

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL FOURNIER (A/L)
ROBERTO RODRÍGUEZ (A/L)



ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

CITY COUNCIL MEETING - JANUARY 3, 2024 AT 5:00 PM

The Portland City Council will hold a City Council Meeting in Council Chambers. The Honorable Mark Dion, 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).

The City Council will conduct this meeting from Council Chambers, located on the second floor of City Hall. Public comments may only be submitted in person or in writing.

To watch this meeting remotely, please visit the live-stream at <https://portlandme.portal.civicclerk.com/event/6484/media>.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

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

ANNOUNCEMENTS:

Regarding the Barron Center's rating of "5 out of 5" and "High Performing" by the U.S. News & World Report's 2023-2024 "Best Nursing Homes Ratings" - Mark Dion, Mayor

RECOGNITIONS:

Recognizing Portland Police Officer David Shertz, Fire Lieutenant Michael Casey, firefighters Jacob Garrison, Ronald Giroux and Dan Verrill, fire boat members Lieutenant David Crowley and firefighters Torin Hultz and Patrick Hourihane, and civilian Manny Kourinos - Mark Dion, Mayor

APPROVAL OF MINUTES OF PREVIOUS MEETING:

City Council Meeting Minutes - December 18, 2023

PROCLAMATIONS:

Proclamation 14-23/24 Recognizing Martin Luther King, Jr. Day - Sponsored by Mark Dion, Mayor

LICENSES:

Order 88-23/24 Granting Municipal Officers' Approval of P and P Ramen LLC, dba Pai Men Miyake. Application for Class I FSE with Outdoor Dining on Public Property at 188 State Street - Sponsored by Danielle P. West, City Manager

Application was filed on 12/11/23. Change of ownership of existing establishment. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 89-23/24 Granting Municipal Officers' Approval of P and P Sushi LLC, dba Miyake. Application for Class I FSE at 468 Fore Street - Sponsored by Danielle P. West, City Manager

Application was filed on 12/11/23. Change of ownership of existing establishment. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 90-23/24 Granting Municipal Officers' Approval of Thai Tree LLC, dba Thai Tree Restaurant. Application for Class I FSE at 571 Congress Street - Sponsored by Danielle P. West, City Manager

Application was filed on 12/12/23. Location was previously Pom's Thai Restaurant. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 91-23/24 Granting Municipal Officers' Approval of Deering Memorial Post 6859 VFW INC, dba Deering Memorial Post 6859 VFW. Application for Class I FSE at 687 Forest Avenue - Sponsored by Danielle P. West, City Manager

Application was filed on 11/29/23. Change of classification of current establishment.

Five affirmative votes are required for passage after public comment.

Order 92-23/24 Waiving the Beano/Bingo Licence Fee for the Veterans of Foreign Wars Post 6859 - Sponsored by Mark Dion, Mayor

If passed, this order would waive the fee associated with this annual Beano/Bingo license renewal (currently totaling \$104.00, collected annually) for the Veterans of Foreign Wars (VFW) Post 6859, a nonprofit corporation, at 687 Forest Avenue. According to Sec. 15-12.1 of City Code, "The city council may, in its discretion, waive or reduce any fee required of any nonprofit organization where the council determines the purpose of the licensed activity or the funds to be raised by the activity are of direct benefit to the citizens of the city." At the request of the applicant, staff have included a fee waiver for the Council's consideration.

Five affirmative votes are required for passage after public comment.

Order 93-23/24 Waiving the Class III & IV with Indoor Entertainment Application Fees for the Maine Irish Heritage Center - Sponsored by Mark Dion, Mayor

The City Council approved these licenses on August 14, 2023, but did not make a determination regarding the applicant's request for a waiver of application fees.

If passed, this order would waive fees associated with these applications (currently totaling \$1,406.00, collected annually). According to Sec. 15-12.1 of City Code, "The city council may, in its discretion, waive or reduce any fee required of any nonprofit organization where the council determines that the purpose of the licensed activity or the

funds to be raised by the activity are of direct benefit to the citizens of the city."

Five affirmative votes are required for passage after public comment.

COMMUNICATIONS:

Communication 25-23/24 Regarding the State of Maine Legislative Process - Danielle P. West, City Manager

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

RESOLUTIONS:

Resolution 5-23/24 Calling for an Immediate Ceasefire in Gaza and Israel - Sponsored by Pious Ali, Councilor

Five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

Order 87-23/24 Amendment to Zoning Map Re: R-5 Residential for 921 Ocean Avenue, 410, 422 & 426 Presumpscot Street - Sponsored by the Planning Board, Brandon Mazer, Chair

On October 24, 2023, the Planning Board unanimously voted (7-0) to recommend a zoning map amendment changing 921 Ocean Avenue (CBL 418A A005001), 410, 422 & 426 Presumpscot Street (CBLs 418A A004001, 418A A008001 & 418A A007001) and Parcel 418A A006 from an R-3 Residential zone to a R-5 Residential zone. The Planning Board found the proposed zoning map amendment to be consistent with the Comprehensive Plan for the City of Portland.

The proposed zoning map amendment application was submitted by Christopher Lee of Backyard ADUs to facilitate the development of a Planned Residential Unit Development (PRUD) on 921 Ocean Avenue, 422 & 426 Presumpscot Street, and Parcel 418A A006 with approximately 40 to 50 dwelling units.

This item must be read on two separate days. It received its first reading on December 18, 2023. Five affirmative votes are required for passage after public comment.

Order 45-23/24 Amendment to the Portland City Code Chapter 2 Re: Qualification for Land Bank Commission Members - Sponsored by Ashley Rand, City Clerk

The various boards and committees struggle to fill vacant spots. Amending the Land Bank Commission rules will help with recruitment efforts to fill vacancies. Vacancies are posted in the paper as well as online, but we still are not receiving enough applications to fill spots. Right now the Land Bank Commission requires a member from each district as well as At-Large members to be on the board. This vacancy was advertised, but no one from a district that was needed applied. Amending this would allow for positions to be advertised for each district, but when no applicants apply from the vacant district seat, candidates from the same district may be appointed.

On October 16, 2023 this item was referred to the Legislative and Nominating Committee for review.

On November 21, 2023, the Legislative and Nominating Committee meeting and voted

3-0 (Ali Absent) to refer this item back to City Council for approval.

This item must be read on two separate days. It received its first reading on December 18, 2023. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 94-23/24 Accepting and Appropriating a \$3,533.70 Grant from the Maine Bureau of Public Safety for Drug Recognition Expert Training - Sponsored by Danielle P. West, City Manager

This item accepts and appropriates a \$3,533.70 sub-grant awarded to the Police Department by the Maine Bureau of Highway Safety. These funds are to be used to send an officer to Drug Recognition Expert (DRE) training and to fund call-outs to conduct DRE evaluations.

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

Order 95-23/24 Approving the One-Year Extension of the Collective Bargaining Agreement with the Portland Police Benevolent Association – Sponsored by Danielle P. West, City Manager

This item extends the negotiated collective bargaining agreement between the City and the Portland Police Benevolent Association (“PBA”) which is set to expire on December 31, 2023. The proposed agreement would extend the collective bargaining agreement for one (1) year and provide a four (4%) percent increase to superior officers effective July 7, 2024. This proposal is presented after previously receiving guidance from the City Council in executive session and after having been approved by the PBA.

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

AMENDMENTS:

EXECUTIVE SESSION:

ADJOURNMENT:

Portland Fire Department
Portland Police Department
Keith Gautreau Mark Dubois
Fire Chief *Police Chief*

December 6, 2023

Re: November 16, 2023 Boat Launch Rescue



On November 16, 2023, just after noon, police and fire personnel from the City of Portland responded to the report of a car in the water off of the East End Beach commercial boat launch.

Upon arrival of public safety personnel, a car could be seen floating in Casco Bay several yards from shore. A lone person could be seen in the car as the car floated further from shore. The fire boat was summoned to the location with reports of a person trapped in a sinking car and floating away from shore.

Portland Police Officer David Shertz, Fire Lieutenant Michael Casey, Firefighters Jacob Garrison, Ronald Giroux and Dan Verrill went into the ocean to save the car's occupant. Fireboat members LT. David Crowley and Firefighters Torin Hultz and Patrick Hourihane also had a pivotal role in this rescue.

As the car floated to about 75 yards from shore, it was obvious that it was about to become fully submerged. A few moments after the car fell below the surface of the water, fire personnel from Marine One arrived on the scene along with a commercial fishing vessel owned and skippered by Manny Kourinos.

Responders initiated a coordinated approach at the scene of the submerged car, with all efforts in place to save the occupant. Fire Department Lt. Phil LaRou broke the driver's side window of the car as Manny Kourinos entered the water after quickly donning scuba gear with the assistance of deckhand Michael Green.

Manny Kourinos went to the bottom of the bay without hesitation as the car sat in about 15 feet of water. He was able to pull the victim from the car through the driver's side window to the surface, where public safety personnel immediately started life-saving resuscitation to the unconscious and not breathing victim. It is estimated that the patient was without oxygen for about eight minutes.

As paramedics and fire personnel continued with CPR, Manny Kourinos went back to the submerged car and confirmed that no other people were trapped in the car and that the car was unoccupied; this second effort also provided police with valuable investigative information related to the car. Police learned that the submerged car had recently been stolen from a South Portland home. Investigative information was forwarded to the South Portland Police Department as recovery efforts were put in place to remove the car from Casco Bay.

Actions like this bring credit to all involved who risked their lives to save another.

ZOOM INFORMATION:

The City Council will conduct this meeting from Council Chambers, located on the second floor of City Hall. Public comments may only be submitted in person or in writing.

To view this meeting remotely, please visit the live-stream at <https://portlandme.portal.civicclerk.com/event/6495/media>

PLEDGE OF ALLEGIANCE:

Mayor Dion led all those present in the Pledge of Allegiance.

ROLL CALL:

Mayor Dion called the meeting to order at 5:04pm.

City Councilors Present: Councilor Fournier, Councilor Rodriguez, Councilor Sykes, Councilor Ali, Councilor Bullett, Councilor Trevorrow, Councilor Pelletier, Councilor Phillips, Mayor Dion

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

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

George Rheault (Hanover Street), Councilor Rodriguez, Councilor Pelletier, Michael Goldman (Corporation Counsel)

*Motion to Suspend council rules to take public comment on encampments (an item on the Council agenda) moved by Councilor Pelletier and seconded by Council Ali. Passed 9-0

Public Comment continued:

Cheryl Harkins (South Portland Resident), Taylor Kram (Preble Street), Eric Brewer (Boyd Street), Outreach Case Manager Portland, Mike Stockmeyer (Preble Street), Pat Bailey (Land Bank Commission Chair)

ANNOUNCEMENTS:

Mayor Dion opened the floor for Announcements. No one spoke.

RECOGNITIONS:

Recognizing Portland Police Officer David Shertz, Fire Lieutenant Michael Casey, firefighters Jacob Garrison, Ronald Giroux and Dan Verrill, fire boat members Lieutenant David Crowley and firefighters Torin Hultz and Patrick Hourihane, and civilian Manny Kourinos - Mark Dion, Mayor

This item was postponed to January 4, 2024.

Recognizing Apex Racket and Fitness for 50 Years in Business - Mark Dion, Mayor

Mayor Dion recognized Apex Racket and Fitness for 50 Years in Business.

Recognizing the life and contributions of Lado Lodoka - Pious Ali, Councilor and Regina Phillips, Councilor

Councilor Ali recognized the life and contributions of Lado Lodoka.

PRESENTATIONS:

State of the Schools - Portland Board of Public Education, Sarah Lentz, Chair

Sarah Lentz, Portland Board of Public Education gave the State of the Schools speech.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Inaugural City Council Meeting - December 4, 2023 6:00PM

Special City Council Meeting - December 4, 2023 6:30PM

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

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

APPOINTMENTS:

Order 88-23/24 Appointing Constables for 2024 - Sponsored by Danielle P. West, City Manager

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

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

Order 89-23/24 Authorizing Special Council and Outside Board and Commission Appointments for 2024 - Sponsored by Mark Dion, Mayor

Motion was made by Councilor Fournier and seconded by Councilor Sykes for passage as amended. Passage 9-0

Motion to amend Order 89-23/24 to add Councilor Sykes to GPCOG, moved by Councilor Bullet and seconded by Councilor Fournier for passage. Passage 9-0.

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

COMMUNICATIONS:

Communication 20-23/24 Calendar Year 2023 Accomplishments of the Housing & Economic Development Committee - Housing & Economic Development Committee, Pious Ali, Chair

Councilor Ali gave an update on the Calendar Year 2023 Accomplishments of the Housing Economic Development Committee.

As a communication, no formal action is required.

Communication 21-23/24 Regarding the City of Portland Administrative Banner Policy - Jessica Grondin, Director of Communications and Digital Services

Jessica Grondin gave a communication regarding the City of Portland Administrative Banner Policy.

As a communication, no formal action is required.

Communication 22-23/24 Regarding the 2024 Council Common Goals - Mark Dion, Mayor

Mayor Dion gave a communication regarding the 2024 Council Common Goals.

As a communication, no formal action is required.

Communication 23-23/24 Statement by the Land Bank Commission regarding encampments - Mark Dion, Mayor

Mayor Dion gave a communication by the Land Bank Commission regarding encampments.

As a communication, no formal action is required.

Communication 24-23/24 Statement by the Portland Parks Commission regarding encampments - Mark Dion, Mayor

Mayor Dion gave a communication by the Parks Commission regarding encampments.

As a communication, no formal action is required.

UNFINISHED BUSINESS:

Order 61-23/24 Zoning Map Amendment to B-2b Community Business for the area of land around the intersection of Washington Avenue, Bates Street and Veranda Street - Sponsored by the Planning Board, Brandon Mazer, Chair

Brandon Mazer, Planning Board Chair gave an overview of Order 61-23/24.

Motion was made by Councilor Bullett and seconded by Councilor Ali for passage as amended. Passage 9-0

Motion to amend Order 61-23/24 to add Whereas paragraph outlining the findings and conclusions from the Planning Board Report (amendment in the backup) moved by Councilor Ali and seconded by Councilor Phillips for passage. Passage 9-0.

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

Order 80-23/24 Approving the First Amendment and Restated Purchase and Sale Agreement with Lambert Woods North LLC Re: 622 Auburn Street, Portland, and 0 Gray Road, Falmouth - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

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

Passage 9-0

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

Order 81-23/24 Designating the Lambert Woods North Affordable Housing Development and Tax Increment Financing District and Adopting the Municipal Development Program for the District - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

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

Passage 9-0

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

Order 82-23/24 Approving the Lambert Woods North Affordable Housing Credit Enhancement Agreement with Lambert Woods North LLC - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

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

Passage 9-0

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

Order 83-23/24 Appropriating \$1,500,000 from the Jill C. Duson Housing Trust Fund to Maine Cooperative Development Partners LLC RE: Dougherty Commons

Condominiums - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

Greg Watson (Director of Housing & Economic Development) gave an overview of Order 83-23/24.

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

Mayor Dion opened the floor for public comment. The following individuals spoke: Todd Morse (Hammond Street), George Rheault (Hanover Street), Wendy Chairben (Preble Street), Zach (Center Street), Chris Peralas (East Bayside), Liz Trice (Maine Cooperative Development Partners), Mayor Davis (Housing & Community Development Division Director), Councilor Fournier, Councilor Bullett, Councilor Sykes

Order 84-23/24 Amendment to Zoning Map Re: B-2 Community Business for 182 Woodford Street Rear and 186 Woodford Street - Sponsored by the Planning Board, Brandon Mazer, Chair

Brandon Mazer (Chair of Planning Board) gave an overview of Order 84-23/24.

Motion was made by Councilor Ali and seconded by Councilor Rodriguez for passage. Passage 8-0 (Councilor Pelletier absent)

Mayor Dion opened the floor for public comment. The following individuals spoke: George Rheault (Hanover Street), Brian Kilgallen (Community Housing of Miane), Councilor Phillips, Brandon Mazer (Planning Board Chair)

Order 85-23/24 Amendment to Portland City Code Chapter 14 Re: Conformance with LD 2003 - Sponsored by the Planning Board, Brandon Mazer, Chair

Brandon Mazer (Chair of Planning Board) gave an overview of Order 85-23/24.

Motion was made by Councilor Rodriguez and seconded by Councilor Fournier for passage as amended, as an emergency. Passage 8-1 (Councilor Dion-No)

Mayor Dion opened the floor for public comment. The following individuals spoke: Todd Morse (Hammond Street), Justin Baird (Parkside Neighborhood), Nathaniel Ferguson (Exeter Street), Zach (Center Street), Chris Peralas (East Bayside), Anna Morse (East Bayside), Annie (Winterville St), Jennifer Cliff (Chestnut St). Wendy Chairaben (99 Federal Street), Tom Bander (Munjoy Hill), John Clark (225 Valley Street), Eamond Dundon (Portland Regional Chamber), Speaker Ryan Fecteau (LD 2003 Author), George Rheault (West Bayside), Liz Trice (Portland Resident), Damian (Bolton Street), Wes Pelletier (Maine DSA), Councilor Ali, Councilor Rodriguez, Mayor Dion, Councilor Sykes

Amendment #1 -RE: Application to Lots with Dwelling Units Demolished after July 1, 2023

Motion was made by Councilor Rodriguez and seconded by Councilor Sykes to approve Amendment #1. Amendment is in Agenda backup.

Mayor Dion opened the floor for comments on the amendment. The following individuals commented on the amendment: Councilor Rodriguez, Mayor Dion

Motion passed 8-1 (Councilor Dion,-No)

Amendment #1 Passed.

Amendment #2-RE: Removing Restrictions on Lots with Existing Dwelling Units

Motion was made by Councilor Rodriguez and seconded by Councilor Ali to approve Amendment #2. Amendment is in Agenda backup.

Mayor Dion opened the floor for comments on the amendment. The following individuals commented on the amendment: Councilor Rodriguez, Councilor Phillips, Brand Mazer (Planning Board Chair), Mayor Dion, Councilor Ali, Councilor Bullett, Councilor Fournier, Councilor Sykes

Motion passed 8-1 (Councilor Dion,-No)

Amendment #2 Passed.

Amendment #3- RE: Compliance with Dimensional Requirements.

Motion was made by Councilor Rodriguez and seconded by Councilor Ali to approve Amendment #3. Amendment is in Agenda backup.

Mayor Dion opened the floor for comments on the amendment. No one spoke.

Motion passed 8-1 (Councilor Dion,-No)

Amendment #3 Passed.

Amendment #4-E: Exemption from Off-Street Parking Requirements.

Motion was made by Councilor Rodriguez and seconded by Councilor Ali to approve Amendment #4. Amendment is in Agenda backup.

Mayor Dion opened the floor for comments on the amendment. No one spoke.

Motion passed 7-2 (Councilor Dion & Councilor Phillips,-No)

Amendment #4 Passed.

Amendment #5- RE: A Correction to Table 18-C

Motion was made by Councilor Rodriguez and seconded by Councilor Ali to approve Amendment #5, a correction to the numbers in Table 18-C. The table should read: 30-49%

Mayor Dion opened the floor for comments on the amendment. No one spoke.

Motion passed 9-0

Amendment #5 Passed.

Reconsideration of Amendment #2

Motion was made by Councilor Ali and seconded by Councilor Fournier. Passed 9-0
Amendment #2 is now on the floor for reconsideration.

Motion was made by Councilor Rodriguez and seconded by Councilor Fournier to make a friendly amendment to the originally approved amendment #2 to change the word in section A. from two to three. For passage. Passage 9-0

The additional amendment now reads: "In island Zones: Up to three units"

Mayor Dion opened the floor for discussion on the amendment. The following individuals spoke: Councilor Rodriguez

Amendment #2 was further amended.

***Order 85-23/24 was passed with amendments and as an emergency.**

This order goes into effect immediately.

ORDERS:

Order 86-23/24 Accepting and Appropriating an Anonymous \$5,000 Donation for Those In Need - Sponsored by Danielle P. West, City Manager

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

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

AMENDMENTS:

Order 87-23/24 Amendment to Zoning Map Re: R-5 Residential for 921 Ocean Avenue, 410, 422 & 426 Presumpscot Street - Sponsored by the Planning Board, Brandon Mazer, Chair

The is first reading.

Order 45-23/24 Amendment to the Portland City Code Chapter 2 Re: Qualification for Land Bank Commission Members and Addition of North Deering Park - Sponsored by Ashley Rand, City Clerk

This is first reading.

RESOLUTION:

Resolve 6-23/24 Opposing the City of Portland's Planned Sweep of the Harbor View Encampment and Other Encampments on City Property Posted for Resolution on December 19, 2023

Motion was made by Councilor Trevorrow and seconded by Councilor Ali to suspend Council rules to take up an un-agended item. Passage: 9-0.

Un-Agended item is now on the floor.

Motion was made by Councilor Trevorrow and seconded by Councilor Ali for passage of Resolution 6 titled: "Resolution Opposing the City of Portland's Planned Sweep of the Harbor View Encampment and Other Encampments on City Property Posted for Resolution on December 19, 2023" Passage: 7-2 (Councilor Phillips & Mayor Dion-No) Councilor Trevorrow read Resolve 6 into the record.

Mayor Dion opened the floor for Council comment. The following individuals spoke: Councilor Trevorrow, Councilor Phillips, Mayor Dion, Councilor Sykes, Michael Goldman (Corporation Counsel), Councilor Fournier, Councilor Rodriguez, Councilor Bullett, Councilor Pelletier

Mayor Dion opened the floor for public comment. The following individuals spoke: Eamonn Dundon (Portland Regional Chamber of Commerce), Wes Pelletier (Maine DSA), Resident from Bolton Street

Resolve 6-23/24 passed 7-2 (Councilor Phillips & Mayor Dion-No)

EXECUTIVE SESSION:

ADJOURNMENT:

Motion was made by Councilor Bullett and seconded by Councilor Fournier to adjourn. Passage 9-0 at 10:07pm.

A TRUE RECORD

Ashley Rand, City Clerk

PROCLAMATION

RECOGNIZING MARTIN LUTHER KING, JR., DAY

WHEREAS, Reverend Dr. Martin Luther King, Jr., a minister, activist, author, and leader inspired so many in this country and the world with his vision and dedication to freedom and equality, for both Black Americans and all working-class Americans, regardless of race or color; and

WHEREAS, Dr. King became the voice of the American civil rights movement in the 1950s and 1960s with his distinctive oratorical style and commitment to nonviolent protest and deliberative, intentional political action that resulted in the passage of the Civil Rights Act of 1964, prohibiting discrimination based on race, color, religion, sex and national origin; and

WHEREAS, Dr. King led the Montgomery Bus Boycott, was one of the founders of the Southern Christian Leadership Council, championed the Poor People's campaign and for his many efforts was awarded the Nobel Peace Prize in 1964; and

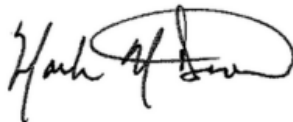
WHEREAS, Dr. King came to Maine twice to talk about race relations and his dream of Equality, Black Liberation, and Human Rights, planting a seed that continues to inspire and motivate the millions of people continuing his work in Portland, across the United States, and around the world; and

WHEREAS, Dr. King's voice, vision, and dream has persevered for generations since his passing, and his deeply-held faith and unwavering courage in loudly proclaiming the message of liberty, justice and equality for Black Americans lives on; and

WHEREAS, The United States Congress passed legislation that was signed into law on November 2, 1983, designating the third Monday in January a national holiday in honor of Reverend Dr. Martin Luther King, Jr.'s birthday; and

NOW, THEREFORE, BE IT RESOLVED, that I, Mark Dion, Mayor of the City of Portland, Maine and members of the City Council do hereby recognize Monday, January 15, 2024 as Martin Luther King, Jr. Day.

Signed and sealed this 3rd day of January, 2024



Mark Dion, Mayor
City of Portland

MEMORANDUM
City Council Agenda Item

FROM:

DATE: December 19, 2023

SUBJECT: Order 88-23/24 Granting Municipal Officers' Approval of P and P Ramen LLC, dba Pai Men Miyake. Application for Class I FSE with Outdoor Dining on Public Property at 188 State 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 12/11/23. Change of ownership of existing establishment. New City and State applications.

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. 2024.01.03_Pai Men Miyake_Council Order
2. 2024.01.03_Pai Men Miyake_Council Packet

Prepared by:

Date: 12/19/2023

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

CITY OF PORTLAND
IN THE CITY COUNCIL

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
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ANNA Y. BULLETT (4)
KATHRYN SYKES (5)

ORDER

GRANTING MUNICIPAL OFFICERS’

APPROVAL OF:

P and P Ramen LLC, dba Pai Men Miyake. Application for Class I FSE with Outdoor Dining on Public Property at 188 State Street

December 6th, 2023

Dear Mayor Dion and members of City Council,

After many years of management of Pai Men and Miyake restaurants, Courtney Packer and Emily Phillips plan to purchase the businesses from their current owner, Masa Miyake. The attached applications ask that Packer and Phillips' new entity representing Pai Men, P and P Ramen LLC, be granted a Class I liquor license and outdoor seating permit to continue to operate Pai Men Miyake at 188 State Street in Portland.

Packer and Phillips are excited to continue operating Pai Men and plan to keep its concept, occupancy, operating hours, and menu the same.

Sincerely,

A handwritten signature in black ink that reads "Courtney Packer". The signature is written in a cursive, flowing style with a long horizontal line extending from the end.

Courtney Packer

A handwritten signature in black ink that reads "Emily Phillips". The signature is written in a cursive, flowing style with a long horizontal line extending from the end.

Emily Phillips



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

Business Information	
Establishment Name (d/b/a):	PAI MEN MIYAKE Phone: 207 871 9170
Location Address:	188 STATE ST, PORTLAND ME 04101 Zip:
If new, what was formerly at this location:	
Mailing Address:	PO BOX 4158 PORTLAND ME 04101 Zip:
Contact Person:	EMILY PHILLIPS Phone: 207 420 7540
Contact Person Email:	emily@miyakerestaurants.com
Manager of Establishment:	EMILY PHILLIPS Date of Birth: 7/26/87 Phone: 207 420 7540
Owner of Premises (Landlord):	PORT PROPERTY MGMT
Address of Premises Owner (Landlord):	82 HANOVER ST, PORTLAND ME 04101 Zip:

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

Name of Owner(s)	Date of Birth	Residence Address

Corporate Name	Corporate Mailing Address
P AND P RAMEN, LLC	PO BOX 4158 PORTLAND ME Zip: 04101

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

Contact Person:	EMILY PHILLIPS			Phone:	207 420 7540
Principal Officers	Title	Date of Birth	Residence Address		
COURTNEY PACKER	OWNER	6/17/1981	1 TIMBER SANDS RD, SCARBOROUGH ME 04074		
EMILY PHILLIPS	OWNER	7/26/87	33 COLUMBUS RD, CAPE ELIZABETH, ME 04107		
Class of Liquor License:		CLASS 1			

Miyake Restaurants

Pai Men Miyake Gift Cards

Contact

Bissell Brothers Precept Pilsner	9	Ryujin Shuzo Ginjo Namazume	20	Lemon Jasmine Sour	12
German style pilsner, Maine 5.6%, 20oz		Genshu "Dragon God" 8oz canafe		Shochu, lemon, jasmine water	
Sacred Profane Dark Lager	8	WINE		Hana Gasumi	13
Czech style dark lager, Maine, 4%, 16oz		Montelvini Prosecco	8	Back River gin, nigori sake, grapefruit, lime, ginger liqueur	
Sebago Pressed For Time	8	Draft sparkling wine, Italy		Miyake Mule	13
Juicy Hazy IPA, Maine, 5.7%, 16oz		Hillinger Secco Rose	14	Bulleit bourbon, yuzu juice, lemon, lime, ginger beer	
Goodfire Brewing Prime	9	Sparkling Pinot Noir, Austria 187ml		Shiso Lucky	13
NEIPA, Maine, 6.5%, 16oz		2021 Rutenstock	8/36	Back River gin, shiso, lime	
Sasanoa Big Island Saison	8	Grüner Veltliner, Austria		Whiskey Hot Pot	20
Brewed with farm grown ginger and lime basil, 5.5%, 12oz		2021 VRAC Rose	8/36	Maker's mark, lemon & honey (serves 2)	
Bunker Libbytown Brown Ale	8	Grenache, Syrah, Tibouren, France		Matcha Hai	13
English style brown ale, Maine, 6%, 16oz		2021 Pas de Problème	8.5/38	Nobushi whisky, matcha, honey, lemon	
Allagash Sour on Golden Raspberries	9.5	Pinot Noir, Languedoc, France		Kinbato	12
Sour blonde ale aged on golden raspberries, Maine, 5.4%, 9oz		NON ALCOHOLIC		Tequila, grapefruit, lime, st germain, lime	
Shacksbury Rose Cider	8	Pot of Genmaicha Tea	5	togarashi rim (contains sesame)	
Bright and dry with notes of wild berries, Vermont, 5.5%, 12oz		Grapefruit Mint & Honey Spritz	4	Japanese Whiskies- neat, rocks, or highball	
		Yuzu Lemonade	4	Suntory Toki	12
		Maine Root Ginger Brew	5		
		Ramune Japanese Marble Soda	4		
Rice Ball with Gochujang Rice, Salmon, Mijiri					
seaweed, bonito, sesame and nori		(contains dairy)			
Edamame (v)	9	Nikuman Buns	14	with tobiko	
Steamed and salted soybean pods		2 house made steamed buns enclosed around pork belly and pickled mustard greens, unagi sauce (contains dairy)		Salmon Lady Roll*	19
Brussels Sprouts	13			Raw salmon and avocado, topped with seared salmon, toasted almonds, plum paste and spicy mayo	
Fish sauce vinaigrette, cilantro, lime, mint, scallion		SALADS		Spicy Maine Crab or Lobster*	24/29
Pork Gyoza	13	House Salad (v)	11	Local crab or lobster meat broiled with kewpie mayonnaise and togarashi wrapped in a black sesame soy paper wrap, topped with tobiko	
Pan seared pork and cabbage dumplings		Mixed greens, cucumber, carrot, daikon, house miso dressing		Futomaki (v)	12
Hamayaki*	18	Add marinated salmon* + 9		Inari, shiitake, avocado, cucumber, carrot, sesame	
Broiled crab and scallop over sushi rice, kewpie mayo, truffle oil, eel sauce, sansho pepper		Add avocado + 2		Spicy Crunchy Rolls- with toasted almonds, spicy mayo and sesame. Choose:	
'Buffalo' Chicken Karaage	12	Daikon & Carrot Salad (v)	11	Salmon and avocado*	13
Japanese style fried chicken tossed in gochujang & hoisin mayo with cilantro, scallion & sesame		Juliened daikon and carrot, sesame dressing, ponzu, sesame		Tuna and avocado*	13
Pork Buns	13	Seaweed Salad (v)	6	Cooked Salmon and avocado	12
2 house made steamed buns, pork belly, gochujang mayo, pepper relish (contains dairy)		Mixed seaweed, ponzu, sesame		Cucumber and avocado (v)	11
Tofu Buns (v)	13	SUSHI		Shiitake and avocado (v)	11
2 house made steamed buns, tofu, gochujang mayo, pepper relish (contains dairy)		Double Tuna Roll*	19	Inari and avocado (v)	11
		Tuna and avocado roll, topped with sliced raw tuna, truffle oil, rayu, microgreens and scallions			

12/11/23, 11:25 AM

Pai Men Menu — Miyake Restaurants

Ramen		Bowl	
Chicken and pork broth, pork belly, soy marinated egg, ginger, scallion	17	Spicy pork and chicken broth made with ground sesame & almond milk, shredded pork belly, takana, bok choy, soy egg, sweet onion	18
Miso*	19	Chicken Shio Ramen*	18
Chicken and pork broth, miso, pork belly, soy egg, cabbage, carrot, corn, rayu, scallion		Chicken broth (lightly spicy), poached chicken breast, soy egg, yuzu kosho, corn, wakame, cilantro, scallion, sesame	
Shoyu*	18	Beef Short Rib Ramen	20
Chicken and soy broth, poached chicken breast, soy egg, menma, scallion		Beef broth, gochujang braised short ribs, shimeji mushrooms, kimchi, sliced onion, cilantro, sesame (contains almond milk)	
Shojin (v)	17		
Komha and shiitake broth, soft cabbage			

Pai Men

207-541-9204

188 State Street, Portland, Maine 04101

Open Monday-Saturday 11:30am-9:00pm

Closed Sunday

No reservations accepted

Miyake

(207)-871-9170

468 Fore Street, Portland, Maine 04101

Open Tuesday-Saturday 5:00pm-9:00pm for dinner

Wednesday-Friday 11:30-2:00 for lunch

Closed Sunday & Monday

Reservations available for dinner



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 30

☐ Legal Advertisement Deposit \$100.00
☒ Outdoor Dining on Public Property \$84.00 plus \$2.00 per Square foot \$2.00 X <u>162.5</u> SF = <u>419</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):	<u>PAI MEN MIYAKE</u> Phone: <u>207 541 9204</u>
Location Address:	<u>188 STATE STREET, PORTLAND ME 04101</u> Zip: <u>04101</u>
Mailing Address:	<u>PO BOX 4158, PORTLAND ME 04101</u> Zip: <u>04101</u>
Contact Person:	<u>EMILY PHILLIPS</u> Phone: <u>207 420 7540</u>
Contact Person Email:	<u>emily@miyakerestaurants.com</u>
Manager of Establishment:	<u>COURTNEY PACKER</u> Date of Birth: <u>6/17/1981</u> Phone: <u>510 928 2066</u>
Owner of Premises (Landlord):	<u>PORT PROPERTY MGMT</u>
Address of Premises Owner (Landlord):	<u>9 HANOVER STREET, PORTLAND ME 04101</u> Zip: <u>04101</u>

Owner Information

Corporate Name		Corporate Mailing Address	
<u>P AND P PAMEN, LLC</u>		<u>PO BOX 4158, PORTLAND ME 04101</u> Zip: <u>04101</u>	
Contact Person:	<u>EMILY PHILLIPS</u>	Phone:	<u>207 420 7540</u>
Principal Officers	Title	Date of Birth	Residence Address
<u>COURTNEY PACKER</u>	<u>OWNER</u>	<u>6/17/81</u>	<u>9 TIMBER SANDS RD, SCARBOROUGH ME</u>
<u>EMILY PHILLIPS</u>	<u>OWNER</u>	<u>7/21/87</u>	<u>33 COLUMBUS RD, CAPE ELIZABETH ME</u>

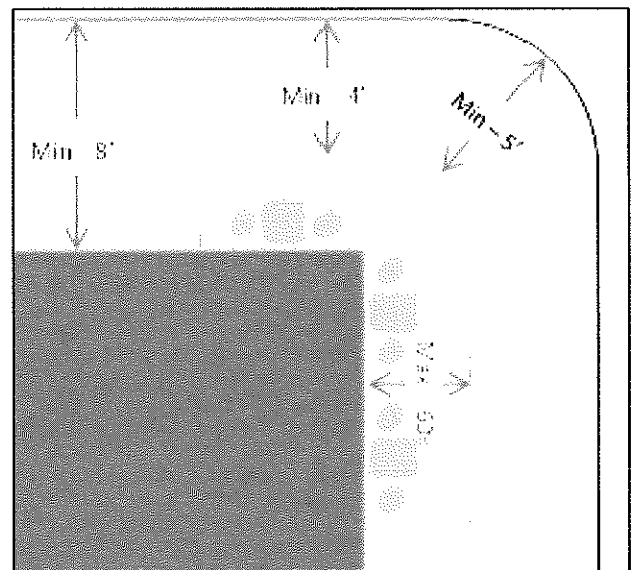


CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	CLASS 1
Type of food served:	JAPANESE FOOD
Please circle all that will be served:	Beer ☒ Wine ☒ Liquor ☒
Hours & days of operation:	M - SAT 11:30 - 9:00 PM
Number of Tables	6
Number of Chairs	16

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"

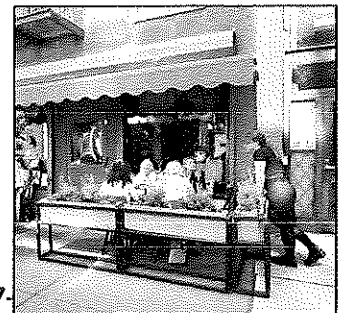
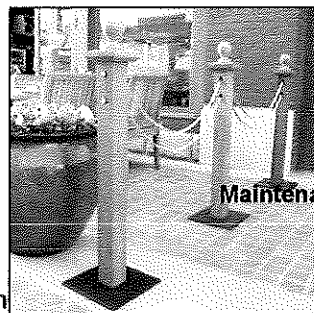
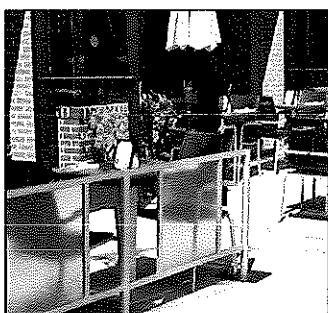


- Outdoor dining area shall not exceed 60% of the sidewalk width.
- A continuous, unobstructed sidewalk passage of 4 feet from the outer boundary of the seating area to the curb must be maintained. If the passage is not straight due to existing obstacles, then additional width may be required. Any changes 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

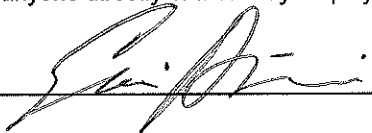




CITY OF PORTLAND
Permitting and Inspections Department

- 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.

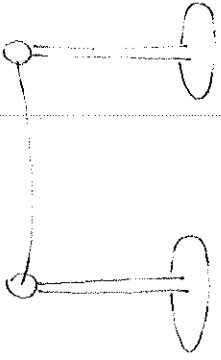
I/We fully understand that the City of Portland, its agents, officers and employees accept no responsibility and will not be liable for any injury, harm or damage to my/our person or property arising out of the establishment's occupancy of the sidewalk or park space. To the fullest extent permitted by 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 OWNER Date 12/5/23

For Administrative Use Only

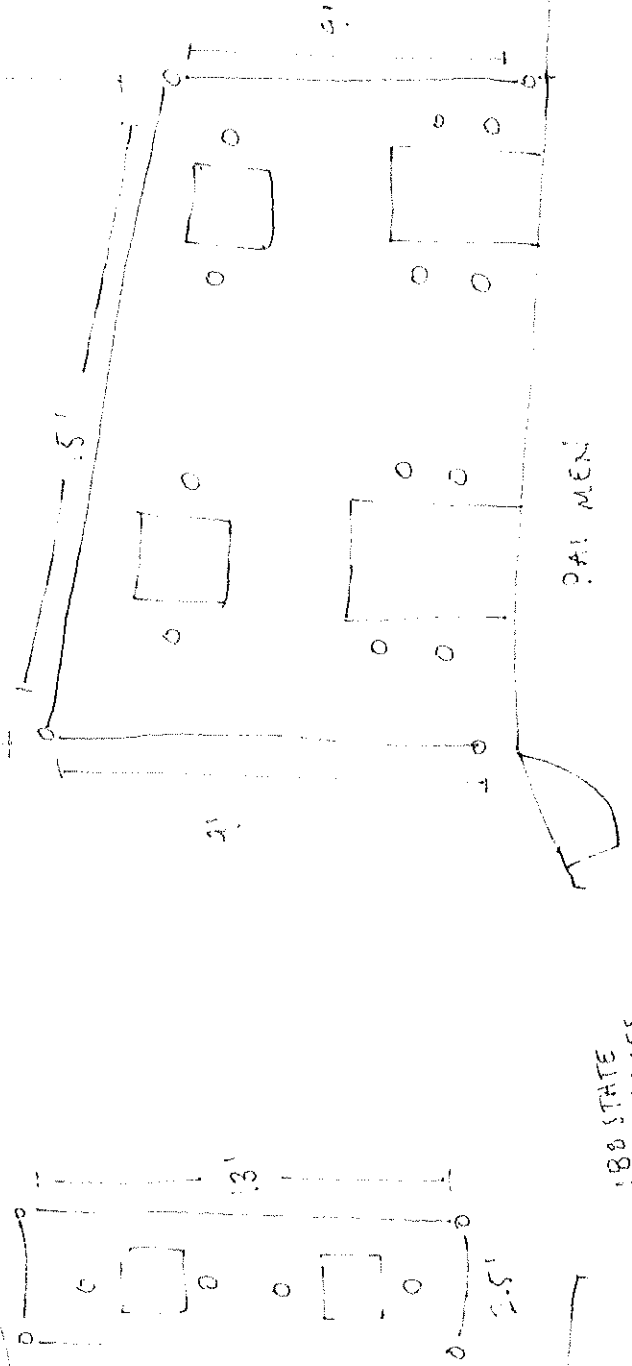
Amount: _____	Request Date / Approval	Notes: _____
Date Paid: _____	FD: _____ / _____	_____
CC _____ CA _____ CK _____	Health: _____ / _____	_____
	PD: _____ / _____	_____
Amount: _____	Treasury: _____ / _____	_____
Date Paid: _____	Zoning: _____ / _____	_____
CC _____ CA _____ CK _____		

BARRIERS ARE STATIONED 10' POPE AROUND
ALL SEATING AREAS:



STATE STREET

GREEN SPACE





Zachary Lenhart <zlenhart@portlandmaine.gov>

Pai Men Miyake - 188 State St

Eric Nevins <erick@portlandmaine.gov>

Tue, Dec 19, 2023 at 6:19 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>, Business Licensing <bl@portlandmaine.gov>

Approved

[Quoted text hidden]

--

Eric Nevins

Lieutenant

Portland Police Department

(207) 874-8513



Zachary Lenhart <zlenhart@portlandmaine.gov>

Pai Men Miyake - 188 State St

Zoning <zoning@portlandmaine.gov>

Wed, Dec 20, 2023 at 3:13 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 <erick@portlandmaine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, cstacey <cstacey@portlandmaine.gov>, Business Licensing <bl@portlandmaine.gov>

Good Afternoon,

The legal use for the unit on the 1st floor, right 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]

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



December 21, 2023

P and P Ramen LLC
P.O. Box 4158
Portland, Maine 04101

Re: P and P Ramen LLC, dba Pai Men Miyake. Application for Class I FSE with Outdoor Dining on Public Property at 188 State Street

Dear P and P Ramen LLC

This letter shall serve as a reminder of the public hearing before the Portland City Council on Wednesday January 3, 2024 at 5:00 p.m., for the review of application for Class I FSE with Outdoor Dining on Public Property at 188 State Street. The meeting will take place in person at Portland City Hall, in City Council Chambers on the 2nd Floor of 389 Congress Street.

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. Lenhert
Licensing and Housing Safety Manager

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on January 3, 2024 at 5:00 P.M., P and P Ramen LLC, dba Pai Men Miyake. Application for Class I FSE with Outdoor Dining on Public Property at 188 State Street - Sponsored by Danielle P. West, City Manager

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:

188 STATE 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



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): P AND P RAMEN, LLC	Business Name (D/B/A): PAI MEN MIYAKE
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 188 STATE ST, PORTLAND ME 04101
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different: PO Box 4158, PORTLAND ME 04101
Mailing address, if different from DBA address:	Email Address: emily@miyakerestaurants.com
Telephone # Fax #:	Business Telephone # Fax #: 207-541-9204
Federal Tax Identification Number: 93-4746264	Maine Seller Certificate # or Sales Tax #: 1175-9049
Retail Beverage Alcohol Dealers Permit:	Website address: miyakerestaurants.com

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

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

Food: _____ Beer, Wine or Spirits: _____ Guest Rooms: _____

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

☒ Malt Liquor (beer) ☒ Wine ☒ Spirits

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
MINAKE	PENDING APPROVAL	468 FOREST, PORTLAND ME

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
EMILY PHILLIPS	7/26/87	USA
COURTNEY PACKER	6/17/81	USA

Residence address on all the above for previous 5 years

Name EMILY PHILLIPS Address: 33 COLUMBUS RD, CAPE ELIZ. ME 04107
 Name COURTNEY PACKER Address: 9 TIMBER SANDS RD, SCARBOROUGH ME
 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:

PORT PROPERTY MGMT, 9 HANOVER ST, PORTLAND ME 04101

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

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

42 seat Japanese restaurant serving ramen, sushi &
providing take out.

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: 1000 FT

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: 12/1/2023



Signature of Duly Authorized Person

EMILY PHILLIPS

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.

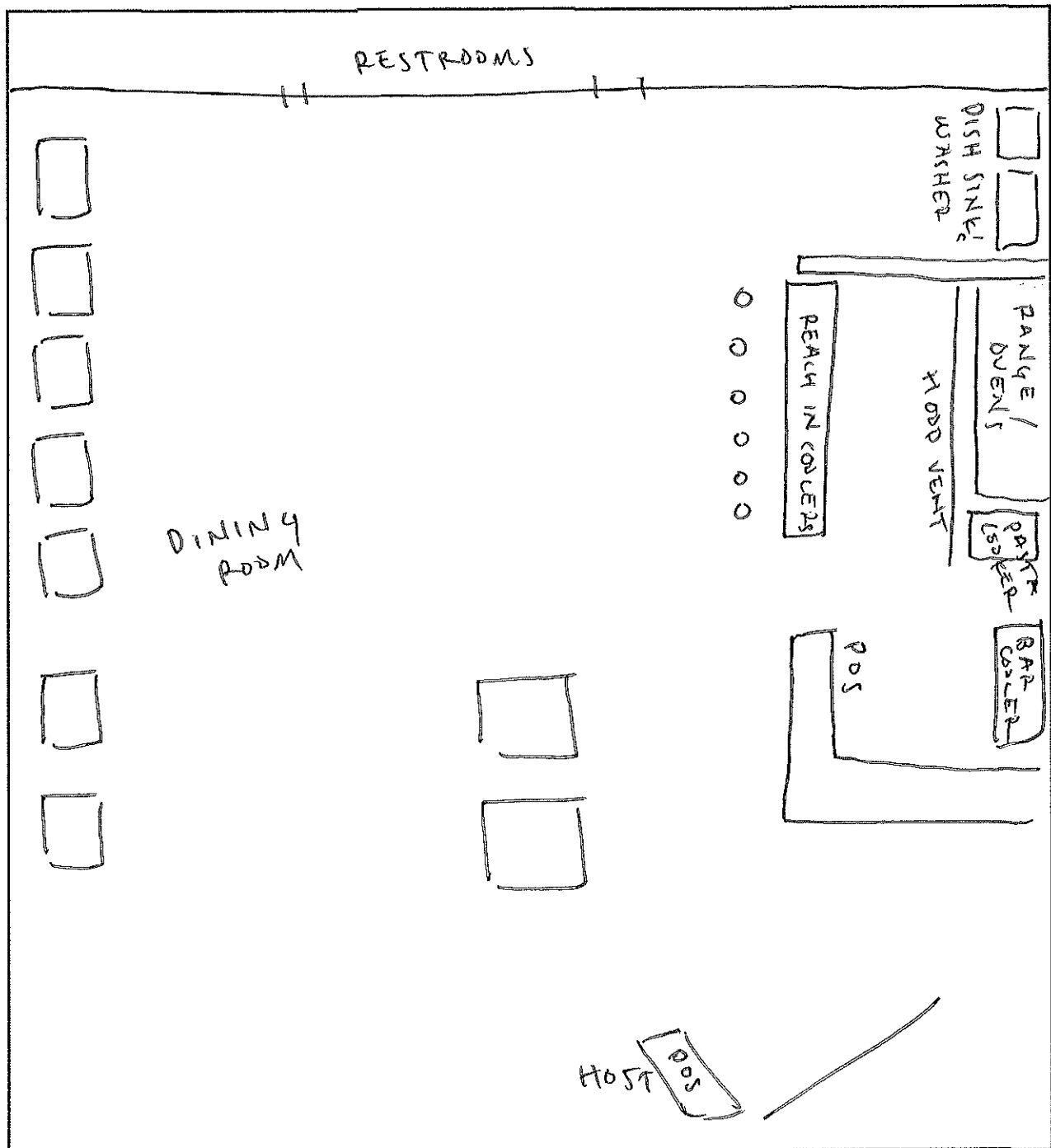
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together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



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: P AND P RAMEN, LLC
2. Doing Business As, if any: PAI MEN MIYAKE
3. Date of filing with Secretary of State: 11/29/2023 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
EMILY PHILLIPS	33 COLUMBUS RD CAPE ELIZABETH, ME 04107	7/26/87	OWNER	50%
COURTNEY PACKER	9 TIMBER SANDS RD, SCARBOROUGH ME	6/17/81	OWNER	50%

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

MEMORANDUM
City Council Agenda Item

FROM:

DATE: December 19, 2023

SUBJECT: Order 89-23/24 Granting Municipal Officers' Approval of P and P Sushi LLC, dba Miyake. Application for Class I FSE at 468 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 12/11/23. Change of ownership of existing establishment. New City and State applications.

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. 2024.01.03_Miyake_Council Order
2. 2024.01.03_Miyake_Council Packet

Prepared by:

Date: 12/19/2023

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

CITY OF PORTLAND
IN THE CITY COUNCIL

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA Y. BULLETT (4)
KATHRYN SYKES (5)

ORDER
GRANTING MUNICIPAL OFFICERS’
APPROVAL OF:

P and P Sushi LLC, dba Miyake. Application for Class I FSE at 468 Fore Street

December 6th, 2023

Dear Mayor Dion and members of City Council,

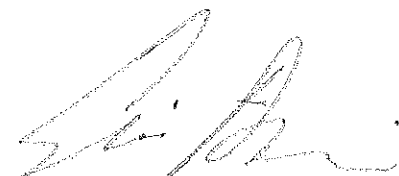
After many years of management of Pai Men and Miyake restaurants, Courtney Packer and Emily Phillips plan to purchase the businesses from their current owner, Masa Miyake. The attached application asks that Packer and Phillips' new entity representing Miyake, P and P Sushi LLC, be granted a Class I liquor license to continue to operate Miyake at 468 Fore Street in Portland.

Packer and Phillips are excited to continue operating Miyake and plan to keep its concept, occupancy, operating hours, and menu the same.

Sincerely,

A handwritten signature in black ink, appearing to read "Courtney Packer". The script is fluid and cursive.

Courtney Packer

A handwritten signature in black ink, appearing to read "Emily Phillips". The script is fluid and cursive.

Emily Phillips

CITY OF PORTLAND

Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

Business Information	
Business Name (d/b/a):	MIYAKE Phone: 207 871 9170
Location Address:	468 FORE ST, PORTLAND ME 04101 Zip:
If new, what was formerly at this location:	
Mailing Address:	PO BOX 4158 PORTLAND ME 04101 Zip:
Contact Person:	EMILY PHILLIPS Phone: 207 420 7540
Contact Person Email:	emily@miyake restaurants.com
Manager of Establishment:	EMILY PHILLIPS Date of Birth: 7/26/87 Phone: 207 420 7540
Owner of Premises (Landlord):	Fore Street Realty
Address of Premises Owner:	470 FORE STREET, PORTLAND ME 04101 Zip:

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	
P AND P SUSHI, LLC		PO BOX 4158, PORTLAND ME Zip: 04101	
Contact Person:	EMILY PHILLIPS	Phone:	207 420 7540
Principal Officers	Title	Date of Birth	Residence Address
COURTNEY PACKER	OWNER	6/17/81	4 TIMBER SANDS RD, SCARBOROUGH ME
EMILY PHILLIPS	OWNER	7/26/87	33 COLUMBUS RD, CAPE ELIZ. ME
Class of Liquor License:		CLASS 1 FSE	

CITY OF PORTLAND
Permitting and Inspections Department

Type of food served:		
Please circle all that will be served:	Beer Wine Liquor	
Projected percentage of sales:	Generated from Food: 80%	Generated from Alcohol: 20%
Hours & days of operation:	Tues - Sat 11:30 - 9:00 pm	

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

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

If yes, give the distance:

Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)

Y/N
☒ Y

Will you permit dancing after 1:00 a.m.?

Y/N
☒ Y

Will you have outside dining? (If yes, an Outdoor Dining Application is required)

Y/N
☒ Y

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
☒ Y

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
☒ Y

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

If Yes, please list business name(s) and location(s):

Is any principal officer under the age of 21?

Y/N
☒ Y

Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?

Y/N
☒ Y

If Yes, please explain:

I EMILY PHILLIPS 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 DWALEP Date 11/29/23

Miyake - 468 Forest

Eric Nevins <erick@portlandmaine.gov>

Tue, Dec 19, 2023 at 6:18 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>, Business Licensing <bl@portlandmaine.gov>

Approved

[Quoted text hidden]

--

Eric Nevins

Lieutenant

Portland Police Department

(207) 874-8513

Miyake - 468 Forest

Zoning <zoning@portlandmaine.gov>

Wed, Dec 20, 2023 at 1:22 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 <erick@portlandmaine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, cstacey <cstacey@portlandmaine.gov>, Business Licensing <bl@portlandmaine.gov>

Good Afternoon,

The legal use for this tenant space at 468 Fore 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 January 3, 2024 at 5:00 P.M., P and P Sushi LLC, dba Miyake.
Application for Class I FSE at 468 Fore Street - Sponsored by Danielle P. West, City Manager

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



December 21, 2023

P and P Sushi LLC
P.O. Box 4158
Portland, Maine 04101

Re: P and P Sushi LLC, dba Miyake. Application for Class I FSE at 468 Fore Street

Dear P and P Sushi LLC:

This letter shall serve as a reminder of the public hearing before the Portland City Council on Wednesday January 3, 2024 at 5:00 p.m., for the review of application for Class I FSE at 468 Fore Street. The meeting will take place in person at Portland City Hall, in City Council Chambers on the 2nd Floor of 389 Congress Street.

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. Lenhert
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): P AND P SUSHI, LLC	Business Name (D/B/A): MIYAKE
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 468 FORE ST, PORTLAND ME 04101
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different: PO BOX 4158, PORTLAND ME 04101
Mailing address, if different from DBA address:	Email Address: emily@miyakerestaurants.com
Telephone # Fax #:	Business Telephone # Fax #: 207 871 9170
Federal Tax Identification Number: 93-4752292	Maine Seller Certificate # or Sales Tax #: 1171 9944
Retail Beverage Alcohol Dealers Permit:	Website address: miyakerestaurants.com

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

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

Food: _____ Beer, Wine or Spirits: _____ Guest Rooms: _____

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

☒ Malt Liquor (beer) ☒ Wine ☒ Spirits

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

- ☒ 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:

188 STATE 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
PAI MEN MIYAKE	PENDING APPROVAL	188 STATE ST, PORTLAND ME 04107

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
EMILY PHILLIPS	7/26/87	USA
COURTNEY PACKER	6/17/81	USA

Residence address on all the above for previous 5 years

Name: EMILY PHILLIPS Address: 33 COLUMBUS RD, CAPE ELIZ, ME 04107

Name: COURTNEY PACKER Address: 9 TIMBER SANDS RD, SCARBOROUGH, ME

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:

BATEMAN PARTNERS, 476 FORE ST, PORTLAND ME 04101

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

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

28 seat Japanese restaurant serving sushi & small plates.
Seating includes a sushi counter, beverage bar & tables.

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: .5 miles

Section II: Signature of Applicant(s)

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

Please sign and date in blue ink.

Dated: 12/1/2023


Signature of Duly Authorized Person

EMILY PHILLIPS
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.

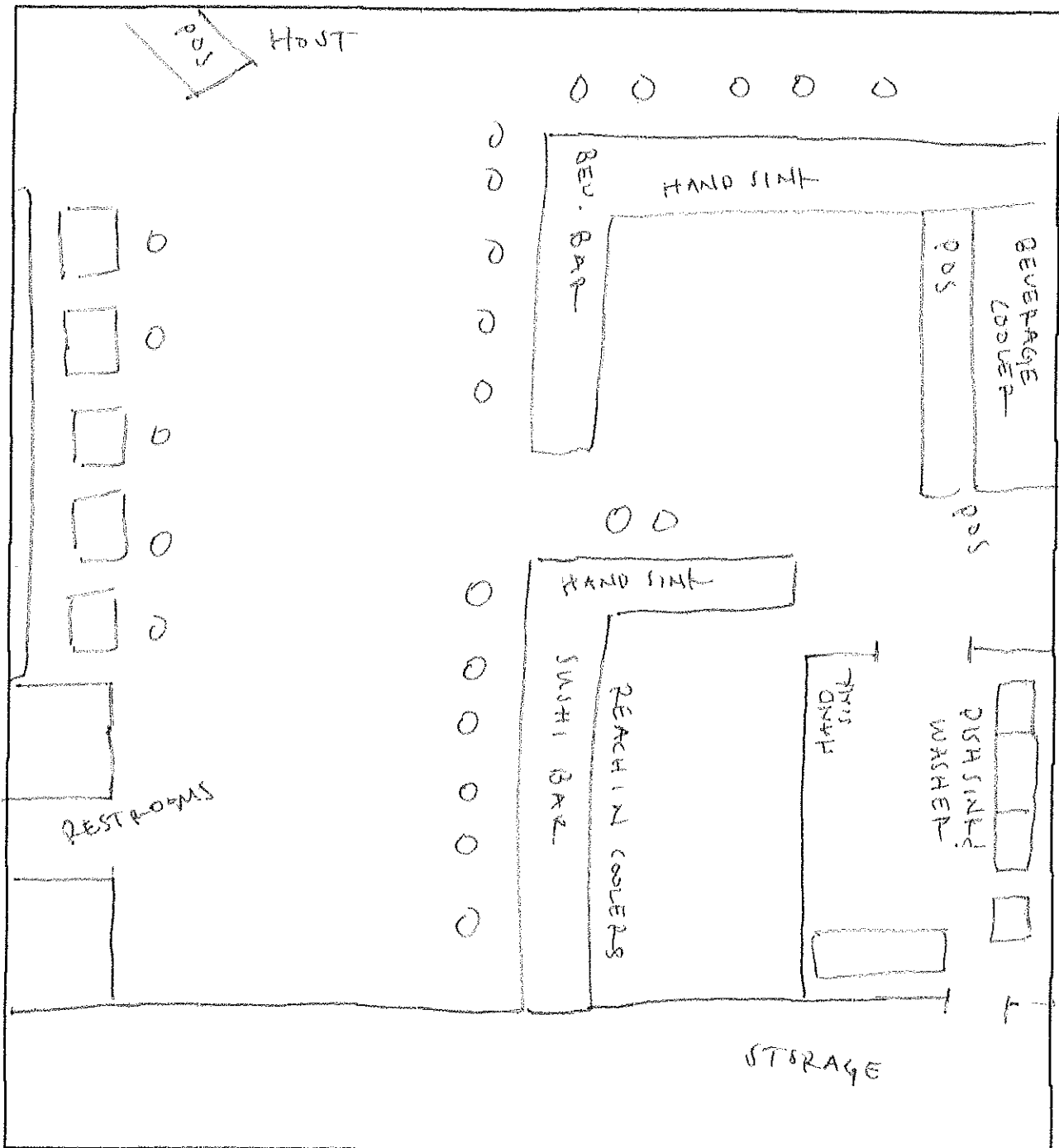
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together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



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.

- Exact legal name: P AND P SUSHI, LLC
- Doing Business As, if any: MIYAKE
- Date of filing with Secretary of State: 11/29/2023 State in which you are formed: ME
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

- 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
COURTNEY PACKER	9 TIMBER SANDS RD SCARBOROUGH ME	6/17/81	OWNER	50%
EMILY PHILLIPS	33 COLUMBUS RD CAPE ELIZABETH ME	7/26/87	OWNER	50%

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

MEMORANDUM
City Council Agenda Item

FROM:

DATE: December 19, 2023

SUBJECT: Order 90-23/24 Granting Municipal Officers' Approval of Thai Tree LLC, dba Thai Tree Restaurant. Application for Class I FSE at 571 Congress 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 12/12/23. Location was previously Pom's Thai Restaurant. New City and State applications.

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. 2024.01.03_Thai Tree_Council Order
2. 2024.01.03_Thai Tree_Council Packet

Prepared by:

Date: 12/19/2023

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

CITY OF PORTLAND
IN THE CITY COUNCIL

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA Y. BULLETT (4)
KATHRYN SYKES (5)

ORDER

GRANTING MUNICIPAL OFFICERS’

APPROVAL OF:

Thai Tree LLC, dba Thai Tree Restaurant. Application for Class I FSE at 571 Congress Street

Subject: Letter of Intent for Establishing Thai Tree Restaurant in Portland

571 Congress Street (currently known as Pom's Thai Restaurant)
Portland, ME 04101

Dear Mayor Snyder and Honorable Members of the City Council,

I am writing to express my intent and enthusiasm to open a Thai restaurant named "Thai Tree" in our beloved city of Portland. I am passionate about contributing to the vibrant culinary landscape that makes our city unique.

Thai Tree aims to offer an authentic Thai dining experience, bringing the rich flavors and cultural diversity of Thailand to our community. Through our carefully curated menu, we hope to provide residents and visitors alike with a taste of traditional Thai cuisine in a warm and welcoming setting.

We believe that the addition of Thai Tree will not only enhance the culinary options in Portland but also contribute to the economic development of the area. Our restaurant will create job opportunities, source local ingredients, and engage with the community through various events and collaborations.

We are committed to adhering to all regulations and working closely with the city to ensure the success and sustainability of Thai Tree. We look forward to the opportunity to contribute to the cultural and gastronomic tapestry of Portland, and we kindly request your support for the necessary approvals and permits.

Thank you for your time and consideration. We are excited about the prospect of bringing Thai Tree to our community and contributing to the continued growth and prosperity of Portland.

Sincerely,



Nonsee Oumkasem



Lic # 5786-2023

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

Business Information	
Establishment Name (d/b/a):	Thai Tree Restaurant Phone: 207 409 5533
Location Address:	571 Congress St. Portland ME Zip: 04101
If new, what was formerly at this location:	Pom's Thai Restaurant
Mailing Address:	101 Hill St. South Portland ME Zip: 04106
Contact Person:	Nonsee Oumkasem Phone: 207 409 5533
Contact Person Email:	Thaitreemaine@gmail.com
Manager of Establishment:	Nonsee Oumkasem Date of Birth: 11/24/1984 Phone: 207 409 5533
Owner of Premises (Landlord):	Venture Investment CO c/o Exchange Street Partners
Address of Premises Owner (Landlord):	120 Exchange St. Portland, ME Zip: 04101

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

Name of Owner(s)	Date of Birth	Residence Address

Corporate Name	Corporate Mailing Address
Thai Tree LLC	101 Hill St. South Portland, ME Zip: 04106

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

Contact Person:	Nonsee Oumkasem		Phone: 207 409 5533
Principal Officers	Title	Date of Birth	Residence Address
Nonsee Oumkasem	owner/Manager	11/24/84	101 Hill St. South Portland ME
Sudtida Atthakor	coowner	5/15/1960	4 Pamela Dr. South Portland ME

Class of Liquor License: Class I F&B



CITY OF PORTLAND
Permitting and Inspections Department

Type of food served:	Thai Food	
Please circle all that will be served:	Beer Wine Liquor	
Projected percentage of sales:	Generated from Food:	Generated from Alcohol:
Hours & days of operation:	Sun-Thru 12 pm-9 pm : Fri & Sat 12 pm-10 pm	
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:		
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)		Y(N)
Will you permit dancing after 1:00 a.m.?		Y(N)
Will you have outside dining? (If yes, an Outdoor Dining Application is required)		Y(N)
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).		
Will you have any amusement devices (pinball, video games, juke box)?		Y(N)
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____		
What is your targeted opening date?		
Does the Issuance of this license directly or indirectly benefit any City employee(s)?		Y(N)
If Yes, list name(s) of employee(s) and department(s):		
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?		Y(N)
If Yes, please list business name(s) and location(s):		
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:		

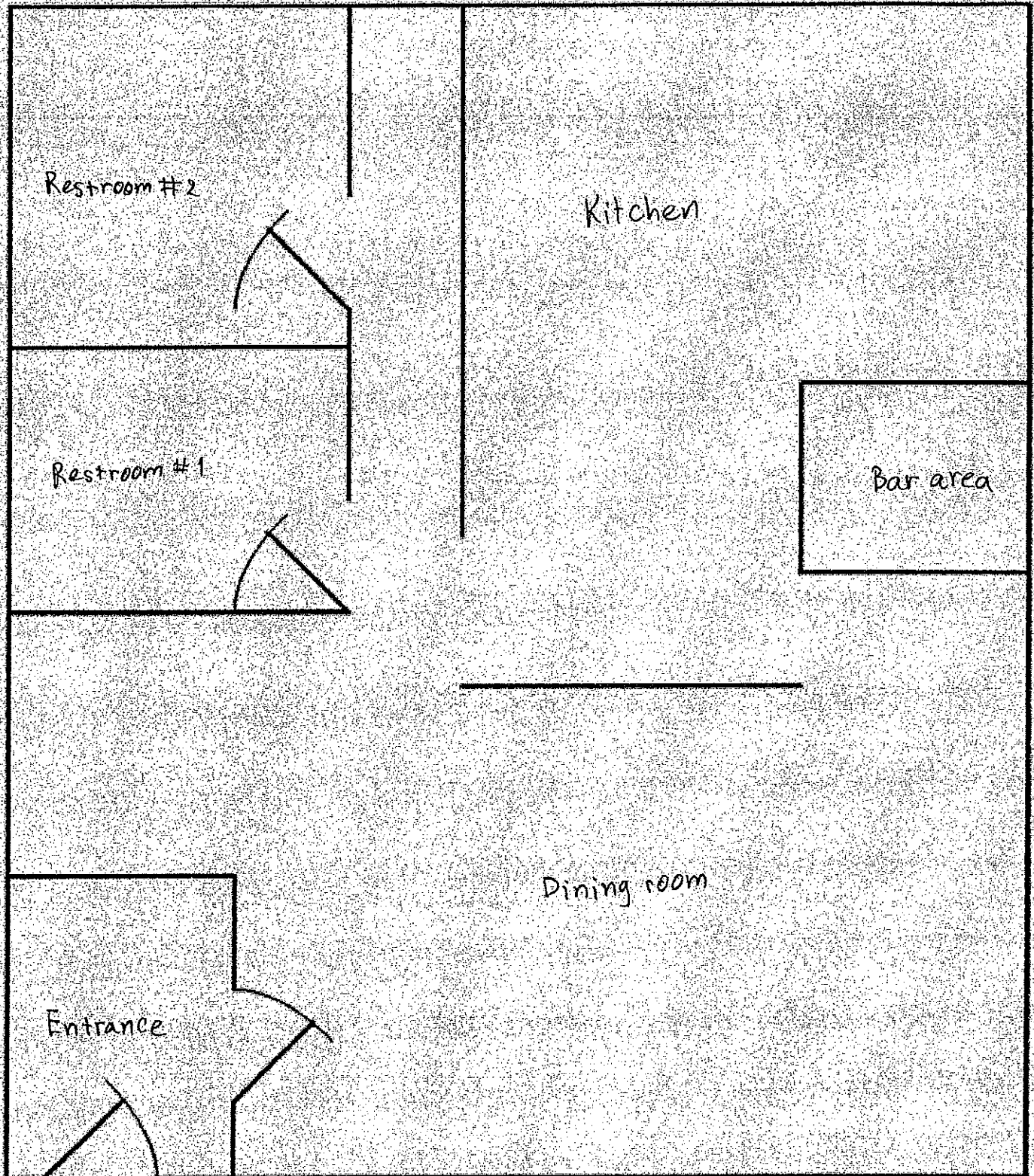
I _____ do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require me to produce 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 *Korrie* *Quinn* Title Manager Date 12/7/23

Diagram layout for new menu item (new menu)
Currently Pom's Thai
571 Congress St.
Portland ME 04101





Zachary Lenhart <zlenhart@portlandmaine.gov>

Thai Tree - 571 Congress

Eric Nevins <erick@portlandmaine.gov>

Tue, Dec 19, 2023 at 6:17 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>, Business Licensing <bl@portlandmaine.gov>

Approved

[Quoted text hidden]

--

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



Zachary Lenhart <zlenhart@portlandmaine.gov>

Thai Tree - 571 Congress

Christina Stacey <cstacey@portlandmaine.gov>

Wed, Dec 20, 2023 at 1:58 PM

To: Zachary Lenhart <zlenhart@portlandmaine.gov>, Katlyn Sawyer <ksawyer@portlandmaine.gov>, Business Licensing <bl@portlandmaine.gov>

No known code issues. Thanks

On Tue, Dec 19, 2023 at 3:49 PM Zachary Lenhart <zlenhart@portlandmaine.gov> wrote:
[Quoted text hidden]

--

Chris Stacey - Permitting Manager
Permitting & Inspections Department
City of Portland
389 Congress St.
Portland, ME 04101
(207) 874-8695
cstacey@portlandmaine.gov

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on January 3, 2024 at 5:00 P.M., Thai Tree LLC, dba Thai Tree Restaurant. Application for Class I FSE at 571 Congress Street - Sponsored by Danielle P. West, City Manager

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



December 21, 2023

Thai Tree LLC
101 Hill Street
South Portland, Maine 04101

Re: Thai Tree LLC, dba Thai Tree Restaurant. Application for Class I FSE at 571 Congress Street

Dear Thai Tree LLC

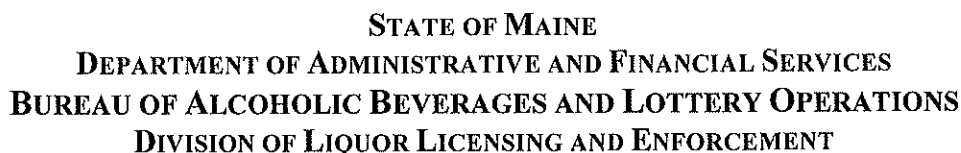
This letter shall serve as a reminder of the public hearing before the Portland City Council on Wednesday January 3, 2024 at 5:00 p.m., for the review of application for Class I FSE at 571 Congress Street. The meeting will take place in person at Portland City Hall, in City Council Chambers on the 2nd Floor of 389 Congress Street.

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 ☐	

Legal Business Entity Applicant Name (corporation, LLC): Thai Tree	Business Name (D/B/A): Thai Tree Restaurant
Individual or Sole Proprietor Applicant Name(s): Nonsee Oumkasem	Physical Location: 571 Congress St. Portland ME 04101
Individual or Sole Proprietor Applicant Name(s): Nonsee Oumkasem	Mailing address, if different: 101 Hill St. South Portland, ME 04106
Mailing address, if different from DBA address: 101 Hill St. South Portland, ME 04106	Email Address: thaitreemaine@gmail.com
Telephone # Fax #: 2074095533	Business Telephone # Fax #:
Federal Tax Identification Number: 93-4526595	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: 1/5/24
☐ Renewal Expiration Date: _____

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

Food: _____ Beer, Wine or Spirits: _____ Guest Rooms: _____

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

☒ Malt Liquor (beer) ☒ Wine ☒ Spirits

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

- | | | |
|--|--|---|
| ☒ 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:

571 Congress 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

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
Nonsee Oumkasem	11/24/84	Thailand

Residence address on all the above for previous 5 years

Name	Address:
Nonsee Oumkasem	101 Hill St. South Portland, ME 04106
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:

Venture Investment Co.
c/o Exchange Street Partners 120 Exchange St. 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: N/A

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)

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: _____

Distance: _____

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: 12/7/23


Signature of Duly Authorized Person

Signature of Duly Authorized Person

Nonsee Oumkasem
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.

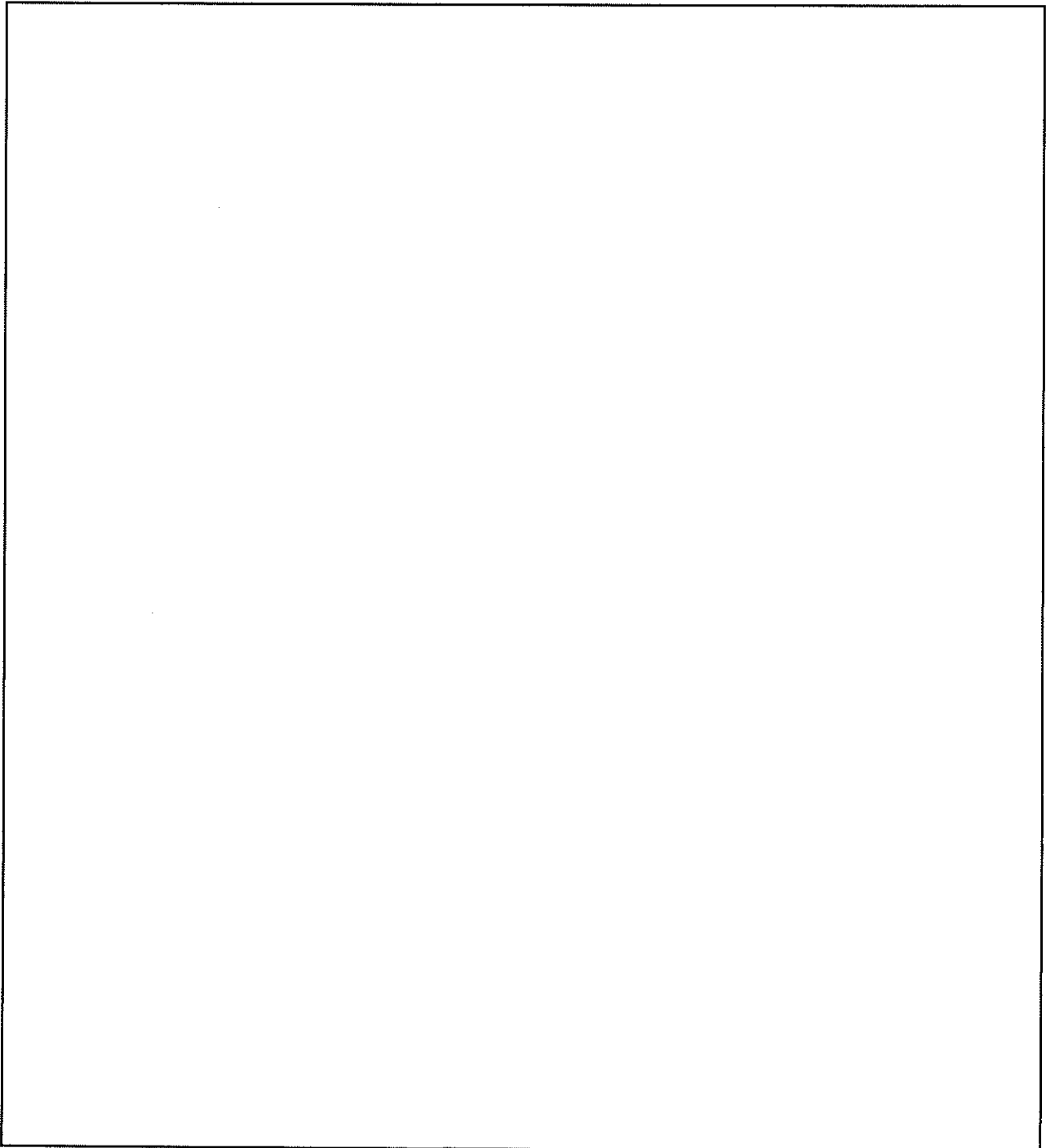
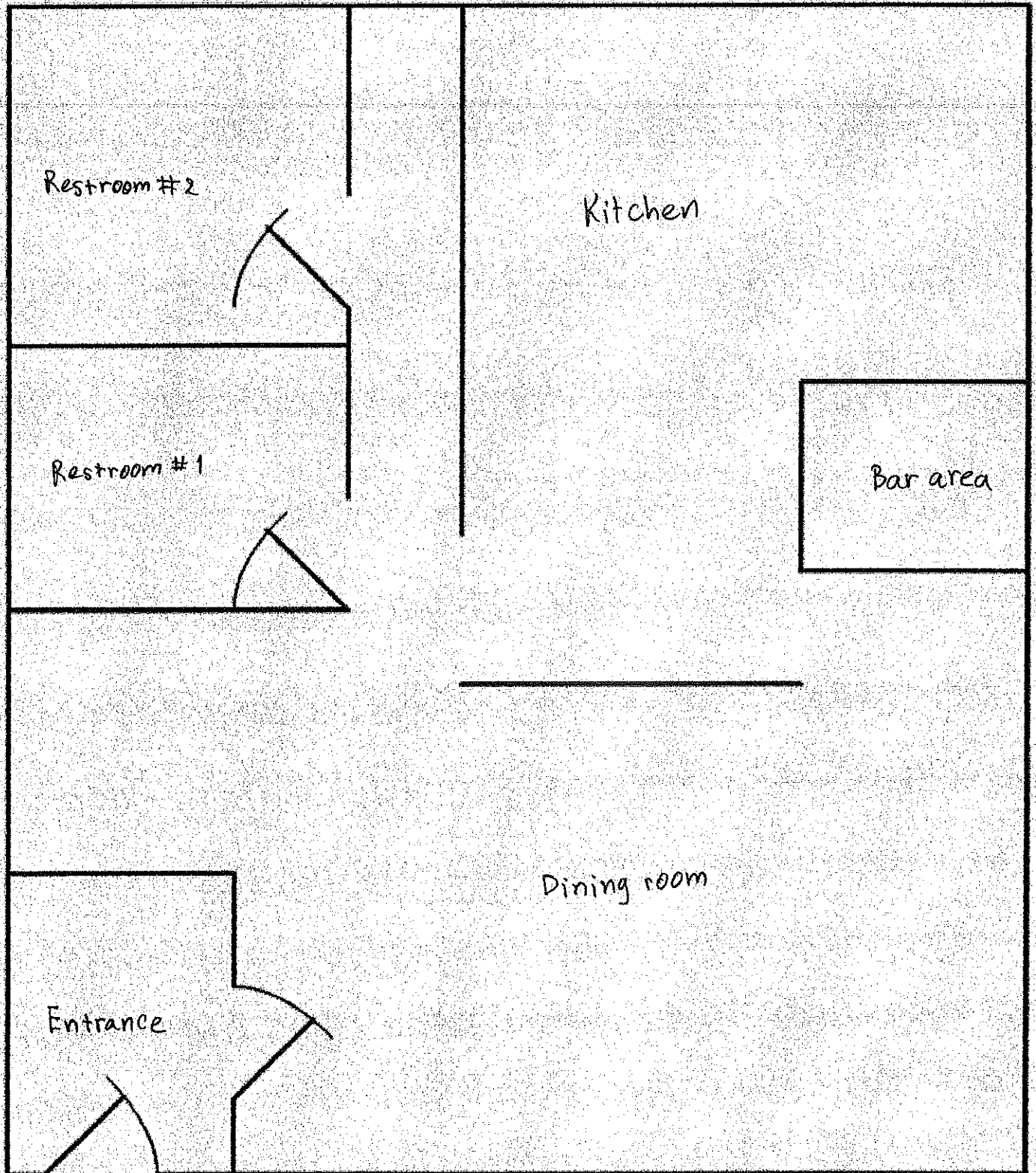


Diagram layout for new menu for Pom's Thai
Currently Pom's Thai
571 Congress St.
Portland ME 04101



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: Jon Thai Tree LLC
2. Doing Business As, if any: Thai Tree Restaurant
3. Date of filing with Secretary of State: _____ 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
Nonsee Oumkasem	101 Hill St. South Portland	11/24/84	owner/ Manager	70
Sudtola Atthakor	4 Pamela Dr. South Portland	5/15/1960	co owner	30

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

MEMORANDUM
City Council Agenda Item

FROM:

DATE: December 19, 2023

SUBJECT: Order 91-23/24 Granting Municipal Officers' Approval of Deering Memorial Post 6859 VFW INC, dba Deering Memorial Post 6859 VFW. Application for Class I FSE at 687 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 11/29/23. Change of classification of current 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. 2024.01.03_VFW_Council Order
2. 2024.01.03_VFW_Council Packet

Prepared by:

Date: 12/19/2023

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

CITY OF PORTLAND
IN THE CITY COUNCIL

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA Y. BULLETT (4)
KATHRYN SYKES (5)

ORDER
GRANTING MUNICIPAL OFFICERS’
APPROVAL OF:

Deering Memorial Post 6859 VFW INC, dba Deering Memorial Post 6859 VFW.
Application for Class I FSE at 687 Forest Avenue



PORTLAND MAINE VETERANS OF FOREIGN WARS 6859

**687 Forest Ave
Portland, ME 04103**

20 November 2023

To the Honorable Mayor & City Council of Portland,

I represent the nonprofit charitable organization Portland Maine Veterans of Foreign Wars and Auxiliary Post 6859 and its over 700 members, hereinafter referred to as the "VFW Post."

In consultation with the State of Maine Liquor Licensing Department and its inspectors, our Council, and our Accountant, in conjunction with an early renewal of our Liquor License, we are requesting an **upgrade** to said license to allow limited catering.

The VFW Post's intention is to diversify our revenue streams by allowing the Public to rent our facility on a limited basis. Our organization has recently established a goal of becoming more involved in our local community and diversify and expand who we support. We do not expect these rentals to significantly affect our sales of liquor, beer, or food, or our status as a 501c3(19) non-profit.

If approved, this increased capacity will allow us to provide a much-needed space for the Community to utilize, for events such as birthday parties, wedding receptions, baby showers, memorials, trainings, meetings, and religious ceremonies. Additionally, our intention is that some of this utilization will consist of in-kind donations from the VFW Post to local non-profits and other entities in need.

Thank you for your time and careful consideration.

Sincerely,

Jared M. Sawyer
Post Quartermaster
qm6859@gmail.com
207-469-8570



CITY OF PORTLAND

Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

Business Information	
Establishment Name (d/b/a):	Deering Memorial Post 6859 VFW INC Phone: 773-8745
Location Address:	687 Forest Ave, Portland, Maine, 04103 Zip:
If new, what was formerly at this location:	
Mailing Address:	687 Forest Ave, Portland, Maine, 04103 Zip:
Contact Person:	Jared M. Sawyer Phone: 773-8745
Contact Person Email:	qm6859@gmail.com
Manager of Establishment:	Jared M. Sawyer Date of Birth: 2 OCT 1980 Phone: 773-8745
Owner of Premises (Landlord):	Deering Memorial Post 6859 VFW INC
Address of Premises Owner (Landlord):	687 Forest Ave, Portland, Maine, 04103 Zip:

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

Name of Owner(s)	Date of Birth	Residence Address

Corporate Name	Corporate Mailing Address
Deering Memorial Post 6859 INC.	687 Forest Ave, Portland, Maine Zip: 04103

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

Contact Person:			Phone:	
Principal Officers	Title	Date of Birth	Residence Address	
Jared Sawyer	Quartermaster	2 OCT 1980	78 Mellen Street, Portland, ME.	
Kevin Cole	Trustee	13 JUN 1962	33 Fessender St. Portland, ME.	
Steve SanPedro	Trustee	2 SEPT 1970	251 Gray Rd. Windham, ME.	
Joel Demers	Secretary	17 JUN 1973	47 Brentwood, Windham, ME.	
Class of Liquor License:				



CITY OF PORTLAND
Permitting and Inspections Department

Type of food served:	Pizza, Grilled Cheese, Popcorn, Hot dogs, Sausages,		
Please circle all that will be served:	☒ Beer	☒ Wine	☒ Liquor
Projected percentage of sales:	Generated from Food: 20%	Generated from Alcohol: 80%	
Hours & days of operation:	M-W: 5pm-10pm; Thur-Sat 12pm-1am; Sun 12pm - 10pm		
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
If yes, give the distance:			
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)			☒ Y ☐ N
Will you permit dancing after 1:00 a.m.?			☒ Y ☐ N
Will you have outside dining? (If yes, an Outdoor Dining Application is required)			☒ Y ☐ N
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).			
Will you have any amusement devices (pinball, video games, juke box)?			☒ Y ☐ N
If yes, please list: # of pinball machines: <u>1</u> # of amusements: _____ # of pool tables: _____			
What is your targeted opening date? <u>Currently Open</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>Deering Memorial Post 6859 INC.</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 JARROLD M. SAMMON 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 Quartermaster Date 28 NOV 2023



PORTLAND MAINE VETERANS OF FOREIGN WARS 6859

Menu

- Pizza: \$12
- Grilled Cheese: \$5
- Hot Dogs: \$2
- Candy Bar: \$2
- Chips: \$2
- Pop Corn: Free



CITY OF PORTLAND
Permitting and Inspections Department

Application for an Entertainment License

☒ Indoor Entertainment \$500.00 350.00 ☐ Outdoor Entertainment \$700.00 ☐ Combined Entertainment \$800.00
☐ Sound Mitigation Fee \$150.00

Business Information	
Establishment Name (d/b/a):	Deering Memorial Post 6859 VFW Inc. Phone: 207-773-8745
Location Address:	687 Forest Ave Zip: 04103
Owner Name:	Veterans of Foreign Wars Phone:
Owner Email:	qm6859@gmail.com
Contact Person responsible for Entertainment:	Jared Sawyer Phone: 207-469-8570
Contact Person Email:	qm6859@gmail.com
Manager of Establishment:	Jared Sawyer Phone: 207-469-8570
Manager Email:	qm6859@gmail.com

About Your Establishment

Describe in detail the type and nature of the business and proposed entertainment:
private, non-profit, veterans club, with 100 person event room that will occasionally be rented by the public

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

Signature [Signature] Title Quartermaster Date 20 Nov 2023

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



Zachary Lenhart <zlenhart@portlandmaine.gov>

Deering VFW - 687 Forest Ave - Class upgrade to Class I FSE with entertainment

Zoning <zoning@portlandmaine.gov>

Fri, Dec 22, 2023 at 12:42 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 <erick@portlandmaine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, cstacey <cstacey@portlandmaine.gov>, Business Licensing <bl@portlandmaine.gov>

Good Afternoon,

The legal use for 687 Forest AVE is Privat Club. The Restaurant Class I includes Private Clubs. Zoning approves the license for members and their guests only.

Thank you,

Mac

--

Mac Coldwell

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

On Friday, December 1, 2023 at 3:26:00 PM UTC-5 Zachary Lenhart wrote:

[Quoted text hidden]

Deering VFW - 687 Forest Ave - Class upgrade to Class I FSE with entertainment

Eric Nevins <erick@portlandmaine.gov>

Sat, Dec 2, 2023 at 12:37 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>, Business Licensing <bl@portlandmaine.gov>

Approved

On Fri, Dec 1, 2023 at 3:25 PM Zachary Lenhart <zlenhart@portlandmaine.gov> wrote:

[Quoted text hidden]

--

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

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



December 21, 2023

Deering Memorial Post 6859 VFW INC
687 Forest Avenue
Portland, Maine 04103

Re: Deering Memorial Post 6859 VFW INC, dba Deering Memorial Post 6859 VFW. Application for Class I FSE at 687 Forest Avenue

Dear Deering Memorial Post 6859 VFW INC:

This letter shall serve as a reminder of the public hearing before the Portland City Council on Wednesday January 3, 2024 at 5:00 p.m., for the review of application for Class I FSE with Indoor Entertainment at 687 Forest Avenue. The meeting will take place in person at Portland City Hall, in City Council Chambers on the 2nd Floor of 389 Congress Street.

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.

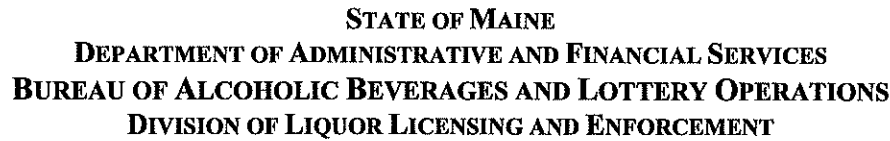
Sincerely,

Zachary J. Lenhart
Licensing and Housing Safety Manager

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on January 3, 2024 at 5:00 P.M., Deering Memorial Post 6859 VFW INC, dba Deering Memorial Post 6859 VFW. Application for Class I FSE with Indoor Entertainment at 687 Forest Avenue - Sponsored by Danielle P. West, City 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 ☐	

1. New license or renewal of existing license? ☐ New Expected Start date: _____
☒ Renewal Expiration Date: 03/31/2023

Food: \$ 8,048.00 Beer, Wine or Spirits: \$ 73,731.00 Guest Rooms:

☒ Malt Liquor (beer) ☒ Wine ☒ Spirits

The following licenses/permits may be required prior to be licensing as an on-premises licensee with the Bureau

Obtained ✓	License/Permit	State/Federal Agency to Contact	Telephone Number	Physical Location
	Seller Certificate or Sales Tax Number	Maine Revenue Services www.maine.gov/revenue	(207) 624-9693	51 Commerce Dr, Augusta
	Health License	Health and Human Services www.maine.gov/dhhs	(207) 287-5671	286 Water St, 3 rd floor, Augusta
	Victualer's License	Municipality where premise is located.	Contact your town office or county office	Contact your town office or county office
	Shellfish License	Marine Recourses www.maine.gov/dmr	(207) 624-6550	• 32 Blossom Lane, Augusta • 194 McKown Point Rd, West Boothbay Harbor • Lamoine State Park, Lamoine • 650 State St, Bangor • 317 Whitneyville Rd, Jonesboro
	Dance or Entertainment License	Fire Marshall's Office www.maine.gov/dps/fmo	(207) 626-3882	45 Commerce Drive, Suite 1, Augusta
	Federal I.D. Number	www.irs.gov	(800) 829-4933	
	Legal business names for corporations and limited liability companies and "Doing Business As" Names (assumed names)	Secretary of State, Bureau of Corporations, Elections and Commissions www.maine.gov/sos/cec	(207) 624-7752	111 Sewall St, 3 rd Fl, Augusta
	Retail Beverage Alcohol Dealers Permit	Alcohol and Tobacco Tax and Trade Bureau (TTB) https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers	(877) 882-3277	

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:

687 Forest Ave, Portland, ME. 04103

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
Jared Sawyer	10/02/1980	Portland

Residence address on all the above for previous 5 years	
Name Jared Sawyer	Address: 78 Mellen Street, APT 5, Portland, ME. 04101
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:

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: 0.00

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)

Lounge area adjacent to rear entrance of building, 100 person capacity ballroom,

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: Woodfords Congregational Church

Distance: 0.30

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: ~~02/02/2023~~

11/28/2023



Signature of Duly Authorized Person

Signature of Duly Authorized Person

Jared M. Sawyer

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.

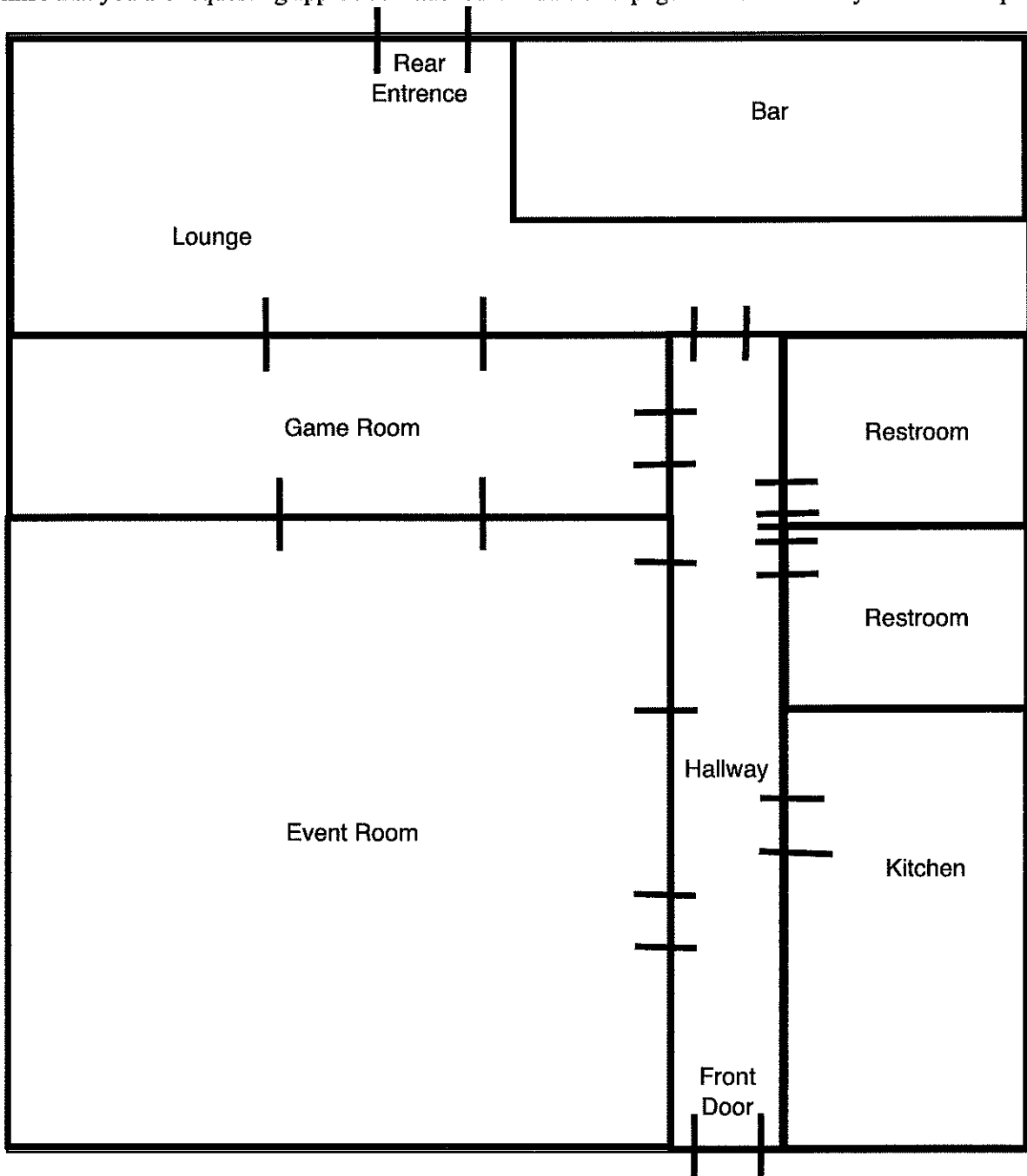
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together 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: DEERING MEMORIAL POST NO. 6859
2. Doing Business As, if any: VFW Portland
3. Date of filing with Secretary of State: 03/02/2023 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)

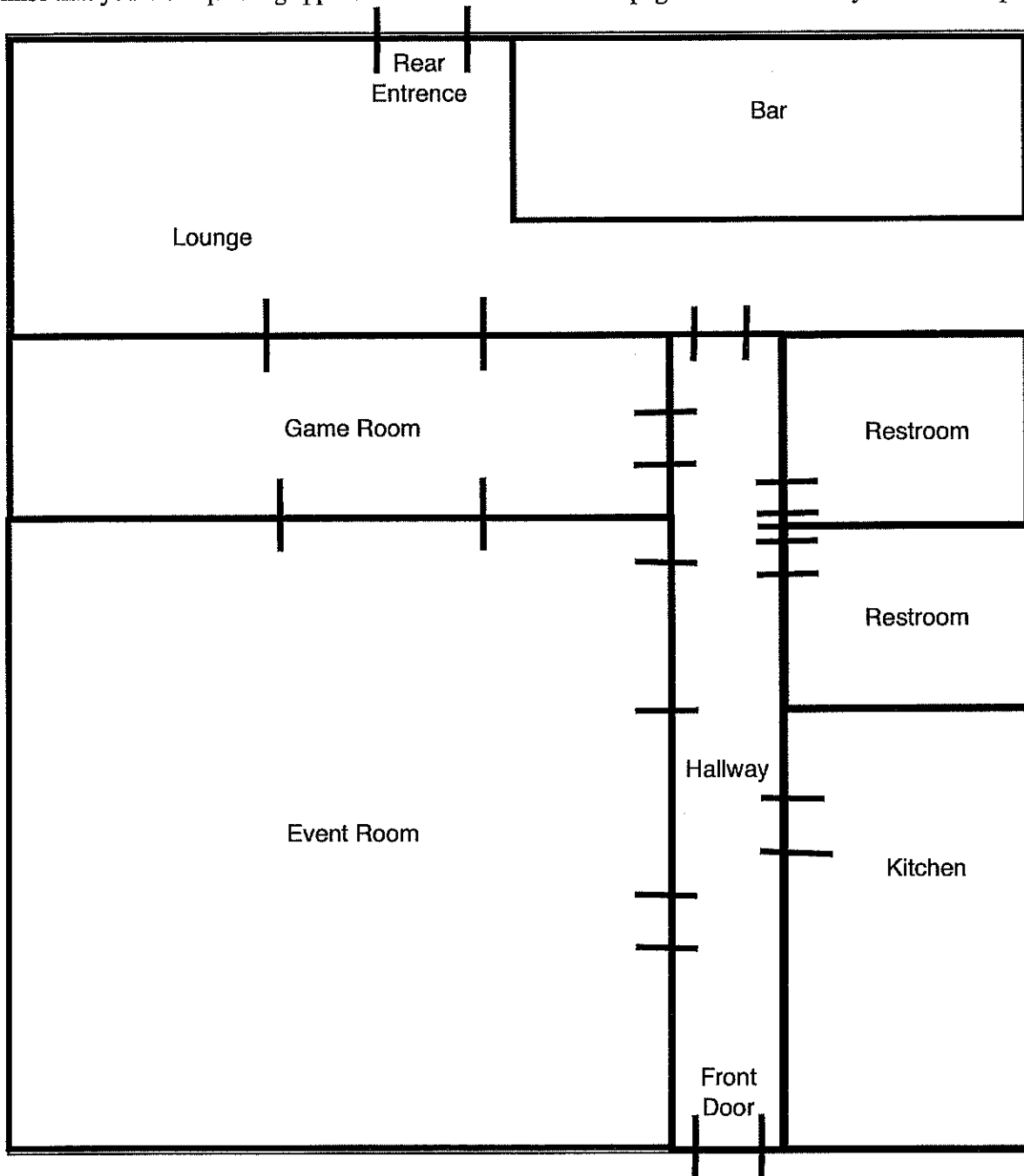
Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Jared Sawyer	78 Mellen Street, Portland, ME	10/02/1980	Quartermaster	
Kevin Cole	33 Fessender St. Portland, ME	06/13/1962	Trustee	
Steve SanPedro	251 Gray Rd, Windham, ME	09/02/1970	Trustee	
Joel Demers	47 Brentwood Rd, Windham, ME	06/17/1973	Secretary	

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

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.





CITY OF PORTLAND

Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

Business Information	
Establishment Name (d/b/a):	Deering Memorial Post 6859 VFW INC Phone: 773-8745
Location Address:	687 Forest Ave, Portland, Maine, 04103 Zip:
If new, what was formerly at this location:	
Mailing Address:	687 Forest Ave, Portland, Maine, 04103 Zip:
Contact Person:	Jared M. Sawyer Phone: 773-8745
Contact Person Email:	qm6859@gmail.com
Manager of Establishment:	Jared M. Sawyer Date of Birth: 2 OCT 1980 Phone: 773-8745
Owner of Premises (Landlord):	Deering Memorial Post 6859 VFW INC
Address of Premises Owner (Landlord):	687 Forest Ave, Portland, Maine, 04103 Zip:

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

Name of Owner(s)	Date of Birth	Residence Address

Corporate Name	Corporate Mailing Address
Deering Memorial Post 6859 INC.	687 Forest Ave, Portland, Maine Zip: 04103

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

Contact Person:			Phone:	
Principal Officers	Title	Date of Birth	Residence Address	
Jared Sawyer	Quartermaster	2 OCT 1980	78 Mellen Street, Portland, ME.	
Kevin Cole	Trustee	13 JUN 1962	33 Fessender St. Portland, ME.	
Steve SanPedro	Trustee	2 SEPT 1970	251 Gray Rd. Windham, ME.	
Joel Demers	Secretary	17 JUN 1973	47 Brentwood, Windham, ME.	
Class of Liquor License:				



PORTLAND MAINE VETERANS OF FOREIGN WARS 6859

Menu

- Pizza: \$12
- Grilled Cheese: \$5
- Hot Dogs: \$2
- Candy Bar: \$2
- Chips: \$2
- Pop Corn: Free



CITY OF PORTLAND
Permitting and Inspections Department

Type of food served:	Pizza, Grilled Cheese, Popcorn, Hot dogs, Sausages,	
Please circle all that will be served:	<u>Beer</u> <u>Wine</u> <u>Liquor</u>	
Projected percentage of sales:	Generated from Food: 20%	Generated from Alcohol: 80%
Hours & days of operation:	M-W: 5pm-10pm; Thur-Sat 12pm-1am; Sun 12pm - 10pm	
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?		<u>Y</u>
If No, please explain:		
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?		<u>Y</u>
If yes, give the distance:		
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)		<u>Y</u>
Will you permit dancing after 1:00 a.m.?		<u>Y</u>
Will you have outside dining? (If yes, an Outdoor Dining Application is required)		<u>Y</u>
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).		
Will you have any amusement devices (pinball, video games, juke box)?		<u>Y</u>
If yes, please list: # of pinball machines: <u>1</u> # of amusements: _____ # of pool tables: _____		
What is your targeted opening date? <u>Currently Open</u>		
Does the Issuance of this license directly or indirectly benefit any City employee(s)?		<u>Y</u>
If Yes, list name(s) of employee(s) and department(s):		
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?		<u>Y</u>
If Yes, please list business name(s) and location(s): <u>Deering Memorial Post 6859 INC.</u>		
Is any principal officer under the age of 21?		<u>Y</u>
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?		<u>Y</u>
If Yes, please explain:		

I Jared M. Samson 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 Quartermaster Date 28 NOV 2023



CITY OF PORTLAND
Permitting and Inspections Department

Application for an Entertainment License

☒ Indoor Entertainment \$500.00 <u>350.00</u> ☐ Outdoor Entertainment \$700.00 ☐ Combined Entertainment \$800.00			
☐ Sound Mitigation Fee \$150.00			
Business Information			
Establishment Name (d/b/a):	Deering Memorial Post 6859 VFW Inc.	Phone:	207-773-8745
Location Address:	687 Forest Ave	Zip:	04103
Owner Name:	Veterans of Foreign Wars	Phone:	
Owner Email:	qm6859@gmail.com		
Contact Person responsible for Entertainment:	Jared Sawyer	Phone:	207-469-8570
Contact Person Email:	qm6859@gmail.com		
Manager of Establishment:	Jared Sawyer	Phone:	207-469-8570
Manager Email:	qm6859@gmail.com		

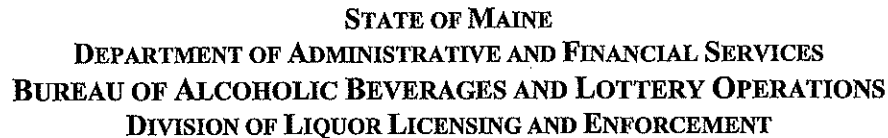
About Your Establishment

Describe in detail the type and nature of the business and proposed entertainment:
private, non-profit, veterans club, with 100 person event room that will occasionally be rented by the public

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

Signature [Signature] Title Quartermaster Date 20 Nov 2023

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



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 ☐

1. New license or renewal of existing license? ☐ New Expected Start date: _____
☒ Renewal Expiration Date: 03/31/2023

Food: \$ 8,048.00 Beer, Wine or Spirits: \$ 73,731.00 Guest Rooms: _____

☒ 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:

687 Forest Ave, Portland, ME. 04103

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
Jared Sawyer	10/02/1980	Portland
Residence address on all the above for previous 5 years		
Name	Address:	
Jared Sawyer	78 Mellen Street, APT 5, Portland, ME. 04101	
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:

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: 0.00

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)

Lounge area adjacent to rear entrance of building, 100 person capacity ballroom,

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: Woodfords Congregational Church

Distance: 0.30

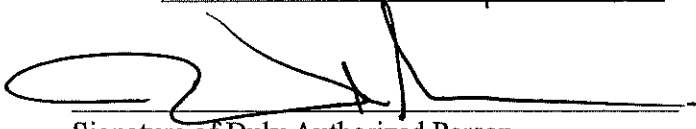
Section II: Signature of Applicant(s)

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: ~~02/02/2023~~

11/28/2023



Signature of Duly Authorized Person

Jared M. Sawyer

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.

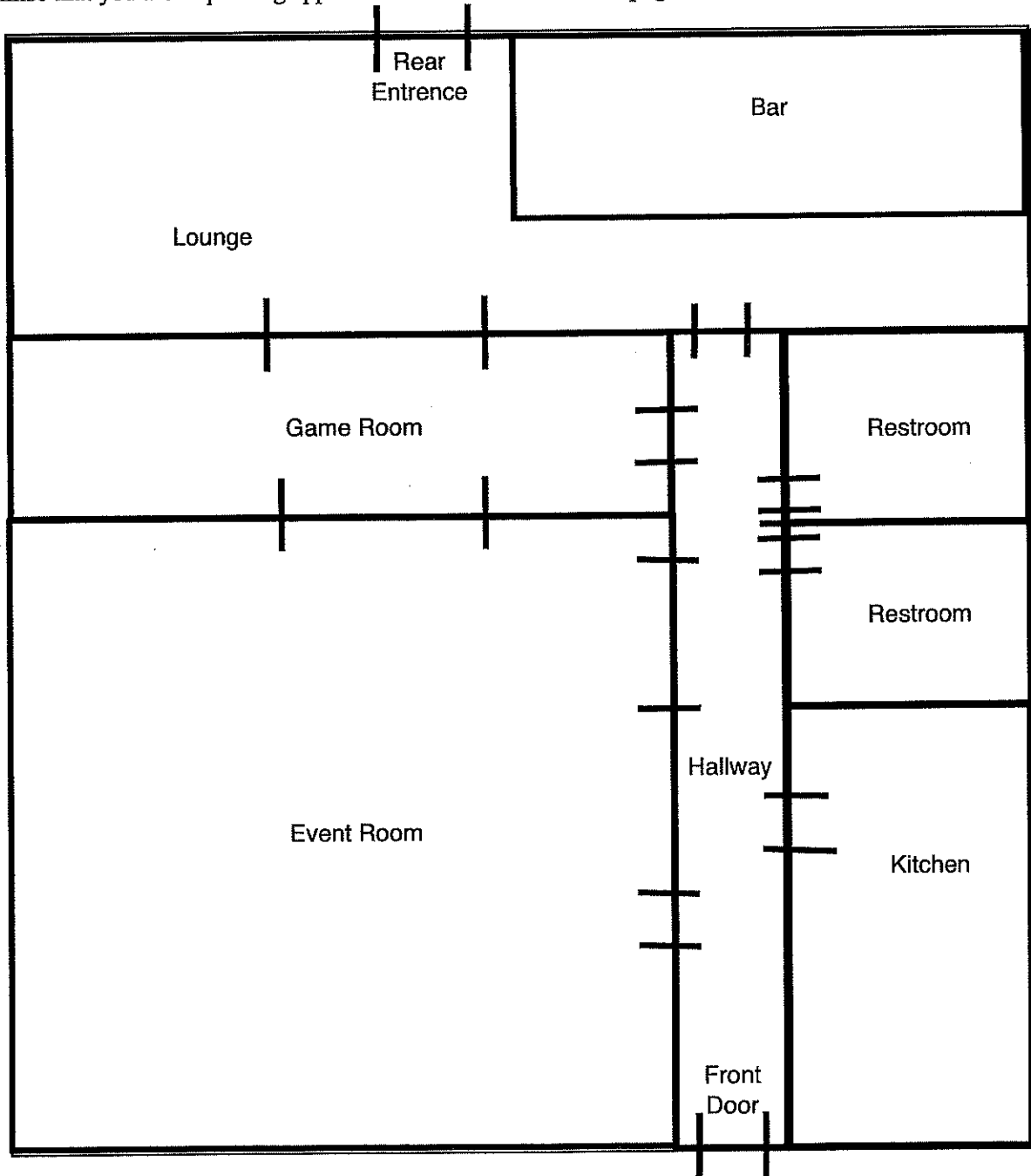
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together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



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: DEERING MEMORIAL POST NO. 6859
2. Doing Business As, if any: VFW Portland
3. Date of filing with Secretary of State: 03/02/2023 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)

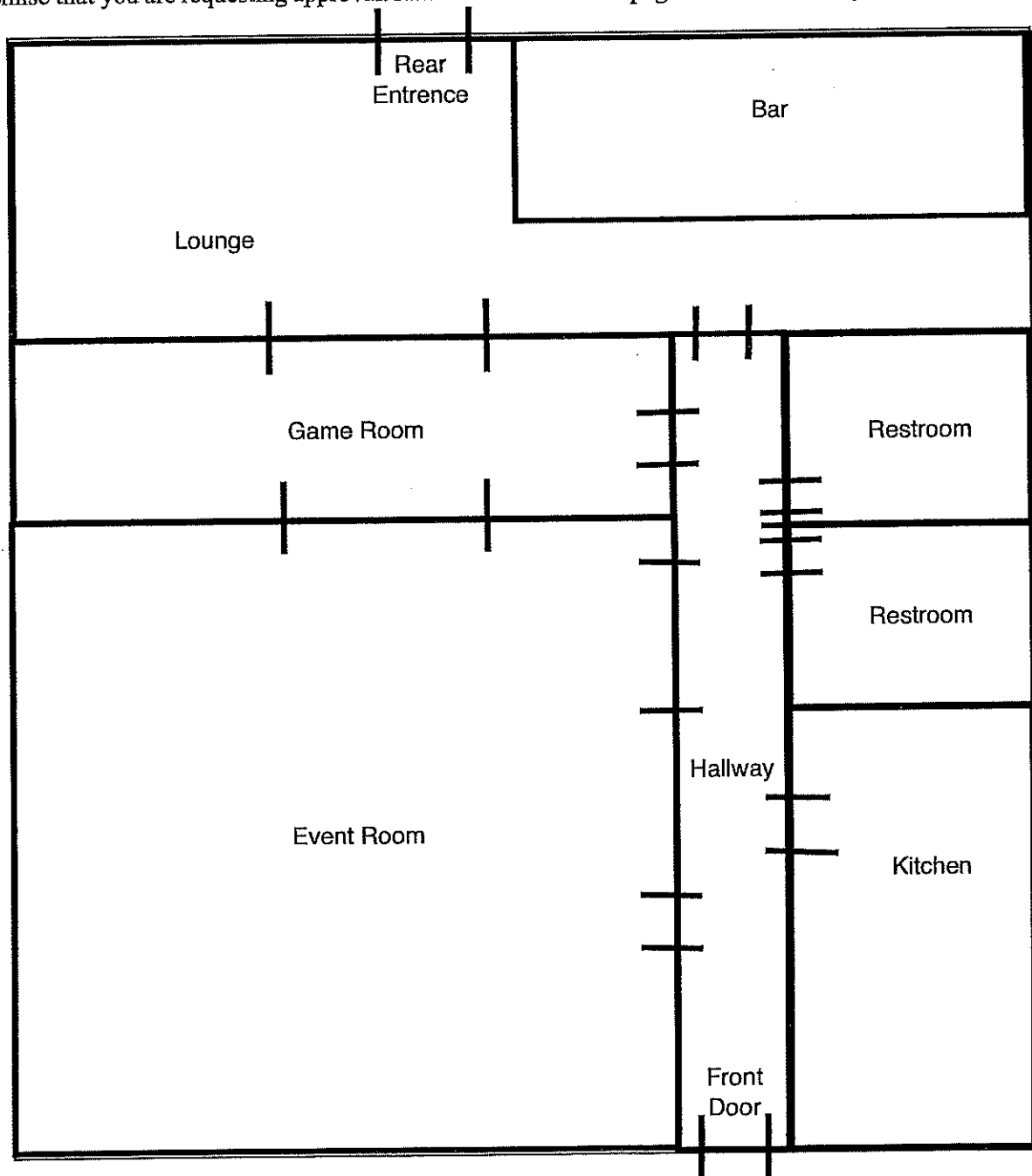
Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Jared Sawyer	78 Mellen Street, Portland, ME	10/02/1980	Quartermaster	
Kevin Cole	33 Fessender St. Portland, ME	06/13/1962	Trustee	
Steve SanPedro	251 Gray Rd, Windham, ME	09/02/1970	Trustee	
Joel Demers	47 Brentwood Rd, Windham, ME	06/17/1973	Secretary	

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

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.



MEMORANDUM
City Council Agenda Item

FROM:

DATE: December 15, 2023

SUBJECT: Order 92-23/24 Waiving the Beano/Bingo Licence Fee for the Veterans of Foreign Wars Post 6859 - Sponsored by Mark Dion, 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: n/a

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

I. SUMMARY

II. AGENDA DESCRIPTION

If passed, this order would waive the fee associated with this annual Beano/Bingo license renewal (currently totaling \$104.00, collected annually) for the Veterans of Foreign Wars (VFW) Post 6859, a nonprofit corporation, at 687 Forest Avenue. According to Sec. 15-12.1 of City Code, "The city council may, in its discretion, waive or reduce any fee required of any nonprofit organization where the council determines the purpose of the licensed activity or the funds to be raised by the activity are of direct benefit to the citizens of the city." At the request of the applicant, staff have included a fee waiver for the Council's consideration.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

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

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Order Waiving the Fee for the Bingo License for the Veterans of Foreign Wars 1.3.2024
2. VFW Post 6859 Letter requesting waiver of fees 2023

Prepared by:

Date: 12/15/2023

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**ORDER WAIVING THE BEANO/BINGO LINCENSE FEE FOR THE
VETERANS OF FOREIGN WARS POST 6859**

WHEREAS, the Veterans of Foreign Wars Post 6859 (“VFW”), a nonprofit corporation located at 687 Forest Avenue, supports veterans who have served in the Armed Services of the United States with advocacy and assistance with benefits claims, community outreach programs, and social events, as well as flag retirement and disposal, honor guard, and veteran's ceremony participation; and

WHEREAS, the VFW supports students with scholarships awarded every year at many public high schools; and

WHEREAS, the VFW holds weekly Bingo games beloved by many Maine residents, raising money to support its mission; and

WHEREAS, the City Council finds that the purpose of the VFW’s Bingo games and the funds to be raised by that licensed activity are of direct benefit to the citizens of the city.

NOW, THEREFORE, BE IT ORDERED, that the VFW’s Beano/Bingo license fee totaling \$104 is hereby waived for the 2024 calendar year.



PORTLAND MAINE VETERANS OF FOREIGN WARS 6859

**687 Forest Ave
Portland, ME 04103**

City of Portland
Licensing Department
389 Congress St #307
Portland, ME 04101

ATTN: Licensing Department

This letter is being sent to 1). Request a bingo/beano city approval letter for the period of FY 2024, specifically on each Monday and 2) Request that the annual fee of \$104.00 be waived pursuant to "City of Portland Licenses and Permits Code of Ordinances Chapter **Sec. 15-12.1. Waiver of fees.** The city council may, in its discretion, waive or reduce any fee required of any nonprofit organization where the council determines that the purpose of the licensed activity or the funds to be raised by the activity are of direct benefit to the citizens of the city."

This is the second year VFW 6859 has offered Bingo to the citizens of Portland. VFW 6859 is a nonprofit charitable organization 501(c)(19) War Veterans Organization. We have an extensive history of supporting charitable organizations (see VFWPortland.org for some of those organizations). Bingo revenue is highly regulated by the State of Maine and all proceeds must support charitable endeavors. VFW members fully staff, coordinate, and manage the weekly bingo events and all individuals that work bingo events at the post are uncompensated volunteers. Further, bingo activities allow citizens of Portland a social setting to spend an evening supporting a charitable organization. Therefore, because the licensed activity has a direct benefit to the citizens of the city it is requested the license fee be waived.

It is requested the city provide a response no later than 15 December 2023 regarding the waiver of fees as the VFW must provide a completed application to the Maine Gambling Commission at least 10 days prior to the Bingo start date. If you require any further information, please contact VFW at the below number.

Thank you,

A handwritten signature in black ink, reading "David A. Bianculli".

David A. Bianculli, Post Commander
Deering Memorial Post 6879
687 Forest Ave., Portland, ME
508-799-5297

City of Portland
Permitting & Inspections
389 Congress St
Portland, ME 04101
207 874-8490
Welcome

020202-0003 Lindsay L 11/28/2023 12:44PM

INVOICE

DEERING MEMORIAL POST VFW, INC
2023 Item: INV-00090963

BL Cashier Beano New 104.00

104.00

Subtotal 104.00
Total 104.00

CHECK 104.00
Check Number 859

Change due 0.00

Paid by: DEERING MEMORIAL POST VFW, INC

Thank you for your payment

CUSTOMER COPY
DUPLICATE RECEIPT

FOR OFFICE USE ONLY

Check # _____

Amount \$ _____



Application to Register Beano/Bingo

MGCU - 5000

****The application (to include the house rules) and registration fee must be received by the Gambling Control Unit at least ten business days prior to the Bingo Occasion****

Beano/Bingo: \$5.00 Special Per Game Registration; \$12 Calendar Week (Monday through Sunday); \$36 Calendar Month; \$400 Calendar Year

Make check payable to Treasurer, State of Maine

Return the completed and signed application to:

**Department of Public Safety
Gambling Control Unit
Central Maine Commerce Center
87 State House Station
45 Commerce Drive, Suite 3
Augusta, Maine 04333-0087
(207) 626-3900 – Office
(207) 287-4356 – Fax**

1. Organization Name: Veterans of Foreign Wars Post 6859

Organization Number (NPO or NCO): 2260 Federal Tax ID # (EIN): 01-0309364

Business Address: 687 Forest Ave

City: Portland State: ME Zip Code 04103

Mailing Address: 687 Forest Ave Phone: 2077738745

City: Portland State: ME Zip Code: 04103

2. Current Officers:

David Bianculli, Commander	2 Fernwood Ln	Cape Elizabeth, 04107	5087995297	6/15/2025
NAME & TITLE	ADDRESS	CITY/ZIP	PHONE	DATE TERM EXPIRES

Tim Halpin, Senior Vice Commander	30 Irving Street	Portland, 04103	2076329355	06/15/2025
NAME & TITLE	ADDRESS	CITY/ZIP	PHONE	DATE TERM EXPIRES

Mike Birmingham, Junior Vice Commander	28 Lawn Ave	Portland, 04103	5712497303	6/15/2025
NAME & TITLE	ADDRESS	CITY/ZIP	PHONE	DATE TERM EXPIRES

Joel Demers, Adjutant	47 Brentland Road	Windham, 04062	2076501411	6/15/2025
NAME & TITLE	ADDRESS	CITY/ZIP	PHONE	DATE TERM EXPIRES

3. Location where Beano/Bingo is to be conducted:

Hall and Storage Room	687 Forest Ave	Portland 04103
BUILDING	ADDRESS	CITY/ZIP

4. Person responsible for conduct of Beano/Bingo:

David Bianculli	5087995297
NAME	DAYTIME PHONE & EVENING PHONE

E-Mail Address: dbianculli01@gmail.com

5. Check the day(s) of the week you will be conducting Beano/Bingo:

Mon ☒ Tue ☐ Wed ☐ Thu ☐ Fri ☐ Sat ☐ Sun ☐

6. What time do the doors open? 4pm What time does the game start? 6pm

7. Dates – Please specify the dates of the Bingo Occasion(s). If more space is needed, please attach a separate sheet of paper with this information on it.

<u>"EVERY Monday</u>	<u>IN 2024"</u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

8. Does the organization own all the equipment used in operating Beano/Bingo? Yes ☒ No ☐

If "NO", Attach a sheet of paper to this application explaining the circumstances under which the equipment was acquired. Please write your organization name and number on the sheet.

9. Has any current officer of the organization or association ever been convicted of or have any charges currently pending for violating the gambling or lottery laws of the United States or the State of Maine?

Yes ☐ No ☒

If "YES" attach a sheet of paper to this application providing the person's name, address, and date and place of conviction or date and location of pending charge. Please write your organization name and number on the sheet.

10. Does the organization have any delinquent / outstanding Disposition of Funds Reports? Yes ☐ No ☒

If "YES" include all reports with this application. If the reports are not included, this application is considered incomplete.

11. **Fair Association Only:** Attach a list of the names and home addresses of the persons operating or assisting in the registered activity. Please write your organization name and number on the list.

12. The following consent must be completed by the municipal officers of the city or town where the Beano/Bingo will take place unless a separate "Letter of Approval" is attached to this application.

☐ Check here if you have attached a "Letter of Approval." Letters that have an expiration date of greater than five years from the issue date will not be accepted by this office.

Municipal Consent to Register

The undersigned municipal officers of the City/Town of Portland, Maine hereby certify that we consent to the registration by VFW 6859 to operate Beano/Bingo in accordance with the provisions of 17 M.R.S.A. Chapter 13-A and in accordance with the Rules promulgated by the State of Maine, Department of Public Safety, Gambling Control Unit governing the operation of Beano/Bingo.

Name: Zachary Leche

Date: 11/28/23 Title: Lic & Housing Safety Mgr

Name: _____

Date: _____ Title: _____

Name: _____

Date: _____ Title: _____

Name: _____

Date: _____ Title: _____

13. The applicant agrees to obey Federal, State of Maine laws, and rules governing Beano/Bingo promulgated by the Department of Public Safety, Gambling Control Unit. The applicant warrants the truth of the foregoing statements on penalty of perjury.

Signed: David A. Bianculli

Print Name: David A. Bianculli Title: Commander

Date: 11/22/2023 Age 18 or older: Yes ☒ No ☐

NOTE: Ensure a Copy of the House Rules for Bingo are attached to the application.



PORTLAND MAINE VETERANS OF FOREIGN WARS 6859
687 Forest Ave
ATTN: Bingo Committee
Portland, ME 04103

BINGO HOUSE RULES

- THERE IS NO CHARGE FOR ADMISSIONS
- NO PRIZES FOR ATTENDANCE
- NO ONE UNDER THE AGE OF 16 WILL BE ALLOWED TO PLAY BINGO
- NO NEW ADMISSION TICKETS WILL BE ISSUED AFTER GAME 6
- ADMISSION TICKETS MUST INDICATE NUMBER OF CARDS PURCHASED, COMPLETE NAME AND ADDRESS
- YOU MAY PLAY ONLY THE CARDS YOU PURCHASED
- BINGO NUMBERS DISPLAYED ARE NOT VALID UNTIL CALLED
- THE HOUSE RESERVES THE RIGHT TO LOWER PAYOUTS BASED ON ATTENDANCE
- GAME MUST BE IN PROGRESS TO CALL BINGO

50/50 DRAW

- 50/50 SALES TO BEGIN 1 HOUR PRIOR TO FIRST BINGO GAME AND WILL BE DRAWN PRIOR TO THE FIRST GAME
- MUST BE 18 TO PLAY

PULL TABS

- MUST BE 18 TO PLAY

This division shall not apply to events held: (a) in a class in which instruction in music is given for hire; (b) school-sponsored events under supervision of school authorities; (c) City-sponsored events under the supervision of City authorities.

(Ord. No. 34-95, 7-5-95; Ord. No. 285-19/20, 7-15-2019)

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*

***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.
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 Permitting and Inspections Department 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; Ord. No. 18-17/18, 8-21-2017)

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.

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:

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

CITY OF PORTLAND
IN THE CITY COUNCIL

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**ORDER WAIVING THE CLASS III & IV WITH INDOOR ENTERTAINMENT
APPLICATION FEES FOR THE MAINE IRISH HERITAGE CENTER**

WHEREAS, the Maine Irish Heritage Center, a nonprofit corporation located at the corner of Gray and State Streets, promotes and supports Irish culture, presents Irish writers, poets, musicians, offers in-person classes in Irish, and hosts a genealogy DNA research project with archives from the former St. Dominic's Church in which it is located as well as archives of local Irish names, St. Dominic's School records, and city directories for people interested in their Irish and Portland ancestors; and

WHEREAS, the Maine Irish Heritage Center provides a beautiful venue for marriages, other celebrations, meetings, workshops and more; and

WHEREAS, the City Council finds that the purpose of the Maine Irish Heritage and the funds to be raised under activities permitted by the entertainment license are of direct benefit to the citizens of the city;

NOW, THEREFORE, BE IT ORDERED, that the Maine Irish Heritage Center's application fees for the Class III & IV entertainment license totaling \$1,406 is hereby waived for the 2024 calendar year.

MAINE IRISH

HERITAGE CENTER

July 28, 2023

Mayor Kate Snyder
City Manager Danielle West
Councilor Anna Trevorow, District 1
Councilor Victoria Pelletier, District 2
Councilor Regina Phillips, District 3

Councilor Andrew Zarro, District 4
Councilor Mark Dion, District 5
Councilor Pious Ali, At-Large
Councilor April Fournier, At-Large
Councilor Roberto Rodriguez, At-Large

City of Portland, Maine
389 Congress Street
Portland, Maine 04101

Subject: Request to Waive Liquor and Entertainment Permit Fees for the Maine Irish Heritage Center

To the Honorable Mayor, Members of the Portland City Council, and City Manager,

I hope this letter finds you all well. **I am respectfully requesting the waiver of liquor and entertainment permit fees for the Maine Irish Heritage Center** under the provisions outlined in Sec. 15-12.1 of the city code. Our application is on the docket for the August 14th City Council Meeting.

As a valued nonprofit organization, the Maine Irish Heritage Center plays a pivotal role in preserving and promoting Irish heritage and culture in our community, enriching the lives of countless citizens, and providing a community center supporting other greater-Portland area nonprofits and civic organizations.

The Maine Irish Heritage Center has been a beacon of Irish culture and tradition in Portland for over 20 years. Before that, our iconic home was the Irish American heart of Portland, where St. Dominic's parish flourished for almost 200 years. Today, it stands tall as the westernmost landmark in Portland's skyline. It is a cherished space for events, activities, and educational programs that celebrate the history and contributions of the Irish community to our great city and a welcoming space for all immigrant communities. Throughout its existence, our dedicated volunteers have worked tirelessly to enhance our city's cultural diversity and foster a sense of unity among its residents.

The Center's commitment to the citizens of Portland is undeniable. Our events and activities are open to all, transcending age, ethnicity, and socioeconomic status, providing an inclusive space for all community members to come together and participate. By doing this, we strengthen the social fabric of our city and promote understanding and mutual respect among our diverse population.

Corner of Gray & State Street • PO Box 7588 • Portland, ME 04112-7588
207-780-0118 • maineirish@maineirish.com • www.maineirish.com

MAINE IRISH

HERITAGE CENTER

I want to bring attention to the charitable efforts of the Maine Irish Heritage Center. This organization has tirelessly organized numerous fundraisers, community projects, and charity events to assist those in need, support local causes, and positively impact the lives of our fellow citizens.

By way of an example, right now, we are producing a citywide film festival to honor John and Francis Ford, proud Irish American brothers from Portland who influenced filmmaking on the world stage (attached). We have brought together Portland Downtown, Creative Portland, Portland Media Center, Portland Museum of Art, and the State Theatre to share our John and Francis Ford Collection with as much of the community as possible. To make the festival events more accessible, we are hosting a free outdoor public screening of THE QUIET MAN in Monument Square on Saturday evening, August 20th. We are also soliciting donations of tickets for Opening Night at the State Theatre to share with residents of nonprofit independent and assisted living facilities like our neighbors at 75 State Street so they can enjoy a free nostalgic evening out.

The waived liquor and entertainment permit fees will enable the Center to allocate more resources towards these charitable and meaningful endeavors, magnifying their positive effects on the Portland community and beyond.

The spirit of Sec. 15-12.1 empowers the city council to waive fees for nonprofit organizations benefitting the citizens of Portland. The Maine Irish Heritage Center unquestionably meets the criteria for such consideration. The cultural, social, and philanthropic activities organized by the Center have a direct and profound effect on the well-being and enrichment of our community, aligning perfectly with the intent of the section mentioned above.

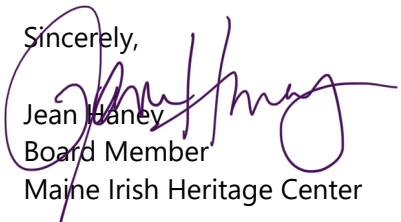
Sec. 15-12.1 emphasizes the city's recognition of nonprofit organizations' value to our community and their unique needs when organizing events and fundraisers.

In conclusion, I implore the Portland City Council and City Manager to seriously consider this request to waive the liquor and entertainment permit fees for the Maine Irish Heritage Center. Our receipt for payment made in advance is attached.

Doing so will not only strengthen the Center's ability to continue its invaluable work in preserving Irish heritage and promoting cultural understanding but also signify the city's unwavering commitment to supporting nonprofit organizations that have a direct, positive impact on our citizens' lives.

Thank you for your time, consideration, and commitment to fostering a vibrant and caring community. Please get in touch with me if you require further information or have any questions regarding this request.

Sincerely,



Jean Haney
Board Member

Maine Irish Heritage Center

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-00085968	07/21/2023	08/20/2023	Due	NONE

REFERENCE NUMBER	FEE NAME	TOTAL
LL-005559-2023	Class III & IV	\$906.00
	Health Inspection New	\$150.00
	Indoor Entertainment	\$500.00
	Legal Advertisement Deposit	\$100.00
	New Application Fee	\$45.00
	SBI Background Check New	\$84.00
Maine Irish Heritage Center - 34 Gray St Portland, ME 04102		SUB TOTAL \$1,785.00

TOTAL **\$1,785.00**

BILLING CONTACT

MAINE IRISH HERITAGE CENTER
Po Box 7588
Portland, Me 04112

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

018819-0004 Alyssa W. 07/21/2023 11:41AM

INVOICE

MAINE IRISH HERITAGE CENTER	
LL-005559-2023	
2023	Item: INV-00085968
Class III & IV	906.00
New Application Fee	45.00
SBI Background Check	
New	84.00
Legal Advertisement	
Deposit	100.00
BL Cashier Health	
Inspection New	150.00
Indoor Entertainment	500.00

	1,785.00
Subtotal	1,785.00
Total	1,785.00
CHECK	1,785.00
Check Number 003538	

Change due	0.00

Paid by: MAINE IRISH HERITAGE CENTER

Thank you for your payment

City of Portland COPY
DUPLICATE RECEIPT

TICKETS ON SALE NOW!

JOHN AND FRANCIS FORD

FILM FESTIVAL

AUGUST 18 - 20

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MAINE IRISH
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STATE
- PORTLAND, MAINE -
THEATRE

FRIDAY AUG 18

Opening Night Reception for All Access Pass Holders and Friends of the Ford Festival at 5 PM. Doors open for general admission at 6 PM.

SCREENINGS

WHEN THE TABLES TURNED (1911)
WAGON MASTER (1950)



*Winner of Portland
Media Center's Silent
Film Contest awarded!*



SATURDAY AUG 19 / SUNDAY AUG 20

2-DAY Symposium with screenings, panel discussions, and Q&A with Joseph McBride, Kathy Fuller-Seeley, Scout Tafoya, Gerald Peary, Jonathan Cavallero, and Kevin Stoehr.

KEYNOTE ADDRESS: *Joseph McBride* - Film historian and *John Ford* biographer.

SCREENINGS

SAT: 7 WOMEN (1966) and *THE CRAVING* (1913)
SUN: MY DARLING CLEMENTINE (1946) and *THE TAKING* (2021)



FESTIVAL
TICKETS & INFO



SATURDAY NIGHT
FREE OUTDOOR SCREENING IN MONUMENT SQUARE!

**THE
Quiet Man**

SUNDAY AUG 20

Midcoast Matinee at the historic Lincoln Theater in Damariscotta with experts Joseph McBride and Kathy Fuller-Seeley.

SCREENINGS

THE POSTTELEGRAPHER (1912)
THE MAN WHO SHOT LIBERTY VALANCE (1962)



FUNDRAISER TO BENEFIT
MAINE IRISH
HERITAGE CENTER
PO BOX 7588, PORTLAND, ME 04112-7588

JOHN & FORD
FRANCIS

FILM FESTIVAL

AUGUST 18 - 20
PORTLAND, MAINE

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PAID
PORTLAND, ME
PERMIT #193

MEMORANDUM

To: Portland City Council

From: Bernstein Shur

Date: 1/3/24

Re: Maine's Legislative Process

Maine's part-time Legislature is composed of a Senate (35 members) and a House of Representatives (151 members); members of both Houses are elected for two-year terms and are limited to four consecutive terms.

The Legislature meets annually in regular session. The first regular session convenes on the first Wednesday in December after the general election and typically adjourns in June. The current legislature, Maine's 131st Legislature, concluded its first regular session this past July. The second regular session is set to convene January 3 and is scheduled to adjourn the third week in April.

During the first regular session of the Legislature, there are no formal limitations on the bills that may be introduced prior to cloture. The Second Regular Session of the Legislature is limited by the Constitution to budgetary matters, the Governor's legislation, legislation of an emergency nature approved by the Legislative Council, legislation submitted pursuant to authorized studies, and legislation submitted by direct initiative petition of the electors.

Virtually all bills that are put forward are reviewed, analyzed and discussed by one or more legislative committees before they are considered on their merits by the full Legislature. Bills are referred to committees by both houses, receive a public hearing, are worked on in committee work sessions, and are given a recommendation, or "report," by the committee to the whole Legislature.

The public hearing, presided over by a committee chair, allows legislative sponsors to explain the purpose of the bill and citizens, state officials and lobbyists to tell committee members their views on a bill. The City of Portland will often submit written testimony or testify in-person at public hearings on legislation pertaining to the City at the request of the City Council's Legislative Committee.

After a public hearing, legislative committees hold work sessions to allow committee members to discuss bills thoroughly and vote on the committee's recommendation, or report, to the Legislature. The

committee works with the legislative analyst to draft amendments or review amendments proposed by others. Some bills require several work sessions.

Work sessions are open to the public and, at the invitation of the committee, department representatives, lobbyists and others may address the committee about bills being considered, suggest compromises or amendments, and answer questions. The committee may also ask its legislative analyst to research and explain certain details of the bill.

The committee's decisions on bills and amendments are expressed by votes on motions made during a work session; the final action is called a "committee report." The report a bill receives is often the most important influence on its passage or defeat. Several types of unanimous and divided reports on a bill are possible.

Once a bill is reported out by a committee, it is returned to the house in which it originated. To be enacted, bills must pass through at least four steps on the floor of both the House and Senate: first reading, second reading, engrossment and enactment.

After a bill has been enacted by the Legislature, it is sent to the Governor, who has 10 days (not counting Sundays) to exercise one of three options. The Governor may sign the bill, veto the bill, or allow it to become law without signature. A bill becomes law 90 days after the end of the legislative session in which it was passed.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: December 15, 2023

SUBJECT: Resolution 5-23/24 Calling for an Immediate Ceasefire in Gaza and Israel -
Sponsored by Pious Ali, Councilor

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

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. Resolution Calling for an Immediate Ceasefire in Gaza and Israel 1.3.2024
2. Resolution 5 Written Comments
3. AMENDMENT Resolution Calling for an Immediate Ceasefire in Gaza and Israel 1.3.2024

Prepared by:

Date: 12/15/2023

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**RESOLUTION CALLING FOR AN IMMEDIATE CEASEFIRE
IN GAZA AND ISRAEL**

WHEREAS, the Mayor and the City Council of the City of Portland Maine recognize the importance of peace and security for all communities and nations around the world regardless of national, ethnic or religious affiliations; and

WHEREAS, the Mayor and the City Council of the City of Portland advocate for the safety, dignity, freedom, and equality of all people, regardless of religion, race, or nationality; and

WHEREAS, the Mayor and the City Council of the City of Portland recognize that all human life is precious; and

WHEREAS, since October 7, 2023, armed violence has claimed the lives of and wounded thousands of individuals in Gaza and Israel; and

WHEREAS, lives continue to be at imminent risk of death if a ceasefire is not achieved without delay;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and the City Council of the City of Portland, Maine, join with representatives of other cities in calling on our President and Congressional Members to demand an immediate ceasefire to urgently end the current violence in Gaza and Israel; and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the offices of United States Maine Representatives Chellie Pingree and Jared Golden, United States Maine Senators Susan Collins and Angus King and United States President Joseph Biden, urging them to take immediate action to use their position and influence to end violence.

Subject: Resolution 5-23/24 Testimony

Ella D. Tabasky <etabasky@gmail.com>

Tue, Jan 2, 12:00 PM (1 day ago)

to publiccomment

Councilors,

I write to encourage you to support Resolution 5-23/24 Calling for an Immediate Ceasefire in Gaza and Israel, sponsored by Councilor Pious Ali.

While I am no longer a Portland resident, I write as a concerned Jewish activist in Southern Maine who is horrified by the events that have led to this current moment. Your voice, as politicians representing Maine's largest city, will carry a lot of weight when discussing this tragic humanitarian crisis with Maine's Congressional Delegation.

I wrote about my support of a ceasefire in the November 17th issue of the Press Herald (see: <https://www.pressherald.com/2023/11/17/maine-voices-the-only-true-humanitarian-solution-in-gaza-is-a-ceasefire/>) and I continue to follow my conscience and advocate for a ceasefire at this moment in time.

I reject the claims that Israel will be able to eradicate Hamas by indiscriminately bombing Gaza in the name of Jewish safety. Every day that our politicians continue to wait to call for a ceasefire, hundreds -- thousands -- more innocent lives will continue to be lost, all while the hostages continue to be held by Hamas.

I implore you to listen to your constituents who overwhelmingly support an approach that prioritizes diplomacy, compassion, and the well-being of all involved in this tragic conflict.

Respectfully,
Ella Tabasky
Brunswick, ME

Subject: Resolution 5-23/24

Hadriane Hatfield <haehatfield@gmail.com>

Tue, Jan 2, 11:59 AM (1 day ago)

to publiccomment

Dear Mayor Dion and Portland City Councilors,

I'm a constituent of district 2 writing in support of Resolution 5-23/24: Resolution Calling For A Immediate Ceasefire in Gaza And Israel. I am grateful to Councilor Ali for introducing this resolution.

The Israeli military is committing war crimes in Gaza, and the humanitarian crisis there is horrific. As we Americans try to understand the also horrific attack by Hamas and condemn that violence, we MUST also recognize that NO terror attack justifies mass collective punishment, displacement, and death. The US must recognize its role in this war and must recognize the inherent human rights of Palestinian people.

Portland City Council, please support this resolution and implore our elected officials in Washington to join the rest of the UN in calling for an immediate ceasefire.

Sincerely,
Hadriane Hatfield

Subject: PUBLIC COMMENT for January 3rd City Council Meeting

Erin Dodge <erinsdodge@gmail.com>

Tue, Jan 2, 11:57 AM (1 day ago)

to publiccomment

My name is Erin Dodge. I'm a member of District 1.

I thank Councilor Pious Ali for his integrity and leadership in putting forth a ceasefire resolution to stop the bombing of Gaza.

Israel has murdered thousands of Palestinian people with OUR weapons, our funding, and our blessing. Thousands more human beings will be disabled and traumatized for life, having lost entire families and beloved homes. The Israeli government has cut food, water, fuel, and electricity to Palestinians while calling them "human animals" and claiming there are "no innocents in Gaza."

The catastrophe worsens by the hour, while we pledge unquestioning support for these appalling war crimes. We as US citizens scream out that we do not want this done in our name!! The shame and grief of it is overwhelming, three months on.

I urge you to approve this resolution calling for an immediate ceasefire and a safe pathway for aid and assistance to Gaza in order to save as many lives as possible.

And lastly, we must see clearly what this genocide says about the root causes of the violence: Israel must end its illegal occupation and blockade of Palestine. The apartheid system and illegal settlements must end, and we must cease our support for this regime.

Erin Dodge
Park Ave,
Portland ME 04101
District 1

Subject: PUBLIC COMMENT for January 3rd City Council Meeting

nat.joyce23@gmail.com

Tue, Jan 2, 11:54 AM (1 day ago)

to publiccomment

My name is Nat Joyce. I'm a member of district 28.

Councilor Pious Ali has put forth a ceasefire resolution to stop the bombing in Gaza and Israel. I am in support of this resolution to end the constant bombing that we have seen for over 80 days, killing over 20,000 civilians, with more than 8,000 of them being children. The physical and emotional trauma that the Palestinian people are enduring is astronomical and will last generations.

A ceasefire is the bare minimum we are asking for. The people have been asking, we are begging, we are demanding. The human rights violations are insurmountable and a ceasefire is the first step that needs to occur.

I support an immediate ceasefire and I demand the council to approve this resolution.

Sincerely,
Nat Joyce

Subject: Comment on Resolution 5-23/24

Bridget Sakowski <bridget.sakowski@gmail.com>

Tue, Jan 2, 11:53 AM (1 day ago)

to publiccomment

Good morning,

I hope you are well. I am writing to urge the Portland City Council to pass Resolution 5- 23/24, which calls for an Immediate Ceasefire in Gaza and Israel. We are currently witnessing the ethnic cleansing of the Palestinian people and it is essential that the people of Maine demonstrate their support for peace. As a healthcare worker and mental health provider, I am concerned about the impact on everyday life and the healthcare system for our fellow humans in Palestine is unprecedented and indisputable. The healthcare system in Gaza is in total collapse, and Palestinians are suffering in innumerable ways under siege and genocide.

I urge the Council to vote yes on Resolution 5-23/24.

Sincerely,
Bridget

--

Bridget Sakowski
Pronouns- She/Her/Hers

Subject: Res 5-23/24

Andy Bachman <andy.bachman@gmail.com>

Tue, Jan 2, 11:52 AM (1 day ago)

to publiccomment

I am a rabbi and community leader living in Portland, ME, after serving Jewish communities in New York City for the past 30 years.

I too favor a ceasefire but am imploring the council to please add the return of hostages to the language. This is the position of the majority of Jewish organizations in Maine and across the United States and the globe.

The inhumane massacres of October 7 and the cruel captivity and abuse experienced by hostages is what triggered this particular Israeli response which, I agree, has caused unimaginable suffering and destruction of Palestinian lives.

Reasonable people must do all they can to ensure the basic human dignity of innocents on both sides of this intractable conflict.

I believe that Hamas — a corrupt terror regime, bears responsibility for October 7. I also believe that the Government of Israel has a right to defend itself. However, and this is critically important, the Netanyahu coalition, which includes racist settler leaders, does not speak for the majority of Israelis nor world Jewry. It is a corrupt government that is supporting the settler enterprise over the greater cause which is territorial compromise, sharing the land, coexistence and peace.

Hamas must be removed from power and Netanyahu must resign. A ceasefire and return of hostages will help set the table for new leadership among Israelis and Palestinians to find a path forward for coexistence — the only way toward peace.

Thank you

Rabbi Andy Bachman
204 Sheridan St
Portland, ME 04101

Andy
718-730-2223
<https://andybachman.substack.com>

Subject: Support for a ceasefire, A resolution accelerating justice and peace for the Palestinian people

Penelope Simpson <penelopesimpson03@gmail.com>

Tue, Jan 2, 11:51 AM (1 day ago)

to publiccomment

Dear Mayor Dion and council members,

My name is Penelope Simpson, and I currently live and work in Portland. I have also been attending USM for the past two years. I am writing in support of a ceasefire, *A resolution accelerating justice and peace for the Palestinian people*.

Now is the time to move rapidly to stand in solidarity with Palestinian people against the indiscriminate genocide and war crimes they face daily at the hands of the state of Israel. I hold the United States government complicit in this genocide due to their massive material military support to the state of Israel and repeated vetoes of the United Nations calls for a ceasefire.

I want to live and work in a community that stands in solidarity with oppressed people, both locally and globally. It is of utmost importance that the city council and the city of Portland take a clear stance in supporting a ceasefire and an end to the funding of genocide against the Palestinian people. This resolution is an essential step towards ensuring that Portland is a safe community for Black, Brown, and Indigenous community members.

This genocide laid bare the dehumanization, oppression, and extreme violence the Palestinian people have experienced for the last 75 years inflicted by the state of Israel. **We must pass this resolution for a ceasefire to ensure that human suffering and atrocities stop.**

Please give this resolution calling for a ceasefire favorable report without delay. The Palestinian people need our support and though it will take decades to rebuild and repair their country, the first step is an immediate ceasefire. Thank you for considering my testimony. Please reach out with any questions.

Sincerely,
Penelope Simpson
14 Hamlin Ct.
Portland, ME 04102

Subject: PUBLIC COMMENT for January 3rd City Council Meeting

Lou Hoecker <louhoecker@gmail.com>

Tue, Jan 2, 11:39 AM (1 day ago)

to publiccomment

My name is Lou Hoecker. I'm a member of District 2. My address is 113 Vaughan St, Unit 8, Portland ME 04102.

Councilor Pious Ali has put forth a ceasefire resolution to stop the bombing in Gaza and Israel. I am in support of this resolution to end the constant bombing that we have seen for over 80 days, killing over 20,000 civilians, with more than 8,000 of them being children. The physical and emotional trauma that the Palestinian people are enduring is astronomical and will last generations.

We are witnessing an ethnic cleansing, a genocide, that our tax dollars are funding. According to the [US Campaign for Palestinian Rights](#), the residents of the City of Portland, with our tax dollars, pay an estimated \$1,142,847 yearly to fund Israel's weapons. Not only is the money being used to commit such atrocities, but we could be using the money here for our own residents, including affordable housing, better access to health care and social services, and much more.

It is time that the City of Portland stand up to these horrors and grave injustices, listening to the thousands of residents who have been protesting and demanding a ceasefire. This has gone on for far too long. No one is free until we are all free.

I support an immediate ceasefire and I demand the council to approve this resolution.

Free Palestine!

Lou Hoecker. 113 Vaughan St, Unit 8, Portland, ME 04102.

Subject: PUBLIC COMMENT for January 3rd City Council Meeting

Jeffrey H Hotchkiss <jefreiki@maine.rr.com>

Tue, Jan 2, 11:36 AM (1 day ago)

to publiccomment

To the Portland City Council

Thank you very much for bringing forward a ceasefire resolution to stop the genocide in Gaza. Shout out to Councilor Pious Ali for introducing it.

For more than 20,000 Palestinians, victims of deliberately indiscriminate Israeli bombing and summary executions, half of them children, it is already too late. But we must not let up on the pressure for peace.

I will show up at the City Council meeting tomorrow night in person, to speak in more detail about patrilineal, family and friend connections to both sides of historical genocides, and why it matters today.

For now, I appreciate the opportunity to submit these words before today's noon deadline, and to voice my support for the resolution.

Thank you,

Jeffrey Hotchkiss

District 4

January 2, 2024

11:33 a.m.

I support an immediate ceasefire and I demand the council to approve this resolution.

Subject: Resolution for a Ceasefire

Nell Bridger <nellbridger@gmail.com>

Tue, Jan 2, 11:32 AM (1 day ago)

to Nell Bridger

Dear Mayor and Councilors,

I'm writing in support of Councilor Ali's proposed resolution supporting an immediate ceasefire in Gaza and Israel.

Thank you Councilor Ali for your leadership on this matter!

I hope the council decides to pass the resolution.

Thank you for your service.

Nell Bridger
District 4

Subject: Support Councilor Ali's Ceasefire Resolution

Catherine Buxton <catherine.anne.buxton@gmail.com>

Tue, Jan 2, 11:30 AM (1 day ago)

to publiccomment

To members of the city council,

I am writing to you today urging you to vote YES on Resolution 5-23/24 'Calling for an Immediate Ceasefire in Gaza'. In the months since Oct 7, it has become increasingly apparent that Israel has been acting well outside of international law and is committing not only atrocities but countless war crimes and genocide in Gaza. The UN has asserted this, aid organizations like Doctors Without Borders, and most importantly innocent civilians on the ground in Gaza have been saying this as they watch their cities and homes crumble and their family and friends displaced and murdered.

I am proud that Portland is a welcoming place for refugees and asylum seekers. So many of our own citizens have faced the horrors of war and violence, and have found shelter here. It is our responsibility to do what we can to fight the global conflicts that create the trauma of displacement to begin with, not because we don't want to foster refugees and immigrants in our own community, we really do!-- but because everyone deserves to feel safe in the homeland that they choose. As a citizen in Portland, I feel called to do what I can to prevent the mass displacement and murder of Palestinians and I hope you do too.

Even as municipal legislators, you have power to stand with Palestinians. This resolution provides and opportunity to condemn the atrocities and genocide perpetrated by the Israeli army and government. By passing the resolution you are amplifying the voices of Portland's citizens, making our unified call for ceasefire all the more compelling and strong. Our state and federal lawmakers need to know that local citizens and towns will not stand for the public funding of this war and we want to do everything in our power to move forward a ceasefire agreement and save lives.

This is one small way we can show our solidarity and continue to push for peace. I know you want to see federal dollars spent on cities and towns like ours, on the urgent crises we see right here at home. Please vote yes on this resolution.

Thank you!

Sincerely,
Catherine Buxton
141 Read St

PS: (Also the updated meeting/agenda software is a great improvement and made it much easier to find documents and materials for the meeting. Thank you for this change!)

-Catherine Buxton

[p] she/her/hers

[e] catherine.anne.buxton@gmail.com

[m]: 978-382-2629

Subject: Support Resolution 5-23/24 Calling for an Immediate Ceasefire in Gaza

Emeline Avignon <emelineavignon@gmail.com>

Tue, Jan 2, 11:25 AM (1 day ago)

to publiccomment

I am writing to you today expressing the importance of supporting resolution 5-23/34 calling for an immediate ceasefire in Gaza and Israel. I grew up in Portland, and attended King Middle School, Portland High School, and Casco Bay High School. At these schools I learned the value of being part of a diverse community, and the importance of listening, critical thinking, and diving deeper into the non-dominant side of the story, the voices of the stories which are quieted. Given that Portland is a sanctuary city and a diverse city, while many members may not be Palestinian exactly, many members are Arab, Muslim, and or fleeing a similar situation in their home countries. Demanding a ceasefire is standing in solidarity with these community members, the authenticity of Portland's position as a sanctuary city (a SAFE place for asylum seekers, refugees, and immigrants at large). Demanding a ceasefire also is an opportunity for the city to set an example and precedent, to use its power and voice to signal to those who may be hateful toward or passive to the circumstances and identity of our diverse community members, to interrogate these assumptions. Most importantly, demanding an immediate ceasefire signals to the diverse community, especially Arab, Muslim, and those fleeing colonial and genocidal projects in their home countries, that Portland city council stands in solidarity with these circumstances. These passive assumptions and hate stem from a consciousness which is grown from media rhetoric which privileges white life, voice, and perpetuates fear of an abstract enemy in the shadow of post-9/11 United States. Portland City Council can be part of countering this white supremacist and colonial rhetoric.

Thank you for your careful consideration. I hope you stand on the side of history of radical understanding, hope, love, and peace--

Emeline Avignon
Portland Community member, PPS alum 2019

Subject: Public comment for meeting on 1/3 re: ceasefire resolution

Sarah English <seenglish@gmail.com>

Tue, Jan 2, 11:21 AM (1 day ago)

to publiccomment

To the City Council:

When my grandma was 6 years old she and her mom had to leave their village in what is now Poland to come to America to escape violent antisemitism that threatened their existence. Family who stayed behind were destroyed not long after in the Holocaust.

I'm her granddaughter, and I'm a proud Jew. I'm also a Registered Nurse at Maine Medical Center, a union nurse with the Maine State Nurses Association, and I'm also now a member of the Maine chapter of a group called Healthcare Workers for Palestine. I'm here to add my voice to the millions of people around the world calling for an immediate and permanent ceasefire! In Gaza, at least 300 of my fellow healthcare workers have been killed in the line of duty. Nurses, doctors, countless caregivers not even included in that death toll, people caring for sick and disabled grandparents, kids, and neighbors. Their hospitals, clinics, and homes have been destroyed. And what about the patients?? If they have survived the bombings, they don't have access to treatments, because they don't have medicines, clinics, nurses, or doctors – maybe not even any food to eat. And they might not have much family left to live for, either.

My taxpayer dollars, from money that I work hard for as a hospital nurse, goes to buy the weapons that the Israeli Defense Force is using to murder my fellow caregivers in Gaza.

Meanwhile, here in the U.S., we can't even pay for affordable universal healthcare, while we spend billions to fund the ethnic cleansing of Palestinian people. This is literally sickening – for all of us!

As a Jewish nurse, I am obligated to speak up.

I ask the Portland City Council to pass this resolution in support of an immediate ceasefire in Gaza.

This has to be the first step in a political rebuilding process that I hope will end many decades of oppression of the Palestinian people.

I don't know what my grandma, of blessed memory, would now say about the current situation. She felt a strong connection to Israel, where we have several beloved family members living, and she also saw just about everything through the lens of the question: "Is it good for the Jews??"

To that I would respond to her: "No, grandma - what is happening in Gaza, and the ongoing violence against all Palestinians, is NOT good for the Jews. We are ALL hurt by it. It's making antisemitism worse, as people around the world see atrocities being committed under a flag that features the Star of David."

Jewish identity and security cannot depend on the destruction of Palestine and its people! We think about the horrors of the Holocaust and we say "never again." Never again – for anyone! Let's put Portland on the right side of history, and as a city, call for an immediate, and permanent, ceasefire in Gaza.

Sarah English, BSN, RN
16 Hanson St.
Portland, ME
04103

Subject: Public Comment on Resolution 5-23/24 Calling for an Immediate Ceasefire in Gaza and Israel

Madeleine Pryor <mcpryor@gmail.com>

Tue, Jan 2, 11:19 AM (1 day ago)

to publiccomment

Dear Portland City Council,

I am writing to provide my comments as a resident of Portland, Maine for tomorrow's City Council meeting regarding Resolution 5-23/24 Calling for an Immediate Ceasefire in Gaza and Israel.

As an American Jew who has worked and lived in Jerusalem and has ties to the peacebuilding community in Israel and Palestine, I frankly lost hope a long time ago. I know firsthand that the Zionist idea of a safe haven for the Jews is a farce. There is no safety for the Jews as long as we occupy Palestine. Some believe there is no safety for us anywhere and that might be true, but that doesn't give us the right to take it away from others, leaving everyone in an untenable and precarious situation. After October 7, I watched as my family and friends across Israel became terrified in unprecedented ways. I talked to close friends across Palestine and Palestinian-Israeli friends in Israel whose lives and identities are threatened anew. They are scared of what's to come. Some have family in Gaza who are barely surviving.

I want to be clear. Hamas' terrorist attack was unconscionable. They committed war crimes plain and simple. And in a sad turn of events, some of the hostages and those killed included people from the peacebuilding community, working to end this longtime conflict. After the attacks, however, the Israeli government successfully leveraged decades of fear and anger to wage a genocidal war against the people of Gaza that the Israelis and most American Jews supported. Even though we ourselves survived genocide. Even though as Jews we said never again. Beyond that fact, as a so-called member of the international community, you can't meet a war crime with a war crime. And the U.S. has largely condoned it. Shame on us.

I personally cannot condone the annihilation of Gaza in response to a war crime. My Judaism does not allow for that.

I urge the Council to adopt this resolution and call for a ceasefire. This is the least we can do.

Thank you,

Madeleine Pryor
Peaks Island, ME

Subject: Support of Resolution 5-23/24 Immediate Ceasefire in Gaza and Israel

Emory Harger <emoryharger@gmail.com>

Tue, Jan 2, 2:14 PM (22 hours ago)

to publiccomment

Hello Portland City Council,

I am urging you to support Resolution 5-23/24 calling for an immediate ceasefire in Gaza and Israel.

I will remind you of the following city councils in the US who've adopted ceasefire resolutions:

Providence, RI

Oakland, CA

Atlanta, GA

Akron, Ohio

Wilmington, Delaware

Detroit, MI

+ many other cities with ceasefire resolutions in the works.

This action would show solidarity with Maine residents who are Palestinian and Israeli, whose families abroad and home lands are facing immeasurable violence and destruction.

I will remind you the UN general Assembly voted by a large majority for a ceasefire, and South Africa is currently invoking the Genocide Convention against Israel's War on Gaza.

I want to remind you that my tax dollars are directly funding the weapons of war causing mass death of over 23,000 Palestinians, nearly 9,000 of whom are children with countless left under the rubble unable to be accounted for. I also grieve the death of 1,200 Israelis, and, we cannot start the clock of history on Oct 7th. The State of Israel has operated an apartheid state in Gaza and the West Bank for many years. This must stop now.

Thank you,

Subject: PUBLIC COMMENT for January 3rd City Council Meeting

Johnna Ossie <johnna.ossie@maine.edu>

Tue, Jan 2, 10:58 AM (1 day ago)

to publiccomment

My name is Johnna Ossie. I live in district 4.

As a preschool teacher in Portland, I am deeply invested in the well being of children both here in our city and everywhere in the world. Children have no say in the world of adults, but they live in our world and experience the very real consequences of adult actions. While adults sit comfortably in the US and sign papers sending funding and weapons to Israel, the children of Palestine pay the price with their lives.

Children are human beings with rights. Children have the right to childhood. They have the right to safety. They have the right to food and clean drinking water. They have the right to education. They have the right to grown into adulthood.

As someone who spends every day with young children, I am painfully aware of the impact that the violence, dehumanization of their families, destruction of their homes, starvation, death of loved ones, and countless other traumas will have on the young minds of those children that survive in Palestine. I believe that adults have the moral responsibility to do everything in their power to protect children.

As James Baldwin said, "The children are always ours, every single one of them, all over the globe; and I am beginning to suspect that whoever is incapable of recognizing this may be incapable of morality."

Councilor Pious Ali has put forth a ceasefire resolution to stop the bombing in Gaza and Israel. I am in support of this resolution to end the constant bombing that we have seen for over 80 days, killing over 20,000 civilians, with more than 8,000 of them being children.

I support an immediate ceasefire and I ask the council to approve this resolution.

Thank you,
Johnna Ossie
Portland, District 4

Subject: PUBLIC COMMENT for January 3rd City Council Meeting

Gabby Rodas <gabby.rodas@gmail.com>

Tue, Jan 2, 10:45 AM (1 day ago)

to publiccomment, vpelletier, jessiedawnmathieson

My name is Gabriela Rodas. I'm a member of YOUR DISTRICT.

Councilor Pious Ali has put forth a ceasefire resolution to stop the bombing in Gaza and Israel. I am in support of this resolution to end the constant bombing that we have seen for over 80 days, killing over 20,000 civilians, with more than 8,000 of them being children. The physical and emotional trauma that the Palestinian people are enduring is astronomical and will last generations.

I support an immediate ceasefire and I demand the council to approve this resolution.

Stand up for humanity.

Sincerely,
Gabriela

Sent from my iPhone

Subject: PUBLIC COMMENT for January 3rd City Council Meeting

Kate Dupree <mothergreen9@gmail.com>

Tue, Jan 2, 10:26 AM (1 day ago)

to publiccomment

My name is Kate DuPree I'm a member of the Brunswick Maine district.

Councilor Pious Ali has put forth a ceasefire resolution to stop the bombing in Gaza and Israel. I am in support of this resolution to end the constant bombing that we have seen for over 80 days, killing over 20,000 civilians, with more than 8,000 of them being children. The physical and emotional trauma that the Palestinian people are enduring is astronomical and will last.

Please support a ceasefire and stop using military force.

I support an immediate ceasefire and I demand the council to approve this resolution.

Kate DuPree
17 Randall Circle
Brunswick, Maine 04011

Subject: Public Comment for January 3rd Council Meeting, Support Resolution 5-23/24 Calling for an Immediate Ceasefire

Jake Christie <jakechristie@gmail.com>

Tue, Jan 2, 10:38 AM (1 day ago)

to publiccomment

I am a Portland resident of nearly 20 years, now living in district four. I strongly urge the city council to support the ceasefire resolution at today's meeting. I've tried contacting our senate delegation to no avail, so I'm hoping a resolution at the city level will help convince senators King and Collins to support a ceasefire. We need to let them know that Portlanders and Mainers do not support the wanton destruction in Gaza, and that they should represent our voices at the national level. Thank you.

Subject: Public comment for tomorrow nights meeting

Yana Gmail <forneyn@gmail.com>

Tue, Jan 2, 10:39 AM (1 day ago)

to publiccomment

To the Portland city council:

I am writing to urge the city of Portland to vote for an immediate ceasefire in Gaza. The United States is complicit in Israel's ongoing human rights violations against the citizens of Palestine, and it must stop. Thank you, Pious Ali, for bringing forth this important issue.

We must work for peace, not oppression.

N. Yana Davis
Portland Resident

Subject: Support of Ceasefire Resolution

Sarah Brajtbord <sibrajtbord@gmail.com>

Tue, Jan 2, 10:38 AM (1 day ago)

to publiccomment

Dear Portland City Councilors,

My name is Sarah Brajtbord Fahey, and I strongly support Councilor Ali's resolution for an immediate ceasefire in Gaza and urge you to do the same.

When all we can do to stop injustice and violence is to condemn it, may we shout that condemnation from the rooftops. This resolution matters. Standing up for injustice, even when it is thousands of miles away, matters. It sends a signal that we, in Portland, Maine, care about the safety, dignity, and freedom of *everyone*--that we will protect each other from hate and stand up for what is right, whether it is in our backyard or not.

I was a part of Seeds of Peace for more than a decade, and I have witnessed thousands of young Palestinian and Israeli teens find for themselves the way life *should* be right here in Maine. Maine's waters, trees, and magical natural spaces gave those young folks the air to breathe, to be safe enough to do the real work of seeing one another's humanity, and coming to understand that it is our responsibility to fight for our shared survival, our shared liberation. Maine has been a part of imagining a different future for Palestine and Israel for 30 years, and it is time to honor that and fight for that vision. Supporting this resolution is a small but necessary step toward building the world those young people know is possible. The world that I, as a Jew and descendant of Holocaust survivors, know is possible.

Our tax dollars are funding this genocide, and we are funding and fueling this endless cycle of violence and hate. Enough is enough. This path of endless bombing, of indiscriminately killing innocent Palestinians, of choking the life out of Gaza slowly and deliberately, is no path to security for the state of Israel. It only brings more death, more violence, and more hate -- in Palestine, in Israel, and truly around the world. We all said never again after the Holocaust. We all said never again after the Rwanda genocide. And yet, it is happening again, and it is our duty, in whatever ways we can, to be a part of the tide that STOPS it.

Because standing up for a ceasefire is to stand up against hate and discrimination of all kinds. May this council find that power and truth in itself and support Councilor Ali's resolution. So that the bombing can stop, and the real work of building a different future can begin.

Thank you for your consideration.
Sarah Brajtbord Fahey

Subject: PUBLIC COMMENT for January 3rd City Council Meeting

Kate Sullivan-Jones <katesullivanjones@gmail.com>

Tue, Jan 2, 10:32 AM (1 day ago)

to publiccomment

My name is Kathleen Sullivan-Jones. I'm a member of district 1.

Councilor Pious Ali has put forth a ceasefire resolution to stop the bombing in Gaza and Israel. I am in support of this resolution to end the constant bombing that we have seen for over 80 days, killing over 20,000 civilians, with more than 8,000 of them being children. The physical and emotional trauma that the Palestinian people are enduring is astronomical and will last generations.

Anyone who votes against this resolution will never get my vote again. It is the only moral choice. Every day I see that my tax dollars are being spent on killing people instead of helping anyone and I am disgusted. Please do something to stop this and support this resolution.

I support an immediate ceasefire and I demand the council to approve this resolution.

Thank you,

Kathleen Sullivan-Jones

Subject: My PUBLIC COMMENT for January 3rd City Council Meeting

Savannah Eades <savvy.k.23@gmail.com>

Tue, Jan 2, 10:23 AM (1 day ago)

to publiccomment

> My name is Sav Eades. I'm a member of district 2. Councilor Pious Ali has put forth a ceasefire resolution to stop the bombing in Gaza. I am in support of this resolution to end the constant bombing that we have seen for over 80 days, killing over 20,000 civilians, with more than 8,000 of them being children. The physical and emotional pain that the Palestinian people are enduring is astronomical and will last generations. The violence and cruelty from Israel against Palestinians is intentional and has a very long history of US funding. I refuse to let my tax dollars fund genocide, and every representative should be listening to the 61% of Americans across political spectrums who support a ceasefire.

>

> I support an immediate ceasefire and I am asking the council to approve this resolution.

>

> Sav Eades

This time with my address

District 2

47 Tyng st

Subject: PUBLIC COMMENT for January 3rd City Council Meeting

Kate Dupree <mothergreen9@gmail.com>

Tue, Jan 2, 10:26 AM (1 day ago)

to publiccomment

My name is Kate DuPree I'm a member of the Brunswick Maine district.

Councilor Pious Ali has put forth a ceasefire resolution to stop the bombing in Gaza and Israel. I am in support of this resolution to end the constant bombing that we have seen for over 80 days, killing over 20,000 civilians, with more than 8,000 of them being children. The physical and emotional trauma that the Palestinian people are enduring is astronomical and will last.

Please support a ceasefire and stop using military force.

I support an immediate ceasefire and I demand the council to approve this resolution.

Kate DuPree
17 Randall Circle
Brunswick, Maine 04011

Subject: PUBLIC COMMENT for January 3rd City Council Meeting

Tash <tasha.schneiderat@gmail.com>

Tue, Jan 2, 10:05 AM (1 day ago)

to publiccomment

My name is Tash Schneiderat. I'm a member of YOUR DISTRICT.

Councilor Pious Ali has put forth a ceasefire resolution to stop the bombing in Gaza and Israel. I am in support of this resolution to end the constant bombing that we have seen for over 80 days, killing over 20,000 civilians, with more than 8,000 of them being children. The physical and emotional trauma that the Palestinian people are enduring is astronomical and will last generations.

I support an immediate ceasefire and I demand the council to approve this resolution.

Sent from my iPhone

Subject: Public Comment for Jan 3rd City Council Meeting re: Ceasefire Resolution

Sarah Katz <sarah.s.katz@gmail.com>

Tue, Jan 2, 10:13 AM (1 day ago)

to publiccomment

Dear Mayor Dion, Portland City Council and City Manager West,

I am yet another constituent of Portland emailing to express my support of the ceasefire resolution recently put forth by Councilor Pious Ali.

My demand for a permanent ceasefire stems from the baseline recognition that the aggression launched on Gaza and other occupied territories of Palestine is an assault on humanity and unfathomably horrifying. The scale and nature of the continuous violence, destruction, and death inflicted on Palestinian people by the IOF is unthinkable, and it must end.

It has been 87 days since the beginning of this war of genocide. In Gaza, close to 30,000 people have been killed, nearly 10,000 estimated to be children. Over 100 journalists have been killed; over 300 medical workers have been killed; thousands and thousands are missing; thousands and thousands are starving, thousands and thousands are displaced, thousands and thousands are suffering with infectious disease...the list of horrors goes on and on and on.

The entire world is watching as this unimaginable terror unfolds on Palestinians at the hands of the U.S.-backed Israeli regime, and the masses of people demand that it stop. Please: do what must be done to protect the sanctity and preciousness of life - which begins with an immediate and lasting ceasefire.

This cannot go on. This cannot go on. This cannot go on!

In solidarity with Palestine,
Sarah Katz
Portland, ME

--

Sarah Katz, LMSW (she/her/hers)
sarah.s.katz@gmail.com

Subject: PUBLIC COMMENT for January 3rd City Council Meeting

Sean Randall <srandall207@gmail.com>

Tue, Jan 2, 9:57 AM (1 day ago)

to publiccomment

My name is Sean Randall. I'm a member of district 5.

Councilor Pious Ali has put forth a ceasefire resolution to stop the bombing in Gaza and Israel. I am in support of this resolution to end the constant bombing that we have seen for over 80 days, killing over 20,000 civilians, with more than 8,000 of them being children. The physical and emotional trauma that the Palestinian people are enduring is astronomical and will last generations.

I support an immediate ceasefire and I demand the council to approve this resolution.

Subject: PUBLIC COMMENT for January 3rd City Council Meeting

Amanda Cimino <spinningnature@gmail.com>

Tue, Jan 2, 10:03 AM (1 day ago)

to publiccomment

My name is Amanda Cimino. I'm a member of state legislative district.

Councilor Pious Ali has put forth a ceasefire resolution to stop the bombing in Gaza and Israel. I am in support of this resolution to end the constant bombing that we have seen for over 80 days, killing over 20,000 civilians, with more than 8,000 of them being children. The physical and emotional trauma that the Palestinian people are enduring is astronomical and will last generations.

I support an immediate ceasefire and I demand the council to approve this resolution.

Best,
Amanda

Subject: PUBLIC COMMENT for January 3rd City Council Meeting

Emma Iverson <emma.iverson@gmail.com>

Tue, Jan 2, 9:52 AM (1 day ago)

to publiccomment

My name is Emma Iverson, I'm a member of district 4.

Councilor Pious Ali has put forth a ceasefire resolution to stop the bombing in Gaza and Israel. I am in support of this resolution to end the constant bombing that we have seen for over 80 days, killing over 20,000 civilians, with more than 8,000 of them being children. The physical and emotional trauma that the Palestinian people are enduring is astronomical and will last generations.

I support an immediate ceasefire and I demand the council to approve this resolution.

Thank you.

Subject: Support for Resolution 5-23/24 Calling for an Immediate Ceasefire in Gaza and Israel

Lara Rosen <lara.k.rosen@gmail.com>

Tue, Jan 2, 9:54 AM (1 day ago)

to publiccomment

Dear Council Members,

I am writing to urge you all to support Council Member Ali's resolution calling for an immediate ceasefire in Gaza and Israel. Many mainstream American Jewish organizations are pushing a narrative that demanding a ceasefire is antisemitic, and using the fear of such labels to quash organizing efforts. As a member of a large and growing community of American Jews here in Portland, across the state, and across the country who have spent the last several months demanding a ceasefire, I urge you not to accept this narrative. Instead, know that in calling for a ceasefire, you have the unwavering support of many in our local Jewish community who affirm that:

- Demanding a permanent ceasefire is aligned with Jewish values; the genocidal war that Israel is waging against Palestine is not.
- The futures of the Jewish and Palestinian people are intertwined; there is no Jewish safety without Palestinian liberation.
- Every life is of equal value. In Palestine, in Israel, and across the globe.

Thank you for all you do for our community, and for affirming the humanity and preciousness of all lives.

Lara Rosen
59 Edwards Street

Subject: Public Comment

Pete Franzen <pierwolffranzen@gmail.com>

Tue, Jan 2, 9:26 AM (1 day ago)

to publiccomment

Hello,

My name is Pier Franzen, and I'm a small business owner, mental health counselor, and a resident of Portland Maine. I'm writing in support of Pious Ali's Resolution 5-23/24, Calling for an Immediate Ceasefire in Gaza and Israel.

This is a genocide of Palestinian people in Gaza. The Council must take immediate steps to deescalate, by calling for 1) a total and permanent ceasefire, 2) humanitarian aid allowed to enter Gaza, 3) an end to Israel's siege on Gaza, and 4) no more weapons or funding to the Israeli military. I support a permanent ceasefire, along with 63 Congressmembers, and [61% of American voters](#). I'm urgently asking the City Council to support a permanent ceasefire.

Thank you for your time.

Subject: PUBLIC COMMENT for January 3rd City Council Meeting - Ceasefire Resolution

Rahfa <rahfakz@gmail.com>

Tue, Jan 2, 8:56 AM (1 day ago)

to publiccomment

Dear Mayor Dion, Portland Council, & City Manager West

Councilor Pious Ali has put forth a ceasefire resolution to stop the bombing in Gaza and Israel. I am in support of this resolution to end the constant, indiscriminate bombardments that have killed over 30,000 people including those still trapped under the rubble - a sentence that's almost too awful to write. More than 70% of the murdered civilians are women and children who have paid with their lives just for being born in Gaza and for them and their ancestors being Palestinian . The physical and emotional damage the Palestinian people are enduring is unfathomable and will last generations and it is also affecting us who believes in Human rights and equality and need to trust that still exist and there is somebody who' can always advocate for humanity and humans . One quarter of Gaza's 2.3 million people are predicted to die within the year because of disease and starvation brought on by the violence.

The global community has categorically defined these massacres as war crimes and against all the human rights that we have been advocating for. Bringing g justice to all can be achieved in many other peaceful ways. Every day that goes by without ending this cruel violence is a shameful and hurtful

As Americans we are particularly culpable, as our tax dollars fund and our politicians arm the brutal assaults. We must safeguard all life and call for a permanent ceasefire immediately. This violence simply cannot go on any longer. The world is watching and every American community needs to rise to stop this violence. I ask you to please stand up and hold our leaders to an ethical standard of justice and peace for all.

Warmly
My family

Subject: PUBLIC COMMENT for January 3rd City Council Meeting

Lauren Anne <laurengenenbacher@gmail.com>

Tue, Jan 2, 8:31 AM (1 day ago)

to publiccomment

My name is Lauren Genenbacher. I'm a resident of Maine.

Councilor Pious Ali has put forth a ceasefire resolution to stop the bombing in Gaza and Israel. I am in support of this resolution to end the constant bombing that we have seen for over 80 days, killing over 20,000 civilians, with more than 8,000 of them being children. The physical and emotional trauma that the Palestinian people are enduring is astronomical and will last generations.

I recognize the impact that Portland has as the largest city in Maine in taking this public stance. It is the combination of many voices throughout America that collectively have the power to make real and substantial change. We the people are asking you to use our voices for those who are voiceless.

I support an immediate ceasefire and I hope the council approves this resolution.

Lauren Genenbacher

Subject: PUBLIC COMMENT for January 3rd City Council Meeting

Sampson Spadafore <samspadaforeofficial@gmail.com>

Tue, Jan 2, 8:11 AM (1 day ago)

to publiccomment

My name is Sampson Spadafore. I'm a member of district 1. My address is 304 Eastern Promenade, Apt 1.

Councilor Pious Ali has put forth a ceasefire resolution to stop the bombing in Gaza and Israel. I am in support of this resolution to end the constant bombing that we have seen for over 85 days, killing over [21,978 civilians](#), with more than [9,100 of them being children](#). The physical and emotional trauma that the Palestinian people are enduring is astronomical and will last generations.

Similar resolutions have been passed by several other city councils across the country with some being smaller than Portland (Carrboro, NC, population 21k) and larger (Detroit, MI 632k). Portland should join the growing number of cities calling for a ceasefire because the overwhelming [majority of people across party lines](#) support a ceasefire, according to Data for Progress.

We've also seen protest after protest take place here in Portland, and across the state, demanding an end to the Israeli bombardment on Gaza and the West Bank. With over 100 people showing up outside Chellie Pringree's office, another 100 people outside Portland City Hall, and regular standouts every Saturday at Longfellow Square, it's clear that Portland wants this to end.

I want to be clear when I say this: Anti-zionism is not anti-semitism. If Israel actually cared about the global rise of antisemitism, why would they kill thousands of innocent lives, destroy homes and displace thousands of families, and cause mass destruction of the Gaza strip in the name of Judaism? How does that protect the Jewish people?

I believe this should be the first step towards the long term goal of ending our funding of the Zionist project of Israel. According to the [US Campaign for Palestinian Rights](#), the City of Portland pays an estimated \$1,142,847 yearly to fund Israel's weapons. The same weapons that are killing and injuring thousands of innocent lives. With that money, we could be working towards our affordable housing goals, creating more programs and opportunities to get our unhoused neighbors off the streets, supporting our teachers and students with a more robust school budget, and investing in greener futures.

I support an immediate ceasefire and I demand the council to approve this resolution.

This terror protects no one and hurts everyone. Free Palestine.

Sampson Spadafore 304 Eastern Promenade, Apt 1, Portland, ME 04101

Sampson Spadafore

[\(They/He\)](#)

Theatre Artist | Model | Writer | Educator

[samspadaforeofficial.com](mailto:samspadaforeofficial@gmail.com)

calendly.com/samspadafore

Subject: Have Humanity. Ceasefire on ALL GENOCIDES

Julia Strout <stroutjulia@gmail.com>

Tue, Jan 2, 5:10 AM (1 day ago)

to publiccomment

Portland City Council,

As a district 2 tax paying citizen, I must speak my peace on this.

Council member Pious Ali has put forward a ceasefire resolution to stop the bombing of Gaza, Palestine. As your constituent and an active member of the creative and working community in this city, I implore all district members to sign on to this resolution.

To prioritize and protect human life should be your utmost priority and those of you remaining silent will not be receiving any future support from me. Be a human being, use your voice to call for an end to the ongoing injustices and genocide in Palestine being enacted by the state of Israel.

I also implore you all to end all initiatives to sweep encampments and to stop incarcerating people who are suffering from being unhoused, traumatized, disabled and/or addicted.

Displacement and incarceration is contributing to a silent genocide of our impoverished, unhoused, addicted and disabled community members. Housing first is our only answer. You must give people the space to live and be safe before asking of them to be healthy again. The streets kill and shuffling people around in the winter is inhumane and should honestly be considered a crime against humanity.

Have empathy for your fellow human beings, call for ceasefire in Gaza and end the sweeps of encampments. Begin to fund and support the communities that are suffering here and do not be intentionally ignorant to the suffering of your neighbors. I beg this of you.

Be intentional in your actions and I wish you all peace,

Julia Strout

I am not accepting responses at this time.

74 Winter St
District 2/ 04102

Subject: Vote in favor of Resolution 5-23/24

Nathaniel Baldwin <baldwindia@gmail.com>

Tue, Jan 2, 12:53 AM (1 day ago)

to publiccomment

Dear Mayors & Councillors,

I'm emailing as a business owner in Portland asking that you support Councilor Ali's ceasefire resolution to stop the bombing in Gaza. This war has gone well beyond self defense and needs to stop and all voices that speak up to this end are important.

Sincerely,
Nathaniel Baldwin
Portland Flea-for-All
District 1

Subject: PUBLIC COMMENT for January 3rd City Council Meeting

Rachel Wolf <rachelhwolf@gmail.com>

Mon, Jan 1, 11:15 PM (2 days ago)

to publiccomment

My name is Rachel Wolf. I'm a member of YOUR DISTRICT.

Councilor Pious Ali has put forth a ceasefire resolution to stop the bombing in Gaza and Israel. I am in support of this resolution to end the constant bombing that we have seen for over 80 days, killing over 20,000 civilians, with more than 8,000 of them being children. The physical and emotional trauma that the Palestinian people are enduring is astronomical and will last generations.

As a Jewish American, I can't stand to see the genocide that is happening in Gaza right now. Over 20,000 innocent civilians have died, thousands are trapped under the rubble, the people who are alive are suffering from starvation and thirst. There is no water, food, fuel, or medical supplies. The health care system has completely collapsed. Multiple war crimes are being committed. This is not "self defense", it is a genocide. Please do what you can to save Gaza.

I support an immediate ceasefire and I demand the council to approve this resolution.

Subject: Support for Resolution 5-23/24

Jannika Coons <jannika.coons@gmail.com>

Mon, Jan 1, 10:39 PM (2 days ago)

to publiccomment

Dear Portland City Council Members,

My name is Jannika Coons. I am a resident of District 2, living on Park Avenue in Portland. I am writing in support of Resolution 5-23/24, put forth by Councilor Ali, calling for an immediate ceasefire in Gaza. I also strongly urge all members of the City Council to support the resolution, as well.

Wednesday, the date of the Council's next meeting, marks the 90th day of the Palestinian genocide. It will also be our 90th opportunity to do the right thing, like many other cities across the country have already done. As one of just five remaining states without formal anti-boycott legislation, it is incumbent upon us to be one of the loudest voices in the room, just as we were on December 28th, when Maine chose to stand with Colorado to uphold our nation's constitution. We must find our voice again to say 'no' to even one more death, one more orphan, one more shopping bag filled with severed limbs, one more family wiped from the census, or one more future lost. 'No' to one more cent of our tax dollars spent on an empty war against people with empty stomachs.

Over these *long* last three months, it has become achingly clear that the State and Federal leadership of Maine have abdicated their duty to adequately represent the interests of their constituents. We want a ceasefire. Today, yesterday, 90 days ago – 75 years ago! We want an immediate and permanent ceasefire. Palestine cannot wait, and the voters of Portland can no longer watch. The City Council must take this crucial step to course correct the conscience of our State, and remind ALL its residents who we are and where our values lie.

Choose peace. Support the resolution for ceasefire.

Thank you for taking my opinion into consideration.

Sincerely,
Jannika Coons
88 Park Ave
District 2

Subject: PUBLIC COMMENT for January 3rd City Council Meeting

'Molly Kukawka' via Public
Comment <publiccomment@portlandmaine.gov>
to publiccomment

Mon, Jan 1, 10:39 PM (2 days
ago)

My name is Molly K. I'm a member of District 126

Councilor Pious Ali has put forth a ceasefire resolution to stop the bombing in Gaza and Israel. I am in support of this resolution to end the constant bombing that we have seen for over 84 days, killing over 20,000 civilians, with more than 8,000 of them being children. The physical and emotional trauma that the Palestinian people are enduring is astronomical and will last generations.

We can't stop talking about it
Violence begets violence
Hate begets hate
Silence is death

I support an immediate ceasefire and I demand the council to approve this resolution.

In Solidarity,
Molly K, Westbrook, District 126

Subject: PUBLIC COMMENT for January 3rd City Council Meeting - Ceasefire Resolution

Erin Kiley <erin@portlandfleaforall.com>

Mon, Jan 1, 10:29 PM (2 days ago)

to publiccomment

Dear Portland Council and City Manager West,

Councilor Pious Ali has put forth a ceasefire resolution to stop the bombing in Gaza and Israel. I am in support of this resolution to end the constant, indiscriminate bombardments that have killed over 30,000 people including those still trapped under the rubble - a sentence that's almost too awful to write. More than 70% of the murdered civilians are women and children who have paid with their lives just for being born in Gaza. The physical and emotional damage the Palestinian people are enduring is unfathomable and will last generations. One quarter of Gaza's 2.3 million people are predicted to die within the year because of disease and starvation brought on by the violence.

The global community has categorically defined these massacres by Israel as war crimes. Every day that goes by without unequivocal condemnation and a demand to end this senseless violence is a shameful stain on our history. As Americans we are particularly culpable, as our tax dollars fund and our politicians arm the brutal assaults. We must safeguard all life and call for a permanent ceasefire immediately. This violence simply cannot go on any longer. The world is watching and every American community needs to rise to stop this violence. I ask you to stand up and hold our leaders to an ethical standard of justice and peace for all. Ceasefire now. Let Gaza live.

In solidarity with Palestine, forever,

Erin Kiley
Portland Flea for All
Hammond Heirs
585-593 Congress St
Portland, ME 04101

Subject: PUBLIC COMMENT for January 3rd City Council Meeting

max zakian <maxzakian@gmail.com>

Mon, Jan 1, 7:19 PM (2 days ago)

to publiccomment

My name is Maxim Zakian. I'm a resident of the City of Biddeford, but still feel the need to speak out against what is happening.

Councilor Pious Ali has put forth a ceasefire resolution to stop the bombing in Gaza and Israel. I am in support of this resolution to end the constant bombing that we have seen for over 80 days, killing over 20,000 civilians, with more than 8,000 of them being children. The physical and emotional trauma that the Palestinian people are enduring is astronomical and will last generations.

I am aware there is a myriad of questions and complexities regarding the conflict in this region. This resolution is not about the conflict, or Hamas, or the IDF. It is about the fact that children are being killed with weapons funded by the American taxpayer.

It's about the fact that Bethlehem, the birthplace of Jesus Christ, was bombed by the Israeli military on Christmas Day.

It's about the fact that the IDF is using white phosphorus on civilians, a violation of the Geneva Convention.

It's about the fact that the hospitals were bombed first, and the refugee camps were bombed second, and all of the claims by the IDF stating there was significant Hamas presence in those hospitals and refugee camps has still not been verified.

It's about the fact that every attempt by the Biden Administration to advocate for a two-state solution the past 3 months has been rebuffed by the Israeli government.

It's about the fact that you can go online and literally watch videos of Israeli leadership calling Palestinians (not Hamas, but the **people of Palestine**) animals that need to be killed.

It's about the fact that what is happening in Gaza meets the UN definition of genocide (detailed further below)

I know it is impossible to solve a decades-old conflict with a simple resolution. I know there are a thousand questions that need to be answered before we can move forward. I am here to tell you now that I simply don't care. I don't care about Israeli statehood, or Hamas' right to govern, or how this is impacting our relations in the Middle East and with the international community as a whole. I don't care about anything other than the fact that **people are being murdered and my government is letting it happen.**

This resolution acknowledges that. This is not a difficult decision. No matter what anyone says at the meeting on Wednesday, it will not change the fact that children are going to die today, and tomorrow, and the next day. And their deaths are being funded by you and I.

I support an immediate ceasefire and I demand the council to approve this resolution.

The United Nations' definition of genocide can be found at [this link](#). Article 2 lists 5 acts committed with "intent to destroy, in whole or in part, a national, ethnical, racial or religious group." Below, I list the acts of the 5 that are relevant to the current conflict in Gaza:

- a. **Killing members of the group** - This is the most straightforward criteria, but the fact of the matter is over 20,000 civilians have been murdered and 1.7 million people have been displaced in the course of 3 months (I worry that by the time you read this, those numbers will have drastically increased). The rate at which children are dying implies that either the current goal of the invasion is to wipe out the civilian populace, or the collateral damage is so negligible to the IDF they don't care how many people are killed in the crossfire.
- b. **Causing serious bodily or mental harm to members of the group** - I would argue the use of [White Phosphorous](#) in both Lebanon and [Gaza](#) means this criteria is met. White Phosphorous is a chemical and incendiary weapon. By using it against a civilian population, the IDF is violating the 1980 Convention on Certain Conventional Weapons, and further degrading the health and mental well-being of civilians. Even worse, the [New York Times](#) recently reported the IDF is now bombing areas they originally told Gazan civilians to flee. Using artillery and chemical weapons to forcibly relocate a population, and then using the same weapons once they have been relocated, is genocide.
- c. **Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part** - Weeks ago, UN organizations and the Health Ministry of Gaza stated the damages in northern Gaza were [devastating to the point that civilization could not be habitable any longer](#). There is no more infrastructure, and the damages would take "decades" for Gaza to rebuild. [This link](#) takes you to an article by the Associated Press showing the extent of the damages.
- d. **Imposing measures intended to prevent births within the group** - Every major hospital in Gaza was targeted and destroyed within the first month and a half. I would argue destroying all medical infrastructure (coupled with the forced displacement of millions of people from their homes) in Gaza effectively prevents birth among the Palestinian population.

Subject: Ceasefire resolution

**'Elizabeth Powers' via City
Council <Council@portlandmaine.gov>
to council**

Mon, Jan 1, 7:13 PM (2 days
ago)

Portland City Council,

Councilor Pious Ali has put forth a ceasefire resolution calling for an end to the bombing of civilians in Gaza. As a resident of Portland, I am asking that you support this resolution.

Elizabeth Powers
libsybeth@gmail.com
200 BRACKETT ST
Portland, Maine 04102

Subject: Support a Ceasefire in Gaza

**'Sophie Garner' via City
Council <Council@portlandmaine.gov>**
to council

Mon, Jan 1, 5:17 PM (2 days
ago)

Portland City Council,

Councilor Pious Ali has put forth a ceasefire resolution calling for an end to the bombing of civilians in Gaza. As a resident of Portland from District Two, I am urgently asking that you support this resolution.

Sophie Garner
sophiegarner13@gmail.com
86 winter street apt 3
Portland, Maine 04102-5326

Subject: immediate ceasefire now— pls follow councilor Ali's lead!!!

mel brimmer <haircuts.for.humans@gmail.com>

Mon, Jan 1, 2:43 PM (2 days ago)

to publiccomment

Hello! I am writing to indicate my support for the ceasefire resolution that Councilor Ali has put forth.

Peace, safety and freedom from oppression for Palestinians, now!

In Solidarity,
Melody Brimmer
Deering avenue, Portland
District 3

Subject: Ceasefire, Land-back, and Freedom for Palestine

Renée Michaud <reneelulamichaud@gmail.com>

Mon, Jan 1, 2:09 PM (2 days ago)

to publiccomment

Dear People of Portland & Beyond,

May you take the time to acknowledge that my message did not arrive here out of ease. Every day, I rise out from drowning depths - depths brought on by severe systemic exploitation from this country's corrupt government. Please know that although my voice may just now be thawing, my message here today is evidence that anyone is capable of arising from the drowning depths and asking more of themselves and their community. May you allow yourself to feel however you may feel without letting the concerns of the people fall through the cracks.

Every day I am filled with a hollowing and harrowing feeling of disgust and distress knowing that many have chosen to let our allegiance to the flag come before our allegiance to humanity.

My heart aches with pain and remorse for the people of Palestine. I have been struggling to take care of myself knowing that everyday the same money that I use to nourish myself is also being used by our country's government to brutally murder and injure Palestinian children, adults, elders, and wildlife as well as domestic, natural, and religious habitats.

The people are pleading for you to break your hearts open and take a look at the blood on your hands. While you are silent to these pleas, lives continue to go up in flames. Please. We are asking you. Break from the depths and answer our call. Ceasefire for Palestine. Land-back for Palestine. Freedom for Palestine.

With Gratitude,
Renée Lula Michaud
pronouns: they/she



Call to Action: Support the Palestinian People and their Freedom!

"I hope the work of your day passes through your hands with ease." - Ismatu Gwendolyn

Subject: PUBLIC COMMENT for January 3rd City Council Meeting

**'Brianna Saad' via Public
Comment <publiccomment@portlandmaine.gov>
to publiccomment**

Mon, Jan 1, 1:15 PM (2 days
ago)

My name is Brianna Saad. I'm a member of District 12.

Councilor Pious Ali has put forth a ceasefire resolution to stop the bombing in Gaza and Israel. I am in support of this resolution to end the constant bombing that we have seen for over 80 days, killing over 20,000 civilians, with more than 8,000 of them being children. The physical and emotional trauma that the Palestinian people are enduring is astronomical and will last generations.

We refuse to accept our elected officials ignoring the will of their constituents. We will not vote for those that support genocide.

I support an immediate ceasefire and I demand the council to approve this resolution.

Sent from my iPhone

Subject: Re: Support for Resolution 5-23/24

Mikayla Kifer <mikaylaskifer@gmail.com>

Mon, Jan 1, 11:45 AM (2 days ago)

to publiccomment

Please find my comment duplicated below, this time with my address included as required. Thank you!

I am writing in support of Resolution 5-23/24 introduced by Councilor Pious Ali. The clear majority of Americans are in support of a ceasefire and have been for the past few months. We don't want our money being sent overseas to fund death and destruction - let's instead use our funds to support and strengthen our own communities. We call on our representatives and elected officials to represent us in this and raise our voices together to stop these atrocities. Too many lives have been lost already, but it's not too late.

Thank you,
Mikayla Kifer
267 Danforth St Portland, Maine 04102

On Mon, Jan 1, 2024 at 11:41 AM Mikayla Kifer <mikaylaskifer@gmail.com> wrote:

>

> I am writing in support of Resolution 5-23/24 introduced by Councilor
> Pious Ali. The clear majority of Americans are in support of a
> ceasefire and have been for the past few months. We don't want our
> money being sent overseas to fund death and destruction - let's
> instead use our funds to support and strengthen our own communities.
> We call on our representatives and elected officials to represent us
> in this and raise our voices together to stop these atrocities. Too
> many lives have been lost already, but it's not too late.

>

>

> Thank you,
> Mikayla Kifer

Subject: Support ceasefire resolution

'Amelia Clancy' via Public
Comment <publiccomment@portlandmaine.gov>
to publiccomment

Sun, Dec 31, 2023, 5:11 PM (3 days ago)

Hello,
Councilor Ali has put forth a resolution for a ceasefire between the Israeli military and Hamas in Gaza, I am writing in support of this resolution and urge you to support it as well.

We have lost an estimated 30 thousand lives in this conflict alone, with no end in sight. According to the United States Holocaust Memorial Museum, a genocide is where acts are committed with the intent to destroy, in whole or in part, a national, ethnic, or religious group. It is urgent that our local and state leaders speak up against the treatment of Palestinians to stop their genocide and support their freedom, much like you support our freedom with your position on the city council.

Thank you,
Amelia Clancy
Portland Resident
PPS teacher

Subject: PUBLIC COMMENT for January 3rd City Council Meeting

**'jen romano' via Public
Comment** <publiccomment@portlandmaine.gov>
to publiccomment

Mon, Jan 1, 6:29 AM (2 days
ago)

My name is Jen Perry. I'm a member of District 1.

Councilor Pious Ali has put forth a ceasefire resolution to stop the bombing in Gaza and Israel. I am in support of this resolution to end the constant bombing that we have seen for over 80 days, killing over 20,000 civilians, with more than 8,000 of them being children. The physical and emotional trauma that the Palestinian people are enduring is astronomical and will last generations.

I support an immediate ceasefire and I demand the council to approve this resolution.

Thank you,
Jen Perry, South Portland, District 1

Sent from my iPhone

Subject:

**'Jae Echeverria' via Public
Comment <publiccomment@portlandmaine.gov>
to Publiccomment**

Sun, Dec 31, 2023, 12:27 PM (3 days ago)

Date 12/30/23

Mayor Dion and Council Members

Portland, ME 04101

RE: Support for a ceasefire, A resolution accelerating justice and peace for the Palestinian people

Dear Mayor Dion and Council Members,

Portland's Ceasefire Resolution is necessary for the safety of the greater Portland community and Mainers as a whole. The genocide against Palestinians affects Black and Arab community members in Portland as it normalizes racialized violence against Arab speakers and muslim practitioners. Portland must show it actively opposes the current genocide waged on Palestinians in order to profess its commitment to the safety of our Arab speaking communities. The shooting of Tahseen Ahmed, Kinnan Abdulhamid and Hisham Awartani, proves the genocide against Palestinians is spreading anti-Arab violence in the Northeast. In taking preemptive steps to call for a ceasefire in Gaza, Portland positions itself in solidarity with the immigrant communities which revitalized Portland into the thriving metropolis it is today. When Portland calls for a ceasefire, Maine will follow suit.

Portland City Council and Portland community: make the brave choice to stand against genocide in solidarity with Palestine. This genocide laid bare the extreme violence the Palestinian people have experienced for the last 75 years inflicted by the state of Israel. We must pass this resolution for a ceasefire to ensure that human suffering and atrocities stop. Please give this resolution calling for a ceasefire favorable report without delay. Community members: email your public support for a ceasefire to Publiccomment@portlandmaine.gov before noon, Tuesday January 2nd and show up at Portland City Hall January 3rd at 5 pm to support Portland's Ceasefire Resolution. Thank you for your consideration.

Sincerely,

Jae Echeverría

Subject: Support Ceasefire Resolution

Casey Ryder <casey.thelma@gmail.com>

Sun, Dec 31, 2023, 11:05 AM (3 days ago)

to publiccomment

Dear Portland City Councilors & Mayor Dion,

I am writing to add my voice of support to Councilor Ali's proposed ceasefire resolution. It has been deeply disheartening to watch as our elected representatives stay silent on the horrors taking place in Gaza and the West Bank despite overwhelming local and international demand for a ceasefire.

It is not complex to take a stand against the systematic killing and starvation of civilians.

Please support this resolution.

Sincerely,

Casey Ryder
3 E Lancaster St.
Portland, District 1

Subject: RE: Support for a ceasefire, A resolution accelerating justice and peace for the Palestinian people

'Jae Echeverria' via Public Comment <publiccomment@portlandmaine.gov>
to Publiccomment

Sat, Dec 30, 2023, 6:39 PM (4 days ago)

Date 12/30/23

Mayor Dion and Council Members
Portland, ME 04101

RE: Support for a ceasefire, A resolution accelerating justice and peace for the Palestinian people

Dear Mayor Dion and Council Members,

My name is Jae Echeverría and I grew up in Portland and am an alumni of Portland High School. I am writing in support of a ceasefire, A resolution accelerating justice and peace for the Palestinian people.

Now is the time to move rapidly to stand in solidarity with Palestinian people against the indiscriminate genocide and war crimes they face daily at the hands of the state of Israel. I hold the United States government complicit in this genocide due to their massive material military support to the state of Israel and repeated vetoes of the United Nations calls for a ceasefire.

This resolution is important to my community because:

Many of my family members still live in Portland. In order for Portland to be a safe place for Black and Arab community members, Portland must show it actively opposes the current genocide waged on Palestinians. When Portland calls for a ceasefire, Maine will follow suit. Make the brave choice to aid Palestine.

This genocide laid bare the dehumanization, oppression, and extreme violence the Palestinian people have experienced for the last 75 years inflicted by the state of Israel. We must pass this resolution for a ceasefire to ensure that human suffering and atrocities stop.

Please give this resolution calling for a ceasefire favorable report without delay. The Palestinian people need our support and though it will take decades to rebuild and repair their country, the first step is an immediate ceasefire. Thank you for considering my testimony. Please reach out with any questions.

Sincerely,

Jae Echeverría

Subject: Please support Resolution in support of Ceasefire in Gaza

Mykel Johnson <mcjohnson@uuma.org>

Sat, Dec 30, 2023, 1:12 PM (4 days ago)

to Publiccomment, rphillips, afournier

Dear councilors,

I understand that the agenda on January 3rd includes: # 5 Calling for an Immediate Ceasefire in Gaza and Israel.

Please vote yes on this resolution. My heart is broken that there is a genocide being perpetrated on innocent people, and our government is providing the weapons. Over 21000 dead as of today, millions dislocated from their homes, over a hundred UN workers killed, over a hundred journalists killed. Over 8000 children killed. Millions without adequate food and water, and medical care. Did you know that children are suffering limb amputations without anesthesia? There is no adequate hospital care for the wounded, or for all those who already needed medical care. Please do all you can to stop this horror! I have chronic illness and am not able to testify in person, so I hope this letter reaches your eyes and your hearts.

Rev. Dr. Myke Johnson

67 Birchwood Drive, Portland 04102

January 2, 2024

RE: Resolution #5 Calling for an Immediate Ceasefire in Gaza

Dear Mayor Dion and City Councilors:

My name is Sally Bowden-Schaible. I live on Birchvale Dr in Portland. I'm a psychotherapist in private practice and have been in the mental health field for over 35 years. Much of my work has been with adults who have experienced significant childhood trauma, so I have a deep understanding of the long-term and generational effects of trauma in human development.

I'm also a human rights activist and for over two decades have been advocating for full human rights for the Palestinian people in Israel and Palestine. I've traveled to the region five times (was scheduled to leave on Oct 13 for my 6th trip, to participate in an olive harvest) and have friendships with both Palestinians and Israeli Jews. I'm a member of **Maine Voices for Palestinian Rights** (www.mvprights.org) and **Jewish Voice for Peace** (www.jewishvoiceforpeace.org) and several years ago I founded **Buddhist Alliance for Non-Violence and Human Rights in Israel-Palestine (BANVAHR)**— www.banvahr.org

It is heartbreaking the tragedy that is unfolding before our eyes in the "Holy Land" and, in particular, Gaza. I fear for the safety of my dear Palestinian and Israeli friends and for all people in the region. It is a powerful region with grave geopolitical significance further complicated by the unfolding effects of climate change. And to be sure, what happens in the "Holy Land"—the home of Judaism, Christianity, and Islam—affects what happens throughout the world.

Sadly, however, what is happening is not surprising—such are the effects of trauma heaped upon trauma—Unexamined, unresolved psychological trauma experienced in one generation is passed on to the next and the next.

The mainstream media place responsibility for the awful violence in Gaza on Hamas alone. And while the violence perpetrated by Hamas in Israel cannot and should not be condoned, the cycle of violence did not begin on October 7th. Seventy-five years of Israeli occupation, 16 years of a prison-like siege of Gaza, and systemic political and social injustices against Palestinians have bred numbing and enraging despair. And despair predictably produces both spiritual death and desperation.

We must look at the larger picture if we want to understand the present and have hope it will never be repeated. Violence is not a vehicle for peace. Genocide of the Palestinian people will not lead to a safe and secure Israel. Only conditions of justice, freedom, an equitable sharing of resources, opportunities to live life fully with dignity and in safety can contribute to the possibility of healing and a lasting peace.

The genocide being perpetrated by Israel supported by the US in Gaza is nothing short of inhumane and morally corrupt, and deeply unwise. WE MUST SAY NO TO GENOCIDE. I URGE YOU TO APPROVE RESOLUTION #5 calling for an IMMEDIATE AND PERMANENT CEASEFIRE IN GAZA.

Most sincerely,
Sally Bowden-Schaible

I include below messages from my dear friend, Dr Jihad in Gaza:

*"I only slept a few minutes last night as my daughter was suffering from bone pain.
I look at the sky now, I contemplate it, I see no hope for a better tomorrow.
I feel my cold body, thinking about lighting a fire, but would need a lot of firewood. The price of firewood is very high these days.
I think about drinking something warm, but I remember that there is nothing to drink.
I'm thinking about queuing for water to be refilled (it's not drinkable, by the way).
And the queue to buy bread.
And a queue waiting to enter the bathroom.
And the mobile charging queue.*

And a battery charging queue for lighting.
Our lives have become queues, queues of humiliation.
I have never lived through more difficult days in my life.
But we will strive to live, nonetheless.
We and our children.
Gaza is still alive.

"I can't sleep.
My head is about to explode from warplane sounds and strikes.
The best thing about this small apartment (it is difficult to call it an apartment [recently moved to it from a tent]) is that we all sleep next to each other. This way we can be sure if our apartment is bombed, we will all die together, so no one is left to suffer the pain, heartbreak, and sadness over our loss."

"My friend was killed today.
He was a pharmacist. He was killed today in his home with his family!
He was ambitious, always optimistic. He had big dreams. He was writing to the German embassy to travel there, complete his studies, and live there with his family. But it's all over. He never talked about politics. But the [Israeli] army did not care about this."

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**RESOLUTION CALLING FOR AN IMMEDIATE CEASEFIRE
IN GAZA AND ISRAEL**

WHEREAS, the Mayor and the City Council of the City of Portland Maine recognize the importance of peace and security for all communities and nations around the world regardless of national, ethnic or religious affiliations; and

WHEREAS, the Mayor and the City Council of the City of Portland advocate for the safety, dignity, freedom, and equality of all people, regardless of religion, race, or nationality; and

WHEREAS, the Mayor and the City Council of the City of Portland recognize that all human life is precious; and

WHEREAS, since October 7, 2023, armed violence has claimed the lives of and wounded thousands of individuals in Gaza, Palestine and Israel; and

WHEREAS, an immediate and unconditional release of all hostages, as well as ensuring unhindered free flow of humanitarian access, will pave the way for a permanent ceasefire and potentially a lasting peace process; and

WHEREAS, an immediate ceasefire, and release of hostages is crucial for the protection of human life, dignity, and the pursuit of lasting peace; and

WHEREAS, lives continue to be at imminent risk of death if a ceasefire and release of hostages are not achieved without delay; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and the City Council of the City of Portland, Maine, join with representatives of other cities in calling on our President and Congressional Members to demand an immediate ceasefire to urgently end the current violence in Gaza and Israel; and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the offices of United States Maine Representatives Chellie Pingree and Jared Golden, United States Maine Senators Susan Collins and Angus King and United States President Joseph Biden, urging them to take immediate action to use their position and influence to end violence.

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

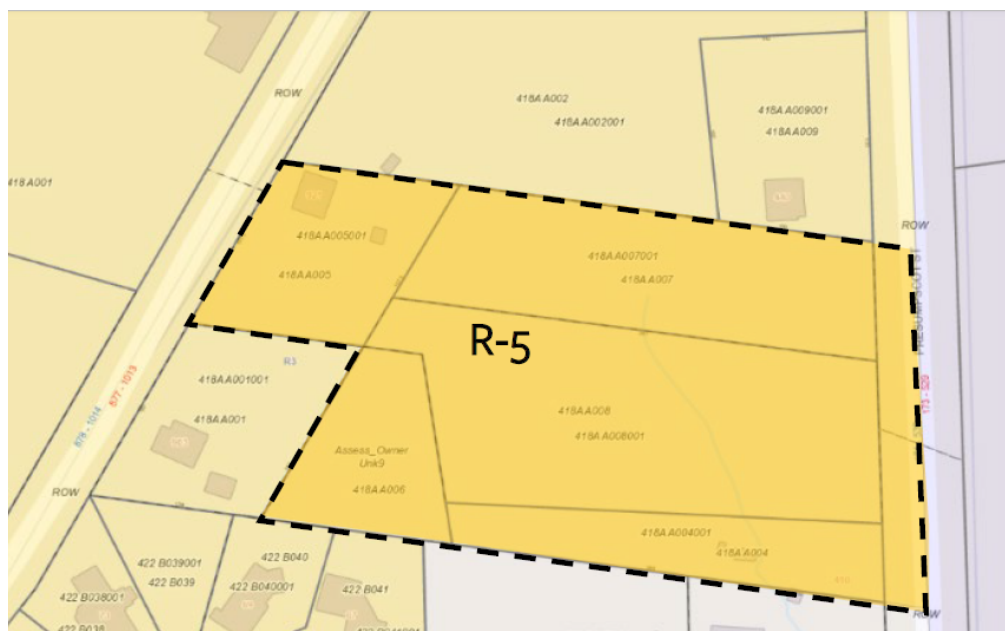
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA Y. BULLETT (4)
KATHRYN SYKES (5)

**AMENDMENT TO ZONING MAP
RE: R-5 RESIDENTIAL
FOR 921 OCEAN AVENUE, 410, 422, & 426 PRESUMPCOT STREET,
AND PARCEL 418A A006**

WHEREAS, based on the information provided to the City Council in the October 25, 2023 Planning Board Report to City Council, numbered ZN-002427-2023, the testimony, comment and other information submitted to the City Council, as well as the findings, conclusions and recommendations contained in the Planning Board Report for the public hearing held on January 4, 2023, which is attached hereto and incorporated herein by reference, the City Council adopts the findings and conclusions in the Planning Board Report and finds that the below-referenced zoning amendment is pursuant to and consistent with the City's Comprehensive Plan;

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, MAINE
IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

That the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into Portland City Code Chapter 14, the Zoning Ordinance, by §1.2, be and hereby is amended pursuant to §1.10.1 by adopting the attached map amendment and specifically rezoning property around 921 Ocean Avenue, 410, 422, and 426 Presumpscot Street, and parcel 418A A006 to R-5, as depicted in the map below.





PLANNING BOARD REPORT TO CITY COUNCIL PORTLAND, MAINE

921 Ocean Avenue; 410, 422 & 426 Presumpscot Street; Parcel 418A Aoo6

ZN-002427-2023

Christopher Lee, Backyard ADUs, Applicant

Submitted to:	Mayor and City Councilors	Prepared By:	Zach Powell, Senior Planner
Council 1st Read:	December 4, 2023	Date:	October 25, 2023
Council Hearing Date:	December 18, 2023		

I. INTRODUCTION

On October 24, 2023, the Planning Board unanimously recommended to the City Council (7-0) a zoning map amendment submitted by Christopher Lee of Backyard ADUs that would change the zoning of 921 Ocean Avenue, 422 & 426 Presumpscot Street, and parcel 418A Aoo6 from R-3 Residential to R-5 Residential zone. In addition, the Planning Board is recommending to change the zoning at 410 Presumpscot Street from an R-3 Residential zone to a R-5 Residential zone as well. 410 Presumpscot Street is not owned by the applicant, and is not proposed to be developed as part of the applicant's conceptual development plan but would create a consistent R-5 zoning boundary.



Figure 1: 2021 Aerial View of the subject properties (Outlined in Green). Please note that the structure shown in the image at 410 Presumpscot Street has been demolished.

The proposed zoning map amendment application was submitted by Backyard ADUs to facilitate the future development of the subject properties into a Planned Residential Unit Development (PRUD) with approximately 41-51 residential dwelling units through a combination of duplexes and accessory dwelling units (ADUs). The R-5 zone would facilitate the creation of a PRUD based on the size of the project site and allow for the construction of duplexes in a site configuration that could help protect natural resources on the site. While not included as part of the proposed development, Planning Staff and the Planning Board also recommended the inclusion of 410 Presumpscot Street to create a consistent R-5 Residential zone boundary.

II. EXISTING CONDITIONS AND SURROUNDING AREA

The project area is bounded by Presumpscot Street to the east and Ocean Avenue (State Route 9) to the west, both of which serve as major urban collector streets. The proposed zoning map amendment encompasses 921 Ocean Avenue (Chart 418A, Block A, Lot 005001), which is improved by a single-family dwelling, and undeveloped parcels at 410 (Chart 418A, Block A, Lot 004001), 422 (Chart 418A, Block A, Lot 008001) and 426 (Chart 418A, Block A, Lot 007001) Presumpscot Street and parcel 418A A006.

The subject properties are located in the East Deering neighborhood and are approximately a mile from Lunts Corner (Ocean & Washington Avenue intersection). In the surrounding area, commercial and industrial uses are primarily located to the south along Presumpscot Street, zoned I-M Industrial Moderate and I-L Industrial Low-Impact and lower-density residential uses to the west along Ocean Avenue (excluding the Dragon cement factory at 921 Ocean Avenue), zoned R-3 Residential. The site is not currently served by City sewer service.

The properties are an approximately twenty-minute walk and 4-minute bike ride from the nearest METRO Route 9A/9B line, which stops at Lunts Corner every 35 minutes. The closest dedicated bicycle facilities are located approximately a mile away along Washington Avenue and there are inconsistent pedestrian facilities along Ocean Avenue & Presumpscot Street.

All properties proposed for rezoning are located within the R-3 (Residential) zone, which continues to the north, west, and southwest.

III. PROPOSED MAP AMENDMENT

The applicant proposes a zoning map amendment to rezone the subject properties from R-3 (Residential) to R-5 (Residential), shown in Figure 2 with the proposed zone boundaries shown in Figure 3. The applicant's submittal (Plan 2) shows the proposed Zoning Map Amendment.

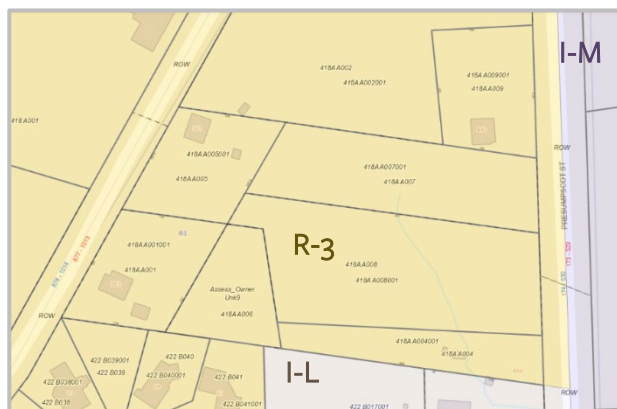


Figure 2: Current zoning with R-3 in tan, I-L in gray, and I-M in darker gray.

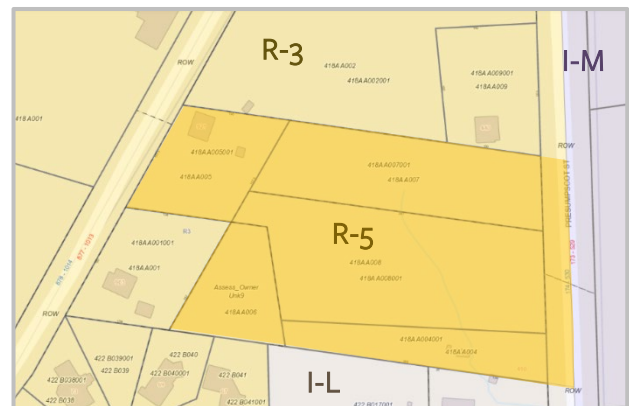


Figure 3: Proposed Zoning Map Amendment, with the R-5 shown in orange

The proposed rezoning would not bring any existing properties into non-conformity. The R-5 zone is more permissive in regards to minimum lot area, minimum lot area per dwelling unit, and side & rear setbacks. The R-5 zone would allow two-family dwellings as a permitted use, as well as a limited number of institutional uses.

IV. ZONING ANALYSIS

A. Overview of Zone Purpose Statements Existing Versus Proposed Zoning

The subject properties proposed to be rezoned are currently located in the R-3 Residential zone and are proposed to be rezoned to an R-5 Residential zone. The purpose statement of the R-3 & R-5 zones are listed below:

Existing zone:

R-3 Residential: *“to provide medium-density residential development characterized by single-family homes on individual lots and also to provide for planned residential unit developments on substantially sized parcels.”*

Proposed zone:

R-5 Residential: *“to provide appropriate areas of the city for medium-density residential development characterized by single-family, two-family and low-intensity multifamily dwellings on individual lots; to ensure the stability of established medium-density neighborhoods by controlling residential conversions; and to provide for planned residential unit development on substantially-sized parcels.”*

B. Discussion of Zoning Amendments

Use Analysis

Table 1 provides a comparison of the permitted uses for the existing zone and proposed zone under consideration. Uses marked with a ‘P’ are permitted uses in the zone. A ‘C’ indicates a conditional use. Uses with an empty cell are not permitted in the zone. “**” indicates that other restrictions may apply. These additional restrictions or use parameters are listed under the Supplemental Use Standards (Sec. 6.4), and the Conditional Uses Section (Sec. 6.5) of the City of Portland Land Use Code.

Overall, the proposed rezoning would expand the allowances for different types of residential dwellings, as well as expand conditional allowances for low- to mid-intensity institutional uses.

Table 1 - Permitted Uses		R-3	R-5
Residential	Single-family dwellings	P	P
	Two-family dwellings		P
	Multi-family dwellings	C*	C*
	Multiplex		P
	Congregate care facilities		
	Handicapped family units	P	P
	Planned Residential Unit Development	P	P
	Special needs independent dwelling units		P
Institutional	Lodging houses		C
	Sheltered care group homes	C	C
	Elementary, middle, and secondary schools	C	C
	Governmental uses	P	P
	Hospitals		C
	Intermediate care facilities	C	C
	Long-term and extended care facilities	C	C
	Places of assembly (<10,000 sq. ft.)	C	C
	Places of assembly (>10,000 sq. ft.)	C	C
	Preschool facilities	C	C
	Post-secondary schools		C
Other	Off-street parking	C	C
	Parks and open spaces	P	P
	Solar energy system (minor)	P	P
	Utility substations	C	C

Dimensional Analysis

R-3 – Residential

All of the subject properties are currently zoned R-3 (Residential). The R-3 zone limits residential density by requiring a minimum of 6,500 square feet of lot area per dwelling unit, a minimum lot width of 65 feet, and minimum street frontage of 50 feet. The maximum height in the R-3 zone is 35 feet, and affordable housing height and density bonuses are not permitted for development within most residential zones, including the R-3 zone. A number of categorical exemptions to off-street parking minimums are permitted for development in the R-3 zone (e.g., Affordable housing, Multi-Family housing, Transit proximate development and uses) and can be found in Table 19-B of the Land Use Code.

R-5 – Residential

The submitted application proposes to rezone the the subject parcels to R-5. The R-5 zone limits residential density by requiring a minimum of 3,000 square feet of lot area per dwelling unit and further requires a minimum lot area of 6,000 square feet for residential uses or 5,000 square feet for sites governed by the R-5 Small Residential Lot Development Dimensional Standards (Table 7-C). The maximum height in the R-5 zone is 35 feet and affordable housing height and density bonuses are not permitted. A number of categorical exemptions to off-street parking minimums are permitted for development in the R-5 zone (e.g., Affordable housing, Multi-Family housing, Transit proximate development and uses) and can be found in Table 19-B of the Land Use Code.

Table 2 provides a comparison of the dimensional requirements for zones under consideration.

Table 2 - Dimensional Standards	R-3	R-5
Lot Size (min)	6,500 sq. ft. to 10 ac. (depending on use)	6,000 sq. ft. to 5 ac. (depending on use)
Density (lot area per dwelling unit)	6,500 sq. ft.	3,000 sq. ft.
Street Frontage (min)	50 ft.	50 ft.
Front Yard (min)	25 ft. (or average depth of adjacent yards)	25 ft. (or average depth of adjacent yards)
Rear Yard (min)	25 ft.	20 ft.
Side Yard (min)	5-20 ft. (depending on height and location)	5-15 ft. (depending on height and location)
Lot Coverage (max)	35%	40%
Lot Width (min)	65 ft.	General: 60 ft. Multiplex: 90 ft.
Building Height (max)	Principal: 35 ft. Accessory: 18 ft.	Principal: 35 ft. Accessory: 18 ft.

PRUD Analysis: R-3 Residential, and R-5 Residential

As the PRUD constitutes the most intensive form of development permitted in either zone, the following analysis is limited to the discussion of the PRUD use.

The R-5 PRUD standards limits residential density by requiring a minimum of 3,000 square feet of net land area per dwelling unit and further requires a minimum lot area of two acres. The net land area per dwelling unit can be reduced to 1,500 square feet for PRUDs that include 50 percent of the units as low-income or workforce units for rent or for sale. The maximum permitted number of units per building is 12 and building length is restricted to a maximum of 140 feet. Buildings with a length of 100 feet or less are required to be setback a minimum of 25 feet from external subdivision property lines while buildings with a building length greater than 100 feet are required to be setback 35 feet. The maximum height permitted in the R-5 zone for a PRUD is 35 feet. The maximum lot coverage permitted is 40 percent. A minimum of 300 square feet of common recreation space area per dwelling unit is also required, but can be reduced to 200 square feet for PRUDs that include 50 percent of the units as low-income or workforce units for rent or for sale.

The R-3 PRUD standards limit residential density by requiring a minimum of 6,500 square feet of net land area per dwelling unit and further requires a minimum lot area of three acres. The subject area for rezoning (2.93 acres) is less than three acres and is currently not eligible to develop a PRUD under current zoning. The net land area per dwelling unit can be reduced to 3,250 square feet for PRUDs that include 50 percent of the units as low-income or workforce units for rent or for sale. The maximum number of units per building on a site less than five acres is two and the maximum number of units per building on a site greater than five acres is six. Building length is limited to a maximum of 100 feet without a garage and 140 feet with garages. Buildings with three or fewer units are required to be setback a minimum of 25 feet from external subdivision property lines, while buildings with four or more units are required to be setback a minimum of 35 feet. The minimum distance between detached PRUD dwelling units is 16 feet. The maximum height in the R-3 zone for a PRUD

is 35 feet, which is the same as the R-5 PRUD standards. A minimum of 300 square feet of common recreation space area per dwelling unit is required.

Any PRUD development that includes 50 percent of the units as low-income or workforce units for rent or sale is eligible for the following dimensional bonuses:

1. Minimum lot area per dwelling unit is reduced by 50%.
2. Maximum number of units and maximum length of buildings do not apply but may be set through site plan review.
3. Minimum building setbacks may be reduced to 10 feet.
4. The PRUD may cross public rights of way provided that the right of way does not count towards minimum lot size nor towards open space requirements.
5. Minimum recreation open space area is reduced to 200 square feet per dwelling unit of common area designed for recreational purposes by residents. Minimum contiguous size and setbacks do not apply and shall be set through site plan review.

Table 3 shows a side-by-side comparison of the PRUD dimensional requirements of each zone. The highlighted rows indicate where the two zones have different dimensional requirements.

TABLE 1: PRUD Zoning Requirements by Use	R-3	R-5
Lot area (min.)	3 acres	2 acres
Net land area per dwelling unit (min.)	6,500 sq. ft.	3,000 sq. ft.
Units per building (max.)	PRUD <5 ac.: 2 PRUD > 5 ac.: 6	12
Average number of units per building (max.)	PRUD >5 ac.: 5	
Structure height (max.)	35 ft.	35 ft.
Building length (max.)	100 ft. without garages; 140 ft. with internal garages	140 ft.
Length of accessory garage structure (max.)	N/A	60 ft.
Building setback from external subdivision property lines (min.)	3 or fewer D.U. in building: 25 ft.; 4 or more D.U. in building: 35 ft.	Bldg. Length 100 ft. or less: 25 ft.; Bldg. Length >100 ft.: 35 ft.
Distance between detached PRUD dwelling units (min.)	16 ft.	N/A
Common recreation open space area (min.)	300 SF/D.U	300 SF/D.U.
Habitable space elevation	No habitable space in a PRUD shall be below grade, except basements that are a part of and below above-ground units	

V. COMPREHENSIVE PLAN CONSISTENCY

Relevant sections of the Comprehensive Plan that the Council could take under consideration for this zoning map amendment application include:

Environment

Local Goal

Adopt sustainable land use and transportation policies that support connectivity, walkable neighborhoods, and multi-modal transportation.

Strategy

Coordinate future land use policy changes with long-range regional transportation planning, including planning for transit, pedestrian, and bicycle improvements, to reduce local and regional vehicle miles traveled.

Continue to develop land use policies which support complete neighborhoods.

Housing

Local Goal

Encourage additional contextually appropriate housing density in and proximate to neighborhood centers, concentrations of services, and transit nodes and corridors as a means of supporting complete neighborhoods.

Strategy

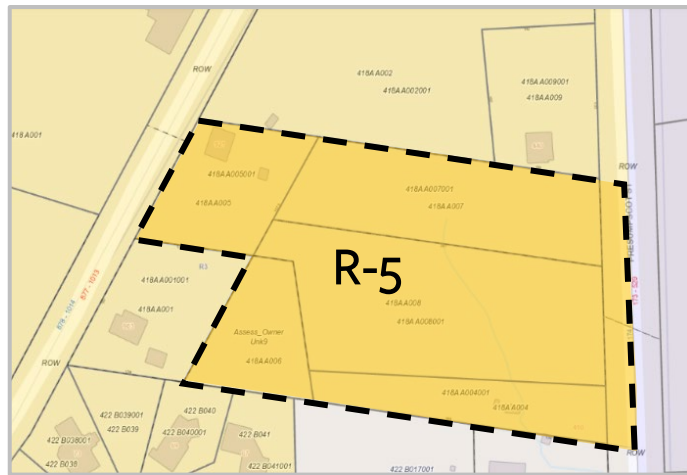
Coordinate linkages between accessible transportation and housing affordability.

The submitted application would significantly increase the potential residential density of the project site from 57 to 126 dwelling units under a PRUD. As part of the review of this change in land use policy, a number of Comprehensive Plan goals direct future growth to expand existing nodes of development, connect affordable housing with accessible transportation, and align growth in areas that support complete neighborhoods. Existing conditions including the absence of sewer service and connections to a robust multi-modal network are potential considerations in the review of this rezoning. Additionally, while proximate to a recently reviewed rezoning at 900 Ocean Avenue to R-5a, the proposed rezoning would be surrounded by zoning districts with lower permitted residential densities. These surrounding zoning designations may limit the nodal growth envisioned in the goals of the Comprehensive Plan.

VI. PLANNING BOARD RECOMMENDATION

The Planning Board considered the proposed Zoning Map Amendment at a public hearing on October 24, 2023. After deliberation, and on the basis of the staff report, public testimony, and review of applicable policies, the Planning Board voted unanimously 7-0 to find that the following zoning map amendment is consistent with the Comprehensive Plan and recommends adoption to the City Council:

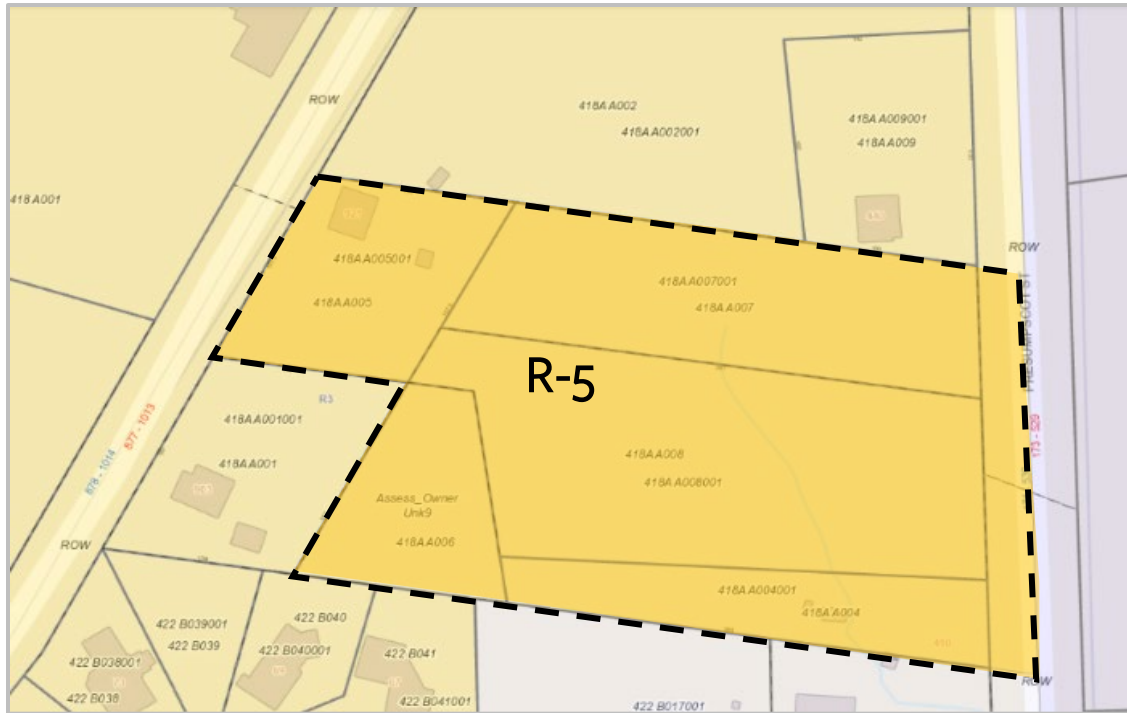
1. Zoning map amendment for the area of land as shown on the map below and that includes parcels CBLs 418A A004, 418A A005, 418A A006, 418A A007, and 418A A008 to be rezoned to R-5 Residential zone.

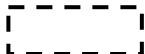


VII. ATTACHMENTS

- A. Zoning Map Amendment – R-3 to R-5
- B. Planning Board Report – October 24, 2023
- C. Boundary Survey
- D. Applicant's Conceptual Site Plan

Attachment 3 – Proposed Area to be Rezoned | 921 Ocean Avenue; 410, 422 & 426 Presumpscot Street; Parcel 418A Aoo6



 Rezoning Boundary

Planning Board Report

Planning & Urban Development Department

921 Ocean Avenue; 410, 422 & 426 Presumpscot Street; Parcel 418A Aoo6
Zoning Map Amendment
ZN-002427-2023

Submitted to:	Portland Planning Board	Prepared By:	Zach Powell
Public Hearing Date:	October 24, 2023	Date:	October 20, 2023

I. INTRODUCTION

Backyard ADUs has submitted a zoning map amendment application requesting to rezone property at 921 Ocean Avenue, 422 & 426 Presumpscot Street, and parcel 418A Aoo6 from R-3 Residential to R-5 Residential. The zoning map amendment is intended to facilitate a future 41-unit housing development comprised of semi-detached two-family dwellings and accessory dwelling units (ADUs). Based on discussion concerning the proposed zoning boundary at the September 26th Planning Board workshop, Planning Staff have included 410 Presumpscot Street as part of the rezoning area under consideration. 410 Presumpscot Street is not owned by the applicant, and is not proposed to be developed as part of the applicant's conceptual development plan



Figure 1: 2021 Aerial View of the subject properties (Outlined in Green). Please note that the structure shown in the image at 410 Presumpscot Street has been demolished.

The Planning and Urban Development Department mailed 26 notices advertising this meeting to property owners within 500 feet of the site. A legal advertisement ran in the October 14, 2023 and October 18, 2023 editions of the *Portland Press Herald*.

Applicant: Christopher Lee, Backyard ADUs

Authorized Agent: John Whitten, Haley Ward

II. PROJECT DATA

Property Size	921 Ocean Avenue: 20,320 square feet (0.47 acre) 410 Presumpscot Street: 16,981 square feet (0.39 acre) 422 Presumpscot Street: 55,419 square feet (1.27 acres) 426 Presumpscot Street: 36,771 square feet (0.84 acre) 418A Aoo6: 15,255 square feet (0.35 acre)
Existing Zone	R-3 (Residential)
Existing Uses	Residential (Single-family dwelling) & Undeveloped Land
Proposed Zones	R-5 (Residential)
Proposed Uses	Residential (41-51 dwelling units)

III. EXISTING CONDITIONS AND SURROUNDING AREA

The project area is bounded by Presumpscot Street to the east and Ocean Avenue (State Route 9) to the west, both of which serve as major urban collector streets. The proposed zoning map amendment encompasses 921 Ocean Avenue (Chart 418A, Block A, Lot 005001), which is improved by a single-family dwelling, and undeveloped parcels at 410 (Chart 418A, Block A, Lot 004001), 422 (Chart 418A, Block A, Lot 008001) and 426 (Chart 418A, Block A, Lot 007001) Presumpscot Street and parcel 418A Aoo6.

The subject properties are located in the East Deering neighborhood and are approximately a mile from Lunts Corner (Ocean & Washington Avenue intersection). In the surrounding area, commercial and industrial uses are primarily located to the south along Presumpscot Street, zoned I-M Industrial Moderate and I-L Industrial Low-Impact and lower-density residential uses to the west along Ocean Avenue (excluding the Dragon cement factory at 921 Ocean Avenue), zoned R-3 Residential. The site is not currently served by City sewer service.



Figure 2: Route Map (Source: Greater Portland Metro)

The properties are an approximately twenty-minute walk and 4-minute bike ride from the nearest METRO Route 9A/9B line, which stops at Lunts Corner every 35 minutes. The closest dedicated bicycle facilities are located approximately a mile away along Washington Avenue and there are inconsistent pedestrian facilities along Ocean Avenue & Presumpscot Street.

All properties proposed for rezoning are located within the R-3 (Residential) zone, which continues to the north, west, and southwest.

IV. SEPTEMBER 26, 2023 WORKSHOP

A Planning Board workshop was held on September 26, 2023 for this project. At the workshop, Planning Staff provided the Board and public with an overview of the applicant's proposed zoning map amendment. The Board was supportive of the proposed rezoning to R-5 and recommended the inclusion of neighboring 410 Presumpscot Street as part of the rezoning, in order to avoid having one isolated parcel zoned R-3 Residential.

In the previously submitted application, the proposed rezoning included a B-1b zone along Presumpscot Street. At the workshop, Board members raised questions on whether the proposed B-1b rezoning would successfully facilitate the mixed-use node intended by the Applicant. Additional questions were raised as to how the site would meet the walkable intent of the B-1b zoning district, when pedestrian facilities are inadequate along Presumpscot Street. Board members considered whether an industrial zoning classification along Presumpscot Street would be more appropriate given the adjacent I-L & I-M zoning districts. The Applicant stated that the proposed site design includes a mixed-use building with maker's space and residential uses above, which could not be constructed in an industrial district.

Based on feedback from the workshop, the Applicant has revised the application to remove the B-1b portion of the rezoning and just propose an R-5 designation. The concept plan has also been updated to remove the proposed maker's space along Presumpscot Street and townhouse units. A mixture of 10-20 units (ADUs and principal dwelling units) along Presumpscot Street is still being contemplated by the Applicant.

V. PROPOSED PROJECT

Not including 410 Presumpscot Street, the proposed zoning map amendment to R-5 would facilitate Backyard ADUs' plan to retain the existing single-family structure at 921 Ocean Avenue and construct nine, two-family dwellings with 20 ADUs, and an additional 10-20 dwelling units on Presumpscot



Figure 3: Conceptual Site Plan

Road. The conceptual site plan envisions a mixture of 100% AMI units and ownership market-rate units. The proposed development would require the submission of a major site plan application to be reviewed by the Planning Board.

The submitted application aims to increase permissible housing density for the subject properties by means of a zoning map amendment. As part of the applicant's vision for the site, lots would consist of a two-family dwelling along with two ADUs. Integrating the construction of ADUs into a larger subdivision is a novel development strategy in the City. The Applicant has stated that the proposed zoning map amendment will allow for a diversification of housing typologies and affordability with market-rate ownership units and rental units at 100% AMI. However, it is important to note that zoning map amendments do not regulate whether or not a future project will be affordable or market rate. Amending the zoning map changes the allowable uses and permitted dimensional standards.

Currently, the project area is constrained by the amount of street frontage and lot width available for the site, which results in a maximum density of five principal dwelling units and 10 ADUs, for a total of 15 dwelling units. Given these constraints, the applicant has proposed the construction of a road that bisects the project area and increases the total street frontage from 388 feet to 1,104 feet. Under the current R-3 zoning standards, 57 units could be constructed (19 principal units and 38 ADUs) in 19 structures, for a total of 57 units. Under the submitted application, 41 -51 units are proposed.

VI. PROPOSED MAP AMENDMENT

The applicant proposes a zoning map amendment to rezone the subject properties from R-3 (Residential) to R-5 (Residential), shown in Figure 4 with the proposed zone boundaries shown in Figure 5. The applicant's submittal (Plan 2) shows the proposed Zoning Map Amendment.

VII. ZONING ANALYSIS

R-3 (Residential) Zone

All of the subject properties are currently zoned R-3 (Residential). The purpose of the R-3 zone is to:

“provide medium-density residential development characterized by single-family homes on individual lots and also to provide for planned residential unit developments on substantially sized parcels.”

The R-3 zone limits residential density by requiring a minimum of 6,500 square feet of lot area per dwelling unit, a minimum lot width of 65 feet, and minimum street frontage of 50 feet. The maximum height in the R-3 zone is 35 feet, and affordable housing height and density bonuses are not permitted for development within most residential zones, including the R-3 zone. A number of categorical exemptions to off-street parking minimums are permitted for development in the R-3 zone (e.g., Affordable housing, Multi-Family housing, Transit proximate development and uses) and can be found in Table 19-B of the Land Use Code.

R-5 (Residential) Zone

The submitted application proposes to rezone the the subject parcels to R-5. The purpose of the R-5 zone is to:

“provide appropriate areas of the city for medium-density residential development characterized by single-family, two-family, and low-intensity multifamily dwellings on individual lots; to ensure the stability of established medium-density neighborhoods by controlling residential conversion; and to provide for planned residential unit development on substantially-sized parcels.”

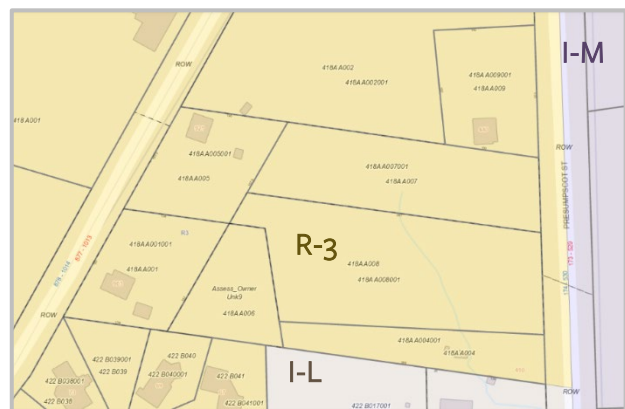


Figure 4: Current zoning with R-3 in tan, I-L in gray, and I-M in darker gray.

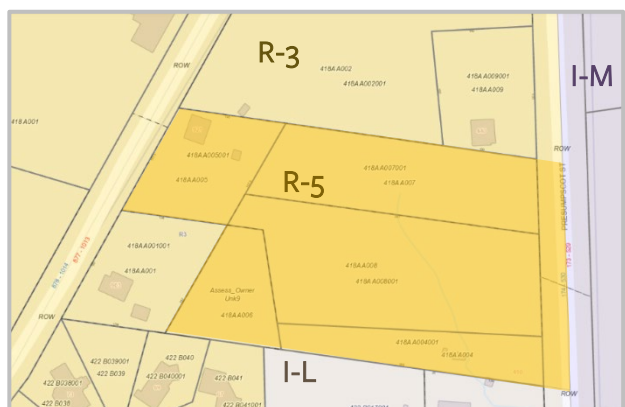


Figure 5: Proposed Zoning Map Amendment, with the R-5 shown in orange

The R-5 zone limits residential density by requiring a minimum of 3,000 square feet of lot area per dwelling unit and further requires a minimum lot area of 6,000 square feet for residential uses or 5,000 square feet for sites governed by the R-5 Small Residential Lot Development Dimensional Standards (Table 7-C). The maximum height in the R-5 zone is 35 feet and affordable housing height and density bonuses are not permitted. A number of categorical exemptions to off-street parking minimums are permitted for development in the R-5 zone (e.g., Affordable housing, Multi-Family housing, Transit proximate development and uses) and can be found in Table 19-B of the Land Use Code.

Table 1 provides a comparison of the permitted uses for zones under consideration. Uses marked with a 'P' are permitted uses in the zone. A 'C' indicates a conditional use. Uses with an empty cell are not permitted in the zone. '**' indicates that other restrictions may apply. These additional restrictions or use parameters are listed under the Supplemental Use Standards (Sec. 6.4), and the Conditional Uses Section (Sec. 6.5).

Table 1 - Permitted Uses	R-3	R-5
Single-family dwellings	P	P
Two-family dwellings		P
Multi-family dwellings	C*	C*
Multiplex		P
Handicapped family units	P	P
Planned Residential Unit Developments	P	
Special needs independent dwelling units		P
Lodging houses		C
Sheltered care group homes	C	C
Elementary, middle, and secondary schools	C	C
Governmental uses	P	P
Hospitals		C
Intermediate care facilities	C	C
Long-term and extended care facilities	C	C
Places of assembly (<10,000 sq. ft.)	C	C
Places of assembly (>10,000 sq. ft.)	C	C
Preschool facilities	C	C
Post-secondary schools		C
Off-street parking	C	C
Parks and open spaces	P	P
Solar energy system (minor)	P	P
Utility substations	C	C

Table 2 provides a comparison of the dimensional requirements for zones under consideration.

Table 2 - Dimensional Standards	R-3	R-5
Lot Size (min)	6,500 sq. ft. to 10 ac. (depending on use)	6,000 sq. ft. to 5 ac. (depending on use)
Density (lot are per dwelling unit)	6,500 sq. ft.	3,000 sq. ft.
Street Frontage (min)	50 ft.	50 ft.
Front Yard (min)	25 ft. (or average depth of adjacent yards)	25 ft. (or average depth of adjacent yards)
Front Yard (max)		
Rear Yard (min)	25 ft.	20 ft.
Side Yard (min)	5-20 ft. (depending on height and location)	5-15 ft. (depending on height and location)
Lot Coverage (max)	35%	40%
Lot Width (min)	65 ft.	General: 60 ft. Multiplex: 90 ft.
Building Height (max)	Principal: 35 ft. Accessory: 18 ft.	Principal: 35 ft. Accessory: 18 ft.

An assessment of maximum permitted densities of the site under different zoning classifications for the entirety of the site, as well as whether a new road is constructed are included in Attachment 1. Please note that site features such as grading and significant natural resources were not considered as part of this assessment and may reduce the maximum feasible permitted density for the site.

VIII. COMPREHENSIVE PLAN CONSISTENCY

Relevant sections of the Comprehensive Plan that the Planning Board should take under consideration for this zoning map amendment application may include:

Environment

Local Goal

Adopt sustainable land use and transportation policies that support connectivity, walkable neighborhoods, and multi-modal transportation.

Strategy

Coordinate future land use policy changes with long-range regional transportation planning, including planning for transit, pedestrian, and bicycle improvements, to reduce local and regional vehicle miles traveled.

Continue to develop land use policies which support complete neighborhoods.



Figure 6: Visions of Portland's Plan 2030.

Housing

Local Goal

Encourage additional contextually appropriate housing density in and proximate to neighborhood centers, concentrations of services, and transit nodes and corridors as a means of supporting complete neighborhoods.

Strategy

Coordinate linkages between accessible transportation and housing affordability.

The submitted application would significantly increase the potential residential density of the project site from 57 to 126 dwelling units under a PRUD. As part of the Board's review of this change in land use policy, a number of Comprehensive Plan goals direct future growth to expand existing nodes of development, connect affordable housing with accessible transportation, and align growth in areas that support complete neighborhoods. Existing conditions including the absence of sewer service and connections to a robust multi-modal network are potential considerations in the review of this rezoning. Additionally, while proximate to a recently reviewed rezoning at 920 Ocean Avenue to R-5a, the proposed rezoning would be surrounded by zoning districts with lower permitted residential densities. These surrounding zoning designations may limit the nodal growth envisioned in the goals of the Comprehensive Plan.

IX. NEIGHBORHOOD MEETING & PUBLIC COMMENT

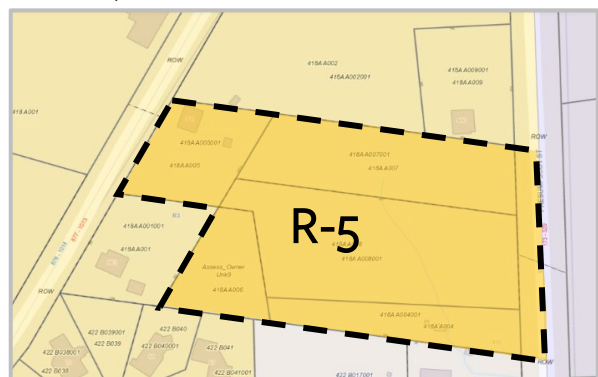
No public comment has been submitted. The Applicant held a neighborhood meeting on May 16, 2023 and was attended by two people. One favorable comment for the project was noted and a question was raised about the proposed site layout.

X. REQUISITE COUNCIL ACTION

Any proposed rezoning, regardless of whether it is favorably or unfavorably recommended by the Planning Board, must be approved by City Council vote in order to take effect.

XI. PROPOSED MOTION

- On the basis of materials submitted by the applicant, the City of Portland Land Use Code, Portland's Comprehensive Plan, public comment, and the information provided in the public hearing on October 24, 2023 for the application ZN-002427-2023 (921 Ocean Avenue & 410, 422, and 426 Presumpscot Street & Parcel 418A Aoo6), and/or other findings, the Planning Board finds that the proposed zoning map amendment **[is/is not]** consistent with the Comprehensive Plan for the city of Portland; and therefore, the Planning Board **[recommends/does not recommend]** to the City Council adoption of the Zoning Map amendment for the area of land that includes 921 Ocean Avenue & 410, 422, and 426 Presumpscot Street & Parcel 418A Aoo6 as shown to the right:



XII. ATTACHMENTS

REPORT ATTACHMENT

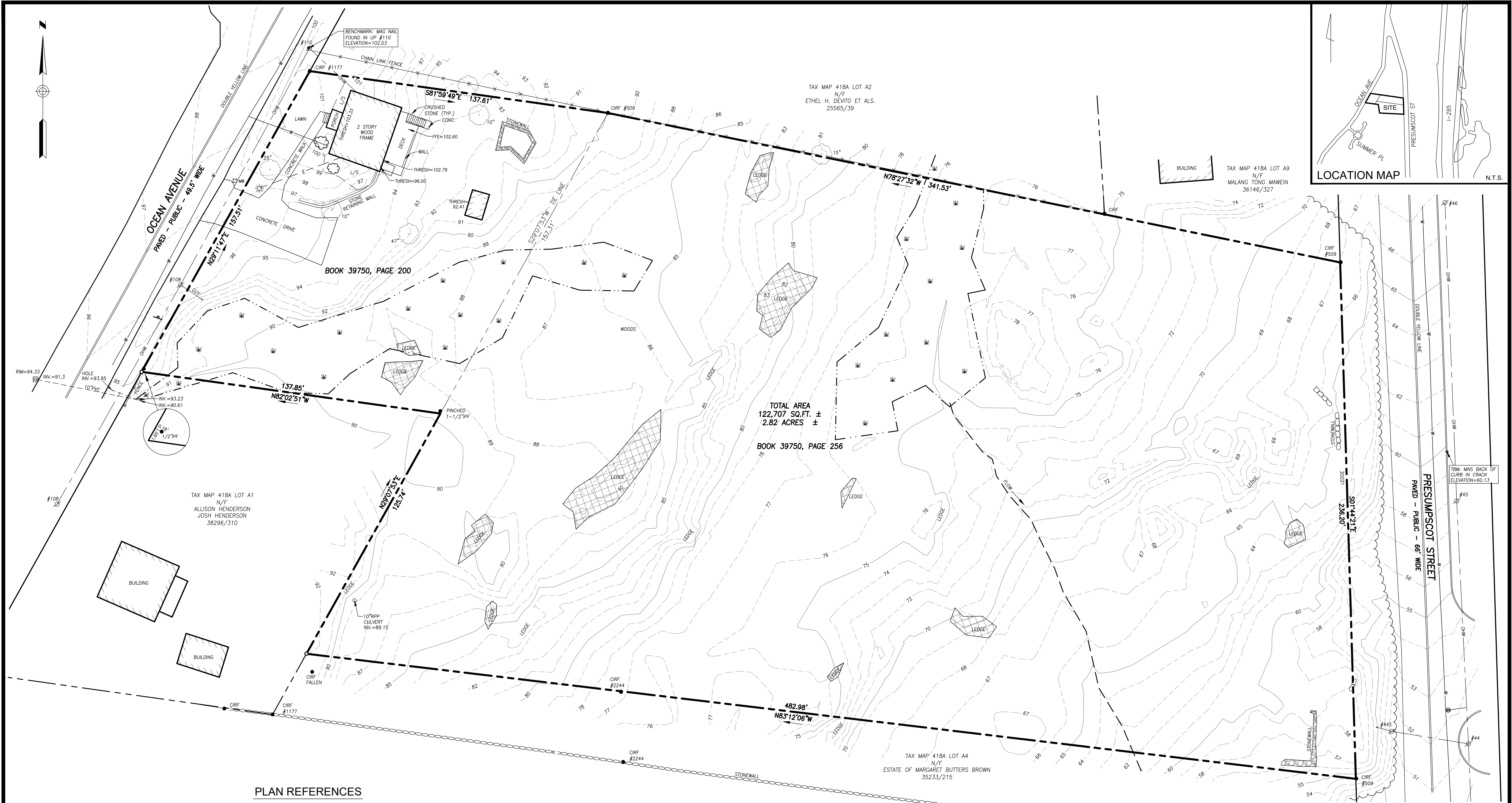
1. Maximum Permitted Densities Assessment

APPLICANT SUBMITTAL

- A. Project Summary 2023-03-27
- A1. Project Summary 2023-10-13
- B. Consistency with Comprehensive Plan 2023-09-12
- B1. Consistency with Comprehensive Plan 2023-10-13
- C. Checklist
- D. Right, Title, & Interest
- E. Neighborhood Meeting Materials

PLANS

- Plan 1. Vicinity Map
- Plan 2. Existing and Proposed Zoning Maps 2023-09-13
- Plan 2a. Existing and Proposed Zoning Maps 2023-10-13
- Plan 3. Conceptual Site Plan -R-5 & B-1b Zoning
- Plan 4. Conceptual Site Plan – RN-4 & B-1 Zoning
- Plan 5. Conceptual Site Plan – R-5 Zoning 2023-10-18



LEGEND

● IRON PIPE OR ROD FOUND	✕ FENCE
○ CAPPED IRON ROD SET	○ STONEWALL
○ UTILITY POLE	— OHW — OVERHEAD WIRES
○ SIGN	— E — UNDERGROUND POWER
○ MAILBOX	— W — WATER LINE
○ WATER VALVE OR SHUTOFF	— 100 — 1' CONTOUR
○ LIGHT POLE	— IFF/IRF — IRON PIPE/ROD FOUND
○ DECIDUOUS TREE	— N/F — NOW OR FORMERLY
○ BUSH / SHRUB	— 000/000 — DEED BOOK / PAGE
	— L/S — LANDSCAPED AREA
	— CONC. — CONCRETE
	— FFE — FINISHED FLOOR ELEV.
	— THRES — THRESHOLD

SCALE : 1" = 20'

- PLAN REFERENCES**
- "PLAN OF PROPERTY" MADE FOR ROBERT C. DUTTON BY H.J. & E.C. JORDAN DATED FEBRUARY 9, 1989, PLAN NUMBER L-894.
 - "STANDARD BOUNDARY SURVEY" MADE FOR DRAGON PRODUCTS COMPANY BY OWEN HASKELL, INC. DATED FEBRUARY 2, 1991, JOB NUMBER 91010P.
 - "BOUNDARY SURVEY" MADE FOR SAWDUST INVESTMENTS LLC II BY OWEN HASKELL, INC. DATED AUGUST 8, 2006, JOB NUMBER 82079P.
 - "PLAN OF PROPERTY" MADE FOR FELS COMPANY, INC. BY R.P. TITCOMB ASSOCIATES, INC. DATED JANUARY 18, 1988, FILE NUMBER 4685.
 - "SUMMER PLACE-PRUD SUBDIVISION PLAN" MADE FOR RJC WEINSCHKE BY PINKHAM AND GREER DATED FEBRUARY 2, 1995 AS REVISED THROUGH MARCH 14, 1995 AS RECORDED IN PLAN BOOK 195, PAGE 84.
 - "EXISTING CONDITIONS SURVEY" MADE FOR CONSIGLI CONSTRUCTION COMPANY BY OWEN HASKELL, INC. DATED JUNE 10, 2020 AS REVISED THROUGH FEBRUARY 11, 2021, JOB NUMBER 2020-095 P.
 - "TOPOGRAPHIC SURVEY" MADE BY THE CITY OF PORTLAND PUBLICS WORK DEPARTMENT ENGINEERING SECTION DATED OCTOBER, 1997.
 - "BOUNDARY & TOPOGRAPHIC PLAN OF LAND" MADE FOR PINKHAM & GREER CIVIL ENGINEERS BY MAINE SURVEY CONSULTANTS, INC. DATED MARCH, 2017.

UTILITY NOTE

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEY HAS NOT PHYSICALLY LOCATION THE UNDERGROUND UTILITIES. CALL 1-888-DIGSAFE AT LEAST THREE BUSINESS DAYS BEFORE PERFORMING ANY CONSTRUCTION. DUE TO OSHA CONFINED SPACE REQUIREMENTS, ALL INVERTS AND PIPE SIZES MUST BE VERIFIED PRIOR TO ANY CONSTRUCTION.

- GENERAL NOTES**
- OWNERS OF RECORD: CHRISTOPHER LEE
TAX MAP 418A LOT A7 & A8
C.C.R.D. BOOK 39750 PAGE 256
 - BEARINGS ARE BASED ON GRID NORTH MAINE STATE COORDINATE SYSTEM, WEST ZONE, NAD83.
 - ELEVATIONS ARE BASED ON NGVD29, OBTAINED BY GPS OBSERVATION.
 - WETLANDS DELINEATED BY FLYCATCHER, INC.

CERTIFICATE

OWEN HASKELL, INC. HEREBY CERTIFIES THAT THIS PLAN IS BASED ON, AND THE RESULT OF, AN ON THE GROUND FIELD SURVEY AND THAT TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF, IT CONFORMS TO THE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CURRENT STANDARDS OF PRACTICE.

REX J. CROTEAU, PLS #2273

DATE

STATE OF MAINE
REX J. CROTEAU
2273
PROFESSIONAL
LAND SURVEYOR

REV. 1	11/2/2023	RECORD OWNERSHIP	RJC
--------	-----------	------------------	-----

Boundary & Topographic Survey
At
422 & 426 Presumpscot Street &
921 Ocean Avenue, Portland, Maine
Made for
Backyard ADUs
247 Cooms Road, Brunswick, Maine

OWEN HASKELL, INC.
PROFESSIONAL LAND SURVEYORS
390 US ROUTE 1, UNIT 10, FALMOUTH, ME 04105 TEL. 207-774-0424

DRAWN BY: RJC/JLW	DATE: JANUARY 26, 2023	JOB NO. 2022-282 P
CHECKED BY: RRL	SCALE: 1" = 20'	DRWG. NO. 1

PROPOSED UNITS

1. ADUs (13) - 7 single level, 3 sunken, 3 over sunken
1-Bedroom Apartments (100% AMI rental)
2. Duplex Units (18) - 9 buildings
3-Bedroom Condominiums (owned)
3. Existing House Renovation (1) - Existing
3-Bedroom House (Owned)

4 OCEAN AVENUE

MAP 418A LOTS
A005, A006, A007, A008, & A011
TOTAL AREA 2.8 AC

SITE BOUNDARY

An additional
10-20 units will be
developed along
Presumpscot Road

Lot 1





Dena Libner <dlibner@portlandmaine.gov>

Order 87-23/24

1 message

Juliana Beecher <juliana.beecher@gmail.com>

Mon, Jan 1, 2024 at 11:05 AM

Reply-To: juliana.beecher@gmail.com

To: publiccomment@portlandmaine.gov

Dear City Council and Mayor Dion,

This comment is in regards to Order 87-23/24 Amendment to Zoning Map Re: R-5 Residential for 921 Ocean Avenue, 410, [422](#) & [426 Presumpscot Street](#).

My partner and I own and live at 903 Ocean Avenue. The parcels proposed for rezoning and development are adjacent to our property on two sides, north and east. I am supportive of building more affordable and median income housing in Portland, but urge care and diligence when making decisions about where and how development happens. My main concerns regarding the proposed rezoning and development of 921 Ocean Ave and adjacent parcels are outlined below.

Access to services and safe transit: This part of Ocean Ave is a mile from the closest bus stop. Our house is literally where the sidewalk ends - at the south edge of our property. Quarry Run dog park is just a tenth of a mile away, but no sidewalk leads there. We walk anyway, passing 921 Ocean - there's a blind hill, a blind corner, and no shoulder, making even the short walk feel dangerous at times. Public sewer also does not service our house, nor our neighbors at 921, where the project applicant, Christopher Lee, plans to build more dwellings. I'm worried about blasting (which surely will be required given the ledginess of the land) causing damage to our septic tank and leach field. There are also no sidewalks along Presumpscot, where Mr. Lee's land has even more road frontage.

Stormwater management: We live on the side of Graves Hill, which slopes from above Ocean Ave down to Presumpscot St with many granite ledges and outcroppings. Our basement is wet and gets wetter with rain - water has nowhere to go because the bedrock is so close to the surface. There's a development proposed for the 16-acre lot across the street - at 900 Ocean Ave - which seems likely to exacerbate stormwater runoff issues. There's a stormwater drain at the end of the sidewalk (south edge of our property), and a culvert on the other side, between 903 and 921. During rainstorms, drains on both ends of the culvert get clogged with leaves and debris running off of Graves Hill. On Dec. 11, we had to call Public Works to come clear the drain after unsuccessfully trying to clear it ourselves, standing in 8 inches of water and watching each car-induced wave wash into our yard (and our basement). See attached photos and video.

There are established drainages running along the north and south sides of our property. They were flagged as wetlands in a recent survey - the pink tape is fading, but was clear when we moved in last June. Shortly after our move, M. Lee started dumping fill from another project site at 921 Ocean Ave, near the edge of our property. That fill encroached on the wetland, as you can see in attached photos. I spoke with Mr. Lee about it, and he was unconcerned. Dumping fill in an area where it was sure to wash into a designated wetland made me worried about the level of care with which Mr. Lee is approaching this project. I hope that the City can help to ensure proper steps are taken to promote sound stormwater management and protect environmental features in the case of development on Mr. Lee's property. The main access road to the new development is proposed to run between our property and 921 Ocean Ave - directly on top of the existing wetland.

Given the significant ledges and existing issues with stormwater (and groundwater) flows, any new dwelling built is likely to encounter water issues. The geography of the land - ledges, slope, drainages - will also impact the affordability of the housing built on it. Blasting is expensive, and by Mr. Lee's own admission (I spoke with him on the phone in July), it's unlikely that the housing built at 921 and adjacent Presumpscot St. parcels will be able to meet median income rates - let alone be affordable housing.

Parcel 418A A006: This parcel is adjacent to our property to the east. It was not among the ones Mr. Lee requested for rezoning. In fact, any mention of the parcel was absent from Mr. Lee's initial application materials for this rezoning request. See attached Map Amendment Plan 2023-09-13 - this was created 02.15.2023 and updated 09.13.2023 and does not include parcel 418A A006 in the request for rezoning.

Most concerning (and surprising) to me, is that no deed of title for this parcel is available in the public records. When I reached out to a city planner regarding this, he confirmed that the parcel seemed to be unowned, and that the Tax Assessor also had no record of its ownership. The city planner then reached out to Mr. Lee, who provided a survey that presumably shows he owns the parcel in question. If Mr. Lee knew this to be true, why didn't he request the parcel to be rezoned? And why doesn't the City or county have record of his right, title, and interest in the parcel? How did nearly half an acre of land in a city as eager for development as Portland fall through the cracks? Only when I brought attention to the parcel's dubious ownership did the City take notice - it seems that tax maps have now changed and do not align with previous parcel boundaries (see attached screenshots of maps from March 2023 and Jan. 1, 2024). More work is needed to determine Mr. Lee's right to develop parcel A418 A006.

This shook my confidence in the City to ensure careful development within its boundaries.

Public notice and availability of relevant materials: On December 17th, I received a public notice regarding the Jan. 3rd hearing on the proposed rezoning. That day, I went back into the Citizen Self-Service portal to look again at the project information - only to find that all of the attachments were missing! I emailed the city planner, who responded with apologies and explained that this was an on-going issue: project files were not showing up on the public-facing side of the platform. On Dec. 27th, he informed me that the files were again available. To me, this technical error violated the rights of interested parties to review the relevant information during the public notice

period leading up to a hearing. Shouldn't the vote on rezoning be postponed to allow for more time for public review of the relevant materials? This incident increased my concern that the City is not prepared to oversee development with the necessary care and attention that long-term planning in the face of myriad challenges from climate change to access and affordability requires.

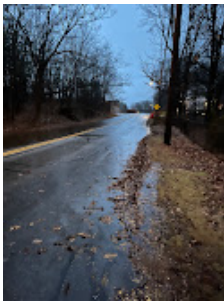
In closing, I'd like to express my gratitude to Zach Powell, the city planner on this project who has been extremely helpful and communicative. I also am grateful that Mr. Lee was willing to speak with me and seems open to ongoing communication as the rezoning and potential development processes move forward.

And thanks to you, Mayor Dion and City Council members, for making tough decisions and for acting with care - for residents, for the environment - and diligence as Portland continues to change and grow.

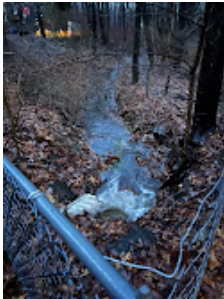
Juliana Beecher
903 Ocean Ave.
Portland

juliana.beecher@gmail.com
603.387.9707

8 attachments



Rain 12:17:23 - looking north on Ocean toward 921.jpeg
407K



Rain 12:17:23 - drainage:wetland between 903 & 921.jpeg
420K



Wetland fill 07:17:23 - looking south on Ocean toward 903 from 921.jpeg
661K



Wetland fill 07:17:23 - between 903 & 921.jpeg
730K



Tax Map 2023-03-25.png
242K

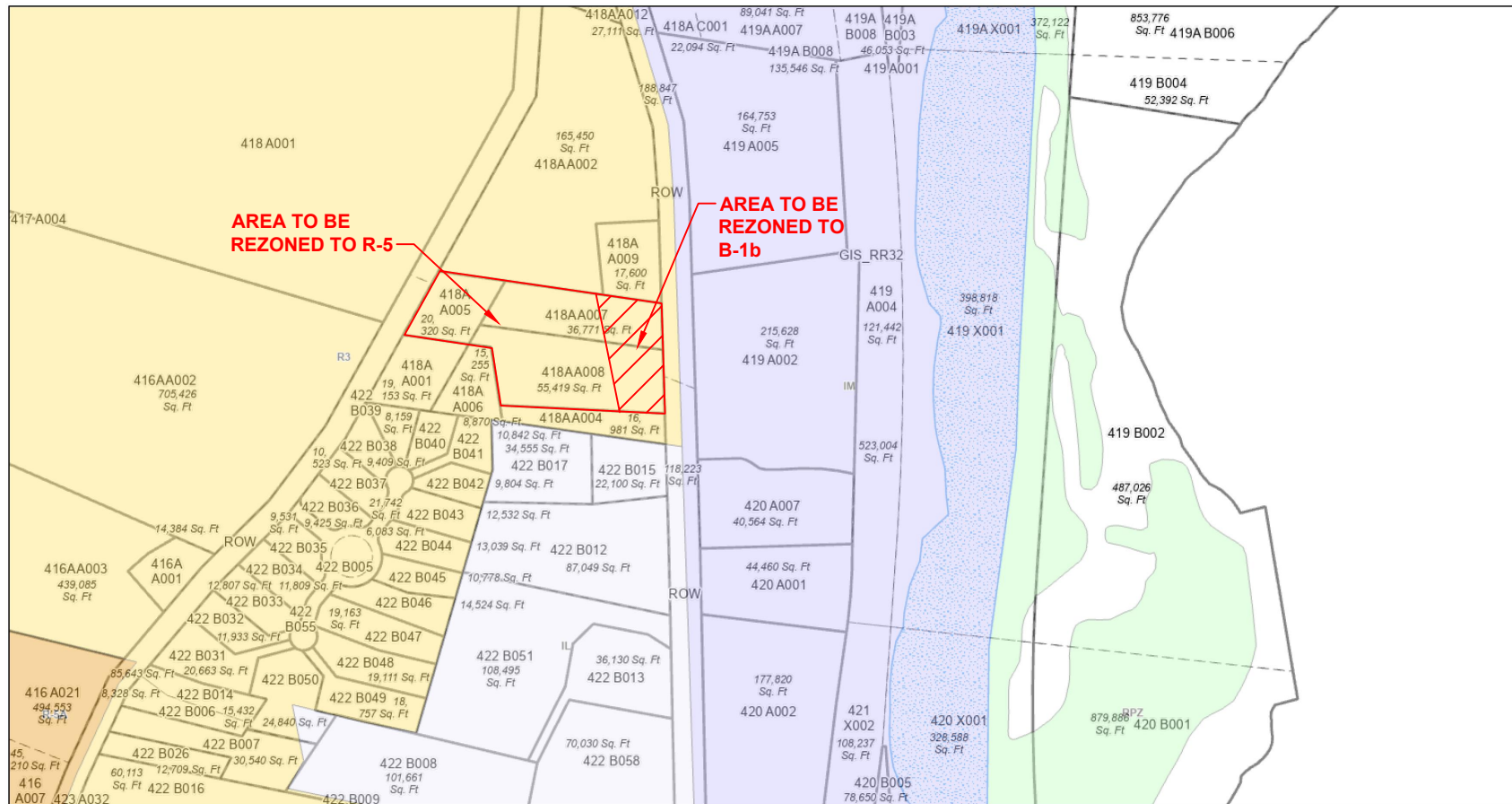


Tax Map 2024-01-01.png
242K

 **Map Amendment Plan 2023-09-13.pdf**
684K

 **Rain 12:17 - Ocean Ave flooding looking west from in front of 903.mov**
18984K

ArcGIS Web Map



9/13/2023, 2:18:52 PM

Zoning

R3 Residential

R-5A Residential

IL Industrial - Low Impact

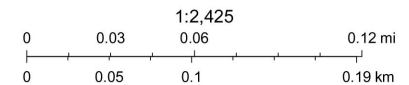
IM Industrial - Moderate Impact parcels

RPZ Resource Protection

Shoreland Overlay Zone

Tax

Conveyance



City of Portland, DPS

Web AppBuilder for ArcGIS
City of Portland, Maine

PROJECT

**BACKYARD ADUS
PORTLAND, MAINE**

DWG No.

1

BY

WAB

DATE

2023.02.15

TITLE

PROPOSED MAP AMENDMENT

JN

14062.001

SCALE

N.T.S.

REV.

1

REV. DATE

2023.09.13







903 ocean ave

Show search results for 903 ocean...

705,426
Sq. Ft
416AA002

85,643
Sq. Ft
ROW
OCEAN AVE

439,085
Sq. Ft
416AA003

14,084
Sq. Ft
416AA004

165,450
Sq. Ft
418AA002

20,320 Sq. Ft
418AA005

9,637 Sq. Ft
418AA011

418AA001
9,516 Sq. Ft

422 B039
8,159 Sq. Ft

422 B038
9,409 Sq. Ft

422 B037
10,523 Sq. Ft

422 B036
21,742 Sq. Ft

422 B035
9,531 Sq. Ft

422 B034
11,809 Sq. Ft

17,600 Sq. Ft
418AA009

36,771 Sq. Ft
418AA007

55,419 Sq. Ft
418AA008

418AA006
15,255 Sq. Ft

418AA004
16,981 Sq. Ft

34,555 Sq. Ft
422 B017

422 B015
22,100 Sq. Ft

422 B014
87,000 Sq. Ft

422 B013
108,495 Sq. Ft

422 B012
13,039 Sq. Ft

164,753
Sq. Ft
419 A005

188,847
Sq. Ft
ROW
PRESUMPCOT, ST

419 A002
215,628
Sq. Ft

523,004
Sq. Ft
GIS_RR32

121,442
Sq. Ft

419 A004

420 A007
40,564 Sq. Ft

44,460 Sq. Ft
420 A001

420 A002
40,564 Sq. Ft

420 A003
40,564 Sq. Ft

419 X001
398,818
Sq. Ft

419 X002
398,818
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Sq. Ft

419 X005
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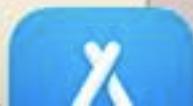
419 X006
398,818
Sq. Ft

419 X007
398,818
Sq. Ft

419 X008
398,818
Sq. Ft

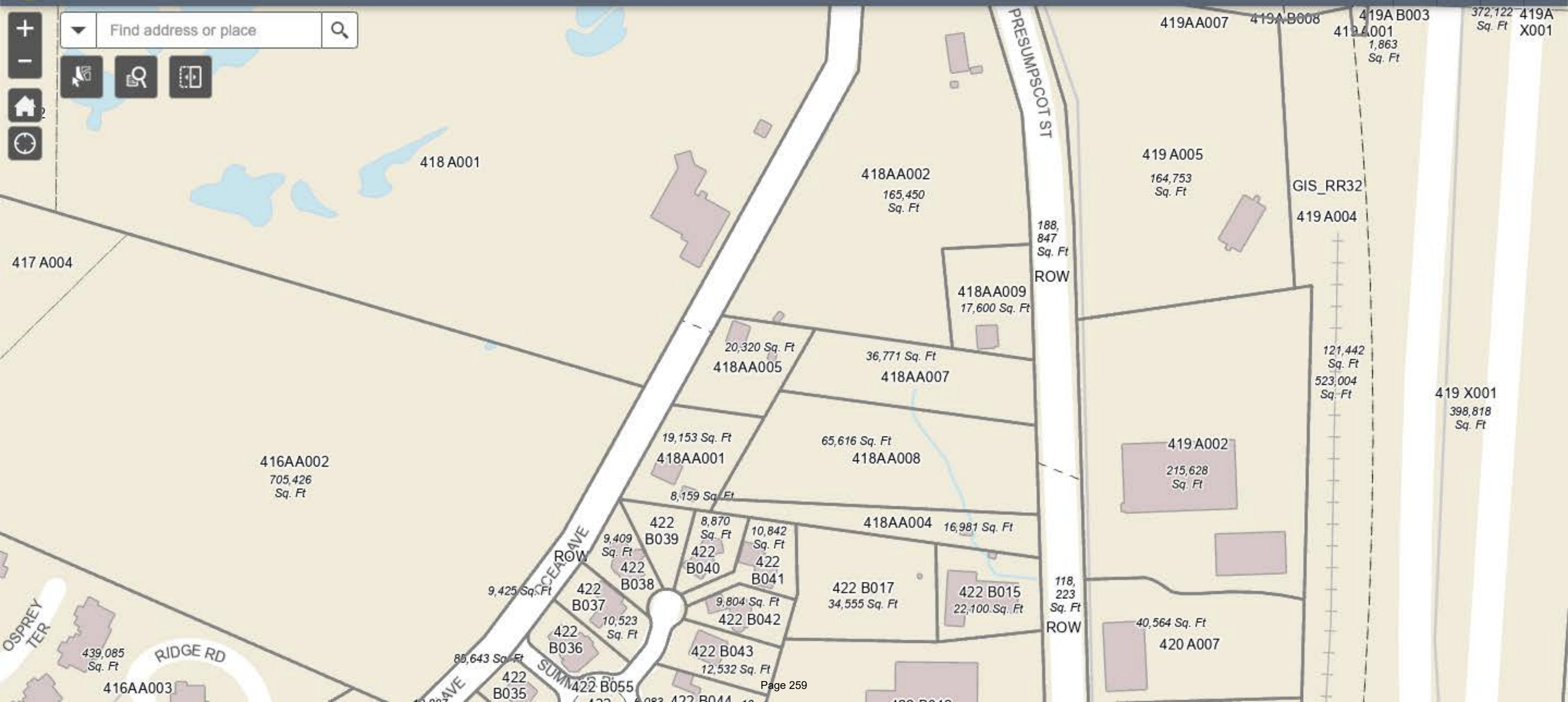
419 X009
398,818
Sq. Ft

419 X010
398,818
Sq. Ft





Find address or place







MEMORANDUM
City Council Agenda Item

FROM:

DATE: December 15, 2023

SUBJECT: Order 45-23/24 Amendment to the Portland City Code Chapter 2 Re: Qualification for Land Bank Commission Members - Sponsored by Ashley Rand, City Clerk

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 various boards and committees struggle to fill vacant spots. Amending the Land Bank Commission rules will help with recruitment efforts to fill vacancies. Vacancies are posted in the paper as well as online, but we still are not receiving enough applications to fill spots. Right now the Land Bank Commission requires a member from each district as well as At-Large members to be on the board. This vacancy was advertised, but no one from a district that was needed applied. Amending this would allow for positions to be advertised for each district, but when no applicants apply from the vacant district seat, candidates from the same district may be appointed.

On October 16, 2023 this item was referred to the Legislative and Nominating Committee for review.

On November 21, 2023, the Legislative and Nominating Committee meeting and voted 3-0 (Ali Absent) to refer this item back to City Council for approval.

This item must be read on two separate days. It received its first reading on December 18, 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. Ch. 2 Members of Land Bank from same District 1.3.2024

Prepared by:

Date: 12/15/2023

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)

**AMENDMENT TO PORTLAND CITY CODE CHAPTER 2
RE: QUALIFICATIONS FOR LAND BANK COMMISSION MEMBERS**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

1. That Section 2-42 is hereby amended to read as follows:

Sec. 2-42. Commission Established.

(a) *Findings.* The City Council hereby finds that:

1. There is a need to balance development within the municipality with conservation of open space important for wildlife, ecological, environmental, scenic or outdoor recreational values;
2. there are insufficient financial resources currently in place to plan for, and acquire significant open space lands or easements which are or may become available within the municipality or in adjoining buffer areas; and
3. there is a need to supplement the city's open space conservation efforts, without duplicating the efforts of other public and private groups including the Portland Planning Board, Portland Trails and the Portland Parks Commission.

Therefore, in order to ensure the conservation and preservation of limited open space with important wildlife, ecological, environmental, scenic or outdoor recreational values, there is hereby established a Portland Land Bank Commission, Portland Land Bank and a Portland Land Bank Fund.

(b) *Purposes.* It shall be the purpose of the commission to:

1. work for the acquisition and conservation of open space

within the City, as defined in §2-43(a) below;

2. cooperate with other agencies and parties on wetlands mitigation projects;
3. recommend on a priority basis the acquisition of various interests in real estate in order to effectuate the goals of this article;
4. accept gifts and funds from both private and public sources and to disburse such funds in accordance with the commission's approved budget for the purposes hereunder;
5. act as a liaison to other public and private nonprofit agencies involved in planning, acquisition, disposition, and management of conservation and open space land within the municipality; and
6. recommend an annual budget to the City Manager and City Council to carry out its purposes.

(c) *Appointment of commission.* The Portland Land Bank Commission shall consist of and be administered by nine (9) persons appointed by the City Council for staggered three-year terms. Except as provided below for non-voting members, the members must be legal residents of the municipality and shall serve without compensation. One member of the commission shall be appointed from the City Council. Neither a municipal employee nor member of the Planning Board or Board of Appeals may be a member of the commission. To the extent feasible, representation on the board shall be diversified, including without limitation, members representing environmental or conservation interests, the Parks Commission, economic development, business and financial interests, and the public generally. There shall be a resident from each of the City Council districts on the commission, but if no candidate from a particular district applies to serve on the commission, an additional candidate from another district may be appointed.

MEMORANDUM
City Council Agenda Item

FROM: Lisa Perotta, Police Planning and Research Coordinator

DATE: 11/17/2023

SUBJECT: Order Accepting and Appropriating a \$3533.70 Maine Bureau of Highway Safety Grant

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 date:

Final Action date:

Can action be taken at a later date: Yes.

PRESENTATION:

I. SUMMARY

Accept and appropriate \$3533.70 from the Maine Bureau of Highway Safety for Drug Recognition Expert training and callouts.

II. AGENDA DESCRIPTION

This item accepts and appropriates a \$3533.70 sub-grant awarded to the Police Department by the Maine Bureau of Highway Safety. These funds are to be used to send an officer to Drug Recognition Expert (DRE) training and to fund call outs to conduct DRE evaluations.

III. BACKGROUND

Drug Recognition Experts (DRE) are police officers trained to recognize impairment in drivers under the influence of drugs other than, or in addition to, alcohol. DRE's are utilized when a driver appears to be operating under the influence, however an intoxilyzer test indicates the person has a low or zero alcohol concentration. The DRE program was originally developed in the 1970's through a collaboration between the Los Angeles Police Department, research psychologists, toxicologists and medical doctors who created a simple, standardized procedure for recognizing drug influence and impairment. The DRE protocol was formalized by the National Highway Safety Administration in the 1980's and is now utilized nationwide as a

means to determined whether or not a subject is impaired and, if so, whether the impairment relates to drugs or a medical condition.

To become certified as a DRE, an officer must complete a three-phase training program which includes classroom and field training. The final requires that the officer complete a minimum of 12 drug evaluations under the supervision of a trained DRE instructor. The Maine Bureau of Highway Safety, which is responsible for administering the DRE program, provides funding to send trainees to Florida to complete the field certification phase of training in an expedient manner.

The funding provided by this sub-grant award will cover the cost of sending an officer to Florida to complete field certification. Once the officer is certified, the remainder of funds will be used to reimburse the PD for costs incurred when the DRE is called in to conduct an evaluation.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

A match is required for this award, however it will be achieved through the use of existing salaries.

VI. STAFF ANALYSIS AND BACKGROUND

VII. RECOMMENDATION

Accept and appropriate the grant.

VIII. LIST ATTACHMENTS

Order

Award Document

Prepared by: Lisa Perrotta

Date: 11/17/2023

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

CITY OF PORTLAND
IN THE CITY COUNCIL

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**ORDER ACCEPTING AND APPROPRIATING A \$3,533.70 GRANT
FROM THE MAINE BUREAU OF HIGHWAY SAFETY
FOR DRUG RECOGNITION EXPERT TRAINING**

ORDERED, that a \$3,533.70 grant from the Maine Bureau of Highway Safety is hereby accepted and that amount appropriated for drug recognition expert training for the Police Department; and

BE IT FURTHER ORDERED, that the City Manager or designee is hereby authorized to execute a grant agreement and whatever other documents are necessary to effect the intent and purpose of this order.

SUBGRANT RECORD

SUBGRANTEE: Portland Police Department
PROJECT TITLE: 2024 DRE/FP Training & Call-Out

SUBGRANT #: ID24-116
COORDINATOR: Nick Brown

	Subgrantee	Project Director	Fiscal Officer
Name	Portland Police Department	Lisa Perrotta	Barrie Lighe
Address 1	109 Middle Street	109 Middle Street	109 Middle St.
Address 2			
City	Portland	Portland	Portland
State & Zip Code	ME 04101	ME 04101-	ME 04101-
Phone Number		(207) 874-8515	(207) 874-8607
Fax Number		(207) 874-8521	
E-Mail Address		lcp@portlandmaine.gov	blighe@portlandmaine.gov

Approved: 11/09/2023 Start: 11/09/2023 End: 09/30/2024 Last Monitored: Audited: **Closed:**

AWARD INFORMATION

yr	prog# / psp# / task#	federal funds	match funds	award total	p/t %	pass thru \$	federal spent	match spent	funds drawn	federal disb.
2021	405D / 2024-405D / 2	\$3,533.70	\$883.43	\$4,417.13	0%	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Total	\$3,533.70	\$883.43	\$4,417.13	0%	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Original Federal Amount: \$3,533.70 Report Category: ID116

☐ Continuation? Prior Subgrant #:

Latest Federal Voucher:

Voucher Date: Period: to

	Budget		Cumulative Exp. Thru		Balance Remaining	
	Federal	Match	Federal	Match	Federal	Match
Personal Services	\$2,238.20	\$0.00	\$0.00	\$0.00	\$2,238.20	\$0.00
Travel	\$1,295.50	\$0.00	\$0.00	\$0.00	\$1,295.50	\$0.00
Equipment	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Consultant	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Other	\$0.00	\$883.43	\$0.00	\$0.00	\$0.00	\$883.43
Total	\$3,533.70	\$883.43	\$0.00	\$0.00	\$3,533.70	\$883.43



**SUBRECIPIENT
APPLICATION FOR
HIGHWAY SAFETY
NHTSA FEDERAL
FUNDS FFY 2024**

Lauren V. Stewart, Director
Maine Bureau of Highway
Safety 45 Commerce Drive,
Suite 1 164 State House Station
Augusta, ME 04333
Phone: 207-626-3840
www.maine.gov/dps/bhs

1. Grant/Project Title

2024 Drug Recognition Expert (DRE) & Forensic Phlebotomy (FP) training and call-out reimbursement

2. Project Budget Period & Period of Performance

October 1, 2023 to September 30, 2024

3. Applicant Information

	Applicant Agency	State of Maine Vendor Info
Name	Portland Police Department	City of Portland
Address Line 1	109 Middle St	109 Middle St
Address Line 2		
City, State and Zip Code	Portland, ME 04101	Portland, ME 04101
Federal Employer Number		016-000032
Unique Entity ID Number		EJSBN16HRDC5
State of ME Vendor Number		VC000073492

4. Legal Authority

	Individual Who Has Legal Authority to Sign this Subrecipient Grant Application
Name	Mark Dubois
Title	Chief of Police
Address Line 1	109 Middle St
Address Line 2	
City and Zip Code	Portland, ME 04101
Direct Telephone Number	(207) 874-8601
Fax Number	
E-mail Address	mdubois@portlandmaine.gov

5. Project Director and Finance Officer/Payroll Representative

	Project Director (Project Director must be different from Legal Authority)	Finance Officer or Payroll Representative
Name	Lisa Perrotta	Barrie Lighe
Title	Planning and Research Coord	Principal Financial Officer
Address Line 1	109 Middle St	109 Middle St
Address Line 2		
City and Zip Code	Portland, ME 04101	Portland, ME 04101
Direct Telephone Number	207-874-8515	207-874-8607
Fax Number		
E-Mail Address	lcp@portlandmaine.gov	blighe@portlandmaine.gov

6. Population of Project Area

68,313

7. Congressional District Served☒ 1st☐ 2nd☐ Both**8. Project Description Summary**

The Portland Police Department is committed to retaining a cadre of special trained law enforcement officers to conduct drug recognition evaluations as part of a comprehensive impaired driving program. Due to staff turnover, PPD only has a single certified DRE available at this time.

We are seeking funds to send another officer to Florida to complete his DRE field certification. Once certified, this officer will be available to conduct evaluations in Portland and to respond to requests from other area agencies. As such, we are also requesting funds for overtime associated with these callouts.

9. Project Budget Summary

This section will auto-complete from budget and match worksheets on pages 11 & 13

	Federal	Match	Total
Personal Services	\$ 2,238.20		\$ 2,238.20
Travel	\$ 1,295.50		\$ 1,295.50
Equipment (\$5,000 or more in value)	\$ 0.00		\$ 0.00
Consultant	\$ 0.00		\$ 0.00
Other	\$ 0.00	\$ 883.43	\$ 883.43
Total	\$ 3,533.70	\$ 883.43	\$ 4,417.13

10. Seat Belt Policy

Any subrecipient entity receiving a grant must have a written seat belt policy. Does your agency have and enforce a seat belt use policy? You may be asked to provide a copy of this policy

☒ Yes☐ No

11. Department of Public Safety Civil Rights Discrimination

Any subrecipient receiving a grant must meet the requirements of the Department of Public Safety's civil rights discrimination policies. Does your agency meet the Department of Public Safety civil rights discrimination policies' requirements? (www.maine.gov/dps/policy/index.html)

☒ Yes

☐ No

12. Legal Authority

I, the undersigned, for and on behalf of the named applicant entity, do herewith apply for federal funds under this grant agreement, and agree to comply with all conditions, terms, and certifications and assurances. I certify our compliance with requirements outlined elsewhere in this application.

(This signature must be the same person listed in Section 4.)

Legal Authority Signature:

Date:

2 NOV 23

DO NOT WRITE BELOW THIS LINE – FOR HIGHWAY SAFETY OFFICE USE ONLY

FUND SOURCE: 405d	PSP #: 2024-405d	TASK: 2
GRANT #: ID24-116	COORDINATOR:	BHS TYPE: Highway Safety
UNIT OF GOVERNMENT:	GOV'T TYPE:	
GRANT TYPE:		
FUND s. 405d	FY 2021= \$ 3553.70	P/T % = NA
PRGM <u>FASTD</u>	T/O <u>ID116</u>	
FUND s.	FY 20 = \$	P/T % =
PRGM	T/O	
TOTAL FEDERAL AWARD=\$ 3553.70		
FAIN :69A3752130000405dMEM	ALN :20.6 <u>16</u>	NHTSA
FAIN:	ALN :20.6	NHTSA
FEDERAL AWARD DATE: 11/10/2020 & 1/19/2021		
NOTICE OF AWARD: The above subrecipient grant application was approved by the Bureau of Highway Safety: _____ / _____ / 11/9/2023 .		
NOTICE OF DENIAL: The above subrecipient grant application was denied by the Bureau of Highway Safety: _____ / _____ / _____ .		

Signed: Lauren V. Stewart, Director

CONDITIONS/COMMENTS: NON R&D GRANT; All other TERMS and CONDITIONS apply as contained in this application.

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Subrecipient Pre-Award Risk Assessment - FINANCIAL (TO BE COMPLETED BY THE SUBRECIPIENT FINANCE OFFICER)

1. Has your agency received an audit in accordance with 2 CFR Part 200 Subpart F?

☒ Yes ☐ No ☐ N/A

Date(s) of previous audit(s) : March 2023

Results of previous audit : Three findings citywide, none were PD grants

- Was the same or similar sub award audited last year? ☐ Yes ☒ No ☐ N/A
- Was the audit opinion unmodified? ☐ Yes ☒ No ☐ N/A
 - Please explain and/or attach documentation for modified opinion.

2. Does your agency receive monitoring directly from a Federal Awarding Agency?

☒ Yes ☐ No ☐ N/A

If yes, which Federal Awarding Agency: DOJ

3. Did the Federal Agency determine that there were no financial or compliance issues?

☐ Yes ☐ No ☒ N/A

Please explain the compliance issues as a result of the federal awarding agency's monitoring.

4. Has the accounting system used to track federal grants changed during the previous year?

☐ Yes ☒ No

If yes, please explain changes in your accounting system during the previous year.

5. Was a separate account established to track grant related expenditures?

☒ Yes ☐ No

If no, please explain?

¹ **Audit:** All non-Federal entities that expend \$750,000.00 or more of federal awards during the non-federal entity's fiscal year are required to obtain an annual audit in accordance with 2 CFR Part 200.514 Scope of Audit except when it elects to have a program specific audit conducted in accordance with 200.507. Entities expending less than \$750,000 in a year are exempt from Federal audit requirements except as noted in 200.503, but must make records available for review or audit by Federal agencies or pass-through entities (non-Federal entities from whom they receive Federal funds), if requested. Grantees are required to **notify the Bureau** when an audit occurs and results in a finding of Federal funds awarded by the Bureau.

Subrecipient Pre-Award Risk Assessment - PROGRAM
(TO BE COMPLETED BY LEGAL AUTHORITY OR PROJECT DIRECTOR)

1. Has your agency previously received federal or state grants similar to this award?
☒ Yes ☐ No

Please explain: We have received BHS subgrants for at least 25 years.

2. Has your agency had at least 3 years of experience with any federal grants?
☒ Yes ☐ No

If yes, what federal agency?:

DOJ and FEMA

3. Are your grant files stored in a secure location with limited access?

Yes

4. Has your agency's personnel changed during the previous year?
☒ Yes ☐ No

If yes, please explain the changes:

A new Chief was sworn in July 2023.

5. Has your agency's organization changed during the previous year?
☐ Yes ☒ No

If yes, please explain changes in your organization:

MeBHS must be notified of any changes during the federal fiscal year

GRANT APPLICATION QUESTIONS

Please respond to each of the questions listed below.

1. PROBLEM IDENTIFICATION

State the problem that you wish to address, in concise terms for each separate traffic safety opportunity you apply for. Include a full description of the nature and extent of the problem including demographics regarding who is impacted by the problem(s) in your community. Address the 5 W's (who, what, when, where, and why) in your response and then how your project will make an impact.

Please include an analysis of trends in crash fatalities, crash injuries, property damage, and other data pertaining to your problem for the prior three calendar years, if possible. Data analysis should include fatality, injury, enforcement, judicial, geospatial, and sociodemographic and other local data or results of community engagement activities as necessary to describe the problem and relate to achievable and measurable goals.

Portland is largest city in Maine with more than 68,000 residents. The City functions as the economic and cultural center of the state. The daytime population swells nearly three times with an influx of office workers as well as college students who attend one of three campuses within the City. On weekend nights, thousands visit the Old Port, a popular restaurant and nightlife area while summer and fall days see a steady flow of tourists. As the primary service center for the state of Maine, Portland also hosts a large homeless/drug addicted population and an ever-growing community of immigrants and refugees.

Since January 1, 2020, Portland Police Officers have completed 7522 Crash reports (more than 6% of the statewide total) with 259 of those accidents considered OUI involved. Anecdotally, we believe we are seeing more impaired drivers since the pandemic and that observation is supported by the following: During the three year period beginning January 1, 2016, PPD officers completed 10,432 accident reports, 291 of which were considered OUI involved.

In other words, the percentage of OUI involved crashes increased from 2.7% during the 2016-2019 time period to 3.4% in the 2020-23 time period.

During the 2020-2023 time period:

- Males accounted for more than double the amount of drivers in OUI involved crashes (244 male/121 female).
- Almost half the drivers in OUI involved crashes fell into the 25-34 age category.
- More than 1/4 (100) of the OUI involved crashes occurred between the hours of 10 pm and 2 am.
- More than 1/4 (122) of the OUI involved crashes were rear end/sideswipes which suggests driver inattention, however the MDOT accident tool indicates unknown, not stated or not distracted as the primary Distracted by Actions.

OUI Crashes by year

2020 - 63

2021 - 82

2022 - 73

During this time frame we had oui crashes on the the following roads, Brighton Ave., Fore Street, Deering Ave, and Commercial Street.

Due to the current drug crisis, it is not at all unusual to find a driver shooting up while operating a vehicle. Several years ago, a male driver and his female passenger were actively overdosing while driving through a City park on a beautiful summer day. The male passed out with his foot lodged on the gas pedal. The vehicle flew through the crowded park striking the bleachers at a youth baseball game and coming to rest on a playground. An elderly spectator was killed though remarkably no children were injured.

2. MEASURABLE GOAL

The project goal must be measurable and attainable

Describe the overall program goal and any objectives you will set to attain the goal. The measurable goal will directly relate to and support your problem identification and should include a “from/to” statement. Example "...from 52 (Prior year crashes) in 2022 (Prior year) to 49 (Goal)...."

The primary goal of this project is to reduce crashes **from** 2112 in 2022 **to** 2062 by September 30, 2024.

Please use the box below for any additional information.

For Law Enforcement HVE Subrecipients please use the box below to set up additional goals for each traffic safety opportunity you are applying for. (Example: Speed from 52 to 49)

We plan on conducting 10 DRE callouts and sending an officer to FL to complete DRE certification Training.

****Law Enforcement HVE Subrecipients Only****

***We will conduct _____ hours of dedicated overtime enforcement during the dates, times, and locations identified in our plan to ensure full participation in the enforcement grant period and to ensure we attain the measurable project goal.**

3. ACTIVITIES TO ACCOMPLISH PROJECT GOAL

List the activities you will perform to accomplish your project performance goal. **There must be at least one (1) activity for each goal listed on page # 7.**

Activities must include and describe at least one community outreach, collaboration or engagement effort that will foster positive public interaction and feedback regarding the problem identified and for which grant funds are being sought.

Law enforcement community collaboration can include ideas such as:

- Hosting or attending forums on pressing traffic safety issues in your community or county to inform levels of enforcement, types of enforcement and locations of enforcement.
- Attending community events at different locations to positively interact with community members and disseminate appropriate traffic safety resource materials.

We will send an officer to Florida so that he can complete his DRE Field Certification. This will double the number of certified DRE's in our agency and, consequently, increase our capacity to conduct DRE evaluations.

Once certified, the officer will conduct 10 DRE evaluations in support of our agency and other area agencies.

4. PROJECT PERIOD EVALUATION

For each program activity identified in Section 3, please explain how you plan to evaluate the success of your project performance.

- a. How you will plan to evaluate or determine the impact your performance had on the problem/project/focus group/demographic group you identified and what changes have resulted from your project?
- b. How do you propose to measure the status of the problem after project activities are completed? Refer to your problem identification as needed.

*You will also include this information on your Final Narrative Summary Progress Report.

- We will determine if the officer does, in fact, complete his certification.
- We will measure the number of DRE evaluations conducted by PPD before and after the officer achieves certification.
- We will measure the number of outside requests for DRE services fulfilled by PPD.

5. JUSTIFICATION

On the following pages, please provide a budget description for how your agency will use grant funds. For each of the following budget categories, describe any anticipated grant related expenditures in the box below:

- a. **Personal Services.** Allowable salary costs associated with the administration of the grant in compliance with all Uniform Guidance (refer to 2 CFR 200.430 and 200.431)
- b. **Travel.** Anticipated allowable travel costs associated with the administration of the grant. List each item separately and be specific. Refer to the Contract Terms and Conditions “Out-of-State Travel”, for further information on out-of-state travel restrictions. Please contact your Highway Safety Coordinator for more information regarding allowable travel expenses. (State travel SAAM & 2 CFR 200.474)
- c. **Consultants. ALL CONSULTANT CONTRACTS MUST BE COMPETITIVELY BID.** Sole source procurements will be approved only when very specific circumstances exist. Consultant and any applicable contract costs must be identified separately and detailed in the budget description. Consultant costs in excess of \$250.00 per day will require justification and prior approval from the Bureau of Highway Safety.
- d. **Other.**

Please see budget breakdown on page 10.

BUDGET WORKSHEET

(Utilize this worksheet to calculate budget estimates for Budget Summary on page 3)

Description of Estimated Costs for Personal Services (be specific)	
Overtime Rate Craig Knight: \$48.975	
Maine State retirement 3C Plan 12.8%: \$6.27	
Medicare 1.45%: .710	
Total Hourly Rate (OT plus eligible fringe): 55.955	
x 4 hour details	
x 10 details	
Total OT plus fringe: \$2238.20	
Total Budget for Personal Services:	\$ 2,238.20 (do not enter \$ symbol, it will populate automatically)

Description of Estimated Travel Expenses (be specific)	
Airfare PWM to Jacksonville: \$600	
Hotel 4 @ \$107 = \$428	
Per Diem: \$265.50	
Total Travel: \$1295.50	
Total Budget for Travel Expenses:	\$ 1,295.50 (do not enter \$ symbol, it will populate automatically)

Equipment (with prior written authorization) *to be used ONLY for equipment purchases THAT EXCEED \$5,000.00*	
Item	Estimated Cost
1.	(do not enter \$ symbol, it will populate automatically)
2.	(do not enter \$ symbol, it will populate automatically)
Total Budget for Equipment Expenses	\$ 0.00 (do not enter \$ symbol, it will populate automatically)

Description of Estimated Consultant Fees (be specific)	
Total Budget for Consultant Fees:	(do not enter \$ symbol, it will populate automatically)

Other	
Use box on prior page for description of other anticipated grant related expenditures.	
Total Budget for Other Expenses:	(do not enter \$ symbol, it will populate automatically)

FEDERAL EXPENDITURE MATCH

Federal grants administered by the Bureau of Highway Safety are not intended to fully fund an entire project as outlined in this application. Grants are intended to fund 80% of the total project cost. The remaining 20% of the total project cost shall be borne by the subrecipient as a cash or in-kind contribution (match) as determined by the Bureau. In-kind matches are expenses borne by your agency during the grant period outlined in this application, in which those services contributed to activities associated with this grant. All in-kind match sources must comply with all federal regulations and must be supported with documentation to support the costs. In-kind match documentation shall be retained per federal regulation and be available for audit by the Bureau of Highway Safety.

To calculate your total project cost, divide your federal grant award by 0.80, see example below:
\$8,000.00 (**federal funds**) divided by .80 = \$10,000.00 (**total project cost**)

To calculate your agency's match requirement, you would then multiply your total project cost by 0.20 (20%):
\$10,000.00 multiplied by .20 = \$2,000.00 (**your match cost**)

The above **example** would be documented in your proposed grant budget on page 2 as follows:

Budget Summary (Use totals from Budget Worksheet and Match Worksheets)

	Federal	Match	Total
Personal Services	\$8,000.00		\$10,000.00
Travel			
Equipment (\$5,000 or more in value)			
Consultant			
Other		\$2,000.00	
Total	\$8,000.00	\$2,000.00	\$10,000.00

MATCH CALCULATION WORKSHEET

(Utilize this worksheet to calculate match estimates in column 2 of the Budget Summary on page 3)

Description of Estimated Match Costs for Personal Services (be specific)
Salary of Portland Police Department Principal Financial Officer who will
provide financial management of grant. 10 hours @ \$44.69/hr = \$446.91
Salary of Portland Police Department Planning and Research Coordinator who will
provide programmatic grant management. 8 hours @ 46.82 = \$374.56
Officers time at out of state training in FL.
Total Match Contribution for Personal Services: \$ 883.43 (do not enter \$ symbol, it will populate automatically)

Description of Estimated Match Travel Expenses (be specific)
Total Match Contribution for Travel Expenses: (do not enter \$ symbol, it will populate automatically)

Description of Estimated Consultant Fees (be specific)
Total Match Contribution for Consultant Fees: (do not enter \$ symbol, it will populate automatically)

Other (be specific)
Total Match Contribution for Other Expenses: (do not enter \$ symbol, it will populate automatically)

CONTRACT TERMS AND CONDITIONS

The following Contract Terms and Conditions pertain to any contract that is made as the result of a subrecipient grant given out by the Bureau of Highway Safety to any agency. The term “subrecipient agency” refers to any agency to which the Bureau of Highway Safety has provided a subrecipient grant. “Bureau” refers to the Bureau of Highway Safety.

1. Property and Equipment

- a) **Maintenance and Inventory:** The subrecipient agency shall maintain and inventory all property and equipment purchased under this contract and make that inventory available for periodic inspection by the Bureau.
- b) **Utilization:** The property and equipment purchased under this contract must be utilized by the subrecipient agency for the sole purpose of furthering the traffic safety efforts of the subrecipient agency for the entire useful life of the property or equipment.
- c) **Non-expendable Property:** Non-expendable property is defined as property or equipment having a value of \$5,000.00 or more with a life expectancy of more than one year. Non-expendable property purchased under this contract cannot be sold, traded, or disposed of in any manner without the expressed written permission of the Bureau. Equipment with a value greater than \$4,999.99 cannot be purchased without special permission in writing from the Bureau.

Prohibition on certain telecommunications and video surveillance services or equipment §200.216

(a) Recipients and subrecipients are prohibited from obligating or expending loan or grant funds to:

(1) Procure or obtain;

(2) Extend or renew a contract to procure or obtain; or

(3) Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

(i) For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).

(ii) Telecommunications or video surveillance services provided by such entities or using such equipment.

(iii) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

(b) In implementing the prohibition under Public Law 115-232, section 889, subsection (f), paragraph (1), heads of executive agencies administering loan, grant, or subsidy programs shall prioritize available funding and technical support to assist affected businesses, institutions and organizations as is reasonably necessary for those affected entities to transition from covered communications equipment and services, to procure replacement equipment and services, and to ensure that communications service to users and customers is sustained.

(c) See Public Law 115-232, section 889 for additional information.

(d) See also §200.471.

Additional Equipment Management - §200.313

(d) *Management requirements.* Procedures for managing equipment (including replacement equipment), whether acquired in whole or in part under a Federal award, until disposition takes place will, as a minimum, meet the following requirements:

(1) Property records must be maintained that include a description of the property, a serial number or other identification number, the source of funding for the property (including the FAIN), who holds title, the acquisition date, and cost of the property, percentage of Federal participation in the project costs for the Federal award under which the property was acquired, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property.

(2) A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.

(3) A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft must be investigated.

(4) Adequate maintenance procedures must be developed to keep the property in good condition.

(5) If the non-Federal entity is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.

(e) *Disposition.* When original or replacement equipment acquired under a Federal award is no longer needed for the original project or program or for other activities currently or previously supported by a Federal awarding agency, except as otherwise provided in Federal statutes, regulations, or Federal awarding agency disposition instructions, the non-Federal entity must request disposition instructions from the Federal awarding agency if required by the terms and conditions of the Federal award. Disposition of the equipment will be made as follows, in accordance with Federal awarding agency disposition instructions:

(1) Items of equipment with a current per unit fair market value of \$5,000.00 or less may be retained, sold or otherwise disposed of with no further responsibility to the Federal awarding agency.

(2) Except as provided in §200.312(b), or if the Federal awarding agency fails to provide requested disposition instructions within 120 days, items of equipment with a current per-unit fair market value in excess of \$5,000.00 may be retained by the non-Federal entity or sold. The Federal awarding agency is entitled to an amount calculated by multiplying the current market value or proceeds from sale by the Federal awarding agency's percentage of participation in the cost of the original purchase. If the equipment is sold, the Federal awarding agency may permit the non-Federal entity to deduct and retain from the Federal share \$500.00 or ten percent of the proceeds, whichever is less, for its selling and handling expenses.

(3) The non-Federal entity may transfer title to the property to the Federal Government or to an eligible third party provided that, in such cases, the non-Federal entity must be entitled to compensation for its attributable percentage of the current fair market value of the property.

(4) In cases where a non-Federal entity fails to take appropriate disposition actions, the Federal awarding agency may direct the non-Federal entity to take disposition actions.

Domestic preferences for procurements - §200.322

(a) As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award.

(b) For purposes of this section:

(1) “Produced in the United States” means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

(2) “Manufactured products” means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

2. Public Information Campaigns, Promotional Materials, Reports: All public information media, promotional campaigns, public information and educational materials, reports, papers, publications, or other items developed using grant funds must be reviewed and approved by the Bureau **BEFORE** final production and release. This includes, but not limited to brochures, posters, pamphlets, or other media messages. If items are not pre-approved, the Bureau may not reimburse those costs. All promotional items and educational materials produced or purchased using funds from this contract must also be preapproved by the Bureau in the original grant application. Any such items approved must contain this statement: "Funded by a grant from the

Maine Bureau of Highway Safety”.

All video materials intended for general public viewing must be close-captioned.

3. Reimbursement

- a) **General:** Reimbursements, based upon actual and allowable expenditures, may be made upon receipt of an itemized reimbursement request, using Bureau forms, from the subrecipient. The itemized reimbursement request shall be supported by documentation of all actual and allowable expenditures as prescribed by the Bureau. Each reimbursement request will accompany a progress report and will be submitted based on the schedule prescribed by the Bureau.
- b) **Approval:** The Bureau shall approve the itemized reimbursement request prior to reimbursement.
- c) **Back to Back Details:** (FOR LAW ENFORCEMENT subrecipients only) The Bureau will NOT reimburse any officer conducting back-to-back details. Details must have a minimum of 1-hour break in between scheduled details.
- d) **Unapproved Costs:** All rejected or unaccepted costs shall be borne by the subrecipient agency. The subrecipient agrees that in the event the Bureau determines that, due to Federal or State regulations, grant funds must be refunded, the subrecipient agency will reimburse the Bureau a sum of money equal to the amount of Federal and State participation in the rejected costs. Vehicle use and fuel are not reimbursable expenses and may not be added into the overtime rate of an officer.
- e) **Final Reimbursement Claims:** Final reimbursement claims must be received by the Bureau of Highway Safety within 15 days following the close of the approved grant period unless otherwise stated in this application. Project expenditures not claimed by this date are subject to reimbursement denial.
- f) **Expending Funds Under This Grant:** Under no circumstances will reimbursement be made for costs incurred prior to the contract effective date or after the contract end date.
- g) **Reimbursement for Drug Recognition Expert Training** (For Law Enforcement subrecipients only): Reimbursement for DRE travel, meals, transportation, lodging, etc. is dependent on the successful completion of DRE Course.
- h) **Reimbursement for Forensic Phlebotomy Training** (For Law Enforcement subrecipients only): Reimbursement for the Forensic Phlebotomy training course is dependent on successful completion of the course.

4. Project Costs and Match: It is understood and agreed that the work conducted pursuant to this contract shall be done on an actual overtime cost basis by the subrecipient agency. The amount of reimbursement from the Bureau shall not exceed the estimated funds budgeted in the approved contract. The subrecipient agency shall initiate and pursue to completion all actions necessary to enable the subrecipient agency to provide its share of the project costs at or prior to the conclusion of the project.

5. Program Income: Program income must be approved by the Bureau in advance. Any

income earned during the contract period shall be retained by the subrecipient agency and added to the funds committed to the project by the Bureau and be used to further eligible program objectives. Program income must be accounted for separately for the records made available for audit purposes. Any projects with related program income **must** be pre-approved as such by the Bureau. *Program income* means gross income earned by the non-Federal entity that is directly generated by a supported activity or earned as a result of the Federal award during the period of performance except as provided in §200.307 paragraph (f). (See §200.77 Period of performance.) Program income includes but is not limited to income from fees for services performed, the use or rental of real or personal property acquired under Federal awards, the sale of commodities or items fabricated under a Federal award, license fees and royalties on patents and copyrights, and principal and interest on loans made with Federal award funds. Interest earned on advances of Federal funds is not program income. Except as otherwise provided in Federal statutes, regulations, or the terms and conditions of the Federal award, program income does not include rebates, credits, discounts, and interest earned on any of them. See also §200.407 Prior written approval (prior approval). See also 35 U.S.C. 200-212 “Disposition of Rights in Educational Awards” applies to inventions made under Federal awards.

6. Project Directors: The Project Director, as specified on the signature page of the Application for Highway Safety Funds, must be an employee of the subrecipient agency or the subrecipient agency’s governing body. Any exception to this provision must have the expressed written approval of the Bureau.

7. Required Reporting:

- a) **Reimbursement Request:** The Bureau must receive a completed reimbursement request with a signature from the “Legal Authority” noted on the application.
- b) **Financial Report:** Complete and provide the Bureau with an original signature from the Finance Director noted on the grant.
- c) **Law Enforcement Crash Reduction Overtime Patrol (CROP) Reports:** These reports are to be signed by the officer conducting the CROP and must be accurately reflected in the Financial Summary Report. Citation numbers from all citations must be listed on the CROP Report. Copies of these citations must be provided at request of the Bureaus and must be available for review during any on-site visit. **CROP Reports dates, times, and locations must match the subrecipient’s problem identification. Overtime enforcement patrols cannot be scheduled for longer than 4 hours, excepts: Impaired driving enforcement overtime patrols may be scheduled up to 6 hours.**
- d) **Progress Reports:** Unless otherwise directed, the subrecipient agency must submit Progress Reports at the time of reimbursement request to the Bureau, on forms provided by the Bureau, which reflect the status of project implementation and attainment of stated goals. **A narrative for each progress report must be completed.**
- e) **Final Progress Report:** A Final Progress Report, summarizing and evaluating the entire grant project period, must be submitted to the Bureau with the final reimbursement request. Unless otherwise noted, the forms provided by the Bureau, must be utilized for the Final Progress Report. If the subrecipient agency fails to submit a Final Progress Report or submits an incomplete Final Progress Report, the subrecipient agency will be subject to having reimbursement requests withheld. Once a Final Progress Report that substantiates adequate progress is received, reimbursement requests may be processed.

8. Travel and Transportation Costs - §200.474

The Bureau will follow the State Administrative and Accounting Manual for approving travel for individuals in an Agency as part of an approved subrecipient grant award. The State travel policy can be found within www.maine.gov. The Bureau will also follow the Uniform Guidance §200.474 for travel and transportation costs:

- a) *General.* Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the non-Federal entity. Such costs may be charged on an actual cost basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip and not to selected days of the trip, and results in charges consistent with those normally allowed in like circumstances in the non-Federal entity's, non-federally-funded activities, and in accordance with non-Federal entity's written travel reimbursement policies. Notwithstanding the provisions of §200.444, General costs of government, travel costs of officials covered by that section are allowable with the prior written approval of the Federal awarding agency or pass-through entity when they are specifically related to the Federal award.
- b) *Lodging and subsistence.* Costs incurred by employees and officers for travel, including costs of lodging, other subsistence, and incidental expenses, must be considered reasonable and otherwise allowable only to the extent such costs do not exceed charges normally allowed by the non-Federal entity in its regular operations as the result of the non-Federal entity's written travel policy. In addition, if these costs are charged directly to the Federal award, supporting documentation must justify that:
 - i. Participation of the individual is necessary to the Federal award; and
 - ii. The costs are reasonable and consistent with non-Federal entity's established travel policy.
- c) *Temporary dependent care costs* (as dependent is defined in 26 U.S.C. 152) above and beyond regular dependent care that directly results from travel to conferences is allowable provided that:
 - i. The costs are a direct result of the individual's travel for the Federal award;
 - ii. The costs are consistent with the non-Federal entity's documented travel policy for all entity travel; and
 - iii. Are only temporary during the travel period.
 - iv. Travel costs for dependents are unallowable, except for travel of duration of six months or more with prior approval of the Federal awarding agency. See also § 200.432 Conferences.
- d) In the absence of an acceptable, written non-Federal entity policy regarding travel costs, the rates and amounts established under 5 U.S.C. 5701-11, ("Travel and Subsistence Expenses; Mileage Allowances"), or by the Administrator of General Services, or by the President (or his or her designee) pursuant to any provisions of such subchapter must apply to travel under Federal awards (48 CFR 31.205-46(a)).

e) *Commercial air travel.*

- i. Airfare costs in excess of the basic least expensive unrestricted accommodations class offered by commercial airlines are unallowable except when such accommodations would:
 - a. Require circuitous routing;
 - b. Require travel during unreasonable hours;
 - c. Excessively prolong travel;
 - d. Result in additional costs that would offset the transportation savings; or
 - e. Offer accommodations not reasonably adequate for the traveler's medical needs. The non-Federal entity must justify and document these conditions on a case-by-case basis in order for the use of first-class or business-class airfare to be allowable in such cases.
 - f. Unless a pattern of avoidance is detected, the Federal Government will generally not question a non-Federal entity's determinations that customary standard airfare or other discount airfare is unavailable for specific trips if the non-Federal entity can demonstrate that such airfare was not available in the specific case.
- f) *Air travel by other than commercial carrier.* Costs of travel by non-Federal entity-owned, leased, or chartered aircraft include the cost of lease, charter, operation (including personnel costs), maintenance, depreciation, insurance, and other related costs. The portion of such costs that exceeds the cost of airfare as provided for in paragraph (d) of this section, is unallowable.

9. Indirect Cost Rate - §200.332 (a) (4)

(4)(i) An approved federally recognized indirect cost rate negotiated between the subrecipient and the Federal Government. If no approved rate exists, the pass-through entity must determine the appropriate rate in collaboration with the subrecipient, which is either:

(A) The negotiated indirect cost rate between the pass-through entity and the subrecipient; which can be based on a prior negotiated rate between a different PTE and the same subrecipient. If basing the rate on a previously negotiated rate, the pass-through entity is not required to collect information justifying this rate, but may elect to do so;

(B) The de minimis indirect cost rate.

(ii) The pass-through entity must not require use of a de minimis indirect cost rate if the subrecipient has a Federally approved rate. Subrecipients can elect to use the cost allocation method to account for indirect costs in accordance with §200.405(d).

§200.414 (f)

(f) In addition to the procedures outlined in the appendices in paragraph (e) of this section, any non-Federal entity that does not have a current negotiated (including provisional) rate, except for those non-Federal entities described in appendix VII to this part, paragraph D.1.b, may elect to charge a de minimis rate of 10% of modified total direct costs (MTDC) which may be used indefinitely. No documentation is required to justify the 10% de minimis indirect cost rate. As described in §200.403, costs must be consistently charged as either indirect or direct costs, but may not be double charged or inconsistently charged as both. If chosen, this methodology once elected must be used consistently for all Federal awards until such time as a non-Federal entity chooses to negotiate for a rate, which the non-Federal entity may apply to do at any time.

10. Performance:

NOTE FOR LAW ENFORCEMENT SUB-RECIPIENTS ONLY: The Bureau will not reimburse an agency for any traffic enforcement details with zero contacts and/or when an officer conducts activities unrelated to the grant.

All grants provided by the Bureau are performance-based and, as such, require that continual progress be made toward the reduction of the number and severity of traffic crashes. Any subrecipient agency, whose performance is deemed unsatisfactory by the Bureau, shall be subject to the sanctions as provided for in this contract. Additionally, unsatisfactory performance shall be cause for the Bureau to reduce or deny future funding.

During the performance of this contract/funding agreement, the contractor/funding recipient agrees:

- a) To comply with all Federal nondiscrimination laws and regulations, as may be amended from time to time;
- b) Not to participate directly or indirectly in the discrimination prohibited by any Federal non-discrimination law or regulation, as set forth in appendix B of 49 CFR part 21 and herein;
- c) To permit access to its books, recodes, accounts, other sources of information, and its facilities as required by the State highway safety office, US DOT or NHTSA;
- d) That, in event a contractor/funding recipient fails to comply with any nondiscrimination provisions in this contract/funding agreement, the State highway safety agency will have the right to impose such contract/agreement sanctions as it or NHTSA determine are appropriate, including but not limited to withholding payments to the contractor/funding recipient under the contract/agreement until the contract/funding recipient complies; and/or cancelling, terminating, or suspending a contract or funding agreement, in whole or in part; and
- e) To insert this clause, including paragraphs a through e, in every subcontract and sub-agreement and in every solicitation for a subcontract or sub-agreement receiving Federal funds under this program.

11. Records Access and Retention: The subrecipient agency shall provide all information and reports required by the regulations or directives issued pursuant thereto, and shall permit access

to its books, records, accounts, other sources of information, and its facilities as may be determined by the Bureau, the State, or NHTSA, as appropriate, to be pertinent to ascertain compliance with such regulations, orders and instructions. Furthermore, the Subrecipient agency shall maintain such materials during the contract period, and for three (3) years from the date of final payment from the Bureau, for such inspection and audit. Where any information required of the Subrecipient agency is in the exclusive possession of another who fails or refuses to furnish this information, The Subrecipient agency shall so certify to the Bureau, State, or NHTSA, as appropriate, and shall set forth what efforts it has made to obtain the information.

12. Sanctions for Non-Compliance: The applicant subrecipient agency agrees that if it fails or refuses to comply with any provisions and assurance in this contract, the Bureau may take any or all of the following actions:

- a. Cancel, terminate, or suspend this contract in whole or in part;
- b. Withhold reimbursement to the Subrecipient agency until satisfactory compliance has been attained by the Subrecipient agency;
- c. Refrain from extending any further funding to the Subrecipient agency under this contract with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the Subrecipient agency;
- d. Refer the case to the United States Department of Justice for appropriate legal proceedings.

13. Cancellation, Termination, or Suspension of Contract

- a. **By the Bureau:** For noncompliance with any of the said rules, regulations, orders or conditions, this contract may be canceled, terminated, or suspended in whole or in part by the Bureau; by giving the Subrecipient agency thirty (30) days advanced written notice. The Bureau, before issuing notice of cancellation, termination, or suspension of this contract, may allow the Subrecipient agency a reasonable opportunity to correct for noncompliance.
- b. **By the Subrecipient agency:** The subrecipient agency may terminate this contract by providing thirty (30) days advanced written notice to the Bureau.

Termination - §200.340

(a) The Federal award may be terminated in whole or in part as follows:

(1) By the Federal awarding agency or pass-through entity, if a non-Federal entity fails to comply with the terms and conditions of a Federal award;

(2) By the Federal awarding agency or pass-through entity, to the greatest extent authorized by law, if an award no longer effectuates the program goals or agency priorities;

(3) By the Federal awarding agency or pass-through entity with the consent of the non-Federal entity, in which case the two parties must agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated;

(4) By the non-Federal entity upon sending to the Federal awarding agency or pass-through

entity written notification setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if the Federal awarding agency or pass-through entity determines in the case of partial termination that the reduced or modified portion of the Federal award or subaward will not accomplish the purposes for which the Federal award was made, the Federal awarding agency or pass-through entity may terminate the Federal award in its entirety; or

(5) By the Federal awarding agency or pass-through entity pursuant to termination provisions included in the Federal award.

(b) A Federal awarding agency should clearly and unambiguously specify termination provisions applicable to each Federal award, in applicable regulations or in the award, consistent with this section.

(c) When a Federal awarding agency terminates a Federal award prior to the end of the period of performance due to the non-Federal entity's material failure to comply with the Federal award terms and conditions, the Federal awarding agency must report the termination to the OMB-designated integrity and performance system accessible through SAM (currently FAPIIS).

(1) The information required under paragraph (c) of this section is not to be reported to designated integrity and performance system until the non-Federal entity either—

(i) Has exhausted its opportunities to object or challenge the decision, see §200.342; or

(ii) Has not, within 30 calendar days after being notified of the termination, informed the Federal awarding agency that it intends to appeal the Federal awarding agency's decision to terminate.

(2) If a Federal awarding agency, after entering information into the designated integrity and performance system about a termination, subsequently:

(i) Learns that any of that information is erroneous, the Federal awarding agency must correct the information in the system within three business days;

(ii) Obtains an update to that information that could be helpful to other Federal awarding agencies, the Federal awarding agency is strongly encouraged to amend the information in the system to incorporate the update in a timely way.

(3) Federal awarding agencies must not post any information that will be made publicly available in the non-public segment of designated integrity and performance system that is covered by a disclosure exemption under the Freedom of Information Act. If the non-Federal entity asserts within seven calendar days to the Federal awarding agency who posted the information, that some of the information made publicly available is covered by a disclosure exemption under the Freedom of Information Act, the Federal awarding agency who posted the information must remove the posting within seven calendar days of receiving the assertion. Prior to reposting the releasable information, the Federal agency must resolve the issue in accordance with the agency's Freedom of Information Act procedures.

(d) When a Federal award is terminated or partially terminated, both the Federal awarding agency or pass-through entity and the non-Federal entity remain responsible for compliance with the requirements in §§200.344 and 200.345.

14. Completion Date: Unless otherwise authorized in writing by the Bureau, the Subrecipient agency shall commence, carry on, and complete the project as described in the approved Highway Safety Grant Award or Contract by September 30th of the Federal fiscal year for which the project was approved. **The subrecipient agency cannot incur costs after September 30th of the Federal fiscal year for which the project was approved, By federal statute, the Bureau cannot and will not reimburse the Subrecipient agency for costs incurred on or after October 1, of the following Federal fiscal year.**

15. Audit: All non-Federal entities that expend \$750,000.00 or more of federal awards during the non-federal entity's fiscal year are required to obtain an annual audit in accordance with 2 CFR Part 200.514 Scope of Audit except when it elects to have a program specific audit conducted in accordance with 200.507. Entities expending less than \$750,000 in a year are exempt from Federal audit requirements except as noted in 200.503, but must make records available for review or audit by Federal agencies or pass-through entities (non-Federal entities from whom they receive Federal funds), if requested. Grantees are required to **notify the Bureau** when an audit occurs and results in a finding of Federal funds awarded by the Bureau.

16. Civil Rights Discrimination: Grantees must adopt a policy and train staff indicating the subrecipient's commitment to assure nondiscrimination in its delivery of services or employment practices to the effect that no person shall on the grounds of race, color, national origin, sex, age, disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any federally or non-federally funded program or activity administered by the subrecipient and/or its contractors.

Grantees must inform clients, potential clients, employees and applicants on how to file complaints with both DPS and the subrecipient itself. Posting signs in their facilities or website stating that individuals who feel they have been discriminated against by the grantee may file a complaint with DPS is a good way to get this information out to the public. Also, grantees can provide a link on their website to the BHS website.

Please visit the Department of Public Safety website at www.maine.gov/dps to review the Department of Public Safety civil rights discrimination policies.

Appendix A to Part 1300—Certifications and Assurances for Highway Safety Grants

[Each fiscal year, the Governor's Representative for Highway Safety must sign these Certifications and Assurances affirming that the State complies with all requirements, including applicable Federal statutes and regulations, that are in effect during the grant period. Requirements that also apply to subrecipients are noted under the applicable caption.]

State: Maine

Fiscal Year: 2024

By submitting an application for Federal grant funds under 23 U.S.C. Chapter 4 or Section 1906, Public Law 109-59, as amended by Section 25024, Public Law 117-58, the State Highway Safety Office acknowledges and agrees to the following conditions and requirements. In my capacity as the Governor's Representative for Highway Safety, I hereby provide the following Certifications and Assurances:

GENERAL REQUIREMENTS

The State will comply with applicable statutes and regulations, including but not limited to:

- 23 U.S.C. Chapter 4—Highway Safety Act of 1966, as amended;
- Sec. 1906, [Public Law 109-59](#), as amended by Sec. 25024, [Public Law 117-58](#);
- [23 CFR part 1300](#)—Uniform Procedures for State Highway Safety Grant Programs;
- [2 CFR part 200](#)—Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards;
- [2 CFR part 1201](#)—Department of Transportation, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

INTERGOVERNMENTAL REVIEW OF FEDERAL PROGRAMS

The State has submitted appropriate documentation for review to the single point of contact designated by the Governor to review Federal programs, as required by Executive Order 12372 (Intergovernmental Review of Federal Programs).

FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA)

The State will comply with FFATA guidance, *OMB Guidance on FFATA Subaward and Executive Compensation Reporting*, August 27, 2010, (https://www.fsrs.gov/documents/OMB_Guidance_on_FFATA_Subaward_and_Executive_Compensation_Reporting_08272010.pdf) by reporting to FSRS.gov for each sub-grant awarded:

- Name of the entity receiving the award;
- Amount of the award;

- Information on the award including transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source;
- Location of the entity receiving the award and the primary location of performance under the award, including the city, State, congressional district, and country; and an award title descriptive of the purpose of each funding action;
 - Unique entity identifier (generated by **SAM.gov**);
- The names and total compensation of the five most highly compensated officers of the entity if:
 - (i) the entity in the preceding fiscal year received—
 - (I) 80 percent or more of its annual gross revenues in Federal awards;
 - (II) \$25,000,000 or more in annual gross revenues from Federal awards; and
 - (ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 ([15 U.S.C. 78m\(a\)](#), [78o\(d\)](#)) or section 6104 of the Internal Revenue Code of 1986;
- Other relevant information specified by OMB guidance.

NONDISCRIMINATION

(applies to subrecipients as well as States)

The State highway safety agency [and its subrecipients] will comply with all Federal statutes and implementing regulations relating to nondiscrimination (“Federal Nondiscrimination Authorities”). These include but are not limited to:

- *Title VI of the Civil Rights Act of 1964* ([42 U.S.C. 2000d et seq.](#), 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- [49 CFR part 21](#) (entitled *Non-discrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964*);
- [28 CFR 50.3](#) (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);
- *The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, ([42 U.S.C. 4601](#)), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- *Federal-Aid Highway Act of 1973*, ([23 U.S.C. 324 et seq.](#)), and *Title IX of the Education Amendments of 1972*, as amended ([20 U.S.C. 1681-1683](#) and [1685-1686](#)) (prohibit discrimination on the basis of sex);
- *Section 504 of the Rehabilitation Act of 1973*, ([29 U.S.C. 794 et seq.](#)), as amended, (prohibits discrimination on the basis of disability) and [49 CFR part 27](#);
- *The Age Discrimination Act of 1975*, as amended, ([42 U.S.C. 6101 et seq.](#)), (prohibits discrimination on the basis of age);
- *The Civil Rights Restoration Act of 1987*, (Pub. L. 100-209), (broadens scope, coverage, and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the

Federal aid recipients, subrecipients and contractors, whether such programs or activities are Federally-funded or not);

- *Titles II and III of the Americans with Disabilities Act* ([42 U.S.C. 12131-12189](#)) (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing) and [49 CFR parts 37 and 38](#);
- [Executive Order 12898](#), *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (preventing discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations);
- [Executive Order 13166](#), *Improving Access to Services for Persons with Limited English Proficiency* (requiring that recipients of Federal financial assistance provide meaningful access for applicants and beneficiaries who have limited English proficiency (LEP));
- [Executive Order 13985](#), *Advancing Racial Equity and Support for Underserved Communities through the Federal Government* (advancing equity across the Federal Government); and
- [Executive Order 13988](#), *Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation* (clarifying that sex discrimination includes discrimination on the grounds of gender identity or sexual orientation).

The preceding statutory and regulatory cites hereinafter are referred to as the “Acts” and “Regulations,” respectively.

GENERAL ASSURANCES

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from DOT, including NHTSA.”

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI of the Civil Rights Act of 1964 and other non-discrimination requirements (the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

SPECIFIC ASSURANCES

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted Highway Safety Grant Program:

1. The Recipient agrees that each “activity,” “facility,” or “program,” as defined in § 21.23(b) and (c) of [49 CFR part 21](#) will be (with regard to an “activity”) facilitated, or will be (with regard to a “facility”) operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Highway Safety Grant Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:
“The [name of Recipient], in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”
3. The Recipient will insert the clauses of appendix A and E of this Assurance (also referred to as DOT Order 1050.2A) in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of appendix B of DOT Order 1050.2A, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form of, or for the acquisition of, real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in appendix C and appendix D of this DOT Order 1050.2A, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or

structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

- a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the State highway safety agency also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing NHTSA's access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by NHTSA. You must keep records, reports, and submit the material for review upon request to NHTSA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The State highway safety agency gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Highway Safety Grant Program. This ASSURANCE is binding on the State highway safety agency, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Highway Safety Grant Program. The person(s) signing below is/are authorized to sign this ASSURANCE on behalf of the Recipient.

THE DRUG-FREE WORKPLACE ACT OF 1988 (41 U.S.C. 8103)

The State will provide a drug-free workplace by:

- a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace, and specifying the actions that will be taken against employees for violation of such prohibition;
- b. Establishing a drug-free awareness program to inform employees about:
 1. The dangers of drug abuse in the workplace;
 2. The grantee's policy of maintaining a drug-free workplace;

3. Any available drug counseling, rehabilitation, and employee assistance programs;
4. The penalties that may be imposed upon employees for drug violations occurring in the workplace;
5. Making it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- c. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—
 1. Abide by the terms of the statement;
 2. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
- d. Notifying the agency within ten days after receiving notice under subparagraph (c)(2) from an employee or otherwise receiving actual notice of such conviction;
- e. Taking one of the following actions, within 30 days of receiving notice under subparagraph (c)(2), with respect to any employee who is so convicted—
 1. Taking appropriate personnel action against such an employee, up to and including termination;
 2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- f. Making a good faith effort to continue to maintain a drug-free workplace through implementation of all of the paragraphs above.

POLITICAL ACTIVITY (HATCH ACT)
(applies to subrecipients as well as States)

The State will comply with provisions of the Hatch Act ([5 U.S.C. 1501-1508](#)), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

CERTIFICATION REGARDING FEDERAL LOBBYING
(applies to subrecipients as well as States)

CERTIFICATION FOR CONTRACTS, GRANTS, LOANS, AND COOPERATIVE AGREEMENTS

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting 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 the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting 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 this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

RESTRICTION ON STATE LOBBYING **(applies to subrecipients as well as States)**

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (*e.g.*, "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION **(applies to subrecipients as well as States)**

INSTRUCTIONS FOR PRIMARY TIER PARTICIPANT CERTIFICATION (STATES)

1. By signing and submitting this proposal, the prospective primary tier participant is providing the certification set out below and agrees to comply with the requirements of [2 CFR parts 180 and 1200](#).
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective primary tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary tier participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary tier participant knowingly rendered an

erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.

4. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms **covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded**, as used in this clause, are defined in [2 CFR parts 180](#) and [1200](#). You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under [48 CFR part 9, subpart 9.4](#), debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled “Instructions for Lower Tier Participant Certification” including the “Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction,” provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with [2 CFR parts 180](#) and [1200](#).
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under [48 CFR part 9, subpart 9.4](#), debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under [48 CFR part 9, subpart 9.4](#), suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate the transaction for cause or default.

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS—PRIMARY TIER COVERED TRANSACTIONS

1. The prospective primary tier participant certifies to the best of its knowledge and belief, that it and its principals:
 - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;
 - b. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - d. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.
2. Where the prospective primary tier participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

INSTRUCTIONS FOR LOWER TIER PARTICIPANT CERTIFICATION

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of [2 CFR parts 180 and 1200](#).
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms **covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded**, as used in this clause, are defined in [2 CFR parts 180 and 1200](#). You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under [48 CFR part 9, subpart 9.4](#), debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled “Instructions for Lower Tier Participant Certification” including the “Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction,” without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with [2 CFR parts 180 and 1200](#).
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under [48 CFR part 9, subpart 9.4](#), debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov>).
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under [48 CFR part 9, subpart 9.4](#), suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION—LOWER TIER COVERED TRANSACTIONS

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

BUY AMERICA

(applies to subrecipients as well as States)

The State and each subrecipient will comply with the Buy America requirement ([23 U.S.C. 313](#)) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.

CERTIFICATION ON CONFLICT OF INTEREST

(applies to subrecipients as well as States)

GENERAL REQUIREMENTS

No employee, officer, or agent of a State or its subrecipient who is authorized in an official capacity to negotiate, make, accept, or approve, or to take part in negotiating, making, accepting, or approving any subaward, including contracts or subcontracts, in connection with this grant shall have, directly or indirectly, any financial or personal interest in any such subaward. Such a financial or personal interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or personal interest in or a tangible personal benefit from an entity considered for a subaward. Based on this policy:

1. The recipient shall maintain a written code or standards of conduct that provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents.
 - a. The code or standards shall provide that the recipient's officers, employees, or agents may neither solicit nor accept gratuities, favors, or anything of monetary value from present or potential subawardees, including contractors or parties to subcontracts.
 - b. The code or standards shall establish penalties, sanctions, or other disciplinary actions for violations, as permitted by State or local law or regulations.
2. The recipient shall maintain responsibility to enforce the requirements of the written code or standards of conduct.

DISCLOSURE REQUIREMENTS

No State or its subrecipient, including its officers, employees, or agents, shall perform or continue to perform under a grant or cooperative agreement, whose objectivity may be impaired because of any related past, present, or currently planned interest, financial or otherwise, in

organizations regulated by NHTSA or in organizations whose interests may be substantially affected by NHTSA activities. Based on this policy:

1. The recipient shall disclose any conflict of interest identified as soon as reasonably possible, making an immediate and full disclosure in writing to NHTSA. The disclosure shall include a description of the action which the recipient has taken or proposes to take to avoid or mitigate such conflict.
2. NHTSA will review the disclosure and may require additional relevant information from the recipient. If a conflict of interest is found to exist, NHTSA may (a) terminate the award, or (b) determine that it is otherwise in the best interest of NHTSA to continue the award and include appropriate provisions to mitigate or avoid such conflict.
3. Conflicts of interest that require disclosure include all past, present, or currently planned organizational, financial, contractual, or other interest(s) with an organization regulated by NHTSA or with an organization whose interests may be substantially affected by NHTSA activities, and which are related to this award. The interest(s) that require disclosure include those of any recipient, affiliate, proposed consultant, proposed subcontractor, and key personnel of any of the above. Past interest shall be limited to within one year of the date of award. Key personnel shall include any person owning more than a 20 percent interest in a recipient, and the officers, employees or agents of a recipient who are responsible for making a decision or taking an action under an award where the decision or action can have an economic or other impact on the interests of a regulated or affected organization.

PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE **(applies to subrecipients as well as States)**

The State and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

POLICY ON SEAT BELT USE

In accordance with [Executive Order 13043](#), Increasing Seat Belt Use in the United States, dated April 16, 1997, the Grantee is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information and resources on traffic safety programs and policies for employers, please contact the Network of Employers for Traffic Safety (NETS), a public-private partnership dedicated to improving the traffic safety practices of employers and employees. You can download information on seat belt programs, costs of motor vehicle crashes to employers, and other traffic safety initiatives at www.trafficsafety.org. The NHTSA website (www.nhtsa.gov) also provides information on statistics, campaigns, and program evaluations and references.

POLICY ON BANNING TEXT MESSAGING WHILE DRIVING

In accordance with [Executive Order 13513](#), Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, States are encouraged to adopt and enforce workplace safety policies to decrease crashes caused by distracted driving, including policies to ban text messaging while driving company-owned or rented vehicles, Government-owned, leased or rented vehicles, or privately-owned vehicles when on official Government business or when performing any work on or behalf of the Government. States are also encouraged to conduct workplace safety initiatives in a manner commensurate with the size of the business, such as establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving, and education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

SECTION 402 REQUIREMENTS

1. To the best of my personal knowledge, the information submitted in the annual grant application in support of the State's application for a grant under [23 U.S.C. 402](#) is accurate and complete.
2. The Governor is the responsible official for the administration of the State highway safety program, by appointing a Governor's Representative for Highway Safety who shall be responsible for a State highway safety agency that has adequate powers and is suitably equipped and organized (as evidenced by appropriate oversight procedures governing such areas as procurement, financial administration, and the use, management, and disposition of equipment) to carry out the program. ([23 U.S.C. 402\(b\)\(1\)\(A\)](#))
3. At least 40 percent of all Federal funds apportioned to this State under [23 U.S.C. 402](#) for this fiscal year will be expended by or on behalf of political subdivisions of the State in carrying out local highway safety programs ([23 U.S.C. 402\(b\)\(1\)\(C\)](#)) or 95 percent by and on behalf of Indian tribes ([23 U.S.C. 402\(h\)\(2\)](#)), unless this requirement is waived in writing. (This provision is not applicable to the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.)
4. The State's highway safety program provides adequate and reasonable access for the safe and convenient movement of physically handicapped persons, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks. ([23 U.S.C. 402\(b\)\(1\)\(D\)](#))
5. As part of a comprehensive program, the State will support a data-based traffic safety enforcement program that fosters effective community collaboration to increase public safety, and data collection and analysis to ensure transparency, identify disparities in traffic enforcement, and inform traffic enforcement policies, procedures, and activities. ([23 U.S.C. 402\(b\)\(1\)\(E\)](#))
6. The State will implement activities in support of national highway safety goals to reduce motor vehicle related fatalities that also reflect the primary data-related crash factors within the State, as identified by the State highway safety planning process, including:

- Participation in the National high-visibility law enforcement mobilizations as identified annually in the NHTSA Communications Calendar, including not less than 3 mobilization campaigns in each fiscal year to—
 - Reduce alcohol-impaired or drug-impaired operation of motor vehicles; and
 - Increase use of seat belts by occupants of motor vehicles;
 - Sustained enforcement of statutes addressing impaired driving, occupant protection, and driving in excess of posted speed limits;
 - An annual statewide seat belt use survey in accordance with 23 CFR part 1340 for the measurement of State seat belt use rates, except for the Secretary of Interior on behalf of Indian tribes;
 - Development of statewide data systems to provide timely and effective data analysis to support allocation of highway safety resources;
 - Coordination of triennial Highway Safety Plan, data collection, and information systems with the State strategic highway safety plan, as defined in 23 U.S.C. 148(a); and
 - Participation in the Fatality Analysis Reporting System (FARS), except for American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, or the United States Virgin Islands
7. The State will actively encourage all relevant law enforcement agencies in the State to follow the guidelines established for vehicular pursuits issued by the International Association of Chiefs of Police that are currently in effect. (23 U.S.C. 402(j))
 8. The State will not expend Section 402 funds to carry out a program to purchase, operate, or maintain an automated traffic enforcement system, except in a work zone or school zone. (23 U.S.C. 402(c)(4))

I understand that my statements in support of the State's application for Federal grant funds are statements upon which the Federal Government will rely in determining qualification for grant funds, and that knowing misstatements may be subject to civil or criminal penalties under [18 U.S.C. 1001](#). I sign these Certifications and Assurances based on personal knowledge, and after appropriate inquiry.

ADA Highlights – Title II State and Local Government Services

I. Who is covered by Title II of the ADA

- The title II regulation covers “public entities.”
- “Public entities” include any State or local government and any of its departments, agencies, or other instrumentalities.
- All activities, services, and programs of public entities are covered, including activities of State legislatures and courts, town meetings, police and fire departments, motor vehicle licensing, and employment.

Unlike section 504 of the Rehabilitation Act of 1973, which only covers programs receiving Federal financial assistance, title II extends to all activities of State and local governments whether or not they receive Federal funds.

- Private entities that operate public accommodations, such as hotels, restaurants, theaters, retail stores, dry cleaners, doctors’ offices, amusement parks, and bowling alleys, are not covered by title II but are covered by title III of the ADA and the Department’s regulation implementing title III.
- Public transportation services operated by State and local governments are covered by regulations of the Department of Transportation.

DOT’s regulations establish specific requirements for transportation vehicles and facilities, including a requirement that all new busses must be equipped to provide services to people who use wheelchairs.

II. Overview of Requirements

- State and local governments –

May not refuse to allow a person with a disability to participate in a service, program, or activity simply because the person has a disability.

For example, a city may not refuse to allow a person with epilepsy to use parks and recreational facilities.

Must provide programs and services in an integrated setting, unless separate or different measures are necessary to ensure equal opportunity.

Must eliminate unnecessary eligibility standards or rules that deny individuals with disabilities an equal opportunity to enjoy their services, programs or activities unless “necessary” for the provisions of the service, program or activity.

Requirements that tend to screen out individuals with disabilities, such as requiring a driver’s license as the only acceptable means of identification, are also prohibited.

Safety requirements that are necessary for the safe operation of the program in question, such as requirements for eligibility for drivers’ licenses, may be imposed if they are based on actual risks and not on mere speculation, stereotypes, or generalizations about individuals with disabilities.

Are required to make reasonable modifications in policies, practices, and procedures that deny equal access to individuals with disabilities, unless a fundamental alteration in the program would result.

For example, a city office building would be required to make an exception to a rule prohibiting animals in public areas in order to admit guide dogs and other service animals assisting individuals with disabilities.

Must furnish auxiliary aids and services when necessary to ensure effective communication, unless an undue burden or fundamental alteration would result.

May provide special benefits, beyond those required by the regulation, to individuals with disabilities.

May not place special charges on individuals with disabilities to cover the costs of measures necessary to ensure nondiscriminatory treatment, such as making modifications required to provide program accessibility or providing qualified interpreters.

Shall operate their programs so that, when viewed in their entirety, they are readily accessible to and usable by individuals with disabilities.

III. “Qualified Individuals with Disabilities”

- Title II of the Americans with Disabilities Act provides comprehensive civil rights protections for “qualified individuals with disabilities”.
- An “individual with a disability” is a person who –

Has a physical or mental impairment that substantially limits a “major life activity”, or

Has a record of such an impairment, or

Is regarded as having such an impairment.

- Examples of physical or mental impairments include, but are not limited to, such contagious and non-contagious diseases and conditions as orthopedic, visual, speech, and hearing impairments; cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism. Homosexuality and bisexuality are not physical or mental impairments under the ADA.
- “Major life activities” include functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
- Individuals who currently engage in the illegal use of drugs are not protected by the ADA when an action is taken on the basis of their current illegal use of drugs.
- “Qualified” individuals.

A “qualified” individual with a disability is one who meets the essential eligibility requirements for the program or activity offered by a public entity.

The “essential eligibility requirements” will depend on the type of service or activity involved. For some activities, such as where the public entity provides information to anyone who requests it, the “essential eligibility requirements” would be minimal.

IV. Program Access

- State and local governments –

Must ensure that individuals with disabilities are not excluded from services, program, and activities because buildings are inaccessible.

Need not remove physical barriers, such as stairs, in all existing buildings, as long as they make their programs accessible to individuals who are unable to use an inaccessible existing facility.

Can provide the services, programs, and activities offered in the facility to individuals with disabilities through alternative methods, if physical barriers are not removed, such as – Relocating a service to an accessible facility, e.g., moving a public information office from the third floor to the first floor of a building.

Providing an aide or personal assistant to enable an individual with a disability to obtain the service.

Providing benefits or services at an individual’s home, or at an alternative accessible site.

May not carry an individual with a disability as a method of providing program access, except in “manifestly exceptional” circumstances.

Are not required to take any action that would result in a fundamental alteration in the nature of the service, program, or activity or in undue financial and administrative burdens. However, public entities must take any other action, if available, that would not result in a fundamental alteration or undue burdens but would ensure that individuals with disabilities receive the benefits or services.

V. Integrated Programs

- Integration of individuals with disabilities into the mainstream of society is fundamental to the purposes of the Americans with Disabilities Act.
- Public entities may not provide services or benefits to individuals with disabilities through programs that are separate or different, unless the separate programs are necessary to ensure that the benefits and services are equally effective.
- Even when separate programs are permitted, an individual with a disability still has the right to choose to participate in the regular program.

For example, it would not be a violation for a city to offer recreational programs specially designed for children with mobility impairments, but it would be a violation if the city refused to allow children with disabilities to participate in its other recreational programs.

- State and local governments may not require an individual with a disability to accept a special accommodation or benefits if the individual chooses not to accept it.

VI. Communications

- State and local governments must ensure effective communication with individuals with disabilities.
- Where necessary to ensure that communications with individuals with hearing, vision, or speech impairments are as effective as communications with others, the public entity must provide appropriate auxiliary aids.
- “Auxiliary aids” include such services or devices as qualified interpreters, assistive listening headsets, television captioning and decoders, telecommunications devices for deaf persons (TDD’s), videotext displays, readers, taped texts, Brailled materials, and large print materials.

A public entity may not charge an individual with a disability for the use of an auxiliary aid.

- Telephone emergency services, including 911 services, must provide direct access to individuals with speech or hearing impairments.
- Public entities are not required to provide auxiliary aids that would result in a fundamental alteration in the nature of the service, program, or activity or in undue financial and administrative burdens. However, public entities must still furnish another auxiliary aid, if available, that does not result in a fundamental alteration or undue burden.

VII. New Construction and Alterations

- Public entities must ensure that newly constructed building and facilities are free of architectural and communication barriers that restrict access or use by individuals with disabilities.
- When a public entity undertakes alterations to an existing building, it must also ensure that the altered portions are accessible.
- The ADA does not require retrofitting of existing buildings to eliminate barriers, but does establish a high standard of accessibility for new buildings.

Public entities may choose between two technical standards for accessible design: The Uniform Federal Accessibility Standard (UFAS), established under the Architectural Barriers Act, or the Americans with Disability Act Accessibility Guidelines, adopted by the Department of Justice for places of public accommodation and commercial facilities covered by title III of the ADA.

The elevator exemption for small buildings under ADA Accessibility Guidelines would not apply to public entities covered by title II.

VIII. Enforcement

- Private parties may bring lawsuits to enforce their rights under title II of the ADA. The remedies available are the same as those provided under section 504 of the Rehabilitation Act of 1973. A reasonable attorney’s fee may be awarded to the prevailing party.
- Individuals may also file complaints with appropriate administrative agencies. The regulation designates eight Federal agencies to handle complaints filed under title II.

Complaints may be filed with any Federal agency that provides financial assistance to the program in question, or with the Department of Justice, which will refer the complaint to the appropriate agency.

IX. Complaints

- Any individual who believes that he or she is a victim of discrimination prohibited by the regulation may file a complaint. Complaints on behalf of classes of individuals are also permitted.
- Complaints should be in writing, signed by the complainant or an authorized representative, and should contain the complainant's name and address and describe the public entity's alleged discriminatory action.
- Complaints may be sent to –

Coordination and Review Section

Civil Rights Division

U.S. Department of Justice

P.O. Box 66118

Washington, DC 20035-6118

- Complaints may also be sent to agencies designated to process complaints under the regulation, or to agencies that provide Federal financial assistance to the program in question.

X. Designated Agencies

The following agencies are designated for enforcement of title II for components of State and local governments that exercise responsibilities, regulate, or administer services, programs, or activities in the following functional areas –

1. Department of Agriculture: Farming and raising of livestock, including extension services.
2. Department of Education: Education systems and institutions (other than health-related schools), and libraries.
3. Department of Health and Human Services: Schools of medicine, dentistry, nursing, and other health-related schools; health care and social service providers and institutions, including “grass-roots” and community services organizations and programs; and preschool and daycare programs.
4. Department of Housing and Urban Development: State and local public housing, and housing assistance and referral.
5. Department of Interior: Lands and natural resources, including parks and recreation, water and waste management, environmental protection, energy, historic and cultural preservation, and museums.
6. Department of Justice: Public safety, law enforcement, and the administration of justice, including courts and correctional institutions; commerce and industry, including banking and finance, consumer protection, and insurance; planning, development and regulation (unless otherwise assigned); State and local government support services; and all other government functions not assigned to other designated agencies.
7. Department of Labor: Labor and the work force.
8. Department of Transportation: Transportation, including highways, public transportation, traffic management (non-law enforcement), automobile licensing and inspection, and driver licensing.

XI. Technical Assistance

- The ADA requires that the Federal agencies responsible for issuing ADA regulations provide “technical assistance”.
- Technical assistance is the dissemination of information (either directly by the Department or through grants and contracts) to assist the public, including individuals protected by the ADA and entities covered by the ADA, in understanding the new law.
- Methods of providing information include, for example, audio-visual materials, pamphlets, manuals, electronic bulletin boards, checklists, and training.
- The Department issued for public comment on December 5, 1990, a government- wide plan for the provision of technical assistance.

The Department’s efforts focus on raising public awareness of the ADA by providing –

Fact sheets and pamphlets in accessible formats,

Speakers for workshops, seminars, classes, and conferences, An

ADA telephone information line, and

Access to ADA documents through an electronic bulletin board for users of personal computers.

- The Department has established a comprehensive program of technical assistance relating to public accommodations and State and local governments.

Grants will be awarded for projects to inform individuals with disabilities and covered entities about their rights and responsibilities under the ADA and to facilitate voluntary compliance.

The Department will issue a technical assistance manual by January 26, 1992, for individuals or entities with rights or duties under the ADA.

For additional information, contact:

Office on the Americans with Disabilities Act

Civil Rights Division

U.S. Department of Justice

P.O. Box 66118

Washington, DC 20035-6118

(202) 514-0301 (voice)

(202) 514-0383 (TDD)

(202) 514-6193 (Electronic Bulletin Board).

This document may be made available in alternate formats.

Policy Guidance Concerning Recipients’ Responsibilities for Limited English Proficient Persons

The National Highway Traffic Safety Administration (NHTSA) is committed to working with its recipients of federal assistance to comply with all applicable Civil Rights mandates. To this end, the NHTSA Office of Civil Rights (OCR) reissued guidance provided by the U.S. Department of Transportation (DOT) entitled, “Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons” (DOT LEP Guidance), which was first reprinted in the Federal Register, December 14, 2005 (Volume 70, Number 239).

Each federal agency that extends federal financial assistance is required to issue guidance clarifying the obligation of their recipients to ensure meaningful access by LEP persons to their federally assisted programs and activities. As a result, the Maine Bureau of Highway Safety received this re-issuance, which will assist in complying with Title VI of the Civil Rights Act of 1964 (Title VI) and the regulations promulgated there under, as well as with Presidential Executive Order 13166, reprinted at 65 FR 50121 (August 16, 2000).

In furtherance of this compliance obligation, the NHTSA OCR is requested that each Governor's Representative distribute the DOT LEP Guidance to each of its sub-recipients of federal financial assistance. The obligations under Title VI do not cease with the NHTSA grantee; instead, this obligation extends to all levels of sub-recipients receiving the federal assistance.

The DOT LEP Guidance discusses the value and possible format of written language assistance plans, options for identifying language services and ensuring competency of interpretation and translation services, and examples of language access services "best practices" which have been implemented by DOT agencies and recipients. Additional guidance and other helpful materials, including examples of recently developed judicial policies and procedures on language assistance, are also available on the Department of Justice (DOJ) LEP website, www.lep.gov. Please do not hesitate in contacting Eugene Peterson, the NHTSA OCR Compliance Officer, at (202) 366-9976 if you have any questions regarding this re-issuance.

State of Maine Service Providers

Compliance with Americans with Disabilities Act of 1990

1. Is your agency/organization/business in compliance with the Americans with Disabilities Act requirements that mandate equal access to services, programs, and activities for individuals with disabilities?

☒ Yes

☐ No

2. Is your agency/organization/business in compliance with the Americans with Disabilities Act requirements that mandate equal access to services, programs, and activities for individuals with disabilities?

☒ Yes

☐ No

If no, please list anticipated modifications of policies, procedures and practices and dates of implementation. (Use additional sheets, if necessary).

3. Is your agency/organization/business in compliance with the Americans with Disabilities Act requirements of structural accessibility?

☒ Yes

☐ No

If no, please list the specific structural changes needed to make your service, programs and activities accessible to people with disabilities. Also, please list the dates by which these changes will be made. (Use additional sheets, if necessary).



Signature of Agency/Organization Director or Business Owner

2 Nov 23

Date

Name and Address of Agency/Organization/Business:

Portland Police Department

109 Middle St

Portland, ME 04101

Telephone/TDD Numbers:

(207) 874-8601

To assist you in completing this form, please refer to the following "Appendix N – ADA Highlights" and/or call DPS's ADA Coordinator at the Licensing and Inspection Unit – Fire at 207-624-8744

Please email this completed Application for Highway Safety Funds to:

bhsgrant.mdps@maine.gov

Submit

SUBGRANT CONTRACT

DO NOT ENCUMBER

PLEASE RETURN TO:
BUREAU OF HIGHWAY SAFETY
LAUREN STEWART, DIRECTOR
45 COMMERCE DRIVE, SUITE 1
STATE HOUSE STATION 164
AUGUSTA, MAINE 04333-0164

SUBGRANT #: [ID24-116](#)

APPROVAL DATE: [11/09/2023](#)

PROJECT PERIOD: [11/09/2023 TO 09/30/2024](#)

[013 16A 405D 012 6401 ID116](#)

The Bureau of Highway Safety, hereinafter called the subgrantor, herewith agrees to provide funds in accordance with the provisions of the Highway Safety Act of 1966, as amended, and appropriate state statutes and regulations to:

Subgrantee Legal Name: [Portland Police Department](#)

hereinafter called the subgrantee, for the purposes and in the amounts contained in the subgrant application submitted by the subgrantee and approved by the subgrantor.

The subgrantee agrees to the terms and conditions stated in the approved subgrant application on file at the office of the subgrantor which are made a part of this contract by reference. The subgrantee agrees to comply with the reimbursement procedures required by the subgrantor and with all special conditions imposed by the subgrantor in approving the award.

The subgrantee agrees to provide the required matching contributions as specified in the approved subgrant application for your [2024 DRE/FP Training & Call-Out](#).

For the Subgrantor - Bureau of Highway Safety

Federal: [\\$3,533.70](#)

[E016000032 C](#)
[Portland City Of](#)
[109 Middle Street](#)
[Portland, ME, 04101](#)

		<u>Director</u>
Date:	Authorized Signature Lauren V. Stewart	Title
		<u>Chief of Police</u>
Date:	Authorized Signature for Subgrantee Mark Dubois	Title

THIS CONTRACT HAS BEEN APPROVED AS TO FORM BY THE DEPARTMENT OF THE ATTORNEY GENERAL ON MAY 6, 1996.

This contract is valid only if signed by an authorized representative of the applicant and BHS and has been approved by the Maine Division of Purchases.

This subgrant award is conditional upon subsequent legislative or executive action, federal or state, which may result in a budget recision, deferral or revision. Approval may also be contingent upon a current year comprehensive plan approval by NHTSA.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: December 19, 2023

SUBJECT: Order 95-23/24 Approving the One-Year Extension of the Collective Bargaining Agreement with the Portland Police Benevolent Association – 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: The agreement has been reviewed and approved by the Office of Corporation Counsel.

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

I. SUMMARY

II. AGENDA DESCRIPTION

This item extends the negotiated collective bargaining agreement between the City and the Portland Police Benevolent Association (“PBA”) which is set to expire on December 31, 2023. The proposed agreement would extend the collective bargaining agreement for one (1) year and provide a four (4%) percent increase to superior officers effective July 7, 2024. This proposal is presented after previously receiving guidance from the City Council in executive session and after having been approved by the PBA.

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. Police Benevolent Association One-Year Extension 1.3.2024

Prepared by:

Date: 12/19/2023

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**ORDER APPROVING THE ONE-YEAR EXTENSION OF
THE COLLECTIVE BARGAINING AGREEMENT
WITH THE PORTLAND POLICE BENEVOLENT ASSOCIATION**

ORDERED, that the current Collective Bargaining Agreement with the Portland Police Benevolent Association effective July 1, 2021 through December 31, 2023 be extended through December 31, 2024, as set forth in substantially the form of the document 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 PORTLAND POLICE BENEVOLENT
ASSOCIATION / MAINE ASSOCIATION OF POLICE**

This Memorandum of Understanding (“MOU”) is entered into by and between the City of Portland, Maine (the “City”) and Portland Police Benevolent Association/Maine Association of Police (“PBA”) (collectively, the “Parties”).

WHEREAS, the parties have a signed collective bargaining agreement (“CBA”) that expires on December 31, 2023; and

WHEREAS, the Parties wish to extend the terms of the CBA for an additional year, while providing a cost of living increase to employees;

NOW THEREFORE, the Parties agree as follows:

1. Appendix A, the PBA Pay Plan, of the CBA shall be amended to increase wages by 4%, effective July 7, 2024.
2. Section 29.1 of the CBA shall be amended as follows:

This agreement shall govern the rights of the parties from January 1, 2024 until and including December 31, 2024.

PORTLAND POLICE BENEVOLENT
ASSOCIATION

CITY OF PORTLAND

By: Thien Duong, President
Date: _____

By: Danielle West, City Manager
Date: _____

Approved as to Form: _____
Corporation Counsel

Approved as to Funds: _____
Brendan O’Connell, Finance Director