

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)

SPECIAL CITY COUNCIL MEETING - JUNE 26, 2023

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. 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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+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

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PLEDGE OF ALLEGIANCE:

ROLL CALL:

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

ANNOUNCEMENTS:

In Thanks to and Recognition of Interim Police Chief Heath Gorham - Kate Snyder, Mayor

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Special City Council Meeting- June 12, 2023

City Council Meeting- June 5, 2023

PROCLAMATIONS:

Proc 31-22/23 Recognizing June 2023 as Gun Violence Awareness Month - Sponsored by Kate Snyder, Mayor

Proc 32-22/23 Recognizing Jeff Sanders for 13 Years of Leadership at Maine Medical Center - Sponsored by Kate Snyder, Mayor

APPOINTMENTS:

Order 262-22/23 Appointing and Setting Salary of Mark W. Dubois as Police Chief - Sponsored by Danielle P. West, City Manager

The order would confirm the appointment of Mark W. Dubois as Portland Police Chief, to begin July 31, 2023, and set his salary at \$165,000.

Five affirmative votes are required for passage after public comment.

CONSENT ITEMS:

Order 248-22/23 Declaring August 11 to 13, 2023 the 97th Annual St. Peter's Bazaar and Italian Street Festival - Sponsored by Danielle P. West, City Manager

St. Peter's Bazaar committee and Catholic Church will be hosting their 97th Annual St. Peter's Bazaar and Italian Street Festival from August 11 to 13, 2023, with food booths, games for children and adults and music in the streets. Approximately 2,500 people will attend the event over the course of the three days. The event is a fundraiser for St. Peter's Catholic Church.

Five affirmative votes are required for passage of the Consent Calendar after public comment.

LICENSES:

Order 206-22/23 Granting Municipal Officers' Approval of The Pig Exchange LLC, dba The Thirsty Pig. Application for Class I FSE with Outdoor Dining on Private Property and Combined Entertainment at 37 Exchange Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 4/11/23. New City and State applications. Establishment currently holds a Class III & IV FSE with Outdoor Dining on Private Property with Indoor Entertainment.

Five affirmative votes are required for passage after public comment.

Order 249-22/23 Granting Municipal Officers' Approval of Grizzly Bear Inc, dba Great Lost Bear. Application for Outdoor Dining on Private Property at 540 Forest Avenue - Sponsored by Danielle P. West, City Manager

Application was filed on 5/17/23. New City and State applications. Establishment currently holds a Class I FSE.

Five affirmative votes are required for passage after public comment.

Order 250-22/23 Granting Municipal Officers' Approval of DJZ LLC dba Portland Beer Hub. Application for Outdoor Dining on Public Property at 320 Fore Street- Sponsored by Danielle P. West, City Manager

Application was filed on 5/25/23. New City and State applications. New owner of existing establishment was recently approved for Class I FSE.

Five affirmative votes are required for passage after public comment.

Order 251-22/23 Granting Municipal Officers' Approval of Shivababa Corp, dba Tandoor Indian Restaurant. Application for Class I FSE at 88 Exchange Street - Sponsored by Danielle P. West, City Manager

Application was filed on 5/24/23 New City and State applications. Change of ownership of existing establishment.

Five affirmative votes are required for passage after public comment.

Order 252-22/23 Granting Municipal Officers' Approval of Stars and Stripes Brewing LLC LLC, dba Stars and Stripes Brewing. Application for Class A Lounge at 3 Spring Street - Sponsored by Danielle P. West, City Manager

Application was filed on 6/6/23. New City and State applications. Existing establishment upgrading from Class III & IV.

Five affirmative votes are required for passage after public comment.

BUDGET ITEMS:

Order 209-22/23 Approving Fiscal Year 2024 Administrative Fees for City Parking Garages and the Parks, Recreation, and Facilities Department - Sponsored by Danielle P. West, City Manager

This order authorizes administrative charges in the Parking Division (Elm and Spring Street Garage monthly fees) and Parks, Recreation & Facilities (Recreation and Aquatic).

This item must be read on two separate days. It received its first reading on May 15, 2023. On June 5, 2023, this item was postponed to June 26, 2023 with other municipal budget orders, to provide time for additional votes in the Maine State Legislature concerning General Assistance reimbursement levels. As of June 23, final decisions on the state budget were still pending. Staff requests that this order be postponed to July 17, 2023. Five affirmative votes are required to postpone, and no additional public comment is required.

Order 210-22/23 Authorizing the City Manager To Enter into Certain Agreements To Implement the Fiscal Year 2024 Human Resources and Certain Fringe Benefits Budgets - Sponsored by Danielle P. West, City Manager

This order authorizes the City Manager to enter into standard agreements and amendments to standard agreements with providers of services for Fiscal Year 2024 to implement portions of human resources, medical, workers' compensation, and liability budgets.

This item must be read on two separate days. It received its first reading on May 15, 2023. On June 5, 2023, this item was postponed to June 26, 2023 with other municipal budget orders, to provide time for additional votes in the Maine State Legislature concerning General Assistance reimbursement levels. As of June 23, final decisions on the state budget were still pending. Staff requests that this order be postponed to July 17, 2023. Five affirmative votes are required to postpone, and no additional public comment is required.

Order 211-22/23 Approving the Fiscal Year 2024 Self-insured Liability Program - Sponsored by Danielle P. West, City Manager

This order establishes the limit of the City's liability as \$400,000 as required by the Maine Tort Claims Act and states the City's commitment to "self-insure" for such liability by approving funds for this purpose.

This item was postponed to June 5, 2023 to be considered at the same time as the Appropriation Resolve. On June 5, 2023, this item was postponed to June 26, 2023 with other municipal budget orders, to provide time for additional votes in the Maine State Legislature concerning General Assistance reimbursement levels. As of June 23, final decisions on the state budget were still pending. Staff requests that this order be postponed to July 17, 2023. Five affirmative votes are required to postpone, and no additional public comment is required.

Order 212-22/23 Authorizing the Director of Parks, Recreation and Facilities to Set Fees and Enter Rental Agreements for City Facilities - Sponsored by Danielle P. West, City Manager

This order would authorize the Director of Parks, Recreation and Facilities or their designee to sign rental contracts and set associated fees. This authorization is required annually.

Staff has historically set fees and signed rental agreements for City facilities including but not limited to Merrill Auditorium, the Portland Exposition Building, Ice Arena, Riverside Golf Course, Portland cemeteries, and Ocean Gateway. These facilities host hundreds of events annually, and fees are determined based on the unique staffing levels

and services they require.

The City's Legal Department has created a standard rental agreement. Any changes to the terms of standard agreement, other than pricing, are reviewed by legal prior to being changed.

Venues/programs overseen by this Department are run in a business-like manner and need the flexibility to offer specials and adjust pricing based on market conditions. This order will further reaffirm the practice of these fees being set administratively.

This item was postponed to June 5, 2023 to be considered at the same time as the Appropriation Resolve. On June 5, 2023, this item was postponed to June 26, 2023 with other municipal budget orders, to provide time for additional votes in the Maine State Legislature concerning General Assistance reimbursement levels. As of June 23, final decisions on the state budget were still pending. Staff requests that this order be postponed to July 17, 2023. Five affirmative votes are required to postpone, and no additional public comment is required.

Order 213-22/23 Authorizing the City Manager to Enter into Certain Agreements to Implement Fiscal Year 2024 Health & Human Services Budget - Sponsored by Danielle P. West, City Manager

This order authorizes the City Manager to enter into standard agreements and amendments to those standard agreements to receive reimbursement for services by the Health and Human Services Department. In addition, the City enters into agreements with service providers and landlords to provide services for department programs.

This item must be read on two separate days. It received its first reading on May 15, 2023. On June 5, 2023, this item was postponed to June 26, 2023 with other municipal budget orders, to provide time for additional votes in the Maine State Legislature concerning General Assistance reimbursement levels. As of June 23, final decisions on the state budget were still pending. Staff requests that this order be postponed to July 17, 2023. Five affirmative votes are required to postpone, and no additional public comment is required.

Order 214-22/23 Authorizing the City Manager to Accept Scholarship and Trust Donations and Bequests and Enter into Trust Agreements - Sponsored by Danielle P. West, Interim City Manager

This order authorizes the City Manager to accept and appropriate existing and new scholarship trusts and to enter into standard form trust agreements as approved by Corporation Counsel.

This item was postponed to June 5, 2023 to be considered at the same time as the Appropriation Resolve. On June 5, 2023, this item was postponed to June 26, 2023 with other municipal budget orders, to provide time for additional votes in the Maine State Legislature concerning General Assistance reimbursement levels. As of June 23, final decisions on the state budget were still pending. Staff requests that this order be postponed to July 17, 2023. Five affirmative votes are required to postpone, and no additional public comment is required.

Order 215-22/23 Authorizing the Director of Parks, Recreation and Facilities to Accept Donations up to \$10,000 for Parks, Recreation & Facilities Department Programs and City Funds - Sponsored by Danielle P. West, City Manager

The Parks, Recreation & Facilities Department receives frequent donations for many of the programs it works on and with, like the Land Bank, the Portland Youth Corps, and the Tree Trust. This order will allow the department director to accept donations as much as \$10,000 without needing to receive approval from the City Council.

This item was postponed at the May 15, 2023 City Council meeting to coincide with consideration of the Appropriation Resolve. On June 5, 2023, this item was postponed to June 26, 2023 with other municipal budget orders, to provide time for additional votes in the Maine State Legislature concerning General Assistance reimbursement levels. As of June 23, final decisions on the state budget were still pending. Staff requests that this order be postponed to July 17, 2023. Five affirmative votes are required to postpone, and no additional public comment is required.

Order 216-22/23 Authorizing Corporation Counsel to Undertake Civil Actions to Collect Delinquent Personal Property Taxes - Sponsored by Danielle P. West, City Manager

This item will give Corporation Counsel a standing authorization to undertake civil actions to collect any delinquent personal property taxes that arise during the course of the fiscal year. Otherwise, it would be necessary for the City Council to specifically authorize each individual legal action. This general authorization will take the place of the case-by-case approach.

This item was postponed at the May 15, 2023 City Council meeting to coincide with consideration of the Appropriation Resolve. On June 5, 2023, this item was postponed to June 26, 2023 with other municipal budget orders, to provide time for additional votes in the Maine State Legislature concerning General Assistance reimbursement levels. As of June 23, final decisions on the state budget were still pending. Staff requests that this order be postponed to July 17, 2023. Five affirmative votes are required to postpone, and no additional public comment is required.

Order 217-22/23 Authorizing Non-Union Wage Adjustment - Sponsored by Danielle P. West, City Manager

This Order authorizes the City Manager to utilize a 4.0% Cost of Living Adjustment (COLA) for pay adjustments for non-union employees, elected officials, the City Clerk and Corporation Counsel.

This item must be read on two separate days. It received its first reading on May 15, 2023. On June 5, 2023, this item was postponed to June 26, 2023 with other municipal budget orders, to provide time for additional votes in the Maine State Legislature concerning General Assistance reimbursement levels. As of June 23, final decisions on the state budget were still pending. Staff requests that this order be postponed to July 17, 2023. Five affirmative votes are required to postpone, and no additional public comment is required.

Order 218-22/23 Designating Fiscal Year 2024 Funds for Specific Island Services - Sponsored by Danielle P. West, City Manager

The municipal budget includes \$45,000 for use on Peaks Island in addition to the funds used to pay for direct and indirect city services. Pursuant to a request from the Peaks Island Council these funds will be used as follows in FY24:

Item A: Peaks Island Summer Bike Ticket Program \$250
Item B: PI Needs-Based Boat Tickets \$1,000
Item C: PI Portland Public Middle & High School Student Boat Passes \$3,500
Item D: PI Full Time College Students (Portland Area) 3 Monthly Stickers \$300
Item E: PI Children Attending Private Schools Vouchers \$300
Item F: PI ITS (Island "Taxi"): Island Transportation System \$22,500
Item G: PI PEAT (PI Environmental Team: Signage and equipment) \$2,000
Item H: PI Administrative Expenses \$2,150
Item I: Brackett Church (Community Arts & Play Recreation Programs) \$1,000
Item J: Island Compost Project \$3,500
Item K: New Brackett Church for utilities for community programs \$2,000
Item L: Illustration Institute for Island Resident Programming \$1,500
Item M: Fifth Maine Museum Institute Program, code compliance \$1,500
Item N: Peaks Island Children's Workshop building repairs \$3,500

This item must be read on two separate days. It received its first reading on May 15, 2023. On June 5, 2023, this item was postponed to June 26, 2023 with other municipal budget orders, to provide time for additional votes in the Maine State Legislature concerning General Assistance reimbursement levels. As of June 23, final decisions on the state budget were still pending. Staff requests that this order be postponed to July 17, 2023. Five affirmative votes are required to postpone, and no additional public comment is required.

Order 219-22/23 Appropriating \$3,611,343 in Fund Balance - Sponsored by Danielle P. West, City Manager

This order appropriates \$2,850,000 from Assigned Fund Balance for pension obligation bond debt service payments due in Fiscal Year 2024. It also appropriates \$761,313 from Unassigned Fund Balance for additional Cumberland County tax payments due in Fiscal Year 2024 resulting from the County's change from a calendar to a fiscal year.

This item must be read on two separate days. It received its first reading on May 15, 2023. On June 5, 2023, this item was postponed to June 26, 2023 with other municipal budget orders, to provide time for additional votes in the Maine State Legislature concerning General Assistance reimbursement levels. As of June 23, final decisions on the state budget were still pending. Staff requests that this order be postponed to July 17, 2023. Five affirmative votes are required to postpone, and no additional public comment is required.

Order 220-23/24 Appropriating \$276,000 From Excess Fund for Casco Bay Island Transit District - Sponsored by Danielle P. West, City Manager

Pursuant to the agreement between the lease agreement between the City of Portland and the Casco Bay Island Transit District ("CBITD") dated October 1, 2018, this item appropriates funding from the Excess Fund in the amount of \$276,000. \$250,000 is being requested by CBITD for capital costs associated with their public transportation operations in Casco Bay and \$26,000 is being requested by the City for other mass transportation needs related to summer shuttle service from the Marginal Way Park and

Ride lot to the Casco Bay Lines Ferry Terminal.

This item must be read on two separate days. It received its first reading on May 15, 2023. On June 5, 2023, this item was postponed to June 26, 2023 with other municipal budget orders, to provide time for additional votes in the Maine State Legislature concerning General Assistance reimbursement levels. As of June 23, final decisions on the state budget were still pending. Staff requests that this order be postponed to July 17, 2023. Five affirmative votes are required to postpone, and no additional public comment is required.

Order 221-22/23 Amendment to Portland City Code Chapters 24 and 28 Re: Various Fee Increases for Fiscal Year 2024 - Sponsored by Danielle P. West, City Manager

This amendment increases the impoundment fee associated with a "boot" immobilizing a vehicle from \$50 to \$70 (Section 28-101 of the Portland City Code). It also allows an increase in the sewer user charges from \$12.30 per hundred cubic feet of volume (hcf) to \$12.75 hcf (Section 24-72 of the Portland City Code) and an increase in the stormwater service charge from \$7.50 per one thousand two hundred (1,200) square feet of impervious surface area to \$7.75 (Section 24-84). All increases would be effective July 1, 2023, the start of Fiscal Year 2024.

This item must be read on two separate days. It received its first reading on May 15, 2023. On June 5, 2023, this item was postponed to June 26, 2023 with other municipal budget orders, to provide time for additional votes in the Maine State Legislature concerning General Assistance reimbursement levels. As of June 23, final decisions on the state budget were still pending. Staff requests that this order be postponed to July 17, 2023. Five affirmative votes are required to postpone, and no additional public comment is required.

Order 222-22/23 Fiscal Year 2023-2024 Appropriation Resolve - Sponsored by Danielle P. West, City Manager

The Appropriation Resolve contains the City Manager's recommended budget for Fiscal Year 2024 for general municipal purposes in the amount of \$332,799,323. In addition, it contains the Portland Board of Education's FY2024 recommended budget of \$143,810,343.

Amendments 1 to 3 in the back-up material were approved at the June 8, 2023 Finance Committee meeting, at which the City Manager's budget was approved, as amended, by a vote of 3-0. Amendments 4 and 5 are additional, and also in the back-up material.

The tax levy based upon the City Manager's recommended budget is \$103,559,653 and \$110,850,008 for the Portland Board of Education's recommended School Budget. The City Manager's budget recommendations for municipal purposes and the Portland Board of Education's recommended School Budget result in a combined tax levy of 214,409,661 for Fiscal Year 2024.

The Appropriation Resolve also directs the Assessor of Taxes to assess a tax upon all real and personal property liable to be taxed as of April 1, 2023 and sets 30 Days after Tax Commitment 2023 as the tax due date, which may be paid in two installments due 30 Days after Tax Commitment 2023, and on March 15, 2024.

This item must be read on two separate days. It received its first reading on May 15, 2023. On June 5, 2023, this item was postponed to June 26, 2023 with other municipal budget orders, to provide time for additional votes in the Maine State Legislature concerning General Assistance reimbursement levels. As of June 23, final decisions on the state budget were still pending. Staff requests that this order be postponed to July 17, 2023. Five affirmative votes are required to postpone, and no additional public comment is required.

Order 263-22/23 Continuing Resolution in Lieu of Fiscal Year 2024 Appropriation Resolve - Sponsored by Danielle P. West, City Manager

In lieu of the Fiscal Year 2024 Appropriation Resolve approval, this order will allow funding to be maintained according to the prior fiscal year's budget orders until a FY24 Appropriation Resolve is passed..

To make this item effective July 1, 2023, staff is requesting that this item be passed as an emergency. Seven affirmative votes are required for passage as an emergency after public comment.

UNFINISHED BUSINESS:

Order 102-22/23 Declaring July 14 to July 26, 2023 the Payson Park Music Festival - Sponsored by Danielle P. West, City Manager

On November 21, 2022, the Council voted to postpone this item to the second Council meeting in June 2023.

The initial Payson Park Music Festival application proposed a 2-day, 2-stage festival in Payson Park on Saturday & Sunday, July 22 & 23, 2023, but since this order was postponed, the sponsor let the Department of Parks, Recreation & Facilities know it would not be moving forward with the festival.

Staff requests that this item be postponed indefinitely. Five affirmative votes are required to postpone.

Written Public Comment on Order 102-22/23

Order 224-22/23 Authorizing Amendment to Downtown Transit Oriented Development and Omnibus Tax Increment Financing District to Increase Funding for Creative Portland - Sponsored by Danielle P. West, City Manager

As part of the FY24 City budget process, the Interim City Manager has recommended that Downtown Transit Oriented Development and Omnibus Tax Increment Financing District (DT TOD TIF) funding in the amount of \$200,000 be provided to Creative Portland (CP).

The Downtown TOD TIF currently has a cap of \$100,000 annually to support CP. Currently, costs associated with two full time positions assigned to support the work of the CP Board has primarily been funded through the DT TOD TIF. The Proposed TIF District Amendment would establish an annual level of funding for CP in the amount of \$200,000. CP would use the funding to support staff, programs and services. See below funding table:

CP Funding Table		
Timeframe and Use	Source	Total
Existing – City Staff Costs - CP Programs and Services	\$172,496 – DT TOD TIF \$25,000 - DT TOD TIF	\$197,496
Budget Amendment Request: - CP Staff, Programs and Services	\$200,000 – DT TOD TIF	\$200,000

This item must be read on two separate days. It received its first reading on May 15, 2023. The City Council postponed this item to June 26, 2023, to provide time for additional votes in the Maine State Legislature concerning General Assistance reimbursement levels. As of June 23, final decisions on the state budget were still pending. Staff requests that this order be postponed to July 17, 2023. Five affirmative votes are required to postpone, and no additional public comment is required.

Order 240-22/23 Approving Residential Parking for Islanders - Sponsored by Danielle P. West, City Manager

This order makes permanent the previous annual extension of the Islander Residential Parking Zone with 12 spaces on Thames Street and 10 spaces on Hancock Street surrounding the AC Hotel and the new condominiums. The zone had been approved annually since 2008 while the area was being developed. This order also includes 42 parking spaces on the north side of Marginal Way between the Park & Ride Lot and Cove Street, which were added in 2019.

This item must be read on two separate days. It received its first reading on June 5, 2023. Five affirmative votes are required for passage after public comment.

Order 241-22/23 Accepting and Appropriating a United States Environmental Protection Agency Brownfield Assessment Grant of up to \$500,000 - Sponsored by Danielle P. West, City Manager

This item accepts and appropriates \$500,000 in Brownfield Assessment Grant funding. At this time, approximately \$5,000 remains in the City's Brownfields Assessment Fund. While awaiting this new award, the City has been funding Brownfields Assessment Grant requests using closed-out United States Environmental Protection Agency (USEPA) Brownfield Program Income administered by the Portland Development Corporation. With this new award from the USEPA, the City can replenish its Brownfields Assessment Grant funding and support more environmental assessments.

This item must be read on two separate days. It received its first reading on June 5, 2023. Five affirmative votes are required for passage after public comment.

Order 242-22/23 Adopting Development Program for Portland Downtown for Fiscal Year 2023-2024 - Sponsored by the Finance Committee, Councilor Mark Dion, Chair

The Portland Downtown District (PD) was originally established by the City Council on March 16, 1992. Since then, each year in June, for the following fiscal year starting July 1, City Council authorization to establish the special assessment and approval of the documents is needed.

For FY2024, City Council authorization is needed for the continued operation of PD, which documents include: (1) Adopting the Development Program for the PD; (2) Assessing Maintenance and Implementation Assessments in the PD District; and, (3) authorizing the Agreement for work to be done by PD and work to be done by the City.

The budget for PD is funded largely from special assessments on all real estate in the current District. The revenue raised through the special assessment will fund the PD development program expenses for FY2024. The proposed mil rate to raise this assessment is estimated at \$.67 per \$1,000 of property value in the current district in order to raise the PD Board approved budget of \$1,249,349.

Portland Downtown representatives provided a presentation to the Finance Committee at its May 23, 2023, meeting. This item must be read on two separate days. It received its first reading on June 5, 2023. Five affirmative votes are required for passage after public comment.

Order 243-22/23 Establishing Maintenance and Implementation Assessments for Portland Downtown for Fiscal Year 2023-2024 - Sponsored by the Finance Committee, Councilor Mark Dion, Chair

This is a companion order with the order above.

This item must be read on two separate days. It received its first reading on June 5, 2023. Five affirmative votes are required for passage after public comment.

Order 244-22/23 Approving Agreement between the City of Portland and Portland Downtown for Fiscal Year 2023-2024 - Sponsored by the Finance Committee, Councilor Mark Dion, Chair

This is a companion order with the two orders above.

This item must be read on two separate days. It received its first reading on June 5, 2023. Five affirmative votes are required for passage after public comment.

Order 245-22/23 Approving the Amended Wage Scale to the Collective Bargaining Agreement with the Police Benevolent Association -- Sponsored by Danielle P. West, City Manager

This item amends the negotiated collective bargaining agreement between the City and the Portland Police Benevolent Association ("PBA") which is currently in effect for the period of January 1, 2021 through December 31, 2023. The proposed amendment would increase wages for all PBA employees by 14.5% effective as of July 2, 2023, to bring wages in line with surrounding communities. This proposal is presented after previously receiving guidance from the Finance Committee in executive session on two separate occasions and following negotiations with the PBA.

This item is part of the Fiscal Year 2024 budget orders and received its first reading on June 5, 2023, when all other budget orders were postponed to this meeting to await the Maine Legislature's decision on increased general assistance reimbursement. As of June 23, final decisions on the state budget were still pending and staff requests that this order be postponed to July 17, 2023. Five affirmative votes are required to postpone, and no public comment is required on the motion to postpone.

Order 246-22/23 Approving the Amended Wage Scale to the Collective Bargaining Agreement with the Portland Police Superior Officers Association - Sponsored by Danielle P. West, City Manager

This item amends the negotiated collective bargaining agreement between the City and the Portland Police Superior Officers Association (“PPSOA”) which is currently in effect for the period of January 1, 2021 through December 31, 2023. The proposed amendment would increase wages for all PPSOA employees by 14.5% effective as of July 2, 2023, in accordance with the proposed wage increases for the Portland Police Benevolent Association, and to make wages more competitive with the surrounding communities. This proposal is presented after previously receiving guidance from the Finance Committee in executive session on two separate occasions and following negotiations with the PPSOA.

This item is part of the Fiscal Year 2024 budget orders and received its first reading on June 5, 2023, when all other budget ordered were postponed to this meeting to await the Maine Legislature's decision on increased general assistance reimbursement. As of June 23, final decisions on the state budget were still pending and staff requests that this order be postponed to July 17, 2023. Five affirmative votes are required to postpone, and no public comment is required on the motion to postpone.

Reconsideration of Order 239-22/23 Approving Changes to the Tax Increment Financing Policy - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

Councilor Anna Trevorow has requested that this order be returned to the agenda for reconsideration. It was approved by a vote of 9-0 on June 5, 2023. A motion to reconsider is required to be approved before the item can be taken back up.

On April 25, the Housing & Economic Development Committee voted 3-1, Phillips opposed, to forward this to the City Council for consideration.

The Portland Tax Increment Financing (TIF) Policy requires developers of affordable housing in Portland who receive Affordable Housing TIF (AHTIF) to use the greater of state prevailing wage rates and Portland minimum wage for workers during housing construction. Many of the projects receiving a TIF also have other funding sources which require the use of Davis-Bacon wages. The double requirement can be costly for developers, both in reporting time and in practice. The proposed change would allow developers who are required to use Davis-Bacon wages for other funding sources to also use these wages to meet the TIF Policy requirements.

Five affirmative votes are required for passage, should this item be amended or voted on a second time, but public comment is not required.

ORDERS:

Order 253-22/23 Approving the Amended Wage Scale to the Collective Bargaining Agreement with the City Employees’ Benefit Association, American Federation of State, County and Municipal Employees, Local 1373 - Sponsored by Danielle P. West, City Manager

This item was discussed with the Finance Committee in Executive Session, and amends the negotiated collective bargaining agreement between the City and the City

Employees' Benefit Association ("CEBA"), American Federation of State, County and Municipal Employees ("AFSCME") Local 1373, which is currently in effect for the period of July 1, 2021 through June 30, 2024. The proposed amendment would increase wages for unit clerks, certified nurse assistants, licensed practical nurses, registered nurses, and adult daycare services nurses effective as of July 2, 2023. This proposal is presented after previously receiving guidance from the Finance Committee in executive session and following notification of the proposed wage increases to CEBA.

This item must be read on two separate days. This is its first reading.

Order 254-22/23 Approving the Amended Wage Scale to the Collective Bargaining Agreement with the Professional and Technical City Employees Association - Sponsored by Danielle P. West, City Manager

This item was discussed with the Finance Committee in Executive Session, and amends the negotiated collective bargaining agreement between the City and the Professional and Technical City Employees Association ("Pro-Tech"), which is currently in effect for the period of July 3, 2022 through June 30, 2025. The proposed amendment would increase wages for principal registered nurses effective as of July 2, 2023. This proposal is presented after previously receiving guidance from the Finance Committee in executive session and following notification of the proposed wage increases to Pro-Tech.

This item must be read on two separate days. This is its first reading.

Order 255-22/23 Accepting and Appropriating \$9,428.57 in Assistance to Firefighters Grant Funding from the Federal Emergency Management Agency - Sponsored by Danielle P. West, City Manager

The Portland Fire Department was recently awarded funds via the FEMA Assistance to Firefighters Grant (AFG) Fire Prevention and Safety (FP&S) program. The City Council is asked to accept \$9,428.57 in Federal funds and appropriate a local match of \$471.43.

To make this item effective immediately, staff is requesting that this item be passed as an emergency. Seven affirmative votes are required for passage as an emergency after public comment.

Order 256-22/23 Adopting Development Program for the Portland Tourism Municipal Development District - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

The budget for Portland Tourism Development District (PTDD), as submitted by Visit Portland for FY2024 at \$2,589,071, would be funded largely from special assessments on all Portland area lodging properties with 40 or more rooms. The revenue raised through the special assessment would fund the PTDD development program expenses for FY2024. The assessment rate is based on a calendar year average short term room rental occupancy percentage and average daily rate multiplied by 1.5%, which is equal to one and one-half percent 1.5% of annual gross short-term room rental revenues. Estimated assessments for each individual lodging house would be established based on a formula using 2022 Smith Travel Report (STR) average daily room rate in Portland hotels ranging from \$146 to \$269 per night, and occupancy rate ranging from 69% to 70% based on standard industry hotel classifications, times 1.5% assessment rate. The City will collect 10% of the assessment for its administrative purposes.

Example Formula: Number of Rooms x 365 = Number of Rooms/Year x Occupancy Rate of 72.1% x Average Daily Room Rate (ADR) of \$227.66 x 1.5% (Assessment Rate).

At the Housing and Economic Development Committee meeting held on April 25, 2023, the vote was 3-1 (Rodriguez) to forward this to the City Council for approval, with Councilor Phillips noting that she favors sending this to the City Council for discussion and would confirm her vote yes or no at that meeting.

This item must be read on two separate days. This is its first reading.

Order 257-22/23 Establishing Implementation Assessments for Portland's Tourism Municipal Development District for Fiscal Year 2023-2024 - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

This is a companion order to the order above establishing Portland's Tourism Municipal Development District, and the order below approving the agreement.

This item must be read on two separate days. This is its first reading.

Order 258-22/23 Approving the Development Program Manager Agreement between the City of Portland and Convention and Visitors' Bureau of Greater Portland Doing Business as Visit Portland - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

This is a companion order with the two orders above.

This item must be read on two separate days. This is its first reading.

Order 259-22/23 Proposing an Amendment to Portland City Code Chapter 6 Re: Administrative Changes to Rent Board and Rent Control Ordinance - Sponsored by Danielle P. West, City Manager

This order proposes revisions to the Rent Control, Tenant Protections and Rent Board Ordinances. The proposed order: (1) adds exemptions from rent control for certain Rental Units including short term rentals, rentals occupied by qualified family members and Rental Units subject to certain affordable housing regulations; (2) defines operational terms consistent with the Rent Board's practice; (3) clarifies how allowable increases are applied and how banked rent is calculated; (4) explains how base rent is calculated when a Rental Unit reenters the market after being exempted or otherwise removed from the rental market for a period of time; (5) allows the Housing Safety Office to assign a designee to assist with enforcement; (6) eliminates the two-tiered late fee for registrations; (7) prescribes deadlines by which tenants must submit complaints to the Housing Safety Office about an improper rent increase or insufficient notice of a rent increase; (8) identifies instances when the 10% annual cap does not apply consistent with Rent Board practice; (9) eliminates the mediation function of the Rent Board; (10) amends the Tenants Unions' standing consistent with the standing permitted by law; (11) reduces the number of votes required by the Rent Board from four to the majority of members present (four being a quorum); and (12) allows the Rent Board to amend its rules from time to time without City Council approval.

Once approved by the City Council, the proposed amendment, which revises City Code

approved by referendum, would be submitted to voters at the General Election on November 7, 2023. This item must be read on two separate days. This is its first reading.

Order 260-22/23 Amendment to the Portland City Charter Re: Gender-Neutral Language - Sponsored by Kate Snyder, Mayor

As contemplated by the Council Resolution 13-21/22 adopted on June 6 (attached in the back-up material), this item begins the process of approving a Council-initiated Charter amendment adopting gender neutral language throughout the City Charter. Following council approval, the amendment would be submitted to the voters at the General Election on November 7, 2023.

This item must be read on two separate days. This is its first reading.

Order 261-22/23 Proposing an Amendment to Portland City Code Chapter 9 Re: the Citizen Initiative Process - Sponsored by Kate Snyder, Mayor

This order proposes revisions to the Initiation and Referendum provisions in Article III of Chapter 9 of the City Code. The changes include (1) limiting the initiative and people's veto processes to the City's regular municipal election in November of each year, (2) updating the administrative process to apply for a petition for an initiative or people's veto, (3) adding a requirement that a proposed ordinance be reviewed and approved by the City Clerk, in consultation with the Corporation Counsel, prior to issuing initiative petition forms to ensure that the proposed ordinance complies with certain administrative provisions in Article III of Chapter 9 of the City Code, (4) adjusting the timing requirements for filing an application and signed petition forms for an initiative to ensure that the initiative process is completed in time to be placed on the November ballot, (5) requiring that the City's Finance Director prepare a fiscal impact statement for an initiative and providing that a proposed ordinance having a fiscal impact of more than \$50,000.00 will not become effective until the later of the first July 1 after the election or the effective date stated in the proposed ordinance; (6) requiring that petitions include the full text, an objective title and summary, and a fiscal impact statement for the proposed ordinance and that petition circulators provide voters an opportunity to review that information before signing, (7) updating petition circulator verification requirements to be consistent with Maine law (8) allowing the City Council, by vote of six of its members, to amend or repeal an ordinance approved through the initiative process 18 months after the effective date of the ordinance, and (9) revising the existing language to ensure internal consistency and other non-substantive changes.

Once approved by the City Council, the proposed amendment, which revises City Code approved by referendum, would be submitted to voters at the General Election on November 7, 2023.

This item must be read on two separate days. This is its first reading

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.

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.

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PLEDGE OF ALLEGIANCE:

Mayor Snyder led all present in the Pledge of Allegiance.

ROLL CALL:

Mayor Snyder called the meeting to order at 4:00pm

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

Councilors Absent: Councilor Rodriguez

Point of Order: Councilor Rodriguez arrived at:4:07pm

4:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

Motion was made by Councilor Dion and seconded by Councilor Ali to suspend Council rules to allow for public comment at 4:00pm. Passed 8-0.

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

George Rheault (West Bayside)

ORDERS:

Order 247-22/23 Approving the Service Provider Subcontract Between DC Management LLC, DC Blueberry LLC, the Maine Immigrants' Rights Coalition, and City of Portland Re: 166 Riverside Industrial Parkway - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Rodriguez and seconded by Councilor Trevorrow for passage. Passage 8-1 (Dion No).

Mayor Snyder opened the floor for public comment. The following individuals spoke: George Fulsik (Riverton Neighborhood), Kate Sykes (Deering Neighborhood), Claude Rqaganje (Westbrook), Ken Capron (Forest Ave), George Rheault (West Bayside), Mary Cook (Opportunity Alliance), Mufalo Chitam (Executive Director of Maine Immigrants Rights Coalition), Belinda Ray (Oxford Street), Catharina (152 Tucker Ave), Steven Scharf (Brackett Street), Councilor Rodriguez, Kevin Bunker (Developer), Councilor Ali, Councilor Dion, Councilor Trevorrow, Michael Goldman (Corporation Counsel), Danielle West (City Manager), Councilor Phillips, Councilor Zarro, Councilor Fournier, Councilor Pelletier

ADJOURNMENT:

Motion was made by Councilor Ali and seconded by Councilor Fournier to adjourn. Passage 9-0 at 5:46pm.

A TRUE RECORD

Ashley Rand, City Clerk

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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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 Pelletier, Councilor Phillips, Mayor Snyder.

Councilors Absent: Councilor Trevorrow

Point of Order: Councilor Trevorrow arrived at 5:26pm

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

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

Harley Lewin (West End), Namina (Anderson Street), George Rheault (Hanover Street), Robert Haines (Holm Ave)

ANNOUNCEMENTS:

No announcements.

RECOGNITIONS:

Recognizing Deering Center Neighborhood Association, Board Member Bobbi Cope, and the Veterans of Foreign Wars Post 6859 for their leadership in honoring and mourning the U.S. military personnel who died while serving in the United States Armed Forces, and organizing this observation of Memorial Day 2023 - Mark Dion, Councilor

Mayor Snyder recognized Deering Center Neighborhood Association, Board Member Bobbi Cope and the Veterans of Foreign Wars Post 6859 for organizing Memorial Day 2023.

Recognizing Public Works employees Stan Mason and Justin Cusak for their first-place finish in the 2023 State Snow Plow Rodeo competition - Kate Snyder, Mayor

Mayor Snyder recognized Public Works employees Stan Mason and Justin Cusak for their first place finish in the 2023 State Snow Plow Rodeo Competition.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

City Council Meeting- May 15, 2023

Motion was made by Councilor Zarro and seconded by Councilor Ali for approval of the City Council Meeting minutes, May 15, 2023. Passage 8-0 (Dion stepped out)

PROCLAMATIONS:

Proclamation 28-22/23 Recognizing June 2023 as LGBTQ+ Pride Month - Sponsored by Kate Snyder, Mayor

Councilor Zarro read Proclamation 28-22/23 Recognizing June 2023 as LGBTQ + Pride Month into the record.

Proclamation 29-22/23 Recognizing June 19, 2023 as Juneteenth - Sponsored by Kate Snyder, Mayor

Councilor Pelletier read Proclamation 29-22/23 Recognizing June 19, 2023 as Juneteenth into the record.

Proclamation 30-22/23 Recognizing the Month of June 2023 as Immigrant Heritage Month - Sponsored by Pious Ali, Councilor

Councilor Ali read Proclamation 30-22/23 Recognizing the Month of June 2023 as Immigrant Heritage Month into the record.

APPOINTMENTS:

Order 225-22/23 Appointing William Needelman a Class E Director of the Portland Fish Exchange - Sponsored by Danielle P. West, City Manager

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

Passage 9-0.

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

Order 226-22/23 Appointing Constables for the Parks, Recreation & Facilities and Police Departments and Jetport Garage Employees for 2023 - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Zarro and seconded by Councilor Rodriguez for passage.

Passage 9-0, as amended.

Motion was made by Councilor Snyder and seconded by Councilor Ali to remove Maria Goodstien and add Aidan Foss as a Park Ranger. Passage 9-0.

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

Order 227-22/23 Confirming Governor Mills' Appointment of John Henshaw to the Board of Harbor Commissioners - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Rodriguez and seconded by Councilor Zarro for passage.

Passage 9-0.

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

CONSENT ITEMS:

Order 228-22/23 Declaring July 4, 2023 the July 4th Festival - Sponsored by Danielle P. West, City Manager

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

Passage 9-0.

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

Order 229-22/23 Declaring Sundays from June 16 to September 23, 2023 the Open Air Sundays Festival on Lower Exchange Street - Sponsored by the Sustainability & Transportation Committee, Councilor Andrew Zarro, Chair

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

Passage 9-0.

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

LICENSES:

Order 230-22/23 Granting Municipal Officers' Approval of Kirara Inc, dba N to Tail. Application for Parklet Outdoor Dining at 29 Exchange Street - Sponsored by Danielle P. West, City Manager

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

Passage 9-0.

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

Order 231-22/23 Granting Municipal Officers' Approval of Green Elephant SA Inc, dba Green Elephant Vegetarian Bistro. Application for Class III & IV FSE at 608 Congress Street - Sponsored by Danielle P. West, City Manager

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

Passage 9-0.

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

Order 232-22/23 Granting Municipal Officers' Approval of DJZ LLC, dba The Portland Beer Hub. Application for Class I FSE with Outdoor Dining on Public Property at 320 Fort Street - Sponsored by Danielle P. West, City Manager

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

Passage 9-0.

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

Order 233-22/23 Granting Municipal Officers' Approval of Scarlet Ribbons LLC, dba The Henry. Application for Indoor Entertainment at 375 Fore Street - Sponsored by Danielle P. West, City Manager

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

Passage 9-0.

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

Order 234-22/23 Granting Municipal Officers' Approval of Commercial Street Pub, Inc, dba Commercial Street Pub. Application for Indoor Entertainment at 129 Commercial Street - Sponsored by Danielle P. West, City Manager

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

Passage 9-0.

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

Order 235-22/23 Granting Municipal Officers' Approval of Riverton Station LLC, dba Riverton Station. Application for Outdoor Dining on Private Property at 1569 Forest Avenue - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Dion and seconded by Councilor Zarro for passage.

Passage 9-0.

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

Order 236-22/23 Granting Municipal Officers' Approval of Small Axe LLC, dba East Ender. Application for Class XI Restaurant/Lounge with Outdoor Dining on Public Property and Indoor Entertainment at 47 Middle Street - Sponsored by Danielle P. West, City Manager

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

Passage 9-0.

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

Order 237-22/23 Granting Municipal Officers' Approval of Thanh Thanh LLC, dba Thanh Thanh 2. Application for Class I FSE at 782 Forest Ave - Sponsored by Danielle P. West, City Manager

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

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

BUDGET ITEMS:

**PUBLIC COMMENT WILL BE TAKEN AT THIS COUNCIL MEETING ON
ALL MUNICIPAL BUDGET ORDERS.**

**Order 209-22/23 Approving Fiscal Year 2024 Administrative Fees for City Parking
Garages and the Parks, Recreation, and Facilities Department - Sponsored by
Danielle P. West, City Manager**

*Point of Order, Orders 209-22/23 through 222-22/23 were read into the record at the
same time. Public comment was taken together for these items.

Motion was made by Mayor Snyder and seconded by Councilor Ali to postpone item to
the June 26, 2023 City Council meeting. Passage 9-0.

Item postponed.

**Order 210-22/23 Authorizing the City Manager To Enter into Certain Agreements
To Implement the Fiscal Year 2024 Human Resources and Certain Fringe Benefits
Budgets - Sponsored by Danielle P. West, City Manager**

Motion was made by Mayor Snyder and seconded by Councilor Rodriguez to postpone
item to the June 26, 2023 City Council meeting. Passage 9-0.

Item postponed.

**Order 211-22/23 Approving the Fiscal Year 2024 Self-insured Liability Program -
Sponsored by Danielle P. West, City Manager**

Motion was made by Mayor Snyder and seconded by Councilor Rodriguez to postpone
item to the June 26, 2023 City Council meeting. Passage 9-0.

Item postponed.

**Order 212-22/23 Authorizing the Director of Parks, Recreation and Facilities to Set
Fees and Enter Rental Agreements for City Facilities - Sponsored by Danielle P.
West, City Manager**

Motion was made by Mayor Snyder and seconded by Councilor Rodriguez to postpone
item to the June 26, 2023 City Council meeting. Passage 9-0.

Item postponed.

**Order 213-22/23 Authorizing the City Manager to Enter into Certain Agreements to
Implement Fiscal Year 2024 Health & Human Services Budget - Sponsored by
Danielle P. West, City Manager**

Motion was made by Mayor Snyder and seconded by Councilor Rodriguez to postpone
item to the June 26, 2023 City Council meeting. Passage 9-0.

Item postponed.

Order 214-22/23 Authorizing the City Manager to Accept Scholarship and Trust Donations and Bequests and Enter into Trust Agreements - Sponsored by Danielle P. West, Interim City Manager

Motion was made by Mayor Snyder and seconded by Councilor Rodriguez to postpone item to the June 26, 2023 City Council meeting. Passage 9-0.

Item postponed.

Order 215-22/23 Authorizing the Director of Parks, Recreation and Facilities to Accept Donations up to \$10,000 for Parks, Recreation & Facilities Department Programs and City Funds - Sponsored by Danielle P. West, City Manager

Motion was made by Mayor Snyder and seconded by Councilor Rodriguez to postpone item to the June 26, 2023 City Council meeting. Passage 9-0.

Item postponed.

Order 216-22/23 Authorizing Corporation Counsel to Undertake Civil Actions to Collect Delinquent Personal Property Taxes - Sponsored by Danielle P. West, City Manager

Motion was made by Mayor Snyder and seconded by Councilor Ali to postpone item to the June 26, 2023 City Council meeting. Passage 9-0.

Item postponed.

Order 217-22/23 Authorizing Non-Union Wage Adjustment - Sponsored by Danielle P. West, City Manager

Motion was made by Mayor Snyder and seconded by Councilor Rodriguez to postpone item to the June 26, 2023 City Council meeting. Passage 9-0.

Item postponed.

Order 218-22/23 Designating Fiscal Year 2024 Funds for Specific Island Services - Sponsored by Danielle P. West, City Manager

Motion was made by Mayor Snyder and seconded by Councilor Rodriguez to postpone item to the June 26, 2023 City Council meeting. Passage 9-0.

Item postponed.

Order 219-22/23 Appropriating \$3,611,343 in Fund Balance - Sponsored by Danielle P. West, City Manager

Motion was made by Mayor Snyder and seconded by Councilor Rodriguez to postpone item to the June 26, 2023 City Council meeting. Passage 9-0.

Item postponed.

Order 220-23/24 Appropriating \$276,000 From Excess Fund for Casco Bay Island Transit District - Sponsored by Danielle P. West, City Manager

Motion was made by Mayor Snyder and seconded by Councilor Rodriguez to postpone item to the June 26, 2023 City Council meeting. Passage 9-0.

Item postponed.

Order 221-22/23 Amendment to Portland City Code Chapters 24 and 28 Re: Various Fee Increases for Fiscal Year 2024 - Sponsored by Danielle P. West, City Manager

Motion was made by Mayor Snyder and seconded by Councilor Rodriguez to postpone item to the June 26, 2023 City Council meeting. Passage 9-0.

Item postponed.

Order 222-22/23 Fiscal Year 2023-2024 Appropriation Resolve - Sponsored by Danielle P. West, City Manager

Motion was made by Mayor Snyder and seconded by Councilor Rodriguez to postpone item to the June 26, 2023 City Council meeting. Passage 9-0.

Item postponed.

COMMUNICATIONS:

Com 34-22/23 Communication re: City Council's Ad Hoc Search Committee - Sponsored by Kate Snyder, Mayor

Mayor Snyder gave an update regarding City Council's Ad Hoc Search Committee. As a communication, this item requires no public comment or formal Council action.

Com 35-22/23 Communication regarding decommissioning of the Portland Expo as a temporary emergency shelter - Kristen Dow, Director of Health & Human Services

Kristen Dow, Director of Health and Human Services gave an update on decommissioning of the Portland Expo as a temporary emergency shelter. As a communication, this item requires no public comment or formal Council action.

Com 36-22/23 Regarding the City of Portland Encampment Crisis Response Team - Kristen Dow, Director of Health & Human Services

Kristen Dow, Director of Health and Human Services gave an update on the City of Portland Encampment Crisis Response Team.

The following individuals commented on this communication:

Mayor Snyder, Councilor Fournier, Councilor Zarro, Councilor Phillips, Councilor Ali, Councilor Dion, Danielle West (City Manager), Councilor Rodriguez

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

RESOLUTIONS:

Resolve 9-22/23 Reaffirming a Sister City Relationship with Cap-Haitien, Haiti - Sponsored by Pious Ali, Councilor

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

Mayor Snyder opened the floor for public comment. The following individuals spoke: George Rheault (Hanover Street), Councilor Ali

UNFINISHED BUSINESS:

Order 224-22/23 Authorizing Amendment to Downtown Transit Oriented Development and Omnibus Tax Increment Financing District to Increase Funding for Creative Portland - Sponsored by Danielle P. West, City Manager

Motion was made by Mayor Snyder and Seconded by Councilor Rodriguez for passage. Passage 9-0.

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

ORDERS:

Order 238-22/23 Accepting the Cumberland County and City of Portland Analysis of Impediments to Fair Housing - Sponsored by Housing & Economic Development, Councilor Pious Ali, Chair

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

Mary Davis (Interim Director of Housing and Economic Development) gave an overview of the item.

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

George Rheault (Hanover Street), Councilor Fournier, Councilor Ali, Councilor Zarro

Order 239-22/23 Approving Changes to the Tax Increment Financing Policy - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

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

Mary Davis (Interim Director of Housing and Economic Development) gave an overview of the item.

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

Steven Scharf (Brackett Street), Nate Howes (Avesta Housing), Councilor Dion, Councilor Zarro, Mayor Snyder, Councilor Phillips, Councilor Pelletier, Councilor Ali, Councilor Fournier

Order 240-22/23 Approving Residential Parking for Islanders - Sponsored by Danielle P. West, City Manager

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

Order 241-22/23 Accepting and Appropriating a United States Environmental Protection Agency Brownfield Assessment Grant of up to \$500,000 - Sponsored by Danielle P. West, City Manager

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

Order 242-22/23 Adopting Development Program for Portland Downtown for Fiscal Year 2023-2024 - Sponsored by the Finance Committee, Councilor Mark Dion, Chair

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

Order 243-22/23 Establishing Maintenance and Implementation Assessments for Portland Downtown for Fiscal Year 2023-2024 - Sponsored by the Finance Committee, Councilor Mark Dion, Chair

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

Order 244-22/23 Approving Agreement between the City of Portland and Portland Downtown for Fiscal Year 2023-2024 - Sponsored by the Finance Committee, Councilor Mark Dion, Chair

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

Order 245-22/23 Approving the Amended Wage Scale to the Collective Bargaining Agreement with the Police Benevolent Association -- Sponsored by Danielle P. West, City Manager

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

Order 246-22/23 Approving the Amended Wage Scale to the Collective Bargaining Agreement with the Portland Police Superior Officers Association - Sponsored by Danielle P. West, City Manager

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

ADJOURNMENT:

Motion was made by Councilor Rodriguez and seconded by Councilor Ali to adjourn. Passage 9-0 at 8:17pm.

A TRUE RECORD

Ashley Rand, City Clerk

PROCLAMATION

RECOGNIZING JUNE AS GUN VIOLENCE AWARENESS MONTH

WHEREAS, Protecting public safety in the City of Portland is one of the highest priorities of the City government; and

WHEREAS, it is crucial that we come together as a city to raise awareness about the impact of gun violence and work to prevent it from occurring in the future; and

WHEREAS, June is nationally recognized as Gun Violence Awareness Month, with communities across the country coming together to promote greater awareness and understanding of this critical issue; and

WHEREAS, by designating June as Gun Violence Awareness Month in Portland, we can join with other cities and states in promoting education, advocacy, and support for those affected by gun violence; and

NOW, THEREFORE, BE IT RESOLVED, that I, Kate Snyder, Mayor of the City of Portland, Maine and members of the City Council do hereby declare June 2023 as Gun Violence Awareness Month in the City of Portland, Maine, and urge all residents to participate in activities and events designed to raise awareness of this issue, support those affected by gun violence, and work towards ending this epidemic in our city and beyond; and

BE IT FURTHER RESOLVED, that during Gun Violence Awareness Month, we recognize the efforts of organizations and individuals who are working tirelessly to prevent gun violence and support survivors, and we reaffirm our commitment to building safer communities for all.

Signed and sealed this 26th day of June, 2023



**Kate Snyder, Mayor
City of Portland**

P R O C L A M A T I O N

RECOGNIZING JEFF SANDERS FOR 13 YEARS OF LEADERSHIP AT MAINE MEDICAL CENTER

WHEREAS, Jeff Sanders served as a leader of Maine Medical Center for 13 years, including as its president from 2018-2023; and

WHEREAS, under Jeff's leadership, Maine Medical Center has provided world-class care for the communities of Maine and New Hampshire, educational opportunities to train tomorrow's caregivers, and cutting-edge biomedical research that provides the most advanced treatment options for our patients; and

WHEREAS, Jeff successfully led Maine Medical Center's care team during the Covid-19 pandemic, providing high-quality care to more than 3,800 patients with Covid-19 during a very challenging period in our history; and

WHEREAS, Jeff Sanders brought to Maine Medical Center his roots in Millinocket and Gray, Maine, as he served on the Boards of numerous local charities, including: the United Way for Southern Maine; the Greater Portland Chamber of Commerce; the Maine Hospital Association; and the New England Rehabilitation Hospital; and

WHEREAS, Jeff led the planning and development of a hospital modernization project that adds patient care capacity to better meet the needs of our communities, including 160 private rooms, 19 new procedure rooms, additional air ambulance capacity, and new medical office space to serve the needs of its patients; and

WHEREAS, Jeff further led the largest capital campaign in Maine's history, raising \$179 million to support better access to care for our communities, innovations in care and training opportunities for care team members; and

WHEREAS, Jeff led the development of Maine Medical Center's organizational values of Patient-centered; Excellence; Innovation; Respect; Ownership; and Integrity; and

WHEREAS, under Jeff's leadership, the hospital received numerous national accolades, including Leapfrog "A" Quality and Safety award, US News and World Report's Best Hospital in Maine and Best Regional Hospital, and the Magnet Recognition for Excellence in Nursing care four consecutive times, an honor it has held since 2006; and

WHEREAS, Jeff announced that he is stepping back from Maine Medical Center; and

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA 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)

NOW, THEREFORE, BE IT RESOLVED, THAT I, Kate Snyder, Mayor of the City of Portland, Maine, and members of the Portland City Council, do hereby recognize Jeff Sanders for his meaningful contributions to the City of Portland and wish him all the best in his future endeavors.

Signed and sealed this 26th day of June, 2023



**Kate Snyder, Mayor
City of Portland**

MEMORANDUM
City Council Agenda Item

FROM:

DATE: June 16, 2023

SUBJECT: Order 262-22/23 Appointing and Setting Salary of Mark W. Dubois as Police Chief - Sponsored by Danielle P. West, 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

The order would confirm the appointment of Mark W. Dubois as Portland Police Chief, to begin July 31, 2023, and set his salary at \$165,000.

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. Dubois, Mark Chief of Police 6.26.2023
2. 2023-06-16 Dubois Conditional Offer.docx (1)_Redacted
3. Dubois Resume_Redacted

Prepared by:

Date: 06/16/2023

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 AND SETTING SALARY
OF MARK W. DUBOIS AS POLICE CHIEF

ORDERED, that Mark W. Dubois is hereby appointed Police Chief for the City of Portland, and this appointment shall start on July 31, 2023; and

BE IT FURTHER ORDERED, that the salary of Mark W. Dubois as Police Chief is hereby set at \$165,000.

Executive Department

Danielle West, City Manager



June 16, 2023

Via email [REDACTED]

Mark Dubois

[REDACTED]

[REDACTED]

RE: Conditional Offer – Portland Police Chief

Dear Mark,

Thank you so much for taking the time to come meet with me and the rest of our interview team. Everyone appreciated your experience, your approach to getting to know and working with your team, and your commitment to being transparent and engaged with the community. As you discussed with Anne Torregrossa, I am very pleased to extend the offer for you to be our next Police Chief.

We are offering a starting salary of \$165,000. The position comes with three weeks of vacation, fourteen holidays, sick leave, and a package of generous benefits. As a member of law enforcement, you would be eligible for our enhanced retirement benefit under either the Maine Public Employees Retirement System pension, or the 401(a) plan. You can review the rest of our benefits on our [benefits website](#).

This offer is conditional upon you being confirmed by the City Council and passing all of the state requirements to be chief, including a polygraph and a job suitability assessment. However, I do not anticipate any challenges with either of those.

We plan to have your confirmation go before Council on June 26, 2023, and I hope you are able to attend in person, and will plan on a start date the week of July 31, 2023.

Please confirm with Anne Torregrossa that you will accept our offer, and we will finalize all of the next steps. We are very excited to have you join our team!

Sincerely,

Danielle West

MARK W. DUBOIS

Massachusetts and Maine |

CHIEF OF POLICE

Chief with **12 years' success transforming operations and culture** of 2 dysfunctional police departments into **stable, state-accredited, high-functioning, efficient operations fully staffed** with energetic, **motivated professionals**.

Additional credentials: **FBI Academy** graduate; **Attorney** (Massachusetts Bar Assoc.); **leader in profession** (NEMLEC past president); and **Judge Advocate** (U.S. Army Reserve).

KEY QUALIFICATIONS

- ✓ **Proven, accomplished leader:** Able to **instill trust, spur collaboration, and lead to excellence**. Consider highest achievement to be, as an outside hire, gaining the trust and respect of a beleaguered department that felt betrayed.
- ✓ **Transforming manager and outstanding administrator:** Restructured operations, developed policies and procedures to achieve accreditation, and eliminated unnecessary work, resulting in **reduced turnover, reduced expenses** (by 50% in overtime), and producing **smooth-running operations**.
- ✓ **Deep knowledge of the law:** As an **attorney** and **Judge Advocate**, have exceptional knowledge of the law, the legislative process, and the court system and leverage it daily for the department and community's best interests.
- ✓ **Exceptional communicator:** Skilled **public speaker** with **years' experience speaking and developing influence** across organizations with **diverse constituencies**. Speak to local community groups, to professional conferences, and to political/governmental organizations such as the Governor's Council on Domestic Violence and Board of Selectmen.
- ✓ **Passionate commitment to policing** and significant contributor to the profession: **NEMLEC President** and Executive Board Chair; **Governor's Council on Domestic Violence** (the only police chief included on the Council), **Police Executive Research Forum (PERF)**, and **Massachusetts Chief of Police Assoc.**, among others.

CORE COMPETENCIES

Leadership	Strategic Planning	Risk Assessment & Management
Public Speaking	Grant Funding	Relationship Management
Communications	Negotiations	Union Contracts
Policing Management	Public Speaking	Domestic Violence Prevention
Financial Management	Harbor Operations	

PROFESSIONAL EXPERIENCE

BRAINTREE POLICE DEPARTMENT, BRAINTREE, MA, 2019 to PRESENT

City of 40k residents with significant retail (largest shopping mall in New England with 30K+ visitors daily), commercial, and industrial businesses in addition to MBTA Red line and Logan Express. Population swells to 150K during day due to retail and commercial traffic.

POLICE CHIEF

"You were/are one of my finest appointments and the way in which you have professionally conducted yourself has not only made me proud in the faith that was placed in you... but in your enhancement of our BPD operations."

—Braintree Mayor Joseph Sullivan

Hired to overcome dysfunction in a department of 89 full time officers, 25 special officers and 21 civilians with a \$13m budget. The overriding issue was a loss of trust in the previous leader when an officer was shot on duty and the department experienced a scandal in the evidence room.

SELECTED ACCOMPLISHMENTS:

- ▶ Reestablished staff trust by leading with **integrity** and **clear expectations** to create a stable, “no drama” operation where trust, **collaboration**, and **consensus** are valued between leadership and staff.
 - Developed **durable relationships** (met individually with every staff member within 6 weeks of hire) and continue to participate across all shifts to **ensure visibility** and **promote deep understanding of challenges** met on each shift.
 - **Make staff feel appreciated and valued; promote mental and physical well-being**—implemented industry-leading programs which are so successful they’ve not only **reduced turnover** but have **spurred lateral transfer requests from other jurisdictions**.
- ▶ Established and maintain **strong relationships with town governmental officials** and the **community at large**. Interact with the public daily in impromptu settings and at planned events. Often speak at town council meetings, presenting present business cases and plans to improve the town.
- ▶ **Create annual operating and capital budgets** and manage expenses within budget allocations. Meet with mayor weekly to review status. Expanded funds available for effective policing by **winning \$10M in grants to fund improvements above the budget**.
- ▶ Achieved state accreditation in 2 years after project had languished for years. As an attorney, understood that previous approach using negative “you must” language was counterproductive. Instructed team to **use positive language focused on providing models for good policing**. Result is a set of policies and procedures so successful that **40 municipalities have emulated them**.
- ▶ **Reduced significant risk to city infrastructure** by convincing mayor and council that **harbor was inadequately protected**. Results: new harbor master assigned with unit of 20 officers trained to perform search and rescue, escorts, tactical operations, boat accident investigations, and officer water survival. Obtained \$300K in grants to replace outmoded boat.
- ▶ **Expanded programs to help citizens in mental health crisis and victims of domestic violence:**
 - Expanded co-responder approach to domestic calls so that **social services can be invoked** where appropriate and **incarceration can be avoided** if possible.
 - Developed a checklist of questions to ask domestic violence victims to **ascertain their level of vulnerability** so that appropriate **advocacy programs** can be determined and referrals made.
 - Established **Crisis Intervention Training program HUB** and made training available, not just for Braintree officers, but for the entire South Shore by hosting an ongoing mental health training HUB. Achieved with 100% grant funding.
- ▶ **Integrated 3 disparate 911 dispatch units** into one state-of-the art **public communications dispatch center** shared across municipalities to improve call response and reduce ongoing costs. Convinced mayor, lobbied for public support, acquired 100% grant funding, and managed renovation of historic building to house the unit.

MAYNARD POLICE DEPARTMENT, MAYNARD MA, 2012 to 2019*Community of 12K residents in MetroWest Boston.***CHIEF OF POLICE**

First chief hired from outside and challenged to overhaul an ineffective department with a culture that had not changed in 30 years. Environment was hostile to an outsider. Managed 25 full time officers, 15 special officers and 7 civilians.

- ▶ Built a highly **effective, motivated, and enthusiastic organization** by developing trust and **culture of professionalism, cohesion, and collaboration** where staff felt valued and **embraced change**. Created job descriptions, training plans and communicated clear expectations.
- ▶ **Reformed culture and mindset** of policing to **progressive, collegial, and inclusive practices** by creating opportunities for officers to see operations of and participate with larger organizations. Joined NEMLEC and participated in other regional efforts and groups.
- ▶ **Boosted operations to best practices** by achieving coveted state accreditation.
- ▶ Working with the town manager and Board of Selectmen, established a formal oversight committee to resolve complaints, including **bias or discrimination**, against town employees. Improved government transparency and boosted citizens’ trust.

- ▶ **Modernized and replaced outdated equipment** of all kinds by presenting need and business case to town manager and Board of Selectmen who voted yes in all cases.

PRIOR PROFESSIONAL EXPERIENCE

Shrewsbury Police Department, Shrewsbury MA, 2000–2012. Promoted from Sergeant to Lieutenant to Operations Commander.

Northborough Police Department, Northborough MA, 1994–2000. Patrol Officer with general patrol duties.

Sutton Police Department, Sutton MA, 1990–1994. Dispatcher and part time officer.

MILITARY EXPERIENCE

Judge Advocate (Lieutenant Colonel) currently serve as team leader for 3rd Legal Operations Detachment. As reservist, supervise 3-5 reservist lawyers who assist active-duty judge advocates in adjudicating trials and provide legal assistance for civil affairs such as wills, custody cases, landlord/tenant issues, and soldier readiness processing. 2007—Present

PROFESSIONAL ORGANIZATIONS

FBI National Academy Associates

Police Executive Research Forum (PERF)

NEMLEC (Northeastern MA Law Enforcement Council) executive board member (4 years) and president 2019—2020

Domestic Violence Service Network (DVSN) advisory board

Governor's Council on Domestic Violence member

Massachusetts Chiefs of Police Association

Massachusetts Major City Chiefs Association

Norfolk County Chief of Police Association

New England Law Alumni Association

International Assoc. of Chiefs of Police (IACP)

EDUCATION & CREDENTIALS

Juris Doctor, New England Law, Boston, MA, 2001. Massachusetts bar admission, January 2002

Bachelor of Science, Criminal Justice, Westfield State College, Westfield MA, 1996

Professional Training

FBI National Academy, Quantico VA, session 270, December 2017

Endicott College Police Chief Leadership Academy, June 2016

FBI Law Enforcement Executive Development Seminar, December 2013

General Staff and Command Course – United States Army, June 2018

Antiterrorism Officer Basic Course – United States Army, Sept 2019

MEMORANDUM
City Council Agenda Item

FROM: Rusty Groh
DATE: June 7, 2023
SUBJECT: Order 248-22/23 Declaring August 11 to 13, 2023 the 97th Annual St. Peter's Bazaar and Italian Street Festival - Sponsored by Danielle P. West, City Manager
SPONSOR: Danielle West; 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 6/26/2023

**Final
Action 6/26/2023**

Can action be taken at a later date: No Organizers will need to know if they can have their event.

Does this item involve a new contract with the City: No

PRESENTATION: Andrew Keyek; PAF Event Manager - permitting, will be available to answer any questions.

I. SUMMARY

Order Declaring August 11 to 13, 2023 the 97th Annual St Peter's Bazaar and Italian Street Festival.

II. AGENDA DESCRIPTION

St. Peter's Bazaar committee and Catholic Church will be hosting their 97th Annual St. Peter's Bazaar and Italian Street Festival from August 11 to 13, 2023, with food booths, games for children and adults and music in the streets. Approximately 2,500 people will attend the event over the course of the three days. The event is a fundraiser for St. Peter's Catholic Church.

Five affirmative votes are required for passage of the Consent Calendar after public comment.

III. BACKGROUND

This will be the 97th Annual St Peter's Bazaar & Italian Street Festival.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The City Council declaring the 97th Annual St Peter's Bazaar & Italian Street Festival as a festival.

V. FINANCIAL IMPACT

The organizers will pay for all fees associated with having their event.

VI. STAFF ANALYSIS AND BACKGROUND

The City of Portland Public Assembly Facilities Diviison has worked with the organizers of this event annually and we are confident in their ability to host this festival.

VII. RECOMMENDATION

It is recommended that this order be declared.

VIII. LIST ATTACHMENTS

1. St. Peters Bazaar 6.26.2023
2. St. Peter's Bazaar Street Layout
3. 2023 St. Peter's Church Italian Bazaar & Festival Application

Prepared by:
Rusty Groh
Date: 06/07/2023

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 DECLARING AUGUST 11 TO 12, 2023
THE 97TH ANNUAL ST. PETER’S BAZAAR
AND ITALIAN STREET FESTIVAL**

ORDERED, that August 11 to 12, 2023 is hereby declared to be the 97th Annual St. Peter’s Bazaar and Italian Street Festival, sponsored by the St. Peter’s Church and Friary; and

BE IT FURTHER ORDERED, that the 97th Annual St. Peter’s Bazaar and Italian Street Festival area shall be Federal Street (India Street to Franklin Street) and the adjoining sidewalks from noon until midnight for all three days; and

BE IT FURTHER ORDERED, that a portion of Federal Street (India Street to Franklin Street) may be posted No Parking on Festival days from noon until midnight; and

BE IT FURTHER ORDERED, that vehicles in violation of the “no parking” signs in the Festival Area shall be towed at owner’s expense; and

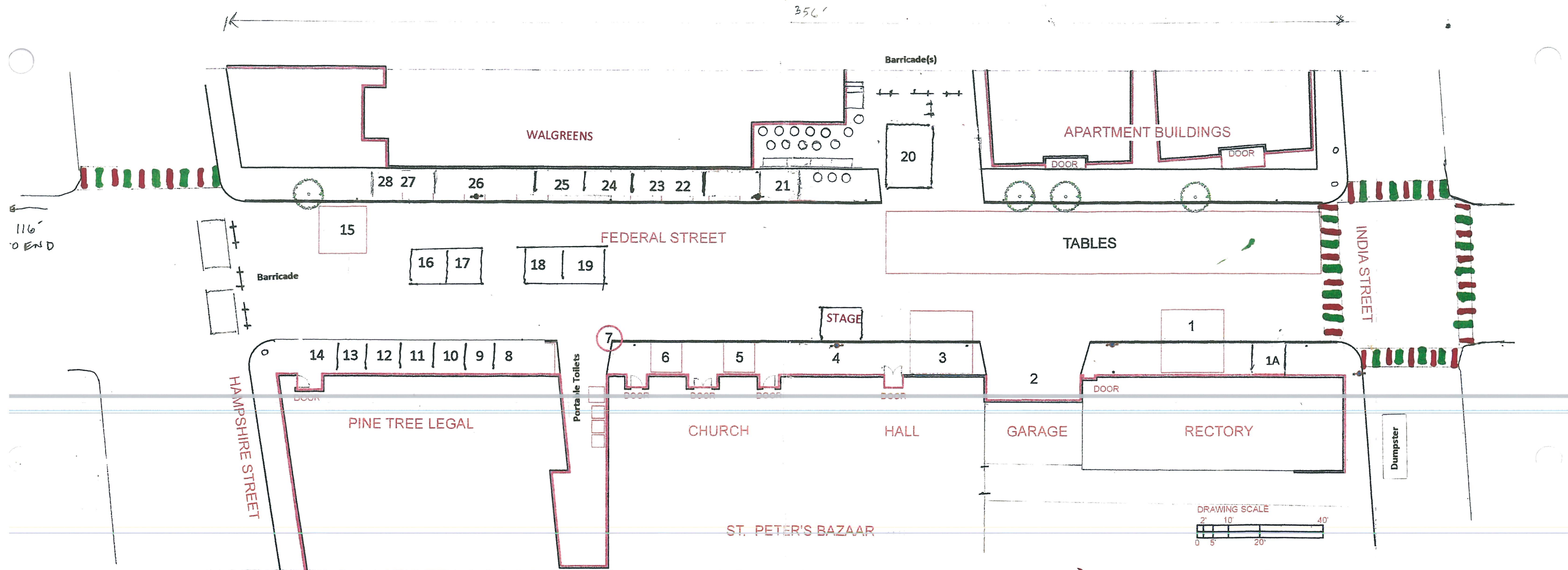
BE IT FURTHER ORDERED, that the 97th Annual St. Peter’s Bazaar and Italian Street Festival Area shall be closed to licensed street vendors as provided in §19-17 and §19-22 of the Portland City Code; and

BE IT FURTHER ORDERED, that the City Manager is authorized to issue a revocable permit to St. Peter’s Church and Friary under §§25-26—25-28 of the Portland City Code to conduct said Festival, subject to the direction and control of the City Manager and to the following specific conditions:

1. St. Peter’s Church and Friary shall defend, indemnify and hold harmless the City of Portland, its officers and employees, from and against all claims arising out of or resulting from the Festival and/or use of City streets and property for said Festival, and shall procure and maintain public liability insurance in the minimum amount of \$400,000 per occurrence for personal or bodily injury, death or property damage and covering the obligation of indemnification hereunder. St. Peter’s Church and Friary shall provide the City with a certificate showing evidence of such insurance and showing the City as an additional insured on said insurance;

2. No alcoholic beverages may be sold on the streets or public property during the Festival within the Festival Area;
3. St. Peter's Church and Friary shall comply with all Public Assembly Facilities Division Conditions for use of grounds, and requirements for food service, vending sales, tent and stage installations and other items specified in that permit shall be adhered to, but the Public Assembly Facilities Division fees for the use of the park are waived;
4. St. Peter's Church and Friary shall have sole authority over participating vendors at the Festival and may charge a fee to vendors for the opportunity to vend at the 97th Annual St. Peter's Bazaar and Italian Street Festival;
5. In addition, the Business Licensing Office shall charge the usual fees for licensing food vendors, and street goods vendors for the Festival to those vendors St. Peter's Church and Friary has agreed shall participate; and
6. Public Assembly Facilities Division concert license conditions shall be complied with and any and all amplified music and public announcements shall be maintained at a reasonable noise level (under 92 decibels) and be configured by the event organizer to focus volume away from residential housing and neighboring business, limiting any impact in the area by the sound level; and

BE IT FURTHER ORDERED, that the City Manager is authorized to waive fees and to issue such other temporary licenses, including licenses for food service establishments, as may be required by the Portland City Code, provided that all other applicable Code requirements for the operation of the Festival have been met.



MANCINI CREW

- MACKIE 468-1584
- BRUCE 615-5573
- SCOTT 515-3259

1A Original Italian

- 1 Dominic
- 2 Garage
- 3 Pastries
- 4 Stage
- 5 Gelato
- 6 Religious
- 7 Balloons

- 8 Lights Up
- 9 TP Toss
- 10 Pick a Duck
- 11 Pirate Game
- 12 Feed the Pig
- 13 Ring Toss
- 14 Kids Raffle

- 15 Moon Bounce
- 16 Quarter Toss
- 17 President's Game
- 18 Big Six
- 19 Color Bal
- 20 Beer/Wine
- 21 Lucky 7

- 22 Clothing
- 23 Clothing
- 24 IHC
- 25 50/50
- 26 Face Paint
- 27 Cotton Candy
- 28 Cotton Candy

2023 STREET LAYOUT MAP

97th Annual

St. Peter's Bazaar

Willie Audet, Jr. Chairman

749-8114

MASTER COPY

June 2, 2023



**TIER III / SPECIAL EVENT
PUBLIC PARK AND SPACE**
City of Portland, Public Assembly Facilities Division
221 Canco Road Suite A
Portland, Maine 04103
207-808-5434
Rusty Groh - rgroh@portlandmaine.gov



**TIER III APPLICATION FEE \$50.00
EXPECTED ATTENDANCE 2000+**

PAYMENT MUST BE MADE WHEN SUBMITTING COMPLETED APPLICATION

(This is a transferable/non-refundable fee. If your event is permitted, the \$50.00 will be credited toward your permit fee.)

For uses of city property, there are typically: 1) fees charged for use of the area, 2) a security deposit required, 3) insurance required and 4) Area Impact Study. There may be fees due and applications required from other City Departments.

TODAY'S DATE	5/23/23	ORGANIZATION NAME	St. Peter's Catholic Church (and Bazaar Committee)		
ADDRESS (Street/City/State/Zip)	Mailing address: 307 Congress St. Portland, ME 04101 Physical address: 72 Federal Street Portland, ME 04101				
CONTACT NAME(S)	1. Mr. Willie Audet 2. Fr. Seamus Griesbach		TITLE(S)	1. St. Peter's Bazaar Committee Chair 2. Pastor of St. Peter's Church	
PHONE	Willie cell#749-8114	PHONE	Parish Office #773-7746	PHONE	
EMAIL	audetland@aol.com	EMAIL	justin.dobson@portlanddiocese.org	EMAIL	seamus.griesbach@portlanddiocese.org

PARK AREA / PUBLIC SPACE REQUESTED	Federal Street (Franklin Arterial to India Street for Festival)		
EVENT DAY(S) & DATE(S)	August 11 & 12, 2023	RAIN DAY(S) & DATE(S) (50% added fee)	n/a
OVERALL EVENT START & END TIME (When setup will begin until cleanup is expected to be complete.)	Noon 8/11 -12:00am 8/13/23	EVENT START & END TIME	5:00 PM-9:30 PM

EVENT NAME	EVENT CLASSIFICATION Road Race, Parade, Public Assembly, Music Festival, Block Party	EXPECTED ATTENDANCE
97th Annual St. Peter's Bazaar and Italian Street Festival		2,500

AREA IMPACT STUDY: Please be as specific as possible regarding the area of public space/park that you would like to permit and please describe the event in detail using the **AREA IMPACT STUDY(AIS) CHECKLIST**. (add link to guide.)

AIS CHECKLIST

COMPLETED

1. Description of event. Brief description of event and event history so that all departments may better understand your event request. (Downloadable format)	X
2. Permits. Include all applicable permits from all pertinent city departments. (Fire, Police, City clerk...)	
3. Detailed site plans. Include maps of venue, parade and course routes, parking/shuttle plans, evacuation plans... (Downloadable format)	X
4. Event components. Event time frame, sound levels, neighborhood impacts, road closures, security/police, EMS services. (Downloadable format)	X

IS THERE A REGISTRATION FEE/PLEDGES COLLECTED FOR THIS EVENT?	Please check: <u>n/a</u> FEE <u>n/a</u> PLEDGES	
IF YES FOR FEES, HOW MUCH?	FEE	\$ n/a

PLEASE CHECK OFF AND ANSWER:

Fees for Police, Fire/EMS or Parking Control Staff will be invoiced by those individual departments & should be paid to them directly.				
		X-YES	X-NO	AIS
*	Are you setting up a canopy(s) ? (10'x10' size or smaller) How many?	X		
*	Do you wish to set up a tent(s) and/or stage(s) ? A canopy/tent or stage larger than 10'x10' needs a Temporary Tent or Stage Permit issued by Building Inspections. For permit application, please go to: https://content.civicplus.com/api/assets/376697a8-b6ac-4a4c-babc-9dbcf1e61eb8 or contact the Permitting and Inspections Department at buildinginspections@portlandmaine.gov or 207-874-8703 for more information. PLEASE apply at least 2-weeks before your event. Tent/Stage Size(s): Exact Location(s) of Tent/Stage Placement Requested: *** In order to drive tent stakes into the ground, DIG SAFE must be contacted: 888-344-7233. ***	X		Permit Required Include on Site Plan
*	Will you be setting up tables and/or chairs ? How many tables: chairs:	X		Include on Site Plan
*	Are other items or equipment being placed on City property? (i.e. Moon Bounce, Dunk Tank, Radio Station Van, Helium Tank, etc.) Please List:	X		Include on Site Plan
*	Will there be refreshments at the event? Do you wish to sell food ? If so, you will need approval from PAFD and possibly a Temporary Food Service License from the Business Licensing Office. PLEASE provide them at least 2 weeks advance notice (207-874-8557). List food and drink / Food Trucks, etc.:	X		License Required Include on Site Plan
	PLEASE NOTE: A Temporary Food Service License is NOT needed when: 1. Food Vendors have a current City of Portland Food License 2. Just pre-packaged refreshments, or food & drink items are purchased or donated from a licensed establishment 3. Bottled water / water is served A TFSL is needed when food vendors are not licensed or when food is being prepared and cooked at the event.			
*	Do you wish to sell non-food items (like T-shirts, crafts, cd's, etc.)? If so, please apply for a Street Goods Vendor License(s) at the Business Licensing Office (207-874-8557) – 2 week notice. List items you wish to sell:	X		License Required Include on Site Plan
*	Do you wish to sell or provide Alcohol ? If yes, you must complete the application for a Liquor License specific to your event through the State of Maine and submit the application to the City of Portland Business office first. Application will need City of Portland's approval prior to going to the State. Questions? please contact the Division of Liquor Licensing and Enforcement at (207) 624-7220/email- MaineLiquor@maine.gov .	X		License Required
*	Are you setting up a PA (sound) system ? Are you planning on having Amplified Music ? Band? DJ? Boom Box? If so, your event may require a concert license. PAFD will advise upon review of your application. Amplified speech (i.e. Press Conference) does not require the license, however, a Sound Security Deposit may be required. There are time restrictions for amplified music/speech in Downtown Parks & Squares: limited to 11:45am – 1:15pm and 1 hour between 5pm - 8pm.	X		License Required Include on Site Plan & Event Components
*	Will your event require electricity ? Electricity is available at Deering Oaks Park, Monument Square, Congress Square, Tommy's Park, Post Office Park, Payson Park, Preble Street Grass Area, Eastern Prom, Fort Allen Park, and Lincoln Park. A \$40 activation fee is required.	X		
*	Are you planning on bringing a Grill for a Barbecue ? Grilling is subject to weather conditions and possibly Fire Dept. review.	X		
*	Will the event require reserved parking spaces / parking meters ? How many? "No Parking" signs may be purchased at the PAFD Office, 212 Canco Rd.	X		
*	Will your event need safety vests, signs, barricades and/or cones ? Please list what you would like to borrow/rent: Limited safety vests, cones & barricades may be borrowed/rented from PAFD Office. Traffic signs may be borrowed/rented from Public Works if needed (207-874-8493).	just 3 barricades		
*	Will your event require street closures ? Will your event affect METRO BUS ROUTES ? (Please be specific under "Description of Event")	X		Include on Event Components

*	Will your event require Police assistance? An event such as a road race, march or parade in the street, would typically require police assistance. To reserve & hire an Officer(s) to be on site at your event, please visit: https://portlandmaine-portal.app.transform.civicplus.com/forms/26740	X		Required
*	Will your event require Fire/EMS assistance? (For a large walk/race, it may be required.) To hire or inquire about hiring city Fire/EMS staff to be on site, please email fireprevention@portlandmaine.gov well in advance of the event. For general questions, you may also call 207-874-8400.			Required
*	Will your event require Parking Control assistance? To hire a Parking Control Officer(s) to be on site at your event, please call 207-874-8910 well in advance to arrange.		X	
*	Will your event require portable-restroom rental(s) or need existing porta-restrooms cleaned? (Some of the parks already have porta-restrooms. Event participants may use these, but a \$25 fee is assessed for events where attendance is 150 or more.) Porta-restrooms may be rented from any of the local companies. Units currently on site are through Associated Septic. 1 unit/50 people when serving alcohol 1 unit/75 people with no alcohol	X		Include on Site Plan
*	Will your event require waste management and recycling? What is the waste management plan?			Include on Site Plan & Event Components
	For events where more than two thousand (2,000) individuals anticipated to gather or participate in the event or activity in the park, the permittee shall provide a bond in the form of cash, certified check or surety bond from a surety company qualified to do business in the State of Maine in an amount of not less than two thousand dollars (\$2,000.00). Such a bond shall be utilized to guarantee cleanup of the area and shall be applied against claims by the city for excessive damage to real or personal property in the park.	X		Required

INSURANCE CERTIFICATE INFORMATION

*	Will your event require liability Insurance? (Commercial liability insurance is required for a walkathon, race, festival, press conference, concert, etc. Product liability insurance is also required if the event has been approved for serving food.)	X		Required
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♦ If you answered YES, you shall procure and maintain occurrence-based Commercial General Liability and Product Liability Insurance, when required, in an amount not less than Four Hundred Thousand Dollars (\$400,000.00) per occurrence for bodily injury, death and property damage. You shall name the City of Portland as an additional insured or shall obtain a general liability extension endorsement, for coverage only in those areas where government immunity has been expressly waived by 14 M.R.S. A. § 8104-A, as limited by § 8104-B, and § 8111. The terms of this permit and the insurance coverage shall not be deemed a waiver of any defenses, immunities or limitations of liability or damages available to the CITY under the Maine Tort Claims Act, other Maine statutory law, judicial precedent, common law, or any other defenses, immunities or limitations of liability available to the City. You shall also be responsible for any and all deductibles and/or self-insured retentions.

♦ Both the **Certificate of Insurance** and **Additional Insured Endorsement** shall be sent to rgroh@portlandmaine.gov and must state that the policy is endorsed to name the City of Portland as an additional insured pursuant to the date of the event (and rain date).

PUBLIC ASSEMBLY FACILITIES DIVISION POLICIES

EVENT REVIEW

The PAFD Office holds a monthly meeting where proposed events are discussed and reviewed by City Departments. For some events, organizers will be asked to present before the committee. Some potential factors may necessitate your event receive City Council approval.

ELECTRICITY

All cords in the public way must be covered by rugs, mats or orange cones to avoid public hazard. If weather is inclement (drizzle, rain, snow, etc.) we require that you **not use** electricity, unless all connections and equipment are covered and protected from the elements. If a generator is used, please take all necessary measures to ensure safe operation. Bring a fire extinguisher, set generator up away from activities (and combustibles), store fuel source away from the generator and keep children away from the generator.

BARBECUES - GAS GRILLS ONLY

Only GAS GRILLS are allowed in parks/public spaces – i.e. No Charcoal Grills or open burning. Barbecuing must first be approved by PAFD Office and is subject to weather conditions, and possible further review by the Fire Dept. Grills must be set up away from children's activities. You are required to have a fire extinguisher with in the grilling area.

PORTA-RESTROOMS / BATHROOM FACILITIES

Porta-Restrooms are required for large events and events where refreshments are being served. Some of Portland's parks already have portable restrooms from Associate Septic on site (*Preble Street Grass Area at the Preble Street Parking Lot – across from Hannaford's, *Entrance to Dyer's Flat – beside Payson Park, *Deering Oaks Park – Playground + Ravine, *East End Beach - Winter & Early Spring: Just EEB.) If over 150 people are expected to attend the event, a \$25 user fee is required (paid to PAFD). If extra units are rented by the organizer, then no additional user fee is assessed. Porta-restrooms are cleaned M, W, & F. If you would like to guarantee that they are cleaned just prior to your event, then you need to

call the porta-restroom company (Associated Septic / Royal Flush, 207-799-1980, M-F) to request and pay for a cleaning. If renting units, the organizer has the option of renting from Associated Septic / Royal Flush, or from other local companies.

TRASH

All groups must abide by our Carry In/ Carry Out Policy. Please bring extra trash bags and/or trash receptacles and remove all trash. Do not use existing trash barrels or the metal liners inside. You will need to haul all of your trash out of the park/public space or forfeit the security deposit(s). Please recycle whenever possible, (please do not use Styrofoam - it is NOT recyclable). The area will be checked following your event; if the park is clean and conditions for use adhered to, your security deposit will be returned to you. Thank you in advance!

MARKING OF GROUNDS

Please DO NOT mark city property in any permanent way. DO NOT use SPRAY PAINT or SPRAY CHALK. DO NOT STAPLE or NAIL anything to trees. Children's Art Chalk can be used on hardscape areas with permission from PAFD Office. Tape may also be used. If markings remain for more than a few rain storms, event organizers are responsible for removing them. If city staff or contractors need to remove the markings, event organizers are responsible for the cost of staff time and materials. You may also place signs on stakes in the grass areas bordering trails/race routes (when applicable). Please remove all signage immediately following the event.

USE OF CANDLES

It is preferred that LED lighted candles or glow sticks are used. If flammable candles are used this may need to be approved by the Portland Fire Department. Please make sure all candles have drip protectors to prevent wax from dripping on hardscape surfaces, which may cause permanent stains/damage. Please make sure all candles are extinguished before being thrown away. Please collect all spent candles so there is no trash left behind. Please take safety precautions: bring a fire extinguisher, gallon of water, etc. in case of fire. **Any damage** (dripped wax absorbed into hardscape causing stains, etc.) **will result in a forfeiture of your security deposit.**

ADA COMPLIANCE

Event organizer must comply with the Americans with Disabilities Act (ADA) and the Maine Human Rights Act (MHRA), including maintaining the permitted use area and all public rights-of-way accessible during the entirety of the permitted event. In the event the permitted area is rendered inaccessible to disabled persons, and/or by request of PAFD staff, the organizer shall act immediately to provide accessibility. All requests to provide interpretive services shall be the responsibility of the organizer to provide and pay for such services. The organizer shall defend, indemnify, and hold the City harmless from any and all liability and damages resulting from alleged violations of the ADA and/or MHRA.

PARKING ON GRASS AREAS / SIDEWALKS / ILLEGALLY PARKED VEHICLES

Vehicles are prohibited from parking on grass areas/sidewalks/park streets (unless specifically approved by city staff). \$20 will be deducted from your security deposit for each vehicle parked on grass/sidewalk areas or vehicles parked illegally. **Any tire ruts/damage to the grass areas will result in a forfeiture of your security deposit.**

RESERVED PARKING

To reserve parking for your event, please contact the PAFD Office (808-5400 x0). Staff will review your request and can issue you "No Parking" signs (\$25 each*). You will need to label signs and tape them to meters or signposts AT LEAST 24 HOURS PRIOR TO YOUR EVENT. (NOTE: If event is on a Sunday or Monday, NP Signs may need to be posted on the preceding Friday by Noon.) Please do not cover up coin slots on meters. If the reserved parking area has no actual parking meters, you may need to tape signs to sign posts, utility poles, trees, or orange cones (placed on the sidewalk beside the street). Please make sure signs are removed once the event is complete.

FIREWORKS

Organizers wishing to have fireworks as part of their event must contact the Portland Fire Department directly. Permits will need to be obtained through the Portland Fire Department, the State of Maine and possibly through the US Coast Guard.

ALCOHOL / SMOKE-FREE ZONES

By city ordinance, smoking a cigar, cigarette, pipe, marijuana, electronic cigarette, electronic cigar, electronic pipe, or other similar product that relies on vaporization or aerosolization, is prohibited at and within 20 feet of the following outdoor recreation and event areas: downtown squares and plazas, trails, parks, playgrounds, beaches, and athletic facilities. Consumption of alcohol is prohibited in public spaces unless specifically approved by City Council. Please inform all participants / attendees.

AMPLIFIED SOUND POLICY

Outdoor events with amplified sound may require an Entertainment License from the PAFD Office. If the Police Dept./City Staff receive noise complaints, they will respond accordingly. Please set the PA System up with speakers facing away from businesses/residences to lessen impact. Please keep volume levels low out of consideration for nearby residents and businesses. The Permittee (organizer) shall not allow the sound emanating from the event to exceed an A-weighted 85 decibels / C-weighted 95 decibels. One verbal warning shall be issued if the sound has been found to have exceeded those limits. The warning may be given to the sound board operator or the organizer/organizer's designee. If the decibel limit is found to have been exceeded a second time during the same event, the entertainment license (or permission to use a bullhorn/PA system) shall be immediately suspended, the PA system / amplification / bullhorn turned off, and the sound security deposit forfeited.

CANCELLATION POLICY

Events must be canceled with PAFD prior to the event date in order to be eligible for a refund. If canceled within 2 weeks of the scheduled event date, a \$75 cancellation fee may be charged.

NOTIFICATION

Please keep a copy of your event permit on site at all times. City staff may require proof of permit.
 If there are members of the public in the reserved space upon arrival, please present the permit as proof of reservation & approved usage. If you need assistance, please contact the Police Department at (207) 874-8574..
 You may put up temporary A-frame signs to alert the public to your event or place signage on orange cones, etc. Signs are to be up DAY OF EVENT ONLY. Please remove all signage immediately following the event.
 Please call Portland Police Dept. (874-8574) on the day of your event to remind them it is taking place.
 Please notify any nearby neighborhoods, businesses, including restaurants that may have tables out for dining, to alert them to your event.

STREET CLOSURE NOTIFICATION

Should an event involve a Street Closure, lasting longer than an hour, PAFD Office requires organizers to give advanced notification to area businesses, residents and bus companies (in the form of a "Street Closure Sign Off Sheet"). If an event impacts METRO Buses, the organizer (in advance) must discuss detour plans with Parks Rec and Facilities..

REVOCABLE PERMIT

- ♦ The City reserves the unconditional right to control or cancel events to protect and/or prohibit damage to public property.
- ♦ The City reserves the unconditional right to revoke or revise an issued permit.
- ♦ Police or City Staff on site may use their discretion to revise conditions of use.

I HAVE READ AND UNDERSTAND ALL OF THE ABOVE POLICIES	TYPE INITIALS	<i>SR</i>	DATE	6/6/23
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ASSUMPTION OF RISK & LIABILITY

Users of the area agree to accept the grounds in an "as is" condition and shall be responsible for all risk and liability in using the park/public space area for the said event. By returning this form (should permission be granted to use city property), the above parties agree to indemnify, defend, and hold harmless the City of Portland, its employees and agents, from and against all claims arising out of activities during said event.

I have read the Assumption of Risk & Liability Agreement	TYPE INITIALS	<i>SR</i>	DATE	6/6/2023
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PLEASE INITIAL & DATE HIGH-LIGHTED YELLOW BOXES ABOVE.

PLEASE RETURN FORM AT LEAST 60 DAYS IN ADVANCE TO:

- ♦ Public Assembly Facilities Div. ~ 212 Canco Rd. ~ Portland ~ ME ~ 04103 EMAIL PREFERRED: rgroh@portlandmaine.gov

FEE SCHEDULE – UPDATED JULY 1, 2019

Fees are tiered and assigned based on the level of demand placed on City resources and impact on City infrastructure.

Simple Event (no registration fee): \$75/hour	Electricity (activation/deactivation) Fee: \$40/flat
Event with registration or pledges & attendance 25 - 300: \$125/hr	Porta Restroom User Fee (if attendance is 150+): \$25
Event with registration or pledges & attendance 301+: \$225/hr	Entertainment License: \$50
Film/Photo Shoot: \$150/day	Barricades: \$5/ea. Rental Fee + \$25/ea. Security Deposit
Public Space/Park Security Deposit: \$100 - \$1000	Bike Racks: \$10/ea. Rental Fee + \$25/ea. Security Deposit
Sound Security Deposit: \$100 - \$1,000	Flashing Lights: \$10/ea. Rental Fee + \$40/ea. Security Deposit
Impact/Street Closure Fee (variable based on impact): \$100-\$500	Cones: \$2/ea. Rental Fee + \$15/ea. Security Deposit
Staff Fee (on site event support): \$37/hour	Safety Vests: \$15/ea. Security Deposit
Administrative Fee (event coordination support): \$40/hour or more	Keys: \$50/ea. Security Deposit
Reserved Parking: \$25 each space	Equipment Delivery Fee: \$100 or more
Cancellation Fee: \$75	Fortification Fee: TBD

TOTAL AMOUNT(S) DUE TO PUBLIC ASSEMBLY FACILITIES DIVISION (Please make all security deposit checks out separately)

Permit Fee for use of area:	\$	Entertainment License Fee:	\$
Number of Hours of Use: Approx.		Equipment Rental Fee:	\$
Staff Fee (on site event support):	\$	Public Space / Park / Sound Security Deposit:	\$
Admin. Fee (event coordination support):	\$	Borrowed / Rented Equipment Deposit:	\$
Electricity Fee (activation/deactivation):	\$	Additional Fees:	\$
Impact/Street Closure Fee (variable based on impact):	\$	(Porta-Restroom User Fee, "No Parking" Signs, etc.)	

CITY OF PORTLAND ACCEPTS CASH, CHECK, MONEY ORDER AND CREDIT / DEBIT CARDS FOR PAYMENT

Checks should be made payable to City of Portland
 There will be a 2.65% processing fee added to all Debit / Credit Card transactions.

FOR OFFICE USE ONLY							
APPLICATION FEE:	\$ 25.00	PERMIT FEE:	\$	SECURITY DEPOSIT:	\$	INSURANCE NEEDED?	Y / N
DATE RECEIVED:		DATE RECEIVED:		DATE RECEIVED:		DATE RECEIVED:	

Merchandise -Do you wish to sell **non-food items** (like T-shirts, crafts, cd's, etc.)? If so, please apply for a **Street Goods Vendor License(s)** at the Business Licensing Office (207-874-8557)
<https://content.civicplus.com/api/assets/9ef5d795-ac26-4794-9e38-c2f0bb9c9f04?cache=1800>

Tents/Stages -Do you wish to set up a **tent(s)** and/or **stage(s)**? A canopy/tent or stage larger than 10'x10' needs a **Temporary Tent or Stage Permit** issued by Building Inspections
<https://content.civicplus.com/api/assets/376697a8-b6ac-4a4c-babc-9dbcf1e61eb8>

Alcohol sales -Do you wish to sell **alcohol**? You must complete the application for a **Liquor License** specific to your event through the State of Maine and submit the application to the City of Portland Business Licensing office first. Application will need City of Portland's approval prior to going to the State. Questions?please contact the Division of Liquor Licensing and Enforcement at (207) 624-7220/email-MaineLiquor@maine.gov. <https://www.maine.gov/dafs/bablo/liquor-licensing/license-and-permit-applications>

Food Sales - Will there be food vendors? If so, you must apply for a **Temporary Food Service License** from the Business Licensing Office.
<https://content.civicplus.com/api/assets/12f35a2a-e2a4-4d87-bf05-9ec89545e996?cache=1800>

Police - Will your event require **Police** assistance?
<https://portlandmaine-portal.app.transform.civicplus.com/forms/26740>

Fire/EMS - Will your event require **Fire/EMS** assistance? Email Fire Department - fireprevention@portlandmaine.gov

1. **Description of Event:** Use of Federal Street (Hampshire St. to India St.) to be closed to vehicular traffic on Friday and Saturday August 11th and 12th, 2023 for the 97th Annual St. Peter's Church Italian Bazaar and Street Festival. Barricades would be placed at India Street and Hampshire Street preventing access to Federal Street. Hours for the Festival are Friday and Saturday (approx. 5:00pm-9:30pm). Setup for the Festival is on Friday morning/afternoon. The street (Federal Street) may be closed to traffic from Noon-Midnight each day (for more setup time and breakdown time) - if needed. There will be food booths (including food from Bruno's, Amato's and Micucci's), games of chance for both children and adults, and music in the street during the afternoon and evenings. Booths stay on the side of the street during the overnight hours. Saturday evening August 12th beginning at 5:00pm there will be a procession beginning in front of St. Peter's Parish at 72 Federal Street left toward Hampshire Street then right toward Congress Street, then right up Congress Street to the corner of India Street. Procession turns right down India Street and right onto Federal Street to end in front of the parish. We request that street routes for procession be closed briefly for this procession. Money raised by this event goes toward the upkeep of St. Peter's Catholic Church.
2. **Permits:** Street Goods Vendor and Temporary Food Service Permit Applications are attached within.
3. Detailed Street Layout Site Plan and Map of Procession Route attached. Parking at area lots, Cathedral of the Immaculate Conception Parish lots, Walgreen's lot and on the street.
4. **Event Time Frame:** August 11th and 12th (Friday and Saturday nights) 5pm-9:30pm. Set up Friday morning and afternoon, breakdown Sunday morning and afternoon. Federal Street may be closed to traffic from Noon-Midnight each day (for more set up and breakdown time) if needed. Police presence during event, and overnight private security. Brief street closures for Saturday 5:00pm procession around the block are requested. As part of the lengthy Festival tradition (not as headliners) each night will have amplified music (alternating Band and DJ and Festival announcements) 75-90 decibels. Courtesy signage will be posted encouraging Festival attendees "Please respect our neighbors, thank you"

Page 2

Canopy information: 17 canopies size 10ft x 10ft; 3 canopies 20ft x 20ft. No tent stakes will be drilled.

Temporary Stage request: We do wish to set up a temporary stage for our musicians on the street in front of the St. Peter's Parish Msgr. DiMingo Hall. Expected size 15ft x 15ft., likely a manufactured rental item.

Tables and Chairs: 43 rectangular tables (8ft x 30"); 43 rectangular tables (6ft x 30"); 45 round tables (30" diameter); 450 white plastic folding chairs

Other items on City Property: Rented Moon Bounce set up on Federal Street and one small helium tank (replaceable as needed) for inflating balloons for children

Refreshments for Sale: Italian cookies, cannolis, fried dough, pizza, ziti and meatballs and other delicious Italian food including specialty items from Bruno's Restaurant, Amato's, and Micucci's. Temporary Food License Application enclosed.

Non-food items for Sale: Italian merchandise clothing and religious items (Street Goods Vendor License Application enclosed).

Alcohol sales: Bruno's Restaurant will sell beer and wine in a monitored, separate area. All necessary permission will be obtained from the City of Portland and State of Maine.

PA (sound) system and Amplification: As part of the lengthy Festival tradition (not as headliners) each night will have amplified music (alternating Band and DJ and Festival announcements) 75-90 decibels.

Electricity: Event will require electricity, which will be provided by St. Peter's Church.

Grill: Grills will be used by trained individuals.

Reserved parking spaces/parking meters: 25 signs will be placed in advance of the event (5 new ones needed)

Safety Equipment: St. Peter's Parish will provide any necessary vests, signage and cones (three barricades needed)

Street Closures: Federal Street will need to be closed from Hampshire Street to India Street for the stated Festival Hours of 5:00 pm-9:30 pm Friday and Saturday (August 11 & 12) and for the set up/breakdown hours noon to Midnight Friday, Saturday and Sunday if needed. Brief closure for around the block procession Saturday night beginning at 5:00 pm 72 Federal St. to Hampshire, one block of Congress, one block of India Street and returning to 72 Federal Street).

Police Assistance: We will have police presence to assist with procession and then to remain throughout the Festival both nights. Friday evening security coverage through PubliCover as in past years).

Fire/EMS Assistance: No buildings' doors will be blocked.

Parking Assistance: None needed. Reasonable accommodation for dedicated parking assistance will be offered to select affected neighbors.

Portable Restrooms: Units will be rented through a private company which will deliver on Friday. Units will be cleaned prior to the start of Saturday night festivities. Units will be removed upon completion of the Festival.

Waste Management and Recycling Plan: CLYNK bag stations interspersed throughout Federal Street, along with Trash receptacles. These will be attended to by a dedicated team of volunteers. Waste Management will be provided using our dumpster rented through our contractor (Troiano Waste Services Inc) and placed on India Street for the duration of the Bazaar.

Security Deposit: As needed, \$2000 Certified Check will be provided by St. Peter's Parish as guarantee of cleanup

Insurance Certificate Information: See attached Certificate of Liability Insurance (scheduled to be regularly reissued July 2023)



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

7/11/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Arthur J. Gallagher Risk Management Services, Inc. P.O. Box 649 Mount Vernon NY 10552	CONTACT NAME: Nicole Anstett PHONE (A/C, No, Ext): 914-696-3700 FAX (A/C, No): 914-323-4566 E-MAIL ADDRESS: nicole_anstett@ajg.com
INSURED Roman Catholic Bishop of Portland 510 Ocean Avenue Portland, ME 04103-7559	INSURER(S) AFFORDING COVERAGE INSURER A: National Catholic RRG, Inc INSURER B: Church Mutual Insurance Company INSURER C: Maine Employers' Mutual Insurance Co INSURER D: INSURER E: INSURER F:
License#: BR-724491 ROMACAT-03	NAIC # 10083 18767 11149

COVERAGES**CERTIFICATE NUMBER:** 1960029328**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☒ Sexual Misconduct			RRG 10169-2-25	7/1/2022	7/1/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PROJECT ☐ LOC OTHER:						GENERAL AGGREGATE \$ 1,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000 \$
B	AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ OWNED AUTOS ONLY ☒ HIRED AUTOS ONLY ☒ COLL DED 500 ☐ SCHEDULED AUTOS ☒ NON-OWNED AUTOS ONLY ☒ COMP DED 500			0500003-09-420277	7/1/2022	7/1/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 250,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below Y/N ☐ N/A			5101801149	7/1/2022	7/1/2023	☒ PER STATUTE ☐ OTHER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Evidence of Coverage

CERTIFICATE HOLDER**CANCELLATION**

Evidence of Coverage	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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CITY OF PORTLAND
Permitting and Inspections Department
Street Goods Vendor Permit Application
Must apply at least 7 business days in advance of Event
Permit Fee: \$38/Day

Applicant Information:	
Business Name:	St. Peter's Catholic Church (and Bazaar Committee)
Business Address:	72 Federal St. Portland, ME 04101
Applicant Name(s):	97th Annual St. Peter's Church Italian Bazaar & Street Festival
Home/Corp. Address:	mailing address: Pastoral Offices 307 Congress St. Portland, ME 04101
Business Phone Number:	773-7746 Justin Dobson
Secondary Phone:	749-8114 Willie Audet, Jr.
Email Address:	justin.dobson@portlanddiocese.org; audetland@aol.com
Event Information:	
Name of Event:	97th Annual St. Peter's Church Italian Bazaar & Street Festival
Date of Event:	August 11th and 12th, 2023
Time of Event (start to finish):	5:00pm-9:30pm each night
Location of Event:	72 Federal Street Portland, Maine
Description of Setup (table, cart, booth etc.):	Booths will be set up on sidewalk on Federal Street
Items to be offered for sale:	Italian merchandise clothing and religious items

Does the award of this license benefit any City employee?	Y/N 0
If yes, list name(s) and department(s):	

I hereby certify that all statements made in this application are true. I agree and understand that any misstatements or omissions of material fact herein will result in refusal of license or revocation of license if one has already been issued.

Signature Date 6/6/2023
 For more information about City Codes regarding Street Goods Vendor Permits, please see Chapters 19 & 25 of the Code of Ordinances at www.portlandmaine.gov.

Email Sent:	Dept.	Approval Received:	Fee:
_____	Fire	_____	Cash: _____
_____	PD	_____	Check: _____
_____	PAF*	_____	Charge: _____
_____	Treasury	_____	



CITY OF PORTLAND
Permitting and Inspections Department
License Application For Temporary Food Service Events
Must apply at least 7 business days in advance of Event

All vendors must prepare food on site at the event or in a State or City-licensed kitchen.

City & State Fees:

- ☐ If applicant is licensed in the **City of Portland** – No charge.
- ☐ If applicant is not licensed in the **City of Portland** - \$93/event.
- ☐ If applicant is **selling** prepared food and does not have a **State of Maine** mobile license –Add \$60/event.
- ☒ If applicant is a 501(c)(3) non-profit & 100% of the proceeds are going to support the non-profit – No charge.
 Please provide a copy of documentation showing 501(c)(3) status.

Additional Permits/Info:

- Health Inspections: For questions about food preparation requirements, call 756-8365.
- Recreation & Facilities Management: Contact for use of public space or street closings at 874-8826.
- Building Inspections: Contact for use of tents or stages at 874-8703.

Applicant Information:	
Business/Group Name(s):	St. Peter's Catholic Church (and Bazaar Committee)
Business Address:	72 Federal Street Portland, Maine 04101
Mailing Address:	Pastoral Offices 307 Congress St. Portland, ME 04101
Contact Person's Name:	Willie Audet, Jr. (Bazaar Chair)
Business E-mail:	parish: carolyn.mitchell@portlanddiocese.org
Phone Number day of event:	207-749-8114
Contact Person's Name:	Willie Audet, Jr. (Bazaar Chair)
Contact Phone #:	207-749-8114
Contact E-mail:	audetland@aol.com
Contact Fax #:	

Licensing Information:

This business (check one):

- ☐ is new and has never been licensed.
- ☐ is presently licensed by the Department of Agriculture ☐ was previously licensed. Provide license ID# _____.
- ☐ is presently licensed by the Department of Health and Human Services ☐ was previously licensed. Provide license ID# _____.
- ☒ Yes ☐ No My business is in good standing with the Secretary of State and all State Licensing Boards.

Event Information:			
Name of Festival/Event:	97th Annual St. Peter's Church Italian Bazaar & Street Festival		
Location of Event:	Federal Street (from India to Hampshire Streets)		
Date of Event:	August 11th and 12th, 2023		
Time of Event (start to finish):	5pm-9:30pm	Time of Set-up:	8am Friday 8/11/23
Estimated Attendees:	2,500		



CITY OF PORTLAND
Permitting and Inspections Department

Food Information:		
Food will be prepared (circle one of the following).	Off-site	At the event
		<u>Both</u>
Type of food to be served (be as detailed as possible): Italian Cookies, cannolis, fried dough, pizza, ziti & meatballs and other delicious Italian foods including items by Bruno's Restaurant, Amato's and Micucci's.		
Name and location of the licensed kitchen where food is being prepared: 72 Federal Street Portland, ME 04101		
Date(s) and time(s) of food preparation at licensed kitchen: Cookie prep starts August 7th and all other foods will be prepared throughout the Festival as well.		

Attach the following if applicant is **not** licensed in the City of Portland:

- A copy of the State license for kitchen/restaurant being used and
- A copy of the City license for the kitchen/restaurant being used.
- If applicant does not have either of the above, a letter from the owner of the licensed kitchen authorizing use of that kitchen by the applicant.

Does the issuance of this license benefit any City employee? Yes _____ NO X
 If yes, please explain: _____

Read Carefully & Sign:

Applicant, by signature below, understands that this application does not constitute a permit to serve food. The applicant further agrees to abide by all City of Portland and State of Maine 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.

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

Signature

Date

6/6/23

For more information about the Portland City Code and State of Maine laws regarding the Temporary Food Service Establishment License, please see Chapter 11 of the Code of Ordinances at www.portlandmaine.gov and www.maine.gov/healthinspection

Email Sent:

Dept.

Fire
 Health
 PD
 PAF*

*Public Property Only

Approval Received:

Fee:

Cash: _____
 Check #: _____
 Charge: _____

Internal Revenue Service
P.O. Box 2508
Cincinnati, OH 45201

Department of the Treasury

Date: August 24, 2022

Person to Contact:

R. Meyer ID# 0110429

Toll Free Telephone Number:

877-829-5500

United States Conference of Catholic
Bishops
3211 4th Street, NE
Washington, DC 20017-1194

Group Exemption Number:
0928

Dear Sir/Madam:

This responds to your June 23, 2022, request for information regarding the status of your group tax exemption.

Our records indicate that you were issued a determination letter in March 1946, that you are currently exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, and are not a private foundation within the meaning of section 509(a) of the Code because you are described in sections 509(a)(1) and 170(b)(1)(A)(i).

With your request, you provided a copy of the *Official Catholic Directory for 2022*, which includes the names and addresses of the agencies and instrumentalities and the educational, charitable, and religious institutions operated by the Roman Catholic Church in the United States, its territories, and possessions that are subordinate organizations under your group tax exemption. Your request indicated that each subordinate organization is a non-profit organization, that no part of the net earnings thereof inures to the benefit of any individual, and that no substantial part of their activities is for promotion of legislation. You have further represented that none of your subordinate organizations is a private foundation under section 509(a), although all subordinates do not all share the same sub-classification under section 509(a). Based on your representations, the subordinate organizations in the *Official Catholic Directory for 2022* are recognized as exempt under section 501(c)(3) of the Code under GEN 0928.

Donors may deduct contributions to you and your subordinate organizations as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to them or for their use are deductible for federal estate and gifts tax purposes if they meet the applicable provisions of section 2055, 2106, and 2522 of the Code.

Subordinate organizations under a group exemption do not receive individual exemption letters. Subordinate organizations are not listed in Tax Exempt Organization Search (Pub 78 data), and many are not listed in the Exempt Organizations Business Master

File extract, or EO BMF. Donors may verify that a subordinate organization is included in your group exemption by consulting the *Official Catholic Directory*, the official subordinate listing approved by you, or by contacting you directly. IRS does not verify the inclusion of subordinate organizations under your group exemption. See IRS Publication 4573, *Group Exemption*, for additional information about group exemptions.

Each subordinate organization covered in a group exemption should have its own EIN. Each subordinate organization must use its own EIN, not the EIN of the central organization, in all filings with IRS.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

Sincerely,

A handwritten signature in cursive script that reads "Stephen A. Martin".

Stephen A. Martin
Director, Exempt Organizations
Rulings and Agreements



Maine Bureau of Taxation
Augusta, Maine

PERMANENT EXEMPTION CERTIFICATE

This Exemption Certificate
is issued under the provisions of Title 36, Part 3 MRSA

ST PETER'S CHURCH
72 FEDERAL ST
PORTLAND, ME 04101-4205

Registration Number: E21616
Date Effective: October 17, 1969
Date Issued: May 5, 1995

Brian N. McLaughlin

Form ST-2 Rev 01/95
4033165950504

Acting State Tax Assessor

This certifies that the organization named above is a regularly organized church or house of religious worship, and is therefore entitled to purchase tangible personal property or taxable services that will be used exclusively by the organization for the purposes for which it is organized without payment of the Maine sales or use tax.

Note to the Organization: This certificate is not to be used in activities that are mainly commercial enterprises including, but not limited to, purchases of items which will be resold by the organization. A copy of this certificate with the certification completed below, must be provided to your vendors in order to purchase goods exempt from tax. It is only necessary to provide one copy to the vendor. Subsequent purchases should indicate that the purchase is exempt from tax. In order to be exempt, the sale must be billed directly to and paid for directly by the organization named on the exemption certificate.

Note to the Vendor: This certificate must be taken in good faith from the taxpayer named above. Your good faith may be questioned if you have knowledge of facts which give rise to a reasonable inference that the purchaser is not the holder of the exemption certificate or that the merchandise is not to be used exclusively by the organization. This certificate is valid only if the following certification is completed.

PERMANENT EXEMPTION CERTIFICATE

I HEREBY CERTIFY: That the above exemption certificate is valid, that the tangible personal property described herein which I shall purchase from _____ will be used exclusively by the organization named above for purposes for which it is organized.

Description of property to be purchased:

Authorized Signature

Date

DUBOIS, S.T.L.
Latin Mass—Rev. ROBERT PARENT, Coord., 1313
 Riverside Dr., Auburn, 04210-9662. Tel: 207-212-
 3218.
Hospital Chaplaincy—Rev. Msgr. ANDREW DUBOIS,
 S.T.L.
Hispanic Ministry—Sr. PATRICIA PORA, R.S.M., Dir.
 Email: patricia.pora@portlanddiocese.org.
Prison Ministry—Deacon WALTER FOSTER. Email:
 walter.foster@portlanddiocese.org.
Ecumenical & Interreligious Services—Rev. RICH-
 ARD E. SENGHAS, Coord. (Retired). Email:
 richard.senghas@portlanddiocese.org.
Charismatic Renewal—Rev. RICHARD P. RICE (Re-
 tired), 66 Ward Circle, Brunswick, 04011-9342.
Campus Ministry—Rev. WILFRED P. LABBE, V.F.
 Email: bill.labbe@portlanddiocese.org.
Catholic Scouting—(refer to the Office of Lifelong
 Faith Formation)
Department of Financial Services—Mr. DAVID P.
 TWOMEY JR., CPA, CFO. Email: david.twomey@
 portlanddiocese.org.
Parish Financial Services—Ms. ANDREA LAPLANTE,
 CPA, Dir. Email: andrea.laplanthe@
 portlanddiocese.org.
Controller—Mrs. LAURIE J. DOWNEY, CPA. Email:
 laurie.downey@portlanddiocese.org.
Human Resources—Ms. ELIZABETH ALLEN, S.P.H.R.,
 Dir. Email: elizabeth.allen@portlanddiocese.org.
Director of Property Management—Mr. JAMES
 SOMMA. Email: james.somma@
 portlanddiocese.org.
Risk Management—Mr. JOHN CAVALLARO, Dir.
 Email: john.cavallaro@portlanddiocese.org.
DICON - Diocesan Construction—Mr. GREG STONE,
 Supt. Email: greg.stone@portlanddiocese.org.
Safe Environment—Mr. THOMAS MESCHINELLI,
 Coord. Email: thom.meschinelli@
 portlanddiocese.org.
Information Technology—Mr. MICHAEL MOORE, Dir.
 Email: michael.moore@portlanddiocese.org.
Department of Canonical Services—Rev. Msgr. PAUL F.
 STEFANKO, J.C.L.
Tribunal—
Officials—Rev. Msgr. PAUL F. STEFANKO, J.C.L.
 Email: paul.stefanko@portlanddiocese.org.
Prothonotary—Rev. Msgr. MICHAEL J.
 HENCHAL, J.C.L. Email:
 michael.henchal@portlanddiocese.org.
Defenders of the Bond—Ms. SHANNON FOSSETT.
 Email: shannon.fossett@portlanddiocese.org; Mr.
 GEORGE G. PAVLOFF, J.C.D. Email:
 george.pavloff@portlanddiocese.org; Sr. RITA-
 MAE BISSONNETTE, R.S.R., J.C.L.
Advocates—Ms. SHANNON FOSSETT; Sr. RITA-MAE
 BISSONNETTE, R.S.R., J.C.L.
Notaries—Mrs. NAJLIA KERRIGAN. Email:
 nash.kerrigan@portlanddiocese.org; Rev. CLAUDE
 R. GENDREAU. Email:
 claud.gendreau@portlanddiocese.org.
Associate Judges—Rev. JOSEPH J. KOURY, J.C.D.
 Email: joseph.koury@portlanddiocese.org; Sr.
 RITA-MAE BISSONNETTE, R.S.R., J.C.L.; Rev.
 Msgr. MICHAEL J. HENCHAL, J.C.L.
Guardian—Rev. Msgr. ANDREW DUBOIS, S.T.L.
Office Coordinator—Rev. Msgr. PAUL F. STEFANKO,
 J.C.L.
Office of Due Process—(examination of violation of
 rights within the church)
Director—Ms. SHANNON FOSSETT.
*Department of Administrative & Ministerial
 Services*—Rev. Msgr. ANDREW DUBOIS, S.T.L.
Diocesan Office of Communications—Mr. DAVID W.
 GUTHRO, Dir.
Harvest Magazine—Ms. LOIS CZENIAK, Editor. Email:
 lois.czeniak@portlanddiocese.org.
Diocesan Office of Public Policy—Mr. MARC R.
 MUTTY. Email: marc.mutty@portlanddiocese.org;
 Mrs. SUZANNE LAFRENIERE. Email:
 suzanne.lafreniere@portlanddiocese.org.
Office of Professional Responsibility—Deacon JOHN
 S. BRENNAN, Dir. Tel: 866-829-4437 (Toll Free);
 207-321-7836 (Office); Cell: 207-650-0492. Email:
 john.brennan@portlanddiocese.org.
Diaconate—Rev. Msgr. CHARLES M. MURPHY, S.T.D.,
 Dir. (Retired). Email: charles.murphy@
 portlanddiocese.org.
Ministry to Priests—Very Rev. PAUL A. PLANTE, V.F.,
 Vicar.
Vocations—Rev. NATHAN D. MARCH. Email:
 nathan.march@portlanddiocese.org.
Seminarians—Rev. FRANK J. MURRAY. Email:
 frank.murray@portlanddiocese.org.
Delegate for Religious—Sr. RITA-MAE BISSONNETTE,
 R.S.R., J.C.L.
Office of Support and Assistance Ministry—(Victims
 Assistance) Ms. RUTH H. OAKLEY. Email:
 ruth.oakley@portlanddiocese.org; Ms. CAROLYN
 BLOOM, Independent Clinician. Tel: 207-782-
 1051. Email: cbloomscw@gmail.com.
Department of Development and Annual Appeal—Ms.
 PATRICIA M. LONG, Dir. Email: patricia.long@
 portlanddiocese.org.
Catholic Foundation of Maine—VACANT, Exec. Dir.
Committee for Human Development—Ms. BONITA
 BAGLEY, Mailing Address: P.O. Box 10000,
 Portland, 04104-6060. Tel: 207-781-8550; Fax:
 207-781-8560. Email: bbagley@ccmaine.org.
Catholic Relief Services—Ms. RUTH H. OAKLEY.
Diocesan Priests' Benefit Plan - Trustees—Most Rev.
 RICHARD JOSEPH MALONE, D.D., S.T.L., Th.D.,
 Pres.; Very Rev. PAUL A. PLANTE, V.F.; Rev. Msgr.
 J. JOSEPH FORD, Chm. (Retired); Revs. CLAUDE J.
 ALBERT, Treas. (Retired); PHILIP A. TRACY, BRUCE

SIKET; TIMOTHY J. NADEAU, Sec.; NORMAND E.
 CARPENTIER.
Diocesan Archivist—Sr. RITA-MAE BISSONNETTE,
 R.S.R., J.C.L. Contact Chancellor's Office:
Diocesan Board of Education—Sr. ROSEMARY T.
 DONOHUE, S.N.D., Ph.D., Exec. Sec.; Ms.
 KATHLEEN McLAUGHLIN. Members: Rev. RICHARD
 C. McLAUGHLIN; Ms. DENISE GOULET; Mrs. DONNA
 JACQUES; Mr. GREGORY DESJARDINS; Mr. MATTHEW
 RANCOURT, Chm.; Mrs. ANDREA TOSTEVIN; Dr.
 BARBARA ANN ARNOLD; Sgt. JONATHAN SHAPIRO;
 Revs. DANIEL J. BAILLARGON; JAMES J.
 LAFONTAINE, S.J.; Mr. DONALD FOURNIER; Ms.
 PAULA MOSES; Mr. PETER DUNN; Mr. JOSEPH
 GALLANT.
Diocesan Bureau of Housing—Most Rev. RICHARD
 JOSEPH MALONE, D.D., S.T.L., Th.D., Bishop of
 Portland & Pres.; Mr. DAVID P. TWOMEY JR., CPA
 Treas.; THOMAS KELLY ESQ., Clerk.
Diocesan Finance Council—Most Rev. RICHARD JOSEPH
 MALONE, D.D., S.T.L., Th.D.; Rev. Msgr. ANDREW
 DUBOIS, S.T.L.; Mr. JOSEPH MALONE; Mr. VINCENT
 VERONEAU; Ms. CYNTHIA NICKLESS; Mr. ROBERTSON
 BREED; Mr. GREGG H. GINN, Chm.; Mr. GREGORY
 ST. ANGELO; Mr. MARK FERNANDEZ; Mr. RICHARD
 RODERICK; Ms. PAULA MOSES; Mr. GENE McLAUGHLIN;
 Mr. MICHAEL COSTA. Ex Officio Members: Sr. RITA-
 MAE BISSONNETTE, R.S.R., J.C.L.; Mr. DAVID P.
 TWOMEY JR., CPA, CFO. Staff: Mrs. LAURIE
 DOWNEY, CPA; Ms. ANDREA LAPLANTE, CPA.
Diocesan Pastoral Council—(Vacant See)
Liturgical Commission—Rev. Msgr. MARC B. CARON,
 S.T.L., Dir.
General Counsel—Mr. THOMAS KELLY, Robinson
 Kriger & McCallum, 12 Portland Pier, Portland,
 04101-4713. Tel: 207-772-6565.
Maine Diocesan Council of Catholic Women—Mrs.
 Rev. RICHARD JOSEPH MALONE, D.D., S.T.L., Th.D.
 Episcopal Chm.; Sr. CAROL MARTIN, V.F.
 Diocesan Moderator; RUTH WARREN.
Newman Apostolate—Rev. WILFRED P. LABBE, V.F.
 Pastoral Associates: Rev. THOMAS LEQUIN; Ms.
 BERNICE MURPHY; Rev. FRANK MURRAY.
Personnel Board—Rev. Msgr. ANDREW DUBOIS, S.T.L.,
 Rev. NORMAND E. CARPENTIER; Rev. Msgr. J.
 JOSEPH FORD (Retired); MARC B. CARON, S.T.L.,
 Very Rev. JEAN-PAUL LABRIE, V.F. Ex Officio
 Members: Most Rev. RICHARD JOSEPH MALONE,
 D.D., S.T.L., Th.D., Pres.; Rev. Msgr. MICHAEL
 HENCHAL, J.C.L., Vicar Gen.; Rev. FRANK J.
 MURRAY, Dir. Seminarians; Very Rev. PAUL A.
 PLANTE, V.F., Vicar for Priests.
Pontifical Association of Missionary Childhood—Ms.
 RUTH H. OAKLEY.
*Pontifical Society for the Propagation of the
 Faith*—Ms. RUTH H. OAKLEY.

CLERGY, PARISHES, MISSIONS AND PAROCHIAL SCHOOLS

CITY OF PORTLAND (CUMBERLAND COUNTY)

- 1—CATHEDRAL OF THE IMMACULATE CONCEPTION (1853)
 Revs. Louis J. Phillips, Rector; Gregory P. Dube,
 Parochial Vicar; Michael J. Seavey, Parochial
 Vicar; Michele Bernier, Pastoral Coord.; Denis
 Lafreniere, Business Mgr. In Res., Very Rev.
 Lawrence J. Conley (Retired).
 Office, Res. & Mailing Address: 307 Congress St.,
 04101-3695. Tel: 207-773-7746 (Rectory); Fax: 207-
 879-5547. Email:
 portlandcathedral@portlanddiocese.org. Web:
 www.portlandcathedral.org.
Catechesis/Religious Program—Tel: 207-773-7746;
 Fax: 207-879-5547. Ms. Trish Hafener, P.C.L.
 Students 125.
 2—ST. CHRISTOPHER'S (Peaks Island) (1923) Revs.
 Louis J. Phillips, Admin.; Michael J. Seavey,
 Parochial Vicar; Gregory P. Dube, Parochial Vicar.
 Mailing Address: 307 Congress St., 04101-3695.
 Tel: 207-773-7446. Email:
 portlandcathedral@portlanddiocese.org. Web:
 www.cluster21portland.org.
 Church: 15 Central Ave., Peaks Island, 04108.
Catechesis/Religious Program—
 Mission—Long Island, Cumberland Co.
 3—ST. DOMINIC'S (1830) Merged See Sacred Heart/
 St. Dominic's, Portland.
 4—ST. JOSEPH'S (1909) Closed. See Our Lady of Hope
 Parish, Portland.
 5—ST. LOUIS (1915), (Polish), Revs. Louis J. Phillips,
 Admin.; Michael J. Seavey, Parochial Vicar; Gre-
 gory P. Dube, Parochial Vicar.
 Mailing Address: 307 Congress St., 04101-3695.
 Tel: 207-773-7746; Fax: 207-879-5547. Email:
 portlandcathedral@portlanddiocese.org. Web: www.
 stlouischurch.net. In Res., Rev. Paul R. Marquis,
 Hospital Chap.
 Res.: 279 Danforth St., 04102-3798. Web:
 www.stlouischurch.net.
Catechesis/Religious Program—Students 12.

- 6—OUR LADY OF HOPE PARISH (2011) Revs. James F.
 Lafontaine, S.J.; John R. d'Anjou, S.J., Parochial
 Vicar; Richard D. Bertrand, S.J., Parochial Vicar;
 Robert F. Regan, S.J., Senior Priest; Mary Gordon,
 Business Mgr. In Res., Revs. Robert V. Paskey, S.J.;
 Albin A. Andrus (Retired); Harold D. Moreshead
 (Retired); Normand P. Richard.
 Mailing Address & Office: 673 Stevens Ave.,
 04103-2640. Tel: 207-979-7026; Fax: 207-797-2679.
 Res.: 492 Ocean Ave., 04103. Tel: 207-775-3032;
 Fax: 207-874-7514.
 Worship Sites:—
 St. Joseph Church—673 Stevens Ave., 04103-2640.
 St. Patrick Church—1342 Congress St., 04102.
 St. Pius X Church—492 Ocean Ave., 04103.
 School—St. Brigid School, (Grades PreK-8), 695
 Stevens Ave., 04103-2682. Tel: 207-797-7073; Fax:
 207-797-7078. Mr. Edward P. Buckley, Prin. Lay
 Teachers 31; Students 379.
Catechesis/Religious Program—Students 62.
 7—ST. PATRICK'S (1922) Closed. See Our Lady of
 Hope Parish, Portland.
 8—ST. PETER'S (1911), (Italian), Revs. Louis J. Phillips,
 Admin.; Michael J. Seavey, Parochial Vicar; Gre-
 gory P. Dube, Parochial Vicar.
 Mailing Address: 307 Congress St., 04101-3695.
 Tel: 207-773-7746; Fax: 207-879-5547. Email:
 portlandcathedral@portlanddiocese.org. In Res.,
 Rev. Msgr. Andrew Dubois.
 Church: 72 Federal St., 04101. Tel: 207-773-0748;
 Fax: 207-879-0557. Web:
 www.stpeterschurchportland.org.
Catechesis/Religious Program—Ms. Trish Hafener,
 P.C.L. Students 57.
 9—ST. PIUS X (1962) Closed. See Our Lady of Hope
 Parish, Portland.
 10—SACRED HEART/ST. DOMINIC (1997) Revs. Louis J.
 Phillips, Admin.; Michael J. Seavey, Parochial
 Vicar; Gregory P. Dube, Parochial Vicar.
 Mailing Address: 307 Congress St., 04101-3695.
 Tel: 207-773-7746; Fax: 207-879-5547. Email:

portlandcathedral@portlanddiocese.org. Web:
 www.shsdp.com.
 Church: 80 Sherman St., 04101-2290. Tel: 207-772-
 6182; Fax: 207-772-9615. Web: www.shsdp.org.
Catechesis/Religious Program—Students 30.

OUTSIDE THE CITY OF PORTLAND

- ASHLAND, AROOSTOOK Co., ST. MARK'S (1902) Merged
 See Parish of the Precious Blood, Caribou.
 AUBURN, ANDROSCOGGIN Co.
 1—IMMACULATE HEART OF MARY PARISH (2008) Revs.
 Richard C. McLaughlin; Robert L. Lupo, Parochial
 Vicar; Sr. Elizabeth A. Platt, C.O.C., Pastoral
 Coord.; Deacon Denis Mailhot; Linda Brackett,
 Business Mgr.
 Mailing Address, Res. & Office: Parish Center, 11
 Sacred Heart Pl., 04210-4938. Tel: 207-782-8000
 (Office); Fax: 207-786-8577 (Res.); Fax: 207-782-8002.
 Churches—
 Sacred Heart Church—8 Sacred Heart Pl., 04210.
 St. Louis Church—80 Third St., 04210.
 St. Philip's Church—2365 Turner Rd., 04210.
Catechesis/Religious Program—Tel: 207-786-8045.
 Sr. Elizabeth Platt, C.O.C., D.R.E. Students 77.
 2—ST. LOUIS (1902) Merged See Immaculate Heart
 of Mary Parish, Auburn.
 3—ST. PHILIP'S (1968) Merged See Immaculate
 Heart of Mary Parish, Auburn.
 4—SACRED HEART (1923) Merged See Immaculate
 Heart of Mary Parish, Auburn.
 AUGUSTA, KENNEBEC Co.
 1—ST. ANDREW'S (1968) Merged See St. Michael
 Parish, Augusta.
 2—ST. AUGUSTINE'S (1888) Merged See St. Michael
 Parish, Augusta.
 3—ST. MARY OF THE ASSUMPTION (1834) Merged See
 St. Michael Parish, Augusta.
 4—ST. MICHAEL PARISH (2007) [CEM 4] Revs. James
 P. Morin, Admin.; Arthur C. Pechillo, Parochial
 Vicar (Retired); Gail Gould, Pastoral Coord.; Ken-
 een Hare, Business Mgr.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 16, 2023

SUBJECT: Order 206-22/23 Granting Municipal Officers' Approval of The Pig Exchange LLC, dba The Thirsty Pig. Application for Class I FSE with Outdoor Dining on Private Property and Combined Entertainment at 37 Exchange 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 4/11/23. New City and State applications. Establishment currently holds a Class III & IV FSE with Outdoor Dining on Private Property with Indoor Entertainment.

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. 2023.05.15_Thirsty Pig

2. 2023.05.15_Thirsty Pig_Council Packet
3. Public Comment Order 206
4. Memo to Council re Thirsty Pig, Conditional Entertainment License 6.26.2023

Prepared by:

Date: 05/16/2023

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:

The Pig Exchange LLC, dba The Thirsty Pig. Application for Class I FSE with Outdoor Dining on Private Property and Combined Entertainment at 37 Exchange Street

To whom it may concern,

I am writing on behalf of the Thirsty Pig at 37 Exchange Street in Portland, ME to submit an application for an outdoor entertainment license. We have been working with sound Engineer Andrew Roseman, who has 10+ years of experience in live sound, to devise an appropriate noise mitigation plan as to not disturb any of our lovely Old Port neighbors. Our intention is to provide an extension of our indoor concerts on our back deck during the summer to provide additional entertainment for both residents and tourists to the city. We pride ourselves in bringing talented musicians to our stage to really showcase local New England music in a respectful restaurant atmosphere and would love to be able to host shows outdoors during the beautiful summer months to augment this vision. With that in mind, our shows would never run past 9 pm and we will always have someone on sight with a decibel meter to make sure we are conscientiously being respectful. We'd also love to host charity events, with proceeds going back to some of the wonderful non-profit businesses and the city that we adore so much and are proud to call home. I've included letters of support from other local businesses and citizens for your consideration. In addition to upgrading our entertainment license, we are also applying for a full liquor license in order to be able to broaden our guest's experience. We are regarded as a primarily local craft beer bar, but would also like the opportunity to offer other beverages. I look forward to working with you to help make this a wonderfully fun, music-rich summer.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read 'Kristin Clark', with a stylized, flowing script.

Kristin Clark
Special Projects Leader
Thirsty Pig



CITY OF PORTLAND
Permitting and Inspections Department
Application for Food Service Establishment with Alcoholic Beverages License

Business Information					
Establishment Name (d/b/a):	The Thirsty Pig	Phone:	207-773-2469		
Location Address:	37 Exchange Street		Zip: 04101		
If new, what was formerly at this location:					
Mailing Address:	Suml		Zip:		
Contact Person:	Evan Roscia	Phone:	207-773-2469		
Contact Person Email:	thirstypigoffice@gmail.com				
Manager of Establishment:	Dave Nowers	Date of Birth:	10/31/73	Phone:	207-239-1819
Owner of Premises (Landlord):	Joseph Palacci				
Address of Premises Owner (Landlord):	102 Exchange Lower Level Portland, ME		Zip:	04101	

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

Name of Owner(s)	Date of Birth	Residence Address

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

Corporate Name		Corporate Mailing Address	
The Pig Exchange LLC		37 Exchange Street Portland Zip: 04101	
Contact Person:	Evan Roscia	Phone:	207-773-2469
Principal Officers			
Title	Date of Birth	Residence Address	
Allison Stevens	Owner	10/11/80	25 Upper A St. Peaks Island 04108
Class of Liquor License:		Class 1 FSE	

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:	Hot Dogs / Sausages / Snack Food	
Please circle all that will be served:	Beer Wine Liquor	
Projected percentage of sales:	Generated from Food: 45%	Generated from Alcohol: 55%
Hours & days of operation:	M-Th 11a-9p Fri-Sat 11a-10 ³⁰ p Sun 11a-8p	
QUESTIONS		
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?		Y/N ☒ 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 ☐ 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 ☐ Y ☒ N
Will you permit dancing after 1:00 a.m.?		Y/N ☐ Y ☒ N
Will you have outside dining? (If yes, an Outdoor Dining Application is required)		Y/N ☐ Y ☒ N
If yes, will the outside dining be on PUBLIC or <u>PRIVATE</u> property (circle one).		
Will you have any amusement devices (pinball, video games, juke box)?		Y/N ☐ Y ☒ N
If yes, please list: # 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 ☐ 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 ☐ Y ☒ N
If Yes, please list business name(s) and location(s):		
Is any principal officer under the age of 21?		Y/N ☐ Y ☒ N
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?		Y/N ☐ Y ☒ N
If Yes, please explain:		

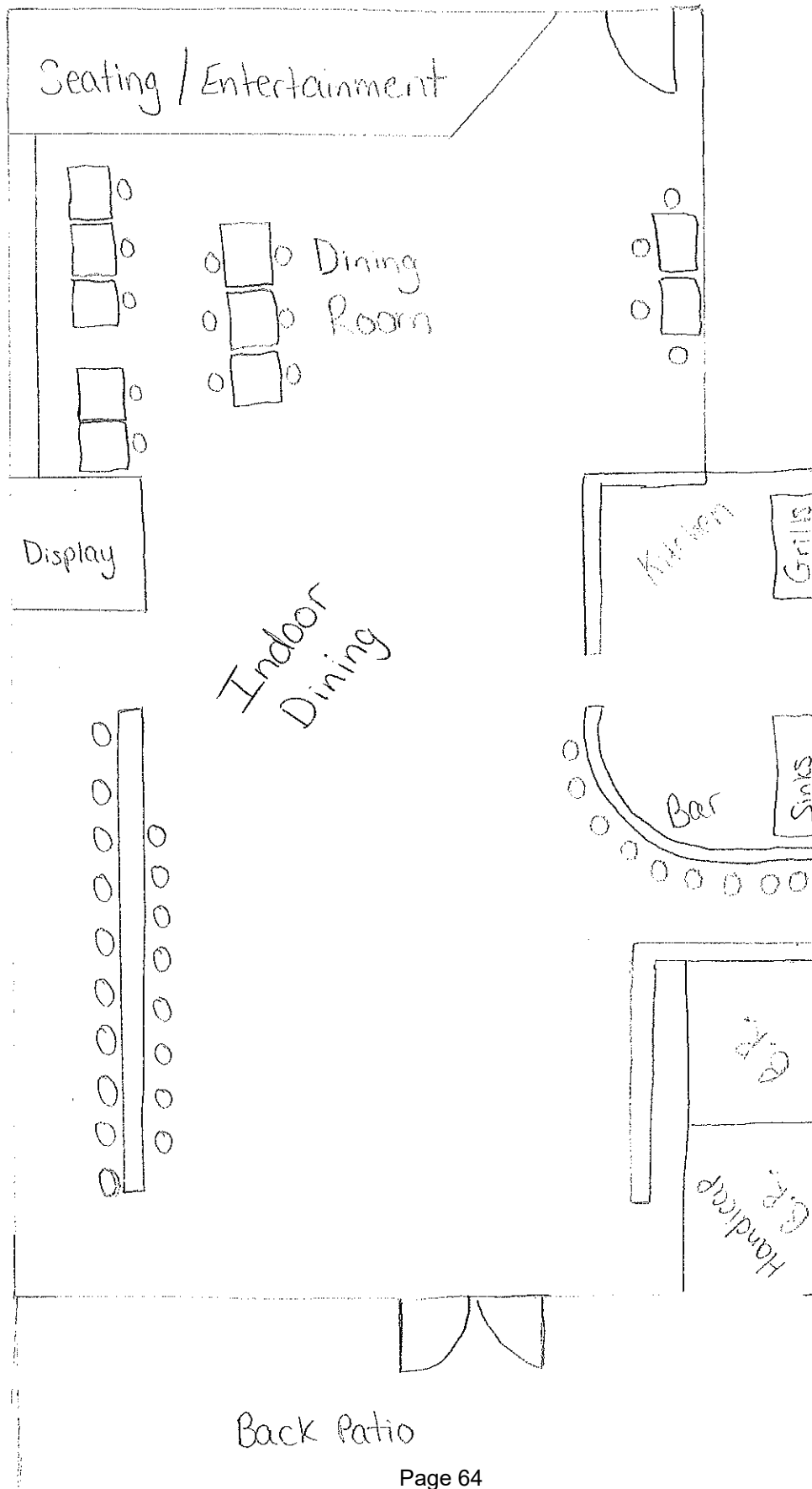
I, Evan J Roscia do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require 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 Title Manager Date 4/5/23

←
Exchange Street

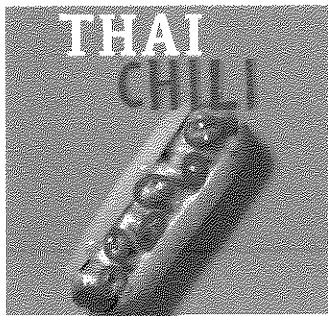


HOUSEMADE SAUSAGES

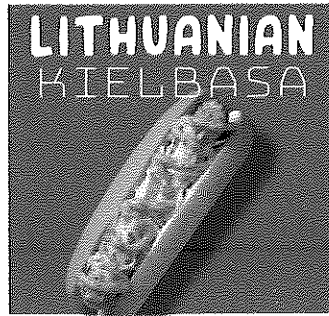
served on a toasted bun or a la carte \$11, gf available

SAUSAGE SAMPLER

four, six or eight sausages, served a la carte with toppings. chefs choice \$35 / \$52 / \$64



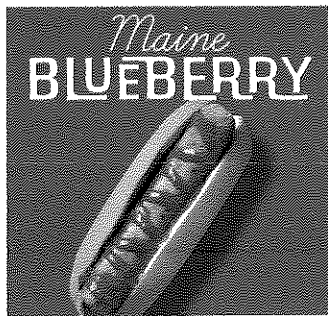
THAI CHILI
sweet and spicy pork sausage made with asian chili sauce, topped with thai aioli and pickled thai chills



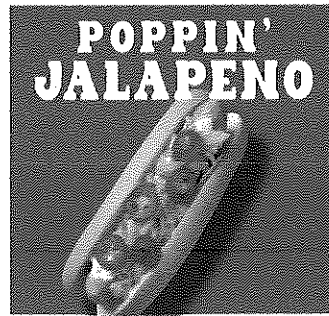
LITHUANIAN KIELBASA
savory pork sausage made with whole grain mustard and beer, topped with sauerkraut and spicy mustard



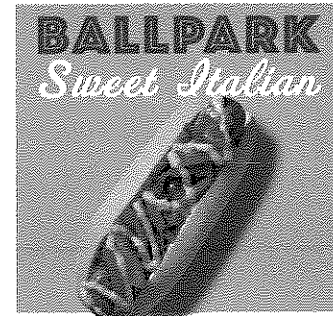
HOT ITALIAN
spicy pork sausage made with toasted fennel and crushed red pepper, topped with hot relish and fiery mustard



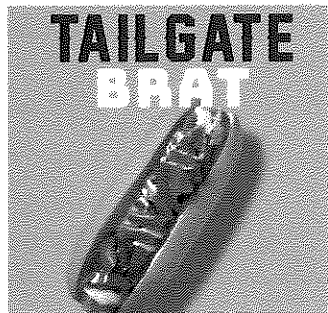
Maine BLUEBERRY
chicken sausage made with maine blueberries and whole grain mustard, topped with blueberry honey mustard



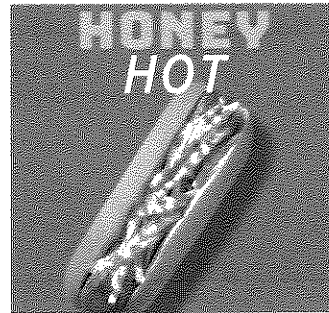
POPPIN' JALAPENO
spicy chicken sausage filled with roasted jalapenos, topped with party dip, crispy fried onions and pickled jalapenos



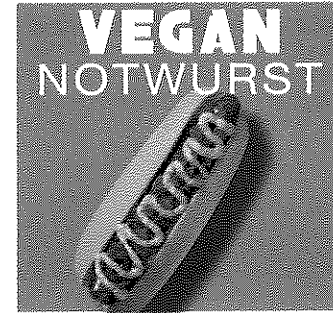
BALLPARK Sweet Italian
classic sweet Italian style pork sausage topped with caramelized onions, grilled peppers and spicy mustard



TAILGATE BRAT
savory pork sausage topped with roasted butternut squash, topped with caramelized onions, roasted peppers & cheese sauce



HONEY HOT
spicy chicken sausage made with honey and hot spices, topped with honey hot sauce, pickled carrots and ranch



VEGAN NOTWURST
vegan sausage made with cannellini beans and oats, topped with caramelized onions and spicy mustard

SANDWICHES

served on a toasted bun \$12

Porkland Philly

thinly sliced pork butt grilled with roasted peppers, caramelized onion, topped with cheese sauce

Pulled Pork

pork butt smoked and slow cooked, topped with housemade bbq sauce and diced onion

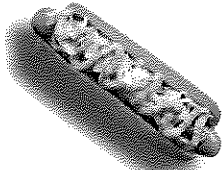
Sweet Heat

grilled chicken thighs, sweet heat sauce, topped with cheddar, pickled jalapenos, crispy fried onions and ranch

SPECIALTY HOT DOGS

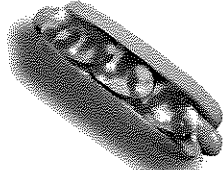
classic hot dog or veggie dog on toasted bun \$7.50

two specialty dogs for \$14



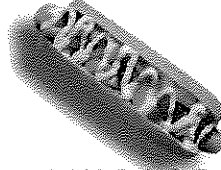
ACADIA

sauerkraut, spicy mustard,
sweet relish



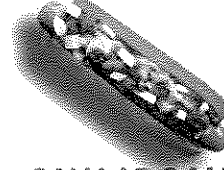
BBQ BAHN MI

pickled carrot, b&b
pickles, thai aioli, bbq
sauce



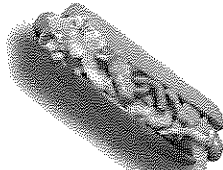
CHICAGO

neon relish, onion, dill pickle,
tomato, sport pepper, yellow
mustard, celery salt



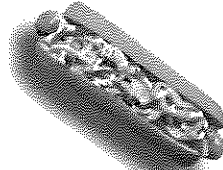
CHILIBOMB

sausage chili, onion,
cheddar cheese



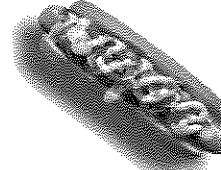
ICELANDIC

ketchup, mustard, onion,
remoulade, crispy onion



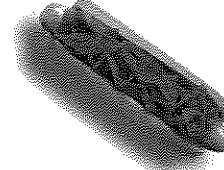
KIND OF A BIG DILL

pickled onion, banana
pepper, dill pickle,
dill ranch, crispy onion



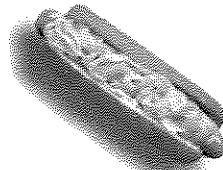
MARKET STREET

pulled pork, pickled jalapeno,
thai aioli



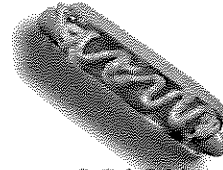
NEW ENGLANDER

pickled beet slaw, bbq
baked beans



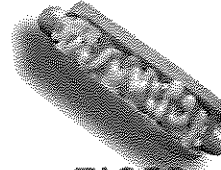
REUBEN

sauerkraut, swiss cheese,
1000 Island



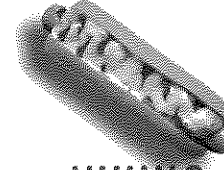
SPICY McFIREPANTS

hot relish, banana pepper,
pickled jalapeno, firey
mustard



TIGER

buffalo chicken dip, pickled
onion, honey mustard



VIKING

caramelized onion, bacon,
cheddar cheese, thai aioli,
bbq sauce

SIDES & OTHER

choice of corn tortilla chips or fresh baguette

BBQ Baked Beans slow cooked with bacon, hot dogs, beans and bbq sauce...\$5 gf

Buffalo Chicken Dip served with pickled onion and ranch...\$7 / \$14 gf

Chili Verde roasted serrano, tomatillos, cannolini beans and spinach...\$8 gf/v

Chorizo Queso pork chorizo crumbles, cheese sauce, tomato and chives...\$7 / \$14 gf

Party Dip hot & sweet pepper relish & whipped cream cheese spread...\$6 / \$12 gf

Pickled Beet Slaw morse's pickled beets...\$5 gf/v

Pickletizer assortment of housemade pickles...\$6 / \$10 gf/v

Sausage Chili pork and chicken sausage chili, topped with raw onion...\$8 gf

Soft Pretzel Sticks served with cheese sauce & honey mustard...\$7

LOCAL DRAFTS

Sample
beer menu -
changes
daily

Red Ale red ale

4.2% - nonesuch brewing, scarborough (6 mi) - 16oz \$8

AOK Kolsch kolsch

4.7% - orono brewing, orono (137 mi) - 16oz \$8

Dark Orb schwarzbier

5.0% - banded brewing, biddeford (15 mi) - 16oz \$8

Allagash White witbier

5.2% - allagash brewing, portland (7 mi) - 16oz \$8

Peeper american pale ale

5.5% - maine beer company, freeport (14 mi) - 16oz \$8

Prime new england ipa

6.1% - goodfire brewing, freeport (14 mi) - 16oz \$8

Another One american ipa

7.0% - maine beer company, freeport (14 mi) - 16oz \$8

Tubular new england ipa

7.2% - orono brewing, orono (137 mi) - 16oz \$8mi

Satiator dopplebock

7.4% - cushnoc, augusta (51 mi) - 16oz \$8

Barn Hex double new england ipa

8.5% - belleflower brewing, portland (1.2 mi) - 12oz \$9

Gunner's Daughter NITRO pb milk stout

5.5% - mast landing, westbrook (5.9 mi) - 16oz \$8

Georgie sour ale with orange, pomegranate & rosemary

5.6% - goodfire brewing, portland (1 mi) - 12oz \$9

Guava Passionfruit cider

5.0% - downeast cider house, east boston, MA (98 mi) - 12oz \$8

Glera semi-sparkling wine -- ask about our fruitsecco!

11.0% - giuliana rosati, vazzola, italy (3,864 mi) - 10oz \$11



CITY OF PORTLAND
Permitting and Inspections Department

Outdoor Dining Permit on Private Property
Supplemental Application

License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Liquor License

☐ Outdoor Dining on Private Property \$125.00 ☐ Legal Advertisement Deposit \$100.00

Business Information					
Business Name (d/b/a):	The Thirsty Pig	Phone:	207-773-2469		
Location Address:	37 Exchange Street Portland	Zip:	04101		
Mailing Address:	Zip:				
Contact Person:	Evan Roscia	Phone:	207-773-2469		
Contact Person Email:	thirstypigoffice@gmail.com				
Manager of Establishment:	Dave Nowers	Date of Birth:	10/31/73	Phone:	207-239-1819
Owner of Premises (Landlord):	Joseph Palacci				
Address of Premises Owner:	102 Exchange Street Lower Level	Zip:	04101		

Owner Information

Corporate Name		Corporate Mailing Address	
The Pig Exchange LLC		37 Exchange Street	Zip: 04101
Contact Person:	Evan Roscia	Phone:	207-773-2469
Principal Officers	Title	Date of Birth	Residence Address
Allison Stevens	owner	10/11/80	25 Upper A St Peaks Island 04108



CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	Class 1 FSE
Type of food served:	Hot Dogs Sausages Snack Foods
Please circle all that will be served:	(Beer) (Wine) (Liquor)
Hours & days of operation:	M-Th 11a-9p Fri-Sat 11a-10 ³⁰ p Sun 11a-8p
Number of Tables	12
Number of Chairs	80

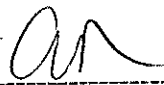
Design and Construction

- If you are building a structure or adding impervious surface for the outdoor dining area please contact the Permitting and Inspections Department for permitting requirements at permitting@portlandmaine.gov or 874-8703.

Maintenance and Operations

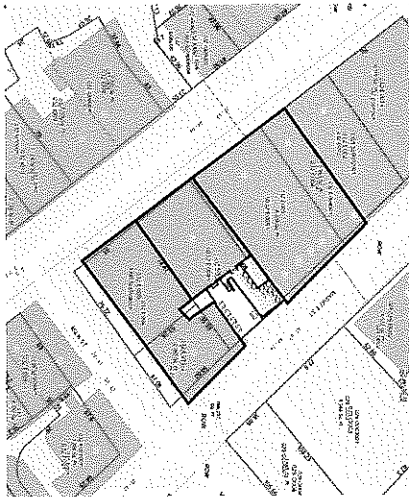
- Outdoor dining components must be within the permitted area and allow safe passage of pedestrian traffic. Failure to comply may result in a revocation of the permit.
- No food shall be prepared in the designated outdoor dining area.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.

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 Office Manager Date 4/5/23

For Administrative Use Only

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



PORTLAND GIS

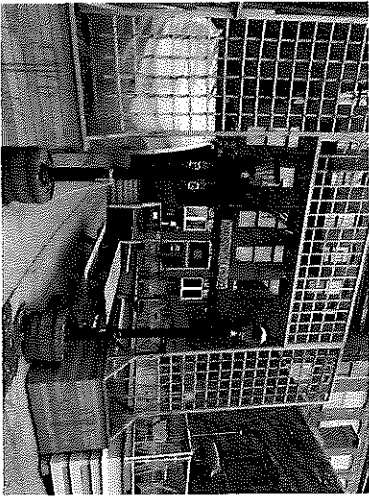
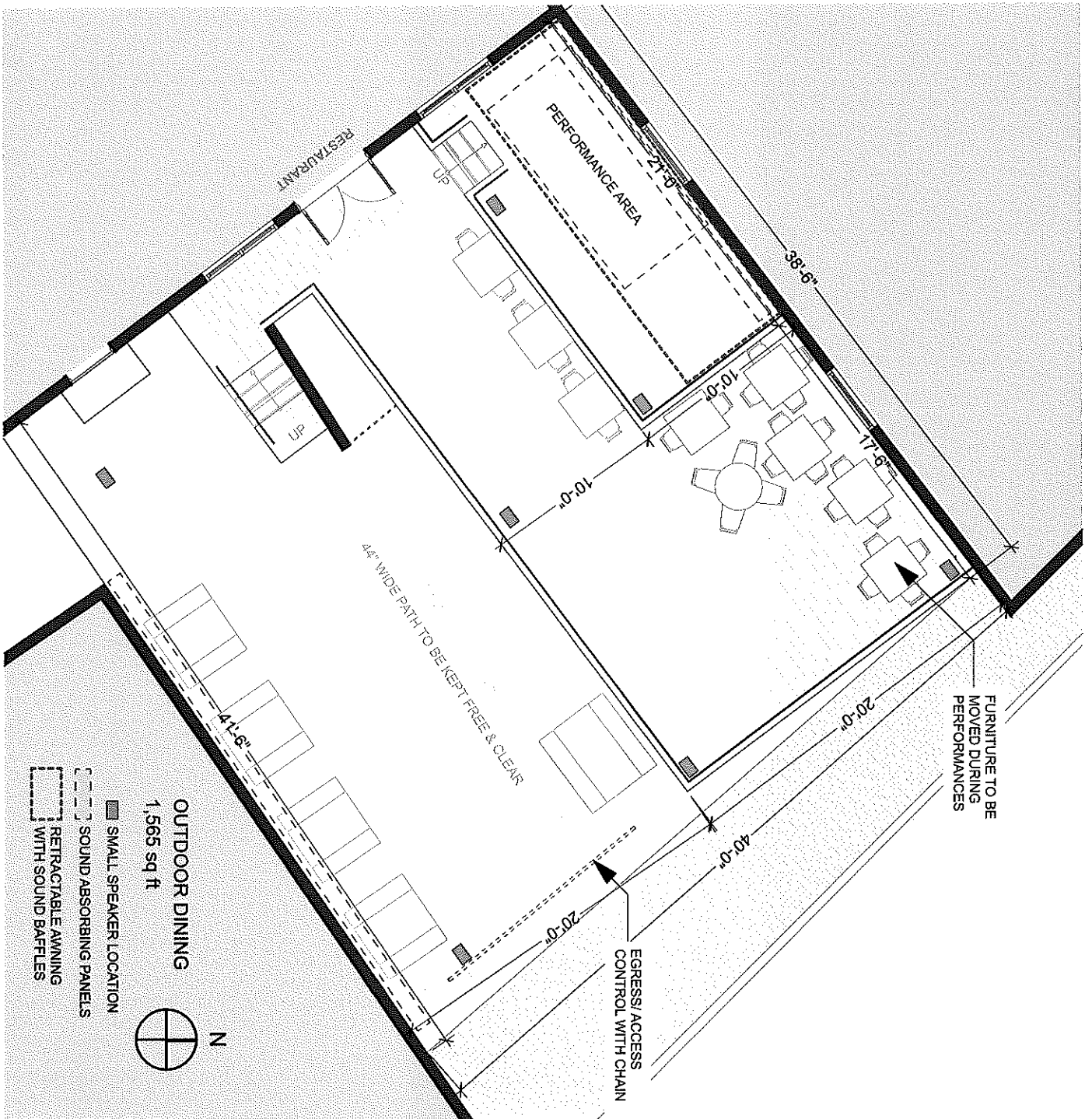


PHOTO OF REAR ENTRY, CONTROL ACCESS BARRIERS



WOODHULL

PREPARED FOR THIRSTY PIG BY WOODHULL
37 EXCHANGE ST, PORTLAND, ME 04101





CITY OF PORTLAND
Permitting and Inspections Department

Application for an Entertainment License

☐ Indoor Entertainment \$500.00	☐ Outdoor Entertainment \$700.00	☒ Combined Entertainment \$800.00
☒ Sound Mitigation Fee \$150.00		

Business Information	
Establishment Name (d/b/a):	The Thirsty Pig
Location Address:	37 Exchange Street Portland, ME
Owner Name:	Allison Stevens
Owner Email:	thirstypigoffice@gmail.com
Contact Person responsible for Entertainment:	Kristin Clark
Contact Person Email:	events@thirstypigportland.com
Manager of Establishment:	Dave Nowers
Manager Email:	thirstypigoffice@gmail.com

About Your Establishment

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

Counter-service restaurant / bar. Hot dogs + Sausages paired w/ local beer + wine.

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 CW Title manager Date 4/5/2023

For more information, refer to the City Code of Ordinance: Chapter 4 Amusements, at www.portlandmaine.gov

Sound Engineer

Andrew Roseman

Phone: (203) 464-0272

3/30/23

Sound Mitigation Plan

Thirsty Pig / 37 Exchange St.

This sound mitigation plan has been prepared by Andrew Roseman, who is a freelance sound engineer with over 10 years of practical experience at various music venues in and around the greater Portland area. Thirsty Pig, which opened in 2012, seeks to renew their outdoor license with appropriate sound mitigation techniques applied.

Thirsty Pig currently utilizes an indoor sound system designed to provide simple straight-forward operation typical of most small venues/listening rooms. The system consists of (one) Yamaha MG16XU mixer and two Mackie 12" powered monitors mounted on stage left and right. Audio is introduced via industry standard dynamic and condenser microphones (Shure SM58, AT2020, etc.) and instrument/amp outputs, as well as direct-wired auxiliary sends (iPad, cell phone, etc). **For outdoor use, Thirsty Pig plans to utilize a smaller system, with sound mitigation in place.**

Sound mitigation measures to include:

- Retractable awning above stage area (see diagram for placement in field) to mitigate sound traveling above
- (2) sound absorbing panels rated for outdoor use to be located along opposite walls of stage and behind (see diagram for placement in field)
- 10" powered speakers for stage monitors - smaller speakers will be placed throughout deck to increase spread of sound and reduce overall dynamic

As the speakers are located to provide even disbursement of sound throughout the deck, the primary direction of the sound projection is towards the sound absorption panels. Speaker locations are illustrated on the provided diagram. Thirsty Pig primarily serves as a listening room at audio levels considerably quieter than standard music venues. Events primarily consist of singer/songwriters, but also extends into folk and other genres characteristically performed at lower volumes. Some performers opt not to use any PA for their performances, resulting in a lower overall volume. Sound levels are maintained to the same volume used for house music, which should indicate that these performances should have no impact on decibel levels. Thirsty Pig does keep a portable on-premise sound reading device in the event of a noise complaint. Tests have demonstrated that all exterior sound levels have read well below the

City of Portland construction guidelines.

In conclusion, Kristin Clark will be maintaining the current system in place.

It is my opinion that this system, and the building's construction, should suffice for the expectations of the City of Portland.

With your Consideration,



Andrew Roseman

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on May 15, 2023 at 5:00 P.M., virtually The Pig Exchange LLC, dba The Thirsty Pig. Application for Class I FSE with Outdoor Dining on Private Property and Combined Entertainment at 37 Exchange Street - Sponsored by Danielle P. West, Interim City Manager

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



May 10, 2023

The Pig Exchange LLC
37 Exchange Street
Portland, ME 04101

Re: The Pig Exchange LLC, dba The Thirsty Pig. Application for Class I FSE with Outdoor Dining on Private Property and Combined Entertainment at 37 Exchange Street

Dear The Pig Exchange LLC :

This letter shall serve as a reminder of the public hearing before the Portland City Council on Monday May 15, 2023 at 5:00 p.m., for the review of application for Class I FSE with Outdoor Dining on Private Property and Combined Entertainment at 37 Exchange 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 May 12, 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.

Sincerely,

Zachary J. Lenhart
Licensing and Housing Safety Manager

Sound Mitigation Review

Applicant Allison Stevens

kschneck@portlandmaine.gov



Zachary Lenhart <zlenhart@portlandmaine.gov>

Thirsty Pig - 37 Exchange

Zoning <zoning@portlandmaine.gov>

Tue, May 9, 2023 at 9:45 AM

To: Zoning <zoning@portlandmaine.gov>

Cc: Robert McPartlan <mcpartlanr@portlandmaine.gov>, 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>, Eric Nevins <erich@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>, Zachary Lenhart <zlenhart@portlandmaine.gov>

A Class I FSE license is a permitted use at 37 Exchange St.

Thanks,
Jon

[Quoted text hidden]



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 ☐ No ☐	

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

Legal Business Entity Applicant Name (corporation, LLC): <u>The Pig Exchange LLC</u>	Business Name (D/B/A): <u>The Thirsty Pig</u>
Individual or Sole Proprietor Applicant Name(s):	Physical Location:
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address: <u>37 Exchange Street</u>	Email Address: <u>thirstypigoffice@gmail.com</u>
Telephone # Fax #: <u>207-773-2469</u>	Business Telephone # Fax #:
Federal Tax Identification Number: <u>45-3969465</u>	Maine Seller Certificate # or Sales Tax #: <u>1154 094</u>
Retail Beverage Alcohol Dealers Permit:	Website address: <u>thirstypigportland.com</u>

1. New license or renewal of existing license? ☐ New Expected Start date: _____
☐ Renewal Expiration Date: _____

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

Food: 500,000 Beer, Wine or Spirits: 550,000 Guest Rooms: 0

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)

- | | | |
|--|--|---|
| ☐ Restaurant
(Class I, II, III, IV) | ☐ Class A Restaurant/Lounge
(Class XI) | ☐ Class A Lounge
(Class X) |
| ☐ Hotel
(Class I, II, III, IV) | ☐ Hotel – Food Optional
(Class I-A) | ☐ Bed & Breakfast
(Class V) |
| ☐ Golf Course (included optional licenses, please check if apply)
(Class I, II, III, IV) | ☐ Auxiliary | ☐ Mobile Cart |
| ☐ Tavern
(Class IV) | ☒ Other: <u>Class 1 FSE</u> | |
| ☐ Qualified Caterer | ☐ 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:

37 Exchange Street 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
Allison Stevens	10/11/80	New York

Residence address on all the above for previous 5 years

Name	Address:
Allison Stevens	25 Upper A St. Peaks Island, ME 04108
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:

Joseph Palacci 102 Exchange Street Lower Level 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: 0

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)

12 indoor tables + 14 outdoor tables
80 total seats (indoor + outdoor)

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: 1/4 mile away First Parish Portland

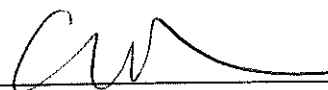
Distance: Unitarian & Universalist Church

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: 4/5/2023


Signature of Duly Authorized Person

Evan Roscra
Printed Name Duly Authorized Person

Signature of 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.

Class of License	Type of liquor/Establishments included	Fee
Class I	For the sale of liquor (malt liquor, wine and spirits) 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
Class I-A	For the sale of liquor (malt liquor, wine and spirits) This class includes only hotels that do not serve three meals a day.	\$1,100.00
Class II	For the Sale of Spirits Only 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
Class III	For the Sale of Wine Only 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
Class IV	For the Sale of Malt Liquor Only 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
Class III and IV	For the Sale of Malt Liquor and Wine Only 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
Class V	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Club without catering privileges.	\$ 495.00
Class X	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Class A Lounge	\$2,200.00
Class XI	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Restaurant Lounge	\$1,500.00

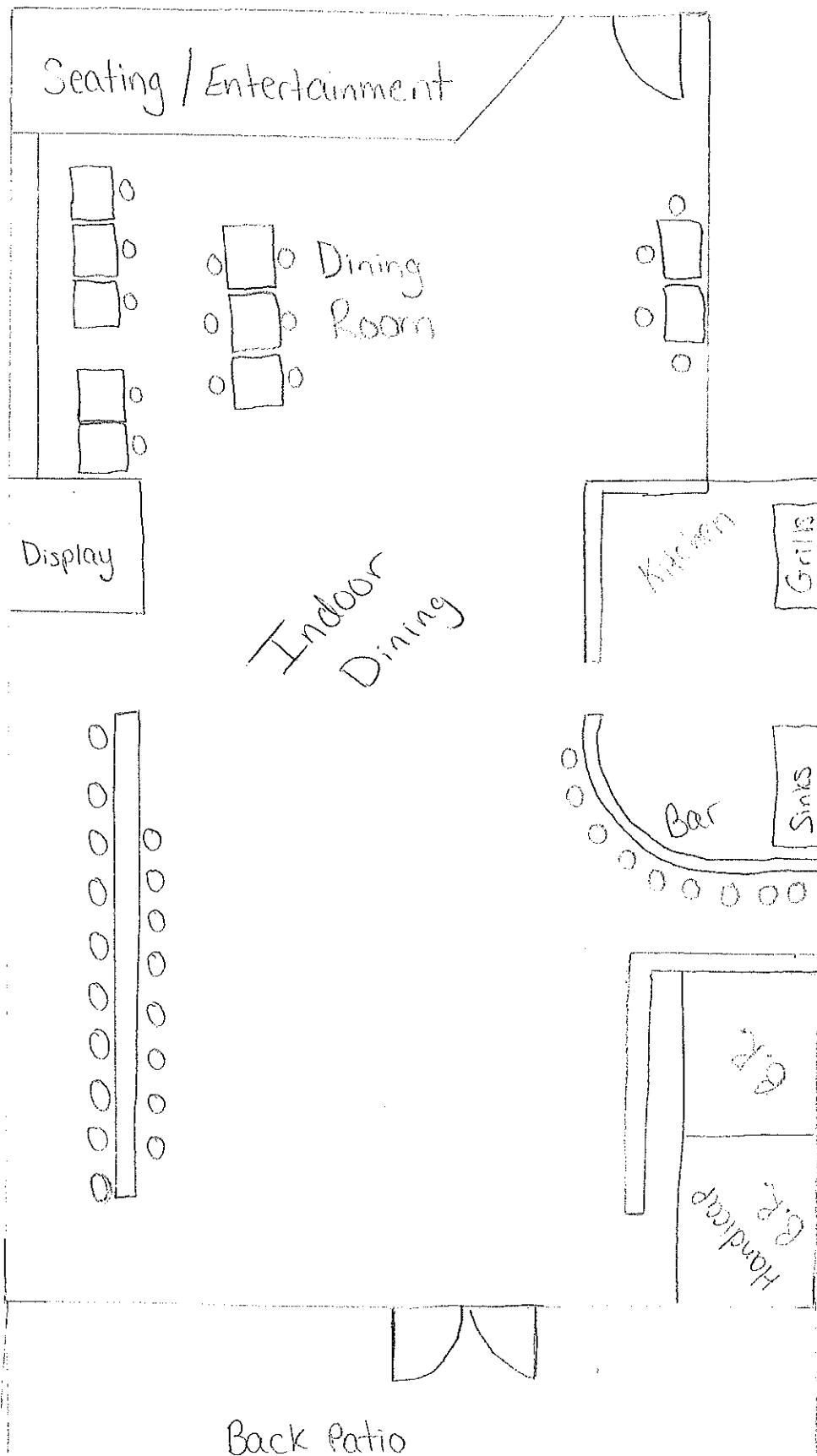
Section VI Premises Floor Plan

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

←
Exchange Street



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: The Pig Exchange LLC
2. Doing Business As, if any: The Thirsty Pig
3. Date of filing with Secretary of State: 12/2011 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
Allison Stevens	25 Upper A Street Peaks Island	10/11/80	Owner	100%

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

INVOICE

**CITY OF PORTLAND
LICENSING & REGISTRATION**
389 Congress Street
Portland, Maine 04101
(207) 756-8131



INVOICE NUMBER	INVOICE DATE	INVOICE DUE DATE	INVOICE STATUS	INVOICE DESCRIPTION
INV-00081795	04/11/2023	05/11/2023	Due	NONE

REFERENCE NUMBER	FEE NAME	TOTAL
LL-005346-2023	Class I FSE	\$967.00
	Combined Entertainment	\$300.00
	Health Inspection New	\$150.00
	Legal Advertisement Deposit	\$100.00
	New Application Fee	\$45.00
	Outdoor Dining - Private Deposit	\$125.00
	SBI Background Check New	\$21.00
The Thirsty Pig - 39 Exchange St Portland, ME 04101		SUB TOTAL \$1,708.00

TOTAL **\$1,708.00**

pd
4.11.23

BILLING CONTACT

PIG EXCHANGE, LLC
37 Exchange St
Portland, Me 04101

Make checks payable to the City of Portland, ATTN: Licensing & Registration, 389 Congress Street, Portland, ME 04101



Dena Libner <dlibner@portlandmaine.gov>

ORDER # 206-22/23

William Harding <whardingmd@gmail.com>
To: publiccomment@portlandmaine.gov

Thu, May 11, 2023 at 10:41 AM

Dear Mayor Snyder and City Council Members,

Today I heard from a neighbor that the owner of the Thirsty Pig is applying for an outdoor entertainment license. Checking online, I noticed a 31-page application, and that this issue is on the City Council's agenda just four days from today.

For several years, the residential neighborhood was exposed to outdoor music at the Thirsty Pig. Despite repeated assurances that it would be limited in time and volume, it continued many evenings for several summers.

After contacting our district representative, and after a public hearing about the outdoor music, we learned that the Thirsty Pig never had a license for outdoor music. A license was applied for, which included reassurances of noise mitigation and monitoring, but that license was denied. We have been able to enjoy peace in our neighborhood ever since.

The area that surrounds the outdoor deck at the back of the Thirsty Pig acts as an echo chamber, amplifying the music and affecting the residents living in the two buildings along Silver Street, 99 Silver Street and 150 Middle Street. Even with windows closed and air conditioning turned on, the noise was disturbing.

What if the Thirsty Pig had an outdoor deck at the FRONT of the building instead of the REAR? Imagine the music—even with "noise mitigation"—echoing up and down Exchange Street, disturbing other businesses and the tourists that these businesses rely on.

Allowing music at the rear of the building will create a significant disturbance to the residents of the Old Port along Silver Street. The many residents of this section of Old Port deserve at least the same kind of consideration as the tourists who visit the many other businesses along Exchange Street.

I strongly object to granting such a license.

Thank you for your consideration,

William E. Harding MD

150 Middle Street apt. 3i
Portland, ME 04101

305-613-6382
whardingmd@gmail.com



Dena Libner <dlibner@portlandmaine.gov>

Thirsty Pig # 206-22/23

1 message

Rachel Henderson <rachelcyrhenderson@gmail.com>
To: publiccomment@portlandmaine.gov

Thu, May 11, 2023 at 6:26 PM

Good Day,

Please include these comments into the discussion regarding the entertainment license application from the Thirsty Pig.

We are writing in opposition to a license for outdoor music at the Thirsty Pig. We are two of the Thirsty Pig's "lovely neighbors". The Thirsty Pig does not have a history of being a good neighbor. We have been through this before...the noise produced on the deck of the Thirsty Pig is a nightmare of noise for their neighbors. The way the buildings around them are configured means that the music moves past our windows as if we lived in a canyon. The music in the past met the decibel level permitted but we were unable to hear our television, talk on the phone, or have visitors in our home. It was a nightmare and rendered our homes uninhabitable. Past attempts to speak with the Thirsty Pig over the noise issue resulted in rude responses and being hung up on.

I would ask that you look at the history of this problem. The last time it came before the council I believe the vote to deny a license was unanimous. Two large condominium associations are in the 'blast' area of the Thirsty Pig and are negatively impacted. Please VOTE NO.

Thank you for your consideration.
Hal and Rachel Henderson
207 319 7656



Dena Libner <dlibner@portlandmaine.gov>

Thirsty Pig Entertainment License hearing on 5/15

Art Johns <johns_art@msn.com>

Thu, May 11, 2023 at 2:46 PM

To: "publiccomment@portlandmaine.gov" <publiccomment@portlandmaine.gov>

Hello,

Please include this in the discussion regarding the entertainment license applied for by the Thirsty Pig.

Previous applications for outdoor music in any form were denied because of the huge adverse affect to numerous residences and other businesses near the outside deck area. Two large condo buildings (99 Silver and 150 Middle Street) as well as surrounding businesses are subjected to intolerable noise levels. The votes were, as I recall unanimous because of the affects on the community. It makes life in these condos intolerable.

The area is a natural amphitheater and even small amounts of noise are extremely disruptive. Police were dispatched many times to investigate. I have no confidence that mitigation efforts are going to do anything due to the design of the area. The Thirsty Pig has been aggressively trying to get this type of permit and it is not essential to their business. The simple solution is to have music indoors.

The Thirsty Pig operated initially with no permit years ago and was extremely rude to the surrounding neighbors (myself included). Their claim of having a good relationship with the community is not accurate.

Noise has been a huge problem in Portland and I took a leadership role in keeping the quality of life for the residents and businesses last time this license was considered and I cannot emphasize enough how important this is to deny outside music in this particular specific area. Again, the decision to deny was, if memory serves unanimous last time..

In no way, shape or form should ONE business selfishly destroy the quality of life for a huge group of residents and businesses.

I urge you to deny any ability to have outside music at the Thirsty Pig as was done in the previous instance several years back. I cannot emphasize enough how important this vote is.

I am happy to speak with anyone regarding this long history of this issue. Thank you for your consideration.

Art Johns
207 329-5725

Sent from my iPad



Dena Libner <dlibner@portlandmaine.gov>

June 26th - City Council Meeting - Thirsty Pig

1 message

Ross Maniaci <rossmaniaci@gmail.com>

Mon, Jun 12, 2023 at 5:13 PM

To: publiccomment@portlandmaine.gov

Dear City Council -

My name is Ross Maniaci - I'm a condo owner in the Old Port. I've owned at Chandlers Wharf since 2011. One of the primary reasons I purchased in the Portland & the Old Port area was to be in proximity to all the action of the city. I also have an office in the Old Port as well. We appreciate the walkability so much that we are now down to one car. I live & breathe the downtown area. I'm part of their "Green Gull" initiative - I actually sweep up the two blocks along Commercial between 3 Dollar Dewey's & Starbucks.

I enjoy the local music scene of Portland. I've been to House of Music many times - Portland Lobster Company and I even take the ferry over to Peaks for Reggae Sunday too. But - my favorite place for live music is the Thirsty Pig. They have the BEST outdoor space in the city. It's a shame that they can't do more outside. Noises of a city are ok - they are desired. That's why you live in the city. Don't let a couple people that complain ruin it for the rest of us. The good people at Thirsty Pig on Exchange street have a great thing going and it should be shared with all. Please don't police the wrong people. I'm not a huge fan of Amigos and can hear their music from my condo. But - I'm not going to complain - that's the vibe of the city I wanted and should be able to have.

I'm concerned that this small group of complainers are going to ask you to get rid of the seagulls and the smell of the ocean too.

I hope you can work with the Thirsty Pig & others in the city to make this a real possibility again.

On a positive note - I'm very excited about "Open Air Sunday" for Exchange street.

Please call me with any questions or concerns.

Ross

Ross Maniaci
412 Chandlers Wharf
Portland, ME 04101
rossmaniaci@gmail.com
Cell: 315-415-0285



Dena Libner <dlibner@portlandmaine.gov>

Support for Music/ Thirsty Pig

1 message

Jesse McGrath <jessejamesmcgrath@gmail.com>

Mon, May 15, 2023 at 4:33 PM

To: publiccomment@portlandmaine.gov

This email is to show my support for The Thirsty Pig and in particular their promotion of live local music. I reside at [56 Exchange St / unit 33](#) (across the street from the Thirsty Pig). I also conduct business here as 'McGrath Imagery' . I fully support local arts and I'm proud to see local businesses promote the same. The Thirsty Pig provides a space for musical expression and community and I stand behind them 100% in their mission.

Sincerely,
Jesse McGrath
McGrath Imagery
[56 Exchange St](#)
[Unit 33](#)
[Portland, ME](#)
[04101](#)



Dena Libner <dlibner@portlandmaine.gov>

Music = Portland's Vibrancy

Amy Wooldridge <a77virginia@gmail.com>
To: publiccomment@portlandmaine.gov

Mon, May 15, 2023 at 4:33 PM

Good evening,

I'm writing IN FAVOR of allowing the Thirsty Pig to have an outdoor entertainment license. I am a business owner AND resident in a neighboring building. And I believe what the Thirsty Pig and others do for our vibrant city should be preserved. It has been so disappointing and, quite frankly, incredibly disheartening to see all of the negative comments about this over the years. And it makes me wonder if people really understand where they live?

It seems reasonable to me that The Thirsty Pig would have outdoor music during summer months, especially because they end the music at a reasonable time of the evening (9pm)! This is not an unreasonable request. It does seem unreasonable, however, to prevent outdoor music happening in the heart of Old Port during the gorgeous summer months. Please consider that we are living and working in a vibrant downtown district. Please consider we aren't living in a quiet suburb. Better yet, consider attending some of these wonderful events that folks like the Thirsty Pig are putting on. Get out and enjoy the music!

Do we really want to lose a piece of Portland's summer vibrancy at the "inconvenience" of a few?

Please consider granting them the license. They are a hard-working, very generous business that likes to create a fun, inclusive environment for residents, downtown workers, and tourists alike. The talent they bring in not only fuels hard-working artists and musicians, but it is a wonderful soundtrack to the summer.

--

"Your complexity makes you different, but your humanity offers you the chance to understand others, even to become different from what you were when you first tried to understand."

~Michael Agar, Language Shock: Understanding the Culture of Conversation



Dena Libner <dlibner@portlandmaine.gov>

Thirsty Pig

Nate Henry <nhjrtwo@gmail.com>
To: publiccomment@portlandmaine.gov

Tue, Jun 20, 2023 at 3:37 PM

Good afternoon,

I am writing in support of the proposed liquor license upgrade and outdoor entertainment license request being brought forward by the Thirsty Pig.

Best,

Nate Henry



Dena Libner <dlibner@portlandmaine.gov>

Order 206-22/23: Thirsty Pig Entertainment License

William Harding <whardingmd@gmail.com>
To: publiccomment@portlandmaine.gov

Thu, Jun 22, 2023 at 9:47 AM

Dear Mayor Snyder and City Councillors,

I have reviewed the application and sound mitigation plans for the Thirsty Pig Entertainment license, and am writing again to oppose granting a license for outdoor music there.

Outdoor music, even ending at 9PM, is not merely an "inconvenience" to residents in the neighborhood. It is disruptive to those of us who wish to enjoy our homes without an unwelcome soundtrack. Even if the volume level is within regulatory limits, it can be disruptive to the quiet enjoyment of our homes during the evening hours in the summer months when we can open our windows.

In the past, even with windows open and an air conditioner running, the noise was disruptive. Please take into consideration the history of the Thirsty Pig's use of their outdoor space.

Silver Street is already an echoing canyon of street noise. Intermittent street noise is expected in the city, but I do not want music playing outside my windows during evening hours. The outdoor music in the back of their building would **not** affect the residents and businesses on Exchange Street, but rather the neighbors in the back—an echo chamber of brick buildings and cobblestones streets where noise is not absorbed but amplified.

Residents such as me who have opposed the license, and who have made efforts to report and mitigate unnecessary noise in the Old Port neighborhood, have been told sarcastically that "this is not the suburbs", "don't expect silence", and that such complaints are "petty".

I recognize that I live in a mixed residential and business neighborhood. I enjoy this vibrant neighborhood, and I expect background city noise at all hours. I also recognize that the owners of The Thirsty Pig have objectives that are different than mine. But on balance, I fear that granting such an entertainment license would turn our small neighborhood into something akin to a mini concert arena.

I attended the May 15 City Council meeting when the issue was postponed, hoping to have a chance to speak. I do not expect to be able to attend the City Council meeting on June 26, and am therefore writing once again to urge you to deny this license.

Thank you for your consideration.

Sincerely,

William

William E. Harding MD
150 Middle Street apt. 3i
Portland, ME 04101



Dena Libner <dlibner@portlandmaine.gov>

Comments to be included in City Council Special Meeting on 6/26, Re: Thirsty Pig Entertainment License

Art Johns <johns_art@msn.com>

Thu, Jun 22, 2023 at 11:36 AM

To: "publiccomment@portlandmaine.gov" <publiccomment@portlandmaine.gov>

Art Johns
[150 Middle Street](#), 2H
Portland, ME 04101

Home/Mobile: (207) 329-5715

Comments For Inclusion, Special Meeting, June 26, 2023 – Thirsty Pig Entertainment License

Mayor Snyder and members of the City Council, thank you for the opportunity to share with you my comments with regard to the Thirsty Pig outdoor entertainment license.

My name is Art Johns and I live at [150 Middle Street](#) here in Portland (one block from the Thirsty Pig).

I have included a petition currently with 31 signatures (and growing) that continues to circulate, asking for the outdoor entertainment license to be denied. This is more than double the amount we got last time the license went up for review.

The decision in previous years to restrict outdoor entertainment restored the peace and balance to the immediate area for both businesses and residents. It was a thoughtful, informed, enforceable, and balanced decision that had a very positive effect on quality of life and halted virtually all complaints.

The middle ground solution is to allow indoor music only which has worked well very well in recent years.

In previous city council meetings it has been discussed how inappropriate this particular intimate area is for amplified music due to the natural amphitheater created by surrounding buildings. Also, it is in very close proximity to two buildings full of more than 70 private residences and well over a dozen of businesses that seek only to live and work in peace.

While they may have met with the Sound Oversight Committee and hired a sound engineer, the proposal to mitigate sound in their application are minimal and I believe will have little or no effect on controlling sound. The proposals to mitigate the effect of the amplified music are inadequate at best and put the responsibility on the neighbors to ensure they would be complied with.

The Thirsty Pig management was very hostile to the local residents the last time they had outdoor music there. They hung up on residents ("Our Lovely Neighbors" as we are referred to in the license application) calling with complaints and responded rudely with suggestions like "you should just move" among many others. It is my strong belief that any efforts to show due diligence (Sound Oversight Committee, and hiring a sound engineer) are only for the purposes of obtaining an outdoor entertainment license and will have no effect on the actual high level of disturbance.

It is worthy to note, they only reached out to the community YESTERDAY, 6/19/23 after the meeting for their entertainment license several weeks ago was postponed twice. Initially, they were hoping to get the license approved before any opposition could be organized. This is just "window dressing" and the very late timing of community outreach ironically proves this out. The effort was both disingenuous and was actually a meeting to gain support of the license to be granted. Those in support of granting this license are typically customers who simply like the idea of sitting outside listening to music but do not live in the immediate area so they can escape the effects of constant disruption while we cannot.

There is absolutely no hardship here and to grant the entertainment license would be wildly out of balance. It would absolutely destroy the peaceful environment for so many residents and businesses with only a marginal benefit for the Thirsty Pig.

The smart, balanced and enforceable solution again is to allow indoor music only.

Should this outdoor entertainment license be granted, we will once again return to the intolerable situation residents and businesses endured before. Noise complaints will sky rocket. The police will have to spend their valuable time responding to complaints instead of more important calls.

In the summer weather we need to open our windows to dissipate heat as there is no central air conditioning in either of the two large residential condo buildings. Also, interesting to note, the Historical Society dictates the thickness of our windows to very thin that provide no sound protection.

As residents in a city, we expect a certain amount of noise but I can tell you that the noise situation with the Thirsty Pig was absolutely intolerable in past years. Simply because we live in the "Old Port" does not mean that we are not entitled to quality of life. I ask that you deny the outdoor entertainment license as it has been demonstrated to be very effective, enforceable and balanced solution.

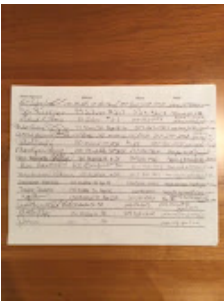
In the final analysis, to allow amplified music to one business at the expense of more than 70 residences and businesses would again be wildly out of balance. The reasons to deny are many and the reasons to approve are nonexistent. The status quo has worked.

Thank you for your consideration and attention in this matter. My contact information is below and I welcome your questions.

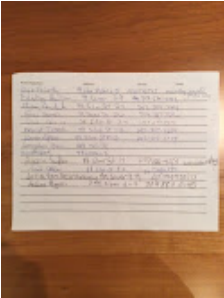
Art Johns
150 Middle Street 2H
Portland, ME 04101

Home/Mobile: (207) 329-5715

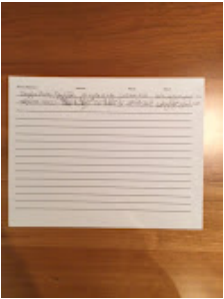
3 attachments



Petition1.jpeg
74K



Petition2.jpeg
67K



Petition3.jpeg
90K

Name/Signature	Address	Phone	Email
Art Jakes	150 Middle St Portland, ME	(207) 329-5715	jakes.ort@portland.com
Jim Prosser	99 Silver #213	324-9258	sgrosser@comcast.net
Robert J. Thomas	19 Silver #2-1	207-332-1154	robert@robertthomas.com
Paul Gonyea	99 Silver St. Apt 4-10	207-467-0801	gonyea@gmail.com
LEONAR GUTIERREZ	150 MIDDLE ST, PORTLAND	207-239-2956	leona.gutierrez@gmail.com
Robert Jakes	150 MIDDLE ST, PORTLAND	207-761-0131	robert.jakes@gmail.com
Marilyn Perry	150 Middle St #3F	207-536-7903	MaryPerry@protonmail.com
Carol Hoffmann	150 Middle St #2F	(207) 771-7705	CAROL.HOFFMANN@COMCAST.NET
Hal Anderson	150 Middle St	207-420-3157	hal@halanderson.com
Robert Hoffmann	150 Middle St #3F	207-420-3157	robert.hoffmann@gmail.com
Stephane Herrera	150 Middle St Apt 3C	(207) 444-2144	stephnherrera71@gmail.com
Taylor Smart	150 Middle St Apt 3C	207-441-1347	taylor@taylor-smart.com
Wafar	150 MIDDLE ST Apt 2K	207-245-4797	Wafar@protonmail.com
David Thwaitt	150 Middle St SE	603-591-2013	david.thwaitt@gmail.com
Martin	150 Middle St SE	343-248-0628	mfrank@protonmail.com
J. Nelson	150 Middle St		jnelson@protonmail.com

Name/Signature	Address	Phone	Email
Angie McCarthy	99 Silver St (Unit 2-3)	207-577-543	mccarthy.angie@jmail.com
Kristen Healy	99 Silver 3-7	207-717-675-0123	jmail.com
Cheri Penick	99 Silver St 2-5	207-300-7661	
Edna Gomes	99 Silver St 2-6	508-287-5586	
Dore Carlinas	99 Silver St 2-5	207-274-5770	
David Torres	99 Silver St 1-2	207-807-5629	
Karen Pappas	99 Silver St #1-2	207-210-7774	
Lacourdes Upami	299 Silver St		
Minimacat	99 Silver 1-3		
Austin Sandler	99 Silver St 1-1	207-296-4213	austin.sandler@jmail.com
Jack Sandler	99 Silver 4-2	207-466-7357	
Julia Van Steenburgh	99 Silver 4-9	207-949-3870	
Helen Higgins	99 Silver 5-3	207-880-0195	

[illegible]



Dena Libner <dlibner@portlandmaine.gov>

Thirsty Pig License

Rachel Henderson <rachelcyrhenderson@gmail.com>
To: publiccomment@portlandmaine.gov

Fri, Jun 23, 2023 at 9:03 AM

June 23, 2023

To: Portland Maine Council
From: Hal and Rachel Henderson
Re: Thirsty Pig

Let me be forthright and clear. We live adjacent to the Thirsty Pig and have been negatively impacted by the Thirsty Pig and their outdoor electronic music in the past. We are **opposed** to their being granted a license.

In 2018 after many efforts by neighbors to have the music turned down on the 'Pig' patio, calls to the police, being hung up on and treated rudely by the 'Pig' we discovered they did not have a license for music on the patio. The 'Pig' then applied for a license. The issue of sound was looked at by sound engineers and the outcome was that there was NO WAY to mitigate the sound due to the configuration of the buildings adjacent to the patio.

It is difficult to explain how loud the music is as it moves through the air and into our windows. The sound is amplified by the location of the buildings etc. We were unable to hear our television, speak to each other, talk on the phone etc. It made our home unlivable. The Thirsty Pig showed no concern for any neighbors. Some who are in favor of this license do not live in a place where the music impacts them. The music may be fine to those who have a beer and a brat and then head to their peaceful quiet home. We cannot escape the sound. There are 71 residential condominium units right outside the Thirsty Pig deck.

We live downtown. We do not mind the noise of the downtown. In fact, we like it. The sound/music coming from the Thirsty Pig is inescapable, disturbing, exhausting, and would not be accepted in any other neighborhood in the city. It is very different than the usual noise of the downtown. This is a neighborhood. One neighbor should not be granted a license to disturb the well-being of the rest of the neighborhood. The sound is the equivalent of an electronic band set up on your deck. Would that level of noise be o.k. with you day after day after day?

The intervening years since the 2018 denial have been great. The Thirsty Pig has indoor music. Their deck is always filled with people. We are pleased they have a good business. We are not opposed in any way to the way things currently exist. What we are opposed to is the outdoor electronic music that disturbs our peaceful living. What we ask is that they be good neighbors and we ask the city to treat us like they would their own neighborhoods.



Dena Libner <dlibner@portlandmaine.gov>

6/26/23: The Thirsty Pig Outdoor Music License

1 message

'Chris Campbell' via Public Comment <publiccomment@portlandmaine.gov>

Sun, Jun 25, 2023 at 10:09 AM

Reply-To: Chris Campbell <chriscam84@me.com>

To: publiccomment@portlandmaine.gov

Dear Portland City Council,

I am writing to express my support for The Thirsty Pig and their application for live outdoor music. The Thirsty Pig is one of my favorite music venues in the city. As a local professional musician who has toured and played many cities, I understand the importance of having a thriving music scene in any art-centric city. The Thirsty Pig has been a staple in the Portland music community for years, and I believe that allowing them to host outdoor music during reasonable times would only enhance the city's cultural offerings.

I understand that there have been concerns in the past about noise levels and disturbance to nearby residents. However, it doesn't feel fair to not allow outdoor music during normal waking hours. People who move to the Old Port neighborhood should be well aware that it's a thriving entertainment district and there will be noise and music.

The Thirsty Pig is also a home for upstart local musicians who don't yet have the clout or connections to play larger venues in town. The more we can foster our budding musicians, the more vibrant and enriched our music scene will become. We should be encouraging music and art at all levels and creating and preserving spaces for artists to do their thing.

The Thirsty Pig has always been a responsible member of the community and I have no doubt that they would work to minimize any potential disturbance. Furthermore, I believe that allowing outdoor music at The Thirsty Pig would not only benefit the venue, but also the surrounding businesses. It would attract more people to the area, and create a vibrant and lively atmosphere that would benefit everyone.

In conclusion, I urge the Portland City Council to consider allowing The Thirsty Pig to host outdoor music during reasonable times. It would be a great addition to the city's artistic offerings, and would benefit both the venue and the surrounding community. Without an outlet for local live music, Portland will lose a lot of what makes it a magical place to be.

Thank you for your time and consideration.

Sincerely,
Christopher F. Campbell
207-590-8260
Chriscam84@gmail.com

Office of Corporation Counsel

Michael Goldman, *Acting Corporation Counsel*

Amy McNally, *Associate Corporation Counsel*

Nicole Albert, *Associate Corporation Counsel*

Rachel Millette, *Associate Corporation Counsel*



MEMORANDUM

To: Mayor Snyder and Members of the City Council

From: Michael Goldman, Acting Corporation Counsel

Date: June 26, 2023

Subject: Questions and Background on the Entertainment License for Thirsty Pig

In a May 16, 2023 email from Councilor Trevorrow to Mayor Snyder, the City Manager, and Dena Libner, Councilor Trevorrow sought additional information regarding the current and former Thirsty Pig license applications. Each of the issues raised in Councilor Trevorrow's email are addressed below.

1. Whether the Thirsty Pig applications have been denied in the past.

The Thirsty Pig's prior outdoor entertainment license applications were not actually denied, but were approved with the condition of no amplified sound outdoors. Initially, the Thirsty Pig operated without an outdoor entertainment license – they had an indoor entertainment license only – and yet they provided outdoor amplified music for their customers, which led to noise complaints from neighbors. At the February 22, 2017 City Council meeting, calls for service, which were mostly noise complaints, were included in the back-up material. Former Police Chief Michael Sauschuck, however, did not object to the license renewal because it seemed the complaints had been resolved. (See Attachment 1, Order 123 – 16/17 and backup materials).

By December 2017, however, it had become clear the problems were not resolved. Accordingly, in December 2017 and November 2018, the Council approved conditional entertainment licenses with no amplified entertainment outdoors for the Thirsty Pig as follows:

- Order 128-17/18, dated December 18, 2017, resulting in conditioned Class A license dated December 19, 2017
- Order 103-18/19, dated November 19, 2018, resulting in conditioned Class A license dated November 27, 2018

The condition prohibiting amplified outdoor entertainment continued in the following staff-approved renewal licenses:

June 16, 2023

- Class A license dated November 5, 2019
- Class A license dated November 20, 2020
- Class III & IV license dated November 2, 2021
- Class III & IV license dated January 25, 2023 (expires February 17, 2024)

(the above-referenced licenses and orders are attached to this memo collectively as Attachment 2).

2. The reasoning behind the Council's decisions to condition past entertainment licenses.

See the attached December 12, 2017 Memorandum from Anne Torregrossa, which addresses noise complaints and was included in the backup materials for Order 128-17/18 at the Council's December 19 2017 meeting (Attachment 3) and the backup materials from Order 103-18/19 (Attachment 4).

3. Any historical non-compliance or other violations they have had.

See December 12, 2017 Torregrossa Memo and the backup materials from Order 103-18/19 (Attachments 3 & 4).

4. What is different about their application now as opposed to their last application.

See description of sound mitigation measures in backup materials included with the agenda. Zachary Lenhart has discussed the sound amplification issues with the applicant, and his understanding is that the applicant will discuss at next week's meeting how they are addressing the previous concerns of the City Council and their neighbors.

5. What is the Council's authority with regard to putting conditions on outdoor entertainment licenses (e.g., can we specify that music has to end at a certain time each night, etc.).

See December 12, 2017 Torregrossa memo, which outlines the City Council's authority to limit or condition licenses as necessary to protect the public health, safety and welfare s. In sum, in accordance with Portland City Code 4-55 and 4-57, the Council may:

- a. Deny the license based on criteria set forth in the City Code
- b. Grant the license as presented.
- c. Grant the license with conditions, including indoor/outdoor amplification; time and day restrictions; or other limitations; or
- d. Grant the license (with or without conditions) for a trial period of time less than one year to allow for further evaluation of the impact of the entertainment on the peace and quiet of the neighborhood and on the public health, safety, and welfare.

Note that in their application, The Thirsty Pig seeks approval of both a Class I FSE liquor license and an entertainment license. If the Council is again inclined to postpone action on the entertainment portion of the application, it might consider dividing Order 206-22/23 into two

June 16, 2023

separate questions—one for the liquor license and one for the entertainment license—so that a decision on The Thirsty Pig’s liquor license is not unnecessarily delayed. As always, please let me know if you have questions about this memo or if you need anything further from me.

ATTACHMENT 1

Order 123-16/17
~~Tab 5-26-17~~
Tab 17 2-22-17

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND IN THE CITY COUNCIL

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER GRANTING MUNICIPAL OFFICERS' APPROVAL OF:

**The Pig Exchange, LLC d/b/a The Thirsty Pig. Application for a Class A Lounge License
at 37 Exchange Street.**

January 4, 2017

To The Mayor of Portland and Members of the City Council,

In recent years The Thirsty Pig has expanded it's services beyond operating as a Restaurant and Bar to offering Catering services. The relationships we have built with local craft beer brewers has made for some wonderful collaborations that have generated revenue for the local economy and attracted local residents and out of town visitors to the local food and beer scene in Portland. The Thirsty Pig has had the honor of catering events at local breweries, each time filing for an individual event license with the City of Portland. This is the reason for wanting to file for a change in License from a Class III & IV to a Class X License. With a Class X License we would participate in more local collaborations with Maine breweries by catering their events, and be able to provide more catering services to local offices, businesses, and individuals. The Thirsty Pig will remain with the current alcoholic beverage options of Wine, Beer and Cider, there are no plans to have a full liquor bar in the restaurant. We look forward to continuing to serve the City of Portland high quality product and services, and connecting people with other local businesses to keep Portland thriving. Thank you for your time and consideration in this matter.

Sincerely,

Allison B. Stevens
Owner of The Thirsty Pig
37 Exchange Street
Portland, ME 04101

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
 Michael A. Russell, MS, Director
 389 Congress St. Room 307 • Portland, ME 04101 • (207) 874-8557
www.portlandmaine.gov

Application for Food Service Establishment with Alcoholic Beverages License

Business Information			
Business Name (d/b/a):	The Thirsty Pig		Phone: 207-773-2469
Location Address:	37 Exchange Street		Zip: 04101
If new, what was formerly at this location:			
Mailing Address:	37 Exchange Street		Zip: 04101
Contact Person:	Allison B. Stevens	Phone:	207-245-4056
Contact Person Email:	allisonstevens56@hotmail.com		
Manager of Establishment:	Allison B. Stevens	Date of Birth: 10/11/80	Phone: 207-245-4056
Owner of Premises (Landlord):	Albert Palacci		
Address of Premises Owner:	4761 Broadway, NY, NY 10034		Zip: 10034

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

Name of Owner(s)	Date of Birth	Residence Address

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

Corporate Name		Corporate Mailing Address	
The Pig Exchange, LLC		37 Exchange Street Zip: 04101	
Contact Person:	Allison Booth Stevens	Phone:	207-245-4056
Principal Officers	Title	Date of Birth	Residence Address
Allison Booth Stevens	owner	10/11/80	Upper A. St., Peaks Island, ME

About Your Establishment

Class of Liquor License:	III IV Class A Lounge		
Type of food served:	Sausages, hot dogs, pub snacks		
Please circle all that will be served:	☒ Beer	☒ Wine	☐ Liquor
Projected percentage of sales:	Generated from Food: 33.44%	Generated from Alcohol: 66.18%	
Hours & days of operation:	Mon-Thur 11-10, Fri-Sat 11		

QUESTIONS	Y/N
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: .25 miles from church	
Will you have entertainment on the premises? (If yes, a Supplemental Application for Dancing & Entertainment is required.)	☒ Y ☐ N
Will you permit dancing on the premises?	☒ 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): Allison Booth Stevens, The Pig Exchange LLC, 37 Exchange Street	
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:	

I, Allison Stevens, 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  Title Owner Date 1/3

For more information about Liquor Licenses, see Portland City Code Chapter 15 at www.portlandmaine.gov and M.R.S.A. Title 28-A at www.maine.gov.

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director

389 Congress St. Room 307 • Portland, ME 04101 • (207) 874-8557

www.portlandmaine.gov

Supplemental Application for Dancing and Entertainment License

License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Alcohol license.

☒ Entertainment without Dancing: \$281	☐ Entertainment with Dancing: \$504	☐ After-Hours (1 a.m. to 3 a.m.): \$567
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Business Information	
Business Name (d/b/a):	<i>The Thirsty Pig</i>
Location Address:	<i>37 Exchange Street</i>
Phone:	<i>207 +773-2469</i>
Zip:	<i>04101</i>

About Your Establishment

Describe in detail the type and nature of the business and proposed entertainment: <i>Restaurant/Bar serving house-made sausages + hot dogs, local craft beer and wine. Live music performed weekly - no dancing - just listening to music.</i>	
Will music be electric, acoustical, or both? (Circle)	<i>both</i>
Will amplification be used?	<i>Y</i>
If yes, where and at what level?	
Will music be played (Circle all that apply):	<i>Inside</i> <i>Outside</i>
Will you permit dancing on the premises?	<i>N</i>
Will you permit dancing after 1:00 a.m.?	<i>N</i>
What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? <i>500 ft.</i>	
What is your targeted opening date?	<i>Business opened Jan 2011</i>
Does the issuance of this license directly or indirectly benefit any City employee(s)?	<i>N</i>
If Yes, list name(s) of employee(s) and department(s):	

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.

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 *1/3/17*

For more information, refer to the City Code of Ordinance: Chapter 4 Amusements, at www.portlandmaine.gov

BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008
10 WATER STREET, HALLOWELL, ME 04347
TEL: (207) 624-7220 FAX: (207) 287-3434
EMAIL INQUIRIES: MAINE.LIQUOR@MAINE.GOV

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	

NEW application: ☐ Yes ☒ No

PRESENT LICENSE EXPIRES 12/29/17

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☒ SPIRITUOUS
INDICATE TYPE OF LICENSE:

- ☐ RESTAURANT (Class I,II,III,IV)
☐ HOTEL-OPTIONAL FOOD (Class I-A)
☒ CLASS A LOUNGE (Class X)
☐ CLUB (Class V)
☐ TAVERN (Class IV)

- ☐ RESTAURANT/LOUNGE (Class XI)
☐ HOTEL (Class I,II,III,IV)
☐ CLUB-ON PREMISE CATERING (Class I)
☐ GOLF CLUB (Class I,II,III,IV)
☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: <u>Pig Exchange, LLC</u>			Business Name (D/B/A) <u>The Thirsty Pig</u>		
APPLICANT(S) (Sole Proprietor) DOB: <u>Allison Booth Stevens</u> <u>10/11/80</u>			Physical Location: <u>37 Exchange Street</u>		
DOB:			City/Town State Zip Code <u>Portland</u> <u>ME</u> <u>04101</u>		
Address <u>37 Exchange Street</u>			Mailing Address <u>37 Exchange Street</u>		
City/Town State Zip Code <u>Portland</u> <u>ME</u> <u>04101</u>			City/Town State Zip Code <u>Portland</u> <u>ME</u> <u>04101</u>		
Telephone Number Fax Number <u>207-245-4056</u> _____			Business Telephone Number Fax Number <u>207-773-2469</u> _____		
Federal I.D. # <u>45-3969465</u>			Seller Certificate #: or Sales Tax #: <u>1154094</u>		
Email Address: Please Print <u>pig@thirstypigportland.com</u>			Website: <u>thirstypigportland.com</u>		

If business is NEW or under new ownership, indicate starting date: _____

Requested inspection date: January Business hours: 11a-10p

3. If a premise is a hotel, indicate number of rooms available for transient guests: 0

4. State amount of gross income from period of last license: ROOMS \$ 0 FOOD \$ 212,510.40 LIQUOR \$ 492,546.87

5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

If YES, complete Supplementary Questionnaire

6. Do you permit dancing or entertainment on the licensed premises? YES ☒ NO ☐

7. If manager is to be employed, give name: _____

9. Business records are located at: 37 Exchange Street, Portland, ME 04101

10. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐

11. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Allison Booth Stevens	10/11/80	Watertown, NY

Residence address on all of the above for previous 5 years (Limit answer to city & state)

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?

Yes ☐ No ☒ If Yes, give name: _____

15. Has/have applicant(s) formerly held a Maine liquor license? YES ☒ NO ☐

16. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: _____

Albert Palacci, 4761 Broadway, NY, NY 10034

17. Describe in detail the premises to be licensed: (On Premise Diagram Required) _____

60 indoor seats, 36 seasonal outdoor seats

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?

YES ☒ NO ☐ Applied for: _____

19. 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? 2.5 miles Which of the above is nearest? church

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☐ NO ☒

If YES, give details: _____

The Division of Liquor Licensing & Enforcement is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Portland on 1/11, 20 17

Town/City, State

Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Allison Stevens

Print Name

Signature of Applicant or Corporate Officer(s)

Print Name

FEE SCHEDULE

FILING FEE: (must be included on all applications)	\$ 10.00
Class I Spirituous, Vinous and Malt CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	\$ 900.00
Class I-A Spirituous, Vinous and Malt, Optional Food (Hotels Only) CLASS I-A: Hotels only that do not serve three meals a day.	\$1,100.00
Class II Spirituous Only CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	\$ 550.00
Class III Vinous Only CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class IV Malt Liquor Only CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class V Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) CLASS V: Clubs without catering privileges.	\$ 495.00
Class X Spirituous, Vinous and Malt – Class A Lounge CLASS X: Class A Lounge	\$2,200.00
Class XI Spirituous, Vinous and Malt – Restaurant Lounge CLASS XI: Restaurant/Lounge; and OTB.	\$1,500.00

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval and signatures for liquor licenses prior to submitting them to the bureau.

All fees must accompany application, make check payable to the Treasurer, State of Maine.

This application must be completed and signed by the Town or City and mailed to:
 Bureau of Alcoholic Beverages and Lottery Operations
 Division of Liquor Licensing and Enforcement
 8 State House Station, Augusta, ME 04333-0008.
 Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.



State of Maine
Division of Alcoholic Beverages and
Lottery Operations
Division of Liquor Licensing and Enforcement

Corporate Information Required for
Business Entities Who Are Licensees

For Office Use Only:

License #: _____

SOS Checked: _____

100% Yes ☐ No ☐

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752. Please clearly complete this form in its entirety.

1. Exact legal name: Pig Exchange, LLC
2. Doing Business As, if any: The Thirsty Pig
3. Date of filing with Secretary of State: 12/2011 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 and list the percentage ownership: (attached additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Allison Booth Stevens		10/11/80		100

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

6. If Co-Op # of members: _____ (list primary officers in the above boxes)

7. Is any principal person involved with the entity a law enforcement official?

Yes ☐ No ☒ If Yes, Name: _____ Agency: _____

8. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes ☐ No ☒

9. If Yes to Question 8, please complete the following: (attached additional sheets as needed).

Name: _____

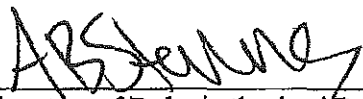
Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:


Signature of Duly Authorized Person

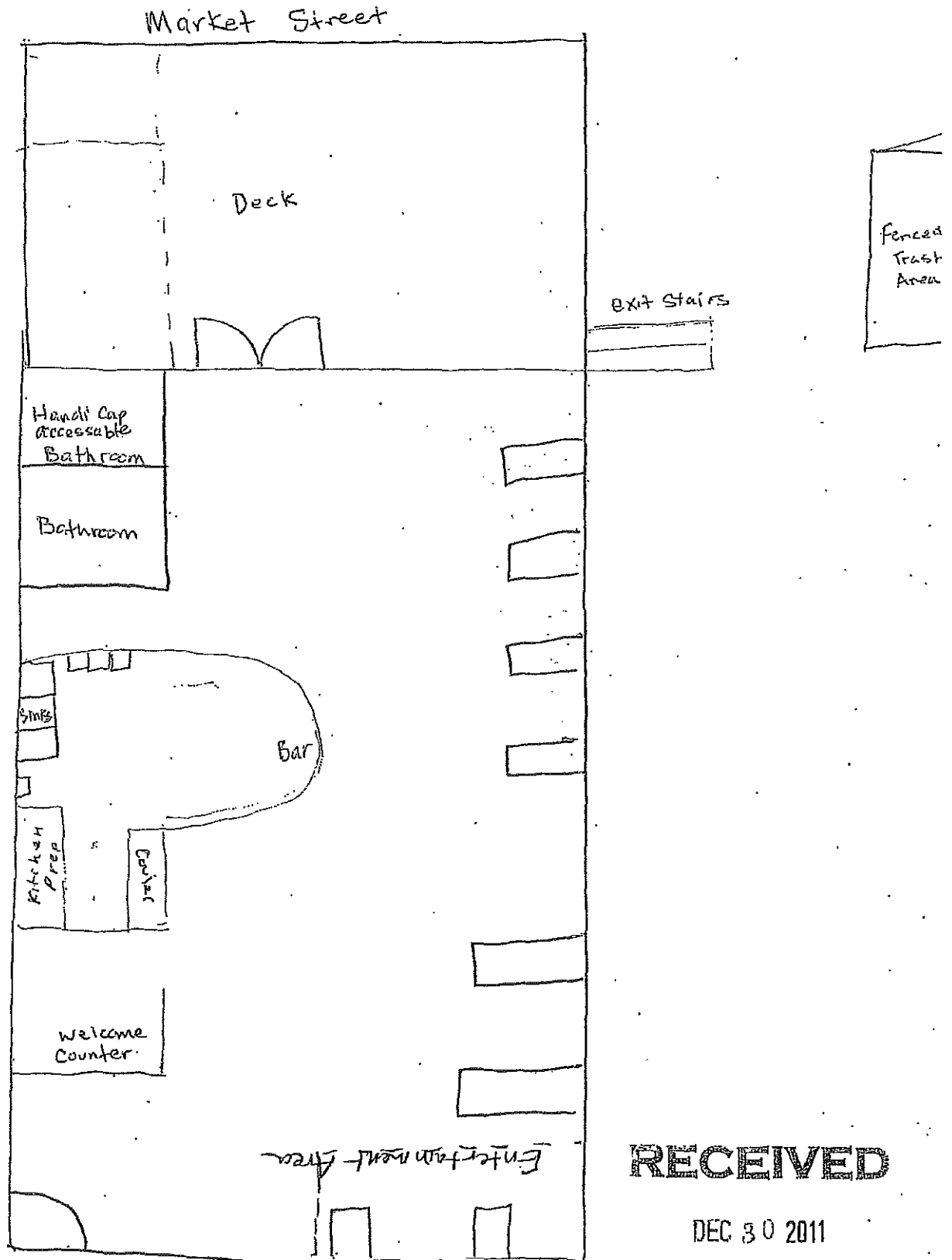
11/2/17
Date

Allison Stevens
Print Name of Duly Authorized Person

Submit Completed Forms To:

Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, Me 04333-0008 (Regular address)
10 Water Street, Hallowell, ME 04347 (Overnight address)
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov

PREMISE DIAGRAM

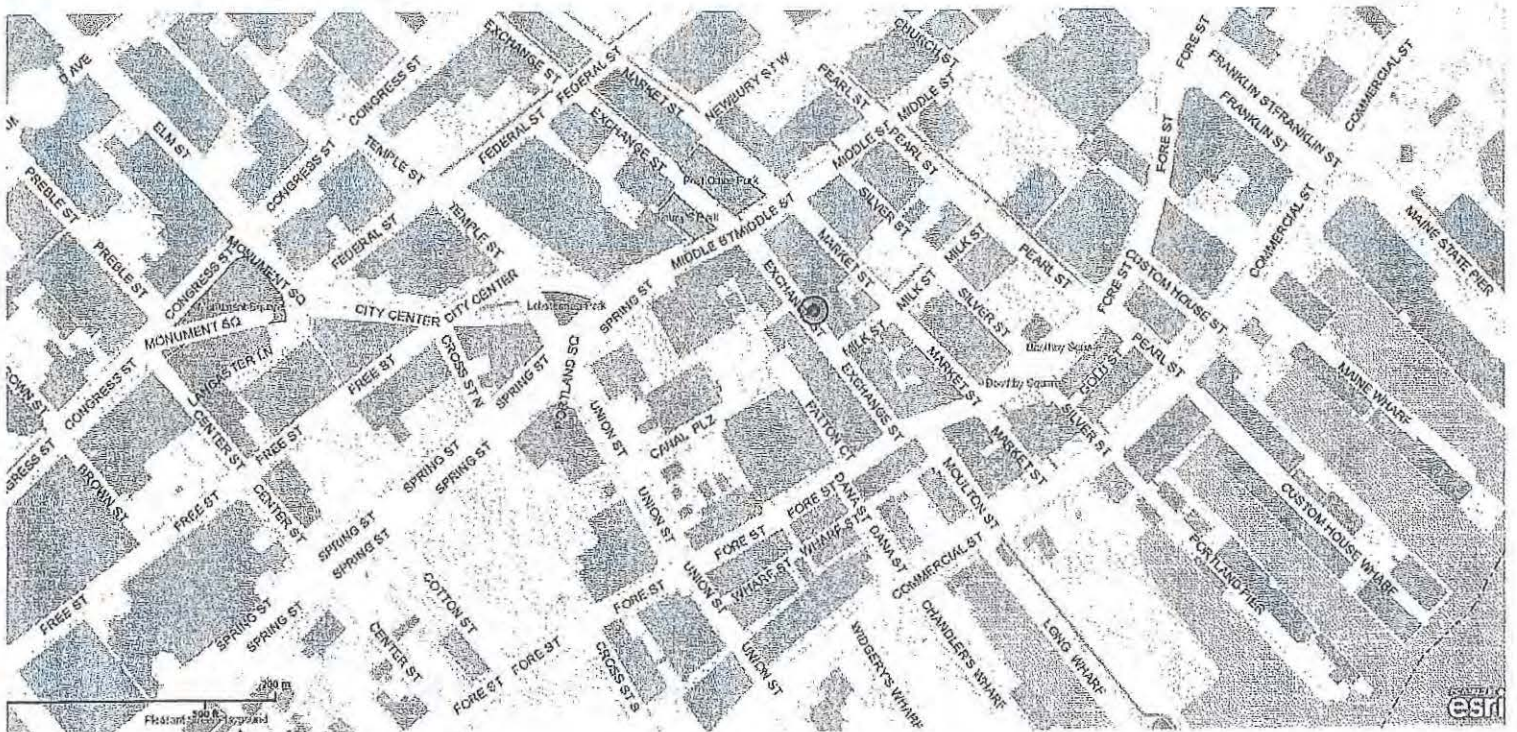


RECEIVED

DEC 30 2011

DEPT PUBLIC SAFETY
LIQUOR LICENSING & INSPECTION

EXCHANGE ST.



Copyright 2011 Esri. All rights reserved. Wed Jan 11 2017 11:06:13 AM.



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: The Thirsty Pig Upgrade

Kevin Cashman <kevindc@portlandmaine.gov>

Fri, Jan 13, 2017 at 3:43 AM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Cc: David Petruccelli <petruccellid@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Gary Rogers <garyr@portlandmaine.gov>, Keith Gautreau <kng@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Melissa Calazzo <mcalazzo@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Vernon Malloch <vwm@portlandmaine.gov>, Zoning <zoning@portlandmaine.gov>

No issues from PD.

Kevin C.

On Wed, Jan 11, 2017 at 11:22 AM, Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Morning

Please see the attached application for the Thirsty Pig, 37 Exchange Street. They currently hold a Class III and Class IV License (malt & vinous) with Entertainment no dance and Outdoor dining. They are upgrading to a Class A Lounge for catering purposes.

They will be going before council on 2/6/2017

Same owner- The Pig Exchange LLC- Allison Stevens 207-245-4056 allisonstevens56@hotmail.com

Please advise via email with approvals. Thanks Jessica

 The Thirsty Pig.pdf

Jessica B. Hanscombe
Business License Specialist
389 Congress Street Room 307
Portland, Maine 04101
207-874-8783
jhanscombe@portlandmaine.gov

--
Lt. Kevin Cashman
Portland Police Department
Patrol Division
109 Middle St
Portland, Maine 04101
(O) 207-756-8294
kevindc@portlandmaine.gov



Permitting and Inspections Department

Michael A. Russell, MS, Director

January 11, 2017

The Thirsty Pig
37 Exchange Street
Portland, Maine 04101

Re: The Pig Exchange, LLC d/b/a The Thirsty Pig. Application for a Class A Lounge License at 37 Exchange Street.

Dear Ms. Stevens,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday February 6th, 2017 at 5:30 p.m.**, for the review of your application for a Class A Lounge License at 225 Congress Street. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

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 issue could be postponed.

Should you have any questions or concerns, please do not hesitate to contact our office directly at (207) 874-8557 or by email, jhanscombe@portlandmaine.gov

Sincerely,

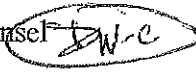
A handwritten signature in black ink that reads "Jessica B. Hanscombe". The signature is written in a cursive style with a large, sweeping initial "J".

Jessica Hanscombe
Business License Specialist
207-874-8783
jhanscombe@portlandmaine.gov

**Legal Advertisement
Notice of Public Hearing
City of Portland**

A Public Hearing will be held on February 6th at 5:30 P.M., in City Council Chambers, 389 Congress St., The Pig Exchange, LLC d/b/a The Thirsty Pig. Application for a Class A Lounge License at 37 Exchange Street. Sponsored by Michael Russell, Director of Permitting and Inspections.

CITY OF PORTLAND MEMORANDUM

TO: Mayor Strimling and Members of the City Council
CC: Jon P. Jennings, City Manager; Michael Russell,
Director of Permitting and Inspections; Michael
Sauschuck, Police Chief
FROM: Danielle P. West-Chuhta, Corporation Counsel 
DATE: February 15, 2017
RE: Follow-up re: Liquor License Review

This memo is provided in response to several questions and requests for additional information with regard to The Thirsty Pig's liquor license application at the City Council's February 6, 2017 meeting. The following is a summary of the responses to those questions:

I. Applicable Legal Standard Regarding Liquor Licenses

First, as requested, attached please find a legal memorandum thoroughly describing the applicable standards and process of review regarding liquor licenses. (See Memo attached hereto as Exhibit A). As the memorandum states, under Maine law (28-A M.R.S. sections 653 and 654 attached hereto as Exhibit B) the City Council (acting as judges, not legislators) can either grant or deny a liquor license (but not conditionally grant a license). Finally, it is important to note that the Council may only deny a liquor license for one (1) of the reasons listed in section 653 or based on a combination of factors outlined in section 654 (See Exhibit B).

II. City Entertainment Licenses

Next, the City Code allows for the issuance of a City license for special entertainment with or without dancing. (See Ch. 4 of the Portland City Code, attached hereto as Exhibit C). These City licenses can be approved, denied, or approved with conditions by the City Council. (See Exhibit C Chapter 4, §4-57).

III. The Thirsty Pig License/Calls for Service

Finally, the Thirsty Pig currently has a Class III and IV FSE license with entertainment without dance and outdoor dining on private property. They are now applying for a Class A Lounge license to allow catering off-site. This new license is basically a catering enhancement to an existing liquor and entertainment license. In these types of situations, City staff (all departments) reviews the application and ensures

that the license application meets all the City Code/state law requirements and conducts a background records check on the business owners.

With regard to the calls for service on this property (located at 37 Exchange Street), the Police Department found a total of twenty (20) calls. (See Calls for Service Run Sheet attached hereto as Exhibit D). Eleven (11) of those calls were for "loud music." All of the calls occurred before 7:45 PM and seven (7) of them came in before 5:30 PM. None of the calls were found to be violating the current decibel level limits provided in the City Code, and most of the calls did appear to come from one (1) complainant. The Police Department did work with the staff of the Thirsty Pig to resolve these calls and the business did turn down the music when requested.

**CITY OF PORTLAND, MAINE
M E M O R A N D U M**

TO: Mayor Cohen and Members of the Portland City Council

FROM: Gary C. Wood, Corporation Counsel
Ext. 8480

DATE: December 19, 2005

RE: Criteria and Process for Denying Liquor Licenses

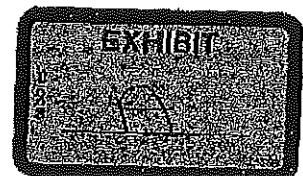
Legal Criteria.

On hearings before the Council for liquor licenses, the Council sits in a quasi-judicial capacity. You are judges not legislators. What that means is that you listen to the evidence presented by both sides and then reach a conclusion that the license should be granted or denied based upon the evidence that you have found convincing. The hearing is structured somewhat like a trial, but it is not as formal. The key is to make it fair by making sure that both sides get every reasonable opportunity to put in evidence and make comments. That does not mean these hearings have to go for hours, but they do take a lot longer than most items. That makes sense because someone's business is at risk.

If you decide to deny the liquor license based upon the evidence presented to you, you do not have to worry about legal technicalities like the Rules of Evidence because I will take your oral decision and put it into a final written form for you to review and approve.

I have attached a copy of the state statutes relevant to the analysis of liquor licenses that come up before you. The key section is Title 28-A M.R.S.A. Section 653(2). That section lists a number of criteria upon which you can base the denial of a liquor license. All of the subparagraphs (A-F) require the City to have some record (written evidence) upon which to base its action, but only subparagraphs (A) and (E) require an actual conviction for a legal violation before you can use those incidents as the basis for denying a license.

In other words, the police records of incidents of breaches of the peace is a sufficient record under subparagraph (D) upon which to base a denial. We do not have to have a conviction for each of the breaches noted in the police record to use it as the basis for a denial. **Subparagraph (D) is the paragraph that you should normally focus on and use in considering these applications.**



In addition to Section 653, the Sharky's decision in 1993, which found in favor of the Council's ruling to deny a liquor license, opened the door to the application of the criteria in Title 28-A Section 654 (also attached) as grounds for denial. That section does not require us to have a written record in order to apply the criteria nor does it require any convictions. Within that section the key subparagraphs to look at are (B), (C), and (D) in subsection (1). Once you determine the location of the business, identify particular problems that relate to that location, and identify the manner in which it has been operated, you can conclude that the combination of those factors makes this location an unsuitable place for a liquor license in the hands of the applicant before you and deny the license.

In making your findings and conclusions it is helpful if one or more of you specifically reference these two sections as you are addressing the standards.

Process.

The following process is what I recommend that the Mayor follow in these cases:

- (1) The applicant is given an opportunity to make an opening statement if they choose to before the Police Department presents its case;
- (2) The Police Department presents its case, usually through the officer who put together the report recommending denial; that report and supporting documents are in your agenda books. Usually the Police Department simply goes through that report and answers questions; the Council can ask questions at this point or any point through the Mayor;
- (3) The applicant presents his case through his attorney and any witnesses that the attorney chooses to call as well as members of the public who support the application; the applicant is also given an opportunity to submit whatever documents he or she chooses to the Council to be included in the record; as part of the presentation of the applicant's case, the applicant or his or her representative should be given an opportunity to pose questions to the Council that it would like the Police Department to answer (this takes the place of direct cross-examination which would occur in a courtroom);
- (4) The Police Department is given a chance to respond to the presentation made by the applicant and any questions raised by that presentation or the applicant;
- (5) Any other members of the public who wish to speak are given their regular opportunity to comment on the matter;

- (6) The applicant is given a final opportunity to make closing remarks or comments;
- (7) The public portion of the hearing is closed; a councilor makes a motion to grant or deny the application and all councilors comment on that motion stating their position; during this process any member of the Council can ask whatever questions they want of either the Police Department or the applicant;
- (8) The Council votes on the motion (roll call recommended);
- (9) If the Council denies the application, its decision goes into effect when the Liquor Bureau receives our written decision;
- (10) Corporation Counsel prepares a formal written decision for review and approval by Council members;
- (11) The written decision is sent to the Liquor Bureau and the applicant;
- (12) The applicant has 15 days to appeal to the Liquor Bureau; the filing of an appeal stays the Council decision;
- (13) The Bureau sets up a de novo hearing before a hearing examiner (usually within 20 days of the filing of the appeal);
- (14) The de novo hearing is held with Corporation Counsel presenting the City's case using the same evidence presented to the Council
- (15) The Bureau issues its decision (usually within 10 days);
- (16) The Bureau's decision can be appealed to Superior Court within 30 days. If the Bureau's decision supports denial, the Bureau normally issues a temporary license until the appeal period expires.
- (17) If the applicant's appeal, they have to get an injunction or the denial goes into effect.

GCW:tib
Enc.

O:\OFFICE\BOARY\Memos\LiquorLicenseDenial 12.19.05.doc

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

§653. HEARINGS; BUREAU REVIEW; APPEAL

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

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

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

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application. [2003, c. 213, §1 (AMD).]

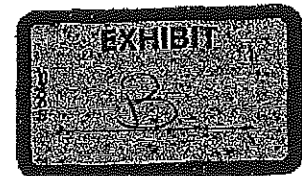
D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact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

[2003, c. 213, §1 (AMD) .]

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

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

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



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

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

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

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

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

[2009, c. 81, §§1-3 (AMD) .]

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

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

[1995, c. 140, §6 (AMD) .]

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

[1987, c. 342, §32 (RP) .]

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

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

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

SECTION HISTORY

1987, c. 45, §A4 (NEW). 1987, c. 342, §32 (AMD). 1987, c. 623, §8 (AMD). 1989, c. 592, §§3,4 (AMD). 1993, c. 730, §27 (AMD). 1995, c. 140, §1 (AMD). 1995, c. 140, §§4-7 (AMD). 1999, c. 547, §§78 (AMD). 1999, c. 547, §80 (AFF). 1999, c. 589, §1 (AMD). 2001, c. 500, §1 (AMD). 2003, c. 213, §1 (AMD). 2009, c. 81, §§1-3 (AMD).

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

§654. ADDITIONAL CONSIDERATIONS FOR LICENSURE

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

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

[1997, c. 373, §63 (AMD) .]

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

[1997, c. 373, §63 (AMD) .]

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

[1997, c. 373, §63 (AMD) .]

SECTION HISTORY

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

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City of Portland
Code of Ordinances
Sec. 4

Amusements
Chapter 4
Rev. 6-7-12

-1

Chapter 4 AMUSEMENTS*

*Cross reference(s)--Zoning regulation of adult business establishments, § 14-373 et seq.

State law reference(s)--Pinball machines, 8 M.R.S.A. § 441 et seq.

Art. I. In General, §§ 4-1--4-15

Art. II. Amusement Devices, §§ 4-16--4-40

Div. 1. Generally, §§ 4-16--4-25

Div. 2. License, §§ 4-26--4-40

Art. III. Music, Dancing and Special Entertainment, §§ 4-41--4-70

Div. 1. Generally, §§ 4-41--4-50

Div. 2. License, §§ 4-51--4-70

Art. IV. Gaming, §§ 4-71--4-82

Div. 1. Generally, §§ 4-71--4-80

Div. 2. License, §§ 4-81, 4-82

Art. V. Nudity in Licensed Businesses, §§ 4-83--4-96

Div. 1. Generally, §§ 4-83, 4-84

Div. 2. License, §§ 4-85--4-97

ARTICLE I. IN GENERAL

Sec. 4-1. Chapter 15 provisions apply.

Except to the extent that this chapter contains a contrary provision, all provisions of chapter 15 shall apply to and be additional to the provisions of this chapter.

(Ord. No. 165-06/07, 4-4-07)

Sec. 4-2. Reserved.

Sec. 4-3. Reserved.

Sec. 4-4. Reserved.

Sec. 4-5. Reserved.

City of Portland
Code of Ordinances
Sec. 4

Amusements
Chapter 4
Rev. 6-7-12

Sec. 4-6. Reserved.
Sec. 4-7. Reserved.
Sec. 4-8. Reserved.
Sec. 4-9. Reserved.
Sec. 4-10. Reserved.
Sec. 4-11. Reserved.
-12

Sec. 4-12. Reserved.
Sec. 4-13. Reserved.
Sec. 4-14. Reserved.
Sec. 4-15. Reserved.

ARTICLE II. AMUSEMENT DEVICES

DIVISION 1. GENERALLY

Sec. 4-16. Definitions.

Words used in this article shall have their common meaning, except that the definitions set forth in chapter 15, or in this section shall apply unless the context clearly indicates a different meaning:

Adult amusement device shall mean and include any device capable of showing by audio or visual reproduction, projection or otherwise, and used primarily to display material containing details, descriptions, or narrative accounts of acts of sexual stimulation, intercourse, or deviation, the dominant theme of which is an appeal to the prurient interest of the listener or viewer within a cubicle or other enclosed area. For the purpose of this article, each separate selection which may be made by the viewer requiring use of a different projection device shall make that projection device a separate adult amusement device.

Amusement device shall mean and include any vending machine, miniature pool and bowling machine, pinball machine, foosball, and any other device mechanical or otherwise which upon payment of a fee or insertion of a coin, disc, or other insertion piece, whether or not also manipulated by the operator, may be used by the public

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generally as a game, amusement or entertainment, whether or not registering a score and which does not dispense any form of pay-off, prize, or reward, other than an additional free use of the device itself.

(Code 1968, § 904.2; Ord. No. 231-80, 12-22-80)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

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Sec. 4-17. Gambling devices.

Nothing in this article shall in any way be construed to authorize, license or permit any gambling devices whatsoever which are otherwise prohibited or contrary to the law, or for which a license is required by article IV of this chapter.

(Code 1968, § 904.3; Ord. No. 231-80, 12-22-80)

Sec. 4-18. Minors prohibited from using adult amusement device.

No person under the age of eighteen (18) shall be permitted by the licensee to operate an adult amusement device.

(Code 1968, § 904.4; Ord. No. 231-80, 12-22-80)

Sec. 4-19. Reserved.

Sec. 4-20. Reserved.

Sec. 4-21. Reserved.

Sec. 4-22. Reserved.

Sec. 4-23. Reserved.

Sec. 4-24. Reserved.

Sec. 4-25. Reserved.

DIVISION 2. LICENSE*

*Cross reference(s)--Licenses and permits generally, Ch. 15. -----

Sec. 4-26. Required.

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No person shall keep for public patronage or permit or allow the operation of any amusement device in or on any premises or location under his or her charge, control or custody, without having a license for each such device from the city.
(Code 1968, § 904.1; Ord. No. 231-80, 12-22-80)

Sec. 4-27. Notice and hearing.

The Department of Permitting and Inspections shall conduct a public hearing with respect to the grant of any original license issued under this division.
(Code 1968, § 904.5; Ord. No. 231-80, 12-22-80; Ord. 165-15/16, 3-7-2016)

Sec. 4-28. Reserved.

*Editor's Note-Pursuant to Order 165-06/07, passed on 4-4-07 this section was
relocated to Section 4-1.

Sec. 4-29. Reserved.
Sec. 4-30. Reserved.
Sec. 4-31. Reserved.
Sec. 4-32. Reserved.
Sec. 4-33. Reserved.
Sec. 4-34. Reserved.
Sec. 4-35. Reserved.
Sec. 4-36. Reserved.
Sec. 4-37. Reserved.
Sec. 4-38. Reserved.
Sec. 4-39. Reserved.
Sec. 4-40. Reserved.

ARTICLE III. MUSIC, DANCING AND SPECIAL ENTERTAINMENT*

*State law reference(s)--Dances, 8 M.R.S.A. § 161 et seq.; special permit for
music, dancing or entertainment, 28 M.R.S.A. § 702. -----

DIVISION 1. GENERALLY

Sec. 4-41. Purpose.

The purpose of this article is to control the issuance of special permits for music, dancing or entertainment in facilities licensed by the state to sell liquor as provided by state law, entertainment in bottle clubs, and permits for afterhours entertainment and to control the operation of dance halls, concert halls, single dances and single concerts.

(Code 1968, § 907.1; Ord. No. 231-80, 12-22-80; Ord. No. 34-95, 7-5-95; Ord. No. 165-06/07, 4-4-07)

Sec. 4-42. Definitions.

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Terms used in this article shall have their common meaning except that the definitions set forth in chapter 15 and/or in this section shall apply unless the context clearly indicates that a different meaning is intended.

After-hours entertainment shall mean music, dancing, or entertainment provided between the hours of 1:00 a.m. and 7:00 a.m.

Concert shall mean the presentation of live or amplified music for the entertainment of a live audience gathered specifically for that entertainment.

Concert hall shall mean any building, room or hall which is kept or used for concerts open to the public.

Dance shall mean every dance not held in a private residence; other than a class in which instruction in dancing is given for hire, or any dance held in a school hall under direct supervision of school authorities, or any dance conducted by and exclusively for the benefit of any bona fide charitable organization.

Dance hall shall mean any building, room, hall, or other public place which is kept or used for public dancing, or which for compensation paid directly or indirectly to the owner, manager, or operator thereof, men, women or children are permitted to engage in dancing.

Entertainment shall mean and include any amusement, performance, or exhibition or diversion for patrons or customers of the licensed premises, whether provided by professional entertainers or by full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value. (Code 1968, § 907.3; Ord. No. 231-80, 12-22-80; Ord. No. 34-95, 7-5-95; Ord. No. 165-06/07, 4-4-07)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 4-43. Reserved.

Sec. 4-44. Reserved.
Sec. 4-45. Reserved.
Sec. 4-46. Reserved.
Sec. 4-47. Reserved.
Sec. 4-48. Reserved.

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Sec. 4-49. Reserved.
Sec. 4-50. Reserved.

DIVISION 2. LICENSE*

*Cross reference(s)--Licenses and permits generally, Ch. 15. -----

Sec. 4-51. Required.

(a) No person licensed by the state to sell liquor to be consumed on the premises, and no bottle club licensed by the city, shall permit on the premises any music except that produced by radio or mechanical device, any dancing, or entertainment of any sort without an entertainment license from the city. The license required by this subsection and state law authorizes entertainment only during the hours when state law permits the sale of alcohol for consumption on the premises.

(b) After-hours entertainment shall require a separate license as provided in this division subject to the following restrictions and requirements:

- (1) Operations under such separate license shall end at 3:00 a.m.
- (2) Establishments that have a liquor license shall limit attendance to individuals who are at least 21 years old. Establishments that do not have a liquor license shall limit attendance to individuals who are at least 18 years old.
- (3) Any applicant for an after-hours entertainment license shall meet with the police department for review of the

security plan and a site visit before the license is brought before the city council.

- (4) The license shall allow no more than twenty-four (24) after hour events per calendar year.
- (5) In addition to the after-hours license, at least seven (7) days in advance of each event, the license holder shall deliver a written notice to the Department of Permitting and Inspections during normal business hours specifying the date upon which the event will be held. The Department of Permitting and Inspections

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will forward the notice immediately to the police department, track the number and frequency of events per licensee per calendar month and inform a licensee if an event is not allowed.

(c) *Exceptions:* Upon application for a license for a single event, the council may allow after hours entertainment to take place after 3:00 a.m. for a public purpose and may permit individuals under the age of 21 to attend the event, subject to such conditions, if any, that the council imposes to protect the public health, safety and welfare. Any events permitted under this paragraph will not count as one of the twenty-four events per year allowed by section (b)(4) above.

(d) No person shall conduct, maintain or operate a dance hall, a single dance, a concert hall or a single concert, as defined in section 4-42 of this code, without a license.

(Code 1968, § 907.2; Ord. No. 231-80, 12-22-80; Ord. No. 34-95, 7-5-95; Substitute Ord. No. 310-A-01, § 1, 8-20-01; Ord. No. 165-06/07, 4-4-07; Ord. No. 250-07/08, 5-19-08; Ord. No. 163-11/12, 5-7-12; Ord. No. 165-15/16, 3-72016)

**Editor's Note:* Sections 4-51.5 thru 4-51.7 *Moratorium on issuance of latenight entertainment licenses* expired on October 17, 2006, pursuant to Ord. No. 216-05/06, passed on 6-5-06.

Sec. 4-52. Application.

Application for a license under this division shall in addition to the requirements of chapter 15, contain the name of the owner or person in control of the building, the location of the premises, a plan of the premises, giving in detail the dimensions and diagram of space to be used for dancing, seating, dressing rooms, check rooms, toilet rooms, entrances, exits, stairways and fire escapes. (Code 1968, § 907.4; Ord. No. 231-80, 12-22-80; Ord. No. 34-95, 7-5-95)

Sec. 4-53. Hearings.

A public hearing shall be held prior to issuance of any original license under this division other than a single dance license or a single concert license.

(Code 1968, § 907.5; Ord. No. 231-80, 12-22-80; Ord. No. 34-95, 7-5-95)

Sec. 4-54. Appeals.

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Appeal from the denial, suspension revocation or issuance with a condition or conditions of an entertainment license to a person licensed by the state to sell liquor shall be taken to the municipal board of appeals within thirty (30) days of such denial, suspension or revocation. The municipal board of appeals may grant or reinstate the permit if it finds that the permitted activities would not constitute a detriment to the public health, safety or welfare, or that the denial, suspension or revocation was arbitrary or capricious. If a license is issued with a condition or conditions and the board concludes that the condition or conditions do not protect the public health, safety or welfare or are arbitrary or capricious, the board shall refer the license back to the city council to determine whether the license will issue without the condition or conditions or whether the application will be denied. The denial, suspension revocation or issuance with a condition or conditions of all other licenses or permits required hereunder shall be to the superior court under the provisions of Maine Rules of Civil Procedure 80B.

(Code 1968, § 907.6; Ord. No. 231-80, 12-22-80; Ord. No. 34-95, 7-5-95; Ord. No. 186-02/03, 4-7-03)

Sec. 4-55. Duration.

Licenses shall be granted, denied, suspended, revoked or granted with a condition or conditions in accordance with chapter 15, but in the case of a special entertainment license, it shall be deemed terminated upon expiration or revocation of the respective state license to sell alcoholic beverages or the municipal bottle club license, as the case may be, prior to the expiration of the one-year period. Chapter 15 notwithstanding, the city council may also grant temporary entertainment licenses for a period of less than one (1) year when, in its sole discretion, it determines that one (1) or more trial periods is necessary to evaluate the impact of the entertainment on the peace and quiet of the neighborhood and on the public health, safety and welfare.

(Code 1968, § 907.7; Ord. No. 231-80, 12-22-80; Ord. No. 92-95, 10-16-95; Ord. No. 186-02/03, 4-7-03; Ord. No. 165-06/07, 4-4-07)

Sec. 4-56. Reserved.

*Editor's Note: Pursuant to Order 165-06/07, passed on 4-4-07 this section was relocated to section 4-1.

Sec. 4-57. Conditions; sound and noise limitation.

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Any other provision of this Code notwithstanding, a licensee shall not allow the licensed activity or any other activities on the licensed premises to generate sound or noise that exceeds ninety-two (92) decibels, A-weighted, averaged over one (1) minute, when measured eight feet (8') from the means of egress located nearest to the noise source, or eight feet (8') from the noise source if it is generated outdoors.

The city council may impose conditions for protecting the public health, safety and welfare on any entertainment license it issues. (Ord. No. 34-95, 7-5-95; Ord. No. 186-02/03, 4-7-03; Ord. No. 23-10/11, 9-1310)

Sec. 4-57.1. Sound oversight committee.

(a) There shall be a sound oversight committee of four (4) members appointed by the city council. One (1) member shall be a city employee nominated by the city manager; one (1) member shall be a police officer nominated by Portland's Downtown District board; and one (1) member shall be an entertainment licensee nominated by the nightlife oversight committee. The police officer shall be the chair of the sound oversight committee and shall be a non-voting member, except that the police officer shall cast the tie-breaking vote in the event of a tie.

(b) The sound oversight committee shall meet with new entertainment license applicants when the license application is referred to the team either by the city council or by the nightlife oversight committee. The sound oversight committee shall make recommendations to the applicant regarding actions it can take to mitigate noise and shall make any recommendations regarding noise mitigation it deems necessary to the city council for consideration.

(c) Whenever the police receive two (2) or more verified noise complaints from two (2) separate individuals in any seven (7) day period or five (5) or more verified noise complaints in any thirty (30) day period regarding a particular entertainment licensed establishment, the police department shall notify the licensee to meet with the sound oversight committee within five (5) business days from the date of the written notification, or such other time as is agreed upon by the sound oversight committee, to identify ways in which the noise problems which have been identified can be mitigated. The sound oversight

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committee shall notify the complainants of the date and time of the meeting.

The licensee shall agree to take effective measures to address the noise issues as recommended by the sound oversight committee, which measures shall be memorialized in a written agreement at the conclusion of the meeting with the sound oversight committee and shall be implemented within one (1) week of said meeting unless another date is agreed upon by the sound oversight committee. Failure to implement the plan in a timely fashion or to comply with all recommendations in the plan will result in a recommendation by the sound oversight committee to the city council to place conditions on or revoke the establishment's entertainment license.

If the police receive two (2) or more verified noise complaints from two (2) separate individuals in any seven (7) day period or five (5) or more verified noise complaints in any thirty (30) day period regarding the same licensed establishment on a subsequent occasion, then the sound oversight committee is under no obligation to meet with the licensee but may make recommendations to the city council to place conditions on or revoke the entertainment license.

(d) The sound oversight committee may also meet with liquor license applicants upon referral by the city council or the nightlife oversight committee and may recommend noise mitigation measures to liquor licensees upon referral by the Portland police department or the city council.

(Ord. No. 23-10/11, 9-13-10)

Sec. 4-57.5. Restricted locations.

Notwithstanding any other provision of this article, no new licenses shall be issued in the B-3c zone to drinking establishments and chemical-free night clubs, as defined in section 14-47. For purposes of this section, renewal of an existing license by the party holding the license on the date of enactment shall not be considered a new license. Any transfer of ownership shall be considered a new license.

(Ord. No. 47-97, 8-4-97)

Sec. 4-58. Penalties.

In addition to suspending or revoking a license, the city may prosecute violations in court. A violation of this division shall be punished by a fine of five hundred dollars (\$500.00)

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for a first offense, one thousand dollars (\$1,000.00) for a second offense and two thousand dollars (\$2,000.00) for a third or subsequent offense regardless of the time between offenses. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. In addition to such penalty, the city may enjoin or abate any violation of this division by appropriate action. In addition to such penalty, if the court finds for the city, the city shall recover its costs of suit including reasonable experts' fees, attorneys' fees and investigative costs.

(Ord. No. 34-95, 7-5-95)

Sec. 4-59. Applicability.

This division shall not apply to events held: (a) in a private residence; (b) in a class in which instruction in music is given for hire; (c) in a school under supervision of school authorities; or (d) by and exclusively for the benefit of any bona fide charitable organization.

(Ord. No. 34-95, 7-5-95)

Sec. 4-60. Severability.

The provisions of section 1-14 of this Code shall apply to this division.

(Ord. No. 34-95, 7-5-95)

*Editor's Note-Pursuant to Council Order No. 63, 06/07 passed 10-16-06, the moratorium issued for late-night entertainment expired on November 20, 2006.

Sec. 4-61. Reserved.
Sec. 4-62. Reserved.
Sec. 4-63. Reserved.
Sec. 4-64. Reserved.
Sec. 4-65. Reserved.
Sec. 4-66. Reserved.
Sec. 4-67. Reserved.
Sec. 4-68. Reserved.
Sec. 4-69. Reserved.
Sec. 4-70. Reserved.

ARTICLE IV. GAMING*

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*State law reference(s)--Beano or Bingo, 17 M.R.S.A. § 301 et seq.

DIVISION 1. GENERALLY

Sec. 4-71. Legislative findings and purpose.

It is the sense of the city council, having the power to consent to the operation or conduct of any beano or game of chance within the city, that such consent should be conditioned and exercised in accordance with the standards set forth in chapter 15, as modified by this article.

(Code 1968, § 909.1; Ord. No. 231-80, 12-22-80)

Sec. 4-72. Definitions.

Terms used in this article shall have their common meaning, except that definitions set forth in chapter 15 or in this section shall

apply unless the context clearly indicates that a different meaning is intended.

Beano shall mean and include bingo, any other form of lotto, or any other activity defined as being bingo or beano by the applicable licensing provision of the state for which the consent of the city council is required.

Game of chance shall mean and include any game, contest, scheme, or device other than beano where a person stakes or risks something of value and in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestant or participant may be a factor therein, or any game of chance, machine, raffle, or otherwise, defined and licensed as such by the applicable licensing provision of the state for which the consent of the city council is required.

(Code 1968, § 909.2; Ord. No. 231.80, 12-22-80)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 4-73. Reserved.

Sec. 4-74. Reserved.

Sec. 4-75. Reserved.

Sec. 4-76. Reserved.

Sec. 4-77. Reserved.

Sec. 4-78. Reserved.

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Sec. 4-79. Reserved.

Sec. 4-80. Reserved.

DIVISION 2. LICENSE*

*Cross reference(s)--Licenses and permits generally, Ch. 15. -----

Sec. 4-81. Applications and fees.

Applications for a state license to conduct beano or a game of chance shall be deemed sufficient applications for the purpose of chapter 15 if accompanied by the fees prescribed therein. Upon compliance with this article and chapter 15, the Department of Permitting and Inspections shall signify the consent of the city council to such application.

(Code 1968, § 909.3; Ord. No. 231-80, 12-22-80; Ord. No. 165-15/16, 3-7-2016)

Sec. 4-82. General provisions to apply.

Except to the extent that this division contains a contrary provision, all provisions of chapter 15 shall be additional to the provisions of this division.

(Code 1968, § 909.4; Ord. No. 231-80, 12-22-80)

ARTICLE V. NUDITY IN LICENSED BUSINESSES

DIVISION 1. GENERALLY

Sec. 4-83. Purpose.

The purpose of this article is to regulate nudity as a form of commercial activity. It has been enacted for purposes of promoting and protecting the general welfare, public safety and public order of the city and its citizens. It is not intended to suppress or inhibit free exchange of ideas or artistic expression.

(Ord. No. 176-92, 3-16-92; Ord. No. 217-95, 4-3-95)

Sec. 4-84. Definitions.

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Terms used in this article shall have their common meanings except that the definitions set forth in chapter 15 and/or in this section shall apply unless the context clearly indicates that a different meaning is intended.

Dancer shall mean a person under a licensee's control and dancing on the licensee's premises to entertain patrons, including patrons performing in a licensee-sponsored event.

Nude shall mean:

- (a) To show the human male or female genitals, pubic hair, buttocks, perineum or anus with less than a fully opaque covering; or
- (b) To show any portion of the female breasts at or below the areola thereof with less than a fully opaque covering.

Theater shall mean:

- (a) A building, playhouse, hall, or other place having a permanent stage upon which moveable scenery and theatrical or vaudeville or similar performances are given and permanently affixed seats so arranged that a body of spectators can have an unobstructed view of the stage; or
- (b) A building, room, hall, or other place whose primary function is to present movies or motion pictures and which has a permanent movie screen and permanently affixed seats so arranged that a body of spectators can have an unobstructed view of such screen.

(Ord. No. 176-92, 3-16-92; Ord. No. 217-95, 4-3-95)

DIVISION 2. LICENSE

Sec. 4-85. Required.

(a) No person shall permit public nude activity on the premises of any business subject to license under the Portland City Code without a nude activity license from the city, whether provided by professional entertainer(s), employees, or any other person, and without regard as to whether any compensation is

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paid by the management of the establishment in which the activity is performed.

(b) There shall be no physical contact on the premises between any patron and dancer. For the purposes of this section, physical contact does not include incidental touching between a dancer and patron, of a business or social nature, i.e., a handshake or the brief contact that occurs while a patron is giving a tip to a dancer.

(c) The licensee shall provide on the premises a separate dressing room and toilet facilities for use by dancers only.

(d) Dancers on the premises who remove any garments shall not toss or throw those garments at any patron.

(e) The licensee shall, at his own expense, post a security guard or an individual authorized to act as a law enforcement officer (whether full-time or part-time and whether on-duty or off-duty) at each entrance and exit to the premises during each performance by dancers on the premises and for one-half hour after each such performance.

(f) No patron under twenty-one (21) years of age shall be permitted on the premises or portion of the premises where a performance by dancers is conducted during any such performance.
(Ord. No. 176-92, 3-16-92; Ord. No. 217-95, 4-3-95)

Sec. 4-86. Application.

Application for license under this division shall, in addition to the requirements of chapter 15, contain a plan of the premises showing the location, frequency and times of the nude activity.
(Ord. No. 176-92, 3-16-92; Ord. No. 217-95, 4-3-95)

Sec. 4-87. Hearings.

A public hearing shall be held by the city council prior to issuance of any license under this division.
(Ord. No. 176-92, 3-16-92; Ord. No. 217-95, 4-3-95)

Sec. 4-88. Duration/suspension and revocation.

A license shall be granted, denied, suspended or revoked in accordance with chapter 15 and this section unless suspended or revoked by a court, but it shall be deemed terminated upon

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expiration or revocation of any other license for the premises prior to the expiration of the one-year period. A license suspension shall be for a minimum of three (3) business days and a maximum of forty-five (45) business days following conviction or determination of a first offense under this article or chapter 15, and during the suspension period no other applications shall be

accepted by the city. Conviction or determination of a second offense at any time shall result in revocation, and the city shall not accept a subsequent application from the same applicant or anyone related to the applicant by blood, marriage, or business for a period of two (2) years, or at any time within the two-year period if the city determines that the purpose of the application is to circumvent the provisions of this section or section 4-94. After the two-year period, an application will be subject to the availability, if any, of a license.

(Ord. No. 176-92, 3-16-92; Ord. No. 217-95, 4-3-95)

Sec. 4-89. Minors prohibited.

No person under the age of eighteen (18) shall be permitted visual or physical access to activity licensed pursuant to this division.

(Ord. No. 176-92, 3-16-92; Ord. No. 217-95, 4-3-95)

Sec. 4-90. Prohibited activity.

No licensee shall permit any person to show the human male or female genitals, pubic hair, perineum or anus with less than a fully opaque covering.

(Ord. No. 176-92, 3-16-92; Ord. No. 217-95, 4-3-95)

Sec. 4-91. Location.

(a) *Proximity requirements.*

(1) The premises shall be at least one thousand (1,000) feet from the principal entrance of any other premises licensed pursuant to this division.

(2) The principal entrance of licensed premises shall be at least one thousand (1,000) feet from any public or private school, school dormitory, church, chapel or parish house in existence as such at the time the application is made.

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(3) Licensed premises may not be located within a residential zone, and the principal entrance of a licensed premises shall be at least one thousand (1,000) feet from any residential zone.

(b) *Method of measurement.* The distance must be measured from the main entrance of the premises, as measured in a straight line, without regard to intervening structures or objects.

(b) Notwithstanding any other provision of this Code, no nude activity license shall be issued for, and no nude activity shall be permitted in, any zone other than the B-4 zone.

(Ord. No. 176-92, 3-16-92; Ord. No. 217-95, 4-3-95; Ord. No. 185-97, 1-22-97)

Sec. 4-92. General provisions to apply.

Except to the extent that this division contains a contrary provision, all provisions of chapter 15 shall be additional to the provisions of this division.

(Ord. No. 176-92, 3-16-92; Ord. No. 217-95, 4-3-95)

Sec. 4-93. Exceptions.

(a) This division shall not apply to a theater or similar establishment which is primarily devoted to theatrical performances or the presentation of movies.

(b) This division shall not apply to any act authorized or prohibited by any statute of the state.

(Ord. No. 176-92, 3-16-92; Ord. No. 217-95, 4-3-95)

Sec. 4-94. Penalty.

The violation of any provision of this division shall be punished by a fine of one thousand dollars (\$1,000.00) for a first offense, one thousand five hundred dollars (\$1,500.00) for a second offense and two thousand dollars (\$2,000.00) for a third or subsequent offense regardless of the time between offenses. Violations shall also be punished by license suspension for a minimum of three (3) business days and a maximum of forty-five (45) business days for a conviction or determination of a first offense, and license revocation for a conviction or determination of a second or subsequent offense. Any revocation shall be applied in accordance with section 4-88. Each act of violation and every day upon which any such

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violation shall occur shall constitute a separate offense. In addition to such penalty, the city may enjoin or abate any violation of this division by appropriate action. In addition to

such penalty, if the court finds for the city, the city shall recover its costs of suit including reasonable experts' fees, reasonable attorneys' fees and reasonable investigative costs.
(Ord. No. 176-92, 3-16-92; Ord. No. 217-95, 4-3-95)

Sec. 4-95. Application of violations to liquor licenses.

Any violation of this division may result in the nonrenewal by the city council of the liquor license held by the violator at the time the council first considers the liquor license following adjudication under this division.
(Ord. No. 217-95, 4-3-95)

Sec. 4-96. Severability.

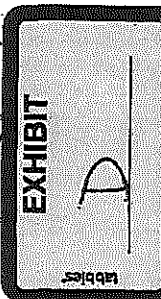
The provisions of section 1-14 of this Code shall apply to this division.
(Ord. No. 176-92, 3-16-92; Ord. No. 217-95, 4-3-95)

Sec. 4-97. Prohibition on the issuance of new licenses.

Notwithstanding any other provision of this Code, no new nude activity licenses shall be issued after March 3, 1997. For purposes of this section, renewal of an existing license by the party holding the license on the date of enactment shall not be considered a new license. Existing licenses shall remain subject to the regulations set forth in this article, in addition to all other applicable state and local requirements.
(Ord. No. 225-97, 3-17-97)

Portland Police Department
Daily Calls For Service On

Date: 2/



incident_nbr	call_time_start	call_time_end	call_type_start	address	disposition
160230101	1/23/2016 09:05AM	1/23/2016 09:13AM	ALARM/BURGLARY	37 EXCHANGE ST	FALSE BURGLAR ALARM REPORT
160400424	2/9/2016 06:09PM	2/9/2016 06:52PM	PD CRASH	37 EXCHANGE ST	CRASH REPORT TAKEN
160470347	2/16/2016 04:06PM	2/16/2016 04:39PM	SHOPLIFTING	37 EXCHANGE ST	REPORT TAKEN
161080291	4/17/2016 04:13PM	4/17/2016 04:15PM	911 HANG UP CALLS	37 EXCHANGE ST	
161350311	5/14/2016 03:01PM	5/14/2016 03:27PM	LOUD MUSIC	37 EXCHANGE ST	PROVIDED SERVICE
161560496	6/4/2016 07:29PM	6/4/2016 08:22PM	LOUD MUSIC	37 EXCHANGE ST	UNFOUNDED CALL PROVIDED SERVICE
161580455	6/6/2016 06:49PM	6/6/2016 07:43PM	VEHICLE COMPLAINT	37 EXCHANGE ST	GOA
161640387	6/12/2016 04:11PM	6/12/2016 04:15PM	FIGHT	37 EXCHANGE ST	UNFOUNDED CALL
161680453	6/16/2016 05:41PM	6/16/2016 05:56PM	LOUD MUSIC	37 EXCHANGE ST	PROVIDED SERVICE
161680459	6/16/2016 05:24PM	6/16/2016 05:25PM	LOUD MUSIC	37 EXCHANGE ST	
161850330	7/3/2016 02:44PM	7/3/2016 04:13PM	LOUD MUSIC	37 EXCHANGE ST	PROVIDED SERVICE
161880459	7/6/2016 04:33PM	7/6/2016 04:55PM	LOUD MUSIC	37 EXCHANGE ST	
161880460	7/6/2016 04:33PM	7/6/2016 04:55PM	LOUD MUSIC	37 EXCHANGE ST	PROVIDED SERVICE
162030654	7/21/2016 07:41PM	7/21/2016 07:47PM	LOUD MUSIC	37 EXCHANGE ST	UNFOUNDED CALL
162040196	7/22/2016 09:27AM	7/22/2016 09:39AM	PROPERTY/FOUND	37 EXCHANGE ST	PROVIDED SERVICE
162470440	9/3/2016 05:07PM	9/3/2016 06:28PM	LOUD MUSIC	37 EXCHANGE ST	PROVIDED SERVICE
162470506	9/3/2016 06:38PM	9/3/2016 06:51PM	LOUD MUSIC	37 EXCHANGE ST	UNFOUNDED CALL
162550352	9/11/2016 02:49PM	9/11/2016 03:24PM	LOUD MUSIC	37 EXCHANGE ST	UNFOUNDED CALL
162590502	9/15/2016 06:30PM	9/15/2016 07:21PM	LOUD MUSIC	37 EXCHANGE ST	UNFOUNDED CALL
162740178	9/30/2016 09:52AM	9/30/2016 10:16AM	SUSPICIOUS ACTIVITY	37 EXCHANGE ST	PROVIDED SERVICE

11 Loud music
- all before 7:45
7 before 5:30

Order 128-17/18
Passed 8-0 (Thibodeau recused)
December 18, 2017

ATTACHMENT 2

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND IN THE CITY COUNCIL

KIMBERLY M. COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER GRANTING MUNICIPAL OFFICERS' APPROVAL OF:

Pig Exchange, LLC dba Thirsty Pig. Renewal application for an Entertainment without Dance at 37 Exchange Street with the condition of no amplified entertainment outdoors.



City of Portland

Permitting and Inspections Department

Business Name: THIRSTY PIG

Business Location: 37 EXCHANGE ST
Portland, ME 04101

Owner:

License Number: 4670

Issued Date: 12/19/2017

Expiration Date: 12/13/2018

Classification: Class A Lounge

Description: ONLY UNAMPLIFIED ENTERTAINMENT ON
DECK/
OUTDOOR DINING ON PRIVATE PROPERTY.

Entertainment Type: Entertainment without Dance

After Hours Entertainment: No

Bottle Club: No

Private SqFt: 1

Public - Sidewalk SqFt: 0

Public - City Park SqFt: 0

Parklet: None

A handwritten signature in cursive script that reads "Jessica Blais Hanscombe".

Jessica Blais Hanscombe,
Director of Permitting and Inspections

THIS LICENSE IS NOT TRANSFERRABLE
PLEASE POST IN A CONSPICUOUS PLACE

BILLING CONTACT

PIG EXCHANGE, LLC
37 Exchange St
Portland, Me 04101

Order 103-18/19

Passed 8-0

November 19, 2018

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY M. COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

Pig Exchange, LLC dba Thirsty Pig. Renewal application for an Entertainment without Dance at 37 Exchange Street with the condition of no amplified entertainment outdoors.



City of Portland

Permitting and Inspections Department

Business Name: THIRSTY PIG

Business Location: 37 EXCHANGE ST
Portland, ME 04101

Owner: PIG EXCHANGE, LLC

License Number: 4670

Issued Date: 11/27/2018

Expiration Date: 12/5/2019

Classification: Class A Lounge

Description: ONLY UNAMPLIFIED ENTERTAINMENT ON
DECK/
OUTDOOR DINING ON PRIVATE PROPERTY.

Entertainment Type: Indoor Entertainment

After Hours Entertainment: No

Bottle Club: No

Private SqFt: 1

Public - Sidewalk SqFt: 0

Public - City Park SqFt: 0

Parklet: None

A handwritten signature in cursive script that reads "Jessica Blais Hanscombe".

Jessica Blais Hanscombe,
Director of Permitting and Inspections

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PLEASE POST IN A CONSPICUOUS PLACE

BILLING CONTACT

PIG EXCHANGE, LLC
37 Exchange St
Portland, Me 04101



City of Portland

Permitting and Inspections Department

Business Name: THIRSTY PIG

Business Location: 37 EXCHANGE ST
Portland, ME 04101

Owner: PIG EXCHANGE, LLC

License Number: 4670

Issued Date: 11/5/2019

Expiration Date: 12/5/2020

Classification: Class A Lounge

Description: ONLY UNAMPLIFIED ENTERTAINMENT ON
DECK/
OUTDOOR DINING ON PRIVATE PROPERTY.

Entertainment Type: Indoor Entertainment

After Hours Entertainment: No

Bottle Club: No

Private SqFt: 1

Public - Sidewalk SqFt: 0

Public - City Park SqFt: 0

Parklet: None

A handwritten signature in cursive script that reads "Jessica Blais Hanscombe".

Jessica Blais Hanscombe,
Director of Permitting and Inspections

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PLEASE POST IN A CONSPICUOUS PLACE

BILLING CONTACT

PIG EXCHANGE, LLC
37 Exchange St
Portland, Me 04101



City of Portland

Permitting and Inspections Department

Business Name: THIRSTY PIG

Business Location: 37 EXCHANGE ST
Portland, ME 04101

Owner: PIG EXCHANGE, LLC

License Number: LL-002807-2020

Issued Date: 11/20/2020

Expiration Date: 12/5/2020

Classification: Class III & IV

Description: ONLY UNAMPLIFIED ENTERTAINMENT ON
DECK/

Entertainment Type: Indoor Entertainment

After Hours Entertainment: No

Bottle Club: No

Private SqFt: 1

Public - Sidewalk SqFt: 0

Public - City Park SqFt: 0

Parklet: None

A handwritten signature in cursive script that reads "Jessica Blais Hanscombe".

Jessica Blais Hanscombe,
Director of Permitting and Inspections

THIS LICENSE IS NOT TRANSFERRABLE
PLEASE POST IN A CONSPICUOUS PLACE

BILLING CONTACT

PIG EXCHANGE, LLC
37 Exchange St
Portland, Me 04101



City of Portland

Permitting and Inspections Department

Business Name: THIRSTY PIG

Business Location: 37 EXCHANGE ST
Portland, ME 04101

Owner: PIG EXCHANGE, LLC

License Number: LL-002807-2020

Issued Date: 11/2/2021

Expiration Date: 2/17/2023

Classification: Class III & IV

Description: ONLY UNAMPLIFIED ENTERTAINMENT ON
DECK

Entertainment Type: Indoor Entertainment

After Hours Entertainment: No

Bottle Club: No

Private SqFt: 1

Public - Sidewalk SqFt: 0

Public - City Park SqFt: 0

Parklet: None

A handwritten signature in cursive script that reads "Jessica Blais Hanscombe".

Jessica Blais Hanscombe,
Director of Permitting and Inspections

THIS LICENSE IS NOT TRANSFERRABLE
PLEASE POST IN A CONSPICUOUS PLACE

BILLING CONTACT

PIG EXCHANGE, LLC
37 Exchange St
Portland, Me 04101



City of Portland

Permitting and Inspections Department

Business Name: THIRSTY PIG

Classification: Class III & IV

Business Location: 37 EXCHANGE ST
Portland, ME 04101

Description: ONLY UNAMPLIFIED ENTERTAINMENT ON
DECK

Owner: PIG EXCHANGE, LLC

License Number: LL-002807-2020

Issued Date: 1/25/2023

Expiration Date: 2/17/2024

Entertainment Type: Indoor Entertainment

After Hours Entertainment: No

Bottle Club: No

Private SqFt: 1

Public - Sidewalk SqFt: 0

Public - City Park SqFt: 0

Parklet: None

A handwritten signature in cursive script that reads "Jessica Blais Hanscombe".

Jessica Blais Hanscombe,
Director of Permitting and Inspections

THIS LICENSE IS NOT TRANSFERRABLE
PLEASE POST IN A CONSPICUOUS PLACE

BILLING CONTACT

PIG EXCHANGE, LLC
37 Exchange St
Portland, Me 04101

ATTACHMENT 3

MEMORANDUM

TO: Mayor Strimling; City of Portland City Councilors
CC: Danielle West-Chuhta, Corporation Counsel; Jon P. Jennings, City Manager
FROM: Anne Torregrossa, Associate Corporation Counsel
DATE: December 12, 2017
RE: Thirsty Pig Entertainment License Renewal

In 2011, the Thirsty Pig applied for an entertainment permit with entertainment to be provided both indoors and outdoors, but with amplification only to be used indoors. The City Council approved that application, and the license was issued on December 13, 2011 without conditions. At some point, the Thirsty Pig began using amplification outdoors as well, without formal consideration by the Council. Due to changes in the renewal form and staff changes, this change was not brought to staff's attention and the entertainment license continued to be renewed without conditions. The current license expired on December 13, 2017.

The Thirsty Pig's entertainment license renewal application is being brought back before the Council for consideration due to citizen complaints and at the Council's request. The application is for amplified entertainment both indoors and outdoors. Staff is recommending that the entertainment license be renewed with acoustic entertainment permitted both indoors and outdoors, but with amplified entertainment being limited to indoors only. This is due to the fact that the complaints generally arise only when amplified entertainment is being played outdoors.

Based on conversations with the applicant's attorney, my understanding is that the applicant wishes to pursue her application for amplified entertainment both indoors and outdoors, and will ask that the Council grant the license application with the conditions that the matter be referred to the Sound Oversight Committee for recommendations, and that the application be brought back before the Council after the Committee has an opportunity to issue those recommendations.

This memo outlines the Council's powers with respect to the pending application.

Under Chapter 4 of the City Code, a entertainment licensee may not allow sound generated by its business to exceed 92 decibels, when measured eight feet from the door of the premises, or from eight feet from the noise source for an outdoor activity. § 4-57. Chapter 4 also establishes the Sound Oversight Committee, which is tasked in part with meeting with license holders when noise complaints generated by their business meet a certain threshold. That threshold is based on "verified" complaints, which has historically been interpreted as complaints where the sound is verified to exceed the 92 decibel limit. If a licensee meets the ordinance thresholds, the Police Department requires the licensee to meet with the Committee to discuss mitigation measures.

Complaints have arisen about the Thirsty Pig since at least 2014. However, the complaints have not met the threshold requirements in Chapter 4 to be referred to the Sound Oversight Committee by the Police Department.

In considering its action on the pending application, the Council may impose conditions on the license, including those limited by staff, or other conditions that the Council thinks are necessary for “protecting the public health, safety and welfare on any entertainment license it issues.” § 4-57. Alternatively, or in addition to other conditions that it might impose, the Council can also grant a temporary entertainment license for a period of less than one year, when it “determines that one (1) or more trial periods is necessary to evaluate the impact of the entertainment on the peace and quiet of the neighborhood and on the public health, safety and welfare.” § 4-55. Based on these two provisions the Council may take any of the following actions on the application:

- Deny the license based on criteria set forth in the City Code;
- Grant the license as presented;
- Grant the license with conditions, including indoor/outdoor amplification; time and day restrictions; or other limitations; or
- Grant the license (with or without conditions) for a period of time less than one year to allow the Council, the Sound Oversight Committee, or another person or entity to investigate the matter and provide recommendations.

**PORTLAND POLICE DEPARTMENT
MEMORANDUM**

December 13, 2017

TO: City Manager, Jon Jennings
FROM: Chief Michael Sauschuck
SUBJECT: Thirsty Pig Calls for Service Analysis

In February of 2017, we provided a basic "loud music" calls for service analysis for the Thirsty Pig located at 37 Exchange Street. The analysis was in response to a catering enhancement request to an existing entertainment license that was made by the business. That analysis was requested on 1-23-17 so we simply went back a year and ran the calls from 1-23-16 to 1-23-17.

We have recently found out that a more in-depth conversation on the Thirsty Pig's entertainment license is scheduled for the council on Monday 12-18-17. We are providing this document to provide context for "loud music" complaints made against the business from 1-23-16 to 12-12-17.

The police department received 28 "loud music" complaints during this time period. Three of the complaints were ultimately merged because of the close proximity of calls from complainants. This resulted in 25 separate incidents that we investigated. On six occasions officers arrived to find no music playing at all. This could have been due to a delay in our response caused by emergency situations elsewhere or a wrong address on the problem location in question.

The earliest complaint we received was at 2:20 in the afternoon and the latest (being the only complaint after 8) at 8:47 PM. Twenty three of the complaints came in before 7 PM. Sixteen of these complaints occurred on a Saturday or Sunday and 7 occurred on a Thursday.

It should be noted that none of the complaints were found to be in violation of our current sound ordinance. Decibel readings ranged from a low of 63 to a high of 91 on 6-16-16.

APPROVED:



MICHAEL J. SAUSCHUCK
Chief of Police

Name/Signature	Address	Phone	Email
Art Johns	150 Middle St. Portland ME 04101	415 205-0192	johns-art@msn.com
PATRICK FRANK	150 MIDDLE ST. PORTLAND ME 04101	207-761-0131	pfrank@me.igmail.com
Rachel Henderson	150 M. DINEST Portland ME 04101	207-420-3457	Rhenderson@me.igmail.com
ELIZABETH BOEBLE	150 MIDDLE ST. 2F PORTLAND ME 04101	202-779-8228	
Kay Aikin	150 MIDDLE ST 2 K PORTLAND ME 04101	207-699-4051	
CARL JOHN	150 MIDDLE ST PORTLAND ME 04101	207-245-4772	
DOUGLAS BIRBY	150 MIDDLE ST 4A PORTLAND ME 04101	207-871-5064	
KATHLEEN WHITE	150 MIDDLE ST 150 Middle " " "	207-466-4939	
Jennifer mesibridge	150 middle st, BK Portland 04101	207-838-7755	jmesibridge@gmail.com
Richard Pierce	150 middle st BK Portland 04101	207-570-5126	RichardPierce@earthlink.net
Carmelie Ernest	150 Middle St DE Portland	417-599-1746	carnelie@earthlink.net
PAUL FOREST	150 Middle St DE Portland		Paul.Forest@earthlink.net

Name/Signature

Address

Phone

Email

MIAMI MARINE	150 Middle St	Apr 31	780 325-8287
MIAMI MARINE	150 Middle St	Apr 31	207 420-3457

With regard to the Thirsty Pig, an entertainment license has been granted in a very intimate environment where there are a very significant number of residents and businesses that are seeking a peaceful environment. The natural amphitheater created by the surrounding buildings further aggravates the situation. It is concerning that a license granting outdoor music and activity would even be initially issued in this situation. I am curious what evaluation, if any, was made prior to the granting of this entertainment license.

It is interesting that this type of disturbance we are experiencing as residents in the Old Port would possibly be a criminal issue if it occurred in a different zone. The city can be seen as complicit in these disturbances by the issuing of entertainment licenses without a broader consideration of the effects and the specific environment. Ironically, the granting of an entertainment license by the city has actually caused a burden for the city and the Portland Police who repeatedly respond to noise complaints taking them away from much higher priority calls.

There has been significant public discussion about the management of noise in the city in recent years. Management of noise is important for many reasons including quality of life, conduct of business, particularly tourism, among many other reasons. To quote Section 4-57, of the City of Portland Code of Ordinances, "The city council may impose conditions for the protecting the public health, safety and welfare on any entertainment license it issues." The power exists right now to quickly and effectively solve this problem.

We are also, by the way, restricted with regard to the thickness of the windows we are able to install by the Historical Society making it an impossible situation for the residents.

The revocation of an entertainment license does not necessarily significantly affect the income of a business (i.e. hardship). We are not saying that we want to stop the service of food or liquor. The fact that the entertainment license is a transferable asset should make it a coveted and highly regulated and not something to obtain at the expense of your neighbors.

The management of the Thirsty Pig has been contacted numerous times by residents and they have been downright rude in their responses to residents. They have been completely insensitive to resident's concerns and have even been so bold as to suggest that we move. This is in stark contrast to what the management of the Thirsty Pig has articulated to the Sound Oversight Committee when asked to appear, where they emphasized that they are a "good neighbor." The loud music is used intentionally to attract customers from blocks away.

I also think it is very important to broaden the definition of what constitutes a valid complaint. While I understand the issues around making it clear and measurable so it can be enforceable, I think it would be appropriate to track the simple number of complaints. If, for example there are 5 complaints in a week, regardless of DB levels, there is probably a problem. The current high DB limit may be too high in the specific amphitheater environment the Thirsty Pig is located in (again consideration of environment prior to license granting). I would point you toward the petition I am circulating where 16 people (representing residents and businesses) so far are asking the revocation of the Thirsty Pig's entertainment license. This is an ongoing effort.

To summarize:

- 1) The entertainment license should never have been granted in this intimate environment.
- 2) The city right now has the power to either revoke or attach conditions to this entertainment license with no further ordinance modification required.
- 3) The revocation of the license has no significant hardship for the Thirsty Pig (the only beneficiary of this conduct and disturbance) and on balance is necessary to maintain a peaceful environment in which to live and conduct business.

- 4) When you also consider the resources used to respond to the complaints from the Portland Police Department, the argument is even more compelling.
- 5) The bottom line is the effect of the revocation of this license is absolutely minimal when compared to the overall negative effect of allowing this disturbance to continue.
- 6) See attached petition for the revocation of the entertainment license.

Please consider these issues and my petition at your next meeting on the as I will not be able to attend.

As always, I welcome dialog on this issue with all concerned.

Thank you very much!

Art Johns

150 Middle Street

Portland, ME 04101

415 205-0192

Petition

As residents, property and business owners in the Old Port we are requesting that all permits and licenses to perform any outdoor music, entertainment or any other activities causing any significant noise be denied to the Thirsty Pig permanently. We further request that The Thirsty Pig be restricted from any other activities that cause a disturbance to nearby residents and businesses, including but not limited to outdoor cooking. The Thirsty Pig has been contacted directly by many neighbors about the excessive noise. They were met with rude responses.

We ask that the City's Ordinance prohibiting the use of noise-creating devices in such a manner that the public's attention is drawn to the source of the noise, (Sec. 17-20) be enforced against the North Point's use of exterior speakers constantly broadcasting music into the sidewalk, street, and surrounding neighborhood.

We seek to preserve an environment that allows us to live and conduct business in a peaceful manner. We believe that our right to live free of disturbance noise or otherwise, far outweighs any one party's right to violate that peace. We also believe it is essential to preserve the quality of the experience of those visiting the City of Portland to ensure continued overall economic success.

This list may be used and shared with any party concerned with this issue.



City of Portland

Permitting and Inspections Department

ATTACHMENT 4

Business Name: THIRSTY PIG

Business Location: 37 EXCHANGE ST
Portland, ME 04101

Owner:

License Number: 4670

Issued Date: 12/19/2017

Expiration Date: 12/13/2018

Classification: Class A Lounge

Description: ONLY UNAMPLIFIED ENTERTAINMENT ON
DECK/
OUTDOOR DINING ON PRIVATE PROPERTY.

Entertainment Type: Entertainment without Dance

After Hours Entertainment: No

Outdoor Dining: Private

Bottle Club: No

Michael A. Russell, Director

THIS LICENSE IS NOT TRANSFERRABLE
PLEASE POST IN A CONSPICUOUS PLACE

BILLING CONTACT

PIG EXCHANGE, LLC
37 Exchange St
Portland, Me 04101

Noise Complaints

Call Nbr	DateTime	Address	Name	Type of Call
182440537	9/1/2018 10:42PM	133 FREE ST	MATTHEWS	LOUD MUSIC
181600023	6/9/2018 12:32AM			LOUD MUSIC
Total Calls 2				
181310604	5/11/2018 10:59PM	37 EXCHANGE ST	THE THIRSTY PIG	LOUD MUSIC
172870388	10/14/2017 06:14PM			LOUD MUSIC
172870289	10/14/2017 02:38PM			LOUD MUSIC
172710599	9/28/2017 08:47PM			LOUD MUSIC
172660337	9/23/2017 04:43PM			LOUD MUSIC
172450477	9/2/2017 06:57PM			LOUD MUSIC
Total Calls 6				
181480523	5/28/2018 11:33PM	625 CONGRESS ST	GENOS PUB	LOUD MUSIC
181480501	5/28/2018 10:26PM			LOUD MUSIC
180820563	3/23/2018 10:30PM			LOUD MUSIC
180820540	3/23/2018 09:22PM			LOUD MUSIC
180750536	3/16/2018 08:43PM			LOUD MUSIC
173080012	11/4/2017 12:39AM			LOUD MUSIC
173070686	11/3/2017 11:47PM			LOUD MUSIC
173070676	11/3/2017 11:24PM			LOUD MUSIC
173020028	10/29/2017 01:21AM			LOUD MUSIC
Total Calls 9				
Total Amount of Noise Related Calls 17				



Permitting and Inspections Department
Michael A. Russell, MS, Director

October 10, 2018

Thirsty Pig
37 Exchange Street
Portland ME 04101

Re: Thirsty Pig Entertainment Permit

To whom it may concern,

We are requesting to send your Entertainment Permit back to City Council for the renewal approval on November 19, 2018. Please complete the enclosed form and submit to me by October 29, 2018. Please also submit a diagram where all the entertainment will take place.

You will submit payment with your regular renewal please. You can email the application and diagram back to me if that is easier.

Please advise if you any questions.

Thank you,

Jessica B. Hanscombe
Licensing and Registration Coordinator
Room 307
389 Congress Street
Portland ME 04101
207-874-8783
jhanscombe@portlandmaine.gov



Permitting and Inspections Department
Michael A. Russell, MS, Director

October 30, 2018

Pig Exchange LLC
37 Exchange Street
Portland ME 04101

Re: Pig Exchange, LLC dba Thirsty Pig. Renewal application for an Entertainment without Dance at 37 Exchange Street with the condition of no amplified entertainment outdoors.

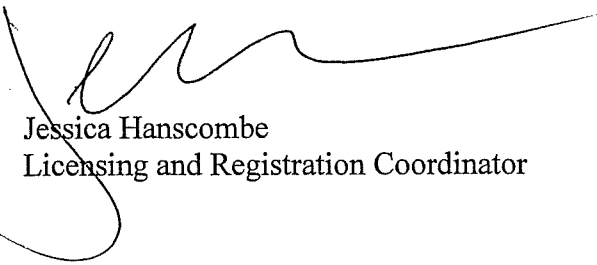
Dear Allison Stevens

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday November 19, 2018 at 5:30 p.m.**, for the review of a Renewal application for an Entertainment without Dance at 37 Exchange Street with the condition of no amplified entertainment outdoors. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

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 jhanscombe@portlandmaine.gov.

Sincerely,



Jessica Hanscombe
Licensing and Registration Coordinator

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on November 19, 2018 at 5:30 P.M., in City Council Chambers, 389 Congress St., Pig Exchange, LLC dba Thirsty Pig. Renewal application for an Entertainment without Dance at 37 Exchange Street with the condition of no amplified entertainment outdoors. Sponsored by Michael Russell, Director of Permitting and Inspections.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: June 5, 2023

SUBJECT: Order 249-22/23 Granting Municipal Officers' Approval of Grizzly Bear Inc, dba Great Lost Bear. Application for Outdoor Dining on Private Property at 540 Forest Avenue - Sponsored by Danielle P. West, 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 5/17/23. New City and State applications. Establishment currently holds a Class I FSE.

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. 2023.06.26_Great Lost Bear
2. Great Lost Bear_Council Packet

Prepared by:

Date: 06/05/2023

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:**

**Grizzly Bear Inc, dba Great Lost Bear. Application for Outdoor Dining on Private
Property at 540 Forest Avenue**

Mayor, and City Counsel Portland Maine
May 17, 2023

•
This is a letter of intent to renew and or apply for an Outdoor dining on Private Property for The Great Lost Bear at 540 Forest Avenue , Portland , Maine. Attached is the current layout and seat compacity for above request for the year 2023. The patio is seasonal and is only open weather permitting. Seating for dining only. Live music or special events will not be available for the patio and any time the patio is open,

Thank You,

Michael Dickson
President, The Great Lost Bear
(207) 232 -7139
bear@greatlostbear.com
mikedickson10@gmail.com



CITY OF PORTLAND
Permitting and Inspections Department
Outdoor Dining Permit on Private Property
Supplemental Application

License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Liquor License

☒ Outdoor Dining on Private Property \$125.00 ☒ Legal Advertisement Deposit \$100.00

Business Information	
Business Name (d/b/a):	THE GREAT LOST BEAR 540 FOREST AVENUE
Location Address:	540 FOREST AVENUE
Mailing Address:	" " "
Contact Person:	MICHAEL DICKSON
Contact Person Email:	MIKEDICKSON10@GMAIL.COM
Manager of Establishment:	MIKE DICKSON
Owner of Premises (Landlord):	DAVE WESLIE EVANS
Address of Premises Owner:	BEAR LAKE, WINNHAM, ME

Owner Information

Corporate Name		Corporate Mailing Address	
GRIZZLY BEAR INC		540 FOREST AVE	
Contact Person:	MICHAEL DICKSON	Phone:	207-232-7139
Principal Officers		Title	Date of Birth
MICHAEL DICKSON		PRESIDENT	02/05/59
MARK DICKSON		CFO	10/23/59
ANDY PILLSBURY		V.P.	11/5/68
Residence Address			
25 ANGELL AVE, S.P. MAINE 04106			
25 ANGELL AVE S.P. MAINE 04106			
101 LAKE AVE PORTLAND 04103			



CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	CLASS A
Type of food served:	PUB/BARE
Please circle all that will be served:	☒ Beer ☒ Wine ☒ Liquor
Hours & days of operation:	12 P.M. - 10 P.M. 7 DAYS A WEEK
Number of Tables	12
Number of Chairs	50

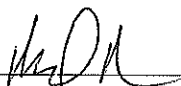
Design and Construction

- If you are building a structure or adding impervious surface for the outdoor dining area please contact the Permitting and Inspections Department for permitting requirements at permitting@portlandmaine.gov or 874-8703.

Maintenance and Operations

- 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.
- No food shall be prepared in the designated outdoor dining area.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.

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 PRESIDENT Date 5/16/23

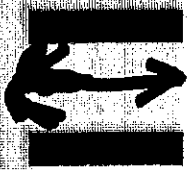
For Administrative Use Only

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

540 FOREST AVE →

← 15 ft →

CUBBY



80

79

78

77

PATIO:
SEATING capacity - 75

71

72

73

74

75

76

B1

B1

INDOOR DINING

← 60 ft →

EXIT
35 ft



Barriers

Great Lost Bear - 540 Forest Ave

Eric Nevins <erich@portlandmaine.gov>

Sat, Jun 10, 2023 at 1:21 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>

Approved

On Fri, Jun 9, 2023 at 4:03 PM Zachary Lenhart <zlenhart@portlandmaine.gov> wrote:

[Quoted text hidden]

--

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

Great Lost Bear - 540 Forest Ave

Zoning <zoning@portlandmaine.gov>

Tue, Jun 13, 2023 at 4:28 PM

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 <erich@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 Afternoon,

The legal use for the property 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 June 26, 2023 at 5:00 P.M., virtually Grizzly Bear Inc, dba Great Lost Bear. Application for Outdoor Dining on Private Property at 540 Forest Avenue - Sponsored by Danielle P. West, City Manager

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



June 21, 2023

Grizzly Bear Inc
540 Forest Ave
Portland, ME 04101

Re: Grizzly Bear Inc, dba Great Lost Bear. Application for Outdoor Dining on Private Property at 540 Forest Avenue

Dear Grizzly Bear Inc:

This letter shall serve as a reminder of the public hearing before the Portland City Council on Monday June 26, 2023 at 5:00 p.m., for the review of application for Outdoor Dining on Private Property at 540 Forest 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 June 23, 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.

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

Request for Extension of License Privileges for an On-Premises Establishment

Section I: Licensee Information:

Legal Business Entity Licensee Name (corporation, LLC):	Business Name (D/B/A):
GRIZZLY BEAR INC.	THE GREAT LOST BEAR
Individual or Sole Proprietor Licensee Name(s):	Physical Location:
MICHAEL, MARK & DICKSON, ANDY PILLSBURY	540 FOREST AVE
License Number:	Mailing address, if different:
005315 - 2023	
Mailing address, if different from DBA address:	Email Address:
	BEAR@GREATLOSTBEAR.COM
Telephone # Fax #:	Business Telephone # Fax #:
	207-772-0300 207-871-1384

Section II: Extension of Privileges Information:

1. Name, Address, and Contact Information of Property Owner (if property is rented or leased, please provide a copy of rental/lease agreement):

Name: _____

Complete mailing address: 5 BEAR LAKE, WINDHAM, ME. 04062

Telephone/Mobile Number: 207-650-1251

Email Address: DAN@GREATLOSTBEAR.COM

2. Type of Extension of Privileges: (check only one)

a. Temporary ☐ Inside ☐ Outside ☐
b. Permanent ☒ Inside ☐ Outside ☒

continue to next page

3. Start Date: MAY 2023 End Date (if applicable): —
4. Will dancing be permitted in this area? Yes ☐ No ☒
a. If yes, does the establishment have a dance license? Yes ☐ No ☐
b. If yes, please provide a copy of the license from the State's Fire Marshall's Office
5. Will there be live entertainment in this area? Yes ☐ No ☒
6. Reason for this request:

Section III: Signature of Licensee

By signing this application, the licensee 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: 5/17/2023

M. P. W. L.
Signature of Licensee or Duly Authorized Person

MICHAEL W. DISKOW
Printed Name of Licensee or Duly Authorized Person

Submit completed forms to: Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement

Mailing address: 8 SHS, Augusta, ME 04333-0008
Courier delivery: 19 Union Street, 3rd floor, Suite 301-B,
Augusta, ME 04330

(continue to next page)

Section IV: Approval by Municipal/County Officers

Please note: The municipal/county officers where your establishment is located must approve all requests for extension of license privileges prior to filing with the Bureau. If your license is issued in an unorganized township, the county commissioners must approve this request, otherwise, it would be your municipal (town or city) officials.

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this extension of privileges for this on-premises licensee on this date: _____.

Check only one: ☐ City ☐ Town ☐ Unorganized Territory

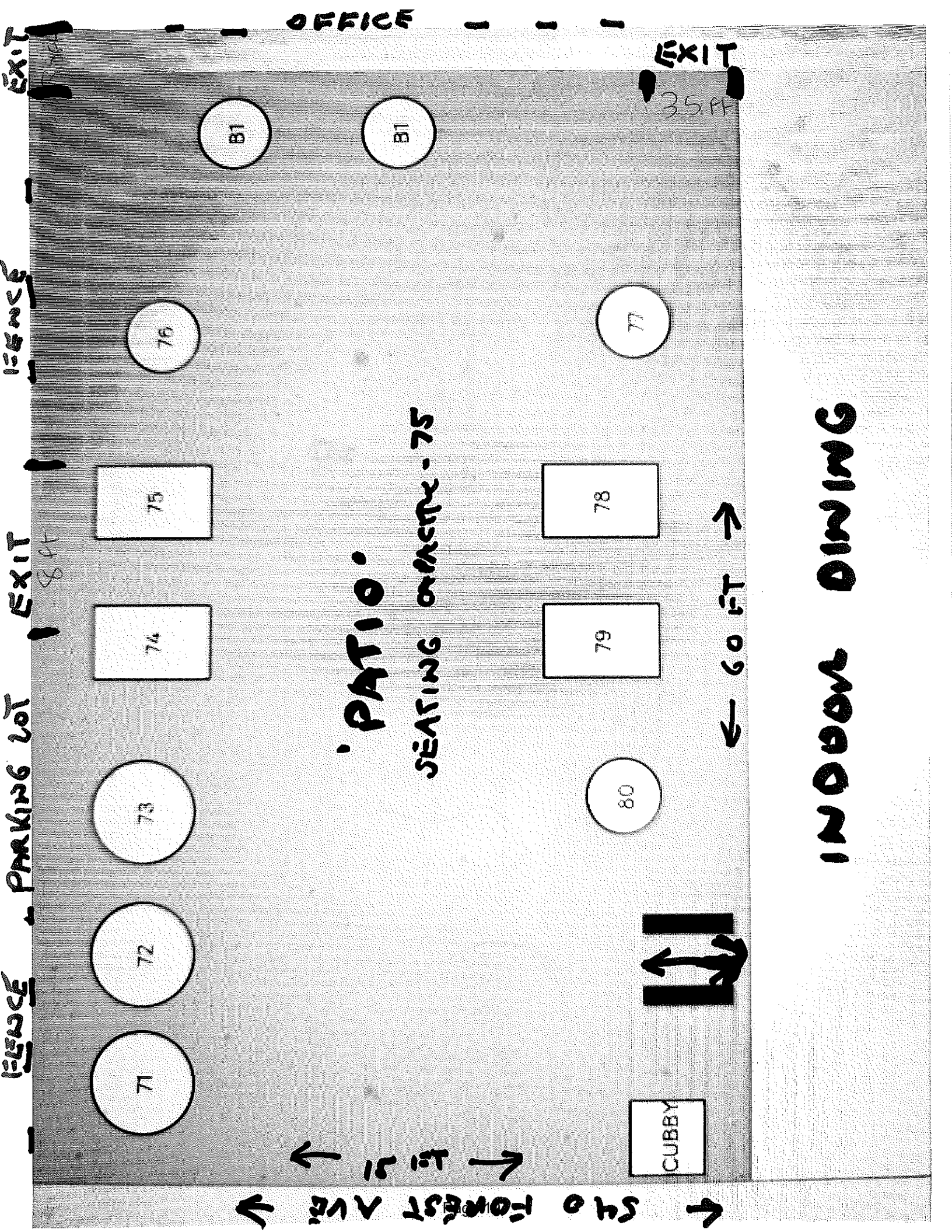
Name of City/Town/Unorganized Territory: _____

Who is approving this application? ☐ Municipal Officers
☐ 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 license to be issued 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

Continued to next page



FENCE - PARKING LOT

EXIT

8 ft

EXIT

FENCE

OFFICE

EXIT

35 ft

'PATIO'

SEATING around - 75

INDOOR DINING

71

72

73

74

75

76

B1

B1

80

79

78

77

CUBBY

40 FEET AVE

15 ft

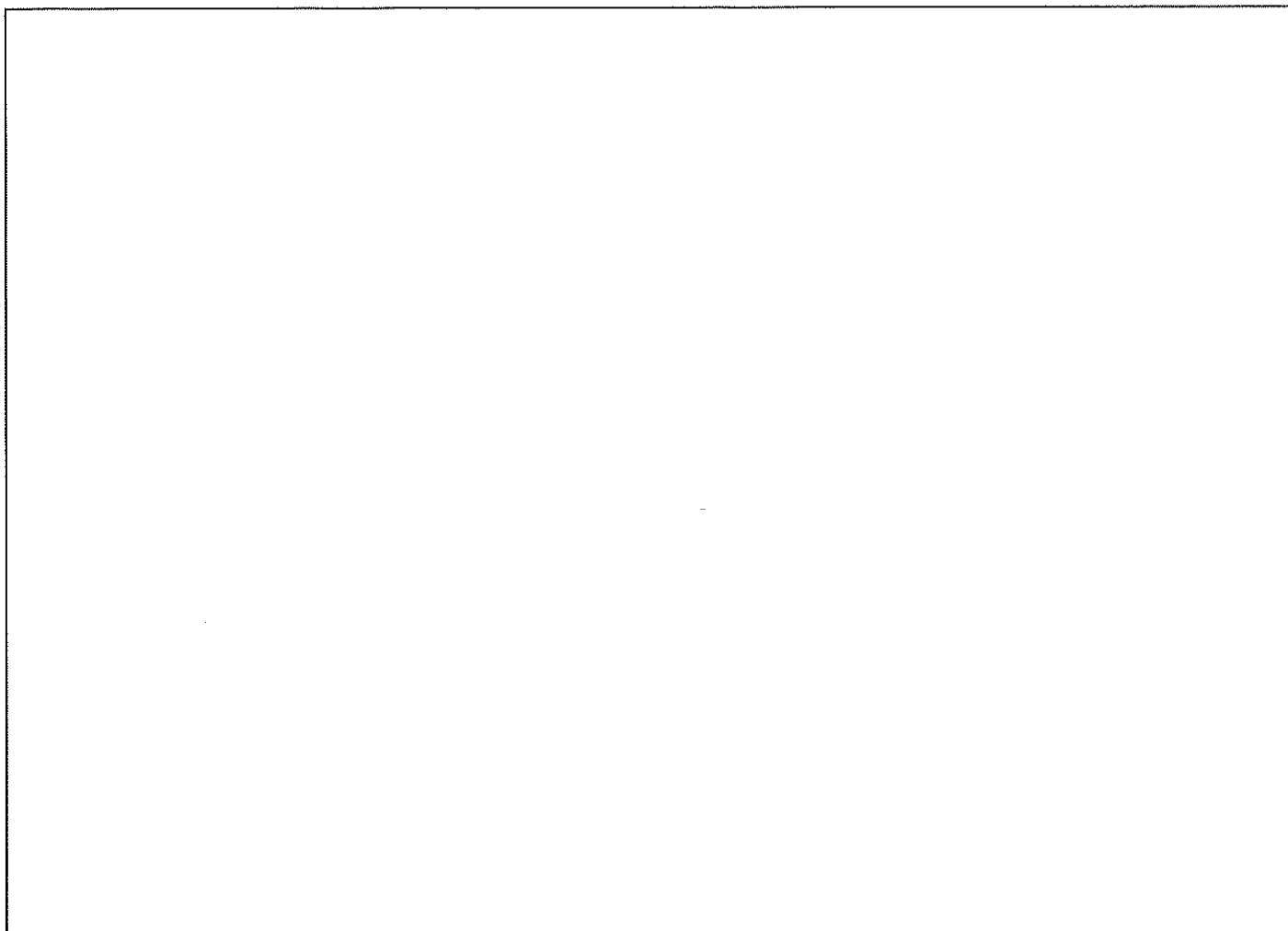
60 ft

Diagram for Extension of Privileges Area

The following restrictions apply to outdoor extension of privileges:

- There must be a stanchion or a fence completely enclosing the area.
- Signs must be posted stating "No alcohol beyond this point".
- There must be sufficient employees at the extension area of premises who would be able to control and monitor the area.

In an effort to clearly define your extension please draw a diagram below that will include the area you want for a temporary / permanent license premise. Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your where consumption will occur including methods of monitoring and containment of the area(s).



For Office Use Only:

Date Filed: _____ Date Issued: _____ Issued By: _____

☐ Approved ☐ Not Approved

MEMORANDUM
City Council Agenda Item

FROM:

DATE: June 5, 2023

SUBJECT: Order 250-22/23 Granting Municipal Officers' Approval of DJZ LLC dba Portland Beer Hub. Application for Outdoor Dining on Public Property at 320 Fore Street- Sponsored by Danielle P. West, 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 5/25/23. New City and State applications. New owner of existing establishment was recently approved for Class I FSE.

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. 2023.06.26_Portland Beer Hub
2. Portland Beer Hub_Council Packet (2)

Prepared by:

Date: 06/05/2023

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:**

**DJZ LLC dba Portland Beer Hub. Application for Outdoor Dining on Public Property at
320 Fore Street**

May 24, 2023

Mayor and Council of the City of Portland
389 Congress St
Portland, ME
04101

Dear Council Members,

Thank you for the opportunity to submit our application and express our request for Outdoor Dining at 320 Fore St, Portland (The Portland Beer Hub).

We are requesting to add 4 small picnic tables (see attached photo) along Fore Street which can seat 2 each, and a standing bar along Pearl Street which could comfortably accommodate 6-8 guests.

We hope our guests will not only get a chance to enjoy our food and beverages inside The Portland Beer Hub, but also have the chance to take in the historic streets of Portland while outside dining.

There is the required space between the dividing stanchions and street to allow access to all pedestrians.

We hope the above and the attached documents have provided enough information for you to approve our outdoor dining application

We thank you for your time and consideration.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'David Phillips', with a stylized flourish at the end.

David Phillips

Zachary Poole

Joey Joseph



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 <u>148</u> SF = <u>\$296</u>
☐ Outdoor Dining on Public Property in a City Park \$84.00 plus \$6.30 per Square foot \$6.30 X _____ SF = _____

Business Information			
Establishment Name (d/b/a):	Portland Beer Hub	Phone:	207-604-4610
Location Address:	320 Fore St.	Zip:	04101
Mailing Address:		Zip:	
Contact Person:	Zachary Poole	Phone:	207-604-4610
Contact Person Email:	zach@portlandbeerhub.com		
Manager of Establishment:	Zachary Poole	Date of Birth: 7/16/1981	Phone: 207-604-4610
Owner of Premises (Landlord):	Matt Cardente Fore St. Investments		
Address of Premises Owner (Landlord):	322 Fore St. 04101	Zip:	

Owner Information

Corporate Name		Corporate Mailing Address	
DJZ LLC	1053 Forest Ave	Zip:	04103
Contact Person:	Zachary Poole	Phone:	207-604-4610
Principal Officers	Title	Date of Birth	Residence Address
David Phillips	Manager	7/4/75	135 Portland Ave #101 Old Orchard Beach ME04064
Zachary Poole	Member	7/16/81	14 Leonard St. Portland ME 04103
Joey Joseph	Member	2/16/58	32 Pleasant St. Portland ME 04101

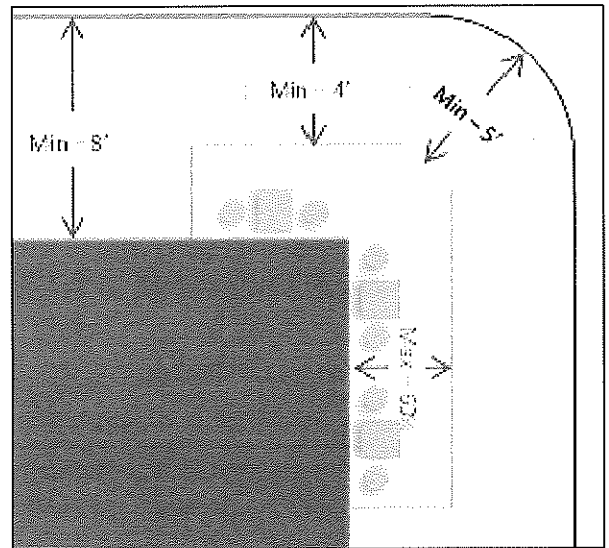


CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	Restaurant Class I
Type of food served:	snacks and sandwiches
Please circle all that will be served:	Beer Wine Liquor
Hours & days of operation:	9:00am - 10:00pm
Number of Tables	5
Number of Chairs	8

Design and Construction

Existing Sidewalk Width (property line to curb)	Sidewalk Dining Allowed?
< 8'0"	No
≥ 8'0"	Yes – up to 60% of
Sidewalk Type	Sidewalk Passage Width
Standard sidewalk	4'0"
Street corner	5'0"

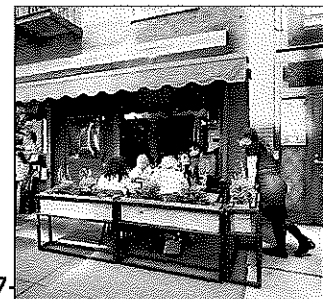
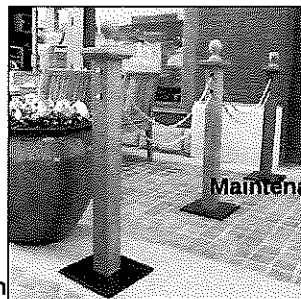


- Outdoor dining area shall not exceed 60% of the sidewalk width.
- A continuous, unobstructed sidewalk passage of 4 feet from the outer boundary of the seating area to the curb must be maintained. If the passage is not straight due to existing obstacles, then additional width may be required. Any changes to existing straight passage is at the discretion of the City.
- Egress must be maintained free of obstruction.
- Permanent fixtures, such as awnings, require a building permit separate from the Outdoor Dining permit and subject to approval by the Building Authority.
- Umbrellas do not require a permit.
- Umbrellas must be secured and maintain the height clearance for sidewalk passage.

Barriers

- If barriers are proposed, they must be free-standing. Physical attachments to a building are not allowed.
- Stanchions and ropes are encouraged. Sectional fencing is allowed with a high degree of visual transparency (at least 50% open). Solid or opaque barriers are not allowed.
- Shall not exceed 42" in height and may not include commercial signage.

Example barrier types that meet regulation



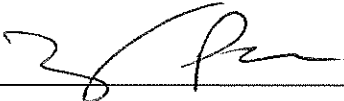


CITY OF PORTLAND

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.

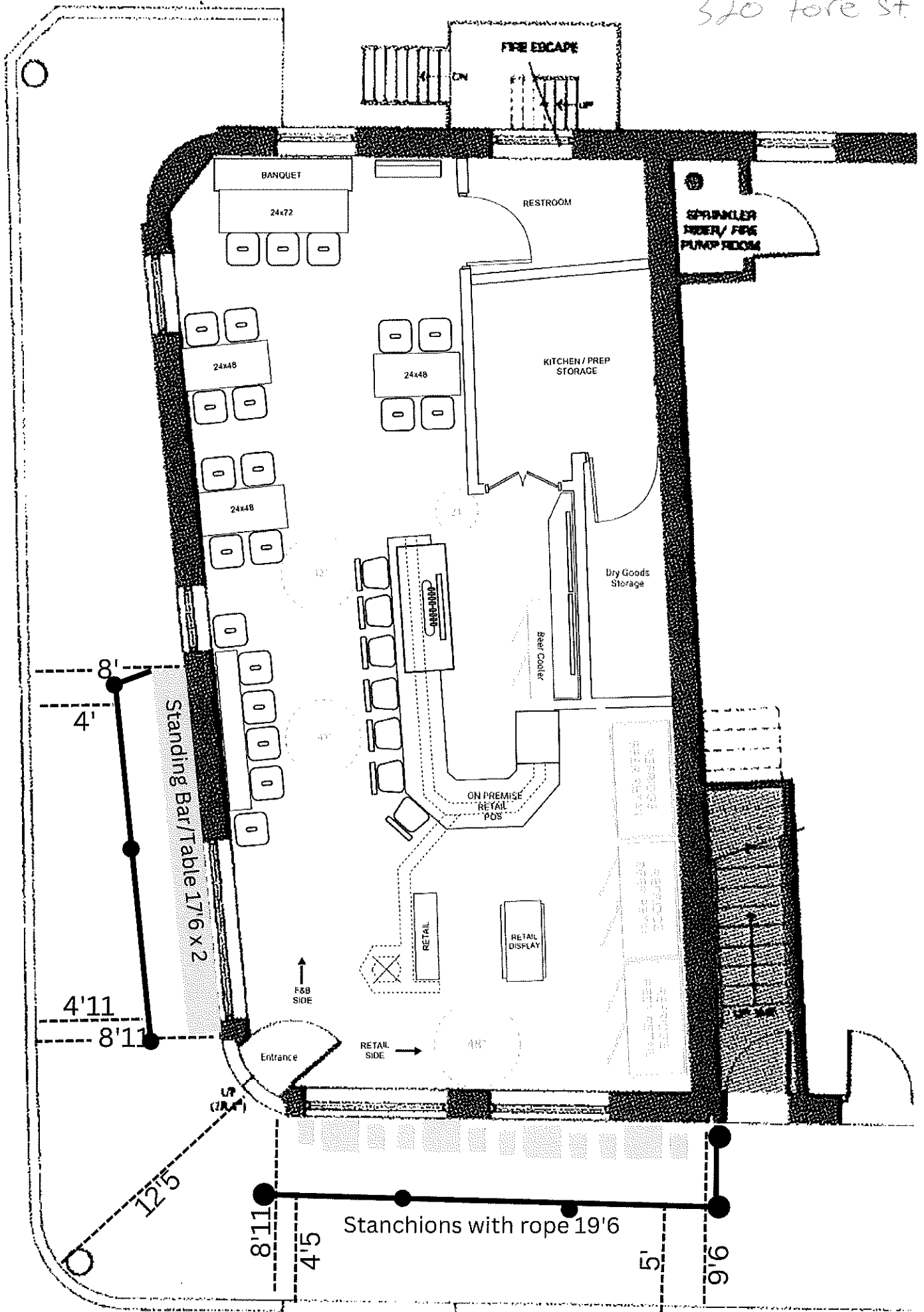
Signature  Title member Date 5/16/23

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 _____		

320 Fore st

Pearce st







.....





Zachary Lenhart <zlenhart@portlandmaine.gov>

Portland Beer Hub - 320 Fore St

Eric Nevins <erickn@portlandmaine.gov>

Sat, Jun 10, 2023 at 1:22 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>

Approved

On Fri, Jun 9, 2023 at 4:01 PM Zachary Lenhart <zlenhart@portlandmaine.gov> wrote:

[Quoted text hidden]

--

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

Portland Beer Hub - 320 Fore St

Zoning <zoning@portlandmaine.gov>

Tue, Jun 13, 2023 at 3:58 PM

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 <ericn@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 Afternoon,

The legal use for 320 Fore ST, CBL: 029 C006004 is bar and retail. Zoning approves.

Thank you,

Mac

[Quoted text hidden]

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on June 26, 2023 at 5:00 P.M., virtually DJZ LLC dba Portland Beer Hub. Application for Outdoor Dining on Public Property at 320 Fore Street- Sponsored by Danielle P. West, City Manager

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



June 21, 2023

DJZ LLC
540 Forest Ave
Portland, ME 04101

Re: DJZ LLC dba Portland Beer Hub. Application for Outdoor Dining on Public Property at 320 Fore Street

Dear DJZ LLC:

This letter shall serve as a reminder of the public hearing before the Portland City Council on Monday June 26, 2023 at 5:00 p.m., for the review of application for Outdoor Dining on Public Property at 320 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 June 23, 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.

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

Request for Extension of License Privileges for an On-Premises Establishment

Section I: Licensee Information:

Legal Business Entity Licensee Name (corporation, LLC): <u>DJE LLC</u>	Business Name (D/B/A): <u>Portland Beer Hub</u>
Individual or Sole Proprietor Licensee Name(s):	Physical Location: <u>320 Fore st. Portland ME 05101</u>
License Number:	Mailing address, if different: <u>11</u>
Mailing address, if different from DBA address: <u>11</u>	Email Address: <u>zach@portlandbeerhub.com</u>
Telephone # Fax #: <u>207-604-4610</u>	Business Telephone # Fax #:

Section II: Extension of Privileges Information:

1. Name, Address, and Contact Information of Property Owner (if property is rented or leased, please provide a copy of rental/lease agreement):

Name: MATT Cardente - Fore street investments

Complete mailing address: 322 Fore st
Portland ME 05101

Telephone/Mobile Number: 207-233-8229

Email Address: Matt@Cardente.com

2. Type of Extension of Privileges: (check only one)

a. Temporary ☐ Inside ☐ Outside ☒
b. Permanent ☒ Inside ☐ Outside ☒

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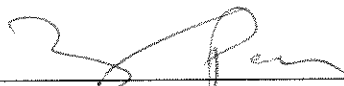
3. Start Date: 6/15/23 End Date (if applicable): 11/15/23
4. Will dancing be permitted in this area? Yes ☐ No ☒
- a. If yes, does the establishment have a dance license? Yes ☐ No ☐
- b. If yes, please provide a copy of the license from the State's Fire Marshall's Office
5. Will there be live entertainment in this area? Yes ☐ No ☒
6. Reason for this request:
outdoor dining

Section III: Signature of Licensee

By signing this application, the licensee 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: 5/25/23



Signature of Licensee or Duly Authorized Person

Zachary Poole

Printed Name of Licensee or Duly Authorized Person

Submit completed forms to: Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement

Mailing address: 8 SHS, Augusta, ME 04333-0008
Courier delivery: 19 Union Street, 3rd floor, Suite 301-B,
Augusta, ME 04330

(continue to next page)

Section IV: Approval by Municipal/County Officers

Please note: The municipal/county officers where your establishment is located must approve all requests for extension of license privileges prior to filing with the Bureau. If your license is issued in an unorganized township, the county commissioners must approve this request, otherwise, it would be your municipal (town or city) officials.

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this extension of privileges for this on-premises licensee on this date: _____.

Check only one: ☐ City ☐ Town ☐ Unorganized Territory

Name of City/Town/Unorganized Territory: _____

Who is approving this application? ☐ Municipal Officers
☐ 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 license to be issued 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

Continued to next page

Peaxall st

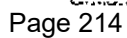
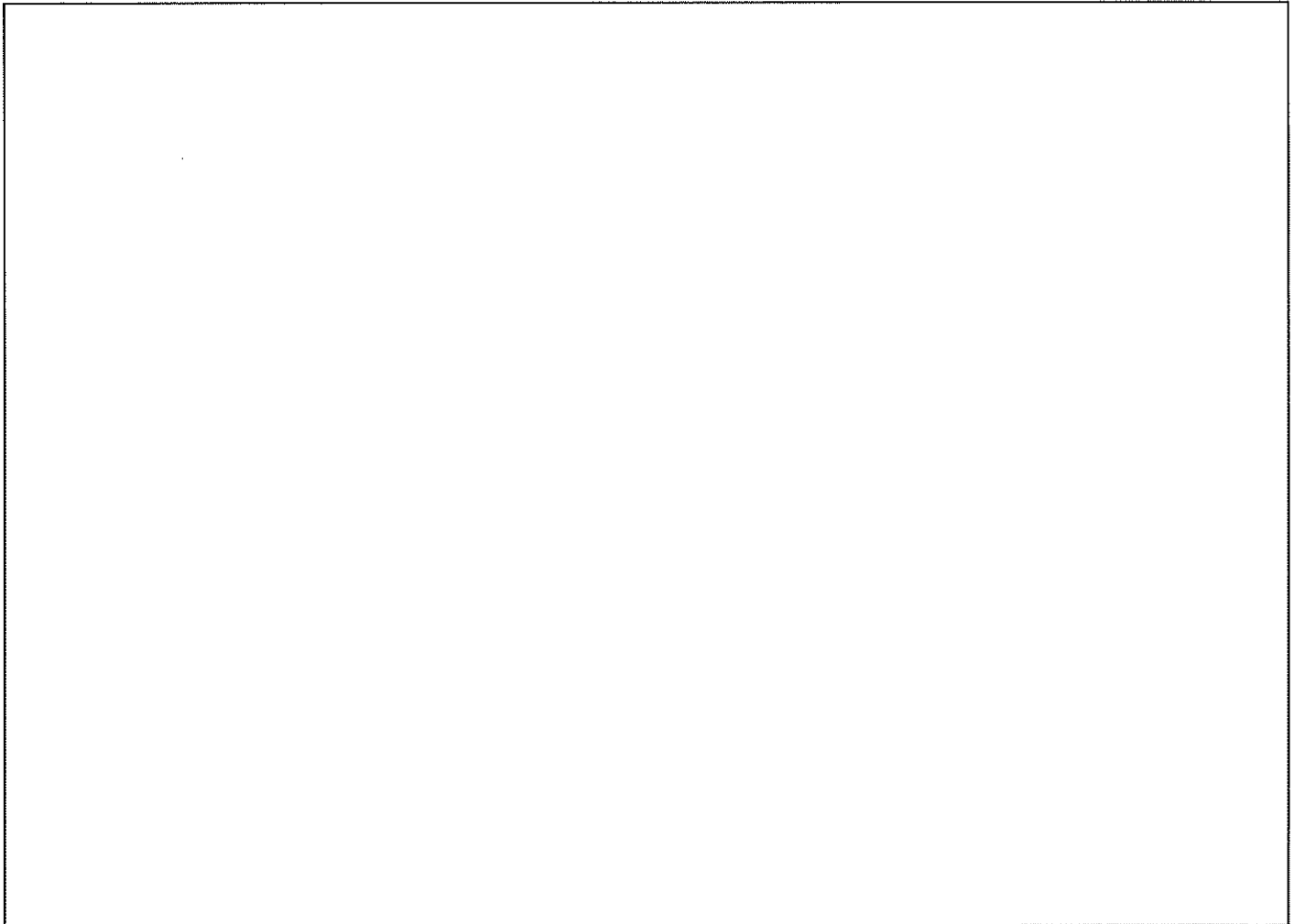


Diagram for Extension of Privileges Area

The following restrictions apply to outdoor extension of privileges:

- There must be a stanchion or a fence completely enclosing the area.
- Signs must be posted stating "No alcohol beyond this point".
- There must be sufficient employees at the extension area of premises who would be able to control and monitor the area.

In an effort to clearly define your extension please draw a diagram below that will include the area you want for a temporary / permanent license premise. Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your where consumption will occur including methods of monitoring and containment of the area(s).



For Office Use Only:

Date Filed: _____ Date Issued: _____ Issued By: _____

☐ Approved ☐ Not Approved

INVOICE

**CITY OF PORTLAND
LICENSING & REGISTRATION**
389 Congress Street
Portland, Maine 04101
(207) 756-8131



INVOICE NUMBER	INVOICE DATE	INVOICE DUE DATE	INVOICE STATUS	INVOICE DESCRIPTION
INV-00083955	05/25/2023	06/24/2023	Due	NONE

REFERENCE NUMBER	FEE NAME	TOTAL
LL-005380-2023	Legal Advertisement Deposit	\$100.00
	Outdoor Dining - Public - Base	\$84.00
	Outdoor Dining - Public - Square Feet	\$296.00
The Portland Beer Hub - 320 Fore St Portland, ME 04101		SUB TOTAL \$480.00

TOTAL **\$480.00**

BILLING CONTACT

DJZ LLC
1053 Forest Ave
Portland, Me 04103

Make checks payable to the City of Portland, ATTN: Licensing & Registration, 389 Congress Street, Portland, ME 04101

City of Portland
Permitting & Inspections
389 Congress St
Portland, ME 04101
207 874-8490
Welcome

018236-0001 Lindsay L 05/25/2023 10:49AM

INVOICE

DJZ LLC

LL-005380-2023

2023 Item: INV-00083955

Outdoor Dining -

Public - Base 84.00

Outdoor Dining -

Public - Square Feet 296.00

Legal Advertisement

Deposit 100.00

480.00

Subtotal 480.00

Total 480.00

CHECK 480.00

Check Number 106

Change due 0.00

Paid by: DJZ LLC

Thank you for your payment

CUSTOMER COPY

MEMORANDUM
City Council Agenda Item

FROM:

DATE: June 5, 2023

SUBJECT: Order 251-22/23 Granting Municipal Officers' Approval of Shivababa Corp, dba Tandoor Indian Restaurant. Application for Class I FSE at 88 Exchange Street - Sponsored by Danielle P. West, 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 5/24/23 New City and State applications. Change of ownership of 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. 2023.06.26_Tandoor
2. Tandoor_Council Packet

Prepared by:

Date: 06/05/2023

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:

**Shivababa Corp, dba Tandoor Indian Restaurant. Application for Class I FSE at 88
Exchange Street**

To,

Mayor and member of the city Council
389 Congress St.,
Portland, ME 04101

May 16th 2023

From,

Prakash Gyawali
28 Robinson St.
South Portland, ME 04106

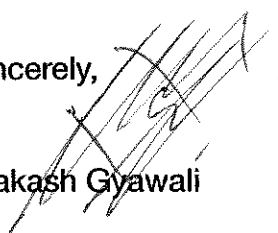
Respected Sir/Madam

With due respect, I am Prakash Gyawali the owner of Shivbaba Corporation founded on May 5, 2023.

I am writing this letter to bring to your attention my interest in becoming a licensed food-service establishment(Restaurant)to sell Indian food as well as wine and beer. We will be doing an owner change.

It currently under the name of Tandoor Restaurant on 88 Exchange St., Portland, ME. The name of the restaurant remain the same.

Sincerely,


Prakash Gyawali



CITY OF PORTLAND

Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

Business Information	Shivbaba Corp.		
Establishment Name (d/b/a):	Tandoor India Restaurant	Phone:	207-775-4259
Location Address:	88 Exchange St. Portland ME 04101		
If new, what was formerly at this location:			
Mailing Address:	88 Exchange St. Portland, ME 04101		
Contact Person:	Prakash Gyawali	Phone:	617-759-1006
Contact Person Email:	GyawaliP@gmail.com		
Manager of Establishment:	Prakash Gyawali	Date of Birth:	09/12/71
		Phone:	617-759-1006
Owner of Premises (Landlord):	Rivendell Real Estate		
Address of Premises Owner (Landlord):	45 Page St. Brunswick ME 04011		

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

Name of Owner(s)	Date of Birth	Residence Address
Prakash Gyawali	09/12/71	28 Robinson St - S. Portland

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

Corporate Name		Corporate Mailing Address	
Shivbaba Corp.		88 Exchange St. Portland 04101	
Contact Person:	Prakash Gyawali	Phone:	617-759-1006
Principal Officers	Title	Date of Birth	Residence Address
Prakash Gyawali	Pres.	09/12/71	28 Robinson St - S. Portland
Class of Liquor License:			



CITY OF PORTLAND
Permitting and Inspections Department

Type of food served:	<u>Indian</u>	
Please circle all that will be served:	☒ Beer ☒ Wine ☐ Liquor	
Projected percentage of sales:	Generated from Food: <u>\$1250000.00</u> Generated from Alcohol: <u>\$20000.00</u>	
Hours & days of operation:	<u>10 AM to 11 PM.</u>	
QUESTIONS		
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 amusements: _____ # of pool tables: _____		
What is your targeted opening date?	<u>June - 15th - 2023</u>	
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):		
<u>Prakash Gyanwali 90 Exchange St., Pleasant St.</u>		
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:		

I Prakash Gyanwali 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 President Date 05-16-23

Bottled Beer

DOMESTIC	LOCAL	IMPORT	INDIAN
COORS LIGHT \$4	GEARYS SEASONAL \$4	CORONA \$4	TAJ MAHAL \$8 (22OZ)
BLUE MOON \$4	SHIPYARD EXPORT ALE \$4	HEINEKEN \$4	
KALIBER \$4 (NON ALCOHOLIC)			

House Wines

CABERNET SAUVIGNON \$6	CHARDONNAY \$6
MERLOT \$6	WHITE ZINFADEL \$6

White

CHATEAU STE. MICHELLE REISLING \$8•\$27
(WASHINGTON)

BRIGHT AND FRUITY, BALANCING PEACHES AND CREAM FLAVORS, WITH LIVELY ACIDITY AND A TOUCH OF SWEETNESS.

KENDALL-JACKSON VINTNER'S \$9•\$29
RESERVE CHARDONNAY
(CALIFORNIA)

SMOOTH, RIPE, AND CREAMY WITH TASTES OF PEAR, PINEAPPLE, MELON, VANILLA AND CINNAMON.

LAGARIA PINOT GRIGIO \$8•\$27
(ITALY)

FLORAL AROMAS AND RICH PEACH, GRAPEFRUIT, AND APRICOT FLAVORS LEAD TO A CRISP FINISH.

MONKEY BAY SAUVIGNON BLANC \$8•\$27
(NEW ZEALAND)

DELICIOUS TROPICAL FRUIT AROMAS AND FLAVORS OF GRAPEFRUIT, LEMON, PINEAPPLE, GOOSEBERRY, AND HERBS LEADING TO A LINGERING FINISH.

ROBERT MONDAVI FUME BLANC \$8•\$27
(CALIFORNIA)

FRESH LIVELY, WITH PEACH, PASSION FRUIT, GREEN APPLE, FIG, MELON, AND FLORAL AROMAS WITH FLAVORS THAT LINGER FOR A REFRESHING FINISH.

SULA CHENIN BLANC \$9•\$29
(INDIA)

BALANCED AND SEMI-SWEET, BURSTING WITH PINEAPPLE AND STONE FRUIT FLAVORS.

ZONIN PROSECCO \$9
(ITALY)

DELICATELY SPARKLING, FRUITY AND AROMATIC,

Red

BULLETIN PLACE SHIRAZ \$8•\$27
(AUSTRALIA)

VERY NICE BOYSENBERRY, BLUEBERRY, CURRANT, AND PEPPER AROMAS AND FLAVORS THAT EXTEND TO THE SMOOTH TEXTURED FINISH.

CIGAR BOX RESERVE MALBEC \$9•\$29
(ARGENTINA)

AROMAS OF RIPE PLUM, VIOLET, AND VANILLA LEADING TO RICH BLACKBERRY AND BLACK PEPPER FLAVORS ON THE SOFT AND SILKY FINISH.

MARQUES DE CACERES RIOJA \$9•\$29
(SPAIN)

NICELY BALANCED, WITH DELICIOUS RED FRUIT FLAVORS OF JUICY PLUM AND CHERRY, SOFT TANNINS, AND A PLUSH MOUTH FEEL.

ROBERT MONDAVI CABERNET \$8•\$27
SAUVIGNON
(CALIFORNIA)

DECADENT AROMAS OF BLACK CHERRY, BLACKBERRY, VANILLA, TOASTY OAK AND COFFEE, WITH FRUIT FLAVORS AND GENTLE TANNINS.

ROBERT MONDAVI PINOT NOIR \$8•\$27
(CALIFORNIA)

DELICATE AND ELEGANT WINE, WITH FOCUSED AND LIVELY FLAVORS OF CHERRIES, COLA, NUTMEG, AND BERRIES AND A SILKY FINISH.

Beverages

DARJEELING TEA \$4
SPICED TEA, UNSWEETENED
MASALA CHAI \$5
SPICED TEA, MILK SUGAR
ICED TEA(DARJEELING) \$5

COKE \$2.5
DIET COKE \$2.5
SPRITE \$2.5
GINGER ALE \$2.5
PERRIER(SPARKLING WATER) \$4

MANGO JUICE \$4.5
LASSI (SWEET) \$5
MILK,YOGURT,SUGAR
MANGO LASSI \$5.5
MANGO, MILK, YOGURT, SUGAR
BOTTLED WATER \$3

Soups

DAL SHORBA SOUP \$5
YELLOW LENTILS

COCONUT SOUP \$5
COCONUT FLAKES, COCONUT SYRUP, MILK

TOMATO SOUP \$5
TOMATO, GINGER, GARLIC

Breads

TANDOOR (CLAY OVEN)

TANDOORI ROTI \$4
WHEAT, UNLEAVENED

NAAN \$4.5
WHITE, LEAVENED

GARLIC NAAN \$5.5
WHITE, GARLIC, CILANTRO

ALOO NAAN \$5.5
WHITE, SHREDDED POTATO, GREEN PEAS

ONION KULCHA(NAAN) \$5.5
WHITE, CHOPPED ONION, CILANTRO

COCONUT NAAN \$5.5
WHITE, COCONUT FLAKES, SYRUP

DEEP FRIED

POORI (2PCS) \$5.5
WHEAT, BALLOONED

BHATOORA \$4
WHITE, LEAVENED

TAAYA (PAN)

CHAPATI(ROTI) \$4
WHEAT, UNLEAVENED

PLAIN PARATHA \$4.5
WHEAT, FLAKY, UNLEAVENED

ALOO PARATHA \$5.5
FLAKY, WHEAT, SHREDDED POTATO

MIX VEG. PARATHA \$5.5
FLAKY, WHEAT, POTATO, CARROT, CAULIFLOWER,
GREEN PEA, CILANTRO

Starters

PAPADAM \$4
LENTILS, CHICKPEA FLOUR, CRISP

SAMOSAS(2PCS) \$5.5
SHREDDED POTATO, GREEN PEAS, SPICES

ONION BHAJI (VEG. PAKORA) \$5.5
CHICKPEA FLOUR, POTATOES, ONION,
CAULIFLOWER, SPINACH, MIXED

ALOO TIKKI (2PCS) \$5.5
FRIED, POTATO PATTY, GREEN PEAS

PANEER PAKORA \$6
COTTAGE CHEESE, CHICKPEA BATTER

CHICKEN TIKKA \$9
YOGURT MARINADE, ROASTED, WHITE MEAT

TANDOOR SPECIAL \$12
COMBO PLATTER, SAMOSA, PANEER PAKORA,
ONION BHAJI, PAPADAM, ALOO TIKKI

Biryani

ORIGINATING FROM THE TIMES OF MUGHAL EMPERORS AND THEIR KITCHENS. BIRYANIS ARE FRIED RICE DISHES CONTAINING INDIAN HERBS, SPICES AND A VARIETY OF VEGETABLES (BROCCOLI, CARROTS, CAULIFLOWER, MUSHROOMS, GREEN PEAS) WITH CASHEWS, RAISINS AND PANEER.

VEGETARIAN \$18 CHICKEN \$18 SHRIMP \$21 LAMB \$21
HOUSE SPECIAL (includes all meats, nuts, raisins, SERVES TWO) \$37

Specialties

MIXED GRILL \$24

GRILLED MIXED PLATTER: TANDOORI CHICKEN, CHICKEN TIKKA, LAMB KEBAB, SEEKH KEBAB,
SERVED ON A SKILLET WITH BELL PEPPERS AND ONION

VEGETARIAN THALI \$24

COMBO PLATTER: LENTIL SOUP, CHANA MASALA, SAAG PANEER, NAVRATAN KORMA,
RICE, RAITA (YOGURT), NAAN (BREAD), KHEER (DESSERT)

MEAT THALI \$26

COMBO PLATTER TOMATO SOUP, TANDOORI CHICKEN, CHICKEN CURRY, LAMB CURRY,
RICE, RAITA (YOGURT), POORI (BREAD), GULAB JAMUN (DESSERT)

Vegetarian

ALOO GOBI \$18

CAULIFLOWER, POTATO CHUNKS, CURRY (DRY)

ALOO MUTTAR \$18

GREEN PEAS, POTATO CHUNKS, CURRY

ALOO PALAK \$18

COOKED SPINACH, POTATO CHUNKS

BHINDI MASALA \$18

FRIED OKRA, ONIONS, TOMATO SAUCE

CHANA MASALA \$18

STEAMED CHICKPEAS, TOMATO SAUCE

CHANA SAAG \$18

COOKED SPINACH, STEAMED CHICKPEAS

DAL TADKA \$18

YELLOW LENTILS, TOMATO SAUCE

KARAH PANEER \$18

PANEER, BELL PEPPERS, ONIONS, TOMATO SAUCE

MALAI KOFTA \$18

VEGGIE BALLS, CASHEWS, RAISINS,
TOMATO SAUCE

MUTTAR MUSHROOM \$18

GREEN PEAS, MUSHROOM, CURRY

MUTTAR PANEER \$18

GREEN PEAS, PANEER, CURRY

NAVRATAN KORMA \$18

9 GEMS: CAULIFLOWER, EGGPLANT, CARROTS, PANEER, GREEN
PEAS, POTATOES, TOMATOES, CASHEWS, RAISINS

SAAG DAL \$18

COOKED SPINACH, YELLOW LENTILS

SAAG PANEER \$18

COOKED SPINACH, PANEER

SHAH PANEER \$18

PANEER, CASHEWS, RAISINS, TOMATO SAUCE

ALL DISHES ARE SERVED WITH BASMATI RICE & CHUTNEYS
SPICE LEVELS: MILD 1 - NORMAL 2 - MEDIUM 3 - HOT 4 - FIRE 5

Chicken

CHICKEN CURRY \$18
DARK MEAT, CURRY

TANDOORI CHICKEN \$18
HALF CHICKEN, GRILLED, BELL PEPPERS, ONIONS

CHICKEN TIKKA SAAG \$18
COOKED SPINACH, CUBED CHICKEN

CHICKEN KORMA \$18
DARK MEAT, CASHEWS, RAISINS, KORMA(CREAMY CURRY)

CHICKEN MANGO \$18
DARK MEAT, MANGO, CURRY

CHICKEN TIKKA \$18
CUBED CHICKEN, GRILLED, BELL PEPPERS, ONIONS

CHICKEN TIKKA MASALA \$18
CUBED CHICKEN, ROASTED, TOMATO SAUCE

BUTTER CHICKEN \$18
TANDOORI CHICKEN, BUTTER, TOMATO SAUCE

CHICKEN CHILLY \$18
TANDOORI CHICKEN, BELL PEPPER, ONION, TOMATO SAUCE

CHICKEN VINDALOO \$18
DARK MEAT, POTATO CHUNKS, CURRY,
(SPICY)

Lamb

LAMB CURRY \$21
BONELESS LAMB CUBES, CURRY

LAMB VINDALOO \$21
BONELESS LAMB CUBES, POTATO CHUNKS, CURRY
(SPICY)

LAMB DO PIAZA \$21
BONELESS LAMB CUBES, BELL PEPPER, ONIONS, CURRY

SEEKH KEBAB \$21
GRILLED, MINCED LAMB KEBAB, BELL PEPPERS, ONIONS

LAMB ROGAN JOSH \$21
BONELESS LAMB CUBES, COCONUT, KORMA(CREAMY CURRY)

LAMB KARAHI \$21
BONELESS LAMB CUBES, BELL PEPPERS, ONIONS, TOMATO SAUCE

LAMB SAAG \$21
BONELESS LAMB CUBES, COOKED SPINACH

LAMB KEBAB \$21
GRILLED, BONELESS LAMB CUBES, BELL PEPPERS, ONIONS

KEEMA MUTTAR \$21
MINCED LAMB, GREEN PEAS, SPICE BLEND

Seafood

FISH CURRY \$20
CUT PIECES OF HADDOCK, CURRY

MAHI AAB \$20
CUT PIECES OF HADDOCK, BELL PEPPERS, ONIONS, TOMATO SAUCE

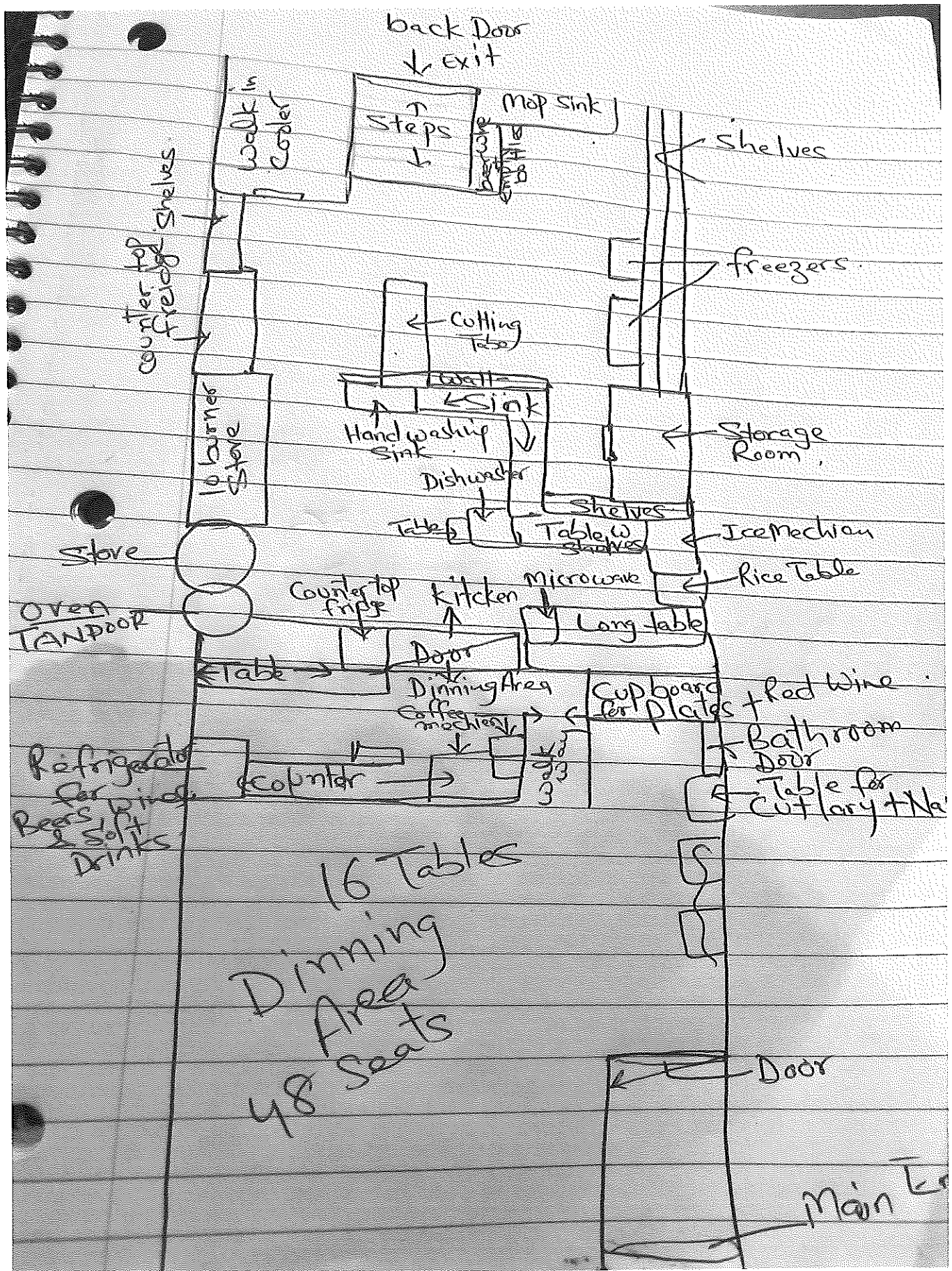
SHRIMP KORMA \$20
SHRIMP, CASHEWS, RAISINS, KORMA (CREAMY CURRY)

SHRIMP CURRY \$20
SHRIMP, CURRY SAUCE

SHRIMP MASALA \$20
SHRIMP, TOMATO SAUCE

SHRIMP SAAG \$20
SHRIMP, COOKED SPINACH

ALL DISHES ARE SERVED WITH BASMATI RICE & CHUTNEYS
SPICE LEVELS: MILD 1 - NORMAL 2 - MEDIUM 3 - HOT 4 - FIRE 5



Tandoor - 88 Exchange

Eric Nevins <erich@portlandmaine.gov>

Sat, Jun 10, 2023 at 1:09 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>

Yes, I approve.

On Fri, Jun 9, 2023 at 4:07 PM Zachary Lenhart <zlenhart@portlandmaine.gov> wrote:

[Quoted text hidden]

--

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

Tandoor - 88 Exchange

Zoning <zoning@portlandmaine.gov>

Tue, Jun 13, 2023 at 4:21 PM

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 <erich@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 Afternoon,

The legal use of the tenant space at 86 Exchange ST 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 June 26, 2023 at 5:00 P.M., virtually Shivababa Corp, dba Tandoor Indian Restaurant. Application for Class I FSE at 88 Exchange Street - Sponsored by Danielle P. West, City Manager

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



June 21, 2023

Shivababa Corp
88 Exchange Street
Portland, ME 04101

Re: Shivababa Corp, dba Tandoor Indian Restaurant. Application for Class I FSE at 88 Exchange Street

Dear Shivababa Corp:

This letter shall serve as a reminder of the public hearing before the Portland City Council on Monday June 26, 2023 at 5:00 p.m., for the review of application for Class I FSE at 88 Exchange 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 June 23, 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.

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 ☐ No ☐	

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

Legal Business Entity Applicant Name (corporation, LLC): <u>Shivababa Corp.</u>	Business Name (D/B/A): <u>Tandoor Indian Restaurant</u>
Individual or Sole Proprietor Applicant Name(s): <u>Prakash Gyanwali</u>	Physical Location: <u>88 Exchange St. Portland.</u>
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address:	Email Address: <u>GyanwaliP@gmail.com</u>
Telephone # Fax #:	Business Telephone # Fax #: <u>207-775-4259</u>
Federal Tax Identification Number: <u>92-3895262</u>	Maine Seller Certificate # or Sales Tax #:
Retail Beverage Alcohol Dealers Permit:	Website address:

1. New license or renewal of existing license? ☒ New Expected Start date: June-15-23
☐ Renewal Expiration Date: _____

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

Food: \$ 25000.00 Beer, Wine or Spirits: \$ 20000.00 Guest Rooms: X

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)

- | | | |
|--|--|---|
| ☒ Restaurant
(Class I, II, III, IV) | ☐ Class A Restaurant/Lounge
(Class XI) | ☐ Class A Lounge
(Class X) |
| ☐ Hotel
(Class I, II, III, IV) | ☐ Hotel – Food Optional
(Class I-A) | ☐ Bed & Breakfast
(Class V) |
| ☐ Golf Course (included optional licenses, please check if apply)
(Class I, II, III, IV) | ☐ Auxiliary | ☐ Mobile Cart |
| ☐ Tavern
(Class IV) | ☐ Other: _____ | |
| ☐ Qualified Caterer | ☐ 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:

88 Exchange St 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
Gyawali INC.		46 Maine St. Brunswick

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
Prakash Gyawali	09/12/71	NEPAL
Residence address on all the above for previous 5 years		
Name	Address:	
Prakash Gyawali	28 Robinson St. S. 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:

Rivendell Real Estate, LLC

45 Page Street Brunswick ME 04011

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)

Just in Dining Hall only

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: Portland High School

Distance: 0.25 MI

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: May - 16 - 23

[Signature]
Signature of Duly Authorized Person

Signature of Duly Authorized Person

Prakash Gyawali
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.

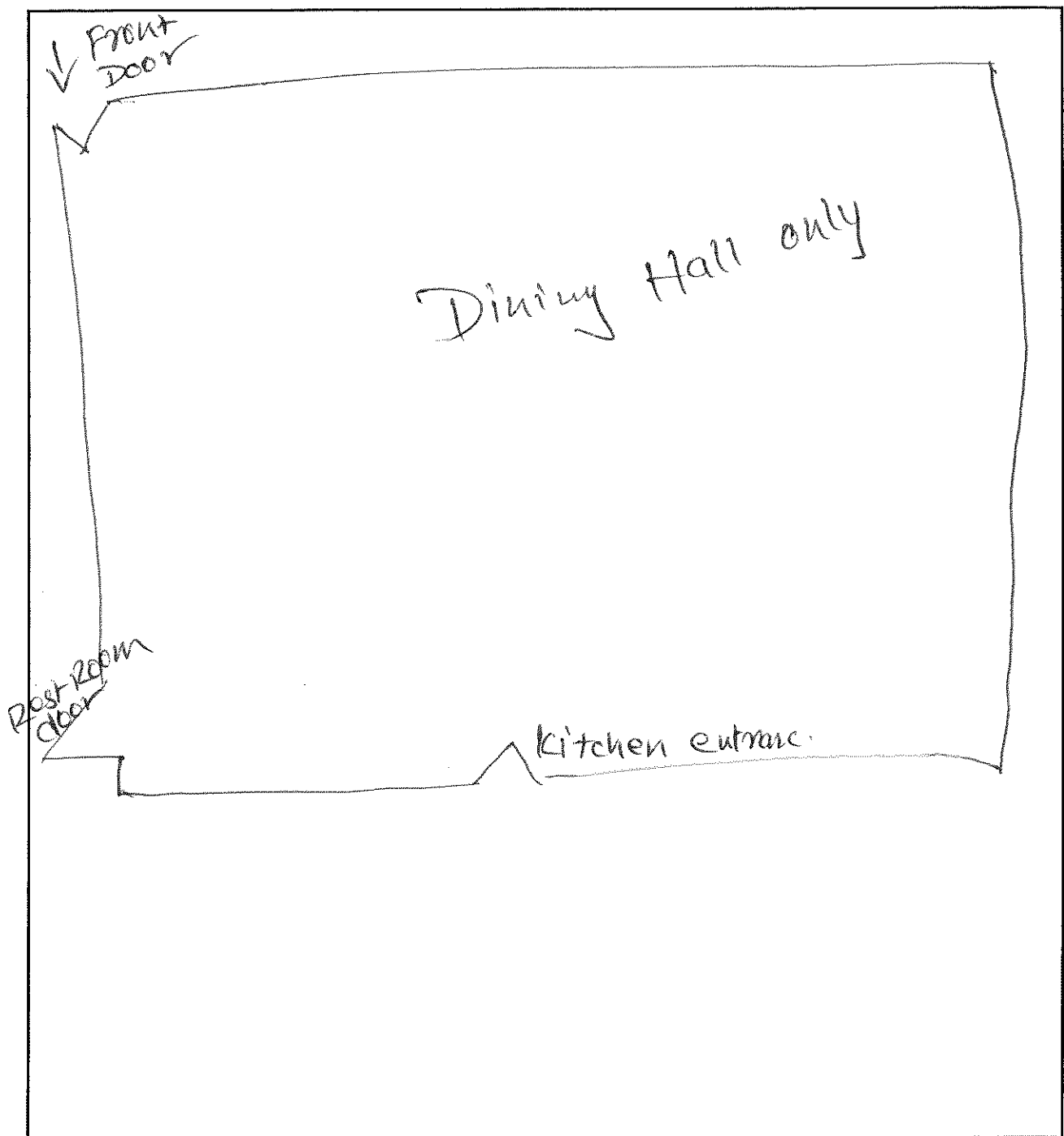
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together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

Class of License	Type of liquor/Establishments included	Fee
Class I	For the sale of liquor (malt liquor, wine and spirits) 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
Class I-A	For the sale of liquor (malt liquor, wine and spirits) This class includes only hotels that do not serve three meals a day.	\$1,100.00
Class II	For the Sale of Spirits Only 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
Class III	For the Sale of Wine Only 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
Class IV	For the Sale of Malt Liquor Only 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
Class III and IV	For the Sale of Malt Liquor and Wine Only 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
Class V	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Club without catering privileges.	\$ 495.00
Class X	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Class A Lounge	\$2,200.00
Class XI	For the sale of liquor (malt liquor, wine and spirits) 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.



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: Swivbaba Corp.
2. Doing Business As, if any: Tandoor Indian Restaurant
3. Date of filing with Secretary of State: 05/04/23 State in which you are formed: ME
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
Prakash Grewal	28 Robinson St South Portland ME 04106	09/12/71	President	100%

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

MEMORANDUM
City Council Agenda Item

FROM:

DATE: June 6, 2023

SUBJECT: Order 252-22/23 Granting Municipal Officers' Approval of Stars and Stripes Brewing LLC LLC, dba Stars and Stripes Brewing. Application for Class A Lounge at 3 Spring Street - Sponsored by Danielle P. West, 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 6/6/23. New City and State applications. Existing establishment upgrading from Class III & IV.

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. 2023.06.26_Stars and Stripes
2. Stars and Stripes_Council Packet_6-26

Prepared by:

Date: 06/06/2023

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:**

**Stars and Stripes Brewing LLC, dba Stars and Stripes Brewing. Application for Class A
Lounge at 3 Spring Street**



LETTER OF INTENT: City of Portland

Date: June 5, 2023

From: Bruce "Brad" Nadeau III, Owner
Stars & Stripes Brewing Company
23 Wilson Road, Cumberland Maine 04021

To: Major Kate Snyder, and Members of the City Council

Re: Letter of Intent for Liquor License Application for 3 Spring Street – for Spirits

This letter sets forth the desire for Stars & Stripes Brewing Company to be considered for a liquor license with the addition of spirits in addition to our craft beer and wine options, at 3 Spring Street. Stars & Stripes Brewing has been in business for 4+ years in Freeport and 1+ years in Portland. Our craft beer is brewed in Freeport and self-distributed to Portland's taproom. We offer our craft beer, wine, cider and a pub food menu. In addition, we are hoping to add a few cocktails to our menu, as requested by numerous patrons.

Stars & Stripes Brewing is dedicated to honoring those who put their lives at risk, and their country and community first. Our patrons enjoy that the value of their dollar goes directly to support our local veterans.

Thank you for your consideration!

Please find enclosed:

- State Application for Class A Lounge (Class X)
- Application for Brewer of Malt Liquors
- City Application for Food and Alcohol
- Premises Diagram
- Menu for Light Spirits
- Lease Agreement
- Certificate of Insurance
- Payment of Fees

Please reach out to me for any questions or thoughts,

Brad Nadeau

U.S. Marine Corps Sgt, 1999-2003, Veteran

207-274-3866
StarsStripesBrewing@gmail
StarsStripesBrewing.com



CITY OF PORTLAND

Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

Business Information			
Establishment Name (d/b/a):	Stars + Stripes Brewing	Phone:	
Location Address:	3 SPRING STREET	Zip:	04101
If new, what was formerly at this location:	Same owner		
Mailing Address:	23 WILSON RD.	Zip:	04021
Contact Person:	Bruce Nadeau	Phone:	
Contact Person Email:	StarsStripesBrewing@gmail		
Manager of Establishment:	Bruce Nadeau	Date of Birth:	11/28/80
Owner of Premises (Landlord):	Drew H & A Property Group LLC		
Address of Premises Owner (Landlord):	6 City Ctr, Ste 400, Portland, ME 04101		

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

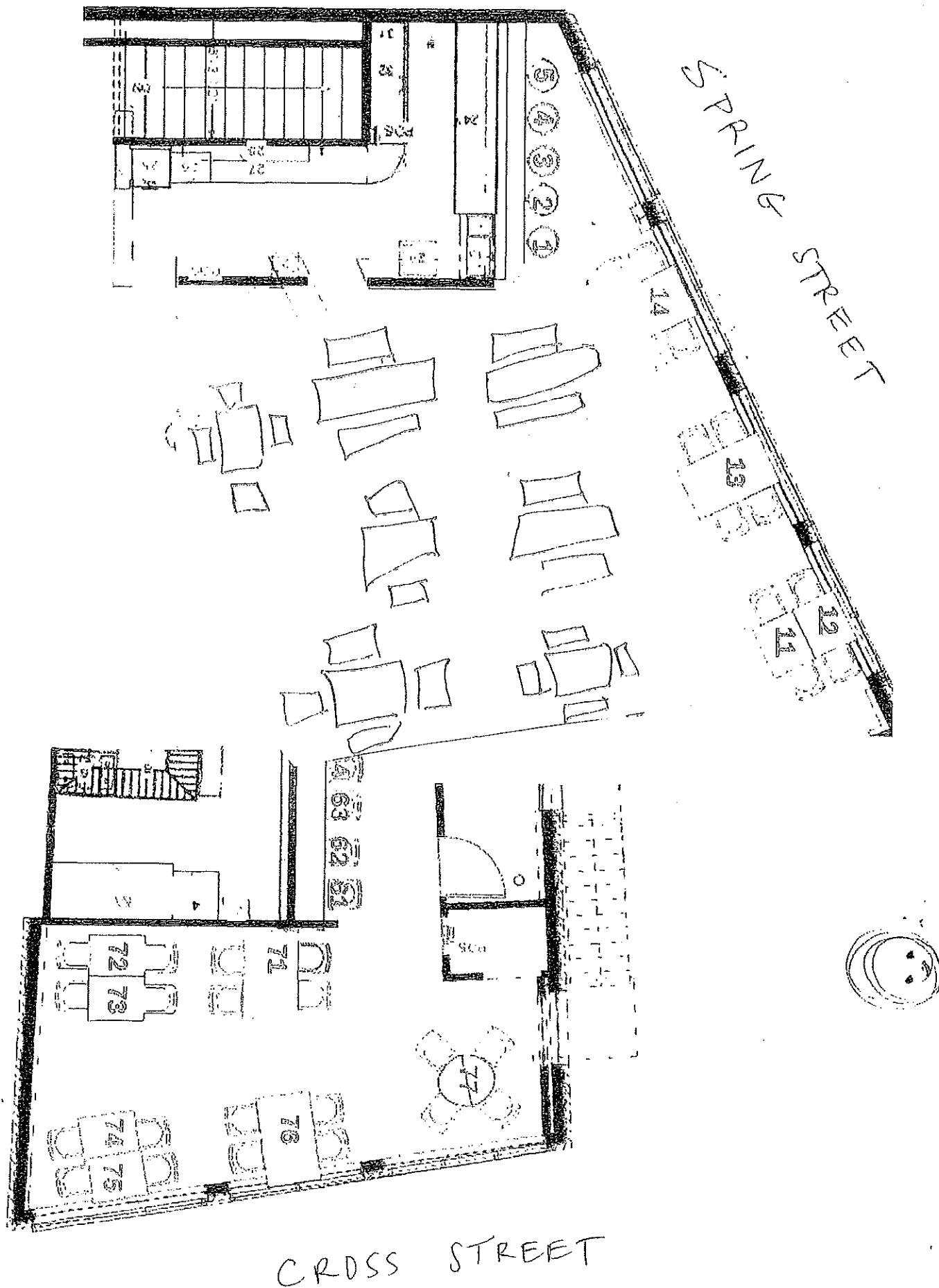
Name of Owner(s)	Date of Birth	Residence Address

Corporate Name	Corporate Mailing Address
Stars + Stripes Brewing LLC	23 Wilson Rd Cumberland ME Zip: 04021

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

Contact Person:	Bruce Nadeau		Phone:	*207 294 3866
Principal Officers	Title	Date of Birth	Residence Address	
Bruce Nadeau	Owner	11/28/80	23 Wilson Rd. Cumberland, ME 04021	

Class of Liquor License:	CLASS A Large
--------------------------	---------------





Cocktails - \$14

Margarita

Tequila, Triple Sec, Lime Juice, Salt Rim

Whiskey Sour

Jim Beam Bourbon, Lime Juice, Cherry

Vodka Soda

Grey Goose Vodka, Soda, Lime or Lemon

Moscow Mule

Grey Goose Vodka, Ginger Beer, Lime Juice

COPY



CITY OF PORTLAND
Permitting and Inspections Department

Application for an Entertainment License

☐ Indoor Entertainment \$500.00		☐ Outdoor Entertainment \$700.00		☒ Combined Entertainment \$800.00	
☒ Sound Mitigation Fee \$150.00					
Business Information					
Establishment Name (d/b/a):		STARS & STRIPES BREWING		Phone:	207-274-3864
Location Address:		3 SPRING STREET		Zip:	04101
Owner Name:		BRUCE NADDEAN		Phone:	207-274-3864
Owner Email:		StarsStripesBrewing@gmail.com			
Contact Person responsible for Entertainment:		Bruce Naddean		Phone:	" "
Contact Person Email:		"			
Manager of Establishment:		Leslie Osborne		Phone:	
Manager Email:		Leslie@StarsStripesBrewing.com			

About Your Establishment

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

Live music indoors + outdoors

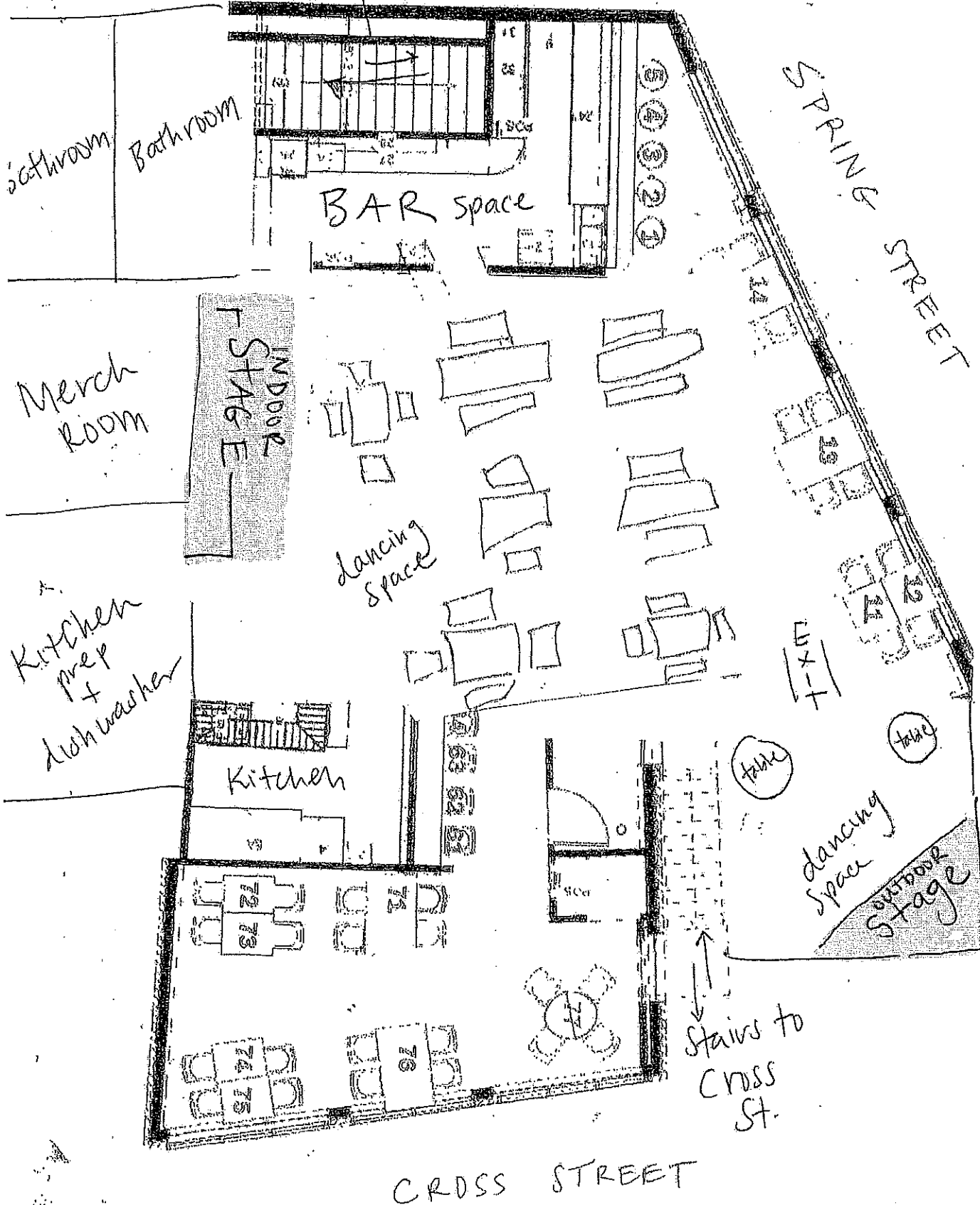
Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above license and further agrees that any misstatement of material fact may result in refusal of license or revocation, if one has been granted. Applicant agrees that all taxes and accounts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

Signature Bruce Naddean Title Owner Date 7/7/2022

For more information, refer to the City Code of Ordinance: Chapter 4 Amusements, at www.portlandmaine.gov

COPY

EXIT
to Spring St.



COPY



SOUND MITIGATION PLAN

City of Portland

3 Spring Street, Portland Maine 04101

Prepared by: Eric Mauriello, Professional Sound Engineer at EMB Productions

Details of Methods Used to Minimize the Impact on Entertainment on the Surrounding Uses:

- Live Music would take place in the timeframe of Noon-9PM on weekends, and during 5PM-9PM weekdays
- Musical acts would be mostly solo acts (guitar and vocals), with some duo/trio acts

Speaker Locations and Directions:

- Speakers will be face toward the building (outside), and speakers will face the bar area (inside)

Sound System Details and Controls:

- A Decibel Sound Level Meter will be onsite to monitor sound levels
- There will be no drum kits

Stage and Site Layout and Direction:

- Inside: Music to face the bar space, music in the direction of patrons
- Outside: Music to face the building, music in the direction of patrons

Noise Cancelling or Mitigation Measures Proposed / Anticipated Sound Readings / Onsite Monitor 250+:

- A Decibel Sound Level Meter will be onsite to monitor sound levels
- Indoors: 8 feet from any outer wall and outdoors: property line and closest residence are taken into consideration
- We will always be mindful of our surrounding neighbors, courteous, and respectful.

Please reach out with any questions.

Eric Mauriello, Sound Engineer, EMB Productions

Sound Engineer, Musician, EMB Productions

917-856-0769 | embnyc@live.com

COPY

City of Portland

Sound Mitigation Review

Date: 7/25/2022

Business Stars and Stripes brewing

Applicant Bruce Nadeam

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	Yes	
Additional sound absorbing features		
additional notes		
Approved	Yes	
DIRECT ALL INQUIRIES TO:		
Kevin Schneck		
(207) 756-8433		
kschneck@portlandmaine.gov		

Stars and Stripes - 3 Spring St

Eric Nevins <erickn@portlandmaine.gov>

Sat, Jun 10, 2023 at 1:34 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>

Approved

On Fri, Jun 9, 2023 at 3:54 PM Zachary Lenhart <zlenhart@portlandmaine.gov> wrote:

[Quoted text hidden]

--

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

Stars and Stripes - 3 Spring St

Zoning <zoning@portlandmaine.gov>

Tue, Jun 13, 2023 at 4:06 PM

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 <ericn@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 Afternoon,

The legal unit for 3 Spring St (1st floor facing Spring ST) 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 June 26, 2023 at 5:00 P.M., virtually Stars and Stripes Brewing LLC LLC, dba Stars and Stripes Brewing. Application for Class A Lounge at 3 Spring Street - Sponsored by Danielle P. West, City Manager

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



June 21, 2023

Stars and Stripes Brewing LLC
3 Spring Street
Portland, ME 04101

Re: Stars and Stripes Brewing LLC, dba Stars and Stripes Brewing. Application for Class A Lounge at 3 Spring Street

Dear Stars and Stripes Brewing LLC:

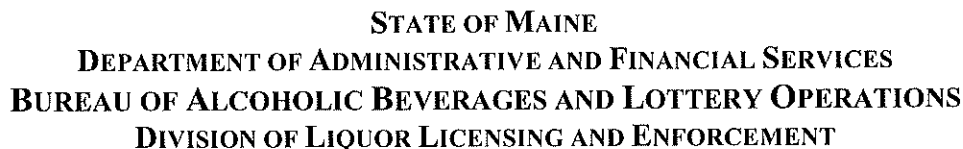
This letter shall serve as a reminder of the public hearing before the Portland City Council on Monday June 26, 2023 at 5:00 p.m., for the review of application for Class A Lounge at 3 Spring Street. The meeting will take place in person and virtually. The link can be found on the Meeting Agenda which will be posted on the City Website on June 23, 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.

Sincerely,

Zachary J. Lenhart
Licensing and Housing Safety Manager



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 ☐ No ☐	

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

Legal Business Entity Applicant Name (corporation, LLC): <i>Stars & Stripes Brewing Company</i>	Business Name (D/B/A):
Individual or Sole Proprietor Applicant Name(s): <i>Bruce M. Nadreau III</i>	Physical Location: <i>3 Spring Street, Portland</i>
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different: <i>23 Wilson Rd. Cumberland, ME 04027</i>
Mailing address, if different from DBA address:	Email Address: <i>StarsStripesBrewing@gmail.</i>
Telephone # Fax #: <i>207-274-3864</i>	Business Telephone # Fax #:
Federal Tax Identification Number: <i>82-274-2365999</i>	Maine Seller Certificate # or Sales Tax #: <i>1191167</i>
Retail Beverage Alcohol Dealers Permit:	Website address: <i>StarsStripesBrewing.com</i>

1. New license or renewal of existing license? ☒ New Expected Start date: 8/1/2023
☐ Renewal Expiration Date: _____
2. The dollar amount of gross income for the licensure period that will end on the expiration date above:
Food: 130,000 Beer, Wine or Spirits: 150,000 Guest Rooms: 0
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)

- | | | |
|--|--|---|
| ☐ Restaurant
(Class I, II, III, IV) | ☐ Class A Restaurant/Lounge
(Class XI) | ☒ Class A Lounge
(Class X) |
| ☐ Hotel
(Class I, II, III, IV) | ☐ Hotel – Food Optional
(Class I-A) | ☐ Bed & Breakfast
(Class V) |
| ☐ Golf Course (included optional licenses, please check if apply)
(Class I, II, III, IV) | ☐ Auxiliary | ☐ Mobile Cart |
| ☐ Tavern
(Class IV) | ☐ Other: _____ | |
| ☐ Qualified Caterer | ☐ 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:

23 Wilson Rd. Cumberland, ME 04021

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
Stars & Stripes Brewing, LLC	SMB-2018-11274R	8 Varney Rd. Freeport, ME 04032

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
Bruce Nadeau III	11/28/80	Portland, ME

Residence address on all the above for previous 5 years

Name	Address:
Bruce Nadeau	23 Wilson Rd. Cumberland, ME
Name	Address:
	04021
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:

Drew Swenson, 6 City Center, 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: ND

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)

We will have a limited selection of
cocktails to offer non-beer drinkers.

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: Church

Distance: 1/8 mile

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: 6-6-23

* [Signature]

Signature of Duly Authorized Person

Signature of Duly Authorized Person

* Bruce Nadeau

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.

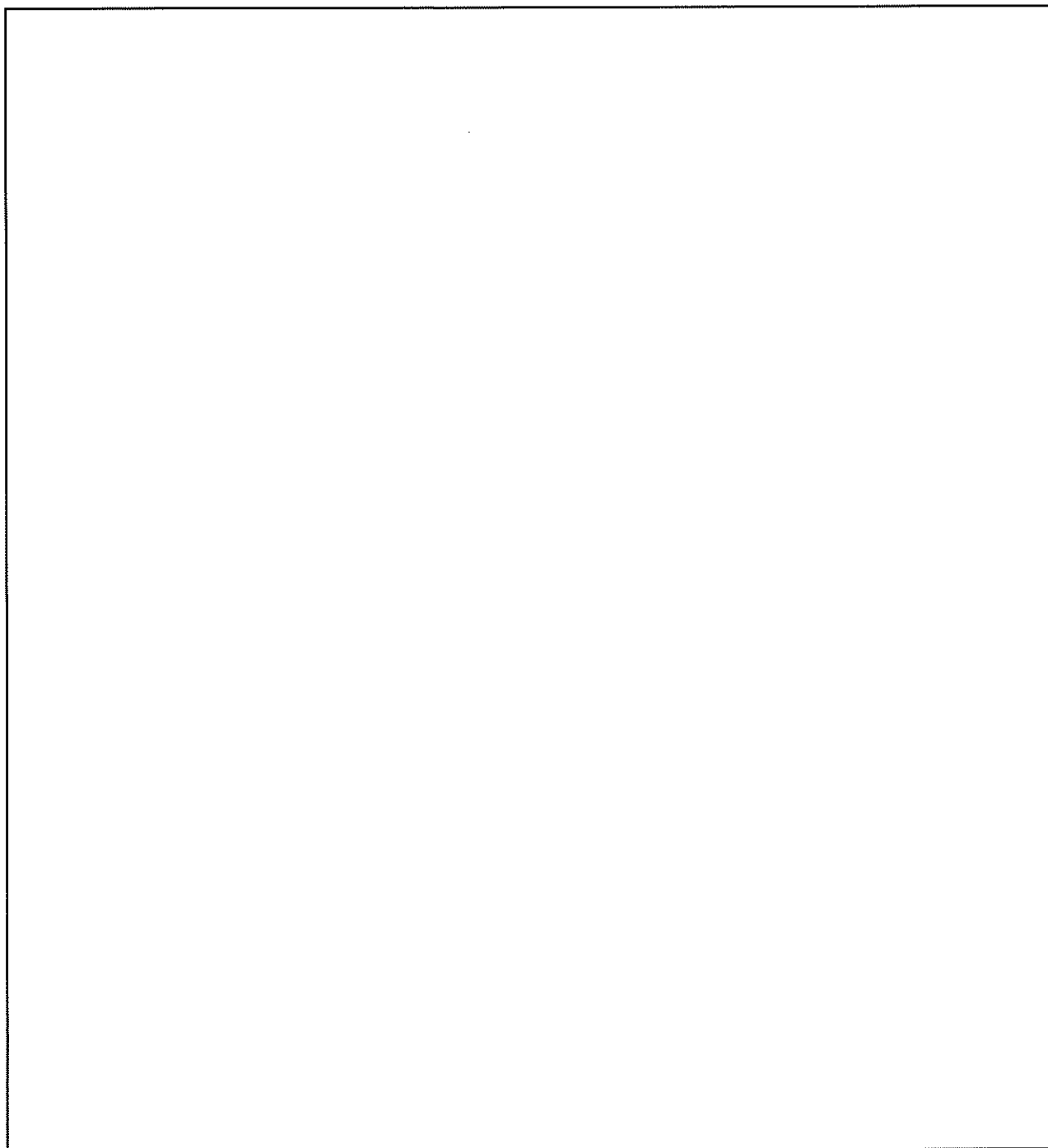
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together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

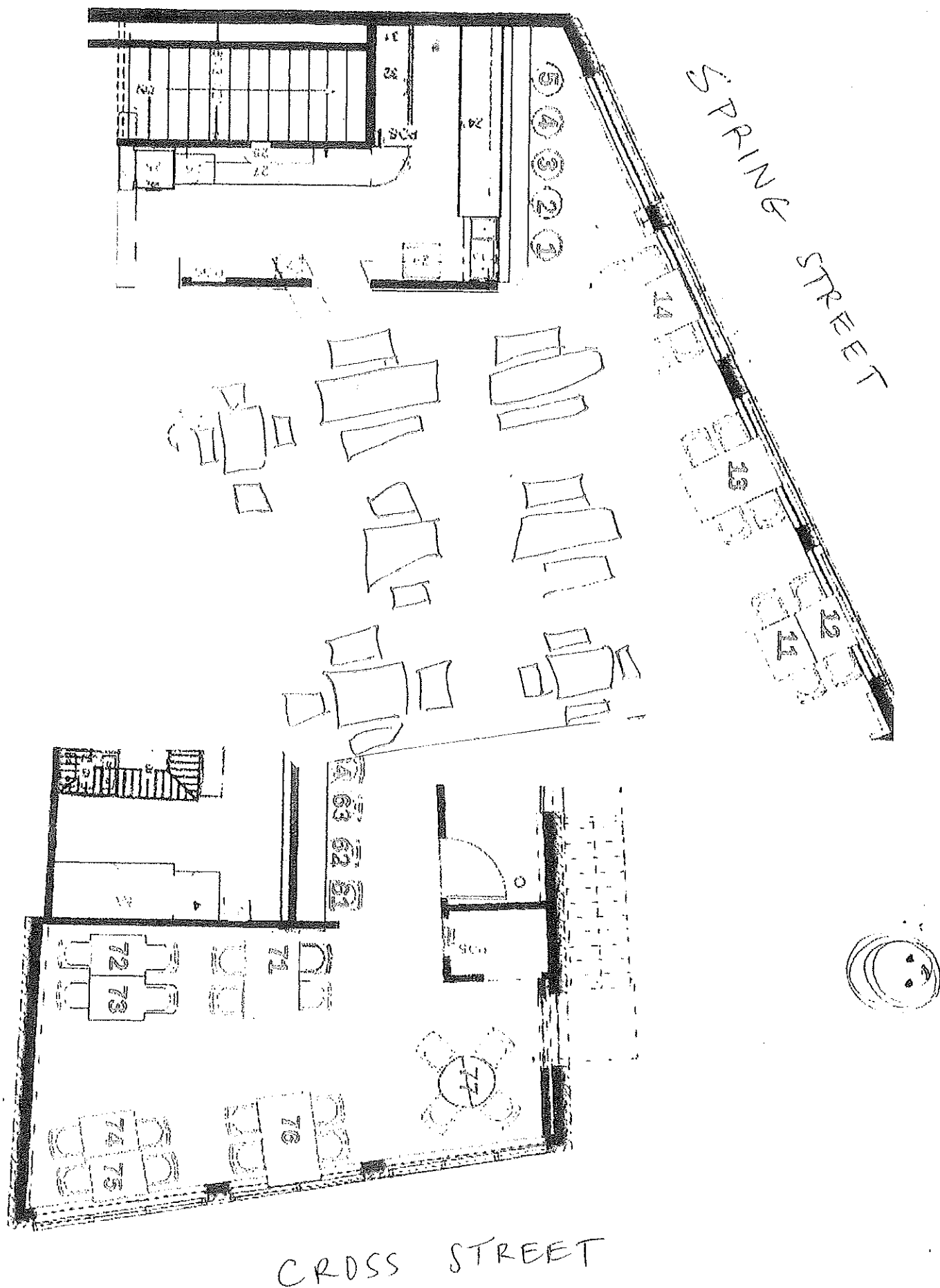
Class of License	Type of liquor/Establishments included	Fee
Class I	For the sale of liquor (malt liquor, wine and spirits) This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis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





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: Stars & Stripes Brewing Company
2. Doing Business As, if any: _____
3. Date of filing with Secretary of State: 7/21/2017 State in which you are formed: ME
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
Bruce Nadeau	23 Wilson Rd. Cumberland, ME 04021	11/28/80	Owner	100%

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

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 FISCAL YEAR 2024 ADMINISTRATIVE FEES
FOR CITY PARKING GARAGES AND THE PARKS, RECREATION, AND
FACILITIES DEPARTMENT**

ORDERED, that the monthly parking garage fee increase for city-owned Elm and Spring Street Garages, as shown in the schedule attached hereto as Exhibit A from the Parking Division, is hereby approved; and

BE IT FURTHER ORDERED, that various recreation fees, as shown in the schedule attached hereto from the Parks, Recreation & Facilities Department as Exhibit B, are hereby approved; and

BE IT FURTHER ORDERED, that these fees shall be effective on July 1, 2023.

**FY24 REVENUE FEE SCHEDULE CHANGE
GARAGES
MONTHLY PARKING**

Department: Parking

*Administrative Fee

Account #	Revenue Description	FY24	
		Current Fee	Proposed Fee
100-18-200-364020	Garages, Lots, Meters Elm St. Monthly Parking	\$140.00 / mo	\$150.00 / mo
100-18-300-364020	Garages, Lots, Meters Spring St. Monthly Parking	\$140.00 / mo	\$150.00 / mo

Last Revision:

FY23 Administrative Fee:
CO #245-21/22

Updated: 03/17/23

Parks, Recreation and Facilities Management

Ethan Hipple

Director

Amber Brooks

Principal Financial Officer

1/30/2023



To: Brendan O'Connell, Finance Director
Anne Bilodeau, Deputy Finance Director
Jennifer Lodge, Budget Analyst
Ethan Hipple, Director of Parks, Recreation & Facilities
From: Amber Brooks, Principal Financial Officer
Date: 1/30/2023
Re: FY24 Recreation Fee Changes

The Recreation Division is proposing to increase select fees as of July 1, 2023 to keep up with increasing operating, staffing, and supply costs. This division runs multiple sites for Before & After care, four community centers, multiple summer camps and various recreational activities throughout the year.

In FY24 we are proposing to increase the daily fee for After Care by \$2 or \$10 per week and select Community Center fees. These increases will keep us in line with market rates and will also cover some of the additional costs of the programs caused by inflation.

Select fees were last increased in FY23 to help offset the cost of wage increases that were necessary due to a shortage of employees to run the Before and After Care sites. We operate a significant fee-waiver program for those who are not able to pay the full rate.

Fee Description	Current FY23 Fees	Proposed FY24 Fees
After School Program, Per Week (East End, Longfellow, Ocean Ave & Talbot)	\$103	\$113
After School Program, Per Week (Lyseth, Prosempscot, Reiche & Rowe)	\$66	\$76
Community Center Fees - East End & Riverton Adult	\$85	\$125

Non-Resident Per Hour		
Community Center Fees - East End & Riverton Youth Per Hour	\$25	\$30
Community Center Fees - Reiche Adult Non-Resident Per Hour	\$85	\$125
Community Center Fees - Reiche Youth Per Hour	\$25	\$30
Community Center Fees - Adult Drop-In Fees - Resident	\$4	\$5
Community Center Fees - Adult Drop-In Fees - Non-Resident	\$5	\$10
Community Center Fees - East End & Riverton Non-Portland Non-Profit Per Hour	\$50	\$75
Community Center Fees - Reiche Non-Portland Non-Profit Per Hour	\$50	\$75
Community Center Fees - For Profit Adult Leagues Long Term Rentals	\$45	\$55
Community Center Fees - Small Recreation Community Center Room Per Hour	\$30	\$35

Amber Brooks
Principal Financial Officer
Parks, Recreation & Facilities

FY24 Revenue Fee Schedule Change
 Department: Parks, Recreation & Facilities Division: Recreation
 Fee Schedule Change is Administrative

Effective: 7/1/2023

<u>Account Number</u>	<u>Revenue Description</u>	<u>Current Rates</u>	<u>FY24 Proposed Rates</u>
Camp Fees			
10033302 347100	Camp Play All Day (K - 1st Grade) Per Week	\$225	\$225
10033302 347100	Camp Xperience (2nd - 5th Grade) Per Week	\$225	\$225
10033302 347100	Camp Cast Away (6th - 8th Grade) Per 3 Day Week	\$215	N/A
Before & After The Bell Program Fees			
10033302 347200	After School Program, Per Week (East End, Longfellow, Ocean Ave & Talbot)	\$103	\$113
10033302 347200	After School Program, Per Week (Lyseth, Prosempscot Reiche & Rowe)	\$66	\$76
10033302 347200	Before School Program, Per Week (Lyseth, Presumpscot, Reiche & Rowe)	\$35	\$35
Community Center Fees			
Community Center Gyms (For Profit)			
10033302 363000	East End & Riverton Adult Resident Per Hour	\$80	\$80
10033302 363000	East End & Riverton Adult Non Resident Per Hour	\$85	\$125
10033302 363000	East End & Riverton Youth Per Hour	\$25	\$30
10033302 363000	Reiche Adult Resident Per Hour	\$80	\$80
10033302 363000	Reiche Adult Non-Resident Per Hour	\$85	\$125
10033302 363000	Reiche Youth Per Hour	\$25	\$30
10033302 363000	Adult Drop-In Fees Resident	\$4	\$5
10033302 363000	Adult Drop-In Fees Non Resident	\$5	\$10
Community Center Fees			
Community Center Gyms (All Other)			
10033302 363000	East End & Riverton Portland Non-Profit Per Hour	\$50	\$50
10033302 363000	East End & Riverton Non Portland Non-Profit Per Hour	\$50	\$75
10033302 363000	Reiche Portland Non-Profit Per Hour	\$50	\$50
10033302 363000	Reiche Non Portland Non-Profit Per Hour	\$50	\$75
10033302 363000	For Profit Adult Leagues Long Term	\$45	\$55
Community Center Fees			
Community Center Room Rental			
10033302 363000	Large Recreation Community Center Room Per Hour	\$50	\$50
10033302 363000	Small Recreation Community Center Room Per Hour	\$30	\$35
10033302 363000	Recreational Staff Fees if Needed Hourly Rate	\$25	\$25
10033302 363000	School Custodial Fees if Needed Hourly Rate	\$81	\$81
	***Three Hour Minimum		

Parks, Recreation and Facilities Management

Ethan Hipple

Director

Amber Brooks

Principal Financial Officer

1/31/2023



To: Brendan O'Connell, Finance Director
Anne Bilodeau, Deputy Finance Director
Jennifer Lodge, Budget Analyst
Ethan Hipple, Director of Parks, Recreation & Facilities
From: Amber Brooks, Principal Financial Officer
Date: 1/31/2023
Re: FY24 Aquatics Fee Changes

The Aquatics Division is proposing to increase select fees as of July 1, 2023 to keep up with operating costs of running three pools. The cost of pool chemicals, general maintenance, repairs to aging mechanical units and staff wages have increased greatly over the past 2 years so these fee increases are set to reflect those changes. Since the swimming lesson market is very competitive, some of the fees could not be raised without pricing ourselves out of the market.

We are proposing to increase fees for select swimming lessons, punch cards, and hourly rentals in FY24. As the pools within the City of Portland continue to age, we are seeing more frequent mechanical breakdowns. These increases will help offset some of those costs as well as provide some additional revenue to cover increased wages and supply costs. Please see attached fee schedule for details.

Fees were last increased in FY23 for our lifeguard courses and pool rentals.

Amber Brooks
Principal Financial Officer
Parks, Recreation & Facilities

FY24 Revenue Fee Schedule Change
 Department: Parks, Recreation & Facilities Division: Aquatics
 Fee Schedule Change is Administrative

Effective: 7/1/2023

<u>Account Number</u>	<u>Revenue Description</u>	<u>Current Rates</u>	<u>FY24 Proposed Rates</u>
Swimming			
10033303 347080	Child - Resident	\$1.00	\$2.00
10033303 347080	Child - Non Resident	\$2.00	\$5.00
10033303 347080	Teen - Resident	\$1.00	\$2.00
10033303 347080	Teen - Non Resident	\$2.00	\$5.00
Swimming Kiwanis Pool			
10033303 347080	Adult - Resident	\$5.50	\$5.50
10033303 347080	Adult - Non Resident	\$6.00	\$6.00
Swimming Reiche & Riverton Pools			
10033303 347080	Adult - Resident	\$5.00	\$5.50
10033303 347080	Adult - Non Resident	\$5.50	\$6.50
10033303 347080	Senior - Resident (62 & Older)	\$3.50	\$4.00
10033303 347080	Senior - Non Resident (62 & Older)	\$4.00	\$5.00
10033303 347080	Masters - Resident	\$6.75	\$7.00
10033303 347080	Master - Non Resident	\$7.25	\$8.00
Swimming Punch Cards			
10033303 347080	Adult - Resident - 12 Punch Pass	\$60.00	\$65.00
10033303 347080	Adult - Non Resident - 12 Punch Pass	\$66.00	\$80.00
10033303 347080	Adult - Resident - 20 Punch Pass	\$100.00	\$110.00
10033303 347080	Adult - Non Resident - 20 Punch Pass	\$110.00	\$125.00
10033303 347080	Adult - Resident - 40 Punch Pass	\$200.00	\$210.00
10033303 347080	Adult - Non Resident - 40 Punch Pass	\$220.00	\$245.00
10033303 347080	Kiwanis - Adult - Resident - 12 Punch Pass	\$66.00	\$66.00
10033303 347080	Kiwanis - Adult - Non Resident - 12 Punch Pass	\$72.00	\$72.00
10033303 347080	Kiwanis - Adult - Resident - 20 Punch Pass	\$110.00	\$110.00
10033303 347080	Kiwanis - Adult - Non Resident - 20 Punch Pass	\$120.00	\$120.00
10033303 347080	Kiwanis - Adult - Resident - 40 Punch Pass	\$220.00	\$220.00
10033303 347080	Kiwanis - Adult - Non Resident - 40 Punch Pass	\$240.00	\$240.00
10033303 347080	Senior Adult - Resident - 12 Punch Pass (62 & Older)	\$42.00	\$42.00
10033303 347080	Senior Adult - Non Resident - 12 Punch Pass (62 & Older)	\$48.00	\$48.00
10033303 347080	Senior Adult - Resident - 20 Punch Pass (62 & Older)	\$70.00	\$70.00
10033303 347080	Senior Adult - Non Resident - 20 Punch Pass (62 & Older)	\$80.00	\$80.00
10033303 347080	Senior Adult - Resident - 40 Punch Pass (62 & Older)	\$140.00	\$140.00
10033303 347080	Senior Adult - Non Resident - 40 Punch Pass (62 & Older)	\$160.00	\$160.00
10033303 347080	Senior Adult - Resident - 6 Month Pass (62 & Older)	\$160.00	\$160.00
10033303 347080	Senior Adult - Resident - Yearly Pass (62 & Older)	\$280.00	\$280.00
10033303 347080	Adult Aerobics - Resident - 12 Punch Pass	\$66.00	\$70.00
10033303 347080	Adult Aerobics - Non Resident - 12 Punch Pass	\$72.00	\$75.00
10033303 347080	Adult Aerobics - Resident - 20 Punch Pass	\$110.00	\$115.00
10033303 347080	Adult Aerobics - Non Resident - 20 Punch Pass	\$120.00	\$130.00
10033303 347080	Senior Aerobics - Resident - 12 Punch Pass (62 & Older)	\$48.00	\$48.00
10033303 347080	Senior Aerobics - Non Resident - 12 Punch Pass (62 & Older)	\$57.00	\$57.00
10033303 347080	Senior Aerobics - Resident - 20 Punch Pass (62 & Older)	\$80.00	\$80.00
10033303 347080	Senior Aerobics - Non Resident - 20 Punch Pass (62 & Older)	\$95.00	\$95.00
10033303 347080	Masters - Resident - 10 Punch Pass	\$67.50	\$70.00
10033303 347080	Masters - Non Resident - 10 Punch Pass	\$72.50	\$80.00
Swimming Swimming Instruction			
10033303 347080	Infant/Toddler/Preschool - Resident	\$8.00	\$8.25
10033303 347080	Infant/Toddler/Preschool - Non Resident	\$8.50	\$8.76
10033303 347080	Level 1 - Level 3 - Resident	\$8.75	\$9.00
10033303 347080	Level 1 - Level 3 - Non Resident	\$9.25	\$10.00
10033303 347080	Level 4 - Level 6 - Resident	\$9.00	\$9.25
10033303 347080	Level 4 - Level 6 - Non Resident	\$9.50	\$10.25
10033303 347080	Adult Aerobics - Daily - Resident	\$5.50	\$5.75
10033303 347080	Adult Aerobics - Daily - Non Resident	\$6.00	\$6.50
10033303 347080	Senior Adult Aerobics - Daily - Resident (62 & Older)	\$4.00	\$4.00
10033303 347080	Senior Adult Aerobics - Daily - Non Resident (62 & Older)	\$4.75	\$5.00
Swimming			
10033303 347080	Water Safety Instruction Course - Resident	\$302.00	\$302.00
10033303 347080	Water Safety Instruction Course - Non Resident	\$302.00	\$302.00
10033303 347080	Private Lessons - 1/2 Hour - Resident	\$30.00	\$30.00
10033303 347080	Private Lessons - 1/2 Hour - Non Resident	\$35.00	\$35.00

FY24 Revenue Fee Schedule Change
 Department: Parks, Recreation & Facilities Division: Aquatics
 Fee Schedule Change is Administrative

Effective: 7/1/2023

<u>Account Number</u>	<u>Revenue Description</u>	<u>Current Rates</u>	<u>FY24 Proposed Rates</u>
10033303 347080	Semi - Private Lessons - 1/2 Hour - Resident	\$45.00	\$45.00
10033303 347080	Semi - Private Lessons - 1/2 Hour - Non Resident	\$50.00	\$50.00
10033303 347080	Private Lessons - 1 Hour - Resident	\$50.00	\$50.00
10033303 347080	Private Lessons - 1 Hour - Non Resident	\$60.00	\$60.00
10033303 347080	Semi - Private Lessons - 1 Hour - Resident	\$70.00	\$70.00
10033303 347080	Semi - Private Lessons - 1 Hour - Non Resident	\$85.00	\$85.00
10033303 347080	Lifeguard Course - Resident	\$260.00	\$260.00
10033303 347080	Lifeguard Course - Non Resident	\$275.00	\$275.00
Swimming	Pool Rentals		
10033303 347080	Pool Rental - Portland Porpoise - Per Hour	\$40.00	\$60.00
10033303 347080	Pool Rental - Portland Porpoise - Guard Per Hour	\$45.00	\$65.00
10033303 347080	Pool Rental (One Guard) - Resident, Per Hour/Additional Guard \$25 Per Hour	\$90.00	\$90.00
10033303 347080	Pool Rental (One Guard) - Non Resident, Per Hour/Additional Guard \$25 Per Hour	\$115.00	\$115.00
10033303 347080	Pool Rental (Two Guards)- Resident, Per Hour/Additional Guard \$25 Per Hour	\$105.00	\$105.00
10033303 347080	Pool Rental (Two Guards) - Non Resident, Per Hour/Additional Guard \$25 Per Hour	\$125.00	\$125.00

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)
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REGINA L. PHILLIPS (3)
ANDREW ZARRO (4)
MARK DION (5)

**ORDER AUTHORIZING THE CITY MANAGER TO ENTER INTO CERTAIN
AGREEMENTS TO IMPLEMENT THE FISCAL YEAR 2024 HUMAN RESOURCES
AND CERTAIN FRINGE BENEFITS BUDGETS**

WHEREAS, each year, the City of Portland enters into agreements to obtain services that the Human Resources Department requires to administer various City programs and benefits, which benefits and programs are provided for in the City budget; and

WHEREAS, the Human Resources administrative budget includes funds for services such as professional coaching and training; physical fitness testing and written examinations as required by the Employment Subcommittee of the Civil Service Commission; and similar professional services; and

WHEREAS, the Human Resources benefit budget includes contracted services for claims administration for its health plan, administration of other benefits, administration of the City's wellness program, benefits brokerage and consulting services, and similar services necessary to administer the City's health and benefits programs; and

WHEREAS, the Human Resources workers' compensation budget includes contracted services for claims administration, drug and alcohol testing, safety related consulting services, and similar services necessary to implement the City's workers' compensation, drug testing, and safety programs;

NOW, THEREFORE, BE IT ORDERED, that the City Manager is hereby authorized to enter into such agreements as necessary to implement the programs provided for the Human Resources budgets.

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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MARK DION (5)

**ORDER APPROVING THE FISCAL YEAR 2024
SELF-INSURED LIABILITY PROGRAM**

ORDERED, that pursuant to Article VII, Sec. 15 of the Portland City Charter there is hereby established a Cumulative Reserve Fund for the purpose of enabling the City to pay losses under its self-insurance program or incurred under any deductible insurance policies, which fund shall continue from year to year and shall not lapse as provided in Article VII, Sec. 7 of the Charter; and

BE IT FURTHER ORDERED, that pursuant to 14 M.R.S. Sec. 8116, the City Council of the City of Portland hereby states that the City of Portland has self-insured (to the extent set forth herein) against the obligations and liabilities imposed by the Maine Tort Claims Act (hereinafter the "Act"):

1. The Council has, and may from time to time, set aside funds in an account identified as "Liability" to be added to funds previously appropriated and held in reserve, all of which funds have been designed to enable the City to meet the obligations imposed by the Act; and to implement its self-insurance program, including but not limited to, the costs of administration of the program, investigation of claims, and of defense of claims against the City, its officers and employees;
2. The limit of liability assumed by the City is the \$400,000 required by the Act, as it may be amended from time to time, notwithstanding the fact that its appropriation or reserve may exceed the statutory limit of liability;
3. The scope of coverage is limited to those areas for which governmental immunity has been expressly waived by 14 M.R.S.A. Sec. 8104-A, as limited by 14 M.R.S.A. Sec. 8104-B, and 14 M.R.S.A. Sec. 8111. Liability coverage shall not be deemed a waiver of any immunities or limitation of damages available under the Maine Tort Claims Act, other Maine statutory law, judicial precedent, or common law; and
4. The fund shall be administered by the City Manager and Corporation Counsel who shall settle all claims and pay all judgments for which the City may be legally liable under the Act or under the law of any jurisdiction to which the City, its officers or employees may be subject.

City of Portland | Office of Corporation Counsel
Michael Goldman, Acting Corporation Counsel



To: Danielle P. West, Interim City Manager
From: Michael Goldman, Acting Corporation Counsel
Date: May 4, 2023
Re: Re: Self-Insured Liability Program

MG

STATEMENT OF FACT:

This proposed Order outlines the City's Self-Insurance Liability Program and clearly indicates that the City's limit of liability is that imposed by the Maine Tort Claims Act, notwithstanding the fact that the annual appropriation or the cumulative reserve may exceed \$400,000. The Office of Corporation Counsel strongly recommends Council adoption of this Order. This item should be given a first reading on May 15, 2023 and then postponed to the June 5, 2023 meeting along with other budget related items.

cc: Nancy English, Paralegal / Legal Assistant
Jennifer Lodge, Budget Analyst

MIG: jlr 05/04/23

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

CITY OF PORTLAND
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MARK DION (5)

**ORDER AUTHORIZING THE DIRECTOR OF PARKS,
RECREATION AND FACILITIES TO SET FEES AND ENTER RENTAL
AGREEMENTS FOR CITY FACILITIES**

ORDERED, that the Director of Parks, Recreation and Facilities or their designee is hereby authorized to set fees, enter and sign rental lease agreements or contracts for City facilities.

CITY OF PORTLAND, MAINE

MEMORANDUM

City Council Agenda Item

TO: Danielle P. West, Interim City Manager

FROM: Ethan Hipple, Deputy Director of Parks Recreation & Facilities

DATE: May 4, 2023

RE: **Order Authorizing the Director of Parks, Recreation and Facilities to Set Fees and Enter into Rental Agreements for City Facilities**

Staff has historically set fees and signed rental agreements for City facilities such as Merrill Auditorium, the Portland Exposition Building, and Ocean Gateway. These facilities host 100s of events on an annual basis and while many events are similar in nature, all are also somewhat unique and require different staffing levels and services, and are therefore priced accordingly. The City's legal department has created a standard rental agreement. Any changes to the terms of standard agreement, other than pricing are reviewed by legal prior to being changed. This order would authorize the Director or her/his designee to continue to sign such agreements and reaffirm this long-standing practice.

Also these venues and others, such as the Riverside Golf Course, Cemeteries and the Trough Ice Arena, are run in a business-like manner and need the flexibility to be able to offer specials and adjust pricing based on market conditions. This order will further reaffirm the practice of these fees being set administratively.

 5/8/23

cc: Nancy English, Paralegal / Legal Assistant
Jennifer Lodge, Budget Analyst

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

CITY OF PORTLAND
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MARK DION (5)

**ORDER AUTHORIZING THE CITY MANAGER
TO ENTER INTO CERTAIN AGREEMENTS TO IMPLEMENT
FISCAL YEAR 2024 HEALTH & HUMAN SERVICES BUDGET**

ORDERED, that the City Manager or designee be and hereby is authorized to enter into:

1. Standard agreements and amendments to standard agreements with other governmental agencies for Fiscal Year 2024 to implement the Health & Human Services operating budget; and
2. Agreements with providers of services and lessors of property to provide services for Health & Human Services programs.

City of Portland, Maine

Memorandum

To: Danielle P. West, Interim City Manager
From: Brendan O'Connell, Finance Director
Date: 05/04/23
Re: FY24 Budget Council Order – HHS Agreements

Each year the City of Portland enters into agreements and amendments to those agreements, to receive reimbursement for services provided by the Health and Human Services department.

In addition, the City enters into agreements with service providers and landlords to provide services for department programs.

I have asked Corporation Counsel to prepare the necessary order for inclusion on the May 15, 2023 agenda.

To: Members of the Portland City Council

From: Dr. Heidi Wierman, MD

Re: Funding for the Barron Center

Date: 5/15/2023

My name is Dr. Heidi Wierman, and I am a geriatrician at Maine Medical Center as well as a resident of the city of Portland. I would like first to take this opportunity to thank you for your leadership and your continued support for Portland's various social service programs and continuing to support initiatives that help vulnerable people in our City and state. Portland is experiencing a number of crises, from housing, to social services and homelessness, to the opioid epidemic that is ravaging so many people. I do not envy your jobs.

In my role at Maine Medical Center, I spend a great deal of time working with patients and their families to identify those options that will allow patients to lead their best quality lives. For patients who can no longer live safely on their own, that can mean a referral to a nursing home.

As you may know, the Barron Center has been operating at just 40% capacity for over a year. The Barron Center has 219 licensed beds and, as of February 15, just 89 patients. There are currently completely empty units and floors in this long term care facility.

We are unclear about the reasons for this situation but when representatives from MaineHealth met with staff last year, they were told that a deliberate decision had been made not to hire contract staff to support access to care. What I do know is that the decision not to accept new patients and maintain a reduced census has significant consequences to the individuals who need nursing levels of care and are now stuck in the most restrictive settings – hospitals – because there is insufficient access to nursing facilities. On May 10, that represented 28 patients at Maine Medical Center alone.

This lack of access also impacts residents of Portland who may need to transition to a nursing home for a variety of reasons. In my role on inpatient consults and at our outpatient geriatrics center, I see individuals who have family caregivers that are no longer able to provide the needed level of support due to their own health, death, or need to support their family by working multiple jobs. Our care teams work diligently to try to assist with patients being able to transition to nursing homes but reduced number of staffed beds has led to crisis, then hospitalization for some. The Barron Center has been a well-respected and convenient option for residents of Portland to still be close to their families and supports even as they require a level of care that can no longer be supported at home.

In fact, due to the lack of long term nursing home beds, Maine Medical Center has been forced to set up a “Transitions of Care” unit that cohorts patients awaiting a nursing home bed and provides them with a few of the activities, such as rehabilitation, so they do not decompensate while stuck in the wrong setting of care. But living in the hospital is not a good quality of life. Nursing Homes, like the Barron Center, provide a much needed community for individuals requiring significant physical assistance to live.

I am testifying today to ask that City Council allocate sufficient funding for the Barron Center to hire and staff this vital facility to its intended capacity. Maine Medical Center, as Maine’s only Level 1 Trauma Center, cares for the most acute and complex patients across the region. We are near or at capacity nearly every day, and having patients who cannot transition to the appropriate level of care creates significant stress on the system.

We are currently facing a crisis caused by the effects of a lack of long-term care beds in the Greater Portland area and the state. In fact, there have been times where we have been forced to cancel non-emergent surgeries, board patients, open disaster hallways, and increase the already increasing workload on social workers and case managers.

As the state with the highest median age in the country, we need to work together, communicate and collaborate to ensure we are prioritizing vulnerable individuals. Maine Medical Center provides critically important medical care to all in need – regardless of ability to pay – but we are challenged in our ability to maintain access to needed inpatient services as we cannot discharge those who no longer need that level of care. I hope that you will support a budget and policy that ensures that the Barron Center rebuilds the vital role that it once played in Greater Portland’s health care ecosystem.

Thank you for your time, and please do not hesitate to contact me with questions.

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

CITY OF PORTLAND
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ANDREW ZARRO (4)
MARK DION (5)

**ORDER AUTHORIZING THE CITY MANAGER TO
ACCEPT SCHOLARSHIP AND TRUST DONATIONS AND BEQUESTS AND ENTER
INTO TRUST AGREEMENTS**

ORDERED, that the City Manager is authorized to accept and to appropriate new scholarship funds, and bequests from wills and trusts in amounts of up to \$50,000 in Fiscal Year 2024; and

BE IT FURTHER ORDERED, that the City Manager is authorized to enter into standard form trust agreements and other associated documents and/or agreements as approved by the Corporation Counsel.

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

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**ORDER AUTHORIZING THE DIRECTOR OF PARKS, RECREATION AND
FACILITIES TO ACCEPT DONATIONS UP TO \$10,000
FOR PARKS, RECREATION & FACILITIES DEPARTMENT PROGRAMS
AND CITY FUNDS**

ORDERED, that the Director of Parks, Recreation & Facilities is authorized to accept and to appropriate donations in amounts of up to \$10,000 in Fiscal Year 2024 for the following:

- The Land Bank Fund, Chapter 2, Section 2-45; and
- The Tree Trust Fund, Chapter 29, Section 29-14; and
- The Portland Youth Corps; and

BE IT FURTHER ORDERED, that City-funded Parks, Recreation & Facilities Department gift catalog and program donations in amounts of up to \$10,000 in Fiscal Year 2024 may also be accepted.

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

CITY OF PORTLAND
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MARK DION (5)

**ORDER AUTHORIZING CORPORATION COUNSEL
TO UNDERTAKE CIVIL ACTIONS TO COLLECT
DELINQUENT PERSONAL PROPERTY TAXES**

ORDERED, that the Corporation Counsel, through the use of City Attorneys or Contractors, is hereby authorized to institute legal proceedings on behalf of the City to collect delinquent personal property taxes against debtors who have failed to pay the taxes when due.

City of Portland

Memo

To: Danielle P. West, Interim City Manager

From: Brendan O'Connell, Finance Director

Date: May 4, 2023

BTO

Re: FY24 Budget Council Order Agenda Item Request – Authorizing Collection Actions

Please place the attached order on the City Council agenda for first reading on May 15th and second reading and passage on June 5, 2023. I am recommending we present this to the City Council for action as it is related to the financial business of the upcoming fiscal year. We have passed this order annually with the budget approved since fiscal year 2003.

This order arises out of the staff proposal to maintain of our efficient personal property tax collections. Many times during the fiscal year our personal property tax standard billing and collection procedures prove to be inadequate, and we need to seek legal assistance from the Corporation Counsel's Office. This could involve a company refusal to pay, a bankruptcy declaration or title dispute or other similar matter that requires legal action.

Corporation Counsel advises that the City Council needs to grant specific authority to file legal actions in these kinds of tax cases. Many times we need to act quickly to ask for legal assistance when information comes to our attention, in order to protect the City's interest. We also want to avoid administrative delays by seeking this general authority from the City Council to collect delinquent personal property taxes when necessary. Delegating this authority greatly enhances our personal property collection efforts.

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

**CITY OF PORTLAND
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MARK DION (5)

ORDER AUTHORIZING NON-UNION WAGE ADJUSTMENT

ORDERED, that an overall wage increase of four percent (4%) for non-union employees is hereby approved effective July 2, 2023; and

BE IT FURTHER ORDERED, that the Mayor, the City Council, the City Clerk and Corporation Counsel shall receive a four percent (4%) wage increase effective July 2, 2023.

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

CITY OF PORTLAND
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MARK DION (5)

**ORDER DESIGNATING FISCAL YEAR 2024 FUNDS FOR
SPECIFIC ISLAND SERVICES**

ORDERED, that \$45,000 from the Fiscal Year 2024 municipal budget is hereby designated to pay for the Peaks Island services specified as follows:

Item A: Peaks Island Summer Bike Ticket Program \$250
Item B: PI Needs-Based Boat Tickets \$1,000
Item C: PI Portland Public Middle & High School Student Boat Passes \$3,500
Item D: PI Full Time College Students (Portland Area) 3 Monthly Stickers \$300
Item E: PI Children Attending Private Schools Vouchers \$300
Item F: PI ITS (Island “Taxi”): Island Transportation System \$22,500
Item G: PI PEAT (PI Environmental Team: Signage and equipment) \$2,000
Item H: PI Administrative Expenses \$2,150
Item I: Brackett Church (Community Arts & Play Recreation Programs) \$1,000
Item J: Island Compost Project \$3,500
Item K: New Brackett Church for utilities for community programs \$2,000
Item L: Illustration Institute for Island Resident Programming \$1,500
Item M: Fifth Maine Museum Institute Program, code compliance \$1,500
Item N: Peaks Island Children's Workshop building repairs \$3,500

TOTAL: \$45,000



Peaks Island Council
FY 2024 Budget Request
As Approved for Submission
February 22, 2023

Motion: The Peaks Island Council requests the Portland City Council to allocate the following funds to the Peaks Island Council FY2024 Parking and Transportation Fund in the amount of \$45,000 in accordance with the following items:

Item A: The Peaks Island Council requests the City Manager or her designee to expend monies from the Parking and Transportation Fund payable to Casco Bay Lines to purchase bicycle tickets for a summer bike ticket program on Peaks Island. The total is not to exceed \$250.00.

Danielle West, Portland City Manager

Date

Item B: The Peaks Island Council requests the City Manager or her designee to expend monies from the Parking and Transportation Fund payable to Casco Bay Lines to purchase tickets for needs-based Peaks Island residents. To receive Needs-Based tickets, recipients must fit defined criteria developed by the Peaks Island Council. The total is not to exceed \$1,000.00

Danielle West, Portland City Manager

Date

Item C: The Peaks Island Council requests the City Manager or her designee to expend monies from the Parking and Transportation fund payable to Casco Bay Lines to purchase tickets for Peaks Island public middle and high school students. The total is not to exceed \$3,500.00.

Danielle West, Portland City Manager

Date

Item D: The Peaks Island Council requests the City Manager or her designee to expend monies from the Parking and Transportation Fund payable to Casco Bay Lines for Island resident college students: for up to 3 monthly stickers per student @ \$82.45/sticker, not to exceed \$300. For the purposes of PIC transportation support, a college student shall be defined as a full-time island resident carrying a full-time course load (12 credits) at a Portland-area institution of higher education.

Danielle West, Portland City Manager

Date

Item E: The Peaks Island Council requests the City Manager or her designee to issue vouchers in the amount of \$82.45 per voucher per student to the parents of children attending private schools off-island. Criteria for determination of residency will be directed through the Island/Neighborhood Administrator's Office. Total cost allocated is \$300.00.

Danielle West, Portland City Manager

Date

Item F: ITS: a.k.a., Island "Taxi" The Peaks Island Council requests the City Manager or her designee to provide an allocation of \$22,500 to the Island Transportation System for continued support of the only public transportation service available on Peaks Island.

Danielle West, Portland City Manager

Date

Item G: The Peaks Island Council requests the City Manager or her designee to provide an allocation of \$2,000.00 to the Peaks Island Environmental Team (PEAT)/Friends of Little John Trott for the purposes of improvements to enhance the immediate usability of the park. These include signage to provide useful information to park visitors (maps indicating trailheads and trails, park history, and identification of special features such as the pollinator garden). Funds will also support purchase of equipment (containers, clean-up sticks and buckets) to enable volunteers to assist DPW's efforts to manage trash and recyclable removal.

Danielle West, Portland City Manager

Date

Item H: The Peaks Island Council requests the City Manager, or her designee to provide an allocation of \$2,150.00 to the Peaks Island Council for Administrative Expenses.

Danielle West, Portland City Manager

Date

Item I: The Peaks Island Council requests the City Manager, or her designee provide an allocation of \$1,000.00 to the New Brackett Church in support of the Community Arts and Play (CA&P) program which provides a summer curriculum of arts, music and structured play for elementary-aged Island children. This project will provide lifeguards and swimming instruction to children ages 5-12 during the summer 2023.

Danielle West, Portland City Manager

Date

Item J: The Peaks Island Council requests the City Manager, or her designee provide an allocation of \$3,500.00 to support Phase I of the Island Compost Project, developed in collaboration with the City of Portland's Sustainability Office, to create an island-wide composting solution on Peaks Island. Beginning in the summer of 2023, drop-off points will be established for compostable waste on Peaks Island for island residents to use voluntarily. Project volunteers will transport the waste to Portland weekly for inclusion in Portland's municipal composting program. Phase II of the Project will include fundraising and securing the necessary permits to create a permanent, on-island composting facility.

Danielle West, Portland City Manager

Date

Item K: The Peaks Island Council requests the City Manager, or her designee provide an allocation of \$2,000 to the New Brackett Church. The Church supports community organizations on the Island which are in need of year-round space to hold their recurring meetings and special events. These include organizations like Alcoholics Anonymous (Al-Anon), Cook Club, and space for the Peaks Island Community Food Pantry and Community Arts and Play, among many others. These funds will assist in defraying some of the costs of janitorial services and utilities so that space can continue to be provided to local groups on a year-round basis.

Danielle West, Portland City Manager

Date

Item L: The Peaks Island Council requests the City Manager, or her designee provide an allocation of \$1,500.00 to the Illustration Institute for the presentation of 5 lectures and workshops for island residents.

Danielle West, Portland City Manager

Date

Item M: The Peaks Island Council requests the City Manager, or her designee provide an allocation of \$1,500.00 to the Fifth Maine Museum Institute to support design work for the restoration and improvement in the safety of the porch railings on this historic structure, bringing them in compliance with current code.

Danielle West, Portland City Manager

Date

Item N: The Peaks Island Council requests the City Manager, or her designee provide an allocation of \$3,500 to the Peaks Island Children’s Workshop, the only licensed and accredited childcare facility on the island, to support needed repairs (windows, siding, doors) to the physical structure of the Workshop’s building and playground.

Danielle West, Portland City Manager

Date

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 APPROPRIATING \$3,611,343 IN FUND BALANCE

ORDERED, that \$2,850,000 is hereby appropriated from Assigned Fund Balance for pension obligation bond debt service payments due in Fiscal Year 2024; and

BE IT FURTHER ORDERED, that \$761,313 is hereby appropriated from Unassigned Fund Balance for additional Cumberland County tax payments due in Fiscal Year 2024 resulting from the County's change from a calendar to a fiscal year.

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

CITY OF PORTLAND
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MARK DION (5)

**ORDER FOR FISCAL YEAR 2023-2024 APPROPRIATING
\$276,000 FROM EXCESS FUND FOR
CASCO BAY ISLAND TRANSIT DISTRICT**

ORDERED, that the City Council hereby authorizes and appropriates \$276,000 from the Casco Bay Island Transit District Excess Fund pursuant to the lease agreement between the City of Portland and the Casco Bay Island Transit District, \$250,000 of which is for capital costs associated with Casco Bay Island Transit District's public transportation operations in Casco Bay and \$26,000 of which is for the City for other mass transportation needs related to summer shuttle service between the Marginal Way Park and Ride lot and the Casco Bay Lines Ferry Terminal.

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

**CITY OF PORTLAND
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ANNA TREVORROW (1)
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**AMENDMENT TO PORTLAND CITY CODE CHAPTERS 24, AND 28
RE: VARIOUS FEE INCREASES FOR FISCAL YEAR 2024**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

*1. That Sections 24-72 and 24-84 are hereby amended, which
said sections read as follows:*

Sec. 24-72. Sanitary sewer user charges.

(a) *Applicability.* There are levied upon all parcels of land charges for cost of treatment of wastewater and stormwater and for the operation and maintenance of the wastewater system.

...

(c) *Computation.* The user charges shall be computed in accordance with the following schedule, as from time to time amended, which shall be sufficient to meet costs of the eligible purposes for which such charges may be used. Beginning July 1, 20222023, user charges under this section for both dwelling units and commercial units shall be twelve dollars and thirty-seventy-five cents (~~\$12.30~~12.75) per hundred cubic feet of volume for connected parcels of land. The user charge for developed but unconnected parcels of land shall be one dollar and seventy-one cents (\$1.71) per hundred cubic feet of volume. Each metered billing unit shall have a minimum charge of at least one hundred (100) cubic feet per month.

...

Sec. 24-84. Stormwater Service Charge.

(a) There is levied upon all developed land stormwater service charges for the cost of providing stormwater services. All developed land shall be charged seven dollars and ~~twenty-~~

~~five~~seventy-five cents (~~\$7.50~~7.75) per month per one thousand two hundred (1,200) square feet of impervious surface area, rounded to the nearest one thousand two hundred (1,200) square feet of impervious surface area.

...

2. That Section 28-101 is hereby amended, which said section reads as follows:

Sec. 28-101. Applicability.

(a) *In general.* ...

(b) *Scofflaw.* Any vehicle which has accumulated three (3) or more notices of violation of any parking regulation or regulations made pursuant to this chapter for which there has been neither payment of waiver fees nor issuance of court process and which is then parked in violation of any such provision may, at the option of any city police, parking control or other officer authorized to enforce the parking regulations of the city, be immobilized in place or may be removed and stored pursuant to the provisions of this chapter until all waiver fees established pursuant to 30-A M.R.S.A. § 3009 for all such outstanding notices of violations and also the charges authorized by article IV have been paid or until the requirements of section 28-103(b) or (c) have been met. If impoundment by immobilization is utilized, a charge of ~~fifty~~seventy dollars (~~\$50.00~~70.00) shall be charged and paid prior to such release.

BE IT FURTHER ORDERED, that this amendment shall be effective on July 1, 2023.

FY24 REVENUE FEE SCHEDULE CHANGE
Parking Administration
Denver Boot

Department: Parking

*Ordinance Fee

Account #	Revenue Description	Current Fee	FY24
			Proposed Fee
100-18-100-351100	Code Violations Denver Boot	\$50	\$70

Last Revision:

FY06 City Code Section 28-101:
CO #248-04/05

Updated: 03/17/23

FY24 REVENUE FEE SCHEDULE CHANGE

Department: Sewer Fund (0570)

Ordinance Chapter 24 § 72(c)

Account #	Revenue Description	Current Fee	FY24
			Proposed Fee
570-31-000 344xxx	Sewer User Fees	\$12.30 hcf	\$12.75 hcf

FY24 REVENUE FEE SCHEDULE CHANGE

Department: Stormwater Fund (571)

Ordinance Chapter 24 § 84(a)

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	FY24
			<u>Proposed Fee</u>
571-31-000 344650	Stormwater Service Charges	\$7.50	\$7.75
	*per 1,200 sf of impervious surface area		

KATE SNYDER (MAYOR)
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FISCAL YEAR 2023-2024 APPROPRIATION RESOLVE

RESOLVED, that the sum of **\$332,799,323** is hereby appropriated for Fiscal Year 2024 for General Municipal purposes; and

BE IT FURTHER RESOLVED, that the sum of **\$143,810,343**, is hereby appropriated for Fiscal Year 2023 for School purposes; and

BE IT FURTHER RESOLVED, that the Assessor of Taxes of the City of Portland be and hereby is directed to assess a tax upon all real estate liable to be taxed therein and to assess the owner of, or such other persons as may be liable by law for, personal property liable to be taxed therein on the first day of April, 2023 and not exempt from taxation, to the aggregate amount of **\$103,559,653** for municipal purposes and **\$110,850,008** for school purposes for a total tax levy of **\$214,409,661** for Fiscal Year 2024, in accordance with the provisions of the Statutes of Maine; and

BE IT FURTHER RESOLVED, all taxes assessed as above and committed to the Director of Finance shall be due 30 days after the City's Tax Commitment 2023, and payable in two equal installments, the first due 30 days after the City's Tax Commitment 2023, and the second installment due on the 15th day of March, 2024. The delinquency rate of interest shall be eight percent (8%) per annum on all payments received after the respective due dates and the abatement rate of interest shall be four percent (4%) per annum.

City of Portland, Maine

City Manager's Recommended Budget



FY24 Budget

July 1, 2023 – June 30, 2024

City of Portland | Executive Department

Danielle P. West, *Interim City Manager*



To: Mayor and Members of the Portland City Council

CC: City of Portland Leadership Team and City Staff

From: Danielle P. West, Interim City Manager

Date: April 24, 2023

Re: City Manager's FY24 Recommended Budget

Pursuant to Article VI, Section 5(e) and Article VII, Sections 5 and 6 of the City of Portland Charter, I am hereby submitting the City Manager's Recommended \$332.8 million FY24 Municipal Operating Budget. I'm humbled and honored to continue leading our dedicated group of public servants during this time of transition as they work tirelessly each day to provide excellent municipal services to and for the City of Portland and its residents.

As we continue to work through the realities of post-pandemic life there are several major challenges that we continue to face. Inflation continues to affect all of our departmental budgets in one way or another through higher costs for goods and services, fuel, and labor. We also face significant reductions in revenues including, but not limited to, the expiration of \$7.4 million in one-time funding to address asylum seeker related expenditures and an estimated reduction of \$1.7 million in State of Maine Revenue Sharing dollars for the upcoming fiscal year. Additionally, we continue to deal with a high number of staff vacancies, roughly 250 over the last year. In order for us to continue performing the high quality of services that our community has come to expect, we must work to reduce and prevent these staff vacancies. This is why the leadership team and I have made the retention and recruitment of staff our top goal for the year.

The other – larger and more unique – challenge we face in Portland is a national one with regional and statewide implications. The State of Maine and the City of Portland continue to attract record numbers of asylum seeking families from the southern U.S. border, as well as California and New York, and circumstantially and chronically homeless individuals, all seeking emergency shelter services. Portland is proud to be a welcoming city, we take our General Assistance (GA) obligation under state law very seriously, and we understand the value and benefits of having new residents in Maine. But we are in a dire situation that we cannot continue to manage on our own. The one time \$7.4 million of revenue we received from the State of Maine in FY23 was intended to address what was anticipated to be a temporary increase in asylum seeker intakes and the lack of available housing. But the volume of arrivals and intakes has not declined and instead has continued to increase over the past year. We are now sheltering almost 1,200 people on a nightly basis between our single adult shelter, family shelter, and overflow spaces. As a result, our staff is stretched thin, our shelters are beyond their capacity, we are currently unable to guarantee shelter for any new arrivals, and available permanent housing is extremely limited.

We recently even had to open the James A. Banks Portland Expo building as a temporary emergency shelter. After its first week in operation, we reached capacity with a census of 300 people. We expect to use this space through this summer until a planned transitional housing space by a private developer can open and help alleviate some of the need. I can't stress enough how more transitional housing is needed in communities around the State of Maine other than just Portland as our staff and community partners are at their maximum capacity and we have no other physical locations available to us.

In an effort to not increase the property tax rate too significantly or make major cuts to City services, the Mayor, myself, the City's Legislative Committee, and other members of City staff have

been working diligently with our State and Federal delegations, as well as the Governor's Office, to find solutions and alternative sources of funding for increased GA reimbursement, transitional housing for asylum seekers, and resettlement coordination. Due to these circumstances, the budget I'm presenting continues to dedicate a significant amount of money and staff resources to providing social services, emergency shelter, public health, and long-term care to our neediest populations.

It is important to note that under the State's GA law, municipalities are currently reimbursed for 70% of the GA costs described above, and the municipality is required to cover the remaining 30%. There are currently, however, several bills before the State Legislature that seek to increase this reimbursement to 90% in an attempt to avoid further adverse impacts on municipal budgets across the State. In order to present you with a budget within the guidance you provided, this budget includes a presumption that the GA reimbursement formula will change and/or one-time funding will be provided to the City to address the significant needs it faces in response to this dire situation. Therefore, if we do not secure one of these funding sources, we will need to make cuts to core municipal services or push our municipal tax rate increase up to at least 10.4% or more.

Another important factor in our ability to be able to close our budget gap this year is the third installment and use of the federal American Rescue Plan Act (ARPA) funds. As you know, in addition to using ARPA funds to fund specific one-time necessary public priority projects, the City Council approved a phased plan to help cover revenue losses over the course of three budget cycles. We used \$8.75 million in FY22 to cover revenue losses, \$5.5 million in FY23, and this FY24 recommended budget includes the use of \$2.75 million plus pulls in an additional \$2 million of ARPA funds which had been intended for use in FY23, but are being held in part for FY24 to help address the revenue shortfall. It's important to note that next year we will not have any significant remaining City ARPA funds to help close any budget gaps we may face.

In addition to revenue losses, GA budget increases, and inflation, we continue to face many other cost increases including debt service costs (an approximately \$1.2 million increase in our pension obligation bond debt service alone), Cumberland County's tax, our required METRO contribution, and in contractually obligated union wage increases.

While we always ask our Department Directors to take a hard look at their budgets every year and achieve any cost savings, there are things they need in order to be able to continue to provide core municipal services. Facing a tax rate increase in excess of 14% just to maintain existing levels of those core City services, we were required to make many tough decisions in order to present you with a recommended budget that contains a property tax rate increase lower than inflation.

We worked hard to reduce existing expenses, respond to required full-time equivalent (FTE) employee increases and staffing changes, while at the same time increasing revenue streams to avoid having to cut any existing FTE staff positions. We, however, continue to defer adding most new position requests that were not offset by associated revenues and addressing other needs. In most cases, Department Directors are still struggling with workloads that exceed pre-COVID levels with staff headcounts that are below pre-COVID levels. With very limited exceptions we have been unable to restore or add positions within most Departments. Despite these realities, we have worked to address some of the Council's stated priorities including additional funding for our Justice, Diversity, Equity and Inclusion work, more than doubling our funding for homeless shelter operations (an over 100% increase from \$5.25 million in FY23 to in excess of \$10.6 million for FY24), significantly increasing investment in other asylum seeker transitional housing options, all while attempting to maintain other levels of core services and not bring forward a tax rate increase above inflation.

In light of all this, I'm presenting you with a recommended budget that includes a **6.1% increase in the tax rate** on the city side of the overall budget with a new city-side mill rate of **\$6.96 per \$1,000 of assessed property value**. It is important to note that should there be any additional priorities or services the Council would like to address in this year's budget, I felt it most appropriate for those

decisions to be made by the Finance Committee/Council during the upcoming budget review process.

To provide some context on changes in the City budget over the last several fiscal years, the following is a chart that outlines the City, County, and School portions of the tax levy since FY16:

FY16 - FY24 City of Portland Tax Levy History & Breakdown							
	MUNICIPAL PORTION				SCHOOL PORTION		OVERALL
Fiscal Year	City Tax Levy	City % of Total	County Tax Levy	County % of Total	School Tax Levy	School % of Total	City of Portland Tax Levy
FY16	\$75,785,193	47.6%	\$5,240,009	3.3%	\$78,073,211	49.1%	\$159,098,413
FY17	78,445,570	47.8%	5,417,119	3.3%	80,331,376	48.9%	164,194,065
FY18	80,187,454	47.5%	5,907,743	3.5%	82,787,921	49.0%	168,883,118
FY19	83,323,749	46.9%	6,288,845	3.5%	88,003,431	49.5%	177,616,025
FY20	86,173,337	46.3%	6,640,316	3.6%	93,345,139	50.1%	186,158,792
FY21	86,743,535	46.1%	7,011,159	3.7%	94,338,744	50.2%	188,093,438
FY22	83,867,622	44.1%	7,147,309	3.8%	99,083,251	52.1%	190,098,182
FY23	89,023,703	44.4%	7,563,215	3.8%	103,851,071	51.8%	200,437,989
FY24 Rec	94,353,230	44.0%	9,206,423	4.3%	110,850,008	51.7%	214,409,661
The City portion of the overall tax levy has increased by \$18.6M or 24.5% since FY16 (2.8% CAGR)							
The County portion of the overall tax levy has increased by \$2.3M or 75.7% since FY16 (11.1% CAGR)*							
The School portion of the overall tax levy has increased by \$32.8M or 47.0% since FY16 (4.5% CAGR)							

* Note: FY24 County Tax Levy includes (and FY25 through FY28 will include) an additional \$761,342.80 due to County change to 6/30 year end

CAGR = Compound Annual Growth Rate

FY23 RECAP

While our outlook remains hopeful, I'm cognizant of the toll the pandemic and the current labor market continues to have on our workforce. They have had to do more with less given budget constraints, but also due to major staff vacancies in many of our front-line service departments. We've also had several vacancies in our Department Director positions, which means many staff members have been doing multiple jobs at any one given time.

First, our Health & Human Services Department has faced many challenges this year, but continues to respond impressively when confronted with these complex situations. Despite these challenges, there have also been many proactive successes worthy of highlighting.

The Oxford Street Shelter placed a total of 96 clients, 34 of whom were long-term stayers into permanent housing. The 96 housing placements represent 20,418 bed nights or 56 years. The 34 long-term stayer placements represented 15,394 of those bed nights or 75%. The Family Shelter placed 42 families representing 146 individuals into housing placements. It's important to keep in mind that this number represents those families staying in the Family Shelter buildings proper, and not the multiple overflow spaces we are currently occupying such as hotels.

I'm also pleased to report that we opened the new Homeless Services Center at 654 Riverside Street (which replaces the now shuttered Oxford Street Shelter) last month with 208 beds. While this emergency shelter was full on night one, clients now have access to a facility that was specifically designed to serve as an emergency shelter facility all with on-site access to critical wrap-around services like meals, a Greater Portland Health medical and dental clinic, and housing counseling. We also established a neighborhood advisory group to ensure our commitment to being a good neighbor while operating this facility.

Over the past year, the Public Health Division has continued its efforts in responding to the ongoing COVID-19 pandemic, notably with the reinvigoration of the Immunization Program as part of the Portland Public Health Clinic. In November 2022, the Public Health Clinic celebrated one year in the new space at 39 Forest Avenue, where they have continued to provide STD, primary care, and harm

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reduction services to Portland's underserved communities. The Immunization Program organized City staff and community vaccination clinics and prevention efforts, resulting in the administration of 1,188 COVID-19 vaccinations given since July 1, 2022. In March 2022, the Harm Reduction Program expanded its services to include the distribution of Fentanyl Test Strip kits. Since the start of this expanded service, staff has distributed 1,292 Fentanyl Test Strip kits, amounting to 3,876 individual strips distributed. These new initiatives reflect the Public Health Division's commitment to providing essential services and responding to the evolving public health needs of the community.

For our Planning & Urban Development Department, 2022 included a significant amount of both development review and long range planning activity. With regard to new housing within the city, 317 housing units (not including single and two family homes) were approved, 65 of them on-site affordable units. Currently, approximately 1,500 housing units are under construction, the product of thousands of approvals over the previous five years. Significant approvals shepherded through the planning review process in 2022 included 129 housing units on a former City-owned property at 57 Douglass Street, a Master Development Plan at 385 Congress Street that includes 297 housing units, a hotel, and a publicly accessible pocket park, a new teen shelter, creation of an Institutional Overlay Zone to accommodate a new campus for the Roux Institute, as well as campus expansions for both the University of Southern Maine and the University of New England. A total of \$707,916 was committed to the Jill C. Duson Housing Trust as a result of Hotel Inclusionary approvals. As a result of the Impact Fee Ordinance created by Planning & Urban Development and adopted by the Council in 2018, \$825,790 was collected through development review to support parks & recreation, wastewater, and transportation infrastructure.

In addition to review of new developments, Planning & Urban Development has a host of long range and policy initiatives under way. Planning for significant open spaces, such as Congress Square Park, Portland Harbor Common, and Western Promenade improvements occurred in 2022, and numerous transportation planning initiatives such as the launch of the City's first bikeshare program, design of the union branch trail, community engagement for the Better Bikeways Initiative, the Libbytown Safety & Accessibility Project, East Coast Greenway/Veranda Street Bikeway design, and further implementation of the Neighborhood Byways network. Significant progress was made in 2022 on projects that will be rolled out for public review starting in the first half of 2023, including ReCode Phase II, a proposal for climate resiliency zoning tools, shoreland zoning amendments, and the Historic Preservation Impact Study, each with implications for sustainability, equity, housing opportunities, and Portland's economy.

Our small business community, which is the backbone of Portland's economy and contributes so much to its authenticity and character, has faced and continues to face challenges from the pandemic. In response, the City created various pandemic related business assistance loan and grant programs which resulted in an investment of over \$330,000 in 61 businesses during FY22. In FY23, the focus returned to non-pandemic related business assistance programs and, to date in FY23, the Portland Development Corporation has approved four new loan applications, providing a total of \$490,000 in funding for these Portland businesses. This focus will continue for FY24.

The ARPA funded Microenterprise Program launched in the Spring of 2022, supporting 51 low-moderate income small business owners with approximately \$270,000 in funding. Our Housing & Economic Development Department was awarded additional ARPA funding in the Fall of 2022 for business program grants due to the success of the first round of funding. ARPA funds are also being utilized to offer grants to aspiring day care providers and existing centers to open or expand, adding much needed day care slot openings to Portland. To date with use of \$145,000 in funds, 49 new slots for care have been documented.

The Housing and Economic Development Department also administers the Brownfields Program, which provides funding for assessment and cleanup of environmentally contaminated properties to facilitate redevelopment. The City's Brownfields Assessment Fund and Revolving Loan Fund are important tools available to assist redevelopment projects in the city. Staff is awaiting the results of

a recent application to EPA for additional assessment grant funding of up to \$500,000. The EPA should be announcing grant awards later this Spring. The City recently received an additional \$3 million to recapitalize the City Brownfields Revolving Loan Fund.

Housing availability and affordability continue to be a focus for City officials. To that end, the Council's Housing and Economic Development Committee (HEDC) recently recommended approval of the 2023 Affordable Housing Development and TIF Application. The application was drafted by staff in the Housing and Economic Development Department and includes guidance from the HEDC on goals and priorities for the use of the available funds. When approved by the Council, the application will be released and will make over \$9 million dollars from the City's HOME Program and the Jill C. Duson Housing Trust Fund available to housing developers.

Our Permitting and Inspections Department continues to see its workload increase. The department continues to be impacted by recent citizen-initiated referendum questions passed by voters. This includes the Green New Deal, Rent Control ordinance, and regulations related to Marijuana retail establishments. In FY22, the Department managed an increase in workload, staff shortages, and dealing with returning to more of a pre-pandemic model. In FY23, the Department is continuing to manage record breaking numbers on top of additional Rent Control Referendum amendments that have impacted its workload.

In FY22, permitting staff processed 2,399 building permits, 1,692 electrical permits and 464 plumbing permits. Permit numbers continue to increase each year, and during the current fiscal year we are continuing on that same trend for permit numbers. The City's four Building Inspectors performed 5,976 inspections in FY22, which was an increase from FY21. So far in FY23 (7/1/2022-3/31/2023), they have executed 5,180 inspections. Zoning has also had an increase in permit reviews due to the sheer number of permit applications. In FY22, they reviewed 958 permits and so far in FY23 they have reviewed 768 permits.

In FY22, staff issued 1,469 business licenses and performed 1,322 Health Inspections. So far in FY23 (7/1/2022-3/31/2023), 1,038 business licenses have been issued and 937 Health Inspections have occurred. The city currently has 65 licensed marijuana businesses and 15 pending, of those are 35 licensed marijuana retail stores.

In our Housing Safety Office, the division was required to collect data on more than 20,000 units, staff a Rent Board, investigate illegal rent increases, and to educate the public on both of the voter-approved Tenants Rights ordinances. This work is in addition to the safety inspections they conduct of rental units in Portland. The City's four inspectors are both Certified Code Enforcement and Certified Fire Inspectors. They handle Long-Term, Short-Term, Complaints, and now Rent Inspections. In FY22, the Inspectors performed 3,204 inspections. The office issued 4,639 Long-Term licenses and 744 Short-Term licenses. So far in FY23 (7/1/2022-3/31/2023), they have executed 2,835 inspections and issued 3,550 Long-Term and 673 Short-Term Registrations.

The Portland International Jetport continued its record for customer service in 2022, winning the Airports Council International's Easiest Airport Journey & Most Dedicated Staff in North America awards. The Jetport also saw significant improvement in passenger volumes despite lingering negative pandemic related impacts on air travel nationwide early in 2022. The Jetport saw all-time record passenger volume in June and October 2022 but remained down 9.3% in passenger boardings in 2022 compared to pre-pandemic 2019 levels. Leisure travel continued to outpace business travel, and thanks to Maine's strong leisure tourism market, the Jetport was nearly back to 2019 levels during the summer season. The busy June - October summer travel season saw the Jetport down just 1% from 2019 levels. Although passenger recovery was strong in 2022, pandemic related reductions were still present and kept operating revenues below 2019 levels. Operating revenues were 9.1% below FY19 in FY22. Thankfully federal relief funding for airports remained available to overcome this reduction. Revenues are expected to fully recover and exceed pre-pandemic levels in FY24 with outbound seat capacity for 2023 up 5% over 2022 and 3% over 2019, our busiest year. Breeze Airways will begin its inaugural service to the Jetport on May 17, 2023. The Jetport's FY24

operating revenues are budgeted at \$28.9 million, which is up 23.1% from FY23 and up 10.7% over FY19. This is a good indicator of the strength of Portland and Maine's economy.

We also remain committed to our sustainability goals outlined in our climate action plan, One Climate Future. Over this past year we've achieved successes in implementing components of it. The first phase of Electrify Everything! concluded last fall and helped residents implement more than 100 electrification projects in their homes. During our Earth Day celebration on April 22 the Sustainability Office announced the launch of Electrify Bikes!, which will help income eligible residents purchase an e-bike in order to provide reliable transportation that does not require fossil fuels. Later this spring they will launch DIY Electrify!, which will provide incentives for residents to purchase induction cooktops and energy saving tools such as clothes drying racks. We have also built on the successful community composting program to expand the number of public composting sites and bring composting to City facilities for the first time. City facilities include City Hall, the new Homeless Services Center, and the Barron Center. We plan to add additional City buildings during upcoming months.

We continue to deploy EV charging infrastructure as part of our partnership with EVgo. Four stalls of fast charging recently came online in the parking lot at the corner of Spring Street and High Street. The neighborhood charging hubs at East End School and Deering Oaks are now complete and will be operational before the end of April. The Sustainability Office is working closely with EVgo to site an additional hub with DC fast chargers and additional community charging hubs that will be installed during the upcoming fiscal year.

Later this Spring the Sustainability Team will also launch a summer long campaign to educate the public about the City's Landcare Ordinance and offer tips on how to manage property sustainably. In addition to public events it will include lawn signs members of the public can display that promote Mow Tall Until Fall – encouraging neighbors to keep grass between 3.5" - 4" tall in order to promote healthy roots and to allow lower growing plants such as clover to feed pollinators.

We are additionally pleased to be launching our Sustainable Neighborhood Program, through which the Sustainability Team will work directly with neighborhood organizations to help them select and implement sustainable actions in their neighborhoods. The goal of the program is to build community resilience by connecting neighbors and helping them collaborate on projects that will make their neighborhood more sustainable. Earlier this spring we called for neighborhood groups to apply to be participants in the inaugural year of the program. We were pleased to announce during our Earth Day celebration that Parkside and Libbytown developed the most thorough and responsive applications and we look forward to working with them this year. Next spring we will invite additional neighborhoods to apply for the program with the goal of onboarding two neighborhoods each year.

Furthering our commitment to our environment and open spaces, our Parks, Recreation and Facilities Department budget supports many community and Council priorities, from maintaining 67 parks and 30 city and school playgrounds, to planting 150 trees annually. The budget supports beautification and enjoyment of the city through the Parks Division, which oversees planting of perennial plants, tulip beds, urban meadows and orchards, oversight of 8 miles of multi-use bike paths, and basic maintenance of our 67 parks and open spaces spread over 1,300 acres.

The budget also supports Recreational activities for the community such as the Before and After School Program with 1,000 participants, a youth basketball league with 500 participants, a Senior Adult program with over 500 participants, three city pools, and the Riverside Golf Course. Our Public Assembly Division runs our city venues and cultural institutions such as Merrill Auditorium, The Portland Expo, Troubh Ice Arena, and Ocean Gateway. Our Custodial Division cleans all City buildings, and cleans our public park toilets daily. And our Cemetery Division budget supports maintenance and operation of 13 City cemeteries, including 11 historic cemeteries that are largely full, and Evergreen Cemetery and Forest City Cemetery which are still active and offer families a beautiful location to bury and remember loved ones.

FY23 BUDGET GOALS & REALITIES

Over the last several months we have had several workshops and budget discussions with the Council and Finance Committee to set shared expectations for the upcoming budget year. During those discussions the Council was clear that they would consider any tax rate increase above inflation to be unacceptable and set guidance on an increase of between 5 and 7%. The majority of the Council also noted they did not want to see cuts to core municipal services. Based on this guidance, I asked Departments to prepare their budgets conservatively. However, due to the significant challenges facing the City, most of them revenue related, the requested year-over-year tax levy increase based on Department requested budgets was over 17%.

It was incredibly difficult to close the budget gap from the requested 17% down to within Council guidance. Ultimately, I had to make revisions to their proposals, set aside certain requests, and recommend fee increases to help balance the budget and double down on our lobbying efforts in Augusta to highlight the incredible work the City is doing to shelter asylum seekers and request additional funding and assistance. It was also important for me to balance the needs of our workforce in the budget since retention and recruitment has been a major issue. As a result, this budget does include funding for some retention strategies and wage adjustments given the extremely tight labor market and the significant number of vacancies we have had.

Portland prides itself on having the most diverse revenue base in Northern New England with nearly 58% of our FY24 estimated general fund revenue coming from non-property tax sources (charges for services, licenses and permits, intergovernmental revenue and more). As was stated before, balancing the budget with a 6.1% increase this year is only due to the use of those diverse revenue funds, ARPA funds, and debt service reserves. Otherwise, we'd be facing a much higher tax rate increase or a reduction in the level of core municipal services we would be able to provide.

DEPARTMENT HIGHLIGHTS

Health & Human Services: In FY22 our total City HHS budget was \$35.9 million and that figure is rising to nearly \$55.2 million for FY24. Despite a decrease in anticipated spending from FY23 to FY24, HHS still remains our largest Department budget by a significant margin. Our budget for sheltering is of particular note - we are more than doubling our homeless shelters budget (FY23 Oxford Street Shelter budget was \$5.25 million and FY24 Homeless Services Center budget is \$10.66 million) and our Family Shelters budget is also rising by over 35%.

Public Works: The Public Works Department continues to have a challenging time with managing the number of vacancies they have due to the current labor market. This budget does not include any new staffing requests nor any major operational changes in services provided.

Parks, Recreation & Facilities: This budget includes a 7% increase or roughly \$750,000, and specifically includes the hiring of an Assistant Parks Director to help with the significant number of parks projects that the Department has on its agenda.

Planning & Urban Development: This budget includes a 20% increase in FY24 or roughly \$300,000 due to the inclusion of the \$150,000 bike share program expense which is fully reimbursable from outside revenue sources for the next two years.

Police: Of note with this budget is a reminder that the recently approved Community Development Block Grant (CDBG) budget recommendations for this year included a change in the funding plan for our \$150,000 community policing program. Instead of funding this program with CDBG revenue, we recommended and have now made those dollars available for public CDBG applicants, and therefore are funding the community policing program in this budget via the property tax levy.

Dispatch: This budget includes a 53% increase due to the addition of contracting service and a Deputy Director position to help with the staffing challenges. We are working incredibly hard to

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increase staffing at the dispatch center and reduce use of overtime which is one of the main factors of the increase. It is worth noting that the City is reimbursed for a portion of our costs from our dispatch partners in South Portland and Cape Elizabeth.

Fire: The Fire Department includes an almost 6% increase related to two new required positions at the Jetport. In 2022, due to an increase in flight volume, the Jetport moved to an Index C level Airport. In order to meet FAA requirements at the Index C level, the Fire Department's Air Rescue Station is required to respond with additional resources to emergencies. As such, four additional firefighters had to be added in the middle of the FY23 budget. The Department was able to fund two of these positions from the FY23 budget and the FY24 budget includes the addition of the two other positions to meet the requirements.

Assessor: This budget includes a 14% increase for contract and temporary staff assistance to help process work related to LD 290 and complex commercial valuations and appeals.

Public Buildings & Waterfront: Includes an approximately \$662,000 increase due to an estimated \$340,000 in facility upgrades being required by the US Customs and Border Protections and a variety of other budget inflationary pressures on parts and labor.

Permitting & Inspections: This budget includes a 15% increase mostly due to the increase in work from the recent voter-approved referendum questions. This marks several consecutive years of increased workload for the Department at the same time that the overall volume of permitting and inspections work continues to increase. We are continuing to assess how to best handle the increased workload and volume and will discuss the work in progress to address those issues during our Finance Committee reviews next month.

City Council: The Council's budget includes a 26% increase partly due to an increase in funds for the City's legislative lobbying efforts and \$50,000 for the design phase for a future MLK memorial in the city.

City Clerk: This budget includes a 59% increase due primarily to the City Charter amendment which required incorporating funds for launching a clean elections campaign program.

City Manager: The budget includes a 26% increase due primarily to the new Justice, Diversity, Equity and Inclusion director and funds to hire an associate for that director during the upcoming fiscal year.

Information Technology: This budget includes a 16% increase due to several critical new position requests that have been repeatedly requested by the Department and the many Departments supported by IT. We currently have just under one IT staff for every 100 City employees and this is far below industry and municipal standards. IT network and cybersecurity has also become increasingly important over the last several years and the budget includes an IT security position.

Wage Adjustment: This budget includes funding for potential future wage and contract increases from various Departments, which are anticipated to be needed in the upcoming fiscal year. The City has eight labor unions along with the non-union workforce and three Council appointed positions.

BUDGET CHALLENGES

During this budget cycle the City of Portland faced several significant budget challenges which made our budget goals incredibly difficult to achieve. The immensity of the challenges highlighted the fantastic work of our budgeting team who were able to limit the City tax levy increase to just 40 cents via offsetting budget reductions and revenue additions. This was in spite of the fact that our four largest budget challenges alone represented more than triple the amount of tax increase that is being proposed to be passed along to the taxpayers.

Loss of \$7.4M in State of Maine Funding: In FY23 the City received \$7.4 million of lump sum payment from the State of Maine to support the regional efforts to house asylum seekers. The funding was provided in light of historic levels of asylum seeker intakes into the State via Portland. This funding is not currently continued in the State of Maine's upcoming budget, but the historic levels of asylum seeker arrivals in Portland persists with roughly 1,200 arrivals during 2023 to date. The loss of this revenue triggered a 50-cent increase in the local mill rate, an approximately 7.6% increase from this line item alone.

State Revenue Sharing: Our State revenue sharing projection from the State of Maine is projected to decrease by \$1.7 million from the prior year projection. This presents a significant budget challenge for the City. This decrease triggered a 12-cent increase in the local mill rate.

Increase in Cumberland County Tax: The budget for payments to Cumberland County for their tax assessments to the City is increasing by over \$1.6 million. The increase is related to higher costs for County operations and a County switch from a calendar year to a fiscal year. This increase in expense triggered an 11-cent increase in the local mill rate.

Reduction in Programmed American Rescue Plan Act (ARPA) Revenues: The City utilized a participatory budgeting process to allocate our ARPA funds. Funding for sheltering the unhoused was set at \$7.5 million in the FY23 budget and this was set to decrease to \$2.75 million in the FY24 budget and \$0 in FY25. At this point our ARPA funds have been fully allocated towards the public priorities from our participatory process and the vast majority of the funds have been for social services/addressing homelessness/housing. The decrease in programmed ARPA funds from FY23 to FY24 of \$4.75 million represented a 32-cent increase to the mill rate.

Health Insurance: There is a nearly \$1.9 million increase in the estimated cost of our health insurance plan. We are raising premiums for employees by 4% to help partially offset this increase.

Debt Service: Our debt service is up 3.9% or roughly \$2.05 million overall. This is mostly attributable to an increase in debt service related to our 2001 pension obligation bonds, enterprise fund debt, and estimated interest expense on our upcoming 2023 bond issue.

METRO: The FY24 budget includes a 3.35% increase in our METRO contribution or an additional \$105,000.

Portland Public Library: The Portland Public Library has requested a 5% increase in FY24 funding or \$215,649.

POSITIVE BUDGET DRIVERS

Excise Tax: Excise taxes are still a significant source of revenue for the city's transportation needs. Despite rising interest rates and car prices, we are projecting excise taxes to rise to \$11.25 million in FY24, a budgeted increase of \$750,000.

Property Valuation: Property valuation is estimated to grow by \$150 million resulting in nearly \$1 million in additional revenue for municipal use and \$1.1 million for School use.

Interest Income: The City has a strict investment policy which prioritizes safety and capital preservation. The City has taken advantage of the rising interest rate environment and expanded our portfolio of fully insured certificates of deposit. As a result, we are expecting an increase in interest income to help offset the property tax levy of approximately \$2 million.

Credit Rating Upgrade: Last year Standard & Poor's Global Ratings (S&P) raised its credit rating on all of Portland's general obligation debt up to 'AAA' from 'AA+'. This elevated the City rating to the highest available measure of creditworthiness from S&P. The highly coveted 'AAA' rating significantly reduces debt service costs on bonds issued with the rating in place and creates additional demand for City municipal bonds. The rating increase is due to continued growth in the

local economy, very strong financial management and financial policies, and very well managed debt metrics. The upgrade marks the second rating increase from the S&P in the last five years. The reduction in debt service costs continues to be significant during a time when cost savings for both the City and Schools is badly needed. The AAA rating typically reduces total interest costs on a debt issue by an estimated 10 to 15 basis points when compared to similar costs prior to our recent upgrades (savings of \$10,000 to \$15,000 per million of debt issued).

BALANCING THE BUDGET

At this time, the growth of non-tax revenues and property valuation results in a City side tax rate increase for municipal services of 6.1%. This means the city-side mill rate is \$6.96 per \$1,000 of assessed property value. The impact of this increase on an average homeowner with a property valued at \$375,000 would be \$150.

CONCLUSION

I would like to thank the Finance Director Brendan O'Connell, the Finance Department staff, Human Resources Director Anne Torregrossa, and Communications Director Jessica Grondin for their assistance in developing this budget recommendation and presentation, as well as the hard work and diligence of all of the Department Directors and their staff in developing their budget requests.

I'd also like to thank all City employees for the work they've done in helping us accomplish the many goals we've achieved over the last several years, as well as the exemplary municipal services they provide each and every day. And I'd like to express my sincere gratitude for the way in which they have continued to perform top-notch public service in light of the many challenges we face including staffing shortages. It has been a long and ever-changing year in which we've faced many obstacles, and I'm proud of how we all worked together to keep our community strong and continue to provide excellent services to and for our City.

Finally, I'd like to thank the Council for advising us on your priorities and working collaboratively with staff over the last year. We look forward to reviewing this proposed budget in more detail with you in the weeks ahead.

Sincerely,

Danielle P. West
Interim City Manager

CITY OF PORTLAND, MAINE
COMPARATIVE BUDGET PLAN FY2024

July 1, 2022 - June 30, 2023

July 1, 2023 - June 30, 2024

City Manager's Recommendation

		FY24-CM / FY23			
		FY23	FY24	\$ +/()	%
CITY GENERAL FUND REVENUES					
31	Property Taxes	\$96,586,918	\$103,559,653	\$6,972,735	7.2%
31	Other Local Taxes	6,078,477	5,588,477	(490,000)	-8.1%
32	Licenses & Permits	7,079,950	7,312,873	232,923	3.3%
33	Intergovernmental Revenue	64,392,196	40,158,019	(24,234,177)	-37.6%
34	Charges for Services	38,696,672	40,723,175	2,026,503	5.2%
35	Fines, Forfeits and Penalties	1,966,254	2,085,204	118,950	6.0%
36	Use of Money and Property	10,882,236	13,028,881	2,146,645	19.7%
39	Other Sources	43,163,239	48,113,223	4,949,984	11.5%
	Fund Balance Use / (Restoration)	-	761,343	761,343	
Total General Fund Revenues		\$268,845,942	\$261,330,848	(\$7,515,094)	-2.8%
GENERAL FUND EXPENDITURES					
100-11	City Council	\$426,699	\$532,220	\$105,521	24.7%
100-12	City Clerk	681,447	1,085,708	404,261	59.3%
100-13	Executive	1,047,862	1,328,780	280,918	26.8%
100-14	Assessor	478,268	547,107	68,839	14.4%
100-15	Finance Administration	1,320,399	1,392,938	72,539	5.5%
	Treasury	731,669	823,920	92,251	12.6%
	Total Finance	2,052,068	2,216,858	164,790	8.0%
100-16	Legal	1,050,737	1,081,002	30,265	2.9%
100-17	Human Resources	1,261,163	1,368,502	107,339	8.5%
100-18	Parking Administration	1,534,970	1,561,443	26,473	1.7%
	Elm Street Garage	304,572	293,774	(10,798)	-3.5%
	Spring Street Garage	516,845	506,836	(10,009)	-1.9%
	Temple Street Garage	117,800	119,120	1,320	1.1%
	Total Parking/Garages	2,474,187	2,481,173	6,986	0.3%
100-19	Economic Development Admin	883,824	979,625	95,801	10.8%
	Portland Development Corp	28,522	39,122	10,600	37.2%
	Housing & Community Development	574,738	778,390	203,652	35.4%
	Total Housing & Economic Development	1,487,084	1,797,137	310,053	20.8%
100-21	Police Administration	1,329,925	1,371,288	41,363	3.1%
	Uniformed Operations Group	10,837,455	11,506,750	669,295	6.2%
	Bureau Investigative Services	2,047,944	2,272,627	224,683	11.0%
	Operations Support Services	966,425	997,159	30,734	3.2%
	Jetport Security	580,738	503,433	(77,305)	-13.3%
	Total Police	15,762,487	16,651,257	888,770	5.6%

CITY OF PORTLAND, MAINE
COMPARATIVE BUDGET PLAN FY2024

July 1, 2022 - June 30, 2023

July 1, 2023 - June 30, 2024

City Manager's Recommendation

		FY24-CM / FY23		
		FY23	FY24	\$ +/()
				%
100-22	Fire Administration	769,636	899,791	130,155
	Code Enforcement & Comm Svcs	326,899	359,553	32,654
	Field Operations	15,878,547	16,492,965	614,418
	Operations Support Services	935,001	1,045,755	110,754
	Air Rescue	1,263,589	1,474,498	210,909
	Total Fire	19,173,672	20,272,562	1,098,890
100-23	Dispatch Services	2,418,809	3,694,113	1,275,304
100-24	Planning & Urban Dev. Admin	255,084	282,684	27,600
	Planning	1,316,183	1,616,527	300,344
	Total Planning & Urban Development	1,571,267	1,899,211	327,944
100-25	Permitting & Inspections Administration	193,366	206,737	13,371
	Inspections	1,254,118	1,381,204	127,086
	Housing Safety	653,111	824,333	171,222
	Business Licensing	356,150	372,004	15,854
	Total Permitting & Licensing	2,456,745	2,784,278	327,533
100-29	Information Technologies	2,892,962	3,212,243	319,281
100-31	Public Works Administration	787,173	830,122	42,949
	Streets	1,906,294	1,948,821	42,527
	Solid Waste	2,807,094	3,055,233	248,139
	Communications	199,907	214,763	14,856
	Portland Downtown District	411,055	474,349	63,294
	Winter Operations	1,504,853	1,450,785	(54,068)
	Island Services	823,097	956,062	132,965
	Traffic & Transportation Operations	1,667,028	1,758,878	91,850
	Transportation Engineering	484,194	511,808	27,614
	Engineering	1,346,075	1,392,734	46,659
	Fleet Services	4,376,633	4,482,128	105,495
	Total Public Works	16,313,403	17,075,683	762,280
100-33	Parks Rec & Facilities Admin	514,589	528,648	14,059
	Parks	1,057,088	1,199,129	142,041
	Forestry	834,291	883,527	49,236
	Athletic Facilities	942,489	1,031,807	89,318
	Cemeteries	785,723	696,000	(89,723)
	Recreation	1,809,159	1,859,046	49,887
	Aquatics	536,670	564,029	27,359
	Golf Course	1,050,902	1,186,340	135,438
	Golf Course Restaurant	29,660	32,960	3,300
	Ice Arena	531,153	570,647	39,494
	Public Assemblies	924,265	1,038,567	114,302
	Concessions	532,466	583,436	50,970
	Custodial Services	1,003,164	1,031,921	28,757
	Merrill Auditorium	147,514	221,519	74,005
	Total Parks Rec & Facilities	10,699,133	11,427,576	728,443

CITY OF PORTLAND, MAINE
COMPARATIVE BUDGET PLAN FY2024

July 1, 2022 - June 30, 2023

July 1, 2023 - June 30, 2024

City Manager's Recommendation

		FY24-CM / FY23			
		FY23	FY24	\$ +/-	%
100-35	Public Bldgs & Waterfront Admin	458,517	479,394	20,877	4.6%
	Trades	617,991	657,625	39,634	6.4%
	School HVAC	618,574	735,454	116,880	18.9%
	Public Safety Bldg.	317,100	390,120	73,020	23.0%
	City Hall	778,587	851,356	72,769	9.3%
	Merrill Auditorium (PB)	207,455	281,815	74,360	35.8%
	Hadlock Stadium	299,395	319,495	20,100	6.7%
	Expo Building	207,870	273,580	65,710	31.6%
	Canco Road Buildings	407,130	408,730	1,600	0.4%
	Other Public Buildings	321,627	223,567	(98,060)	-30.5%
	Waterfront	1,504,009	1,779,944	275,935	18.3%
	Total Public Buildings & Waterfront	5,738,255	6,401,080	662,825	11.6%
100-44	HHS - Administration	508,407	539,378	30,971	6.1%
	Public Health	2,877,587	2,988,798	111,211	3.9%
	Social Services	60,000,745	36,827,723	(23,173,022)	-38.6%
	Barron Center	17,076,665	14,829,605	(2,247,060)	-13.2%
	Total HHS	80,463,404	55,185,504	(25,277,900)	-31.4%
100-47	Debt Service	52,546,994	54,596,478	2,049,484	3.9%
100-48	Public Library	4,312,969	4,528,618	215,649	5.0%
100-51	Pension	9,448,120	10,911,142	1,463,022	15.5%
100-52	Health Insurance	18,154,207	20,018,555	1,864,348	10.3%
	Workers' Comp	1,697,605	1,722,605	25,000	1.5%
	FICA	1,325,660	1,578,873	253,213	19.1%
	Group Life	230,240	260,451	30,211	13.1%
	Unemployment	100,000	100,000	-	0.0%
	Total Employee Benefits	21,507,712	23,680,484	2,172,772	10.1%
100-61	Contingency	350,000	250,000	(100,000.00)	-28.6%
100-62	Liability Insurance	901,907	971,678	69,771	7.7%
100-65	Regional Transportation Program	67,939	66,522	(1,417.00)	-2.1%
	Contributions	709,645	488,416	(221,229)	-31.2%
	Total Memberships/Contributions	777,584	554,938	(222,646)	-28.6%
100-67	Wage Adjustment	(150,000)	2,346,263	2,496,263	-1664.2%
	Total General Fund Expenditures	258,144,938	248,881,595	(9,263,343)	-3.6%
100-63	County Tax	7,563,215	9,206,423	1,643,208	21.7%
100-65	Metro Assessment	3,137,789	3,242,830	105,041	3.3%
Total General Fund and Assessments		\$268,845,942	\$261,330,848	(\$7,515,094)	-2.8%

CITY OF PORTLAND, MAINE
COMPARATIVE BUDGET PLAN FY2024

July 1, 2022 - June 30, 2023

July 1, 2023 - June 30, 2024

City Manager's Recommendation

		FY24-CM / FY23			
		FY23	FY24	\$ +/()	%
ENTERPRISE FUND REVENUES					
31	Property Taxes, Current Year	-	-	-	
32	Licenses & Permits	\$8,700	\$7,200	(\$1,500)	-17.2%
33	Intergovernmental	5,716,660	2,577,283	(3,139,377)	-54.9%
34	Charges for Services	38,302,827	39,552,717	1,249,890	3.3%
36	Use of Money and Property	24,484,568	29,145,565	4,660,997	19.0%
39	Other Sources	523,596	520,821	(2,775)	-0.5%
	Fund Balance Use / (Surplus)	(3,893,155)	(335,111)	3,558,044	-91.4%
Total Enterprise Fund Revenues		\$65,143,196	\$71,468,475	\$6,325,279	9.7%
ENTERPRISE FUND EXPENDITURES					
530	Fish Pier	\$427,217	\$421,638	(\$5,579)	-1.3%
570	Sewer Finance Admin	101,027	97,248	(3,779)	-3.7%
	Sewer Public Works Admin	883,910	918,110	34,200	3.9%
	Sewer Operations	2,987,120	2,913,802	(73,318)	-2.5%
	Sewer Communications	65,992	70,886	4,894	7.4%
	Sewer Engineering	635,197	661,115	25,918	4.1%
	Sewer Debt Service	9,234,630	9,805,378	570,748	6.2%
	Sewer Fringe Benefits	1,531,681	1,571,738	40,057	2.6%
	Sewer PWD Assessment	13,879,425	16,588,680	2,709,255	19.5%
	Total Sewer	29,318,982	32,626,957	3,307,975	11.3%
571	Stormwater Finance Admin	280,160	299,211	19,051	6.8%
	Stormwater Management	1,853,709	2,455,063	601,354	32.4%
	Stormwater Debt Service	2,660,693	3,405,428	744,735	28.0%
	Stormwater Fringe Benefits	351,984	440,212	88,228	25.1%
	Total Stormwater	5,146,546	6,599,914	1,453,368	28.2%
583	Jetport Admin	1,239,982	1,254,338	14,356	1.2%
	Jetport Marketing	429,390	462,130	32,740	7.6%
	Jetport Fringe, Indirects & Chargebacks	4,587,702	4,971,391	383,689	8.4%
	Jetport Field	4,617,834	5,242,086	624,252	13.5%
	Jetport General Aviation	18,576	19,072	496	2.7%
	Jetport Operations	2,773,732	3,044,191	270,459	9.8%
	Jetport Terminal	7,624,682	8,575,374	950,692	12.5%
	Jetport Parking	5,074,541	5,192,557	118,016	2.3%
	Jetport Airfield Deicing	713,945	729,414	15,469	2.2%
	Jetport Anticipated Surplus	3,170,067	2,329,413	(840,654)	-26.5%
	Total Jetport	30,250,451	31,819,966	1,569,515	5.2%
Total Enterprise Fund Expenditures		65,143,196	\$71,468,475	\$6,325,279	9.7%
TOTAL CITY EXPENDITURES		\$333,989,138	\$332,799,323	(\$1,189,815)	-0.4%

TAX RATE COMPUTATION--FY2024
City Manager's Recommendation

	General Fund	County Tax	City General Fund	Enterprise Funds	TOTAL CITY
Total Expenditures	\$252,124,425	\$9,206,423	\$261,330,848	\$71,468,475	\$332,799,323
Less: Revenues	(157,009,852)	-	(157,009,852)	(71,803,586)	(228,813,438)
Surplus	(761,343)	-	(761,343)	335,111	(426,232)
Tax Levy	\$94,353,230	\$9,206,423	\$103,559,653	-	\$103,559,653
Valuation	<i>14,879,000,000</i>				
Tax Rate:					
FY24	\$6.34	\$0.62	\$6.96	\$0.00	\$6.96
FY23	\$6.05	\$0.51	\$6.56	\$0.00	\$6.56
\$ Increase	0.29	0.11	0.40	-	0.40
% of Total Increase	4.4%	1.7%	6.1%	0.0%	6.1%

CITY OF PORTLAND, MAINE

FY2024 Non-Tax Revenue

Excludes Taxes & Surplus

City Manager's Recommendation

Department	FY22 Collected	FY23 Est (budget)	FY24 Est (budget)	FY24 Est vs FY23 Est (budget)	%
General Fund Revenues:					
City Council	\$5,000	\$5,000	\$55,000	\$50,000	1000.0%
City Clerk	219,334	183,643	178,383	(5,260)	-2.9%
Executive	867,776	915,794	1,011,867	96,073	10.5%
Assessor	985	500	500	-	0.0%
Finance	28,424,153	28,763,280	29,980,688	1,217,408	4.2%
Legal	185,352	201,587	233,537	31,950	15.8%
Human Resources	53,692	56,388	71,420	15,032	26.7%
Parking	12,244,477	9,965,776	10,367,220	401,444	4.0%
Housing & Economic Dev	1,137,685	1,487,084	1,697,137	210,053	14.1%
Police	2,586,986	2,350,462	2,141,946	(208,516)	-8.9%
Fire	5,157,274	5,305,845	5,716,754	410,909	7.7%
Dispatch Services	1,088,296	1,127,544	1,791,996	664,452	58.9%
Planning & Development	555,337	683,322	855,350	172,028	25.2%
Permitting & Inspections	7,009,718	5,282,589	5,512,512	229,923	4.4%
Information Technology	299,942	322,599	380,407	57,808	17.9%
Public Works	6,477,465	5,896,834	6,215,651	318,817	5.4%
Parks, Rec & Facilities	8,790,526	7,538,313	8,155,210	616,897	8.2%
Public Bldgs & Waterfront	3,654,835	2,092,379	4,061,084	1,968,705	94.1%
HHS--Administration	-	-	-	-	-
HHS--Public Health	1,526,014	1,869,838	1,884,824	14,986	0.8%
HHS--Social Services	27,503,382	49,606,117	27,770,151	(21,835,966)	-44.0%
HHS--Barron Center	18,423,283	20,852,437	19,100,566	(1,751,871)	-8.4%
Employee Benefits	6,941,837	7,046,332	8,083,301	1,036,969	14.7%
Insurance	432,049	216,063	237,377	21,314	9.9%
Debt Service Reimb.	20,125,991	24,982,556	27,316,928	2,334,372	9.3%
Memberships / Other	640,266	640,265	563,566	(76,699)	-12.0%
Total General Fund:	\$154,351,655	\$177,392,547	\$163,383,375	(\$14,009,172)	-7.9%
Enterprise Funds Revenue:					
Fish Pier Authority	686,100	643,448	676,628	33,180	5.2%
Sewer	28,910,905	30,197,514	31,192,953	995,439	3.3%
Stormwater	7,117,032	7,944,938	8,114,039	169,101	2.1%
Jetport	30,703,557	30,250,451	31,819,966	1,569,515	5.2%
Total Enterprise Funds:	\$67,417,593	\$69,036,351	\$71,803,586	\$2,767,235	4.0%
Total City Revenue	\$221,769,249	\$246,428,898	\$235,186,961	(\$11,241,937)	-4.6%

FY2024 CITY BUDGET SUMMARY

by category
City Manager's Recommendation

	FY23 Approp.	FY24 Proposed	FY24 / FY23		% Of Total
			\$ +/-	% +/-	
01 Personnel--General Fund	\$91,947,482	\$100,113,935	\$8,166,453	8.9%	38.3%
--Ent Funds	7,866,336	8,405,324	538,988	6.9%	11.8%
Total	99,813,818	108,519,259	8,705,441	8.7%	32.6%
02+ Contractual--General Fund	112,934,961	93,467,607	(19,467,354)	-17.2%	35.8%
--Ent Funds	31,643,667	35,788,210	4,144,543	13.1%	50.1%
Total	144,578,628	129,255,817	(15,322,811)	-10.6%	38.8%
55+ Supplies--General Fund	6,752,993	7,989,862	1,236,869	18.3%	3.1%
--Ent Funds	1,283,813	1,337,384	53,571	4.2%	1.9%
Total	8,036,806	9,327,246	1,290,440	16.1%	2.8%
63 Utilities--General Fund	3,884,487	4,257,601	373,114	9.6%	1.6%
--Ent Funds	1,559,010	1,256,150	(302,860)	-19.4%	1.8%
Total	5,443,497	5,513,751	70,254	1.3%	1.7%
70 Capital--General Fund	779,025	905,365	126,340	16.2%	0.3%
--Ent Funds	3,822,300	5,221,020	1,398,720	36.6%	7.3%
Total	4,601,325	6,126,385	1,525,060	33.1%	1.8%
75 Debt Svc--Total GF	52,546,994	54,596,478	2,049,484	3.9%	20.9%
--Ent Funds	11,702,503	13,017,624	1,315,121	11.2%	18.2%
Total	64,249,497	67,614,102	3,364,605	5.2%	20.3%
75 Jetport Rev Bond Debt Svc	4,095,500	4,113,350	17,850	0.4%	5.8%
Jetport Surplus	3,170,067	2,329,413	(840,654)	-26.5%	3.3%
Total General Fund	268,845,942	261,330,848	(7,515,094)	-2.8%	100.0%
Total Enterprise Funds	65,143,196	71,468,475	6,325,279	9.7%	100.0%
Total	\$333,989,138	\$332,799,323	(\$1,189,815)	-0.4%	100.0%

City of Portland
FY24 Staffing FTE Change
City Manager's Recommendation

Department	FY19	FY20	FY21	FY22	FY23	FY24	+/- Chg
General Fund:							
City Council	-	-	-	-	-	-	-
City Clerk	7.9	7.9	7.9	7.9	8.6	8.7	0.1
Executive	10.5	9.5	8.5	8.5	10.5	11.5	1.0
Assessor	5.9	5.9	5.7	5.9	5.9	5.9	-
Finance	25.0	25.0	24.4	25.0	25.0	25.0	-
Legal	7.0	7.0	7.0	8.0	9.0	9.0	-
Human Resources	11.0	10.5	11.3	11.5	12.0	12.60	0.6
Parking	29.6	30.0	29.0	29.2	29.2	29.0	(0.2)
Housing & Economic Dev.	7.1	7.0	16.0	16.0	16.8	15.8	(1.0)
Police	226.3	227.0	224.0	189.0	187.0	187.0	-
Fire	226.0	226.0	224.0	224.0	226.0	229.0	3.0
Dispatch Services				36.0	36.0	37.0	1.0
Planning & Urban Dev.	24.0	24.0	17.0	17.0	17.0	17.0	-
Permitting & Inspections	28.0	28.5	30.8	35.0	36.0	40.0	4.0
Information Technologies	17.3	16.0	16.0	15.8	16.0	19.0	3.0
Public Works	131.0	131.5	122.1	126.5	129.0	129.5	0.5
Parks & Recreation	142.0	141.7	116.4	113.7	126.7	130.4	3.7
Public Bldgs & Waterfront	24.5	24.5	22.0	24.0	24.4	24.6	0.2
HHS Administration	5.0	4.0	4.0	4.0	5.0	5.0	-
Public Health	27.1	28.3	32.3	32.8	38.4	36.6	(1.8)
Social Services	87.8	93.5	94.5	96.2	118.0	163.6	45.6
Barron Center	244.0	246.8	237.6	245.0	244.8	201.4	(43.4)
<i>Total HHS:</i>	<i>363.9</i>	<i>372.6</i>	<i>368.4</i>	<i>378.0</i>	<i>406.2</i>	<i>406.6</i>	<i>0.4</i>
General Fund Subtotal:	1,287.0	1,294.6	1,250.5	1,271.0	1,321.3	1,337.6	16.3
Enterprise Funds:							
Sewer Fund	33.0	33.0	34.0	34.0	34.0	34.0	-
Stormwater Fund	10.0	10.0	9.0	10.0	10.0	10.0	-
Jetport Fund	56.0	59.0	57.0	57.0	58.0	58.0	-
Enterprise Subtotal:	99.0	102.0	100.0	101.0	102.0	102.0	-
Total City Employees:	1,386.0	1,396.6	1,350.5	1,372.0	1,423.3	1,439.6	16.3

AMENDMENT 1-3 TO ORDER 222-22/23
PREPARED BY CORPORATION COUSEL FOR COUNCILOR MARK DION
RE: FINANCE COMMITTEE RECOMMENDED BUDGET

RESOLVED, that the sum of **\$332,799,323,938,202** is hereby appropriated for Fiscal Year 2024 for General Municipal purposes; and

BE IT FURTHER RESOLVED, that the sum of **\$143,810,343**, is hereby appropriated for Fiscal Year 2023 for School purposes; and

BE IT FURTHER RESOLVED, that the Assessor of Taxes of the City of Portland be and hereby is directed to assess a tax upon all real estate liable to be taxed therein and to assess the owner of, or such other persons as may be liable by law for, personal property liable to be taxed therein on the first day of April, 2023 and not exempt from taxation, to the aggregate amount of **\$103,559,653** for municipal purposes and **\$110,850,008** for school purposes for a total tax levy of **\$214,409,661** for Fiscal Year 2024, in accordance with the provisions of the Statutes of Maine; and

BE IT FURTHER RESOLVED, all taxes assessed as above and committed to the Director of Finance shall be due 30 days after the City's Tax Commitment 2023, and payable in two equal installments, the first due 30 days after the City's Tax Commitment 2023, and the second installment due on the 15th day of March, 2024. The delinquency rate of interest shall be eight percent (8%) per annum on all payments received after the respective due dates and the abatement rate of interest shall be four percent (4%) per annum.

**AMENDMENT 4 TO ORDER 222-22/23
PREPARED FOR COUNCILOR ANNA TREVORROW
RE: ADDING \$175,000 IN ADDITIONAL FUNDING FOR
THE CLEAN ELECTIONS PROGRAM TO THE CITY CLERK BUDGET**

ORDERED, that the following shall be added to the Fiscal Year 2024 Budget:

1. An additional \$175,000 for the Clean Elections Program, taking funding from \$290,000 to the \$465,000 needed.



Fred McCann

(207) 209-3413 fred@fredmccann.com 244 Danforth Street, Apt 1 Portland, Maine 04102

**Testimony of Fred McCann regarding funding of the Clean Elections Program
Before the City Council
June 26th, 2023**

Mayor Snyder and members of the City Council, I appreciate the opportunity to provide testimony regarding funding of the Clean Elections Program. My name is Fred McCann. I've resided in Portland for the past twelve years and I'm currently serving on the Portland Water District Board of Trustees.

I am writing to express my support for amending the budget for funding the Clean Elections Program at \$465,000 for 2024. As you may know, 2024 is the first year of the program and also a mayoral election year. Therefore, it is crucial to ensure that the program has enough resources to operate.

The Clean Elections Program is a vital initiative that aims to reduce the influence of big money in politics and increase the participation and representation of ordinary citizens. By providing public financing to qualified candidates the program encourages more diverse and competitive elections, fosters greater accountability and transparency, and strengthens our democracy.

However, the current budget proposal allocates only \$290,000 for the program, which is the average yearly estimated cost over four years. This amount is insufficient to cover the expected demand and expenses of the program in a mayoral election year, especially since it is the first year of implementation.

Therefore, I urge you to amend the budget and increase the funding for the Clean Elections Program to \$465,000 for 2024. This would ensure that the program has adequate funding to fulfill its goals and serve the public interest. By doing so, you would demonstrate your commitment to supporting a more democratic and responsive government for the people of Portland.

Thank you for your attention and consideration.

Sincerely,

Fred McCann



Dena Libner <dlibner@portlandmaine.gov>

Clean Elections Program

Colin Vettier <colin.vettier@gmail.com>

Sat, Jun 24, 2023 at 4:20 PM

To: council@portlandmaine.gov, publiccomment@portlandmaine.gov

Dear City Council,

My name is Colin Vettier and I reside at 53 West st. I am writing in favor of fully funding the Clean Elections Program.

When the City Council adopted the Clean Elections Program it knew that it would cost more than the projected annual average in its first year, which is also a mayoral election year.

The cost to bootstrap the program and support a mayoral election is \$465,000. The budget should be amended to reflect this. The clean elections program was recommended by the Charter Commission, ratified by Portland voters, and adopted by the Council. Any attempt to underfund the program would be an attack on the program and subvert the will of Portland voters.

I urge you to support Councilor Anna Trevorrow's amendment to fully fund the Clean Elections Program.

Thank You

Kindly,

Colin VETTIER

[Linkedin](#) - [iMDb](#)

**AMENDMENT 5 TO ORDER 222-22/23
PREPARED FOR COUNCILOR REGINA PHILLIPS
RE: ADDING \$53,581 IN ADDITIONAL FUNDING
FOR A SENIOR OUREACH NURSE TO
THE BARRON CENTER OFFICE OF ELDER AFFAIRS**

ORDERED, that the following shall be added to the Fiscal Year 2024 Budget:

1. \$53,581 of additional appropriation for the Barron Center Office of Elder Affairs for the hiring of a dedicated Senior Outreach Nurse position for the City.

City of Portland, Maine

Finance Committee's Recommended Budget



FY24 Budget

July 1, 2023 – June 30, 2024

**FY2024 BUDGET
FINANCE COMMITTEE'S RECOMMENDATION
CITY OF PORTLAND, MAINE**

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CITY OF PORTLAND, MAINE
FY2024 BUDGET SUMMARY--EXPENDITURES
Finance Committee's Recommendation

		FY23 Budget	FY24 CM Recomm.	FY24 Fin Comm Recomm.	FC Changes	\$+/-	%+/-
GENERAL FUND EXPENDITURES							
100-11	City Council	\$ 426,699	\$ 532,220	\$ 532,220	\$ -	\$ 105,521	24.7%
100-12	City Clerk	681,447	1,085,708	1,105,708	20,000	424,261	62.3%
100-13	Executive	1,047,862	1,328,780	1,328,780	-	280,918	26.8%
100-14	Assessor	478,268	547,107	547,107	-	68,839	14.4%
100-15	Finance	2,052,068	2,216,858	2,216,858	-	164,790	8.0%
100-16	Legal	1,050,737	1,081,002	1,120,002	39,000	69,265	6.6%
100-17	Human Resources	1,261,163	1,368,502	1,448,381	79,879	187,218	14.8%
100-18	Parking	2,474,187	2,481,173	2,481,173	-	6,986	0.3%
100-19	Housing & Economic Development	1,487,084	1,797,137	1,797,137	-	310,053	20.8%
100-21	Police	15,762,487	16,651,257	16,651,257	-	888,770	5.6%
100-22	Fire	19,173,672	20,272,562	20,272,562	-	1,098,890	5.7%
100-23	Dispatch Services	2,418,809	3,694,113	3,694,113	-	1,275,304	52.7%
100-24	Planning & Urban Development	1,571,267	1,899,211	1,899,211	-	327,944	20.9%
100-25	Permitting & Inspections	2,456,745	2,784,278	2,784,278	-	327,533	13.3%
100-29	Information Technology	2,892,962	3,212,243	3,212,243	-	319,281	11.0%
100-31	Public Works	16,313,403	17,075,683	17,075,683	-	762,280	4.7%
100-33	Parks, Recreation & Facilities	10,699,133	11,427,576	11,427,576	-	728,443	6.8%
100-35	Public Buildings & Waterfront	5,738,255	6,401,080	6,401,080	-	662,825	11.6%
100-441	HHS Administration	508,407	539,378	539,378	-	30,971	6.1%
100-442	Public Health	2,877,587	2,988,798	2,988,798	-	111,211	3.9%
100-443	Social Services	60,000,745	36,827,723	36,827,723	-	(23,173,022)	-38.6%
107-444	Barron Center	17,076,665	14,829,605	14,829,605	-	(2,247,060)	-13.2%
100-44	Health & Human Services	80,463,404	55,185,504	55,185,504	-	(25,277,900)	-31.4%
100-47	Debt Service	52,546,994	54,596,478	54,596,478	-	2,049,484	3.9%
100-48	Public Library	4,312,969	4,528,618	4,528,618	-	215,649	5.0%
100-51	Pension	9,448,120	10,911,142	10,911,142	-	1,463,022	15.5%
100-52	Employee Benefits	21,507,712	23,680,484	23,680,484	-	2,172,772	10.1%
100-61	Contingency	350,000	250,000	250,000	-	(100,000)	-28.6%
100-62	Liability Insurance	901,907	971,678	971,678	-	69,771	7.7%
100-65	Memberships & Contributions	777,584	554,938	554,938	-	(222,646)	-28.6%
100-67	Wage Adjustment	(150,000)	2,346,263	2,346,263	-	2,496,263	-1664.2%
Total General Fund Expenditures		258,144,938	248,881,595	249,020,474	138,879	(9,124,464)	-3.5%
100-63	County Tax Assessment	7,563,215	9,206,423	9,206,423	-	1,643,208	21.7%
100-65	Metro Assessment	3,137,789	3,242,830	3,242,830	-	105,041	3.3%
Total General Fund and Assessments		\$ 268,845,942	\$ 261,330,848	\$ 261,469,727	\$ 138,879	\$ (7,376,215)	-2.7%

CITY OF PORTLAND, MAINE
FY2024 BUDGET SUMMARY--EXPENDITURES
Finance Committee's Recommendation

		FY23 Budget	FY24 CM Recomm.	FY24 Fin Comm Recomm.	Changes	\$+/-	%+/-
ENTERPRISE FUND EXPENDITURES							
530-35	Fish Pier	427,217	421,638	421,638	-	(5,579)	-1.3%
570	Sewer	29,318,982	32,626,957	32,626,957	-	3,307,975	11.3%
571	Stormwater	5,146,546	6,599,914	6,599,914	-	1,453,368	28.2%
583-28	Jetport	30,250,451	31,819,966	31,819,966	-	1,569,515	5.2%
Total Enterprise Fund Expenditures		\$ 65,143,196	\$ 71,468,475	\$ 71,468,475	\$ -	\$ 6,325,279	9.7%
TOTAL CITY EXPENDITURES		\$ 333,989,138	\$ 332,799,323	\$ 332,938,202	\$ 138,879	\$ (1,050,936)	-0.3%

		FY23 School Budget	FY24 Board of Education Recomm.	FY24 City Council Recomm.	FC Changes	\$+/-	%+/-
SCHOOL DEPARTMENT EXPENDITURES							
	Public Schools	<u>\$ 133,070,967</u>	<u>\$ 143,810,343</u>	<u>\$ 143,810,343</u>	<u>\$ -</u>	<u>\$ 10,739,376</u>	<u>8.1%</u>
TOTAL CITY AND SCHOOL EXPENDITURES		<u>\$ 467,060,105</u>	<u>\$ 476,609,666</u>	<u>\$ 476,748,545</u>	<u>\$ 138,879</u>	<u>\$ 9,688,440</u>	<u>2.1%</u>

CITY OF PORTLAND, MAINE
FY2024 BUDGET SUMMARY--REVENUE
Finance Committee's Recommendation

	FY23 Budget	FY24 CM Recomm.	FY24 Fin Comm Recomm.	FC Changes	\$+/-	%+/-
CITY GENERAL FUND REVENUE						
31 Property Taxes	\$ 96,586,918	\$ 103,559,653	\$ 103,698,532	\$ 138,879	\$ 7,111,614	7.4%
31 Other Local Taxes	6,078,477	5,588,477	5,588,477	-	(490,000)	-8.1%
32 Licenses & Permits ¹	7,079,950	7,312,873	7,285,573	(27,300)	205,623	2.9%
33 Intergovernmental Revenue	64,392,196	40,158,019	40,158,019	-	(24,234,177)	-37.6%
34 Charges for Services	38,696,672	40,723,175	40,723,175	-	2,026,503	5.2%
35 Fines, Forfeits and Penalties	1,966,254	2,085,204	2,085,204	-	118,950	6.0%
36 Use of Money and Property ¹	10,882,236	13,028,881	13,056,181	27,300	2,173,945	20.0%
39 Other Sources	43,163,239	48,113,223	48,113,223	-	4,949,984	11.5%
Surplus Use	-	761,343	761,343	-	761,343	
Total General Fund Revenue	\$ 268,845,942	\$ 261,330,848	\$ 261,469,727	\$ 138,879	\$ (7,376,215)	-2.7%
¹ Object Classification Correction						

ENTERPRISE FUND REVENUE

31 Property Taxes	\$ -	\$ -	\$ -	\$ -	\$ -	0.0%
32 Licenses & Permits	8,700	7,200	7,200	-	(1,500)	-17.2%
33 Intergovernmental Revenue	5,716,660	2,577,283	2,577,283	-	(3,139,377)	-54.9%
34 Charges for Services	38,302,827	39,552,717	39,552,717	-	1,249,890	3.3%
36 Use of Money and Property	24,484,568	29,145,565	29,145,565	-	4,660,997	19.0%
39 Other Sources	523,596	520,821	520,821	-	(2,775)	-0.5%
Surplus	(3,893,155)	(335,111)	(335,111)	-	3,558,044	-91.4%
Total Enterprise Fund Revenue	\$ 65,143,196	\$ 71,468,475	\$ 71,468,475	\$ -	\$ 6,325,279	9.7%

	FY23 School Budget	FY24 Board of Education Recomm.	FY24 City Council Recomm.	Changes	\$+/-	%+/-
SCHOOL DEPARTMENT REVENUE						
Property Taxes	\$ 103,851,071	\$ 110,850,008	\$ 110,850,008	\$ -	\$ 6,998,937	6.7%
Local Revenues	5,521,956	5,834,941	5,834,941	-	312,985	5.7%
State Subsidy	21,517,550	23,225,115	23,225,115	-	1,707,565	7.9%
Surplus Use	2,180,390	3,900,279	3,900,279	-	1,719,889	78.9%
Total School Department Revenue	\$ 133,070,967	\$ 143,810,343	\$ 143,810,343	\$ -	\$ 10,739,376	8.1%

TAX RATE COMPUTATION--FY2024
Finance Committee's Recommendation

	General Fund	County Tax	City General Fund	Enterprise Funds	TOTAL CITY	School Dept	GRAND TOTAL
Total Expenditures	\$252,263,304	\$9,206,423	\$261,469,727	\$71,468,475	\$332,938,202	\$143,810,343	\$476,748,545
Less: Revenues	(157,009,852)	-	(157,009,852)	(71,803,586)	(228,813,438)	(29,060,056)	(257,873,494)
Surplus	(761,343)	-	(761,343)	335,111	(426,232)	(3,900,279)	(4,326,511)
Tax Levy	\$94,492,109	\$9,206,423	\$103,698,532	-	\$103,698,532	\$110,850,008	\$214,548,540
Valuation	14,879,000,000				48.3%	51.7%	100.0%
Tax Rate:							
FY24	\$6.35	\$0.62	\$6.97	\$0.00	\$6.97	\$7.45	\$14.42
FY23	\$6.05	\$0.51	\$6.56	\$0.00	\$6.56	\$7.05	\$13.61
\$ Increase	0.30	0.11	0.41	-	0.41	0.40	0.81
% of Total Increase	4.6%	1.7%	6.3%	0.0%	6.3%	5.7%	6.0%

CITY OF PORTLAND, MAINE
FY2024 Non-Tax Revenue
Excludes Taxes & Surplus
Finance Committee's Recommendation

Department	FY22 Collected	FY23 Est (budget)	FY24 Est (budget)	FY24 Est vs FY23 Est (budget)	%
General Fund Revenues:					
City Council	\$5,000	\$5,000	\$55,000	\$50,000	1000.0%
City Clerk	219,334	183,643	178,383	(5,260)	-2.9%
Executive	867,776	915,794	1,011,867	96,073	10.5%
Assessor	985	500	500	-	0.0%
Finance	28,424,153	28,763,280	29,980,688	1,217,408	4.2%
Legal	185,352	201,587	233,537	31,950	15.8%
Human Resources	53,692	56,388	71,420	15,032	26.7%
Parking	12,244,477	9,965,776	10,367,220	401,444	4.0%
Housing & Economic Dev	1,137,685	1,487,084	1,697,137	210,053	14.1%
Police	2,586,986	2,350,462	2,141,946	(208,516)	-8.9%
Fire	5,157,274	5,305,845	5,716,754	410,909	7.7%
Dispatch Services	1,088,296	1,127,544	1,791,996	664,452	58.9%
Planning & Development	555,337	683,322	855,350	172,028	25.2%
Permitting & Inspections	7,009,718	5,282,589	5,512,512	229,923	4.4%
Information Technology	299,942	322,599	380,407	57,808	17.9%
Public Works	6,477,465	5,896,834	6,215,651	318,817	5.4%
Parks, Rec & Facilities	8,790,526	7,538,313	8,155,210	616,897	8.2%
Public Bldgs & Waterfront	3,654,835	2,092,379	4,061,084	1,968,705	94.1%
HHS--Administration	-	-	-	-	-
HHS--Public Health	1,526,014	1,869,838	1,884,824	14,986	0.8%
HHS--Social Services	27,503,382	49,606,117	27,770,151	(21,835,966)	-44.0%
HHS--Barron Center	18,423,283	20,852,437	19,100,566	(1,751,871)	-8.4%
Employee Benefits	6,941,837	7,046,332	8,083,301	1,036,969	14.7%
Insurance	432,049	216,063	237,377	21,314	9.9%
Debt Service Reimb.	20,125,991	24,982,556	27,316,928	2,334,372	9.3%
Memberships / Other	640,266	640,265	563,566	(76,699)	-12.0%
Total General Fund:	\$154,351,655	\$177,392,547	\$163,383,375	(\$14,009,172)	-7.9%
Enterprise Funds Revenue:					
Fish Pier Authority	686,100	643,448	676,628	33,180	5.2%
Sewer	28,910,905	30,197,514	31,192,953	995,439	3.3%
Stormwater	7,117,032	7,944,938	8,114,039	169,101	2.1%
Jetport	30,703,557	30,250,451	31,819,966	1,569,515	5.2%
Total Enterprise Funds:	\$67,417,593	\$69,036,351	\$71,803,586	\$2,767,235	4.0%
Total City Revenue	\$221,769,249	\$246,428,898	\$235,186,961	(\$11,241,937)	-4.6%

FY2024 CITY BUDGET SUMMARY

by category

Finance Committee's Recommendation

	FY23 Approp.	FY24 Proposed	FY24 / FY23		% Of Total
	\$ +/-		\$ +/-	% +/-	
01 Personnel--General Fund	\$91,947,482	100,242,814	\$8,295,332	9.0%	38.3%
--Ent Funds	7,866,336	8,405,324	538,988	6.9%	11.8%
Total	99,813,818	108,648,138	8,834,320	8.9%	32.6%
02+ Contractual--General Fund	112,934,961	93,477,607	(19,457,354)	-17.2%	35.8%
--Ent Funds	31,643,667	35,788,210	4,144,543	13.1%	50.1%
Total	144,578,628	129,265,817	(15,312,811)	-10.6%	38.8%
55+ Supplies--General Fund	6,752,993	7,989,862	1,236,869	18.3%	3.1%
--Ent Funds	1,283,813	1,337,384	53,571	4.2%	1.9%
Total	8,036,806	9,327,246	1,290,440	16.1%	2.8%
63 Utilities--General Fund	3,884,487	4,257,601	373,114	9.6%	1.6%
--Ent Funds	1,559,010	1,256,150	(302,860)	-19.4%	1.8%
Total	5,443,497	5,513,751	70,254	1.3%	1.7%
70 Capital--General Fund	779,025	905,365	126,340	16.2%	0.3%
--Ent Funds	3,822,300	5,221,020	1,398,720	36.6%	7.3%
Total	4,601,325	6,126,385	1,525,060	33.1%	1.8%
75 Debt Svc--Total GF	52,546,994	54,596,478	2,049,484	3.9%	20.9%
--Ent Funds	11,702,503	13,017,624	1,315,121	11.2%	18.2%
Total	64,249,497	67,614,102	3,364,605	5.2%	20.3%
75 Jetport Rev Bond Debt Svc	4,095,500	4,113,350	17,850	0.4%	5.8%
Jetport Surplus	3,170,067	2,329,413	(840,654)	-26.5%	3.3%
Total General Fund	268,845,942	261,469,727	(7,376,215)	-2.7%	100.0%
Total Enterprise Funds	65,143,196	71,468,475	6,325,279	9.7%	100.0%
Total	\$333,989,138	\$332,938,202	(\$1,050,936)	-0.3%	100.0%

City of Portland
FY24 Staffing FTE Change
Finance Committee's Recommendation

Department	FY19	FY20	FY21	FY22	FY23	FY24	+/- Chg
General Fund:							
City Council	-	-	-	-	-	-	-
City Clerk	7.9	7.9	7.9	7.9	8.6	8.7	0.1
Executive	10.5	9.5	8.5	8.5	10.5	11.5	1.0
Assessor	5.9	5.9	5.7	5.9	5.9	5.9	-
Finance	25.0	25.0	24.4	25.0	25.0	25.0	-
Legal	7.0	7.0	7.0	8.0	9.0	9.0	-
Human Resources	11.0	10.5	11.3	11.5	12.0	13.60	1.6
Parking	29.6	30.0	29.0	29.2	29.2	29.0	(0.2)
Housing & Economic Dev.	7.1	7.0	16.0	16.0	16.8	15.8	(1.0)
Police	226.3	227.0	224.0	189.0	187.0	187.0	-
Fire	226.0	226.0	224.0	224.0	226.0	229.0	3.0
Dispatch Services				36.0	36.0	37.0	1.0
Planning & Urban Dev.	24.0	24.0	17.0	17.0	17.0	17.0	-
Permitting & Inspections	28.0	28.5	30.8	35.0	36.0	40.0	4.0
Information Technologies	17.3	16.0	16.0	15.8	16.0	19.0	3.0
Public Works	131.0	131.5	122.1	126.5	129.0	129.5	0.5
Parks & Recreation	142.0	141.7	116.4	113.7	126.7	130.4	3.7
Public Bldgs & Waterfront	24.5	24.5	22.0	24.0	24.4	24.6	0.2
HHS Administration	5.0	4.0	4.0	4.0	5.0	5.0	-
Public Health	27.1	28.3	32.3	32.8	38.4	36.6	(1.8)
Social Services	87.8	93.5	94.5	96.2	118.0	163.6	45.6
Barron Center	244.0	246.8	237.6	245.0	244.8	201.4	(43.4)
<i>Total HHS:</i>	<i>363.9</i>	<i>372.6</i>	<i>368.4</i>	<i>378.0</i>	<i>406.2</i>	<i>406.6</i>	<i>0.4</i>
General Fund Subtotal:	1,287.0	1,294.6	1,250.5	1,271.0	1,321.3	1,338.6	17.3
Enterprise Funds:							
Sewer Fund	33.0	33.0	34.0	34.0	34.0	34.0	-
Stormwater Fund	10.0	10.0	9.0	10.0	10.0	10.0	-
Jetport Fund	56.0	59.0	57.0	57.0	58.0	58.0	-
Enterprise Subtotal:	99.0	102.0	100.0	101.0	102.0	102.0	-
Total City Employees:	1,386.0	1,396.6	1,350.5	1,372.0	1,423.3	1,440.6	17.3

MEMORANDUM
City Council Agenda Item

FROM:

DATE: June 23, 2023

SUBJECT: Order 263-22/23 Continuing Resolution in Lieu of Fiscal Year 2024 Appropriation Resolve - Sponsored by Danielle P. West, 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

In lieu of the Fiscal Year 2024 Appropriation Resolve approval, this order will allow funding to be maintained according to the prior fiscal year's budget orders until a FY24 Appropriation Resolve is passed..

To make this item effective July 1, 2023, staff is requesting that this item be passed as an emergency. Seven affirmative votes are required for passage as an emergency 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. FY24 Continuing Resolution Order 6.26.2023

Prepared by:

Date: 06/23/2023

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)

CONTINUING RESOLUTION IN LIEU OF FISCAL YEAR 2024
APPROPRIATION RESOLVE

ORDERED, that pursuant to Article VII, §7 of the City Charter, the City Council hereby approves the following appropriation for current departmental expenses:

the sum of \$27,832,428 per month is hereby appropriated for General Municipal purposes; and

BE IT FURTHER ORDERED, that this appropriation shall be in force until the Fiscal Year 2024 Appropriation Resolve is in effect; and

BE IT FURTHER ORDERED, that this order is enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter, in order to make it effective on July 1, 2023.

MEMORANDUM
City Council Agenda Item

FROM: Clare Norton
DATE: November 7, 2022
SUBJECT: Order 102-22/23 Declaring July 14 to July 26, 2023 the Payson Park Music Festival
- Sponsored by Danielle P. West, City Manager
SPONSOR: Danielle West; Interim 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 11/21/2022

Final Action 11/21/2022

Can action be taken at a later date: No Organizer, needs to start planning their event.

Does this item involve a new contract with the City: No.

PRESENTATION: Andrew Downs; Director of Public Assembly Facilities and members of C2 Acquisitions, LLC will be available to answer any questions.

I. SUMMARY

Order Declaring July 22nd and July 23rd 2023 as a Music Festival in Payson Park.

II. AGENDA DESCRIPTION

On November 21, 2022, the Council voted to postpone this item to the second Council meeting in June 2023.

The initial Payson Park Music Festival application proposed a 2-day, 2-stage festival in Payson Park on Saturday & Sunday, July 22 & 23, 2023, but since this order was postponed, the sponsor let the Department of Parks, Recreation & Facilities know it would not be moving forward with the festival.

Staff requests that this item be postponed indefinitely. Five affirmative votes are required to postpone.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The City Council Declaring July 22nd and July 23rd 2023 as a Music Festival in Payson Park.

V. FINANCIAL IMPACT

Festival organizers will pay for all City Services utilized during the load-in, event days, and load-out, along with a per ticket fee payable to the City of Portland. Organizers propose a fee of \$1.00 per ticket sold paid to the City of Portland. To demonstrate our sustained commitment to the future of this event, organizers propose the per ticket fee paid to the City of Portland to increase to \$1.50/ticket in 2024 and to \$2.00 in 2025.

Organizers commit to paying for any needed remediation or repair to Edward Payson Park following the event. In addition, this festival is committed to the enhancement of Edward Payson Park and will work with the Parks, Recreation, & Facilities Department and the Portland Parks Conservancy to fund an improvement project within the park in 2023 from event proceeds, with the goal

of continuing to improve both Payson Park and other Portland parks in future years. Festival organizers commit to a donation to the Portland Parks Conservancy for every year that the festival is in existence.

VI. STAFF ANALYSIS AND BACKGROUND

The Public Assembly Facilities Division is confident the organizers of this event have the ability to do so.

VII. RECOMMENDATION

It is recommended the order be declared.

VIII. LIST ATTACHMENTS

1. Payson Park Music Festival Order 11.21.2022
2. C3 Presents Permit Application
3. 11.17.22 Payson Park Festival Memo

Prepared by:

Clare Norton

Date: 11/07/2022

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (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 DECLARING JULY 14 TO JULY 26, 2023
THE PAYSON PARK MUSIC FESTIVAL**

ORDERED, that July 14 to July 26, 2023 is hereby declared to be the Payson Park Music Festival, sponsored by C2 Acquisitions, LLC; and

BE IT FURTHER ORDERED, that the Payson Park Music Festival area shall be the whole of Payson Park; and

BE IT FURTHER ORDERED, that during the Payson Park Music Festival the following streets shall be closed to traffic on July 22 and 23, 2023 if requested by C2 Acquisitions, LLC and approved by city staff: :

Brookside Road (& Lane);
Fernald Street;
Sylvia Road;
Lynda Road;
W. Kidder Street;
Hanson Street;
Johansen Street;
Front Street;
Alton Street; and
A portion of Baxter Boulevard

BE IT FURTHER ORDERED, that some or all of the above streets may be posted No Parking on Festival days; and

BE IT FURTHER ORDERED, that vehicles in violation of the “no parking” signs in the Festival Area shall be towed at owner’s expense; and

BE IT FURTHER ORDERED, that the Payson Park Music Festival Area shall be closed to licensed street vendors as provided in §19-17 and §19-22 of the Portland City Code; and

BE IT FURTHER ORDERED, that the City Manager is authorized to issue a revocable permit to C2 Acquisitions, LLC under §§25-26—25-28 of the Portland City Code to conduct said Festival, subject to the direction and control of the City Manager and to the following specific conditions:

1. C2 Acquisitions, LLC shall defend, indemnify and hold harmless the City of Portland, its officers and employees, from and against all claims arising out of or resulting from the Festival and/or use of City streets and property for said Festival, and shall procure and maintain public liability insurance in the minimum amount of \$400,000 per occurrence for personal or bodily injury, death or property damage and covering the obligation of indemnification hereunder. C2 Acquisitions, LLC shall provide the City with a certificate showing evidence of such insurance and showing the City as an additional insured on said insurance;
2. C2 Acquisitions, LLC will operate an area within Payson Park for vending wine and beer on the days of the Festival and will either apply for the Off-Premises Liquor Catering License or contract with a caterer that already has this license;
3. C2 Acquisitions, LLC shall comply with all Parks, Recreation, and Facilities Department Conditions for use of grounds, and requirements for food service, vending sales, tent and stage installations and other items specified in that permit shall be adhered to, and staff fees for all city staff and services needed will be paid by C2 Acquisitions, LLC;
4. C2 Acquisitions, LLC will charge a fee for admission to the festival;
5. C2 Acquisitions, LLC shall have sole authority over participating vendors at the Festival and may charge a fee to vendors for the opportunity to vend at the Payson Park Music Festival;
6. In addition, the Business Licensing Office shall charge the usual fees for licensing food vendors, and street goods vendors for the Festival to those vendors C2 Acquisitions, LLC has agreed shall participate;
7. Parks, Recreation, and Facilities Department concert license conditions shall be complied with and any and all amplified music and public announcements shall be maintained at a reasonable noise level (under 85 decibels) in accordance with the City's noise ordinance;
8. C2 Acquisitions, LLC shall have the authority to control the festival grounds, including authority to request police assistance if necessary, in order to maintain the festival area in the best interests of the festival; and

BE IT FURTHER ORDERED, that the City Manager is authorized to waive fees and to issue such other temporary licenses, including licenses for food service establishments, as may be required by the Portland City Code, provided that all other applicable Code requirements for the operation of the Festival have been met.



APPLICATION FEE \$25.00
PAYMENT MUST BE MADE WHEN SUBMITTING

APPLICATION

(This is a transferrable/non-refundable fee. If your event is permitted, the \$25.00 will be credited toward your permit fee.)

For uses of city property, there are typically: 1) fees charged for use of the area, 2) a security deposit required, and 3) insurance required.
 There may be fees due and applications required from other City Departments.

TODAY'S DATE		November 4, 2022		ORGANIZATION NAME		C2 Acquisitions, LLC (new festival entity of C3 Presents)			
ADDRESS (Street/City/State/Zip)		1645 East 6 th Street, Suite 150, Austin, TX 78702							
CONTACT NAME(S)		Emmett Beliveau / Adam Shiland			TITLE(S)	COO / Producer			
PHONE	(512) 334-8741			PHONE	(850) 428-0825			PHONE	
EMAIL	Ebeliveau@c3presents.com			EMAIL	adam@shilandcreative.com			EMAIL	

PARK AREA / PUBLIC SPACE REQUESTED	Edward Payson Park		
EVENT DAY(S) & DATE(S)	July 22 & 23, 2023	RAIN DAY(S) & DATE(S) (50% added fee)	N/A
OVERALL EVENT START & END TIME (When setup will begin until cleanup is expected to be complete.)	July 14 (6:00AM) – July 26, 2023 (8:00PM)	EVENT START & END TIME	Approx. 12:00 PM – 10:00 PM (both event days)

EVENT NAME	EXPECTED ATTENDANCE
Music Festival (Name TBC)	20,000 / day

DESCRIPTION OF EVENT: Please be as specific as possible regarding area of public space/park that you would like to permit and please describe event in detail. Please include a detailed map of the proposed event area, proposed route &/or proposed street closures where applicable.

The music festival (name TBC) will be an annual 2-day, 2-stage festival in Payson Park on Saturday & Sunday, July 22 & 23, 2023. The festival will feature a world class musical lineup, local food and beverage offerings, sponsorship activations, kids' programming, and more. Festival organizers will work closely with the City of Portland to develop a comprehensive plan for all operations of the event including, but not limited to, site layout, traffic planning and street closures, parking, shuttle, and transportation options, security, and medical services, along with engaging residents adjacent to Edward Payson Park to provide updates on the event throughout the planning stages.

Road closures to thru-traffic will likely occur on streets that directly access the park – while still allowing access and parking for any/all residents who live on those streets via permits. These streets may include: Brookside Road (& Lane), Fernald Street, Sylvia Road, Lynda Road, W. Kidder Street, Hanson Street, Johansen Street, Front Street, Alton Street. A portion of Baxter Blvd. will be closed to through traffic for the festival.

The festival will utilize all of Edward Payson Park for both front of house and back of house needs. Festival organizers will work to minimize the total number of days of park closures, considering activities such as pickleball and softball when developing a load-in and load-out schedule. The park will remain open and accessible to the public as long as deemed safe by festival organizers and the City of Portland – with an initial plan of a rolling closure of various areas within the park during the load-in and a rolling reopening post-festival during the load-out.

Festival organizers will provide turnkey / self-contained event services for this project minimizing the impact on any City of Portland services. The festival will manage security and medical services within the festival footprint, as well as waste and recycling management (including a Rock & Recycle Program), restrooms, power/electrical, water refill stations, and other elements needed to support an event of this size. In addition, the festival will offer a robust access program featuring ADA viewing areas for guests with impaired mobility. The festival will also incorporate a number of areas/activations from businesses sponsoring the event. Food and beverages (both alcoholic and non-alcoholic) will be available for purchase throughout the festival as well.

The festival will run from approximately 12:00pm – 10:00 pm each day and children 10 and under will be admitted free with a ticketed adult.

Festival organizers will pay for all City Services utilized during the load-in, event days, and load-out, along with a per ticket fee payable to the City of Portland. Organizers propose a fee of \$1.00 per ticket sold paid to the City of Portland. To demonstrate our sustained commitment to the future of this event, organizers propose the per ticket fee paid to the City of Portland to increase to \$1.50/ticket in 2024 and to \$2.00 in 2025.

Organizers commit to paying for any needed remediation or repair to Edward Payson Park following the event. In addition, this festival is committed to the enhancement of Edward Payson Park and will work with the Parks, Recreation, & Facilities Department and the Portland Parks Conservancy to fund an improvement project within the park in 2023 from event proceeds, with the goal of continuing to improve both Payson Park and other Portland parks in future years. Festival organizers commit to a donation to the Portland Parks Conservancy for every year that the festival is in existence.

IS THERE A REGISTRATION FEE/PLEDGES COLLECTED FOR THIS EVENT?	Please check: <u> X </u> FEE <u> </u> PLEDGES	
IF YES FOR FEES, HOW MUCH?	FEE	A range of multi-day and single-day ticket types will be available for sale to the public and a ticket will be required for entry
	STUDENT FEE	

WHAT WILL BE THE ANTICIPATED NEED FOR PARKING AND WHAT IS YOUR PARKING PLAN?

Festival organizers have identified that parking and traffic management will be a challenge that needs to be handled properly and know the key stakeholders to be involved in development of this plan. Organizers will work with the City of Portland to develop this comprehensive parking and traffic plan to provide numerous options for guests attending the event. While priority will be to encourage patrons to walk and bike to the park (the festival will offer a bike valet service), organizers will look to engage the City's Transportation Engineer, Parking Management staff, and METRO staff to identify central parking options near and adjacent to downtown Portland and tram service pick up and drop off points to help minimize the traffic impact to areas around the park.

PLEASE CHECK OFF AND ANSWER:

	X-YES	X-NO	X-NOT SURE
* Are you setting up a canopy(s) ? Yes (10'x10' size or smaller) How many? TBC	X		
* Do you wish to set up a tent(s) and/or stage(s) ? A canopy/tent or stage larger than 10'x10' needs a Temporary Tent or Stage Permit issued by Building Inspections. For permit application, please go to: http://portlandmaine.gov/DocumentCenter/Home/View/2317 or contact the Permitting and Inspections Department at buildinginspections@portlandmaine.gov or 874-8703 for more information. PLEASE apply at least 2-weeks before your event. Tent/Stage Size(s): SAM555 & SL340 (or similar mobile staging) Exact Location(s) of Tent/Stage Placement Requested: Various throughout the Park *** In order to drive tent stakes into the ground, DIG SAFE must be contacted: 888-344-7233. ***	X		
* Will you be setting up tables and/or chairs ? Yes How many tables: 200 chairs: 50	X		
* Are other items or equipment being placed on City property? (i.e. Moon Bounce, Dunk Tank, Radio Station Van, Helium Tank, etc.) Please List: Sponsor activations (TBD)	X		
* Will there be refreshments at the event? Yes Do you wish to sell food ? Yes If so, you will need approval from PAFD and possibly a Temporary Food Service License from Business Licensing Office. PLEASE provide them at least 2 weeks advance notice (874-8557). List food and drink / Food Trucks, etc.: TBC PLEASE NOTE: A Temporary Food Service License is NOT needed when: 1. Food Vendors have a current City of Portland Food License 2. Just pre-packaged refreshments, or food & drink items are purchased or donated from a licensed establishment 3. Bottled water / water is served A TFSL is needed when food vendors are not licensed or when food is being prepared and cooked at the event.	X		
* Do you wish to sell non-food items (like T-shirts, crafts, cd's, etc.)? If so, please apply for a Street Goods Vendor License(s) at the Business Licensing Office (874-8557) – 2 week notice. List items you wish to sell: Event Merchandise (T-shirts, Hats, Sweatshirts, Posters)	X		
* Are you setting up a PA (sound) system ? Yes Are you planning on having Amplified Music ? Yes Band ? Yes DJ ? No Boom Box ? No If so, your event may require a concert license. PAFD will advise upon review of your application. Amplified speech (i.e. Press Conference) does not require the license, however, a Sound Security Deposit may be required. There are time restrictions for amplified music/speech in Downtown Parks & Squares: limited to 11:45am – 1:15pm and 1 hour between 5pm - 8pm.	X		

*	Will your event require electricity ? Yes Electricity is available at Deering Oaks Park, Monument Square, Congress Square, Tommy's Park, Post Office Park, Payson Park, Preble Street Grass Area, Eastern Prom, Fort Allen Park, and Lincoln Park. A \$40 activation fee is required.	X		
*	Are you planning on bringing a Grill for a Barbecue ? N/A Grilling is subject to weather conditions and possibly Fire Dept. review.	X		
*	Will the event require reserved parking spaces / parking meters ? TBD How many? TBD "No Parking" signs may be purchased at the PAFD Office, 212 Canco Rd.	X		
*	Will your event need safety vests, signs, barricades and/or cones ? Yes Please list what you would like to borrow/rent: Cones & Barricades Limited safety vests, cones & barricades may be borrowed/rented from PAFD Office. Traffic signs may be borrowed/rented from Public Works if needed (874-8493).	X		
*	Will your event require street closures ? Yes (Please be specific under "Description of Event") Will your event affect METRO BUS ROUTES ? TBD (If service is affected, organizer needs to work directly with METRO for endorsement / feedback). Please check with Glenn Fenton, METRO: 517-3029 (gfenton@gpmetro.com) to discuss.	X		
*	Will your event require Police assistance? Yes An event such as a road race, march or parade in the street, would typically require police assistance. To reserve & hire an Officer(s) to be on site at your event, please visit: https://www.portlandmaine.gov/FormCenter/Police-Department-3/Portland-Police-Overtime-Request-128	X		
*	Will your event require Fire/EMS assistance? Yes (For a large walk/race, it may be required.) To hire or inquire about hiring city Fire/EMS staff to be on site, please email fireprevention@portlandmaine.gov well in advance of the event. For general questions, you may also call 874-8400.	X		
*	Will your event require Parking Control assistance? Yes To hire a Parking Control Officer(s) to be on site at your event, please call 874-8910 well in advance to arrange.	X		
Fees for Police, Fire/EMS or Parking Control Staff will be invoiced by those individual departments & should be paid to them directly.				
*	Will your event require porta-restroom rental(s) or need existing porta-restrooms cleaned? Yes (Some of the parks already have porta-restrooms. Event participants may use these, but a \$25 fee is assessed for events where attendance is 150 or more.) Porta-restrooms may be rented from any of the local companies. Units currently on site are through Associated Septic. Festival will provide portable restrooms based on a ration of (1) per (100) attendees	X		

INSURANCE CERTIFICATE INFORMATION				
*	Will your event require liability Insurance? Yes (Commercial liability insurance is required for a walkathon, race, festival, press conference, concert, etc. Product liability insurance is also required if the event has been approved for serving food.)	X		

♦ If you answered YES, you shall procure and maintain occurrence-based Commercial General Liability and Product Liability Insurance, when required, in an amount not less than Four Hundred Thousand Dollars (\$400,000.00) per occurrence for bodily injury, death and property damage. You shall name the City of Portland as an additional insured or shall obtain a general liability extension endorsement, for coverage only in those areas where government immunity has been expressly waived by 14 M.R.S. A. § 8104-A, as limited by § 8104-B, and § 8111. The terms of this permit and the insurance coverage shall not be deemed a waiver of any defenses, immunities or limitations of liability or damages available to the CITY under the Maine Tort Claims Act, other Maine statutory law, judicial precedent, common law, or any other defenses, immunities or limitations of liability available to the City. You shall also be responsible for any and all deductibles and/or self-insured retentions.

♦ Both the **Certificate of Insurance** and **Additional Insured Endorsement** shall be sent to clare@portlandmaine.gov and must state that the policy is endorsed to name the City of Portland as an additional insured pursuant to the date of the event (and rain date).

PUBLIC ASSEMBLY FACILITIES DIVISION POLICIES

EVENT REVIEW
The PAFD Office holds a monthly meeting where proposed events are discussed and reviewed by City Departments. For some events, organizers will be asked to present before the committee. Some potential factors may necessitate your event receive City Council approval.

ELECTRICITY
All cords in the public way must be covered by rugs, mats or orange cones to avoid public hazard. If weather is inclement (drizzle, rain, snow, etc.) we require that you not use electricity, unless all connections and equipment are covered and protected from the elements. If a generator is used, please take all necessary measures to ensure safe operation. Bring a fire extinguisher, set generator up away from activities (and combustibles), store fuel source away from the generator and keep children away from the generator.

BARBECUES - GAS GRILLS ONLY
Only GAS GRILLS are allowed in parks/public spaces – i.e. No Charcoal Grills or open burning. Barbecuing must first be approved by PAFD Office and is subject to weather conditions, and possible further review by the Fire Dept. Grills must be set up away from children's activities. You are required to have a fire extinguisher with in the grilling area.

PORTA-RESTROOMS / BATHROOM FACILITIES

Porta-Restrooms are required for large events and events where refreshments are being served. Some of Portland's parks already have portable restrooms from Associate Septic on site (*Preble Street Grass Area at the Preble Street Parking Lot – across from Hannaford's, *Entrance to Dyer's Flat – beside Payson Park, *Deering Oaks Park – Playground + Ravine, *East End Beach - Winter & Early Spring: Just EEB.) If over 150 people are expected to attend the event, a \$25 user fee is required (paid to PAFD). If extra units are rented by organizer, then no additional user fee is assessed. Porta-restrooms are cleaned M, W, & F. If you would like to guarantee that they are cleaned just prior to your event, then you need to call the porta-restroom company (Associated Septic / Royal Flush, 207-799-1980, M-F) to request and pay for a cleaning. If renting units, organizer has the option of renting from Associated Septic / Royal Flush, or from other local companies.

TRASH

All groups must abide by our Carry In/ Carry Out Policy. Please bring extra trash bags and/or trash receptacles and remove all trash. Do not use existing trash barrels or the metal liners inside. You will need to haul all of your trash out of the park/public space or forfeit the security deposit(s). Please recycle whenever possible, (please do not use Styrofoam - it is NOT recyclable). The area will be checked following your event; if park is clean and conditions for use adhered to, your security deposit will be returned to you. Thank you in advance!

MARKING OF GROUNDS

Please DO NOT mark city property in any permanent way.
DO NOT use SPRAY PAINT or SPRAY CHALK. DO NOT STAPLE or NAIL anything to trees.
Children's Art Chalk can be used on hardscape areas with permission from PAFD Office. Tape may also be used.
If markings remain for more than a few rain storms, event organizers are responsible for removing them.
If city staff or contractors need to remove the markings, event organizers are responsible for the cost of staff time and materials.
You may also place signs on stakes in the grass areas bordering trails/race routes (when applicable).
Please remove all signage immediately following the event.

USE OF CANDLES

It is preferred that LED lighted candles or glow sticks are used. If flammable candles are used, please make sure all candles have drip protectors to prevent wax from dripping on hardscape surfaces, which may cause permanent stains/damage. Please make sure all candles are extinguished before being thrown away. Please collect all spent candles so there is no trash left behind. Please take safety precautions: bring a fire extinguisher, gallon of water, etc. in case of fire. **Any damage** (dripped wax absorbed into hardscape causing stains, etc.) **will result in a forfeiture of your security deposit.**

ADA COMPLIANCE

Event organizer must comply with the Americans with Disabilities Act (ADA) and the Maine Human Rights Act (MHRA), including maintaining the permitted use area and all public rights-of-way accessible during the entirety of the permitted event. In the event the permitted area is rendered inaccessible to disabled persons, and/or by request of PAFD staff, the organizer shall act immediately to provide accessibility. All requests to provide interpretive services shall be the responsibility of the organizer to provide and pay for such services. The organizer shall defend, indemnify, and hold the City harmless from any and all liability and damages resulting from alleged violations of the ADA and/or MHRA.

PARKING ON GRASS AREAS / SIDEWALKS / ILLEGALLY PARKED VEHICLES

Vehicles are prohibited from parking on grass areas/sidewalks/park streets (unless specifically approved by city staff). \$20 will be deducted from your security deposit for each vehicle parked on grass/sidewalk areas or vehicles parked illegally. **Any tire ruts/damage to the grass areas will result in a forfeiture of your security deposit.**

RESERVED PARKING

To reserve parking for your event, please contact the PAFD Office (808-5400 x0). Staff will review your request and can issue you "No Parking" signs (\$25 each*). You will need to label signs and tape them to meters or signposts AT LEAST 24 HOURS PRIOR TO YOUR EVENT. (NOTE: If event is on a Sunday or Monday, NP Signs may need to be posted on the preceding Friday by Noon.) Please do not cover up coin slots on meters. If the reserved parking area has no actual parking meters, you may need to tape signs to sign posts, utility poles, trees, or orange cones (placed on the sidewalk beside the street). Please make sure signs are removed once the event is complete.

ALCOHOL / SMOKE-FREE ZONES

By city ordinance, smoking a cigar, cigarette, pipe, electronic cigarette, electronic cigar, electronic pipe, or other similar product that relies on vaporization or aerosolization, is prohibited at and within 20 feet of the following outdoor recreation and event areas: downtown squares and plazas, trails, parks, playgrounds, beaches, and athletic facilities. Consumption of alcohol is prohibited in public spaces unless specifically approved by City Council. Please inform all participants / attendees.

AMPLIFIED SOUND POLICY

Outdoor events with amplified sound may require an Entertainment License from the PAFD Office.
If the Police Dept./City Staff receive noise complaints, they will respond accordingly.
Please set the PA System up with speakers facing away from businesses/residences to lessen impact.
Please keep volume levels low out of consideration for nearby residents and businesses.
The Permittee (organizer) shall not allow the sound emanating from the event to exceed an A-weighted 85 decibels / C-weighted 95 decibels. One verbal warning shall be issued if the sound has been found to have exceeded those limits. The warning may be given to the sound board operator or the organizer/organizer's designee. If the decibel limit is found to have been exceeded a second time during the same event, the entertainment license (or permission to use a bullhorn/PA system) shall be immediately suspended, the PA system / amplification / bullhorn turned off, and the sound security deposit forfeited.

CANCELLATION POLICY

Event must be cancelled with PAFD prior to event date in order to be eligible for a refund.
If cancelled within 2 weeks of scheduled event date, a \$75 cancellation fee may be charged.

NOTIFICATION

Please keep a copy of your event permit on site at all times. City staff may require proof of permit.
 If there are members of the public in the reserved space upon arrival, please present the permit as proof of reservation & approved usage. If you need assistance, please contact the Police Department at (207) 874-8574.
 Please ask Portland newspapers to run an article alerting the public to the event.
 You may put up temporary A-frame signs to alert the public to your event or place signage on orange cones, etc. Signs are to be up DAY OF EVENT ONLY. Please remove all signage immediately following the event.
 Please call Portland Police Dept. (874-8574) on the day of your event to remind them it is taking place.
 Please notify any nearby businesses, including restaurants that may have tables out for dining, to alert them to your event.

STREET CLOSURE NOTIFICATION

Should event involve a Street Closure, lasting longer than an hour, PAFD Office requires organizers to give advanced notification to area businesses, residents and bus companies (in the form of a "Street Closure Sign Off Sheet"). If event impacts METRO Buses, organizer (in advance) must discuss detour plans with METRO.

REVOCABLE PERMIT

- ◆ The City reserves the unconditional right to control or cancel events to protect and/or prohibit damage to public property.
- ◆ The City reserves the unconditional right to revoke or revise an issued permit.
- ◆ Police or City Staff on site may use their discretion to revise conditions of use.

I HAVE READ AND UNDERSTAND ALL OF THE ABOVE POLICIES**TYPE INITIALS****EB****DATE****11.4.22****ASSUMPTION OF RISK & LIABILITY**

Users of the area agree to accept the grounds in an "as is" condition and shall be responsible for all risk and liability in using the park/public space area for the said event. By returning this form (should permission be granted to use city property), the above parties agree to indemnify, defend, and hold harmless the City of Portland, its employees and agents, from and against all claims arising out of activities during said event.

I have read the Assumption of Risk & Liability Agreement**TYPE INITIALS****EB****DATE****11.4.22****PLEASE INITIAL & DATE HIGH-LIGHTED YELLOW BOXES ABOVE.****PLEASE RETURN FORM (WORD DOC) AT LEAST 30 DAYS IN ADVANCE TO:**

◆ Public Assembly Facilities Div. ~ 212 Canco Rd. ~ Portland ~ ME ~ 04103 **EMAIL PREFERRED:** clare@portlandmaine.gov

FEE SCHEDULE – UPDATED JULY 1, 2019

Fees are tiered and assigned based on the level of demand placed on City resources and impact on City infrastructure.

Simple Event (no registration fee): \$75/hour	Electricity (activation/de-activation) Fee: \$40/flat
Event with registration or pledges & attendance 25 - 300: \$125/hr	Porta Restroom User Fee (if attendance is 150+): \$25
Event with registration or pledges & attendance 301+: \$225/hr	Entertainment License: \$50
Film/Photo Shoot: \$150/day	Barricades: \$5/ea. Rental Fee + \$25/ea. Security Deposit
Public Space/Park Security Deposit: \$100 - \$1000	Bike Racks: \$10/ea. Rental Fee + \$25/ea. Security Deposit
Sound Security Deposit: \$100 - \$1,000	Flashing Lights: \$10/ea. Rental Fee + \$40/ea. Security Deposit
Impact/Street Closure Fee (variable based on impact): \$100-\$500	Cones: \$2/ea. Rental Fee + \$15/ea. Security Deposit
Staff Fee (on site event support): \$37/hour	Safety Vests: \$15/ea. Security Deposit
Administrative Fee (event coordination support): \$40/hour or more	Keys: \$50/ea. Security Deposit
Reserved Parking: \$25 each space	Equipment Delivery Fee: \$100 or more
Cancellation Fee: \$75	Fortification Fee: TBD

TOTAL AMOUNT(S) DUE TO PUBLIC ASSEMBLY FACILITIES DIVISION (Please make all security deposit checks out separately)

Permit Fee for use of area:	\$	Entertainment License Fee:	\$
Number of Hours of Use: Approx.		Equipment Rental Fee:	\$
Staff Fee (on site event support):	\$	Public Space / Park / Sound Security Deposit:	\$
Admin. Fee (event coordination support):	\$	Borrowed / Rented Equipment Deposit:	\$
Electricity Fee (activation/de-activation):	\$	Additional Fees:	\$
Impact/Street Closure Fee (variable based on impact):	\$	(Porta-Restroom User Fee, "No Parking" Signs, etc.)	

CITY OF PORTLAND ACCEPTS CASH, CHECK, MONEY ORDER AND CREDIT / DEBIT CARDS FOR PAYMENT

Checks should be made payable to City of Portland

There will be a 2.65% processing fee added to all Debit / Credit Card transactions.

FOR OFFICE USE ONLY

APPLICATION FEE:	\$ 25.00	PERMIT FEE:	\$	SECURITY DEPOSIT:	\$	INSURANCE NEEDED?	Y / N
DATE RECEIVED:		DATE RECEIVED:		DATE RECEIVED:		DATE RECEIVED:	

City of Portland | Parks, Recreation & Facilities Department

Ethan Hipple, *Director*



To: Mayor Snyder and Members of the Portland City Council

From: Andrew Downs, Director of Public Assembly Facilities

Date: November 17, 2022

Re: Additional Information on Festival Operations
and Review Process

As the City Council prepares to consider Order 102-22/23, staff thought it may be helpful to provide additional, operational background on how City staff consider and facilitate these types of events.

The application submitted to the City is reviewed by multiple City Departments, including Parks, Recreation, and Facilities Department (Public Assembly Facilities Division and Parks Division), Police Department, Fire Department, Legal Department (Risk Management), Traffic Division, Parking Division, Business Licensing Division, and Fire Prevention. This group has discussed the proposal and its impacts at length, including but not limited to: scheduling, park impacts, licensing needs, safety, traffic, parking, waste management, sanitation, city services, utilities, potential layout options, possible vendors and resources, and other music festival logistics.

After review, City Staff is confident that C3 Presents has the experience and ability to produce and manage a music festival of the proposed scale. Staff is also of the opinion that the application is appropriate to be presented to the City Council at this time for consideration.

It is important to note that if approval is granted by the Council, C3 Presents will negotiate an agreement with the Parks, Recreation, and Facilities Department regarding the use of Payson Park and the surrounding area for the presentation of a two-day music festival. The following terms are typical of agreements with private parties for the use of public space for large-scale events:

- A ticket surcharge set at \$1.00 per ticket sold, which generates revenue for the Parks, Recreation, & Facilities Operating Budget;
- Fees for use of public space on load-in/set-up days and load-out/break-down days;
- A noise deposit of no less than \$1,000, and the submission of a satisfactory sound mitigation plan;
- Any and all public announcement (PA) and other speakers or amplifiers used to amplify music or other sound shall be maintained under 85 decibels/C -weighted 95 decibels, in according with City of Portland noise standards;

- Organizer is required to indemnify the City and hold it harmless from and against all claims arising out of activities during said event, and shall take out and maintain public liability insurance coverage (as well as alcohol liability coverage) in the amount of at least \$400,000 per occurrence for personal or bodily injury, death, or property for said purposes;
- Conditions for use of grounds, specified in an agreement and permit issued from the Public Assembly Facilities Division, shall be adhered to;
- Restoration and repair of the grounds used for the proposed Music Festival, including a damage deposit of no less than \$2,000;
- Organizer will have the authority over participating vendors at the events, will organize the same, and may charge a fee to vendors for the opportunity to vend at the Festival;
- Temporary licenses and temporary permits will be obtained and fees paid by the organizer, including but not limited to licenses for food service establishments, liquor license, sales of non-food related items, temporary structures (staging), tent permits, and single event entertainment license; and
- The organizer will reimburse all of the expenses incurred by the City for any and all services.

City staff have already met numerous times with organizers and are prepared to finalize the above terms with them and continue to work extensively with them through the planning process of the proposed Music Festival. In referencing City Code of Ordinances Section 18-44, City Staff have discussed the mandated standards with event organizers and have determined the following:

- Although the proposed event will certainly be impactful to the park and the community, it will not endanger the health and safety of all persons who visit the park due to the conditions and terms described above, among other things, that the organizer will need to adhere to;
- Parking has been identified as a challenge, but a detailed strategy and plan will be created and adhered to. While there are enough parking facilities to accommodate the event, communicating to ticket holders on how to arrive and where to find appropriate parking will be paramount. Staff will require and review/approve a parking and related communication plan;
- Staff will also require that the organizers provide at least the minimum amount of sanitary facilities needed to accommodate the proposed event;
- Staff acknowledges the potential for damage to the park grounds, but will require that any damaged areas will be restored to an acceptable level in an acceptable time frame. This work will be overseen by the Parks, Recreation, and Facilities Department at the cost of the organizers. This is typical and managed for other large-scale events permitted in Portland.

- Staff acknowledges that the proposed event may create sound and other disturbances to the festival zone and surrounding areas. The event will be subject to the City's sound/noise ordinance requirements, and will conclude at 10pm each day. Staff will also work with organizers to minimize these disturbances to their best ability.
- Although Payson Park consists of multiple fields, courts, and open space, City staff have reviewed schedules for the use of the Park and are working to accommodate any conflicts. Staff will work with organizers to allow for activities to be scheduled with limited impact for as long as possible leading up to and following the specific music festival performance dates. The goal will be to limit the impact to other users as much as possible.

From: publiccomment@portlandmaine.gov on behalf of [Anne Pringle](#)
To: publiccomment@portlandmaine.gov
Subject: Payson Park Concert Application
Date: Friday, November 18, 2022 4:08:52 PM

Mayor Snyder and Members of the Council,

I watched the workshop last Tuesday and appreciate the questions posed. Having been involved with Deering Oaks for 25+ years, I offer these comments:

As some of you might recall, The Maine Festival operated in Deering Oaks from August 11-13, 1989 after stints at Bowdoin College and elsewhere. A nonprofit venture featuring Maine artists, crafts, and foods, the local promoters (local promoters Phyllis O'Neill and Bau Graves, who later founded the arts venue at One Portland Square) closed off a section of the park to collect paid admission to cover the costs. There was a huge public outcry about cordoning off part of the park for private, ticketed use and the Festival lasted only one year. I thought the City later established a policy that public parks could not be closed off to accommodate events that charged admission, but apparently not.

The much-loved Deering Oaks Family Festival (1982-1995) was sponsored by the Chamber of Commerce and was originally intended as a one-year celebration of the 350th anniversary of the settlement of Portland. But it became a **very large annual event**. This "non-profit" festival was "free", but carnival rides and food were subject to a charge. Due to the substantial impact of **150,000** visitors over the six-day event, the Deering Oaks Master Plan (adopted unanimously by the Council in 1994): limited the number of festival and set-up take-down days; required that rides, etc. were to be set up on hard surfaces only; and that significant mitigation effort were to be undertaken and paid for by Festival sponsors. The impact on the park and on neighbors of annual events of this magnitude was noted.

As the Parks Department staff has said in its recommendations of food trucks on the Eastern Prom, use of parks and open spaces is about **finding balance**. From the staff recommendation: ["Balancing Park Priorities: This proposal seeks to protect the park, as well as balance the desires of the community, food truck vendors, and general public, and allow for limited commercial food and beverage activity, while infringing minimally on the many other park uses."](#)

My fear is the that the proposed Payson Park concerts will become just as damaging to that park, and an extended inconvenience to its regular users, as the DOFF was to the Oaks. **The 40,000 attendance projected for the two-day concerts is proportionally even higher than experienced during the the DOFF.**

Establishing the correct balance is not easy and might differ from space-to-space, based on the history, character, condition, and public use of that space.. At the least, the Council should table this proposal in order to thoughtfully consider the policy implications, pro and con, of large-scale events in parks and open spaces, informed by a discussion of the role of park and open spaces and research of the impacts experienced in other cities of similar events.

Please very deliberate in how you approach this proposal, as it will establish a

significant precedent for other parks and open spaces.

Anne Pringle

Neal Street

From: publiccomment@portlandmaine.gov on behalf of [Matt Schwach](#)
To: publiccomment@portlandmaine.gov
Subject: Fwd: Payson Park Music Festival comments
Date: Friday, November 18, 2022 1:34:03 PM

Per Dena Libner's suggestion, I am forwarding my email (below).
Thank you.

On Fri, Nov 18, 2022 at 12:43 PM Matt Schwach <matt.schwach@gmail.com> wrote:

Hi, Mayor and Councilors. Thank you for hosting the Zoom meeting re: the proposed Payson Park Festival on Wednesday which I attended. It was very interesting and informative.

I am a Portland resident (25 High St) and a Board member of Creative Portland. I am writing to express my concern re: the Festival as currently proposed. I echo the comments of many in the meeting, particularly those of Peter McLaughlin (who I do not know). As you well know, our mission at Creative Portland is to elevate our Portland artists and to support the local creative economy. Dinah and the team at CP have a track record of inclusivity, partnering with artists and both the public and private sectors to fulfill our mission. My concern is that the current proposal is not inclusive of the relevant artists and organizations here in Portland and is designed to benefit C3 more than it does Portland.

I believe that, together, we can create a more organic, Portland focused music festival that we can all be proud of and happy about.

Thank you for your consideration.

Matt Schwach
25 High St #311
Portland
207 266-3177

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Dena Libner, MPA
Chief of Staff
[City of Portland](#)
[389 Congress Street](#)
Portland, Maine 04101
(207) 756-8288
dlibner@portlandmaine.gov Pronouns: she/her



Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

From: publiccomment@portlandmaine.gov on behalf of [Kathryn Carder](#)
To: publiccomment@portlandmaine.gov
Subject: Support the Payson Park Music Festival 2023
Date: Friday, November 18, 2022 12:34:22 PM

Dear City Councilor,

As a Portland resident and concert enthusiast, I urge you to support the Payson Park summer 2023 music festival.

The Payson Park summer 2023 music festival provides the opportunity to bring exorbitant revenue to the local restaurants, businesses, artists, and shops. Non-local attendees would leave with exciting and positive stories of Portland, only yielding new interest, visitors, and revenue for the City.

The event organizers—as well as performing artists, vendors, volunteers, AND Portland residents—would undoubtedly be invested in making this music festival a success. Music festivals can provide a wonderful experience for its many participants and would be a fantastic opportunity for Portland's cultural scene.

Please support the Payson Park summer 2023 music festival.

Sincerely,
Kathryn Carder
Portland, ME
Sent from my iPhone

From: publiccomment@portlandmaine.gov on behalf of [Katherine Westley Roberge](#)
To: Citymanager@portlandmaine.gov; afournier@portlandmaine.gov; amarshall@portlandmaine.gov; andy@portlandmaine.gov; atreverrow@portlandmaine.gov; azarro@portlandmaine.gov; ehipple@portlandmaine.gov; ksnyder@portlandmaine.gov; mdion@portlandmaine.gov; pali@portlandmaine.gov; parks@portlandmaine.gov; parkscommission@portlandmaine.gov; publiccomment@portlandmaine.gov; rrodriguez@portlandmaine.gov; tchong@portlandmaine.gov; vpelletier@portlandmaine.gov
Subject: I DO NOT support C3s Festival Application
Date: Friday, November 18, 2022 12:03:37 PM

Hello, my name is Kate Roberge, and I live in the Back Cove neighborhood. I am writing to ask that you NOT APPROVE the application submitted by C3 Presents for a 10-year contract to host a 20,000-person/day annual 2-day music festival in Payson Park. I feel strongly that you do not have enough information to approve this application for either a single year or 10 years, this is being unnecessarily rushed, and I do not think this is the right solution.

I like the idea of having a festival in Portland, and I ask that the City will undergo an RFP process to find the best solution, which will allow you to consider and address the following questions:

- Who is the right partner to work with?
- What is the best size festival to have and why?
- What is the best timing?
- What is the best venue?
- Who will benefit from this and how?

In the meantime, I ask that you vote NO on C3s application at the November 21st meeting. I appreciate your time and consideration.

Sincerely,

Kate Roberge

From: publiccomment@portlandmaine.gov on behalf of bailey100@gwi.net
To: ksnyder@portlandmaine.gov; pali@portlandmaine.gov; afournier@portlandmaine.gov;
rrodriguez@portlandmaine.gov; atrevorrow@portlandmaine.gov; vpelletier@portlandmaine.gov;
tchong@portlandmaine.gov; azarro@portlandmaine.gov; mdion@portlandmaine.gov;
publiccomment@portlandmaine.gov; parks@portlandmaine.gov; ehipple@portlandmaine.gov;
andy@portlandmaine.gov; amarshall@portlandmaine.gov; parkscommission@portlandmaine.gov;
Citymanager@portlandmaine.gov
Subject: No to festival in Payson Park
Date: Friday, November 18, 2022 11:28:46 AM

We are writing to ask that you NOT APPROVE the application submitted by C3 Presents for a 10-year contract to host a 20,000 person/day annual 2-day music festival in Payson Park.

We feel strongly that this is not the right venue for such a large gathering and that the promoter has not provided enough details to assist you in making an informed decision.

In addition we are opposed to using public parks for commercial ventures such as this that is bad for the parks and those who rely on them.

Finally we don't see the need to rush into a decision that would have such a major impact on the park and the surrounding neighborhood.

Please do not approve this.

Janice and Kenneth Bailey
59 Mountfort Street
Portland 04101

From: [Pious Ali](#)
To: [Diane Lawton](#)
Cc: [At-Large Councilor April Fournier](#); [At-Large Councilor Roberto Rodriguez; Chong](#); [City Council Email](#); [Director of Park and Rec Ethan Hipple](#); [Director of Public Assembly Facilities Andy Downs](#); [District 1 Councilor Anna Trevorrow](#); [District 2 Councilor and Parks Commission Liaison Victoria Pelletier](#); [District 4 Councilor Andrew Zarro](#); [District 5 Councilor Mark Dion](#); [Friends of Payson Park](#); [Interim City Manager Danielle West](#); [Mayor Kate Snyder](#); [Parks Commission](#); [Parks Director Alex Marshall](#); [Public Comments for City Council Meetings](#)
Subject: Re: Opposition to Payson Park Music Festival
Date: Friday, November 18, 2022 11:01:15 AM

Diane-

Thank you for taking the time to share this input with us , I will have it in mind as we go into deliberation on this issue on Monday. Have a wonderful weekend

Respectfully

Pious Ali

City Councilor At-Large

City Hall

389 Congress Street

Portland, ME 04101

PALI@PortlandMaine.gov

[2078074283](tel:2078074283)

<http://www.portlandmaine.gov>

[Sign up to receive updates on my work](#)

On Mon, Nov 14, 2022 at 10:24 AM Diane Lawton <efinsterwald@gmail.com> wrote:

Hi! My name is Diane Lawton. I am an owner at 56 Back Cove Estates. I am a member of Friends of Payson Park. I am increasingly alarmed by the prospect of the proposed music festival to begin next summer with the plan to continue as an annual event. I know you will be receiving lots of input from other concerned citizens. There are many good reasons to object to this event and I won't duplicate them here. May I simply say that Payson is only 45 acres, bordered on three sides by residential property. The Noise Disturbance alone feels like a Rule Out to me. Payson is a wonderfully well used public park that fits beautifully in its neighborhood and perfectly provides for a myriad of recreational activities by a wide range of local groups and individuals. To disrupt this well loved community resource and its surroundings for the financial gain of a private entity flies in the face of its purpose and mission as a successful public park. I urge you to oppose the C3 Music Festival and any such misuse of community parks. Thanks so much for your time and efforts on this matter

and on all the pressing issues in this wonderful and fast changing community.
Diane Lawton

From: [Pious Ali](#)
To: amginn@gmail.com
Cc: publiccomment@portlandmaine.gov; ksnyder@portlandmaine.gov; azarro@portlandmaine.gov; atreavorrow@portlandmaine.gov; mdion@portlandmaine.gov; vpelletier@portlandmaine.gov; afournier@portlandmaine.gov; rrodriguez@portlandmaine.gov; tchong@portlandmaine.gov
Subject: Re: comment on proposed concert in Payson Park
Date: Friday, November 18, 2022 10:57:42 AM

Anna-

Thank you for taking the time to share this input with us , I will have it in mind as we go into deliberation on this issue on Monday. Thank you for your service have a wonderful weekend

Respectfully

Pious Ali

City Councilor At-Large

City Hall

389 Congress Street

Portland, ME 04101

PALI@PortlandMaine.gov

[2078074283](tel:2078074283)

<http://www.portlandmaine.gov>

[Sign up to receive updates on my work](#)

On Tue, Nov 15, 2022 at 11:45 AM <amginn@gmail.com> wrote:

Dear Members of the City Council:

I am a Portland resident who is totally committed to the parks and the importance of open space in our city and equal access to the out of doors for all people. This deep commitment to equity, conservation, and preservation has brought me to the board of Portland Parks Conservancy where I currently serve as board chair.

I want to express my strong support for the concert festival in Payson Park as a way to bring more people into the park and secure additional support for park improvements. First of all, bringing music that might excite 10,000 people or more is a huge deal. These people deserve a chance to experience the park as a setting for something they love and is well worth the closure that local residents might have to experience for a few days. I'd hope those Payson Park neighbors might use the opportunity to get out and visit other Portland parks. I am moved by their deep appreciation of Payson Park and their desire to protect is from wear and tear. You can't have thousands of people visit a park without some damage,

but experience in other cities proves usage like this is worth it and repairable.

Secondly, C3 Presents, the concert promoters, has committed \$100,000 as a donation to the Portland Parks Conservancy: at least \$75,000 would be spent on a Payson Park project, and the rest would go for the Parks Conservancy's other work across other City parks. The City's top priority project for Payson Park is a new entrance from Front Street, with landscaping and trail connections into the park. This is an important equity and access issue, as there is additional affordable housing being built there by the Portland Housing Authority and those residents deserve convenient and attractive access to the park! This is the project the C3 funding will support.

The C3 Presents Concert Festival is an exciting opportunity and a chance to improve Portland parks.

Many thanks,

Anna Ginn

166 Fore St.

Portland, ME 04101

Chair of the Portland Parks Conservancy

From: [Pious Ali](#)
To: [Thea Champlin](#)
Cc: ksnyder@portlandmaine.gov; afournier@portlandmaine.gov; rrodriguez@portlandmaine.gov; atreavorrow@portlandmaine.gov; vpelletier@portlandmaine.gov; tchong@portlandmaine.gov; azarro@portlandmaine.gov; mdion@portlandmaine.gov; publiccomment@portlandmaine.gov; parks@portlandmaine.gov; ehipple@portlandmaine.gov; andy@portlandmaine.gov; amarshall@portlandmaine.gov; parkscommission@portlandmaine.gov; Citymanager@portlandmaine.gov
Subject: Re: I DO NOT support C3s Festival Application
Date: Friday, November 18, 2022 10:54:15 AM

Thea-

Thank you for taking the time to share this input with us , I will have it in mind as we go into deliberation on this issue on Monday. Have a wonderful weekend

Respectfully

Pious Ali

City Councilor At-Large

City Hall

389 Congress Street

Portland, ME 04101

PALI@PortlandMaine.gov

[2078074283](tel:2078074283)

<http://www.portlandmaine.gov>

[Sign up to receive updates on my work](#)

On Wed, Nov 16, 2022 at 11:46 AM Thea Champlin <thea.champlin@yahoo.com> wrote:

Hello, my name is Thea Champlin and I live in Buxton, and work in Downtown Portland. I am writing to ask that you NOT APPROVE the application submitted by C3 Presents for a 10-year contract to host a 20,000 person/day annual 2-day music festival in Payson Park. I feel strongly that you do not have enough information to approve this application, for either a single year or 10 years, this is being unnecessarily rushed and I do not think this is the right solution.

I like the idea of having a festival in Portland, and I ask that the City will undergo an RFP process to find the best solution, which will allow you to consider and address the following questions:

- Who is the right partner to work with?
- What is the best size festival to have and why?
- What is the best timing?
- What is the best venue?

- Who will benefit from this and how?

In the meantime, I ask that you vote NO on C3s application at the November 21st meeting. I appreciate your time and consideration.

Sincerely,

Thea Champlin

From: [Pious Ali](#)
To: [Renée Cabot](#)
Cc: afournier@portlandmaine.gov; rrodriguez@portlandmaine.gov; tchong@portlandmaine.gov; ksnyder@portlandmaine.gov; publiccomment@portlandmaine.gov
Subject: Re: Support for Payson Park Music Festival
Date: Friday, November 18, 2022 10:53:57 AM

Kate-

Thank you for taking the time to share this input with us , I will have it in mind as we go into deliberation on this issue on Monday. thanks for your service and have a wonderful weekend

Respectfully

Pious Ali

City Councilor At-Large

City Hall

389 Congress Street

Portland, ME 04101

PALI@PortlandMaine.gov

[2078074283](tel:2078074283)

<http://www.portlandmaine.gov>

[Sign up to receive updates on my work](#)

On Wed, Nov 16, 2022 at 12:00 PM Renée Cabot <renee.cabot@gmail.com> wrote:

Dear Councillors,

As a board member of the Portland Parks Conservancy and a resident of the Back Cove neighborhood living very near to Payson Park I am writing to voice my support for the proposed plans for the music festival in Payson Park.

As a lover of concerts and live music I feel strongly that this is an amazing opportunity to bring world class acts to Portland. Portland which is a great city for live music would be even better!

The C3 company is extremely experienced in organizing this type of music festival and most importantly has committed to a \$100,000 donation to the Portland Parks Conservancy. \$75,000 of this amount is to be spent on a project to improve Payson Park, and \$25,000 for the Parks Conservancy's other work across the City.

Payson Park is in need of significant improvements. One of the top priorities is a new entrance from Front Street, with landscaping and trail connections into the park. This is an important equity and access issue, as there is additional affordable housing being built there by the Portland Housing Authority and those

residents deserve convenient and attractive access to the park.

If the C3 Music Festival gets approved this will be the project the C3 funding will support this year.

We believe this concert festival is an exciting opportunity to make those improvements happen this year and continue to help us enhance Portland parks into the future.

Kind regards,

Renee Cabot

57 Coyle St
Portland, ME

From: [Pious Ali](#)
To: [Naomi H.](#)
Cc: [ksnyder@portlandmaine.gov](#); [afournier@portlandmaine.gov](#); [rrodriguez@portlandmaine.gov](#); [atreavorrow@portlandmaine.gov](#); [vpelletier@portlandmaine.gov](#); [tchong@portlandmaine.gov](#); [Andrew Zarro](#); [mdion@portlandmaine.gov](#); [publiccomment@portlandmaine.gov](#); [parks@portlandmaine.gov](#); [ehipple@portlandmaine.gov](#); [andy@portlandmaine.gov](#); [amarshall@portlandmaine.gov](#); [parkscommission@portlandmaine.gov](#); [citymanager@portlandmaine.gov](#)
Subject: Re: Payson Park Music Festival Application - NO
Date: Friday, November 18, 2022 10:35:32 AM

Naomi-

Thank you for taking the time to share this input with us , I will have it in mind as we go into deliberation on this issue on Monday. Have a wonderful weekend

Respectfully

Pious Ali

City Councilor At-Large

City Hall

389 Congress Street

Portland, ME 04101

PALI@PortlandMaine.gov

[2078074283](tel:2078074283)

<http://www.portlandmaine.gov>

[Sign up to receive updates on my work](#)

On Thu, Nov 17, 2022 at 9:07 AM Naomi H. <nhoneth@gmail.com> wrote:

Hello, My name is Naomi Honeth, residing in Portland, District 4 at 21 George Street, about a half mile from Payson Park. I have been following the C3 application for a major music festival in Payson Park in July 2023. I would respectfully request that you to vote No on the application for the following reasons:

1. Payson Park simply isn't set up for a mass gathering, let alone one that lasts two days and is to be replicated for the next 10 years! The two major roads, one of which is winding and narrow with no pedestrian sidewalk or bike lane, are traversed more than ever since the closing of Baxter Boulevard. There are heavily used playing fields, tennis/pickleball courts, a basketball court, a playground for young children, an arboretum, and other natural areas (the estuary hosted a rare Yellow-Crowned Night Heron last summer), and recreational facilities. Without complete disruption/ruin of the park, there simply is no room for stages, sound equipment, vendors, and, most of all, 20,000 or more visitors.
2. The promoters have been quick to verbally promise solutions to security, parking, excessive noise, and other concerns but have offered nothing in their application specifically to address these issues. In fact, the application is hugely deficient in details. If the City were to accept the verbal assurances of C3 without explicit contractual obligations on the part of the promoter, it would be acting in violation of the public trust.

3. C3 is a subsidiary of Live Nation, a company with a long history of safety violations. It [has been cited](#) in mass-gathering disasters, such as shootings, injuries, and a deadly stampede. In no way should Portland risk having such tragedies strike our vibrant city.

4. There are numerous logistical challenges to having a massive crowd gathering at Payson Park, especially at the height of the summer tourism season. These include: distance from intown Portland where there are services, parking, restaurants, shops, hotels, and the like; limited access to the park due to the closure of Baxter Boulevard; and the huge disruption to traffic flow in a neighborhood which has been suffering from road construction and closures for several years.

In light of the above, I would ask that you vote NO on C3s application at the November 21st meeting. I appreciate your time and consideration.

Sincerely,
Naomi Honeth

From: [Pious Ali](#)
To: [Henry Honeth](#)
Cc: [ksnyder@portlandmaine.gov](#); [afournier@portlandmaine.gov](#); [rrodriguez@portlandmaine.gov](#); [atreavorrow@portlandmaine.gov](#); [vpelletier@portlandmaine.gov](#); [tchong@portlandmaine.gov](#); [Andrew Zarro](#); [mdion@portlandmaine.gov](#); [publiccomment@portlandmaine.gov](#); [parks@portlandmaine.gov](#); [ehipple@portlandmaine.gov](#); [andy@portlandmaine.gov](#); [amarshall@portlandmaine.gov](#); [parkscommission@portlandmaine.gov](#); [citymanager@portlandmaine.gov](#)
Subject: Re: C3 Application for Music Festival - NO
Date: Friday, November 18, 2022 10:33:23 AM

Henry-

Thank you for taking the time to share this input with us , I will have it in mind as we go into deliberation on this issue on Monday. Have a wonderful weekend

Respectfully

Pious Ali

City Councilor At-Large

City Hall

389 Congress Street

Portland, ME 04101

PALI@PortlandMaine.gov

[2078074283](tel:2078074283)

<http://www.portlandmaine.gov>

[Sign up to receive updates on my work](#)

On Thu, Nov 17, 2022 at 9:40 AM Henry Honeth <thehone3k@gmail.com> wrote:

My name is Henry Honeth, a resident of District 4, Portland.

There are a number of reasons to not have this festival in Payson Park.

1. The impact on the neighborhoods near the park.

This will not only be for two days but close to two weeks from putting up to closing down.

The park will be closed to other activities for much of this time.

People will park in our neighborhoods and will be returning from 10 to 11 PM. as well as increasing the traffic flow the rest of the time.

People run and walk along Baxter Blvd. This will affect all of them.

2. The noise level will affect the whole city. I have lived near Payson Park for the last 45 years and have never been bothered by noise. When the Rock Row concerts were held 2 years ago in Westbrook the noise was unbearable. Those bass speakers send sound all over the place.

We complained but nothing was done. Do you think that these promoters care? The other side of the cove will hear this as well.

3. To sign a contract with them for multiple years is foolish. If the experience is bad what is our out? Will we go through major legal fees to cancel it? If they want this so much let it be

on our terms not theirs.

4. 75 K for the park? What does that buy us in todays market. The park has needed sidewalks forever, have the city allocate to fix this issue over several years, not by a minor amount of money as a bribe to get this event.

Thank you for your time

PS Look into their parent company.

Henry Honeth

From: [Pious Ali](#)
To: [Jerry Marx](#)
Cc: [District 4 Councilor Andrew Zarro](#); [Public Comments for City Council Meetings](#); [At-Large Councilor April Fournier](#); [Mayor Kate Snyder](#); [District 2 Councilor and Parks Commission Liaison Victoria Pelletier](#); [At-Large Councilor Roberto Rodriguez](#); [District 1 Councilor Anna Trevorrow](#); [Chong](#); [District 5 Councilor Mark Dion](#); [City Council Email](#); [Director of Park and Rec Ethan Hipple](#); [Director of Public Assembly Facilities Andy Downs](#); [Parks Director Alex Marshall](#); [Parks Commission](#); [Interim City Manager Danielle West](#); [Friends of Payson Park](#)
Subject: Re: C3 Presents application for Payson Park Concert
Date: Friday, November 18, 2022 10:24:00 AM

Mr Marx-

Thank you for taking the time to share this input with us , I will have it in mind as we go into deliberation on this issue on Monday. Have a wonderful weekend

Respectfully

Pious Ali

City Councilor At-Large

City Hall

389 Congress Street

Portland, ME 04101

PALI@PortlandMaine.gov

[2078074283](tel:2078074283)

<http://www.portlandmaine.gov>

[Sign up to receive updates on my work](#)

On Thu, Nov 17, 2022 at 3:26 PM Jerry Marx <jerrydmarx77@gmail.com> wrote:

Dear Councilor Zarro and other Portland City Council Members:

I am a resident of the East Deering neighborhood in Portland and am writing to strongly urge you to reject the permit application by C3 Presents for a concert festival in Payson Park. I am against the proposal for several reasons. The primary reason is that this concert has the potential to be an extremely large event, that I fear would overwhelm our neighborhood with people (both residents and nonresidents of Portland), cars (parking is already hard to find in the city), noise (we currently have three major construction jobs underway in the East Deering/Baxter Boulevard area), and at least temporarily, litter. In short, this is an environmental issue that could negatively impact the park and nearby Back Cove.

A second reason for my opposition is a matter of good public policy. Should we really be "selling" our public parks to major private entertainment companies for any reason? If it is a matter of raising funds to maintain our city parks, I would rather consider less risky methods such as gradual tax increases (I don't mind paying my fair share), user fees, donation opportunities for park users, or better budget management of existing city revenue streams.

Third, Payson Park is beloved by residents because of its natural beauty and the current recreational opportunities it offers, activities that include tennis, basketball, baseball, softball, family winter sledding, and walking. These are all minimal impact activities that don't threaten the park or the surrounding neighborhood. The park is already busy with these uses when the weather permits. Anyone who claims otherwise simply doesn't visit the park enough. As a resident of East Deering, I see the activity all the time.

Payson Park is a beloved public common area that needs to be utilized with wisdom and respect. Please reject this proposal.

Jerry D. Marx
77 Randall Street, #3
Portland, Maine 04103

From: publiccomment@portlandmaine.gov on behalf of [Catie Wooten](#)
To: publiccomment@portlandmaine.gov
Subject: Order102-22/23DeclaringJuly14toJuly26,2023thePaysonParkMusicFestival
Date: Friday, November 18, 2022 7:06:36 AM

I am writing as a resident of Back Cove Estates, and a weekly user of Payson Park. This park is a valuable asset to the neighborhood and the city. It hosts many races and fundraisers. Those are appropriate uses of the park. A music festival would draw too many people for too long to the park. It will damage the park grounds. This area of the city is quieter than the peninsula and other sections, which is an asset. Please keep festivals to areas of the city where they have traditionally been.

I am in agreement with the points made in the op-ed to the Press Herald on November 18. <https://www.pressherald.com/2022/11/18/maine-voices-we-need-way-more-information-about-proposed-payson-park-festival/>

Please do not vote for this festival.

Thank you.

Catie Wooten (she/her)
Science Teacher
Yarmouth High School

From: ["James Cabot" via Public Comment](#)
To: publiccomment@portlandmaine.gov
Subject: Fwd: Proposed Concert in Payson Park
Date: Friday, November 18, 2022 6:46:18 AM

From: James Cabot <jecabot@me.com>
Date: November 17, 2022 at 9:16:45 PM EST
To: "Mayor Kate Snyder, Portland, Maine" <ksnyder@portlandmaine.gov>, citymanager@portlandmaine.gov, council@portlandmaine.gov
Subject: Proposed Concert in Payson Park

Dear Mayor Snyder, City Manager West and Portland City Council,

I am writing to share my enthusiastic support for the proposed concert to be held in Payson Park in July, 2023.

In short, this is an awesome opportunity for our city. I cannot think of anything more fitting to our capital city of music, arts, food and hospitality than a world-class music festival. This concert has the potential to significantly raise the profile of Portland. And the proposed promoter group is the same group that produces Austin City Limits on an annual basis. This event has significantly raised the profile of Austin and turned it into one of America's coolest cities. I attended ACL in 2010. It is terrific. And, the promoter intends to contribute \$100,000 to the Portland parks system. Win, win.

I understand that there is some scattered opposition to this event. There are legitimate neighborhood concerns about parking, crowd control, impact on the park and so on, but as an attendee of Austin City Limits I have no doubt that the promoter will closely think through these issues and solve them. They have figured this out in Austin. And, these are all solvable challenges in Portland too.

When you live in Maine long enough, you hear this constant refrain about how we are challenged to keep our children here when they grow up. As parents of young children, this is certainly on my wife's mind and mine as well. Bottom line: if we want to keep our kids here, we need to make it clear that Portland holds its own nationally as a center of music, arts, culture and fun. If we do not want our kids to decamp to New York, San Francisco, Nashville or (yes) Austin, then we need to show that we can match what these cities offer. This is our opportunity to do that. Let's seize it!

Respectfully submitted,
James Cabot
57 Coyle Street, Portland

From: [Carol Schiller](#)
To: ksnyder@portlandmaine.gov; publiccomment@portlandmaine.gov; tchong@portlandmaine.gov; mdion@portlandmaine.gov; atrevorrow@portlandmaine.gov; azarro@portlandmaine.gov; pali@portlandmaine.gov; vpelletier@portlandmaine.gov; afournier@portlandmaine.gov; rrodriguez@portlandmaine.gov; [Sheba Brown](mailto:Sheba.Brown); citymanager@portlandmaine.gov
Cc: [Ethan Hipple](#); [Nan Cumming](#); [Alex Marshall](#)
Subject: Public Comment: Letter of Support for 2-Day Payson Park Concert Application
Date: Thursday, November 17, 2022 3:48:11 PM
Attachments: [Council Letter for Payson Park Concert .pdf](#)
[Untitled attachment 66977.htm](#)

November 17, 2022

Dear Mayor Snyder and Portland City Council:

I am writing to request that you please approve the permit application for the 2-day concert in Edward Payson Park for July 22 & 23, 2023 from C 2 Acquisitions, LLC presented by Emmet Beliveau and Adam Shiland during Monday, November 21st, 2022 City Council Meeting. Please include my letter in city record.

Last night, I joined the Mayor's November 16th Zoom Meeting dedicated to this topic and expressed my support. The Portland Park Conservancy mission is to identify private funding sources. Portland stands to gain \$100,000.00 from this event, of which \$75,000.00 would be designated for Payson Park improvements. How can Portland afford not to give this a try? Payson Park lacks amenities like picnic tables & picnic area, etc. Payson Park is 106 years old, it needs a Landscape Design Plan, etc. Money generated from annual concerts could help revitalize our aging parks and give meaning to park equity. The smaller parks are often neglected like Noyes Park.

I've had the privilege of living next door to a public park, I like to think I am a good steward, over the years I have organized park clean ups, events to celebrate Longfellow Park and strengthen community. I do not believe I or others living around public parks have the right to restrict how others use our public parks. I understand the C 2 organization wants to establish a long term relationship with the City of Portland, not a one time deal. This makes me believe they will do everything possible to ensure the concerts are successful with minimal impact. This could be the golden goose of Portland Parks!

Yes, it means making sacrifices, some will be inconvenienced but the benefits of having funds to transform & maintain Portland Parks into world class parks for everyone to use and enjoy, outweighs opposition. Let's give them a chance. Portland Parks need this revenue!

Thank you in advance for your consideration.

Best Regards,

Carol Schiller, Portland Resident
Since 1980

From: publiccomment@portlandmaine.gov on behalf of [Jerry Marx](#)
To: [District 4 Councilor Andrew Zarro](#)
Cc: [Public Comments for City Council Meetings](#); [At-Large Councilor April Fournier](#); [Mayor Kate Snyder](#); [At-Large Councilor Pious Ali](#); [District 2 Councilor and Parks Commission Liaison Victoria Pelletier](#); [At-Large Councilor Roberto Rodriguez](#); [District 1 Councilor Anna Trevorrow](#); [Chong](#); [District 5 Councilor Mark Dion](#); [City Council Email](#); [Director of Park and Rec Ethan Hipple](#); [Director of Public Assembly Facilities Andy Downs](#); [Parks Director Alex Marshall](#); [Parks Commission](#); [Interim City Manager Danielle West](#); [Friends of Payson Park](#)
Subject: C3 Presents application for Payson Park Concert
Date: Thursday, November 17, 2022 3:26:26 PM

Dear Councilor Zarro and other Portland City Council Members:

I am a resident of the East Deering neighborhood in Portland and am writing to strongly urge you to reject the permit application by C3 Presents for a concert festival in Payson Park. I am against the proposal for several reasons. The primary reason is that this concert has the potential to be an extremely large event, that I fear would overwhelm our neighborhood with people (both residents and nonresidents of Portland), cars (parking is already hard to find in the city), noise (we currently have three major construction jobs underway in the East Deering/Baxter Boulevard area), and at least temporarily, litter. In short, this is an environmental issue that could negatively impact the park and nearby Back Cove.

A second reason for my opposition is a matter of good public policy. Should we really be "selling" our public parks to major private entertainment companies for any reason? If it is a matter of raising funds to maintain our city parks, I would rather consider less risky methods such as gradual tax increases (I don't mind paying my fair share), user fees, donation opportunities for park users, or better budget management of existing city revenue streams.

Third, Payson Park is beloved by residents because of its natural beauty and the current recreational opportunities it offers, activities that include tennis, basketball, baseball, softball, family winter sledding, and walking. These are all minimal impact activities that don't threaten the park or the surrounding neighborhood. The park is already busy with these uses when the weather permits. Anyone who claims otherwise simply doesn't visit the park enough. As a resident of East Deering, I see the activity all the time.

Payson Park is a beloved public common area that needs to be utilized with wisdom and respect. Please reject this proposal.

Jerry D. Marx
77 Randall Street, #3
Portland, Maine 04103

From: publiccomment@portlandmaine.gov on behalf of [Henry Honeth](#)
To: ksnyder@portlandmaine.gov; pali@portlandmaine.gov; afournier@portlandmaine.gov; rrodriguez@portlandmaine.gov; atreavorrow@portlandmaine.gov; vpelletier@portlandmaine.gov; tchong@portlandmaine.gov; Andrew Zarro; mdion@portlandmaine.gov; publiccomment@portlandmaine.gov; parks@portlandmaine.gov; ehipple@portlandmaine.gov; andy@portlandmaine.gov; amarshall@portlandmaine.gov; parkscommission@portlandmaine.gov; citymanager@portlandmaine.gov
Subject: C3 Application for Music Festival - NO
Date: Thursday, November 17, 2022 9:41:00 AM

My name is Henry Honeth, a resident of District 4, Portland.

There are a number of reasons to not have this festival in Payson Park.

1. The impact on the neighborhoods near the park.

This will not only be for two days but close to two weeks from putting up to closing down.

The park will be closed to other activities for much of this time.

People will park in our neighborhoods and will be returning from 10 to 11 PM. as well as increasing the traffic flow the rest of the time.

People run and walk along Baxter Blvd. This will affect all of them.

2. The noise level will affect the whole city. I have lived near Payson Park for the last 45 years and have never been bothered by noise. When the Rock Row concerts were held 2 years ago in Westbrook the noise was unbearable. Those bass speakers send sound all over the place. We complained but nothing was done. Do you think that these promoters care? The other side of the cove will hear this as well.

3. To sign a contract with them for multiple years is foolish. If the experience is bad what is our out? Will we go through major legal fees to cancel it? If they want this so much let it be on our terms not theirs.

4. 75 K for the park? What does that buy us in todays market. The park has needed sidewalks forever, have the city allocate to fix this issue over several years, not by a minor amount of money as a bribe to get this event.

Thank you for your time

PS Look into their parent company.

Henry Honeth

From: publiccomment@portlandmaine.gov on behalf of [Naomi H.](#)
To: ksnyder@portlandmaine.gov; pali@portlandmaine.gov; afournier@portlandmaine.gov; rrodriguez@portlandmaine.gov; atreavorrow@portlandmaine.gov; vpelletier@portlandmaine.gov; tchong@portlandmaine.gov; Andrew Zarro; mdion@portlandmaine.gov; publiccomment@portlandmaine.gov; parks@portlandmaine.gov; ehipple@portlandmaine.gov; andy@portlandmaine.gov; amarshall@portlandmaine.gov; parkscommission@portlandmaine.gov; citymanager@portlandmaine.gov
Subject: Payson Park Music Festival Application - NO
Date: Thursday, November 17, 2022 9:07:40 AM

Hello, My name is Naomi Honeth, residing in Portland, District 4 at 21 George Street, about a half mile from Payson Park. I have been following the C3 application for a major music festival in Payson Park in July 2023. I would respectfully request that you to vote No on the application for the following reasons:

1. Payson Park simply isn't set up for a mass gathering, let alone one that lasts two days and is to be replicated for the next 10 years! The two major roads, one of which is winding and narrow with no pedestrian sidewalk or bike lane, are traversed more than ever since the closing of Baxter Boulevard. There are heavily used playing fields, tennis/pickleball courts, a basketball court, a playground for young children, an arboretum, and other natural areas (the estuary hosted a rare Yellow-Crowned Night Heron last summer), and recreational facilities. Without complete disruption/ruin of the park, there simply is no room for stages, sound equipment, vendors, and, most of all, 20,000 or more visitors.
2. The promoters have been quick to verbally promise solutions to security, parking, excessive noise, and other concerns but have offered nothing in their application specifically to address these issues. In fact, the application is hugely deficient in details. If the City were to accept the verbal assurances of C3 without explicit contractual obligations on the part of the promoter, it would be acting in violation of the public trust.
3. C3 is a subsidiary of Live Nation, a company with a long history of safety violations. It [has been cited](#) in mass-gathering disasters, such as shootings, injuries, and a deadly stampede. In no way should Portland risk having such tragedies strike our vibrant city.
4. There are numerous logistical challenges to having a massive crowd gathering at Payson Park, especially at the height of the summer tourism season. These include: distance from intown Portland where there are services, parking, restaurants, shops, hotels, and the like; limited access to the park due to the closure of Baxter Boulevard; and the huge disruption to traffic flow in a neighborhood which has been suffering from road construction and closures for several years.

In light of the above, I would ask that you vote NO on C3s application at the November 21st meeting. I appreciate your time and consideration.

Sincerely,
Naomi Honeth

From: ["patricia waldron" via Public Comment](#)
To: [Public Comments for City Council Meetings](#); [At-Large Councilor April Fournier](#); [Mayor Kate Snyder](#); [At-Large Councilor Pious Ali](#); [District 2 Councilor and Parks Commission Liaison Victoria Pelletier](#); [At-Large Councilor Roberto Rodriguez](#); [District 1 Councilor Anna Trevorow](#); [Chong](#); [District 4 Councilor Andrew Zarro](#); [District 5 Councilor Mark Dion](#); [City Council Email](#); [Director of Park and Rec Ethan Hipple](#); [Director of Public Assembly Facilities Andy Downs](#); [Parks Director Alex Marshall](#); [Parks Commission](#); [Interim City Manager Danielle West](#); [Friends of Payson Park](#)
Subject: Vote NO on Contract for Payson Park Music Festival
Date: Wednesday, November 16, 2022 9:34:18 PM

Dear Members of the City Council of Portland, Maine,

My name is Patricia Waldron , I live at 53 Spruce St and I am writing to ask you to reject the permit application from C3 Presents for a music festival in Payson Park.

This proposal specifically requests the closure of the entire public park to the public for the purposes of a private event, to the exclusion of public use. There is also, is the possibility of significant destruction to grass , trees, urban meadows and other park features, which will require additional closures for reseeding and repairs further limiting the public use of this park during one of the most heavily used times of year in a park that experiences a wonderful variety of uses. I've been paying Portland Property Taxes for 37 years and love our parks and am happy they are funded in the City budget. My family uses them frequently. We should have learned our lesson after the carnivals(although fun) caused too much damage to Deering Oaks and the damage the Mumford & Sons Concert caused on the Eastern Prom. The downsides of these event are too high. These events should be held at venues like Thompson's Point and Rock Row rather than a public park. Public Parks should not be for rent! I believe that public parks should be available for all of the public to enjoy.

Thank you for your consideration,

Sincerely,

Patricia Waldron

Friends of Payson Park Position on Proposed Music Festival November 10, 2022

Friends of Payson Park respectfully requests that the Portland City Council vote against approving the application from C2 Acquisitions, LLC, a division of Live Nation, doing business as C3 Presents, for a music festival in Payson Park.

This proposal specifically requests the closure of the entire public park to the public for the purposes of a private event, to the exclusion of public use, and this is our primary concern. Also, there will be significant impact and destruction to grass and other park features, which will require additional closures for reseeding and repairs. Please see our detailed concerns below, including potential violations of Chapter 18-44 of the City Code of Ordinances.

The mission of Friends of Payson Park

Edward Payson Park is a unique resource for the City of Portland, Maine, offering year-round opportunities for sports, recreation, relaxation and contemplation. Our mission is to act as stewards to protect, preserve and enhance the park while assuring it blends harmoniously with its adjoining communities. Our goal is to work in collaboration with the City of Portland to develop sound management policies for park programming and development that benefit area neighborhoods and the wider Portland community, while balancing concerns for the unique ecological and geographic features of the park.

Concerns

- **Usage of the park.** Edward Payson Park is a public park used year-round, especially in the summer. The park provides a variety of dedicated recreational sports areas, open spaces, lawns, pollinator grassy areas, a playground with a water feature used intensively during hot spells, an expanding arboretum, a community garden, and an important wetland area in the southwest corner. The park provides parking for people to access the Back Cove trail and it serves as a commuting route connecting Baxter Boulevard and Ocean Avenue along with side streets to Washington Avenue. People enjoy walking, biking, skateboarding, rollerblading, baseball, softball, basketball, soccer, football, flag football, pickleball, tennis, dodgeball, frisbee, disc golf, yoga, drumming, fencing, dancing, cheerleading, live action role playing, music making, and various races and competitions, as well as picnicking, birding, and the enjoyment of vistas and open spaces.
- **Closure to the public.** Though the park is often permitted for use by private entities, those events have not required the closing of the whole park to the public for exclusive private use. The festival proposed by C3 Presents will require completely closing the Park to the public for some days prior to, during, and following the festival, with partial closures during more shoulder days for set up and clean up, at least 13 days overall around the event itself; this does not include closures for subsequent repairs and renovations that may be needed. This would be during the Park's most intensively used season.
- Pertinent considerations relating to **Chapter 18 in the Code of Ordinances for the City, Section 18-44**, enumerating the **requirements for a permit** for such an event as the festival.
 - **Item (2) cites the need for adequate parking facilities to accommodate the proposed event.**
 - C3 Presents has said it has obtained lists of the various parking garages and lots in Portland; however, those are likely to be full during July and other summer months. While some school parking lots in the Deering, Back Cove, and East Deering neighborhoods may be available, many church lots will not be usable on Saturday and/or Sunday, limiting parking and shuttle opportunities. Unlike many other (more populated) cities in which large music festivals occur, Portland does not have an extensive public transit system. It is expected that attendees will make use of any on street parking they can find for up to two miles to the east, north and west of the park. Baxter Boulevard is unlikely to re-open to traffic before December 2023, further restricting access and egress. Management of traffic as attendees arrive and especially as they depart will become paramount. While C3's application acknowledges that parking and traffic management will be a challenge, their request for the use of City police and traffic personnel is likely unrealistic given that those departments are significantly understaffed.

- **Item (4) states that the event shall not cause damage from destruction or overuse to or overuse of the grounds, equipment, vegetation, buildings, fences or other amenities in the park.**
 - Festivals in other cities evidence extensive damage to grass/turf/sod areas as well as hard surfaces. Having 10,000 to 12,000 attendees per day in Year 1, headed for 20,000 attendees per day in subsequent years means extensive damage to grass areas, requiring 6-8 weeks of no access so that reseeded areas can recover. Potential damage to ball fields and court surfaces will also require closure until repairs and resurfacing can occur. Of late, specific areas have been left un-mowed to provide habitat for pollinators, and these areas will be trampled at an ecologically critical time. There is concern about damage by attendees during the festival to fences around the ball fields and tennis courts, as well as to trees throughout the park. Trash in the neighborhoods adjacent to and around the park will be an issue and should not be left to the neighbors or the City to clean up.
 - The application from C3 Presents acknowledges the likelihood of negative impacts that exceed the timeframe of the event set up and tear down, “Organizers commit to paying for any needed remediation or repair to Edward Payson Park following the event.”
 - While Item (4) is clear that damage should be avoided in the first place, these circumstances indicate parts of the park will continue to be closed to public access while remediation and repairs take place.
- **Item (5) says that the proposed event would not unreasonably disturb persons who occupy land which is adjacent to the park.**
 - C3 Presents has stated that access to the park through the neighborhoods will become more and more limited during the week leading up to the event and during the event itself, requiring a permit for those living in the neighborhood. Payson Park has residences abutting it on three sides, and Catafalque Drive through the middle of the park is accessed frequently not only by commuters, but also by emergency services responding to calls at Seaside Healthcare. Access to and through the neighborhoods surrounding the park will continue to be a challenge with the continued closure through most of 2023 of Baxter Boulevard from Payson Park to Vannah Street.
 - In Year 1, at least, festival operators will require generators to supply power; it is unclear when generators will be placed into operation; it is likely they will be needed through the night to help maintain security lights and systems. It is unclear how both the sounds of generators and lights at night will impact residents in the neighborhoods.
 - Residents near Payson Park can hear events held at the Maine State Pier and were able to hear concerts at Rock Row in Westbrook, which means residents around Portland as well as Westbrook will likely hear this event.
- **Item (6) states that the park or portion thereof has not been reserved for other use that day.**
 - Payson Park is used intensely in the summer months by a wide variety of groups and individuals, every single day (see **Usage** section above). Many people from near and far travel to the park on a regular and recurring weekly basis to participate in organized sports and practices. Blocking access to the park, including closure of the surrounding roads as outlined in the application, closes off for many their only option for recreation, and removes access for travel through the park to get to work, whether people drive, walk or bike. **Limiting and then eliminating access, spanning a 13-day period, with additional sectional closures for damage remediations and vegetative recovery makes Payson Park an inappropriate location for such an event.**
- **Unknown impacts.**
 - Stormwater separation systems operate in the south end of the park, under Baxter Boulevard and under the grass area south of the Little League field (east of the playground and west of Seaside Healthcare). An assessment of the potential impact of this proposed festival needs to be made to identify risks and possible damage to this infrastructure or access to this infrastructure.
 - It is unclear how and whether this event is in alignment with the City’s One Climate Future goals, which the city is in the process of codifying. Our parks play important roles both in carbon sequestration and in the enhancement of human mental and physical health. To deny the public access is in conflict with the purpose of our public parks.

From: publiccomment@portlandmaine.gov on behalf of [Andrew Magoun](#)
To: ksnyder@portlandmaine.gov
Cc: publiccomment@portlandmaine.gov
Subject: In support: Portland concert festival
Date: Wednesday, November 16, 2022 9:18:52 PM

Mayor Snyder,

As a Portland taxpayer who is a frequent user of Portland's parks and a board member of the Portland Parks Conservancy, I am writing to you in support of the proposed music festival to be put on by the company C3 and held at Payson Park in the summer of 2023. The proposed music festival would be a large draw to Portland and further cement its position as a premier cultural destination in New England. C3 has a proven track record of bringing in nationally known acts and putting on high quality music festivals. Additionally, the proposed donation of \$100,000 to the Parks Conservancy would go a long way towards addressing long-term plans to improve the overall experience of both Payson Park and other parks throughout the city.

This partnership with C3 has the potential to bring in hundreds of thousands of dollars over the years that would go directly towards improving both the physical infrastructure of Portland's parks and the programs the city is able to provide. C3's partnership with the Austin Parks Foundation as part of Austin City Limits has brought in over \$48 million in less than two decades. That money goes directly into improving the parks in the city of Austin. While the Portland Music Festival would not be on the same scale as Austin City Limits, it too would bring in hundreds of thousands of dollars, potentially millions of dollars over the coming years that would go towards improving the experience at parks throughout Portland.

As you are well aware, there is a constant tension between the money needed to both maintain and improve the parks and the need to limit the monetary impact on the taxpayers. C3's commitment to partnering with the Portland Parks Conservancy to improve the parks throughout the city will help improve the parks and recreational programs while at the same time reducing the financial burden on Portland's taxpayers. It truly is a win-win.

I urge you to vote yes on allowing this music festival to happen.

Sincerely,

Andrew Magoun

From: publiccomment@portlandmaine.gov on behalf of [Charles Collins](#)
To: publiccomment@portlandmaine.gov
Subject: Payson Park Concert
Date: Wednesday, November 16, 2022 8:35:09 PM
Attachments: [11.10.2022 Friends of Payson Park position statement proposed Music Festival.pdf](#)

Dear Members of the City Council of Portland, Maine,

Our names are Charle and Leisa Collins, We live at 51 W Kidder St and we are writing to ask you to reject the permit application from C3 Presents for a music festival in Payson Park.

This proposal specifically requests the closure of the entire public park to the public for the purposes of a private event, to the exclusion of public use. There is also, is the possibility of significant destruction to grass and other park features, which will require additional closures for reseeding and repairs further limiting the public use of this park during one of the most heavily used times of year in a park that experiences a wonderful variety of uses. I believe that public parks should be available for **all** of the public to enjoy, not just those who can afford an expensive ticket to an exclusive event.

In addition to reviewing the attached details of our concerns, I also invite you to come to visit with us and see the Park from where ours and many other homes sit in relation to the Park. We are deeply concerned about the liability we face as homeowners both in terms of the potential for property damage and access and egress to our homes during this event.

Thank you for your service to the City of Portland.

Sincerely,
Charles and Leisa Collins
51 W Kidder St
Portland ME

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Charles Collins, MBA, Ed.D.
charcoll51@gmail.com
207-415-2240

From: publiccomment@portlandmaine.gov on behalf of [Andrew Burgess](#)
To: publiccomment@portlandmaine.gov
Subject: Yes on Payson Park Concert series
Date: Wednesday, November 16, 2022 6:28:17 PM

Please find a way to make the concert series at Payson Park happen!

These sorts of events are what make a city interesting.

It would also be great to figure out how to monetize these events for the city. It seems that we need to find more sources of income, as opposed to property tax increases on residents.

Sincerely,

Andrew Burgess

Summit Street, Portland

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Drew Burgess

From: publiccomment@portlandmaine.gov on behalf of [Dana Weste](#)
To: publiccomment@portlandmaine.gov; [At-Large Councilor April Fournier](#); [Mayor Kate Snyder](#); [At-Large Councilor Pious Ali](#); [District 2 Councilor and Parks Commission Liaison Victoria Pelletier](#); [At-Large Councilor Roberto Rodriguez](#); [District 1 Councilor Anna Trevorow](#); [Chong](#); [District 4 Councilor Andrew Zarro](#); [District 5 Councilor Mark Dion](#); [City Council Email](#); [Director of Park and Rec Ethan Hipple](#); [Director of Public Assembly Facilities Andy Downs](#); [Parks Director Alex Marshall](#); [Parks Commission](#); [Interim City Manager Danielle West](#)
Subject: C3 music festival
Date: Wednesday, November 16, 2022 4:42:26 PM

Dear Members of the City Council of Portland, Maine,

Our names are Grace and Dana Weste, we live at 11 West Kidder Street and we are writing to ask you to reject the permit application from C3 Presents for a music festival in Payson Park.

This proposal specifically requests the closure of the entire public park to the public for the purposes of a private event, to the exclusion of public use. There is also the possibility of significant destruction to grass and other park features, which will require additional closures for reseeded and repairs further limiting the public use of this park during one of the most heavily used times of year in a park that experiences a wonderful variety of uses. We believe that public parks should be available for **all** of the public to enjoy, not just those who can afford an expensive ticket to an exclusive event.

Thank you for your service to the City of Portland.

Sincerely,

Grace and Dana Weste
11 West Kidder Street

THANK YOU

PS- please vet this completely before voting November 21, 2022.

From: publiccomment@portlandmaine.gov on behalf of [Lauren Wayne](#)
To: [Kate Snyder](#)
Cc: pali@portlandmaine.gov; afournier@portlandmaine.gov; rrodriguez@portlandmaine.gov; atrevorvow@portlandmaine.gov; vpelletier@portlandmaine.gov; tchong@portlandmaine.gov; azarro@portlandmaine.gov; mdion@portlandmaine.gov; publiccomment@portlandmaine.gov; parks@portlandmaine.gov; ehipple@portlandmaine.gov; [Andy Downs](#); amarshall@portlandmaine.gov; parkscommission@portlandmaine.gov; Citymanager@portlandmaine.gov
Subject: Re: Payson Park festival
Date: Wednesday, November 16, 2022 3:01:30 PM

Great, makes sense. We have no opposition to the festival, we just hope that it doesn't prohibit other promoters from doing similar-sized events in public spaces when and where possible, following a similar application and approval process.

Thanks for your prompt reply.

Lauren

On Nov 16, 2022, at 2:54 PM, Kate Snyder <ksnyder@portlandmaine.gov> wrote:

Hi Lauren -

Thanks for writing.

This C3 application is for one year - it is not a multi year contract.

What we will consider Monday night is an application to have a multi-day festival in July 2023.

Even if the intent of any given applicant is multi-year, the Council would have to approve an application each year.

I hope this helps,

Kate

On Wed, Nov 16, 2022 at 2:51 PM Lauren Wayne <lauren@statetheatreportland.com> wrote:

Mayor Snyder and members of the city council,

In regards to the proposed Payson Park music festival: I would hope that, if approved, a 10-year agreement with an out-of-state entity like C3/Live Nation would not preclude a local, independent promoter like ourselves from doing a large-scale event in a city park in the very near future. I also expect that we would have a similar application, approval process and term-length for an agreement, as we are hoping to move forward with something similar to what we did in 2012 on the Eastern Prom.

If this consistency is not possible, then I would hope that the council would not

approve a long-term agreement for any entity for any public space.

Thank you.
Lauren

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Lauren Wayne
State Theatre
State Theatre Concert Series at Thompson's Point
www.statetheatreportland.com
(207) 838-5552

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Kate Merchant Snyder, Mayor
Portland, Maine
Office: 207-874-8941

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

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From: [Kate Snyder](#)
To: [Lauren Wayne](#)
Cc: pali@portlandmaine.gov; afournier@portlandmaine.gov; rrodriguez@portlandmaine.gov; atreavorrow@portlandmaine.gov; vpelletier@portlandmaine.gov; tchong@portlandmaine.gov; azarro@portlandmaine.gov; mdion@portlandmaine.gov; publiccomment@portlandmaine.gov; parks@portlandmaine.gov; ehipple@portlandmaine.gov; [Andy Downs](#); amarshall@portlandmaine.gov; parkscommission@portlandmaine.gov; Citymanager@portlandmaine.gov
Subject: Re: Payson Park festival
Date: Wednesday, November 16, 2022 2:54:46 PM

Hi Lauren -

Thanks for writing.

This C3 application is for one year - it is not a multi year contract.

What we will consider Monday night is an application to have a multi-day festival in July 2023.

Even if the intent of any given applicant is multi-year, the Council would have to approve an application each year.

I hope this helps,

Kate

On Wed, Nov 16, 2022 at 2:51 PM Lauren Wayne <lauren@statetheatreportland.com> wrote:
Mayor Snyder and members of the city council,

In regards to the proposed Payson Park music festival: I would hope that, if approved, a 10-year agreement with an out-of-state entity like C3/Live Nation would not preclude a local, independent promoter like ourselves from doing a large-scale event in a city park in the very near future. I also expect that we would have a similar application, approval process and term-length for an agreement, as we are hoping to move forward with something similar to what we did in 2012 on the Eastern Prom.

If this consistency is not possible, then I would hope that the council would not approve a long-term agreement for any entity for any public space.

Thank you.

Lauren

--

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Kate Merchant Snyder, Mayor

Portland, Maine
Office: 207-874-8941

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From: publiccomment@portlandmaine.gov on behalf of [Lauren Wayne](#)
To: ksnyder@portlandmaine.gov; pali@portlandmaine.gov; afournier@portlandmaine.gov; rrodriguez@portlandmaine.gov; atreavorrow@portlandmaine.gov; vpelletier@portlandmaine.gov; tchong@portlandmaine.gov; azarro@portlandmaine.gov; mdion@portlandmaine.gov; publiccomment@portlandmaine.gov; parks@portlandmaine.gov; ehipple@portlandmaine.gov; [Andy Downs](#); amarshall@portlandmaine.gov; parkscommission@portlandmaine.gov; Citymanager@portlandmaine.gov
Subject: Payson Park festival
Date: Wednesday, November 16, 2022 2:51:39 PM

Mayor Snyder and members of the city council,

In regards to the proposed Payson Park music festival: I would hope that, if approved, a 10-year agreement with an out-of-state entity like C3/Live Nation would not preclude a local, independent promoter like ourselves from doing a large-scale event in a city park in the very near future. I also expect that we would have a similar application, approval process and term-length for an agreement, as we are hoping to move forward with something similar to what we did in 2012 on the Eastern Prom.

If this consistency is not possible, then I would hope that the council would not approve a long-term agreement for any entity for any public space.

Thank you.
Lauren

--

Lauren Wayne
State Theatre
State Theatre Concert Series at Thompson's Point
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(207) 838-5552

From: publiccomment@portlandmaine.gov on behalf of [Susan Cole](#)
To: publiccomment@portlandmaine.gov
Subject: Proposed Musical Festival in Payson Park
Date: Wednesday, November 16, 2022 12:30:55 PM
Importance: High

Dear public official,

First, thank you for serving us, the people of Portland.

Since 2007 my husband and I have owned a home on Randall Street. Before that we owned and lived on Munjoy Hill in the 80-90's. We loved bringing our son to play on the eastern prom and look forward to bringing our grandson to the playground in Payson Park. Portland libraries and parks were/are very important to our quality of life.

I am against the proposed 2-day music festival in Payson Park because:

- It is a bad policy to use public parks to host private events which deny access/use of any Portland parks (a minimum of 2, but possibly up to 10 days);
- Venues that are private are available nearby.
- The number of attendees (10-20K per day) is too large for Payson Park;
- Damage to the park and neighborhood will be significant;
- A ten-year contract is too long
- \$100,000 a year can be raised in other less disruptive ways.

Please do not support the music festival as proposed.

Thank you.

Susan

Susan E. Cole
77 Randall Street
Portland, Maine

From: publiccomment@portlandmaine.gov on behalf of [jaime parker](#)
To: publiccomment@portlandmaine.gov
Subject: Payson Park Concert
Date: Wednesday, November 16, 2022 12:25:21 PM

Dear Mayor Snyder and Honorable Councilors;

I am the current Chair of the Portland Parks Commission representing Portland Trails, and accordingly have a seat on the Portland Parks Conservancy.

I am writing to express my support for the proposed concert series at Payson Park. I believe that music and arts events in public spaces can be a welcome addition to the dynamism and vibrancy of our city. In my role as PC Chair and through my job at Portland Trails, I am fully cognizant of the pitfalls of too much privatization of public spaces, but I am also keenly aware of the benefits of public-private partnerships in the modern era of Parks and Recreation. Augmenting budgets through careful partnership is a vital tool for many departments across the country.

While neighbors will often have legitimate concerns about the impacts of a given event, after a presentation by the concert organizers, public comments, and a thorough discussion at the recent Parks Commission meeting, I am confident that this event deserves your support. The organizers have a proven track record of responsible and beneficial partnerships with cities across the country, and that the benefits of this event will far outweigh the temporary inconvenience of those who are fortunate enough to live near the park.

Payson Park serves many functions for the community, but also needs considerable upgrades, including a far more welcoming entrance on the Front Street side of the park, which is directly across from the PHA apartment complex. There is a significant park equity issue at stake here, as this entrance to the park has long been neglected and uninviting, and failed to serve the community. The Parks Department to their credit, has acknowledged this failing, and has developed a proposal for upgrades to coincide with the ongoing redevelopment of the PHA property and the street itself (which has potential to be a slow, safe and shared street along the entire frontage of the park, with some minor design tweaks).

Funding provided by the concert promoters will advance this and other projects, and contribute to the improvement of our park system for all residents and visitors alike.

Thank you for your consideration and service,
Jaime Parker

Jaime Parker
73 Atlantic Street

From: publiccomment@portlandmaine.gov on behalf of [Renée Cabot](#)
To: afournier@portlandmaine.gov; rrodriguez@portlandmaine.gov; pali@portlandmaine.gov;
tchong@portlandmaine.gov; ksnyder@portlandmaine.gov; publiccomment@portlandmaine.gov
Subject: Support for Payson Park Music Festival
Date: Wednesday, November 16, 2022 12:00:37 PM

Dear Councillors,

As a board member of the Portland Parks Conservancy and a resident of the Back Cove neighborhood living very near to Payson Park I am writing to voice my support for the proposed plans for the music festival in Payson Park.

As a lover of concerts and live music I feel strongly that this is an amazing opportunity to bring world class acts to Portland. Portland which is a great city for live music would be even better!

The C3 company is extremely experienced in organizing this type of music festival and most importantly has committed to a \$100,000 donation to the Portland Parks Conservancy. \$75,000 of this amount is to be spent on a project to improve Payson Park, and \$25,000 for the Parks Conservancy's other work across the City.

Payson Park is in need of significant improvements. One of the top priorities is a new entrance from Front Street, with landscaping and trail connections into the park. This is an important equity and access issue, as there is additional affordable housing being built there by the Portland Housing Authority and those residents deserve convenient and attractive access to the park.

If the C3 Music Festival gets approved this will be the project the C3 funding will support this year.

We believe this concert festival is an exciting opportunity to make those improvements happen this year and continue to help us enhance Portland parks into the future.

Kind regards,

Renee Cabot

57 Coyle St
Portland, ME

From: ["Thea Champlin" via Public Comment](#)
To: ksnyder@portlandmaine.gov; pali@portlandmaine.gov; afournier@portlandmaine.gov; rrodriguez@portlandmaine.gov; atreavorrow@portlandmaine.gov; vpelletier@portlandmaine.gov; tchong@portlandmaine.gov; azarro@portlandmaine.gov; mdion@portlandmaine.gov; publiccomment@portlandmaine.gov; parks@portlandmaine.gov; ehipple@portlandmaine.gov; andy@portlandmaine.gov; amarshall@portlandmaine.gov; parkscommission@portlandmaine.gov; Citymanager@portlandmaine.gov
Subject: I DO NOT support C3s Festival Application
Date: Wednesday, November 16, 2022 11:46:24 AM

Hello, my name is Thea Champlin and I live in Buxton, and work in Downtown Portland. I am writing to ask that you NOT APPROVE the application submitted by C3 Presents for a 10-year contract to host a 20,000 person/day annual 2-day music festival in Payson Park. I feel strongly that you do not have enough information to approve this application, for either a single year or 10 years, this is being unnecessarily rushed and I do not think this is the right solution.

I like the idea of having a festival in Portland, and I ask that the City will undergo an RFP process to find the best solution, which will allow you to consider and address the following questions:

<!--[if !supportLists]-->• <!--[endif]-->Who is the right partner to work with?

<!--[if !supportLists]-->• <!--[endif]-->What is the best size festival to have and why?

<!--[if !supportLists]-->• <!--[endif]-->What is the best timing?

<!--[if !supportLists]-->• <!--[endif]-->What is the best venue?

<!--[if !supportLists]-->• <!--[endif]-->Who will benefit from this and how?

In the meantime, I ask that you vote NO on C3s application at the November 21st meeting. I appreciate your time and consideration.

Sincerely,

Thea Champlin

From: publiccomment@portlandmaine.gov on behalf of [Portia Clark](#)
To: publiccomment@portlandmaine.gov
Subject: In Favor-Concert Festival!
Date: Wednesday, November 16, 2022 11:33:28 AM

Please consider this an enthusiastic and supportive email towards the proposed 2 day concert in Payson Park in July of 2023.

Thank you!

Portia Clark

Portland resident

From: publiccomment@portlandmaine.gov on behalf of [Cheryl Ann Leeman](#)
To: publiccomment@portlandmaine.gov
Subject: Payson Park proposed Music Festival
Date: Wednesday, November 16, 2022 10:30:27 AM

Honorable Mayor Snyder and City Councilors. Below is my public comment on the proposed Music Festival at Payson Park.

Respectfully submitted, Cheryl Leeman

The “Right” Music Venue but the “Wrong” Place

The proposed multi-day music festival would be a wonderful addition to Portland's cultural music experience. **However**, the location is problematic for the following reasons:

1.) Deed restrictions by the seller in 1917 required that the park be known forever as “The Edward Payson Park” and “used for only public park purposes.”
2.) Public park purposes and intent of deed do not nor should be used for a private for-profit business
3.) The park configuration does not lend itself to a mega-large event due to limited vast open space to accommodate 10,000 to 20,000 people over 2 days from noon to 10pm with alcohol being served– unlike Mumfort & Sons concert on the Eastern Prom in a more controlled green space for one day or Thompson's Point
4.) Concert goers will be tramping on and damaging the 4 ball fields and multi-purpose fields and other recreation park features due to the entire park being fenced off
5.) Past smaller community events have appropriately been held in the “triangular” green space close to Baxter Blvd and have been one day events for non-profits and community groups events, scheduled in such a way to prevent damage to the park
6.) The offer of a \$100,000 donation to Portland Parks Conservancy of which \$75,000 dedicated to a Payson Park project is negligible and a nice gesture, but...
7.) The “public park” would be inaccessible for five (5) days including street closures and neighborhood/city impact by noise from noon to 10pm for two (2) days of continuous music

In conclusion, as exciting as this proposal is for the city, the scale of this event is not a good fit for the Payson Park location given the constraints of the site, is not in keeping with the deed restriction of use as a “public park” and is questionable as to the mutual benefit of this event.

Sent from [Mail](#) for Windows

From: publiccomment@portlandmaine.gov on behalf of [Sam Dargan](#)
To: ksnyder@portlandmaine.gov; pali@portlandmaine.gov; afournier@portlandmaine.gov; rrodriguez@portlandmaine.gov; atrevorrow@portlandmaine.gov; vpelletier@portlandmaine.gov; tchong@portlandmaine.gov; azarro@portlandmaine.gov; mdion@portlandmaine.gov; publiccomment@portlandmaine.gov; parks@portlandmaine.gov; ehipple@portlandmaine.gov; andy@portlandmaine.gov; amarshall@portlandmaine.gov; parkscommission@portlandmaine.gov; Citymanager@portlandmaine.gov
Subject: C3 application
Date: Wednesday, November 16, 2022 6:17:09 AM

Hello, my name is Sam Dargan and I live in Portland, West End. I am writing to ask that you NOT APPROVE the application submitted by C3 Presents for a 10-year contract to host a 20,000 person/day annual 2-day music festival in Payson Park. I feel strongly that you do not have enough information to approve this application, for either a single year or 10 years, this is being unnecessarily rushed and I do not think this is the right solution.

I like the idea of having a festival in Portland, and I ask that the City will undergo an RFP process to find the best solution, which will allow you to consider and address the following questions: Who is the right partner to work with? What is the best size festival to have and why? What is the best timing? What is the best venue? Who will benefit from this and how?

In the meantime, I ask that you vote NO on C3s application at the November 21st meeting. I appreciate your time and consideration.

Sincerely,

Sam

From: publiccomment@portlandmaine.gov on behalf of [Amy Magida](#)
To: publiccomment@portlandmaine.gov
Subject: Payson Park Music Festival
Date: Tuesday, November 15, 2022 8:57:17 PM

Dear Portland City Councilors,

I love music. I love parks. And I love how nicely these two things complement one another. This is why I hope you will lend your support to the Payson's Park Music Festival. C3 Presents, the promoters of this event, have demonstrated respectful and responsible event management in other cities across the country that have hosted their music festivals.

C3 also recognizes the importance municipal park systems play in supporting their programming. If approved, they will commit to improving our parks by pledging \$100,000 towards the Portland Parks Conservancy. In return, the PPC has pledged 75% of this donation towards much needed Payson Park improvements that will benefit the public for years to come.

Please vote in favor of this event and keep our parks humming with culture and activity.

Thank you,
Amy Magida
Portland Parks Conservancy Board Member

From: publiccomment@portlandmaine.gov on behalf of [Michele Locker](#)
To: publiccomment@portlandmaine.gov; [At-Large Councilor April Fournier](#); [Mayor Kate Snyder](#); [At-Large Councilor Pious Ali](#); [District 2 Councilor and Parks Commission Liaison Victoria Pelletier](#); [At-Large Councilor Roberto Rodriguez](#); [District 1 Councilor Anna Trevorow](#); [Chong](#); [District 4 Councilor Andrew Zarro](#); [District 5 Councilor Mark Dion](#); [City Council Email](#); [Director of Park and Rec Ethan Hipple](#); [Director of Public Assembly Facilities Andy Downs](#); [Parks Director Alex Marshall](#); [Parks Commission](#); [Interim City Manager Danielle West](#)
Cc: [Vinny O'Malley](#); [Susan Lavigne](#)
Subject: proposed music festival in payson park in summer 2023
Date: Tuesday, November 15, 2022 7:06:26 PM

Dear Members of the City Council of Portland, Maine,

Our names are Michele Locker and Vinny O'Malley and we live at 16 Alton Street in Portland, a street that dead ends into Payson Park in East Deering. We are writing to ask you to deny the permit application from C3 Presents for a music festival planned in the park in July 2023 (and for ten years beyond!).

Payson Park is an incredibly important resource for people in the neighborhood and for Portland as a whole. It is a neighborhood park used intensely by Portlanders, including its playground, little league fields, and many other sports events spread through the park, including weekly softball, dodgeball, pickleball, soccer and football games, both organized and pick-up. Summer is, of course, the most heavily used season for the park.

The park has often been used for public events, as the gathering place for 5K races, for Labor Day celebrations, and other events and celebrations open to the public. It is a treasured resource for us.

Our understanding about this proposed C3 Presents festival is that although it will be a two day festival, the expectation is for 10,000 to 20,000 attendees each day. The scale is enormous for such a neighborhood park, and more importantly, to get the park ready for it, we understand the park would need to be closed to the public for nearly two weeks in the height of the summer. While the idea of a music festival is nice, the scale of this event is inappropriate for Payson Park and will be a true hardship for the neighborhood residents and r park users..

Noteworthy is that the side streets that lead into Payson Park will be closed for nearly two weeks, limiting access to the park for drivers. This is on top of the long-term closure we have been living with for the Baxter Boulevard construction, and further compounds the issue of road access. The proposed two week closure also denies access to the park for use of the playground, tennis and basketball courts, and all sorts of sports games -- organized and pick-up --for all ages.Finally, we are concerned about longer-term damage to infrastructure of the park of such a large event.

We only learned of this proposal a couple of weeks ago through Friends of Payson Park. We are somewhat stunned that the Council will vote on this so quickly -- November 21st. It seems that there was not much time given for consideration and notice to Portland residents of such a huge event with such an impact on a relatively small but very highly used neighborhood park..

Please know that we support public events and we support concerts and music festivals -- we are huge music lovers. We would be supportive of a smaller scale

music festival in line with the size and public uses of Payson Park...

Thank you for hearing our concerns on this issue and for your service.

Best,

Michele Locker
Vinny O'Malley

From: publiccomment@portlandmaine.gov on behalf of [Parivash Rohani](#)
To: publiccomment@portlandmaine.gov
Subject: In Favor--Concert Festival
Date: Tuesday, November 15, 2022 4:57:50 PM

Greetings,

I write as a board member of the Portland Parks Conservancy to express my enthusiastic support for the concert festival in Payson Park currently being proposed by C3 Presents

Municipal park departments across the country support these kinds of festivals in public spaces because the closure is only temporary. C3 predicts that disruption to Payson Park will not exceed 5 days—with complete closure of the festival space for even less time.

C3 has committed to a \$100,000 donation to the Portland Parks Conservancy. We would restrict \$75,000 to be spent on a Payson Park project and \$25,000 for the Parks Conservancy's other work across the City. Payson Park is in need of significant improvements. We believe this concert festival is an exciting opportunity to make those improvements happen this year and continue to help us enhance Portland parks into the future

Warm regards

Parivash Rohani

PortlandParksConservancy.org

Racism retards the unfoldment of the boundless potentialities of its victims, corrupts its perpetrators, and blights human progress. Recognition of the oneness of mankind, implemented by appropriate legal measures, must be universally upheld if this problem is to be overcome. www.bahai.org

From: publiccomment@portlandmaine.gov on behalf of [Michael Boyson](#)
To: publiccomment@portlandmaine.gov
Subject: Proposed Concert in Payson Park
Date: Tuesday, November 15, 2022 3:38:13 PM

To whom it may concern

As a longtime resident of Portland and a regular user of Payson Parks many amenities I would like to voice my support for the proposed concert in Payson Park proposed for the summer of 2023. The company making the proposal has received very favorable reviews from the city of Austin Tx. where they have been operating for many years. Just like they do in Austin, the company has proposed meaningful financial support for both Payson Park and the Portland Parks in general. We would be unwise to turn down their generosity. Moreover, two days of music should serve to enhance our park and our city's appeal and provide our citizens with welcome opportunities to enjoy live music at a terrific venue. Please give this matter your favorable attention.

Many Thanks,
Mike Boyson

From: publiccomment@portlandmaine.gov on behalf of [M.P. Landis](#)
To: [Public Comments for City Council Meetings](#)
Date: Tuesday, November 15, 2022 3:19:17 PM

Dear Members of the City Council of Portland, Maine,

My name is Michael Landis, I live at 16 Hanson Street and I am writing to ask you to reject the permit application from C3 Presents for a music festival in Payson Park.

This proposal specifically requests the closure of the entire public park to the public for the purposes of a private event, to the exclusion of public use. There is also, is the possibility of significant destruction to grass and other park features, which will require additional closures for reseeding and repairs further limiting the public use of this park during one of the most heavily used times of year in a park that experiences a wonderful variety of uses. I believe that public parks should be available for **all** of the public to enjoy, not just those who can afford an expensive ticket to an exclusive event.

C3 Presents is owned by Live Nation/Ticketmaster which has a questionable track record in regards to overpricing tickets, antitrust issues and general disregard for property and health standards. This is not the type of corporate partnership this city should be engaged with.

Thank you for your service to the City of Portland.

Sincerely,

Michael Landis
16 Hanson Street
Portland, ME 04103

From: publiccomment@portlandmaine.gov on behalf of [Ashley Flowers](#)
To: [Public Comments for City Council Meetings](#); [At-Large Councilor April Fournier](#); [Mayor Kate Snyder](#); [At-Large Councilor Pious Ali](#); [District 2 Councilor and Parks Commission Liaison Victoria Pelletier](#); [At-Large Councilor Roberto Rodriguez](#); [District 1 Councilor Anna Trevorrow](#); [Chong](#); [District 5 Councilor Mark Dion](#); [City Council Email](#)
Cc: [Interim City Manager Danielle West](#); [Friends of Payson Park](#); [Director of Public Assembly Facilities Andy Downs](#); [Parks Director Alex Marshall](#); [Director of Park and Rec Ethan Hipple](#); [Parks Commission](#)
Subject: Thank You re: Last Night's Meeting
Date: Tuesday, November 15, 2022 1:43:56 PM

Dear Councilors,

Thank you for your thoughtful comments and questions regarding the proposed Payson Park Music Festival in last night's special meeting.

I understand that as a councilor your job is to represent the will of the citizens in our local government, and I also understand that there are mixed opinions around this issue. Although **I am NOT in favor of this event**, I can certainly understand why someone would be for it, especially at a quick glance. I have been to at least 1 music festival in every single year of my life and have traveled far and wide to experience a variety of festivals. The allure of having one right in our tiny little city is certainly compelling, as many residents have voiced.

Despite how exciting music festivals are, I think there are some **serious concerns around logistics for this proposed festival**, that I do NOT feel are being properly weighed. As Councilor Dion pointed out last night the logistics are NOT your job to figure out, but the job of the city staff. I will say though, I feel concerned that perhaps decision makers are blinded by the promise of a BIG payout and are ignoring important considerations, including, very concretely, potential violations of Chapter 18-44 of the City Code of Ordinances.

Despite the gentleman's comments at the beginning of the Council Meeting at 5 last night, there is certainly NOT a mass exodus of residents of this neighborhood in the middle of the summer. I for one never leave Portland in the summer since it is such a beautiful time to be here. I certainly will be here during the proposed dates of the festival. I think perspectives and schedules are broad and varied and I will not speak to things that are not in my power to definitively know.

What I do know is this:

- I personally do not work a regular 9-5 job, and in the summer I am up at 5am on the weekends to go to work. That we might have blaring music within 100 yards of my bedroom until well after my bedtime for 2 nights, generators potentially running over night for a week+ (tough to know when so many details have been left out of the application), and up to 20,000 (potentially intoxicated) people streaming past my house feels like not only will it be of huge personal detriment to my sleep (which is often hard won), but also pretty clearly that it violates the city code that approved event permits will not provide an undue burden to local residents.
- I know that this park is heavily used in the summer and this will provide a huge disruption to the routines of many residents. I can literally see the park from most windows and doors in my house and I see what is going on here. Many who have spoken about this topic have stated that they don't spend much time at nor are they particularly familiar with this park. I am familiar and I do spend an abundance of time in

the park. Here is at least a partial list of activities that I see, experience, or participate in: Portland Wheelers biking through the park with elderly or ill residents who otherwise can't easily access nature, kickball, football, flag football, tennis, pickleball, personal calisthenics, basketball, baseball, softball, yoga, aikido, salsa dancing, drumming, african dancing, 5 rhythms dance, live action role play, the COMMUNITY GARDEN, disc golf, dog walking, bike commuting, walking, frisbee, family picnics, people relaxing in their cars and taking in the views, as a parking place for people using the back cove and that is just what I can think of off the top of my head. Do we as a city feel comfortable saying that it is more important to us to set aside this valuable public resource for the use of a private organization than allow the residents to continue with their routines? It seems clear that is a choice we could make, but not one I would be proud of as a resident or tax payer in this city

- I know that this park provides valuable habitat for a variety of critters that **I have seen** including foxes, opossums, skunks, rabbits, woodcocks, groundhogs, butterflies, and many other birds. Thank you to Councilor Ali, for questioning the impact this festival would have on the ecosystem here. As Emmett agreed, there will be an impact and what he avoided saying is that it will be detrimental to the ecosystem here. Does anyone feel it is their job to protect the ecosystem of the parks. I would have thought that at least the Parks Conservancy if not the Park department would be that as a primary concern. Especially since the parks conservancy states on their website that they: "believe Portland's parks and open spaces deserve our protection, respect, and stewardship." and that they "seek to remove barriers to access of nature for all audiences.", but alas, it seems again that \$100,000+ is too enticing even for them to turn aside. I'm not sure how a festival with a \$200 price tag that **removes access to a public park** "removes barriers to access for ALL audiences"...
- As Councilor Pelletier pointed out in the meeting last night, Portland has certainly had some growing pains as it struggles with whether or not it is a small city or a big town. I don't know that there is any person who ultimately gets to make that decision although our local politics and policies certainly have an impact on where the needle lands. For my own part I will just say, If I wanted a bigger city vibe with more things on offer, I would move to a bigger city. I personally have no desire to bring the big city (and everything that usually entails: more amenities, sure, but also more traffic, more noise, more light pollution, more trash, more violence, higher prices, less nature, more people crammed into less space, more concrete, etc) to me.
- Edward Payson Park was deeded to the city in 1916, by William H Payson who specified that the park was to be used **"only for public park purposes"**. This begs the question, what are "public park purposes"? Looking at the time of this transaction we see that this was the same year that "The [Organic Act](#) secured this new conservation direction by creating a National Park Service (NPS) and National Park System with a resource protection goal."

The Organic Act directs the NPS to promote and regulate the use of the parks by whatever means and measures conform to the fundamental purpose of the parks. It tells us that this fundamental purpose is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for their enjoyment in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

Thank you for taking the time to connect with the voices of the residents and for your service to the city. I am happy to discuss any of these things more and/or to provide perspective as someone who has feet on the ground in the park **every single day of the year.**

All the Best,

Ashley Schmid
17 Fernald Terrace
Portland, ME 04103

From: ["Cynthia Loebenstein" via Public Comment](#)
To: publiccomment@portlandmaine.gov
Subject: Letter in support of C3 Presents Concert Festival
Date: Tuesday, November 15, 2022 11:45:05 AM

11-15-22

Dear Members of the City Council:

As a current member of the Portland Parks Conservancy and recent past Chair of the Parks Commission, I want to express my strong support for the concert festival in Payson Park currently being proposed by C3 Presents.

During my tenure as Chair of the Parks Commission, I was privy to the financial challenges of running a park system and budgeting for Capital Improvement Projects. The benefits of this event far outweigh potential disturbances. Payson Park is in need of significant improvements which they would likely not receive for many years if this proposal is turned down.

Municipal parks departments across the country support these kinds of festivals in public spaces. This festival would energize our City with a vibrant music event and bring visitors (and their tourist dollars) from all over the region. As a regular user of Payson Park tennis courts, I am not bothered by the closure of the park for a few days.

Lastly, C3 Presents, the concert promoters, has committed \$100,000 as a donation to the Portland Parks Conservancy: \$75,000 would be spent on a Payson Park project, and \$25,000 for the Parks Conservancy's other work across other City parks. The C3 Presents Concert Festival is an exciting opportunity and a chance to improve Portland parks.

Sincerely yours,

Cynthia L. Loebenstein
164 Concord Street
Portland Maine 04013

From: publiccomment@portlandmaine.gov on behalf of amginn@gmail.com
To: publiccomment@portlandmaine.gov; ksnyder@portlandmaine.gov; azarro@portlandmaine.gov; atreavorrow@portlandmaine.gov; mdion@portlandmaine.gov; vpelletier@portlandmaine.gov; afournier@portlandmaine.gov; rrodriguez@portlandmaine.gov; pali@portlandmaine.gov; tchong@portlandmaine.gov
Subject: comment on proposed concert in Payson Park
Date: Tuesday, November 15, 2022 11:45:03 AM

Dear Members of the City Council:

I am a Portland resident who is totally committed to the parks and the importance of open space in our city and equal access to the outdoors for all people. This deep commitment to equity, conservation, and preservation has brought me to the board of Portland Parks Conservancy where I currently serve as board chair.

I want to express my strong support for the concert festival in Payson Park as a way to bring more people into the park and secure additional support for park improvements. First of all, bringing music that might excite 10,000 people or more is a huge deal. These people deserve a chance to experience the park as a setting for something they love and is well worth the closure that local residents might have to experience for a few days. I'd hope those Payson Park neighbors might use the opportunity to get out and visit other Portland parks. I am moved by their deep appreciation of Payson Park and their desire to protect it from wear and tear. You can't have thousands of people visit a park without some damage, but experience in other cities proves usage like this is worth it and repairable.

Secondly, C3 Presents, the concert promoters, has committed \$100,000 as a donation to the Portland Parks Conservancy: at least \$75,000 would be spent on a Payson Park project, and the rest would go for the Parks Conservancy's other work across other City parks. The City's top priority project for Payson Park is a new entrance from Front Street, with landscaping and trail connections into the park. This is an important equity and access issue, as there is additional affordable housing being built there by the Portland Housing Authority and those residents deserve convenient and attractive access to the park! This is the project the C3 funding will support.

The C3 Presents Concert Festival is an exciting opportunity and a chance to improve Portland parks.

Many thanks,

Anna Ginn
166 Fore St.
Portland, ME 04101

Chair of the Portland Parks Conservancy

From: publiccomment@portlandmaine.gov on behalf of [Nan Cumming](#)
To: publiccomment@portlandmaine.gov
Subject: In Favor--Payson Park festival permit
Date: Tuesday, November 15, 2022 10:24:52 AM

Hello!

I write on behalf of the Portland Parks Conservancy to express our enthusiastic support for the concert festival in Payson Park currently being proposed by C3 Presents.

As you know, the Parks Conservancy is a private nonprofit organization with a mission to enhance Portland's public parks and recreational programs by raising philanthropic capital and engaging the community. In the 4 years since we were founded, we have donated more than \$265,000 to City projects including Talbot School Playground, the Portland Youth Corps, and Riverton Trolley Park. We are also the City's private fundraising partner in securing \$2,500,000 for the new Portland Harbor Common.

Communities across the country are increasingly turning to nonprofit partners to help raise the capital they need to support their public parks. Organizations like the Portland Parks Conservancy are guided by two professional organizations—the City Parks Alliance and the National Recreation and Parks Association. Both have sponsored numerous educational programs that promote entrepreneurial approaches to raising funds for parks, suggesting ways to partner with businesses that can help fund public spaces. At the City Parks Alliance national conference in 2019 I heard Colin Wallis of the Austin Parks Foundation speak passionately about the transformative effects that the Austin City Limits concert festival has had on the parks of their city, resulting in millions of dollars to the city park system over a mutually beneficial 20+ year partnership.

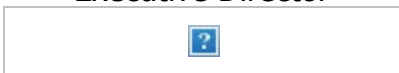
Municipal parks departments across the country support these kinds of festivals in public spaces because the closure is only temporary. C3 predicts that disruption to Payson Park will not exceed 5 days—with complete closure of the festival space for even less time.

C3 has committed to a \$100,000 donation to the Portland Parks Conservancy. We would restrict \$75,000 to be spent on a Payson Park project, and \$25,000 for the Parks Conservancy's other work across the City. Payson Park is in need of significant improvements. We believe this concert festival is an exciting opportunity to make those improvements happen this year and continue to help us enhance Portland parks into the future.

My best!

Nan

Nan Cumming
Executive Director



PortlandParksConservancy.org
212 Canco Road, Suite A
Portland, Maine 04103
207 808-5455

From: publiccomment@portlandmaine.gov on behalf of [Richard Frantz](#)
To: publiccomment@portlandmaine.gov
Subject: Fear of the proposed use of Payson Park for a commercial use of the size and impact that C3 Presents is proposing
Date: Monday, November 14, 2022 1:01:18 PM

I am asking that my email be introduced as a public comment at the November 21 Council meeting.

I implore that the City councilors consider and then vote to deny the event permit submitted by C3 Presents for the planned event at Payson Park this summer.

Living on Great Diamond Island for the past twenty two years I am not physically close to Payson Park but have walked and come to enjoy this park many times. It is truly a gem of a public space in our City Parks system and our City leaders and councilors should use every means possible to protect it.

Having been made aware of the proposal of C3 Presents I am horrified that the City would even entertain such a use of this venue for such an event of this magnitude to say nothing about giving permission to use the park in such a manner for several years in the future.

The destruction of existing infrastructure and damage to the environment by crowds of this size and for the amount of time requested will never be fully restored to its original beauty. Never.

I can see, on a limited scale, I must admit, the amount of overuse and degradation of our trails and natural habitats here at Diamond Cove that is being caused by the Commercial Properties (the hotel, restaurant, marina, and now an additional commercial area whose function has not yet been defined to our residents) can bring to an area of such natural beauty. This does not even account for the amount of trash and the increase of litter that is becoming more noticeable every year due to the site's popularity, the number of weddings, corporate gatherings and other special events now held here.

I implore those in positions in our City to vehemently oppose this requested use of Payson Park.

Forget the hope of promised income, of promised repairs to all damaged infrastructure, of promised ease of parking and lack of traffic congestion, of promised lack of impact to the neighbors and the natural beauty of Payson Park.

I thank you in advance for your service to the City of Portland and for your consideration to prevent such a commercial use of our park system for which it was never thought of or designed to be used for. Thank you.

Richard Frantz
9 Quartermasters Court
Great Diamond Island
Portland, ME 04109

From: publiccomment@portlandmaine.gov on behalf of [Diane Lawton](#)
To: [At-Large Councilor April Fournier](#); [At-Large Councilor Pious Ali](#); [At-Large Councilor Roberto Rodriguez](#); [Chong](#); [City Council Email](#); [Director of Park and Rec Ethan Hipple](#); [Director of Public Assembly Facilities Andy Downs](#); [District 1 Councilor Anna Trevorrow](#); [District 2 Councilor and Parks Commission Liaison Victoria Pelletier](#); [District 4 Councilor Andrew Zarro](#); [District 5 Councilor Mark Dion](#); [Friends of Payson Park](#); [Interim City Manager Danielle West](#); [Mayor Kate Snyder](#); [Parks Commission](#); [Parks Director Alex Marshall](#); [Public Comments for City Council Meetings](#)
Subject: Fwd: Opposition to Payson Park Music Festival
Date: Monday, November 14, 2022 10:24:29 AM

Hi! My name is Diane Lawton. I am an owner at 56 Back Cove Estates. I am a member of Friends of Payson Park. I am increasingly alarmed by the prospect of the proposed music festival to begin next summer with the plan to continue as an annual event. I know you will be receiving lots of input from other concerned citizens. There are many good reasons to object to this event and I won't duplicate them here. May I simply say that Payson is only 45 acres, bordered on three sides by residential property. The Noise Disturbance alone feels like a Rule Out to me. Payson is a wonderfully well used public park that fits beautifully in its neighborhood and perfectly provides for a myriad of recreational activities by a wide range of local groups and individuals. To disrupt this well loved community resource and its surroundings for the financial gain of a private entity flies in the face of its purpose and mission as a successful public park. I urge you to oppose the C3 Music Festival and any such misuse of community parks. Thanks so much for your time and efforts on this matter and on all the pressing issues in this wonderful and fast changing community.

Diane Lawton

From: publiccomment@portlandmaine.gov on behalf of [Paul](#)
To: ksnyder@portlandmaine.gov; Citymanager@portlandmaine.gov; afournier@portlandmaine.gov; amarshall@portlandmaine.gov; andy@portlandmaine.gov; atrevorrow@portlandmaine.gov; azarro@portlandmaine.gov; ehipple@portlandmaine.gov; mdion@portlandmaine.gov; pali@portlandmaine.gov; parks@portlandmaine.gov; parkscommission@portlandmaine.gov; publiccomment@portlandmaine.gov; rrodriguez@portlandmaine.gov; tchong@portlandmaine.gov; vpelletier@portlandmaine.gov
Subject: I DO NOT support C3s Festival Application
Date: Monday, November 14, 2022 9:38:40 AM

Hello, my name is Paul Bugeau and I live in Portland. I am writing to ask that you NOT APPROVE the application submitted by C3 Presents for a 10-year contract to host a 20,000 person/day annual 2-day music festival in Payson Park. I feel strongly that you do not have enough information to approve this application, for either a single year or 10 years, this is being unnecessarily rushed and I do not think this is the right solution.

The Friends of Payson Park and my friend Devin Green have written you with the full list of concerns and I totally agree with their positions. There are way too many loose ends in the C3 proposal and way too many negative impacts to the Park and on its users.

I like the idea of having a festival in Portland, and I ask the City, if it chooses to proceed with the concept, to undergo an RFP process to find the best solution, which will allow you to consider and address the following questions: Who is the right partner to work with? What is the best size festival to have and why? What is the best timing? What is the best venue? Who will benefit from this and how?

In the meantime, I ask that you vote NO on C3s application at the November 21st meeting. I appreciate your time and consideration.

Sincerely,

Paul Bugeau

Sent from [Mail](#) for Windows

From: publiccomment@portlandmaine.gov on behalf of [Suzanne Blackburn](#)
To: ksnyder@portlandmaine.gov; pali@portlandmaine.gov; afournier@portlandmaine.gov; rrodriguez@portlandmaine.gov; atreavorrow@portlandmaine.gov; vpelletier@portlandmaine.gov; tchong@portlandmaine.gov; azarro@portlandmaine.gov; mdion@portlandmaine.gov; publiccomment@portlandmaine.gov; parks@portlandmaine.gov; ehipple@portlandmaine.gov; andy@portlandmaine.gov; amarshall@portlandmaine.gov; parkscommission@portlandmaine.gov; Citymanager@portlandmaine.gov
Subject: DO NOT support C3s Festival Application
Date: Monday, November 14, 2022 7:01:19 AM

Hello, my name is Suzanne Blackburn and I live in Portland. I am writing to ask that you NOT APPROVE the application submitted by C3 Presents for a 10-year contract to host a 20,000 person/day annual 2-day music festival in Payson Park. I feel strongly that you do not have enough information to approve this application, for either a single year or 10 years, this is being unnecessarily rushed and I do not think this is the right solution.

I like the idea of having a festival in Portland, and I ask that the City will undergo an RFP process to find the best solution, which will allow you to consider and address the following questions:

- Who is the right partner to work with?
- What is the best size festival to have and why?
- What is the best tDO NOT support C3s Festival Application?
- What is the best venue?
- Who will benefit from this and how?

In the meantime, I ask that you vote NO on C3s application at the November 21st meeting. I appreciate your time and consideration.

Sincerely,
Suzanne
207-272-5114

"I believe in kindness. Also in mischief. Also in singing, especially when singing is not necessarily prescribed."

- Mary Oliver.

Please note that I am sending this at a time that is convenient to me, which may be outside normal working hours. Please know that I honor and respect boundaries around personal time, well-being, caretaking and rest. If you receive this email from me during non-working hours, please know there is no expectation that you read, respond or act on this email outside of your regular working hours.

From: publiccomment@portlandmaine.gov on behalf of [Devin Green](#)
To: publiccomment@portlandmaine.gov; parks@portlandmaine.gov; ehipple@portlandmaine.gov; andy@portlandmaine.gov; amarshall@portlandmaine.gov; parkscommission@portlandmaine.gov; Citymanager@portlandmaine.gov
Subject: UPDATED: Insights & Opinion (NOT in support) of C3 Presents Application
Date: Sunday, November 13, 2022 8:40:53 PM

Hello All,

I hope you had a good weekend. I apologize for the repeat email, but I have a couple additional updates from the Friday email I sent to some of you (you can ignore that one - this has all the updated info). You can ignore the Friday email - this has everything updated now.

UPDATED EMAIL:

I am a 10-year Portland resident with a deep love for our wonderful city. I also have a professional background in events, concerts, sponsorship activations at festivals, and am a huge fan of live music. Despite that, based on the research I have done and the conversations I have had with locals and contacts in other cities where C3 festivals have been held, I feel strongly that the Council should NOT approve the application that C3 has submitted to host a 40,000 attendee festival over two days in Payson Park every year for the next 10 years.

While I believe that a music festival would be great for Portland (more on that at the bottom), I feel that this specific proposal is not acceptable. Below are a few of my key reasons:

This important decision is being rushed. C3 apparently needs their application to be reviewed and approved by November 21 so they can secure the acts for the festival. While this may be the case, the City shouldn't have to rush into such an important decision without all the essential information. This is especially true because C3 is asking for a 10-year contract and they have apparently stated that they're not interested in a 1-year contract, which is what they have in at least some other cities. This application and idea needs more time and consideration, regardless of if it is for a single event or many over 10 years.

C3's application lacks many essential details. In order for the Council/City to approve something this significant, we should have MUCH more information. C3 filled out the same application that is used for a small gathering in a public park (which is the only application the city has because large-scale for-profit events are not hosted in public parks, or haven't been previously). The submitted application cannot suffice for an event/proposal of this scale and is definitely sparse compared to other city's applications. While the City of Portland's application asks for maps and plans, it does not technically require them, and C3 has opted not to provide them. Instead they have promised to "work with the City," which feels dangerously inadequate. If feel you need much more information in order to even consider this, including:

- A full map showing exact fence lines, entrances and exits, stages, VIP areas, porta potties, food & beverage vendors, sponsor areas, etc.
- A clear understanding of how the park will be altered and especially what recreation areas will really be impacted, both temporarily and long term. Also a clear understanding of where heavy vehicles and build-outs will be (on grass vs. on cement).

- A full plan of how and when streets and trails will be blocked off, how the surrounding residential areas and properties will be protected, how trash will be collected both in the park and in surrounding neighborhoods, etc.
- A full plan for transportation, parking, etc. which is a huge concern here having no public transportation or available parking lots anywhere nearby.
- A full staffing plan, including all City personnel that would be required (to ensure the City can even supply the personnel for a festival this large).

July is bad timing. July is the height of tourism season in Maine. All of the hotels and short-term rentals are full, restaurants are completely booked and shops are thriving. It would be foolhardy to try to bring in 20,000-40,000 more people (many of the festival goers would not be local, especially at a \$175+ ticket price/person/day). A better choice for a festival might be in late-to-mid-October.

Payson Park is the wrong venue. I want to be very clear that this is not a NIMBY ("Not in my Backyard") situation. I live on Payson Park and I would frankly love to have incredible music playing in the park. I also think events and festivals in the triangle by Back Cove (which is where most larger events are held here) are amazing! But there are serious concerns with using the entirety of Payson Park specifically.

- Payson is a major recreation park for the city, where users play tennis and basketball, attend work out, tai chi, dance and yoga classes, run and cycle, play frisbee, walk their dogs, sled, skate, etc. In the summer, it's used daily for recreation and sports leagues – football, soccer, flag football, kickball, softball, baseball, Little League, and even practices for Cheverus High School teams.
- C3 states the park will be closed down for the festival itself (possibly fully shut down for 5 days) and parts of it will be closed for up to 10-13 days including setup/breakdown. But the impact will likely be MUCH longer according to what other cities experience with C3 festivals.
 - If the grass is damaged in any way, which it almost certainly will be, it will need to be replanted and then tended while it grows back, which could effectively close down the park for up to 6-8 weeks!
 - If the courts (basketball and tennis) are damaged, which they can be if used for porta-potties or VIP areas (which they often are because they are prime flat surfaces – in Atlanta and other cities, C3 removes the nets and the chain link around the courts to be able to use them), they would need to be resurfaced, which takes major time, money, and materials. C3 is proposing that the City would be responsible for all this work, which they would be compensated for by the insurance C3 would take out on the park. But this is substantial restoration work being asked of our City's Parks Department staff, who are already tending to the ever-expanding needs of the City's parks.
- There are concerning potential environmental impacts on Payson Park outside of the impact to recreation. There are pollinator gardens which would undoubtedly have to be cut down for the festival, destroying the pollinator ecosystem there. There are fragile trees in the arboretum, and a stormwater separation area. And the park is already experiencing drainage concerns.
- The road running through Payson currently accommodates about 2,000 cars a day. Closing down or restricting access for up to 10-13 days is going to have a major impact on traffic, especially while Baxter Blvd. is still closed (which it is supposed to be through the proposed timeline).
- There is no parking and no public transportation to the area. Why not use a venue or park with nearby or already designated parking or one that is on the

peninsula so people can access it more easily and are closer to businesses that could benefit from the added patronage?

- I'm sure there are better locations for a festival of this scale, with better access to transportation and less impact on the lives of Portlanders. There are other parks that would fit that bill as well as other private properties. Other cities have successfully held large festivals in paved areas to avoid the inevitable damage to their green spaces.
- Citizens and organizations (FOPP included, as you know from the position paper they sent you) are also raising important questions about private corporations using a public park for a for-profit event, which also was a concern in the City's decision-making around Congress Square Park.
 - Is it legal/ethical to close a public park for a private event, according to the city's definition of a public park and what the parks were specifically intended for.
 - What will the future potential impact be here – is this Pandora's Box of large for-profit events? Wouldn't it be smart for the city to make a decision on for-profit events in general in city parks or property (what size, how many, where, costs, full process) first before jumping into an approval of one.

Who does this really benefit and how? In general, I believe the City and its residents could benefit from hosting a large music festival. But we do not have nearly enough information to determine how and how much this will benefit the City, its residents, or C3. C3 provides very minimal financial information in their application, which only states that the City will receive \$1 of every ticket price (apparently at least \$175 a ticket, and possibly much more according to what other C3 festivals cost; C3 has not disclosed ticket prices in the application). C3 has chosen to partner with the Parks Conservancy, who can reportedly "expect to receive a 6-figure donation." C3 will see that City services are paid for the work they do (Parks & Rec, fire, EMS, etc. – again, if there are even enough staff to perform the work, and it will be A LOT of work requiring A LOT of city staff).

This is all rather vague. We need concrete information on costs and benefits—who is paying, who will benefit, and how—so that we can make an informed choice. Personally, I would love for an organizer to partner transparently with the City to build a festival that would truly benefit the City and its residents, and to do the genuine work to build trust and create buy-in BEFORE something like this is approved. And I would like for that to include a lot more concrete financial information.

In Conclusion: I want to reiterate that I think a music festival in Portland is a great ideal. But what and how C3 is proposing is not the right solution. This application provides insufficient information and too many questions. I ask that the City Council NOT APPROVE this application and instead consider what the right solution is. I propose that the City of Portland intentionally put out an RFP (request for proposals) and review proposals from different festival organizers (ideally even local organizers), to find the best solution addressing these essential questions:

- *Who is the right partner to work with?*
- *What is the best size festival to have and why?*
- *What is the best timing?*
- *What is the best venue?*

Who will benefit from this and how?

I am more than happy to connect with you if you would like to discuss any of the above. Thank you for your time and consideration.

Devin Green
The Connected Way™

From: publiccomment@portlandmaine.gov on behalf of [Louise Bugeau](#)
To: Citymanager@portlandmaine.gov; afournier@portlandmaine.gov; amarshall@portlandmaine.gov; andy@portlandmaine.gov; atreavorrow@portlandmaine.gov; azarro@portlandmaine.gov; ehipple@portlandmaine.gov; ksnyder@portlandmaine.gov; mdion@portlandmaine.gov; pali@portlandmaine.gov; parks@portlandmaine.gov; parkscommission@portlandmaine.gov; publiccomment@portlandmaine.gov; rrodriguez@portlandmaine.gov; tchong@portlandmaine.gov; vpelletier@portlandmaine.gov
Subject: I DO NOT support C3s Festival Application
Date: Sunday, November 13, 2022 6:51:23 PM

Hello, my name is Louise Bugeau and I live in East Deering. I am writing to ask that you NOT APPROVE the application submitted by C3 Presents for a 10-year contract to host a 20,000 person/day annual 2-day music festival in Payson Park. I feel strongly that you do not have enough information to approve this application, for either a single year or 10 years, this is being unnecessarily rushed and I do not think this is the right solution.

I like the idea of having a festival in Portland, and I ask that the City will undergo an RFP process to find the best solution, which will allow you to consider and address the following questions:

- Who is the right partner to work with?
- What is the best size festival to have and why?
- What is the best timing?
- What is the best venue?
- Who will benefit from this and how?

In the meantime, I ask that you vote NO on C3s application at the November 21st meeting. I appreciate your time and consideration.

Sincerely,

Louise Bugeau

From: publiccomment@portlandmaine.gov on behalf of [Suzanne Hunt](#)
To: publiccomment@portlandmaine.gov
Subject: Proposed Payson Park located Festival.
Date: Sunday, November 13, 2022 5:29:33 PM

I am opposed to the proposed event use of Payson Park. Using Portland Public Land for an exclusive event is not proper stewardship. My first thought was why dont they use Thompson Point. Then i was told the are in competition with Thompson Point. I try to support local businesses and doesn't feel fair to give an outside vendor use of public land. Thanks for your consideration, Suzanne Hunt. Resident of 36 Winter Street, 772-6695.

Sent from my iPad

From: ["Rob Somerville" via Public Comment](#)
To: [Public Comments for City Council Meetings](#)
Cc: [Friends of Payson Park](#)
Subject: Payson Park proposed music festival
Date: Sunday, November 13, 2022 4:47:49 PM

Dear Members of the Portland City Council,

My name is Rob Somerville, a Portland taxpayer (4 Fernald Terrace), and I am writing to ask you to **reject the permit application** from C3 Presents for a music festival in Payson Park.

This proposal specifically requests the closure of the entire park to the public for the purpose of a private event during one of the most heavily used times of year. There is also the possibility of significant destruction to grass and other park features, which will require additional closures for repairs, further limiting the public use of the park.

I believe that public parks should be available for **all** of the public to enjoy, not just those who can afford an expensive ticket to an exclusive event.

Sincerely,

Rob Somerville
4 Fernald Terrace
Portland

From: publiccomment@portlandmaine.gov on behalf of [Linus Hansen](#)
To: ksnyder@portlandmaine.gov; pali@portlandmaine.gov; afournier@portlandmaine.gov; rrodriguez@portlandmaine.gov; atrevorvow@portlandmaine.gov; vpelletier@portlandmaine.gov; tchong@portlandmaine.gov; azarro@portlandmaine.gov; mdion@portlandmaine.gov; publiccomment@portlandmaine.gov; parks@portlandmaine.gov; ehipple@portlandmaine.gov; andy@portlandmaine.gov; amarshall@portlandmaine.gov; parkscommission@portlandmaine.gov; Citymanager@portlandmaine.gov
Subject: Music Festival In Payson Park
Date: Sunday, November 13, 2022 4:45:28 PM

Dear Portland City Council,

I am a 12-year-old who lives on Alton Street. I really don't want you to have this music festival. I don't want to be blocked off and not be able to get out of my house. I am also worried about you killing all of the grass and the pollinator garden. If you are going to have it every year for ten years, and it is in July, there will be no time for things to grow back. If we have a drought during the summer, the grass won't grow back either. The noise of the music from the festival might also bother people like me. I have autism and extreme sensitivity to noise. I also love music; I just don't want this festival to happen for all of the reasons listed above.

Sincerely,

Linus Hansen

25 Alton Street, 04103

From: publiccomment@portlandmaine.gov on behalf of [Denis-Andrei Mesinschi, Esq.](#)
To: heidimhec@aol.com
Cc: nhoneth@hotmail.com; jsbarkin@aol.com; azarro@portlandmaine.gov; publiccomment@portlandmaine.gov; afournier@portlandmaine.gov; ksnyder@portlandmaine.gov; pali@portlandmaine.gov; vpelletier@portlandmaine.gov; rrodriguez@portlandmaine.gov; atrevorrow@portlandmaine.gov; tchong@portlandmaine.gov; mdion@portlandmaine.gov; council@portlandmaine.gov; ehipple@portlandmaine.gov; friendsofpaysonpark@gmail.com; backcovecrimewatch@googlegroups.com
Subject: Re: [BackCoveCrimeWatch:400] Music Festival in Payson Park
Date: Sunday, November 13, 2022 8:51:38 AM

Good morning all,

Jeff, thanks for elevating awareness on this. I had heard some discussion about the possibility of an even in Peyson Park but wasn't aware it had become more than just early discussions.

I find myself torn between Heidi's position of wanting to — post a few pretty challenging years — having some celebration in the neighborhood and Jeff's very reasonable concerns about actually being able to pull it off.

Having some visibility into the (can we say “poorly thought out”?) concert events that happened in the Munjoy Hill area a few years back, I question whether Peyson park is able to accommodate an event of this nature. As we see even the smaller walks/runs/charity events can maximize the capacity of the parking and roadways in and around Peyson Park, I would be concerned that anything bigger wouldn't be feasible (even allowing for some understandable inconvenience for the residence of Back Cove to allow for an event). This also doesn't factor in that Baxter Blvd is still unusable which means all traffic is routed through Ocean and Clifton and — what could work as overflow parking — around Hannaford wouldn't be accessible.

In the end the details matter — and no surprises a lawyer is fixated on the fine print — but I think we should fairly demand very clear and concrete plans and details before we decide.

I for one would like to know the following details:

- capacity planned (how will it be limited)
- security plans (and who is paying for it)
- stage and setup location and factors like crowd control
- facilities/port-a-potty plans/locations
- food planning
- if there's to be alcohol what are plans around that (where, restrictions on access, extra security)
- medical / emergency planning
- parking, overflow parking, shuttle service from overflow lots
- traffic control plans
- event timing and noise control after certain hours
- event cleanup
- will there be a security/safety/cleanup bond posted by the organizers? What's the value and is that reasonable accounting for the worst case?
- is the organizer well funded and backed? If they're a subsidiary of a larger org, the larger or (with deepest pockets) needs to be on the hook if anything goes sideways. We don't want a shell company that's easily bankrupted being the only entity on the hook.
- who's paying for all of the things? If this is a for-profit event then I'd suggest the city shouldn't be paying — if anything— the city should be paid towards the tax coffers,
- who's contracting for the essentials (and we should expect visibility to ensure whatever minimum requirements are met)
- what are the insurance requirements for the organizer? Are they reasonable? Is the city to be named as an insured and for the full insurance value not just the minimum?

I'm not opposed to a well planned, well executed situation... but not the kind of short-sighted events we saw at Munjoy.

I unfortunately won't be able to attend the calls but wanted to plant some seeds for thought in case these concerns also resonate with others.

Again, thanks all and I'm agreement with Heidi that it would be great to have some joy in the neighborhood.. but also with Jeff that it needs to be soberly thought out.

Cheers

Denis.

On Nov 13, 2022, at 5:39 AM, 'Heidi Farber' via BackCoveCrimeWatch <backcovecrimewatch@googlegroups.com> wrote:

Hi,

Thank you for providing more information, Naomi. While Jeffrey raises legitimate concerns, he does not speak for everyone in the Back Cove neighborhood. Personally, I do think this is the time and place for some joy and community togetherness, and I feel fortunate to be able to live so close if it does happen! Of course, it needs to be planned and executed well, with respect for the Park and neighbors.

Heidi Farber

Sent from my iPhone

On Nov 12, 2022, at 8:52 AM, naomi h <nhoneth@hotmail.com> wrote:

Thank you for bringing this concert proposal to the attention of the list serve. I've been touch with our councilor, Andrew Zarro, who wrote me as follows about the upcoming meetings to discuss the promoters' plans:

<<I have asked Mayor Snyder to convene a Council workshop on 11/14 from 4-5PM so Councilors and Staff can engage in more detail. This item will go to the Council for a vote at the 11/21 Council meeting, where you can give public comment if you would like.

Also, the Mayor has agreed to provide an opportunity for community dialogue on this topic during her Mayor's monthly zoom meeting. **November 16, 7pm:** Mayor's Zoom Meeting, featuring a discussion re: Payson Park Festival with C3.

It will be posted prior to the Workshop and then again for the 11/21 meeting. You can keep an eye on those [here](#).>>

I am hoping you of the Back Cove neighborhood will attend and make your feelings known to the City Council in the various upcoming forums. As Dr. Barkin eloquently stated in his email, this is neither the time or place for a massive gathering in our neighborhood. I am copying Councilor Zarro on this so that he may keep in touch with the listserv group.

Thanks very much.
Naomi Honeth

Sent from my iPhone

On Nov 12, 2022, at 8:18 AM, 'Jeffrey Barkin MD' via BackCoveCrimeWatch <backcovecrimewatch@googlegroups.com> wrote:

Dear Esteemed Members of the City Council of Portland, Maine,

I have never once written to the City Council. My name is Dr. Jeffrey Barkin, I have lived at 105 Parsons Road in Portland for 18 years. I am a physician who has a practice in the Old Port and I have to commute to my office on Exchange Street and back from my home. It has been wonderfully exciting to see much of the development in Portland. This has made for a thriving "scene" as evidenced by an active and world-renowned foodie/music/art/business community. The many projects, including construction of large buildings in downtown Portland, is similarly exciting.

That said, living in certain parts of Portland has become increasingly difficult. As a resident of Back Cove, I can tell you that getting around the city represents an increasing challenge. My drive commute time to my office only 1.7 miles away now approaches 30 minutes at times. Baxter Blvd is closed; Ocean Avenue - a one lane road in each direction - has construction right in Falmouth and the traffic on Rt 9 is therefore excessive. Forest Avenue remains a nightmare. Commute times have increased and some of my neighbors are increasingly reluctant to even drive during times where traffic is heavy as it is perceived as dangerous. Said simply, we do not have sufficient roads and infrastructure to support our current needs as a resident of Portland, Maine.

The concept of a large music festival in Payson Park sounds great, offers to generate revenue, and enhance the presence of Portland. While these are all good goals, we simply do not have the infrastructure to allow the permit application from C3 for such a large music festival. Not based on NIMBYism but based on safety and access, we simply do not have the ability to have so much traffic.

As you are elected to carry out the will of the people of Portland, I strongly urge you to reject the permit application from C3.

Respectfully submitted,

Jeffrey S. Barkin MD, DLFAPA

Immediate Past President, Maine Medical Association

Co-Host, A Healthy Conversation with Steve Woods and Dr. Jeff Barkin

[A Healthy Conversation | Categories | Newsradio WGAN](#)



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<https://groups.google.com/d/msgid/backcovecrimewatch/676174228.1633910.1668335943973%40mail.yahoo.com>.

**From:** "Heidi Farber" via Public Comment  
**To:** nhoneth@hotmail.com  
**Cc:** jsbarkin@aol.com; azarro@portlandmaine.gov; publiccomment@portlandmaine.gov; afournier@portlandmaine.gov; ksnyder@portlandmaine.gov; pali@portlandmaine.gov; vpelletier@portlandmaine.gov; rrodriguez@portlandmaine.gov; atrevorrow@portlandmaine.gov; tchong@portlandmaine.gov; azarro@portlandmaine.gov; mdion@portlandmaine.gov; council@portlandmaine.gov; ehipple@portlandmaine.gov; friendsofpaysonpark@gmail.com; backcovecrimewatch@googlegroups.com  
**Subject:** Re: [BackCoveCrimeWatch:399] Music Festival in Payson Park  
**Date:** Sunday, November 13, 2022 5:39:11 AM

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Hi,  
Thank you for providing more information, Naomi. While Jeffrey raises legitimate concerns, he does not speak for everyone in the Back Cove neighborhood. Personally, I do think this is the time and place for some joy and community togetherness, and I feel fortunate to be able to live so close if it does happen! Of course, it needs to be planned and executed well, with respect for the Park and neighbors.  
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Thanks very much.  
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Respectfully submitted,

Jeffrey S. Barkin MD, DLFAPA

Immediate Past President, Maine Medical Association

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**From:** [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov) on behalf of [Karen Miller](#)  
**To:** [Public Comments for City Council Meetings](#); [At-Large Councilor April Fournier](#); [Mayor Kate Snyder](#); [At-Large Councilor Pious Ali](#); [District 2 Councilor and Parks Commission Liaison Victoria Pelletier](#); [At-Large Councilor Roberto Rodriguez](#); [District 1 Councilor Anna Trevorow](#); [Chong](#); [District 4 Councilor Andrew Zarro](#); [District 5 Councilor Mark Dion](#); [City Council Email](#); [Director of Park and Rec Ethan Hipple](#); [Director of Public Assembly Facilities Andy Downs](#); [Parks Director Alex Marshall](#); [Parks Commission](#); [Interim City Manager Danielle West](#); [Friends of Payson Park](#)  
**Subject:** Payson Park  
**Date:** Saturday, November 12, 2022 9:51:13 AM

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Dear Members of the City Council of Portland, Maine,

My name is Karen Miller, I live at 22 Fernald St. Portland, ME, and I am writing to ask you to reject the permit application from C3 Presents for a music festival in Payson Park.

This proposal specifically requests the closure of the entire public park to the public for the purposes of a private event, to the exclusion of public use. There is also, is the possibility of significant destruction to grass and other park features, which will require additional closures for reseeding and repairs further limiting the public use of this park during one of the most heavily used times of year in a park that experiences a wonderful variety of uses. I believe that public parks should be available for all of the public to enjoy, not just those who can afford an expensive ticket to an exclusive event.

Thank you for your service to the City of Portland.

Sincerely,

Karen Miller  
22 Fernald St, Portland, ME 04103

--

Karen Miller  
Faculty Associate, Anthropology Dept.  
South Stevens Hall  
University of Maine, Orono  
Email: [karen.miller@maine.edu](mailto:karen.miller@maine.edu)

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Email: [caforum1@gmail.com](mailto:caforum1@gmail.com)

**From:** [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov) on behalf of [Sharon Morgenstein](#)  
**To:** [At-Large Councilor April Fournier](#); [At-Large Councilor Pious Ali](#); [At-Large Councilor Roberto Rodriguez](#); [Chong](#); [City Council Email](#); [Director of Park and Rec Ethan Hipple](#); [Director of Public Assembly Facilities Andy Downs](#); [District 1 Councilor Anna Trevorow](#); [District 2 Councilor and Parks Commission Liaison Victoria Pelletier](#); [District 4 Councilor Andrew Zarro](#); [District 5 Councilor Mark Dion](#); [Interim City Manager Danielle West](#); [Mayor Kate Snyder](#); [Parks Commission](#); [Parks Director Alex Marshall](#); [Public Comments for City Council Meetings](#)  
**Subject:** Payson Park music festival  
**Date:** Saturday, November 12, 2022 9:18:59 AM

---

I am not in favor of a 2 day event in the park that can limit access for the public for up to 13 days in July!  
Thank you for considering residents opinions.  
Sharon MORGENSTEIN



**From:** [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov) on behalf of [Payson Park](#)  
**To:** [Public Comments for City Council Meetings](#); [At-Large Councilor April Fournier](#); [Mayor Kate Snyder](#); [At-Large Councilor Pious Ali](#); [District 2 Councilor and Parks Commission Liaison Victoria Pelletier](#); [At-Large Councilor Roberto Rodriguez](#); [District 1 Councilor Anna Trevorrow](#); [District 4 Councilor Andrew Zarro](#); [District 5 Councilor Mark Dion](#); [City Council Email](#); [tchong@portlandmaine.gov](mailto:tchong@portlandmaine.gov)  
**Cc:** [Ethan Hipple](#); [Alex Marshall](#); [Parks Commission](#); [citymanager@portlandmaine.gov](mailto:citymanager@portlandmaine.gov)  
**Subject:** Reject the proposed concert in Payson Park  
**Date:** Saturday, November 12, 2022 8:59:57 AM  
**Attachments:** [11.10.2022 Friends of Payson Park position statement proposed Music Festival.pdf](#)

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Dear Mayor Snyder and Portland City Councilors,

**Friends of Payson Park respectfully requests the Portland City Council vote against approving the application from C2 Acquisitions, LLC, a division of Live Nation, doing business as C3 Presents, for a music festival in Payson Park.**

FOPP members opposition follows a tremendous amount of community engagement on the subject of the proposed festival, including the following:

- an initial meeting with Nan Cumming of the Parks Conservancy and Richard Bulman, representing C3
- a Zoom Meeting with FOPP members at which C3 presented
- a meeting following the District 4 meeting to discuss the proposal with C3 reps presenting
- a meeting between FOPP representatives and Ethan Hipple, Parks and Recreation Director
- a conversation with a Friends Group in Atlanta regarding their experience with hosting a festival
- a review of the C3 application presented to the City
- outreach with community members and professionals knowledgeable of the impacts of large events
- and finally, through research on the subject of impact of large events held in public parks nationally and internationally

FOPP's rationale for its statement is below, and is attached in a pdf for your records.

Please, do not hesitate to reach out to us with any questions. We look forward to attending the upcoming City Council workshop, the Mayor's Zoom call and the November 21, 2023 City Council meeting.

And finally, please know FOPP is made up of musicians, music lovers, festival attenders and professionals in the field, but we do not believe this proposal that plans to bring the equivalent of 1/3 of the City's population to a neighborhood park and closes off public access to that park is an appropriate way to demonstrate that love of music.

Thank you for your service and your efforts to support public parks.

**Rationale:**

The C3 proposal specifically requests the closure of the entire public park to the public for the purposes of a private event, to the exclusion of public use, and this is our primary concern. Also, there will be significant impact and destruction to grass and other park features, which will require additional closures for reseeding and repairs. Please see our detailed concerns below, including potential violations of Chapter 18-44 of the City Code of Ordinances.

## Concerns

- **Usage of the park.** Edward Payson Park is a public park used year-round, especially in the summer. The park provides a variety of dedicated recreational sports areas, open spaces, lawns, pollinator grassy areas, a playground with a water feature used intensively during hot spells, an expanding arboretum, a community garden, and an important wetland area in the southwest corner. The park provides parking for people to access the Back Cove trail and it serves as a commuting route connecting Baxter Boulevard and Ocean Avenue, and its two side streets Fernald and West Kidder, to Washington Avenue. People enjoy walking, biking, skateboarding, rollerblading, baseball, softball, basketball, soccer, football, flag football, pickleball, tennis, dodgeball, frisbee, disc golf, yoga, drumming, fencing, dancing, cheerleading, live action role playing, music making, and various races and competitions, as well as picnicking, birding, and the enjoyment of vistas and open spaces.
- **Closure to the public.** Though the park is often permitted for use by private entities, those events have not required the closing of the whole park to the public for exclusive private use. The festival proposed by C3 Presents will require completely closing the Park to the public for some days prior to, during, and following the festival, with partial closures during more shoulder days for set up and clean up, at least 13 days overall around the event itself; this does not include closures for subsequent repairs and renovations that may be needed. This would be during the Park's most intensively used season.
- Pertinent considerations relating to **Chapter 18 in the Code of Ordinances for the City, Section 18-44**, enumerating the **requirements for a permit** for such an event as the festival.

### o **Item (2) cites the need for adequate parking facilities to accommodate the proposed event.**

▪ C3 Presents has said it has obtained lists of the various parking garages and lots in Portland; however, those are likely to be full during July and other summer months. While some school parking lots in the Deering, Back Cove, and East Deering neighborhoods may be available, many church lots will not be usable on Saturday and/or Sunday, limiting parking and shuttle opportunities. Unlike many other (more populated) cities in which large music festivals occur, Portland does not have an extensive public transit system. It is expected that attendees will make use of any side street parking they can find for up to two miles to the east, north and west of the park. Baxter Boulevard is unlikely to re-open to traffic before December 2023, further restricting access and egress. Management of traffic as attendees arrive and especially

as they depart will become paramount. While C3's application acknowledges that parking and traffic management will be a challenge, their request for the use of City police and traffic personnel is likely unrealistic given that those departments are significantly understaffed.

**o Item (4) states that the event shall not cause damage from destruction or overuse to or overuse of the grounds, equipment, vegetation, buildings, fences or other amenities in the park.**

- Festivals in other cities evidence extensive damage to grass/turf/sod areas as well as hard surfaces. Having 10,000 to 12,000 attendees per day in Year 1, headed for 20,000 attendees per day in subsequent years means extensive damage to grass areas, requiring 6-8 weeks of no access so that reseeded areas can recover. Potential damage to ball fields and court surfaces will also require closure until repairs and resurfacing can occur. Of late, specific areas have been left un-mowed to provide habitat for pollinators, and these areas will be trampled at an ecologically critical time. There is concern about damage by attendees during the festival to fences around the ball fields and tennis courts, as well as to trees throughout the park. Trash in the neighborhoods adjacent to and around the park will be an issue and should not be left to the neighbors or the City to clean up.
- The application from C3 Presents acknowledges the likelihood of negative impacts that exceed the timeframe of the event set up and tear down, "Organizers commit to paying for any needed remediation or repair to Edward Payson Park following the event."
- While Item (4) is clear that damage should be avoided in the first place, these circumstances indicate parts of the park will continue to be closed to public access while remediation and repairs take place.

**o Item (5) says that the proposed event would not unreasonably disturb persons who occupy land which is adjacent to the park.**

- C3 Presents has stated that access to the park through the neighborhoods will become more and more limited during the week leading up to the event and during the event itself, requiring a permit for those living in the neighborhood. Payson Park has residences abutting it on three sides, and Catafalque Drive through the middle of the park is accessed frequently not only by commuters, but also by emergency services responding to calls at Seaside Healthcare. Access to and through the neighborhoods surrounding the park will continue to be a challenge with the continued closure through most of 2023 of Baxter Boulevard from Payson Park to Vannah Street.
- In Year 1, at least, festival operators will require generators to supply power; it is unclear when generators will be placed into operation; it is likely they will be needed through the night to help maintain security lights and systems. It is unclear how both the sounds of generators and lights at night will impact residents in the neighborhoods.

- Residents near Payson Park can hear events held at the Maine State Pier and were able to hear concerts at Rock Row in Westbrook, which means residents around Portland as well as Westbrook will likely hear this event.

o **Item (6) states that the park or portion thereof has not been reserved for other use that day.** ▪ Payson Park is used intensely in the summer months by a wide variety of groups and

individuals, every single day (see **Usage** section above). Many people from near and far travel to the park on a regular and recurring weekly basis to participate in organized sports and practices. Blocking access to the park, including closure of the surrounding roads as outlined in the application, closes off for many their only option for recreation, and removes access for travel through the park to get to work, whether people drive, walk or bike. **Limiting and then eliminating access, spanning a 13-day period, with additional sectional closures for damage remediations and vegetative recovery makes Payson Park an inappropriate location for such an event.**

• **Unknown impacts.**

o Stormwater separation systems operate in the south end of the park, under Baxter Boulevard and

under the grass area south of the Little League field (east of the playground and west of Seaside Healthcare). An assessment of the potential impact of this proposed festival needs to be made to identify risks and possible damage to this infrastructure or access to this infrastructure.

o It is unclear how and whether this event is in alignment with the City's One Climate Future goals, which the city is in the process of codifying. Our parks play important roles both in carbon sequestration and in the enhancement of human mental and physical health. To deny public access is in conflict with the purpose of our public parks.

Friends of Payson Park \* Portland, Maine

**We love it when you like and engage with us on [Facebook!](#)**

## **Friends of Payson Park Position on Proposed Music Festival November 10, 2022**

**Friends of Payson Park respectfully requests that the Portland City Council vote against approving the application from C2 Acquisitions, LLC, a division of Live Nation, doing business as C3 Presents, for a music festival in Payson Park.**

This proposal specifically requests the closure of the entire public park to the public for the purposes of a private event, to the exclusion of public use, and this is our primary concern. Also, there will be significant impact and destruction to grass and other park features, which will require additional closures for reseeding and repairs. Please see our detailed concerns below, including potential violations of Chapter 18-44 of the City Code of Ordinances.

### **The mission of Friends of Payson Park**

Edward Payson Park is a unique resource for the City of Portland, Maine, offering year-round opportunities for sports, recreation, relaxation and contemplation. Our mission is to act as stewards to protect, preserve and enhance the park while assuring it blends harmoniously with its adjoining communities. Our goal is to work in collaboration with the City of Portland to develop sound management policies for park programming and development that benefit area neighborhoods and the wider Portland community, while balancing concerns for the unique ecological and geographic features of the park.

### **Concerns**

- **Usage of the park.** Edward Payson Park is a public park used year-round, especially in the summer. The park provides a variety of dedicated recreational sports areas, open spaces, lawns, pollinator grassy areas, a playground with a water feature used intensively during hot spells, an expanding arboretum, a community garden, and an important wetland area in the southwest corner. The park provides parking for people to access the Back Cove trail and it serves as a commuting route connecting Baxter Boulevard and Ocean Avenue along with side streets to Washington Avenue. People enjoy walking, biking, skateboarding, rollerblading, baseball, softball, basketball, soccer, football, flag football, pickleball, tennis, dodgeball, frisbee, disc golf, yoga, drumming, fencing, dancing, cheerleading, live action role playing, music making, and various races and competitions, as well as picnicking, birding, and the enjoyment of vistas and open spaces.
- **Closure to the public.** Though the park is often permitted for use by private entities, those events have not required the closing of the whole park to the public for exclusive private use. The festival proposed by C3 Presents will require completely closing the Park to the public for some days prior to, during, and following the festival, with partial closures during more shoulder days for set up and clean up, at least 13 days overall around the event itself; this does not include closures for subsequent repairs and renovations that may be needed. This would be during the Park's most intensively used season.
- Pertinent considerations relating to **Chapter 18 in the Code of Ordinances for the City, Section 18-44**, enumerating the **requirements for a permit** for such an event as the festival.
  - **Item (2) cites the need for adequate parking facilities to accommodate the proposed event.**
    - C3 Presents has said it has obtained lists of the various parking garages and lots in Portland; however, those are likely to be full during July and other summer months. While some school parking lots in the Deering, Back Cove, and East Deering neighborhoods may be available, many church lots will not be usable on Saturday and/or Sunday, limiting parking and shuttle opportunities. Unlike many other (more populated) cities in which large music festivals occur, Portland does not have an extensive public transit system. It is expected that attendees will make use of any on street parking they can find for up to two miles to the east, north and west of the park. Baxter Boulevard is unlikely to re-open to traffic before December 2023, further restricting access and egress. Management of traffic as attendees arrive and especially as they depart will become paramount. While C3's application acknowledges that parking and traffic management will be a challenge, their request for the use of City police and traffic personnel is likely unrealistic given that those departments are significantly understaffed.

- **Item (4) states that the event shall not cause damage from destruction or overuse to or overuse of the grounds, equipment, vegetation, buildings, fences or other amenities in the park.**
  - Festivals in other cities evidence extensive damage to grass/turf/sod areas as well as hard surfaces. Having 10,000 to 12,000 attendees per day in Year 1, headed for 20,000 attendees per day in subsequent years means extensive damage to grass areas, requiring 6-8 weeks of no access so that reseeded areas can recover. Potential damage to ball fields and court surfaces will also require closure until repairs and resurfacing can occur. Of late, specific areas have been left un-mowed to provide habitat for pollinators, and these areas will be trampled at an ecologically critical time. There is concern about damage by attendees during the festival to fences around the ball fields and tennis courts, as well as to trees throughout the park. Trash in the neighborhoods adjacent to and around the park will be an issue and should not be left to the neighbors or the City to clean up.
  - The application from C3 Presents acknowledges the likelihood of negative impacts that exceed the timeframe of the event set up and tear down, “Organizers commit to paying for any needed remediation or repair to Edward Payson Park following the event.”
  - While Item (4) is clear that damage should be avoided in the first place, these circumstances indicate parts of the park will continue to be closed to public access while remediation and repairs take place.
- **Item (5) says that the proposed event would not unreasonably disturb persons who occupy land which is adjacent to the park.**
  - C3 Presents has stated that access to the park through the neighborhoods will become more and more limited during the week leading up to the event and during the event itself, requiring a permit for those living in the neighborhood. Payson Park has residences abutting it on three sides, and Catafalque Drive through the middle of the park is accessed frequently not only by commuters, but also by emergency services responding to calls at Seaside Healthcare. Access to and through the neighborhoods surrounding the park will continue to be a challenge with the continued closure through most of 2023 of Baxter Boulevard from Payson Park to Vannah Street.
  - In Year 1, at least, festival operators will require generators to supply power; it is unclear when generators will be placed into operation; it is likely they will be needed through the night to help maintain security lights and systems. It is unclear how both the sounds of generators and lights at night will impact residents in the neighborhoods.
  - Residents near Payson Park can hear events held at the Maine State Pier and were able to hear concerts at Rock Row in Westbrook, which means residents around Portland as well as Westbrook will likely hear this event.
- **Item (6) states that the park or portion thereof has not been reserved for other use that day.**
  - Payson Park is used intensely in the summer months by a wide variety of groups and individuals, every single day (see **Usage** section above). Many people from near and far travel to the park on a regular and recurring weekly basis to participate in organized sports and practices. Blocking access to the park, including closure of the surrounding roads as outlined in the application, closes off for many their only option for recreation, and removes access for travel through the park to get to work, whether people drive, walk or bike. **Limiting and then eliminating access, spanning a 13-day period, with additional sectional closures for damage remediations and vegetative recovery makes Payson Park an inappropriate location for such an event.**
- **Unknown impacts.**
  - Stormwater separation systems operate in the south end of the park, under Baxter Boulevard and under the grass area south of the Little League field (east of the playground and west of Seaside Healthcare). An assessment of the potential impact of this proposed festival needs to be made to identify risks and possible damage to this infrastructure or access to this infrastructure.
  - It is unclear how and whether this event is in alignment with the City’s One Climate Future goals, which the city is in the process of codifying. Our parks play important roles both in carbon sequestration and in the enhancement of human mental and physical health. To deny the public access is in conflict with the purpose of our public parks.

**From:** [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov) on behalf of [naomi\\_h\\_jsbarkin@aol.com](mailto:naomi_h_jsbarkin@aol.com); [Andrew Zarro](mailto:Andrew.Zarro@portlandmaine.gov)  
**To:** [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov); [afournier@portlandmaine.gov](mailto:afournier@portlandmaine.gov); [ksnyder@portlandmaine.gov](mailto:ksnyder@portlandmaine.gov); [pali@portlandmaine.gov](mailto:pali@portlandmaine.gov); [vpelletier@portlandmaine.gov](mailto:vpelletier@portlandmaine.gov); [rodriguez@portlandmaine.gov](mailto:rodriguez@portlandmaine.gov); [atrevorrow@portlandmaine.gov](mailto:atrevorrow@portlandmaine.gov); [tchong@portlandmaine.gov](mailto:tchong@portlandmaine.gov); [azarro@portlandmaine.gov](mailto:azarro@portlandmaine.gov); [mdion@portlandmaine.gov](mailto:mdion@portlandmaine.gov); [council@portlandmaine.gov](mailto:council@portlandmaine.gov); [ehipple@portlandmaine.gov](mailto:ehipple@portlandmaine.gov); [andy@portlandmaine.gov](mailto:andy@portlandmaine.gov); [amarshall@portlandmaine.gov](mailto:amarshall@portlandmaine.gov); [parkscommission@portlandmaine.gov](mailto:parkscommission@portlandmaine.gov); [citymanager@portlandmaine.gov](mailto:citymanager@portlandmaine.gov); [friendsofpaysonpark@gmail.com](mailto:friendsofpaysonpark@gmail.com); [backcovecrimewatch@googlegroups.com](mailto:backcovecrimewatch@googlegroups.com)  
**Subject:** Re: [BackCoveCrimeWatch:398] Music Festival in Payson Park  
**Date:** Saturday, November 12, 2022 8:46:21 AM

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Thank you for bringing this concert proposal to the attention of the list serve. I've been touch with our councilor, Andrew Zarro, who wrote me as follows about the upcoming meetings to discuss the promoters' plans:

<<I have asked Mayor Snyder to convene a Council workshop on 11/14 from 4-5PM so Councilors and Staff can engage in more detail. This item will go to the Council for a vote at the 11/21 Council meeting, where you can give public comment if you would like.

Also, the Mayor has agreed to provide an opportunity for community dialogue on this topic during her Mayor's monthly zoom meeting. **November 16, 7pm:** Mayor's Zoom Meeting, featuring a discussion re: Payson Park Festival with C3.

It will be posted prior to the Workshop and then again for the 11/21 meeting. You can keep an eye on those [here](#).>>

I am hoping you of the Back Cove neighborhood will attend and make your feelings known to the City Council in the various upcoming forums. As Dr. Barkin eloquently stated in his email, this is neither the time or place for a massive gathering in our neighborhood. I am copying Councilor Zarro on this so that he may keep in touch with the listserv group.

Thanks very much.  
Naomi Honeth

Sent from my iPhone

On Nov 12, 2022, at 8:18 AM, 'Jeffrey Barkin MD' via BackCoveCrimeWatch <[backcovecrimewatch@googlegroups.com](mailto:backcovecrimewatch@googlegroups.com)> wrote:

Dear Esteemed Members of the City Council of Portland, Maine,

I have never once written to the City Council. My name is Dr. Jeffrey Barkin, I have lived at 105 Parsons Road in Portland for 18 years. I am a physician who has a practice in the Old Port and I have to commute to my office on Exchange Street and back from my home. It has been wonderfully exciting to see much of the development in Portland. This has made for a thriving "scene" as evidenced by an active and world-renowned foodie/music/art/business community. The many projects, including construction of large buildings in downtown Portland, is similarly exciting.

That said, living in certain parts of Portland has become increasingly difficult. As a resident of Back Cove, I can tell you that getting around the city represents an increasing challenge. My drive commute time to my office only 1.7 miles away now approaches 30 minutes at times. Baxter Blvd is closed; Ocean Avenue - a one lane road in each direction - has construction right in Falmouth and the traffic on Rt 9 is therefore excessive. Forest Avenue remains a nightmare. Commute times have increased and some of my neighbors are increasingly reluctant to even drive during times where traffic is heavy as it is perceived as dangerous. Said simply, we do not have sufficient roads and infrastructure to support our current needs as a resident of Portland, Maine.

The concept of a large music festival in Payson Park sounds great, offers to generate revenue, and enhance the presence of Portland. While these are all good goals, we simply do not have the infrastructure to allow the permit application from C3 for such a large music festival. Not based on NIMBYism but based on safety and access, we simply do not have the ability to have so much traffic.

As you are elected to carry out the will of the people of Portland, I strongly urge you to reject the permit application from C3.

Respectfully submitted,

Jeffrey S. Barkin MD, DLFAPA

Immediate Past President, Maine Medical Association

Co-Host, A Healthy Conversation with Steve Woods and Dr. Jeff Barkin

[A Healthy Conversation | Categories | Newsradio WGAN](#)



Associate Chief Medical Officer  
Pharmacy Benefits Solutions  
Change Healthcare  
tel: 207-775-2244

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From: ["Jeffrey Barkin MD" via Public Comment](#)
To: publiccomment@portlandmaine.gov; afournier@portlandmaine.gov; ksnyder@portlandmaine.gov; pali@portlandmaine.gov; vpelletier@portlandmaine.gov; rodriguez@portlandmaine.gov; atrevor@portlandmaine.gov; tchong@portlandmaine.gov; azarro@portlandmaine.gov; mdion@portlandmaine.gov; council@portlandmaine.gov; ehipple@portlandmaine.gov; andy@portlandmaine.gov; amarshall@portlandmaine.gov; parkscscommission@portlandmaine.gov; citymanager@portlandmaine.gov; friendsofpaysonpark@gmail.com; backcovecrimewatch@googlegroups.com
Subject: Music Festival in Payson Park
Date: Saturday, November 12, 2022 8:18:01 AM

Dear Esteemed Members of the City Council of Portland, Maine,

I have never once written to the City Council. My name is Dr. Jeffrey Barkin, I have lived at 105 Parsons Road in Portland for 18 years. I am a physician who has a practice in the Old Port and I have to commute to my office on Exchange Street and back from my home. It has been wonderfully exciting to see much of the development in Portland. This has made for a thriving "scene" as evidenced by an active and world-renowned foodie/music/art/business community. The many projects, including construction of large buildings in downtown Portland, is similarly exciting.

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As you are elected to carry out the will of the people of Portland, I strongly urge you to reject the permit application from C3.

Respectfully submitted,

Jeffrey S. Barkin MD, DLFAPA

Immediate Past President, Maine Medical Association

Co-Host, A Healthy Conversation with Steve Woods and Dr. Jeff Barkin
[A Healthy Conversation | Categories | Newsradio WGAN](#)



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**From:** [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov) on behalf of [Ryan Carmichael](#)  
**To:** [Public Comments for City Council Meetings](#); [At-Large Councilor April Fournier](#); [Mayor Kate Snyder](#); [At-Large Councilor Pious Ali](#); [District 2 Councilor and Parks Commission Liaison Victoria Pelletier](#); [At-Large Councilor Roberto Rodriguez](#); [District 1 Councilor Anna Trevorow](#); [Chong](#); [District 4 Councilor Andrew Zarro](#); [District 5 Councilor Mark Dion](#); [City Council Email](#); [Director of Park and Rec Ethan Hipple](#); [Director of Public Assembly Facilities Andy Downs](#); [Parks Director Alex Marshall](#); [Parks Commission](#); [Interim City Manager Danielle West](#); [Friends of Payson Park](#)  
**Subject:** Please Reject the Proposed Music Festival in Payson Park  
**Date:** Saturday, November 12, 2022 7:40:57 AM

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Dear Members of the City Council,

My name is Ryan Carmichael and I live at 17 Fernald Terrace. I am writing to respectfully ask you to **reject the permit application from C3 Presents for a music festival in Payson Park.**

During the summer season in which the park is most utilized, this proposed event would require the closure of the entire park to the public for between 5 and 13 days in order to host a high-priced private event. Sections of the park would likely have to be closed for even longer after the event, to repair damage to the grass and other surfaces. I believe strongly that public parks should be open to all the public to enjoy and not pimped out to the highest bidder for an exclusive event.

If the promoters wanted to host a free concert series in the park, I'd be excited.

If they wanted to rent the triangle area of the park for a private event, I'd be accepting.

If they want to close the entire park and tell the thousands of people who use the park on a given week in July to buzz off, they can pick a different city.

Thank you for your consideration,

Ryan Carmichael  
17 Fernald Terrace

[REDACTED]

---

**From:** publiccomment@portlandmaine.gov on behalf of Kevin DePaola <kmdepaola@gmail.com>  
**Sent:** Friday, November 4, 2022 12:42 PM  
**To:** council@portlandmaine.gov; publiccomment@portlandmaine.gov  
**Subject:** Payson Park Music Festival  
**Attachments:** Payson Park Festival.pdf

Hello,

I just wanted to voice my support for the C3 festival. I attached a letter for the council to review. Let me know if there are any questions!

Thanks,

--

Kevin DePaola

Master of Health Administration  
The Ohio State University

11/4/2022

Dear City Council & Mayor Kate Snyder,

My wife and I live approximately 300 feet from Payson Park, and we are very supportive of the proposal by C3 to have a festival in the park, assuming that the city gets a fair deal. I think it would be a great way to continue pushing Portland to grow. This is a rare opportunity for a smaller city like Portland. It would be a boon for local businesses and I would personally love to walk 300 feet to go see a music festival from my front door.

I was also at the neighborhood meeting where it was discussed. C3 mentioned partnering to add a new project/feature to Payson Park and I wanted to suggest an idea. I am originally from Columbus, OH, and they had an amazing free outdoor climbing wall in a public park. This could easily be replicated in Payson Park and would be a significant gift to the city adding a great feature to the city parks that could be used for decades (Scioto Audubon Park).



I am biased to what the project would be, but this would be an amazing addition to the city parks that could be paid for by C3. The costs of these are substantial, and it would show their commitment level to being a long-term partner with the city. This was used regularly by schools, classes and attracted 100s of visitors daily.

It shows the potential of a partnership like this, and I believe the city should take full advantage of a public-private partnership that helps the city grow and become more vibrant!

Regards,

Kevin DePaola

**From:** [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov) on behalf of [Linda Lajoie](#)  
**To:** [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov)  
**Subject:** Fwd: Proposed Payson Park Music Festival  
**Date:** Saturday, November 19, 2022 7:13:38 AM

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----- Forwarded message -----

From: **Linda Lajoie** <[llajoie@gmail.com](mailto:llajoie@gmail.com)>  
Date: Sat, Nov 19, 2022 at 6:46 AM  
Subject: Proposed Payson Park Music Festival  
To: <[ksnyder@portlandmaine.gov](mailto:ksnyder@portlandmaine.gov)>, <[pali@portlandmaine.gov](mailto:pali@portlandmaine.gov)>, <[afournier@portlandmaine.gov](mailto:afournier@portlandmaine.gov)>, <[rrodriguez@portlandmaine.gov](mailto:rrodriguez@portlandmaine.gov)>, <[azarro@portlandmaine.gov](mailto:azarro@portlandmaine.gov)>, <[parks@portlandmaine.gov](mailto:parks@portlandmaine.gov)>, <[parkscommission@portlandmaine.gov](mailto:parkscommission@portlandmaine.gov)>, <[Citymanager@portlandmaine.gov](mailto:Citymanager@portlandmaine.gov)>

Dear City Council Members, Mayor Snyder, and City Departments,

We are writing to voice our opposition to a proposal to enter into an agreement with C3/Live Nation for a 10 year commitment to stage a music festival in Payson Park starting in 2023.

As homeowners, tax payers, and active voters in Portland, we believe in creating a vibrant and inclusive small city life. We love the care and attention City Departments take in grooming and maintaining our lovely parks. We live near enough to Payson Park to be aware of the daily use of the Park by families, sport and school groups, walkers, small meetings, bikers, runners, joggers, 1-day fundraisers, and, of course, wildlife. We love the carefully maintained playing fields and all the winter activities. We believe this is how our shared parks should be used - for the benefit of those who live here and are currently using them.

We've lived here long enough to remember the damage done to Deering Oaks by improper use of that fragile ecosystem. We feel the City should have learned its lesson there although it allowed the Mumford & Sons concert to happen anyway, causing damage to the Promenade and bad feelings for those who lived in the area. We need to remember these lessons in order to inform our current decisions.

We think C3/Live Nation is taking advantage of our lack of a strong application process which is needed to protect the Park and prevent the negative effects on the people of Portland who live in the area. If someone wants to stage a concert, they can apply to existing venues - Thompson's Point comes to mind. Payson Park, with minimal parking available for the expected 20,000 paying participants, is not the right place.

Finally, it has been mentioned that C3 typically charges \$175+ per person for its festivals (more for elite participants who have access to upgrades and luxuries). We believe this price point locks out most of us who do not have the disposable income available to the out-of-town festival goers. We don't want our City Council to support entertainment for the rich over the rest of us who elected you to oversee City affairs.

Thank you for your time and attention.

Linda & Richard Lajoie  
District 4

**From:** [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov) on behalf of [Pokemon Spruce](#)  
**To:** [Public Comments for City Council Meetings](#); [At-Large Councilor April Fournier](#); [Mayor Kate Snyder](#); [At-Large Councilor Pious Ali](#); [District 2 Councilor and Parks Commission Liaison Victoria Pelletier](#); [At-Large Councilor Roberto Rodriguez](#); [District 1 Councilor Anna Trevorow](#); [Chong](#); [District 4 Councilor Andrew Zarro](#); [District 5 Councilor Mark Dion](#); [City Council Email](#); [Director of Park and Rec Ethan Hipple](#); [Director of Public Assembly Facilities Andy Downs](#); [Parks Director Alex Marshall](#); [Parks Commission](#); [Interim City Manager Danielle West](#); [Friends of Payson Park](#)  
**Subject:** I respectfully request that you vote NO on Contract for Payson Park Music Festival.  
**Date:** Friday, November 18, 2022 7:28:24 PM

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Dear Members of the City Council of Portland, Maine,

My name is William Carmichael\_\_\_\_\_, I live at \_53 Spruce Street\_\_\_\_\_ (street address) and I am writing to ask you to reject the permit application from C3 Presents for a music festival in Payson Park.

This proposal specifically requests the closure of the entire public park to the public for the purposes of a private event, to the exclusion of public use. There is also, is the possibility of significant destruction to grass and other park features, which will require additional closures for reseeding and repairs further limiting the public use of this park during one of the most heavily used times of year in a park that experiences a wonderful variety of uses. I believe that public parks should be available for all of the public to enjoy, not just those who can afford an expensive ticket to an exclusive event.

Thank you for your service to the City of Portland!

Sincerely,

NAME William J. Carmichael Jr.

ADDRESS 53 Spruce Street  
Portland ME 04102



**From:** [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov) on behalf of [Jillian Roland](#)  
**To:** [Kate Snyder](mailto:Kate.Snyder@portlandmaine.gov); [pali@portlandmaine.gov](mailto:pali@portlandmaine.gov); [afournier@portlandmaine.gov](mailto:afournier@portlandmaine.gov); [rrodriguez@portlandmaine.gov](mailto:rrodriguez@portlandmaine.gov); [atreavorrow@portlandmaine.gov](mailto:atreavorrow@portlandmaine.gov); [vpelletier@portlandmaine.gov](mailto:vpelletier@portlandmaine.gov); [tchong@portlandmaine.gov](mailto:tchong@portlandmaine.gov); [azarro@portlandmaine.gov](mailto:azarro@portlandmaine.gov); [mdion@portlandmaine.gov](mailto:mdion@portlandmaine.gov); [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov); [parks@portlandmaine.gov](mailto:parks@portlandmaine.gov); [ehipple@portlandmaine.gov](mailto:ehipple@portlandmaine.gov); [andy@portlandmaine.gov](mailto:andy@portlandmaine.gov); [amarshall@portlandmaine.gov](mailto:amarshall@portlandmaine.gov); [parkscommission@portlandmaine.gov](mailto:parkscommission@portlandmaine.gov); [Citymanager@portlandmaine.gov](mailto:Citymanager@portlandmaine.gov)  
**Subject:** I do NOT support C3's Festival Application  
**Date:** Friday, November 18, 2022 6:57:23 PM

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Hello, my name is Jillian Roland, and I live in District 4, Portland. I am writing to ask that you NOT APPROVE the application submitted by C3 Presents for a 10-year contract to host a 20,000-person/day annual 2-day music festival in Payson Park. I feel strongly that you do not have enough information to approve this application for either a single year or 10 years, this is being unnecessarily rushed, and I do not think this is the right solution.

I like the idea of having a festival in Portland, and I ask that the City will undergo an RFP process to find the best solution, which will allow you to consider and address the following questions:

- Who is the right partner to work with?
- What is the best size festival to have and why?
- What is the best timing?
- What is the best venue?
- Who will benefit from this and how?

In the meantime, I ask that you vote NO on C3s application at the November 21st meeting. I appreciate your time and consideration.

Sincerely,  
Jillian Roland

**From:** [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov) on behalf of [Sharon Zelonish](#)  
**To:** [ksnyder@portlandmaine.gov](mailto:ksnyder@portlandmaine.gov); [pali@portlandmaine.gov](mailto:pali@portlandmaine.gov); [afournier@portlandmaine.gov](mailto:afournier@portlandmaine.gov); [rrodriguez@portlandmaine.gov](mailto:rrodriguez@portlandmaine.gov); [atreavorrow@portlandmaine.gov](mailto:atreavorrow@portlandmaine.gov); [vpelletier@portlandmaine.gov](mailto:vpelletier@portlandmaine.gov); [tchong@portlandmaine.gov](mailto:tchong@portlandmaine.gov); [azarro@portlandmaine.gov](mailto:azarro@portlandmaine.gov); [mdion@portlandmaine.gov](mailto:mdion@portlandmaine.gov); [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov); [parks@portlandmaine.gov](mailto:parks@portlandmaine.gov); [ehipple@portlandmaine.gov](mailto:ehipple@portlandmaine.gov); [andy@portlandmaine.gov](mailto:andy@portlandmaine.gov); [amarshall@portlandmaine.gov](mailto:amarshall@portlandmaine.gov); [parkscommission@portlandmaine.gov](mailto:parkscommission@portlandmaine.gov); [Citymanager@portlandmaine.gov](mailto:Citymanager@portlandmaine.gov)  
**Subject:** Music Festival Payson Park  
**Date:** Friday, November 18, 2022 6:48:01 PM

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Hello, my name is Sharon Zelonish, and I live in the Back cove neighborhood. I am writing to ask that you NOT APPROVE the application submitted by C3 Presents for a 10-year contract to host a 20,000-person/day annual 2-day music festival in Payson Park. I feel strongly that you do not have enough information to approve this application for either a single year or 10 years, this is being unnecessarily rushed, and I do not think this is the right solution.

I like the idea of having a festival in Portland, and I ask that the City will undergo an RFP process to find the best solution, which will allow you to consider and address the following questions:

- Who is the right partner to work with?
- What is the best size festival to have and why?
- What is the best timing?
- What is the best venue?
- Who will benefit from this and how?

Furthermore, this is a residential neighborhood and such an event would have a tremendous impact on the families that reside in close proximity to the park. Such an event, with such large attendance should be held in a location that has been established to manage large attendance. Thompson's Point, Fitzpatrick stadium?

**\*\*\*\*\*In the meantime, I ask that you vote NO on C3s application at the November 21st meeting. I appreciate your time and consideration\*\*\*\*\***

Sincerely,  
Sharon Zelonish

**From:** [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov) on behalf of [Anne Pringle](#)  
**To:** [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov)  
**Subject:** Communication by Green Spaces Coalition re Proposed Payson Park Concerts  
**Date:** Friday, November 18, 2022 4:42:41 PM  
**Attachments:** [Park Permitting Standards.docx](#)

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## GSC Communication to City Council

11/18/22

The Green Spaces Coalition (GSC) is an informal group of representatives of all of Portland's seventeen park and open space Friends Groups. We come together periodically, as needed, to discuss issues of shared interest or concern. Representatives met on Thursday to discuss three separate parks-related issues. We offer the following questions on the proposed concerts in Payson Park and hope they will be fully considered by the Council before any action is taken .

### **Overarching Principle: Parks are available for public use by all, but balance must be assured and impacts must be carefully evaluated.**

~~What is/should be the City process and evaluation criteria for large scale uses?

- Should there be a distinction between for-profit and non-profit uses?
- Should certain uses be permitted in some places but not others?
- What factors are appropriate for consideration in making any distinction?
- Should the City develop an explicit policy for large-scale, ticketed events in its public spaces?
- How can the City assure that large-scale uses, especially ticketed uses, are "accessible to all"?

~~What precedent would approval of the proposed concerts establish for other parks and open spaces?

- Has there been an evaluation of potential sites that might be suitable for such events?
- How were impacts on alternative venues evaluated?
- If no evaluation of alternatives was done, should one be done?
- If the concert promoter's attendance goals are exceeded and the 2023 crowds are much larger than expected, by what process/timing will the City identify and evaluate other venues for future large-scale uses?

~~Has consideration been given to how other comparable communities handle such large-scale events and where they are permitted to be located?

~~What "lessons" were learned from the Maine State Pier concerts, especially regarding parking, noise impacts, public safety, accessibility, etc.?

~~The City's Parks Ordinance includes standards for issuance of a permit for use (attached). Has a demonstrated determination been made by staff on all of these criteria? Should the Council vote on an application before an affirmative evaluation has been completed by staff and demonstrated to the Council?

**Sec. 18-44. Standards for issuance.**

(a) The permitting authority shall issue a permit if it finds:

(1) The proposed event or activity shall not endanger the health and safety of all persons who visit the park;

(2) Adequate parking facilities exist and are available to accommodate the proposed event or activity in the park;

(3) Adequate sanitary facilities exist and are available to accommodate the proposed event;

(4) The event or activity shall not cause damage from destruction or overuse to or overuse of the grounds, equipment, vegetation, buildings, fences or other amenities in the park;

(5) The proposed event or activity would not unreasonably disturb persons who occupy land which is adjacent to such park; and

(6) The park or portion thereof desired has not been reserved for other use at the day and hour required in the application.

(b) When issuing the permit, the permitting authority may designate the specific area within the park or the park system where the event shall be permitted to take place, based upon the foregoing criteria.

(Ord. No. 203-91, 1-23-91)

**From:** [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov) on behalf of [Peter Stuckey](#)  
**To:** [Public Comments for City Council Meetings](#); [At-Large Councilor April Fournier](#); [Mayor Kate Snyder](#); [At-Large Councilor Pious Ali](#); [District 2 Councilor and Parks Commission Liaison Victoria Pelletier](#); [At-Large Councilor Roberto Rodriguez](#); [District 1 Councilor Anna Trevorrow](#); [Chong](#); [District 4 Councilor Andrew Zarro](#); [District 5 Councilor Mark Dion](#)  
**Subject:** Payson Park  
**Date:** Saturday, November 19, 2022 10:19:00 AM

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To Portland City Councilors,

Hello. My name is Peter Stuckey. My wife, Michelle, and I live at 20 Vaill Street in East Deering. We've lived here since 1974.

We're writing to express our feelings about the music festival proposed to be held next July in Payson Park. We won't go into the numerous procedural challenges raised by bringing 12,000 to 20,000 people into, and out of, the Park for a weekend of really loud music. We are very concerned about the serious noise and access challenges abutting neighborhoods would face, but what we are really opposed to is closing the Park to the public.

Closing Payson Park to the public for what will undoubtedly be longer than the two-day event would have a huge impact on East Deering and much of the rest of the City. Many organized and informal groups, and hundreds of people use Payson Park every day to exercise and recreate, to socialize, and to travel into, around, and out of Portland. The Park is an essential and thriving multi-purpose, family-focused public space.

This proposal raises very important policy questions about the private use of public spaces, policy that we think should be well-vetted and established BEFORE entering into precedent-setting contract negotiations.

We wonder what the reaction would be if this proposal were to close down the Riverside South Golf Course for the weekend, or more likely a week, in the middle of July. We think both are very bad ideas.

We urge you to not approve this proposal until you have established policy to evaluate it with.

Thank you and good luck,

Michelle & Peter Stuckey  
20 Vaill Street  
Portland

**From:** [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov) on behalf of [Sarah English](#)  
**To:** [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov)  
**Subject:** Please...Reject C3 Presents permit application for Payson Park in Portland!  
**Date:** Saturday, November 19, 2022 12:36:44 PM

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Dear Members of the City Council of Portland, Maine,

I'm a Portland resident and homeowner and I'm writing to implore you to reject the permit application from C3 Presents for a music festival in Payson Park!

I love music festivals and outdoor events, but I'm certain that this for-corporate-profit event is too big and too harsh for our beloved Payson Park, which serves as a respite for so many area residents, and as a crucial habitat for much local flora and fauna. Environmental damage will be done, and residents will lose access to our park for weeks -- all for what? Corporate profit.

I believe that public parks should be available for **all** of the public to enjoy, not just those who can afford an expensive ticket to an exclusive event.

C3 Presents is owned by Live Nation/Ticketmaster which has a questionable track record in regards to overpricing tickets, antitrust issues and general disregard for property and health standards. This is not the type of corporate partnership this city should be engaged with. Please don't associate your name and your vote with putting corporate interests above your constituents' wellbeing.

Thank you for your service to the City of Portland.

Sincerely,  
Sarah English  
16 Hanson St.

**From:** [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov) on behalf of [Teacher](#)  
**To:** [Kate Snyder](mailto:Kate.Snyder@portlandmaine.gov); [pali@portlandmaine.gov](mailto:pali@portlandmaine.gov); [afournier@portlandmaine.gov](mailto:afournier@portlandmaine.gov); [rrodriguez@portlandmaine.gov](mailto:rrodriguez@portlandmaine.gov); [atreavorrow@portlandmaine.gov](mailto:atreavorrow@portlandmaine.gov); [vpelletier@portlandmaine.gov](mailto:vpelletier@portlandmaine.gov); [tchong@portlandmaine.gov](mailto:tchong@portlandmaine.gov); [azarro@portlandmaine.gov](mailto:azarro@portlandmaine.gov); [mdion@portlandmaine.gov](mailto:mdion@portlandmaine.gov); [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov); [parks@portlandmaine.gov](mailto:parks@portlandmaine.gov); [ehipple@portlandmaine.gov](mailto:ehipple@portlandmaine.gov); [andy@portlandmaine.gov](mailto:andy@portlandmaine.gov); [amarshall@portlandmaine.gov](mailto:amarshall@portlandmaine.gov); [parkscommission@portlandmaine.gov](mailto:parkscommission@portlandmaine.gov); [Citymanager@portlandmaine.gov](mailto:Citymanager@portlandmaine.gov)  
**Subject:** Please don't Ruin the Park!!  
**Date:** Saturday, November 19, 2022 1:01:43 PM

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[cj@maine.rr.com](mailto:cj@maine.rr.com)

**Subject:** I DO NOT support C3s Festival Application

**Body:** Hello, my name is Cheryl Juniewicz and I live in East Deering. I am writing to ask that you NOT APPROVE the application submitted by C3 Presents for a 10-year contract to host a 20,000 person/day annual 2-day music festival in Payson Park. I feel strongly that you do not have enough information to approve this application, for either a single year or 10 years, this is being unnecessarily rushed and I do not think this is the right solution.

I like the idea of having a festival in Portland, and I ask that the City will undergo an RFP process to find the best solution, which will allow you to consider and address the following questions: Who is the right partner to work with? What is the best size festival to have and why? What is the best timing? What is the best venue? Who will benefit from this and how?

In the meantime, I ask that you vote NO on C3s application at the November 21st meeting. I appreciate your time and consideration.

Sincerely, Cheryl Juniewicz



**From:** [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov) on behalf of [Sarah English](#)  
**To:** [ksnyder@portlandmaine.gov](mailto:ksnyder@portlandmaine.gov); [pali@portlandmaine.gov](mailto:pali@portlandmaine.gov); [afournier@portlandmaine.gov](mailto:afournier@portlandmaine.gov); [rrodriguez@portlandmaine.gov](mailto:rrodriguez@portlandmaine.gov); [atreavorrow@portlandmaine.gov](mailto:atreavorrow@portlandmaine.gov); [vpelletier@portlandmaine.gov](mailto:vpelletier@portlandmaine.gov); [tchong@portlandmaine.gov](mailto:tchong@portlandmaine.gov); [azarro@portlandmaine.gov](mailto:azarro@portlandmaine.gov); [mdion@portlandmaine.gov](mailto:mdion@portlandmaine.gov); [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov); [parks@portlandmaine.gov](mailto:parks@portlandmaine.gov); [ehipple@portlandmaine.gov](mailto:ehipple@portlandmaine.gov); [andy@portlandmaine.gov](mailto:andy@portlandmaine.gov); [amarshall@portlandmaine.gov](mailto:amarshall@portlandmaine.gov); [parkscommission@portlandmaine.gov](mailto:parkscommission@portlandmaine.gov); [Citymanager@portlandmaine.gov](mailto:Citymanager@portlandmaine.gov)  
**Subject:** I DO NOT support C3s Festival Application  
**Date:** Saturday, November 19, 2022 1:04:03 PM

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Hello, my name is Sarah English and I live in East Deering, Portland. I am writing to ask that you NOT APPROVE the application submitted by C3 Presents for a 10-year contract to host a 20,000 person/day annual 2-day music festival in Payson Park. I feel strongly that you do not have enough information to approve this application, for either a single year or 10 years, and that this is being unnecessarily rushed! I do not think this is the right solution.

I like the idea of having a festival in Portland, and I ask that the City will undergo an RFP process to find the best solution, which will allow you to consider and address the following questions: Who is the right partner to work with? What is the best size festival to have and why? What is the best timing? What is the best venue? Who will benefit from this and how?

In the meantime, I ask that you vote NO on C3s application at the November 21st meeting. I appreciate your time and consideration.

Sincerely,

Sarah English

**From:** [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov) on behalf of [MARNA MILLER](#)  
**To:** [ksnyder@portlandmaine.gov](mailto:ksnyder@portlandmaine.gov); [pali@portlandmaine.gov](mailto:pali@portlandmaine.gov); [afournier@portlandmaine.gov](mailto:afournier@portlandmaine.gov); [rrodriguez@portlandmaine.gov](mailto:rrodriguez@portlandmaine.gov); [atreavorrow@portlandmaine.gov](mailto:atreavorrow@portlandmaine.gov); [vpelletier@portlandmaine.gov](mailto:vpelletier@portlandmaine.gov); [tchong@portlandmaine.gov](mailto:tchong@portlandmaine.gov); [azarro@portlandmaine.gov](mailto:azarro@portlandmaine.gov); [mdion@portlandmaine.gov](mailto:mdion@portlandmaine.gov); [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov); [parks@portlandmaine.gov](mailto:parks@portlandmaine.gov); [ehipple@portlandmaine.gov](mailto:ehipple@portlandmaine.gov); [andy@portlandmaine.gov](mailto:andy@portlandmaine.gov); [amarshall@portlandmaine.gov](mailto:amarshall@portlandmaine.gov); [parkscommission@portlandmaine.gov](mailto:parkscommission@portlandmaine.gov); [Citymanager@portlandmaine.gov](mailto:Citymanager@portlandmaine.gov)  
**Subject:** C3's Presents proposed music festival in Payson Park  
**Date:** Saturday, November 19, 2022 6:33:26 PM

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Hello,

I am a Falmouth resident living within walking distance of Payson Park.

I do not support the idea of a large music festival in Payson Park during the month of July as proposed by C3 Presents for the following reasons:

1. Summer is already an extremely busy time in the Portland area. Roads, parking areas, restaurants and hotels are already near maximum capacity. A shoulder-season festival would still be well-received by prospective attendees and would be less likely to overwhelm infrastructure.
2. Crowds of that magnitude will inevitably cause damage to the park. Cleanup, turf repair, etc., will eat into any proceeds derived by the city. A smaller festival AND higher payment to the city is warranted if the idea of a festival is to be pursued.
3. I'm having trouble reconciling the Council's decisions regarding food trucks on the Eastern Prom with their willingness to entertain proposals for a for-profit music festival in another park. Supposedly, the food trucks bring intolerable levels of trash, congestion, and damage to trees. Won't a festival with 20,000 people invite the same result? Why is this acceptable in Payson Park, but not on the Eastern Prom? Why is this acceptable for a massive, out-of-state corporation but not for small, local businesses?
4. Closing a heavily used park to residents for the amount of time required for this festival is unacceptable. The closure will displace children's activities and practices and games of many recreational leagues. Is there not another site for a festival that would not require displacing residents from access to heavily used recreational facilities?

Thank you,  
Marna Miller  
Falmouth

**From:** [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov) on behalf of [Diane Davison](#)  
**To:** [Kate Snyder](#); [Pious Ali](#); [afournier@portlandmaine.gov](mailto:afournier@portlandmaine.gov); [rrodriguez@portlandmaine.gov](mailto:rrodriguez@portlandmaine.gov); [Anna Trevorrow](#); [vpelletier@portlandmaine.gov](mailto:vpelletier@portlandmaine.gov); [Tae Chong](#); [Andrew Zarro](#); [mdion@portlandmaine.gov](mailto:mdion@portlandmaine.gov); [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov); [parks@portlandmaine.gov](mailto:parks@portlandmaine.gov); [Ethan Hipple](#); [Andy Downs](#); [Alex Marshall](#); [Parks Commission](#); [Citymanager@portlandmaine.gov](mailto:Citymanager@portlandmaine.gov)  
**Subject:** Order 102-22/23  
**Date:** Saturday, November 19, 2022 7:33:39 PM  
**Attachments:** [PAYSON PARK FESTIVAL.docx](#)

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Greetings. . .

Please consider my attached letter regarding the Payson Park Music Festival application proposed by C3 Festival for your meeting Monday 11.21.22.

I request that my letter be included in the packets for this meeting.

Thank you,  
Diane

**From:** [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov) on behalf of [Dana Weste](#)  
**To:** [Payson Park](#); [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov)  
**Subject:** Fw: Payson Park festival  
**Date:** Sunday, November 20, 2022 7:15:02 AM

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**From:** Dana Weste

**Sent:** Sunday, November 20, 2022 7:09 AM

**To:** [pali@portlandmaine.gov](mailto:pali@portlandmaine.gov) <[pali@portlandmaine.gov](mailto:pali@portlandmaine.gov)>; [afournier@portlandmaine.gov](mailto:afournier@portlandmaine.gov) <[afournier@portlandmaine.gov](mailto:afournier@portlandmaine.gov)>; [mdion@portlandmaine.gov](mailto:mdion@portlandmaine.gov) <[mdion@portlandmaine.gov](mailto:mdion@portlandmaine.gov)>; Andrew Zarro <[azarro@portlandmaine.gov](mailto:azarro@portlandmaine.gov)>; [ksnyder@portlandmaine.gov](mailto:ksnyder@portlandmaine.gov) <[ksnyder@portlandmaine.gov](mailto:ksnyder@portlandmaine.gov)>; [rrodriguez@portlandmaine.gov](mailto:rrodriguez@portlandmaine.gov) <[rrodriguez@portlandmaine.gov](mailto:rrodriguez@portlandmaine.gov)>; Interim City Manager Danielle West <[citymanager@portlandmaine.gov](mailto:citymanager@portlandmaine.gov)>

**Subject:** Payson Park festival

We are very concerned about the plans for the festival. It will not only be closing a public park for private gain & a kickback for the parks division, but it will close &/or disrupt the entire neighborhood. Washington Ave is a major truck route. St Pious church is right across the street. The festival is Saturday & Sunday- during church services. The concert will drown out the services for the parisheners- that's if they can even get to the church. There will be major traffic jams.

Seaside Nursing Home borders another side of the park. How will people get in to see their loved ones there?

We've seen the application. It is lacking a lot of information. Working details out later does not work.

Please deny this request. The promoters want an answer now, but don't have answers for Portland. "We'll work it out" is NOT an answer!!!

Dana & Grace Weste

**From:** [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov) on behalf of [Dana Weste](#)  
**To:** [Payson Park](#); [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov)  
**Subject:** Payson Park festival  
**Date:** Sunday, November 20, 2022 7:27:32 AM

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It's been said there's parking in Portland to shuttle people from- The Sea Dogs are playing at home that weekend!! Have you ever been around Hadlock on the day of a game??

Dana & Grace Weste

**From:** "Jeffrey Barkin MD" via Public Comment  
**To:** dmesinschi@gmail.com; heidimhec@aol.com  
**Cc:** rhoneth@hotmail.com; azarro@portlandmaine.gov; publiccomment@portlandmaine.gov; afournier@portlandmaine.gov; ksnyder@portlandmaine.gov; pali@portlandmaine.gov; ypelletier@portlandmaine.gov; rrodriguez@portlandmaine.gov; atrevorrow@portlandmaine.gov; tchong@portlandmaine.gov; mdion@portlandmaine.gov; council@portlandmaine.gov; ehipple@portlandmaine.gov; friendssofpaysonpark@gmail.com; backcovecrimewatch@googlegroups.com  
**Subject:** Re: [BackCoveCrimeWatch:401] Music Festival in Payson Park  
**Date:** Sunday, November 20, 2022 8:11:32 AM

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To members of the city-council, Mayor Snyder, and City of Portland staff,

In preparation for your upcoming vote on a 20,000 person multi-day large music festival in Payson Park I wanted to offer my thoughts.

I honestly do not believe for a nanosecond - with all of the construction occurring on Baxter Blvd and Forest Ave - that we will have the infrastructure and ability to safely provide transportation to a hospital, e.g. if a resident were having a medical emergency.

I am the immediate past president of the Maine Medical Association and have very, very serious concerns about the health, safety, and welfare of this sort of massive event.

For the record, I do love music and joy, and do not want you to think this is a "NIMBY" thing but rather a matter of medical safety.

I think the city should offer funds, paid for by the concert promoters, for residents to rent homes elsewhere during the festivals eg VRBOs, available high end hotels - comparable to their homes, and rentable homes of high quality, all with immediate access to healthcare facilities. While this may sound a bit over the top, my neighbors trend elderly and many already are apprehensive of driving during busy times with all of the construction.

Also, I think the city must share with the concert promoters in any and all liability that may arise from any injury or death to a citizen due to this event. This includes attorney fees. By extension, I think the decision makers - the city councilors - need to be **personally** held liable for any injury or death and this will be proactively researched on behalf of my neighbors, rather than decision makers hiding behind sovereign immunity.

This is an issue of safety. Any rational deliberation, as will occur tomorrow, must include an analysis of risks. Since we are the oldest state, with elderly residents in our town, the health and safety of us all must be considered. Failure to mitigate such foreseeable harms must have penalties of restitution to create safe guards and protective policies based on best practices. Obviously, any and all deviations from best practices should result in corrective action, including legal jeopardy. This is not a threat but an obvious consideration. After all, if one of your children were injured, became infected by RSV (respiratory syncytial virus) which is challenging our hospitals, unable to breath, and unable to get to the hospital owing to an inability to get timely transportation leading to death, us taxpayers can and should expect one heck of a lawsuit. As a taxpayer, resident of Portland, and neighbor to many, this is not the sort of liability we should be taking on, especially as the city seems like it cannot get out of it's own way with existing projects such as the Free Street construction that has devastated businesses.

Respectfully,

Jeffrey S. Barkin MD, DLFAPA

Immediate Past President, Maine Medical Association

Co-Host, A Healthy Conversation with Steve Woods and Dr. Jeff Barkin  
[A Healthy Conversation | Categories | Newsradio WGAN](#)



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-----Original Message-----

From: Denis-Andrei Mesinschi, Esq. <dmesinschi@gmail.com>

To: heidimhec@aol.com

Cc: nhoneth@hotmail.com; jsbarkin@aol.com; azarro@portlandmaine.gov; publiccomment@portlandmaine.gov; afournier@portlandmaine.gov; ksnyder@portlandmaine.gov; pali@portlandmaine.gov; vpelletier@portlandmaine.gov; rodriguez@portlandmaine.gov; atrevorrow@portlandmaine.gov; tchong@portlandmaine.gov; mdion@portlandmaine.gov; council@portlandmaine.gov; ehipple@portlandmaine.gov; friendsofpaysonpark@gmail.com; backcovecrimewatch@googlegroups.com

Sent: Sun, Nov 13, 2022 8:51 am

Subject: Re: [BackCoveCrimeWatch:401] Music Festival in Payson Park

Good morning all,

Jeff, thanks for elevating awareness on this. I had heard some discussion about the possibility of an even in Peyson Park but wasn't aware it had become more than just early discussions.

I find myself torn between Heidi's position of wanting to — post a few pretty challenging years — having some celebration in the neighborhood and Jeff's very reasonable concerns about actually being able to pull it off.

Having some visibility into the (can we say "poorly thought out"?) concert events that happened in the Munjoy Hill area a few years back, I question whether Peyson park is able to accommodate an event of this nature. As we see even the smaller walks/runs/charity events can maximize the capacity of the parking and roadways in and around Peyson Park, I would be concerned that anything bigger wouldn't be feasible (even allowing for some understandable inconvenience for the residence of Back Cove to allow for an event). This also doesn't factor in that Baxter Blvd is still unusable which means all traffic is routed through Ocean and Clifton and — what could work as overflow parking — around Hannaford wouldn't be accessible.

In the end the details matter — and no surprises a lawyer is fixated on the fine print — but I think we should fairly demand very clear and concrete plans and details before we decide.

I for one would like to know the following details:

- capacity planned (how will it be limited)
- security plans (and who is paying for it)
- stage and setup location and factors like crowd control
- facilities/port-a-potty plans/locations
- food planning
- if there's to be alcohol what are plans around that (where, restrictions on access, extra security)
- medical / emergency planning
- parking, overflow parking, shuttle service from overflow lots
- traffic control plans
- event timing and noise control after certain hours
- event cleanup
- will there be a security/safety/cleanup bond posted by the organizers? What's the value and is that reasonable accounting for the worst case?
- is the organizer well funded and backed? If they're a subsidiary of a larger org, the larger or (with deepest pockets) needs to be on the hook if anything goes sideways. We don't want a shell company that's easily bankrupted being the only entity on the hook.
- who's paying for all of the things? If this is a for-profit event then I'd suggest the city shouldn't be paying — if anything— the city should be paid towards the tax coffers,
- who's contracting for the essentials (and we should expect visibility to ensure whatever minimum requirements are met)
- what are the insurance requirements for the organizer? Are they reasonable? Is the city to be named as an insured and for the full insurance value not just the minimum?

I'm not opposed to a well planned, well executed situation... but not the kind of short-sighted events we saw at Munjoy.

I unfortunately won't be able to attend the calls but wanted to plant some seeds for thought in case these concerns also resonate with others.

Again, thanks all and I'm agreement with Heidi that it would be great to have some joy in the neighborhood.. but also with Jeff that it needs to be soberly thought out.

Cheers

Denis.

On Nov 13, 2022, at 5:39 AM, 'Heidi Farber' via BackCoveCrimeWatch <backcovecrimewatch@googlegroups.com> wrote:

Hi,

Thank you for providing more information, Naomi. While Jeffrey raises legitimate concerns, he does not speak for everyone in the Back Cove neighborhood. Personally, I do think this is the time and place for some joy and community togetherness, and I feel fortunate to be able to live so close if it does happen! Of course, it needs to be planned and executed well, with respect for the Park and neighbors.

Heidi Farber

Sent from my iPhone

On Nov 12, 2022, at 8:52 AM, naomi h <nhoneth@hotmail.com> wrote:

Thank you for bringing this concert proposal to the attention of the list serve. I've been touch with our councilor, Andrew Zarro, who wrote me as follows about the upcoming meetings to discuss the promoters' plans:

<<I have asked Mayor Snyder to convene a Council workshop on 11/14 from 4-5PM so Councilors and Staff can engage in more detail. This item will go to the Council for a vote at the 11/21 Council meeting, where you can give public comment if you would like.

Also, the Mayor has agreed to provide an opportunity for community dialogue on this topic during her Mayor's monthly zoom meeting. **November 16, 7pm:** Mayor's Zoom Meeting, featuring a discussion re: Payson Park Festival with C3.

It will be posted prior to the Workshop and then again for the 11/21 meeting. You can keep an eye on those [here](#) >>

I am hoping you of the Back Cove neighborhood will attend and make your feelings known to the City Council in the various upcoming forums. As Dr. Barkin eloquently stated in his email, this is neither the time or place for a massive gathering in our neighborhood. I am copying Councilor Zarro on this so that he may keep in touch with the listserv group.

Thanks very much.
Naomi Honeth

Sent from my iPhone

On Nov 12, 2022, at 8:18 AM, 'Jeffrey Barkin MD' via BackCoveCrimeWatch <backcovecrimewatch@googlegroups.com> wrote:

Dear Esteemed Members of the City Council of Portland, Maine,

I have never once written to the City Council. My name is Dr. Jeffrey Barkin, I have lived at 105 Parsons Road in Portland for 18 years. I am a physician who has a practice in the Old Port and I have to commute to my office on Exchange Street and back from my home. It has been wonderfully exciting to see much of the development in Portland. This has made for a thriving "scene" as evidenced by an active and world-renowned foodie/music/art/business community. The many projects, including construction of large buildings in downtown Portland, is similarly exciting.

That said, living in certain parts of Portland has become increasingly difficult. As a resident of Back Cove, I can tell you that getting around the city represents an increasing challenge. My drive commute time to my office only 1.7 miles away now approaches 30 minutes at times. Baxter Blvd is closed; Ocean Avenue - a one lane road in each direction - has construction right in Falmouth and the traffic on Rt 9 is therefore excessive. Forest Avenue remains a nightmare. Commute times have increased and some of my neighbors are increasingly reluctant to even drive during times where traffic is heavy as it is perceived as dangerous. Said simply, we do not have sufficient roads and infrastructure to support our current needs as a resident of Portland, Maine.

The concept of a large music festival in Payson Park sounds great, offers to generate revenue, and enhance the presence of Portland. While these are all good goals, we simply do not have the infrastructure to allow the permit application from C3 for such a large music festival. Not based on NIMBYism but based on safety and access, we simply do not have the ability to have so much traffic.

As you are elected to carry out the will of the people of Portland, I strongly urge you to reject the permit application from C3.

Respectfully submitted,

Jeffrey S. Barkin MD, DLFAPA

Immediate Past President, Maine Medical Association

Co-Host, A Healthy Conversation with Steve Woods and Dr. Jeff Barkin

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To view this discussion on the web visit <https://groups.google.com/d/msgid/backcovecrimewatch/ABEAA758-074B-4D23-8ED9-83975136BD25%40gmail.com>.

**From:** [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov) on behalf of [Jeff Sanders](#)  
**To:** [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov); [At-Large Councilor April Fournier](#); [Mayor Kate Snyder](#); [At-Large Councilor Pious Ali](#); [District 2 Councilor and Parks Commission Liaison Victoria Pelletier](#); [At-Large Councilor Roberto Rodriguez](#); [District 1 Councilor Anna Trevorow](#); [District 4 Councilor Andrew Zarro](#); [District 5 Councilor Mark Dion](#); [Interim City Manager Danielle West](#)  
**Cc:** [Friends of Payson Park](#); [BCNA](#); [Monica](#)  
**Subject:** Proposed Payson Park concert series  
**Date:** Sunday, November 20, 2022 9:19:37 AM

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Dear Mayor Snyder and City Councilors,

As residents of Brookside Road, which borders Payson Park, we have taken a keen interest in the application to host a multi-day concert series next summer. Upon learning of the proposal last week, we set out to learn more about the details. Based on our assessment, the proposal is inadequate to support the closure of a public space for more than a week, and to safely host a concert that would support up to 20,000 individuals in a space that directly borders residential neighborhoods on three sides.

Our family is big supporters of the public parks in Portland, and we do not believe the benefit outweighs the public benefit in this situation.

Furthermore, the application fails to address security, parking, and noise disturbance to the neighbors, park remediation and clean up. We have witnessed much smaller events in Payson Park that have resulted in inadequate clean up.

In summary, we ask that the council not approve this application. There are venues in Portland and greater Portland that are specifically designed for large gatherings/concerts. If the council felt a concert of this magnitude could be supported in Payson Park, we believe the applicant should be required to submit a comprehensive application that accounts for the public interests of the park and the private needs of neighbors.

Thank you,

Monica and Jeff Sanders  
65 Brookside Road  
Portland

**From:** ["Marc Lesperance" via Public Comment](#)  
**To:** [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov)  
**Cc:** [Marc Lesperance](#)  
**Subject:** Order #102-22/23 (Payson Park Music Festival application) - 11/21/2022 Meeting  
**Date:** Sunday, November 20, 2022 9:56:08 AM

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To: All members of the City Council and applicable City Staff

I can't attend the 11/21 Council meeting to provide public comment, so here is my input to you regarding Order #102-22/23 - the Payson Park Music Festival application.

City Staff/Council should be advised to reach out to their counterparts in Bridgeport, CT for info about the 2022 Sound on Sound Music festival, a 2 day event this past September, held at Bridgeport's Seaside Municipal Park. I attended with my wife and daughter. Despite some snafus there for sure, it's my understanding that a 2nd Sound on Sound event is on track for 2023. So Bridgeport Council appears to be on board and approving of that LiveNation-affiliated, promoters planning and management skills and commitments.

I do trust that City of Portland officials will perform their due diligence to make sure any event is up to code and not a undue threat to people, places and nature - but for any event like this there will always be something that happens, that someone will object to or feel impacted by.

A rock concert in people's neighborhoods is an intrusion that can't easily be ignored, avoided or denied - even if legal decibel limits are adhered to.

If Council does approve this proposal tomorrow, I hope City officials do these 3 things:

1. Set obligations for the Promoter (C3) to meet clear and defined planning obligations
2. Require that C3 submit deliverables for planning items be due to City Staff on a reasonable timeline.
3. Since per the City Order and Memorandum C3 is covering "all City costs", the City Manager should be required by Council to formally dedicate City Staff time and applicable overhead to working with C3 immediately and throughout the process.
4. In addition to the \$1 per ticket sold fee, and if legal and feasible, the City should consider some sort of surcharge (e.g. 1% or .5%) on all sales at the Payson Park Music Festival.

I am sure that Bridgeport's Sound on Sound was a money-maker, for the promoter, vendors, bands and the City of Bridgeport. Food prices were crazy high, good local CT beers cost \$14 each (pint cans), and 1/2liter carafes of wine were \$50. Plus there was a ton of concert merchandise (\$40 for basic t-shirts), and local art, jewelry and crafts for sale too. Based on what my family spent per person for the whole weekend, I imagine this type of event can bring in over \$30 million for the local Portland economy. The entire community should benefit.

These commitments, by the City and Promoter are essential so this festival is well organized, workable and transparent, and so that actionable and useful info about the event's planning is regularly and publicly shared.

I appreciate your thoughtful consideration of this prime local issue of great concern to the community, among all the others you address. Be well and Happy Thanksgiving!

Thanks, Marc

Marc Lesperance  
103 Candlewyck Terrace  
Portland, ME 04102  
207-329-4953

**From:** [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov) on behalf of [Ron Fluet](#)  
**To:** [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov)  
**Subject:** Payson Park Music Festival  
**Date:** Sunday, November 20, 2022 10:10:58 AM

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City parks are designed for recreational public use and hosting small scale local events. A for profit two day music festival that ties up the park for possibly ten days is not why the park exists. Never mind the mayhem that comes with having such a large event in a residential area. Traffic, parking, noise, litter, park damage are just the beginning of the problems. Payson Park is not Thompson's point. Thompson's point is somewhat isolated from most neighborhoods and it is not a public park.

I don't think this event should happen at all, but to ask for an annual permit is outrageous. This is an out of state enterprise looking to make money and they are looking for a place to host their event. Does the City of Portland want this event? Do we want to use a public park for this type of event? Please vote NO.

Thank You,

Ron Fluet

Bay Street resident

**From:** [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov) on behalf of [Shirley Helfrich](#)  
**To:** [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov)  
**Subject:** Order 102-22/23  
**Date:** Sunday, November 20, 2022 11:55:02 AM

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To the Portland City Council:

I am not in favor of the proposal to hold a Live Nation music festival July 2023 in Payson Park. Although I do not live in the immediate neighborhood, I feel that our city is already difficult to maneuver. Construction projects and closed streets are the norm for summertime, and closing off streets adjacent to the park will make travel even more unwieldy.

Payson Park is one of the few places in our city where families can gather without concern. It contains an arboretum, gardens, pathways and areas for sports. I would not like to see Payson Park be ruined as has been the case with Deering Oaks. Our parks are precious places that should not be used for massive festivals by private companies.

I am also concerned about the possibility of violence, destruction of park property, and lack of planning for shuttles.

I hope that you will vote against this proposal.

Shirley Helfrich  
60 Candlewyck Terrace  
Portland, ME 04102

**From:** ["Carolyn Treat" via Public Comment](#)  
**To:** [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov)  
**Subject:** Payson Park concert proposal  
**Date:** Sunday, November 20, 2022 12:13:41 PM

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To the City Council members,

This letter is to register my strong opposition to the proposed concert-event slated for Payson Park next summer.

My biggest objection is that the city would allow a public park to be closed to regular use by its citizens for such an extended time. Payson Park is one of the busiest, most well used recreational parks in the city.

The childrens playground, The tennis and pickle ball courts, the softball and little league playing fields, daily runners, bikers and walkers, are only a few of the many community uses that the park sees on a daily basis. The idea that it is ok to close the park for a week to accommodate a large concert event with multiple stages, allowing a for-profit entity to come before the citizens right to use this public space, is completely unacceptable.

In addition, you have the neighborhood surrounding the park, some houses literally on the edge of the open spaces. How are these families meant to endure such a large influx of people, noise and congestion happening in their backyards?!

It is unconscionable that the city is even considering sacrificing a public park to a for-profit event with unclear parameters and untold negative effects on both the physical land, as well as the community it is meant to serve.

Please leave the big concert events to the appropriate location venues such as Thompson's Point or Rock Row.

Sincerely,  
Carolyn Treat  
Hammond St  
Portland

**From:** [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov) on behalf of [rschill@maine.rr.com](mailto:rschill@maine.rr.com)  
**To:** ["Public Comments for City Council Meetings"](#); ["At-Large Councilor April Fournier"](#); ["Mayor Kate Snyder"](#); ["At-Large Councilor Pious Ali"](#); ["District 2 Councilor and Parks Commission Liaison Victoria Pelletier"](#); ["At-Large Councilor Roberto Rodriguez"](#); ["District 1 Councilor Anna Trevorrow"](#); ["District 4 Councilor Andrew Zarro"](#); ["District 5 Councilor Mark Dion"](#); ["City Council Email"](#); ["Director of Park and Rec Ethan Hipple"](#); ["Director of Public Assembly Facilities Andy Downs"](#); ["Parks Director Alex Marshall"](#); ["Parks Commission"](#); ["Interim City Manager Danielle West"](#); ["Friends of Payson Park"](#)  
**Subject:** Music Festival Payson Park  
**Date:** Sunday, November 20, 2022 12:52:33 PM

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I am adamantly OPPOSED to this music festival. It is a misuse of public property for private gain, with totally unknown disruption to the greater Payson Park neighborhood. Why Payson Park? How about Thompson's Point? Rock Row in Westbrook.

I will hold any public official accountable for this travesty if approved in my next round of voting.

Simply UNACCEPTABLE.

Richard Schilling  
207-712-2308 cell

**From:** ["Debra Smith" via Public Comment](#)  
**To:** [Public Comments for City Council Meetings](#); [At-Large Councilor April Fournier](#); [Mayor Kate Snyder](#); [At-Large Councilor Pious Ali](#); [District 2 Councilor and Parks Commission Liaison Victoria Pelletier](#); [At-Large Councilor Roberto Rodriguez](#); [District 1 Councilor Anna Trevorrow](#); [Chong](#); [District 4 Councilor Andrew Zarro](#); [District 5 Councilor Mark Dion](#); [City Council Email](#); [Director of Park and Rec Ethan Hipple](#); [Director of Public Assembly Facilities Andy Downs](#); [Parks Director Alex Marshall](#); [Parks Commission](#); [Interim City Manager Danielle West](#)  
**Subject:** Payson Park proposed event  
**Date:** Sunday, November 20, 2022 1:36:43 PM

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We are writing you today to express our concerns regarding the proposed application of C3 Presents to hold a music festival in Payson Park in July 2023 and respectfully request that you deny the application at this time.

As homeowners and residents in the area surrounding the park, we do not feel that this public park is suited for an event of this magnitude for the following reasons:

<!--[if !supportLists]-->1. <!--[endif]-->The public park and its surrounding areas would need to be closed to both foot and vehicular traffic for a minimum of two weeks during the busiest time of the summer.

<!--[if !supportLists]-->2. <!--[endif]-->Grassy areas of the public park and treed areas of the Arboretum would receive substantial damage. Repairs to such would take much longer than the two weeks set aside for the event hence requiring an even longer period of closure to public use.

<!--[if !supportLists]-->3. <!--[endif]-->Security of area residents would be extremely impacted given that response time of police and emergency personnel would be delayed due to inadequate access to the areas surrounding the event.

<!--[if !supportLists]-->4. <!--[endif]-->There is minimal parking available at the public park and residential areas surrounding it.

<!--[if !supportLists]-->5. <!--[endif]-->Traffic flow has already been disrupted for the past few years due to construction on Ocean Avenue and Baxter Boulevard and there is still no date set for completion of Baxter Boulevard as many unforeseen problems continue to arise delaying said completion.

<!--[if !supportLists]-->6. <!--[endif]-->Noise levels would be disruptive to the peace and quiet of area residents not only during the event but during the period of set up, tear down and necessary repairs associated with the event. Said noise includes not only music but crowd and equipment as well.

This public park was created to provide beautiful natural greenspace to residents of the City of Portland and its guests. The surrounding area is densely populated with limited road access. Perhaps the area of Rock Row which was specifically created to host such events would be a more appropriate location for such.

In closing, we respectfully request that you deny the application of C3 Presents. Thank you for your consideration.

Sincerely,

Brent and Debra Smith  
46 Brookside Road  
Portland, ME 04103



**From:** [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov) on behalf of [Cathy Ramsdell](#)  
**To:** [Kate Snyder](#); [Pious Ali](#); [afournier@portlandmaine.gov](mailto:afournier@portlandmaine.gov); [rrodriguez@portlandmaine.gov](mailto:rrodriguez@portlandmaine.gov); [Anna Trevorrow](#); [ypelletier@portlandmaine.gov](mailto:ypelletier@portlandmaine.gov); [Tae Chong](#); [Andrew Zarro](#); [mdion@portlandmaine.gov](mailto:mdion@portlandmaine.gov); [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov); [parks@portlandmaine.gov](mailto:parks@portlandmaine.gov); [Ethan Hipple](#); [Andy Downs](#); [Alex Marshall](#); [Parks Commission](#); [Citymanager@portlandmaine.gov](mailto:Citymanager@portlandmaine.gov); [Payson Park](#)  
**Subject:** Payson Park proposed music festival  
**Date:** Sunday, November 20, 2022 3:02:53 PM  
**Attachments:** [Ramsdell to City Council re Payson Park 11.20.2022.pdf](#)

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Hello,

Attached and pasted below is my letter to our City Council about the Payson Park event permit issue.

I would appreciate this being included in the packet to the Council for the meeting on Monday, Nov 21, 2002./

Thank you.

Sincerely,  
Cathy Ramsdell

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### **C3 Presents Application for Event Permit for Payson Park**

Dear Members of the City Council,

I ask you **please do not approve** the event permit application submitted by C2 Acquisitions, LLC, doing business as C3 Presents, for a music festival in Payson Park. My name is Cathy Ramsdell, and I live at 4 Sylvia Road.

Every day more unanswered questions and concerns are arising which are not addressed by the incomplete permit application and have not been addressed by C3 in public meetings. You are being asked to fast track and rush an approval process for an event that has huge policy implications and risks for Portland. These include, at least, in brief:

- Our parks, and Payson Park in particular by writ of its original purpose in 1916/1917, are for **public use**. Portland's policy on the private enterprise use of our parks needs to find a balance between adding to the public's experience of a park and at least not interfering with people's access and enjoyment of a park. To close a park entirely to the public for private gain, for days at a time, during the heaviest season of use, does not pass the straight face test.
- Concerns about **damage** to the park should not be addressed by a promoter suggesting they will simply pay for the damages. Our city staff members work hard to maintain our parks with the already intense public use they enjoy and endure. In addition, the repair and remediation that will be needed after 2 days of 20,000 people accessing the park will require additional closure times of significant areas of the park. Hundreds of people, from near and far and of every socio economic strata, are using and moving through Payson Park every day and they should not be denied access to what they enjoy and depend on in the park.
- The complete **lack of a plan**, and C3's repeated public admission of the dependence on city staff to work out an enormous scope of logistical details – after receiving an event permit, is an insult to the city; private would-be-users are **required** to submit detailed proposals **prior** to decisions in other cities. Do not set a precedent that allows any promoter to take advantage of a forced and **weak process**; this creates a slippery slope on which we can expect a future cascade of proposals from entities that want to use our parks for their exclusive private use. Please don't open that door.
- Chapter 18, section 44 of our city's municipal code enumerates **six standards that need to be met before the issuance of an event permit**. Five of the six standards have not been addressed up front:
  - **Parking** is supposed to be adequate (and we must consider traffic implications along with this). We lack the public transportation, we lack the parking, and with policing and traffic control

capacity already at half what we need in the city, we would risk unsafe travel conditions for attendees, pedestrians, residents, and emergency services.

- Adequate **sanitation** facilities (consider the aftermath of both damage to hardscape and the need for contamination remediation that has been witnessed in the aftermath of other festivals)
  - **Damage** to grounds, trees, fences, and other infrastructure not only is likely, C3 admits it will occur in their application and the remedy is to pay for it, to which we must object; our parks' infrastructure, which city staff, residents and users already work hard to maintain should not be at risk for this private activity to damage.
  - No **unreasonable disturbance** is a standard that can't be met. Noise is one issue, including set up, sound checks, generators running through the night as well as the music itself. Lights all night for security purposes will impact abutting neighbors. Closing streets for some days is an almost unthinkable proposition, requiring permitting for people to move in and out of residential areas during the heat of summer, with visitors, deliveries, and health care visitors.
  - The park would not be reserved for **other use** that day and hour. This application is asking the city for use of the park for way more than a day or partial day, and hundreds of people are utilizing the park for school team practices, softball leagues, pickleball, and dozens of other scheduled activities. at a time when so many people use the park.
- As we look into the experiences of other cities with these events, reviews are mixed and too often extremely negative, with the cities' and parks stewardship groups left to clean up messes with and without reimbursement.

Thank you for your careful consideration of this issue, and thank you for your service to our city.

Sincerely,

Cathy L Ramsdell  
4 Sylvia Road, Portland, Maine \ [clramsdell@gmail.com](mailto:clramsdell@gmail.com)

## **PAYSON PARK C3 FESTIVAL PROPOSAL**

Dear Council Members –

I am writing to strongly urge you to NOT APPROVE the hastily created application proposed by C3 Festivals requesting a 10-year contract to host a 20,000 person/day annual 2-day music festival in Payson Park. There is simply NOT sufficient information to approve this application – even for one season – let alone for the next 10 years!

Please consider what this proposal truly represents and the impact it will have on quality of summer life for Portland residents.

- July is peak enjoyment time for Mainers and peak visiting time for tourists.
- We have 8 weeks of summer when residents, leagues, children enjoy our parks.
- This proposal will shut down access to one of our most actively diverse parks for several weeks when you consider set-up, event time, tear-down and repair time.
- Payson Park is not able to successfully accommodate an influx of 40,000 people over 2 days in what is already our busiest time of year.
- Please consider the numerous environmental impacts concerns, including the fragile trees in the arboretum, pollinator gardens, wetlands which support birds and wildlife and the stormwater separation area.

This type of large-scale event for multiple number of years would be better suited for an open space or field, perhaps somewhere in Gorham or Windham, where there is larger open space, potential for ample parking and time to repair after the event WITHOUT compromising the sweet, short summertime season of Payson Park.

The city's "one size fits all" application is insufficient for such a ginormous scale event hosted in a public park. It simply leaves way too many unanswered questions for such a significant request and poses a high-risk threat to our "Yes. Life's Good Here" motto.

We simply cannot afford – and shouldn't have to – surrender our beloved green spaces for ½ the summer!

I appreciate your time and consideration and I'm grateful for your service.

Sincerely,

Diane Davison,  
Portland

**From:** ["Ellen Jankowski" via Public Comment](#)  
**To:** [ksnyder@portlandmaine.gov](mailto:ksnyder@portlandmaine.gov); [pali@portlandmaine.gov](mailto:pali@portlandmaine.gov); [afournier@portlandmaine.gov](mailto:afournier@portlandmaine.gov); [rrodriguez@portlandmaine.gov](mailto:rrodriguez@portlandmaine.gov); [atrevorrow@portlandmaine.gov](mailto:atrevorrow@portlandmaine.gov); [vpelletier@portlandmaine.gov](mailto:vpelletier@portlandmaine.gov); [tchong@portlandmaine.gov](mailto:tchong@portlandmaine.gov); [azarro@portlandmaine.gov](mailto:azarro@portlandmaine.gov); [mdion@portlandmaine.gov](mailto:mdion@portlandmaine.gov); [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov); [parks@portlandmaine.gov](mailto:parks@portlandmaine.gov); [ehipple@portlandmaine.gov](mailto:ehipple@portlandmaine.gov); [andy@portlandmaine.gov](mailto:andy@portlandmaine.gov); [amarshall@portlandmaine.gov](mailto:amarshall@portlandmaine.gov); [parkscommission@portlandmaine.gov](mailto:parkscommission@portlandmaine.gov); [Citymanager@portlandmaine.gov](mailto:Citymanager@portlandmaine.gov)  
**Subject:** No to C3 application!  
**Date:** Sunday, November 20, 2022 3:34:46 PM

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Hello, my name is Ellen Jankowski and I live on Torrey St. in Portland. I am writing to ask that you NOT APPROVE the application submitted by C3 Presents for a 10-year contract to host a 20,000-person/day annual 2-day music festival in Payson Park. I feel strongly that you do not have enough information to approve this application for either a single year or 10 years, this is being unnecessarily rushed, and I do not think this is the right solution.

I like the idea of having a much smaller festival in Portland, and I ask that the City will undergo an RFP process to find the best solution, which will allow you to consider and address the following questions:

- Who is the right partner to work with?
- What is the best size festival to have and why?
- What is the best timing?
- What is the best venue?
- Who will benefit from this and how?

In the meantime, I ask that you vote NO on C3s application at the November 21st meeting. I appreciate your time and consideration.

Sincerely,

Ellen Jankowski

**From:** ["Helen" via Public Comment](#)  
**To:** [ksnyder@portlandmaine.gov](mailto:ksnyder@portlandmaine.gov); [pali@portlandmaine.gov](mailto:pali@portlandmaine.gov); [afournier@portlandmaine.gov](mailto:afournier@portlandmaine.gov); [rrodriguez@portlandmaine.gov](mailto:rrodriguez@portlandmaine.gov); [atrevorrow@portlandmaine.gov](mailto:atrevorrow@portlandmaine.gov); [vpelletier@portlandmaine.gov](mailto:vpelletier@portlandmaine.gov); [tchong@portlandmaine.gov](mailto:tchong@portlandmaine.gov); [azarro@portlandmaine.gov](mailto:azarro@portlandmaine.gov); [mdion@portlandmaine.gov](mailto:mdion@portlandmaine.gov); [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov); [parks@portlandmaine.gov](mailto:parks@portlandmaine.gov); [ehipple@portlandmaine.gov](mailto:ehipple@portlandmaine.gov); [andy@portlandmaine.gov](mailto:andy@portlandmaine.gov); [amarshall@portlandmaine.gov](mailto:amarshall@portlandmaine.gov); [parkscommission@portlandmaine.gov](mailto:parkscommission@portlandmaine.gov); [Citymanager@portlandmaine.gov](mailto:Citymanager@portlandmaine.gov)  
**Subject:** I DO NOT support C3s Festival Application  
**Date:** Sunday, November 20, 2022 3:46:34 PM

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Hello,

My name is Helen M. Coyne and I live on the Eastern Prom.

I am writing to ask that you NOT APPROVE the application submitted by C3 Presents for a 10-year contract to host a 20,000 person/day annual 2-day music festival in Payson Park. I feel strongly that you do not have enough information to approve this application, for either a single year or 10 years, this is being unnecessarily rushed and I do not think this is the right solution (similar to last year's Winter Festival fiasco).

I like the idea of having a festival in Portland, and I ask that the City will undergo an RFP process to find the best solution, which will allow you to consider and address the following questions: Who is the right partner to work with? What is the best size festival to have and why? What is the best timing? What is the best venue? Who will benefit from this and how?

In the meantime, I ask that you vote NO on C3s application at the November 21st meeting. I appreciate your time and consideration.

Sincerely,

Helen Coyne

**From:** [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov) on behalf of [Deb Grant](#)  
**To:** [ksnyder@portlandmaine.gov](mailto:ksnyder@portlandmaine.gov); [pali@portlandmaine.gov](mailto:pali@portlandmaine.gov); [afournier@portlandmaine.gov](mailto:afournier@portlandmaine.gov); [rrodriguez@portlandmaine.gov](mailto:rrodriguez@portlandmaine.gov); [atrevorrow@portlandmaine.gov](mailto:atrevorrow@portlandmaine.gov); [vpelletier@portlandmaine.gov](mailto:vpelletier@portlandmaine.gov); [tchong@portlandmaine.gov](mailto:tchong@portlandmaine.gov); [azarro@portlandmaine.gov](mailto:azarro@portlandmaine.gov); [mdion@portlandmaine.gov](mailto:mdion@portlandmaine.gov); [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov); [parks@portlandmaine.gov](mailto:parks@portlandmaine.gov); [ehipple@portlandmaine.gov](mailto:ehipple@portlandmaine.gov); [andy@portlandmaine.gov](mailto:andy@portlandmaine.gov); [amarshall@portlandmaine.gov](mailto:amarshall@portlandmaine.gov); [parkscommission@portlandmaine.gov](mailto:parkscommission@portlandmaine.gov); [Citymanager@portlandmaine.gov](mailto:Citymanager@portlandmaine.gov)  
**Subject:** For November 21 meeting: I DO NOT support C3s Festival Application  
**Date:** Sunday, November 20, 2022 4:13:38 PM

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Hello,

I am Deb Grant, living in Deering Center since 1996.

I request that you NOT APPROVE the application submitted by C3 Presents for a 10-year contract to host a 20,000 person/day annual 2-day music festival in Payson Park. I'm concerned there is not enough information to approve this application, whether for one year, or the ten that is proposed.

From my understanding the process sounds rushed which concerns me for such a large festival.

I how that the City will instead undergo an RFP process to find the best solution, considering: Who is/are the right partner(s) to work with? What size festival can Portland handle? What is the best timing? What is the best venue? Who will benefit from this and how?

In the meantime, please vote NO on C3s application at the November 21st meeting.

Thank you,

Deb Grant

**From:** [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov) on behalf of [Ryan Rumsey](#)  
**To:** [ksnyder@portlandmaine.gov](mailto:ksnyder@portlandmaine.gov); [pali@portlandmaine.gov](mailto:pali@portlandmaine.gov); [afournier@portlandmaine.gov](mailto:afournier@portlandmaine.gov); [rrodriguez@portlandmaine.gov](mailto:rrodriguez@portlandmaine.gov); [atreavorrow@portlandmaine.gov](mailto:atreavorrow@portlandmaine.gov); [vpelletier@portlandmaine.gov](mailto:vpelletier@portlandmaine.gov); [tchong@portlandmaine.gov](mailto:tchong@portlandmaine.gov); [azarro@portlandmaine.gov](mailto:azarro@portlandmaine.gov); [mdion@portlandmaine.gov](mailto:mdion@portlandmaine.gov); [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov); [parks@portlandmaine.gov](mailto:parks@portlandmaine.gov); [ehipple@portlandmaine.gov](mailto:ehipple@portlandmaine.gov); [andy@portlandmaine.gov](mailto:andy@portlandmaine.gov); [amarshall@portlandmaine.gov](mailto:amarshall@portlandmaine.gov); [parkscommission@portlandmaine.gov](mailto:parkscommission@portlandmaine.gov); [Citymanager@portlandmaine.gov](mailto:Citymanager@portlandmaine.gov)  
**Subject:** I DO NOT support C3s Festival Application  
**Date:** Sunday, November 20, 2022 4:58:15 PM

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Hello, my name is Ryan Rumsey and I live in the Back Cove Neighborhood on Loraine Street. I am writing to ask that you NOT APPROVE the application submitted by C3 Presents for a 10-year contract to host a 20,000 person/day annual 2-day music festival in Payson Park. I feel strongly that you do not have enough information to approve this application, for either a single year or 10 years, this is being unnecessarily rushed and I do not think this is the right solution.

I like the idea of having a festival in Portland, and I ask that the City will undergo an RFP process to find the best solution, which will allow you to consider and address the following questions: Who is the right partner to work with? What is the best size festival to have and why? What is the best timing? What is the best venue? Who will benefit from this and how?

In the meantime, I ask that you vote NO on C3s application at the November 21st meeting. I appreciate your time and consideration.

Sincerely,

Ryan Rumsey

Lincoln Middle School

\*\*\* Please Note: \*\*\*

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**From:** [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov) on behalf of [VinnyO](#)  
**To:** [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov)  
**Cc:** [michelelocker13@gmail.com](mailto:michelelocker13@gmail.com)  
**Subject:** Comments on order #102-22/23 Payson Park Music Festival  
**Date:** Sunday, November 20, 2022 6:08:36 PM  
**Attachments:** [City Council Testimony nov21.docx](#)

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November 20, 2022

Comments regarding Order number 102 – 22/23 for consideration at City Council Meeting of 11/21/22.  
Request to include comments in the agenda packet.

Mayor Snyder and Members of the City Council,

My name is Vinny O'Malley and my wife, Michele Locker, and I live at 16 Alton Street in Portland, a street that abuts Payson Park in East Deering. I am here today to ask you to reject the permit application from C3 Presents for a music festival planned in the park in July 2023 .

I am a long-time lover of music festivals and have attended scores of them in my lifetime. My wife and I would welcome a festival in Payson Park that is of an appropriate scale and is well-planned out. This proposal from C3 presents does not meet that criteria – at least not yet.

I would like to make the following points for the Council:

1. Inadequate details: We don't know how long the park will be closed to the public, or how many streets will be closed around the park, but we are told it could be for up to 13 days. We don't know the transportation/parking, staging, staffing or emergency prep plans. We fear that damage to the park could take months to repair, affecting access to certain areas well beyond the festival. We are simply told that that will all be worked out "later." Most other cities require such details before approval. Up to 20,000 attendees are estimated each day – this is a huge number for the neighborhood and the park and a big precedent for the city -- why is Portland being rushed to make a decision?
2. Impact on Park Usage: Payson Park is heavily used not only by neighborhood folks, but by Portland residents throughout the city, and even from outside the city. There are constant sports games going on, not just organized sports like little league, PAYSA, and high school practices, but numerous pick-up and informal gatherings for activities, from toddlers learning football and baseball, to the over 60 softball league, dodgeball for young adults, pickleball, soccer tennis and yoga. In the summer, the basketball and tennis courts and playground are full. The festival is proposed smack dab in the middle of the busiest usage time for the park. We need to have a discussion on the appropriate uses of public parks and if and when they should be closed to the public for private events.
3. Feeling Like This is a Done Deal: My wife and I watched the workshop and attended the Mayor's forum on this issue. We were stunned about two things that became clear: First, the city staff appear to all support the proposal and are working with C3 presents as if this is a done deal. They seem to accept the lack of details from C3 and are not demanding answers nor considering public input. Second, members of the Parks Conservancy – which is supposed to speak for ALL the parks – are all advocates of the proposal, even going as far as to say Payson Park is under-utilized and ignoring neighborhood concerns, concerns that were well articulated by the Friends of Payson Park. We question how the decision was made for C3 Presents to give funds to a private organization rather than to the city, and we question the role of a private organization making an early decision to support this and speaking for Portland residents.

I would note my wife and I support pretty much all the events that have taken place at the park – 5K races with music and other activities, other community celebrations like Labor Day and Diversity events, smaller scale music events, tournaments and championship games. We like when the park is used for the community and we are not – and have never been – NIMBYs.

I urge you to reject this proposal as inadequate and to provide a better more thoughtful process for reviewing this application in light of the questions that have been raised.

Thank you for listening.

Best,

Vinny O'Malley  
16 Alton Street  
Portland ME 04103  
207-232-2001  
vinnymalley@gmail.com

**From:** [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov) on behalf of [Steve Linnell](#)  
**To:** [Public Comments for City Council Meetings](#); [At-Large Councilor April Fournier](#); [Mayor Kate Snyder](#); [At-Large Councilor Pious Ali](#); [District 2 Councilor and Parks Commission Liaison Victoria Pelletier](#); [At-Large Councilor Roberto Rodriguez](#); [District 1 Councilor Anna Trevorow](#); [Chong](#); [District 4 Councilor Andrew Zarro](#); [District 5 Councilor Mark Dion](#); [City Council Email](#); [Director of Park and Rec Ethan Hipple](#); [Director of Public Assembly Facilities Andy Downs](#); [Parks Director Alex Marshall](#); [Parks Commission](#); [Interim City Manager Danielle West](#); [Friends of Payson Park](#)  
**Subject:** No music festival in Payson Park  
**Date:** Sunday, November 20, 2022 6:26:53 PM

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Dear Members of the City Council of Portland, Maine,

My name is Steve Linnell, I live at 17 Alton Street in Portland and I am writing to ask you to reject the permit application from C3 Presents for a music festival in Payson Park.

This proposal specifically requests the closure of the entire public park to the public for the purposes of a private event, to the exclusion of public use. There is also the possibility of significant destruction to grass and other park features, which will require additional closures for reseeding and repairs further limiting the public use of this park during one of the most heavily used times of year in a park that experiences a wonderful variety of uses. I believe that public parks should be available for **all** of the public to enjoy, not just those who can afford an expensive ticket to an exclusive event.

It seems to me, from what I heard at the zoom meeting last week, that the applicants are pushing for a very quick decision without providing adequate information about their plans. It also seems that what they are offering the City is almost laughable. I am particularly concerned about the parking and transportation issues. As a resident I often walk or take the bus into town because parking can be quite sparse. The idea that people will park on the peninsula and take a bus to Payson Park is ridiculous. They're going to clog all the streets in the vicinity, parking in places that are not appropriate, and "pre-gaming" in our neighborhoods.

There are far more appropriate venues for music festivals in the Greater Portland area. Please vote no on this application.

Thank you for your service to the City of Portland.

Sincerely,

Steve Linnell  
[linnellsteve@gmail.com](mailto:linnellsteve@gmail.com)  
17 Alton Street  
Portland

**From:** [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov) on behalf of [Dana Weste](#)  
**To:** [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov)  
**Subject:** Payson Park festival Order 102-22/23  
**Date:** Sunday, November 20, 2022 6:43:11 PM

---

We are Dana & Grace Weste - we live at 11 West Kidder Street.

We are very concerned about the plans for the festival. It will not only be closing a public park for private gain & a kickback for the parks division, but it will close &/or disrupt the entire neighborhood. Washington Ave is a major truck route. St Pious church is right across the street. The festival is Saturday & Sunday- during church services. The concert will drown out the services - that's if they can even get to the church. There will be major traffic jams.

Seaside Nursing Home borders another side of the park. How will people get in to see their loved ones there?

As to parking in town & being shuttled- the Sea Dogs are in town that weekend- that eliminates a lot of parking.

We've seen the application. It is lacking a lot of information. Working details out later does not work.

Please deny this request. The promoters want an answer now, but don't have answers for Portland. "We'll work it out" is NOT an answer!!!

Dana & Grace Weste                      11 West kidder Street Portland me 04103

**From:** ["LINDA BURNS" via Public Comment](#)  
**To:** [ksnyder@portlandmaine.gov](mailto:ksnyder@portlandmaine.gov); [pali@portlandmaine.gov](mailto:pali@portlandmaine.gov); [afournier@portlandmaine.gov](mailto:afournier@portlandmaine.gov); [rrodriguez@portlandmaine.gov](mailto:rrodriguez@portlandmaine.gov); [atreavorrow@portlandmaine.gov](mailto:atreavorrow@portlandmaine.gov); [vpelletier@portlandmaine.gov](mailto:vpelletier@portlandmaine.gov); [tchong@portlandmaine.gov](mailto:tchong@portlandmaine.gov); [azarro@portlandmaine.gov](mailto:azarro@portlandmaine.gov); [mdion@portlandmaine.gov](mailto:mdion@portlandmaine.gov); [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov); [parks@portlandmaine.gov](mailto:parks@portlandmaine.gov); [ehipple@portlandmaine.gov](mailto:ehipple@portlandmaine.gov); [andy@portlandmaine.gov](mailto:andy@portlandmaine.gov); [amarshall@portlandmaine.gov](mailto:amarshall@portlandmaine.gov); [parkscommission@portlandmaine.gov](mailto:parkscommission@portlandmaine.gov); [Citymanager@portlandmaine.gov](mailto:Citymanager@portlandmaine.gov)  
**Subject:** concert at Payson Park  
**Date:** Sunday, November 20, 2022 6:52:54 PM

---

Hello, my name is Linda Burns and I live in the Back Cove. I am writing to ask that you NOT APPROVE the application submitted by C3 Presents for a 10-year contract to host a 20,000 person/day annual 2-day music festival in Payson Park. I feel strongly that you do not have enough information to approve this application, for either a single year or 10 years, this is being unnecessarily rushed and I do not think this is the right solution. I like the idea of possibly having a festival in Portland, and I ask that the City will undergo an RFP process to find the best solution, which will allow you to consider and address the following questions: Who is the right partner to work with? What is the best size festival to have and why? What is the best timing? What is the best venue? Who will benefit from this and how? In the meantime, I ask that you vote NO on C3s application at the November 21st meeting. I appreciate your time and consideration. Sincerely, Linda Burns

**From:** [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov) on behalf of [Heather Goldberg](#)  
**To:** [ksnyder@portlandmaine.gov](mailto:ksnyder@portlandmaine.gov); [pali@portlandmaine.gov](mailto:pali@portlandmaine.gov); [afournier@portlandmaine.gov](mailto:afournier@portlandmaine.gov); [rrodriguez@portlandmaine.gov](mailto:rrodriguez@portlandmaine.gov); [atreavorrow@portlandmaine.gov](mailto:atreavorrow@portlandmaine.gov); [vpelletier@portlandmaine.gov](mailto:vpelletier@portlandmaine.gov); [tchong@portlandmaine.gov](mailto:tchong@portlandmaine.gov); [azarro@portlandmaine.gov](mailto:azarro@portlandmaine.gov); [mdion@portlandmaine.gov](mailto:mdion@portlandmaine.gov); [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov); [parks@portlandmaine.gov](mailto:parks@portlandmaine.gov); [ehipple@portlandmaine.gov](mailto:ehipple@portlandmaine.gov); [andy@portlandmaine.gov](mailto:andy@portlandmaine.gov); [amarshall@portlandmaine.gov](mailto:amarshall@portlandmaine.gov); [parkscommission@portlandmaine.gov](mailto:parkscommission@portlandmaine.gov); [Citymanager@portlandmaine.gov](mailto:Citymanager@portlandmaine.gov)  
**Cc:** [Heather Goldberg](#)  
**Subject:** Very concerned about the C3 proposal for a 2-day festival at Payson Park  
**Date:** Sunday, November 20, 2022 7:28:01 PM

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To the Town Council of Portland:

My name is Heather Goldberg, and I reside at 34 Johansen Street in the great city of Portland. I am writing to ask that you please NOT approve the application submitted by C3 Presents for a 10-year contract to host a 20,000 person/day annual 2-day music festival in Payson Park - at the very least, not without a more comprehensive due diligence investigation and a more detailed application from C3. For an event of this magnitude and projected audience capacity, I believe the rush to approve this event is untenable, especially given that the location, Payson Park, is surrounded by residential neighborhoods, including a rehabilitation facility. I believe there needs to be a more thorough and detailed application submitted for an event of this caliber, going beyond the basic permit that C3 had to fill out, as well as greater consideration of the park itself and area and residents surrounding it.

As a pretty passionate concertgoer and live music fan, the idea of this kind of festival in Portland is very exciting, and I love the thought of what something like this could do for Portland's national profile. That said, when I think of similar festivals I have attended, I am hard-pressed to come up with one that was in a residential area. These types of events usually occurred in locations that were dedicated entertainment venues (such as Great Woods/Tweeter Center - yeah, I know I'm dating myself, Fenway Park, Harvard Athletic Complex), and, for the most part, removed from residential zones. They had/have dedicated parking, clearly defined and secured perimeters, entrances, and exits, and the infrastructure to support them. Payson Park is NOT like that, and, without a clear plan as to how to make the location secure and serviceable for an event of this scale, I cannot, in good conscience, support this particular application without further evidence that it is sustainable and safe, nor am I comfortable with committing to a 10-year agreement, which I fear would leave the city liable to C3, should things go poorly and the city wish to withdraw from hosting further festivals.

Given that I live two houses away from Payson Park, I am obviously also concerned about how this will impact me and my neighbors in terms of street closures, people going past my house to and from the venue, even how this will affect my pets (sound, traffic past the house, etc.). I am also concerned about what impact this will have on the park itself, as I go there every day - how will this affect the grounds, the wildlife, how it will impact access during the build-up and breakdown of the event. I understand how "NIMBY" this might sound, but, in other cities, these events don't happen in people's backyards or public parks. With that in mind, there needs to be more research done before going forward with this.

I LOVE the idea of having a festival in Portland, but request that the City will undergo a more involved RFP process to find a better fit. In the meantime, I ask that you vote NO on C3s application at the November 21st meeting. I appreciate your time and consideration.

Sincerely,

Heather M. Goldberg

34 Johansen Street, Portland, ME

**From:** [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov) on behalf of [Gary Glick](#)  
**To:** [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov)  
**Cc:** [Andrew Zarro](#); [mdion@portlandmaine.gov](mailto:mdion@portlandmaine.gov); [Kathy Glick](#); [Gary Glick](#)  
**Subject:** Order# 102-22/23 Payson Park Music Festival  
**Date:** Sunday, November 20, 2022 8:57:48 PM

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Relative to Order# 102-22/23: Payson Park Music Festival: I am against the granting of a concert permit, as the concert promoter has not provided many important details; the following are absent from the application, as well as were deliberately dodged by the promoter during the zoom meeting of 11/14/22:

- 1) Site map and event layout.
- 2) Parking and Transportation plan and impact assessment. (do we really believe that most attendees will be willing to park miles away? Most attendees will attempt to park on the streets closest to the park which are accessible, such as Victor, Vera, Lloyd, Murray, Rosedale, Ocean, Washington, etc)
- 3) Minimum number of attendees needed. (do we really believe EB, as a businessman, when he says that they are willing to take a loss?)
- 4) **The one detail provided was a promise of \$100,000 to Portland Parks. Putting aside the fact that this could prove to be an empty promise, am I the only one who sees this as a quid pro quo BRIBE to the city? This stinks of the illegality of undue influence, and should alone be reason to disqualify their application.**

Other considerations:

- a) Has the city even done a carrying capacity study for Payson Park? Do we know how many people Payson Park can handle and process?

Bottom Line: If I were to submit an application for a building permit, and if it were missing essential impact details, would you grant me the permit, based on the "promise" that I would work with you at a later date to resolve those details?

Respectfully:

Gary & Kathleen Glick  
84 Victor Road



**From:** [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov) on behalf of [Devin Green](#)  
**To:** [ksnyder@portlandmaine.gov](mailto:ksnyder@portlandmaine.gov)  
**Cc:** [pali@portlandmaine.gov](mailto:pali@portlandmaine.gov); [afournier@portlandmaine.gov](mailto:afournier@portlandmaine.gov); [rrodriguez@portlandmaine.gov](mailto:rrodriguez@portlandmaine.gov); [atrevorvow@portlandmaine.gov](mailto:atrevorvow@portlandmaine.gov); [vpelletier@portlandmaine.gov](mailto:vpelletier@portlandmaine.gov); [tchong@portlandmaine.gov](mailto:tchong@portlandmaine.gov); [Andrew Zarro](#); [mdion@portlandmaine.gov](mailto:mdion@portlandmaine.gov); [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov); [parks@portlandmaine.gov](mailto:parks@portlandmaine.gov); [ehipple@portlandmaine.gov](mailto:ehipple@portlandmaine.gov); [andy@portlandmaine.gov](mailto:andy@portlandmaine.gov); [amarshall@portlandmaine.gov](mailto:amarshall@portlandmaine.gov); [parkscommission@portlandmaine.gov](mailto:parkscommission@portlandmaine.gov); [Citymanager@portlandmaine.gov](mailto:Citymanager@portlandmaine.gov)  
**Subject:** Maine Voices & Portland Precedents  
**Date:** Sunday, November 20, 2022 9:42:01 PM  
**Attachments:** [DO Master Plan Event Policy 1994 .docx](#)

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Hello Councilors and City Staff,

Thank you for all your consideration of C3s Payson Park Permit Application. As you know, I feel very strongly that there is not adequate information included in the permit to even consider this application and urge you to **please VOTE NO**. I want to share two additional pieces of insight/information for you.

First, in case you did not see it, I wrote a Maine Voices piece for the Portland Public Herald. This consolidates my feelings around the serious lack of information included in the permit application, which is *not even a fraction* of what C3 Presents has provided in other permit applications in other cities, even new cities they're working with that are very similar to ours (see Susan' Lavigne's email regarding Georgetown Texas). To access the article: [Click here if you subscribe to the PPH](#), [Click here if you don't subscribe](#), and the copy is also added at the bottom of this email.

Second, I want to address what I've learned in my research regarding **City Park usage precedents**:

- The *Deering Oaks Family Festival* was eventually cancelled by the city because of how much damage it did to the park. And as a result, the Deering Oaks Master Plan was significantly modified to include restrictions to if, how and how much the park is allowed to be used. I have attached the appendix that specifically addresses that here. This could be a great consideration starting point for the policy and decisions you make moving forward.
- The *Mumford & Sons show* 10 years ago was held on the Eastern Prom. There are some really significant differences between that process/event and this one...
  - The Friends of the Eastern Prom was very much FOR the event, not against it. The State Theatre also worked directly with the Friends group and it benefited them directly to take care of the park as they saw fit - there was no middle man
  - It did not shut down the whole park - there was still public use available.
  - The entire process was fleshed out with the public and in the public eye. The State Theatre partnered with the city transparently and collaboratively to figure this all out.
  - It would have been cancelled if it had rained. They were not allowed to host the concert if it rained. The Payson Park C3 festival is rain or shine.
  - There's clearly a reason this hasn't happened since.
- Additionally, there have clearly been concerns with the use of *Congress Square Park* for for-profit use, and then most recently issues with the *Food*

*Trucks on the Prom.* These are much smaller impact than a 40,000 person event over two days.

Clearly, there is an opportunity for you to consider and develop really good policy and procedures for if, how, and how much parks should be used for profit and what the income could be used for.

I will see you all tomorrow night and again, I appreciate your time and consideration of this matter. I know this has not been easy and I appreciate the work you put in on this and all things.

Thank you!!

MAINE VOICES COPY:

## **Maine Voices: We need way more information about proposed Payson Park festival**

The promoter behind the proposal says the details will be 'sorted out' once the permit is approved. That's not good enough.

BY DEVIN GREEN SPECIAL TO THE PRESS HERALD

I have lived in Portland for 10 years and am a lover of this city. I am also a live music lover, and have a professional background in events, concerts and sponsorships at large festivals. With that context, for many reasons, I love the idea of Portland having a music festival, but I feel strongly that on Monday, Nov. 21, the Portland City Council should not approve concert promoter C3 Presents' application to host a two-day festival in Payson Park, drawing 20,000 people per day, starting July 2023. I feel it would be irresponsible and possibly even negligent for the City Council to approve this. Here's why.

This is part of a bigger issue – whether and how public parks can be used by private entities. It's come up with Deering Oaks, Congress Square Park,

the Eastern Prom and now Payson Park. The city needs to intentionally consider and decide if, how or how much our parks can be used by for-profit interests.

Because there is little precedent for an event of this scale in Portland, the permit application used by C3 used has minor requirements compared to the applications it must submit to other cities. While Portland's application requests detailed maps and plans, C3 opted not to include any. To me, that's a red flag. [The application](#) lacks essential information such as how the park will be used, ticket prices, staffing plans, emergency plans, parking and transportation plans. C3 claims it will be "sorted out" once the permit is approved. That is dangerously inadequate.

Here are some of my many concerns and questions:

- July is the worst timing. Hotels, Airbnbs, restaurants, shops, parks, parking lots and streets are already bursting at the seams with tourists. This is not when the city needs an additional influx of people and cash. Related: Yarmouth Clam Festival takes place that weekend.
- Payson Park will be shut down for up to 13 days – and likely much longer (as any festival-goer knows, grass will be damaged and will need to be replaced/repaired; according to a local expert, this could take a few months). Such a closure would curtail much of Payson's grass-based sports and recreation. Courts could require resurfacing as well (more closure time). Pollinator gardens, the arboretum and wildlife habitat will also be affected. Does Parks & Rec have adequate staffing for quick post-festival restoration?

Does the city have adequate staffing for the necessary police, EMS and other emergency services?

- There is no parking or public transportation. C3 suggests people park downtown (where?) and walk or bike, and that they may engage Greater Portland METRO buses/shuttles. But 20,000 people per day? And road closures through Payson Park and Baxter Boulevard?
- Who benefits? C3 provides \$1/ticket to the city and [a \\$100,000 donation to Portland Parks Conservancy](#). Does this outweigh the cultural, environmental and recreational cost?

C3 opted to provide minimal information, leaving too many questions unanswered. Trust must be earned. C3 is asking Portlanders for blind faith, and way too much of it. The City Council does not need to rush this process and I urge them not to.

Moving forward, the council must determine whether, how and how much city parks can be used for profit. Then put out a requests for organizers (local and not) to submit proposals, intentionally finding the best partner and most beneficial solution, addressing size, timing, cultural, environmental, logistical and recreational impact, financial transparency and clarity about who profits.

I believe we need a transparent, collaborative partner working toward mutual benefit. If it wants to build a relationship and trust, perhaps C3 will be that partner.

Devin Green



#### Appendix 4: Guidelines for Special Event Use

The following guidelines define specific areas and special event uses of Deering Oaks. Uses such as walks or runs are not included here because they are diffused throughout the park and of short-term duration.

The underlying principle that governs the following guidelines is that any activity beyond the ordinary park activity will have a negative affect on the park's physical environment. Some activities can be allowed in particular locations, provided mitigation measures are conducted and paid for by the sponsoring agency. If the city is sponsoring the event, it is responsible for mitigation measures. Mitigation measures have been spelled out below, under the section addressing the Family Festival. A subcommittee of the Friends of the Parks Commission should be established to determine the extent of intensive and diffuse use areas after special event use of the park.

For horticultural as well as visual reasons, there are very few turf areas in Deering Oaks available for events involving structures. With the exception of the athletic fields, there are tree roots throughout the lawn areas of the park.

**The Bandstand** and the grass area in front of the bandstand to be used for public speaking or live entertainment. It is assumed that the bandstand is restored to its original location, and the area southeast of it is gradually opened up with less trees and more lawn. It is also proposed that the bandstand will be of a character and scale in keeping with the original structure, and that temporary staging be considered to accommodate larger performances. The exact size and design of the structure will be determined during design development of the project.

A maximum of 15 events during the three-month summer season is permitted, given the currently poor condition of the grass. Chairs shall not be provided by the city or the sponsoring agency.

Half-way through the three-month period, there should be a rest period of at least four days during which the area should be aerated with four passes of an aerator, minimum 3" deep penetration.

In the fall, the area shall be treated with the specifications developed for mitigation of intensive use of soft-surface areas. Those specifications are outlined below, under the Deering Oaks Family Festival.

**The Athletic Fields** to be primarily used for sports play, as well as for occasional special events. After festival use, it is optimum that there be a recovery period of five and one half weeks for the grass to be re-seeded,



germinate, mowed once, and mowed a second time for turf to be ready for play. If that is not possible, three to four weeks is the minimum rest period necessary for the field to be ready for play.

**The Bowling Green** to be used for croquet, bocce, lawn bowling, etc., games not requiring permanent structures. The space is also to be used for passive activities such as sun bathing. No special events involving tents, platforms or other staging to be allowed for horticultural reasons, and because the 8' way is proposed to be closed to vehicles.

**The Pedestrian Plazas** in front of and behind the Castle building appropriate for small one-day events or vendor use of a scale appropriate to the space, to be negotiated by the city.

**The Rose Circle** area to be used for short-term events such as weddings, as well as other passive recreational uses such as sun bathing and visiting the garden. For visual reasons, no events to be located here that require tents, platforms or other staging.

**The Deering Oaks Family Festival** sponsored by the Chamber of Commerce of Greater Portland is the only multiple-day event involving placement of structures on soft-surface areas allowed in Deering Oaks. All other events involving tents are to be located in another park or at Marginal Way. The guidelines for use of the park by the Family Festival are as follows:

1. Restrict any animal, vehicle, or other item that weighs more than 500 pounds to hard surface areas or athletic fields only.
2. After the 1994 Festival, restrict Festival structures to paved areas accessible by Tennis Court Road or the Interior Park Road, keeping park areas along the southern roads proposed to be closed to visitor vehicular traffic and narrowed free of structures.
3. Distribute the concentration of people and events by moving some aspects of the event to the athletic fields, some to the festival grounds on Marginal Way or to Fitzpatrick Stadium, and some to road surfaces only. Allow only the minimum pedestrian traffic to take place on the grass.
4. Use temporary fencing to control pedestrian circulation and minimize foot traffic over certain identified areas, to protect trees and prevent degradation of slopes. Place barriers, station police, or utilize a combination of both means to prevent people from parking on the rose garden lot.
5. Treat the turf areas immediately after the Festival with lime, gypsum, fertilizer, aeration and overseeding according to the following specifications:

A. Primary areas receiving the most intensive use:

60 pounds per 1000 square feet (SF) of gypsum  
50 pounds per 1000 SF of ground limestone  
20 pounds per 1000 SF of 10/10/10 fertilizer  
4 passes with an aerator, minimum 3" deep penetration  
Overseeding with a fescue grass mix spread at the rate of 6 pounds per 1000 SF

B. Secondary areas receiving diffuse use:

50 pounds per 1000SF of gypsum  
50 pounds per 1000 SF of ground limestone  
10 pounds per 1000 SF of 10/10/10 fertilizer  
2 passes with an aerator, minimum 3" deep penetration  
Overseeding with a fescue grass mix at the rate of 3 pounds per 1000 SF

6. Conduct compaction tests in selected areas throughout the park before the event, after the event and after mitigation measures to determine the extent of compaction and the effectiveness of mitigation.

If mitigation does not return the park to pre-event conditions, there needs to be an assessment of the Festival and a determination of additional measures necessary to protect the park, i.e.: scaling down of the Festival; removal or relocation of Festival structures or components that concentrate foot traffic and are shown from compaction tests to degrade particular areas; further removal of heavy structures from soft surfaces.

7. The cost of mitigation shall be paid for by the sponsor of the Festival. The city has the option of allowing the sponsor to bring in its own contractor to complete work according to specifications set forth by the city. Work shall be completed to the satisfaction of the city staff.

8. After the 1994 Family Festival, the duration of the event shall be limited to four days including setup and breakdown time.

If the Family Festival ceases to be in the park, the following guidelines for use of the park for multiple-day events involving tents shall apply:

1. A total of two multiple-day events shall be allowed.
2. There shall be a rest period between events of no less than five weeks.
3. There are two locations appropriate for tents: Quinn Field and the lawn area where the bandstand is currently located. Any item that weighs more than 500 pounds shall be restricted to hard surface areas, athletic fields or the



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*Appendices*

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site of the current bandstand only, with the exception of necessary maintenance, service or emergency vehicles.

4. Tents shall remain erected for a total of four days including setup and breakdown time.
5. Coverage of turf areas by tents shall be restricted to 20% of the turf area.
6. The turf areas shall be treated as detailed above in the Family Festival guidelines.

Because Quinn Field is used from mid-August for high school football practice, festival use of the field cannot occur less than three to four weeks, and preferably five and one half weeks prior to the beginning of practice, in order to allow the field to be re-seeded and the turf ready for play.

## Appendix 5: Deering Oaks Family Festival Management and Policy

### Overview

The development of a master plan for Deering Oaks has become an opportunity to bring to the citizens of Portland a renewed awareness of the value of parkland, a realization that plants are living, responsive organic entities that can be injured, even killed, by inappropriate actions, and the need to seek a dynamic balance between current uses of the land and a long-term responsibility to maintain this property for the future.

The function of the park is to be available for all of the people of Portland to use and enjoy in a variety of ways, from use by individuals to use by small groups. It is also legitimate for the park to serve periodically as a place for larger, publicly-sponsored special events, of which the Family Festival is one.

The following is an excerpt from Analysis and Recommendations, above. Italics highlight important passages:

From a horticultural point of view, turf should be tough enough to withstand the type of use represented by the Festival and to provide adequate protection for trees, if it is in a healthy condition and given regular maintenance, particularly adequate repair after such an event including aeration, overseeding, fertilizing of turf and trees, and tree fertilizing and pruning. The funds received from the Festival are inadequate to pay for the necessary mitigation of the damage to the park.

*"The Family Festival is a publicly sponsored event and a public service. It is also an event which animates the park, invites use by many who would otherwise not use Deering Oaks, and represents an important part of the Maine recreational culture which enjoys outdoor activities during the relatively short warm months of the year. Deering Oaks, as Portland's major park, is an appropriate place in which to host such large public gatherings.*

*However, an event of such large proportions, occurring over so extended a time, does considerable damage to the park's environment. The clay soils of Deering Oaks are heavy and more prone to compaction than sandy soils. Tree roots in heavy clay soils are usually in the top zone of the soil, from 0"-9" in depth, and easily susceptible to damage. From a horticultural point of view, turf should be tough enough to withstand the type of use represented by the Festival and to provide adequate protection for trees, if it is in a healthy condition and given regular maintenance, particularly an adequate level of repair after such an event including aeration, overseeding, fertilizing of turf, and fertilizing and pruning of the trees. The funds received from the Festival are inadequate to pay for the necessary mitigation of the damage to the park.*

*The city, however, bears the major responsibility for the deteriorated condition of the park, and needs to take its fair share of the responsibility for horticultural restoration and maintenance. This responsibility includes policies that have allowed events such as the Family Festival to occur without adequate guidelines to control use, require follow-up mitigation measures and direct funds to park maintenance. The city must enforce guidelines that speak for the ecological voice of the park as well as the recreational voice. Adequate funding that is dedicated for park maintenance is necessary if the Festival is to continue. "*

The appropriateness of Deering Oaks as host to the Family Festival must be measured against the ability of the park, in its present condition, to withstand such intensive use and not suffer increasing decline, which will ultimately put the future of the park as a green space at risk.

#### Issues

1. Maintenance and Extraordinary Use. Regular maintenance of the park is necessary to allow each individual element, and the dynamic system as a whole, to function properly and be in optimum health. Such maintenance is necessary for the healthy functioning of the organic system of an urban park, and an adequate response to ordinary park use.

It should be stressed that Deering Oaks, unfortunately, is not receiving adequate maintenance because of inadequate budgets. This means that the park's horticulture has over the years been subject to accelerated decline and less able to withstand the yearly damage caused by the Family Festival. The statement made in the site analysis summary above should be reiterated, that "adequate funding [on the part of the city] that is dedicated for park maintenance is necessary if the festival is to continue" in its present form.

Extraordinary park use—that which goes far beyond the ordinary degree or measure of use—should not be within the province of ordinary city maintenance, but be the responsibility of the sponsoring agency. Adequate compensation needs to be determined for such use.

2. Scale of Family Festival and Size of Deering Oaks. The duration of the Family Festival is one week, and it draws approximately 150,000 people. There are tents on all three promontories overlooking the athletic fields, and tents on the eastern third of the park area bounded by the Interior Park Road and Tennis Court Road. Booths line the road from the southern Deering Avenue entrance northeast to the eastern intersection of the Interior Park Road and Tennis Court Road. Carnival rides are located in the southern half of the western park edge and along Deering Avenue. A petting zoo is located on the promontory above Quinn Field closest to Deering Avenue. It features such



animals as goats, lambs, pigs (pig races were conducted last year), and an elephant.

An event of this magnitude, occurring over a week's time, does significant damage to the turf and trees of Deering Oaks. The park's 53-acre size is too small to allow for redistribution of the event from year to year, giving soft-surface areas adequate time to rest and recover. Of that 53 acres, only a small percentage is hard surface, which allows very little opportunity to locate heavy and damaging festival elements on paved areas and to protect horticultural areas.

If Deering Oaks is used yearly for the Family Festival, in its current configuration and duration, it is questionable whether the park can recover from the damage inflicted.

In addition, the attempt to mitigate damage of the park by locating carnival rides on Deering Avenue has created conflicts with the neighborhood. The close proximity of the rides to residences has brought complaints from several residents.

#### *Guidelines from Other Urban Parks*

1. The Common, Boston (48 acres). The following are excerpts from the Boston Common Management Plan:

"Carty Parade Ground (northwestern edge of Common, area without trees) is the only area of the Common where tents are permitted, provided that their location and staking method prevent damage to the roof of the underground garage. No tent should remain erected for longer than 72 hours including setup and breakdown time."

"Vehicles over 5 tons gvw (gross vehicle weight) for any program or event are not permitted."

2. Prospect Park (525 acres)

Prospect Park almost exclusively hosts one-day events only. They are held in different locations throughout the park to distribute the damage. Currently they are held on ballfields, and they are held on asphalt whenever possible. A substantial fee is charged for one-day events—\$200,000—for security, maintenance and park restoration. If there are unforeseen circumstances, such as considerable damage beyond the expected, or rain, there is an additional charge. This spring there will be a week-long event—The Big Apple Circus—which will be only allowed on asphalt. Events are never allowed in the Long Meadow, the park's premier open space, and there are no exceptions.

*Proposed Management Guidelines for Extraordinary Use of Deering Oaks by the Family Festival*

In an effort to stem the deterioration of the horticulture of Deering Oaks and to accommodate park use by the Family Festival, the following guidelines are proposed for discussion.

1. Restrict any animal, vehicle, or other item that weighs more than 500 pounds to hard surface areas or athletic fields only.
2. After the 1994 Festival, restrict Festival structures to paved areas able to be accessed by Tennis Court Road or the Interior Park Road, keeping park areas along the southern roads proposed to be closed to visitor vehicular traffic and narrowed free of structures.
3. Distribute the concentration of people and events by moving some aspects of the event to the athletic fields, some to the festival grounds on Marginal Way or to Fitzpatrick Stadium, and some to road surfaces only. Allow only the minimum pedestrian traffic to take place on the grass.
4. Use fencing to control pedestrian circulation and minimize foot traffic over certain identified areas, to protect trees and prevent degradation of slopes. Place barriers, station police, or utilize a combination of both means to prevent people from parking on the rose garden lot.
5. Treat the turf areas immediately after the Festival with lime, gypsum, fertilizer, aeration and overseeding according to the following specifications:
  - A. Primary areas receiving the most intensive use:
    - 60 pounds per 1000 square feet (SF) of gypsum
    - 50 pounds per 1000 SF of ground limestone
    - 20 pounds per 1000 SF of 10/10/10 fertilizer
    - 4 passes with an aerator, minimum 3" deep penetration
    - Overseeding with a fescue grass mix spread at the rate of 6 pounds per 1000 SF
  - B. Secondary areas receiving diffuse use:
    - 50 pounds per 1000SF of gypsum
    - 50 pounds per 1000 SF of ground limestone
    - 10 pounds per 1000 SF of 10/10/10 fertilizer
    - 2 passes with an aerator, minimum 3" deep penetration
    - Overseeding with a fescue grass mix at the rate of 3 pounds per 1000 SF

6. Conduct compaction tests in selected areas throughout the park before the event, after the event and after mitigation measures to determine the extent of compaction and the effectiveness of mitigation.

If mitigation does not return the park to pre-event conditions, there needs to be an assessment of the Festival and a determination of additional measures necessary to protect the park, i.e.: scaling down of the Festival; removal or relocation of Festival structures or components that concentrate foot traffic and are shown from compaction tests to degrade particular areas; further removal of heavy structures from soft surfaces.

7. The cost of mitigation shall be paid for by the sponsor of the Festival. The city has the option of allowing the sponsor to bring in its own contractor to complete work according to specifications set forth by the city. Work shall be completed to the satisfaction of city staff.

8. After the 1994 Festival, limit the duration of the event to four days including setup and breakdown time.

**From:** [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov) on behalf of [Devin Green](#)  
**To:** [ksnyder@portlandmaine.gov](mailto:ksnyder@portlandmaine.gov)  
**Cc:** [pali@portlandmaine.gov](mailto:pali@portlandmaine.gov); [afournier@portlandmaine.gov](mailto:afournier@portlandmaine.gov); [rrodriguez@portlandmaine.gov](mailto:rrodriguez@portlandmaine.gov); [atrevorvow@portlandmaine.gov](mailto:atrevorvow@portlandmaine.gov); [vpelletier@portlandmaine.gov](mailto:vpelletier@portlandmaine.gov); [tchong@portlandmaine.gov](mailto:tchong@portlandmaine.gov); [Andrew Zarro](#); [mdion@portlandmaine.gov](mailto:mdion@portlandmaine.gov); [publiccomment@portlandmaine.gov](mailto:publiccomment@portlandmaine.gov); [parks@portlandmaine.gov](mailto:parks@portlandmaine.gov); [ehipple@portlandmaine.gov](mailto:ehipple@portlandmaine.gov); [andy@portlandmaine.gov](mailto:andy@portlandmaine.gov); [amarshall@portlandmaine.gov](mailto:amarshall@portlandmaine.gov); [parkscommission@portlandmaine.gov](mailto:parkscommission@portlandmaine.gov); [Citymanager@portlandmaine.gov](mailto:Citymanager@portlandmaine.gov)  
**Subject:** 93 Petition Signatures asking you to VOTE NO  
**Date:** Sunday, November 20, 2022 10:09:19 PM

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Hello All,

I had planned to send this tomorrow as I thought the deadline for comments was tomorrow at noon, but I was mistaken. I hope this ends up in your packets.

I am sharing with you below the list of 93 submissions (names, address, district) to an informal petition which people submitted their opinion that they ask you to VOTE NO on the Payson Park Festival Permit Application. All of these people specifically signed their names to this language:

*"This form is a rough idea of a petition for Portland residents (and residents of surrounding towns in Greater Portland) to voice their opinion that they believe the current application submitted by C3 Presents should **NOT BE APPROVED** by City Council.*

*You have received a longer email outlining considerations with this specific application, but the highlights are below:*

- *This important decision is being rushed.*
- *C3s application lacks many essential details.*
- *July is not the best timing.*
- *Payson Park is not the best venue.*
- *Who does it benefit and how?*

*If you would like the Council to NOT approve this application, please fill out the below form."*

Of the 93 that want you to vote no, I also asked two additional questions for reference:

Do you like the idea of Portland having a music festival in general?

- 41 said yes
- 40 said maybe
- 12 said no.

Instead of the current application being approved, would you support the City putting out a RFP (request for proposal) to gather and consider proposals from different organizers (including local organizers) for a thought-out Music Festival for Portland?

- 65 said yes
- 20 said maybe
- 8 said no.

Here is the list of your constituents that ask you to VOTE NO on C3s permit application tomorrow (some Portlanders listed their district and some just said "Portland" so please check addresses for your district:

| Legal Name                | Physical Street Address                    | District (or town if not Portland) |
|---------------------------|--------------------------------------------|------------------------------------|
| Mary Morse                | 208 Sheridan St                            | District 1                         |
| Janice and Kenneth Bailey | 59 Mountfort Street                        | District 1                         |
| Jennifer Manning          | 5 India St., Apt 307                       | District 1                         |
| Diane Davison             | Morning Street                             | District 1                         |
| Jennifer Fox              | 9 Quartermaster Court                      | District 1 - Great Diamond Island  |
| Richard Frantz            | 9 Quartermasters Court                     | District 1 - Great Diamond Island  |
| Joyce Perron              | 248 Island Ave                             | District 1 - Peaks Island          |
| Peter McLaughlin          | 146 Central Ave                            | District 1 - Peaks Island          |
| Rose Bevis                | 20 Dow St, Apt 3                           | District 2                         |
| Leigha Inskeep            | 74 Rowe Ave                                | District 3                         |
| Kristin Johnson           | 116 Revere St                              | District 3                         |
| Patrick Mailloux          | 9 Woodmont St                              | District 3                         |
| Linda Burns               | 49 Austin Street                           | District 3                         |
| H. Maria Snyder           | 349 Capisic St Portland, ME                | District 3                         |
| Michael Paul Landis       | 16 Hanson Street, Portland, ME 04103       | District 4                         |
| Nicole Barna              | 7 Pine Ledge Terrace Portland, ME 04103    | District 4                         |
| Ben Allen                 | 35 Bedell St                               | District 4                         |
| Heather Davis             | 59 Irving St                               | District 4                         |
| Naomi Honeth              | 21 George                                  | District 4                         |
| Henry Honeth              | 21 George St                               | District 4                         |
| Constance Tidd            | 47 Hersey Street Portland ME               | District 4                         |
| Abby Huckel               | 17 W Kidder St                             | District 4                         |
| Camryn Hansen             | 25 Alton St                                | District 4                         |
| Renee Russell             | 43 Galvin St                               | District 4                         |
| Sarah Flynn               | 113 Glenwood Ave                           | District 4                         |
| Heather Goldberg          | 34 Johansen Street                         | District 4                         |
| Kathy Shaw                | 45 Brookside Road                          | District 4                         |
| Thomas Beesley            | 64 Read St                                 | District 4                         |
| Tim Ganotis               | 78 Oakley Street                           | District 4                         |
| Derrick Kmetz             | 45 Randall St                              | District 4                         |
| Jillian Roland            | 41 Torrey Street                           | district 4                         |
| Susan Lavigne             | 22 Fernald Street                          | District 4                         |
| Cathy Lee Ramsdell        | 4 Sylvia Road                              | District 4                         |
| Bridget Daley-Murray      | 59 Ocean Avenue Apt 1B, Portland, ME 04103 | District 4                         |
|                           |                                            |                                    |



|                              |                                       |            |
|------------------------------|---------------------------------------|------------|
| Ashley Schmid                | 17 Fernald Terrace                    | District 4 |
| Paul Bugeau                  | 13 Fernald Ter                        | District 4 |
| Sarah Helming                | 60 Wellwood Road Portland<br>Maine    | District 4 |
| Kellie Whiteston             | 12 Bay View Dr                        | District 4 |
| Tobin Scipione               | 43 Wellwood Road                      | District 4 |
| Soren deNiord                | 43 Wellwood Road                      | District 4 |
| march truedsson              | 67 wellwood road                      | District 4 |
| Louise Bugeau                | 13 Fernald Terrace                    | District 4 |
| Suzanne Blackburn            | 39 Parsons Rd                         | District 4 |
| Katherine Daley-Murray       | 59 Ocean Ave Apt 1B                   | District 4 |
| Mary Ann Benson              | 44 Read Street                        | District 4 |
| Elizabeth Manduca            | 861 Washington Ave.                   | District 4 |
| Patrick Hackleman            | 51 Alton Street                       | District 4 |
| Sarah English                | 16 Hanson St                          | District 4 |
| Regina Hackleman             | 51 Alton Street                       | District 4 |
| Heather Marie Sullivan       | 32 Verrill Street, Portland           | District 5 |
| Andrea Levinsky              | 237 Auburn St Portland ME             | District 5 |
| Lauren Schaefer-Bove         | 91 penn ave                           | District 5 |
| Nicole J. Mailloux           | 21 Fisher Street                      | District 5 |
| Amanda Garvey                | 21 Pamela rd                          | District 5 |
| Tim McLain                   | 90 Pine St, #3                        | portland   |
| Samuel Dargan                | 34 Taylor St Unit 2                   | Portland   |
| Courtney McCracken           | 123 Leland Street                     | Portland   |
| Elizabeth Blair              | 164 Pearl Street, Unit C              | Portland   |
| Ellen Jankowski              | 77 Torrey St.                         | Portland   |
| Susanna Adams                | 27 Nicholas Court                     | Portland   |
| Heather Denkmire             | 71 Read Street                        | Portland   |
| stephen P Reddy              | 106 Columbia Road                     | Portland   |
| Megan L Kimball              | 59 Payson St                          | Portland   |
| Daron Goulette               | 41 Melrose St Portland                | Portland   |
| Lisa E. Haskins              | 1167 Washington Ave                   | Portland   |
| Elisabeth Sperry             | 40 Pleasant St, Portland, ME<br>04101 | Portland   |
| Lory Davis                   | 43 Woodfield Road                     | Portland   |
| Max Flowers                  | 43 Woodfield Road                     | Portland   |
| Kendra Allen                 | 35 Bedell St                          | Portland   |
| Deborah Grant                | 60 Brentwood St                       | Portland   |
| Cheryl Juniewicz             | 38 Bismark St                         | Portland   |
| Matthew Williams             | 206 Coyle Street                      | Portland   |
| Ian Dodson                   | 206 Coyle Street                      | Portland   |
| Jack siulinski               | 20 Morse Street                       | Portland   |
| Jean-Raymond<br>Desruisseaux | 44 Alden Cir                          | Portland   |
|                              |                                       |            |

|                    |                                      |                |
|--------------------|--------------------------------------|----------------|
| Daniel Heakin      | 12 Bryant St                         | Portland       |
| william russell    | 43 Galvin St                         | Portland       |
| Kelley Rudd        | 11 Loraine Street                    | Portland       |
| Heidi Symonds      | 27 Jarita Court                      | Portland       |
| Nell Bridger       | 50 Alton Street                      | Portland       |
| Susan fekety       | 125 Bolton                           | Portland       |
| Danielle Vayenas   | 87 Torrey Street                     | Portland       |
| JAMES M ANDERSON   | 19 HANSON STREET, PORTLAND, ME 04103 | Portland       |
| Justin Dickinson   | 2 Timber Sands Drive                 | Scarborough    |
| Barbara Loring     | 67 Elmwood Ave                       | Scarborough    |
| Jake Fahey         | 49 Chapel St                         | South Portland |
| Clare Healy        | 27 Kittredge Road                    | South Portland |
| SARAH BONENFANT    | 27 Kittredge Rd.                     | South Portland |
| Elizabeth Matheson | 270 Fowler Rd                        | Cape Elizabeth |
| Alison soule       | 19 Perennial Drive                   | North Yarmouth |
| Thea Champlin      | 457 SIMPSON RD                       | Buxton         |
| Kellie Ryan        | 60 Lower Mast Landing Road           | Freeport       |

Thank you again for all your time and consideration.

Devin Green

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

**FROM:** Mary Davis, Division Director

**DATE:** June 15, 2023

**SUBJECT:** Order 224-22/23 Authorizing Amendment to Downtown Transit Oriented Development and Omnibus Tax Increment Financing District to Increase Funding for Creative Portland - Sponsored by Danielle P. West, City Manager

**SPONSOR:** Danielle P. West, Interim 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 5/15/2023**

**Final  
Action 6/5/2023**

**Can action be taken at a later date: No This was advertised in the *Portland Press Herald* as a public hearing on the item to be held on June 5, 2023.**

**Does this item involve a new contract with the City: No new contract involved.**

**PRESENTATION:** Mary Davis/5 Minutes

**I. SUMMARY**

As part of the FY24 City Budget, the Interim City Manager has recommended that the Downtown Transit Oriented Development (TOD) TIF District be amended to include funding in the amount of \$200,000 for Creative Portland staff, programs, and services.

**II. AGENDA DESCRIPTION**

As part of the FY24 City budget process, the Interim City Manager has recommended that Downtown Transit Oriented Development and Omnibus Tax Increment Financing District (DT TOD TIF) funding in the amount of \$200,000 be provided to Creative Portland (CP).

The Downtown TOD TIF currently has a cap of \$100,000 annually to support CP. Currently, costs associated with two full time positions assigned to support the work of the CP Board has primarily been funded through the DT TOD TIF. The Proposed TIF District Amendment would establish an annual level of funding for CP in the amount of \$200,000. CP would use the funding to support staff, programs and services. See below funding table:

| <b>CP Funding Table</b>                                        |                                                 |              |
|----------------------------------------------------------------|-------------------------------------------------|--------------|
| <b>Timeframe and Use</b>                                       | <b>Source</b>                                   | <b>Total</b> |
| Existing – City Staff Costs<br>- CP Programs and Services      | \$172,496 – DT TOD TIF<br>\$25,000 - DT TOD TIF | \$197,496    |
| Budget Amendment Request:<br>- CP Staff, Programs and Services | \$200,000 – DT TOD TIF                          | \$200,000    |

This item must be read on two separate days. It received its first reading on May 15, 2023. The City Council postponed this item to June 26, 2023, to provide time for additional votes in the Maine State Legislature concerning General Assistance reimbursement levels. As of June 23, final decisions on the state budget were

still pending. Staff requests that this order be postponed to July 17, 2023. Five affirmative votes are required to postpone, and no additional public comment is required.

### **III. BACKGROUND**

From FY2010 through mid-FY 2020, the City funded Creative Portland \$100,000 annually (to support staff costs) from the Downtown TOD TIF District. Beginning January 2020, Creative Portland's Executive Director and Program Assistant became employees of the City of Portland in the Housing and Economic Development Department. The total annual costs to the City for these two full-time positions, including salary and fringe benefits, is \$172,496. The Housing and Economic Development Department Budget for FY 2024 includes a recommendation to remove the CP staff from the City budget and provide additional funding to CP to support these positions.

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

The intended result would be for CP to have \$200,000 annually in municipal funding from the Downtown TOD TIF District to support CP staff, programs and services.

### **V. FINANCIAL IMPACT**

The financial impact would be an annual allocation of \$200,000 from the Downtown TOD TIF District to support CP's staff, program and services. The two full-time positions assigned to the CP Board would transition from City employees to employees of CP.

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

The Interim City Manager's FY2024 City Budget supports the funding to CP of \$200,000 from the DT TOD TIF.

### **VII. RECOMMENDATION**

Approval of the Interim City Manager's FY2024 budget recommendation to amend the Downtown TOD TIF District to include funding in the amount of \$200,000 annually to support Creative Portland staff, programs, and services.

### **VIII. LIST ATTACHMENTS**

1. Amendment of Downtown Transit Oriented Dev and Omnibus TIF re Creative Portland 5.15.2023
2. Narrative Redlines 5-9-2023 for CP Funding
3. Narrative Clean 5-9-2023 for CP Funding

Prepared by:

Mary Davis, Division Director

Date: 06/15/2023

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 AMENDING**  
**THE DOWNTOWN TRANSIT ORIENTED DEVELOPMENT AND OMNIBUS**  
**TAX INCREMENT FINANCING DISTRICT TO INCREASE FUNDING FOR**  
**CREATIVE PORTLAND**

**ORDERED,** that the Downtown Transit Oriented Development and Omnibus Tax Increment Financing (TIF) District, as adopted by Order 139-14/15 and amended by Order 99-17/18, Order 78-18/19, Order 279-18/19, Order 13-20/21, and Order 297-20/21 is hereby amended to increase the Tax Increment Financing funding from this district for Creative Portland in substantially the form attached hereto; and

**BE IT FURTHER ORDERED,** that the City Council hereby authorizes the City Manager or his or her designee to execute said documents and any other related documents necessary or convenient to carry out the intent of said documents.

**2021 PROPOSED DOWNTOWN/TRANSIT TIF AMENDMENT #~~64~~5- REGARDING INCREASED FUNDING FOR CREATIVE PORTLAND**

**I. Introduction – Portland Downtown Transit Oriented Municipal Development and Omnibus Tax Increment Financing District Amendment #~~64~~5**

On February 9, 2015, the City of Portland (the “City”) designated the Portland Downtown Transit Oriented Municipal Development and Omnibus Tax Increment Financing District (the “District”) and adopted this Development Program (the “Development Program”) for the District in an effort to fully realize the visions and goals of the City of Portland Downtown Revitalization Investment Plan (“Downtown Plan”); the Downtown Plan is attached as Exhibit A. The duration of this District will be 30 years beginning July 1, 2015 (Tax Year 4/1/2015; FY2015-16) ending June 30, 2045 (Tax Year 4/1/2044; FY2044-45).

- a. District Amendment #1 Approved by MDECD February 27, 2018: The purpose of this District amendment was to remove the parcel designated by the City Assessor as 22-F-1 at 54 Lancaster – a tax exempt parcel (so no value attributed to the Original Assessed Value) with approximately .48 acres, which will be turned into a free-standing Affordable Housing TIF District. Portland’s amended District remained the same at approximately 422 acres and bounded by Washington Avenue to the east, State Street to the west, following the edges of the adjacent Bayside and Waterfront Capital Improvement TIF Districts to the north and south. The District encompasses the central business district of Portland and the abutting east and west ends of the District. In creating the District, the outlying residential areas of the Eastern and Western Promenades have been purposely excluded.
- b. District Amendment #2 approved by MDECD February 11, 2019: The purpose of this District Amendment was to increase the allowable uses for Municipal TIF Revenue and increase the percentage capture from up to 22% to up to 100%, all as more detailed in Section II below.
- c. District Amendment #3 approved by MDECD September 18, 2019: The purpose of District Amendment #3 is to remove the parcel designated by the City Assessor as 44-H-1 at 66 State Street – a tax exempt parcel (so no value attributed to the Original Assessed Value), with approximately .5087 acres, which will be turned into a free-standing Affordable Housing TIF District. Portland’s amended District, with Amendment #3, reduced it from approximately 422 to 421.01 acres. The boundaries remain the same, i.e., bounded by Washington Avenue to the east, State Street to the west, following the edges of the adjacent Bayside and Waterfront Capital Improvement TIF Districts to the north and south. The District encompasses the central business district of Portland and the abutting east and west ends of the District. In creating the District, the outlying residential areas of the Eastern and Western Promenades have been purposely excluded. The Downtown Plan includes a listing of current projects and categories of future investment. It is recognized that meeting the infrastructure needs of Portland’s downtown will be a dynamic process that will be updated locally on an annual

**2021 PROPOSED DOWNTOWN/TRANSIT TIF AMENDMENT #~~645~~- REGARDING INCREASED FUNDING FOR CREATIVE PORTLAND**

basis or as needed. Though the specific public projects prioritized and undertaken from year to year will change, with the exception of this District funding up to \$100,000 annually for the Creative Portland Corporation, categories of investment for the purpose of eligible uses of the TIF Revenues will remain consistent.

Actual project selections and prioritization for funding will continue to be made on an annual basis during the City budget and Capital Improvements Plan (CIP) process, based on categories contained in Table 1 hereinbelow. The CIP is the document that presents the City's capital needs in the current year and plans for capital needs in future years. As a five year plan that is annually updated, the CIP is a dynamic planning document; the FY2015 to 2019 CIP document is included in the Downtown Plan as an appendix.

- d. District Amendment #4 approved by MDECD September 16, 2020: The purpose of District Amendment #4 is to remove the parcels designated by the City Assessor as 28-O-17 at 83 Middle Street – a tax exempt parcel (so no value attributed to the Original Assessed Value), with approximately .2183 acres, and 28-O-3 at 160 Newbury Street with an OAV of \$281,100 with approximately .0665 acres, which parcels will be turned into a free-standing Affordable Housing TIF District.

~~Proposed~~ District Amendment #4 also included~~s~~ technical amendments as follows:

- CBL 37-B-14, 17 Shepley Street, a tax exempt parcel, was on the original map but needs to be added to original CBL listing attached to the Assessor's Certificate – increasing acreage by .1512, with no change in OAV as tax exempt;
- CBL 39-A-38, 612 Congress Street, was on original map but needs to be added to original CBL listing attached to the Assessor's Certificate, - increasing acreage by .0449, and increasing the OAV by \$282,400;
- CBL 38-G-1, 486 Fore Street, not on original map and needs to be deleted from listing attached to the Assessor's Certificate – decreasing acreage by 1.8419, and decreasing the OAV by \$3,130,830, and it is now in the Waterfront TIF District as approved by MDECD on August 26, 2019; and,
- CBL 43-C-6, 431 Commercial Street, a tax exempt parcel, was on original map and listing attached to the Assessor's Certificate but was transferred to the Waterfront TIF District as approved by MDECD on April 5, 2019 – decreasing acreage by 1.2912, with no change in OAV as tax exempt.

**2021 PROPOSED DOWNTOWN/TRANSIT TIF AMENDMENT #~~64~~5- REGARDING INCREASED FUNDING FOR CREATIVE PORTLAND**

With the above removal of 83 Middle Street and 160 Newbury Street, and the technical amendments, the net change to the District's OAV is reduced from \$968,136,850 to \$965,007,320, and the District's acreage is reduced from 421.010 to 417.7882.

- e. ~~Proposed~~ District Amendment #5 approved by MDECD August 18, 2021: The purpose of District Amendment #5 was to remove 73 Winter Street and 91 Winter Street from the District in order for the properties to be their own free-standing Affordable Housing TIF Districts. Those properties were then included in the parcel designated by the City Assessor as 45-C-7 at 120 State Street – a tax exempt parcel (so no value attributed to the Original Assessed Value), with approximately 99,597 sq. ft. or 2.2864 acres. The square footage/acreage being removed for 73 Winter Street footprint was 17,167/.3941 acres, and the square footage/acreage being removed for 91 Winter Street footprint was 15,364/.3527 acres for a total of .7474 acres to be removed from the Downtown TOD TIF District, reducing the current acreage from 417.882 to 417.0408. Once the subdivision is completed, the City will confirm with MDECD the Assessor parcel designations.
- f. Proposed Amendment #6: The City of Portland proposes an amendment to remove the maximum annual cap of TIF Funding for Creative Portland (CP) now at \$100,000 and instead have an annual funding at \$200,000 for its staff, programs, and services, as approved by the City Council annually during its budget process.

## **II. Development Program Narrative**

### **A. The Development Program as Amended with Amendment #~~6~~5**

The Amended Development Program for the Downtown Transit Oriented Municipal Development and Omnibus TIF District is structured and proposed pursuant to Chapter 206 of Title 30-A of the Maine Revised TIF Statutes, as amended (the "TIF Statute"). The City's designation of the District, combined with the adoption of this Amended Development Program, creates a single municipal TIF district in order to capture the value of the real property improvements made within the District and enable the use of TIF revenues for various municipal and other development projects.

Under this Amended Development Program, the City captured 12% in year one (City Fiscal Year 2015/2016), 22% in years 2 through 4, 25% in year 5, and 30% in year 6. This Amended Development Program now allows for the City to capture up to 100% of the new real property value located in the District for remainder of the term of the District, or through Tax Year April 1, 2044/City Fiscal Year 2044/2045. The City may retain those tax revenues generated by the captured assessed value (the "TIF Revenues") to fund infrastructure improvements and other administrative costs, all as further described in Table 1 hereinbelow. The City reserves the right to capture less than the full 100% in years 7 through 30, depending on the then-current needs of the City with respect to the approved project costs. Any



**2021 PROPOSED DOWNTOWN/TRANSIT TIF AMENDMENT #~~645~~- REGARDING INCREASED FUNDING FOR CREATIVE PORTLAND**

reduction in the captured value percentage shall adjust the amount of assessed value eligible for sheltering with respect to the tax shift benefit correspondingly. Although all TIF Revenues will be retained by the City at this time, the City reserves the right in the future to negotiate and execute commercial credit enhancement agreements pursuant to City Council approved TIF Policy as may be amended from time to time. CEAs would be limited, however, to the balance of District term at that time. Such future credit enhancement agreements would require a public hearing and City Council approval. Should the City enter into a credit enhancement agreement, it will provide the Maine Department of Economic and Community Development a description of the terms and conditions of any agreements, contracts, or other obligations related to the development program per City TIF Policy (see Table 1 last item and Exhibit B).

In designating the District and adopting this Amended Development Program, the City can accomplish the following goals:

- Maintain existing tax revenues;
- Invest in the Downtown public infrastructure, including public restrooms;
- Invest in the Creative Portland Corporation annually;
- Invest in new and enhanced transit services;
- Enjoy enhanced future tax revenues generated by new development within the District; and
- Create long-term, stable employment opportunities for area residents because of these TIF investments.

In addition, by creating the District, the City will “shelter” the increase in municipal valuation that development in the District will bring about. This tax shift benefit mitigates the adverse effect that the District’s increased assessed property value has upon the City’s share of state aid to education, municipal revenue sharing, and its county tax assessment. An estimate of the tax shift benefits is shown in Revised Exhibit D-2 attached hereto.

The City’s designation of the District and pursuit of this Amended Development Program constitute a good and valid public purpose pursuant to Chapter 206 of Title 30-A because it represents a substantial contribution to the economic well-being of both the City and the region by providing jobs, contributing to property taxes, and diversifying the region’s economic base.

**B. The Projects**

Development within the District will provide a revenue source for the City’s economic development projects. The City intends to use TIF Revenues to further its overall plan to attract and retain businesses that want to take advantage of Portland’s business-friendly location, while offering their employees a rich, dynamic, and high quality of life. This includes ~~funding for CP-of-Creative Portland Corporation~~, of which the City of Portland is the Corporator, with annual funding at \$200,000 for its staff, programs, and services of up to \$100,000 annually as approved by the City Council annually during its budget process, as

**2021 PROPOSED DOWNTOWN/TRANSIT TIF AMENDMENT #~~645~~ REGARDING INCREASED FUNDING FOR CREATIVE PORTLAND**

well as City plans to invest in its public infrastructure in these investment focus areas:

- Sidewalk and Other Pedestrian Enhancements, including Public Restrooms
- Streetscape
- Lighting
- Street Alignment
- Utilities
- Bicycle Improvements
- Public Transit
- Wayfinding
- Multi-modal surface and structured parking
- Work force training
- Professional service costs
- Housing and Economic Development Department administrative costs and staff salaries, and prorated salaries of the City Manager, Finance Director, Planning and Urban Development Director, and Planning staff.

The District projects at this time are highlighted in Table 1 below:

**TABLE 1**

**NOTE 1:** All Citations refer to Title 30-A, Chapter 206, Section 5225

**NOTE 2:** While this Amended Development Program lists particular projects, the Amended Development Program shall not serve as an appropriation of TIF Revenues for any of these specific purposes, nor shall it commit the City to completing any particular project. The projects will only be undertaken following proper appropriation through the annual budget process and any other applicable required approvals.

| Project                                                                                                    | Downtown Revitalization Plan Reference by page no. | Statutory Citation       | Estimated Cost                                                                      |
|------------------------------------------------------------------------------------------------------------|----------------------------------------------------|--------------------------|-------------------------------------------------------------------------------------|
| <b>In District: Capital Infrastructure Design and Investments, including Financing Costs, for example:</b> |                                                    |                          | \$150 Million over the life of the District for these Capital Infrastructure Items. |
| - Multi-modal surface and structured parking                                                               | 19, 47                                             | (1)(A)(1)(2)(3)(6)(7)    |                                                                                     |
| - Sidewalk and Other Pedestrian Enhancements, including Public Restrooms                                   | 19, 20, 34,35, 48                                  | (1)(A)(1)(2)(3)(4)(6)(7) |                                                                                     |
| - Roadway                                                                                                  | 19,20,34,35                                        | (1)(A)(1)(2)(3)(6)(7)    |                                                                                     |
| Realignments/Paving                                                                                        | 19, 46                                             | (1)(A)(1)(a)(i)          |                                                                                     |
|                                                                                                            | 34, 46                                             | (1)(A)(1)(2)(3)          |                                                                                     |

**2021 PROPOSED DOWNTOWN/TRANSIT TIF AMENDMENT #~~645~~ REGARDING INCREASED FUNDING FOR CREATIVE PORTLAND**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                             |                                                                                                                                                                     |                                                   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|
| <ul style="list-style-type: none"> <li>- Crosswalks</li> <li>- Traffic Signals</li> <li>- Intersection Redesigns</li> <li>- Bicycle lanes, racks, and stations Infrastructure</li> <li>- Stormwater Management, including water and sewer upgrades</li> <li>- Telecommunications, lighting, and electrical distribution upgrades;</li> <li>- Infrastructure improvements/enhancements</li> <li>- Wayfinding (signage)</li> <li>- Public plaza intersection improvements</li> </ul>                                                                                                                                                                                                                                                                                                                                                                       | <p>19,20,34,35<br/>19, 34,47<br/>19, 33</p> <p>19, 36</p> <p>19,23, 35,47</p> <p>22, 46</p> | <p>(1)(A)(1)(2)(3)(6)(7)<br/>(1)(A)(1)(a)(i)<br/>(1)(A)(1)(2)(3)(6)(7)</p> <p>(1)(A)(1)(2)(3)(7)</p> <p>(1)(A)(1)</p> <p>(1)(A)(1)(2)(3)(6)(7)</p>                  |                                                   |
| <p><b>In and out of District: New and Enhanced Transit Services, including operational costs, for example (see Exhibit K – Transit Map):</b></p> <ul style="list-style-type: none"> <li>- Creation of high frequency bus service on Congress Street at 15-minute intervals between the Portland Transportation Center (PTC) and Washington Avenue;</li> <li>- Enhancing Stevens Avenue- Allen Avenue- Congress Street bus service areas;</li> <li>- Corresponding costs for these enhancements, including transit operator salaries; transit vehicle fuel, and transit vehicle parts replacements.</li> <li>- Transit capital costs including transit vehicles and related equipment; bus shelters and other related structures; benches; signs, and other transit-related infrastructure.</li> <li>- Shuttle service to downtown businesses.</li> </ul> | <p>17, 20, 21,</p> <p>20</p> <p>20</p> <p>20</p> <p>17, 20</p>                              | <p>(1)(A) and (1)(C)(7)</p> <p>(1)(A)(1)(a) and (1)(C)(7)</p> <p>(1)(A)(1)(a) and (1)(C)(7)</p> <p>(1)(A)(1)(a) and (1)(C)(7)</p> <p>(1)(A)(1)(a) and (1)(C)(7)</p> | <p>\$15 Million for Transit in this category.</p> |

**2021 PROPOSED DOWNTOWN/TRANSIT TIF AMENDMENT #~~645~~- REGARDING INCREASED FUNDING FOR CREATIVE PORTLAND**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                     |                                                                 |                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|-----------------------------------------------------------------|------------------------------------------------------------------------------|
| <b>In and out of District:</b> City Marketing and Promotion through Creative Portland Corporation (CPC), for example (see Exhibit M Arts District Map within Downtown TOD TIF District);<br>- In District: Center for the Arts, including rental residential space;<br>- In District: capital, financing, real property assembly and professional service costs;<br><b>- In and out of District:</b> CPC staffing, administrative and marketing expenses; revolving loan or investment fund.                                                                         | 20, 21,47                                                           | (1)(C)(1)(2)                                                    |                                                                              |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 20, 21,47                                                           | (1)(C)(1)(2)                                                    |                                                                              |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 20, 21, 47                                                          | (1)(C)(1)(2)                                                    | Up to \$200K annually beginning FY2024; \$5.23 Million over life of District |
| <b>In and out of District:</b><br>- <b>Housing and Economic Dev.</b> Dept. administrative costs and staff salaries at 100%, and prorated salaries of City Manager, Finance Director, and Planning Urban Development Director, and Planning staff*;<br>- Professional services costs;<br>- Workforce training funds.<br>Costs of services and equipment to provide skills development and training, including scholarships to in-state educational institutions or to online learning entities when in-state options are not available, for jobs created or retained. | 21, Also TIF App. P. 3<br><br>See TIF App. P.3<br>See TIF App. P. 3 | (1)(A)(5) and (1)(C)(1)<br><br>(1)(A)(4);(1)(C)(1)<br>(1)(C)(4) | \$15 Million over life of the District.                                      |
| <b>In District: Small Public Capital Infrastructure and Equipment, for example (Downtown Plan pp. 6 and 7)</b><br>- Parking meters<br>- Vehicles for Public Works Dept., and Fire Dept., including ambulances                                                                                                                                                                                                                                                                                                                                                        | 19<br>21, 36 to 44                                                  | (1)(A)(1)(a)<br>(1)(A)(1)(a)                                    | \$10 Million over life of the District                                       |

**2021 PROPOSED DOWNTOWN/TRANSIT TIF AMENDMENT #~~645~~- REGARDING INCREASED FUNDING FOR CREATIVE PORTLAND**

|                                                                                                                                                                                                                                                |                             |                       |                                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|-----------------------|---------------------------------------------------------|
| <b>In District: Relocation of Displaced Persons (TIF Application, p. 6)</b>                                                                                                                                                                    | (see TIF application, p. 6) | 1(A)(6)               | Not budgeted/not anticipated at time of TIF application |
| <b>In District: CEAs as Approved by City Council (TIF application p. 2)</b> with a maximum average percentage of 65% capture and up to a 20-year term, or the remaining term of this District, pursuant to City TIF Policy (Exhibit B hereto). | (see TIF application p. 2)  | (1)(A)(1)(2)(3)(6)(7) | Unknown at time of TIF application                      |
| <b>Total Estimate of TIF Revenue Expenditure over 30 year term:</b>                                                                                                                                                                            |                             |                       | <b>\$195,23,000,000</b>                                 |

\*This item is not unique to this TIF District, it is also included in the Bayside TIF District and Waterfront TIF District.

### **C. Strategic Growth and Development**

This Amended Development Program and the Downtown Plan meld various studies and plans for the District into one document, thereby promoting those studies and plans and making investments at the appropriate time. The studies and plans noted in the Downtown Plan represent a series of community initiatives, both completed and underway, or in planning process. The Amended Development Program and Project List (Table 1) noted hereinabove represents the best thinking of City staff about current opportunities for realizing the City's longstanding, evolving vision for its Downtown.

### **D. Improvements to the Public Infrastructure**

As further set forth in Table 1 hereinabove, the City may use certain TIF Revenues for sidewalk and other pedestrian improvements including crosswalks, roadway realignments/paving, intersection redesigns, traffic signals, bicycle infrastructure, stormwater management improvements (including water and sewer maintenance), communications infrastructure improvements/enhancements, wayfinding, multi-modal surface and structured parking, and public plaza intersection improvements that are directly related and made necessary by development in the District.

### **E. Operational Components**

#### **1. Public Facilities**

The City may use a portion of the TIF Revenues to fund certain projects approved within the District, outlined in Table 1 hereinabove.

**2021 PROPOSED DOWNTOWN/TRANSIT TIF AMENDMENT #~~645~~- REGARDING INCREASED FUNDING FOR CREATIVE PORTLAND**

**2. Commercial Improvements Financed through the Development Program**

At this time, no commercial improvements will be financed through the Development Program. The City may, in the future, reimburse a percentage of the TIF Revenues from any particular lot within the District to future developers through a credit enhancement agreement. Future credit enhancement agreements are authorized only if the City Council meets and holds a public hearing and votes to authorize, negotiate, and execute the credit enhancement agreement pursuant to City Council approved TIF Policy. Such credit enhancement agreements would be approved under the City's TIF Policy, as may be amended from time to time, but limited to the balance of the term of this District. Should the City enter into a credit enhancement agreement, it will provide the Maine Department of Economic and Community Development a description of the terms and conditions of any agreements, contracts, or other obligations related to the development program (see Table 1 last item and Exhibit B).

**3. Relocation of Displaced Persons**

It is not anticipated that any persons will be relocated; however, the City has provided that if, in the future, relocation of persons is necessary to accommodate future redevelopment within the District, the one-time relocation costs of such displaced persons can be paid for with TIF Revenues, exclusive of rent.

**4. Transportation Improvements**

The City may fund road/transportation improvements made necessary by the increased traffic to the District. Please see Table 1 hereinabove for more details.

**5. Environmental Controls**

The improvements made under this Development Program will meet or exceed all federal, state, and local environmental laws, regulations, and ordinances and will comply with all applicable land use requirements for the City.

**6. Plan of Operation**

During the term of the District, the City Manager or his designee will be responsible for all administrative matters within the purview of the City concerning the implementation and operation of the District.

**III. Amended Physical Description**

Proposed Amendment #6 does not change the acreage numbers for the Downtown TOD TIF.

The 417.7882-acre District is bounded by Washington Avenue to the east, State Street to the west, following the edges of the adjacent Bayside and Waterfront Capital Improvement TIF Districts to the north and south. The District encompasses the central business district of Portland and the abutting east and west ends of the District. In creating the District, the outlying residential areas of the Eastern and Western Promenades have been purposely excluded. The District is shown on revised Exhibit C. The statutory threshold limits addressing the conditions for approval mandated by 30-A M.R.S.A. Section 5223(3) are set forth in revised Exhibit E.

**2021 PROPOSED DOWNTOWN/TRANSIT TIF AMENDMENT #~~645~~- REGARDING INCREASED FUNDING FOR CREATIVE PORTLAND**

**IV. Financial Plan**

**A. Amended Financial Characteristics**

Amendment #6 does not change the original assessed value. With Amendment #5, the collective original assessed value of the real property in the District remains at \$965,007,320 as set forth in Exhibit F, Revised Assessor's Certificate. The backup for the Certificate includes revisions from Amendment #3 and #4. It is noted that Downtown TOD/TIF acreage and value calculations are exempt from State TIF law limits.

The City captured 12% in year 1 (City Fiscal Year 2015/2016), 22% in years 2 through 4, 25% in year 5, and 30% in year 6 of the increased assessed value of the real property located within the District. Amendment 2 provided for the City to capture up to 100% for the duration of the 30-year term of the District. Personal property tax value will not be captured within the District. The TIF Revenues so collected will fund and/or contribute to the funding of the approved projects, including each of the projects described on Table 1 hereinabove, including entering into Credit Enhancement Agreements (see Table 1 last item and Exhibit B), which collectively increase the City's ability to stand out in a competitive marketplace as a dynamic municipality in which to grow a business. All assessed real property value captured in the District will be added to the general tax rolls at the end of the District's term. Please note that at any time during the term of the District, the municipality can vote to reduce the captured value percentage and instead deposit the tax revenues into the General Fund so long as the municipality does not receive the tax shift benefit associated with the tax revenues so deposited.

Upon each payment of real property taxes for property located inside the District, the City will deposit into a development program fund (the "Development Program Fund") the entirety of the property tax payments constituting TIF Revenues. The percentage of increased assessed value of real property within the District that will be captured shall be determined annually during the municipal budget process; however, the City may capture up to 100% in Years 5 through 30 of the increased assessed value of real property as captured assessed value. The Development Program Fund is pledged to and charged with the payment of the project costs in the manner and in the order provided in 30-A M.R.S.A. Section 5227(3). The Development Program Fund will consist of a development sinking fund account (the "Sinking Fund Account") to the extent municipal bonded indebtedness is used to pay for projects costs, and a project cost account (the "Project Cost Account"). From the Development Program Fund, the City will deposit the TIF Revenues into the City's Sinking Fund Account and/or the Project Cost Account to be used to fund projects listed in Table 1 hereinabove. If future credit enhancement agreements are approved by the City Council, then a subaccount within the Project Cost Account shall be created for any payments required to be made by the City pursuant to such credit enhancement agreement, dedicated to each credit enhancement agreement.

Estimates of the increased assessed property values of the Amended District, the anticipated TIF Revenues generated by the District, and the estimated tax shifts are shown in Revised Exhibit D-1 and Revised Exhibit D-2.

**2021 PROPOSED DOWNTOWN/TRANSIT TIF AMENDMENT #~~645~~ REGARDING INCREASED FUNDING FOR CREATIVE PORTLAND**

**B. Costs and Sources of Revenues**

The current and future developers owning or leasing properties located within the Districted are intended to pay for and/or finance all private improvements located in the District through private sources. Table 1 hereinabove provides estimated costs of the municipal projects costs to be undertaken with TIF Revenues.

**C. Indebtedness**

The City reserves the option to fund the project costs through public indebtedness.

**V. Statutory Requirements and Thresholds**

The statutory requirements and thresholds for approval required by Section 5223(3) of the TIF Statute are set forth in revised Exhibit E.

**VI. Municipal Approvals**

**A. Notice of Public Hearing**

Attached as Exhibit G hereto is a copy of the Notice of Public Hearing regarding amending the Development Program for the District, published in the *Portland Press Herald*, a newspaper of general circulation in the City, on May ~~24, 2023~~<sup>5, 2021</sup>, a date at least ten (10) days prior to the public hearing. The public hearing on the amended District was held on ~~June 5, 2023~~<sup>May 17, 2021</sup>, in accordance with the requirements of 30-A M.R.S.A. Section 5226(1).

**B. Minutes of Public Hearing Held by City Council**

Attached as Exhibit H hereto is a certified copy of the minutes of the public hearing held on ~~June 5, 2023~~<sup>May 17, 2021</sup>, at which time this amended District was discussed by the public.

**C. Authorizing Votes**

Attached as Exhibit I hereto is an attested copy of the City of Portland Order approving this amended District with the results of the vote noted on this Order duly called and held on ~~June 5, 2023~~<sup>May 17, 2021</sup>.



**2021 PROPOSED DOWNTOWN/TRANSIT TIF AMENDMENT #6 REGARDING INCREASED FUNDING FOR CREATIVE PORTLAND**

**I. Introduction – Portland Downtown Transit Oriented Municipal Development and Omnibus Tax Increment Financing District Amendment #6**

On February 9, 2015, the City of Portland (the “City”) designated the Portland Downtown Transit Oriented Municipal Development and Omnibus Tax Increment Financing District (the “District”) and adopted this Development Program (the “Development Program”) for the District in an effort to fully realize the visions and goals of the City of Portland Downtown Revitalization Investment Plan (“Downtown Plan”); the Downtown Plan is attached as Exhibit A. The duration of this District will be 30 years beginning July 1, 2015 (Tax Year 4/1/2015; FY2015-16) ending June 30, 2045 (Tax Year 4/1/2044; FY2044-45).

- a. District Amendment #1 Approved by MDECD February 27, 2018: The purpose of this District amendment was to remove the parcel designated by the City Assessor as 22-F-1 at 54 Lancaster – a tax exempt parcel (so no value attributed to the Original Assessed Value) with approximately .48 acres, which will be turned into a free-standing Affordable Housing TIF District. Portland’s amended District remained the same at approximately 422 acres and bounded by Washington Avenue to the east, State Street to the west, following the edges of the adjacent Bayside and Waterfront Capital Improvement TIF Districts to the north and south. The District encompasses the central business district of Portland and the abutting east and west ends of the District. In creating the District, the outlying residential areas of the Eastern and Western Promenades have been purposely excluded.
- b. District Amendment #2 approved by MDECD February 11, 2019: The purpose of this District Amendment was to increase the allowable uses for Municipal TIF Revenue and increase the percentage capture from up to 22% to up to 100%, all as more detailed in Section II below.
- c. District Amendment #3 approved by MDECD September 18, 2019: The purpose of District Amendment #3 is to remove the parcel designated by the City Assessor as 44-H-1 at 66 State Street – a tax exempt parcel (so no value attributed to the Original Assessed Value), with approximately .5087 acres, which will be turned into a free-standing Affordable Housing TIF District. Portland’s amended District, with Amendment #3, reduced it from approximately 422 to 421.01 acres. The boundaries remain the same, i.e., bounded by Washington Avenue to the east, State Street to the west, following the edges of the adjacent Bayside and Waterfront Capital Improvement TIF Districts to the north and south. The District encompasses the central business district of Portland and the abutting east and west ends of the District. In creating the District, the outlying residential areas of the Eastern and Western Promenades have been purposely excluded. The Downtown Plan includes a listing of current projects and categories of future investment. It is recognized that meeting the infrastructure needs of Portland’s downtown will be a dynamic process that will be updated locally on an annual

**2021 PROPOSED DOWNTOWN/TRANSIT TIF AMENDMENT #6 REGARDING INCREASED FUNDING FOR CREATIVE PORTLAND**

basis or as needed. Though the specific public projects prioritized and undertaken from year to year will change, with the exception of this District funding up to \$100,000 annually for the Creative Portland Corporation, categories of investment for the purpose of eligible uses of the TIF Revenues will remain consistent. Actual project selections and prioritization for funding will continue to be made on an annual basis during the City budget and Capital Improvements Plan (CIP) process, based on categories contained in Table 1 hereinbelow. The CIP is the document that presents the City's capital needs in the current year and plans for capital needs in future years. As a five year plan that is annually updated, the CIP is a dynamic planning document; the FY2015 to 2019 CIP document is included in the Downtown Plan as an appendix.

- d. District Amendment #4 approved by MDECD September 16, 2020: The purpose of District Amendment #4 is to remove the parcels designated by the City Assessor as 28-O-17 at 83 Middle Street – a tax exempt parcel (so no value attributed to the Original Assessed Value), with approximately .2183 acres, and 28-O-3 at 160 Newbury Street with an OAV of \$281,100 with approximately .0665 acres, which parcels will be turned into a free-standing Affordable Housing TIF District.

District Amendment #4 also included technical amendments as follows:

- CBL 37-B-14, 17 Shepley Street, a tax exempt parcel, was on the original map but needs to be added to original CBL listing attached to the Assessor's Certificate – increasing acreage by .1512, with no change in OAV as tax exempt;
- CBL 39-A-38, 612 Congress Street, was on original map but needs to be added to original CBL listing attached to the Assessor's Certificate, - increasing acreage by .0449, and increasing the OAV by \$282,400;
- CBL 38-G-1, 486 Fore Street, not on original map and needs to be deleted from listing attached to the Assessor's Certificate – decreasing acreage by 1.8419, and decreasing the OAV by \$3,130,830, and it is now in the Waterfront TIF District as approved by MDECD on August 26, 2019; and,
- CBL 43-C-6, 431 Commercial Street, a tax exempt parcel, was on original map and listing attached to the Assessor's Certificate but was transferred to the Waterfront TIF District as approved by MDECD on April 5, 2019 – decreasing acreage by 1.2912, with no change in OAV as tax exempt.

With the above removal of 83 Middle Street and 160 Newbury Street, and the technical amendments, the net change to the District's OAV is reduced from

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\$968,136,850 to \$965,007,320, and the District's acreage is reduced from 421.010 to 417.7882.

- e. District Amendment #5 approved by MDECD August 18, 2021: The purpose of District Amendment #5 was to remove 73 Winter Street and 91 Winter Street from the District in order for the properties to be their own free-standing Affordable Housing TIF Districts. Those properties were then included in the parcel designated by the City Assessor as 45-C-7 at 120 State Street – a tax exempt parcel (so no value attributed to the Original Assessed Value), with approximately 99,597 sq. ft. or 2.2864 acres. The square footage/acreage being removed for 73 Winter Street footprint was 17,167/.3941 acres, and the square footage/acreage being removed for 91 Winter Street footprint was 15,364/.3527 acres for a total of .7474 acres to be removed from the Downtown TOD TIF District, reducing the current acreage from 417.882 to 417.0408. Once the subdivision is completed, the City will confirm with MDECD the Assessor parcel designations.
- f. Proposed Amendment #6: The City of Portland proposes an amendment to remove the maximum annual cap of TIF Funding for Creative Portland (CP) now at \$100,000 and instead have an annual funding at \$200,000 for its staff, programs, and services, as approved by the City Council annually during its budget process.

## **II. Development Program Narrative**

### **A. The Development Program as Amended with Amendment #6**

The Amended Development Program for the Downtown Transit Oriented Municipal Development and Omnibus TIF District is structured and proposed pursuant to Chapter 206 of Title 30-A of the Maine Revised TIF Statutes, as amended (the "TIF Statute"). The City's designation of the District, combined with the adoption of this Amended Development Program, creates a single municipal TIF district in order to capture the value of the real property improvements made within the District and enable the use of TIF revenues for various municipal and other development projects.

Under this Amended Development Program, the City captured 12% in year one (City Fiscal Year 2015/2016), 22% in years 2 through 4, 25% in year 5, and 30% in year 6. This Amended Development Program now allows for the City to capture up to 100% of the new real property value located in the District for remainder of the term of the District, or through Tax Year April 1, 2044/City Fiscal Year 2044/2045. The City may retain those tax revenues generated by the captured assessed value (the "TIF Revenues") to fund infrastructure improvements and other administrative costs, all as further described in Table 1 hereinbelow. The City reserves the right to capture less than the full 100% in years 7 through 30, depending on the then-current needs of the City with respect to the approved project costs. Any reduction in the captured value percentage shall adjust the amount of assessed value eligible for sheltering with respect to the tax shift benefit correspondingly. Although all TIF

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Revenues will be retained by the City at this time, the City reserves the right in the future to negotiate and execute commercial credit enhancement agreements pursuant to City Council approved TIF Policy as may be amended from time to time. CEAs would be limited, however, to the balance of District term at that time. Such future credit enhancement agreements would require a public hearing and City Council approval. Should the City enter into a credit enhancement agreement, it will provide the Maine Department of Economic and Community Development a description of the terms and conditions of any agreements, contracts, or other obligations related to the development program per City TIF Policy (see Table 1 last item and Exhibit B).

In designating the District and adopting this Amended Development Program, the City can accomplish the following goals:

- Maintain existing tax revenues;
- Invest in the Downtown public infrastructure, including public restrooms;
- Invest in the Creative Portland Corporation annually;
- Invest in new and enhanced transit services;
- Enjoy enhanced future tax revenues generated by new development within the District; and
- Create long-term, stable employment opportunities for area residents because of these TIF investments.

In addition, by creating the District, the City will “shelter” the increase in municipal valuation that development in the District will bring about. This tax shift benefit mitigates the adverse effect that the District’s increased assessed property value has upon the City’s share of state aid to education, municipal revenue sharing, and its county tax assessment. An estimate of the tax shift benefits is shown in Revised Exhibit D-2 attached hereto.

The City’s designation of the District and pursuit of this Amended Development Program constitute a good and valid public purpose pursuant to Chapter 206 of Title 30-A because it represents a substantial contribution to the economic well-being of both the City and the region by providing jobs, contributing to property taxes, and diversifying the region’s economic base.

### **B. The Projects**

Development within the District will provide a revenue source for the City’s economic development projects. The City intends to use TIF Revenues to further its overall plan to attract and retain businesses that want to take advantage of Portland’s business-friendly location, while offering their employees a rich, dynamic, and high quality of life. This includes funding for CP, of which the City of Portland is the Corporator, with annual funding at \$200,000 for its staff, programs, and services as approved by the City Council annually during its budget process, as well as City plans to invest in its public infrastructure in these investment focus areas:

- Sidewalk and Other Pedestrian Enhancements, including Public Restrooms
- Streetscape
- Lighting
- Street Alignment

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- Utilities
- Bicycle Improvements
- Public Transit
- Wayfinding
- Multi-modal surface and structured parking
- Work force training
- Professional service costs
- Housing and Economic Development Department administrative costs and staff salaries, and prorated salaries of the City Manager, Finance Director, Planning and Urban Development Director, and Planning staff.

The District projects at this time are highlighted in Table 1 below:

**TABLE 1**

**NOTE 1:** All Citations refer to Title 30-A, Chapter 206, Section 5225

**NOTE 2:** While this Amended Development Program lists particular projects, the Amended Development Program shall not serve as an appropriation of TIF Revenues for any of these specific purposes, nor shall it commit the City to completing any particular project. The projects will only be undertaken following proper appropriation through the annual budget process and any other applicable required approvals.

| <b>Project</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>Downtown Revitalization Plan Reference by page no.</b>                                                                                                   | <b>Statutory Citation</b>                                                                                                                                                                                                                                | <b>Estimated Cost</b>                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| <b>In District: Capital Infrastructure Design and Investments, including Financing Costs, for example:</b> <ul style="list-style-type: none"> <li>- Multi-modal surface and structured parking</li> <li>- Sidewalk and Other Pedestrian Enhancements, including Public Restrooms</li> <li>- Roadway Realignment/Paving</li> <li>- Crosswalks</li> <li>- Traffic Signals</li> <li>- Intersection Redesigns</li> <li>- Bicycle lanes, racks, and stations Infrastructure</li> <li>- Stormwater Management, including water and sewer upgrades</li> </ul> | <p>19, 47</p> <p>19, 20, 34,35, 48</p><br><p>19,20,34,35</p> <p>19, 46</p> <p>34, 46</p> <p>19,20,34,35</p> <p>19, 34,47</p> <p>19, 33</p><br><p>19, 36</p> | <p>(1)(A)(1)(2)(3)(6)(7)</p> <p>(1)(A)(1)(2)(3)(4)(6)(7)</p><br><p>(1)(A)(1)(2)(3)(6)(7)</p> <p>(1)(A)(1)(a)(i)</p> <p>(1)(A)(1)(2)(3)</p> <p>(1)(A)(1)(2)(3)(6)(7)</p> <p>(1)(A)(1)(a)(i)</p> <p>(1)(A)(1)(2)(3)(6)(7)</p><br><p>(1)(A)(1)(2)(3)(7)</p> | <p>\$150 Million over the life of the District for these Capital Infrastructure Items.</p> |

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|                                                                                                                                                                                          |              |                            |                                                                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|----------------------------|-----------------------------------------------------------------------|
| - Telecommunications, lighting, and electrical distribution upgrades; Infrastructure improvements/enhancements                                                                           | 19,23, 35,47 | (1)(A)(1)                  |                                                                       |
| - Wayfinding (signage)                                                                                                                                                                   | 22, 46       | (1)(A)(1)(2)(3)(6)(7)      |                                                                       |
| - Public plaza intersection improvements                                                                                                                                                 |              |                            |                                                                       |
| <b>In and out of District: New and Enhanced Transit Services, including operational costs, for example (see Exhibit K – Transit Map):</b>                                                |              |                            |                                                                       |
| - Creation of high frequency bus service on Congress Street at 15-minute intervals between the Portland Transportation Center (PTC) and Washington Avenue;                               | 17, 20, 21,  | (1)(A) and (1)(C)(7)       | \$15 Million for Transit in this category.                            |
| - Enhancing Stevens Avenue-Allen Avenue- Congress Street bus service areas;                                                                                                              | 20           | (1)(A)(1)(a) and (1)(C)(7) |                                                                       |
| - Corresponding costs for these enhancements, including transit operator salaries; transit vehicle fuel, and transit vehicle parts replacements.                                         | 20           | (1)(A)(1)(a) and (1)(C)(7) |                                                                       |
| - Transit capital costs including transit vehicles and related equipment; bus shelters and other related structures; benches; signs, and other transit-related infrastructure.           | 20           | (1)(A)(1)(a) and (1)(C)(7) |                                                                       |
| - Shuttle service to downtown businesses.                                                                                                                                                | 17, 20       | (1)(A)(1)(a) and (1)(C)(7) |                                                                       |
| <b>In and out of District: City Marketing and Promotion through Creative Portland Corporation (CPC), for example (see Exhibit M Arts District Map within Downtown TOD TIF District):</b> |              |                            |                                                                       |
|                                                                                                                                                                                          | 20, 21,47    | (1)(C)(1)(2)               | \$200K annually beginning FY2024; \$5.2 Million over life of District |

**2021 PROPOSED DOWNTOWN/TRANSIT TIF AMENDMENT #6 REGARDING INCREASED FUNDING FOR CREATIVE PORTLAND**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                     |                                                                 |                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|-----------------------------------------------------------------|---------------------------------------------------------|
| - In District: Center for the Arts, including rental residential space;<br>- In District: capital, financing, real property assembly and professional service costs;<br><b>- In and out of District:</b> CPC staffing, administrative and marketing expenses; revolving loan or investment fund.                                                                                                                                                                                                                                                                  | 20, 21,47<br><br>20, 21, 47                                         | (1)(C)(1)(2)<br><br>(1)(C)(1)(2)                                |                                                         |
| <b>In and out of District:</b><br>- <b>Housing and Economic Dev.</b> Dept. administrative costs and staff salaries at 100%, and prorated salaries of City Manager, Finance Director, and Planning Urban Development Director, and Planning staff*;<br>- Professional services costs;<br>- Workforce training funds. Costs of services and equipment to provide skills development and training, including scholarships to in-state educational institutions or to online learning entities when in-state options are not available, for jobs created or retained. | 21, Also TIF App. P. 3<br><br>See TIF App. P.3<br>See TIF App. P. 3 | (1)(A)(5) and (1)(C)(1)<br><br>(1)(A)(4);(1)(C)(1)<br>(1)(C)(4) | \$15 Million over life of the District.                 |
| <b>In District: Small Public Capital Infrastructure and Equipment, for example (Downtown Plan pp. 6 and 7)</b><br>- Parking meters<br>- Vehicles for Public Works Dept., and Fire Dept., including ambulances                                                                                                                                                                                                                                                                                                                                                     | 19<br>21, 36 to 44                                                  | (1)(A)(1)(a)<br>(1)(A)(1)(a)                                    | \$10 Million over life of the District                  |
| <b>In District: Relocation of Displaced Persons (TIF Application, p. 6)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | (see TIF application, p. 6)                                         | 1(A)(6)                                                         | Not budgeted/not anticipated at time of TIF application |
| <b>In District: CEAs as Approved by City Council (TIF application p. 2) with a maximum average percentage</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                     | (see TIF application p. 2)                                          | (1)(A)(1)(2)(3)(6)(7)                                           | Unknown at time of TIF application                      |

**2021 PROPOSED DOWNTOWN/TRANSIT TIF AMENDMENT #6 REGARDING INCREASED FUNDING FOR CREATIVE PORTLAND**

|                                                                                                                                  |  |  |                      |
|----------------------------------------------------------------------------------------------------------------------------------|--|--|----------------------|
| of 65% capture and up to a 20-year term, or the remaining term of this District, pursuant to City TIF Policy (Exhibit B hereto). |  |  |                      |
|                                                                                                                                  |  |  |                      |
| <b>Total Estimate of TIF Revenue Expenditure over 30 year term:</b>                                                              |  |  | <b>\$195,200,000</b> |

\*This item is not unique to this TIF District, it is also included in the Bayside TIF District and Waterfront TIF District.

**C. Strategic Growth and Development**

This Amended Development Program and the Downtown Plan meld various studies and plans for the District into one document, thereby promoting those studies and plans and making investments at the appropriate time. The studies and plans noted in the Downtown Plan represent a series of community initiatives, both completed and underway, or in planning process. The Amended Development Program and Project List ([Table 1](#)) noted hereinabove represents the best thinking of City staff about current opportunities for realizing the City's longstanding, evolving vision for its Downtown.

**D. Improvements to the Public Infrastructure**

As further set forth in [Table 1 hereinabove](#), the City may use certain TIF Revenues for sidewalk and other pedestrian improvements including crosswalks, roadway realignments/paving, intersection redesigns, traffic signals, bicycle infrastructure, stormwater management improvements (including water and sewer maintenance), communications infrastructure improvements/enhancements, wayfinding, multi-modal surface and structured parking, and public plaza intersection improvements that are directly related and made necessary by development in the District.

**E. Operational Components**

**1. Public Facilities**

The City may use a portion of the TIF Revenues to fund certain projects approved within the District, outlined in [Table 1](#) hereinabove.

**2. Commercial Improvements Financed through the Development Program**

At this time, no commercial improvements will be financed through the Development Program. The City may, in the future, reimburse a percentage of the TIF Revenues from any particular lot within the District to future developers through a credit enhancement agreement. Future credit enhancement agreements are authorized only if the City Council meets and holds a public hearing and votes to authorize, negotiate, and execute the credit enhancement agreement pursuant to City Council approved TIF Policy. Such credit enhancement agreements would be approved under the City's TIF Policy, as may be amended from time to time, but limited to the balance of the term of this District. Should the City enter into a credit



## **2021 PROPOSED DOWNTOWN/TRANSIT TIF AMENDMENT #6 REGARDING INCREASED FUNDING FOR CREATIVE PORTLAND**

enhancement agreement, it will provide the Maine Department of Economic and Community Development a description of the terms and conditions of any agreements, contracts, or other obligations related to the development program (see Table 1 last item and Exhibit B).

### **3. Relocation of Displaced Persons**

It is not anticipated that any persons will be relocated; however, the City has provided that if, in the future, relocation of persons is necessary to accommodate future redevelopment within the District, the one-time relocation costs of such displaced persons can be paid for with TIF Revenues, exclusive of rent.

### **4. Transportation Improvements**

The City may fund road/transportation improvements made necessary by the increased traffic to the District. Please see Table 1 hereinabove for more details.

### **5. Environmental Controls**

The improvements made under this Development Program will meet or exceed all federal, state, and local environmental laws, regulations, and ordinances and will comply with all applicable land use requirements for the City.

### **6. Plan of Operation**

During the term of the District, the City Manager or his designee will be responsible for all administrative matters within the purview of the City concerning the implementation and operation of the District.

## **III. Amended Physical Description**

Proposed Amendment #6 does not change the acreage numbers for the Downtown TOD TIF.

The 417.7882-acre District is bounded by Washington Avenue to the east, State Street to the west, following the edges of the adjacent Bayside and Waterfront Capital Improvement TIF Districts to the north and south. The District encompasses the central business district of Portland and the abutting east and west ends of the District. In creating the District, the outlying residential areas of the Eastern and Western Promenades have been purposely excluded. The District is shown on revised Exhibit C. The statutory threshold limits addressing the conditions for approval mandated by 30-A M.R.S.A. Section 5223(3) are set forth in revised Exhibit E.

## **IV. Financial Plan**

### **A. Amended Financial Characteristics**

Amendment #6 does not change the original assessed value. With Amendment #5, the collective original assessed value of the real property in the District remains at \$965,007,320 as set forth in Exhibit F, Revised Assessor's Certificate. The backup for the Certificate includes revisions from Amendment #3 and #4. It is noted that Downtown TOD/TIF acreage and value calculations are exempt from State TIF law limits.

## **2021 PROPOSED DOWNTOWN/TRANSIT TIF AMENDMENT #6 REGARDING INCREASED FUNDING FOR CREATIVE PORTLAND**

The City captured 12% in year 1 (City Fiscal Year 2015/2016), 22% in years 2 through 4, 25% in year 5, and 30% in year 6 of the increased assessed value of the real property located within the District. Amendment 2 provided for the City to capture up to 100% for the duration of the 30-year term of the District. Personal property tax value will not be captured within the District. The TIF Revenues so collected will fund and/or contribute to the funding of the approved projects, including each of the projects described on Table 1 hereinabove, including entering into Credit Enhancement Agreements (see Table 1 last item and Exhibit B), which collectively increase the City's ability to stand out in a competitive marketplace as a dynamic municipality in which to grow a business. All assessed real property value captured in the District will be added to the general tax rolls at the end of the District's term. Please note that at any time during the term of the District, the municipality can vote to reduce the captured value percentage and instead deposit the tax revenues into the General Fund so long as the municipality does not receive the tax shift benefit associated with the tax revenues so deposited.

Upon each payment of real property taxes for property located inside the District, the City will deposit into a development program fund (the "Development Program Fund") the entirety of the property tax payments constituting TIF Revenues. The percentage of increased assessed value of real property within the District that will be captured shall be determined annually during the municipal budget process; however, the City may capture up to 100% in Years 5 through 30 of the increased assessed value of real property as captured assessed value. The Development Program Fund is pledged to and charged with the payment of the project costs in the manner and in the order provided in 30-A M.R.S.A. Section 5227(3). The Development Program Fund will consist of a development sinking fund account (the "Sinking Fund Account") to the extent municipal bonded indebtedness is used to pay for projects costs, and a project cost account (the "Project Cost Account"). From the Development Program Fund, the City will deposit the TIF Revenues into the City's Sinking Fund Account and/or the Project Cost Account to be used to fund projects listed in Table 1 hereinabove. If future credit enhancement agreements are approved by the City Council, then a subaccount within the Project Cost Account shall be created for any payments required to be made by the City pursuant to such credit enhancement agreement, dedicated to each credit enhancement agreement.

Estimates of the increased assessed property values of the Amended District, the anticipated TIF Revenues generated by the District, and the estimated tax shifts are shown in Revised Exhibit D-1 and Revised Exhibit D-2.

### **B. Costs and Sources of Revenues**

The current and future developers owning or leasing properties located within the Districted are intended to pay for and/or finance all private improvements located in the District through private sources. Table 1 hereinabove provides estimated costs of the municipal projects costs to be undertaken with TIF Revenues.

### **C. Indebtedness**

The City reserves the option to fund the project costs through public indebtedness.

**2021 PROPOSED DOWNTOWN/TRANSIT TIF AMENDMENT #6 REGARDING INCREASED FUNDING FOR CREATIVE PORTLAND**

**V. Statutory Requirements and Thresholds**

The statutory requirements and thresholds for approval required by Section 5223(3) of the TIF Statute are set forth in revised Exhibit E.

**VI. Municipal Approvals**

**A. Notice of Public Hearing**

Attached as Exhibit G hereto is a copy of the Notice of Public Hearing regarding amending the Development Program for the District, published in the *Portland Press Herald*, a newspaper of general circulation in the City, on May 24, 2023, a date at least ten (10) days prior to the public hearing. The public hearing on the amended District was held on June 5, 2023, in accordance with the requirements of 30-A M.R.S.A. Section 5226(1).

**B. Minutes of Public Hearing Held by City Council**

Attached as Exhibit H hereto is a certified copy of the minutes of the public hearing held on June 5, 2023, at which time this amended District was discussed by the public.

**C. Authorizing Votes**

Attached as Exhibit I hereto is an attested copy of the City of Portland Order approving this amended District with the results of the vote noted on this Order duly called and held on June 5, 2023.

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

**FROM:**

**DATE:** June 6, 2023

**SUBJECT:** Order 240-22/23 Approving Residential Parking for Islanders - Sponsored by Danielle P. West, 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 6/5/2023**

**Can action be taken at a later date: No The yearly extension will expire on June 30, and this order should be effective as of that date.**

**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**

The current one-year approval to allow the 22 time limited spaces (excluding the 4 metered spaces in front of 20 Thames St.) surrounding the development at the corner of Thames & Hancock Streets to be included in the Island Residential Zone expires on June 30, 2020, and this order extends that for another year, and also extends the expansion of the IR Zone to include a portion of the north side of Marginal Way from the Park & Ride Lot to Cove Street.

**II. AGENDA DESCRIPTION**

This order makes permanent the previous annual extension of the Islander Residential Parking Zone with 12 spaces on Thames Street and 10 spaces on Hancock Street surrounding the AC Hotel and the new condominiums. The zone had been approved annually since 2008 while the area was being developed. This order also includes 42 parking spaces on the north side of Marginal Way between the Park & Ride Lot and Cove Street, which were added in 2019.

This item must be read on two separate days. It received its first reading on June 5, 2023. Five affirmative votes are required for passage after public comment.

**III. BACKGROUND**

In June of 2008, the City Council approved a new residential parking zone, IR (Island Resident). A total of twenty nine (29) two hour parking spaces on both sides of Thames Street easterly of Hancock Street were signed accordingly. Vehicles displaying a IR (island resident) permit are exempt from the time limit parking regulation and can be left there all day; however the vehicles must be moved in accordance with the standard posted street maintenance signs, snow bans and posted emergency no parking.

Additionally, in June of 2017 the Council approved approximately twenty five (25) one hour parking spaces on the north side of Fore Street between Mountfort and Waterville Streets to allow the use of Island Residential

Parking Permits along this section of Fore Street in a previously no parking zone. In 2008, since the development at the corner of Thames and Hancock Streets was on hold, 10 on-street spaces on the westerly side of Hancock Street between Fore & Thames and 16 on-street parking spaces on the north side of Thames Street between India and Hancock Street were signed 2 hour parking (rather than metered), so that people with a IR permit could use them on a temporary year to year basis until the Council should decide to regulate the spaces differently. This gave the islanders an additional 26 on street parking spaces convenient to Casco Bay Lines, and would cause minimal interference with area businesses and residents. As you know the AC Hotel is now built on a portion of that lot, along with a 28 unit residential condominium with retail space on the ground floor, and plans to build two other buildings on the remaining lots on the block.

The ultimate regulation of the on-street parking is decided by the City Council.

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

This order will provide additional parking for island residents.

#### **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 has determined that the on-street parking will benefit Island residents, and one-hour turnover time limited parking and 4- two hour meters parking benefit the businesses.

#### **VII. RECOMMENDATION**

The Parking Division recommends passage.

#### **VIII. LIST ATTACHMENTS**

1. Islander parking, permanent change 6.5.2023

Prepared by:

Date: 06/06/2023

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 RESIDENTIAL PARKING FOR ISLANDERS**

**ORDERED**, that Traffic Schedule XXVIII, Residential Parking Permit Area, District IR established pursuant to Order 306-07/08 passed on June 16, 2008 and amended by Order 278-08/09 on June 1, 2009, Order 246-09/10 on June 7, 2010, Order 270-10/11 on June 20, 2011, Order 217-11/12 on June 18, 2012, Order 235-12/13 on June 3, 2013, Order 265-13/14 on June 16, 2014, Order 289-14/15 on June 15, 2015, Order 262-16/17 on May 16, 2016, Order 254-16/17 on June 19, 2017, Order 230-17/18 on June 4, 2018, Order 260-18/19 on June 3, 2019, Order 189-19/20 on June 1, 2020, by Order 263-20/21 on June 7, 2021, and by Order 265-21/22 on June 6, 2022, is hereby amended, as follows:

By making permanent the current temporary one-year period that expires as of June 30, 2023, and permanently extending the Schedule XXVIII, Residential Parking Permit Area, District IR to include forty-two (42) parking spaces on the north side of Marginal Way between the Park & Ride Lot and Cove Street, 10 parking spaces on the westerly side of Hancock Street between Fore and Thames streets and 12 on-street parking spaces on the north side of Thames Street between India and Hancock Street and by adding eight (8) spaces on the south side (water side) of Thames Street Extension.

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

**FROM:** Mary Davis, Division Director  
**DATE:** June 6, 2023  
**SUBJECT:** Order 241-22/23 Accepting and Appropriating a United States Environmental Protection Agency Brownfield Assessment Grant of up to \$500,000 - Sponsored by Danielle P. West, City Manager  
**SPONSOR:** Danielle P. West, 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 6/5/2023**

**Final**  
**Action 6/26/2023**

**Can action be taken at a later date: No USEPA wanted to have signed documents back by June 1, 2023, but has extended this to coincide with this schedule.**

**Does this item involve a new contract with the City: Will check on this.**

**PRESENTATION:** Mary Davis/5 Minutes

**I. SUMMARY**

The Housing and Economic Development Department requests the City Council's approval to accept and appropriate \$500,000 in Grant Funds from the U.S. Environmental Protection Agency to replenish the City's Brownfields Assessment Grant Program.

**II. AGENDA DESCRIPTION**

This item accepts and appropriates \$500,000 in Brownfield Assessment Grant funding. At this time, approximately \$5,000 remains in the City's Brownfields Assessment Fund. While awaiting this new award, the City has been funding Brownfields Assessment Grant requests using closed-out United States Environmental Protection Agency (USEPA) Brownfield Program Income administered by the Portland Development Corporation. With this new award from the USEPA, the City can replenish its Brownfields Assessment Grant funding and support more environmental assessments.

This item must be read on two separate days. It received its first reading on June 5, 2023. Five affirmative votes are required for passage after public comment.

**III. BACKGROUND**

The United States Environmental Protection Agency (EPA) provides the City with Brownfields funds to be used for assessment activities, as well as cleanup of properties for commercial, mixed use, residential developments, and open space. The City received its first Brownfields Assessment Grant of \$200,000 from EPA in 2018. Since then, these funds have been successfully used to cover the cost of Phase I and Phase II Environmental Site Assessment for many private properties poised for redevelopment, as well as City-owned properties. Prior projects have included, for example, a former gas station on Brighton Avenue, 337 Cumberland Avenue (former Maria's Restaurant site), City-owned properties at 21 Randall Street and 165 Lambert Street, to name a few. The latter two are under Purchase and Sale Agreement for housing development. Approximately \$5,000 currently remains in the City's Brownfields Assessment Fund.

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

The intended result is to accept and appropriate \$500,000 of USEPA Brownfields Assessment Grant funds, which will be used to cover the cost of Phase I and Phase II Environmental Site Assessments and other assessment work for properties that have the potential to be redeveloped.

#### **V. FINANCIAL IMPACT**

There will be no financial impact because these Brownfields funds are grants to the City of Portland from the USEPA.

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

Staff recommends that the City Council accept and appropriate the \$500,000 in grant funding that was awarded to the City by the U.S. Environmental Protection Agency.

#### **VII. RECOMMENDATION**

#### **VIII. LIST ATTACHMENTS**

1. Order Accepting and Appropriating a Brownfields Fund Grant from the U.S. EPA 6.5.2023
2. 5-16-2023 Email from USEPA Ntc of Award & Docs

Prepared by:

Mary Davis, Division Director

Date: 06/06/2023



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  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BROWNFIELD  
ASSESSMENT GRANT OF UP TO \$500,000**

**ORDERED**, that a United States Environmental Protection Agency Brownfield Assessment Grant in the amount of up to \$500,000 is hereby accepted and appropriated for use in the City's Brownfields Loan Program; and

**BE IT FURTHER ORDERED**, that the City Manager or designee is hereby authorized to execute whatever documents are necessary to effect the intent and purpose of this order.



Lori Paulette &lt;ljn@portlandmaine.gov&gt;

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## New EPA Assessment Grant forms, etc.

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**Byrne, James** <byrne.james@epa.gov>  
To: Lori Paulette <ljn@portlandmaine.gov>  
Cc: William Needelman <wnb@portlandmaine.gov>

Tue, May 16, 2023 at 10:25 AM

Hi Lori: Congrats on your new assessment grant! Please complete & fill in where indicated. Please return these to me by June 1<sup>st</sup>. Please feel free to call with any questions. Thanks!

Jim Byrne

Brownfields Coordinator

Brownfields & Sustainable Materials Management Section

Land, Chemicals & Redevelopment Branch

Land, Chemicals & Redevelopment Division

U.S. EPA Region I, [New England](#)

[5 Post Office Square, Suite 100](#)

Mail Code 07-2

Boston, MA 02109-3912

[byrne.james@epa.gov](mailto:byrne.james@epa.gov)

Phone: 617-918-1389

[Brownfields Success Stories](#)

[Region 1 Brownfields](#)



**8 attachments****2023 Budget Detail - Assessment.xlsx**  
26K**AssessmentWorkplanTemplateFY23 - BIL.docx**  
77K**epa\_form\_5700\_54 Portland.pdf**  
203K**epa\_form\_6600\_06.pdf**  
586K**EPA4700\_4\_5\_0-V5.Portland.pdf**  
216K**SF424\_4\_0-V4.Portland.pdf**  
246K**SF424A-V1.Portland.pdf**  
174K**sfilll\_1\_2-v1.2\_Portland.pdf**  
176K

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

**FROM:** Mary Davis, Division Director  
**DATE:** June 6, 2023  
**SUBJECT:** Order 242-22/23 Adopting Development Program for Portland Downtown for Fiscal Year 2023-2024 - Sponsored by the Finance Committee, Councilor Mark Dion, Chair  
**SPONSOR:** Finance Committee, Councilor Mark Dion, Chair.  
(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 6/5/2023**

**Final**  
**Action 6/26/2023**

**Can action be taken at a later date: No The June 26, 2023, public hearing will be advertised in the Portland Press Herald on June 14, 2023.**

**Does this item involve a new contract with the City: Yes, and Corporation Counsel has reviewed and approved the contract.**

**PRESENTATION:** Mary Davis/3 Minutes

**I. SUMMARY**

Annually, the City Council authorizes the City Manager to execute documents necessary for the continued operation of Portland Downtown (formerly known as Portland's Downtown District).

**II. AGENDA DESCRIPTION**

The Portland Downtown District (PD) was originally established by the City Council on March 16, 1992. Since then, each year in June, for the following fiscal year starting July 1, City Council authorization to establish the special assessment and approval of the documents is needed.

For FY2024, City Council authorization is needed for the continued operation of PD, which documents include: (1) Adopting the Development Program for the PD; (2) Assessing Maintenance and Implementation Assessments in the PD District; and, (3) authorizing the Agreement for work to be done by PD and work to be done by the City.

The budget for PD is funded largely from special assessments on all real estate in the current District. The revenue raised through the special assessment will fund the PD development program expenses for FY2024. The proposed mil rate to raise this assessment is estimated at \$.67 per \$1,000 of property value in the current district in order to raise the PD Board approved budget of \$1,249,349.

Portland Downtown representatives provided a presentation to the Finance Committee at its May 23, 2023, meeting. This item must be read on two separate days. It received its first reading on June 5, 2023. Five affirmative votes are required for passage after public comment.

**III. BACKGROUND**

See above.

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

The intended result is for the City Council to accept the FY2024 Development Plan, authorize the annual special assessment levied to property owners in the District in order for the PD to continue its program of services to support downtown cleanliness, safety, and events, and to formalize the Agreement between the PD and the City for services.

#### **V. FINANCIAL IMPACT**

This year's assessment will be funded from special assessments on all real estate in the current district for an estimated FY2024 total of \$1,249,349, an increase of \$49,349 from FY2023 budget of \$1,200,000. The increase is due largely to inflation. This assessment would be for the period July 1, 2023, to June 30, 2024. The proposed mil rate to raise this assessment is currently estimated to be \$.67 cents per \$1,000 of property value in the District. The FY2023 mil rate was \$.66 cents per \$1,000 of property value in the District; in FY2022 the mil rate was .57, lower than in previous years due to the Revaluation; in FY2021, the mil rate was \$1.05; in FY2020, the mil rate was \$1.09; in FY2019, the mil rate was \$1.03 cents per \$1,000 of property value in the expanded district. It is noted that for the prior nine (9) years before FY2019, the PD mil rate had been the same rate of \$.92 cents per \$1,000 of property value in the geographic area before the approved FY2019 geographic expansion of the district.

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

City staff have reviewed the documents and recommends the City Council vote to approve these items.

#### **VII. RECOMMENDATION**

The Portland Downtown Board of Directors voted to approve the FY2024 Budget at its April 2023 meeting.

The Finance Committee met on May 23, 2023, and voted \_\_\_\_\_ to forward this to the City Council for approval.

#### **VIII. LIST ATTACHMENTS**

1. Adopting Development Program for Portland Downtown 2023-2024 6.5.2023
2. Development Program for FY2024 Recd 5-12-2023
3. Listing of Property Assessments for FY2024
4. PDD Agreement for FY2024 for CC & Att

Prepared by:

Mary Davis, Division Director

Date: 06/06/2023

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 ADOPTING DEVELOPMENT PROGRAM FOR  
PORTLAND DOWNTOWN  
FOR FISCAL YEAR 2023-2024**

**ORDERED**, pursuant to 30-A M.R.S. Section 5224, after public hearing, the City Council of the City of Portland hereby adopts the Development Program submitted by the City Manager, a copy of which is attached hereto, for the Downtown Improvement District, Inc. doing business as Portland Downtown for fiscal year 2023-2024.

# FY24 Budget and Development Plan



Portland Downtown stimulates a thriving, vibrant & sustainable downtown community

# FY23 Highlights

- Monument Square Tree Cam
- Mission 3/65
- 2/07 Day
- Continued successful cadet program
- Graffiti fighting partnership with Audet Enterprises
- Partnered with Milestone HOME Team & Amistad
- Public Restroom Advocacy, Placement, Evaluation & continued efforts
- Alleyway Activation –Mechanics' Hall + lights
- World Cup Watch Party
- Two murals completed (Free Street & Cumberland Ave)
- Crosswalk Activation
- Park(ing) Day
- Congress Street Cash Mob
- Mural at Free Street
- Mural on Cumberland Ave.



# Fiscal Year 2024

- FY23 overall budget flat, accommodating for SSA increase
- Supplemental Services at \$474,349
- Continued funding for Portland Downtown & Amistad Peer Outreach Worker (POW) program & Milestone efforts
- Continuing cadet funding
- Continuing our new mural program

207 • DAY

Presented By Portland Downtown & Portland Buy Local

# Notes on FY24 Budget

- Enhanced Space Activation Work
- Continued events calendar
- Visitor Information Booth
- Continued social service partnership
- Continued graffiti efforts

# FY24 Development Plan

- Strengthen outreach & relationship building
- Grow advocacy efforts
- Continue to expand mural program
- Implement new strategic plan & continue to tweak committee structure
- Further engage downtown residential community
- Monument Square efforts continue
- Public Restroom efforts continue
- Age-Friendly Business efforts continue
- Grow Placemaking efforts



# 2020-2025 Strategic Plan Guiding Principles

- Portland Downtown is a community builder
- Portland Downtown is a key advocate for the downtown community
- Portland Downtown is a strong partner & collaborator
- Portland Downtown strives to be increasingly environmentally sustainable
- Portland Downtown believes in organizational sustainability

**PORTLAND'S DOWNTOWN DISTRICT**  
**Budget FY\_2023\_2024**  
 July 2023 - June 2024

|                                  | <u>Total</u>        |
|----------------------------------|---------------------|
| Income                           |                     |
| ASSESSMENT REVENUE               | 1,249,349.00        |
| CONTRIBUTIONS INCOME             | 750.00              |
| DIRECTORY PARTNERSHIP CONTRIBUT  | 4,000.00            |
| EVENT INCOME                     | 41,500.00           |
| GRANT INCOME                     | 1,500.00            |
| MURAL INCOME                     | 3,000.00            |
| P&W INCOME                       | 2,400.00            |
| Total Income                     | <u>1,302,499.00</u> |
| Gross Profit                     | <u>1,302,499.00</u> |
| Expenses                         |                     |
| CLEAN INITIATIVES                | -                   |
| ALLEYWAY ACTIVATION EXPENSE      | 3,000.00            |
| CLEAN & SAFE EXPERIENCE          | 4,800.00            |
| ESTIMATED NONCOLLECTION          | 12,632.93           |
| FIXED FEE FOR DID ADMIN          | 10,550.00           |
| PUBLIC ART                       | 26,250.00           |
| PUBLIC RESTROOM MAINTENANCE, ETC | 10,000.00           |
| REPAIRS & IMPROVEMENTS           | 4,980.00            |
| SUPPLEMENTAL SERVICES CONTRACT   | 474,349.00          |
| Total CLEAN INITIATIVES          | <u>546,561.93</u>   |
| DAYS / EVENTS                    | -                   |
| 207 DAY                          | 3,000.00            |
| DOWNTOWN WORKER APPR DAY (DWAD)  | 11,000.00           |
| POLICE AWARDS BREAKFAST          | 4,500.00            |
| Total DAYS / EVENTS              | <u>18,500.00</u>    |
| EMPLOYEE COSTS                   | 360,669.17          |
| INSURANCE                        | 5,874.00            |
| LIGHT UP YOUR HOLIDAY EXPENSES   | 44,700.00           |
| MARKETING                        | 27,000.00           |
| OPERATIONS COSTS                 | 53,287.60           |
| ORGANIZATIONAL ACTIVITIES        | 12,700.00           |
| PROFESSIONAL FEES                | 9,200.00            |
| PROGRAMS AND PARTNERSHIPS        | -                   |
| AUDET                            | 30,000.00           |
| MILESTONE HOMETEAM               | 9,000.00            |
| PEER OUTREACH WORKER PROGRAM     | 7,500.00            |
| POLICE CADET PROGRAM EXPENSE     | 40,000.00           |
| VISITOR INFO BOOTH               | 7,500.00            |
| WINTER LIGHTS                    | 70,000.00           |
| Total PROGRAMS AND PARTNERSHIPS  | <u>164,000.00</u>   |
| RENT AND UTILITIES               | 33,506.30           |
| SPACE ACTIVATION                 | -                   |
| DANA STREET                      | 6,000.00            |
| EXCHANGE STREET                  | 6,000.00            |
| MILK STREET                      | 4,500.00            |
| MONUMENT SQUARE                  | 10,000.00           |
| Total SPACE ACTIVATION           | <u>26,500.00</u>    |
| Total Expenses                   | <u>1,302,499.00</u> |
| Net Income                       | <u>(0.00)</u>       |

Portland Downtown District FY2024 Listing of Property Assessments

| PARCEL ID   | LAND USE                | NUMBER | STREET         | OWNER                        | NET ASSESSMENT | FEE @ .00067 |
|-------------|-------------------------|--------|----------------|------------------------------|----------------|--------------|
| 021 A001001 | 25:PARKING LOTS         | 119    | PEARL ST       | PEARL CUMBERLAND LLC         | 8,490,000      | 5,688.30     |
| 021 A012001 | 56:GOVERNMENTAL         | 214    | CUMBERLAND AVE | CITY OF PORTLAND             | -00            | -            |
| 027 A001001 | 22:OFFICE BUSINESS      | 320    | CUMBERLAND AVE | EAST END CORP                | 10,305,700     | 6,904.82     |
| 027 A012001 | 56:GOVERNMENTAL         | 5      | MONUMENT SQ    | CITY OF PORTLAND             | -00            | -            |
| 027 A015001 | 22:OFFICE BUSINESS      | 465    | CONGRESS ST    | CTR CONGRESS LLC             | 9,118,100      | 6,109.13     |
| 027 B001001 | 56:GOVERNMENTAL         | 284    | CUMBERLAND AVE | CITY OF PORTLAND             | -00            | -            |
| 027 B002001 | 22:OFFICE BUSINESS      | 443    | CONGRESS ST    | JJR 443 CONGRESS LLC         | 5,851,500      | 3,920.51     |
| 027 B003001 | 56:GOVERNMENTAL         | 9      | ELM ST         | CITY OF PORTLAND             | -00            | -            |
| 027 B004001 | 27:MULTI-USE COMMERCIAL | 439    | CONGRESS ST    | METROPOLITAN APARTMENTS LLC  | 8,902,600      | 5,964.74     |
| 027 B005001 | 53:RELIGIOUS            | 425    | CONGRESS ST    | FIRST PARISH IN PORTLAND     | -00            | -            |
| 027 B007001 | 22:OFFICE BUSINESS      | 415    | CONGRESS ST    | ASHBY TEAM LLC               | 3,596,900      | 2,409.92     |
| 027 B008001 | 56:GOVERNMENTAL         | 21     | ELM ST         | CITY OF PORTLAND             | -00            | -            |
| 027 B009001 | 57:OTHERS EXEMPT BY LAW | 8      | CHESTNUT ST    | MASONIC TRUSTEES OF PORTLAND | -00            | -            |
| 027 C002001 | 27:MULTI-USE COMMERCIAL | 17     | CHESTNUT ST    | TRIPOD HOLDINGS LLC          | 796,300        | 533.52       |
| 027 C010001 | 20:COMMERCIAL CONDOS    | 21     | CHESTNUT ST    | HAIR ETC LLC                 | 192,200        | 128.77       |
| 027 C010002 | 20:COMMERCIAL CONDOS    | 21     | CHESTNUT ST    | CHESTNUT STREET LOFTS LLC    | 233,600        | 156.51       |
| 027 C01002E | 10:CONDOMINIUMS         | 21     | CHESTNUT ST    | JORDAN CARA A                | 342,100        | 229.21       |
| 027 C01002N | 10:CONDOMINIUMS         | 21     | CHESTNUT ST    | SMITH DOUGLAS A &            | 318,100        | 213.13       |
| 027 C01002S | 10:CONDOMINIUMS         | 21     | CHESTNUT ST    | MORREL VICTOR &              | 342,100        | 229.21       |
| 027 C01002W | 10:CONDOMINIUMS         | 21     | CHESTNUT ST    | ANDERSON EVAN                | 403,700        | 270.48       |
| 027 C01003E | 10:CONDOMINIUMS         | 21     | CHESTNUT ST    | CASTANEA PRIME LLC           | 367,100        | 245.96       |
| 027 C01003N | 10:CONDOMINIUMS         | 21     | CHESTNUT ST    | TILTON GARRETT K &           | 378,700        | 253.73       |
| 027 C01003S | 10:CONDOMINIUMS         | 21     | CHESTNUT ST    | SAWYER JESSE                 | 324,500        | 217.42       |
| 027 C01003W | 10:CONDOMINIUMS         | 21     | CHESTNUT ST    | VANHOEWYK JOHN VN VET &      | 372,700        | 249.71       |

Portland Downtown District FY2024 Listing of Property Assessments

| PARCEL ID   | LAND USE        | NUMBER | STREET      | OWNER                        | NET ASSESSMENT | FEE @ .00067 |
|-------------|-----------------|--------|-------------|------------------------------|----------------|--------------|
| 027 C01004E | 10:CONDOMINIUMS | 21     | CHESTNUT ST | BAILEY DONALD B &            | 367,100        | 245.96       |
| 027 C01004N | 10:CONDOMINIUMS | 21     | CHESTNUT ST | SEARS STEPHEN D &            | 403,700        | 270.48       |
| 027 C01004S | 10:CONDOMINIUMS | 21     | CHESTNUT ST | KAUFMANN CHARLES L           | 367,100        | 245.96       |
| 027 C01004W | 10:CONDOMINIUMS | 21     | CHESTNUT ST | NYGAARD DANTON D &           | 378,700        | 253.73       |
| 027 C01005E | 10:CONDOMINIUMS | 21     | CHESTNUT ST | FRISONE GIOVANNI &           | 367,100        | 245.96       |
| 027 C01005N | 10:CONDOMINIUMS | 21     | CHESTNUT ST | YINDRA SARA R                | 419,000        | 280.73       |
| 027 C01005S | 10:CONDOMINIUMS | 21     | CHESTNUT ST | NAQUI MUNIRA Z               | 367,100        | 245.96       |
| 027 C01005W | 10:CONDOMINIUMS | 21     | CHESTNUT ST | CURTIN TERESA ANN            | 444,000        | 297.48       |
| 027 C01006E | 10:CONDOMINIUMS | 21     | CHESTNUT ST | HAMM LARRY F &               | 367,100        | 245.96       |
| 027 C01006N | 10:CONDOMINIUMS | 21     | CHESTNUT ST | SCOTT AURELIA C WID WWII VET | 413,000        | 276.71       |
| 027 C01006S | 10:CONDOMINIUMS | 21     | CHESTNUT ST | SCHWELLENBACH JAMES C &      | 342,100        | 229.21       |
| 027 C01006W | 10:CONDOMINIUMS | 21     | CHESTNUT ST | BARRY PRUDENCE B             | 419,000        | 280.73       |
| 027 C01007E | 10:CONDOMINIUMS | 21     | CHESTNUT ST | HARDING ALICIA &             | 395,500        | 264.99       |
| 027 C01007N | 10:CONDOMINIUMS | 21     | CHESTNUT ST | POLLASTRI MICHAEL P &        | 389,600        | 261.03       |
| 027 C01007S | 10:CONDOMINIUMS | 21     | CHESTNUT ST | KELLY MARILYN E TRUSTEE      | 480,400        | 321.87       |
| 027 C01007W | 10:CONDOMINIUMS | 21     | CHESTNUT ST | GUIGLI MICHAEL               | 448,400        | 300.43       |
| 027 C01008N | 10:CONDOMINIUMS | 21     | CHESTNUT ST | COTSIRILOS STEPHANIE G       | 550,400        | 368.77       |
| 027 C01008S | 10:CONDOMINIUMS | 21     | CHESTNUT ST | WILLIAMS JAN &               | 480,000        | 321.60       |
| 027 C01008W | 10:CONDOMINIUMS | 21     | CHESTNUT ST | BUSQUE PETER J               | 462,300        | 309.74       |
| 027 C0102NW | 10:CONDOMINIUMS | 21     | CHESTNUT ST | HOBBS JANNA K ETAL JTS       | 388,300        | 260.16       |
| 027 C0102SE | 10:CONDOMINIUMS | 21     | CHESTNUT ST | GAULKE JULIA P &             | 321,800        | 215.61       |
| 027 C0103NW | 10:CONDOMINIUMS | 21     | CHESTNUT ST | AVIGNON PIERRE &             | 388,300        | 260.16       |
| 027 C0103SE | 10:CONDOMINIUMS | 21     | CHESTNUT ST | CASTANEA PRIME LLC           | 357,500        | 239.53       |
| 027 C0104NW | 10:CONDOMINIUMS | 21     | CHESTNUT ST | FRAZER LORINDA JANE TRUSTEE  | 388,300        | 260.16       |

Portland Downtown District FY2024 Listing of Property Assessments

| PARCEL ID   | LAND USE                | NUMBER | STREET       | OWNER                       | NET ASSESSMENT | FEE @ .00067 |
|-------------|-------------------------|--------|--------------|-----------------------------|----------------|--------------|
| 027 C0104SE | 10:CONDOMINIUMS         | 21     | CHESTNUT ST  | DEGRAY EMILY &              | 321,800        | 215.61       |
| 027 C0105NW | 10:CONDOMINIUMS         | 21     | CHESTNUT ST  | FLACH ROSEMARY              | 423,900        | 284.01       |
| 027 C0105SE | 10:CONDOMINIUMS         | 21     | CHESTNUT ST  | MAHON CONOR &               | 375,400        | 251.52       |
| 027 C0106NW | 10:CONDOMINIUMS         | 21     | CHESTNUT ST  | 141 PLEASANT STREET LLC     | 427,100        | 286.16       |
| 027 C0106SE | 10:CONDOMINIUMS         | 21     | CHESTNUT ST  | EISENBERG AVNER             | 375,400        | 251.52       |
| 027 C011001 | 27:MULTI-USE COMMERCIAL | 15     | CHESTNUT ST  | BOODILLY LLC                | 3,005,200      | 2,013.48     |
| 027 C012001 | 56:GOVERNMENTAL         | 389    | CONGRESS ST  | CITY OF PORTLAND            | -00            | -            |
| 027 D001001 | 27:MULTI-USE COMMERCIAL | 385    | CONGRESS ST  | FATHOM CONGRESS LLC         | 3,774,590      | 2,528.98     |
| 027 D002001 | 27:MULTI-USE COMMERCIAL | 365    | CONGRESS ST  | 385 CONGRESS LLC            | 6,690,710      | 4,482.78     |
| 027 F001001 | 22:OFFICE BUSINESS      | 50     | MONUMENT SQ  | THE LANCASTER GROUP LLC     | 9,388,400      | 6,290.23     |
| 027 F002001 | 10:CONDOMINIUMS         | 28     | MONUMENT SQ  | DONNELLY JON PATRICK        | 1,250,300      | 837.70       |
| 027 F002002 | 10:CONDOMINIUMS         | 28     | MONUMENT SQ  | STODDARD ROBERT B &         | 1,010,500      | 677.04       |
| 027 F002003 | 20:COMMERCIAL CONDOS    | 28     | MONUMENT SQ  | 28 MSQ LLC                  | 614,100        | 411.45       |
| 027 F002004 | 20:COMMERCIAL CONDOS    | 28     | MONUMENT SQ  | 28 MSQ LLC                  | 614,100        | 411.45       |
| 027 F002005 | 20:COMMERCIAL CONDOS    | 28     | MONUMENT SQ  | 28 MSQ LLC                  | 181,200        | 121.40       |
| 027 F003001 | 21:RETAIL SERVICES      | 22     | MONUMENT SQ  | STORREY INDUSTRIES LLC      | 2,879,700      | 1,929.40     |
| 027 F004001 | 25:PARKING LOTS         | 6      | MONUMENT SQ  | PARCHEGGIO LLC              | 324,400        | 217.35       |
| 027 F005001 | 27:MULTI-USE COMMERCIAL | 18     | MONUMENT SQ  | 18 MONUMENT PLACE LLC       | 1,230,200      | 824.23       |
| 027 F006001 | 21:RETAIL SERVICES      | 16     | MONUMENT SQ  | 15 MONUMENT SQUARE LLC      | 1,228,200      | 822.89       |
| 027 F009001 | 21:RETAIL SERVICES      | 121    | CENTER ST    | TEDLUM ASSOCIATES LLC       | 3,934,300      | 2,635.98     |
| 027 F011001 | 21:RETAIL SERVICES      | 1      | MONUMENT WAY | CF OMW LLC                  | 7,087,600      | 4,748.69     |
| 027 F014001 | 19:AUXILIARY BUILDINGS  | 0      | MONUMENT SQ  | TWO MONUMENT WAY ASSOCIATES | 202,600        | 135.74       |
| 027 F023001 | 27:MULTI-USE COMMERCIAL | 30     | CITY CTR     | RODWAY PETER E &            | 558,800        | 374.40       |
| 027 F024001 | 21:RETAIL SERVICES      | 28     | CITY CTR     | BROWN J B & SONS            | 558,000        | 373.86       |



Portland Downtown District FY2024 Listing of Property Assessments

| PARCEL ID   | LAND USE             | NUMBER | STREET      | OWNER                          | NET ASSESSMENT | FEE @ .00067 |
|-------------|----------------------|--------|-------------|--------------------------------|----------------|--------------|
| 027 F026001 | 21:RETAIL SERVICES   | 26     | CITY CTR    | BROWN J B & SONS               | 1,093,900      | 732.91       |
| 027 F027001 | 22:OFFICE BUSINESS   | 24     | CITY CTR    | BROWN J B & SONS               | 1,510,000      | 1,011.70     |
| 027 F028001 | 25:PARKING LOTS      | 41     | FREE ST     | TEDLUM ASSOCIATES LLC          | 233,700        | 156.58       |
| 027 F029001 | 25:PARKING LOTS      | 23     | FREE ST     | ONE CITY CENTER ASSOCIATES LLC | 15,200,000     | 10,184.00    |
| 027 G001001 | 58:LAND BANKS        | 456    | CONGRESS ST | CITY OF PORTLAND               | -00            | -            |
| 028 A001001 | 56:GOVERNMENTAL      | 380    | CONGRESS ST | CITY OF PORTLAND               | -00            | -            |
| 028 B001001 | 58:LAND BANKS        | 350    | CONGRESS ST | CITY OF PORTLAND               | -00            | -            |
| 028 E001001 | 56:GOVERNMENTAL      | 168    | FEDERAL ST  | UNITED STATES                  | -00            | -            |
| 028 F001001 | 56:GOVERNMENTAL      | 142    | FEDERAL ST  | CUMBERLAND COUNTY OF           | -00            | -            |
| 028 K001001 | 21:RETAIL SERVICES   | 77     | MARKET ST   | 85 MARKET STREET LLC           | 2,831,100      | 1,896.84     |
| 028 K002001 | 22:OFFICE BUSINESS   | 66     | PEARL ST    | LEADER PROPERTIES LLC          | 7,334,300      | 4,913.98     |
| 028 K003001 | 22:OFFICE BUSINESS   | 75     | MARKET ST   | WHOLLY COW LLC                 | 6,918,400      | 4,635.33     |
| 028 L002001 | 56:GOVERNMENTAL      | 0      | NEWBURY ST  | CUMBERLAND COUNTY INHABITANTS  | -00            | -            |
| 028 L005001 | 20:COMMERCIAL CONDOS | 75     | PEARL ST    | WBFM LLC                       | 2,284,000      | 1,530.28     |
| 028 L00502A | 20:COMMERCIAL CONDOS | 75     | PEARL ST    | WOODMAN BUILDING               | 1,045,400      | 700.42       |
| 028 L00502B | 20:COMMERCIAL CONDOS | 75     | PEARL ST    | WOODMAN BUILDING               | 821,600        | 550.47       |
| 028 L00503A | 20:COMMERCIAL CONDOS | 75     | PEARL ST    | WOODMAN BUILDING               | 644,100        | 431.55       |
| 028 L00503B | 20:COMMERCIAL CONDOS | 75     | PEARL ST    | WOODMAN BUILDING               | 845,200        | 566.28       |
| 028 L00504A | 20:COMMERCIAL CONDOS | 75     | PEARL ST    | WOODMAN BUILDING               | 644,100        | 431.55       |
| 028 L00504B | 20:COMMERCIAL CONDOS | 75     | PEARL ST    | WOODMAN BUILDING               | 1,045,400      | 700.42       |
| 028 L007001 | 24:WHOLESALE         | 131    | MIDDLE ST   | RACKLEFF BLOCK LLC             | 3,306,100      | 2,215.09     |
| 028 M001001 | 56:GOVERNMENTAL      | 192    | NEWBURY ST  | CUMBERLAND COUNTY OF           | -00            | -            |
| 028 M005001 | 21:RETAIL SERVICES   | 121    | MIDDLE ST   | 123 LLC                        | 5,108,500      | 3,422.70     |
| 028 N001001 | 56:GOVERNMENTAL      | 109    | MIDDLE ST   | CITY OF PORTLAND               | -00            | -            |

Portland Downtown District FY2024 Listing of Property Assessments

| PARCEL ID   | LAND USE                | NUMBER | STREET    | OWNER                    | NET ASSESSMENT | FEE @ .00067 |
|-------------|-------------------------|--------|-----------|--------------------------|----------------|--------------|
| 028 N009001 | 27:MULTI-USE COMMERCIAL | 115    | MIDDLE ST | BROTHERS THREE LLC       | 1,273,800      | 853.45       |
| 028 N010001 | 21:RETAIL SERVICES      | 111    | MIDDLE ST | VENTURE III HOLDINGS LLC | 373,600        | 250.31       |
| 029 A00101A | 20:COMMERCIAL CONDOS    | 150    | MIDDLE ST | PROSPERITA LLC           | 901,200        | 603.80       |
| 029 A00101B | 20:COMMERCIAL CONDOS    | 150    | MIDDLE ST | PEG REALTY LLC           | 820,300        | 549.60       |
| 029 A00101C | 20:COMMERCIAL CONDOS    | 150    | MIDDLE ST | IN FIRM GROUP THE        | 628,700        | 421.23       |
| 029 A00101D | 20:COMMERCIAL CONDOS    | 150    | MIDDLE ST | IN FIRM GROUP THE        | 628,700        | 421.23       |
| 029 A00102A | 10:CONDOMINIUMS         | 150    | MIDDLE ST | FRANK PATRICK J JR       | 378,700        | 253.73       |
| 029 A00102B | 10:CONDOMINIUMS         | 150    | MIDDLE ST | SAVATTERI SALVATORE JR & | 345,000        | 231.15       |
| 029 A00102C | 10:CONDOMINIUMS         | 150    | MIDDLE ST | MEIL JOAN F &            | 362,400        | 242.81       |
| 029 A00102D | 10:CONDOMINIUMS         | 150    | MIDDLE ST | ORNETA ANTHONY &         | 350,400        | 234.77       |
| 029 A00102E | 10:CONDOMINIUMS         | 150    | MIDDLE ST | ERNEST PAUL W &          | 380,100        | 254.67       |
| 029 A00102F | 10:CONDOMINIUMS         | 150    | MIDDLE ST | MORRISSETTE CAROL ANN    | 379,000        | 253.93       |
| 029 A00102G | 10:CONDOMINIUMS         | 150    | MIDDLE ST | KIRK CHARLES M           | 303,700        | 203.48       |
| 029 A00102H | 10:CONDOMINIUMS         | 150    | MIDDLE ST | JOHNS F ARTHUR T         | 398,400        | 266.93       |
| 029 A00102I | 10:CONDOMINIUMS         | 150    | MIDDLE ST | STERLING JANN D &        | 342,300        | 229.34       |
| 029 A00102J | 10:CONDOMINIUMS         | 150    | MIDDLE ST | MILLS S PETER            | 315,600        | 211.45       |
| 029 A00102K | 10:CONDOMINIUMS         | 150    | MIDDLE ST | MILLS S PETER            | 366,600        | 245.62       |
| 029 A00103A | 10:CONDOMINIUMS         | 150    | MIDDLE ST | NELSON JEANNE            | 423,900        | 284.01       |
| 029 A00103B | 10:CONDOMINIUMS         | 150    | MIDDLE ST | ZHAO MIN &               | 362,200        | 242.67       |
| 029 A00103C | 10:CONDOMINIUMS         | 150    | MIDDLE ST | AHP CAMDEN LLC           | 380,500        | 254.94       |
| 029 A00103D | 10:CONDOMINIUMS         | 150    | MIDDLE ST | AHP CAMDEN LLC           | 367,900        | 246.49       |
| 029 A00103E | 10:CONDOMINIUMS         | 150    | MIDDLE ST | ROBERTS MATTHEW          | 399,100        | 267.40       |
| 029 A00103F | 10:CONDOMINIUMS         | 150    | MIDDLE ST | M & B 101 INC            | 397,900        | 266.59       |
| 029 A00103G | 10:CONDOMINIUMS         | 150    | MIDDLE ST | M & B 101 INC            | 345,200        | 231.28       |

Portland Downtown District FY2024 Listing of Property Assessments

| PARCEL ID   | LAND USE             | NUMBER | STREET    | OWNER                    | NET ASSESSMENT | FEE @ .00067 |
|-------------|----------------------|--------|-----------|--------------------------|----------------|--------------|
| 029 A00103H | 10:CONDOMINIUMS      | 150    | MIDDLE ST | HENDERSON HAROLD L &     | 348,600        | 233.56       |
| 029 A00103I | 10:CONDOMINIUMS      | 150    | MIDDLE ST | HARDING WILLIAM TRUSTEE  | 334,400        | 224.05       |
| 029 A00103J | 10:CONDOMINIUMS      | 150    | MIDDLE ST | SCHAFER KAREN            | 331,400        | 222.04       |
| 029 A00103K | 10:CONDOMINIUMS      | 150    | MIDDLE ST | CONSIGLI SUSAN &         | 384,900        | 257.88       |
| 029 A00104A | 10:CONDOMINIUMS      | 150    | MIDDLE ST | BIXBY DOUGLAS B &        | 398,900        | 267.26       |
| 029 A00104B | 10:CONDOMINIUMS      | 150    | MIDDLE ST | TURNER SCOTT H &         | 362,200        | 242.67       |
| 029 A00104C | 10:CONDOMINIUMS      | 150    | MIDDLE ST | CAMP PETER S             | 380,500        | 254.94       |
| 029 A00104D | 10:CONDOMINIUMS      | 150    | MIDDLE ST | GUTWIN JOHN D &          | 342,900        | 229.74       |
| 029 A00104E | 10:CONDOMINIUMS      | 150    | MIDDLE ST | GIUSTRA PETER E TRUSTEE  | 399,100        | 267.40       |
| 029 A00104F | 10:CONDOMINIUMS      | 150    | MIDDLE ST | WINSLOW DARREN R &       | 411,500        | 275.71       |
| 029 A00104G | 10:CONDOMINIUMS      | 150    | MIDDLE ST | GIARRAPUTO CYNTHIA R &   | 345,200        | 231.28       |
| 029 A00104H | 10:CONDOMINIUMS      | 150    | MIDDLE ST | 150 MIDDLE LLC           | 373,600        | 250.31       |
| 029 A00104I | 10:CONDOMINIUMS      | 150    | MIDDLE ST | GARCIA MELISSA DORA &    | 359,400        | 240.80       |
| 029 A00104J | 10:CONDOMINIUMS      | 150    | MIDDLE ST | GREENZWEIG NEIL TRUSTEE  | 331,400        | 222.04       |
| 029 A00104K | 10:CONDOMINIUMS      | 150    | MIDDLE ST | ZANARDI MARIAGRAZIA      | 384,900        | 257.88       |
| 029 A00105A | 20:COMMERCIAL CONDOS | 150    | MIDDLE ST | MIRS PROPERTIES LLC      | 1,408,900      | 943.96       |
| 029 A00105B | 10:CONDOMINIUMS      | 150    | MIDDLE ST | DUNKERLY ALLAN S TRUSTEE | 1,013,300      | 678.91       |
| 029 A0010BA | 20:COMMERCIAL CONDOS | 150    | MIDDLE ST | 100 SILVER STREET LLC    | 470,900        | 315.50       |
| 029 A0010BB | 20:COMMERCIAL CONDOS | 150    | MIDDLE ST | 100 SILVER STREET LLC    | 470,900        | 315.50       |
| 029 A001P01 | 10:CONDOMINIUMS      | 150    | MIDDLE ST | DUNKERLY MARY V          | 28,500         | 19.10        |
| 029 A001P02 | 10:CONDOMINIUMS      | 150    | MIDDLE ST | GIUSTRA PETER E TRUSTEE  | 28,500         | 19.10        |
| 029 A001P03 | 10:CONDOMINIUMS      | 150    | MIDDLE ST | ROBERTS MATTHEW          | 28,500         | 19.10        |
| 029 A001P04 | 10:CONDOMINIUMS      | 150    | MIDDLE ST | MIRS PROPERTIES LLC      | 28,500         | 19.10        |
| 029 A001P05 | 10:CONDOMINIUMS      | 150    | MIDDLE ST | MIRS PROPERTIES LLC      | 28,500         | 19.10        |

Portland Downtown District FY2024 Listing of Property Assessments

| PARCEL ID   | LAND USE        | NUMBER | STREET    | OWNER                   | NET ASSESSMENT | FEE @ .00067 |
|-------------|-----------------|--------|-----------|-------------------------|----------------|--------------|
| 029 A001P06 | 10:CONDOMINIUMS | 150    | MIDDLE ST | IN FIRM GROUP THE       | 28,500         | 19.10        |
| 029 A001P07 | 10:CONDOMINIUMS | 150    | MIDDLE ST | IN FIRM GROUP THE       | 28,500         | 19.10        |
| 029 A001P08 | 10:CONDOMINIUMS | 150    | MIDDLE ST | GIARRAPUTO CYNTHIA R &  | 28,500         | 19.10        |
| 029 A001P09 | 10:CONDOMINIUMS | 150    | MIDDLE ST | MCGOLDRICK RICHARD J    | 28,500         | 19.10        |
| 029 A001P10 | 10:CONDOMINIUMS | 150    | MIDDLE ST | FRANK PATRICK J JR      | 28,500         | 19.10        |
| 029 A001P11 | 10:CONDOMINIUMS | 150    | MIDDLE ST | FRANK PATRICK J JR      | 28,500         | 19.10        |
| 029 A001P12 | 10:CONDOMINIUMS | 150    | MIDDLE ST | INFIRM GROUP            | 28,500         | 19.10        |
| 029 A001P13 | 10:CONDOMINIUMS | 150    | MIDDLE ST | MILLS S PETER           | 28,500         | 19.10        |
| 029 A001P14 | 10:CONDOMINIUMS | 150    | MIDDLE ST | ERNEST PAUL W &         | 28,500         | 19.10        |
| 029 A001P15 | 10:CONDOMINIUMS | 150    | MIDDLE ST | BIXBY DOUGLAS B &       | 28,500         | 19.10        |
| 029 A001P16 | 10:CONDOMINIUMS | 150    | MIDDLE ST | MACBRIDE JENNIFER L     | 28,500         | 19.10        |
| 029 A001P17 | 10:CONDOMINIUMS | 150    | MIDDLE ST | CAMP PETER S            | 28,500         | 19.10        |
| 029 A001P18 | 10:CONDOMINIUMS | 150    | MIDDLE ST | PROSPERITA LLC          | 28,500         | 19.10        |
| 029 A001P19 | 10:CONDOMINIUMS | 150    | MIDDLE ST | PROSPERITA LLC          | 28,500         | 19.10        |
| 029 A001P20 | 10:CONDOMINIUMS | 150    | MIDDLE ST | AHP CAMDEN LLC          | 28,500         | 19.10        |
| 029 A001P21 | 10:CONDOMINIUMS | 150    | MIDDLE ST | DUNKERLY ALLAN S &      | 28,500         | 19.10        |
| 029 A001P22 | 10:CONDOMINIUMS | 150    | MIDDLE ST | MIRS PROPERTIES LLC     | 28,500         | 19.10        |
| 029 A001P23 | 10:CONDOMINIUMS | 150    | MIDDLE ST | MIRS PROPERTIES LLC     | 28,500         | 19.10        |
| 029 A001P24 | 10:CONDOMINIUMS | 150    | MIDDLE ST | MIRS PROPERTIES LLC     | 28,500         | 19.10        |
| 029 A001P25 | 10:CONDOMINIUMS | 150    | MIDDLE ST | MIRS PROPERTIES LLC     | 28,500         | 19.10        |
| 029 A001P26 | 10:CONDOMINIUMS | 150    | MIDDLE ST | MIRS PROPERTIES LLC     | 28,500         | 19.10        |
| 029 A001P27 | 10:CONDOMINIUMS | 150    | MIDDLE ST | HARDING WILLIAM TRUSTEE | 28,500         | 19.10        |
| 029 A001P28 | 10:CONDOMINIUMS | 150    | MIDDLE ST | SHIPYARD INC            | 28,500         | 19.10        |
| 029 A001P29 | 10:CONDOMINIUMS | 150    | MIDDLE ST | SHIPYARD INC            | 28,500         | 19.10        |

Portland Downtown District FY2024 Listing of Property Assessments

| PARCEL ID   | LAND USE             | NUMBER | STREET    | OWNER                         | NET ASSESSMENT | FEE @ .00067 |
|-------------|----------------------|--------|-----------|-------------------------------|----------------|--------------|
| 029 A003001 | 22:OFFICE BUSINESS   | 5      | MILK ST   | OLYMPIA MILK STREET LLC       | 4,228,800      | 2,833.30     |
| 029 B001001 | 21:RETAIL SERVICES   | 37     | SILVER ST | WITT-T LLC                    | 923,800        | 618.95       |
| 029 B002001 | 22:OFFICE BUSINESS   | 4      | MILK ST   | 4 MILK MHR LLC                | 2,896,600      | 1,940.72     |
| 029 B003001 | 25:PARKING LOTS      | 25     | SILVER ST | PORTLAND REGENCY INC          | 901,300        | 603.87       |
| 029 B004001 | 10:CONDOMINIUMS      | 341    | FORE ST   | JACKSON MICHAEL               | 351,400        | 235.44       |
| 029 B004002 | 10:CONDOMINIUMS      | 341    | FORE ST   | O'CONNOR DENNIS R III &       | 320,700        | 214.87       |
| 029 B004003 | 10:CONDOMINIUMS      | 341    | FORE ST   | FORE STREET COMMONS LLC       | 365,000        | 244.55       |
| 029 B004004 | 10:CONDOMINIUMS      | 341    | FORE ST   | CHILDS DONNA W                | 365,800        | 245.09       |
| 029 B004005 | 10:CONDOMINIUMS      | 341    | FORE ST   | PENDERS JOHN F IV             | 323,600        | 216.81       |
| 029 B004006 | 10:CONDOMINIUMS      | 341    | FORE ST   | STEPHENSON CHRISTOPHER J      | 363,500        | 243.55       |
| 029 B004007 | 10:CONDOMINIUMS      | 341    | FORE ST   | ALAGIC SUAD                   | 326,400        | 218.69       |
| 029 B004008 | 10:CONDOMINIUMS      | 341    | FORE ST   | DALTON JENNIFER L             | 326,100        | 218.49       |
| 029 B004009 | 10:CONDOMINIUMS      | 341    | FORE ST   | GOODRICH STEPHEN P            | 668,600        | 447.96       |
| 029 B004010 | 20:COMMERCIAL CONDOS | 341    | FORE ST   | BRICK & COBBLESTONE LLC       | 452,100        | 302.91       |
| 029 B004011 | 20:COMMERCIAL CONDOS | 341    | FORE ST   | MAMI PROPERTIES LLC           | 339,100        | 227.20       |
| 029 C001001 | 10:CONDOMINIUMS      | 340    | FORE ST   | ADB REALTY LLC                | 229,000        | 153.43       |
| 029 C001002 | 10:CONDOMINIUMS      | 340    | FORE ST   | HAYEK LEE-ANN COLLINS TRUSTEE | 209,900        | 140.63       |
| 029 C001003 | 10:CONDOMINIUMS      | 340    | FORE ST   | 207 INVESTS LLC               | 336,700        | 225.59       |
| 029 C001004 | 20:COMMERCIAL CONDOS | 340    | FORE ST   | ABD REALTY LLC                | 261,000        | 174.87       |
| 029 C001005 | 20:COMMERCIAL CONDOS | 340    | FORE ST   | ADB REALTY LLC                | 152,700        | 102.31       |
| 029 C002001 | 21:RETAIL SERVICES   | 336    | FORE ST   | DOCK FORE INC                 | 498,500        | 334.00       |
| 029 C003001 | 21:RETAIL SERVICES   | 334    | FORE ST   | PORT CITY APARTMENTS          | 674,300        | 451.78       |
| 029 C005001 | 21:RETAIL SERVICES   | 330    | FORE ST   | J & R VENTURES LLC            | 936,000        | 627.12       |
| 029 C006001 | 20:COMMERCIAL CONDOS | 3      | GOLD ST   | GOLD STREET PROPERTIES LLC    | 362,600        | 242.94       |

Portland Downtown District FY2024 Listing of Property Assessments

| PARCEL ID   | LAND USE                 | NUMBER | STREET          | OWNER                          | NET ASSESSMENT | FEE @ .00067 |
|-------------|--------------------------|--------|-----------------|--------------------------------|----------------|--------------|
| 029 C006002 | 20:COMMERCIAL CONDOS     | 1      | GOLD ST         | ADNERB PROPERTIES LLC          | 287,000        | 192.29       |
| 029 C006003 | 20:COMMERCIAL CONDOS     | 320    | FORE ST         | FORE STREET INVESTMENTS LLC    | 353,200        | 236.64       |
| 029 C006004 | 20:COMMERCIAL CONDOS     | 320    | FORE ST         | FORE STREET INVESTMENTS LLC    | 365,400        | 244.82       |
| 029 C006005 | 20:COMMERCIAL CONDOS     | 320    | FORE ST         | FORE STREET INVESTMENTS LLC    | 243,600        | 163.21       |
| 029 C006006 | 20:COMMERCIAL CONDOS     | 320    | FORE ST         | FORE STREET INVESTMENTS LLC    | 275,400        | 184.52       |
| 029 C006007 | 20:COMMERCIAL CONDOS     | 320    | FORE ST         | FORE STREET INVESTMENTS LLC    | 652,800        | 437.38       |
| 029 D001001 | 21:RETAIL SERVICES       | 129    | COMMERCIAL ST   | RSB LIMITED LIABILITY COMPANY  | 1,399,600      | 937.73       |
| 029 D002001 | 22:OFFICE BUSINESS       | 121    | COMMERCIAL ST   | MAD COW LLC                    | 579,800        | 388.47       |
| 029 D003001 | 22:OFFICE BUSINESS       | 111    | COMMERCIAL ST   | BLANCHARD BLOCK LLC            | 2,854,900      | 1,912.78     |
| 029 E001001 | 22:OFFICE BUSINESS       | 130    | MIDDLE ST       | ELC LIMITED LIABILITY COMPANY  | 6,980,700      | 4,677.07     |
| 029 E006001 | 22:OFFICE BUSINESS       | 100    | MIDDLE ST       | ALBANY ROAD-PORTLAND LLC       | 23,139,700     | 15,503.60    |
| 029 E007001 | 21:RETAIL SERVICES       | 291    | FORE ST         | 291 FORE STREET LLC            | 1,863,200      | 1,248.34     |
| 029 E009001 | 27:MULTI-USE COMMERCIAL  | 25     | PEARL ST        | 25 PEARL MHR LLC               | 23,040,000     | 15,436.80    |
| 029 E012001 | 25:PARKING LOTS          | 277    | FORE ST         | 287 FORE STREET LLC            | 634,700        | 425.25       |
| 029 E016001 | 22:OFFICE BUSINESS       | 31     | PEARL ST        | 130 LIMITED LIABILITY COMPANY  | 7,440,900      | 4,985.40     |
| 029 E019001 | 56:GOVERNMENTAL          | 0      | FRANKLIN ST     | CITY OF PORTLAND               | -00            | -            |
| 029 E026001 | 22:OFFICE BUSINESS       | 100    | MIDDLE ST       | ALBANY ROAD-PORTLAND LLC       | 21,860,300     | 14,646.40    |
| 029 G001001 | 56:GOVERNMENTAL          | 99     | COMMERCIAL ST   | UNITED STATES                  | -00            | -            |
| 029 K001001 | 22:OFFICE BUSINESS       | 7      | CUSTOM HOUSE ST | OLYMPIA EQUITY                 | 8,203,000      | 5,496.01     |
| 029 K002001 | 21:RETAIL SERVICES       | 288    | FORE ST         | EAST BROWN COW LIMITED         | 1,753,200      | 1,174.64     |
| 029 K003001 | 23:HOTEL & MOTEL         | 65     | COMMERCIAL ST   | OLYMPIA EQUITY INVESTORS V LLC | 31,863,200     | 21,348.34    |
| 029 K005001 | 22:OFFICE BUSINESS       | 280    | FORE ST         | BANGOR SAVINGS BANK            | 16,039,500     | 10,746.47    |
| 029 K006001 | 40:VACANT LAND           | 300    | FORE ST         | OLYMPIA EQUITY                 | 995,500        | 666.99       |
| 029 K006002 | 55:LITERARY & SCIENTIFIC | 300    | FORE ST         | COUNCIL INTERNATIONAL STUDY    | -00            | -            |

Portland Downtown District FY2024 Listing of Property Assessments

| PARCEL ID   | LAND USE                 | NUMBER | STREET    | OWNER                       | NET ASSESSMENT | FEE @ .00067 |
|-------------|--------------------------|--------|-----------|-----------------------------|----------------|--------------|
| 029 K00601A | 55:LITERARY & SCIENTIFIC | 300    | FORE ST   | COUNCIL INTERNATIONAL STUDY | -00            | -            |
| 029 K00601B | 55:LITERARY & SCIENTIFIC | 300    | FORE ST   | CIEE INC                    | -00            | -            |
| 029 K0060B2 | 20:COMMERCIAL CONDOS     | 300    | FORE ST   | OLYMPIA EQUITY              | 98,000         | 65.66        |
| 029 K0060B3 | 20:COMMERCIAL CONDOS     | 300    | FORE ST   | OLYMPIA EQUITY              | 70,000         | 46.90        |
| 029 O001011 | 10:CONDOMINIUMS          | 99     | SILVER ST | SANDLER AUSTIN NICHOLAS     | 274,600        | 183.98       |
| 029 O001012 | 10:CONDOMINIUMS          | 99     | SILVER ST | TOZESKI DAVID P             | 271,300        | 181.77       |
| 029 O001013 | 10:CONDOMINIUMS          | 99     | SILVER ST | HOLSTEIN ERIC B             | 276,100        | 184.99       |
| 029 O001021 | 10:CONDOMINIUMS          | 99     | SILVER ST | THOMS DEBORAH L             | 265,500        | 177.89       |
| 029 O001023 | 10:CONDOMINIUMS          | 99     | SILVER ST | ANYA ROSE LLC               | 347,700        | 232.96       |
| 029 O001024 | 10:CONDOMINIUMS          | 99     | SILVER ST | MARTIN BRIAN DAVID &        | 262,800        | 176.08       |
| 029 O001025 | 10:CONDOMINIUMS          | 99     | SILVER ST | PERESLUHA ELAINE B          | 246,000        | 164.82       |
| 029 O001026 | 10:CONDOMINIUMS          | 99     | SILVER ST | GOMES ERIN ELIZABETH        | 252,900        | 169.44       |
| 029 O001028 | 10:CONDOMINIUMS          | 99     | SILVER ST | ORNE KATHERINE W            | 295,500        | 197.99       |
| 029 O001029 | 10:CONDOMINIUMS          | 99     | SILVER ST | COUSINS DAVID A             | 265,200        | 177.68       |
| 029 O001031 | 10:CONDOMINIUMS          | 99     | SILVER ST | AH CHU RAUL &               | 281,400        | 188.54       |
| 029 O001032 | 10:CONDOMINIUMS          | 99     | SILVER ST | LOPEZ STEVEN &              | 285,200        | 191.08       |
| 029 O001033 | 10:CONDOMINIUMS          | 99     | SILVER ST | FUEGAN STACY &              | 285,200        | 191.08       |
| 029 O001034 | 10:CONDOMINIUMS          | 99     | SILVER ST | BERG HENRY T TRUSTEE        | 260,200        | 174.33       |
| 029 O001035 | 10:CONDOMINIUMS          | 99     | SILVER ST | HIGGINS HELENA C &          | 313,700        | 210.18       |
| 029 O001036 | 10:CONDOMINIUMS          | 99     | SILVER ST | MCGUIRE ANNE                | 296,100        | 198.39       |
| 029 O001037 | 10:CONDOMINIUMS          | 99     | SILVER ST | LUTKOFF ISAAC E             | 227,500        | 152.43       |
| 029 O001038 | 10:CONDOMINIUMS          | 99     | SILVER ST | ZURKAN WILLIAM K            | 246,900        | 165.42       |
| 029 O001039 | 10:CONDOMINIUMS          | 99     | SILVER ST | SOREL-LEDUC SANDRA J &      | 258,200        | 172.99       |
| 029 O001041 | 10:CONDOMINIUMS          | 99     | SILVER ST | HUBER SARAH                 | 267,800        | 179.43       |

Portland Downtown District FY2024 Listing of Property Assessments

| PARCEL ID   | LAND USE             | NUMBER | STREET        | OWNER                    | NET ASSESSMENT | FEE @ .00067 |
|-------------|----------------------|--------|---------------|--------------------------|----------------|--------------|
| 029 0001042 | 10:CONDOMINIUMS      | 99     | SILVER ST     | STEBBINS NOAH P          | 292,800        | 196.18       |
| 029 0001043 | 10:CONDOMINIUMS      | 99     | SILVER ST     | HIGGINS CHRISTOPHER S    | 312,200        | 209.17       |
| 029 0001044 | 10:CONDOMINIUMS      | 99     | SILVER ST     | LITTLEJOHN CLIFTON T     | 262,900        | 176.14       |
| 029 0001045 | 10:CONDOMINIUMS      | 99     | SILVER ST     | DG CONDO 4 LLC           | 285,200        | 191.08       |
| 029 0001046 | 10:CONDOMINIUMS      | 99     | SILVER ST     | VAN PEURSEM CORINNE M    | 285,200        | 191.08       |
| 029 0001047 | 10:CONDOMINIUMS      | 99     | SILVER ST     | NIKAZMERAD ELIZABETH     | 211,300        | 141.57       |
| 029 0001048 | 10:CONDOMINIUMS      | 99     | SILVER ST     | LOBOZZO NICHOLAS PETER & | 237,600        | 159.19       |
| 029 0001049 | 10:CONDOMINIUMS      | 99     | SILVER ST     | CHISHOLM ADAM C          | 226,600        | 151.82       |
| 029 0001210 | 10:CONDOMINIUMS      | 99     | SILVER ST     | HEYMAN ANTHONY &         | 243,300        | 163.01       |
| 029 0001211 | 10:CONDOMINIUMS      | 99     | SILVER ST     | GINTER DAVID R &         | 235,000        | 157.45       |
| 029 0001212 | 10:CONDOMINIUMS      | 99     | SILVER ST     | SILVER VICTORIA J        | 223,500        | 149.75       |
| 029 0001213 | 10:CONDOMINIUMS      | 99     | SILVER ST     | PROSSER JAMES G          | 243,700        | 163.28       |
| 029 0001310 | 10:CONDOMINIUMS      | 99     | SILVER ST     | HEALY ROBERT E &         | 263,500        | 176.55       |
| 029 0001410 | 10:CONDOMINIUMS      | 99     | SILVER ST     | FILMER STEVEN S          | 290,700        | 194.77       |
| 029 0001501 | 10:CONDOMINIUMS      | 99     | SILVER ST     | KATZ JAMES &             | 471,000        | 315.57       |
| 029 0001502 | 20:COMMERCIAL CONDOS | 99     | SILVER ST     | PEAK 5 EQUITIES LLC      | 651,400        | 436.44       |
| 029 0001B01 | 10:CONDOMINIUMS      | 99     | SILVER ST     | CHANDLER BENJAMIN P      | 244,900        | 164.08       |
| 029 0001B02 | 10:CONDOMINIUMS      | 99     | SILVER ST     | JOHNSON BEN A            | 269,900        | 180.83       |
| 029 0002001 | 21:RETAIL SERVICES   | 164    | MIDDLE ST     | CF 164 LLC               | 1,926,000      | 1,290.42     |
| 029 0003001 | 25:PARKING LOTS      | 43     | MARKET ST     | PORTLAND REGENCY INC     | 550,100        | 368.57       |
| 029 0004001 | 25:PARKING LOTS      | 11     | MILK ST       | PORTLAND REGENCY INC     | 219,300        | 146.93       |
| 029 R001001 | 23:HOTEL & MOTEL     | 20     | MILK ST       | PORTLAND REGENCY INC     | 21,189,300     | 14,196.83    |
| 029 S001001 | 22:OFFICE BUSINESS   | 145    | COMMERCIAL ST | FLEMING CREEK LLC ETALS  | 10,705,900     | 7,172.95     |
| 029 S002001 | 56:GOVERNMENTAL      | 145    | COMMERCIAL ST | CITY OF PORTLAND         | -00            | -            |



Portland Downtown District FY2024 Listing of Property Assessments

| PARCEL ID   | LAND USE                | NUMBER | STREET             | OWNER                         | NET ASSESSMENT | FEE @ .00067 |
|-------------|-------------------------|--------|--------------------|-------------------------------|----------------|--------------|
| 030 A005001 | 21:RETAIL SERVICES      | 94     | COMMERCIAL ST      | BMC INC                       | 2,040,000      | 1,366.80     |
| 030 A101001 | 21:RETAIL SERVICES      | 90     | COMMERCIAL ST      | CUSTOM HOUSE HOLDINGS LLC &   | 472,600        | 316.64       |
| 030 C001001 | 27:MULTI-USE COMMERCIAL | 100    | COMMERCIAL ST      | SOLEY WHARF LLC               | 11,797,700     | 7,904.46     |
| 030 D001001 | 22:OFFICE BUSINESS      | 68     | COMMERCIAL ST      | MAINE WHARF LLC               | 6,961,500      | 4,664.21     |
| 030 D003001 | 22:OFFICE BUSINESS      | 70     | COMMERCIAL ST      | FLATBREAD WHARF LLC           | 2,545,100      | 1,705.22     |
| 030 D005001 | 21:RETAIL SERVICES      | 84     | COMMERCIAL ST      | 84 COMMERCIAL STREET LLC      | 776,800        | 520.46       |
| 030 H001001 | 27:MULTI-USE COMMERCIAL | 180    | COMMERCIAL ST      | DIMILLO ARLENE ETALS TRUSTEES | 2,875,900      | 1,926.85     |
| 030 H004001 | 24:WHOLESALE            | 136    | COMMERCIAL ST      | CARROLL BLOCK LLC             | 3,763,300      | 2,521.41     |
| 030 H011001 | 25:PARKING LOTS         | 9      | PORTLAND PIER      | CARROLL BLOCK LLC             | 32,800         | 21.98        |
| 030 X001001 | 56:GOVERNMENTAL         | 0      | COMMERCIAL ST REAR | CITY OF PORTLAND              | -00            | -            |
| 031 H001001 | 25:PARKING LOTS         | 158    | COMMERCIAL ST      | DIMILLO STEVEN ETAL TRUSTEES  | 979,800        | 656.47       |
| 031 H003001 | 25:PARKING LOTS         | 144    | COMMERCIAL ST      | DIMILLO STEVEN ETAL TRUSTEES  | 928,400        | 622.03       |
| 031 H004001 | 27:MULTI-USE COMMERCIAL | 164    | COMMERCIAL ST      | DIMILLO ARLENE ETALS TRUSTEES | 1,405,200      | 941.48       |
| 031 J030001 | 21:RETAIL SERVICES      | 184    | COMMERCIAL ST      | GEF LLC                       | 2,150,900      | 1,441.10     |
| 031 L034001 | 31:MANUFACTURING        | 250    | COMMERCIAL ST      | CM WATERFRONT PROPERTIES LLC  | 2,552,100      | 1,709.91     |
| 032 C001001 | 23:HOTEL & MOTEL        | 390    | CONGRESS ST        | HTLV PORTLAND LLC             | 30,535,600     | 20,458.85    |
| 032 D001001 | 22:OFFICE BUSINESS      | 107    | EXCHANGE ST        | TOP OF EXCHANGE LLC           | 1,412,200      | 946.17       |
| 032 D002001 | 22:OFFICE BUSINESS      | 97     | EXCHANGE ST        | TOP OF EXCHANGE LLC           | 2,941,200      | 1,970.60     |
| 032 D003001 | 22:OFFICE BUSINESS      | 93     | EXCHANGE ST        | TOP OF EXCHANGE LLC           | 2,920,300      | 1,956.60     |
| 032 D004001 | 22:OFFICE BUSINESS      | 85     | EXCHANGE ST        | TOP OF EXCHANGE LLC           | 3,734,400      | 2,502.05     |
| 032 D005001 | 58:LAND BANKS           | 167    | MIDDLE ST          | CITY OF PORTLAND              | -00            | -            |
| 032 E001001 | 22:OFFICE BUSINESS      | 57     | EXCHANGE ST        | FINIAL LLC                    | 3,815,900      | 2,556.65     |
| 032 E002001 | 21:RETAIL SERVICES      | 53     | EXCHANGE ST        | PALACCI JOSEPH A TRUSTEE      | 1,480,100      | 991.67       |
| 032 E004001 | 21:RETAIL SERVICES      | 49     | EXCHANGE ST        | PALACCI JOSEPH A TRUSTEE      | 763,700        | 511.68       |

Portland Downtown District FY2024 Listing of Property Assessments

| PARCEL ID   | LAND USE                | NUMBER | STREET      | OWNER                     | NET ASSESSMENT | FEE @ .00067 |
|-------------|-------------------------|--------|-------------|---------------------------|----------------|--------------|
| 032 E005001 | 22:OFFICE BUSINESS      | 45     | EXCHANGE ST | COW BELLA LLC             | 2,999,100      | 2,009.40     |
| 032 E008001 | 22:OFFICE BUSINESS      | 39     | EXCHANGE ST | PALACCI JOSEPH A TRUSTEE  | 1,623,000      | 1,087.41     |
| 032 E009001 | 21:RETAIL SERVICES      | 31     | EXCHANGE ST | B & C LIMITED             | 1,879,800      | 1,259.47     |
| 032 E010001 | 21:RETAIL SERVICES      | 46     | MARKET ST   | MARKET MILK PARTNERS LLC  | 1,920,400      | 1,286.67     |
| 032 F001001 | 21:RETAIL SERVICES      | 42     | MARKET ST   | OCEAN BLOCK ASSOCIATES    | 1,339,400      | 897.40       |
| 032 F002001 | 24:WHOLESALE            | 36     | MARKET ST   | 36 MARKET ST              | 894,100        | 599.05       |
| 032 F003001 | 21:RETAIL SERVICES      | 30     | MARKET ST   | 30 MARKET ASSOCIATES LLC  | 866,800        | 580.76       |
| 032 F005001 | 22:OFFICE BUSINESS      | 363    | FORE ST     | ELEVEN EXCHANGE LLC       | 1,284,400      | 860.55       |
| 032 F007001 | 21:RETAIL SERVICES      | 375    | FORE ST     | ELEVEN EXCHANGE LLC       | 737,500        | 494.13       |
| 032 F008001 | 21:RETAIL SERVICES      | 375    | FORE ST     | ELEVEN EXCHANGE LLC       | 762,900        | 511.14       |
| 032 F009001 | 22:OFFICE BUSINESS      | 30     | MILK ST     | OCEAN BLOCK ASSOCIATES    | 1,862,700      | 1,248.01     |
| 032 F010001 | 21:RETAIL SERVICES      | 9      | EXCHANGE ST | ELEVEN EXCHANGE LLC       | 2,727,200      | 1,827.22     |
| 032 F012001 | 21:RETAIL SERVICES      | 5      | EXCHANGE ST | ELEVEN EXCHANGE LLC       | 1,198,100      | 802.73       |
| 032 F013001 | 22:OFFICE BUSINESS      | 379    | FORE ST     | ELEVEN EXCHANGE LLC       | 1,026,700      | 687.89       |
| 032 F014001 | 21:RETAIL SERVICES      | 1      | EXCHANGE ST | ELEVEN EXCHANGE LLC       | 830,600        | 556.50       |
| 032 G001001 | 22:OFFICE BUSINESS      | 396    | CONGRESS ST | PO SQUARE BUILDING LLC    | 15,661,500     | 10,493.21    |
| 032 G002001 | 27:MULTI-USE COMMERCIAL | 201    | FEDERAL ST  | REDFERN DOWNTOWN LLC      | 24,232,800     | 16,235.98    |
| 032 H001001 | 22:OFFICE BUSINESS      | 110    | EXCHANGE ST | ONETEN EXCHANGE LLC       | 1,803,300      | 1,208.21     |
| 032 H002001 | 21:RETAIL SERVICES      | 106    | EXCHANGE ST | RICH BUILDING LLC         | 951,000        | 637.17       |
| 032 H003001 | 22:OFFICE BUSINESS      | 102    | EXCHANGE ST | PALACCI JOSEPH            | 1,088,800      | 729.50       |
| 032 H004001 | 56:GOVERNMENTAL         | 15     | TEMPLE ST   | CITY OF PORTLAND          | -00            | -            |
| 032 H005001 | 56:GOVERNMENTAL         | 1      | TEMPLE ST   | CITY OF PORTLAND          | -00            | -            |
| 032 H005002 | 22:OFFICE BUSINESS      | 1      | TEMPLE ST   | 11 TEMPLE MHR LLC         | 3,157,900      | 2,115.79     |
| 032 H006001 | 22:OFFICE BUSINESS      | 92     | EXCHANGE ST | MAINESCAPE PROPERTIES LLC | 1,043,100      | 698.88       |

Portland Downtown District FY2024 Listing of Property Assessments

| PARCEL ID   | LAND USE                | NUMBER | STREET      | OWNER                      | NET ASSESSMENT | FEE @ .00067 |
|-------------|-------------------------|--------|-------------|----------------------------|----------------|--------------|
| 032 H007001 | 27:MULTI-USE COMMERCIAL | 88     | EXCHANGE ST | RIVENDELL REAL ESTATE LLC  | 1,437,000      | 962.79       |
| 032 H008001 | 22:OFFICE BUSINESS      | 80     | EXCHANGE ST | 80 EXCHANGE LLC            | 3,118,000      | 2,089.06     |
| 032 H009001 | 58:LAND BANKS           | 70     | EXCHANGE ST | CITY OF PORTLAND           | -00            | -            |
| 032 H016001 | 20:COMMERCIAL CONDOS    | 183    | MIDDLE ST   | Q STREET REAL ESTATE       | 796,800        | 533.86       |
| 032 H016002 | 20:COMMERCIAL CONDOS    | 183    | MIDDLE ST   | Q STREET REAL ESTATE       | 872,800        | 584.78       |
| 032 H016003 | 20:COMMERCIAL CONDOS    | 183    | MIDDLE ST   | Q STREET REAL ESTATE THIRD | 872,800        | 584.78       |
| 032 H01604A | 20:COMMERCIAL CONDOS    | 183    | MIDDLE ST   | ITM REALTY II LLC          | 287,900        | 192.89       |
| 032 H01604B | 20:COMMERCIAL CONDOS    | 183    | MIDDLE ST   | ITM REALTY II LLC          | 325,900        | 218.35       |
| 032 H022001 | 22:OFFICE BUSINESS      | 193    | MIDDLE ST   | SAVI REALTY LLC            | 4,495,000      | 3,011.65     |
| 032 I001001 | 22:OFFICE BUSINESS      | 178    | MIDDLE ST   | FRESNEL LLC                | 2,693,400      | 1,804.58     |
| 032 I002001 | 21:RETAIL SERVICES      | 52     | EXCHANGE ST | OLD PORT ARMS LLC          | 3,103,500      | 2,079.35     |
| 032 I006001 | 20:COMMERCIAL CONDOS    | 50     | EXCHANGE ST | SANTANA LLC                | 392,600        | 263.04       |
| 032 I006002 | 20:COMMERCIAL CONDOS    | 50     | EXCHANGE ST | FIFTY EXCHANGE LLC         | 391,900        | 262.57       |
| 032 I006003 | 20:COMMERCIAL CONDOS    | 50     | EXCHANGE ST | FIFTY EXCHANGE LLC         | 130,000        | 87.10        |
| 032 I006004 | 20:COMMERCIAL CONDOS    | 50     | EXCHANGE ST | FIFTY EXCHANGE LLC         | 130,900        | 87.70        |
| 032 I006005 | 20:COMMERCIAL CONDOS    | 50     | EXCHANGE ST | FIFTY EXCHANGE LLC         | 131,500        | 88.11        |
| 032 I006006 | 20:COMMERCIAL CONDOS    | 50     | EXCHANGE ST | FIFTY EXCHANGE LLC         | 132,000        | 88.44        |
| 032 I007001 | 27:MULTI-USE COMMERCIAL | 0      | CANAL PLAZA | COW PLAZA 1 LLC            | 605,900        | 405.95       |
| 032 I008001 | 21:RETAIL SERVICES      | 44     | EXCHANGE ST | COW EXCHANGE LLC           | 2,706,400      | 1,813.29     |
| 032 I010001 | 21:RETAIL SERVICES      | 34     | EXCHANGE ST | PALACCI SION &             | 1,296,300      | 868.52       |
| 032 I011001 | 21:RETAIL SERVICES      | 30     | EXCHANGE ST | 30 EXCHANGE STREET LLC     | 1,160,400      | 777.47       |
| 032 I012100 | 20:COMMERCIAL CONDOS    | 10     | EXCHANGE ST | 10 EXCHANGE PROPERTIES LLC | 1,921,600      | 1,287.47     |
| 032 I012200 | 20:COMMERCIAL CONDOS    | 10     | EXCHANGE ST | 10 EXCHANGE PROPERTIES LLC | 1,360,200      | 911.33       |
| 032 I012301 | 10:CONDOMINIUMS         | 10     | EXCHANGE ST | FUEGEN STACY &             | 321,500        | 215.41       |

Portland Downtown District FY2024 Listing of Property Assessments

| PARCEL ID   | LAND USE        | NUMBER | STREET      | OWNER                             | NET ASSESSMENT | FEE @ .00067 |
|-------------|-----------------|--------|-------------|-----------------------------------|----------------|--------------|
| 032 I012302 | 10:CONDOMINIUMS | 10     | EXCHANGE ST | CURRAN JENNIFER A                 | 306,000        | 205.02       |
| 032 I012303 | 10:CONDOMINIUMS | 10     | EXCHANGE ST | CULPOVICH ANDREW J &              | 202,300        | 135.54       |
| 032 I012304 | 10:CONDOMINIUMS | 10     | EXCHANGE ST | RICH CURTIS P &                   | 310,000        | 207.70       |
| 032 I012305 | 10:CONDOMINIUMS | 10     | EXCHANGE ST | DRISCOLL ROBERT E &               | 254,700        | 170.65       |
| 032 I012306 | 10:CONDOMINIUMS | 10     | EXCHANGE ST | EASTON THORA                      | 297,700        | 199.46       |
| 032 I012307 | 10:CONDOMINIUMS | 10     | EXCHANGE ST | MJK LLC                           | 267,100        | 178.96       |
| 032 I012308 | 10:CONDOMINIUMS | 10     | EXCHANGE ST | EVANS SHERI CHRISTIENNE           | 320,700        | 214.87       |
| 032 I012309 | 10:CONDOMINIUMS | 10     | EXCHANGE ST | SHEPHERD THOMAS A &               | 300,000        | 201.00       |
| 032 I012310 | 10:CONDOMINIUMS | 10     | EXCHANGE ST | ECHM REALTY LLC                   | 329,100        | 220.50       |
| 032 I012311 | 10:CONDOMINIUMS | 10     | EXCHANGE ST | CAMPBELL COLLEEN S &              | 205,900        | 137.95       |
| 032 I012312 | 10:CONDOMINIUMS | 10     | EXCHANGE ST | LOMAC SABIN                       | 344,000        | 230.48       |
| 032 I012313 | 10:CONDOMINIUMS | 10     | EXCHANGE ST | HANSON CARL F                     | 276,600        | 185.32       |
| 032 I012314 | 10:CONDOMINIUMS | 10     | EXCHANGE ST | GORDON ABIGAIL                    | 287,000        | 192.29       |
| 032 I012401 | 10:CONDOMINIUMS | 10     | EXCHANGE ST | MOON HILL PROPERTY MANAGEMENT LLC | 316,800        | 212.26       |
| 032 I012402 | 10:CONDOMINIUMS | 10     | EXCHANGE ST | ARDAIOLO MICHAEL PALMA &          | 353,300        | 236.71       |
| 032 I012404 | 10:CONDOMINIUMS | 10     | EXCHANGE ST | BURNS THOMAS                      | 364,800        | 244.42       |
| 032 I012405 | 10:CONDOMINIUMS | 10     | EXCHANGE ST | DOYLE KEVIN F &                   | 249,600        | 167.23       |
| 032 I012406 | 10:CONDOMINIUMS | 10     | EXCHANGE ST | BROWN BRETT &                     | 381,500        | 255.61       |
| 032 I012407 | 10:CONDOMINIUMS | 10     | EXCHANGE ST | GILMORE RICHARD S JR &            | 330,300        | 221.30       |
| 032 I012408 | 10:CONDOMINIUMS | 10     | EXCHANGE ST | WALTERS BRETT D &                 | 301,700        | 202.14       |
| 032 I012409 | 10:CONDOMINIUMS | 10     | EXCHANGE ST | SAHA DEBASMITA &                  | 351,700        | 235.64       |
| 032 I012410 | 10:CONDOMINIUMS | 10     | EXCHANGE ST | THOMAS ALISA G &                  | 365,200        | 244.68       |
| 032 I012411 | 10:CONDOMINIUMS | 10     | EXCHANGE ST | SPANNAUS MICHAELA LILY            | 338,600        | 226.86       |
| 032 I012412 | 10:CONDOMINIUMS | 10     | EXCHANGE ST | URBANEK NICHOLAS P                | 259,500        | 173.87       |

Portland Downtown District FY2024 Listing of Property Assessments

| PARCEL ID   | LAND USE                | NUMBER | STREET      | OWNER                       | NET ASSESSMENT | FEE @ .00067 |
|-------------|-------------------------|--------|-------------|-----------------------------|----------------|--------------|
| 032 I012413 | 10:CONDOMINIUMS         | 10     | EXCHANGE ST | WHEELWRIGHT HENRY J TRUSTEE | 317,200        | 212.52       |
| 032 I012414 | 10:CONDOMINIUMS         | 10     | EXCHANGE ST | DEPALMA CHRISTOPHER R &     | 290,500        | 194.64       |
| 032 I018001 | 21:RETAIL SERVICES      | 395    | FORE ST     | 395 FORE STREET LLC         | 1,491,100      | 999.04       |
| 032 I021001 | 21:RETAIL SERVICES      | 188    | MIDDLE ST   | COW PLAZA 4 LLC             | 4,907,500      | 3,288.03     |
| 032 I022001 | 21:RETAIL SERVICES      | 184    | MIDDLE ST   | ABATSOBE LLC                | 779,200        | 522.06       |
| 032 I023001 | 22:OFFICE BUSINESS      | 3      | CANAL PLAZA | COW PLAZA 3 LLC             | 11,805,100     | 7,909.42     |
| 032 I033001 | 22:OFFICE BUSINESS      | 2      | CANAL PLAZA | COW PLAZA 2 LLC             | 7,318,600      | 4,903.46     |
| 032 I036001 | 22:OFFICE BUSINESS      | 1      | CANAL PLAZA | COW PLAZA 1 LLC             | 24,122,300     | 16,161.94    |
| 032 I039001 | 33:TRANSPORTATION       | 40     | UNION ST    | CENTRAL MAINE POWER CO      | 1,490,600      | 998.70       |
| 032 I040001 | 25:PARKING LOTS         | 44     | EXCHANGE ST | KOWTOWER LLC                | 451,800        | 302.71       |
| 032 I041001 | 27:MULTI-USE COMMERCIAL | 425    | FORE ST     | COW PLAZA GARAGE LLC        | 12,300,000     | 8,241.00     |
| 032 I042001 | 23:HOTEL & MOTEL        | 433    | FORE ST     | COW PLAZA HOTEL LLC         | 29,811,400     | 19,973.64    |
| 032 I043001 | 25:PARKING LOTS         | 45     | UNION ST    | COW PLAZA 1 LLC             | 108,700        | 72.83        |
| 032 J001001 | 21:RETAIL SERVICES      | 386    | FORE ST     | 386 FORE STREET LLC         | 1,734,200      | 1,161.91     |
| 032 J002001 | 21:RETAIL SERVICES      | 392    | FORE ST     | BEER GUYS LLC               | 1,504,400      | 1,007.95     |
| 032 J004001 | 20:COMMERCIAL CONDOS    | 396    | FORE ST     | BEER GUYS LLC               | 477,200        | 319.72       |
| 032 J004002 | 20:COMMERCIAL CONDOS    | 396    | FORE ST     | BEER GUYS LLC               | 284,300        | 190.48       |
| 032 J004003 | 10:CONDOMINIUMS         | 396    | FORE ST     | BEER GUYS LLC               | 356,700        | 238.99       |
| 032 J00400B | 20:COMMERCIAL CONDOS    | 396    | FORE ST     | BEER GUYS LLC               | 267,600        | 179.29       |
| 032 J005001 | 20:COMMERCIAL CONDOS    | 398    | FORE ST     | FORE STREET PARTNERSHIP     | 883,000        | 591.61       |
| 032 J005002 | 20:COMMERCIAL CONDOS    | 398    | FORE ST     | FORE STREET PROPERTIES      | 706,400        | 473.29       |
| 032 J005003 | 20:COMMERCIAL CONDOS    | 398    | FORE ST     | INGALLS ROGER E             | 371,200        | 248.70       |
| 032 J005004 | 20:COMMERCIAL CONDOS    | 398    | FORE ST     | INGALLS ROGER E             | 371,200        | 248.70       |
| 032 K001001 | 22:OFFICE BUSINESS      | 2      | MONUMENT SQ | 800 NORTHERN CORP           | 22,515,900     | 15,085.65    |

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| PARCEL ID   | LAND USE             | NUMBER | STREET             | OWNER                          | NET ASSESSMENT | FEE @ .00067 |
|-------------|----------------------|--------|--------------------|--------------------------------|----------------|--------------|
| 032 K012001 | 22:OFFICE BUSINESS   | 1      | MONUMENT SQ        | FINARD MURRAY W TR             | 24,500,800     | 16,415.54    |
| 032 L001001 | 56:GOVERNMENTAL      | 234    | FEDERAL ST W       | CITY OF PORTLAND               | -00            | -            |
| 032 L002001 | 22:OFFICE BUSINESS   | 1      | CITY CTR           | ONE CITY CENTER ASSOCIATES LLC | 42,589,800     | 28,535.17    |
| 032 N009001 | 21:RETAIL SERVICES   | 414    | FORE ST            | GOULD COMPANY LLC              | 948,900        | 635.76       |
| 032 N010001 | 21:RETAIL SERVICES   | 416    | FORE ST            | 416 FORE STREET HOLDINGS LLC   | 1,512,100      | 1,013.11     |
| 032 N011001 | 21:RETAIL SERVICES   | 422    | FORE ST            | HARDING RICHARD B ETAL         | 683,800        | 458.15       |
| 032 N012001 | 21:RETAIL SERVICES   | 424    | FORE ST            | SOLETSKY LIMITED LIABILITY CO  | 1,290,700      | 864.77       |
| 032 P001001 | 22:OFFICE BUSINESS   | 2      | CITY CTR           | TWO CITY CENTER LLC            | 4,291,700      | 2,875.44     |
| 032 P003001 | 21:RETAIL SERVICES   | 4      | CITY CTR           | WIRELESS PARTNERS II LLC ETAL  | 2,379,800      | 1,594.47     |
| 032 P004001 | 20:COMMERCIAL CONDOS | 6      | CITY CTR           | SIX CITY CENTER LLC            | 2,966,200      | 1,987.35     |
| 032 P004002 | 20:COMMERCIAL CONDOS | 6      | CITY CTR           | H & A PROPERTY GROUP LLC       | 611,900        | 409.97       |
| 032 P005001 | 56:GOVERNMENTAL      | 0      | SPRING ST ARTERIAL | CITY OF PORTLAND               | -00            | -            |
| 032 P017001 | 22:OFFICE BUSINESS   | 10     | CITY CTR           | MINA BUILDING LLC              | 1,135,000      | 760.45       |
| 032 R001001 | 21:RETAIL SERVICES   | 428    | FORE ST            | 428 FORE STREET LLC            | 1,256,800      | 842.06       |
| 032 R003001 | 21:RETAIL SERVICES   | 432    | FORE ST            | TERRAPIN PROPERTIES LLC        | 757,000        | 507.19       |
| 032 R004001 | 21:RETAIL SERVICES   | 434    | FORE ST            | TERRAPIN PROPERTIES LLC        | 715,200        | 479.18       |
| 032 R007001 | 21:RETAIL SERVICES   | 436    | FORE ST            | FORE STREET PARTNERS LLC       | 2,309,500      | 1,547.37     |
| 032 R008001 | 21:RETAIL SERVICES   | 446    | FORE ST            | ORANGE CRUSH LLC               | 2,036,600      | 1,364.52     |
| 032 S001001 | 21:RETAIL SERVICES   | 366    | FORE ST            | CF MARINERS LLC                | 3,765,400      | 2,522.82     |
| 032 S003001 | 21:RETAIL SERVICES   | 7      | MOULTON ST         | 7-9 MOULTON LLC                | 642,100        | 430.21       |
| 032 S004001 | 21:RETAIL SERVICES   | 161    | COMMERCIAL ST      | 161 COMMERCIAL STREET LLC      | 2,445,400      | 1,638.42     |
| 032 S005001 | 22:OFFICE BUSINESS   | 5      | MOULTON ST         | MOULTON STREET REALTY LLC      | 3,719,000      | 2,491.73     |
| 032 T004001 | 21:RETAIL SERVICES   | 4      | MOULTON ST         | ADRIENNE-JANE INCORPORATED     | 5,031,800      | 3,371.31     |
| 032 U003001 | 25:PARKING LOTS      | 185    | COMMERCIAL ST      | 185 COMMERCIAL STREET LLC      | 432,100        | 289.51       |

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| PARCEL ID   | LAND USE                | NUMBER | STREET        | OWNER                        | NET ASSESSMENT | FEE @ .00067 |
|-------------|-------------------------|--------|---------------|------------------------------|----------------|--------------|
| 032 U004001 | 22:OFFICE BUSINESS      | 1      | DANA ST       | ONE DANA LLC                 | 1,892,500      | 1,267.98     |
| 032 U005001 | 21:RETAIL SERVICES      | 7      | DANA ST       | TRANSMINE                    | 1,040,900      | 697.40       |
| 032 V001001 | 21:RETAIL SERVICES      | 10     | DANA ST       | IVY HOLDINGS LLC             | 2,111,800      | 1,414.91     |
| 032 V002001 | 21:RETAIL SERVICES      | 205    | COMMERCIAL ST | LANDFALL LLC                 | 829,200        | 555.56       |
| 032 V004001 | 22:OFFICE BUSINESS      | 211    | COMMERCIAL ST | GRANITE FACE LLC             | 3,353,400      | 2,246.78     |
| 032 V005001 | 22:OFFICE BUSINESS      | 217    | COMMERCIAL ST | CHASE BLOCK LLC              | 5,531,000      | 3,705.77     |
| 032 V008001 | 24:WHOLESALE            | 225    | COMMERCIAL ST | 225 COMMERCIAL ST ASSOC INC  | 3,062,300      | 2,051.74     |
| 032 V012001 | 22:OFFICE BUSINESS      | 1      | UNION ST      | 237 COMMERCIAL STREET LLC    | 2,613,100      | 1,750.78     |
| 032 V014001 | 21:RETAIL SERVICES      | 50     | WHARF ST      | DEERING AVE ASSOCIATES INC & | 1,315,300      | 881.25       |
| 032 V015001 | 24:WHOLESALE            | 42     | WHARF ST      | DEERING AVE ASSOCIATES INC & | 767,100        | 513.96       |
| 032 V016001 | 21:RETAIL SERVICES      | 34     | WHARF ST      | IVY HOLDINGS LLC             | 747,900        | 501.09       |
| 037 A001001 | 33:TRANSPORTATION       | 55     | FOREST AVE    | NORTHERN NEW ENGLAND         | 18,460,700     | 12,368.67    |
| 037 A002001 | 17:21 PLUS FAMILY       | 45     | FOREST AVE    | REDFERN 45 LLC               | 4,538,400      | 3,040.73     |
| 037 A009001 | 17:21 PLUS FAMILY       | 104    | OAK ST        | PARK STREET PROPERTY LLC     | 2,429,200      | 1,627.56     |
| 037 A011001 | 22:OFFICE BUSINESS      | 92     | OAK ST        | 84 OAK STREET LLC            | 500,200        | 335.13       |
| 037 A012001 | 22:OFFICE BUSINESS      | 39     | FOREST AVE    | 39 LLC                       | 3,947,800      | 2,645.03     |
| 037 A022001 | 21:RETAIL SERVICES      | 25     | FOREST AVE    | PORTLAND STAGE COMPANY       | 1,655,200      | 1,108.98     |
| 037 A023001 | 25:PARKING LOTS         | 84     | OAK ST        | 84 OAK STREET LLC            | 582,500        | 390.28       |
| 037 A033001 | 25:PARKING LOTS         | 11     | FOREST AVE    | PACHIOS BROTHERS I LLC &     | 746,200        | 499.95       |
| 037 A035001 | 17:21 PLUS FAMILY       | 72     | OAK ST        | AVESTA OAK STREET LP         | 3,333,700      | 2,233.58     |
| 037 A038001 | 21:RETAIL SERVICES      | 565    | CONGRESS ST   | PACHIOS BROTHERS I LLC &     | 3,436,900      | 2,302.72     |
| 037 A042001 | 27:MULTI-USE COMMERCIAL | 559    | CONGRESS ST   | HER LLC                      | 633,100        | 424.18       |
| 037 A043001 | 21:RETAIL SERVICES      | 555    | CONGRESS ST   | CORRYMORE ZELLERTON LLC      | 556,400        | 372.79       |
| 037 A044001 | 21:RETAIL SERVICES      | 553    | CONGRESS ST   | ROCCO HOLDINGS LLC           | 1,316,300      | 881.92       |

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| PARCEL ID   | LAND USE                 | NUMBER | STREET         | OWNER                   | NET ASSESSMENT | FEE @ .00067 |
|-------------|--------------------------|--------|----------------|-------------------------|----------------|--------------|
| 037 A045001 | 21:RETAIL SERVICES       | 575    | CONGRESS ST    | 571 ENTERPRISES LLC     | 747,500        | 500.83       |
| 037 A046001 | 22:OFFICE BUSINESS       | 7      | FOREST AVE     | LOA PROPERTY LLC        | 710,100        | 475.77       |
| 037 B001001 | 22:OFFICE BUSINESS       | 380    | CUMBERLAND AVE | SWEETWATER PARTNERS LLC | 3,518,300      | 2,357.26     |
| 037 B013001 | 25:PARKING LOTS          | 95     | OAK ST         | NORTHERN NEW ENGLAND    | 375,100        | 251.32       |
| 037 B014001 | 55:LITERARY & SCIENTIFIC | 15     | SHEPLEY ST     | MAINE COLLEGE OF ART    | -00            | -            |
| 037 B015001 | 17:21 PLUS FAMILY        | 11     | SHEPLEY ST     | 11 SHEPLEY STREET       | 5,233,100      | 3,506.18     |
| 037 C001001 | 25:PARKING LOTS          | 0      | SHEPLEY ST     | CITY OAK LLC            | 574,400        | 384.85       |
| 037 C004001 | 25:PARKING LOTS          | 0      | SHEPLEY ST     | CITY OAK LLC            | 364,600        | 244.28       |
| 037 C006001 | 17:21 PLUS FAMILY        | 18     | CASCO ST       | SHEPLEY LLC             | 6,187,100      | 4,145.36     |
| 037 C008001 | 25:PARKING LOTS          | 83     | OAK ST         | HEGA REALTY LLC         | 576,800        | 386.46       |
| 037 C010001 | 22:OFFICE BUSINESS       | 16     | CASCO ST       | SHEEPDOG LLC            | 952,700        | 638.31       |
| 037 C014100 | 20:COMMERCIAL CONDOS     | 531    | CONGRESS ST    | HEGA REALTY LLC         | 3,402,200      | 2,279.47     |
| 037 C014200 | 20:COMMERCIAL CONDOS     | 531    | CONGRESS ST    | HEGA REALTY LLC         | 3,648,400      | 2,444.43     |
| 037 C014300 | 20:COMMERCIAL CONDOS     | 531    | CONGRESS ST    | HEGA REALTY LLC         | 2,211,000      | 1,481.37     |
| 037 C014400 | 20:COMMERCIAL CONDOS     | 531    | CONGRESS ST    | HEGA REALTY LLC         | 2,065,900      | 1,384.15     |
| 037 C014501 | 10:CONDOMINIUMS          | 531    | CONGRESS ST    | WILLIAMS DEBORAH J &    | 600,400        | 402.27       |
| 037 C014502 | 10:CONDOMINIUMS          | 531    | CONGRESS ST    | HEGA REALTY LLC         | 519,000        | 347.73       |
| 037 C014503 | 10:CONDOMINIUMS          | 531    | CONGRESS ST    | SHOREY LINDA J &        | 696,500        | 466.66       |
| 037 C014504 | 10:CONDOMINIUMS          | 531    | CONGRESS ST    | HEGA REALTY LLC         | 933,900        | 625.71       |
| 037 C014505 | 10:CONDOMINIUMS          | 531    | CONGRESS ST    | WALBRIDGE HOYT &        | 898,200        | 601.79       |
| 037 C014506 | 10:CONDOMINIUMS          | 531    | CONGRESS ST    | HEGA REALTY LLC         | 653,900        | 438.11       |
| 037 C014507 | 10:CONDOMINIUMS          | 531    | CONGRESS ST    | HEGA REALTY LLC         | 582,400        | 390.21       |
| 037 C014508 | 10:CONDOMINIUMS          | 531    | CONGRESS ST    | HEGA REALTY LLC         | 755,600        | 506.25       |
| 037 C014509 | 10:CONDOMINIUMS          | 531    | CONGRESS ST    | HEGA REALTY LLC         | 487,600        | 326.69       |



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| PARCEL ID   | LAND USE                | NUMBER | STREET         | OWNER                           | NET ASSESSMENT | FEE @ .00067 |
|-------------|-------------------------|--------|----------------|---------------------------------|----------------|--------------|
| 037 C014510 | 10:CONDOMINIUMS         | 531    | CONGRESS ST    | PIETSCH BRENDAN                 | 612,800        | 410.58       |
| 037 C016001 | 21:RETAIL SERVICES      | 551    | CONGRESS ST    | BENTLEY BUILDING LLC            | 1,631,400      | 1,093.04     |
| 037 C017006 | 10:CONDOMINIUMS         | 547    | CONGRESS ST    | PALMER ANDREW H TRUSTEE         | 637,100        | 426.86       |
| 037 C01701A | 20:COMMERCIAL CONDOS    | 547    | CONGRESS ST    | R & J 545 PARTNERS LLC          | 356,400        | 238.79       |
| 037 C01701B | 20:COMMERCIAL CONDOS    | 547    | CONGRESS ST    | R & J 545 PARTNERS LLC          | 371,000        | 248.57       |
| 037 C01701C | 20:COMMERCIAL CONDOS    | 547    | CONGRESS ST    | R & J 545 PARTNERS LLC          | 397,300        | 266.19       |
| 037 C01702A | 10:CONDOMINIUMS         | 547    | CONGRESS ST    | HENAULT DOUGLAS S &             | 247,400        | 165.76       |
| 037 C01702B | 10:CONDOMINIUMS         | 547    | CONGRESS ST    | SCULLY JOHN M                   | 206,800        | 138.56       |
| 037 C01702C | 10:CONDOMINIUMS         | 547    | CONGRESS ST    | FRIEL MATTHEW R                 | 233,100        | 156.18       |
| 037 C01702D | 10:CONDOMINIUMS         | 547    | CONGRESS ST    | WHEELER-BERTA FRANCES H TRUSTEE | 262,000        | 175.54       |
| 037 C01702E | 10:CONDOMINIUMS         | 547    | CONGRESS ST    | SCHREIBER REBECCA ANN           | 236,400        | 158.39       |
| 037 C01703A | 10:CONDOMINIUMS         | 547    | CONGRESS ST    | YANG DAVID I                    | 282,200        | 189.07       |
| 037 C01703B | 10:CONDOMINIUMS         | 547    | CONGRESS ST    | BEISEL NICOLA KAY               | 302,800        | 202.88       |
| 037 C01703C | 10:CONDOMINIUMS         | 547    | CONGRESS ST    | PACKARD JEFFREY G &             | 318,300        | 213.26       |
| 037 C01704A | 10:CONDOMINIUMS         | 547    | CONGRESS ST    | FITZPATRICK SUSAN E             | 274,000        | 183.58       |
| 037 C01704B | 10:CONDOMINIUMS         | 547    | CONGRESS ST    | GRANO ROBERT C TRUSTEE          | 263,900        | 176.81       |
| 037 C01704C | 10:CONDOMINIUMS         | 547    | CONGRESS ST    | TYSON BRUCE &                   | 369,200        | 247.36       |
| 037 C01705A | 10:CONDOMINIUMS         | 547    | CONGRESS ST    | HENRY MICHAEL T &               | 526,800        | 352.96       |
| 037 C01705B | 10:CONDOMINIUMS         | 547    | CONGRESS ST    | PALMER ANDREW H TRUSTEE         | 290,200        | 194.43       |
| 037 D001001 | 21:RETAIL SERVICES      | 45     | CASCO ST       | FORTY FIVE CASCO STREET LLC     | 1,646,700      | 1,103.29     |
| 037 D002001 | 22:OFFICE BUSINESS      | 511    | CONGRESS ST    | OCEAN GATE LLC                  | 13,540,000     | 9,071.80     |
| 037 D003001 | 27:MULTI-USE COMMERCIAL | 360    | CUMBERLAND AVE | STARK INDUSTRIES LLC            | 951,800        | 637.71       |
| 037 D004001 | 27:MULTI-USE COMMERCIAL | 48     | BROWN ST       | OCEAN GATE LLC                  | 6,500,000      | 4,355.00     |
| 037 D007001 | 17:21 PLUS FAMILY       | 37     | CASCO ST       | AMBASSADOR LLC                  | 9,893,500      | 6,628.65     |

Portland Downtown District FY2024 Listing of Property Assessments

| PARCEL ID   | LAND USE                   | NUMBER | STREET      | OWNER                        | NET ASSESSMENT | FEE @ .00067 |
|-------------|----------------------------|--------|-------------|------------------------------|----------------|--------------|
| 037 D023001 | 54:BENEVOLENT & CHARITABLE | 15     | CASCO ST    | EQUALITY COMMUNITY CENTER    | -00            | -            |
| 037 D024001 | 21:RETAIL SERVICES         | 519    | CONGRESS ST | MAINE CHARITABLE MECHANIC    | 1,189,900      | 797.23       |
| 037 E001001 | 58:LAND BANKS              | 595    | CONGRESS ST | CITY OF PORTLAND             | -00            | -            |
| 037 E002001 | 20:COMMERCIAL CONDOS       | 585    | CONGRESS ST | HAMMOND HEIRS LLC            | 263,800        | 176.75       |
| 037 E002002 | 20:COMMERCIAL CONDOS       | 585    | CONGRESS ST | HAMMOND HEIRS LLC            | 272,200        | 182.37       |
| 037 E002003 | 20:COMMERCIAL CONDOS       | 585    | CONGRESS ST | PAUL'S BOUTIQUE LLC          | 1,080,900      | 724.20       |
| 037 E002004 | 20:COMMERCIAL CONDOS       | 585    | CONGRESS ST | VERDANT REALTY I LLC &       | 1,341,500      | 898.81       |
| 037 E003001 | 27:MULTI-USE COMMERCIAL    | 10     | CONGRESS SQ | PLAZA ASSOCIATES AT CONGRESS | 19,409,300     | 13,004.23    |
| 037 E004001 | 25:PARKING LOTS            | 28     | FOREST AVE  | PLAZA ASSOCIATES AT CONGRESS | 347,300        | 232.69       |
| 037 E005001 | 40:VACANT LAND             | 32     | FOREST AVE  | RB PORTLAND LLC              | 353,700        | 236.98       |
| 037 E005002 | 25:PARKING LOTS            | 32     | FOREST AVE  | PLAZA ASSOCIATES AT CONGRESS | 312,300        | 209.24       |
| 037 E006001 | 20:COMMERCIAL CONDOS       | 173    | HIGH ST     | 420 CUMBERLAND AVE LLC       | 1,117,700      | 748.86       |
| 037 E006002 | 20:COMMERCIAL CONDOS       | 173    | HIGH ST     | 420 CUMBERLAND AVE LLC       | 417,400        | 279.66       |
| 037 E006003 | 20:COMMERCIAL CONDOS       | 173    | HIGH ST     | 420 CUMBERLAND AVE LLC       | 956,100        | 640.59       |
| 037 E006004 | 20:COMMERCIAL CONDOS       | 173    | HIGH ST     | LUDWIG ROBERT C              | 1,163,200      | 779.34       |
| 037 E006005 | 20:COMMERCIAL CONDOS       | 173    | HIGH ST     | CAPITAL AREA PROPERTIES LLC  | 439,600        | 294.53       |
| 037 E006006 | 20:COMMERCIAL CONDOS       | 173    | HIGH ST     | METHODIST SOCIETY OF         | 456,400        | 305.79       |
| 037 E006007 | 20:COMMERCIAL CONDOS       | 173    | HIGH ST     | 177 HIGH LLC                 | 669,000        | 448.23       |
| 037 E006008 | 20:COMMERCIAL CONDOS       | 173    | HIGH ST     | 6 EAST OXFORD ST LLC         | 338,600        | 226.86       |
| 037 E006009 | 20:COMMERCIAL CONDOS       | 173    | HIGH ST     | 181 HIGH STREET LLC          | 18,500,000     | 12,395.00    |
| 037 E006010 | 10:CONDOMINIUMS            | 173    | HIGH ST     | CML LLC                      | 28,500         | 19.10        |
| 037 E006011 | 10:CONDOMINIUMS            | 173    | HIGH ST     | CML LLC                      | 28,500         | 19.10        |
| 037 E006012 | 10:CONDOMINIUMS            | 173    | HIGH ST     | CML LLC                      | 28,500         | 19.10        |
| 037 E006013 | 10:CONDOMINIUMS            | 173    | HIGH ST     | CML LLC                      | 28,500         | 19.10        |

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| PARCEL ID   | LAND USE        | NUMBER | STREET  | OWNER                       | NET ASSESSMENT | FEE @ .00067 |
|-------------|-----------------|--------|---------|-----------------------------|----------------|--------------|
| 037 E006014 | 10:CONDOMINIUMS | 173    | HIGH ST | CML LLC                     | 28,500         | 19.10        |
| 037 E006015 | 10:CONDOMINIUMS | 173    | HIGH ST | CML LLC                     | 28,500         | 19.10        |
| 037 E006016 | 10:CONDOMINIUMS | 173    | HIGH ST | CML LLC                     | 28,500         | 19.10        |
| 037 E006017 | 10:CONDOMINIUMS | 173    | HIGH ST | CML LLC                     | 28,500         | 19.10        |
| 037 E006018 | 10:CONDOMINIUMS | 173    | HIGH ST | CML LLC                     | 28,500         | 19.10        |
| 037 E006019 | 10:CONDOMINIUMS | 173    | HIGH ST | CML LLC                     | 28,500         | 19.10        |
| 037 E006020 | 10:CONDOMINIUMS | 173    | HIGH ST | 420 CUMBERLAND AVE LLC      | 28,500         | 19.10        |
| 037 E006021 | 10:CONDOMINIUMS | 173    | HIGH ST | 420 CUMBERLAND AVE LLC      | 28,500         | 19.10        |
| 037 E006022 | 10:CONDOMINIUMS | 173    | HIGH ST | 420 CUMBERLAND AVE LLC      | 28,500         | 19.10        |
| 037 E006023 | 10:CONDOMINIUMS | 173    | HIGH ST | 420 CUMBERLAND AVE LLC      | 28,500         | 19.10        |
| 037 E006024 | 10:CONDOMINIUMS | 173    | HIGH ST | 420 CUMBERLAND AVE LLC      | 28,500         | 19.10        |
| 037 E006025 | 10:CONDOMINIUMS | 173    | HIGH ST | CAPITAL AREA PROPERTIES LLC | 28,500         | 19.10        |
| 037 E006026 | 10:CONDOMINIUMS | 173    | HIGH ST | CAPITAL AREA PROPERTIES LLC | 28,500         | 19.10        |
| 037 E006027 | 10:CONDOMINIUMS | 173    | HIGH ST | LUDWIG ROBERT C &           | 28,500         | 19.10        |
| 037 E006028 | 10:CONDOMINIUMS | 173    | HIGH ST | LUDWIG ROBERT C &           | 28,500         | 19.10        |
| 037 E006029 | 10:CONDOMINIUMS | 173    | HIGH ST | LUDWIG ROBERT C &           | 28,500         | 19.10        |
| 037 E006030 | 10:CONDOMINIUMS | 173    | HIGH ST | LUDWIG ROBERT C &           | 28,500         | 19.10        |
| 037 E006031 | 10:CONDOMINIUMS | 173    | HIGH ST | 420 CUMBERLAND AVE LLC      | 28,500         | 19.10        |
| 037 E006032 | 10:CONDOMINIUMS | 173    | HIGH ST | 420 CUMBERLAND AVE LLC      | 28,500         | 19.10        |
| 037 E006033 | 10:CONDOMINIUMS | 173    | HIGH ST | 420 CUMBERLAND AVE LLC      | 28,500         | 19.10        |
| 037 E006034 | 10:CONDOMINIUMS | 173    | HIGH ST | 420 CUMBERLAND AVE LLC      | 28,500         | 19.10        |
| 037 E006035 | 10:CONDOMINIUMS | 173    | HIGH ST | 420 CUMBERLAND AVE LLC      | 28,500         | 19.10        |
| 037 E006036 | 10:CONDOMINIUMS | 173    | HIGH ST | LUDWIG ROBERT C             | 28,500         | 19.10        |
| 037 E006037 | 10:CONDOMINIUMS | 173    | HIGH ST | LUDWIG ROBERT C             | 28,500         | 19.10        |

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| PARCEL ID   | LAND USE                   | NUMBER | STREET         | OWNER                          | NET ASSESSMENT | FEE @ .00067 |
|-------------|----------------------------|--------|----------------|--------------------------------|----------------|--------------|
| 037 E006038 | 10:CONDOMINIUMS            | 173    | HIGH ST        | 420 CUMBERLAND AVE LLC         | 28,500         | 19.10        |
| 037 E006039 | 10:CONDOMINIUMS            | 173    | HIGH ST        | 177 HIGH LLC                   | 28,500         | 19.10        |
| 037 E006040 | 10:CONDOMINIUMS            | 173    | HIGH ST        | 177 HIGH LLC                   | 28,500         | 19.10        |
| 037 E006041 | 10:CONDOMINIUMS            | 173    | HIGH ST        | LUDWIG ROBERT C &              | 28,500         | 19.10        |
| 037 E006042 | 10:CONDOMINIUMS            | 173    | HIGH ST        | LUDWIG ROBERT C &              | 28,500         | 19.10        |
| 037 E007001 | 23:HOTEL & MOTEL           | 157    | HIGH ST        | RB PORTLAND LLC                | 56,649,300     | 37,955.03    |
| 037 F002001 | 27:MULTI-USE COMMERCIAL    | 45     | BROWN ST       | BROWN TOWER LLC                | 3,335,800      | 2,234.99     |
| 037 F005001 | 27:MULTI-USE COMMERCIAL    | 28     | PREBLE ST      | EARL APARTMENTS LLC            | 7,075,600      | 4,740.65     |
| 037 F007001 | 22:OFFICE BUSINESS         | 24     | PREBLE ST      | PREBLE STREET ACQUISITIONS LLC | 2,132,900      | 1,429.04     |
| 037 F009001 | 32:WAREHOUSE & STORAGE     | 338    | CUMBERLAND AVE | CADC PORTLAND 340 LLC          | 3,681,900      | 2,466.87     |
| 037 F012001 | 55:LITERARY & SCIENTIFIC   | 41     | BROWN ST       | MHS INC                        | -00            | -            |
| 037 F014001 | 54:BENEVOLENT & CHARITABLE | 483    | CONGRESS ST    | MAINE HISTORICAL SOCIETY       | -00            | -            |
| 037 F017001 | 55:LITERARY & SCIENTIFIC   | 489    | CONGRESS ST    | MHS INC                        | -00            | -            |
| 037 F020001 | 54:BENEVOLENT & CHARITABLE | 38     | PREBLE ST      | PREBLE STREET                  | -00            | -            |
| 037 F022001 | 27:MULTI-USE COMMERCIAL    | 477    | CONGRESS ST    | TT MAINE VENTURE LLC           | 11,490,000     | 7,698.30     |
| 037 G001001 | 21:RETAIL SERVICES         | 594    | CONGRESS ST    | HIGH POINT REALTY LLC          | 1,293,600      | 866.71       |
| 037 G004001 | 21:RETAIL SERVICES         | 582    | CONGRESS ST    | 582-584 CONGRESS STREET LLC    | 762,400        | 510.81       |
| 037 G005001 | 21:RETAIL SERVICES         | 580    | CONGRESS ST    | BBB INC                        | 1,138,100      | 762.53       |
| 037 G006001 | 27:MULTI-USE COMMERCIAL    | 578    | CONGRESS ST    | 578 CONGRESS LLC               | 438,300        | 293.66       |
| 037 G007001 | 27:MULTI-USE COMMERCIAL    | 576    | CONGRESS ST    | 576 CONGRESS LLC               | 420,600        | 281.80       |
| 037 G008001 | 27:MULTI-USE COMMERCIAL    | 574    | CONGRESS ST    | 576 CONGRESS LLC               | 449,100        | 300.90       |
| 037 G009001 | 22:OFFICE BUSINESS         | 570    | CONGRESS ST    | PRIDE RALPH H TRUSTEE          | 712,900        | 477.64       |
| 037 G010001 | 27:MULTI-USE COMMERCIAL    | 133    | FREE ST        | HUBBARD'S APTS INC             | 1,085,300      | 727.15       |
| 037 G012001 | 21:RETAIL SERVICES         | 584    | CONGRESS ST    | 582-584 CONGRESS STREET LLC    | 405,500        | 271.69       |

Portland Downtown District FY2024 Listing of Property Assessments

| PARCEL ID   | LAND USE                   | NUMBER | STREET      | OWNER                      | NET ASSESSMENT | FEE @ .00067 |
|-------------|----------------------------|--------|-------------|----------------------------|----------------|--------------|
| 037 G014001 | 22:OFFICE BUSINESS         | 562    | CONGRESS ST | TERBAX REALTY INC          | 7,947,200      | 5,324.62     |
| 037 H001001 | 27:MULTI-USE COMMERCIAL    | 550    | CONGRESS ST | 550 CONGRESS STREET LLC    | 1,015,800      | 680.59       |
| 037 H002001 | 55:LITERARY & SCIENTIFIC   | 540    | CONGRESS ST | MAINE COLLEGE OF ART       | -00            | -            |
| 037 H002002 | 20:COMMERCIAL CONDOS       | 540    | CONGRESS ST | 540 CONGRESS STREET LLC    | 2,795,600      | 1,873.05     |
| 037 H002003 | 10:CONDOMINIUMS            | 540    | CONGRESS ST | 540 CONGRESS STREET LLC    | 259,400        | 173.80       |
| 037 H002004 | 10:CONDOMINIUMS            | 540    | CONGRESS ST | 540 CONGRESS STREET LLC    | 264,500        | 177.22       |
| 037 H002005 | 10:CONDOMINIUMS            | 540    | CONGRESS ST | 540 CONGRESS STREET LLC    | 259,400        | 173.80       |
| 037 H002006 | 10:CONDOMINIUMS            | 540    | CONGRESS ST | 540 CONGRESS STREET LLC    | 290,300        | 194.50       |
| 037 H005001 | 54:BENEVOLENT & CHARITABLE | 536    | CONGRESS ST | SPACE GALLERY              | -00            | -            |
| 037 H005003 | 20:COMMERCIAL CONDOS       | 536    | CONGRESS ST | SPACE GALLERY              | 785,400        | 526.22       |
| 037 H006001 | 55:LITERARY & SCIENTIFIC   | 522    | CONGRESS ST | MAINE COLLEGE OF ART       | -00            | -            |
| 037 H009001 | 21:RETAIL SERVICES         | 516    | CONGRESS ST | PACHIOS BROTHERS II LLC    | 1,634,400      | 1,095.05     |
| 037 H010001 | 21:RETAIL SERVICES         | 510    | CONGRESS ST | CENTER CITY PLAZA ASSOC    | 4,126,700      | 2,764.89     |
| 037 H011001 | 20:COMMERCIAL CONDOS       | 500    | CONGRESS ST | MATERIAL OBJECTS           | 491,800        | 329.51       |
| 037 H011002 | 20:COMMERCIAL CONDOS       | 500    | CONGRESS ST | 500 CONGRESS TOP FLOOR LLC | 357,500        | 239.53       |
| 037 H013001 | 21:RETAIL SERVICES         | 504    | CONGRESS ST | KAPLAN 504 LLC             | 1,528,400      | 1,024.03     |
| 037 H014001 | 20:COMMERCIAL CONDOS       | 51     | OAK ST      | MAINE COLLEGE OF ART       | 318,000        | 213.06       |
| 037 H014002 | 55:LITERARY & SCIENTIFIC   | 51     | OAK ST      | MAINE COLLEGE OF ART       | -00            | -            |
| 037 H014003 | 20:COMMERCIAL CONDOS       | 51     | OAK ST      | MAINE COLLEGE OF ART       | 319,000        | 213.73       |
| 037 H014004 | 55:LITERARY & SCIENTIFIC   | 51     | OAK ST      | MAINE COLLEGE OF ART       | -00            | -            |
| 037 H014005 | 20:COMMERCIAL CONDOS       | 51     | OAK ST      | MAINE COLLEGE OF ART       | 217,800        | 145.93       |
| 037 H025001 | 21:RETAIL SERVICES         | 57     | OAK ST      | NEKOIE BAHMAN &            | 316,800        | 212.26       |
| 037 I001001 | 21:RETAIL SERVICES         | 498    | CONGRESS ST | 498 CONGRESS LLC           | 1,690,900      | 1,132.90     |
| 037 I002101 | 20:COMMERCIAL CONDOS       | 490    | CONGRESS ST | GRACE LLC                  | 647,800        | 434.03       |

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| PARCEL ID   | LAND USE             | NUMBER | STREET      | OWNER                        | NET ASSESSMENT | FEE @ .00067 |
|-------------|----------------------|--------|-------------|------------------------------|----------------|--------------|
| 037 I002102 | 20:COMMERCIAL CONDOS | 492    | CONGRESS ST | DJ HOLDINGS LLC              | 512,000        | 343.04       |
| 037 I002103 | 20:COMMERCIAL CONDOS | 15     | BROWN ST    | THE DOROTHEA &               | 239,500        | 160.47       |
| 037 I002104 | 10:CONDOMINIUMS      | 15     | BROWN ST    | O'SULLIVAN MICHAEL &         | 651,500        | 436.51       |
| 037 I002105 | 10:CONDOMINIUMS      | 15     | BROWN ST    | ADLER JANICE B               | 617,600        | 413.79       |
| 037 I002201 | 10:CONDOMINIUMS      | 15     | BROWN ST    | PYE JOHN F &                 | 371,500        | 248.91       |
| 037 I002202 | 10:CONDOMINIUMS      | 15     | BROWN ST    | SAUCEDO CHRISTIAN MANUEL     | 426,400        | 285.69       |
| 037 I002203 | 10:CONDOMINIUMS      | 15     | BROWN ST    | CARUSO PHILIP &              | 497,500        | 333.33       |
| 037 I002204 | 10:CONDOMINIUMS      | 15     | BROWN ST    | SINGER JASON &               | 416,500        | 279.06       |
| 037 I002205 | 10:CONDOMINIUMS      | 15     | BROWN ST    | 207 INVESTS I LLC            | 406,800        | 272.56       |
| 037 I002206 | 10:CONDOMINIUMS      | 15     | BROWN ST    | MCILVAIN ELIZABETH S TRUSTEE | 320,400        | 214.67       |
| 037 I002207 | 10:CONDOMINIUMS      | 15     | BROWN ST    | SOULE GEORGE &               | 236,600        | 158.52       |
| 037 I002208 | 10:CONDOMINIUMS      | 15     | BROWN ST    | DOCTOROFF MARK G             | 454,100        | 304.25       |
| 037 I002301 | 10:CONDOMINIUMS      | 15     | BROWN ST    | BERZON TODD S                | 438,400        | 293.73       |
| 037 I002302 | 10:CONDOMINIUMS      | 15     | BROWN ST    | ANDREOLI HELEN L             | 423,400        | 283.68       |
| 037 I002303 | 10:CONDOMINIUMS      | 15     | BROWN ST    | BAUMAN PATRICIA J TRUSTEE    | 499,400        | 334.60       |
| 037 I002304 | 10:CONDOMINIUMS      | 15     | BROWN ST    | MOORE BRIAN D                | 443,000        | 296.81       |
| 037 I002305 | 10:CONDOMINIUMS      | 15     | BROWN ST    | COFFIN KATHLEEN M            | 354,600        | 237.58       |
| 037 I002306 | 10:CONDOMINIUMS      | 15     | BROWN ST    | HUNT RYAN ETAL               | 406,500        | 272.36       |
| 037 I002307 | 10:CONDOMINIUMS      | 15     | BROWN ST    | DOCTOROFF MARK G             | 442,100        | 296.21       |
| 037 I002401 | 10:CONDOMINIUMS      | 15     | BROWN ST    | ANDONE PROPERTIES LLC        | 537,100        | 359.86       |
| 037 I002402 | 10:CONDOMINIUMS      | 15     | BROWN ST    | JONES RUSSELL J              | 540,800        | 362.34       |
| 037 I002403 | 10:CONDOMINIUMS      | 15     | BROWN ST    | QUADRI SYED M &              | 579,900        | 388.53       |
| 037 I002404 | 10:CONDOMINIUMS      | 15     | BROWN ST    | RICCI MICHAEL &              | 536,600        | 359.52       |
| 037 I002405 | 10:CONDOMINIUMS      | 15     | BROWN ST    | MARCUS PETER H TRUSTEE &     | 479,900        | 321.53       |

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| PARCEL ID   | LAND USE                | NUMBER | STREET      | OWNER                       | NET ASSESSMENT | FEE @ .00067 |
|-------------|-------------------------|--------|-------------|-----------------------------|----------------|--------------|
| 037 I002406 | 10:CONDOMINIUMS         | 15     | BROWN ST    | SANTORO DAVID M             | 506,400        | 339.29       |
| 037 I003001 | 21:RETAIL SERVICES      | 482    | CONGRESS ST | CENTER CONGRESS LLC         | 5,677,800      | 3,804.13     |
| 037 I004001 | 22:OFFICE BUSINESS      | 480    | CONGRESS ST | ASHBY TEAM LLC              | 2,250,900      | 1,508.10     |
| 037 I005001 | 27:MULTI-USE COMMERCIAL | 486    | CONGRESS ST | BARTHE DONNA                | 607,700        | 407.16       |
| 037 I00701A | 20:COMMERCIAL CONDOS    | 11     | BROWN ST    | PHELPS CRAIG REAL           | 806,200        | 540.15       |
| 037 I00702A | 10:CONDOMINIUMS         | 9      | BROWN ST    | WADDELL CHRISTOPHER &       | 391,800        | 262.51       |
| 037 I00702B | 10:CONDOMINIUMS         | 9      | BROWN ST    | BUKER MAILE E               | 514,100        | 344.45       |
| 037 I00703A | 10:CONDOMINIUMS         | 9      | BROWN ST    | COYLE MICHAEL               | 677,100        | 453.66       |
| 037 I00704A | 10:CONDOMINIUMS         | 9      | BROWN ST    | THORNDIKE WILLIAM N JR &    | 841,700        | 563.94       |
| 037 I009001 | 25:PARKING LOTS         | 59     | FREE ST     | JBG & H ASSOCIATES          | 887,700        | 594.76       |
| 037 I012001 | 25:PARKING LOTS         | 104    | CENTER ST   | CENTER CONGRESS LLC         | 734,300        | 491.98       |
| 038 A001001 | 20:COMMERCIAL CONDOS    | 10     | FREE ST     | JBG&H ASSOCIATES            | 4,140,500      | 2,774.14     |
| 038 A001002 | 20:COMMERCIAL CONDOS    | 10     | FREE ST     | BROWN J B & SONS            | 2,150,300      | 1,440.70     |
| 038 A005001 | 22:OFFICE BUSINESS      | 22     | FREE ST     | BROWN J B & SONS            | 4,293,000      | 2,876.31     |
| 038 B001001 | 20:COMMERCIAL CONDOS    | 1      | PORTLAND SQ | NORTH RIVER IV LLC          | 29,724,300     | 19,915.28    |
| 038 B001007 | 20:COMMERCIAL CONDOS    | 1      | PORTLAND SQ | PS ONE REALTY LLC           | 18,566,400     | 12,439.49    |
| 038 B002001 | 22:OFFICE BUSINESS      | 2      | PORTLAND SQ | NORTH RIVER IV LLC          | 34,048,300     | 22,812.36    |
| 038 B003001 | 25:PARKING LOTS         | 481    | FORE ST     | NORTH RIVER IV LLC          | 5,103,400      | 3,419.28     |
| 038 C008001 | 56:GOVERNMENTAL         | 28     | COTTON ST   | CITY OF PORTLAND            | -00            | -            |
| 038 C009001 | 25:PARKING LOTS         | 24     | COTTON ST   | CASCO VIEW HOLDINGS III LLC | 1,459,000      | 977.53       |
| 038 C012001 | 27:MULTI-USE COMMERCIAL | 8      | COTTON ST   | CASCO VIEW HOLDINGS III LLC | 2,630,900      | 1,762.70     |
| 038 C030001 | 21:RETAIL SERVICES      | 59     | CENTER ST   | CASCO VIEW HOLDINGS III LLC | 687,200        | 460.42       |
| 038 D015001 | 56:GOVERNMENTAL         | 82     | FREE ST     | CUMBERLAND COUNTY MAINE     | -00            | -            |
| 038 E009105 | 20:COMMERCIAL CONDOS    | 70     | CENTER ST   | 105 STAPLES SCHOOL LLC      | 375,000        | 251.25       |

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| PARCEL ID   | LAND USE                | NUMBER | STREET        | OWNER                           | NET ASSESSMENT | FEE @ .00067 |
|-------------|-------------------------|--------|---------------|---------------------------------|----------------|--------------|
| 038 E009106 | 20:COMMERCIAL CONDOS    | 70     | CENTER ST     | APPLE REAL ESTATE               | 342,900        | 229.74       |
| 038 E009204 | 20:COMMERCIAL CONDOS    | 70     | CENTER ST     | 70 CENTER LLC                   | 372,300        | 249.44       |
| 038 E009205 | 20:COMMERCIAL CONDOS    | 70     | CENTER ST     | 70 CENTER LLC                   | 387,000        | 259.29       |
| 038 E009304 | 20:COMMERCIAL CONDOS    | 70     | CENTER ST     | EAST COAST CONSTRUCTION AND     | 390,100        | 261.37       |
| 038 E009305 | 20:COMMERCIAL CONDOS    | 70     | CENTER ST     | MCKERSIE FAMILY LLC             | 388,200        | 260.09       |
| 038 E009401 | 20:COMMERCIAL CONDOS    | 70     | CENTER ST     | ALDER RUN DEVELOPMENT           | 673,900        | 451.51       |
| 038 E009G07 | 20:COMMERCIAL CONDOS    | 70     | CENTER ST     | 70 CENTER STREET BASEMENT LLC   | 353,800        | 237.05       |
| 038 E009G08 | 20:COMMERCIAL CONDOS    | 70     | CENTER ST     | MAINE BUSINESS SERVICES INC     | 347,600        | 232.89       |
| 038 E010001 | 20:COMMERCIAL CONDOS    | 17     | SOUTH ST      | LEVINE ROBERT A &               | 228,900        | 153.36       |
| 038 E010002 | 20:COMMERCIAL CONDOS    | 17     | SOUTH ST      | SOUTH STREET PARTNERS 2 LLC     | 228,900        | 153.36       |
| 038 E010003 | 20:COMMERCIAL CONDOS    | 17     | SOUTH ST      | PRESTIGE WORLD-WIDE             | 371,200        | 248.70       |
| 038 E012001 | 21:RETAIL SERVICES      | 52     | CENTER ST     | PICTURE ISLAND INC              | 683,300        | 457.81       |
| 038 E019001 | 21:RETAIL SERVICES      | 1      | PLEASANT ST   | ZENITH OPERATING GROUP LLC      | 1,669,000      | 1,118.23     |
| 038 E020001 | 27:MULTI-USE COMMERCIAL | 7      | PLEASANT ST   | 7-19 PLEASANT STREET LLC        | 783,100        | 524.68       |
| 038 E021001 | 25:PARKING LOTS         | 9      | PLEASANT ST   | 7-19 PLEASANT STREET LLC        | 156,800        | 105.06       |
| 038 E022001 | 25:PARKING LOTS         | 9      | PLEASANT ST   | 7-19 PLEASANT STREET LLC        | 22,800         | 15.28        |
| 038 E023001 | 27:MULTI-USE COMMERCIAL | 15     | PLEASANT ST   | 7-19 PLEASANT STREET LLC        | 1,506,700      | 1,009.49     |
| 038 E024001 | 27:MULTI-USE COMMERCIAL | 21     | PLEASANT ST   | ANADILYA PROPERTIES LLC         | 1,190,500      | 797.64       |
| 038 E025001 | 13:THREE FAMILY         | 11     | SOUTH ST      | AMORY JONATHAN &                | 858,500        | 575.20       |
| 038 E026001 | 12:TWO FAMILY           | 9      | SOUTH ST      | HANSON ANJA-BRITT &             | 831,800        | 557.31       |
| 038 E027001 | 27:MULTI-USE COMMERCIAL | 5      | SOUTH ST      | FIVE SOUTH STREET LLC           | 729,000        | 488.43       |
| 038 E029001 | 27:MULTI-USE COMMERCIAL | 19     | SOUTH ST      | 19 SOUTH STREET DEVELOPMENT LLC | 1,535,200      | 1,028.58     |
| 038 E030001 | 25:PARKING LOTS         | 58     | CENTER ST     | STEELE DANIEL L                 | 984,700        | 659.75       |
| 038 F004001 | 24:WHOLESALE            | 241    | COMMERCIAL ST | SLM PROPERTIES INC              | 3,049,400      | 2,043.10     |



Portland Downtown District FY2024 Listing of Property Assessments

| PARCEL ID   | LAND USE           | NUMBER | STREET        | OWNER                      | NET ASSESSMENT | FEE @ .00067 |
|-------------|--------------------|--------|---------------|----------------------------|----------------|--------------|
| 038 F006001 | 22:OFFICE BUSINESS | 245    | COMMERCIAL ST | CASCO VIEW HOLDINGS LLC    | 6,931,500      | 4,644.11     |
| 038 F008001 | 22:OFFICE BUSINESS | 470    | FORE ST       | DICTAR ASSOCIATES II       | 2,958,500      | 1,982.20     |
| 038 F009001 | 23:HOTEL & MOTEL   | 468    | FORE ST       | HARBOR PLAZA ASSOCIATES II | 25,990,300     | 17,413.50    |
| 038 F009002 | 22:OFFICE BUSINESS | 468    | FORE ST       | DICTAR ASSOCIATES II       | 5,400,000      | 3,618.00     |
| 038 F019001 | 22:OFFICE BUSINESS | 19     | CROSS ST      | CASCO VIEW HOLDINGS II LLC | 8,755,900      | 5,866.45     |
| 038 G001001 | 25:PARKING LOTS    | 486    | FORE ST       | NORTH RIVER IV LLC         | 4,151,800      | 2,781.71     |
| 038 G00202A | 10:CONDOMINIUMS    | 269    | COMMERCIAL ST | GOSSELIN EUGENE D &        | 244,100        | 163.55       |
| 038 G00202B | 10:CONDOMINIUMS    | 269    | COMMERCIAL ST | POE MAXWELL                | 248,200        | 166.29       |
| 038 G00202C | 10:CONDOMINIUMS    | 269    | COMMERCIAL ST | SCHNEIDER PAUL             | 244,500        | 163.82       |
| 038 G00202D | 10:CONDOMINIUMS    | 269    | COMMERCIAL ST | CUMMING JEAN S &           | 258,400        | 173.13       |
| 038 G00202E | 10:CONDOMINIUMS    | 269    | COMMERCIAL ST | DEVILLIER JACQUES K        | 227,100        | 152.16       |
| 038 G00202F | 10:CONDOMINIUMS    | 269    | COMMERCIAL ST | MCKENZIE ANNE-MARIE &      | 265,000        | 177.55       |
| 038 G00203A | 10:CONDOMINIUMS    | 269    | COMMERCIAL ST | SHULTZ RICHARD H &         | 253,600        | 169.91       |
| 038 G00203B | 10:CONDOMINIUMS    | 269    | COMMERCIAL ST | RICE LEE PRISCILLA TRUSTEE | 241,900        | 162.07       |
| 038 G00203C | 10:CONDOMINIUMS    | 269    | COMMERCIAL ST | NORCHI CHARLES H           | 271,100        | 181.64       |
| 038 G00203D | 10:CONDOMINIUMS    | 269    | COMMERCIAL ST | DODGE MEREDITH             | 252,700        | 169.31       |
| 038 G00203E | 10:CONDOMINIUMS    | 269    | COMMERCIAL ST | CONKLIN HENRY C            | 254,900        | 170.78       |
| 038 G00203F | 10:CONDOMINIUMS    | 269    | COMMERCIAL ST | TUCKER HAROLD W III        | 258,700        | 173.33       |
| 038 G00204A | 10:CONDOMINIUMS    | 269    | COMMERCIAL ST | ROUSSEAU GREGORY MICHEL    | 254,000        | 170.18       |
| 038 G00204B | 10:CONDOMINIUMS    | 269    | COMMERCIAL ST | 269 COMMERCIAL LLC         | 268,800        | 180.10       |
| 038 G00204C | 10:CONDOMINIUMS    | 269    | COMMERCIAL ST | GIOBBI ARCHIE &            | 336,800        | 225.66       |
| 038 G00204D | 10:CONDOMINIUMS    | 269    | COMMERCIAL ST | KIMBLE ELLEN SUE           | 230,800        | 154.64       |
| 038 G00204E | 10:CONDOMINIUMS    | 269    | COMMERCIAL ST | LOWRY KATE                 | 255,200        | 170.98       |
| 038 G00204F | 10:CONDOMINIUMS    | 269    | COMMERCIAL ST | WONG ROCKET &              | 241,900        | 162.07       |

Portland Downtown District FY2024 Listing of Property Assessments

| PARCEL ID   | LAND USE                | NUMBER | STREET        | OWNER                    | NET ASSESSMENT | FEE @ .00067 |
|-------------|-------------------------|--------|---------------|--------------------------|----------------|--------------|
| 038 G00205A | 10:CONDOMINIUMS         | 269    | COMMERCIAL ST | BERG ERIC O JR TRUSTEE   | 285,600        | 191.35       |
| 038 G00205B | 10:CONDOMINIUMS         | 269    | COMMERCIAL ST | GLENNON THOMAS J         | 309,700        | 207.50       |
| 038 G00205C | 10:CONDOMINIUMS         | 269    | COMMERCIAL ST | CALDWELL ROBERT A        | 277,100        | 185.66       |
| 038 G00205D | 10:CONDOMINIUMS         | 269    | COMMERCIAL ST | MULLAHY CHRISTINE &      | 315,800        | 211.59       |
| 038 G00205E | 10:CONDOMINIUMS         | 269    | COMMERCIAL ST | FLAHERTY CHRISTOPHER F   | 308,500        | 206.70       |
| 038 G00205F | 10:CONDOMINIUMS         | 269    | COMMERCIAL ST | FOSTER ANTHONY W         | 269,500        | 180.57       |
| 038 G002267 | 20:COMMERCIAL CONDOS    | 269    | COMMERCIAL ST | TEEDUCFRATAY LLC         | 671,800        | 450.11       |
| 038 G002271 | 20:COMMERCIAL CONDOS    | 269    | COMMERCIAL ST | JKC LLC                  | 604,700        | 405.15       |
| 038 G005001 | 23:HOTEL & MOTEL        | 9      | CENTER ST     | FATHOM CC LLC            | 37,475,500     | 25,108.59    |
| 038 I001001 | 27:MULTI-USE COMMERCIAL | 28     | FREE ST       | 40 FREE LLC              | 10,102,200     | 6,768.47     |
| 038 I003001 | 25:PARKING LOTS         | 15     | SPRING ST     | BROWN J B & SONS         | 1,783,900      | 1,195.21     |
| 038 I018001 | 21:RETAIL SERVICES      | 46     | FREE ST       | BROWN J B & SONS         | 4,542,400      | 3,043.41     |
| 039 A001001 | 21:RETAIL SERVICES      | 626    | CONGRESS ST   | PARK WONBAE &            | 1,844,400      | 1,235.75     |
| 039 A002001 | 21:RETAIL SERVICES      | 622    | CONGRESS ST   | WAYNE ENTERPRISES LLC    | 2,298,400      | 1,539.93     |
| 039 A005001 | 21:RETAIL SERVICES      | 616    | CONGRESS ST   | 614 CONGRESS STREET LLC  | 2,113,000      | 1,415.71     |
| 039 A006001 | 25:PARKING LOTS         | 143    | PARK ST       | 614 CONGRESS STREET LLC  | 154,500        | 103.52       |
| 039 A007001 | 25:PARKING LOTS         | 612    | CONGRESS ST   | RICE GEOFFREY I          | 108,100        | 72.43        |
| 039 A008001 | 21:RETAIL SERVICES      | 610    | CONGRESS ST   | 19 SOUTH STREET LLC      | 735,600        | 492.85       |
| 039 A009001 | 21:RETAIL SERVICES      | 608    | CONGRESS ST   | 19 SOUTH STREET LLC      | 732,400        | 490.71       |
| 039 A010001 | 21:RETAIL SERVICES      | 606    | CONGRESS ST   | 602 CONGRESS LLC         | 623,100        | 417.48       |
| 039 A011001 | 25:PARKING LOTS         | 141    | PARK ST       | WAYNE ENTERPRISES LLC    | 272,800        | 182.78       |
| 039 A013001 | 22:OFFICE BUSINESS      | 600    | CONGRESS ST   | 602 CONGRESS LLC         | 2,909,500      | 1,949.37     |
| 039 A016001 | 40:VACANT LAND          | 122    | HIGH ST       | TEGNA EAST COAST         | 139,100        | 93.20        |
| 039 A016002 | 25:PARKING LOTS         | 122    | HIGH ST       | PACIFIC AND SOUTHERN LLC | 1,349,600      | 904.23       |

Portland Downtown District FY2024 Listing of Property Assessments

| PARCEL ID   | LAND USE                   | NUMBER | STREET      | OWNER                  | NET ASSESSMENT | FEE @ .00067 |
|-------------|----------------------------|--------|-------------|------------------------|----------------|--------------|
| 039 A017001 | 22:OFFICE BUSINESS         | 128    | HIGH ST     | TEGNA EAST COAST       | 4,173,000      | 2,795.91     |
| 039 A027001 | 26:PRIVATE CLUBS           | 116    | HIGH ST     | CUMBERLAND CLUB        | 3,745,400      | 2,509.42     |
| 039 A028001 | 04:BED & BREAKFAST         | 135    | SPRING ST   | THE WREN LLC           | 1,202,000      | 805.34       |
| 039 A029001 | 27:MULTI-USE COMMERCIAL    | 133    | SPRING ST   | STADLER CECILE         | 652,000        | 436.84       |
| 039 A030001 | 27:MULTI-USE COMMERCIAL    | 131    | SPRING ST   | NOUVEAU-NE LLC         | 570,600        | 382.30       |
| 039 A031001 | 27:MULTI-USE COMMERCIAL    | 129    | SPRING ST   | 129 SPRING STREET LLC  | 678,900        | 454.86       |
| 039 A032001 | 25:PARKING LOTS            | 127    | SPRING ST   | CUMBERLAND CLUB        | 325,600        | 218.15       |
| 039 A035001 | 27:MULTI-USE COMMERCIAL    | 110    | HIGH ST     | SOUTH 504 LLC          | 578,700        | 387.73       |
| 039 A037001 | 21:RETAIL SERVICES         | 106    | HIGH ST     | M2BM LLC               | 1,041,200      | 697.60       |
| 039 A038001 | 21:RETAIL SERVICES         | 612    | CONGRESS ST | BLUE BAY LLC           | 768,500        | 514.90       |
| 039 B001001 | 55:LITERARY & SCIENTIFIC   | 97     | SPRING ST   | PORTLAND MUSEUM OF ART | -00            | -            |
| 039 B003001 | 55:LITERARY & SCIENTIFIC   | 142    | FREE ST     | PORTLAND MUSEUM OF ART | -00            | -            |
| 039 B004001 | 25:PARKING LOTS            | 130    | FREE ST     | MAINEHEALTH            | 1,447,600      | 969.89       |
| 039 B007001 | 21:RETAIL SERVICES         | 128    | FREE ST     | MAINEHEALTH            | 590,200        | 395.43       |
| 039 B008001 | 25:PARKING LOTS            | 120    | FREE ST     | MAINEHEALTH            | 1,145,200      | 767.28       |
| 039 B011001 | 20:COMMERCIAL CONDOS       | 44     | OAK ST      | EVERYTHING LLC         | 921,200        | 617.20       |
| 039 B011002 | 20:COMMERCIAL CONDOS       | 44     | OAK ST      | EVERYTHING LLC         | 497,000        | 332.99       |
| 039 B011003 | 20:COMMERCIAL CONDOS       | 44     | OAK ST      | 44 OAK UNIT THREE LLC  | 486,900        | 326.22       |
| 039 B011004 | 10:CONDOMINIUMS            | 44     | OAK ST      | KEON MICHAEL P         | 1,030,400      | 690.37       |
| 039 B013001 | 55:LITERARY & SCIENTIFIC   | 148    | FREE ST     | PORTLAND MUSEUM OF ART | -00            | -            |
| 039 B015001 | 55:LITERARY & SCIENTIFIC   | 87     | SPRING ST   | PORTLAND MUSEUM OF ART | -00            | -            |
| 039 C001002 | 54:BENEVOLENT & CHARITABLE | 110    | FREE ST     | MAINEHEALTH            | -00            | -            |
| 039 C00101A | 54:BENEVOLENT & CHARITABLE | 110    | FREE ST     | MAINEHEALTH            | -00            | -            |
| 039 C00101B | 20:COMMERCIAL CONDOS       | 110    | FREE ST     | MAINEHEALTH            | 1,428,700      | 957.23       |

Portland Downtown District FY2024 Listing of Property Assessments

| PARCEL ID   | LAND USE                   | NUMBER | STREET             | OWNER                          | NET ASSESSMENT | FEE @ .00067 |
|-------------|----------------------------|--------|--------------------|--------------------------------|----------------|--------------|
| 039 C00101C | 20:COMMERCIAL CONDOS       | 110    | FREE ST            | MAINEHEALTH                    | 2,019,400      | 1,353.00     |
| 039 C0010GB | 54:BENEVOLENT & CHARITABLE | 110    | FREE ST            | MAINEHEALTH                    | -00            | -            |
| 039 C0010GC | 54:BENEVOLENT & CHARITABLE | 110    | FREE ST            | MAINEHEALTH                    | -00            | -            |
| 039 C001301 | 54:BENEVOLENT & CHARITABLE | 110    | FREE ST            | MAINEHEALTH                    | -00            | -            |
| 039 C001302 | 54:BENEVOLENT & CHARITABLE | 110    | FREE ST            | MAINEHEALTH                    | -00            | -            |
| 039 C001GA1 | 54:BENEVOLENT & CHARITABLE | 110    | FREE ST            | MAINEHEALTH                    | -00            | -            |
| 039 C001GA2 | 54:BENEVOLENT & CHARITABLE | 110    | FREE ST            | MAINEHEALTH                    | -00            | -            |
| 039 C002001 | 56:GOVERNMENTAL            | 0      | FREE ST            | CITY OF PORTLAND               | -00            | -            |
| 039 D005001 | 56:GOVERNMENTAL            | 98     | HIGH ST            | CITY OF PORTLAND               | -00            | -            |
| 039 E001001 | 56:GOVERNMENTAL            | 94     | SPRING ST ARTERIAL | CITY OF PORTLAND               | -00            | -            |
| 039 E008001 | 22:OFFICE BUSINESS         | 93     | HIGH ST            | SAFFORD HOUSE LLC              | 1,092,900      | 732.24       |
| 039 E009001 | 54:BENEVOLENT & CHARITABLE | 87     | HIGH ST            | ST ELIZABETH'S ROMAN           | -00            | -            |
| 039 E010001 | 23:HOTEL & MOTEL           | 88     | SPRING ST          | LAFAYETTE PORTLAND LLC         | 22,546,500     | 15,106.16    |
| 039 F001001 | 25:PARKING LOTS            | 40     | SPRING ST ARTERIAL | LAFAYETTE PORTLAND LLC         | 7,953,500      | 5,328.85     |
| 039 F013001 | 32:WAREHOUSE & STORAGE     | 59     | PLEASANT ST        | BAKERY LIMITED LIABILITY CO    | 2,121,300      | 1,421.27     |
| 039 F017001 | 12:TWO FAMILY              | 22     | SOUTH ST           | LOMBARDI BRIAN D               | 592,400        | 396.91       |
| 039 F018001 | 12:TWO FAMILY              | 20     | SOUTH ST           | SCHMIDT REMINGTON O            | 415,900        | 278.65       |
| 039 F019001 | 11:SINGLE FAMILY           | 18     | SOUTH ST           | LEWIS CLARENCE MICHAEL &       | 619,300        | 414.93       |
| 039 F020001 | 12:TWO FAMILY              | 14     | SOUTH ST           | MCLAUGHLIN KATHERINE A TRUSTEE | 619,900        | 415.33       |
| 039 F021001 | 25:PARKING LOTS            | 10     | SOUTH ST           | BROWN J B & SONS               | 27,500         | 18.43        |
| 039 F022001 | 10:CONDOMINIUMS            | 37     | PLEASANT ST        | SWEENEY HILARY &               | 337,100        | 225.86       |
| 039 F022002 | 10:CONDOMINIUMS            | 37     | PLEASANT ST        | WEATHERFORD CLAUDINE &         | 334,700        | 224.25       |
| 039 F022003 | 10:CONDOMINIUMS            | 37     | PLEASANT ST        | WATSON MICHAEL P &             | 337,100        | 225.86       |
| 039 F022004 | 10:CONDOMINIUMS            | 37     | PLEASANT ST        | HOLT MYRA FUJIMOTO TRUSTEE     | 334,700        | 224.25       |

Portland Downtown District FY2024 Listing of Property Assessments

| PARCEL ID   | LAND USE                | NUMBER | STREET      | OWNER                     | NET ASSESSMENT | FEE @ .00067 |
|-------------|-------------------------|--------|-------------|---------------------------|----------------|--------------|
| 039 F022005 | 10:CONDOMINIUMS         | 37     | PLEASANT ST | COMEAU PETER W &          | 337,100        | 225.86       |
| 039 F022006 | 10:CONDOMINIUMS         | 37     | PLEASANT ST | HAAS JOHN E &             | 334,700        | 224.25       |
| 039 F023001 | 20:COMMERCIAL CONDOS    | 35     | PLEASANT ST | 35 PLEASANT ST LLC        | 299,500        | 200.67       |
| 039 F023002 | 10:CONDOMINIUMS         | 35     | PLEASANT ST | REITER LAUREN J &         | 801,300        | 536.87       |
| 039 F025001 | 58:LAND BANKS           | 24     | SOUTH ST    | CITY OF PORTLAND          | -00            | -            |
| 039 F026001 | 40:VACANT LAND          | 22     | SOUTH ST    | LOMBARDI DEBRA &          | 70,100         | 46.97        |
| 040 A001001 | 16:11 TO 20 FAMILY      | 79     | HIGH ST     | AVESTA INGRAHAM HOUSE LLC | 1,039,300      | 696.33       |
| 040 A002001 | 14:FOUR FAMILY          | 98     | PLEASANT ST | O'SULLIVAN PATRICIA &     | 905,200        | 606.48       |
| 040 A003001 | 12:TWO FAMILY           | 92     | PLEASANT ST | MCLARNON STEPHEN R JR &   | 725,400        | 486.02       |
| 040 A004001 | 15:5 TO 10 FAMILY       | 88     | PLEASANT ST | C M SCRIBNER & CO LIMITED | 1,366,900      | 915.82       |
| 040 A005001 | 25:PARKING LOTS         | 76     | PLEASANT ST | LAFAYETTE PORTLAND LLC    | 423,200        | 283.54       |
| 040 A008001 | 25:PARKING LOTS         | 74     | PLEASANT ST | BROWN J B & SONS          | 100,900        | 67.60        |
| 040 A009001 | 14:FOUR FAMILY          | 68     | PLEASANT ST | SCHWARTZ DONNA L          | 915,400        | 613.32       |
| 040 A010001 | 27:MULTI-USE COMMERCIAL | 54     | MAPLE ST    | AXE CAP LLC               | 558,200        | 373.99       |
| 040 A011001 | 11:SINGLE FAMILY        | 67     | HIGH ST     | BOURNE KATHERINE L &      | 751,400        | 503.44       |
| 040 A013001 | 17:21 PLUS FAMILY       | 53     | DANFORTH ST | 53 DANFORTH STREET LP     | 5,255,000      | 3,520.85     |
| 040 A014001 | 11:SINGLE FAMILY        | 52     | MAPLE ST    | ADLER BRENT               | 514,400        | 344.65       |
| 040 A015001 | 15:5 TO 10 FAMILY       | 65     | HIGH ST     | BRICKLIGHT PROPERTIES LLC | 1,107,600      | 742.09       |
| 040 A016001 | 17:21 PLUS FAMILY       | 81     | DANFORTH ST | DANFORTH ON HIGH LP       | 3,379,900      | 2,264.53     |
| 040 A017001 | 15:5 TO 10 FAMILY       | 77     | DANFORTH ST | EAST DANFORTH LLC         | 1,044,300      | 699.68       |
| 040 A018001 | 15:5 TO 10 FAMILY       | 75     | DANFORTH ST | EAST DANFORTH LLC         | 987,300        | 661.49       |
| 040 A019001 | 15:5 TO 10 FAMILY       | 71     | DANFORTH ST | EAST DANFORTH LLC         | 1,230,300      | 824.30       |
| 040 A022001 | 15:5 TO 10 FAMILY       | 67     | DANFORTH ST | EAST DANFORTH LLC         | 1,101,400      | 737.94       |
| 040 A024001 | 15:5 TO 10 FAMILY       | 63     | DANFORTH ST | EAST DANFORTH LLC         | 721,000        | 483.07       |

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| PARCEL ID   | LAND USE                | NUMBER | STREET      | OWNER                       | NET ASSESSMENT | FEE @ .00067 |
|-------------|-------------------------|--------|-------------|-----------------------------|----------------|--------------|
| 040 A027001 | 11:SINGLE FAMILY        | 50     | MAPLE ST    | BRIGHAM JORDAN &            | 598,000        | 400.66       |
| 040 A028001 | 25:PARKING LOTS         | 46     | MAPLE ST    | BROWN J B & SONS            | 96,100         | 64.39        |
| 040 A030001 | 16:11 TO 20 FAMILY      | 69     | HIGH ST     | BRICKLIGHT PROPERTIES LLC   | 1,301,300      | 871.87       |
| 040 B001001 | 25:PARKING LOTS         | 55     | MAPLE ST    | BAKERY LIMITED LIABILITY CO | 119,200        | 79.86        |
| 040 B002001 | 25:PARKING LOTS         | 58     | PLEASANT ST | BROWN J B & SONS            | 89,200         | 59.76        |
| 040 B003001 | 13:THREE FAMILY         | 54     | PLEASANT ST | JR SAPPERSTEIN HOLDINGS LLC | 795,000        | 532.65       |
| 040 B004001 | 27:MULTI-USE COMMERCIAL | 44     | PLEASANT ST | 44 PLEASANT STREET LLC      | 1,528,400      | 1,024.03     |
| 040 B006001 | 11:SINGLE FAMILY        | 40     | PLEASANT ST | SPERRY ELISABETH &          | 972,600        | 651.64       |
| 040 B007001 | 27:MULTI-USE COMMERCIAL | 23     | DANFORTH ST | SCHWARTZ DONNA L            | 682,100        | 457.01       |
| 040 B008001 | 10:CONDOMINIUMS         | 32     | PLEASANT ST | JOSEPH JOEY P               | 312,800        | 209.58       |
| 040 B008002 | 10:CONDOMINIUMS         | 32     | PLEASANT ST | BROME CHRISTINE             | 327,300        | 219.29       |
| 040 B008003 | 10:CONDOMINIUMS         | 32     | PLEASANT ST | CARLEY TESS &               | 475,000        | 318.25       |
| 040 B009001 | 10:CONDOMINIUMS         | 30     | PLEASANT ST | LEVANDOSKI THERESE M        | 312,000        | 209.04       |
| 040 B009002 | 10:CONDOMINIUMS         | 30     | PLEASANT ST | HANSON JUNE ANDREA          | 325,900        | 218.35       |
| 040 B009003 | 10:CONDOMINIUMS         | 30     | PLEASANT ST | HOULE RONALD J &            | 400,800        | 268.54       |
| 040 B010001 | 12:TWO FAMILY           | 20     | PLEASANT ST | WEST ERIK MARK              | 553,300        | 370.71       |
| 040 B012001 | 22:OFFICE BUSINESS      | 18     | PLEASANT ST | 18 PLEASANT ST ASSOC        | 250,500        | 167.84       |
| 040 B013001 | 11:SINGLE FAMILY        | 14     | PLEASANT ST | GIOBBI CARLO A JR &         | 638,700        | 427.93       |
| 040 B015001 | 25:PARKING LOTS         | 10     | PLEASANT ST | GIOBBI CARLO A JR &         | 43,100         | 28.88        |
| 040 B017001 | 21:RETAIL SERVICES      | 4      | PLEASANT ST | SANTE LLC                   | 114,300        | 76.58        |
| 040 B018001 | 40:VACANT LAND          | 51     | MAPLE ST    | BRIGHAM JORDAN &            | 16,100         | 10.79        |
| 040 B020001 | 21:RETAIL SERVICES      | 35     | DANFORTH ST | TOBEY LINDA W               | 689,100        | 461.70       |
| 040 B021001 | 13:THREE FAMILY         | 33     | DANFORTH ST | FOX STEPHEN H               | 574,600        | 384.98       |
| 040 B022001 | 40:VACANT LAND          | 29     | DANFORTH ST | SCHAIR-CARDONA ERICA &      | 298,000        | 199.66       |

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| PARCEL ID   | LAND USE             | NUMBER | STREET      | OWNER                       | NET ASSESSMENT | FEE @ .00067 |
|-------------|----------------------|--------|-------------|-----------------------------|----------------|--------------|
| 040 B023001 | 25:PARKING LOTS      | 13     | DANFORTH ST | WRIGHT-RYAN REAL ESTATE LLC | 200,800        | 134.54       |
| 040 B028001 | 21:RETAIL SERVICES   | 1      | DANFORTH ST | SANTE LLC                   | 652,500        | 437.18       |
| 040 B032001 | 21:RETAIL SERVICES   | 45     | DANFORTH ST | CIGRI & DENG PROPERTIES LLC | 506,200        | 339.15       |
| 040 B033001 | 10:CONDOMINIUMS      | 56     | PLEASANT ST | O'BRIEN KAYLYN SHAY         | 339,000        | 227.13       |
| 040 B033002 | 10:CONDOMINIUMS      | 56     | PLEASANT ST | MARCOUX VANESSA L &         | 374,800        | 251.12       |
| 040 B033003 | 10:CONDOMINIUMS      | 56     | PLEASANT ST | RUNNING SALLY               | 358,300        | 240.06       |
| 040 C001001 | 16:11 TO 20 FAMILY   | 51     | HIGH ST     | GILLIS PETER J              | 1,374,800      | 921.12       |
| 040 C002001 | 15:5 TO 10 FAMILY    | 78     | DANFORTH ST | WEST COMPANY                | 1,124,800      | 753.62       |
| 040 C005001 | 20:COMMERCIAL CONDOS | 101    | YORK ST     | BROWN J B & SONS            | 2,962,000      | 1,984.54     |
| 040 C005201 | 10:CONDOMINIUMS      | 25     | HIGH ST     | VEALE PATRICK J &           | 482,400        | 323.21       |
| 040 C005202 | 10:CONDOMINIUMS      | 25     | HIGH ST     | ESCHBACH KELLY S &          | 340,500        | 228.14       |
| 040 C005203 | 10:CONDOMINIUMS      | 25     | HIGH ST     | KLEINLERER MICHAL FRED A    | 465,200        | 311.68       |
| 040 C005204 | 10:CONDOMINIUMS      | 25     | HIGH ST     | PARK KYUNG SAM              | 389,800        | 261.17       |
| 040 C005206 | 10:CONDOMINIUMS      | 25     | HIGH ST     | MYSA RENTALS LLC            | 341,800        | 229.01       |
| 040 C005207 | 10:CONDOMINIUMS      | 25     | HIGH ST     | CARRAHER DARIN L            | 337,900        | 226.39       |
| 040 C005208 | 10:CONDOMINIUMS      | 25     | HIGH ST     | LAGHAEI FARID &             | 452,200        | 302.97       |
| 040 C005209 | 10:CONDOMINIUMS      | 25     | HIGH ST     | GATOS PAMELA &              | 452,200        | 302.97       |
| 040 C005210 | 10:CONDOMINIUMS      | 25     | HIGH ST     | HEYMAN ADAM &               | 458,200        | 306.99       |
| 040 C005211 | 10:CONDOMINIUMS      | 25     | HIGH ST     | LIEBERMAN KYLE A ETAL JTS   | 457,300        | 306.39       |
| 040 C005212 | 10:CONDOMINIUMS      | 25     | HIGH ST     | WEATHERILL CAROLINE AVERY   | 432,300        | 289.64       |
| 040 C005213 | 10:CONDOMINIUMS      | 25     | HIGH ST     | PRICE JASON LLOYD &         | 432,300        | 289.64       |
| 040 C005214 | 10:CONDOMINIUMS      | 25     | HIGH ST     | DIRECTOR STEVEN &           | 457,300        | 306.39       |
| 040 C005215 | 10:CONDOMINIUMS      | 25     | HIGH ST     | CUSHMAN ROBIN MARI TRUSTEE  | 512,800        | 343.58       |
| 040 C005216 | 10:CONDOMINIUMS      | 25     | HIGH ST     | CHADBOURNE DENNIS S         | 458,700        | 307.33       |

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| PARCEL ID   | LAND USE        | NUMBER | STREET  | OWNER                       | NET ASSESSMENT | FEE @ .00067 |
|-------------|-----------------|--------|---------|-----------------------------|----------------|--------------|
| 040 C005301 | 10:CONDOMINIUMS | 25     | HIGH ST | LYONS THOMAS W &            | 457,400        | 306.46       |
| 040 C005302 | 10:CONDOMINIUMS | 25     | HIGH ST | HARROW DAVID                | 340,500        | 228.14       |
| 040 C005303 | 10:CONDOMINIUMS | 25     | HIGH ST | SMITH TEALE &               | 465,200        | 311.68       |
| 040 C005304 | 10:CONDOMINIUMS | 25     | HIGH ST | BROWN LAUREN HINSON &       | 389,800        | 261.17       |
| 040 C005305 | 10:CONDOMINIUMS | 25     | HIGH ST | DETER AMY &                 | 471,200        | 315.70       |
| 040 C005306 | 10:CONDOMINIUMS | 25     | HIGH ST | LACOGNATA STUART A          | 341,800        | 229.01       |
| 040 C005307 | 10:CONDOMINIUMS | 25     | HIGH ST | GRIFFIN ALEXANDER &         | 337,900        | 226.39       |
| 040 C005308 | 10:CONDOMINIUMS | 25     | HIGH ST | MARTINEZ DANIEL M &         | 452,200        | 302.97       |
| 040 C005309 | 10:CONDOMINIUMS | 25     | HIGH ST | ADLER SUSAN                 | 427,200        | 286.22       |
| 040 C005310 | 10:CONDOMINIUMS | 25     | HIGH ST | MORRIS AARON                | 433,200        | 290.24       |
| 040 C005311 | 10:CONDOMINIUMS | 25     | HIGH ST | LAMPNER GLENNA H &          | 457,300        | 306.39       |
| 040 C005312 | 10:CONDOMINIUMS | 25     | HIGH ST | DICKERSON NORVIN KENNEDY IV | 457,300        | 306.39       |
| 040 C005313 | 10:CONDOMINIUMS | 25     | HIGH ST | GRIDLEY GUY G               | 457,300        | 306.39       |
| 040 C005314 | 10:CONDOMINIUMS | 25     | HIGH ST | PROFESSIONAL PROPERTIES LLC | 457,300        | 306.39       |
| 040 C005315 | 10:CONDOMINIUMS | 25     | HIGH ST | INKOULOVA POLINA &          | 512,800        | 343.58       |
| 040 C005316 | 10:CONDOMINIUMS | 25     | HIGH ST | MILLER DEREK                | 433,700        | 290.58       |
| 040 C005401 | 10:CONDOMINIUMS | 25     | HIGH ST | KEELING MATTHEW R &         | 481,600        | 322.67       |
| 040 C005402 | 10:CONDOMINIUMS | 25     | HIGH ST | TAMASHIRO KASEY-KALEI       | 357,500        | 239.53       |
| 040 C005403 | 10:CONDOMINIUMS | 25     | HIGH ST | WOON ASHLEY HARDI           | 488,400        | 327.23       |
| 040 C005404 | 10:CONDOMINIUMS | 25     | HIGH ST | MORSE KRISTY M              | 384,300        | 257.48       |
| 040 C005405 | 10:CONDOMINIUMS | 25     | HIGH ST | CHEUNG PATRICIA K           | 494,800        | 331.52       |
| 040 C005406 | 10:CONDOMINIUMS | 25     | HIGH ST | SKACEL LAURA E              | 358,900        | 240.46       |
| 040 C005407 | 10:CONDOMINIUMS | 25     | HIGH ST | SHELLEY W KIRBY &           | 329,800        | 220.97       |
| 040 C005408 | 10:CONDOMINIUMS | 25     | HIGH ST | BAZINET JAYDE &             | 474,800        | 318.12       |



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| PARCEL ID   | LAND USE        | NUMBER | STREET  | OWNER                      | NET ASSESSMENT | FEE @ .00067 |
|-------------|-----------------|--------|---------|----------------------------|----------------|--------------|
| 040 C005409 | 10:CONDOMINIUMS | 25     | HIGH ST | PIASIO GEOFF B             | 474,800        | 318.12       |
| 040 C005410 | 10:CONDOMINIUMS | 25     | HIGH ST | SADLER CLIFFORD H &        | 456,100        | 305.59       |
| 040 C005411 | 10:CONDOMINIUMS | 25     | HIGH ST | SCHAFER MORGAN &           | 480,200        | 321.73       |
| 040 C005412 | 10:CONDOMINIUMS | 25     | HIGH ST | KRONENBERG MARIANNE L &    | 480,200        | 321.73       |
| 040 C005413 | 10:CONDOMINIUMS | 25     | HIGH ST | DORNEMAN PENELOPE LEE &    | 480,200        | 321.73       |
| 040 C005414 | 10:CONDOMINIUMS | 25     | HIGH ST | MANSOURI ROZHIN YOUSEFVAND | 480,200        | 321.73       |
| 040 C005415 | 10:CONDOMINIUMS | 25     | HIGH ST | REILLY KATHLEEN E          | 539,700        | 361.60       |
| 040 C005416 | 10:CONDOMINIUMS | 25     | HIGH ST | ROSS NATHAN T &            | 481,600        | 322.67       |
| 040 C005501 | 10:CONDOMINIUMS | 25     | HIGH ST | CRAWFORD MARK &            | 554,800        | 371.72       |
| 040 C005502 | 10:CONDOMINIUMS | 25     | HIGH ST | JOHNSTON EDWARD R &        | 391,500        | 262.31       |
| 040 C005503 | 10:CONDOMINIUMS | 25     | HIGH ST | BERRY RICHARD A            | 509,900        | 341.63       |
| 040 C005504 | 10:CONDOMINIUMS | 25     | HIGH ST | FREEDMAN PAUL R TRUSTEE    | 448,300        | 300.36       |
| 040 C005505 | 10:CONDOMINIUMS | 25     | HIGH ST | HIGH QUALITY RENTALS LLC   | 541,900        | 363.07       |
| 040 C005506 | 10:CONDOMINIUMS | 25     | HIGH ST | MARSDEN DAVID &            | 393,000        | 263.31       |
| 040 C005507 | 10:CONDOMINIUMS | 25     | HIGH ST | LADAN LUKA                 | 388,500        | 260.30       |
| 040 C005508 | 10:CONDOMINIUMS | 25     | HIGH ST | CARTER DONALD D JR &       | 495,000        | 331.65       |
| 040 C005509 | 10:CONDOMINIUMS | 25     | HIGH ST | BROWN SARA J HUTCHINSON &  | 520,000        | 348.40       |
| 040 C005510 | 10:CONDOMINIUMS | 25     | HIGH ST | LARLEE BRENT A &           | 502,000        | 336.34       |
| 040 C005511 | 10:CONDOMINIUMS | 25     | HIGH ST | OSTERGAARD LLC             | 526,000        | 352.42       |
| 040 C005512 | 10:CONDOMINIUMS | 25     | HIGH ST | DANIELSEN KERRY E          | 526,000        | 352.42       |
| 040 C005513 | 10:CONDOMINIUMS | 25     | HIGH ST | CONRAD ERIC &              | 526,000        | 352.42       |
| 040 C005514 | 10:CONDOMINIUMS | 25     | HIGH ST | SHAW DAVID E &             | 526,000        | 352.42       |
| 040 C005515 | 10:CONDOMINIUMS | 25     | HIGH ST | PARK MIRI                  | 618,500        | 414.40       |
| 040 C005516 | 10:CONDOMINIUMS | 25     | HIGH ST | BLOOM RYAN M ETAL JTS      | 527,500        | 353.43       |

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| PARCEL ID   | LAND USE                | NUMBER | STREET        | OWNER                       | NET ASSESSMENT | FEE @ .00067 |
|-------------|-------------------------|--------|---------------|-----------------------------|----------------|--------------|
| 040 C009001 | 31:MANUFACTURING        | 50     | DANFORTH ST   | BROWN J B & SONS            | 1,234,700      | 827.25       |
| 040 C014001 | 14:FOUR FAMILY          | 41     | HIGH ST       | SACRE LINDA &               | 675,000        | 452.25       |
| 040 C015001 | 10:CONDOMINIUMS         | 37     | HIGH ST       | MYBURGH ANDREW C &          | 272,600        | 182.64       |
| 040 C015002 | 10:CONDOMINIUMS         | 37     | HIGH ST       | SOLSTICE INVESTMENTS LLC    | 161,200        | 108.00       |
| 040 C015003 | 10:CONDOMINIUMS         | 37     | HIGH ST       | VADLA RAVI-KUMAR            | 312,400        | 209.31       |
| 040 C015004 | 10:CONDOMINIUMS         | 37     | HIGH ST       | THIS THYME AROUND LLC       | 216,900        | 145.32       |
| 040 C016001 | 12:TWO FAMILY           | 31     | HIGH ST       | BERNOTAVICZ JARAD           | 606,400        | 406.29       |
| 040 C021001 | 27:MULTI-USE COMMERCIAL | 27     | HIGH ST       | BROWN J B & SONS            | 6,330,000      | 4,241.10     |
| 040 C026001 | 24:WHOLESALE            | 75     | YORK ST       | YORKSHIRE LLC               | 1,328,500      | 890.10       |
| 040 C030001 | 21:RETAIL SERVICES      | 53     | YORK ST       | CASTINE 53 LLC              | 2,133,900      | 1,429.71     |
| 040 D001001 | 22:OFFICE BUSINESS      | 20     | DANFORTH ST   | BROWN J B & SONS            | 6,121,100      | 4,101.14     |
| 040 D002001 | 22:OFFICE BUSINESS      | 10     | DANFORTH ST   | WRIGHT-RYAN REAL ESTATE LLC | 1,667,900      | 1,117.49     |
| 040 E001001 | 25:PARKING LOTS         | 40     | YORK ST       | BROWN J B & SONS            | 1,176,500      | 788.26       |
| 040 E003001 | 10:CONDOMINIUMS         | 311    | COMMERCIAL ST | SAMBATAKOS JOHN P &         | 537,700        | 360.26       |
| 040 E003002 | 10:CONDOMINIUMS         | 311    | COMMERCIAL ST | HIGONNET CAMILLE            | 437,900        | 293.39       |
| 040 E003003 | 10:CONDOMINIUMS         | 311    | COMMERCIAL ST | CUNHA GEORGE AYERS &        | 372,500        | 249.58       |
| 040 E003004 | 10:CONDOMINIUMS         | 311    | COMMERCIAL ST | KASUBA PAUL F &             | 541,200        | 362.60       |
| 040 E003005 | 10:CONDOMINIUMS         | 311    | COMMERCIAL ST | TAYLOR-CHIARELLO ROBIN      | 593,500        | 397.65       |
| 040 E003006 | 10:CONDOMINIUMS         | 311    | COMMERCIAL ST | DODGE MEREDITH A &          | 532,300        | 356.64       |
| 040 E003007 | 10:CONDOMINIUMS         | 311    | COMMERCIAL ST | KRUIHOFF CATHERINE H &      | 389,200        | 260.76       |
| 040 E003008 | 10:CONDOMINIUMS         | 311    | COMMERCIAL ST | DODGE MEREDITH A &          | 453,300        | 303.71       |
| 040 E003009 | 10:CONDOMINIUMS         | 311    | COMMERCIAL ST | KROON THOMAS J &            | 472,000        | 316.24       |
| 040 E00300H | 20:COMMERCIAL CONDOS    | 311    | COMMERCIAL ST | JBB HOSPITALITY I LLC       | 31,863,200     | 21,348.34    |
| 040 E00300R | 20:COMMERCIAL CONDOS    | 311    | COMMERCIAL ST | TIQA LEGACY LLC             | 1,315,000      | 881.05       |

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| PARCEL ID   | LAND USE                | NUMBER | STREET        | OWNER                      | NET ASSESSMENT | FEE @ .00067 |
|-------------|-------------------------|--------|---------------|----------------------------|----------------|--------------|
| 040 E003010 | 10:CONDOMINIUMS         | 311    | COMMERCIAL ST | GRIMM KRISTY &             | 714,000        | 478.38       |
| 040 E003011 | 10:CONDOMINIUMS         | 311    | COMMERCIAL ST | CLANCY PAUL                | 498,500        | 334.00       |
| 040 E003012 | 10:CONDOMINIUMS         | 311    | COMMERCIAL ST | HOUCK THOMAS K &           | 532,300        | 356.64       |
| 040 E003013 | 10:CONDOMINIUMS         | 311    | COMMERCIAL ST | SNITE DEBORAH              | 425,500        | 285.09       |
| 040 E003014 | 10:CONDOMINIUMS         | 311    | COMMERCIAL ST | HOBBS JANNA &              | 513,700        | 344.18       |
| 040 F009001 | 27:MULTI-USE COMMERCIAL | 305    | COMMERCIAL ST | BAXTER PLACE LLC           | 12,160,000     | 8,147.20     |
| 040 F011001 | 22:OFFICE BUSINESS      | 14     | YORK ST       | BROWN J B & SONS           | 4,195,700      | 2,811.12     |
| 041 A015001 | 24:WHOLESALE            | 260    | COMMERCIAL ST | WATERFRONT MAINE BT LLC    | 2,270,600      | 1,521.30     |
| 041 A016001 | 22:OFFICE BUSINESS      | 252    | COMMERCIAL ST | WATERFRONT MAINE           | 22,937,700     | 15,368.26    |
| 042 A001001 | 23:HOTEL & MOTEL        | 379    | COMMERCIAL ST | APPLE NINE HOSPITALITY     | 42,168,900     | 28,253.16    |
| 042 A002140 | 20:COMMERCIAL CONDOS    | 383    | COMMERCIAL ST | CENTRAL STREET STUDIOS LLC | 245,400        | 164.42       |
| 042 A002141 | 20:COMMERCIAL CONDOS    | 383    | COMMERCIAL ST | CENTRAL STREET STUDIOS LLC | 128,600        | 86.16        |
| 042 A002143 | 20:COMMERCIAL CONDOS    | 383    | COMMERCIAL ST | DEERING PROPERTY           | 202,500        | 135.68       |
| 042 A002144 | 20:COMMERCIAL CONDOS    | 383    | COMMERCIAL ST | DEERING PROPERTY           | 239,500        | 160.47       |
| 042 A002145 | 20:COMMERCIAL CONDOS    | 383    | COMMERCIAL ST | DEERING PROPERTY           | 85,500         | 57.29        |
| 042 A002146 | 20:COMMERCIAL CONDOS    | 383    | COMMERCIAL ST | DEERING PROPERTY           | 1,140,000      | 763.80       |
| 042 A002200 | 10:CONDOMINIUMS         | 383    | COMMERCIAL ST | BRUCE ELIZABETH B          | 595,000        | 398.65       |
| 042 A002201 | 10:CONDOMINIUMS         | 383    | COMMERCIAL ST | LANDRY GAIL                | 362,600        | 242.94       |
| 042 A002202 | 10:CONDOMINIUMS         | 383    | COMMERCIAL ST | JOHNSON SANDRA W &         | 415,600        | 278.45       |
| 042 A002203 | 10:CONDOMINIUMS         | 383    | COMMERCIAL ST | ALEXANDER LORI &           | 408,700        | 273.83       |
| 042 A002204 | 10:CONDOMINIUMS         | 383    | COMMERCIAL ST | YOUNG BRADLEY S &          | 433,400        | 290.38       |
| 042 A002300 | 10:CONDOMINIUMS         | 383    | COMMERCIAL ST | STINSON MARTHA             | 691,800        | 463.51       |
| 042 A002301 | 10:CONDOMINIUMS         | 383    | COMMERCIAL ST | LASALA BETH H              | 739,600        | 495.53       |
| 042 A002302 | 10:CONDOMINIUMS         | 383    | COMMERCIAL ST | GALVIN ANDREW D &          | 542,400        | 363.41       |

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| PARCEL ID   | LAND USE        | NUMBER | STREET        | OWNER                    | NET ASSESSMENT | FEE @ .00067 |
|-------------|-----------------|--------|---------------|--------------------------|----------------|--------------|
| 042 A002303 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | LANE RYAN S              | 423,900        | 284.01       |
| 042 A002304 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | SKELLY ABIGAIL M &       | 538,300        | 360.66       |
| 042 A002305 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | THOMAS KYLE              | 423,900        | 284.01       |
| 042 A002306 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | LEE FRANK                | 395,400        | 264.92       |
| 042 A002307 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | HURST KATHRYN NICOLE     | 832,800        | 557.98       |
| 042 A002308 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | KAUFFMAN JENNIFER LOUISE | 423,400        | 283.68       |
| 042 A002309 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | CHASE MARK C TRUSTEE     | 621,100        | 416.14       |
| 042 A002310 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | MUMME YVONNE B &         | 562,900        | 377.14       |
| 042 A002311 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | DIRKMAAT ERIK L &        | 812,400        | 544.31       |
| 042 A002312 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | SJY LLC                  | 410,300        | 274.90       |
| 042 A002313 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | MUNDEHENK LEIGH &        | 419,700        | 281.20       |
| 042 A002314 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | DEVLIN ELIZABETH &       | 539,400        | 361.40       |
| 042 A002315 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | REISS GEORGE E &         | 431,500        | 289.11       |
| 042 A002316 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | FECHER RICHARD J &       | 537,300        | 359.99       |
| 042 A002317 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | KENNEDY TODD M           | 379,500        | 254.27       |
| 042 A002318 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | FAVREAU SCOTT A &        | 511,900        | 342.97       |
| 042 A002319 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | UZEE JOHN H              | 666,400        | 446.49       |
| 042 A002320 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | KALM HARBOUR LLC         | 440,800        | 295.34       |
| 042 A002321 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | HALLOCK BRADLEY L &      | 719,600        | 482.13       |
| 042 A002400 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | BRUENJES MICHAEL &       | 719,100        | 481.80       |
| 042 A002401 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | COOK RICHARD F JR        | 647,800        | 434.03       |
| 042 A002402 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | CARAMANDO ANTHONY N      | 593,000        | 397.31       |
| 042 A002403 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | TIDD PAULETTE S          | 487,800        | 326.83       |
| 042 A002404 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | EHLER MARLA G &          | 574,500        | 384.92       |

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|-------------|-----------------|--------|---------------|---------------------------|----------------|--------------|
| 042 A002405 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | PALADINO CHRISTINE &      | 435,400        | 291.72       |
| 042 A002406 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | ARENSBERG LEE C TRUSTEE   | 435,400        | 291.72       |
| 042 A002407 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | ENRIGHT SARA &            | 911,900        | 610.97       |
| 042 A002408 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | RUGGLES PATRICIA WELLS    | 455,400        | 305.12       |
| 042 A002409 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | HOWARD PROPERTY GROUP LLC | 756,800        | 507.06       |
| 042 A002410 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | HOLMES JOANNE C TRUSTEE   | 574,500        | 384.92       |
| 042 A002411 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | TOPPER DAVID C &          | 892,800        | 598.18       |
| 042 A002412 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | DARBY DOUGLAS M           | 460,900        | 308.80       |
| 042 A002413 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | DERRIEY LIONEL H          | 468,300        | 313.76       |
| 042 A002414 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | NEWMAN SUSANNE HICKS      | 716,600        | 480.12       |
| 042 A002415 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | O'NEIL TAMATHA SARCHI     | 435,400        | 291.72       |
| 042 A002416 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | SIMONDS MELISSA G         | 599,300        | 401.53       |
| 042 A002417 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | CEFALO KYLE J             | 490,900        | 328.90       |
| 042 A002419 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | PRATT CAROLYN R           | 647,900        | 434.09       |
| 042 A002420 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | PARK DIANA L &            | 1,031,400      | 691.04       |
| 042 A002421 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | DARBY CORINN A            | 783,500        | 524.95       |
| 042 A002500 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | CHILDRESS JAMES WOODROW & | 786,100        | 526.69       |
| 042 A002501 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | HARVEY WHITNEY N          | 675,000        | 452.25       |
| 042 A002502 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | BRIKIATIS SYLVIE &        | 648,800        | 434.70       |
| 042 A002503 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | KOZLOWSKI BENJAMIN        | 540,400        | 362.07       |
| 042 A002504 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | GRADY JANET M             | 657,400        | 440.46       |
| 042 A002505 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | BIRKEL KATHERINE M &      | 493,300        | 330.51       |
| 042 A002506 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | BOCIAN THOMAS E &         | 495,300        | 331.85       |
| 042 A002507 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | LAFFERTY JEROME S &       | 966,000        | 647.22       |

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| PARCEL ID   | LAND USE        | NUMBER | STREET        | OWNER                    | NET ASSESSMENT | FEE @ .00067 |
|-------------|-----------------|--------|---------------|--------------------------|----------------|--------------|
| 042 A002509 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | NIERMAN MERYL E          | 1,133,100      | 759.18       |
| 042 A002510 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | NGUYEN DOUGLAS           | 603,500        | 404.35       |
| 042 A002511 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | DI RE BERNADETTE         | 907,300        | 607.89       |
| 042 A002512 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | COSTANTINO PAUL &        | 529,100        | 354.50       |
| 042 A002513 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | ROWLINGSON JACK          | 514,900        | 344.98       |
| 042 A002514 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | GLOVER DAWSON COLEMAN IV | 724,400        | 485.35       |
| 042 A002515 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | DEERING PROPERTY         | 493,300        | 330.51       |
| 042 A002516 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | RITTENBERG RHONDA L &    | 650,900        | 436.10       |
| 042 A002517 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | HART JESSE P             | 512,800        | 343.58       |
| 042 A002519 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | FISH MICHAEL J &         | 691,100        | 463.04       |
| 042 A002520 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | OTTOLINI MARY C &        | 1,121,800      | 751.61       |
| 042 A002521 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | DAVIN CHRISTOPHER P &    | 862,900        | 578.14       |
| 042 A002600 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | WATKINS SUZANNE          | 1,327,500      | 889.43       |
| 042 A002601 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | WOODS STEPHEN &          | 1,364,300      | 914.08       |
| 042 A002602 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | MCPHERSON SUSAN          | 719,800        | 482.27       |
| 042 A002603 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | LEIBOWITZ SHELLEY        | 1,375,500      | 921.59       |
| 042 A002604 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | ANDERSON MARK C &        | 911,500        | 610.71       |
| 042 A002605 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | BIT OF PORTLAND LLC      | 706,100        | 473.09       |
| 042 A002606 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | DRIZLIKH NIMROD E        | 606,100        | 406.09       |
| 042 A002607 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | COSTELLO KARIN F &       | 1,080,500      | 723.94       |
| 042 A002608 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | SIMON GRANT F &          | 588,400        | 394.23       |
| 042 A002609 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | STAVISKY PETER &         | 1,519,300      | 1,017.93     |
| 042 A002610 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | SCHEINDEL MARILYS C &    | 1,282,500      | 859.28       |
| 042 A002611 | 10:CONDOMINIUMS | 383    | COMMERCIAL ST | HEARST JUDITH S TRUSTEE  | 2,114,600      | 1,416.78     |

Portland Downtown District FY2024 Listing of Property Assessments

| PARCEL ID   | LAND USE                 | NUMBER | STREET        | OWNER                        | NET ASSESSMENT | FEE @ .00067 |
|-------------|--------------------------|--------|---------------|------------------------------|----------------|--------------|
| 042 A002701 | 10:CONDOMINIUMS          | 383    | COMMERCIAL ST | ARROW-YASKO AMY S            | 2,806,300      | 1,880.22     |
| 042 A002702 | 10:CONDOMINIUMS          | 383    | COMMERCIAL ST | WILLIAMS WAYNE COLBY &       | 2,109,500      | 1,413.37     |
| 042 A002704 | 10:CONDOMINIUMS          | 383    | COMMERCIAL ST | CAIAZZO GREG &               | 2,140,100      | 1,433.87     |
| 042 A002705 | 10:CONDOMINIUMS          | 383    | COMMERCIAL ST | FRANK MICHAEL P              | 1,192,800      | 799.18       |
| 042 A002706 | 10:CONDOMINIUMS          | 383    | COMMERCIAL ST | SNELL EUGENE BRYAN &         | 2,754,900      | 1,845.78     |
| 042 A003001 | 17:21 PLUS FAMILY        | 387    | COMMERCIAL ST | DPD LOT 3 LLC                | 12,773,500     | 8,558.25     |
| 042 A007001 | 22:OFFICE BUSINESS       | 54     | YORK ST       | 54 YORK LLC                  | 2,859,300      | 1,915.73     |
| 042 C001110 | 55:LITERARY & SCIENTIFIC | 344    | COMMERCIAL ST | GULF OF MAINE PROPERTIES INC | -00            | -            |
| 042 C001120 | 55:LITERARY & SCIENTIFIC | 344    | COMMERCIAL ST | GULF OF MAINE PROPERTIES INC | -00            | -            |
| 042 C001130 | 20:COMMERCIAL CONDOS     | 344    | COMMERCIAL ST | GULF OF MAINE PROPERTIES INC | 239,100        | 160.20       |
| 042 C00114A | 20:COMMERCIAL CONDOS     | 344    | COMMERCIAL ST | GULF OF MAINE PROPERTIES INC | 167,700        | 112.36       |
| 042 C00114B | 20:COMMERCIAL CONDOS     | 344    | COMMERCIAL ST | GULF OF MAINE PROPERTIES INC | 86,500         | 57.96        |
| 042 C00114C | 20:COMMERCIAL CONDOS     | 344    | COMMERCIAL ST | GULF OF MAINE PROPERTIES INC | 41,000         | 27.47        |
| 042 C00114D | 20:COMMERCIAL CONDOS     | 344    | COMMERCIAL ST | GULF OF MAINE PROPERTIES INC | 40,600         | 27.20        |
| 042 C001150 | 55:LITERARY & SCIENTIFIC | 344    | COMMERCIAL ST | GULF OF MAINE PROPERTIES INC | -00            | -            |
| 042 C001160 | 20:COMMERCIAL CONDOS     | 344    | COMMERCIAL ST | GULF OF MAINE PROPERTIES INC | 38,500         | 25.80        |
| 042 C001170 | 20:COMMERCIAL CONDOS     | 344    | COMMERCIAL ST | GULF OF MAINE PROPERTIES INC | 38,200         | 25.59        |
| 042 C00118A | 20:COMMERCIAL CONDOS     | 344    | COMMERCIAL ST | GULF OF MAINE PROPERTIES INC | 60,600         | 40.60        |
| 042 C00118B | 55:LITERARY & SCIENTIFIC | 344    | COMMERCIAL ST | GULF OF MAINE PROPERTIES INC | -00            | -            |
| 042 C001190 | 20:COMMERCIAL CONDOS     | 344    | COMMERCIAL ST | GULF OF MAINE PROPERTIES INC | 58,800         | 39.40        |
| 042 C001210 | 55:LITERARY & SCIENTIFIC | 344    | COMMERCIAL ST | GULF OF MAINE PROPERTIES INC | -00            | -            |
| 042 C001310 | 55:LITERARY & SCIENTIFIC | 344    | COMMERCIAL ST | GULF OF MAINE PROPERTIES INC | -00            | -            |
| 042 C001320 | 55:LITERARY & SCIENTIFIC | 344    | COMMERCIAL ST | GULF OF MAINE PROPERTIES INC | -00            | -            |
| 042 C001330 | 55:LITERARY & SCIENTIFIC | 344    | COMMERCIAL ST | GULF OF MAINE PROPERTIES INC | -00            | -            |

Portland Downtown District FY2024 Listing of Property Assessments

| PARCEL ID   | LAND USE                 | NUMBER | STREET        | OWNER                            | NET ASSESSMENT | FEE @ .00067 |
|-------------|--------------------------|--------|---------------|----------------------------------|----------------|--------------|
| 042 C001CCL | 55:LITERARY & SCIENTIFIC | 344    | COMMERCIAL ST | GULF OF MAINE PROPERTIES INC     | -00            | -            |
| 045 A001001 | 27:MULTI-USE COMMERCIAL  | 660    | CONGRESS ST   | A K LONGFELLOW LLC               | 578,400        | 387.53       |
| 045 A002001 | 27:MULTI-USE COMMERCIAL  | 656    | CONGRESS ST   | RICE GEOFFREY I                  | 2,155,300      | 1,444.05     |
| 045 A003001 | 27:MULTI-USE COMMERCIAL  | 638    | CONGRESS ST   | 638 CONGRESS STREET              | 14,389,400     | 9,640.90     |
| 045 A033001 | 15:5 TO 10 FAMILY        | 177    | STATE ST      | RANS LLC                         | 968,600        | 648.96       |
| 045 A034001 | 21:RETAIL SERVICES       | 664    | CONGRESS ST   | RANS LLC                         | 919,900        | 616.33       |
| 045 A035001 | 21:RETAIL SERVICES       | 670    | CONGRESS ST   | LONGFELLOW SQUARE                | 896,300        | 600.52       |
| 046 C011001 | 27:MULTI-USE COMMERCIAL  | 675    | CONGRESS ST   | RITA LINDA LLC                   | 698,500        | 468.00       |
| 046 C012001 | 21:RETAIL SERVICES       | 673    | CONGRESS ST   | DOUKAS ANDREW J                  | 342,500        | 229.48       |
| 046 C013001 | 21:RETAIL SERVICES       | 671    | CONGRESS ST   | DOUKAS ANDREW J &                | 342,100        | 229.21       |
| 046 C019001 | 27:MULTI-USE COMMERCIAL  | 667    | CONGRESS ST   | REDFERN LONGFELLOW LLC           | 31,567,000     | 21,149.89    |
| 046 D008001 | 11:SINGLE FAMILY         | 15     | AVON ST       | WIEDERKEHR RYAN A                | 553,300        | 370.71       |
| 046 D017001 | 53:RELIGIOUS             | 156    | HIGH ST       | WILLISTON-IMMANUEL UNITED CHURCH | -00            | -            |
| 046 D018001 | 21:RETAIL SERVICES       | 653    | CONGRESS ST   | RICE GEOFFREY TRUSTEE            | 437,500        | 293.13       |
| 046 D021001 | 27:MULTI-USE COMMERCIAL  | 655    | CONGRESS ST   | TRELAWNY 657 LLC                 | 14,931,300     | 10,003.97    |
| 046 D022001 | 27:MULTI-USE COMMERCIAL  | 645    | CONGRESS ST   | GASTONIA LLC                     | 7,816,700      | 5,237.19     |
| 046 D026001 | 27:MULTI-USE COMMERCIAL  | 633    | CONGRESS ST   | BURNHAM ARMS LLC                 | 5,907,100      | 3,957.76     |
| 046 D027001 | 40:VACANT LAND           | 629    | CONGRESS ST   | BURNHAM ARMS ANNEX LLC           | 301,800        | 202.21       |
| 046 D028001 | 21:RETAIL SERVICES       | 625    | CONGRESS ST   | BURNHAM ARMS ANNEX LLC           | 568,500        | 380.90       |
| 046 D029001 | 22:OFFICE BUSINESS       | 619    | CONGRESS ST   | BAXTER BUILDING LLC              | 5,069,200      | 3,396.36     |
| 046 D031001 | 22:OFFICE BUSINESS       | 142    | HIGH ST       | CROSTONE PORTLAND LLC            | 5,438,500      | 3,643.80     |
| 055 E037001 | 27:MULTI-USE COMMERCIAL  | 190    | STATE ST      | HUCKSTER'S ROW PROPERTIES LLC    | 1,208,900      | 809.96       |
| 055 E039001 | 27:MULTI-USE COMMERCIAL  | 188    | STATE ST      | LONGFELLOW SQUARE                | 1,701,600      | 1,140.07     |
| 444 A001001 | 56:GOVERNMENTAL          | 54     | COMMERCIAL ST | CITY OF PORTLAND                 | -00            | -            |



Portland Downtown District FY2024 Listing of Property Assessments

| PARCEL ID   | LAND USE             | NUMBER | STREET        | OWNER             | NET ASSESSMENT | FEE @ .00067 |
|-------------|----------------------|--------|---------------|-------------------|----------------|--------------|
| 444 A00500A | 56:GOVERNMENTAL      | 46     | COMMERCIAL ST | CITY OF PORTLAND  | -00            | -            |
| 444 A00500B | 20:COMMERCIAL CONDOS | 46     | COMMERCIAL ST | CASCO BAY MHR LLC | 6,240,000      | 4,180.80     |
| 444 A011001 | 58:LAND BANKS        | 54     | COMMERCIAL ST | CITY OF PORTLAND  | -00            | -            |
|             |                      |        |               |                   | 1,864,485,900  | 1,249,205.55 |

**AGREEMENT BETWEEN  
THE CITY OF PORTLAND  
AND  
DOWNTOWN IMPROVEMENT DISTRICT, INC.  
d/b/a PORTLAND DOWNTOWN**

**AGREEMENT** made as of the 1st day of July, 2023, (the “Effective Date”) by and between the **CITY OF PORTLAND**, a municipal corporation of the State of Maine, (the “City”) and **DOWNTOWN IMPROVEMENT DISTRICT, INC., d/b/a PORTLAND DOWNTOWN**, a Maine non-profit corporation, having its office and place of business at Portland, Maine (“**Portland Downtown**” or “**PD**”).

**WHEREAS**, by Council Orders 306-91/92 dated March 16, 1992, 185-94/95 dated February 22, 1995, 158-03/04 dated March 1, 2004, and 242-18/19 dated June 18, 2018, the City has approved an economic development district designated as the “Downtown Improvement District” (hereinafter, the “District”), a description and map of which are attached hereto as Exhibits A and B respectively and incorporated herein; and

**WHEREAS**, in 1992 the private sector formed an independent, non-profit corporation that has since managed Portland Downtown in fulfilling its mission, which includes, in part, the administration of the provision of supplemental services to the District, as described herein; and

**WHEREAS**, Portland Downtown is in need of services within the District which supplement the baseline services provided by the City (“Supplemental Services”) and the City is willing to provide Supplemental Services pursuant to the terms and conditions set forth in this Agreement.

**NOW, THEREFORE**, in consideration of the covenants herein contained, the parties hereto mutually agree as follows:

**ARTICLE I. Term**

- a. The term of this Agreement shall commence on the Effective Date and expire on June 30, 2024 (the “Term”).

**ARTICLE II. Financial Considerations**

- a. The City will levy development district assessments (“Development District Assessments”) on property in the District as authorized by the City Council and permitted by law. City-owned property, as well as property which is tax exempt under Maine law, shall not be assessed by the City.

- b. For the period commencing on the Effective Date and ending June 30, 2024, the City will pay Portland Downtown in monthly installments, to reflect the Development District Assessments collected by the City net of the all-inclusive administrative fee defined below. Installment payments will be made on the 1<sup>st</sup> of each month beginning July 2023 through and including June 1, 2024. Portland Downtown agrees to an all-inclusive administrative fee, defined as direct and indirect costs, of Nine Thousand Six Hundred Fifty Dollars (\$9,650.00). In addition, the City is entitled to withhold an estimate of uncollected development district assessments from payment to Portland Downtown. The estimate will be provided to Portland Downtown by 2/15/2024. Any difference between estimated and actual uncollected Development District Assessments will be trued up in the next fiscal year pursuant to subsection c below.
- c. In addition to the foregoing, the City will pay in a lump sum, within thirty (30) days from the close of the fiscal year, any amount assessed in a prior year, but collected in a subsequent year. Said payment by City shall be in the amount of the net assessment collected as provided herein, less any amounts remaining to be reimbursed under a prior year Agreement with the City, and considering any prior payments made as per Section b. City will provide Portland Downtown with written detail as to any deductions taken from payments under this paragraph.
- d. Notwithstanding the foregoing, Portland Downtown agrees that it will neither encumber funds which it anticipates receiving from development district assessments nor incur expenditures in anticipation of receipt of such funds except in accord with the line items in the budget attached hereto as Exhibit C, or any subsequent amendments thereto approved by the City.
- e. Portland Downtown has approved Portland Downtown's budget and Development Program in Exhibit C, covering the period beginning on July 1, 2023, and ending on June 30, 2024, and the City Council has approved the special assessment mil rate that provides funding to support the Portland Downtown's budget and Development Program.
- f. Portland Downtown will provide the Director of Finance with an annual certified financial statement, including, but not limited to, a statement of its cash position. At a minimum, the statement shall list all income and expenses, and shall be provided to the Finance Director within six (6) months after the fiscal year ends.
- g. Portland Downtown shall have reasonable access to the City's assessment collection records, and the City shall have reasonable access to the Portland Downtown's books and records.

### **Article III. Baseline Services To be Provided By City**

- a. The City will provide, at no expense to Portland Downtown, all of the services included on the list entitled Baseline City Services that is attached hereto as Exhibit D and made a part hereof (the “Baseline City Services”). The specific nature and amount of such Baseline City Services shall be determined in the City’s reasonable discretion.
- b. The City may reduce the Baseline City Services in its discretion at any time, but only as part of a City-wide reduction in such services.

### **Article IV. Supplemental Downtown District Services To Be Provided By City For A Fee**

- a. The City will provide all of the services included on the list entitled Supplemental Downtown District Services that is attached hereto as Exhibit E and made a part hereof. In consideration of the City’s provision of the Supplemental Downtown District Services, Portland Downtown shall pay the City the total amount set forth in Exhibit F, Public Works Budget, in equal monthly installments during the term of this Agreement.
- b. The City shall endeavor to assign the following City staff (the “City Downtown Staff”) to perform the Supplemental Downtown District Services weekly during the term of this Agreement:

- 1 Public Works Supervisor – Daytime
  - 1 Portland Downtown Steward – Daytime
  - 4 Maintenance Workers – 3 Daytime and 1 Overnight
  - 1 Seasonal Laborer, April 15 – October 31 - Days

The City Downtown Staff shall either be employees of or contractors for the City and shall not be considered to be employees of Portland Downtown. The City reserves the right to increase or decrease the number of City Downtown Staff and to change their hours and schedules if it determines that such increase or decrease is in the City’s best interests, provided that any decrease in such staff shall not result in a material decrease in the Supplemental Downtown District Services.

- c. The City’s Public Works Director and/or designee (the “City Director”) and Portland Downtown’s Executive Director and/or designee (the “PD Director”) agree to meet and communicate on a monthly basis with meeting agendas to ensure quality control in service delivery is meeting expectations and to share updated information on service activities, programs and projects.
  - d. Portland Downtown and City Manager will meet annually on or around April of each year to discuss prioritization of larger projects within the District generally included in baseline services or CIP and managed by other City teams or departments. These include, but are not limited to, major sidewalk repairs, tree well rehabilitation, landscape installations and other reconstruction projects.
  - e. In the event Portland Downtown requests services from City in addition to those included herein, City shall have the option, in its sole discretion, to provide such services

with payment to be made by Portland Downtown for any such services on a time and materials basis, or such other basis as the parties may agree in writing. The budget for additional services must be agreed to in advance by the parties. "Time" as used herein shall mean all of the City's employee costs, i.e. hourly wages or salary, and "materials" as used herein shall mean the actual cost to the City of equipment, materials and/or supplies provided or used in connection with such services, with no additional markup. In such cases the City shall provide a detailed and itemized invoice of the individuals providing the service, the time spent by the individuals and the volume and unit cost of materials expended.

- f. It is understood and agreed by the parties that City will adopt an expenditure budget, Exhibit F, which shall be provided to Portland Downtown for preliminary review no later than March 20, 2024, and which will include the cost of the Supplemental Downtown District Services, and that the City will adopt a revenue budget that will provide for the reimbursement of such costs by Portland Downtown as provided hereunder. In the event that either Portland Downtown or the City anticipates that there will be insufficient revenues to pay for such Supplemental Downtown District Services, said party will notify the other party of the anticipated shortfall, and the parties agree to meet promptly and confer to modify the level of Supplemental Downtown District Services that the City is able to provide. It shall be the responsibility of PD to notify City as soon as reasonably possible if such Supplemental Downtown District Services need to be modified or adjusted for anticipated revenue shortfalls or modifications. In the event of a revenue shortfall, the City will have no obligation to provide Supplemental Downtown District Services in excess of PD funds available to reimburse City. The City will have the right, but not the obligation, to continue to provide such Supplemental Downtown District Services to the extent provided in the City budget even in the event of a revenue shortfall. The parties agree to memorialize in writing any changes in the monthly payments due under this Agreement.
- g. In addition to any required City work uniforms, City Downtown Staff will wear vests already purchased by the City, which include the Portland Downtown logo.
- h. Prior to any discussion of modifying, adjusting or terminating this Agreement, Portland Downtown shall invite the City Manager or his designee to a meeting of the Board to discuss such contemplated modification, adjustment or termination.

#### **Article V. Services To Be Provided By Portland Downtown.**

- a. Except for the Supplemental Services, which shall be provided by the City and paid for by Portland Downtown in accordance with Article IV, Portland Downtown, shall provide the services described in Exhibit C, Portland Downtown's Budget and Development Plan.
- b. In addition to the services described in Exhibit C, Portland Downtown may, at its own expense:
  - i. Provide staff and administrative services for supervision of the daily activities and public space management of the District.

- ii. Establish positions for administration and management of its programs;
- iii. Recruit, hire, and pay and otherwise supervise its work force necessary such that it can successfully fulfill its responsibilities.
- iv. Establish a corporate Board of Directors whose members fairly represent a cross section of taxpayers in the District.
- v. Establish a mechanism for resolving any dispute to the kind and level of services which may arise between Portland Downtown and persons subject to development district assessments regarding the kind and level of services provided by Portland Downtown. As such time, a dispute cannot be resolved the City Manager will be notified.
- vi. Provide liaison between the City, the District, property owners, civic groups, interested persons, and other groups and individuals, as necessary to carry out the mission of the Portland Downtown.
- vii. Maintain all minutes and records of Portland Downtown proceedings as may be required.
- viii. Participate in decoration, activation, and beautification of public places in the District.
- ix. Sponsor and promote public events to take place on or in public places in the District, subject to the provisions in Exhibit E.
- x. Provide advice or feedback to City staff about proposed events in public spaces within the District by sharing various permits the City approves in the District.
- xi. Advertise and promote non-profit, cultural, educational and commercial business activities in the District.
- xii. Maintain existing pedestrian way finding signage for the District in accordance with applicable City codes and ordinances.
- xiii. Conduct public relations, generating favorable publicity for, and enhancing economic growth in, the District.
- xiv. Facilitate management of the Visitor Information Booth in Tommy's Park.
- xv. Wash, maintain and relocate street furniture, trash cans, street lanterns, and undertake minor repairs to street furniture in consultation with PD staff.
- xvi. Engage in partnerships with other organizations to provide programs and services.
- xvii. Install pole banners in the District, provided that Portland Downtown shall obtain the consent of the City's Director of Parks, Recreation and Facilities, or his or her designee, in consultation with Public Works crew, prior to the installation of any banners.
- xviii. Monitor performance of City Downtown Staff through specific PD access to "See, Click, Fix" software. PD may also track and evaluate outcomes to ensure alignment with this Agreement. Data will be reported to the City's Director of Public Works by PD's staff during the monthly meeting as designated in Article IV, Section c.

Nothing in this Agreement is intended to or shall be construed to limit Portland Downtown's general powers, as set forth in the Maine Nonprofit Corporation Act, Title 13-B of the Maine Revised Statutes Annotated.

## **ARTICLE VI. Termination.**

- a. This Agreement may be terminated by either party for good cause. Good cause shall be deemed to be found by the City at such time as Portland Downtown's performance under this Agreement has been determined in the exclusive judgment of the City Manager to be unsatisfactory, which determination shall not be unreasonable.
- b. If Portland Downtown should fail to perform any material covenant, obligation or agreement hereunder for a period of thirty (30) days after written notice from the City Manager specifying such failure, then, upon expiration of the thirty (30) day period, the City Manager may provide Portland Downtown with notice of his intention to terminate the Agreement as provided herein. Portland Downtown shall have a ninety (90) day period, computed from the date of receipt of the notice of intent to terminate, within which to provide satisfactory service. In the event the City Manager should determine, at the expiration of the ninety (90) day period, that Portland Downtown's performance is still unsatisfactory and declare that the Agreement is terminated, the City Manager shall provide Portland Downtown with a written notice of termination. Portland Downtown shall have the right to appeal his decision to the City Council. PD shall file such appeal with the City Manager within seven (7) business days from the date Portland Downtown receives the notice of termination. The terms and conditions of this Agreement shall remain in full force and effect and binding on both parties until the City Council has acted on the appeal.
- c. Portland Downtown shall be deemed to have good cause to terminate this Agreement if (i) the City, pursuant to the provisions of Article II, should reduce its anticipated payments by more than 20% of the amount it would otherwise have paid during the periods from the Effective Date to December 31, 2023, and January 1, 2024 to June 30, 2024; (ii) if the City should be more than 30 days in arrears in any payment due hereunder; or (iii) the City should fail to provide the Supplemental Downtown District Services in a material and substantial way. In the event Portland Downtown should have "good cause" to terminate this Agreement, its relief shall be limited solely to termination of this Agreement, and it shall not be entitled to damages of any kind nor to equitable relief.
- d. Nothing herein shall be construed as giving Portland Downtown the right to perform the work contemplated under this Agreement beyond the time when Portland Downtown's services become unsatisfactory as determined by the City Manager, following the ninety (90) day notice period, or, in the event of an appeal, beyond the time the City Council has affirmed the City Manager's decision. In case Portland Downtown should be discharged before all the services contemplated hereunder have been completed, or the services for any reason should be stopped, either because of the expiration of the term hereof or because of the inability of Portland Downtown to fulfill its obligations under this Agreement, Portland Downtown shall be reimbursed for all services satisfactorily

performed to the date of termination in accordance with Article II hereof. After notice of termination and completion of the appeal process, Portland Downtown shall:

1. With respect to existing activities, take only such actions as the City Manager shall direct;
  2. Upon City's request, assign to the City in the manner, at the times and only to the extent the City, acting by and through its City Manager, may direct it to do so, all the rights, title and interest of Portland Downtown in and to all existing orders and agreements.
  3. To the extent rights, title and interests of Portland Downtown in and to existing orders and agreements may be assigned to the City and accepted by it; obligations incurred on or after such assignment will be assumed by the City. Otherwise, Portland Downtown shall settle all outstanding liabilities and all claims arising out of any terminated orders or agreements.
  4. Deliver to the City, in the manner, at the times and to the extent directed by the City Manager, all documents and data produced by Portland Downtown as part of or in connection with the work.
- e. Either party may terminate or modify this Agreement in the event of a budget shortfall upon no less than Sixty (60) days prior written notice to the other party.
- f. In the event Supplemental Downtown District Services are terminated for any reason by either party, it shall be in City's discretion as to whether it will continue or resume providing such Supplemental Downtown District Services.

#### **ARTICLE VII. Assignment**

Portland Downtown covenants and agrees that it will neither assign nor transfer any rights hereunder, either in whole or in part, without first obtaining the prior written consent of the City.

#### **ARTICLE VIII. Performance of Services**

All services performed under this Agreement shall be performed in a good, workmanlike fashion.

#### **ARTICLE IX. Compliance with Law**

Portland Downtown will comply with all applicable provisions of Federal, State, and local law, including, but not limited to, the Civil Rights Act of 1964, in its performance under this Agreement. Portland Downtown shall include a similar provision in each of its subcontracts.



## **ARTICLE X. Indemnification**

- a. Portland Downtown shall, at its own cost and expense, defend, indemnify, and hold harmless the City, its officers, agents, and employees, from and against the following:
  1. to the fullest extent permitted by law, Portland Downtown shall defend, indemnify and hold harmless the City, its officers and employees, from and against all claims, damages, losses, and expenses, just or unjust, including but not limited to costs of defense, including attorney's fees, arising out of or resulting from the performance of this Agreement, provided that any such claims, damage, loss or expense is (1) attributable to bodily injury, sickness, disease, or death, or injury to or destruction of tangible property, including the loss or use thereof; and (2) is caused in whole or in part by any negligent act or omission of Portland Downtown, anyone directly or indirectly employed by it, or anyone for whose act it may be liable;
  2. all claims and liens of Portland Downtown's consultants, subcontractors, and their laborers, mechanics, materialmen, and/or suppliers. Such obligation shall not be construed either to negate or abridge any other obligation of indemnification, and shall not be limited by any provision for insurance contained in this Agreement.
  3. Notwithstanding the foregoing, nothing herein shall be construed as waiving or otherwise voiding the City's right to all protections under the Maine Tort Claims Act, 14 M.R.S. §§ 8101 et. seq., as the same may be amended from time to time.

## **ARTICLE XI. Insurance**

- a. Neither Portland Downtown nor any of its subcontractors shall commence work under this Agreement until they have provided the insurance coverage required by this Agreement and such coverage has been approved by the City.
- b. Prior to the execution of this Agreement, Portland Downtown will procure and maintain occurrence-based Automobile Liability Insurance and Commercial General Liability Insurance coverage in amounts of not less than Four Hundred Thousand Dollars (\$400,000.00) per occurrence for bodily injury, death and property damage, naming the City as an additional insured thereon, and also Workers' Compensation Insurance coverage to the extent required by law. With respect to the Automobile and Commercial General Liability Insurance, Portland Downtown shall name the City as an additional insured for coverage only in those areas where government immunity has been expressly waived by 14 M.R.S. A. § 8104-A, as limited by § 8104-B, and § 8111. This provision shall not be deemed a waiver of any defenses, immunities or limitations of liability or damages available to the City under the Maine Tort Claims Act, other Maine statutory law, judicial precedent, common law, or any other defenses, immunities or limitations of liability available to the City. Prior to execution of this Agreement, Portland Downtown shall furnish the City and thereafter maintain certificates evidencing all such coverages, which

certificates shall guarantee thirty (30) days' notice to the City of termination of insurance from the insurance provider or agent. Portland Downtown shall also provide a copy of any endorsement naming the City as additional insured. A certificate that merely has a box checked under "Addl Insr," or the like, or that merely states the City of Portland is named as an Additional Insured, will not be acceptable. The Workers' Compensation insurance shall include an endorsement waiving all rights of subrogation against the City of Portland, its officers or employees. Upon City's request, Portland Downtown shall provide City with a complete copy of any of the above-referenced policies. Portland Downtown shall be responsible for any and all deductibles and/or self-insured retentions.

## **Article XII. No Joint Venture; Independent Contractors**

- a. Nothing contained in this Agreement will constitute or be construed to be or create a partnership or joint venture between the parties or any of their respective officers, directors, employees, affiliates, successors or assigns. The parties understand and agree that this Agreement does not make either of them an agent or legal representative of the other for any purpose whatsoever. No party is granted, by this Agreement or otherwise, any right or authority to assume or create any obligation or responsibilities, express or implied, on behalf of or in the name of any other party, or to bind any other party in any manner whatsoever.
- b. Each party will secure, at its own expense, all personnel, materials, and equipment required to perform its obligations under this Agreement. Each party, in accordance with its status as an independent contractor, covenants and agrees that its employees shall be regarded for all legal and tax purposes as its own employees during the term of this Agreement, and each party shall govern and supervise the work of its own employees. Each party shall discharge all applicable obligations imposed upon employers under the law, including without limitation payment of wages, social security taxes, withholding taxes, unemployment taxes and worker's compensation. Both parties' employees shall not be considered employees of the other party for any purpose and shall not be entitled to any retirement benefits, social security benefits, unemployment benefits, group health or life insurance, vacation, personal, or sick leave, worker's compensation, or any other similar benefits ("Employment Benefits") from the other party. Each party further covenants and agrees that its employees will conduct themselves consistent with such status, that they will neither hold themselves out as, nor claim to be, officers or employees of the other party by reason of this Agreement, and that its employees will not, by reason of this Agreement, make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the other party, including but not limited to the Employment Benefits.
- c. Nothing in this Agreement is intended to or does prohibit Portland Downtown or the City from entering into any other contractual relationship with each other or any third party.

***Signature page follows.***

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement as of the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**WITNESS**

**CITY OF PORTLAND**

\_\_\_\_\_

By: \_\_\_\_\_  
Danielle P. West  
Its City Manager

**WITNESS**

**DOWNTOWN IMPROVEMENT  
DISTRICT, INC.  
d/b/a PORTLAND DOWNTOWN**

\_\_\_\_\_

By: \_\_\_\_\_  
Gillian West  
Its Board Chair

Approved as to Form:

\_\_\_\_\_  
City Corporation Counsel

Approved as to Funds:

\_\_\_\_\_  
City Finance Department

**EXHIBIT A**

(Insert Map of District)



Portland Downtown District a/o 7/1/2018

**Portland  
Downtown District  
Boundary Map  
June 18, 2018**

**EXHIBIT B**

(Insert Legal Description of District)

**The following is a description of the boundary of Portland Downtown as of July 1, 2018:**

Beginning at the intersection of the easterly side of State Street and the northerly side of Congress Street;

Thence easterly along the northerly side of Congress Street to the southwesterly side of High Street;

Thence northwesterly along the southwesterly side of High Street to the southerly side of Deering Street;

Thence northeasterly perpendicular to and crossing High Street to the northeasterly side of High Street;

Thence northwesterly along the northeasterly side of High Street to the southeasterly side of Cumberland Avenue;

Thence northeasterly along the southeasterly side of Cumberland Avenue to the southwesterly side of Franklin Street;

Thence southeasterly along the southwesterly side of Franklin Street to the northwesterly side of Commercial Street;

Thence easterly and diagonally across Commercial Street to the intersection of the southeasterly side of Commercial Street with the northeasterly boundary line of the Maine State Pier;

Thence southwesterly along the southeasterly side of Commercial Street to its intersection with the northeasterly side of the road to Wright's Wharf;

Thence northwesterly perpendicular to and crossing Commercial Street to the northwesterly side of Commercial Street;

Thence southwesterly along the northwesterly side of Commercial Street to the northeasterly side of High Street;

Thence northwesterly along the northeasterly side of High Street to the northwesterly side of Spring Street;

Thence southwesterly along the northwesterly side of Spring Street to the northeasterly side of Park Street;

Thence northwesterly along the northeasterly side of Park Street to the southerly side of Congress Street;

Thence westerly along the southerly side of Congress Street to the easterly side of State Street;

Thence northerly along the easterly side of State Street to the northerly side of Congress Street and the Point of Beginning.

Meaning and intending to include all parcels fronting on the streets and contained within the perimeter of the figure as described.

All as shown on a map dated 6/18/2018 entitled Portland Downtown District Boundary Map on file in the City of Portland's Assessor Office and the Economic Development Office. Any inconsistencies between this description and the boundary map shall be controlled by the boundary map.



**EXHIBIT C**

(Insert Portland Downtown Budget)

**PORTLAND'S DOWNTOWN DISTRICT**  
**Budget FY\_2023\_2024**  
 July 2023 - June 2024

|                                        | <b>Total</b>        |
|----------------------------------------|---------------------|
| <b>Income</b>                          |                     |
| ASSESSMENT REVENUE                     | 1,249,349.00        |
| CONTRIBUTIONS INCOME                   | 750.00              |
| DIRECTORY PARTNERSHIP CONTRIBUT        | 4,000.00            |
| EVENT INCOME                           | 41,500.00           |
| GRANT INCOME                           | 1,500.00            |
| MURAL INCOME                           | 3,000.00            |
| P&W INCOME                             | 2,400.00            |
| <b>Total Income</b>                    | <b>1,302,499.00</b> |
| <b>Gross Profit</b>                    | <b>1,302,499.00</b> |
| <b>Expenses</b>                        |                     |
| CLEAN INITIATIVES                      | -                   |
| ALLEYWAY ACTIVATION EXPENSE            | 3,000.00            |
| CLEAN & SAFE EXPERIENCE                | 4,800.00            |
| ESTIMATED NONCOLLECTION                | 12,632.93           |
| FIXED FEE FOR DID ADMIN                | 10,550.00           |
| PUBLIC ART                             | 26,250.00           |
| PUBLIC RESTROOM MAINTENANCE, ETC       | 10,000.00           |
| REPAIRS & IMPROVEMENTS                 | 4,980.00            |
| SUPPLEMENTAL SERVICES CONTRACT         | 474,349.00          |
| <b>Total CLEAN INITIATIVES</b>         | <b>546,561.93</b>   |
| DAYS / EVENTS                          | -                   |
| 207 DAY                                | 3,000.00            |
| DOWNTOWN WORKER APPR DAY (DWAD)        | 11,000.00           |
| POLICE AWARDS BREAKFAST                | 4,500.00            |
| <b>Total DAYS / EVENTS</b>             | <b>18,500.00</b>    |
| EMPLOYEE COSTS                         | 360,669.17          |
| INSURANCE                              | 5,874.00            |
| LIGHT UP YOUR HOLIDAY EXPENSES         | 44,700.00           |
| MARKETING                              | 27,000.00           |
| OPERATIONS COSTS                       | 53,287.60           |
| ORGANIZATIONAL ACTIVITIES              | 12,700.00           |
| PROFESSIONAL FEES                      | 9,200.00            |
| PROGRAMS AND PARTNERSHIPS              | -                   |
| AUDET                                  | 30,000.00           |
| MILESTONE HOMETEAM                     | 9,000.00            |
| PEER OUTREACH WORKER PROGRAM           | 7,500.00            |
| POLICE CADET PROGRAM EXPENSE           | 40,000.00           |
| VISITOR INFO BOOTH                     | 7,500.00            |
| WINTER LIGHTS                          | 70,000.00           |
| <b>Total PROGRAMS AND PARTNERSHIPS</b> | <b>164,000.00</b>   |
| RENT AND UTILITIES                     | 33,506.30           |
| SPACE ACTIVATION                       | -                   |
| DANA STREET                            | 6,000.00            |
| EXCHANGE STREET                        | 6,000.00            |
| MILK STREET                            | 4,500.00            |
| MONUMENT SQUARE                        | 10,000.00           |
| <b>Total SPACE ACTIVATION</b>          | <b>26,500.00</b>    |
| <b>Total Expenses</b>                  | <b>1,302,499.00</b> |
| <b>Net Income</b>                      | <b>(0.00)</b>       |

## **EXHIBIT D**

### **BASELINE CITY SERVICES**

**(To be provided City-wide by the City at no cost to Portland Downtown)**

#### ***Capital Improvements and Maintenance***

- Streetscape Amenity Maintenance - The City will repair and correct any defects, deficiencies or problems in the district as necessary. Items of focus include light and utility poles, sidewalks, curbstones, trash cans, signs, crosswalk markings, traffic signals, tree wells, planters, benches, trees, kiosks, shelters, bollards, and any other amenity that is now or at some point in the future may be installed. All repairs, etc., will take place within a reasonable time after notice of need.
- Sidewalks - To the extent it is funded, the City will undertake an on-going sidewalk maintenance program to repair existing sidewalks and replace bituminous repairs with permanent repairs.
- Lighting, maintenance, and replacement of all street lights and traffic signals and payment for necessary electrical energy.
- Parks, playgrounds, and trails.

#### ***Beautification***

- Horticulture and tree care in parks, squares and streets.
  - In all public areas, the City will maintain and improve the condition of flowerbeds, trees, tree wells, bushes, plantings and other like horticultural amenities. Such activities shall include the initial planting, timely and appropriate maintenance, preventative and otherwise, and expeditious replacement of any damaged, destroyed or diseased horticultural products, including grass, flowers, and trees.
- Green space maintenance.
  - The City shall maintain and mow all public grassed areas.
- Holiday Decorations. The City will install and remove downtown Holiday decorations throughout the District to include Christmas trees at Monument Square and City Hall Plaza, string lights on light poles, and common area trees such as Tommy's Park, and provide for electrical energy related costs. This paragraph does not include installation or removal of, or any costs associated with, any of Pandora Lacasse's Winter Lights, which shall be installed and removed at Portland Downtown's sole expense.

#### ***Cleanliness***

- Street sweeping - All streets or parts thereof included in the downtown improvement district zone will be swept from curb line to curb line on an as needed basis.
- Trash removal – Daily and when necessary emptying of all trash and recycling receptacles in the downtown improvement district zone and disposal of resulting waste.

- Street snow plowing and removal - The City will plow and remove snow as necessary from all streets and parts thereof in the downtown improvement district zone.
- Graffiti removal on public property.
- Downtown Blitz - This is a two-week program for time duration. Each year the City shall undertake a dedicated effort to repair, repaint, replace and correct any defects, deficiencies or problems in the district. Items of focus shall include light and utility poles, sidewalks, curbstones, trash cans, benches, signs, crosswalk markings, traffic signals, tree wells, planters, benches, trees, kiosks, shelters, bollards, and any other amenity that is now or at some point in the future may be installed. This program will be undertaken as early as possible each Spring and conclude as rapidly as possible. Performance of some activities, i.e. painting, will take place annually as conditions permit. Major capital activity or the reconstruction and/or repair of significant infrastructure (street paving, sewer work, etc.) would not be considered part of this blitz program.

### ***Safety***

- Police protection.
  - A minimum of 4 uniformed patrol officers will intersect all or part of the downtown improvement district area. The actual number of officers will vary depending upon time of day and day of week. During periods when calls for service are typically at their peak, the number of officers assigned will increase significantly, for example during weekend evenings and the summer months. This increase will include foot and bicycle patrols. Officers will be supported with additional personnel (supervisors, detectives, evidence technicians) as necessary.
  - As long as the Community Policing Officer Program is in effect, at least one Community Police Officer will be assigned to the Downtown Improvement District area.
  - Holiday Patrol—from the Friday following Thanksgiving to New Year's Day, patrol efforts will be supplemented by use of a foot patrol. The number of officers and hours of the assignment is dependent upon staffing levels.
- Fire protection.

## **EXHIBIT E**

### **SUPPLEMENTAL DOWNTOWN DISTRICT SERVICES**

**(To be provided in the District by City at an annual fixed fee)**

#### ***Cleanliness, Maintenance, Snow Removal***

- Litter patrol, collection, and disposal on streets, sidewalks, tree wells and public areas within the District.
- Graffiti removal from City property within 5 days of notification.
- Removal of posters from PD poster boards.
- Check condition, catalogue, and if necessary paint or clean all public furniture and fixtures twice a year, at minimum. Furniture and fixtures shall include (but not be limited to) the following items:
  - Benches;
  - Trash/recycling receptacles;
  - Light pole bases; and,
  - Planters.
- Sidewalks will be cleaned on a daily basis, weather and season permitting.
- Sidewalk snow removal: All property owners in the District are responsible for maintaining their sidewalks and property in the winter pursuant to Portland City Code §§25-171 to 25-180. Following a snow storm, the City will provide a clear walkway no less than the width of a sidewalk tractor's capability. To the extent reasonable, the City will clear the sidewalk area, but it is not the intent of the parties that the City will clear the snow from the full width of the sidewalk area. The City will provide ice control to the extent possible. If weather conditions are so severe that the area cannot be plowed due to equipment capability, the City, in its discretion, may choose to delay clearing of the sidewalks but must complete the work within 24 hours of the storm being complete.
- Clean and maintain bathrooms located at Fore Street Parking Garage.
- Maintenance and cleaning of Visitor Information Booth in Tommy's Park at least once per month during season (May-October). "Quick response" repairs, such as missing bricks or landscaping damage shall be performed by City Downtown Staff as soon as possible.

#### ***Beautification***

- In addition to horticultural obligations of the City under Exhibit D, the City shall plant flowers and other plants in all flower urns in the District, regularly remove weeds from tree wells, and improve and maintain the same. In performing such services, the City shall pay particular attention to Longfellow Square, Congress square, Monument Square, Tommy's Park, Post Office Park, Boothby Square, Lincoln Park, Pleasant Street Park, and Bell Buoy Park.

### ***Events in the District***

- Portland Downtown provides events as described in its Budget and Development Program attached as Exhibit C.
- In connection with these events, the City will provide, at no expense to Portland Downtown, the following:
  - Waived event permit fees.
  - “No Parking” signs, wooden barricades, recycling services.
  - Access to City electricity service in public spaces.
  - Police and Fire Department services for Portland Downtown’s annual Tree Lighting event.
- Notwithstanding the above, Portland Downtown shall be required to comply with all Public Assembly Facilities Division permit requirements and shall be responsible for the City’s costs of the following services at the City’s standard rates:
  - Street closure expenses, including threat prevention;
  - Event personnel, including staff and managers;
  - Police and Fire personnel directly related to an event.
- The City will invoice Portland Downtown for all such services at its then current rates, and Portland Downtown shall pay the City all amounts due within 30 days after receipt of such invoices. Portland Downtown shall also be responsible for paying the City’s Permitting and Inspections Department for any applicable fees associated with licenses required for its events, including, without limitation, licenses for temporary food service, street goods, and liquor.

**Exhibit F**  
**Public Works Budget**

**CITY OF PORTLAND, ME**  
**FY24 ORG CATEGORY SUMMARY EXPENDITURE REPORT**

| ACCOUNT DESCRIPTION                        |                            | FY23<br>REVISED<br>APPRO<br>(12/31/22) | FY23<br>TOTAL<br>PROJECTION | FY24<br>DEPT<br>REQUEST | FY24<br>MGR<br>RECOMM | INCR /<br>(DECR)<br>FY24 / FY23 | APPRO<br>% CHG<br>FY24 / FY23 |
|--------------------------------------------|----------------------------|----------------------------------------|-----------------------------|-------------------------|-----------------------|---------------------------------|-------------------------------|
| <b>Portland Downtown District 10031205</b> |                            |                                        |                             |                         |                       |                                 |                               |
| *                                          | Payroll                    | \$387,355                              | \$353,000                   | \$422,239               | \$422,239             | \$34,884                        | 9.01%                         |
| *                                          | Benefits                   | \$3,450                                | \$9,900                     | \$3,450                 | \$3,450               | \$0                             | 0.00%                         |
| *                                          | Administrative Svcs        | \$390                                  | \$250                       | \$400                   | \$400                 | \$10                            | 2.56%                         |
| *                                          | Contractual Services       | \$300                                  | \$50,325                    | \$20,400                | \$20,400              | \$20,100                        | 6700.00%                      |
| *                                          | Maintenance & Repair       | \$300                                  | \$300                       | \$300                   | \$300                 | \$0                             | 0.00%                         |
| *                                          | Rentals                    | \$360                                  | \$200                       | \$360                   | \$360                 | \$0                             | 0.00%                         |
| *                                          | Supplies                   | \$14,900                               | \$14,200                    | \$18,600                | \$18,600              | \$3,700                         | 24.83%                        |
| *                                          | Minor Capital Items        | \$0                                    | \$0                         | \$6,600                 | \$6,600               | \$6,600                         | ---                           |
| *                                          | Utilities                  | \$4,000                                | \$1,000                     | \$2,000                 | \$2,000               | (\$2,000)                       | -50.00%                       |
| **                                         | Portland Downtown District | \$411,055                              | \$429,175                   | \$474,349               | \$474,349             | \$63,294                        | 15.40%                        |



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

**FROM:**

**DATE:** June 6, 2023

**SUBJECT:** Order 243-22/23 Establishing Maintenance and Implementation Assessments for Portland Downtown for Fiscal Year 2023-2024 - Sponsored by the Finance Committee, Councilor Mark Dion, 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 is a companion order with the order above.

This item must be read on two separate days. It received its first reading on June 5, 2023. 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. Establishing FY2024 Portland Downtown Assessments 6.5.2023

Prepared by:

Date: 06/06/2023

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 ESTABLISHING MAINTENANCE AND IMPLEMENTATION  
ASSESSMENTS FOR PORTLAND DOWNTOWN  
FOR FISCAL YEAR 2023-2024**

**ORDERED**, pursuant to 30-A M.R.S. § 5228, after public hearing thereon, that the sum of \$1,249,349 be raised and appropriated from the special assessments on all real estate situated within the boundaries of the Downtown Improvement District, Inc. doing business as Portland Downtown, to fund maintenance and implementation costs for such district for the period beginning July 1, 2023 and ending on June 30, 2024; and

**BE IT FURTHER ORDERED**, that the said sum be assessed on all real estate within the Downtown Improvement District, which real estate listing is attached hereto as Exhibit A; and

**BE IT FURTHER ORDERED**, that the said assessments shall be due July 1, 2023 and payable to the City of Portland at the same time that taxes on other real estate are due; and

**BE IT FURTHER ORDERED**, that the interest on unpaid assessments shall be at the same rate as interest on other unpaid real estate taxes; and

**BE IT FURTHER ORDERED**, that the said assessments are hereby committed to the tax collector of the City of Portland for collection, pursuant to 30-A M.R.S. § 5228(5); and

**BE IT FURTHER ORDERED**, that the tax collector is hereby authorized and directed to take all necessary action for the collection of said assessment.

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

**FROM:**

**DATE:** June 6, 2023

**SUBJECT:** Order 244-22/23 Approving Agreement between the City of Portland and Portland Downtown for Fiscal Year 2023-2024 - Sponsored by the Finance Committee, Councilor Mark Dion, 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 is a companion order with the two orders above.

This item must be read on two separate days. It received its first reading on June 5, 2023. 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. Approving FY2024 Portland Downtown Agreement 6.5.2023

Prepared by:

Date: 06/06/2023

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 AGREEMENT BETWEEN THE CITY OF PORTLAND  
AND PORTLAND DOWNTOWN**

**ORDERED**, that the Agreement between the City of Portland and the Downtown Improvement District, Inc. doing business as Portland Downtown is hereby approved; and

**BE IT FURTHER ORDERED**, that the City Manager or designee is hereby authorized to enter into said Agreement in substantially in the form attached, and any other documents necessary to effect the intent of this order, to carry out the Development Plan for the Downtown Improvement District, Inc. for the period from and after its Effective Date and ending June 30, 2024.

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

**FROM:** Rachel Millette  
**DATE:** June 6, 2023  
**SUBJECT:** Order 245-22/23 Approving the Amended Wage Scale to the Collective Bargaining Agreement with the Police Benevolent Association -- Sponsored by Danielle P. West, City Manager

**SPONSOR:** Danielle P. West, 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 6/5/2023**

**Final**  
**Action 6/26/2023**

**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: This amendment has been approved as to form by Corporation Counsel.**

**PRESENTATION:** Tom Caiazzo will be available for questions.

**I. SUMMARY**

This order increases the wage scale for members of the Police Benevolent Association by 14.5% in the second half of 2023.

**II. AGENDA DESCRIPTION**

This item amends the negotiated collective bargaining agreement between the City and the Portland Police Benevolent Association ("PBA") which is currently in effect for the period of January 1, 2021 through December 31, 2023. The proposed amendment would increase wages for all PBA employees by 14.5% effective as of July 2, 2023, to bring wages in line with surrounding communities. This proposal is presented after previously receiving guidance from the Finance Committee in executive session on two separate occasions and following negotiations with the PBA.

This item is part of the Fiscal Year 2024 budget orders and received its first reading on June 5, 2023, when all other budget ordered were postponed to this meeting to await the Maine Legislature's decision on increased general assistance reimbursement. As of June 23, final decisions on the state budget were still pending and staff requests that this order be postponed to July 17, 2023. Five affirmative votes are required to postpone, and no public comment is required on the motion to postpone.

**III. BACKGROUND**

The PBA represents all police officers in the Portland Police Department below the rank of sergeant. When fully staffed, the PBA would represent approximately 121 police officers. Currently, the City is experiencing a significant number of vacancies in the police department, including 27 vacant police officer positions.

The proposed wage increase is intended to make the City a competitive employer in the law enforcement industry. Communities across the state have recently reopened their law enforcement collective bargaining agreements to increase wages in order to attract and retain law enforcement officers. The proposed wage increase would align the City's wages with those communities and is intended to assist the City in recruiting

and retaining police officers, particularly in light of the current number of existing vacancies.

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

To amend the existing collective bargaining agreement in order to allow the City to recruit and retain excellent police officers.

#### **V. FINANCIAL IMPACT**

Please see the attached fiscal note.

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

Staff has conducted a wage survey of surrounding communities and their wages for police officers; has negotiated diligently with the PBA; consulted the Finance Committee for guidance on two separate occasions; and worked with the administration to arrive at a proposed wage scale that is fair and competitive.

#### **VII. RECOMMENDATION**

To approve the proposed amended wage scale as presented.

#### **VIII. LIST ATTACHMENTS**

1. Police Benevolent Association amended wage scale 6.5.2023
2. PBA Fiscal Impact Note 6.5.2023

Prepared by:

Rachel Millette

Date: 06/06/2023



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 AMENDED WAGE SCALE  
TO THE COLLECTIVE BARGAINING AGREEMENT  
WITH THE POLICE BENEVOLENT ASSOCIATION**

**ORDERED**, that the existing wage scale in the current Collective Bargaining Agreement with the Police Benevolent Association effective July 1, 2021 through December 31, 2023 be replaced with an amended wage scale, effective July 2, 2023, 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 document and any other related documents necessary or convenient to carry out the intent of this order.

**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE CITY OF PORTLAND AND THE PORTLAND POLICE  
BENEVOLENT ASSOCIATION**

The City of Portland (the “City”) and the Portland Police Benevolent Association (the “PBA”), having entered into a collective bargaining agreement covering the time period from January 1, 2021 through December 31, 2023 (the “CBA”), now wish to enter into this Memorandum of Understanding regarding the wage scales included in the CBA.

WHEREAS, the Portland Police Department currently has a substantial number of vacant positions;

WHEREAS, the present job market is extremely competitive for applicants, with many local communities having reopened their own collective bargaining agreements to increase wages for police officers;

WHEREAS, the City desires to recruit new police officers and retain its existing police officers;

NOW, THEREFORE, the parties agree as follows:

1. The PBA Pay Plan, contained in Exhibit A, of the CBA, shall be amended to include the wage increases reflected in the attached wage scales, effective July 2, 2023.

PORTLAND POLICE BENEVOLENT  
ASSOCIATION

CITY OF PORTLAND

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

\_\_\_\_\_  
By: Danielle West, City Manager  
Date:

Approved as to Form: \_\_\_\_\_  
Corporation Counsel

Approved as to Funds: \_\_\_\_\_  
Brendan O’Connell, Finance Director

|                                                                              |  |                       |         |  |            |
|------------------------------------------------------------------------------|--|-----------------------|---------|--|------------|
| Effective                                                                    |  |                       |         |  | Effective  |
| 1/1/2023                                                                     |  | <b>Police Officer</b> |         |  | 7/2/2023   |
|                                                                              |  |                       |         |  |            |
| \$ 25.33                                                                     |  | 1                     | 0 - 3   |  | \$29.00    |
| \$1,013.20                                                                   |  |                       |         |  | \$1,160.00 |
|                                                                              |  |                       |         |  |            |
| \$ 27.07                                                                     |  | 2                     | 3 - 5   |  | \$31.00    |
| \$1,082.80                                                                   |  |                       |         |  | \$1,240.00 |
|                                                                              |  |                       |         |  |            |
| \$ 28.14                                                                     |  | 3                     | 5 - 8   |  | \$32.22    |
| \$1,125.60                                                                   |  |                       |         |  | \$1,288.80 |
|                                                                              |  |                       |         |  |            |
| \$ 28.95                                                                     |  | 4                     | 8 - 10  |  | \$33.15    |
| \$1,158.00                                                                   |  |                       |         |  | \$1,326.00 |
|                                                                              |  |                       |         |  |            |
| \$ 30.07                                                                     |  | 5                     | 10 - 12 |  | \$34.43    |
| \$1,202.80                                                                   |  |                       |         |  | \$1,377.20 |
|                                                                              |  |                       |         |  |            |
| \$ 30.97                                                                     |  | 6                     | 12 - 18 |  | \$35.46    |
| \$1,238.80                                                                   |  |                       |         |  | \$1,418.40 |
|                                                                              |  |                       |         |  |            |
| \$ 32.54                                                                     |  | 7                     | 18+     |  | \$37.26    |
| \$1,301.60                                                                   |  |                       |         |  | \$1,490.40 |
|                                                                              |  |                       |         |  |            |
| <b>Detective, Court Officers, Evidence Technicians, Traffic Investigator</b> |  |                       |         |  |            |
|                                                                              |  |                       |         |  |            |
|                                                                              |  |                       |         |  | Effective  |
|                                                                              |  |                       |         |  |            |
| \$ 26.58                                                                     |  | 1                     | 0-3     |  | \$30.43    |
| \$1,063.20                                                                   |  |                       |         |  | \$1,217.20 |
|                                                                              |  |                       |         |  |            |
| \$ 28.42                                                                     |  | 2                     | 3-5     |  | \$32.54    |
| \$1,136.80                                                                   |  |                       |         |  | \$1,301.60 |
|                                                                              |  |                       |         |  |            |
| \$ 29.54                                                                     |  | 3                     | 5-8     |  | \$33.82    |
| \$1,181.60                                                                   |  |                       |         |  | \$1,352.80 |
|                                                                              |  |                       |         |  |            |
| \$ 30.41                                                                     |  | 4                     | 8-10    |  | \$34.82    |
| \$1,216.40                                                                   |  |                       |         |  | \$1,392.80 |
|                                                                              |  |                       |         |  |            |
| \$ 31.57                                                                     |  | 5                     | 10-12   |  | \$36.15    |
| \$1,262.80                                                                   |  |                       |         |  | \$1,446.00 |
|                                                                              |  |                       |         |  |            |
| \$ 32.53                                                                     |  | 6                     | 12-18   |  | \$37.25    |
| \$1,301.20                                                                   |  |                       |         |  | \$1,490.00 |
|                                                                              |  |                       |         |  |            |
| \$ 34.18                                                                     |  | 7                     | 18+     |  | \$39.14    |
| \$1,367.20                                                                   |  |                       |         |  | \$1,565.60 |
|                                                                              |  |                       |         |  |            |

\* Starting the scale at \$29.00 per hour is a 14.5% increase from the current scale.  
I used that factor (14.5%) across all steps

## PBA

The table below reflects incremental costs to future city budgets when compared to a 0% salary increase for upcoming years. The full year 1 cost is already reflected in the current City Manager's Recommended budget so approval of this item would not increase the existing proposed FY24 budget. The actual incremental cost of this proposal is likely to be much lower than the amounts per table below as the City expects significant additional resignations if there is inaction on raising Police Department wages. If this occurred there would be significant additional overtime costs and many of these dollars would be expended anyway. The table below assumes no additional wage increases will be approved for FY24.

| FISCAL IMPACT NOTE                       | Year 1    |                                | Year 2    |                                | Year 3    |                                |
|------------------------------------------|-----------|--------------------------------|-----------|--------------------------------|-----------|--------------------------------|
|                                          | City Rate | City / Sch<br>Combined<br>Rate | City Rate | City / Sch<br>Combined<br>Rate | City Rate | City / Sch<br>Combined<br>Rate |
| New Program Cost Data:                   |           |                                |           |                                |           |                                |
| Example:                                 |           |                                |           |                                |           |                                |
| ADD: NEW ITEM ANNUAL EXPENDITURES        |           | \$888,581                      |           | \$915,238                      |           | \$942,696                      |
| LESS: TOTAL NEW ITEM ANNUAL REVENUES     |           | \$0                            |           | \$0                            |           | \$0                            |
| =NEW ITEM NET TAX RATE IMPACT PROJECTION | \$888,581 | \$888,581                      | \$915,238 | \$915,238                      | \$942,696 | \$942,696                      |
| New Program Impact to the Tax Rate       | \$0.0607  | \$0.0607                       | \$0.0625  | \$0.0625                       | \$0.0644  | \$0.0644                       |
| New Program % Impact on Tax Rate         | 1.0031%   | 0.4459%                        | 1.0332%   | 0.4593%                        | 1.0642%   | 0.4731%                        |
| Tax Rate Including New Program           | \$13.67   | \$13.67                        | \$13.67   | \$13.67                        | \$13.67   | \$13.67                        |

Full FY24 cost of proposal is already reflected in FY24 City Manager's Recommended Budget.

Costs above are likely overstated as there is significant cost expected if there is no action taken (increase in overtime costs)

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

**FROM:** Rachel Millette  
**DATE:** June 6, 2023  
**SUBJECT:** Order 246-22/23 Approving the Amended Wage Scale to the Collective Bargaining Agreement with the Portland Police Superior Officers Association - Sponsored by Danielle P. West, City Manager  
**SPONSOR:** Danielle P. West, 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 6/5/2023**

**Final**  
**Action 6/26/2023**

**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: This amendment has been approved by Corporation Counsel.**

**PRESENTATION:** Tom Caiazzo will be available for questions.

**I. SUMMARY**

This order increases the wages for the members of the Portland Police Superior Officers Association by 14.5% during the second half of 2023.

**II. AGENDA DESCRIPTION**

This item amends the negotiated collective bargaining agreement between the City and the Portland Police Superior Officers Association (“PPSOA”) which is currently in effect for the period of January 1, 2021 through December 31, 2023. The proposed amendment would increase wages for all PPSOA employees by 14.5% effective as of July 2, 2023, in accordance with the proposed wage increases for the Portland Police Benevolent Association, and to make wages more competitive with the surrounding communities. This proposal is presented after previously receiving guidance from the Finance Committee in executive session on two separate occasions and following negotiations with the PPSOA.

This item is part of the Fiscal Year 2024 budget orders and received its first reading on June 5, 2023, when all other budget ordered were postponed to this meeting to await the Maine Legislature's decision on increased general assistance reimbursement. As of June 23, final decisions on the state budget were still pending and staff requests that this order be postponed to July 17, 2023. Five affirmative votes are required to postpone, and no public comment is required on the motion to postpone.

**III. BACKGROUND**

The PPSOA represents all sergeants and lieutenants in the Portland Police Department. Currently, the City is experiencing a significant number of vacancies in the police department, including 27 vacant police officer positions.

The proposed wage increase is intended to make the City a competitive employer in the law enforcement industry. Communities across the state have recently reopened their law enforcement collective bargaining agreements to increase wages in order to attract and retain law enforcement officers. The proposed wage

increase would align the City's starting police officer wages with those communities and is intended to assist the City in recruiting and retaining police officers, particularly in light of the current number of existing vacancies.

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

To amend the existing collective bargaining agreement in order to allow the City to recruit and retain excellent police officers.

#### **V. FINANCIAL IMPACT**

Please see the attached fiscal note.

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

Staff has conducted a wage survey of surrounding communities and their wages for police officers; has negotiated diligently with the PPSOA; consulted the Finance Committee for guidance on two separate occasions; and worked with the administration to arrive at a proposed wage scale that is fair and competitive.

#### **VII. RECOMMENDATION**

To approve the proposed amended wage scale as presented.

#### **VIII. LIST ATTACHMENTS**

1. Police Superior Officers Association amended wage scale 6.5.2023
2. PSOBA Fiscal Impact Note 6.5.2023

Prepared by:

Rachel Millette

Date: 06/06/2023

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 AMENDED WAGE SCALE  
TO THE COLLECTIVE BARGAINING AGREEMENT  
WITH THE PORTLAND POLICE SUPERIOR  
OFFICERS ASSOCIATION**

**ORDERED**, that the existing wage scale in the current Collective Bargaining Agreement with the Portland Police Superior Officers Association effective July 1, 2021 through December 31, 2023 be replaced with an amended wage scale, effective July 2, 2023, 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 document and any other related documents necessary or convenient to carry out the intent of this order.

**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE CITY OF PORTLAND AND THE PORTLAND POLICE SUPERIOR  
OFFICERS ASSOCIATION**

The City of Portland (the “City”) and the Portland Police Superior Officers Association (the “PPSOA”), having entered into a collective bargaining agreement covering the time period from January 1, 2021 through December 31, 2023 (the “CBA”), now wish to enter into this Memorandum of Understanding regarding the wage scales included in the CBA.

WHEREAS, the Portland Police Department currently has a substantial number of vacant positions;

WHEREAS, the present job market is extremely competitive for applicants, with many local communities having reopened their own collective bargaining agreements to increase wages for police officers;

WHEREAS, the City desires to recruit new police officers and retain its existing police officers;

NOW, THEREFORE, the parties agree as follows:

1. The PPSOA Pay Plan, contained in Appendix A, of the CBA, shall be amended to include the wage increases reflected in the attached wage scales, effective July 2, 2023.

PORTLAND POLICE SUPERIOR  
OFFICERS ASSOCIATION

CITY OF PORTLAND

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

\_\_\_\_\_  
By: Danielle West, City Manager  
Date:

Approved as to Form: \_\_\_\_\_  
Corporation Counsel

Approved as to Funds: \_\_\_\_\_  
Brendan O’Connell, Finance Director



|                             |         |         |
|-----------------------------|---------|---------|
| Top detective hourly rate - | \$39.14 |         |
|                             |         |         |
|                             |         |         |
| <b>Sergeant</b>             |         |         |
|                             |         |         |
|                             |         |         |
|                             | 1*      | 0-3 Yrs |
|                             |         |         |
|                             |         |         |
|                             | 2       | 3-5 Yrs |
|                             |         |         |
|                             |         |         |
|                             | 3       | 5-8 Yrs |
|                             |         |         |
|                             |         |         |
|                             | 4       | 8+ Yrs  |
|                             |         |         |

|            |
|------------|
| \$41.10    |
| \$1,644.00 |
|            |
| \$42.33    |
| \$1,693.20 |
|            |
| \$43.60    |
| \$1,744.00 |
|            |
| \$44.91    |
| \$1,796.40 |

|                   |     |         |
|-------------------|-----|---------|
| <b>Lieutenant</b> |     |         |
|                   |     |         |
|                   |     |         |
|                   | 1** | 0-3 Yrs |
|                   |     |         |
|                   |     |         |
|                   | 2   | 3-5 Yrs |
|                   |     |         |
|                   |     |         |
|                   | 3   | 5-8 Yrs |
|                   |     |         |
|                   |     |         |
|                   | 4   | 8+      |
|                   |     |         |

|            |
|------------|
| \$48.05    |
| \$1,922.00 |
|            |
| \$49.49    |
| \$1,979.60 |
|            |
| \$50.97    |
| \$2,038.80 |
|            |
| \$52.50    |
| \$2,100.00 |

\* 1st step is 5% above top detective pay, all other steps are 3% higher than the previous step

\*\* 1st step is 7% higher than top step Sergeant pay, all other steps are 3% higher than the previous step

## PSOBA

The table below reflects incremental costs to future city budgets when compared to a 0% salary increase for upcoming years. The full year 1 cost is already reflected in the current City Manager's Recommended budget so approval of this item would not increase the existing proposed FY24 budget. The actual incremental cost of this proposal is likely to be much lower than the amounts per table below as the City expects significant additional resignations if there is inaction on raising Police Department wages. If this occurred there would be significant additional overtime costs and many of these dollars would be expended anyway. The table below assumes no additional wage increases will be approved for FY24.

| FISCAL IMPACT NOTE                       | Year 1    |                          | Year 2    |                          | Year 3    |                          |
|------------------------------------------|-----------|--------------------------|-----------|--------------------------|-----------|--------------------------|
|                                          | City Rate | City / Sch Combined Rate | City Rate | City / Sch Combined Rate | City Rate | City / Sch Combined Rate |
| New Program Cost Data:                   |           |                          |           |                          |           |                          |
| <b>Example:</b>                          |           |                          |           |                          |           |                          |
| ADD: NEW ITEM ANNUAL EXPENDITURES        |           | \$315,759                |           | \$325,232                |           | \$334,989                |
| LESS: TOTAL NEW ITEM ANNUAL REVENUES     |           | \$0                      |           | \$0                      |           | \$0                      |
| =NEW ITEM NET TAX RATE IMPACT PROJECTION | \$315,759 | \$315,759                | \$325,232 | \$325,232                | \$334,989 | \$334,989                |
| New Program Impact to the Tax Rate       | \$0.0216  | \$0.0216                 | \$0.0222  | \$0.0222                 | \$0.0229  | \$0.0229                 |
| New Program % Impact on Tax Rate         | 0.3565%   | 0.1585%                  | 0.3672%   | 0.1632%                  | 0.3782%   | 0.1681%                  |
| Tax Rate Including New Program           | \$13.63   | \$13.63                  | \$13.63   | \$13.63                  | \$13.63   | \$13.63                  |

Full FY24 cost of proposal is already reflected in FY24 City Manager's Recommended Budget.  
Costs above are likely overstated as there is significant cost expected if there is no action taken (increase in overtime costs)

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

**FROM:** Mary Davis, Division Director

**DATE:** June 21, 2023

**SUBJECT:** Reconsideration of Order 239-22/23 Approving Changes to the Tax Increment Financing Policy - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

**SPONSOR:** On April 25, the Housing and Economic Development Committee voted 3-1 to forward this to the City Council for consideration.

**(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 6/5/2023**

**Final  
Action 6/5/2023**

**Can action be taken at a later date: Yes 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: This item does not involve a new contract.**

**PRESENTATION:** Mary Davis will provide a brief overview of the attached documentation including the proposed change and data received which initiated the proposed change.

**I. SUMMARY**

The proposed change to the TIF Policy would allow affordable housing developers who are required to use Davis-Bacon wages for their project to use these wages to meet the wage requirements in the TIF policy rather than the state prevailing wage; the Portland minimum wage would still apply.

**II. AGENDA DESCRIPTION**

Councilor Anna Trevorrow has requested that this order be returned to the agenda for reconsideration. It was approved by a vote of 9-0 on June 5, 2023. A motion to reconsider is required to be approved before the item can be taken back up.

On April 25, the Housing & Economic Development Committee voted 3-1, Phillips opposed, to forward this to the City Council for consideration.

The Portland Tax Increment Financing (TIF) Policy requires developers of affordable housing in Portland who receive Affordable Housing TIF (AHTIF) to use the greater of state prevailing wage rates and Portland minimum wage for workers during housing construction. Many of the projects receiving a TIF also have other funding sources which require the use of Davis-Bacon wages. The double requirement can be costly for developers, both in reporting time and in practice. The proposed change would allow developers who are required to use Davis-Bacon wages for other funding sources to also use these wages to meet the TIF Policy requirements.

Five affirmative votes are required for passage, should this item be amended or voted on a second time, but public comment is not required.

**III. BACKGROUND**

On February 22, 2021 the Council passed a Tax Increment Financing (TIF) policy designed to support investment in municipal economic development programs, infrastructure investment, and individual project site

specific TIF districts to support infrastructure or individual private project financing needs. This policy outlined the goals, principles, requirements, and approach for establishing TIF districts in Portland, including Affordable Housing TIF (AHTIF) Districts.

Of the 17 active AHTIF district projects, 13 projects have been, are, or will be subject to wage conditions, which requires the greater of state prevailing wages or Portland minimum wage to be used during construction. Several of these projects use other funding sources, such as project-based vouchers, which require Davis-Bacon wages to be used. The Davis-Bacon wage rates and state prevailing wage rates are different in terms of labor classifications and wages paid to each classification. These differences can make it challenging for contractors, who are already strapped for time, to identify the appropriate classification and wage determination for each worker. There are cases in which the wages differ by \$5 or more. In 2021, Davis-Bacon wage rates for carpenters were \$13.13 per hour higher than state prevailing wages, while electricians' wages were \$7.78 higher in state prevailing wage than in Davis-Bacon. For projects required to use both determinations, developers are paying significantly more than a project required to use either Davis-Bacon or state prevailing wage. To decrease burden on affordable housing projects, we would like to propose the following changes to Section B(3)(iii) of the TIF policy:

Current Language:

Any firms employed in the construction phase of a TIF-assisted project must compensate all employees the current wage rates and fringe benefits as required under applicable state prevailing wage law under 26 M.R.S.A. §1306, or Portland City Ordinance Ch. 33, §33-1 to 33-12, whichever is greater.

Proposed Language:

Any firms employed in the construction phase of a TIF-assisted project must compensate all employees the current wage rates and fringe benefits as required under applicable state prevailing wage law under 26 M.R.S.A. §1306, or Portland City Ordinance Ch. 33, §33-1 to 33-12, whichever is greater. **If a project is required to use Davis-Bacon wage rates as a result of another funding source, Davis-Bacon wage rates will suffice to meet this requirement, provided the minimum wage for each job is greater than the Portland City Ordinance Ch.33, §33-1 to 33-12.**

The TIF Policy, with proposed changes, is attached.

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

These changes will help increase access to rental home that is safe, affordable, and accessible.

#### **V. FINANCIAL IMPACT**

This does not have a financial impact to the City of Portland; however, it will have a positive financial impact on affordable housing projects within the city.

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

Three developers have provided data of how the requirement to use both Davis-Bacon and Prevailing Wage has affected their projects. In addition to the analysis provided by these developers, we have anecdotally heard from contractors and developers that it can greatly complicate projects to use two different wage requirements on one job. For one project, the overall cost to the project for state prevailing wage requirement in addition to Davis-Bacon is approximately \$75,000 - \$100,00. The labor classifications do not line up between the two, which can cause difficulty in identifying the appropriate worker classification. The developer also analyzed actual wages being paid, and noted that in 70% of cases, the actual wages paid to workers exceeded the Davis-Bacon and state prevailing wage rates.

#### **VII. RECOMMENDATION**

Staff recommends the City Council approve the proposed change to the TIF Policy.

#### **VIII. LIST ATTACHMENTS**

1. Order Amending the Tax Increment Financing Policy 6.5.2023

2. TIF Policy proposed edits
3. 0 Backup for TIF Policy Request Revisions 2022-2023
4. Public Comment Order 239
5. 06.26.23 Council Reconsideration of TIF Amendments

Prepared by:

Mary Davis, Division Director

Date: 06/21/2023

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 AMENDING THE  
PORTLAND TAX INCREMENT FINANCING POLICY**

**ORDERED**, that the attached amended Portland Tax Increment Financing Policy 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.

# PORTLAND TIF POLICY

## ~~April~~February 22, 2023~~1~~

### I. INTRODUCTION

Tax Increment Financing (TIF) is an economic development program authorized under state law to support municipal projects. The TIF program allows municipalities to provide financial assistance to local economic development projects and programs – from infrastructure, municipal economic development programs and staff, to business expansions - by using new property taxes that result from new commercial or residential investment associated with the corresponding increase in property value.

Portland TIF Policy supports investment in municipal economic development programs, infrastructure investment (which is generally through the establishment of area wide or neighborhood TIF districts), ~~and individual~~ and individual project site-specific TIF districts to support either infrastructure or individual private project financing needs.

The City is committed to invest in infrastructure located within the public rights-of-way that encourage economic development. Use of TIF investment to invest in infrastructure recognizes the savings which occurs through the TIF Program tax sheltering benefits.

“Infrastructure” is defined, but not limited to: traffic upgrades, public parking facilities, roadway improvements, lighting, sidewalks, water and sewer utilities, storm water management improvements and placing above ground overhead electric and telecommunications lines underground.

### II. STATE TIF LIMITATION

There are acreage and value cap~~s~~ limitations for municipalities to establish TIF districts along with term limits. Term limits include bonds which may be issued for a maximum of 20 years (anticipation notes for three years). TIF districts may be designated for a maximum of 30 years.

### III. PURPOSE

The primary purposes of the TIF Policy include:

- A. To support Portland Economic Development and Housing Plans and Policies;
- B. To stimulate expansion of the City’s commercial and industrial tax base;
- C. To stimulate new affordable and market rate housing investment;
- D. To retain and create quality employment;
- E. To support Portland’s Capital Improvement Plan; and,
- F. To establish standards upon which the City Council will authorize TIF.

### IV. GENERAL PRINCIPLES

The three primary general principles for the City Council to establish TIF districts include:

**A. Investment**

***Minimum Real Property Investment.*** A minimum of \$1 million in new taxable investment property value for commercial and industrial development and \$500,000 for affordable housing development is needed to qualify for a TIF. This is the minimum amount which makes practical sense to consider use of the TIF program due to the amount of new municipal property tax revenue generated from new private investment.

**B. Jobs Associated with Commercial and Industrial Development**

Applicants for TIF participation will be required to provide a plan outlining the number and quality of jobs retained or created associated with each TIF district. While there is not a specific formula for the numbers of jobs associated with the amount of TIF financial assistance, the number and quality of the jobs will be taken into consideration for each TIF district. It is recognized that housing projects do not create many permanent jobs.

**C. Maximize Tax Sheltering Benefits**

A municipality's total equalized assessed value is used to calculate General Purpose Aid to Education (subsidy), State Revenue Sharing (subsidy) and County taxes (expense). When a municipality's equalized assessed value increases, State Aid for Education decreases, municipal revenue sharing decreases, and the municipality pays a greater portion of County taxes. TIF allows municipalities to "shelter" new value resulting from private investment from the calculation of its State subsidies (education and revenue sharing) and County taxes. In other words, specific municipal shelter benefits, for the term of the TIF, include:

- 1) No reduction in State aid for education,
- 2) No reduction in municipal revenue sharing and
- 3) No increase in County taxes.

Annually, the Council Committee with jurisdiction over housing and community development and City Council will evaluate available TIF district capacity related to State acreage and value limitations to determine whether existing TIF districts need amending and/or new TIF district establishment. Scheduled public infrastructure investments included in the City's Capital Improvement Plan will inform decisions about adjustments to existing TIF districts or establishment of new TIF districts.

**V. APPROACH, POLICY, and TERM REQUIREMENTS**

Must meet or exceed the below requirements.



## **A. Approach**

There are three approaches to consider establishing TIF districts. They include:

- 1) ***Municipal Economic Development Programs funded directly through a pay-as-you-go approach.***

Examples of municipal economic development programs include paying for economic development staff, annual funding to Creative Portland for city marketing/branding, and other TIF law allowable activities.

- 2) ***Area wide TIF districts financed by City Bond/Debt Issuance***

Issuance of municipal general obligation bonds or limited obligation bonds is a mechanism that may be used to fund a TIF district program. Allowable uses are spelled out in state TIF law. Generally, municipalities will issue debt to cover the cost of infrastructure investment.

- 3) ***Individual Site Specific TIF districts utilizing Credit Enhancement Agreements (CEAs)***

A CEA is a contract between a municipality and developer to assist an individual development project by using a percentage or all of the tax revenue generated by the investment to pay certain authorized project costs which could include site specific infrastructure or private individual project financing needs. Allowable project costs are spelled out in state TIF law.

## **B. Policy for the Three Approaches**

1. **Policy for Municipal Economic Development Programs.**

Requires annual review and City Council financial appropriations.

2. **Policy for Area wide TIF District Locations (for City Bond/Debt Issuance)**

- a) Area wide TIF will be established for infrastructure investment which has applications beyond one individual project.
- b) City TIF emphasis will be placed upon the following general “Priority Revitalization Areas” to support commercial development, housing development, redevelopment, or to support buildings in need to redevelopment, address blight or historic preservation:
  - Affordable housing projects off peninsula;
  - Riverside Street commercial and industrial zoned areas;
  - Forest Avenue corridor from I-295 to Woodfords Corner;

- Washington Avenue corridor from Congress Street to I-295;
- Portland Technology Park ;
- Areas in which future significant wastewater and/or stormwater infrastructure investments are planned;
- West Commercial Street vacant property;
- Libbytown;
- St. Johns Street Valley;
- Other areas based upon scheduled public infrastructure investment included in the City's Capital Improvement Plan.

The above list of general priority revitalization areas serve as guides to establish specific boundaries for TIF districts at time of district establishment.

- c) Market Rate Housing. Market rate rental housing projects must be located in priority revitalization areas to stimulate housing investment for the purpose of attracting 24/7 pedestrian activity. Pursuant to State Law, TIF for condominium projects are not allowed.
- d) Affordable Housing. Affordable Housing TIF (AHTIF) may be designated on an area wide or site specific basis.

The relevant City Council Committee will complete an annual assessment of housing needs and priorities. This assessment will include a determination regarding designation of an area wide AHTIF. Site specific AHTIF requests submitted by developers will be considered on a case-by-case basis. Area wide or site specific AHTIF designations must address an identified community need.

State law requires that at least 25% of the district area must be suitable for residential use, development must be primarily residential, and at least 1/3 of the units must be for households at or below 120% of area median income which allows for individual mixed income projects or area wide affordable housing TIF districts.

Allowable uses of AHTIF revenues are defined by State law.

- e) City preference is to invest in area wide public infrastructure TIF districts versus establishing individual private site specific TIF districts.
- f) Area wide TIF districts also should seek to maximize the benefit of downtown and transit oriented development (TOD) districts which are exempt from State TIF law for acreage and value limitations.

- g) Terms for area wide TIF districts will be considered for up to 100% of new tax revenue and upwards of thirty (30) years, the maximum allowed by State law, due to the long-term need to invest in neighborhood infrastructure.

**NOTE 1:** As of this Amended TIF Policy date, there are two existing area wide TIF Districts, i.e., Bayside and Waterfront TIF Districts.

**NOTE 2:** As of this Amended TIF Policy date, there also exists two Transit Oriented Development (TOD) District, namely the Thompson Point TOD TIF District and the Downtown TOD TIF District to support new or expanded transit services and improved transit connections between the Portland Transportation Center, Jetport and Downtown.

### **3. Policy for Individual Site Specific TIF Districts Utilizing Credit Enhancement Agreements (CEAs)**

- a) CEAs for individual site specific TIF districts will be considered for investment in infrastructure or project financing need and cannot be applied to any agreed upon public infrastructure improvements associated with a City Council approved conditional rezone agreement. Additional provisions related to CEAs include:

- i) City Green Building Code

Compliance with the City's Green Building Code is required when TIF assistance is provided to individual private project CEAs.

- ii) Affordable Housing

Affordable Housing TIF (AHTIF) may be designated on an area wide or site specific basis. Developments are encouraged to promote economic diversity.

The City Council Committee will complete an annual assessment of housing needs and priorities. This assessment will include a determination regarding designation of an area wide AHTIF. Site specific AHTIF requests submitted by developers will be considered on a case-by-case basis. Area wide or site specific AHTIF designations must address an identified community need.

State law requires that at least 25% of the district area must be suitable for residential use, development must be primarily residential, and at least 1/3 of the units must be for households at or below 120% of area

median income which allows for individual mixed income projects or area wide AHTIF districts.

Affordable means that the percentage of income a household is charged in rent and other housing expenses including utilities, or must pay in monthly mortgage payments (including real estate taxes, mortgage insurance, condominium/HOA fees, insurance and utilities), does not exceed 30% of a household's gross income, or other amount established in city regulations that does not vary significantly from this amount. These restrictions must remain in place for the full term of the AHTIF district.

Allowable uses of AHTIF revenues are defined by State law.

(iii) State Prevailing Wage Requirement

Any firms employed in the construction phase of a TIF-assisted project must compensate all employees the current wage rates and fringe benefits as required under applicable state prevailing wage law under 26 M.R.S.A. §1306, or Portland City Ordinance Ch. 33, §33-1 to 33-12, whichever is greater. [If a project is required to use Davis-Bacon wage rates as a result of another funding source, Davis-Bacon wage rates will suffice to meet this requirement, provided the minimum wage for each job is greater than the Portland City Ordinance Ch.33, §33-1 to 33-12.](#)

City staff shall provide to the relevant City Council Committee an annual update on:

- a) the impact of this prevailing wage requirements on CEAs;
- b) feasibility of construction firms to pay prevailing wages and benefits; and
- c) compliance with this section.

(iv) Equal Employment Opportunities and Nondiscrimination

The developer and its contractors employed in the construction phase of a TIF-assisted project shall adhere to a policy of non-discrimination in all employment actions, practices, policies, procedures, phases, and conditions of employment. All employment-related decisions (including but not limited to hiring, discharge, transfers, promotions, discipline, training, job opportunities, and wage and salary levels) will be made without discrimination based on an individual's race or color, religion, age, sex (including pregnancy), sexual orientation, gender identity or expression, ancestry or national origin, physical or mental disability, veteran status, genetic information, previous assertion of a claim or right under Maine's

Workers' Compensation Act, previous actions taken protected under Maine's Whistleblowers' Protection Act, or any other protected group status as defined by applicable law. Provisions in applicable laws providing for bona fide occupational qualifications, business necessity, or age limitations will be adhered to by the developer and its contractors where appropriate. This policy shall not be construed to prohibit any employment action or policy which is required by federal law, rule or executive order.

b) Applicants for CEA participation must demonstrate and pay the following:

i) Financial Necessity.

The applicant must demonstrate the City's participation is financially necessary in order for the project to proceed.

ii) Financial Capacity.

The applicant must demonstrate financial capacity to support their project.

iii) Fees

A financial underwriting analysis will be conducted by a third party on all projects requesting CEA participation. Applicants for CEA assistance will be responsible for reimbursing the City for all project third party legal and financial underwriting costs.

### **C. Terms for CEA Projects**

1) Maximum Percentages.

A maximum average percentage of 65% for the entire term associated with individual project CEAs. Notwithstanding the previous sentence, the maximum average percentage for the entire term associated with individual project CEAs for affordable housing shall be 75%. For the purposes of this policy, the term affordable housing shall be defined as in "V. Approach, Policy, and Term Requirements" Section B(3)(a)(ii) (Affordable Housing) of the Portland TIF Policy.

2) Maximum Number of Years.

Up to twenty (20) years to match individual private sector commercial financing terms; for Affordable Housing projects, up to thirty (30) years (affordability must be maintained for the full term of the TIF). The term of a TIF may start upon

agreed trigger event, such as an increased assessed value. This would be included in a CEA on that negotiated triggering event.

3) Use of Maine Services for CEA Projects Encouraged.

**VI. TIF APPLICATION AND ADMINISTRATION PROCESS**

**A. Application Information and Contact.**

The Housing and Economic Development Department handle all TIF inquires and processes requests for TIF. An applicant must submit a letter or application to the Housing and Economic Development Department outlining the proposed project, including TIF project financial information, a plan outlining both the number of permanent and construction jobs associated with the proposed project, [detailed information on](#) housing affordability, ~~as well as~~ [and](#) a demonstrated ability to meet the requirements under Section B(3)(a) of this policy.

**B. Approval Process.**

There is a ~~two-step~~ [two-step](#) approval process which includes obtaining a recommendation from the City Council Committee and City Council approval. Two meetings (or readings) by the City Council are needed. The City Council vote on the TIF occurs at the second meeting.

**C. Post-Construction Report to City Council.**

The Housing and Economic Development Department shall provide a post-construction report to the City Council Committee and City Council regarding each TIF-assisted project which shall include, but not be limited to, an analysis of the adherence to Section (V)(B)(3)(a) of this policy.

**D. Annual Report to City Council.**

The Housing and Economic Development Department shall provide annual reports to the City Council Committee and City Council regarding TIF district activity.

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## City of Portland prevailing wage requirements and affordable housing

1 message

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**Greg Payne** <GPayne@avestahousing.org>

Wed, Apr 1, 2020 at 9:40 AM

To: Mary Davis <mpd@portlandmaine.gov>

Cc: Dana Totman <DTotman@avestahousing.org>, Rebecca Hatfield <RHatfield@avestahousing.org>

Hi Mary:

I wanted to follow up with you on the effect that the City's prevailing wage ordinance is having on our efforts to create additional affordable housing units in Portland. As you know, the new policy requires that all projects which receive a TIF from the City must pay the "prevailing wage" rates established by the Maine Department of Labor. As we have implemented this policy at Wessex Woods, the 40-unit senior affordable housing property that Avesta is currently building on Brighton Avenue, we are finding that it is adding significant costs without achieving a compelling policy objective.

When we went out to competitive bid on the Wessex Woods project, we had not understood that it was subject to the prevailing wage ordinance, so the various subcontractors offered their pricing based on the current construction market and we reached a construction loan closing with those figures last November. Shortly thereafter, we realized that the prevailing wage ordinance should have been part of our bid package and thus had to go back to all of our subcontractors and ask them to revise their bids accordingly. Attached please find a spreadsheet detailing the \$121,695 cost increase that the project absorbed specifically due to the City prevailing wage ordinance. This increases the financial vulnerability of the project by taking away more than a third of its contingency funds.

One of the first things that our project team struggled with as we adjusted to comply with the City ordinance was the significant difference between the wage rates secured through the normal, competitive bidding process and those required under the ordinance as a "prevailing wage". As you know, over the past 5 years the construction sector has already experienced very significant cost increases - largely as a result of the regional labor shortage - that has driven up the cost of affordable housing construction by more than 26%. So when we saw that the City requirements were driving wage rates another 10%, 20%, up to 100% higher for some occupations, we were confused and very concerned about how "prevailing" wages could be so disconnected with the wages that we had secured through the typical, competitive bid process in a sector that had already seen such significant wage increases.

I spoke with the Maine Department of Labor and learned that the wage rates required under the City ordinance are established through a survey that the Department undertakes each fall. DOL asks companies in each trade to provide payroll data, and the median wage rate is then published as an area's "prevailing wage". One of the reasons for the discrepancy between the wage rates we were able to secure through a competitive bid and those established by DOL is perhaps that the objective in a competitive bid is not to choose the median bidder but rather to allow companies to compete with each other to offer the lowest bid they can feasibly accept for a job. Given the cost constraints that MaineHousing requires us to comply with in building affordable housing, we simply don't have the luxury of foregoing price competition among individual trades.

In addition to the fact that the construction sector - having benefitted from highly significant price increases in recent years - does not seem to need a further, artificial pricing boost, our project team also noted that very few of the affected subcontractors live in Portland... and none of the surrounding communities offer the same kind of "prevailing wage" policies. The result is that Portland is on its own in essentially applying a highly significant tax on affordable housing development, predominantly benefitting people who live in other communities.

Obviously Wessex Woods is not the only affordable housing project being affected by this policy. I expect that you will hear from other local housing organizations that have been even more negatively impacted in their efforts to build affordable homes.

Given the widespread community desire to increase affordable housing production in Portland, we recommend that the City consider taking action to exempt such projects from the prevailing wage ordinance. It is putting Portland at a competitive disadvantage to solve a problem that does not appear to exist.

Please let me know if I can help with any additional information, and thank you for your attention to this issue.

-Greg

Greg Payne  
Development Officer  
Avesta Housing  
307 Cumberland Ave. | Portland, ME 04101

# WESSEX WOODS - COST CHANGES DUE TO CITY PREVAILING WAGE ORDINANCE

| Subcontractor/Vendor                | Type of Work                                                    | Rate carried in Bid | Rate required by City | Difference b/t Bid Rate & City Rate | # Hours on Project | Increased Cost to Project |
|-------------------------------------|-----------------------------------------------------------------|---------------------|-----------------------|-------------------------------------|--------------------|---------------------------|
| <b>Tri-Stone Industries</b>         | <b>Concrete Found/Slabs/Site Conc/Install of GeoFoam</b>        |                     |                       |                                     |                    | <b>\$5,497.70</b>         |
|                                     | Laborer                                                         | \$15.00             | \$17.04               | \$2.04                              | 1160               | \$2,366.40                |
|                                     | Carpenter                                                       | \$19.00             | \$19.92               | \$0.92                              | 920                | \$846.40                  |
|                                     | Ironworker                                                      | \$20.00             | \$23.13               | \$3.13                              | 730                | \$2,284.90                |
|                                     |                                                                 |                     |                       |                                     |                    |                           |
| <b>Corey Electric Inc.</b>          | <b>Electrical &amp; Fire Alarm</b>                              |                     |                       |                                     |                    | <b>\$13,396.50</b>        |
|                                     | Electrician                                                     | \$26.00             | \$32.87               | \$6.87                              | 1950               | \$13,396.50               |
|                                     |                                                                 |                     |                       |                                     |                    |                           |
| <b>Granite Corporation</b>          | <b>HVAC &amp; Plumbing</b>                                      |                     |                       |                                     |                    | <b>\$21,920.00</b>        |
|                                     | Foreman                                                         | \$35.00             | \$40.00               | \$5.00                              | 800                | \$4,000.00                |
|                                     | Licensed Plumbers                                               | \$35.00             | \$40.00               | \$5.00                              | 1800               | \$9,000.00                |
|                                     | HVAC Licensed                                                   | \$35.00             | \$40.00               | \$5.00                              | 1600               | \$8,000.00                |
|                                     | HVAC Apprentice                                                 | \$32.00             | \$35.00               | \$3.00                              | 1200               | \$3,600.00                |
|                                     | Plumber Apprentice                                              | \$32.00             | \$35.00               | \$3.00                              | 1200               | \$3,600.00                |
|                                     | (discount offered by subcontractor to help support the project) |                     |                       |                                     |                    | -\$6,280.00               |
|                                     |                                                                 |                     |                       |                                     |                    |                           |
| <b>Hi Tech Insulation</b>           | <b>Insulation</b>                                               |                     |                       |                                     |                    | <b>\$14,080.00</b>        |
|                                     | Plumbing Insulation                                             | \$20.00             | \$40.00               | \$20.00                             | 408                | \$8,160.00                |
|                                     | HVAC Insulation                                                 | \$20.00             | \$40.00               | \$20.00                             | 296                | \$5,920.00                |
|                                     |                                                                 |                     |                       |                                     |                    |                           |
| <b>Dillon Sheetmetal</b>            | <b>Sheetmetal</b>                                               |                     |                       |                                     |                    | <b>\$13,500.00</b>        |
|                                     | Foreman                                                         | \$25.00             | \$35.00               | \$10.00                             | 900                | \$9,000.00                |
|                                     | Sheetmetal Installer                                            | \$25.00             | \$30.00               | \$5.00                              | 900                | \$4,500.00                |
|                                     |                                                                 |                     |                       |                                     |                    |                           |
| <b>Accendo Fire Protection, LLC</b> | <b>Fire Protection</b>                                          |                     |                       |                                     |                    | <b>\$7,517.50</b>         |
|                                     | Sprinkler Fitter                                                | \$21.50             | \$31.20               | \$9.70                              | 775                | \$7,517.50                |
|                                     |                                                                 |                     |                       |                                     |                    |                           |
| <b>LOCBID Construction</b>          | <b>Rough Framing</b>                                            |                     |                       |                                     |                    | <b>\$25,484.00</b>        |
|                                     | Carpenter                                                       | \$20.00             | \$27.73               | \$7.73                              | 2000               | \$15,460.00               |
|                                     | Crane Operator                                                  | \$20.00             | \$39.68               | \$19.68                             | 400                | \$7,872.00                |



|                                            |                                               |         |         |         |      |                     |
|--------------------------------------------|-----------------------------------------------|---------|---------|---------|------|---------------------|
|                                            | Laborer                                       | \$15.00 | \$17.69 | \$2.69  | 800  | \$2,152.00          |
|                                            |                                               |         |         |         |      |                     |
| <b>Industrial Roofing &amp; Siding Co.</b> | <b>Membrane Roofing</b>                       |         |         |         |      | <b>\$3,380.40</b>   |
|                                            | Foreman                                       | \$36.53 | \$37.76 | \$1.23  | 180  | \$221.40            |
|                                            | Roofer                                        | \$20.76 | \$22.71 | \$1.95  | 1620 | \$3,159.00          |
|                                            |                                               |         |         |         |      |                     |
| <b>Harvey Libby Inc.</b>                   | <b>Structural Metal Framing</b>               |         |         |         |      | <b>\$396.00</b>     |
|                                            | Ironworker - Structural                       | \$20.00 | \$24.29 | \$4.29  | 64   | \$274.56            |
|                                            | additional fee for payroll prep               |         |         |         |      | \$121.44            |
|                                            |                                               |         |         |         |      |                     |
| <b>Simplified Green Homes</b>              | <b>Insulation</b>                             |         |         |         |      | <b>\$3,480.00</b>   |
|                                            | Insulation                                    | \$20.00 | \$28.70 | \$8.70  | 400  | \$3,480.00          |
|                                            |                                               |         |         |         |      |                     |
| <b>Phoenix Firestop Contracting</b>        | <b>Firestopping</b>                           |         |         |         |      | <b>\$332.80</b>     |
|                                            | Laborer                                       | \$16.00 | \$17.04 | \$1.04  | 320  | \$332.80            |
|                                            |                                               |         |         |         |      |                     |
| <b>Standard Waterproofing</b>              | <b>Dampproofing/Waterproofing</b>             |         |         |         |      | <b>\$438.60</b>     |
|                                            | Insulation Installer                          | \$18.38 | \$28.70 | \$10.32 | 42.5 | \$438.60            |
|                                            |                                               |         |         |         |      |                     |
| <b>Zachau Construction</b>                 | <b>Exterior Finish Carpentry / Insulation</b> |         |         |         |      | <b>\$5,790.40</b>   |
|                                            | Finish Carpenter                              | \$19.00 | \$23.00 | \$4.00  | 1330 | \$5,320.00          |
|                                            | Insulation                                    | \$19.00 | \$24.88 | \$5.88  | 80   | \$470.40            |
|                                            |                                               |         |         |         |      |                     |
| <b>SUBTOTAL</b>                            |                                               |         |         |         |      | <b>\$115,213.90</b> |
|                                            |                                               |         |         |         |      |                     |
| <b>ADDITIONAL CHARGES</b>                  | <b>Increase to insurance, bonds, etc.</b>     |         |         |         |      | <b>\$6,481.75</b>   |
|                                            |                                               |         |         |         |      |                     |
| <b>GRAND TOTAL</b>                         |                                               |         |         |         |      | <b>\$121,695.65</b> |

Thanks. Also, could you clarify another issue. You refer several times to state/local wage rates. Is that a general reference to the language in the TIF policy or have there been instances where the local wage rate was more than the state or Davis-Bacon wage?

Mary P. Davis, Division Director  
Housing & Community Development Division  
Planning & Urban Development Department  
City of Portland  
[389 Congress Street Room 312](#)  
Portland ME 04101  
(207)874-8711  
(207) 874-8949 FAX  
[mpd@portlandmaine.gov](mailto:mpd@portlandmaine.gov)  
[www.portlandmaine.gov](http://www.portlandmaine.gov)

*City Hall is currently closed to the public until May 18. I am working remotely during this time.*

On Mon, May 11, 2020 at 8:57 AM Jay Waterman <[jwaterman@porthouse.org](mailto:jwaterman@porthouse.org)> wrote:

Hi Mary,

What I can say for sure is that the change order amount during construction of \$46,000 was all the State/Local wage rates.

The remainder of \$186,140 was likely mostly Davis-Bacon wage rates.

**Jay Waterman, LEED AP BD+C/Homes**

Director of Real Estate Development

Portland Housing Development Corporation

Direct: 207.221.8009

Cell: 207.272.2562



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**From:** Mary Davis <[mpd@portlandmaine.gov](mailto:mpd@portlandmaine.gov)>  
**Date:** Thursday, May 7, 2020 at 9:13 AM  
**To:** Jay Waterman <[jwaterman@porthouse.org](mailto:jwaterman@porthouse.org)>  
**Subject:** Re: Affordable Housing TIF - Wage Rates

It will be important to know if the increased costs were due to Davis Bacon or the city's TIF Policy requirements.

Mary P. Davis, Division Director  
Housing & Community Development Division  
Planning & Urban Development Department  
City of Portland  
[389 Congress Street Room 312](#)  
Portland ME 04101  
(207)874-8711  
(207) 874-8949 FAX  
[mpd@portlandmaine.gov](mailto:mpd@portlandmaine.gov)  
[www.portlandmaine.gov](http://www.portlandmaine.gov)

*City Hall is currently closed to the public until May 18. I am working remotely during this time.*

On Wed, May 6, 2020 at 10:35 PM Jay Waterman <[jwaterman@porthouse.org](mailto:jwaterman@porthouse.org)> wrote:

Hi Mary,

I am writing to give input on the impact of the Federal, State and Local wage rate requirements on affordable housing developments in Portland. As you know, the City's relatively new policy requires that all projects which receive a TIF from the City must pay a worker the "prevailing wage" rates established by the Maine Department of Labor as well as the City of Portland minimum wage rate, whichever is higher.

Project Based Vouchers and City TIF financing both triggered our wage rate increases at 58 Boyd Street. We knew Davis Bacon was going to be a concern because our building was over four stories, moving the project into the higher "Building" (Commercial) rates. As many projects experienced from 2017-2019, construction labor and material costs have gone up significantly while MaineHousing cost caps have been flat for years and will remain flat until the 2021 tax credit allocations.

**The additional wage costs to the project was \$232,140.** This is approximately 2.5% of the overall construction budget for the project. The attached spreadsheet from Wright-Ryan Construction shows the total impact of Federal, State and local wage rates. At this time, I do not have a specific breakdown of the impacts of Davis-Bacon versus the City's required State/Local wages.

With rising costs, our cost reduction process on 58 Boyd Street during the design process was painful, forcing us to forego Passive House energy efficiency goals that could have reduced our heating energy costs by over 75%. The additional costs when we had to update the wage rates in the first few months of construction only took away from our ability to buy back any upgrades from our contingency.

I concur with all of Greg Payne's comments to you in his email of April 1<sup>st</sup>. I have also heard that subcontractors with projects simultaneously in Portland and adjacent towns are hard-pressed to explain to their workers why those that go to Portland should get a pay raise when others with the same skills working nearby do not.

I encourage you to ask the Council to exempt affordable housing projects that receive TIF funding from the City's wage rate policy.

Thank you.

Jay

**Jay Waterman, LEED AP BD+C/Homes**

Director of Real Estate Development

Portland Housing Authority | Portland Housing Development Corporation

14 Baxter Blvd. Portland, Maine 04101

Direct: 207.221.8009

Cell: 207.272.2562

Office: 207.773.4753 x8227



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58 BOYD STREET APARTMENTS  
WAGE RATE COST IMPACT ANALYSIS

Prepared for Portland Housing Authority  
4/27/20

Wage Premiums Captured in GMP\*.

|                         |              |
|-------------------------|--------------|
| Rough Carpentry Sub     | \$ 46,000.00 |
| Concrete Foundation Sub | \$ 16,000.00 |
| Drywall Sub             | \$ 65,000.00 |

Post GMP Premiums

|                                                     |              |
|-----------------------------------------------------|--------------|
| PCO # 20 (Updated Local, State & Davis-Bacon Rates) | \$ 46,000.00 |
|-----------------------------------------------------|--------------|

|                            |               |
|----------------------------|---------------|
| Wage Rate Premium Subtotal | \$ 173,000.00 |
|----------------------------|---------------|

|                                     |              |
|-------------------------------------|--------------|
| Fee, Insurance & Bond Add-ons at 6% | \$ 10,380.00 |
|-------------------------------------|--------------|

|                      |                      |
|----------------------|----------------------|
| <b>Total Premium</b> | <b>\$ 183,380.00</b> |
|----------------------|----------------------|

**Analysis:**

|                    |                 |
|--------------------|-----------------|
| GMP Contract Value | \$ 9,655,751.00 |
|--------------------|-----------------|

|                                               |                 |
|-----------------------------------------------|-----------------|
| GMP W/ PCO 20 (58 Boyd Costs w/ Wage Premium) | \$ 9,704,511.00 |
|-----------------------------------------------|-----------------|

|                                                                           |                 |
|---------------------------------------------------------------------------|-----------------|
| GMP less premiums w/ add ons (Potential Cost of Project at Market Rates.) | \$ 9,472,371.00 |
|---------------------------------------------------------------------------|-----------------|

|                                            |               |
|--------------------------------------------|---------------|
| Delta between Market and Prescribed rates. | \$ 232,140.00 |
|--------------------------------------------|---------------|

|                                                      |      |
|------------------------------------------------------|------|
| Labor Rate Delta / Potential market rate GMP as a %. | 2.5% |
|------------------------------------------------------|------|

**\*Guaranteed Maximum Price**

1. Includes Davis Bacon "Residential - Commercial Tier" rates for Buildings over four stories high.
2. Includes State of Maine & City of Portland Prevailing Wage rates.

# City of Portland Prevailing Wage Review

Prepared Summer 2022

## Comparison of Davis-Bacon and Cumberland County Wages

The federal Davis-Bacon wage rates and the local Cumberland County wage rates both consider direct wages plus fringe benefits to compare minimum wages for each wage category. The laborer classifications do not line up exactly between the two determinations, nor do the wage rates themselves. As a whole, the Cumberland County determinations have more specific trade classifications for various types of workers. When comparing rates between the two sets of wage requirements, Davis-Bacon wages generally lower and the Cumberland County wages are generally higher.

Although there are only a few instances where the Davis-Bacon rates are higher than Cumberland County rates, when the Davis-Bacon rates are higher, they are *significantly* higher. There are more categories where Cumberland County rates are higher than Davis-Bacon. However, in those instances, the Cumberland County rates have a smaller differential to the Davis-Bacon rates (with the exception of a couple of trades, such as electricians and plumbers).

### **Wage Categories where Davis Bacon wages are higher than Cumberland County:**

- Carpenter, by \$13.13/hour
- Ironworker, by \$17.16/hour
- Excavator, by \$13.44/hour

### **Wage Categories where Cumberland County wages are higher than Davis-Bacon:**

- Bricklayer, by \$5.59/hour
- Cement worker, by \$0.73/hour
- Electrician, by \$7.78/hour
- Elevator Mechanic, by \$4.27/hour
- Glazier, by \$8.09/hour
- Laborer (general), by \$2.07/hour
- Laborer (skilled), by \$8.21/hour
- Crane Operator, by \$12.35/hour
- Painter (brush), by \$2.59/hour
- Painter (spray), by \$0.33/hour (note that there is no “spray painter” classification for Cumberland County)
- Pipefitter, by \$5.93/hour
- Plumber, by \$8.26/hour
- Roofer, by \$0.86/hour
- Insulation, by \$1.62/hour

## Impact of Cumberland County Wages

It is worth noting that the *minimum wages* required by either Davis-Bacon or Cumberland County do not necessarily equal the *actual rates paid* on this job; employers often pay rates that exceed one or both of these minimum rates. This is particularly true in the case of union shops where wages are typically higher to begin with.

To understand the cost impact of adherence to Cumberland County wages in addition to Davis-Bacon wages, we reviewed a case study of a development currently under way in Portland. In this instance, Davis-Bacon wages had been required in the contract, and the general contractor surveyed subcontractors to collect their anticipated hourly rate for all positions. Please note that subcontractors were asked to report the rates they are actually paying so we could determine if the rates met or exceeded the minimum set by Davis-Bacon.

See attached and below for a more detailed accounting of the reported wage rates. Subcontractor names were redacted from this analysis for worker and employer privacy. There are a couple of key items to note. First, when there are multiple rates reported for the same trade classification, that is because the subcontractor(s) reported a variety of wages they are paying their workers. These workers could be within the same company or could work for a variety of different companies but have the same job classification. Second, the number of different rates for a given classification may not equal the actual number of positions on the job. For example, subcontractors collectively reported eight different *carpenter rates*. However, there are likely more than eight different *individuals working as carpenters* on this job. What this means is there may be multiple individuals paid at each of the rates listed below. Second,

After receiving the anticipated rates each subcontractor is paying, we compared those rates to the Davis-Bacon required rates, as well as the Cumberland County rates. **By contract, subcontractor wages for the case study were required to meet the Davis-Bacon rates. In many cases, subcontractor wages for the case study also exceed the Cumberland Country rates.**

Positions where the case study pay rates exceed Cumberland County minimums:

- Carpenters – 8 of 8 rates
- Cement workers – 5 of 5 rates
- Glaziers – 1 of 1 rates
- Ironworkers – 2 of 2 rates
- Laborers – 22 of 30 rates
- Crane Operator – 1 of 1 rates
- Excavator – 1 of 1 rates
- Painters – 2 of 7 rates
- Pipefitters – 4 of 5 rates
- Plumbers – 1 of 3 rates

Classifications or positions where the anticipated pay rate is lower than the Cumberland County rate are listed below:

- **Bricklayer** – The single bricklayer rate reported for this job meets the Davis-Bacon rate but will earn \$5.59/hour less than the Cumberland County rate.
- **Electricians** – Subcontractors reported four different electrician positions, three of which have rates equal to the Davis Bacon rate and one of which is paid a few cents more. Therefore, three

electricians will be paid \$7.78/hour less than Cumberland County, and one will be paid \$7.73/hour less.

- **Elevator Mechanic** – The elevator mechanic will exceed the Davis-Bacon rate by approx. \$2/hour, but they will still make \$1.19/hour less than the Cumberland County rate.
- **Laborers** – Subcontractors reported 30 different laborer rates, eight of which would be paid below the Cumberland County rate:
  - \$2.07/hour (three laborers, all paid at Davis-Bacon rate)
  - \$1.19/hour (one laborer, exceeding Davis-Bacon rate)
  - \$0.18/hour (one laborer, exceeding Davis-Bacon rate)
  - \$0.51/hour (one laborer, exceeding Davis-Bacon rate)
  - \$0.67/hour (one laborer, exceeding Davis-Bacon rate)
  - \$0.98/hour (one laborer, exceeding Davis-Bacon rate)
- **Painters**: Subcontractors reported six painters on this job, four of whom would be making less than the Cumberland County rates:
  - \$2.59/hour (two painters, both paid at Davis-Bacon rate)
  - \$0.02/hour (one painter, exceeding Davis-Bacon rate)
  - \$0.33/hour (one painter, exceeding Davis-Bacon rate)
- **Pipefitter**: One of the five pipefitters will be paid the Davis-Bacon rate and will make \$0.50/hour less than the Cumberland County rate (the other pipefitters exceed both Davis-Bacon and Cumberland County).
- **Plumbers**: Of the three plumbing rates, two are less than the Cumberland County rate:
  - \$6.74/hour (one plumber, exceeding Davis-Bacon rate)
  - \$8.26/hour (one plumber, paid at Davis-Bacon rate)
- **Roofer**: The one roofing rate is being paid at the Davis-Bacon minimum, which is \$0.96/hour less than the Cumberland County rate.

Of the estimated 70 different wage rates reported in the case study, more than 70% are compliant with both Davis-Bacon and Cumberland County wage rates. (Reminder again, there may be more than 70 different workers represented by those 70 different rates, so it is not possible to determine the exact percentage of workers that are/are not compliant with the Cumberland County wage rates). Of those 22 rates that are not compliant with Cumberland County wage requirements, most have a differential of less than a dollar (8 positions) or two dollars (7 positions). Seven positions have differences between 6-8 dollars, which are due to the Cumberland County wage rates for Electricians, Carpenters, and Plumbers.

Even though the differential on those rates is typically small, sometimes less than a dollar per hour but never more than nine dollars, Cumberland County wage rate compliance poses a significant cost to the project. Based on workhours estimated by the general contractor and relevant subcontractors, the added cost to the project for Cumberland County wage rate compliance would be in the range of \$75,000 - \$100,000.



# City of Portland Prevailing Wage Review

Summer 2022

| Job Classification   | Davis-Bacon Rate | Cumberland County Rate | Difference Between Davis-Bacon and Cumberland County Rates | Davis-Bacon Rate Compliant with Cumberland County? | Additional Hourly Cost to Any Project for Cumberland County Compliance | Case Study Rate | Case Study Rate Compliant with Cumberland County? | Additional Hourly Cost to Project for Cumberland County Compliance |
|----------------------|------------------|------------------------|------------------------------------------------------------|----------------------------------------------------|------------------------------------------------------------------------|-----------------|---------------------------------------------------|--------------------------------------------------------------------|
| Bricklayer           | \$ 27.86         | \$ 33.45               | \$ (5.59)                                                  | NO                                                 | \$ 5.59                                                                | \$ 27.86        | NO                                                | \$ (5.59)                                                          |
| Carpenter 1          | \$ 43.35         | \$ 30.22               | \$ 13.13                                                   | YES                                                |                                                                        | \$ 43.35        | YES                                               | \$ -                                                               |
| Carpenter 2          | \$ 43.35         | \$ 30.22               | \$ 13.13                                                   | YES                                                |                                                                        | \$ 46.22        | YES                                               | \$ -                                                               |
| Carpenter 3          | \$ 43.35         | \$ 30.22               | \$ 13.13                                                   | YES                                                |                                                                        | \$ 43.35        | YES                                               | \$ -                                                               |
| Carpenter 4          | \$ 43.35         | \$ 30.22               | \$ 13.13                                                   | YES                                                |                                                                        | \$ 43.35        | YES                                               | \$ -                                                               |
| Carpenter 5          | \$ 43.35         | \$ 30.22               | \$ 13.13                                                   | YES                                                |                                                                        | \$ 43.35        | YES                                               | \$ -                                                               |
| Carpenter 6          | \$ 43.35         | \$ 30.22               | \$ 13.13                                                   | YES                                                |                                                                        | \$ 43.35        | YES                                               | \$ -                                                               |
| Carpenter 7          | \$ 43.35         | \$ 30.22               | \$ 13.13                                                   | YES                                                |                                                                        | \$ 43.35        | YES                                               | \$ -                                                               |
| Carpenter 8          | \$ 43.35         | \$ 30.22               | \$ 13.13                                                   | YES                                                |                                                                        | \$ 43.35        | YES                                               | \$ -                                                               |
| Cement 1             | \$ 22.66         | \$ 23.39               | \$ (0.73)                                                  | NO                                                 | \$ 0.73                                                                | \$ 25.00        | YES                                               | \$ -                                                               |
| Cement 2             | \$ 22.66         | \$ 23.39               | \$ (0.73)                                                  | NO                                                 | \$ 0.73                                                                | \$ 28.00        | YES                                               | \$ -                                                               |
| Cement 3             | \$ 22.66         | \$ 23.39               | \$ (0.73)                                                  | NO                                                 | \$ 0.73                                                                | \$ 36.50        | YES                                               | \$ -                                                               |
| Cement 4             | \$ 22.66         | \$ 23.39               | \$ (0.73)                                                  | NO                                                 | \$ 0.73                                                                | \$ 70.00        | YES                                               | \$ -                                                               |
| Cement 5             | \$ 22.66         | \$ 23.39               | \$ (0.73)                                                  | NO                                                 | \$ 0.73                                                                | \$ 73.37        | YES                                               | \$ -                                                               |
| Electrician 1        | \$ 39.53         | \$ 47.31               | \$ (7.78)                                                  | NO                                                 | \$ 7.78                                                                | \$ 39.53        | NO                                                | \$ (7.78)                                                          |
| Electrician 2        | \$ 39.53         | \$ 47.31               | \$ (7.78)                                                  | NO                                                 | \$ 7.78                                                                | \$ 39.58        | NO                                                | \$ (7.73)                                                          |
| Electrician 3        | \$ 39.53         | \$ 47.31               | \$ (7.78)                                                  | NO                                                 | \$ 7.78                                                                | \$ 39.53        | NO                                                | \$ (7.78)                                                          |
| Electrician 4        | \$ 39.53         | \$ 47.31               | \$ (7.78)                                                  | NO                                                 | \$ 7.78                                                                | \$ 39.53        | NO                                                | \$ (7.78)                                                          |
| Elevator Mechanic    | \$ 96.19         | \$ 100.46              | \$ (4.27)                                                  | NO                                                 | \$ 4.27                                                                | \$ 98.54        | NO                                                | \$ (1.92)                                                          |
| Glazier              | \$ 16.12         | \$ 24.21               | \$ (8.09)                                                  | NO                                                 | \$ 8.09                                                                | \$ 25.23        | YES                                               | \$ -                                                               |
| Ironworker 1         | \$ 50.82         | \$ 33.66               | \$ 17.16                                                   | YES                                                |                                                                        | \$ 50.82        | YES                                               | \$ -                                                               |
| Ironworker 2         | \$ 50.82         | \$ 33.66               | \$ 17.16                                                   | YES                                                |                                                                        | \$ 53.69        | YES                                               | \$ -                                                               |
| Laborer - General 1  | \$ 16.12         | \$ 18.19               | \$ (2.07)                                                  | NO                                                 | \$ 2.07                                                                | \$ 72.01        | YES                                               | \$ -                                                               |
| Laborer - General 2  | \$ 16.12         | \$ 18.19               | \$ (2.07)                                                  | NO                                                 | \$ 2.07                                                                | \$ 16.12        | NO                                                | \$ (2.07)                                                          |
| Laborer - General 3  | \$ 16.12         | \$ 18.19               | \$ (2.07)                                                  | NO                                                 | \$ 2.07                                                                | \$ 16.12        | NO                                                | \$ (2.07)                                                          |
| Laborer - General 4  | \$ 16.12         | \$ 18.19               | \$ (2.07)                                                  | NO                                                 | \$ 2.07                                                                | \$ 16.12        | NO                                                | \$ (2.07)                                                          |
| Laborer - General 5  | \$ 16.12         | \$ 18.19               | \$ (2.07)                                                  | NO                                                 | \$ 2.07                                                                | \$ 38.50        | YES                                               | \$ -                                                               |
| Laborer - General 6  | \$ 16.12         | \$ 18.19               | \$ (2.07)                                                  | NO                                                 | \$ 2.07                                                                | \$ 27.60        | YES                                               | \$ -                                                               |
| Laborer - General 7  | \$ 16.12         | \$ 18.19               | \$ (2.07)                                                  | NO                                                 | \$ 2.07                                                                | \$ 36.48        | YES                                               | \$ -                                                               |
| Laborer - General 8  | \$ 16.12         | \$ 18.19               | \$ (2.07)                                                  | NO                                                 | \$ 2.07                                                                | \$ 27.82        | YES                                               | \$ -                                                               |
| Laborer - General 9  | \$ 16.12         | \$ 18.19               | \$ (2.07)                                                  | NO                                                 | \$ 2.07                                                                | \$ 32.39        | YES                                               | \$ -                                                               |
| Laborer - General 10 | \$ 16.12         | \$ 18.19               | \$ (2.07)                                                  | NO                                                 | \$ 2.07                                                                | \$ 35.90        | YES                                               | \$ -                                                               |
| Laborer - General 11 | \$ 16.12         | \$ 18.19               | \$ (2.07)                                                  | NO                                                 | \$ 2.07                                                                | \$ 18.54        | YES                                               | \$ -                                                               |
| Laborer - General 12 | \$ 16.12         | \$ 18.19               | \$ (2.07)                                                  | NO                                                 | \$ 2.07                                                                | \$ 24.00        | YES                                               | \$ -                                                               |
| Laborer - General 13 | \$ 16.12         | \$ 18.19               | \$ (2.07)                                                  | NO                                                 | \$ 2.07                                                                | \$ 17.00        | NO                                                | \$ (1.19)                                                          |
| Laborer - General 14 | \$ 16.12         | \$ 18.19               | \$ (2.07)                                                  | NO                                                 | \$ 2.07                                                                | \$ 20.00        | YES                                               | \$ -                                                               |
| Laborer - General 15 | \$ 16.12         | \$ 18.19               | \$ (2.07)                                                  | NO                                                 | \$ 2.07                                                                | \$ 27.00        | YES                                               | \$ -                                                               |
| Laborer - General 16 | \$ 16.12         | \$ 18.19               | \$ (2.07)                                                  | NO                                                 | \$ 2.07                                                                | \$ 19.92        | YES                                               | \$ -                                                               |
| Laborer - General 17 | \$ 16.12         | \$ 18.19               | \$ (2.07)                                                  | NO                                                 | \$ 2.07                                                                | \$ 20.46        | YES                                               | \$ -                                                               |
| Laborer - General 18 | \$ 16.12         | \$ 18.19               | \$ (2.07)                                                  | NO                                                 | \$ 2.07                                                                | \$ 25.26        | YES                                               | \$ -                                                               |
| Laborer - General 19 | \$ 16.12         | \$ 18.19               | \$ (2.07)                                                  | NO                                                 | \$ 2.07                                                                | \$ 18.01        | NO                                                | \$ (0.18)                                                          |
| Laborer - General 20 | \$ 16.12         | \$ 18.19               | \$ (2.07)                                                  | NO                                                 | \$ 2.07                                                                | \$ 17.68        | NO                                                | \$ (0.51)                                                          |
| Laborer - General 21 | \$ 16.12         | \$ 18.19               | \$ (2.07)                                                  | NO                                                 | \$ 2.07                                                                | \$ 17.52        | NO                                                | \$ (0.67)                                                          |
| Laborer - General 22 | \$ 16.12         | \$ 18.19               | \$ (2.07)                                                  | NO                                                 | \$ 2.07                                                                | \$ 31.00        | YES                                               | \$ -                                                               |
| Laborer - General 23 | \$ 16.12         | \$ 18.19               | \$ (2.07)                                                  | NO                                                 | \$ 2.07                                                                | \$ 25.00        | YES                                               | \$ -                                                               |
| Laborer - General 24 | \$ 16.12         | \$ 18.19               | \$ (2.07)                                                  | NO                                                 | \$ 2.07                                                                | \$ 21.00        | YES                                               | \$ -                                                               |
| Laborer - General 25 | \$ 16.12         | \$ 18.19               | \$ (2.07)                                                  | NO                                                 | \$ 2.07                                                                | \$ 22.50        | YES                                               | \$ -                                                               |
| Laborer - General 26 | \$ 16.12         | \$ 18.19               | \$ (2.07)                                                  | NO                                                 | \$ 2.07                                                                | \$ 18.30        | YES                                               | \$ -                                                               |
| Laborer - General 27 | \$ 16.12         | \$ 18.19               | \$ (2.07)                                                  | NO                                                 | \$ 2.07                                                                | \$ 19.35        | YES                                               | \$ -                                                               |
| Laborer - General 28 | \$ 16.12         | \$ 18.19               | \$ (2.07)                                                  | NO                                                 | \$ 2.07                                                                | \$ 19.98        | YES                                               | \$ -                                                               |
| Laborer - Skilled 1  | \$ 16.12         | \$ 24.33               | \$ (8.21)                                                  | NO                                                 | \$ 8.21                                                                | \$ 39.82        | YES                                               | \$ -                                                               |

|                      |          |          |            |     |          |          |     |           |
|----------------------|----------|----------|------------|-----|----------|----------|-----|-----------|
| Laborer - Skilled 2  | \$ 16.12 | \$ 24.33 | \$ (8.21)  | NO  | \$ 8.21  | \$ 23.35 | NO  | \$ (0.98) |
| Operator - Crane     | \$ 23.33 | \$ 35.68 | \$ (12.35) | NO  | \$ 12.35 | \$ 40.98 | YES | \$ -      |
| Operator - Excavator | \$ 37.29 | \$ 23.85 | \$ 13.44   | YES |          | \$ 39.87 | YES | \$ -      |
| Painter - Brush 1    | \$ 17.43 | \$ 20.02 | \$ (2.59)  | NO  | \$ 2.59  | \$ 24.00 | YES | \$ -      |
| Painter - Brush 2    | \$ 17.43 | \$ 20.02 | \$ (2.59)  | NO  | \$ 2.59  | \$ 26.00 | YES | \$ -      |
| Painter - Brush 3    | \$ 17.43 | \$ 20.02 | \$ (2.59)  | NO  | \$ 2.59  | \$ 17.43 | NO  | \$ (2.59) |
| Painter - Brush 4    | \$ 17.43 | \$ 20.02 | \$ (2.59)  | NO  | \$ 2.59  | \$ 20.00 | NO  | \$ (0.02) |
| Painter - Brush 5    | \$ 17.43 | \$ 20.02 | \$ (2.59)  | NO  | \$ 2.59  | \$ 17.43 | NO  | \$ (2.59) |
| Painter - Spray      | \$ 19.69 | \$ 20.02 | \$ (0.33)  | NO  | \$ 0.33  | \$ 19.69 | NO  | \$ (0.33) |
| Pipefitter 1         | \$ 25.48 | \$ 31.41 | \$ (5.93)  | NO  | \$ 5.93  | \$ 30.91 | NO  | \$ (0.50) |
| Pipefitter 2         | \$ 25.48 | \$ 31.41 | \$ (5.93)  | NO  | \$ 5.93  | \$ 32.89 | YES | \$ -      |
| Pipefitter 3         | \$ 25.48 | \$ 31.41 | \$ (5.93)  | NO  | \$ 5.93  | \$ 33.07 | YES | \$ -      |
| Pipefitter 4         | \$ 25.48 | \$ 31.41 | \$ (5.93)  | NO  | \$ 5.93  | \$ 35.81 | YES | \$ -      |
| Pipefitter 5         | \$ 25.48 | \$ 31.41 | \$ (5.93)  | NO  | \$ 5.93  | \$ 37.99 | YES | \$ -      |
| Plumber 1            | \$ 25.48 | \$ 33.74 | \$ (8.26)  | NO  | \$ 8.26  | \$ 25.48 | NO  | \$ (8.26) |
| Plumber 2            | \$ 25.48 | \$ 33.74 | \$ (8.26)  | NO  | \$ 8.26  | \$ 27.00 | NO  | \$ (6.74) |
| Plumber 3            | \$ 25.48 | \$ 33.74 | \$ (8.26)  | NO  | \$ 8.26  | \$ 37.00 | YES | \$ -      |
| Roofer               | \$ 22.17 | \$ 23.13 | \$ (0.96)  | NO  | \$ 0.96  | \$ 22.17 | NO  | \$ (0.96) |

Dear Mayor Snyder & Council:

I write in order to provide you with additional information regarding the prevailing wage structure at the federal, state, and county-level, specifically as it relates to the city's Tax Increment Financing (TIF) Policy, dated February 21, 2021<sup>1</sup>: Section V, Subsection, Paragraph 3, Sub paragraph iii. It is important for city officials to have available to them all pertinent information before making a decision to amend such a policy. Unfortunately, this doesn't seem to have been the case in this instance, as the information provided surrounding this issue was demonstrably incomplete, seemingly based on conjecture and carried certain assumptions that were not based in objective fact.

I write to you also as a Portland resident, the President of the Maine State Building & Construction Trades Council, Vice President & Secretary-Treasurer of the Laborers' International Union, Local 327, a member of the State Workforce Board and the Vice Chair of the Maine Apprenticeship Council. Throughout my career, I have gained broad and deep experience with the prevailing wage system in Maine, along with the Davis-Bacon federal wage determination process used throughout the country. I have presented as a subject matter expert panelist at regional and national conferences on this very issue. In fact, I was centrally involved in the crafting of the language in the City's TIF Policy referenced above. I advise on the state's Prevailing Wage Advisory Board, I have drafted amendments to the state law as they pertain to which projects are covered under state prevailing wage<sup>2</sup>, as well as how the actual prevailing wage is collected<sup>3</sup> and calculated<sup>4</sup>. I have submitted state prevailing wage data on behalf of construction contractors, and have participated in federal Davis-Bacon wage surveys.

It is my understanding that it was stated that developers and contractors are perhaps confused as to which rates they have to pay when performing construction in the City of Portland and that understanding which wages pertain to their projects is difficult for them. This simply cannot be true, and if it is, we should give serious consideration to the ability for said developers and contractors to perform tasks that exceed anything more advanced than the basic and rudimentary. The law is quite clear, as is the past practice of most if not all of the contractors listed on the City's procurement list, who on a regular basis work utilizing Davis-Bacon rates as well as State Prevailing Wage Rates, as required by the RPF they are responding to.

According to the US Department of Labor, "The Davis-Bacon and Related Acts apply to contractors and subcontractors performing on federally funded or assisted contracts in excess of \$2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works."<sup>5</sup>

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<sup>1</sup> <https://content.civicplus.com/api/assets/75589c73-7158-4944-8ca7-81fc55ed583a?cache=1800>

<sup>2</sup> [https://www.mainelegislature.org/legis/bills/display\\_ps.asp?LD=1658&snum=129](https://www.mainelegislature.org/legis/bills/display_ps.asp?LD=1658&snum=129)

<sup>3</sup> <https://legislature.maine.gov/LawMakerWeb/summary.asp?ID=280072700>

<sup>4</sup> <https://legislature.maine.gov/LawMakerWeb/summary.asp?ID=280088213>

<sup>5</sup> <https://www.dol.gov/agencies/whd/government-contracts/construction>

In the state of Maine, “state prevailing wage rates are the minimum rates contractors must pay on State-funded public works projects estimated to cost \$50,000 or more.”<sup>6</sup> “Public Works includes public schools and all buildings, roads, highways, bridges, streets, alleys, sewers, ditches, sewage disposal plants, demolition, waterworks, airports and all other structures upon which construction which is funded in whole or in part by state funds and for which the contract amounts to \$50,000 or more.”<sup>7</sup>

In the City of Portland, for those projects that choose to seek a taxpayer subsidy in the form of a Credit Enhancement Agreement (CEA) under the TIF Policy, state prevailing wages (or the city’s minimum wage, whichever is higher) must be paid. The fact that an argument can be made that the very developers and contractors who participate in federally-funded and/or state-funded projects do not know how to differentiate between the wages that are **legally required** to be paid is difficult, if not impossible, to believe.

It is my understanding that it was also relayed that the TIF Policy’s CEA wage requirements are making it difficult to build affordable housing in the city. Aside from the obvious data<sup>8</sup> that severely undercuts this line of argument, the fact is that this is simply cannot be true. The change to the TIF Policy only relates to those developments seeking a TIF under a CEA. Affordable housing projects are most often funded by either the US Department of Housing and Urban Development-funded (which would mandate federal Davis Bacon as a floor wage, with the wages prevailing if higher) or via funds granted solely by the Maine State Housing Authority (which would mandate State Prevailing Wage). Developers and their associated contractors well know which wages to pay on which jobs they are performing, because they also well know where their funding is coming from.

It is further my understanding that the Council was told that the change contemplated to the TIF Policy would make a decrease in wages “a possibility but not a given.” The plain fact is that it would demonstrably lower wages in 14 of the 18 trades that pertain to the building of multi unit structures or larger. Setting aside the impending change to the calculation of state prevailing wage that will ensure a most fulsome data comparison and more consistent wage application<sup>9</sup>, we know the differences in wages based on a simple analysis of the Davis Bacon rates and the state prevailing wage rates, both for Cumberland County. If the City’s policy for developers receiving tax subsidies is to utilize Davis-Bacon, *when developers are required to pay it* (which also begs the question as to which wages they are to pay when there is no specified requirement all all), the table below shows the impacts of the changes contemplated by Council action:

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<sup>6</sup> [https://www.maine.gov/labor/labor\\_stats/publications/wagerateconst/index.shtml](https://www.maine.gov/labor/labor_stats/publications/wagerateconst/index.shtml)

<sup>7</sup> <https://legislature.maine.gov/statutes/26/title26sec1304.html>

<sup>8</sup> <https://wgme.com/news/local/maine-housing-crisis-report-portland-track-reach-goal-new-units-city-council-pious-ali-cooperative-development-partners>

<sup>9</sup> <https://legislature.maine.gov/LawMakerWeb/summary.asp?ID=280088213>

| <b>Trade</b>         | <b>Davis-Bacon Wages + Fringe<sup>10</sup></b> | <b>State Prevailing Wage + Fringe<sup>11</sup></b> | <b>Reduction/hr for Portland Workers</b> |
|----------------------|------------------------------------------------|----------------------------------------------------|------------------------------------------|
| Bricklayer           | \$27.86                                        | \$37.62                                            | - \$9.76                                 |
| Cement Mason         | \$22.66                                        | \$28.36                                            | - \$5.70                                 |
| Mechanical Insulator | \$22.43                                        | \$26.26                                            | - \$3.83                                 |
| General Laborer      | \$16.12                                        | \$24.80                                            | - \$8.68                                 |
| Millwright           | \$29.92                                        | \$44.27                                            | - \$14.35                                |
| Operator (crane)     | \$23.33                                        | \$45.01                                            | - \$21.68                                |
| Painter              | \$17.43                                        | \$25.38                                            | - \$7.95                                 |
| Plumber              | \$25.48                                        | \$36.76                                            | - \$11.28                                |
| Roofer               | \$22.17                                        | \$26.08                                            | - \$3.91                                 |
| Sheet Metal Worker   | \$19.87                                        | \$28.87                                            | - \$9.00                                 |

Based upon this information, I urge the Council to reconsider their action surrounding wages on projects built under a Credit Enhancement Agreement as a part of the City's TIF Policy. Upon reconsideration, I urge the Council to postpone action indefinitely so that the Council and staff can get a better understanding of the implications of their actions on working Portlanders, as well as how upcoming changes to the State Prevailing Wage calculations may impact the projects in question. It is only then when a truly well-informed proposal can be assembled and presented.

Please do not hesitate to contact me with any questions you may have. I can be reached at (207) 317-1447 or [JShedlock@LNEROF.org](mailto:JShedlock@LNEROF.org). I look forward to your prudent and favorable action.

Sincerely,

Jason J. Shedlock  
199 Prospect Street, Portland  
President, Maine State Building & Construction Trades Council  
Regional Organizer, Vice President & Secretary-Treasurer, Laborers' International Union Local 327

<sup>10</sup> <https://sam.gov/wage-determination/ME20230016/4>

<sup>11</sup> <https://www.maine.gov/labor/docs/2023/laborstats/prevailingwage/Cumberland/2023%20B2%20Cumberland%20County.pdf>

**MEMORANDUM**

To: Mayor Kate Snyder  
Members of the Portland City Council

From: Mary Davis, Interim Director, Housing and Economic Development Department

Date: June 25, 2023

RE: Reconsideration of Order 239-22/23 Approving Changes to the Tax Increment  
Financing Policy

At the June 26 City Council meeting, Council Members will be asked to reconsider action taken at the June 5<sup>th</sup> City Council. On June 5<sup>th</sup>, the City Council voted 9-0 to approve amendments to the City's Tax Increment Financing Policy. The amendments specifically related to Section V.B.3.a.iii State Prevailing Wage Rate Requirement. The amendment was intended to provide clarity to the requirement and reduce administrative burden and confusion, to facilitate the development of affordable housing in the City of Portland.

***Davis-Bacon***

Compliance with this federal regulation is required for HUD-assisted and insured housing and community development programs funded through the U.S. Department of Housing and Urban Development (HUD). The next two sections describe when Davis-Bacon applies to HUD-funded programs or projects.

***HOME Program***

The City of Portland, as a member of the Cumberland County HOME Consortium, receives funding from the HUD HOME Program. The HOME Program is one of the HUD funded community development programs that must comply with the Davis-Bacon federal prevailing wage requirements. In the HOME Program, any HOME funded project that has 12 or more HOME-assisted units, must comply with the Davis-Bacon. The number of HOME-assisted units is determined during the project underwriting process and is dictated by the level of HOME assistance provided to a project, using a cost allocation review that is based on maximum HOME per-unit subsidy limits. If multiple jurisdictions, like MaineHousing and the City, are investing HOME funding in a project, and the combined HOME investment results in 12 or more HOME-assisted units, Davis-Bacon requirements would be triggered. However, in more than 25 years working with the HOME Program, I do not recall any HOME project that had 12 or more HOME-assisted units, by individual or combined jurisdictions.

### ***Community Development Block Group (CDBG) Program***

When CDBG funding is used to pay, in whole or in part, for any direct costs of construction over \$2,000, the project must comply with Davis-Bacon requirements. Davis-Bacon does not apply to rehabilitation of residential buildings with less than eight units.

Generally, new construction of housing is not eligible under the CDBG program; however, CDBG can be used to support new construction; examples include assistance with public infrastructure improvements such as sidewalks or water/sewer connections, site clearance, demolition. This type of activity would trigger compliance with Davis-Bacon.

CDBG funding can be used to pay for non-construction costs, such as architectural/engineering, acquisition of real property, financing costs, purchase of equipment, relocation costs, and other services such as legal, accounting, construction management. These soft-costs generally do not trigger Davis-Bacon.

If federal and state rates differ, the more stringent wage rates must be followed.

### ***Other HUD Programs***

Other HUD program funding, provided by other organizations or entities may trigger requirements to comply with Davis-Bacon. For example, a new project being developed may be awarded project-based housing vouchers (PBV). In certain cases, the award of PBVs may trigger the need for the project to comply with Davis-Bacon.

### ***Maine State Housing Authority***

I have confirmed with Maine State Housing Authority that their programs generally do not require compliance with state prevailing wage rates. They have a program, a 4% Tax Credit Walk-in Funding Program, that was funded through the ARP State Fiscal Recovery Program, that does require project labor agreements but that program is currently funding only one project.

### ***Administration of Davis-Bacon and State Prevailing Wage Rate Requirements***

Labor Classifications may not be the same between Davis-Bacon and State Prevailing Wage. If a classification is used in one but not the other, staff must contact the appropriate agency to seek the appropriate wage classification.

Workers performing similar but slightly different work may be classified differently. For example, the 2023 State Prevailing Wage (B2 Cumberland County) includes two classifications – Carpenter (\$44.97) and Drywall and Ceiling Tile Installers (\$30.41). The Davis-Bacon determination for Cumberland County includes Drywall Hanging in the Carpenter (\$46.60) category.

***In what type of cases would the amended policy be applicable?***

If a project is receiving a Credit Enhancement Agreement through Tax Increment Financing, and there are no funding sources that require Davis-Bacon wage rates, the project would be subject to the state prevailing wage rates.

If a project is receiving a Credit Enhancement Agreement through Tax Increment Financing, and there is a federal funding source requiring compliance with Davis-Bacon wage rates, (project based housing vouchers, for example) the Davis-Bacon wage rates would be used to meet the TIF Policy's prevailing wage rate requirement.



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

**FROM:** Rachel Millette  
**DATE:** June 16, 2023  
**SUBJECT:** Order 253-22/23 Approving the Amended Wage Scale to the Collective Bargaining Agreement with the City Employees' Benefit Association, American Federation of State, County and Municipal Employees, Local 1373 - Sponsored by Danielle P. West, City Manager  
**SPONSOR:** Danielle p. West, 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 6/26/2023**

**Final  
Action 6/26/2023**

**Can action be taken at a later date: No The wage increase in this order should take effect at the beginning of the 2024 Fiscal Year.**

**Does this item involve a new contract with the City: This contract amendment has been reviewed and approved by Corporation Counsel.**

**PRESENTATION:** Tom Caiazzo will be available for questions.

**I. SUMMARY**

This order increases the wage scales for direct care nursing employees effective July 2, 2023.

**II. AGENDA DESCRIPTION**

This item was discussed with the Finance Committee in Executive Session, and amends the negotiated collective bargaining agreement between the City and the City Employees' Benefit Association ("CEBA"), American Federation of State, County and Municipal Employees ("AFSCME") Local 1373, which is currently in effect for the period of July 1, 2021 through June 30, 2024. The proposed amendment would increase wages for unit clerks, certified nurse assistants, licensed practical nurses, registered nurses, and adult daycare services nurses effective as of July 2, 2023. This proposal is presented after previously receiving guidance from the Finance Committee in executive session and following notification of the proposed wage increases to CEBA.

This item must be read on two separate days. This is its first reading.

**III. BACKGROUND**

CEBA represents many employees at the Barron Center, including the aforementioned direct care nursing staff. Currently, the Barron Center is having difficulty recruiting and retaining direct care nursing employees. When fully staffed, the Barron Center employs more direct care nursing staff. Currently, the City has vacant direct care nursing positions at the Barron Center.

The proposed wage increase is intended to make the City a competitive employer in the direct care nursing industry. The City often competes for staff with private medical providers who are also currently facing understaffing concerns. The proposed wage increase would make the City more competitive with the fair market rate for this work and is intended to assist the City in recruiting and retaining direct care nursing professionals, particularly in light of the current number of existing vacancies.

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

To amend the existing collective bargaining agreement in order to allow the City to recruit and retain excellent direct care nursing staff.

#### **V. FINANCIAL IMPACT**

Please see the attached fiscal note.

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

Staff has conducted a wage survey of pay in the community for direct care nursing employees; has notified CEBA of the proposed wage increases; consulted the Finance Committee for guidance; and worked with the administration to arrive at a proposed wage scale that is fair and competitive.

#### **VII. RECOMMENDATION**

To approve the proposed amended wage scale as presented.

#### **VIII. LIST ATTACHMENTS**

1. CEBA contract amendment 6.26.2023
2. CEBA Fiscal Impact Note 6.26.2023

Prepared by:

Rachel Millette

Date: 06/16/2023

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 AMENDED WAGE SCALE  
TO THE COLLECTIVE BARGAINING AGREEMENT WITH THE CITY  
EMPLOYEES' BENEFIT ASSOCIATION, AMERICAN FEDERATION OF  
STATE, COUNTY AND MUNICIPAL EMPLOYEES, LOCAL 1373**

**ORDERED**, that the existing wage scale in the current Collective Bargaining Agreement with the City Employees' Benefit Association, American Federation of State, County and Municipal Employees, Local 1373 effective July 1, 2021 through June 30, 2024 be replaced with an amended wage scale, effective July 2, 2023, 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 document and any other related documents necessary or convenient to carry out the intent of this order.

**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE CITY EMPLOYEES' BENEFIT ASSOCIATION, AFSCME LOCAL  
1373 AND THE CITY OF PORTLAND REGARDING WAGE INCREASES**

This Memorandum of Understanding ("MOU") is entered into by and between the City of Portland, Maine (the "City") and The City Employees' Benefit Association, AFSCME Local 1373 ("CEBA") (collectively, the "Parties").

WHEREAS, the parties have a signed collective bargaining agreement ("CBA") that does not expire until June 30, 2024; and

WHEREAS, the Barron Center has had difficulty with recruiting and retaining direct care nursing employees; and

WHEREAS, funds from the State of Maine that have been used to provide additional compensation to Barron Center employees will be ending on June 30, 2023; and

WHEREAS, the Parties wish to pay direct care nursing employees including CNA's, CNA Unit Clerks, LPN's and RN's a fair market rate;

NOW THEREFORE, the Parties agree as follows:

1. The Parties agree to change the contractual pay plan for the following positions effective July 2, 2023 in accordance with Exhibit A. The Parties agree that these increases will be in place of the July 2, 2023 COLA increase for these employees.
  - A. CNA's
  - B. CNA Unit Clerks
  - C. LPN's
  - D. RN's

The parties agree that these rates (Exhibit A) will be the rates moving forward when adjustments are made during any subsequent contract negotiations.

THE CITY EMPLOYEES' BENEFIT  
ASSOCIATION, AFSCME LOCAL 1373

AFSCME COUNCIL 93

\_\_\_\_\_  
By: Cynthia Pebenito, President  
Date:

\_\_\_\_\_  
By: Sylvia Hebert, Representative  
Date:

CITY OF PORTLAND

\_\_\_\_\_  
By: Danielle West, City Manager  
Date:

Approved as to Form: \_\_\_\_\_  
Corporation Counsel

Approved as to Funds: \_\_\_\_\_  
Brendan O'Connell, Finance Director

Exhibit A  
CEBA Pay Plan - Unit Clerk, CNA, LPN and RN  
Approved by Council: 06/26/23

Unit Clerk (Grade 5M-N UC) 37.5 hours  
Effective 07/02/23 (FY24)

| Years of Service | Recruit   | 6 mos     | 1 yr      | 2 yrs     | 3 yrs     | 4 yrs     | 6 yrs     | 8 yrs     | 12 yrs    | 16 yrs    | 20+ yrs   |
|------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| CEBA Step        | 1         | 2         | 3         | 4         | 5         | 6         | 7         | 8         | 9         | 10        | 11        |
| Annual           | 41,398.50 | 42,646.50 | 43,914.00 | 45,240.00 | 46,585.50 | 47,989.50 | 49,432.50 | 50,914.50 | 52,435.50 | 54,015.00 | 55,633.50 |
| Weekly           | 796.13    | 820.13    | 844.50    | 870.00    | 895.88    | 922.88    | 950.63    | 979.13    | 1,008.38  | 1,038.75  | 1,069.88  |
| Hourly           | 21.23     | 21.87     | 22.52     | 23.20     | 23.89     | 24.61     | 25.35     | 26.11     | 26.89     | 27.70     | 28.53     |

Certified Nurse Assistant (Grade 5M-N) 37.5 hours  
Effective 07/02/23 (FY24)

| Years of Service | Recruit   | 6 mos     | 1 yr      | 2 yrs     | 3 yrs     | 4 yrs     | 6 yrs     | 8 yrs     | 12 yrs    | 16 yrs    | 20+ yrs   |
|------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| CEBA Step        | 1         | 2         | 3         | 4         | 5         | 6         | 7         | 8         | 9         | 10        | 11        |
| Annual           | 39,000.00 | 40,170.00 | 41,379.00 | 42,607.50 | 43,894.50 | 45,220.50 | 46,566.00 | 47,970.00 | 49,413.00 | 50,895.00 | 52,416.00 |
| Weekly           | 750.00    | 772.50    | 795.75    | 819.38    | 844.13    | 869.63    | 895.50    | 922.50    | 950.25    | 978.75    | 1,008.00  |
| Hourly           | 20.00     | 20.60     | 21.22     | 21.85     | 22.51     | 23.19     | 23.88     | 24.60     | 25.34     | 26.10     | 26.88     |

Licensed Practical Nurse (Grade 10M) 40 hours  
Effective 07/02/23 (FY24)

| Years of Service | Recruit   | 6 mos     | 1 yr      | 2 yrs     | 3 yrs     | 4 yrs     | 6 yrs     | 8 yrs     | 12 yrs    | 16 yrs    | 20+ yrs   |
|------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| CEBA Step        | 1         | 2         | 3         | 4         | 5         | 6         | 7         | 8         | 9         | 10        | 11        |
| Annual           | 56,180.80 | 57,865.60 | 59,592.00 | 61,380.80 | 63,232.00 | 65,124.80 | 67,080.00 | 69,097.60 | 71,177.60 | 73,299.20 | 75,504.00 |
| Weekly           | 1,080.40  | 1,112.80  | 1,146.00  | 1,180.40  | 1,216.00  | 1,252.40  | 1,290.00  | 1,328.80  | 1,368.80  | 1,409.60  | 1,452.00  |

|        |       |       |       |       |       |       |       |       |       |       |       |
|--------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| Hourly | 27.01 | 27.82 | 28.65 | 29.51 | 30.40 | 31.31 | 32.25 | 33.22 | 34.22 | 35.24 | 36.30 |
|--------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|

Registered Nurse and Adult Day Care Services Nurse (Grade 15M-N) 40 hours  
Effective 07/02/23 (FY24)

| Years of Service | Recruit   | 6 mos     | 1 yr      | 2 yrs     | 3 yrs     | 4 yrs     | 6 yrs     | 8 yrs     | 12 yrs    | 16 yrs    | 20+ yrs   |
|------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| CEBA Step        | 1         | 2         | 3         | 4         | 5         | 6         | 7         | 8         | 9         | 10        | 11        |
| Annual           | 65,124.80 | 67,080.00 | 69,097.60 | 71,156.80 | 73,299.20 | 75,504.00 | 77,771.20 | 80,100.80 | 82,492.80 | 84,968.00 | 87,526.40 |
| Weekly           | 1,252.40  | 1,290.00  | 1,328.80  | 1,368.40  | 1,409.60  | 1,452.00  | 1,495.60  | 1,540.40  | 1,586.40  | 1,634.00  | 1,683.20  |
| Hourly           | 31.31     | 32.25     | 33.22     | 34.21     | 35.24     | 36.30     | 37.39     | 38.51     | 39.66     | 40.85     | 42.08     |

**THE CITY EMPLOYEES' BENEFIT ASSOCIATION, AMERICAN FEDERATION OF STATE,  
COUNTY AND MUNICIPAL EMPLOYEES, LOCAL 1373 (CEBA)**

The table below reflects incremental costs to future city budgets when compared to a 0% salary increase for upcoming years. Although the wage proposal would require an additional \$771,000 in wages in FY24 (Year 1) the majority of this expense will be funded via non-property tax revenue for the upcoming fiscal year. The State of Maine has recently announced approximately \$1M of additional funding for recruitment and retention within long term care facilities.

| FISCAL IMPACT NOTE                       | Year 1    |                                | Year 2    |                                | Year 3    |                                |
|------------------------------------------|-----------|--------------------------------|-----------|--------------------------------|-----------|--------------------------------|
|                                          | City Rate | City / Sch<br>Combined<br>Rate | City Rate | City / Sch<br>Combined<br>Rate | City Rate | City / Sch<br>Combined<br>Rate |
| New Program Cost Data:                   |           |                                |           |                                |           |                                |
| Example:                                 |           |                                |           |                                |           |                                |
| ADD: NEW ITEM ANNUAL EXPENDITURES        |           | \$771,000                      |           | \$809,550                      |           | \$850,028                      |
| LESS: TOTAL NEW ITEM ANNUAL REVENUES     |           | \$0                            |           | \$0                            |           | \$0                            |
| =NEW ITEM NET TAX RATE IMPACT PROJECTION | \$771,000 | \$771,000                      | \$809,550 | \$809,550                      | \$850,028 | \$850,028                      |
| New Program Impact to the Tax Rate       | \$0.0527  | \$0.0527                       | \$0.0553  | \$0.0553                       | \$0.0581  | \$0.0581                       |
| New Program % Impact on Tax Rate         | 0.8704%   | 0.3869%                        | 0.9139%   | 0.4063%                        | 0.9596%   | 0.4266%                        |
| Tax Rate Including New Program           | \$13.66   | \$13.66                        | \$13.67   | \$13.67                        | \$13.67   | \$13.67                        |



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

**FROM:** Rachel Millette  
**DATE:** June 16, 2023  
**SUBJECT:** Order 254-22/23 Approving the Amended Wage Scale to the Collective Bargaining Agreement with the Professional and Technical City Employees Association - Sponsored by Danielle P. West, City Manager  
**SPONSOR:** Danielle P. West, 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 6/26/2023**

**Final**  
**Action 6/26/2023**

**Can action be taken at a later date: No This wage scale amendment should take effect at the start of Fiscal Year 2024.**

**Does this item involve a new contract with the City: This wage scale amendment has been reviewed and approved by Corporation Counsel.**

**PRESENTATION:** Tom Caiazzo will be available for questions.

**I. SUMMARY**

This order increases the wage scales for direct care nursing employees effective July 2, 2023.

**II. AGENDA DESCRIPTION**

This item was discussed with the Finance Committee in Executive Session, and amends the negotiated collective bargaining agreement between the City and the Professional and Technical City Employees Association ("Pro-Tech"), which is currently in effect for the period of July 3, 2022 through June 30, 2025. The proposed amendment would increase wages for principal registered nurses effective as of July 2, 2023. This proposal is presented after previously receiving guidance from the Finance Committee in executive session and following notification of the proposed wage increases to Pro-Tech.

This item must be read on two separate days. This is its first reading.

**III. BACKGROUND**

ProTech represents the principal registered nurses at the Barron Center. Currently, the Barron Center is having difficulty recruiting and retaining direct care nursing employees, including principal registered nurses. When fully staffed, the Barron Center employs more direct care nursing staff. Currently, the City has vacant direct care nursing positions at the Barron Center.

The proposed wage increase is intended to make the City a competitive employer in the direct care nursing industry. The City often competes for staff with private medical providers who are also currently facing understaffing concerns. The proposed wage increase would make the City more competitive with the fair market wage rate for this work and is intended to assist the City in recruiting and retaining direct care nursing professionals, particularly in light of the current number of existing vacancies.

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

To amend the existing collective bargaining agreement in order to allow the City to recruit and retain excellent direct care nursing staff.

#### **V. FINANCIAL IMPACT**

No fiscal impact note required - the proposed wage increases carry a fiscal impact of less than \$50,000 as there are a limited number of employees impacted.

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

Staff has conducted a wage survey of pay in the community for direct care nursing employees; has notified CEBA of the proposed wage increases; consulted the Finance Committee for guidance; and worked with the administration to arrive at a proposed wage scale that is fair and competitive.

#### **VII. RECOMMENDATION**

To approve the proposed amended wage scale as presented.

#### **VIII. LIST ATTACHMENTS**

1. ProTech contract amendment 6.26.2023

Prepared by:

Rachel Millette

Date: 06/16/2023

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 AMENDED WAGE SCALE  
TO THE COLLECTIVE BARGAINING AGREEMENT WITH THE  
PROFESSIONAL AND TECHNICAL CITY EMPLOYEES ASSOCIATION**

**ORDERED**, that the existing wage scale in the current Collective Bargaining Agreement with the Professional and Technical City Employees Association , effective July 3, 2022 through June 30, 2025, be replaced with an amended wage scale, effective July 2, 2023, 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 document and any other related documents necessary or convenient to carry out the intent of this order.

**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE PROFESSIONAL AND TECHNICAL CITY EMPLOYEE  
ASSOCIATION AND THE CITY OF PORTLAND REGARDING WAGE INCREASES**

This Memorandum of Understanding (“MOU”) is entered into by and between the City of Portland, Maine (the “City”) and The Professional and Technical City Employee Association (“Pro Tech”) (collectively, the “Parties”).

WHEREAS, the parties have a signed collective bargaining agreement (“CBA”) that does not expire until June 30, 2025 and;

WHEREAS, the Barron Center has had difficulty with recruiting and retaining direct care nursing employees; and

WHEREAS, funds from the State of Maine that have been used to provide additional compensation to Barron Center employees will be ending on June 30, 2023, and

WHEREAS, the Parties wish to pay direct care nursing employees including Principal RN’s a fair market rate;

NOW THEREFORE, the Parties agree as follows:

1. The Parties agree to change the contractual pay plan for the following positions effective July 2, 2023 in accordance with Exhibit A. The Parties agree that these increases will be in place of the July 2, 2023 COLA increase for these employees.
  - A. Principal RN’s
2. The parties agree that these rates (Exhibit A) will be the rates moving forward and will be adjusted for COLA effective July 7, 2024.

**PROFESSIONAL AND TECHNICAL  
CITY EMPLOYEE ASSOCIATION**

---

By: Joanne Lester, President

Date:

CITY OF PORTLAND

\_\_\_\_\_  
By: Danielle West, City Manager  
Date:

Approved as to Form: \_\_\_\_\_  
Corporation Counsel

Approved as to Funds: \_\_\_\_\_  
Brendan O'Connell, Finance Director

Exhibit A  
Pro Tech Pay Plan - Principal Registered Nurse  
Approved by Council: 06/26/23

Principal Registered Nurse (PR1/485) 40 hours  
Effective 07/02/23 (FY24)

| Years of Service | 0-1 yr    | 1 yr      | 2 yrs     | 3 yrs     | 4 yrs     | 5 yrs     | 6 yrs     | 7 yrs     | 8 yrs     | 9 yrs     | 10 yrs    | 11 yrs    |
|------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Munis Step       | 0         | 1         | 2         | 3         | 4         | 5         | 6         | 7         | 8         | 9         | 10        | 11        |
| Annual           | 78,416.00 | 80,766.40 | 83,200.00 | 85,696.00 | 88,254.40 | 90,896.00 | 93,641.60 | 96,449.60 | 96,449.60 | 96,449.60 | 99,340.80 | 99,340.80 |
| Weekly           | 1,508.00  | 1,553.20  | 1,600.00  | 1,648.00  | 1,697.20  | 1,748.00  | 1,800.80  | 1,854.80  | 1,854.80  | 1,854.80  | 1,910.40  | 1,910.40  |
| Hourly           | 37.70     | 38.83     | 40.00     | 41.20     | 42.43     | 43.70     | 45.02     | 46.37     | 46.37     | 46.37     | 47.76     | 47.76     |

Principal Registered Nurse (PR1/485) 40 hours  
Effective 07/07/24 (FY25)

| Years of Service | 0-1 yr    | 1 yr      | 2 yrs     | 3 yrs     | 4 yrs     | 5 yrs     | 6 yrs     | 7 yrs     | 8 yrs     | 9 yrs     | 10 yrs     | 11 yrs     |
|------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|------------|------------|
| Munis Step       | 0         | 1         | 2         | 3         | 4         | 5         | 6         | 7         | 8         | 9         | 10         | 11         |
| Annual           | 80,768.48 | 83,189.39 | 85,696.00 | 88,266.88 | 90,902.03 | 93,622.88 | 96,450.85 | 99,343.09 | 99,343.09 | 99,343.09 | 102,321.02 | 102,321.02 |
| Weekly           | 1,553.24  | 1,599.80  | 1,648.00  | 1,697.44  | 1,748.12  | 1,800.44  | 1,854.82  | 1,910.44  | 1,910.44  | 1,910.44  | 1,967.71   | 1,967.71   |
| Hourly           | 38.83     | 39.99     | 41.20     | 42.44     | 43.70     | 45.01     | 46.37     | 47.76     | 47.76     | 47.76     | 49.19      | 49.19      |

| 12 yrs<br>12 | 13 yrs<br>13 | 14 yrs<br>14 | 15+ yrs<br>15 |
|--------------|--------------|--------------|---------------|
| 102,315.20   | 102,315.20   | 102,315.20   | 105,393.60    |
| 1,967.60     | 1,967.60     | 1,967.60     | 2,026.80      |
| 49.19        | 49.19        | 49.19        | 50.67         |

COLA: 3%

| 12 yrs<br>12 | 13 yrs<br>13 | 14 yrs<br>14 | 15+ yrs<br>15 |
|--------------|--------------|--------------|---------------|
| 105,384.66   | 105,384.66   | 105,384.66   | 108,555.41    |
| 2,026.63     | 2,026.63     | 2,026.63     | 2,087.60      |
| 50.67        | 50.67        | 50.67        | 52.19         |

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

**FROM:** Keith Gautreau  
**DATE:** June 7, 2023  
**SUBJECT:** Order 255-22/23 Accepting and Appropriating \$9,428.57 in Assistance to Firefighters Grant Funding from the Federal Emergency Management Agency - Sponsored by Danielle P. West, City Manager  
**SPONSOR:** The 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 6/26/2023**

**Final**  
**Action 6/26/2023**

**Can action be taken at a later date: No**

It is recommended that the City accept this award as the City has been granted an extension for acceptance beyond the original cutoff.

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

**PRESENTATION:** Fire Chief Keith Gautreau will be presenting and Principal Financial Officer, Benjamin Bettez, will be available to answer questions.

**I. SUMMARY**

Order Accepting and Appropriating FEMA Assistance to Firefighters Grant (AFG) Local Match \$471.43 for iPlan Review Table

**II. AGENDA DESCRIPTION**

The Portland Fire Department was recently awarded funds via the FEMA Assistance to Firefighters Grant (AFG) Fire Prevention and Safety (FP&S) program. The City Council is asked to accept \$9,428.57 in Federal funds and appropriate a local match of \$471.43.

To make this item effective immediately, staff is requesting that this item be passed as an emergency. Seven affirmative votes are required for passage as an emergency after public comment.

**III. BACKGROUND**

The Fire Chief is requesting emergency passage to accept the funds as an extension has been granted.

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

This addresses 2020 Council Goal #4 "Seek to address the high property tax burden in Portland through passing an affordable combined school/city budget and by pursuing other revenue sources."

**V. FINANCIAL IMPACT**

This grant only requires a 5% local match which factors to less than \$500.

**VI. STAFF ANALYSIS AND BACKGROUND**

Funds will be used towards the purchase of an iPlan Review table. This piece of equipment will allow greater productivity and decrease turnaround time for plan review in the Fire Prevention Office.

**VII. RECOMMENDATION**

Recommend passage.



## **VIII. LIST ATTACHMENTS**

1. Accepting and Appropriating \$9,428.57 Grant from FEMA 6.26.2023
2. EMW-2021-FP-00832 - Award Package

Prepared by:

Keith Gautreau

Date: 06/07/2023

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 ACCEPTING AND APPROPRIATING \$9,428.57 IN ASSISTANCE TO  
FIREFIGHTERS GRANT FUNDING FROM THE FEDERAL EMERGENCY  
MANAGEMENT AGENCY**

**ORDERED**, that a grant in the amount of \$9,428.57 from the United States Federal Emergency Management Agency (FEMA) is hereby accepted and that amount appropriated for the fire prevention and safety program in the Fire Department, as set forth in the grant agreement attached hereto; and

**BE IT FURTHER ORDERED**, that \$471.43 is hereby appropriated from the Portland Fire Department operating budget as the City of Portland funds match required for acceptance of the FEMA Grant; and

**BE IT FURTHER ORDERED**, that the City Manager or her designee is hereby authorized to execute the Grant Agreement in substantially the form attached hereto and whatever other documents are necessary to effect the intent and purpose of this order; and

**BE IT FURTHER ORDERED**, that this order is enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter, in order to make it effective immediately and meet the FEMA acceptance deadline.

# Award Letter

U.S. Department of Homeland Security  
Washington, D.C. 20472

Effective date: 05/25/2023



Benjamin Bettez  
CITY OF PORTLAND  
389 CONGRESS STREET  
PORTLAND, ME 04101

EMW-2021-FP-00832

Dear Benjamin Bettez,

Congratulations on behalf of the Department of Homeland Security. Your application submitted for the Fiscal Year (FY) 2021 Fire Prevention & Safety (FPS) Grant funding opportunity has been approved in the amount of \$9,428.57 in Federal funding. As a condition of this grant, you are required to contribute non-Federal funds equal to or greater than 5.00% of the Federal funds awarded, or \$471.43 for a total approved budget of \$9,900.00. Please see the FY 2021 FP&S Notice of Funding Opportunity for information on how to meet this cost share requirement.

Before you request and receive any of the Federal funds awarded to you, you must establish acceptance of the award through the FEMA Grants Outcomes (FEMA GO) system. By accepting this award, you acknowledge that the terms of the following documents are incorporated into the terms of your award:

- Summary Award Memo - included in this document
- Agreement Articles - included in this document
- Obligating Document - included in this document
- FY 2021 FP&S Notice of Funding Opportunity (NOFO) - incorporated by reference

Please make sure you read, understand, and maintain a copy of these documents in your official file for this award.

Sincerely,

A handwritten signature in blue ink that reads "Pam. Williams".

PAMELA WILLIAMS  
Assistant Administrator, Grant Programs

# Summary Award Memo

**Program:** Fiscal Year 2021 Fire Prevention & Safety

**Recipient:** CITY OF PORTLAND

**UEI-EFT:** LZKCFAJXBAC8

**DUNS number:** 071747802

**Award number:** EMW-2021-FP-00832

## Summary description of award

The purpose of the Fire Prevention and Safety Grant Program is to enhance the safety of the public and firefighters with respect to fire and fire-related hazards by assisting fire prevention programs and supporting firefighter health and safety research and development. After careful consideration, FEMA has determined that the recipient's project or projects submitted as part of the recipient's application and detailed in the project narrative as well as the request details section of the application — including budget information — was consistent with the Fire Prevention and Safety Grant Program's purpose and was worthy of award.

Except as otherwise approved as noted in this award, the information you provided in your application for Fiscal Year (FY) 2021 Fire Prevention and Safety (FP&S) funding is incorporated into the terms and conditions of this award. This includes any documents submitted as part of the application.

## Amount awarded table

The amount of the award is detailed in the attached Obligating Document for Award.

The following are the budgeted estimates for object classes for this award (including Federal share plus your cost share, if applicable):

| Object Class     | First Year | Total      |
|------------------|------------|------------|
| Personnel        | \$0.00     | \$0.00     |
| Fringe benefits  | \$0.00     | \$0.00     |
| Travel           | \$0.00     | \$0.00     |
| Equipment        | \$0.00     | \$0.00     |
| Supplies         | \$9,900.00 | \$9,900.00 |
| Contractual      | \$0.00     | \$0.00     |
| Construction     | \$0.00     | \$0.00     |
| Other            | \$0.00     | \$0.00     |
| Indirect charges | \$0.00     | \$0.00     |
| Federal          | \$9,428.57 | \$9,428.57 |
| Non-federal      | \$471.43   | \$471.43   |
| Total            | \$9,900.00 | \$9,900.00 |
| Program Income   |            | \$0.00     |

## Approved scope of work

Approved request details:

## Code Enforcement/Awareness

Project: Support for Conducting Inspections or Pre-Planning

## Other (Explain)

iPlan Review Table-• 49" TouchScreen Monitor with External PC •

### DESCRIPTION

Project will be complete upon acquisition of equipment. FEATURES: 49" TouchScreen Monitor with External PC • Electric Lift & Tilt—45 to 90 degrees • Webcam • Wireless Keyboard & Mouse • i5 8gb ram 512 hd • UPS Battery backup & Surge Protector • 4k video • \$9600 w/one 24"side monitor \$9900

| YEAR | QUANTITY | UNIT PRICE | TOTAL      |
|------|----------|------------|------------|
| 1    | 1        | \$9,900.00 | \$9,900.00 |
| 2    | 0        | \$0.00     | \$0.00     |

### BUDGET CLASS

Supplies

### CHANGE FROM APPLICATION

**Budget class** from **Equipment** to **Supplies**

### JUSTIFICATION

The award reflects a change from the application. The budget class was modified from equipment to supplies.

## Agreement Articles

**Program:** Fiscal Year 2021 Fire Prevention & Safety

**Recipient:** CITY OF PORTLAND

**UEI-EFT:** LZKCFAJXBAC8

**DUNS number:** 071747802

**Award number:** EMW-2021-FP-00832

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**Article 1****Assurances, Administrative Requirements, Cost Principles, Representations and Certifications**

I. DHS financial assistance recipients must complete either the Office of Management and Budget (OMB) Standard Form 424B Assurances – Non-Construction Programs, or OMB Standard Form 424D Assurances – Construction Programs, as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances as instructed by the awarding agency. II. DHS financial assistance recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at Title 2, Code of Federal Regulations (C.F.R.) Part 200 and adopted by DHS at 2 C.F.R. Part 3002. III. By accepting this agreement, recipients, and their executives, as defined in 2 C.F.R. § 170.315, certify that their policies are in accordance with OMB's guidance located at 2 C.F.R. Part 200, all applicable federal laws, and relevant Executive guidance.

**Article 2****General Acknowledgements and Assurances**

All recipients, subrecipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff. I. Recipients must cooperate with any DHS compliance reviews or compliance investigations conducted by DHS. II. Recipients must give DHS access to examine and copy records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities or personnel. III. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports. IV. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law, or detailed in program guidance. V. Recipients (as defined in 2 C.F.R. Part 200 and including recipients acting as pass-through entities) of federal financial assistance from DHS or one of its awarding component agencies must complete the DHS Civil Rights Evaluation Tool within thirty (30) days of receipt of the Notice of Award for the first award under which this term applies. Recipients of multiple awards of DHS financial assistance should only submit one completed tool for their organization, not per award. After the initial submission, recipients are required to complete the tool once every two (2) years if they have an active award, not every time an award is made. Recipients should submit the completed tool, including supporting materials, to [CivilRightsEvaluation@hq.dhs.gov](mailto:CivilRightsEvaluation@hq.dhs.gov). This tool clarifies the civil rights obligations and related reporting requirements contained in the DHS Standard Terms and Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at <https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool>. DHS Civil Rights Evaluation Tool | Homeland Security. The DHS Office for Civil Rights and Civil Liberties will consider, in its discretion, granting an extension if the recipient identifies steps and a timeline for completing the tool. Recipients should request extensions by emailing the request to [CivilRightsEvaluation@hq.dhs.gov](mailto:CivilRightsEvaluation@hq.dhs.gov) prior to expiration of the 30-day deadline.

**Article 3****Acknowledgement of Federal Funding from DHS**

Recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposal, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

**Article 4****Activities Conducted Abroad**

Recipients must ensure that project activities performed outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

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| <b>Article 5</b> | <b>Age Discrimination Act of 1975</b><br>Recipients must comply with the requirements of the Age Discrimination Act of 1975, Public Law 94-135 (1975) (codified as amended at Title 42, U.S. Code, § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Article 6</b> | <b>Americans with Disabilities Act of 1990</b><br>Recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. 101-336 (1990) (codified as amended at 42 U.S.C. §§ 12101– 12213), which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Article 7</b> | <b>Best Practices for Collection and Use of Personally Identifiable Information</b><br>Recipients who collect personally identifiable information (PII) are required to have a publicly available privacy policy that describes standards on the usage and maintenance of the PII they collect. DHS defines PII as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy Template as useful resources respectively.                                                                                                                                                                                                                                                                                                                                      |
| <b>Article 8</b> | <b>Civil Rights Act of 1964 – Title VI</b><br>Recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (codified as amended at 42 U.S.C. § 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Article 9</b> | <b>Civil Rights Act of 1968</b><br>Recipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. 90-284, as amended through Pub. L. 113-4, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (see 42 U.S.C. § 3601 et seq.), as implemented by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D.) |

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| <b>Article 10</b> | <b>Copyright</b><br>Recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Article 11</b> | <b>Debarment and Suspension</b><br>Recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, which are at 2 C.F.R. Part 180 as adopted by DHS at 2 C.F.R. Part 3002. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Article 12</b> | <b>Drug-Free Workplace Regulations</b><br>Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of Sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (41 U.S.C. §§ 8101-8106).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Article 13</b> | <b>Duplication of Benefits</b><br>Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons. |
| <b>Article 14</b> | <b>Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX</b><br>Recipients must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. 92-318 (1972) (codified as amended at 20 U.S.C. § 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.                                                                                                                                                                                                                                                                                          |

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| <b>Article 15</b> | <b>E.O. 14074 – Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety</b><br>Recipients State, Tribal, local, or territorial law enforcement agencies must comply with the requirements of section 12(c) of E.O. 14074. Recipient State, Tribal, local, or territorial law enforcement agencies are also encouraged to adopt and enforce policies consistent with E.O. 14074 to support safe and effective policing.                                                                        |
| <b>Article 16</b> | <b>Energy Policy and Conservation Act</b><br>Recipients must comply with the requirements of the Energy Policy and Conservation Act, Pub. L. 94- 163 (1975) (codified as amended at 42 U.S.C. § 6201 et seq.), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.                                                                                                                                                                                           |
| <b>Article 17</b> | <b>False Claims Act and Program Fraud Civil Remedies</b><br>Recipients must comply with the requirements of the False Claims Act, 31 U.S.C. §§3729- 3733, which prohibit the submission of false or fraudulent claims for payment to the Federal Government. (See 31 U.S.C. §§ 3801- 3812, which details the administrative remedies for false claims and statements made.)                                                                                                                                                                              |
| <b>Article 18</b> | <b>Federal Debt Status</b><br>All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)                                                                                                                                                                                                                                                                                    |
| <b>Article 19</b> | <b>Federal Leadership on Reducing Text Messaging while Driving</b><br>Recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the Federal Government.                                                                                                                                                                     |
| <b>Article 20</b> | <b>Fly America Act of 1974</b><br>Recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C.) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. § 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942. |

|                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| <b>Article 21</b> | <b>Hotel and Motel Fire Safety Act of 1990</b><br>Recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. § 2225a                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Article 22</b> | <b>John S. McCain National Defense Authorization Act of Fiscal Year 2019</b><br>Recipients, subrecipients, and their contractors and subcontractors are subject to the prohibitions described in section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232 (2018) and 2 C.F.R. §§ 200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200. Beginning August 13, 2020, the statute – as it applies to DHS recipients, subrecipients, and their contractors and subcontractors – prohibits obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons                                                                                                                                                                                               |
| <b>Article 23</b> | <b>Limited English Proficiency (Civil Rights Act of 1964, Title VI)</b><br>Recipients must comply with Title VI of the Civil Rights Act of 1964, (42 U.S.C. § 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance: <a href="https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited">https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited</a> and additional resources on <a href="http://www.lep.gov">http://www.lep.gov</a> . |
| <b>Article 24</b> | <b>Lobbying Prohibitions</b><br>Recipients must comply with 31 U.S.C. § 1352, which provides that none of the funds provided under a federal financial assistance award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification.                                                                                                                                                                                                                                                                                                                                                                 |

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| <b>Article 25</b> | <b>National Environmental Policy Act</b><br>Recipients must comply with the requirements of the National Environmental Policy Act of 1969, (NEPA) Pub. L. 91-190 (1970) (codified as amended at 42 U.S.C. § 4321 et seq. and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which require recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans |
| <b>Article 26</b> | <b>Nondiscrimination in Matters Pertaining to Faith-Based Organizations</b><br>It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.                                                                                 |
| <b>Article 27</b> | <b>Non-Supplanting Requirement</b><br>Recipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Article 28</b> | <b>Notice of Funding Opportunity Requirements</b><br>All the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the award terms and conditions. All recipients must comply with any such requirements set forth in the program NOFO.                                                                                                                                                                                                                                                                                                                                      |
| <b>Article 29</b> | <b>Patents and Intellectual Property Rights</b><br>Recipients are subject to the Bayh-Dole Act, 35 U.S.C. § 200 et seq, unless otherwise provided by law. Recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.                                                                                                                                                                                                                                 |



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| <b>Article 30</b> | <p><b>Procurement of Recovered Materials</b></p> <p>States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. 89-272 (1965), (codified as amended by the Resource Conservation and Recovery Act, 42 U.S.C. § 6962.) The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.</p>                                                                                                                                                                                                                    |
| <b>Article 31</b> | <p><b>Rehabilitation Act of 1973</b></p> <p>Recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112 (1973), (codified as amended at 29 U.S.C. § 794,) which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.</p>                                                                                                                                                                                                                                                                                                      |
| <b>Article 32</b> | <p><b>Reporting of Matters Related to Recipient Integrity and Performance</b></p> <p>General Reporting Requirements: If the total value of any currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this federal award, then the recipients must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.</p>                                                                                                                                               |
| <b>Article 33</b> | <p><b>Reporting Subawards and Executive Compensation</b></p> <p>Reporting of first tier subawards. Recipients are required to comply with the requirements set forth in the government-wide award term on Reporting Subawards and Executive Compensation located at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated here by reference in the award terms and conditions.</p>                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Article 34</b> | <p><b>Required Use of American Iron, Steel, Manufactured Products, and Construction Materials</b></p> <p>Recipients must comply with the “Build America, Buy America” provisions of the Infrastructure Investment and Jobs Act and E.O. 14005. Recipients of an award of Federal financial assistance from a program for infrastructure are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless: (1) all iron and steel used in the project are produced in the United States--this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States; (2) all manufactured products used in the project are produced in the United States—this means the manufactured product was</p> |

manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and (3) all construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States. The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project. Waivers When necessary, recipients may apply for, and the agency may grant, a waiver from these requirements. Information on the process for requesting a waiver from these requirements is on the website below. (a) When the federal agency has made a determination that one of the following exceptions applies, the awarding official may waive the application of the domestic content procurement preference in any case in which the agency determines that: (1) applying the domestic content procurement preference would be inconsistent with the public interest; (2) the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or (3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent. A request to waive the application of the domestic content procurement preference must be in writing. The agency will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Made in America Office. There may be instances where an award qualifies, in whole or in part, for an existing waiver described at “Buy America” Preference in FEMA Financial Assistance Programs for Infrastructure | FEMA.gov. The awarding Component may provide specific instructions to Recipients of awards from infrastructure programs that are subject to the “Build America, Buy America” provisions. Recipients should refer to the Notice of Funding Opportunity for further information on the Buy America preference and waiver process.

#### **Article 35**

#### **SAFECOM**

Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

|                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Article 36</b> | <b>Terrorist Financing</b><br>Recipients must comply with E.O. 13224 and U.S. laws that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.                                                                                                                                          |
| <b>Article 37</b> | <b>Trafficking Victims Protection Act of 2000 (TVPA)</b><br>Trafficking in Persons. Recipients must comply with the requirements of the government-wide financial assistance award term which implements Section 106 (g) of the Trafficking Victims Protection Act of 2000 (TVPA), codified as amended at 22 U.S.C. § 7104. The award term is located at 2 C.F.R. § 175.15, the full text of which is incorporated here by reference.                  |
| <b>Article 38</b> | <b>Universal Identifier and System of Award Management</b><br>Requirements for System for Award Management and Unique Entity Identifier<br>Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated here by reference. |
| <b>Article 39</b> | <b>USA PATRIOT Act of 2001</b><br>Recipients must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), which amends 18 U.S.C. §§ 175–175c.                                                                                                                                                                      |
| <b>Article 40</b> | <b>Use of DHS Seal, Logo and Flags</b><br>Recipients must obtain permission from their DHS FAO prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.                                                                                                      |
| <b>Article 41</b> | <b>Whistleblower Protection Act</b><br>Recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C § 2409, 41 U.S.C. § 4712, and 10 U.S.C. § 2324, 41 U.S.C. §§ 4304 and 4310.                                                                                                                                                                                                                    |

**Article 42****Environmental Planning and Historic Preservation (EHP) Review**

DHS/FEMA funded activities that may require an Environmental Planning and Historic Preservation (EHP) review are subject to the FEMA EHP review process. This review does not address all federal, state, and local requirements. Acceptance of federal funding requires the recipient to comply with all federal, state and local laws. DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/FEMA grant funds, through its EHP review process, as mandated by: the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and any other applicable laws and executive orders. General guidance for FEMA's EHP process is available on the DHS/FEMA Website. Specific applicant guidance on how to submit information for EHP review depends on the individual grant program and applicants should contact their grant Program Officer to be put into contact with EHP staff responsible for assisting their specific grant program. The EHP review process must be completed before funds are released to carry out the proposed project; otherwise, DHS/FEMA may not be able to fund the project due to noncompliance with EHP laws, executive orders, regulations, and policies. If ground disturbing activities occur during construction, applicant will monitor ground disturbance, and if any potential archaeological resources are discovered the applicant will immediately cease work in that area and notify the pass-through entity, if applicable, and DHS/FEMA.

**Article 43****Applicability of DHS Standard Terms and Conditions to Tribes**

The DHS Standard Terms and Conditions are a restatement of general requirements imposed upon recipients and flow down to sub-recipients as a matter of law, regulation, or executive order. If the requirement does not apply to Indian tribes or there is a federal law or regulation exempting its application to Indian tribes, then the acceptance by Tribes of, or acquiescence to, DHS Standard Terms and Conditions does not change or alter its inapplicability to an Indian tribe. The execution of grant documents is not intended to change, alter, amend, or impose additional liability or responsibility upon the Tribe where it does not already exist.

**Article 44****Acceptance of Post Award Changes**

In the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award. Please call the FEMA/ GMD Call Center at (866) 927-5646 or via e-mail to: [ASK-GMD@fema.dhs.gov](mailto:ASK-GMD@fema.dhs.gov) if you have any questions.

**Article 45****Disposition of Equipment Acquired Under the Federal Award**

For purposes of original or replacement equipment acquired under this award by a non-state recipient or non-state sub-recipients, when that equipment is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, you must request instructions from FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. section 200.313. State recipients and state sub-recipients must follow the disposition requirements in accordance with state laws and procedures.

**Article 46****Prior Approval for Modification of Approved Budget**

Before making any change to the FEMA approved budget for this award, you must request prior written approval from FEMA where required by 2 C.F.R. section 200.308. For purposes of non-construction projects, FEMA is utilizing its discretion to impose an additional restriction under 2 C.F.R. section 200.308(f) regarding the transfer of funds among direct cost categories, programs, functions, or activities. Therefore, for awards with an approved budget where the federal share is greater than the simplified acquisition threshold (currently \$250,000), you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget FEMA last approved. For purposes of awards that support both construction and non-construction work, FEMA is utilizing its discretion under 2 C.F.R. section 200.308(h)(5) to require the recipient to obtain prior written approval from FEMA before making any fund or budget transfers between the two types of work. You must report any deviations from your FEMA approved budget in the first Federal Financial Report (SF-425) you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.

**Article 47****Indirect Cost Rate**

2 C.F.R. section 200.211(b)(15) requires the terms of the award to include the indirect cost rate for the federal award. If applicable, the indirect cost rate for this award is stated in the budget documents or other materials approved by FEMA and included in the award file.

**Article 48****Award Performance Goals**

FEMA will measure the recipient's performance of the grant by comparing the input of federal resources used to develop outreach efforts/materials the FP&S Program (by organization type) and the total number of individuals reached with said materials, as requested in its application. In addition, FEMA will evaluate whether the recipient's activities impacted community risk reduction, code enforcement awareness, fire arson investigation, as requested in its application. In order to measure performance, FEMA may request information throughout the period of performance. In its final performance report submitted at closeout, the recipient is required to report on the program impact as stated in the NOFO.

## Obligating document

|                                                                                                                                                                                                                                     |                                                     |                                                                                                                                              |                                                                                         |                                                                                                                                 |                                         |                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|------------------------------------------|
| <b>1. Agreement No.</b><br>EMW-2021-FP-00832                                                                                                                                                                                        | <b>2. Amendment No.</b><br>N/A                      | <b>3. Recipient No.</b><br>016000032                                                                                                         | <b>4. Type of Action</b><br>AWARD                                                       | <b>5. Control No.</b><br>WX00795N2023T                                                                                          |                                         |                                          |
| <b>6. Recipient Name and Address</b><br>CITY OF PORTLAND<br>389 CONGRESS ST<br>PORTLAND, ME 04101                                                                                                                                   |                                                     | <b>7. Issuing FEMA Office and Address</b><br>Grant Programs Directorate<br>500 C Street, S.W.<br>Washington DC, 20528-7000<br>1-866-927-5646 |                                                                                         | <b>8. Payment Office and Address</b><br>FEMA, Financial Services Branch<br>500 C Street, S.W., Room 723<br>Washington DC, 20742 |                                         |                                          |
| <b>9. Name of Recipient Project Officer</b><br>Benjamin Bettez                                                                                                                                                                      |                                                     | <b>9a. Phone No.</b><br>2078748400                                                                                                           | <b>10. Name of FEMA Project Coordinator</b><br>Fire Prevention and Safety Grant Program |                                                                                                                                 | <b>10a. Phone No.</b><br>1-866-274-0960 |                                          |
| <b>11. Effective Date of This Action</b><br><br>05/25/2023                                                                                                                                                                          | <b>12. Method of Payment</b><br><br>OTHER - FEMA GO | <b>13. Assistance Arrangement</b><br><br>COST SHARING                                                                                        |                                                                                         | <b>14. Performance Period</b><br>06/01/2023 to 05/31/2024<br><b>Budget Period</b><br>06/01/2023 to 05/31/2024                   |                                         |                                          |
| <b>15. Description of Action a. (Indicate funding data for awards or financial changes)</b>                                                                                                                                         |                                                     |                                                                                                                                              |                                                                                         |                                                                                                                                 |                                         |                                          |
| <b>Program Name Abbreviation</b>                                                                                                                                                                                                    | <b>Assistance Listings No.</b>                      | <b>Accounting Data(ACCS Code)</b>                                                                                                            | <b>Prior Total Award</b>                                                                | <b>Amount Awarded This Action + or (-)</b>                                                                                      | <b>Current Total Award</b>              | <b>Cumulative Non-Federal Commitment</b> |
| FPS                                                                                                                                                                                                                                 | 97.044                                              | 2023-FD-GB01 - P410-xxxx-4101-D                                                                                                              | \$0.00                                                                                  | \$9,428.57                                                                                                                      | \$9,428.57                              | \$471.43                                 |
| Totals                                                                                                                                                                                                                              |                                                     |                                                                                                                                              | \$0.00                                                                                  | \$9,428.57                                                                                                                      | \$9,428.57                              | \$471.43                                 |
| <b>b. To describe changes other than funding data or financial changes, attach schedule and check here:</b><br>N/A                                                                                                                  |                                                     |                                                                                                                                              |                                                                                         |                                                                                                                                 |                                         |                                          |
| <b><del>16. FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA (See Block 7 for address)</del></b><br>This field is not applicable for digitally signed grant agreements |                                                     |                                                                                                                                              |                                                                                         |                                                                                                                                 |                                         |                                          |

|                                                                 |                   |
|-----------------------------------------------------------------|-------------------|
| <b>17. RECIPIENT SIGNATORY OFFICIAL (Name and Title)</b>        | <b>DATE</b>       |
| <b>18. FEMA SIGNATORY OFFICIAL (Name and Title)</b>             | <b>DATE</b>       |
| <b>PAMELA WILLIAMS, Assistant Administrator, Grant Programs</b> | <b>05/25/2023</b> |



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

**FROM:** Mary Davis, Division Director

**DATE:** May 22, 2023

**SUBJECT:** Order 256-22/23 Adopting Development Program for the Portland Tourism Municipal Development District - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

**SPONSOR:** Housing and Economic Development Committee (HEDC) meeting held on April 25, 2023, the vote was 3-1 (Rodriguez) to forward this to the City Council for approval, with Councilor Phillips noting that she favors sending this to the City Council for discussion and would confirm her vote yes or no at that meeting.

**(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 6/26/2023**

**Final**

**Action 7/17/2023**

**Can action be taken at a later date: No The July 17, 2023, public hearing will be advertised in the Portland Press Herald on July 6, 2023.**

**Does this item involve a new contract with the City: Yes, and Corporation Counsel has reviewed and approved.**

**PRESENTATION:** Mary Davis/5 Minutes

**I. SUMMARY**

Lynn Tillotson, Executive Director of the Greater Portland Convention and Visitors Bureau, d/b/a Visit Portland (VP), is requesting the City of Portland create a municipal development district for the tourism industry, i.e., a “Portland Tourism Development District (PTDD)”, funded by assessments imposed on Portland area lodging properties with 40 or more rooms.

**II. AGENDA DESCRIPTION**

The budget for Portland Tourism Development District (PTDD), as submitted by Visit Portland for FY2024 at \$2,589,071, would be funded largely from special assessments on all Portland area lodging properties with 40 or more rooms. The revenue raised through the special assessment would fund the PTDD development program expenses for FY2024. The assessment rate is based on a calendar year average short term room rental occupancy percentage and average daily rate multiplied by 1.5%, which is equal to one and one-half percent 1.5% of annual gross short-term room rental revenues. Estimated assessments for each individual lodging house would be established based on a formula using 2022 Smith Travel Report (STR) average daily room rate in Portland hotels ranging from \$146 to \$269 per night, and occupancy rate ranging from 69% to 70% based on standard industry hotel classifications, times 1.5% assessment rate. The City will collect 10% of the assessment for its administrative purposes.

Example Formula: Number of Rooms x 365 = Number of Rooms/Year x Occupancy Rate of 72.1% x Average Daily Room Rate (ADR) of \$227.66 x 1.5% (Assessment Rate).

At the Housing and Economic Development Committee meeting held on April 25, 2023, the vote was 3-1 (Rodriguez) to forward this to the City Council for approval, with Councilor Phillips noting that she favors sending this to the City Council for discussion and would confirm her vote yes or no at that meeting.

This item must be read on two separate days. This is its first reading.

### III. BACKGROUND

At the HEDC meetings, VP indicated a need for the PTDD as they are underfunded compared with other Destination Marketing Organizations (DMO), the majority of which are funded by lodging taxes and/or tourism improvement districts. Historically, VP has been largely funded by annual membership dues and advertising revenue. VP reported that their current annual budget is less than half-a-million dollars but pre-pandemic budgets exceeded \$1M. Other DMOs of similar size to VP, based on Portland's hotel room count of approximately 3,600, have operating budgets of anywhere from \$2.3 Million to \$14 Million.

### HOW WE COMPARE

Below is a sample of destinations with a similar amount of hotel inventory as the City of Portland and Greater Portland.

(Chart organized by budget size, Budgets pre-covid)

| DESTINATION                                              | DMO BUDGET     | HOTEL ROOM COUNT | \$\$ PER AVAIL. ROOM | TID                                 |
|----------------------------------------------------------|----------------|------------------|----------------------|-------------------------------------|
| COMPARABLE TO CITY OF PORTLAND ROOM COUNT (3,574)        |                |                  |                      |                                     |
| Visit Portland                                           | \$996,000      | 3,574            | N/A                  |                                     |
| Bradenton, FL                                            | \$14.2 million | 4,000            | \$3,550              |                                     |
| Napa Valley, CA                                          | \$13.9 million | 4,900            | \$2,837              | <input checked="" type="checkbox"/> |
| Sioux Falls, SD                                          | \$4.4 million  | 4,000            | \$1,100              |                                     |
| Newport, RI                                              | \$4.1 million  | 4,100            | \$1,000              | <input checked="" type="checkbox"/> |
| Billings, MT                                             | \$3.1 million  | 4,500            | \$689                | <input checked="" type="checkbox"/> |
| Newark, NJ                                               | \$2.3 million  | 4,000            | \$575                | <input checked="" type="checkbox"/> |
| COMPARABLE TO GREATER PORTLAND REGION ROOM COUNT (6,978) |                |                  |                      |                                     |
| Visit Portland                                           | \$996,000      | 6,978            | \$164                |                                     |
| Asheville, NC                                            | \$20 million   | 7,965            | \$2,511              |                                     |
| Charleston, SC                                           | \$17.4 million | 6,408            | \$2,715              |                                     |
| Mammoth Lakes, CA                                        | \$13 million   | 5,000            | \$2,600              | <input checked="" type="checkbox"/> |
| Santa Barbara, CA                                        | \$9.1 million  | 5,340            | \$1,704              | <input checked="" type="checkbox"/> |
| Galveston, TX                                            | \$7 million    | 5,100            | \$1,373              |                                     |
| Spokane, WA                                              | \$6.5 million  | 6,607            | \$984                | <input checked="" type="checkbox"/> |
| Providence, RI                                           | \$4.2 million  | 5,500            | \$764                |                                     |
| Boise, ID                                                | \$2.2 million  | 6,000            | \$367                |                                     |

In order to be sustainable, VP is requesting this PTDD. VP has provided a draft budget for FY2024 of approximately \$2,590,000.

In consultation with Corporation Counsel's office and outside counsel, a PTDD could be established using assessments similar to Portland Downtown District (PDD). An assessment would be placed on lodging houses with 40 or more rooms, making up the PTDD, at 1.5% per room sold. The larger lodging houses in the PTDD were identified due to the programming that would occur through the PTDD for leisure, meetings, and conferences. Using data from 2022 Smith Travel Report (STR), it is estimated that an assessment rate of 1.5% per room sold would bring in an estimated \$2.59 Million in assessments. The City's administrative fee would be 10% of assessments collected or \$259,000, which would net VP an estimated \$2.33 Million for FY2024. See attached listing of the lodging houses and estimated assessments.

With the PTDD in place, VP has indicated it would have sustainable funding to keep Portland competitive as a tourist and convention destination and provide assurances for additional marketing efforts needed during seasonal or economic downturns. VP would target national audiences and capitalize on growth markets to

drive high value, overnight, shoulder season travel to the area, and solidify Portland as a year-round destination. This, in turn, would bolster hotels, restaurants, and retail establishments, their employees, and the multitude of local business contracts needed to run these establishments.

VP indicated that it would be able to track results and show a return on investment as a result of the PTDD.

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

The intended result would be for the Portland City Council to approve the PTDD in a similar fashion as it does annually for the PDD, which would include approving the Annual Agreement, Assessment Fee, and Development Program.

#### **V. FINANCIAL IMPACT**

Because of the 10% administrative fee to be retained by the City, negotiated and agreed upon by both parties, there is no financial impact to the City. Administrative fees are intended to cover staff costs associated with the administration of the program, as well as provide funding for City infrastructure needs impacted by increased tourism, including but not limited to, new public restrooms and maintenance, new trash receptacles and maintenance, public benches, and transportation.

At the September 2022 HEDC meeting, staff discussed a potential impact to the City's future TIF capacity. If approved, this project would utilize 19% of the City's remaining TIF capacity (45.4 acres out of 240 remaining). There was a concern that this would limit the City's capacity for future affordable housing TIF's, transit oriented TIF's, area wide TIF's etc.

Since November 2017, the only TIF districts approved by the City Council have been AHTIF districts. There are 17 active AHTIF districts in Portland with a combined total acreage of 14.9936 (average of .882/district). Only four of the 17 districts are one acre or more. The two largest districts are Portland Housing Authority projects (Front Street 3.94 and Washington Gardens 3.6099). The two smallest districts are 0.220 and 0.230 acres.

The City has three area-wide TIF districts – Downtown Transit Oriented Development (TOD) TIF, Waterfront TIF, and the Bayside TIF. Transit Oriented Development (TOD) and Downtown TIF Districts are exempt from state limitations. The downtown area of the city is the city's economic engine. Most of the downtown is already located within an area-wide TIF district.

Based on this information, staff is no longer concerned with the potential impact to the acreage limitation if the PTDD was approved.

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

Based upon meetings and discussions, terms for the proposed PTDD are recommended by staff as follows:

Agreement Period: Term of the agreement should be one year based on Fiscal Year, and approved annually by the City Council, similar as to how the PDD is approved annually.

Assessment Rate and City's Administrative Fee: The assessment rate will be one and one-half percent (1.5%) per room sold, and the City's administrative fee would be 10% of the assessment. Assessments for each individual lodging house would be established based on the following formula example:

$(\text{Number of Rooms} \times 365 = \text{Number of Rooms/Year}) \times \text{Occupancy of } 72.1\% \times \text{Average Daily Room Rate (ADR) of } \$227.66 \times 1.5\% \text{ (Assessment Rate)}.$

Example:

100 Rooms x 365 = 36,500  
36,500 x 72.1% = 26,316  
26,316 x \$227.66 = \$5,991,100  
\$5,991,100 x 1.5% = \$89,866  
\$89,866 Assessment to Hotel  
City 10% Admin = \$8,987

Please see attached listing of lodging houses with 40 or more rooms, and, with an assessment fee of 1.5% per room sold, it is estimated that the FY2024 assessment would bring in slightly more than \$2.59 Million. With the City's 10% administrative fee of assessments collected, this would yield \$259,000 to the City, and net VP \$2.33 Million for FY2024.

The estimated assessment fees (\$2.59 Million) are based on the estimated number of rooms sold. The occupancy percentage and Average Daily Room Rate in these estimates was determined using data from the Smith Travel Research (STR) 2022 Report. The STR 2022 Report indicated the Average Daily Rate for 2022 ranges from \$146 to \$269 and an average occupancy rate of 69% to 70% based on standard industry hotel classifications. Should the PTDD be approved, the City will identify what percentage of its 10% administrative fee would be used for administrative costs and infrastructure projects, such as public restrooms, trash receptacles, public benches, etc. after the first full year of administration.

Annual Reporting: Financial reporting will be completed after the first 6 months and at fiscal year-end; with annual reporting for each subsequent year.

The City will complete financial reporting on the 10% administrative fee at the same intervals.

## **VII. RECOMMENDATION**

At the Housing and Economic Development Committee (HEDC), meeting held on April 25, 2023, the vote was 3-1 (Rodriguez) to forward this to the City Council for approval, with Councilor Phillips noting that she favors sending this to the City Council for discussion and would confirm her vote yes or no at that meeting.

## **VIII. LIST ATTACHMENTS**

1. PTDD Council Order Adopting Development Program 062323
2. Hotel Listing for Attachment to CC Order for Imple Assessments
3. PTDD Development Program Cln for Council 062323

Prepared by:

Mary Davis, Division Director

Date: 05/22/2023

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 DESIGNATING THE PORTLAND  
TOURISM MUNICIPAL DEVELOPMENT DISTRICT AND  
ADOPTING THE DEVELOPMENT PROGRAM FOR THE DISTRICT**

**WHEREAS**, the City of Portland (the “City”) is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the “Act”), to designate the Portland Tourism Municipal Development District (the “District”) and to adopt a development program for the District (the “Development Program”) pursuant to the Act; and

**WHEREAS**, there is a need for tourism and economic development in the City; to provide continuing employment opportunities for the citizens of the City and the surrounding region; to improve and broaden the tax base of the City; and to improve the general economy of the City, the surrounding region and the State of Maine; and

**WHEREAS**, adopting and implementing the District and the Development Program will help to maintain and expand the existing tax revenues flowing from the District properties and improve the economy of the City and the State of Maine; and

**WHEREAS**, together with the consideration of the designation of the District and adoption of the Development Program, the City is considering an order establishing special assessments to fund implementation costs for the District and the Development Program and to approve an agreement with Visit Portland to administer the Development Plan; and

**WHEREAS**, the City has held a public hearing on the question of establishing the District in accordance with the requirements of 30-A M.R.S.A. §5228, upon at least ten (10) days prior notice published in a newspaper of general circulation within the City; and

**WHEREAS**, the City desires to designate the District and to adopt the Development Program for the District; and

**WHEREAS**, the City finds and determines that at least twenty-five percent (25%), by area, of the real property within the District, as hereinafter designated, is in need of rehabilitation, redevelopment or conservation or is suitable for commercial uses as defined in 30-A M.R.S.A. §5223(3); and that the total area of the District does not exceed two percent (2%) of the total acreage of the City, and the total area of all development districts within the City (including the District) does not exceed five percent (5%) of the total acreage of the City; and

**WHEREAS**, this Order will allow the City to approve the assessment and its apportionment for the 2023-2024 Fiscal Year; and

**WHEREAS**, assessed lodging property owners in the District will receive the benefit of increased sales activity and room night revenue as a result of District services and improvements, which benefit will be equally and uniformly proportional to each property owner's assessment related to the occupancy of the hotel.

**NOW THEREFORE, BE IT HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

The City Council has considered all evidence presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that any such adverse economic effect on or detriment to any existing business is outweighed by the contribution expected to be made through the District and the adoption of the Development Program. The projects and improvements described in the Development Program will contribute to the economic growth and well-being of the City and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the City, including employment opportunities, a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose.

**BE IT FURTHER ORDERED**, that Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City hereby designates the District and adopts the Development Program for fiscal year 2023-2024, all as more particularly described in the Development Program, a copy of which is attached to this Order and is hereby incorporated by reference into this Order as the Development Program for the District.

**BE IT FURTHER ORDERED,** that the City Manager be, and hereby is, authorized, empowered and directed to submit the designation of the District and the Development Program to DECD for its records.

**BE IT FURTHER ORDERED,** that the foregoing designation of the District and adoption of the Development Program shall automatically become final and shall take full force and effect upon approval of the designation of the District and adoption of the Development Program by the City Council, without requirement of any further action by the City, the City Council, or any other party.

| LODGING PROPERTIES OF 40 ROOMS OR MORE TO BE ASSESSED FOR PROPOSED PORTLAND TOURISM DEVELOPMENT DISTRICT-6/22/2023 | Address                 | Chart-Block-Lot | Acreage | Number of Rooms | Number of Rooms per year | Rooms Rented at Annual Average Rate Per Class | Rooms Rented Per Class - End of Year 2022 Average Daily Rate (ADR) | Estimated Assessment for FY2024, Based End of Year 2022 ADR * 1.5 Assessment | 10% of Assement Fee to City Adm. |
|--------------------------------------------------------------------------------------------------------------------|-------------------------|-----------------|---------|-----------------|--------------------------|-----------------------------------------------|--------------------------------------------------------------------|------------------------------------------------------------------------------|----------------------------------|
| <b>Hotel Name</b>                                                                                                  |                         |                 |         |                 |                          |                                               |                                                                    |                                                                              |                                  |
| <b>- Economy Class</b>                                                                                             |                         |                 |         |                 |                          | <b>69.0%</b>                                  | <b>\$146.00</b>                                                    | <b>1.50%</b>                                                                 | <b>10%</b>                       |
| Motel 6 Portland ME                                                                                                | 1 Riverside St          | 266 A001001     | 3.0384  | 129             | 47,085                   | 32,489                                        | \$4,743,342.90                                                     | \$71,150.14                                                                  | \$7,115.01                       |
| Ramada Plaza By Wyndham Portland                                                                                   | 155 Riverside St        | 267 B001001     | 8.173   | 119             | 43,435                   | 29,970                                        | \$4,375,641.90                                                     | \$65,634.63                                                                  | \$6,563.46                       |
| <b>- Upper Midscale Class/Upscale Class</b>                                                                        |                         |                 |         |                 |                          | <b>70%</b>                                    | <b>\$184.00</b>                                                    | <b>1.5%</b>                                                                  | <b>10%</b>                       |
| Hampton Inn Portland Downtown - Waterfront                                                                         | 209 Fore Street         | 029 L00100H     | 0.5829  | 125             | 45,625                   | 31,938                                        | \$5,876,500.00                                                     | \$88,147.50                                                                  | \$8,814.75                       |
| Holiday Inn By The Bay                                                                                             | 88 Spring St            | 039 E010001     | 2.3018  | 239             | 87,235                   | 61,065                                        | \$11,235,868.00                                                    | \$168,538.02                                                                 | \$16,853.80                      |
| Hampton Inn & Suites Portland West                                                                                 | 1210 Brighton Ave       | 265 A001001     | 2.9256  | 86              | 31,390                   | 21,973                                        | \$4,043,032.00                                                     | \$60,645.48                                                                  | \$6,064.55                       |
| Inn At Portland                                                                                                    | 1029, 1150 Brighton Ave | 264 A001001     | 8.1401  | 106             | 38,690                   | 27,083                                        | \$4,983,272.00                                                     | \$74,749.08                                                                  | \$7,474.91                       |
| La Quinta Inn & Suites by Wyndham Portland                                                                         | 340 Park Ave, Portland  | 065 A003001     | 2.007   | 105             | 38,325                   | 26,828                                        | \$4,936,260.00                                                     | \$74,043.90                                                                  | \$7,404.39                       |
| Clarion Hotel Airport                                                                                              | 1230 Congress St        | 189 A014001     | 4.8057  | 149             | 54,385                   | 38,070                                        | \$7,004,788.00                                                     | \$105,071.82                                                                 | \$10,507.18                      |
| Residence Inn By Marriott Portland Downtown/Waterfront                                                             | 145 Fore St             | 020 C010001     | 0.7821  | 179             | 65,335                   | 45,735                                        | \$8,415,148.00                                                     | \$126,227.22                                                                 | \$12,622.72                      |
| Hilton Garden Inn Portland Downtown Waterfront                                                                     | 65 Commercial St        | 029 K003001     | 0.3866  | 120             | 43,800                   | 30,660                                        | \$5,641,440.00                                                     | \$84,621.60                                                                  | \$8,462.16                       |
| AC Hotel by Marriott Portland Downtown/Waterfront                                                                  | 158 Fore St             | 019 B020001     | 0.6552  | 178             | 64,970                   | 45,479                                        | \$8,368,136.00                                                     | \$125,522.04                                                                 | \$12,552.20                      |
| Courtyard by Marriott Portland Downtown/Waterfront                                                                 | 321 Commercial St       | 040 E00300H     | 0.767   | 132             | 48,180                   | 33,726                                        | \$6,205,584.00                                                     | \$93,083.76                                                                  | \$9,308.38                       |
| Hyatt Place Portland-Old Port                                                                                      | 433 Fore St             | 032 I042001     | 0.4392  | 130             | 47,450                   | 33,215                                        | \$6,111,560.00                                                     | \$91,673.40                                                                  | \$9,167.34                       |
| Cambria Hotel Portland Downtown / Old Port                                                                         | 25 Hancock Street       | 020 C009001     | 0.7983  | 102             | 37,230                   | 26,061                                        | \$4,795,224.00                                                     | \$71,928.36                                                                  | \$7,192.84                       |
| Aloft Portland Maine                                                                                               | 379 Commercial Street   | 042 A001001     | 0.807   | 157             | 57,305                   | 40,114                                        | \$7,380,884.00                                                     | \$110,713.26                                                                 | \$11,071.33                      |
| Hilton Garden Inn Portland Airport                                                                                 | 145 Jetport Blvd        | 209A A016002    | 2.2107  | 76              | 27,740                   | 19,418                                        | \$3,572,912.00                                                     | \$53,593.68                                                                  | \$5,359.37                       |
| <b>- Upper Upscale Class/Luxury Class</b>                                                                          |                         |                 |         |                 |                          | <b>70%</b>                                    | <b>\$269.00</b>                                                    | <b>1.5%</b>                                                                  | <b>10%</b>                       |
| The Press Hotel, Autograph Collection                                                                              | 119 Exchange St         | 032 C001001     | 0.2304  | 110             | 40,150                   | 28,105                                        | \$7,560,245.00                                                     | \$113,403.68                                                                 | \$11,340.37                      |
| Portland Regency Hotel & Spa                                                                                       | 20 Milk St              | 029 R001001     | 0.5596  | 95              | 34,675                   | 24,273                                        | \$6,529,302.50                                                     | \$97,939.54                                                                  | \$9,793.95                       |
| The Westin Portland Harborview                                                                                     | 157 High St             | 037 E007001     | 1.0647  | 289             | 105,485                  | 73,840                                        | \$19,862,825.50                                                    | \$297,942.38                                                                 | \$29,794.24                      |
| Canopy by Hilton Portland Waterfront                                                                               | 9 Center Street         | 038 G005001     | 0.5462  | 135             | 49,275                   | 34,493                                        | \$9,278,482.50                                                     | \$139,177.24                                                                 | \$13,917.72                      |
| Embassy Suites by Hilton Portland Maine                                                                            | 1050 Westbrook St       | 210A A005001    | 2.78    | 120             | 43,800                   | 30,660                                        | \$8,247,540.00                                                     | \$123,713.10                                                                 | \$12,371.31                      |
| Fireside Inn & Suites Portland                                                                                     | 81 Riverside St         | 266 A002001     | 5.3691  | 200             | 73,000                   | 51,100                                        | \$13,745,900.00                                                    | \$206,188.50                                                                 | \$20,618.85                      |
| Portland Harbor Hotel                                                                                              | 468 Fore St             | 038 F009001     | 0.6505  | 97              | 35,405                   | 24,784                                        | \$6,666,761.50                                                     | \$100,001.42                                                                 | \$10,000.14                      |
| Inn At Diamond Cove                                                                                                | 22 McKinley Ct          | 083E E460001    | 0.3736  | 44              | 16,060                   | 11,242                                        | \$3,024,098.00                                                     | \$45,361.47                                                                  | \$4,536.15                       |
| <b>Totals:</b>                                                                                                     |                         |                 | 50.3947 |                 |                          |                                               | <b>\$172,604,747.80</b>                                            | <b>\$2,589,071.22</b>                                                        | <b>\$258,907.12</b>              |



**ECONOMIC DEVELOPMENT PROJECT**

**CITY OF PORTLAND, MAINE**

*A Municipal Development District*

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**PORTLAND TOURISM MUNICIPAL DEVELOPMENT DISTRICT  
DEVELOPMENT PROGRAM**

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*Presented to:*

**City Council  
City of Portland  
\_\_\_\_\_, 2023**

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## **Exhibit List**

|                  |                                                                                     |
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| <b>Exhibit A</b> | City of Portland Property Map Showing District Property Relative to City Boundaries |
| <b>Exhibit B</b> | Notice of Public Hearing                                                            |
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| <b>Exhibit E</b> | Statutory Requirements and Thresholds Form                                          |

# Development Program

## I. Introduction

The City of Portland (the “City”) seeks to establish a Municipal Development District to be known as the “**Portland Tourism Municipal Development District**” (the “District”), located throughout the City of Portland.

The District includes 24 hotels with 40 rooms or more to be assessed for the District to provide programs, services and improvements as described in this Development Program.

In designating the proposed District and adopting this Development Program, the City can accomplish the following goals:

- Maintain and ideally expand the existing tax revenues flowing from the District properties;
- Enable the investment of assessment payments made by properties uniformly and proportionally benefitting from the Development Program in strategic sales, marketing, promotions, destination development and special events;
- Maintain and create long-term, stable employment opportunities for area residents; and
- Improve the overall economy of the City, the Cumberland County region, and the State of Maine.

## II. Development Program Narrative

### A. The Development District

The District will encompass approximately 49.05689 acres of real property, and includes the following\ City Tax Map/Lots/Blocks: 019-B020001 (0.6552 acres), 042-A001001 (0.807 acres), 20-C009001 (0.7983 acres), 038-G005001 (0.5462 acres), 189-A014001 (4.8057 acres), 040-E00300H (0.767 acres), 210A-A005001 (2.78 acres), 266-A002001 (5.3691), 029-L00100H (0.5829 acres), 265-A001001 (2.9256 acres), 029-K003001 (0.3866 acres), 209A-A016002 (2.2107 acres), 039-E010001 (2.3018 acres), 032-I042001 (0.4392 acres), 083E-E460001 (0.3736 acres), 264-A001001 (8.1401 acres), 065-A003001 (2.007 acres), 266-A001001 (3.0384 acres), 038-F009001 (0.6505 acres), 029-R001001 (0.5596 acres), 267-B001001 (8.173 acres), 020-C010001 (0.7821 acres), 032-C001001 (0.2304 acres), 037-E007001 (1.0647 acres) (each a “District Property”). The District is shown in **Exhibit A** attached hereto.

### B. The Development Program

The City’s designation of the District and adoption of this Development Program allows for the City to fund activities and projects to be supported by the District Property owners, and also coordinate services to ensure effective delivery and proper support for tourism promotion while building on existing revitalization efforts and protection of public and private investment. The travel industry is a major economic driver for the City and Maine. Visitor spending not only supports tourism-related businesses but also the local artists, lobster/fishing community, cultural

institutions, food & beverage establishments, and small businesses that residents alone could not support year-round. Therefore, it is in the public interest of the City, and vital to the welfare of the City's economy, to facilitate and encourage cooperating public-private partnerships where lodging properties become partners with the City for the enhancement and expansion of the travel economy and to provide for increased business activity, tourism, economic development and job creation throughout the District.

The term of the District will commence when established by the City Council and continue indefinitely until the Council takes action to terminate or amend the District. District Property owners may submit a petition to the City Council at any time requesting that the District be terminated, which the City will consider in accordance with applicable law.

Under this Development Program, projects as listed below in Table 1 will be executed through an agreement with a development program manager (the "Development Program Manager").

This Development Program is structured and proposed pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the "Statute"). The designation of the District and adoption of the Development Program are effective upon approval by the City Council, evidenced by **Exhibit C** and **Exhibit D** hereto.

### **C. The Projects**

District Property owners will pay assessments on an annual basis to support the program. The formation of the District is intended to contribute to the economic growth and wellbeing of the City, and to the betterment of the health, welfare or safety of the inhabitants of the City. To accomplish this intention, the City desires to support the costs described below using District revenues. The City shall not reduce services to the District Properties because of the implementation of the District. Projects and services approved and executed by the District shall be in addition to and not in the place, of municipal projects and services. Assessment revenues must be spent in accordance with the financial plan.

The annual project costs presented in the annual Financial Plan shall be approved by the City Council and must be contained within the project descriptions below and identified in the Order Establishing the Portland Tourism Development District. Please see Table 1 herein for a complete list of authorized projects and their respective cost estimates for the 2023-2024 fiscal year. Future cost estimates for the projects will be approved on an annual basis and will serve as the basis for the assessment calculation.

**TABLE 1**  
**Municipal Projects**

| Project                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | FY 23-24<br>Cost<br>Estimate* |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| <p><b><u>A. Sales, Marketing, Promotions, Destination Development and Special Events.</u></b></p> <ul style="list-style-type: none"> <li>• Promoting and marketing tourism in different periods (for example out of season or shoulder seasons);</li> <li>• Research &amp; Development of a marketing plan designed to outline a strategy for attracting potential visitors and expand programs to attract diverse visitors at the right time with the right message;</li> <li>• Regional and national leisure marketing and convention trade marketing programs inclusive of broadcast, social, digital, audio, print, pay-per-click and out-of-home channels, designed to increase awareness of and drive overnight traffic to the destination – in turn, benefitting the assessed lodging properties through increased consumer demand and increased year-round room night bookings.;</li> <li>• Public Relations and media programs that enhance the profile of Portland as a visitor, meetings and event destination – in turn, benefitting the assessed lodging properties through increased consumer demanded increased room night bookings;</li> <li>• Dedicated funds to support incentives, hosting fees and other offsetting costs associated with securing strategic industry events, incremental group and convention business, and/or large-scale events for the destination that generate room nights for the assessed lodging properties;</li> <li>• Strategic partnerships, sponsorships, or other alliances that reinforce the City of Portland as a destination of choice within the travel marketplace for meetings, events and leisure travel – in turn, generating greater room night sales to the assessed lodging properties;</li> <li>• Attendance at tradeshow, conferences, and professional industry/partner events to promote the destination and the assessed lodging properties;</li> <li>• Sales missions, client events, site inspections, and familiarization tours showcasing the destination and the assessed lodging properties;</li> <li>• Visitor services programs designed to extend stays at assessed lodging properties and increase visitor spending;</li> </ul> | \$1,300,000                   |

| Project                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | FY 23-24<br>Cost<br>Estimate* |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| <ul style="list-style-type: none"> <li>• Preparation, production, mailing, and distribution of collateral promotional materials such as brochures, flyers, maps, and videos featuring assessed lodging properties;</li> <li>• Research on current and new markets that would result in additional room night sales to assessed lodging properties;</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                               |
| <p><b>B. Business Practices &amp; Workforce Initiatives</b></p> <p>Work with lodging partners, attractions, restaurants, venues and other tourism-related entities to support programs that encourage sustainable visitation. Services <b>may</b> include:</p> <ul style="list-style-type: none"> <li>• Programs to combat congestion at specific locations and reduce pressure on infrastructure and resources that have a negative impact on the quality of life for residents;</li> <li>• Programming to sustain demand and undertaking activities that balance the livability of the destination in popular tourism periods and generating overnight stays from leisure travelers especially during need periods;</li> <li>• Infrastructure or capital improvements that enhance Portland's competitive position to attract desirable special events year around and attract overnight visitors including payment of debt service on such expenditures;</li> <li>• Funds may be deployed to build programs to support a sustainable workforce. Programming may include destination wide workforce assessment, cost analysis and investment strategy, and apprenticeship/educational programming as seasonality requires.</li> </ul> | \$400,000                     |
| <p><b>C. <u>Administration</u></b> The administration portion of the budget shall be utilized for administrative costs, office costs, and other general administrative costs such as insurance, legal, and accounting fees. The costs of forming the District shall be repaid to the Development Program Manager from District assessment revenues. A portion of the budget will be allocated to a contingency fund. If there are contingency funds collected, they may be held in a reserve fund or utilized for other program or administration costs at the discretion of the Visit Portland board. Policies relating to contributions to the reserve fund, the target amount of the reserve fund, and expenditure of monies from the reserve fund shall be set by the Board, subject to approval by the City.</p>                                                                                                                                                                                                                                                                                                                                                                                                                   | \$800,000                     |
| <p><b>D. <u>Return on Investment/ Quarterly and Annual Reporting</u></b><br/>The Development Program Manager will account for the expenses of the District specific to the services and programming and the return on investment to be recorded in room nights sold, lodging properties occupancy percentages, and revenues generated.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | \$90,000                      |

| <b>Project</b> | <b>FY 23-24<br/>Cost<br/>Estimate*</b> |
|----------------|----------------------------------------|
| <b>Total</b>   | <b>\$2,590,000</b>                     |

\* These are estimates only. The City may approve different budgeted amounts for the listed projects each year.

#### **D. Strategic Growth and Development**

By creating and designating the District, the City can achieve the appropriate level of programs, services and improvements described in this Development Program as well as a fair and appropriate financial contribution from each party benefitting from such activities. Establishing the public private partnership to fund our local tourism industry will pave the way for an engaged community that will be invested in efforts to stabilize and sustain a year-round balanced visitor demand, local workforce development and support, creating a new platform for Portland to elevate the accessibility to its diverse community, support residents and business development, and maintain and evolve experiences for visitors.

In addition, by providing additional services for assessed lodging properties in the City of Portland, the District will ease the burden on local government, which faces constrained budgets, while under obligation to provide equivalent levels of service throughout the entire community.

The City's designation of the District and pursuit of this Development Program constitute a good and valid public purpose described in Chapter 206 of Title 30-A of Maine Revised Statutes because it represents a substantial contribution to the economic well-being of both the City and the region, by supporting surrounding businesses which provide jobs and contribute to property taxes.

#### **E. Improvements to the Public Infrastructure**

As further set forth in Table 1, the City will undertake a variety of operations and maintenance activities, including potential public infrastructure improvements.

#### **F. Operational Components**

##### **1. Public Facilities**

No public facilities or maintenance costs will be financed through the District or assessments.

##### **2. Commercial Improvements Financed Through Development Program**

No commercial improvements will be financed through the District or assessments.

##### **3. Relocation of Displaced Persons**

No persons will be displaced.



#### **4. Transportation Improvements**

No transportation improvements will be financed through the District or Assessments.

#### **5. Environmental Controls**

The improvements made under the proposed Development Program will meet or exceed all federal and state environmental regulations and will comply with all applicable land use requirements for the City.

#### **6. Plan of Operation**

During the term of the District, the City Manager or designee will be responsible for all administrative matters within the purview of the City concerning the implementation and operation of the District, including the imposition and collection of implementation assessments.

Pursuant to the Development Districts Law, the City will enter into a contractual arrangement with the Development Program Manager to perform the Projects outlined in Table 1 above and all administrative matters associated with the Development Program other than those matters within the purview of the City. The Development Program Manager shall establish a corporate Board of Directors whose members fairly represent a cross section of assessed property owners or their designees in the District and include on the Board one (1) ex-officio Director seat for the Portland Housing and Economic Development Director or the City Manager's designee.

### **III. Physical Description**

Municipal documents relating to the District's physical description attached as: City of Portland property map showing the District relative to City boundaries. **Exhibit A**

### **IV. Financial Plan**

The District will encompass approximately 50.3947 acres of property and will begin for the 2023-2024 fiscal year with an indefinite term of years to be terminated only upon Council action.

#### **A. Cost Estimate and Sources of Revenues**

All lodging properties with forty (40) or more rooms within the boundaries of the City of Portland that meet the assessed property criteria shall be assessed. The assessment is based upon the benefits received from the district programming, derived from the business activity related to the parcel. The method and the assessment rate is based on a calendar year short term room rental occupancy percentage and Average Daily Rate (ADR), as reported by the District Property owners or, when unavailable, as reported by STR for the previous calendar year, multiplied by one and one-half percent (1.5%) which is also equal to one and one-half percent (1.5%) of annual gross short-term room rental revenue. Assuming a July 1, 2023 District begin date, the initial

first-year budget is based on the 2022 calendar year business activity as reported by District Property owners, or when unavailable, as reported by STR as outlined above. The subsequent annual assessment will be based on the benefits received for the prior year on the parcel, as measured by assessments remitted and business activity as reported by District Property owners, or when unavailable, as reported by STR as outlined above.

Assuming a July 1, 2023 District begin date, the District is expected to have a first-year budget (FY2024) of approximately \$2,590,000 in the first year of operations, based on the assessment rate described above and the cost of programs detailed in the attached budget and as described in Table 1.

#### **B. Collections and Remittance**

Pursuant to the Development Districts Law, assessments must be collected by the City at the same time and in the same manner as municipal taxes, following municipal procedures as outlined by the City of Portland. The City shall forward to the Development Program Manager all District assessment funds collected within thirty (30) days of collection, less a ten (10) percent City administrative fee as authorized in the District Development Program. The City tax collector has all the authority and powers by law to collect the assessments. If any District Property owner fails to pay any assessment or part of an assessment on or before the dates required, the City has all the authority and powers to collect the delinquent assessments vested in the City by law to collect delinquent municipal taxes. Penalties for nonpayment of assessments shall be equivalent to penalties for nonpayment of property taxes. Assessments may be remitted on a monthly basis in advance of the municipal tax billing. The City administrative fee may be used for any costs or expenses related to the administration, collection, enforcement, and reporting particular to the District. Any additional funds shall be spent in accordance with the Development Districts Law in a manner which uniformly benefits the assessed parcels in the district. The City may require reporting and conduct an audit without cause no more than once every year to verify remittance in accordance with the assessment formula.

#### **C. Municipal Indebtedness**

The City reserves the right to issue municipal bonds in order to pay for costs of maintenance and operations costs. Any municipal bond issued for such project would require City Council approval and follow Charter required process.

#### **D. Related Contract, Agreements, and Obligations**

There are no existing terms and conditions of any agreements, contracts, or other obligations related to this Program, other than the anticipated contract with the Development Program Manager to implement the Projects outlined in Table 1 above and all other administrative matters concerning the implementation and operation of the District, other than those matters within the purview of the City.

#### **E. Rollover Funds**

Any and all unused fee funds collected during a year may be rolled over to the subsequent year to be used for programs detailed in the Financial Plan. In the event of termination of the

District, any remaining revenues, after all outstanding debts are paid, derived from the charge of fees, or derived from the sale of assets acquired with the revenues, shall be appropriated for the purposes of this Development Program.

#### **F. Reserve Policy**

The District's Development Program Manager may develop a Reserve Policy to establish minimum levels for designated funds to ensure stable program and project execution, meet future needs, and protect against financial instability.

### **V. Financial Data**

Please find attached as **Exhibit E** the Statutory Requirements and Thresholds Form required by the Maine Department of Economic and Community Development.

### **VI. Municipal Approvals**

#### **A. Notice of Public Hearing**

Attached as **Exhibit B** is a certified copy of the Notice of Public Hearing held on \_\_\_\_\_, 2023 in accordance with the requirements of 30-A M.R.S.A. § 5226(1). The notice was published in the Portland Press Herald, a newspaper of general circulation in the City on a date at least ten (10) days prior to the public hearing.

#### **B. Minutes of Public Hearing**

Attached as **Exhibit C** is a certified copy of the minutes of the public hearing held on \_\_\_\_\_, 2023, at which time the proposed District was discussed by the public.

#### **C. City Council Order**

Attached as **Exhibit D** is an attested copy of the City Council Order adopted by the Portland City Council at a Council Meeting duly called and held on \_\_\_\_\_, 2023, designating the District and adopting the Development Program.

EXHIBIT A

CITY OF PORTLAND PROPERTY MAP SHOWING DISTRICT PROPERTY  
RELATIVE TO CITY BOUNDARIES

# EXHIBIT A BOUNDARY MAP

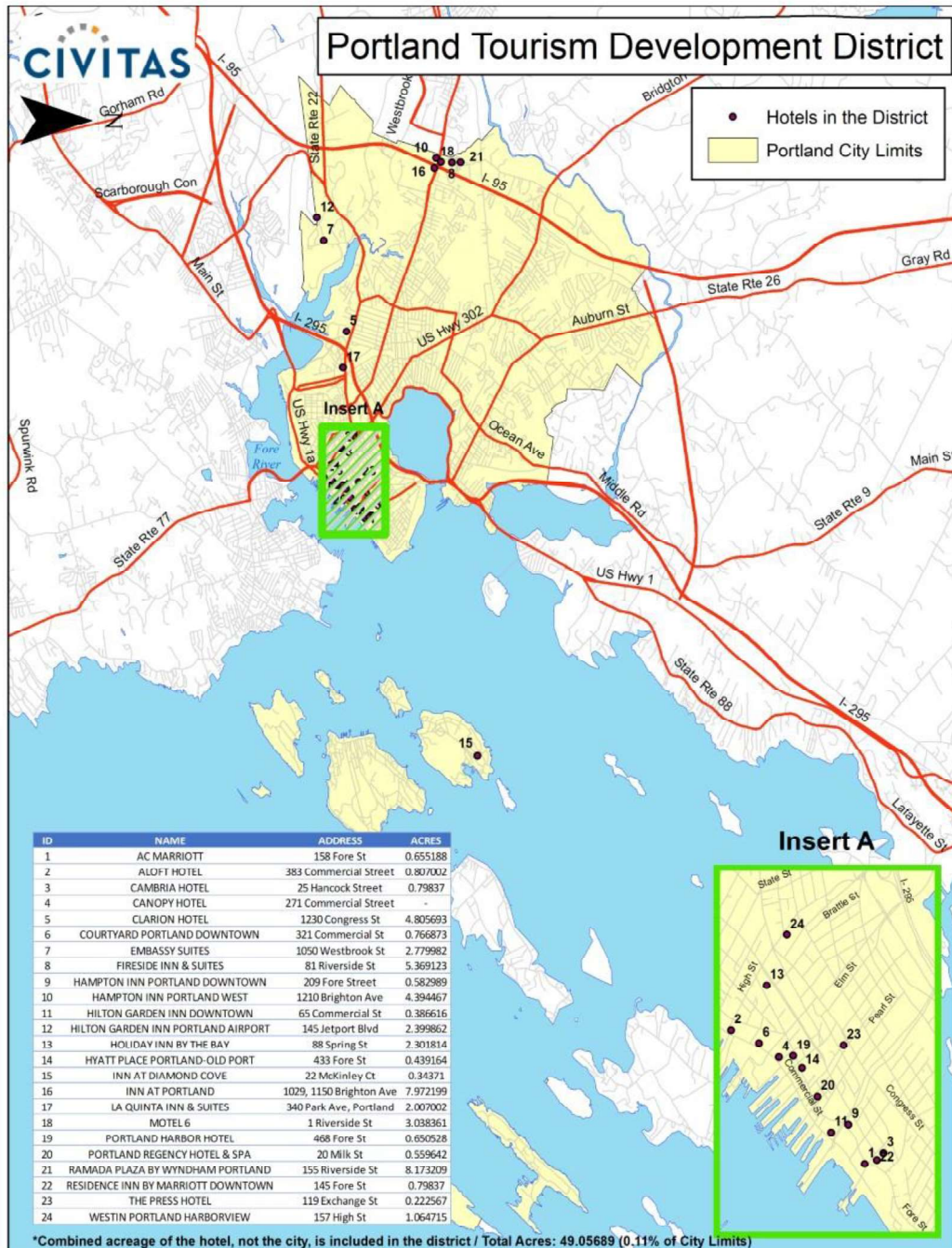


EXHIBIT B  
NOTICE OF PUBLIC HEARING

EXHIBIT C  
MINUTES OF PUBLIC HEARING

EXHIBIT D  
CITY COUNCIL ORDER



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 DESIGNATING THE PORTLAND  
TOURISM MUNICIPAL DEVELOPMENT DISTRICT AND  
ADOPTING THE DEVELOPMENT PROGRAM FOR THE DISTRICT**

**WHEREAS**, the City of Portland (the “City”) is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the “Act”), to designate the Portland Tourism Municipal Development District (the “District”) and to adopt a development program for the District (the “Development Program”) pursuant to the Act; and

**WHEREAS**, there is a need for tourism and economic development in the City; to provide continuing employment opportunities for the citizens of the City and the surrounding region; to improve and broaden the tax base of the City; and to improve the general economy of the City, the surrounding region and the State of Maine; and

**WHEREAS**, adopting and implementing the District and the Development Program will help to maintain and expand the existing tax revenues flowing from the District properties and improve the economy of the City and the State of Maine; and

**WHEREAS**, together with the consideration of the designation of the District and adoption of the Development Program, the City is considering an order establishing special assessments to fund implementation costs for the District and the Development Program and to approve an agreement with Visit Portland to administer the Development Plan; and

**WHEREAS**, the City has held a public hearing on the question of establishing the District in accordance with the requirements of 30-A M.R.S.A. §5228, upon at least ten (10) days prior notice published in a newspaper of general circulation within the City; and

**WHEREAS**, the City desires to designate the District and to adopt the Development Program for the District; and

**WHEREAS**, the City finds and determines that at least twenty-five percent (25%), by area, of the real property within the District, as hereinafter designated, is in need of rehabilitation, redevelopment or conservation or is suitable for commercial uses as defined in 30-A M.R.S.A. §5223(3); and that the total area of the District does not exceed two percent (2%) of the total acreage of the City, and the total area of all development districts within the City (including the District) does not exceed five percent (5%) of the total acreage of the City; and

**WHEREAS**, this Order will allow the City to approve the assessment and its apportionment for the 2023-2024 Fiscal Year; and

**WHEREAS**, assessed lodging property owners in the District will receive the benefit of increased sales activity and room night revenue as a result of District services and improvements, which benefit will be equally and uniformly proportional to each property owner's assessment related to the occupancy of the hotel.

**NOW THEREFORE, BE IT HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

The City Council has considered all evidence presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that any such adverse economic effect on or detriment to any existing business is outweighed by the contribution expected to be made through the District and the adoption of the Development Program. The projects and improvements described in the Development Program will contribute to the economic growth and well-being of the City and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the City, including employment opportunities, a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose.

**BE IT FURTHER ORDERED**, that Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City hereby designates the District and adopts the Development Program for fiscal year 2023-2024, all as more particularly described in the Development Program, a copy of which is attached to this Order and is hereby incorporated by reference into this Order as the Development Program for the District.

**BE IT FURTHER ORDERED,** that the City Manager be, and hereby is, authorized, empowered and directed to submit the designation of the District and the Development Program to DECD for its records.

**BE IT FURTHER ORDERED,** that the foregoing designation of the District and adoption of the Development Program shall automatically become final and shall take full force and effect upon approval of the designation of the District and adoption of the Development Program by the City Council, without requirement of any further action by the City, the City Council, or any other party.

EXHIBIT E  
STATUTORY REQUIREMENTS AND THRESHOLDS FORM

**EXHIBIT E**  
**STATUTORY REQUIREMENTS AND THRESHOLDS**  
**PORTLAND TOURISM MUNICIPAL DEVELOPMENT DISTRICT/NEW 2023**

| <b>SECTION A.   Acreage Caps</b>                                                                                                                                                                                                                                                                                                                                                                |          |               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|---------------|
| 1. Total <b>municipal</b> acreage;                                                                                                                                                                                                                                                                                                                                                              | 12,386   |               |
| 2. Acreage of <b>proposed</b> Municipal Development District;                                                                                                                                                                                                                                                                                                                                   | 50.3947  |               |
| 3. <b>Downtown-designation</b> <sup>1</sup> acres in proposed Municipal Development District;                                                                                                                                                                                                                                                                                                   | 0        |               |
| 4. <b>Transit-Oriented Development</b> <sup>2</sup> acres in proposed Municipal Development District;                                                                                                                                                                                                                                                                                           | 0        |               |
| 5. <b>Total acreage</b> [=A2-A3-A4] of proposed Municipal Development District counted toward 2%                                                                                                                                                                                                                                                                                                | 50.3947  |               |
| 6. <b>Percentage</b> [=A5÷A1] of total acreage in proposed Municipal Development District (CANNOT EXCEED 2%).                                                                                                                                                                                                                                                                                   | .4068%   |               |
| 7. <b>Total acreage</b> of all <u>existing/proposed</u> Municipal TIF districts in municipality <b>including</b> Municipal Affordable Housing Development districts: <sup>3</sup> <a href="#">SEE ATTACHED LISTING.</a><br>District Name/Acreage      District Name/Acreage      District Name/Acreage<br>District Name/Acreage      District Name/Acreage      District Name/Acreage           | Existing | 827.6469      |
|                                                                                                                                                                                                                                                                                                                                                                                                 | Proposed | 50.3947       |
|                                                                                                                                                                                                                                                                                                                                                                                                 | Total:   | 878.0416      |
| <b>30-A § 5223(3) EXEMPTIONS<sup>4</sup></b>                                                                                                                                                                                                                                                                                                                                                    |          |               |
| 8. Acreage of an <u>existing/proposed</u> <b>Downtown</b> Municipal TIF district;                                                                                                                                                                                                                                                                                                               | 417.0408 |               |
| 9. Acreage of all <u>existing/proposed</u> <b>Transit-Oriented Development</b> Municipal TIF districts:<br>District Name/Acreage      District Name/Acreage                                                                                                                                                                                                                                     | 30.00    |               |
| 10. Acreage of all <u>existing/proposed</u> <b>Community Wind Power</b> Municipal TIF districts:<br>District Name/Acreage      District Name/Acreage                                                                                                                                                                                                                                            | 0        |               |
| 11. Acreage in all <u>existing/proposed</u> Municipal TIF districts <b>common to</b> <sup>5</sup> Pine Tree Development Zones per 30-A § 5250-I (14)(A) <b>excluding</b> any such acreage also factored in Exemptions 8-10 above:<br>District Name/Acreage      District Name/Acreage      District Name/Acreage<br>District Name/Acreage      District Name/Acreage      District Name/Acreage | 0        |               |
| 12. <b>Total acreage</b> [=A7-A8-A9-A10-A11] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit;                                                                                                                                                                                                                                                                   | 431.008  |               |
| 13. <b>Percentage of total acreage</b> [=A12÷A1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%).                                                                                                                                                                                                                                                                    | 3.4797%  |               |
| 14. <b>Real property</b> in proposed Municipal Development District that is:                                                                                                                                                                                                                                                                                                                    | ACRES    | % [=Acres÷A2] |
| a. A blighted area;                                                                                                                                                                                                                                                                                                                                                                             |          |               |
| b. In need of rehabilitation, redevelopment or conservation;                                                                                                                                                                                                                                                                                                                                    |          |               |
| c. Suitable for commercial or arts district uses.                                                                                                                                                                                                                                                                                                                                               | 50.3947  | 100%          |
| <b>TOTAL (except for § 5223 (3) exemptions a., b. <u>OR</u> c. must be at least 25%)</b>                                                                                                                                                                                                                                                                                                        |          |               |

<sup>1</sup> Before final designation, the Commissioner will seek advice from MDOACF and MDOT per 30-A § 5226(2).

<sup>2</sup> For Transit-Oriented Development (TOD) definitions see 30-A § 5222 sub-§§ 19-24.

<sup>3</sup> For AH-TIF acreage requirement see 30-A § 5247(3)(B). Alternatively, Section B. must exclude AH-TIF valuation.

<sup>4</sup> Downtown/TOD overlap nets single acreage/valuation caps exemption.

<sup>5</sup> PTZ districts approved through December 31, 2008.

**EXHIBIT E**  
**STATUTORY REQUIREMENTS AND THRESHOLDS**  
**PORTLAND TOURISM MUNICIPAL DEVELOPMENT DISTRICT/NEW 2023**

| SECTION B.   Valuation Cap       |                                                                                                                                                                                                                                                                                                                                                       |          |     |
|----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-----|
| 1.                               | Total TAXABLE municipal valuation—use most recent April 1;                                                                                                                                                                                                                                                                                            | N/A      |     |
| 2.                               | Taxable Original Assessed Value (OAV) of proposed Municipal TIF District as of March 31 preceding municipal designation—same as April 1 prior to such March 31;                                                                                                                                                                                       | N/A      |     |
| 3.                               | Taxable OAV of all <u>existing/proposed</u> Municipal TIF districts in municipality <b>excluding</b> Municipal Affordable Housing Development districts:<br><br>District Name/OAV      District Name/OAV      District Name/OAV<br>District Name/OAV      District Name/OAV      District Name/OAV                                                    | Existing | N/A |
|                                  |                                                                                                                                                                                                                                                                                                                                                       | Proposed | N/A |
|                                  |                                                                                                                                                                                                                                                                                                                                                       | Total:   | N/A |
| <b>30-A § 5223(3) EXEMPTIONS</b> |                                                                                                                                                                                                                                                                                                                                                       |          |     |
| 4.                               | Taxable OAV of an <u>existing/proposed</u> Downtown Municipal TIF district;                                                                                                                                                                                                                                                                           | N/A      |     |
| 5.                               | Taxable OAV of all <u>existing/proposed</u> Transit-Oriented Development Municipal TIF districts:<br>District Name/OAV      District Name/OAV                                                                                                                                                                                                         | N/A      |     |
| 6.                               | Taxable OAV of all <u>existing/proposed</u> Community Wind Power Municipal TIF districts:<br>District Name/OAV      District Name/OAV                                                                                                                                                                                                                 | N/A      |     |
| 7.                               | Taxable OAV of all <u>existing/proposed</u> Single Taxpayer/High Valuation <sup>6</sup> Municipal TIF districts:<br>District Name/OAV      District Name/OAV                                                                                                                                                                                          | N/A      |     |
| 8.                               | Taxable OAV in all <u>existing/proposed</u> Municipal TIF districts <b>common to</b> Pine Tree Development Zones per 30-A § 5250-I (14)(A) <b>excluding</b> any such OAV also factored in Exemptions 4-7 above:<br>District Name/OAV      District Name/OAV      District Name/OAV<br>District Name/OAV      District Name/OAV      District Name/OAV | N/A      |     |
| 9.                               | Total taxable OAV [=B3-B4-B5-B6-B7-B8] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit;                                                                                                                                                                                                                               | N/A      |     |
| 10.                              | Percentage of total taxable OAV [=B9÷B1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%).                                                                                                                                                                                                                                  | N/A      |     |

| COMPLETED BY                                                                                                                                                                                                                                                                                                       |               |      |          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|------|----------|
| PRINT NAME                                                                                                                                                                                                                                                                                                         | Lori Paulette |      |          |
| SIGNATURE                                                                                                                                                                                                                                                                                                          | Lori Paulette | DATE | 6/1/2023 |
| If this form has <b><u>not be completed by the municipal or plantation assessor</u></b> , the assessor must sign and date below, acknowledging he/she agrees with the information reported on this form, and understands the OAV stated in Section B, line 2, will be used to determine the IAV for this District. |               |      |          |
| PRINT NAME                                                                                                                                                                                                                                                                                                         |               |      |          |
| SIGNATURE                                                                                                                                                                                                                                                                                                          |               | DATE |          |

<sup>6</sup> For this exemption see 30-A §5223(3)(C) sub-§§ 1-4.

**Listing of Existing TIF Districts for Adding Portland Tourism Development District as of  
6/1/2023**

**6/1/2023**

| <b>Active TIFs</b>                                              |                       |                                              |                 |
|-----------------------------------------------------------------|-----------------------|----------------------------------------------|-----------------|
| <b>TIF District</b>                                             | <b>FY Start/End</b>   | <b>Original<br/>Assessed Value<br/>(OAV)</b> | <b>Acres</b>    |
| Waterfront/and W Maine Sub<br>District/Added March 2018 Parcels | FY2002-03/FY2031-32   | \$8,283,740                                  | 6.625           |
| - WTIF 9/2018 Added Parcels                                     |                       | \$20,076,870                                 | 77.560          |
| - WTIF 5/2019 Added Parcels                                     |                       | \$5,938,400                                  | 13.430          |
| Bayside Expanded TIF District                                   | FY2003-04/FY2032-33   | \$121,639,640                                | 128.728         |
| Pearl Place/Avesta-AH TIF                                       | FY2007-08/FY2035-36   | \$0                                          | 1.035           |
| Public Market/Power Pay                                         | FY2010-11/FY2039-40   | \$1,862,600                                  | 1.070           |
| McAuley Place                                                   | FY2009-10/FY2038-39   | \$0                                          | 5.320           |
| Avesta/409 Cumberland Ave-AH TIF                                | FY2013-14/FY2034-35   | \$0                                          | 0.410           |
| Thompson's Pt TOD/TIF II                                        | FY2014-15/FY2043-44   | \$4,970,470                                  | 30.000          |
| 134 Washington Avenue/AH TIF                                    | FY2014-15/FY2033-34   | \$0                                          | 0.230           |
| 17 Carleton St/AH TIF                                           | FY2015-16/FY2036-37   | \$0                                          | 0.572           |
| District                                                        | FY2015-16/FY2044-45   | \$965,007,320                                | 417.0408        |
| ImmuCell TIF                                                    | FY2017-18/FY2028-29   | \$52,600                                     | 1.110           |
| 58 Boyd Street/AH TIF                                           | FY2018-19/FY2047-48   | \$0                                          | 0.480           |
| 178 Kennebec St/AH TIF                                          | FY2019-20/FY2048-49   | \$0                                          | 0.220           |
| Deering Place/AHTIF                                             | FY2018-19/FY2047-48   | \$0                                          | 1.090           |
| 977 Brighton Avenue/AHTIF                                       | FY2019-20/FY2048-49   | \$0                                          | 0.730           |
| 66 State Street AHTIF                                           | FY2020-2021/FY2049-50 | \$0                                          | 0.509           |
| PHA Front Street AHTIF                                          | FY2020-2021/FY2049-50 | \$0                                          | 3.487           |
| 200 Valley Street AHTIF                                         | FY2020-2021/FY2049-50 | \$0                                          | 0.344           |
| 577 Washington Avenue AHTIF                                     | FY2020-2021/FY2049-50 | \$0                                          | 3.610           |
| 337 Cumberland Avenue AHTIF                                     | FY2020-2021/FY2049-50 | \$0                                          | 0.452           |
| 104 Grant Street AHTIF                                          | FY2020-2021/FY2049-50 | \$0                                          | 0.330           |
| 83 Middle Street AHTIF                                          | FY2020-2021/FY2049-50 | \$0                                          | 0.285           |
| 91 Winter Street AHTIF                                          | FY2021-2022/FY2050-51 | \$0                                          | 0.0000          |
| 73 Winter Street AHTIF                                          | FY2021-2022/FY2050-51 | \$0                                          | 0.3941          |
| 45 Dougherty                                                    | FY2023/2024/FY2052-53 | \$0                                          | 1.6750          |
| Portland Downtown Munic. Dev. Dist.                             | n/a                   | n/a                                          | 130.9100        |
| <b>Sub-Total:</b>                                               |                       | <b>\$1,127,831,640</b>                       | <b>827.6469</b> |
| <b>Less Exempt:</b>                                             |                       |                                              |                 |
| Thompson's Point (TOD TIF)                                      | FY2014-15/FY2043-44   | -\$4,970,470                                 | -30.000         |
| Downtown TOD District                                           | FY2015-16/FY2044-45   | -\$965,007,320                               | -417.0408       |
| <b>Totals for Caps:</b>                                         |                       | <b>\$157,853,850</b>                         | <b>380.606</b>  |
| <b>FY2021 Aggregate Total Value:</b>                            |                       | \$11,149,300,000                             |                 |
| <b>Total Acreage for Ptd:</b>                                   |                       |                                              | 12,386.000      |
| <b>5% Allowed to be TIF'd:</b>                                  |                       | \$557,465,000                                | 619.300         |
| <b>Current Amounts TIF'd:</b>                                   |                       | \$157,853,850                                | 380.606         |
| <b>Amount Remaining that can be<br/>TIF'd:</b>                  |                       | <b>\$399,611,150</b>                         | <b>238.694</b>  |

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

**FROM:** Mary Davis, Division Director  
**DATE:** May 22, 2023  
**SUBJECT:** Order 257-22/23 Establishing Implementation Assessments for Portland's Tourism Municipal Development District for Fiscal Year 2023-2024 - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

**SPONSOR:**

(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 is a companion order to the order above establishing Portland's Tourism Municipal Development District, and the order below approving the agreement.

This item must be read on two separate days. This is its first reading.

**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 Establ Assessment for TID FY2024 062323
2. Hotel Listing for Attachment to CC Order for Imple Assessments

Prepared by:

Mary Davis, Division Director



Date: 05/22/2023

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 ESTABLISHING IMPLEMENTATION  
ASSESSMENTS FOR PORTLAND TOURISM  
MUNICIPAL DEVELOPMENT DISTRICT  
FOR FISCAL YEAR 2023--2024**

**ORDERED**, pursuant to 30-A M.R.S. § 5228, after public hearing thereon, that the sum of \$2,589,071 be raised and appropriated from the special assessments on all real estate situated within the boundaries of the Portland Tourism Municipal Development District, to fund implementation costs for such district for the period beginning July 1, 2023 and ending on June 30, 2024; and

**BE IT FURTHER ORDERED**, that the said sum be assessed on all real estate within the Tourism Municipal Development District, which real estate listing is attached hereto as Exhibit A; and

**BE IT FURTHER ORDERED**, that the said assessments shall be due July 1, 2023 and payable to the City of Portland at the same time that taxes on other real estate are due; and

**BE IT FURTHER ORDERED**, that the interest on unpaid assessments shall be at the same rate as interest on other unpaid real estate taxes; and

**BE IT FURTHER ORDERED**, that the said assessments are hereby committed to the tax collector of the City of Portland for collection, pursuant to 30-A M.R.S. § 5228(5); and

**BE IT FURTHER ORDERED**, that the tax collector is hereby authorized and directed to take all necessary action for the collection of said assessment.

| LODGING PROPERTIES OF 40 ROOMS OR MORE TO BE ASSESSED FOR PROPOSED PORTLAND TOURISM DEVELOPMENT DISTRICT-6/22/2023 | Address                 | Chart-Block-Lot | Acreage | Number of Rooms | Number of Rooms per year | Rooms Rented at Annual Average Rate Per Class | Rooms Rented Per Class - End of Year 2022 Average Daily Rate (ADR) | Estimated Assessment for FY2024, Based End of Year 2022 ADR * 1.5 Assessment | 10% of Assement Fee to City Adm. |
|--------------------------------------------------------------------------------------------------------------------|-------------------------|-----------------|---------|-----------------|--------------------------|-----------------------------------------------|--------------------------------------------------------------------|------------------------------------------------------------------------------|----------------------------------|
| <b>Hotel Name</b>                                                                                                  |                         |                 |         |                 |                          |                                               |                                                                    |                                                                              |                                  |
| <b>- Economy Class</b>                                                                                             |                         |                 |         |                 |                          | <b>69.0%</b>                                  | <b>\$146.00</b>                                                    | <b>1.50%</b>                                                                 | <b>10%</b>                       |
| Motel 6 Portland ME                                                                                                | 1 Riverside St          | 266 A001001     | 3.0384  | 129             | 47,085                   | 32,489                                        | \$4,743,342.90                                                     | \$71,150.14                                                                  | \$7,115.01                       |
| Ramada Plaza By Wyndham Portland                                                                                   | 155 Riverside St        | 267 B001001     | 8.173   | 119             | 43,435                   | 29,970                                        | \$4,375,641.90                                                     | \$65,634.63                                                                  | \$6,563.46                       |
| <b>- Upper Midscale Class/Upscale Class</b>                                                                        |                         |                 |         |                 |                          | <b>70%</b>                                    | <b>\$184.00</b>                                                    | <b>1.5%</b>                                                                  | <b>10%</b>                       |
| Hampton Inn Portland Downtown - Waterfront                                                                         | 209 Fore Street         | 029 L00100H     | 0.5829  | 125             | 45,625                   | 31,938                                        | \$5,876,500.00                                                     | \$88,147.50                                                                  | \$8,814.75                       |
| Holiday Inn By The Bay                                                                                             | 88 Spring St            | 039 E010001     | 2.3018  | 239             | 87,235                   | 61,065                                        | \$11,235,868.00                                                    | \$168,538.02                                                                 | \$16,853.80                      |
| Hampton Inn & Suites Portland West                                                                                 | 1210 Brighton Ave       | 265 A001001     | 2.9256  | 86              | 31,390                   | 21,973                                        | \$4,043,032.00                                                     | \$60,645.48                                                                  | \$6,064.55                       |
| Inn At Portland                                                                                                    | 1029, 1150 Brighton Ave | 264 A001001     | 8.1401  | 106             | 38,690                   | 27,083                                        | \$4,983,272.00                                                     | \$74,749.08                                                                  | \$7,474.91                       |
| La Quinta Inn & Suites by Wyndham Portland                                                                         | 340 Park Ave, Portland  | 065 A003001     | 2.007   | 105             | 38,325                   | 26,828                                        | \$4,936,260.00                                                     | \$74,043.90                                                                  | \$7,404.39                       |
| Clarion Hotel Airport                                                                                              | 1230 Congress St        | 189 A014001     | 4.8057  | 149             | 54,385                   | 38,070                                        | \$7,004,788.00                                                     | \$105,071.82                                                                 | \$10,507.18                      |
| Residence Inn By Marriott Portland Downtown/Waterfront                                                             | 145 Fore St             | 020 C010001     | 0.7821  | 179             | 65,335                   | 45,735                                        | \$8,415,148.00                                                     | \$126,227.22                                                                 | \$12,622.72                      |
| Hilton Garden Inn Portland Downtown Waterfront                                                                     | 65 Commercial St        | 029 K003001     | 0.3866  | 120             | 43,800                   | 30,660                                        | \$5,641,440.00                                                     | \$84,621.60                                                                  | \$8,462.16                       |
| AC Hotel by Marriott Portland Downtown/Waterfront                                                                  | 158 Fore St             | 019 B020001     | 0.6552  | 178             | 64,970                   | 45,479                                        | \$8,368,136.00                                                     | \$125,522.04                                                                 | \$12,552.20                      |
| Courtyard by Marriott Portland Downtown/Waterfront                                                                 | 321 Commercial St       | 040 E00300H     | 0.767   | 132             | 48,180                   | 33,726                                        | \$6,205,584.00                                                     | \$93,083.76                                                                  | \$9,308.38                       |
| Hyatt Place Portland-Old Port                                                                                      | 433 Fore St             | 032 I042001     | 0.4392  | 130             | 47,450                   | 33,215                                        | \$6,111,560.00                                                     | \$91,673.40                                                                  | \$9,167.34                       |
| Cambria Hotel Portland Downtown / Old Port                                                                         | 25 Hancock Street       | 020 C009001     | 0.7983  | 102             | 37,230                   | 26,061                                        | \$4,795,224.00                                                     | \$71,928.36                                                                  | \$7,192.84                       |
| Aloft Portland Maine                                                                                               | 379 Commercial Street   | 042 A001001     | 0.807   | 157             | 57,305                   | 40,114                                        | \$7,380,884.00                                                     | \$110,713.26                                                                 | \$11,071.33                      |
| Hilton Garden Inn Portland Airport                                                                                 | 145 Jetport Blvd        | 209A A016002    | 2.2107  | 76              | 27,740                   | 19,418                                        | \$3,572,912.00                                                     | \$53,593.68                                                                  | \$5,359.37                       |
| <b>- Upper Upscale Class/Luxury Class</b>                                                                          |                         |                 |         |                 |                          | <b>70%</b>                                    | <b>\$269.00</b>                                                    | <b>1.5%</b>                                                                  | <b>10%</b>                       |
| The Press Hotel, Autograph Collection                                                                              | 119 Exchange St         | 032 C001001     | 0.2304  | 110             | 40,150                   | 28,105                                        | \$7,560,245.00                                                     | \$113,403.68                                                                 | \$11,340.37                      |
| Portland Regency Hotel & Spa                                                                                       | 20 Milk St              | 029 R001001     | 0.5596  | 95              | 34,675                   | 24,273                                        | \$6,529,302.50                                                     | \$97,939.54                                                                  | \$9,793.95                       |
| The Westin Portland Harborview                                                                                     | 157 High St             | 037 E007001     | 1.0647  | 289             | 105,485                  | 73,840                                        | \$19,862,825.50                                                    | \$297,942.38                                                                 | \$29,794.24                      |
| Canopy by Hilton Portland Waterfront                                                                               | 9 Center Street         | 038 G005001     | 0.5462  | 135             | 49,275                   | 34,493                                        | \$9,278,482.50                                                     | \$139,177.24                                                                 | \$13,917.72                      |
| Embassy Suites by Hilton Portland Maine                                                                            | 1050 Westbrook St       | 210A A005001    | 2.78    | 120             | 43,800                   | 30,660                                        | \$8,247,540.00                                                     | \$123,713.10                                                                 | \$12,371.31                      |
| Fireside Inn & Suites Portland                                                                                     | 81 Riverside St         | 266 A002001     | 5.3691  | 200             | 73,000                   | 51,100                                        | \$13,745,900.00                                                    | \$206,188.50                                                                 | \$20,618.85                      |
| Portland Harbor Hotel                                                                                              | 468 Fore St             | 038 F009001     | 0.6505  | 97              | 35,405                   | 24,784                                        | \$6,666,761.50                                                     | \$100,001.42                                                                 | \$10,000.14                      |
| Inn At Diamond Cove                                                                                                | 22 McKinley Ct          | 083E E460001    | 0.3736  | 44              | 16,060                   | 11,242                                        | \$3,024,098.00                                                     | \$45,361.47                                                                  | \$4,536.15                       |
| <b>Totals:</b>                                                                                                     |                         |                 | 50.3947 |                 |                          |                                               | <b>\$172,604,747.80</b>                                            | <b>\$2,589,071.22</b>                                                        | <b>\$258,907.12</b>              |

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

**FROM:**

**DATE:** May 22, 2023

**SUBJECT:** Order 258-22/23 Approving the Development Program Manager Agreement between the City of Portland and Convention and Visitors' Bureau of Greater Portland Doing Business as Visit Portland - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, 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 is a companion order with the two orders above.

This item must be read on two separate days. This is its first reading.

**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 Approving FY2024 TID Agreement 062323
2. PTDD Agreement Clean for Council 062323

Prepared by:

Date: 05/22/2023

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 DEVELOPMENT PROGRAM MANAGER AGREEMENT  
BETWEEN THE CITY OF PORTLAND AND CONVENTION AND VISITORS'  
BUREAU OF GREATER PORTLAND,  
DOING BUSINESS AS VISIT PORTLAND**

**ORDERED**, that the attached Agreement between the City of Portland and the Convention And Visitors' Bureau Of Greater Portland, doing business as Visit Portland, is hereby approved; and

**BE IT FURTHER ORDERED**, that the City Manager or designee is hereby authorized to enter into said Agreement in substantially the form attached, and to execute any other documents necessary to effect the intent and purpose of this order, and to carry out the Development Plan for the Portland Tourism Municipal Development District for the period from and after its Effective Date and ending June 30, 2024.

**AGREEMENT  
BETWEEN THE CITY  
OF PORTLAND AND  
VISIT PORTLAND**

This AGREEMENT made as of the \_\_\_\_ day of July, 2023, (the “Effective Date”) is by and between the CITY OF PORTLAND, a body politic and corporate with a mailing address of 389 Congress Street, Portland, Maine 04101 (the “City”) and the CONVENTION AND VISITORS’ BUREAU OF GREATER PORTLAND, doing business as VISIT PORTLAND, a Maine non-profit corporation with a mailing address of 1375 Congress Street, Portland, Maine 04102 (“Visit Portland”) (collectively referred to as (the “Parties”).

WHEREAS, by Council Orders \_\_\_\_\_ dated \_\_\_\_\_, the City has approved a tourism economic development district designated as the ***Portland Tourism Municipal Development District*** (the “District”), the Development Program (defined below) including a map of the District, is attached hereto as Exhibit A and incorporated herein; and

WHEREAS, Visit Portland has been designated as the independent, non-profit corporation that shall manage the District as the Development Program Manager; and

NOW, THEREFORE, in consideration of the covenants herein contained, the Parties hereby mutually agree as follows:

**ARTICLE I. Term**

The term of this Agreement shall commence with the establishment of the District, and shall expire on June 30, 2024 (“the Term”).

**ARTICLE II. Financial Considerations**

- a. The City Council has approved the Portland Tourism Municipal Development District Development Program for the District (“the Development Program”) and the special assessment rate that provides funding to support the Development Program.
- b. The City shall make assessments (the “ Assessments”) on all lodging properties with forty (40) rooms or more located within the boundaries of the District (each a “District Property”) in accordance with the Development Program as authorized by the City Council and permitted by law.

- c. The City shall remit the Assessments to Visit Portland within thirty (30) days of collection, less the administrative fee of ten percent (10%) of District revenue as described in the Development Program. The City administrative fee may be used for any costs or expenses related to the administration, collection, enforcement, and reporting particular to the District. Any additional funds shall be spent in accordance with the Development Districts Law in a manner which uniformly benefits the assessed parcels in the district.
- d. In addition to the foregoing, the City will pay in a lump sum, within thirty (30) days from the close of the fiscal year, any amount assessed in a prior year, but collected in a subsequent year. Said payment by City shall be subject to the City's administrative fee described in the Development Plan and less any amounts remaining to be reimbursed under a prior year Agreement with the City. City will provide Visit Portland with written detail as to any deductions taken from payments under this paragraph.
- e. Notwithstanding the foregoing, Visit Portland agrees that it will neither encumber funds that it anticipates receiving from the District Assessments nor incur expenditures in anticipation of receipt of such funds except in accordance with the Development Program.
- f. Visit Portland has approved Visit Portland's budget and Development Program in, covering the period beginning on July 1, 2023, and ending on June 30, 2024, and the City Council has approved the assessment that provides funding to support Visit Portland's budget and Development Program.
- g. Any penalties and interest collected by the City for nonpayment of assessments shall be retained by the City. Such penalties and interest shall be equivalent to penalties and interest for nonpayment of property taxes.
- h. Visit Portland will provide the Director of Finance with an annual certified financial statement for expenses related to the District and the programs and services outlined in the Development Program. The statement shall list all income and expenses related to the District and shall be provided to the Finance Director within six (6) months after the fiscal year ends.
- i. Visit Portland will produce an annual report to be submitted to the City reflecting all projects, expenses, and returns on investments of the District. Any audits



needed to verify collection assessment will be paid for by Visit Portland. The City may require reporting and conduct an audit without cause no more than once during the Term to verify remittance in accordance with the assessment formula.

Visit Portland shall have reasonable access to the City's assessment collection records, and the City shall have reasonable access to the Visit Portland's books and records particular to the District expenditures.

### **ARTICLE III. Services To Be Provided By Visit Portland.**

During the Term, Visit Portland shall:

- a. Provide the services described herein and in the Development Program.
- b. Provide staff and administrative services sufficient for the performance of the services described herein and in the Development Program.
- c. Establish a corporate Board of Directors whose members fairly represent a cross section of District Property owners or their designees in the District, and include on the Board one (1) ex-officio Director seat for the Portland Housing and Economic Development Director or the City Manager's designee.
- d. Establish a mechanism for resolving any dispute to the kind and level of services which may arise between Portland Downtown and persons subject to development district assessments regarding the kind and level of services provided by Visit Portland.
- e. Provide liaison between the City, the District property owners, civic groups, interested persons, and other groups and individuals, as necessary to carry out the mission of the District.
- f. Maintain all minutes and records of Visit Portland proceedings as may be required.
- g. Nothing in this Agreement is intended to or shall be construed to limit Visit Portland's general powers, as set forth in the Maine Non-profit Corporation Act, Title 13-B of the Maine Revised Statutes Annotated.

### **ARTICLE IV. Termination.**

- a. The District will commence upon the date of its establishment by the City Council and continue indefinitely in accordance with applicable law until the Council takes action to terminate or amend the District. District Property owners may submit a

petition to the City Council at any time requesting that the District be terminated, which the City will consider in accordance with applicable law. The City has and reserves the right to suspend, terminate or abandon the execution of any work by Visit Portland upon receipt of a petition dissolving the District.

- b. This Agreement may be terminated by either Party for good cause. If Visit Portland or the City should fail to perform any material covenant, obligation or agreement hereunder for a period of thirty (30) days after written notice of complaint from the City Manager or Visit Portland specifying such failure, either Party may provide the other with notice of failure to perform the Agreement as provided herein. Upon receipt of notice, Visit Portland or the City shall have a ninety (90) day period, computed from the date of delivery of the notice of failure to perform, within which the affected Party may provide a written plan to remedy the complaint. In the event that a determination is made at the expiration of the ninety (90) day period that the complaint is unresolved, either Party may declare their intent to terminate the Agreement and identify the specific date of termination with a written notice. Either Party shall have the right to appeal the decision to the other. Either Party shall file such appeal within seven (7) business days from the date the Party receives the notice of termination. If such appeal does not remedy the complaint, consideration for termination of this Agreement would be subject to a vote of the City Council.
- c. Nothing herein shall be construed as giving Visit Portland the right to perform the work contemplated under this Agreement beyond the time that the City Council terminates this Agreement. In case Visit Portland should be discharged before all the services contemplated in this Agreement have been completed, or the services for any reason should be stopped, either because of the expiration of the Term or because of the inability of Visit Portland to fulfill its obligations under this Agreement, Visit Portland shall be reimbursed for all services satisfactorily performed prior to the effective date of termination in accordance with Article II hereof, but only to the extent that sufficient Assessments have been received by the City to make such reimbursement. After termination of the Agreement, Visit Portland shall:
  - 1. With respect to existing activities, take only such actions as the City Manager shall direct;
  - 2. Upon City's request, assign to the City in the manner, at the times and only to the extent the City, acting by and through its City Manager, may direct it to do so, all the rights, title and interest of Visit Portland in and to all existing orders and agreements.
  - 3. To the extent rights, title and interests of Visit Portland in and to existing orders and agreements may be assigned to the City and accepted by it; obligations incurred on or after such assignment will be assumed by the City.

Otherwise, Visit Portland shall settle all outstanding liabilities and all claims arising out of any terminated orders or agreements.

4. Deliver to the City, in the manner, at the times and to the extent directed by the City Manager, all documents and data produced by Visit Portland as part of or in connection with the work.
5. In the event of termination of the District, any remaining revenues, after all outstanding debts are paid, derived from the charge of fees, or derived from the sale of assets acquired with the revenues, shall be returned to the City and appropriated for the purposes of the Development Program, subject to the approval of the City Council.

#### **ARTICLE V. Assignment**

Visit Portland covenants and agrees that it will neither assign nor transfer any rights here under, either in whole or in part, without first obtaining the prior written consent of the City.

#### **ARTICLE VI. Performance of Services**

All services performed by Visit Portland under this Agreement, or by third parties paid with funds provided under this Agreement, shall be performed in a good, workman like fashion and in accordance with all applicable professional and industry standards.

#### **ARTICLE VII. Compliance with Law**

Visit Portland will comply with all provisions of Federal, State, and local law, applicable to the services provided under this Agreement. Visit Portland further agrees to adhere to a policy of non-discrimination in all employment actions, practices, policies, procedures, phases, and conditions of employment. This shall include compliance with all applicable provisions of the Workforce Investment Act of 1998, as amended (WIA, 29 CFR part 37); the Nontraditional Employment for Women Act of 1991; title VI of the Civil Rights Act of 1964, as amended; section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975, as amended; title IX of the Education Amendments of 1972, as amended; and with all applicable requirements imposed by or pursuant to regulations implementing those laws, including but not limited to 29 CFR part 37 and all other applicable laws, including the Maine Human Rights Act, ordinances and regulations regarding equal opportunity and equal treatment. Visit Portland specifically agrees that all employment-related decisions (including but not limited to hiring, discharge, transfers, promotions, discipline, training, job opportunities, and wage and salary levels) will be made without discrimination based on an individual's race or color, religion, age, sex (including

pregnancy), sexual orientation, gender identity or expression, ancestry or national origin, physical or mental disability, veteran status, genetic information, previous assertion of a claim or right under Maine's Workers' Compensation Act, previous actions taken protected under Maine's Whistleblowers' Protection Act, or any other protected group status as defined by applicable law. Provisions in applicable laws providing for bona fide occupational qualifications, business necessity, or age limitations will be adhered to by Visit Portland where appropriate.

#### **ARTICLE VIII. Indemnification**

- a. Visit Portland shall, at its own cost and expense, defend, indemnify, and hold harmless the City, its officers, agents, and employees, from and against the following:
  1. To the fullest extent permitted by law, Visit Portland shall defend, indemnify and hold harmless the City, its officers and employees, from and against all claims, damages, losses, and expenses, just or unjust, including but not limited to costs of defense, including attorney's fees, arising out of or resulting from the performance of this Agreement, provided that any such claims, damage, loss or expense is (1) attributable to bodily injury, sickness, disease, or death, or injury to or destruction of tangible property, including the loss or use thereof; and (2) is caused in whole or in part by any negligent act or omission of Visit Portland, anyone directly or indirectly employed by it, or anyone for whose act it may be liable;
  2. All claims and liens of Visit Portland's consultants, subcontractors, and their laborers, mechanics, material men, and/or suppliers. Such obligation shall not be construed either to negate or abridge any other obligation of indemnification and shall not be limited by any provision for insurance contained in this Agreement.
- b. Notwithstanding the foregoing, nothing herein shall, nor is intended to, waive any defense, immunity or limitation of liability which may be available to the City or their respective officers, agents and employees, under the Maine Tort Claims Act or any other privileges and/or immunities provided by law.

#### **ARTICLE IX. Insurance**

- a. Neither Visit Portland nor any of its subcontractors shall commence work under this Agreement until they have provided the insurance coverage required by this Agreement and such coverage has been approved by the City.

b. Prior to the execution of this Agreement, Visit Portland shall, at its own expense, procure and maintain:

- Occurrence-based Professional Liability Insurance for errors, omissions and negligence, in the amount of One Million Dollars (\$1,000,000.00) per claim.
- Occurrence based Commercial General Liability Insurance coverage in amounts of not less than One Million Dollars (\$1,000,000.00) per occurrence for bodily injury, death and property damage;
- Workers' Compensation Insurance coverage to the extent required by law, which shall include an endorsement waiving all rights of subrogation against the City of Portland, its officers or employees;

With respect to the Commercial General Liability, Visit Portland shall name the City as an additional insured for coverage for claims for which the City does not have governmental immunity, including, without limitation, those areas where government immunity has been expressly waived as set forth in 14 M.R.S. A. § 8104-A, as limited by § 8104-B, and § 8111. This provision shall not be deemed a waiver of any defenses, immunities or limitations of liability or damages available to the City under the Maine Tort Claims Act, other Maine statutory law, judicial precedent, common law, or any other defenses, immunities or limitations of liability available to the City. Prior to execution of this Agreement, Visit Portland shall furnish the City and thereafter maintain certificates evidencing all such coverages, which certificates shall guarantee thirty (30) days' notice to the City of termination of insurance from the insurance provider or agent. Visit Portland shall also provide a copy of any endorsement naming the City as additional insured. A certificate that merely has a box checked under "Addl Insr," or the like, or that merely states the City of Portland is named as an Additional Insured, will not be acceptable. The Workers' Compensation insurance shall include an endorsement waiving all rights of subrogation against the City of Portland, its officers or employees. Upon City's request, Visit Portland shall provide City with a complete copy of any of the above-referenced policies. Visit Portland shall be responsible for any and all deductibles and/or self-insured retentions (not to exceed \$10,000.00 without prior written approval of Corporation Counsel). City's acceptance or lack of acceptance of Visit Portland's Certificate of Insurance or other evidence of insurance shall not be construed as a waiver of the Visit Portland's obligation to obtain and maintain such insurance as required by this agreement.

#### **Article X. No Joint Venture; Independent Contractors**

a. Nothing contained in this Agreement will constitute or be construed to be or create

- a partnership or joint venture between the parties or any of their respective officers, directors, employees, affiliates, successors or assigns. The parties understand and agree that this Agreement does not make either of them an agent or legal representative of the other for any purpose whatsoever. No party is granted, by this Agreement or otherwise, any right or authority to assume or create any obligation or responsibilities, express or implied, on behalf of or in the name of any other party, or to bind any other party in any manner whatsoever.
- b. Each party will secure, at its own expense, all personnel, materials, and equipment required to perform its obligations under this Agreement. Each party, in accordance with its status as an independent contractor, covenants and agrees that its employees shall be regarded for all legal and tax purposes as its own employees during the term of this Agreement, and each party shall govern and supervise the work of its own employees. Each party shall discharge all applicable obligations imposed upon employers under the law, including without limitation payment of wages, social security taxes, withholding taxes, unemployment taxes and worker's compensation. Both parties' employees shall not be considered employees of the other party for any purpose and shall not be entitled to any retirement benefits, social security benefits, unemployment benefits, group health or life insurance, vacation, personal, or sick leave, worker's compensation, or any other similar benefits ("Employment Benefits") from the other party. Each party further covenants and agrees that its employees will conduct themselves consistent with such status, that they will neither hold themselves out as, nor claim to be, officers or employees of the other party by reason of this Agreement, and that its employees will not, by reason of this Agreement, make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the other party, including but not limited to the Employment Benefits.
- c. Nothing in this Agreement is intended to or does prohibit Visit Portland or the City from entering into any other contractual relationship with each other or any third party.

#### **Article XI. Miscellaneous Provisions**

- a. This Agreement shall be construed in all respects in accordance with, and governed by, the laws of the State of Maine. All parties hereto hereby consent to the exclusive jurisdiction of the Superior Court for the County of Cumberland in the State of Maine, for all actions, proceedings and litigation arising from or relating directly or indirectly to this Agreement or any of the obligations hereunder, and any dispute not otherwise resolved as provided herein shall be litigated solely in said Court.

- b. This Agreement and its attachments represents the entire and complete agreement and understanding between the parties and supersedes any prior agreement or understanding, written or oral, between the parties with respect to the subject matter of this Agreement. This Agreement cannot be amended except by written instrument executed by the City and Visit Portland.
- c. Visit Portland warrants and represents that it has the full right and authority to enter into this Agreement, that there is no impediment that would inhibit its ability to perform their respective obligations under this Agreement, and that the person signing this Agreement on behalf of Visit Portland has the authority to do so.
- d. This Agreement may be executed in any number of counterparts and by different parties in separate counterparts. Each counterpart when so executed shall be deemed to be an original and all of which together shall constitute one and the same agreement. A signature in a pdf or electronic document shall be considered the equivalent of an original signature.

*(Signature page follows)*

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement as of the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**WITNESS**

\_\_\_\_\_

**CITY OF PORTLAND**

By: \_\_\_\_\_  
Danielle P. West  
Its City Manager

**WITNESS**

\_\_\_\_\_

**CONVENTION AND VISITORS'  
BUREAU OF GREATER  
PORTLAND**

By: \_\_\_\_\_  
Print Name:  
Its: \_\_\_\_\_

Approved as to Form:

\_\_\_\_\_  
City Corporation Counsel

Approved as to Funds:

\_\_\_\_\_  
City Finance Department



**ECONOMIC DEVELOPMENT PROJECT**

**CITY OF PORTLAND, MAINE**

*A Municipal Development District*

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**PORTLAND TOURISM MUNICIPAL DEVELOPMENT DISTRICT  
DEVELOPMENT PROGRAM**

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*Presented to:*

**City Council  
City of Portland  
\_\_\_\_\_, 2023**

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## **Exhibit List**

|                  |                                                                                     |
|------------------|-------------------------------------------------------------------------------------|
| <b>Exhibit A</b> | City of Portland Property Map Showing District Property Relative to City Boundaries |
| <b>Exhibit B</b> | Notice of Public Hearing                                                            |
| <b>Exhibit C</b> | Minutes of Public Hearing                                                           |
| <b>Exhibit D</b> | City Council Order                                                                  |
| <b>Exhibit E</b> | Statutory Requirements and Thresholds Form                                          |

# Development Program

## I. Introduction

The City of Portland (the “City”) seeks to establish a Municipal Development District to be known as the “**Portland Tourism Municipal Development District**” (the “District”), located throughout the City of Portland.

The District includes 24 hotels with 40 rooms or more to be assessed for the District to provide programs, services and improvements as described in this Development Program.

In designating the proposed District and adopting this Development Program, the City can accomplish the following goals:

- Maintain and ideally expand the existing tax revenues flowing from the District properties;
- Enable the investment of assessment payments made by properties uniformly and proportionally benefitting from the Development Program in strategic sales, marketing, promotions, destination development and special events;
- Maintain and create long-term, stable employment opportunities for area residents; and
- Improve the overall economy of the City, the Cumberland County region, and the State of Maine.

## II. Development Program Narrative

### A. The Development District

The District will encompass approximately 49.05689 acres of real property, and includes the following\ City Tax Map/Lots/Blocks: 019-B020001 (0.6552 acres), 042-A001001 (0.807 acres), 20-C009001 (0.7983 acres), 038-G005001 (0.5462 acres), 189-A014001 (4.8057 acres), 040-E00300H (0.767 acres), 210A-A005001 (2.78 acres), 266-A002001 (5.3691), 029-L00100H (0.5829 acres), 265-A001001 (2.9256 acres), 029-K003001 (0.3866 acres), 209A-A016002 (2.2107 acres), 039-E010001 (2.3018 acres), 032-I042001 (0.4392 acres), 083E-E460001 (0.3736 acres), 264-A001001 (8.1401 acres), 065-A003001 (2.007 acres), 266-A001001 (3.0384 acres), 038-F009001 (0.6505 acres), 029-R001001 (0.5596 acres), 267-B001001 (8.173 acres), 020-C010001 (0.7821 acres), 032-C001001 (0.2304 acres), 037-E007001 (1.0647 acres) (each a “District Property”). The District is shown in **Exhibit A** attached hereto.

### B. The Development Program

The City’s designation of the District and adoption of this Development Program allows for the City to fund activities and projects to be supported by the District Property owners, and also coordinate services to ensure effective delivery and proper support for tourism promotion while building on existing revitalization efforts and protection of public and private investment. The travel industry is a major economic driver for the City and Maine. Visitor spending not only supports tourism-related businesses but also the local artists, lobster/fishing community, cultural

institutions, food & beverage establishments, and small businesses that residents alone could not support year-round. Therefore, it is in the public interest of the City, and vital to the welfare of the City's economy, to facilitate and encourage cooperating public-private partnerships where lodging properties become partners with the City for the enhancement and expansion of the travel economy and to provide for increased business activity, tourism, economic development and job creation throughout the District.

The term of the District will commence when established by the City Council and continue indefinitely until the Council takes action to terminate or amend the District. District Property owners may submit a petition to the City Council at any time requesting that the District be terminated, which the City will consider in accordance with applicable law.

Under this Development Program, projects as listed below in Table 1 will be executed through an agreement with a development program manager (the "Development Program Manager").

This Development Program is structured and proposed pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the "Statute"). The designation of the District and adoption of the Development Program are effective upon approval by the City Council, evidenced by **Exhibit C** and **Exhibit D** hereto.

### **C. The Projects**

District Property owners will pay assessments on an annual basis to support the program. The formation of the District is intended to contribute to the economic growth and wellbeing of the City, and to the betterment of the health, welfare or safety of the inhabitants of the City. To accomplish this intention, the City desires to support the costs described below using District revenues. The City shall not reduce services to the District Properties because of the implementation of the District. Projects and services approved and executed by the District shall be in addition to and not in the place, of municipal projects and services. Assessment revenues must be spent in accordance with the financial plan.

The annual project costs presented in the annual Financial Plan shall be approved by the City Council and must be contained within the project descriptions below and identified in the Order Establishing the Portland Tourism Development District. Please see Table 1 herein for a complete list of authorized projects and their respective cost estimates for the 2023-2024 fiscal year. Future cost estimates for the projects will be approved on an annual basis and will serve as the basis for the assessment calculation.

**TABLE 1**  
**Municipal Projects**

| Project                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | FY 23-24<br>Cost<br>Estimate* |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| <p><b><u>A. Sales, Marketing, Promotions, Destination Development and Special Events.</u></b></p> <ul style="list-style-type: none"> <li>• Promoting and marketing tourism in different periods (for example out of season or shoulder seasons);</li> <li>• Research &amp; Development of a marketing plan designed to outline a strategy for attracting potential visitors and expand programs to attract diverse visitors at the right time with the right message;</li> <li>• Regional and national leisure marketing and convention trade marketing programs inclusive of broadcast, social, digital, audio, print, pay-per-click and out-of-home channels, designed to increase awareness of and drive overnight traffic to the destination – in turn, benefitting the assessed lodging properties through increased consumer demand and increased year-round room night bookings.;</li> <li>• Public Relations and media programs that enhance the profile of Portland as a visitor, meetings and event destination – in turn, benefitting the assessed lodging properties through increased consumer demanded increased room night bookings;</li> <li>• Dedicated funds to support incentives, hosting fees and other offsetting costs associated with securing strategic industry events, incremental group and convention business, and/or large-scale events for the destination that generate room nights for the assessed lodging properties;</li> <li>• Strategic partnerships, sponsorships, or other alliances that reinforce the City of Portland as a destination of choice within the travel marketplace for meetings, events and leisure travel – in turn, generating greater room night sales to the assessed lodging properties;</li> <li>• Attendance at tradeshow, conferences, and professional industry/partner events to promote the destination and the assessed lodging properties;</li> <li>• Sales missions, client events, site inspections, and familiarization tours showcasing the destination and the assessed lodging properties;</li> <li>• Visitor services programs designed to extend stays at assessed lodging properties and increase visitor spending;</li> </ul> | \$1,300,000                   |

| Project                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | FY 23-24<br>Cost<br>Estimate* |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| <ul style="list-style-type: none"> <li>• Preparation, production, mailing, and distribution of collateral promotional materials such as brochures, flyers, maps, and videos featuring assessed lodging properties;</li> <li>• Research on current and new markets that would result in additional room night sales to assessed lodging properties;</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                               |
| <p><b>B. Business Practices &amp; Workforce Initiatives</b></p> <p>Work with lodging partners, attractions, restaurants, venues and other tourism-related entities to support programs that encourage sustainable visitation. Services <b>may</b> include:</p> <ul style="list-style-type: none"> <li>• Programs to combat congestion at specific locations and reduce pressure on infrastructure and resources that have a negative impact on the quality of life for residents;</li> <li>• Programming to sustain demand and undertaking activities that balance the livability of the destination in popular tourism periods and generating overnight stays from leisure travelers especially during need periods;</li> <li>• Infrastructure or capital improvements that enhance Portland's competitive position to attract desirable special events year around and attract overnight visitors including payment of debt service on such expenditures;</li> <li>• Funds may be deployed to build programs to support a sustainable workforce. Programming may include destination wide workforce assessment, cost analysis and investment strategy, and apprenticeship/educational programming as seasonality requires.</li> </ul> | \$400,000                     |
| <p><b>C. <u>Administration</u></b> The administration portion of the budget shall be utilized for administrative costs, office costs, and other general administrative costs such as insurance, legal, and accounting fees. The costs of forming the District shall be repaid to the Development Program Manager from District assessment revenues. A portion of the budget will be allocated to a contingency fund. If there are contingency funds collected, they may be held in a reserve fund or utilized for other program or administration costs at the discretion of the Visit Portland board. Policies relating to contributions to the reserve fund, the target amount of the reserve fund, and expenditure of monies from the reserve fund shall be set by the Board, subject to approval by the City.</p>                                                                                                                                                                                                                                                                                                                                                                                                                   | \$800,000                     |
| <p><b>D. <u>Return on Investment/ Quarterly and Annual Reporting</u></b><br/>The Development Program Manager will account for the expenses of the District specific to the services and programming and the return on investment to be recorded in room nights sold, lodging properties occupancy percentages, and revenues generated.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | \$90,000                      |

| <b>Project</b> | <b>FY 23-24<br/>Cost<br/>Estimate*</b> |
|----------------|----------------------------------------|
| <b>Total</b>   | <b>\$2,590,000</b>                     |

\* These are estimates only. The City may approve different budgeted amounts for the listed projects each year.

#### **D. Strategic Growth and Development**

By creating and designating the District, the City can achieve the appropriate level of programs, services and improvements described in this Development Program as well as a fair and appropriate financial contribution from each party benefitting from such activities. Establishing the public private partnership to fund our local tourism industry will pave the way for an engaged community that will be invested in efforts to stabilize and sustain a year-round balanced visitor demand, local workforce development and support, creating a new platform for Portland to elevate the accessibility to its diverse community, support residents and business development, and maintain and evolve experiences for visitors.

In addition, by providing additional services for assessed lodging properties in the City of Portland, the District will ease the burden on local government, which faces constrained budgets, while under obligation to provide equivalent levels of service throughout the entire community.

The City's designation of the District and pursuit of this Development Program constitute a good and valid public purpose described in Chapter 206 of Title 30-A of Maine Revised Statutes because it represents a substantial contribution to the economic well-being of both the City and the region, by supporting surrounding businesses which provide jobs and contribute to property taxes.

#### **E. Improvements to the Public Infrastructure**

As further set forth in Table 1, the City will undertake a variety of operations and maintenance activities, including potential public infrastructure improvements.

#### **F. Operational Components**

##### **1. Public Facilities**

No public facilities or maintenance costs will be financed through the District or assessments.

##### **2. Commercial Improvements Financed Through Development Program**

No commercial improvements will be financed through the District or assessments.

##### **3. Relocation of Displaced Persons**

No persons will be displaced.



#### **4. Transportation Improvements**

No transportation improvements will be financed through the District or Assessments.

#### **5. Environmental Controls**

The improvements made under the proposed Development Program will meet or exceed all federal and state environmental regulations and will comply with all applicable land use requirements for the City.

#### **6. Plan of Operation**

During the term of the District, the City Manager or designee will be responsible for all administrative matters within the purview of the City concerning the implementation and operation of the District, including the imposition and collection of implementation assessments.

Pursuant to the Development Districts Law, the City will enter into a contractual arrangement with the Development Program Manager to perform the Projects outlined in Table 1 above and all administrative matters associated with the Development Program other than those matters within the purview of the City. The Development Program Manager shall establish a corporate Board of Directors whose members fairly represent a cross section of assessed property owners or their designees in the District and include on the Board one (1) ex-officio Director seat for the Portland Housing and Economic Development Director or the City Manager's designee.

### **III. Physical Description**

Municipal documents relating to the District's physical description attached as: City of Portland property map showing the District relative to City boundaries. **Exhibit A**

### **IV. Financial Plan**

The District will encompass approximately 50.3947 acres of property and will begin for the 2023-2024 fiscal year with an indefinite term of years to be terminated only upon Council action.

#### **A. Cost Estimate and Sources of Revenues**

All lodging properties with forty (40) or more rooms within the boundaries of the City of Portland that meet the assessed property criteria shall be assessed. The assessment is based upon the benefits received from the district programming, derived from the business activity related to the parcel. The method and the assessment rate is based on a calendar year short term room rental occupancy percentage and Average Daily Rate (ADR), as reported by the District Property owners or, when unavailable, as reported by STR for the previous calendar year, multiplied by one and one-half percent (1.5%) which is also equal to one and one-half percent (1.5%) of annual gross short-term room rental revenue. Assuming a July 1, 2023 District begin date, the initial

first-year budget is based on the 2022 calendar year business activity as reported by District Property owners, or when unavailable, as reported by STR as outlined above. The subsequent annual assessment will be based on the benefits received for the prior year on the parcel, as measured by assessments remitted and business activity as reported by District Property owners, or when unavailable, as reported by STR as outlined above.

Assuming a July 1, 2023 District begin date, the District is expected to have a first-year budget (FY2024) of approximately \$2,590,000 in the first year of operations, based on the assessment rate described above and the cost of programs detailed in the attached budget and as described in Table 1.

## **B. Collections and Remittance**

Pursuant to the Development Districts Law, assessments must be collected by the City at the same time and in the same manner as municipal taxes, following municipal procedures as outlined by the City of Portland. The City shall forward to the Development Program Manager all District assessment funds collected within thirty (30) days of collection, less a ten (10) percent City administrative fee as authorized in the District Development Program. The City tax collector has all the authority and powers by law to collect the assessments. If any District Property owner fails to pay any assessment or part of an assessment on or before the dates required, the City has all the authority and powers to collect the delinquent assessments vested in the City by law to collect delinquent municipal taxes. Penalties for nonpayment of assessments shall be equivalent to penalties for nonpayment of property taxes. Assessments may be remitted on a monthly basis in advance of the municipal tax billing. The City administrative fee may be used for any costs or expenses related to the administration, collection, enforcement, and reporting particular to the District. Any additional funds shall be spent in accordance with the Development Districts Law in a manner which uniformly benefits the assessed parcels in the district. The City may require reporting and conduct an audit without cause no more than once every year to verify remittance in accordance with the assessment formula.

## **C. Municipal Indebtedness**

The City reserves the right to issue municipal bonds in order to pay for costs of maintenance and operations costs. Any municipal bond issued for such project would require City Council approval and follow Charter required process.

## **D. Related Contract, Agreements, and Obligations**

There are no existing terms and conditions of any agreements, contracts, or other obligations related to this Program, other than the anticipated contract with the Development Program Manager to implement the Projects outlined in Table 1 above and all other administrative matters concerning the implementation and operation of the District, other than those matters within the purview of the City.

## **E. Rollover Funds**

Any and all unused fee funds collected during a year may be rolled over to the subsequent year to be used for programs detailed in the Financial Plan. In the event of termination of the

District, any remaining revenues, after all outstanding debts are paid, derived from the charge of fees, or derived from the sale of assets acquired with the revenues, shall be appropriated for the purposes of this Development Program.

#### **F. Reserve Policy**

The District's Development Program Manager may develop a Reserve Policy to establish minimum levels for designated funds to ensure stable program and project execution, meet future needs, and protect against financial instability.

### **V. Financial Data**

Please find attached as **Exhibit E** the Statutory Requirements and Thresholds Form required by the Maine Department of Economic and Community Development.

### **VI. Municipal Approvals**

#### **A. Notice of Public Hearing**

Attached as **Exhibit B** is a certified copy of the Notice of Public Hearing held on \_\_\_\_\_, 2023 in accordance with the requirements of 30-A M.R.S.A. § 5226(1). The notice was published in the Portland Press Herald, a newspaper of general circulation in the City on a date at least ten (10) days prior to the public hearing.

#### **B. Minutes of Public Hearing**

Attached as **Exhibit C** is a certified copy of the minutes of the public hearing held on \_\_\_\_\_, 2023, at which time the proposed District was discussed by the public.

#### **C. City Council Order**

Attached as **Exhibit D** is an attested copy of the City Council Order adopted by the Portland City Council at a Council Meeting duly called and held on \_\_\_\_\_, 2023, designating the District and adopting the Development Program.

EXHIBIT A

CITY OF PORTLAND PROPERTY MAP SHOWING DISTRICT PROPERTY  
RELATIVE TO CITY BOUNDARIES

# EXHIBIT A BOUNDARY MAP

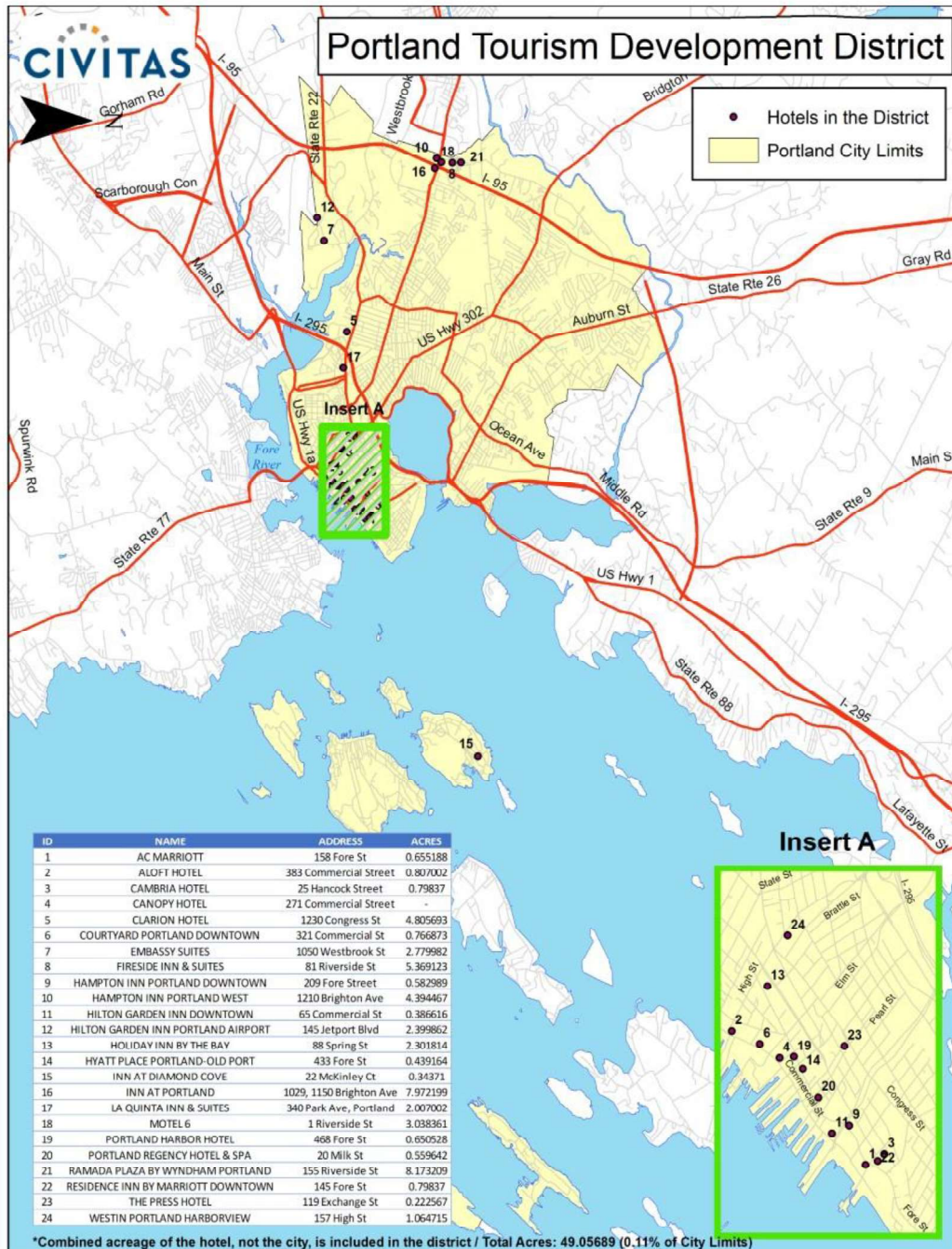


EXHIBIT B  
NOTICE OF PUBLIC HEARING

EXHIBIT C  
MINUTES OF PUBLIC HEARING

EXHIBIT D  
CITY COUNCIL ORDER



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 DESIGNATING THE PORTLAND  
TOURISM MUNICIPAL DEVELOPMENT DISTRICT AND  
ADOPTING THE DEVELOPMENT PROGRAM FOR THE DISTRICT**

**WHEREAS**, the City of Portland (the “City”) is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the “Act”), to designate the Portland Tourism Municipal Development District (the “District”) and to adopt a development program for the District (the “Development Program”) pursuant to the Act; and

**WHEREAS**, there is a need for tourism and economic development in the City; to provide continuing employment opportunities for the citizens of the City and the surrounding region; to improve and broaden the tax base of the City; and to improve the general economy of the City, the surrounding region and the State of Maine; and

**WHEREAS**, adopting and implementing the District and the Development Program will help to maintain and expand the existing tax revenues flowing from the District properties and improve the economy of the City and the State of Maine; and

**WHEREAS**, together with the consideration of the designation of the District and adoption of the Development Program, the City is considering an order establishing special assessments to fund implementation costs for the District and the Development Program and to approve an agreement with Visit Portland to administer the Development Plan; and

**WHEREAS**, the City has held a public hearing on the question of establishing the District in accordance with the requirements of 30-A M.R.S.A. §5228, upon at least ten (10) days prior notice published in a newspaper of general circulation within the City; and

**WHEREAS**, the City desires to designate the District and to adopt the Development Program for the District; and

**WHEREAS**, the City finds and determines that at least twenty-five percent (25%), by area, of the real property within the District, as hereinafter designated, is in need of rehabilitation, redevelopment or conservation or is suitable for commercial uses as defined in 30-A M.R.S.A. §5223(3); and that the total area of the District does not exceed two percent (2%) of the total acreage of the City, and the total area of all development districts within the City (including the District) does not exceed five percent (5%) of the total acreage of the City; and

**WHEREAS**, this Order will allow the City to approve the assessment and its apportionment for the 2023-2024 Fiscal Year; and

**WHEREAS**, assessed lodging property owners in the District will receive the benefit of increased sales activity and room night revenue as a result of District services and improvements, which benefit will be equally and uniformly proportional to each property owner's assessment related to the occupancy of the hotel.

**NOW THEREFORE, BE IT HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

The City Council has considered all evidence presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that any such adverse economic effect on or detriment to any existing business is outweighed by the contribution expected to be made through the District and the adoption of the Development Program. The projects and improvements described in the Development Program will contribute to the economic growth and well-being of the City and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the City, including employment opportunities, a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose.

**BE IT FURTHER ORDERED**, that Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City hereby designates the District and adopts the Development Program for fiscal year 2023-2024, all as more particularly described in the Development Program, a copy of which is attached to this Order and is hereby incorporated by reference into this Order as the Development Program for the District.

**BE IT FURTHER ORDERED,** that the City Manager be, and hereby is, authorized, empowered and directed to submit the designation of the District and the Development Program to DECD for its records.

**BE IT FURTHER ORDERED,** that the foregoing designation of the District and adoption of the Development Program shall automatically become final and shall take full force and effect upon approval of the designation of the District and adoption of the Development Program by the City Council, without requirement of any further action by the City, the City Council, or any other party.

EXHIBIT E  
STATUTORY REQUIREMENTS AND THRESHOLDS FORM

**EXHIBIT E**  
**STATUTORY REQUIREMENTS AND THRESHOLDS**  
**PORTLAND TOURISM MUNICIPAL DEVELOPMENT DISTRICT/NEW 2023**

| <b>SECTION A.   Acreage Caps</b>                                                                                                                                                                                                                                                                                                                                                                |          |               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|---------------|
| 1. Total <b>municipal</b> acreage;                                                                                                                                                                                                                                                                                                                                                              | 12,386   |               |
| 2. Acreage of <b>proposed</b> Municipal Development District;                                                                                                                                                                                                                                                                                                                                   | 50.3947  |               |
| 3. <b>Downtown-designation</b> <sup>1</sup> acres in proposed Municipal Development District;                                                                                                                                                                                                                                                                                                   | 0        |               |
| 4. <b>Transit-Oriented Development</b> <sup>2</sup> acres in proposed Municipal Development District;                                                                                                                                                                                                                                                                                           | 0        |               |
| 5. <b>Total acreage</b> [=A2-A3-A4] of proposed Municipal Development District counted toward 2%                                                                                                                                                                                                                                                                                                | 50.3947  |               |
| 6. <b>Percentage</b> [=A5÷A1] of total acreage in proposed Municipal Development District (CANNOT EXCEED 2%).                                                                                                                                                                                                                                                                                   | .4068%   |               |
| 7. <b>Total acreage</b> of all <u>existing/proposed</u> Municipal TIF districts in municipality <b>including</b> Municipal Affordable Housing Development districts: <sup>3</sup> <a href="#">SEE ATTACHED LISTING</a> .<br>District Name/Acreage      District Name/Acreage      District Name/Acreage<br>District Name/Acreage      District Name/Acreage      District Name/Acreage          | Existing | 827.6469      |
|                                                                                                                                                                                                                                                                                                                                                                                                 | Proposed | 50.3947       |
|                                                                                                                                                                                                                                                                                                                                                                                                 | Total:   | 878.0416      |
| <b>30-A § 5223(3) EXEMPTIONS<sup>4</sup></b>                                                                                                                                                                                                                                                                                                                                                    |          |               |
| 8. Acreage of an <u>existing/proposed</u> <b>Downtown</b> Municipal TIF district;                                                                                                                                                                                                                                                                                                               | 417.0408 |               |
| 9. Acreage of all <u>existing/proposed</u> <b>Transit-Oriented Development</b> Municipal TIF districts:<br>District Name/Acreage      District Name/Acreage                                                                                                                                                                                                                                     | 30.00    |               |
| 10. Acreage of all <u>existing/proposed</u> <b>Community Wind Power</b> Municipal TIF districts:<br>District Name/Acreage      District Name/Acreage                                                                                                                                                                                                                                            | 0        |               |
| 11. Acreage in all <u>existing/proposed</u> Municipal TIF districts <b>common to</b> <sup>5</sup> Pine Tree Development Zones per 30-A § 5250-I (14)(A) <b>excluding</b> any such acreage also factored in Exemptions 8-10 above:<br>District Name/Acreage      District Name/Acreage      District Name/Acreage<br>District Name/Acreage      District Name/Acreage      District Name/Acreage | 0        |               |
| 12. <b>Total acreage</b> [=A7-A8-A9-A10-A11] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit;                                                                                                                                                                                                                                                                   | 431.008  |               |
| 13. <b>Percentage of total acreage</b> [=A12÷A1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%).                                                                                                                                                                                                                                                                    | 3.4797%  |               |
| 14. <b>Real property</b> in proposed Municipal Development District that is:                                                                                                                                                                                                                                                                                                                    | ACRES    | % [=Acres÷A2] |
| a. A blighted area;                                                                                                                                                                                                                                                                                                                                                                             |          |               |
| b. In need of rehabilitation, redevelopment or conservation;                                                                                                                                                                                                                                                                                                                                    |          |               |
| c. Suitable for commercial or arts district uses.                                                                                                                                                                                                                                                                                                                                               | 50.3947  | 100%          |
| <b>TOTAL (except for § 5223 (3) exemptions a., b. <u>OR</u> c. must be at least 25%)</b>                                                                                                                                                                                                                                                                                                        |          |               |

<sup>1</sup> Before final designation, the Commissioner will seek advice from MDOACF and MDOT per 30-A § 5226(2).

<sup>2</sup> For Transit-Oriented Development (TOD) definitions see 30-A § 5222 sub-§§ 19-24.

<sup>3</sup> For AH-TIF acreage requirement see 30-A § 5247(3)(B). Alternatively, Section B. must exclude AH-TIF valuation.

<sup>4</sup> Downtown/TOD overlap nets single acreage/valuation caps exemption.

<sup>5</sup> PTZ districts approved through December 31, 2008.

**EXHIBIT E**  
**STATUTORY REQUIREMENTS AND THRESHOLDS**  
**PORTLAND TOURISM MUNICIPAL DEVELOPMENT DISTRICT/NEW 2023**

| SECTION B.   Valuation Cap       |                                                                                                                                                                                                                                                                                                                                                       |          |     |
|----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-----|
| 1.                               | Total TAXABLE municipal valuation—use most recent April 1;                                                                                                                                                                                                                                                                                            | N/A      |     |
| 2.                               | Taxable Original Assessed Value (OAV) of proposed Municipal TIF District as of March 31 preceding municipal designation—same as April 1 prior to such March 31;                                                                                                                                                                                       | N/A      |     |
| 3.                               | Taxable OAV of all <u>existing/proposed</u> Municipal TIF districts in municipality <b>excluding</b> Municipal Affordable Housing Development districts:<br><br>District Name/OAV      District Name/OAV      District Name/OAV<br>District Name/OAV      District Name/OAV      District Name/OAV                                                    | Existing | N/A |
|                                  |                                                                                                                                                                                                                                                                                                                                                       | Proposed | N/A |
|                                  |                                                                                                                                                                                                                                                                                                                                                       | Total:   | N/A |
| <b>30-A § 5223(3) EXEMPTIONS</b> |                                                                                                                                                                                                                                                                                                                                                       |          |     |
| 4.                               | Taxable OAV of an <u>existing/proposed</u> Downtown Municipal TIF district;                                                                                                                                                                                                                                                                           | N/A      |     |
| 5.                               | Taxable OAV of all <u>existing/proposed</u> Transit-Oriented Development Municipal TIF districts:<br>District Name/OAV      District Name/OAV                                                                                                                                                                                                         | N/A      |     |
| 6.                               | Taxable OAV of all <u>existing/proposed</u> Community Wind Power Municipal TIF districts:<br>District Name/OAV      District Name/OAV                                                                                                                                                                                                                 | N/A      |     |
| 7.                               | Taxable OAV of all <u>existing/proposed</u> Single Taxpayer/High Valuation <sup>6</sup> Municipal TIF districts:<br>District Name/OAV      District Name/OAV                                                                                                                                                                                          | N/A      |     |
| 8.                               | Taxable OAV in all <u>existing/proposed</u> Municipal TIF districts <b>common to</b> Pine Tree Development Zones per 30-A § 5250-I (14)(A) <b>excluding</b> any such OAV also factored in Exemptions 4-7 above:<br>District Name/OAV      District Name/OAV      District Name/OAV<br>District Name/OAV      District Name/OAV      District Name/OAV | N/A      |     |
| 9.                               | Total taxable OAV [=B3-B4-B5-B6-B7-B8] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit;                                                                                                                                                                                                                               | N/A      |     |
| 10.                              | Percentage of total taxable OAV [=B9÷B1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%).                                                                                                                                                                                                                                  | N/A      |     |

| COMPLETED BY                                                                                                                                                                                                                                                                                                       |               |      |          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|------|----------|
| PRINT NAME                                                                                                                                                                                                                                                                                                         | Lori Paulette |      |          |
| SIGNATURE                                                                                                                                                                                                                                                                                                          | Lori Paulette | DATE | 6/1/2023 |
| If this form has <b><u>not be completed by the municipal or plantation assessor</u></b> , the assessor must sign and date below, acknowledging he/she agrees with the information reported on this form, and understands the OAV stated in Section B, line 2, will be used to determine the IAV for this District. |               |      |          |
| PRINT NAME                                                                                                                                                                                                                                                                                                         |               |      |          |
| SIGNATURE                                                                                                                                                                                                                                                                                                          |               | DATE |          |

<sup>6</sup> For this exemption see 30-A §5223(3)(C) sub-§§ 1-4.

**Listing of Existing TIF Districts for Adding Portland Tourism Development District as of  
6/1/2023**

**6/1/2023**

| <b>Active TIFs</b>                                           |                       |                                      |                 |
|--------------------------------------------------------------|-----------------------|--------------------------------------|-----------------|
| <b>TIF District</b>                                          | <b>FY Start/End</b>   | <b>Original Assessed Value (OAV)</b> | <b>Acres</b>    |
| Waterfront/and W Maine Sub District/Added March 2018 Parcels | FY2002-03/FY2031-32   | \$8,283,740                          | 6.625           |
| - WTIF 9/2018 Added Parcels                                  |                       | \$20,076,870                         | 77.560          |
| - WTIF 5/2019 Added Parcels                                  |                       | \$5,938,400                          | 13.430          |
| Bayside Expanded TIF District                                | FY2003-04/FY2032-33   | \$121,639,640                        | 128.728         |
| Pearl Place/Avesta-AH TIF                                    | FY2007-08/FY2035-36   | \$0                                  | 1.035           |
| Public Market/Power Pay                                      | FY2010-11/FY2039-40   | \$1,862,600                          | 1.070           |
| McAuley Place                                                | FY2009-10/FY2038-39   | \$0                                  | 5.320           |
| Avesta/409 Cumberland Ave-AH TIF                             | FY2013-14/FY2034-35   | \$0                                  | 0.410           |
| Thompson's Pt TOD/TIF II                                     | FY2014-15/FY2043-44   | \$4,970,470                          | 30.000          |
| 134 Washington Avenue/AH TIF                                 | FY2014-15/FY2033-34   | \$0                                  | 0.230           |
| 17 Carleton St/AH TIF District                               | FY2015-16/FY2036-37   | \$0                                  | 0.572           |
| ImmuCell TIF                                                 | FY2015-16/FY2044-45   | \$965,007,320                        | 417.0408        |
| 58 Boyd Street/AH TIF                                        | FY2017-18/FY2028-29   | \$52,600                             | 1.110           |
| 178 Kennebec St/AH TIF                                       | FY2018-19/FY2047-48   | \$0                                  | 0.480           |
| 178 Kennebec St/AH TIF                                       | FY2019-20/FY2048-49   | \$0                                  | 0.220           |
| Deering Place/AHTIF                                          | FY2018-19/FY2047-48   | \$0                                  | 1.090           |
| 977 Brighton Avenue/AHTIF                                    | FY2019-20/FY2048-49   | \$0                                  | 0.730           |
| 66 State Street AHTIF                                        | FY2020-2021/FY2049-50 | \$0                                  | 0.509           |
| PHA Front Street AHTIF                                       | FY2020-2021/FY2049-50 | \$0                                  | 3.487           |
| 200 Valley Street AHTIF                                      | FY2020-2021/FY2049-50 | \$0                                  | 0.344           |
| 577 Washington Avenue AHTIF                                  | FY2020-2021/FY2049-50 | \$0                                  | 3.610           |
| 337 Cumberland Avenue AHTIF                                  | FY2020-2021/FY2049-50 | \$0                                  | 0.452           |
| 104 Grant Street AHTIF                                       | FY2020-2021/FY2049-50 | \$0                                  | 0.330           |
| 83 Middle Street AHTIF                                       | FY2020-2021/FY2049-50 | \$0                                  | 0.285           |
| 91 Winter Street AHTIF                                       | FY2021-2022/FY2050-51 | \$0                                  | 0.0000          |
| 73 Winter Street AHTIF                                       | FY2021-2022/FY2050-51 | \$0                                  | 0.3941          |
| 45 Dougherty                                                 | FY2023/2024/FY2052-53 | \$0                                  | 1.6750          |
| Portland Downtown Munic. Dev. Dist.                          | n/a                   | n/a                                  | 130.9100        |
| <b>Sub-Total:</b>                                            |                       | <b>\$1,127,831,640</b>               | <b>827.6469</b> |
| <b>Less Exempt:</b>                                          |                       |                                      |                 |
| Thompson's Point (TOD TIF)                                   | FY2014-15/FY2043-44   | -\$4,970,470                         | -30.000         |
| Downtown TOD District                                        | FY2015-16/FY2044-45   | -\$965,007,320                       | -417.0408       |
| <b>Totals for Caps:</b>                                      |                       | <b>\$157,853,850</b>                 | <b>380.606</b>  |
| <b>FY2021 Aggregate Total Value:</b>                         |                       | \$11,149,300,000                     |                 |
| <b>Total Acreage for Ptd:</b>                                |                       |                                      | 12,386.000      |
| <b>5% Allowed to be TIF'd:</b>                               |                       | \$557,465,000                        | 619.300         |
| <b>Current Amounts TIF'd:</b>                                |                       | \$157,853,850                        | 380.606         |
| <b>Amount Remaining that can be TIF'd:</b>                   |                       | <b>\$399,611,150</b>                 | <b>238.694</b>  |

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

**FROM:**

**DATE:** June 9, 2023

**SUBJECT:** Order 259-22/23 Proposing an Amendment to Portland City Code Chapter 6 Re: Administrative Changes to Rent Board and Rent Control Ordinance - Sponsored by Danielle P. West, 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: This ordinance amendment has been reviewed and approved by Corporation Counsel.**

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

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

This order proposes revisions to the Rent Control, Tenant Protections and Rent Board Ordinances. The proposed order: (1) adds exemptions from rent control for certain Rental Units including short term rentals, rentals occupied by qualified family members and Rental Units subject to certain affordable housing regulations; (2) defines operational terms consistent with the Rent Board's practice; (3) clarifies how allowable increases are applied and how banked rent is calculated; (4) explains how base rent is calculated when a Rental Unit reenters the market after being exempted or otherwise removed from the rental market for a period of time; (5) allows the Housing Safety Office to assign a designee to assist with enforcement; (6) eliminates the two-tiered late fee for registrations; (7) prescribes deadlines by which tenants must submit complaints to the Housing Safety Office about an improper rent increase or insufficient notice of a rent increase; (8) identifies instances when the 10% annual cap does not apply consistent with Rent Board practice; (9) eliminates the mediation function of the Rent Board; (10) amends the Tenants Unions' standing consistent with the standing permitted by law; (11) reduces the number of votes required by the Rent Board from four to the majority of members present (four being a quorum); and (12) allows the Rent Board to amend its rules from time to time without City Council approval.

Once approved by the City Council, the proposed amendment, which revises City Code approved by referendum, would be submitted to voters at the General Election on November 7, 2023. This item must be read on two separate days. This is its first reading.

**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. Proposing Ch. 6 Administrative Changes to Rent Board and Rent Control 6.26.2023

Prepared by:

Date: 06/09/2023

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)

**PROPOSING AN AMENDMENT TO PORTLAND CITY CODE  
CHAPTER 6 RE: ADMINISTRATIVE CHANGES TO RENT BOARD AND RENT  
CONTROL ORDINANCE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,  
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

1. *That the following sections of the Portland City Code  
Chapter 6 are hereby amended to read as follows:*

**Sec. 6-151. Registration required.**

*(a) Registration of Ownership.*

...

—(g) *Registration data made available.* The City's Permitting and Inspections Department or its designee is required to make anonymized data from the registration of Covered Units available to the Rent Board at the Board's request. ~~Such data shall not include the names, or street and unit numbers of any reported units.~~

**Sec. 6-152. Registration Fees.**

(a) *Annual Registration Fee.* Upon initial registration and by January 1st of each year, registrants shall pay the City a registration fee for each rental unit, in the amounts set forth below. A rental unit shall not be considered registered unless and until this fee is paid in full.

...

(e) Registrations that are not received by ~~January~~ February 1, or within ~~14~~ 30 days after entering the rental housing market, whichever is later, shall be subject to a late fee of \$50 per unit, ~~and registrations that are not received by~~

~~February 15, or within 45 days after entering the rental housing market, whichever is later, shall be subject to a late fee of \$200 per unit.~~ Registrations shall not be renewed unless and until the registrant pays any applicable late fee. Incomplete or inaccurate registrations may be rejected and subject to all applicable late fees upon resubmission. The Permitting and Inspections Director or their designee may waive a late fee upon a showing of ~~both hardship~~ and good cause ~~as to why the renewal was not timely.~~

...

#### **Sec. 6-231. Applicability.**

This Article shall apply to Rental Units in the City limits of Portland, exempting the following:

(a) Rental Units owned, operated, or otherwise managed by municipal housing authorities, as defined in 30-A M.R.S. §4721(1), as amended;

(b) ~~Accommodations~~ Rental Units provided in owned and/or operated by a hospital, convent, church, religious facility, or extended care facility;

(c) Dormitories owned and operated by an institution of higher education, or by Portland Public Schools;

(d) Rental Units ~~within a building~~ on a parcel containing only two (2), three (3) or four (4) ~~dwelling units~~ Rental Units, one of which the property owner currently occupies as his or her ~~principal~~ primary residence;

(e) ~~Accommodations~~ Rental Units where the amount of rent charged is either controlled or subsidized by a federal, state, or local governmental agency; ~~and~~

(f) Accessory dwelling units, as defined and understood in Chapter 14 of this Portland City Code; ~~;~~

(g) Island Short Term Rental Units and Mainland Short Term Rental Units, as defined in Sec. 6-150.1 of this Chapter;

(h) Rental Units occupied by Qualified Family Members of the owner, as defined in Sec. 6-232 of this Chapter; and

(i) Rental Units on a parcel subject to recorded covenants, restrictions or recorded regulatory or financing agreements which require the Landlord to ensure fifty percent (50%) or more of the units available to rent on the parcel be occupied by tenants whose combined household income is eighty percent (80%) or less than the area median gross income as set forth in regulations promulgated from time to time by the United States Department of Housing and Urban Development pursuant to 42 U.S.C. Sections 1437 et seq.

## **Sec. 6-232. Definitions.**

*Allowable increase percentage* means the standard amount that the rent of a Covered Unit may be raised within the following Calendar Year, unless a Landlord is entitled to additional increases as provided in Sections 6-233 or 6-234 below. The allowable increase percentage shall be determined on September 1 of each year beginning on September 1, 2021, and shall be equal to 70 percent of the change in the Consumer Price Index (CPI-U) for Greater Boston Metro Area for the preceding twelve (12) months, as published in August by the United States Bureau of Labor Statistics or its designee. For the purposes of this ordinance, the Rent Board shall presume that the Allowable increase percentage is sufficient to allow a reasonably prudent landlord who received a fair return on investment prior to the enactment of this ordinance to continue to maintain a fair net operating income that increases over time at a just and reasonable rate, yielding a fair return on investment under the normal course of doing business. The increase percentage shall be applied to the previous Rental Year's rent in order to calculate the appropriate rate for the next Rental Year.

*Base rent* means the initial amount of rent that a Landlord charged for a Covered Unit prior to the increases allowed under this ordinance, as more specifically defined in Section 6-233 of this Article. For the purposes of the ordinance, the Rent Board shall presume that the Base Rent was sufficient to have provided the Landlord a fair return on investment prior to the enactment of this ordinance.

Banked rent ~~Rent~~ means ~~the Base Rent for a Covered Unit,~~ ~~plus~~ any increase in rent to which the Landlord was entitled under Sections 6-233 and 6-234 below, but that was not yet applied to the rent charged to a Tenant.

Capital Improvement means a structural alteration or repair that substantially increases the overall value or useful life of the property.

...

Rental unit means any dwelling unit that is rented or otherwise made available for rent for residential use or occupancy, together with all additional rights, privileges, or services connected with use or occupancy of such a unit under a Rental Agreement, including but not limited to vehicle parking spaces, storage, and commons areas and/or recreational facilities held out for use by the Tenant.

...

#### **Sec. 6-233. Establishment of base rent.**

...

##### *(b) Base rent for Discontinued Covered Units.*

- (i) If a Covered Unit was not required to be registered with the City as of April 1, 2021, or was exempted from the rent control requirements of this Chapter under Sec.6-231, but becomes a covered unit is required to be registered with the City after such date, the Base Rent shall be the amount of Rent charged 120 days prior to the date when the Covered Unit became required to be registered or the exemption is terminated, or if no Rent was charged at such time, the first Rent charged by the Landlord any time thereafter. The Base Rent for any new Covered Unit entering the rental housing market for the first time shall be the Rent charged to the first Tenant, as set by the Landlord.
- (ii) If a Covered Unit was required to be registered with the City as of April 1, 2021, but is removed from the rental housing market or becomes exempt for less than sixty (60) months, the Base Rent for such a Covered Unit upon reentry to the rental housing market or termination of the exemption shall be the most recent rent amount charged plus any Banked Rent and Allowable increases that accrued during ~~as measured from~~ the time the Covered Unit was removed from the rental housing

market.

- (iii) If a Covered Unit ~~was required to be registered with the City as of January 1, 2021, but is subsequently removed from the rental housing market or exempted from the rent control requirements of this Chapter under Sec. 6-231~~ for a period of ~~at least sixty (60) months or more,~~ the Base Rent for such a Covered Unit shall be the Rent charged to the first Tenant upon reentry into the rental housing market of termination of exemption, as set by the Landlord.

(c) *Base rent following major renovation or reconfiguration of Covered Units.* Upon a major renovation or reconfiguration of a Covered Unit, ~~a Landlord the Landlord may charge no more than the Banked Rent for that unit, or~~ may apply to the Rent Board for determination of the appropriate increased Base Rent. When determining the appropriate increased Base Rent, the Rent Board may consider factors including the increase in floor area, the addition or upgrade of amenities, the amount necessary to ensure a fair return on investment, and any other factor determined relevant in the opinion of the Rent Board; the Rent Board may consider any amount of Banked Rent accrued for that unit, but after determining the appropriate Base Rent, all previously accrued Banked Rent shall be forfeited. Any increase permitted under this section shall not be subject to Section 234(c).

(d) *Base rent following consolidation of Covered Units.* When two (2) or more Covered Units are consolidated to create a single Covered Unit, the Base Rent for the resulting Covered Unit shall be equal to the Banked Rent of the larger of the two previously-existing Covered Units, increased by a percentage equal to the increase in square footage of the new Covered Unit. Any increase permitted under this section shall not be subject to Section 234(c).

#### **Sec. 6-234. Rent increase limitations.**

(a) Beginning on September 1, 2021, and occurring no later than September 1 of each subsequent year, the Housing Safety Office or its designee shall establish and publish the Allowable Increase Percentage for the following calendar year, and shall announce and explain the methodology for calculating the Allowable Increase Percentage at the first meeting of the Rent

Board following such publication. The Rent Board shall hear public comment after such announcement.

(b) A Landlord may not increase the rent charged for a Covered Unit within twelve (12) months following a previous Rent increase. After twelve (12) months, the Landlord may only increase the rent charged for a Covered Unit by an amount that conforms to the following specifications:

1. ~~Annual~~ Allowable Increase Percentage. Unless a Landlord qualifies for an additional increase as further described below, rent for a Covered Unit may not be increased by more than the Allowable Increase Percentage.
2. *New Tenancy*. A landlord may increase the rent on a Covered Unit by five percent (5%) ~~of the base rent~~ in addition to any other allowable increases when a new tenant occupies a unit, but only if the previous Tenancy was terminated voluntarily by the previous Tenant, without coercion or unreasonable influence from the Landlord. This increase may be applied at most once per twelve (12) months, regardless of the number of new tenancies. The Housing Safety Office or its designee shall investigate any report that the Tenancy was not terminated voluntarily by the Tenant, or that the Tenant was coerced or unreasonably influenced by the Landlord to terminate the Tenancy. Any tenancy in which the property owner served the tenant with a notice to quit or summons and complaint for forcible entry and detainer shall not be deemed to be a situation in which the previous tenant voluntarily terminated the tenancy.
3. *Banked Rent*. If the Landlord has banked additional rent increases, in accordance with Section 6-235 below, this banked amount, in whole or in part, may be added to the increases permitted by subsections (~~i~~1) and (~~ii~~2) above.
4. *Additional Rent Board Approved Increases necessary to ensure a fair return on investment*. In addition to the above rent adjustments, upon receipt of an application submitted by the Landlord, the Rent Board may approve additional rent increases necessary to ensure a fair return on investment.

—To calculate what amount is necessary to ensure a fair return on investment, the Rent Board shall employ

generally acceptable Maintenance of Net Operating Income methodology, ~~and may not consider any valuation-based or capitalization-based methodology or any calculation or methodology factoring market rent or market value of the Covered Unit.~~

Rent board approval under this provision is intended to ensure a fair rate of return under abnormal, unexpected, or irregular circumstances, including, but not limited to, capital improvements and minor renovations, uninsured repairs, the provision of new housing services, revaluation for property tax assessment, or other unusual expenses. The Rent Board shall presume that the Allowable Increase Percentage will be sufficient to satisfy all regular increases in operating costs, routine maintenance expenses, and other normal or regular costs or expenses, allowing the Landlord to maintain a fair return on investment.

The Landlord submitting an application for an additional rent increase bears the burden of proof, including the burden of providing all necessary documentation, to demonstrate that the increase is necessary to receive a fair return on investment. Such documentation shall include, but is not limited to: historical net operating income, revenue and expenses; the costs and expenses requiring Rent board approval of an additional increase; and what portion of shared costs and expenses can be fairly attributed to each individual covered unit.

(c) At no time may a Landlord raise the rent of a Covered Unit by more than ten (10) percent unless approved by the Rent Board in accordance with Sections 6-233 or 6-234. Any rent increases available to a Landlord in excess of ten (10) percent must be banked for later use unless approved by the Rent Board in accordance with Sections 6-233, 6-234 or 6-235.

(d) Before increasing the rent of a Covered Unit, a Landlord must send a ~~signed~~ document to the Tenant(s) no fewer than ninety (90) days before the effective date of the rent increase. This document must include the date on which the Tenancy began, the date on which the rent will be increased, the amount of the increase, any remaining Banked Rent that has not been included in the Rent increase, and the appropriate justifications for such a rent increase as defined in Section 6-234(b) above. ~~Failure to provide such documentation shall be~~



~~considered a violation of this Article, and any notice not containing all such documentation shall be void.~~

(e) Tenants, individually or collectively, who receive notice of a rent increase that they believe does not conform with this Section may file a complaint with the Housing Safety office no later than sixty (60) days after the effective date of the rent increase. The Housing Safety office or its designee shall promptly investigate such complaint and take appropriate action. If the Housing Safety Office or its designee finds the notice does not conform with this Section, it shall be void. If, within fourteen (14) days of filing such a complaint, the notice is not rescinded by the Landlord, an appeal of said rent increase may be filed with the Rent Board. Upon receipt of the appeal, the Rent Board shall schedule a public hearing ~~to be held no more than twenty-one (21) days~~ at the next regularly scheduled meeting of the Rent Board after the filing of the completed appeal application. At the public hearing, the Board will consider de novo the rent charged under the existing Rental Agreement, the amount of the proposed new rent, and the factors which may or may not allow such an increase in accordance with this Article. Upon consideration of such evidence, the Board will render a decision as to whether the increased rent is allowable. An increase determined by the Board to be more than is allowed by this Article shall be considered a violation and the Board may determine the appropriate penalty for any such violation in a manner consistent with the provisions of this Code. Multiple tenants collectively alleging the same or similar violations against a single Landlord, including but not limited to a Tenants Union or members of or participants in a Tenants Union, may file their complaints or appeals collectively as a single document, and the Rent Board shall hear all such matters together as a single complaint or appeal; but notwithstanding such consolidated hearing the Rent Board may elect to issue separate decisions.

f) A landlord who is not in substantial compliance with any provision of this chapter, including but not limited to the Rent Stabilization Ordinance, may not demand, accept or retain any rent increase otherwise permitted by this section or any other provision of this Code or Maine statute.

#### **Sec. 6-235. Process of banking rent increases.**

If a Landlord chooses to not impose any rent increases to which they are entitled pursuant to Section 6-234 above, these increases may be banked, in whole or in part, with the annual

registration required under Section 6-151. Banked increases may be used to raise the rent of Covered Units in subsequent years in addition to Rent Stabilization Allowances, subject to the limitations in Section 6-234, including that no single increase of such rent shall exceed ten (10) percent unless approved by the Rent Board.

...

#### **Sec. 6-236. Termination of Tenancies.**

(a) In order to be terminated by a Landlord, all tenancies must be terminated by providing a minimum of 90 days' written notice to Tenant except as provided below:

1. "For Cause" tenancies terminable on 7 days' notice pursuant to 14 M.R.S. § 6002(1) may be terminated in accordance with Section 6002(1);
2. Short-term rentals with a term of fewer than 30 days' are exempt from the 90-day notice period outlined herein;
3. Where a Landlord provides the amount of one month's rent as reimbursement to Tenant for the inconvenience of termination, tenancies may be terminated by notice to the Tenant of sixty (60) to eighty-nine (89) days;
4. Where a Landlord provides the amount of two months' rent as reimbursement to Tenant for the inconvenience of termination, tenancies may be terminated by notice to the Tenant of thirty (30) to fifty-nine (59) days.
5. Reimbursements must be paid to the Tenant within thirty(30)days of termination of tenancy. If reimbursement is not made within this time frame, Tenant must file a complaint with the Housing Safety Office within ninety(90)days of termination of tenancy

(b) Reimbursement amounts outlined under subsections (a) above are lump-sum amounts payable in a single installment for the collective benefit of all tenants of a unit. Tenants are responsible for allocating the reimbursement amount among themselves.

...

**Sec. 6-238. Notice of ordinance to tenants.**

(a) The ~~Planning-Permitting~~ Department or its designee shall create and make available on the City's publicly accessible web site a plain language document that explains the rights, responsibilities, and protections created by this Ordinance.

...

**Sec. 6-240. Enforcement and remedies; Appeals.**

Any violation of this Article is considered a civil infraction; all such violations, including any penalty determined to be appropriate by the Rent Board, shall be enforced pursuant to the Portland City Code Chapter 1, §1-15. Violations of this Article, including enforcement of penalties for all such violations, shall be given the highest enforcement priority by the City.

Appeal of a Notice of Violation. A party receiving a notice of violation under this Article may appeal the determination to the Rent Board within ten (10) days from the date of receipt of the Notice of Violation.

...

**Sec. 6-243. Tenants Unions.**

(a) Any Tenants Union shall have standing ~~as a party~~ to assert the rights or interests of any Tenants, ~~individually or collectively,~~ member under this Chapter in any complaint, appeal, or other proceeding brought before the Housing Safety Office, its designee, or the Rent Board, ~~or the Superior Court in an appeal from any final decision under this Chapter in accordance with Rule 80B of the Maine Rules of Civil Procedure.~~

(b) The Housing Safety Office or its designee shall create a registration form and accept the registration of Tenants Unions representing Tenants with rights and interests under this Chapter. Such registration shall include the name, telephone number, and e-mail address of a principal contact for the Tenants Union. The Housing Safety Office or its designee shall maintain and publish a list of Tenants Unions registered under this section, including contact information, for use by Tenants

wishing to join or contact a Tenants Union. Nothing in this Section shall be construed to require a Tenants Union to register with the City. The City shall be prohibited from requesting, collecting, maintaining or publishing the names of individual Tenant members of any Tenants Union.

...

**Sec. 6-256. Staff secretary; minutes, public records.**

The Housing Safety Office or its designee shall designate a member of its staff to serve as staff secretary of the Rent Board and attend all its proceedings. The staff secretary shall keep the minutes of the proceedings of the Board, showing the vote of each member on every question, or his or her absence or failure to vote, and shall maintain the permanent records and decisions of all board meetings, hearings and proceedings, and all correspondence of the board, as required by statute. Such records shall be public records open to inspection during working hours upon reasonable notice.

**Sec. 6-257. Quorum and necessary vote.**

As to any matter requiring a hearing, no business shall be transacted by the Rent Board without a quorum, consisting of four (4) members being present. The concurring vote of the majority of members present ~~at least four (4) members~~ shall be necessary to authorize any action by the Board. If less than a quorum is present, the hearing may be adjourned from time to time for a period not exceeding three (3) weeks at any one time. The staff secretary shall notify in writing ~~at~~ all members of the date of the adjourned hearing and shall notify such other interested parties as may be directed in the vote of adjournment.

...

**Sec. 6-263. Jurisdiction and authority.**

In addition to the jurisdiction conferred on it by other ordinances of the City and in accordance therewith, the Rent Board shall have the following jurisdiction and authority:

(a) To hear, review, and approve or deny Landlord applications for rent increases greater than the Allowable Increase Percentage, as provided for in Section 6-234 above;

...

(d) To hear, review, and approve or deny any requests from Landlords for an extension of time in which to reinstate Tenants temporarily displaced due to the Landlord's performance of necessary capital improvements to the Covered Unit and/or the building in which said unit is housed;

~~(e) To mediate any dispute arising between Landlords and Tenants where both parties request such mediation by submitting the landlord/tenant mediation form, as maintained and edited by the Housing Safety Office, signed by both Landlord and Tenant; all parties to such mediation must agree and shall be required to mediate in good faith; such authority to mediate disputes shall not be construed to limit the Rent Board's authority to hear, review or decide any tenant complaint or appeal without the consent of the Landlord; the Board may appoint one or more of its members, in lieu of the full Board, to mediate disputes on a rotating basis, and such mediation may be conducted outside of a public hearing, and a quorum of the Rent Board shall not be required for such mediation;~~

(~~f~~e) To determine, in a manner consistent with the provisions of this Code, what penalties are appropriate for violations of the provisions of the Rent Stabilization Ordinance that are determined by the Rent Board;

~~(g) To prepare and recommend to the City Council changes and amendments to the City's Rent Stabilization Ordinance;~~

(~~h~~f) To prepare an annual report on the state of the City's rental unit availability, which shall be presented to the City Council as part of a regularly-scheduled public hearing. ~~This report shall include a summary of rents within each of the five (5) council districts.~~ Such reporting may or may not be done in conjunction with similar reporting required of the City's Rental Housing Advisory Committee, as established by this Chapter;

(~~i~~g) To adopt or amend, ~~subject to approval by the City Council,~~ such rules and regulations as are necessary to implement, or to allow for the efficient and consistent application of, the provisions of the Rent Stabilization Ordinance, including but not limited to rules and regulations governing the proceedings of the Rent Board's hearing of Landlord applications or of Tenant complaints or appeals and rules and regulations providing standard procedures and methodology for calculating the amount of rent necessary to allow the Maintenance of Net Operating Income and yield a Fair

Return on Investment under various circumstances; the Board may adopt, ~~subject to approval by the City Council,~~ rules and regulations, including methodology, allowing the Housing Safety Office ~~or its designee or a hearing officer~~ to review Landlord applications and to complete standard calculations in order to provide for or facilitate an expeditious process and efficient consideration by the Rent Board; Rules and Regulations adopted pursuant to this authority, and any amendments thereto, ~~shall become effective only when approved by the City Council,~~ and shall be kept on file in the Housing Safety Office;

(jh) To ~~initiate~~ prepare and recommend changes and amendments to the city's Rent Stabilization Ordinance.

**Sect. 6-234. Repeal of Amendment.**

Notwithstanding the limitations in Section 9-46 of the City's Initiative and Referendum Ordinance regarding amendment of initiated ordinances, the City Council is authorized to amend changes to this Chapter adopted by the voters at the November 3, 2020 municipal election at any time after December 3, 2025, without submission to the voters for approval.

**BE IT FURTHER ORDERED,** that upon approval by the City Council, this amendment shall be submitted to the voters at the General Election on November 7, 2023, with the following question and summary substituted on the ballot for the entire amendment, the full text of which shall be posted at all polling places:

**Do you favor the change in the City Code Chapter 6 proposed by the City Council as provided in the summary below?**

This amendment proposes revisions to the Rent Control, Tenant Protections and Rent Board Ordinances. The proposed order: (1) adds exemptions from rent control for certain Rental Units including short term rentals, rentals occupied by qualified family members and Rental Units subject to certain affordable housing regulations; (2) defines operational terms consistent with the Rent Board's practice; (3) clarifies how allowable increases are applied and how banked rent is calculated; (4) explains how base rent is calculated when a Rental Unit reenters the market after being exempted or otherwise removed from the rental market for a period of time; (5) allows the Housing Safety

Office to assign a designee to assist with enforcement; (6) eliminates the two-tiered late fee for registrations; (7) prescribes deadlines by which tenants must submit complaints to the Housing Safety Office about an improper rent increase or insufficient notice of a rent increase; (8) identifies instances when the 10% annual cap does not apply consistent with Rent Board practice; (9) eliminates the mediation function of the Rent Board; (10) amends the Tenants Unions' standing consistent with the standing permitted by law; (11) reduces the number of votes required by the Rent Board from four to the majority of members present (four being a quorum); and (12) allows the Rent Board to amend its rules from time to time without City Council approval.

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

**FROM:**

**DATE:** June 9, 2023

**SUBJECT:** Order 260-22/23 Amendment to the Portland City Charter Re: Gender-Neutral Language - Sponsored by Kate Snyder, Mayor

**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: This amendment has been reviewed and approved by Corporation Counsel.**

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

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

As contemplated by the Council Resolution 13-21/22 adopted on June 6 (attached in the back-up material), this item begins the process of approving a Council-initiated Charter amendment adopting gender neutral language throughout the City Charter. Following council approval, the amendment would be submitted to the voters at the General Election on November 7, 2023.

This item must be read on two separate days. This is its first reading.

**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. Resolve 13
2. Amendment to Charter re Gender-Neutral Language 6.26.2023

Prepared by:

Date: 06/09/2023

Resolve 13-21/22

Passage: 9-0 on June 6, 2022

Effective 6/16/2022

KATE SNYDER (MAYOR)  
ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
TAE Y. CHONG (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)

**RESOLUTION ESTABLISHING A CITY POLICY TO USE GENDER-INCLUSIVE  
AND GENDER-NEUTRAL LANGUAGE TO CONDUCT CITY AFFAIRS, INCLUDING  
IN THE DRAFTING AND REVISION OF CITY ORDINANCES, POLICIES, AND  
OTHER CITY COMMUNICATIONS**

**WHEREAS**, the City of Portland is committed to upholding and furthering the rights, protections, dignity, and inclusion of all its residents; and

**WHEREAS**; and the City of Portland recognizes that gender-neutral language is a generic term covering the use of non-sexist language, inclusive language, or gender-fair language and that the purpose of gender-neutral language is to avoid word choices which may be interpreted as biased, discriminatory or demeaning by implying that one sex or social gender is the norm; and

**WHEREAS**, the City recognizes that using gender-neutral language also helps reduce gender stereotyping, promotes social change, and contributes to achieving gender equality; and

**WHEREAS**, the City recognizes that gender-neutral language is more than a matter of political correctness and that language powerfully reflects and influences attitudes, behavior, and perceptions; and

**WHEREAS**, the City believes that all individuals living in or visiting the City should be treated fairly and with respect and dignity; and

**WHEREAS**, the use of gender-neutral language by the City can be expected to further enhance and demonstrate the City's commitment to being a safe, inclusive, diverse, and welcoming community; and

**WHEREAS**, ever-increasing awareness exists that language matters, and in particular with regard to the subtle and not so subtle, and intended and unintended consequences of language, including implicit or explicit bias; and

**WHEREAS**, linguistic conventions that differentiate and identify people by perceived gender may fail to respect the broad spectrum of sex, gender, gender identity, and gender expression of those living, working, and visiting our community;

**NOW, THEREFORE, BE IT RESOLVED** that it shall be the policy of the City to conduct City affairs in a manner that uses gender-inclusive language, including non-gendered language and gender-neutral pronouns where appropriate; and

**BE IT FURTHER RESOLVED** that, consistent with this policy, the City Council intends to update the Portland City Code to replace instances of gender-specific language with appropriate gender-neutral language; and

**BE IT FURTHER RESOLVED** that, when brought forward to future Committee and Council meetings, all future additions, amendments, or other changes unspecified here to the City Code should utilize gender-neutral language, rather than gender-specific language; and

**BE IT FURTHER RESOLVED** that all future proposed Resolutions, Proclamations, and Ordinances will utilize gender-neutral language, rather than gender-specific language; and

**BE IT FURTHER RESOLVED** that the City Council expresses its intent to submit a Charter amendment to the voters in 2022 that will amend the City Charter in its entirety to use gender-inclusive language, including non-gendered language and gender-neutral pronouns; and the Council further requests that Corporation Counsel prepare such amendments; and that the City Clerk submit the amendments to the Council sufficiently in advance of the 2022 election to place the amendments on the 2022 ballot.

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)

**PROPOSING AN AMENDMENT TO PORTLAND CITY CHARTER  
RE: GENDER-NEUTRAL LANGUAGE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,  
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

- 1. That the following sections of the City Charter are hereby amended to read as follows:*

**ARTICLE II. CITY COUNCIL**

...

**Section 4. Compensation of councilors and mayor.**

Except as otherwise provided in the paragraph below for the mayor's compensation, the city council shall by order establish the amount each member shall be entitled to receive as compensation for all services rendered, and specify when any compensation shall be payable, but no such order increasing their compensation, including that of the mayor, shall take effect during the then current municipal year, and no such payment of compensation shall be made in advance.

Prior to the date nomination papers are available for the first mayoral election, the city council shall set the mayor's compensation and shall re-set it prior to the date nomination papers are available for each mayoral election thereafter. During the mayor's term, the city council may adjust the mayor's compensation. At minimum, the mayor shall be paid compensation consisting of a salary which is no less than one and one-half (1.5) times the median household income for Portland as most recently published by the U.S. Census Bureau, American Community Survey, or successor index thereto, at the time such compensation is set or adjusted, plus customary city benefits.

No member shall hold any office or employment the compensation of which is payable by the city or school department during the term for which the member ~~he or she~~ was elected.

...

#### Section 6. Absence or disability of mayor; acting mayor.

In the temporary absence or disability of the mayor, the mayor may select an acting mayor from among the other council members and such person shall perform the duties of the mayor during such temporary absence or disability for a maximum of sixty consecutive (60) days or return of the mayor, whichever comes first. If through physical or mental incapacity the mayor is unable to select an acting mayor, or if the mayor's absence or disability exceeds sixty (60) consecutive days, the council shall select an acting mayor from among its membership until such time as the mayor is able to resume ~~his or her~~their duties or a vacancy is declared pursuant to section 7 below and a new mayor elected.

#### Section 7. Vacancies.

A vacancy in the membership of the city council shall occur upon the happening of the following: (1) the death of a member; (2) the effective date of the resignation of a member; (3) the removal of a member from the district from which that member ~~he or she~~ was elected; (4) the removal of a member from the city; (5) the conviction of a member of a felony while in office; or 6) the recall of a member pursuant to the provisions of article V. The council shall declare a vacancy in its membership to exist upon the failure of a member to attend any six (6) consecutive regular meetings of the city council, or at least sixty (60) percent of the regular meetings of the city council held in any one calendar year unless such member shall be excused (by vote of at least four (4) other members) for health reasons or other good cause.

The council shall declare a vacancy in its membership to exist upon the qualification of any member for any city or school department office, or the acceptance of any employment with the city or school department, the compensation for which is payable by the city or school department.

A member may in writing addressed to the council resign the member's ~~his or her~~ office effective at a future date specified in such written resignation. Once submitted to the council, such

resignation may not be withdrawn, and such member's office shall become vacant on such specified future date.

...

### **Section 9. Special meetings.**

Special meetings may be called by the mayor, and in case of the mayor's ~~his or her~~ absence, disability, or refusal, may be called by five (5) or more members of the city council. At least twenty-four (24) hours notice of the time and place of holding such special meeting shall be given to all members of the city council.

...

## **ARTICLE III. BOARD OF PUBLIC EDUCATION**

### **Section 1. Composition, election, tenure of office, compensation.**

...

The city council shall by order establish the amount each member of the school board shall be entitled to receive as compensation for all services rendered, which compensation shall be the same as that received by members of the city council, other than the mayor. The city council shall provide additional compensation to the chair of the school board appropriate to reflect ~~his or her~~their additional responsibilities as chair.

...

### **Section 6. Vacancies.**

A vacancy in the membership of the board of public education shall occur upon the happening of the following: (1) the death of a member; (2) the effective date of the resignation of a member; (3) the removal of a member from the district from which the member ~~he or she~~ was elected; (4) the removal of a member from the city; (5) the conviction of a member of a felony while in office; or (6) the recall of a member pursuant to the provision of Article V. The school board shall declare a vacancy in its membership to exist upon the failure of a member to attend any six (6) consecutive regular meetings of the school board or at least sixty (60) percent of the regular meetings of the school board held in any one calendar year unless such member shall be excused (by a vote of at

least four (4) of the members) for health reasons or other good cause. A member may in writing addressed to the school board resign the member's his or her office effective at a future date specified in the written resignation. Once submitted to the school board, such resignation may not be withdrawn and such member's office shall become vacant on the specified future date.

...

#### **ARTICLE IV. ELECTIONS**

##### **Section 1. Continuity in office.**

In the event redistricting of the city shall cause a then council member or school board member to reside in a district other than that from which such person was elected, the office of such member shall not thereby be considered vacated but such member shall continue in office until a successor is duly elected and qualified. Each district councilor and district school board member in office on the effective date of any such redistricting shall be deemed to represent the newly constituted district of the same numerical designation as that formerly represented and shall continue to serve in that capacity until expiration of the member's his or her term.

...

##### **Section 5. Form of nomination petition.**

The signatures to nomination petitions need not all be affixed to one nomination petition, but to each separate petition there shall be attached an affidavit of the circulator thereof stating the number of signers of each petition, and that each signature appended thereto was made in the circulator's his or her presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer giving the street and number of the street, or other description sufficient to identify the same. The form of the nomination petition shall be substantially as follows:

To the city clerk of the City of Portland

We, the undersigned voters of the City of Portland, hereby nominate, \_\_\_\_\_ whose residence is \_\_\_\_\_ for the office of \_\_\_\_\_ to be voted for at the election to be held in the City of Portland on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and we

individually certify that we are qualified to vote for a candidate for the above office.

Name \_\_\_\_\_ Street and Number \_\_\_\_\_, being duly sworn, deposes and says, that he/she/they~~he~~~~(she)~~ is the circulator of the foregoing nomination petition containing \_\_\_\_\_ signatures, and that the signatures appended thereto were made in his/~~or~~her/their presence and are the signatures of the persons whose names they purport to be.

(Signed) \_\_\_\_\_.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Attorney, State of Maine Bar # \_\_\_\_\_  
Notary Public

If this petition is deemed insufficient by the city clerk, the city clerk ~~he or she~~ shall forthwith notify by mail \_\_\_\_\_ at \_\_\_\_\_.

#### **Section 6. Filing of nomination petitions, and acceptance of nomination.**

The city clerk shall make nomination petitions available to the candidates one hundred and twenty-seven (127) days prior to the election. The nomination petitions for any one (1) candidate must be assembled and united into one (1) petition and filed with the city clerk during normal business hours not earlier than eighty-five (85) nor later than seventy-one (71) days before the date of election. No nomination shall be valid unless the candidate shall file with the city clerk in writing at the time of filing of such nomination petitions the candidate's ~~his or her~~ consent accepting nomination, agreeing not to withdraw and, if elected, to qualify. Such nomination petitions and consent, once filed may not be withdrawn. Any challenge to a nomination petition must be submitted to the city clerk in writing, setting forth the specific reasons for the objection, no later than five (5) days, excluding Saturdays, Sundays, and legal holidays, from its date of filing, or it is barred. No person shall take out nomination papers for more than one position at the same election, nor be nominated, nor shall any person consent to being nominated, at the same election for any other elective office provided for by this charter, and no person shall simultaneously hold more than one (1) elective office provided for by this charter.



...

## ARTICLE V. RECALL

### Section 1. Applicability.

Any member of either the city council or the school board may be recalled and removed from office by the registered voters of the City of Portland, as hereinafter provided, except that this provision shall not apply to a member of either body who has one (1) year or less to serve in the member's ~~his or her~~ term, i.e., any petition to recall a member must be certified by the clerk no later than November 30 of the year prior to that member's next scheduled November re-election date.

### Section 2. Petition for recall.

In the case of either an at large member of the city council or of the school board, any five hundred (500) registered voters of the city may affirm and file with the city clerk an affidavit containing the name of the member of the city council or of the school board whose removal is sought, together with a statement of the reasons why such removal is desired. In the case of a district member of the city council or of the school board, any two hundred and fifty (250) registered voters of the member's district may affirm and file with the city clerk an affidavit containing the name of the district member whose removal is sought, together with a statement of the reasons why such removal is desired. Members of the city council and of the school board shall not be included on the same affidavit and only one member's name shall be on an affidavit.

Within seven (7) calendar days of receipt of such an affidavit, the city clerk shall prepare a sufficient number of petitions which shall contain the signature of the city clerk, the clerk's ~~his or her~~ official seal, the date, and the name of the person whose removal is sought. In addition, the statement of reasons for removal referred to above shall either be printed on such petitions or attached thereto. Such petitions shall be on paper of uniform size with as many individual sheets as reasonably necessary.

The city clerk shall file the completed petitions in the city clerk's ~~his or her~~ office. During the thirty (30) days following their filing, the city clerk shall arrange to have petitions, noting that removal is being sought as well as the reasons therefor, available for signature both at city hall and also at public places as indicated below. Notice of the location of the public places where petitions may be signed shall be given by

publication at least forty eight (48) hours in advance and such notice shall contain the specific location of such public place or places, the dates it or they will be open, and the times during which petitions may be signed. In the case of either a district councilor or a district school board member, the city clerk shall select one (1) site outside of city hall, but within the district of the member whose removal is sought, and such location shall be open for four (4) days between the hours of noon and 8:00 p.m. In the case of at large councilors or members of the school board, the city clerk shall select four (4) sites outside of city hall and such locations shall be open for four (4) days each between the hours of noon and 8:00 p.m.

The city clerk shall designate election clerks to supervise each such site. Election clerks shall be residents of Portland and at least eighteen (18) years of age. They shall be sworn to the faithful performance of their duties by the city clerk. Each qualified voter who signs a petition shall include ~~his or her~~the voter's place of residence, providing either the street and number or a description sufficient to identify the place.

To mandate a vote in the case of an at large councilor or an at large member of the school board, the recall petition must be signed by at least three thousand (3,000) registered voters of the city, or in the case of a district councilor or district member of the school board, by at least fifteen hundred (1,500) registered voters of that member's district.

### **Section 3. Verification of recall petition.**

At the expiration of the thirty (30) day period for signing petitions described in section 2, the city clerk shall declare the petition closed and, within ten (10) days thereafter, shall ascertain whether or not the petitions have been signed by the requisite number of registered voters. The city clerk shall attach the clerk's ~~his or her~~ certificate, showing the results of such examination, to the petitions.

If the clerk's certificate should show that the petitions are insufficient, the city clerk ~~he or she~~ shall advise both the city council and also the person or persons whose removal was sought of that fact. A finding of insufficiency shall not prejudice the filing of a new petition for the same purpose, except that such new petition shall not be filed within twelve (12) months from the date of the receipt of the clerk's certificate by the city council. (Referenda 11/4/86; 11/2/10)

#### **Section 4. Calling of recall election.**

If the clerk's certificate should show that the petitions are sufficient, the city clerk ~~he or she~~ shall submit them, together with the clerk's certification, to the city council at its next regular meeting following certification, and shall also notify the person or persons whose removal is sought. The city council shall, within ten (10) days of receipt of the clerk's certificate, order an election to be held not less than forty-five (45) nor more than ninety (90) days thereafter; except that, if a regular municipal election should occur within ninety (90) days after receipt of the certificate, the city council may, in its discretion, schedule the recall election for the same date as the regular municipal election. The recall election shall be called and held as other elections under this charter, except for the specific limitations imposed by this article.

All registered voters in the city may vote on the recall of an at large member of the council or school board; only the registered voters of the applicable district may vote on the recall of a district member of the council or school board. (Referenda 11/4/86; 11/2/10)

#### **Section 5. Form of ballot.**

Unless the member or members whose removal is sought shall have resigned within ten (10) days after the receipt by the city council of the clerk's certificate, the form of the question to be submitted to the voters shall, as nearly as possible, be: "Shall (name of official and the official's ~~his or her~~ title) be recalled?" (Referendum 11/4/86)

#### **Section 6. Count of ballots.**

In case a majority of those voting for and against the recall of any official shall vote in favor of recalling such official, the official ~~he or she~~ shall be thereby removed, and, in that event, the candidate to succeed such person for the balance of the unexpired term shall be determined as provided for in the case of a vacancy in the office.

If a majority of those voting should decline to recall a particular official, then no proceedings, seeking the recall of that same official, shall be initiated under this article within twelve (12) months from the date of the election in which the official's ~~his or her~~ recall was sought.

...

## ARTICLE VI. ADMINISTRATIVE OFFICERS

...

### **Section 5. Appointment; qualifications; powers and duties of the city manager.**

The city manager shall be chosen by the city council solely on the basis of character and executive administrative qualifications, and may or may not be a resident of the City of Portland or of the State of Maine at the time of appointment. Such person shall give bond for the faithful discharge of ~~his or her~~ their duties to the City of Portland and in such sum as the city council shall determine and direct, and with surety or sureties to be approved by the city council. The premium on such bond shall be paid by the city. Such person shall be the administrative head of the city and shall be responsible to the city council for the administration of all departments. Neither the mayor nor members of the city council shall direct, request or interfere with the appointment or removal of any of the officers or employees of the city for whom the city manager is responsible, nor shall any of them give an order, publicly or privately, to any such city officer or employee relating to any matter in the line of that officer's or employee's city employment. Notwithstanding the foregoing, nothing herein is intended to prevent the city manager from assigning staff to work and communicate directly with councilors, boards and commissions, council committees, neighborhood and other groups and organizations, on city work.

The city manager's powers and duties shall be as follows:

- (a) To see that the laws and ordinances are enforced, but shall delegate to the chief of the police department the active duties connected therewith regarding criminal conduct.
- (b) To exercise control over all departments, divisions, agencies, and offices created herein or that may be hereafter created.
- (c) To implement the policy decisions of the city council.
- (d) To coordinate city programs and operations and recommend improvements in such programs and operations to the council.

- (e) To prepare city budgets, in consultation with and incorporating policy guidance of the mayor, and to present such budgets to the council.
- (f) To make appointments as provided in this charter.
- (g) To attend meetings of the city council, except when the city manager's ~~his or her~~ removal is being considered, and recommend for adoption such measures as the city manager ~~he or she~~ may deem expedient.
- (h) To keep the city council fully advised as to the business and financial condition and future needs of the city and to furnish the city council with all available facts, figures, and data connected therewith when requested.
- (i) To prepare a five (5) year rolling capital improvement plan for annual presentation to the city council, which plan includes the following:
  - 1. A one (1) year plan of specific projects and their cost;
  - 2. A two (2) through five (5) year plan of specific projects and general categories, and amounts of proposed spending and funding sources; and
  - 3. A discussion of the basis for the plan and the factors which went into its development or amendments.
- (j) To prepare and submit to the city council such reports as are requested or the city manager ~~he or she~~ deems advisable; and
- (k) To perform such other duties as may be prescribed by this charter or required by ordinance of the city council.

## **Section 6. Vacancy in office of city manager.**

During any vacancy in the office of city manager, and during any absence or disability of the city manager of more than sixty (60) days, the city council shall designate a properly qualified person to perform the duties of manager and fix such person's compensation. During a temporary absence of sixty (60) days or less, the city manager may designate a qualified person to perform the duties of manager during such absence. While so acting, such person shall have the same powers and duties as those given to and imposed on the city manager. Before entering the city manager's ~~his or her~~ duties, the city manager's designee ~~he or she~~ shall give bond to the City of Portland in a sum and with surety or

sureties to be approved by the city council. The premium on such bond is to be paid by the city.

...

## **ARTICLE VII. BUSINESS AND FINANCIAL PROVISIONS**

...

### **Section 13. Payments.**

The director of finance shall establish adequate financial controls to reasonably ensure that all payrolls, bills and other claims and demands against the city are in proper form, correctly computed, duly certified and legally due and payable.

The director of finance may require any claimant to make oath to the validity of the claimant's ~~his or her~~ claim, may investigate any claim and for such purpose or purposes may examine witnesses under oath.

...

## **ARTICLE VIII. MISCELLANEOUS PROVISIONS**

### **Section 1. No personal interest.**

No member of the city council or school board or board or commission thereof and no officer or employee of the city or school department shall:

(a) Have a substantial financial interest, direct or indirect, in any contract entered into by or on behalf of the City of Portland or the school board, except ~~his or her~~their employment contract, or in the sale to or by the city or school department of any land, materials, supplies or services when such officer, employee or member exercises on behalf of the city or school department any function or responsibility with respect to such contract or sale. All contracts or sales made in violation hereof are void, and the city treasurer is expressly forbidden to pay any money out of the city treasury on account of any such transaction.

...

**BE IT FURTHER ORDERED**, that upon approval by the City Council, this amendment shall be submitted to the voters at the General Election on November 7, 2023 with the following question and summary substituted on the

ballot for the entire amendment, the full text of which shall be posted at the clerk's office and all polling places:

**Do you favor the change in the City Charter proposed by the City Council as provided in the summary below?**

**This amendment to the Portland City Charter approves gender-inclusive language, including non-gendered language and gender-neutral pronouns, throughout the City Charter.**

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

**FROM:**

**DATE:** June 9, 2023

**SUBJECT:** Order 261-22/23 Proposing an Amendment to Portland City Code Chapter 9 Re: the Citizen Initiative Process - Sponsored by Kate Snyder, Mayor

**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: This Amendment was reviewed and approved by Corporation Counsel.**

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

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

This order proposes revisions to the Initiation and Referendum provisions in Article III of Chapter 9 of the City Code. The changes include (1) limiting the initiative and people's veto processes to the City's regular municipal election in November of each year, (2) updating the administrative process to apply for a petition for an initiative or people's veto, (3) adding a requirement that a proposed ordinance be reviewed and approved by the City Clerk, in consultation with the Corporation Counsel, prior to issuing initiative petition forms to ensure that the proposed ordinance complies with certain administrative provisions in Article III of Chapter 9 of the City Code, (4) adjusting the timing requirements for filing an application and signed petition forms for an initiative to ensure that the initiative process is completed in time to be placed on the November ballot, (5) requiring that the City's Finance Director prepare a fiscal impact statement for an initiative and providing that a proposed ordinance having a fiscal impact of more than \$50,000.00 will not become effective until the later of the first July 1 after the election or the effective date stated in the proposed ordinance; (6) requiring that petitions include the full text, an objective title and summary, and a fiscal impact statement for the proposed ordinance and that petition circulators provide voters an opportunity to review that information before signing, (7) updating petition circulator verification requirements to be consistent with Maine law (8) allowing the City Council, by vote of six of its members, to amend or repeal an ordinance approved through the initiative process 18 months after the effective date of the ordinance, and (9) revising the existing language to ensure internal consistency and other non-substantive changes.

Once approved by the City Council, the proposed amendment, which revises City Code approved by referendum, would be submitted to voters at the General Election on November 7, 2023.

This item must be read on two separate days. This is its first reading



### **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. Proposing an Amendment to Chapter 9 Re Citizen Initiative Process 6.26.2023
2. Order 261 Public Comment

Prepared by:

Date: 06/09/2023

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)

**PROPOSING AN AMENDMENT TO PORTLAND CITY CODE  
CHAPTER 9 RE: CITIZEN INITIATIVE PROCESS**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,  
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

1. *That the following sections 9-36 to 9-46 of the Portland City Code Chapter 9 are hereby amended to read as follows:*

**Chapter 9 ~~–~~ELECTIONS\***

**ARTICLE III. INITIATION AND REFERENDUM  
[AS APPROVED BY PORTLAND VOTERS ON MAY 7, 1991]**

**Sec. 9-36. How invoked.**

(a) *In general.* The submission to the vote of the people of any proposed ordinance dealing with legislative matters on municipal affairs or of any such ordinance enacted by the city council and which has not yet gone into effect, may be accomplished during the city's regular municipal election in November of any given year by the presentation of a petition therefor to the city council in the manner hereinafter provided and signed by at least one thousand five hundred (1,500) voters. The submission of a proposed ordinance, or the amendment or repeal, in whole or in part, of an ordinance already in effect shall be hereinafter referred to as the direct initiation of legislation or "initiative." The submission of a petition to override any ordinance that has been passed by the city council but ~~which-that~~ has not yet gone into effect shall be hereinafter referred to as the "people's veto."

(b) *Applicability.* Neither this article, nor ordinances dealing with appropriations, tax levy, or with wages or hours of city employees shall be subject to the initiative and "people's veto" referendum provisions herein established.

(c) Petition procedure. To initiate proceedings for an initiative or people's veto, a registered voter of the city shall submit a written application to the city clerk on a form provided by the city clerk. An application for an initiative must be submitted to the city clerk no fewer than 200 calendar days before the next regular municipal election in the following November. The application must contain the names, residence addresses, e-mail addresses, telephone numbers and signatures of the applicant and nine other registered voters of the city, who will constitute the petitioners' committee. The application must also contain, in electronic and printed formats, either (1) the full text of the initiative and a title and summary that explains the purpose and intent of the initiative, or (2) the full text of the ordinance proposed to be overridden by a people's veto. The voter submitting the application (the "applicant") shall sign the application and have it notarized by a notary public or other person authorized to administer oaths by law. The clerk will send any notices required under this Article only by email to the e-mail addresses of the petitioners' committee included on the application.

~~Any ten (10) registered voters of the city may file with the city clerk an affidavit stating:~~

- ~~(1) That the ten (10) registered voters will constitute the petitioners' committee;~~
- ~~(2) The names and addresses of the ten (10) registered voters;~~
- ~~(3) The address to which all notices to the committee are to be sent; and~~
- ~~(4) That the ten (10) registered voters will circulate the petition and file it in proper form.~~

(d) Initiative Application Review. Upon receipt of an application for an initiative, the City Clerk will review the application with the Corporation Counsel. Within fifteen (15) days after receipt of the filing of said application, affidavit by ten (10) such voters, the city clerk will notify the applicant that the clerk has either accepted or rejected the application. The city clerk may reject the application if, after review by the Corporation Counsel, the city clerk determines that the application:

- (1) Does not comply with the provisions of this ordinance;

- (2) Does not conform to the form prescribed by the city clerk;
- (3) Does not conform to the essential aspects of the drafting conventions for the Portland City Code, including but not limited to:
  - a. Correct integration with existing ordinances;
  - b. Ordinance titles and section headnotes that objectively reflect the content of the ordinance or sections to which they apply;
  - c. Conformity to the Portland City Code numbering system; and
  - d. Inclusion of a summary and title that clearly and objectively describe the content of the proposal and are written in words with common and everyday meaning; and
  - e. Inclusion of a summary and title that do not contain language designed to promote or oppose the proposed initiative or people's veto.

If the city clerk determines that an application should be rejected, the city clerk's rejection notice will explain the basis for the rejection, which may include, without limitation, a proposed revised draft of the title, summary, or text of a proposed ordinance. Upon receipt of the rejection notice, the applicant may either withdraw the application or submit a subsequent draft of the application to the city clerk for review following the application process set forth in section 9-36(d). The city clerk shall review such subsequent draft from the applicant in accordance with the application review process set forth in this section 9-36(d). The applicant must give written consent to the final language of the title, summary, and full text of any initiative or people's veto to the city clerk before the petition form is prepared by the city clerk in accordance with section 9-37.

~~shall have seven (7) calendar days to prepare the proper petition forms pursuant to section 9-37 below with a copy of the submitted ordinance either printed on the petition or attached thereto and shall provide such petition to members of the petitioners' committee and to any other registered city voter who wishes to circulate it.~~

(e) Circulation.

- (1) Within 7 days after the later of either the date that the city clerk approves an application for an initiative or the date that an applicant provides written consent to the final language of an initiative as described in

subsection (d), or, in the case of a people's veto, within 7 days after an applicant submits to the city clerk a complete application, the city clerk shall prepare the petition forms in accordance with section 9-37 and make them available at the clerk's office to the applicant and members of the petitioners' committee.

(2) The applicant for an initiative or a people's veto shall provide to each person who will be circulating petitions a summary of the provisions of this ordinance and applicable laws that govern the circulation of petitions. The city clerk shall provide the applicant such summary when an approved petition form is provided to the applicant.

~~-(3) or eighty (80) calendar days from the original date of issuance of the petition, which date shall be noted by the clerk on each blank form; provided, however, that any petition for the "people's veto" of an ordinance not in effect must be filed with the city clerk prior to the effective date of said ordinance or within thirty (30) calendar days after passage by the city council, whichever is less. Any "people's veto" petition not so filed is void. All provisions as to the filing and the form of petitions in this article, except as otherwise specified in this article other than the aforementioned time frame, shall apply to both initiative and "people's veto" petitions.~~

(4) A person circulating a petition must provide any voter signing a petition the opportunity to read the approved proposed initiative or people's veto, and the summary, title, and fiscal impact statement prior to that voter signing the petition. The summary presented to the voter must be the final summary drafted by the city clerk that appears on the petition form.

~~(f)~~ Filing of petition.

(1) Any petition for the people's veto of an ordinance not in effect must be filed with the city clerk prior to the effective date of said ordinance or within thirty (30) calendar days after passage by the city council, whichever is less. Any people's veto petition not so filed is void.

~~-(2) Any petition for an initiative must be filed before the~~

~~close of business on or before the date that is 140 calendar days before the next regular municipal election in the following November. The petition must be returned to the city clerk for filing by close of business within eighty (80) calendar days from the date of issuance thereof.~~ If the ~~eightieth~~ 140<sup>th</sup> day is a Saturday, Sunday or holiday, said petition shall be filed by the close of business of the next immediate business day. All petition forms not so submitted are void.

- (3) The petition forms shall be assembled as one (1) instrument, with each page numbered, attached to a written statement from the petitioners' committee stating the number of petition forms being filed. The clerk shall certify the date of filing and the number of forms returned.

(ge) *Verification of petition.*

- (1) Within ~~fifteen-ten~~ (105) ~~business~~calendar days after the petition is filed, the clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars which render it defective. The clerk shall promptly send a copy of the certificate to the petitioners' committee by ~~e-mail~~certified mail, ~~return receipt requested, or by hand-delivery,~~ and shall file a copy with the city council.

- +2) A petition certified insufficient may be amended once, if the petitioners' committee files a written notice of intention to amend it with the clerk within ~~eight-two~~ (82) ~~calendar-business~~ days after ~~the date of the Clerk's email mailing by certified mail, return receipt requested, or hand-delivery of the copy of the clerk's certificate.~~ Within ~~ten-five~~ (105) ~~business~~calendar days after this notice of intention is filed, the petitioners' committee may file a supplementary petition to correct technical deficiencies in the original which shall, in form and content, comply with the requirements for an original petition but which shall not contain additional signatures of voters.

- (3) Within five (5) ~~calendar-business~~ days after a supplementary petition is filed, the clerk shall complete and file a certificate as to its sufficiency in the manner provided for in an original petition.

- (4) Any petition finally determined to be insufficient is void. The clerk shall stamp the petition void and seal and retain it in the manner required for secret ballots.
- (5) The clerk's decision as to the sufficiency of the petitions shall be a final determination, reviewable as provided by law.

(h~~f~~) *Hearing.* At its first regular meeting after receipt of a report that a petition is sufficient and has at least one thousand five hundred (1,500) valid signatures of the registered voters of the city, the city council shall set a date for public hearing, which hearing shall be held within thirty (30) calendar days thereafter. Notice of the hearing shall be published in a newspaper having general circulation in the city at least ten (10) calendar days prior to the hearing and shall contain the text of the petition. As provided by section 9-39, the city council shall take the necessary steps to submit to the voters of the city the ordinance proposed in the petition; provided that, in the case of the "people's veto" referendum, the entire repeal by the city council of the ordinance sought to be referred and, in the case of the initiative, the passage by the city council of the desired ordinance shall put an end to all proceedings under the petition.

**Sec. 9-37. Form of petition.**

(a) *Form.* The petition used to originate the initiative or the "people's veto" referendum shall be substantially in the following form on paper of uniform size with as many individual sheets as reasonably necessary:

**PETITION TO THE CITY COUNCIL**

For the Submission to the People of the Question

Shall the proposed ordinance, a copy of which is printed hereon or attached hereto, be adopted/repealed? (as applicable)

We, the undersigned, under oath, depose and say: That we are duly qualified voters of the City of Portland residing respectively at the addresses placed opposite our names, and we hereby petition the city council to submit the foregoing question to the voters of the City of Portland.

|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|--|--|--|--|

| Signature | Printed Name | Residence<br>(Street<br>Address) | Date |
|-----------|--------------|----------------------------------|------|
|           |              |                                  |      |
|           |              |                                  |      |

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Date of Issuance of Petition

(To be filled in by city clerk as original date of issuance of petition for signatures.)

Each signature must be in ink or other indelible instrument and must be followed by the printed name and the residence of the voter with street and number and the date of signing.

——(b) *Ordinance, title, and summary.* The city clerk shall include on the petition forms the ordinance, title, and summary of the initiative or people's veto approved in accordance with section 9-36(d).~~At the time of submitting the proposed ordinance, the petitioners must submit a summary to accompany the proposed ordinance on the petition. Said summary shall be clearly and objectively describe the content of the proposal and shall be written in words with common and everyday meaning. The summary shall not contain language designed to promote or oppose the proposal.~~In the event sufficient signatures are obtained to submit the ordinance to the voters, the summary and title included on the petition shall accompany the ~~the title and~~ text of the ordinance on the ballot, except as otherwise provided in section 9-41(b) below.

(c) *Fiscal impact statement.* Upon acceptance of an application under section 9-36(d), the city clerk shall request from the city finance director a fiscal impact statement describing the fiscal impact of the proposed ordinance on the city budget. Said fiscal impact statement shall be printed on the petition form and the ballot. If the finance director determines that an initiative will result in a fiscal impact of more than fifty thousand dollars (\$50,000.00), the ordinance, if approved by the



voters, will not become effective until the later of the first July 1 after the election or the effective date, if any, stated in the proposed ordinance.

(ed) *Circulator verification.* Each petition form shall have printed on its back an affidavit, which shall be executed by the circulator and verified by oath or affirmation before a notary public or other person authorized by law to administer oaths or affirmations, stating:

- (1) that the circulator personally circulated the form;
- (2) the number of signatures on that petition form and that the circulator personally witnessed all of the signatures to the petition~~all the signatures were signed in the circulator's presence;~~ and
- (4) ~~(3)~~—that the circulator believes each signature~~them~~ to be genuine signatures of the persons whose names they purport to be or that the signature of a voter who is unable to sign was made by an authorized signer in accordance with 21 MRS § 153-A.
- (5) that the circulator provided every voter who signed the petition the opportunity to read the proposed initiative or people's veto, and the summary, title, and fiscal impact statement prior to that voter signing the petition.

Signatures on the petition shall be verified pursuant to the same standards applicable to state initiative and "people's veto" referendum petitions pursuant to 21-A M.R.S.A. §§901 et seq., except that each person who signs a petition~~er~~ must be a registered voter of the city at the time of signing the petition.

**Sec. 9-38. Effect of people's veto petition.**

Whenever there has been filed with the clerk a petition, which is facially valid with at least one thousand five hundred (1,500) signatures, ~~for the reference to the people of any ordinance passed by the city council, which ordinance has not yet gone into effect, i.e. the~~ "people's veto" petition, said ordinance shall be suspended from going into operation until it has either been submitted to a vote of the people and has received the affirmative vote of a majority of the voters voting on the question or the petition, after opportunity for amendment and inspection, has been

found to be insufficient; whichever occurs first. In the event the required number of signatures are not obtained on the petition prior to the date when said ordinance goes into effect, said petition shall be null and void. ~~Once an enacted ordinance has gone into effect, it shall be amended or repealed only through the initiative process.~~

#### **Sec. 9-39. Time of election.**

At the first regular council meeting held after the ~~said~~ public hearing described in section 9-36(h), the city council shall ~~set a time for the holding of a special election at which the order that the initiative or people's veto ordinance shall be submitted to the voters of the city, which special election shall be held not less than sixty (60) nor more than one hundred fifty (150) calendar days after such council meeting; provided that, if the next regularly scheduled election falls within no less than sixty (60) and no more than one hundred eighty (180) calendar days of said council meeting, no special election shall be called, but the question shall be submitted at the next regular municipal election in November. Notwithstanding anything to the contrary in this article, after the clerk certifies a people's veto petition, the City Council may submit the people's veto to a vote of the people at a special election scheduled in accordance with the provisions of this article instead of submitting the people's veto to the voters at the next regular municipal election in November.~~

#### **Sec. 9-40. Publication of ordinance.**

       (a) *Publication.* Whenever any ordinance is required by the provisions of this article to be submitted to the voters of the city at any election, the city council must order one (1) publication of the complete title, text, ~~and~~ summary, and fiscal impact statement thereof to be made in one or more newspapers of the city, such publication to be made not less than ten (10) calendar days nor more than twenty (20) calendar days prior to the election.

(b) *Posting.* In addition to the foregoing, the city clerk shall post a copy of the complete title, text, ~~and~~ summary, and fiscal impact statement of the ordinance to be submitted ~~shall be posted~~ in the city clerk's office at least fourteen (14) calendar days prior to the date of the election. In addition to the foregoing, a copy of the complete title, text, ~~and~~ summary, and fiscal impact statement of the ordinance submitted to the voters shall be posted at each polling place on election day.

## **Sec. 9-41. Form of ballot.**

(a) *In general.* The ballot shall contain the full title, ~~text, summary and text, and fiscal impact statement~~ of the proposed ordinance ~~and the summary~~ included on the petition, except as provided below.

(b) *Title, ~~and summary, and fiscal impact statement~~ only.* At any point in the process after a petition has been certified as sufficient but no less than sixty (60) calendar days prior to the election, the city clerk shall report to the city council if ~~the city clerk~~~~he or she~~ determines that it is not reasonably possible to reproduce the full text ~~and summary~~ of the proposed ordinance on the ballot. ~~The city council shall vote on whether to follow the city clerk's recommendation to exclude the full text from the ballot. In such case, If the city council determines that it is not reasonably possible to reproduce the full text on the ballot, the ballot shall contain the title, summary, and fiscal impact statement provided with the petition. shall accompany the title on the ballot in place of the full text.~~

(c) *Wording of questions.* Ballots for a vote on an initiative or "people's veto" referendum question shall set out the question to be voted upon in the following form:

- (1) With respect to an initiative question, the question shall be presented to the voters substantially as follows:  
"Do you favor the change in the city ordinance(s) proposed by citizen petition as provided below?"
- (2) With respect to a "people's veto" question, the question shall be presented to the voters substantially as follows:  
"Do you favor repealing the city ordinance(s) enacted by the city council on (insert date)?"
- (3) In the event that the city council adopts a competing measure to an initiated ordinance, the questions shall be presented to the voters substantially as follows: "Do you favor one of the two (2) city ordinances set forth below: 'A' as proposed by citizen petition; 'B' as enacted by the city council; or should both be rejected as provided in 'C'?"

## **Sec. 9-42. Result of election**

If a majority of the qualified voters voting on a proposed initiative ordinance or a referred ordinance shall vote in favor thereof, such ordinance shall take effect thirty (30) calendar days after the declaration of the official canvass of the return of such election. Notwithstanding the foregoing, said effective date shall not be deemed to prohibit a retroactive or prospective application effective date of an initiated ordinance, to the extent permitted by law, if a said retroactive or prospective application date is specifically provided for in the petition and ~~or~~ the question approved by the voters. Any such date in the petition shall be included in the question on the ballot. ~~Such—Any~~ retroactive date shall not be earlier than the date of filing of the application affidavit originating the petition ~~which—that~~ is finally submitted to the voters, if any.

#### **Sec. 9-43. Conflicting ordinances.**

Any number of proposed or referred ordinances may be voted upon at the same election. If two (2) or more ordinances adopted at the same election contain conflicting provisions, the ordinance receiving the highest number of votes at such election shall be paramount, and all questions of construction shall be determined accordingly.

#### **Sec. 9-44. Order upon ballot.**

If two (2) or more ordinances are submitted at the same election, they shall be placed upon the ballot in order of the priority of the filing of the respective petitions and shall be given precedence upon the ballot over any and all questions submitted by the city council on its own initiative.

#### **Sec. 9-45. City council may initiate ordinance.**

The city council may submit, on its own initiative, a proposition for the enactment, repeal or amendment of any ordinance (except as otherwise provided in section 9-36(b) above) to be voted upon at any regular or special municipal election, and should such proposition receive a majority of the votes cast thereon at any election, such ordinance shall be enacted, repealed or amended accordingly.

In the event the council submits a proposition to the voters hereunder, it shall provide a summary and fiscal impact statement to accompany the full title and text. Said summary shall clearly and objectively describe the content of the proposition and shall be written in words with common and everyday meaning. The summary shall not contain language designed to promote or oppose the

proposition. The ballot shall contain the full title, text~~and,~~ summary, and fiscal impact statement of the proposition except as otherwise provided in section 9-41. The complete title, text, ~~and~~ summary, and fiscal impact statement of the proposition shall be published and posted prior to the election as provided in section 9-40.

**Sec. 9-46. Repeal or amendment of ordinance.**

An ordinance enacted by a vote of the people at an initiative or referendum election shall not be repealed or amended for a period of eighteen (18) months~~five (5) years~~ from the effective date of the ordinance, except by a vote of the people, unless such ordinance shall otherwise expressly provide. For the period beginning eighteen (18) months after the effective date of the ordinance and ending five (5) years after the effective date of the ordinance, the city council, after public hearing, may repeal or amend such ordinance by vote of six (6) of its members. After five (5) years from the effective date of the ordinance, the city council, after public hearing, may repeal or amend such ordinance by vote of five (5) of its members.

**BE IT FURTHER ORDERED,** that upon approval by the City Council, this amendment shall be submitted to the voters at the General Election on November 7, 2023, with the following question and summary substituted on the ballot for the entire amendment, the full text of which shall be posted at all polling places:

**Do you favor the changes in Chapter 9 of the City Code proposed by the City Council as provided in the summary below?**

This amendment will make changes to the Initiation and Referendum provisions in Article III of Chapter 9 of the City Code that include (1) limiting the initiative and people's veto processes to the City's regular municipal election in November of each year, (2) updating the administrative process to apply for a petition for an initiative or people's veto, (3) adding a requirement that a proposed ordinance be reviewed and approved by the City Clerk, in consultation with the Corporation Counsel, prior to issuing initiative petition forms to ensure that the proposed ordinance complies with certain administrative provisions in Article III of Chapter 9 of the City Code, (4) adjusting the timing requirements for filing an application and signed

petition forms for an initiative to ensure that the initiative process is completed in time to be placed on the November ballot, (5) requiring that the City's Finance Director prepare a fiscal impact statement for an initiative and providing that a proposed ordinance having a fiscal impact of more than \$50,000.00 will not become effective until the later of the first July 1 after the election or the effective date stated in the proposed ordinance; (6) requiring that petitions include the full text, an objective title and summary, and a fiscal impact statement for the proposed ordinance and that petition circulators provide voters an opportunity to review that information before signing, (7) updating petition circulator verification requirements to be consistent with Maine law (8) allowing the City Council, by vote of six of its members, to amend or repeal an ordinance approved through the initiative process 18 months after the effective date of the ordinance, and (9) revising the existing language to ensure internal consistency and other non-substantive changes.



Dena Libner &lt;dlibner@portlandmaine.gov&gt;

## Public comment: Order 261-22/23 Proposing an Amendment to Portland City Code Chapter 9 Re: the Citizen Initiative Process

Winston Lumpkins &lt;winston.lumpkins@gmail.com&gt;

Sun, Jun 25, 2023 at 10:53 AM

To: publiccomment@portlandmaine.gov, City Council &lt;council@portlandmaine.gov&gt;, Kate Snyder &lt;ksnyder@portlandmaine.gov&gt;

Dear Mayor Snyder, Portland City Council,

I'm happy to see changes to the Referendum process in Portland on your agenda this Monday, it's refreshing to see legislation moving through the council. Certainly, in order for me to support this, and vote for it, seeing the council move quickly to pass legislation will be necessary. The council could address the outstanding issue of a reduction in STR licences on the peninsula, where voters have consistently voted to restrict or ban them... That would show the council's willingness to do the hard work so often addressed through referendum campaigns in the last few years, in an area where overly complex referenda have failed to do so.

I also think the council should seriously consider raising council pay, as it might allow the council to devote more time to legislation and provide some of the actions those constantly running referenda seek. I've participated in referenda campaigns, both for and against them, and I would like the council to do this work instead. Certainly, I know people in my economic position can't afford to be councilors, which, in this city of renters and food industry workers, seems deeply unfair.

I don't agree with all of the proposed changes: since you're likely considering an omnibus question (vs 9 separate questions) I thought I would share what I think needs to be changed to allow me to support the measure, **which I want to be able to do**.

I'll start with the changes I'm disappointed not to see:

**We need to change the way a competing measure appears on the ballot:** competing referenda should be voted on via ranked choice, giving both council policy and citizen initiatives a fair shake: the counter proposal by the council should be a genuine opportunity to offer a better option, not a quasi veto.

**The council should clearly be able to immediately adopt any referendum with a simple Majority of 5 votes:** first and foremost a referendum is the people begging the council to do something: they should only go to voters if the council refuses to do it!

**I support limiting the initiative process to November.** Initially I was concerned about the People's veto being limited to november, but, I see that the council can put it to a vote in a special election. That needs to stay in, for obvious reasons.

I like the idea of the Corporation Counsel looking over proposed referenda, and offering possible corrections to the petitioners prior to circulation, I think it would help ameliorate the problem we saw with the most recent June referendum, where no one seemed to know what it would do: at the very least, a public interpretation by the Corp Counsel describing how the city would enact a referendum would be useful. **Unfortunately, I can't support this excellent idea because the Clerk can't be allowed to act as a gatekeeper/hold veto power.** Incorporating edits by the corporation counsel must be voluntary, though those edits and the rationale behind them should be made public in the event that the petitioner does not accept them but instead runs a flawed and confusing referendum, as happened this June, and the council, in the event of such a refusal, should have the option to use that edit as an alternate question.

It's clear that someone other than the petitioner needs to have some level of moderating control over the title and summary language: I think the current system, having the council edit the summary language with advice from the corp counsel is probably the best option. Objectivity is extremely hard to come by, but, at least we have accountability through elections if the council does it.

**I can't support the inclusion of a fiscal impact statement. I don't trust staff to act objectively;** as we've seen with the supposed administrative edits to rent control sponsored by the City Manager at **this very meeting**, staff can't always tell the difference between administrative edits and substantial policy changes. It's impossible to trust a fiscal impact statement to be wholly neutral.

Allowing the council to amend or repeal referendum language with 6 votes 18 months after a referendum comes into effect without putting the question to the voters: I think it's better just to shrink the whole 5 year thing to 3 years after a referendum comes into effect. **If we want to do an interim super majority, I would accept this between 3 years and 5 years.** I also want to acknowledge what 6 votes out of 9 is: 66.6%. It's the devil's number, and overturning the will of the people is surely devilish. However hilarious I find this, allowing this after a mere 18 months will force me to vote against this measure.

Thanks for reading this comment, and I hope taking it seriously enough that I'll be able to support these changes in November. Either way, thanks for doing the work behind putting it forward, whether I support it or not I recognize the work that's gone into it, and I think it's important that the council does work not everyone will like.

Sincerely yours,

Winston lumpkins,  
District 1,  
East End,  
Portland Maine.

