

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 - FEBRUARY 5, 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.

To watch the meeting remotely, please visit <https://portlandme.portal.civicclerk.com/event/6485/media>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

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

APPROVAL OF MINUTES OF PREVIOUS MEETING:

City Council Meeting Minutes- January 17, 2024

APPOINTMENTS:

Order 107-23/24 Appointing Kelly Hrenko, PhD to the Public Art Committee - Sponsored by Danielle P. West, City Manager

This item would approve the City Manager's recommended appointee, Kelly Hrenko, PhD to the Public Art Committee for a three-year term.

Five affirmative votes are required for passage after public comment.

Order 121-23/24 Appointing Portland Housing Authority Constables for 2024 - Sponsored by Danielle P. West, City Manager

This order appoints Portland Housing Authority property managers constables for 2024. These employees are responsible for lease enforcement, including serving legal documents in eviction cases. In accordance with Maine law, certain documents can only be served by a Constable or Sheriff.

Five affirmative votes are required for passage after public comment.

LICENSES:

Order 108-23/24 Granting Municipal Officers' Approval of Freedom's Edge LLC, dba Freedom's Edge Tasting Room. Application for Class III & IV FSE with

Outdoor Dining on Private Property at 31 Diamond Street, Unit A - Sponsored by Danielle P. West, City Manager

Application was filed on 1/17/24. This is a classification upgrade of an existing establishment. Establishment currently holds B/W/D On-Premise Consumption with Outdoor Dining on Private Property. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 109-23/24 Granting Municipal Officers' Approval of Orange Bike Brewing Company, dba Orange Bike Brewing. Application for Combined Entertainment at 31 Diamond Street, Suite D - Sponsored by Danielle P. West, City Manager

Application was filed on 1/12/24. This is an existing establishment adding license for indoor and outdoor entertainment. Establishment currently holds B/W/D On-Premise Consumption with Outdoor Dining on Private Property. New City application.

Five affirmative votes are required for passage after public comment.

Order 110-23/24 Granting Municipal Officers' Approval of Smoked Portland LLC, dba Smoked BBQ & Neighborhood Pub. Application for Class XI Restaurant/Lounge with Combined Entertainment and Outdoor Dining on Private Property at 951 Forest Avenue - Sponsored by Danielle P. West, City Manager

Application was filed on 1/10/24. This is an application for a new establishment. Location was previously Maelily & Ryleigh's. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 111-23/24 Granting Municipal Officers' Approval of Night Peanuts LLC, dba Magissa Portland. Application for Class I FSE with Outdoor Dining on Public Property at 91 Anderson Street - Sponsored by Danielle P. West, City Manager

Application was filed on 1/10/24. This is an application for a new establishment. Location was previously Full Turn Restaurant. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 112-23/24 Granting Municipal Officers' Approval of Leisure Time Cocktail Co LLC, dba Leisure Time Cocktail Company. Application for Class A Lounge with Outdoor Dining on Private Property at 290 Thompson's Point Road - Sponsored by Danielle P. West, City Manager

Application was filed on 1/9/24. This is an application for a new establishment. Location was previously Rwanda Bean. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 113-23/24 Granting Municipal Officers' Approval of Brickyard Hollow Company, dba Brickyard Hollow Brewing. Application for Extension of On-Premise License Privileges at 5 Commercial Street - Sponsored by Danielle P. West, City Manager

Application was filed on 1/8/24. This is an existing establishment that is expanding their dining/drinking space. Establishment currently holds XI Restaurant/Lounge. New State application.

Five affirmative votes are required for passage after public comment.

COMMUNICATIONS:

Communication 28-23/24 Annual Report of the Clean Elections Program - Ashley Rand, City Clerk

This is a annual report required by Chapter 9 Section 9-66 (i)

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

Communication 29-23/24 Portland Harbor Common Update - Ethan Hipple, Director of Parks, Recreation, and Facilities Department

Portland Parks department and Parks Conservancy seek to provide Council with an update on Portland Harbor Common(PHC) design and documentation progress for CIP funded consultant support. Project has secured federal funding appropriation for a significant portion of preliminary base bid construction, and is working with Portland Parks Conservancy for private fundraising for additional park elements and for future improvements beyond the base bid design/ construction.

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

Communication 30-23/24 Memo on Rent Control Editorial - Jessica Blais Hanscombe, Director of Permitting and Inspections

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

UNFINISHED BUSINESS:

Order 120-23/24 Extending the Declaration of a State of Limited Emergency at 654 Riverside Street - Sponsored by Danielle P. West, City Manager

The council enacted Order 37 as an emergency on November 13, 2023. The order allowed the City Manager to increase the number of beds available in the City of Portland Homeless Services Center (654 Riverside Street) by 50 until February 5, 2024.

If approved, this amendment would extend the emergency order to June 3, 2024.

Order 37 was originally proposed in response to the significant number of unsheltered individuals in the City of Portland, public health and safety hazards existing at encampments, and the imminent threat of further danger to those individuals' health and safety during the winter season. As a result of the Council's approval of Order 37 and subsequent increase in shelter capacity, outreach workers have had greater success in helping individuals access shelter, addressing urgent health needs, preventing fatalities, and mitigating the public health and safety consequences of hazardous encampments.

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

Order 103-23/24 Accepting and Appropriating a \$10,613.31 Donation from the Portland Rotary Charitable Fund for Bayside Tree Plantings - Sponsored by Danielle P. West, City Manager

If passed, this item would accept and appropriate a donation of \$10,613.31 from the Portland Rotary Charitable Funding in support of tree planting activities in Bayside.

During the spring and summer of 2023, City staff planted 48 trees along the Bayside Trail, and 10 street trees throughout the Bayside neighborhood. This \$10,613.31 donation from Portland Rotary Charitable Fund will help offset costs associated with the purchase of plants and materials, as well as staff time.

This item must be read on two separate days. It received its first reading on January 17, 2024. Five affirmative votes are required for passage after public comment.

Order 104-23/24 Accepting and Appropriating a Donation of \$58,587.23 from Portland Parks Conservancy for the Portland Youth Corps - Sponsored by Danielle P. West, City Manager

If approved, this order would accept and appropriate a donation of \$58,587.23 from the Portland Parks Conservancy to support the Portland Youth Corps, a City-run program that promotes personal and professional growth through community service, environmental stewardship, and hands-on conservation opportunities within Portland's beautiful parks and green spaces.

Youth Corps participants receive a stipend, and approximately 50 young people take part each year. This donation covers the cost of supplies and trips, and offsets part of the salary of the Recreation Programmer II Naturalist position, which leads the program.

This item must be read on two separate days. It received its first reading on January 17, 2024. Five affirmative votes are required for passage after public comment.

Order 105-23/24 Accepting and Appropriating a Grant and Donations for the Stroudwater River Bridge and Connector Project - Sponsored by Danielle P. West, City Manager

If approved, this item would accept and appropriate the following in support of a project to build a bridge over Stroudwater River:

- A donation of \$31,385 from Stroudwater Development Partners LLC;
- A donation of \$50,000 from Portland Trails;
- A grant of \$120,000 from the State of Maine Recreational Trails Program.

The total project cost is expected to be between \$250,000 and \$300,000. All remaining funds are to be privately raised by community members and partners.

This item must be read on two separate days. It received its first reading on January 17, 2024. Five affirmative votes are required for passage after public comment.

Order 106-23/24 Approving the Memorandum of Understanding and Accepting and Appropriating \$235,550 in grant funding from Cumberland County Emergency Management Agency - Sponsored by Danielle P. West, City Manager

If approved, this item would accept and appropriate \$235,550.00 from Cumberland County Emergency Management Agency (CCEMA) as part of the DHS FY23 Homeland Security Grant Program (HSGP) for the reimbursement of costs incurred by the City of Portland for Portland Special Response Team - \$25,550.00 and Hazardous Devices Unit Robot Replacement - \$210,000.00.

This item must be read on two separate days. It received its first reading on January 17, 2024. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 114-23/24 Approving the First Amendment to the Memorandum of Understanding Between the City of Portland and the Portland Parks Conservancy - Sponsored by Danielle P. West, City Manager

The City has a Memorandum of Understanding (MOU) with the Portland Parks Conservancy (PPC) to allow PPC to raise funds for the Portland Harbor Common Project. This amendment to the MOU would allow the PPC to recognize donors to the project by placing their names or logos on certain park signage and park amenities such as seating, swings, stage, and shade structure.

Five affirmative votes are required for passage after public comment.

Order 115-23/24 Reallocating \$229,385 of American Rescue Plan Act Funding from the Jill C. Duson Housing Trust Fund to the Housing Opportunities for People in Encampments Program - Sponsored by Danielle P. West, City Manager

This item is a companion order to the one below.

If approved, this item would reallocate \$229,385 in American Rescue Plan Act funding from the Jill C. Duson Housing Trust Fund to the Housing Opportunities for People in Encampments (HOPE) Pilot Program.

HOPE is a collaborative effort between Maine State Housing Authority and the City of Portland to engage 90 unsheltered individuals/households in one year, and stably house a minimum of 45 of them in that time frame. Program staff would include three Housing Navigators and a Program Coordinator/Landlord Liaison.

Additional program details are provided in the enclosed documents.

This funding represents one-third of the cost of the one-year pilot program; the remaining expenses will be funded by the Maine State Housing Authority via the order below.

This item must be read on two separate days. Staff is requesting that the second reading be waived, which requires seven affirmative votes. Staff also requests that this item be passed as an emergency. Seven votes are required for passage as an emergency following public comment.

Order 116-23/24 Accepting and Appropriating \$465,722 Grant from the Maine State Housing Authority for the Housing Opportunities for People in Encampments Pilot Program - Sponsored by Danielle P. West, City Manager

This item is a companion order to the one above.

If approved, this item would accept and appropriate \$465,722 from the Maine State Housing Authority to fund the Housing Opportunities for People in Encampments (HOPE) Pilot Program.

This funding represents two-thirds of the pilot program's operating costs.

This item must be read on two separate days. Staff is requesting that the second reading be waived, which requires seven affirmative votes. Staff also requests that this item be passed as an emergency. Seven votes are required for passage as an emergency following public comment.

Order 117-23/24 Accepting and Appropriating a \$364,000 Grant from the Maine State Housing Authority for the Resettlement Program - Sponsored by Danielle P. West, City Manager

If approved, this item would accept and appropriate \$364,000 from the Maine State Housing Authority (MSHA) to fund the City of Portland Resettlement Program for 12 months.

The City of Portland Resettlement Program's mission is to help asylum seekers achieve self-sufficiency by connecting them to housing resources, assisting in benefits applications, and providing casework assistance. With the significant number of asylum seekers coming to Maine over the past several years, Program staff have been essential in helping individuals and families become active members of their new communities.

In the past, the Resettlement Program was funded by a program administered by the Federal Emergency Management Agency (FEMA). In December 2023, that program was replaced with one that restricts funding to services provided to noncitizen migrants within just 45 days of their arrival in the United States.

Since January 2020, the Resettlement Program has successfully assisted an estimated 4,200 individuals, and it is vital that we are able to continue this work. The funding provided by MSHA, in combination with City funds, will allow this program to continue for one year.

This item must be read on two separate days. Staff is requesting that the second reading be waived, which requires seven affirmative votes. Staff also requests that this item be passed as an emergency. Seven votes are required for passage as an emergency following public comment.

Order 118-23/24 Appropriating \$1,200,000 from the Jill C. Duson Housing Trust Fund to 45 Dougherty, LP - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair

In October 2022, the City Council approved the establishment of an Affordable Housing Tax Increment Financing District and Credit Enhancement Agreement for the project located on a portion of city-owned property at 43 and 91 Douglass Street. MaineHousing issued a Certificate of Approval for the district in March 2023. The project, known as 45 Dougherty, will consist of 63 units of rental housing, all of which will be affordable to households earning at or below 60% of the area median income (\$56,820 for a 2-person

household or \$70,980 for a 4-person household). The number of affordable units in the project has increased since the City Council approved the TIF District and Credit Enhancement Agreement. The original proposal included 17 units at market rate. The project will contain 35 one-bedroom units, 18 two-bedroom units and 10 three-bedroom units.

As the developers moved through the process of securing funding, finalizing construction plans and obtaining construction bids, they ran into significant pricing related issues which resulted in a \$2.4 million gap in the project budget. After an extension review of the project, which included value engineering reductions, they identified a \$1.2 million funding gap. The developer contacted the other project funding partners, MaineHousing and Evernorth (equity investor), who indicated that it was unlikely that they would be able to provide additional funding for the project. If the developer is able to locate other funding sources, through programs such as Efficiency Maine, the amount of city financing would be reduced.

City funding in an amount up to \$1,200,000 would be provided through an allocation of funds from the American Rescue Plan Act (ARPA) through the Jill C. Dusen Housing Trust Fund. The terms will be a 30-year payable loan, paid through a percentage of available annual cash flow. Details of the terms are noted in the Background section of the memo to the city council.

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

Order 119-23/24 Approving the Planning Study Grant Agreement Between the Maine Department of Transportation and Portland re: Franklin Street Plan - Sponsored by Danielle P. West, City Manager

The City of Portland is partnering with the Maine Department of Transportation (MaineDOT) to update the Franklin Street Master Plan, which was adopted by the City Council in 2015. The project will address significant changes along and in proximity to Franklin Street in the time since the original master plan, add a land use element to the project, and include a robust public engagement process. Similar to the master plan, this project will also look at the entire length of Franklin Street from Exit 7/Marginal Way to Commercial Street. The project will bring the design to a 20% design level, allowing for applications for federal funding for final design and construction.

MaineDOT has significant interest in the future transportation design and function of Franklin Street and has offered to participate financially in this phase of work, matching our funds at the 50% level (up to \$150,000) through its Village Partnership Initiative (VPI) program. Following execution of the VPI agreement, staff will issue a Request for Qualifications for consultant services.

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

AMENDMENTS:

Order 122-23/24 Amendment to Portland City Code Chapter 18 re: Addition of Thomas Park and North Deering Park - Sponsored by Regina Phillips, City Councilor

If approved, this order would dedicate a parcel of city land bounded by Lowell St., Congress St., and Burnham St. as Thomas Park.

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

EXECUTIVE SESSION:

ADJOURNMENT:

ZOOM INFORMATION:

The City Council will conduct this meeting from Council Chambers, located on the second floor of City Hall.

To watch the meeting remotely, please visit <https://portlandme.portal.civicclerk.com/event/6485/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 5:00pm.

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

Councilors Absent: Councilor Fournier, Councilor Trevorow, Councilor Pelletier

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

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

Bob Middle (24 Brackett Street), Lise Marcheski (District 2), Tamara Gallagher (Childcare Owner on Riverside Industrial Parkway), Philip Thibeault (Arundel Resident), Olivia Wilcox (Revere Street), Alec Adams (District 2)

ANNOUNCEMENTS:

Mayor Dion opened the floor for Council Announcements. The following Councilors spoke: Councilor Phillips, Councilor Rodriguez

APPROVAL OF MINUTES OF PREVIOUS MEETING:

City Council Meeting January 3, 2024

Motion was made by Councilor Phillips and seconded by Councilor Bullett for passage.

Passage 6-0 (Councilor Fournier, Trevorow and Pelletier absent)

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

APPOINTMENTS:

Order 98-23/24 Confirming the Appointment of Avery Dandreta as Associate Corporation Counsel - Sponsored by Michael Goldman, Corporation Counsel

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

Passage 6-0 (Councilor Fournier, Trevorow and Pelletier absent)

Michael Goldman (Corporation Counsel) gave an overview of this item.

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

PROCLAMATIONS:

Proclamation 15-23/24 Recognizing Black History Month 2024 - Sponsored by Mark Dion, Mayor

Councilor Ali read Proclamation 15-23/24 Recognizing Black History Month 2024 into the record.

LICENSES:

Order 99-23/24 Granting Municipal Officers' Approval of Danforthandclark LLC, dba Ocotillo. Application for Class I FSE with Outdoor Dining on Private Property at 211 Danforth Street - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Rodriguez and seconded by Councilor Ali for passage.
Passage 6-0 (Councilor Fournier, Trevorror and Pelletier absent)
Mayor Dion opened the floor for public comment. No one spoke.

Order 100-23/24 Granting Municipal Officers' Approval of Ronin Restaurant Group LLC, dba Mr. Tuna. Application for Class I FSE with Outdoor Dining on Public Property at 83 Middle Street - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Rodriguez and seconded by Councilor Phillips for passage. Passage 6-0 (Councilor Fournier, Trevorror and Pelletier absent)
Mayor Dion opened the floor for public comment. No one spoke.

COMMUNICATIONS:

Communication 26-23/24 Rent Board Annual Report - Elliott Simpson, Chair, Rent Board

Elliott Simpson (Chair of the Rent Board) gave a communication on the Rent Board Annual Report.

The following Councilors provided comment: Councilor Sykes

UNFINISHED BUSINESS:

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

Motion was made by Councilor Ali and seconded by Councilor Phillips for passage.
Passage 6-0 (Councilor Fournier, Trevorror and Pelletier absent)
Mayor Dion opened the floor for public comment. No one spoke.

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

Motion was made by Councilor Ali and seconded by Councilor Rodriguez for passage.
Passage 6-0 (Councilor Fournier, Trevorror and Pelletier absent)
Anne Torregrossa (Director of Human Resources) provided an overview of the item.
Mayor Dion opened the floor for public comment. No one spoke.

ORDERS:

Order 101-23/24 Approving the Agreement between the Maine Department of Transportation and Portland re: Improvements to Stevens Avenue - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Ali and seconded by Councilor Rodriguez for passage.
Passage 6-0 (Councilor Fournier, Trevorror and Pelletier absent)
Mike Murray (Director of Public Works) gave an overview of this item.
Mayor Dion opened the floor for public comment. No one spoke.

Order 102-23/24 Accepting Morningstar Lane as a City Way - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Ali and seconded by Councilor Rodriguez for passage. Passage 6-0 (Councilor Fournier, Trevorrow and Pelletier absent)
Mike Murray (Director of Public Works) gave an overview of this item.
Mayor Dion opened the floor for public comment. The following individuals spoke:
Barbara Query (Morningstar Lane), Councilor Rodriguez, Michael Goldman (Corporation Counsel), Mayor Dion, Councilor Phillips, Councilor Bullett
*Item did not have enough votes to be passed as an emergency. Order passed 6-0 and will go into effect in 10 days.

Order 103-23/24 Accepting and Appropriating a \$10,613.31 Donation from the Portland Rotary Charitable Fund for Bayside Tree Plantings - Sponsored by Danielle P. West, City Manager

This is first reading.

Order 104-23/24 Accepting and Appropriating a Donation of \$58,587.23 from Portland Parks Conservancy for the Portland Youth Corps - Sponsored by Danielle P. West, City Manager

This is first reading.

Order 105-23/24 Accepting and Appropriating a Grant and Donation for the Stroudwater River Bridge and Connector Project - Sponsored by Danielle P. West, City Manager

This is first reading.

Order 106-23/24 Accepting and Appropriating \$235,550 in grant funding from Cumberland County Emergency Management Agency (CCEMA) - Sponsored by Danielle P. West, City Manager

This is first reading.

EXECUTIVE SESSION:

ADJOURNMENT:

Motion was made by Councilor Ali and seconded by Councilor Rodriguez to adjourn. Passage 6-0 at 6:09pm.

A TRUE RECORD

Ashley Rand, City Clerk

MEMORANDUM
City Council Agenda Item

FROM:

DATE: January 17, 2024

SUBJECT: Order 107-23/24 Appointing Kelly Hrenko, PhD to the Public Art Committee -
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: No

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

I. SUMMARY

II. AGENDA DESCRIPTION

This item would approve the City Manager's recommended appointee, Kelly Hrenko, PhD to the Public Art Committee for a three-year term.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

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

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Appointing Kelly Hrenko, PhD, to the Public Art Committee 2.5.2024 mig
2. Kelly Hrenko Resume

Prepared by:

Date: 01/17/2024

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 APPOINTING KELLY HRENKO, PHD, TO THE
PUBLIC ART COMMITTEE**

ORDERED, that Kelly Hrenko, PhD, is hereby appointed to the Public Art Committee.

Kelly Hrenko, PhD
Associate Professor, Art Education
University of Southern Maine

EDUCATION

Ph.D., Art Education

University of Minnesota, Minneapolis MN, 2010

M.Ed., Art Education

University of Minnesota, Minneapolis MN, 2007

B.F.A., Art Education

Southern Illinois University, Carbondale IL, 1999

TEACHING EXPERIENCE

Professor, Art Education College of Arts, Humanities, and
Social Sciences, University of Southern Maine, September 2022- Current

Associate Professor, Art Education, College of Arts, Humanities, and
Social Sciences, University of Southern Maine, September 2016- August 2022

Assistant Professor, Art Education, College of Arts, Humanities, and Social Sciences,
University of Southern Maine, August 2010- August 2016

Adjunct Faculty, College of Continuing Education, Hamline University, 2007-2010.

Teaching Assistant, Department of Curriculum and Instruction, University of Minnesota
2006-2010.

Education Director, Theatre Arts and Dance Department, University of Minnesota.
2005-2007.

Art Education consultant, Fond Du Lac School, Fond Du Lac Reservation MN, 2005-2009

Art Educator, Snoqualmie Middle School, Snoqualmie WA, 2000-2005

SELECT PUBLICATIONS

Hrenko, K. Ackerman, A., Scribner, M. (submitted for review 2022) Thumbs up if you can hear me: engaged online arts integration. *Translations*, National Art Education Association.

Downey, L., Wilbur Van Mierlo, B., & Hrenko, K. (2021) Using project journals: Tools for creative learning in the k-6 classroom. US Department of Education, Arts in Education Grant publication.

Hrenko, K. et al. (2019). Side x Side: (Re)Imaging Arts Integration Handbook. US Department of Education Arts in Education Model Development and Dissemination Grant publication.

Hrenko, K. & Paul, M. (2017). Decolonizing vacationland. In Staikidis and Ballengee-Morris (Eds.), *Transforming Our Practices: American Indian Art, Pedagogies, and Philosophies*. Reston, VA: NAEA Press.

Dalton, J. & Hrenko, K. (2017) Caring as a transformative model for arts integration. *Curriculum and Teaching Dialogue*, 18 (1&2) 91-104.

Hrenko, K. & Dalton, J. (2016). Embodied art: Transformative learning and pre-service teacher preparation. *Curriculum and Teaching Dialogue* 18.

Hrenko, K. & Dalton, J. (2016). Indigenous communities + ELL students + pre-service teacher education = 3 ways of enacting change through place based education. *The International Journal of Arts Education*. The Arts and Society Press.

Hrenko, K. & Dalton, J. (2016). Music and contemporary visual arts. In Robinson, Hall, and Spano (Eds.), *Teaching general music: A K-12 experience*. Dubuque, IA: Kendall Hunt Publishing.

Kelly Hrenko, PhD
Associate Professor, Art Education
University of Southern Maine

Hrenko, K. (2014) The intersection of Indigenous cultures, visual arts and creative writing. *Journal of the American Association for Teaching and Curriculum*, 16 (1&2) 9-20.

Hrenko, K., & Stairs, A. (2012). Creative literacy: A new space for pedagogical understanding. [Special issue on Writing Across the Secondary School Curriculum] *Across the Disciplines*, 9(3). Retrieved January 17, 2013, from http://wac.colostate.edu/atd/second_educ/hrenko_stairs.cfm

Bequette, J., & Hrenko, K. (2010). Culture-based arts education. In Jon Reyhner, Willard Sakiestewa Gilbert, & Louise Lockard (Eds.), *Honoring our heritage: Culturally appropriate approaches to teaching indigenous students*. Flagstaff, AZ: Northern Arizona University Press.

Hrenko, K. (2010) American Indian curriculum handbook “ Intersecting Ojibwe Art Curriculum” University of Minnesota Press. <http://intersectingart.umn.edu>

Clover, F., Hrenko, K. (2009) “Bridging Cultures: Nordic and Ojibwe craft education”. *Journal of Crafticulation*, University of Helsinki Press, Finland.

SELECT CONFERENCE AND PROFESSIONAL PRESENTATIONS

Hrenko, K., ., Scribner, M., Van Mielo, B. “SidexSide: What we’ve learned”, invited panel, Federal Department of Education Annual Research conference, DC online, September 2022

Hrenko, K. “SidexSide case study: Best practices in arts integration”, National Art Education Association, New York, March 2022

Barnes, H. & Hrenko, K. “Navigating 21st Century Figure Drawing”, Foundations in Art, Theory and Education, Online conference, April 2021

Hrenko, K., Luenthner, L. & MacDonald, K. (2020) “Tabernacles of Silence”, Portland Museum of Art, Portland, ME. June 4, 2020.

Hrenko, K. & Dalton, J. “International experiences for pre-service teachers”, National Art Education Association, Minneapolis, March 2020 (Conference cancelled due to COVID)

Hrenko, K. “Life after the dissertation”, Panel organized by J. Bequette, National Art Education Association, Minneapolis, March 2020 (Conference cancelled due to COVID)

Hrenko, K. “Community Based Art Research” invited panelist, USM Research and Scholarship conference, Portland, March 2019

Hrenko, K. “Arts Assessment in Teacher Education” Maine International Conference on the Arts, Portland, October 2018

Lewis-Prosser, A. & Hrenko, K. “Side x Side: a pilot study”, American Education Research Association, New York NY, March 2018

Hrenko, K. & Dalton, J. “Side x Side: Arts based teaching and learning”. American Association for Teaching and Curriculum, Denver Co, October 2017

Kelly Hrenko, PhD
Associate Professor, Art Education
University of Southern Maine

Hrenko, K. & Lewis-Prosser, A. "Side x Side", National Art Education Association, New York, March 2017

Hrenko, K. "Transforming Our Practices: American Indian Art, Pedagogies, and Philosophies", Book Panel with Staikidis and Ballengee-Morris, National Art Education Association, Chicago IL, March 2016

Hrenko, K. "Visual thinking strategies as pedagogical practice", VTS workshop, Portland Museum of Art, Portland ME, February 2016

Hrenko, K. & Dalton, J. (2015) "Transformative learning and pre-service teacher preparation through arts-based curricula". American Association for Teaching and Curriculum, Portland ME, October 2015

Hrenko, K. & Dalton, J. (2015) "Place-Based Arts Education", Arts and Society Conference, London UK, June 2015

Hrenko, K. "Transforming Our Practices: American Indian Art, Pedagogies, and Philosophies", Book Panel with Staikidis and Ballengee-Morris, National Art Education Association, San Diego CA, April 2014

Hrenko, K. "Wabanaki Arts and Writing" American Education Research Association, Philadelphia PA, March 2014

Hrenko, K. & Dalton, J. "One Middle school+ Two teacher education programs = Three ways of enacting community-based art education" Eastern Educational Research Association, Jacksonville FL, February 2014

Hrenko, K. "The Intersection of Wabanaki Cultures, Visual Arts, and Creative Writing" American Education Studies Association, Baltimore MD, November 2013

Hrenko, K. "Gendered Art: An urban approach to single-sex arts education" Accepted for American Education Research Association, Vancouver BC, 2012

Hrenko, K. "Can We Really Recreate Culturally Relevant Curriculum Elsewhere? Problematising the Replication of Place-Specific Culture-Based Art. Accepted for American Education Studies Association. St Louis MO, 2011

Hrenko, K. "Space based art education". Accepted for American Education Research Association New Orleans LA, 2011

Hrenko, K. "Teacher education and professional development in the arts". Accepted for American Education Studies Association Denver CO, 2010

Hrenko, K. "Culture-Based Native Art". Accepted for New England Philosophy of Education Society, Hartford, CT, 2010

Hrenko, K., Bequette, J. "Art for the elementary teacher: an action research study". Accepted for National Art Education Association, Baltimore, MD, 2010.

Kelly Hrenko, PhD
Associate Professor, Art Education
University of Southern Maine

Hrenko, K. "Critical place-based art: Ideas of place in and out of the classroom". Accepted for Pineland Research conference, USM 2010

Hrenko, K. "Ojibwe arts integration". Accepted for American Education Studies Association, Pittsburgh PA, 2009.

Hrenko, K. "Arts Infusion for the Elementary generalist". Guest lecture, Gustavus Adolphus College, MN, 2009.

Hrenko, K., Bequette, J., & Piette, D. "American Indian art in the elementary classroom". Accepted for Art Educators of Minnesota Conference, MN, 2009.

Bequette, J., Hrenko, K. "Good, better, best: Culturally relevant arts integration". Accepted for National Art Education Association Conference, Minneapolis MN, 2009.

Clover, F., Hrenko, K., "Building Bridges". Accepted for National Art Education Association, Minneapolis MN, 2009.

Clover, F., Hrenko, K. "Arts and Crafts of Northern Minnesota". Accepted for International Craft Conference. Helsinki, Finland, 2008.

Hrenko, K. "Project Intersect". Accepted for Art Educators of Minnesota Conference, Saint Cloud, MN, 2008.

Clover, F., Hrenko, K. "Ojibwe Craft in the classroom". Accepted for Art Educators of Minnesota Conference, St Cloud MN, 2008.

Hrenko, K. "Culturally Relevant Art integration". Accepted for 5th International Conference on Teacher Education and Social Justice Center for Anti-Oppressive Teacher Education. Chicago, IL. 2008.

Hrenko, K., Neuman, E. "Teacher Education: Stories from the art room: A panel presentation". Accepted for Art Educators of Minnesota Conference, Minneapolis, MN, 2006 & 2007.

AWARDS AND GRANTS

Federal Department of Education, Arts in Education Development and Dissemination Grant (AAEDD), Project (RE) IMAGINE, Co-PI, 2018-2022, \$2,500,000.00

Maine Economic Improvement Fund, North Atlantic Student Teacher Exchange Program, PI, 2017-19, \$50,000.00

University of Southern Maine Title III Faculty Fellowship, 2017-19

Susan Curtis Foundation Community Partnership Award, 2017

Federal Department of Education, Arts in Education Model Development and Dissemination Grant (AEMDD), Project IMAGINE, Co-PI, 2014-2018, \$1,911,849.00

National Science Foundation, Transforming Undergraduate Education in Science (TUES) Grant, Co-PI, 2013-2016, \$192,226.00

University of Maine System Multicultural Grant, 2013, \$3,000.00

University of Southern Maine Faculty Senate Research Grant, 2012, \$700.00

Maine Campus Compact Faculty Fellowship, 2011, \$1,500.00

Kelly Hrenko, PhD
Associate Professor, Art Education
University of Southern Maine

University of Southern Maine Technology Grant, 2011, \$500.00
University of Southern Maine Faculty Professional Development Grant, 2010-2011, \$700.00
University of Southern Maine Faculty Senate Service Award, 2011, \$700.00
Federal Department of Education, Arts in Education Model Development and Dissemination Grant (AEMDD), Project Intersect, Research Assistant, Fond du Lac Reservation, 2006-2010, \$906,688.00

PROFESSIONAL ASSOCIATIONS AND MEMBERSHIPS

Maine Art Education Association 2010- present
American Educational Studies Association 2008-present
American Education Research Association 2008- present
College Art Association 2007-present
National Art Education Association 1999-present

BOARD AND COMMITTEE SERVICE

USM Interim Associate Dean for College of Arts, Humanities and Social Sciences, 2022-2023
USM Gloria S. Duclos Convocation Committee, 2021-22
USM Percent for Art Campus Committee 2021-22
Arts in Education Partnership (AEP) Higher Education Committee- 2021-22
USM Priority Four: Research, Creativity and Innovation Committee, President appointed, 2021
USM Center for the Arts Design Committee, Dean appointed, 2020-21
USM Advising and Assessment Sub-Committee, 2020-21
USM Art Department Chair, 2017- present
USM Maine North Atlantic Institute, Co-Chair of Art and Culture Committee, 2019-2020
USM New England Commission of Higher Education Recertification Committee, 2019-2020
USM Faculty Senate Scholarship Committee, Dean appointed, 2017
USM Community Based Learning Committee, Faculty Senate, 2016- 2017
USM University Assessment Committee, Provost appointed, 2015-2019
USM Curriculum Review Committee & Co-Chair, 2014- 2015
USM Title III HIP Advisory Committee, 2014- 2016
USM Faculty Advising Liaison/ Major Advising Coordinator, 2011-2016
USM Professional Education Council, 2011-present
USM Academic Program Assessment Software Committee, Provost appointed, 2012
Side x Side Arts Integration Organization, Steering Committee, 2013-2018
Maine Art Commission, Education Board, 2011-2013
Maine Art Education Association, Board, 2010-2014
Portland Museum of Art, Education Board, 2010-present
The ArtVan, Board, 2012-2015
The Telling Room, Education Board, 2011-2014
City of Saint Paul MN, Star Grant Board, 2007

TEACHING CERTIFICATIONS

Minnesota Teaching Certification, Art K-12
Washington Teaching Certification, Art K-12
Illinois Teaching Certification, Art K-12

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 APPOINTING PORTLAND HOUSING AUTHORITY
CONSTABLES FOR 2024**

ORDERED, that the individuals listed below are hereby appointed as constables for calendar year 2024;

BE IT FURTHER ORDERED, that these appointments shall be effective from 12:01 a.m. January 1, 2024, until 12:00 midnight, December 31, 2024;

BE IT FURTHER ORDERED, that these appointments are pursuant to Sections 20-19 and 20-19.5, Portland City Code, and none are allowed to carry a firearm, concealed or unconcealed, in the performance of their duties, or to make arrest.

**PORTLAND HOUSING
AUTHORITY**

Michael Mills
Cora Lanclos
Clayton Williams
Jesse Dunham
Marcia Yeaton
Michelle Dunham
Baba Ly
Jackie Condon
David McAfee

MEMORANDUM
City Council Agenda Item

FROM:

DATE: January 18, 2024

SUBJECT: Order 108-23/24 Granting Municipal Officers' Approval of Freedom's Edge LLC, dba Freedom's Edge Tasting Room. Application for Class III & IV FSE with Outdoor Dining on Private Property at 31 Diamond Street, Unit A - 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 1/17/24. This is a classification upgrade of an existing establishment. Establishment currently holds B/W/D On-Premise Consumption with Outdoor Dining on Private Property. 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. 2024.02.05_Freedoms Edge_Council Order
2. Freedoms Edge_Council Packet_2024.02.05

Prepared by:

Date: 01/18/2024

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:

**Freedom’s Edge LLC, dba Freedom’s Edge Tasting Room. Application for Class III & IV
FSE with Outdoor Dining on Private Property at 31 Diamond Street, Unit A**

PERKINS THOMPSON

Mailing Address
PO Box 426
Portland, ME 04112
Office 207.774.2635
Fax 207.871.8026

Physical Address
One Canal Plaza
Portland, ME 04101

www.perkinsthompson.com

January 12, 2024

Mayor Mark Dion and Portland City Council
389 Congress Street
Portland, Maine 04101

Re: Freedom's Edge Tasting Room
31 Diamond Street, Portland

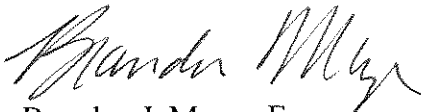
Dear Mayor Dion and City Councilors,

On behalf of our client, Freedom's Edge LLC, please find enclosed an application for a Food Service Establishment with Alcoholic Beverages License, together with accompanying State of Maine BABLO Application for On-Premises License.

Currently the tasting room has a winery manufacturing license and outdoor dining permit, and the enclosed application requests to add serving of beer.

Thank you very much for your consideration of this application.

Kind Regards,



Brandon J. Mazer, Esq.
Attorney

Enclosures

cc: Freedom's Edge LLC



CITY OF PORTLAND

Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

Business Information			
Establishment Name (d/b/a):	Freedom's Edge Tasting Room	Phone: 917-282-5186	
Location Address:	31 Diamond St. Unit A, Portland 04101	Zip:	
If new, what was formerly at this location:	Door Services Inc.		
Mailing Address:	45 Sherman Point Rd, Camden, ME 04843	Zip:	
Contact Person:	Andrew Kaplan	Phone: 917-282-5186	
Contact Person Email:	andy@freedomsegedecider.com		
Manager of Establishment:	Andrew Kaplan	Date of Birth: 5/22/65	Phone: 917-282-5186
Owner of Premises (Landlord):	PK Realty Management		
Address of Premises Owner (Landlord):	50 Monument Sq. Ste. 200, 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
Freedom's Edge LLC	45 Shermans Point Rd., Camden, ME Zip: 04843

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

Contact Person:	Freedom's Edge LLC	Phone: 917-282-5186	
Principal Officers	Title	Date of Birth	Residence Address
Andrew Kaplan	Partner	5/22/65	45 Shermans Point Rd., Camden, ME 04843
Edmund Ervin	Partner	03/30/82	6 Taylor Ave, Waterville, ME 04901
Class of Liquor License:		CLASS IV-MALT LIQUOR	

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bl@portlandmaine.gov • www.portlandmaine.gov



CITY OF PORTLAND
Permitting and Inspections Department

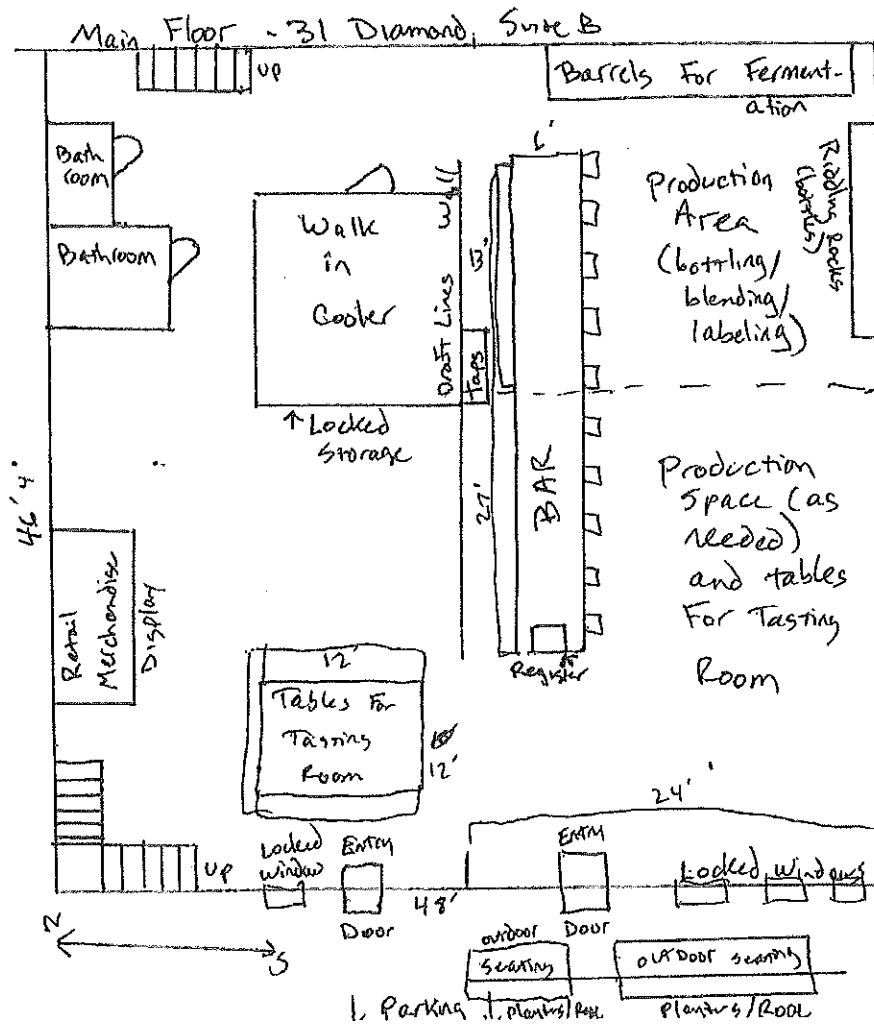
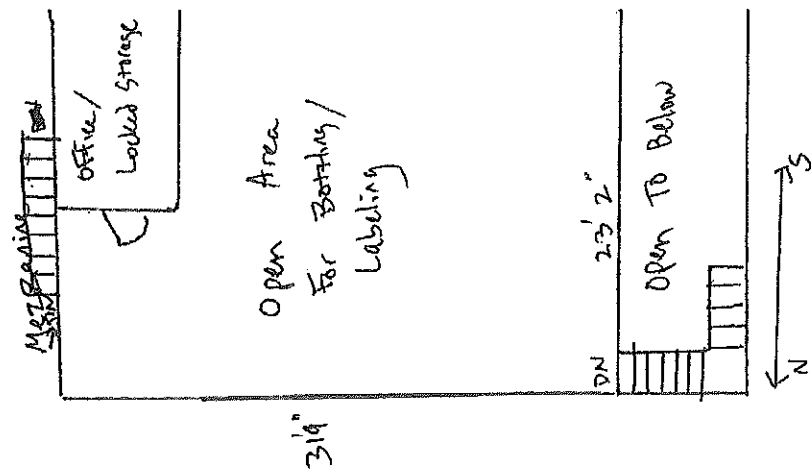
Type of food served:	Charcuterie/Small Plates		
Please circle all that will be served:	☒ Beer Wine Liquor		
Projected percentage of sales:	Generated from Food: 15%	Generated from Alcohol: 85%	
Hours & days of operation:	Mon-Sun 12pm-8pm		
QUESTIONS			
Will full-course meals, only capable of consumption 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?			3/15/24
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): Winery manufacturing license at same location with out door dining			
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, Brandon J. Mazer 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 Brandon Mazer Title Attorney-in-fact Date 1/12/24



Tasting Room Areas

- 1) $25 \times 24 = 600 \text{ sq Ft}$
- 2) Bar Area protruding toward east wall
 $13 \times 6 = 78 \text{ sq Ft}$
- 3) Additional seating on north side of premises
 $12 \times 12 = 144 \text{ sq Ft}$

Total Tasting Room

600
+ 78
+ 144
822 sq Ft



Sample Menu

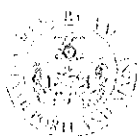
Charcuterie Plate	\$15
Prosciutto, genoa salami, soppressata & cured sausage along with selection of cheeses, dried fruit and crackers	
Cheese Fondue	\$14
Blend of fontina, gouda and gruyere cheeses melted at your table, along with bread, apple slices and baby carrots	
Bowl of Olives	\$8
Kalamata, cerignola and niçoise	
Hummus with Crackers	\$7
Roasted garlic hummus served with carrots and water crackers	
Chips 'n Salsa	\$7
Mild, medium or spicy pico de gallo with blue corn tortilla chips	
Mixed Nuts	\$6
Almonds, pecans, walnuts & peanuts	
Wedge of Gruyere Cheese	\$6
Served with sliced Italian bread	

Draft Ciders & Beer

	Half/Full
The Original (6.8%, semi-dry)	\$4/\$7
The Juice (6.2%, semi-sweet)	\$4/\$7
Sweet Mullet (6.5%, semi-sweet)	\$4/\$7
Three O'Clock Twilight (7.4%, semi-dry)	\$4/\$7
Mac Dabby (7.0%, off-dry)	\$5/\$8
Cherry Bomb (7.0%, semi-dry)	\$5/\$8
Low Bush Tussle (7.2%, off-dry)	\$5/\$8
Pick Your Own (7.0%, semi-dry)	\$5/\$8
Cranberry Cosmo Cider Cocktail (6.0%, semi-sweet)	\$4/\$7
Blueberry Daiquiri Cider Cocktail (6.0%, semi-sweet)	\$4/\$7
Freedom's Edge Gold (7.4%, dry)	\$6/\$10
Maine Beer Co "Lunch" (7.0%, IPA)	\$5/\$8

Non-Alcoholic Beverages

Mocktail of the Day	\$6
Sparkling Apple Cider	\$5
San Pellegrino "Aranciata Rossa"	\$4
Maine Root "Root Beer"	\$4
Orono Brewing "Hop Water Citra"	\$7



CITY OF PORTLAND
Permitting and Inspections Department

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

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

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

Business Information			
Business Name (d/b/a):	Freedom's Edge Cider	Phone:	
Location Address:	31 Diamond Street	Zip:	04101
Mailing Address:	31 Diamond Street, Portland, Maine	Zip:	04101
Contact Person:	Brandon J. Mazer, Esq.	Phone:	207-400-8125
Contact Person Email:	bmazer@perkinsthompson.com		
Manager of Establishment:	Andrew Kaplan	Date of Birth:	5/22/65
		Phone:	971-282-5186
Owner of Premises (Landlord):	PK Realty Management		
Address of Premises Owner:	50 Monument Sq. 2nd Floor Portland, Maine	Zip:	04101

Owner Information

Corporate Name		Corporate Mailing Address	
Freedom's Edge LLC		420 Quaker Hill Road, Albion, Maine Zip: 04910	
Contact Person:	Andrew Kaplan	Phone:	917-282-5186
Principal Officers	Title	Date of Birth	Residence Address
Andrew Kaplan	Member	5/22/65	54 Shermans Point Rd., Camden ME 04843
Ned Ervin	Member	3/30/82	6 Taylor Ave, Waterville, ME 04901



CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	Winery Alcohol Service License
Type of food served:	N/A
Please circle all that will be served:	Beer <u>Wine</u> Liquor
Hours & days of operation:	11:00 A.M.-10:00 P.M. Sunday through Saturday
Number of Tables	5
Number of Chairs	20

Design and Construction

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

Maintenance and Operations

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

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

Signature [Signature] Title Member Date 3/16/23

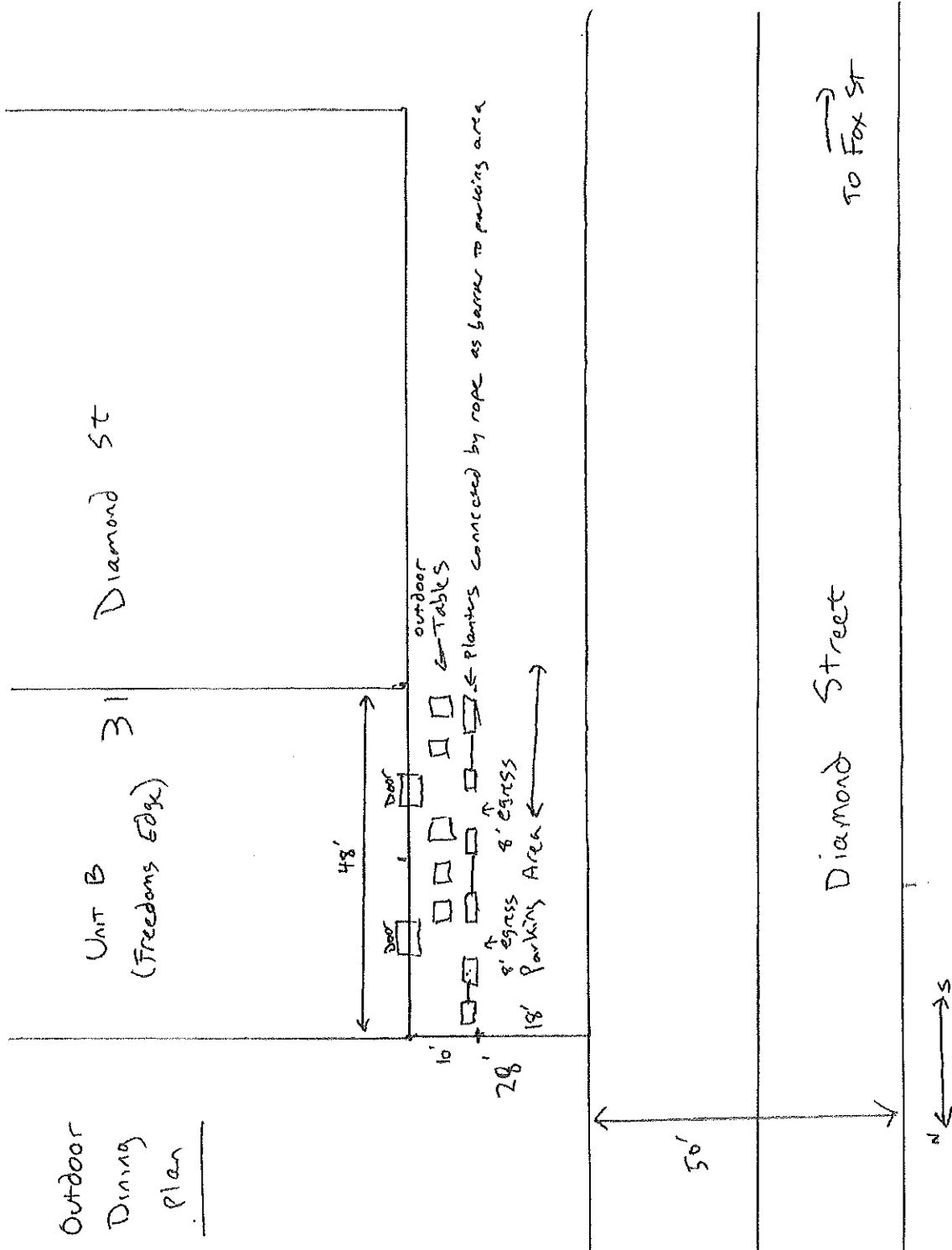
For Administrative Use Only

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

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bl@portlandmaine.gov • www.portlandmaine.gov

Page 32

Outdoor Dining plan





Zachary Lenhart <zlenhart@portlandmaine.gov>

Freedom's Edge - Class III-IV - 31 Diamond St

Zoning <zoning@portlandmaine.gov>

Mon, Jan 22, 2024 at 4:09 PM

To: Zoning <zoning@portlandmaine.gov>

Cc: Zoning <zoning@portlandmaine.gov>, Aaron Bridges <bridgesa@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, 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>, Benjamin Pearson <bnp@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, cstacey <cstacey@portlandmaine.gov>, Business Licensing <bl@portlandmaine.gov>, Eric Nevins <erickn@portlandmaine.gov>

Good Afternoon,

Sorry this is for tenant A of 31 Diamond ST

Please add the condition:

As required under Section 6.6.2.I of Chapter 14, the service of food in the approved accessory tasting room shall be limited to that which does not constitute a full course meal. No more than 10% of the beverage (food) menu in tasting rooms accessory to beverage production (food production) may be produced or manufactured off-site. Merchandise sales shall be limited branded products, products manufactured by this business, and products related to this business's core activities. Regular events shall be limited to tours, seminars, product releases, and lectures that are related this business's manufacturing activities. Unrelated special events in the I-M and I-H zone are limited to no more than 20 per calendar year. In the I-Lb zone, unrelated special events are limited to 28 hours per week, per Section 6.6.2.H of Chapter 14.

Thank you,

Mac

[Quoted text hidden]



Zachary Lenhart <zlenhart@portlandmaine.gov>

Freedom's Edge - Class III-IV - 31 Diamond St

Eric Nevins <erich@portlandmaine.gov>

Sat, Jan 20, 2024 at 4:30 PM

To: Treasury Division <treasury@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>, Zoning <zoning@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Benjamin

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

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on February 5, 2024 at 5:00 P.M., Freedom's Edge LLC, dba Freedom's Edge Tasting Room. Application for Class III & IV FSE with Outdoor Dining on Private Property at 31 Diamond Street, Unit A - Sponsored by Danielle P. West, City Manager

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



January 26, 2024

Freedom's Edge LLC
45 Sherman point Road
Camden, Maine 04843

Re: Freedom's Edge LLC, dba Freedom's Edge Tasting Room. Application for Class III & IV FSE with Outdoor Dining on Private Property at 31 Diamond Street, Unit A

Dear Freedom's Edge LLC:

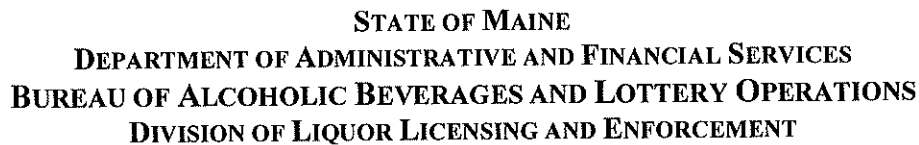
This letter shall serve as a reminder of the public hearing before the Portland City Council on Monday February 5, 2024 at 5:00 p.m., for the review of application for Class III & IV FSE with Outdoor Dining on Private Property at 31 Diamond Street, Unit A. The meeting will take place in person at Portland 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



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): Freedoms Edge LLC	Business Name (D/B/A): Freedoms Edge Cider
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 31 Diamond St. Unit A, Port
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different: 45 Shermans Point Rd. Camden, ME 04843
Mailing address, if different from DBA address:	Email Address: andy@freedomsgedecider.com
Telephone # Fax #: 917-282-5186	Business Telephone # Fax #: 917-282-5186
Federal Tax Identification Number: 83-4092516	Maine Seller Certificate # or Sales Tax #: 1203034
Retail Beverage Alcohol Dealers Permit: ME-W-21068	Website address: www.freedomsgedecider.com

1. New license or renewal of existing license? ☒ New Expected Start date: 3/15/2024
☐ Renewal Expiration Date: _____
2. The dollar amount of gross income for the licensure period that will end on the expiration date above:
Food: \$20,000.00 Beer, Wine or Spirits: \$60,000.00 Guest Rooms: N/A
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:

45 Shermans Point Rd. Camden, ME 04843

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
Freedoms Edge Cider	2019-SMW-12265	420 Quaker Hill Rd., Albion, ME 04910

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
Andrew Kaplan	05/22/1965	Newark, NJ
Edmund Ervin	03/30/1982	Waterville, ME
Residence address on all the above for previous 5 years		
Name Andrew Kaplan	Address: 42 Shermans Point Rd., Camden, ME 04843	
Name Edmund Ervin	Address: 6 Taylor Ave., Waterville, ME 04901	
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:

PK Realty, 50 Monument Sq. Ste 200, 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)

The premises are the northwest corner of the building located at 31 Diamond Street in Portland extending 46'
to the east and 48' to the south from the northwest corner. There are two garage doors and two man entrance
doors on the west side and one man door on the north side of the premises. There is a 20' long bar approximately
midway between the garage door entrances and the back wall with underbar coolers

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: Missio Dei Church, 94 Washington Ave.

Distance: .40

Section II: Signature of Applicant(s)

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

Please sign and date in blue ink.

Dated: 1-12-24

Brandon J. Mazer
Signature of Duly Authorized Person

Signature of Duly Authorized Person

Brandon J. Mazer
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.

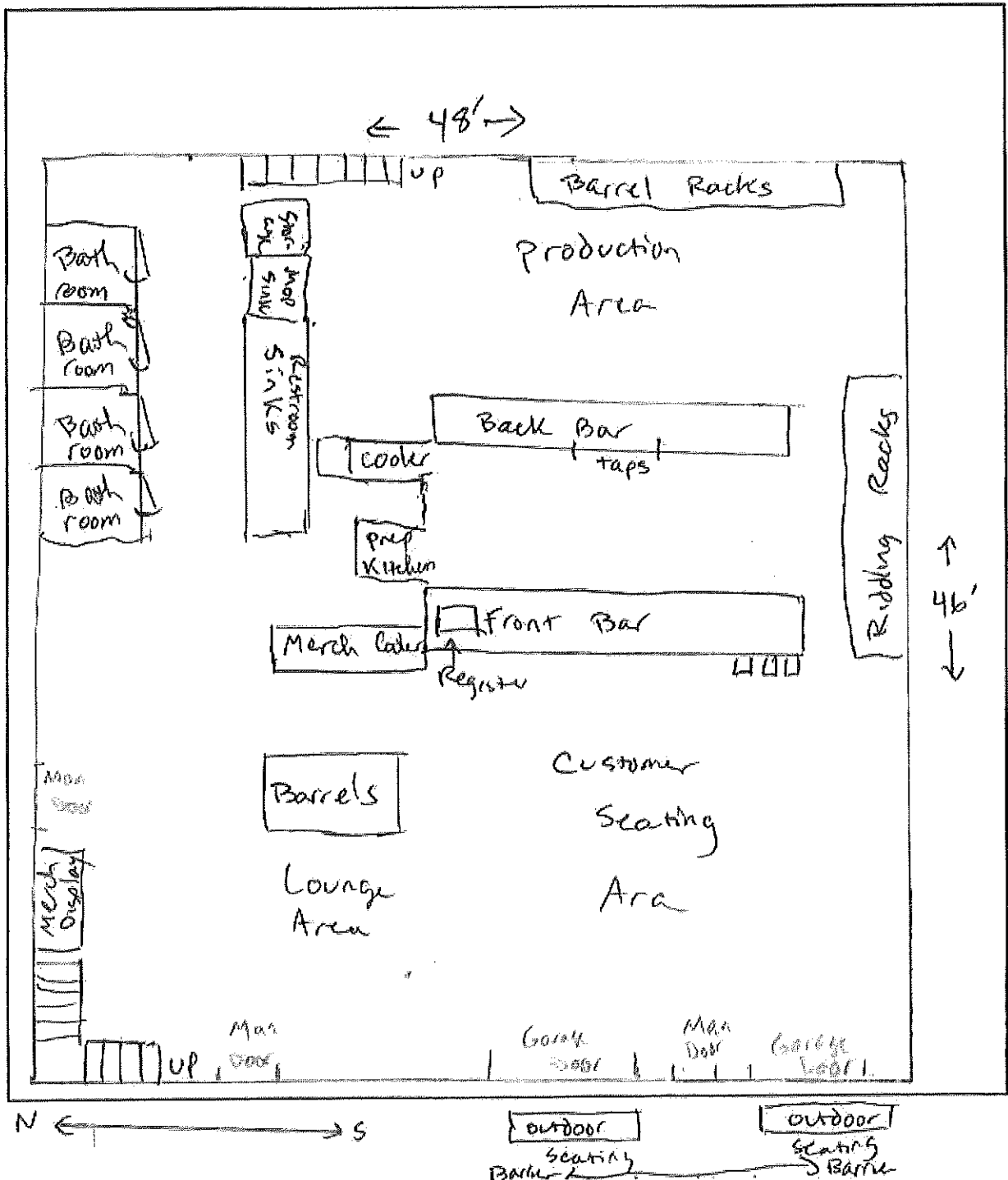
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together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



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: Freedoms Edge LLC
2. Doing Business As, if any: _____
3. Date of filing with Secretary of State: 3/11/2019 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Andrew Kaplan	45 Sherman Point Rd. Camden	5/22/1965	Partner	50.000
Edmund Ervin	6 Taylor Ave., Waterville	3/30/1982	Partner	50.000

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

MEMORANDUM
City Council Agenda Item

FROM:

DATE: January 18, 2024

SUBJECT: Order 109-23/24 Granting Municipal Officers' Approval of Orange Bike Brewing Company, dba Orange Bike Brewing. Application for Combined Entertainment at 31 Diamond Street, Suite D - 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 1/12/24. This is an existing establishment adding license for indoor and outdoor entertainment. Establishment currently holds B/W/D On-Premise Consumption with Outdoor Dining on Private Property. New City application.

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. 2024.02.05_Orange Bike_Council Order

2. Orange Bike_Council Packet_2024.02.05

Prepared by:

Date: 01/18/2024

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:

**Orange Bike Brewing Company, dba Orange Bike Brewing. Application for Combined
Entertainment at 31 Diamond Street, Suite D**

Orange Bike Brewing Company
31 Diamond Street, Suite D
Portland Maine 04101

1/11/24

Dear Mayor Dion and members of the Portland City Council,

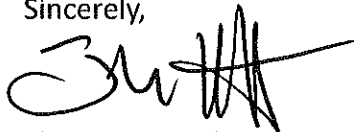
I am formally requesting an Entertainment License for Orange Bike Brewing Company. Being a mission-driven business, our establishment aims to contribute positively to the cultural and social landscape of the Portland community by supporting local musicians, artists, and non-profit partners and providing quality entertainment opportunities to our guests and the community.

This entertainment license enables us to host various forms of entertainment, including small musical performances with occasional larger groups, open mic-style performances, poetry nights, and other small community-engaging events in our tasting room and outdoor beer garden. By obtaining this license, we aim to create a vibrant space where members of our community can gather and enjoy experiences.

We kindly request your assistance and support in granting us the necessary entertainment license to formalize our operations.

Thank you for considering our request. We look forward to contributing to the cultural richness of our city and creating memorable experiences for our community members.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas E. Ruff', with a stylized, flowing script.

Thomas E. Ruff
Founder & CEO



CITY OF PORTLAND
Permitting and Inspections Department

Application for an Entertainment License

☐ Indoor Entertainment \$500.00	☐ Outdoor Entertainment \$700.00	☒ Combined Entertainment \$800.00
☒ Sound Mitigation Fee \$150.00		
Legal Fee - 100		
Business Information		
Establishment Name (d/b/a):	Orange Bike Brewing Company	Phone: 207-391-4343
Location Address:	31 Diamond St. Suite D Portland ME	Zip: 04101
Owner Name:	Thomas E. Ruff	Phone: 310-850-1496
Owner Email:	Tom@orangebikebrewing.com	
Contact Person responsible for Entertainment:	Caroline Cutter	Phone: 508-808-2161
Contact Person Email:	Caroline@orangebikebrewing.com	
Manager of Establishment:	Caroline Cutter	Phone: 508-808-2161
Manager Email:	Caroline@orangebikebrewing.com	

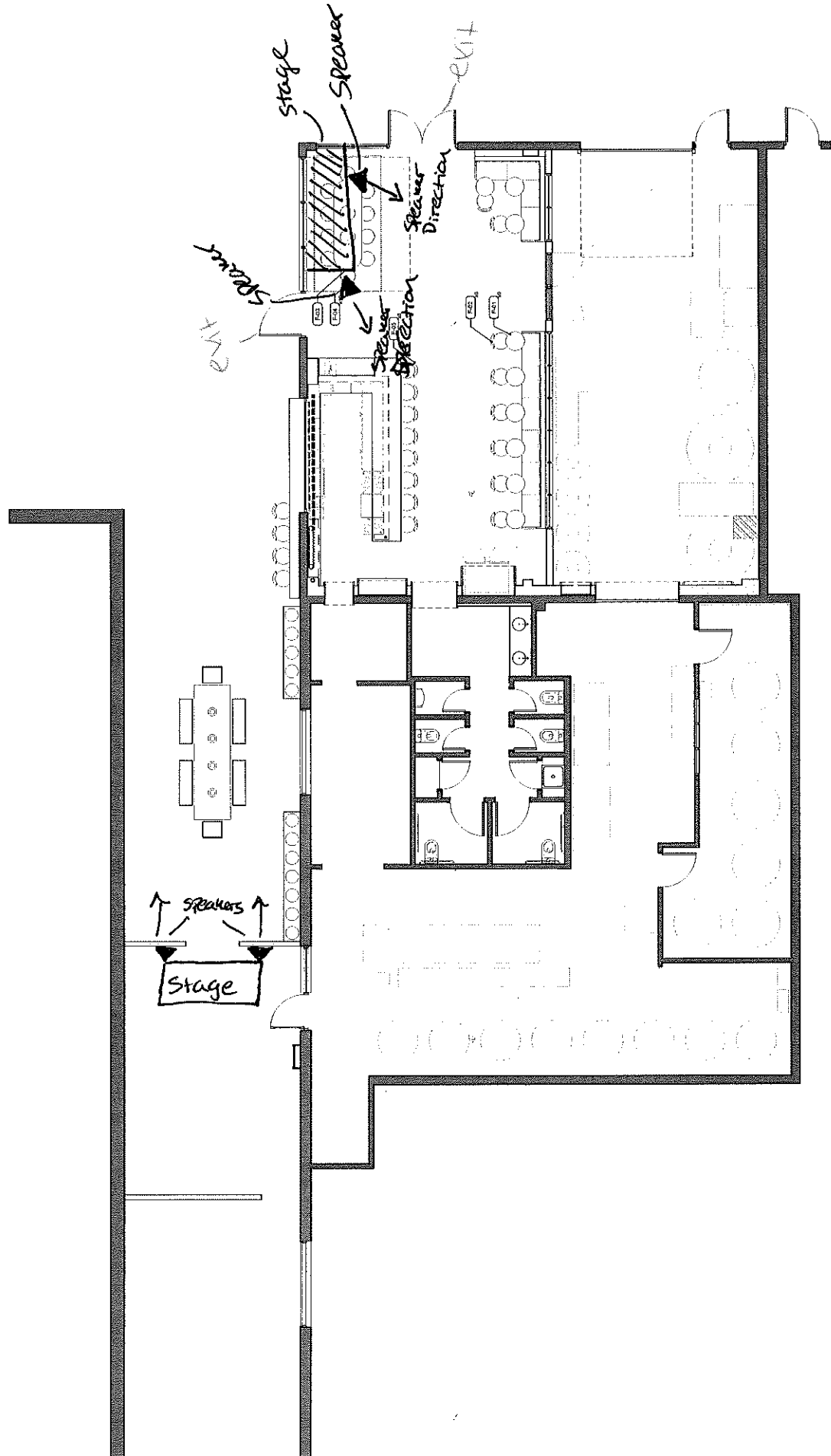
About Your Establishment

Describe in detail the type and nature of the business and proposed entertainment:
Orange Bike Brewing Co. is a Brewery and Tasting Room that plans to host various forms of entertainment including small musical performances with occasional larger groups, open mic style performances, poetry nights and other small community engaging events in our tasting room and outdoor beer garden.

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 Founder/CEO Date 1/12/21

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



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

Sound Mitigation Plan for Orange Bike Brewing Company

31 Diamond St., Suite D, Portland, ME 04101

Prepared by Jason Kissinger B.A. in Audio Recording

The Orange Bike Brewing facility is approximately 3,300 square feet, with the tasting room located in the Eastern corner of the space. Additionally, there is approximately 1200 square feet of attached alleyway for outdoor service along the northeast wall. We intend to utilize the tasting room and outdoor alley for entertainment, depending on the season/weather. The items below identify our plan to mitigate all entertainment-related sound in these two areas.

Methods to minimize the impact of entertainment on surrounding uses

INSIDE:

- The front doors will remain shut during performances, providing a buffer to the outside and reducing any sound carrying to surrounding uses.
- The tasting room does not share any walls with surrounding businesses and is separated by production space, offices, and storage. As such, there is a natural sound barrier from the proposed indoor entertainment site, minimizing noise carryover through walls.
- Surrounding businesses have standard daytime operating hours and typically close between 4 pm and 6 pm. Our proposed entertainment will generally take place outside of these operating hours.
- Should any larger performance occur, especially those that overlap with surrounding neighbors' operating hours, Orange Bike Brewing will notify surrounding neighbors and address any concerns they may have.

OUTSIDE:

- All outdoor entertainment will be surrounded by standing structures (buildings, walls, fencing), reducing the noise that may carry over any open spaces.
- Additional fencing and noise-canceling baffles can be installed to minimize the impact on surrounding uses further.
- Orange Bike Brewing will inform surrounding users of large performances occurring outside, and performances will likely start after the close of surrounding businesses.

Speaker location/direction, sound system, and stage/site layout

INSIDE:

- The venue will use a portable 500-watt system through 2 speakers on stands to minimize ground vibration/transduction. The system will be purposely underpowered for the space to keep the volume reduced.

- Speakers will be on the Northeast wall of the tasting room and never pointed directly at the main entrance.
- The proposed PA system is small; we can quickly move locations to reduce noise pollution further.
- There will be no physical stage; instead, a section of the northeast wall of the tasting room will be cleared of tables and chairs to accommodate room for performers. The sound will travel away from the residents' direction and towards the wall against the production part of the facility.

OUTSIDE:

- The outside performance area will use the same small portable sound system as the inside for occasional performances, again being underpowered for the space to keep the volume reduced.
- The extended, open space will allow the sound from the speakers to dissipate at a much shorter distance and has a perceived narrower projection angle.
- Speakers will be facing southeast and thus away from the nearest residence. It will be facing away from the walled end of the alleyway, which will reduce reflection and refraction.
- There will be no physical stage; instead, a section of the northwest alleyway beer garden will be cleared of tables and chairs to accommodate room for performers. The sound will be traveling away from our nearest neighbor.

Noise-canceling or mitigating measures proposed

INSIDE:

- Orange Bike has already invested \$48,000 into an acoustic ceiling installed in the tasting room for sound mitigation. This two-part sound-dampening system utilizes CFBA Cellulose Fiber Acoustical Panels and Acoustic Baffles, both installed by Keeley Construction and Crane.
- Additional structures and furnishings - bar, padded seating, drywall construction, and other furniture - will further absorb and diffract sound from the performance area.
- If more noise reduction is needed, heavy curtains will be placed around the main doors to prevent sound from escaping outside. Additional free-standing baffles and acoustic baffles attached to the bottom of the chairs can also be employed.

OUTSIDE:

- If outdoor noise mitigation is needed, acoustic panels, free-standing baffles, and semi-permanent sound walls can be added to the performance area and the property perimeter.
- Structures and furnishings - padded seating, softwoods, tables, and other furniture - will further absorb and diffract sound from the performance area.

Anticipated sound readings

INSIDE:

- Less than 60dB during our loudest possible show with the doors closed.
- At an 8 ft distance from outside walls, it is estimated that its loudest sound may reach 40 dB.

OUTSIDE:

- Less than 60dB during our loudest show at the edge of the property
- Less than 60dB at our closest neighboring business; less than 40 at the nearest residential area

Onsite monitor when attendees are expected to exceed 250

INSIDE:

- Occupancy will be at most 47, making an onsite monitor unnecessary.

OUTSIDE:

- Occupancy will be at most 91, making an onsite monitor unnecessary.

Orange Bike Brewing - Entertainment

Eric Nevins <erich@portlandmaine.gov>

Sat, Jan 20, 2024 at 4:27 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>, Glen McGary <glenm@portlandmaine.gov>, Kevin Schneck <kschneck@portlandmaine.gov>

Approved

[Quoted text hidden]

--

Eric Nevins

Lieutenant

Portland Police Department

(207) 874-8513



Zachary Lenhart <zlenhart@portlandmaine.gov>

Orange Bike Brewing - Entertainment

Zoning <zoning@portlandmaine.gov>

Thu, Jan 25, 2024 at 11:46 AM

To: Zoning <zoning@portlandmaine.gov>

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

Good Morning,

The legal use for this unit is low-impact industrial with accessory tasting room. 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

Sound Mitigation Review

Date: 1/23/2024

Business Orange Bike Brewing

Applicant Thomas Ruff

DESCRIPTION	yes	no
Sound system appropriate for the size venue		Yes
Performance space located in an appropriate location		Yes
Performance space facing in an appropriate direction to control sound		Yes
Surrounding surfaces appropriate to control sound		Yes
Additional sound absorbing features		
additional notes		
Approved		Yes
DIRECT ALL INQUIRIES TO:		
Kevin Schneck		
(207) 756-8433		
kschneck@portlandmaine.gov		

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on February 5, 2024 at 5:00 P.M., Orange Bike Brewing Company, dba Orange Bike Brewing. Application for Combined Entertainment at 31 Diamond Street, Suite D - Sponsored by Danielle P. West, City Manager

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



January 26, 2024

Orange Bike Brewing Company
31 Diamond Street, Suite D
Portland, Maine 04101

Re: Orange Bike Brewing Company, dba Orange Bike Brewing. Application for Combined Entertainment at 31 Diamond Street, Suite D

Dear Orange Bike Brewing Company:

This letter shall serve as a reminder of the public hearing before the Portland City Council on Monday February 5, 2024 at 5:00 p.m., for the review of application for Combined Entertainment at 31 Diamond Street, Suite D. 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,

A handwritten signature in black ink, appearing to read "Z Lenhert".

Zachary J. Lenhert
Licensing and Housing Safety Manager

MEMORANDUM
City Council Agenda Item

FROM:

DATE: January 18, 2024

SUBJECT: Order 110-23/24 Granting Municipal Officers' Approval of Smoked Portland LLC, dba Smoked BBQ & Neighborhood Pub. Application for Class XI Restaurant/Lounge with Combined Entertainment and Outdoor Dining on Private Property at 951 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 1/10/24. This is an application for a new establishment. Location was previously Maelily & Ryleigh's. 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. 2024.02.05_Smoked BBQ_Council Order

2. Smoked BBQ_Council Packet_2024.02.05

Prepared by:

Date: 01/18/2024

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:

**Smoked Portland LLC, dba Smoked BBQ & Neighborhood Pub. Application for Class XI
Restaurant/Lounge with Combined Entertainment and Outdoor Dining on Private
Property at 951 Forest Avenue**

PERKINS THOMPSON

Mailing Address
PO Box 426
Portland, ME 04112
Office 207.774.2635
Fax 207.871.8026

Physical Address
One Canal Plaza
Portland, ME 04101

www.perkinsthompson.com

January 10, 2024

Mayor Mark Dion and Portland City Council
389 Congress Street
Portland, Maine 04101

Dear Mayor Dion and City Councilors,

On behalf of our client, Smoked Portland LLC ("Smoked BBQ"), please find attached to this letter an application for a Food Service Establishment with Alcoholic Beverages License, together with accompanying State of Maine BABLO Application for On-Premises License.

We have also included the application for Combined Entertainment and Outdoor Dining Permit on Private Property Supplemental Application.

Smoked Portland LLC plans on opening Smoked BBQ & Neighborhood Pub in the former Maelily & Ryleigh's location on Forest Avenue.

Also enclosed is a check in the amount of \$4044.00 in payment of the applicable fees.

Thank you very much for your consideration of these applications.

Kind Regards,



Brandon J. Mazer, Esq.
Attorney

Enclosures

cc: Smoked Portland LLC



CITY OF PORTLAND

Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

Business Information	
Establishment Name (d/b/a):	SMOKED BBQ & NEIGHBORHOOD Pub Phone: 207 329-1789
Location Address:	951 Forest Avenue Zip: 04103
If new, what was formerly at this location:	MAELLY & RYLEIGH'S
Mailing Address:	92 Scotto Hill Rd. Scarborough, Me. Zip: 04074
Contact Person:	MICHAEL HARRIS 207 329-1789 Phone:
Contact Person Email:	MIKE @ SMOKED MAINE. COM
Manager of Establishment:	JASON TOULE Date of Birth: 3-29-79 207 310-3859 Phone:
Owner of Premises (Landlord):	949 Forest Ave LLC
Address of Premises Owner (Landlord):	408 Fore St. #3 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
	Zip:

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

Contact Person:	Smoked Portland, LLC		Phone: 207-329-1789
Michael Harris			
Principal Officers	Title	Date of Birth	Residence Address
Michael Harris	Owner	7-8-72	92 Scotto Hill Rd Scarborough
Jason Toule	MANAGER	3-29-79	3 Lasky Rd Windham
Class of Liquor License:		Class A Lounge	



CITY OF PORTLAND
Permitting and Inspections Department

Type of food served:	Full Service	
Please circle all that will be served:	Beer Wine Liquor	
Projected percentage of sales:	Generated from Food: 75	Generated from Alcohol: 25
Hours & days of operation:	7 days 10:30 AM - 11:00 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: 0 # of amusements: 2 # of pool tables:		
What is your targeted opening date?		2-1-23
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):		Bing's Stadium Free Street
Is any principal officer under the age of 21?		Y/N
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?		Y/N
If Yes, please explain:		

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

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

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

Signature [Signature] Title Owner Date 12-20-23

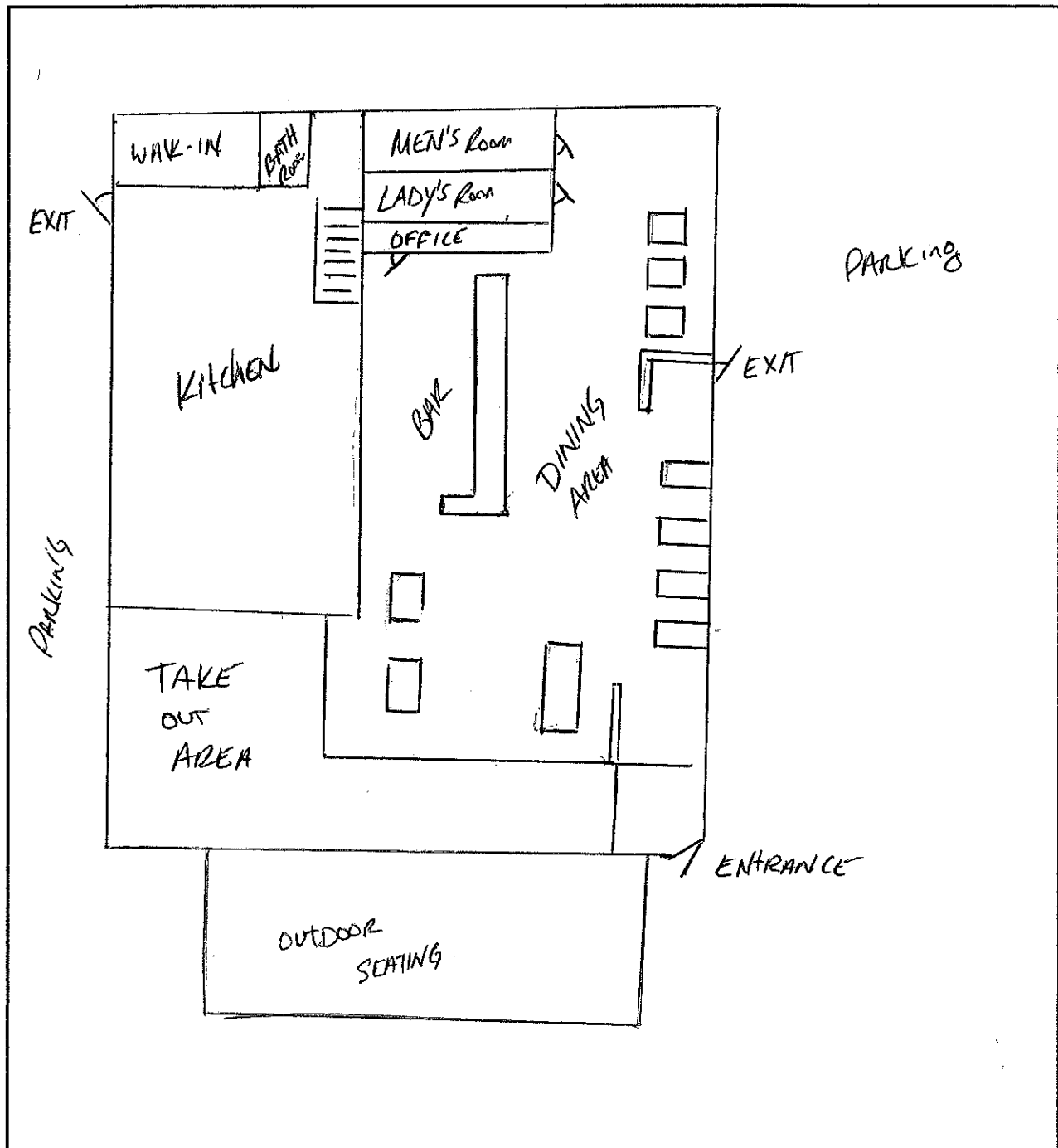
389 Congress Street, Room 307 • Portland, Maine 04101 • 207-874-8557

bl@portlandmaine.gov • www.portlandmaine.gov

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.



JUST A QUICKIE

HAND CUT FRIES (GF) 7.99

Fresh hand cut local potatoes

SWEET POTATO TOTS (GF) 8.99

Crispy Sweet Potato tots

POTATO HASH BROWNS (GF) 9.99

Our version of tater tots. Flat & crispy. (Try them tossed in one of our house-made dry rubs, topped with gravy, or loaded with bacon, nacho cheese and buffalo)

PICKLE CHIPS (GF) 9.99

Fried pickle chips served with our "house" sauce for dipping

JALAPENO POPPERS 8.99

Six jalapenos filled with cream cheese, breaded, and fried. Served with our Jalapeno Pesto sauce.

BEER BATTERED ONION RINGS 9.99

Served with a side of sriracha mayo

FRIED MUSHROOMS (GF) 8.99

Fresh mushrooms, hand breaded and fried. Served with our "house" sauce for dipping.

FRIED CAULIFLOWER BITES (GF) 8.99

Hand breaded, crispy fried fresh cauliflower. Served with our "house" sauce for dipping. (Try them tossed in your favorite sauce!- we recommend buffalo)

MAC & CHEESE BITES 9.99

Smoked gouda mac & cheese nuggets battered and fried. Served with our "house" sauce for dipping.

MOZZARELLA WEDGES 9.99

Delicious mozzarella, breaded & fried topped with marinara & parmesan cheese.

POUTINE 12.99

Hand cut crispy fries, topped with melted cheese curds & gravy. Add a protein: Pulled Pork, Brisket, or Fried Cauliflower \$4. Smoked Chicken, or Popcorn Chicken \$6.

BUFFALO CHICKEN DIP (GF) 11.99

Tender shredded house smoked chicken breast combined with a blend of cheeses & buffalo for an extra kick

BURNT ENDS (GF) 13.99

What is a burnt end? Glad you asked! They are slow-smoked in house for 20 hours, cubed and caramelized pieces of heaven, beloved for their sweet flavor & soft-as-butter texture. Choose from either Brisket served with a side of maple bourbon bbq, or Pork Belly served with a side of maple bourbon bbq. Get them while you can-they sell out fast!

SOUTH OF THE BORDER

*ADD PROTEIN TO YOUR NACHOS: PULLED PORK, BRISKET, FRIED CAULIFLOWER \$4 POPCORN CHICKEN, OR SMOKED CHICKEN

*TOSS YOUR PROTEIN IN YOUR FAVORITE SAUCE

*ADD HOUSE BRISKET BAKED BEANS \$4

SMOKED HOUSE NACHOS (GF)

FULL 15.99 | HALF 8.99

Fresh corn chips layered with shredded cheese, diced tomatoes, onions, black olives, jalapenos, black beans, served with sour cream & salsa

TACOS

3 flour tortillas stuffed with tomatoes, onions, lettuce, & cheese served with sour cream & salsa *Upgrade to gluten free corn tortillas for \$1.99

NAKED 9.99

PULLED PORK TOSSED IN BBQ 13.99

FALAFEL 13.99

BRISKET TOSSED IN BBQ 13.99

SMOKED CHICKEN 14.99

CHIPS & SALSA (GF) 8.99

Fresh house fried tortilla chips served with a side of salsa & sour cream (add nacho cheese for \$2)

PASTA LA VISTA BABY!

BYOM (BUILD YOUR OWN MAC & CHEESE) 12.99

Creamy macaroni swirled in a blend of rich gouda cheese.

*Add a protein tossed in your choice of sauce. (Pork & brisket will be tossed in BBQ unless specified) Pork, Brisket, Fried Cauliflower, Falafel \$4 | Popcorn Chicken, Smoked Chicken \$6

CHICKEN PARM 18.99

Breaded chicken layered atop a bed of pasta, smothered in rich marinara sauce and melted mozzarella.

BETWEEN THE BUNS

*SERVED WITH POTATO CHIPS. UPGRADE TO FRENCH FRIES OR COLESLAW \$3, GARDEN SALAD, CAESAR SALAD, SMOKED BRISKET BAKED BEAN, POTATO HASH BROWNS, OR SWEET POTATO TOTS \$4

*UPGRADED TO A GLUTEN FREE WRAP FOR \$1.99

HOT FRIED CHICKEN SANDWICH 14.99

Buttermilk marinated chicken hand tossed in our house-made buffalo and topped with coleslaw, served on a toasted brioche bun.

FRIED CHICKEN SANDWICH 14.99

Buttermilk marinated chicken, topped with pickle and mayo, served on a toasted brioche bun.

PASTRAMI & SWISS 14.99

House-smoked pastrami with melted Swiss cheese and Dijon mustard, served on a toasted brioche bun.

SMOKED RUEBEN 14.99

House-smoked pastrami, Swiss cheese, 1000 Island dressing, on grilled marble rye with your choice of sauerkraut or coleslaw.

PULLED PORK SANDWICH 12.99

House-smoked BBQ pulled pork, topped with coleslaw and pickles, served on a toasted brioche bun.

STEAK & CHEESE 14.99

Shaved steak with grilled peppers, onions, mushrooms, and American cheese on a sub roll

BLT 12.99

Grilled crispy bacon with lettuce, tomato, and mayo, served on a toasted brioche bun.

SMASH BURGERS

OUR SMASHED BURGERS ARE 2 BEEF PATTIES SMASHED TO GIVE IT A CRISPY OUTER CRUST, AND THEN LAYERED WITH CHEESE.

SMOKED PATTY MELT 14.99

2 smash burgers piled high, with BBQ pulled pork, bacon, onions, mushrooms, and gouda cheese. Served on Texas Toast.

BACON TOMATO JAM BURGER 14.99

Smash burgers topped with our signature bacon tomato jam, cheddar cheese and fried onions. Served on a toasted brioche.

HOUSE BURGER 12.99

Smash burgers smashed onto grilled bacon, and onions, with our house-made honey BBQ mayo. Served on a toasted brioche.

BYOB (BUILD YOUR OWN SMASH BURGER) 10.99

*INCLUDES LETTUCE, TOMATO & ONION

Add cheese .99

American, Cheddar, Swiss, Gouda, Colby Jack

Add any of our signature sauces .99

Add Veggies .99

Sauteed Mushrooms, Sautee Onions, Peppers, Jalepenos

Add protein 1.99

Bacon, Brisket, Pulled Pork

THAT'S A WRAP

*SERVED WITH POTATO CHIPS. UPGRADE TO FRENCH FRIES OR COLESLAW \$3, GARDEN SALAD, CAESAR SALAD, SMOKED BRISKET BAKED BEAN, POTATO HASH BROWNS, OR SWEET POTATO TOTS \$4

*UPGRADED TO A GLUTEN FREE WRAP FOR \$1.99

CHICKEN WRAP 12.99

Fresh hand breaded chicken breast, tossed in your choice of sauce with lettuce, tomatoes and our signature "house" sauce.

FALAFEL WRAP 11.99

Falafel tossed in your choice of sauce with tzatziki, lettuce, tomato, cucumber, and onion.

CAULIFLOWER WRAP 11.99

Hand breaded fried cauliflower, lettuce, tomato, onion, honey BBQ mayo, and smoked gouda.

CHICKEN BLT WRAP 13.99

Fresh hand breaded chicken breast, tossed in your choice of sauce, bacon, lettuce, tomato, onion, American cheese, and mayo.

FEAST MODE ACTIVATED

*SIDES CAN BE SUBSTITUTED FOR NO ADDITIONAL FEE

PULLED PORK DINNER 16.99

House smoked and tossed in your choice of sauce. Served with coleslaw, brisket baked beans, and our house made corn muffin with a sweet cinnamon butter.

WING DINNER 18.99

6 Wings- Your choice of Smoked Dirty Wings or Hand Breaded Wings tossed in your choice of sauce. Served with our mac & cheese, celery & carrots, and our house made corn muffin with a sweet cinnamon butter. And a side of our house dressing or ranch.

TENDER DINNER 18.99

3 hand breaded tenders tossed in your choice of sauce. Served with our mac & cheese, celery & carrots, and our house made corn muffin with a sweet cinnamon butter. And a side of our house dressing or ranch

RIB DINNER 18.99

Our house-smoked ribs "half rack" tossed in our signature BBQ sauce. Served with coleslaw, brisket baked beans, and our house made corn muffin with a sweet cinnamon butter.

FRIED CAULIFLOWER DINNER 14.99

Fresh cauliflower hand breaded and fried, tossed in your choice of sauce. Served with a side garden salad, mac & cheese, and our house made corn muffin with a sweet cinnamon butter. And a side of our house dressing or ranch.

SLIDERS

*SERVED WITH POTATO CHIPS. UPGRADE TO FRENCH FRIES OR COLESLAW \$3, GARDEN SALAD, CAESAR SALAD, SMOKED BRISKET BAKED BEAN, POTATO HASH BROWNS, OR SWEET POTATO TOTS \$4

CHEESEBURGER SLIDERS 10.99

Three mini cheeseburgers with onions, pickles, and 1000 island served on mini toasted buns.

CHICKEN LITTLE SLIDERS 10.99

Three mini chicken tender sliders with pickles, mayo, and your choice of sauce.

PULLED PORK SLIDERS 14.99

Three mini pulled pork sliders tossed in our house BBQ sauce, topped with coleslaw and pickles.

BRISKET SLIDERS 14.99

Three mini house smoked brisket sliders with coleslaw, pickles, and our house BBQ sauce.

KID'S MENU

I DON'T KNOW 6.99

4 wings hand breaded or smoked dirty with a side of hand cut fries

I'M NOT HUNGRY 6.99

2 chicken tenders with a side of hand cut fries

I WANT TO GO HOME 4.99

Side of house made mac & cheese

CAN WE GO TO MCDONALD'S 6.99

Mini cheeseburger slider with a side of hand cut fries

I'M BORED 5.99

Mini hamburger slider with a side of hand cut fries

HEAVY SIGH-EYE ROLL 5.99

Grilled cheese with American cheese on Texas toast served with hand cut fries

LETTUCE IMPRESS

*ADD PROTEIN TO ANY SALAD: BRISKET, PULLED PORK, FALAFEL \$4 OR (2) TENDERS, SMOKED CHICKEN FOR \$6

*DRESSINGS: "HOUSE" SAUCE DRESSING, ITALIAN, 1000 ISLAND, HONEY MUSTARD, BALSAMIC, CAESAR AND OIL & VINEGAR

CAESAR SALAD 10.99

Romaine tossed with Caesar dressing, parmesan cheese and croutons.

WEDGE SALAD (GF) 10.99

A wedge of iceberg topped with bacon, tomato, and our signature "house" sauce dressing.

GARDEN SALAD 10.99

Lettuce, tomatoes, onions, peppers, cucumbers, croutons, and your choice of dressing.

SEASONAL SALAD 14.99

Ask your server for details.

SIDES

SIDE GARDEN SALAD \$5

SIDE CAESAR SALAD \$5
COLESLAW \$4

SIDE MAC & CHEESE \$5
CARROTS, CELERY & "HOUSE" SAUCE \$4

FRIED CORN MUFFIN \$4
BRISKET BAKED BEANS \$4
ANY SAUCE OR DRY RUB .99

BEST FREAKIN' WINGS **IN TOWN**

*ALL WINGS AND TENDERS ARE GLUTEN FREE, SERVED WITH CARROTS, AND CELERY. WITH YOUR CHOICE OF RANCH OR OUR HOUSE SAUCE ON THE SIDE

HAND BREADED WINGS

(6)9.99 (12)19.99

Breaded in our custom spice blend and fried to perfection. Tossed in your choice of sauce.

SMOKED DIRTY WINGS

(6) 9.99 (12) 19.99

Our take on the signature style of "dirty" wings- we hand toss them in our own house made dry rub, we then smoke them for 3 hours and then fry to crispy perfection with each order

CHICKEN TENDERS (3) 9.99 (6) 19.99

Fresh Chicken, hand-breaded in our own GF breading, tossed in your choice of sauce.

POPCORN CHICKEN 19.99

Hand breaded bite sized chicken pieces tossed in your choice of sauce.

FEELING SAUCY?

BUFFALO GF

A CLASSIC TANGY AND BUTTERY SAUCE WITH A MILD BUFFALO FLAVOR

SPICY BUFFALO GF

OUR CLASSIC BUFFALO WITH ADDED HEAT

MAPLE BOURBON BBQ GF

LOCALLY SOURCED MAPLE AND RICH BOURBON INFUSED INTO OUR CLASSIC BBQ SAUCE. PERFECT BALANCE OF SWEET AND SAVORY.

HOUSE BBQ GF

DELICIOUS BLEND OF SMOKY BBQ WITH A TOUCH OF SWEETNESS

TANGY BBQ GF

VIBRANT BBQ SAUCE INFUSED WITH A BUTTERY HEAT, OFFERING A PERFECT BALANCE OF MILD HOT AND TANGY FLAVOR

BLUEBERRY CHIPTOTLE GF

A UNIQUE BLEND FEATURING THE SWEETNESS OF LOCAL MAINE BLUEBERRIES WITH A HINT OF SMOKY CHIPOTLE PEPPERS. OUR SAUCE STRIKES A PERFECT HARMONY BETWEEN FRUITY AND SPICY FLAVORS

JALAPENO PESTO GF

COMBINING THE RICHNESS OF PESTO WITH THE KICK OF FRESH JALEPENOS IN A RANCH BASE

MANGO HABANERO GF

A PERFECT BALANCE BETWEEN TROPICAL SWEETNESS AND INTENSE SPICINESS, DELIVER IN A BOLD AND FRUITY FLAVOR WITH A SPICY KICK

RANCH GF

A CREAMY AND FLAVORFUL ALTERNATIVE, THIS RANCH SAUCE OFFERS THE CLASSIC TASTE OF RANCH DRESSING WITHOUT DAIRY, PERFECT FOR THOSE SEEKING A DELICIOUS DAIRY-FREE OPTION TO COMPLEMENT THEIR DISH

HOUSE SAUCE GF

THIS CREATION IS MADE BY COMBINING THE CREAMINESS OF RANCH AND GORGONZOLA CHEESE WITH A GARLICKY PUNCH AND A SECRET RECIPE OF SPICES

HONEY MUSTARD GF

A SWEET AND TANGY CAROLINA BASED SAUCE FEATURING THE PERFECT HARMONY OF HONEY MUSTARD FLAVORS

GARLIC PARM DRY RUB GF

A FLAVORFUL BLEND FEATURING GARLIC WITH THE SAVORY RICHNESS OF PARMESAN CHEESE, PERFECT FOR THOSE CRAVING BOLD, MOUTHWATERING SENSATIONS WITHOUT THE SAUCE

SALT & VINEGAR DRY RUB GF

PERFECTLY BALANCES THE ZING OF VINEGAR WITH THE SAVORY TOUCH OF SALT, CREATING A SATISFYINGLY CRISP AND FLAVORFUL COATING

CAJUN DRY RUB GF

ROBUST SEASONING OFFERS A BOLD CAJUN KICK WITH JUST A HINT OF HEAT AND A WHOLE LOT OF FLAVOR

JAMAICAN JERK DRY RUB GF

CARIBBEAN SPICES DELIVERING A PERFECT HARMONY OF SMOKY, AND SPICE

THAI CHILI

OUR THAI CHILI SAUCE IS A PERFECT BALANCE OF SWEET AND SPICY FLAVORS

*WE COOK ALL BURGERS TO 165 DEGREES, WHICH IS MEDIUM-WELL TO WELL. CONSUMING RAW OR UNDERCOOKED MEATS, OR UNPASTEURIZED MILK MAY CAUSE INCREASED RISK OF FOODBORNE ILLNESS.

*GF-THOUGH WE ARE PROUD TO OFFER MORE THAN 90% OF OUR MENU USING FRESH PRODUCTS THAT DO NOT CONTAIN GLUTEN, THERE IS FLOUR IN OUR KITCHEN, WHICH MEANS WE WILL NEVER BE 100% GLUTEN FREE.



CITY OF PORTLAND
Permitting and Inspections Department

Application for an Entertainment License

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

Business Information	
Establishment Name (d/b/a):	Smoked BBQ & Neighborhood Pub
Location Address:	951 Forest Avenue
Owner Name:	Smoked Portland, LLC
Owner Email:	Mike@smokedmaine.com
Contact Person responsible for Entertainment:	Jason Towle
Contact Person Email:	mike@smokedmaine.com
Manager of Establishment:	Jason Towle
Manager Email:	Mike@smokedmaine.com

About Your Establishment

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

Neighborhood restaurant with acoustic performances both indoor and outdoor. Single performer with acoustic guitar. No dancing or dance floor.

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 Brandon Mely Title Attorney-in-Fact Date 1/4/24

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



April 13, 2021

To Whom it May Concern:

Mr. Michael Harris asked me to evaluate the impact performers on the patio of his Forest Avenue location might have on adjacent properties; specifically, how the performers sound systems might impact them.

In Consideration of As Follows:

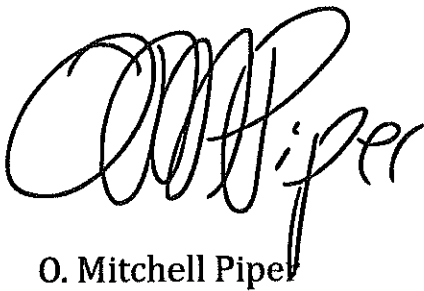
- The average sound level of traffic on Forest Avenue at this location hovers between 80 and 85 db most days.
- The average sound level of trains as they pass behind the building is 85 db.
- Mr. Harris intends only to hire performers who play acoustic guitars and sing.
- Mr. Harris will not hire "one man bands" playing electric guitars and singing to prerecorded tracks containing high energy low frequencies which tend to disturb people who might be some distance from the source.
- Mr. Harris will not hire DJ's playing prerecorded music containing high energy low frequencies which tend to disturb people who might be some distance from the source.
- The average volume of the speakers Mr. Harris' performers will be employing will hover just above that of the ambient noise level on the patio. The level as measured 1 meter from the speaker will be approximately 87 db.
- The throw distance of the near field speakers Mr. Harris' performers will be playing through is between thirty and thirty-five feet. Sound pressure from the speakers being employed by Mr. Harris performers drop off dramatically at the end of the throw distance.
- The coverage angle of the near field speakers Mr. Harris' performers will be playing through is not much more than 90 degrees. Sound pressure from the speakers being employed by Mr. Harris performers drop off dramatically at the margins of these angles.

In Conclusion As Follows:

- Acoustic guitars and voices (signing or otherwise) do not produce the aforementioned high energy low frequencies which disturb neighbors.
- Mr. Harris will not be hiring the type of entertainers whose music contains high energy low frequencies.
- It is not possible for sound at the volume emitting from the type of speakers Mr. Harris performers will be using to travel much beyond the area depicted in the diagram; under any weather conditions.
- Since the performers speaker will be aimed at the front of the building (see diagram), it is extremely unlikely anyone outside the coverage area will hear the speaker at all given the ambient noise levels.
- It is very likely traffic and train noise will be far, far more disturbing to individuals wanting to enjoy Mr. Harris' performers than those in adjacent properties being upset by the performers speaker.

Thank you for your consideration. I'm sure you won't hesitate to contact me should you have any questions. mitch@kssystemsglobal.com or mobile phone at 207-632-7485 are the best contact methods.

Warmest regards,

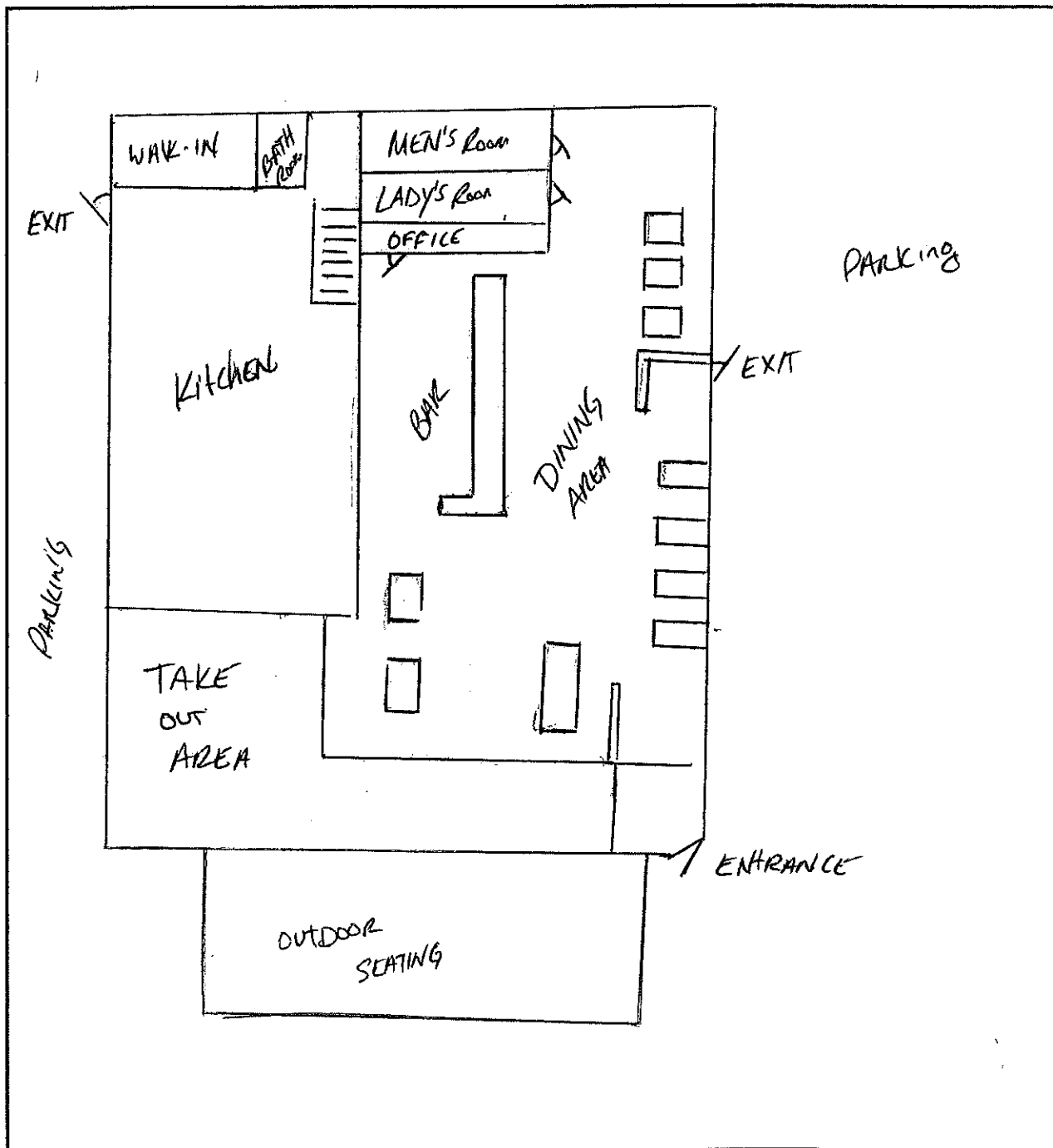
A handwritten signature in black ink, appearing to read "O. Mitchell Piper". The signature is stylized with large, flowing loops and a long, vertical stroke at the end.

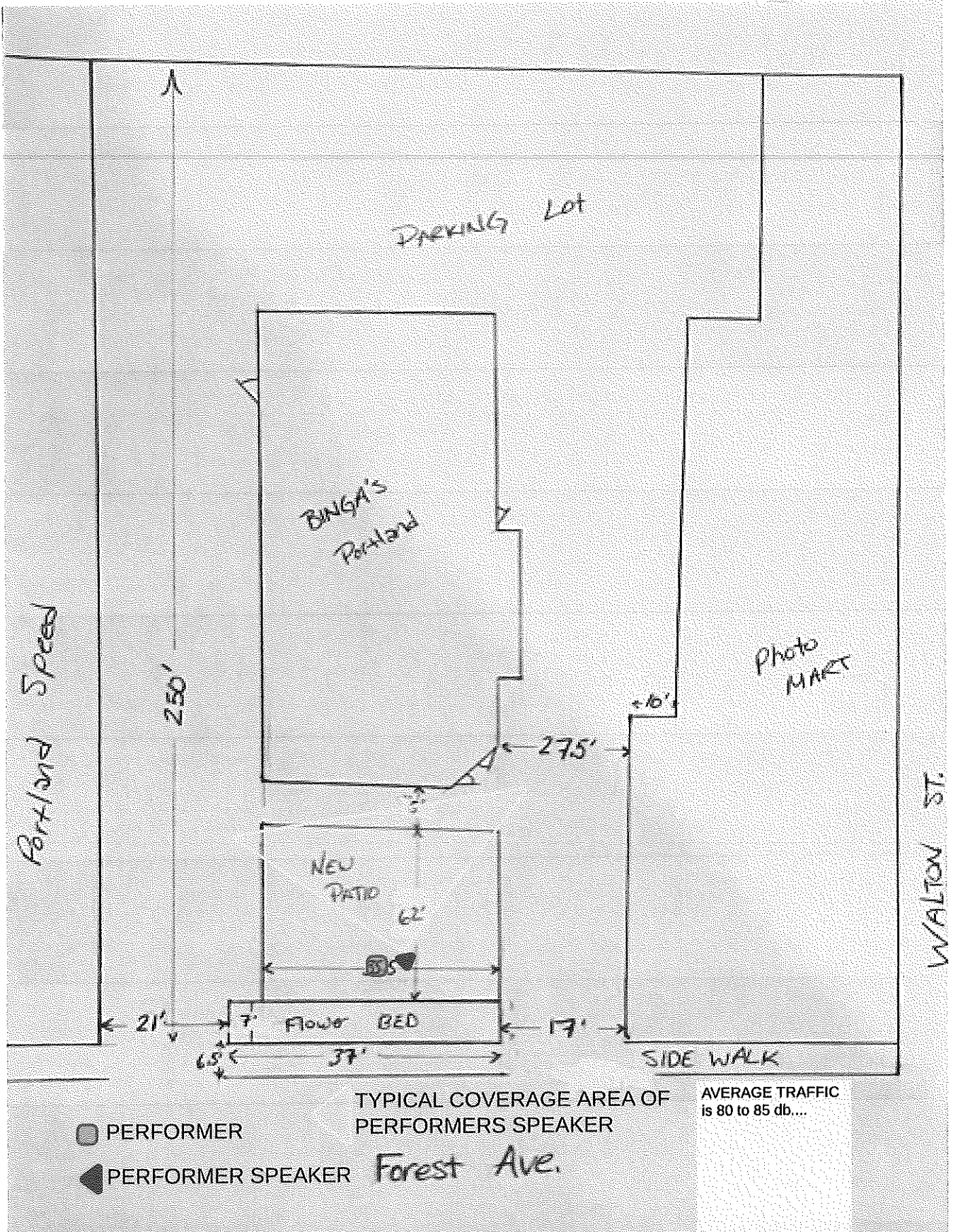
O. Mitchell Piper

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
Outdoor Dining Permit on Private Property
Supplemental Application

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

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

Business Information			
Business Name (d/b/a):	Smoked BBQ & Neighborhood Pub	Phone:	207 329-1789
Location Address:	949/951 Forest Avenue	Zip:	04103
Mailing Address:	92 Scottow Hill Rd. Scarborough, Me	Zip:	04074
Contact Person:	Michael Harris	Phone:	207 329-1789
Contact Person Email:	MIKE@SMOKEDMAINE.COM		
Manager of Establishment:	JASON Towle	Date of Birth:	3/29/1979
		Phone:	207 310-3859
Owner of Premises (Landlord):	949 Forest Avenue LLC		
Address of Premises Owner:	408 Fore St. #3 Portland, Me.	Zip:	04101

Owner Information

Corporate Name		Corporate Mailing Address	
Smoked Portland LLC		92 Scottow Hill Rd Scarborough, Me. 04074	
Contact Person:	Michael Harris	Phone:	207 329-1789
Principal Officers	Title	Date of Birth	Residence Address
Michael Harris	Owner	7-8-72	92 Scottow Hill Rd. Scarborough
Jason Towle	Manager	3-29-79	3 Laskey Rd. Windham, Me.



CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	
Type of food served:	
Please circle all that will be served:	Beer Wine Liquor
Hours & days of operation:	10:30 A - 11:00 PM
Number of Tables	8
Number of Chairs	32

Design and Construction

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

Maintenance and Operations

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

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

Signature [Signature] Title OWNER Date 12-20-23

For Administrative Use Only

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

Smoked BBQ_XI Rest-Lounge

Glen McGary <glenm@portlandmaine.gov>

Fri, Jan 19, 2024 at 3:12 PM

To: Zachary Lenhart <zlenhart@portlandmaine.gov>

Cc: Benjamin Pearson <bnp@portlandmaine.gov>, Christina Stacey <cstacey@portlandmaine.gov>, Eric Cobb

<ecobb@portlandmaine.gov>, Eric Nevins <ericn@portlandmaine.gov>, Fire Prevention

<fireprevention@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Katlyn Sawyer

<ksawyer@portlandmaine.gov>, Kevin Schneck <kschneck@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>,

Ron Kelton <rkelton@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Treasury Division

<treasury@portlandmaine.gov>, Zoning <zoning@portlandmaine.gov>

PD approves

Lieutenant Glen McGary
Portland Police Department
109 Middle Street
Portland, Maine 04101
Office (207) 756-8294
Fax (207) 874-8580

[Quoted text hidden]

Smoked BBQ_XI Rest-Lounge

Zoning <zoning@portlandmaine.gov>

Tue, Jan 23, 2024 at 2:12 PM

To: Zoning <zoning@portlandmaine.gov>

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

Good Afternoon,

The legal use for 951 Forest AVE, CBL: 142 B004001, 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]

Sound Mitigation Review

Applicant Micheal Harris

Page 86

Legal Advertisement

Notice of Public Hearing City of Portland

Smoked Portland LLC, dba Smoked BBQ & Neighborhood Pub. Application for Class XI Restaurant/Lounge with Combined Entertainment and Outdoor Dining on Private Property at 951 Forest Avenue- Sponsored by Danielle P. West, City Manager

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



January 26, 2024

Smoked Portland LLC
92 Scottow Hill Road
Scarborough, Maine 04074

Re: Smoked Portland LLC, dba Smoked BBQ & Neighborhood Pub. Application for Class XI Restaurant/Lounge with Combined Entertainment and Outdoor Dining on Private Property at 951 Forest Avenue

Dear Smoked Portland LLC:

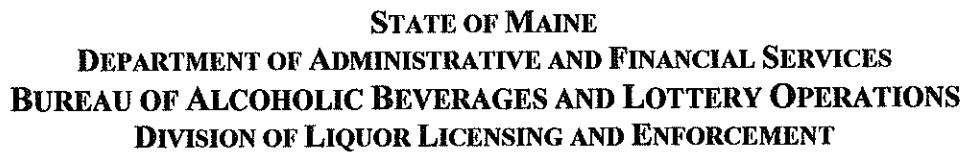
This letter shall serve as a reminder of the public hearing before the Portland City Council on Monday February 5, 2024 at 5:00 p.m., for the review of application for Class XI Restaurant/Lounge with Combined Entertainment and Outdoor Dining on Private Property at 951 Forest Avenue. The meeting will 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. Lenhert
Licensing and Housing Safety Manager



All Questions Must Be Answered Completely. Please print legibly.

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS: Yes ☐ No ☐	

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

Legal Business Entity Applicant Name (corporation, LLC): Smoked Portland LLC	Business Name (D/B/A): Smoked BBQ & Neighborhood Pub
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 949 Forest Ave. Portland, Me 04103
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different: 92 Sallow Hill Rd. Scarborough, Me 04077
Mailing address, if different from DBA address: SAME	Email Address: MIKE@SMOKEDMAINE.COM
Telephone # Fax #: 207-329-1789	Business Telephone # Fax #: 207-329-1789
Federal Tax Identification Number: 93-4416608	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: 2/1/24
☐ 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:

949 Forest Avenue Portland

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
Smoked Windham	CR2L-2017-9629	106 MAIN St. Windham, 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
Michael Harris	7-8-72	MASS.
Jason Towle	3-24-79	
Residence address on all the above for previous 5 years		
Name Michael Harris	Address: 92 Scotts Hill Rd. Scarborough	
Name Jason Towle	Address: 3 Laskey Rd. Windham	
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:

949 Forest Avenue LLC 408 Fore St #3 Portland, Me. 04101

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: 0

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

Full Service Restaurant & Pub. including 60 SEATS
THERE IS A SEPARATE TAKE-OUT AREA

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: St. Joseph's Church

Distance: 1 mile.

Section II: Signature of Applicant(s)

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

Please sign and date in blue ink.

Dated: 12-20-23

[Signature]
Signature of Duly Authorized Person

Signature of Duly Authorized Person

Michael Harris
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.

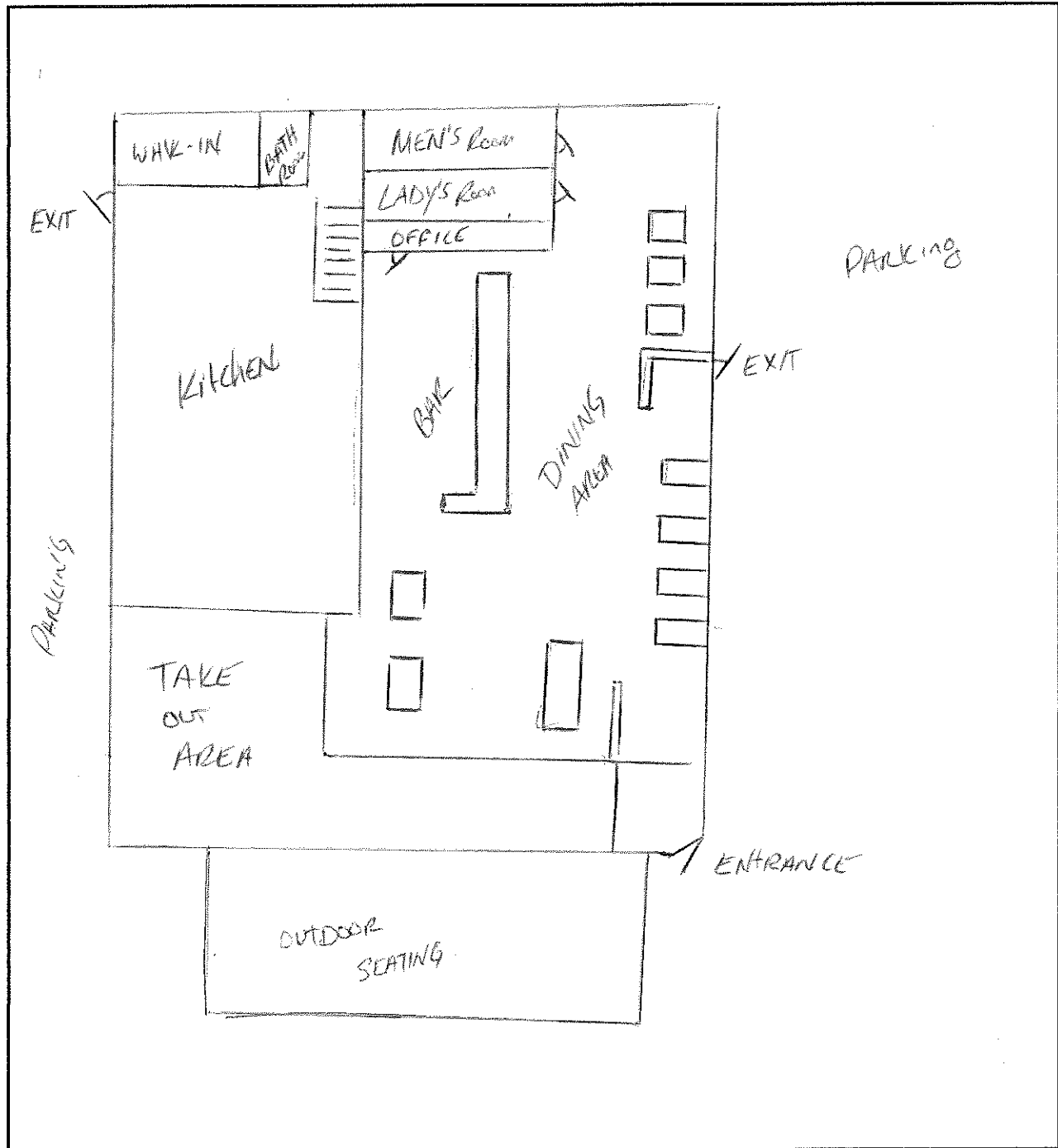
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together 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: Smoked Portland LLC
2. Doing Business As, if any: Smoked BBQ & Neighborhood Pub
3. Date of filing with Secretary of State: 10/20/23 State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Michael Harris	92 Scotch Hill Scarborough	7872	Owner	100%
Jason Towle	3 Caskey Rd. Windham	3-28-79	MANAGER	0

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

MEMORANDUM
City Council Agenda Item

FROM:

DATE: January 18, 2024

SUBJECT: Order 111-23/24 Granting Municipal Officers' Approval of Night Peanuts LLC, dba Magissa Portland. Application for Class I FSE with Outdoor Dining on Public Property at 91 Anderson 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 1/10/24. This is an application for a new establishment. Location was previously Full Turn 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. 2024.02.05_Magissa_Council Order
2. Magissa_Council Packet_2024.02.05

Prepared by:

Date: 01/18/2024

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:

Night Peanuts LLC, dba Magissa Portland. Application for Class I FSE with Outdoor Dining on Public Property at 91 Anderson Street

January 3, 2024

From: Nancy Klosteridis and Emily Otero
Night Peanuts LLC, DBA Magissa Portland
91 Anderson St
Portland Maine, 04102

To: The Mayor and Members of the City Council of Portland Maine

Subject: Liquor License Application for Magissa Portland

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

We are writing this letter of intent to the City of Portland to acquire permission and licensure for the sales of alcohol at our new restaurant, located at 91 Anderson st.

I, Nancy Klosteridis, have lived in Portland for most of my life. I love and deeply respect this city. Although I have worked in the restaurant industry here since I was 14, I started my own food business in 2017. The Greeks of Peaks food truck was built to showcase my family's recipes and serve the community of Peaks Island and Portland. It began small, serving islanders, and grew into two food trucks and a catering company that I am deeply proud of. At The Greeks of Peaks we worked hard to cultivate community, uphold the highest sanitation and food safety practices, and work with The City of Portland to follow all new and ever changing food service laws. The food truck scene is ever evolving and we have been a part of that community for many years. We have maintained a positive relationship with our many communities and have served at countless events with the proper licenses, insurances, and permits. Magissa Portland will be a continuation of these practices and sister restaurant to The Greeks of Peaks food truck.

We ask for a liquor license with the same attention to detail, respect, and responsibility that we have shown to this community throughout the years. We would like to expand our menu to lunch and dinner and provide the East Bayside area with new and interesting flavors out of the Mediterranean. We intend to stay educated on the current and updated laws and regulations of the City and State, while hiring Bartenders, Wait Staff, and Managers who will also uphold these high standards; and hold the correct certifications and training to do so. In order to do this we will be ever vigilant in our age identification procedures and safety practices in the handling of alcohol. This includes the refusal of service to those without proper identification and those deemed to be already intoxicated, by ourselves and highly trained staff. We also intend to make non-alcoholic drinks a staple of our menu to provide a safe and healthy alternative to alcohol consumption. I also second Emily Otero's comments below.

I, Emily Otero, second what Nancy has written above. My husband and I moved to Portland in 2021, due to our love for the area after many visits and vacations. I have been in the food industry since I was a child, as my father owned 3 restaurants in the Greater Hartford area of Connecticut. From there, I worked in many restaurants, bakeries and cafes, both before and

after attending the Culinary Institute of America where I completed an Associate's Degree in Baking and Pastry. My love for providing for the community eventually led me to Nancy, who I worked for on the food truck. Her love of the people around her and the community of Peaks Island resonated with me and created this partnership.

We are ever conscious of the community around us, which is why we will only be open until 10pm at the latest. We intend to start operating Thursday through Monday and eventually open 7 days a week. This is to not disrupt the residents and businesses in the area. We wish to fit into the community already in place, and provide for those without disrupting the flow of life. Our deliveries will be in the same thought, as we will try to minimize them, and quickly and efficiently get the products inside so the residents are not displaced. We will provide locked cabinets for our alcohol, proper procedures for storage and maintaining it, while also having security cameras to ensure the safety and welfare of those dining with us and residing around us. We wish to add and help create more community within the area, while making sure it is in a positive, healthy and safe way.

Thank you for your consideration,

Nancy Klosteridis & Emily Otero
Owners of Magissa Portland



5849-2024

CITY OF PORTLAND

Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

Business Information	
Establishment Name (d/b/a):	Magissa Portland Phone:
Location Address:	91 Anderson St. Portland, ME 04101 Zip:
If new, what was formerly at this location:	Full Turn Restaurant
Mailing Address:	91 Anderson St. Portland ME 04101 Zip:
Contact Person:	Nancy Klosteridis (207) 650-2202 Phone:
Contact Person Email:	MagissaPortland@gmail.com
Manager of Establishment:	Emily Otero Date of Birth: 07-05-1993 (860) 989-1210 Phone:
Owner of Premises (Landlord):	Redfern Properties
Address of Premises Owner (Landlord):	120 Exchange Street 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
Night Peanuts LLC	91 Anderson St. Portland, ME 04101 Zip:

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

Contact Person:	Nancy Klosteridis		Phone:	(207) 650-2202
Principal Officers	Title	Date of Birth	Residence Address	
Nancy Klosteridis	Owner	05-01-1987	127 Emery St. Portland, ME 04102	
Emily Otero	Owner	07-05-1993	268 Highland Ave, Apt 2 South Portland, ME 04106	

Class of Liquor License:	Class A Restaurant
--------------------------	--------------------

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

bl@portlandmaine.gov • www.portlandmaine.gov



CITY OF PORTLAND
Permitting and Inspections Department

Type of food served:		
Please circle all that will be served:	<u>Beer</u> <u>Wine</u> <u>Liquor</u>	
Projected percentage of sales:	Generated from Food: <u>75%</u>	Generated from Alcohol: <u>25%</u>
Hours & days of operation:	<u>Every day 11am-10pm</u>	
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).		<u>Public</u>
Will you have any amusement devices (pinball, video games, juke box)?		<u>Y</u>
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____		
What is your targeted opening date?		<u>04/01/2024</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>The Greeks of Peaks Food Truck</u> <u>127 Emery St., Portland ME 04102</u>	<u>Y</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 Emily Otero do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require me to produce Server Training certificates for each employee that serves alcohol to the public in my establishment. Failure to meet the training requirement imposed by section 15-41 may result in the denial of a liquor license pursuant to 28-A M.R.S.A. § 653 (2) (G).

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

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

Signature [Signature] Title Owner Date 01/02/2024

EXHIBIT B

Restaurant Equipment

IN KITCHEN

Freezer

Low Boy Fridge

Fryer

Range

Grill

3 Door Fridge

Dishwasher

STORAGE AREA

Turbo Air Fridge

Whirlpool Freezer

Frigidaire Fridge

Midea Fridge/Freezer

Manitowoc Ice Machine

BAR

True Keg Fridge

True Bar Fridge

Hoshizaki Ice Machine

POS SYSTEM

Toast Go Handhelds x 2

Toast Flex Terminal x2

Cash Drawer x2

POS Printer x2

Kitchen Printers x2

Magissa

Small Plates

Whipped Ricotta

Rosemary, walnuts, Greek honey

Warm Olives

Orange, Oregano

Fried Sardines

Cornmeal, Skordalia

Zucchini chips

Halloumi Fries

Keftedes

Lamb Meatball

Gemista

Roasted pepper, rice, cheese

Dolma

Grape leaf, herbs, rice

Family style sides

Grilled Asparagus

Pomegranate molasses

Roasted carrots

Espelette, Labneh

Roasted potatoes

Toum

Potato Salad

Orzo salad

Spanakopita

Spinach, Feta, Philo

Tiropetes

Cheese, Philo

Salads

Greek salad

Romain, olives, tomatoes, feta, Greek

dressing

Tahini Caesar

Romaine, pita croutons, anchovies,

Kefalotyri

Fig Salad

Halloumi, Herbs, greens, figs

Soups

Avgolemono

Chicken, rice, lemon

Psarosoupa

Hake, Potato, lemon

Fasolada

Cannellini beans,

Family style entrees

Pastitiso

Bucatini, Lamb ragu, bechamel

Roasted Leg of Lamb

Dry aged Lamb

Moussaka

Eggplant, Bechamel, lamb ragu

Loukaniko

Lamb Sausage, orange, Oregano

Stuffed Eggplant

Rice, Herbs, Veggies

Psari Plaki

Roasted Hake, Tomato, Fennel

Paros Style Chicken

Mezze

Served with warmed pita

Choose 3\$\$ choose 5\$\$

Dips and Spreads

Tzatziki, htipiti, Hummus, Skordalia, whipped feta,
whipped ricotta, labneh, tourn, taramosalata

Deserts

Sokolatopita

Chocolate cake, rosemary lemon curd, meyer lemon

Pavlova(GF, contains nuts)

Honey meringue, orange segment, pistachio

Baklava(contains nuts)

Pistachio, walnut, almond, citrus, honey, clove

Loukoumades

Fried donuts, honey ice cream, chocolate, mastic

Accouplements

Olives, Tinned fish, Artichoke Hearts, Pickled
Octopus, Pickled Rhubarb, Cucumber

Magissa

New Collins | 14

Vodka, Parsley, Lemon, Soda

Gin & Tonic | 13

Gin, Lemongrass, Pink Pepper, Tonic

Fennel Daiquiri | 13

Rum, Lime, Sugar, Fennel

EVOO Negroni | 15

Gin, Sweet vermouth, Aperitif blend, Rosemary,
Orange

Martini Service

Gin or Vodka, Vermouth or Brine or Feta water
Lemon twist and brined olive or artichoke

Mastiha Old-Fashioned | 14

Brandy, Tree Sap, Cinnamon, Chocolate,
Orange

Margarita | 13

Tequila, Beet, Ginger

Wet Manhattan | 13

Whiskey, Mediterranean Vermouth, bitters

Bloody Mary / Maria | 11

Vodka or Tequila, Zucchini-based Blood Mix

Peaks Island Punch | 9

IYKYK

Liquor, juice, the entire rainbow

Ouzo & Coffee | 9

Hot or Cold

N/A

Seasonal Fruit Shrub-Soda | 6

Add your choice of well spirit (+7)

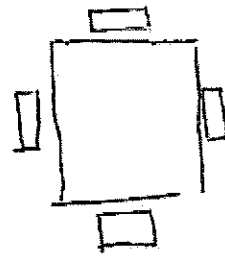
Mule | 6

Ginger, Lime, Soda

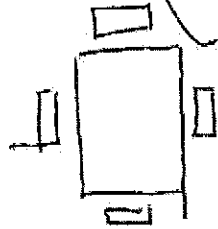
Yia-Yia's Tonic

Citrus, Cinnamon, Soda

Anderson St



180 sq ft



36 ft

5 ft

10 ft 5 in

Front door

Magissa Restaurant

180 sq ft outdoor
dining area

Fox St



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 _____ SF = _____
☐ 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):	Magissa Portland	Phone:	(207) 650-2202
Location Address:	91 Anderson Street Portland ME 04101	Zip:	
Mailing Address:	91 Anderson Street Portland ME 04101	Zip:	
Contact Person:	Nancy Klostendts	Phone:	207 650-2202
Contact Person Email:	MagissaPortland@gmail.com		
Manager of Establishment:	Emily Otero	Date of Birth:	07-05-1993
		Phone:	860 989-1210
Owner of Premises (Landlord):	Rentern Properties		
Address of Premises Owner (Landlord):	120 Exchange Street Portland ME 04101	Zip:	

Owner Information

Corporate Name		Corporate Mailing Address	
Night Peanut LLC		91 Anderson St. Portland ME 04101	
Contact Person:	Nancy Klostendts	Phone:	207 650-2202
Principal Officers	Title	Date of Birth	Residence Address
Nancy Klostendts	Owner	05-01-87	127 Emery Street, Portland ME 04102
Emily Otero	Owner	07-05-93	268 Highland Ave, Apt 2 South Portland ME 04106

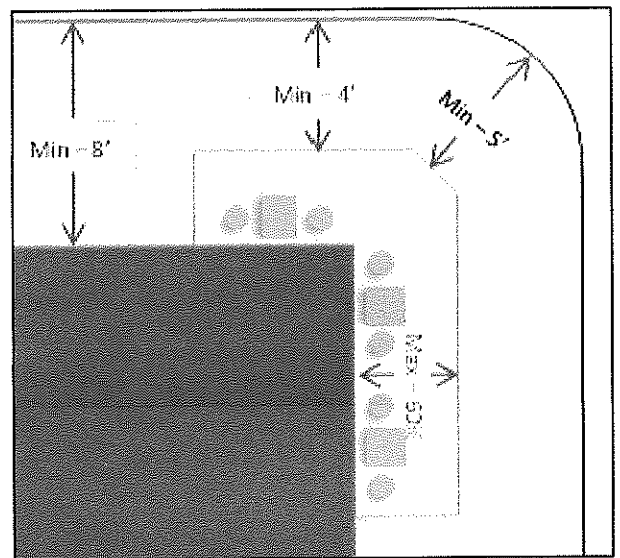


CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	Class A Restaurant (Class 1)			
Type of food served:	Greek Food			
Please circle all that will be served:	Beer ☒	Wine ☒	Liquor ☒	
Hours & days of operation:	Everyday 11am-10pm			
Number of Tables	14			
Number of Chairs	49			

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"

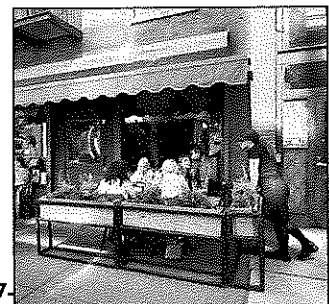


- Outdoor dining area shall not exceed 60% of the sidewalk width.
- A continuous, unobstructed sidewalk passage of 4 feet from the outer boundary of the seating area to the curb must be maintained. If the passage is not straight due to existing obstacles, then additional width may be required. Any changes 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 *[Signature]* Title Owner Date 01/03/2024

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 _____		



Alyssa Wilson <awilson@portlandmaine.gov>

Magissa Portland Outdoor Dining Area

1 message

The Greeks of Peaks <thegreeksofpeaks@gmail.com>

Wed, Jan 3, 2024 at 2:56 PM

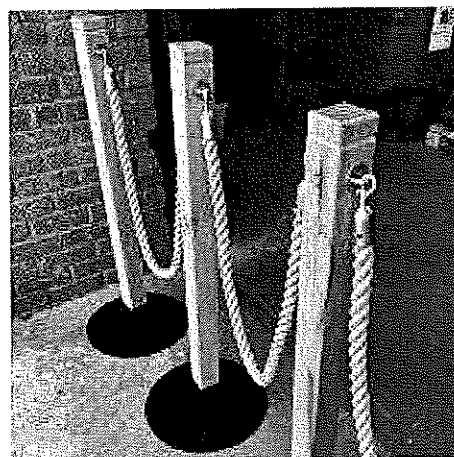
To: "awilson@portlandmaine.gov" <awilson@portlandmaine.gov>, Emily McCarthy <e.quinn.mccarthy@gmail.com>

Good Afternoon Alyssa!

We had come into the office earlier today to file a bunch of paperwork for our new restaurant Magissa. Thank you so much for all your help and assistance, it is much appreciated!

Attached is the square footage for the area of outdoor dining, pictures of the types of tables and ropes that will be used, and an outline of what the seating areas will look like. I believe that the cost of the fee plus square footage will be \$620.00. I will come by tomorrow with a check to cover that cost. Please advise if my numbers are off.

Square Footage: 270 sqft



Please let me know if any additional information is needed, and I will get that over to you tomorrow with payment.

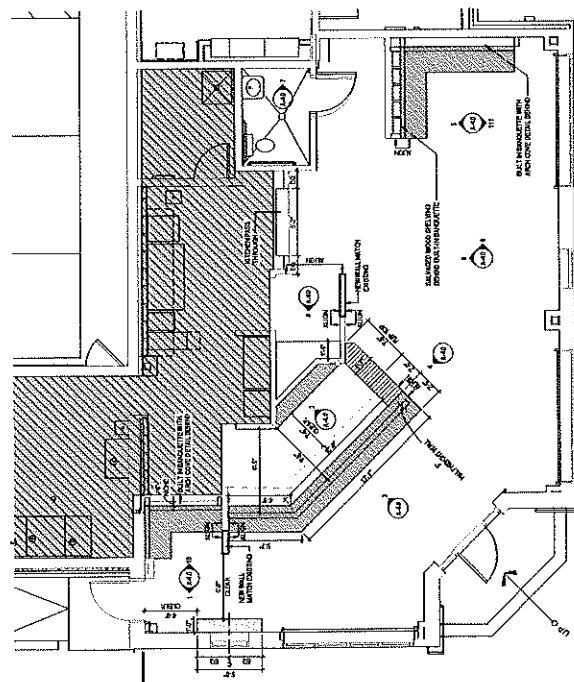
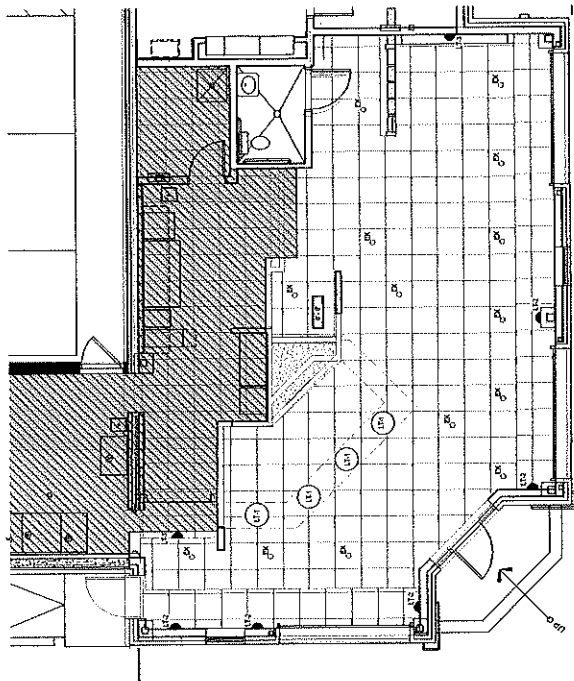
Thank you again,

Emily and Nancy

--

Yíamas!

-Nancy and Haley



2014cp

01 PARTITION PLAN

KEYNOTES

NOTES

SHEET NOTES

212

PARTITION LEGEND

END

RCP LEGEND

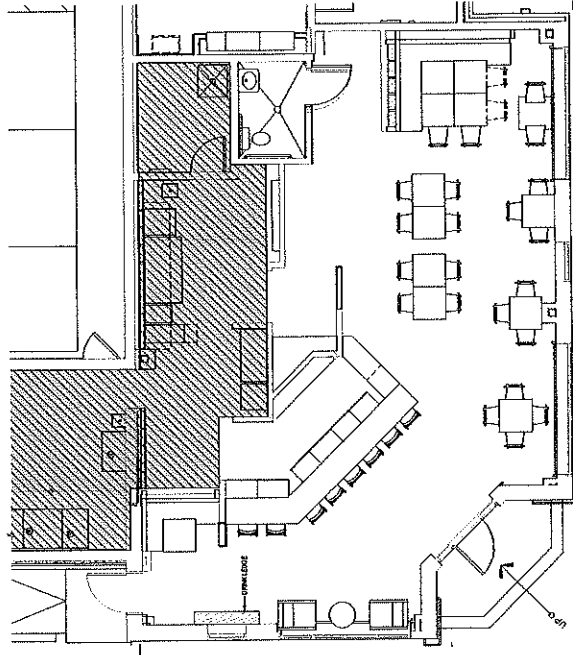
23

STREET NOTES

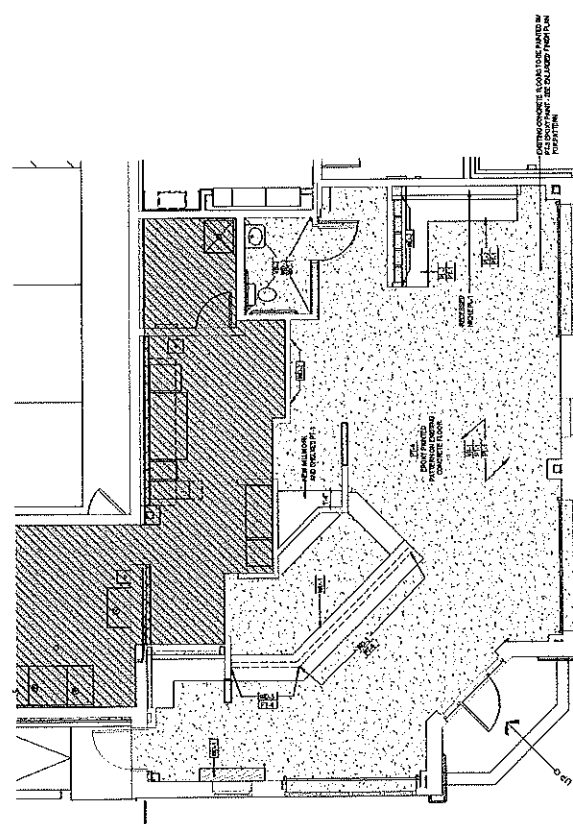
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- 1. INTRODUCTION
- 2. STATEMENT OF THE PROBLEM
- 3. REVIEW OF LITERATURE
- 4. STATEMENT OF OBJECTIVES
- 5. SCOPE OF THE STUDY
- 6. DEFINITION OF TERMS
- 7. CONCLUSION
- 8. REFERENCES
- 9. APPENDICES
- 10. ACKNOWLEDGEMENT
- 11. LIST OF FIGURES
- 12. LIST OF TABLES
- 13. ABSTRACT
- 14. EXECUTIVE SUMMARY
- 15. DECLARATION
- 16. CERTIFICATE
- 17. APPENDIX A
- 18. APPENDIX B
- 19. APPENDIX C
- 20. APPENDIX D
- 21. APPENDIX E
- 22. APPENDIX F
- 23. APPENDIX G
- 24. APPENDIX H
- 25. APPENDIX I
- 26. APPENDIX J
- 27. APPENDIX K
- 28. APPENDIX L
- 29. APPENDIX M
- 30. APPENDIX N
- 31. APPENDIX O
- 32. APPENDIX P
- 33. APPENDIX Q
- 34. APPENDIX R
- 35. APPENDIX S
- 36. APPENDIX T
- 37. APPENDIX U
- 38. APPENDIX V
- 39. APPENDIX W
- 40. APPENDIX X
- 41. APPENDIX Y
- 42. APPENDIX Z
- 43. APPENDIX AA
- 44. APPENDIX AB
- 45. APPENDIX AC
- 46. APPENDIX AD
- 47. APPENDIX AE
- 48. APPENDIX AF
- 49. APPENDIX AG
- 50. APPENDIX AH
- 51. APPENDIX AI
- 52. APPENDIX AJ
- 53. APPENDIX AK
- 54. APPENDIX AL
- 55. APPENDIX AM
- 56. APPENDIX AN
- 57. APPENDIX AO
- 58. APPENDIX AP
- 59. APPENDIX AQ
- 60. APPENDIX AR
- 61. APPENDIX AS
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- 63. APPENDIX AU
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- 68. APPENDIX AZ
- 69. APPENDIX BA
- 70. APPENDIX BB
- 71. APPENDIX BC
- 72. APPENDIX BD
- 73. APPENDIX BE
- 74. APPENDIX BF
- 75. APPENDIX BG
- 76. APPENDIX BH
- 77. APPENDIX BI
- 78. APPENDIX BJ
- 79. APPENDIX BK
- 80. APPENDIX BL
- 81. APPENDIX BM
- 82. APPENDIX BN
- 83. APPENDIX BO
- 84. APPENDIX BP
- 85. APPENDIX BQ
- 86. APPENDIX BR
- 87. APPENDIX BS
- 88. APPENDIX BT
- 89. APPENDIX BU
- 90. APPENDIX BV
- 91. APPENDIX BW
- 92. APPENDIX BX
- 93. APPENDIX BY
- 94. APPENDIX BZ
- 95. APPENDIX CA
- 96. APPENDIX CB
- 97. APPENDIX CC
- 98. APPENDIX CD
- 99. APPENDIX CE
- 100. APPENDIX CF
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- 102. APPENDIX CH
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- 118. APPENDIX CX
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- 121. APPENDIX DA
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- 124. APPENDIX DD
- 125. APPENDIX DE
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- 129. APPENDIX DI
- 130. APPENDIX DJ
- 131. APPENDIX DK
- 132. APPENDIX DL
- 133. APPENDIX DM
- 134. APPENDIX DN
- 135. APPENDIX DO
- 136. APPENDIX DP
- 137. APPENDIX DQ
- 138. APPENDIX DR
- 139. APPENDIX DS
- 140. APPENDIX DT
- 141. APPENDIX DU
- 142. APPENDIX DV
- 143. APPENDIX DW
- 144. APPENDIX DX
- 145. APPENDIX DY
- 146. APPENDIX DZ
- 147. APPENDIX EA
- 148. APPENDIX EB
- 149. APPENDIX EC
- 150. APPENDIX ED
- 151. APPENDIX EE
- 152. APPENDIX EF
- 153. APPENDIX EG
- 154. APPENDIX EH
- 155. APPENDIX EI
- 156. APPENDIX EJ
- 157. APPENDIX EK
- 158. APPENDIX EL
- 159. APPENDIX EM
- 160. APPENDIX EN
- 161. APPENDIX EO
- 162. APPENDIX EP
- 163. APPENDIX EQ
- 164. APPENDIX ER
- 165. APPENDIX ES
- 166. APPENDIX ET
- 167. APPENDIX EU
- 168. APPENDIX EV
- 169. APPENDIX EW
- 170. APPENDIX EX
- 171. APPENDIX EY
- 172. APPENDIX EZ
- 173. APPENDIX FA
- 174. APPENDIX FB
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- 176. APPENDIX FD
- 177. APPENDIX FE
- 178. APPENDIX FF
- 179. APPENDIX FG
- 180. APPENDIX FH
- 181. APPENDIX FI
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- 183. APPENDIX FK
- 184. APPENDIX FL
- 185. APPENDIX FM
- 186. APPENDIX FN
- 187. APPENDIX FO
- 188. APPENDIX FP
- 189. APPENDIX FQ
- 190. APPENDIX FR
- 191. APPENDIX FS
- 192. APPENDIX FT
- 193. APPENDIX FU
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- 212. APPENDIX GN
- 213. APPENDIX GO
- 214. APPENDIX GP
- 215. APPENDIX GQ
- 216. APPENDIX GR
- 217. APPENDIX GS
- 218. APPENDIX GT
- 219. APPENDIX GU
- 220. APPENDIX GV
- 221.



1st FLOOR FINISH PLAN
1/8" = 1'-0"



2nd FLOOR FINISH PLAN
1/8" = 1'-0"

KEYNOTES

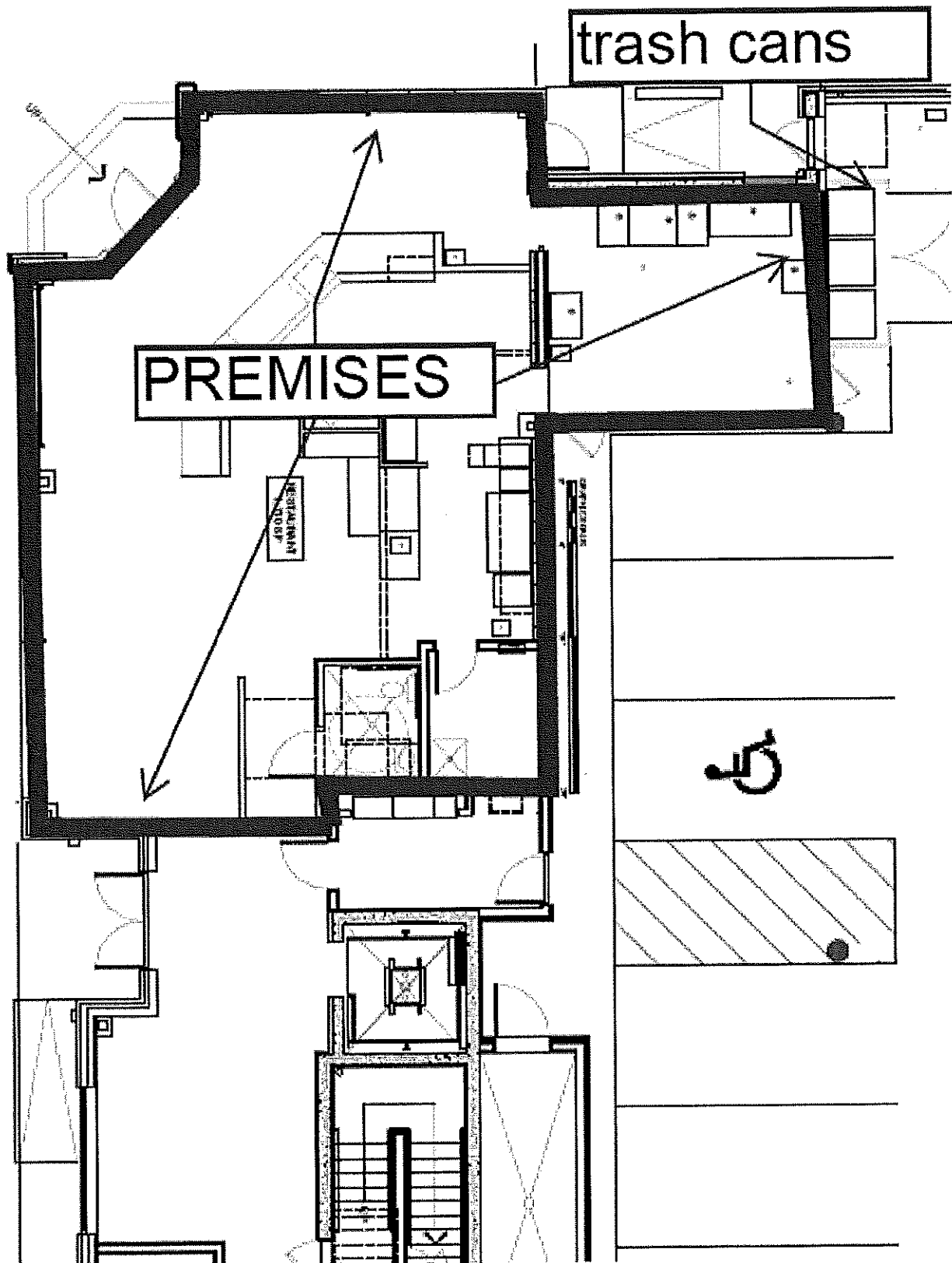
SHEET NOTES

1. FINISH MATERIALS, LAYOUTS, AND FURNITURE ARE SHOWN AS NOTED.
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LEGEND

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EXHIBIT A



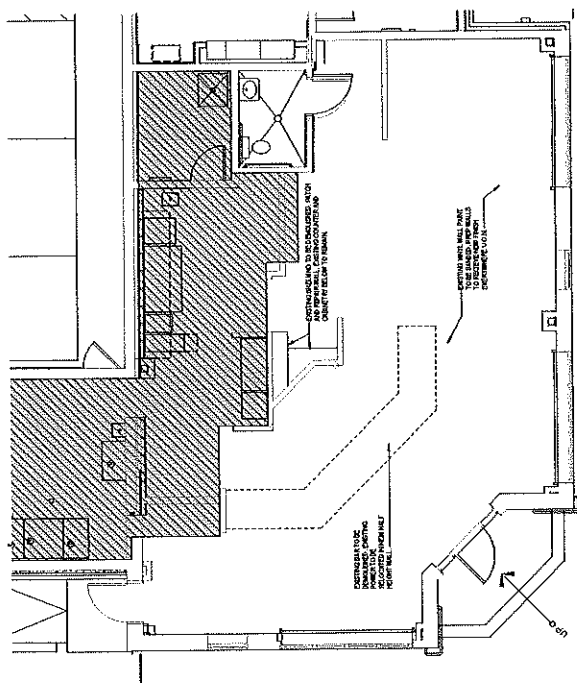
KEYNOTES

SHEET NOTES

DEMOLITION LEGEND

- [illegible]

- EXISTING CONSTRUCTION TO BE DEMOLISHED



1 01 DEMOLITION PLAN

Magissa Portland - Class I FSE

Eric Nevins <erich@portlandmaine.gov>

Sat, Jan 20, 2024 at 4:29 PM

To: Zachary Lenhart <zlenhart@portlandmaine.gov>

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

Approved

[Quoted text hidden]

--

Eric Nevins

Lieutenant

Portland Police Department

(207) 874-8513



Zachary Lenhart <zlenhart@portlandmaine.gov>

Magissa Portland - Class I FSE

Zoning <zoning@portlandmaine.gov>

Mon, Jan 22, 2024 at 4:44 PM

To: Zoning <zoning@portlandmaine.gov>

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

Good Afternoon,

The legal use for 91 Anderson ST (89 Anderson ST, Commercial 1) is restaurant (formerly Baharat). Zoning approves.

Thank you,

Mac

--

Mac Coldwell

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

[Quoted text hidden]

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on February 5, 2024 at 5:00 P.M., Night Peanuts LLC, dba Magissa Portland. Application for Class I FSE with Outdoor Dining on Public Property at 91 Anderson Street - Sponsored by Danielle P. West, City Manager

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



January 26, 2024

Night Peanuts LLC
91 Anderson Street
Portland, Maine 04101

Re: Night Peanuts LLC, dba Magissa Portland. Application for Class I FSE with Outdoor Dining on Public Property at 91 Anderson Street

Dear Night Peanuts LLC:

This letter shall serve as a reminder of the public hearing before the Portland City Council on Monday February 5, 2024 at 5:00 p.m., for the review of application for Class I FSE with Outdoor Dining on Public Property at 91 Anderson 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): <u>Night Peanuts LLC</u>	Business Name (D/B/A): <u>Magissa</u>
Individual or Sole Proprietor Applicant Name(s): <u>Emily Otero</u>	Physical Location: <u>91 Anderson Street, Portland, ME 04101</u>
Individual or Sole Proprietor Applicant Name(s): <u>Nancy Klosteridis</u>	Mailing address, if different:
Mailing address, if different from DBA address:	Email Address: <u>MagissaPortland@gmail.com</u>
Telephone # Fax #: <u>(860) 989-1210</u> <u>(207) 650-2202</u>	Business Telephone # Fax #:
Federal Tax Identification Number: <u>93-4064694</u>	Maine Seller Certificate # or Sales Tax #:
Retail Beverage Alcohol Dealers Permit:	Website address:

1. New license or renewal of existing license? ☒ New Expected Start date: 04/01/2024
☐ 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:

91 Anderson Street, Portland, ME 04101

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

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

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

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

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

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

If yes, please provide details: _____

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

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

Name of Business	License Number	Complete Physical Address

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

Full Name	DOB	Place of Birth
Emily Quinn Otero (McCarthy)	07-05-1993	Hartford, CT
Nancy Klosteridis	05-01-1987	Baltimore, MD

Residence address on all the above for previous 5 years	
Name: Emily Otero	Address: 268 Highland Ave, Apt 2 South Portland, ME 04106
Name: Emily Otero	Address: 31 Troutwood Drive West Hartford, CT 06117
Name: Nancy Klosteridis	Address: 127 Emory St Portland ME 04102
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:

Redfern Properties, 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: _____

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)

Please see attached building plans.

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: Missio Dei Church

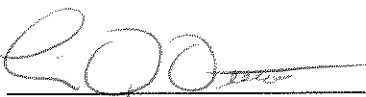
Distance: .3 miles

Section II: Signature of Applicant(s)

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

Please sign and date in blue ink.

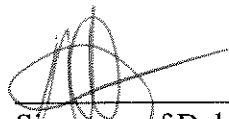
Dated: 01/02/2024



Signature of Duly Authorized Person

Emily Otero

Printed Name Duly Authorized Person



Signature of Duly Authorized Person

Nancy Klosteridis

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

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.

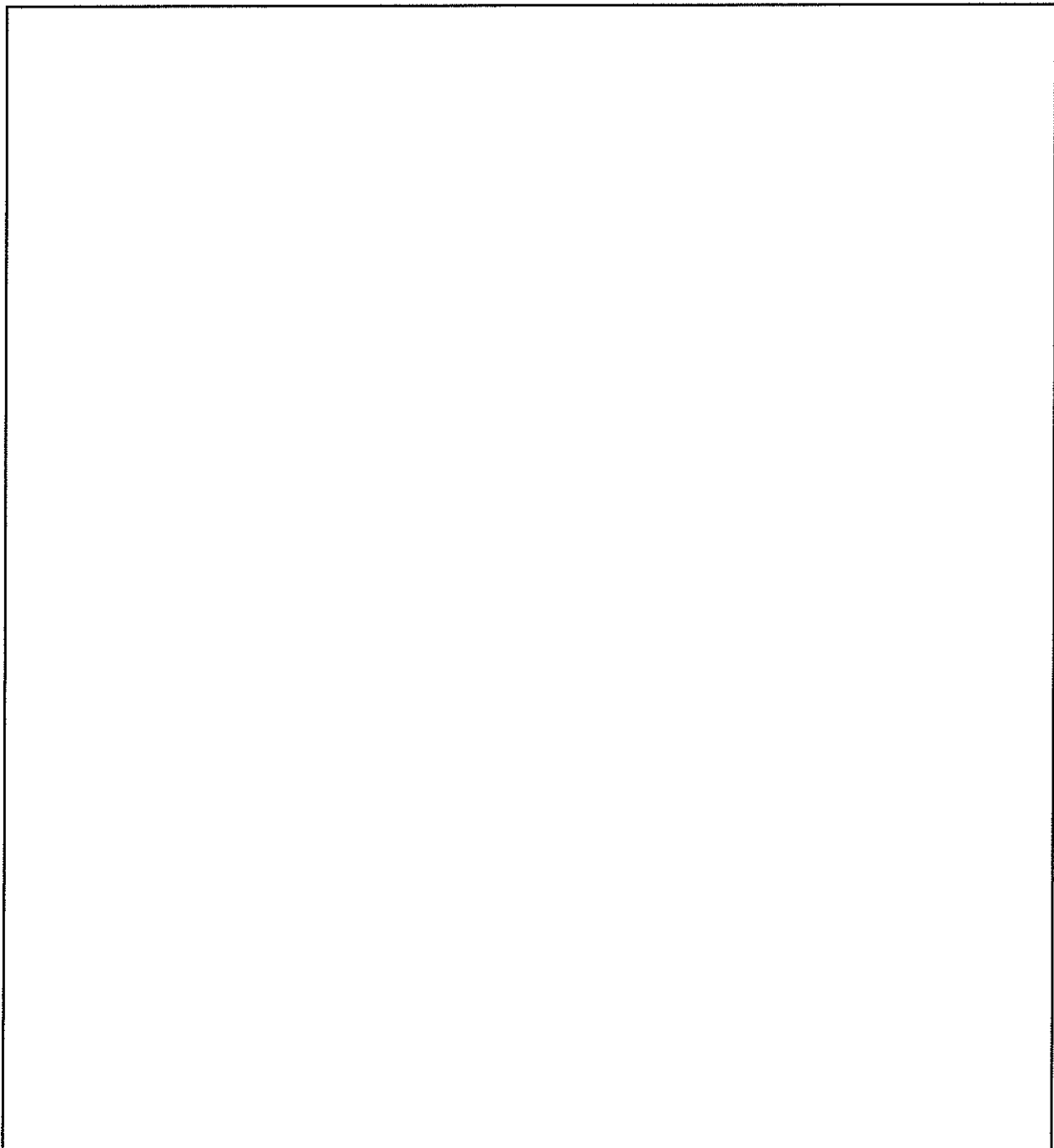
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together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



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.

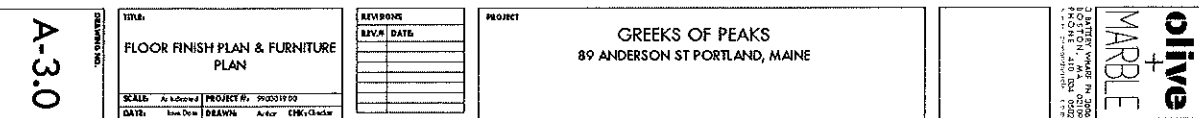
4. Repealed

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 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: Night Peanuts LLC
2. Doing Business As, if any: Magissa Portland
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
Emily Otero	268 Highland Ave, Apt 2 South Portland, ME 04106	07-05-1993	Owner	50%
Emily Otero	31 Trotwood Dr. West Hartford, CT 06117			
Nancy Klosteridis	127 Emery Street Portland, ME 04102	05-01-1987	Owner	50%

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

MEMORANDUM
City Council Agenda Item

FROM:

DATE: January 18, 2024

SUBJECT: Order 112-23/24 Granting Municipal Officers' Approval of Leisure Time Cocktail Co LLC, dba Leisure Time Cocktail Company. Application for Class A Lounge with Outdoor Dining on Private Property at 290 Thompson's Point Road - 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 1/9/24. This is an application for a new establishment. Location was previously Rwanda Bean. 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. 2024.02.05_Leisure Time_Council Order

2. Leisure Time_Council Packet_2024.02.05
3. Public Comment - Order 112

Prepared by:

Date: 01/18/2024

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:

**Leisure Time Cocktail Co LLC, dba Leisure Time Cocktail Company. Application for
Class A Lounge with Outdoor Dining on Private Property at 290 Thompson’s Point Road**

1/8/2024

Portland City Mayor

City of Portland

389 Congress Street, Room 307

Portland, Maine 04101

Dear Mayor and Members of the City Council:

We, Kai Parrott-Wolfe and Matthew Noyes are submitting this letter with the intent open **Leisure Time Cocktail Company** at 290 Thompson's Point, Portland, ME 04102.

Leisure Time Cocktail Company is a small batch craft cocktail company out of Portland, ME. We aim to produce the top quality beverages using local Maine/ New England ingredients and premium spirits. We are dedicated to using the science of botany and molecular gastronomy to make craft cocktails accessible to a wide audience while also adhering to the longstanding traditions of mixing a good drink you can sit back, relax and have fun with.

Our first stage of business will be the tasting room/research & development lab located at Thompson's Point. Here we will have live feedback on our concoctions, real cocktails made by real bartenders. It will allow us to vet products BEFORE they hit market (canned).

The tasting room will be a mix of 60's lounge, your grandparents' camp and a botanist's lab. A cozy space at lunch for professionals to do work or families from the children's museum and a cocktail lounge at night to have snacks or dinner at before a show down at the Point.

Our food menu will have a decidedly Eastern European slant: pierogis and hand cased hotdogs/sausages made in house by our chef. A rotating selection of soups and salads will also be available with vegan and gluten free options.

Owner Kai Parrott-Wolfe: I grew up on Peak's Island and in the West End of Portland. For College I moved away and attended university in New York City while putting myself through school bartending. Eventually the art and science of mixing drinks became my passion and livelihood, and in 2007 my (previous) business partner and I opened our first bar (Post Office Bar) in Brooklyn, NY.

After 9 years of working with the best professionals in the bar industry, we successfully sold the business to one of our investors. Once free from ownership, I assisted several industry comrades in opening and running their own establishments.

In 2019 I moved back to Maine and became the first Beverage Director for Luke's Lobster, which was at the time opening their flagship location at the Portland Pier. Since then I've been the bar manager at the Portland Pier location, getting to intimately understand the market, laws and potential of Portland's food & beverage culture, while also helping build and direct a second Luke's Lobster bar (built in 2022) in Grand Central Station. I held the position of Beverage Director at Luke's Lobster until just last month, when I left to fully pursue the startup of Leisure Time Cocktail Co.

With almost twenty years of expertise, moving home to build a bar and brand has been a dream of mine for a long time. My aim is simple: to help grow the community from which I myself grew and in which my daughter will now grow up. As a small business of Southern Maine we will help build our community and strengthen local economy.

Business partner, Matthew (Matt) Noyes: I have a long history in Maine. A distant relative of Joshua Chamberlain, I spent summers with my grandparents in the New Gloucester area. In his early 20's, while employed with Aramark, I jumped at an opportunity to relocate and live permanently in the state of Maine. During my time here, I had the privilege to manage large corporate and higher education dining facilities including Unum, LL Bean, Wex and the whole UMaine system.

Over the last seven years, I has been working in food sales selling to restaurants throughout the southern Maine area.

This new opportunity is exciting for me as I have been eager to get back into working with and serving the people here in Maine. On the personal side, I'm a father of three school-aged children and enjoy my time coaching baseball and umpiring Little League.

Thank you for your time, help and support through this process. We are both very excited to get **Leisure Time Cocktail Company** up and running in Portland.

Regards,



Kai Parrott-Wolfe



Matthew Noyes



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

Business Information	
Establishment Name (d/b/a):	Leisure Time Cocktail Company Phone: 347-977-7534
Location Address:	290 Thompson's Point Rd Portland ME Zip: 04102
If new, what was formerly at this location:	Rwanda Bean
Mailing Address:	169 Walnut St. So. Portland ME Zip: 04106
Contact Person:	Kai Parrott-Wolfe 347-977-7534 Phone: 347-977-7534
Contact Person Email:	Kai.parrotwolfe@leisuretimecocktail.com
Manager of Establishment:	Kai Parrott-Wolfe Date of Birth: 2-25-1987 Phone: 347-977-7534
Owner of Premises (Landlord):	Forefront Brick North
Address of Premises Owner (Landlord):	1 Canal Plaza 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
Leisure Time Cocktail Co. LLC	290 Thompson's Point Rd, Portland ME Zip: 04102

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

Contact Person:	Kai Parrott-Wolfe	Phone:	347-977-7534
Principal Officers	Title	Date of Birth	Residence Address
Kai Parrott-Wolfe	President	2-25-1987	169 Walnut Street So. Portland ME 04106

Class of Liquor License: Class X Lounge (Class A Lounge)



CITY OF PORTLAND
Permitting and Inspections Department

Food Service Establishment with Alcoholic Beverages License – Steps to Approval

In order for the Licensing Office to issue your license, we must receive approvals directly from the following departments:

- Zoning/Code Enforcement
- Public Services/Engineering (grease trap)
- Fire Inspections
- Health Inspections
- Treasury
- Police Department

Your responsibilities include:

- ☐ Contact the Zoning/Code Enforcement Department (room 315) at zoning@portlandmaine.gov or 207-874-8703 to determine if the address of your business is zoned for the purpose for which you intend to use it. This is also the department you should contact if you require a sign permit, an outdoor dining application, and a building permit.
- ☐ Contact the Historic Preservation Division at 207-874-8726 for specific requirements if your business is located in a Historic District. Visit <http://click.portlandmaine.gov/portlandhistoric/> to determine your district.
- ☐ Contact Public Services Engineering department at 874-8801 for information about grease trap requirements.
- ☐ Contact the Department of Health and Human Services at 207-287-5675 to obtain the correct State of Maine food license for your business.
- ☐ Contact the City of Portland Health Inspections department at 207-756-8365 to arrange for an inspection after renovations.
- ☐ Contact the City of Portland Fire Inspections department at 207-874-8400 to arrange for an inspection after renovations.
- ☐ Contact the Treasury department at 207-874-8490 to determine if you, the owner of your business premises, or the previous business tenant, owe any outstanding taxes to the City of Portland. We cannot issue a license if there are delinquencies on the part of the business owner or landlord.

Once we have received approvals from the departments listed above, we will issue your license and contact you. Any balance of the license fee will be due before you receive the license.

If you have any questions about this process, please contact the Business Licensing Division:
at bl@portlandmaine.gov or 207-874-8557



CITY OF PORTLAND
Permitting and Inspections Department

Type of food served:	Pierogis, hotdogs, Salad	
Please circle all that will be served:	☒ Beer ☒ Wine ☒ Liquor	
Projected percentage of sales:	Generated from Food: 40%	Generated from Alcohol: 60%
Hours & days of operation:	7 days / week 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?		☒ 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 <u>PRIVATE</u> 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?		4/1/24
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 Kai Parrott-Wolfe 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 Kai Parrott-Wolfe Title PRESIDENT Date 01.04.2024

Leisure time menu

Greens

Cucumber dill salad

- Pickled onions, tomato (sour cream & lemon base)

Sausage and avocado

- Kielbasa, potato, kale, tomato

Bruschetta bowl

- Chorizo, couscous, tomato, feta, basil, balsamic

Pierogies

- Potato and cheese
- Caramelized onion, bacon, and cabbage
- (locally sourced inspired weekly)

Crema

- Smoked
- Garlic and herb
- Mustard

Sausages

- Kielbasa
 - Chorizo
 - Bratwurst
 - Hot dog (kids/house)
 - Beer dog
 - beer, mustard, onions
- (Add-ons: pickled onions, raw onion, tomato, peppers, cheese, etc.)

Ploughman's platter (examples, rotating)

- Pickles, cucumber, charred vine tomato, radish, olives, sausage, arugula, bread, onions, compound butters



CITY OF PORTLAND
Permitting and Inspections Department

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

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

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

Business Information			
Business Name (d/b/a):	Leisure Time Cocktail Company LLC	Phone:	347-977-7534
Location Address:	290 Thompson's Point Rd, Portland, ME	Zip:	04102
Mailing Address:	169 Walnut St, South Portland, ME	Zip:	04106
Contact Person:	Kai Parrott-Wolfe	Phone:	347-977-7534
Contact Person Email:	Kai.parrott Wolfe@leisuretimecocktail.com		
Manager of Establishment:	Kai Parrott-Wolfe	Date of Birth:	02/25/1987
		Phone:	347-977-7534
Owner of Premises (Landlord):	Forefront Brick North, LLC		
Address of Premises Owner:	501 Danforth St, Portland, ME	Zip:	04102

Owner Information

Corporate Name		Corporate Mailing Address	
N/A		169 Walnut St, South Portland, ME	Zip: 04106
Contact Person:	Kai Parrott-Wolfe	Phone:	347-977-7534
Principal Officers	Title	Date of Birth	Residence Address
Kai Parrott-Wolfe	President	02/25/1987	169 Walnut St, South Portland, ME, 04106



CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	Class X Lounge
Type of food served:	Pierogis, Sausages, Hot Dogs, Soups, Salads
Please circle all that will be served:	Beer Wine Liquor
Hours & days of operation:	12pm-10pm, MON - SUN
Number of Tables	5
Number of Chairs	16

Design and Construction

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

Maintenance and Operations

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

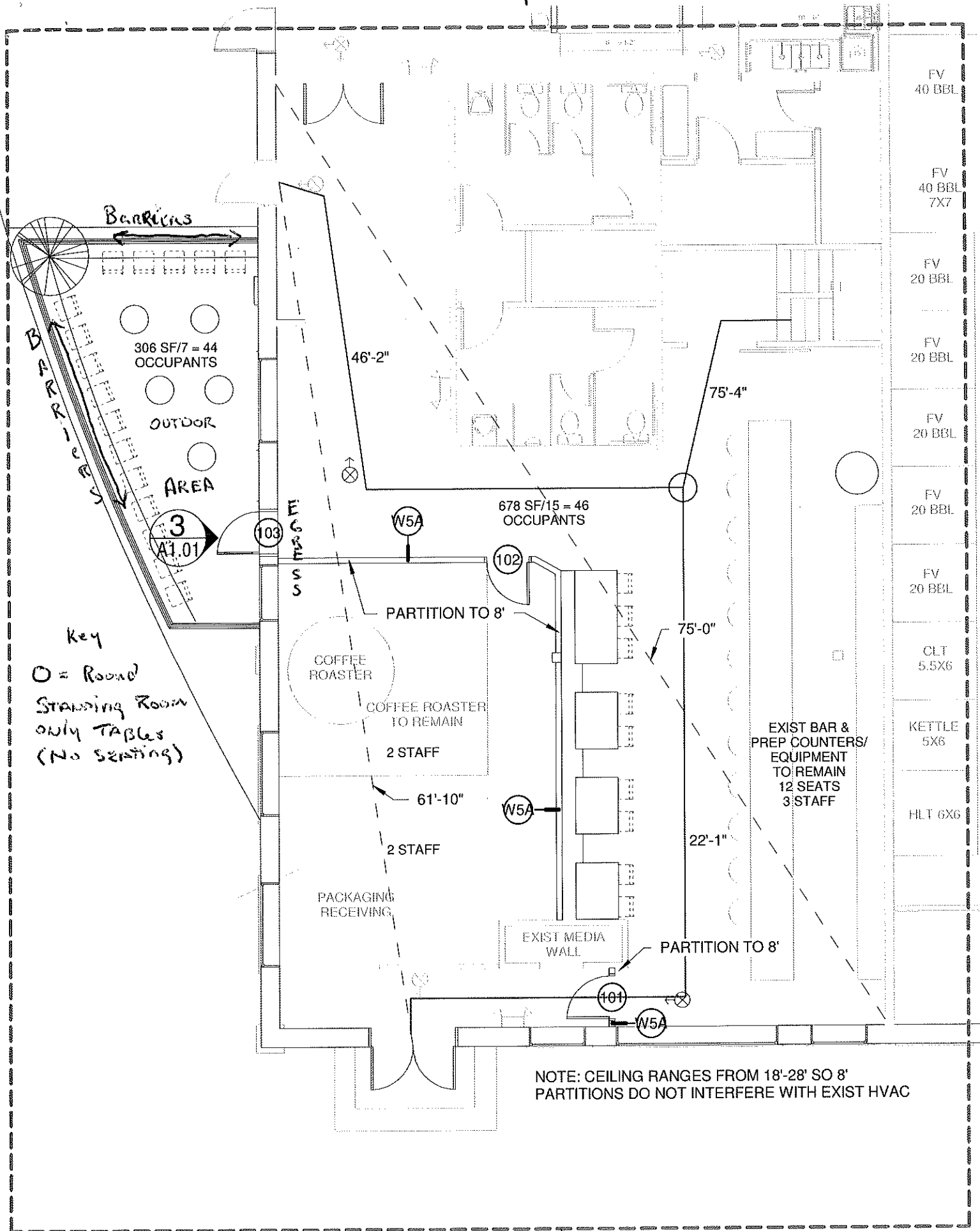
I/We fully understand that the City of Portland, its agents, officers and employees accept no responsibility and will not be liable for any injury, harm or damage to my/our person or property arising out of the establishment's occupancy of the sidewalk or park space. To the fullest extent permitted by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

Signature Kir. Paruth-Wolfe Title President Date 01/09/2024

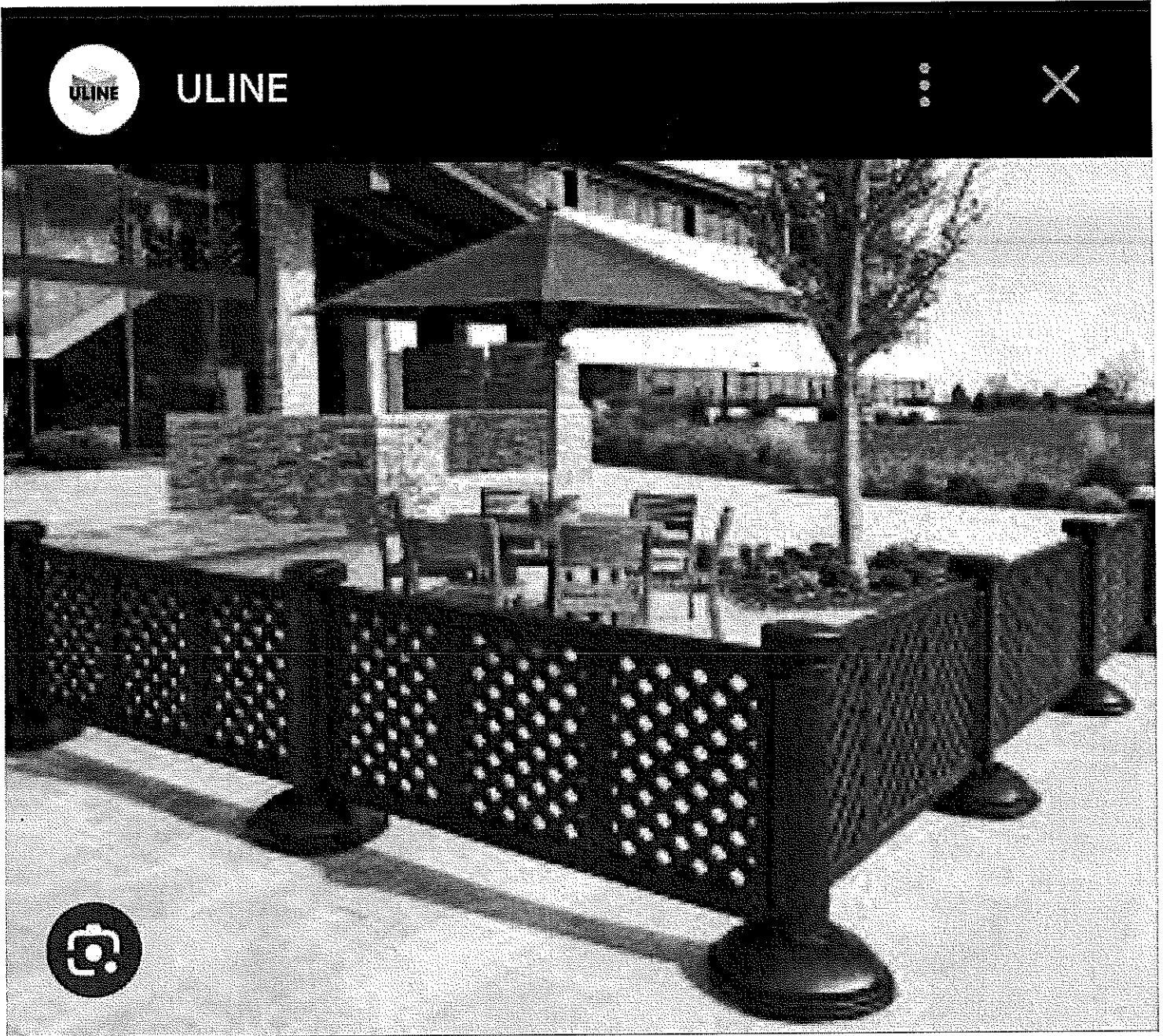
For Administrative Use Only

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

Top



- FV 40 BBL
- FV 40 BBL 7X7
- FV 20 BBL
- FV 20 BBL
- FV 20 BBL
- FV 20 BBL
- FV 20 BBL
- CLT 5.5X6
- KETTLE 5X6
- HLT 6X6



Leisure Time Cocktails - Class X Lounge

Eric Nevins <erich@portlandmaine.gov>

Sat, Jan 20, 2024 at 4:28 PM

To: Zachary Lenhart <zlenhart@portlandmaine.gov>

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

Approved

[Quoted text hidden]

--

Eric Nevins

Lieutenant

Portland Police Department

(207) 874-8513

Leisure Time Cocktails - Class X Lounge

Zoning <zoning@portlandmaine.gov>

Mon, Jan 22, 2024 at 4:21 PM

To: Zoning <zoning@portlandmaine.gov>

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

Good Afternoon,

The current legal use for this space at the Brick North in Thompson's PT: 290 Thompson's PT RD, unit A is retail and low-impact industrial. A change of use to bar is required. I believe Will Valentine has already advised them by email, but I will follow up with them as well.

Bar is a permitted use in the B5 zone.

Thank you,

Mac

--

Mac Coldwell

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

[Quoted text hidden]

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on February 5, 2024 at 5:00 P.M., Leisure Time Cocktail Co LLC, dba Leisure Time Cocktail Company. Application for Class A Lounge with Outdoor Dining on Private Property at 290 Thompson's Point Road - Sponsored by Danielle P. West, City Manager

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



January 26, 2024

Leisure Time Cocktail Co LLC
169 Walnut Street
South Portland, Maine 04106

Re: Leisure Time Cocktail Co LLC, dba Leisure Time Cocktail Company. Application for Class A Lounge with Outdoor Dining on Private Property at 290 Thompson's Point Road

Dear Leisure Time Cocktail Co LLC:

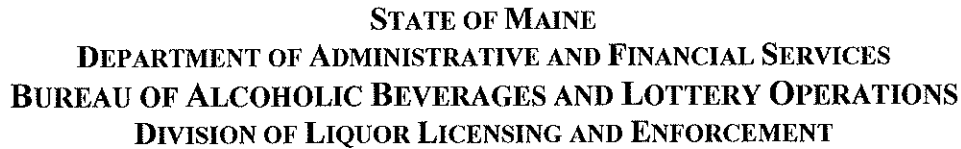
This letter shall serve as a reminder of the public hearing before the Portland City Council on Monday February 5, 2024 at 5:00 p.m., for the review of application for Class A Lounge with Outdoor Dining on Private Property at 290 Thompson's Point Road. The meeting will take place in person at Portland 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 ☐	

1. New license or renewal of existing license? ☒ New Expected Start date: 04/01/2024
☐ Renewal Expiration Date: _____

Food: _____ Beer, Wine or Spirits: _____ 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:

290 Thompson's Point Rd, Portland, ME, 04102

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
Kai Parrott-Wolfe	02/25/1987	Portland, ME
Matt Noyes	06/15/1977	Concord, NH
Residence address on all the above for previous 5 years		
Name	Address:	
Kai Parrott-Wolfe	169 Walnut St, South Portland, ME, 04106	
Name	Address:	
Kai Parrott-Wolfe	89 Tamerlane, Portland, ME, 04103	
Name	Address:	
Matt Noyes	35 Sand Crossing Rd, Waterboro, ME, 04087	
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:

Forefront Brick North, LLC, 501 Danforth St, Portland, ME, 04102

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)

A small cocktail lounge tucked away at Thompson's Point. A 41' long granite bar with seating as well as shorter banquette seating against a half-wall opposite the bar. An open air kitchen on one half of the bar as well as a more traditional cocktail bar to the other side.

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: Rise Church

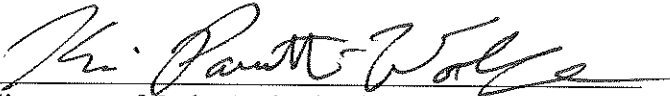
Distance: 2,090.88 ft

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: 01/04/2024


Signature of Duly Authorized Person

Signature of Duly Authorized Person

Kai Parrott-Wolfe
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

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: Leisure Time Cocktail Company LLC
2. Doing Business As, if any: _____
3. Date of filing with Secretary of State: 09/25/2023 State in which you are formed: WY
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:
11/14/2023
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
Kai Parrott-Wolfe	169 Walnut St, South Portland,	02/25/1987	President	100.0000
	ME, 04106			
Kai Parrott-Wolfe	169 Walnut St, South Portland,	02/25/1987	President	100.0000
	ME, 04106			
Matt Noyes	35 Sand Crossing Rd, Waterboro	07/15/1977	Manager	0.0000
	ME, 04087			

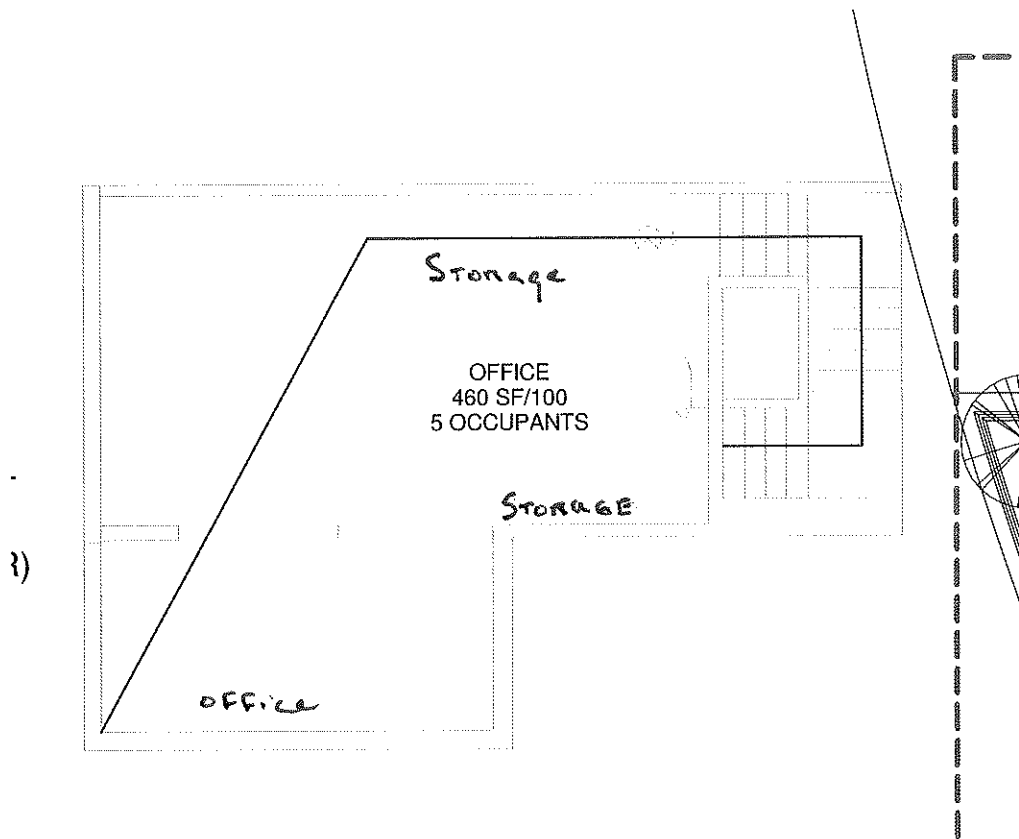
(Ownership in non-publicly traded companies must add up to 100%.)

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.

PLEASE SEE THE 2 ATTACHED SHEETS



The floor plan illustrates a cafe layout with the following areas and specifications:

- Entrance:** Located at the top left, with a dashed line indicating the path.
- Restrooms:** Located in the upper right section.
- Outside Area:** Situated on the left side, featuring a circular area with a radial pattern and a note: "306 SF/7 = 44 OCCUPANTS".
- Main Area:** A large central space with a note: "678 SF/15 = 46 OCCUPANTS".
- Partitioning:** Several partitions are indicated, including "PARTITION TO 8'" and "PARTITION TO 8'".
- Equipment and Fixtures:**
 - Coffee Roaster:** Labeled "COFFEE ROASTER" and "COFFEE ROASTER TO REMAIN".
 - Staff Areas:** Two areas labeled "2 STAFF" are shown.
 - Packaging Receiving:** Labeled "PACKAGING RECEIVING".
 - Bar & Prep Counters:** Labeled "EXIST BAR & PREP COUNTERS/EQUIPMENT TO REMAIN 12 SEATS 3 STAFF".
 - POS (Point of Sale):** Two locations are marked with "POS" in boxes.
 - Refrigerators:** Labeled "REFRIGERATORS" with arrows pointing to specific units.
 - Display Cases:** Labeled "Display CS's".
 - Upper Shelves:** Labeled "UPPER SHELVES" with a list of items: "KETTLE 5X6", "MILT 6X6", and "CL1 5.5X6".
- Dimensions:** Various dimensions are noted throughout the plan, such as "46'-2\"", "75'-4\"", "75'-0\"", "61'-10\"", "22'-1\"", and "75'-0\"".
- Notes:**
 - "NOTE: CEILING RANGES FROM 18'-28' SO 8' PARTITIONS DO NOT INTERFERE WITH EXIST HVAC"
 - "OFFICE AREA ON SECOND PAGE as it is an upper mezzanine"

Bottom Page 177

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Forefront Partners I, LP
501 Danforth Street | Portland, ME 04102

VIA EMAIL DELIVERY

January 31, 2024

From: Chris Thompson, Forefront Partners I, LP

To: Hon. Mayor Mark Dion and members of the City Council

RE: Leisure Time Cocktail Company liquor license application

Dear Mayor Dion and members of the City Council,

I wanted to send this note in support of Leisure Time Cocktail Company's application for a liquor license at your upcoming hearing.

Leisure Time's owner and proprietor Kai Parrott-Wolfe has an excellent reputation and track record in the food and beverage industry, from his experience owning and operating a top-notch bar in New York to his tenure as the bar and beverage manager for the renowned Luke's Lobster Company here in Portland.

We could not be more excited to welcome him and his vision and expertise to Thompson's Point, and offer our full support for his license request.

Should you or your colleagues have any questions for me, please do not hesitate to reach out at your convenience.

Many thanks and very best of regards,

A handwritten signature in blue ink, appearing to read 'Chris Thompson'.

Chris Thompson
Forefront Partners I, LP

MEMORANDUM
City Council Agenda Item

FROM:

DATE: January 18, 2024

SUBJECT: Order 113-23/24 Granting Municipal Officers' Approval of Brickyard Hollow Company, dba Brickyard Hollow Brewing. Application for Extension of On-Premise License Privileges at 5 Commercial 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 1/8/24. This is an existing establishment that is expanding their dining/drinking space. Establishment currently holds XI Restaurant/Lounge. New State application.

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. 2024.02.05_Brickyard Hollow_Council Order

2. Brickyard Hollow_Council Packet_2024.02.05

Prepared by:

Date: 01/18/2024

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:

**Brickyard Hollow Company, dba Brickyard Hollow Brewing. Application for Extension of
On-Premise License Privileges at 5 Commercial Street**



Honorable Mark Dion, Mayor
City of Portland
389 Congress Street
Portland, ME 04101

January 19, 2024

Re: Brickyard Hollow Brewing Co.
Request for Extension of License Privileges for an On-Premises Establishment

Dear Mayor Dion,

Brickyard Hollow Brewing Co. is seeking to expand its restaurant located at 9 Commercial Street, by adding seating and a small bar in vacated space adjacent to its current operation. We have submitted to the City's Business Licensing Department the appropriate application and supporting materials.

We understand that the City will review this application at its upcoming February 5 City Council meeting, when we will be available to respond to any questions or concerns.

Specifically, Brickyard Hollow Brewing Co. requests approval of an expansion of its floor plan to accommodate a maximum of 161 seated patrons, an increase from the currently licensed 81 seats. A small bar will be included in the new space, as well as two large ADA-compliant restrooms.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ray Kusche', is written over a horizontal line.

Ray Kusche, Owner

BRICKYARD HOLLOW BREWING COMPANY

P.O.Box 1476, Yarmouth Maine 04096



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

Request for Extension of License Privileges for an On-Premises Establishment

Section I: Licensee Information:

Legal Business Entity Licensee Name (corporation, LLC): Brickyard Hollow Brewing Co	Business Name (D/B/A):
Individual or Sole Proprietor Licensee Name(s):	Physical Location: 9 Commercial Street, Portland, Maine
License Number: LL-003359-2021	Mailing address, if different: PO Box 1476, Yarmouth, ME 04096
Mailing address, if different from DBA address:	Email Address: brendon@brickyardhollow.com
Telephone # Fax #: 207 774-8065	Business Telephone # Fax #: 207 847-0411

Section II: Extension of Privileges Information:

1. Name, Address, and Contact Information of Property Owner (if property is rented or leased, please provide a copy of rental/lease agreement):

Name: Casco Portland II Partners, LLC

Complete mailing address: c/o Albert A. Glickman & Associates

111 Commercial Street, Suite 300, Portland, ME 04101

Telephone/Mobile Number: (207) 939-6086

Email Address: clark@abgfo.com

2. Type of Extension of Privileges: (check only one)

a. Temporary ☐ Inside ☐ Outside ☐
b. Permanent ☒ Inside ☒ Outside ☐

continue to next page

3. Start Date: 3-15-24 End Date (if applicable): _____
4. Will dancing be permitted in this area? Yes ☐ No ☒
- a. If yes, does the establishment have a dance license? Yes ☐ No ☐
- b. If yes, please provide a copy of the license from the State's Fire Marshall's Office
5. Will there be live entertainment in this area? Yes ☒ No ☐
6. Reason for this request: Expanding seating into adjacent space to accommodate dining patrons during busy periods, and to improve restroom facilities.

Section III: Signature of Licensee

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

Please sign and date in blue ink.

Dated: Jan 8, 2024

RS Kusche
Signature of Licensee or Duly Authorized Person

Raymond Kusche
Printed Name of Licensee or Duly Authorized Person

Submit completed forms to: Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement

Mailing address: 8 SHS, Augusta, ME 04333-0008
Courier delivery: 19 Union Street, 3rd floor, Suite 301-B,
Augusta, ME 04330

(continue to next page)

Section IV: Approval by Municipal/County Officers

Please note: The municipal/county officers where your establishment is located must approve all requests for extension of license privileges prior to filing with the Bureau. If your license is issued in an unorganized township, the county commissioners must approve this request, otherwise, it would be your municipal (town or city) officials.

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this extension of privileges for this on-premises licensee on this date: _____.

Check only one: ☐ City ☐ Town ☐ Unorganized Territory

Name of City/Town/Unorganized Territory: _____

Who is approving this application? ☐ Municipal Officers
☐ County Commissioners of _____ County

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

Signature of Officials	Printed Name and Title

Continued to next page

Diagram for Extension of Privileges Area

The following restrictions apply to outdoor extension of privileges:

- There must be a stanchion or a fence completely enclosing the area.
- Signs must be posted stating "No alcohol beyond this point".
- There must be sufficient employees at the extension area of premises who would be able to control and monitor the area.

In an effort to clearly define your extension please draw a diagram below that will include the area you want for a temporary / permanent license premise. Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your where consumption will occur including methods of monitoring and containment of the area(s).

SEE ATTACHMENT

For Office Use Only:

Date Filed: _____ Date Issued: _____ Issued By: _____

☐ Approved

☐ Not Approved



GRANT HAY
ASSOCIATES



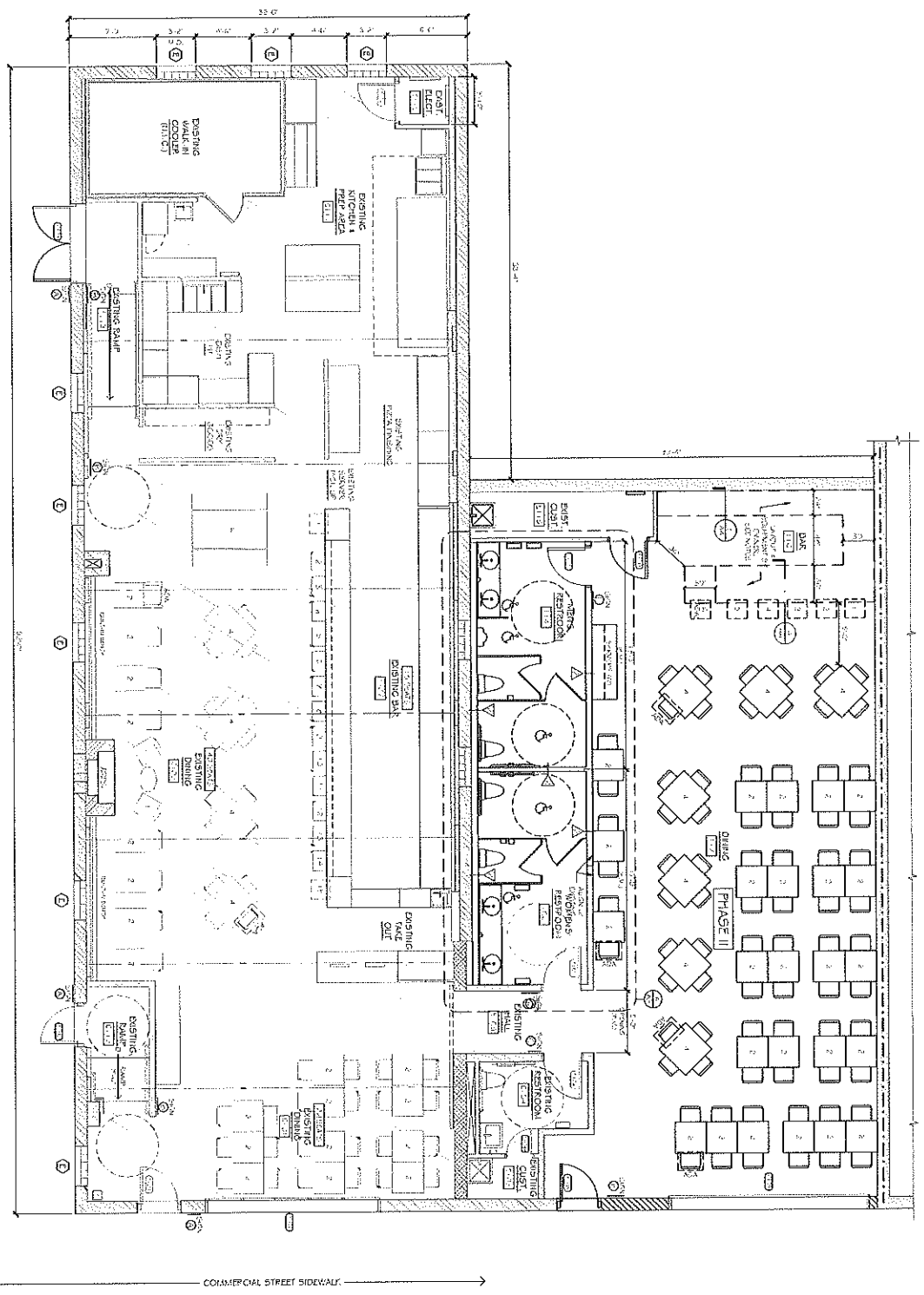
INTERIOR RENOVATIONS AT
BRICKYARD HOLLOW
BREWING COMPANY

9 COMMERCIAL STREET PORTLAND, ME 04101

PHASE II
PROPOSED
FLOOR
PLAN

DATE: 12 OCT 2023
SCALE: 1/4" = 1'-0"
SHEET: 14TH/14th
PROJECT: 200925

A-2



- NOTES:
- 1. BAR AREA, HALL, DINING, & RESTROOMS, GLASS WARDEN AND GLASS INTERIOR TO BE FIELD LOCATED IN OTHERS.
 - 2. SEE DETAILS FOR BAR COUNTERTOP SECTIONS.

PHASE II
PROPOSED FLOOR PLAN



LEGEND

[Symbol]	EXISTING WALLS
[Symbol]	NEW PARTITION WALLS
[Symbol]	NEW GLASS WALLS
[Symbol]	NEW GLASS WALLS

PARTITION LEGEND

TYPE	DETAIL
[Symbol]	[Symbol]
[Symbol]	[Symbol]

Brickyard Hollow - Extension of premise

Eric Nevins <erich@portlandmaine.gov>

Sat, Jan 20, 2024 at 4:26 PM

To: Zachary Lenhart <zlenhart@portlandmaine.gov>

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

Approved

On Fri, Jan 19, 2024 at 3:06 PM Zachary Lenhart <zlenhart@portlandmaine.gov> wrote:

[Quoted text hidden]

--

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



Zachary Lenhart <zlenhart@portlandmaine.gov>

Brickyard Hollow - Extension of premise

Zoning <zoning@portlandmaine.gov>

Mon, Jan 22, 2024 at 4:50 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>

Good Afternoon,

5 Commercial ST, Units A & B, have a legal use of restaurant under issued permit, BLDC2023-03535. Zoning approves.

Thank you,

Mac

--

Mac Coldwell

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

[Quoted text hidden]

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on February 5, 2024 at 5:00 P.M., Brickyard Hollow Company, dba Brickyard Hollow Brewing. Application for Extension of On-Premise License Privileges at 5 Commercial Street - Sponsored by Danielle P. West, City Manager

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



January 26, 2024

Brickyard Hollow Company
P.O. Box 1476
Yarmouth, Maine 04096

Re: Brickyard Hollow Company, dba Brickyard Hollow Brewing. Application for Extension of On-Premise License Privileges at 5 Commercial Street

Dear Brickyard Hollow Company:

This letter shall serve as a reminder of the public hearing before the Portland City Council on Monday February 5, 2024 at 5:00 p.m., for the review of application for Extension of On-Premise License Privileges at 5 Commercial 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



Portland Clean Election Fund Annual Report-2023

Overview:

The Portland Clean Election Fund kicked off on June 1, 2023 for the program's very first Election Cycle. Portland's Clean Elections Fund was created in response to Charter Question 3 of the November 8th, 2022 Election which passed with 65.3% of the vote.

The fund applies to candidates running for Mayor, City Council, and the School Board who choose to participate in the City of Portland Clean Election Fund established by Article IV, Section 12 of the City Charter ("Portland's Clean Election Fund"). Candidate participation in Portland's Clean Election Fund is voluntary. Portland's Municipal Candidates are not required to enroll in Portland's Clean Elections Fund and may remain as Traditionally Financed candidates instead of enrolling and all previously existing regulations covering Traditionally Financed campaigns remain in place.

Fund Breakdown/Balance:

A total of 7 Candidates took part in the Portland Clean Elections Program for 2023. Only 42% of the fund was used. The breakdown is as follows:

Mayor	City Council District 4
Candidates-2	Candidate-1
Justin Costa	Anna Bullett
Andrew Zarro	City Council District 5
City Council At-Large	Candidate-1
Candidates-2	Kate Sykes
April Fournier	School Board At-Large
William Linnell	Candidate-1
	Cody Austin Sims

Mayor (2 Candidates)

Initial Fund Disbursement: **\$79,840.02**

Supplemental Funding (Up to 3 rounds): **\$60,000**

Unspent Funds Returned to Program: **\$5,923.31**

City Council At-Large (2 Candidates)

Initial Fund Disbursement: **\$19,431.80**

Supplemental Funding (Up to 3 rounds): **\$13,332**

Unspent Funds Returned to Program: **\$201.89**

City Council District 4 (1 Candidate)

Initial Fund Disbursement: **\$3,800**

Supplemental Funding (Up to 3 rounds): **\$2,666**

Unspent Funds Returned to Program: **\$861.39**

City Council District 5 (1 Candidate)

Initial Fund Disbursement: **\$4,000**

Supplemental Funding (Up to 3 rounds): **\$7,998**

Unspent Funds Returned to Program: **\$1,018.70**

School Board At-Large (1 Candidate)

Initial Fund Disbursement: **\$4,980**

Supplemental Funding (Up to 3 rounds) **\$0**

Unspent Funds Returned to Program: **\$918.37**

2023 Fund Balance Breakdown

PCE Fund Start Balance	\$465,000.00
Clean Election Donation	\$20.00
Clean Election Donation	\$20.61
Fund Deposits From Candidates (QC Qualifications)	\$16,075.66
Fund Debits (Checks Cut to Candidates)	\$196,047.82
PCE Fund End Balance for 2023	\$285,068.45

****Additional Revenue & Expenditures of the Fund are provided in the attached spreadsheet***

2024 Goals/Adjustments:

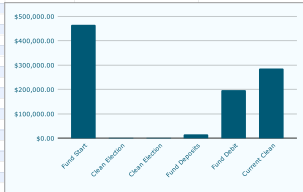
- In November 2023 Voters passed the Ordinance amendment Chapter 9 Re: Filing Nomination and Acceptance of nomination petitions. The city clerk shall make nomination petitions available to the candidates one hundred and fifty-five

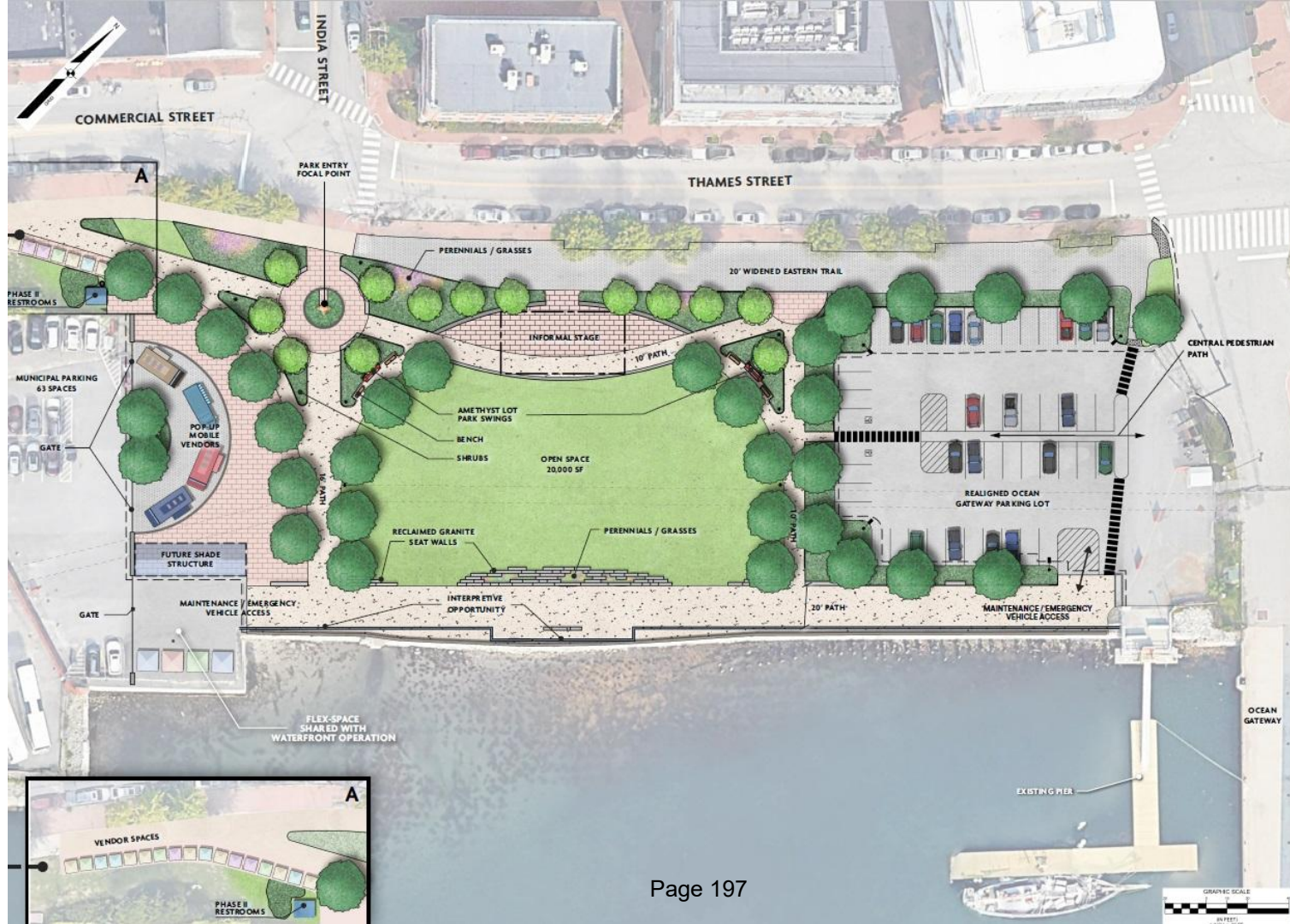
(155) days prior to the election. This aligns the nomination petition papers a candidate takes out to the Clean Election paperwork. In 2023 a Candidate could collect Clean Election signatures and accept Qualified Contributions before they could take out nomination papers to become a certified candidate on the ballot. Passing this amendment will allow for a smoother process for the candidate to collect both nomination signatures and clean election contributions at the same time.

- Online payment system for Qualified Contributions. The Clerk's Office is working with a vendor to create and implement an online payment system to collect the \$5 Qualifying Contributions. This is the same vendor the State uses, so the process will be familiar to those that have contributed to a State Candidate. The goal is to have this live before the 2024 Municipal Election Cycle begins in June.
- Online Campaign Finance Database- This will remain as an active need due to the Ordinance Requirement. In 2023 the City put out a RFP for the database and bids came back way over the anticipated budget. The City will continue to seek alternative solutions that are not so cost prohibitive.

Mayor				Required: 200 QC's		Payout \$40,000 (Less Seed Money Balance)		Required: 100 QC's		Payout \$20,000		Required: 100 QC's		Payout \$20,000		Required: 100 QC's		Payout \$20,000		Required: 100 QC's		Payout \$20,000	
Candidate		Seed Money Contributions	Seed Money Expenditures	Seed Money Balance	Initial Certification- QC's Submitted	Initial Certification-Payment to Candidate	Supplemental Round 1- QC's Submitted	Supplemental Round 1- Payment to Candidate	Supplemental Round 2- QC's Submitted	Supplemental Round 2- Payment to Candidate	Supplemental Round 3- QC's Submitted	Supplemental Round 3- Payment to Candidate	42 Post Report/Clean Election Money Return to the City										
Justin Costa		\$2,650.00	\$2,617.00	\$33.00	\$1,190.00	\$1,190.00	\$1,190.00	\$1,190.00	\$1,190.00	\$1,190.00	\$1,190.00	\$1,190.00	\$52.75										
Andrew Zaro		\$4,495.00	\$4,368.02	\$126.98	\$1,045.00	\$1,045.00	\$1,045.00	\$1,045.00	\$1,045.00	\$1,045.00	\$1,045.00	\$1,045.00	\$5,670.56										
Total		\$7,145.00	\$6,985.02	\$159.98	\$2,235.00	\$2,235.00	\$2,235.00	\$2,235.00	\$2,235.00	\$2,235.00	\$2,235.00	\$2,235.00	\$5,923.31										
City Council At-Large				Required: 100 QC's		Payout \$10,000 (Less Seed Money Balance)		Required: 50 QC's		Payout: \$6,666		Required: 50 QC's		Payout: \$6,666		Required: 50 QC's		Payout: \$6,666		Required: 50 QC's		Payout: \$6,666	
Candidate		Seed Money Contributions	Seed Money Expenditures	Seed Money Balance	Initial Certification- QC's Submitted	Initial Certification-Payment to Candidate	Supplemental Round 1- QC's Submitted	Supplemental Round 1- Payment to Candidate	Supplemental Round 2- QC's Submitted	Supplemental Round 2- Payment to Candidate	Supplemental Round 3- QC's Submitted	Supplemental Round 3- Payment to Candidate	42 Post Report/Clean Election Money Return to the City										
April Fournier		\$399.39	\$0.00	\$399.39	\$520.00	\$520.00	\$520.00	\$520.00	\$520.00	\$520.00	\$520.00	\$520.00	\$82.69										
William Linell		\$670.00	\$501.19	\$168.81	\$535.00	\$535.00	\$535.00	\$535.00	\$535.00	\$535.00	\$535.00	\$535.00	\$119.20										
Total		\$1,069.39	\$501.19	\$568.20	\$1,055.00	\$1,055.00	\$1,055.00	\$1,055.00	\$1,055.00	\$1,055.00	\$1,055.00	\$1,055.00	\$201.89										
City Council District 4				Required: 50 QC's		Payout \$4,000 (Less Seed Money Balance)		Required: 25 QC's		Payout \$2,666		Required: 25 QC's		Payout \$2,666		Required: 25 QC's		Payout \$2,666		Required: 25 QC's		Payout \$2,666	
Candidate		Seed Money Contributions	Seed Money Expenditures	Seed Money Balance	Initial Certification- QC's Submitted	Initial Certification-Payment to Candidate	Supplemental Round 1- QC's Submitted	Supplemental Round 1- Payment to Candidate	Supplemental Round 2- QC's Submitted	Supplemental Round 2- Payment to Candidate	Supplemental Round 3- QC's Submitted	Supplemental Round 3- Payment to Candidate	42 Post Report/Clean Election Money Return to the City										
Anna Butlett		\$400.00	\$200.00	\$200.00	\$280.00	\$280.00	\$280.00	\$280.00	\$280.00	\$280.00	\$280.00	\$280.00	\$861.39										
Total		\$400.00	\$200.00	\$200.00	\$280.00	\$280.00	\$280.00	\$280.00	\$280.00	\$280.00	\$280.00	\$280.00	\$861.39										
City Council District 5				Required: 50 QC's		Payout \$4,000 (Less Seed Money Balance)		Required: 25 QC's		Payout \$2,666		Required: 25 QC's		Payout \$2,666		Required: 25 QC's		Payout \$2,666		Required: 25 QC's		Payout \$2,666	
Candidate		Seed Money Contributions	Seed Money Expenditures	Seed Money Balance	Initial Certification- QC's Submitted	Initial Certification-Payment to Candidate	Supplemental Round 1- QC's Submitted	Supplemental Round 1- Payment to Candidate	Supplemental Round 2- QC's Submitted	Supplemental Round 2- Payment to Candidate	Supplemental Round 3- QC's Submitted	Supplemental Round 3- Payment to Candidate	42 Post Report/Clean Election Money Return to the City										
Kathryn Sykes		\$500.00	\$500.00	\$0.00	\$265.00	\$265.00	\$265.00	\$265.00	\$265.00	\$265.00	\$265.00	\$265.00	\$1,018.70										
Total		\$500.00	\$500.00	\$0.00	\$265.00	\$265.00	\$265.00	\$265.00	\$265.00	\$265.00	\$265.00	\$265.00	\$1,018.70										
School Board At-Large				Required: 60 QC's		Payout \$5,000 (Less Seed Money Balance)		Required: 40 QC's		Payout \$1,666		Required: 40 QC's		Payout \$1,666		Required: 40 QC's		Payout \$1,666		Required: 40 QC's		Payout \$1,666	
Candidate		Seed Money Contributions	Seed Money Expenditures	Seed Money Balance	Initial Certification- QC's Submitted	Initial Certification-Payment to Candidate	Supplemental Round 1- QC's Submitted	Supplemental Round 1- Payment to Candidate	Supplemental Round 2- QC's Submitted	Supplemental Round 2- Payment to Candidate	Supplemental Round 3- QC's Submitted	Supplemental Round 3- Payment to Candidate	42 Post Report/Clean Election Money Return to the City										
Cody Austin Sims		\$300.00	\$280.00	\$20.00	\$355.00	\$355.00	\$355.00	\$355.00	\$355.00	\$355.00	\$355.00	\$355.00	\$918.37										
Total		\$300.00	\$280.00	\$20.00	\$355.00	\$355.00	\$355.00	\$355.00	\$355.00	\$355.00	\$355.00	\$355.00	\$918.37										
Totals		\$9,414.39	\$8,466.21	\$948.18	\$4,190.00	\$4,190.00	\$4,190.00	\$4,190.00	\$4,190.00	\$4,190.00	\$4,190.00	\$4,190.00	\$8,923.66										
Fund Start Balance		\$465,000.00																					
Clean Election Donation-Made by Dylan Pugh		\$20.00																					
Clean Election Donation-Made by April Fournier		\$20.61																					
Fund Deposits (QC Qualifications)		\$16,075.66																					
Fund Debit (Checks Cut to Candidates)		\$196,047.82																					
Current Clean Elections Fund Balance		\$285,068.45																					

Category	Amount
Fund Start	\$465,000.00
Clean Election	\$20.00
Clean Election	\$20.61
Fund Deposits	\$16,075.66
Fund Debit	\$196,047.82
Current Clean Elections Fund Balance	\$285,068.45





PROGRESS PRINT
NOT FOR CONSTRUCTION

DESIGNED BY	DATE	DESIGNED BY	DATE
DESIGNED BY	DATE	DESIGNED BY	DATE
DESIGNED BY	DATE	DESIGNED BY	DATE
DESIGNED BY	DATE	DESIGNED BY	DATE

SEBAGO
T E C H N I C I A N S
1000 Main Street
Portland, ME 04101
Tel: 207-255-1100

CONCEPT RENDERING
PORTLAND HARBOR COMMON LOT - PHASE 1
PORTLAND, ME
PORTLAND, ME
PORTLAND, ME
PORTLAND, ME

DESIGNED	AMT/TTG
DRAWN	EPB/TTG
CHECKED	TFK/GCA
DATE	08/10/2023
SCALE	1" = 20'
PROJECT	220338

















MEMORANDUM
City Council Agenda Item

FROM: Ethan Hipple

DATE: 11/30/2023

SUBJECT: Portland Harbor Common Council Progress Presentation

SPONSOR: Danielle West

COUNCIL MEETING - Jan 17th

DATE ACTION IS REQUESTED: N/A

1st Reading date: N/A

Final Action date: N/A

Can action be taken at a later date: N/A

PRESENTATION:

I. SUMMARY

Portland City Council approved CIP funding for consultant and engineering services to develop planning, design, and construction documentation for the Portland Harbor Common (PHC). The Portland Harbor Common effort has worked with the State of Maine, City Staff / Departments, and the public developing plans to illustrate further the proposed change of the India / Thames Street surface parking lot into new public outdoor park space. This will transform approximately ½ of that lot into Public Park and Open Space, and save municipal parking areas on the west (Maine State Pier municipal parking area) and east (Ocean Gateway municipal parking area) of the work area. The working group has contracted and collaborated with Sebago Technics for engineering and design services.

Portland Parks will provide an update with slides on the Portland Harbor Common Park design, general project developments and tentative project schedule to council. This update will include design renderings of the phase I construction (base bid features and anticipated design), discussion of general milestones to date, and remaining design and planning work before bidding and construction.

II. AGENDA DESCRIPTION

Portland Parks department and Parks Conservancy seek to provide Council with an update on Portland Harbor Common(PHC) design and documentation progress for CIP funded consultant support. Project has secured federal funding appropriation for a significant portion of preliminary base bid construction, and is working with Portland Parks Conservancy for private fundraising for additional park elements and for future improvements beyond the base bid design/ construction.

III. BACKGROUND -

After almost three years of planning and community outreach, the Portland City Council unanimously approved up to \$150,000 for technical support and final design and engineering plans for a 2 acre portion of an existing surface parking lot facility. Approximately half of the existing parking will be retained on both the Ocean Gateway facility side of the lot, and on the Maine State Pier side of the lot (currently municipal parking and municipal islander parking). This redeveloped park portion of the site was a temporary use of surface asphalt queuing lanes of the former International Ferry terminal and parking lot, and will reduce impervious coverage in this area.

The City of Portland and Portland Parks Conservancy held two public forums about the project to gather valuable input on the concept and secure widespread support from the community. Currently, after several working group meetings through the design development process, the Portland Parks Conservancy and the City of Portland are working with local engineering firm, Sebago Technics, to develop final design and construction documentation. These will be the documents guiding a base bid, phase I construction of the project. This is part of larger, ongoing, efforts considering public open space along Portlands' working waterfront, something reasonably described as a Phase II goal for working waterfront public space planning and design.

- IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED** - Council will be up to date on project design and documentation progress for CIP funded consultant support, and the expectations for next steps in design and permitting requirements part of the CIP funded contract.
- V. FINANCIAL IMPACT** - Design and consultant services are underway, with an original CIP appropriation of \$103,151 (\$78,327 in funding remaining) with an additional \$25,500 appropriated for Phase I ESA , Phase II ESA and field site exploration of environmental site assessment from supporting environmental science consultants.
- VI. STAFF ANALYSIS AND BACKGROUND** - Since successful construction funding from Senator King's federal appropriation has been approved, thanks to the efforts of Nan Cumming, Richard Barringer and other supporters collaborations, staff is working to complete the required federal environmental assessment reporting measures before construction. This is being done in parallel with Sebago Tech's efforts to develop final plans and permitting approvals for base bid construction of the PHC first phase. We have worked through interagency understanding and support of our effort with Maine State agencies who held prior agreements over past uses of the project property, and have been conducting environmental site field inventory and assessment reports related to construction and project impacts. This has been occurring while refining the final site design package is taking place

Despite some of these actions having taken more time, the project continues to move forward for state and local permitting reviews and requirement submissions later this winter. We anticipate potential for some additional consultant expenditures from the original CIP requisition, largely for interpretative signage development, and possibly additional structural engineering support for improvements that may occur along existing site infrastructure. Depending on permitting review times, the project has potential for ground breaking as early as late fall 2024, following cessation of cruise season and high

use parking season. This timing will need to be carefully considered with on going uses of the site and adjacent areas, other construction schedules, and bid results

VII. RECOMMENDATION - That project design services contract continues as originally agreed to, with understanding of some additional services important to supporting base bid construction may be needed to address specific elements, for interpretative site signage design and fabrication as an example.

VIII. LIST ATTACHMENTS - To be provided: Design renderings of project, project description memo

Prepared by: Ethan Hipple

Date:

City of Portland | Permitting and Inspections

Jessica Hanscombe, *Director*



To: Danielle P. West, City Manager
From: Jessica B. Hanscombe, Director
Date: January 25, 2024
RE: Rent Control Enforcement

The Citizens of Portland voted in An Act To Protect Tenants in 2020 and amended it with another referendum in 2022. The Ordinance required the City to perform multiple tasks to comply with the ordinance. Staff in Permitting and Inspections has worked hard with the additional workload to implement and enforce the new ordinance over the last few years with no additional staff.

Staff:

In Fiscal Year 24, PID was granted three additional staff members to focus entirely on Rent Control. The Rent Control Coordinator was hired in October and was followed by a Rent Control Inspector in December. Training of both staff in regards to our software, the ordinance and policies around Rent Control has been a priority. The Licensing and Registration Assistants in Licensing and Registration are still handling the intake of all new and renewal applications. The Director and the Licensing and Housing Safety Manager also continue to assist and support this ordinance.

Ordinance Requirements for Rent Control:

One of the bigger misconceptions is that staff is not enforcing the ordinance. We implemented the ordinance in 30 days and continue to enforce all requirements of the ordinance and complaints. Some examples of what has been implemented include:

- Landlords are required by ordinance to provide this office yearly with information including but not limited to: monthly rent, increase from the previous year which needs to be broken down by category, if the unit is exempt and why. The City has approximately 18,500 units that we receive information for each year.
- Staff in this department serve as secretary to the Rent Board. That includes minutes, the agenda and collecting the applications from landlords. We also manage the Rent Board's Email account.
- The ordinance amended the fee per unit from \$35 to \$50 yearly. Staff immediately updated our forms and computer program to include the new fee structure.
- The ordinance amended the late fee date and amount. Prior Late fee was on 2/1 and was \$10 per unit. The new ordinance amended it to 1/15 late fee of \$50 per unit and 2/15 late fee of \$200 per unit. Staff updated our forms and computer program to include the new late fee schedule.
- Staff also sets the CPI amount for each year as required by the ordinance. We post this

on our website, notify the Rent Board and issue a press release regarding this.

- Staff has followed up on all complaints that have been submitted to this office. If the property was in violation they were given an opportunity to come into compliance and were educated on the ordinance.
- Staff consistently works with both landlords and tenants to understand the ordinance, what it covers, and how it impacts them.

Enforcement, Violations and Fines:

Staff in PID, when notified of a potential violation, begin by collecting the information from the complainant. The Inspector then follows up with the landlord, which typically involves collecting documentation of rent collected, leases and any other documents related to the unit. The inspector works within the perimeters of the ordinance to verify if it is a violation or not. We follow up on every complaint that is received by this office.

- If it is not a violation:
 - The Landlord and tenant are both notified and the Inspection case is closed with an unfounded status.
- If the unit is determined to be in violation and the landlord cures the violation:
 - The inspector notifies the landlord regarding the violation and what is needed to comply. Staff works with the landlord to ensure that the tenant is given the proper notice or the rental amount has been corrected or any other violation. If the landlord complies and the tenant is made whole in regards to the complaint. The case will be closed. No fines are issued.
- If the unit is determined to be in violation and the landlord does not cure the violation:
 - If the landlord is informed of the violation and chooses not to cure the violation, the Inspector would write the Landlord a summons to appear in Court. Fines in regards to violation of Chapter 6 are civil. Staff would need to appear before a judge to request fines for any violation. At this time, we have not had any landlords that have failed to rectify any violations.

Another example of a violation is a late registration. Staff sends out Late/Violation notices to all properties that are in violation of the ordinance. Staff is able to collect these fees, as they are specifically cited in Chapter 6.

- FY23 Staff collected **\$260,550.00** in Code Violations. This is year one of the adoption of the 2022 Referendum and new late fee structure.

FY24, as of 12/31, staff has collected **\$36,450.00**.

Proactive Enforcement:

In regards to proactive inspections of the data, we are very excited to have staff that will focus on that in the upcoming months. Registrations are due on 12/31 of each year and staff is still currently entering supplemental information into our system. We anticipate by mid-February we will have the majority of units registered. At that time, our new inspector will work with the data for both egregious violations and for quality control of the data. He will continue to work to ensure that all sections of the ordinance are being followed.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: November 14, 2023

SUBJECT: Order 120-23/24 Extending the Declaration of a State of Limited Emergency at 654 Riverside 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

The council enacted Order 37 as an emergency on November 13, 2023. The order allowed the City Manager to increase the number of beds available in the City of Portland Homeless Services Center (654 Riverside Street) by 50 until February 5, 2024.

If approved, this amendment would extend the emergency order to June 3, 2024.

Order 37 was originally proposed in response to the significant number of unsheltered individuals in the City of Portland, public health and safety hazards existing at encampments, and the imminent threat of further danger to those individuals' health and safety during the winter season. As a result of the Council's approval of Order 37 and subsequent increase in shelter capacity, outreach workers have had greater success in helping individuals access shelter, addressing urgent health needs, preventing fatalities, and mitigating the public health and safety consequences of hazardous encampments.

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

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

To increase the bed capacity in the Homeless Services Center by 50 beds for 6 months the City will need to incur an estimated additional \$568k of expenses in the current fiscal year. However, additional donations and

General Assistance reimbursement are expected to be received to support the effort and the net impact to taxpayers is estimated to be under \$32k. However, General Assistance reimbursement has been being received on a 10-12 month delay over the last year so a portion of the revenues may not be received until FY25. Any net impact in the current year is anticipated to be covered with savings from other areas so no additional appropriation is currently needed from City Council.

NOTE: If there was a need to increase the bed capacity in the Homeless Services Center by 142 beds to 350 beds for 6 months the City would need to incur an additional \$1.6M of expenses in the current fiscal year. However additional donations and General Assistance reimbursement would be expected to be received to support the effort. General Assistance reimbursement has been being received on a 10-12 month delay over the last year so the revenue may not be received until FY25.

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Order Extending the Declaration of Limited Emergency 2.5.2024 mig
2. Order Declaring Limited Emergency 10.2.23
3. Council Memo_ 50 Bed Increase at HSC
4. RECONSIDERATION of Order Declaring Limited Emergency 10.16.2023
5. Memo re_ Limited Emergency Order 37
6. ECRT After Action Report - Fore River _ Frederic St.
7. Fiscal Impact Note - HSC Expansion
8. Estimated Cost of HSC Increased Capacity
9. Increased Cap. of 50 Staffing Locations
10. Public Comment - Order 37

Prepared by:

Date: 11/14/2023

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 EXTENDING THE DECLARATION OF A STATE OF
LIMITED EMERGENCY AT 654 RIVERSIDE STREET**

ORDERED , that the Order Declaring a State of Limited Emergency at 654 Riverside Street, approved as Order 37-23/24 on November 13, 2023, is hereby amended to include all the provisions of Order 37-23/24 and to extend the Declaration of a State of Limited Emergency to June 3, 2024 and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager or designee to execute any related documents necessary or convenient to carry out the intent of this Order.

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER DECLARING A STATE OF
LIMITED EMERGENCY AT 654 RIVERSIDE STREET**

WHEREAS, as the result of many factors, the City of Portland experienced an upswell in its unhoused population in 2023; and

WHEREAS, some of these factors include, among other things, the conclusion of federal Emergency Rental Assistance program benefits, an increase in the number of asylum-seeking individuals and families seeking assistance from the City of Portland, and a shortage of affordable housing in the City and region; and

WHEREAS, the new City of Portland Homeless Services Center (HSC) reached capacity within one day of its opening on March 27, 2023, with each of its 208 beds being occupied every night since; and

WHEREAS, this confluence of factors has resulted in an overwhelming increase in unsheltered individuals sleeping outside, in places not meant for human habitation; and

WHEREAS, on June 4, 2023, City staff observed 168 tents on public and private property in Portland. An increase in the number of tents in Portland has been observed nearly every week since, such that, from June 4 to September 15, the number of tents in the City increased by over 42%; and

WHEREAS, on September 15, 2023, more than 239 tents were observed throughout the City; and

WHEREAS, in 2023, the City has received many requests to address the health and safety hazards at and near encampments within the city, including requests to address trash, sanitation conditions, domestic violence, criminal conduct, sexual assaults, stabbings, theft, overdoses, and even fatalities; and

WHEREAS, in 2023, eight fatalities have occurred so far at encampments, including one homicide, and seven fatal overdoses; and

WHEREAS, on May 31, 2023, the City held the first meeting of its Encampment Crisis

Response Team (ECRT), which was established to help unhoused individuals living at encampments transition to shelter or housing prior to the scheduled resolution of that encampment. An estimated 30 social services and housing nonprofits have joined the ECRT in support of its housing-focused mission; and

WHEREAS, the ECRT worked to transition unhoused individuals at the Fore River Parkway Trail encampment for three (3) months, coordinating the delivery of regular meals and providing restroom facilities and water, and working to find housing for all who were there; and

WHEREAS, costs associated with the ECRT's work at the Fore River Parkway Trail encampment included the delivery of basic services to individuals; the removal of abandoned materials and debris after the encampment's resolution, and mitigating hazards such as human waste and hypodermic needles so that the public could safely access the public trail once more; and

WHEREAS, ECRT work at the Fore River Trail Encampment over the summer of one-on-one contact and at the end during its clean-up in September cost the City more than \$65,000+/- for various services, which does not include staff time; and

WHEREAS, City staff and elected officials have received numerous expressions of concern, fear, and outrage from citizens and business owners related to the dangerous and illegal behaviors commonly observed at encampments, as well as direct threats to their personal safety and negative impact on small businesses; and

WHEREAS, a Homelessness Information & Listening Session was held by the City and City Council on June 13, 2023 at Ocean Gateway attending by approximately 300 people, many of whom brought questions and suggestions, and in a follow-up Frequently Asked Questions document, published responses to some of the ideas expressed, available here: <https://content.civicplus.com/api/assets/e10a1c0c-c3ed-4f90-a593-bcd0d89184b5>; and

WHEREAS, on June 29, 2023, the City Manager and Mayor sent a letter to Governor Janet Mills requesting help housing some of the more than 1,500 asylum seekers who had arrived at the City in 2023, many of whom are housed in the City's family homeless shelter and its Homeless Services Center, suggesting the Maine National Guard could help set up temporary facilities to come to the City's aid; and

WHEREAS, while state funding has been provided to the City, no specific emergency shelter or transitional housing proposals have been received to date, leaving the City on its own to figure out a solution to the encampments as the weather grows cold and the unhoused need indoor shelter to survive;

NOW THEREFORE BE IT ORDERED, that the Mayor and City Council of the City of Portland, do hereby declare and order that a civil state of limited emergency exists

within the City of Portland at the site of its Homeless Services Center at the property located at 654 Riverside Street; and

BE IT FURTHER ORDERED, that, within the property contained at the Homeless Services Center, the laws and rules outlined in the Land Use Code, including, but not limited to, the Site Plan, Subdivision, and other procedures applicable to the City planning and land use application and review processes contained in Chapter 14, as well as the requirements in the Homeless Services Center Site Plan Approval and Management Plan, to the extent, among other things, that they impose limitations on the number of shelter beds, amount of time permitted for the holding of public hearings, the certification of applications, the submission of recommendations, any required or necessary voting, the taking of final actions, and the issuance of determinations, are suspended, and any such time limitations are tolled for the duration of the limited emergency established by this Order; and

BE IT FURTHER ORDERED, that, within the property contained at the Homeless Services Center at 654 Riverside Street the rules and laws relating to Buildings and Building Regulations (Chapter 6) and Fire Prevention and Protection (Chapter 10) are suspended for the duration of the limited emergency established by this Order; and

BE IT FURTHER ORDERED, that the City Manager is hereby authorized to implement an increased capacity of the HSC by an additional Fifty (50) beds, according to the schedule of the installation of beds and any other necessary facilities following consultation with the Landlord of the facility, DC Riverside LLC; and

BE IT FURTHER ORDERED, that this Order shall remain in effect until November 20, 2023, wherein it shall be placed on the City Council's agenda for review in order to discuss the continued need for the declaration and the additional beds at the HSC as a result of the opening of a second homeless shelter at 166 Riverside Industrial Parkway, which will house many of the present inhabitants of the Homeless Services Center at 654 Riverside Street, again following consultation with the Landlord of the facility, DC Riverside LLC; and

BE IT FURTHER ORDERED, that if any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect and to this end, the provisions of this Proclamation are severable.



To: Mayor Dion and Members of the Portland City Council
CC: Danielle P. West, City Manager
From: Shaza Stevenson, Interim HHS Director and Aaron Geyer, Social Services Director
Date: February 2, 2024
Re: Homeless Services Center 50-Bed Increase Update and Recommendation

At the November 13, 2023 City Council meeting, the Council affirmatively voted to temporarily increase shelter bed capacity by 50 beds (from 208 to 258) at the Homeless Services Center (HSC) at 654 Riverside Street by declaring a limited State of Emergency. This increased capacity allowed the City to provide more shelter beds to individuals sleeping outside. As the limited State of Emergency is set to expire on February 5, 2024, we are herein providing the Council with an update on the usefulness of the additional shelter beds and our recommendation to extend the limited emergency.

As you may recall, HSC staff quickly implemented a plan to begin increasing beds systematically by adding 10 beds the week of the Council approval, and then incrementally increasing by 10, 15, and 15 beds in the following weeks. (This incremental increase was necessary due to a limit on the number of new clients staff have the capacity to intake each day.) The increased capacity was fully operational in time for the end of the unseasonably mild temperatures and the completion of the Harbor View and Douglas Street encampment resolutions.

Through the outreach efforts of our dedicated staff and partnering organizations, and by holding available beds specifically for those living in encampments, the HSC has served 602 unique individuals since the Council vote in November. Those 602 individuals have received a total of 15,390 bed nights, which equates to around 25.5 bednights as an average length of stay thus far.

The fiscal impact breaks down as follows:

- Start-up costs: \$38,000 (includes beds, mattresses, linens and lockers, all one-time costs that will not increase with an extension of the current 50-bed increase);
- Increased Food: \$712.50/day (\$21,360/month); and
- Increased Staffing: \$750/day (\$22,500/month).

Other expense increases related to an increased need for toiletries, utilities, laundry services, and more are difficult to quantify with certainty at this time, but do carry an additional cost (likely under \$15,000 each month).

It is important to note that if this increase in capacity was to be considered on a permanent basis, HHS would recommend hiring additional permanent staff to fill the increased need to maintain quality of services and safety including:

- 2 overnight shelter attendants;
- 1 day shelter attendant to maintain safety; and
- 1 housing navigator embedded at the shelter to maintain successful housing placement caseloads.

With staff adjusted and startup costs already paid for, it would cost roughly \$52,000 monthly to extend the increased capacity.

This past January, the Police Department reported no overdose fatalities, the last month PD had no overdose deaths was over 2 1/2 years ago in April 2021. January 2024 also saw a 20% decrease in overdoses from January 2023. While overdose deaths saw a significant drop; Narcan administrations at the HSC experienced a significant spike, with 38 Narcan doses. Narcan administrations had been an infrequent incident at the HSC before January 2024, but then with the increase in Narcan administrations, the HSC had to add a new section to their incident reports. It is likely that getting people into shelter is helping prevent those fatalities.

The 258 beds have been a good threshold point since the HSC has been in a stasis since early January with roughly 20 beds available every morning. Due to the success and positive impacts seen with the bed increase, it is our recommendation that the HSC's 50-bed increase be extended until the Council's June 3, 2024 meeting, especially as we are still in the midst of winter weather.

Overall, we commend the HHS and HSC staff for their all-hands on deck approach to making this increased capacity successful, for stepping up to deliver additional services quickly and successfully to so many new clients.

Order 37-23/24

Passage: FAILED 4-5 (Dion, Zarro, Trevorrow, Pelletier, Phillips opposed) on 10/2/2023

Motion to postpone indefinitely: 5-4 (Rodriguez, Ali, Trevorrow, Snyder opposed) on 10/2/2023

Motion to reconsider:

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER DECLARING A STATE OF
LIMITED EMERGENCY AT 654 RIVERSIDE STREET**

WHEREAS, as the result of many factors, the City of Portland experienced an upswell in its unhoused population in 2023; and

WHEREAS, some of these factors include, among other things, the conclusion of federal Emergency Rental Assistance program benefits, an increase in the number of asylum-seeking individuals and families seeking assistance from the City of Portland, and a shortage of affordable housing in the City and region; and

WHEREAS, the new City of Portland Homeless Services Center (HSC) reached capacity within one day of its opening on March 27, 2023, with each of its 208 beds being occupied every night since; and

WHEREAS, this confluence of factors has resulted in an overwhelming increase in unsheltered individuals sleeping outside, in places not meant for human habitation; and

WHEREAS, on June 4, 2023, City staff observed 168 tents on public and private property in Portland. An increase in the number of tents in Portland has been observed nearly every week since, such that, from June 4 to September 15, the number of tents in the City increased by over 42%; and

WHEREAS, on September 15, 2023, more than 239 tents were observed throughout the City; and

WHEREAS, in 2023, the City has received many requests to address the health and safety hazards at and near encampments within the city, including requests to address trash, sanitation conditions, domestic violence, criminal conduct, sexual assaults, stabbings, theft, overdoses, and even fatalities; and

WHEREAS, in 2023, eight fatalities have occurred so far at encampments, including one homicide, and seven fatal overdoses; and

WHEREAS, on May 31, 2023, the City held the first meeting of its Encampment Crisis Response Team (ECRT), which was established to help unhoused individuals living at encampments transition to shelter or housing prior to the scheduled resolution of that encampment. An estimated 30 social services and housing nonprofits have joined the ECRT in support of its housing-focused mission; and

WHEREAS, the ECRT worked to transition unhoused individuals at the Fore River Parkway Trail encampment for three (3) months, coordinating the delivery of regular meals and providing restroom facilities and water, and working to find housing for all who were there; and

WHEREAS, costs associated with the ECRT's work at the Fore River Parkway Trail encampment included the delivery of basic services to individuals; the removal of abandoned materials and debris after the encampment's resolution, and mitigating hazards such as human waste and hypodermic needles so that the public could safely access the public trail once more; and

WHEREAS, ECRT work at the Fore River Trail Encampment over the summer of one-on-one contact and at the end during its clean-up in September cost the City more than \$65,000+/- for various services, which does not include staff time; and

WHEREAS, City staff and elected officials have received numerous expressions of concern, fear, and outrage from citizens and business owners related to the dangerous and illegal behaviors commonly observed at encampments, as well as direct threats to their personal safety and negative impact on small businesses; and

WHEREAS, a Homelessness Information & Listening Session was held by the City and City Council on June 13, 2023 at Ocean Gateway attending by approximately 300 people, many of whom brought questions and suggestions, and in a follow-up Frequently Asked Questions document, published responses to some of the ideas expressed, available here: <https://content.civicplus.com/api/assets/e10a1c0c-c3ed-4f90-a593-bcd0d89184b5>; and

WHEREAS, on June 29, 2023, the City Manager and Mayor sent a letter to Governor Janet Mills requesting help housing some of the more than 1,500 asylum seekers who had arrived at the City in 2023, many of whom are housed in the City's family homeless shelter and its Homeless Services Center, suggesting the Maine National Guard could help set up temporary facilities to come to the City's aid; and

WHEREAS, while state funding has been provided to the City, no specific emergency shelter or transitional housing proposals have been received to date, leaving the City on its own to figure out a solution to the encampments as the weather grows cold and the unhoused need indoor shelter to survive;

NOW THEREFORE BE IT ORDERED, that the Mayor and City Council of the City of Portland, do hereby declare and order that a civil state of limited emergency exists within the City of Portland at the site of its Homeless Services Center at the property located at 654 Riverside Street; and

BE IT FURTHER ORDERED, that, within the property contained at the Homeless Services Center, the laws and rules outlined in the Land Use Code, including, but not limited to, the Site Plan, Subdivision, and other procedures applicable to the City planning and land use application and review processes contained in Chapter 14, as well as the requirements in the Homeless Services Center Site Plan Approval and Management Plan, to the extent, among other things, that they impose limitations on the number of shelter beds, amount of time permitted for the holding of public hearings, the certification of applications, the submission of recommendations, any required or necessary voting, the taking of final actions, and the issuance of determinations, are suspended, and any such time limitations are tolled for the duration of the limited emergency established by this Order; and

BE IT FURTHER ORDERED, that, within the property contained at the Homeless Services Center at 654 Riverside Street the rules and laws relating to Buildings and Building Regulations (Chapter 6) and Fire Prevention and Protection (Chapter 10) are suspended for the duration of the limited emergency established by this Order; and

BE IT FURTHER ORDERED, that the City Manager is hereby authorized to implement an increased capacity of the HSC by an additional Fifty (50) beds, according to the schedule of the installation of beds and any other necessary facilities following consultation with the Landlord of the facility, DC Riverside LLC; and

BE IT FURTHER ORDERED, that this Order shall remain in effect until November 20, 2023, wherein it shall be placed on the City Council's agenda for review in order to discuss the continued need for the declaration and the additional beds at the HSC as a result of the opening of a second homeless shelter at 166 Riverside Industrial Parkway, which will house many of the present inhabitants of the Homeless Services Center at 654 Riverside Street, again following consultation with the Landlord of the facility, DC Riverside LLC; and

BE IT FURTHER ORDERED, that if any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect and to this end, the provisions of this Proclamation are severable.

City of Portland | Executive Department

Danielle P. West, *City Manager*



To: Mayor Snyder and Members of the Portland City Council

From: Danielle P. West, City Manager

Date: September 29, 2023

Re: Limited Emergency Order 37-23/24

As requested by the City Council at its September 26, 2023 workshop held to consider this emergency order proposal, this memo provides additional information related to Homeless Services Center (HSC) and Encampment Crisis Response Team (ECRT) operations, among other administrative processes and programs. Materials on the City's response to this crisis, and steps taken to date can be found [here](#). Additional information regarding the City's work to prevent homelessness can be found [here](#).

A. Homeless Services Center (HSC)

At the workshop, the Council asked about the definition of a low-barrier shelter. Pursuant to Maine State Housing Authority (MaineHousing) rules, a low-barrier shelter is defined as an "[e]mergency [s]helter that does not require any of the following for a client to stay at the shelter: (i) criminal background checks, (ii) credit checks or income verification, (iii) program participation, (iv) sobriety, or (v) identification. Low Barrier Shelters may, however, enforce safety requirements for self, staff, place, and others." (99-346 Chapter 19).

The HSC is considered a low-barrier shelter, going well beyond the criteria established by MaineHousing by providing 24/7 access; offering services focused on breaking the homelessness cycle through securing long-term housing; direct access to harm reduction services and connections to recovery programs; providing secure storage; treating guests with dignity and respect; providing safety and security through de-escalation; being staffed by highly-trained, culturally-competent employees; and providing onsite physical and mental healthcare.

In fact, after a tour of the HSC on August 1, 2023, the United States Department of Housing and Urban Development (HUD) Regional Administrator, Juana Matias, shared her impressions of the facility via email:

"What a great facility – clean, well designed, spacious, highly functional – the attention to detail was remarkable. Equally impressive were some of the operational and administrative protocols you have incorporated – the early check in procedures, the abundance of shuttle service, the privacy afforded clients, and the storage opportunities are all best practices that should be shared with other shelters and service providers. Oh, and the inclusivity and cultural competence on your team, wow, you should be so proud of that."

Next, a question was asked about the in-take process at the HSC. Staff will be present at the 10/2 Council meeting to discuss the process in detail. It is also important to note that the process will be tweaked as part of the ECRT process in order to better serve the individuals at the Marginal Way encampment by conducting it on-site at the encampment.

Third, questions were asked about factors that contribute to unsheltered individuals' reluctance to access the HSC. As highlighted in the ECRT After-Action Report (attached hereto), City staff have addressed or are in the process of addressing many of these so-called "barriers." Specific changes include:

- Conducting the guest intake process and paperwork at encampments;
- Enhancing foster pet resources for unsheltered individuals with pets;
- Establishing a later curfew; and
- Increasing storage capacity for personal belongings.

Lastly, a question was asked about the staffing needed at the HSC as a result of the addition of shelter beds. A 50-bed increase would require the addition of 11 new HSC staff. This would consist of 10 shelter attendants for both day and night coverage, and one Human Service Counselor to assist clients with housing navigation.

The hiring and training of new staff typically takes up to four weeks. All new shelter attendants receive significant individualized attention and supervision for at least their first month of employment. Human Service Counselors go through three-to-four weeks of more intensive training. Staff will work diligently to ensure that this process is completed in a timely manner in order to accommodate the increase in beds at the HSC.

B. Winter 2023-2024 Warming Shelter Plan

A communication on this plan is scheduled for the October 16, 2023 Council meeting. At that time, City staff will describe the outcome of the extensive work that has been conducted to date with local service providers, and the plan for temporary emergency shelter options during hazardous weather conditions in the coming winter season.

C. Increased Investment in City of Portland Outreach Workers and Mobile Medical Unit (MMO)

Two outreach workers were included as part of the approved FY24 budget. An additional two outreach workers will be hired through the use of existing funds, and we hope to have the positions filled and staff trained by November 2023.

Additionally, we are working to bring back an appropriation order in November for action by the Council, which would add at least one position to the MMO team.

D. Enforcement Strategy at Encampments

The Police Department (PD) plans to address safety concerns within encampments through the assignment of dedicated resources and special enforcement details and by addressing obvious criminal activity including, but not limited to, the open use of drugs and alcohol, assaults, and human trafficking. A secondary goal will be to identify stolen property and return it to their owners.

The PD's directed patrol detail (which consists of a supervisor and an officer) will expand their work from 12:00 PM to 8:00 PM to 12:00 PM to 12:00 AM. They will focus specifically on Harbor View Park and Marginal Way.

Additionally, the PD's Crime Reduction Unit (CRU) will be used to conduct the specialized details, targeting drug dealers and those engaged in human trafficking.

The Department's Crime Analyst will also track recent thefts and share a list of items with patrol officers so that they are better prepared to identify and recover recently stolen items.

Finally, Chief Dubois will continue to meet with the District Attorney and Sheriff to discuss this situation and any modifications of their applicable policies that may be necessary to address these specific cases.

E. Properties Explored as Potential Emergency Shelter or Sanctioned Encampment Locations

To date City staff have evaluated multiple properties to increase emergency shelter capacity, or for the establishment of a sanctioned encampment. These properties include:

1) For Sanctioned Encampments:

- Angelo's Acre
 - This lot provides a valuable affordable parking option for members of the public, generating approximately \$70K in annual revenue for the City. It also provides snow ban parking for residents.
 - There are concerns with the stability of the property's rear retaining wall that make this property potentially unsuitable for an encampment.
 - The continued impact on the abutting businesses and residents were causes for concern.
- Somerset/Chestnut Lot
 - This property is used by the City as a snow dump; if a new location was needed for a snow dump, it will require an additional expenditure.
 - The continued impact on the abutting businesses and residents were causes for concern.

- County Way/Westfield
 - Given the proximity to the Fore River encampment, there are concerns regarding the continued impact to this neighborhood.
- Marginal Way Parking Lot (abutting Miss Portland Diner)
 - The small size of this lot and its continued impact on the abutting businesses and residents were causes for concern.
- Homeless Services Center (HSC)
 - Impact on abutting businesses and residents; proximity to open space, trails, and the other shelter residents; and infrastructure required were causes for concern.

2) Properties With Facilities That Could Potentially House Asylum Seekers and/or the Circumstantially Unhoused:

- Baxter School for the Deaf
 - Privately-owned facility, on State-owned property. Due to the deteriorated state of property it was deemed unsuitable by the property owner.
- USM Law School
 - Property owner concerns regarding use and impact.
- Long Creek
 - Property owner concerns regarding use and impact.
- Cambridge Street
 - Currently used for materials storage. Concerns about access and transportation for individuals, as well as neighborhood impact.
- Union Branch Line
 - Layout may pose emergency access challenges. Concern about impact on Deering Oaks Park and its users.
- Mercy Hospital Property (South Side of Fore River)
 - Private property.
 - Continued impact on the property users, abutting businesses, and residents in the area were causes for concern.
- Barron Center
 - Licensing concerns.
 - Vulnerable population located at this Long Term Care Facility.

- Significant need in the community for long term care beds – partnerships are being reviewed wherein buildings on the campus could be used to address the significant need.
- Buildings would need significant investment to be suitable as a housing option for the circumstantially unhoused.

In sum, most of the above locations were determined not to be feasible options due to potentially hazardous site conditions for guests, funding restrictions, property owner reluctance, insurance restrictions, zoning issues, and more.

Furthermore, establishing a new, City-managed emergency shelter or sanctioned encampment location would require a significant investment in terms of staffing, training, security, meals, lavatories, showers, and harm reduction services.

F. MaineHousing Program

The program is based on a Housing First approach and includes the following components:

- A team of providers collaborating to provide Housing Navigation and Stability Workers who are all trained together on the same approach, utilizing best practice as defined by HUD. These workers would assist folks in finding housing and provide a year's stability services to help them retain the housing.
- An organization providing one FTE who would focus on landlord engagement and identifying available units.
- An array of landlord incentives such as sign-on bonuses, security deposits, etc.
- Some flexible funding to assist individuals with alternative housing plans (transportation expenses to stay with family, etc.)
- Some rental assistance in the form of Section 8 and other vouchers.

MaineHousing would fund up to 2/3 of the cost of this program model using funding from the State. This program is expected to be further developed in mid-October by MaineHousing and HUD technical assistants; an implementation timeline will largely depend on how quickly the necessary staff can be hired.

Additionally, MaineHousing has indicated that if anyone (including the City) is looking to expand the number of shelter beds during the winter months, an RFP for projects that add shelter capacity from 11/15/23 – 4/30/24 can be found on the MaineHousing website (www.mainehousing.org/about/rfp).



Encampment Crisis Response Team Fore-River / Frederic St.

After-Action Report

September 22, 2023

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Executive Summary

The Encampment Crisis Response Team (ECRT) was established to help transition unhoused individuals living at encampments into shelter or housing before the scheduled resolution of an encampment. The creation of this team was guided by best practices and technical assistance from staff at the Corporation for Supportive Housing in coordination with the U.S. Department of Housing & Urban Development.

The ECRT held its first meeting on May 31, 2023, which was attended by representatives from approximately 30 nonprofit social service and housing organizations, and led by City of Portland staff from various departments. Engagement with unhoused individuals at the Fore River encampment began June 7, 2023.

Over the course of the next 14 weeks, the ECRT worked to build trust, meet basic needs, and transition unhoused individuals at Fore River to shelter and housing. Portable restroom facilities, a trash dumpster, and water lines were temporarily installed to address sanitation issues, and meals were regularly delivered. When beds at the Homeless Services Center (HSC) became available, individuals at the encampment were the first to be offered access to those beds. Between the end of June and September 6, a total of 180 shelter beds were offered.

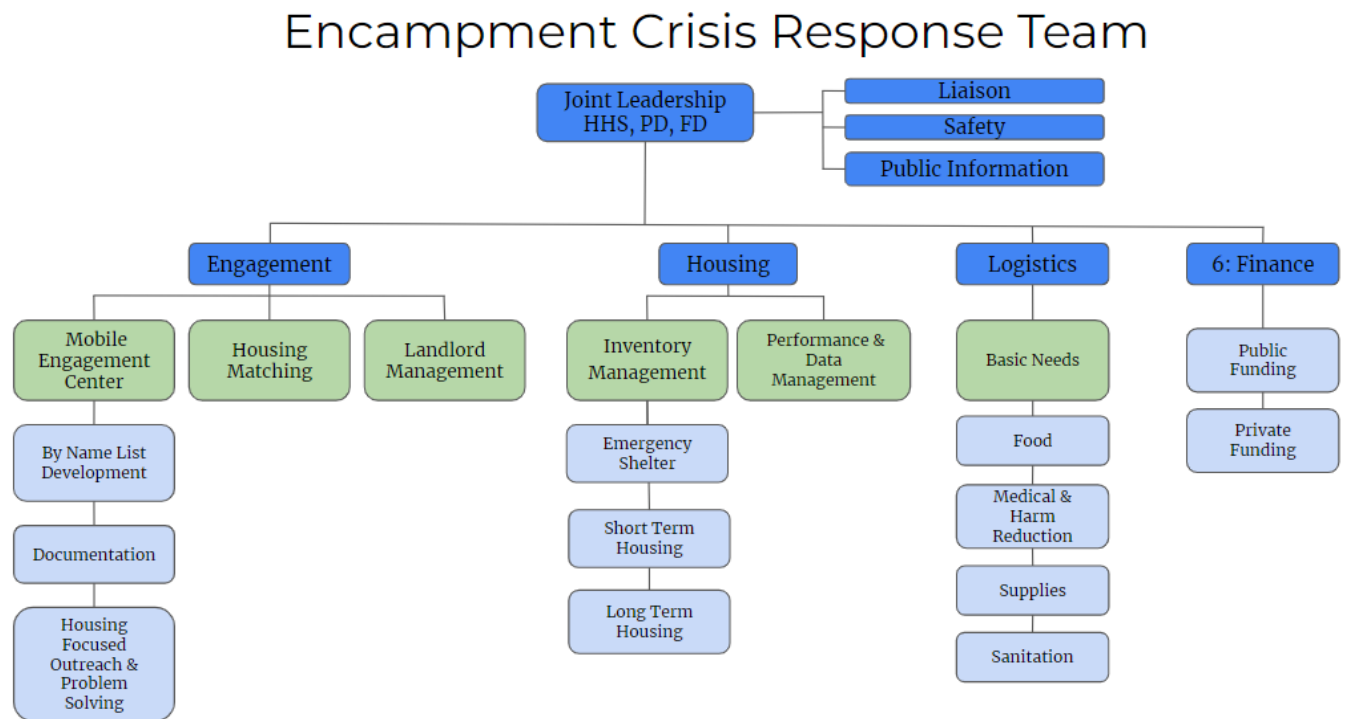
Over the course of the ECRT activation, 18 individuals (or 25% of the population) moved into shelter or housing. While ECRT members are disappointed with that outcome, we believe the process has helped highlight strategic weaknesses for us to address going forward, as well as strengths for us to capitalize on.

Based on our evaluation of those strengths and weaknesses, the ECRT plans to make deliberate adjustments to its operations at other encampments that have been identified as hazardous. These changes include:

- Introducing new efficiencies to the ECRT structure to streamline communications and focus resources;
- Reducing barriers to individuals' willingness to accept beds at the HSC;
- Improved marketing of HSC, its amenities, and its guidelines to potential guests;
- Employing per diem outreach staff to control quality of outreach to unhoused individuals;
- Improve communications both internally and externally, recommendation to create a communications group for developing; agendas, minutes, public information, council updates, signage and flyers for the encampment, etc.
- Consider consolidating sections or groups to avoid duplication and overlap of responsibilities and will reduce the amount of meetings;
- Setting real expectations around what the resolution process looks like both verbally and written

Emergency Operations Center / NIMS Structure

The City established an Emergency Operations Center (EOC) for dealing with this particular encampment very similar to what we did during the Covid pandemic and the asylum seekers at the Expo. This is a best practice model which uses an Incident Command System (ICS) & National Incident Management System (NIMS) approach allowing for all levels of government, nonprofits and the private sector to work together to recover from the effects of an incident. This type of structure ensures that incidents are properly managed and communications are effectively coordinated during an incident. Regular briefings were held three to four times weekly that included an Incident Action Plan (IAP), which we used as our playbook. Please see the organizational chart below.



The first large group meeting for the ECRT was on May 31, 2023 and several of the smaller groups had their initial meetings on June 7, 2023 and began meeting regularly soon thereafter.

Name of Group	Number of Meetings	Time period
ECRT Leadership	52	5/31/23 - 9/8/23
Mobile Engagement Center (MEC)	7	6/7/23 - 9/8/23
Inventory Management	11	6/7/23 - 9/8/23
BNL / Case Conferencing	19	6/15/23 - 9/8/23
Basic Needs	16	6/7/23 - 9/1/23
Large Group	3	5/31/23 - 8/10/23

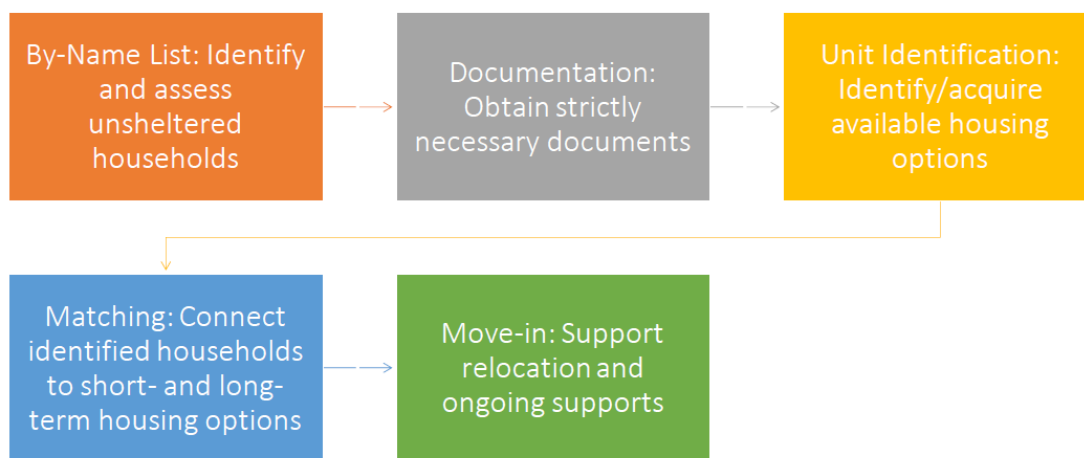
- ECRT Leadership has met weekly with HUD Technical Assistance since July 10, 2023 after and in addition to several other meetings together. HUD Technical Assistance made their first site visit to Portland on May 30, 2023
- The Mobile Engagement Center held a Grounding Session on Authentically Collaborating with People with Lived Experience of Homelessness on July 19th, 2023 that was provided by HUD Technical Assistance
- The Housing Inventory Management group organized four housing fairs that occurred weekly starting on August 10, 2023
- The Performance and Data Management group was a small group that met on an as-needed basis (See: Section 6 for additional information)
- The following groups held debriefing sessions the week of September 11, 2023: ECRT Leadership with HUD Technical Assistance, Mobile Engagement Center, Inventory Management, Basic Needs

Technical Assistance Team Resource

Corporation for Supportive Housing had been assigned by HUD to provide technical assistance to Portland to support the development of housing solutions for people experiencing unsheltered homelessness.

- Tashmia Bryant, Senior Program Manager
- Hannah Roberts, Senior Program Manager

Creating a Housing-Focused Effort



Calls for Service for Police & Fire

FREDERIC STREET/FORE RIVER PARKWAY ENCAMPMENT **(1/2023-9/6/2023)**

CALLS FOR SERVICE:cas

2022 total CFS: 70

2023 YTD CFS: 158

Police	2022	2023
APR	2	17
MAY	6	37
JUN	6	31
JUL	1	30
AUG	11	39
Fire	2022	2023
Jan. 1-Sept 6	142	258

Notable Calls:

23-002992 Homicide of Nicholas Gardner

23-025050 Weapons Possession (Male chased employee with a crowbar and gas can)

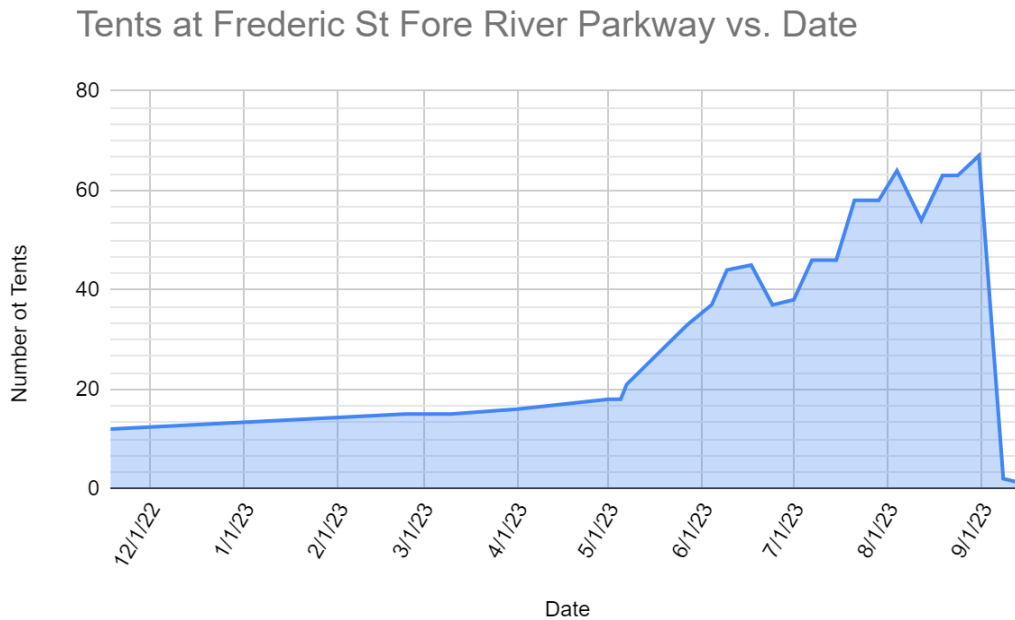
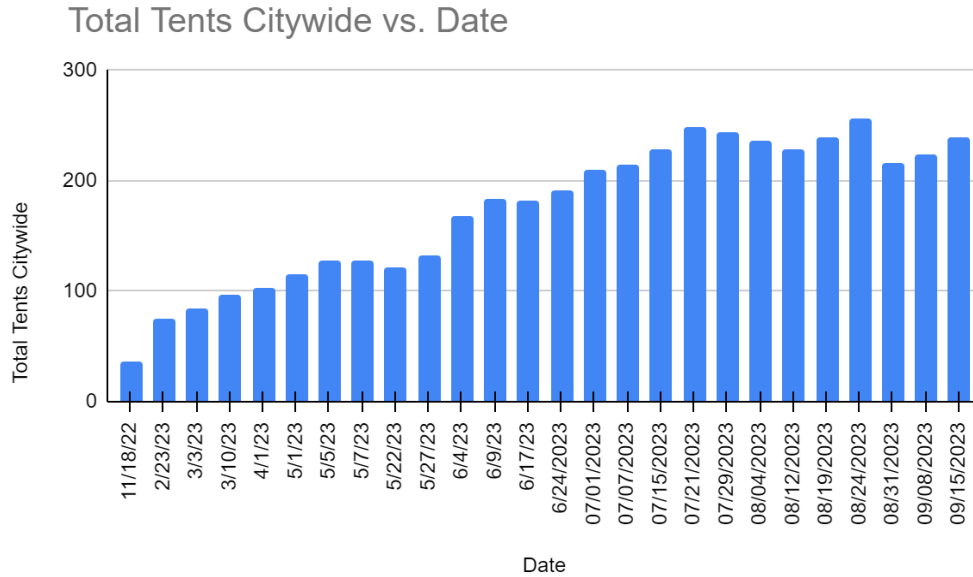
*Important to note that calls for the businesses at 17 Westfield rose significantly during the time of the encampment. There were 9 calls in 2022 from Jan-Sept and 36 for the same period in 2023. Mostly burglaries to the businesses, people refusing to leave, and disturbances directly related to the encampment.

Overdoses:

- 13 Overdoses on trail or in parking lot in 2023
- Zero Overdoses in 2022

Tents

This data is collected weekly with information observed by Park Rangers

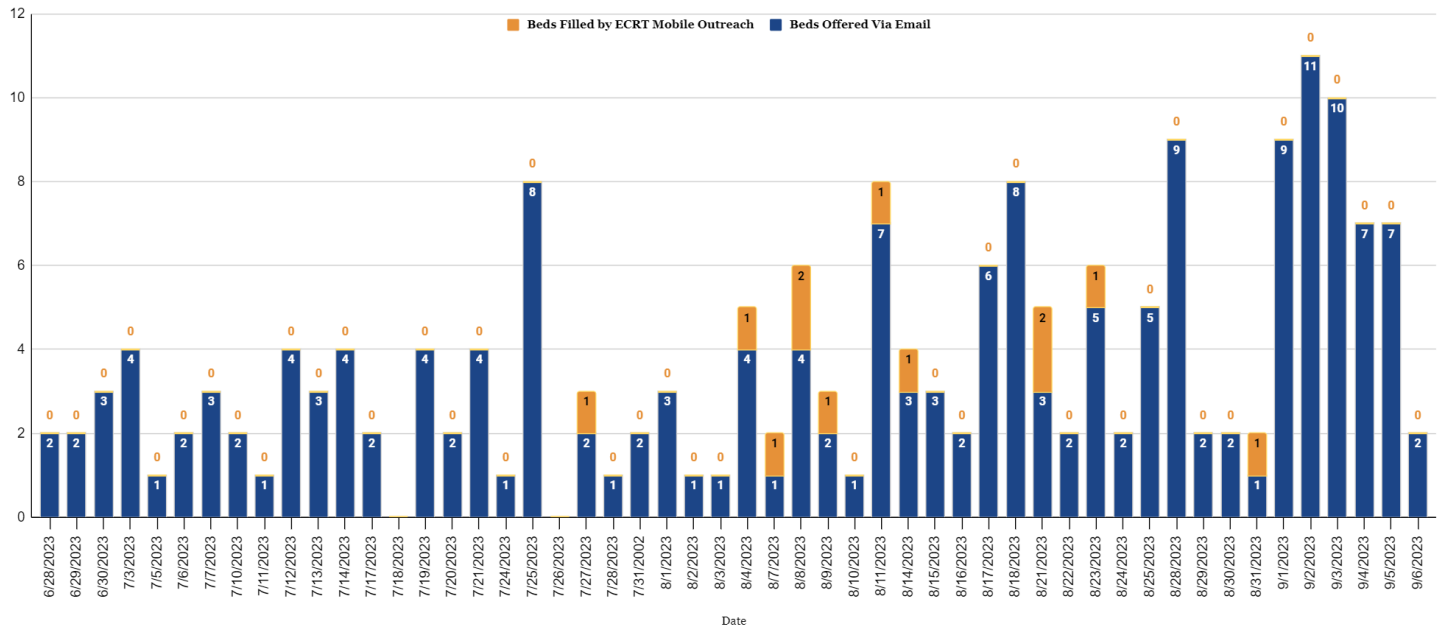


- The maximum number of tents at the Frederic St / Fore River Encampment was 67 tents on August 31, 2023

Homeless Services Center (HSC) Bed Data

From June 28th to Sept 6th, 2023 the HSC served 352 unique individuals (239 men and 113 women). During the same time period, 180 total beds were offered to ECRT mobile outreach as shown on the graph below.

Total HSC Beds Available and Total Beds Offered to ECRT Mobile Outreach (via email)



Management Objectives

- To find temporary or permanent housing for the homeless / unsheltered population at the identified encampment.
- Ensure coordinated, timely and accurate release of public information.
- Foster and maintain communication & relationships with all community partners and stakeholders.
- Maintain public safety and public health throughout the City by mitigating campsites.
- Maintain fiscal accountability and keep costs commensurate with values at risk.

Control Objectives

- The ECRT will meet as a large group for updates and group planning on an as needed basis.
- The ECRT will develop a process for collecting, forecasting, and sharing emergency shelter bed availability.
- The ECRT will install temporary porta potties, dumpster, needle collection box, and potable water near the encampment for the time period that the ECRT is working at the encampment.
- The ECRT will create a schedule of who is providing outreach services to the encampment with the goal of having outreach workers on site when HSC bed availability information is shared.
- The ECRT will create a By Name List (BNL) of the individuals in the encampment that is a living document kept in the Homeless Management Information System (HMIS) to be used by workers who have signed onto a shared data agreement.
- The BNL will be kept up to date and used for case conferencing to address individual housing needs.
- The ECRT will determine a date for resolving the encampment that is based on known shelter availability and balances the needs of City partners and constituencies.
- The ECRT will incorporate people with lived experience into the work of the ECRT after determining the details of providing compensation and hosting a training for ECRT members on authentic collaboration with people with lived experience.
- The ECRT will provide updates to City leadership and City Council.
- The ECRT will convene a Finance Group by the week of July 10, 2023.
- The ECRT will work to address gaps in food delivery by seeking volunteers to assist with food delivery to the encampment.
- The City will resume the enforcement of City Code after a period of intensive outreach offering housing options to people living in the encampment and restore the area to its intended use.

Section 1: Mobile Engagement Center

Goal / Objective

To ensure that the unsheltered households are known and assessed. Develop a By-Name-List (BNL) through engagement, documentation and taking a housing-focused outreach approach for problem solving.

Participants

City of Portland (Fire Department, Health and Human Services (Social Services & Public Health)), Community Housing of Maine, Greater Portland Health, HUD Technical Assistance, Preble Street, The Opportunity Alliance (PATH)

Key Findings

Strength 1: The Mobile Engagement Center (MEC) created an outreach schedule of when seven different teams or individuals provide outreach services to the encampment with the majority of outreach activities on site during the time that HSC bed availability is shared. This outreach schedule was shared among MEC and Basic Needs group members. Outreach provided by MEC members helped build the By Name List (BNL).

Strength 2: The City's Mobile Medical Outreach (MMO) team provided outreach at the encampment and began delivering lunch three days a week. The consistent schedule of when MMO would be at the encampment and the assistance with food delivery were successes. MMO is a group of paramedics that provide medical care to the City's homeless population and connect people with additional resources.

Strength 3: Communication among MEC members and from the Engagement Section Chief to group members was a strength. Meeting agendas and minutes were a strength that should be replicated for all groups of the ECRT. The MEC established daily communication around shelter bed availability and regular emails fostered good group communication.

Identified Gap 1: There are not enough outreach workers in the community to dedicate to the amount of outreach desired by the ECRT. Because the City does not have dedicated outreach workers, City staff relied on non-profit outreach workers to conduct outreach efforts as part of the ECRT process. Asking the current outreach workers to do ECRT work in addition to their regular work was untenable and led to some communication breakdowns. This led to a delay in realizing shelter and housing placements. When HSC staff spent time doing outreach, the team started to see success with shelter placements. The ECRT effort needs more individuals to focus on the ECRT work (outreach workers, case managers, housing navigation).

Identified Gap 2: Some operating procedures act as barriers to unhoused individuals' being willing to accept shelter beds; these are listed below. (Operating changes that City staff have made or plan to make are in blue.) In addition, the ECRT plans to improve shelter marketing efforts to dispel misinformation about the shelter.

- Curfew of 6pm is too early;
- Limited storage available for personal belongings;
- Overnight lighting in HSC is uncomfortable;
- Pets are not permitted (other than service animals);
- Couples cannot sleep together in the same room;
- The timeframe of sharing bed availability to an individual needing to decide to go to the HSC today is too short,
- Requiring the completion of paperwork at 39 Forest prior to intake at HSC creates an uncomfortable waiting period;
- HSC rules and policies are unclear.

Identified Gap 3: Incorporate people with lived experience of homelessness into the work of the ECRT. The ECRT Leadership identified a process and funding to compensate people with lived experience and held a grounding session for ECRT members at the request of the MEC group members on authentically collaborating with people with lived experience of homelessness provided by HUD Technical Assistance held on July 29, 2023. Outreach workers reported knowing people living in the encampment that were interested in attending MEC meetings. The Mobile Engagement Section Chief was ready to hold meetings with an in-person option (as opposed to virtual only). While the goal was not met, the ECRT is set up to do this once people are ready and offered meeting invitations.

Identified Gap 4: The work of the MEC ended up being different from the vision that was initially set. While MEC members helped build the By Name List (BNL), the work of case conferencing on the BNL was more effectively administered in a different group due to limited access and permission levels of members in the MEC. MEC members suggested that the work of the MEC could be combined with Basic Needs and had recommendations to reduce the number of meetings for workers engaged in case conferencing. Gaps from the Basic Needs group were addressed in the MEC group.

Analysis

The work of the Mobile Engagement Center (MEC) ended up being slightly different from the original design of the group within the ECRT. The By Name List (BNL) function of the group became a separate group (see next section) and the MEC group met to troubleshoot issues the BNL and Basic Needs groups were facing and to support outreach workers. This group was successful in helping to create the BNL, creating an outreach schedule, enhancing communication between outreach workers and filling in some gaps. The MEC also discussed barriers that individuals had in wanting to go to the HSC and brought issues to the ECRT Leadership that worked to address some of the barriers such as offering tours and adjusting the curfew. During the debriefing meeting, MEC group members had additional ideas for working on a communication plan for outreach workers to use that explains the process for moving into the HSC so that everyone had the same information to share with people in the encampment about what to expect as they move from the encampment to the HSC.

The ECRT should consider restructuring this group as it has overlap with the BNL / Case Conferencing and Basic Needs groups. It is helpful for partners to meet to schedule outreach, address barriers, and troubleshoot outreach challenges; this work should continue in future ECRT efforts, even if it happens in a different structure. Forecasted bed availability at the HSC in November 2023 with the opening of a new emergency shelter in Portland will be an opportunity to move a large number of people from encampments into the HSC and a forum for outreach workers and the City to work on strategies for marketing the HSC to individuals in the encampment will be important.

Section 2: By Name List / Case Conferencing

Goal / Objective

Identify all people staying in the target encampment, assess basic factors (i.e. interest in shelter), and meet regularly to coordinate services across providers and reduce duplication

Participants

City of Portland (Health & Human Services (Social Services & Public Health)), Greater Portland Health, HUD Technical Assistance, Preble Street, The Opportunity Alliance (PATH),

Key Findings

Strength 1: Creating a By Name List (BNL) and getting a group together regularly to case conference was a success. The BNL includes a field for housing and/or shelter goals and barriers and is used during case conferencing to match individuals to available housing or shelter resources.

Strength 2: The ECRT created a structure for community organizations to connect and collaborate with each other and share caseloads for individuals living in the encampment. The team approach to the ECRT has been helpful to outreach workers.

Strength 3: The BNL for the ECRT is a lower barrier list that is a starting point for outreach workers to discuss the needs of people living in an encampment that did not exist before the work of the ECRT. This process started discussions of the pathway to Coordinated Entry, where individuals are matched with housing resources based on a formal prioritization. While Coordinated Entry requires a more formal assessment, the BNL for the ECRT enables outreach workers to meet individuals where they are at and begin relationship building while also collecting data.

Identified Gap 1: There are not enough housing options available to people living in the encampment. This group needs more housing options to make case conferencing more productive.

Identified Gap 2: There are not enough outreach workers and case managers for current outreach workers to participate on the BNL and Coordinated Entry in addition to the work they have outside of the ECRT. Additional staff dedicated to the work of the ECRT are needed to get to the desired level of housing focused outreach.

Identified Gap 3: There are concerns that people who are living in the encampment have a distrust with the homeless service system that has led to some individuals asking to be removed from the BNL.

Identified Gap 4: Continued improvements are needed to ensure the By Name List and HUB 2 Coordinated Entry list work in partnership to ensure individuals have access to all housing options. Work to modify reports and capture data in the Homeless Management Information System (HMIS) to improve the use of this data to connect people with housing. It took time

to build the BNL and develop the new system. The process requires additional meetings (three per week for some outreach workers - two for ECRT and one for HUB2) and additional time to complete documentation to enter data into HMIS.

Analysis

Having a By Name List (BNL) of individuals living in the encampment and knowing their housing and/or shelter preferences is essential to the work of the ECRT. There was not a process or database for having a BNL prior to the work of the ECRT and it took some time to make high level technical changes and set up the BNL with improvements to the Homeless Management Information System (HMIS) - see Section 5: Performance and Data Management for additional information. Once the foundational work was completed, outreach workers were able to begin meeting for case conferencing to work together on housing strategies for individuals on the BNL. Case conferencing for this encampment began on June 30, 2023 with an initial 24 individuals on the BNL. The BNL also provides important data that can be used to inform other work ECRT and provide more information about the unique needs of the population that the ECRT is serving. When the BNL is updated in real time, it can allow for quicker housing or shelter placements for individuals in the encampment and leads to a more efficient process for resource allocation in the community.

The members of the BNL / Case Conferencing group found the process to be helpful for sharing caseloads and getting together to discuss cases. Group members also felt that working on the BNL and attending several more meetings for the ECRT was a lot of additional work on top of what they were already doing prior to the establishment of ECRT. Case conferencing would be more productive if there were additional housing options provided from the Inventory Management group. Additional outreach workers working on the BNL would help make this work more manageable. Re-examining the frequency of case conferencing meetings and seeking additional outreach workers would make future ECRT efforts more successful.

Section 3: Housing Matching

Goal / Objective

Connects households to available housing options (including housing problem solving/diversion, services, shelter, Rapid Rehousing (RRH), Permanent Supportive Housing (PSH), etc.) using an agreed upon prioritization process.

Analysis

The Housing Matching group and functions were combined with the Inventory Management and BNL / Case Conferencing groups. A small group of individuals that signed up for the Housing Matching group were also signed up to work on the other groups. As the work of the ECRT developed, the work of matching people to available housing options was happening in the BNL / Case Conferencing meetings.

Section 4: Inventory Management

Goal / Objective

Ensures that all available short and long term housing options are known and available.

Participants

City of Portland (Social Services), Community Housing of Maine, Portland Housing Authority, Preble Street, HUD Technical Assistance, United Way of Southern Maine

Key Findings

Strength 1: Housing fairs at the encampment provided opportunities for individuals to fill out necessary paperwork and applications on site. Weekly fairs started on August 10, 2023 and were attended by a total of 35 people living in the encampment (four housing fairs were held at this encampment). This was a way that several people were able to get reinstated on waitlists and an opportunity for some to quickly have vouchers approved. Funding would help make them more robust. There are ideas for enhancing what is offered at these events to bring more resource options directly into the encampment.

Strength 2: The ECRT created inventory surveys and spreadsheets to forecast emergency shelter availability to be shared with ECRT group members to try to create more advanced notice for outreach workers to use to communicate with individuals in the encampment. This is also an area for improvement because it could be further improved by having data from other shelters.

Strength 3: Engaging with long term housing providers such as Portland Housing Authority (PHA) was a strength of the ECRT. Working closely with PHA and using the By Name List (BNL), the ECRT was able to identify people living in the encampment that were on PHA's waitlist and were able to get the people reinstated and keep their spot on the waitlist. PHA's participation in the housing fairs also provided an opportunity for attendees to take immediate action with the housing provider. Working with additional long term housing providers in this way would make the work of the ECRT even more successful.

Identified Gap 1: Need more housing options for this population. Increase the amount of rental subsidies available. There are not enough subsidies for the population that is eligible and there are even less available for people who are currently without housing. Need state level policy change to create more subsidies and to encourage property management companies to accept vouchers from individuals with complex histories.

Identified Gap 2: Increase housing navigation services specifically for populations who have barriers due to their interactions with the justice system and/or those that have barriers due to homelessness and eviction history. Housing navigation is incredibly complex and challenging for individuals to navigate, especially when they are in crisis. The current system only really provides housing navigation support to people staying at an emergency shelter or in short-term housing (not provided directly from encampments).

Identified Gap 3: There is not a streamlined single application process with management companies that allow individuals to complete one application for multiple properties in a management company's portfolio. People looking for housing frequently need to fill out multiple applications for each property management company.

Identified Gap 4: Not enough emergency shelters. Increase the amount of emergency shelter beds available. Bring the community together and talk more about additional emergency shelter options. Also increase temporary room availability where General Assistance could be available (i.e. motels). This may be a topic for discussion at the policy level with the City Council.

Analysis

The Housing Inventory Management group created a way to forecast and share emergency shelter beds, engaged long term housing providers, and held housing fairs in the encampment. There is a need for more housing inventory options for individuals living in encampments and more workers to help individuals navigate the complex housing system. Many of the improvements needed around housing inventory are beyond the scope of any municipality and need to be addressed at the state level. The City of Portland lacks leverage for many of the issues and barriers related to having more housing options for people living in encampments. Group members felt that this group would be most effective with heavy involvement and leadership from MaineHousing.

Section 5: Landlord Management

Goal / Objective

Develops a landlord engagement strategy and resources and cultivates relationships with landlords.

Analysis

This group did not meet as originally planned. ECRT Leadership met with the Southern Maine Landlord Association about the work of the ECRT. Southern Maine Landlord Association leadership shared that there was very low rental housing inventory and that they are currently engaging with the Quality Housing Coalition's Project HOME. This is certainly an area for improvement moving forward and is directly tied to the lack of inventory mentioned in this report.

Section 6: Performance and Data Management

Goal / Objective:

Develop internal and external dashboards and reports to track progress and outstanding needs.

Participants

City of Portland (Social Services), MaineHousing, HUD Technical Assistance, United Way of Southern Maine (HUB 2)

Analysis

This group was led by the HUD Technical assistance team and focused on high level and technical aspects of improving data collection in the Homeless Management Information System (HMIS) that would further the goals of the ECRT. Enhancements were made in HMIS to create additional fields in the database related to encampments. The group also established a privacy policy that permitted data collection so that outreach workers were using a shared data platform for the BNL / Case Conferencing group work. The work of this group was essential to advancing the capabilities of the ECRT and should continue to be a part of ECRT efforts.

Section 7: Basic Needs and Logistics

Goal / Objective

Address the safety and immediate needs of unsheltered households. Providing food, medical, harm reduction, sanitation and supplies.

Participants

City of Portland (Parks, Recreation & Facilities, Public Health), CommonSpace, Greater Portland Health, Greater Portland Peer Services, Preble Street, The Opportunity Alliance (PATH), Through These Doors

Key Findings

Strength 1: Providing the basic needs of porta potties, trash removal, water, food, and harm reduction services for the individuals at the encampment (See Annex C for photos of water, dumpster, and sharps container). This would not have been possible without the partnership with Avesta. The City managed this partnership; making several changes throughout the time period (placement of basic needs, water, parking and theft concerns). Although providing water was considered a huge success, it was noted that we should consider ideas for privacy while the people in the encampment utilize the water for washing or bathing. In addition it was noted that handwashing stations would be extremely beneficial for hygiene purposes in the encampment.

Strength 2: Regular meetings with the Basic Needs group greatly improved communications between social service providers in the community and the City. The ECRT has helped bring groups together to work on a complex issue. This was the first time that collaboration with city departments and outreach providers focused on providing basic needs together.

Strength 3: Harm reduction services on site where exchange staff were able to do exchanges at the encampment as well as collect syringes was a strength. People living in the encampment were engaged in picking up syringes. Exchange staff had good success with meeting people who had collected syringes and noted that there were some people returning them with no intention of exchanging. City picked up over 14,000 syringes in 2 months and collected over 3,000 in the large container. Many full sharps containers that people had on Sept 6th probably held 5,000 more.

Identified Gap 1: There was not enough food and not enough staff to deliver the food. The amount of food and timing of delivery was unpredictable for the people depending on it. The City's Mobile Medical Outreach (MMO) transitioned to delivering lunch three days a week starting the week of August 14th, 2023, which was a success. The Outreach Collaborative delivered food for other meals, 11 shifts per week. Having reliable food delivery on a set schedule would be best. If outreach workers were able to spend less time delivering food, they could spend more time on housing-focused outreach. City staff explored options for using volunteers through the United Way of Southern Maine, but the model did not work because it still required more on-site paid staff time than was available.

Identified Gap 2: Communications with people living in the encampment needed to be improved. Communication goals and strategies were not shared well between ECRT Leadership and ECRT group members and that impacted the communication to people living in the encampment. There was no way of city leadership confirming whether accurate or any information was delivered to the people in the encampment. Agencies, non-profits, and community partners working under city leadership in this EOC structure were identified as a challenge especially when delivering accurate and timely information to the encampment.

Identified Gap 3: People living in encampments have unique and complex health needs that are not being met. A health subgroup led by Greater Portland Health began meeting on August 15, 2023 and identified the need for additional prevention strategies and communication to address the risk of Hepatitis A in the encampment. The subgroup should continue meeting a focus on the unique needs of the population living in the encampment.

Analysis

Providing the basic needs of porta potties, trash removal, syringe disposal, drinking water, and food was important for the people living in the encampment. Through a partnership with Avesta Housing who owned property near the entrance to the trail where the encampment was located, the City of Portland was able to provide these services (food was provided by Preble Street) during the work of the ECRT (for costs see: Section 10 - Finance). The City maintained these services throughout the work of the ECRT and managed challenges that arose; the City relied on Basic Needs group members to work with people living in the encampment on issues such as requesting that trash be brought to the provided dumpster. Food was provided by Preble Street. While there were significant efforts to improve food delivery, more work is needed to ensure there is enough food for people living in encampments and that it is delivered regularly, ideally on a set schedule. ECRT members felt that providing basic needs was very important and the efforts of this group should be continued and improved, with a focus on improvements to food delivery.

Section 8: Communications

Goal / Objective

Ensure coordinated, timely and accurate release of public information. Communicate effectively with and among members of the ECRT.

Participants

Communications was a topic discussed at all debriefing meetings by participating organizations listed in previous sections.

Key Findings

Strength 1: The ECRT increased communication between the city and social service agencies and each other around encampments and the homeless population in general.

Strength 2: Daily communication about available beds at HSC; ECRT work got this daily notification out to a group of outreach workers.

Strength 3: The City created a dedicated [page on its website](#) to communicate about the ECRT and provide regular updates on its progress and action. Additionally, City staff provided regular updates via Council Communications during Council meetings in July, August, and September.

Identified Gap 1: Communication in the ECRT can be improved by having a standard practice for communication for each group that includes meeting agendas with action steps and minutes. Enhance communication from ECRT Leadership Team to group members and enhance communication between groups.

Identified Gap 2: There should be more transparent communication to the individuals in the encampment. ECRT Leadership shared messaging with group members, but it was not known if, when, or how information that was intended for people living in the encampment was shared with them (i.e. resolution date). Group members would like to be more involved with decision making around communication to individuals in the encampment and to the public.

Identified Gap 3: Outreach and support (food delivery, housing fairs, etc.) for people in the encampment should be scheduled and communicated to the people living there.

Analysis

The ECRT created new ways for the City to communicate with community partners and facilitate communication amongst partners. Bringing together a large group of stakeholders for the ECRT and having groups focused on specific issues helped create a coordinated effort to work towards moving people out of encampments and into emergency shelter or housing. Communication strategies that worked well for the ECRT Leadership team and the MEC group should be uniformly implemented across all groups. Communication within groups, from leadership to groups, and from the ECRT to people living in the encampment could be improved by adding more structure to group meetings. Recommendations include:

- Agendas and meeting minutes for all groups that are driven by action steps
- Set schedules for meetings for the duration of the ECRT effort
- Set schedules for services provided in the encampment that are communicated to the people living in the encampment
- Shared talking points for outreach workers
- Idea to have a communications group to approve pamphlets and signage
- Idea to use to BNL more as data - how long it took for one person to get a voucher and how that data can be used to communicate with the public

Section 9: Encampment Resolution

Goal / Objective

The City will resume the enforcement of City Code after a period of intensive outreach offering housing options to people living in the encampment and restore the area to its intended use.

Participants

City of Portland Departments: Parks, Recreation & Facilities, Public Works, Police. Avesta Housing

Key Findings

Strength 1: City property and a park trail was restored to its intended public use after engaging with the ECRT model of offering; basic needs, harm reduction strategies, scheduled outreach, shelter and or housing.

Strength 2: The City operations at this encampment on September 6th, 2023 were the same processes as previous resolution efforts and followed City policy. Resolution and site clean up took Parks Recreation & Facilities 1 ½ days and Public Works 3 days to complete, and required equipment rental along with outside contractors. Parks Recreation & Facilities estimates that it will take several weeks of work to remove and replant trees and restore the trails and park.

Strength 3: No arrests were made during this resolution.

Identified Gap 1: ECRT group members shared that they and individuals at encampment would like additional communication about the resolution date. Communication of the date was provided from the beginning of the process, and a specific email to the Basic Needs group on September 1st, 2023 also shared that the dumpster, porta potty, and water would be removed on September 5th and advised that people leave the site prior to the September 6th resolution date so that work with equipment and trucks could proceed safely for all. Communication could be improved by providing additional communication of the schedule, site access details, and expectations for the resolution date to all ECRT group members and individuals at the encampment.

Identified Gap 2: ECRT members shared that they did not feel that the City's work on September 6th, 2023 was a trauma informed sweep. Some work on education and expectations around what resolution looks like is needed.

Identified Gap 3: ECRT members would like to see that the resolution date for the encampment is a data driven decision that incorporates availability for all types of housing preferences that individuals indicated in the data on the BNL.

Analysis

Leading up to a resolution date the ECRT should shift focus from current operations of the ECRT to the resolution date and the plan for that date. The ECRT Leadership should improve communication to ECRT group members about the timing and expectations for the days leading up to and day of the resolution. The leadership should have a plan for the day that is shared with partners so everyone has information about what to expect. If people remain at an encampment as the resolution date approaches, ECRT group members should share the plan and expectations with the people still remaining in the encampment. Also, once a resolution date is determined at the beginning of the process, the date shall remain without continued discussions so that the efforts of the ECRT can focus on housing first.

Section 10: Finance

Goal / Objective

Maintain fiscal accountability and keep costs commensurate with values at risk

City expenses at the Fore River / Frederic St. encampment to September 20, 2023

Description	Cost	Note
Trash removal	\$11,445	daily trash removal beginning on June 28, 2023 and cleanup on September 6th, 2023
Heavy item pickup	\$2,570	weekly heavy item pickup by a contractor was added on July 24, 2023
Septic services	\$2,244	
Potable water	\$4,718	cost of metered water and contractor services
Supplies	\$930	
Equipment rental	\$1,500	for site cleanup on September 6th, 2023
Outside contractor	\$27,856.50	debris removal on and after September 6th, 2023
City staff stipends	\$12,605.25	paid to employees cleaning hazardous areas
Total	\$63,868.75	

Notes:

- Actual invoices from some vendors have not been received as of September 20, 2023
- The above does not include salary costs for all staff involved including, but not limited to, Chief Keith Gautreau, EMA Coordinator Caity Hager, and Division Chief Sean Donaghue who have spent significant amounts of time on the ECRT efforts, as well as many other leadership team and staff members who were taken away from their other day-to-day duties to work with the ECRT.
- Parks, Recreation and Facilities estimates that another \$15,000 may be needed for more cleanup, tree removal, tree replanting, and restoration of the trails/park.

Annex A: Participating Organizations

This list encompasses all of the organizations that participated in the ECRT, while the participants listed in the report reflect the organizations that participated in debriefing meetings and contributed to the After Action Report

Federal Resources
Corporation for Supportive Housing (Technical Assistance Team)
Housing and Urban Development
City Resources
Fire
Health & Human Services (Public Health & Social Services)
Parks, Recreation & Facilities
Police
Public Works Department
Executive Department
Non-Governmental Organizations
Community Housing of Maine
Common Space (Amistad)
Cumberland County Homeless Services HUB
Grace Street Ministry
Greater Portland Health
Greater Portland Peer Services
MaineHousing
Maine Health - Gov Affairs
Maine Medical Center (MMC)
Mercy Hospital
Milestone Recovery
Portland Housing Authority
Preble Street
Southern Maine Landlord Association
Spurwink
The Opportunity Alliance - PATH Program
Through These Doors
United Way of Southern Maine

Annex B: Acronyms

Acronym	Meaning
AAR	After Action Report
BNL	By Name List
DPW	Department of Public Works
ECRT	Encampment Crisis Response Team
EEG	Exercise Evaluation Guide
EMA	Emergency Management Agency
EMS	Emergency Medical Services
EOC	Emergency Operations Center
EOP	Emergency Operations Plan
HMIS	Housing Management Information System
HSC	Homeless Services Center
HUD	Housing and Urban Development
IAP	Incident Action Plan
IC	Incident Command
ICS	Incident Command System
MEC	Mobile Engagement Center
MMC	Maine Medical Center
MYTEP	Multi-Year Training and Exercise Plan
NB	North-bound
NIMS	National Incident Management System
PA	Public Assistance
PIO	Public Information Officer
UC	Unified Command

Annex C: Photos of Basic Needs and clean up Provided by the City



Encampment Crisis Response Team



Large Sharps Container

















FISCAL IMPACT NOTE: TEMPORARY INCREASE IN HOMELESS SERVICE CENTER BEDS

1) FY24 Valuation:	#####	\$14,879,000
2) FY24 Tax Rate (Total City & School): Levy / (Valuation/1000)		\$14.41
(a) FY24 Tax Rate (City):		\$6.34
(b) FY24 Tax Rate (County):		\$0.62
(c) FY24 Tax Rate (School):		\$7.45
3) FY24 Value of \$0.01 of Tax Rate (Total City & School):		\$148,790

FISCAL IMPACT NOTE	FY24		FY25		FY26	
New Program Cost Data:	City Rate	City / Sch Combined Rate	City Rate	City / Sch Combined Rate	City Rate	City / Sch Combined Rate
Example:						
ADD: NEW ITEM ANNUAL EXPENDITURES		\$568,204		\$0		\$0
LESS: TOTAL NEW ITEM ANNUAL REVENUES		\$0		(\$536,550)		\$0
=NEW ITEM NET TAX RATE IMPACT PROJE	#####	\$568,204	#####	(\$536,550)	\$0	\$0
New Program Impact to the Tax Rate	\$0.0382	\$0.0382	(\$0.0361)	(\$0.0361)	\$0.0000	\$0.0000
New Program % Impact on Tax Rate	0.6023%	0.2650%	-0.5688%	-0.2502%	0.0000%	0.0000%
Tax Rate Including New Program	\$14.45	\$14.45	\$14.37	\$14.37	\$14.41	\$14.41

To increase the bed capacity in the Homeless Services Center by 50 beds for 6 months the City will need to incur an estimated additional \$568k of expenses in the current fiscal year. However additional donations and General Assistance reimbursement are expected to be received to support the effort and the net impact to taxpayers is estimated to be under \$32k. However, General Assistance reimbursement has been being received on a 10-12 month delay over the last year so a portion of the revenues may not be received until FY25. Any net impact in the current year is anticipated to be covered with savings from other areas so no additional appropriation is currently needed from City Council.

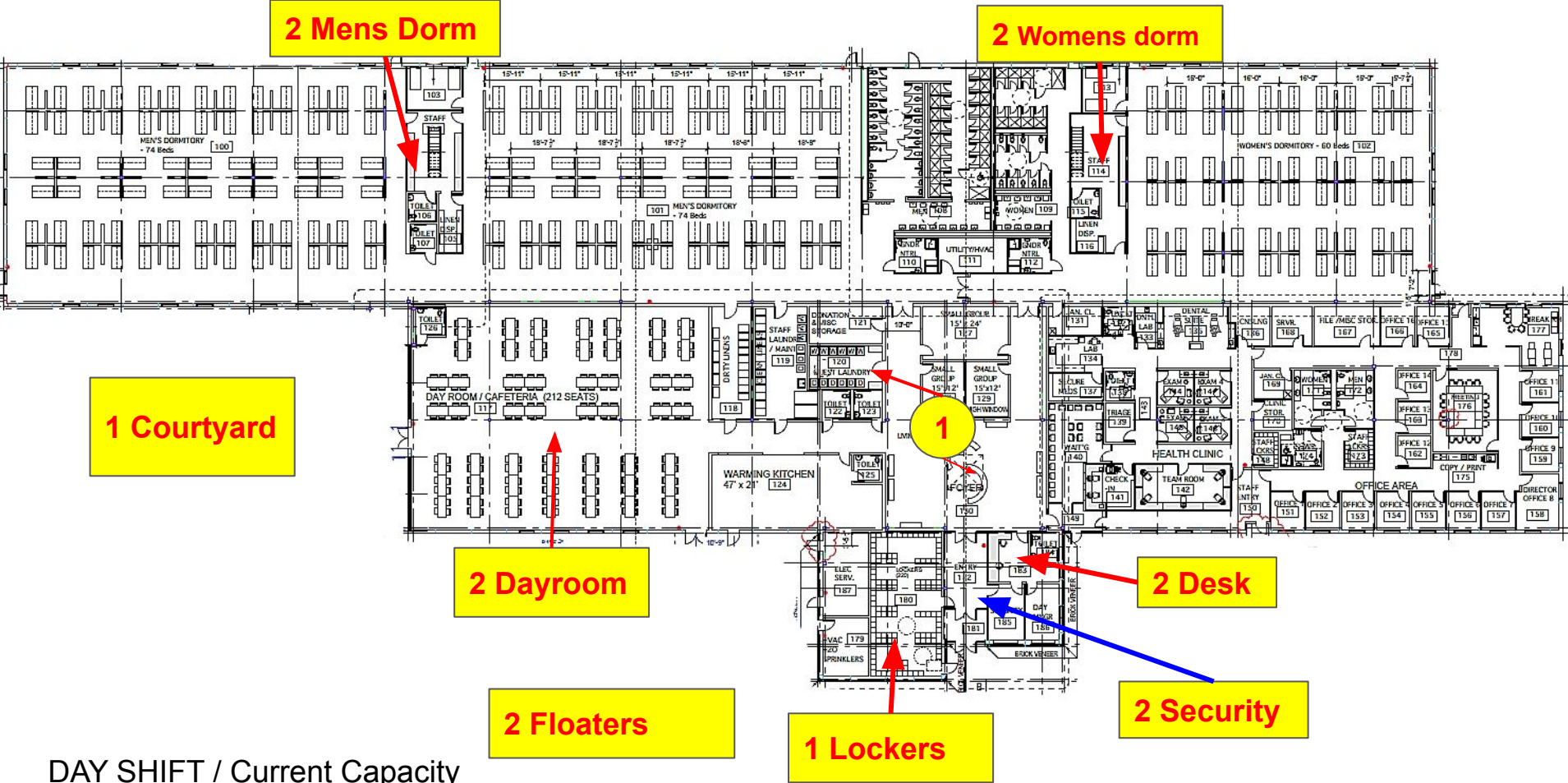
NOTE: If there was a need to increase the bed capacity in the Homeless Services Center by 142 beds to 350 beds for 6 months the City would need to incur an additional \$1.6M of expenses in the current fiscal year. However additional donations and General Assistance reimbursement would be expected to be received to support the effort. General Assistance reimbursement has been being received on a 10-12 month delay over the last year so the revenue may not be received until FY25.

			208 beds	258 beds	24% bed
			Capacity	Capacity	Capacity Incr
Rollup	Object	Description	FY24 BUD	FY24 BUD	Increase (6 mos)
Revenue	335030	GA State Reimbursements	(4,464,096)	(5,000,646)	(536,550)
	398000	MSHA Incentives & (ARPA-PD)	(1,260,069)	(1,260,069)	-
	398400	Grant Reimbursements	(1,564,794)	(1,564,794)	-
Revenue Total			(7,288,959)	(7,825,509)	(536,550)
Payroll	400110	Salaries	4,879,868	4,902,508	22,640
	400130	Temp	622,719	872,945	250,226
	400140	Overtime	490,414	549,264	58,850
Payroll Total			5,993,001	6,324,716	331,715
Benefits	400260	Workers Compensation	-	-	
	400271	Wearing apparel	-	-	
	400274	Cell Phones	1,200	1,800	600
Benefits Total			1,200	1,800	600
Administrative services	402000	Admin. Services	-	-	-
	402010	Postage	-	-	-
	402020	Travel, trng,mtgs	4,000	4,480	480
Administrative services Total			4,000	4,480	480
Contractual services	403500	Contractual	133,550	140,228	6,678
	403530	Auto exp. Reimb	1,000	1,120	120
	403545	Interpretation	17,200	17,200	-
Contractual services Total			151,750	158,548	6,798
Maintenance and Repairs	404010	Maint/Cleaning	50,000	56,000	6,000
	404020	Other equipt	-	-	
Maintenance and Repairs Total			50,000	56,000	6,000
Rentals	404510	Rent	2,701,000	2,701,000	-
	404530	Equip rent	2,139	2,396	257
Rentals Total			2,703,139	2,703,396	257
Supplies	405520	Other supplies	212,095	237,546	25,451
	405560	Minor Equipment	5,000	45,392	40,392
	405565	Computers/technology	4,000	4,000	-
	405570	Office supplies	12,000	13,440	1,440
	405549	Food	1,080,948	1,210,662	129,714
	405540	Fuel - Veh	18,890	21,157	2,267
Supplies Total			1,332,933	1,532,196	199,263
Utilities	406310	Gas	-	-	-
	406320	Electricity	275,000	275,000	-
	406330	Water	50,000	56,000	6,000
	406340	Telephone (63-41)	4,652	4,652	
	406350	Internet Data	12,228	12,228	
Utilities Total			341,880	347,880	6,000
Client Expenses	403034	Client supplies	47,205	52,870	5,665
	403076	Client Transp.	30,000	33,600	3,600
Client Expenses Total			77,205	86,470	9,265
			-	-	
Total Expenses			10,655,108	11,215,486	560,378
					7,826
Net Cost (may be spread across FY24 and FY25 based on timing of reimbursement)					31,654

Rollup	Object	Description	208 beds	258 beds	24% bed
			Capacity	Capacity	Capacity Incr
			FY24 BUD	FY24 BUD	Increase (6 mos)

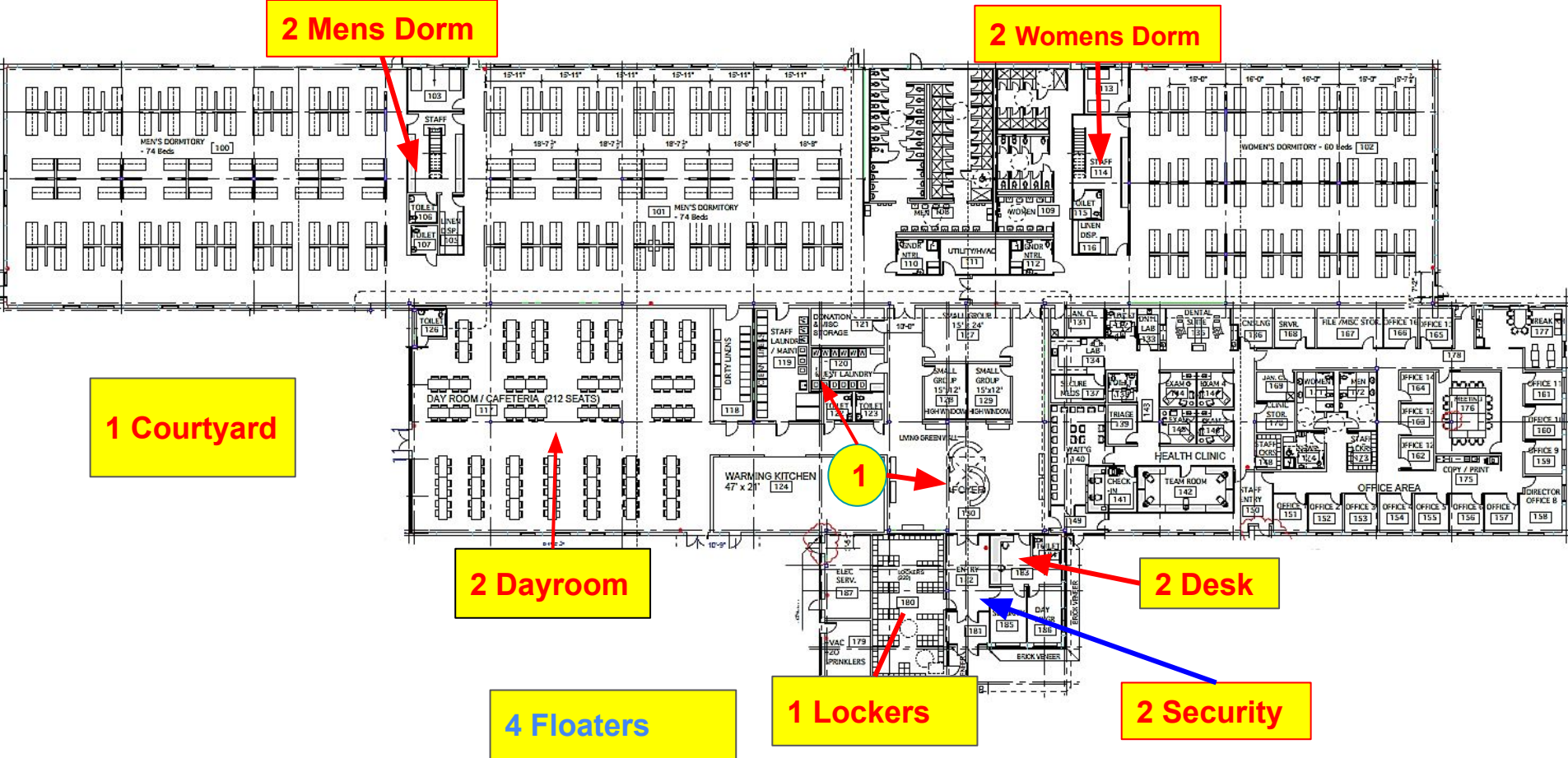
Summary

<i>Total Revenues</i>	(7,288,959)	(7,825,509)
<i>Total Expenses</i>	17,944,067	19,040,995
<i>City Net</i>	10,655,108	11,215,486
	-	-



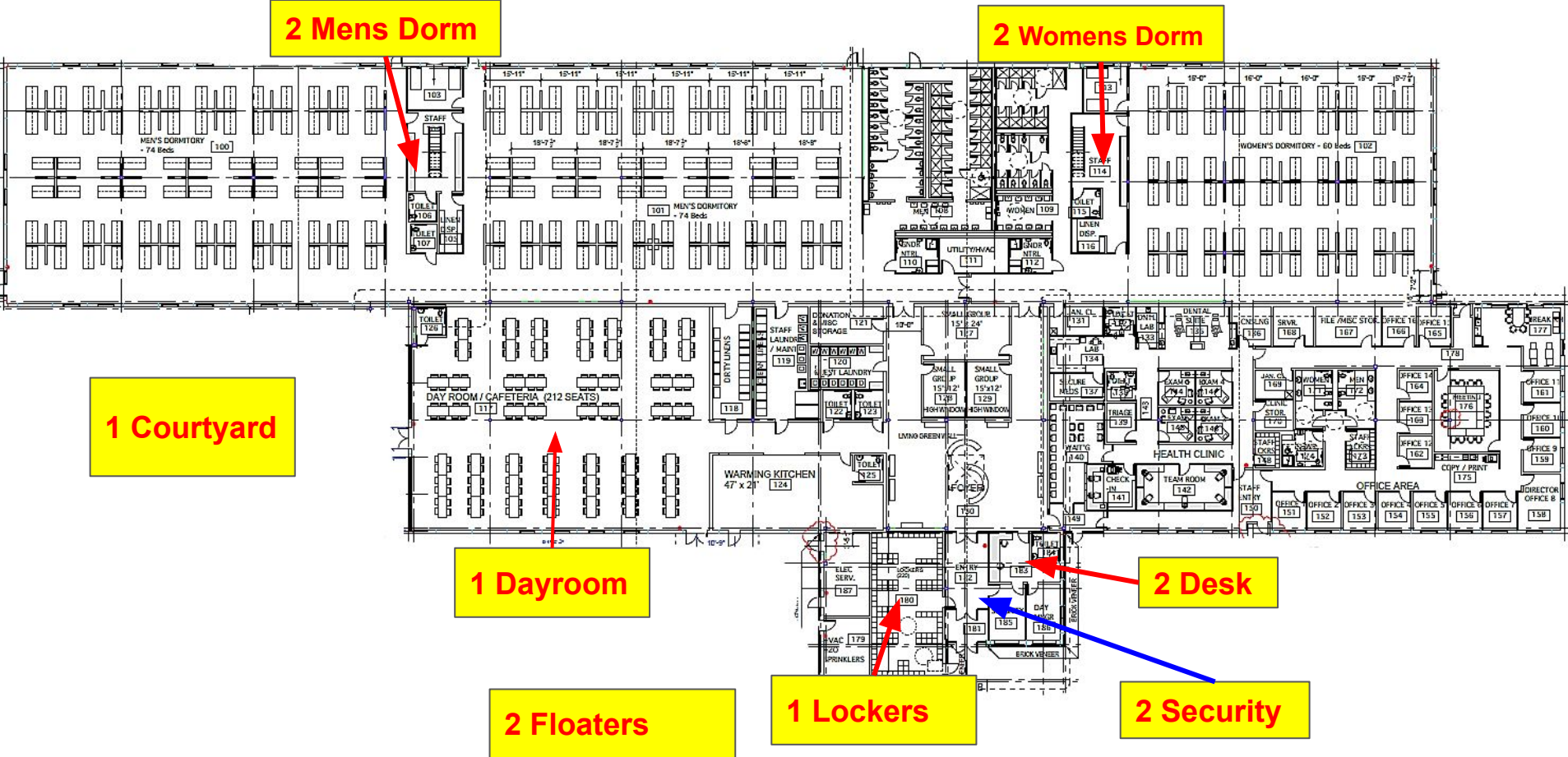
DAY SHIFT / Current Capacity

13 Shelter Attendants / 2 Security Guards



DAY SHIFT 50 Guest
Increased Capacity

15 Shelter Attendants / 2 Security Guards (2 Staff Increase)



NIGHT SHIFT Current Capacity

11 Shelter Attendants / 2 Security Guards

This detailed floor plan illustrates the layout of a prison facility, featuring various rooms and areas. The plan includes:

- 2 Mens Dorm:** Located at the top left, containing two men's dormitories (100 and 101) with 74 beds each.
- 2 Womens Dorm:** Located at the top right, containing two women's dormitories (102 and 103) with 60 beds each.
- 1 Courtyard:** A central outdoor area (117) with 212 seats, surrounded by a wall.
- 1 Dayroom:** A large room (117) with 212 seats, adjacent to the courtyard.
- 4 Floaters:** Four small rooms (118, 119, 120, 121) located near the courtyard.
- 1 Lockers:** A locker room (180) located near the bottom center.
- 2 Security:** Two security areas (185 and 186) located near the bottom right.
- 2 Desk:** Two desk areas (185 and 186) located near the bottom right.
- Other Rooms:** The plan includes numerous other rooms such as a staff area (104), a day room/cafe (117), a warming kitchen (124), a health clinic (142), an office area (151-158), a break room (177), and various utility and storage rooms.

13 Shelter Attendants / 2 Security Guards (2 Staff Increase)



Dena Libner <dlibner@portlandmaine.gov>

Fwd: Shelter/ encampment

1 message

Joanne Curtis <joancurtis03@gmail.com>
To: publiccomment@portlandmaine.gov

Mon, Oct 2, 2023 at 8:35 AM

----- Forwarded message -----

From: **Joanne Curtis** <joancurtis03@gmail.com>
Date: Thu, Sep 28, 2023 at 10:21 AM
Subject: Shelter/ encampment
To: <azzarro@portlandmaine.gov>

Why is district 5 responsibility to shoulder all the responsibility of the homeless and refugees, slowly but surely we are seeing more and more sleeping on the side walks. We can't go into a local store without being called over. My son the other day was hounded by a gentleman. District 5 soon enough will be where no one wants to live. It should be fair. This isn't fair. This is a state of Maine problem. I barely can keep food on the table and out taxes are gonna go up. We don't even have the resources to protect ourselves in this area due to the shortage in emergency staff! This can't be our responsibility. Joanne Curtis District 5 home owner



Dena Libner <dlibner@portlandmaine.gov>

Encampments - for Special City Council Meeting 10/2

1 message

Anne Pringle <anne.pringle.me@gmail.com>

Fri, Sep 29, 2023 at 11:32 AM

To: Kate Snyder <ksnyder@portlandmaine.gov>, Trevor Anna <atrevorrow@portlandmaine.gov>, Pelletier Victoria <vpelletier@portlandmaine.gov>, Phillips Regina <rphillips@portlandmaine.gov>, Zarro Andrew <Azarro@portlandmaine.gov>, Fournier April <afournier@portlandmaine.gov>, Rodriguez Roberto <rrodriguez@portlandmaine.gov>, Dion Mark <mdion@portlandmaine.gov>, Ali Pious <pali@portlandmaine.gov>

Cc: Dow Kristen <kjd@portlandmaine.gov>, Gautreau Keith <kng@portlandmaine.gov>, West Danielle <dwest@portlandmaine.gov>, Dubois Mark <mdubois@portlandmaine.gov>, Hipple Ethan <ehipple@portlandmaine.gov>, publiccomment@portlandmaine.gov

I did not submit a comment for your workshop on Tuesday. But I did review the written comments and listened to those offered in person.

Here are some observations and suggestions in response:

~~The encampments are dangerous for those living in them and near them. Campers must be relocated to emergency shelter and supportive housing as soon as beds are available. And hopefully, they will be available soon, as the new shelter opens for asylum seekers

~~As some of you noted, it is astounding that "community partners" do not ask "why" campers decline HSC beds offered. This question must be asked and recorded immediately, without exception. Anecdotal reasons offered by campers and advocates are not acceptable. Data on "why" beds are refused must be collected. It is not acceptable that the City should be expected to accept pets or provide shared shelter beds for partners (private rooms for sex?). Maybe these are needs that "community partners" should step up to serve, instead of criticizing the City...

~~We are in the midst of a crisis, with winter coming. Many suggestions made were for long-term action that will cost millions of dollars. We need reasonable crisis responses NOW! Hopefully, adding fifty beds, no more, at the HSC will address the immediate crisis.

~~I believe that many addicted to drugs and/or alcohol will not accept a bed at the HSC because they cannot continue to use. It was suggested by some that those actively under the influence should be allowed in the HSC. No! Perhaps "community partners" can convert some of their waiting room or conference room space to house these people over the winter, so they will be closer to empathetic service providers who can help them overcome their addictions. I am serious. The City cannot offer emergency shelter for these people on its own.

~~Immediate action should be taken to curb illegal activity reported as prevalent in the encampments, including confiscation of illegal substances. Word will get out that Portland is no longer a tolerant haven and, hopefully, the influx of new campers will cease and existing campers will commit to accepting recovery counseling and treatment.

~~It is not clear to me what data is being collected in the "by name" effort. It has been four months since the ECRT effort started. Have all campers been identified "by name"? I recently asked how many people were present in the encampments. The answer was "we don't collect that data". What?! Park Rangers (with police escort) collect weekly data on the number of tents, but "community partners" do not count the number of campers? Why not?

~~Finally, while I was optimistic about the ECRT approach in the beginning, it is clear to me that it has broken down because of the lack of "buy in" by some "community partners". A serious redirection is necessary and must be broadened to involve other community stakeholders, including residents and businesspeople. Please take time to review this effective partnership in Cincinnati, which has actually **reduced** the number of homeless and encampments in the last few years, while the numbers have gone way up nationally and here: strategiestoendhomelessness.org. Pay special attention to the Board of Directors, their coordinated programs, and the extensive data collected. LET'S DO THIS HERE!

But even before before taking emergency action to add any additional beds to the HSC, the Council should, at a minimum, get some basic data not yet available:

- 1) How many people are in encampments?
- 2) How many people are living with substance abuse and/or mental illness?
- 3) How many have partners?
- 4) How many have pets?
- 5) Where were they last housed?

These observations, suggestions, and questions are respectfully offered. Our compassionate community is simply beyond its capacity to serve and focused outcome-oriented action is necessary **now**...

Anne Pringle



Dena Libner <dlibner@portlandmaine.gov>

Homeless Services Center Overcrowding

Mindy Ray <mindyray@maine.rr.com>

Mon, Oct 2, 2023 at 8:56 AM

To: publiccomment@portlandmaine.gov, council@portlandmaine.gov

Good morning,

I would like to express my deep concern about the proposal to add an additional 150 beds to the HSC on Riverside Street in Portland. I feel that it is unfair to the people living there to be crammed into a facility where there are people with so many different kinds of needs. Overcrowding is dangerous, and my understanding is that there will be fewer or no services provided, and the facility is already understaffed. Everyone needs to bear the burden of homelessness, not just our district. I am happy to do our part in supporting these poor people who need so much. But it cannot just be one district and one city in our state that bears this burden. Other shelters need to be created. Actual living spaces. We need to figure out a solution, and what is being proposed is dangerous and not a solution. We are all intelligent, creative people here in our state. Let's roll up our sleeves and really figure out how to solve these problems in a way that supports the people we are trying to help, as well as the communities that are trying to provide support.

Thank you,
Mindy Ray

MEMORANDUM
City Council Agenda Item

FROM: Ethan Hipple
DATE: January 17, 2024
SUBJECT: Order 103-23/24 Accepting and Appropriating a \$10,613.31 Donation from the Portland Rotary Charitable Fund for Bayside Tree Plantings - Sponsored by Danielle P. West, City Manager

SPONSOR: Danielle West

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

**Final
Action**

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

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

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

I. SUMMARY

Acceptance of donation of \$10,613.31 towards additional tree plantings in the Bayside neighborhood.

II. AGENDA DESCRIPTION

If passed, this item would accept and appropriate a donation of \$10,613.31 from the Portland Rotary Charitable Funding in support of tree planting activities in Bayside.

During the spring and summer of 2023, City staff planted 48 trees along the Bayside Trail, and 10 street trees throughout the Bayside neighborhood. This \$10,613.31 donation from Portland Rotary Charitable Fund will help offset costs associated with the purchase of plants and materials, as well as staff time.

This item must be read on two separate days. It received its first reading on January 17, 2024. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The City currently has funding from CDBG and ARPA to expand the tree canopy within the Bayside neighborhood. The federal funding will support the planting of 130 more street trees in 2024, in locations that are currently difficult to plant trees in. This donation from Rotary allowed for additional plantings to be added that were not on the original scope of work.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Additional trees were planted in the Bayside neighborhood to expand the tree canopy.

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

Staff recommends acceptance of this gift as it stretches CDBG and ARPA funding further.

VIII. LIST ATTACHMENTS

1. Order Appropriating a \$10,613.31 Donation from Portland Rotary for Bayside Tree Planting 1.17.2024
(1)

Prepared by:

Ethan Hipple

Date: 01/17/2024

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 \$10,613.31 DONATION FROM
THE PORTLAND ROTARY CHARITABLE FUND FOR BAYSIDE TREE PLANTING**

ORDERED, that a \$10,613.31 donation from the Portland Rotary Charitable Fund is hereby accepted and that amount appropriated for tree planting on the Bayside Trail and in the Bayside neighborhood; and

BE IT FURTHER ORDERED, that the City Manager or designee is hereby authorized to execute whatever documents are necessary or convenient to effect the intent and purpose of this order.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: January 17, 2024

SUBJECT: Order 104-23/24 Accepting and Appropriating a Donation of \$58,587.23 from Portland Parks Conservancy for the Portland Youth Corps - Sponsored by Danielle P. West, City Manager

SPONSOR: Danielle West

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

**Final
Action**

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

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

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

I. SUMMARY

Accepting and Appropriating a Donation of \$58,587.23 from Portland Parks Conservancy for the Portland Youth Corps

II. AGENDA DESCRIPTION

If approved, this order would accept and appropriate a donation of \$58,587.23 from the Portland Parks Conservancy to support the Portland Youth Corps, a City-run program that promotes personal and professional growth through community service, environmental stewardship, and hands-on conservation opportunities within Portland's beautiful parks and green spaces.

Youth Corps participants receive a stipend, and approximately 50 young people take part each year. This donation covers the cost of supplies and trips, and offsets part of the salary of the Recreation Programmer II Naturalist position, which leads the program.

This item must be read on two separate days. It received its first reading on January 17, 2024. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The Portland Youth Corps has been running for three years thanks to the generous donations from the Parks Conservancy.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

This donation covers the operating expenses of the program.

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

Staff recommends acceptance of this gift as it allows a valuable program for the youth to continue to run.

VIII. LIST ATTACHMENTS

1. Accepting and Appropriating \$58,587.23 Donation for the Portland Youth Corps 1.17.2024

Prepared by:

Date: 01/17/2024

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 \$58,587.23 DONATION
FROM THE PORTLAND PARKS CONSERVANCY FOR
THE PORTLAND YOUTH CORPS**

ORDERED, that a donation of \$58,587.23 from the Portland Parks Conservancy is hereby accepted and appropriated to the Portland Youth Corps, a collaborative program of the Parks, Recreation and Facilities Department; and

BE IT FURTHER ORDERED, that the City Manager or designee is hereby authorized to execute whatever documents are necessary or convenient to effect the intent and purpose of this order.

MEMORANDUM
City Council Agenda Item

FROM: Ethan Hipple
DATE: January 17, 2024
SUBJECT: Order 105-23/24 Accepting and Appropriating a Grant and Donations for the Stroudwater River Bridge and Connector Project - Sponsored by Danielle P. West, City Manager
SPONSOR: Danielle West
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st Reading

**Final
Action**

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

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

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

I. SUMMARY

Acceptance of donation of \$31,385 towards the installation of a pedestrian bridge over the Stroudwater River. Of the \$31,385, a total of \$15,693 has already been received.

II. AGENDA DESCRIPTION

If approved, this item would accept and appropriate the following in support of a project to build a bridge over Stroudwater River:

- A donation of \$31,385 from Stroudwater Development Partners LLC;
- A donation of \$50,000 from Portland Trails;
- A grant of \$120,000 from the State of Maine Recreational Trails Program.

The total project cost is expected to be between \$250,000 and \$300,000. All remaining funds are to be privately raised by community members and partners.

This item must be read on two separate days. It received its first reading on January 17, 2024. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The City owns a 75' long pedestrian bridge that was purchased a handful of years ago to be placed over the Stroudwater River to connect a major trail network.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Accomplishing priority project request that has been unfunded for numerous years.

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

Staff recommends acceptance of this gift as it will enable the City to install a bridge to connect two existing trail systems, furthering the City's goals for alternative transportation and recreation.

VIII. LIST ATTACHMENTS

1. Order Appropriating Grant and Donations for Stroundwater River Pedestrian Bridge 1.17.2024 (1)

Prepared by:

Ethan Hipple

Date: 01/17/2024

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 GRANT AND DONATIONS FOR
THE STROUDWATER RIVER BRIDGE AND CONNECTOR PROJECT**

ORDERED, that the grant and donations listed below are hereby accepted and these amounts appropriated for the Stroudwater River Bridge and Connector project:

- \$120,000 grant from the Maine Recreational Trails Program;
- \$50,000 donation from Portland Trails;
- \$31,385 donation from Stroudwater Development Partners; and

BE IT FURTHER ORDERED, that the City Manager or designee is hereby authorized to execute whatever documents are necessary to effect the intent and purpose of this order.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: January 17, 2024

SUBJECT: Order 106-23/24 Approving the Memorandum of Understanding and Accepting and Appropriating \$235,550 in grant funding from Cumberland County Emergency Management Agency - 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: Yes, Corporation Council has reviewed.

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

I. SUMMARY

The Police Department has been awarded \$235,550 from the Cumberland County Emergency Management Agency for a replacement robot for the Hazardous Devices Unit (Bomb Squad) and training for the Fire Department paramedics assigned to the Special Reaction Team.

II. AGENDA DESCRIPTION

If approved, this item would accept and appropriate \$235,550.00 from Cumberland County Emergency Management Agency (CCEMA) as part of the DHS FY23 Homeland Security Grant Program (HSGP) for the reimbursement of costs incurred by the City of Portland for Portland Special Response Team - \$25,550.00 and Hazardous Devices Unit Robot Replacement - \$210,000.00.

This item must be read on two separate days. It received its first reading on January 17, 2024. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The Portland Police Department fields one of just three FBI accredited bomb squads in the State of Maine. The FBI Hazardous Devices school is the only facility in the country that trains and certifies public safety bomb technicians while the National Bomb Squad Commanders Advisory Board establishes standards for accredited bomb squads to include training and equipment requirements.

The standardization of training and equipment is critical to multi-jurisdictional response to large scale events as demonstrated by the Boston Marathon bombing: nearly 50 technicians from local, state, and federal agencies worked together to clear two major scenes which had forced

closure of significant portions of the area. This was feasible because the technicians operated from the same playbook and were trained to use the same equipment.

The PPD HDU was accredited in 2005 with much of the required equipment purchased using Homeland Security grant funds in 2004 and 2005. This includes the team's F6A robot. Required for accreditation, a bomb team robot is critical to the safety of bomb technicians.

The robot offers the technicians an opportunity to approach, examine, x-ray, and, if necessary, render safe, a suspicious package or IED while remaining at a safe distance.

In 2021, the robot vendor (Remotec) advised that it would no longer support or service the F6A robot. Now 18 years old, the robot is due for replacement and failure to do so before the existing robot becomes obsolete, will result in loss of accreditation for the PPD HDU.

The Portland HDU has deployed nearly 100 times since its inception in 2005. Just over half of those calls were to addresses in Portland while the remainder includes response to towns in Cumberland County ranging from Brunswick to the north, Scarborough to the south, and Windham to the west. The team has also responded to Sagadahoc and York County several times. These calls include reports of suspicious packages, recovery of military or civilian ordinance, or the rendering safe of improvised explosive devices. The team also provides support at large scale public events including the Boston Marathon, Portland's 4th of July celebration and VIP visits to include presidential candidates.

Failure to replace the robot will force local communities to wait for a response from Bangor or the State Police. A good example of the impact of this is presented by a call to Maine Medical Center last year for a suspicious package left outside the entrance. Upon locating the item, MMC evacuated the front entrance area, closed the hospital to visitors, and diverted ambulances. Portland HDU members were able to respond within minutes and clear the package (a non-explosive device designed to look like a pipe bomb) in less than two hours. The hospital was able to resume normal operations in less than the time it would have taken for an outside bomb squad to even respond to the scene.

These funds will also be used to cover the cost of training for the Portland Fire Department paramedics assigned to the Special Reaction Team. While traditional EMS providers stage until a scene is considered safe, the tactically trained medics provide urgent and emergent medical care within a high-risk, hostile environment such as an active shooter incident.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

This grant will contribute to the City's readiness to respond to unusual, high-risk incidents such as improvised explosive devices and active shooters.

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 recommends approval.

VII. RECOMMENDATION

Accept and appropriate the grant.

VIII. LIST ATTACHMENTS

1. Order Appropriating Cumb Co Emerg. Manag. Agency Grant 1.17.2024
2. Portland - FY23 HSGP MOU v27Nov23 (1)

Prepared by:

Date: 01/17/2024

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 MEMORANDUM OF UNDERSTANDING AND
ACCEPTING AND APPROPRIATING A \$235,550 GRANT
FROM THE CUMBERLAND COUNTY EMERGENCY MANAGEMENT AGENCY**

ORDERED, that a Memorandum of Understanding, substantially in the form attached hereto, is approved and a \$235,550 grant from the Cumberland County Emergency Management Agency is hereby accepted and that amount appropriated to reimburse expenses for training Fire Department paramedics in the Special Response Team as well as pay for a replacement Hazardous Devices Unit Robot; 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.

Cumberland County Emergency Management Agency

22 High Street, Unit 1, Windham, Maine 04062

207-892-6785

Michael Durkin, Director

Aaron Milroy, Deputy Director



Homeland Security Grant Program Award, Fiscal Year 2023

Memorandum of Understanding (MOU) between County of Cumberland, acting by
and through the Cumberland County Emergency Management Agency (CCEMA),
and the City of Portland

This MOU is between the above parties for the purpose of reimbursement of funds. CCEMA has set aside a total of \$235,550.00 from the DHS FY23 Homeland Security Grant Program (HSGP) award for the reimbursement of costs incurred by the City of Portland to execute the following: Portland Special Response Team - \$25,550.00, and Hazardous Devices Unit Robot Replacement - \$210,000.00. Funds will be reimbursed only for purchases in accordance with your FY23 application.

Grant #: EMW-2023-SS-00012

CFDA #: 97.067

Contract Identification #: 20231003000000000973

Period of Performance: 9/1/2023 through 8/31/2025

There are several important details to note:

- (1) **To move forward with your grant award, CCEMA requests that you sign and return this document by email within 10 business days.**
- (2) **Your agency (or IT manager/designee) is required to complete the 2023 Nationwide Cybersecurity Review (NCSR) through the Center for Internet Security (<https://www.cisecurity.org/ms-isac/services/ncsr>) in order to receive this grant funding. The NCSR is open through February 2024. The NCSR is available at no cost, and is estimated to take 2-3 hours.**
- (3) This funding is available upon CCEMA's receipt of this signed MOU, until either: (1) the funds are completely drawn down for eligible expenses or (2) August 31, 2025.
- (4) The City of Portland will follow all terms and conditions outlined in the CCEMA Finance Guidebook, applicable local, state, and federal laws, and FEMA Grant Guidance. The CCEMA Finance Guidebook lists required information for reimbursement requests and eligible expenses.
- (5) The City of Portland agrees to submit semi-annual reports to CCEMA on the progress of the project this funding has been allocated for. This report should set project milestones and detail current activities (completed, initiated, and pending), current funds available, and any barriers encountered or anticipated to expending the funds for this project.
- (6) By accepting this grant, you acknowledge and understand that these funds are subject to procurement requirements and limitations, including Domestic Preferences for Procurement for construction materials. Any expenses submitted to CCEMA by the City of Portland that do not comply with this requirement or include supporting compliance documentation will be denied reimbursement.
- (7) If the City of Portland expends a total of \$750,000 or more in federal financial assistance (from all sources) it is required to conduct an A-133 audit and must submit a copy of the completed audit to CCEMA.

For reimbursement to be made to the City of Portland:

- (1) Reimbursement requests must meet the applicable standards outlined in the CCEMA Finance Guidebook. It is imperative to review the guide and its standards in order to avoid your reimbursement request being delayed or denied by CCEMA. CCEMA does not accept incomplete reimbursement requests.
- (2) Indicate on the reimbursement request this is a reimbursement under FY23 HSGP.
- (3) Reimbursement to the City of Portland requires that funding be first passed to the State and Federal partners. The City of Portland will receive their reimbursement only when funding is released by the State to CCEMA. While this is typically timely, delays can occur.
- (4) CCEMA has included additional documentation regarding eligible expenses, for your reading and files. It is imperative that you review the documents to be aware of the federal regulations and requirements that your grant is subject to. These documents are provided as links below.

Additional Documentation:

- FY2023 Homeland Security Grant Program Notice of Funding Opportunity
- MEMA Preparedness Grants Manual
- CCEMA HSGP FY23 Contract with MEMA (provided as a PDF attachment)

By signing below, I certify that: (1) I understand and agree to comply with the general and fiscal provisions for these funds; (2) all information presented is correct; (3) there has been appropriate coordination between the listed agencies; (4) I am duly authorized by the City of Portland to sign this MOU; (5) costs incurred prior to the execution of this MOU may result in the expenses being absorbed by the City of Portland; and (6) this funding will not supplant state, county, or local funds.

Agency: _____

Mailing Address: _____

Phone Number: _____

Date: _____

Printed Name: _____

Printed Title: _____

Authorized Signature: _____



Agency: County of Cumberland, acting by and through the
Cumberland County Emergency Management Agency

Mailing Address: 22 High Street, Unit 1 Windham ME 04062

Phone Number: 207-892-6785

Date: _____

Printed Name: Michael Durkin

Printed Title: Director, CCEMA

Authorized Signature: _____



MEMORANDUM
City Council Agenda Item

FROM: Ethan Hipple
DATE: December 18, 2023
SUBJECT: Order 114-23/24 Approving the First Amendment to the Memorandum of Understanding Between the City of Portland and the Portland Parks Conservancy - Sponsored by Danielle P. West, City Manager

SPONSOR: Danielle West
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st Reading

**Final
Action**

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

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

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

I. SUMMARY

Amendment to Portland Parks Conservancy Harbor Common Memorandum of Understanding

II. AGENDA DESCRIPTION

The City has a Memorandum of Understanding (MOU) with the Portland Parks Conservancy (PPC) to allow PPC to raise funds for the Portland Harbor Common Project. This amendment to the MOU would allow the PPC to recognize donors to the project by placing their names or logos on certain park signage and park amenities such as seating, swings, stage, and shade structure.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The total construction cost for Phase I of the Portland Harbor Common project is \$2.4M. The City has allocated \$150,000 in Capital Improvement Funds for the design costs related to building this new waterfront park. The PPC has agreed to raise the capital construction costs for Phase I of the project, approximately \$2.4M. To date, PPC has received a \$2.1M federal allocation through Senator King's office, and they have agreed to raise the additional \$370K in private funds for additional park amenities and landscaping. PPC would like to be able to recognize donors to the project by adding plaques and recognition language on certain park amenities such as benches, signage, swings, shade structures and the stage area.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Approval of this amendment will allow the PPC to continue to raise funds for this public park project, stretching the limited amount of Capital Improvement Funds available for City projects.

V. FINANCIAL IMPACT

Approval of this amendment will allow the PPC to continue to raise funds for this public park project, stretching the limited amount of Capital Improvement Funds available for City projects.

VI. STAFF ANALYSIS AND BACKGROUND

With limited CIP dollars available for a backlog of City projects, having private partners willing to step up and fundraise for important City projects is vital to being able to accomplish City goals. This project will result in creating green space in a section of the City that has seen a very high rate of development of housing, marinas, commercial space and hotels. This park will enable all of the residents and visitors of Portland to have access to our shared waterfront.

VII. RECOMMENDATION

Staff recommends approval of this amendment.

VIII. LIST ATTACHMENTS

1. Amending MOU with Portland Parks Conservancy 1.17.2024 mig
2. First Amendment to MOU Portland Parks Conservancy Harbor Commons 013124
3. Portland Parks Conservancy MOU_Harbor Common Park_08.19.2021 (1)
4. Budget Form--Portland Harbor Common (1)

Prepared by:

Ethan Hipple

Date: 12/18/2023

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 FIRST AMENDMENT TO THE MEMORANDUM OF
UNDERSTANDING BETWEEN THE CITY OF PORTLAND AND
THE PORTLAND PARKS CONSERVANCY**

ORDERED, that the attached First Amendment to the Memorandum of Understanding with the Portland Parks Conservancy dated August 19, 2021 is hereby approved in the form attached hereto; and

BE IT FURTHER ORDERED, that the City Manager or designee is hereby authorized to execute the First Amendment to the Memorandum of Understanding and whatever other documents are necessary to effectuate the intent and purpose of this order.

**FIRST AMENDMENT TO
MEMORANDUM OF UNDERSTANDING BETWEEN
CITY OF PORTLAND
AND
PORTLAND PARKS CONSERVANCY**

THIS FIRST AMENDMENT is made as of this ____ day of February, 2024 to the **MEMORANDUM OF UNDERSTANDING** dated August 19, 2021 by and between the **CITY OF PORTLAND**, a body politic and corporate, located in Cumberland County and State of Maine, (hereinafter the "City"), and **PORTLAND PARKS CONSERVANCY** (the "Conservancy"), a Maine non-profit corporation with a mailing address of 212 Canco Road, Portland, Maine, 04102.

W I T N E S S E T H:

WHEREAS, the City and the Conservancy entered into a certain Memorandum of Understanding dated August 19, 2021 (the "MOU") pursuant to which the Conservancy is responsible for pursuing funding required for the development of a City park known as Harbor Common Park (the "Park"); and

WHEREAS, to date, approximately \$2,100.000.00 has been raised for development of the Park; and

WHEREAS, in order to encourage donors to make additional donations to support the development the Park, the Conservancy desires to offer recognition signage for certain facilities to be constructed in the Park; and

WHEREAS, the parties desire to amend the MOU to grant the Conservancy the right to offer recognition signage as more fully set forth below.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree to amend the MOU as follows:

1. Unless otherwise defined in this Amendment, capitalized terms used in this Amendment have the same meaning as those terms have in the MOU.
2. Paragraph 7 of the MOU is hereby deleted and replaced with the following:

In exchange for raising up to \$370,000 in additional private donations for the Park from donors such as charitable foundations, businesses, and individuals, the Conservancy will have the right to acknowledge such donors by placing their names and/or logos on recognition signage or furnishings such as benches, swings, a shade structure, and stage area, and other such furnishings described as bid alternates in the draft budget for the

Park, a copy of which is attached hereto as Exhibit A (the "Budget"). Such recognition signage will be similar to signage already in place in the Eastern Promenade's Fort Allen Park and Cousins Memorial and other public parks and playgrounds in Portland. Specific signs will be well integrated into the Park's design and are subject to final approval by the City Manager in consultation with the Director of the Department of Parks, Recreation, and Facilities. Except as specified in this paragraph, all other naming rights or dedication of facilities on public property, including facilities constructed as part of the Project and funded pursuant to this MOU are subject to final approval by the City.

2. SURVIVING TERMS. Any and all terms of the MOU not herein amended shall remain in full force and effect for the duration of the MOU as amended hereby and are hereby ratified. In the event of any conflict between the terms of this Amendment and the terms of the MOU and any exhibits thereto, the terms of this Amendment shall govern and control so long as this Amendment is in effect.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed by their duly authorized representatives as of the date first set forth above.

WITNESS:

CITY OF PORTLAND

By: _____
Danielle P. West
Its City Manager

WITNESS:

PORTLAND PARKS CONSERVANCY

By: _____
Its: _____

Approved as to form:

Approved as to budget

City Corporation Counsel's Office

Finance Director

Memorandum of Understanding Between
City of Portland
and
Portland Parks Conservancy

Project: Harbor Common Park

WHEREAS, the City of Portland (“City”) is a municipality under the laws of the State of Maine with a principal location at 389 Congress Street, Portland, Maine 04101; and

WHEREAS, Portland Parks Conservancy. (the “Conservancy”) is a non-profit organization with 501c3 status, and with a principal mailing address of 212 Canco Rd, Portland, Maine, 04102; and

WHEREAS, the Conservancy was established for the express purpose of raising philanthropic support and encouraging civic engagement to enhance and sustain the City of Portland’s Parks and its Parks, Recreation & Facilities Programs; and

WHEREAS, the City desires to create a park along the Eastern Waterfront in the area currently known as the “Queuing Lanes” (the parking lot between the Portland Ocean Terminal and Ocean Gateway); and

WHEREAS, when completed and dedicated as park land, it is anticipated that the park created at the Queuing Lanes will be known as “Harbor Common;” and

WHEREAS, the improvements contemplated by this Agreement constitute the first phase of the City’s development of Harbor Common and shall be referred to as Phase 1 of the Portland Harbor Common Project (the “Project”); and

WHEREAS, the Parks Conservancy has the capacity to assist the City with fundraising and grant-writing efforts; and

WHEREAS, the City wishes to accept such fundraising and grant-writing efforts of the Parks Conservancy; and

WHEREAS, the purpose of this Memorandum of Understanding (“MOU”) is to memorialize the City and the Conservancy’s collaboration to raise funds for construction of this waterfront park,

NOW THEREFORE, in consideration of the following, the City and the Conservancy hereby agree as follows:

1. The City shall convene a working group of City staff and Conservancy staff to collaborate on the proposed design, implementation, and oversight of the Project, and the City shall work diligently to design, implement and complete the Project.
2. Subject to obtaining all necessary funding and approvals, the City shall engage the services of a Landscape Architecture or other design firm to provide project design, construction, oversight and other technical services.
3. The aforementioned working group will work together to collaboratively develop a proposed design and workplan for the Project and to present its recommendations to the City for review and approval. The City shall be the final decision maker with regard to all aspects of the Harbor Common project;
4. The City shall be responsible for obtaining all necessary approvals and permits for the Project

5. The Conservancy will pursue funding for the project including, but not limited to, grants, donations and/or organizational funds for the implementation of Project and present those funds to the City for its consideration and acceptance. All funds accepted by the City pursuant to this Agreement and that certain Memorandum of Understanding between the City and the Conservancy dated June 15, 2018 shall be placed in a dedicated City fund to be used only for the Harbor Common Park Project. Funds raised by the Conservancy and donated to the City pursuant to this Agreement shall be used for the following purposes:
 - a. Design, Permitting, and Bidding
 - b. Construction and Contingency
 - c. Materials and Park Amenities
 - d. Project Management and Oversight
6. The Conservancy may retain up to 10% of total funds raised to cover administrative and fundraising expenses.
7. Any naming rights or dedication of facilities on public property, including facilities constructed as part of the Project and funded pursuant to this Agreement are subject to final approval by the City,
8. The City shall administer all aspects of the project including: permitting, design, bidding, and project administration.
9. All promotional materials shall recognize the dual partnership between the City and the Conservancy in the Project.
10. The Conservancy agrees that any activities undertaken pursuant to this MOU will also be consistent with and comply with that certain Memorandum of Understanding between the City and the Conservancy dated June 15, 2018.
11. The parties understand and agree that employees or volunteers employed or secured by the Conservancy who participate in volunteer events or projects under this Agreement shall be considered employees and volunteers of the Conservancy, which shall be solely responsible for any and all compensation for said employees and volunteers. The Conservancy, its employees, agents, and volunteers shall not receive any compensation from the City relating to the activities described in this agreement. The Conservancy, its agents, employees, officers, directors and trustees shall not be considered employees of the City.
12. This agreement may not be modified except for in writing executed by the Conservancy and the City.
13. This MOU is effective as of the date set forth below, unless terminated earlier as provided herein. Either party may terminate this MOU with or without cause upon 30 days' prior written notice. In the event that this MOU is terminated (i) by City without cause or (ii) by the Conservancy for cause, in each case, prior to completion of the Project, City shall return all unexpended funds donated or delivered by the Conservancy and City shall have no further interest in or to such funds.
14. Prior to the execution of this MOU, the Conservancy will procure and maintain occurrence-based Commercial General Liability Insurance coverage in amounts of not less than Four Hundred Thousand Dollars (\$400,000.00) per occurrence for bodily injury, death and property damage, naming the City as an additional insured thereon, and also Workers' Compensation Insurance coverage to the extent required by law. With respect to the Commercial General Liability Insurance, the Conservancy shall name the City as an additional insured for coverage only in those areas where government immunity has been expressly waived by 14 M.R.S. A. § 8104-A, as limited by § 8104-B, and § 8111. This provision shall not be deemed a waiver of any defenses, immunities or limitations of liability or damages available to the City under the Maine Tort Claims Act, other Maine statutory law, judicial precedent, common law, or any other defenses, immunities or limitations of liability available to the

City. Prior to execution of this Agreement, the Conservancy shall furnish the City and thereafter maintain certificates evidencing all such coverages, which certificates shall guarantee thirty (30) days' notice to the City of termination of insurance from the insurance provider or agent. The Conservancy shall also provide a copy of any endorsement naming the City as additional insured. A certificate that merely has a box checked under "Addl Insr," or the like, or that merely states the City of Portland is named as an Additional Insured, will not be acceptable. The Workers' Compensation insurance shall include an endorsement waiving all rights of subrogation against the City of Portland, its officers or employees. Upon City's request, the Conservancy shall provide City with a complete copy of any of the above-referenced policies. The Conservancy shall be responsible for any and all deductibles and/or self-insured retentions. The requirements contained herein shall also apply to any contractor retained by the Conservancy, who shall be responsible for ensuring all such coverage and requirements are met.

15. To the fullest extent permitted by law, the Conservancy shall defend, indemnify and hold harmless the City, its officers and employees, from and against all claims, damages, losses, and expenses, just or unjust, including, but not limited to, the costs of defense and attorney's fees arising out of or resulting from the Conservancy's performance of this Agreement, 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, and (2) is caused in whole or in part by any act or omission of the Conservancy, anyone directly or indirectly employed by it, or anyone for whose act it may be liable. Such obligation of indemnification shall not be construed to negate or abridge any other obligation of indemnification running to the City which otherwise exists. The extent of the indemnification provision shall not be limited by the provision for insurance in this Agreement. The Conservancy's obligations under this paragraph shall survive termination of this Agreement.
16. This MOU may be executed in any number of counterparts and by different parties in separate counterparts. Each counterpart when so executed shall be deemed to be an original and all of which together shall constitute one and the same agreement. A signature in a pdf or electronic document shall be considered the equivalent of an original signature.

Seen and Agreed to this 8/19/2021 day of August, 2021.

WITNESS DocuSigned by:

Nan Cumming
0C9360B0DABC4DF...

Portland Parks Conservancy

Andrew Magoun
F7EF87E549DF4FB...
President

WITNESS DocuSigned by:

[Signature]
403A55B021054A9...

CITY OF PORTLAND

[Signature]
4E521A7E920344B...
Jon P. Jennings, City Manager

Portland Harbor Common Open Space B-23-CP-ME-0781
PROJECT BUDGET

Portland Parks Conservancy, Portland, Maine

<i>Item Description</i>	<i>U/M</i>	<i>Quantity</i>	<i>Unit Cost</i>	<i>Total Budget</i>	<i>EDI Grant Budget</i>
DESIGN DEVELOPMENT					
Design, Engineering, Permitting, & Construction Admin Services	ALLOW		\$150,000.00	\$150,000.00	\$0.00
				\$150,000.00	\$0.00
PROJECT ADMINISTRATION					
Indirect costs, 10% De Minimis Rate	ALLOW		\$214,500.00	\$214,500.00	\$192,262.91
				\$214,500.00	\$192,262.91
CONSTRUCTION COSTS - CONCEPT PHASE ESTIMATION					
SITE PREPARATION					
Mobilization & Traffic Control	ALLOW	1	\$125,000.00	\$125,000.00	\$125,000.00
Remove Existing Pavement	SY	4880	\$6.00	\$29,280.00	\$29,280.00
Remove Existing Structure(s)	ALLOW	1	\$20,000.00	\$20,000.00	\$20,000.00
Remove/Relocate Existing Utility Infrastructure	ALLOW	1	\$40,000.00	\$40,000.00	\$40,000.00
				\$214,280.00	\$214,280.00
EARTHWORK					
Export Unsuitable	CY	850	\$200.00	\$169,913.58	\$169,913.58
Common Fill	CY	730	\$20.00	\$14,602.96	\$14,602.96
				\$184,516.54	\$184,516.54
EROSION CONTROL					
Erosion & Sedimentation Control	ALLOW	1	\$50,000.00	\$50,000.00	\$50,000.00
				\$50,000.00	\$50,000.00
LANDSCAPING					
Loam & Seed	SY	3078	\$12.00	\$36,933.33	\$36,933.33
Perennial	SF	3370	\$35.00	\$117,950.00	\$117,950.00
Install Granite Block Retaining/Seating Wall (from City Yard)	HR	39	\$200.00	\$7,760.00	\$7,760.00
Irrigation	LS	1	\$80,000.00	\$80,000.00	\$80,000.00
				\$242,643.33	\$242,643.33
CONCRETE					
Reinforced Concrete Sidewalk	SY	2150	\$185.00	\$397,750.00	\$397,750.00
Brick	SY	890	\$225.00	\$200,250.00	\$200,250.00
Paved Sidewalk	SY	410	\$75.00	\$30,750.00	\$30,750.00
Pavement - Western Lot Turnaround	LF	100	\$160.00	\$16,000.00	\$16,000.00
Sloped Granite Curb	LF	200	\$70.00	\$14,000.00	\$14,000.00
Vertical Granite Curb	LF	550	\$50.00	\$27,500.00	\$27,500.00
				\$686,250.00	\$686,250.00
STORMWATER DRAINAGE					
Drainage Structures	ALLOW	1	\$20,000.00	\$20,000.00	\$20,000.00
Drainage Piping	ALLOW	1	\$10,000.00	\$10,000.00	\$10,000.00
Permeable Brick Pavers (BMP)	SY	331	\$225.00	\$74,583.33	\$74,583.33
Underdrain Stone & Reservoir Course	CY	110	\$34.00	\$3,756.79	\$3,756.79
Filter Sand	CY	37	\$34.00	\$1,252.26	\$1,252.26
4" Underdrain	LF	600	\$6.00	\$3,600.00	\$3,600.00
FocalPoint/Rain Garden (BMP)	EA	2	\$35,000.00	\$70,000.00	\$70,000.00
				\$183,192.38	\$183,192.38
GATES, FENCING, & STRUCTURES					
Railing Installation	LF	440	\$65.00	\$28,600.00	\$28,600.00
Swing Gate	EA	3	\$1,800.00	\$5,400.00	\$5,400.00
				\$34,000.00	\$34,000.00
LIGHTING					
Conduit (assumed 1", non-metallic)	LF	1000	\$40.00	\$40,000.00	\$40,000.00
Concrete Base	EA	10	\$2,500.00	\$25,000.00	\$25,000.00
				\$65,000.00	\$65,000.00

<i>Item Description</i>	<i>U/M</i>	<i>Quantity</i>	<i>Unit Cost</i>	<i>Total Cost</i>	<i>EDI Grant Budget</i>
PARKING LOT					
Parking Lot Mill and Overlay	SY	2210	\$15.00	\$33,150.00	\$33,150.00
Pavement Markings	ALLOW	1	\$4,000.00	\$4,000.00	\$4,000.00
ADA space signage	ALLOW	1	\$1,000.00	\$1,000.00	\$1,000.00
				\$38,150.00	\$38,150.00
SUB TOTAL				\$2,062,532.26	\$1,890,295.16
15% CONTINGENCY ON CONSTRUCTION COSTS				\$254,704.84	\$254,704.84
ESTIMATED PROJECT COST				\$2,317,237.10	\$2,145,000.00

<i>BID ALTERNATE(S)</i>	<i>U/M</i>	<i>Quantity</i>	<i>Unit Cost</i>	<i>Total Cost</i>	<i>EDI Grant Budget</i>
BID ALTERNATE 1 - LIGHTING					
Light Poles (16' Pole)	EA	8	\$800.00	\$6,400.00	\$0.00
Warp 9 Fixture (3,000LMS)	EA	5	\$600.00	\$3,000.00	\$0.00
Warp 9 Fixture (7,500LMS)	EA	5	\$1,000.00	\$5,000.00	\$0.00
				\$14,400.00	\$0.00
BID ALTERNATE 2 - BATHROOMS					
Bathrooms	EA	1	\$45,000.00	\$45,000.00	\$0.00
				\$45,000.00	\$0.00
BID ALTERNATE 3 - FURNISHINGS					
Shade Seating Structure	LS	1	\$75,000.00	\$75,000.00	\$0.00
Swings	EA	2	\$16,000.00	\$32,000.00	\$0.00
Benches	EA	8	\$2,500.00	\$20,000.00	\$0.00
Signage	EA	4	\$10,000.00	\$40,000.00	\$0.00
Trash Cans (BigBelly 50 Gal, including assumed install fee)	EA	4	\$4,000.00	\$16,000.00	\$0.00
				\$183,000.00	\$0.00
BID ALTERNATE 4 - LANDSCAPING					
Trees	EA	49	\$750.00	\$36,750.00	\$0.00
Perennial	SY	1660	\$35.00	\$58,100.00	\$0.00
				\$94,850.00	\$0.00
SUB TOTAL OF ALL BID ALTERNATES				\$337,250.00	\$0.00
10% CONTINGENCY				\$33,725.00	\$0.00
BID ALTERNATE TOTAL				\$370,975.00	\$0.00
ESTIMATED PROJECT COST (WITH BID ALTERNATES)				\$2,688,212.10	\$2,145,000.00

MEMORANDUM
City Council Agenda Item

FROM:

DATE: December 15, 2023

SUBJECT: Order 115-23/24 Reallocating \$229,385 of American Rescue Plan Act Funding from the Jill C. Duson Housing Trust Fund to the Housing Opportunities for People in Encampments Program - 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

This item is a companion order to the one below.

If approved, this item would reallocate \$229,385 in American Rescue Plan Act funding from the Jill C. Duson Housing Trust Fund to the Housing Opportunities for People in Encampments (HOPE) Pilot Program.

HOPE is a collaborative effort between Maine State Housing Authority and the City of Portland to engage 90 unsheltered individuals/households in one year, and stably house a minimum of 45 of them in that time frame. Program staff would include three Housing Navigators and a Program Coordinator/Landlord Liaison.

Additional program details are provided in the enclosed documents.

This funding represents one-third of the cost of the one-year pilot program; the remaining expenses will be funded by the Maine State Housing Authority via the order below.

This item must be read on two separate days. Staff is requesting that the second reading be waived, which requires seven affirmative votes. Staff also requests that this item be passed as an emergency. Seven votes are required for passage as an emergency following 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

This item would reallocate \$229,385 from the Jill C. Duson Housing Trust Fund (HTF) to support the HOPE program. This reallocation would not impact the mill rate.

Currently, HTF contains \$7,494,682 in funding. If Order 155 were approved, the new balance would be \$7,265,297.

Staff would like to note the high demand for HTF funds. On this evening's agenda, Order 118 would allocate \$1.2 million toward a proposed development project. Staff are also reviewing active applications for HTF funds, which, collectively, amount to \$6.9 million in requested HTF funds.

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Re-allocating ARPA Funds in the Housing Trust Fund to Housing Opportunities for People in Encampments 2.5.2024 mig
2. PC Description
3. HOPE Contract 02.05.24
4. Public Comment - Order 115

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)

**ORDER REALLOCATING \$229,385 OF AMERICAN RESCUE PLAN ACT FUNDING
FROM THE JILL C. DUSON HOUSING TRUST FUND
TO THE HOUSING OPPORTUNITIES FOR PEOPLE IN ENCAMPMENTS PROGRAM**

ORDERED, that funds in the amount of \$229,385 of American Rescue Plan Act money appropriated to the Jill C. Duson Housing Trust Fund by Order 100-22/23 are hereby reallocated from the Housing Trust Fund and appropriated for the Maine State Housing Authority's Housing Opportunities for People in Encampments Pilot Program; and

BE IT FURTHER ORDERED, the City Manager or designee is authorized to execute any and all documents necessary to carry out the intent of this order.



**City of Portland, Maine
JOB DESCRIPTION**

Class Title:	Program Coordinator	FLSA:	Exempt
Class Grade:	Non-Union DBM C41	EEO Category:	Professionals
Date:	December 2020	Risk Code:	8832

Nature of Work

The Program Coordinator performs administrative and supervisory work in managing the activities of programs within the Department of Health and Human Services.

Supervision Received

Work is carried out under the supervision of designated Program Manager.

Supervision Exercised

This position provides administrative supervision to professional and support program staff.

Essential Duties and Responsibilities

Provides oversight of operations for assigned program and coordinates all program activities; assists with policy development and articulation of policy positions related to program areas; may be responsible for meeting requirements for agency licensure, Medicaid billing and governmental review.

Assigns, directs, and coordinates cases. Reviews case records and plans for providing service to clients; consults with Medical Director as appropriate; determines appropriate services including when to terminate services.

Conducts staff meetings, case managers meetings, outreach meetings and other client issues-related meetings. Conducts specialized workshops appropriate to assigned program; offers educational presentations to providers.

Participates in grant application process, program planning, and service evaluations. Responsible for meeting program reporting requirements, monitoring outcome measures and expenditures, compliance with all applicable federal and state regulations, and grant renewal.

Assists in developing and administering the program budget.

Represents Division programs in the community, serves as a member on relevant committees, task forces, etc.

Performs related work as required.

Requirements of Work

Bachelor's degree in the area of human services, public health, or related field and considerable experience in social services or public health field, including supervisory experience; or equivalent combination of training and experience.

Knowledge of program population issues, regions and sectors related to specific program.

Administrative skills, including grant writing, recordkeeping, grant management, outcome measurement and quality assurance.

Experience in case management and crisis intervention.

Ability to develop and implement policies and procedures.

Familiarization with budgets and financial management.

Experience and knowledge in working with individuals, families, and target populations.

Working knowledge of Microsoft Windows environment.

Working knowledge of Google Workspace.

Ability to communicate effectively verbally and in writing.

Necessary Special Requirements

Must possess valid State of Maine Class C driver's license.

Must have access to an automobile for work.

Must have and maintain a good driving record.

Physical Demands and Work Environment

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this position. Reasonable accommodations may be made to enable individuals with disabilities to perform the functions.

This position mostly involves light levels of physical activity. Exerting up to 20 pounds of force occasionally, and/or up to 10 pounds of force frequently, and/or a negligible amount of force constantly to move objects. If the use of arm and/or leg controls requires exertion of forces greater than that for Sedentary Work and the worker sits most of the time, the job is rated for Light Work.

Activity	Frequency	Activity	Frequency
Climbing: Ascending or descending ladders, scaffolding, ramps, poles and the like, using feet and legs and/or hands and arms. Body agility is emphasized.	Never	Balancing: Maintaining body equilibrium to prevent falling when walking, standing or crouching on narrow, slippery or erratically moving surfaces.	Never

Stooping: Bending body downward and forward by bending spine at the waist.	Occasionally	Kneeling: Bending legs at knee to come to a rest on knee or knees.	Occasionally
Crouching: Bending the body downward and forward by bending leg and spine.	Occasionally	Crawling: Moving about on hands and knees or hands and feet.	Never
Reaching: Extending hand(s) and arm(s) in any direction	Occasionally	Standing: Particularly for sustained periods of time.	Occasionally
Walking: Moving about on foot to accomplish tasks, particularly for long distances.	Frequently	Pushing: Using upper extremities to press against something with steady force in order to thrust forward, downward or outward.	Occasionally
Pulling: Using upper extremities to exert force in order to draw, drag, haul or tug objects in a sustained motion.	Occasionally	Lifting: Raising objects from a lower to a higher position or moving objects horizontally from position-to-position.	Occasionally
Repetitive Motions: Substantial repetitive movements (motions) of the wrists, hands, and/or fingers (picking, pinching, typing).	Frequently	Grasping: Applying pressure to an object with the fingers or palm.	Occasionally
Feeling: Perceiving attributes of objects, such as size, shape, temperature or texture by touching the skin, particularly that of fingertips.	Occasionally	Talking: Expressing or exchanging ideas by means of the spoken word. Those activities in which they must convey detailed or important spoken instructions to other workers accurately, loudly, or quickly.	Frequently
Hearing: Ability to receive detailed information through oral communication, and to make fine discriminations in sound, such as when making fine adjustments on machined parts.	Frequently	Seeing: The ability to perceive the nature of objects by the eye.	Frequently

Note

This job description in no way states or implies that these are the only duties to be performed by the employee(s) incumbent in this position. Employees will be required to follow any other job-related instructions and to perform any other job-related duties requested by any person authorized to give instructions or assignments.

All duties and responsibilities are essential functions and requirements and are subject to possible modification to reasonably accommodate individuals with disabilities. To perform this job successfully, the incumbents will possess the skills, aptitudes, and abilities to perform each duty proficiently. Some requirements may exclude individuals who pose a direct threat or significant risk to the health or safety of themselves or others. The requirements listed in this document are the minimum levels of knowledge, skills, or abilities.

This document does not create an employment contract, implied or otherwise, other than an "at will" relationship.

Reviewed with employee by

Signature: _____

Name (print): _____

Title: _____

Date: _____

Received and accepted by

Signature: _____

Name (print): _____

Title: _____

Date: _____

The City of Portland is a drug free work environment and is an equal opportunity and affirmative action employer strongly committed to diversity, equity, and inclusion in its workplace.

**MAINE STATE HOUSING AUTHORITY
GRANT FOR HOUSING OPPORTUNITIES FOR PEOPLE IN ENCAMPMENTS
PILOT PROGRAM**

The Maine State Housing Authority, a public body corporate and politic and instrumentality of the State of Maine with a principal place of business and mailing address of 26 Edison Drive, Augusta, Maine 04330 (“MaineHousing”) and the City of Portland, a Maine municipality with a mailing address of 196 Lancaster Street, Portland, Maine 04101 and a Federal tax identification number of 01-6000032 (the “Subrecipient”) enter into this Housing Opportunities for People in Encampments Pilot Program Grant Agreement (the “Agreement”) on this 6th day of February, 2024 (the “Effective Date”).

BACKGROUND

1. The 130th Maine State Legislature appropriated \$22 million from the unappropriated surplus of the State of Maine’s General Fund, authorized by Part WW of LD 1995 and the 131st Maine State Legislature appropriated \$12 million in the Fiscal Year ending June 30, 2024 General Fund budget, to provide, among other things, “programs addressing the needs of people experiencing homelessness or facing other immediate housing needs.”
2. MaineHousing, as administrator of state funds to provide, among other things, “programs addressing the needs of people experiencing homelessness or facing other immediate housing needs” is making Housing Opportunities for People in Encampments Pilot Program (“HOPE Program”) grant funds available to Subrecipient to subcontract with nonprofit organizations to hire Housing Navigators to assist individuals (“Clients”) residing outside in an encampment area in locating housing, completing the rental process and maintaining stable housing for a minimum of six months after lease up.
3. MaineHousing agrees to reimburse Subrecipient for eligible costs in accordance with the terms of this Agreement

AGREEMENT

1. **GRANT PERIOD.**

The Grant is for the period from the Effective Date to February 6, 2025 (the “Grant Period”), unless sooner terminated in accordance with this Agreement.

2. **GRANT AMOUNT.**

Subrecipient is eligible for a grant in an amount up to \$465,722 (the “Grant”).

3. **USE OF GRANT.**

Grant proceeds may be used by Subrecipient to hire a HOPE Program Coordinator, subcontract with Emergency Shelter and Housing Assistance Program (“ESHAP”) providers to staff three navigator positions, and provide funding for landlord and Client related expenses as outlined in the HOPE Program guide attached as Exhibit A (the “Program Guide”), and included in Subrecipient’s anticipated

budget for the HOPE Program attached as Exhibit B (the “Budget”). The Subrecipient must obtain MaineHousing’s prior written consent to change or deviate from the approved Budget.

4. PAYMENT OF GRANT.

MaineHousing will issue a one-time payment of \$399,407 to Subrecipient for Personnel Expenses as supported by the Budget. The one-time payment will be made within ten (10) business days of the final signature date below. Subrecipient will be required to provide periodic reports attaching supporting documentation for the Personnel Expenses at the request of MaineHousing.

Subject to availability of remaining funds, MaineHousing shall reimburse Subrecipient for eligible Client Expenses and Other Expenses (“Eligible Expenses”), included in the Budget. Subrecipient will submit monthly reimbursement requests on the Monthly Reimbursement Request Form attached hereto as Exhibit C with back up documentation sufficient to establish that the Eligible Expenses were incurred. The Subrecipient shall submit monthly reimbursement requests to MaineHousing within 30 days of the close of each calendar month of the term of this Agreement.

5. COMPLIANCE AND ENFORCEMENT.

The Grant is subject to the Subrecipient’s compliance with this Agreement; and with all applicable federal, state and local laws and ordinances as may be amended from time to time including, without limitation, the Rule, the Maine Housing Authorities Act, 30-A M.R.S.A., §4701, et. seq., as amended (the “Act”); the Stewart B. McKinney Homeless Assistance Act of 1988, as amended (42 USC 11371-11378) (the “McKinney Act”), including the amendments pursuant to the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (the “HEARTH Act”) and implementing regulations at 24 CFR Part 576, as amended (collectively, the “McKinney Act as amended by the HEARTH ACT”).

Subrecipient agrees to comply with any additional or different requirements that MaineHousing believes upon advice of counsel are necessary to ensure compliance with the source of funds and that are communicated in writing to Subrecipient.

MaineHousing will review the performance of Subrecipient in carrying out its responsibilities as determined by MaineHousing. In conducting performance reviews, MaineHousing will rely primarily on information obtained from the records and reports from Subrecipient, as well as information from monitoring reviews, audit reports, and HMIS.

If MaineHousing determines that the Subrecipient has not complied with a program requirement, MaineHousing will give the Subrecipient notice of this determination and an opportunity to demonstrate, within the time prescribed by MaineHousing and on the basis of substantial facts and data that Subrecipient has complied with program requirements.

If Subrecipient fails to demonstrate to MaineHousing's satisfaction that the activities were carried out in compliance with HOPE Program requirements, MaineHousing will take one or more of the following actions:

- a. Instruct Subrecipient to submit and comply with proposals for action to correct, mitigate, and prevent noncompliance with HOPE Program requirements;
- b. Suspend disbursement of funds for some or all activities;
- c. Reduce or terminate the remaining Grant; or
- d. Require Subrecipient to repay Grant funds.

6. NONDISCRIMINATION.

Subrecipient shall not discriminate in any manner against any person because of race, color, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, age, physical or mental disability, or familial or marital status. Such prohibition against discrimination shall include, without limitation, all actions relating to employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoffs or termination, rates of pay or other forms of compensation and selection for training.

7. MAINTENANCE, INSPECTION, AUDITING OF RECORDS AND REPORTING.

The Subrecipient shall properly maintain all books, documents, payrolls, papers, information, records, accounting records, email correspondence, client files, and other material pertaining to this Agreement and shall make such materials available at its offices for purposes of audit, inspection, duplication, and examination so as to allow MaineHousing to monitor and audit as requested by MaineHousing. MaineHousing shall have access to confidential information to the extent necessary to conduct such reviews. The Subrecipient shall maintain such books and records for five (5) years after the termination of this Agreement.

8. CONFIDENTIAL INFORMATION.

Any information acquired by the Subrecipient, its employees, agents, or contractors in the performance of this Agreement shall be kept confidential in accordance with applicable law including without limitation the McKinney Act, as amended by the HEARTH Act. Subrecipient shall safeguard and protect from disclosure at all times, and shall cause its employees, officers, agents, contractors, subcontractors and other representatives to safeguard and protect from disclosure at all times, all information about Clients.

9. PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION.

Subrecipient shall safeguard and protect from disclosure at all times, and shall cause its employees, officers, agents, contractors, subcontractors, subsidiaries or affiliates of Subrecipient, and other representatives to safeguard and protect from disclosure at all times, all personally identifiable information (“PII”) about Clients that could be used to determine or trace the identity of such individuals, including but not limited to the information described in the *Confidential Information* clause. Subrecipient shall take steps, including but not limited to the following, to safeguard and protect PII from disclosure:

- i. Put measures in place to prevent the loss, theft, misappropriation or inadvertent disclosure of PII, such as restricting access to electronic files containing PII by implementing passwords or least privilege folder permissions, locking the screen or logging off computers or other electronic devices that have access to PII when unattended, removing documents that contain PII from printers or fax machines, not leaving paperwork containing PII on desks or other work areas unattended, placing paperwork containing PII in locked storage at the end of the business day, and shredding documents containing PII that are no longer needed (unless required to be retained pursuant to this Agreement).
- ii. Encrypt all PII contained on mobile devices such as laptops, phones, and tablets, and other portable storage devices and media used, in whole or in part, whether such PII is contained in spreadsheets, e-mails, attachments, or otherwise.
- iii. Send e-mail or e-mail attachments containing PII only if encrypted or only through a secure e-mail server.
- iv. When disposing of electronic devices that contain PII, ensure that any data residing on the equipment is irrevocably destroyed by removing and destroying or sanitizing the hard drives, regardless of whether disposal is performed by a third party and whether equipment or devices are resold, refurbished, placed in a surplus disposal program, or “thrown away.”
- v. Make employees, officers, agents, contractors, subcontractors and other representatives of Subrecipient who perform services under this Agreement aware that the responsibility to safeguard and protect PII applies at all times, whether or not they are at a work location during normal business hours.
- vi. Limit disclosure of PII only to those persons who have a direct need to know the PII in order to perform services under this Agreement and advise them to take steps to safeguard and protect PII from inadvertent disclosure and not to disclose any PII to other persons.
- vii. Subrecipient shall comply with all applicable state and federal laws, rules, and regulations in regards to protecting PII and shall cooperate with MaineHousing or state and federal entities in the investigation of any breach and any required reporting and notification of individuals regarding such incident. Subrecipient shall notify MaineHousing of any suspected data breach involving MaineHousing contracted systems or services within 48 hours. To the extent that a breach of PII is caused by Subrecipient, Subrecipient agrees to pay the cost of notification, as well as any financial costs and/or penalties incurred by MaineHousing as a result of such breach.

10. CONTRACT ADMINISTRATOR.

The Subrecipient shall direct all submissions to MaineHousing pursuant to this Agreement to: Melissa Lizotte, Homeless Partner Support Manager by email: mlizotte@mainehousing.org or at the address set forth above.

11. ASSIGNMENT.

The Subrecipient may not assign any interest in this Agreement without the prior written consent of MaineHousing.

12. SUBCONTRACTORS.

Subrecipient is authorized to subcontract with three ESHAP providers under this Agreement to staff three navigator positions. Subrecipient shall provide MaineHousing with copies of any contracts Subrecipient enters into which will be funded by Grant funds. All contracts should reference this Agreement and Subrecipient is responsible for making sure that all subcontractors comply with the requirements of this Agreement.

IN WITNESS WHEREOF, the parties, by their duly authorized representatives, have executed this Agreement, effective as of the date first set forth above.

MAINE STATE HOUSING AUTHORITY

Date

By: Daniel Brennan
Its: Director

CITY OF PORTLAND

Date

By: Danielle West
Its: City Manager



Housing Opportunities for People in Encampments (HOPE) Pilot Program

Purpose:

The program, a collaborative effort between MaineHousing and the City of Portland, will provide funding to nonprofit organizations to hire Housing Navigators to assist individuals residing outside in an encampment area in locating housing, completing the rental process and maintaining stable housing for a minimum of six months after lease up. This opportunity will be available to providers participating in MaineHousing's Emergency Shelter and Housing Assistance Program (ESHAP). Contracts with these providers will be for one year, and will include funding for staffing and administrative costs specifically designated to this program. Flexible funding will also be provided to cover client costs specific to the housing search and move in process as well as landlord incentives. The goal of the pilot is to serve 90 individuals/households and stably house a minimum of 45.

City of Portland Role:

City of Portland will assume the role of program administration and will hire a Program Coordinator, who will also act as a Landlord Liaison. MaineHousing will contract with the City who will subcontract with the participating ESHAP providers to staff three navigator positions. Additional funding for landlord and client-related expenses will be administered through the City.

Program Participant Eligibility:

This assistance may be provided to individuals and households residing in encampment areas and may follow them to a shelter placement while the Navigator is working with them to obtain permanent housing. Participants must be referred via the Hub 2 Coordinated Entry Case Conferencing process.

Program Description:

The Pilot supports housing navigation and stabilization services, recognized as a best practice in moving people from homelessness to stable permanent housing. Housing Navigation is a step in the continuum that begins with outreach to individuals residing in an encampment. Outreach Workers engage with individuals and, through the Coordinated Entry process, initiate the process of identifying shelter and housing needs as well as beginning to work on barriers to housing such as obtaining documentation necessary to complete housing assistance and rental applications. Navigation involves helping those individuals develop a housing stability plan, continue to address the barriers identified in the plan, and complete forms required for housing. Navigators then assist individuals with housing search, which includes attending property owner meetings, setting appointments, and assisting with paperwork related to housing applications. Navigation/stability services also include tasks associated with securing and maintaining housing: inspections, utility startups, moving into housing and follow up check-ins to address barriers to housing stability.

The Pilot will provide funding to ESHAP providers to employ a Housing Navigator, in order to accomplish the following goals:



- Assist the Landlord Liaison in recruiting property owners to rent to program participants.
- Partner with the regional Homeless Response Service Hub/Coordinated Entry to identify individuals that need this service.
- Provide support to individuals/households in obtaining rental assistance and permanent housing.
- Ensure that all participants remain stably housed for 180 days.

The three core components of this pilot are landlord engagement, pre-tenancy supports for participants, and housing stability services. The following program standards are recommended in each of the three areas.

Landlord Engagement:

The goal of landlord engagement is to develop partnerships with landlords and property managers in the area to increase participant access to housing units. Activities include recruiting local landlords/property managers and negotiating with them to help participants access housing that is desirable and sustainable over time within the participant's resources.

Program Standards:

1. Staff are trained on housing identification, Housing Quality Standards (HQS) inspection standards, landlord/tenant rights and responsibilities and landlord engagement (outreach to landlord/property management associations, etc.)
2. Housing Navigator coordinates with the Landlord Liaison in the recruitment and retention of landlord partners and assists in tracking unit vacancies, characteristics and costs.
3. Housing Navigator offers a standard level of support to all landlords who lease to program participants, including:
 - Explanation of all incentives/benefits offered to landlords by rental assistance programs, including programs such as sign on incentives, unit repair and damage mitigation
 - Quick response time to landlord calls about serious tenancy problems
 - Assistance in resolving conflicts around lease requirements, complaints by other tenants and timely rent payments
 - Negotiating move-out terms and assisting the household in quickly locating another unit without an eviction

Pre-Tenancy Assistance:

The goal of this assistance is to provide support to participants in identifying their housing goals and barriers through the development of a Housing Stability Plan, working with them on housing search and rental applications and helping them through the leasing process.

Program Standards:

1. If participants already have a rental assistance voucher, Housing Navigator acts as a liaison with both the agency that has issued the rental assistance and the prospective landlord.
2. If participants require rental assistance to access affordable housing, Housing Navigator works with MaineHousing and Portland Housing to access vouchers.
3. Housing Navigator connects participants to any necessary community resources that help them resolve or navigate tenancy issues that landlords may screen for and obtain documentation such as ID required for housing applications.
4. Housing Navigator assists participants in making an informed housing choice, developing housing goals that allow participants to understand the likelihood of being able to cover the rent and meet the requirements of the lease.
5. Housing Navigator utilizes a standard way of explaining tenant rights and responsibilities and the requirements of lease agreements to participants.
6. Housing Navigator assists in completing rental applications and negotiations with landlords and ensures consistent communication between landlord and participant.
7. When a physical inspection of the unit is required by a rental assistance program, Housing Navigator works collaboratively with inspection staff of administering agency to ensure inspections occur, and communicates with landlord on any required follow up.

Housing Stability Services:

The goal of housing stability services is to assist participants in overcoming any challenges that arise during the first six months of tenancy and ensuring that they remain stably housed.

Program Standards:

1. Housing Stability Plans focus on how participants can maintain a lease and address barriers to housing retention.
2. Housing Navigator makes referrals to appropriate community/mainstream resources and follows up on receipt of assistance. This may include ongoing case management services, income supplements/benefits (TANF, SNAP, etc.), non-cash supports (healthcare, food supports, etc.), legal assistance, credit counseling, etc.
3. Housing Navigator works directly with the participant and landlord to resolve tenancy issues – identifying a corrective course of action and keeping both parties informed on progress without breaking a participant's confidentiality.
4. When necessary, Housing Navigator helps participants avoid evictions before they happen, and works to maintain a positive relationship with the landlord.

General Program Requirements:

In addition to carrying out the three core program components, Housing Navigators will be required to:



- participate in MaineHousing-sponsored training and a Community of Practice Group that will support the sharing of best practices and brainstorming of solutions to program challenges
- utilize HMIS to document all client-level engagements and outcomes
- participate in Coordinated Entry and Case Conferencing meetings as requested, and
- submit the program outcome reporting described below.

Performance Benchmarks:

The effectiveness of the program is ultimately determined based on accomplishing the following primary goals:

- To increase the number of units available to participating households through the engagement of additional landlords and property managers
- To reduce the length of time individuals experience homelessness
- To successfully lease households in permanent housing
- To limit returns to homelessness within the first six months of being housed

Evaluation of the Pilot Program will be based on the following data points:

- Number of landlords/property managers leasing units to participating families
- Number of households served
- Average time from intake to move into permanent housing
- Number of households moving into permanent housing
- Number of households that do not return to homelessness within six months of lease up

Goals for program effectiveness include:

- Average time from program enrollment to move into permanent housing at 60 days or less
- 45 participants exit program into permanent housing
- 45 participants do not return to homelessness within six months of lease up

Reporting Requirements:

Program Outcome Reporting:

The following outcomes will be tracked monthly in HMIS

Households served

Households leased

Average time to lease up from date of intake

MaineHousing will provide a reporting spreadsheet to be submitted monthly to track the following outcomes:

New landlords recruited

Location of leased units

Households leaving permanent housing (reason)

Fiscal Reporting:

MaineHousing will require quarterly reporting on program expenditures.

EXHIBIT B		HOPE BUDGET 1/19/24
	Annual BUDGET	
Personnel Expenses		
Total Salaries	306,914.00	Preble, Milestone, CommonSpace (HSC), City (PC)
Benefits	92,493.00	fringe 35%
Total Salaries and Related	399,407.00	
Client Expenses		
Landlord Incentives	50,000.00	based on 50 placements
Security Deposit Assistance	37,500.00	based on 50 placements 50% needing SD @ 1,500 per HH
Rental Application Fee	0.00	
Rental Assistance	0.00	
Move-in Cost Support (<i>Pots, pans, linens</i>)	50,000.00	based on 50 placements, flat \$1,000 per estimate
Transportation (<i>vehicle</i>)	100,000.00	bus passes/taxi vouchers/rent/purchase vehicle
Other Expenses (<i>Supplies, ID"S, Birth Cert</i>)	12,000.00	
Total Client Expenses	249,500.00	
Other Expenses		
IT/Technology	12,000.00	4 total staff, most \$ up front for tech.
Staff Travel	8,800.00	used \$2,200 per staff
Office Supplies	6,000.00	\$1,500 per staff average
Language Line	15,000.00	assuming most are English speaking at encampments went light on LL
Telephone/Cell Phone	2,400.00	\$50 per month per staff
Other Misc Expenses	2,000.00	\$500 per staff member
Total Other	46,200.00	
Total Operating Expenses	295,700.00	
Grand Total	695,107.00	
		MH Contribution: \$465,722
		COP Contribution: \$229,385



Monthly Reimbursement Request Form

Subrecipient:

Reimbursement
Request Period Date:

****All requests for reimbursement must be in accordance with the HOPE Grant Agreement.
Backup documentation is required to support expenses submitted for reimbursement****

Client Expenses			
Landlord Incentives			
Vendor/Landlord	Client ID	Amount	Notes
TOTAL		\$0.00	
Security Deposit Assistance			
Vendor/Landlord	Client ID	Amount	Notes
TOTAL		\$0.00	
Rental Application Fees			
Vendor/Landlord	Client ID	Amount	Notes
TOTAL		\$0.00	
Rental Assistance			
Vendor	Client ID	Amount	Notes
TOTAL		\$0.00	
Move-in Cost Support			
Vendor	Client ID	Amount	Notes

TOTAL		\$0.00	
Transportation			
Vendor	Client ID	Amount	Notes
TOTAL		\$0.00	
Other Client Expenses			
Vendor	Client ID	Amount	Notes
TOTAL		\$0.00	
TOTAL CLIENT EXPENSES		#REF!	

Other Expenses			
IT Expenses			
Vendor	Description	Amount	Notes
TOTAL		\$0.00	
Staff Travel			
Staff Name	Description	Amount	Notes
TOTAL		\$0.00	

Office Supplies			
Vendor	Description	Amount	Notes

TOTAL		\$0.00	

Language Line Expenses			
Vendor	Description	Amount	Notes
TOTAL		\$0.00	

Telephone/Cell Phone			
Vendor	Description	Amount	Notes
TOTAL		\$0.00	

Other Misc Expenses			
Vendor	Description	Amount	Notes
TOTAL		\$0.00	

TOTAL OTHER EXPENSES		\$0.00	
TOTAL REIMBURSEMENT AMOUNT		#REF!	

Program Director/Manager Signature:	Date:
MH Approval:	Date:

Completed form should be uploaded to your folder on **Sharefile**

Supporting documents including invoices and proof of payment must be received before requests can be approved for payment

Dear Portland City Council,

I am Nathaniel Ferguson, District 3 resident and housing activist. I am writing to express my opposition to Order 115-23/24 as proposed by city staff. While the Housing Opportunities for People in Encampments (HOPE) program funded by Order 115 has laudable goals, it is a poor investment. The dollars in the Jill C. Dusen Housing Trust Fund are limited, and the order is being considered under an accelerated process with little detail available. Furthermore, the reallocation of American Rescue Plan Act (ARPA) funds from the Housing Trust Fund violates the established ordinance regarding the use of Housing Trust Fund assets. Dollars for housing creation should be used for creating housing. Please reject Order 115 as proposed.

Order 115 should not pass as an emergency

Staff is asking to waive the second reading of Order 115 and pass it as an emergency. This order was first publicly announced in a press release issued five days before it will be voted on by the Council. The urgency surrounding the order is unusual, considering that the memorandum for the agenda item has a date of December 15, 2023. There have been three council meetings since December 15 that could have served as first readings for this item. No justification for the request to waive the second reading and pass as an emergency has been given.

Councilors and residents should have more time to discuss and understand the implications of this appropriation, given the challenging upcoming city budget. Despite the order reallocating \$229,385 dollars, the fiscal impact statement for the order is boilerplate. It states:

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.”

No such fiscal impact memo is provided. Apparently, an order appropriating over \$200,000 does not have a fiscal impact of more than \$50,000.

Order 115 is a poor investment

The purpose of the Jill C. Dusen Housing Trust Fund is “promotion, retention, and creation of an adequate supply of housing, particularly affordable housing.”¹ The program funded by Order 115 does not involve promotion, retention, or creation of housing. Rather, the pilot program aims to place unsheltered individuals in existing housing. The city’s press release states that the goal of the program is stably housing 45 individuals over the course of a year, at a cost of \$229,385 to the Housing Trust Fund.

Let’s assume that the HOPE program is a great success, and places 45 individuals into long-term housing, and that these individuals all remain in this housing for an average of 3

¹ Portland City Code, ch. 14, §18.3.1

years.² Of course, this is housing that already exists and would presumably be occupied by someone else without the HOPE program. But let's ignore that and assume the housing would otherwise have been vacant. Then 45 individuals housed for 3 years at a total cost of \$229,385 works out to \$1,700 per person housed per year.

Compare the impact of Order 115's dollars with the impact of other expenditures from the Housing Trust Fund. Order 118, on the agenda at this same meeting, appropriates \$1.2 million from the fund for the creation of 63 units of new, deed-restricted housing for households at or below 60% of the area median income. These units will be guaranteed affordable for a minimum of 30 years, and will provide much-needed new housing in a city facing a supply shortage. This investment in 63 units, affordable for 30 years at a cost of \$1.2 million, works out to \$630 per household per year.

Reallocating this money to the HOPE program is spending our limited resources in the Housing Trust Fund on a program that, under generous assumptions, will cost over 2.5 times more per impacted household than a housing creation project.

Order 118's units will continue to exist long after the disbursement of funds from the Housing Trust Fund. In contrast, the HOPE program will disappear in one year without additional appropriations. One-time ARPA money is more wisely spent on capital and infrastructure investments rather than program operational costs.

Order 115 violates the Housing Trust Fund ordinance

Despite the characterization of Order 115 as "reallocation" of ARPA money from the Housing Trust Fund to the new pilot project, the effect of the order is clear. \$229,385 will be deducted from the balance of the Housing Trust Fund and will be spent instead on the HOPE program. This reallocation violates the ordinance of the Housing Trust Fund and should not be taken lightly.

The City Council of November 21, 2022 made an important decision to appropriate \$5 million to the Housing Trust Fund, a fund established by ordinance with particular rules for distribution and use of its funds. In particular, the ordinance³ explicitly states:

18.3.5 Distribution and use of the Housing Trust Fund's assets

[...]

C. Funds shall not be used for City administrative expenses.

D. Funds shall not be used for property operating expenses or supporting services.

What is the HOPE program if not a supporting service? The fact that the HOPE program is housing related does not mean that it is eligible for money from the Housing Trust Fund. If the Council wishes to spend money from the Housing Trust Fund for this purpose, then the Council

² The median length of stay in assisted housing, per this HUD study.
<https://www.huduser.gov/portal/sites/default/files/pdf/lengthofstay.pdf>

³ Portland City Code, ch. 14, §18.3.5

should amend the ordinance to clarify what is eligible for distribution, rather than allowing this ad-hoc ignoring of the law when convenient.

The Council should reject this reallocation and insist that the money allocated to the Housing Trust Fund be used for its intended purpose. It is inappropriate to raid the Housing Trust Fund for another cause when that money was explicitly set aside for long-term investments in “promotion, retention, and creation of an adequate supply of housing.” Reallocating this money undermines the credibility of the Council’s investments in the long term solutions that are needed to address our housing crisis.

Please reject Order 115 and defend the purpose of the Housing Trust Fund.

Respectfully submitted,

Nathaniel Ferguson
44 Exeter St, District 3

MEMORANDUM
City Council Agenda Item

FROM:

DATE: January 17, 2024

SUBJECT: Order 116-23/24 Accepting and Appropriating \$465,722 Grant from the Maine State Housing Authority for the Housing Opportunities for People in Encampments Pilot Program - 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: No

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

I. SUMMARY

II. AGENDA DESCRIPTION

This item is a companion order to the one above.

If approved, this item would accept and appropriate \$465,722 from the Maine State Housing Authority to fund the Housing Opportunities for People in Encampments (HOPE) Pilot Program.

This funding represents two-thirds of the pilot program's operating costs.

This item must be read on two separate days. Staff is requesting that the second reading be waived, which requires seven affirmative votes. Staff also requests that this item be passed as an emergency. Seven votes are required for passage as an emergency following 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. Appropriation of Maine State Housing Grant for Housing Opportunities for People in Encampments
Program 2.5.2024 mig
2. PC Description
3. HOPE Contract 02.05.24
4. Public Comment - Order 116

Prepared by:

Date: 01/17/2024

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

CITY OF PORTLAND
IN THE CITY COUNCIL

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

**ORDER ACCEPTING AND APPROPRIATING A \$465,722 GRANT FROM THE
MAINE STATE HOUSING AUTHORITY FOR THE HOUSING OPPORTUNITIES FOR
PEOPLE IN ENCAMPMENTS PILOT PROGRAM**

ORDERED, that funds in the amount of \$465,722 from the Maine State Housing Authority are hereby accepted and that amount appropriated for the Housing Opportunities for People in Encampments (HOPE) Pilot Program; and

BE IT FURTHER ORDERED, the City Manager or designee is authorized to execute the HOPE program grant agreement in substantially the form attached hereto and any and all other documents necessary to apply for, accept and appropriate the grant, and otherwise carry out the intent of this order.



City of Portland, Maine
JOB DESCRIPTION

Class Title:	Program Coordinator	FLSA:	Exempt
Class Grade:	Non-Union DBM C41	EEO Category:	Professionals
Date:	December 2020	Risk Code:	8832

Nature of Work

The Program Coordinator performs administrative and supervisory work in managing the activities of programs within the Department of Health and Human Services.

Supervision Received

Work is carried out under the supervision of designated Program Manager.

Supervision Exercised

This position provides administrative supervision to professional and support program staff.

Essential Duties and Responsibilities

Provides oversight of operations for assigned program and coordinates all program activities; assists with policy development and articulation of policy positions related to program areas; may be responsible for meeting requirements for agency licensure, Medicaid billing and governmental review.

Assigns, directs, and coordinates cases. Reviews case records and plans for providing service to clients; consults with Medical Director as appropriate; determines appropriate services including when to terminate services.

Conducts staff meetings, case managers meetings, outreach meetings and other client issues-related meetings. Conducts specialized workshops appropriate to assigned program; offers educational presentations to providers.

Participates in grant application process, program planning, and service evaluations. Responsible for meeting program reporting requirements, monitoring outcome measures and expenditures, compliance with all applicable federal and state regulations, and grant renewal.

Assists in developing and administering the program budget.

Represents Division programs in the community, serves as a member on relevant committees, task forces, etc.

Performs related work as required.

Requirements of Work

Bachelor's degree in the area of human services, public health, or related field and considerable experience in social services or public health field, including supervisory experience; or equivalent combination of training and experience.

Knowledge of program population issues, regions and sectors related to specific program.

Administrative skills, including grant writing, recordkeeping, grant management, outcome measurement and quality assurance.

Experience in case management and crisis intervention.

Ability to develop and implement policies and procedures.

Familiarization with budgets and financial management.

Experience and knowledge in working with individuals, families, and target populations.

Working knowledge of Microsoft Windows environment.

Working knowledge of Google Workspace.

Ability to communicate effectively verbally and in writing.

Necessary Special Requirements

Must possess valid State of Maine Class C driver's license.

Must have access to an automobile for work.

Must have and maintain a good driving record.

Physical Demands and Work Environment

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this position. Reasonable accommodations may be made to enable individuals with disabilities to perform the functions.

This position mostly involves light levels of physical activity. Exerting up to 20 pounds of force occasionally, and/or up to 10 pounds of force frequently, and/or a negligible amount of force constantly to move objects. If the use of arm and/or leg controls requires exertion of forces greater than that for Sedentary Work and the worker sits most of the time, the job is rated for Light Work.

Activity	Frequency	Activity	Frequency
Climbing: Ascending or descending ladders, scaffolding, ramps, poles and the like, using feet and legs and/or hands and arms. Body agility is emphasized.	Never	Balancing: Maintaining body equilibrium to prevent falling when walking, standing or crouching on narrow, slippery or erratically moving surfaces.	Never

Stooping: Bending body downward and forward by bending spine at the waist.	Occasionally	Kneeling: Bending legs at knee to come to a rest on knee or knees.	Occasionally
Crouching: Bending the body downward and forward by bending leg and spine.	Occasionally	Crawling: Moving about on hands and knees or hands and feet.	Never
Reaching: Extending hand(s) and arm(s) in any direction	Occasionally	Standing: Particularly for sustained periods of time.	Occasionally
Walking: Moving about on foot to accomplish tasks, particularly for long distances.	Frequently	Pushing: Using upper extremities to press against something with steady force in order to thrust forward, downward or outward.	Occasionally
Pulling: Using upper extremities to exert force in order to draw, drag, haul or tug objects in a sustained motion.	Occasionally	Lifting: Raising objects from a lower to a higher position or moving objects horizontally from position-to-position.	Occasionally
Repetitive Motions: Substantial repetitive movements (motions) of the wrists, hands, and/or fingers (picking, pinching, typing).	Frequently	Grasping: Applying pressure to an object with the fingers or palm.	Occasionally
Feeling: Perceiving attributes of objects, such as size, shape, temperature or texture by touching the skin, particularly that of fingertips.	Occasionally	Talking: Expressing or exchanging ideas by means of the spoken word. Those activities in which they must convey detailed or important spoken instructions to other workers accurately, loudly, or quickly.	Frequently
Hearing: Ability to receive detailed information through oral communication, and to make fine discriminations in sound, such as when making fine adjustments on machined parts.	Frequently	Seeing: The ability to perceive the nature of objects by the eye.	Frequently

Note

This job description in no way states or implies that these are the only duties to be performed by the employee(s) incumbent in this position. Employees will be required to follow any other job-related instructions and to perform any other job-related duties requested by any person authorized to give instructions or assignments.

All duties and responsibilities are essential functions and requirements and are subject to possible modification to reasonably accommodate individuals with disabilities. To perform this job successfully, the incumbents will possess the skills, aptitudes, and abilities to perform each duty proficiently. Some requirements may exclude individuals who pose a direct threat or significant risk to the health or safety of themselves or others. The requirements listed in this document are the minimum levels of knowledge, skills, or abilities.

This document does not create an employment contract, implied or otherwise, other than an "at will" relationship.

Reviewed with employee by

Signature: _____

Name (print): _____

Title: _____

Date: _____

Received and accepted by

Signature: _____

Name (print): _____

Title: _____

Date: _____

The City of Portland is a drug free work environment and is an equal opportunity and affirmative action employer strongly committed to diversity, equity, and inclusion in its workplace.

**MAINE STATE HOUSING AUTHORITY
GRANT FOR HOUSING OPPORTUNITIES FOR PEOPLE IN ENCAMPMENTS
PILOT PROGRAM**

The Maine State Housing Authority, a public body corporate and politic and instrumentality of the State of Maine with a principal place of business and mailing address of 26 Edison Drive, Augusta, Maine 04330 (“MaineHousing”) and the City of Portland, a Maine municipality with a mailing address of 196 Lancaster Street, Portland, Maine 04101 and a Federal tax identification number of 01-6000032 (the “Subrecipient”) enter into this Housing Opportunities for People in Encampments Pilot Program Grant Agreement (the “Agreement”) on this 6th day of February, 2024 (the “Effective Date”).

BACKGROUND

1. The 130th Maine State Legislature appropriated \$22 million from the unappropriated surplus of the State of Maine’s General Fund, authorized by Part WW of LD 1995 and the 131st Maine State Legislature appropriated \$12 million in the Fiscal Year ending June 30, 2024 General Fund budget, to provide, among other things, “programs addressing the needs of people experiencing homelessness or facing other immediate housing needs.”
2. MaineHousing, as administrator of state funds to provide, among other things, “programs addressing the needs of people experiencing homelessness or facing other immediate housing needs” is making Housing Opportunities for People in Encampments Pilot Program (“HOPE Program”) grant funds available to Subrecipient to subcontract with nonprofit organizations to hire Housing Navigators to assist individuals (“Clients”) residing outside in an encampment area in locating housing, completing the rental process and maintaining stable housing for a minimum of six months after lease up.
3. MaineHousing agrees to reimburse Subrecipient for eligible costs in accordance with the terms of this Agreement

AGREEMENT

1. GRANT PERIOD.

The Grant is for the period from the Effective Date to February 6, 2025 (the “Grant Period”), unless sooner terminated in accordance with this Agreement.

2. GRANT AMOUNT.

Subrecipient is eligible for a grant in an amount up to \$465,722 (the “Grant”).

3. USE OF GRANT.

Grant proceeds may be used by Subrecipient to hire a HOPE Program Coordinator, subcontract with Emergency Shelter and Housing Assistance Program (“ESHAP”) providers to staff three navigator positions, and provide funding for landlord and Client related expenses as outlined in the HOPE Program guide attached as Exhibit A (the “Program Guide”), and included in Subrecipient’s anticipated

budget for the HOPE Program attached as Exhibit B (the “Budget”). The Subrecipient must obtain MaineHousing’s prior written consent to change or deviate from the approved Budget.

4. PAYMENT OF GRANT.

MaineHousing will issue a one-time payment of \$399,407 to Subrecipient for Personnel Expenses as supported by the Budget. The one-time payment will be made within ten (10) business days of the final signature date below. Subrecipient will be required to provide periodic reports attaching supporting documentation for the Personnel Expenses at the request of MaineHousing.

Subject to availability of remaining funds, MaineHousing shall reimburse Subrecipient for eligible Client Expenses and Other Expenses (“Eligible Expenses”), included in the Budget. Subrecipient will submit monthly reimbursement requests on the Monthly Reimbursement Request Form attached hereto as Exhibit C with back up documentation sufficient to establish that the Eligible Expenses were incurred. The Subrecipient shall submit monthly reimbursement requests to MaineHousing within 30 days of the close of each calendar month of the term of this Agreement.

5. COMPLIANCE AND ENFORCEMENT.

The Grant is subject to the Subrecipient’s compliance with this Agreement; and with all applicable federal, state and local laws and ordinances as may be amended from time to time including, without limitation, the Rule, the Maine Housing Authorities Act, 30-A M.R.S.A., §4701, et. seq., as amended (the “Act”); the Stewart B. McKinney Homeless Assistance Act of 1988, as amended (42 USC 11371-11378) (the “McKinney Act”), including the amendments pursuant to the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (the “HEARTH Act”) and implementing regulations at 24 CFR Part 576, as amended (collectively, the “McKinney Act as amended by the HEARTH ACT”).

Subrecipient agrees to comply with any additional or different requirements that MaineHousing believes upon advice of counsel are necessary to ensure compliance with the source of funds and that are communicated in writing to Subrecipient.

MaineHousing will review the performance of Subrecipient in carrying out its responsibilities as determined by MaineHousing. In conducting performance reviews, MaineHousing will rely primarily on information obtained from the records and reports from Subrecipient, as well as information from monitoring reviews, audit reports, and HMIS.

If MaineHousing determines that the Subrecipient has not complied with a program requirement, MaineHousing will give the Subrecipient notice of this determination and an opportunity to demonstrate, within the time prescribed by MaineHousing and on the basis of substantial facts and data that Subrecipient has complied with program requirements.

If Subrecipient fails to demonstrate to MaineHousing's satisfaction that the activities were carried out in compliance with HOPE Program requirements, MaineHousing will take one or more of the following actions:

- a. Instruct Subrecipient to submit and comply with proposals for action to correct, mitigate, and prevent noncompliance with HOPE Program requirements;
- b. Suspend disbursement of funds for some or all activities;
- c. Reduce or terminate the remaining Grant; or
- d. Require Subrecipient to repay Grant funds.

6. NONDISCRIMINATION.

Subrecipient shall not discriminate in any manner against any person because of race, color, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, age, physical or mental disability, or familial or marital status. Such prohibition against discrimination shall include, without limitation, all actions relating to employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoffs or termination, rates of pay or other forms of compensation and selection for training.

7. MAINTENANCE, INSPECTION, AUDITING OF RECORDS AND REPORTING.

The Subrecipient shall properly maintain all books, documents, payrolls, papers, information, records, accounting records, email correspondence, client files, and other material pertaining to this Agreement and shall make such materials available at its offices for purposes of audit, inspection, duplication, and examination so as to allow MaineHousing to monitor and audit as requested by MaineHousing. MaineHousing shall have access to confidential information to the extent necessary to conduct such reviews. The Subrecipient shall maintain such books and records for five (5) years after the termination of this Agreement.

8. CONFIDENTIAL INFORMATION.

Any information acquired by the Subrecipient, its employees, agents, or contractors in the performance of this Agreement shall be kept confidential in accordance with applicable law including without limitation the McKinney Act, as amended by the HEARTH Act. Subrecipient shall safeguard and protect from disclosure at all times, and shall cause its employees, officers, agents, contractors, subcontractors and other representatives to safeguard and protect from disclosure at all times, all information about Clients.

9. PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION.

Subrecipient shall safeguard and protect from disclosure at all times, and shall cause its employees, officers, agents, contractors, subcontractors, subsidiaries or affiliates of Subrecipient, and other representatives to safeguard and protect from disclosure at all times, all personally identifiable information (“PII”) about Clients that could be used to determine or trace the identity of such individuals, including but not limited to the information described in the *Confidential Information* clause. Subrecipient shall take steps, including but not limited to the following, to safeguard and protect PII from disclosure:

- i. Put measures in place to prevent the loss, theft, misappropriation or inadvertent disclosure of PII, such as restricting access to electronic files containing PII by implementing passwords or least privilege folder permissions, locking the screen or logging off computers or other electronic devices that have access to PII when unattended, removing documents that contain PII from printers or fax machines, not leaving paperwork containing PII on desks or other work areas unattended, placing paperwork containing PII in locked storage at the end of the business day, and shredding documents containing PII that are no longer needed (unless required to be retained pursuant to this Agreement).
- ii. Encrypt all PII contained on mobile devices such as laptops, phones, and tablets, and other portable storage devices and media used, in whole or in part, whether such PII is contained in spreadsheets, e-mails, attachments, or otherwise.
- iii. Send e-mail or e-mail attachments containing PII only if encrypted or only through a secure e-mail server.
- iv. When disposing of electronic devices that contain PII, ensure that any data residing on the equipment is irrevocably destroyed by removing and destroying or sanitizing the hard drives, regardless of whether disposal is performed by a third party and whether equipment or devices are resold, refurbished, placed in a surplus disposal program, or “thrown away.”
- v. Make employees, officers, agents, contractors, subcontractors and other representatives of Subrecipient who perform services under this Agreement aware that the responsibility to safeguard and protect PII applies at all times, whether or not they are at a work location during normal business hours.
- vi. Limit disclosure of PII only to those persons who have a direct need to know the PII in order to perform services under this Agreement and advise them to take steps to safeguard and protect PII from inadvertent disclosure and not to disclose any PII to other persons.
- vii. Subrecipient shall comply with all applicable state and federal laws, rules, and regulations in regards to protecting PII and shall cooperate with MaineHousing or state and federal entities in the investigation of any breach and any required reporting and notification of individuals regarding such incident. Subrecipient shall notify MaineHousing of any suspected data breach involving MaineHousing contracted systems or services within 48 hours. To the extent that a breach of PII is caused by Subrecipient, Subrecipient agrees to pay the cost of notification, as well as any financial costs and/or penalties incurred by MaineHousing as a result of such breach.

10. CONTRACT ADMINISTRATOR.

The Subrecipient shall direct all submissions to MaineHousing pursuant to this Agreement to: Melissa Lizotte, Homeless Partner Support Manager by email: mlizotte@mainehousing.org or at the address set forth above.

11. ASSIGNMENT.

The Subrecipient may not assign any interest in this Agreement without the prior written consent of MaineHousing.

12. SUBCONTRACTORS.

Subrecipient is authorized to subcontract with three ESHAP providers under this Agreement to staff three navigator positions. Subrecipient shall provide MaineHousing with copies of any contracts Subrecipient enters into which will be funded by Grant funds. All contracts should reference this Agreement and Subrecipient is responsible for making sure that all subcontractors comply with the requirements of this Agreement.

IN WITNESS WHEREOF, the parties, by their duly authorized representatives, have executed this Agreement, effective as of the date first set forth above.

MAINE STATE HOUSING AUTHORITY

Date

By: Daniel Brennan
Its: Director

CITY OF PORTLAND

Date

By: Danielle West
Its: City Manager



Housing Opportunities for People in Encampments (HOPE) Pilot Program

Purpose:

The program, a collaborative effort between MaineHousing and the City of Portland, will provide funding to nonprofit organizations to hire Housing Navigators to assist individuals residing outside in an encampment area in locating housing, completing the rental process and maintaining stable housing for a minimum of six months after lease up. This opportunity will be available to providers participating in MaineHousing's Emergency Shelter and Housing Assistance Program (ESHAP). Contracts with these providers will be for one year, and will include funding for staffing and administrative costs specifically designated to this program. Flexible funding will also be provided to cover client costs specific to the housing search and move in process as well as landlord incentives. The goal of the pilot is to serve 90 individuals/households and stably house a minimum of 45.

City of Portland Role:

City of Portland will assume the role of program administration and will hire a Program Coordinator, who will also act as a Landlord Liaison. MaineHousing will contract with the City who will subcontract with the participating ESHAP providers to staff three navigator positions. Additional funding for landlord and client-related expenses will be administered through the City.

Program Participant Eligibility:

This assistance may be provided to individuals and households residing in encampment areas and may follow them to a shelter placement while the Navigator is working with them to obtain permanent housing. Participants must be referred via the Hub 2 Coordinated Entry Case Conferencing process.

Program Description:

The Pilot supports housing navigation and stabilization services, recognized as a best practice in moving people from homelessness to stable permanent housing. Housing Navigation is a step in the continuum that begins with outreach to individuals residing in an encampment. Outreach Workers engage with individuals and, through the Coordinated Entry process, initiate the process of identifying shelter and housing needs as well as beginning to work on barriers to housing such as obtaining documentation necessary to complete housing assistance and rental applications. Navigation involves helping those individuals develop a housing stability plan, continue to address the barriers identified in the plan, and complete forms required for housing. Navigators then assist individuals with housing search, which includes attending property owner meetings, setting appointments, and assisting with paperwork related to housing applications. Navigation/stability services also include tasks associated with securing and maintaining housing: inspections, utility startups, moving into housing and follow up check-ins to address barriers to housing stability.

The Pilot will provide funding to ESHAP providers to employ a Housing Navigator, in order to accomplish the following goals:



- Assist the Landlord Liaison in recruiting property owners to rent to program participants.
- Partner with the regional Homeless Response Service Hub/Coordinated Entry to identify individuals that need this service.
- Provide support to individuals/households in obtaining rental assistance and permanent housing.
- Ensure that all participants remain stably housed for 180 days.

The three core components of this pilot are landlord engagement, pre-tenancy supports for participants, and housing stability services. The following program standards are recommended in each of the three areas.

Landlord Engagement:

The goal of landlord engagement is to develop partnerships with landlords and property managers in the area to increase participant access to housing units. Activities include recruiting local landlords/property managers and negotiating with them to help participants access housing that is desirable and sustainable over time within the participant's resources.

Program Standards:

1. Staff are trained on housing identification, Housing Quality Standards (HQS) inspection standards, landlord/tenant rights and responsibilities and landlord engagement (outreach to landlord/property management associations, etc.)
2. Housing Navigator coordinates with the Landlord Liaison in the recruitment and retention of landlord partners and assists in tracking unit vacancies, characteristics and costs.
3. Housing Navigator offers a standard level of support to all landlords who lease to program participants, including:
 - Explanation of all incentives/benefits offered to landlords by rental assistance programs, including programs such as sign on incentives, unit repair and damage mitigation
 - Quick response time to landlord calls about serious tenancy problems
 - Assistance in resolving conflicts around lease requirements, complaints by other tenants and timely rent payments
 - Negotiating move-out terms and assisting the household in quickly locating another unit without an eviction

Pre-Tenancy Assistance:

The goal of this assistance is to provide support to participants in identifying their housing goals and barriers through the development of a Housing Stability Plan, working with them on housing search and rental applications and helping them through the leasing process.

Program Standards:

1. If participants already have a rental assistance voucher, Housing Navigator acts as a liaison with both the agency that has issued the rental assistance and the prospective landlord.
2. If participants require rental assistance to access affordable housing, Housing Navigator works with MaineHousing and Portland Housing to access vouchers.
3. Housing Navigator connects participants to any necessary community resources that help them resolve or navigate tenancy issues that landlords may screen for and obtain documentation such as ID required for housing applications.
4. Housing Navigator assists participants in making an informed housing choice, developing housing goals that allow participants to understand the likelihood of being able to cover the rent and meet the requirements of the lease.
5. Housing Navigator utilizes a standard way of explaining tenant rights and responsibilities and the requirements of lease agreements to participants.
6. Housing Navigator assists in completing rental applications and negotiations with landlords and ensures consistent communication between landlord and participant.
7. When a physical inspection of the unit is required by a rental assistance program, Housing Navigator works collaboratively with inspection staff of administering agency to ensure inspections occur, and communicates with landlord on any required follow up.

Housing Stability Services:

The goal of housing stability services is to assist participants in overcoming any challenges that arise during the first six months of tenancy and ensuring that they remain stably housed.

Program Standards:

1. Housing Stability Plans focus on how participants can maintain a lease and address barriers to housing retention.
2. Housing Navigator makes referrals to appropriate community/mainstream resources and follows up on receipt of assistance. This may include ongoing case management services, income supplements/benefits (TANF, SNAP, etc.), non-cash supports (healthcare, food supports, etc.), legal assistance, credit counseling, etc.
3. Housing Navigator works directly with the participant and landlord to resolve tenancy issues – identifying a corrective course of action and keeping both parties informed on progress without breaking a participant's confidentiality.
4. When necessary, Housing Navigator helps participants avoid evictions before they happen, and works to maintain a positive relationship with the landlord.

General Program Requirements:

In addition to carrying out the three core program components, Housing Navigators will be required to:



- participate in MaineHousing-sponsored training and a Community of Practice Group that will support the sharing of best practices and brainstorming of solutions to program challenges
- utilize HMIS to document all client-level engagements and outcomes
- participate in Coordinated Entry and Case Conferencing meetings as requested, and
- submit the program outcome reporting described below.

Performance Benchmarks:

The effectiveness of the program is ultimately determined based on accomplishing the following primary goals:

- To increase the number of units available to participating households through the engagement of additional landlords and property managers
- To reduce the length of time individuals experience homelessness
- To successfully lease households in permanent housing
- To limit returns to homelessness within the first six months of being housed

Evaluation of the Pilot Program will be based on the following data points:

- Number of landlords/property managers leasing units to participating families
- Number of households served
- Average time from intake to move into permanent housing
- Number of households moving into permanent housing
- Number of households that do not return to homelessness within six months of lease up

Goals for program effectiveness include:

- Average time from program enrollment to move into permanent housing at 60 days or less
- 45 participants exit program into permanent housing
- 45 participants do not return to homelessness within six months of lease up

Reporting Requirements:

Program Outcome Reporting:

The following outcomes will be tracked monthly in HMIS

Households served

Households leased

Average time to lease up from date of intake

MaineHousing will provide a reporting spreadsheet to be submitted monthly to track the following outcomes:

New landlords recruited

Location of leased units

Households leaving permanent housing (reason)

Fiscal Reporting:

MaineHousing will require quarterly reporting on program expenditures.

EXHIBIT B		HOPE BUDGET 1/19/24
	Annual BUDGET	
Personnel Expenses		
Total Salaries	306,914.00	Preble, Milestone, CommonSpace (HSC), City (PC)
Benefits	92,493.00	fringe 35%
Total Salaries and Related	399,407.00	
Client Expenses		
Landlord Incentives	50,000.00	based on 50 placements
Security Deposit Assistance	37,500.00	based on 50 placements 50% needing SD @ 1,500 per HH
Rental Application Fee	0.00	
Rental Assistance	0.00	
Move-in Cost Support (<i>Pots, pans, linens</i>)	50,000.00	based on 50 placements, flat \$1,000 per estimate
Transportation (<i>vehicle</i>)	100,000.00	bus passes/taxi vouchers/rent/purchase vehicle
Other Expenses (<i>Supplies, ID"S, Birth Cert</i>)	12,000.00	
Total Client Expenses	249,500.00	
Other Expenses		
IT/Technology	12,000.00	4 total staff, most \$ up front for tech.
Staff Travel	8,800.00	used \$2,200 per staff
Office Supplies	6,000.00	\$1,500 per staff average
Language Line	15,000.00	assuming most are English speaking at encampments went light on LL
Telephone/Cell Phone	2,400.00	\$50 per month per staff
Other Misc Expenses	2,000.00	\$500 per staff member
Total Other	46,200.00	
Total Operating Expenses	295,700.00	
Grand Total	695,107.00	
		MH Contribution: \$465,722
		COP Contribution: \$229,385



Monthly Reimbursement Request Form

Subrecipient:

Reimbursement
Request Period Date:

****All requests for reimbursement must be in accordance with the HOPE Grant Agreement.
Backup documentation is required to support expenses submitted for reimbursement****

Client Expenses			
Landlord Incentives			
Vendor/Landlord	Client ID	Amount	Notes
TOTAL		\$0.00	
Security Deposit Assistance			
Vendor/Landlord	Client ID	Amount	Notes
TOTAL		\$0.00	
Rental Application Fees			
Vendor/Landlord	Client ID	Amount	Notes
TOTAL		\$0.00	
Rental Assistance			
Vendor	Client ID	Amount	Notes
TOTAL		\$0.00	
Move-in Cost Support			
Vendor	Client ID	Amount	Notes

TOTAL		\$0.00	
Transportation			
Vendor	Client ID	Amount	Notes
TOTAL		\$0.00	
Other Client Expenses			
Vendor	Client ID	Amount	Notes
TOTAL		\$0.00	
TOTAL CLIENT EXPENSES		#REF!	

Other Expenses			
IT Expenses			
Vendor	Description	Amount	Notes
TOTAL		\$0.00	
Staff Travel			
Staff Name	Description	Amount	Notes
TOTAL		\$0.00	

Office Supplies			
Vendor	Description	Amount	Notes

TOTAL		\$0.00	

Language Line Expenses			
Vendor	Description	Amount	Notes
TOTAL		\$0.00	

Telephone/Cell Phone			
Vendor	Description	Amount	Notes
TOTAL		\$0.00	

Other Misc Expenses			
Vendor	Description	Amount	Notes
TOTAL		\$0.00	

TOTAL OTHER EXPENSES		\$0.00	
TOTAL REIMBURSEMENT AMOUNT		#REF!	

Program Director/Manager Signature:	Date:
MH Approval:	Date:

Completed form should be uploaded to your folder on **Sharefile**

Supporting documents including invoices and proof of payment must be received before requests can be approved for payment

Kathleen Finn <katfinnpdx@gmail.com>

Feb 2, 2024,
6:30 PM (3 days
ago)

to publiccomment

To the Council and Mayor:

Regarding the vote for the HOPE program on Monday. I do not understand why the people who play by the rules and go to the shelter instead of illegally camping, get passed over for the people who refuse to go to shelter because they want to use illegal drugs. So, you are going to reward those struggling with drug addiction free housing? It makes no sense. They have NO skin in the game. You are basically taking people who have broken every rule in the book and then reward them with housing. At least people in the shelter have taken steps toward a better life. The enabling actions of the city and social services organization ensures that these problems stay deeply entrenched in this city. I know multiple councilors want to ghetto-ize Portland and fill up Bayside with an overwhelming number of social service agencies. It's crushing the neighborhood and destroying the city. And, by offering "free" housing to all takers, you ensure a steady stream of people pouring into Portland to get more freebies. It shows no long-term vision for the city and the Council needs to be reminded, daily, that they serve the ENTIRE community of Portland.

Kathleen Finn, District 3

Tom Bander <tom.bander@gmail.com>

Sun, Feb 4, 3:14 PM
(19 hours ago)

to publiccomment

I'm writing in opposition to the HOPE (Housing Opportunities for People in Encampments) program that would redirect some of the one-time ARPA funds toward a vague, expensive, likely ongoing program that would not solve our housing crisis. I have two main objections:

1. A demand-side subsidy will only worsen local housing costs. Multiple studies on the local and state level have shown that we have inadequate housing supply. I applaud the council's efforts to use grants like the upcoming ARPA funds to encourage affordable housing production through the Jill C. Dusen Housing Trust Fund. The housing problem will not go away without increasing supply, and taking away even a small portion of the HTF funding hurts that end goal. Furthermore, by subsidizing rents on the private market, the HOPE program will only exacerbate our housing costs. The number of vacant units will fall, causing scarcity, that then leads to higher prices.

2. One-time funding should be used for one-time expenses or projects, such as infrastructure or housing development. The four new positions created by the HOPE program would either need to be laid off in one year, or added to our already untenable budget woes. Onboarding and training new workforce further limits the efficacy of such short-term position. The money is better spent on building or modernizing affordable housing.

Please vote against the HOPE program tomorrow and put the ~\$250,000 toward alleviating our lack of housing supply. We need you to solve the problem over the medium-to-long term, not provide an expensive band-aid.

Sincerely,

Tom Bander

--

Tom Bander
108 Eastern Promenade
Portland, ME 04101

MEMORANDUM
City Council Agenda Item

FROM:

DATE: January 17, 2024

SUBJECT: Order 117-23/24 Accepting and Appropriating a \$364,000 Grant from the Maine State Housing Authority for the Resettlement Program - 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: No

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

I. SUMMARY

II. AGENDA DESCRIPTION

If approved, this item would accept and appropriate \$364,000 from the Maine State Housing Authority (MSHA) to fund the City of Portland Resettlement Program for 12 months.

The City of Portland Resettlement Program's mission is to help asylum seekers achieve self-sufficiency by connecting them to housing resources, assisting in benefits applications, and providing casework assistance. With the significant number of asylum seekers coming to Maine over the past several years, Program staff have been essential in helping individuals and families become active members of their new communities.

In the past, the Resettlement Program was funded by a program administered by the Federal Emergency Management Agency (FEMA). In December 2023, that program was replaced with one that restricts funding to services provided to noncitizen migrants within just 45 days of their arrival in the United States.

Since January 2020, the Resettlement Program has successfully assisted an estimated 4,200 individuals, and it is vital that we are able to continue this work. The funding provided by MSHA, in combination with City funds, will allow this program to continue for one year.

This item must be read on two separate days. Staff is requesting that the second reading be waived, which requires seven affirmative votes. Staff also requests that this item be passed as an emergency. Seven votes are required for passage as an emergency following 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. Appropriation of Maine State Housing \$364K for Resettlement Program 2.5.2024 mig
2. Portland Resettlement Staff Grant Agreement (1)

Prepared by:

Date: 01/17/2024

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 \$364,000 GRANT FROM THE
MAINE STATE HOUSING AUTHORITY FOR THE RESETTLEMENT PROGRAM**

ORDERED, that funds in the amount of \$364,000 from the Maine State Housing Authority are hereby accepted and that amount appropriated for the Resettlement Program; and

BE IT FURTHER ORDERED, the City Manager or designee is authorized to execute the Maine State Housing Authority Grant For Homeless Services agreement attached in substantially the form attached hereto any and all other documents necessary to apply for, accept and appropriate the grant, and otherwise carry out the intent of this order.

MAINE STATE HOUSING AUTHORITY GRANT FOR HOMELESS SERVICES

The Maine State Housing Authority, a public body corporate and politic and instrumentality of the State of Maine with a principal place of business and mailing address of 26 Edison Drive, Augusta, Maine 04330 (“MaineHousing”) and The City of Portland, a body politic and corporate, with a mailing address of 389 Congress Street (the “City”) hereinafter collectively referred to as the “Parties,” enter into this Homeless Services Grant Agreement this __th day of February, 2024 (the “Agreement”) with an effective date of January 1, 2024 (the “Effective Date”). .

BACKGROUND

1. The 130th Maine State Legislature appropriated \$22 million dollars from the unappropriated surplus of the State of Maine’s General Fund, authorized by Part WW of LD 1995 and the 131st Maine State Legislature appropriated \$12 million in the Fiscal Year ending June 30, 2024 General Fund budget, to provide, among other things, “programs addressing the needs of people experiencing homelessness or facing other immediate housing needs.”
2. MaineHousing is making Homeless Services Grant funds available to the City to provide for two-thirds of the cost of six Resettlement Program staff positions to assist new Mainers in calendar year 2024.
3. MaineHousing agrees to provide a one-time allocation of funds to the City in accordance with Appendix A herein.

AGREEMENT

1. GRANT PERIOD.

The Grant is for the period January 1, 2024 to December 31, 2024 (the “Grant Period”), unless sooner terminated in accordance with this Agreement.

2. GRANT AMOUNT.

The City is eligible for a grant in the total amount of \$364,000 (the “Grant”), as further described in Appendix A.

3. USE OF GRANT.

Grant proceeds shall be used in accordance with the Scope of Services in Appendix A, specifically to pay for a portion of six (6) Resettlement Program staff positions.

4. PAYMENT OF GRANT.

MaineHousing will provide the City with payments as outlined in Appendix A.

5. COMPLIANCE AND ENFORCEMENT.

The Grant is subject to the City's compliance with this Agreement and with all applicable federal, state and local laws and ordinances as may be amended from time to time.

City agrees to comply with any additional or different requirements that MaineHousing believes upon advice of counsel are necessary to ensure compliance with the source of funds and that are communicated in writing to the City.

6. NONDISCRIMINATION.

The City shall not discriminate in any manner against any person because of race, color, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, age, physical or mental disability, or familial or marital status. Such prohibition against discrimination shall include, without limitation, all actions relating to employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoffs or termination, rates of pay or other forms of compensation and selection for training.

7. MAINTENANCE, INSPECTION, AUDITING OF RECORDS AND REPORTING.

The City shall properly maintain all books, documents, payrolls, papers, information, records, email correspondence, accounting records, client files, and other material pertaining to this Agreement and shall make such materials available, at MaineHousing's request, at its offices for purposes of audit, inspection, duplication, and examination so as to allow MaineHousing to conduct fiscal monitoring on an annual basis.. Any request to audit by MaineHousing shall be limited to the time period covered by this Agreement and shall be submitted to the City in writing. The request shall reasonably describe, with specificity, the purpose of the audit, the contents sought, and the method of production. City shall have a reasonable timeframe within which to make the requested documents available for inspection. MaineHousing shall have access to confidential information to the extent necessary to conduct such reviews. The City shall maintain such books and records for five (5) years after the termination of this Agreement.

8. NO JOINT VENTURE/INDEPENDENT CONTRACTOR

Nothing herein contained shall constitute a partnership between or joint venture by MaineHousing and City or constitute either party the agent of the other. No party shall hold itself out contrary to the terms of this Section nor become liable by any representation, act or omission of the other contrary to the provisions hereof. This Agreement is not for the benefit of any third party and shall not be deemed to give any right or remedy to any such party whether referred to herein or not.

9. CONFIDENTIAL INFORMATION.

Any information acquired by the City, its employees, agents, or contractors in the performance of this Agreement shall be kept confidential in accordance with applicable law. The City shall safeguard and

protect from disclosure at all times, and shall cause its employees, officers, agents, contractors, subcontractors and other representatives to safeguard and protect from disclosure at all times, all information about any individuals served by the Resettlement Program.

City, all agents, employees and any subcontractors of City shall comply with all federal and state laws regarding the transmission, storage and protection of all information about individuals served by the Resettlement Program in the performance of this Agreement. City agrees that any failure of City to comply with the requirements of federal and/or state and/or local privacy laws shall be a material breach of the Agreement.

10. CONTRACT ADMINISTRATOR.

The City shall direct all submissions to MaineHousing pursuant to this Agreement to: Kelly Watson, Director of Homeless Initiatives by E-mail: kwatson@mainehousing.org or at the MaineHousing address set forth above.

MaineHousing shall direct all submissions to the City pursuant to this Agreement to: Aaron Geyer by E-mail: aeg@portlandmaine.gov or at the address set forth above.

11. ASSIGNMENT.

The City may not assign any interest in this Agreement without the prior written consent of MaineHousing.

12. INDEMNIFICATION.

Subject to the limitations and conditions of applicable state law, each party hereto shall defend, indemnify and hold harmless the other, and its agents, students, servants, representatives, employees, officers, directors, and trustees from and against any and all payments, claims, losses, judgments, liabilities or expenses of any nature, including reasonable attorneys' fees and court costs, caused by the act or omission of said party, its agents, students, servants, representatives, employees, officers, directors, or trustees in the performance of said party's obligations under this Agreement, to the fullest extent permitted by law, except to the extent caused by the indemnified party's act or omission, or the act or omission of the indemnified party's agents, students, servants, representatives, employees, officers, directors, or trustees. In those instances where the Parties are or may be jointly liable or responsible, both parties will jointly defend such Claim and any liability assessed will be apportioned based on relative culpability.

The applicability of this section is subject to the defenses, immunities and limitation of liability available to the City or MaineHousing under the Maine Tort Claims Act, 14 M.R.S. § 8101 et seq. and other applicable law.

13. TERMINATION.

A. Termination for Convenience by MaineHousing.

MaineHousing shall have the right to terminate this Agreement if MaineHousing, in its sole judgement, determines that such termination is in its best interest. In the event MaineHousing determines that such termination is in its best interest, it shall give notice of termination to City stating the effective date of termination, which shall be no less than seven (7) days after the date of such notice. In the event of such termination, MaineHousing shall be obligated to pay City only for services and products actually provided by City to the effective date of such termination, provided that such services and products have been accepted by MaineHousing.

B. Termination for Cause by MaineHousing.

MaineHousing shall also have the right to terminate this Agreement immediately in the event MaineHousing, in its sole judgment, determines that City has failed to perform its obligations hereunder or has breached any representation or warranty made by City hereunder, upon any voluntary or involuntary termination of existence, dissolution, liquidation, sale or other disposition of all or substantially all of the assets, marshalling of assets and liabilities, receivership, insolvency, bankruptcy, assignment for the benefit of creditors, reorganization, arrangement, composition, readjustment, liquidation, insolvency or other relief of the same, or different kind or business failure of the City. Such termination shall be effective on the date specified in a notice of termination given by MaineHousing to City.

C. Termination for Convenience by City.

City shall have the right to terminate this Agreement upon no less than thirty (30) days' advance written notice to MaineHousing.

14. SIGNATURE IN COUNTERPARTS/ELECTRONIC.

This Agreement may be executed in multiple counterparts, each of which shall be deemed an original agreement and which shall collectively constitute one and the same agreement. The counterparts of this Agreement may be executed and delivered by facsimile or other electronic signature (including portable document format) by either of the Parties and the receiving Party may rely on the receipt of such document so executed and delivered electronically or by facsimile as if the original had been received.

IN WITNESS WHEREOF, the parties, by their duly authorized representatives, have executed this Agreement, effective as of the date first set forth above.

MAINE STATE HOUSING AUTHORITY

Date

By: Daniel Brennan
Its: Director

CITY OF PORTLAND

Date

By: Danielle P. West
Its: City Manager

Approved as to Form:

Corporation Counsel

APPENDIX A

Scope of Services:

City will maintain six (6) Resettlement Program positions to assist new Mainers for the period of January 1, 2024 through December 31, 2024.

Grant Funds:

One-time payment of \$364,000 representing two-thirds of the salary and benefits cost for the six (6) Resettlement Program positions for one calendar year. Payment will be made within 30 days of the date of last signature on this Agreement.

Reporting:

City shall monthly provide MaineHousing Grant Administrator with payroll records showing actual costs incurred by the City. At the end of the Grant period, City shall reimburse MaineHousing any funds not actually expended within 30 days' of the end of the Grant Period.

MEMORANDUM
City Council Agenda Item

FROM: Mary Davis, Division Director

DATE: January 22, 2024

SUBJECT: Order 118-23/24 Appropriating \$1,200,000 from the Jill C. Duson Housing Trust Fund to 45 Dougherty, LP - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair

SPONSOR: Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair

The Housing and Economic Development Committee met on January 23, 2024 and voted (4-0) to forward this item to the City Council with a recommendation for passage.

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 2/5/2024

Final

Action 2/26/2024

Can action be taken at a later date: No This project is shovel ready and anticipates a construction loan closing by the end of February.

Does this item involve a new contract with the City: N/A

PRESENTATION: Greg Watson and Mary Davis will provide a brief presentation (3 minutes) and answer questions.

I. SUMMARY

45 Dougherty LP is seeking financial assistance from the City in an amount up to \$1,200,000 to fill a funding gap with their project on a portion of city-owned property at 43 & 91 Douglass Street; the project will create 63 units of rental housing affordable to households at or below 60% of the area median income.

II. AGENDA DESCRIPTION

In October 2022, the City Council approved the establishment of an Affordable Housing Tax Increment Financing District and Credit Enhancement Agreement for the project located on a portion of city-owned property at 43 and 91 Douglass Street. MaineHousing issued a Certificate of Approval for the district in March 2023. The project, known as 45 Dougherty, will consist of 63 units of rental housing, all of which will be affordable to households earning at or below 60% of the area median income (\$56,820 for a 2-person household or \$70,980 for a 4-person household). The number of affordable units in the project has increased since the City Council approved the TIF District and Credit Enhancement Agreement. The original proposal included 17 units at market rate. The project will contain 35 one-bedroom units, 18 two-bedroom units and 10 three-bedroom units.

As the developers moved through the process of securing funding, finalizing construction plans and obtaining construction bids, they ran into significant pricing related issues which resulted in a \$2.4 million gap in the project budget. After an extension review of the project, which included value engineering reductions, they identified a \$1.2 million funding gap. The developer contacted the other project funding partners, MaineHousing and Evernorth (equity investor), who indicated that it was unlikely that they would be able to provide additional funding for the project. If the developer is able to locate other funding sources, through

programs such as Efficiency Maine, the amount of city financing would be reduced.

City funding in an amount up to \$1,200,000 would be provided through an allocation of funds from the American Rescue Plan Act (ARPA) through the Jill C. Duson Housing Trust Fund. The terms will be a 30-year payable loan, paid through a percentage of available annual cash flow. Details of the terms are noted in the Background section of the memo to the city council.

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

III. BACKGROUND

If approved by the City Council, up to \$1,200,000 in funding would be provided through a surplus cash/deferred payment promissory note and mortgage, with the following terms:

Annually, within thirty (30) days after receipt by the Developer of MaineHousing's Audited Financial Review Letter approving the amount of surplus cash for the prior year available for distribution, the developer will pay the City of Portland an amount equal to 25% of the available surplus cash. No annual payments will be due until the year after the deferred development fee has been paid in full. The outstanding principal balance of the Note, and any interest or charges, will be payable in full if there is a default under the terms of the Note, the sale, assignment, other transfer or change in use of the property, or thirty (30) years from the date of the last loan disbursement.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Sale of city-owned property to facilitate the creation of 63 rental housing units all of which will be affordable to households earning at or below 60% of the area median income (\$56,820 for a 2-person household or \$70,980 for a 4-person household). The number of affordable units in the project has increased since the City Council approved the TIF District and Credit Enhancement Agreement. The original proposal included 17 units at market rate. The project will contain 35 one-bedroom units, 18 two-bedroom units and 10 three-bedroom units.

V. FINANCIAL IMPACT

The city financial assistance would be provided through the ARPA funding available in the Jill C. Duson Housing Trust Fund. Currently, the Housing Trust Fund has an available balance of \$7,494,682. The Housing and Community Development Division is currently reviewing two applications seeking \$6.9 million in financial assistance, leaving an available balance of \$594,682 (this includes the \$500,000 minimum balance). Funding for the 45 Dougherty project would mean that there would not be enough funding available to fully fund the two applications currently in process.

VI. STAFF ANALYSIS AND BACKGROUND

This project meets a long-standing city council goal of leveraging city-owned property for the creation of affordable housing. The 45 Dougherty project is shovel ready and anticipates a construction loan closing by the end of February. If the city does not provide the requested assistance, it is likely that the project will not be able to move forward.

VII. RECOMMENDATION

Staff is recommending that the City Council approve funding for the 45 Dougherty project in an amount up to \$1,200,000 in the form of a loan with terms as follows: Annually, 30 days after MaineHousing makes a surplus cash determination, a payment equal to 25% of the surplus cash balance will be used to pay down the city debt. These annual payments will begin the year after the deferred developer fee loan is repaid in full. The principal balance on the city loan would be due on the earliest of 30 years, sale of the property, change in use of the property or a loan default.

The Housing and Economic Development Committee met on January 23, 2024 and voted 4-0 to recommend to

the city council support for funding in the amount of \$1,200,000, with the caveat that the funding be provided in the form of a payable loan with specific terms to be approved by the city council.

VIII. LIST ATTACHMENTS

1. Appropriating \$1.2M Housing Trust Funds for 45 Dougherty 2.5.2024 mig
2. Dougherty Commons Proforma 1.22.24
3. Project Picture

Prepared by:

Mary Davis, Division Director

Date: 01/22/2024

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 APPROPRIATING \$1,200,000
FROM THE JILL C. DUSON HOUSING TRUST FUND
TO 45 DOUGHERTY, LP

ORDERED, that \$1,200,000 from the Jill C. Duson Housing Trust Fund is hereby appropriated to 45 Dougherty, LP for development costs for the project called 45 Dougherty at 43 and 91 Douglass Street and

BE IT FURTHER ORDERED, the City Manager or designee is authorized to execute any and all documents necessary to apply for, accept and appropriate the grant, and otherwise carry out the intent of this order.

Dougherty Commons Rental Housing

Portland, ME

Developer: Maine Workforce Housing II

DEVELOPMENT BUDGET - SOURCES OF FUNDS

Equity Raise from Sale of LIHTC	8,692,392	32%
MaineHousing Mortgage - Interest Only	8,165,775	30%
MaineHousing Deferred Debt	7,434,000	27%
Deferred Developer Fee	1,350,000	5%
HTF	1,193,000	4%
Efficiency Maine Rebates	<u>200,000</u>	<u>1%</u>
TOTAL	27,035,167	100%

DEVELOPMENT BUDGET - USES OF FUNDS

Construction Costs	21,248,961	79%
Soft Costs	3,098,349	11%
Application and Financing Fees	900,863	3%
Required Reserves	841,994	3%
Acquisition	375,000	1%
Insurance and Taxes	295,000	1%
Permitting	<u>275,000</u>	<u>1%</u>
	27,035,167	

OPERATING INCOME & EXPENSE SCHEDULE

Unit Type	# of Units	Net Rent	Monthly Rent -all units
1-BR unit at/below 60% of AMI	35	1,133	39,655
2-BR unit at/below 60% of AMI	18	1,349	24,282
3-BR unit at/below 60% of AMI	10	1,551	15,510
Total Units	63		79,447.00
Gross Potential Annual Unit Rental Income			953,364
Gross Potential Annual Laundry Income			22,680
Total Potential Annual Income			976,044
Less Vacancy & Collection Loss at 5%			-48,802
Credit Enhancement Agreement (TIF) 75%			86,456
Annual Gross Income			1,013,698
Administrative Expenses			163,055
Utilities			35,153
Maintenance & Operations			114,586
Taxes & Insurance			156,075
Reserve Requirement			28,350
Debt Service (5.5%, 30 yr, Interest-Only)			449,118
Annual Expenses			946,337
Annual Cash Flow			67,361
Debt Service Coverage Ratio (1.15 required)			1.150



MEMORANDUM
City Council Agenda Item

FROM:

DATE: January 22, 2024

SUBJECT: Order 119-23/24 Approving the Planning Study Grant Agreement Between the Maine Department of Transportation and Portland re: Franklin Street Plan - Sponsored by Danielle P. West, City Manager

SPONSOR: Danielle P. West - City Manager

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 2/5/2024

Final

Action 2/21/2024

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

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

PRESENTATION: Bruce Hyman, 5 Minutes (if necessary)

I. SUMMARY

The City of Portland is partnering with the Maine Department of Transportation (MaineDOT) to update the Franklin Street Master Plan, which was adopted by the City Council in 2015. The project will address significant changes along and in proximity to Franklin Street in the time since the original master plan, add a land use element to the project, and include a robust public engagement process.

II. AGENDA DESCRIPTION

The City of Portland is partnering with the Maine Department of Transportation (MaineDOT) to update the Franklin Street Master Plan, which was adopted by the City Council in 2015. The project will address significant changes along and in proximity to Franklin Street in the time since the original master plan, add a land use element to the project, and include a robust public engagement process. Similar to the master plan, this project will also look at the entire length of Franklin Street from Exit 7/Marginal Way to Commercial Street. The project will bring the design to a 20% design level, allowing for applications for federal funding for final design and construction.

MaineDOT has significant interest in the future transportation design and function of Franklin Street and has offered to participate financially in this phase of work, matching our funds at the 50% level (up to \$150,000) through its Village Partnership Initiative (VPI) program. Following execution of the VPI agreement, staff will issue a Request for Qualifications for consultant services.

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

III. BACKGROUND

Public Works and Planning staff presented the Franklin Street project background and the proposed project scope and schedule to the full Council at a workshop on September 11, 2023. The council members in

attendance were in general agreement that updating the plans was needed. The presentation made at the Council workshop is attached.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Execution of the VPI agreement will allow staff to issue a RFQ for consultant services.

The project directly addresses climate and housing goals of the Council. Ultimately, a redesigned Franklin Street will help encourage mode shift and emissions reductions in line with the goals of *One Climate Future*. Likewise, several development parcels are expected to be created by the smaller footprint of a reconstructed Franklin Street, potentially allowing significant mixed-use development to meet housing and economic development goals.

V. FINANCIAL IMPACT

Through the VPI agreement, MaineDOT will contribute up to 50% of the total project cost up to an amount of \$150,000. The City will cover its 50% share using existing mitigation funds contributed over several years from development projects in the Eastern Waterfront. No new funds are requested.

In the longer term, the project will position the City to apply for federal grants that typically pay for 80% of final design and construction, significantly reducing the City's potential capital costs.

VI. STAFF ANALYSIS AND BACKGROUND

This project will well-position the City to apply for once-in-a-generation federal grant opportunities for continued design and construction. The land use component will explore ways to better integrate Franklin Street into the fabric of abutting neighborhoods, as well as create opportunities for significant development.

VII. RECOMMENDATION

Staff recommends authorization of the MaineDOT Village Partnership Initiative agreement.

VIII. LIST ATTACHMENTS

1. Order re MDOT Agreement for Franklin Street Plan 2.5.2024 mig
2. FranklinStreetUpdate2023_CouncilWkshpPPT_Sept11-2023FINAL
3. 1.22.24 Franklin I Draft Agreement MaineDOT_v3
4. FranklinStreetEPS2023_Scope-RFQConceptRefinement_Nov21-2023v2DRAFT
5. Public Comment - Order 119

Prepared by:

Date: 01/22/2024

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

CITY OF PORTLAND
IN THE CITY COUNCIL

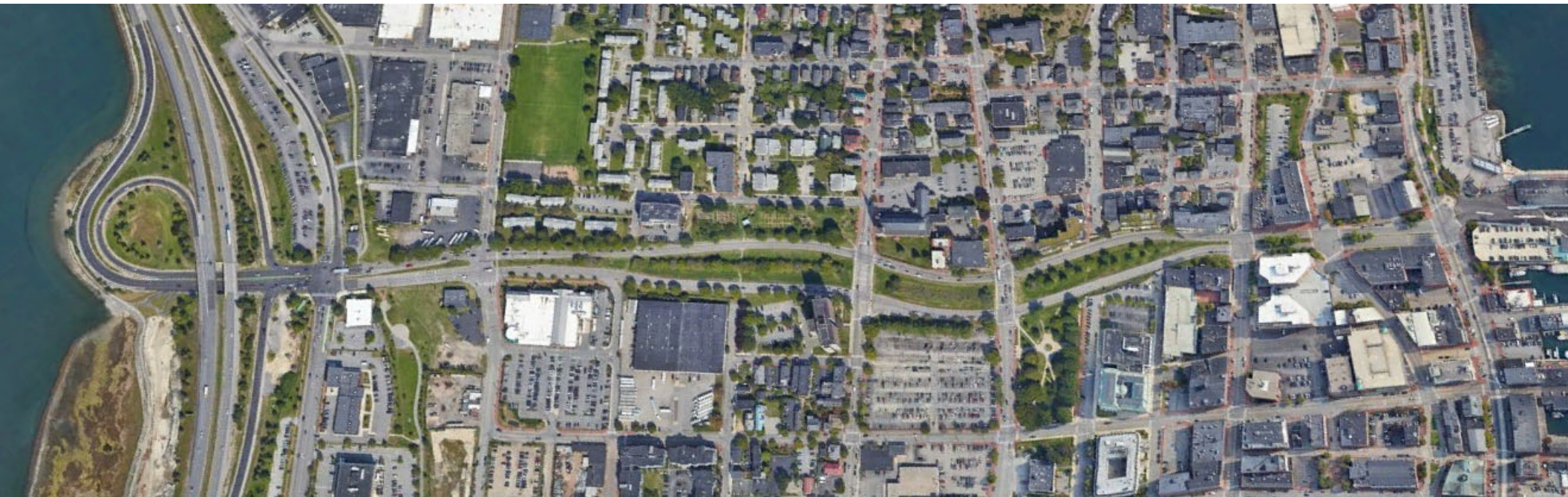
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**ORDER APPROVING THE PLANNING STUDY GRANT AGREEMENT BETWEEN
THE MAINE DEPARTMENT OF TRANSPORTATION AND PORTLAND
RE: FRANKLIN STREET PLAN**

ORDERED, that the Planning Study Grant Agreement between the Maine Department of Transportation and the City of Portland for the Franklin Street Plan, is hereby approved in substantially the form attached hereto; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager or designee to execute said document and any other related documents necessary or convenient to carry out the intent of said documents and this Order.

Franklin Street Update 2023



**City Council Workshop
September 11, 2023**

AGENDA

- 1 Project Approach
- 2 Project Background
- 3 Next Steps
- 4 Q&A

PROJECT APPROACH: WHY NOW?

FRANKLIN STREET UPDATE: Why Now?



Re-Engage With the Public

- Reintroduce the project
- Create meaningful input opportunities



Reflect Changed Conditions

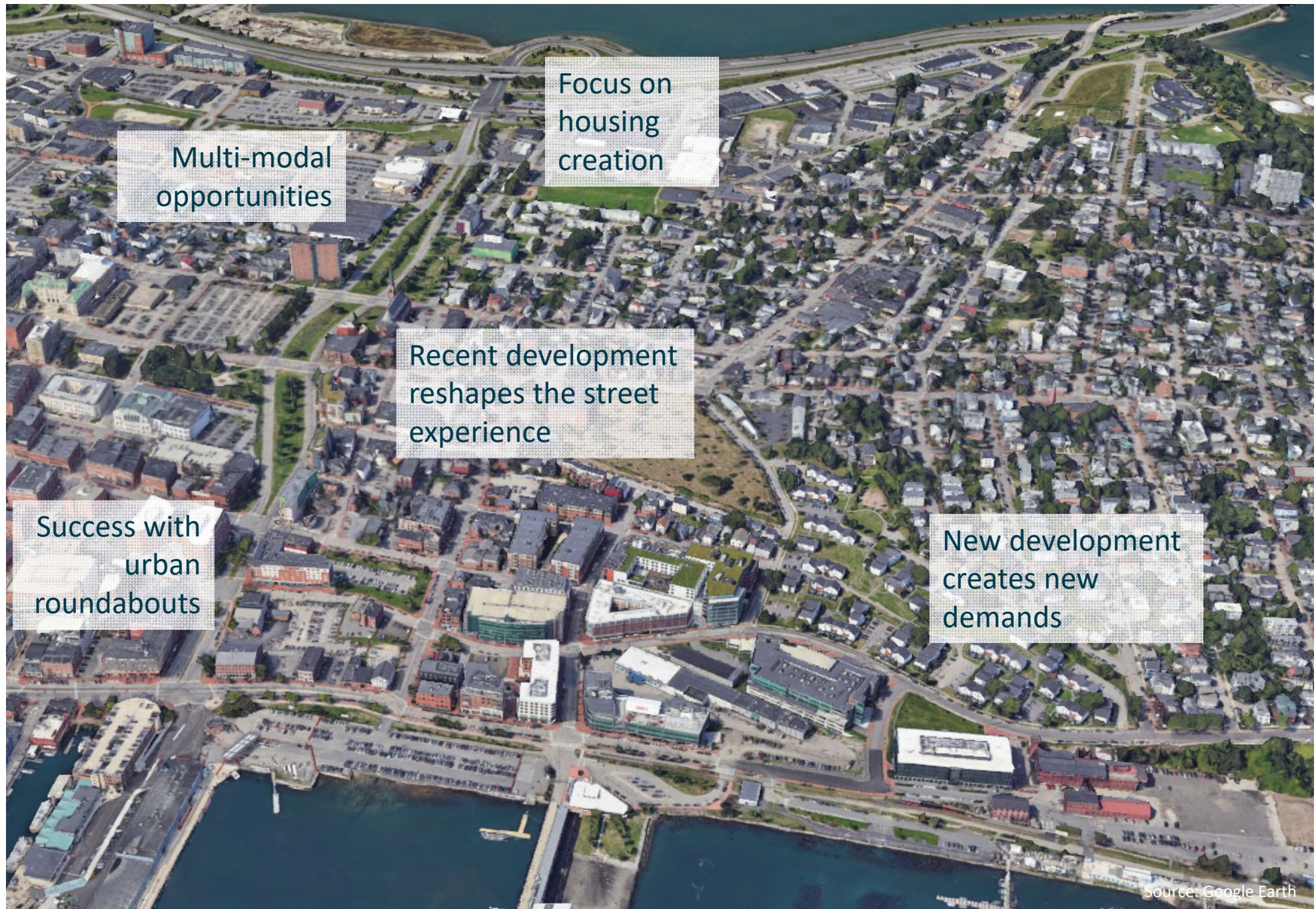
- Significant development
- Changing transportation landscape



Position the Project for Success

- Land use and local funding options
- Federal funding opportunities

FRANKLIN STREET UPDATE: Reflecting Changed Conditions



FRANKLIN STREET UPDATE: Changing Transportation Landscape



Street activation through transportation design



New transportation services and technologies (Husky Line expansion)

PROJECT BACKGROUND

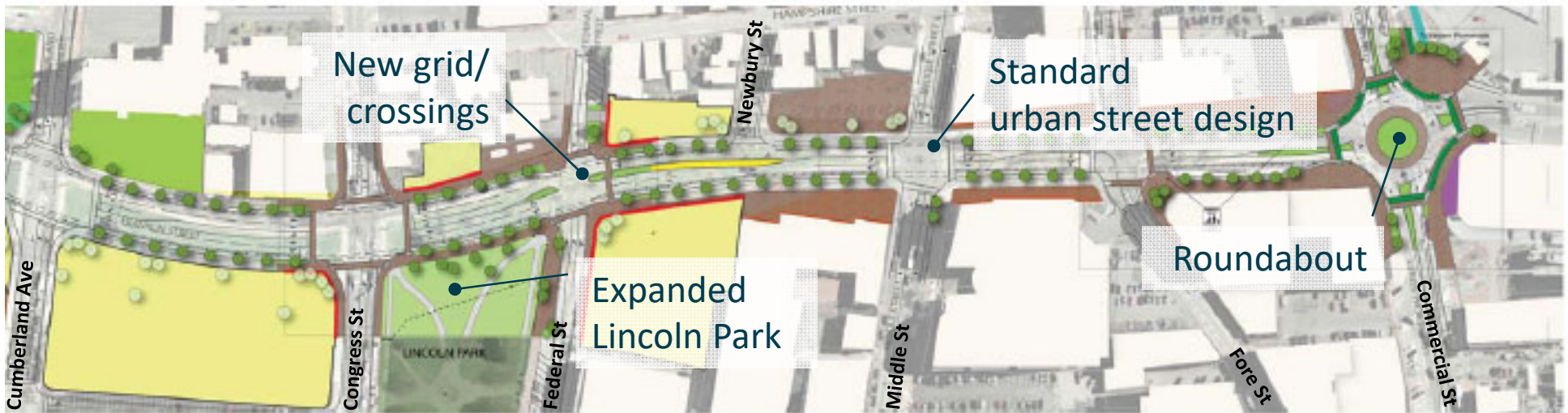
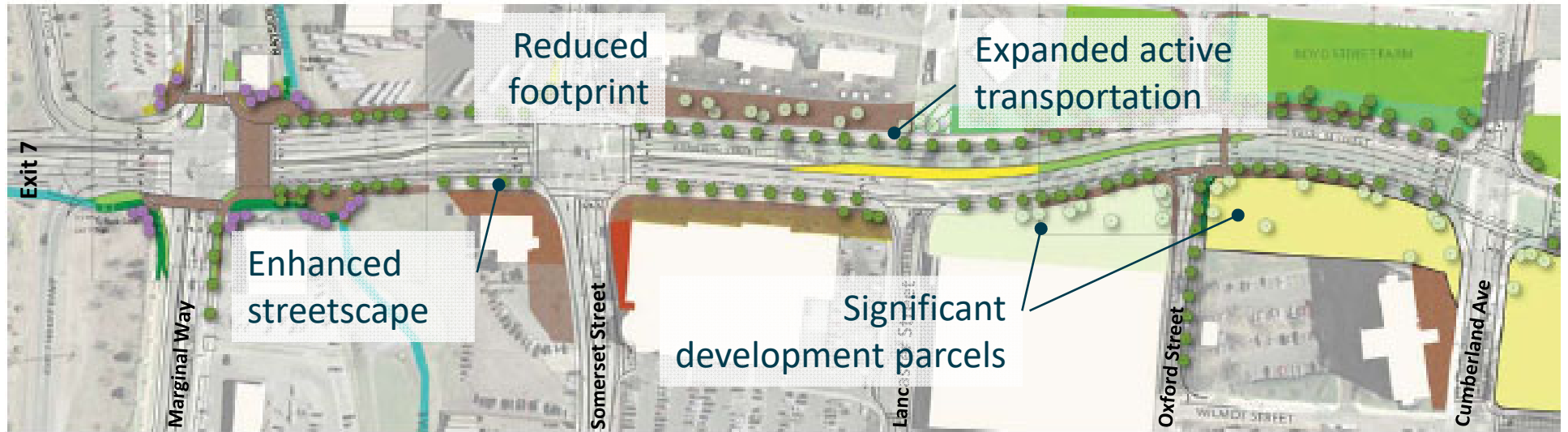
PROJECT TIMELINE: How We Got Here



AN URBAN STREET VISION: Reclaiming Franklin Street (2009)



A CONCEPT REFINED: Franklin Street Master Plan (2015)

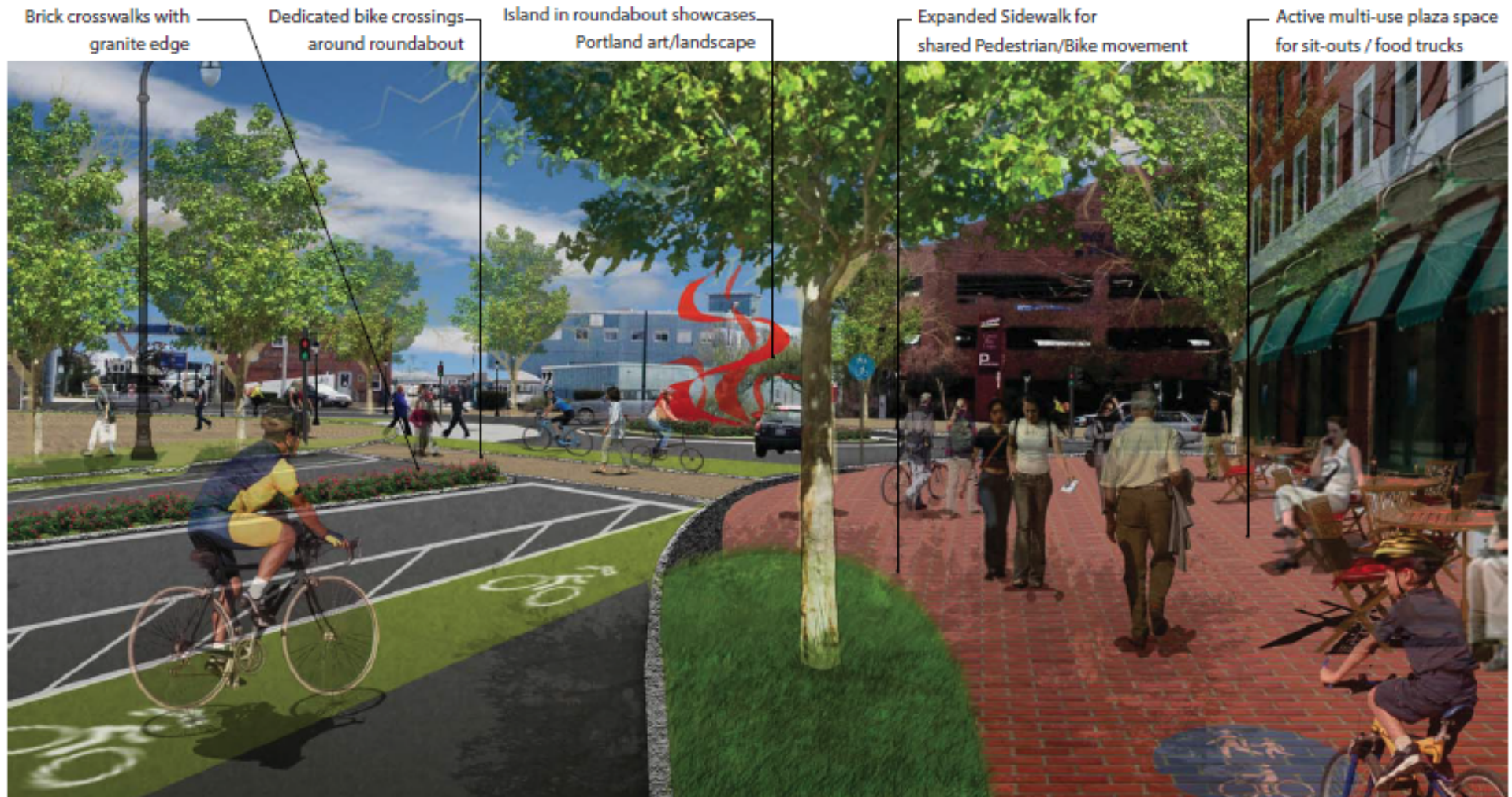


A CONCEPT REFINED: Franklin Street Master Plan (2015)



Franklin Street at Federal Street/Lincoln Park

A CONCEPT REFINED: Franklin Street Master Plan (2015)



Franklin Street at Commercial Street

WHERE ARE WE NOW?

FRANKLIN STREET UPDATE: Goals



Integrate transportation + land use planning



Garner public support through robust public engagement



Realize equity, housing, economic, + safety benefits

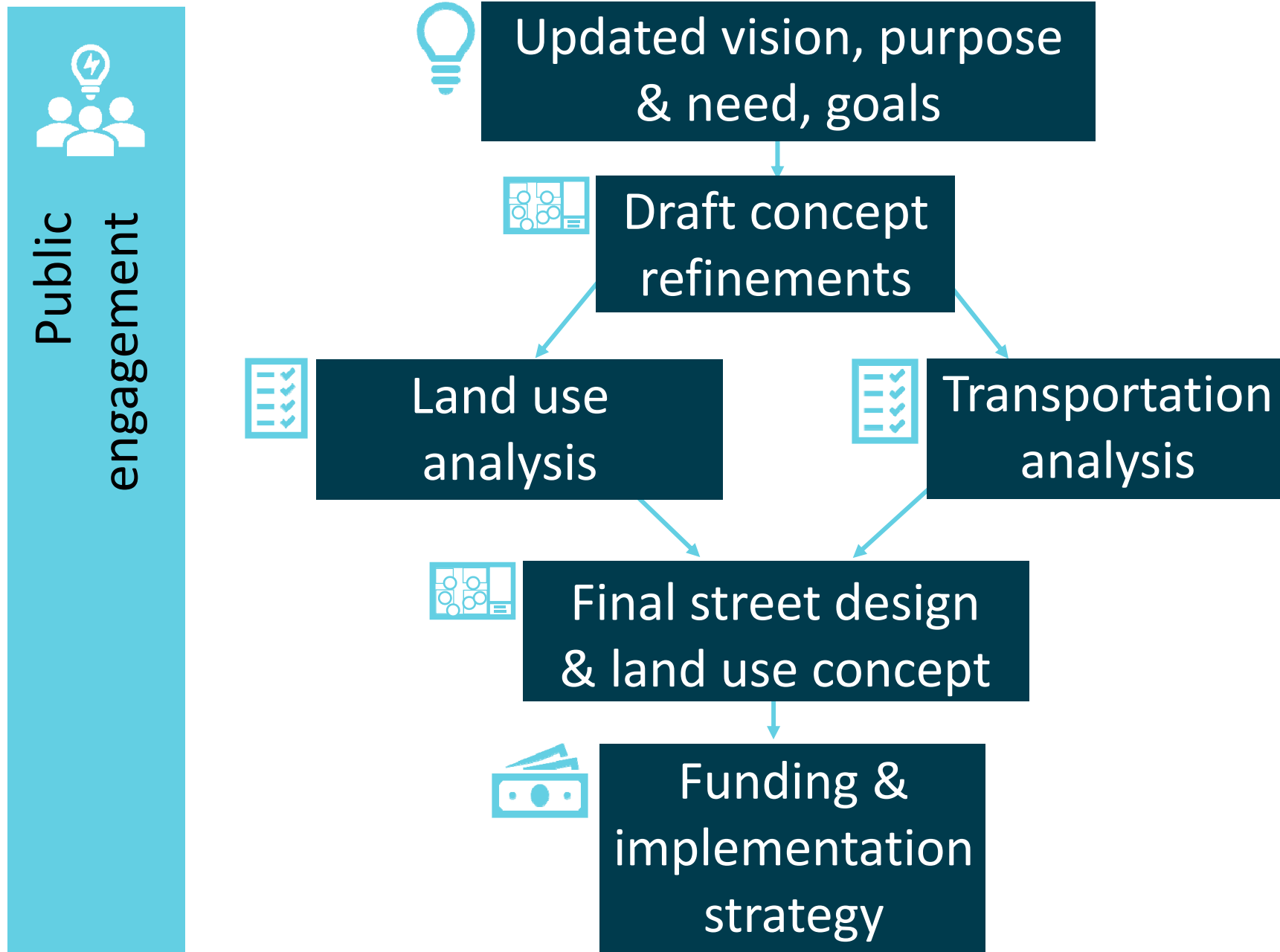


Bolster design for active transportation and transit



Position the project for federal funding opportunities

FRANKLIN STREET UPDATE: Scope



FRANKLIN STREET UPDATE: Potential Funding

Reconnecting Communities and Neighborhoods (RCN)

- Redress “legacy of harm” caused by infrastructure
- Community-centered transportation projects
- Improve access, walkability, safety
- Assist underserved communities
- Address challenges such as housing and transit access

Safe Streets for All (SS4A)

- Infrastructure to prevent death and injury for all modes
- Assist underserved communities

RAISE

- Access to affordable transportation choice & jobs
- Mobility & community connectivity
- Partnerships / collaboration

Congressionally Designated Spending (CDS)/Earmarks

Local Funding

- Parcel Sales
- Development Revenue
- TIF Revenue
- Impact Fees
- CIP Funds
- WR Contributions

NEXT STEPS & TIMELINE

FRANKLIN STREET UPDATE: Anticipated Timeline



QUESTIONS & ANSWERS

CONTACT INFO:

Jeremiah Bartlett

jbartlett@portlandmaine.gov

**MAINE DEPARTMENT OF TRANSPORTATION
PLANNING STUDY GRANT AGREEMENT
PLANNING PARTNERSHIP INITIATIVE
VILLAGE PARTNERSHIP INITIATIVE**

This Planning Study Grant Agreement (the "Agreement") is entered into by and among the State of Maine Department of Transportation ("MaineDOT") and the City of Portland, (the "Grantee").

RECITALS

1. MaineDOT has established the Planning Partnership Initiative ("PPI") to assist municipalities, Regional Planning Organizations, and other transportation stakeholders with locally-initiated transportation planning and feasibility studies by providing grant funds.
2. MaineDOT has also established the Village Partnership Initiative ("VPI"), which includes the Large Transformative Initiative intended to assist municipalities with the revitalization of village and downtown centers to make them more walkable, bicycle-friendly, and business-friendly, and as an initial step in this endeavor, provides grant funds under the VPI for locally-initiated planning and feasibility studies for developing a vision for village and downtown centers.
3. The terms and conditions of this Agreement apply equally to planning studies under the PPI and the VPI.
4. Grant funds for such planning studies ("Grant Funds") available under the PPI and the VPI are non-federal funds from MaineDOT to be matched by funds to be provided as set forth in this Agreement.
5. Grantee has applied to MaineDOT for Grant Funds to conduct a planning study in connection with the development of a portion of Franklin Street (also known as US Route 1A), approximately 0.80 of a mile from Commercial Street to the I-295 ramps at Back Cove. (the "Planning Study"). Appendix A, attached hereto and made a part hereof, includes the Scope of the Study and Request for Proposals.
6. In reliance on the representations made by Grantee in its application for Grant Funds for its Planning Study (the "Application"), which is incorporated by reference into and made part of this Agreement, MaineDOT has selected Grantee's Planning Study for Grant Funds subject to the terms of this Agreement.
7. Portland has agreed to fund a fixed amount to pay for the cost of the Planning Study, as set forth in this Agreement.

In consideration of the foregoing Recitals, which are integral to, and part of, this Agreement, and the mutual covenants and agreements contained herein, MaineDOT and the Grantee hereby agree as follows:

A. Grantee's Planning Study

1. Grantee will undertake and complete the Planning Study in accordance with the scope of work and in the study areas described in Grantee's Application. Grantee will not make any changes to the scope of work or study areas for the Planning Study unless it has received the prior written approval of MaineDOT.
2. Grantee will appoint a project manager to administer, oversee, and monitor the progress of the Planning Study ("Grantee's Project Manager"), who will be the primary contact for Grantee for the Planning Study. Grantee's Project Manager must be a certified Local Project Administrator ("LPA") under MaineDOT's Local Project Administration process or must make a reasonable effort to obtain LPA certification. Grantee will ensure that the Planning Study is conducted in accordance with the requirements of this Agreement, and all applicable federal, Maine, and local laws and regulations.
3. Grantee will retain a qualified consultant to conduct the Planning Study (the "Planning Consultant"), using the applicable selection method described in Chapter 2, "Hiring Consultants" of the *MaineDOT Local Project Administration Manual & Resource Guide* as currently in effect. MaineDOT will be a coparticipant with Grantee in evaluating Planning Consultant qualifications during the consultant selection process.
4. Grantee will not initiate the Planning Study until it receives MaineDOT's written authorization to proceed.
5. During the course of the Planning Study, MaineDOT will actively participate in Planning Study meetings and will provide planning, regulatory, and design and engineering input and guidance to Grantee and its Planning Consultant.
6. Grantee will complete the Planning Study no later than December 31, 2025 (the "Completion Date"), unless the Completion Date is extended by mutual written agreement of MaineDOT and Grantee. In the event Grantee foresees a delay in completing the Planning Study, Grantee will promptly inform MaineDOT of the anticipated delay and the reason(s) for the delay.
7. At the completion of the Planning Study, Grantee will provide to MaineDOT a copy of a Planning Study final report that includes a narrative of the Planning Study process, a description of the alternatives considered and of the evaluation criteria for those alternatives, the preliminary preferred alternative with reasons, and illustrations

of conceptual designs, with cross-sections, for the preferred alternative ("Final Report"). MaineDOT will review the Final Report to determine if it conforms to the requirements of this Agreement.

8. Any transportation improvements that result from the Planning Study must conform to MaineDOT's and the Grantee's design and engineering standards for federally-funded projects and to applicable Maine standards. Deviations from applicable design standards may require Grantee to seek a design exception to such standards, which will be considered at the sole discretion of MaineDOT's Chief Engineer.
9. The Grantee agrees that any future capital project that results from the Planning Study will include a local share of the costs of the project, which may be a municipal, private, or other non-federal share. MaineDOT and the Grantee acknowledge and agree, however, that participation in the Planning Study and their entry into this Agreement do not constitute a commitment by any of them to participate in any future studies or projects that may be recommended by the Planning Study or to incur any operational or capital costs therefor.
10. In any discussion of the Planning Study in a public forum, whether in-person or virtual, or in addressing public and media inquiries concerning the Planning Study, Grantee will introduce and refer to the Planning Study as locally-requested and sponsored. Grantee will provide meeting space and audio-visual aids during public meetings associated with the Planning Study and lead any public discussion of the Planning Study.

B. Funding of Planning Study

1. The full agreed cost of the Planning Study is \$300,000 (the "Full Agreed Cost").
2. MaineDOT will provide Grant Funds to Grantee for the Planning Study in a maximum amount of the lesser of \$150,000 or 50% of the final actual cost of the Planning Study (the "Final Cost") (the lesser of \$150,000 or 50% of the Final Cost hereinafter referred to as the "MaineDOT Share"). Grantee will use the Grant Funds only for the Planning Study and for no other purpose.
3. The Grantee will provide the balance of the Planning Study costs not covered by the MaineDOT Share ("Match") and any and all costs exceeding the Full Agreed Cost of \$300,000.
4. The disbursement of Grant Funds will be made on a reimbursement basis. During the course of the Planning Study, Grantee will advance all funds to pay the costs of the study prior to seeking reimbursement.

REIMBURSEMENT. The Grantee shall submit progress invoices to MaineDOT for reimbursement of the MaineDOT Share of costs incurred (at 50%, up to a limit of \$150,000), a minimum of every **six months**. Invoices shall be modeled after *Letter 4* from the LPA Manual and shall meet the following requirements:

- A. Each invoice shall include a progress report for the service period of the invoice.
- B. Each invoice shall include enough backup to satisfy the MaineDOT Project Manager.
- C. Each invoice shall show MaineDOT's and the Grantee's portions of Project costs, including a running total of costs invoiced to date.
- D. Each invoice must be accompanied by fully paid invoices from the Grantee's consultant for the Planning Study supporting the reimbursement request.
- E. The Grantee must certify that amounts claimed are correct and not claimed previously.
- F. Upon completion of the Project and payment in full of all contracted parties, the Grantee shall submit to MaineDOT a final invoice modeled after *Letter 20* from the LPA Manual.

5. The final reimbursement request, which must be submitted to MaineDOT no later than February 28, 2026, must be accompanied by all the following:

- (1) A copy of the Final Report, if not previously provided to MaineDOT; and
- (2) An itemized invoice showing (i) the MaineDOT WIN number; (ii) the total amount of the Final Cost; (iii) the MaineDOT Share due, if any, in terms of the dollar amount and the percentage of the Final Cost.

MaineDOT Review

MaineDOT will review any and all requests for disbursement of Grant Funds and supporting materials and may request additional information deemed necessary by MaineDOT before disbursing Grant Funds. In the event such information is not provided by Grantee, MaineDOT may elect to withhold Grant Funds, or a portion thereof, until such information is provided in acceptable form.

C. Termination; Funding

1. Grantee may, upon not less than ten (10) days advance written notice to MaineDOT, terminate the Planning Study prior to its completion, and in such event, Grantee will be solely responsible for paying all remaining unpaid costs incurred for the Planning Study, and MaineDOT will not be responsible for paying any portion thereof or any remaining unpaid portion of the MaineDOT Share. In the event of such termination by Grantee, Grantee will promptly provide to MaineDOT all Planning Study materials developed to the date of such termination.

2. MaineDOT may terminate this Agreement in the event of a material failure by Grantee to carry out its responsibilities under this Agreement that has not been cured to MaineDOT's satisfaction within the period of time specified by MaineDOT, and in the event of such termination, Grantee will be solely responsible for paying all remaining unpaid costs incurred for the Planning Study, and MaineDOT will not be responsible for paying any remaining unpaid portion of the MaineDOT Share or any other amount in connection with the Planning Study. In the event of such termination by MaineDOT, Grantee will promptly provide to MaineDOT all Planning Study materials developed to the date of such termination.
3. Grantee acknowledges and agrees that MaineDOT's obligations under this Agreement are conditioned on the availability of funds to MaineDOT and on MaineDOT's continued authorization under applicable laws, regulations, or appropriations to use such funds for the purposes described in this Agreement, and in the event such funds become unavailable or may not legally be used by MaineDOT for the purposes described in this Agreement, MaineDOT will have the right to terminate this Agreement upon ten (10) days advance written notice to Grantee and will not be responsible for paying any remaining unpaid portion of the MaineDOT Share.

D. *Term of Agreement*

This Agreement will take effect as of the date last signed as indicated on the signature pages below and will expire at the close of December 31, 2025.

E. No Liability

Notwithstanding MaineDOT's selection of Grantee's Planning Study for an award of Grant Funds, or its provision of Grant Funds to Grantee or participation in the Planning Study as provided in this Agreement, MaineDOT will have no responsibility to Grantee, or their respective agents, consultants, or contractors or any other third party for any damages, costs, claims, demands, or causes of action arising from any errors or omissions relating to the Planning Study or the Final Report. Grantee is acting solely as an independent contractor and not as an agent of MaineDOT under this Agreement, and no other agency relationship is created under this Agreement with any party hereto.

F. Contact Information; Notices; Amendments; Signatures

1. MaineDOT's Project Manager and Grantee's Project Manager for this Agreement are set forth in Appendix A hereto.
2. Any notice provided for in this Agreement may be given by email.
3. This Agreement and its Appendix A may be amended only in a writing signed by MaineDOT and the Grantee.
4. This Agreement may be signed in counterparts, each of which will be deemed an original, but all of which together will constitute one and the same agreement. The parties agree that this Agreement and any related documents may be signed electronically and that any electronic signatures appearing on this Agreement and any related documents are the same as handwritten signatures for the purposes of validity, enforceability, and admissibility.

G. Nondiscrimination

The Grantee will not discriminate against any person on the basis of race, color, ethnicity, national origin, sex, sexual orientation, gender identity, religion, disability, age, or familial status.

In witness whereof, MaineDOT and the Grantee have executed this Agreement by their respective duly authorized representatives.

**STATE OF MAINE
DEPARTMENT OF TRANSPORTATION**

Date

By: _____
Dale F. Doughty
Director, Bureau of Planning

City of Portland

Date

By: _____

APPENDIX A
TO
GRANT AGREEMENT
(Request for Proposal Document Attached)

WIN Number: TBD

City of Portland Project Manager & Contact Information

Mailing address

Tel.:

Email:

MaineDOT Contact Information

Project Manager:	Dale F. Doughty
Mailing Address	16 State House Station, Augusta Maine 04330
Tel.:	(207) 592-6807
Email:	dale.doughty@maine.gov

Planning Study Completion Date: Not later than December 31, 2025



City of Portland, Maine

DRAFT (Nov. 21, 2023)

Request for Proposals

Franklin Street Enhanced Project Scoping (EPS) and Land Use Concept

RFP #

DATE

INTRODUCTION

Purpose

The Franklin Street Enhanced Project Scoping (EPS) and Land Use Concept project will refine and finalize a transportation design concept and a land use concept for the Franklin Street corridor based on current conditions, continued public input, and direction from City of Portland leadership and staff. The study is expected to produce:

1. A finalized street design concept (25% design) that that reflects the varied functions of Franklin Street along its length and provides state of the art pedestrian, bicycle, transit, and street infrastructure to meet transportation, development, and re-connectivity goals for the corridor;
2. A future land use concept plan to complement the street design concept; and
3. An opinion of construction and construction engineering costs and a funding strategy that reflects the feasibility of a combination of local, state and federal funding options.

The City has entered into a Village Partnership Initiative agreement with MaineDOT to help fund and perform this work. Although the City is managing this effort, MaineDOT collaboration and input will be critical to its success.

Once the concept is completed, the project is expected to lead directly into engineering at the Preliminary Design Report (50% design) stage, including the production of a detailed opinion of probable construction cost (OPC) and potential grant-writing or funding applications. The selected consultant may be retained to complete this work.



Project Area

The project area is approximately 0.80 of a mile along Franklin Street (also known as US Route 1A) and its current and former intersecting streets from Commercial Street to the I-295 ramps at Back Cove. By necessity, the project will encompass portions of adjacent neighborhoods and connecting transportation infrastructure.

Figure 1: Franklin Street study area

History

Franklin Street is a key transportation link running northwest to southeast across the Portland peninsula, classified as a “minor arterial” and an “intermodal connector” under the National Highway System. In its current form, the street’s primary purpose is as a vehicular thoroughfare to funnel high volumes of passenger and freight traffic to and from I-295 and Portland’s downtown and waterfront.

Until the 1960s, however, Franklin Street was a two-lane residential/mixed-use street, integrated into Portland’s neighborhood fabric. There were cross streets at regular intervals, including Oxford, Lancaster, and Federal Streets, which, at the time, served as important east-west connections. In 1967, the Victor Gruen Associates plan *Patterns for Progress* identified Franklin Street as the preferred route to move traffic from I-295 to downtown. Following a period of ‘slum clearance’ in the 1960s involving the removal of numerous homes and businesses and displacement of residents, the road was reconstructed as the four-lane divided roadway known today. While this reconfiguration of Franklin Street efficiently moved traffic along its length, it quickly became a barrier between neighborhoods, adjacent development began to turn its back, and today the design is widely perceived as one of the City’s biggest transportation and land use challenges.

Many studies and plans have been completed since the reconstruction of Franklin Street in the 1960s, reimagining this important roadway. The newer concepts for Franklin Street focus on rescaling the street to the urban context, promoting walkability and multi-modal access, reorienting buildings to the street, activating street frontages, re-knitting adjacent neighborhoods, and improving connectivity to the east and west.

Reclaiming Franklin Street - Phase I (2009)

In 2009, the City of Portland created the Franklin Street Study Committee and undertook the *Reclaiming Franklin Street Study - Phase I*, a visioning process for the Franklin Street corridor. The purpose of the Phase I study was to evaluate strategies for improving the safety of pedestrians, bicyclists, transit, and motorists on the corridor, from I-295 to the waterfront, while also considering the arterial’s urban context and potential future development.

The Franklin Street Study Committee identified three concepts to address the challenges and opportunities for the Franklin Street corridor. All three concepts contained variations on common themes - narrowing the roadway’s footprint, adding sidewalks, integrating bike infrastructure, and re-establishing connections to intersecting streets. *Reclaiming Franklin Street* acknowledged that the three concepts left open questions regarding intersection configuration, street connectivity, multi-modal design, and land use, and that additional planning and design work would follow.



Figure 2: Reclaiming Franklin Street Urban Street concept

Franklin Street Feasibility Study - Phase II (2015)

Building upon the Franklin Street Study Committee's efforts and the work of *Reclaiming Franklin Street*, the [*Franklin Street Feasibility Study - Phase II*](#) evaluated the three street design concepts in more detail, exploring their land use, social, economic, neighborhood, street connectivity, environmental, safety, and transportation implications. Based on the evaluation and feedback from the Franklin Street Study Committee and the broader public, the *Franklin Street Feasibility Study* recommended a hybrid of the preferred elements of the urban street approach, including:

- Four lanes with turn lanes at signalized intersections from Marginal Way to Congress Street and two lanes with turn lanes at signalized intersections from Congress Street to Commercial Street;
- An urban roundabout at the intersection with Commercial Street;
- An enhanced streetscape featuring wide sidewalks, street trees, pedestrian-scaled lighting;
- In-street buffered bike lanes from Marginal Way to Commercial Street;
- Reconnections to side streets at Oxford Street, Federal Street, and Newbury Street, with potential limited connections to Lancaster Street; and
- An enlarged Lincoln Park (to near its original size).

The Phase II design outcome was well-received by City leadership, and the City Council endorsed the plan in 2015. The plan also received the 2018 Maine Smart Growth Award from Grow Smart Maine.



Figure 3: Franklin Street Feasibility Study, Ph II (2015 Final Report) [Master Plan?]

Franklin Street Stormwater System Design (2017-present)

In the time since the Phase II work, the Department of Public Works's Water Resources Division has largely designed a new separated stormwater system on the northern end of the Franklin corridor, and has completed preliminary design work for stormwater infrastructure on the southern end of the corridor as well. Design work for the proposed separated stormwater system between Marginal Way and Cumberland Avenue has been completed to a 95% PS&E level. Design work for the storm drain system between Commercial Street and Congress Street was completed to a 30% PS&E level. It is anticipated that the existing stormwater plans will need to be adjusted in conjunction with the future Franklin Street roadway design.

In 2021, in association with the sewer/stormwater separation project, the City worked with a consultant to progress the street design on Franklin from Somerset Street to I-295. This resulted in a 50% design plan that received preliminary approval from MaineDOT. Due to budget constraints and a growing desire to move design along the entire corridor, this outcome was put on hold. However, it will provide a starting point for the EPS work on this portion of the corridor.

DPW Concept Refinement & Current Work (2023)

Over the past year, the City of Portland has recognized the opportunity to further hone the Phase II master plan concept from the *Franklin Street Feasibility Study*. This opportunity is based on changing conditions, priorities, and best practices, including an evolving approach to multi-modal street design, the continued development of downtown and the Eastern Waterfront, a policy focus on housing creation, and a funding environment that favors urban complete streets projects, particularly those that

address transportation planning choices of the past. With respect to the Phase II plans, the City has identified the potential for:

- Updated best practices for pedestrian accommodations and connectivity
- Higher-quality bicycle infrastructure along the corridor, including fully grade-separated cycle tracks and/or shared use pathways;
- Additional urban roundabout(s), particularly at the southeastern end of the corridor;
- Rapid transit integration;
- Major housing and mixed-use redevelopment opportunities as a result of a new, more efficient street footprint that can create activity along Franklin Street; and
- Significant opportunities for low-maintenance landscaping and green infrastructure in the form of rain gardens/other stormwater best management practices.

The City's Department of Public Works has tested some of these ideas in revised draft plans developed in AutoCAD 2018, which are merged into the 50% design plans from Somerset Street to I-295. These plans will be provided to the consultant team.

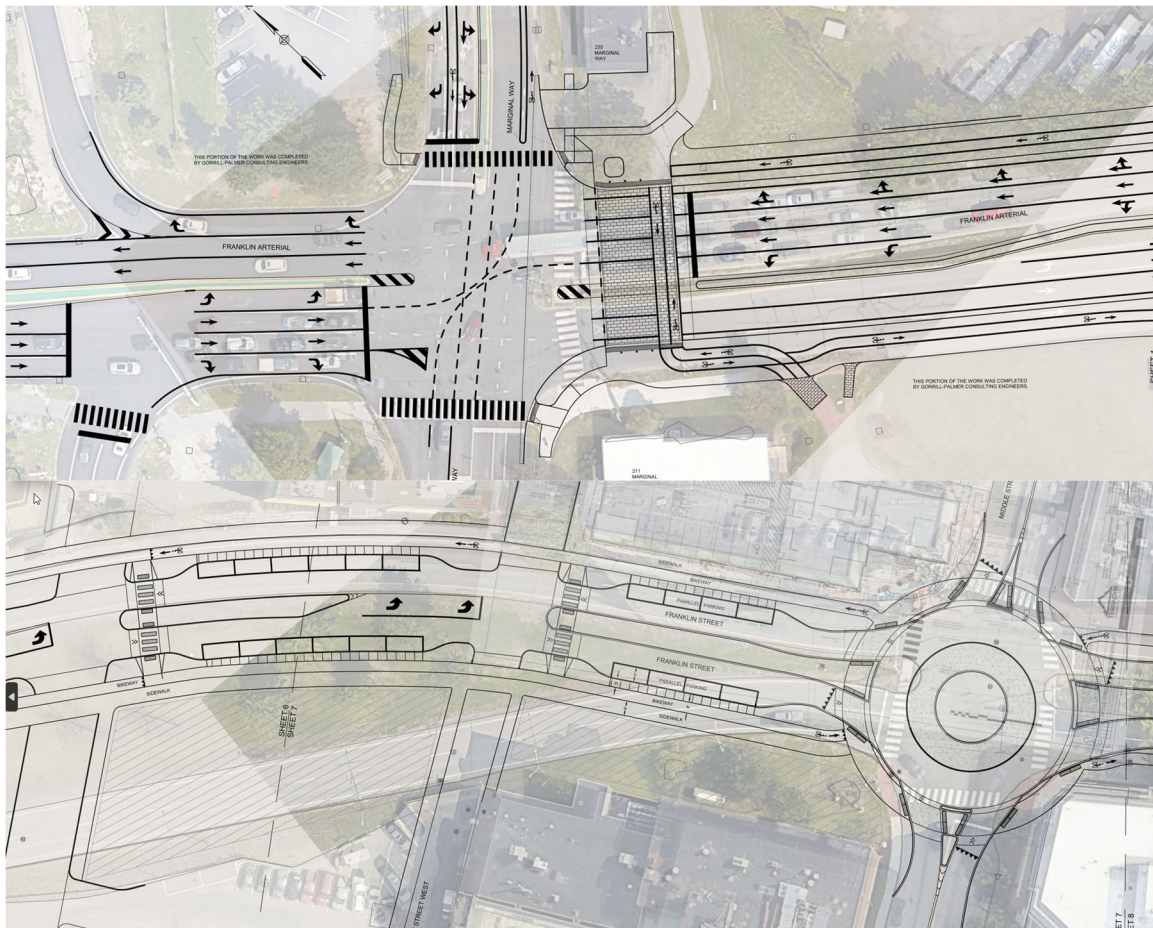


Figure 4: Franklin Street Updated Concept (excerpt, 2023) [include as attachment]

SCOPE OF WORK

1. Project Coordination

The scope should include a kickoff meeting and regular coordination meetings with the City of Portland. As Franklin Street is also a major focus area for MaineDOT and the Portland Area Comprehensive Transportation System (PACTS), the region's Metropolitan Planning Organization, the scope should also include check-in meetings at key decision points with contacts at MaineDOT and PACTS to ensure regional buy-in.

Deliverables

- *Materials in preparation for project coordination meetings and summaries of the kick-off and coordination meetings.*

2. Public Engagement

The two previous Franklin Street studies included significant public engagement, which is generally reflected in the *Phase II* concept and the revised draft plans developed by the Department of Public Works. The current effort should be informed by this prior outreach.

The public engagement should:

- Re-introduce the public to the *Phase II Feasibility Study* concept plan and process to date;
- Share and provide opportunities for feedback on the updated street design concept as provided by DPW;
- Involve the public in finalizing the street design; and
- Engage the public in developing the land use concept for the corridor.

The scope for public engagement should ensure that a broad range of stakeholders has the opportunity to participate through a variety of means. It should be assumed that the public engagement will involve an active project website and some array of workshops, presentations, charrettes, or other events, with options for both in-person and on-line engagement. Outreach to a multilingual/multicultural audience should be assumed. The scope should also assume presentations to City leadership at critical stages of the project.

Deliverables

- *Public engagement activities (conducting public meetings or charrettes, e.g.), materials (e.g. project website, graphics, presentations) and summaries of public engagement activities and findings.*

3. Vision, Purpose and Need, and Goals

The scope should include for the development of an updated project vision, purpose and need statement, and project goals that reflect an interdisciplinary transportation/land use approach. Initial drafts should build on the groundwork from prior studies while updating the vision, purpose and need, and goals to reflect public

input and shifts in emphasis in the transportation and land use landscape as described above.

Deliverables

- *Draft and final vision, purpose and need statements, and associated goals.*

4. Land Use Context Analysis

The scope should include a basic analysis of the existing and planned land use context along Franklin Street, based on existing development and land use patterns within the project area, past planning, and current zoning, including uses, dimensional standards (e.g. height, build-to lines, and setbacks), and urban design guidelines.

Deliverables

- *Summary of existing and planned land use context analysis (including graphics).*

5. Potential Refinements to Draft Street Design Concept

Based on the project vision, purpose and need, project goals, public engagement, the land use context analysis and in consultation with the City and MaineDOT, the consultant should identify potential refinements to the street design where options remain, including but not limited to the following street design elements:

- Intersection configurations (e.g. signalized-unsignalized, four-way, urban roundabout, right-in/right-out, bike-pedestrian only)
- Additional grid connections (e.g. intersecting streets, pedestrian infrastructure, bike-pedestrian only connections)
- Bicycle elements (e.g. two-way cycle track, sidewalk-level one-way bicycle facilities, shared use pathways)
- Pedestrian elements
- Transit elements (dedicated lanes, transit stops and amenities) based on local and regional plans for transit along Franklin Street, including outcomes from the Rapid Transit Study (Portland-Gorham) overseen by PACTS. This work will require feedback from METRO, the regional transit provider.
- On-street parking
- Streetscape elements (e.g. landscape, street furniture, street trees, lighting)
- Stormwater and green infrastructure (including existing stormwater/sewer design as progressed by Water Resources)
- Other utility elements (e.g. sewer/water/electrical/communications as likely to be necessitated by adjacent development)
- Landscaping/planting components

The consultant should identify those street design configuration elements that are to be modeled as part of the Transportation Analysis (Task 6).

Deliverables

- *Memo describing recommended street design concept refinements to be considered as part of Task 6, identifying those items that require traffic modeling.*

6. Transportation Analysis

The scope should include a multi-modal transportation analysis for vehicular/freight, pedestrian, bicycling, and transit modes for the updated concept and possible refinements as developed in Task 5, including a:

- Safety Analysis: A safety analysis shall be conducted to compare the existing street configuration versus the updated concept and refinements for all modes, as per federal guidelines and MaineDOT approval.
- Vehicular/freight analysis:
 - The consultant should validate and update (as necessary) the 2024 Synchro/SimTraffic model provided by the City and prepare a no build alternative for the expected build opening year.
 - The scope should include modeling for the expected opening year, based on the outcomes from Task 5, to inform the final street design. It is anticipated that this may include (but is not limited to) an analysis of the Franklin Street intersections at Middle and Fore Streets (roundabouts vs. signalized), the configuration options at the currently unsignalized Oxford Street and Franklin Street intersection, and various transit service configurations.
 - Based on the supplied vehicle classification counts, the consultant should assess the feasibility and turn/corner radii requirements of key freight/large vehicle movements to and from the interstate and Commercial Street under the updated concept and suggest possible refinements. Note that design vehicles & levels of allowed encroachment may vary at different points along Franklin and its intersecting streets. Significant prior work on this topic has occurred with MaineDOT.
- Pedestrian and bicycling analysis: The consultant should assess the updated concept and possible refinements related to bikeway, pedestrian, and streetscape design based on their compatibility with the land use context, ability to meet the needs for bicyclists and pedestrians of all ages and abilities, and value with respect to desired levels of street activation.
- Transit analysis: The consultant should assess the updated concept and possible refinements based on the quality of transit accommodations/facilities.

Deliverables

- *Draft and final memo documenting outcomes of the existing conditions and build year traffic analyses and multi-modal transportation analysis.*

7. Final Street Design (EPS-level)

With the project vision, purpose and need, and goals as guides, the consultant should develop a final, revised street design plan. The final street design should be informed by the land use context analysis, the transportation analysis, and the varied travel demand, functions, and priorities of Franklin Street along its length. The revised plan should also respond to public engagement and City of Portland/MaineDOT input and reflect the City's vision for a state-of-the-art multi-modal urban corridor that meets transportation, land use, and re-connectivity goals.

Deliverables

- *Draft and Final 1"=20' layout plan for Franklin Street and connecting streets.*

8. Land Use Concept

Based on the land use context analysis and feedback from the public, the consultant should develop a land use concept plan for the corridor that aligns with and reinforces the revised street design. The concept should show future potential development sites and redevelopment sites based on, but not limited by, the existing and planned land use context. The concept should include graphics that address potential land use opportunities, paying particular attention to use conditions, transitions between zones, gateways and intersections, and levels and types of desired street activation.

Deliverables

- *Illustrations showing:*
 - *Various neighborhood context areas along the corridor, including transportation, land use, and urban design characteristics, and*
 - *Areas where high levels of street activation are desired based on land use context.*

9. Funding & Implementation Strategy

The scope should assume the development of design and construction cost estimates for the resulting final transportation concept. Based on these estimates, the scope should include an analysis of the feasibility of various funding strategies for the project using one or more state or federal sources (e.g. Safe Streets for All, Reconnecting Communities, and RAISE grants, among others). The funding analysis should also account for potential local funding options, such as TIF funds, impact fees, and revenue generated through the disposition of residual property created by a smaller roadway footprint.

Regarding land use, the scope should assume an analysis of any gaps in the existing and planned land use policy context that may limit the realization of the land use concept, and the development of land use-related recommendations to support the street design.

With regard to residual property which may result from the final transportation design, the consultant should make recommendations for property disposition to best advance and balance the project financing, land use, housing, equity, and economic development goals of the City. This may include recommendations on parcel configurations and sizes, as well as process.

The scope should propose a timeline and immediate next steps towards final street design, funding, and construction, as well as implementation of any land use recommendations. The timeline should identify any federal requirements associated with local, state and federal permitting (i.e. NEPA, Army Corps, Clean Air Act Conformity Analysis, etc) and corresponding cost estimates.

Deliverable

- *Memo/presentation summarizing the funding & implementation strategy, including:*
 - *The 25% design opinion of probable construction cost based on MaineDOT unit prices, recent City of Portland bidding results, ENR data, and comparable project outcomes;*
 - *An outline of feasible funding opportunities, including a basic framework for disposition of residual land created by a smaller roadway footprint;*
 - *Land use recommendations; and*
 - *Timeline and next steps.*

10. Final Report

As the final product for the study, the consultant will assemble the final street design plan, land use concept, graphics, and funding and implementation strategy into a clear and concise final report.

Deliverable

- *Draft final report*
- *Final report*

TIMELINE

The project should progress as quickly as possible and ideally conclude within 9 months.

RESOURCES and BACKGROUND MATERIAL PROVIDED BY CITY OF PORTLAND

- 2022/2023 turning movement counts (6AM-6PM) of the Franklin Street corridor, including bikes, peds, small trucks, and articulated trucks
- Design hour volumes
- Design hour Synchro/SimTraffic analysis for 2024 City concept
- 2022 aerial photography
- Survey data of study area

- Autocad 2018 to AutoCAD 2020 files for study area
- Previously completed 95% stormwater design PSE and Design Report (Marginal Way to Cumberland Ave)
- Previously completed 30% stormwater design PSE and Design Report (Commercial Street to Congress Street)
- Draft plans from previous Phase II concept work (as needed)
- Previous study information (as needed)
- The State of Maine *Maine Won't Wait* and City of Portland *One Climate Future* climate action plans.

SUBMITTAL REQUIREMENTS

1. Technical Proposal

- *Project understanding & approach:* The proposer should include a description of their understanding of the project and their approach to the scope of work.
- *Scope of work:* The proposer should include a detailed description of their scope of work and deliverables, based generally on the scope outlined above. Emphasis should be placed on the methodology for delivering the public engagement component of the project.
- *Summary of qualifications:* The proposer should demonstrate that they have the creativity, experience, skills and understanding to complete the project on time and on budget. Please note that this project will benefit from an interdisciplinary team with experience in street design, urban design, and land use planning. The team should have experience in transformative urban multi-modal transportation projects, and ideally experience with successful federal funding applications (e.g. Reconnecting Communities, Safe Streets for All, or other). The summary of qualifications should include a description of the project team, resumes for each team member demonstrating experience with similar projects, examples of successfully completed projects of a similar nature, and three references.
- *Schedule:* The proposer should include a schedule for completing the scope above, highlighting project milestones and deliverables along with a narrative describing key staff members assigned to the project and their availability to complete the project.
- *Subcontractors:* The proposer should identify any subcontractors they plan to use and describe the nature and quantity of work that the subcontractors will perform. The use of woman-owned subcontractors, minority-owned subcontractors and local subcontractors is strongly encouraged.

2. Cost Proposal

Sealed cost proposals shall include a not to exceed cost for the project along with costs broken down by staff and hours by task, labor rates for members of the project team, and rates for reimbursables.

The cost proposal must include the following:

- *Basic information:* Firm name, address, contact name, and email address.
- *Completed proposer's detailed price proposal form:*
<https://www.maine.gov/mdot/lpa/docs/lpadocs/2020/PriceProposalForm.xls>
- *Direct labor expenses/employee classifications:* The cost proposal must include each employee's classification and direct labor rate, based on the actual rate of pay. *A cap on direct labor of \$62.00 per hour for the project manager and quality control engineer, and \$50.00 per hour for all other personnel, applies to this project. Otherwise, a completed Wage Rate Waiver Form shall be submitted for the consideration of the Municipality, in consultation with MaineDOT.*
- *Overhead rate:* The cost proposal must show a current overhead rate approved by MaineDOT's Office of Audit. If a current Audited Overhead Report (AOR) is not on file with MaineDOT, one must be provided. If there are changes to an approved overhead rate following contract execution, the Consultant must submit an updated AOR to MaineDOT's Office of Audit for approval. *Note: A fixed commercial rate may be used, with permission, for small firms with no Audited Overhead Report.*
- *Profit:* Proposed profit is based on factors such as degree of risk, relative difficulty of work and size of a job. It must fall within the range of 6% to 15%. *Note: Justification must accompany proposed profit rates exceeding 10%.*
- *Itemized direct expenses:* Project specific non-salary expenses such as printing, tolls, mileage (45 cents/mile) and subconsultant costs that are not included in the direct labor, profit and overhead rates.
- *Total proposed cost:* The sum of all direct labor, overhead, direct expenses, and fixed fee/profit.
- *Subconsultant proposal:* If a subconsultant will work on the project, the subconsultant's proposal must be included as supporting documentation. If a subconsultant will perform 25 percent or more of the value of the contract, the prime consultant also must submit the subconsultant's certified payroll and audited overhead report.

PACKAGING AND SUBMITTING YOUR TECHNICAL AND COST PROPOSALS

Your proposal package must be submitted as outlined below:

1. *RFP title:* The proposer's full business name and address as well as the RFP title must be written on your proposal package, with reference to the Franklin Street Enhanced Project Scoping and Land Use Concept project.
2. *General information form:* A completed "Proposer's General Information Form" (Appendix B) must be included.
3. *Technical proposal:* The technical proposal should be clearly labeled and include all submittal requirements listed above.
4. *Cost proposal:* The cost proposal and supporting data must be submitted as outlined on the standard Cost Proposal Form (Appendix A) and described above. Please note that only one copy of the clearly labeled and sealed cost proposal should be included in the proposal package. The cost proposal must be

submitted in a separate, sealed envelope. Only mailed/sealed cost proposals will be accepted. See below.

The cost proposal will only be opened for the top-rated proposer following ranking of proposals (and final scoring should interviews be conducted). If negotiations with the top-ranked proposer are unsuccessful, the cost proposal for the next highest ranked proposal will be opened. Unopened cost proposals will be returned at the conclusion of consultant selection.

NO MENTION OF PRICE IS TO BE INCLUDED IN THE TECHNICAL PROPOSAL;
OTHERWISE THAT PROPOSAL WILL BE REJECTED.

5. *Proposal package submittal:* Technical proposals can be emailed to bidssubmit@portlandmaine.gov or mailed/delivered to the address below. Cost proposals **must be mailed/delivered** to:

Samantha Chapin, Purchasing and Controls Manager
City of Portland, Maine
389 Congress Street, Room 103
Portland, Maine 04101

PROPOSAL RATING AND SELECTION PROCESS

Proposals will be evaluated by the City's project management team using the criteria listed below. The project management team will be composed of representatives from various City departments including Planning & Urban Development, Public Works - Transportation, and Public Works - Water Resources.

This is a qualifications-based selection process, meaning that technical proposals alone will be used to select the successful proposer. Upon selecting the successful proposer, the City will open that proposer's cost proposal and begin negotiations. Cost proposals from all other proposers will remain sealed.

Proposals will be rated according to the following criteria:

CRITERIA	PERCENTAGE POINTS
Experience of project team and key personnel with similar projects, including transformative urban multi-modal transportation projects, land use, and project implementation.	30%
Quality of project understanding and approach.	30%
Quality of scope of work, including attention to public engagement, concept development, and funding and implementation strategy.	25%
Demonstration of past performance specific to adherence to project schedule and budget.	15%

Wendy Cherubini <wcherubini@gmail.com>

Sun, Feb 4,
9:07 AM (1 day
ago)

to council, publiccomment

Dear Mayor Dion and Members of the Portland City Council,

I am pleased to see the first reading of the Franklin Street Agreement with MDOT on your agenda for the February 5th Council Meeting.

This has been a long time coming and involved a lot of work by you, City staff and our partners at MDOT.

However, in the packet that was released on Friday I did not see the complete Appendix A referenced in the agreement. This is a critical piece of the Agreement as it includes the City's application to MDOT for these funds and the specific Scope of Work that will govern the project.

Supporters of the Franklin Plan want to speak out in support of this critical next step, but we need to see exactly what the City is agreeing to with MDOT and what the Scope of Work will entail because that will inform and direct the process going forward. As I recall, during the September, 2022 Council Workshop on Franklin, Councilor Fournier and others discussed the importance of understanding the details of agreements with MDOT before entering into them. Please share with the public the complete Appendix A, including the City's application to MDOT, the Scope of Work and any related documents prior to the public hearing on February 21.

Thank you for your consideration.

Wendy Cherubini
99 Federal Street Unit 302
Portland, ME 04101
207-450-2962

MEMORANDUM
City Council Agenda Item

FROM: Ethan Hipple
DATE: January 18, 2024
SUBJECT: Order 122-23/24 Amendment to Portland City Code Chapter 18 re: Addition of Thomas Park and North Deering Park - Sponsored by Regina Phillips, City Councilor
SPONSOR: District 3 Councilor Regina Philips
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st Reading 2/5/2024

Final Action 2/26/2024

Can action be taken at a later date: Yes

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

PRESENTATION: Ethan Hipple, slide presentation, approximately 5 min

I. SUMMARY

Rededicating a parcel of city land bounded by Lowell St., Congress St., and Burnham St. as a City park, to be listed in Chapter 18 as a dedicated City park, and to name the park as Thomas Park.

II. AGENDA DESCRIPTION

If approved, this order would dedicate a parcel of city land bounded by Lowell St., Congress St., and Burnham St. as Thomas Park.

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

III. BACKGROUND

The Lowell St parcel is a 0.4 acre parcel of City-owned land bounded by Lowell St, Congress St and Burnham St. It is adjacent to the former Denny's and the north-bound Exit 5 on 295. Until a recent census and redistricting, the parcel was located in District 3, but now lies in District 2. The land is currently city-owned, is un-designated, and is not currently listed as a Park in Chapter 18 of the City Code. The Department of Parks, Recreation and Facilities currently maintains it as a green space, mows the lawn, and cares for the Linden trees on site.

The property was donated to the City in 1913 (sold for \$1) by the Thomas family. The deed contains language that states that the property shall remain as public green space or it will revert to the heirs of the family. We are in possession of copies of City Reports from 1928 that refer to Thomas Square as a designated City Park. However, Chapter 18 of City code no longer lists Thomas Park as a City Park, and no staff members recall it being a designated City park, or having the Council remove the designation as a City park. Regardless, the City continues to care for the space as public green space, so it is in compliance with the deed restrictions.

In February 2023, descendants of the Thomas family reached out to the City to ask that the parcel be restored as an officially dedicated park, and that it be named Thomas Park, in honor of the family that gave it to the City. The Department of Parks, Recreation and Facilities spent many months considering the request and vetting the documentation, consulting with Corporation Counsel, GIS and Archives Division, and our Transportation and Engineering Division at Public Works. We have held numerous meetings with the family and District 3

Councilor Phillips.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Preserving green space in a historically low-income, CDBG eligible neighborhood. Furthering the City's goals of providing green spaces within a 10 minute walk of all residences.

V. FINANCIAL IMPACT

As the City is already maintaining this space, the cost of maintenance will be negligible. There are no plans for major capital improvements at this time. Park improvements in the future would consist of picnic tables, signage, and park seating, which would be covered in the existing Parks Operating Budget. The neighborhood association is funding the installation of tree lighting.

VI. STAFF ANALYSIS AND BACKGROUND

After this 9 month review process, the Department of Parks, Recreation and Facilities supports this proposal to dedicate this land as a park, and to name it Thomas Park in recognition of the family that gifted this public space to the people of Portland.

VII. RECOMMENDATION

Parks Commission Review and Recommendation

At their 1/4/24 meeting, the Parks Commission unanimously voted to recommend that the Lowell Street parcel be added to the list of Parks in Chapter 18, and for it to be named "Thomas Park".

Sustainability and Transportation Committee Review and Recommendation

At their 1/10/24 meeting, the Sustainability and Transportation Committee voted 2-0 to recommend that the Lowell Street parcel be added to the list of Parks in Chapter 18, and for it be named "Thomas Park"

VIII. LIST ATTACHMENTS

1. Ch. 18 Add Thomas Park to List of Parks in 18-11 2.5.2024 mig
2. Thomas Park Materials for 1.4.23 PC Agenda (2) (1)

Prepared by:

Ethan Hipple

Date: 01/18/2024

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)

**AMENDMENT TO PORTLAND CITY CODE CHAPTER 18
RE: ADDITION OF THOMAS PARK AND NORTH DEERING PARK**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

1. *That Section 18-11 is hereby amended to read as follows:*

ARTICLE IB. DEDICATION OF PARKS AND PUBLIC GROUNDS

Sec. 18-11. Parks and Public Grounds Dedicated. The following parks and public grounds are hereby subject to the provisions within this Article:

Andrews Square;
Back Cove Park and Trail;
Barrow's Park/Baxter Sundial;
Bayside Park/Stone Street Playground;
Bayside Trail;
Baxter Pines;
Baxter Woods;
Noyes Park;
Bell Buoy Park;
Belmeade Park;
Boothby Square;
Boyd Street Gardens;
Bramhall Square;
Capisic Pond Park;
Caldwell Square;
Clark Street Park;
Congress Square (specifically the remaining 1/3 of Congress Square);
Clark Street Playground;
Deering Oaks Park;
Dougherty Field;
Eastern Promenade Park(including East End Beach and Trail);
Fessenden Park;
Fort Allen Park;

Fort Gorges;
Fort Sumner Park;
Fox Field/Kennedy Park;
Harborview View and Tate-Tyng Park and Playground;
Heseltine Park;
Lincoln Park;
Longfellow Park;
Longfellow Square;
Lobsterman Park;
Marada Adams Playground;
Martin's Point Park;
Monument Square;
Munjoy South Playground;
Nason's Corner Park;
North Deering Park;
Payson Park;
Peppermint Park;
Pedro Field;
Pleasant Street Park and Playground;
Post Office Park;
Quaker Park;
Riverside Golf Course;
Riverton Trolley Park;
South Street Playground;
Stroudwater Park (Waldo Street and Westbrook Street);
Taylor Street Park;
Thomas Park;
Tommy's Park;
Trinity Park;
Western Promenade Park; and
Winslow Park.

Parks, Recreation and Facilities Management

Ethan Hipple

Director Parks, Recreation, Facilities

Alex Marshall

Parks Director



Proposal: Dedicate Lowell St Parcel as a Park, and name it Thomas Park

The Lowell St parcel is a 0.4 acre parcel of City-owned land bounded by Lowell St, Congress St and Burnham St. It is adjacent to the former Denny's and the north-bound Exit 5 on 295. Until a recent census and redistricting, the parcel was located in District 3, but now lies in District 2. The land is currently city-owned, is un-designated, and is not currently listed as a Park in Chapter 18 of City Code. The Department of Parks, Recreation and Facilities currently maintains it as green space, mows the lawn, and cares for the Linden trees on site.

The property was donated to the City in 1913 (sold for \$1) by the Thomas family. The deed contains language that states that the property shall remain as public green space or it will revert to the heirs of the family. We are in possession of copies of City Reports from 1928 that refer to Thomas Square as a designated City Park. However, Chapter 18 of City code no longer lists Thomas Square or Thomas Park as a City Park, and no staff members recall it being a designated City park, or having the Council remove the designation as a City park. Regardless, the City continues to care for the space as public green space, so is in compliance with the deed restrictions.

In February of 2023, descendants of the Thomas family reached out to the City to ask that the parcel be restored as an officially dedicated park, and that it be named Thomas Park, in honor of the family that gave it to the City. The Department of Parks, Recreation and Facilities spent multiple months considering the request and vetting the documentation, consulting with Corporation Counsel, GIS and Archives Division, and our Transportation and Engineering Division at Public Works. We have held numerous meetings with the family and District 3 Councilor Phillips.

Dedicating this parcel as a park would further the Council goal of preserving green space in a historically low-income, CDBG eligible neighborhood, and would further the City's goals of providing green spaces within a 10 minute walk of all residences.

As the City is already maintaining this space, the cost of maintenance will be negligible. There are no plans for major capital improvements at this time. Park improvements in the future would consist of picnic tables, signage, and park seating, which would be covered in the existing Parks Operating Budget. The neighborhood association is currently funding installation of tree lighting.

After this 9 month review process, the Department of Parks, Recreation and Facilities supports this proposal to dedicate this land as a park, and to name it Thomas Park in recognition of the family that gifted this public space to the people of Portland.

Know all Men by these Presents, That

We, Elias Thomas, William Widgery Thomas, and Helen Thomas Payson all of Portland in the County of Cumberland and State of Maine, being all the children and devisees under the will of Elias Thomas, late of said Portland, deceased,

in consideration of one dollar and other considerations, to us said City of Portland, a body politic and corporate, created and existing under the laws of the State of Maine, paid by

the receipt whereof We do hereby acknowledge, do hereby remise, release, bargain, sell and convey, and forever quit-claim unto the said City of Portland and its successors, a certain lot or parcel of land situated in said Portland near "Libby's Corner" so called, and bounded and described as follows: viz: -Beginning at a point where the northerly side line of Congress Street is intersected by the westerly side line of Lowell Street, thence running west-erly by Congress Street, eight and fifty-three one hundredths (8.53) feet, more or less, to an angle in said Congress Street, thence north westerly by Congress Street, two hundred and sixty-three and ninety-five one hundredths (263.95) feet more or less, to Burnham Street, thence easterly by Burnham Street, one hundred and forty-three and eighth-nine one hundredths (143.89) feet, more or less to Low-ell Street, thence southerly by Lowell Street, two hundred thirty-and thirty-two one hundredths (230.32) feet, more or less, to the point of beginning, containing seventeen thousand one hundred and seventy-six and fifty-six one hundredths (17,176.56) square feet, of land, more or less Being the first parcel of land des-cribed in a deed from Elizabeth Pullen to said Elias Thomas, dated March 26, 1901 and recorded in Cumberland County Registry of Deeds, Book 702, Page 90. This conveyance is made upon and subject to the following express conditions, to wit; -1. Said land shall be kept and maintained either as an open green, a public park, or a public playground, and shall be used for no other purpose. 2. No building or permanent structure of any kind (fountains, fences and statues excepted) shall be erected or placed upon said land. No act of Legislature of the State of Maine, authorizing said City of Portland, or its successors, to construct public buildings upon public grounds, or upon this particular land, shall be effectual to avoid the foregoing condition. Upon breach of either of the foregoing conditions, this deed shall immediately become null, void, and of no effect, and said land shall thereupon revert to said grantors or their heirs. Said Grantor, further stipulate and said City of Portland by accepting this conveyance covenants and agrees for itself and its successors, that if said land or any part thereof shall at any time hereafter be taken for any purpose by process of eminent domain, said grantors or their heirs shall be entitled to all damages paid, or to be paid, for said taking, and shall have all such rights and remedies in relation thereto as they would have if they were absolute owners of said land.

To Have and to Hold the same, together with all the privileges and appurtenances thereunto belonging, to the said City of Portland and its successors, forever. heirs and assigns forever; And-----do covenant with the said heirs and assigns, that-----will warrant and-----defend the premises to-----the said-----heirs and assigns forever, against the lawful claims and demands of all persons claiming by, through or under me.

In Witness Whereof We the said Elias Thomas, William Widgery Thomas and Helen Thomas Payson, and Dorothea Brayton Thomas, wife of the said Elias Thomas, Mary Cate Thomas, wife of the said William Widgery Thomas, and Richard C. Payson, husband of the said Helen Thomas Payson, joining in this deed as Grantors and relinquishing and conveying all rights in the above described premises, have hereunto set our hand and seal this nineteenth day of December in the year of our Lord one thousand nine hundred and thirteen.

Signed, Sealed and Delivered in presence of
A.K. Butler to E.T., W.W.T. & H.T.P. Elias Thomas Seal.
Eva G. Tarbox to D.B.T. Dorothea Brayton Thomas Seal.
Charlotte Thomas. William Widgery Thomas Seal.
Annie L.P. Harrison. May Cate Thomas Seal.
Helen Thomas Payson Seal.
Richard C. Payson Seal.

State of Maine, Cumberland, ss. December 19, 1913

Personally appeared the above named, Elias, Thomas, William Widgery Thomas, and Helen Thomas Payson and acknowledged the above instrument to be their free act and deed.

BEFORE ME, A.K. Butler. Justice of the Peace.

RECEIVED February 4, 1914, at 1 o'clock 40 m. P. M., and recorded according to the original.

Elias Thomas III
Post Office Box 7
Acton, Maine 04001-0007

February 8, 2023

Honorable Kate Snyder

City of Portland

389 Congress Street

Portland, Maine 04101

(207) 874-8941

ksnyder@portlandmaine.gov

Ethan Hipple

Director of Parks, Recreation and Facilities Department

City of Portland, ME

212 Canco Rd, Suite A

Portland, Maine 04103

207-808-5400

ehipple@portlandmaine.gov

Dear Mayor Snyder & Mr. Hipple:

My family gave the City of Portland a generous gift, Thomas Park. I am the living descendant of the Elias Thomas Estate. We are extremely proud of our heritage and many contributions our family has made to the City of Portland. This letter is written requesting the following:

- 1. Correct Lowell Street Park name to Thomas Park name. Our family gave the City of Portland this generous land gift located at 64 Burnham Street. It is a triangle shaped park comprised of 17,176.56 square feet, located between Congress Street, Burnham Street and Lowell Street. Thomas Park's perimeter is outlined by a ring of nine Linden trees that are evenly spaced. Please see below deed dated December 19, 1913 for your review. Thomas Park is 110**

years old city park, known to our family as Thomas Park. We can find no evidence that the council ever voted to change the name, but historic references confirms the name it was given, Thomas Park. We want this error corrected to Thomas Park.

2. According to Portland Property Search the original park size was reduced from 17,176.56 square feet to 12,447 square feet. We were never notified about size reduction. We want the correction of the park name and it's preservation of the land for the purpose for which it was given, a City park for public use.

3. Request that you correct the City's maps and all public information that the City disseminates about the city's public parks to include Thomas Park name, install City of Portland Park sign identifying the park as "Thomas Park" founded in 1913.

4. Respect the family's interest as a stakeholder in any planning for the use of the property by consultations and the sharing of any proposed future plans for this property with us.

It is our desire to work closely with you and the City of Portland to correct these errors.

If you have any questions, please email: elias@exitkeyrealestate.com.

We look forward to your response and want this rectified as soon as possible.

Could you please outline action plan and timeline to fulfill our requests.

We greatly appreciate your swift response.

Sincerely yours,

Elias Thomas, III

Cc. Danielle West, Interim City Manager, City Manager's Office

(207) 874-8689, citymanager@portlandmaine.gov

Michael Goldman, Acting Corporation Counsel

(207) 874-8480, mig@portlandmaine.gov

From: Herb Adams <hadams@smccme.edu>
Sent: Monday, February 27, 2023 9:55 PM
To: Carol Schiller; elias@exitkeyrealestate.com; Nick Noyes
Subject: More on Thomas Park

Some research time in the Library today reveals the following. When I am in my SMCC office I will scan all of these out to you for our case. This is what I have :

1. 1922 City Report -- Parks Commission report notes this is the 10th anniversary of the 1913 creation of the Portland Parks Commission.

Hence, the donation of Thomas Park back in 1913 was one of the VERY FIRST donations of a new city park under the then-new commission and would have been known to everyone.

2. 1923 City Report -- pg. 128 clearly lists "Thomas Square , .39 acres " as one of the city's 258.83 acres of holdings (And it is not the smallest -- those are AndrewsSquare and Monument Square)

3. 1915 City Report -- pg. 440, as of December 31, 1915 , lists Thomas Square as .39 acres in the 181.97 acres of 14 total city parks and public grounds (This is the first mention of this brand-new park I can find in City Reports. Obviously everyone would have known about it .)

Do we know the date of the gift of Thomas Square in 1913 ? That way I can check the 3 city papers for any mention of it.

All this just adds validity to the city's acknowledgment of the existence of this small but pleasant piece of the city.

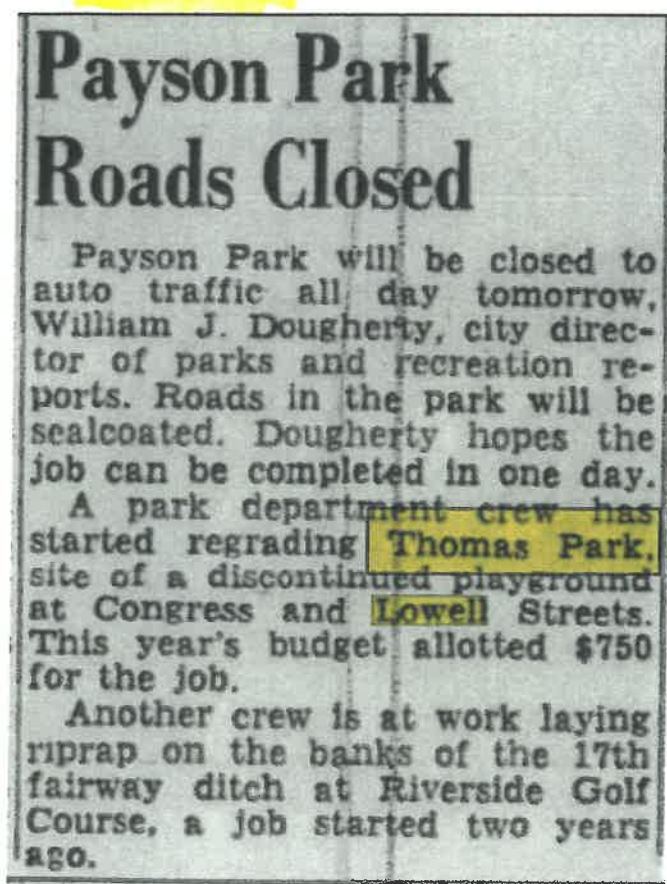
More to follow soon as time allows.
Best Wishes to All

From: S. Nick Zaccaro <snzaccaro@gmail.com>
Sent: Thursday, February 23, 2023 10:25 PM
To: ethomas@metrocast.net
Cc: Carol Schiller
Subject: Re: Thomas Park - introductions & research

I just found a reference to the "Thomas Park" name as late as 1952.

Evening Express
28 Aug 1952, Thu · Page 15

CI



On Thu, Feb 23, 2023 at 10:14 PM S. Nick Zaccaro <snzaccaro@gmail.com> wrote:
Hello Elias,

I just noticed the below email to Earle seems to have only been sent to me. I wanted to make sure you also sent it to him.

I've attached the articles Carol referenced which list Thomas/Lowell Park as an official park. I believe at least Parks Director Alex Marshall has seen these clippings.

Nick

LOT OF LAND ON CONGRESS ST., OP-
posite the new Thomas Park. at West
End, lately presented to the City; one of
th most desirable locations for resi-
dences or for an apartment house, which
is actually needed. Lot will be divided
and sold 50x100 if necessary, or will sell
100x100 square feet. W. F. DRESSER, 80
Exchange street. 24 6t Fel

Green Space

used heavily

Official list of city's parks...

There are probably a lot more parks in Portland than you thought. Here is the official list of city parks, their location and facilities.

Back Cove Park: Preble Street Extension and Interstate 295, soccer field. Back Cove is a lookout site for migrating waterfowl.

Barrows Park: The wedge of green past Vannah Avenue as you pull onto Baxter Boulevard.

Bayside Park: Fox and Anderson streets; playground, basketball court, baseball diamonds, tennis courts.

Baxter Wood: Stevens, Forest and Hartley trails.

Pearl, Federal, Congress and the Franklin Arterial, benches.

Lowell Street Park: Congress and Lowell, at **Thomas Square** where the Lowell Street Professional building is located.

Longfellow Park: between Longfellow, Noyes and Oakdale streets, cement benches, flower bed.

Martin's Point Park: Land set aside at Marine hospital which will get a walkway and picnic area sometime this summer.

North Street Park: Next to old Jack Elementary School; playground.

Oakleigh Park: near the Boulevard, softball field, generally

Section Of Douglass St. Dump Becomes Modern Playground

Activities Transferred From Lowell Street; Latter Site Will Be Park

Children in the area around Congress Street and Park Avenue had a new playground and new equipment today.

Richard S. Westgate, director of recreation for the City of Portland, announced that playground activities were transferred this morning from the small and poorly located playground at Congress and Lowell Streets to a much larger area at the Congress Street end of Douglass Street.

This area, on what was the Douglass Street dump, has been graded, and an area 330 feet by 260 feet has been made into a playground and softball field. The old Lowell Street playground will become a small park according to William J. Dougherty, director of parks and recreation.

Westgate said the new playground is nearly five times as large as the old, but the principal

advantage is that it is away from the heavy Congress Street traffic and is therefore much safer for the children.

Miss Phyllis Wheeler, who has been playground leader at Lowell Street will supervise activities at the new playgrounds.

Westgate said new equipment has been installed at the new playground, where the children will have the customary swings, slides, teeter-boards and sand-boxes.

The softball field will be an additional facility the children will like, he said, but hardball will not be permitted.

Dougherty said this is the first step in the ultimate development of a 23-acre tract into a large recreational area, a development it has been estimated would cost \$165,000. He declared the new
(Continued on Page 18, 3rd Col.)

CITY OF PORTLAND, MAINE

FINANCIAL

The receipts for Evergreen Cemetery for the year ending December 24, 1928, are as follows:

Received for Burials	\$5,203.70
Received for Foundations	3,456.40
Received for Care	3,839.14
Received for Grading	1,940.00
Received for Plants	1,302.53
Received for General Labor	1,077.46
	\$16,709.23

Note.—See Auditor's Statement for financial report.

PARK COMMISSION

Report for the Year 1928

TABLE OF AREAS UNDER THE CONTROL OF THE
PARK COMMISSION

1. Amshouse Valley Lot (northerly side of Park Ave.)	14.18 acres
2. Andrews Square (Pine and West Sts., west corner)	.05 "
3. Baxter Boulevard	28.83 "
4. Boothby Square (Fore St., at Pearl St.)	.11 "
5. Boothby Square (Woodford St. and Stevens Ave.)	.12 "
6. Caldwell Square (northerly side Park Ave.)	52.70 "
7. Deering's Oaks (northerly side Park Ave.)	53.76 "
8. Eastern Promenade	.46 "
9. Eastern Park (corner Brighton and Deering Aves.)	4.55 "
10. Forest Park (adjoining Eastern Promenade)	1.07 "
11. Fort Allen Park (North St.)	3.51 "
12. Fort Sumner Park (Pine Station Lot)	.34 "
13. Lincoln Park and Extension and Oakdale Sts.	.10 "
14. Land at Noyes, Longfellow and Oakdale Sts.	.52 "
15. Monument Square (ornamental circle)	23.01 "
16. Noyes Park (Bedford St., Deering and Brighton Aves.)	47.75 "
17. Presumpscott Park (Stevens Ave.)	.39 "
18. Payson Park, The Edward (Ocean Ave.)	.30 "
19. Thomas Square (Congress and Lowell Sts.)	18.91 "
20. Trinity Square (Forest Ave. and Coyle St.)	.19 "
21. Western Promenade	
22. Winslow Park (Forest Ave. and Winslow St.)	262.85 "
Total Area	

ANNUAL REPORT

CEMETERIES CARED FOR OUT OF PARK FUND

1. Eastern Cemetery—Corner of Mountfort St. and Washington Ave.
2. Western Cemetery—Vaughan St.
3. East Deering Cemetery—Presumpscott St.
4. George St. Cemetery—George St. and Ocean Ave.
5. Longfellow Cemetery—Edwards St.
6. North Deering Cemetery—Maplewood St.
7. Riverton Cemetery—Forest Ave.
8. Stroudwater Cemetery—Westbrook St.

IMPROVEMENT EXPENDITURES

The ratio of improvement expenditures to maintenance costs is always of interest. The Portland Park Commission shows a total improvements expenditure of \$48,775.84. This figure includes \$5,000.00 bond payment on the tannery purchase (addition to Deering's Oaks); \$3,000.00 bond payment on the (addition to Deering's Oaks) for the property along Park Avenue and Forest Avenue; \$2,000.00, a final payment on the land at Deering Avenue, Brighton Avenue and Bedford Street, purchased several years ago from the Deering heirs. The improvement figure (less above bond payments), or \$48,775.84, reflects the following betterments in the Park System.

Amshouse Lott (\$116.87). Filling to grade the area which is to serve as an athletic field.

Baxter Boulevard (asphalt-macadam construction) (\$27,581.34). This is the largest item of improvement accomplished by the Commission in 1928. This work is a continuation of the macadam construction begun at the easterly end of Washington Ave. in 1927. The work was started late in April and, in spite of the worst weather conditions, was completed July 3rd. The area improved was 11,855 square yards. The macadam cost was \$25,961.34. The unit cost was \$2.23 per square yard. Imported trap rock was used in the wearing surface. It cost \$2.55 per ton f. o. b. Portland. The unloading and hauling was done by contract by the Morrill Coal and Wood Company, at \$.75 per ton. The base course

REPORT OF PARK COMMISSION, 1923

ORGANIZATION

CARROLL S. CHAPMAN, *Chairman ex-officio*

FRANKLIN R. REDLON

WILLIAM O. THOMPSON

SETH W. CLARK

WILLIAM J. DOUGHERTY, *Sec'y-Treas.*FRANK C. GOODRICH, *Superintendent*

TABLE OF AREAS OF PARKS, SQUARES, ETC.

Designation.	Area.
Andrews Square,	.05 acres
Alms-house lot,	14.18 "
Baxter Boulevard,	28.83 "
Boothby Square,	.11 "
Deerings Oaks,	51.22 "
Eastern Promenade,	59.20 "
Fessenden Park,	.46 "
Fort Allen Park,	45.55 "
Fort Sumner Park,	1.07 "
Lincoln Park,	3.51 "
Monument Square,	.10 "
Presumpscot Park,	28.01 "
Edward Payson Park,	47.75 "
Thomas Square,	.30 "
Trinity Square,	.30 "
Western Promenade,	18.91 "
Winslow Park,	.10 "
Total,	258.83 "

RECEIPTS AND EXPENDITURES

RECEIPTS	
Balance from year 1922,	\$.58
Appropriation (1923),	100,954.73
Receipts from miscellaneous sources,	3,382.10
Total,	\$104,937.41
EXPENDITURES	
Alms-house lot,	\$ 373.01
Baxter Boulevard,	24,915.46
Cemeteries, Deering section,	125.78
Park Commission cottage and greenhouse,	6,906.75
Deerings Oaks,	6,761.12
Eastern Promenade and Fort Allen Park,	2,614.97
Eastern Cemetery,	631.40
Edward Payson Park,	4,092.49
Forestry,	3,023.26
General,	2,592.90
Land payment,	5,799.99
Lincoln Park,	1,952.02
Motor transportation,	2,393.22
Office, salaries and insurance,	4,853.89
Presumpscot Park,	90.00
Recreation Commission (12½% of Park Dept. appropriation and last quarter annual payment carried forward from 1922,)	15,587.40
Small parks and squares,	1,751.47
Schools,	28.00
Snow and ice,	2,186.50
Stable,	1,690.68
Trinity Square,	99.25
Tools and equipment,	1,423.22
Western Promenade,	2,218.24
Western Cemetery,	2,549.49
Winslow Park,	193.51
Total,	\$104,004.62

Thomas Square Park
1913 to Present

Park Description:

Thomas Square Park, founded December 19, 1913, located at 64 Burnham Street, between Lowell, Burnham and Congress Streets, Triangle shape, 17, 176.56 square feet . Thomas Park perimeter is surrounded by a ring of nine Linden trees.

Park Commission Reports list Thomas Square in 1913, 1922 reports, showing the park size was.39 acres. The 1914 Richard Atlas map shows the park was 17,176. Square feet.

Documents:

1. **Dec. 19, 1913 Deed:** Estate of Thomas Elias - Thomas Park Gift to City of Portland

2. **1914 Richard Atlas:** Plate 7

Alternative Title - Libby Town, West End (western section) .

This map shows the park, 17,176 square feet. The name is not shown.

Park Commission Reports:

3. **1915** Park Commission Report, Thomas Square

4. **1922** Park Commission Report 10th Annual

5. **1923** Park Commission Report, Thomas Square reference .39 acres

6. **1926** Park Commission Report,

7. **1940?** Portland City Guide, Lowell Street Playground, Congress, Burnham, and Lowell Streets, is a municipal playground with a supervised play program; regular playground equipment is available. Portland Guide, Recreational Facilities section, page xLi (n 44) -

Link: <https://archive.org/details/portlandcityguid00unse/page/n43/mode/2up?ref=ol&view=theater&q=lowell>

News Articles/Info:

Jan. 14, 1772 Elias Thomas was born - Died August 3, 1872 , 100 years old

April 17, 1869 - William and Elias Thomas go to court due to a fight provoked when called liar. Portland Press Herald, Page 3

August 9, 1872 (For the press.) Correction

Elias Thomas. Mr. Editor: — As there are some inaccuracies in the notice of Elias Thomas in your paper of this morning, I enclose you a sketch of his life as drawn by the late Honorable William Willis. Etc Portland Daily Press, page 3

May 11, 1875 Elias Thomas & Co., Flour, Groceries and Provisions, 86 Commercial Street. Thomas' Block Portland. Ad Portland Daily Press, page 3

May 10, 1890 Some of Portland's Venerable Citizens, Portland Daily Press, page 5

Nov. 23, 1896 "William W. Thomas - Death of An Aged and Prominent Citizen, 93 Years of Active Life." The Portland Daily Press, page 3

Nov. 30, 1896 Mr. Thomas's Will. He Gives \$50,000 in Public Bequest .

A Large Portion of the Property Place in Trust - Elias and Hon. W.W. Thomas as Made Trustees and Executors - Many Charitable Institutions Remembered.

The will of the late William W. Thomas was presented for probate Saturday....Witnessed by Byron D. Verrill, Henry C. Small and Fred E. Alen , Continued ...signed December 22, 1894 ..Portland Daily Press, page 3

Jan. 29, 1897 Funeral of General Thomas. Address Delivered by Rev. Mr. Hack of the Second Parish, Portland Daily Press, page 3

Sept. 23, 1902 Obituary Mrs. Elias Thomas, Jr. Eleanor Libby Holt's parents were Julia Libby & William Holt. Her grandfather was Harrison J. Libby. Married to Mr. Thomas last July 16th, 1902 or 1901?

July 14, 1903 Obituary Mrs. Elias Thomas. Daughter of Hon. S. P. Brown in DC, after marrying Mr. Thomas she moved to Portland. Survived by her husband, a daughter, Mrs. Richard C Payson, and two sons Elias Thomas, Jr and William W. Thomas.

March 7, 1904 Social Gossip - Mr. Elias Thomas, Jr., is at the Trochta, Havana, Cuba. Evening Express, page 3

January 11?, 1906 Elias Thomas, Jr & Dorothea Perkins 2nd Wedding Reception at Danforth Street.

January 14, 1906 "Gathering for Elias & Dorothea's wedding reception at Danforth Street house". Portland Sunday Telegram, page 10

1909 Elias Thomas, Jr Born - Died May 1995. Parents were Elias & Dorothea Perkins Thomas.

1910 **Factory** designed by John Calvin Stevens, on corner of Lowell & Cherry Streets, 1932 Corbin -Holmes Shoe Co. employs 520; Homes, Stickney & Walker Shoe Company; Holmes Stickney, Inc Shoe & Company,

October 19, 1913 Sunday Morning (Regarding Death of Mr. Elias Thomas) Commercial Portland was dealt, a hard blow, and its social life sustained a serious loss in the death of Mr. Elias Thomas. He was born in this city, and had been prominent in its activities and interest for years, all projects designed for the advancement of his native place and the betterment of its citizenship, found in him, an ardent, champion and sturdy supporter. His business career which extended over a long period was characterized by unusual success. For years, Mr. Thomas was recognized as one of our strong and representative citizens, and one who had contributed his full share to the stability and prosperity of the city. Portland Sunday Telegram, Page 16

April 26, 1914 News paper Ad: "Lot of Land on Congress St., Opposite the new Thomas Park, at West End, lately presented to the City: one of the most desirable locations for residences or for an apartment house, which is actually needed. Lot will be divided and sold 50 x 100 if necessary, or will sell 100 x 100 square feet. W. F. Dresser, 80 Exchange Street."

Portland Sunday Telegram, page 31

June 15, 1918 Elias Thomas, Candidate for State Senate, Evening Express , pg 5

September 5, 1920 Saturday, Sept. 11, Big Day For Children of Portland, Portland Sunday Telegram, page 11

July 23, 1922 - "Portland Playgrounds Care For More Than 19,000 Children" Portland Sunday Telegram, page 10 A

August 29, 1922: " Park Commission Doing Big Job in Adding to City's Beauty. Thomas Square listed. Evening Express, page 12

September 1, 1931 Six-Year-Old Margaret V. Axelson Awarded First Prize In Annual Playground Doll Parade And Pageant, Portland Press Herald, page 2

August 26, 1930 5,000 Watch Annual Doll Carriage Parade Here, Portland Press Herald, page 13

September 28, 1941 Miss Thomas To Be Wedded Oct. 25 In First Parish Church, Portland Press Herald, page 15

August 11, 1948 - "Section of Douglass St. Dump Becomes Modern Playground, Activities Transferred from Lowell Street; Latter Site Will Be Park". Portland Evening Express, Front page

March 27, 1952: City Plans Action To Protect Run Down Fore Street Park. Thomas Square listed. Evening Express, page 40

October 30, 1963 50 Years Ago - William Widgery Thomas was today elected to fill vacancy in the office of president at the Canal National Bank created a few weeks ago by the death of his father, Elias Thomas. Evening Express, page 20

July 6, 1983: Lowell Street Park: Congress and Lowell, at Thomas Square where the Lowell Street Professional Building is located.
Evening Express, page 5

July 6, 1983 Neighborhood Park used heavily . Official list of city's parks..Lowell Street Park. Evening Express, page 5

May 31, 1995 Obituary Elias Thomas, Jr. Survived by wife, Irene Goodson Thomas; 3 daughters, Irene Andrew, Eliza Lawrence, Sally Cushman, and son, Elias III .



