                             |

I, Tanner Rubin do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require me to produce Server Training certificates for each employee that serves alcohol to the public in my establishment. Failure to meet the training requirement imposed by section 15-41 may result in the denial of a liquor license pursuant to 28-A M.R.S.A. § 653 (2) (G).

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

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto. I/We, hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We, hereby waive any rights to privacy with respect thereto.

Signature [Signature] Title Owner Date 01/24/23



CITY OF PORTLAND

Permitting and Inspections Department

**Outdoor Dining on Public Property**  
**Supplemental Application Process**

**What is Needed to Apply:**

- ☒ Letter of intent addressed to the Mayor and members of the City Council (if serving alcohol).
- ☒ 8 1/2" x 11" Plot Plan showing: (see design and construction section)
  - Lot lines, where the building sits on the lot and dimensions of the building and lot.
  - Street location and the intersecting streets.
  - Sidewalk location, width, and curbing location.
  - Setback dimension from the sidewalk to the building.
  - Location of proposed outdoor dining area and its components (tables, chairs, barriers, etc.), including dimensions and total outdoor dining area in square feet. An outdoor dining installation cannot prevent a clear passageway for pedestrians (4 feet minimum and 5 feet for a street corner).
- ☒ A drawing, photo or specifications of any required barrier solutions. Please request additional information if located on Wharf Street.
- ☒ Proof of Public Liability insurance coverage. The permit holder is required to produce at the time of submission and maintain public liability insurance coverage of not less than four hundred thousand dollars (\$400,000) combined single limit for bodily injury, death and property damage, naming the City as an additional insured.
- ☒ City application for food & alcohol
- ☒ Outdoor Dining Supplemental application
- ☐ Payment of fees (see application)

The application must be complete in order to be accepted and processed. Applications must be submitted at least three (3) weeks prior to the Council meeting. There will be no liquor applications heard by the City Council in May due to fiscal items on the agenda.

**After you submit your application to the Business Licensing Division:**

- We will mail you a letter confirming the date, time, and location of the City Council meeting.
- Please proceed with arranging for inspections when your establishment is ready.

**After you have been approved by City Council:**

- When the Business Licensing Division has received all approvals from the required departments, we will issue your license. We will call you when the license is ready and any remaining balance is due. You may contact us for a license status update, but please note that we must receive approvals directly from all departments on the accompanying "Steps to Approval" sheet before issuing your license.





**CITY OF PORTLAND**  
Permitting and Inspections Department

**Outdoor Dining Permit on Public Property  
Supplemental Application**

License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Liquor License  
Valid April 1-November 15

- ☐ Legal Advertisement Deposit \$100.00
- ☐ Outdoor Dining on Public Property \$84.00 plus \$2.00 per Square foot \$2.00 X 202 SF = \$404
- ☐ Outdoor Dining on Public Property in a City Park \$84.00 plus \$6.30 per Square foot \$6.30 X \_\_\_\_\_ SF = \_\_\_\_\_

|                                       |                                                                     |
|---------------------------------------|---------------------------------------------------------------------|
| <b>Business Information</b>           |                                                                     |
| Establishment Name (d/b/a):           | Bread and Friends                                                   |
| Location Address:                     | 505 Fore st Portland ME Zip: 04101                                  |
| Mailing Address:                      | 505 Fore st Portland ME Zip: 04101                                  |
| Contact Person:                       | Tanner Rubin                                                        |
| Contact Person Email:                 | Tanner@breadandfriendsmaine.com                                     |
| Manager of Establishment:             | Morgan Rubin Date of Birth: 03/07/92                                |
| Owner of Premises (Landlord):         | Casco View Holdings 111, LLC                                        |
| Address of Premises Owner (Landlord): | C/O Boulos Asset Management Zip: 04101<br>One Canal Plaza Suite 500 |

**Owner Information**

|                        |              |                                    |              |
|------------------------|--------------|------------------------------------|--------------|
| <b>Corporate Name</b>  |              | <b>Corporate Mailing Address</b>   |              |
| Bread and Friends, LLC |              | 505 Fore st Portland ME Zip: 04101 |              |
| Contact Person:        | Morgan Rubin | Phone:                             | 720-394-8754 |

| Principal Officers | Title | Date of Birth | Residence Address                     |
|--------------------|-------|---------------|---------------------------------------|
| Tanner Rubin       | Owner | 07/06/90      | 22 Clinton st South Portland ME 04106 |
| Morgan Rubin       | Owner | 03/07/92      | 22 Clinton st South Portland ME 04106 |
| Jessica Rathey     | Owner | 01/29/84      | 154 Belfort st Portland ME 04103      |
| Jeremy Brouce      | Owner | 11/25/87      | 154 Belfort st Portland ME 04103      |

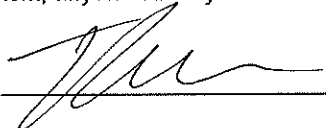


## CITY OF PORTLAND

### Permitting and Inspections Department

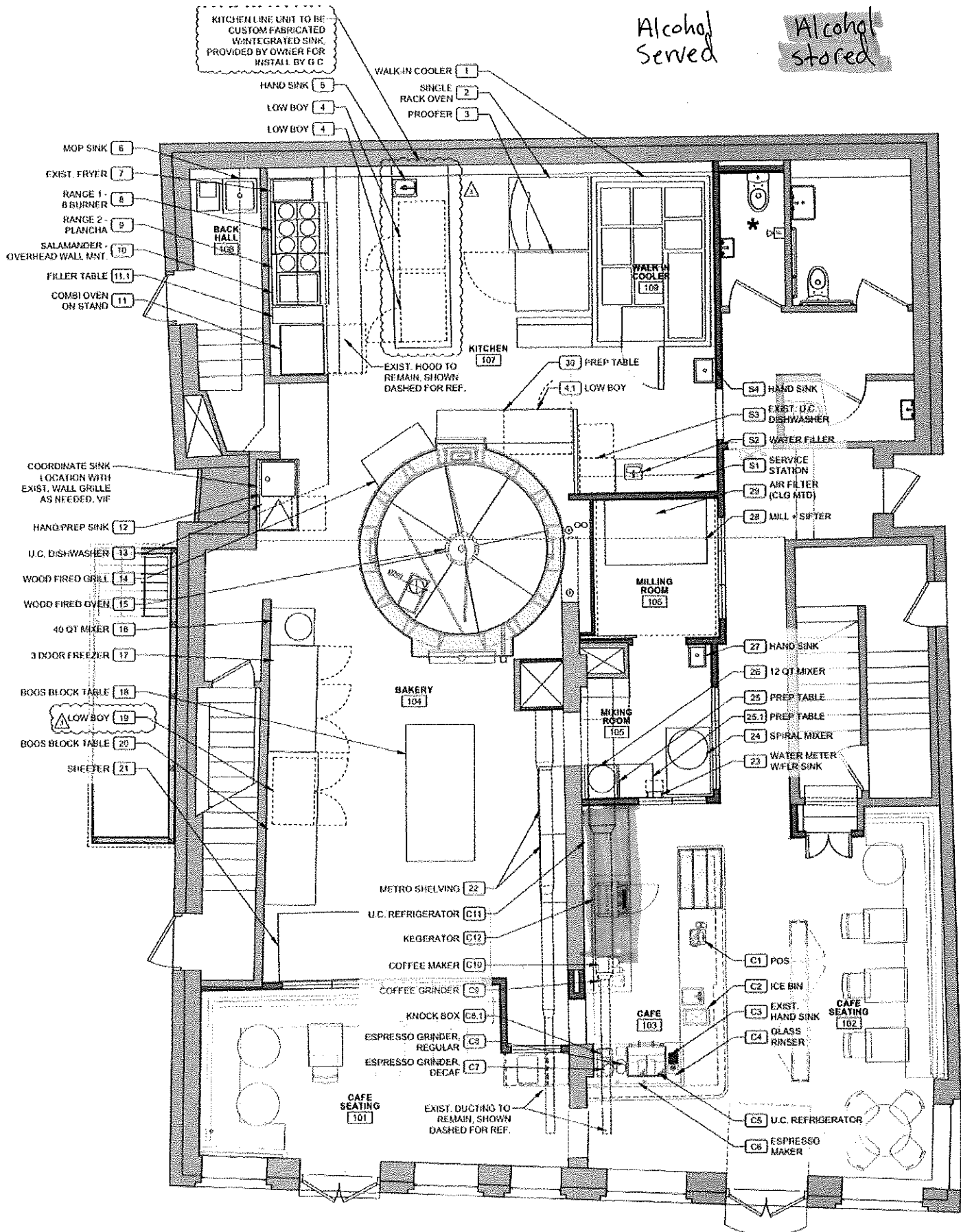
- Outdoor dining components must be within the permitted area and allow safe passage of pedestrian traffic. Failure to comply may result in a revocation of the permit.
- The permit holder is responsible for keeping the outdoor seating area clean.
- No food shall be prepared in the designated outdoor dining area.
- All outdoor dining components shall be removed before snowfall and while any snow or ice exists within four feet of the outdoor dining area. The City will not be responsible for damage to any property that is not removed prior to sidewalk maintenance.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.
- Request for the use of adjacent on street parking space for outdoor dining installations requires Parking Office and Building Authority review and approval.

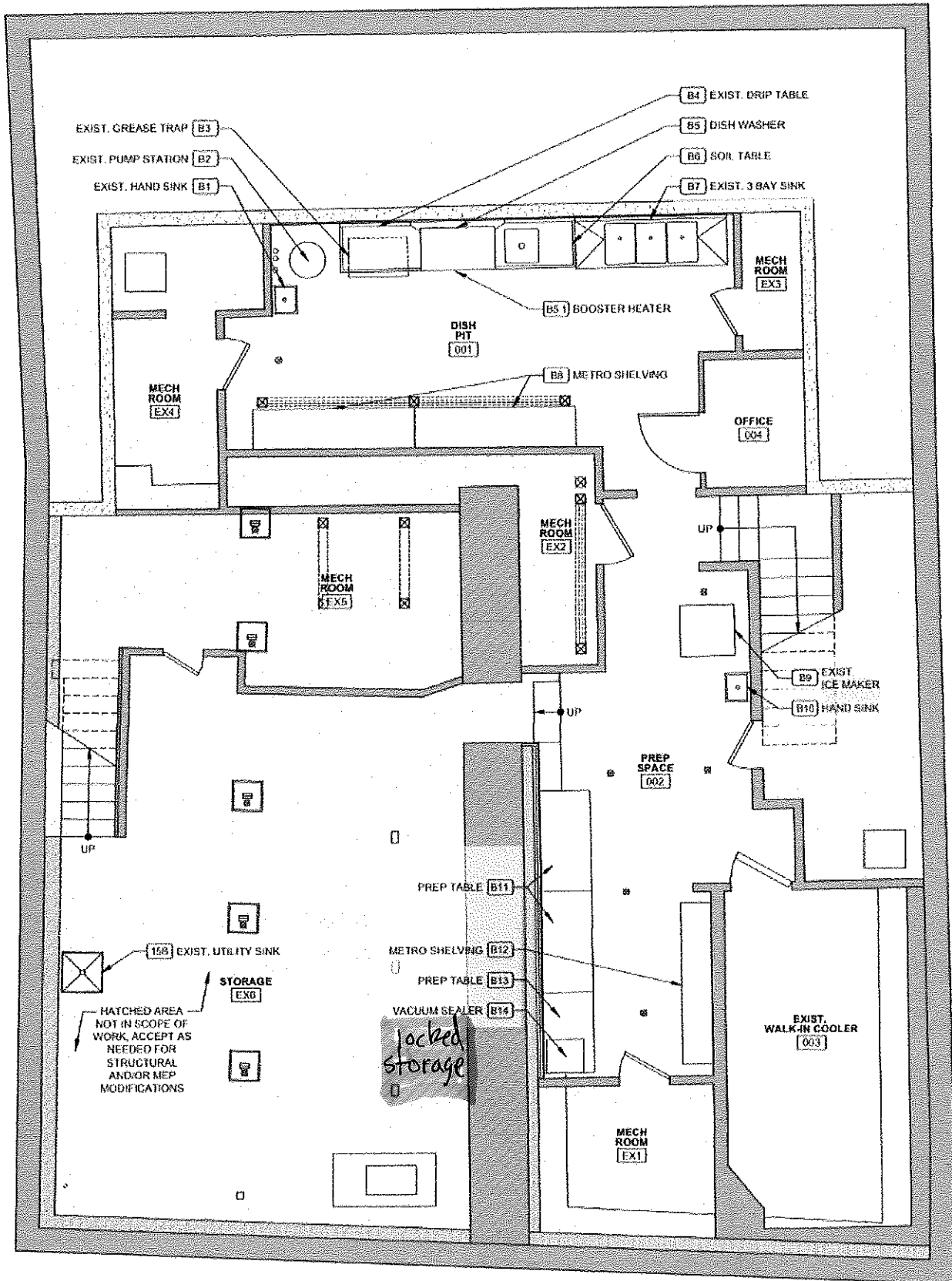
I/We fully understand that the City of Portland, its agents, officers and employees accept no responsibility and will not be liable for any injury, harm or damage to my/our person or property arising out of the establishment's occupancy of the sidewalk or park space. To the fullest extent permitted by law, I/We do hereby agree to assume all risk of injury, harm or damage to my/our person or property (including but not limited to all risk of injury, harm or damage to my/our property cause by the negligence of the City of Portland, its agents, officers or employees) arising out of the establishment's occupancy of the sidewalk or park space. I/We hereby agree, to the fullest extent permitted by law, to defend, indemnify and hold harmless the City of Portland, its agents, officers and employees, from and against all claims, damages, losses and expenses, just or unjust, including, but not limited to costs of defense and attorney's fees, arising out of the establishment's occupancy of the sidewalk or park space, provided that any such claims, damage, loss or expense (1) is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property including the loss of use there from, and (2) is caused in whole or in part by any negligent act or omission of the establishment, anyone directly or indirectly employed by it, or anyone for whose act it may be liable.

Signature  Title Owner Date 1/27/23

#### For Administrative Use Only

|                            |                         |              |
|----------------------------|-------------------------|--------------|
| Amount: _____              | Request Date / Approval | Notes: _____ |
| Date Paid: _____           | FD: _____               | _____        |
| CC _____ CA _____ CK _____ | Health: _____           | _____        |
|                            | PD: _____               | _____        |
| Amount: _____              | Treasury: _____         | _____        |
| Date Paid: _____           | Zoning: _____           | _____        |
| CC _____ CA _____ CK _____ |                         |              |





## 2 EQUIPMENT PLAN - BASEMENT

SCALE: 1/4" = 1'-0"

Coffee:

- Drip
- Espresso drinks
- Chemex/pour over
- Tea

Beer/Wine:

- **Wine Selection:**
- 2 White Wine
- 2 Red Wine
- 1 Sparkling
- 1 Orange
  
- **Beer Selection:**
- 1 Lager
- 1 Pale Ale
- 1 IPA
- 1 Saison/Sour
- 1 Stout/porter

Bread:

- Country
- Seeded
- Porridge
- Olive
- Whole Wheat
- Rye
- Baguette

Pastry:

***Croissants***

- Traditional
- Chocolate
- Morning Bun
- Ginger Pull Apart
- Scallion Cream Cheese Pull Apart
- PB&J Twiced Baked

***Pop Tart***

- Pina Colada

***Cookies***

- Brown Butter Chocolate Chip
- Toasted Sesame and Miso

- Rosemary Umeboshi Sandwich

### ***Sheet Cake***

- Malted Chocolate Crunch

### ***Olive Oil Loaf***

- Thai Tea w/ Lime Leaf Glaze

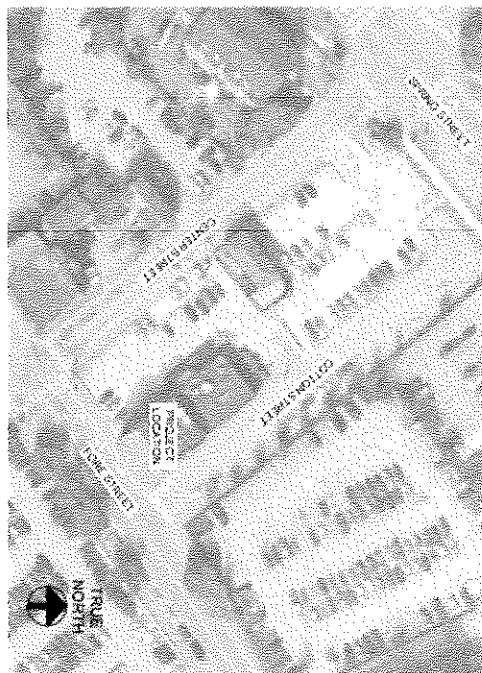
### ***Custard Tart***

- Grapefruit and Lime Tart w Graham Cracker Crust

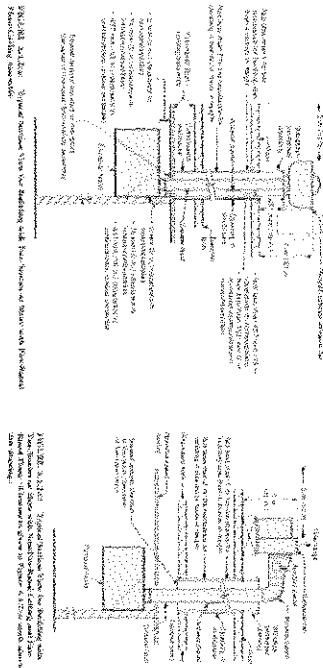
### **Breakfast and Lunch:**

- Demi Baguette - Salted cultured butter & tomato jam
- Deviled' Egg - Black vinegar, chile crisp, parmesan
- Herb & Fennel Salad - Meyer lemon-soy vinaigrette
- Sourdough Donut - Red kuri squash taleggio fondue
- Ricotta & Jamon Serrano - Peach mostarda, hazelnut, focaccia
- Soft Scrambled Eggs - Caramelized onion jam, toasted brioche
- Crispy Potatoes - Poached egg, chermoula, spanish chorizo
- Pain Perdu - Sourdough brioche, creme fraiche, maine maple syrup
- Cracked Farro Congee - Soft boiled egg, fermented mustard greens, chile crisp
- Grilled Oysters - Kelp butter, shiro dashi pearls, pickled green apple
- Hamachi Crudo - Meyer lemon ponzu, radish sprouts
- Chicken Liver Pate - Salted kampot peppercorn, pickled daikon & carrot, sourdough cracker
- Charred Carrots - Vadouvan quinoa crunch, lime yogurt mint
- Coal-Roasted Blue Oyster Mushrooms - Grilled cipollini, scallion dashi, sesame whole wheat crisp
- Wood Oven Roasted Cotechino - Pork sausage, beluga lentils, chicories, sour cherries
- Grilled Harissa Chicken Thigh - Braised swiss chard, medjool dates, preserved lemon, za'atar flatbread
- 14-day Dry Aged Duck Breast - Royal trumpet mushrooms, tatsoi, lime leaf kumquat jam
- Five Spice Confit Duck Leg - Buckwheat crepe, grilled arrowhead cabbage, pickled plum 'hoisin'

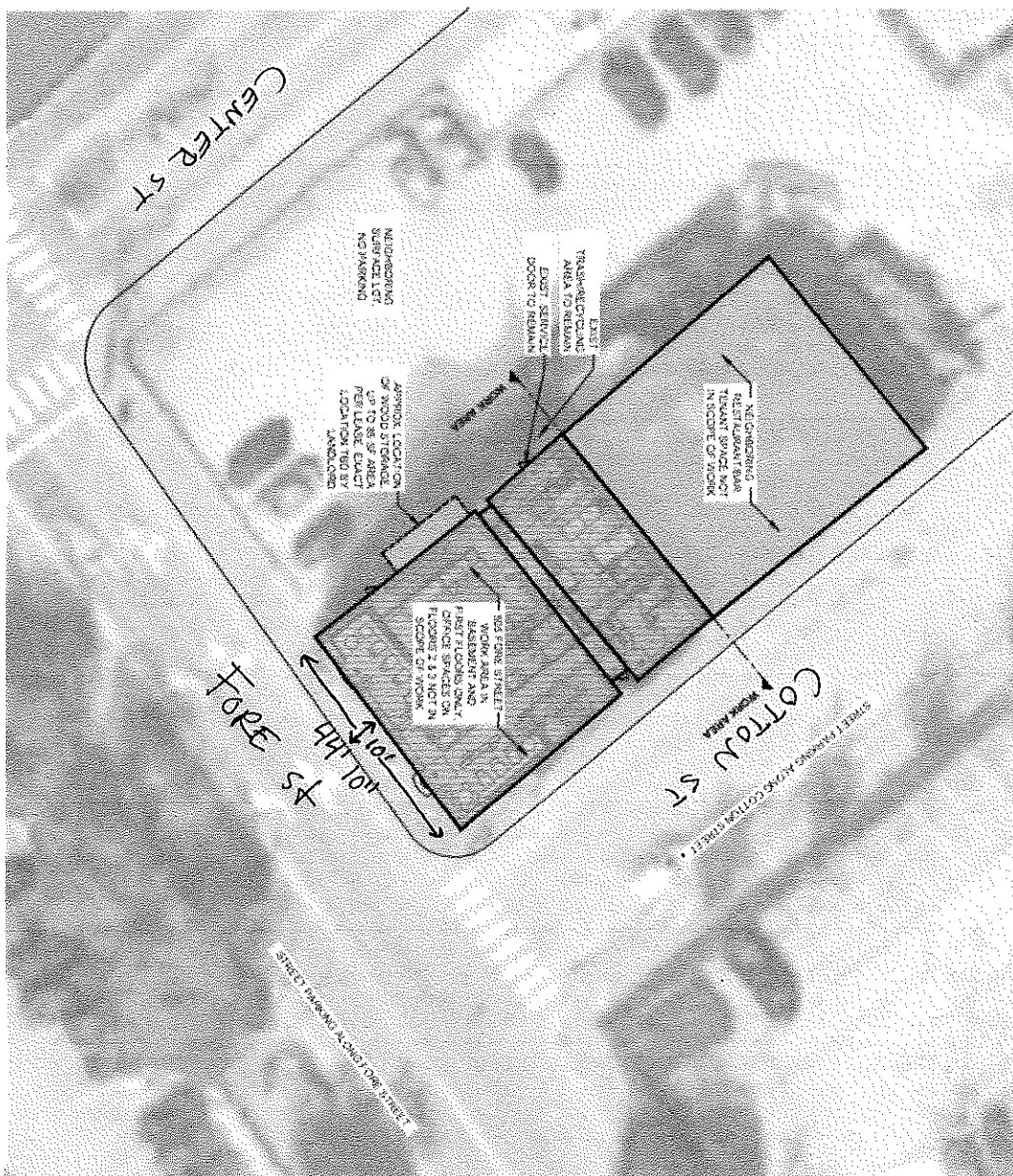
# LOCUS MAP SCALE: N.T.S.



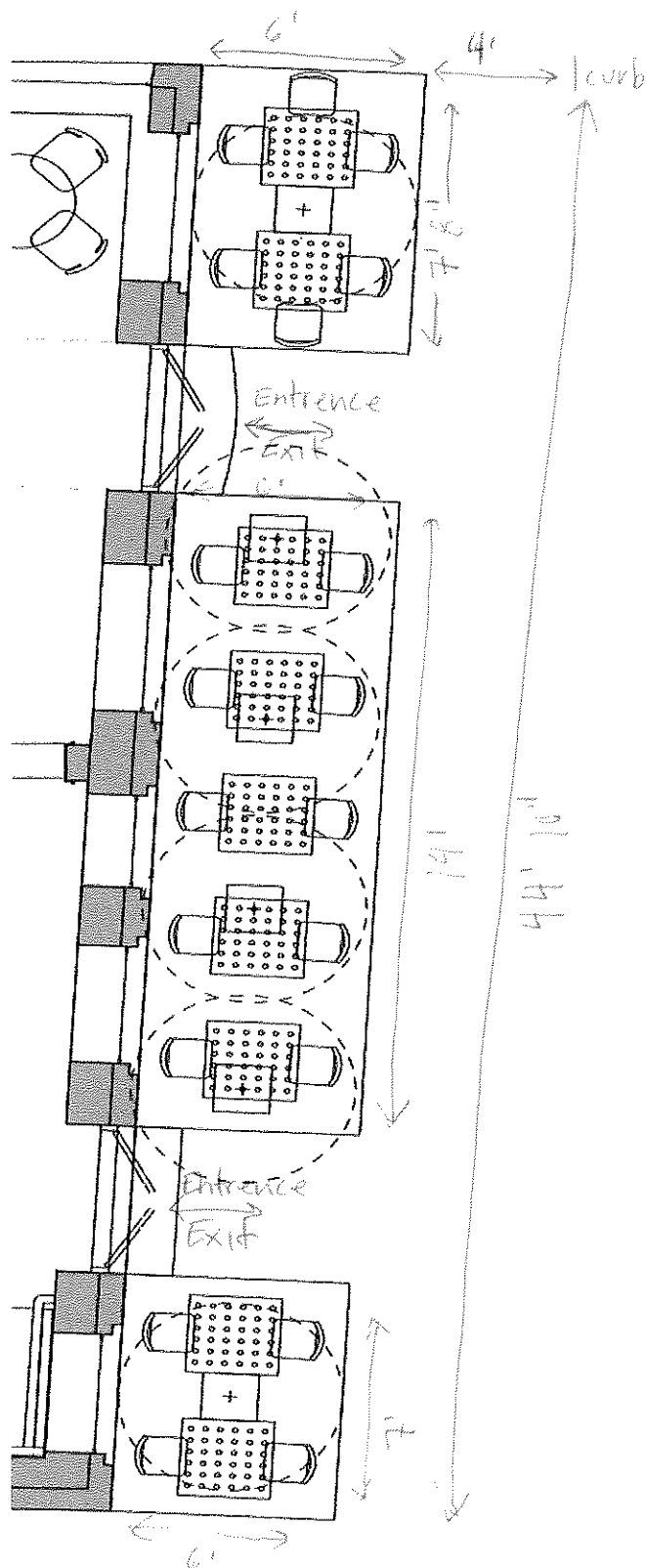
# EXHAUST HOOD CLEARANCES SCALE: N.T.S.



# SITE PLAN SCALE: 1/16"=1'-0"

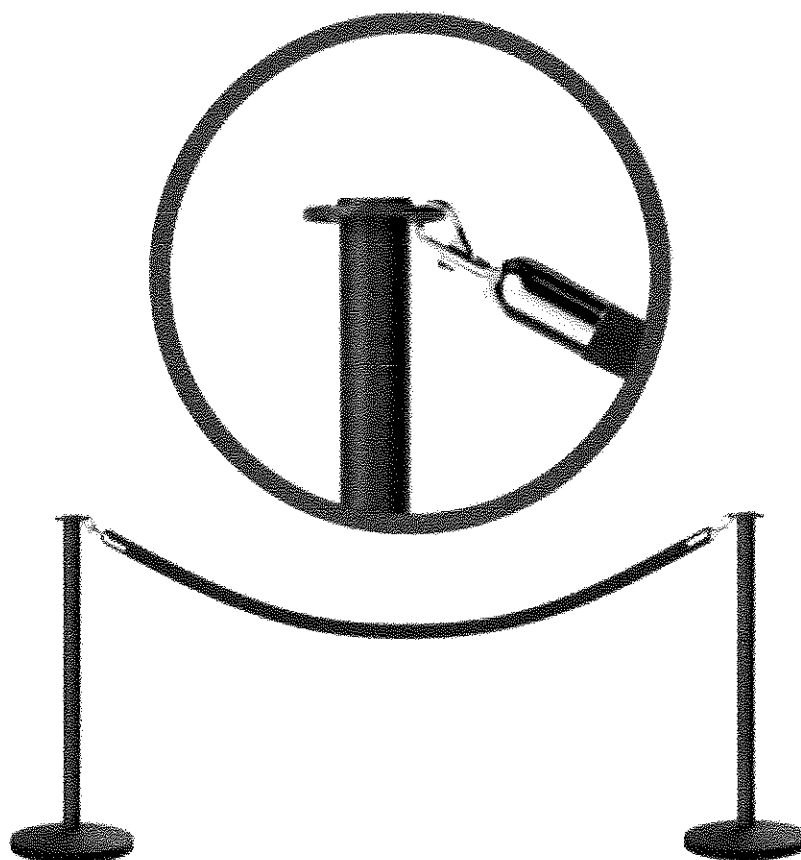


Side walk width = 10'-10" 4"  
 Facade length = 44' 10"





# Flat Top Stanchion





Zachary Lenhart <zlenhart@portlandmaine.gov>

---

## Bread and Friends

---

**Eric Nevins** <erickn@portlandmaine.gov>

Mon, Feb 13, 2023 at 4:16 PM

To: Zachary Lenhart <zlenhart@portlandmaine.gov>

Cc: Ron Kelton <rkellon@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>,

Laurie Carlson <lac@portlandmaine.gov>, Katlyn Sawyer <ksawyer@portlandmaine.gov>, Zoning

<zoning@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Benjamin Pearson

<bnp@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Jason Grant

<jgrant@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Christina Stacey

<cstacey@portlandmaine.gov>

Approved

On Wed, Feb 8, 2023 at 1:06 PM Zachary Lenhart <zlenhart@portlandmaine.gov> wrote:

[Quoted text hidden]

--

Eric Nevins

Lieutenant

Portland Police Department

(207) 874-8513

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## Bread and Friends

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**Matthew Coldwell** <mcoldwell@portlandmaine.gov>

Tue, Feb 14, 2023 at 8:43 AM

To: Zoning <zoning@portlandmaine.gov>

Cc: Zachary Lenhart <zlenhart@portlandmaine.gov>, Ron Kelton <rkelton@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Katlyn Sawyer <ksawyer@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Eric Nevins <erick@portlandmaine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, cstacey <cstacey@portlandmaine.gov>

Good Morning,

Legal use is restaurant. Zoning Approves.

Thank you,

Mac

Mac Coldwell

City of Portland  
Zoning Specialist  
Permitting & Inspections Department  
389 Congress ST, Room #315  
Email: mcoldwell@portlandmaine.gov  
he/him

[Quoted text hidden]

## **Legal Advertisement**

### **Notice of Public Hearing City of Portland**

A Public Hearing will be held on February 27, 2023 at 5:00 P.M., virtually Bread and Friends, LLC, dba Bread and Friends. Application for Class III & IV FSE with Outdoor Dining on Public Property at 505 Fore Street - Sponsored by Danielle P. West, Interim City Manager

City of Portland | Permitting and Inspections  
Zachary Lenhart, Licensing and Housing Safety Manager



February 22, 2023

Bread and Friends, LLC  
22 Clinton Street  
South Portland, ME 04106

Re: Bread and Friends, LLC, dba Bread and Friends. Application for Class III & IV FSE with Outdoor Dining on Public Property at 505 Fore Street

Dear Bread and Friends:

This letter shall serve as a reminder of the public hearing before the Portland City Council on Monday February 27, 2023 at 5:00 p.m., for the review of application for Bread and Friends, LLC, dba Bread and Friends. Application for Class III & IV FSE with Outdoor Dining on Public Property at 505 Fore Street. The meeting will take place in person and virtually. The link can be found on the Meeting Agenda which will be posted on the City Website on February 24, 2023.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or at [bl@portlandmaine.gov](mailto:bl@portlandmaine.gov).

Sincerely,

Zachary J. Lenhart  
Licensing and Housing Safety Manager



STATE OF MAINE  
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES  
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS  
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

| Division Use Only                                                     |     |
|-----------------------------------------------------------------------|-----|
| License No:                                                           |     |
| Class:                                                                | By: |
| Deposit Date:                                                         |     |
| Amt. Deposited:                                                       |     |
| Payment Type:                                                         |     |
| OK with SOS: Yes <input type="checkbox"/> No <input type="checkbox"/> |     |

Section I: Licensee/Applicant(s) Information;  
Type of License and Status

|                                                                                           |                                                                     |
|-------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| Legal Business Entity Applicant Name (corporation, LLC):<br><u>Bread and Friends, LLC</u> | Business Name (D/B/A):<br><u>Bread and Friends</u>                  |
| Individual or Sole Proprietor Applicant Name(s):                                          | Physical Location:<br><u>505 Fore st Portland ME 04101</u>          |
| Individual or Sole Proprietor Applicant Name(s):                                          | Mailing address, if different:                                      |
| Mailing address, if different from DBA address:                                           | Email Address:<br><u>Tanner@breadandfriendsmaine.com</u>            |
| Telephone #      Fax #:                                                                   | Business Telephone #      Fax #:                                    |
| Federal Tax Identification Number:<br><u>86-3038674</u>                                   | Maine Seller Certificate # or <u>Sales Tax</u> #:<br><u>1216452</u> |
| Retail Beverage Alcohol Dealers Permit:                                                   | Website address:<br><u>Breadandfriendsmaine.com</u>                 |

1. New license or renewal of existing license? ☒ New      Expected Start date: 03/01/23  
☐ Renewal      Expiration Date: 03/01/24

2. The dollar amount of gross income for the licensure period that will end on the expiration date above:

Food: \$1,389,000      Beer, Wine or Spirits: \$125,000      Guest Rooms: \_\_\_\_\_

3. Please indicate the type of alcoholic beverage to be sold: (check all that apply)

☒ Malt Liquor (beer)      ☒ Wine      ☐ Spirits

4. Indicate the type of license applying for: (choose only one)

- |                                                                                                                    |                                                                          |                                                       |
|--------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------|
| <input checked="" type="checkbox"/> Restaurant<br>(Class I, II, III, IV)                                           | <input type="checkbox"/> Class A Restaurant/Lounge<br>(Class XI)         | <input type="checkbox"/> Class A Lounge<br>(Class X)  |
| <input type="checkbox"/> Hotel<br>(Class I, II, III, IV)                                                           | <input type="checkbox"/> Hotel – Food Optional<br>(Class I-A)            | <input type="checkbox"/> Bed & Breakfast<br>(Class V) |
| <input type="checkbox"/> Golf Course (included optional licenses, please check if apply)<br>(Class I, II, III, IV) | <input type="checkbox"/> Auxiliary                                       | <input type="checkbox"/> Mobile Cart                  |
| <input type="checkbox"/> Tavern<br>(Class IV)                                                                      | <input type="checkbox"/> Other: _____                                    |                                                       |
| <input type="checkbox"/> Qualified Caterer                                                                         | <input type="checkbox"/> Self-Sponsored Events (Qualified Caterers Only) |                                                       |

Refer to Section V for the License Fee Schedule on page 9

5. Business records are located at the following address:

\_\_\_\_\_

6. Is the licensee/applicant(s) citizens of the United States? ☒ Yes ☐ No

7. Is the licensee/applicant(s) a resident of the State of Maine? ☒ Yes ☐ No

**NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.**

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

☒ Yes ☐ No If Yes, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

☐ Yes ☒ No

☐ Not applicable – licensee/applicant(s) is a sole proprietor

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

☐ Yes ☒ No

If yes, please provide details: \_\_\_\_\_

11. Do you own or have any interest in any another Maine Liquor License? ☐ Yes ☒ No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

| Name of Business | License Number | Complete Physical Address |
|------------------|----------------|---------------------------|
|                  |                |                           |
|                  |                |                           |

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

| Full Name                                               | DOB                                                                                                                                               | Place of Birth  |
|---------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| Jeremy Broucek                                          | 11/25/97                                                                                                                                          | Northampton, MA |
| Jessica Rattey                                          | 1/29/84                                                                                                                                           | Providence, RI  |
| Tanner Rubin                                            | 07/06/90                                                                                                                                          | Chicago, IL     |
| Morgan Rubin (Manire)                                   | 03/07/92                                                                                                                                          | Aurora, CO      |
| Residence address on all the above for previous 5 years |                                                                                                                                                   |                 |
| Name <u>Jeremy Broucek</u>                              | Address: <u>154 Belfort St Portland ME 04103</u><br><u>1 Shady Ledge Ln Freeport ME 04032</u><br><u>700 5th Ave San Francisco CA 94118</u>        |                 |
| Name <u>Jessica Rattey</u>                              | Address: <u>154 Belfort St Portland ME 04103</u><br><u>1 Shady Ledge Ln Freeport ME 04032</u><br><u>700 5th Ave San Francisco CA 94118</u>        |                 |
| Name <u>Tanner Rubin</u>                                | Address: <u>22 Clinton St South Portland ME 04106</u><br><u>1 Shady Ledge Ln Freeport ME 04032</u><br><u>1546 48th Ave San Francisco CA 94122</u> |                 |
| Name <u>Morgan Rubin (Manire)</u>                       | Address: <u>22 Clinton St South Portland ME 04106</u><br><u>1 Shady Ledge Ln Freeport ME 04032</u><br><u>1546 48th Ave San Francisco CA 94122</u> |                 |



13. Will any law enforcement officer directly benefit financially from this license, if issued?

☐ Yes ☒ No

If Yes, provide name of law enforcement officer and department where employed:

\_\_\_\_\_

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? ☒ Yes ☐ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: Jeremy Broucek Date of Conviction: 7/15/13

Offense: DWI Location: Somerville MA

Disposition: Convicted

16. Has the licensee/applicant(s) formerly held a Maine liquor license? ☐ Yes ☒ No

17. Does the licensee/applicant(s) own the premises? ☐ Yes ☒ No

If No, please provide the name and address of the owner:

Casco View Holdings 111, LLC c/o Boulos Asset Management  
One Canal Plaza Suite 500  
Portland ME 04101

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: \_\_\_\_\_

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

Beer and wine will be served in the seated front of house areas as well as the outdoor dining space in front of the building. Beer and wine will be stored in marked area in basement diagram as well as in low boy cooler behind the service counter.

20. What is the distance from the premises to the nearest school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: Maine College of Art and Design

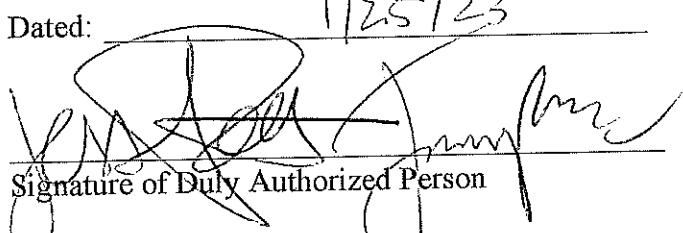
Distance: .3 miles

## Section II: Signature of Applicant(s)

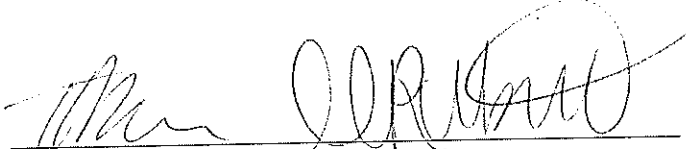
By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 1/25/23

  
Signature of Duly Authorized Person

JESSICARATTEY Jeremy Broncan  
Printed Name Duly Authorized Person

  
Signature of Duly Authorized Person

Tanner Rubin Morgan Rubin  
Printed Name of Duly Authorized Person

**Section III: For use by Municipal Officers and County Commissioners only**

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: \_\_\_\_\_

Who is approving this application? ☐ Municipal Officers of \_\_\_\_\_

☐ County Commissioners of \_\_\_\_\_ County

- ☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

| Signature of Officials | Printed Name and Title |
|------------------------|------------------------|
|                        |                        |
|                        |                        |
|                        |                        |
|                        |                        |
|                        |                        |

**This Application will Expire 60 Days from the date of  
Municipal or County Approval unless submitted to the Bureau**

Included below is the section of Maine's liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§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.

**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.

**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.

**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.

**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;

**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;

**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;

**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;

**D-1.** Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

**E.** A violation of any provision of this Title;

**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

**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.

**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.

**A. Repealed**

**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.

**4. Repealed**

**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.

**Section IV: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine**

- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau if a license is issued as a result of this application.
  - The licensee/applicant(s) authorizes the Bureau to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also any books, records and returns during the year in which any liquor license is in effect.
- Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.
- All new applicants must apply to the Alcohol and Tobacco Tax and Trade Bureau (TTB) for its Retail Beverage Alcohol Dealers permit. See the TTB's website at <https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers> for more information.

## Section V: Fee Schedule

**Filing fee required.** In addition to the license fees listed below, a filing fee of \$10.00 must be included with all applications.

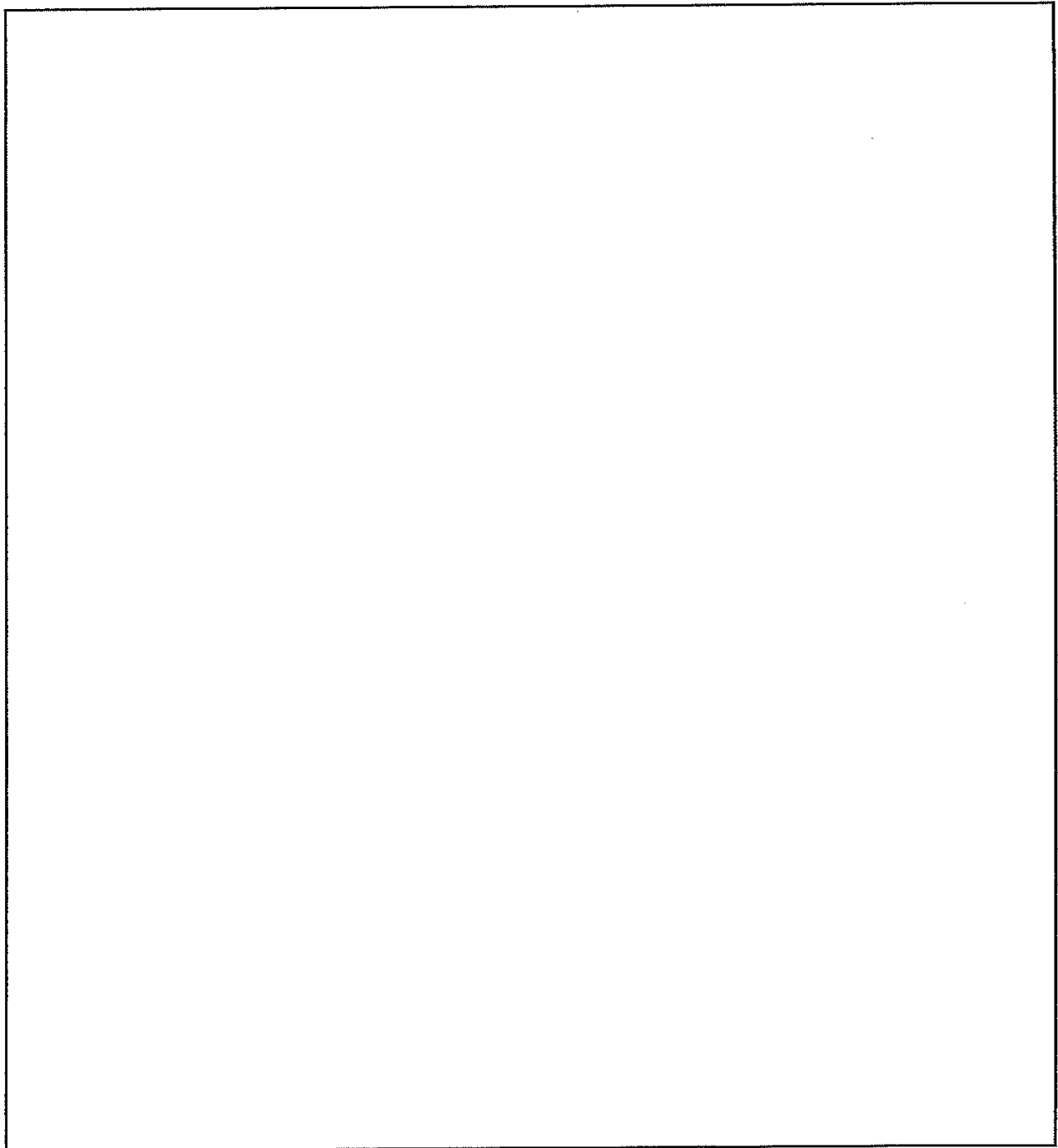
**Please note:** For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together with the application.

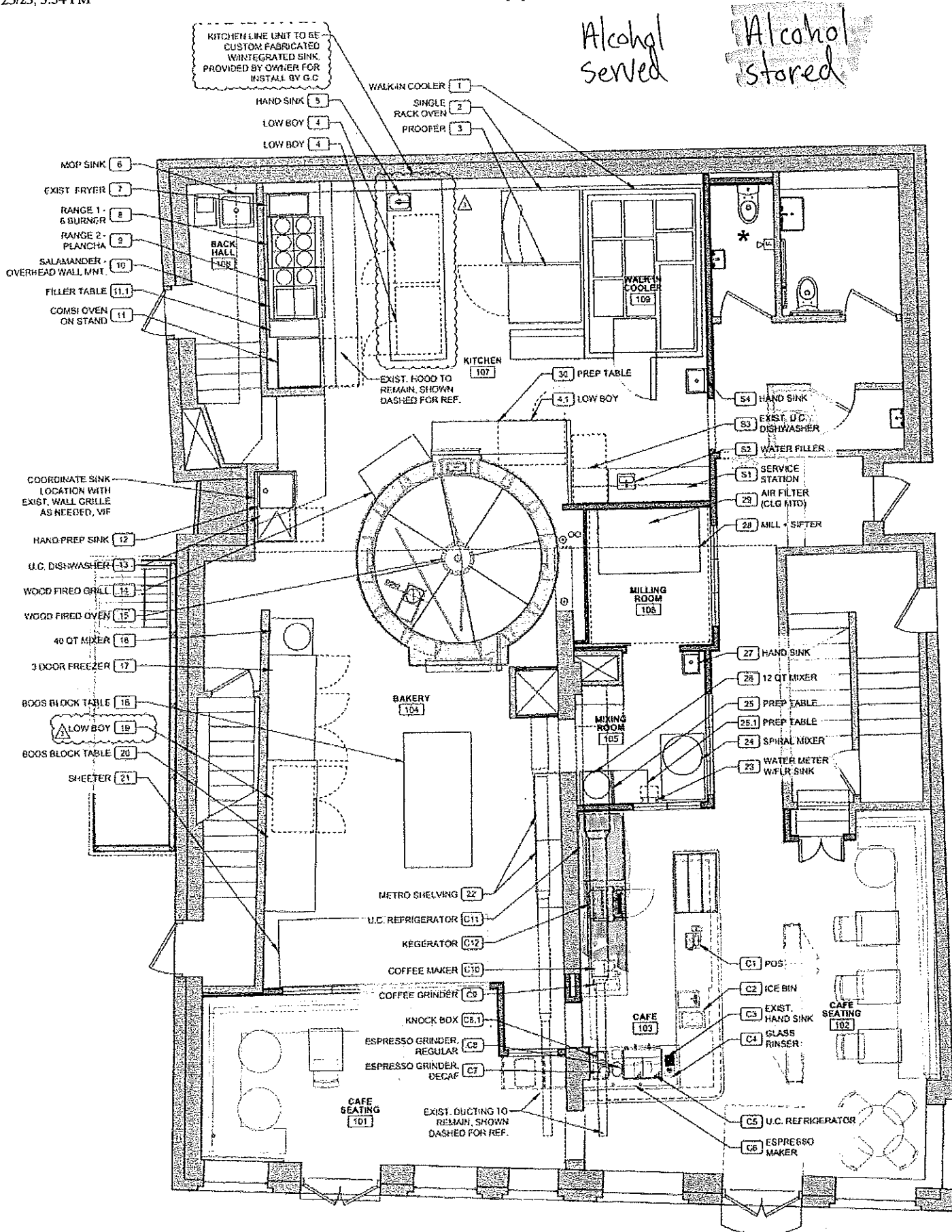
| <b>Class of License</b> | <b>Type of liquor/Establishments included</b>                                                                                                                                                                                                                                                          | <b>Fee</b> |
|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| <b>Class I</b>          | <b>For the sale of liquor (malt liquor, wine and spirits)</b><br>This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers                  | \$ 900.00  |
| <b>Class I-A</b>        | <b>For the sale of liquor (malt liquor, wine and spirits)</b><br>This class includes only hotels that do not serve three meals a day.                                                                                                                                                                  | \$1,100.00 |
| <b>Class II</b>         | <b>For the Sale of Spirits Only</b><br>This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.                                                           | \$ 550.00  |
| <b>Class III</b>        | <b>For the Sale of Wine Only</b><br>This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.                 | \$ 220.00  |
| <b>Class IV</b>         | <b>For the Sale of Malt Liquor Only</b><br>This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.          | \$ 220.00  |
| <b>Class III and IV</b> | <b>For the Sale of Malt Liquor and Wine Only</b><br>This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts. | \$ 440.00  |
| <b>Class V</b>          | <b>For the sale of liquor (malt liquor, wine and spirits)</b><br>This class includes only a Club without catering privileges.                                                                                                                                                                          | \$ 495.00  |
| <b>Class X</b>          | <b>For the sale of liquor (malt liquor, wine and spirits)</b><br>This class includes only a Class A Lounge                                                                                                                                                                                             | \$2,200.00 |
| <b>Class XI</b>         | <b>For the sale of liquor (malt liquor, wine and spirits)</b><br>This class includes only a Restaurant Lounge                                                                                                                                                                                          | \$1,500.00 |

## Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

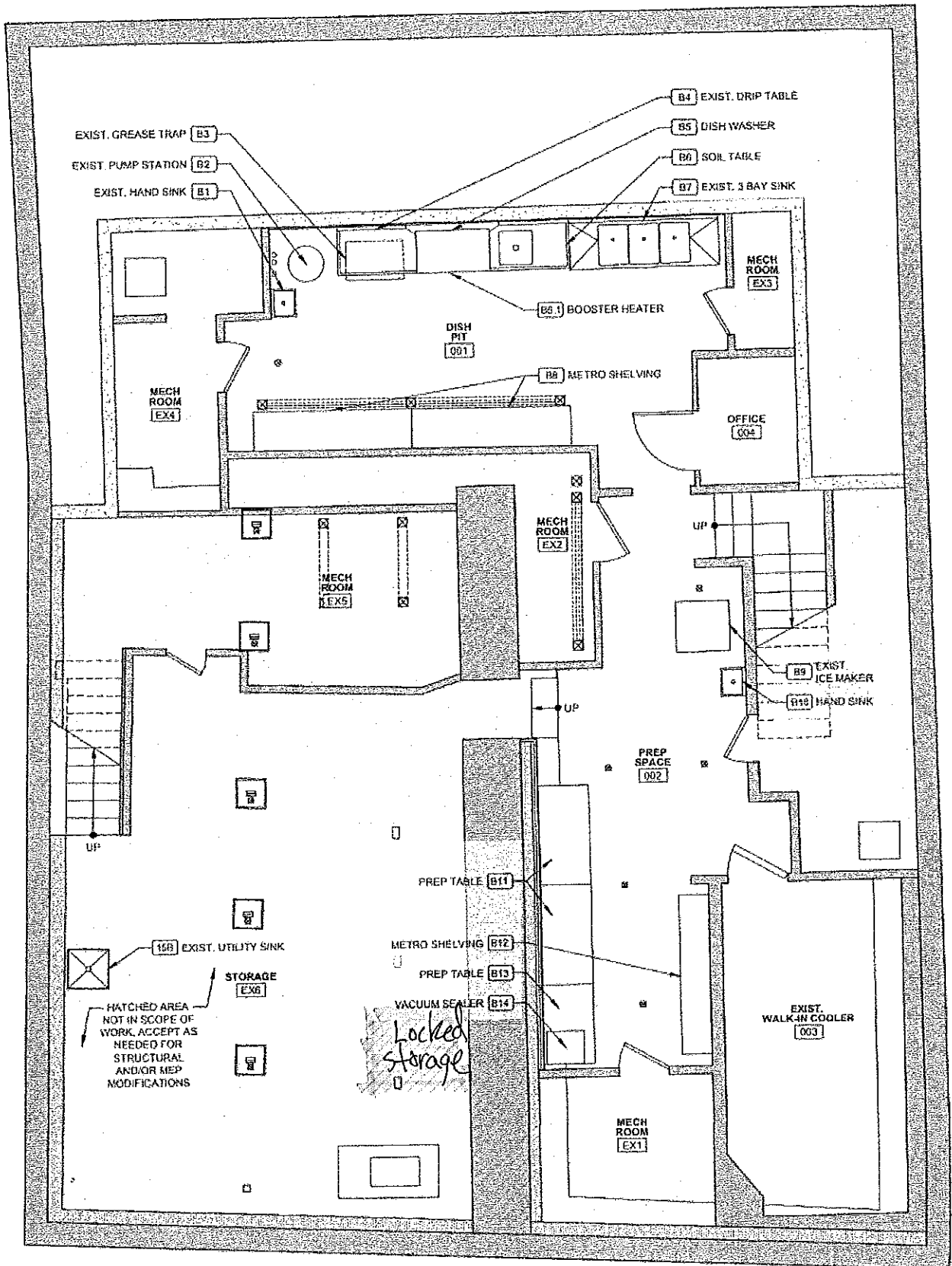
Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.





1 EQUIPMENT PLAN - FIRST FLOOR  
SCALE: 1/4" = 1'-0"





**Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities**

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Bread and Friends, LLC
2. Doing Business As, if any: Bread and Friends
3. Date of filing with Secretary of State: 03/2021 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:  
\_\_\_\_\_
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

| Name           | Address (5 Years)                                                                                                   | Date of Birth | Title | Percentage of Ownership |
|----------------|---------------------------------------------------------------------------------------------------------------------|---------------|-------|-------------------------|
| Jeremy Broucek | 154 Belfort St Portland ME 04103<br>1 Shady Ledge Ln Freeport ME 04032<br>700 5th Ave San Francisco CA 94118        | 11/25/87      | Owner | 25%                     |
| Jessica Ratley | 154 Belfort St Portland ME 04103<br>1 Shady Ledge Ln Freeport ME 04032<br>700 5th Ave San Francisco CA 94118        | 1/29/84       | Owner | 25%                     |
| Tanner Rubin   | 22 Clinton St South Portland ME 04106<br>1 Shady Ledge Ln Freeport ME 04032<br>1546 48th Ave San Francisco CA 94122 | 07/06/90      | Owner | 25%                     |
| Morgan Rubin   | 22 Clinton St South Portland ME 04106<br>1 Shady Ledge Ln Freeport ME 04032<br>1546 48th Ave San Francisco CA 94122 | 03/07/92      | Owner | 25%                     |
|                |                                                                                                                     |               |       |                         |
|                |                                                                                                                     |               |       |                         |

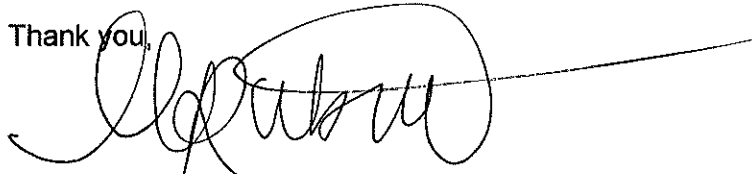
(Ownership in non-publicly traded companies must add up to 100%.)

Morgan 'Maggie' Rubin  
22 Clinton St.  
South Portland, ME 04106  
720.394.8754  
maggie@breadandfriendsmaine.com

To Whom It May Concern,

I am writing to make our intentions known for the property at 505 Fore Street, Portland. My three partners and I plan to open Bread & Friends, a bakery and daytime restaurant featuring artisan pastries, naturally leavened bread, craft coffee, an elevated breakfast and lunch menu, and beer and wine. We plan to offer both indoor and outdoor dining (seasonally).

Thank you,

A handwritten signature in black ink, appearing to read 'Maggie Rubin', with a long horizontal line extending to the right.

Morgan 'Maggie' Rubin

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** February 13, 2023

**SUBJECT:** Order 140-22/23 Granting Municipal Officers' Approval of DBH Portland, LLC, dba Portland Sea Dogs. Application for Civic Auditorium with Combined Entertainment at 271 Park Avenue - Sponsored by Danielle P. West, Interim City Manager

**SPONSOR:** The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

**(If sponsored by a Council committee, include the date the committee met and the results of the vote.)**

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final  
Action**

**Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.**

**Does this item involve a new contract with the City: n/a**

**PRESENTATION:** Please list the presenter(s), type, and length of presentation

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

Application was filed on 2/7/23. New City and State application. Change of ownership and classification of an existing establishment.

Five affirmative votes are required for passage after public comment.

**III. BACKGROUND**

Background information that will not appear in the Agenda Description

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis that will not appear in the Agenda Description.

**VII. RECOMMENDATION**

**VIII. LIST ATTACHMENTS**

1. 2023.02.27\_Sea Dogs
2. 2023.02.27\_Sea Dogs\_Council Packet

Prepared by:

Date: 02/13/2023

KATE SNYDER (MAYOR)  
ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
REGINA PHILLIPS (3)  
ANDREW ZARRO (4)

**CITY OF  
PORTLAND**  
IN THE CITY COUNCIL

MARK DION (5)  
APRIL D. FOURNIER(A/L)  
PIOUS ALI (A/L)  
ROBERTO RODRÍGUEZ (A/L)

ORDER  
GRANTING MUNICIPAL OFFICERS'  
APPROVAL OF:

**DBH Portland, LLC, dba Portland Sea Dogs. Application for Civic Auditorium with  
Combined Entertainment at 271 Park Avenue**



1/27/23

DBH Portland, LLC.  
21 West 46<sup>th</sup> Street  
Suite 704  
New York, NY 10036

Re: Portland Sea Dogs Liquor License

Dear Honorable Mayor and Members of the City Council,

This letter is to inform you that DBH Portland, LLC as the new owners of the Portland Sea Dogs have applied for a liquor license for the Portland Sea Dogs and Hadlock Field. As the new owners we intend to maintain the same level of responsibility that our fans and the City of Portland have come to expect from the Sea Dogs for almost three decades. In keeping with the family friendly atmosphere expected at Hadlock Field and in adherence with all City and State Liquor Laws these same policies and procedures will be in place going forward.

We appreciate your consideration of this application, and we look forward to having a great working relationship with the City of Portland for many years to come.

Sincerely,

Peter Freund  
CEO

DBH Portland LLC • PO Box 636 • Portland, ME 04104  
Phone (207) 874-9300 • Fax (207) 780-0317 • [www.seadogs.com](http://www.seadogs.com)  
Class AA Affiliate of the Boston Red Sox





CITY OF PORTLAND

Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

|                                             |                                                   |
|---------------------------------------------|---------------------------------------------------|
| <b>Business Information</b>                 |                                                   |
| Establishment Name (d/b/a):                 | Portland SEA DOGS Phone: 207-874-9300             |
| Location Address:                           | 271 Park Ave. Portland, ME Zip: 04101             |
| If new, what was formerly at this location: |                                                   |
| Mailing Address:                            | P.O. Box 636 Portland, ME Zip: 04104              |
| Contact Person:                             | Geoff Iacvessa Phone: 207-874-9300                |
| Contact Person Email:                       | geoff@seadogs.com                                 |
| Manager of Establishment:                   | Geoff Iacvessa Date of Birth: Phone: 207-874-9300 |
| Owner of Premises (Landlord):               | City of Portland                                  |
| Address of Premises Owner (Landlord):       | 389 Congress St. Portland, ME Zip:                |

Sole Proprietor/Partnership Information (If Corporation, leave blank)

| Name of Owner(s) | Date of Birth | Residence Address |
|------------------|---------------|-------------------|
|                  |               |                   |
|                  |               |                   |

|                  |                           |
|------------------|---------------------------|
| Corporate Name   | Corporate Mailing Address |
| DBH Portland LLC | Zip:                      |

Corporate/LLC/Non-Profit Organization Applicants (If Sole Proprietor or Partnership, leave blank)

|                                  |                |                      |                                            |              |
|----------------------------------|----------------|----------------------|--------------------------------------------|--------------|
| Contact Person:                  | Geoff Iacvessa |                      | Phone:                                     | 207-874-9300 |
| <b>Principal Officers</b>        | <b>Title</b>   | <b>Date of Birth</b> | <b>Residence Address</b>                   |              |
| Peter Freund                     | President      | 4/19/76              | 210 Hook Rd. Bedford, NY 10506             |              |
| Chirag Mithani                   | Vice President | 5/11/80              | 52 Woodland Rd. Demarest, NJ 07627         |              |
| William Patrick Battle           | Ex. Chairman   | 8/24/63              | 895 Ponte Vedra Blvd Ponte Vedra, FL 32082 |              |
| Class of Liquor License: Class I |                |                      |                                            |              |

389 Congress Street, Room 307 • Portland, Maine 04101 • 207-874-8557

bl@portlandmaine.gov • www.portlandmaine.gov





**CITY OF PORTLAND**  
**Permitting and Inspections Department**

|                                                                                                                                     |                                                                               |                                   |                 |
|-------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|-----------------------------------|-----------------|
| Type of food served:                                                                                                                | <u>Concession</u>                                                             |                                   |                 |
| Please circle all that will be served:                                                                                              | <u>Beer</u> <u>Wine</u> <u>Liquor</u>                                         |                                   |                 |
| Projected percentage of sales:                                                                                                      | Generated from Food: <u>65</u>                                                | Generated from Alcohol: <u>35</u> |                 |
| Hours & days of operation:                                                                                                          | <u>Sunday-Saturday 8am-12am</u>                                               |                                   |                 |
| <b>QUESTIONS</b>                                                                                                                    |                                                                               |                                   |                 |
| Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open? |                                                                               |                                   | Y/N<br><u>Y</u> |
| If No, please explain:                                                                                                              | <u>Concession items will be available while games/events are taking place</u> |                                   |                 |
| Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?                 |                                                                               |                                   | Y/N<br><u>Y</u> |
| If yes, give the distance:                                                                                                          |                                                                               |                                   |                 |
| Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)                    |                                                                               |                                   | Y/N<br><u>Y</u> |
| Will you permit dancing after 1:00 a.m.?                                                                                            |                                                                               |                                   | Y/N<br><u>Y</u> |
| Will you have outside dining? (If yes, an Outdoor Dining Application is required)                                                   |                                                                               |                                   | Y/N<br><u>Y</u> |
| If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).                                                      |                                                                               |                                   |                 |
| Will you have any amusement devices (pinball, video games, juke box)?                                                               |                                                                               |                                   | Y/N<br><u>Y</u> |
| If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____                                    |                                                                               |                                   |                 |
| What is your targeted opening date?                                                                                                 |                                                                               |                                   | <u>4/1/23</u>   |
| Does the Issuance of this license directly or indirectly benefit any City employee(s)?                                              |                                                                               |                                   | Y/N<br><u>Y</u> |
| If Yes, list name(s) of employee(s) and department(s):                                                                              |                                                                               |                                   |                 |
| Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?      |                                                                               |                                   | Y/N<br><u>Y</u> |
| If Yes, please list business name(s) and location(s):                                                                               |                                                                               |                                   |                 |
| Is any principal officer under the age of 21?                                                                                       |                                                                               |                                   | Y/N<br><u>Y</u> |
| Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?    |                                                                               |                                   | Y/N<br><u>Y</u> |
| If Yes, please explain:                                                                                                             |                                                                               |                                   |                 |

I \_\_\_\_\_ do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require me to produce Server Training certificates for each employee that serves alcohol to the public in my establishment. Failure to meet the training requirement imposed by section 15-41 may result in the denial of a liquor license pursuant to 28-A M.R.S.A. § 653 (2) (G).

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

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto. I/We, hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We, hereby waive any rights to privacy with respect thereto.

Signature [Signature] Title Partner/owner Date 2.2.23

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bl@portlandmaine.gov • www.portlandmaine.gov

| CONCESSION A                | CONCESSION B                | CONCESSION C                | CONCESSION D                | DELIVERY                    | GRILL-HOT FOOD              | GRILL-ICE CREAM  |
|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|------------------|
| Coke                        | Coke                        | Coke                        | Coke                        | Coke                        | Coke                        | Coke             |
| Diet Coke                   | Diet Coke                   | Diet Coke                   | Diet Coke                   | Diet Coke                   | Diet Coke                   | Diet Coke        |
| Sprite                      | Sprite                      | Sprite                      | Sprite                      | Sprite                      | Sprite                      | Sprite           |
| Pink Lemonade               | Pink Lemonade               | Pink Lemonade               | Pink Lemonade               | Pink Lemonade               | Pink Lemonade               | Pink Lemonade    |
| Seltzer Water               | Seltzer Water               | Seltzer Water               | Seltzer Water               | Seltzer Water               | Seltzer Water               | Seltzer Water    |
| Dasani                      | Dasani                      | Dasani                      | Dasani                      | Dasani                      | Dasani                      | Dasani           |
| Apple Juice                 | Apple Juice                 | Apple Juice                 | Apple Juice                 | Apple Juice                 |                             |                  |
| Coffee                      | Coffee                      | Coffee                      | Coffee                      |                             |                             |                  |
| Hot Chocolate               | Hot Chocolate               | Hot Chocolate               | Hot Chocolate               |                             |                             |                  |
| Hot Dog                     | Hot Dog                     | Hot Dog                     | Hot Dog                     | Hot Dog                     | Gluten Free Hot Dog         | Sea Dog Biscuits |
| Sea Dog Biscuit             | Sea Dog Biscuit             | Sea Dog Biscuit             | Sea Dog Biscuit             | Sea Dog Biscuit             | BBQ Chicken Sub             | Ice Cream Helmet |
| Pretzel                     | Pretzel                     | Pretzel                     | Pretzel                     | Pretzel                     |                             | Vanilla          |
| Cheese Pizza                | Cheese Pizza                | Cheese Pizza                | Cheese Pizza                |                             | Steak Sub                   | Chocolate        |
| Pepperoni Pizza             | Pepperoni Pizza             | Pepperoni Pizza             | Pepperoni Pizza             | Frozen Lemonade             | Lobster Roll                | Mint Choc Chip   |
| Regular Fry                 |                             |                             | Regular Fry                 | Peanuts                     | Wraps                       | Cookie Dough     |
| Large Fry                   |                             |                             | Large Fry                   | Cracker Jacks               | Dog Bowl Salad              |                  |
| Jumbo Fry                   |                             |                             | Jumbo Fry                   |                             |                             | Frozen Lemonade  |
| Popcorn Chicken             |                             |                             | Popcorn Chicken             | Jumbo Fry                   |                             |                  |
| Regular Popcorn             | Regular Popcorn             | Regular Popcorn             | Regular Popcorn             | Popcorn Chicken             |                             |                  |
| Large Popcorn               | Large Popcorn               | Large Popcorn               | Large Popcorn               | Sour Patch Kids             |                             |                  |
| Hamburgers                  |                             |                             | Hamburgers                  | M&M's                       |                             |                  |
| Cheeseburgers               |                             |                             | Cheeseburgers               | Hamburgers                  |                             |                  |
| Veggie Burgers              |                             |                             | Veggie Burgers              | Cheeseburgers               |                             |                  |
| Sausage Sub                 |                             |                             | Sausage Sub                 | Veggie Burgers              |                             |                  |
| Nachos                      | Nachos                      | Nachos                      | Nachos                      | Sausage Sub                 |                             |                  |
| Frozen Lemonade             | Frozen Lemonade             | Frozen Lemonade             | Frozen Lemonade             |                             |                             |                  |
| Peanuts                     | Peanuts                     | Peanuts                     | Peanuts                     |                             |                             |                  |
| Cracker Jacks               | Cracker Jacks               | Cracker Jacks               | Cracker Jacks               |                             |                             |                  |
| Side Cheese or Salsa        | Side Cheese or Salsa        | Side Cheese or Salsa        | Side Cheese or Salsa        |                             |                             |                  |
| Sour Patch Kids             | Sour Patch Kids             | Sour Patch Kids             | Sour Patch Kids             |                             |                             |                  |
| M&M's                       | M&M's                       | M&M's                       | M&M's                       |                             |                             |                  |
| BAR B                       | BAR C                       | GRILL BAR                   | BREWHOUSE                   | PICNIC                      | SKY BAR                     |                  |
| Beer and Wine Selection TBD | Beer and Wine Selection TBD | Beer and Wine Selection TBD | Beer and Wine Selection TBD | Beer and Wine Selection TBD | Beer and Wine Selection TBD |                  |





# Sea Dogs

## SUITE MENU

2022

### Appetizers / Snacks

Serves multiples of 8

Seasonal Fresh Crudite \$80.00

*A seasonal selection of fresh veggies with ranch dipping sauce*

Seasonal Fresh Fruit & Cheese Platter \$80.00

*A selection of fine cheese with an assortment of crackers and seasonal fresh fruit*

Assorted Snacks \$24.00

*Assorted snack size bags of chips and popcorn*

Chicken Tenderloins \$36.00

*Lightly fried with BBQ, buffalo, and honey mustard dipping sauces*

Hot Pretzels \$28.00

*Jumbo salted pretzels, fresh out of the oven*

McCrum Farm Fry \$32.00

*5 lbs of Maine made fries served in a souvenir helmet. Great complement to any of our ballpark fare*

### Standard Fare

Serves multiples of 8

Hot Dogs \$28.00

*Served with condiments and rolls*

Cheeseburger \$52.00

*Served with lettuce, tomato, condiments, and rolls*

Grilled Italian Sausage \$80.00

*Served with onions, green peppers, and cheese in sub rolls*

### Hadlock Pizza

Our Fresh Dough 16" Pizza (8 slices)

Cheese Pizza \$26.00

Pepperoni Pizza \$28.00

Sausage Pizza \$28.00

Onion & Pepper Pizza \$28.00

### Beverages

Dunkin' Box O' Joe \$30.00

*Dunkin' Hot Coffee or Hot Chocolate. Serves 10*

Soft Drinks \$25.00

*Sold in 6 packs of bottles*

Coke, Diet Coke, Coke Zero, Sprite, Seltzer  
Pink Lemonade, Apple Juice, Dasani Water,  
Assorted Soda (2 ea. Coke, Diet Coke, Sprite)



### Desserts

Serves multiples of 8

Sea Dogs Biscuit Ice Cream \$32.00

*Two chocolate chip cookies with vanilla ice cream*

Whoopie Pies \$32.00

*A Maine favorite*

Coca-Cola

DUNKIN'

PINELAND  
FARMS

FAMILY CRAFTED  
1909  
KAYEM  
CHELSEA, MASS

G  
Gifford's  
HomeMaine ice cream

\*Please remember all orders are subject to a 20% service charge and 8% Maine state sales tax - Prices and menus are subject to change without notification





# Sea Dogs

## SUITE MENU

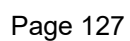
2022

### Beer & Wine

|                                              |         |
|----------------------------------------------|---------|
| 16 oz Bud Light                              | \$10.00 |
| 12 oz Bud Light Next                         | \$9.00  |
| 16 oz Michelob Ultra                         | \$10.00 |
| 16 oz Busch Light                            | \$10.00 |
| 16 oz Blood Orange Wheat <i>Jack's Abbey</i> | \$11.00 |
| 16 oz Fat Tire New Belgium                   | \$11.00 |
| 16 oz Allagash White <i>Allagash</i>         | \$11.00 |
| 16 oz Sixteen Counties <i>Allagash</i>       | \$11.00 |
| 16 oz Portland Pale Ale <i>Lone Pine</i>     | \$11.00 |
| 16 oz Brightside IPA <i>Lone Pine</i>        | \$11.00 |
| 16 oz Pale Ale <i>Geary's</i>                | \$11.00 |
| 16 oz Riverside IPA <i>Geary's</i>           | \$11.00 |
| 16 oz MITA <i>Rising Tide</i>                | \$11.00 |
| 16 oz Logger Road Lager <i>Baxter</i>        | \$11.00 |
| 16 oz Summer Ale <i>Shipyards</i>            | \$11.00 |
| 16 oz Cream Ale <i>Mason's Brewing Co.</i>   | \$11.00 |
| 16 oz Nonesuch Blonde <i>Nonesuch River</i>  | \$11.00 |
| 12 oz On Your Mark Blonde <i>Kit NA</i>      | \$9.00  |
| 16 oz Angry Orchard                          | \$11.00 |
| 16 oz Truly                                  | \$11.00 |
| 12 oz Twisted Tea                            | \$9.00  |
| 250 ml Babe Grigio                           | \$11.00 |
| 250 ml Babe Rosé                             | \$11.00 |
| Sea Dogs Beer Koozie (16 oz)                 | \$5.00  |

• Prices and menus are subject to change without notification. • Alcoholic beverages are for fans 21 years or older. Please be prepared to show ID upon delivery. • Per Maine State Law, you may only have two alcoholic beverages in your possession at one time.









CITY OF PORTLAND  
Permitting and Inspections Department

Application for an Entertainment License

|                                                        |                                                         |                                                                     |
|--------------------------------------------------------|---------------------------------------------------------|---------------------------------------------------------------------|
| <input type="checkbox"/> Indoor Entertainment \$500.00 | <input type="checkbox"/> Outdoor Entertainment \$700.00 | <input checked="" type="checkbox"/> Combined Entertainment \$800.00 |
| <input type="checkbox"/> Sound Mitigation Fee \$150.00 |                                                         |                                                                     |
| <b>Business Information</b>                            |                                                         |                                                                     |
| Establishment Name (d/b/a):                            | Portland SEA DOGS                                       | Phone: 207 874-9300                                                 |
| Location Address:                                      | 271 Park Ave. Portland, ME                              | Zip: 04101                                                          |
| Owner Name:                                            | DBH Portland, LLC                                       | Phone: 914 329-1887                                                 |
| Owner Email:                                           | peter@sportsholdings.com                                |                                                                     |
| Contact Person responsible for Entertainment:          | Geoff Iacvessa                                          | Phone: 207 874-9300                                                 |
| Contact Person Email:                                  | geoff@seadogs.com                                       |                                                                     |
| Manager of Establishment:                              | Geoff Iacvessa                                          | Phone: 207 874-9300                                                 |
| Manager Email:                                         | geoff@seadogs.com                                       |                                                                     |

About Your Establishment

Describe in detail the type and nature of the business and proposed entertainment:

- Hadlock Field, minor league baseball stadium
- Music through stadium system during games and events
- Video boards with entertainment during game breaks and pre-game
- Occasional live performances on Front Plaza on gamedays that end when game starts - latest 6pm

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

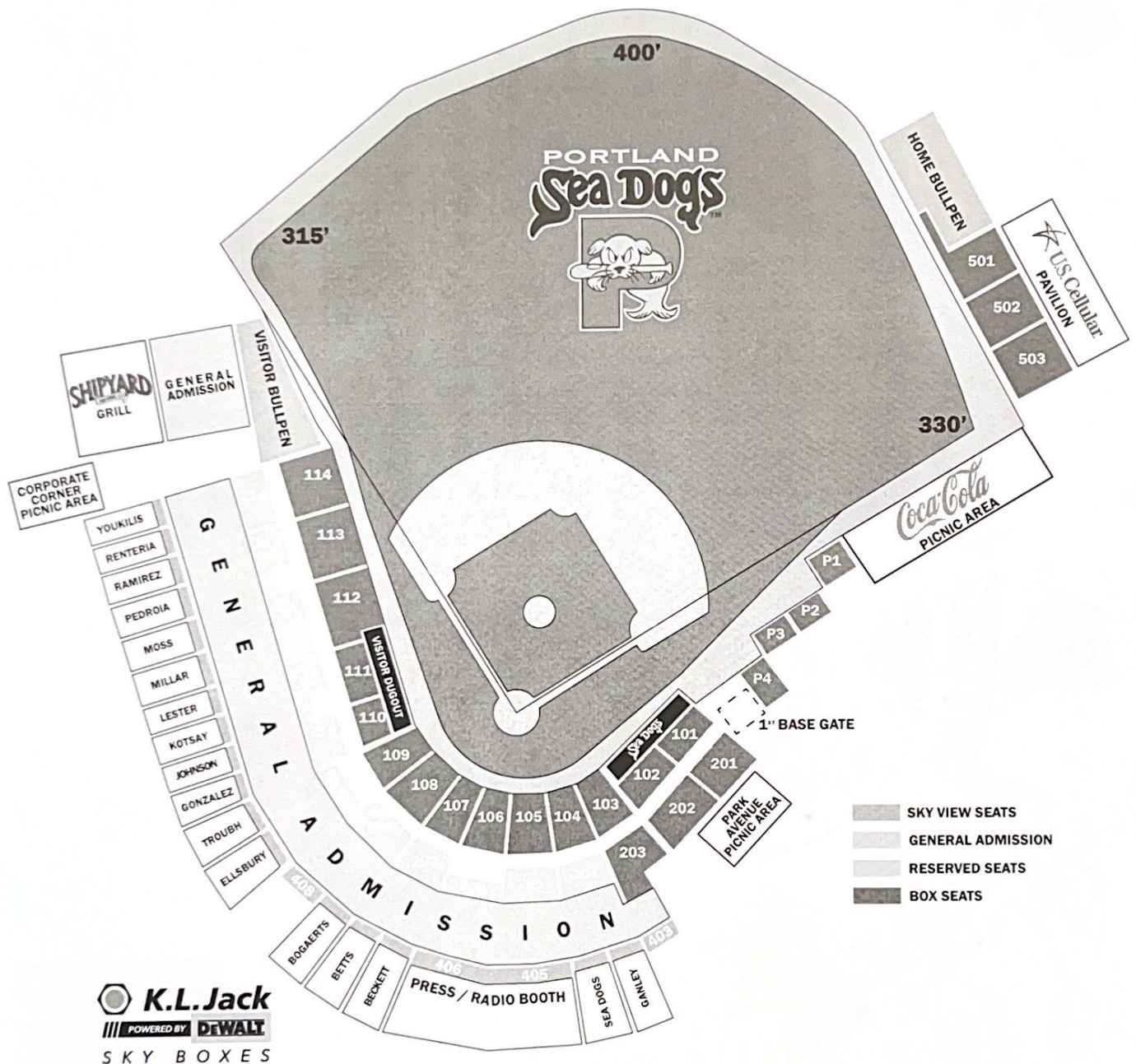
Signature [Signature] Title Assistant Mgr Date 2-2-23

For more information, refer to the City Code of Ordinance: Chapter 4 Amusements, at [www.portlandmaine.gov](http://www.portlandmaine.gov)

389 Congress Street, Room 307 • Portland, Maine 04101 • 207-874-8557  
[bl@portlandmaine.gov](mailto:bl@portlandmaine.gov) • [www.portlandmaine.gov](http://www.portlandmaine.gov)

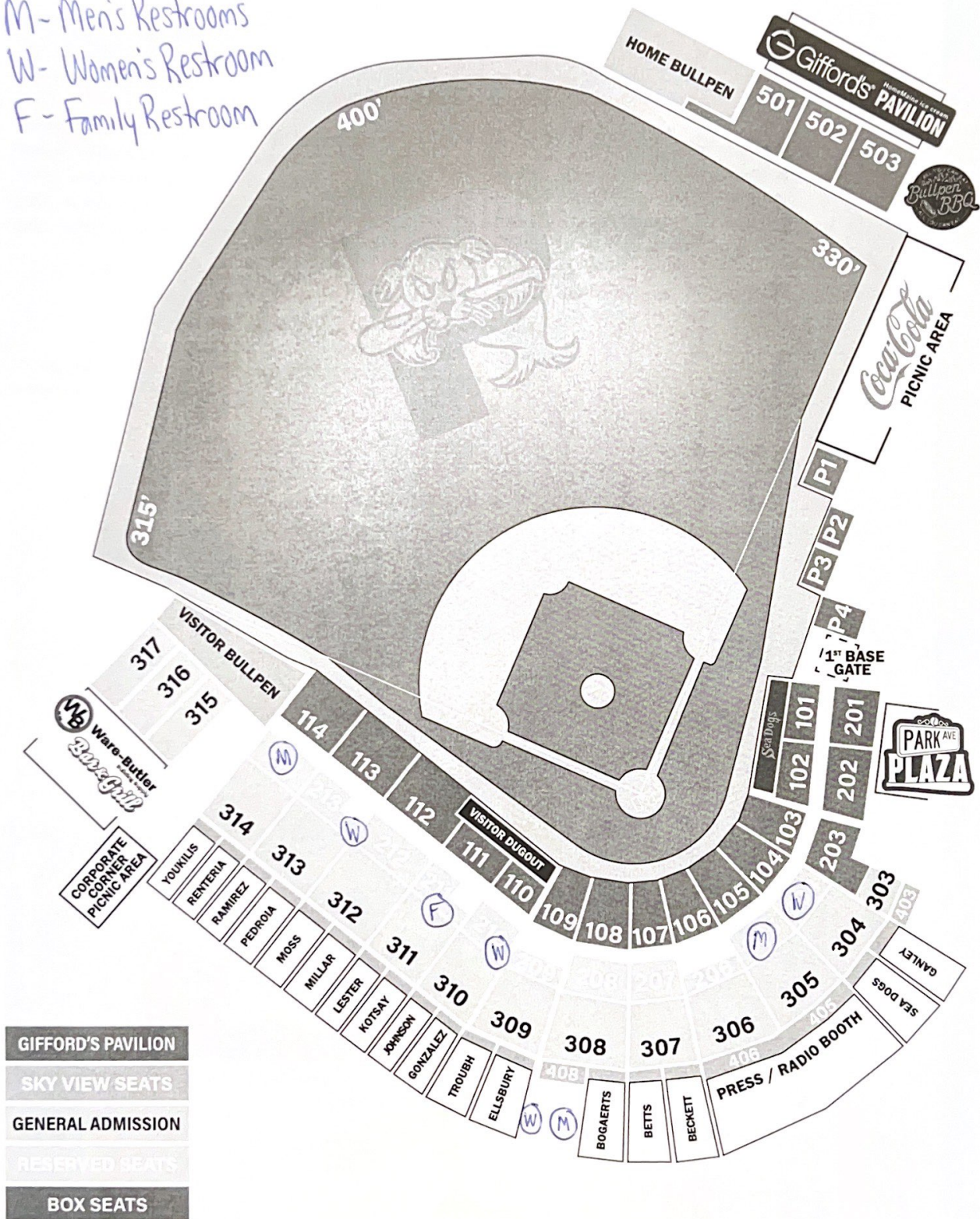


# HADLOCK FIELD





M- Men's Restrooms  
W- Women's Restroom  
F- Family Restroom





### FRONT PLAZA LIVE PERFORMANCES

During the baseball season at a limited number of games there will be live acts performing on the Front Plaza at Hadlock Field entertaining fans as they enter the stadium. The Front Plaza is located between Park Avenue and the Main Entrance to Hadlock Field and adjacent to Hadlock Parking Lot A. All live performances end when that day or evenings Sea Dogs game begins, the latest start time for a Sea Dogs game is 7:00 p.m. The equipment used by the live acts include:

- 3 Gemini RS-415 speakers
- 1 Trace Elliot bass speaker

*\*Picture below of common set-up*

During the performances there is a City of Portland Police Office in close proximity directing vehicle and pedestrian traffic on Park Avenue.







**CANFIELD**  
SYSTEMS INC

January 25, 2023

Jim Hefley  
Portland Seadogs  
Portland, ME 04101

Mr. Hefley

Thank you for allowing Canfield Systems to address your communication needs. Below, find a brief description of the existing, installed sound system at Hadlock Field and an assessment of its capabilities and limitations as regards its potential for impact on the local community.

#### SYSTEM DESCRIPTION:

The audio system's potential for disturbance of the local community is a function of two factors; its output volume capability and the directivity of that sound output. This system was designed and installed to minimize such disturbance. The sound projected into the stadium originates from (21) modestly sized, transformer-isolated loudspeakers (cut-sheet attached). Each loudspeaker is permanently mounted and directed toward the seating surfaces. Due to their distributed locations, no loudspeaker is required to provide audio coverage to a seat located more than 98' distant. This configuration allows for effective audience entertainment with minimal sound egress from the property.

As stated, the loudspeakers are each transformer isolated. This design feature allows each loudspeaker to be adjusted to a prescribed maximum output capability. Each loudspeaker at Hadlock Field is adjusted to accept a maximum of 100 Watts of energy from its associated amplifier. Due to electronic power limiting circuits at the system's controller, output beyond this level is impossible. Troublesome low-frequency program material is filtered (blocked) from amplification. The system will not produce sound pressure peaks levels in excess of 90dBA at the most distant spectator seat. Due to the dynamic range of the program material offered by the Seadogs staff, a measureable average decibel reading is unlikely to exceed 78dBA at these same locations.

The controlled directivity of the loudspeakers, the acoustic absorption coefficient of the spectators and the playing surface and the height of the facility's perimeter structure all serve to contain the acoustic energy within the facility. Even with the combined energy of all the installed loudspeakers, the average, "A" weighted, sound pressure, measured at the property line should not exceed 67dBA and at the nearest residence is unlikely to exceed 59dBA, a level well below that of normal urban traffic noise.

**CONCLUSION:** When operated responsibly, as designed, the Hadlock Field public address sound system poses little threat to the public peace and well-being.

Thank you for your interest in the services of Canfield Systems, Inc.

*T.W. Loveitt*

Tom Loveitt

Design, Sales and Support

[WWW.CANFIELDSYSTEMS.COM](http://WWW.CANFIELDSYSTEMS.COM)

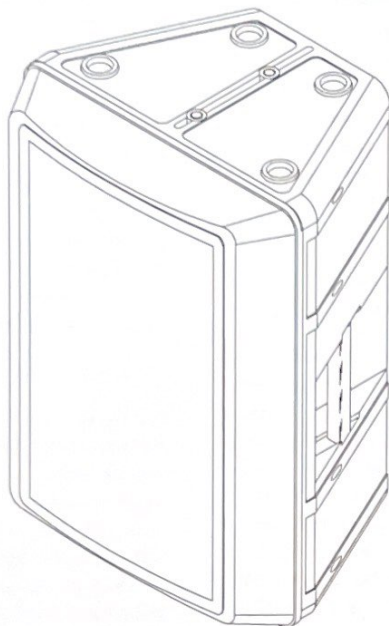
89 Mussey Road/PO Box 898

Scarborough Maine 04070-0898

207-883-4110 fax: 207-883-3932

**INTEGRATED COMMUNICATIONS SYSTEMS**





## Sx 300PI Sx 300PIX 300-Watt Two-Way Weather-Resistant Speaker Systems

- Ring-Mode Decoupling (RMD™) for increased intelligibility
- Lightweight Structural-foam enclosure
- Stand mountable and arrayable
- High efficiency (99 dB, 1 W/1 m)
- High power handling (Sx300PI: 300-watts continuous, 1,200-watts short term)
- Powder-coated, full-face stainless-steel grill with foam backing
- Four molded-in attachment points (metric M8 x 1.25) for secure suspension
- 100-watt transformer option (Sx300PIX)
- Available in white

### Description

The Sx300PI and Sx300PIX are continuations of the popular the Sx-series offering the added value of weather-resistant cabinets. The Electro-Voice Sx300PI is a 300-watt, 12-inch, two-way, high-efficiency, constant-directivity speaker system for permanent installation. Through the extensive use of computer-aided design and modeling, Electro-Voice engineers have developed a state-of-the-art professional loudspeaker system for permanent installation where weather resistance is needed. The Sx300PIX is the same as the Sx300PI with the addition of an AT100 transformer.

The high-frequency section of the Sx300PI utilizes a molded-in, 65° x 65° constant-directivity horn. This unique pattern contributes to high intelligibility. Vocals sound natural, yet "cut through" in reverberant, noisy rooms. In addition, the coverage pattern is unusually uniform over its range of operation. Sound quality off axis is very consistent, even at 45° off axis (a 90° total coverage angle), well beyond the rated coverage angle. The horn's unique, Varipath™ throat geometry\* helps direct driver output to the corners of the room, points of coverage not described in the usual specifications of horizontal and vertical coverage angles, and parts of the audience that typically do

not receive the strongest coverage.

One of the many other unique features of the Sx300PI is the cabinet. Constructed of high-impact polypropylene structural foam, it provides a stiff and extremely durable enclosure. Molded into the cabinet are an integral carrying handle and a stand socket for mounting on 1 3/8-inch stands such as the Electro-Voice 100BK. Rubber feet attached to the bottom of the cabinet and mating sockets molded into the top provide a means of stacking systems. The trapezoidal-shaped cabinet in combination with the uniform, 65° x 65° directivity characteristics, make the Sx300PI ideal for use alone or in arrays.

The Sx300PI's high-frequency horn is driven by the Electro-Voice DH2010A one-inch-throat, wide bandwidth, titanium-diaphragm driver. The DH2010A uses a unique, convex-drive Time Path™ phasing plug structure (U.S. Patent #4,525,604) for smooth and extended high-frequency performance. The voice coil is coupled to the diaphragm with EV's exclusive Resonant Drive™ technology. This increases and smooths the high-frequency response and reduces the amount of internal equalization required for flat frequency response. Driver output extends to 25,000 Hz. A self-resetting, high-frequency protection circuit, EV's PRO™ circuit, is included with the Sx300PI to prevent accidental overdrive and improve system reliability. If the input power

to the high-frequency driver exceeds the nominal rating, the protection circuit is activated and reduces the power delivered to the driver by 6 dB. The system will remain in this mode of operation until the input power is reduced to a safe level.

The bass section of the Sx300PI is designed using Thiele-Small parameters for efficient performance to below 80 Hz. The woofer is a DL12Sx 12-inch unit featuring beryllium copper lead wires, a low-mass, edge-wound voice coil and high-temperature materials. The part of the magnetic structure adjacent to the coil is insulated using the exclusive EV PROTEF™ process (U.S. Patent #4,547,632). The system combines professional-quality components, arranged in a time-coherent vertical array, with an unusually durable Thiele-Small-aligned vented enclosure. The result is clear and articulate, high-quality sound.

### Ring-Mode Decoupling (RMD™)

The Sx300PI controls both acoustical and mechanical ring modes to provide dramatically increased intelligibility, using techniques learned from the development of the Electro-Voice X-array™ concert speakers. There is much less coloration of the sound from resonating sources, leaving only the intended sound to be heard by the audience.

\* Patent pending



## Sx300PI and Sx300PIX 300-Watt Two-Way Weather-Resistant Speaker Systems

### Frequency Response

The combination of a 12-inch woofer, wide bandwidth high-frequency driver and an equalized crossover results in the wide and smooth overall response shown in Figure 1. This response was measured at 10 feet, using a 4-volt input in an anechoic chamber, and was measured using a swept sine-wave input. No external equalization was used. Figure 1 has been averaged and corrected for 1 watt at 1 meter.

### Port Covers

The four ports surrounding the woofer may be "sealed" in order to add further weather protection to the system. Optional port covers may be used in situations where increased weather resistance is needed. This will aid in the prevention of any moisture that may protrude through the foam-backed grill under extreme weather conditions to accumulate inside the enclosure. The optional port cover "kit" is supplied along with instructions with each system. However, once the aid of the port covers are installed, a difference of frequency response will change as shown in Figure 2.

### Constant-Directivity Speaker System

The crossover frequency and speaker component geometries have been selected so that the directional characteristics of the woofer and constant-directivity horn match at the crossover frequency to create a special system type—the constant-directivity system. Response within the 65° rated coverage angle is uniform, which means dependable audience coverage without "hot spots" or dead zones at certain frequencies. The 65° dispersion characteristic also helps avoid early reflections from nearby floor or side-wall surfaces which could degrade performance. The controlled directivity of the high- and low-frequency transducers also eliminates response irregularities caused by diffraction off nearby enclosure edges and, in combination with an essentially flat on-axis frequency response, produces a total acoustic power output that is uniform with frequency.

### Directivity

A unique feature of the Sx300PI is the constant-directivity dispersion provided by the 65° x 65° horn. The polar response of the system at selected one-third-octave band-

widths is shown in Figure 2. These polar responses were measured in an anechoic environment at 10 feet using one-third-octave pink-noise inputs. The frequencies selected are fully representative of the polar response of the system. Beamwidth of the system utilizing the complete one-third-octave polar data is shown in Figure 4.  $R_q$  and directivity index (D<sub>i</sub>) are plotted in Figure 5.

### Suspending Sx300PI Enclosures

**WARNING: Suspending any object is potentially dangerous and should only be attempted by individuals who have a thorough knowledge of the techniques and regulations of rigging objects overhead. Electro-Voice strongly recommends that the Sx300PI be suspended taking into account all current national, federal, state and local regulations. It is the responsibility of the installer to ensure the Sx300PI is safely installed in accordance with all such regulations. If the Sx300PI is suspended, Electro-Voice strongly recommends that the system be inspected at least once a year. If any sign of weakness or damage is detected, remedial action should be taken immediately.**

When mounting the Sx300PI in a location where a weather-resistant system is required, a minimum of a five-degree down angle is recommended. (See Figure 9.) This will aid in the prevention of any moisture protruding through the foam-backed grille. A manual entitled *Suspending System 200™ Loudspeakers* is included with every Sx300PI system. It gives a summary of the suspension kits available and an idea of how each kit is used. A brief overview, which illustrates some approaches for single and multiple suspension, is given here for the benefit of the system designer. Please refer to individual suspension kit engineering data sheets for full details and safety information.

The first approach is to suspend an individual Sx300PI enclosure. The four metric M8 x 1.25 inserts (see Figure 6) which are built into the enclosure allow the system to be suspended using eyebolts (Mb100 Accessory Kit). Typically it will be necessary to attach two cables to the top eyebolt and "pull up" on the rear. The Mb200 bracket (see Figure 8) encompasses the top and bottom of the enclosure and has additional features to make suspending the Sx300PI easier and more flexible. Electro-Voice recommends the use of the Mb200 in all but the

simplest situations. The Mb200 has supplementary holes to allow the Sx300PI to be attached to a wall or ceiling and aimed at an audience.

The Mb200 Installation Kit also allows the use of OmniMount® Series 100 mounting hardware by providing three-hole-pattern groups compatible with these support systems. When OmniMount® Series 100 mounting hardware is specified, the Mb200 Installation Kit must first be attached to the speaker enclosure.

The second approach is to suspend multiple Sx300PI enclosures. The Sx300PI enclosure is not designed to suspend multiple enclosures from itself. If an "array" is required, then multiple Mb200's must be used. Arrays may be constructed vertically by "daisy chaining" two Mb200's from each other. The Mb300 array bracket allows the easy and secure construction of horizontal arrays, using Mb200's to support the enclosure.

### Power-Handling Capacity

To our knowledge, Electro-Voice was the first U.S. manufacturer to develop and publish a power test closely related to real-life conditions. First, we use a random-noise input signal because it contains many frequencies simultaneously, just like real voice or instrument program. Second, our signal contains more energy at extremely high and low frequencies than typical actual program, adding an extra measure of reliability. Third, the test signal includes not only the overall "long term average" or "continuous" level—which our ears interpret as loudness—but also short-duration peaks which are many times higher than the average, just like actual program. The long-term average level stresses the speaker thermally (heat). The instantaneous peaks test mechanical reliability (cone and diaphragm excursion). Note that the sine-wave test signals sometimes used have a much less demanding peak value relative to their average level. In actual use, long-term average levels exist from several seconds on up, but we apply the long-term average for several hours, adding another extra measure of reliability.

Specifically, the Sx300PI is designed to withstand the power test described in the ANSI/EIA RS-426-A 1980. The EIA test spectrum is applied for eight hours. To obtain the spectrum, the output of a white-noise generator (white noise is a particular type



## Sx300PI and Sx300PIX 300-Watt Two-Way Weather-Resistant Speaker Systems

of random noise with equal energy per bandwidth in Hz) is fed to a shaping filter with 6-dB-per-octave slopes below 40 Hz and above 318 Hz. When measured with the usual constant-percentage bandwidth analyzer (one-third-octave), this shaping filter produces a spectrum whose 3-dB-down points are at 100 Hz and 1,200 Hz with a 3-dB-per-octave slope above 1,200 Hz. This shaped signal is sent to the power amplifier with the continuous power set at 300 watts into the 7.1-ohm EIA equivalent impedance (46.2 volts true rms). Amplifier clipping sets instantaneous peaks at 6 dB above the continuous power, or 1,200-watts peak (92.5 volts peak). This procedure provides a rigorous test of both thermal and mechanical failure modes.

### Amplifier Power Recommendations

As noted in the Power-Handling Capacity section above, the Sx300PI has a random-noise power capacity of 300-watts long term (1,200-watts peak) (nontransformer) per ANSI/EIA RS-426-A 1980. The following guidelines will help relate this number to an appropriate power amplifier output rating.

1. To use the Sx300PI to full capacity, skilled experts in sound system installation and operation will obtain the best results if the power amplifier is 2.0 to 4.0 times the long-term average noise-power rating of the speaker system. For the Sx300PI this is 600 to 1,200 watts (nontransformer).

**The caution cannot be made strongly enough, however, that this arrangement is only for experts or for those who can discipline themselves against "pushing" the system for ever-higher sound levels and who can avoid "accidents" such as catastrophic feedback or dropped microphones.**

2. A more conservative, "normal" amplifier size, which will produce audible results nearly equal to those of the "expert" recommendation, is 1.0 to 1.4 times the long-term average noise-power rating of the speaker. For the Sx300PI, this is 300 to 420 watts (nontransformer).
3. To be very conservative, one can use an amplifier rated at 0.5 to 0.7 times the long-term average noise-power rating of the loudspeaker. For the Sx300PI this is 150 to 210 watts (nontransformer).

Request P.A. Bible Addition No. Two ("Power Handling Capacity") for more background on these recommendations.

### Sx300PI Connections

The Sx300PI is equipped with two Neutrik Speakon® NL4MP connectors.

In continued high-power applications, Electro-Voice recommends the use of the Speakon connector. The Speakon NL4MP will mate to a NL4FC Speakon connector, which is a 4-pin connector. Figure 7 shows typical wiring configurations using banana plugs. Cable connections for the Sx300PI should be made to the 1+ and 1- terminals only. Cable connections for the Sx300PIX should be made as shown in Figure 9, depending on the given input voltage and the desired output wattage. Cables utilizing the Speakon NL4FC are available from your local dealer or from the companies listed below:

#### Pro Co Sound, Inc.

135 E. Kalamazoo Ave.  
Kalamazoo, MI 49007  
616/388-9675

#### Whirlwind Music Distributors, Inc.

P.O. Box 1075  
Rochester, NY 14603  
716/663-8820

#### Neutrik USA, Inc.

195-S3 Lehigh Ave.  
Lakewood, NJ 08701  
908/901-9488

It is recommended that after making the proper connection with the Speakon connector to the input on the enclosure, a bead of sealant should be applied around the connection to assure a watertight seal.

### Weather-Resistant Mounting

When mounting the Sx300 PI in a location where a weather-resistant system is required a minimum of a five-degree down angle is recommended. (See figure 9.) This will help prevent any moisture from wicking through the foam and mesh-backed grille and accumulating inside the enclosure under extreme weather conditions.

### Architects' and Engineers' Specifications

The loudspeaker shall consist of a 305-mm

(12-inch) low-frequency transducer in a trapezoidal-shaped enclosure; a high-frequency compression driver with a pure titanium diaphragm coupled to a 65° x 65° constant-directivity horn molded into the front baffle of the enclosure; and a passive crossover-equalizer network with protection for the high-frequency driver. The loudspeaker shall meet the following performance criteria: frequency response of 80 to 25,000 Hz, -3 dB; power handling of 300-watts long term and 1,200-watts short term (nontransformer), with a shaped random-noise input per ANSI/EIA RS-426-A 1980; sensitivity of 99 dB SPL at 1 meter with a 1-watt, 300- to 2,000-Hz pink-noise input; 6-dB-down horizontal coverage angle of 65° ±15° in the 2,000- to 20,000-Hz range; 6-dB-down vertical coverage angle of 65° ±15° in the 2,000- to 20,000-Hz range; crossover frequency of 1,500 Hz; nominal impedance of 8 ohms and minimum impedance of 6 ohms. Paralleled input and output connectors shall be present, consisting of Neutrik Speakon® NL4MP connectors. The enclosure shall be constructed of polypropylene structural foam and fitted with a full-face, foam-backed, stainless-steel grille, an integral handle, a stand socket for mounting on 1 3/8-inch stands, rubber feet and mating sockets to facilitate stacking. Dimensions shall be 586 mm (23.1 in.) high x 429 mm (16.9 in.) wide x 312 mm (12.3 in.) deep. Net weight shall be 17.7 kg (39 lb) nontransformer; 21.7 kg (48 lb) transformer. The loudspeaker systems shall be the Electro-Voice Sx300PI, Sx300PIX, Sx300PI-W, Sx300PIX-W.

### Uniform Limited Warranty

Electro-Voice products are guaranteed against malfunction due to defects in materials or workmanship for a specified period, as noted in the individual product-line statement(s) below, or in the individual product data sheet or owner's manual, beginning with the date of original purchase. If such malfunction occurs during the specified period, the product will be repaired or replaced (at our option) without charge. The product will be returned to the customer prepaid. **Exclusions and Limitations:** The Limited Warranty does not apply to: (a) exterior finish or appearance; (b) certain specific items described in the individual product-line statement(s) below, or in the indi-

Sx300PI and Sx300PIX 300-Watt Two-Way Weather-Resistant Speaker Systems



## Sx300PI and Sx300PIX 300-Watt Two-Way Weather-Resistant Speaker Systems

vidual product data sheet or owner's manual; (c) malfunction resulting from use or operation of the product other than as specified in the product data sheet or owner's manual; (d) malfunction resulting from misuse or abuse of the product; or (e) malfunction occurring at any time after repairs have been made to the product by anyone other than Electro-Voice Service or any of its authorized service representatives. **Obtaining Warranty Service:** To obtain warranty service, a customer must deliver the product, prepaid, to Electro-Voice Service or any of its authorized service representatives together with proof of purchase of the product in the form of a bill of sale or receipted invoice. A list of authorized service representatives is available from Electro-Voice Service at: 1 Telex Drive, Morrilton, AR 72110 (800/685-2606 or at 501/354-0111). **Incidental and Conse-**

**quential Damages Excluded:** Product repair or replacement and return to the customer are the only remedies provided to the customer. Electro-Voice shall not be liable for any incidental or consequential damages including, without limitation, injury to persons or property or loss of use. Some states do not allow the exclusion or limitation of incidental or consequential damages so the above limitation or exclusion may not apply to you. **Other Rights:** This warranty gives you specific legal rights, and you may also have other rights which vary from state to state.

**Electro-Voice Speakers and Speaker Systems** are guaranteed against malfunction due to defects in materials or workmanship for a period of five (5) years from the date of original purchase. The Limited Warranty

does not apply to burned voice coils or malfunctions such as cone and/or coil damage resulting from improperly designed enclosures. Electro-Voice active electronics associated with the speaker systems are guaranteed for three (3) years from the date of original purchase. Additional details are included in the Uniform Limited Warranty statement.

For warranty repair, service information, or a listing of the repair facilities nearest you, contact the service repair department at: 800/685-2606 or 501/354-0111.

**For technical assistance,** contact Technical Support at 800/392-3497 (ext. 4656) or 952/736-4656, M-F, 8:00 a.m. to 5:00 p.m., Central Standard time.

Specifications subject to change without notice.

Figure 1 — Sx300PI Frequency Response (1 watt/1 meter, anechoic environment) (open ports)

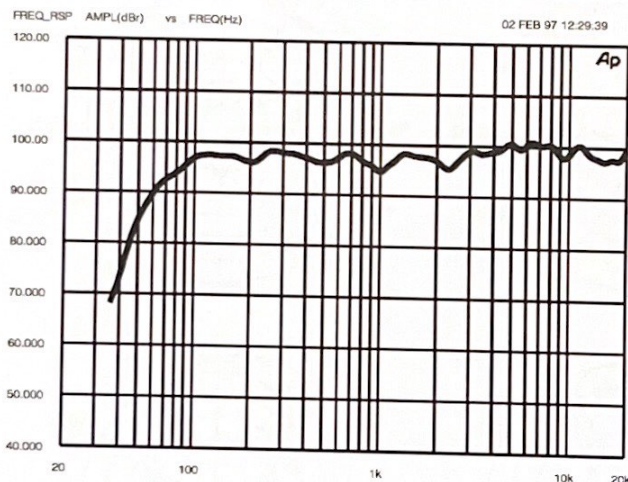
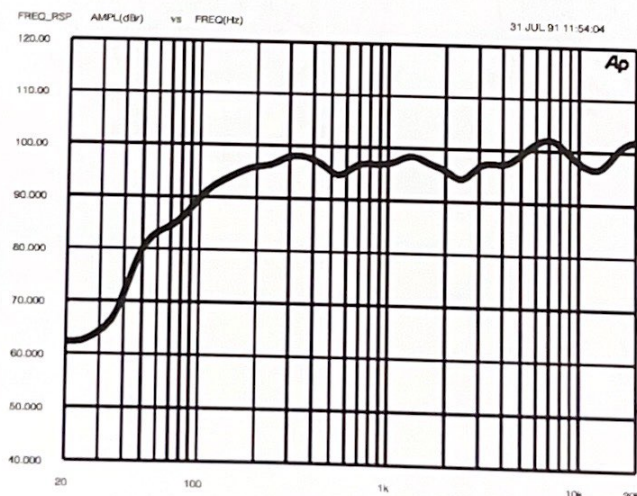


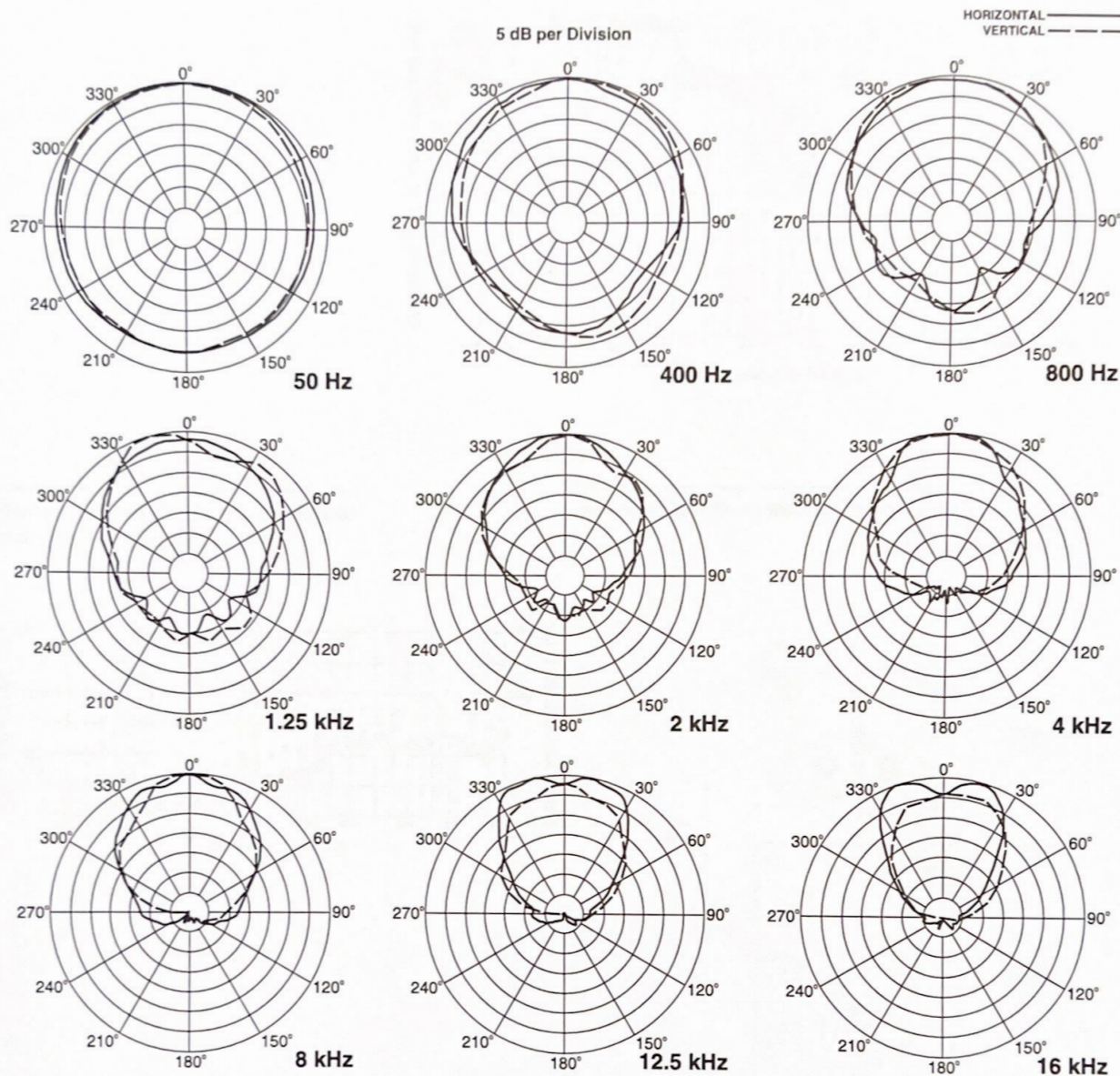
Figure 2 — Sx300PI Frequency Response (1 watt / 1 meter, anechoic environment) (closed ports)





## Sx300PI and Sx300PIX 300-Watt Two-Way Weather-Resistant Speaker Systems

Figure 3 — Polar Response (anechoic environment) (open ports)



# Sx300PI and Sx300PIX 300-Watt Two-Way Weather-Resistant Speaker Systems

Figure 4 — Beamwidth Response  
(anechoic environment) (open ports)

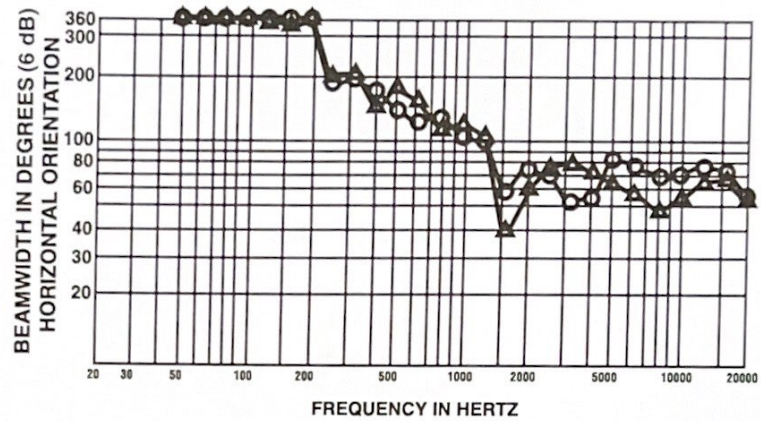


Figure 5 — Directivity Response (anechoic environment) (open ports)

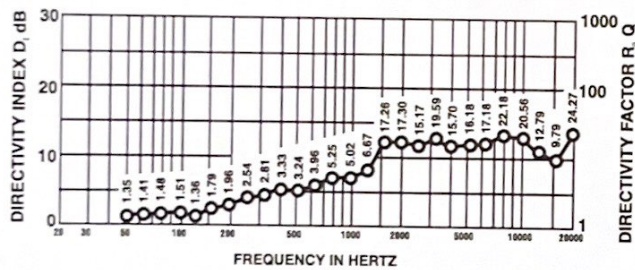
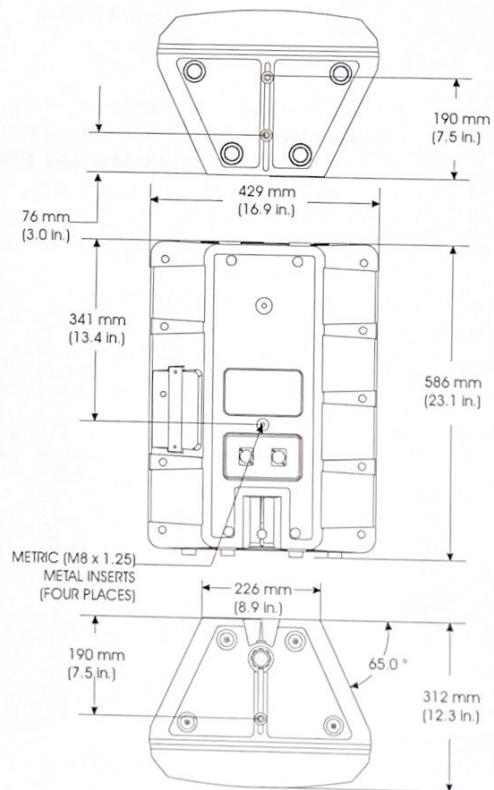


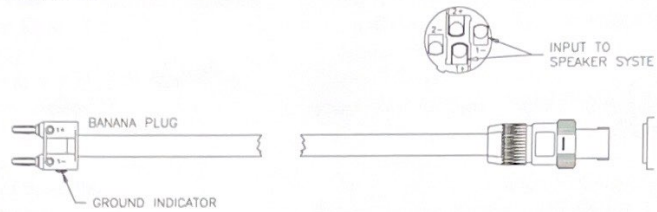
Figure 6 — Sx300PI/ Sx300PIX Dimensions



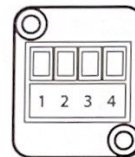


# Sx300PI and Sx300PIX 300-Watt Two-Way Weather-Resistant Speaker Systems

Figure 7 — Cable Configurations for Sx300PI and Sx300PIX



Sx300PI Connection



|       | 70.7 VOLT | 100 VOLT |
|-------|-----------|----------|
| PIN 4 | 50W       | 100W     |
| PIN 3 | 70W       | 140W     |
| PIN 2 | 100W      | 200W     |
| PIN 1 | COMMON    | COMMON   |

CONNECTIONS TO TRANSFORMER TAPS

Sx300PIX Connection

Figure 8 — Suspending the Sx300PI Using Mb200 Installation Kit

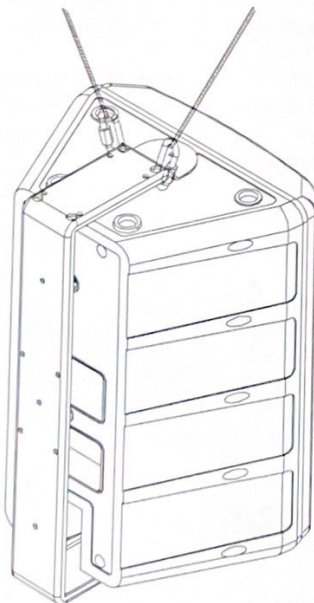
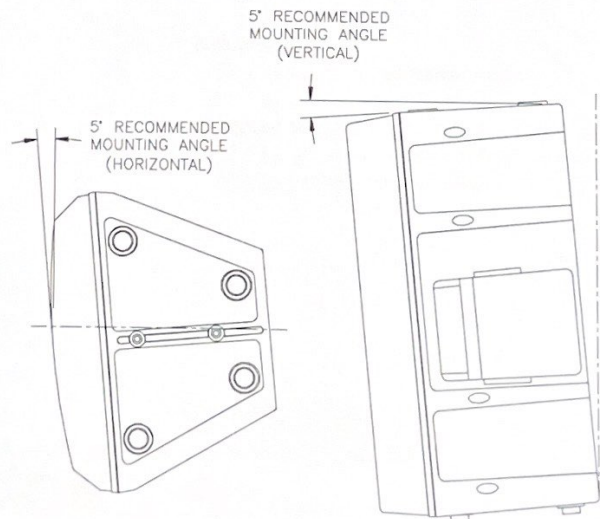


Figure 9 — Recommended Mounting of the Sx300PI and Sx300PIX



Sx300PI and Sx300PIX 300-Watt Two-Way Weather-Resistant Speaker Systems

## Sx300PI and Sx300PIX 300-Watt Two-Way Weather-Resistant Speaker Systems

### Specifications

#### Versions Available:

**Sx300PI**—two-way, full-range speaker system (300 watt)

**Sx300PIX**—two-way, full-range speaker system with 100-watt transformer

**Sx300PI-W**—two-way, full-range speaker system (300 watt), white

**Sx300PIX-W**—two-way, full-range speaker system with 100-watt transformer, white

**Axial Frequency Response** (swept sine-wave input, 4 volts at 10 feet on axis, anechoic environment, normalized for 1 watt/1 meter; see Figure 1):  
80-25,000 Hz

**(Open Port) Low-Frequency 3-dB-Down Point:**  
90 Hz

**Half-Space Reference Efficiency:**  
5.9%

**Long-Term Average Power-Handling Capacity per ANSI/EIA RS-426-A 1980** (see Power-Handling Capacity section):

300 watts (nontransformer)

200 watts - 100-V line (transformer)

100 watts - 70.7-V line (transformer)

**Maximum Woofer Acoustic Output:**  
17.7 watts

**Sensitivity (SPL at 1 meter, 1 watt input, anechoic environment, band-limited pink-noise signal, 300-2,000 Hz):**  
99 dB

**Dispersion Angle Included by 6-dB-Down Points on Polar Responses, Indicated One-Third-Octave Bands of Pink Noise** (see Figure ),

**2,000-20,000 Hz, Horizontal:**  
65° -15°

**2,000-20,000 Hz, Vertical:**  
65° -15°

**Directivity Factor  $R_q$  (Q), 800-16,000 Hz Median** (see Figure 5):  
14.3 (+7.9, -9.3)

**Directivity Index  $D_i$ , 800-16,000 Hz Median** (see Figure 5):  
11.1 dB (+2.4 dB, -4.1 dB)

**Distortion, 0.1 Full Power Input, Second Harmonic,**

**100 Hz:** 1.2%

**1,000 Hz:** 1.4%

**10,000 Hz:** 10%

**Third Harmonic,**

**100 Hz:** 0.1%

**1,000 Hz:** 1.4%

**10,000 Hz:** 2.5%

**Distortion, 0.01 Full Power Input, Second Harmonic,**

**100 Hz:** 0.2%

**1,000 Hz:** 1.1%

**10,000 Hz:** 1.0%

**Third Harmonic,**

**100 Hz:** 0.1%

**1,000 Hz:** 0.4%

**10,000 Hz:** 0.2%

**Transducer Complement,**

**High Frequency:**

DH2010A driver

**Low Frequency:**

12-inch EV woofer

**Box-Tuning Frequency:**

63 Hz

**Crossover Frequency:**

1,500 Hz

**Crossover Slope,**

**Low Pass:**

12 dB per octave

**High Pass:**

12 dB per octave

**Impedance, Sx300PI**

**Nominal:**

8 ohms

**Minimum:**

6 ohms

**Impedance, Sx300PIX at Highest Wattage Tap,**

**Nominal:**

50 ohms

**at 1 kHz:**

111 ohms

#### Input Connections, Sx300PI:

Paralleled Neutrik Speakon® NL4MP connectors (allow paralleling of multiple speakers)

#### Input Connections, Sx300PIX:

Paralleled Phoenix-Style connectors (for wattage selection and paralleling of multiple speakers)

#### Enclosure Materials and Colors:

Polypropylene structural foam; choice of black or white

**Supplied Accessories:**

*Suspending Sx100/Sx300 Series*

*Loudspeakers* instruction manual

#### Optional Accessories:

100BK mounting stand

Mb100 forged eyebolt attachment kit

Mb200 wall/ceiling mounting bracket

Mb300 horizontal array kit

OmniMount® Series 100 mounting hardware\*\*

VPCSx vinyl case

PDSx padded case

MBS200 Stainless Steel Bracket Kit

#### Attachment Points:

Four metric inserts (M8 x 1.25) (see

Figure 5 and Suspending Sx300PI

Enclosures section)

#### Dimensions (see Figure 5),

**Height:**

586 mm (23.1 in.)

**Width:**

429 mm (16.9 in.)

**Depth:**

312 mm (12.3 in.)

#### Net Weight:

17.7 kg (40 lb) - nontransformer

21.7 kg (49 lb) - transformer

#### Shipping Weight:

19.1 kg (43 lb) - nontransformer

23.1 kg (52 lb) - transformer

\*\* Available through OmniMount Systems, Inc. OmniMount® is a registered trademark of OmniMount Systems, Inc.

# Electro-Voice®

12000 Portland Ave. S., Burnsville, MN 55337

952/884-4051 Phone, 952/884-0043 Fax



# City of Portland

## Sound Mitigation Review

Date: 2/21/2023

Business Sea Dog

Applicant Geoff Iacuesssa

| DESCRIPTION                                                                | yes                             | no  |
|----------------------------------------------------------------------------|---------------------------------|-----|
| Sound system appropriate for the size venue                                |                                 | Yes |
| Performance space located in an appropriate location                       |                                 | Yes |
| Performance space facing in an appropriate direction to control sound      |                                 | Yes |
| Surrounding surfaces appropriate to control sound                          |                                 |     |
| Additional sound absorbing features                                        |                                 |     |
| additional notes                                                           | These events are usually midday |     |
|                                                                            |                                 |     |
|                                                                            |                                 |     |
|                                                                            |                                 |     |
|                                                                            |                                 |     |
| Approved                                                                   |                                 | Yes |
| DIRECT ALL INQUIRIES TO:                                                   |                                 |     |
| Kevin Schneck                                                              |                                 |     |
| (207) 756-8433                                                             |                                 |     |
| <a href="mailto:kschneck@portlandmaine.gov">kschneck@portlandmaine.gov</a> |                                 |     |



Zachary Lenhart <zlenhart@portlandmaine.gov>

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## Sea Dogs - Change of Ownership and Classification

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Eric Nevins <erickn@portlandmaine.gov>

Sat, Feb 11, 2023 at 3:36 PM

To: Zachary Lenhart <zlenhart@portlandmaine.gov>

Cc: Ron Kelton <rkelton@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Katlyn Sawyer <ksawyer@portlandmaine.gov>, Zoning <zoning@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Christina Stacey <cstacey@portlandmaine.gov>, Glen McGary <glenm@portlandmaine.gov>, Kevin Schneck <kschneck@portlandmaine.gov>

Approved

On Wed, Feb 8, 2023 at 2:18 PM Zachary Lenhart <zlenhart@portlandmaine.gov> wrote:

[Quoted text hidden]

--

Eric Nevins  
Lieutenant  
Portland Police Department  
(207) 874-8513





Zachary Lenhart <zlenhart@portlandmaine.gov>

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## Sea Dogs - Change of Ownership and Classification

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Matthew Coldwell <mcoldwell@portlandmaine.gov>

Tue, Feb 14, 2023 at 9:21 AM

To: Zoning <zoning@portlandmaine.gov>

Cc: Zachary Lenhart <zlenhart@portlandmaine.gov>, Ron Kelton <rkelton@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Katlyn Sawyer <ksawyer@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Eric Nevins <erickn@portlandmaine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, cstacey <cstacey@portlandmaine.gov>, Glen McGary <glenm@portlandmaine.gov>, Kevin Schneck <kschneck@portlandmaine.gov>

Good Morning,

The legal use is stadium. Zoning approves.

Thank you,

Mac

Mac Coldwell

City of Portland  
Zoning Specialist  
Permitting & Inspections Department  
389 Congress ST, Room #315  
Email: mcoldwell@portlandmaine.gov  
he/him

[Quoted text hidden]

City of Portland | Permitting and Inspections  
Zachary Lenhart, Licensing and Housing Safety Manager



February 22, 2023

DBH Portland, LLC  
P.O. Box 636  
Portland, ME 04104

Re: DBH Portland, LLC, dba Portland Sea Dogs. Application for Civic Auditorium with Combined Entertainment at 271 Park Avenue

Dear Bread and Friends:

This letter shall serve as a reminder of the public hearing before the Portland City Council on Monday February 27, 2023 at 5:00 p.m., for the review of application for DBH Portland, LLC, dba Portland Sea Dogs. Application for Civic Auditorium with Combined Entertainment at 271 Park Avenue. The meeting will take place in person and virtually. The link can be found on the Meeting Agenda which will be posted on the City Website on February 24, 2023.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or at [bl@portlandmaine.gov](mailto:bl@portlandmaine.gov).

Sincerely,

Zachary J. Lenhart  
Licensing and Housing Safety Manager



## **Legal Advertisement**

### **Notice of Public Hearing City of Portland**

A Public Hearing will be held on February 27, 2023 at 5:00 P.M., virtually DBH Portland, LLC, dba Portland Sea Dogs. Application for Civic Auditorium with Combined Entertainment at 271 Park Avenue - Sponsored by Danielle P. West, Interim City Manager



STATE OF MAINE  
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES  
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS  
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Application for an On-Premises License

*All Questions Must Be Answered Completely. Please print legibly.*

| Division Use Only |                                                          |
|-------------------|----------------------------------------------------------|
| License No:       |                                                          |
| Class:            | By:                                                      |
| Deposit Date:     |                                                          |
| Amt. Deposited:   |                                                          |
| Payment Type:     |                                                          |
| OK with SOS:      | Yes <input type="checkbox"/> No <input type="checkbox"/> |

Section I: Licensee/Applicant(s) Information;  
Type of License and Status

|                                                                               |                                                                        |
|-------------------------------------------------------------------------------|------------------------------------------------------------------------|
| Legal Business Entity Applicant Name (corporation, LLC):<br>DBH Portland, LLC | Business Name (D/B/A):<br>Portland Sea Dogs                            |
| Individual or Sole Proprietor Applicant Name(s):                              | Physical Location:<br>271 Park Ave. Portland, ME 04102                 |
| Individual or Sole Proprietor Applicant Name(s):                              | Mailing address, if different:<br>P.O. Box 636 Portland, ME 04104      |
| Mailing address, if different from DBA address:                               | Email Address:<br>seadogs@seadogs.com                                  |
| Telephone #      Fax #:                                                       | Business Telephone #      Fax #:<br>(207) 874-9300      (207) 780-0317 |
| Federal Tax Identification Number:<br>92-1243421                              | Maine Seller Certificate # or Sales Tax #:<br>Resale #7001539          |
| Retail Beverage Alcohol Dealers Permit:                                       | Website address:<br>www.seadogs.com                                    |

1. New license or renewal of existing license? ☒ New      Expected Start date: 4/1/2023  
☐ Renewal      Expiration Date: \_\_\_\_\_
2. The dollar amount of gross income for the licensure period that will end on the expiration date above:  
Food: 0      Beer, Wine or Spirits: 0      Guest Rooms: \_\_\_\_\_
3. Please indicate the type of alcoholic beverage to be sold: (check all that apply)  
☒ Malt Liquor (beer)      ☒ Wine      ☒ Spirits



4. Indicate the type of license applying for: (choose only one)

- |                                                                                                                    |                                                                             |                                                       |
|--------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Restaurant<br>(Class I, II, III, IV)                                                      | <input type="checkbox"/> Class A Restaurant/Lounge<br>(Class XI)            | <input type="checkbox"/> Class A Lounge<br>(Class X)  |
| <input type="checkbox"/> Hotel<br>(Class I, II, III, IV)                                                           | <input type="checkbox"/> Hotel – Food Optional<br>(Class I-A)               | <input type="checkbox"/> Bed & Breakfast<br>(Class V) |
| <input type="checkbox"/> Golf Course (included optional licenses, please check if apply)<br>(Class I, II, III, IV) | <input type="checkbox"/> Auxiliary                                          | <input type="checkbox"/> Mobile Cart                  |
| <input type="checkbox"/> Tavern<br>(Class IV)                                                                      | <input checked="" type="checkbox"/> Other: <u>Class I – Outdoor Stadium</u> |                                                       |
| <input type="checkbox"/> Qualified Caterer                                                                         | <input type="checkbox"/> Self-Sponsored Events (Qualified Caterers Only)    |                                                       |

*Refer to Section V for the License Fee Schedule on page 9*

5. Business records are located at the following address:

271 Park Ave. Portland, ME 04101

6. Is the licensee/applicant(s) citizens of the United States? ☒ Yes ☐ No

7. Is the licensee/applicant(s) a resident of the State of Maine? ☐ Yes ☒ No

**NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.**

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

☒ Yes ☐ No If Yes, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

☐ Yes ☒ No

☐ Not applicable – licensee/applicant(s) is a sole proprietor

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

☐ Yes ☒ No

If yes, please provide details: \_\_\_\_\_  
\_\_\_\_\_

11. Do you own or have any interest in any another Maine Liquor License? ☐ Yes ☒ No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

| Name of Business | License Number | Complete Physical Address |
|------------------|----------------|---------------------------|
|                  |                |                           |
|                  |                |                           |

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

| Full Name                                               | DOB                                          | Place of Birth  |
|---------------------------------------------------------|----------------------------------------------|-----------------|
| Geoff Iacuesa                                           | 11/22/1978                                   | North Adams, MA |
|                                                         |                                              |                 |
|                                                         |                                              |                 |
|                                                         |                                              |                 |
| Residence address on all the above for previous 5 years |                                              |                 |
| Name Geoff Iacuesa                                      | Address: 13 Crestview Dr. South Portland, ME |                 |
| Name                                                    | Address:                                     |                 |
| Name                                                    | Address:                                     |                 |
| Name                                                    | Address:                                     |                 |



13. Will any law enforcement officer directly benefit financially from this license, if issued?

☐ Yes ☒ No

If Yes, provide name of law enforcement officer and department where employed:

\_\_\_\_\_

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

16. Has the licensee/applicant(s) formerly held a Maine liquor license? ☐ Yes ☒ No

17. Does the licensee/applicant(s) own the premises? ☐ Yes ☒ No

If No, please provide the name and address of the owner:

City of Portland, 389 Congress St. Portland, ME

\_\_\_\_\_

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: \_\_\_\_\_

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

Hadlock Field-Minor League Baseball Stadium 7368 Seating Capacity

Public Area Include: Box Seats, Reserved Seats and General Admission Seating

Suite Level & Suites, Stadium Concourse Areas, Picnic Grove, Gifford's Pavilion, Park Avenue Plaza

Portland Room, Souvenir Store, Corporate Corner, Ticket Office, Front Plaza

20. What is the distance from the premises to the nearest school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: King Middle School

Distance: 0.25

## Section II: Signature of Applicant(s)

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 2.2.2023



Signature of Duly Authorized Person

Signature of Duly Authorized Person

GEORGINA SALVESA

Printed Name Duly Authorized Person

Printed Name of Duly Authorized Person



**Section III: For use by Municipal Officers and County Commissioners only**

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: \_\_\_\_\_

Who is approving this application? ☐ Municipal Officers of \_\_\_\_\_

☐ County Commissioners of \_\_\_\_\_ County

- ☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

| Signature of Officials | Printed Name and Title |
|------------------------|------------------------|
|                        |                        |
|                        |                        |
|                        |                        |
|                        |                        |
|                        |                        |

**This Application will Expire 60 Days from the date of  
Municipal or County Approval unless submitted to the Bureau**

Included below is the section of Maine's liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§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.



**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.

**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.

**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.

**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;

**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;

**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;

**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;

**D-1.** Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

**E.** A violation of any provision of this Title;

**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



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.

**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.

A. Repealed

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.

**4. Repealed**

**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.

#### **Section IV: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine**

- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau if a license is issued as a result of this application.
  - The licensee/applicant(s) authorizes the Bureau to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also any books, records and returns during the year in which any liquor license is in effect.
- Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.
- All new applicants must apply to the Alcohol and Tobacco Tax and Trade Bureau (TTB) for its Retail Beverage Alcohol Dealers permit. See the TTB's website at <https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers> for more information.



## Section V: Fee Schedule

**Filing fee required.** In addition to the license fees listed below, a filing fee of \$10.00 must be included with all applications.

**Please note:** For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together with the application.

| <u>Class of License</u> | <u>Type of liquor/Establishments included</u>                                                                                                                                                                                                                                                          | <u>Fee</u> |
|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| <b>Class I</b>          | <b>For the sale of liquor (malt liquor, wine and spirits)</b><br>This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers                  | \$ 900.00  |
| <b>Class I-A</b>        | <b>For the sale of liquor (malt liquor, wine and spirits)</b><br>This class includes only hotels that do not serve three meals a day.                                                                                                                                                                  | \$1,100.00 |
| <b>Class II</b>         | <b>For the Sale of Spirits Only</b><br>This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.                                                           | \$ 550.00  |
| <b>Class III</b>        | <b>For the Sale of Wine Only</b><br>This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.                 | \$ 220.00  |
| <b>Class IV</b>         | <b>For the Sale of Malt Liquor Only</b><br>This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.          | \$ 220.00  |
| <b>Class III and IV</b> | <b>For the Sale of Malt Liquor and Wine Only</b><br>This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts. | \$ 440.00  |
| <b>Class V</b>          | <b>For the sale of liquor (malt liquor, wine and spirits)</b><br>This class includes only a Club without catering privileges.                                                                                                                                                                          | \$ 495.00  |
| <b>Class X</b>          | <b>For the sale of liquor (malt liquor, wine and spirits)</b><br>This class includes only a Class A Lounge                                                                                                                                                                                             | \$2,200.00 |
| <b>Class XI</b>         | <b>For the sale of liquor (malt liquor, wine and spirits)</b><br>This class includes only a Restaurant Lounge                                                                                                                                                                                          | \$1,500.00 |

## Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.

See Attached



## Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

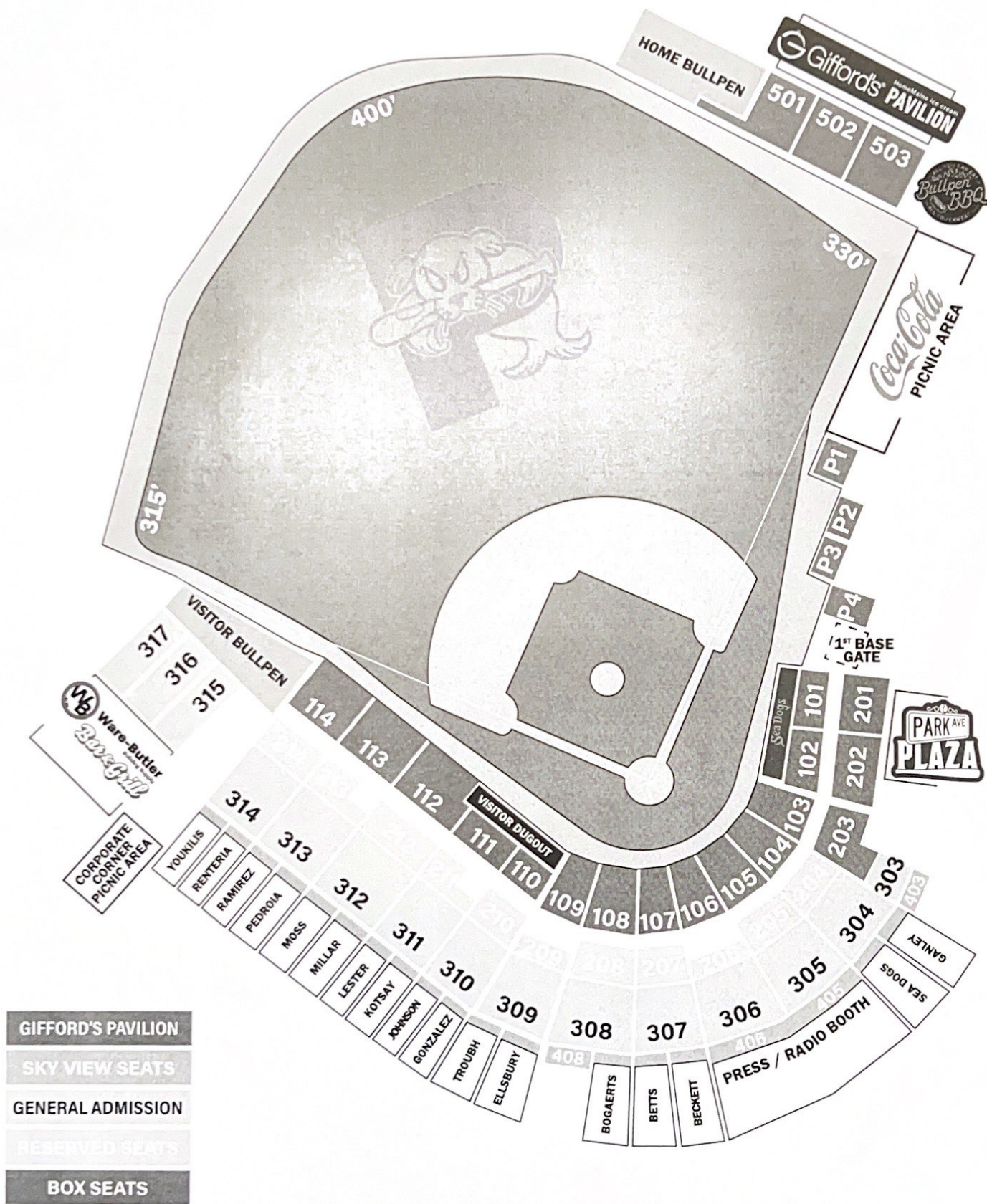
*All Questions Must Be Answered Completely. Please print legibly.*

1. Exact legal name: DBH Portland, LLC
2. Doing Business As, if any: Portland Sea Dogs
3. Date of filing with Secretary of State: 12/12/2022 State in which you are formed: Delaware
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: 12/22/2022
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

| Name                           | Address (5 Years)                          | Date of Birth | Title | Percentage of Ownership |
|--------------------------------|--------------------------------------------|---------------|-------|-------------------------|
| Diamond Baseball Holdings, LLC | 21 W.46th St. Suite 704 New York, NY 10036 |               |       | 100%                    |
|                                |                                            |               |       |                         |
|                                |                                            |               |       |                         |
|                                |                                            |               |       |                         |
|                                |                                            |               |       |                         |
|                                |                                            |               |       |                         |

(Ownership in non-publicly traded companies must add up to 100%.)





Sustainability Office

Troy Moon  
Sustainability Director



To: Mayor Snyder and members of the Portland City Council  
RE: Launch of Sustainable Neighborhood Program  
Date: 2/23/2023

We are pleased to announce the launch of the **Sustainable Neighborhood Program** - a unique way for residents to identify projects or initiatives that are meaningful to their neighborhood and to work together to accomplish them. This program stems directly from a Strategy CR2.5 in One Climate Future that aims to decentralize some of the City's climate action work and to help residents to become active partners in building a resilient, low carbon community.

Examples of projects participating neighborhoods may wish to undertake include:

- Hosting a home weatherization DIY workshop to share best practices for insulation and air sealing
- Organizing a neighborhood street cleanup
- Recruiting volunteers to clear snow for Portland residents who are unable to shovel themselves
- Creating a network of neighbors to share tools and lawn equipment
- Planning a "Bike to Work" Day
- Hosting a canning or pickling workshop to teach neighbors how to preserve local food
- Building a campaign to encourage neighbors to try "Plastic-Free July"

Participating neighborhoods may, however, propose entirely different projects. The important part is that the projects be self identified and involve a broad cross section of the community in planning and implementation. Neighborhoods may have multiple projects underway at once depending on their level of interest. The Sustainability Office will help with organization and will coordinate assistance from other departments if necessary. For example, we may line up Public Works to pick up trash from a neighborhood clean up or help schedule someone from Public Health to offer a nutrition workshop.

A committee of City staff from several different departments will review applications and select two neighborhoods to participate in the 2023 pilot program. Additional neighborhoods will be able to join in future years. The selected neighborhoods will receive expert guidance and support from Portland's Office of Sustainability, and will

be designated as an official Sustainable Neighborhood after earning enough credits in the year-long program. Each Sustainable Neighborhood will receive a sign designating their achievement and receive formal recognition of their accomplishment.

**The program application will be available starting Friday, March 3; all applications are due by Monday, April 3, 2023.** Neighborhood selection will be based on an applicant's demonstration of broad neighborhood support, strategies for inclusive participation from the neighborhood, and the intent to strengthen community resilience.

We are holding an informational open house on Thursday, March 2, 7:00 PM at City Hall, 389 Congress Street, Kippy Richardson Room, Conference Room 24. Residents may also participate remotely and the session will be recorded for later viewing.

To learn more about the program, please visit  
[www.portlandmaine.gov/SustainableNeighborhoods](http://www.portlandmaine.gov/SustainableNeighborhoods).

We look forward to working with Portland neighborhoods to strengthen their social resilience. Together we can make our communities safer, healthier, and sustainable for all.





# Sustainable Neighborhoods Program





CR2.5: **Support and strengthen our existing community resources.**

WR1.5: Foster a circular and sharing economy.

BE 3.4: Assist single-family homes and larger multifamily and commercial buildings from fuel oil directly to all-electric heating and cooling.

CR5.1: Strengthen ecosystem resilience through enhancing connectivity, biodiversity, and healthy habitat.

F15: Establish a peer-to-peer program for checking in on vulnerable community members during extreme heat or cold events.

H2: Create a climate change education, outreach, and **engagement program, focusing on mitigation and adaptation for residents and businesses.**

H5: **Engage populations that are vulnerable to climate impacts in resilience, clean energy, and GHG emissions reduction.**



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## Sustainable Neighborhood Network

We are a network of cities harnessing the passion of neighbors for climate action and community resilience.

# Program Overview

- Residents host workshops, create resources, and complete projects that are related to social & environmental sustainability
- Neighborhoods earn credits for accomplishments
- Neighborhoods achieve certification and recognition from the city

portland **Programa Bairros Sustentáveis**

**SEJA UM CIDADÃO CLIMÁTICO**

 @SustainablePortlandME  
PortlandMaine.gov/Sustainability




portland **برنامج الأحياء المستدامة**

**اهتم لأمر المناخ**

 @SustainablePortlandME  
PortlandMaine.gov/Sustainability




portland **Chương Trình Khu Dân Cư Bền Vững**

**TRỞ THÀNH CÔNG DÂN THÂN THIỆN VỚI KHÍ HẬU**

 @SustainablePortlandME  
PortlandMaine.gov/Sustainability




portland **Programa de Vecindarios Sostenibles**

**CONVIÉRTASE EN UN CIUDADANO DEL CLIMA**

 @SustainablePortlandME  
PortlandMaine.gov/Sustainability




# Recruitment

- Pilot year with only two neighborhoods
- Broad outreach
  - City social media, Sustainability social media, neighborhood organizations, flyers, community calendars, news outlets, partner organizations, PCAT, Friday Roundup
- Informational Open House March 2, 2023
- Applications may be submitted March 3rd - April 3rd

**Fight climate change in  
your own neighborhood.**

**Take pride in your safer,  
healthier, more sustainable  
neighborhood.**

**Get to know your neighbors  
and discover the diversity in  
your community.**

**Get City-wide recognition  
for being a leading  
neighborhood.**







# Credit Eligible Activities

- Neighborhood Workshops
- Special Events
- Clubs
- Implementations (Projects)
- Neighborhood Outreach Plan

# Website

[SustainableNeighborhoodNetwork.org/Portland](http://SustainableNeighborhoodNetwork.org/Portland)

- Landing page
- Neighborhood page
- Proposal/credit forms
- Credit tracking
- Wide range of tools and widgets

The screenshot displays the Sustainable Neighborhood Network website. The top navigation bar includes links for Home, Information, Lakewood, Denver, Fort Collins, Wheat Ridge, and Proposal and Credit Entry. The main content area features a 'Program Overview' section with a photo of people in a park and text explaining the program's goals. Below this, the 'Belmar Neighborhood - Lakewood, CO' profile is shown, including a submission timeline, a list of workshops, and a public transportation summary.

**Belmar Neighborhood - Lakewood, CO**

Below you will find all proposal and credit forms submitted prior to February 21, 2018. Please contact: AlyVog@lakewood.org if you have any questions.

Type + Activity + Submitted 11/27/2013 05/05/2017

31 - 45 / 81

| Project Info                                                                            | Public Transportation Summary                                                                                                                                                                                                                                                                           |
|-----------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Stepping Stone Workshop</b><br>Workshop - Credit: 5/7/2015                           | <b>Neighborhood:</b> Belmar<br><b>Submitted:</b> 1/23/2014<br><b>Submitted By:</b> Doug Wells<br><b>Goal Areas:</b> Energy,Air,Land,People                                                                                                                                                              |
| <b>Energy Efficiency Workshop</b><br>Workshop - Credit: 5/7/2015                        | <b>Benefit:</b><br>Distributed our "Transportation Hub" documents in a number of venues, including the email to all of our building residents, 25 distributed at the Lakewood town hall meeting on Mar. 1; and posted on the bulletin board at the Belmar Library and in the Belmar information office. |
| <b>Tour of All Together Recycling Facility</b><br>Workshop - Credit: 3/15/2014          | <b>Resource Type:</b> New resource<br><b>Hours Spent:</b> 20<br><b>Status:</b> Closed<br><b>Credits Awarded:</b> 8                                                                                                                                                                                      |
| <b>Master Gardener Workshop at the Community Garden</b><br>Workshop - Credit: 12/4/2013 |                                                                                                                                                                                                                                                                                                         |
| <b>Goal Setting Workshop</b><br>Workshop - Credit: 12/4/2013                            |                                                                                                                                                                                                                                                                                                         |
| <b>Leadership Meeting</b><br>Workshop - Credit: 12/4/2013                               |                                                                                                                                                                                                                                                                                                         |
| <b>Kick-off Meeting</b><br>Workshop - Credit: 12/4/2013                                 |                                                                                                                                                                                                                                                                                                         |



# Certification

Two Levels of Certification:

| Certification Level        | Credits Required |
|----------------------------|------------------|
| Participating Neighborhood | 60               |
| Outstanding Neighborhood   | 100              |



# Expected Outcomes

- Strengthened community cohesion
- Prioritizing inclusivity and equity in climate action
- Neighborhood pride and unification
- Ecological enhancement
- Customized solutions for neighborhood needs
- Collaboration with local economy
- Leadership development
- Climate education and mentorships
- Volunteer power for good
- Support for existing City programs
- Support for physical and mental health
- Elevating civic participation

# Selection

- **REPRESENTATIVE NEIGHBORHOOD SUPPORT**
  - includes 20+ signatures, effort made to gather community input, and diversity of support
- **QUALITY OF PROPOSED PROJECTS**
  - connected to neighborhood-level climate concerns, clear goal setting, potential impact on the neighborhood
- **INTENT FOR COLLABORATION** on neighborhood projects with local resources and City programs
- **STRATEGY TO PRIORITIZE INCLUSIVITY AND DIVERSITY IN PARTICIPATION AND PROGRAMMING**
- **PLAN FOR HOW THE PROGRAM WILL BE USED TO CREATE POSITIVE CHANGE IN THE NEIGHBORHOOD AND INCREASE COMMUNITY RESILIENCE**

**City of Portland | Executive Department**

Danielle P. West, *Interim City Manager*



**To:** Mayor Snyder and Members of the Portland City Council

**From:** Danielle P. West, Interim City Manager

**Date:** February 24, 2023

**Re:** Update on Asylum Seekers and Available Services

This memo is intended to provide the City Council with an update on the number of asylum seekers being served by the City of Portland, as well as the continued need for a strategic and immediate solution.

**Current Numbers**

Since January 1, 2023, more than 550 new asylum seekers – or nearly 80 individuals each week – have requested services and shelter from the City of Portland and/or community partners. We have every reason to believe that this influx will continue in the coming months. This unprecedented demand for shelter and services has overwhelmed and continues to overwhelm staff, resources, and funding.<sup>1</sup>

**Current Operations**

| Facility                       | Capacity | Status*     |
|--------------------------------|----------|-------------|
| Oxford Street Shelter          | 154      | At capacity |
| Family Shelter                 | 146      | At capacity |
| Portland Public School gym**   | 133      | At capacity |
| Chestnut Street warming center | 36***    | Available   |

\*As of February 23, 2023.

\*\*This space has been made temporarily available for overnight shelter space; use of this space is expected to end in less than two (2) weeks. A temporary overnight shelter, operated by Maine Immigrants' Rights Coalition, is scheduled to open soon at the Salvation Army, but does not have sufficient capacity to accommodate everyone located at the Portland Public School gym.

\*\*\*This space can accommodate 36 mats. Capacity can be increased somewhat if mats are replaced with chairs.

As shown in the table above, the City operates the Oxford Street Shelter (OSS) and the Family Shelter (FS), both of which are at capacity. Due to the recent surge in demand from asylum seekers and concerns about the safety of unsheltered families and children during the winter,

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<sup>1</sup> As a reminder, the City has welcomed thousands of asylum seekers since 2019.



we also began operating a temporary emergency shelter in a school gymnasium on February 10.

Unfortunately, that facility is now at capacity, and we are again sheltering individuals overnight at the Chestnut Street warming center. Given the rate at which new asylum seekers are requesting services from the City of Portland, however, we expect to again quickly reach capacity at this location. This fact, coupled with the lack of available space and our current staffing levels, means that we will most likely be unable to assist additional individuals once we reach capacity at the warming center.<sup>2</sup>

We understand that community partners and faith-based organizations are also sheltering asylum seekers, but are not aware of how many total individuals are being served outside of the services the City is providing directly.

### **Recommended Solutions**

The City has been advocating for a comprehensive solution to these challenges for many years, and continues to do so this legislative session through the work being done by our Legislative and Nominating Committee and the Portland Delegation. Given the magnitude of demand for shelter and the likelihood that that demand is not likely to slow anytime soon, we do not believe an effective solution lies with local municipalities or a handful of nonprofit organizations. The solution must be broader, systemic, and comprehensive, and in our opinion involves the creation of an office at the state level that would coordinate the delivery of shelter and services for asylum seekers among statewide stakeholders.

Transitional housing, however, is also needed immediately and at a significant-enough scale to create meaningful capacity in the City's emergency shelters. Transitional housing must be available for asylum seekers for 12–24 months and accompanied by access to relevant social and health services.

The State has made significant funding available for the creation of transitional housing. But, other barriers to the creation of transitional housing still exist. These include a shortage of appropriate and available facilities, as well as the management/staffing required to operate a facility and deliver services.<sup>3</sup>

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<sup>2</sup> We are working with the State, an outside developer, and other stakeholders to try to address capacity issues by finding and opening another site with funds recently made available through Maine State Housing. The details of this proposal are not yet finalized, but we are hopeful that its creation could help address the current need.

<sup>3</sup> We continue to suggest that leveraging existing county, state, or federally-owned facilities may help to address the shortage of appropriate and available facilities, and that management to operate the sites could be addressed by working with an organization like Catholic Charities to provide the necessary services on site. A similar model has been implemented and worked in Saco.

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:** Tom Nickerson, Senior Executive Assistant

**DATE:** February 13, 2023

**SUBJECT:** Order 135-22/23 Approving the Purchase and Sale Agreement with The Trust for Public Land for North Deering Park - Sponsored by Danielle P. West, Interim City Manager

**SPONSOR:** Danelle West, Interum City Manager  
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

**COUNCIL MEETING DATE ACTION IS REQUESTED:**  
**1st Reading 2/6/2023**

**Final**  
**Action 2/27/2023**

**Can action be taken at a later date: No Property closing is scheduled for Spring 2023. This action will facilitate the closing occurring on time.**

**Does this item involve a new contract with the City: no**

**PRESENTATION:** Ethan Hipple Director of Parks, Recreation & Facilities

**I. SUMMARY**

Council approval of the purchase and sale agreements for various parcels collectively known as “North Deering Park”

**II. AGENDA DESCRIPTION**

This item approves the Purchase and Sale Agreement between The Trust for Public Land (seller) and the City of Portland (buyer) to purchase approximately 24 acres of land in North Deering neighborhood for the purpose of creating a new park. The total purchase price is \$833,000 with funds provided through federal and state grants, philanthropic funds from The Trust for Public Land, and the Portland Land Bank. The Trust for Public Land holds the purchase contracts with the landowners (Julie and Dan Anderson and Haverty Park, LLC) of the 24 acres. These contracts allow The Trust for Public Land to direct the deed to the City of Portland at closing, with approval of the Purchase and Sale agreement. The City is being asked to provide \$644,123.00 as outlined in the back-up material.

This item must be read on two separate days. It received its first reading on February 6, 2023. Five affirmative votes are required for passage after public comment.

**III. BACKGROUND**

The Trust for Public Land works with communities across the country to identify areas that are in need of parks or trails through their “10 Minute Walk to a Park” Campaign. The Department of Parks, Recreation and Facilities is an active participant in that program, and Mayor Snyder has expressed support for the program, along with scores of other mayors of US cities. Currently 89% of Portland residents live within a 10 minute walk of a park or trail. Large sections of the North Deering neighborhood are currently listed as priority areas for park development because many of the residents live further than a 10 minute walk to a park or trail. This project would create a new park and walking trails in that neighborhood, and increase Portland’s proportion of residents who are within a 10-minute walk to a park, thereby addressing the fact that many lower income residents lack walking access to parks and trails.

A combination of approved Federal, State, Land Bank funds, and philanthropic funds from The Trust for Public Land will cover acquisition costs to create a 24 acre park consisting of an existing multi-use ballfield, a pond, expansive wetlands, and an informal trail network. Both parcels of land are currently privately owned. The sellers have indicated they are primarily interested in selling the properties to be used as publicly accessible open space. Initial information shows that much of the open space property at 1819 Washington Ave is wetland and not suitable for significant housing. The Planning Department has provided additional analysis of that property. The Haverty property is currently used as a privately owned athletic field, primarily for youth baseball programs. Portland lacks adequate athletic field space and fields are often fully booked and over-utilized. The 2011 Athletic Fields Task Force Report led by City Councilor John Coyne recommended acquisition or development of additional fields to meet the great demand for youth and adult programming.

The Land Bank Commission (LBC), on September 8, 2021, voted unanimously (8/0) to recommend to the City Council the expenditure of \$80,000 towards the purchase of parcels related to the North Deering Park. Those City funds would be used as a match for federal and state grant funds which would pay for the majority of the project.

The City Council voted on August 23, 2021 to approve a federal grant application for this project through the Outdoor Recreation Legacy Program (ORLP) which is intended to fund open space projects in proximity to low-income urban areas in need of open space. That \$400,000 grant has been awarded. On September 1, 2022, the City Council voted unanimously 9-0 to accept a \$279,000 grant from the Land For Maine's Future Fund towards this project. On November 21, 2022, the Council voted 9-0 to allocate \$80,000 of Land Bank Funds towards this purchase, and to place the property into the Land Bank once the transaction was complete.

Total purchase price for the parcels is \$833,000. Funding detail:

\$400,000 Outdoor Recreation Legacy Program grant (administered through the National Park Service)

\$164,123 Land For Maine's Future (State of Maine, original award amount was \$279,000 but was reduced due to change in appraisals. TPL is covering the difference with additional philanthropic funds)

\$80,000 Portland Land Bank Commission funds

\$188,877 philanthropic funds from the Trust for Public Land

Trust for Public Land holds the purchase contracts with the landowners (Julie and Dan Anderson and Haverty Park, LLC). These contracts allow TPL to direct the deed to the City of Portland at closing.

#### **IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

Intended result is to approve the purchase and sale agreements related to this transaction.

#### **V. FINANCIAL IMPACT**

No impact for acquisition is foreseen as these funds would come from the Land Bank fund, pre-approved federal and state grants, or raised by private organizations. Future improvements and maintenance of the park would have a slight operating budget impact.

When these parcels are taken out of private ownership and acquired by the City, annual property taxes will no longer be owed. Annual property taxes for the parcels:

- Parcel 371 A047001: \$4,315
- Parcel 371 A048001: \$566
- Parcel 371 A004001: \$1,660

- Parcel 371 A020001: \$149

## **VI. STAFF ANALYSIS AND BACKGROUND**

City staff recommend the City Council vote to approve the purchase and sale agreements to finalize the acquisition of these parcels to create a 24 acre park.

## **VII. RECOMMENDATION**

City staff recommend the City Council vote to approve the purchase and sale agreements to finalize the acquisition of these parcels to create a 24 acre park.

## **VIII. LIST ATTACHMENTS**

1. Trust for Public Land P&S North Deering Park 2.6.2023
2. Survey 2022-138 P-Washington Ave (1)
3. NorthDeering\_ORLP\_Aerial\_Boundary\_20220907
4. City of Portland TPL Agreement 1-18-23
5. North Deering Park Purchase and Sale Agreement Approval Memo
6. 2022-138 P-Washington Ave
7. Order 135 Comment

Prepared by:

Tom Nickerson, Senior Executive Assistant

Date: 02/13/2023

KATE SNYDER (MAYOR)  
APRIL D. FOURNIER(A/L)  
PIOUS ALI (A/L)  
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

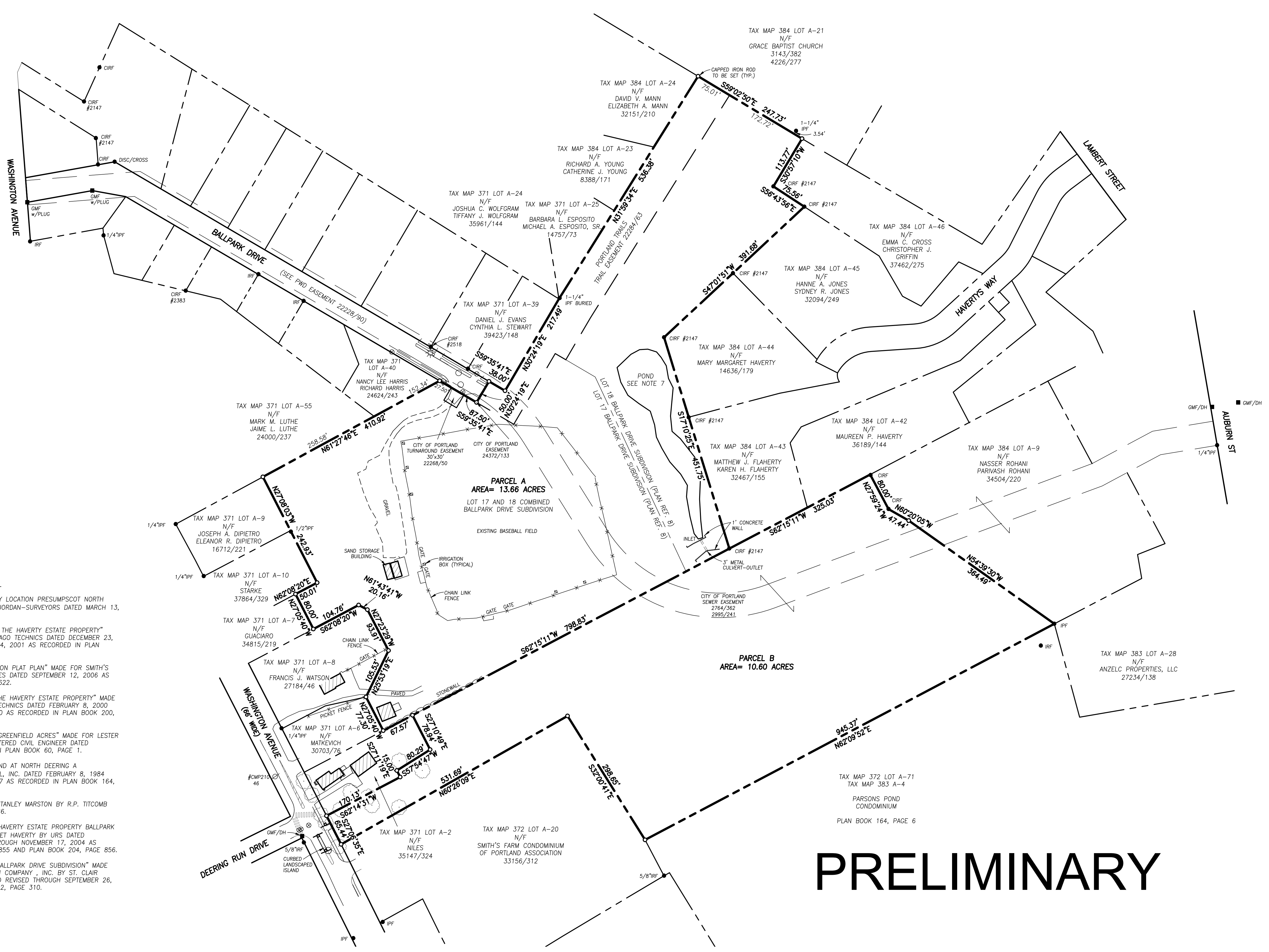
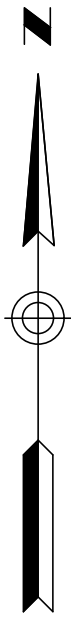
ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
REGINA L. PHILLIPS (3)  
ANDREW ZARRO (4)  
MARK DION (5)

**ORDER APPROVING THE PURCHASE AND SALE AGREEMENT WITH  
THE TRUST FOR PUBLIC LAND  
RE: NORTH DEERING PARK**

**ORDERED**, that the Purchase and Sale Agreement between Portland and The Trust for Public Land is hereby approved, substantially in the form attached hereto; and

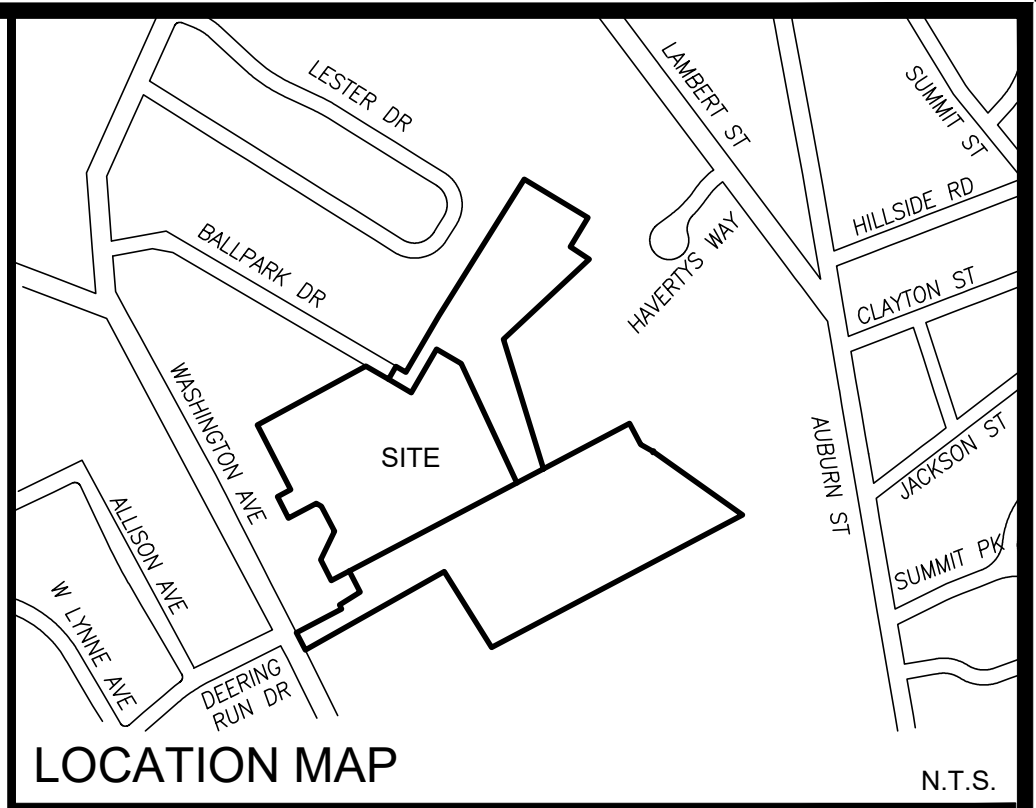
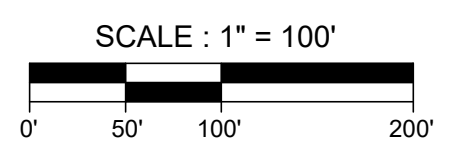
**BE IT FURTHER ORDERED**, that the City Council hereby authorizes the City Manager or designee to execute said document and any other related documents necessary or convenient to carry out the intent of said document.





PLAN REFERENCES

1. "PLAN OF PROPERTY RIGHT OF WAY LOCATION PRESUMPCOT NORTH FORCE MAIN" MADE BY H. I. & E. C. JORDAN-SURVEYORS DATED MARCH 13, 1963.
2. "STANDARD BOUNDARY SURVEY OF THE HAVERTY ESTATE PROPERTY" MADE FOR MARGARET HAVERTY BY SEBAGO TECHNICS DATED DECEMBER 23, 1999, REVISED THROUGH SEPTEMBER 14, 2001 AS RECORDED IN PLAN BOOK 203, PAGE 558.
3. "SMITH'S FARM AMENDED SUBDIVISION PLAT PLAN" MADE FOR SMITH'S FARM, L.L.C. BY MITCHELL & ASSOCIATES DATED SEPTEMBER 12, 2006 AS RECORDED IN PLAN BOOK 206, PAGE 622.
4. "PLAN OF DIVISION OF LAND OF THE HAVERTY ESTATE PROPERTY" MADE FOR MARGARET HAVERTY BY SEBAGO TECHNICS DATED FEBRUARY 8, 2000 AND REVISED THROUGH APRIL 19, 2000 AS RECORDED IN PLAN BOOK 200, PAGE 187.
5. "PLAN OF PROPERTY LOCATED IN GREENFIELD ACRES" MADE FOR LESTER E. MARSTON BY CARL E. EMERY REGISTERED CIVIL ENGINEER DATED SEPTEMBER 22, 1961 AS RECORDED IN PLAN BOOK 60, PAGE 1.
6. "PLAN OF LAND FOR PARSONS POND AT NORTH DEERING A CONDOMINIUM" MADE BY OWEN HASKELL, INC. DATED FEBRUARY 8, 1984 AND REVISED THROUGH MARCH 6, 1987 AS RECORDED IN PLAN BOOK 164, PAGE 6.
7. "PLAN OF PROPERTY" MADE FOR STANLEY MARSTON BY R.P. TITCOMB ASSOCIATES, INC. DATED JUNE 30, 1986.
8. "PLAN OF DIVISION OF LAND THE HAVERTY ESTATE PROPERTY BALLPARK DRIVE SUBDIVISION" MADE FOR MARGARET HAVERTY BY URS DATED NOVEMBER 22, 2004 AND REVISED THROUGH NOVEMBER 17, 2004 AS RECORDED IN PLAN BOOK 204, PAGE 855 AND PLAN BOOK 204, PAGE 856.
9. "AMENDED SUBDIVISION PLAN OF BALLPARK DRIVE SUBDIVISION" MADE FOR RISBARA BROTHERS CONSTRUCTION COMPANY, INC. BY ST. CLAIR ASSOCIATES DATED JULY 31, 2012 AND REVISED THROUGH SEPTEMBER 26, 2012 AS RECORDED IN PLAN BOOK 212, PAGE 310.



LEGEND

|   |                           |         |                      |
|---|---------------------------|---------|----------------------|
| ● | IRON PIPE OR ROD FOUND    | —X—X—   | FENCE                |
| ■ | MONUMENT FOUND            | —O—O—   | STONEWALL            |
| ○ | CAPPED IRON ROD TO BE SET | —       | CURB                 |
| ○ | UTILITY POLE              | —       | IRON PIPE/ROD FOUND  |
| ○ | MANHOLE                   | N/F     | NOW OR FORMERLY      |
| ⊗ | ELECTRIC METER            | 000/000 | DEED BOOK / PAGE     |
| — | SIGN                      | GMF/DH  | GRANITE MONUMENT FD. |
| ⊠ | IRRIGATION CONTROL BOX    |         | W/DRILL HOLE         |
| ⊕ | HYDRANT                   |         |                      |
| ⊗ | WATER VALVE OR SHUTOFF    |         |                      |
| ⊙ | LIGHT POLE                |         |                      |

- GENERAL NOTES
1. OWNER OF RECORD: PARCEL A HAVERTY PARK, LLC 67 HAVERTY'S WAY, PORTLAND, MAINE TAX MAP 371 LOTS A 47,48 C.C.R.D. BOOK 23549 PAGE 329 BOOK 31969 PAGE 320  
PARCEL B DANIEL W. ANDERSON, JULIE A. ANDERSON 112 PARSONS ROAD, PORTLAND, MAINE TAX MAPS 371 LOTS A 4,20,21 372 A 1 383 A 10 384 A 10,23 C.C.R.D. BOOK 15762 PAGE 20
  2. BEARINGS ARE BASED ON MAINE STATE COORDINATE SYSTEM, WEST ZONE, NAD83 AS DERIVED FROM GPS OBSERVATIONS.
  3. LOT 18 BALLPARK DRIVE SUBDIVISION IS SUBJECT TO THE DECLARATION OF COVENANTS AND RESTRICTIONS SET FORTH IN BOOK 22268, PAGE 59 AND STANDARD EASEMENT DEED CONVEYED TO CENTRAL MAINE POWER COMPANY AND VERIZON NEW ENGLAND, INC. RECORDED IN BOOK 22384, PAGE 105.
  4. LOT 17 BALLPARK DRIVE SUBDIVISION BENEFITS FROM ACCESS AND UTILITY RIGHTS OVER BALLPARK DRIVE AS EXCEPTED AND RESERVED IN BOOK 22100, PAGE 73.
  5. LOT 17 BALLPARK DRIVE SUBDIVISION BENEFITS FROM A DECLARATION OF COVENANTS AND RESTRICTIONS SET FORTH IN BOOK 22268, PAGE 59.
  6. LOT 17 BALLPARK DRIVE SUBDIVISION BENEFITS FROM ACCESS RIGHTS OVER BALLPARK DRIVE AS SET FORTH IN BOOK 22278, PAGE 204 AS AMENDED IN BOOK 22380, PAGE 177.
  7. THE LOCATION OF THE POND IS APPROXIMATE TAKEN FROM GIS INFORMATION. SEE THE DECLARATION OF COVENANTS AND RESTRICTIONS SET FORTH IN BOOK 22268, PAGE 59, PER NOTE 3, CONCERNING THE POND AND RELATED DAM.

CERTIFICATE

OWEN HASKELL, INC. HEREBY CERTIFIES THAT THIS PLAN IS BASED ON, AND THE RESULT OF, AN ON THE GROUND FIELD SURVEY AND THAT TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF, IT CONFORMS TO THE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CURRENT STANDARDS OF PRACTICE.

REX J. CROTEAU, PLS #2273

DATE

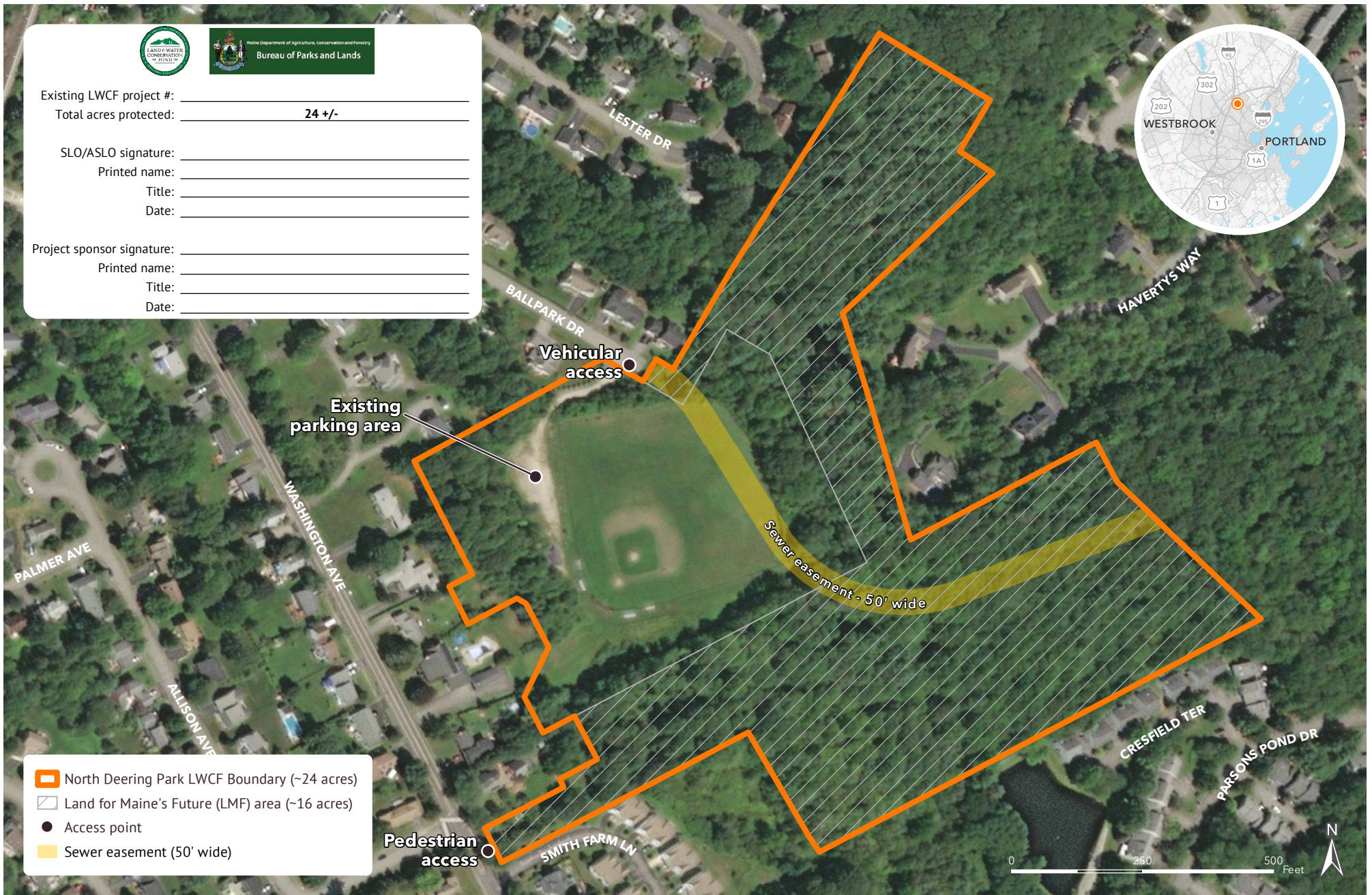
Boundary Survey  
At  
Washington Avenue, Portland, Maine  
Made for  
Trust for Public Land  
30 Danforth St., Suite 106 Portland, Maine

OWEN HASKELL, INC.  
PROFESSIONAL LAND SURVEYORS  
390 US ROUTE 1, UNIT 10, FALMOUTH, ME 04105 TEL. 207-774-0424

|                   |                       |                    |
|-------------------|-----------------------|--------------------|
| DRAWN BY: RJC/JLW | DATE: AUGUST 19, 2022 | JOB NO. 2022-138 P |
| CHECKED BY: RRL   | SCALE: 1" = 100'      | DRWG. NO. 1        |

PRELIMINARY





# North Deering Park

## BOUNDARY MAP, NATIONAL PARK SERVICE OUTDOOR RECREATION LEGACY PROGRAM

September 7, 2022. Copyright © Trust for Public Land. Trust for Public Land and Trust for Public Land logo are federally registered marks of Trust for Public Land. Information on this map is provided for purposes of discussion and visualization only. [www.tpl.org](http://www.tpl.org)



## **PURCHASE AND SALE AGREEMENT**

This PURCHASE AND SALE AGREEMENT (the “Agreement”) is entered into as of \_\_\_\_\_, 2023 (the “Effective Date”), by and between THE TRUST FOR PUBLIC LAND, a California public benefit corporation (together with its successors and/or assigns, “Seller”) and the CITY OF PORTLAND, a Maine municipal corporation (“Buyer”).

### **RECITALS**

A. The addresses, telephone numbers and facsimile numbers of the parties are as follows. Email addresses are provided for informational purposes only.

#### **SELLER:**

The Trust for Public Land  
30 Danforth Street, Suite 106  
Portland, ME 04101  
Attn: Phillip Dube, Project Manager  
Tel: (207) 772-7424  
Email: [phillip.dube@tpl.org](mailto:phillip.dube@tpl.org)

With a copy to:

The Trust for Public Land  
30 Danforth Street, Suite 106  
Portland, ME 04101  
Attn: Denise K. Mullane, Legal Director  
Tel: (802) 793-4242  
Email: [denise.mullane@tpl.org](mailto:denise.mullane@tpl.org)

#### **BUYER:**

City of Portland  
City Hall  
389 Congress Street  
Portland, ME 04101  
Attn: Ethan Hipple  
Tel: (207) 874-8689  
Email: [ehipple@portlandmaine.gov](mailto:ehipple@portlandmaine.gov)

With a copy to:

City of Portland  
City Hall  
389 Congress Street  
Portland, ME 04101  
Attn: Michael I. Goldman, Corp Counsel  
Tel: (207) 874-8428  
Email: [mig@portlandmaine.gov](mailto:mig@portlandmaine.gov)

With a copy to:

Jensen Baird  
Ten Free Street, 4<sup>th</sup> Floor  
Portland, Maine 04101  
Attn: Nicholas J. Morrill, Esq.  
Tel: (207) 775-7271 ext. 5919  
Email: [nmorrill@jensenbaird.com](mailto:nmorrill@jensenbaird.com)

A. Pursuant to that two certain option agreements, the first by and between Julie A. Anderson and Daniel W. Anderson (together with their heirs, successors and/or assigns, “Anderson”), as optionor, and Seller, as optionee, dated as of December 15, 2021 (as it may be amended from time to time, the “Anderson Acquisition Contract”); and the second by and between Haverty Park, LLC, a Maine limited liability company (together with its successors



and/or assigns, “Haverty,” and together with Anderson may hereafter collectively be referred to as “Current Owners”), as optionor, and Seller, as optionee, dated as of February 24, 2022 (as it may be amended from time to time, the “Haverty Acquisition Contract”, and together with the Anderson Acquisition Contract, may collectively be referred to as the “Acquisition Contracts”), Seller intends to acquire approximately 24 acres of land, together with any and all improvements thereon, located at 1819 Washington Avenue and 0 Ballpark Drive in Portland, Cumberland County, Maine, for a purchase price of Eight Hundred Thirty-three Thousand Dollars (\$833,000.00)(the “Acquisition Purchase Price”), which land is (i) designated as Tax Map 371, Lots A-47, A-48, A-4, A-20, and A-21, Tax Map 384, Lots A-10, A-11 and A-53, Tax Map 383, Lot A-10, Tax Map 372, Lot A-1 by the City of Portland Tax Assessor, (ii) and shown as “Parcel A Area = 13.66 Acres” and “Parcel B Area = 10.60 Acres” on that certain preliminary “Boundary Survey at Washington Avenue, Portland, Maine made for Trust For Public Land” prepared by Owen Haskell, Inc., dated August 19, 2022, Job No. 2022-138-P, a copy of which plan is attached hereto as **Exhibit A** and incorporated herein (the “Property Plan”), (iii) described in a deed to Anderson recorded in the Cumberland County Registry of Deeds in Book 15762, Page 20, excepting therefrom that certain property conveyed to Stephen M. Niles and Holly J. Sheehan by deed recorded in said Registry of Deeds in Book 35147, Page 324; and (iv) described in deeds to Haverty which are recorded in the Cumberland County Registry of Deeds in Book 23549, Page 329, and Book 31969, Page 320 (collectively, and together with any and all improvements located thereon, all rights, tenements, hereditaments, members, privileges, licenses, easements and appurtenances thereto, including, without limitation, all utility reservations, strips and gores of land, rights-of-way, fixtures located thereon, all timber, mineral interests, grazing rights, access rights, development rights, governmental licenses, permits and certificates applicable thereto, and all of Current Owners’ right, title, and interest in and to all public and private ways adjoining or serving the same, and all riparian rights and interests in waterbodies and the beds of waterbodies, on or adjacent to the described lands, the “Subject Property”).

B. Seller wishes to sell the Subject Property to Buyer on the terms and conditions set forth in this Agreement, and Buyer wishes to acquire the Subject Property from Seller on the terms and conditions set forth in this Agreement.

C. Seller is a conservation organization having among its purposes the acquisition on behalf of the public of open space, scenic and recreational lands. Seller is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code and is included in the “Cumulative List of Organizations described in Section 170(c) of the Internal Revenue Code” published by the Internal Revenue Service. Seller is not a private foundation within the meaning of Section 509(a) of the Internal Revenue Code.

D. Seller has assisted the Buyer with a grant application to the Outdoor Recreation Legacy Partnership Program (“ORLP”), the Portland Land Bank Commission and Land for Maine’s Future, and further agrees to conduct a fundraising campaign to support the Buyer’s efforts to acquire the Subject Property pursuant to the terms of the Acquisition Contracts (the “Fundraising Campaign”), which Fundraising Campaign is intended to raise funds to cover the remaining acquisition costs and other project and program related costs.

## AGREEMENT

NOW THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

1. **Purchase Terms.**

(a) **Purchase Price.** Seller shall sell to Buyer, and Buyer shall buy from Seller, the Subject Property for an amount equal to Six Hundred Forty-four Thousand One Hundred Twenty-three and 00/100's Dollars (\$644,123.00), plus any other grant or other funds received or flowing through the Buyer, in excess of \$644,123.00, solely as a result of the Fundraising Campaign (as such amount may be adjusted in accordance with the terms hereof, the "Purchase Price").

(b) **Method of Payment.** The Purchase Price shall be payable at Closing (as defined in Section 4 herein) by means of a wire transfer of immediately available funds. Buyer shall be required to deliver these funds at Closing, provided the grant funds have been awarded, but irrespective of whether the grant funds from the funders have been received by the Buyer.

2. **As-Is, Where-Is Condition.** Buyer has completed all of the inspections and investigations that it deemed appropriate in order to assess the title to and value and condition of the Subject Property and any improvements located thereon. In particular, and without limiting the generality of the preceding sentence, Buyer acknowledges its receipt from Seller of (i) those two certain title commitments relating to the Subject Property issued by Atlantic Coast Title Company, LLC as authorized agent for First American Title Insurance Company, such commitments having file numbers of 2022-565, and 2022-570, dated as of March 29, 2022 and March 30, 2022, respectively (the "Title Commitments") and copies of the vesting deeds referenced therein and the documents referenced on Schedule B, Part II therein, and (ii) that certain Phase I Environmental Assessment prepared by Haley Ward dated April 18, 2022. Unless this Agreement is earlier terminated, at Closing, Buyer hereby agrees to take title to the Subject Property in its "AS-IS," and "WHERE-IS" condition, reasonable wear and tear excepted, and to waive any and all claims it might otherwise have against Seller, now or in the future, relating to the title to and/or condition of the Subject Property; provided, however, that the provisions of this Section 2 shall not amend, modify or negate any representations and/or warranties made by Seller with respect to the title to the Subject Property contained in the Deed (as defined in Section 3 herein).

3. **Title; Buyer's Post-Closing Covenant.** At Closing, Seller shall convey title to the Subject Property to Buyer by means of a quitclaim deed with covenant (the "Deed"), free and clear of all encumbrances and encroachments except the following matters (collectively, the "Permitted Encumbrances"):

- (i) provisions of zoning laws and ordinances, building regulations, and similar matters;
- (ii) any ad valorem taxes for the current year not yet due and payable as of the

Closing Date (as defined in Section 4 herein); and

- (iii) all matters set forth in Schedule B, Part II of the Title Commitments.

If requested by Seller or Buyer, the Deed shall describe the Subject Property utilizing both the historic descriptions of the Subject Property, and a new metes and bounds description based upon the Property Plan. Buyer, at its sole expense, may elect to obtain an owner's policy of title insurance at Closing, and Seller agrees to cooperate with Buyer, its counsel, and Buyer's title insurer to facilitate the issuance of such policy, provided that such cooperation does not require Seller to incur any additional expenses and/or to accept any additional or increased liability.

4. **Closing.** Final settlement of the obligations of the parties hereto (collectively, whether in person or by means of an Escrow Closing (as defined below), the "Closing") anticipated to be on or before April 30, 2023 and no later than September 30, 2023, or on such other date as may be mutually agreed upon by the parties (as so extended or modified, the "Closing Date"). The Closing shall take place at the offices of Jensen Baird at 10 Free Street, 4<sup>th</sup> Floor, Portland, Maine, or at such other location by mutual agreement of the Parties, or, at Seller's sole election, the transaction contemplated hereunder may be closed by a mutually agreeable law firm, title insurance company or title company acting as escrow agent ("Escrow Holder") in accordance with escrow instructions provided by each of Seller and Buyer (or Buyer's counsel) (collectively, an "Escrow Closing"), and the cost of the escrow shall be borne solely by Seller. In the event that Seller so elects an Escrow Closing, Seller shall deposit with Escrow Holder all of the Seller's Deliveries (as defined in Section 5(a) herein) at least three (3) business days in advance of the Closing Date, and Buyer shall deposit with Escrow Holder all of the Buyer's Deliveries (as defined in Section 5(b) herein) at least three (3) business days in advance of the Closing Date. On the Closing Date, Escrow Holder shall record the Deed and any other necessary instruments, disburse the escrowed funds in strict accordance with a mutually agreed upon closing statement, file the Subject Property RETTD (as defined in Section 5(a) herein), and deliver to the appropriate parties copies of all closing documents. It is agreed that Escrow Holder shall have no liability to Seller or Buyer for the performance of its services herein except as a result of (a) any action or omission taken by Escrow Holder in bad faith, or not expressly authorized by the terms of Seller and Buyer's escrow letters, or (b) Escrow Holder's negligence or willful misconduct.

The parties further agree that Seller may (1) arrange a simultaneous closing with the Current Owners, whereby Seller purchases the Subject Property from the Current Owners pursuant to the terms of the Acquisition Contracts, and subsequently Seller sells the Subject Property to Buyer pursuant to the terms of this Agreement, or (2) arrange for the delivery of one or more deeds directly from the Current Owners to Buyer, whereby Buyer shall pay (a) the Acquisition Purchase Price directly to the Current Owners in accordance with the terms of the Acquisition Contracts, and (b) the Purchase Price *less* the Acquisition Purchase Price to Seller in accordance with the terms of this Agreement.

5. **Closing Deliveries.** At the Closing, Seller and Buyer shall deliver the documents and/or monies described below.

(a) Seller's Deliveries. Seller shall deliver to Buyer on the Closing Date the following items (collectively, "Seller's Deliveries"): (i) the Deed to the Haverty Property and the Deed to the Anderson Property, (ii) a counterpart to a Real Estate Transfer Tax Declaration relating to the Deed (the "Subject Property RETTD"), (iii) a counterpart to the closing statement, (iv) a Foreign Investment and Real Property Tax Act (FIRPTA) affidavit, (v) a Form REW-3, (vi) an owner's affidavit attesting to the absence of any parties in possession and/or pending mechanics' liens, (vii) a counterpart to an Underground Storage Tank Notice (38 M.R.S. §563(6)); (viii) a counterpart to a Nonresidential Real Property Road Disclosure Statement (33 M.R.S. § 193); (ix) such evidence of the power and authority of Seller to fully consummate the transactions described in this Agreement, and certificates from the relevant Secretary of State confirming that Seller has legal existence and is in good standing in the jurisdiction in which it exists, and (x) such other instruments and documents as Buyer, its counsel and/or its title insurer may reasonably request.

(b) Buyer's Deliveries. Buyer shall deliver to Seller on the Closing Date the following items (collectively, "Buyer's Deliveries"): (i) the Purchase Price (provided, that, if Buyer is acquiring the Subject Property directly from the Current Owners, then the Purchase Price shall be reduced by the Acquisition Purchase Price paid by Buyer to the Current Owners), (ii) a counterpart to the Subject Property RETTD, (iii) a counterpart to the closing statement, (iv) a Form REW-4, (v) a counterpart to an Underground Storage Tank Notice (38 M.R.S. §563(6)); (vi) a counterpart to a Nonresidential Real Property Road Disclosure Statement (33 M.R.S. § 193); (vii) such evidence of the power and authority of Buyer to fully consummate the transactions described in this Agreement, and certificates from the relevant Secretary of State confirming that Buyer has legal existence and is in good standing in the jurisdiction in which it exists, and (viii) such other instruments and documents as Seller may reasonably request.

6. **Seller's Representations and Warranties.** Seller hereby represents and warrants to Buyer that:

(a) Seller has full power and authority to enter into this Agreement (and the persons signing this Agreement for Seller if Seller is not an individual have full power and authority to sign for Seller and to bind it to this Agreement).

(b) Seller has not engaged or will engage in any dealings or transactions, directly or indirectly, (i) in contravention of any U.S., international or other anti-money laundering regulations or conventions, including without limitation the United States Bank Secrecy Act, the United States Money Laundering Control Act of 1986, the United States International Money Laundering Abatement and Anti-Terrorist Financing Act of 2001, Trading with the Enemy Act (50 U.S.C. §1 et seq., as amended), any foreign asset control regulations of the United States Treasury Department (31 CFR, Subtitle B, Chapter V, as amended) or any enabling legislation or executive order relating thereto, the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, Public Law 107-56 and the regulations promulgated thereunder (collectively, the "Patriot Act"), or any order issued with respect to anti-money laundering by the U.S. Department of the Treasury's Office of Foreign



Assets Control (“OFAC”), or (ii) in contravention of Executive Order No. 13224 issued by the President of the United States on September 24, 2001 (Executive Order Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit, or Support Terrorism), as may be amended or supplemented from time to time (“Executive Order 13224”) or (iii) on behalf of terrorists or terrorist organizations, including those persons or entities that are included on any relevant lists maintained by the United Nations, North Atlantic Treaty Organization, Organization of Economic Cooperation and Development, OFAC, Financial Action Task Force, U.S. Securities & Exchange Commission, U.S. Federal Bureau of Investigation, U.S. Central Intelligence Agency, U.S. Internal Revenue Service, or any country or organization, all as may be amended from time to time.

(c) Seller is not nor will it be a person or entity (i) that is listed in the Annex to or is otherwise subject to the provisions of Executive Order 13224, (ii) whose name appears on OFAC’s most current list of “Specially Designated Nationals and Blocked Persons,” (which list may be published from time to time in various mediums including, but not limited to, the OFAC website, <http://www.treas.gov/ofac/t11sdn.pdf>), (iii) who commits, threatens to commit or supports “terrorism”, as that term is defined in Executive Order 13224, or (iv) who has been associated with or is otherwise affiliated with any entity or person listed above.

(d) Seller is not a “foreign person” pursuant to Section 1445 of the Internal Revenue Code of 1986, as amended.

(e) Neither the execution and delivery of the Agreement nor Seller’s performance of its obligations hereunder will constitute a breach or default under any agreement to which Seller is bound.

(f) There are no suits, legal proceedings or investigations of any nature pending or, to Seller’s knowledge, threatened against Seller or affecting Seller that would impair Seller’s ability to perform its obligations under this Agreement.

In the event that any of the above representations and warranties cease to be true prior to Closing, Buyer shall have the right, but not the obligation, to terminate this Agreement upon written notice to Seller in which case the parties shall have no further obligations under this Agreement except for those obligations which expressly survive the termination of the Agreement.

7. **Seller’s Covenants.** Seller covenants that, from and after the date hereof until the Closing, to the extent that Seller’s consent is required pursuant to the terms of the Acquisition Contracts:

(a) Seller shall not consent to any request by Current Owners to make and/or extend any lease, contract, option or agreement affecting the Subject Property (other than the Acquisition Contracts) which would grant any third parties any rights to the Subject Property, except with the prior written consent of Buyer; and

(b) Seller shall not consent to any request by Current Owners to cause and/or permit any lien, encumbrance, mortgage, deed of trust, right, restriction or easement to be placed upon or created with respect to the Subject Property, except with the prior written consent of Buyer.

(c) Seller shall not consent to any request by Current Owners to remove any vegetation, soil or minerals from the Subject Property or disturb or suffer the disturbance of the existing contours and/or other natural features of the land and/or the reservoirs contained therein in any way whatsoever, except with the prior written consent of Buyer.

In the event that Seller breaches any of the above covenants prior to Closing, Buyer shall have the right, but not the obligation, to terminate this Agreement upon written notice to Seller in which case the parties shall have no further obligations under this Agreement except for those obligations which expressly survive the termination of the Agreement.

8. **Buyer's Representations and Warranties.** Buyer hereby represents and warrants to Seller that:

(a) Buyer has full power and authority to enter into this Agreement (and the persons signing this Agreement for Buyer has full power and authority to sign for Buyer and to bind it to this Agreement and to acquire all right, title and interest in and to the Subject Property).

(b) Buyer will not engage in any dealings or transactions, directly or indirectly, (i) in contravention of the Patriot Act, or any order issued with respect to anti-money laundering by OFAC, or (ii) in contravention of Executive Order No. 13224, or (iii) on behalf of terrorists or terrorist organizations, including those persons or entities that are included on any relevant lists maintained by the United Nations, North Atlantic Treaty Organization, Organization of Economic Cooperation and Development, OFAC, Financial Action Task Force, U.S. Securities & Exchange Commission, U.S. Federal Bureau of Investigation, U.S. Central Intelligence Agency, U.S. Internal Revenue Service, or any country or organization, all as may be amended from time to time.

(c) Buyer is not nor will it be a person or entity (i) that is listed in the Annex to or is otherwise subject to the provisions of Executive Order 13224, (ii) whose name appears on OFAC's most current list of "Specially Designated Nationals and Blocked Persons," (which list may be published from time to time in various mediums including, but not limited to, the OFAC website <http://www.treas.gov/ofac/t11sdn.pdf>), (iii) who commits, threatens to commit or supports "terrorism", as that term is defined in Executive Order 13224, or (iv) who has been associated with or is otherwise affiliated with any entity or person listed above.

(d) Neither the execution and delivery of the Agreement nor Buyer's performance of its obligations hereunder will constitute a breach or default under any agreement to which Buyer is bound.

(e) There are no suits, legal proceedings or investigations of any nature pending or, to Buyer's knowledge, threatened against Buyer or affecting Buyer that would impair Buyer's ability to perform its obligations under this Agreement.

In the event that any of the above representations and warranties cease to be true prior to Closing, Seller shall have the right, but not the obligation, to terminate this Agreement upon written notice to Buyer in which case the parties shall have no further obligations under this Agreement except for those obligations which expressly survive the termination of the Agreement.

9. **Remedies; Contingencies.**

(a) **Seller's Failure to Perform.** In the event of Seller's failure to perform any of Seller's obligations under this Agreement, Buyer shall have as its sole and exclusive remedies (i) the right to terminate this Agreement upon written notice to Seller in which case the parties shall have no further obligations under this Agreement except for those obligations which expressly survive the termination of the Agreement or (ii) the right of specific performance against Seller. Notwithstanding the foregoing, however, Seller's obligations under this Agreement are expressly contingent upon its acquisition of the Subject Property from Current Owners on or prior to the Closing Date, and, in the event that such acquisition fails to occur on or prior to the Closing Date for any reason, Seller's sole remedy shall be the right to terminate this Agreement upon written notice to Buyer in which case the parties shall have no further obligations under this Agreement except for those obligations which expressly survive the termination of the Agreement.

(b) **Buyer's Failure to Perform.** In the event of Buyer's failure to perform any of Buyer's obligations under this Agreement, Seller shall have the right to terminate this Agreement upon written notice to Buyer in which case the parties shall have no further obligations under this Agreement except for those obligations which expressly survive the termination of the Agreement.

10. **Prorations and Fees.** Current real property taxes on the Subject Property shall be prorated as of the date of Closing based upon the latest available tax bill. If Closing occurs before the tax rate is fixed for the then current year, subsequent to Closing, when the tax rate is fixed for the year in which Closing occurs, Seller and Buyer agree to adjust the proration of taxes and, if necessary, to refund or pay (as the case may be) such sums as shall be necessary to effect such adjustment. If the amounts of said taxes has not been determined at the time of Closing, they shall be apportioned on the basis of the taxes assessed for the preceding year, with a reapportionment as soon as the new tax rate and valuation can be ascertained; and, if the taxes which are to be apportioned shall thereafter be reduced by abatement, the amount of such abatement less the reasonable cost of obtaining same, shall be apportioned between the parties, provided that neither party shall be obligated to institute or prosecute proceedings for an abatement unless otherwise agreed. If such proceedings are commenced, the party commencing the same shall give the other party notice thereof and shall prosecute such proceeding and not discontinue the same without first giving the other notice of its intention to do so and reasonable opportunity to be substituted in such proceedings; and the other party agrees to cooperate in such proceedings without being obligated to incur any expense in connection therewith. It is

understood that the term "cooperate" as used in the last preceding sentence shall, in the case of Seller or Current Owners, as applicable, include the signing of any and all applications or petitions for such proceedings which are required to be brought in the name of Seller or Current Owner, as applicable.

Seller agrees to pay (or to cause Current Owner to pay) (i) any and all real property transfer taxes owed by the transferor in connection with the conveyance of the Subject Property to Buyer, if any are statutorily required, and (ii) the recording costs with respect to any mortgage(s), lien(s) or other monetary encumbrances affecting title to the Subject Property, if any. Buyer agrees to pay (i) any and all real property transfer taxes owed by the transferee in connection with the conveyance of the Subject Property to Buyer, if any are statutorily required, (ii) the recording costs with respect to the Deed(s), and (iii) any and all costs associated with Buyer's policy of title insurance, if any. Each party shall be responsible for its own legal fees.

Other fees and charges shall be allocated in accordance with the customary practice of the State in which the Subject Property is located.

11. **Notices.** All notices pertaining to this Agreement shall be in writing and addressed, as applicable, to the addresses set forth in the recitals to this Agreement. Any written notice permitted or required hereunder shall be deemed received on (i) the day on which it was personally delivered, (ii) the day on which it was transmitted by confirmed e-mail, (iii) the day on which it was sent by a nationally recognized overnight courier service, or (iv) the day on which it was received by the party to whom the written notice was addressed if sent by certified mail, return receipt requested.

12. **No Broker's Commission.** Each party represents to the other that it has not used a real estate broker in connection with this Agreement or the transaction contemplated by this Agreement. In the event any person asserts a claim for a broker's commission or finder's fee against one of the parties to this Agreement, the party on account of whose actions the claim is asserted will indemnify and hold the other party harmless from and against said claim and the provisions of this Section 12 shall survive Closing or any earlier termination of this Agreement. Notwithstanding the foregoing, the indemnity provided under this Section shall not be construed as a waiver of Buyer's right to assert any and all defenses in response to claims made against Buyer, its officers, agents, or employees pursuant to the Maine Tort Claims Act or any other privileges or immunities as may be provided by law.

13. **Effect of Holidays, Weekends on Times for Performance.** If any actions of Seller or Buyer under this Agreement are to take place on a Saturday, Sunday, national holiday, state holiday observed in the State of Maine, or bank holiday observed in the State of Maine, the date for performance will be on the next business day following such Saturday, Sunday, national holiday, state holiday or bank holiday.

14. **Binding on Successors.** This Agreement shall be binding upon the parties and also upon their heirs, personal representatives, assigns, and other successors in interest.

15. **Reserved.**

16. **Entire Agreement; Modification; Waiver.** This Agreement constitutes the entire agreement between Seller and Buyer pertaining to the subject matter contained in it and supersedes all prior and contemporaneous agreements, representations, and understandings. This Agreement shall be construed without regard to any presumption or other rule requiring construction against the party causing this Agreement to be drafted. No supplement, modification, waiver or amendment of this Agreement shall be binding unless specific and in writing executed by the party against whom such supplement, modification, waiver or amendment is sought to be enforced. No delay, forbearance or neglect in the enforcement of any of the conditions of this Agreement or any rights or remedies hereunder shall constitute or be construed as a waiver thereof. No waiver of any of the provisions of this Agreement shall be deemed or shall constitute a waiver of any other provision, whether or not similar, nor shall any waiver constitute a continuing waiver.

17. **Assignment.** The parties agree that neither party's rights and/or obligations under this Agreement may be assigned without the express written consent of the other party.

18. **Severability.** Each provision of this Agreement is severable from any and all other provisions of this Agreement. Should any provision(s) of this Agreement be for any reason unenforceable, the balance shall nonetheless be of full force and effect.

19. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Maine without regard for conflict of law principles.

20. **Possession.** Possession of the Subject Property shall be delivered at Closing free and clear of the rights or claims of any other party.

21. **No Merger.** The obligations contained in this Agreement, except for those specifically discharged at Closing (such as conveyance of title to the Subject Property), shall not merge with transfer of title but shall remain in effect until fulfilled.

22. **Headings.** The headings used in this Agreement are for convenience of reference only and shall not operate or be construed to alter or affect the meaning of any of the provisions hereof.

23. **Reserved.**

24. **Counterparts.** This Agreement may be executed in counterparts, each of which shall be deemed an original and which together shall constitute one and the same agreement. Execution and delivery of this Agreement by electronic signature or sent as a copy via email or an electronic signatures service (e.g. DocuSign or Adobe) shall be deemed as if original and sufficient for all purposes and shall be binding on any person who so executes.

[Remainder of page intentionally left blank.]

IN WITNESS of the foregoing provisions, the parties have executed and delivered this Agreement as of the date first set forth above:

**SELLER:**

**BUYER:**

THE TRUST FOR PUBLIC LAND

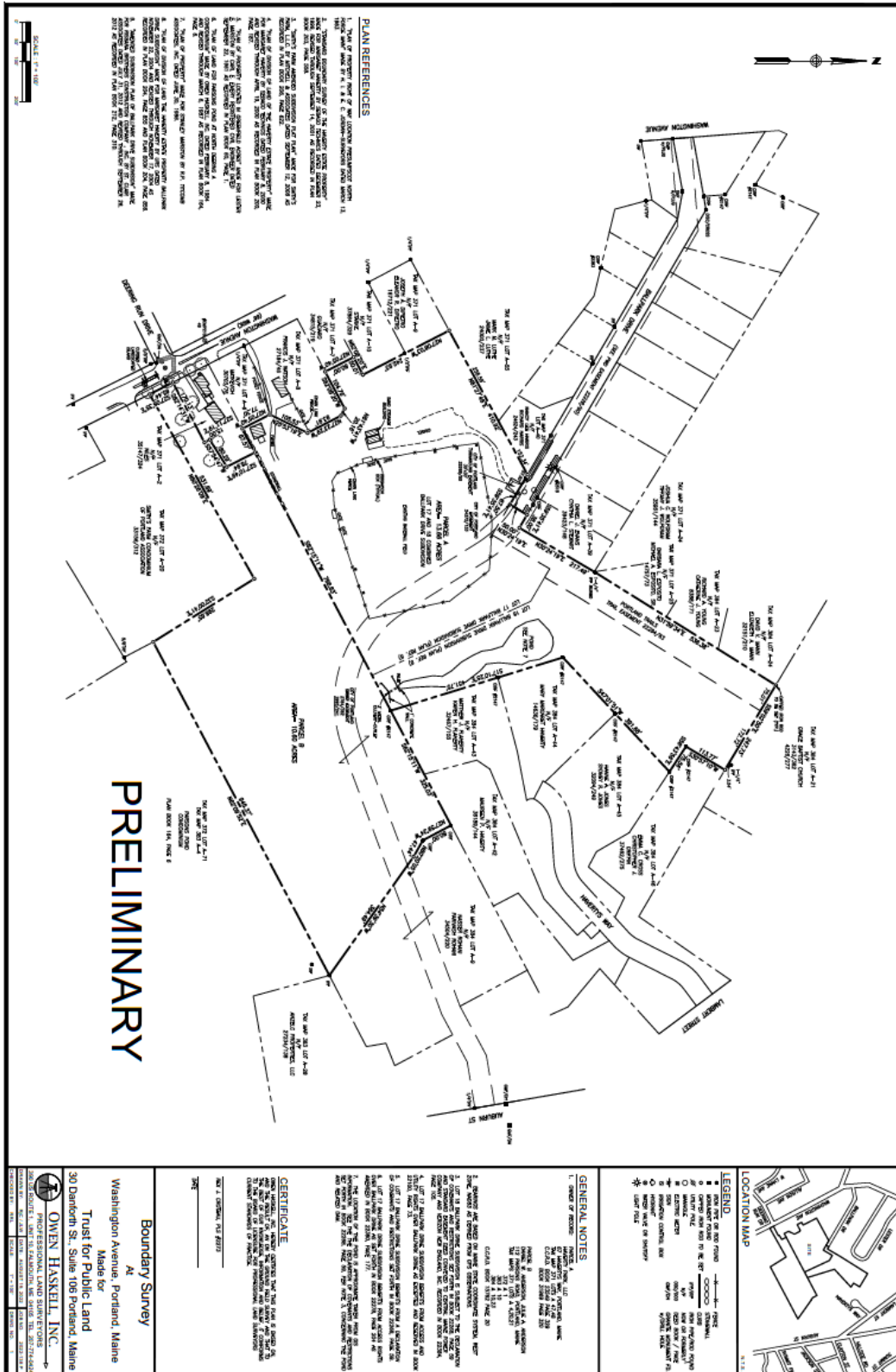
CITY OF PORTLAND

By: \_\_\_\_\_  
Shelby Semmes  
V.P, New England Regional Director

By: \_\_\_\_\_  
Danielle P. West  
Interim City Manager



**Exhibit A**  
**Property Plan**



**MEMORANDUM**  
**City Council Agenda Item**

**FROM:** Ethan Hipple, Director of Parks, Recreation and Facilities Department

**DATE:** 12/28/22

**SUBJECT:** Approval of Purchase and Sale Agreements for North Deering Park

**SPONSOR:** Danielle West

**(If sponsored by a Council committee, include the date the committee met and the results of the vote.)**

**COUNCIL MEETING**

**DATE ACTION IS REQUESTED:**

**1st Reading date:** 2/6/23

**Final Action date:** 2/27/23

**Can action be taken at a later date:** Property closing is scheduled for Spring 2023. This action will facilitate the closing occurring on time.

**PRESENTATION:**

**I. SUMMARY**

Council approval of the purchase and sale agreements for various parcels collectively known as “North Deering Park”

**II. AGENDA DESCRIPTION**

Approve Purchase and Sale Agreement between The Trust for Public Land (seller) and City of Portland (buyer) to purchase approximately 24 acres of land in North Deering neighborhood for the purpose of creating a new park. Total purchase price is \$833,000 with funds provided through federal and state grants, philanthropic funds from The Trust for Public Land, and Portland Land Bank. The Trust for Public Land holds the purchase contracts with the landowners (Julie and Dan Anderson and Haverty Park, LLC) of the 24 acres. These contracts allow TPL to direct the deed to the City of Portland at closing. Entering into a Purchase and Sale agreement between The Trust for Public Land and the City of Portland will allow The Trust for Public Land to direct the deed to the City of Portland. The City is being asked to provide \$644,123.00 as outlined below.

**III. BACKGROUND**

The Trust for Public Land works with communities across the country to identify areas that are in need of parks or trails through their “10 Minute Walk to a Park” Campaign. The Department of Parks, Recreation and Facilities is an active participant in that program, and Mayor Snyder has expressed support for the program, along with scores of other mayors of US cities. Currently 89% of Portland residents live within a 10 minute walk of a park or trail. Large sections of the North Deering neighborhood are currently listed as priority areas for park development because many of the residents live further than a 10 minute walk to a park or trail. This project would create a new park and walking trails in that neighborhood, and increase Portland’s proportion of residents who are within a 10-minute walk to a park, thereby addressing the fact that many lower income residents lack walking access to parks and trails.

A combination of approved Federal, State, Land Bank funds, and philanthropic funds from The Trust for Public Land will cover acquisition costs to create a 24 acre park consisting of an existing multi-use ballfield, a pond, expansive wetlands, and an informal trail network. Both parcels of land are currently privately owned. The sellers have indicated they are primarily interested in selling the properties to be used as publicly accessible open space. Initial information shows that much of the open space property at 1819 Washington Ave is wetland and not suitable for significant housing. The Planning Department has provided additional analysis of that property. The Haverty property is currently used as a privately owned athletic field, primarily for youth baseball programs. Portland lacks adequate athletic field space and fields are often fully booked and over-utilized. The 2011 Athletic Fields Task Force Report led by City Councilor John Coyne recommended acquisition or development of additional fields to meet the great demand for youth and adult programming.

The Land Bank Commission (LBC), on September 8, 2021, voted unanimously (8/0) to recommend to the City Council the expenditure of \$80,000 towards the purchase of parcels related to the North Deering Park. Those City funds would be used as a match for federal and state grant funds which would pay for the majority of the project.

The City Council voted on August 23, 2021 to approve a federal grant application for this project through the Outdoor Recreation Legacy Program (ORLP) which is intended to fund open space projects in proximity to low-income urban areas in need of open space. That \$400,000 grant has been awarded. On September 1, 2022, the City Council voted unanimously 9-0 to accept a \$279,000 grant from the Land For Maine’s Future Fund towards this project. On November 21, 2022, the Council voted 9-0 to allocate \$80,000 of Land Bank Funds towards this purchase, and to place the property into the Land Bank once the transaction was complete.

Total purchase price for the parcels is \$833,000. Funding detail:

- \$400,000 Outdoor Recreation Legacy Program grant (administered through the National Park Service)
- \$164,123 Land For Maine’s Future (State of Maine, original award amount was \$279,000 but was reduced due to change in appraisals. TPL is covering the difference with additional philanthropic funds)
- \$80,000 Portland Land Bank Commission funds
- \$188,877 philanthropic funds from the Trust for Public Land

Trust for Public Land holds the purchase contracts with the landowners (Julie and Dan Anderson and Haverty Park, LLC). These contracts allow TPL to direct the deed to the City of Portland at closing.

#### **IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

Intended result is to approve the purchase and sale agreements related to this transaction.

#### **V. FINANCIAL IMPACT**

No impact for acquisition is foreseen as these funds would come from the Land Bank fund, pre-approved federal and state grants, or raised by private organizations. Future improvements and maintenance of the park would have a slight operating budget impact.

When these parcels are taken out of private ownership and acquired by the City, annual property taxes will no longer be owed. Annual property taxes for the parcels:

- Parcel 371 A047001: \$4,315
- Parcel 371 A048001: \$566
- Parcel 371 A004001: \$1,660
- Parcel 371 A020001: \$149

#### **VI. STAFF ANALYSIS AND RECOMMENDATION**

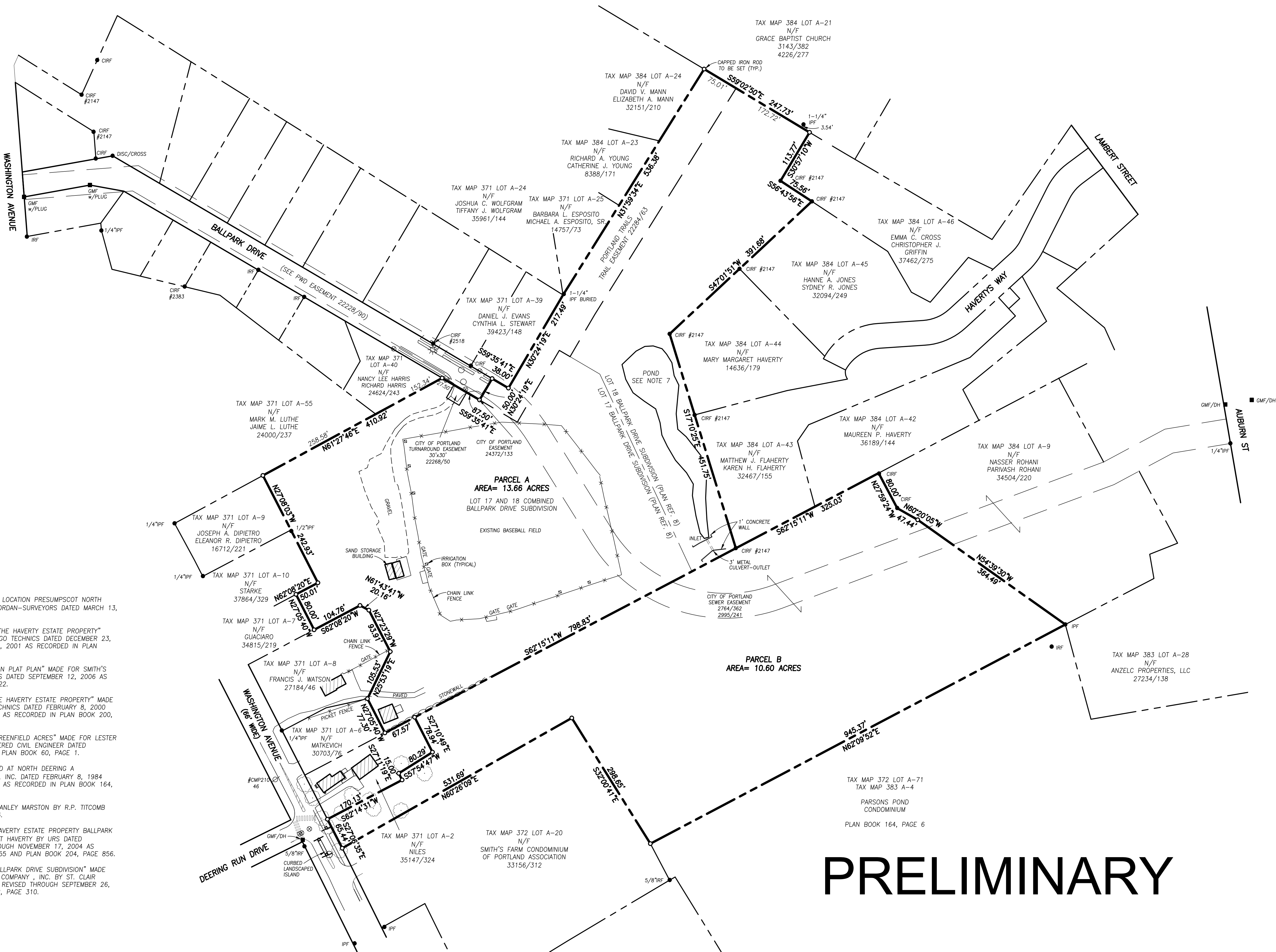
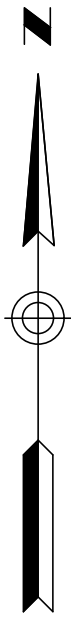
City staff recommend the City Council vote to approve the purchase and sale agreements to finalize the acquisition of these parcels to create a 24 acre park.

#### **VII. LIST ATTACHMENTS**

- Project Map

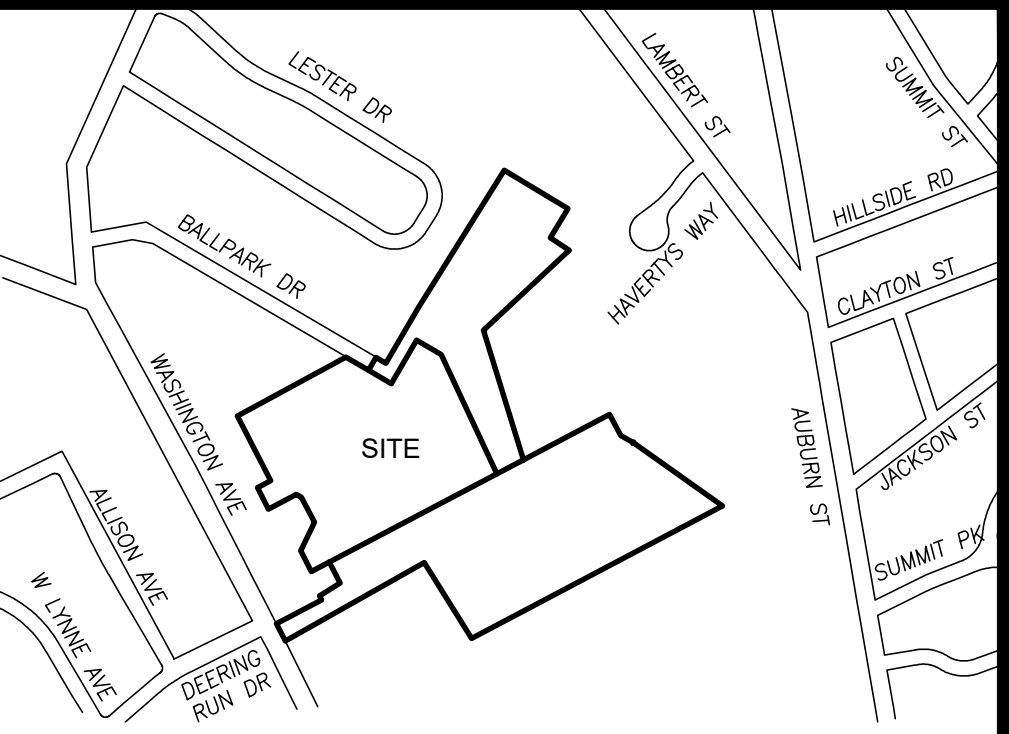
Prepared by: Ethan Hipple  
Date: 12/28/22





PLAN REFERENCES

1. "PLAN OF PROPERTY RIGHT OF WAY LOCATION PRESUMPCOT NORTH FORCE MAIN" MADE BY H. I. & E. C. JORDAN-SURVEYORS DATED MARCH 13, 1963.
2. "STANDARD BOUNDARY SURVEY OF THE HAVERTY ESTATE PROPERTY" MADE FOR MARGARET HAVERTY BY SEBAGO TECHNICS DATED DECEMBER 23, 1999, REVISED THROUGH SEPTEMBER 14, 2001 AS RECORDED IN PLAN BOOK 203, PAGE 558.
3. "SMITH'S FARM AMENDED SUBDIVISION PLAT PLAN" MADE FOR SMITH'S FARM, L.L.C. BY MITCHELL & ASSOCIATES DATED SEPTEMBER 12, 2006 AS RECORDED IN PLAN BOOK 206, PAGE 622.
4. "PLAN OF DIVISION OF LAND OF THE HAVERTY ESTATE PROPERTY" MADE FOR MARGARET HAVERTY BY SEBAGO TECHNICS DATED FEBRUARY 8, 2000 AND REVISED THROUGH APRIL 19, 2000 AS RECORDED IN PLAN BOOK 200, PAGE 187.
5. "PLAN OF PROPERTY LOCATED IN GREENFIELD ACRES" MADE FOR LESTER E. MARSTON BY CARL E. EMERY REGISTERED CIVIL ENGINEER DATED SEPTEMBER 22, 1961 AS RECORDED IN PLAN BOOK 60, PAGE 1.
6. "PLAN OF LAND FOR PARSONS POND AT NORTH DEERING A CONDOMINIUM" MADE BY OWEN HASKELL, INC. DATED FEBRUARY 8, 1984 AND REVISED THROUGH MARCH 6, 1987 AS RECORDED IN PLAN BOOK 164, PAGE 6.
7. "PLAN OF PROPERTY" MADE FOR STANLEY MARSTON BY R.P. TITCOMB ASSOCIATES, INC. DATED JUNE 30, 1986.
8. "PLAN OF DIVISION OF LAND THE HAVERTY ESTATE PROPERTY BALLPARK DRIVE SUBDIVISION" MADE FOR MARGARET HAVERTY BY URS DATED NOVEMBER 22, 2004 AND REVISED THROUGH NOVEMBER 17, 2004 AS RECORDED IN PLAN BOOK 204, PAGE 855 AND PLAN BOOK 204, PAGE 856.
9. "AMENDED SUBDIVISION PLAN OF BALLPARK DRIVE SUBDIVISION" MADE FOR RISBARA BROTHERS CONSTRUCTION COMPANY, INC. BY ST. CLAIR ASSOCIATES DATED JULY 31, 2012 AND REVISED THROUGH SEPTEMBER 26, 2012 AS RECORDED IN PLAN BOOK 212, PAGE 310.



| LEGEND |                           |         |                      |
|--------|---------------------------|---------|----------------------|
| ●      | IRON PIPE OR ROD FOUND    | —X—X—   | FENCE                |
| ■      | MONUMENT FOUND            | —O—O—   | STONEWALL            |
| ○      | CAPPED IRON ROD TO BE SET | —       | CURB                 |
| ○      | UTILITY POLE              | —       | IRON PIPE/ROD FOUND  |
| ○      | MANHOLE                   | N/F     | NOW OR FORMERLY      |
| ⊗      | ELECTRIC METER            | 000/000 | DEED BOOK / PAGE     |
| —      | SIGN                      | GMF/DH  | GRANITE MONUMENT FD. |
| ⊠      | IRRIGATION CONTROL BOX    |         | W/DRILL HOLE         |
| ⊙      | HYDRANT                   |         |                      |
| ⊗      | WATER VALVE OR SHUTOFF    |         |                      |
| ⊙      | LIGHT POLE                |         |                      |

- GENERAL NOTES
1. OWNER OF RECORD: PARCEL A HAVERTY PARK, LLC 67 HAVERTY'S WAY, PORTLAND, MAINE TAX MAP 371 LOTS A 47,48 C.C.R.D. BOOK 23549 PAGE 329 BOOK 31969 PAGE 320  
PARCEL B DANIEL W. ANDERSON, JULIE A. ANDERSON 112 PARSONS ROAD, PORTLAND, MAINE TAX MAPS 371 LOTS A 4,20,21 372 A 1 383 A 10 384 A 10,23 C.C.R.D. BOOK 15762 PAGE 20
  2. BEARINGS ARE BASED ON MAINE STATE COORDINATE SYSTEM, WEST ZONE, NAD83 AS DERIVED FROM GPS OBSERVATIONS.
  3. LOT 18 BALLPARK DRIVE SUBDIVISION IS SUBJECT TO THE DECLARATION OF COVENANTS AND RESTRICTIONS SET FORTH IN BOOK 22268, PAGE 59 AND STANDARD EASEMENT DEED CONVEYED TO CENTRAL MAINE POWER COMPANY AND VERIZON NEW ENGLAND, INC. RECORDED IN BOOK 22384, PAGE 105.
  4. LOT 17 BALLPARK DRIVE SUBDIVISION BENEFITS FROM ACCESS AND UTILITY RIGHTS OVER BALLPARK DRIVE AS EXCEPTED AND RESERVED IN BOOK 22100, PAGE 73.
  5. LOT 17 BALLPARK DRIVE SUBDIVISION BENEFITS FROM A DECLARATION OF COVENANTS AND RESTRICTIONS SET FORTH IN BOOK 22268, PAGE 59.
  6. LOT 17 BALLPARK DRIVE SUBDIVISION BENEFITS FROM ACCESS RIGHTS OVER BALLPARK DRIVE AS SET FORTH IN BOOK 22278, PAGE 204 AS AMENDED IN BOOK 22380, PAGE 177.
  7. THE LOCATION OF THE POND IS APPROXIMATE TAKEN FROM GIS INFORMATION. SEE THE DECLARATION OF COVENANTS AND RESTRICTIONS SET FORTH IN BOOK 22268, PAGE 59, PER NOTE 3, CONCERNING THE POND AND RELATED DAM.

CERTIFICATE

OWEN HASKELL, INC. HEREBY CERTIFIES THAT THIS PLAN IS BASED ON, AND THE RESULT OF, AN ON THE GROUND FIELD SURVEY AND THAT TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF, IT CONFORMS TO THE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CURRENT STANDARDS OF PRACTICE.

REX J. CROTEAU, PLS #2273

DATE

Boundary Survey  
At  
Washington Avenue, Portland, Maine  
Made for  
Trust for Public Land  
30 Danforth St., Suite 106 Portland, Maine

**OWEN HASKELL, INC.**  
PROFESSIONAL LAND SURVEYORS  
390 US ROUTE 1, UNIT 10, FALMOUTH, ME 04105 TEL. 207-774-0424

DRAWN BY: RJC/JLW DATE: AUGUST 19, 2022 JOB NO. 2022-138 P

CHECKED BY: RRL SCALE: 1" = 100' DRWG. NO. 1



Dena Libner &lt;dlibner@portlandmaine.gov&gt;

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## Public Comment - Order 135-22/23: John Haverty - Land Use History of Proposed North Deering Park

1 message

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**George Rheault** <george.rheault@gmail.com>

Fri, Feb 24, 2023 at 11:18 AM

To: Public Comment <publiccomment@portlandmaine.gov>, Kate Snyder <ksnyder@portlandmaine.gov>, Pious Ali <pali@portlandmaine.gov>, April Fournier <afournier@portlandmaine.gov>, Roberto Rodríguez <rrodriguez@portlandmaine.gov>, Anna Trevorow <atrevorrow@portlandmaine.gov>, Victoria Pelletier <vpelletier@portlandmaine.gov>, Regina Phillips <rphillips@portlandmaine.gov>, Andrew Zarro <Azarro@portlandmaine.gov>, Mark Dion <mdion@portlandmaine.gov>, Danielle West-Chuhta <dwest@portlandmaine.gov>, Dena Libner <dlibner@portlandmaine.gov>, Michael Goldman <mig@portlandmaine.gov>

Has the City Council received the Phase 1 environmental reports or the various official land appraisals for the parcels to be acquired?

These have a lot of important background information that might be relevant in the City Council's estimation of whether open space is the best use of the full 24 acres.

I am also attaching some background history on the land slated for acquisition to create the proposed North Deering Park.

The City Council should already have all this history in front of it instead of needing the public to provide it to them.

NB:

It is somewhat ironic that in the attached write-up for John Haverty's entry into the Maine Baseball "Hall of Fame" (written in 1988 when Haverty was still alive) there is some scuttle-butt about the City of Portland's Parks Department doing a poor job of maintaining the ballfield when it was using it in the past.

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### 2 attachments

**John Haverty - 1988 Maine Baseball Hall of Fame Entry.pdf**

361K

**1973-August 7th - Portland Evening Express - Haverty Land Taking.pdf**

1176K





Maine Baseball HOF  Aug 12, 2019 3 min read

# Haverty, John (1988)



## Haverty, John (88)

He was born of Irish parents Woburn, Massachusetts sixty-four years ago, and like most children of that time was poor and grew up during the Great Depression with his 6 brothers and one sister and father and mother. John learned his baseball on Valley Road where all the kids moved Mr. Mawns cows around and used dried cow flaps for bases; and also Libray Field. He played ball all day every day during the summer and was always late in delivery of his evening newspapers. Haverty graduated from Woburn High School in 1940, the youngest in his class of over 200 boys and girls.

During World War II John enlisted in the Army Signal Corps. After months of specialized training he landed in England before D-Day and saw service in the U.S. First Army under General Hodges; in the U.S. 3rd Army under General Patton; in the U.S. 9th Army under General Simpson and was also detached service to the British Eight Army under General Montgomery.

Haverty was very lucky and returned home in the spring of 1946 and had many jobs until he started selling Buick automobiles in Greater Boston. He came to Portland in 1956 and bought Portland Buick and called it Haverty Buick. John still resided in his first home, 1851 Washington Ave. Portland, Maine.

Because of his interest in baseball he negotiated the purchase of land, behind his home; from a neighbor in 1961 where he built his own baseball field with the help of his father, Patrick Henry Haverty, his brothers and anyone else who would work. This he did in his spare time, nights, and Sundays and Holidays. Haverty also joined the Portland Twi-League with his team, the Haverty Buick Wildcats and Merv Kilgore was his first player-manager. At age 42 John often played first base and hit the ball well. Sixty percent of his team members were from Bowdoin College with Peter Hess among them. Today Hess is a college professor in Pennsylvania, but in those days he took great pride in his care of the ballfield which became known as Haverty Park.

In 1965 Cheverus High School started using Haverty Park as its home field and continues to this day. Haverty Park is located extremely well as it sits in a natural amphitheater with a gentle sloping for spectator watching. Its dimensions are of major league caliber with 326 feet down both foul lines, 368 feet in the power alleys and 401 feet to center field. The distance is actually a little longer but Haverty didn't want young fellows to get discouraged. Haverty Park has its own access road and there is ample parking. It is considered the best field around the Greater Portland area with its hitter "'green background.'" Pitchers like it also with its fine dimensions and large foul areas.

Before the Maine Guides team decided to go to Old Orchard Beach they wanted to play at Haverty Park but Haverty allowed the Portland Park and Recreation Dept. to use his facilities, during an illness, but they in turn did damage to the playing surface and took down the dugouts and never replaced them.

If that wasn't enough, the city tried to take his land for more highway, but Haverty opposed them and after 18 months of battle John Haverty won — as he has done all his life. The reason John Haverty built the field in the first place was "if he ever made it in life he would build a real baseball field."

Like all good Irishmen, John is on Gods side.

Haverty is now retired but baseball will always be his #1 sport. John will always be #1 in the eyes of all Maine sportsmen.

Haverty Field on Facebook

<https://www.facebook.com/pages/Haverty-Field/154250987979039>

Turn to Back Page  
of this section

# Talk Renewed On Taking Haverty Land

The question of taking a portion of auto dealer John E. Haverty's land in North Deering for a truck route to and from Riverside Industrial Park has surfaced again after three years of dormancy.

The proposed land taking was the subject of a bitter controversy in 1969 and 1970 between some city officials and Haverty and his supporters and was ultimately "tabled indefinitely" by the council.

The old controversy surfaced at last night's city council meeting during a discussion of this year's \$3.5 million Capital Improvements Program.

INCLUDED IN THE CIP, approved last night by the council, is a \$1.6 million appropriation for the reconstruction of lower Summit Street which has fallen into deplorable condition because of heavy truck use of the residential street.

Residents of the street have opposed reconstruction of the street until a means can be found of getting truck traffic off it since they feel that a good road would only mean faster moving truck traffic which would endanger children.

They also have pointed out that any repair work would only be quickly undone by the truck traffic.

Some councilors proposed that truck traffic be banned from the street but others pointed out that until an acceptable truck route is established banning trucks from Summit Street it will only mean that such traffic will shift to other residential streets.

COUNCILOR DONALD R. SLIPP said that former councilors had made a commitment to the businesses of the industrial park to provide access and egress to the park from the north and that the best way to do that "is the proposal the

Turn to Back Page  
of this section

night that implicated the President of the United States," he said, rapping on the witness table to emphasize every word. Earlier, Kleindienst testified

# Talk Renewed On Taking Haverty Land

(Continued from Page One)

council turned down three years ago."

That proposal was to take a portion of the 35 acres of land off Washington Avenue, owned by Haverty, and build a truck route.

Haverty has developed a portion of that land as a major league size baseball field and general recreation area.

The section of his land proposed for the road, though, would go through a treed section of the land and not interfere with the ballfield.

Haverty bitterly opposed the proposal three years ago and is expected to do so again.

HE SAID AT THAT time he would take the city to court if it attempted to take his land and would pull his auto dealership out of the city if that land taking effort was successful.

His success at getting the matter tabled last time around may not be repeated this time, though, if the council pushes the question.

There are three councilors sitting now who were not on the council in 1970 and they all gave some indications last night that they may be disposed to favor the truck route.

Councilor William B. Trough, one of the new councilors, said a vote on the matter now might produce different results.

Another new councilor, J. Donald MacWilliams, said "there's no reason now not to take it," alluding to the fact that Haverty recently disbanded his semi-pro baseball team for unspecified reasons.

The third councilor not on the council in 1970, Francis G. Connolly, also indicated he may be of a mind to favor the land taking for the truck route.

It looks like Portland may have a late summer rerun of a three-year-old drama. (By BRIAN ARSENAULT)

# No Lin Wi

WASHINGTON — President Richard G. Kennedy, a capable, open-minded man who enjoys a good relaxed chat with his friends.

But last night that a lot of trouble.

He was the United States' nacle of a lawyer and lawyer.

That Sunday's subordinate investigation of a break-in and, told learned.

In his submitted April 30, was told whom I had and, professed could be violative of United States law.

Kleindienst appear before the Watergate committee to tell what involvement associates.

None of the committee members Kleindienst has touched Mitchell, successor as former Attorney General C. Mardian knew where law in Philadelphia.

Like L. B. Nichols preceded him as witness at the subject



Dena Libner &lt;dlibner@portlandmaine.gov&gt;

## Public Comment - Order 135-22/23: Time for Honest Equity Analysis of North Deering Park Project

1 message

George Rheault &lt;george.rheault@gmail.com&gt;

Wed, Feb 22, 2023 at 11:31 AM

To: Public Comment <publiccomment@portlandmaine.gov>, Kate Snyder <ksnyder@portlandmaine.gov>, Pious Ali <pali@portlandmaine.gov>, April Fournier <afournier@portlandmaine.gov>, Roberto Rodríguez <rrodriguez@portlandmaine.gov>, Anna Trevorrow <atrevorrow@portlandmaine.gov>, Victoria Pelletier <vpelletier@portlandmaine.gov>, Regina Phillips <rphillips@portlandmaine.gov>, Andrew Zarro <Azarro@portlandmaine.gov>, Mark Dion <mdion@portlandmaine.gov>, Dena Libner <dlibner@portlandmaine.gov>, Danielle West-Chuhta <dwest@portlandmaine.gov>, Michael Goldman <mig@portlandmaine.gov>

With some fanfare, the City Council, to kick-off the new Council year, passed RESOLVE #5 at its December 5, 2022 inaugural meeting:

[RESOLUTION SUPPORTING JUSTICE, DIVERSITY, EQUITY, AND INCLUSION](#) (also attached)

[SOURCE: [Council Resolves as Passed | Portland, ME - Official Website \(portlandmaine.gov\)](#) NB: April Fournier was absent without explanation on December 5, 2022 but presumably she would have supported it along with her 8 council colleagues.]

The worry back in December was whether this resolve was an empty gesture devoid of actionable substance - easily forgotten and left by the wayside while the Council goes about its day-to-day business.

And the question remains today: was it effectively a mere feel-good measure that was never meant to actually disturb the status quo and be called upon when the City Council is making real decisions that may have negative consequences that would conflict with the lofty language of RESOLVE #5?

There is no better time to put TEETH in RESOLVE #5 by putting it to the test with respect to the proposed North Deering Park project.

On Monday evening, the project will reach another decision point at which time the City Council should examine deeply the equity and racial justice implications of this project's origins, purported rationale and short-term and long-term public commitments (including hundreds of thousands of public dollars) to see who the project truly benefits versus the public relations spin that its proponents have cleverly enveloped it in.

To date, the City Council has only superficially reviewed this whole saga, deferring almost completely to an all-white Land Bank Commission comprised almost exclusively of affluent white homeowners (making things worse - several Land Bank members are also deeply invested professionally in the many tentacles of Maine's land conservation industry (yes, it is an industry)).

Because a Council meeting is a very poor forum for getting into the details of any agenda item, especially a somewhat complex land transaction with multiple funding sources, I request that the City Council set up a special ad hoc committee of its members. This ad hoc committee would at a minimum hold a public meeting, BROADLY solicit public comment and information and ensure all sides are given a fair forum to drill down on the project's details including its headline benefits. Since time is of the essence, this should occur by mid-April.

We need real equity accounting here before the City Council proceeds to a final decision and allows this real estate deal to proceed to completion. Will the City Council use its power and privilege to see that this is done or look the other way? If the Council is confident of what it is doing, why would it be afraid of subjecting it to extra scrutiny?



**Resolve 5 (22-23) RESOLUTION SUPPORTING JUSTICE, DIVERSITY, EQUITY, AND INCLUSION.pdf**

399K



KATE SNYDER (MAYOR)  
PIOUS ALI (A/L)  
APRIL D. FOURNIER(A/L)  
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND  
IN THE CITY COUNCIL**

ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
REGINA L. PHILLIPS (3)  
ANDREW ZARRO (4)  
MARK DION (5)

**RESOLUTION SUPPORTING JUSTICE, DIVERSITY, EQUITY, AND INCLUSION**

**WHEREAS**, the mission of the City of Portland is to maintain a community where all people can live, work, and play in an environment that is safe, just, and vibrant; and

**WHEREAS**, we recognize and uphold the inherent dignity of and right for all to equitable access, opportunity, and participation; and

**WHEREAS**, we reaffirm Portland's commitment to building an inclusive environment that values the diversity of cultures and backgrounds; and

**WHEREAS**, we strive to ensure that every person living and working in our community is treated with fairness, and has access to equitable services and opportunities; and

**WHEREAS**, as it is our duty to confront systemic racism, discrimination, and inequities that have been created and sustained over time, the Council has taken and will continue to take meaningful action in support of justice, diversity, equity, and inclusion in order to dismantle these barriers; and

**WHEREAS**, in acknowledgment of the brutal consequences of systemic discrimination, namely that opportunities for employment, housing, health care, safety, wealth, and education are denied or diminished, the Council created the Racial Equity Steering Committee on July 13, 2020 to enable the examination of City systems, policies, and procedures and make recommendations to address and respond to systemic racism; and

**WHEREAS**, the Council has strongly advocated for and anticipates the hiring of a Justice, Diversity, Equity, and Inclusion Director to assist in a coordinated response to systemic racism and discrimination by leading the city's very first Office of Justice, Diversity, Equity and Inclusion;

**NOW, THEREFORE, BE IT RESOLVED**, that while developing its annual goals, the City Council shall emphasize issues of justice, diversity, equity, and inclusion in policy development, seeking opportunities to create a safer, more welcoming, and more equitable community for all; and

**BE IT FURTHER RESOLVED**, that the Council will explore the creation of a committee dedicated to the development of policies that promote justice, diversity, equity, and inclusion in the City of Portland, while also pursuing the recommendations from the Racial Equity Steering Committee, further advancing these values that are critical to the success of our City.



Dena Libner &lt;dlibner@portlandmaine.gov&gt;

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**Public Comment - Order 135-22/23: Why Not Make a Park Here?**

1 message

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**George Rheault** <george.rheault@gmail.com>

Sun, Feb 26, 2023 at 11:30 AM

To: Public Comment <publiccomment@portlandmaine.gov>, Kate Snyder <ksnyder@portlandmaine.gov>, Pious Ali <pali@portlandmaine.gov>, April Fournier <afournier@portlandmaine.gov>, Roberto Rodríguez <rrodriguez@portlandmaine.gov>, Anna Trevorow <atrevorrow@portlandmaine.gov>, Victoria Pelletier <vpelletier@portlandmaine.gov>, Regina Phillips <rphillips@portlandmaine.gov>, Andrew Zarro <Azarro@portlandmaine.gov>, Mark Dion <mdion@portlandmaine.gov>, Danielle West-Chuhta <dwest@portlandmaine.gov>, Dena Libner <dlibner@portlandmaine.gov>, Michael Goldman <mig@portlandmaine.gov>

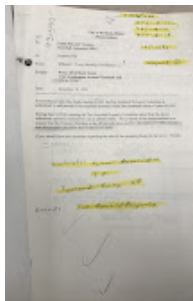
In 1996, the City of Portland acquired a 10+ acre parcel via tax foreclosure and set it aside for use as athletic fields. See attached for the official memo which can be found in the Tax Assessor's Office.

You can view it here: [City-Owned Land in Portland \(arcgis.com\)](https://arcgis.com)

It directly abuts the North Deering Gardens apartment complex which was built in 1972.

The residents of this rental complex are supposedly the beneficiaries of the proposed North Deering Park even though that park is quite a distance from them.

An additional parcel that would allow direct access off Washington Avenue is currently available for sale: [1651 Washington Ave, Portland, ME 04103](#) | [MLS# 1549501](#) | [Redfin](#)



**City-Owned Parcel Reserved for Athletic Fields - North Deering.JPG**  
1476K



40  
931390

Melp up  
12842/401  
372-A-11  
383-A-11  
373-A-14

City of Portland, Maine  
Memorandum

To: Linda McLeod, Treasury  
Don Hall, Assessors Office

cc: Property File

From: William C. Tracy, Housing Coordinator ucl

Subject: Write off of Back Taxes:  
1743 Washington Avenue, Portland, ME  
372-A-11-24

12/10/96

464,045 17

Date: December 10, 1996

.....

In accordance with City Code, Section 2-302, the Tax Acquired Property Committee is authorized to sell parcels of tax acquired property which have assessed values of under \$5,000.

During their 12/5/96 meeting the Tax Acquired Property Committee asked that the above referenced parcel be retained for use as athletic fields. The purpose of this memorandum is to request that the Treasury Division write off the back taxes and for the Assessor's Office to note that the property should be held in the City's name.

If you should have any questions regarding the sale of the property please let me know. Thanks.

W 0896097.

Washington Avenue Associates

TO

Portland City of

Remarks: Tax Acquired Property

✓

✓

✓





Dena Libner &lt;dlibner@portlandmaine.gov&gt;

## Public Comment - Order 135-22/23: Where is the long-term maintenance plan for the proposed North Deering Park?

2 messages

**George Rheault** <george.rheault@gmail.com>

Sun, Feb 26, 2023 at 9:18 AM

To: Public Comment <publiccomment@portlandmaine.gov>, Kate Snyder <ksnyder@portlandmaine.gov>, Pious Ali <pali@portlandmaine.gov>, April Fournier <afournier@portlandmaine.gov>, Roberto Rodríguez <rrodriguez@portlandmaine.gov>, Anna Trevorrow <atrevorrow@portlandmaine.gov>, Victoria Pelletier <vpelletier@portlandmaine.gov>, Regina Phillips <rphillips@portlandmaine.gov>, Andrew Zarro <Azarro@portlandmaine.gov>, Mark Dion <mdion@portlandmaine.gov>, Danielle West-Chuhta <dwest@portlandmaine.gov>, Michael Goldman <mig@portlandmaine.gov>, Dena Libner <dlibner@portlandmaine.gov>

How much capital investment liability is the City of Portland taking on as part of this project?

It took roughly \$1,000,000 to fix the drainage problems at the Lyseth-Lyman Moore ballfields and that was pre-COVID (see attached CIP project detail). How much will it cost to repair the drainage problems at the Haverly Park ballfield?

How much will it cost to demolish and remove the dilapidated garage tucked into the corner of the proposed parkland? (see attached photo and preliminary survey).

How much will it cost to maintain the dam that creates the man-made pond on the property? (see attached photos)

How much will it cost to maintain the concrete bridge that allows access between Haverly Way and the ballfield? (see attached photos)

### 6 attachments



**Haverly Field - Abandoned Garage Building.JPG**  
3808K



**Concrete Bridge to Haverly Way.JPG**  
4088K



**Deteriorating Dam for Haverly Way Pond.JPG**  
4337K



**Concrete Bridge Connecting Haverty Way to ballfield.JPG**  
4959K



**Preliminary Survey - Abandoned Garage Building.pdf**  
5860K



**FY2018 CIP Project - Lyman Moore - Lyseth - Athletic Fields - Drainage + Renovation.pdf**  
462K

**Danielle West** <dwest@portlandmaine.gov>

Sun, Feb 26, 2023 at 1:09 PM

To: Dena Libner <dlibner@portlandmaine.gov>, Ethan Hipple <EHIPPLE@portlandmaine.gov>

[Quoted text hidden]

--

Danielle P. West  
Interim City Manager  
[City of Portland](#)  
[389 Congress Street](#)  
Portland, Maine 04101  
(207) 874.8689  
[dwest@portlandmaine.gov](mailto:dwest@portlandmaine.gov)



city  
manager's  
office

#### 6 attachments



**Haverity Field - Abandoned Garage Building.JPG**  
3808K



**Concrete Bridge to Haverty Way.JPG**  
4088K



**Deteriorating Dam for Haverty Way Pond.JPG**  
4337K



**Concrete Bridge Connecting Haverty Way to ballfield.JPG**  
4959K



**Preliminary Survey - Abandoned Garage Building.pdf**  
5860K



**FY2018 CIP Project - Lyman Moore - Lyseth - Athletic Fields - Drainage + Renovation.pdf**  
462K









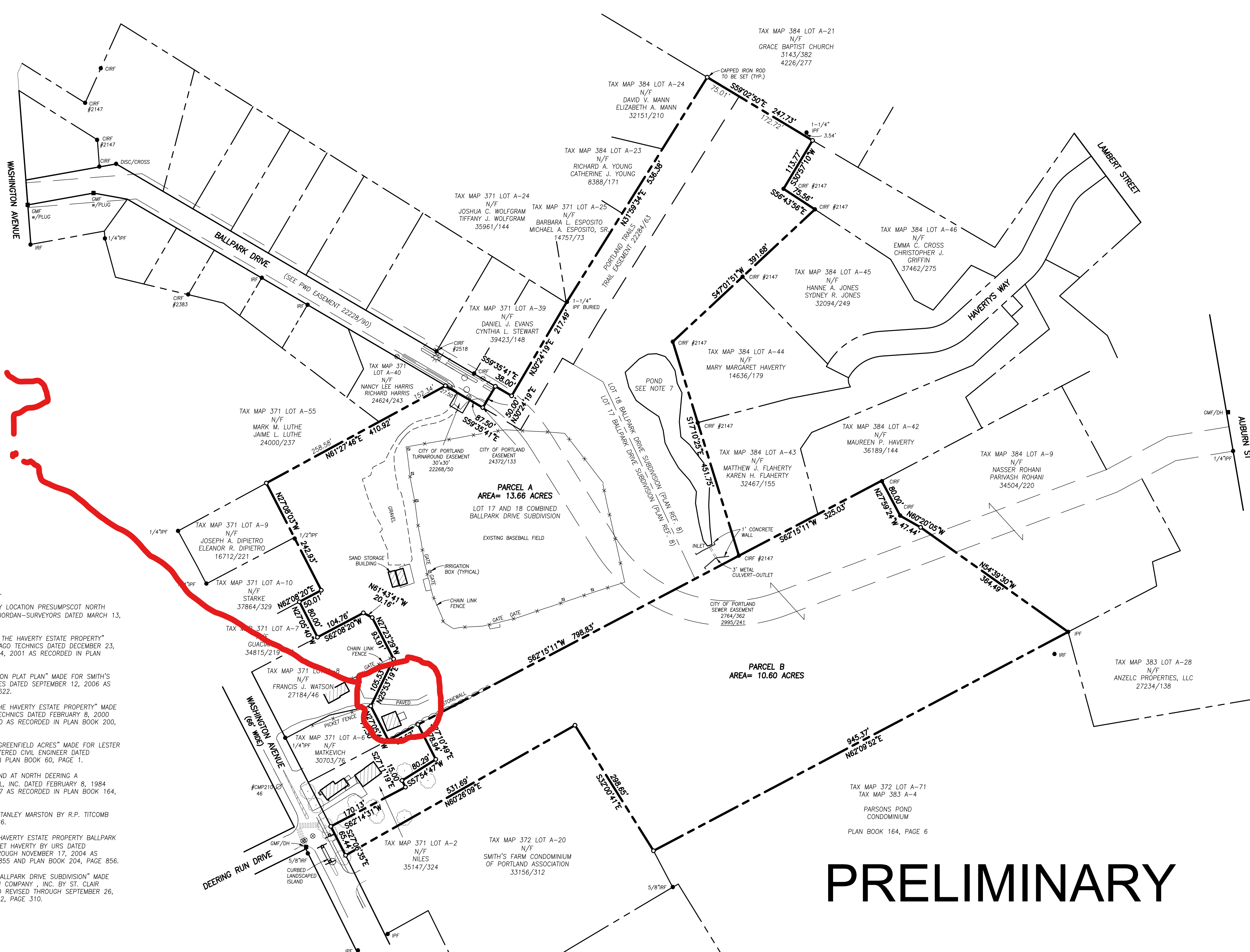
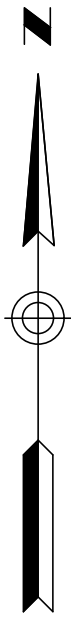






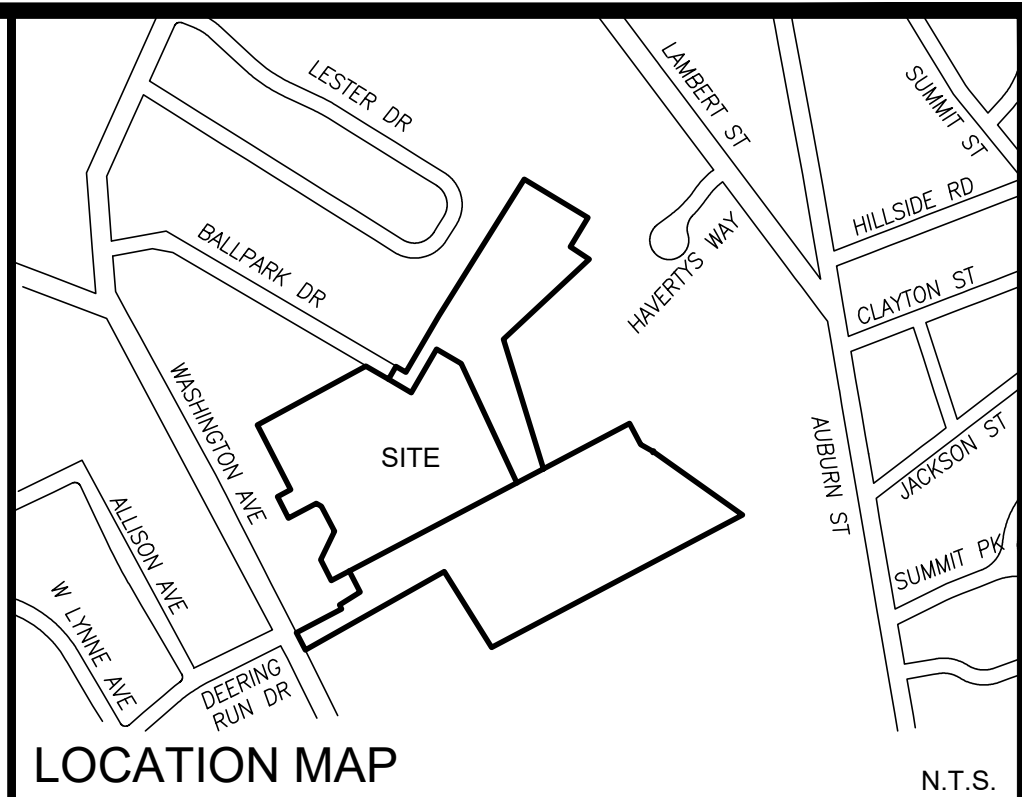
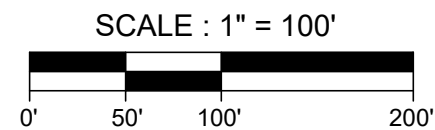






PLAN REFERENCES

1. "PLAN OF PROPERTY RIGHT OF WAY LOCATION PRESUMPCOT NORTH FORCE MAIN" MADE BY H. I. & E. C. JORDAN-SURVEYORS DATED MARCH 13, 1963.
2. "STANDARD BOUNDARY SURVEY OF THE HAVERTY ESTATE PROPERTY" MADE FOR MARGARET HAVERTY BY SEBAGO TECHNICS DATED DECEMBER 23, 1999, REVISED THROUGH SEPTEMBER 14, 2001 AS RECORDED IN PLAN BOOK 203, PAGE 558.
3. "SMITH'S FARM AMENDED SUBDIVISION PLAT PLAN" MADE FOR SMITH'S FARM, L.L.C. BY MITCHELL & ASSOCIATES DATED SEPTEMBER 12, 2006 AS RECORDED IN PLAN BOOK 206, PAGE 622.
4. "PLAN OF DIVISION OF LAND OF THE HAVERTY ESTATE PROPERTY" MADE FOR MARGARET HAVERTY BY SEBAGO TECHNICS DATED FEBRUARY 8, 2000 AND REVISED THROUGH APRIL 19, 2000 AS RECORDED IN PLAN BOOK 200, PAGE 187.
5. "PLAN OF PROPERTY LOCATED IN GREENFIELD ACRES" MADE FOR LESTER E. MARSTON BY CARL E. EMERY REGISTERED CIVIL ENGINEER DATED SEPTEMBER 22, 1961 AS RECORDED IN PLAN BOOK 60, PAGE 1.
6. "PLAN OF LAND FOR PARSONS POND AT NORTH DEERING A CONDOMINIUM" MADE BY OWEN HASKELL, INC. DATED FEBRUARY 8, 1984 AND REVISED THROUGH MARCH 6, 1987 AS RECORDED IN PLAN BOOK 164, PAGE 6.
7. "PLAN OF PROPERTY" MADE FOR STANLEY MARSTON BY R.P. TITCOMB ASSOCIATES, INC. DATED JUNE 30, 1986.
8. "PLAN OF DIVISION OF LAND THE HAVERTY ESTATE PROPERTY BALLPARK DRIVE SUBDIVISION" MADE FOR MARGARET HAVERTY BY URS DATED NOVEMBER 22, 2004 AND REVISED THROUGH NOVEMBER 17, 2004 AS RECORDED IN PLAN BOOK 204, PAGE 855 AND PLAN BOOK 204, PAGE 856.
9. "AMENDED SUBDIVISION PLAN OF BALLPARK DRIVE SUBDIVISION" MADE FOR RISBARA BROTHERS CONSTRUCTION COMPANY, INC. BY ST. CLAIR ASSOCIATES DATED JULY 31, 2012 AND REVISED THROUGH SEPTEMBER 26, 2012 AS RECORDED IN PLAN BOOK 212, PAGE 310.



| LEGEND |                           |
|--------|---------------------------|
| ●      | IRON PIPE OR ROD FOUND    |
| ■      | MONUMENT FOUND            |
| ○      | CAPPED IRON ROD TO BE SET |
| ○      | UTILITY POLE              |
| ○      | MANHOLE                   |
| ⊗      | ELECTRIC METER            |
| ⊕      | SIGN                      |
| ⊗      | IRRIGATION CONTROL BOX    |
| ⊗      | HYDRANT                   |
| ⊗      | WATER VALVE OR SHUTOFF    |
| ⊗      | LIGHT POLE                |
| —X—X—  | FENCE                     |
| —O—O—  | STONEWALL                 |
| —      | CURB                      |
| —      | IF/IRF                    |
| —      | IRON PIPE/ROD FOUND       |
| —      | N/F                       |
| —      | NOW OR FORMERLY           |
| —      | 000/000                   |
| —      | DEED BOOK / PAGE          |
| —      | GMF/DH                    |
| —      | GRANITE MONUMENT FD.      |
| —      | W/DRILL HOLE              |

- GENERAL NOTES
1. OWNER OF RECORD: PARCEL A HAVERTY PARK, LLC 67 HAVERTYS WAY, PORTLAND, MAINE TAX MAP 371 LOTS A 4,48 C.C.R.D. BOOK 23549 PAGE 329 BOOK 31969 PAGE 320  
PARCEL B DANIEL W. ANDERSON, JULIE A. ANDERSON 112 PARSONS ROAD, PORTLAND, MAINE TAX MAPS 371 LOTS A 4,20,21 372 A 1 383 A 10 384 A 10,23 C.C.R.D. BOOK 15762 PAGE 20
  2. BEARINGS ARE BASED ON MAINE STATE COORDINATE SYSTEM, WEST ZONE, NAD83 AS DERIVED FROM GPS OBSERVATIONS.
  3. LOT 18 BALLPARK DRIVE SUBDIVISION IS SUBJECT TO THE DECLARATION OF COVENANTS AND RESTRICTIONS SET FORTH IN BOOK 22268, PAGE 59 AND STANDARD EASEMENT DEED CONVEYED TO CENTRAL MAINE POWER COMPANY AND VERIZON NEW ENGLAND, INC. RECORDED IN BOOK 22384, PAGE 105.
  4. LOT 17 BALLPARK DRIVE SUBDIVISION BENEFITS FROM ACCESS AND UTILITY RIGHTS OVER BALLPARK DRIVE AS EXCEPTED AND RESERVED IN BOOK 22100, PAGE 73.
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CERTIFICATE

OWEN HASKELL, INC. HEREBY CERTIFIES THAT THIS PLAN IS BASED ON, AND THE RESULT OF, AN ON THE GROUND FIELD SURVEY AND THAT TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF, IT CONFORMS TO THE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CURRENT STANDARDS OF PRACTICE.

REX J. CROTEAU, PLS #2273

DATE

Boundary Survey  
At  
Washington Avenue, Portland, Maine  
Made for  
Trust for Public Land  
30 Danforth St., Suite 106 Portland, Maine

**OWEN HASKELL, INC.**  
PROFESSIONAL LAND SURVEYORS  
390 US ROUTE 1, UNIT 10, FALMOUTH, ME 04105 TEL. 207-774-0424

|                   |                       |                    |
|-------------------|-----------------------|--------------------|
| DRAWN BY: RJC/JLW | DATE: AUGUST 19, 2022 | JOB NO. 2022-138 P |
| CHECKED BY: RRL   | SCALE: 1" = 100'      | DRWG. NO. 1        |

PRELIMINARY



**Project Title** ID 184142 **Request Year** 2018  
Lyman Moore Field Upgrades and Drainage



### Recreation and Facilities

**Division** Parks

**Classification** Parks, Fields, Trails

### **Project Description**

This project seeks to improve significant drainage issues at the popular Lyman Moore Athletic Fields. The project will also install irrigation to these highly used fields. CIP funds have been allotted in two prior funding periods. This final installment will allow the City to complete this project, which is being planned in conjunction with significant site, traffic and parking improvements at the school complex.

### **Project Justification**

Current drainage conditions cause significant ponding on the fields during even moderate rain events. This causes the fields to be unplayable for days or even weeks afterwards. J drains will be installed to channel water from the fields and into improved stormwater pond.

The fields have no irrigation, so staff struggle to maintain a playable surface during dry periods. Heavy use on un-irrigated fields causes damage to the turf, which is difficult to repair. Adding irrigation to the fields increases turf health, which allows for decrease of fertilizers and elimination of pesticides.

Improvements will also be made to infield playing surfaces.

### **5 Year Cost Summary**

| <u>Planning</u> | <u>Land</u> | <u>Construction</u> | <u>Equipment</u> | <u>Est Total Cost</u> |
|-----------------|-------------|---------------------|------------------|-----------------------|
|                 |             | \$450,000           |                  | \$450,000             |

### **Funding Source**

| <u>Year</u>  | <u>Other Funding</u> | <u>Requested Funding</u> | <u>City Mgr Recommended</u> | <u>Funding Type</u> | <u>Approved</u>                     |
|--------------|----------------------|--------------------------|-----------------------------|---------------------|-------------------------------------|
| 2018         |                      | \$450,000                | \$450,000                   |                     | <input checked="" type="checkbox"/> |
| 2019         |                      |                          |                             |                     | <input type="checkbox"/>            |
| 2020         |                      |                          |                             |                     | <input type="checkbox"/>            |
| 2021         |                      |                          |                             |                     | <input type="checkbox"/>            |
| 2022         |                      |                          |                             |                     | <input type="checkbox"/>            |
| <b>Total</b> |                      | \$450,000                | \$450,000                   |                     |                                     |

### **Other Funding Source Description**

### **Operating Budget Impact**

The city currently has \$445,000 earmarked for this project, held between two existing CIP accounts: C16R05 and C17R01. The additional funding of \$450,000 will allow us to implement and complete this project.



**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** January 18, 2023

**SUBJECT:** Order 141-22/23 Approving the Memorandum of Understanding for Mutual Aid with the City of Westbrook - Sponsored by Danielle P. West, Interim City Manager

**SPONSOR:** City Manager

**(If sponsored by a Council committee, include the date the committee met and the results of the vote.)**

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final  
Action**

**Can action be taken at a later date: No** If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

**Does this item involve a new contract with the City: The MOU has been reviewed and approved by the Office of Corporation Counsel.**

**PRESENTATION:** Please list the presenter(s), type, and length of presentation

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

This order approves a Memorandum of Understanding (MOU) with the City of Westbrook is to formalize a collective mutual aid agreement and clearly illustrate the procedures both cities will follow upon requests received for mutual aid assistance between the City of Portland and the City of Westbrook. In addition to the clear illustration of process and procedure, the agreement has the added benefit of supporting increased levels of legal immunity when providing mutual aid outside the confines of each municipality's geographic boundaries.

Five affirmative votes are required for passage after public comment.

**III. BACKGROUND**

The genesis for Westbrook requesting formalization of the mutual aid operation through an MOU stems from their interest in pursuing accreditation with the CPSE, the Center for Public Safety Excellence. Formalizing agreements such as this is part of this process. Generally speaking, mutual aid is allowed under Maine State Statute without agreements like this MOU. This agreement clearly states process and procedure clearly for all to understand. Of note, there is no substantive change to how the Portland Fire Department operates when giving or receiving mutual aid at larger scale events.

Westbrook Fire Chief Steve Sloan indicated through this process that there are positive implications to legal immunity if issues were to arise when operating out of jurisdiction when providing mutual aid. An agreement such as this supports legal immunity for the mutual aid provider and retains legal responsibility within the home jurisdiction. In effect, an agreement such as this MOU supports the Portland Fire Department being less likely to be named as a party to legal proceedings revolving around an incident that occurs in Westbrook in which the Portland Fire Department was providing aid.

The Portland Fire Department sees no issue with this agreement moving forward with the primary reason



underlying being that the Portland Fire Department is effectively already operating according to its terms, and the MOU is simply formalization of Portland Westbrook fire departments' collective operations.

#### **IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

Interlocal cooperation and mutual aid.

#### **V. FINANCIAL IMPACT**

No impact.

#### **VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis that will not appear in the Agenda Description.

#### **VII. RECOMMENDATION**

#### **VIII. LIST ATTACHMENTS**

1. Approving a MOU with Westbrook for Mutual Aid 2.27.2023
2. Amendment to Order 141-FY23 Indemnity in MOU with Westbrook for Mutual Aid 2.27.2023
3. Mutual Aid Agreement Requested by Westbrook 9.2022

Prepared by:

Date: 01/18/2023



KATE SNYDER (MAYOR)  
APRIL D. FOURNIER(A/L)  
PIOUS ALI (A/L)  
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
REGINA L. PHILLIPS (3)  
ANDREW ZARRO (4)  
MARK DION (5)

**ORDER APPROVING MEMORANDUM OF UNDERSTANDING WITH  
THE CITY OF WESTBROOK FOR MUTUAL AID**

**ORDERED**, that a Memorandum of Understanding with the City of Westbrook for Mutual Aid is hereby approved in substantially the form attached hereto; and

**BE IT FURTHER ORDERED**, that the City Manager or designee is authorized to sign Memorandum of Understanding with the City of Westbrook for Mutual Aid on behalf of the City.



**AMENDMENT TO ORDER 141-22/23  
PREPARED BY CORPORATION COUNSEL  
FOR MAYOR KATE SNYDER  
RE: INDEMNITY**

**ORDERED**, that a Memorandum of Understanding with the City of Westbrook for Mutual Aid is hereby approved in substantially the form attached hereto; and

**BE IT FURTHER ORDERED**, that the City Manager or designee is authorized to sign Memorandum of Understanding with the City of Westbrook for Mutual Aid on behalf of the City.

**MEMORANDUM OF UNDERSTANDING BETWEEN  
CITY OF WESTBROOK  
AND  
CITY OF PORTLAND**

...  
9.

Subject to the limitations and immunities provided in the Maine Tort Claims Act, other Maine statutory law, judicial precedent, common law, or other defenses, immunities or limitations of liability available to the parties, each party (such party providing indemnification, the "Indemnifying Party") Westbrook and Portland agrees to be responsible for their own personnel and equipment and agrees to indemnify, protect, and save-hold harmless each-the other, in-the absence of the other's negligence or misconduct, from any and all claims, demands, and liability for loss, damage, injury, or any other casualty to their own personnel and/or equipment to the extent caused by the Indemnifying Party's negligence.

...





**Angela Holmes**  
Asst. City Administrator/City Clerk  
2 York Street  
Westbrook, Maine 04092  
Phone: 207-591-8131  
Fax: 207-854-0635

September 14, 2022

Dear Municipal Staff,

The City of Westbrook Fire & Rescue Department is seeking to update its records prior to an upcoming EMS relicensure, and as part of this process desires to have updated mutual aid agreements on file. This is a request to renew a Memoranda of Understanding (MOU), which would also authorize the automatic annual renewal of the mutual aid agreement subject to the conditions outlined in the attached exhibit. This MOU was adopted by the City of Westbrook during the September 12, 2022 Westbrook City Council Meeting.

Enclosed in this packet are two (2) copies of the MOU for you to sign. One is for your municipality to retain on file, the second is to be returned to the City of Westbrook. Once approved and signed, please direct your correspondence to Ellis Ledoux, 2 York Street, Westbrook, ME 04092 or by email at [eledoux@westbrook.me.us](mailto:eledoux@westbrook.me.us).

Sincerely,

Ellis Ledoux  
Executive Assistant  
City of Westbrook



**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
CITY OF WESTBROOK  
AND  
CITY OF PORTLAND**

PORTLAND  
COPY

**WHEREAS**, the City of Westbrook is a municipality under the laws of the State of Maine with a principal location at 2 York Street, Westbrook, Maine 04092 (“Westbrook”);

**WHEREAS**, the City of Portland is a municipality under the laws of the State of Maine with a principal location at 389 Congress Street, Portland, Maine 04101 (“Portland”);

**WHEREAS**, the purpose of this Memorandum of Understanding (“MOU”) is to address mutual fire aid between Westbrook and Portland.

**NOW THEREFORE**, Westbrook and Portland hereby agree as follows:

1. **Definitions:**

Emergency – Any incident, human-caused or natural, that requires responsive action to protect life, property or environment.

Emergency Response – Activities that address the short-term, direct effects of an incident of emergency. Response includes immediate actions to save lives, protect property, and meet basic human needs. Response also includes the execution of emergency operations plans and of mitigation activities designed to limit loss of life, personnel injury, property damage and other unfavorable outcomes.

Emergency Response Equipment – Emergency response organization’s vehicles, tools and supplies as well as municipal vehicles and equipment which may be used in an emergency response.



Emergency Response Organization – Any organization approved by a state, county or local governmental organization to provide emergency response.

Emergency Response Personnel – Persons who are members in good standing of an emergency response organization, and who are trained and certified to provide specified emergency services, or who are under the supervision of a trained and certified person.

Fire Department – An emergency response organization with the responsibility of the protection of LIFE (First Priority), the preservation of PROPERTY (Second Priority) and the ENVIRONMENT (Third Priority).

Incident Command System – A standard, on-scene, all hazards incident management system already in use by firefighters, law enforcement, hazardous material teams, rescuers and emergency medical teams. The ICS has been established by the NIMS (as defined below) as the standardized incident organizational structure for the management of all incidents.

Mutual Aid Emergency – Any emergency which is beyond the capabilities of the local emergency response organizations to resolve, or which by normal protocol requires the assistance of emergency response organizations based outside the city, municipality or locale in which the emergency occurs.

National Incident Management System (NIMS) – A comprehensive national approach to incident management utilizing best practices that have been developed over the years.



Unified Command – A command structure in which the ranking members from multiple emergency response organizations and/or jurisdictions jointly determine objectives, plans and priorities, and then work together to execute them.

2. On an annual basis (prior to June 30th of each year) the Fire Chiefs of Portland and Westbrook will review the terms of this MOU and report in writing to each other regarding any recommended revisions, changes, additions or deletions to said terms.
3. The Portland and Westbrook Fire Departments shall assist each other as necessary in times of emergency, or in times of disaster by sending equipment and emergency response personnel at request, or by holding equipment or emergency response personnel in a standby status at request, to the extent that, in the opinion of the sending Fire Chief, Fire Chief's designee, or person in charge, such equipment or personnel can be spared when a call for assistance is received.
4. Any request for assistance shall be made by the incident commander at the scene of an emergency or by the dispatch centers based on the location of the incident.
5. Command at an incident shall be structured in accordance with the Incident Command System (ICS) of the National Incident Management System (NIMS), and that if the emergency/disaster is multi-jurisdictional, a Unified Command will be employed when practical.
6. When any personnel or equipment are sent under the terms of this agreement, the ranking officer of the requested organization shall report to the requesting organization's incident commander. Emergency responders will respond with full turnout gear and personal protective equipment consistent with accepted practices of their respective disciplines. Orders by the incident commander will be given to



the visiting ranking officer, his/her designee or person in charge who will then give orders to his/her personnel and then remain in communication with the incident commander. The visiting personnel may be under the direct control of an officer of the requesting organization. The visiting ranking officer, his/her designee or person in charge shall have the right and responsibility to ensure that visiting personnel are asked to perform only those tasks or operations that are consistent with their training, and in accordance with their home protocols and accepted safe practices. Such personnel shall remain under the control of Command until the organization requesting assistance releases said personnel and equipment, or until said personnel and equipment are recalled by the organization providing assistance. Such personnel and equipment shall be released as soon as is reasonably possible and returned to the sending organization.

7. Assisting emergency response organizations under this MOU shall operate in accordance with their home district protocols and/or guidelines, and each emergency response person will operate according to the protocols and/or guidelines of his/her own organization, and within the scope of his/her own training and certification, or under the supervision of a person with the appropriate training and certification. In no event shall visiting personnel be required to perform in a way inconsistent with their home protocols and/or guidelines, or inconsistent with accepted safe practices.
8. It is further agreed that there will be no compensation for providing any mutual aid described in this MOU, unless other contractual agreements for services exist and/or become established; however, where a party or parties responsible for



causing the emergency are liable for coverage of expenses, coverage of such expenses may be pursued from such parties. It is further agreed that during prolonged operations emergency response organizations receiving assistance may provide assisting organizations with fuel and lubricants or reimbursement for said items.

9. Subject to the limitations and immunities provided in the Maine Tort Claims Act, Westbrook and Portland agree to be responsible for their own personnel and equipment and agree to indemnify, protect, and save harmless each other, in the absence of the other's negligence or misconduct, from any and all claims, demands, and liability for loss, damage, injury, or any other casualty to their own personnel and/or equipment.
10. Westbrook and Portland may terminate their participation under this MOU in their discretion and for their convenience upon no less than three (3) months' prior written notice to the other municipality;
11. This MOU constitutes the entire agreement between Westbrook and Portland with regard to the mutual aid described herein. If any clause, section or provision is held to be invalid or unenforceable, that shall not affect the entire agreement and the parties agree to meet and negotiate a new clause, section or provision. Amendments to this MOU shall be in writing and executed by both Westbrook and Portland. Westbrook and Portland each represent that they have the authority to enter into this memorandum of understanding and that it is being executed by its duly authorized representatives. This MOU shall be governed solely by the laws of the State of Maine.



Seen and Agreed to this \_\_\_\_ day of \_\_\_\_\_, 2022.

**WITNESS**

\_\_\_\_\_

**CITY OF PORTLAND**

\_\_\_\_\_  
Danielle West, City Manager



**WITNESS**

*Chad Ledup*  
\_\_\_\_\_

**CITY OF WESTBROOK**

*Jerre Bryant*  
\_\_\_\_\_  
Jerre Bryant, City Administrator

*[Signature]*



**MEMORANDUM**  
**City Council Agenda Item**

**FROM:** Tom Nickerson, Senior Executive Assistant  
**DATE:** January 24, 2023  
**SUBJECT:** Order 142-22/23 Accepting the 2022 Annual Land Bank Report - Sponsored by Danielle P. West, Interim City Manager  
**SPONSOR:** Interim City Manager, Danielle West  
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading 2/27/2023**

**Final Action**

**Can action be taken at a later date: No This requires no votes.**

**Does this item involve a new contract with the City: No new contracts are part of this.**

**PRESENTATION:** Land Bank Chair Pat Bailey will be present at the meeting

**I. SUMMARY**

The Portland Land Bank Commission is required by City Ordinance to submit an annual report that details the commission's activity over the past year, its yearly budget, and a registry of conservation properties.

Five affirmative votes are required for passage after public comment.

**II. AGENDA DESCRIPTION**

The Portland Land Bank Commission is required by City Ordinance to submit an annual report that details the commission's activity over the past year, its yearly budget, and a registry of conservation properties.

Five affirmative votes are required for passage after public comment.

**III. BACKGROUND**

Please review the report.

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

To update the City Council on the Commission's activities over the past 12 months.

**V. FINANCIAL IMPACT**

None.

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff finds the report is factual and the report is in order.

**VII. RECOMMENDATION**

Staff recommends acceptance by the City Council.

**VIII. LIST ATTACHMENTS**

1. Accepting the 2022 Land Bank Commission Annual Report 2.27.2023
2. Portland Land Bank Report 2022 PROPOSED FINAL
3. LBC City Council Presentation (2-27-2023)

Prepared by:

Tom Nickerson, Senior Executive Assistant



Date: 01/24/2023



KATE SNYDER (MAYOR)  
APRIL D. FOURNIER(A/L)  
PIOUS ALI (A/L)  
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
REGINA L. PHILLIPS (3)  
ANDREW ZARRO (4)  
MARK DION (5)

**ORDER ACCEPTING THE 2022 LAND BANK COMMISSION ANNUAL REPORT**

**ORDERED**, that the 2022 Land Bank Commission Annual Report is hereby approved and accepted.



# **Portland Land Bank Commission 2022 Annual Report**



## **December 2022**

### **Acknowledgment**

The Land Bank Commission is pleased to present its annual report to the City Manager and City Council whose collective wisdom and vision recognized a “need to balance development within the municipality with conservation of open space important for wildlife, ecological, environmental, scenic or outdoor recreation values” by creating an entity to ensure conservation and preservation of limited open space.

The Commission offers special thanks and appreciation to Michael Goldman, Ethan Hipple, Alex Marshall, Doug Roncarati, Thom Nickerson, and all staff whose hard work supports the Commission’s efforts.

### **Overview**

Under The City of Portland, Maine Code of Ordinances, Article III-A, the Land Bank Commission is charged with the responsibility of submitting an annual report to the City Manager and making recommendations for preserving open space to the City Council. This annual report provides a summary of the work the Commission completed in the last year. The Land Bank Commission receives funding to assist with achieving the goals of the Commission and to acquire property for open space conservation purposes. One half of 1% of the City’s annual Capital Improvement Budget is set aside for the acquisition of property recommended to the City Council for Land Bank status and for remedial work on existing Land



Bank holdings. The Commission has other methods to acquire or protect open space property which include personal property donations, direct purchases, easements, land trades, grants, and developer agreements.

**Commission Members (2022):**

Pat Bailey, Chair, At Large  
Simon Rucker, Secretary, District 1  
Baxter Miatke, Treasurer, District 3  
Jon Kachmar, At Large  
Jennifer Fox, At Large  
Jayne Foley, District 4  
Dan Herzlinger, District 4  
Robert Foster, District 4  
Brian Wasser, District 1  
Anna Trevorow (City Council Representative)

**Non Voting Members**

Kara Wooldrik, Portland Trails Representative  
Maine Audubon Society Representative (vacant)

**Staff Support:**

Tom Jewell, Outside Counsel, Jewell & Bulger, P.A.  
Michael Goldman, Associate Corporation Counsel  
Ethan Hipple, Director, Parks, Recreation and Facilities Department  
Alex Marshall, Parks Director, Parks, Recreation and Facilities Department  
Thomas Nickerson, Sr. Executive Asst., Portland Parks, Recreation and Facilities Management  
Doug Roncarati, Stormwater Program Coordinator



## Introduction

This document, including the attached Exhibits, is the Annual Report and Updated Registry of Open Spaces as set forth in Section 2-42 (g), Article III-A of the City of Portland, Code of Ordinances created by the City Council in 1999 which established the Portland Land Bank Commission with the following stated purposes:

1. Act as an advocate for the acquisition and conservation of open space within the city;
2. Cooperate with other agencies and parties on wetlands mitigation projects;
3. Recommend on a priority basis the acquisition of various interests in real estate in order to effectuate the goal of this article;
4. Accept gifts and funds from both private and public sources and disburse such funds for the purposes hereunder;
5. Act as a liaison to other public and private nonprofit agencies involved in planning, acquiring, disposing, and managing land within the municipality; and
6. Recommend an annual budget to the city manager and city council to carry out its purpose.

City Code requires the Commission to annually file a report consisting of two parts: the Registry of Open Space and an operating budget.

The Registry of Open Space must list all open space of types in Code Section 2-43 (a), publicly or privately owned, located within the city or abutting the city as potential buffer areas, for the purpose of providing information pertinent to property utilization, protection, development, or use of such open space. The Registry must show all property interests then currently held by the city, including a description of the use of those interests and all acquisitions, improvements, or dispositions of all property interests held by the city at any time during each filing.

The types of land and interests specified in Section 2-43 (a) are the following:

- Ocean, harbor, river, stream, or pond frontage and adjoining back lands;
- Fresh or saltwater marshes, estuaries, flood plains and adjoining uplands;
- Islands;
- Land for future passive public outdoor recreational use, including hiking, trails, bicycle paths, green belts, and high elevations with a view;
- Aquifers, aquifer recharge areas, and other ecologically fragile or significant property;
- Properties with unique historical or geological characteristics or otherwise important to the community's cultural welfare;
- Woods or forest land;
- Farmland or wildlife habitat;
- Open spaces which help shape the settlement pattern of the community by promoting the neighborhood concept and discouraging sprawl;



- Vacant parcels of land, vacant buildings and properties or buildings and properties in significant disrepair which may be reclaimed for the purpose of establishing natural areas for conservation and open space land; or
- Conservation or trail easements and other similar interests in land.

A map of Land Bank Holdings is attached as Exhibit D. To view a full-sized map of Land Bank holdings click [here](#).

The Operating Budget for all expenses and projects of the Commission is required to be submitted to the City Manager and City Council by Code Section 2-41 (h) (9). That Section of the Code specifies that the budget “shall include a separate budget for expenditures from the Land Bank fund, which expenditures will be limited to the purposes for which the fund is dedicated.”

Compliant with the stated requirements in Code, the Land Bank Commission Annual Report for 2022 contains the Registry and operating budget for the calendar year 2023.

## **2022 Accomplishments**

- **Hale Parcel - Riverton Trolley Park Addition-** The Land Bank Commission (LBC), on February 9th 2022, voted to recommend to the City Council the City acquisition of the Hale Parcel at 834 Riverside Street to be added to the existing Riverton Trolley Park. The project closed in July 2022, adding a 0.9-acre addition to the park. The scorecard for 834 Riverside Street indicates that the property would contribute to healthy forest, wetlands, and climate mitigation benefits as it is forested with mature, native trees. The scorecard also indicates the property would contribute to protecting the aesthetics and historic values of Riverton Trolley Park. This parcel would become part of the larger Presumpscot River Preserve, and it would contribute towards sustainable land use as this area has been designated for significant open space associated with the Preserve. There was minimal fiscal impact to the City since the LBC covered the appraised value portion of the acquisition (\$27,000) and Allagash Brewing Company had agreed to cover the remaining portion of the acquisition (\$23,000) for a total of \$50,000 showing the LBC utilizing both private donors and the LBC budget.
- **North Deering Park (1831 Washington Avenue).** North Deering Park consists of approximately 24 acres of forested wetlands and a developed baseball diamond and parking area on several parcels between Washington and Auburn Avenues in North Deering. This is a cooperative project between the Land Bank Commission and the Trust for Public Land, who are also working to conserve the adjacent ballfield. In September 2021, the Commission voted to allocate \$80,000 of Land Bank funds towards the acquisition of the undeveloped open space related to this project, and continued its due diligence and coordination in 2022. In December 2022, the Portland City Council voted to approve the Land Bank’s \$80,000 allocation. The City of Portland, working with TPL,



received a \$400,000 grant from the Outdoor Recreation Legacy Program (ORLP), a federal program, for additional acquisition funding. A map and summary are attached as Exhibit G.

- **Redlon Woods.** Working in conjunction with the neighbors, Phase II of the Redlon Woods was acquired and put into the Land Bank with unanimous consent by City Council. The City Council has also approved the acquisition of Phase 1. The Land Bank Commission continues to work with the owners to obtain the necessary releases to acquire these parcels.
- **Potential Projects.** The Land Bank Commission works with landowners and community members to evaluate potential open space acquisitions for the City of Portland.
- **Trail improvements and maintenance.** The Land Bank Commission allocated a total of \$14,200 for a six-person field team for two weeks of trail maintenance at Riverton Trolley Park and \$6,385.85 for a three-person field team and materials for one week of trail maintenance and bridge construction at Presumpscot River Preserve.
- **New Land Bank Commissioner.** In 2022, the Land Bank Commission welcomed Brian Wasser. With the addition of three Commissioners in 2021, the Land Bank Commission now has all seats filled. Information about commissioners, including term dates and bios, can be found [here](#).
- **Encroachment License Review** - In March 2022, the LBC voted against a requested encroachment license on LBC property for 165 Sheridan, which would have allowed installation of soil nails in a subsurface encroachment on City of Portland property at Fort Sumner Park.

### **Program Budget and Project Initiatives for 2023**

Per Chapter 2 of the City Code, an annual appropriation of 0.5% of the total annual capital improvement program is to be deposited into the Land Bank Fund. The annual appropriation of 0.5% of the total CIP for 2018, 2019, 2020, 2021, and 2022 is shown on a separate line item in our budget as the bonding has not been authorized. For planning purposes the appropriated amount from these fiscal years is shown on a separate line item.

Land Bank Commission Budget which is attached as Exhibit E.

### **Land Bank Commission Project Initiatives 2023**

- *Continue work towards the acquisition of North Deering Park (see above).*



- *Complete the acquisition of parcels in Redlon Park.* The Land Bank Commission is currently working on acquiring additional parcels within Redlon Woods. Redlon Woods consists of several acres of open space surrounded by Brighton Avenue, Stevens Avenue, Capisic Street and Bancroft Street. The Land Bank Commission has been working on conservation of Redlon Woods since 2000 and it was one of the project examples that led to the formation of the Land Bank Commission. A map of the Redlon Woods project is attached as Exhibit E.
- *Continue acquisitions of parcels in Oatnuts Park.* There is the potential for the acquisition of additional lots for Oatnuts Park going into 2023.
- *Review and assess Tax Acquired Parcels Committee List.* The Land Bank Commission will annually review and assess the TAPC list for TAPC properties suitable for Land Bank protection and provide our recommendations to city staff.
- *Trail improvements, wayfinding and maintenance on Land Bank parcels.* Land Bank signage will be installed and trail maintenance will continue to be funded on Land Bank properties.
- *Hobart Street Boat Hand Carry.* This public access point in the Land Bank is located along the Stroudwater River just west of Thompson's Point. There is the potential to upgrade the access for boat access for the public to the water.
- *Coolidge and Davenport Lots.* This potential project would be allocated from the City-owned tax acquired properties to the Land Bank. Conserving these parcels will help the City to address the existing impacts of stormwater pollution caused by development in the watershed and prevent additional impairments from new development.
- *Reworking High Priority Parcel list and Scorecard format.* The Land Bank Commission continues to work towards improving project evaluation methods by updating the High Priority Parcel list to reflect changes in the landscape, and to update the scorecard evaluation tool to incorporate new data and technologies available to the Commission.
- *Green Space Gathering.* The Land Bank hopes to again work with the Parks Commission to assist with developing the agenda and logistics with the annual Green Space Gathering that focuses on open space advocates. The status of the gathering for 2023 is TBD.
- *Continue to field proposals to the Land Bank Commission from community members.* We receive requests from the public to consider parcels of land to be put into the Land Bank and these requests constitute several of the ongoing projects.



## **Exhibit A – Description of Current Land Bank Registry Existing Holdings (Open Space)**

E-1 Natick Street. This parcel is contiguous with the northern end of the Interurban Line parcel (HP- 19) which, like its counterpart, runs along the western side of the railroad line. The land provides a wooded buffer between the railroad line and adjacent residential development and includes a trail that is heavily used by local residents. A network of wetlands and a stream are also located on the property.

E-2 Pineloch Drive. Situated next to Oatnuts Park, this parcel follows a sewer right-of-way and brook, which are flanked on both sides by mixed woodlands. The Portland Water District conveyed this property to the City in 2001. The trail through Oatnuts Park emerges into the cleared right-of-way and follows it for several hundred feet before reentering the woods and continuing on towards the Presumpscot River Preserve.

E-3 City RPZ Land on Starbird Lane. This large parcel is located next to the Fore River Sanctuary, at the confluence of Capisic Brook and the Fore River, and consists of a mix of marshland, wet meadow, and woodland. It serves as valuable habitat for migratory waterfowl and other species of wildlife. Forming its southern border, the railroad line affords excellent views of the marsh.

E-4 City RPZ Land on Rand Road. This parcel, along with the Union Water-Power land (HCP-14) is located off Rand Road just to the west of the Fore River Sanctuary. The property is predominantly wooded, with the exception of the CMP right-of-way that runs the length of the parcel. It forms a significant drainage area with many hills and gullies collecting and guiding stormwater toward the Fore River. Consequently, numerous streams and wetlands are located throughout the parcel. The blend of softwoods and hardwoods, shrubs, and ground cover provide abundant habitat for wildlife, including deer. Together these parcels serve as an important wildlife corridor for the Fore River, even though it is bounded to the west by the Maine Turnpike. Several footpaths wind through the woods and along the right-of-way, connecting to Portland Trails' Fore River Sanctuary trail system. This includes a trail along the remains of the historic Cumberland and Oxford Canal.

E-5 Hobart Street Area. Situated off Hobart Street these parcels provide public access to and afford spectacular views of the Fore River. It also links with Portland Trails' Fore River Trail on the other side of Hobart Street. Portland Water District maintains a pump station and outfall at the site.

E-6 Pine Grove Park. Pine Grove Park, as the name implies, is an 8-acre parcel on Ray Street that is mostly covered with mature white pine. Several paths wind through the park bringing attention to interesting ledge outcrops.

E-7 Blueberry Road Parcel. Located along the Stroudwater River at the end of Blueberry Road, this one-acre parcel includes a section of the proposed Stroudwater River Corridor (HCP-15)



nearest the Maine Turnpike. This City-owned property provides direct access to the river and Stroudwater Trail. The Portland Water District has a pump station on part of the property. The land is currently afforded some protection by virtue of being in the Resource Open Space Zone (ROS) and the Shoreland Overlay Zone.

E-8 Conservation Area at Evergreen Cemetery. This area at the rear of Evergreen Cemetery just beyond the ponds is a pleasant and inviting refuge of undeveloped woodland, undulating ground and rock outcroppings in the city. It consists primarily of two landscapes. One is a high central area of exposed bedrock vegetated with small trees. The other is lower, more level and somewhat poorly drained woodland with larger trees and an open plain of ground. The tree cover is mixed deciduous and evergreen consisting largely of White and Red Oak species, White Pine and Hemlock, with some Birch and Red Maple. The area is approximately 30 acres in size. It contains a number of existing trails. This area, in conjunction with the rest of the cemetery, provides an excellent habitat for a variety of bird species. For this reason Evergreen Cemetery is a favorite spot for birding enthusiasts. In addition, joggers, walkers, cross-country skiers, and dog owners use the area.

E-9 City-Owned Parcels in Oatnuts Park. Oatnuts Park is an approximately 23-acre undeveloped wooded area located off of Summit Street in the North Deering neighborhood. Oatnuts Park is contiguous with the Presumpscot River Preserve. It includes a gated entrance on Summit Street and existing trails providing access to the Presumpscot River Preserve and to nearby residential streets.

E-10 Presumpscot River Preserve. The 48-acre Presumpscot River Preserve, located in the North Deering neighborhood, is one of the river's largest areas of undeveloped riparian land. It abuts land owned by Portland Trails, the Town of Falmouth and other private landowners who keep their land wild. The parcel is heavily wooded and many of the steep slopes that traverse the landscape are overgrown and difficult to access. The property includes over 3100 feet of river-frontage, providing direct access to the beauty and peacefulness of the river. The preserve is crossed by a cascading stream and several stream pools. It provides Portland residents with unequalled opportunities within the city for nature study, fishing, and picnicking. Further, with the removal of the Smelt Hill Dam in 2003, alewives have returned to the lower Presumpscot River for their annual migratory run. They draw a variety of other wildlife to the river including cormorants and osprey, which congregate at Presumpscot Falls looking for an easy meal. The City is cooperatively managing the preserve in conjunction with Portland Trails. There are several wonderful trails that provide direct access to the river within the preserve and beyond its borders.

E-11 Sheridan Street Property. This property forms one of the few areas of open space on the bay side of the Eastern Promenade. The land drops precipitously from the western side of North Street to the eastern side of Sheridan Street, making most of it unsuitable for development. It offers accessible open space between Sheridan Street and North Street, and good views of Back Cove and points west. It links via footpaths to the grounds of the East End School.



E-12 PATHS Wooded Area. Located behind the Portland Arts and Technology High School (PATHS), this land is comprised of a few lightly wooded areas, but is mostly open and includes both scrub-shrub wetlands and granite outcroppings. Over the past ten years the School has used the land as a training ground for students. The PATHS property and North Deering/Riverton Parcels (E-19) serve as the headwaters of Dole Brook, a stream that runs west through Riverside Golf Course to connect with the Presumpscot River. Preservation of these wetlands, fields and woodland buffers is critical to protecting water quality within Dole Brook Watershed.

E-13 Virginia Street Parcels. These City-owned, tax-acquired parcels adjacent to Maine Ave and Ray Street are contiguous with the Ocean Ave Open Space (E-14) and part of the Ocean Avenue Recreation Area. This undeveloped land features a mix of shrubs, trees, wetlands and streams. Several trails running through this property connect it to the larger Portland Trails network. The property's proximity to extensive residential neighborhoods creates an exceptional opportunity for recreation, education, and conservation activities.

E-14 Ocean Avenue Open Space. This property is the area formerly used as a landfill on outer Ocean Avenue near the intersection with Presumpscot Avenue. The 60+ acre site includes the capped landfill, Quarry Run Dog Park, and adjacent woodlands and wetland areas, which provide a mix of habitat for a variety of wildlife species including turkeys, deer and fox and song birds, especially migrating sparrows. In fact, the site is so popular with "birders" that is known as the "Dragon Fields" due to its proximity to the former Dragon Cement quarry. The landfill rises approximately 50-70 feet above the gravel drive at the highest point, affording good views in all directions, including Casco Bay to the south and east. These properties, in combination with the Virginia Street Parcels (E-13) and other nearby City-owned tax-acquired parcels make up the Ocean Avenue Recreation Area. The Commission has been working to protect additional trails and wildlife habitat, mainly wetland areas, contiguous with these existing holdings.

E-15 Maggie Lane Lot. This triangular lot off Maggie Lane, in combination with a trail easement on private property, was acquired in 2008 to provide trail access and linkage along the Riverton Rail Trail. Portland Trails constructed a trail head and boardwalk to connect with the trail network.

E-16 Beverly Street Lots – North. The Beverly Street Lots - North link with southern counterpart and the Natick Street Property along the west side of the Riverton Rail Trail. These lots were acquired to protect the Dole Brook stream corridor, provide access to the trail and to preserve a wooded buffer between the trail and adjacent properties.

E-17 Beverly Street Lots – South. The Beverly Street Lots - South, link with their northern counterpart and the Natick Street Property along the west side of the Riverton Rail Trail. These lots were acquired to protect wetlands associated with Dole Brook, provide access to the trail and to preserve a wooded buffer between the trail and adjacent properties.



E-18 Goodridge Avenue Lots. These wooded lots behind the intersection of Goodridge Avenue and Eleanor Street were acquired in conjunction with the Maggie Lane Lot and a trail easement to provide trail access and linkage along the Riverton Rail Trail. Portland Trails completed the new section of trail in 2010.

E-19 North Deering / Riverton Parcels. This large group of parcels is located north and west of the PATHS Wooded Area (E-12), just across the tracks from the Riverton Rail Trail. These wooded parcels provide connectivity to the Portland Trails network, provide significant wildlife habitat and preserve wetlands and stream buffers essential to maintaining the health of Dole Brook.

E-20 Castine Pines. This attractive grove of pine trees at the intersection of Forest Avenue and Castine Avenue was acquired as conservation land in 2008 through a land swap with a local developer planning to build additional housing on the street.

E-21 Ocean Ave Rec Area-Pine Grove Ave Lots. These lots near Copley Woods Circle were purchased to fill in gaps at the southern edge of the Ocean Avenue Recreation Area. This acquisition preserves trail connectivity and wooded wetlands in this area. Additional lots near Stepping Stone Lane were also included in this transaction.

E-22 Ocean Ave Rec Area-Belfast St Lots. These lots near Maine Avenue and Ray Street were donated to the Land Bank as conservation land to fill in gaps at the north-western edge of the Ocean Avenue Recreation Area. This acquisition preserves trail connectivity and wooded wetlands in this area.

E-23 Ocean Ave Rec Area-Marlborough Rd/Trapelo St Lots. These lots near Copley Woods Circle were purchased to fill in gaps at the southern edge of the Ocean Avenue Recreation Area. This acquisition preserves trail connectivity and wooded wetlands in this area.

E-24 Dole Brook Driving Range Property. This property across the street from Riverside Golf Course was once used as a driving range. The land is mostly wooded with the exception of a clearing for the former driving range and slopes towards a ravine that carries Dole Brook on its way to the Presumpscot River. Dole Brook has been identified as an impaired stream by the Maine Department of Environmental Protection, because it does not meet its designated water quality classification due to the impacts of urban stormwater runoff. State and Federal regulations under the Clean Water Act require the City to restore water quality in the brook. This property was placed in the Land Bank to protect the stream corridor, prevent further water quality degradation and potentially provide for passive recreational activities, such as trails or a low-impact driving range.

E-25 Canco Woods. The Canco Woods property was protected in 2012 through a collaborative partnership between neighborhood residents, the Trust for Public Land, Portland Trails, the Land Bank Commission and the former land owner, Union Water- Power Company. This very popular 13-acre wooded area features wetlands, streams and trails. The City also has a sewer



right-of-way through a portion of the property. Canco Woods is owned by the City and is subject to a conservation easement held by Portland Trails.

E-26 University Park. A popular spot for off-leash dog walking, University Park can be accessed from either Yale Street off Allen Avenue or from the east at Harvard Street. The property is bisected by the Harvard Street Path.

E-27 Wooded Area North of Riverside Golf Course. This wooded area is part of Riverside Golf Course and is bordered by the Presumpscot River and Interstate 95.

E-28 Land Along Canco Road. This parcel connects to the larger Canco Woods to the south (E-25) and contains the road frontage of The Woods at Canco retirement home.

E-29 to E-62 – See Exhibit B

E-63 Redlon Woods. This wooded area, located in the Rosemont neighborhood, features an interesting mix of woodlands, wetlands and ledge outcroppings, as well as some popular informal walking and mountain biking trails. The desire to protect this open space was the impetus behind the creation of the Land Bank Commission in 1999. Long-term protection of Redlon Woods has involved and will continue to require collaboration between the Land Bank Commission, City, neighboring property owners, local NGOs and other open space preservation advocates.

E-64 Holbrook Street Lots 2019. This property was an addition to E-1 Natick Street in 2019 via the City-owned, tax acquired parcels.

E-65 Rowe Avenue Jewell Falls. Located directly above Jewell Falls, this undeveloped property is an excellent example of a small riparian urban parcel that could help improve the health of the stream below.

E-66 Avangrid 204 Rand Rd.



## **Exhibit B – Specific Properties (Portland Parks) Dedicated as Land Bank Property Interests**

E-29 Back Cove Park and Trail  
E-30 Barrow's Park/Baxter Sundial  
E-31 Stone Street - Bayside Park & Playground  
E-32 Baxter Pines  
E-33 Baxter Woods  
E-34 Bell Buoy Park  
E-35 Belmeade Park  
E-36 Capisic Pond Park  
E-37 Clark Street Park  
E-38 Congress Square Park  
E-39 Deering Oaks Park  
E-40 Dougherty Field  
E-41 Eastern Prom, East End Beach, Fort Allen Park  
E-42 Fessenden Park  
E-43 Fort Gorges  
E-44 Fort Sumner Park  
E-45 Fox Field/Kennedy Park  
E-46 Harbor View Park/Tate-Tyng Park  
E-47 Heseltine Park  
E-48 Lincoln Park  
E-49 Lobsterman Park  
E-50 Longfellow Square  
E-51 Monument Square  
E-52 Munjoy Playground  
E-53 Payson Park  
E-54 Peppermint Park



E-55 Pleasant Street Playground

E-56 Post Office Park

E-57 Riverside Golf Course

E-58 Riverton Park

E-59 Stroudwater Park

E-60 Taylor Street Playground

E-61 Tommy's Park

E-62 Western Promenade

E-63 Redlon Woods



## **Exhibit C - Current Land Bank Commission High Priority Parcels**

HCP-1 Glickman, GDI  
HCP-9 Brackett St Lots at Indian Trail, Peaks  
HCP-11 Riverton Trolley Park Parcels  
HCP-12 Verizon/Fairpoint Pines  
HCP-13 Redlon Road Parcels  
HCP-15 Stroudwater River Corridor  
HP-3 ACE Griffin's Cove, Cliff Island  
HP-4 Kensington St Parcel  
HP-6 RPZ 1601-1660 Congress Street  
HP-7 Waynflete School Property  
HP-9 MTA Land Holm Ave  
HP-10 PTC Land Holm Ave  
HP-11 410 Auburn St  
HP-12 1831 Washington Ave  
HP-13 Rocky Hill  
HP-15 Land West of Murray St  
HP-19 Inter-urban Line  
HP-21 Fore River Corridor on Yellowbird Ln  
HP-24 Salem St Parcels



# Exhibit D

## City of Portland, Maine

### Parks & Open Space and Land Bank Holdings

with Resource Protection Zone,  
City Property & Portland Water District Property

Legend

Land Bank Holdings

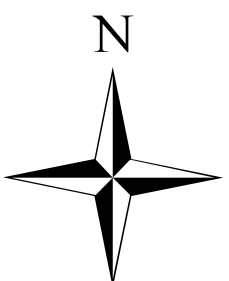
City Parks & Open Space

Resource Protection Zone

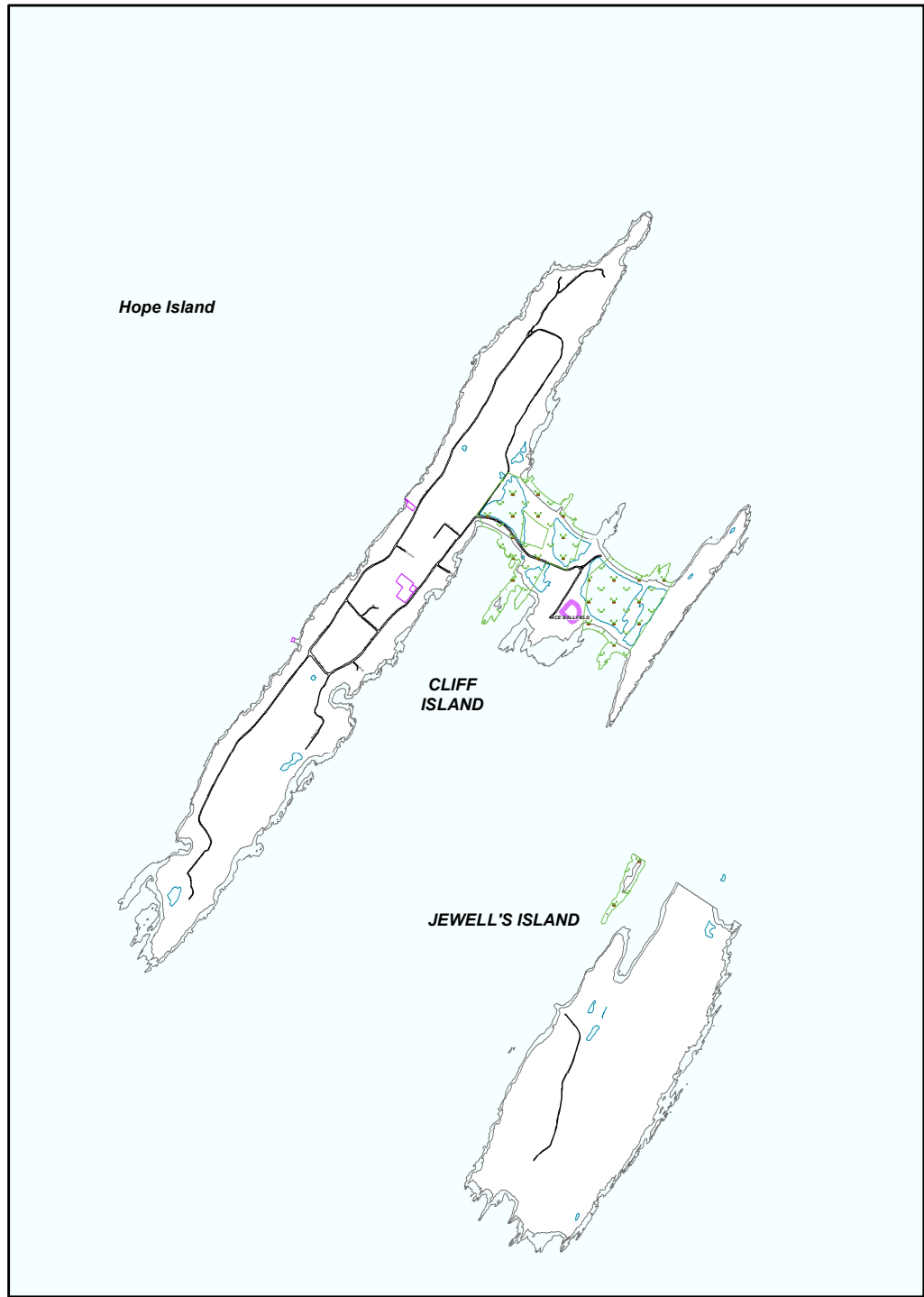
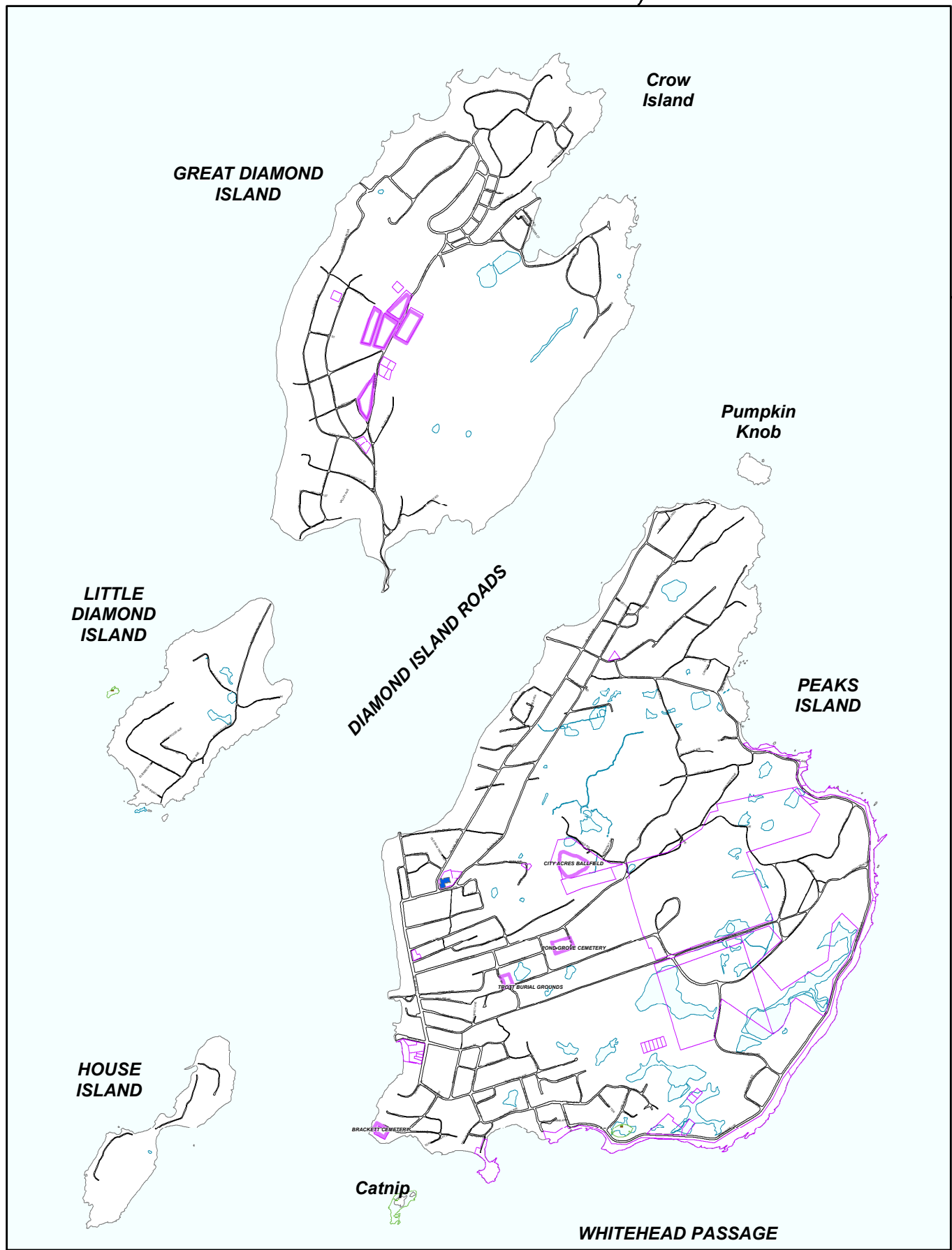
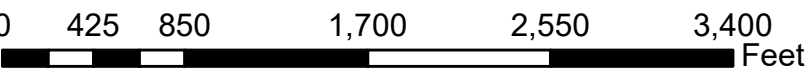
School Buildings

Portland Water District Properties

| Land Bank ID | Land Bank Name                                  |
|--------------|-------------------------------------------------|
| E-01         | Natick St Parcel                                |
| E-02         | Pineloch Dr                                     |
| E-03         | Starbird Lane City RPZ Land                     |
| E-04         | Rand Rd. City RPZ Land                          |
| E-05         | Hobart St. Area                                 |
| E-06         | Pine Grove Park                                 |
| E-07         | Blueberry Rd Parcel                             |
| E-08         | Evergreen Cem. Conservation Area                |
| E-09         | Oaknut Park                                     |
| E-10         | Presumpscot River Preserve                      |
| E-11         | Sheridan Street, Goldfish Prop                  |
| E-12         | PAHS Wooded Area                                |
| E-13         | Virginia Street Parcels                         |
| E-14         | Ocean Avenue Open Space                         |
| E-15         | Maggie Ln Lot                                   |
| E-16         | Beverly St Lots - North                         |
| E-17         | Beverly St Lots - South                         |
| E-18         | Goodridge Av Lots                               |
| E-19         | North Deering / Riverton Parcels                |
| E-20         | Castine Pines                                   |
| E-21         | Ocean Ave Recreation Area-Pine Grove Ave Lots   |
| E-22         | Ocean Ave Recreation Area-Bellast St Lots       |
| E-23         | Ocean Ave Recreation Area-Marlbrough Rd/Trapelo |
| E-24         | Dole Brook Driving Range Property               |
| E-25         | Canco Rd Wooded Area                            |
| E-26         | University Park                                 |
| E-27         | Wooded Area North of Riverside Golf Course      |
| E-28         | Land Along Canco Rd                             |
| E-29         | Back Cove Park and Trail                        |
| E-30         | Barrow's Park/Baxter Sundial                    |
| E-31         | Stone Street - Bayside Park & Playground        |
| E-32         | Baxter Pines                                    |
| E-33         | Baxter Woods                                    |
| E-34         | Bell Bury Park                                  |
| E-35         | Belmeade Park                                   |
| E-36         | Capasic Pond Park                               |
| E-37         | Clark Street Park                               |
| E-38         | Congress Square Park                            |
| E-39         | Deering Oaks Park                               |
| E-40         | Dougherty Field                                 |
| E-41         | Eastern Prom. East End Beach, Fort Allen Park   |
| E-42         | Fessenden Park                                  |
| E-43         | Fort Gorges                                     |
| E-44         | Fort Sumner Park                                |
| E-45         | Fox Field/Kennedy Park                          |
| E-46         | Harbor View Park/Tate-Tyng Park                 |
| E-47         | Heseltine Park                                  |
| E-48         | Lincoln Park                                    |
| E-49         | Lobsterman Park                                 |
| E-50         | Longfellow Square                               |
| E-51         | Monument Square                                 |
| E-52         | Munjoy Playground                               |
| E-53         | Payson Park                                     |
| E-54         | Peppermint Park                                 |
| E-55         | Pleasant Street Playground                      |
| E-56         | Post Office Park                                |
| E-57         | Riverside Golf Course                           |
| E-58         | Riverton Park                                   |
| E-59         | Stroudwater Park                                |
| E-60         | Taylor Street Playground                        |
| E-61         | Tommy's Park                                    |
| E-62         | Western Promenade                               |
| E-63         | Redden Woods                                    |
| E-64         | Holbrook St Lots 2019                           |
| E-65         | Rowe Ave Lots - Near Jewell Falls               |
| E-66         | Avengrid 204 Rand Rd                            |



Map Produced by the City of Portland, Maine  
Department of Public Works  
June 2021



CITY of  
WESTBROOK

TOWN of FALMOUTH

BACK  
COVE

PORTLAND  
HARBOR

FORE RIVER

CITY of  
SOUTH PORTLAND



# Exhibit E

| 2023 FINAL Land Bank Commission Budget                |                                        |                                                                                 |
|-------------------------------------------------------|----------------------------------------|---------------------------------------------------------------------------------|
|                                                       | Prepared by: Baxter Miatke (Treasurer) | 12/14/2022                                                                      |
|                                                       | Reviewed by: Pat Bailey (Chair)        | xx/xx/xxxx                                                                      |
|                                                       | Updated and Finalized At Meeting       | xx/xx/xxxx                                                                      |
|                                                       |                                        |                                                                                 |
| <b><u>General Statement of Financial Position</u></b> |                                        | <b><u>Notes</u></b>                                                             |
|                                                       |                                        |                                                                                 |
| Balance from City: (As of 11/1/2022)                  | \$438,184.68                           | Account Balance reported from City Staff (Amber Brooks)                         |
|                                                       |                                        | This is an estimated additional amount still to be confirmed.                   |
| 2022 (FY23) Land Bank Allocation                      | \$ 50,000                              |                                                                                 |
| Restricted Gifts (parks account)                      | \$ 2,400                               |                                                                                 |
| <b>Total Estimated Available as of 11/1/2021</b>      | <b>\$ 490,584.68</b>                   | Includes estimated FY23 allocation and restricted gifts                         |
|                                                       |                                        |                                                                                 |
| <b><u>2023 Anticipated Expenditures</u></b>           |                                        |                                                                                 |
| North Deering Park                                    | \$ 80,000                              | Approved/allocated by LBC in Sep 2021 \$80,000 (expected 2023)                  |
|                                                       |                                        | Approved by LBC, not yet expensed (expected 2023)                               |
| Berry Parcel                                          | \$ 99,000                              |                                                                                 |
|                                                       |                                        | Assume \$75,000 for to be determined acquisitions in 2023                       |
| Other Land Acquisitions                               | \$ 75,000                              |                                                                                 |
| <b><u>Acquisition Related Dilligence</u></b>          |                                        |                                                                                 |
| Survey                                                | \$ 10,000                              | Assume 3 surveys at approximately \$3,400 each                                  |
| Appraisals                                            | \$ 10,000                              | Assume 3 appraisals at approximately \$3,400 each                               |
| Environmental Assessments                             | \$ 5,000                               | Assume 2 Environmental Assesments at \$2,500 each                               |
| Legal                                                 | \$ 10,000                              | Assume 2 legal reviews up to \$5,000 each                                       |
|                                                       |                                        | Sub Total Acquisition related Costs \$35,000                                    |
| Land Maintenance                                      | \$ 20,000                              | Assumes Portland Trails Work and Parks and Rec on existing Land Bank Properties |
| Hobart Street LBC Property Boat Launch Design         | \$ 10,000                              | Due diligence and surveys/design for hobart street LBC property boat laucnh     |
| Administrative                                        | \$ 3,000                               | Assume administrative fees for comission                                        |
| <b>Total 2023 Estimated Expenditures</b>              | <b>\$ 322,000</b>                      |                                                                                 |
|                                                       |                                        |                                                                                 |
| Percentage of Available Funds for 2022 Expenditures   | 66%                                    |                                                                                 |



# Land Bank Commission



## About the Commission

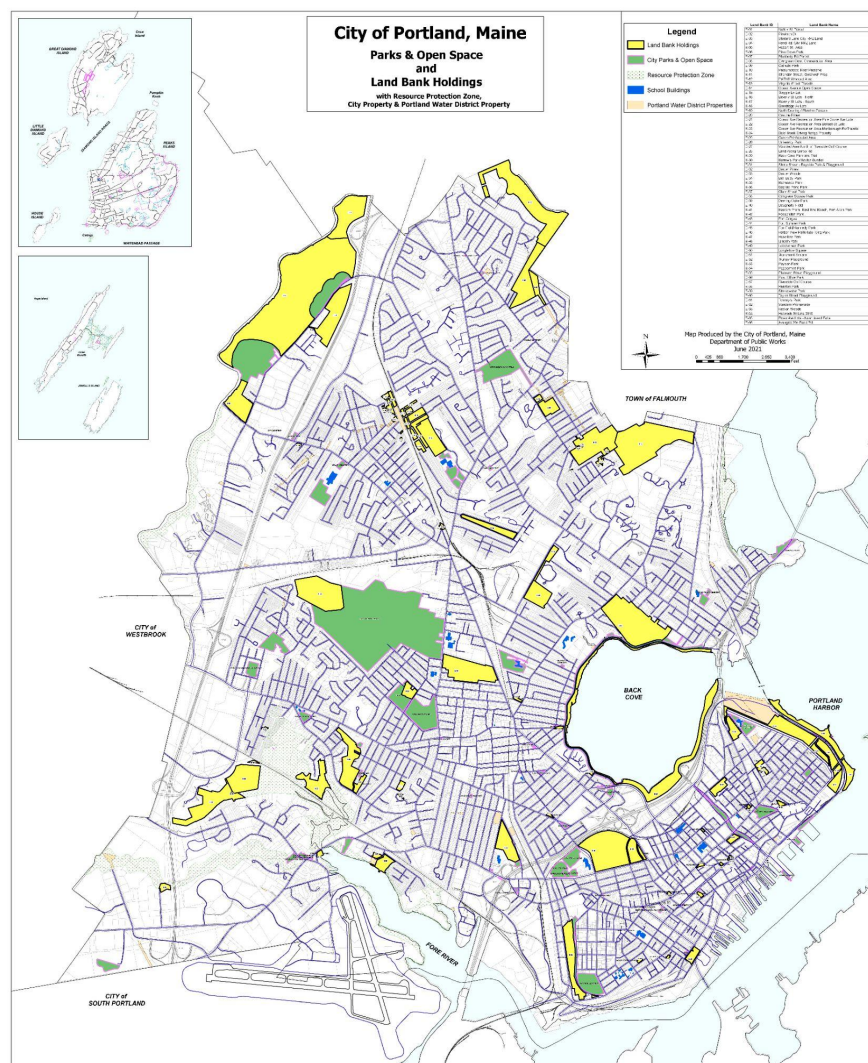
The Land Bank Commission is responsible for identifying and protecting open space resources within the City of Portland. The commission seeks to preserve a balance between development and conservation of open space important for wildlife, ecological, environmental, scenic and outdoor recreational values.

City of Portland  
389 Congress Street  
Portland, ME 04101  
Phone: 207-874-8300

Email: [info@portlandmaine.gov](mailto:info@portlandmaine.gov)

<https://www.portlandmaine.gov/347/Land-Bank-Commission>

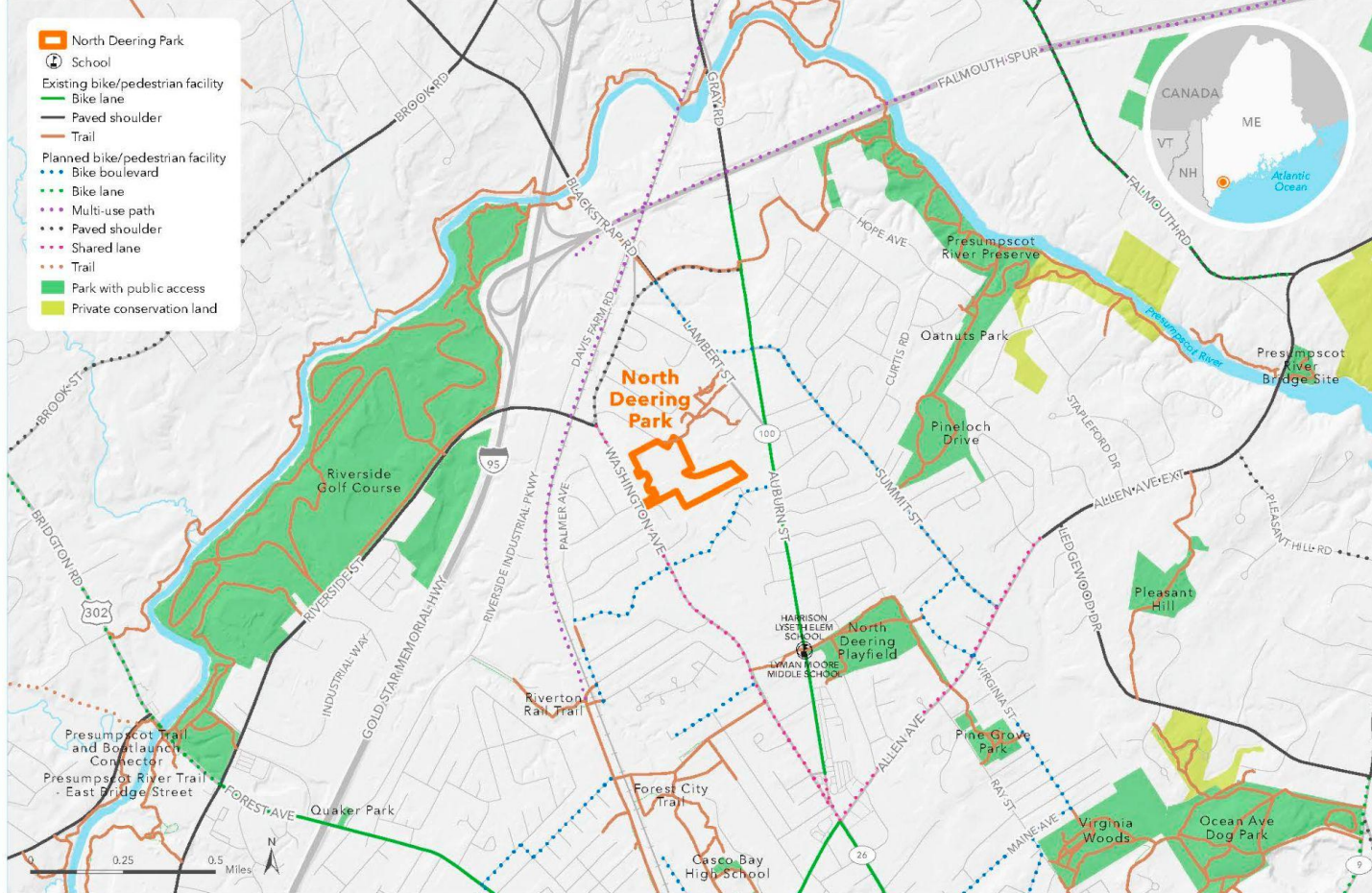




# Land Bank Highlights 2022

- **North Deering Park Project.** 8 acre forested parcel as complementary addition to Haverty Field and 410 Auburn Street, with The Trust for Public Land (completion in 2023).
- **Riverton Trolley Park Addition.** 7 lots comprising approximately 1 acre of land adjacent to the park, which will be added to it as a forested buffer. Completed in 2022.
- **Redlon Woods.** Phase II of the Redlon Woods was acquired and put into the Land Bank with unanimous consent by City Council.
- **Trail Maintenance.** LBC funded a six-person field team for two weeks of trail maintenance at Riverton Trolley Park and a three-person field team and materials for one week at Presumpscot River Preserve.





# North Deering Park

NEIGHBORHOOD MAP, NATIONAL PARK SERVICE OUTDOOR RECREATION LEGACY PROGRAM

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HCP-10 Presumpscoot River Corridor

# Riverton Trolley Park Addition

Riverton Trolley Park

HCP-11 Vacant Parcels Near  
Riverton Trolley Park - Hale Parcels

325 C007

325 C006

325 C005

325 C004

325 C003

325 C002

325 C001

FOREST AVE

VIEW ST

PRIM ST

RIVERSIDE ST







# Land Bank Commission Project Initiatives 2023

- Work towards acquisition of the Coolidge and Davenport Lots.
- Continue work towards the acquisition of North Deering Park
- Complete the acquisition of additional parcels in Redlon Park
- Hobart Street Boat Hand Carry Project
- Updating High Priority Parcel list
- Review and assess Tax Acquired Parcels Committee List
- Trail improvements, wayfinding and maintenance on Land Bank parcels
- Green Space Gathering
- Continue to field proposals to the Land Bank Commission from community members.





**Thank you to the Portland  
City Council**



**MEMORANDUM**  
**City Council Agenda Item**

**FROM:** Melissa Graffam  
**DATE:** February 7, 2023  
**SUBJECT:** Order 143-22/23 Approving the Winchester Woods Boundary Line Agreement - Sponsored by Michael Goldman, Associate Corporation Counsel  
**SPONSOR:** Michael Goldman, Associate Corporation Counsel  
**(If sponsored by a Council committee, include the date the committee met and the results of the vote.)**

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final Action**

**Can action be taken at a later date: No**

**Does this item involve a new contract with the City: The agreement was reviewed by Corporation Counsel.**

**PRESENTATION: N/A**

**I. SUMMARY**

The proposed boundary line agreement with Winchester Woods, LLC (Developer) along the easterly sides of the City's Grand Trunk Cemetery has been reviewed by the Department of Public Works' land surveying staff and Corporation Counsel according to the previously approved site plan, and was found complete and ready for City Council consideration.

**II. AGENDA DESCRIPTION**

The Winchester Woods subdivision, a residential development, was approved by the Planning Board on October 12, 2021 and called for a boundary line agreement between the City and the adjacent private land of Winchester Woods, LLC to confirm the location of the shared boundary line along the southeasterly and northeasterly edges of the City's Grand Trunk Cemetery. This boundary line is poorly described in existing land records such as deeds and survey plans. The proposed boundary line agreement has been reviewed by the Department of Public Works' land surveying staff and Corporation Counsel according to the previously approved site plan, and it has been found complete and ready for City Council consideration in the attached order.

Five affirmative votes are required for passage after public comment.

**III. BACKGROUND**

The Winchester Woods subdivision was approved by the Planning Board on October 12, 2021 and called for a boundary line agreement between the City and the adjacent private land of Winchester Woods, LLC. The subdivision approval contemplated the construction of a residential housing development along Winchester Drive by the developer Winchester Woods, LLC. The proposed boundary line agreement was to confirm the location of the shared boundary line along the southeasterly and northeasterly edges of the City's Grand Trunk Cemetery. This boundary line is poorly described in existing land records such as deeds and survey plans. Public Works' land surveying staff have reviewed the proposed boundary line agreement as part of their development review duties. Working with Corporation Counsel, Public Works' surveyors found the proposed boundary line agreement would protect the public's use of Grand Trunk Cemetery while formalizing the boundary line the Planning Board suggested be better defined with a proposed boundary line agreement. The



intent would be to accept the proposed boundary line agreement between the City and the Developer. Public Works now recommends that the City Council consider accepting the proposed boundary line agreement.

#### **IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

The intended result is to agree to a boundary line which currently is poorly described in deeds and surveys of the location, but has now been thoroughly researched and better located through the proposed boundary line agreement description.

#### **V. FINANCIAL IMPACT**

The financial impact is inherent in owning, maintaining and operating the existing cemetery known as the Grand Trunk Cemetery.

#### **VI. STAFF ANALYSIS AND BACKGROUND**

The Public Works Department recommends acceptance of the boundary line agreement and acceptance of the boundary line agreement establishing a more defined boundary between public and private property.

#### **VII. RECOMMENDATION**

Approval is recommended.

#### **VIII. LIST ATTACHMENTS**

1. Order Approving Winchester Woods Boundary Agreement 2.27.2023
2. DRAFT Boundary Line Agreement 1-30-23
3. Winchester Woods Exhibit Plan

Prepared by:

Melissa Graffam

Date: 02/07/2023



KATE SNYDER (MAYOR)  
APRIL D. FOURNIER(A/L)  
PIOUS ALI (A/L)  
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
REGINA L. PHILLIPS (3)  
ANDREW ZARRO (4)  
MARK DION (5)

**ORDER APPROVING THE WINCHESTER WOODS BOUNDARY AGREEMENT**

**ORDERED**, that the Winchester Woods Boundary Agreement is hereby approved in substantially the form attached hereto; and

**BE IT FURTHER ORDERED**, that the City Council hereby authorizes the City Manager or designee to execute said documents and any other related documents necessary or convenient to carry out the intent of said documents and this Order.



## BOUNDARY LINE AGREEMENT

This BOUNDARY LINE AGREEMENT (the “Agreement”) is entered into this \_\_\_\_ day of \_\_\_\_\_, 202\_\_ by and between **Winchester Woods, LLC**, a Maine limited liability company with a mailing address of 94 South Street, Yarmouth, Maine, and the **City of Portland**, a Maine municipal corporation with a mailing address of 389 Congress Street, Portland, Maine 04101.

### RECITALS:

WHEREAS, Winchester Woods, LLC, is the owners of certain real estate located at 0 F Street, 41 Winchester Drive, and 11 F Street in the City of Portland, Maine, and more particularly described in a deed dated August 19, 2021 and recorded in the Cumberland County Registry of Deeds in Book 38387, Page 31 (the “Winchester Woods Property”); and

WHEREAS, the City of Portland, owns certain real estate that is adjacent to the above-referenced property known as the Grand Trunk Cemetery located at 0 F Street, Portland, Maine, and shown on the municipal tax map as Map 427, Lot J6, as well as certain property adjacent to and within Street C (not built) (the “City Property”); and

WHEREAS, Winchester Woods, LLC, and the City of Portland wish to establish with a metes and bounds description their common boundary line;

Now, therefore, for good and valuable consideration the receipt and sufficiency the parties hereby acknowledge, Winchester Woods, LLC and the City of Portland hereby AGREE as follows:

1. The parties hereto agree that the westerly and southwesterly boundary line of Winchester Woods, LLC, property, which abuts the City of Portland’s property and Street C (unbuilt), shall be as follows (the “Shared Boundary Line”):

A certain line located in the City of Portland, County of Cumberland, and State of Maine, said line being more particularly described as follows:

Beginning at a point on the northeasterly sideline of Street C (not built) at the southernmost corner of lot 92 as shown on the plan recorded in Plan Book 2, Page 51, which is shown on “Boundary Survey at Dalton Street, Portland, Maine made for owners of record Walter H. Libby III, Lucy M. Copp, Madeline F. Morrill & Mark W. Libby Sept. 16, 2015 Owen Haskell, Inc.” revised 04-14-21 and recorded in Plan Book 221, Page 225;

Thence, N 54° 43’ 31” W along the northeasterly sideline of Street C (not built) 90.00 feet to the westernmost corner of lot 92 as shown on the last mentioned plan

Thence, N 32° 07’ 25” E along the cemetery as shown on the last mentioned plan 180.78 feet to the northernmost corner of the land of Libby et. al. as shown on said last mentioned plan.



The above-described Shared Boundary Line is further depicted on the “Boundary Survey at Dalton Street, Portland, Maine made for owners of record Walter H. Libby III, Lucy M. Copp, Madeline F. Morrill & Mark W. Libby Sept. 16, 2015 Owen Haskell, Inc.” revised 04-14-21 and recorded in Plan Book 221, Page 225.

2. Winchester Woods, LLC, hereby gives, grants, and conveys to the City of Portland all right, title, and interest that it may have in the City Property, from whatever source and under any theory of title, to the land lying to the west and southwest of the Shared Boundary Line.
3. The City of Portland hereby gives, grants, bargains, and conveys to Winchester Woods, LLC all right, title, and interest that it may have in the Winchester Woods Property, from whatever source and under any theory of title, to the land lying to the east and northeast of the Shared Boundary Line, excepting, however, any right, title and interest the City may have in Winchester Drive, so-called, depicted on the Plan, which is also shown as “St. F” depicted on Plan Book 2, Page 51.
4. The parties to this Agreement hereby acknowledge and agree that the rights and agreements conferred by this Agreement are intended to, and do, constitute covenants that run with the land and shall inure to the benefit of and be binding upon the parties and their respective grantees, heirs, successors, and assigns.
5. Invalidation of any one provision of this Agreement by competent authority shall in no way affect any other provision, which shall remain in full force and effect.
6. This Agreement shall not be effective until signed by both parties and recorded in the Cumberland County Registry of Deeds. This Agreement may not be modified, amended, or terminated except in a writing signed by each party hereto and recorded in the Cumberland County Registry of Deeds.

[SIGNATURE PAGE TO FOLLOW]



Witness our hands and seals as of the date first written above.

Winchester Woods, LLC

City of Portland

\_\_\_\_\_  
By: Kevin O'Rourke  
Its: Sole Member

\_\_\_\_\_  
By: Danielle P. West  
Its: Interim City Manager

STATE OF MAINE  
CUMBERLAND, ss.

\_\_\_\_\_, 2023

Personally appeared the above-named Kevin O'Rourke, in his capacity as sole member of Winchester Woods, LLC, and acknowledged the foregoing to be his free act and deed in his said capacity, and the free act and deed of Winchester Woods, LLC.

\_\_\_\_\_  
Notary Public/Attorney-at-Law

STATE OF MAINE  
CUMBERLAND, ss.

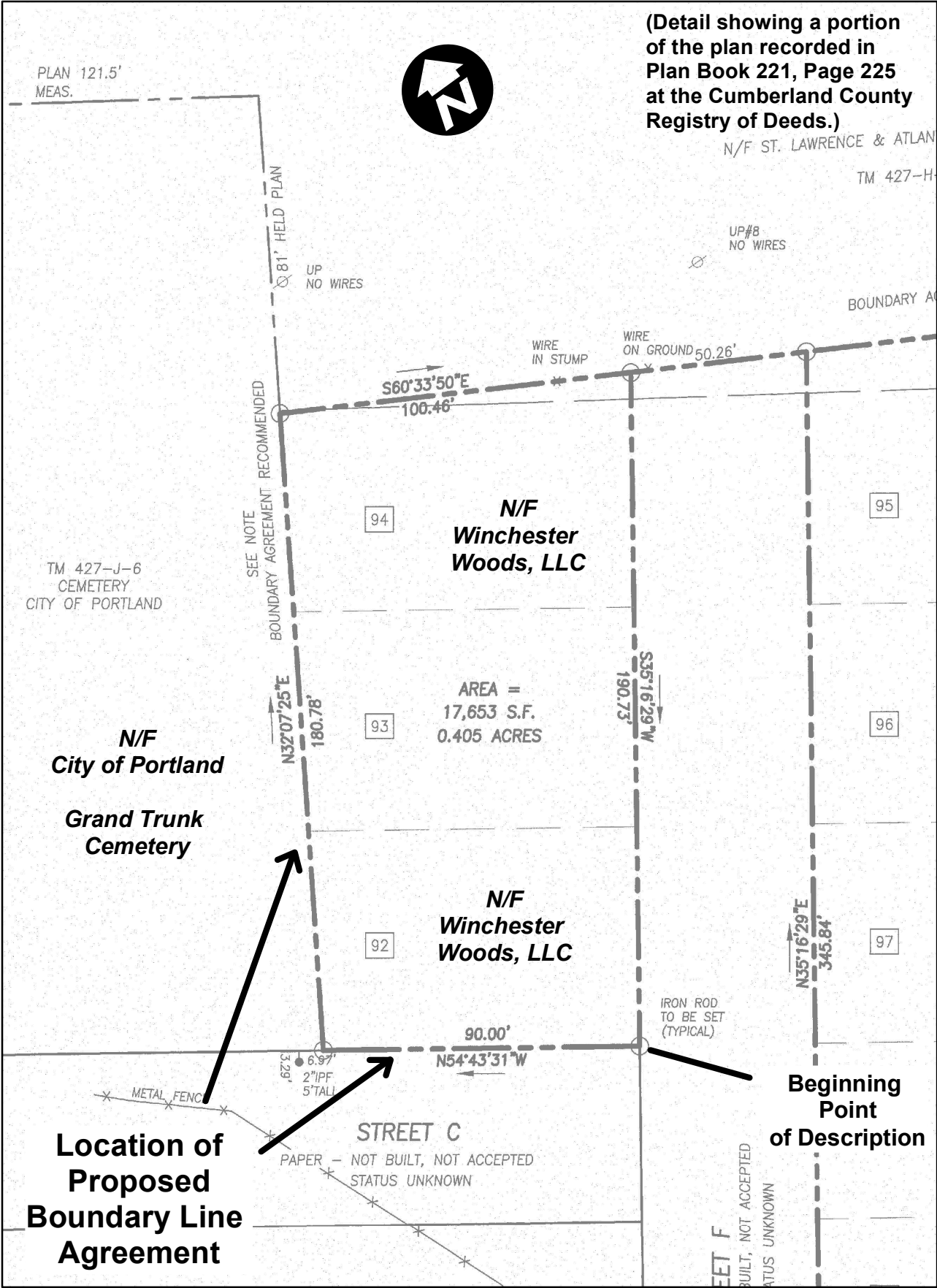
\_\_\_\_\_, 2023

Personally appeared the above-named Danielle P. West, Interim City Manager of the City of Portland, and acknowledged the foregoing to be her free act and deed in her said capacity, and the free act and deed of the City of Portland.

\_\_\_\_\_  
Notary Public/Attorney-at-Law



# Exhibit Plan





**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** February 13, 2023

**SUBJECT:** Order 144-22/23 Accepting and Appropriating a \$10,000 Anonymous Donation to the National EMS Appreciation Week Fund - Sponsored by Danielle P. West, Interim City Manager

**SPONSOR:** The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

**(If sponsored by a Council committee, include the date the committee met and the results of the vote.)**

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final  
Action**

**Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.**

**Does this item involve a new contract with the City: No**

**PRESENTATION:** Please list the presenter(s), type, and length of presentation

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

On December 28, 2022, at approximately 3:21 pm, Portland Fire Department first responders worked together to respond to and transport a Portland resident suffering from an emergency medical event. Specifically, Captain/Advanced EMT Mark Stewart, and Firefighters/Advanced EMTs Torrin Hults and Robert White responded in Engine 11, while Firefighter/Paramedic Molly Hillman and Firefighter/Advanced EMT Jonathan Cronin responded in MEDCU 4.

In gratitude for their care and responsiveness, the individual has made an extremely generous donation to the Portland Fire Department. If approved by the Council, this donation will help support a National EMS Week (May 21-27) celebration in recognition of our City's first responders.

Five affirmative votes are required for passage after public comment.

**III. BACKGROUND**

Background information that will not appear in the Agenda Description

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."



## **VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis that will not appear in the Agenda Description.

## **VII. RECOMMENDATION**

## **VIII. LIST ATTACHMENTS**

1. Order Appropriating a \$10,000 Donation for National EMS Week 2.27.2023

Prepared by:

Date: 02/13/2023



KATE SNYDER (MAYOR)  
APRIL D. FOURNIER(A/L)  
PIOUS ALI (A/L)  
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
REGINA L. PHILLIPS (3)  
ANDREW ZARRO (4)  
MARK DION (5)

**ORDER ACCEPTING AND APPROPRIATING A \$10,000 ANONYMOUS DONATION  
TO THE NATIONAL EMS APPRECIATION WEEK FUND**

**ORDERED**, that a \$10,000 anonymous donation is hereby accepted and that amount appropriated to the National EMS Appreciation Week Fund.