

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)

SPECIAL CITY COUNCIL MEETING - APRIL 8, 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 and also via Zoom pursuant to the Remote Meeting Policy adopted by the Portland City Council. Allow your computer to install the free Zoom app to get the best meeting experience. A recording will be available in the Agenda Center following the meeting.

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

Please click the link below to join the webinar:

<https://portlandmaine-gov.zoom.us/j/83403839525?pwd=NGVISUFicnVzRzIITFBKL0pOc jRTUT09>

Passcode: 888951

Or One tap mobile :

+19292056099,,83403839525#,,, *888951# US (New York)

+16469313860,,83403839525#,,, *888951# US

Or Telephone:

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

+1 929 205 6099 US (New York)

+1 646 931 3860 US

+1 312 626 6799 US (Chicago)

+1 301 715 8592 US (Washington DC)

Webinar ID: 834 0383 9525

Passcode: 888951

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- March 18, 2024

PROCLAMATIONS:

Proclamation 17-23/24 Recognizing April 8-12, 2024 as Telecommunicator Appreciation Week - Sponsored by Mark Dion, Mayor

Proclamation 18-23/24 Recognizing April 2024 as Arab American Heritage Month - Sponsored by Mark Dion, Mayor

LICENSES:

Order 157-23/24 Granting Municipal Officers' Approval of Low Key LLC, dba Low Key. Application for Class X Lounge with Outdoor Dining on Public Property at 89 Congress Street - Sponsored by Danielle P. West, City Manager 157

Application was filed on 2/27/24. Location was previously Blue Spoon. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 158-23/24 Granting Municipal Officers' Approval of Lucky Sevens LLC, dba Bar Publica. Application for Class A Restaurant/Lounge with Outdoor Dining on Private Property at 82 Hanover Street - Sponsored by Danielle P. West, City Manager

Application was filed on 3/1/24. Location was previously The Yard. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 159-23/24 Granting Municipal Officers' Approval of Novel LLC, dba Novel. Application for Outdoor Dining on Private Property at 643 Congress Street - Sponsored by Danielle P. West, City Manager

Application was filed on 3/7/24. Existing establishment adding outdoor dining on private property. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 160-23/24 Granting Municipal Officers' Approval of Baba's LLC, dba Baba's. Application for Class I FSE at 79 Island Avenue - Sponsored by Danielle P. West, City Manager

Application was filed on 3/8/24. Location was previously Sweet Creamery. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 161-23/24 Granting Municipal Officers' Approval of Uncle Luckys LLC, dba Lucky Cheetah. Application for Class I FSE at 11 Moulton Street - Sponsored by Danielle P. West, City Manager

Application was filed on 3/14/24. Location was previously Old Port Tavern. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 162-23/24 Granting Municipal Officers' Approval of 123 CZ LLC, dba Porttown Public House. Application for Outdoor Dining on Public Property at 123 Commercial Street - Sponsored by Danielle P. West, City Manager

Application was filed on 3/13/24. Existing establishment adding outdoor dining on public property. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 163-23/24 Granting Municipal Officers' Approval of Will & Girl LLC, dba Thistle & Grouse. Application for Outdoor Dining on Private Property at 10 Cotton Street - Sponsored by Danielle P. West, City Manager

Application was filed on 2/15/24. Existing establishment adding outdoor dining on private property. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 164-23/24 Granting Municipal Officers' Approval of Duckfat LLC, dba Duckfat. Application for Class III & IV FSE with Parklet and Outdoor Dining on Public Property at 43 Middle Street - Sponsored by Danielle P. West, City Manager

Application was filed on 3/13/24. Ownership change of existing establishment. New City and State applications.

Five affirmative votes are required for passage after public comment.

RESOLUTIONS:

Resolve 8-23/24 Adopting the Fiscal Year 2024-2025 Annual Action Plan Including Appropriations for Community Development Block Grant Program, HOME Program, and Emergency Solutions Grant Program and Certifications Pertaining Thereto - Sponsored by Danielle P. West, City Manager

The 2024-2025 Housing and Community Development Program Annual Action Plan reports to the U.S. Department of Housing and Urban Development (HUD) a total estimated budget of \$6,957,515 (Community Development Block Grant ("CDBG") Entitlement Funds and Program Income \$1,898,188, \$120,000 Downtown TIF funding, \$20,000 Cotton St proceeds, HOME Program Grant \$1,037,237, Program Income and Recapture \$92,956; Lead Safe Housing Program Income \$18,825; local Housing Trust Fund \$2,065,297; \$162,241 Emergency Solutions Grant ("ESG") funds).

The CDBG Annual Allocation Committee, appointed by the City Council, reviewed each application and made funding recommendations that will be presented to the Council. The City Manager reviewed the Committee's recommendations and submitted her funding recommendations to the Council. The Housing and Economic Development Committee reviewed the Affordable Housing budgets. The Emergency Shelter Assessment Committee reviewed the ESG budget. Please see attachments for additional details about individual program funding.

The City's public participation process requires two public hearings to consider the City's Housing and Community Development Program proposal. The hearings allow the public to comment on the City's Consolidated Annual Action Plan. Public hearings for FY25 are set for March 18 and April 8. People who wish to speak may do so one time;

they may not speak at both public hearings.

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

UNFINISHED BUSINESS:

Order 151-23/24 Accepting and Appropriating a \$64,000 Grant from the Maine Department of Transportation for the Bicycle/Pedestrian Program on Forest Avenue - Sponsored by Danielle P. West, City Manager

Endorsing this award will enter the City of Portland into a LAP agreement with MaineDOT for the design and right-of-way process associated with enhanced pedestrian crossings on Forest Avenue. The requested Council action is to accept this municipal award and agree to this effort being a Locally Administered Project (LAP). The estimated Planning Level Project Cost totals \$80,000, of which \$64,000 (80%) would be Federally Funded and \$16,000 (20%) would be required as a Local Match.

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

Order 152-23/24 Approving Agreements Between the Maine Department of Transportation, Portland Area Comprehensive Transportation System, and Portland re: Improvements to Riverside Street, Ocean Avenue, and Washington Avenue - Sponsored by Danielle P. West, City Manager

These agreements, between MaineDOT and the City of Portland, as well as between MaineDOT, the City of Portland, and PACTS, obligates MaineDOT to mill and fill Riverside Street, Ocean Avenue, and Washington Avenue Ext., adjust the City's sanitary sewer manhole frames and covers within the project limits, as necessary, update and/or install new pedestrian curb ramps to meet ADA requirements, and all appurtenances to complete paving on these roads. The agreements obligate the City to pay MaineDOT for 25% of the work as its municipal share, and 100% for manhole adjustments from a water resources fund. The estimated amount of municipal share for each project are as follows:

- Riverside Street - \$177,750 as the 25% municipal share and \$39,600 for manhole adjustments
- Ocean Avenue - \$133,000 as the 25% municipal share and \$43,200 for manhole adjustments
- Washington Avenue Ext. - \$81,000 as the 25% municipal share and \$23,400 for manhole adjustments. The estimated City share for all three streets is \$391,750 requested as CIP accounts for these streets and \$106,200 from a water resources account.

This item must be read on two separate days. It received its first reading on March 18. 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 153-23/24 Approving the Service Contract between the Maine Historic Preservation Commission and the City of Portland and Accepting and

Appropriating a Pass-through Grant in the Amount of \$9,153 to the Lions Club of Peaks Island - Sponsored by Danielle P. West, City Manager

On November 8, 2023 the City of Portland was awarded a Certified Local Government (CLG) grant by the Maine Historic Preservation Commission (MHPC). This order authorizes the City Manager to enter into a Service Contract with the MHPC, which will allow the City to administer the grant as a pass through grant in the amount of \$9,153 for the Lions Club of Peaks Island to complete a condition assessment of the Greenwood Gardens Playhouse. The Lions will provide \$6,102 in matching funds.

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

Order 154-23/24 Approving the Service Contract Between the Maine Historic Preservation Commission and the City of Portland and Accepting and Appropriating a Pass-Through Grant in the Amount of \$15,000 to the First Parish Church - Sponsored by Danielle P. West, City Manager

On November 8, 2023 the City of Portland was awarded a Certified Local Government (CLG) grant by the Maine Historic Preservation Commission (MHPC). This order authorizes the City Manager to enter into a Service Contract with the MHPC, which will allow the City to administer the grant as a pass through grant in the amount of \$15,000 for First Parish Church to complete a condition assessment of the church front steps and retaining wall. First Parish Church will provide \$11,000 in matching funds.

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

Order 155-23/24 Traffic Schedule Amendment Re: Removing Time Limited Parking on Kenwood Street - Sponsored by Sustainability & Transportation Committee, Councilor Regina Phillips, Chair

This order removes the current time limited parking on Kenwood Street. The Sustainability and Transportation Committee reviewed this item on February 14, 2024 and voted 3-0 to recommend it to the City Council.

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

Order 156-23/24 Amendment to the Portland City Code Chapter 6 Re: Repeal Rental Housing Advisory Committee - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair

The Housing and Economic Development Committee (HEDC) met on February 27, 2024, and voted 4-0 to forward this item to the City Council for consideration. The proposed amendment would repeal Chapter 6, Section 225 regarding the Rental Housing Advisory Committee.

Members of the Rental Housing Advisory Committee (RHAC) met on February 15, 2024, and voted 5-1-1 to forward a memo to the Housing and Economic Development Committee with a recommendation to dissolve the Rental Housing Advisory Committee. A copy of the RHAC memo is included in the meeting backup.

The Rental Housing Advisory Committee was formed prior to the Rent Board, which was created through a citizens' referendum. Both the Rental Housing Advisory Committee and the Rent Board are tasked with recommending changes regarding landlord/tenant policies and issues in the City of Portland. However, the Rent Board's jurisdiction and authority are more robust when compared to the duties of the Rental Housing Advisory Committee. There is a potential for redundancy in the work of both groups that could lead to a duplication of efforts or policy recommendations that conflict.

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

ORDERS:

Order 166-23/24 Receiving and Referring City Manager's Fiscal Year 2025 Municipal Budget to the Finance Committee and Setting Date of Public Hearing on the Fiscal Year 2025 Municipal Budget and Fiscal Year 2025 Appropriation Resolve - Sponsored by Danielle P. West, City Manager

Under this order, the City Council receives the City Manager's proposed budget and refers it to the Finance Committee for review. The Finance Committee will review the budget at its next meeting, scheduled for April 9, 2024. A Finance Committee public hearing on the budget is also scheduled for April 30, 2024.

The first read of the FY25 Appropriation Resolve and Public Hearing is scheduled for the May 6, 2026 City Council meeting.

Five affirmative votes are required for passage. Public comment will be limited to the referral action only.

Order 165-23/24 Approving the Agreement Between the Maine Department of Transportation, Portland Area Comprehensive Transportation System, and Portland RE: Improvements to Canco Road - Sponsored by Danielle P. West, City Manager

This project is part of the Municipal Partnership Initiative (MPI) Program; the City administers the project and typically receives a portion of funding from the state MPO. By signing the partnership agreement, it enables the City to proceed with the project and obligates PACTS to pay \$250,000 or 30% and the City to pay for 70% of the original estimated project cost; the City share is estimated to be \$580,000 and will come from FY 2025 budget.

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/6498/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 5:03pm.

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

Councilors Absent: Councilor Trevorrow

*Council Trevorrow joined at 5:20pm

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

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

Greg (Milton Street), Steven Scharf (Brackett Street), Bill Webber (District 5), Zach Barrawitz (Hunter Street), Brittney Peet (Edwards Street), George Rheault (Hanover Street)

RECOGNITIONS:

Recognizing Maine Flag Company for 10 Years in Business - Regina Phillips, City Councilor

Councilor Phillips recognized Maine Flag Company for 10 years in business.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

City Council Meeting-March 4, 2024

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

Passage 9-0

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

LICENSES:

Order 146-23/24 Granting Municipal Officers' Approval of Rocket Skates LLC, dba The End. Application for Class A Lounge at 229B Congress Street - Sponsored by Danielle P. West, City Manager

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

Passage 9-0

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

Order 147-23/24 Granting Municipal Officers' Approval of Another Round LLC, dba Another Round. Application for Auditorium at 549 Congress Street - Sponsored by Danielle P. West, City Manager

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

Passage 9-0

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

Order 148-23/24 Granting Municipal Officers' Approval of 15 Exchange LLC, dba Off Track Pizza. Application for Class A Restaurant/Lounge at 15 Exchange Street - Sponsored by Danielle P. West, City Manager

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

Passage 9-0

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

RESOLUTIONS:

Resolve 8-23/24 Adopting the Fiscal Year 2024-2025 Annual Action Plan Including Appropriations for Community Development Block Grant Program, HOME Program, and Emergency Solutions Grant Program and Certifications Pertaining Thereto - Sponsored by Danielle P. West, City Manager

This item is first reading and requires a public hearing.

*Councilor Bullett Recused from this item.

Mary Davis (Housing & Community Development Division Director) and Janice Hastings (Vice Chair of the CDBG Committee) gave an overview of this item.

Mayor Dion opened the floor for public comment. The following individuals spoke: Sadie Stewart (Temple Bethel Operations Manager), Steven Scharf (Brackett Street), Jenny Stasio (Through these doors), Quang Nguyen (Board of Directors for Immigrant Welcome Center), Stella Hernandez (Immigrant Welcome Center), Andrew Bove (Preble Street), George Rheault (Hanover Street), Eliana Trenam (Catholic Charities of Maine), Sue Roche Immigrant Legal Advocacy Project), Lilly Shop (Maine Immigration Right Coalition), Rod Mauer (Quality Housing Coalition/Hope House), Cullen Ryan (Community Housing of Maine)

Second reading/second public hearing will be held on April 8, 2024

UNFINISHED BUSINESS:

Order 143-23/24 Approving and Appropriating Federal Aviation Administration Grants, State of Maine Matching Grants, and Portland International Jetport Unrestricted Matching Funds - Sponsored by Danielle P. West, City Manager

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

Passage 9-0

Paul Bradbury (Director of Jetport) gave overview of this item.

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

Order 144-23/24 Authorizing General Obligation Bonds to Finance a Portion of the City's Fiscal Year 2025 Capital Improvement Program in an Amount not to Exceed \$19,040,000 - Sponsored by the Finance Committee, Anna Trevorow, Chair

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

*Public Comment was taken on items 144-23/24 & 145-23/24 together

Mayor Dion opened the floor for public comment. The following individuals spoke: George Rheault (Hanover Street), Eammon Dundon (Portland Regional Chamber), Steven Scharf (Brackett Street), David Lacase (High Street)

The following Councilors provided comment: Councilor Sykes

Motion was made by Councilor Sykes and seconded by Councilor Rodriguez to postpone item until Monday, April 8, 2024.

The following Councilors commented on the motion to postpone: Councilor Ali, Councilor Trevorrow, Brendan O'Connell (Finance Director), Councilor Fournier, Councilor Pelletier, Councilor Phillips

Councilor Sykes withdrew motion to postpone.

Motion was made by Councilor Bullett and seconded by Councilor Trevorrow to amend Order 144-23/24 to change the CIP amount not to exceed \$19,040,000 to \$20,040,000.

Passage 9-0

The additional funds would support the following additions/changes to the CIP lines: Riverton Gym Floor Replacement, ADA Compliance Program, Islands Improvement Program, Bucket Truck, Electric Ice Resurfacer

Copy of amendment is in the backup

*Amendment passed.

Order 145-23/24 Appropriating Bond Proceeds and other Funds in an Amount not to Exceed \$28,510,000 for the City's Fiscal Year 2025 Capital Improvement Program - Sponsored by the Finance Committee, Anna Trevorrow, Chair

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

*Public Comment was taken on items 144-23/24 & 145-23/24 together

Mayor Dion opened the floor for public comment. The following individuals spoke: George Rheault (Hanover Street), Eammon Dundon (Portland Regional Chamber), Steven Scharf (Brackett Street), David Lacase (High Street)

Motion was made by Councilor Bullett and seconded by Councilor Rodriguez to amend Order 144-23/24 to change the CIP amount not to exceed \$28,510,000 to \$29,510,000.

Passage 9-0

The additional funds would support the following additions/changes to the CIP lines: Riverton Gym Floor Replacement, ADA Compliance Program, Islands Improvement Program, Bucket Truck, Electric Ice Resurfacer

Copy of amendment is in the backup

*Amendment passed

ORDERS:

Order 149-23/24 Accepting and Adopting the 2024 Jill C. Duson Housing Trust Fund Annual Plan - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair

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

Passage 9-0

Mary Davis (Housing & Community Development Division Director) gave an overview of this item.

Mayor Dion opened the floor for public comment. No

Order 150-23/24 Approving the 2024 Affordable Housing Development and Tax Increment Financing Application - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair

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

Mary Davis (Housing & Community Development Division Director) gave an overview of this item.

Mayor Dion opened the floor for public comment. The following individuals spoke:
Councilor Fournier, Councilor Phillips, Mayor Dion, Councilor Ali, Councilor Bullett

Order 151-23/24 Accepting and Appropriating a \$64,000 Grant from the Maine Department of Transportation for the Bicycle/Pedestrian Program on Forest Avenue - Sponsored by Danielle P. West, City Manager

This is first reading.

Order 152-23/24 Approving Agreements Between the Maine Department of Transportation, Portland Area Comprehensive Transportation System, and Portland re: Improvements to Riverside Street, Ocean Avenue, and Washington Avenue - Sponsored by Danielle P. West, City Manager

This is first reading.

Order 153-23/24 Approving the Service Contract between the Maine Historic Preservation Commission and the City of Portland and Accepting and Appropriating a Pass-through Grant in the Amount of \$9,153 to the Lions Club of Peaks Island - Sponsored by Danielle P. West, City Manager

This is first reading.

Order 154-23/24 Approving the Service Contract Between the Maine Historic Preservation Commission and the City of Portland and Accepting and Appropriating a Pass-Through Grant in the Amount of \$15,000 to the First Parish Church - Sponsored by Danielle P. West, City Manager

This is first reading.

AMENDMENTS:

Order 155-23/24 Traffic Schedule Amendment Re: Removing Limited Parking on Kenwood Street - Sponsored by Sustainability & Transportation Committee, Councilor Regina Phillips, Chair

This is first reading.

Order 156-23/24 Amendment to the Portland City Code Chapter 6 Re: Repeal Rental Housing Advisory Committee - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair

This is first reading.

EXECUTIVE SESSION:

ADJOURNMENT:

Motion was made by Councilor Ali and seconded by Councilor Bullett to adjourn. Passage 9-0 at 7:50pm.

A TRUE RECORD

Ashley Rand, City Clerk

CITY OF PORTLAND
IN THE CITY COUNCIL

**PROCLAMATION RECOGNIZING APRIL 14-20, 2024 AS
NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK**

WHEREAS, Emergencies that require police, fire or emergency medical services can occur any time; and

WHEREAS, When an emergency occurs, the prompt response of police officers, firefighters and paramedics is critical to the protection of life and preservation of property; and

WHEREAS, The safety and responsiveness of Portland's police officers and firefighters is dependent upon the quality and accuracy of information obtained from residents who telephone the emergency communications center that serves the Portland, South Portland and Cape Elizabeth, Maine communities; and

WHEREAS, Public Safety Telecommunicators are the first and most critical contact our residents have with emergency services; and

WHEREAS, Public Safety Telecommunicators are a critical and vital link for our police officers and firefighters by monitoring their activities by radio, providing them with timely information, and ensuring their safety; and

WHEREAS, Public Safety Telecommunicators of the Portland Regional Communications Center have contributed substantially to protecting the public health, safety, and welfare of our community by facilitating the report of crimes, concerns about community members' welfare, treatment of medical emergencies, apprehension of criminals, and suppression of fires all while exhibiting compassion and professionalism;

NOW, THEREFORE, BE IT RESOLVED, that I, Mark Dion, Mayor of the City of Portland, Maine and members of the City Council do hereby recognize the week of April 14 through 20, 2024 as National Public Safety Telecommunicators Week in the City of Portland in honor of those whose diligence and professionalism keep our City and citizens safe.

Signed and sealed this 8th day of April, 2024



Mark Dion, Mayor
City of Portland

CITY OF PORTLAND
IN THE CITY COUNCIL

PROCLAMATION RECOGNIZING APRIL 2024 AS ARAB AMERICAN HERITAGE MONTH

WHEREAS, For over a century, Arab Americans have been making valuable contributions to virtually every aspect of American society, including in medicine, law, business, education, technology, government, military service, and culture; and

WHEREAS, Since migrating to America, men and women of Arab descent have shared their rich culture and traditions with neighbors and friends, while also setting fine examples of model citizens and public servants; and

WHEREAS, They brought with them to America their resilient family values, strong work ethic, dedication to education, and diversity in faith and creed, which have added strength to our great democracy; and

WHEREAS, Arab Americans have also enriched our society by sharing in the entrepreneurial American spirit that makes our nation free and prosperous; and

WHEREAS, The history of Arab Americans in the United States remains neglected and defaced by misconceptions, bigotry, and anti-Arab hate in the forms of crimes and speech; and

WHEREAS, They join all Americans in the desire to see a peaceful and diverse society, where every individual is treated equally and feels safe; and

WHEREAS, The incredible contributions and heritage of Arab Americans have helped us build a better nation; and

NOW, THEREFORE, BE IT RESOLVED, that I, Mark Dion, Mayor of the City of Portland, Maine and members of the City Council do hereby recognize April 2024 as Arab American Heritage Month in the City of Portland, Maine and invite citizens of Portland to celebrate the many accomplishments and rich history of our Arab American neighbors that add to the diversity, strength, and vibrancy of Portland.

Signed and sealed this 8th day of April, 2024



Mark Dion, Mayor

City of Portland

MEMORANDUM
City Council Agenda Item

FROM:

DATE: March 19, 2024

SUBJECT: Order 157-23/24 Granting Municipal Officers' Approval of Low Key LLC, dba Low Key. Application for Class X Lounge with Outdoor Dining on Public Property at 89 Congress Street - Sponsored by Danielle P. West, City Manager 157

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

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

**Final
Action**

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

Does this item involve a new contract with the City: N/A

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

I. SUMMARY

II. AGENDA DESCRIPTION

Application was filed on 2/27/24. Location was previously Blue Spoon. 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. 2024.04.08_Low Key_Council Order
2. 2024.04.08_Low Key_Council Packet

Prepared by:

Date: 03/19/2024

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)
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ANNA Y. BULLETT (4)
KATHRYN SYKES (5)

ORDER

GRANTING MUNICIPAL OFFICERS’

APPROVAL OF:

**Low Key LLC, dba Low Key. Application for Class X Lounge with Outdoor Dining on
Public Property at 89 Congress Street**

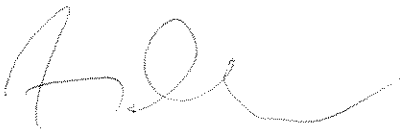
February 15, 2024

To Mayor Dion and Members of City Council,

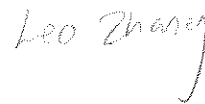
My name is Britt Langford, a member of Low Key LLC. We currently lease 89 Congress Street (Formerly Blue Spoon Restaurant), and plan on opening a Neighborhood Bar with outdoor dining called Low Key at 89 Congress Street.

Thank you for your consideration.

Britt Langford (Member)

A handwritten signature in dark ink, appearing to be "Britt Langford", written in a cursive style.

Fan Zhang (Member)

A handwritten signature in dark ink, appearing to be "Leo Zhang", written in a cursive style.



CITY OF PORTLAND
Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

Business Information		
Legal Business Entity Applicant Name (corporation, LLC):	Business Name (D/B/A):	
LOW KEY LLC	LOW KEY	
Individual or Sole Proprietor Applicant Name(s):	Physical Location:	
	89 CONGRESS ST PORTLAND 04101	
If applicable, what was formerly at this location:	Business Email Address:	
BLUE SPOON	BRITT.LANGFORD@OUTLOOK.COM	
Mailing Address:	Contact Person:	
1 REG ROC RD FALMOUTH, ME 04105	BRITT LANGFORD	
Contact Person Phone:	Contact Person Email:	
	BRITT.LANGFORD@OUTLOOK.COM	
Manager of Establishment:	Date of Birth:	Manager Phone:
BRITT LANGFORD	2/19/1989	207 272 8349
Owner of Premises (Landlord):	Address of Premises Owner (Landlord):	
DAVID IOVINO	89 CONGRESS ST. PORTLAND, ME 04101	

Sole Proprietor/Partnership Information (If Corporation, leave blank)		
Name of Owner(s):	Date of Birth:	Residence Address:
BRITT LANGFORD	2/19/1989	1 REG ROC RD FALMOUTH, ME 04105
Name of Owner(s):	Date of Birth:	Residence Address:
FAN ZHANG	8/11/1990	1 REG ROC RD FALMOUTH, ME 04105

Corporate/LLC/Non-Profit Organization Applicants (If Sole Proprietor or Partnership, leave blank)			
Corporate Name:	Corporate Mailing Address:		
LOW KEY LLC	1 REG ROC RD FALMOUTH, ME 04105		
Contact Person:	Contact Phone:		
BRITT LANGFORD	207.272.8349		
Principal Officers	Title	Date of Birth	Residence Address
BRITT LANGFORD	MANAGER	2.19.1989	1 REG ROC RD FALMOUTH, ME 04105
FAN ZHANG	MANAGER	8.11.1990	1 REG ROC RD FALMOUTH, ME 04105



CITY OF PORTLAND
Permitting and Inspections Department

Class of Liquor License (see fee schedule): <u>CLASS X</u>		
Type of food served:	<u>SNACKS, SALAD, SANDWICHES</u>	
Please select all that will be served:	☒ Beer ☒ Wine ☒ Liquor	
Projected percentage of sales:	Generated from Food: <u>5000 40%</u> Generated from Alcohol: <u>60%</u>	
Hours & days of operation:	<u>3-11 TUES - SUNDAY</u>	
QUESTIONS	YES	NO
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	☒	☒
If No, please explain:		
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	☐	☒
If yes, give the distance:		
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)	☐	☒
Will you permit dancing after 1:00 a.m.?	☒	☒
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	☐	☐
If yes, will the outside dining be on: ☒ PUBLIC property or ☐ PRIVATE property		
Will you have any amusement devices (pinball, video games, juke box)?	☐	☒
If yes, please list: # of amusements: and # of pool tables:		
What is your targeted opening date? :	<u>4/1/2024</u>	
Does the Issuance of this license directly or indirectly benefit any City employee(s)?	☐	☒
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?	☒	☐
If Yes, please list business name(s) and location(s):	<u>JING YAN 90 CONGRESS ST. PORTLAND</u>	
Is any principal officer under the age of 21?	☐	☒
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	☐	☒
If Yes, please explain:		

I, BRITT LANGFORD 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 2.15.2024

Low Key Menu

Olives \$5
Bread and Butter \$5
Herb Popcorn \$7
Shrimp Cocktail \$12
Cheese Board \$15
Charcuterie Board (Large) \$25
Lobster Roll (Seasonal Only) MKP
Rotating Softserve \$5



CITY OF PORTLAND
Permitting and Inspections Department

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

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

☒ Legal Advertisement Deposit \$100.00
☒ Outdoor Dining on Public Property \$84.00 plus \$2.00 per Square foot \$2.00 X _____ SF = _____ ^{BL} ?? WAIT TO HEAR SIZE ALLOWED
☐ Outdoor Dining on Public Property in a City Park \$84.00 plus \$6.30 per Square foot \$6.30 X _____ SF = <u>20</u> WILL PAY ONLINE

Business Information	
Establishment Name (d/b/a):	LOW KEY Phone: 207-272-8349
Location Address:	89 CONGRESS ST. PORTLAND, ME 04101 Zip: 04101
Mailing Address:	1 REG ROCK RD FALMOUTH, ME 04105 Zip: 04105
Contact Person:	BRITT LANGFORD Phone: 207-272-8349
Contact Person Email:	BRITT.LANGFORD@OUTPOST.COM
Manager of Establishment:	BRITT LANGFORD Date of Birth: 2-19-1989 Phone: 207-272-8349
Owner of Premises (Landlord):	DAVID IOVINO
Address of Premises Owner (Landlord):	89 CONGRESS ST. UNIT 2 PORTLAND, ME 04101 Zip: 04101

Owner Information

Corporate Name		Corporate Mailing Address	
LOW KEY LLC		1 REG ROCK RD FALMOUTH, ME Zip: 04105	
Contact Person:	BRITT LANGFORD	Phone:	207-272-8349
Principal Officers	Title	Date of Birth	Residence Address
BRITT LANGFORD	MEMBER OWNER	2-19-1989	1 REG ROCK RD FALMOUTH, ME 04105
FANZHANG	MEMBER	8-11-1990	" "

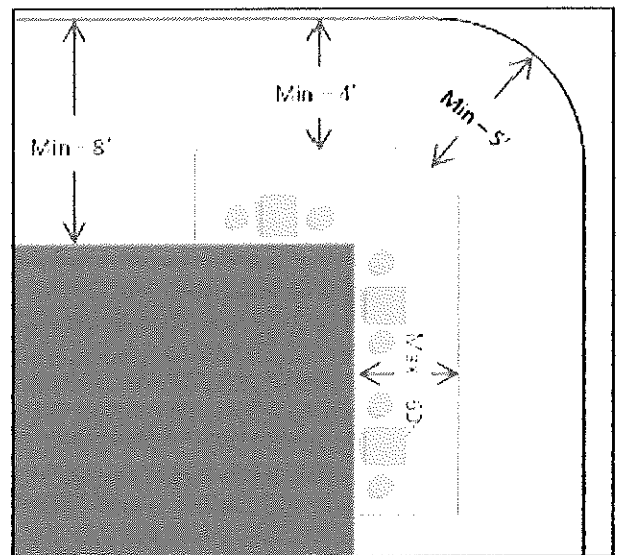


CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	CLASS X
Type of food served:	SNACKS, SANDWICHES, COLD APPETIZERS
Please circle all that will be served:	Beer / Wine / Liquor
Hours & days of operation:	TUES - SUN 3-11 PM
Number of Tables	3
Number of Chairs	6

Design and Construction

Existing Sidewalk Width (property line to curb)	Sidewalk Dining Allowed?
< 8'0"	No
≥ 8'0"	Yes – up to 60% of
Sidewalk Type	Sidewalk Passage Width
Standard sidewalk	4'0"
Street corner	5'0"

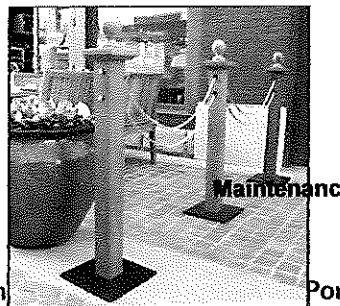


- Outdoor dining area shall not exceed 60% of the sidewalk width.
- A continuous, unobstructed sidewalk passage of 4 feet from the outer boundary of the seating area to the curb must be maintained. If the passage is not straight due to existing obstacles, then additional width may be required. Any changes to existing straight passage is at the discretion of the City.
- Egress must be maintained free of obstruction.
- Permanent fixtures, such as awnings, require a building permit separate from the Outdoor Dining permit and subject to approval by the Building Authority.
- Umbrellas do not require a permit.
- Umbrellas must be secured and maintain the height clearance for sidewalk passage.

Barriers

- If barriers are proposed, they must be free-standing. Physical attachments to a building are not allowed.
- Stanchions and ropes are encouraged. Sectional fencing is allowed with a high degree of visual transparency (at least 50% open). Solid or opaque barriers are not allowed.
- Shall not exceed 42" in height and may not include commercial signage.

Example barrier types that meet regulation





CITY OF PORTLAND
Permitting and Inspections Department

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

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

Signature  Title OWNER Date 2-15-2024

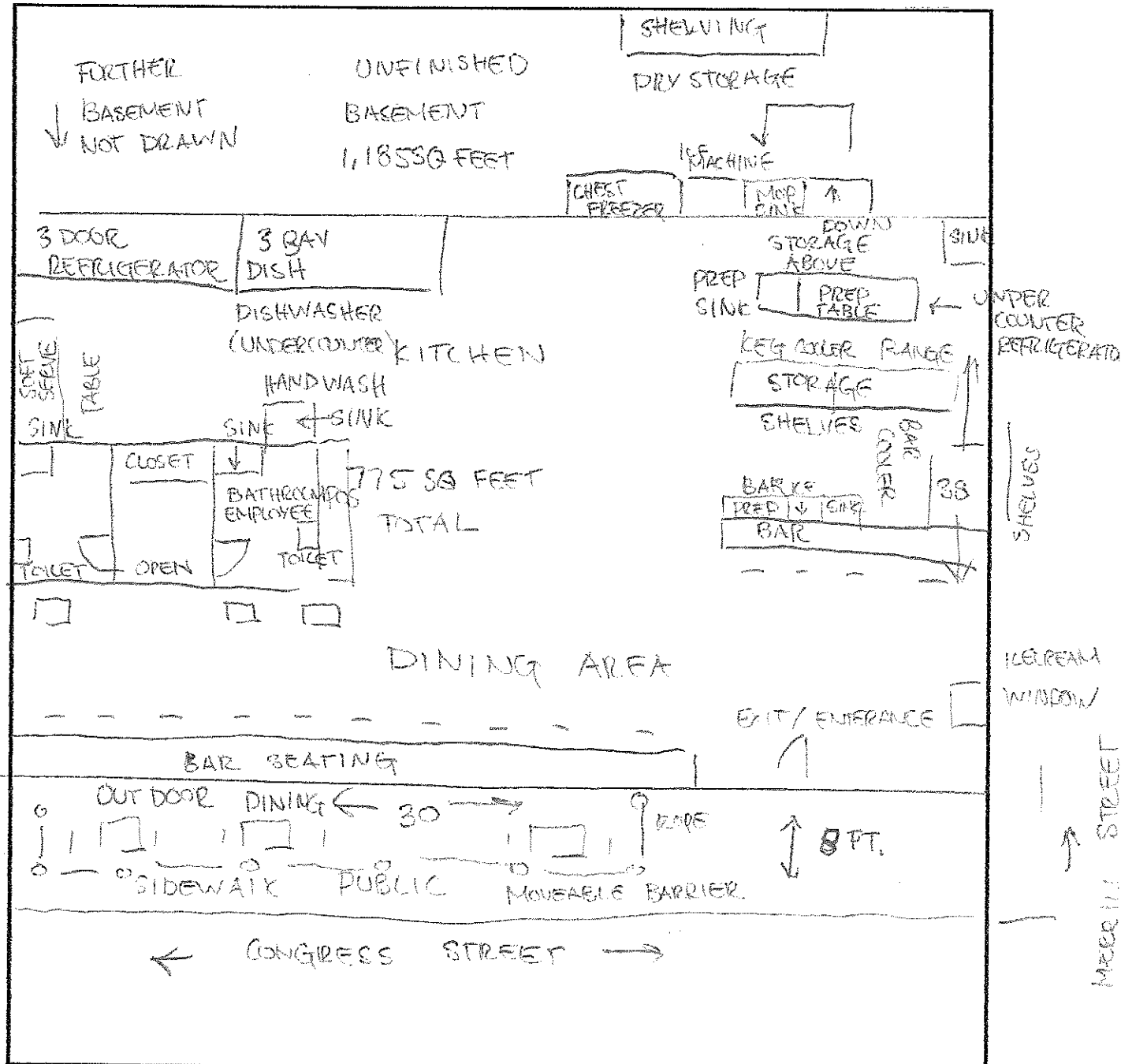
For Administrative Use Only

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

Section VII 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.



Low Key - Class X - 89 Congress St

Eric Nevins <erich@portlandmaine.gov>

Sat, Mar 23, 2024 at 7:35 PM

To: Zachary Lenhart <zlenhart@portlandmaine.gov>

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

Approved

On Thu, Mar 21, 2024 at 10:16 AM Zachary Lenhart <zlenhart@portlandmaine.gov> wrote:

[Quoted text hidden]

--

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



Zachary Lenhert <zlenhert@portlandmaine.gov>

Low Key - Class X - 89 Congress St

Zoning <zoning@portlandmaine.gov>

Tue, Mar 26, 2024 at 11:26 AM

To: Zoning <zoning@portlandmaine.gov>

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

Good Afternoon,

The current legal use for 89 Congress ST is restaurant. Bar is not a permitted use in the B-1 zone so a change of use would not be possible. Zoning cannot approve.

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 April 8, 2024 at 5:00 P.M., in City Council Chambers, 389 Congress St. for Low Key LLC, dba Low Key. Application for Class X Lounge with Outdoor Dining on Public Property at 89 Congress Street - Sponsored by Danielle P. West, City Manager

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



March 29, 2024

Low Key LLC
643 Congress Street
Portland, Maine 04101

Re: Low Key LLC, dba Low Key. Application for Class X Lounge with Outdoor Dining on Public Property at 89 Congress Street

Dear Low Key LLC:

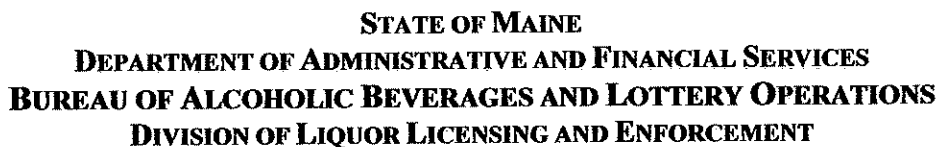
This letter shall serve as a reminder of the public hearing before the Portland City Council on Monday April 8, 2024 at 5:00 p.m., for the review of application for Class X Lounge with Outdoor Dining on Public Property at 89 Congress Street. The meeting will take place in person at Portland City Hall, in City Council Chambers on the 2nd Floor of 389 Congress Street.

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

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

Sincerely,

Zachary J. 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): LOW KEY LLC	Business Name (D/B/A): Low Key
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 89 CONGRESS ST PORTLAND, ME 04101
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different: 1 REG. BLDG FALMOUTH, ME 04105
Mailing address, if different from DBA address:	Email Address: BRITT.LANGFORD@OUTLOOK.COM
Telephone # Fax #: 207-272-8349	Business Telephone # Fax #:
Federal Tax Identification Number: 99-1317391	Maine Seller Certificate # or Sales Tax #: TBD 7016944
Retail Beverage Alcohol Dealers Permit:	Website address:

1. New license or renewal of existing license? ☒ New Expected Start date: 4/1/2024
☐ Renewal Expiration Date: _____
2. The dollar amount of gross income for the licensure period that will end on the expiration date above:
Food: 174,600 Beer, Wine or Spirits: 261,900 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:

1 REG DOC RD FAIRMOUTH, ME 04105

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?

BL
☒ 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
JING YAN LLC	CAR-2020-1295	90 CONGRESS ST. PORTLAND, ME 04101

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
BRITT LANGFORD	2/19/1989	PORTLAND, ME
FAN ZHANG	8/11/1990	BEIJING, CHINA

Residence address on all the above for previous 5 years

Name	BRITT LANGFORD	Address:	1 REG ROC RD FALMOUTH, ME 04105
Name	FAN ZHANG	Address:	1 REG ROC RD FALMOUTH, ME 04105
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:

DAVID IOVINO 89 CONGRESS ST. UNIT 2 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)

THE DINING ROOM AND OUTDOOR DINING 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: EAST END COMMUNITY SCHOOL

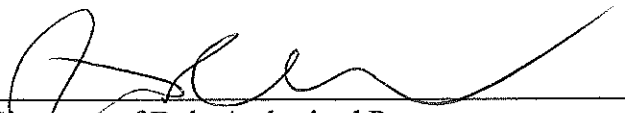
Distance: 0.6 MILES

Section II: Signature of Applicant(s)

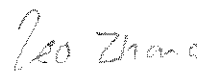
By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary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

Please sign and date in blue ink.

Dated: 2.13.2024


Signature of Duly Authorized Person

BRITT LANGFORD
Printed Name Duly Authorized Person


Signature of Duly Authorized Person

F2 & FAIN ZHANG
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.

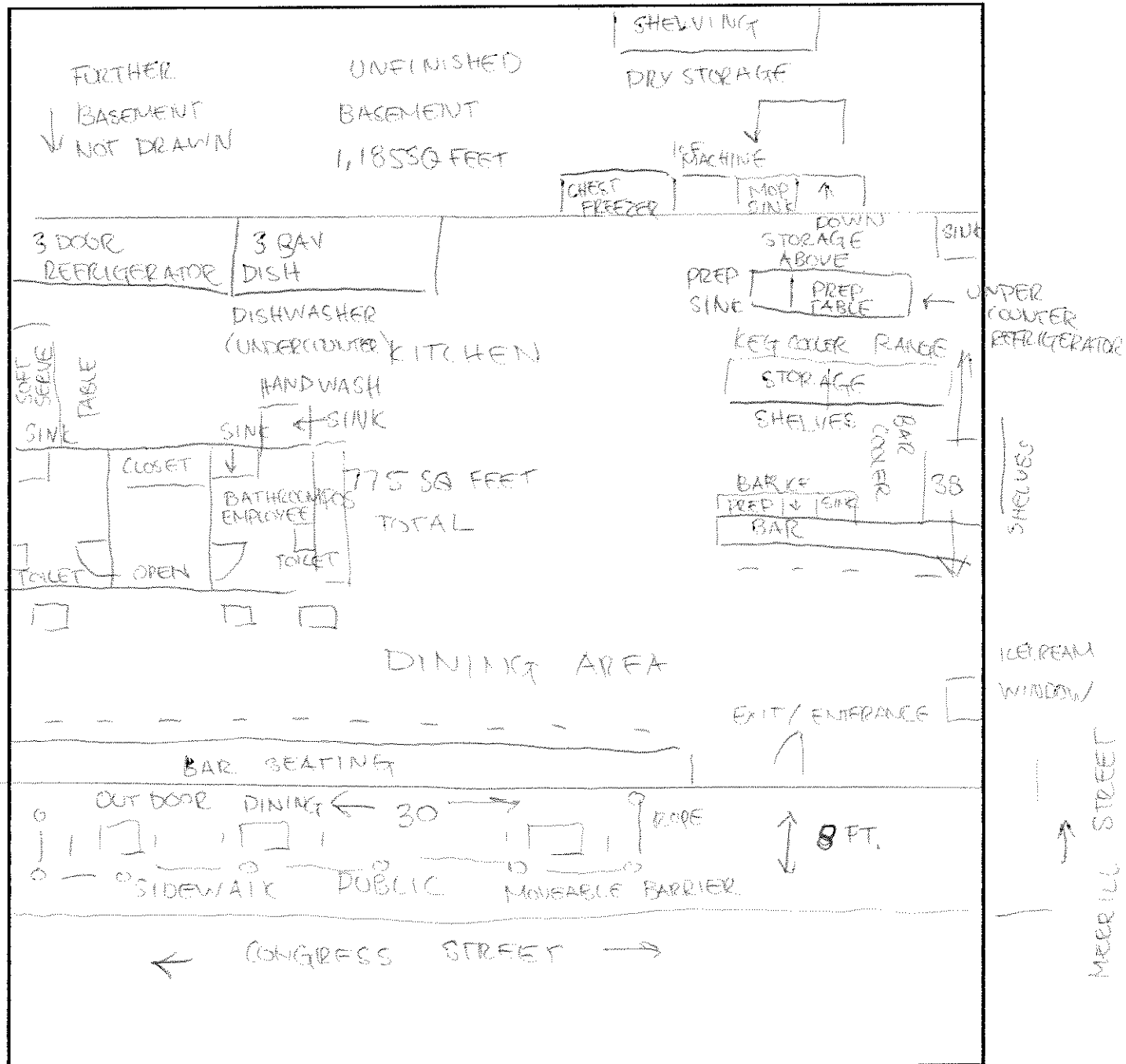
Section IV: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine

- 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 VII 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 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 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: LOW KEY LLC
2. Doing Business As, if any: _____
3. Date of filing with Secretary of State: 1/31/2024 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
BRITT LANGFORD	1 REG ROC RD FALMOUTH, ME 04105	2/11/1989	Member	50
FAN ZHANG	1 REG ROC RD FALMOUTH, ME 04105	8/11/1990	Member	50

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

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

021212-0008 Alyssa W. 02/27/2024 02:53PM

INVOICE

LOW KEY LLC
LL-005989-2024
2024 Item: INV-00097612
New Application Fee 45.00
Class A Lounge 2,774.00
SBI Background Check
New 42.00

Legal Advertisement
Deposit 100.00

BL Cashier Health
Inspection New 150.00

Outdoor Dining -
Public - Square Feet 564.00

3,675.00

Subtotal 3,675.00
Total 3,675.00

CHECK 3,675.00
Check Number 1677

Change due 0.00

Paid by: LOW KEY LLC

Thank you for your payment

City of Portland COPY
DUPLICATE RECEIPT

MEMORANDUM
City Council Agenda Item

FROM:

DATE: March 19, 2024

SUBJECT: Order 158-23/24 Granting Municipal Officers' Approval of Lucky Sevens LLC, dba Bar Publica. Application for Class A Restaurant/Lounge with Outdoor Dining on Private Property at 82 Hanover 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 3/1/24. Location was previously The Yard. 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. 2024.04.08_Bar Publica_Council Order
2. 2024.04.08_Bar Publica_Council Packet

Prepared by:

Date: 03/19/2024

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:

Baba’s LLC, dba Baba’s. Application for Class I FSE at 79 Island Avenue

Lucky Sevens, LLC
d.b.a Bar Publica!
82 Hanover Street Suite 7
Portland, ME 04101

RE: Liquor Permit

February 27, 2024

Mayor Mark Dion & Portland City Council 389 Congress Street
Portland, ME 04101

Dear Mayor Dion and members of the City Council,

Thank you for considering our liquor license application for the street level space located at 82 Hanover Street. We feel that this location is quickly becoming an emerging new area and we are excited and honored to be the custodians of such a great space in West Bayside.

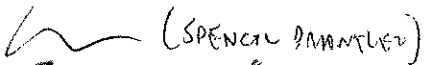
Our goal is to deliver a food and beverage experience that is unique to the area and of a quality at the level of our James Beard Award-winning neighbors in the city. We have vast experience operating in multiple cities with diverse populations and feel confident that we can operate this restaurant while still providing quiet enjoyment to all who call the area home.

Ciaran & David founded Rí Rá in 1996. The Rí Rá Group of Companies (RRGOC) now has 28 years' experience operating different concepts in several US markets - including Portland since 1999 - and in Ireland. Our South American influenced restaurant will bring authentic Latin American food to Portland. We will compliment the menu with a sophisticated bar program featuring fresh cocktails with a focus on Mezcal.

Spencer, the Managing Partner, will lead this concept. He lives in Maine and currently operates both Ri Ra and Wilson County Barbecue.

Please do not hesitate to contact us if you have any additional questions for us. Thank you for your consideration and we look forward to the possibility of receiving your approval to proceed.

Sincerely Yours

 (SPENCER BRANTLEY)
 (CIARÁN SHEEHAN)
Ciarán Sheehan, David Kelly & Spencer Brantley

Lucky Sevens LLC, P.O. Box 1750, Briarcliff Manor, NY 10510



CITY OF PORTLAND
Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

Business Information			
Legal Business Entity Applicant Name (corporation, LLC): LUCKY SEVENS, LLC		Business Name (D/B/A): BAR PUBLICA	
Individual or Sole Proprietor Applicant Name(s): N/A		Physical Location: 82 HANOVER ST. SUITE 7 PORTLAND, ME 04101	
If applicable, what was formerly at this location: THE YARD		Business Email Address: INFO@BARPUBLICA.COM	
Mailing Address: P.O. BOX 1750 BRANCLIFF MANOR, NY 10510		Contact Person: RICH ORTIZ	
Contact Person Phone: 914 579-2113		Contact Person Email: RICHORTIZ@RIRA.COM	
Manager of Establishment: SPENCER BRANTLEY	Date of Birth: 11/16/1973	Manager Phone: (207) 245-8184	
Owner of Premises (Landlord): TOM WATSON 82 HANOVER ST., LLC		Address of Premises Owner (Landlord): 104 GRANT ST. PORTLAND, ME 04101	

Sole Proprietor/Partnership Information (If Corporation, leave blank)		
Name of Owner(s):	Date of Birth:	Residence Address:
Name of Owner(s):	Date of Birth:	Residence Address:

Corporate/LLC/Non-Profit Organization Applicants (If Sole Proprietor or Partnership, leave blank)			
Corporate Name:		Corporate Mailing Address:	
Contact Person:		Contact Phone:	
Principal Officers	Title	Date of Birth	Residence Address
- SEE ATTACHED -			

Lucky Sevens, LLC

Federal Tax ID#: 92-3773906

Name and address of Members	Date of formation/birth	Ownership Interest
Pub Concepts, LLC P.O. Box 1750 Briarcliff Manor, NY 10510	May 18, 2018	80.00%
Spencer Brantley 53 Joy Valley Road Buxton, ME 04093	November 16, 1973	20.00%
		100.00%

Lucky Sevens, LLC is a wholly-owned subsidiary of Ri Ra Group IP, LLC, a Delaware limited liability company, which in turn is a wholly-owned subsidiary of Ri Ra Group of Companies, LLC a Delaware limited liability company which is owned as follows:

Ciaran Sheehan
3312 White Oak Rd.
Raleigh, NC 27609
DOB: 03/14/1963
PH: 919-787-7727
Percent Owned: 25.00

Daniel J. McMorrow
119 Towne Street, Apt. #663
Stamford, CT 06902
DOB: 08/19/1956
PH: 203-273-1211
Percent Owned: 12.50

Irish Restaurant Services, LLC
Woodcreek Lodge
Halfway House
County Waterford Ireland
DOB: 02/08/1965
PH: 011 353 51 820351
Percent Owned: 25.00

Timothy Patrick Glennon
491 Highway 24
Morehead City, NC 28557
DOB: 03/13/1957
PH: 252-240-3388
Percent Owned: 12.50

John W. Luther III
29 Maple Street,
New Canaan, CT 06840
DOB: 03/01/1963
PH: 203-858-0860
Percent Owned: 25.00



CITY OF PORTLAND
Permitting and Inspections Department

Class of Liquor License (see fee schedule): <u>CLASS A RESTAURANT / LOUNGE</u>		
Type of food served:	<u>SOUTH AMERICAN</u>	
Please select all that will be served:	☒ Beer ☒ Wine ☒ Liquor	
Projected percentage of sales:	Generated from Food: <u>40%</u>	Generated from Alcohol: <u>60%</u>
Hours & days of operation:	<u>NOON - 1 AM 7 DAYS</u>	
QUESTIONS	YES	NO
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	☐	☒
If No, please explain: <u>FOOD FROM NOON UNTIL 10 PM 7 DAYS</u>		
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	☐	☒
If yes, give the distance:		
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)	☐	☒
Will you permit dancing after 1:00 a.m.?	☐	☒
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	☒	☐
If yes, will the outside dining be on: ☐ PUBLIC property or ☒ PRIVATE property		
Will you have any amusement devices (pinball, video games, juke box)?	☐	☒
If yes, please list: # of amusements: and # of pool tables:		
What is your targeted opening date? :	<u>MAY - APRIL</u>	
Does the Issuance of this license directly or indirectly benefit any City employee(s)?	☐	☒
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?	☒	☐
If Yes, please list business name(s) and location(s): <u>LA RA TRAIA PUB (72 COMMERCIAL ST. PORTLAND 04101) + WILSON COUNTY BARBECUE</u>		
Is any principal officer under the age of 21?	☐	☒
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	☐	☒
If Yes, please explain:		

I SPENCER BRANTLEY 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 2/27/24

*WILSON COUNTY BARBECUE
 52 HANOVER ST SUITE 8
 PORTLAND, ME 04101*

Menu

Chiles Rellenos

House smoked poblanos, queso Oaxaca

Tamales

Fresh masa steamed in a banana leaf, mole negro

Tostones y Guacamole

Smashed avocados, serrano, red onion cilantro served with fried green plantains

Cauliflower Al Pastor

Roasted cauliflower, achiote chilis, citrus

Black Beans and Rice

Cilantro, fresh lime

Chips and Salsas

Fresh corn tortillas with house rojo and verde salsas

Grilled Street Corn

Chipotle crema, queso fresco

Huevos Rancheros

Farm Egg, black beans, sharp cheddar

Mixed Green Salad

Jicama, sesame seeds, hibiscus vinegarette

Tacos Al Pastor

Pork shoulder roasted in achiote chilis and tropical citrus served with slaw and chipotle crema

Tacos Beef Birria

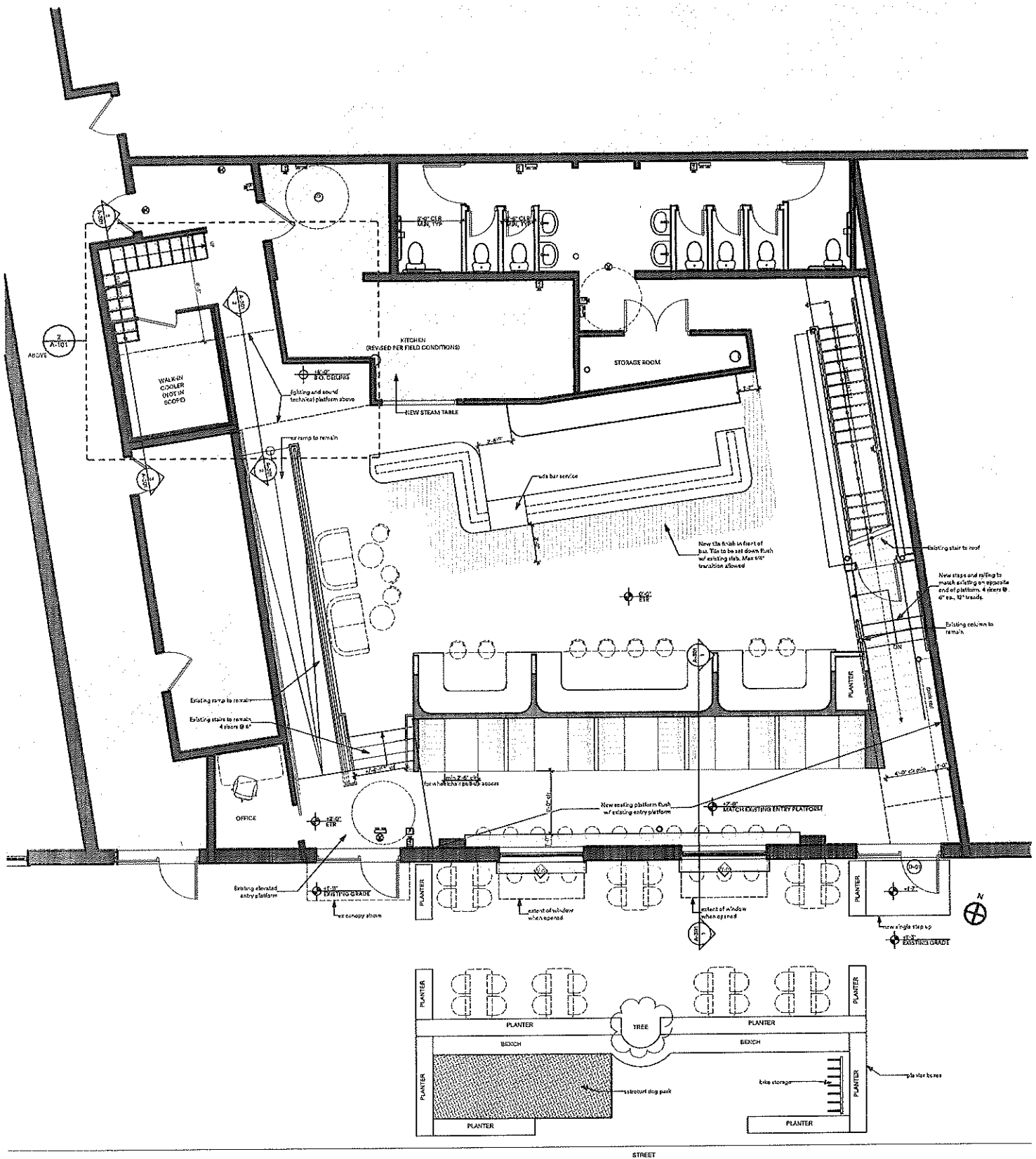
Beef short ribs stewed with guajillo chiles and Mexican oregano, corn tortillas, oxacan cheese, consommé

Tacos Baja

Corn tortillas, crispy battered whitefish or shrimp, slaw, creamy Baja sauce

Tacos Blackened

Corn tortillas, blackened whitefish or shrimp, tropical salsa, honey-wasabi crema



1 FIRST FLOOR PLAN
SCALE: 3/32" = 1'-0"

Project	Bar Publica - Tenant fit-out	Scale 3/32" = 1'-0"	Date	2/27/24
Location	82 Hanover Street Ste 7 Portland ME 04101			
Title	Floor Plans			



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):	LUCY SEVENS, LLC dba BAR PUBLICA	Phone:	207 245-8184
Location Address:	82 HANOVER ST. ST 7 PORTLAND, ME	Zip:	04101
Mailing Address:	P.O. BOX 1750 BRIARCLIFF MANOR NY	Zip:	10510
Contact Person:	RICH ORTIZ	Phone:	914 579-2113
Contact Person Email:	RICH ORTIZ @ PARA.COM		
Manager of Establishment:	SPENCER BARNES	Date of Birth:	11/16/73
		Phone:	207 245-8184
Owner of Premises (Landlord):	TOM WATSON 82 HANOVER, LLC 104 GRANT ST. PORTLAND, ME 04101		
Address of Premises Owner:	Zip:		

Owner Information

Corporate Name		Corporate Mailing Address		Zip:
Contact Person:		Phone:		
Principal Officers	Title	Date of Birth	Residence Address	
	-	SEE ATTACHING -		

Lucky Sevens, LLC

Federal Tax ID#: 92-3773906

Name and address of Members	Date of formation/birth	Ownership Interest
Pub Concepts, LLC P.O. Box 1750 Briarcliff Manor, NY 10510	May 18, 2018	80.00%
Spencer Brantley 53 Joy Valley Road Buxton, ME 04093	November 16, 1973	20.00%
		100.00%

Lucky Sevens, LLC is a wholly-owned subsidiary of RI Ra Group IP, LLC, a Delaware limited liability company, which in turn is a wholly-owned subsidiary of RI Ra Group of Companies, LLC a Delaware limited liability company which is owned as follows:

Ciaran Sheehan
3312 White Oak Rd.
Raleigh, NC 27609
DOB: 03/14/1963
PH: 919-787-7727
Percent Owned: 25.00

Daniel J. McMorrow
119 Towne Street, Apt. #663
Stamford, CT 06902
DOB: 08/19/1956
PH: 203-273-1211
Percent Owned: 12.50

Irish Restaurant Services, LLC
Woodcreek Lodge
Halfway House
County Waterford Ireland
DOB: 02/08/1965
PH: 011 353 51 820351
Percent Owned: 25.00

Timothy Patrick Glennon
491 Highway 24
Morehead City, NC 28557
DOB: 03/13/1957
PH: 252-240-3388
Percent Owned: 12.50

John W. Luther III
29 Maple Street,
New Canaan, CT 06840
DOB: 03/01/1963
PH: 203-858-0860
Percent Owned: 25.00



CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	RESTAURANT / LOUNGE
Type of food served:	SOUTH AMERICAN
Please circle all that will be served:	☒ Beer ☒ Wine ☒ Liquor
Hours & days of operation:	7 DAYS NOON - 1 AM
Number of Tables	7
Number of Chairs	34

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 2/23/24

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: _____	/	_____



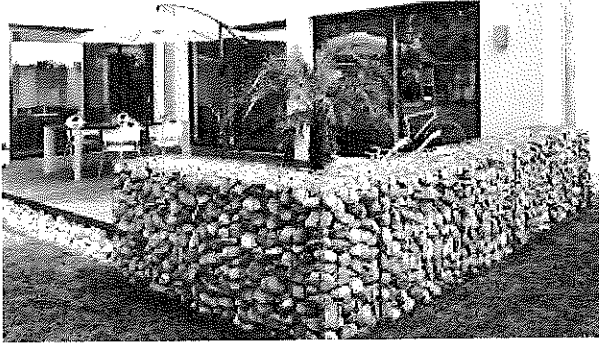
Wilson County <wcb@wilsoncountybarbecue.com>

Print

1 message

Spencer Brantley <spencerbrantley@buzz-hospitality.com>
To: Wilson County <letsmeat@wilsoncountybarbecue.com>

Thu, Feb 29, 2024 at 12:03 PM



Spencer Brantley
Managing Partner- Portland, Maine
Buzz Hospitality



GABION FENCING ENCLOSING THE AREA

ALCOHOL WILL BE SERVED / CONSUMED IN.

5' TALL WITH PLANTERS FIXED TO THE TOP



Zachary Lenhert <zlenhert@portlandmaine.gov>

Bar Publica - Class I FSE - 82 Hanover

Eric Nevins <erich@portlandmaine.gov>

Sat, Mar 23, 2024 at 7:27 PM

To: Zachary Lenhert <zlenhert@portlandmaine.gov>

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

Approved

On Thu, Mar 21, 2024 at 9:56 AM Zachary Lenhert <zlenhert@portlandmaine.gov> wrote:

[Quoted text hidden]

--

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



Zachary Lenhart <zlenhart@portlandmaine.gov>

Bar Publica - Class I FSE - 82 Hanover

Zoning <zoning@portlandmaine.gov>

Fri, Mar 22, 2024 at 3:52 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>, Business Licensing <bl@portlandmaine.gov>

Good Afternoon,

The legal use for 82 Hanover, Suite 107, is bar. 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 April 8, 2024 at 5:00 P.M., in City Council Chambers, 389 Congress St. for Lucky Sevens LLC, dba Bar Publica. Application for Class A Restaurant/Lounge with Outdoor Dining on Private Property at 82 Hanover Street - Sponsored by Danielle P. West, City Manager

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



March 29, 2024

Lucky Sevens LLC
P.O. Box 1750
Briarcliff Manor, NY 10510

Re: Lucky Sevens LLC, dba Bar Publica. Application for Class A Restaurant/Lounge with Outdoor Dining on Private Property at 82 Hanover Street

Dear Lucky Sevens LLC:

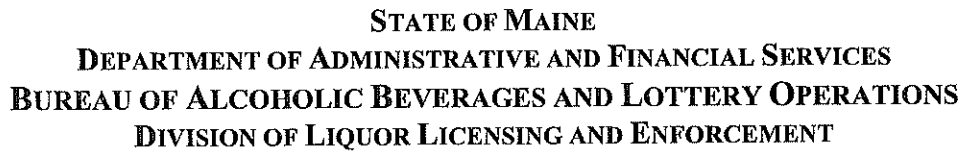
This letter shall serve as a reminder of the public hearing before the Portland City Council on Monday April 8, 2024 at 5:00 p.m., for the review of application for Class A Restaurant/Lounge with Outdoor Dining on Private Property at 82 Hanover Street. The meeting will take place in person at Portland 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



All Questions Must Be Answered Completely. Please print legibly.

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

1. New license or renewal of existing license? ☒ New Expected Start date: APRIL 15th
☐ Renewal Expiration Date: _____

Food: 840,000 Beer, Wine or Spirits: 1,260,000 Guest Rooms: N/A

☒ Malt Liquor (beer) ☒ Wine ☒ Spirits

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

- ☒ Restaurant (Class ~~II~~ 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:

P.O. BOX 1750 BRANCLIFF MANOR, NY 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
RYAN IRISH PUB & RESTAURANT	CARL-2001-9508	72 COMMERCIAL ST. PORTLAND, ME 04101
WILSON COUNTY BAKERY	CARL-2019-12220	82 HANOVER ST. SEB PORTLAND, ME 04101

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
- SEE ATTACHED -		

Residence address on all the above for previous 5 years

Name

Address:

Name

Address:

Name

Address:

Name

Address:

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

☐ Yes ☒ No

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

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

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

Name: DANIEL MCMORROW

Date of Conviction: 1979

Offense: DUI

Location: BURLINGTON, VT

Disposition: DISCHARGED

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:

TOM WATSON 82 LANOVER ST., LLC 104 GRANT ST. PORTLAND, ME 04101

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

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

- SEE ATTACHED -

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

Name: PORTLAND H.S.

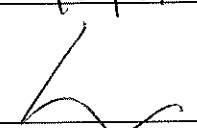
Distance: 3/4 MILE

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: 2/27/24



Signature of Duly Authorized Person

SEANON BRANTLEY

Printed Name Duly Authorized Person

Signature of Duly Authorized Person

Printed Name of Duly Authorized Person

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

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

Dated: _____

Who is approving this application? ☐ Municipal Officers of _____

☐ County Commissioners of _____ County

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

Signature of Officials	Printed Name and Title
N/A	

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

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

§653. Hearings; bureau review; appeal

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

A. The bureau shall prepare and supply application forms.

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

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

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

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

A. Conviction of the applicant of any Class A, Class B or Class C crime;

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control;

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

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;

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

E. A violation of any provision of this Title;

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

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

A. Repealed

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause.

4. Repealed

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

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

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

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

Section V: Fee Schedule

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

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

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

Section VI Premises Floor Plan

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

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

- SEE ATTACHED -

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.

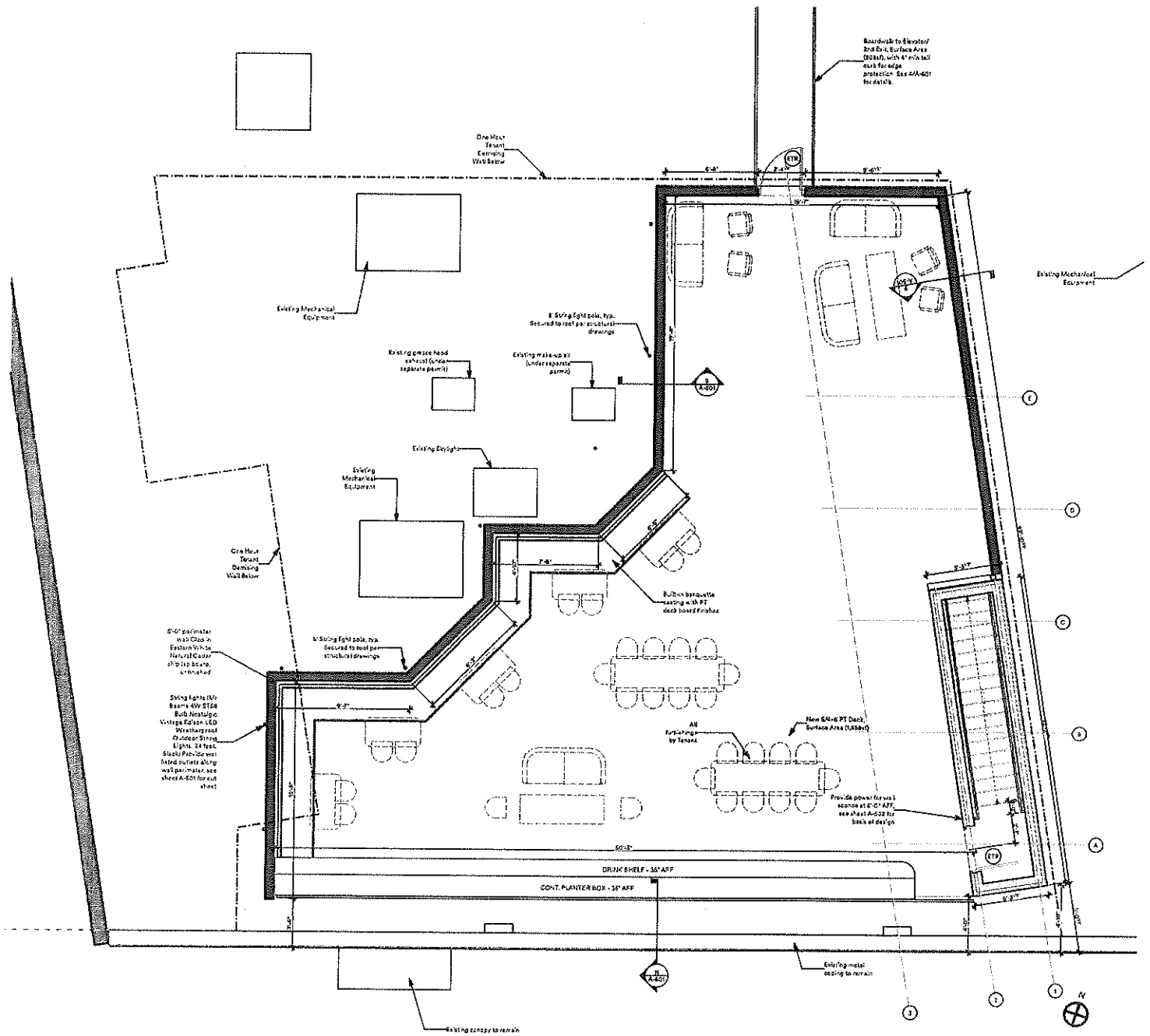
All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: LUCKY SEVENS, LLC
2. Doing Business As, if any: BAR PUBLICA
3. Date of filing with Secretary of State: 4/12/2023 State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

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

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
	- SEE ATTACHED -			

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



1 ROOF PLAN
SCALE: 3/32" = 1'-0"

Project	Bar Publica - Tenant fit-out	Scale 3/32" = 1'-0"	Date	2/27/24
Location	82 Hanover Street Ste 7 Portland ME 04101			
Title	Floor Plans			

Lucky Sevens, LLC

Federal Tax ID#: 92-3773906

Name and address of Members	Date of formation/birth	Ownership Interest
Pub Concepts, LLC P.O. Box 1750 Briarcliff Manor, NY 10510	May 18, 2018	80.00%
Spencer Brantley 53 Joy Valley Road Buxton, ME 04093	November 16, 1973	20.00%
		100.00%

Lucky Sevens, LLC is a wholly-owned subsidiary of Ri Ra Group IP, LLC, a Delaware limited liability company, which in turn is a wholly-owned subsidiary of Ri Ra Group of Companies, LLC a Delaware limited liability company which is owned as follows:

Ciaran Sheehan
3312 White Oak Rd.
Raleigh, NC 27609
DOB: 03/14/1963
PH: 919-787-7727
Percent Owned: 25.00

Daniel J. McMorrow
119 Towne Street, Apt. #663
Stamford, CT 06902
DOB: 08/19/1956
PH: 203-273-1211
Percent Owned: 12.50

Irish Restaurant Services, LLC
Woodcreek Lodge
Halfway House
County Waterford Ireland
DOB: 02/08/1965
PH: 011 353 51 820351
Percent Owned: 25.00

Timothy Patrick Glennon
491 Highway 24
Morehead City, NC 28557
DOB: 03/13/1957
PH: 252-240-3388
Percent Owned: 12.50

John W. Luther III
29 Maple Street,
New Canaan, CT 06840
DOB: 03/01/1963
PH: 203-858-0860
Percent Owned: 25.00

PARRIS STREET

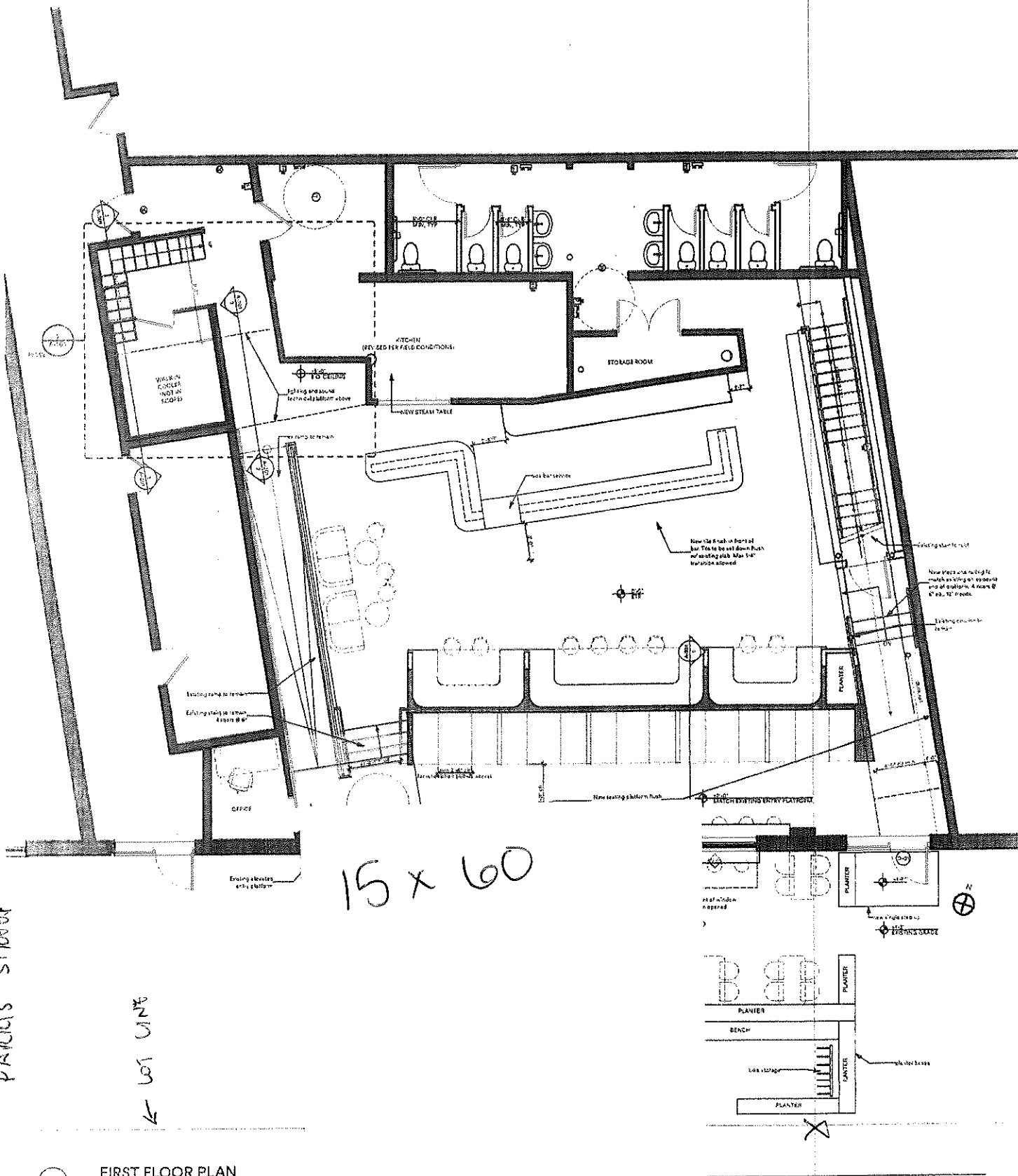
LOT LINE

LEASIS MONOTY

15 x 60

1 FIRST FLOOR PLAN
SCALE: 3/32" = 1'-0"

Project	Bar Publica - Tenant fit-out	Scale 3/32" = 1'-0"	Date	2/27/24
Location	82 Hanover Street Ste 7 Portland ME 04101			
Title	Floor Plans			



MEMORANDUM
City Council Agenda Item

FROM:

DATE: March 19, 2024

SUBJECT: Order 159-23/24 Granting Municipal Officers' Approval of Novel LLC, dba Novel.
Application for Outdoor Dining on Private Property at 643 Congress Street -
Sponsored by Danielle P. West, City Manager

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

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

**Final
Action**

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

Does this item involve a new contract with the City: N/A

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

I. SUMMARY

II. AGENDA DESCRIPTION

Application was filed on 3/7/24. Existing establishment adding 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. 2024.04.08_Novel_Council Order
2. 2024.04.08_Novel_Council Packet

Prepared by:

Date: 03/19/2024

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:

**Novel LLC, dba Novel. Application for Outdoor Dining on Private Property at 643
Congress Street**

Novel Book Bar & Café
Joshua Ames & Nate Donovan
Co-Owners
2.16.2024

To: Mayor Dion and Council Members
From: Novel Book Bar & Café
Re: Outdoor Dining on Private Property
Date: 2.16.2024

Novel Book Bar & Café located at 643 Congress Street would like you to consider an expansion of our outdoor dining. We would like to use a small fully gated outdoor enclosure on the property of 643 Congress St. directly adjacent to our business for alcohol and food service. Our intention is to provide a beer garden like experience in the warm months of the year. We believe this to be a value add to Congress St as most outdoor dining experiences are roped in areas on the sidewalk.

Our current plan to reduce customer/employee traffic between the indoor/outdoor location is as follows:

1. Customers will order and be served in the enclosure and will not be allowed to bring food or beverages from the indoor space to the enclosure and visa versa.
2. Outdoor dining food/beverage will be served in disposable tableware so trash will be handled in the outdoor space and removed by employees only.
3. Customers may use the indoor toilets at their leisure but we're open to having a portable restroom in the space if needed.
4. Food/beverage will be stocked in the space before customers arrive so orders will be fulfilled by the outdoor team instead of being run from the indoor space.

We hope you see the opportunity for the improvement that we do and appreciate your consideration.

Very Truly,

Joshua Ames & Nate Donovan
Novel Book Bar & Café
643 Congress St.
Portland, ME 04101



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):	Novel Book Bar & Café
Location Address:	643 Congress St.
Mailing Address:	" "
Contact Person:	Nate Donovan
Contact Person Email:	nate@novelmaine.com
Manager of Establishment:	Date of Birth: 10/03/90
Owner of Premises (Landlord):	Gastonia LLC
Address of Premises Owner:	516 East 78th St. #5J
	New York, NY

Owner Information

Corporate Name		Corporate Mailing Address	
Novel LLC		643 Congress St	
Contact Person:	Nate Donovan	Phone:	207.227.7977
Principal Officers	Title	Date of Birth	Residence Address
Nate Donovan	Co-owner	10/03/90	154 Ridgeland Ave S. Portland 04106
Doshun Ames	Co-owner	11/19/86	48 Park Ave Portland 04101

CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	AUD
Type of food served:	Pizza, Chips, Cookies
Please circle all that will be served:	Beer Wine Liquor
Hours & days of operation:	W-Sun 12p-9p, 12 noon - 9pm
Number of Tables	6
Number of Chairs	3

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 Co-Owner Date 2.16.2024

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: _____	_____



Zachary Lenhart <zlenhart@portlandmaine.gov>

Novel - Outdoor Dining Private Property - 643 Congress

Eric Nevins <ericn@portlandmaine.gov>

Fri, Mar 22, 2024 at 9:36 AM

To: Zachary Lenhart <zlenhart@portlandmaine.gov>

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

Approved

On Thu, Mar 21, 2024 at 12:56 PM Zachary Lenhart <zlenhart@portlandmaine.gov> wrote:

[Quoted text hidden]

--

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



Zachary Lenhert <zlenhert@portlandmaine.gov>

Novel - Outdoor Dining Private Property - 643 Congress

Zoning <zoning@portlandmaine.gov>

Thu, Mar 28, 2024 at 2:44 PM

To: Zoning <zoning@portlandmaine.gov>

Cc: Eric Nevins <erickn@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>, Treasury Division <treasury@portlandmaine.gov>, cstacey <cstacey@portlandmaine.gov>, Business Licensing <bl@portlandmaine.gov>, Zachary Lenhert <zlenhert@portlandmaine.gov>

643 Congress is in the B3 Zone. Restaurant, retail, and bar are permitted uses in the B3 zone. Outdoor dining is permitted on lots with legal use of restaurant or retail. Legal use of property is "bar/retail."

Approved.

Will

[Quoted text hidden]

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on April 8, 2024 at 5:00 P.M., in City Council Chambers, 389 Congress St. for Novel LLC, dba Novel. Application for Outdoor Dining on Private Property at 643 Congress Street - Sponsored by Danielle P. West, City Manager

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



March 29, 2024

Novel LLC
643 Congress Street
Portland, Maine 04101

Re: Novel LLC, dba Novel. Application for Outdoor Dining on Private Property at 643 Congress Street

Dear Novel LLC:

This letter shall serve as a reminder of the public hearing before the Portland City Council on Monday April 8, 2024 at 5:00 p.m., for the review of application Outdoor Dining on Private Property at 643 Congress Street. The meeting will take place in person at Portland City Hall, in City Council Chambers on the 2nd Floor of 389 Congress Street.

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

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

Sincerely,

Zachary J. Lenhart
Licensing and Housing Safety Manager



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): Novel LLC	Business Name (D/B/A): Novel
Individual or Sole Proprietor Licensee Name(s): Joshua Ames & Nate Donovan	Physical Location: 643 Congress St
License Number: AUD - 2023 - 15242	Mailing address, if different:
Mailing address, if different from DBA address:	Email Address: info@novelmaine.com
Telephone # Fax #: 207.227.7977	Business Telephone # Fax #: (207) 370-9593

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: Gastonia LLC

Complete mailing address: 516 EAST 78TH ST # 5J

NEW YORK, NY

Telephone/Mobile Number: (207) 553-1759

Email Address: jfield@boulos.com

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

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

continue to next page

3. Start Date: May 1st 2024 End Date (if applicable): Nov 1st 2024
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: Expansion of outdoor dining - will allow approx. 6 picnic tables and 3 lawn chairs worth of customers

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: February 15, 2024


Signature of Licensee or Duly Authorized Person

Nathanael Donovan

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).

For Office Use Only:

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

☐ Approved ☐ Not Approved



Legend:

	
Outdoor Dining	Novel

Location: Adjacent to 643 Congress St. Portland, ME – no official address, mail and deliveries would be sent to Novel @ 643 Congress St.

Dimensions: Enclosure is 20x30 – approx. 600 sq/ft.

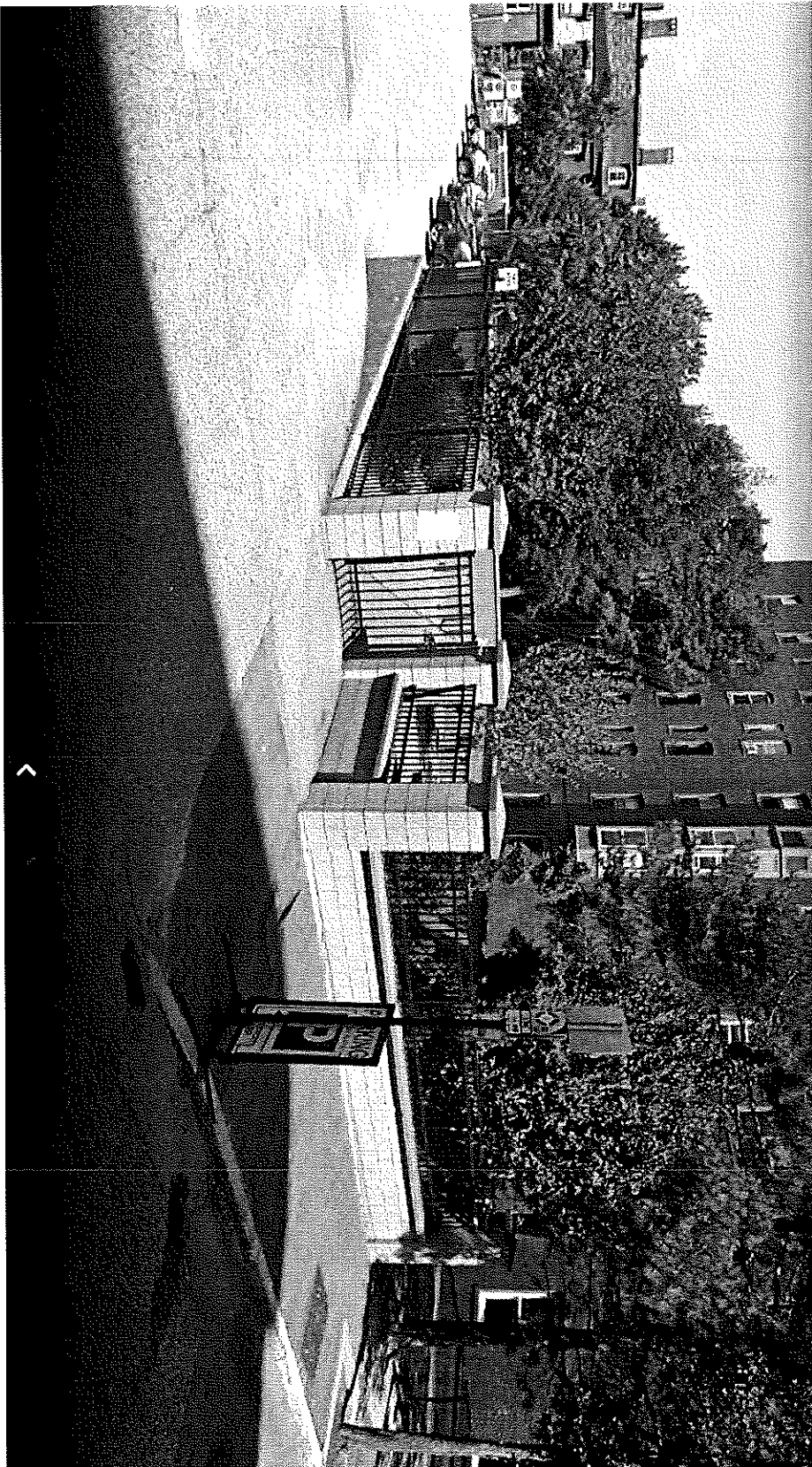
Fences: The entire enclosure is fenced in (see pictures below)

Tables/Chairs: Approx. 6 picnic tables (2 are existing) and 3 lawn chairs for customers (marked in blue). 1 table for customer service (marked in red)

Egress Dimensions: 3 ft 9 in egress door (see photo)



Entire area is enclosed with an existing fence



Egress



Picnic tables, chairs and service table



INVOICE

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



INVOICE NUMBER	INVOICE DATE	INVOICE DUE DATE	INVOICE STATUS	INVOICE DESCRIPTION
INV-00097894	03/07/2024	03/18/2024	Due	NONE

REFERENCE NUMBER	FEE NAME	TOTAL
LL-005716-2023	Legal Advertisement Deposit	\$100.00
	Liquor License - Additional Fee	\$125.00
	Expansion of OD on Private Property	
Novel - 643 Congress St Portland, ME 04101		
SUB TOTAL		\$225.00

TOTAL **\$225.00**

BILLING CONTACT

NOVEL LLC
48 Park Ave
Portland, Me 04101

MEMORANDUM
City Council Agenda Item

FROM:

DATE: March 19, 2024

SUBJECT: Order 160-23/24 Granting Municipal Officers' Approval of Baba's LLC, dba Baba's. Application for Class I FSE at 79 Island 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 3/8/24. Location was previously Sweet Creamery. 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. 2024.04.08_Babas_Council Order
2. 2024.04.08_Babas_Council Packet

Prepared by:

Date: 03/19/2024

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:

Baba’s LLC, dba Baba’s. Application for Class I FSE at 79 Island Avenue

Dear City Council,

I write to you as the co-owner of Baba's Cafe on Peaks Island. Summer 2024 will be our third year in business. We are excited and proud of the space we have built, and of the many Maine small businesses we have collaborated with to build it (Tandem supplies our coffee, Native Maine our produce, Hatchland Farm our milk, and Portland Paper Products our wares). We employ over twelve Mainers at any given time and serve hundreds of times that. In the past few years we have hosted book launches, art shows, clothing swaps, and musical performances. We are also proud to be the first Peaks Island business to compost!

This summer, we are applying for a beer and wine license. We do not wish to become a bar; rather, we plan to host weekly, ticketed dinners at which alcohol is served. We hope to bring in guest chefs from around the state and the country in order to offer our customers a variety of cuisines normally not found on Peaks. Jordi Farrés, our first chef, will be serving traditional Spanish paella! We have chefs on-deck specialising in Russian, Thai, Japanese, and Southwestern food respectively. These ticketed dinners will always include a set, three course menu. Alcohol will be offered separately.

We are very excited about this opportunity to diversify the food scene on Peaks. We feel strongly that an alcohol license would significantly enhance the endeavor, and hope you will look favorably upon our application.

Many thanks,
Natasha Markov-Riss
Theodore McNally



CITY OF PORTLAND
Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

Business Information		
Legal Business Entity Applicant Name (corporation, LLC): Baba's LLC	Business Name (D/B/A): Baba's	
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 79 Island Avenue Peaks Island ME 04108	
If applicable, what was formerly at this location:	Business Email Address: babasonpeaks@gmail.com	
Mailing Address: 79 Island Ave Peaks Island ME 04108	Contact Person: Natasha Markov-Riss	
Contact Person Phone: 4018719627	Contact Person Email: runanaru@gmail.com	
Manager of Establishment: Natasha Markov-Riss	Date of Birth: 09/29/1997	Manager Phone: 4018719627
Owner of Premises (Landlord): Natasha Markov-Riss Peaks Island Molasses LLC	Address of Premises Owner (Landlord): 79 Island Avenue Peaks Island ME 04101 Apt. 1	

Sole Proprietor/Partnership Information (If Corporation, leave blank)		
Name of Owner(s):	Date of Birth:	Residence Address:
Name of Owner(s):	Date of Birth:	Residence Address:

Corporate/LLC/Non-Profit Organization Applicants (If Sole Proprietor or Partnership, leave blank)			
Corporate Name: Baba's LLC		Corporate Mailing Address: 79 Island Ave Peaks Island ME 04108	
Contact Person: Natasha Markov-Riss		Contact Phone: 4018719627	
Principal Officers	Title	Date of Birth	Residence Address
Natasha Markov-Riss	Co-owner	09/29/1997	79 Island Ave Peaks Island ME
Theodore H. McNally	Co-owner	04/11/1997	79 Island Ave Peaks Island ME



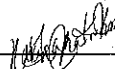
CITY OF PORTLAND
Permitting and Inspections Department

Class of Liquor License (see fee schedule): Class I (Class A Restaurant)		
Type of food served:	Entrees from around the world	
Please select all that will be served:	☒ Beer ☒ Wine ☐ Liquor	
Projected percentage of sales:	Generated from Food: 80	Generated from Alcohol: 20
Hours & days of operation:	Seasonal, 7 Days/week 8-4	
QUESTIONS	YES	NO
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	☒	☐
If No, please explain:		
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	☐	☒
If yes, give the distance:		
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)	☐	☒
Will you permit dancing after 1:00 a.m.?	☐	☒
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	☐	☒
If yes, will the outside dining be on: ☐ PUBLIC property or ☐ PRIVATE property		
Will you have any amusement devices (pinball, video games, juke box)?	☐	☒
If yes, please list: # of amusements: and # of pool tables:		
What is your targeted opening date? : May 25th		
Does the Issuance of this license directly or indirectly benefit any City employee(s)?	☐	☒
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?	☒	☐
If Yes, please list business name(s) and location(s): Peaks Island Golf Carts, LLC, Peaks Island, ME		
Is any principal officer under the age of 21?	☐	☒
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	☐	☒
If Yes, please explain:		

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

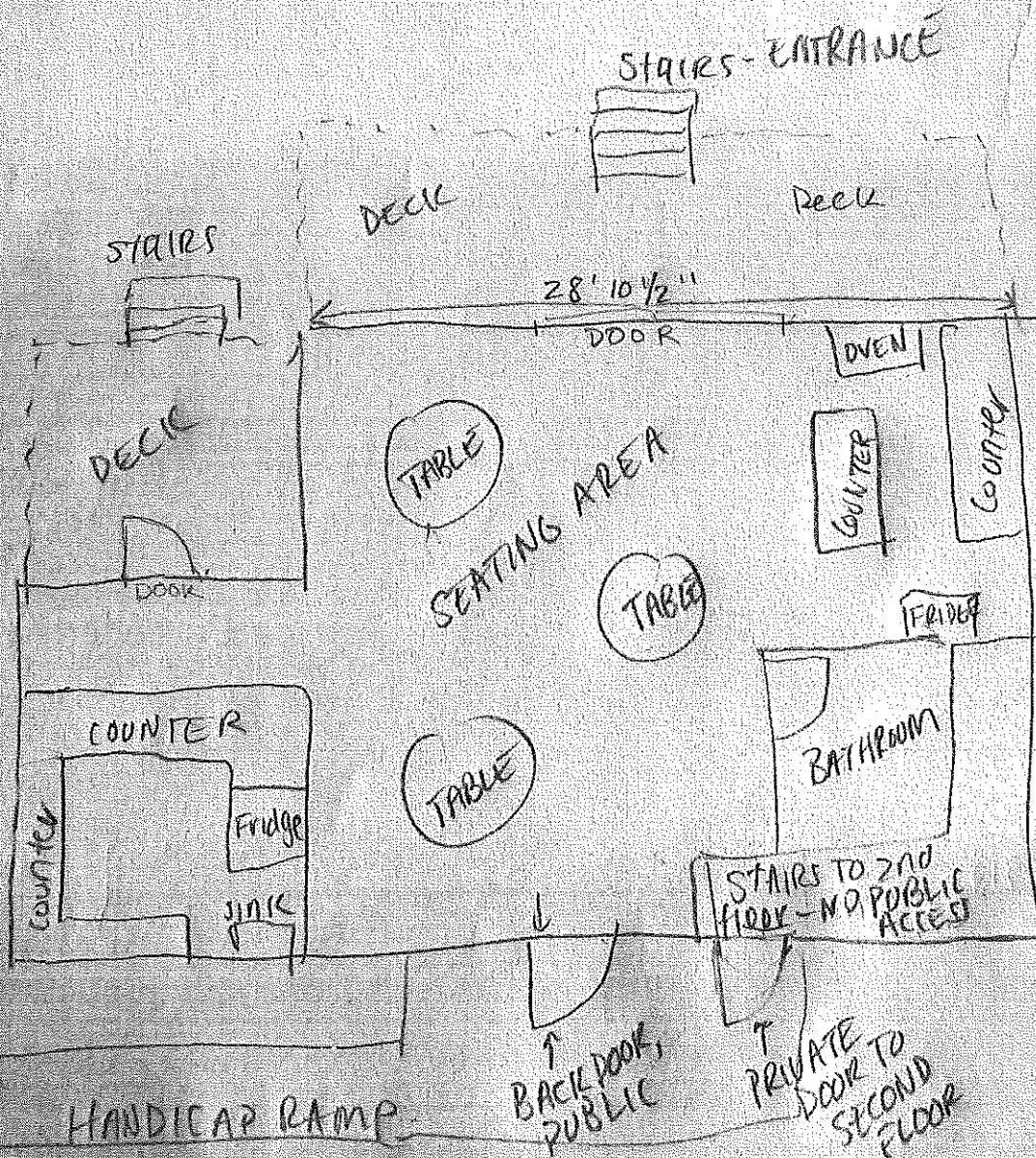
Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts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

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

Signature  Title Co-owner Date 03/03/24

FIRST FLOOR OF 79 ISLAND AVE

Front of house



Back of house

Our ticketed dinners will always include a set-menu: a three course meal, the content of which will rotate:

Sample Menu #1: Paella

First course:

Pan con tomate (baguette with tomato and olive oil)
Local salad

Main course:

Seafood paella, vegetarian paella

Dessert:

Basque Cheesecake
House-made ice-cream

Sample Menu #2: Thai

First Course:

Tom Yum soup
Local salad

Main Course:

Lobster pad thai
vegetarian pad thai

Dessert:

Honey ice-cream

Sample Menu #3: Southwestern

First Course:

Tortilla soup
Local salad

Main Course:

Fish tacos
vegetarian tacos

Dessert:

Tres leches cake

Sample Menu #4: Russian

First course:

Borscht
Local Salad

Main Course:

Stuffed cabbage
Pielmeini (Russian dumplings)

Dessert:

Jam cookie

Sample Menu #5: Japanese fusion

First course:

Miso Soup
Local Salad

Main Course:

Miso glazed black cod

Dessert:

Mochi ice cream



Zachary Lenhart <zlenhart@portlandmaine.gov>

Baba's - Class I FSE - 79 Island Av

Eric Nevins <erich@portlandmaine.gov>

Sat, Mar 23, 2024 at 7:34 PM

To: Zachary Lenhart <zlenhart@portlandmaine.gov>

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

Approved

On Thu, Mar 21, 2024 at 10:22 AM Zachary Lenhart <zlenhart@portlandmaine.gov> wrote:

[Quoted text hidden]

--

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

Baba's - Class I FSE - 79 Island Av

Zoning <zoning@portlandmaine.gov>

Fri, Mar 29, 2024 at 1:08 PM

To: Zoning <zoning@portlandmaine.gov>

Cc: Zachary Lenhert <zlenhert@portlandmaine.gov>, Ron Kelton <rkelton@portlandmaine.gov>, Fire Prevention

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

<ksawyer@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Eric Nevins <ericn@portlandmaine.gov>, Benjamin

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

Treasury Division <treasury@portlandmaine.gov>, cstacey <cstacey@portlandmaine.gov>, Business Licensing

<bl@portlandmaine.gov>

Good Afternoon,

The legal use for the property at 79 Island AVE is restaurant and retail. 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 April 8, 2024 at 5:00 P.M., in City Council Chambers, 389 Congress St. for Baba's LLC, dba Baba's. Application for Class I FSE at 79 Island Avenue - Sponsored by Danielle P. West, City Manager

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



March 29, 2024

Baba's LLC
79 Island Avenue
Peaks Island, Maine 04108

Re: Baba's LLC, dba Baba's. Application for Class I FSE at 79 Island Avenue

Dear Baba's LLC:

This letter shall serve as a reminder of the public hearing before the Portland City Council on Monday April 8, 2024 at 5:00 p.m., for the review of application for Class I FSE at 79 Island 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



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): BABA'S, LLC	Business Name (D/B/A): BABA'S
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 79 Island Ave Peaks Island ME 04108
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different: 79 Island Ave
Mailing address, if different from DBA address:	Email Address: BABASONPEAKS@GMAIL.COM (biz) RUNANARU@gmail.com (personal)
Telephone # Fax #: 602-488-2923	Business Telephone # Fax #: 401-871-9627
Federal Tax Identification Number: 87-3823688	Maine Seller Certificate # or Sales Tax #: 1045-5737
Retail Beverage Alcohol Dealers Permit: N/A - APPLIED FOR - WILL UPDATE	Website address: babaspeaksisland.com babaspeaksisland@gmail.com

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

2. The dollar amount of gross income for the licensure period that will end on the expiration date above: **N/A**
Food: **N/A** Beer, Wine or Spirits: **N/A** 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:

389 Congress St. Portland ME 04101

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

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

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

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

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

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

If yes, please provide details: _____

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

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

Name of Business	License Number	Complete Physical Address

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

Full Name	DOB	Place of Birth
NATASHA MARKOV-RISS	09/29/97	PROVIDENCE, RI
THEODORE MCNALLY	04/11/97	St. Louis, Missouri
Residence address on all the above for previous 5 years		
Name 76 KISTEN AVE PEAKS ISLAND, ME 04108	Address: 79 ISLAND AVE PEAKS ISLAND, ME 04108	
Name NATASHA MARKOV-RISS + TED MCNALLY	Address: 76 Keene St. Providence RI 02906	
Name TED MCNALLY	Address: 880 MAIN ST. Williamstown MA 01267	
Name TED MCNALLY	Address: 827 E. MARKET ST. IOWA CITY, IOWA 52245	

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

☐ Yes ☒ No

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

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

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

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

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: 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 FIRST FLOOR OF THE BUILDING WILL BE LICENSED

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. CHRISTOPHER'S PARISH

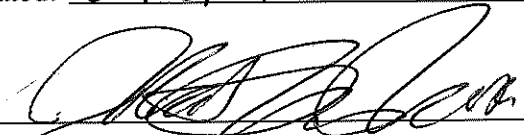
Distance: 0.1 MILE

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: 03/03/24 03/03/24


Signature of Duly Authorized Person

NATASHA MARKOV-RCSJ
Printed Name Duly Authorized Person


Signature of Duly Authorized Person

TED MCNALLY
Printed Name of Duly Authorized Person

(Duplicated signatures because the first were not in blue)

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.

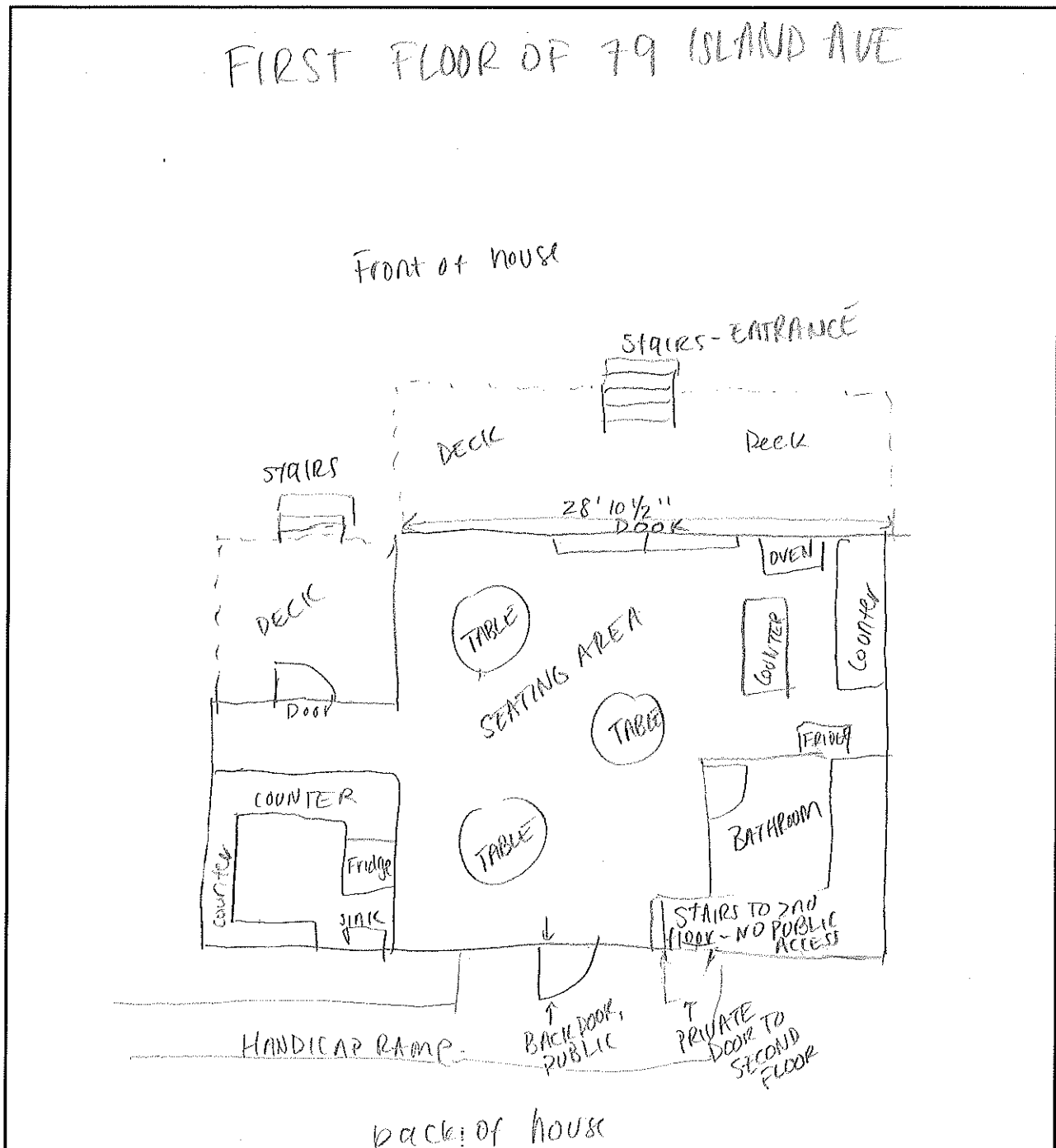
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together 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: BABAS LLC
2. Doing Business As, if any: BABA'S
3. Date of filing with Secretary of State: 10/26/21 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
THEODORE MCNALLY	79 ISLAND AVE PEAKS ISLAND ME	4/11/97	co-owner	50
"	827 E. MARKET ST. 04108 IOWA CITY, IOWA 52245	"	"	"
"	880 MAIN ST. WILLIAMSTOWN MA 01267	"	"	"
NATASHA MARKOV-RIS	79 Island Ave Peaks Isl. ME, 04108	9/29/97	co-owner	50
"	76 KEENE ST. Providence RI 02906	"	"	"

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

MEMORANDUM
City Council Agenda Item

FROM:

DATE: March 19, 2024

SUBJECT: Order 161-23/24 Granting Municipal Officers' Approval of Uncle Luckys LLC, dba Lucky Cheetah. Application for Class I FSE at 11 Moulton 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 3/14/24. Location was previously Old Port Tavern. 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. 2024.04.08_Lucky Cheetah_Council Order
2. 2024.04.08_Lucky Cheetah_Council Packet

Prepared by:

Date: 03/19/2024

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:

Uncle Luckys LLC, dba Lucky Cheetah. Application for Class I FSE at 11 Moulton Street

Dear City Council,

Thank you for taking the time to review our liquor license. I am writing this today to let you know my intent to sell beer, wine and spirits at 11 Moulton Street in the Old Port. We are taking over the legendary former Old Port Tavern and bringing new life into the space. Lucky Cheetah will be a full service Chinese Restaurant specializing in dim sum and dumplings.

We look forward to serving the great city of Portland with this ownership group's second endeavor. Our first and current restaurant, Bird & Co., operates at 539 Deering Ave in the Woodfords Corner neighborhood. We look forward to opening the doors to serve the public food we love and employ 40 locals with an above average living wage.

Thank you for your time.

Sincerely,

A handwritten signature in black ink that reads "William J Dowd IV". The signature is written in a cursive, flowing style.

William Dowd
Co-Owner



LC # 6015-2024

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

Business Information			
Establishment Name (d/b/a):	LUCKY cheetah	Phone:	323.514.6013
Location Address:	11 Moulton St Portland	Zip:	04101
If new, what was formerly at this location:	Old Port Tavern		
Mailing Address:	53 Summit Park Ave Portland	Zip:	04103
Contact Person:	William Dowd	Phone:	323.514.6013
Contact Person Email:	dowdwj@gmail.com		
Manager of Establishment:	William Dowd	Date of Birth:	09/28/88
		Phone:	323.514.6013
Owner of Premises (Landlord):	CF Mariner's Church LLC		
Address of Premises Owner (Landlord):	42 Market Street Portland	Zip:	04101

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

Name of Owner(s)	Date of Birth	Residence Address

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

Corporate Name		Corporate Mailing Address	
Uncle Lucky's LLC		53 Summit Park Ave Portland	Zip: 04103
Contact Person:	William Dowd	Phone:	323.514.6013
Principal Officers	Title	Date of Birth	Residence Address
William Dowd IV	LLC Director	09/28/88	53 Summit Park Ave Portland 04103
Jared Dinsmore	LLC member	03/07/89	17 Greta Way Falmouth 04105
Class of Liquor License:			



CITY OF PORTLAND
Permitting and Inspections Department

Type of food served:	Asian	
Please circle all that will be served:	☒ Beer ☒ Wine ☒ Liquor	
Projected percentage of sales:	Generated from Food: 60%	Generated from Alcohol: 40%
Hours & days of operation:	M-Sunday 5pm-10pm	
QUESTIONS		
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?		Y/N ☒ Y ☐ N
If No, please explain:		
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?		Y/N ☒ Y ☐ N
If yes, give the distance:		
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)		Y/N ☒ Y ☐ N
Will you permit dancing after 1:00 a.m.?		Y/N ☒ Y ☐ N
Will you have outside dining? (If yes, an Outdoor Dining Application is required)		Y/N ☒ Y ☐ N
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).		
Will you have any amusement devices (pinball, video games, juke box)?		Y/N ☒ Y ☐ N
If yes, please list: # of amusements: _____ # of pool tables: _____		
What is your targeted opening date?	July 1, 2024	
Does the issuance of this license directly or indirectly benefit any City employee(s)?		Y/N ☒ Y ☐ N
If Yes, list name(s) of employee(s) and department(s):		
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?		Y/N ☒ Y ☐ N
If Yes, please list business name(s) and location(s):	Bird + Co. 539 Deering Avenue Portland 04103	
Is any principal officer under the age of 21?		Y/N ☒ Y ☐ N
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?		Y/N ☒ Y ☐ N
If Yes, please explain:	William Dowd, DUI April 2011, Bethel ME - 90 day loss of license \$1800 fee	

I William Dowd 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 William Dowd Title Owner Date 3/13/2024



Lucky Cheetah Working Menu

Iberico Xiao Long Bao

Duck Confit Dumpling Pancake

Foie Gras and Blackberry Dumpling

Black Truffle and Mushroom Dumpling

Wagyu Beer Battered Egg Roll

Escargot and Black Garlic Dumplings

Sea Urchin and Caviar Dumplings

Har Gow

Char Sui Bao

Lobster and Scallop Sheng Jian Bao

Pork and Chive Dumpling in Chilli Oil

Sesame-Ginger Tofu & Eggplant Dumplings

Purple Sweet Potato & Cabbage Dumplings

Char Sui Bao Scotch egg

Rice Noodle Roll

Hot & Sour Soup

Large Format:

Peking Duck with Scallion Pancakes

Build you own taco style with multiple accouterments

Dan Dan Noodle and Wonton Soup

Split Lobster and Scallion pancake

Build you own taco style with multiple accouterments

**Local Whole Fish Filet with Shiitake Mushroom
Rice and Quail Eggs**

Dessert:

Coconut and Egg Custard Buns

Baklava Buns

Matcha and Red Bean Sesame Balls



Zachary Lenhart <zlenhart@portlandmaine.gov>

Lucky Cheetah - Class I FSE - 11 Moulton

Eric Nevins <erich@portlandmaine.gov>

Fri, Mar 22, 2024 at 9:42 AM

To: Zachary Lenhart <zlenhart@portlandmaine.gov>

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

Approved

On Thu, Mar 21, 2024 at 12:10 PM Zachary Lenhart <zlenhart@portlandmaine.gov> wrote:

[Quoted text hidden]

--

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



Zachary Lenhart <zlenhart@portlandmaine.gov>

Lucky Cheetah - Class I FSE - 11 Moulton

Zoning <zoning@portlandmaine.gov>

Thu, Mar 28, 2024 at 3:04 PM

To: Zoning <zoning@portlandmaine.gov>

Cc: Eric Nevins <erickn@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>, Treasury Division <treasury@portlandmaine.gov>, cstacey <cstacey@portlandmaine.gov>, Business Licensing <bl@portlandmaine.gov>, Zachary Lenhart <zlenhart@portlandmaine.gov>

Hello,

11 Moulton St is in the B3 zone. "Restaurant" is a permitted use in the B3 zone. Current legal use of space is restaurant.

Approved.

Will

[Quoted text hidden]

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on April 8, 2024 at 5:00 P.M., in City Council Chambers, 389 Congress St. for Uncle Luckys LLC, dba Lucky Cheetah. Application for Class I FSE at 11 Moulton Street - Sponsored by Danielle P. West, City Manager

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



March 29, 2024

Uncle Luckys LLC
53 Summit Park Avenue
Portland, Maine 04103

Re: Uncle Luckys LLC, dba Lucky Cheetah. Application for Class I FSE at 11 Moulton Street

Dear Uncle Luckys LLC:

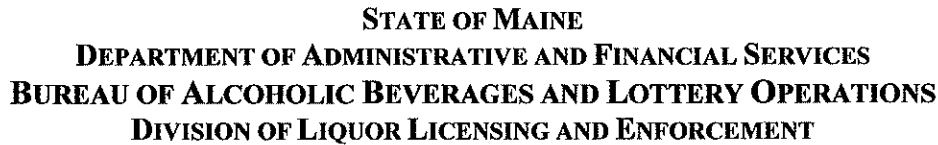
This letter shall serve as a reminder of the public hearing before the Portland City Council on Monday April 8, 2024 at 5:00 p.m., for the review of application for Class I FSE at 11 Moulton Street. The meeting will take place in person at Portland City Hall, in City Council Chambers on the 2nd Floor 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



All Questions Must Be Answered Completely. Please print legibly.

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

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

Food: Beer, Wine or Spirits: Guest Rooms:

☒ Malt Liquor (beer) ☒ Wine ☒ Spirits

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

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

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

5. Business records are located at the following address:

11 Moulton Street Portland ME 04103

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

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

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

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

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

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

If yes, please provide details: _____

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

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

Name of Business	License Number	Complete Physical Address
Bird + CO.	2019-11595	539 Deering Ave Portland 04103

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
William J Dowd IV	09/28/88	Portland, ME
Jared Dinsmore	03/07/89	Falmouth, ME

Residence address on all the above for previous 5 years	
Name	Address:
Name	Address:
Name	Address:
Name	Address:

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

☐ Yes ☒ No

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

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

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

Name: William J Dowd IV Date of Conviction: April 2011

Offense: DUI Location: Bethel, Maine

Disposition: 90 day loss of license, \$800 fine

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:

CE Mariners Church LLC | 42 Market St Portland ME 04101

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

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

Basement level of building. Full dining
room.

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: First Parish in Portland, Unitarian Universalist

Distance: 0.5 miles

Section II: Signature of Applicant(s)

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

Please sign and date in blue ink.

Dated: March 12, 2024

Will J Dowd
Signature of Duly Authorized Person

Signature of Duly Authorized Person

William J Dowd IV
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.

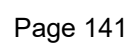
Class of License	Type of liquor/Establishments included	Fee
Class I	For the sale of liquor (malt liquor, wine and spirits) This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis 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.

See attached .



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

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

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: ~~XXXXXXXXXX~~ Uncle Lucky's LLC
2. Doing Business As, if any: Lucky cheetah
3. Date of filing with Secretary of State: March 12, 2014 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:
N/A
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
William J Dowd IV	53 Summit Park Ave ⁰⁴¹⁰³ Portland	09/28/88	LLC Director	60%
Jared Dinsmore	17 Greta Way Falmouth ⁰⁴¹⁰⁵	03/07/89	LLC member	40%

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

MEMORANDUM
City Council Agenda Item

FROM:

DATE: March 19, 2024

SUBJECT: Order 162-23/24 Granting Municipal Officers' Approval of 123 CZ LLC, dba Porttown Public House. Application for Outdoor Dining on Public Property at 123 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 3/13/24. Existing establishment adding outdoor dining on public 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. 2024.04.08_Porttown Public House_Council Order
2. 2024.04.08_Porttown Public House_Council Packet

Prepared by:

Date: 03/19/2024

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:

**123 CZ LLC, dba Porttown Public House. Application for Outdoor Dining on Public
Property at 123 Commercial Street**

Dear Mayor and members of the city council.

I am writing to express my intent to establish outside seating at Porttown Public House located at 123 Commercial Street Portland, Maine. As a proud member of the local business community, I am eager to contribute to the vibrant atmosphere of our city and provide an enhanced experience for our patrons.

The addition of outdoor seating would not only benefit our establishment but also contribute positively to the economic and social landscape of Portland. It would provide residents and visitors alike with a unique opportunity to enjoy our offerings in the open air, fostering a sense of community and camaraderie.

We understand the importance of adhering to local regulations and ensuring the safety and comfort of our guests. Rest assured, we are committed to implementing any necessary measures to mitigate noise levels, maintain cleanliness, and comply with all zoning requirements.

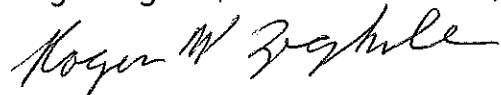
Furthermore, we believe that the introduction of outside seating aligns with the city's goals of promoting outdoor activities and supporting local businesses. By creating an inviting space for individuals to dine and socialize outdoors, we aim to contribute to the overall well-being and vitality of Portland.

In conclusion, I respectfully request your support and approval for the establishment of outside seating at Porttown Public House. We are eager to work collaboratively with the city council and relevant authorities to make this initiative a success.

Thank you for considering our proposal. I am available to discuss this matter further at your convenience.

Warm regards,

Roger Zeghibe, Cell 617-413-0048, porttownportland@gmail.com



Owner 123CZ,LLC (DBA) Porttown Public House

CITY OF PORTLAND
Permitting and Inspections Department

Outdoor Dining Permit on Public Property
Supplemental Application

(This form accompanies a City of Portland Food Service Establishment or Food Service Establishment with Liquor License. Valid April 1-November 30)

☒ Legal Advertisement Deposit \$175.00
☒ Outdoor Dining on Public Property \$34.00 plus \$2.00 per Square foot: \$3.00 X <u>55</u> SF = <u>\$165.00</u> + \$84.00 = <u>\$249.00</u>
☐ Outdoor Dining on Public Property in a City Park \$34.00 plus \$4.00 per Square foot: \$4.00 X _____ SF = _____

Business Information

Establishment Name (if not)	Porttown Public House	Phone:	207-536-0766
Location Address	123 Commercial St.	Zip:	Portland, ME 04101
Mailing Address	same as above	Zip:	
Contact Person	Megan McCabe	Phone:	603-231-0758
Contact Person Email	meganm@seadogbrewing.com		
Manager of Establishment	Roger Zeghibe	Date of Birth:	8/30/62
		Phone:	617-413-0048
Owner of Premises (Landlord)	RSB, LLC		
Address of Premises Owner (Landlord)	Portland, ME	Zip:	04101

Owner Information

Corporate Name	Corporate Mailing Address
123 CZ LLC	343 Commercial St. Portland, ME 04101
Contact Person	Phone:
Roger Zeghibe	617-413-0048

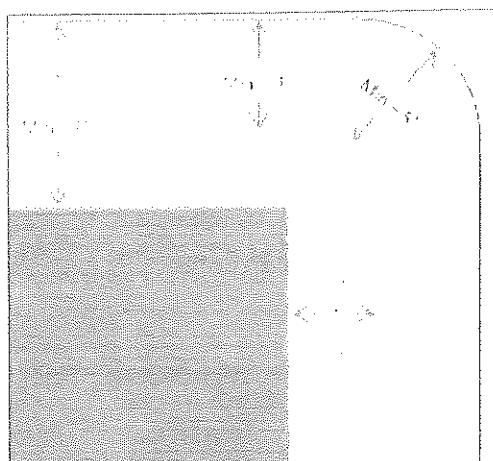
Principal Officers	Title	Date of Birth	Residence Address
Roger Zeghibe	owner	8/30/62	343 Commercial St. Portland, ME 04101

CITY OF PORTLAND
Permitting and Inspections Department

Class of License	X
Type of Food Served	Pub fare
Please indicate all that will be served	Beer ☒ Wine ☒ Liquor ☒
Days & hours of operation	10a - 1a
Number of Tables	1 bar (no tables)
Number of Chairs	8 bar stools

Design and Construction

Existing Sidewalk Width (property line to curb)	Sidewalk Dining Allowed?
≥ 7'0"	No
< 7'0"	Yes - up to 60% of
Sidewalk Type	Sidewalk Passage Width
Standard sidewalk	4'0"
Street corner	5'0"

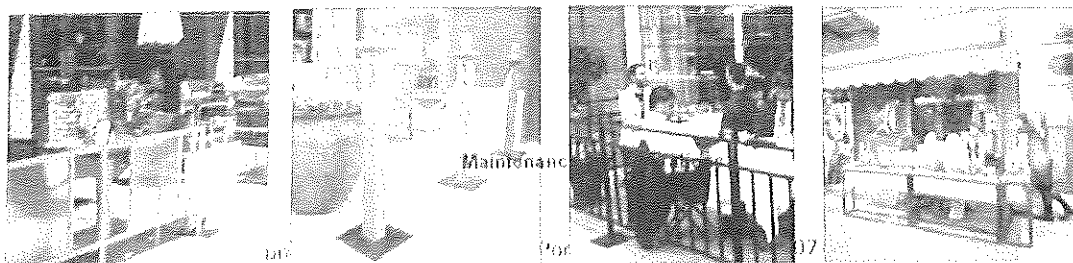


- Outdoor dining area shall not exceed 60% of the sidewalk width.
- A continuous, unobstructed sidewalk passage of 4 feet from the outer boundary of the seating area to the curb must be maintained. If the passage is not straight due to existing obstacles, then additional width may be required. Any changes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



<http://portlandmaine.gov> • www.portlandmaine.gov

CITY OF PORTLAND
Permitting and Inspection 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.

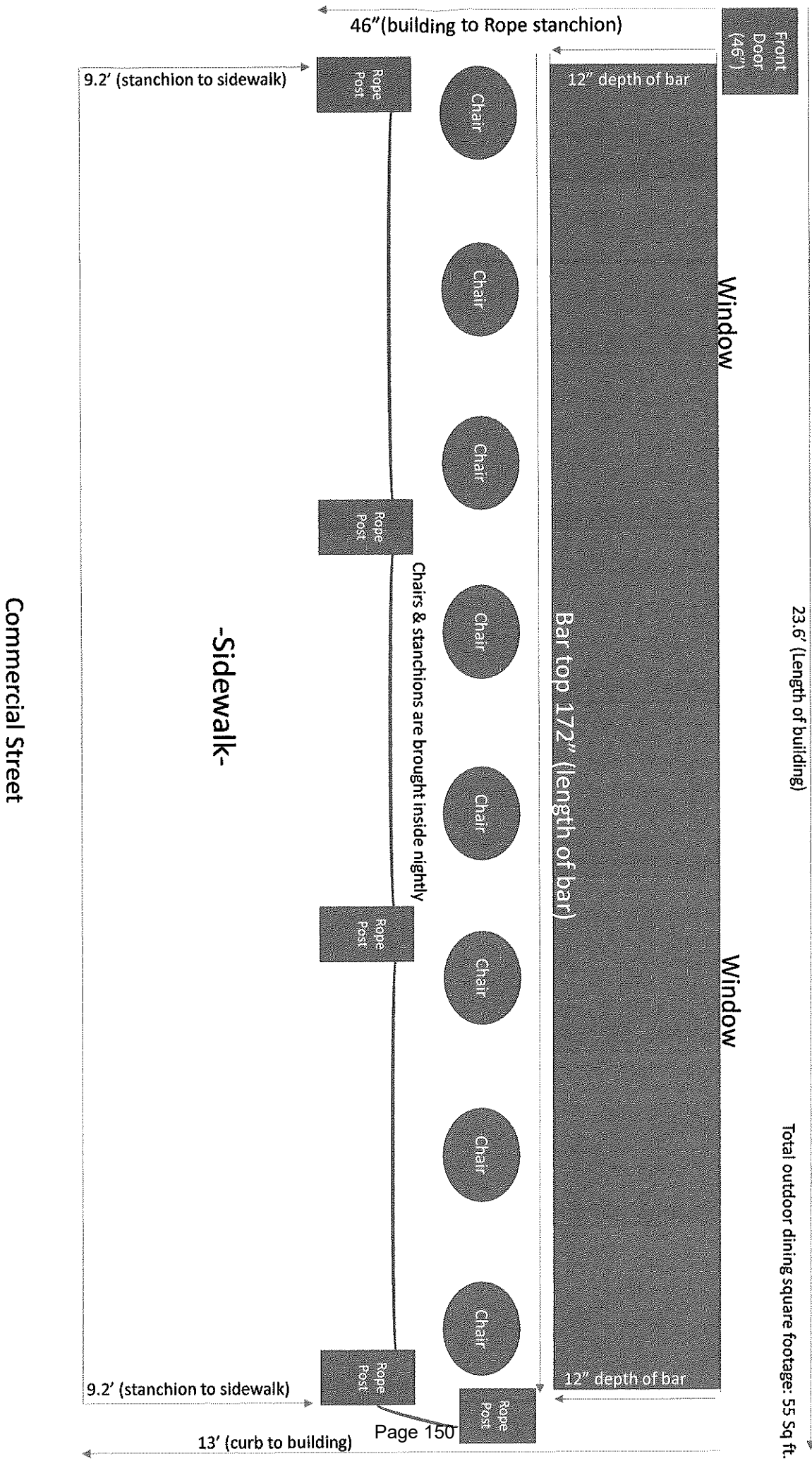
I/We fully understand that the City of Portland, its agents, officers and employees accept no responsibility and will not be liable for any injury, harm or damage to my/our person or property arising out of the establishment's occupancy of the sidewalk or park space. To the fullest extent permitted by 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 *Robert W. Ziegler* Title Owner Date 3/13/24

For Administrative Use Only

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

389 Congress Street, Room 307 • Portland, Maine 04101 • 207-874-8552
bl@portlandmaine.gov • www.portlandmaine.gov





Zachary Lenhart <zlenhart@portlandmaine.gov>

Porttown Public House - Sidewalk dining - 123 Commercial St

Eric Nevins <ericn@portlandmaine.gov>

Fri, Mar 22, 2024 at 10:54 AM

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 Thu, Mar 21, 2024 at 12:13 PM Zachary Lenhart <zlenhart@portlandmaine.gov> wrote:

[Quoted text hidden]

--

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



Zachary Lenhert <zlenhert@portlandmaine.gov>

Porttown Public House - Sidewalk dining - 123 Commercial St

Zoning <zoning@portlandmaine.gov>

Fri, Mar 29, 2024 at 1:47 PM

To: Zoning <zoning@portlandmaine.gov>

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

Good Afternoon,

The legal use for 123 Commercial ST, CBL: 029 D001001 is bar. 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 April 8, 2024 at 5:00 P.M., in City Council Chambers, 389 Congress St. for 123 CZ LLC, dba Porttown Public House. Application for Outdoor Dining on Public Property at 123 Commercial Street - Sponsored by Danielle P. West, City Manager

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



March 29, 2024

123 CZ LLC
123 Commercial Street
Portland, Maine 04101

Re: 123 CZ LLC, dba Porttown Public House. Application for Outdoor Dining on Public Property at 123 Commercial Street

Dear 123 CZ LLC:

This letter shall serve as a reminder of the public hearing before the Portland City Council on Monday April 8, 2024 at 5:00 p.m., for the review of application for Outdoor Dining on Public Property at 123 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. 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

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

Section I: Licensee Information:

Legal Business Entity Licensee Name (corporation, LLC): 123 CZ LLC	Business Name (D/B/A): Porttown Public House
Individual or Sole Proprietor Licensee Name(s):	Physical Location: 123 Commercial St. Portland, ME 04101
License Number: CAL-2023-15409	Mailing address, if different: 343 Commercial St. Unit 312 Boston, MA 02109
Mailing address, if different from DBA address:	Email Address: meganm@seadogbrewing.com
Telephone # Fax #: 603-231-0758	Business Telephone # Fax #: 207-536-0764

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: RSB, LLC

Complete mailing address: _____

Telephone/Mobile Number: 207-831-4787 Carol Casale

Email Address: _____

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

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

continue to next page

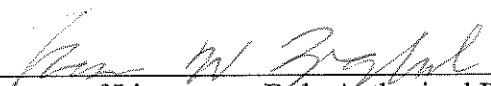
3. Start Date: 3/1/22 End Date (if applicable): 2/29/32
4. Will dancing be permitted in this area? NO Yes ☐ No ☒
- a. If yes, does the establishment have a dance license? Yes ☐ No ☐
- b. If yes, please provide a copy of the license from the State's Fire Marshall's Office
5. Will there be live entertainment in this area? Yes ☐ No ☒
6. Reason for this request:

Section III: Signature of Licensee

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

Please sign and date in blue ink.

Dated: 3/13/24


Signature of Licensee or Duly Authorized Person

Roger W Zachibe
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).

For Office Use Only:

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

☐ Approved ☐ Not Approved

MEMORANDUM
City Council Agenda Item

FROM:

DATE: March 19, 2024

SUBJECT: Order 163-23/24 Granting Municipal Officers' Approval of Will & Girl LLC, dba Thistle & Grouse. Application for Outdoor Dining on Private Property at 10 Cotton 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 2/15/24. Existing establishment adding 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. 2024.04.08_Thistle and Grouse_Council Order
2. 2024.04.08_Thistle and Grouse_Council Packet

Prepared by:

Date: 03/19/2024

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:

**Will & Girl LLC, dba Thistle & Grouse. Application for Outdoor Dining on Private
Property at 10 Cotton Street**

March 13, 2024

To Ms. Kate Snyder and Members of the City Council of Portland,

Please know that it is our intent to add outdoor dining to our already existing full-service restaurant Thistle & Grouse, located at 10 Cotton Street in the City of Portland, Maine, zip code 04101.

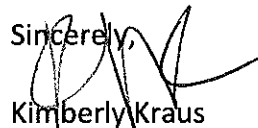
This additional seating area will allow for more guests to experience our warm and welcoming atmosphere and delicious food and beverages. The patio will consist of both tables and stool seating, and will give our guests the chance to enjoy the gorgeous Maine spring, summer and fall weather from the comfort of our outdoor seating.

As you'll see in the diagrams and photos, our outdoor dining area is fully enclosed, with egresses both directly off the patio and accessing the restaurant. We already have all necessary licenses for a full-service restaurant, and these licenses are current. There will not be dancing or live music in this area.

Included below is more information about Thistle & Grouse, and our management team. Should you need any additional information, we're happy to provide this. Please reach out to me directly at 201-315-3609 (cell) or kim@thistleandgrouse.com and I'll be glad to send along anything more that may be needed.

Thank you in advance for your additional consideration!

Sincerely,



Kimberly Kraus

Managing Partner, Thistle & Grouse

September 11, 2023

To Ms. Kate Snyder and Members of the City Council of Portland,

Please know that it is our intent to operate a full-service restaurant, located at 10 Cotton Street in the City of Portland, Maine, zip code 04101. The restaurant will be called Thistle & Grouse.

The restaurant will be a Scottish-inspired gastropub, using Portland's fine local purveyors to craft dishes inspired by our travels to Scotland. The bar will focus on a craft selection of gins and scotches, as well as a full selection of liquor, local beers, hand-crafted cocktails and wines. The renovations that are currently underway will yield a large new bar as the centerpiece of the

restaurant, with a library/study style design, open kitchen, raw bar and 90+ seats in both the upstairs and downstairs dining rooms.

Kimberly Kraus is the Owner and Managing Partner, and has 4+ years of restaurant management experience as the Owner/Operator of Salt & Steel in Bar Harbor, Maine. Kimberly's role for Thistle & Grouse will be primarily back office, though she'll join the front-of-house staff when needed.

Chef Bobby Will has 20+ years of experience as a cook and Chef in various restaurants throughout the East Coast. After graduating from the prestigious Culinary Institute of America in 2007, Chef Bobby worked for celebrated Chefs such as Jean-Georges, Ken Oringer, Jamie Bissonette, Andy Husbands and more before taking on the role of Head Chef of the Atlantic Inn on Block Island as well as Fathom Restaurant in Bar Harbor. He found his way to Saltaire Oyster Bar in Port Chester, NY in the spring of 2015, where upon opening he earned a coveted "Excellent" rating from the New York Times. After helming Salt & Steel for the past 4+ years as the Owner and Chef/Operator, Chef Bobby is ready to let his Scottish heritage and travels inspire him at Thistle & Grouse.

Julia McInnis comes to the team with over 15+ years of hospitality experience ranging from management to bartending to serving, and everything in between. Before joining the team at Salt & Steel this May 2023, Julia has worked for fine dining establishments such as Barbara Lynch's Menton and Boston's Zuma, as well as fast-paced seasonal ventures like Stewman's Lobster Pound in Bar Harbor, Maine. Her extensive knowledge as General Manager will be the backbone of Thistle & Grouse.

Our craft bar program will be helmed by our long-standing Mixologist Corey Schallek, who has partnered with the Salt & Steel team since 2020. After completing a certification for bartending in 2008, Corey has been working at various fine dining restaurants and cocktail bars from Maine to Florida, lending his extensive knowledge of spirits and wine to the recipes he creates. Before joining the Salt & Steel team, Corey has run the bar programs for Zuma and Etaru, as well as assisted in opening bars for Zuma and The Four Seasons in Boston. Corey has instructed others on proper bartending skills via Drink Masters Bartending School in Boston, and runs his own business teaching others about how to make their own cocktail creations.

We are incredibly excited to join the Portland restaurant community and show everyone what we've got! Please don't hesitate to reach out, should you have any questions or concerns, and we'll be glad to advise further.

Thank you,



Kimberly Kraus
Managing Partner, Thistle & Grouse



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):	Will & Girl LLC dba Thistle & Grouse	Phone:	201-315-3609 207-536-0966
Location Address:	10 Cotton Street Portland ME	Zip:	04101
Mailing Address:	"	Zip:	"
Contact Person:	Kimberly Kraws	Phone:	201-315-3609
Contact Person Email:	kim@thistleandgrouse.com		
Manager of Establishment:	Julia McInnis	Date of Birth:	5/2/88
		Phone:	207-536-0966
Owner of Premises (Landlord):	Boulos Asset Management		
Address of Premises Owner:	One Canal Plaza Portland ME	Zip:	04101

Owner Information

Corporate Name		Corporate Mailing Address	
Will & Girl LLC		10 Cotton Street Portland ME 04101	
Contact Person:	Kimberly Kraws	Phone:	201-315-3609
Principal Officers	Title	Date of Birth	Residence Address
Kimberly Kraws	Owner	07/30/84	156 York St Unit 2 Portland ME 04101
Robert Will	Owner	08/22/84	156 York St Unit 2 Portland ME 04101



CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	^{Dining} Outdoor Food Permit - ^{IX} Already Permitted for Food + Liquor
Type of food served:	Bar/pub inside
Please circle all that will be served:	Beer Wine Liquor
Hours & days of operation:	Tues - Sun 4 - 10pm
Number of Tables	Outside:
Number of Chairs	Outside:

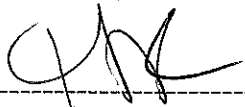
Design and Construction

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

Maintenance and Operations

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

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

Signature  Title Owner Date 3/7/24

For Administrative Use Only

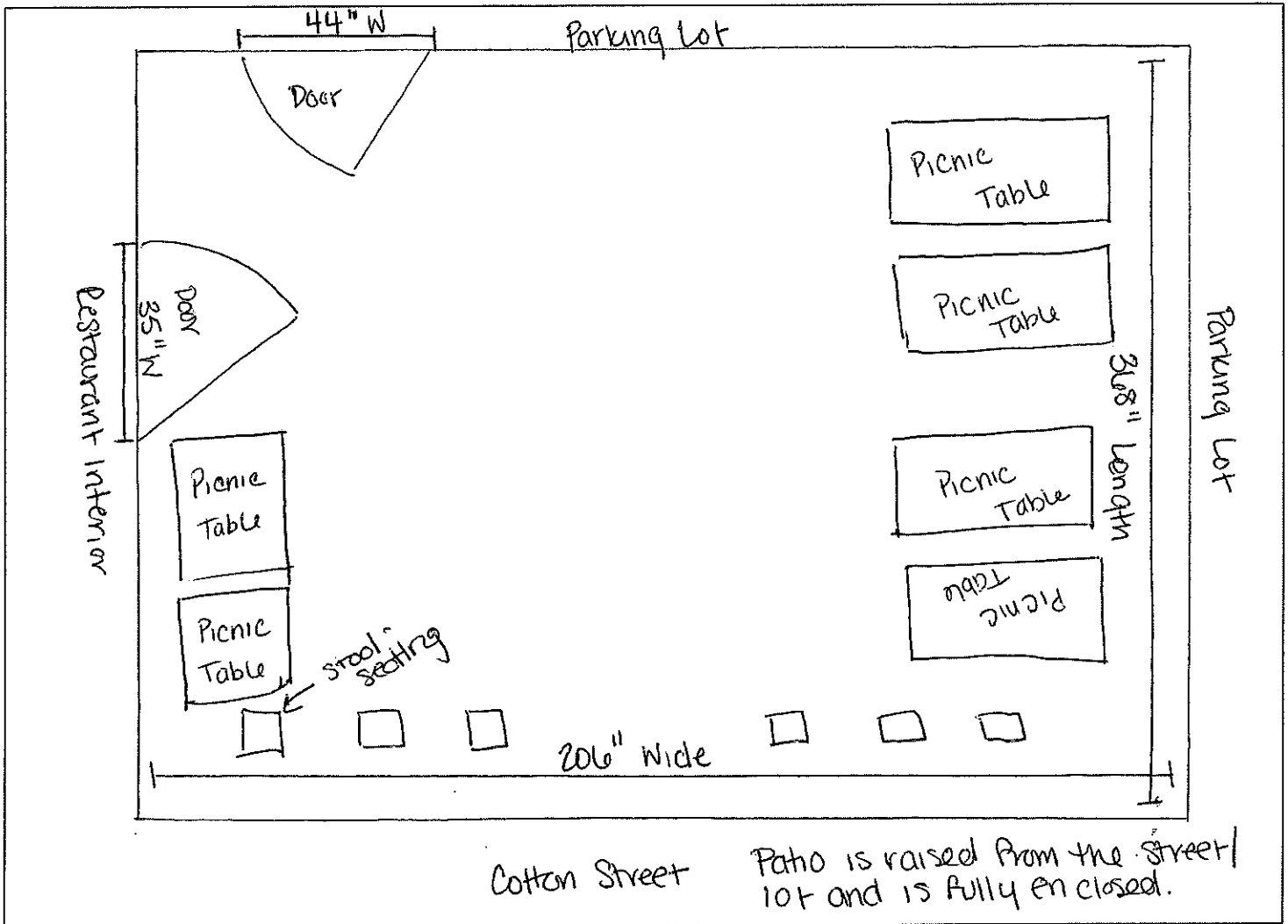
Amount: _____		Request Date / Approval	Notes: _____
Date Paid: _____	FD: _____	_____	_____
CC _____ CA _____ CK _____	Health: _____	_____	_____
	PD: _____	_____	_____
Amount: _____	PR: _____	_____	_____
Date Paid: _____	Treasury: _____	_____	_____
CC _____ CA _____ CK _____	Zoning: _____	_____	_____

Diagram for Extension of Privileges Area

The following restrictions apply to outdoor extension of privileges:

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

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



For Office Use Only:

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

☐ Approved ☐ Not Approved



Zachary Lenhart <zlenhart@portlandmaine.gov>

Thistle and Grouse - Outdoor dining on private property - 10 Cotton St

Eric Nevins <erich@portlandmaine.gov>

Fri, Mar 22, 2024 at 9:31 AM

To: Zachary Lenhart <zlenhart@portlandmaine.gov>

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

Approved

On Thu, Mar 21, 2024 at 1:21 PM Zachary Lenhart <zlenhart@portlandmaine.gov> wrote:

[Quoted text hidden]

--

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



Zachary Lenhart <zlenhart@portlandmaine.gov>

Thistle and Grouse - Outdoor dining on private property - 10 Cotton St

Zoning <zoning@portlandmaine.gov>

Thu, Mar 28, 2024 at 3:10 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>, Business Licensing <bl@portlandmaine.gov>

Good Afternoon,

The legal use for 10 Cotton ST is restaurant. Zoning approves.

Thank you,

Mac

--

Mac Coldwell

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

[Quoted text hidden]

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on April 8, 2024 at 5:00 P.M., in City Council Chambers, 389 Congress St. for Will & Girl LLC, dba Thistle & Grouse. Application for Outdoor Dining on Private Property at 10 Cotton Street - Sponsored by Danielle P. West, City Manager

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



March 29, 2024

Will & Girl LLC
643 Congress Street
Portland, Maine 04101

Re: Will & Girl LLC, dba Thistle & Grouse. Application for Outdoor Dining on Private Property at 10 Cotton Street

Dear Will & Girl LLC:

This letter shall serve as a reminder of the public hearing before the Portland City Council on Monday April 8, 2024 at 5:00 p.m., for the review of application for Outdoor Dining on Private Property at 10 Cotton 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



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

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

Section I: Licensee Information:

Legal Business Entity Licensee Name (corporation, LLC): <u>Will E Grl LLC</u>	Business Name (D/B/A): <u>Thistle & Grouse</u>
Individual or Sole Proprietor Licensee Name(s): <u>Kimberly Kraws, Robert & Will</u>	Physical Location: <u>10 Cotton Street Portland ME 04101</u>
License Number: <u>CAFL-2023-15524</u>	Mailing address, if different:
Mailing address, if different from DBA address:	Email Address: <u>kima@thistleandgrouse.com</u>
Telephone # <u>Cell 201-3153609</u>	Fax #: <u>207-536-0966 n/a</u>
Business Telephone # <u>207-536-0966</u>	Fax #: <u>n/a</u>

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: Boulos Asset Management

Complete mailing address: One Canal Plaza
Portland ME 04101

Telephone/Mobile Number: 207-553-1754

Email Address: smckenna@boulos.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: As soon as weather permits End Date (if applicable): n/a

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:

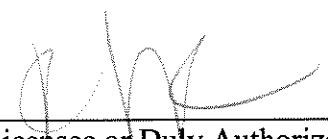
Addition of outdoor dining to full-service restaurant.
Regular licenses are current, but as a new business in this space, we are applying to use our outdoor seating area for the first time.

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: 3/14/24



Signature of Licensee or Duly Authorized Person

Kimberly Kraws

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

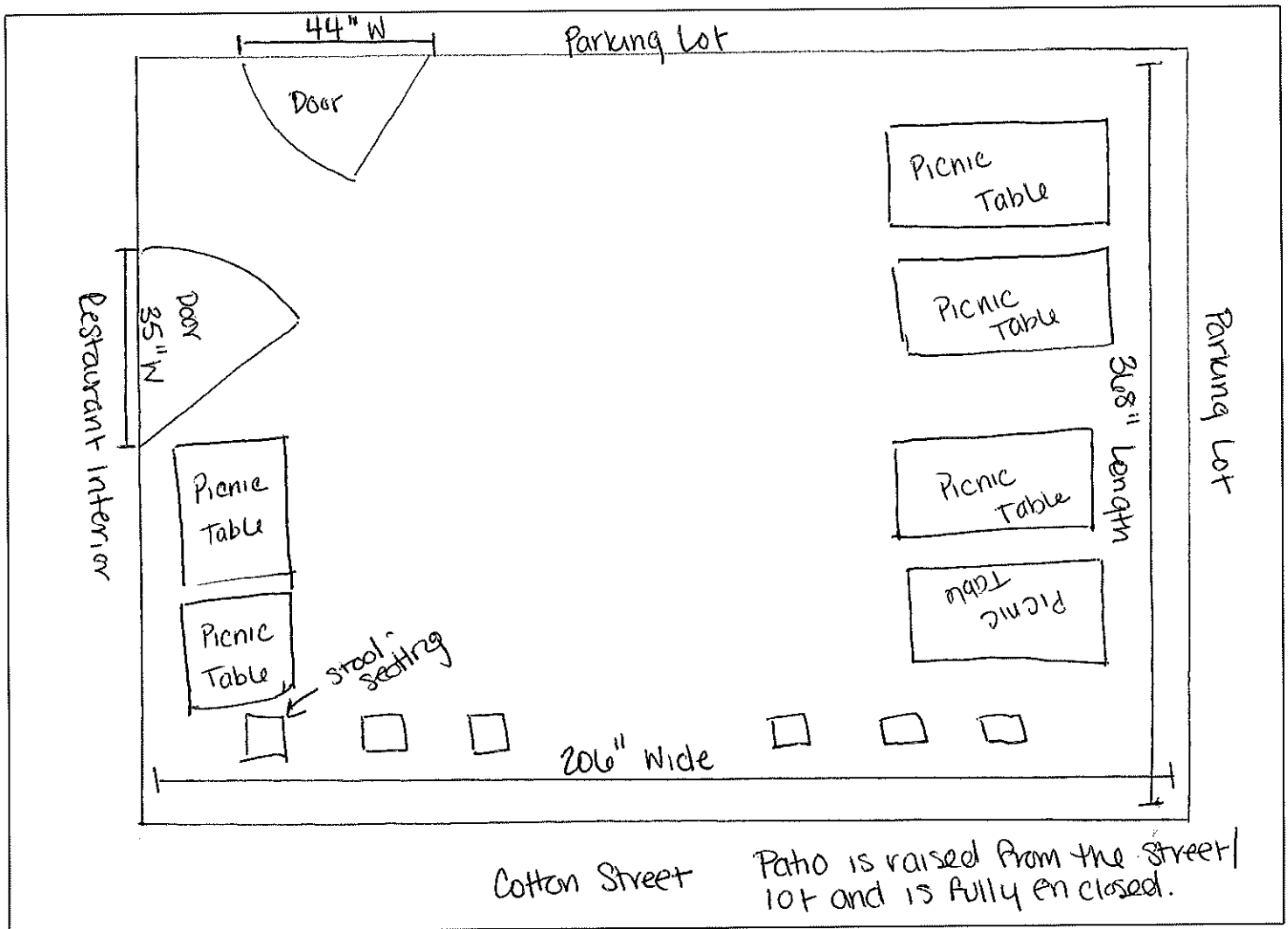
Continued to next page

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

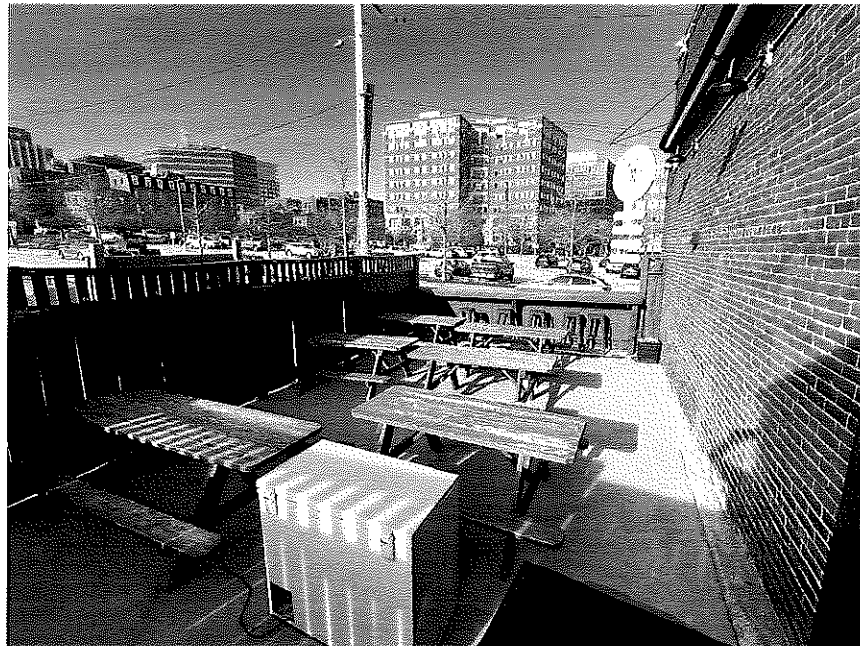


For Office Use Only:

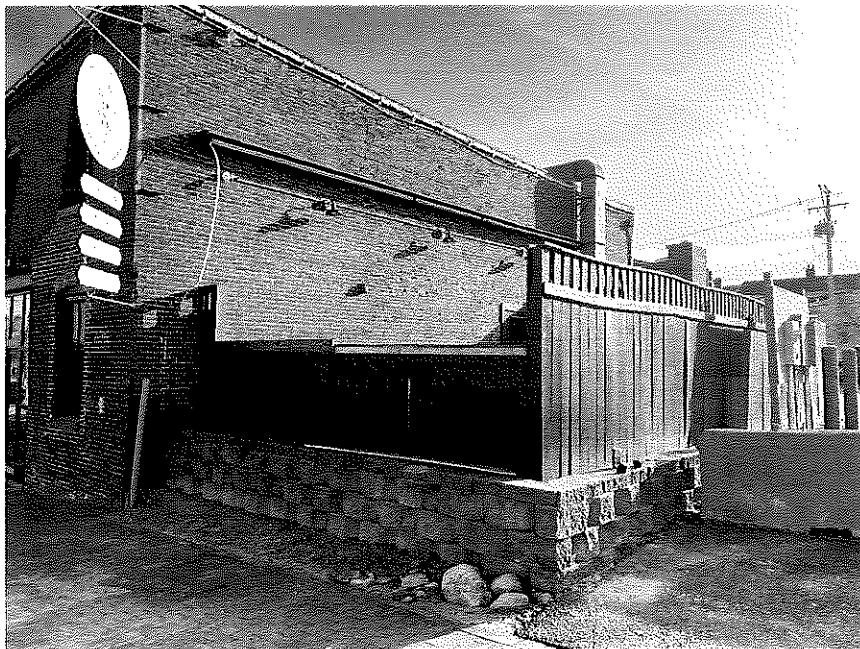
Date Filed: _____ Date Issued: _____ Issued By: _____

☐ Approved ☐ Not Approved









MEMORANDUM
City Council Agenda Item

FROM:

DATE: March 19, 2024

SUBJECT: Order 164-23/24 Granting Municipal Officers' Approval of Duckfat LLC, dba Duckfat. Application for Class III & IV FSE with Parklet and Outdoor Dining on Public Property at 43 Middle 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 3/13/24. Ownership change of existing establishment. New City and State applications.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

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

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. 2024.04.08_Duckfat_Council Order
2. 2024.04.08_Duckfat_Council Packet

Prepared by:

Date: 03/19/2024

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:

Duckfat LLC, dba Duckfat. Application for Class III & IV FSE with Parklet and Outdoor Dining on Public Property at 43 Middle Street



March 6, 2024

Major Mark Dion
389 Congress Street
Portland, ME 04101

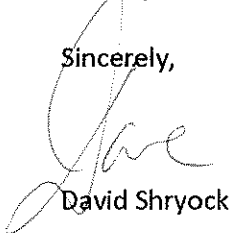
Dear Mayor Dion and Members of the City Council:

Thank you for the opportunity to apply for licenses for: Food Service Establishment with Alcoholic Beverages; Parklet Outdoor Dining; and Outdoor Dining on Public Property. Applications are attached.

We are acquiring the Duckfat restaurant, founded and created by Nancy Pugh and Rob Evans. Nancy and Rob, through separate legal entities, currently hold the above licenses, and we are continuing their business in every way: staff including general manager, menu, hours, etc. We understand how marvelous the Duckfat restaurant has been over the years, a key part of Portland's well-deserved reputation as a food service mecca, and we'll do our best to continue Duckfat's tradition.

Thank you for your consideration of our applications.

Sincerely,



David Shryock



CITY OF PORTLAND
Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

Business Information		
Legal Business Entity Applicant Name (corporation, LLC): Duckfat LLC	Business Name (D/B/A): Duckfat (Maine assumed name SB Partners Duckfat LLC)	
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 43 Middle Street, Portland	
If applicable, what was formerly at this location:	Business Email Address: duckfat@duckfat.com	
Mailing Address: 43 Middle Street, Portland	Contact Person: David Shryock	
Contact Person Phone: 616 437 1336	Contact Person Email: dave@sbpartners.com	
Manager of Establishment: Trevor Lilly	Date of Birth: 05/27/1985	Manager Phone: 207 413-6136
Owner of Premises (Landlord): Joe Malone, Scarecrow Holdings LLC	Address of Premises Owner (Landlord): 5 Moulton Street, Portland	

Sole Proprietor/Partnership Information (If Corporation, leave blank)		
Name of Owner(s):	Date of Birth:	Residence Address:
Name of Owner(s):	Date of Birth:	Residence Address:

Corporate/LLC/Non-Profit Organization Applicants (If Sole Proprietor or Partnership, leave blank)			
Corporate Name: Duckfat LLC		Corporate Mailing Address: 43 Middle Street, Portland	
Contact Person: David Shryock		Contact Phone: 616 437 1336	
Principal Officers	Title	Date of Birth	Residence Address
David Shryock	Member	02 12 1958	1161 Mackie Dr, Salado, TX
Benjamin Shryock	Member	06 11 1993	463 Columbus Ave, NY, NY



CITY OF PORTLAND
Permitting and Inspections Department

Class of Liquor License (see fee schedule): Class III & IV (Malt & Vinous License)		
Type of food served:	Belgian frites, poutine, salads, soups, sandwiches, desserts, milk shakes	
Please select all that will be served:	☒ Beer ☒ Wine ☐ Liquor	
Projected percentage of sales:	Generated from Food: 88 Generated from Alcohol: 12	
Hours & days of operation:	11 am to 10 pm 7 days per week (seasonally may be shorter)	
QUESTIONS	YES	NO
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	☒	☐
If No, please explain:		
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	☒	☒
If yes, give the distance: 500 FEET		
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)	☐	☒
Will you permit dancing after 1:00 a.m.?	☐	☒
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	☒	☐
If yes, will the outside dining be on: ☒ PUBLIC property or ☐ PRIVATE property		
Will you have any amusement devices (pinball, video games, juke box)?	☐	☒
If yes, please list: # of amusements: and # of pool tables:		
What is your targeted opening date? : 04 30 2024 -- projected acquisition of existing establishment		
Does the Issuance of this license directly or indirectly benefit any City employee(s)?	☐	☒
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?	☐	☒
If Yes, please list business name(s) and location(s):		
Is any principal officer under the age of 21?	☐	☒
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	☐	☒
If Yes, please explain:		

I, David Shryock 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 Member Date 3/5/24



• HOUSEMADE SPRITZERS •

LEMON-THYME

fresh lemon peel & juice infused with thyme • a bit of cane sugar

5.



• ICED TEA •

homemade unsweetened organic black tea

4.



• ARNOLD PALMER •

lightly sweetened iced tea infused with fresh lemon, lemon peel & thyme

5.

• KOMBUCHA •

ROOT WILD, PORTLAND MAINE

flavor changes, ask your server 12 oz can, 1% alcohol

7.



• COFFEE & TEA •

SPECKLED AX, PORTLAND MAINE

4.

ORGANIC INGREDIENTS, CUSTOM BLENDED

HOMEGROWN HERB & TEA CO., PORTLAND MAINE

Irish Breakfast

Roolbos Chai

Lemon Squeezer

Gunpowder Green

After Dinner Mint

Seasonal Tonic

4.

4% SERVICE CHARGE ADDED TO ALL CHECKS TO SUPPORT OUR KITCHEN STAFF

20% GRATUITY MAY BE ADDED TO PARTIES OF 6 OR MORE.

WE ACCEPT VISA, M/C, DISCOVER, AMEX & CASH.

BEFORE PLACING YOUR ORDER, PLEASE INFORM YOUR SERVER IF YOU
OR A MEMBER OF YOUR PARTY HAS ANY FOOD ALLERGIES.

OPEN 7 DAYS A WEEK

207-774-8080



HAND CUT

• BELGIAN FRIES •

Green Thumb Farm Potatoes, Fryeburg, Maine

FRIED IN DUCK FAT WITH YOUR
CHOICE OF DIPPING SAUCE

Our mayo is made fresh daily with local farm eggs

2 sauces with large, 1 with small

LARGE 12. SMALL 8.

Truffle Ketchup

Garlic Mayo

Atomic Horseradish Mayo

Thai Chili Mayo

• Rotating Special Fry Sauce! ask your server

• EACH ADDITIONAL SAUCE 1.5

FLIGHT OF ALL FIVE SAUCES 4.

COMPLIMENTARY HEINZ KETCHUP &

MALT VINEGAR UPON REQUEST

• POUTINE •

OUR BELGIAN FRIES TOPPED WITH
LOCALLY SOURCED CHEESE CURD,
HOMEMADE DUCK GRAVY & FRESH CHIVES

SMALL 14. LARGE 17.

*add duck egg - Black Earth Forest Farm 3.**

add pan seared crispy skin duck confit 8. | 15.

*CONSUMING RAW OR UNDERCOOKED FOODS
MAY INCREASE YOUR RISK OF FOOD-BORNE ILLNESS



• SALADS •

All salads are made with local farm greens

GREEN GODDESS 13.
crunchy lettuce · shaved fennel · pepita crumble
green goddess dressing
add avocado 3.
add pan seared crispy skin duck confit 8.
add Tuscan spiced turkey 5.
add house smoked duck breast 6.

DUCKFAT CAESAR 16.
baby romaine · house smoked duck breast · cured duck egg yolk
duck fat sourdough bread crumbs



• SOUP •

Always made from scratch & with Love

DUCKFAT ORIGINAL
CREAM OF TOMATO FENNEL
grilled cheese croutons · chopped fine herbs

CUP 5. BOWL 7.5



• SANDWICHES •

Bread baked daily by Bottos Bakery

TUSCAN SPICED ROAST TURKEY 17.
buttermilk fried shallots · black pepper sharp American
preserved lemon · herb mayo
add avocado 3.
add soppressata 4.

MONTREAL REUBEN 18.
house smoked brisket · cheddar · sauerkraut · 1000 Island

HOUSE SMOKED PULLED PORK CUBANO 18. 
soppressata · dill pickles · gruyere · dijon

****BROCCOLINI 15.**
raclette · Fern Hill Farm goat cheese · romesco
add soppressata 4.

****DUCKFAT GRILLED CHEESE 14.**
raclette · cheddar · sun dried tomato pesto
Night Moves sourdough
add avocado 3.
add soppressata 4.
add Tuscan spiced turkey 5.

****contains nuts**



• CRAFT SODAS •

Made in house with all natural ingredients & sweeteners

CREAMSICLE
fresh squeezed orange juice & zest · vanilla · cream

WILD CHERRY PHOSPHATE
100 year old recipe · cherry bark · tart cherry juice

GRAPE
concord grape · grape verjus · aged balsamic

ROOTS, BARKS & STICKS
sassafras · sarsaparilla root · birch bark · Ceylon cinnamon · wintergreen
 5.



• MILKSHAKES •

Made with local gelato by Gelato Fiasco

"THE ORIGINAL" DUCKFAT MILKSHAKE
vanilla gelato w/ crème anglaise & fresh Tahitian vanilla bean
 10.

SEA SALTED DUCK FAT CARAMEL
CHOCOLATE

MOCHA

TANDEM ROASTERS COFFEE

WILD MAINE BLUEBERRY & KATE'S BUTTERMILK
HOMEMADE COOKIES & CREAM

9.

add extra shot of Tandem coffee concentrate 1.5
add homemade cookie crumble to any shake 1
add duck fat caramel to any shake 1



• GELATO FLOATS •

Add a scoop of vanilla bean gelato to any of our homemade sodas listed above
 9.



• DOUGHNUT HOLES •

CITRUS SCENTED & DUCK FAT FRIED
 9.

Sprinkled with cinnamon sugar, served with duck fat caramel dipping sauce

 For every Cubano ordered, we will donate \$1.00 to Conscious Collaborative

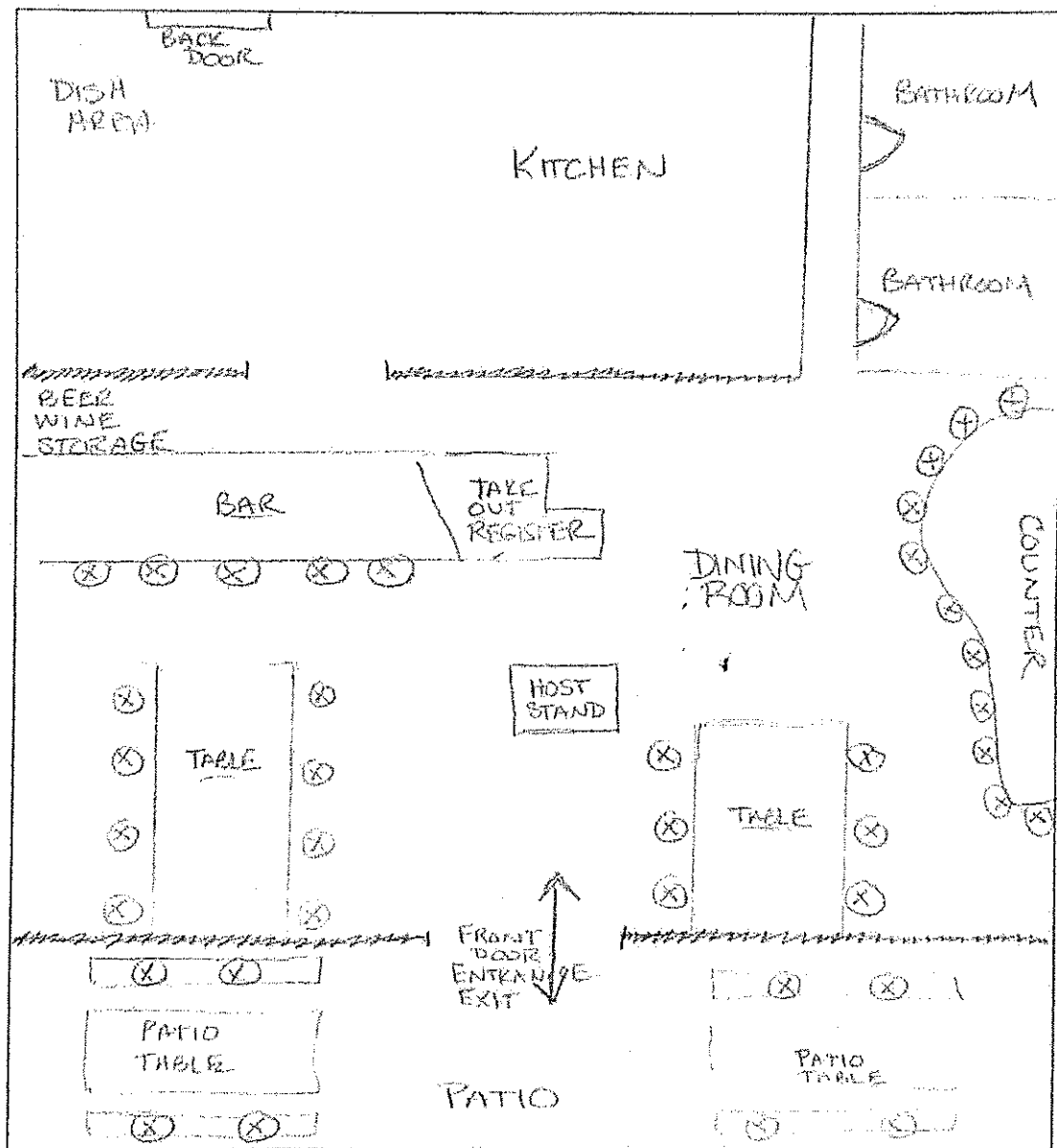
MORE ON THE BACK



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.



(X) = CUSTOMER
STOOL/SEAT



CITY OF PORTLAND
Permitting and Inspections Department

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

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

☒ Legal Advertisement Deposit \$100.00	54.16
☒ Outdoor Dining on Public Property \$84.00 plus \$2.00 per Square foot \$2.00 X _____ SF = <u>110.00</u>	
☐ Outdoor Dining on Public Property in a City Park \$84.00 plus \$6.30 per Square foot \$6.30 X _____ SF = _____	

Business Information			
Establishment Name (d/b/a):	DUCKFAT		Phone: 774-8080
Location Address:	41 43 MIDDLE ST PORTLAND		Zip: 04101
Mailing Address:	SAME		Zip:
Contact Person:	DAVE SHRYOCK		Phone: 616 437 1336
Contact Person Email:	DAVE@CBPARTNERS.COM		
Manager of Establishment:	TREVOR LILLY	Date of Birth: 5/27/85	Phone: 207 4136136
Owner of Premises (Landlord):	JOE MALONE, SCARECROW HOLDINGS LLC		
Address of Premises Owner (Landlord):	5 MOULTON ST PORTLAND		Zip: 04101

Owner Information

Corporate Name		Corporate Mailing Address	
DUCKFAT LLC		43 MIDDLE ST Zip: 04101	
Contact Person:	DAVE SHRYOCK		Phone: 616 437-1336
Principal Officers	Title	Date of Birth	Residence Address
DAVE SHRYOCK	MEMBER	02/12/53	1161 MOULIE DR SALADO TX
BEN SHRYOCK	MEMBER	06/11/93	403 COLUMBUS AVE NY, NY

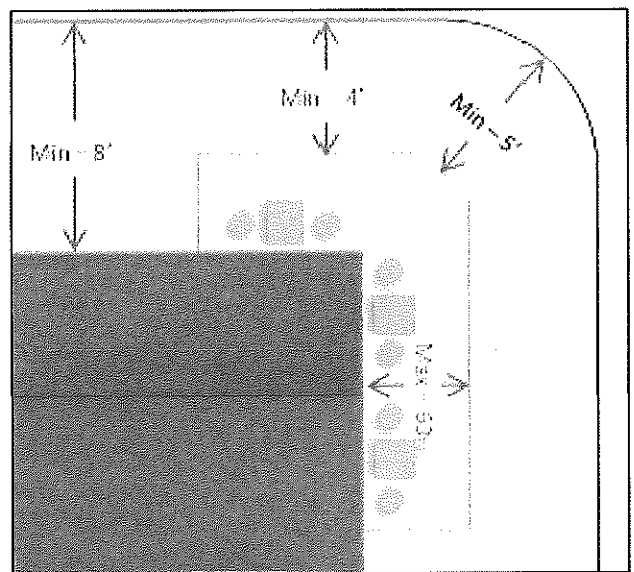


CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	RESTAURANT CLASS III & IV
Type of food served:	FOITES, POUTINE, SALADS, SOUPS, SANDWICHES
Please circle all that will be served:	Beer ☒ Wine ☒ Liquor ☐
Hours & days of operation:	11 AM TO 10PM 7 DAYS PER WEEK
Number of Tables	2
Number of Chairs	8 TOTAL, 4 EACH TABLE

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"

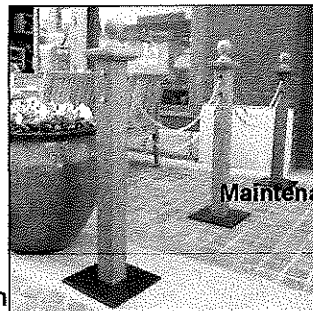
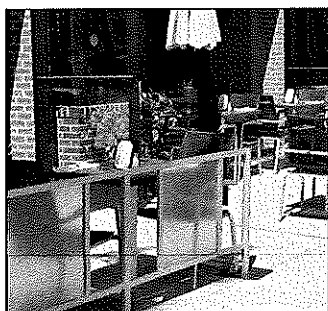


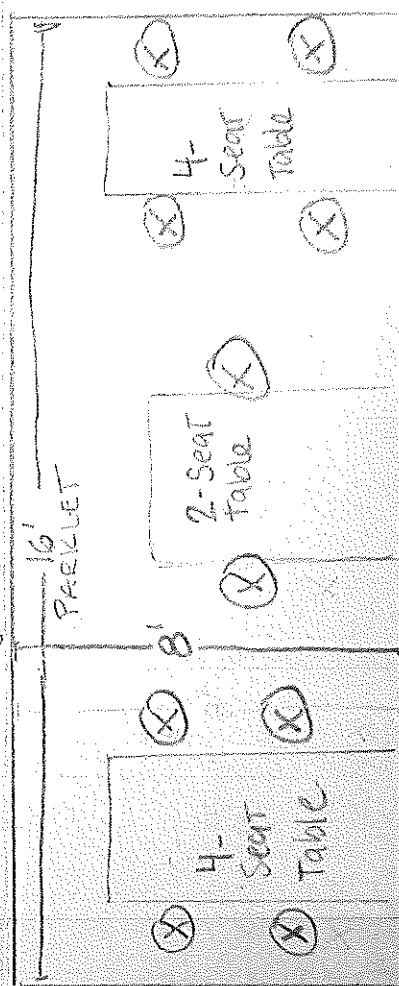
- Outdoor dining area shall not exceed 60% of the sidewalk width.
- A continuous, unobstructed sidewalk passage of 4 feet from the outer boundary of the seating area to the curb must be maintained. If the passage is not straight due to existing obstacles, then additional width may be required. Any changes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

**Parklet Outdoor Dining
Supplemental Application**

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

☒ Legal Advertisement Deposit \$100.00
☒ 1 Parklet space \$3,000.00 ☐ 2 Parklet spaces \$5,000.00

Business Information	
Establishment Name (d/b/a):	DUCKFAT Phone: 774-8080
Location Address:	4143 MIDDLE ST Zip: 04101
Mailing Address:	SAME Zip:
Contact Person:	DAVE SHRYOCK Phone: 616 437 1336
Contact Person Email:	DAVE@SBPARTNERS.COM
Manager of Establishment:	TREVOR LILLY SF/BS Date of Birth: Phone: 207 413-6136
Owner of Premises (Landlord):	JOE MALONE, SCARECROW HOLDINGS LLC
Address of Premises Owner (Landlord):	5 MOULTON ST Zip: 04101

Owner Information

Corporate Name		Corporate Mailing Address													
DUCKFAT LLC		43 MIDDLE ST Zip: 04101													
Contact Person:	DAVE SHRYOCK	Phone:	616 437 1336												
<table border="1"> <thead> <tr> <th>Principal Officers</th> <th>Title</th> <th>Date of Birth</th> <th>Residence Address</th> </tr> </thead> <tbody> <tr> <td>DAVE SHRYOCK</td> <td>MEMBER</td> <td>02/12/53</td> <td>1161 MAPLE DR, SPALDING, TX</td> </tr> <tr> <td>BEN SHRYOCK</td> <td>MEMBER</td> <td>06/11/93</td> <td>463 COLUMBUS AVE, NY, NY</td> </tr> </tbody> </table>				Principal Officers	Title	Date of Birth	Residence Address	DAVE SHRYOCK	MEMBER	02/12/53	1161 MAPLE DR, SPALDING, TX	BEN SHRYOCK	MEMBER	06/11/93	463 COLUMBUS AVE, NY, NY
Principal Officers	Title	Date of Birth	Residence Address												
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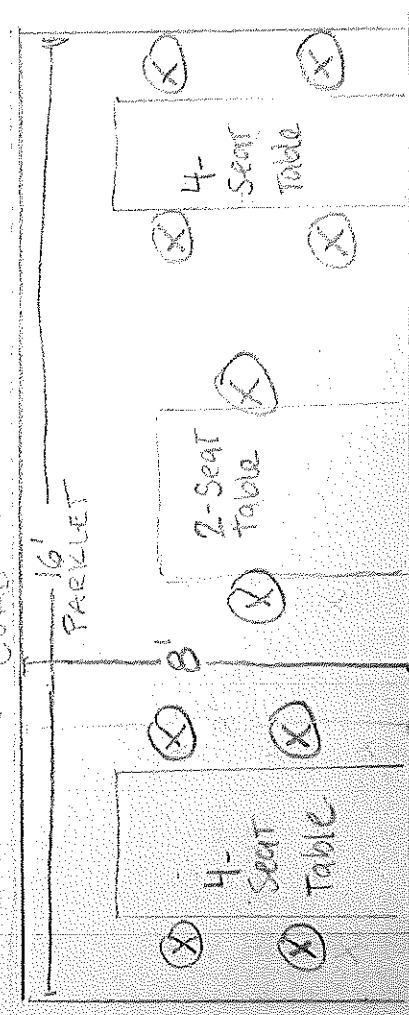
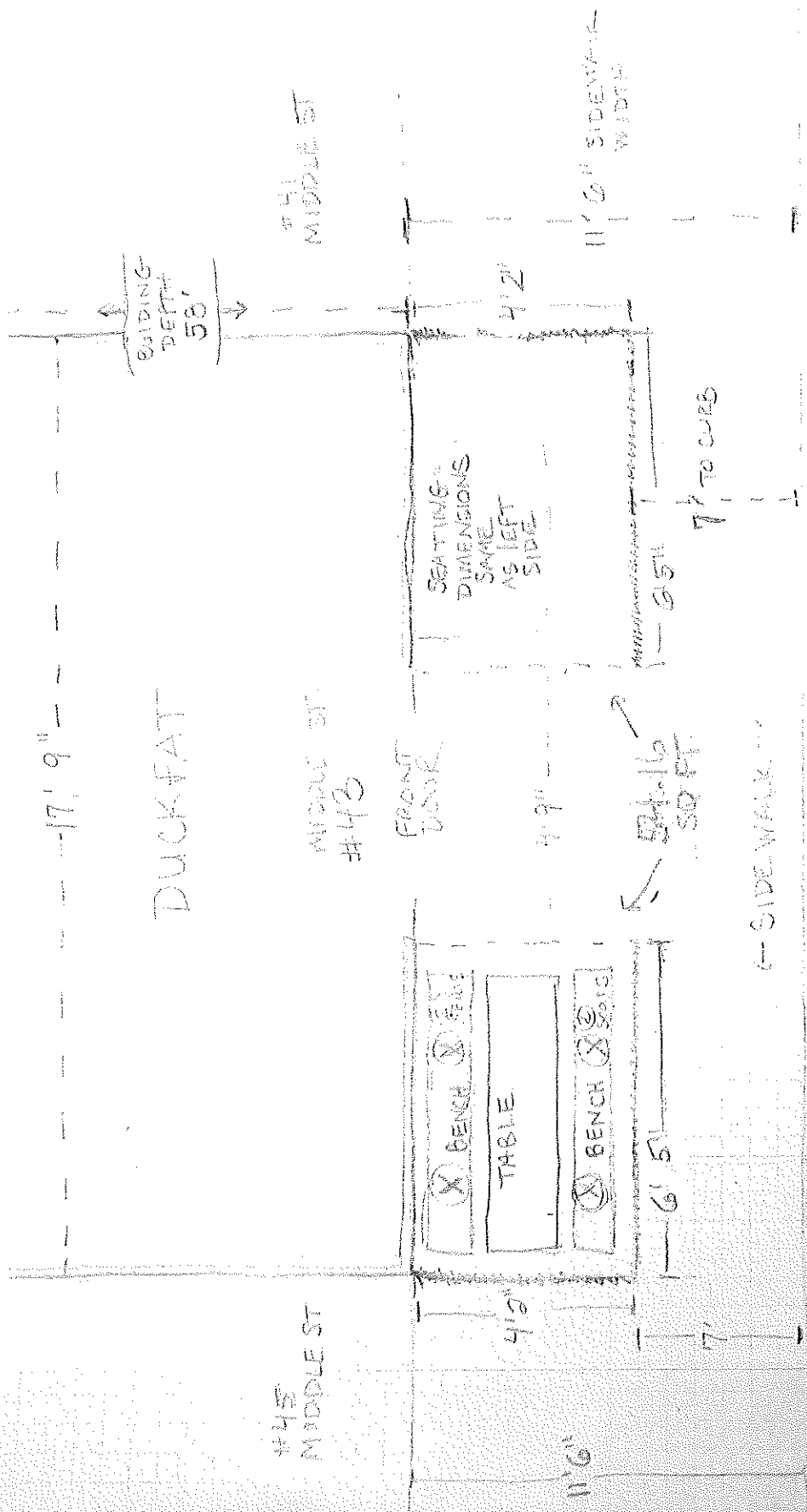
About Your Establishment

Class of License:	RESTAURANT CLAS III & IV
Type of food served:	FRITES, PONTING, SALADS, SOUPS, SANDWICHES
Please circle all that will be served:	Beer Wine Liquor
Hours & days of operation:	11 AM TO 10 PM 7 DAYS PER WEEK
Number of Tables	3 TABLES
Number of Chairs	10 SEATS TOTAL

Parklet Regulations

Pursuant to Chapter 25 of the City's Code of Ordinances, a permit is required for expanding food service to the outside of all properties. Outdoor dining permits for parking and other alternative public spaces will be issued under Chapter 25 and these regulations pursuant to the following requirements:

- Any food service operation located on City property pursuant to a permit issued hereunder must comply with state and local laws with respect to service of food and/or alcohol;
- For any outdoor dining operation located in a public parking space, the permit holder shall construct a platform, on which tables and chairs will sit. The platform must be built of durable, slip resistant materials such as composite plastic or construction-grade lumber. This platform may remain for the entire outdoor dining season (April 15-November 1) but must be removed upon conclusion;
- Any space occupied hereunder must be laid out in such a way that it complies with the requirements of the Americans with Disabilities Act. Including 5% of handicap seating. The required platform must be flush with any abutting sidewalk.
- Any movable items on the outdoor dining area must be secured against wind and theft and locked or removed when the business is closed.
- Any outdoor dining spaces permitted hereunder must be located immediately in front of the business. Where parking spaces are not striped (such as in multi-space meter areas) the location of any outdoor dining space must be located to minimize loss of effective parking spaces
- Only 2 hour metered parking spots can be utilized. Parking spot size is 8 feet by 20 feet.
- Any outdoor dining space must provide railings or other substantive barriers *along the edges* to protect patrons;
- Wheel stops satisfactory to the Permitting & Inspections Director must be placed at the front and rear sides of the outdoor dining platform, no less than 4 feet from the edges of the platform. In addition, flexible bollards shall be provided at the corners of the platform.
- Construction of the platform must allow water runoff to easily flow under platform;
- No attachments to the pavement or curbing are permitted;
- No covers are permitted over the outdoor dining space other than umbrellas;
- No advertising other than labels identifying the business is permitted on the outdoor dining space;
- No outdoor dining space in the vehicular right of way is permitted within 15' of an intersection;
- No outdoor dining space will be permitted within the vehicular right of way on a high traffic street, as determined by Public Works. Generally, these streets have a speed limit of over 25 miles per hour, a traffic volume of over 5,000 AADT, or a functional classification of Arterial or above;
- No outdoor dining space will be permitted on a street that does not have 12' clear in the middle after all parking and platforms are accounted for; and
- In any street that is entirely closed to traffic at certain times of the day, the street may be used for outdoor dining subject to relevant requirements listed above, adjusting for the unique condition of an entirely closed street.
- Street Closures include: Wharf Street, Dana Street, and Milk Street (between Exchange and Market only)
- After 4/15/22, Middle Street will go back to normal and the businesses will need to apply for a regular Parklet



Duckfat - Class III & IV - 41 Middle St

Eric Nevins <ericn@portlandmaine.gov>

Fri, Mar 22, 2024 at 9:32 AM

To: Zachary Lenhart <zlenhart@portlandmaine.gov>

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

Approved

On Thu, Mar 21, 2024 at 1:24 PM Zachary Lenhart <zlenhart@portlandmaine.gov> wrote:

[Quoted text hidden]

--

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

Duckfat - Class III & IV - 41 Middle St

Zoning <zoning@portlandmaine.gov>

Fri, Mar 29, 2024 at 1:32 PM

To: Zoning <zoning@portlandmaine.gov>

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

Good Afternoon,

The legal use for: CBL: 028 P016001, 43 Middle ST is restaurant. Zoning approves.

Thank you,

Mac

[Quoted text hidden]

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on April 8, 2024 at 5:00 P.M., in City Council Chambers, 389 Congress St. for Duckfat LLC, dba Duckfat. Application for Class III & IV FSE with Parklet and Outdoor Dining on Public Property at 43 Middle Street - Sponsored by Danielle P. West, City Manager

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



March 29, 2024

Duckfat LLC
43 Middle Street
Portland, ME 04101

Re: Duckfat LLC, dba Duckfat. Application for Class III & IV FSE with Parklet and Outdoor Dining on Public Property at 43 Middle Street

Dear Duckfat LLC:

This letter shall serve as a reminder of the public hearing before the Portland City Council on Monday April 8, 2024 at 5:00 p.m., for the review of application for Class III & IV FSE with Parklet and Outdoor Dining on Public Property at 43 Middle 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



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): Duckfat LLC (Maine assumed name SB Partners Duckfat)	Business Name (D/B/A): Duckfat
Individual or Sole Proprietor Applicant Name(s): David Shryock (owner)	Physical Location: 41 43 Middle Street, Portland
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address:	Email Address: dave@sbpartners.com
Telephone # Fax #: 616 437 1336	Business Telephone # Fax #: 207 774 8080
Federal Tax Identification Number: 99-1412291	Maine Seller Certificate # or Sales Tax #: 1181-3699 (Certificate # is 7017670)
Retail Beverage Alcohol Dealers Permit: n/a	Website address: duckfat.com

1. New license or renewal of existing license? ☒ New Expected Start date: 04/30/2024

☐ Renewal Expiration Date: _____

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

Food: \$ 3,000,000.00 Beer, Wine or Spirits: \$ 500,000.00 Guest Rooms: \$ 0.00

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, <u>III, IV</u>) | ☐ 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:

43 Middle Street, Portland, ME

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
David Shryock	02/12/1958	Gary, IN
Benjamin Shryock	06/11/1993	Chicago, IL
Residence address on all the above for previous 5 years		
Name	Address:	
Dave Shryock - 1161 Mackie Drive, Salado, TX 76571		
Name	Address:	
Ben Shryock - 463 Columbus Avenue, Apartment 7, NY, NY 10024-5172; 256 W 15th St., NY NY		
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:

Joe Malone, Scarecrow Holdings, 5 Moulton Street, Portland, ME

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

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

First floor, front section only of 43 Middle Street

Dining space indoors, sidewalk area outdoors, parklets
31 seats indoors, 18 outdoors.

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. Peter's Parish (church)

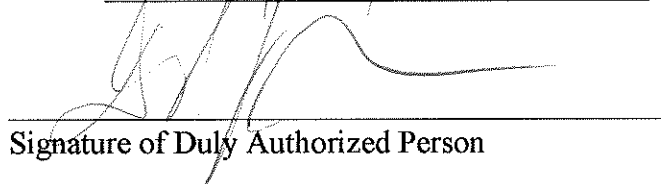
Distance: 500.00

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: 03/05/2024


Signature of Duly Authorized Person

David Shryock
Printed Name Duly Authorized Person


Signature of Duly Authorized Person

Benjamin Shryock
Printed Name of Duly Authorized Person

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.

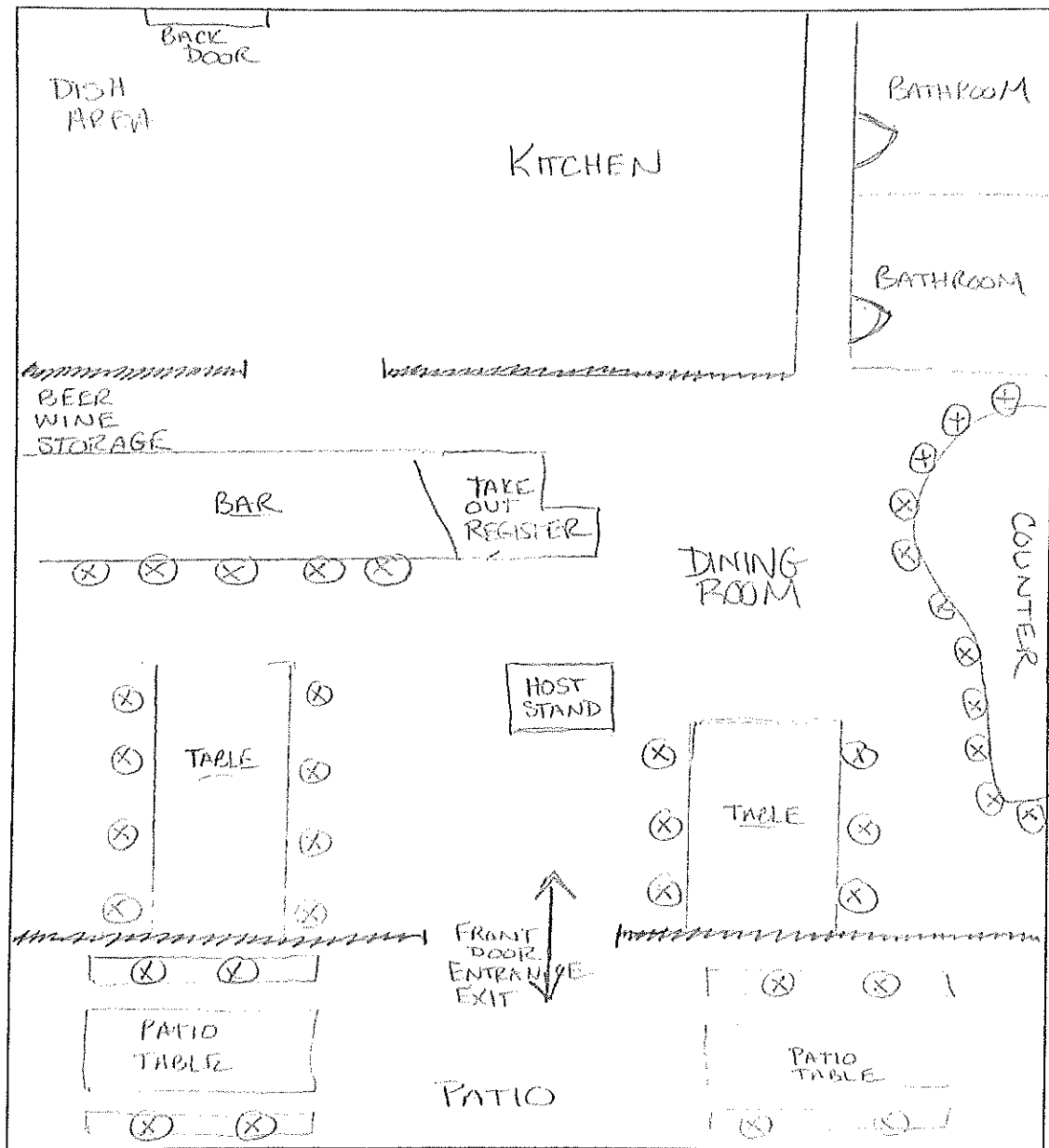
Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside 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.

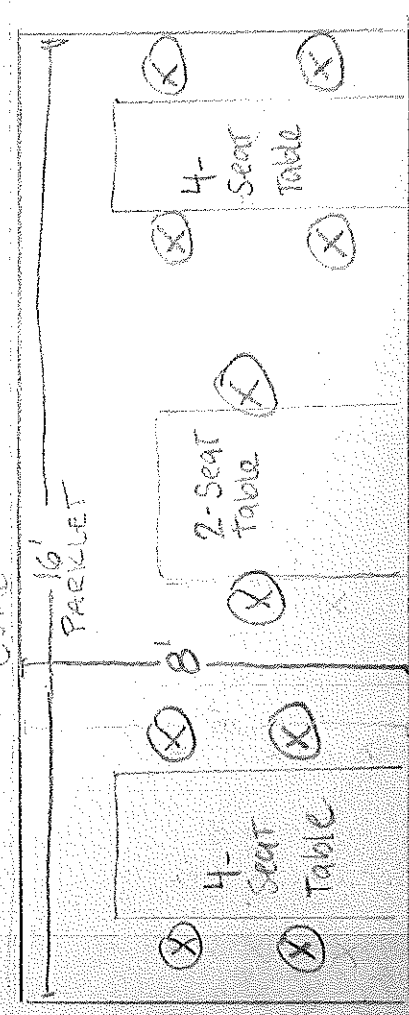
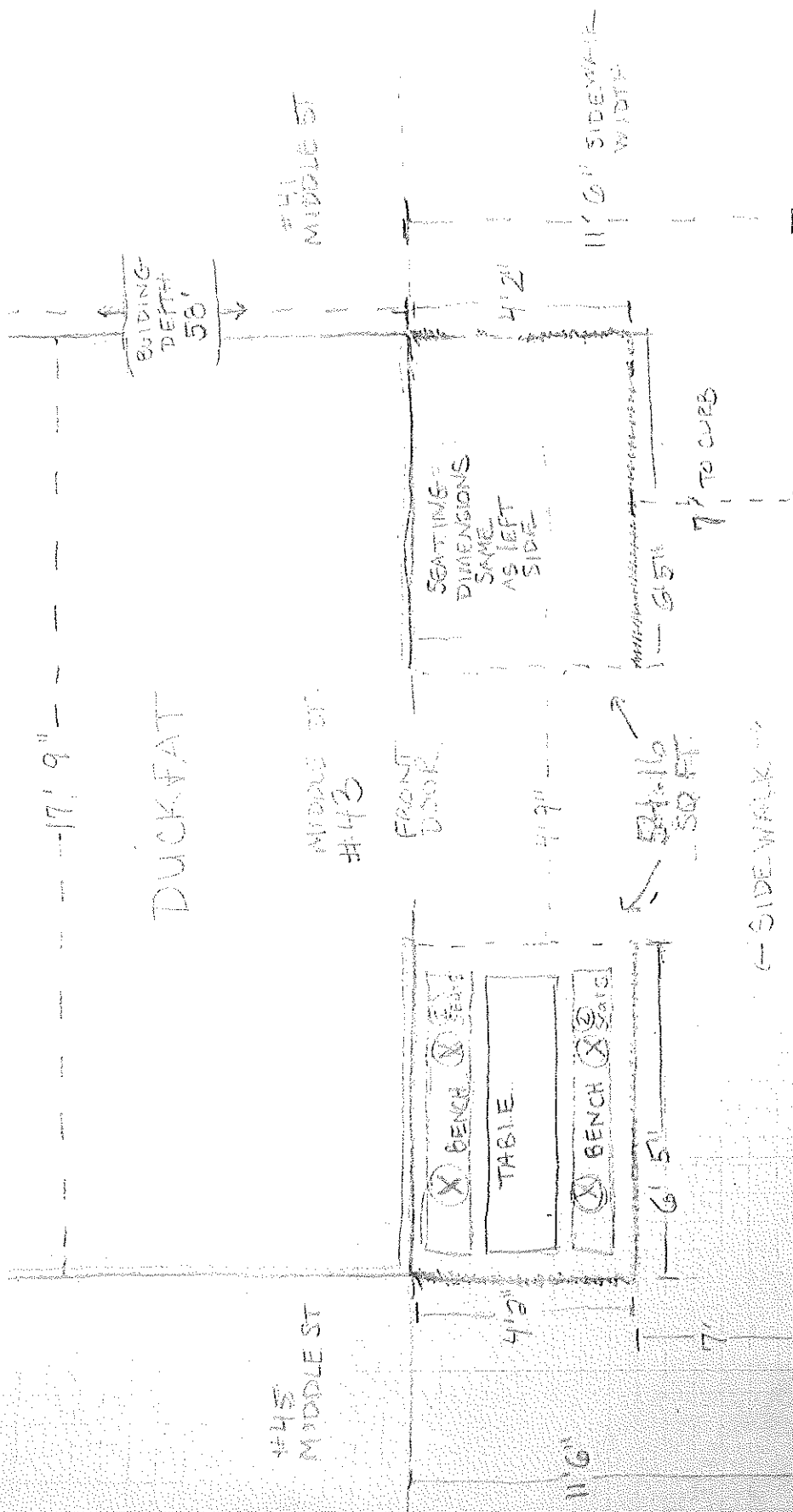
PLEASE SEE ATTACHED:

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: Duckfat LLC (assumed name in Maine is SB Partners Duckfat)
2. Doing Business As, if any: Duckfat
3. Date of filing with Secretary of State: 12/29/2023 State in which you are formed: Delaware
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:
02/27/24
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
David Shryock	1161 Mackie Drive, Salado, TX	02/12/1958	Member	90.0000
Benjamin Shryock	463 Columbus Avenue, NY, NY	06/11/1993	Member	10.0000

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



March 6, 2024

Kim Lynch
Via email kim.lynch@maine.gov and via FedEx to:
Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement
19 Union Street, Suite 301-B
Augusta, Maine 04330

Dear Kim,

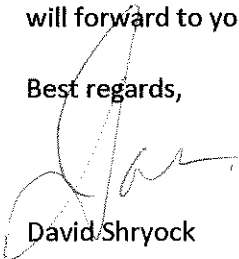
Thank you for your time and counsel last week regarding the attached application.

Duckfat LLC, an entity owned by me and my son Ben, is acquiring the existing Duckfat restaurant at 43 Middle Street, Portland. This restaurant already has a liquor license, of the same type we are seeking. Management, staff, menu, etc. all will stay the same. We intend to continue the same quality operation that Nancy Pugh and Rob Evans built over the last two decades. The closing date is targeted for April 30.

Today I am also submitting the applications to the City of Portland for a liquor license, outdoor dining on public property, and parklet. As with the application to you, all these licenses are in place for the existing Duckfat. Please let me know if you want to see any of these applications.

We still owe you a signed Asset Purchase Agreement. Hopefully that will be complete this week and I will forward to you once signed.

Best regards,

A handwritten signature in black ink, appearing to read "David Shryock". The signature is fluid and cursive, with a large initial "D".

David Shryock

MEMORANDUM
City Council Agenda Item

FROM: Mary Davis, Division Director

DATE: March 21, 2024

SUBJECT: Resolve 8-23/24 Adopting the Fiscal Year 2024-2025 Annual Action Plan Including Appropriations for Community Development Block Grant Program, HOME Program, and Emergency Solutions Grant Program and Certifications Pertaining Thereto - 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 3/18/2024

**Final
Action 4/8/2024**

Can action be taken at a later date: No A public notice of these meetings and public hearings has been published in the Press Herald as required.

Does this item involve a new contract with the City: This item does not involve a new contract. This item involves a grant agreement which will be sent to the City upon approval of the Annual Action Plan.

PRESENTATION:

The Chair of the CDBG Annual Allocation Committee will present the Allocation Committee's recommendations. The City Manager will present her recommendations. HCD Staff members are available for questions.

I. SUMMARY

The resolution adopts the 2024-2025 Annual Action Plan including appropriations for Community Development Block Grant, HOME, and Emergency Solutions Grant Programs.

II. AGENDA DESCRIPTION

The 2024-2025 Housing and Community Development Program Annual Action Plan reports to the U.S. Department of Housing and Urban Development (HUD) a total estimated budget of \$6,957,515 (Community Development Block Grant ("CDBG") Entitlement Funds and Program Income \$1,898,188, \$120,000 Downtown TIF funding, \$20,000 Cotton St proceeds, HOME Program Grant \$1,037,237, Program Income and Recapture \$92,956; Lead Safe Housing Program Income \$18,825; local Housing Trust Fund \$2,065,297; \$162,241 Emergency Solutions Grant ("ESG") funds).

The CDBG Annual Allocation Committee, appointed by the City Council, reviewed each application and made funding recommendations that will be presented to the Council. The City Manager reviewed the Committee's recommendations and submitted her funding recommendations to the Council. The Housing and Economic Development Committee reviewed the Affordable Housing budgets. The Emergency Shelter Assessment Committee reviewed the ESG budget. Please see attachments for additional details about individual program funding.

The City's public participation process requires two public hearings to consider the City's Housing and Community Development Program proposal. The hearings allow the public to comment on the City's Consolidated Annual Action Plan. Public hearings for FY25 are set for March 18 and April 8. People who wish

to speak may do so one time; they may not speak at both public hearings.

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

III. BACKGROUND

The CDBG Annual Allocation Committee reviewed all CDBG applications and made funding recommendations to the City Manager; both sets of recommendations are included in the attached backup materials. The Housing and Economic Development Committee reviewed the Affordable Housing budgets. The Emergency Shelter Assessment Committee reviewed the ESG budget. Please see attachments for additional details about individual program funding

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The activities supported by these grants address housing and homelessness, as well as infrastructure improvements that may impact climate change and sustainability.

V. FINANCIAL IMPACT

Please see attached budgets for each program. Funding for these activities will be provided through grants from the US Department of Housing and Urban Development.

VI. STAFF ANALYSIS AND BACKGROUND

For additional details, reference is made to the attachments included in the backup materials.

VII. RECOMMENDATION

Staff recommends that the City Council vote to approve the 2024-2025 Annual Action Plan.

VIII. LIST ATTACHMENTS

1. Adopting the Fiscal Year 2024-2025 Housing and Community Development Annual Action Plan 031524
2. 1 Memo to Council budget 24-25
3. 2 Memo budget and cap calculations background 2024-2025
4. 3 2024-25 Letter to the City Manager_Final
5. 4 2024-25 City Manager CDBG Recommendations
6. 5 Housing Program Budget Memo 2024-2025
7. 6 ESG Budget 2024-2025 DRAFT 12.21.23
8. 7. 2024-2025 DRAFT AAP 3-7-24
9. Public Comment - Resolve 8-2324 V4
10. Phillips Amendment #1 to Resolve 8 - FY2024 CDBG Allocation

Prepared by:

Mary Davis, Division Director

Date: 03/21/2024

MARK DION (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)
ANNA BULLETT (4)
KATE SYKES (5)

**RESOLUTION ADOPTING THE FISCAL YEAR 2024-2025 ANNUAL
ACTION PLAN INCLUDING APPROPRIATIONS FOR COMMUNITY
DEVELOPMENT BLOCK GRANT PROGRAM, HOME PROGRAM, AND
EMERGENCY SOLUTIONS GRANT PROGRAM AND CERTIFICATIONS
PERTAINING THERETO**

WHEREAS, the City of Portland, Maine has determined that there are pressing community and neighborhood needs for further federal assistance for housing and community development activities; and

WHEREAS, activities for the Fiscal Year 2024-2025 Annual Action Plan have been recommended; and

WHEREAS, the City of Portland will receive an estimated annual allocation from the United States Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Entitlement Funds in the amount of \$1,843,198 for the program year 2024-2025; and

WHEREAS, the City has received Community Development funds in CDBG Housing Development Fund Program income in the amount of \$54,990 and HUD program income funds from the sale of City-owned property on Cotton Street in the amount of \$20,000, all of which is subject to the same regulations as the CDBG Entitlement Funds; and

WHEREAS, the City has received a HUD HOME Program Grant allocation in the amount of \$1,037,237; HUD HOME Program Income and Recaptured Funds in the amount of \$92,956; HUD Lead Safe Housing Program Income in the amount of \$18,825; and HUD Emergency Solutions Grant funds (ESG) in the amount of \$162,241; and

WHEREAS, the City also has local funds available from the Downtown TIF District in the amount of \$120,000 and funds from the Jill C. Duson Housing Trust Fund \$2,065,297; and

WHEREAS, the City Council of the City of Portland, Maine, desires to utilize these funds to support housing and community development activities;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Portland, Maine, hereby adopts the FY 2024-2025 Annual Action Plan in substantially the form attached; and

BE IT FURTHER RESOLVED, that the estimated annual sums of \$1,843,198 of CDBG Entitlement Funds, for the program year 2024-2025; \$54,990 of Community Development funds; \$20,000 in Cotton Street proceeds; the \$1,037,237 HUD HOME Program Grant allocation; \$92,956 in HUD HOME Program Income and Recaptured Funds; \$18,825 in HUD Lead Safe Housing Program Income; \$162,241 of HUD Emergency Solutions Grant funds; \$120,000 in Downtown TIF District funds; and \$2,065,297 from the Jill C. Duson Housing Trust Fund (collectively, the “Annual Action Plan Funds”) are hereby appropriated for the purposes approved in the attached Plan and budgets set forth in the Attached Exhibits; and

BE IT FURTHER RESOLVED, that the City of Portland, Maine, possesses legal authority to apply for the above referenced Community Development Block Grant Program Funds, HOME Program funds and Emergency Shelter Grant Program funds for the Program Year 2024-2025; and

BE IT FURTHER RESOLVED, that the City Manager or designee be authorized to:

- 1) Apply for, accept, and expend the Annual Action Plan Funds; and
- 2) Officially represent the City of Portland, Maine, in connection with the applications, including the execution of contracts on behalf of the City; and
- 3) Act as the certifying officer for HUD environmental documents related to these grants and to execute said documents and any other related documents necessary or convenient to carry out the intent of said grants; and
- 4) Make adjustments to all proposed activities’ budgets as noted below:
 - (a). If estimated allocations decrease, activities under the CDBG, HOME and ESG Programs be proportionately decreased from the estimated funding levels to match the actual allocation amounts;
 - (b). If estimated allocations increase, activities under the HOME and ESG Programs be proportionately increased to match the actual allocation amounts; and
 - (c). If the estimated CDBG allocation increases, any partially funded projects will be proportionately increased until fully funded. Once all recommended projects are fully funded, any remaining balance will be

allocated to fully funding unfunded projects from greatest score to least, unless another funding source can be identified for the next eligible project; and

BE IT FURTHER RESOLVED, that the City of Portland, Maine certifies that it will comply with all of the attached assurances and provide such additional information as may be required by the U.S. Department of Housing and Urban Development; and

BE IT FURTHER RESOLVED, that the foregoing FY 2024-2025 Annual Action Plan funds are hereby appropriated pursuant to the Budget attached hereto.

Memorandum

To: Mayor Dion and the Portland City Council
Cc: Danielle West, Interim City Manager
From: Mary Davis, Division Director Housing and Community Development Division
Date: March 2, 2024
Re: HUD's Annual Action Plan 2024-2025

The Annual Action Plan includes budgets for the Community Development Block Grant, HOME Program, and the Emergency Solutions Grant, as well as local funding sources such as program income, TIF, and Jill C Duson Housing Trust Fund. The final allocations have not been provided by the U.S. Department of Housing and Urban Development. The amounts reflected below are estimates based on the previous year's allocations.

CDBG	
Attachments: CDBG Recommendation Letter from City Manager, CDBG Recommendation Letter from CDBG Allocation Committee, Spreadsheet summarizing recommendations of Allocation Committee and City Manager, Budget and Cap Calculation Background Memo	
\$1,843,198.00	Estimated HUD Allocation 24-25
\$54,990.00	Program Income (HDF)
\$30,000.00	TIF Funds for Administration*
\$90,000.00	TIF Funds for Construction*
\$20,000.00	Cotton Street Proceeds for Social Services*
\$2,038,188.00	Total Estimated CDBG and local funds to allocate for 2024-2025
CDBG Funds by Category for HUD Budget *Does not include TIF or Cotton St proceeds.	
\$379,637.60	Administration and Planning
\$616,503.84	Social Services
\$902,046.56	Development Activities
\$1,898,188.00	Total CDBG Funds by category
Housing Funding	
Attachments: Housing Budget Memo	
HOME	
\$1,037,237	Estimated HUD Allocation 24-25
\$32,956	HOME Program Income 2023
\$60,000	HOME Recaptured Funds 2023
\$1,130,193	Total Estimated HOME funds to allocate for 2024-2025
Local Housing Funding	
\$18,825	Lead-Safe Housing Program Income Funds
\$2,065,297	Local Jill C Duson Housing Trust Funds
\$2,084,122	Total Estimated Local Housing Funding for 2024-2025
ESG	
Attachments: ESG Budget	
\$162,241	Total Estimated ESG funds to allocate for 2024-2025
Total Funding	
\$5,414,744	

Memorandum

To: Mayor Dion and City Council
Cc: Danielle West, City Manager
From: Mary Davis, Division Director Housing and Community Development Division
Date: March 3, 2024
Subject: **2024-2045 CDBG Budget and Cap Calculations**

In past years, the CDBG budget submitted as part of the HCD Annual Action Plan matched the local CDBG budget presented on the allocation summary sheet. Starting in 2018, the budget differs due to the replacement of program income with TIF funds and Cotton Street proceeds. Staff would like to take the opportunity to address how these changes impact the overall CDBG budget and cap calculations.

CDBG budget and cap calculations: Each year staff calculate the HUD mandated funding caps for the following CDBG funding categories; Planning and Admin, Development Activities, and Social Services. The budget for our local CDBG program is created once the HUD mandated funding caps have been determined. The CDBG budget combines the CDBG entitlement funds with program income, reprogramed funds, and available local funds. These local resources are not included in the cap calculations nor are they required to be included in the HUD CDBG budget.

In past years, the CDBG program received program income from a parcel of land known as the Cotton Street garage. Following the HUD cap calculations, 20% of the program income went to Planning and Admin, 33% went to Social Services, and 47% went to Development Activities. In 2017, the City sold the Cotton Street parcel. In order to make up the loss of program income funds for each category, the City Council allocated \$120,000 of TIF revenue to be used for Planning and Administration (\$30,000) and for TIF-eligible public infrastructure projects (\$90,000). In addition, the City Council allocated \$20,000 from the Cotton Street proceeds to be used for social service activities.

The budget submitted to HUD in the HCD Annual Action Plan excludes local funding for the purposes of HUD mandated cap calculations, but they are included in the Annual Action Plan as other funding sources.

February 15, 2024

Danielle West
City Manager
Portland City Hall
389 Congress Street
Portland, Maine 04101

Dear Danielle:

We are pleased to submit the Community Development Block Grant (CDBG) Allocation Committee's recommended budget for the 2024-2025 program year.

This letter includes a description of this year's process, how the applications were reviewed and scored, along with our recommendations for funding.

The U.S. Department of Housing and Development (HUD) has not released the 2024-2025 allocations, but this information should be available in the coming weeks and we are hopeful that the funding will remain at least level with the previous year's funding.

The need for CDBG funds, in general, exceeds the available resources.

The Administration Planning submission was joined by 9 Development Activities projects (the same number as last year) and 16 Social Service projects (two more than last year). The Committee's allocation recommendation, the funding requested, and the resulting difference are represented in the following table.

CDBG Year	ALLOCATION	REQUEST	DEFICIT
Planning and Administration	\$379,638	\$379,638	0
Social Service Activities	\$616,504	\$1,242,649	\$626,146
Development Activities	\$902,046	\$ 1,640,692	\$ 738,646
TOTAL	\$1,898,188	3,286,330	\$1,388,142

Application Review Process

The mandatory applicant meeting was held on October 19, 2023. CDBG Applications were made available on October 23, 2023, and submissions were due Monday, November 20, 2023, by 5:00pm.

The Committee met 8 times between December 14, 2023, and February 15, 2024, to discuss Administration and Planning, Development Activities, and Social Service applications. The Committee members read each application individually prior to the meeting and discussed each as a group. When questions about the applications arose, staff documented the questions and forwarded them to the applicant to respond, and the applicant's responses were then shared with the Committee and reviewed. Allocation Committee members then scored each application individually, using the scoring matrix structured in accordance with the priorities established by the City Council.

After all the scores were received from Allocation Committee members, staff organized the applications by score from the highest to the lowest within each application category. The City Council has directed the Committee to recommend full funding based on the request of each applicant; therefore, each applicant was awarded full funding in descending order, by total score, until the anticipated funding was exhausted.

Funding Caps and Set Asides

The funding caps for individual projects are set at \$150,000 for Social Service applicants and \$250,000 for Development activities. Administration and Planning funding is limited to 20% of the entire CDBG budget. City applicants are eligible for up to 85% of available funds for Development Activities, with a minimum 15% reserved for outside organizations. In addition to the 85% cap, a public infrastructure set aside of up to 60% of the City's maximum 85% request remains in effect. City applicants are eligible for up to 45% of the available funds for Social Service. A minimum of 55% must go to outside requests.

This year's allocations again features a structure where 20% of available funds for Social Services is set aside for projects submitted by applicants that have not previously received CDBG funding. These projects must receive a minimum average score of 75 points but then are ranked among the subset of new applicants for the 20% funding set aside. This year 1 applicant met these criteria.

RECOMMENDATIONS

Administration and Planning Funding

The Committee reviews information regarding Administration and Planning but does not score the application competitively. Administration funding is essential for operating the CDBG program and reporting to HUD. The Housing and Economic Development Department submitted a budget of \$379,638 with the understanding that Administration and Planning funding is limited to 20% of the entire CDBG budget. This year, the 20% cap is estimated to be \$379,638.

Development Activities Funding

The Committee received 9 Development Activity applications requesting \$1,640,692 which includes both construction activities and economic development initiatives. For 2024-2025, \$902,046 is available for Development Activity funding. The following table lists in descending scoring point order the applicant organization, program, funding request, and committee recommendation. There is a deficit of \$738,646 needed to fund all Development Activities.

If there are contingency funds available the committee recommends allocating funds to the next highest score in Development Activities.

Organization	Program	Request	Points	Committee Recommendation
City of Portland Department of Public Works	Portland DPW Nason's Corner ADA	\$ 199,000.00	89.750	\$ 199,000.00
City of Portland Department of Public Works	Portland DPW Oakdale Neighborhood ADA	\$ 199,000.00	88.250	\$ 199,000.00
City of Portland Department of Parks, Recreation and Facilities	Portland Parks Department Reiche Playground	\$ 193,400.00	85.250	\$ 193,400.00
City of Portland Department of Parks, Recreation, and Facilities	Portland Parks Department Deering Oaks Park ADA	\$ 192,792.00	84.875	\$ 175,064.55

Organization	Program	Request	Points	Committee Recommendation
Greater Portland Immigrant Welcome Center	Greater Portland Immigrant Welcome Center	\$ 150,000.00	84.625	\$ 135,258.45
City of Portland Department of Public Works	Portland DPW Congress Street ADA	\$ 199,000.00	84.000	
City of Portland Department of Parks, Recreation and Facilities	Portland Parks Department Age-in-Place Court/Tyng-Tate Playground	\$ 152,500.00	82.875	
City of Portland's Housing and Economic Development Department	Business Assistance Program	\$ 105,000.00	81.000	
MicroRail, Inc.dba Hope Harbor	Hope Harbor	\$ 250,000.00	51.750	

Social Service Funding

The Committee received sixteen Social Service applications. A total of \$1,242,650 in Social Service requests were received with an estimated \$616,504 in available funding. The following table lists in descending scoring point order the applicant organization, program, funding request, and committee recommendation.

Organization	Program	Request	Points	Committee Recommendation
Wayside Food Programs	Direct Services Program	\$32,250.00	93.71	\$32,250.00

Organization	Program	Request	Points	Committee Recommendation
Quality Housing Coalition	Project HOME	\$149,600.00	92.14	\$149,600.00
Milestone Recovery	Homeless Outreach and Mobile Engagement (HOME) Team	\$120,000.00	92.13	\$120,000.00
Greater Portland Family Promise	Homelessness Prevention and Housing Stabilization	\$93,600.00	92.13	\$93,600.00
Preble Street	Preble Street Emergency Food Programs	\$50,000.00	91.57	\$50,000.00
Preble Street	Joe Kreisler Teen Shelter	\$30,000.00	91.50	\$30,000.00
Hope Acts	Asylum Seeker Assistance Program	\$125,000.00	91.13	\$87,978.84
Catholic Charities Maine	Immigration Legal Services (ILS) Program	\$126,238.00	91.00	
Commonspace (formerly Amistad)	HSC Housing Navigation Program	\$100,000.00	90.88	

Organization	Program	Request	Points	Committee Recommendation
Community Housing of Maine, Inc.	Ashlea's Place	\$44,521.00	90.75	
Preble Street	Preble Street Adult Wellness Shelters	\$75,000.00	90.75	
Through These Doors	Community Based Domestic Violence Services	\$97,070.80	90.13	
Catherine Morrill Day Nursery	Portland CDBG Childcare Voucher Collaborative	\$81,295.00	88.38	
Furniture Friends	Basic Needs Expansion	\$50,000.00	85.00	
Our Place Portland Inc.*	Youth Mentorship Groups and Community Summer Camps	\$53,075.00	80.25	\$53,075.00
Maine Academy of Modern Music *	Amplify Music Education	\$15,000.00	72.75	

*Indicates new applicants

Additional Considerations

There are three points related to Social Service projects that deserve additional consideration beyond the scoring rubric we have applied in the above allocations.

First, the set aside funds for 'New Programs' is producing positive if somewhat mixed results after 3 funding cycles since being implemented. Having any new applicants is evidence of a healthy program and our expectation is that this set aside will increase interest going forward. This year, one new applicant scored well enough to meet the 75-point minimum threshold needed to qualify for funding and a second new applicant did not score high enough to qualify for funding.

Specifically, the score of 80.25 for the Our Place Portland, Youth Mentorship Groups and Community Summer Camps project meets the minimum threshold for the new program, but it is markedly lower than seven other Social Service applicants. As the 'New Program' set aside is seeking a balance between established applicants and new applicants, it is expected that organizations new to CDBG may not score as high. The committee also notes that Quality Housing Coalition was a first-time applicant during the 2022-23 cycle and this year submitted the second highest ranked proposal which we take as evidence that the new applicant process yielded positive results this year.

Secondly, the Committee is aware that the City Council can authorize an allocation of \$20,000 from the Cotton Street parking lot sales proceeds towards CDBG Social Service Activities. In its advisory capacity, the CDBG Allocation Committee recommends applying these funds toward Hope Acts Asylum Seeker Assistance Program to bring that application—which is currently recommended for partial funding—closer to the full amount requested.

Finally, while the CDBG Allocation Committee is not suggesting immediate changes to the scoring process, the Committee is looking ahead to the next iteration of the CDBG Priority Task Force and opportunities to revisit the process for scoring applications and allocating CDBG funds. There is a strong consensus within the Committee that the limits of the scoring system and funding availability mean that we are leaving competitive applications and critical services unfunded. There are two types of potential remedies to this that we'd like to suggest for consideration:

- There have been motions in recent years to adjust funding caps or reduce existing set-asides (or both). The committee believes that these should be reconsidered in light of a post-COVID environment where community need continues to increase and shift.
- The other potential remedy for discussion is an allocation that is either more widely distributed or gives some proportion of funding to the entire group of highest scoring applicants. In practice, this would mean partial funding above a threshold score, perhaps 90 points; alternatively, all projects scoring above 90 would be selected for funding based on a lottery.

We respect that you may have different priorities from those reflected in the Committee's allocation recommendations, and that you have the flexibility that is not afforded by the structure of the Committee's scoring system. We look forward to learning of your and the City Council's conclusions regarding CDBG allocations.

Summary

Portland is fortunate to have a diverse and talented community of organizations seeking the development of the City and the redress of the needs of its residents. All projects that applied to the program would benefit our City, but scarce funding prevents us from funding all of them. This is a competitive process; each applicant competes against all other applicants in their respective Development and Social Services categories.

We thank you for your commitment to this program and hope you are satisfied with the results. We take the opportunity to serve on this committee with the utmost seriousness and diligence and feel the outcomes above reflect our best adherence to the rules and guidance provided.

We offer our recommendations for your consideration. We look forward to seeing you on March 18th and hearing your response.

Sincerely,

The CDBG Annual Allocation Committee for Program Year 2024-2025

Elinor Higgins, Chair

Janice Hastings, Vice Chair

Lawson Condrey

Mounir Majid

Barbara Ginley

Claire Swingle

Todd Morse

Robby Perkins-High

Attachments: CDBG Allocation Committee Funding Recommendations 2023-2024 (spreadsheet)

CDBG Allocation 2024-2025

Administration and Planning

Case Id	App Type	Priority/Goal	Organization	Program Name	Funding Requested	Priority Impact	Guiding Principles	Capacity to Deliver	Collaboration/Partnership	Average Score	Committee Recommendation	City Manager Recommendation	City Council Recommendation
N/A	Admin	N/A	Housing and Economic Development Department	CDBG Admin and Planning	\$379,638						\$379,638		

Development Activities

Case Id	App Type	Priority	Organization	Project Name	Funding Requested	Priority Impact	Guiding Principles	Capacity to Deliver	Collaboration/Partnership	Avg Score	Committee Recommendation	City Manager Recommendation	City Council Recommendation
30476	Cons.	NI	City of Portland Department of Public Works	Nason's Corner ADA	\$199,000.00	28.125	26.500	22.125	13.000	89.750	\$199,000.00		
30453	Cons.	NI	City of Portland Department of Public Works	Oakdale Neighborhood ADA	\$199,000.00	28.375	23.875	21.750	14.250	88.250	\$199,000.00		
30462	Cons.	NI	City of Portland Department of Parks, Recreation, and Facilities	Reiche Playground	\$193,400.00	25.125	23.500	22.000	14.625	85.250	\$193,400.00		
30458	Cons.	NI	City of Portland Department of Parks, Recreation, and Facilities	Deering Oaks Park ADA	\$192,792.00	27.000	23.250	22.125	12.500	84.875	\$175,339.10		
30449	ED	EO	Greater Portland Immigrant Welcome Center	Greater Portland Immigrant Welcome Center	\$150,000.00	27.250	25.750	21.625	10.000	84.625	\$135,306.90		
30475	Cons.	NI	City of Portland Department of Public Works	Congress Street ADA	\$199,000.00	27.125	23.875	21.500	11.500	84.000	\$0.00		
30468	Cons.	NI	City of Portland Department of Parks, Recreation and Facilities	Age-in-Place Court/Tyng-Tate Playground	\$152,500.00	25.375	21.500	21.875	14.125	82.875	\$0.00		
30450	ED	EO	City of Portland's Housing and Economic Development Department (HEDD) and Portland Development Corporation (PDC)	Business Assistance Program	\$105,000.00	27.625	23.250	22.000	8.125	81.000	\$0.00		
30480	Cons.	Housing	MicroRail, Inc.dba Hope Harbor	Hope Harbor	\$250,000.00	27.375	16.750	7.625	0.000	51.750	\$0.00		
				Total Cost of Project Requests	\$1,640,692.00					Total:	\$902,046.00		
				Total Estimated HUD Funds Available	\$902,046.00								
				City Project Cap (85%)	\$766,739.10								*Indicates allocation of TIF Funding (\$90,000)

CDBG Allocation 2024-2025

Social Service

Case Id	App Type	Priority /Goal	Organization	Program Name	Funding Requested	Priority Impact	Guiding Principles	Capacity to Deliver	Collaboration/ Partnership	Average Score	Committee Recommendation	City Manager Recommendation	City Council Recommendation
30455	SS	NI	Our Place Portland Inc.	Youth Mentorship Groups and Community Summer Camps	\$53,075.00	22.875	27.125	21.000	9.250	80.250	\$53,075.00		
30454	SS	NI	Maine Academy of Modern Music	Amplify Music Education	\$15,000.00	17.875	21.000	22.125	11.750	72.750	\$0.00		
30457	SS	ANGHP	Wayside Food Programs	Direct Services Program	\$32,250.00	29.000	27.143	22.571	15.000	93.714	\$32,250.00		
30461	SS	ANGHP	Quality Housing Coalition	Project HOME	\$149,600.00	28.571	28.571	22.000	13.000	92.143	\$149,600.00		
30459	SS	ANGHP	Milestone Recovery	Homeless Outreach and Mobile Engagement (HOME) Team	\$120,000.00	29.625	27.500	22.875	12.125	92.125	\$120,000.00		
30483	SS	ANGHP	Greater Portland Family Promise	Homelessness Prevention and Housing Stabilization	\$93,600.00	29.375	26.875	22.125	13.750	92.125	\$93,600.00		
30472	SS	ANGHP	Preble Street	Preble Street Emergency Food Programs	\$50,000.00	29.571	27.714	22.429	11.857	91.571	\$50,000.00		
30469	SS	ANGHP	Preble Street	Joe Kreisler Teen Shelter	\$30,000.00	29.375	28.875	22.125	11.125	91.500	\$30,000.00		
30473	SS	ANGHP	Hope Acts	Asylum Seeker Assistance Program	\$125,000.00	27.250	26.750	22.750	14.375	91.125	\$87,978.84		
30448	SS	EO	Catholic Charities Maine	Immigration Legal Services (ILS) Program	\$126,238.00	27.625	28.000	22.750	12.625	91.000	\$0.00		
30470	SS	ANGHP	Commonspace (formerly Amistad)	HSC Housing Navigation Program	\$100,000.00	29.375	27.000	21.875	12.625	90.875	\$0.00		
30460	SS	ANGHP	Community Housing of Maine, Inc.	Ashlea's Place	\$44,521.00	29.625	28.250	21.000	11.875	90.750	\$0.00		
30466	SS	ANGHP	Preble Street	Preble Street Adult Wellness Shelters	\$75,000.00	29.375	27.875	22.375	11.125	90.750	\$0.00		
30467	SS	ANGHP	Through These Doors	Community Based Domestic Violence Services	\$97,070.80	28.875	26.125	22.625	12.500	90.125	\$0.00		
30477	SS	EO	Catherine Morrill Day Nursery	Portland CDBG Childcare Voucher Collaborative	\$81,295.00	28.500	26.500	22.875	10.500	88.375	\$0.00		
30471	SS	ANGHP	Furniture Friends	Basic Needs Expansion	\$50,000.00	24.250	24.000	22.000	14.750	85.000	\$0.00		
				Total Cost of Project Requests	\$1,242,649.80					Total:	\$616,503.84		
				Total Estimated HUD funds Available	\$616,503.84								
			New Applicants Highlighted in Green	New Project Set Aside (New applicants must score above 75 points to be eligible for funds)	\$123,701.00								*Indicates allocation of Cotton St Funding (\$20,000)

Executive Department

Danielle P. West

City Manager

March 7, 2024



Mayor Dion and Members of the Portland City Council:

I am pleased to submit to you my recommendations for the Community Development Block Grant (CDBG) Program for the fiscal year beginning July 1, 2024 to June 30, 2025. I would like to note that the U.S. Department of Housing and Urban Development (HUD) has not released the final allocations for the 2024-2025 Community Development Block Grant (CDBG), HOME, and Emergency Solutions Grant Programs (ESG); and therefore, the final award amounts may be proportionally amended at that time.

To begin, I would like to thank the CDBG Allocation Committee for their dedication and work over the last few months. They began their work at the end of December 2023 and have met almost weekly since then to discuss each application. I reviewed their recommendations and acknowledged the difficult task they had. After reviewing the CDBG applications, I met with Housing and Community Development staff and carefully considered the Allocation Committee's recommendations before forming my attached recommendations. *[City Manager's Recommendations A1.]* My recommendations align with the Allocation Committee's recommendations as shown in the following sections.

1) **Social Services.** As in past years, the City received a wide variety of competitive social service applications, requesting \$1,242,650. With an estimated \$616,504 in available funding, there is a gap of \$626,146. Unfortunately, additional Coronavirus Aid and other funds that have been allocated in past years have been used. The only additional source of funds is \$20,000 from the Cotton Street fund, which I am recommending be put towards Community Housing of Maine's Ashlea's Place Program. My recommendation follows that of the Allocation Committee in all other regards.

Housing and Community Development staff, along with staff from the Cumberland County Community Development Office, have been working on an amendment to the HOME-ARP Allocation Plan. The Cumberland County HOME Consortium received this grant from the U.S. Department of Housing and Urban Development. The grant is specifically designed to address the need for homelessness assistance and supportive services to benefit qualifying populations, namely (1) homeless, (2) at risk of homelessness, (3) fleeing, or attempting to flee domestic violence, (4) part of other populations where providing supportive services or assistance would prevent a family's homelessness or would serve those with the greatest risk of housing instability, and (5) veterans and families that include a veteran family member that

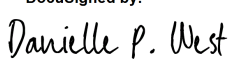
meet the criteria in one of the previously stated categories. In April, the council will be asked to approve an amendment to the allocation plan and staff is hoping to have HUD approval in time to issue an RFP by the end of May. CDBG applicants who were not recommended for funding, may be eligible to apply for funding under the HOME-ARP Supportive Services category.

2) ***Development Activities.*** Funds in this category are used to improve and invest in the physical infrastructure and the economic development of our city. This year, we received nine applications in this category requesting \$1,640,692 in funding. A total of \$902,046 is available in this category, a gap of \$738,646. This represents the amount available from the HUD allocation, but there is one project which fits the eligibility criteria for the annual \$90,000 in Downtown TIF funding (Congress St ADA Improvements). Currently, three projects are fully funded, with three partially funded. My recommendations match those from the Allocation Committee.

3) ***Administration and Planning.*** The Housing and Economic Development Department is required to submit a non-competitive application to the Allocation Committee. The Housing and Economic Development Department submitted an initial request of \$379,638. These funds are used to administer the program. I recommend full funding of this application to administer the program.

The above funding recommendations comply with the regulatory requirements set forth by HUD, while also helping to address the critical needs and gaps in services in our community. I thank you for the opportunity to share my recommendations, and I hope you join me in commending all of the good work being done in our city.

Sincerely,

DocuSigned by:

A4546612E752416...
Danielle P. West
City Manager

CDBG Allocation 2024-25

Administration and Planning

Case Id	App Type	Priority	Organization	Project Name	Funding Requested	Priority Impact	Guiding Principles	Capacity to Deliver	Collaboration/ Partnership	Avg Score	Committee Recommendation	City Manager Recommendation	*	City Council Recommendation
N/A	Admin	N/A	Housing and Economic Development Department	CDBG Admin and Planning	\$379,638.00						\$379,638.00	\$379,638.00		

Development Activities Applications

Case Id	App Type	Priority	Organization	Project Name	Funding Requested	Priority Impact	Guiding Principles	Capacity to Deliver	Collaboration/ Partnership	Avg Score	Committee Recommendation	City Manager Recommendation	*	City Council Recommendation
30476	Cons.	NI	City of Portland Department of Public Works	Nason's Corner ADA	\$199,000.00	28.125	26.500	22.125	13.000	89.750	\$199,000.00	\$199,000.00		
30453	Cons.	NI	City of Portland Department of Public Works	Oakdale Neighborhood ADA	\$199,000.00	28.375	23.875	21.750	14.250	88.250	\$199,000.00	\$199,000.00		
30462	Cons.	NI	City of Portland Department of Parks, Recreation, and Facilities	Reiche Playground	\$193,400.00	25.125	23.500	22.000	14.625	85.250	\$193,400.00	\$193,400.00		
30458	Cons.	NI	City of Portland Department of Parks, Recreation, and Facilities	Deering Oaks Park ADA	\$192,792.00	27.000	23.250	22.125	12.500	84.875	\$175,339.10	\$175,339.10		
30449	ED	EO	Greater Portland Immigrant Welcome Center	Greater Portland Immigrant Welcome Center	\$150,000.00	27.250	25.750	21.625	10.000	84.625	\$135,306.90	\$135,306.90		
30475	Cons.	NI	City of Portland Department of Public Works	Congress Street ADA	\$199,000.00	27.125	23.875	21.500	11.500	84.000	\$0.00	\$90,000.00	*	
30468	Cons.	NI	City of Portland Department of Parks, Recreation and Facilities	Age-in-Place Court/Tyng-Tate Playground	\$152,500.00	25.375	21.500	21.875	14.125	82.875	\$0.00	\$0.00		
30450	ED	EO	City of Portland's Housing and Economic Development Department (HEDD) and Portland Development Corporation (PDC)	Business Assistance Program	\$105,000.00	27.625	23.250	22.000	8.125	81.000	\$0.00	\$0.00		
30480	Cons.	Housing	MicroRail, Inc. dba Hope Harbor	Hope Harbor	\$250,000.00	27.375	16.750	7.625	0.000	51.750	\$0.00	\$0.00		
				Total Cost of Project Requests	\$1,640,692.00					Total:	\$902,046.00	\$992,046.00		
				Total Estimated HUD Funds Available	\$902,046.00									
				City Project Cap (85%)	\$766,739.10									*Indicates allocation of TIF Funding (\$90,000)

Social Service Applications

Case Id	App Type	Priority /Goal	Organization	Program Name	Funding Requested	Priority Impact	Guiding Principles	Capacity to Deliver	Collaboration/ Partnership	Average Score	Committee Recommendation	City Manager Recommendation	*	City Council Recommendation
30455	SS	NI	Our Place Portland Inc.	Youth Mentorship Groups and Community Summer Camps	\$53,075.00	22.875	27.125	21.000	9.250	80.250	\$53,075.00	\$53,075.00		
30454	SS	NI	Maine Academy of Modern Music	Amplify Music Education	\$15,000.00	17.875	21.000	22.125	11.750	72.750	\$0.00	\$0.00		
30457	SS	ANGHP	Wayside Food Programs	Direct Services Program	\$32,250.00	29.000	27.143	22.571	15.000	93.714	\$32,250.00	\$32,250.00		
30461	SS	ANGHP	Quality Housing Coalition	Project HOME	\$149,600.00	28.571	28.571	22.000	13.000	92.143	\$149,600.00	\$149,600.00		
30459	SS	ANGHP	Milestone Recovery	Homeless Outreach and Mobile Engagement (HOME) Team	\$120,000.00	29.625	27.500	22.875	12.125	92.125	\$120,000.00	\$120,000.00		
30483	SS	ANGHP	Greater Portland Family Promise	Homelessness Prevention and Housing Stabilization	\$93,600.00	29.375	26.875	22.125	13.750	92.125	\$93,600.00	\$93,600.00		
30472	SS	ANGHP	Preble Street	Preble Street Emergency Food Programs	\$50,000.00	29.571	27.714	22.429	11.857	91.571	\$50,000.00	\$50,000.00		
30469	SS	ANGHP	Preble Street	Joe Kreisler Teen Shelter	\$30,000.00	29.375	28.875	22.125	11.125	91.500	\$30,000.00	\$30,000.00		
30473	SS	ANGHP	Hope Acts	Asylum Seeker Assistance Program	\$125,000.00	27.250	26.750	22.750	14.375	91.125	\$87,978.84	\$87,978.84		
30448	SS	EO	Catholic Charities Maine	Immigration Legal Services (ILS) Program	\$126,238.00	27.625	28.000	22.750	12.625	91.000	\$0.00	\$0.00		
30470	SS	ANGHP	Commonspace (formerly Amistad)	HSC Housing Navigation Program	\$100,000.00	29.375	27.000	21.875	12.625	90.875	\$0.00	\$0.00		
30460	SS	ANGHP	Community Housing of Maine, Inc.	Ashlea's Place	\$44,521.00	29.625	28.250	21.000	11.875	90.750	\$0.00	\$20,000.00	*	
30466	SS	ANGHP	Preble Street	Preble Street Adult Wellness Shelters	\$75,000.00	29.375	27.875	22.375	11.125	90.750	\$0.00	\$0.00		
30467	SS	ANGHP	Through These Doors	Community Based Domestic Violence Services	\$97,070.80	28.875	26.125	22.625	12.500	90.125	\$0.00	\$0.00		
30477	SS	EO	Catherine Morrill Day Nursery	Portland CDBG Childcare Voucher Collaborative	\$81,295.00	28.500	26.500	22.875	10.500	88.375	\$0.00	\$0.00		
30471	SS	ANGHP	Furniture Friends	Basic Needs Expansion	\$50,000.00	24.250	24.000	22.000	14.750	85.000	\$0.00	\$0.00		
				Total Cost of Project Requests	\$1,242,649.80					Total:	\$616,503.84	\$636,503.84		
				Total Estimated HUD funds Available	\$616,503.84									
			New Applicants Highlighted in Green	<i>New Project Set Aside (New applicants must score above 75 points to be eligible for funds)</i>	\$123,300.77									*Indicates allocation of Cotton St Funding (\$20,000)

MEMORANDUM

TO: Mayor Mark Dion
Members of the City Council
FROM: Mary Davis, Director
Housing and Community Development Division
DATE: March 3, 2024
SUBJECT: **2024-2025 Housing Program Budget**

SUMMARY OF ISSUE

Review and recommendation to the City Council of the 2024-2025 Housing Program Budget.

REASON FOR SUBMISSION

On February 27, 2024, the Housing and Economic Development Committee voted 4-0 to recommend approval of this budget by the City Council.

The Housing and Economic Development Committee recommends the Housing Program Budget to the City Council for final approval.

HOME Program: The Home Investments Partnerships Program (HOME) was established by Congress in 1992. Since 1992, the City of Portland and the Cumberland County HOME Consortium have received over \$25 million dollars in HOME funding. In 2009 the City became the lead entity in the Cumberland County HOME Consortium (CCHC). The Consortium is a partnership of the communities in Cumberland County that administers HOME Program funds in Cumberland County. The creation of the consortium expanded the financial resources for affordable housing activities in the region. The City retains independent operation of its HOME program. Because the City serves as the “Lead Entity” and City staff administers the County portion of the funding, all administrative funds are retained by the City. The County’s Municipal Oversight Committee controls the allocation of the County’s portion of the HOME funds.

When the Consortium was formed in 2009, it included a “hold harmless” clause to ensure that the City, as an existing HOME grantee, would continue to receive funding equal to its allocation prior to the formation of the consortium. The “hold harmless” formula was based on a comparison ratio to the HOME funding for the Lewiston/Auburn (L/A) Consortium. The formula identified Portland’s “hold harmless” amount at 118% of the HOME allocation for the L/A Consortium. The Cumberland County HOME Agreement did allow for adjustments to be made if the current level of funding to the L/A HOME Consortium varied from historic levels. Over the years the L/A allocation has decreased which has resulted in the Portland “hold harmless” amount to decrease. As a result, by

agreement with the other members of the CCHC, the annual allocation is divided with 57% of the allocation, after the administrative set-aside, to the City and 43% of the allocation to the County.

As a point of reference, if the City were a stand-alone grantee, the estimated HOME allocation for Portland (using a HUD HOME Allocation estimated calculation) would be approximately \$528,440. Of that amount 10% would be set aside for administrative costs (\$52,844) leaving \$475,596 for program funding. Under the current consortium agreement, the city receives the administrative set-aside (\$107,068) along with approximately \$532,103 in program funds. Participation in the HOME consortium benefits Portland as well as the county as a whole.

The estimated HUD HOME allocation is \$1,037,237, which was the FY 2023-2024 allocation. \$401,411 is reserved for County projects. The budget proposal was developed after a historical review of HOME funding allocations, previous year's budget allocations, program expenditures and program income (loan repayments) received. Currently, the City's HOME Program is divided into three funding categories:

1. Administration
2. Tenant Based Rental Assistance (TBRA)
3. Affordable Housing Development [including the required Community Housing Development Organization (CHDO) set-aside mandated by HUD]

HOME Program Budget	FY 2023-2024 Budgeted (entitlement + program income)	FY 2024-2025 Budget proposal (entitlement + program income)
Administration	\$112,665	\$107,019
Tenant Based Rental Assistance	\$136,392	\$136,392
Affordable Housing Development includes CHDO requirement	\$395,711	\$395,711

LEAD SAFE HOUSING (Program Income): Lead Safe Housing Program Income is generated through repayment of loans given under prior Lead Safe Housing Grants. These funds can only be used for lead safe housing eligible activities. The City also has a Lead Hazard Reduction Grant of \$2,038,041 (over 42 months 1/2/2020-6/30/2023*) in funding for lead paint remediation and \$503,655 in funding to assist with code and life safety improvements

Lead Safe Housing Program Income	FY 2023-2024 Budgeted	FY 2024-2025 Budget Proposal
	\$13,827	\$18,825

*Due to delays caused by the Covid-19 pandemic, contractor capacity, and a staff vacancy, the City was granted a one-year extension to complete the unit goals associated with this grant.

HOUSING TRUST FUND: Revenue for the Housing Trust Fund is generated from fees triggered by the City’s Housing Preservation and Replacement Ordinance, fee-in-lieu contributions from the Inclusionary Zoning Ordinance and Hotel Inclusionary Zoning fee. Including the current balance of the Housing Trust Fund in the Housing Program Budget gives budget authority for the use of the funds. The amount budgeted is the maximum that might be expended in FY24. However, staff continues to recommend a minimum balance in the Trust, so the *effective budget would be \$1,565,297* (\$2,065,297 less \$500,000.) If additional funds are allocated to the Trust based on current discussions, this number might be adjusted based on the outcome.

Housing Trust Fund (HTF) Budget	FY 2023-2024 Budgeted	FY 2024-2025 Budget Proposal
	\$3,704,156	\$2,065,297

STAFF ANALYSIS AND RECOMMENDATION – The proposed Housing Program Budget will be proportionally adjusted when the final allocations are released by HUD to reflect the fiscal year allocation for the Cumberland County HOME Consortium. The budget will be reviewed by the City Council at two Public Hearings (March 18 and April 8), as part of the overall HCD budget. The approved budget and Annual Action Plan are submitted to HUD 45 days in advance of the start of the fiscal year (May 15 for the fiscal year beginning July 1, 2024).

At this time staff is requesting Council approval of the FY 24/25 Housing Program Budget as outlined above and summarized in the attached spreadsheet.

FY 24/25 Housing Program Budget - Attached

Draft 2024-2025 Budget for ESG

Emergency Solutions Grant 2022-2026

rev. 12.21.2023

Program	ESG Budgeted Funding Amount by Fiscal Year				
	FY 22-23 (Y1)	FY 23-24 (Y2)	FY 24-25 (Y3)	FY25-26 (Y4)	FY26-27 (Y5)
Operations: Homeless Health	\$0	\$0	\$0		
Essential Services: Family Shelter	\$82,216	\$81,427	\$81,427		
Homeless Prevention: Family Shelter	\$0	\$0	\$0		
Homeless Prevention: Homeless Service Center	\$16,102	\$15,948	\$15,948		
Rapid Rehousing: Homeless Service Center	\$54,803	\$54,277	\$54,277		
Administration and HMIS	\$10,692	\$10,589	\$10,589		
<i>Total (Actual)</i>	\$163,813	\$162,241	\$162,241		
<i>Admin/HMIS cap</i>	\$12,286	\$12,168	\$12,168		

Explanation (City FY25/FFY24)

Operations: Homeless Health	This program is no longer administered by the City of Portland
Essential Services: Family Shelter	Funds pay for staff who provides housing assistance by seeking affordable units, applying for eligible subsidies and accessing transitional housing opportunities and follow-up case management services by assisting with life skills training, budgets, tenant/ landlord negotiations, and connecting to area resources. There is a need in Portland to expand the essential services with the high number of families arriving. The budget is adjusted to cover 1 .25 FTE, this will allow the case manager to work with 5-10 families (17-34 individuals).
Homeless Prevention: Homeless Service Center	Homeless Service Center: Funds pay for staff who assist in preventing individuals from becoming homeless and providing necessary case management and referrals.
Rapid Rehousing: Homeless Service Center	Funds pay for staff who assist persons who have become homeless by quickly moving them into permanent housing and providing the necessary case management and referrals to address individual needs.
Administration and HMIS	Funding goes to pay administration
Budget Notes	12.21.2023 HUD has not yet released ESG allocations for federal fiscal year 2024. Once the final allocation is announced, any necessary adjustments will be proportionately to increase or decrease the budget to match the final allocation amount.

NOTE:

City Council will take public comment on this budget

**Portland Maine
Cumberland County
Home Consortium**

**Annual Action Plan
2024-2025**



City of Portland
Housing and Economic Development
Housing and Community Development Division
Community Development Program
389 Congress Street Portland, ME 04101
www.portlandmaine.gov

Executive Summary

AP-05 Executive Summary - 91.200(c), 91.220(b)

1. Introduction

The U.S. Department of Housing and Urban Development (HUD) requires jurisdictions to combine the planning and applications for the Community Development Block Grant (CDBG), the HOME Investment Partnership Program and the Emergency Solutions Grant (ESG) into a single submission known as the Consolidated Plan. This Consolidated Plan provides a basis and strategy for the use of federal funds granted to the City of Portland's CDBG and ESG programs as well as the Cumberland County HOME Consortium's programs. The City of Portland's Department of Housing and Economic Development, Housing and Community Development (HCD) Division, is the lead entity for managing and distributing the HOME Consortium funding. The Consolidated Plan covers the period beginning July 1, 2022 through June 30, 2027, including five program years.

In addition to the Consolidated Plan, HUD requires jurisdictions to submit an Annual Action Plan which will describe how the funds for a program year will be distributed to address the needs, goals, and priorities identified in the Consolidated Plan. The programs and activities described in the Annual Action Plans are primarily intended to benefit low- and moderate-income residents of the City of Portland and, through the HOME Consortium, Cumberland County. This Annual Action Plan describes the use of fund allocations for 2024-2025, Year 3 of the five-year plan.

2. Summarize the objectives and outcomes identified in the Plan

The objectives and outcomes identified in this Consolidated Plan are based on a combination of HUD-provided data, independent research, community outreach, consultation with various agencies and service providers, and the established goals and priorities of the City of Portland and the Cumberland County HOME Consortium. Based on the information collected, the following goals will be used to allocate funding for the next five years. All programs and activities funded through the CDBG, HOME, and ESG programs will help to fulfill one of these four goals:

1. Neighborhood Investment & Infrastructure- Create strong, safe, accessible, and vibrant neighborhoods.
2. Housing Availability- Increase housing availability and affordability.
3. Economic Opportunity – Create economic opportunities to transition people out of poverty.

4. Address the Needs of the Growing Homeless Population- Prevent and reduce homelessness.

3. Evaluation of past performance

Limited financial resources are the City's biggest constraint to meeting the needs and goals of our community. Year after year, the request for funding far exceeds the amount of funds available through the City's CDBG, HOME, and ESG programs. However, the use of the HUD funds allows for an increase in leveraged funds through many of the program's subrecipients. In order to maximize the effectiveness of the HUD funds distributed within our community, each subrecipient's application goes through an extensive evaluation process.

The needs, goals, and priorities identified in this Annual Action Plan represent a continuing evaluation and evolution of the City's CDBG, HOME, and ESG programs. As new information becomes available about the needs of our community, HCD staff works with City officials to make sure that program goals align with the direction and goals of the City. Through the continued evaluation process, HCD staff is able to make sure that evolving needs are addressed in every funding cycle.

4. Summary of Citizen Participation Process and consultation process

The City holds multiple public meetings each year, including a service providers meeting, to make sure the needs of the community are heard. Per HUD requirement, two public hearings are held each year to allow the public to give input directly to the City Council on how HUD-program funding should be allocated. In addition to the public hearings and meetings, HCD staff welcomes meetings with concerned citizens, neighborhood organizations and other community groups. HCD staff also serves on several committees and are active members of organizations related to improving the quality of life for low- and moderate-income Portland residents.

5. Summary of public comments

See appendix for summary of all public comments received.

6. Summary of comments or views not accepted and the reasons for not accepting them

All public comments were accepted.

7. Summary

PR-05 Lead & Responsible Agencies - 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

The following are the agencies/entities responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role		Name	Department/Agency
Lead Agency		PORTLAND	
CDBG Administrator	PORTLAND	Housing and Economic Dev Dept, HCD Division	
HOPWA Administrator	PORTLAND	Frannie Peabody Center, ME	
HOME Administrator	PORTLAND	Housing and Economic Dev Dept, HCD Division	
ESG Administrator	PORTLAND	Health and Human Services Department, SS Division	
HOPWA-C Administrator			

Table 1 – Responsible Agencies

Narrative

Consolidated Plan Public Contact Information

Mary Davis, Housing and Community Development Division Director

389 Congress St Portland ME 04101

mpd@portlandmaine.gov

(207) 874-8711

AP-10 Consultation - 91.100, 91.200(b), 91.215(l)

1. Introduction

The City of Portland Housing and Community Development Division works with multiple City divisions and departments, regional coalitions, state programs, and county partners to achieve its goals. The HUD Citizen Participation Plan (CPP) ensures that the City undertakes an effective public process that encourages input and participation from residents, non-profit organizations, and other stakeholders; guarantees access to meetings, information, and public hearings on CDBG-, HOME-, and ESG-funded activities, goals, and priorities; and provides procedures for reducing barriers to those who may need accommodations to participate. Technical assistance is provided upon request to organizations that would like to develop proposals for funding under the City's Housing and Community Development programs.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l)).

The City of Portland utilizes 33% of CDBG funds for social service supports, including housing programs, homeless services, crisis management services, childcare, family support services, substance use disorder services, youth and adolescent support services, senior services, and neighborhood-based programs and projects. City staff meets with agencies throughout the year to provide technical assistance and ensure they are serving the needs of target populations while meeting HUD guidelines and regulations.

There are four public housing authorities within Cumberland County: Portland Housing Authority, Brunswick Housing Authority, South Portland Housing Authority, and Westbrook Housing Authority. The City of Portland collaborates extensively with these housing authorities in several areas including development of affordable housing, recreational activities for at-risk youth, self-sufficiency programs, and vouchers for families, unhoused individuals, and disabled persons. City of Portland staff participates in the Maine Affordable Housing Coalition which is a collaborative group of developers, Community Action agencies, public housing authorities, investors, housing and service providers, advocates, and others working to increase the supply of quality, affordable housing throughout Maine.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The Maine Continuum of Care is a group of service providers who work together in a collaborative planning process to develop programs that address homelessness. Continuums can apply to the U.S. Department of Housing and Urban Development (HUD) for McKinney-Vento funding to support these

programs. Local agencies wishing to access these funds must do so through their Continuum's annual CoC NOFA application process. Cumberland County Community Development Division staff members regularly attend Maine Continuum of Care meetings and provide input on plans for regional service provision. City of Portland Staff from the Health and Human Services Department and Housing and Community Development Division coordinate with members of the Emergency Shelter Assessment Committee (ESAC) and the United Way of Greater Portland to support the Continuum of Care and monitor shelter bed usage for single adults, adolescents, and families. ESAC members include shelter providers for singles, adolescents, individuals with mental illness, women, families with children, victims of domestic violence, supportive housing providers, mental health services providers, and general services. ESAC also produces monthly and quarterly statistics on shelter usage and provides a forum to discuss new programs, resource availability, and emerging trends.

ESG funds are allocated through consultation with the Emergency Shelter Assessment Committee (ESAC), and performance standards and project outcomes are evaluated by City staff in collaboration with ESAC.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

The Maine HMIS is a collaborative effort between MaineHousing, the dedicated lead agency, and the Maine Continuum of Care, of which the City of Portland and Cumberland County are members. The Maine Continuum of Care (MCOC) covers the entire State of Maine and supports projects throughout the region. The MCOC's mission is to plan and coordinate an inclusive system that helps Maine people avoid or exit quickly from homelessness, and to address the underlying causes of homelessness. Organizations that receive CoC or ESG (Emergency Solutions Grant) funding are expected to be members in good standing of their local Continuum of Care in order to continue to be eligible for funding.

2. Agencies, groups, organizations and others who participated in the process and consultations

Table 2 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	CITY OF PORTLAND
	Agency/Group/Organization Type	Housing Services-Elderly Persons Services-homeless Services-Health Service-Fair Housing Health Agency Agency - Managing Flood Prone Areas Agency - Management of Public Land or Water Resources Other government - Local Planning organization Civic Leaders Grantee Department
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Market Analysis Economic Development Anti-poverty Strategy Lead-based Paint Strategy Sustainability and Climate Change

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City of Portland includes several departments integral to the formation and execution of this plan. The Planning and Urban Development Department is responsible for zoning and other ordinances which affect development of housing. The Health and Human Services Department is responsible for homeless needs for families with children, single adults, and chronically homeless individuals. The Public Works and Recreation Departments engage in infrastructure projects which improve the health and well-being of Portland residents. The Executive Department, including the City Manager, provides policy guidance and an interdepartmental vision and budget for the City. The Housing and Economic Development Department is responsible for housing and community development needs, lead-based paint remediation, and strategies to reduce both poverty and barriers to affordable housing. The Office of Sustainability works to manage and mitigate the results of climate change on the City's water resources, vulnerable low-income residents, and environmental assets. The City of Portland is age-friendly and has an AARP steering committee with members from various organizations that provide services to elderly individuals and families including Alpha One, Opportunity Alliance, ITN, and more.
2	Agency/Group/Organization	CUMBERLAND COUNTY
	Agency/Group/Organization Type	Other government - County
	What section of the Plan was addressed by Consultation?	Housing Need Assessment
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City of Portland and Cumberland County are partners in the HOME consortium. The two entities work collaboratively to distribute resources and address affordable housing needs for residents of Portland and Cumberland County.
3	Agency/Group/Organization	Portland Housing Authority
	Agency/Group/Organization Type	PHA

	What section of the Plan was addressed by Consultation?	Public Housing Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Portland Housing Authority was consulted to provide information regarding housing and public housing needs.
4	Agency/Group/Organization	Brunswick Housing Authority
	Agency/Group/Organization Type	PHA
	What section of the Plan was addressed by Consultation?	Public Housing Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Brunswick Housing Authority was consulted to provide information regarding housing and public housing needs.
5	Agency/Group/Organization	South Portland Housing Authority
	Agency/Group/Organization Type	PHA
	What section of the Plan was addressed by Consultation?	Public Housing Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	South Portland Housing Authority was consulted to provide information regarding housing and public housing needs.
6	Agency/Group/Organization	Westbrook Housing Authority
	Agency/Group/Organization Type	PHA
	What section of the Plan was addressed by Consultation?	Public Housing Needs

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Westbrook Housing Authority was consulted to provide information regarding housing and public housing needs.
7	Agency/Group/Organization	Wayside Food Programs
	Agency/Group/Organization Type	Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-homeless Services-Health
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Wayside's Direct Service Program increases the consumption of nutritious foods by sharing grocery items and prepared meals at sites across Greater Portland.
8	Agency/Group/Organization	Milestone Foundation
	Agency/Group/Organization Type	Services-homeless
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Milestone provides health and basic needs outreach to the most vulnerable populations including people with substance use disorder, people experiencing mental illness, and people with developmental, physical, and intellectual disabilities. Milestone coordinates with HCD staff, the Portland Police Department, and other social service and health providers in the city.

9	Agency/Group/Organization	Quality Housing Coalition
	Agency/Group/Organization Type	Services - Housing Services-homeless Services-Education Services-Employment Service-Fair Housing
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Economic Development Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Quality Housing Coalition provides supportive housing for households at or below the poverty level.
10	Agency/Group/Organization	Greater Portland Family Promise
	Agency/Group/Organization Type	Services - Housing Services-homeless
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Greater Portland Family Promise works to prevent homelessness through a community-based response.
11	Agency/Group/Organization	Preble Street
	Agency/Group/Organization Type	Services-homeless

	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Preble Street is an integral partner in addressing shelter and basic needs of the City's most vulnerable populations. They are consulted on a regular basis due to their teen shelter, women's shelter, and food program.
12	Agency/Group/Organization	Hope Acts
	Agency/Group/Organization Type	Services-homeless Services-Education
	What section of the Plan was addressed by Consultation?	Homelessness Strategy Economic Development
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Hope Acts provides housing and supportive services to asylum seekers.
13	Agency/Group/Organization	Our Place Portland
	Agency/Group/Organization Type	Services-Children Services-Education Services-Employment
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Our Place Portland provides mentorship services to LMI families using a 2Gen approach.

14	Agency/Group/Organization	Greater Portland Immigrant Welcome Center
	Agency/Group/Organization Type	Services-Education Services-Employment
	What section of the Plan was addressed by Consultation?	Economic Development
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Greater Portland Immigrant Welcome Center serves as a hub of collaboration that strengthens the immigrant community through language acquisition, economic integration, and civic engagement.
15	Agency/Group/Organization	Community Housing of Maine
	Agency/Group/Organization Type	Housing Services - Housing Services-Elderly Persons Services-homeless
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	CHOM develops, owns, and maintains high-quality affordable housing for working families and older Mainers.

Identify any Agency Types not consulted and provide rationale for not consulting

All agencies pertaining to public services and infrastructure available in the City of Portland and housing services available in Cumberland County and the City of Portland were consulted. See appendix for a complete list.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Maine Continuum of Care	The Maine Continuum of Care, which merged with the Portland COC in 2017, has a goal of ending homelessness.
Portland's Plan 2030	City of Portland	This is the comprehensive plan of the City of Portland which outlines goals and policies of the City for housing, sustainability, and the economy.
Analysis of Impediments to Fair Housing	City of Portland Housing and Community Development Division and Cumberland County Comm Dev	City of Portland Housing and Community Development Division and Cumberland County Community Development Division. This plan identifies barriers to Fair Housing within the jurisdiction through robust public outreach and will guide the strategy for mitigating those barriers.

Table 3 – Other local / regional / federal planning efforts

Narrative

AP-12 Participation - 91.401, 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

The City of Portland CDBG Priority Task Force is a group of residents appointed by the City Council through an application process to review goals, needs, and priorities of the CDBG program for the five-year Consolidated Plan. Although the City had planned numerous in-person outreach events to gather data, these events were unable to proceed due to the Covid-19 pandemic through 2020. The Task Force met 12 times between March and September 2020 in public meetings held mostly virtually due to Covid-19. The task force used data from 477 respondents of targeted surveys for the general public, business owners, social service providers, and past applicants and subrecipients of CDBG funding to update priorities and goals which are used for each subsequent Annual Action Plan within the five-year plan.

Each year, the City of Portland hosts a meeting in each of Portland's five council districts. This year they were held from October 25 to November 19, 2023; three were held virtually, and two were held in person. HCD staff attends these meetings and presents about how funding has been used in each district. Staff also takes questions and provides information on how interested parties can stay informed about HCD activities, including CDBG-funded community development activities.

HCD staff makes every effort to encourage public comment and participation. For CDBG, a mandatory meeting about the application process and requirements was held via Zoom for all potential CDBG applicants and was attended by thirty-five (35) individuals representing twenty-nine (29) organizations. The CDBG Allocation Committee met eight times. Each meeting was advertised on the City calendar and website. The committee reviewed and discussed CDBG applications at these meetings. HOME funds were reviewed and discussed by the Housing and Economic Development Committee. Priorities and funding allocations were reviewed and approved at these meetings, which are open to the public and noticed on the City's website. Public comment, if any, was taken at the HEDC meeting. The Emergency Solutions Grant was presented and discussed at Emergency Shelter Assessment Committee meetings, which are open to the public and noticed on the City's website. The funding allocations and action plan were advertised in the paper. The Action Plan budgets for CDBG, HOME and ESG were presented to the City Council at the March 18 and April 8 Council Meetings.

Public hearings for the Annual Action Plan were held on 3/18/24 and 4/8/24. These hearings were noticed in the Portland Press Herald on March 1, 2024. This information was also posted to the City's website and social media accounts. The draft Annual Action Plan was published for review on 3/8/24 on the City of Portland's website. A notice of public comment was published in the Portland Press Herald on 3/1/24, outlining the 30-day public comment period from March 8, 2024 to April 8, 2024. The notice included information on access for individuals who require accommodation, including interpretation as necessary. The public comment period and public hearing dates were also posted on the City's social

media accounts. Portland City Council meetings are held in person and are live-streamed. The public can comment in-person at the meeting or provide written comment in advance of the meeting.

Technical assistance is provided to groups seeking funding assistance prior to application, after award, and as requested. This includes, but is not limited to, assistance with determining eligibility of activity, completing application questions, and submitting quarterly reports.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
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Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Public Meeting	Minorities Non-English Speaking - Specify other language: French, Arabic, Spanish, Somali, Portuguese Persons with disabilities Non-targeted/broad community	Each year, the City of Portland holds five district meetings across the City to engage City residents. This year, three were held virtually, and two were held in-person. The Housing and Community Development Department presents information about department programs	HCD Staff was available at the meeting to answer any questions or comments and provided contact information so residents could reach out to City staff with	All comments and questions were accepted.	https://www.portlandmaine.gov/730/Annual-District-Meetings

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
2	Public Meeting	Minorities Non-English Speaking - Specify other language: French, Arabic, Spanish, Somali, Portuguese Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing	All CDBG Allocation Committee Meetings are public and posted on the City website and City calendar. Meetings are held virtually.	No comments were received.	No comments were received.	https://www.portlandmaine.gov/693/CDBG-Annual-Allocation-Committee

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
3	Newspaper Ad	Minorities Non-English Speaking - Specify other language: French, Arabic, Spanish, Somali, Portuguese Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing Portland	The ad informed the public about two public hearings held on March 18, 2024 and April 8, 2024 along with the public comment period held from March 8, 2024 to April 8, 2024.	Comments were taken at both hearings and during the comment period. A summary of all comments from the public hearings and comment period can be found in the appendix to this document.	All comments were accepted	https://newspaper.pressherald.com/html5/reader/production/default.aspx?pubname=&edid=ddc20a43-9c56-4f0d-a41d-23c4764490c2

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
4	Public Hearing	Minorities Non-English Speaking - Specify other language: French, Arabic, Spanish, Somali, Portuguese Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing	Two public hearings were held on March 18, 2024 and April 8, 2024 during City Council meetings.	Comments were taken at both hearings and during the comment period. A summary of all comments from the public hearings and comment period can be found in the appendix to this document.	All comments were accepted.	https://www.portlandmaine.gov/602/Agendas-Minutes

Table 4 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources - 91.420(b), 91.220(c)(1,2)

Introduction

For the Year 3 Annual Action Plan, the anticipated resources include federal CDBG, HOME, and ESG. The amount of each of these resources is dependent on federal allocation, which can be unpredictable; any estimates below assume level funding for the next three years. The federal allocation may not be approved until this plan is approved, in which case the following actions may be taken:

- (a). If estimated allocations decrease, activities under the CDBG, HOME and ESG Programs will be proportionately decreased from the estimated funding levels to match the actual allocation amounts.
- (b). If estimated allocations increase, activities under the HOME and ESG Programs will be proportionately increased to match the actual allocation amounts.
- (c). If the estimated CDBG allocation increases, any partially funded projects will be proportionately increased until fully funded. Once all recommended projects are fully funded, any remaining balance will be allocated to fully funding unfunded projects from greatest score to least, unless another funding source can be identified for the next eligible project.

Lead Safe Housing funding is program income from past grants. Payments are typically made when owners who received past grants sell or refinance their homes. The local Jill C. Duson Housing Trust Fund is funded in part by the City's Inclusionary Zoning ordinance. In 2017, the City sold a parking garage at Cotton St that was originally purchased with UDAG funds; the proceeds were a one-time payment from which \$20,000 will be used for a CDBG eligible public service activity each year. Tax-Increment Finance revenue up to \$120,000 per year may be used for CDBG-eligible administration and public infrastructure activities. HOME-ARP funding is one-time funding made available through the American Rescue Plan Act of 2021.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	1,843,198	54,990	0	1,898,188	3,795,728	Up to 33% of funds will be used for public services, 20% for planning and administration, and the remainder for economic development, housing, and public improvement activities. Prior Year Resources are CDBG Contingency. The Expected Amount Available Remainder of Con Plan is the total of the annual allocation and program income (not prior year resources), multiplied by the number of years remaining in the Plan. The Expected Amount Available is the total of annual allocation, program income, and prior year resources.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
HOME	public - federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	1,037,237	92,956	380,144	1,510,337	2,074,474	Program income is generated by repayment of HOME program loans. The Prior Year Resources are from recaptured or uncommitted funds. The Expected Amount Available Remainder of Con Plan is the total of the annual allocation and program income (not prior year resources), multiplied by the number of years remaining in the Plan. The Expected Amount Available is the total of annual allocation, program income, and prior year resources.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
ESG	public - federal	Conversion and rehab for transitional housing Financial Assistance Overnight shelter Rapid re-housing (rental assistance) Rental Assistance Services Transitional housing	162,241	0	0	162,241	324,482	The Emergency Solutions Grant funds those in need of emergency shelter and assistance and activities to prevent homelessness and rapidly rehouse those who are homeless. The Expected Amount Available Remainder of Con Plan is the annual allocation multiplied by the number of years remaining in the Plan.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
Housing Trust Fund	public - local	Housing Multifamily rental new construction Multifamily rental rehab New construction for ownership	2,065,297	0	0	2,065,297	6,387,004	The Jill C Duson Local Housing Trust Fund is allocated under an annual plan that is approved by the City Council. Amount available for remainder of plan is based on the average of the previous 3 years multiplied by the number of years remaining in the Plan.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
Other	public - federal	Acquisition Admin and Planning Conversion and rehab for transitional housing Multifamily rental new construction Multifamily rental rehab Overnight shelter Services Transitional housing	0	0	0	0	0	HOME-ARP funds were received as part of the American Rescue Plan and will be used by Cumberland County and City of Portland for eligible activities as outlined in HOME-ARP Plan.
Other	public - federal	Multifamily rental rehab	18,825	0	0	18,825	0	Program Income from prior HUD Healthy Home/Lead Safe Housing Grants. Wherever possible, the City will utilize rehab program funds in combination with lead program income funds to complete additional lead-safe units.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
Other	public - local	Admin and Planning Public Improvements	120,000	0	0	120,000	240,000	Funding from TIF to support CDBG-eligible activities
Other	public - local	Public Services	20,000	0	0	20,000	40,000	Funding from sale of Cotton St property to support CDBG eligible activities.

Table 2 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

In 2012, the City Council adopted a Housing Investment Policy which directed the Housing & Economic Development Committee (HEDC) to complete an annual review of program priorities that includes the type and location of housing and an analysis of tax acquired or City-owned property that may be included as a development resource. From 2019 to 2021, several city-owned and tax-acquired properties were identified as potential development sites. These will become income-generating properties for the City's tax rolls that will provide one single-family home with two accessory dwelling units, sixteen (16) condominiums, 101 apartments, and 130-140 units of cooperative housing, for a total of over 250 housing units for a diverse socio-economic population. The Housing and Economic Development Committee will continue to analyze whether there are any additional city-owned sites that may be suitable for housing development.

Discussion

The City of Portland secured HUD 108/BEDI funds in an amount of \$1.2 million in Brownfields Economic Development Initiative (BEDI) and \$10.8 million in Section 108 loan to support revitalization of the distressed area of Bayside by stimulating residential and commercial economic development activities and creating jobs. Unfortunately, the city is engaged in ongoing litigation with the Federated Companies, the Parking Garage Developer, due to a lack of contractual performance. A portion of the original site, specifically Lot 6, was taken by eminent domain and the City intends to redevelop the site in the near future. After evaluating all options to support continued revitalization of Bayside and in consultation with HUD staff, the City elected to repay the balance due on the 108 loan.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives - 91.420, 91.220(c)(3)&(e)

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Neighborhood Investment and Infrastructure	2022	2026	Non-Housing Community Development	PORTLAND, MAINE Eligible Census Tracts CDBG Target Neighborhoods	Neighborhood Investment and Infrastructure	CDBG: \$819,814 TIF: \$90,000	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 27365 Persons Assisted Public service activities other than Low/Moderate Income Housing Benefit: 55 Persons Assisted
2	Housing Availability	2022	2026	Affordable Housing Public Housing	PORTLAND, MAINE Eligible Census Tracts Cumberland County CDBG Target Neighborhoods	Housing Availability	HOME: \$1,130,193 Housing Trust Fund: \$2,065,297 Lead-Safe PI: \$18,825	Rental units constructed: 8 Household Housing Unit Rental units rehabilitated: 2 Household Housing Unit Tenant-based rental assistance / Rapid Rehousing: 96 Households Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
3	Economic Opportunity	2022	2026	Non-Housing Community Development Economic Development	PORTLAND, MAINE Eligible Census Tracts CDBG Target Neighborhoods	Economic Opportunity	CDBG: \$136,608	Businesses assisted: 40 Businesses Assisted
4	Addressing Needs of Growing Homeless Population	2022	2026	Homeless	PORTLAND, MAINE Eligible Census Tracts CDBG Target Neighborhoods	Address Needs of the Growing Homeless Population	CDBG: \$563,429 ESG: \$151,652 Cotton St: \$20,000	Public service activities other than Low/Moderate Income Housing Benefit: 13491 Persons Assisted Homeless Person Overnight Shelter: 475 Persons Assisted Homelessness Prevention: 384 Persons Assisted

Table 3 – Goals Summary

Goal Descriptions

1	Goal Name	Neighborhood Investment and Infrastructure
	Goal Description	Invest in infrastructure to improve neighborhood assets and build strong, safe, accessible and vibrant neighborhoods. Improve accessibility and livability through age-friendly designs and ADA compliance. Build sidewalks and trails to improve connectivity, increase the use of bicycles as a mode of transportation, and redevelop streetscapes to create shared streets for cars, bikes, and pedestrians that integrate with the fabric of the neighborhood. Support programs that increase safety in neighborhoods for residents and visitors. Invest in programs and services that address the specific needs of members of the community. Encourage programs that build a sense of inclusiveness, safety, and security within individual neighborhoods.
2	Goal Name	Housing Availability
	Goal Description	Increase housing availability and affordability to all Portland residents regardless of income, race, ethnicity, and family size. Encourage housing development by removing barriers to traditional urban housing types while ensuring the inclusion of workforce and age-friendly housing in significant development projects.
3	Goal Name	Economic Opportunity
	Goal Description	Invest in Portland businesses to enable them to expand to create jobs. Invest in persons wanting to create microenterprises. Engage job seekers in a continuum of services to increase their professional capacity, financial stability, and ability to maintain employment. Focus on barriers to employment for vulnerable populations including homeless, new Americans, and single parent head of households. Combine resources and build partnerships between public and private entities to provide opportunities to transition Portland residents out of poverty to sustainable employment and financial stability.
4	Goal Name	Addressing Needs of Growing Homeless Population
	Goal Description	Prevent individuals and families from becoming homeless and entering into the shelter system. Rapidly rehouse those who enter the shelter system. Provide necessary resources to assist transition out of homelessness for vulnerable populations, including housing opportunities for chronically homeless or long-term stayers at homeless shelters.

AP-35 Projects - 91.420, 91.220(d)

Introduction

The City of Portland's Housing and Community Development Program budget currently has the following estimated funding allocations: \$1,898,098 in CDBG which includes \$1,843,198 in direct allocation and \$54,990 in Program Income; \$162,241 in Emergency Solutions Grant funding; and \$1,156,549 in HOME funding as part of the Cumberland County HOME Consortium which includes \$1,037,237 in direct allocation and \$92,956 in Program Income. An additional amount in the local Jill C Duson Housing Trust Fund income is available.

Of the CDBG allocation and program income, \$636,503 is available for public services (locally called social services). The City of Portland is allowed to use 33% of CDBG funding for public services.

Annual Allocation (\$1,843,198) X 33% = \$608,255

\$608,255 + 15% of previous year's PI (\$54,990 X 15% = \$8,248) + \$20,000 Cotton St funding = 636,503

THE HOME CHDO funding is included in projects City Affordable Housing Development and County HOME Affordable Housing Development. Fifteen percent (15%) of HOME funding is set-aside for CHDO.

City Affordable Housing Development includes \$88,684 in CHDO set-aside funds.

County HOME Affordable Housing Development includes \$66,902 in CHDO set-aside funds.

#	Project Name
1	HCD Grant Administration 24-25
2	Construction Activities NI 24-25
3	Development Activities EO 24-25
4	ANGHP Public Services 24-25
5	NI Public Services 24-25
6	HOME Administration 24-25
7	Tenant-Based Rental Assistance 24-25
8	City Affordable Housing Development 24-25
9	County Affordable Housing Development 24-25
10	ESG24 Portland (24-25)

Table 4 – Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

AP-38 Project Summary
Project Summary Information

1	Project Name	HCD Grant Administration 24-25
	Target Area	PORTLAND, MAINE Eligible Census Tracts Cumberland County CDBG Target Neighborhoods
	Goals Supported	Neighborhood Investment and Infrastructure Housing Availability Economic Opportunity Addressing Needs of Growing Homeless Population
	Needs Addressed	Neighborhood Investment and Infrastructure Housing Availability Economic Opportunity Address Needs of the Growing Homeless Population
	Funding	CDBG: \$379,637 TIF: \$30,000
	Description	Grant administration and management
	Target Date	6/30/2025
	Estimate the number and type of families that will benefit from the proposed activities	This funding will not directly benefit families but supports activities that will.
	Location Description	389 Congress St Portland ME
	Planned Activities	Grant administration including compliance, reporting, and subrecipient management
2	Project Name	Construction Activities NI 24-25
	Target Area	Eligible Census Tracts CDBG Target Neighborhoods
	Goals Supported	Neighborhood Investment and Infrastructure
	Needs Addressed	Neighborhood Investment and Infrastructure
	Funding	CDBG: \$766,739 TIF: \$90,000
	Description	This project contains activities involving neighborhood investments and infrastructure improvements.
	Target Date	6/30/2026

	Estimate the number and type of families that will benefit from the proposed activities	27,365 individuals and families, 19,275 LMI
	Location Description	Deering Oaks Park, Nason's Corner, Oakdale, Reiche Playground, Congress St
	Planned Activities	COP PRF Deering Oaks Park ADA (\$175,339.10) COP DPW Nason's Corner ADA (\$199,000) COP DPW Oakdale Neighborhood ADA (\$199,000) COP PRF Reiche Playground (\$193,400) COP DPW Congress St ADA (\$90,000 TIF only)
3	Project Name	Development Activities EO 24-25
	Target Area	PORTLAND, MAINE
	Goals Supported	Economic Opportunity
	Needs Addressed	Economic Opportunity
	Funding	CDBG: \$135,307
	Description	This project contains activities which promote economic opportunity for low- to moderate-income individuals.
	Target Date	6/30/2025
	Estimate the number and type of families that will benefit from the proposed activities	100 LMI individuals, 6 businesses
	Location Description	Greater Portland Immigrant Welcome Center
	Planned Activities	The overall objective of IWC's Immigrant-Owned Business Accelerator is to stimulate the growth and success of Portland businesses run by New Mainers.
4	Project Name	ANGHP Public Services 24-25
	Target Area	PORTLAND, MAINE
	Goals Supported	Addressing Needs of Growing Homeless Population
	Needs Addressed	Address Needs of the Growing Homeless Population
	Funding	CDBG: \$563,428 Cotton St: \$20,000

	Description	Activities will address the needs of the growing homeless population including food, shelter, and homeless prevention services.
	Target Date	6/30/2025
	Estimate the number and type of families that will benefit from the proposed activities	14,024 individuals and families, 12,235 LMI
	Location Description	Various locations throughout Portland
	Planned Activities	Wayside Direct Service Program, Quality Housing Coalition Project HOME, Milestone Recovery HOME Team, Greater Portland Family Promise Homelessness Prevention and Housing Stabilization, Preble Street Emergency Food Programs, Preble Street Joe Kreisler Teen Shelter, Hope Acts Asylum Seeker Assistance Program, and Community Housing of Maine Ashlea's Place.
5	Project Name	NI Public Services 24-25
	Target Area	PORTLAND, MAINE
	Goals Supported	Neighborhood Investment and Infrastructure
	Needs Addressed	Neighborhood Investment and Infrastructure
	Funding	CDBG: \$53,075
	Description	Activities supports the healthy development of youth and families with a focus on vulnerable middle school youth.
	Target Date	6/30/2025
	Estimate the number and type of families that will benefit from the proposed activities	55 LMI individuals and families
	Location Description	Kennedy Park and Front Street public housing neighborhoods
	Planned Activities	Youth mentorship groups and summer camps
6	Project Name	HOME Administration 24-25
	Target Area	PORTLAND, MAINE Cumberland County
	Goals Supported	Housing Availability
	Needs Addressed	Housing Availability
	Funding	HOME: \$107,019

	Description	These funds will be used to administer the HOME program.
	Target Date	6/30/2025
	Estimate the number and type of families that will benefit from the proposed activities	No families will directly benefit from administration funds, but families will benefit from the activities the administration funds support.
	Location Description	389 Congress St Portland
	Planned Activities	Activities related to administering HOME funds including applications, monitoring, and oversight.
7	Project Name	Tenant-Based Rental Assistance 24-25
	Target Area	PORTLAND, MAINE Cumberland County
	Goals Supported	Housing Availability
	Needs Addressed	Housing Availability
	Funding	HOME: \$136,392
	Description	These funds will support individuals and families in need of rental assistance.
	Target Date	6/30/2025
	Estimate the number and type of families that will benefit from the proposed activities	96 individuals and families will benefit from TBRA.
	Location Description	Various locations within the jurisdiction
	Planned Activities	Rental assistance for individuals and families at risk of homelessness
8	Project Name	City Affordable Housing Development 24-25
	Target Area	PORTLAND, MAINE
	Goals Supported	Housing Availability
	Needs Addressed	Housing Availability
	Funding	HOME: \$395,711 Housing Trust Fund: \$2,065,297 Lead-Safe PI: \$18,825
	Description	Activities which support the creation of safe, sanitary, affordable housing units.

	Target Date	6/30/2026
	Estimate the number and type of families that will benefit from the proposed activities	Over 100 safe and sanitary units will be created. Up to 7 families will have safe, sanitary, affordable housing through HOME-assisted units.
	Location Description	Various locations within Portland
	Planned Activities	New construction and rehabilitation of affordable housing units.
9	Project Name	County Affordable Housing Development 24-25
	Target Area	Cumberland County
	Goals Supported	Housing Availability
	Needs Addressed	Housing Availability
	Funding	HOME: \$491,071
	Description	Creation of affordable housing units in Cumberland County.
	Target Date	6/30/2025
	Estimate the number and type of families that will benefit from the proposed activities	Over 100 safe and sanitary units will be created. Up to 3 families will have safe, sanitary, affordable housing through HOME-assisted units.
	Location Description	Various locations throughout Cumberland County
	Planned Activities	New construction and rehabilitation of affordable housing units.
10	Project Name	ESG24 Portland (24-25)
	Target Area	PORTLAND, MAINE
	Goals Supported	Addressing Needs of Growing Homeless Population
	Needs Addressed	Address Needs of the Growing Homeless Population
	Funding	ESG: \$162,241
	Description	Funding will be used to address the needs of the homeless population in Portland. \$12,168, or 7.5% of the allocation, is available for administration and HMIS. The total amount for shelter activities is \$97,375, which is 60% of the allocation. There will be no street outreach funded in the 24-25 program year.
	Target Date	6/30/2025

	Estimate the number and type of families that will benefit from the proposed activities	325 individuals
	Location Description	Shelters in various Portland locations, and hotels
	Planned Activities	overnight shelter, rapid rehousing

AP-50 Geographic Distribution - 91.420, 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

The City of Portland's allocates resources on the areas of the jurisdiction that are in the most need. To determine this, the City considered which areas of the City have the highest combination of poverty, minorities, single parents, oldest housing stock, and housing problems. These are located in Census Tracts 5, 6 and 10, which represents East Bayside, Bayside, and Parkside neighborhoods respectively.

On a larger scale, the City will focus federal resources into areas of the City with the highest percentage of LMI residents, which are located primarily on the peninsula in districts 1, 2 and portions of district 3. Street, sidewalk, infrastructure, parks, playgrounds, and other area benefit projects will be located in the target neighborhoods and other eligible census tracts to benefit the low- and moderate-income individuals and families that live there. Due to the amenities and proximity to services, many HOME funded affordable housing projects are also located in the target neighborhoods.

New construction is supported through HOME funds and benefits individual persons or households who are low- to moderate-income throughout the City and County, which are the next geographic area priorities.

The percentages listed in the below table include program income but do not include program administration. The program administration funds are not tied to a target area of the City or County.

Geographic Distribution

Target Area	Percentage of Funds
PORTLAND, MAINE	55
Eligible Census Tracts	21
Cumberland County	17
CDBG Target Neighborhoods	7

Table 5 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

The City's goal is to allocate funds to individuals and families with the highest need. As shown in the above table, the majority of the funds allocated are in the City of Portland. Many of the CDBG social service activities and economic development activities serve residents of Portland but are not located in a specific neighborhood. HOME funding is spent throughout Cumberland County and Portland, while 100% of CDBG public infrastructure projects benefit Target neighborhoods and eligible census tracts within Portland.

Discussion

Despite significant gains throughout the previous and current plans, challenges remain including high concentrations of poverty, old housing stock, homelessness, and housing problems. Additional investment will build on the gains made and continue to improve the lives of residents.

Affordable Housing

AP-55 Affordable Housing - 91.420, 91.220(g)

Introduction

In the City of Portland, the tight housing market contributes to the need to build more affordable housing in the greater Portland area. The City of Portland and the Cumberland County HOME Consortium strive to increase the amount of decent, safe, and affordable housing available throughout Cumberland County. The City uses ESG and CDBG funds in addition to the HOME funds to fulfill this goal.

As part of the City's 10 year plan to end homelessness, the City has opted to use a portion of its HOME allocation to serve homeless families via the tenant-based rental assistance (TBRA) program. The City's affordable housing providers work with social service providers to move individuals out of homeless and into affordable housing. Providers report that even with vouchers and assistance, units are difficult to obtain; therefore, increasing the number of units is critical.

One Year Goals for the Number of Households to be Supported	
Homeless	96
Non-Homeless	10
Special-Needs	0
Total	106

Table 6 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	96
The Production of New Units	10
Rehab of Existing Units	0
Acquisition of Existing Units	0
Total	106

Table 7 - One Year Goals for Affordable Housing by Support Type

Discussion

The goals above reflect only the households to be supported with HUD HOME funding. The City of Portland/Cumberland County HOME Consortium will continue to allocate a significant portion of future HOME entitlement towards the development and rehabilitation of affordable rental housing. The City has a number of additional resources and policies to support rental housing, and the number of units created will be significantly greater than those listed in the tables above.

In 2016, the City of Portland implemented a policy requiring any new rental housing development receiving assistance through Tax Increment Financing and/or HOME or CDBG subsidy from the City to

set aside 10% of the rental units in the development for individuals or families currently living in a City of Portland shelter. The City is responsible for providing referrals and providing or coordinating supportive services to eligible homeless populations who become tenants of the housing, including ensuring tenants qualify for the housing as well as providing or locating financial resources such as Section 8, General Assistance, or other resources to assist with monthly rent payments. Individual services reflect the situations of the individual tenants, address their needs and goals, and are subject to eligibility at the City. All tenants referred meet income guidelines, homelessness criteria, and other requirements so as to qualify for the housing. City staff works to provide a variety of support services to assist homeless individuals, enhance their self-esteem, secure housing, and work towards a self-sufficiency plan. Long term support services are provided through collaboration with other area service providers.

In 2017, the city adopted an inclusionary zoning policy that requires development projects of 10 or more units of housing to provide a certain percentage of affordable units or pay a fee-in-lieu into the City's Jill C. Dusen Housing Trust Fund. A 2020 citizen-initiated referendum, approved by the voters, revised the inclusionary percentage and lowered the income affordability threshold. The ordinance now requires developers of 10 or more units to provide 25% of those units as affordable to households earning 80% of the area median income.

AP-60 Public Housing - 91.420, 91.220(h)

Introduction

Through the HOME Consortium, the City of Portland and Cumberland County work with Portland Housing Authority, The Housing Authority of the City of Westbrook, South Portland Housing Authority, and Brunswick Housing Authority to assure quality, affordable housing opportunities to LMI residents in Cumberland County.

Actions planned during the next year to address the needs to public housing

Portland Housing Authority has received planning board approval, HUD Section 18 removal authorization and is awaiting a Limited Notice to Proceed to remove the Riverton property from public housing and add an additional 41-units of affordable housing to the neighborhood. PHA is also submitting a site plan to the planning board in early 2024 to remove the Boyd Street portion of the Bayside East public housing from public housing and the redevelopment of 55-units of income restricted housing with Project Based Voucher assistance. PHA has completed the fire door replacement, replaced the roof, and just awarded the contract to replace the trash chute at Franklin Towers. These three projects exceeded \$1.2 million in capital fund investment. We are also doing substantial basement structural work at Sagamore Village. PHA has completed its Front Street Phase 1 redevelopment (55-units), replacing 45-units of public housing. Phase 2 (45-units for older adults) will be complete by May 2024. The Harbor Terrace (120-units for older adults) redevelopment is 30% complete and on schedule for completion by mid-late 2025.

Brunswick Housing Authority provides critical housing to over 580 LMI households through its Housing Choice Voucher program and units owned and managed by BHA. We are continuing efforts to develop 40 units of workforce housing as well as monitoring existing affordable units with the desire to preserve future affordability. Brunswick is assisting Topsham Housing Authority in the development of 38 low income housing tax credit units in Topsham. BHA has converted all of its 191 units of Public Housing to Project based Vouchers which provides additional cash flow to meet the current and future capital improvement needs. Brunswick is presently working on the restoration of 5 former public housing units which were lost due to fire in June 05 2023. We are also planning a new office to expand staffing to allow for continued development and growth of additional affordable housing units.

South Portland Housing Authority will complete the process of converting the remaining 100 public housing units to allow for increased capital to address maintenance needs and add significant units. Existing eligible residents will be converted to a Section 8 voucher (tenant-based or project-based).

The Housing Authority of the City of Westbrook (WHA) provides quality, affordable housing opportunities to LMI households in Westbrook and the shared jurisdiction that extends 10 miles beyond Westbrook per Maine Title 30-A. WHA partners with the City of Westbrook, Preble Street Shelters Inc. and the Continuum of Care, clients, and community organizations to enhance the quality of life in the

community. WHA has converted its Public Housing through RAD to maintain affordable housing with Project Based Vouchers for households targeted at 30%, 50%, 60% AMI. In the past five years WHA has constructed 5 developments with 167 affordable housing units for very low to moderate income households. Currently, WHA has two developments with 115 units of LMI units of housing for the elderly approved and scheduled for construction completion and occupancy by October 2024. WHA has in predevelopment, subject to Planning Board approval with a potential 2025 construction start: 100 units of family housing; 107 units with 35 family units and 72 units for older adults pending referendum in the Town of Cumberland; and 72 units for older adults. Additionally, the agency continues to take steps to help address the housing needs identified in its 2020-2024 5-Year Plan and 2024 Annual Plan. WHA is renovating its older stock of housing and making capital improvements to current ADA and INSPRE standards which will be completed in 2024.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

PHA's voucher department has leased 17-units of its Foster Youth Initiative vouchers (FYI) and we have 42 homeownership vouchers. Participation in the homeownership vouchers has slowed due to increased acquisition costs of single family or condo units. Portland Housing still plans to add homeownership units to its Front Street neighborhood but may be delayed until 2025-2026 due to construction delays on the first 2 phases, scheduled to be completed by May 2024. Portland Housing has had successful engagement with residents during RAB meetings and neighborhood redevelopment meetings for the Boyd Street/Bayside East property.

Brunswick has developed 30 single family homes for first time homebuyers. While they have no current plans to develop additional homeownership units, they constantly monitor the market to seek opportunities to create more homeownership for first time home buyers.

The South Portland Housing Authority has a resident advisory board, which represents residents and meets regularly to discuss operations, management, and property improvements. Residents are also informed whenever changes in policies or procedures are proposed and are invited to comment prior to implementation. Residents have all been informed of the conversion of the remaining public housing units and participated in multiple resident meetings, including one with HUD representatives attending.

WHA does not have Public Housing but has an active Housing Choice Voucher Program that facilitates the use of the Housing Choice Voucher to be used for homeownership. WHA also has a Family Self Sufficiency program that also has homeownership as one of its outcomes.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

No PHA is designated as troubled.

Discussion

Portland and Cumberland County's vitality depends on the availability of a diverse array of housing options, particularly apartments, which are often the first and often the only choice for working professionals, immigrants, and families. All Cumberland County housing authorities work closely with their local governments and surrounding communities to address emerging needs affecting their residents and the availability of adequate housing.

AP-65 Homeless and Other Special Needs Activities - 91.420, 91.220(i)

Introduction

Portland and Cumberland County work closely with Maine Continuum of Care to identify reasons for homelessness within the jurisdiction and seek resources for mitigating this pervasive issue.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The Maine State Housing Authority coordinates the efforts of homeless shelters, outreach groups, and volunteers who participate in an annual Point in Time Survey of sheltered and unsheltered homeless populations in the State of Maine and City of Portland. The annual census is required of all states on one night in January by the U.S. Department of Housing and Urban Development, and the count provides a snapshot of the number of individuals and families in shelters and on the streets on a given night. For Maine, a count performed in January will represent chronic and truly desperate homelessness because of extreme weather conditions including typical temperatures well below freezing, regular snow accumulation, and minimal daylight hours.

The Emergency Shelter Assessment Committee meets monthly to review homeless data and identify trends, issues, and areas that need improvement.

The Emergency Shelter Client Support & Services Plan Policy guides needs assessments. The policy requires clients to work with their navigator on a plan to secure permanent housing and clients who chose not to participate may be asked to leave the shelter, unless circumstances warrant an exception. The Homeless Services Center housing placement team focuses on housing long-term stayers. The City has also added additional full-time housing navigators to work with newly arriving families experiencing homelessness, resulting in locating permanent housing placements with follow up case management and tenant education services. Preble Street Support Services receives funding from the Veterans Administration to prevent and end homelessness among veterans.

The Homeless Outreach and Mobile Engagement (HOME) Team is a collaboration between the City of Portland, the Portland Downtown District and Milestone to provide outreach and community supports to those with chronic health, mental health and substance abuse issues living on the streets of Portland. The HOME team has become part of the emergency service delivery system for businesses and community members.

Commonspace, a Portland-based nonprofit organization, and Portland Downtown (a 501c4) have created a Peer Outreach Worker program. This program will allow a peer outreach worker to connect

with clients that live with mental illness, often times co-occurring substance-use disorders, and often times experiencing homelessness. The outreach worker will then collaborate with the Milestone Foundation, the City's shelters, local hospitals, and Portland Downtown businesses to get the client the services they need.

Addressing the emergency shelter and transitional housing needs of homeless persons

Emergency Shelter: The City of Portland has a connected network of homeless shelters, yet the number of individuals seeking shelter vastly outnumber the available beds. Upon opening the Homeless Services Center, replacing the Oxford Street Shelter, and 166 Riverside Street, the City partnered with various organizations to ensure that all individuals had an opportunity for shelter.

Transitional Housing: While we are often trying to connect individuals with housing plans, we recognize that there is also a need for short-term transitional housing. We often make referrals to our rapid rehousing programs, Tenant Based Rental Assistance Program, and General Assistance.

Regional Approach: Maine Housing Authority continues to provide Housing Choice Vouchers and Stability Through Employment Program vouchers for those experiencing homelessness. The City has partnered with Cumberland County to provide funding for a Resettlement Coordinator position to assist with the influx of asylum-seeking families.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The ESAC Long Term Stayers (LTS) Committee is focused on a by-name list effort to house and keep housed the longest stayers in homelessness in Portland. The LTS initiative started in April of 2015 when the City collaborated with local housing services providers to target their efforts with a by-name list of the most vulnerable and difficult to house individuals staying at the former Oxford Street Shelter. At the time, the shelter had 44% of the state's long term stayers, defined in Portland as people staying over 180 cumulative days in shelters or outdoors within a 365-day period. This definition was created because HUD's Chronic Homelessness definition did not capture single adults who tend to bounce from shelter to shelter whose lengths of stay in any one shelter do not meet the HUD definition of chronically homeless. From April 2015 through January 2024, this initiative targeted 828 people identified as long-term stayers. The group of 20 organizations has been at this for more than eight and a half years and has now 488 LTS. According to their HMIS data, this group collectively had more than 675 years of homelessness and more than 210,000 bed nights. Throughout the course of this initiative there has been an 88% - 96% success rate in scattered site apartments due to the combination of rental subsidies

and support services. Housing Follow up Services for the LTS program helps individuals who have been placed into housing from returning to homelessness.

Additionally, the goals of the City of Portland's Emergency Solutions Grant program are to provide rapid rehousing services to individuals staying at the shelter and prevention services to individuals facing homelessness in the community. The Homeless Services Center is projected to serve 40 people who are homeless and 5 people at risk of homelessness. The Family Shelter utilizes \$81,216 for Essential Services. Due to circumstances related to Covid-19 and the eviction moratorium, we continue to see a reduction in the number of folks who qualify for services under prevention and reallocated funding to Essential Services which will focus on Life Skills such as cooking, food storage, cleaning etc. with a goal to serve 75% of our shelter populations, 97% who are migrants. The City's Tenant Based Rental Assistance program (TBRA) was implemented on April 1, 2014 with HOME funds. There is a centralized intake located at the Homeless Services Center and Family Shelter and utilization of a rapid re-housing approach with a focus on reducing recidivism. Follow-up services have a strong emphasis on connecting clients to other mainstream resources to ensure long term housing success. The ESHAP Program, which is funded by Maine Housing for the Homeless Services Center and Family Shelter, is modeled after a rapid re-housing approach that provides housing stability services to persons who are experiencing homelessness and assists homeless clients seeking permanent housing with education, services, and support to meet their health, housing, and employment needs in order to overcome barriers to obtaining and maintaining permanent, stable housing. Participants are assigned a Navigator who has experience in working with people who are experiencing homelessness. Navigators conduct assessments to determine the best course of action and customize a plan that best suits each individual's housing needs. The combination of the City's LTS Initiative, the Emergency Solutions Grant, Tenant Based Rental Assistance, and ESHAP program help to prevent homelessness and rapidly rehouse individuals who become homeless in Portland.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

The City's After-Hours Program ensures access of emergency services to low-income 'at-risk' individuals and families, including help with placement in appropriate shelters/warming centers and basic needs such as medication, food, baby formula, diapers, and heating. The program offers a hotline service 365 days a year, 24 hours a day. The Greater Portland Addiction Collaborative has brought together local hospitals, City Programs, Police, community detox centers, SUDs treatment providers, crisis providers, housing and employment providers, recovery community, and the peer recovery center to provide high quality treatment and fill gaps to ensure that individuals receive the care they need upon discharge. City of Portland Shelter Staff has implemented a formalized shelter diversion program modeled after Pine

Street Inn Front Door Triage Program. Staff completes shelter intakes and connects with individuals before they enter emergency shelter and homelessness. Staff has the ability to seek alternate resources, connect with landlords to mediate evictions, and enroll individuals in prevention case management services.

Families with Children: There are two shelters that serve families with children. The City of Portland Family Shelter provides temporary housing to families with children in the form of apartments. While staying at the shelter families learn important life skills, participate in house meetings to discuss issues and assistance, and have access to various household items, laundry, and transportation services to appointments. Staff also assists with housing placement and follows up case management. Support services on site include assistance with housing placement; training sessions on tenant education (Rent Smart Curriculum); crisis intervention and management, including follow-up services after housing is located; and assistance with public transportation for appointments and self-sufficiency. Through These Doors operates an Emergency Shelter for women and children who are experiencing domestic violence. They provide 16 beds, and families can access basic necessities like food, clothing, and personal care items. Residents are offered in house education programs, individual advocacy, case management, and safety planning.

Unaccompanied Youth: The Preble Street Joe Kreisler Teen Shelter provides 16-24 beds for unaccompanied youth ages 12-20. The shelter provides safe, clean overnight accommodations in a secure building; showers, bathrooms, laundry facilities, towels, and personal hygiene products; community living areas; light breakfast and snacks. Additionally, staff responds to the crises that lead to homelessness, provides referrals, and links youth to necessary services including substance use treatment, counseling, and medical facilities.

Chronically homeless- Chronically homeless men and women stay at the Homeless Services Center, a low-barrier shelter which provides safe, temporary shelter for homeless adults. The Shelter offers a variety of support services including: shower facilities and training on hygiene skills; housing placement assistance; health assistance to Veterans; clinical and outreach services for individuals with mental health concerns; and interpreting services. Portland and Cumberland County are fortunate to have several community organizations which assist special needs populations. These include, but are not limited to, Frannie Peabody Center, Preble Street, Commonsplace, Immigrant Legal Advocacy Project, Maine Equal Justice Partners, Milestone, and The Opportunity Alliance. Together these organizations provide access to care through case management, behavioral health counseling, advocacy, utility assistance, and housing assistance programs.

Discussion

The Covid-19 pandemic and the national opioid crisis have impacted and increased greatly the need for homelessness and substance use services in Portland. The City's one- and five-year goals are to create a safety net of programs through a combination HOME, ESG, and other federal and local resources.

AP-75 Barriers to affordable housing -91.420, 91.220(j)

Introduction

The City's comprehensive plan places a priority on housing creation, diversity, and affordability within the community. The housing component of the Comprehensive Plan states "[w]hile Portland has welcomed much needed new housing construction in recent years, both the lack of sufficient housing supply and the affordability of that housing for a healthy socio-economic cross-section of the population remain urgent challenges." It goes on to assert that the city must "recognize that [its] vitality rests on the availability of diverse, secure housing options for existing residents, new arrivals, and all stages of life".

Funding available through the Affordable Housing Development Program will go to assist in the creation of affordable housing available to low and very low income persons. Affordable Housing Development funds are allocated through a competitive, rolling application process. To apply, developers must complete an application in Neighborly software. City staff reviews applications, and a consultant hired by the City completes a financial underwriting analysis. City staff presents funding recommendations to the City Council's Housing and Economic Development Committee (HEDC). The HEDC forwards funding recommendations to the City Council. Under City ordinance, the request for appropriation of funds must be read at two City Council meetings. The City Council takes action on the recommendations at the second public meeting.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

In response to LD 2003, new language in the Land Use Code now permits up to two units on lawfully conforming lots that do not contain an existing dwelling unit in the island zones, or outside of the designated growth area. The new language would also permit up to four units on lawfully conforming lots that do not contain an existing dwelling unit in mainland zones where residential is a permitted or conditional use, or inside the growth area. New language also adds residential use permission for lawfully conforming lots with one existing dwelling unit by allowing up to two additional units where residential is a permitted or conditional use.

In early 2023, 14 external stakeholders and numerous city officials convened for an intensive six-hour Housing Supply Bootcamp focused on identifying barriers and solutions to expand Portland's housing stock. Regulatory barriers identified include: expanded inclusionary zoning (IZ) requirements under recent referenda; height limits, density limits, step backs, and setbacks; insufficient land zoned for multi-family; limitations on the availability of density bonuses, and building code requirements and stringent application of the standards. Potential solutions identified include; increase the permissible height of

buildings and eliminate setback requirements on the Portland Peninsula and along major arterials; identify “offsets” that would make it easier for developers to meet the heightened IZ requirements; engage employers that own land as partners to make land available for development; prepare an inventory of parking lots owned by individual retailers and other businesses to identify whether some could be developed as housing; study the potential to repurpose some office space as housing; provide regulatory tools to discourage vacant land and vacant buildings, including the potential for financial penalties, thereby encouraging development and redevelopment; and evaluate the possibility of allowing residential uses in industrial areas.

Discussion

The City of Portland is committed to removing barriers to affordable housing.

AP-85 Other Actions - 91.420, 91.220(k)

Introduction

The City of Portland consistently strives to identify areas of opportunity for improving quality of life for all of its residents including increased stability, housing options, and economic opportunities for its most vulnerable populations.

Actions planned to address obstacles to meeting underserved needs

In the City of Portland, the vast majority of CDBG, HOME, and ESG allocations go to addressing underserved needs of the City. The proposed CDBG projects will be meeting underserved needs such as food assistance, shelter, safety, and support for those with mental and physical illnesses and substance use disorders, and homeless prevention and housing services. The HOME grant funds help persons gain or maintain housing through the Tenant Based Rental Assistance Program and build affordable housing for low-income families who cannot afford housing otherwise. Additionally, the Emergency Solutions Grant meets the needs of individuals and families by gaining or maintaining housing throughout their homeless prevention or rapid rehousing initiatives, along with maintaining shelter costs for the city's most vulnerable populations.

Actions planned to foster and maintain affordable housing

The affordable housing provisions of LD 2003 require municipalities to extend density bonuses to qualifying affordable housing projects when those projects are located in areas in which multi-family dwellings are allowed and within a designated growth area. The City of Portland already has a structure for density bonuses for affordable housing in many zones, and the code includes other provisions as contemplated by the state. However, some amendments to Articles 18 and 19 of the land use code were necessary to bring the city into full compliance with these components of the law.

The definition of "affordable housing" was changed to incorporate language that enumerates the definition of "other housing expenses" to include "utilities such as electric, heat, water, sewer, and/or trash that the household pays separately from rent". Density bonus language in the Land Use Code was amended such that 2.5x density bonus is triggered when over 50% of units within a project qualify as affordable. Density bonus have been extended to areas "where multi-family is allowed as a permitted or conditional use", and long-term affordability has been defined as deed-restricted to remain affordable for 30 years or the longest term permitted under federal, state, and local laws whichever is longer.

Multiplex, a multi-family-like use currently permitted in the R-4 and R-5 zones, has also been struck from the code. This use, which requires greater minimum lot sizes, densities, and lot widths than otherwise required for residential uses in these zones, and in some cases is subject to unit maximums which bear little relationship to lot size or density, has not been widely constructed in the city. In order to make

dimensional provisions consistent with state law and to simplify implementation, references to multiplex have been eliminated.

Other actions undertaken by the City of Portland include the assessment of fair housing processes in order to identify barriers to fair housing for inclusions in the 2022-2026 Consolidated Plan. The recommendation to address barriers to equalizing access to opportunity, include; advocate for improvements to the county's public transportation system to more effectively connect low income workers with jobs both within Portland and in the broader region; focus on accommodating the needs of persons with disabilities and pairing transportation investments with housing affordability opportunities; and advocate for additional funding in schools that have disproportionate shares of economically disadvantaged students. The recommendation to increase the supply of affordable housing include; invest public funds in affordable housing through gap financing; require affordability contributions of market rate developers through inclusionary zoning; incentivize development of mixed-income housing through density bonuses and fee waivers. And the recommendation to address gaps in homeownership attainment is; explore programs funded by foundations that offer greater down payment assistance to residents who historically faced discrimination and restricted access to homeownership.

Actions planned to reduce lead-based paint hazards

The City of Portland has been committed to eliminating lead poisoning in children since 1995 when it received its first HUD Lead Safe Housing Grant. The mitigation of lead-based paint hazards remains a critical focus of the City of Portland's Lead Safe Housing Program. Over the years, nearly 530 units have been made lead-safe in Cumberland County. Within the Lead Safe Housing Grant Program, Portland has successfully addressed lead hazards prevalent in the City's older housing stock.

The HUD Lead Safe Housing Program is designed to benefit low and moderate-income families. Owner-occupied applicants in the City of Portland must prove that their income is less than 80% of the median area income with a child under six years of age residing in the unit. In multi-unit, non-owner-occupied buildings, 50% of the units must qualify at 50% of the area median income. Projects outside the City of Portland need to meet HUD income eligibility limits established for Cumberland County. The program works directly with the Maine CDC and priority is given to households where there is an active abatement order or where young children reside with elevated blood levels.

In 2023 a one-year extension empowered the City's 2019 HUD funded Lead Safe Housing Grant, to further its goal of making an additional 50 units lead safe. This extension allows Portland to continue the critical work of protecting Cumberland County's most vulnerable from the dangers of lead dust responsible for poisoning children under the age of six. Another important component of the HUD Grant is the Healthy Homes assessment performed on all qualifying units. Healthy Homes is an additional funding source that identifies code violations and health and safety hazards that may be present in the building. Abatement Teams address violations identified and Project Management works directly with

Code Enforcement in the documentation of these repairs.

Actions planned to reduce the number of poverty-level families

The City of Portland allocates a significant percentage of its Community Development Block Grant to social service programs and housing activities designed not only to improve the lives of families and individuals in poverty, but also to facilitate their transition out of poverty. Below are just some of the most critical programs and services that the City plans to support with the CDBG, HOME and ESG funds:

Access to food

Homeless outreach and engagement program to assist individuals in crisis to access necessary services.

Case management and community integration services for recently homelessness individuals and those at risk of homelessness

Creation of stable affordable housing units

Tenant based rental assistance to help families to be rapidly rehoused or maintain their current housing, to help build stability.

Homeless prevention services to individuals facing homelessness.

Rapid rehousing

Helping families move out of poverty as opposed to simply serving those in poverty is an important part of the City's Housing and Community Development Program. Total funds available to the City are insufficient to meet the needs of its citizens in poverty; however, targeting funds to activities which support self-sufficiency can make a significant difference in the lives of many people. The City plans to continue to look at requests for funding and existing programs to see how CDBG, ESG and HOME funds can assist individuals and families in moving beyond poverty.

Actions planned to develop institutional structure

The City will continue to carry out its Housing and Community Development Plan in partnership with the other management and delivery entities for housing and community development activities. These organizations include various City Departments, the Portland Housing Authority, and an integrated network of non-profit housing and social service providers.

The City of Portland Housing and Community Development (HCD) Division is responsible for overseeing the budget and distribution of the City's CDBG, HOME and ESG entitlement funds and development of the Five-Year Consolidated Plan and Annual Action Plan and Consolidated Annual Performance

Evaluation Report. Additionally, the HCD Division administers the City's new construction programs and monitors all outstanding loans associated with the former HomePort program. Since the fall of 2019, the HCD Division has staffed a Compliance Officer position, ensuring that all programs comply with local and federal regulations.

City of Portland Social Services Division administers the General Assistance Program, ESG funds, the City's emergency shelters (for single adults and families), transitional housing facilities, housing location services, Family Services Program, job readiness training and employment services and several other support activities in coordination with non-profit housing and social service agencies. Additionally, the Social Services Division administers the HOME funded Tenant Based Rental Assistance Program.

Non-Profit Housing and Social Service Agencies play a large role in directly providing housing and economic development services to low income, homeless, and special needs populations throughout Portland.

Working collaboratively, these entities implement the City's Housing and Community Development Plan. The system's strengths include the collaborative manner in which these diverse groups work together to maximize available resources. Portland is a large enough city to have many institutional resources, yet small enough to be able to effectively communicate and collaborate. Currently there are no gaps in types of housing and services, but there is a lack of adequate amounts of both due to insufficient resources. The City and its partners will continue to seek additional resources to improve the system's ability to meet community needs.

Actions planned to enhance coordination between public and private housing and social service agencies

The City of Portland requires proof of organizational collaboration in the form of a memorandum of agreements, letter of support, or demonstrated outreach for all applications. In the CDBG scoring process, organizations and entities who demonstrate collaboration with other organizations and entities receive higher allotted points.

The City and the Portland Housing Authority have a long history of cooperation in several areas including community policing, development of affordable housing, recreational activities for at-risk youth, the Family Self-Sufficiency Program, Family Investment Center and applications to HUD for Section 8 certificates and vouchers for families, homeless and disabled persons. City staff and PHA staff communicate regularly and provide each other data for Annual Plans and reports.

City staff from the Health and Human Services Department and Housing and Community Development Division coordinates with other members of the Emergency Shelter Assessment Committee (ESAC) and the United Way of Greater Portland to monitor shelter bed usage for single adults, adolescents and families. ESAC members include shelter providers, supported housing providers, mental health service providers, substance abuse service providers, health service providers and general services including day

shelter providers for the homeless population. ESAC also produces monthly and quarterly statistics on shelter usage and provides a forum to discuss new programs, resource availability, emerging trends and to resolve problems within the continuum that may arise from time to time. The City's Community Development Program Manager attends ESAC. Additionally, HCD staff participates in the Maine Affordable Housing Coalition (MAHC). In the City of Portland, 33% of CDBG funds support social service agency programs. City staff meets with the agencies throughout the year to provide technical assistance and ensure they are meeting HUD guidelines and regulations. Staff also assists in monitoring their progress and makes recommendations for more efficient services.

Discussion

The City of Portland is committed to continuing its robust collaboration with nonprofit social service agencies, developers, and community organizations to improve the lives of residents of Portland, especially those who are low-income.

Program Specific Requirements

AP-90 Program Specific Requirements - 91.420, 91.220(I)(1,2,4)

Introduction

The City of Portland works to ensure that all federal grants meet the specific program requirements, including Community Development Block Grant, HOME, and Emergency Solutions Grant from the U.S. Department of Housing and Urban Development.

Community Development Block Grant Program (CDBG)

Reference 24 CFR 91.220(I)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	54,990
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	54,990

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	96.00%

HOME Investment Partnership Program (HOME)
Reference 24 CFR 91.220(l)(2)

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

Not applicable

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

Homebuyer activities of down payment or closing cost assistance are not part of the 2024-2025 planned activities

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

Acquisition of units with HOME funds are not part of the 2024-2025 plan.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

HOME funds will not be used to refinance existing debt.

5. If applicable to a planned HOME TBRA activity, a description of the preference for persons with special needs or disabilities. (See 24 CFR 92.209(c)(2)(i) and CFR 91.220(l)(2)(vii)).

Tenant-Based Rental Assistance is directed towards individuals who are homeless or at-risk of being homeless.

6. If applicable to a planned HOME TBRA activity, a description of how the preference for a specific category of individuals with disabilities (e.g. persons with HIV/AIDS or chronic mental illness) will narrow the gap in benefits and the preference is needed to narrow the gap in benefits and services received by such persons. (See 24 CFR 92.209(c)(2)(ii) and 91.220(l)(2)(vii)).

The City of Portland does not currently have preferences for specific categories of individuals with disabilities.

7. If applicable, a description of any preference or limitation for rental housing projects. (See 24 CFR

92.253(d)(3) and CFR 91.220(l)(2)(vii)). Note: Preferences cannot be administered in a manner that limits the opportunities of persons on any basis prohibited by the laws listed under 24 CFR 5.105(a).

The City of Portland does not have preferences for rental projects. The City does have a local requirement that 10% of total units in a development are set aside for individuals in Portland homeless shelters; however, this does not preclude others from accessing those units.

Emergency Solutions Grant (ESG)

1. Include written standards for providing ESG assistance (may include as attachment)

Please see attachment.

2. If the Continuum of Care has established centralized or coordinated assessment system that meets HUD requirements, describe that centralized or coordinated assessment system.

The state-wide Continuum of Care monitors the Homeless Management Information System, where individuals and families are entered at first contact. Additionally, the Maine COC has created a Coordinated Entry System (CES). CES facilitates access for all resources designated for homeless individuals and families, ensuring they are known by name, provided assistance based on their unique needs, and matched to the most appropriate service or strategy. Together, HMIS and CES ensure coordination while avoiding duplication of services and client data.

3. Identify the process for making sub-awards and describe how the ESG allocation available to private nonprofit organizations (including community and faith-based organizations).

The Emergency Shelter Assessment Committee (ESAC) is actively involved in the ESG program, including the development of performance standards and operating procedures as well as evaluation of funding expenditures. The City of Portland utilizes ESG funding for the Family Shelter and the Homeless Services Center and for homeless prevention and rapid rehousing programs. It is not currently the practice of the City of Portland to provide subawards from ESG funds; however, any ESG subawards would be made through the same awarding process as CDBG.

4. If the jurisdiction is unable to meet the homeless participation requirement in 24 CFR 576.405(a), the jurisdiction must specify its plan for reaching out to and consulting with homeless or formerly homeless individuals in considering policies and funding decisions regarding facilities and services funded under ESG.

Portland's ESAC Committee meets the requirements of homeless participation under 24 CFR 576.405(a). ESAC evaluates and creates policies, funding allocations, and other issues affecting the ESG grant. The ESAC Committee is led by co-chairs from the City of Portland Health and Human

Services (Social Services Division) and a representative from Homeless Voices for Justice (HVJ). HVJ is a statewide social change movement, organized and led by people who have lived experience with homelessness. It is a grassroots effort based on the belief that true change occurs only when those affected by an unjust system are directly involved in addressing the injustices and in which disenfranchised people become empowered and gain leadership skills to organize and advocate for institutional change. Working with chapters in Alfred, Augusta, Brunswick, and Portland, HVJ holds membership meetings at shelters and soup kitchens to strengthen communications between people experiencing homelessness. HVJ social change activities range from representation in planning bodies, to policy advocacy, to voter registration and community education, to direct action.

5. Describe performance standards for evaluating ESG.

The performance of the Prevention goal of the Rapid Re-Housing/Prevention Client Navigation Program will be evaluated based on the number of individuals assisted that would have entered the shelter system “but for” the assistance provided by the City of Portland staff. The performance standards for the Prevention goal of the program are ensuring that: 1) services are provided to 20 people per year; 2) 100% of clients are assessed for barriers that threaten housing stability and provided with an overview of mainstream resources; 3) 50% of clients assessed are referred to appropriate mainstream resources; 4) 100% of clients receiving financial assistance receive assistance with housing location and receive follow up services for 3 months.

The City of Portland will continue to ensure that all federal grants meet the specific program requirements, including Community Development Block Grant, HOME, and Emergency Solutions Grant from the U.S. Department of Housing and Urban Development.

Theresa McAuliffe <theresa.mcauliffe@gmail.com>

to publiccomment, dlibner

Dear Portland City Council, Mayor Dion, & City Manager Danielle West,

I am writing this letter to advocate in support of the CDBG funding application, "Oakdale Neighborhood ADA Improvement."

This improvement project will address safety concerns and accessibility obstacles in my neighborhood that are in need of attention.

The project will create a safe and obstacle free path connecting the Portland Center for Assisted Living to the future Temple Beth El outdoor community space and then to Longfellow Park. The crossings at both Devonshire and Deering Avenue are safety concerns which will be addressed by this project. Families with small children, neighbors using walkers and wheelchairs, visually impaired residents, fitness enthusiasts, and the many dog walkers will all benefit from this project.

I urge you to fund the Oakdale Neighborhood ADA Improvement project.

Sincerely,

Theresa McAuliffe

38 Longfellow St, Portland, ME

Written Comment re: CDBG Allocations

Jean Sideris <jean@bikemaine.org>

Fri, Mar 8, 8:55 AM (7 days ago)

to publiccomment

Dear Portland City Council, Honorable Mayor Dion, and City Manager Danielle West:

The Bicycle Coalition of Maine is a statewide nonprofit dedicated to making Maine better and safer for people biking and walking. We support the CDBG project titled "Oakdale Neighborhood ADA Improvement," sponsored by Public Works. We urge you to consider fully funding their request for \$199,000.00 for road construction improvements.

Residents of Portland Center for Assisted Living and others living with mobility issues are at great risk of death and injury when crossing busy Devonshire, Deering Ave., and Longfellow Streets to visit public Longfellow Park and Temple Beth El Shalom Community Park, among others. This area has been identified by Portland Traffic engineers as a high-accident-prone area due to motorists driving too fast. It's unsafe for pedestrians, bicyclists, and motorists, particularly for individuals using wheelchairs and mobility devices. Improvements to Devonshire Street and Deering Ave. at this bustling intersection will enhance the quality of life for everyone, especially Portland's most underserved population.

We support and greatly appreciate the hard work of the University Neighborhood Organization, Temple Beth El, Portland Center for Assisted Living, and Portland Public Works for collaborating on this endeavor. They have identified hazardous road conditions and proposed solutions that will benefit the entire community.

While we understand there are numerous needs in the city, we believe this project deserves top priority. If you have any questions, please don't hesitate to contact us.

Thank you in advance for your consideration.

Sincerely,

Jean Sideris

Resolve 8-23/2

Winston Lumpkins <winston.lumpkins@gmail.com>

Thu, Mar 14, 5:53 PM (14
hours ago)

to publiccomment

Dear Honorable Mayor Dion, Members of the Portland City Council,

We've got a great lineup of Community Block Grant Applications this year. I think the CBG allocation committee and the City Manager have done a great job, and I look forward to seeing the projects come to fruition, and urge the council to support the recommendations.

I do want to call the council's attention to PBPA's November letter supporting the Nasons Corner ADA improvements; thankfully it looks to be in the selections made by the Allocation Committee.

Thanks as always for your service to the city,

Sincerely,

~Winston

Winston Lumpkins IV (he/him/his)

East end,

District 1

Portland Maine



November 14, 2023

Jennifer Ladd, Senior Transportation Engineer
Public Works Department
City of Portland, Maine
250 Canco Road
Portland, Maine 04103

Re: Rowe School Sidewalk Improvements on Warrick and Purchas Street

The Portland Bicycle and Pedestrian Committee (PBPA) would like to express our full support for the proposed CDBG-funded sidewalk connections and improvements along Warwick Street and along Purchas Street. These much-needed improvements will make it significantly safer for students to walk to school and in doing so, will result in fewer car trips to and from the school.

On March 3, 2022, PBPA held a neighborhood walk audit with the Nason's Corner Neighborhood Association to document the challenges faced navigating the neighborhood being discussed on foot or mobility device. The findings from this walk audit can be found [on the Documents tab of our website](#). While most findings focused on winter-specific conditions, a major sidewalk deficiency was found on Warwick Street near Rowe School. Current conditions create unsafe conditions for pedestrians looking to access the school from the north side of Warwick by requiring them to walk in the road in an area where fast-moving traffic is traveling around a near-blind curve. The audit showed the need for a sidewalk along this well-traveled stretch of Warwick, and we are excited to see this proposed project address this deficiency.

One of the committee's top priorities is improving safe pedestrian routes to school, and this project greatly advances this goal. Given the number of families with students who live close to Rowe School, these proposed sidewalk segments would greatly improve access to the school on foot. Therefore, PBPA highly supports funding of this much-needed project. Thank you for your consideration of this project.

Sincerely,

The Portland Bicycle & Pedestrian Advisory Committee
<https://www.portlandbikeped.org/>

Winston Lumpkins IV, Chair
winston.lumpkins@gmail.com

John Clark, Secretary
jmclark995@gmail.com

The Portland Bicycle and Pedestrian Advisory Committee is an ad hoc group of Portland-area residents working to make the city and region a better place to walk, bicycle and wheelchair. We advocate and educate on bicycle, transit and pedestrian issues, including handicap accessibility. We work in collaboration with other organizations including the Bicycle Coalition of Maine, Portland Trails, PACTS, the Portland Department of Public Works and the Portland Planning Department.

PBPAC on Resolve 8-23/2: approve Oakdale Neighborhood ADA Improvement.

Portland Bike Ped <pbpac.chair@gmail.com>

Thu, Mar 14, 5:46 PM (14
hours ago)

to publiccomment



March 14, 2024

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

The Portland Bicycle and Pedestrian Advisory Committee supports the CDBG project titled "Oakdale Neighborhood ADA Improvement," sponsored by Public Works. We urge you to fully fund their request for \$199,000.00. Because of the continued, so far unaddressed, need for traffic calming measures on Deering Ave this project is all the more necessary.

Though more work must be done, the *Oakdale Neighborhood ADA improvement project* will address some of the issues remarked upon in our report from January of last year on the Deering Ave corridor: Deering Ave Walk Audit Report.

We greatly appreciate the hard work of the University Neighborhood Organization, Temple Beth El, Portland Center for Assisted Living, and Portland Public Works.

Thank you in advance for your consideration, and support for the residents of Oakdale.

Sincerely,

The Portland Bicycle & Pedestrian Advisory Committee.
<https://www.portlandbikeped.org>

Winston Lumpkins, Chair
winston.lumpkins@gmail.com, 207-408-1508

Andrew Blunt, Vice Chair
andrew.blunt97@gmail.com

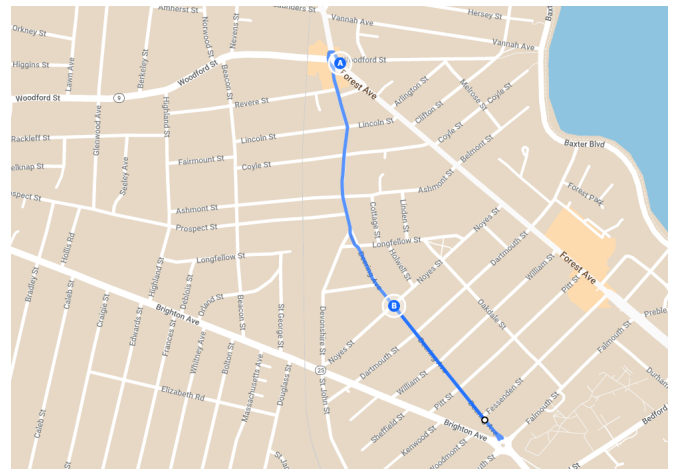
The Portland Bicycle and Pedestrian Advisory Committee (PBPAC) is an ad-hoc group of Portland area residents who work to make the city a better place to walk, bicycle, and wheelchair. We advocate and educate on bicycle, transit, and pedestrian issues, including handicap accessibility, in collaboration with city offices and outside organizations.



www.portlandbikeped.org

Deering Avenue Walk Audit

Wednesday, January 25th, 2023



On a snowy Wednesday evening, about 25 people joined together for the **Deering Avenue Walk Audit** to observe and discuss some of the challenges that the neighborhood has been facing from the perspective of pedestrians. Attendees included members of PBPAC, city employees, Friends of Woodfords Corner, the Woodfords-Oakdale Neighborhood Association, and neighbors. The group assembled at the corner of Forest Avenue and Woodford Street by the new artistic light sculpture. After an initial briefing, they proceeded across Forest Avenue and down Deering Avenue to the corner of Pitt Street and back to Jason Reynold's home at the corner of Dartmouth Street for a debriefing session.

The purpose of this report is to share what was observed and discussed, including recommendations for opportunities to improve this area.

Conclusion and Action Items can be found on Page 4.

An Appendix, with additional pictures & street by street observations begins page 5.

Traffic Speed

It was agreed by those present that **the speed limit on Deering Ave should be the same for the full length of the street, and that it should be 25 miles per hour.** Policy at the state level requires MaineDOT to approve speed limit changes. It is important however to note that a request from the city to change the speed limit may trigger a “speed study” which may inadvertently cause the speed limit to increase. Fortunately, there is policy advocacy occurring at the state level that may improve conditions on a street such as Deering Ave.

***State Policy Opportunities:** In the current legislature, [LD 527](#), “An Act to Allow Municipalities to Create Bicycle & Pedestrian Zones with Reduced Speed Limits,” hopes to address this. As currently written it won’t have much effect in Portland. [Link](#). Another bill, “An Act to Grant Municipalities the Authority to Set Lower Motor Vehicle Speed Limits” may have more of an effect, its legal language has yet to be released. We urge the city’s Legislative & Nominating Committee to support either bill, should they address this issue.*

At this time, the City may be able to address the issue of speeding on Deering Ave by **changing the design of the street to slow automobile traffic** in a manner more effective than signage or enforcement ever could. A record of frequent crashes here in which cars have been propelled onto people’s lawns and sidewalks proves that some people are driving excessively fast for a street with so many intersections. *See Appendix for more information and photos of crashes.*

Safe Routes to School

Deering Ave is a crucial walking route for students getting to and from school. The Levey Day School was on the walk audit route and King Middle School is further down the road at the corner of Deering and Park Avenues. Students in the neighborhood who attend King Middle School are required to walk to school (as they live within the defined walking distance of the school and no buses are available). This neighborhood is an obvious high priority area for any safe routes to school effort. Additionally, the Oakdale neighborhood is home to many elementary school aged children, with three bus stops along this short corridor - enough to completely fill a school bus.

***Funding Opportunity:** There is up to four million dollars in federal funding for **Safe Routes to School** related projects available from the federal government, through the Transportation Alternatives Program. Dakota Hewlett, the Maine DOT’s Active Transportation Coordinator, is available to help municipalities apply. *He discusses it in this [webinar](#), starting at 43 minutes.**

Neighbors reported safety concerns they have observed, and some of these issues were observed on the walk audit. The severe issues include:

Traffic crashes at bus stops, including cars crashing onto lawns

We saw evidence of one of these in the form of still damaged hedges. There have been numerous crashes in this area, which is especially troubling given the high number of children and families who wait for the bus and/or walk to school in this area. *See the appendix (begins on page 5) for images from crashes.*

High speeds and inconsistent crosswalks

Some intersections do not have crosswalks in spite of having a school bus stop. Additionally, stop signs are placed at irregular intervals, creating confusion for drivers, which is ineffective at slowing traffic. In a dense residential neighborhood such as Deering Avenue, **we believe all intersections should have crosswalks on every side, and more stop signs should be placed along the corridor.**

Speeding motorists in school zone

The school zone signage around Levey Day School does not currently have great visibility and there are no flashing lights during school hours. Neighbors observe that most motorists are going faster than the posted 15 mph speed limit during school hours. **Improved signage and lights may reduce speed.**

Sidewalk Snow Conditions

Due to its significance, both sides of the entirety of Deering Avenue is a “route to school sidewalk” [route plowed by the city](#) as opposed to individual property owners. This led to generally good sidewalk conditions (except at the intersections) despite snowfall in the week prior to the walk audit. While we acknowledge the significant amount of snow mixed with freezing temperatures, as well as the municipal staffing shortage cause challenges for effective sidewalk snow clearance, the following observations regarding winter sidewalk conditions were made during the audit.

Generally well plowed on sidewalks although the roughly 1” of compacted snow can turn to ice over time, making the sidewalk very difficult to walk on and the ice very difficult to remove. **Adding brush attachments to the Parks Department’s arsenal of snow clearing equipment** could address this issue. In places without ADA compliant crossings, the plow equipment is forced to take an erratic path, making things worse. *See image to the right.*

The crosswalks were plowed/shoveled along Deering Avenue (i.e., at the cross streets) but not across Deering Avenue, leaving very high snow banks. The only plowed access was driveways. Thus, the driveways serve as de facto crosswalks. However, this means people then have to wander in the middle of the road looking for the entry point on the other side, which is dangerous, especially during evening commuting hours. This also makes it incredibly challenging for anyone with a wheelchair, walker, stroller, or other device that supports mobility. The snow banks give motorists a visual clue that crosswalks are not to be observed or taken seriously in general. *See image to the right.* **One participant who is in a wheelchair was unable to attend the walk portion because the conditions, while okay for walking, could not accommodate a wheelchair.**

As these issues are all interrelated, **one neighbor shared that their child’s school bus stop has been completely inaccessible to them at times in all months of the year as they are in a wheelchair.** Once the snow melts, there are deep puddles near the corner of Noyes and Deering. This was especially problematic when their son was in kindergarten and it is required that the bus driver see a parent/guardian at the bus stop, otherwise the student is not allowed to exit the bus and is transported back to the school for parent pickup.

On Revere Street it was noted by one attendee returning to Woodford’s Corner that this sidewalk was entirely blocked, necessitating dodging out into the street to avoid it, which felt very unsafe, especially in the dark (note that sunset on this day was at 4:42pm). *See image to the right.*



Conclusion

Deering Avenue serves a number of important purposes to Portland residents. It is home to many residents, including families with children; connects a number of city neighborhoods; hosts multiple schools and institutions; provides quick emergency vehicle access from neighboring communities to Maine Medical Center; and provides a safer alternative to Forest Avenue for bicyclists and pedestrians. Despite these uses, the corridor still suffers from dangerously high vehicle speeds and infrastructure deficiencies for year-round users outside of a car.

While the Better Bikeways Initiative infrastructure will improve vehicle safety during the summer months, **action needs to be taken to reduce traffic speeds year-round**, both on Deering and neighborhood side streets such as Noyes, Ashmont, Dartmouth, and Pitt Streets. [Mini-roundabouts](#), such as those utilized in Libbytown, might work and were advocated for by several neighbors present. While **raised crosswalks and speed bumps** were discussed, not all neighbors were in favor of those options. Another possibility suggested after the event was [raised intersections](#).

The group agreed that all intersections should have striped crosswalks on all four legs at a minimum. Also, placing [radar speed signs](#) along Deering Avenue (especially between Falmouth and Dartmouth streets) could reduce speeding year-round (as the City has deployed successfully on Veranda Street, Frost Street, and elsewhere).

Sidewalk snow clearance is an issue, and though the Parks Department had clearly kept its end of the deal, when we walked down Deering Ave, because of the limitations of uneven sidewalks and plow-only operations, there was enough snow left to present a serious issue for anyone but the able-bodied. We discussed how if the city considered adding a few brush attachments for their plow fleet, they could more effectively clear the sidewalks. It's also clear that something should be done to address snow clearing at bus stops and crosswalks, as the current winter maintenance situation creates serious limitations for residents with mobility challenges.

Action items for the Council, the City, PBPA, and neighborhood organizations:

- Work with Dakota Hewlett, the Maine DOT's active transportation coordinator to apply for federal grants to implement traffic calming measures on the portions of Deering Ave which are part of school routes. He is available to work with city staff, including walking the site, and helping with the application process.
- Support the Phase 1 streetlight installation for Woodfords Corner in the FY 2024 Capital Improvement Plan budget & include the remaining streetlights in FY 2025 CIP- [FWC Document Map of Street Light wiring](#)
- Monitor and potentially support upcoming legislation allowing municipalities more authority to lower speed limits, such as LD 527 and *An Act to Grant Municipalities the Authority to Set Lower Speeds* (it will need to be amended to apply to Portland).
- Advocate for increased funding for sidewalk snow clearing on city routes, possibly including several brush attachments in the Parks Department's fleet to address the snow that current equipment leaves behind.
- Address crosswalk clearance, either through the Parks Department or better enforcement of the ordinance on abutter-cleared sidewalks.
- Advocate for staff positions dedicated to the implementation and maintenance of bicycle and pedestrian infrastructure (such as a [Bicycle & Pedestrian Coordinator](#)).
- Promote and provide material support for the Safe Routes to School Program, both within the Deering Avenue corridor and throughout the entire City.
- Begin the process of developing a year-round traffic calming design of Deering Avenue. Additional neighborhood resident and stakeholder feedback should be gathered regarding traffic calming measures in order to meet the needs of all users.

Appendix

Pictures from recent car crashes in the neighborhood



December 20, 2018, at 12:24 PM, Deering + Noyes Intersection.

Vehicle crash on a school day where the van pictured plowed directly through the school bus stop where kids and parents had been gathered merely hours prior at the corner of Noyes and Deering.



April 26, 2022, Deering + Noyes Intersection.

Five car crash.



June 21, 2022, Deering + Noyes Intersection.

Two car crash.



September 6, 2022, Deering + Dartmouth Intersection.

Vehicle crash on the first day of school (morning rush) where the vehicle pictured crossed the sidewalk on Deering and damaged property. The other vehicle involved (not pictured) crossed the sidewalk across the street and crashed through a private fence.

Design Ideas and Observations from the Walk Audit

Better Bikeways Initiative

Bruce Hyman, the Portland Planning Department's Transportation Program Manager joined us to give a brief presentation and get feedback on the [Better Bikeways Initiative](#) pilot planned for Deering Avenue. He passed around a [draft](#) of the Deering plans for attendee review. The draft plans include two 10-foot wide travel lanes, a 1-foot wide buffer with 5-foot wide bike lanes from the roundabout to just before Revere Street. The lane will include flex posts in the lead up to each side street, which should both visually narrow the road and cause cars to slow down as they turn onto the side streets.

Bruce mentioned flex posts leading up to an intersection starting 25 feet prior to the intersections – they may experiment with 3 or 5 such flex posts. Attendees liked this idea as it will visually narrow the road, and slow turning traffic. In direct response to concerns noted during the walk audit, Bruce mentioned possibly adding similar treatments to the neighborhood streets leading to Deering Ave, such as Dartmouth Street. However, these flex posts would be seasonal and removed so as to not interfere with plowing operations. ***Neighbors in attendance expressed concerns regarding a lack of a year-round traffic calming solution, after all, winter is long.***

Forest Ave & Woodfords Corner

- It was reported with some agreement that the intersection of Forest Avenue & Belmont/Ashmont Street has poor signal timing - this should be an easy fix.
- Revere Street between Deering and Forest Avenues only has a sidewalk on one side, and as noted, it was completely impassable forcing pedestrians into the roadway. The parking lot on the corner of Revere Street, Deering and Forest Avenues has recently been sold -- when it's developed, a sidewalk should be put in on the that side of Revere Street.
- As darkness fell, the lack of good street lighting in Woodfords Corner became apparent, though, ironically, there is a sculpture of streetlights. The Friends of Woodfords Corner shared [this document](#) with us, detailing the issue. [This map](#) shows where the streetlights will go & existing electrical infrastructure which is below the existing sidewalk. "[these are] 'as-built' plans that show where electrical connections/junction boxes are located (the highlighted green areas) and conduit (red lines) were installed as part of the Woodfords Corner project a few years back. Also highlighted are 6 locations that were considered a few years ago as a possible Phase I if the lighting needed to be done in phases. The eastern side of Forest Avenue has utility poles with some cobra head lighting, so the west side of Forest, without those poles and lighting have a higher need for standalone lighting."

Ashmont to Devonshire

- Devonshire acts like a "slip lane," encouraging high-speed turn maneuvers which cause conflict with cyclists.
- Beyond Devonshire, cars often collide while one is crossing Deering. Once there were 2 crashes at the same time, one at Pitt and one at Noyes. Both ended with cars on people's lawns. Because this neighborhood has both a high concentration of children and an elder care facility, there is a lot of foot traffic, which makes this situation especially scary.
 - *Question: Why is this not a school zone?*

Noyes Street

- An extremely wide, "over-engineered" one-way street, which encourages speeding. Part of the street may have previously been used as a streetcar line.
 - There was some discussion with Bruce Hyman about their plans to possibly narrow sections of Deering including this one which seemed generally favorable to most in attendance. Their other stated solution was to add flex posts- similar to the ones installed a few years ago at Woodford corner on Deering near Bayou Kitchen but since removed.

Some concerns were raised about flex posts since they seem to be 1) a temporary measure and 2) a seasonal measure since they are removed in the winter for plowing and often never reinstalled. However, there was little discussion about adding raised crosswalks to sections such as this one - which many in the neighborhood are pushing for.

- A discussion took place about making Noyes a two-way street, which might help with traffic calming. Many drivers do drive the wrong way! Ideally, the neighbors would prefer it remain one-way, but be significantly narrower.
- A possible solution would be to give 13' of the roadway to a two-way bikeway, which would be separated & would significantly narrow the street, and give bicyclists a safe way to get from Brighton Avenue to Forest Ave.
- Community Squash, at 66 & 62 Noyes Street, is going before the planning board for applications to build a cafe and expansion, which might be an opportunity to ask for some changes in the streetscape.

Dartmouth to Pitt

- [Andrew Jones](#), Dartmouth resident says: There's currently no safe way for cyclists to access the Back Cove without being in the way of heavy traffic on Dartmouth Street, a major cut through – currently bike rider either on the sidewalk, which should be for pedestrians, there should be a bike lane and increased signage for crosswalks – it's dangerous not just because of traffic passing by, but because of people parking, opening car doors, etc.

Pitt to Falmouth (Roundabout)

- **It's really apparent to those who live right on Deering & Dartmouth that cars are building up a great deal of speed driving the length of Deering -- something really must be done to curb speed, the speed limit isn't cutting it**
- [Ben Lake](#), lives between Fessenden & Pitt, is the parent of a young child, and notes that many significant car crashes have occurred here at the intersection of Pitt and Deering in just the last few years. In each case it appears that drivers crossing Deering from Pitt have underestimated the travel speed of cars traveling down Deering, resulting in cars on Pitt being t-boned by cars traveling along Deering - often with enough force to drive both vehicles up entirely up onto the sidewalk. This is particularly concerning here because this intersection is a major school bus stop. This stretch of Deering running north from the roundabout to Dartmouth is too long and too straight, with limited signage and no street design cues to drivers that the speed limit is 25 MPH. As a result nearby residents commonly observe drivers speeding in each direction along this section of Deering.
- Myles Smith notes that these existing yellow and red flashing lights at the Deering and Pitt intersection don't do the job -- perhaps small roundabouts would force people to comply with the speed limit? We need to give up on alternating types of intersections. Roundabouts reduce crashes. (Is that a concern to emergency vehicles?) This is a bus stop, but there aren't crosswalks... Maybe a [Hawk signal](#) could be a solution?
- **The intersection of Dartmouth and Deering is an ADA nightmare with no smooth transitions from sidewalk to street and massive tree roots breaking through brick and pavement.** This is extremely unsafe in a wheelchair or while using any mobility aid.

Important Neighborhood Places and New Development to Consider

This neighborhood along Deering Ave has many important places to consider that are factors in demonstrating the necessity for traffic calming measures in the area.

The [Portland Center for Assisted Living](#) is located in this neighborhood at 68 Devonshire Street. This facility provides accommodations for 170 residents, including 28 secure living spaces for those who are memory impaired. These are members of our aging community and they deserve to have safe access to the outdoors. Many residents can be seen using various mobility devices along Deering Ave and also

along Longfellow to access Longfellow Park. Oftentimes they are in the street because the sidewalks are almost unusable. It is safer for them to risk being hit by a vehicle than navigate the sidewalks.

In addition to the Center for Assisted Living, the map below outlines other key areas and planned changes that also will benefit from any traffic calming changes.

APPENDIX 1: Neighborhood Map

Arrow: Intersection at Deering Ave and Noyes St

A: Elementary School Bus Stop (Deering Ave at 94 Noyes St)

B: Location of new residential development at 387 Deering Ave to have 8 units and 16 parking spaces (Project ID: PL-001495-2021)

C: Location of new 580 bed dorm being built at USM (5 blocks southeast on Deering Ave from intersection at Deering Ave and Noyes St.)

D: Location of preschool at Temple Beth El

E: Location of planned expansion of Portland Community Squash



A: Elementary school bus stop (location A on map below) -- Ocean Avenue Elementary School has located a school bus stop at this intersection. On most mornings during the school year, students are waiting for their 7:12 AM bus on the sidewalk on Deering Ave next to 94 Noyes St.

B: New residential development at 387 Deering Ave (location B) -- New development at 387 Deering Ave will add traffic to this section of Deering Ave. The approved residential development will include 8 units and 16

parking spots with an entry/exit drive off on Deering Ave ~150 feet from the intersection with Noyes. (Project ID: PL-001495-2021)

C: New dorm on USM campus (location C) -- University of Southern Maine is building a new 580-bed dorm that will add traffic to this section of Deering Ave. This is USM's first ever residential dorm on the Portland campus. The campus is 0.3 miles from the Deering/Noyes intersection. (Portland Commons Residence Hall)

D: New community park at Levey Day School / Temple Beth El (location E) -- Temple Beth El is constructing a new 25,000 square foot community park at its facility at 400 Deering Ave, ~500 feet from the Deering/Noyes intersection. This park will increase the number of pedestrian children near the intersection.

E: Expansion of Portland Community Squash (location D) -- Portland Community Squash is planning a major upgrade to its facilities at 66 Noyes St, ~250 feet from the Deering/Noyes intersection. New facilities and expanded afterschool and community programming will result in additional traffic on this section of Noyes St.

Written Public Comment re: CDBG Allocations - for March 18, 2024 City Council Packet

'Carol Schiller' via Public Comment

Fri, Mar 15, 10:09 AM (3 days ago)

to publiccomment, Dena, Regina, Sadie, Karen, Mike, Ben, Sam, Victoria, Lucas, Nilsa, Rowen, West

March 15, 2024

Dear Portland City Council, Honorable Mayor Dion, and City Manager Danielle West:

The Portland Center for Assisted Living (PCAL), Temple Beth El, and the University Neighborhood Organization stand united in support of the CDBG project named: Oakdale Neighborhood ADA Improvement, sponsored by Portland Public Works. We urgently implore you to allocate the requested \$199,000.00 for crucial public safety enhancements.

Every day, residents of the Portland Center for Assisted Living put their lives at risk navigating the bustling thoroughfares of Devonshire Street and Deering Avenue. With no crosswalks, safety signal devices, or connecting sidewalks between these heavily trafficked streets, individuals with mobility challenges face dire hazards. We invite you to witness the peril firsthand through videos on YouTube, such as "The Journey to Longfellow Park" and "Please Help Us," featuring PCAL residents.

The Oakdale Neighborhood ADA Improvements project is poised to provide essential accessibility enhancements to Temple Beth El Shalom Community Park and Longfellow Park, thereby significantly elevating the quality of life for all. PCAL residents currently endure feelings of isolation and fear as they navigate these areas with walkers and wheelchairs. These ADA improvements promise equitable access, ensuring connectivity and longevity for all residents.

We champion positive social change that will enrich the lives of all community members, especially those living with disabilities. Your support for this project is not merely an investment in infrastructure but a commitment to fostering inclusivity and enhancing the well-being of our city's diverse population.

We extend our sincerest gratitude for considering the allocation of \$199,000 for the Oakdale Neighborhood Improvement project.

Sincerely yours,

Karen Dodd, Director, Portland Assisted Living Center,
Sadie Stewart, Operation & Events Manager, Temple Beth El
Carol Schiller, President, University Neighborhood Organization

Youtube Video Links:

https://youtu.be/8-WQzDItrYg?si=AO_o0S1A-05u2XxK

<https://youtu.be/NoGQzcuGrc0?si=DnRCOIIIIGIFcO2zy>

Catholic Charities Maine Comments for 3/18/2024 City Council Meeting Regarding Resolve 8-23/24

Eliana Trenam <etrenam@ccmaine.org>

Fri, Mar 15, 11:49 AM (3 days ago)

to publiccomment@portlandmaine.gov, Triona, Carolyn

Dear City Council of Portland,

Please accept the attached public comments regarding Resolve 8-23/24 Adopting the Fiscal Year 2024-2025 Annual Action Plan Including Appropriations for Community Development Block Grant Program. We look forward to Monday's City Council meeting.

Sincerely,

Eliana Trenam

DOJ Accredited Representative

Catholic Charities Maine

Refugee and Immigration Services

80 Sherman St.

Portland, ME 04013

207-560-7689

CITY COUNCIL MEETING - MARCH 18, 2024 AT 5:00 PM
Resolve 8-23/24 Adopting the Fiscal Year 2024-2025 Annual Action Plan Including
Appropriations for Community Development Block Grant Program
Testimony Submitted by Catholic Charities Maine

Members of the CDBG Allocation Committee, Mayor Snyder, the Portland City Council, and City Manager West, thank you for your time and effort reviewing proposals and for the opportunity to address you. My name is Eliana Trenam, and I am a Department of Justice Accredited Representative for Immigration Legal Services at Catholic Charities Maine.

We were pleased to see our solid CDBG score but disappointed to not receive a recommendation for CDBG funding for our joint program with ILAP, which has been very successful this past year. CCM and ILAP provide free and low-cost qualified legal advice and representation to support family reunification, citizenship applications, green card applications, work authorization, consultations, and representation before USCIS and the Immigration Court in Boston.

Immigration Legal Services are becoming more and more crucial with expanding immigrant populations in Portland, including people from the African Great Lakes Region, Afghans, Ukrainians, Haitians, and asylum seekers from many other nations. At Catholic Charities Maine, we maintain a team of staff and dedicated volunteers including two accredited representatives and three former and current immigration attorneys. Our team provides direct multilingual legal services covering 11 different languages.

We collaborate with Maine Immigrant Assistance Providers (MIAP) to address emerging trends, gaps in service and access to intakes. In partnership with ILAP and UMaine Law, we provide monthly staff and volunteer support to the new Asylum Application and Legal Orientation Project (AALOP) which currently completes up to 30 pro se asylum applications per month. We also work closely with local congressional offices and with U.S. embassies and consulates abroad as part of our family reunification representation. We provide legal orientations to newly resettled refugees and asylees through Refugee and Immigration Services and legal education to service providers and employers within the Greater Portland community. Legal services support immigrants in employability and establishing roots in this community.

The Immigration Legal Services program rapidly responds to the immigrant needs of the moment. With the CDBG FY25 cycle focused on uplifting and vindicating the rights of community members who are renters, we note that most federal rental assistance, including Section 8, public housing, and other programs are available to certain immigrants, but others remain ineligible. ILS's work advances the quantifiable economic benefits of helping Maine immigrants gain or improve their legal status, especially in mixed-status households, achieve family stability through reunification, become wage earners and taxpayers in the local economy, and ultimately further their access to housing. By providing free and low-cost qualified legal services, we also save our clients thousands of dollars in legal fees.

At present, there are only three agencies in Maine, including CCM and ILAP, that are nationally recognized by U.S. Department of Justice to provide immigration legal services. DOJ-recognized organizations deliver accurate, trustworthy, and affordable immigration legal services. At a time when immigrants can be compelled to attempt these legal applications without proper legal support, which can jeopardize or at a minimum lengthen their application process, we provide crucial trauma-informed services in immigration law to the local

immigrant population. Mistakes made during immigration processes can be catastrophic for families, potentially leading to denials of lawful immigration status, work authorization, family reunification petitions, and at worst, resulting in deportation. Many clients come to us for assistance after their original applications were denied due to a lack of qualified legal advice.

A recent success story highlights the importance of this work for our community:

We recently worked with an elderly Portland resident who fled persecution in the DRC. He has received housing and employment services through Catholic Charities Maine, and our legal team has helped him apply for many immigration benefits, including family reunification. As an asylee, he was living alone for many years and undergoing cancer treatment while waiting for his family to come to the United States. Understanding our client's urgent need for familial support, we worked to expedite his family reunification processes. We communicated with the U.S. Embassies in each family member's country, both directly and in collaboration with Rep. Chellie Pingree's office. Within a few months of this advocacy work, four out of his five family members were reunited with our client in the U.S. He now has the support of his wife and several children, and the last beneficiary is expected to arrive soon.

In the face of growing need in the community, ILAP and Catholic Charities Maine wish to continue to provide a much-needed immigration legal service both remotely and in person. We are grateful for your time and consideration in reviewing our application for future funding.

Thank you,

Eliana Trenam
DOJ Accredited Immigration Legal Representative
Catholic Charities Maine
732 Ocean Avenue
Portland, ME 04103

CDBG Allocation Project Oakdale Neighborhood ADA Improvement

kinneyfam@maine.rr.com

Fri, Mar 15, 11:58 AM (3 days ago)

to publiccomment@portlandmaine.gov

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

Re: CDBG project named Oakdale Neighborhood ADA Improvement

Please consider allocating the requested \$199,000 for the public safety enhancements in the Oakdale neighborhood. Daily, pedestrians from the Oakdale neighborhood and PCAL maneuver crossing and walking the streets of Longfellow, Deering and Devonshire. There are no crosswalks, crossing lights and sidewalks are missing. Most of these pedestrians are residents of PCAL and other residents with disabilities that live in this neighborhood. The traffic in this area is heavy, especially on Deering Ave. Due to mobility issues, this makes it even more difficult to cross and maneuver the sidewalks in their current condition.

This improvement project will enhance the quality of the lives of those living with disabilities. It will also improve the area around Oakdale neighborhood.

I am grateful for the consideration that will be given to this project.

Sincerely yours,

Victoria Kinney, VP UNO

Martha Stein martha@hopeacts.org **via** portlandmaine.gov

Apr 5, 2024, 12:46 PM
(3 days ago)

to publiccomment, council

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

I am Martha Stein, Executive Director of Hope Acts, 14 Sherman Street, Portland. We are a housing and service provider for new asylum seekers to the Greater Portland area.

I would like to thank the city CDBG staff, particularly CDBG Manager Rowen McAllister, as well as the volunteer allocation committee for their work.

Hope Acts considers ourselves a partner of the city; and we have been housing asylum seekers who were previously homeless since we opened our doors to Hope House in 2013. I am grateful to see that Hope Acts has been recommended for partial CDBG funding, but I am puzzled by our score and subsequent ranking. I requested our individual scores, which were provided:

I was very puzzled to see that Reviewer #1 scored Hope Acts "18" for Guiding Principles without any comment as to why the score was so low, when all others rated us between 26 and 30. There was no discussion of Hope Acts during the CDBG committee meetings. I watched all the committee Zoom meetings hoping I could understand the rationale, but there was nothing to be learned.

The net result is this outlier score pulled Hope Acts so far down in the rankings, that we just made the cut for funding with a \$37,000 gap between what we requested and what we are slated to receive. We will do our very best to fill that gap, but if we can't, it will definitely impact our ability to provide housing and urgently needed services for asylum seekers.

In 2023 alone, Hope Acts housed over 300 previously homeless people including families and singles. We are in a deep partnership with the QHC -- and we are the front end of the process, in fact about 70% of their clients are clients of both of our organizations. All client intake and education is completed at Hope House. Both organizations' commitment to our clients and landlords, we have experienced no client-caused evictions.

Hope Acts works in the intersection of the immigration and housing crisis. We worked with over 3,000 clients last year. Please consider my request for full funding so we can house and support as many newcomers as possible.

Thank you for your consideration,
Martha

Martha Stein, Executive Director
Hope Acts
office: 207-228-1140 or 207-274-6005
cell: 207-217-4456
martha@hopeacts.org

Jenn McAdoo <jmcadoo@furniturefriends.org>

Fri, Apr 5, 3:26 PM (3
days ago)

to publiccomment, Rowen

To Whom it May Concern:

Attached are comments that I would like to submit regarding the City's CDBG allocations for the FY24-25 year. Please let me know if you have any questions.

Many thanks.

Jenn

Jenn McAdoo (pronouns: she/hers)
Executive Director
Furniture Friends
website: <https://furniturefriends.org>
email: jmcadoo@furniturefriends.org
mobile: 207.210.3140





5 April 2024

City of Portland Council
389 Congress Street
Portland, ME 04101

Dear Mayor Dion, City Councilors and City Manager West:

I am pleased to have this opportunity to share comments regarding the City of Portland Community Development Block Grant allocations for 2024-2025. Due to out-of-town travel, I am unable to make these comments in person but thank you in advance for adding these to the meeting record.

As many of you know, Furniture Friends is a one-of-a-kind nonprofit that provides donated furniture to anyone in Greater Portland (and beyond) lacking the financial resources to purchase necessary household furniture on their own. Our program fills a critical need for low-income individuals and families that is not met by any other nonprofit or government agency in southern Maine. All the clients we serve are low- or no-income but also struggle with homelessness, substance use or physical or intellectual disabilities. Some are veterans or survivors of domestic violence, while others are re-entering the community after a period of incarceration and many others are immigrants who are new to Maine. **In 2023, we provided essential items like beds, bureaus, dining tables, chairs and sofas to 825 households or over 2,000 individuals (including 800 children). Sixty-three percent of those households (or 519) are located within the City of Portland.**

Furniture Friends currently partners with over 100 municipal and social service providers in southern Maine who regularly refer clients to us. In fact, all of the agencies who are being recommended for CDBG social services funding (with the exception of Our Place Portland Inc.) utilize our service on a regular basis. The City of Portland, through various departments and agencies, has relied heavily on Furniture Friends since our inception in 2012. **In just the past year, City programs made 198 referrals (accounting for 25% of all our referrals) to assist families in acquiring essential household furniture to help them feel safe and stable in their homes.**

Recognizing the significant housing crisis the City is faced with, Furniture Friends has tried to do what we can to be an effective partner to the City. In 2019, **the City called on Furniture Friends to help house people temporarily staying at the Portland Expo. We were tasked with providing furniture to over 200 individuals and the furniture we provided totaled over \$47,000 in value** (using 75% of the Salvation Army's valuation numbers). More recently, we have accommodated referrals for people moving from area motels into permanent housing by honoring requests for furniture regardless of whether their permanent housing is in our geographic reach.

P. O. Box 7894, Portland, ME 04112
www.furniturefriendsportland.org

Furniture Friends is a nonprofit 501(c)(3) organization dedicated to acquiring and delivering donated furniture to people in need.

At Furniture Friends, we believe that housing is a basic human right and necessary to a person's well-being; however, housing is more than just a roof over one's head. Research has shown the importance of furniture in tenants' well-being and continued tenancy. Although often overlooked or considered "nice to have," even shelters are built with an understanding that people need a place that provides a minimum level of comfort to lay their heads (whether it's a mat or simple cot) and store the few possessions they own. Permanent housing that includes essential furniture helps make a house a home, providing tenants a greater sense of comfort, safety and security while improving their stability and making them better able to address other challenges in their lives.

The CDBG Allocation Committee commented that Furniture Friends "[f]ills an unmet need, but not as high need as shelter, food and fit with the City CDBG goals." For all the reasons listed above, we strongly disagree believing that our work is critical to the need for shelter in the City of Portland and is consistent with the City Council's goal to "significantly impact the housing affordability crisis." Additionally, we believe that housing low- and no-income residents in the City will be largely unsuccessful without the crucial resources that Furniture Friends provides. It seems the City's own Social Services Division understands this as we routinely receive strong letters of support for our applications. In our most recent application, Director Geyer states,

"Most people recognize that a roof over someone's head is necessary for them to move beyond homelessness. However, many forget the role that furniture plays in helping someone improve their health, wellbeing and overall stability all of which are critical to preventing a return to homelessness."

At the same time, we understand that the social service needs the City is asked to address far exceeds the funding provided by the federal government. Going forward, we ask that the City consider the way in which it allocates funds to distribute available funding more equitably to all partner organizations working to support the City's goals.

Furniture Friends remains committed to ending homelessness and improving housing stability for southern Maine's most vulnerable residents. While financial support from the City of Portland's CDBG funds is crucial for us to continue our services, we look forward to continuing our partnership with the City to address the housing needs of Portland's low-income residents.

Respectfully,



Jenn McAdoo
Executive Director

**AMENDMENT 1 TO RESOLVE 8-23/24
PREPARED FOR COUNCILOR PHILLIPS
RE: REALLOCATING \$57,000 IN CDBG SOCIAL SERVICE FUNDS TO
PARTIALLY FUND THROUGH THESE DOORS' COMMUNITY BASED
DOMESTIC VIOLENCE SERVICES PROGRAM**

ORDERED, that the funding amounts set forth in the column containing the City Manager recommendations for the allocation for CDBG funds for social services programs in the attached budget table entitled CDBG Allocation 2024-25 are hereby deleted and replaced with the funding amounts set forth in the column entitled "Councilor Phillips Amendment."

CDBG Allocation 2024-25

Administration and Planning

Case Id	App Type	Priority	Organization	Project Name	Funding Requested	Priority Impact	Guiding Principles	Capacity to Deliver	Collaboration/ Partnership	Avg Score	Committee Recommendation	City Manager Recommendation	*	City Council Recommendation
N/A	Admin	N/A	Housing and Economic Development Department	CDBG Admin and Planning	\$379,638.00						\$379,638.00	\$379,638.00		

Development Activities Applications

Case Id	App Type	Priority	Organization	Project Name	Funding Requested	Priority Impact	Guiding Principles	Capacity to Deliver	Collaboration/ Partnership	Avg Score	Committee Recommendation	City Manager Recommendation	*	City Council Recommendation
30476	Cons.	NI	City of Portland Department of Public Works	Nason's Corner ADA	\$199,000.00	28.125	26.500	22.125	13.000	89.750	\$199,000.00	\$199,000.00		
30453	Cons.	NI	City of Portland Department of Public Works	Oakdale Neighborhood ADA	\$199,000.00	28.375	23.875	21.750	14.250	88.250	\$199,000.00	\$199,000.00		
30462	Cons.	NI	City of Portland Department of Parks, Recreation, and Facilities	Reiche Playground	\$193,400.00	25.125	23.500	22.000	14.625	85.250	\$193,400.00	\$193,400.00		
30458	Cons.	NI	City of Portland Department of Parks, Recreation, and Facilities	Deering Oaks Park ADA	\$192,792.00	27.000	23.250	22.125	12.500	84.875	\$175,339.10	\$175,339.10		
30449	ED	EO	Greater Portland Immigrant Welcome Center	Greater Portland Immigrant Welcome Center	\$150,000.00	27.250	25.750	21.625	10.000	84.625	\$135,306.90	\$135,306.90		
30475	Cons.	NI	City of Portland Department of Public Works	Congress Street ADA	\$199,000.00	27.125	23.875	21.500	11.500	84.000	\$0.00	\$90,000.00	*	
30468	Cons.	NI	City of Portland Department of Parks, Recreation and Facilities	Age-in-Place Court/Tyng-Tate Playground	\$152,500.00	25.375	21.500	21.875	14.125	82.875	\$0.00	\$0.00		
30450	ED	EO	City of Portland's Housing and Economic Development Department (HEDD) and Portland Development Corporation (PDC)	Business Assistance Program	\$105,000.00	27.625	23.250	22.000	8.125	81.000	\$0.00	\$0.00		
30480	Cons.	Housing	MicroRail, Inc. dba Hope Harbor	Hope Harbor	\$250,000.00	27.375	16.750	7.625	0.000	51.750	\$0.00	\$0.00		
				Total Cost of Project Requests	\$1,640,692.00					Total:	\$902,046.00	\$992,046.00		
				Total Estimated HUD Funds Available	\$902,046.00									
				City Project Cap (85%)	\$766,739.10									*Indicates allocation of TIF Funding (\$90,000)

Social Service Applications

Case Id	App Type	Priority /Goal	Organization	Program Name	Funding Requested	Priority Impact	Guiding Principles	Capacity to Deliver	Collaboration/ Partnership	Average Score	Committee Recommendation	City Manager Recommendation	*	Councilor Phillips Amendment	City Council Recommendation
30455	SS	NI	Our Place Portland Inc.	Youth Mentorship Groups and Community Summer Camps	\$53,075.00	22.875	27.125	21.000	9.250	80.250	\$53,075.00	\$53,075.00		\$53,075.00	
30454	SS	NI	Maine Academy of Modern Music	Amplify Music Education	\$15,000.00	17.875	21.000	22.125	11.750	72.750	\$0.00	\$0.00		\$0.00	
30457	SS	ANGHP	Wayside Food Programs	Direct Services Program	\$32,250.00	29.000	27.143	22.571	15.000	93.714	\$32,250.00	\$32,250.00		\$28,250.00	
30461	SS	ANGHP	Quality Housing Coalition	Project HOME	\$149,600.00	28.571	28.571	22.000	13.000	92.143	\$149,600.00	\$149,600.00		\$134,600.00	
30459	SS	ANGHP	Milestone Recovery	Homeless Outreach and Mobile Engagement (HOME) Team	\$120,000.00	29.625	27.500	22.875	12.125	92.125	\$120,000.00	\$120,000.00		\$110,000.00	
30483	SS	ANGHP	Greater Portland Family Promise	Homelessness Prevention and Housing Stabilization	\$93,600.00	29.375	26.875	22.125	13.750	92.125	\$93,600.00	\$93,600.00		\$83,600.00	
30472	SS	ANGHP	Preble Street	Preble Street Emergency Food Programs	\$50,000.00	29.571	27.714	22.429	11.857	91.571	\$50,000.00	\$50,000.00		\$45,000.00	
30469	SS	ANGHP	Preble Street	Joe Kreisler Teen Shelter	\$30,000.00	29.375	28.875	22.125	11.125	91.500	\$30,000.00	\$30,000.00		\$27,000.00	
30473	SS	ANGHP	Hope Acts	Asylum Seeker Assistance Program	\$125,000.00	27.250	26.750	22.750	14.375	91.125	\$87,978.84	\$87,978.84		\$77,978.84	
30448	SS	EO	Catholic Charities Maine	Immigration Legal Services (ILS) Program	\$126,238.00	27.625	28.000	22.750	12.625	91.000	\$0.00	\$0.00		\$0.00	
30470	SS	ANGHP	Commonspace (formerly Amistad)	HSC Housing Navigation Program	\$100,000.00	29.375	27.000	21.875	12.625	90.875	\$0.00	\$0.00		\$0.00	
30460	SS	ANGHP	Community Housing of Maine, Inc.	Ashlea's Place	\$44,521.00	29.625	28.250	21.000	11.875	90.750	\$0.00	\$20,000.00	*	\$20,000.00	
30466	SS	ANGHP	Preble Street	Preble Street Adult Wellness Shelters	\$75,000.00	29.375	27.875	22.375	11.125	90.750	\$0.00	\$0.00		\$0.00	
30467	SS	ANGHP	Through These Doors	Community Based Domestic Violence Services	\$97,070.80	28.875	26.125	22.625	12.500	90.125	\$0.00	\$0.00		\$57,000.00	
30477	SS	EO	Catherine Morrill Day Nursery	Portland CDBG Childcare Voucher Collaborative	\$81,295.00	28.500	26.500	22.875	10.500	88.375	\$0.00	\$0.00		\$0.00	
30471	SS	ANGHP	Furniture Friends	Basic Needs Expansion	\$50,000.00	24.250	24.000	22.000	14.750	85.000	\$0.00	\$0.00		\$0.00	
				Total Cost of Project Requests	\$1,242,649.80					Total:	\$616,503.84	\$636,503.84		\$636,503.84	
				Total Estimated HUD funds Available	\$616,503.84										
			New Applicants Highlighted in Green	<i>New Project Set Aside (New applicants must score above 75 points to be eligible for funds)</i>	\$123,300.77										*Indicates allocation of Cotton St Funding (\$20,000)

MEMORANDUM
City Council Agenda Item

FROM: Melissa Graffam
DATE: March 21, 2024
SUBJECT: Order 151-23/24 Accepting and Appropriating a \$64,000 Grant from the Maine Department of Transportation for the Bicycle/Pedestrian Program on Forest Avenue - 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 3/18/2024

Final
Action 4/8/2024

Can action be taken at a later date: No MaineDOT needs to know which communities are interested in pursuing these funds in order to advance formal agreements and distribute funds statewide.

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

PRESENTATION: N/A

I. SUMMARY

City Council is being asked to support this funding award from MaineDOT's Bicycle/Pedestrian Program which will authorize the Department to proceed with development of a Municipal Partnership Agreement and advancement of this project.

II. AGENDA DESCRIPTION

Endorsing this award will enter the City of Portland into a LAP agreement with MaineDOT for the design and right-of-way process associated with enhanced pedestrian crossings on Forest Avenue. The requested Council action is to accept this municipal award and agree to this effort being a Locally Administered Project (LAP). The estimated Planning Level Project Cost totals \$80,000, of which \$64,000 (80%) would be Federally Funded and \$16,000 (20%) would be required as a Local Match.

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

III. BACKGROUND

This corridor segment is approximately three quarters of a mile long and is an important arterial link between commercial and residential areas and several educational, recreational and community centers. Multiple intersections within the project scope have historically been defined as High Crash Locations by the DOT, have Crash Rate Factors as high as 3.4 (or 3.4 times the crash rate of a similar location in the state of Maine) and are not currently part of any other ongoing study or active project. Outer Forest Avenue experiences high volumes of not only vehicle & truck traffic, but also transit service and pedestrian activity. An increase in new development and redevelopment in the area has contributed to an overall uptick in pedestrian activity, yet many of the public facilities on the corridor are in poor condition and fail to meet ADA requirements. The project area encompasses 11 existing pedestrian crossings on Forest Avenue at the following intersections: Riverside Street, Riverton Drive, Wellesley Estates driveway, Castine Avenue, Tucker Avenue/Brandon Street, Bailey Avenue, and Newton Street/Talbot School driveway.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

This project will ensure that all 11 crossings and several sidewalk segments are ADA compliant and that those needing additional safety enhancements, such as signage, RRFB's, or lighting, are improved.

V. FINANCIAL IMPACT

This project will become a Locally Administered Project (LAP) where the City administers the project and receives 80% funding from the state. The total estimated cost of the design phase of this project is \$80,000. Through the two-party partnership agreement MaineDOT is obligated to pay for 80% of the estimated project cost. For the design and ROW phase, that will be \$64,000. The City is obligated to commit 20% of this estimated cost, \$16,000, in matching funds. The City funded portion will come from Arterial Crossing funds (C24112).

VI. STAFF ANALYSIS AND BACKGROUND

Forest Avenue is a Principal Arterial in the City of Portland and connects key pedestrian, bicyclist, transit and commuter corridors in the City. As required in the application, DPW staff consulted with the MaineDOT Bicycle/Pedestrian program director prior to submission and presented several City locations for funding consideration, but based on several program elements at the state level, scope identified, corridor characteristics and surrounding uses, Forest Avenue was recommended.

VII. RECOMMENDATION

The Department of Public Works recommends this award be accepted so that the formal Municipal Partnership Agreement process can begin.

VIII. LIST ATTACHMENTS

1. Accepting and Appropriating Funding from the Maine Department of Transportation for the Bicycle-Pedestrian Program on Forest Avenue
2. 3.2023 BikePed Program Funding Application_Portland
3. 2.2024_AwardNotification - Portland_ForestAve
4. 1. Project Area Map Exhibit B (1)

Prepared by:

Melissa Graffam

Date: 03/21/2024

MARK DION (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)
ANNA BULLETT (4)
KATE SYKES (5)

**ORDER ACCEPTING AND APPROPRIATING A \$64,000 GRANT
FROM THE MAINE DEPARTMENT OF TRANSPORTATION FOR
THE BICYCLE/PEDESTRIAN PROGRAM ON FOREST AVENUE**

ORDERED, that a \$64,000 grant from the Maine Department of Transportation is hereby accepted and that amount appropriated for the initial design of Bicycle/Pedestrian Program on Forest Avenue; and

BE IT FURTHER ORDERED, that the City shall provide a \$16,000 match for the Grant; 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.



MaineDOT

MaineDOT BikePed Program Funding Application

Date Application
Received

For MaineDOT Use Only

Note: Separate and complete application(s) are required for each project proposal

Section 1: General Information

Applicant Name(s): City of Portland			
Contact Person: Jennifer Ladd			
Mailing Address: 212 Canco Road			
City: Portland	State: ME	Zip: 04103	County: Cumberland
Daytime Phone: 207-874-8894	Alternate Phone:	Email: jwl@portlandmaine.gov	

NOTE: Your responses on this application should provide detailed and specific project-related information. If warranted, pictures, maps, exhibits, diagrams, survey summaries, etc., should be included with the application. Please be concise. If additional space is required, please attach supplemental sheets and/or documents.

Section 2: Eligibility Criteria

The following questions reflect basic eligibility criteria for consideration under this program. The applicant certifies that they are in agreement and that answers to the following questions are correct.

YES	NO	
☒	☐	1. Applicant is an eligible entity to receive Transportation Alternatives (TA) funding and has the authority to enter into an agreement with the state. (Eligible entities include local governments, regional transportation authorities, transit agencies, natural resource or public land agencies, schools and school districts, tribal governments, local or regional governmental agencies with responsibility for oversight of transportation or recreational trails, and nonprofit entities responsible for the administration of local transportation safety programs.)
☒	☐	2. Project application is complete and provides all of the required information. • Application adequately describes and justifies the need for the project • Cost estimate is accurate, realistic, and has sufficient detail • Application addresses Right of Way (ROW), Utilities, Environmental Permitting, Railroad, and/or Drainage Concerns
☒	☐	3. The federal share for this proposed project is less than or equal to \$720,000.
☒	☐	4. Proposed project will be ready to be constructed within the next 3 years.
☒	☐	5. The applicant certifies that it has secured the required non-federal matching funds for the project.

YES	NO	
☒	☐	6. The applicant has committed to maintaining the proposed project's improvements (including winter maintenance) for the next 20 years.
☒	☐	7. The project application funds an activity from a MaineDOT Priority area. <i>Though federal guidelines permit TA funding to be utilized for other activities, MaineDOT prioritizes the use of this funding for the following 3 areas:</i> a) Safe Routes to School (Grades Pre-K – 12) b) Pedestrian & Bicycle Facilities c) Utilization of Transportation Corridors for BikePed Trails

Section 3: Project Overview

The following questions provide the reviewers with background information on the applicant community and its history with MaineDOT projects, as well as on the proposed project. This information may be used by the review committee as part of its final recommendations of what projects should be funded in a given year.

YES	NO	
☒	☐	1. Does the applicant community have a full-time qualified individual who has been certified by MaineDOT to be a Local Project Administrator?
☐	☒	2. Is the applicant currently working on any other projects or initiatives that would compromise its ability to move this project forward at this time? (limited time, staffing, resources, funding, etc.)
☒	☐	3. Will the funds requested in this application fund the entire project? (as opposed to partial funding of the anticipated need or funding only a phase of a larger project – please explain) ■ If allocated funds are insufficient, scope with either be adjusted or supporting City funds will be used to supplement.
☒	☐	4. Project has sufficient length and scope to be a cost-effective and viable participant in MaineDOT's Bicycle and Pedestrian Program?
☒	☐	5. Is the applicant willing to contribute more than the required 20% match to help ensure that the project is funded and/or to cover project cost over-runs?
☒	☐	6. Is the applicant community located within the capital area of one of Maine's four Metropolitan Planning Organizations?
68,408		7. Applicant's current population based upon the most recent census data.
11	Years Ago	8. When was the last time the applicant received funding under the <i>Safe Routes to School</i> , <i>Transportation Enhancements</i> , <i>Quality Community</i> , or <i>Transportation Alternatives</i> Programs? A "0" indicates that funding has never been received.

Applicant Certification: The applicant certifies that they have been authorized by the community to submit this application, that the community agrees to all the program requirements, and that all the information provided is an accurate representation from the community.

Applicant's Signature: _____
Date: _____

Section 4: Project Description, Background, and Overview

4-A. Brief summary of the Proposed Improvements *(Outline proposed improvements in 40 words or less):*

The City of Portland proposes to assess and improve the safety and accessibility of its pedestrian facilities and crossings on Forest Avenue / Route 302. This will include ADA ramp and sidewalk reconstruction, enhanced crossing treatments and improved lighting.

4-B. Specific Location of Project: Provide street name(s), beginning and ending location(s), and additional relevant project location information. *Attach designs/ diagrams, maps, etc. that will help provide a clear description of the proposed scope and location. If possible, divide proposed project into logical sections if the project could potentially be funded or proceed in steps or phases:*

The project scope area will encompass the existing crosswalks on Forest Avenue at and between Riverside Street and Newton Street/Talbot School driveway. This corridor segment is approximately three quarters of a mile and serves not only as a gateway to Portland, but an important arterial link between commercial and residential areas and educational and community centers. The existing crossing locations on Forest Avenue are at Riverside Street, Riverton Drive, Wellesley Estates driveway, Castine Avenue, Tucker Avenue/Brandon Street, Bailey Avenue, and Newton Street/Talbot School driveway. This project will ensure that all 11 crossings are ADA compliant and that those needing additional safety enhancements, such as signage, RRFB's, or lighting, are improved.

4-C. Can the applicant community manage this project and why? Include information on individuals who are LPA (Local Project Administration) Certified, projects administered in the past, and the relevant qualifications of municipal employees to be involved in the project (i.e., ROW Training, Project Management Experience, Professional Engineering License Information). If the community seeks MaineDOT's management of the project, please explain why this assistance may be needed. Please also demonstrate why MaineDOT should fund and manage this project when it could fund a project managed by another local community.

The City of Portland has multiple staff who are LPA certified and combined, have a successful record of administering a variety of locally administered projects in Portland. These include the York Street Bicycle and Pedestrian Project, West Commercial Street Pathway, the Washington Avenue Streetscape Project, the Deering Avenue Roundabout, the Somerset Street Reconstruction Project and the Bayside Trail Extension Project which are either in progress or have been completed within the last five years. LPA certified staff include Jeremiah Bartlett, Lauren Andersen, Janine Ba, Emily Bolt and Jennifer Ladd who have managed the above projects. Staff have years' worth of combined project management and ADA compliance experience, PE and PTOE licensure, and have each been involved with at least one of the above mentioned projects. If successfully funded, City staff have the capability and capacity to manage this project as an LAP.

4-D. Specifically identify the proposed scope of the improvements (e.g. 1,000 linear feet of concrete sidewalk that is 5 feet wide, 50 linear feet of granite curbing, etc.):

- a) Reconstruct up to 22 ADA compliant curb ramps to facilitate 11 different crosswalks
- b) 1,000 linear feet of bituminous sidewalk reconstruction
- c) Three RRFB unit installations or replacements
- d) Upgrade pedestrian equipment at two signalized intersections

- e) Street lighting improvements at up to three crossing locations

4-E. Provide a brief overview of the project's transportation value(s) and purpose(s): *Each project should primarily serve transportation purposes, as opposed to recreation purposes. A project serves valid transportation purposes if it serves as a connection between origins and destinations, increases safety, connects people to education or employment, and/or relates directly to the transportation system.*

The Forest Avenue corridor is an important arterial connection between multiple housing developments, social services, commercial centers, natural and recreational spaces, and schools. Beyond the scope of this project, it serves as a major connection between downtown Portland and other communities to the north and west. As a key transit route, safe and accessible bus stops are critical for all users of this corridor. There are several existing crossings at bus stops that are poorly lit or lacking adequate curb ramps, often times forcing people waiting for or getting off the bus to walk in the street until they can safely access the sidewalk network. Winter maintenance of pedestrian facilities in this area is difficult due to poor sidewalk conditions. This project would eliminate many of these risks by reconstructing key pieces of the pedestrian infrastructure.

4-F. Specifically describe the proposed timeline for design and/or construction of the applicant project:

If successfully funded in January of 2024, the following schedule is anticipated:

Winter/Spring 2024 – Preliminary Design
Summer 2024 – 2025 ROW Phase
Fall/Winter 2025 – Final Design & Bid Advertisement
Spring 2026 - Construction

Section 5: Detailed Scoring Criteria Information (*Please note – Your response to each question must address the scoring criteria provided for that question. Points will not be awarded for any missing information that may have been provided in response to other questions. Duplicate info within multiple responses is encouraged as appropriate*)

5-A. Provide a detailed description of how this proposed project will impact your local and surrounding communities. (15 points)

Please be sure to fully address each of the following:

- Community Support / Social Feasibility (7 pts)
 - How it provides access to employment and/or education (2 pts)
 - How it provides a regional impact (2 pts)
 - Whether the project is located with a focus county (4 pts)
- This project will improve pedestrian safety and transit access along one of Portland's major arterials and to the entire Riverton neighborhood. The focus segment of Forest Avenue includes four bus stops for METRO's Route 2 service, which doubles as the public bus service for Portland's high schools. Improving each transit stop and the remaining arterial crossings in this area to be fully ADA compliant will ensure that all people living and working on this stretch of outer Forest Ave have full and safe access to regional transit and active modes of transportation.
 - This project, by way of its pedestrian infrastructure and transit network, connects the commercial activity on Riverside Street and several dense neighborhoods with the Talbot

elementary school, pool and community center. Transit users can continue on with the same service to reach UNE, USM, downtown Portland and have multiple opportunities to transfer to other METRO bus routes with continuing access to the entire Greater Portland region.

- Portland is located in Cumberland County, which is not identified as a county with problematic health outcomes according to the 2023 data provided by the [County Health Rankings & Roadmaps](#).

5-B. Describe how the proposed project will increase mobility and accessibility within the community, especially for children, older adults, vulnerable populations, and those with disabilities. (20 points)

Please be sure to fully address each of the following:

- Specifically how the project improves safety and accessibility of the community as a whole (4 pts)
 - Specifically how the project improves safety and accessibility of disabled individuals (4 pts)
 - Specifically how the project improves safety and accessibility of older adults (4 pts)
 - Specifically how the project improves safety and accessibility of children (4 pts)
 - Specifically how the project improves safety and accessibility of vulnerable populations (other than those listed above) and identifies who they are (4 pts)
- The nature of safety and ADA improvements at arterial crossings are, by design, to benefit all. This proposed project will achieve that by:
 - o Ensuring ADA compliance (benefits the elderly, the young, the differently abled and the community at large)
 - o Installing proper lighting and MUTCD compliant signage (benefits older pedestrians & drivers, the visually challenged, all cultural backgrounds & non English speakers)
 - o Enhancing a corridor that provides a direct connection between multiple low income housing communities and key Riverton/Talbot community resources that include an elementary school, community garden, library, pool, athletic fields, community center and newly renovated, fully accessible playground. This will be a benefit to the community at large.
 - o Providing pedestrian improvements at the closest key intersection (Forest at Riverside) to the City's new Homeless Service Center on Riverside Street.

5-C. If this project closes an existing gap within your local network, please describe the existing conditions as well as how this proposed project improves the local transportation system – especially for bicyclists and pedestrians. (10 points)

Please be sure to fully address each of the following:

- Specifically how the project provides a safe connect between ped generators (3 pts)
 - Specifically how the project completes a connection between existing bikeped facilities (3 pts)
 - Specifically how the project is part of a more comprehensive plan for the community (2 pts)
 - Specifically how the project provides a connection to transit (2 pts)
- The low income housing communities at Riverton Park (141 units) and Wellesley Estates (41 units) are each less than a 1 mile and 15 minute walk to the Talbot School and Community Center that includes an elementary school, community garden, library, pool,

athletic fields, community center and newly renovated, fully accessible playground. Combined, the housing communities provide a Head Start program, Community Room, Boys & Girls Club, Community Policing, and a public health clinic. There are two other large established neighborhoods within similar proximity to the same location; all of which require traveling on Forest Avenue. There are portions of the sidewalk infrastructure in poor condition (scores range from 49 to 54 out of 1-100) and multiple crosswalks across Forest Avenue with missing or poor condition ramps. Reconstructing these would eliminate several barriers and safety risks to people traveling between these destinations.

- As depicted on the attached Portland Bikeway Network Map, this segment of Forest Avenue provides an important link for cycling facilities. Forest Avenue has dedicated bike lanes and provides connections at Newton Street to the City's Neighborhood Byway System of improved lower speed, lower volume bike routes. The proposed improvements will strengthen the connection between these bike facilities and the pedestrian generators described above.
- The City uses the Neighborhood Byway System map in conjunction with our database for the condition of ramps and sidewalks in conjunction with proximity to schools and transit to help prioritize active transportation improvements in Portland. This project meets all of these criteria.
- METRO's Bus Route 2 provides service on Forest Avenue and the adjacent and surrounding residents will directly benefit from the improved crossings included in this project. See attached METRO route map for reference.

5-D. Please describe any known safety concerns or issues existing within the project scope area. Provide a detailed outline of how this proposed project improves conditions and/or addresses safety concerns. (15 points)

Please be sure to fully address each of the following:

- Specifically how the project increases separation or provides a barrier from traffic (5 pts)
 - Specifically how the project addresses crossing safety issues (5 pts)
 - Specifically how the project incorporates proven safety countermeasures (5 pts)
- This project will help increase the separation from traffic for vulnerable users by addressing some of the barriers now in place that often make users choose to travel on the roadway instead of on the sidewalk. In instances of poor sidewalk condition or poor condition or missing ramps, sometimes people choose to walk short distances on the roadway or use driveways or intersections to get from the sidewalk to a crossing. This is prevalent in the winter when snowbanks, icy conditions or puddles form more often as a result of poor condition infrastructure that is difficult to maintain.
 - Forest Avenue has factored AADTs that range from 13000 to 16000 with two or more lanes of traffic. Given these conditions, improved crossing treatments are warranted. This project intends to improve crosswalk safety and make associated improvements, like sections of sidewalk reconstruction or lighting, to support that goal.
 - This project will upgrade the RRFB units and/or lighting as necessary at the Riverton Drive crossing and implement additional countermeasures, like high-quality pavement markings, ramp reconstruction, lighting, or RRFBs at the other non-signalized crossings. For crossings at signalized intersections, improvements will be made for ADA compliance and additional countermeasures, like lead-pedestrian intervals will be considered.

5-E. Is this project located within 2 miles of a public or private school (Grades Pre-K – 12)? If yes, please elaborate on how this proposed project improves or creates a “Safe Route to School.” (20 points)

Please be sure to fully address each of the following:

- Specifically demonstrate how the project is located within 2 miles of a Grade K-8 school (3 pts)
 - Specifically describe how the project connects neighborhoods, elementary and middle schools, and before-/after-school programs including the types of housing or programs and where they are located (5 pts)
 - Specifically describe how and why students would use this facility to get between these locations (5 pts)
 - Specifically describe how this project would make these trips safer for students (7 pts)
- The entire project is less than 1 mile from the Talbot School (K-5) and Community Center.
 - This project intends to improve the direct connection between two low income housing communities (Riverton Park and Wellesley Estates), the Terrace Pond apartment complex, the Tucker Ave/Bailey Ave/Stuart St/Newton St neighborhood, and the greater Lane Ave neighborhood with the Talbot School and Community Center. The Talbot School and Community Center, the Riverton Park and Wellesley Estates developments combine to offer this area with K-5 education, a community garden, library, pool, athletic fields, community center, fully accessible playground, a Head Start program, additional community meeting space, a Boys & Girls Club, Community Policing, and a public health clinic. METRO's Route 2 that operates on Forest Avenue allows easy access to these amenities for people beyond 2 miles and also direct connection to Portland's middle and high schools.
 - All of these community offerings are located within less than a mile, which is a very walkable distance for most. The bike lanes and Byway routes along and through this project location, mean it is also easily accessible by bike. For those traveling from further away or those with mobility or other physical challenges, METRO's transit access is available. All of these modes: by foot, by bike or by transit, will benefit from this projects improvements.
 - Any students needing to cross Forest Avenue in this area, use the sidewalk or who use the bus to get to school elsewhere in Portland, will benefit from this projects improvements.

5-F. Please identify all the physical or social challenges and obstacles that the proposed project will face as it moves toward completion. Be sure to address each of the following impacts. Also include additional issues you have identified. (15 points)

- | | | |
|----------------------------|---------------------------------|---------------------------------------|
| • right of way | • handicapped | • community resistance |
| • utilities | • accessibility | • construction window |
| • environmental permitting | • elevation changes and sloping | • impacts to historic areas |
| • drainage | • high project cost | • local administration of the project |
| • railroads | • public process | |

For each challenge and obstacle listed above, identify whether it would be a factor on this project and why. Elaborate on how the town will address and resolve these concerns. Please provide the following Right of Way information – **total number of abutters / parcels of land** in which this project will come in contact. Also provide copies of **local tax maps** for the project area, with the proposed project overlaid on the maps to verify ROW impacts. Please indicate **which parcels** the applicant anticipates the project **will impact** and which ones **will only abut** the proposed project.

Please be sure to fully address each of the following:

- Identifies Right of Way impacts and abutting properties. Provides tax maps with project and impacts overlaid (4 pts)
 - o 18 parcels are directly adjacent the project area. No permanent ROW impacts are anticipated due to the available ROW width and reconstructive nature of the project. It is anticipated that only temporary access agreements will be necessary.
 - o **See attached table for a summary of abutting parcels.**
- Identifies and describes all relevant challenges and defines what the project/municipality needs to do to overcome them (8 pts)
 - o **Answers provided with prompts below.**
- Based upon the complexity of the project, the challenges faced, and the viability of mitigating activities, the application will receive for the following:
 - o Limited or no obstacles to overcome (3 pts)
 - o Obstacles that will require additional resources (-2 pts)
 - o Substantial obstacles that may be difficult or impossible to overcome (-10 pts)

Right of Way: Due to the existing ROW width and the reconstruction nature of this project, it is anticipated that only Temporary Construction Easements will be necessary.

Utilities: Utility consideration is always a factor during construction, but there is no utility relocation anticipated as part of this project. Utility coordination will be handled by the City's project manager and LPA, all who meet regularly with local and regional utilities.

Environmental Permitting: All proposed improvements are located within the ROW and in a developed urban setting. No environmental permitting is anticipated.

Drainage: No changes to the drainage system are proposed as part of this project.

Railroads: There are no railroads or rail crossings within the scope of this project.

Handicapped Accessibility: This project is intended to improve long term handicap accessibility. During construction, MUTCD-compliant work zone protections will be required to facilitate handicap accessibility.

Elevation Changes and Sloping: Significant grade changes are not anticipated and minor adjustments to elevation or grading will be handled within the existing ROW or identified during design and accommodated through the formal ROW process.

High Project Cost: The project scope can be tailored to fit within the allowable budget. The City has some additional resources to help in the event of high construction pricing.

Public Process: A public neighborhood meeting is anticipated and City staff are prepared to facilitate public outreach and input on this project.

Community Resistance: No significant resistance is anticipated, as this project will occur within the existing ROW of Forest Avenue and addresses requests from the community.

Construction Window (Construction within 3 years of starting the project): Construction will be focused in the summer months and is expected to be completed during one construction season. City of Portland has adequate staff capacity to deliver this project consistent with the schedule provided in this application.

Impacts to Historic Areas: No impacts to historic areas are anticipated because all work will be focused in the ROW.

Local Administration of the Project: The City of Portland is experienced in the delivery of LAPs and has sufficient staff capacity for this work.

5-G. Please describe any of your community's BikePed Projects that are currently in MaineDOT's queue and yet to be delivered. Provide additional details on that project's status, delivery timeline and elaborate on any delays experienced or expected.

The City of Portland has several BikePed projects underway in partnership with MaineDOT. These include the York Street Bicycle and Pedestrian Project, West Commercial Street Pathway, and the Washington Avenue Streetscape Project. The West Commercial Street and Washington Ave projects are scheduled for completion in 2023. The York Street project is complex due to its proximity and relationship to several other DOT projects and history as a partnered project with neighboring communities. This project is now advancing as a Portland-only project and is scheduled to be advertised in 2024.

5-H. Please identify and describe any previous MaineDOT BikePed Projects in the community that have been cancelled without being completed. Include information on the challenges faced and why the project was cancelled.

Portland has a long history of delivering successful BikePed projects in partnership with MaineDOT.

Section 6: Project Budget Summary – Estimated 3 Years Out

Please enter whole dollar amounts.

Please Note: *MaineDOT currently estimates that most projects require at least \$400 per linear foot for design and construction.*

6-A.	Design/Engineering/Permitting (20% of Construction or \$20,000 - whichever is greater):	\$35,000
6-B.	Right of Way (\$15,000 or \$5,000 per parcel of land impacted by the project and \$2,500 for all parcels that abut the proposed project, whichever is greater)	\$45,000
6-C.	Construction	\$350,000
6-D.	Construction Oversight/Engineering (10% of Construction or \$20,000 - whichever is greater):	\$35,000
6-E.	Contingency (10% of Construction or \$25,000 - whichever is greater):	\$35,000
6-F.	TOTAL ESTIMATED COST OF THE PROPOSED PROJECT	\$500,000

6-G. Non-Federal Match: Under this program, there is a minimum non-federal match of 20%. However, applicants may choose to contribute more than the minimum amount required as a demonstration of the local commitment to the importance of this proposed project. (Note: Bonus consideration may be given to applications that offer additional match beyond any applicable required local match.)

6-G.1	Total Estimated Cost of the Proposed Project from Line 6-F	\$500,000
6-G.2	Estimated minimum local (non-federal) match – (20% of Line 6-G.1)	\$100,000
6-G.3	Funds requested from MaineDOT (Line 6-G.1 – Line 6-G.2 or \$720,000 – whichever is less)	\$400,000
6-G.4	Additional funding necessary because of total project cost exceeding MaineDOT’s funding cap (Line 6-G.1 – Line 6-G.2 – Line 6-G3)	\$0.00
6-G.5	Total local contribution to this project (Line 6-G.2 + Line 6-G.4)	\$100,000

Please Note: The total of the funds requested from MaineDOT plus the actual non-federal match and cost overage committed by the applicant must equal the total estimated cost of the proposed project identified on line 6-F.

6-H – Please describe the applicant’s process for calculating the total estimated cost of the proposed project (Line 6-F.)

The total construction estimate was based on current unit pricing and project administrative costs for similar contracted work in Portland. The estimate carries cost for ramp and sidewalk reconstruction, pavement markings, signage, RRFBs, lighting enhancements and traffic signal modifications for pedestrians, as outlined in this application.

Section 7: Preliminary Estimate Project Budget Detail

If available, please attach a preliminary detailed line item estimated budget for all items identified on Line 6-C. (Explain how you came up with your total construction cost.)

See attached estimate.

Section 8: Authorized Signatures

These signatures indicate the willingness/ability to provide the designated level of matching funds and a willingness to enter into a municipal/State agreement with the Department requiring the municipality/applicant/sponsor to administer the development, design, and construction of the project abiding to federal, State, and local requirements. The applicant will also be responsible for future maintenance (including snow removal) of the completed project for the 20-year life cycle. Note that design should meet all applicable federal and State Standards as well as all ADA Guidelines.

A municipal/state agreement with the Maine Department of Transportation is required for the development, design, and construction of the project in accordance with federal, state, and local requirements.

Note: Information on Locally Administered Project (LAP) requirements can be found at:

<http://www.maine.gov/mdot/lpa/>

An authorized representative of the city/town

Municipal Official:

Name(s): Jeremiah Bartlett

Title: Transportation Systems Engineer

Phone#: 207-874-8891

Email: jbartlett@portlandmaine.gov

Signature(s)

Date

Local Project Municipal Contact (likely to be the Local Project Administrator)

Name: Jennifer Ladd

Title: Senior Transportation Engineer

Phone#: 207-874-8894

Email: jwl@portlandmaine.gov

Submit an electronic version of your application via email to dakota.hewlett@maine.gov or via mail to:

Active Transportation Planner

MaineDOT Division of Public Outreach and Planning

16 State House Station

24 Child Street

Augusta, ME 04333-0016

(207) 592-3384

Portland Bikeway Network

April 2023



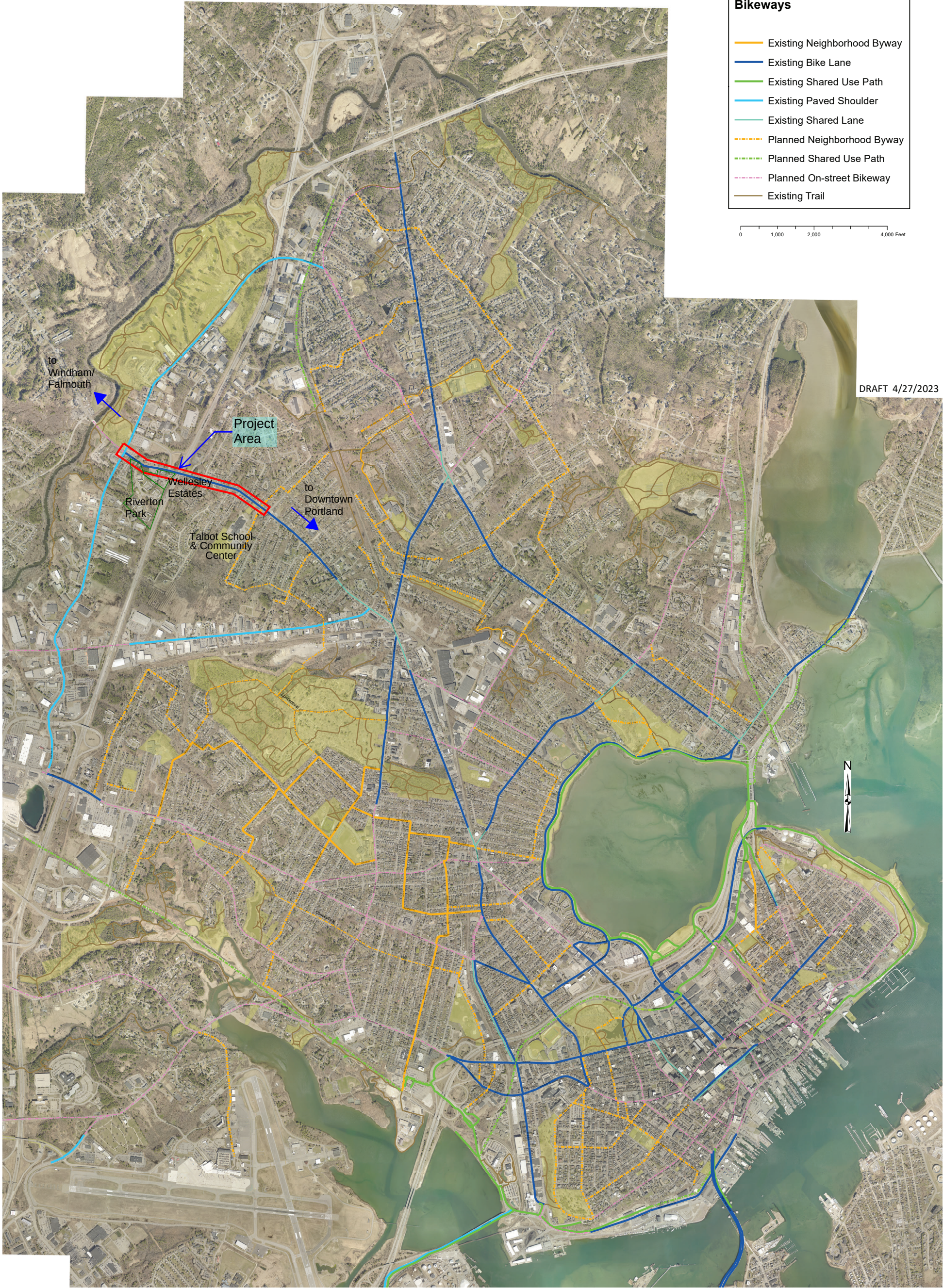
Legend

Bikeways

- Existing Neighborhood Byway
- Existing Bike Lane
- Existing Shared Use Path
- Existing Paved Shoulder
- Existing Shared Lane
- Planned Neighborhood Byway
- Planned Shared Use Path
- Planned On-street Bikeway
- Existing Trail

0 1,000 2,000 4,000 Feet

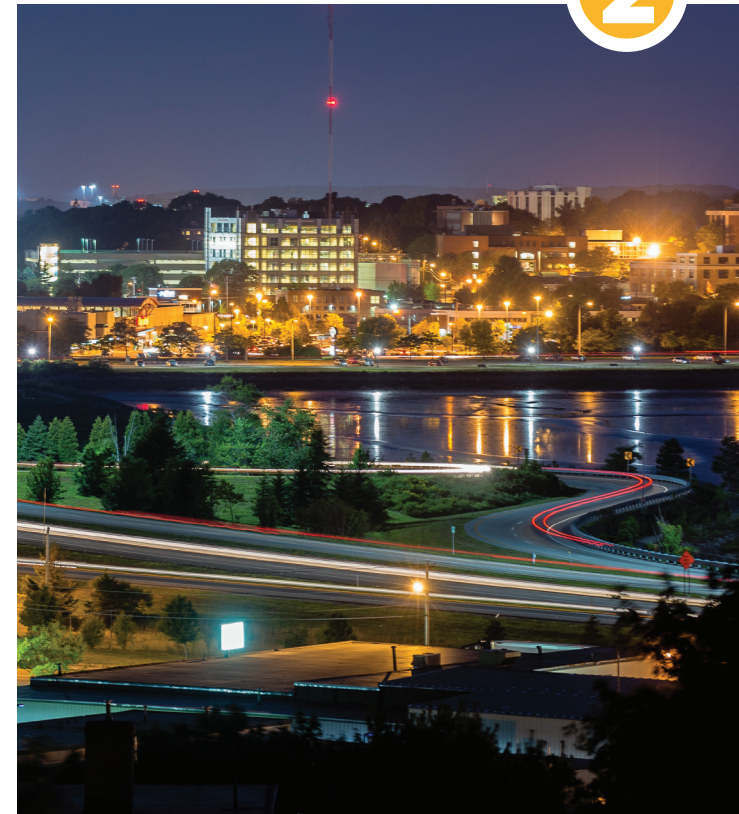
DRAFT 4/27/2023



Effective August 28, 2022

Riverton FOREST AVENUE

2



GREATER PORTLAND
metro
207.774.0351 gpmetro.org

Effective August 28, 2022

SATURDAY OUTBOUND TO PRIDE'S CORNER

METRO Pulse A	Woodford's Corner B	Morrill's Corner C	Hannaford/Riverton D	Pride's Corner E	To Route
6:20	6:28	6:33	X	6:45	2
7:20	7:28	7:33	7:40	X	3
8:15	8:23	8:28	X	8:40	2
9:15	9:23	9:28	9:33	X	3
10:15	10:23	10:28	X	10:40	2
11:15	11:23	11:28	11:35	X	3
12:20	12:28	12:33	X	12:45	2
1:20	1:28	1:33	1:40	X	3
2:20	2:28	2:33	X	2:45	2
3:20	3:28	3:33	3:40	X	3
4:20	4:28	4:33	X	4:45	2
5:20	5:28	5:33	5:40	X	3
6:30	6:38	6:43	X	6:55	2
7:20	7:28	7:33	7:40	X	3
8:30	8:38	8:43	X	8:55	2
9:40	9:48	9:53	10:00	X	2

SATURDAY INBOUND TO DOWNTOWN PORTLAND

Pride's Corner E	Hannaford/Riverton D	Morrill's Corner C	Woodford's Corner B	METRO Pulse A
6:50	X	7:00	7:05	7:15
X	7:45	7:55	8:00	8:10
8:45	X	8:55	9:00	9:10
X	9:45	9:55	10:00	10:10
10:45	X	10:55	11:00	11:10
X	11:50	12:00	12:05	12:15
12:50	X	1:00	1:05	1:15
X	1:55	2:05	2:10	2:20
2:50	X	3:00	3:05	3:15
X	3:50	4:00	4:05	4:15
4:50	X	5:00	5:05	5:15
X	6:05	6:13	6:18	6:28
6:55	X	7:05	7:10	7:20
X	7:50	7:58	8:03	8:18
9:00	X	9:10	9:15	9:25
X	10:00	10:08	10:13	10:23

SUNDAY OUTBOUND TO PRIDE'S CORNER

METRO Pulse Elm St A	Woodford's Corner B	Morrill's Corner C	Hannaford/Riverton D	Pride's Corner E
8:20	8:28	8:33	X	8:45
9:20	9:28	9:33	9:40	X
10:20	10:28	10:33	X	10:45
11:20	11:28	11:33	11:40	X
12:20	12:28	12:33	X	12:45
1:20	1:28	1:33	1:40	X
2:20	2:28	2:33	X	2:45
3:20	3:28	3:33	3:40	X

SUNDAY INBOUND TO DOWNTOWN PORTLAND

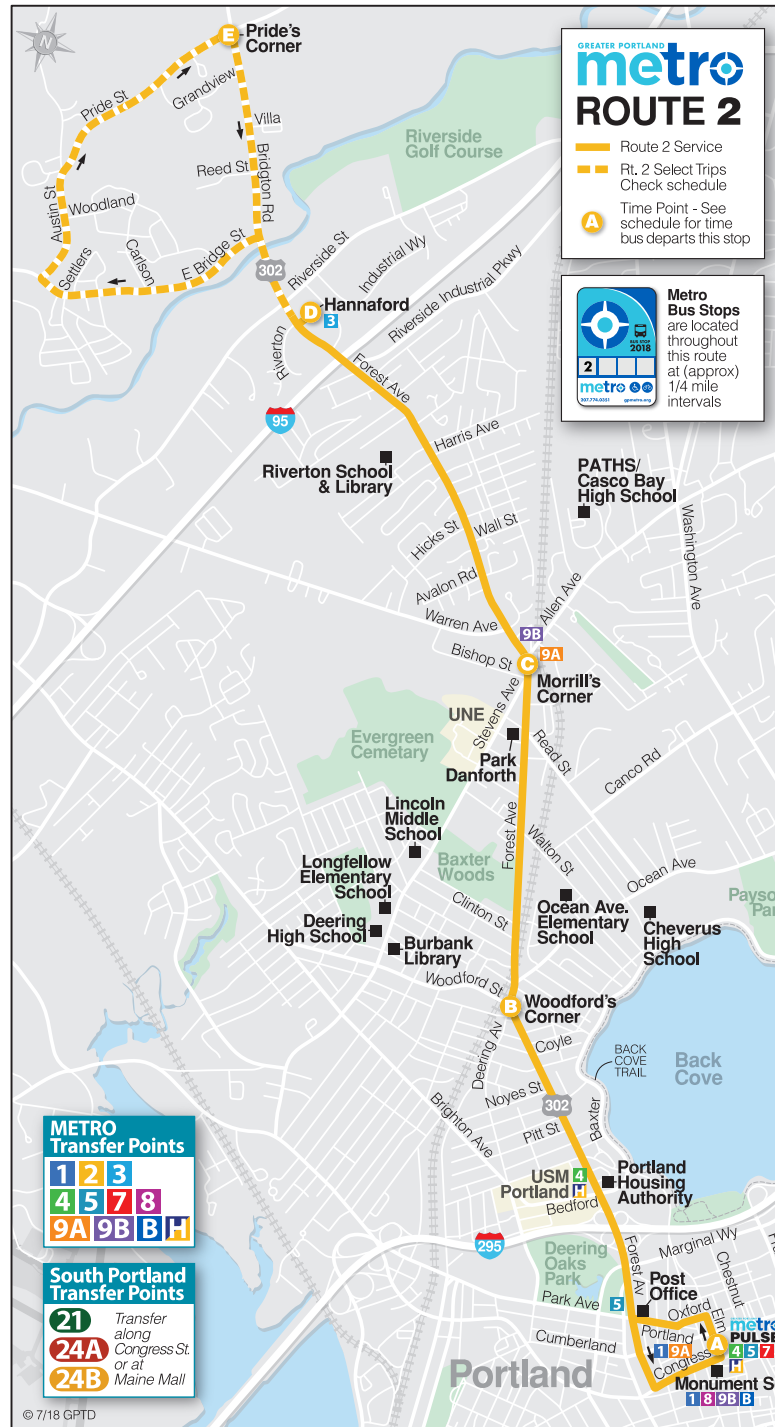
Pride's Corner E	Hannaford/Riverton D	Morrill's Corner C	Woodford's Corner B	METRO Pulse A
8:50	X	9:00	9:05	9:15
X	9:52	10:00	10:05	10:15
10:50	X	11:00	11:05	11:15
X	11:52	12:00	12:05	12:15
12:50	X	1:00	1:05	1:15
X	1:52	2:00	2:05	2:15
2:50	X	3:00	3:05	3:15
X	3:52	4:00	4:05	4:15

Corey Templeton Photos:
Skyline towards USM/Back Cove biking

gpmetro.org 207-774-0351

MONDAY THROUGH FRIDAY OUTBOUND TO PRIDE'S CORNER

METRO Pulse Elm St A	Woodford's Corner B	Morrill's Corner C	Hannaford/ Riverton D	Pride's Corner E
5:45	5:53	5:58	X	6:10
6:15	6:23	6:28	X	6:40
6:45	6:53	6:58	7:05	X
7:15	7:23	7:28	7:35	X
7:45	7:53	7:58	X	8:10
8:15	8:23	8:28	8:35	X
8:45	8:53	8:58	X	9:10
9:15	9:23	9:28	X	9:40
9:50	9:58	10:03	10:10	X
10:20	10:28	10:33	10:40	X
10:45	10:53	10:58	X	11:10
11:15	11:23	11:28	X	11:40
11:50	11:58	12:03	12:10	X
12:20	12:28	12:33	12:40	X
12:50	12:58	1:03	X	1:19
1:20	1:28	1:33	X	1:49
1:55	2:03	2:08	2:18	X
2:25	2:33	2:38	2:48	X
2:55	3:03	3:08	X	3:24
3:25	3:33	3:38	X	3:54
3:55	4:03	4:08	4:18	X
4:25	4:33	4:38	4:48	X
4:55	5:03	5:08	X	5:24
5:25	5:33	5:38	X	5:54
5:55	6:03	6:08	6:18	X
6:25	6:33	6:38	X	6:50
7:30	7:38	7:43	7:53	X
8:40	8:48	8:53	X	9:03
9:40	9:48	9:53	10:00	X
10:40	10:45	10:50	10:56	X



Please note: Route does not service Prides Corner Park and Ride.

Route map and stops subject to change.

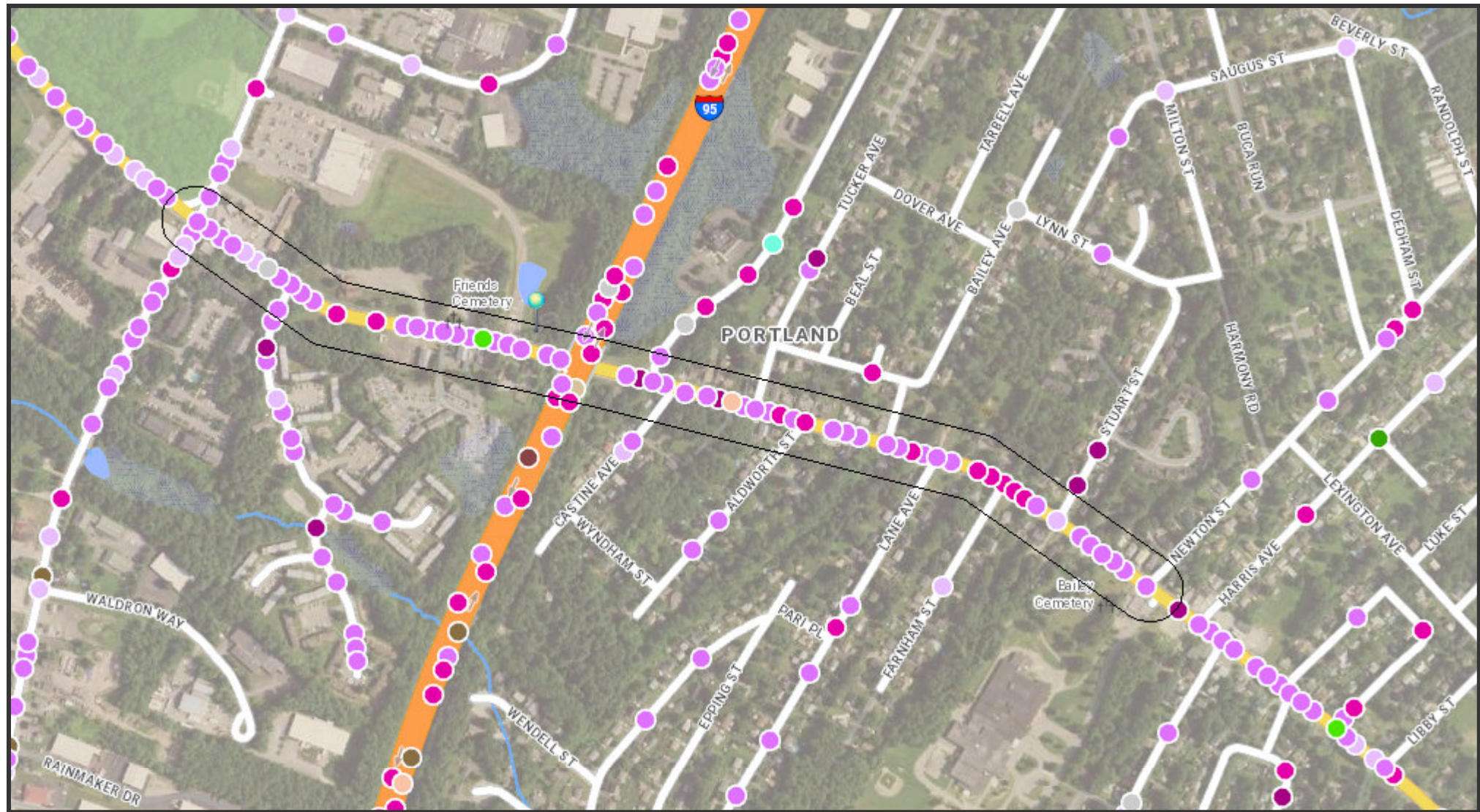
MONDAY THROUGH FRIDAY INBOUND TO DOWNTOWN PORTLAND

Pride's Corner E	Hannaford/ Riverton D	Morrill's Corner C	Woodford's Corner B	METRO Pulse Elm St A
6:10	X	6:23	6:28	6:40
6:45	X	6:58	7:03	7:15
X	7:13	7:23	7:28	7:40
X	7:43	7:53	7:58	8:10
8:10	X	8:23	8:28	8:40
X	8:43	8:53	8:58	9:10
9:15	X	9:28	9:33	9:45
9:45	X	9:58	10:03	10:15
X	10:13	10:23	10:28	10:40
X	10:43	10:53	10:58	11:10
11:15	X	11:28	11:33	11:45
11:45	X	11:58	12:03	12:15
X	12:18	12:28	12:33	12:45
X	12:48	12:58	1:03	1:15
1:19	X	1:32	1:37	1:50
1:49	X	2:02	2:07	2:20
X	2:22	2:32	2:37	2:50
X	2:52	3:02	3:07	3:20
3:24	X	3:37	3:42	3:55
3:54	X	4:07	4:12	4:25
X	4:22	4:32	4:37	4:50
X	4:52	5:02	5:07	5:20
5:24	X	5:37	5:42	5:55
5:54	X	6:07	6:12	6:25
X	6:18	6:28	6:33	6:45
6:55	X	7:08	7:13	7:25
X	8:00	8:10	8:15	8:30
9:05	X	9:15	9:20	9:35
X	10:10	10:17	10:22	10:35

On/At	On/At	IAS_PARCEL_ID	OWN	ST_NAME	ST_NUM	Latitude	Longitude	Impact or Abut
Forest	Riverside	327A A006001	ROSS-MONROE LLC	FOREST AVE	1917	43.7012	-70.32104	Abut
Forest	Riverside	324 B010001	172 PLEASANT STREET LLC	RIVERSIDE ST	752	43.701	-70.3222	Abut
Forest	Riverside	324 A001001	WHITE BENJAMIN W	FOREST AVE	1920	43.70081	-70.32156	Abut
Forest	Riverton Drive	324 A002001	TERRACE POND LLC	RIVERSIDE ST	723	43.6991	-70.32184	Abut
Forest	Riverton Drive	327A A004001	POWELL REALTY	FOREST AVE	1871	43.70075	-70.31911	Abut
Forest	Wellesley Estates	327A A002001	FRIENDS CHURCH	FOREST AVE	1837	43.70045	-70.31759	Abut
Forest	Wellesley Estates	327 B006001	FOREST FLAT LLC	FOREST AVE	1832	43.69965	-70.3177	Abut
Forest	Wellesley Estates	327 B013001	WELLESLEY ESTATES LIMITED	FOREST AVE	1838	43.69898	-70.31819	Abut
Forest	Castine	309 E001001	CITY OF PORTLAND	FOREST AVE	1762	43.69902	-70.31427	Abut
Forest	Castine	309 D001001	POLLOCK SARAH	CASTINE AVE	7	43.69915	-70.31501	Abut
Forest	Castine	309 A019001	WHITLOCK CHRISTINE L & RO	FOREST AVE	1761	43.69969	-70.31431	Abut
Forest	Tucker	309 F002001	1734 FOREST LLC	FOREST AVE	1734	43.69888	-70.31334	Abut
Forest	Tucker	309 A010001	1747 FOREST AVE LLC	FOREST AVE	1747	43.69945	-70.31344	Abut
Forest	Bailey	310 B012001	LIBBY GARY	FOREST AVE	1696	43.69844	-70.31155	Abut
Forest	Bailey	332 K023001	NEALAND PATRICIA A & GAVI	FOREST AVE	1699	43.69901	-70.3115	Abut
Forest	Newton/Talbot	299 D046001	CITY OF PORTLAND	FOREST AVE	1600	43.69441	-70.3108	Abut
Forest	Newton/Talbot	337 C069001	MARKHAM HAVER A	NEWTON ST	4	43.69747	-70.30741	Abut
Forest	Newton/Talbot	338 H021001	CHEUNG DANIEL D & JENNY	FOREST AVE	1597	43.69738	-70.30701	Abut

<i>Item</i>	<i>Qty</i>	<i>Unit \$</i>	<i>Total</i>
ADA Ramp Reconstruction	21 ea	\$6,000	\$126,000
Crosswalks	11 ea	\$600	\$6,600
RRFBs	3 ea	\$10,000	\$30,000
Bituminous Sidewalk	555.555556 sy	\$100	\$55,556
Lighting	1 ls	\$25,000	\$25,000
Traffic Signal Modifications	1 ls	\$25,000	\$25,000
		<i>Subtotal</i>	<i>\$268,156</i>
		say	\$275,000
Traffic Control		10%	\$27,500
ES&C		5%	\$13,750
Mobilization		10%	\$27,500
		<i>Construction Subtotal</i>	<i>\$343,750</i>
		say	\$350,000
Contingency		10%	\$35,000
PE		10%	\$35,000
CE		5%	\$17,500
Inspection		5%	\$17,500
ROW	(18 parcels @\$2500 ea)		\$45,000
		Total	\$500,000

FOREST AVE: RIVERSIDE ST TO NEWTON / TALBOT SCHOOL



The Maine Department of Transportation provides this publication for information only. Reliance upon this information is at user risk. It is subject to revision and may be incomplete depending upon changing conditions. The Department assumes no liability if injuries or damages result from this information. This map is not intended to support emergency dispatch.

0.2
Miles
1 inch = 0.14 miles

MaineDOT Map of 10-yr Crash History

Date: 7/15/2023

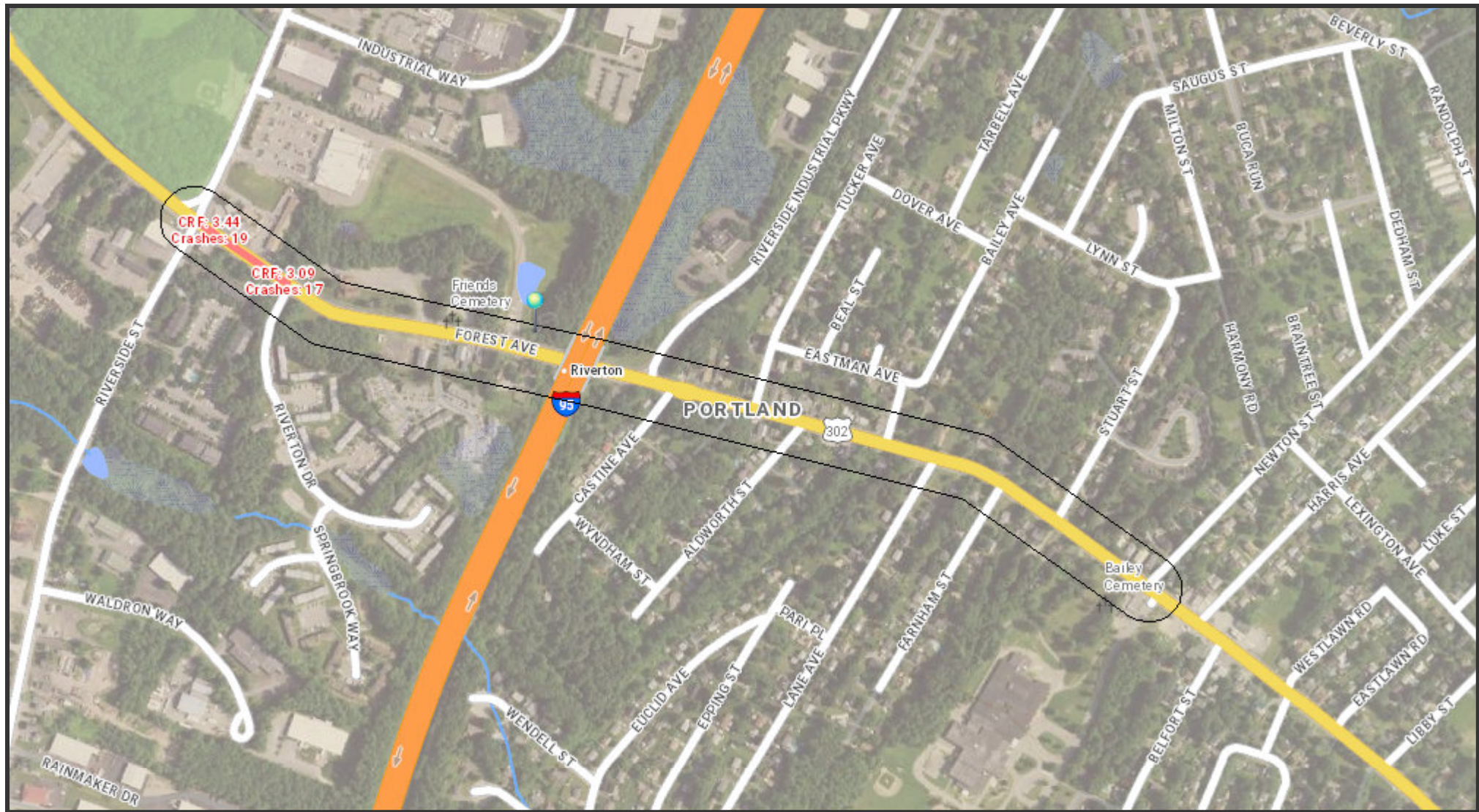
LEGEND

LRAP_SEGMENTS_Label AGREEMENT RURAL-SH URBAN-TW RURAL-STW URBAN-SA WCSH MEDOT.HCP_ID

LRAP_SEGMENTS_2 RURAL-SA-FC5 URBAN-STW RURAL-SA-FC6 RURAL-TW URBAN-SH Highway Assets_Label

— NO VALUE

FOREST AVE: RIVERSIDE ST TO NEWTON / TALBOT SCHOOL



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LEGEND

LRAP_SEGMENTS_2				LRAP_SEGMENTS_2				LRAP_SEGMENTS_2				LRAP_SEGMENTS_2			
 RURAL-SH	 RURAL-STW	 WCSH		 RURAL-SH	 RURAL-STW	 WCSH		 RURAL-SA-FC5	 RURAL-SA-FC6	 URBAN-SH					MEDOT.HCP_ID
 NO VALUE	 URBAN-STW	 RURAL-TW	Highway Assets_Label	 NO VALUE	 URBAN-STW	 RURAL-TW		 NO VALUE	 URBAN-STW	 RURAL-TW					MEDOT.HCP_ID
 AGREEMENT	 URBAN-TW	 URBAN-SA	MEDOT.HCP_ID	 AGREEMENT	 URBAN-TW	 URBAN-SA		 NO VALUE	 URBAN-STW	 RURAL-TW					Highway Assets_Label
 RURAL-SA-FC5	 RURAL-SA-FC6	 URBAN-SH		 RURAL-SA-FC5	 RURAL-SA-FC6	 URBAN-SH		 AGREEMENT	 URBAN-TW	 URBAN-SA					Highway Assets_Label

0.2
Miles
1 inch = 0.14 miles

MaineDOT Map of Historical Crash Rate Factors

Date: 7/15/2023



STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0016

Janet T. Mills
GOVERNOR

Bruce A. Van Note
COMMISSIONER

January 22, 2023

Jennifer Ladd
212 Canco Rd
Portland, ME 04103

Portland – Forest Ave Pedestrian Crossings

Dear Project Applicant:

The Maine Department of Transportation (MaineDOT) is pleased to inform you that your municipality's grant application for Bicycle/Pedestrian Program Funding has been approved, and your community has been selected to receive state transportation funding assistance at this time for the **Design and Right-of-Way** activities on your project.

Your community's project has been included in MaineDOT's 2024-25-26 Capital Work Plan, pending final authorization of state funds. MaineDOT has currently programmed up to **\$64,000.00** in state transportation funding for the preliminary design, survey/mapping, right-of-way work and the construction costs for your project, contingent upon the minimum required local match of **\$16,000.00**. The funding amounts approved were based on the preliminary estimates provided to the Department as part of your application and MaineDOT's internal discussions which may have adjusted these amounts.

Currently, MaineDOT intends this to be a locally administered project. Please confirm on the form at the end of this letter that your municipality is willing and able to administer the project. Requirements for state and federally funded locally administered projects may be found on the MaineDOT website: <http://www.maine.gov/mdot/lpa/>. Please keep in mind that MaineDOT staff time required to review project plans is part of the costs allocated to project funding. Furthermore, please note that funding for this project, is contingent upon MaineDOT receiving adequate state transportation funding to support it, and MaineDOT reserves the right to withdraw funds from this project for any reason.

The following information details your project's estimated funding amounts and the specific information and project details we have within our system. Please review and verify the following information:

Please provide signatures on the last page to confirm your municipality still wants to design and/or construct this project and to re-certify that your local match has been officially obligated to the project.

Within the next 30 days, return the following documentation via email:

- 1) One original signed letter
- 2) Appropriate documentation authorizing the local match
- 3) Your agreement to administer this project locally

Please call me at **(207) 592-3384** with any questions or to review any issues related to the project. Thank you very much for your continued efforts to improve the transportation system within your community.

Sincerely,

Dakota Hewlett

Active Transportation Planner
Bicycle and Pedestrian Funding Program Manager
Maine Department of Transportation
207-592-3384
Dakota.Hewlett@maine.gov

Municipality: _____

Authorized Signature: _____

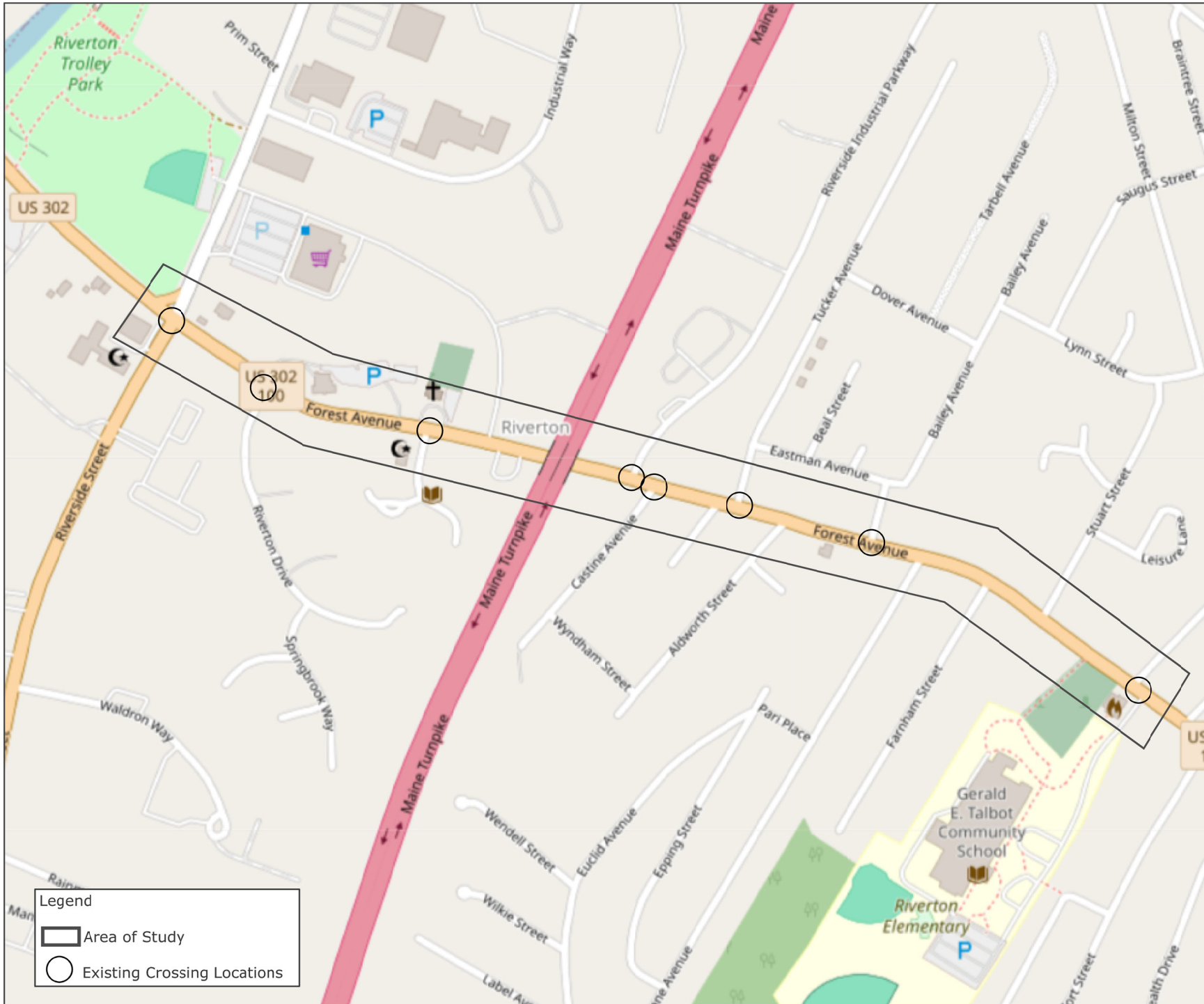
Title: _____

Date: _____

Prefer: ☐ **Locally Administered Project**

☐ **MaineDOT Administers the Project**

Description of Local Match commitment including the source, approval date, etc. *(Please attach supportive documentation):*



SCALE: not to scale	MainedOT Bicycle/Pedestrian Funding Project Study Area Map	CITY OF PORTLAND PUBLIC WORKS ENGINEERING DIVISION	
DATE: March 2024	Forest Avenue from Riverside Street to Newton Street / Talbot School Driveway		

MEMORANDUM
City Council Agenda Item

FROM: Melissa Graffam
DATE: March 21, 2024
SUBJECT: Order 152-23/24 Approving Agreements Between the Maine Department of Transportation, Portland Area Comprehensive Transportation System, and Portland re: Improvements to Riverside Street, Ocean Avenue, and Washington Avenue - 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 3/18/2024

Final
Action 4/8/2024

Can action be taken at a later date: No This agreement must be approved by City Council and signed by the City Manager as early as possible to allow Maine Department of Transportation (MaineDOT) to meet its target bid date and target construction start date for this project. We are hoping with an earlier bid date bid pricing will be improved.

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

PRESENTATION: N/A

I. SUMMARY

City Council is being asked to approve the attached Two-Party Municipal/State Agreements, Three Party Partnership Agreements, and the Utility Receivable Agreements and authorize the City Manager to sign them, which would allow MaineDOT to move ahead with its plans to pave Riverside Street – Caddie Lane to Washington Avenue, Ocean Avenue – Grafton Street to Ridge Road, and Washington Avenue Extension – Lambert Street to Lester Drive. We are submitting these as one request because the three streets are being bid together as one large project.

II. AGENDA DESCRIPTION

These agreements, between MaineDOT and the City of Portland, as well as between MaineDOT, the City of Portland, and PACTS, obligates MaineDOT to mill and fill Riverside Street, Ocean Avenue, and Washington Avenue Ext., adjust the City’s sanitary sewer manhole frames and covers within the project limits, as necessary, update and/or install new pedestrian curb ramps to meet ADA requirements, and all appurtenances to complete paving on these roads. The agreements obligate the City to pay MaineDOT for 25% of the work as its municipal share, and 100% for manhole adjustments from a water resources fund. The estimated amount of municipal share for each project are as follows:

- Riverside Street - \$177,750 as the 25% municipal share and \$39,600 for manhole adjustments
 - Ocean Avenue - \$133,000 as the 25% municipal share and \$43,200 for manhole adjustments
 - Washington Avenue Ext. - \$81,000 as the 25% municipal share and \$23,400 for manhole adjustments.
- The estimated City share for all three streets is \$391,750 requested as CIP accounts for these streets and \$106,200 from a water resources account.

This item must be read on two separate days. It received its first reading on March 18. 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

These paving projects are part of MaineDOT's 2023-2025 work plan. The scope of work includes milling and paving with a 1 ½ inch hot mix asphalt overlay, ADA ramp reconstruction, and striping. Construction work on this project is scheduled to begin in late Spring 2024 and be completed by October 2024. These projects are classified as pavement preservation projects on an urban collector street. As such, PACTS will pay 75% of the cost of paving as part of its Collector Paving Program. The City will be responsible for 25% of the paving cost and 100% of the cost of making adjustments to its sanitary sewer facilities in the project area. The City is also 100% responsible for any overages over the estimate.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The Riverside-Ocean-Washington Ext paving project will improve the pavement surface and ride quality on three regionally important major urban collector streets. PACTS funds will pay for 75% of the paving costs.

V. FINANCIAL IMPACT

The City is obligated to pay 25% of the total construction cost and 100% of the cost of adjusting sanitary sewer manhole frames and covers in the project area. The total City cost of this work, estimated to be \$391,750, would be paid from a FY25 CIP account established for these projects and \$106,200 from a FY25 water resources account requested for this type of work. Please see the attached fiscal impact note for additional information.

VI. STAFF ANALYSIS AND BACKGROUND

Urban collector paving projects such as this one, where MPO pays 75% of the paving costs, are one of the best alternatives for the City in terms of getting the most street paving done for the least expense of City funds. All three locations are important and in need of repair work. Without this work, Riverside Street, Ocean Avenue, and Washington Extension will continue to deteriorate.

VII. RECOMMENDATION

The Department of Public Works recommends approving and signing the subject agreements to allow MaineDOT to pave approximately 1.26 miles on Riverside Street, Ocean Avenue, and Washington Avenue Extension in 2024.

VIII. LIST ATTACHMENTS

1. Approving Agreements Between the Maine Department of Transportation and the City of Portland for Improvements to Riverside Street, Ocean Avenue, and W
2. PORTLAND - 026005.30_Riverside_UTILITY RECEIVABLE AGREEMENT (1)
3. PORTLAND - 026005.40_WashExt_UTILITY RECEIVABLE AGREEMENT (1)
4. 26005.40 MaineDOT MSA WashExt (1)
5. 26005.50 MaineDOT MSA Ocean (1)
6. 26005.30 MaineDOT MSA Riverside (1)
7. PORTLAND - 026005.50_Ocean_UTILITY RECEIVABLE AGREEMENT (1)
8. Ocean_Ave_MDOT_Collector (1)
9. WIN 026005.5 3-Party Agreement - Ocean Ave - Grafton to Ridge (2)
10. WIN 026005.40 3-Party Agreement - WashExt - Lambert to Lester (1)
11. WIN 026005.30 3-Party Agreement - Riverside - Caddie Ln North (2)
12. WIN 26005 - Riverside_Ocean_WashExt - Fiscal Impact Note - Google Sheets (1)
13. Riverside_St_MDOT_Collector_Paving (1)
14. Wash_Ave_Extension_MDOT_Collector_Paving (1)

Prepared by:

Melissa Graffam
Date: 03/21/2024

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 AGREEMENTS BETWEEN THE MAINE DEPARTMENT OF
TRANSPORTATION, PORTLAND AREA COMPREHENSIVE TRANSPORTATION
SYSTEM, AND PORTLAND
RE: IMPROVEMENTS TO RIVERSIDE STREET, OCEAN AVENUE, AND
WASHINGTON AVENUE**

ORDERED, that the Agreements between the Maine Department of Transportation (MaineDOT), the Portland Area Comprehensive Transportation System (PACTS), and the City of Portland for improvements to Riverside Street, Ocean Avenue, and Washington Avenue are hereby approved in substantially the form attached hereto:

- WIN 026005.30, MaineDOT Utility Receivable Agreement for adjusting sewer manholes on Riverside Street
- WIN 026005.40, MaineDOT Utility Receivable Agreement for adjusting sewer manholes on Washington Avenue
- WIN 026005.50, MaineDOT Utility Receivable Agreement for adjusting sewer manholes on Ocean Avenue
- WIN 26005.30, MaineDOT Municipal-State Agreement for Proposed Improvements to Riverside Street
- WIN 26005.40, MaineDOT Municipal-State Agreement for Proposed Improvements to Washington Avenue
- WIN 26005.50, MaineDOT Municipal-State Agreement for Proposed Improvements to Ocean Avenue
- WIN 026005.30, MaineDOT Three-Party Partnership Agreement for Proposed Improvements to Riverside Street
- WIN 026005.40, MaineDOT Three-Party Partnership Agreement for Proposed Improvements to Washington Avenue
- WIN 026005.50, MaineDOT Three-Party Partnership Agreement for Proposed Improvements to Ocean Avenue

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

MaineDOT Use Only	
TEDOCS #:	_____
CT#:	_____
CSN#:	_____
Program:	_____

MAINE DEPARTMENT OF TRANSPORTATION UTILITY RECEIVABLE AGREEMENT

(MaineDOT Use Only)	
Project Location: <u>Portland</u>	Estimated Agreement Amount: \$ <u>39,600</u>
State WIN #: <u>026005.30</u>	Vendor Customer #: <u>17A12144</u>
Federal Aid Project #: <u>2600530</u>	MaineDOT Signed Date: _____
	Forecasted Agreement End Date: <u>December 16, 2024</u>

THIS AGREEMENT, entered into the last date signed herein at the end of this agreement, between the **Maine Department of Transportation** (hereafter the “Department”) and **CITY OF PORTLAND**, duly authorized and existing under the Laws of the State of Maine and having an office in the City of Portland, County of Cumberland (the “Utility”) (the Department and the Utility are collectively referred to as the “Parties”).

1. The Department is implementing a transportation project identified as “Federal Aid Project Number 2600530; WIN: 026005.30 (the “Project”) for highway improvements in the City of Portland, Cumberland County;
2. In connection with the Project, the Department has prepared plans and specification for the Project that resulted in the following determination:

X The Utility has expressed an interest in installing new utility facilities within the limits of the public highway right-of-way and the impact limits of the Project (the “Affected Facilities”).

3. The Affected Facilities consist of adjusting 22 sewer manholes to grade for the **City of Portland on Riverside Street**.
4. The Utility has prepared and provided to the Department the scope of work necessary for relocating or installing the Affected Utilities (the “Utility Work”) and the estimated costs associated therewith, which are outlined in **Appendix A**, attached hereto and made a part hereof. The costs associated with the Utility Work are the sole responsibility of the Utility.

5. The Parties wish to establish a process for including the Utility Work in the Department's construction contract for the Project.

NOW, THEREFORE, the Parties agree as follows:

6. Plans, Specifications and Estimate:

- a. The Utility shall, at its own expense, perform and provide all engineering, design and related services related to the Utility Work necessary to enable the Department and/or its consultant to generate construction plans, specifications and an estimate of material quantities for the Utility Work to be included in the Project contract. The Utility will be responsible for locating and recording the location of all Utility Work, including services and other appurtenances within the Project area. To the extent possible and consistent with laws, practices and policies of the Department and the industry, the Utility Work shall be performed in accordance with the plans and specifications provided by the Utility and, if applicable, the most recent version of the Department's Standard Specifications.
- b. All plans shall be on sheets of the same size used by the Department and be reproducible by black and white printing. Specifications shall be on 8 ½ x 11-inch paper, suitable for binding with the Department's specifications. The estimate of quantities shall be in the form prescribed by the Department. In the event of field changes to the Utility Work, the Utility shall prepare any additional plans and specifications and the Department shall prepare a Project change order and amend this Agreement incorporating any changes therein. All plans and specifications will be marked with the Federal Aid Project Number referenced in this Agreement.
- c. The Utility will provide the Department with the plans, specifications and an updated estimate as described in Appendix A no later than one month prior to the scheduled advertise date for the Project.
- d. The Utility shall be responsible for obtaining a Utility Location Permit from the Department in accordance with Title 35-A M.R.S.A. Chapter 25 and for recording the location of all utilities in a manner and form to be specified by the Department.

Standard Approach: The Department will prepare the Project contract documents to include the Utility Work specified in Appendix A. The Utility agrees to have these items included in the Department's Project construction contract. Bidders will be required to bid both the Project work and the Utility Work. The Utility Work will be paid for by the Utility, and any changes that increase the Utility Work estimate or amount will be paid for through a written modification of this agreement approved by both the Utility and the Department.

7. Inspection:

- a. The Utility shall be responsible for providing all engineering and inspection associated with the Utility Work including computing quantities for payment and other incidental and related work unless otherwise stated herein. By the end of each work day, whenever Utility Work is performed, the Utility will provide the Department's on-site representative with an itemized summary of all the Utility Work completed.
- b. The Department shall provide inspection of the quality and compaction of backfill installed in connection with the construction contract, excluding bedding and other special backfills and materials used in the installation of the Utility Work.
- c. If the Utility Work is included in the Project contract pursuant to Section 6.e. above, the Utility agrees to the following:
 - i. Should the Utility find the Project contractor's materials or workmanship to be insufficient in any way, the Utility agrees to inform the Department's on-site representative as soon as possible, but no later than the end of the day in which the problem is identified.
 - ii. As administrator to the construction contract, the Department's on-site representative shall be responsible for authorizing all payments relating to the Utility Work, issuing all directives to the Project's contractor and making the final determination in the event of any disagreements.

8. Ownership of Completed Utilities: Upon completion of the Utility Work the Utility shall assume complete ownership of, and responsibility for, the utility facilities installed in connection with the Utility Work.

9. Claims: The Utility shall be responsible for the prompt review and settlement of any claims arising from or related to the Utility Work or its impact on the Project.

10. Indemnification: The Utility shall indemnify, defend and hold harmless the Department and its officers, employees, agents and assigns, from and against any and all claims, liability or expenses, including but not limited to reasonable attorney's fees and litigation costs (the "Claims"), to the extent such Claims are caused, or alleged to have been caused, by acts or omissions of the Utility or any of its officers, employees, agents, representatives, supervisors, contractors, subcontractors or consultants in connection with the performance of its obligations under this Agreement. Nothing in this Agreement is intended or shall be construed to waive any defense, immunity or limitation of liability that may be available to the Department or the Utility pursuant to the Maine Tort Claims Act (14 M.R.S. § 8101 *et seq.*) or any other privileges or immunities provided by law. The terms outlined in this section shall survive any termination or expiration of this Agreement.

11. **Buy America Requirements:** This agreement is subject to the requirements of Buy America in accordance with Federal Regulation 23 CFR 635.410 Section 1518. Specific requirements are presented in MaineDOT Standard Specification Section 100, Appendix A, Section 3.A., Buy America which are incorporated and made a part hereof by reference.
12. **Subsequent Excavations and/or Installations:** Except in the case of an emergency, the Utility acknowledges and agrees to refrain from applying for a permit for the excavation of the highway within the limits of the Project for a period of at least 3 years following the completion of the Project, and agrees to make all necessary notifications to abutters and occupants of the highway as otherwise required of any municipal government under the provisions of 23 M.R.S.A. § 3351. In all cases, whether an excavation moratorium as described above applies, or as in the case of Light Capital Paving projects where no excavation moratorium applies, the Utility further acknowledges and agrees that all subsequent excavations and/or installations within the right-of-way of the Project limits shall be regulated and controlled in the manner specified by the most recent version of the Department's *"Utility Accommodation Rules"*, which are incorporated and made a part hereof by reference. The terms outlined in this section shall survive any termination or expiration of this Agreement.
13. **Non-Appropriation and Termination:** Anything herein to the contrary notwithstanding, the Utility acknowledges and agrees that, although the execution of this Agreement by the Department manifests the Department's intent to honor its terms and to seek funding to fulfill any obligations arising hereunder, by law any such obligations are subject to available budgetary appropriations by the Maine Legislature and, therefore, this Agreement does not create any obligation on behalf of the Department in excess of such appropriations. In the event of unanticipated impacts on the Project, such as, changes in the Project design, or a loss in Project funding, or a delay in advertising or awarding of the contract, the Department may postpone, suspend, abandon or otherwise terminate this Agreement upon thirty (30) days written notice to the Utility and in no event shall any such action be deemed a breach of contract.
14. **Payment:** If the Utility Work is included in the Project contract pursuant to Section 6.e. above, the Utility agrees to reimburse the Department for the full amount of the cost of the utility work. A detailed breakdown of the anticipated cost of the Utility Work is attached hereto and incorporated herein as Appendix A. The Department will issue a final invoice after all the Utility Work is complete, all quantities are verified, and any required adjustments have been made. The Department, at its sole discretion, may issue periodic invoices for portions of the Utility Work as it is being completed. The final invoice will include any remaining costs or credits. The Utility shall submit payment to the Department within 30 days from the invoice date.

15. Contact Information:

For the Department:

Name: David Ouellette
Address: 16 Statehouse Station
Augusta, ME 04333
E-mail: david.ouellette@maine.gov
Telephone: 207-441-7965

For the Utility:

Name: Brad Roland
Address: 212 Canco Road
Portland, ME 04103
E-mail: brad@portlandmaine.gov
Telephone: 207-874-8840

16. No Relief of Responsibilities: Nothing in this agreement is intended, nor shall be interpreted, to relieve the Utility of any responsibilities or duties imposed upon it by law.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement effective on the date last signed below.

CITY OF PORTLAND

By: _____

Print Name: Danielle West

City Manager
Duly Authorized

DATE: _____

**STATE OF MAINE
DEPARTMENT OF TRANSPORTATION**

By: _____

Print Name: LaRay Hamilton

Sr. Project Manager
Duly Authorized

DATE: _____

APPENDIX A
PROJECT SCOPE

MAINE DEPARTMENT OF TRANSPORTATION
UTILITY RECEIVABLE AGREEMENT

CITY OF PORTLAND
Portland, ME

FEDERAL AID PROJECT NO. 2600530
STATE PROJECT IDENTIFICATION NUMBER (WIN) 026005.30

Project Scope: Adjust 22 sewer manholes to grade for the City of Portland

ESTIMATE OF UTILITY WORK:

Item #	Pay Item	Estimated Quantity/Unit	Unit Price	Utility Cost
812.162	ADJUST SEWER MANHOLE TO GRADE	22 EA	1,800	39,600
Total Cost:				39,600

ESTIMATED PAYMENT SCHEDULE:

Utility	Payment Amount	Estimated Invoice Date
City of Portland	\$39,600	December 16, 2024

MaineDOT Use Only	
TEDOCS #:	_____
CT#:	_____
CSN#:	_____
Program:	_____

MAINE DEPARTMENT OF TRANSPORTATION UTILITY RECEIVABLE AGREEMENT

(MaineDOT Use Only)	
Project Location: <u>Portland</u>	Estimated Agreement Amount: \$ <u>23,400</u>
State WIN #: <u>026005.40</u>	Vendor Customer #: <u>17A12144</u>
Federal Aid Project #: <u>2600540</u>	MaineDOT Signed Date: _____
	Forecasted Agreement End Date: <u>December 16, 2024</u>

THIS AGREEMENT, entered into the last date signed herein at the end of this agreement, between the **Maine Department of Transportation** (hereafter the “Department”) and **CITY OF PORTLAND**, duly authorized and existing under the Laws of the State of Maine and having an office in the City of Portland, County of Cumberland (the “Utility”) (the Department and the Utility are collectively referred to as the “Parties”).

1. The Department is implementing a transportation project identified as “Federal Aid Project Number 2600540; WIN: 026005.40 (the “Project”) for highway improvements in the City of Portland, Cumberland County;
2. In connection with the Project, the Department has prepared plans and specification for the Project that resulted in the following determination:

X The Utility has expressed an interest in installing new utility facilities within the limits of the public highway right-of-way and the impact limits of the Project (the “Affected Facilities”).

3. The Affected Facilities consist of adjusting **13** sewer manholes to grade for the **City of Portland on Washington Avenue**.
4. The Utility has prepared and provided to the Department the scope of work necessary for relocating or installing the Affected Utilities (the “Utility Work”) and the estimated costs associated therewith, which are outlined in **Appendix A**, attached hereto and made a part hereof. The costs associated with the Utility Work are the sole responsibility of the Utility.

5. The Parties wish to establish a process for including the Utility Work in the Department's construction contract for the Project.

NOW, THEREFORE, the Parties agree as follows:

6. Plans, Specifications and Estimate:

- a. The Utility shall, at its own expense, perform and provide all engineering, design and related services related to the Utility Work necessary to enable the Department and/or its consultant to generate construction plans, specifications and an estimate of material quantities for the Utility Work to be included in the Project contract. The Utility will be responsible for locating and recording the location of all Utility Work, including services and other appurtenances within the Project area. To the extent possible and consistent with laws, practices and policies of the Department and the industry, the Utility Work shall be performed in accordance with the plans and specifications provided by the Utility and, if applicable, the most recent version of the Department's Standard Specifications.
- b. All plans shall be on sheets of the same size used by the Department and be reproducible by black and white printing. Specifications shall be on 8 ½ x 11-inch paper, suitable for binding with the Department's specifications. The estimate of quantities shall be in the form prescribed by the Department. In the event of field changes to the Utility Work, the Utility shall prepare any additional plans and specifications and the Department shall prepare a Project change order and amend this Agreement incorporating any changes therein. All plans and specifications will be marked with the Federal Aid Project Number referenced in this Agreement.
- c. The Utility will provide the Department with the plans, specifications and an updated estimate as described in Appendix A no later than one month prior to the scheduled advertise date for the Project.
- d. The Utility shall be responsible for obtaining a Utility Location Permit from the Department in accordance with Title 35-A M.R.S.A. Chapter 25 and for recording the location of all utilities in a manner and form to be specified by the Department.

Standard Approach: The Department will prepare the Project contract documents to include the Utility Work specified in Appendix A. The Utility agrees to have these items included in the Department's Project construction contract. Bidders will be required to bid both the Project work and the Utility Work. The Utility Work will be paid for by the Utility, and any changes that increase the Utility Work estimate or amount will be paid for through a written modification of this agreement approved by both the Utility and the Department.

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- a. The Utility shall be responsible for providing all engineering and inspection associated with the Utility Work including computing quantities for payment and other incidental and related work unless otherwise stated herein. By the end of each work day, whenever Utility Work is performed, the Utility will provide the Department's on-site representative with an itemized summary of all the Utility Work completed.
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 - i. Should the Utility find the Project contractor's materials or workmanship to be insufficient in any way, the Utility agrees to inform the Department's on-site representative as soon as possible, but no later than the end of the day in which the problem is identified.
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13. **Non-Appropriation and Termination:** Anything herein to the contrary notwithstanding, the Utility acknowledges and agrees that, although the execution of this Agreement by the Department manifests the Department's intent to honor its terms and to seek funding to fulfill any obligations arising hereunder, by law any such obligations are subject to available budgetary appropriations by the Maine Legislature and, therefore, this Agreement does not create any obligation on behalf of the Department in excess of such appropriations. In the event of unanticipated impacts on the Project, such as, changes in the Project design, or a loss in Project funding, or a delay in advertising or awarding of the contract, the Department may postpone, suspend, abandon or otherwise terminate this Agreement upon thirty (30) days written notice to the Utility and in no event shall any such action be deemed a breach of contract.
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For the Department:

Name: David Ouellette
Address: 16 Statehouse Station
Augusta, ME 04333
E-mail: david.ouellette@maine.gov
Telephone: 207-441-7965

For the Utility:

Name: Brad Roland
Address: 212 Canco Road
Portland, ME 04103
E-mail: brad@portlandmaine.gov
Telephone: 207-874-8840

16. No Relief of Responsibilities: Nothing in this agreement is intended, nor shall be interpreted, to relieve the Utility of any responsibilities or duties imposed upon it by law.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement effective on the date last signed below.

CITY OF PORTLAND

By: _____

Print Name: Danielle West

City Manager
Duly Authorized

DATE: _____

**STATE OF MAINE
DEPARTMENT OF TRANSPORTATION**

By: _____

Print Name: LaRay Hamilton

Sr. Project Manager
Duly Authorized

DATE: _____

APPENDIX A
PROJECT SCOPE

MAINE DEPARTMENT OF TRANSPORTATION
UTILITY RECEIVABLE AGREEMENT

CITY OF PORTLAND
Portland, ME

FEDERAL AID PROJECT NO. 2600540
STATE PROJECT IDENTIFICATION NUMBER (WIN) 026005.40

Project Scope: Adjust 13 sewer manholes to grade for the City of Portland

ESTIMATE OF UTILITY WORK:

Item #	Pay Item	Estimated Quantity/Unit	Unit Price	Utility Cost
812.162	ADJUST SEWER MANHOLE TO GRADE	13 EA	1,800	23,400
Total Cost:				23,400

ESTIMATED PAYMENT SCHEDULE:

Utility	Payment Amount	Estimated Invoice Date
City of Portland	\$23,400	December 16, 2024



MaineDOT use only
AMS Advantage #: _____
CSN #: _____
PROGRAM: _____

MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL/STATE AGREEMENT
PROPOSED IMPROVEMENTS TO WASHINGTON AVENUE

(MaineDOT Use Only)

Project Location: Portland

State WIN #: 26005.40

Federal Aid Project #: 2600540

Estimated Municipal Share: \$81,000.00

Vendor Customer #: 17A12144

Agreement Begin Date: _____

Agreement End Date: (5 years from the date last signed below)

This Agreement is entered into between the **Maine Department of Transportation** (hereafter **MaineDOT**) and the **Municipality of Portland**, a municipal corporation located in the County of Cumberland (hereafter the “Municipality”) (collectively hereinafter the “Parties”).

RECITALS

- A. The scope of work that is the subject of this Agreement consists of making improvements to Washington Avenue, beginning at Lester Drive and extending north 0.16 of a mile and beginning 0.01 of a mile north of Cypress Street and extending north 0.09 of a mile to Chapman Street, in Portland, Maine, (hereafter the “Project”).
- B. The Parties have a mutual interest in ensuring that the Project is delivered on a reasonable schedule and within the programmed budget, using a process that maximizes communication and cooperation between the Parties.
- C. This Agreement is intended to cover the roles and responsibilities of the Parties during the design, permitting and right-of-way phases of Project development from Project inception through completion of the Project’s Plans, Specifications and Estimate (PS&E). This Agreement is further intended to establish the financial obligations of each Party, including that of full Project development through construction.

AGREEMENT

NOW, THEREFORE, in accordance with the foregoing, the Parties agree as follows:

- D. The following checked appendices are hereby incorporated into this Agreement by reference, and any perpetual maintenance appendices shall survive the expiration of this Agreement:
- ☒ Appendix A – Project scope, cost sharing, and payment schedule (*not required for non-monetary agreements.*)
 - ☐ Appendix B – Perpetual Bicycle/Pedestrian Facility Maintenance
 - ☐ Appendix B – Perpetual Drainage Maintenance
 - ☐ Appendix B – Perpetual Landscape Maintenance
 - ☐ Appendix B – Perpetual Operation and Maintenance of Lighting/Flashing Beacon and/or signage with associated light(s)
 - ☐ Appendix B – Perpetual Traffic Signal Operation and Maintenance

- ☐ Appendix B – Perpetual Traffic Signal Operation and Shared Maintenance
- ☐ Appendix B – Perpetual Bridge Lighting/Approach Lighting Maintenance & Snow Plowing
- ☐ Appendix C – Additional work requested by Municipality

E. Agreement Administration:

1. MaineDOT agrees to procure and administer a contract to construct the Project in accordance with the plans and specifications developed by MaineDOT. This would include any additional plans, specifications and estimates furnished by the Municipality and approved by MaineDOT. When applicable, refer to Appendix A of this Agreement for the outline of the scope, limits of work and cost sharing.
2. MaineDOT shall be the sole administrator of the contract to construct the Project. MaineDOT will pay all Project costs, subject to cost sharing by the Municipality, when applicable, as specified in this Agreement. Neither MaineDOT nor its contractors will be required to pay for inspections and permits from the Municipality.
3. The Municipality agrees that MaineDOT and its contractors are exempt from all local ordinances, including but not limited to the Municipality Noise Ordinance.
4. Upon acceptance of plans, specifications and estimates (PS&E), MaineDOT shall solicit competitive bids for the Project. Upon acceptance of the lowest acceptable responsive, responsible bid to construct the Project and fulfillment of all terms set forth herein, MaineDOT will submit the information to the Municipality, who will have up to five (5) business days to review the information and notify MaineDOT of any questions or concerns. If MaineDOT is not presented with any questions or concerns in the time allotted all decisions pertaining to the acceptance of the bids, the award and administration of the contract and all payments thereunder shall be the sole discretion of MaineDOT.

F. Changes to Project Scope:

5. The Municipality, at its election, may request that changes be made or work added to the Project during the period of construction, provided the Municipality agrees in writing to pay any additional cost plus an amount not to exceed ten (10%) percent of such construction cost to cover all necessary engineering, inspection and administrative costs associated therewith, unless specified otherwise. All such requests shall be subject to MaineDOT approval. In the event that the cost of these changes or work are approved for federal participation, the Municipality's additional cost may be reduced by the amount of the federal contribution.

G. Traffic Control:

6. The Municipality agrees to allow MaineDOT's contractor to control all traffic through the work areas in accordance with the Traffic Control Plan approved by MaineDOT. The development of the Traffic Control Plan will follow the process outlined below:
 - i. MaineDOT's Project Manager (PM) will, when possible, submit the Project for Traffic Analysis and Movement Evaluation (TAME), approximately one year prior to advertisement. Once the results are received, the PM/Regional Traffic Engineer will

discuss the proposed Project with the Municipality (scope, limits, day or night work, work window, etc).

- ii. The Municipality will comment on their concerns/issues related to the Traffic Control Plan within two (2) weeks of receipt.
- iii. MaineDOT's PM & Designer will incorporate these comments where practical based on engineering judgment.
- iv. If the Municipality desires, a meeting will be held prior to PS&E to review the Project design, Special Provision 105 – Limitations of Operations, Special Provision 107 - Time, etc.

H. Utilities:

- 7. The Municipality will, at no cost to MaineDOT, assure proper adjustment, relocation, or repair of any portion of a utility service, whether above or below ground, that is located within the limits of the highway right-of-way and connected to any municipal utility, which might become necessary to permit construction of the Project. The Municipality agrees to hold MaineDOT harmless from any claims for damages occurring as a result thereof.
- 8. The Municipality agrees that during and after construction it will apply the requirements of the most recent version of MaineDOT's "Utility Accommodation Rules" as the minimum guidelines not withstanding any municipal rules that are more lenient.
- 9. To the extent that it is statutorily responsible therefore, the Municipality agrees to provide utilities, and to maintain all improvements and fixtures constructed, installed or furnished as a part of the Project in such a manner as necessary to preserve the use and function thereof for the expected period of their normal useful life as determined by accepted engineering and/or industry standards. To the extent any warranty exists for said improvements or fixtures, said warranty shall be first relied on by MaineDOT to address maintenance and/or repairs described in this paragraph.

I. Governing Law:

- 10. The Municipality agrees that except for an emergency, or as allowed in 23 M.R.S.A. § 3351-A, it will prohibit the excavation of the highway within the limits of the Project for a period of at least five (5) years after completion of the Project, and agrees to make all necessary notifications to abutters and occupants of the highway as otherwise required of any municipal government under the provisions of 23 M.R.S.A. § 3351. Thereafter, all future excavations within the right-of-way of the Project shall be regulated and controlled in the manner specified by MaineDOT in its most recent "Utility Accommodation Rules", which is incorporated herein and made a part hereof by reference.
- 11. The Parties agree to: comply with and abide by all applicable State and Federal laws, statutes, rules, regulations, standards and guidelines, including the MUTCD and OSHA standards, and Agreement provisions; avoid hindering each other's performance; fulfill all obligations diligently; and cooperate in achievement of the intent of this Agreement.

J. Municipality's Responsibility:

12. When applicable, if the Municipality withdraws its financial support for the Project, leading MaineDOT to terminate the Project, the Municipality shall reimburse MaineDOT fully for all Project costs incurred in reliance on the Municipality's financial obligations outlined herein, including, but not limited to, reimbursement of all federal and state funds expended up to the time of such termination. If the Municipality fails to reimburse MaineDOT for such costs incurred, after receiving an invoice seeking such reimbursement, MaineDOT may exercise its rights of set-off to recover the requested amount.
13. The Municipality agrees to alter, move, relocate or remove, or cause to be, at no cost to the Project, any municipal property, including all fixtures, facilities or monuments, located on, under or above the ground, as necessary to permit construction of the Project, which has not otherwise been provided for during the development of the Project. Any work necessary to do so during the period of construction shall be coordinated with the contractor for the Project.
14. The Municipality will be responsible to keep new or replaced/rehabilitated pedestrian facilities in usable condition including snow and ice control.
15. The Municipality agrees to keep the right-of-way of the Project inviolate from all encroachments and agrees to remove, or cause to be removed, anything that may encroach thereon.
16. When applicable, the Municipality agrees to regulate all entrances to the highway within the limits of the Project in accordance with the provisions of 23 M.R.S.A. § 704.
17. When applicable, the Municipality agrees to limit all on-street parking to the parking spaces as designed and constructed under the Project.

K. Termination:

18. MaineDOT reserves the right to terminate the Project for any reason prior to the award of a contract to construct the Project. MaineDOT also reserves the right to terminate all provisions pertaining to work requested by the Municipality at any time prior to the award of a contract to construct the Project due to failure by the Municipality to comply with any of the conditions and stipulations set forth in this Agreement.
19. MaineDOT may postpone, suspend, abandon or otherwise terminate this Agreement upon thirty (30) days written notice to the Municipality and in no event shall any such action be deemed a breach of contract. Postponement, suspension, abandonment or termination may be taken for any reason by MaineDOT or specifically as the result of any failure by the Municipality to perform any of the services required under this Agreement to MaineDOT's satisfaction.

In the event of Project termination, all provisions of this Agreement shall become null and void except for the financial obligations set forth herein, as well as those *provisions that by their very nature are intended to survive*.

L. Miscellaneous Provisions:

20. **Debarment.** The Municipality certifies, by signing this Agreement, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal department or agency. If the Municipality is unable to certify to this statement, it shall attach an explanation to this

Agreement. The Municipality shall promptly notify MaineDOT if it or its principals becomes debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

21. All provisions of this Agreement, *except those that by their very nature are intended to survive*, shall expire at Project final voucher, or upon final payment by the Municipality of any Project costs as hereinbefore provided, whichever occurs later.
22. **State of Maine's Rights of Set-Off.** MaineDOT shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State of Maine's option to withhold for the purposes of set-off monies due the Municipality under a specific project contract up to any amounts due and owed to MaineDOT with regard to this Agreement, and any other agreement/contract with any State of Maine department or agency, including any agreement/contract for a term commencing prior to the term of this Agreement, plus any amounts due and owed to the State of Maine for any reason including without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. MaineDOT shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by MaineDOT, its representatives, or the State Controller. When applicable, MaineDOT reserves the right to withhold or reduce future Local Road Assistance payments to the Municipality for purposes of set-off to recover the amount owed.
23. **Non-Appropriation.** Anything herein to the contrary notwithstanding, the Municipality acknowledges and agrees that although the execution of this agreement by MaineDOT manifests its intent to honor its terms and to seek funding to fulfill any obligations arising hereunder, by law any such obligations are subject to available budgetary appropriations by the Maine Legislature and, therefore, this agreement does not create any obligation on behalf of MaineDOT in excess of such appropriations.
24. **Assignment.** No assignment of this agreement is contemplated, and in no event shall any assignment be made without the express written permission of MaineDOT.
25. **Notice.** Any communications, requests or notices required or appropriate to be given under this Agreement shall be in writing and may be sent via email which shall satisfy the delivery requirements of this section through express acknowledgement of receipt by the receiving party. Alternatively, communications can be mailed via U.S. Mail, Certified or Registered, Return Receipt Requested or sent via a recognized commercial carrier such as, but not limited to Federal Express, that requires a return receipt delivered to the sending party. Said communications, requests or notices shall be sent to the other party as follows:

MaineDOT: Maine Department of Transportation
 24 Child Street
 16 State House Station
 Augusta, ME 04333-0016
 Attn.: LaRay L. Hamilton
 Email: laray.hamilton@maine.gov

Municipality: City of Portland
212 Canco Road, Suite B
Portland, ME 04103
Attn.: Jeremiah Bartlett, PE
Email: jbartlett@portlandmaine.gov

IN WITNESS WHEREOF, the Parties hereto have executed this AGREEMENT effective on the day and date last signed below.

MUNICIPALITY OF PORTLAND

MAINE DEPARTMENT OF TRANSPORTATION

By: _____
Danielle West, City Manager

By: _____
Todd Pelletier, P.E., Director
Bureau of Project Development

(Date Signed)

(Date Signed)

I certify that the signature above is true and accurate. I further certify that the signature, if electronic: (a) is intended to have the same force as a manual signature; (b) is unique to myself; (c) is capable of verification; and (d) is under the sole control of myself.

APPENDIX A
PROJECT SCOPE AND COST SHARING
MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL/STATE AGREEMENT
Transportation Improvement Project

MUNICIPALITY OF PORTLAND

PROPOSED IMPROVEMENTS TO WASHINGTON AVENUE

FEDERAL AID PROJECT NO. 2600540

STATE PROJECT IDENTIFICATION NUMBER (WIN) 26005.40

Project Scope:

Mill & Fill on Washington Avenue, beginning at Lester Drive and extending north 0.16 of a mile. Beginning 0.01 of a mile north of Cypress Street and extending north 0.09 of a mile to Chapman Street.

Funding Outline:

The Total Project Estimated Cost is \$ 324,000.00 , and the Parties agree to share costs through all stages of the Project under the terms outlined below.

Work Element	Municipal Share		Project Share				Total Cost
			Federal	Portion	MaineDOT (State) Portion		
	%	\$	%	\$	%	\$	\$
Preliminary Engineering	25.0%	\$ 4,000.00	75.0%	\$ 12,000.00	0.0%	\$ -	\$ 16,000.00
Right of Way	25.0%	\$ -	75.0%	\$ -	0.0%	\$ -	\$ -
Construction	25.0%	\$ 67,000.00	75.0%	\$ 201,000.00	0.0%	\$ -	\$ 268,000.00
Construction Engineering	25.0%	\$ 10,000.00	75.0%	\$ 30,000.00	0.0%	\$ -	\$ 40,000.00
PROJECT SHARES		\$ 81,000.00		\$ 243,000.00		\$ -	\$ 324,000.00
Total Cost of Additional Work Requested by Municipality (Below)	100.0%						
TOTAL ESTIMATED MUNICIPAL SHARE (Receivable Amount)		\$ 81,000.00					

(Check if applicable)

☐ **Additional Work as outlined in Appendix C to this Agreement.**

Funding Outline: The Municipality agrees to pay 100% of the costs for the work outlined below.

Additional Work		Cost: 100% Municipal Share	
TYPE OF WORK		\$	-
TYPE OF WORK		\$	-
TYPE OF WORK		\$	-
TOTAL COST OF ADDITIONAL WORK REQUESTED BY MUNICIPALITY		\$	-

Payment:

The Municipality shall submit payment to MaineDOT within 30 days from the invoice date.

1. Prior to award of the contract for Project construction, the Municipality will be invoiced a portion of its share of the cost of the Project.

Invoicing will include the following:

- a. 100% of the local share of the Preliminary Engineering and Right of Way costs; plus
 - b. Fifty percent (50%) of the local share of the Construction and Construction Engineering cost based on the total bid price of the Project; plus
 - c. 100% of all additional work requested by the Municipality.
2. Final Voucher Payment to the Contractor. A final bill will be created following MaineDOT's final voucher payment to the Contractor, after all quantities are verified, and any required adjustments have been made. The cost of the work for which MaineDOT will bill the Municipality shall be determined by the contract prices and the completed quantities of the work items or, in the event of termination, the local share of Project development cost to the point of termination as stipulated above. The final invoice will include the Municipality's share of any remaining costs.

Invoicing Schedule: The Municipal Payment Schedule shown below includes estimated invoicing dates based upon the estimated schedule and estimated cost of the Project:

Municipality Name	Receivable Amount	Estimated Invoice Date
City of Portland	\$42,500.00	4/1/2024
City of Portland	\$38,500.00	10/1/2024
City of Portland	Balance	10/1/2025
Total Receivable Amount:	\$81,000.00	



MaineDOT use only
AMS Advantage #: _____
CSN #: _____
PROGRAM: _____

MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL/STATE AGREEMENT
PROPOSED IMPROVEMENTS TO OCEAN AVENUE

(MaineDOT Use Only)

Project Location: Portland
State WIN #: 26005.50
Federal Aid Project #: 2600550

Estimated Municipal Share: \$133,000.00
Vendor Customer #: 17A12144
Agreement Begin Date: _____
Agreement End Date: (5 years from the date last signed below)

This Agreement is entered into between the **Maine Department of Transportation** (hereafter **MaineDOT**) and the **Municipality of Portland**, a municipal corporation located in the County of Cumberland (hereafter the “Municipality”) (collectively hereinafter the “Parties”).

RECITALS

- A. The scope of work that is the subject of this Agreement consists of making improvements to Ocean Avenue, Beginning at Grafton Street and extending north 0.42 miles to Ridge Road in Portland, Maine, (hereafter the “Project”).
- B. The Parties have a mutual interest in ensuring that the Project is delivered on a reasonable schedule and within the programmed budget, using a process that maximizes communication and cooperation between the Parties.
- C. This Agreement is intended to cover the roles and responsibilities of the Parties during the design, permitting and right-of-way phases of Project development from Project inception through completion of the Project’s Plans, Specifications and Estimate (PS&E). This Agreement is further intended to establish the financial obligations of each Party, including that of full Project development through construction.

AGREEMENT

NOW, THEREFORE, in accordance with the foregoing, the Parties agree as follows:

- D. The following checked appendices are hereby incorporated into this Agreement by reference, and any perpetual maintenance appendices shall survive the expiration of this Agreement:
- ☒ Appendix A – Project scope, cost sharing, and payment schedule (*not required for non-monetary agreements.*)
 - ☐ Appendix B – Perpetual Bicycle/Pedestrian Facility Maintenance
 - ☐ Appendix B – Perpetual Drainage Maintenance
 - ☐ Appendix B – Perpetual Landscape Maintenance
 - ☐ Appendix B – Perpetual Operation and Maintenance of Lighting/Flashing Beacon and/or signage with associated light(s)
 - ☐ Appendix B – Perpetual Traffic Signal Operation and Maintenance
 - ☐ Appendix B – Perpetual Traffic Signal Operation and Shared Maintenance

- ☐ Appendix B – Perpetual Bridge Lighting/Approach Lighting Maintenance & Snow Plowing
- ☐ Appendix C – Additional work requested by Municipality

E. Agreement Administration:

1. MaineDOT agrees to procure and administer a contract to construct the Project in accordance with the plans and specifications developed by MaineDOT. This would include any additional plans, specifications and estimates furnished by the Municipality and approved by MaineDOT. When applicable, refer to Appendix A of this Agreement for the outline of the scope, limits of work and cost sharing.
2. MaineDOT shall be the sole administrator of the contract to construct the Project. MaineDOT will pay all Project costs, subject to cost sharing by the Municipality, when applicable, as specified in this Agreement. Neither MaineDOT nor its contractors will be required to pay for inspections and permits from the Municipality.
3. The Municipality agrees that MaineDOT and its contractors are exempt from all local ordinances, including but not limited to the Municipality Noise Ordinance.
4. Upon acceptance of plans, specifications and estimates (PS&E), MaineDOT shall solicit competitive bids for the Project. Upon acceptance of the lowest acceptable responsive, responsible bid to construct the Project and fulfillment of all terms set forth herein, MaineDOT will submit the information to the Municipality, who will have up to five (5) business days to review the information and notify MaineDOT of any questions or concerns. If MaineDOT is not presented with any questions or concerns in the time allotted all decisions pertaining to the acceptance of the bids, the award and administration of the contract and all payments thereunder shall be the sole discretion of MaineDOT.

F. Changes to Project Scope:

5. The Municipality, at its election, may request that changes be made or work added to the Project during the period of construction, provided the Municipality agrees in writing to pay any additional cost plus an amount not to exceed ten (10%) percent of such construction cost to cover all necessary engineering, inspection and administrative costs associated therewith, unless specified otherwise. All such requests shall be subject to MaineDOT approval. In the event that the cost of these changes or work are approved for federal participation, the Municipality's additional cost may be reduced by the amount of the federal contribution.

G. Traffic Control:

6. The Municipality agrees to allow MaineDOT's contractor to control all traffic through the work areas in accordance with the Traffic Control Plan approved by MaineDOT. The development of the Traffic Control Plan will follow the process outlined below:
 - i. MaineDOT's Project Manager (PM) will, when possible, submit the Project for Traffic Analysis and Movement Evaluation (TAME), approximately one year prior to advertisement. Once the results are received, the PM/Regional Traffic Engineer will discuss the proposed Project with the Municipality (scope, limits, day or night work, work window, etc).

- ii. The Municipality will comment on their concerns/issues related to the Traffic Control Plan within two (2) weeks of receipt.
- iii. MaineDOT's PM & Designer will incorporate these comments where practical based on engineering judgment.
- iv. If the Municipality desires, a meeting will be held prior to PS&E to review the Project design, Special Provision 105 – Limitations of Operations, Special Provision 107 - Time, etc.

H. Utilities:

- 7. The Municipality will, at no cost to MaineDOT, assure proper adjustment, relocation, or repair of any portion of a utility service, whether above or below ground, that is located within the limits of the highway right-of-way and connected to any municipal utility, which might become necessary to permit construction of the Project. The Municipality agrees to hold MaineDOT harmless from any claims for damages occurring as a result thereof.
- 8. The Municipality agrees that during and after construction it will apply the requirements of the most recent version of MaineDOT's "Utility Accommodation Rules" as the minimum guidelines not withstanding any municipal rules that are more lenient.
- 9. To the extent that it is statutorily responsible therefore, the Municipality agrees to provide utilities, and to maintain all improvements and fixtures constructed, installed or furnished as a part of the Project in such a manner as necessary to preserve the use and function thereof for the expected period of their normal useful life as determined by accepted engineering and/or industry standards. To the extent any warranty exists for said improvements or fixtures, said warranty shall be first relied on by MaineDOT to address maintenance and/or repairs described in this paragraph.

I. Governing Law:

- 10. The Municipality agrees that except for an emergency, or as allowed in 23 M.R.S.A. § 3351-A, it will prohibit the excavation of the highway within the limits of the Project for a period of at least five (5) years after completion of the Project, and agrees to make all necessary notifications to abutters and occupants of the highway as otherwise required of any municipal government under the provisions of 23 M.R.S.A. § 3351. Thereafter, all future excavations within the right-of-way of the Project shall be regulated and controlled in the manner specified by MaineDOT in its most recent "Utility Accommodation Rules", which is incorporated herein and made a part hereof by reference.
- 11. The Parties agree to: comply with and abide by all applicable State and Federal laws, statutes, rules, regulations, standards and guidelines, including the MUTCD and OSHA standards, and Agreement provisions; avoid hindering each other's performance; fulfill all obligations diligently; and cooperate in achievement of the intent of this Agreement.

J. Municipality's Responsibility:

- 12. When applicable, if the Municipality withdraws its financial support for the Project, leading MaineDOT to terminate the Project, the Municipality shall reimburse MaineDOT fully for all

Project costs incurred in reliance on the Municipality's financial obligations outlined herein, including, but not limited to, reimbursement of all federal and state funds expended up to the time of such termination. If the Municipality fails to reimburse MaineDOT for such costs incurred, after receiving an invoice seeking such reimbursement, MaineDOT may exercise its rights of set-off to recover the requested amount.

13. The Municipality agrees to alter, move, relocate or remove, or cause to be, at no cost to the Project, any municipal property, including all fixtures, facilities or monuments, located on, under or above the ground, as necessary to permit construction of the Project, which has not otherwise been provided for during the development of the Project. Any work necessary to do so during the period of construction shall be coordinated with the contractor for the Project.
14. The Municipality will be responsible to keep new or replaced/rehabilitated pedestrian facilities in usable condition including snow and ice control.
15. The Municipality agrees to keep the right-of-way of the Project inviolate from all encroachments and agrees to remove, or cause to be removed, anything that may encroach thereon.
16. When applicable, the Municipality agrees to regulate all entrances to the highway within the limits of the Project in accordance with the provisions of 23 M.R.S.A. § 704.
17. When applicable, the Municipality agrees to limit all on-street parking to the parking spaces as designed and constructed under the Project.

K. Termination:

18. MaineDOT reserves the right to terminate the Project for any reason prior to the award of a contract to construct the Project. MaineDOT also reserves the right to terminate all provisions pertaining to work requested by the Municipality at any time prior to the award of a contract to construct the Project due to failure by the Municipality to comply with any of the conditions and stipulations set forth in this Agreement.
19. MaineDOT may postpone, suspend, abandon or otherwise terminate this Agreement upon thirty (30) days written notice to the Municipality and in no event shall any such action be deemed a breach of contract. Postponement, suspension, abandonment or termination may be taken for any reason by MaineDOT or specifically as the result of any failure by the Municipality to perform any of the services required under this Agreement to MaineDOT's satisfaction.

In the event of Project termination, all provisions of this Agreement shall become null and void except for the financial obligations set forth herein, as well as those *provisions that by their very nature are intended to survive*.

L. Miscellaneous Provisions:

20. **Debarment.** The Municipality certifies, by signing this Agreement, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal department or agency. If the Municipality is unable to certify to this statement, it shall attach an explanation to this Agreement. The Municipality shall promptly notify MaineDOT if it or its principals becomes

debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

21. All provisions of this Agreement, *except those that by their very nature are intended to survive*, shall expire at Project final voucher, or upon final payment by the Municipality of any Project costs as hereinbefore provided, whichever occurs later.
22. **State of Maine's Rights of Set-Off.** MaineDOT shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State of Maine's option to withhold for the purposes of set-off monies due the Municipality under a specific project contract up to any amounts due and owed to MaineDOT with regard to this Agreement, and any other agreement/contract with any State of Maine department or agency, including any agreement/contract for a term commencing prior to the term of this Agreement, plus any amounts due and owed to the State of Maine for any reason including without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. MaineDOT shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by MaineDOT, its representatives, or the State Controller. When applicable, MaineDOT reserves the right to withhold or reduce future Local Road Assistance payments to the Municipality for purposes of set-off to recover the amount owed.
23. **Non-Appropriation.** Anything herein to the contrary notwithstanding, the Municipality acknowledges and agrees that although the execution of this agreement by MaineDOT manifests its intent to honor its terms and to seek funding to fulfill any obligations arising hereunder, by law any such obligations are subject to available budgetary appropriations by the Maine Legislature and, therefore, this agreement does not create any obligation on behalf of MaineDOT in excess of such appropriations.
24. **Assignment.** No assignment of this agreement is contemplated, and in no event shall any assignment be made without the express written permission of MaineDOT.
25. **Notice.** Any communications, requests or notices required or appropriate to be given under this Agreement shall be in writing and may be sent via email which shall satisfy the delivery requirements of this section through express acknowledgement of receipt by the receiving party. Alternatively, communications can be mailed via U.S. Mail, Certified or Registered, Return Receipt Requested or sent via a recognized commercial carrier such as, but not limited to Federal Express, that requires a return receipt delivered to the sending party. Said communications, requests or notices shall be sent to the other party as follows:

MaineDOT: Maine Department of Transportation
 24 Child Street
 16 State House Station
 Augusta, ME 04333-0016
 Attn.: LaRay L. Hamilton
 Email: laray.hamilton@maine.gov

Municipality: City of Portland
212 Canco Road, Suite B
Portland, ME 04103
Attn.: Jeremiah Bartlett, PE
Email: jbartlett@portlandmaine.gov

IN WITNESS WHEREOF, the Parties hereto have executed this AGREEMENT effective on the day and date last signed below.

MUNICIPALITY OF PORTLAND

MAINE DEPARTMENT OF TRANSPORTATION

By: _____
Danielle West, City Manager

By: _____
Todd Pelletier, P.E., Director
Bureau of Project Development

(Date Signed)

(Date Signed)

I certify that the signature above is true and accurate. I further certify that the signature, if electronic: (a) is intended to have the same force as a manual signature; (b) is unique to myself; (c) is capable of verification; and (d) is under the sole control of myself.

APPENDIX A
PROJECT SCOPE AND COST SHARING
MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL/STATE AGREEMENT
Transportation Improvement Project

MUNICIPALITY OF PORTLAND

PROPOSED IMPROVEMENTS TO OCEAN AVENUE (ROUTE 9)

FEDERAL AID PROJECT NO. 2600550

STATE PROJECT IDENTIFICATION NUMBER (WIN) 26005.50

Project Scope: Mill & Fill on Ocean Avenue, beginning at Grafton Street and extending north 0.42 miles to Ridge Road.

Funding Outline: The Total Project Estimated Cost is \$ 532,000.00 , and the Parties agree to share costs through all stages of the Project under the terms outlined below.

Work Element	Municipal Share		Project Share				Total Cost
			Federal	Portion	MaineDOT (State) Portion		
	%	\$	%	\$	%	\$	\$
Preliminary Engineering	25.0%	\$ 6,500.00	75.0%	\$ 19,500.00	0.0%	\$ -	\$ 26,000.00
Right of Way	25.0%	\$ -	75.0%	\$ -	0.0%	\$ -	\$ -
Construction	25.0%	\$ 110,000.00	75.0%	\$ 330,000.00	0.0%	\$ -	\$ 440,000.00
Construction Engineering	25.0%	\$ 16,500.00	75.0%	\$ 49,500.00	0.0%	\$ -	\$ 66,000.00
PROJECT SHARES		\$ 133,000.00		\$ 399,000.00		\$ -	\$ 532,000.00
Total Cost of Additional Work Requested by Municipality (Below)	100.0%						
TOTAL ESTIMATED MUNICIPAL SHARE (Receivable Amount)		\$ 133,000.00					

(Check if applicable)

☐ **Additional Work as outlined in Appendix C to this Agreement.**

Funding Outline: The Municipality agrees to pay 100% of the costs for the work outlined below.

Additional Work		Cost: 100% Municipal Share	
TYPE OF WORK		\$	-
TYPE OF WORK		\$	-
TYPE OF WORK		\$	-
TOTAL COST OF ADDITIONAL WORK REQUESTED BY MUNICIPALITY		\$	-

Payment:

The Municipality shall submit payment to MaineDOT within 30 days from the invoice date.

1. Prior to award of the contract for Project construction, the Municipality will be invoiced a portion of its share of the cost of the Project.

Invoicing will include the following:

- a. 100% of the local share of the Preliminary Engineering and Right of Way costs; plus
 - b. Fifty percent (50%) of the local share of the Construction and Construction Engineering cost based on the total bid price of the Project; plus
 - c. 100% of all additional work requested by the Municipality.
2. Final Voucher Payment to the Contractor. A final bill will be created following MaineDOT's final voucher payment to the Contractor, after all quantities are verified, and any required adjustments have been made. The cost of the work for which MaineDOT will bill the Municipality shall be determined by the contract prices and the completed quantities of the work items or, in the event of termination, the local share of Project development cost to the point of termination as stipulated above. The final invoice will include the Municipality's share of any remaining costs.

Invoicing Schedule: The Municipal Payment Schedule shown below includes estimated invoicing dates based upon the estimated schedule and estimated cost of the Project:

Municipality Name	Receivable Amount	Estimated Invoice Date
City of Portland	\$69,750.00	4/1/2024
City of Portland	\$63,250.00	10/1/2024
City of Portland	Balance	10/1/2025
Total Receivable Amount:	\$133,000.00	



MaineDOT use only
AMS Advantage #: _____
CSN #: _____
PROGRAM: _____

MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL/STATE AGREEMENT
PROPOSED IMPROVEMENTS TO RIVERSIDE STREET

(MaineDOT Use Only)

Project Location: Portland
State WIN #: 26005.30
Federal Aid Project #: 2600530

Estimated Municipal Share: \$177,750.00
Vendor Customer #: 17A12144
Agreement Begin Date: _____
Agreement End Date: (5 years from the date last signed below)

This Agreement is entered into between the **Maine Department of Transportation** (hereafter **MaineDOT**) and the **Municipality of Portland**, a municipal corporation located in the County of Cumberland (hereafter the “Municipality”) (collectively hereinafter the “Parties”).

RECITALS

- A. The scope of work that is the subject of this Agreement consists of making improvements to Riverside Street, Beginning at Caddie Lane and extending north 0.75 miles to Washington Avenue in Portland, Maine, (hereafter the “Project”).
- B. The Parties have a mutual interest in ensuring that the Project is delivered on a reasonable schedule and within the programmed budget, using a process that maximizes communication and cooperation between the Parties.
- C. This Agreement is intended to cover the roles and responsibilities of the Parties during the design, permitting and right-of-way phases of Project development from Project inception through completion of the Project’s Plans, Specifications and Estimate (PS&E). This Agreement is further intended to establish the financial obligations of each Party, including that of full Project development through construction.

AGREEMENT

NOW, THEREFORE, in accordance with the foregoing, the Parties agree as follows:

- D. The following checked appendices are hereby incorporated into this Agreement by reference, and any perpetual maintenance appendices shall survive the expiration of this Agreement:
- ☒ Appendix A – Project scope, cost sharing, and payment schedule (*not required for non-monetary agreements.*)
 - ☐ Appendix B – Perpetual Bicycle/Pedestrian Facility Maintenance
 - ☐ Appendix B – Perpetual Drainage Maintenance
 - ☐ Appendix B – Perpetual Landscape Maintenance
 - ☐ Appendix B – Perpetual Operation and Maintenance of Lighting/Flashing Beacon and/or signage with associated light(s)
 - ☐ Appendix B – Perpetual Traffic Signal Operation and Maintenance
 - ☐ Appendix B – Perpetual Traffic Signal Operation and Shared Maintenance

- ☐ Appendix B – Perpetual Bridge Lighting/Approach Lighting Maintenance & Snow Plowing
- ☐ Appendix C – Additional work requested by Municipality

E. Agreement Administration:

1. MaineDOT agrees to procure and administer a contract to construct the Project in accordance with the plans and specifications developed by MaineDOT. This would include any additional plans, specifications and estimates furnished by the Municipality and approved by MaineDOT. When applicable, refer to Appendix A of this Agreement for the outline of the scope, limits of work and cost sharing.
2. MaineDOT shall be the sole administrator of the contract to construct the Project. MaineDOT will pay all Project costs, subject to cost sharing by the Municipality, when applicable, as specified in this Agreement. Neither MaineDOT nor its contractors will be required to pay for inspections and permits from the Municipality.
3. The Municipality agrees that MaineDOT and its contractors are exempt from all local ordinances, including but not limited to the Municipality Noise Ordinance.
4. Upon acceptance of plans, specifications and estimates (PS&E), MaineDOT shall solicit competitive bids for the Project. Upon acceptance of the lowest acceptable responsive, responsible bid to construct the Project and fulfillment of all terms set forth herein, MaineDOT will submit the information to the Municipality, who will have up to five (5) business days to review the information and notify MaineDOT of any questions or concerns. If MaineDOT is not presented with any questions or concerns in the time allotted all decisions pertaining to the acceptance of the bids, the award and administration of the contract and all payments thereunder shall be the sole discretion of MaineDOT.

F. Changes to Project Scope:

5. The Municipality, at its election, may request that changes be made or work added to the Project during the period of construction, provided the Municipality agrees in writing to pay any additional cost plus an amount not to exceed ten (10%) percent of such construction cost to cover all necessary engineering, inspection and administrative costs associated therewith, unless specified otherwise. All such requests shall be subject to MaineDOT approval. In the event that the cost of these changes or work are approved for federal participation, the Municipality's additional cost may be reduced by the amount of the federal contribution.

G. Traffic Control:

6. The Municipality agrees to allow MaineDOT's contractor to control all traffic through the work areas in accordance with the Traffic Control Plan approved by MaineDOT. The development of the Traffic Control Plan will follow the process outlined below:
 - i. MaineDOT's Project Manager (PM) will, when possible, submit the Project for Traffic Analysis and Movement Evaluation (TAME), approximately one year prior to advertisement. Once the results are received, the PM/Regional Traffic Engineer will discuss the proposed Project with the Municipality (scope, limits, day or night work, work window, etc).

- ii. The Municipality will comment on their concerns/issues related to the Traffic Control Plan within two (2) weeks of receipt.
- iii. MaineDOT's PM & Designer will incorporate these comments where practical based on engineering judgment.
- iv. If the Municipality desires, a meeting will be held prior to PS&E to review the Project design, Special Provision 105 – Limitations of Operations, Special Provision 107 - Time, etc.

H. Utilities:

- 7. The Municipality will, at no cost to MaineDOT, assure proper adjustment, relocation, or repair of any portion of a utility service, whether above or below ground, that is located within the limits of the highway right-of-way and connected to any municipal utility, which might become necessary to permit construction of the Project. The Municipality agrees to hold MaineDOT harmless from any claims for damages occurring as a result thereof.
- 8. The Municipality agrees that during and after construction it will apply the requirements of the most recent version of MaineDOT's "Utility Accommodation Rules" as the minimum guidelines not withstanding any municipal rules that are more lenient.
- 9. To the extent that it is statutorily responsible therefore, the Municipality agrees to provide utilities, and to maintain all improvements and fixtures constructed, installed or furnished as a part of the Project in such a manner as necessary to preserve the use and function thereof for the expected period of their normal useful life as determined by accepted engineering and/or industry standards. To the extent any warranty exists for said improvements or fixtures, said warranty shall be first relied on by MaineDOT to address maintenance and/or repairs described in this paragraph.

I. Governing Law:

- 10. The Municipality agrees that except for an emergency, or as allowed in 23 M.R.S.A. § 3351-A, it will prohibit the excavation of the highway within the limits of the Project for a period of at least five (5) years after completion of the Project, and agrees to make all necessary notifications to abutters and occupants of the highway as otherwise required of any municipal government under the provisions of 23 M.R.S.A. § 3351. Thereafter, all future excavations within the right-of-way of the Project shall be regulated and controlled in the manner specified by MaineDOT in its most recent "Utility Accommodation Rules", which is incorporated herein and made a part hereof by reference.
- 11. The Parties agree to: comply with and abide by all applicable State and Federal laws, statutes, rules, regulations, standards and guidelines, including the MUTCD and OSHA standards, and Agreement provisions; avoid hindering each other's performance; fulfill all obligations diligently; and cooperate in achievement of the intent of this Agreement.

J. Municipality's Responsibility:

- 12. When applicable, if the Municipality withdraws its financial support for the Project, leading MaineDOT to terminate the Project, the Municipality shall reimburse MaineDOT fully for all

Project costs incurred in reliance on the Municipality's financial obligations outlined herein, including, but not limited to, reimbursement of all federal and state funds expended up to the time of such termination. If the Municipality fails to reimburse MaineDOT for such costs incurred, after receiving an invoice seeking such reimbursement, MaineDOT may exercise its rights of set-off to recover the requested amount.

13. The Municipality agrees to alter, move, relocate or remove, or cause to be, at no cost to the Project, any municipal property, including all fixtures, facilities or monuments, located on, under or above the ground, as necessary to permit construction of the Project, which has not otherwise been provided for during the development of the Project. Any work necessary to do so during the period of construction shall be coordinated with the contractor for the Project.
14. The Municipality will be responsible to keep new or replaced/rehabilitated pedestrian facilities in usable condition including snow and ice control.
15. The Municipality agrees to keep the right-of-way of the Project inviolate from all encroachments and agrees to remove, or cause to be removed, anything that may encroach thereon.
16. When applicable, the Municipality agrees to regulate all entrances to the highway within the limits of the Project in accordance with the provisions of 23 M.R.S.A. § 704.
17. When applicable, the Municipality agrees to limit all on-street parking to the parking spaces as designed and constructed under the Project.

K. Termination:

18. MaineDOT reserves the right to terminate the Project for any reason prior to the award of a contract to construct the Project. MaineDOT also reserves the right to terminate all provisions pertaining to work requested by the Municipality at any time prior to the award of a contract to construct the Project due to failure by the Municipality to comply with any of the conditions and stipulations set forth in this Agreement.
19. MaineDOT may postpone, suspend, abandon or otherwise terminate this Agreement upon thirty (30) days written notice to the Municipality and in no event shall any such action be deemed a breach of contract. Postponement, suspension, abandonment or termination may be taken for any reason by MaineDOT or specifically as the result of any failure by the Municipality to perform any of the services required under this Agreement to MaineDOT's satisfaction.

In the event of Project termination, all provisions of this Agreement shall become null and void except for the financial obligations set forth herein, as well as those *provisions that by their very nature are intended to survive*.

L. Miscellaneous Provisions:

20. **Debarment.** The Municipality certifies, by signing this Agreement, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal department or agency. If the Municipality is unable to certify to this statement, it shall attach an explanation to this Agreement. The Municipality shall promptly notify MaineDOT if it or its principals becomes

debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

21. All provisions of this Agreement, *except those that by their very nature are intended to survive*, shall expire at Project final voucher, or upon final payment by the Municipality of any Project costs as hereinbefore provided, whichever occurs later.
22. **State of Maine's Rights of Set-Off.** MaineDOT shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State of Maine's option to withhold for the purposes of set-off monies due the Municipality under a specific project contract up to any amounts due and owed to MaineDOT with regard to this Agreement, and any other agreement/contract with any State of Maine department or agency, including any agreement/contract for a term commencing prior to the term of this Agreement, plus any amounts due and owed to the State of Maine for any reason including without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. MaineDOT shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by MaineDOT, its representatives, or the State Controller. When applicable, MaineDOT reserves the right to withhold or reduce future Local Road Assistance payments to the Municipality for purposes of set-off to recover the amount owed.
23. **Non-Appropriation.** Anything herein to the contrary notwithstanding, the Municipality acknowledges and agrees that although the execution of this agreement by MaineDOT manifests its intent to honor its terms and to seek funding to fulfill any obligations arising hereunder, by law any such obligations are subject to available budgetary appropriations by the Maine Legislature and, therefore, this agreement does not create any obligation on behalf of MaineDOT in excess of such appropriations.
24. **Assignment.** No assignment of this agreement is contemplated, and in no event shall any assignment be made without the express written permission of MaineDOT.
25. **Notice.** Any communications, requests or notices required or appropriate to be given under this Agreement shall be in writing and may be sent via email which shall satisfy the delivery requirements of this section through express acknowledgement of receipt by the receiving party. Alternatively, communications can be mailed via U.S. Mail, Certified or Registered, Return Receipt Requested or sent via a recognized commercial carrier such as, but not limited to Federal Express, that requires a return receipt delivered to the sending party. Said communications, requests or notices shall be sent to the other party as follows:

MaineDOT: Maine Department of Transportation
 24 Child Street
 16 State House Station
 Augusta, ME 04333-0016
 Attn.: LaRay L. Hamilton
 Email: laray.hamilton@maine.gov

Municipality: City of Portland
212 Canco Road, Suite B
Portland, ME 04103
Attn.: Jeremiah Bartlett, PE
Email: jbartlett@portlandmaine.gov

IN WITNESS WHEREOF, the Parties hereto have executed this AGREEMENT effective on the day and date last signed below.

MUNICIPALITY OF PORTLAND

MAINE DEPARTMENT OF TRANSPORTATION

By: _____
Danielle West, City Manager

By: _____
Todd Pelletier, P.E., Director
Bureau of Project Development

(Date Signed)

(Date Signed)

I certify that the signature above is true and accurate. I further certify that the signature, if electronic: (a) is intended to have the same force as a manual signature; (b) is unique to myself; (c) is capable of verification; and (d) is under the sole control of myself.

APPENDIX A
PROJECT SCOPE AND COST SHARING
MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL/STATE AGREEMENT
Transportation Improvement Project

MUNICIPALITY OF PORTLAND

PROPOSED IMPROVEMENTS TO RIVERSIDE STREET

FEDERAL AID PROJECT NO. 2600530

STATE PROJECT IDENTIFICATION NUMBER (WIN) 26005.30

Project Scope:

Mill & Fill on Riverside Street, beginning at Caddie Lane and extending north 0.75 miles to Washington Avenue.

Funding Outline:

The Total Project Estimated Cost is \$ 711,000.00 , and the Parties agree to share costs through all stages of the Project under the terms outlined below.

Work Element	Municipal Share		Project Share				Total Cost
			Federal	Portion	MaineDOT (State) Portion		
	%	\$	%	\$	%	\$	\$
Preliminary Engineering	25.0%	\$ 8,750.00	75.0%	\$ 26,250.00	0.0%	\$ -	\$ 35,000.00
Right of Way	25.0%	\$ -	75.0%	\$ -	0.0%	\$ -	\$ -
Construction	25.0%	\$ 147,000.00	75.0%	\$ 441,000.00	0.0%	\$ -	\$ 588,000.00
Construction Engineering	25.0%	\$ 22,000.00	75.0%	\$ 66,000.00	0.0%	\$ -	\$ 88,000.00
PROJECT SHARES		\$ 177,750.00		\$ 533,250.00		\$ -	\$ 711,000.00
Total Cost of Additional Work Requested by Municipality (Below)	100.0%						
TOTAL ESTIMATED MUNICIPAL SHARE (Receivable Amount)		\$ 177,750.00					

(Check if applicable)

☐ **Additional Work as outlined in Appendix C to this Agreement.**

Funding Outline: The Municipality agrees to pay 100% of the costs for the work outlined below.

Additional Work		Cost: 100% Municipal Share	
TYPE OF WORK		\$	-
TYPE OF WORK		\$	-
TYPE OF WORK		\$	-
TOTAL COST OF ADDITIONAL WORK REQUESTED BY MUNICIPALITY		\$	-

Payment:

The Municipality shall submit payment to MaineDOT within 30 days from the invoice date.

1. Prior to award of the contract for Project construction, the Municipality will be invoiced a portion of its share of the cost of the Project.

Invoicing will include the following:

- a. 100% of the local share of the Preliminary Engineering and Right of Way costs; plus
- b. Fifty percent (50%) of the local share of the Construction and Construction Engineering cost based on the total bid price of the Project; plus
- c. 100% of all additional work requested by the Municipality.

2. Final Voucher Payment to the Contractor. A final bill will be created following MaineDOT’s final voucher payment to the Contractor, after all quantities are verified, and any required adjustments have been made. The cost of the work for which MaineDOT will bill the Municipality shall be determined by the contract prices and the completed quantities of the work items or, in the event of termination, the local share of Project development cost to the point of termination as stipulated above. The final invoice will include the Municipality’s share of any remaining costs.

Invoicing Schedule: The Municipal Payment Schedule shown below includes estimated invoicing dates based upon the estimated schedule and estimated cost of the Project:

Municipality Name	Receivable Amount	Estimated Invoice Date
City of Portland	\$93,250.00	4/1/2024
City of Portland	\$84,500.00	10/1/2024
City of Portland	Balance	10/1/2025
Total Receivable Amount:	\$177,750.00	

MaineDOT Use Only	
TEDOCS #:	_____
CT#:	_____
CSN#:	_____
Program:	_____

MAINE DEPARTMENT OF TRANSPORTATION UTILITY RECEIVABLE AGREEMENT

(MaineDOT Use Only)	
Project Location: <u>Portland</u>	Estimated Agreement Amount: \$ <u>43,200</u>
State WIN #: <u>026005.50</u>	Vendor Customer #: <u>17A12144</u>
Federal Aid Project #: <u>2600550</u>	MaineDOT Signed Date: _____
	Forecasted Agreement End Date: <u>December 16, 2024</u>

THIS AGREEMENT, entered into the last date signed herein at the end of this agreement, between the **Maine Department of Transportation** (hereafter the “Department”) and **CITY OF PORTLAND**, duly authorized and existing under the Laws of the State of Maine and having an office in the City of Portland, County of Cumberland (the “Utility”) (the Department and the Utility are collectively referred to as the “Parties”).

1. The Department is implementing a transportation project identified as “Federal Aid Project Number 2600550; WIN: 026005.50 (the “Project”) for highway improvements in the City of Portland, Cumberland County;
2. In connection with the Project, the Department has prepared plans and specification for the Project that resulted in the following determination:

X The Utility has expressed an interest in installing new utility facilities within the limits of the public highway right-of-way and the impact limits of the Project (the “Affected Facilities”).

3. The Affected Facilities consist of adjusting 24 sewer manholes to grade for the **City of Portland on Ocean Avenue**.
4. The Utility has prepared and provided to the Department the scope of work necessary for relocating or installing the Affected Utilities (the “Utility Work”) and the estimated costs associated therewith, which are outlined in **Appendix A**, attached hereto and made a part hereof. The costs associated with the Utility Work are the sole responsibility of the Utility.

5. The Parties wish to establish a process for including the Utility Work in the Department's construction contract for the Project.

NOW, THEREFORE, the Parties agree as follows:

6. Plans, Specifications and Estimate:

- a. The Utility shall, at its own expense, perform and provide all engineering, design and related services related to the Utility Work necessary to enable the Department and/or its consultant to generate construction plans, specifications and an estimate of material quantities for the Utility Work to be included in the Project contract. The Utility will be responsible for locating and recording the location of all Utility Work, including services and other appurtenances within the Project area. To the extent possible and consistent with laws, practices and policies of the Department and the industry, the Utility Work shall be performed in accordance with the plans and specifications provided by the Utility and, if applicable, the most recent version of the Department's Standard Specifications.
- b. All plans shall be on sheets of the same size used by the Department and be reproducible by black and white printing. Specifications shall be on 8 ½ x 11-inch paper, suitable for binding with the Department's specifications. The estimate of quantities shall be in the form prescribed by the Department. In the event of field changes to the Utility Work, the Utility shall prepare any additional plans and specifications and the Department shall prepare a Project change order and amend this Agreement incorporating any changes therein. All plans and specifications will be marked with the Federal Aid Project Number referenced in this Agreement.
- c. The Utility will provide the Department with the plans, specifications and an updated estimate as described in Appendix A no later than one month prior to the scheduled advertise date for the Project.
- d. The Utility shall be responsible for obtaining a Utility Location Permit from the Department in accordance with Title 35-A M.R.S.A. Chapter 25 and for recording the location of all utilities in a manner and form to be specified by the Department.

Standard Approach: The Department will prepare the Project contract documents to include the Utility Work specified in Appendix A. The Utility agrees to have these items included in the Department's Project construction contract. Bidders will be required to bid both the Project work and the Utility Work. The Utility Work will be paid for by the Utility, and any changes that increase the Utility Work estimate or amount will be paid for through a written modification of this agreement approved by both the Utility and the Department.

7. Inspection:

- a. The Utility shall be responsible for providing all engineering and inspection associated with the Utility Work including computing quantities for payment and other incidental and related work unless otherwise stated herein. By the end of each work day, whenever Utility Work is performed, the Utility will provide the Department's on-site representative with an itemized summary of all the Utility Work completed.
- b. The Department shall provide inspection of the quality and compaction of backfill installed in connection with the construction contract, excluding bedding and other special backfills and materials used in the installation of the Utility Work.
- c. If the Utility Work is included in the Project contract pursuant to Section 6.e. above, the Utility agrees to the following:
 - i. Should the Utility find the Project contractor's materials or workmanship to be insufficient in any way, the Utility agrees to inform the Department's on-site representative as soon as possible, but no later than the end of the day in which the problem is identified.
 - ii. As administrator to the construction contract, the Department's on-site representative shall be responsible for authorizing all payments relating to the Utility Work, issuing all directives to the Project's contractor and making the final determination in the event of any disagreements.

8. Ownership of Completed Utilities: Upon completion of the Utility Work the Utility shall assume complete ownership of, and responsibility for, the utility facilities installed in connection with the Utility Work.

9. Claims: The Utility shall be responsible for the prompt review and settlement of any claims arising from or related to the Utility Work or its impact on the Project.

10. Indemnification: The Utility shall indemnify, defend and hold harmless the Department and its officers, employees, agents and assigns, from and against any and all claims, liability or expenses, including but not limited to reasonable attorney's fees and litigation costs (the "Claims"), to the extent such Claims are caused, or alleged to have been caused, by acts or omissions of the Utility or any of its officers, employees, agents, representatives, supervisors, contractors, subcontractors or consultants in connection with the performance of its obligations under this Agreement. Nothing in this Agreement is intended or shall be construed to waive any defense, immunity or limitation of liability that may be available to the Department or the Utility pursuant to the Maine Tort Claims Act (14 M.R.S. § 8101 *et seq.*) or any other privileges or immunities provided by law. The terms outlined in this section shall survive any termination or expiration of this Agreement.

11. **Buy America Requirements:** This agreement is subject to the requirements of Buy America in accordance with Federal Regulation 23 CFR 635.410 Section 1518. Specific requirements are presented in MaineDOT Standard Specification Section 100, Appendix A, Section 3.A., Buy America which are incorporated and made a part hereof by reference.
12. **Subsequent Excavations and/or Installations:** Except in the case of an emergency, the Utility acknowledges and agrees to refrain from applying for a permit for the excavation of the highway within the limits of the Project for a period of at least 3 years following the completion of the Project, and agrees to make all necessary notifications to abutters and occupants of the highway as otherwise required of any municipal government under the provisions of 23 M.R.S.A. § 3351. In all cases, whether an excavation moratorium as described above applies, or as in the case of Light Capital Paving projects where no excavation moratorium applies, the Utility further acknowledges and agrees that all subsequent excavations and/or installations within the right-of-way of the Project limits shall be regulated and controlled in the manner specified by the most recent version of the Department's *"Utility Accommodation Rules"*, which are incorporated and made a part hereof by reference. The terms outlined in this section shall survive any termination or expiration of this Agreement.
13. **Non-Appropriation and Termination:** Anything herein to the contrary notwithstanding, the Utility acknowledges and agrees that, although the execution of this Agreement by the Department manifests the Department's intent to honor its terms and to seek funding to fulfill any obligations arising hereunder, by law any such obligations are subject to available budgetary appropriations by the Maine Legislature and, therefore, this Agreement does not create any obligation on behalf of the Department in excess of such appropriations. In the event of unanticipated impacts on the Project, such as, changes in the Project design, or a loss in Project funding, or a delay in advertising or awarding of the contract, the Department may postpone, suspend, abandon or otherwise terminate this Agreement upon thirty (30) days written notice to the Utility and in no event shall any such action be deemed a breach of contract.
14. **Payment:** If the Utility Work is included in the Project contract pursuant to Section 6.e. above, the Utility agrees to reimburse the Department for the full amount of the cost of the utility work. A detailed breakdown of the anticipated cost of the Utility Work is attached hereto and incorporated herein as Appendix A. The Department will issue a final invoice after all the Utility Work is complete, all quantities are verified, and any required adjustments have been made. The Department, at its sole discretion, may issue periodic invoices for portions of the Utility Work as it is being completed. The final invoice will include any remaining costs or credits. The Utility shall submit payment to the Department within 30 days from the invoice date.

15. Contact Information:

For the Department:

Name: David Ouellette
Address: 16 Statehouse Station
Augusta, ME 04333
E-mail: david.ouellette@maine.gov
Telephone: 207-441-7965

For the Utility:

Name: Brad Roland
Address: 212 Canco Road
Portland, ME 04103
E-mail: brad@portlandmaine.gov
Telephone: 207-874-8840

16. No Relief of Responsibilities: Nothing in this agreement is intended, nor shall be interpreted, to relieve the Utility of any responsibilities or duties imposed upon it by law.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement effective on the date last signed below.

CITY OF PORTLAND

By: _____

Print Name: Danielle West

City Manager
Duly Authorized

DATE: _____

**STATE OF MAINE
DEPARTMENT OF TRANSPORTATION**

By: _____

Print Name: LaRay Hamilton

Sr. Project Manager
Duly Authorized

DATE: _____

APPENDIX A
PROJECT SCOPE

MAINE DEPARTMENT OF TRANSPORTATION
UTILITY RECEIVABLE AGREEMENT

CITY OF PORTLAND
Portland, ME

FEDERAL AID PROJECT NO. 2600550
STATE PROJECT IDENTIFICATION NUMBER (WIN) 026005.50

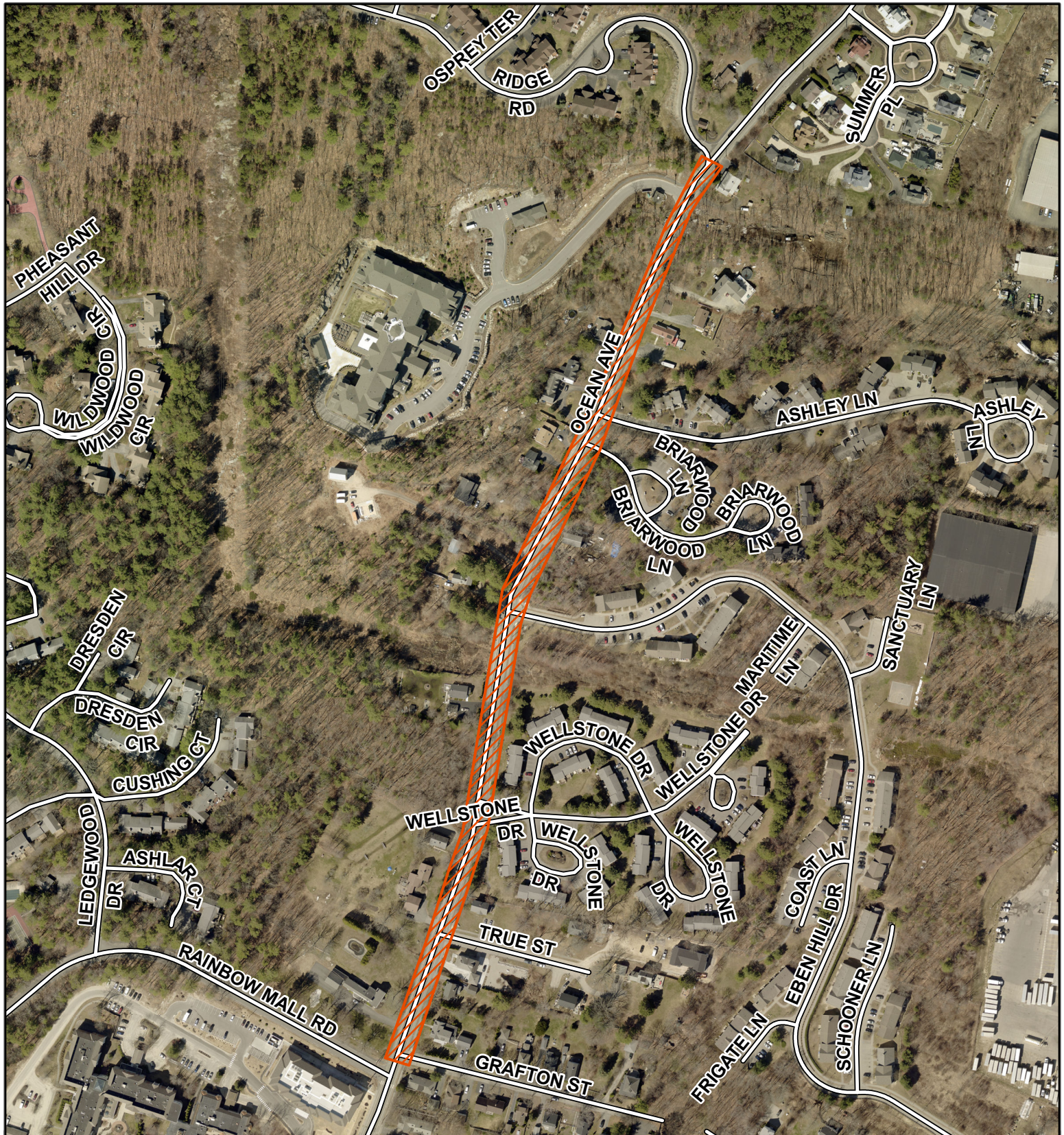
Project Scope: Adjust 24 sewer manholes to grade for the City of Portland

ESTIMATE OF UTILITY WORK:

Item #	Pay Item	Estimated Quantity/Unit	Unit Price	Utility Cost
812.162	ADJUST SEWER MANHOLE TO GRADE	24 EA	1,800	43,200
Total Cost:				43,200

ESTIMATED PAYMENT SCHEDULE:

Utility	Payment Amount	Estimated Invoice Date
City of Portland	\$43,200	December 16, 2024



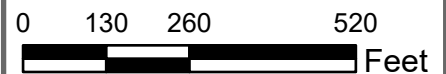
Public
Works

CITY OF PORTLAND, MAINE
DEPT. OF PUBLIC WORKS
212 CANCO RD. PORTLAND, MAINE 04103
PHONE (207) 874-8846 FAX (207) 874-8852

Maine DOT **Collector Paving** **Ocean Ave** Grafton St. to Ridge Rd



March 2024



*MaineDOT use only*

CTM #: _____
 CSN #: _____
 PROGRAM: Bureau of Planning

State of Maine
DEPARTMENT OF TRANSPORTATION
THREE-PARTY PARTNERSHIP AGREEMENT

Proposed Improvements to Ocean Avenue

(Non-Monetary)

MaineDOT Use Only

Project Location: <u>Portland</u>	Estimated Project Amount: <u>\$532,000.00</u>
State WIN: <u>026005.50</u>	Agreement Begin Date:
Federal Aid Project #: <u>2600550</u>	Agreement End Date:
PACTS ID#: <u>PACTS</u>	Municipality ID#: <u>PORTLAND</u>

This Cooperative Agreement (the “Agreement”) is entered into by and between the Maine Department of Transportation (MaineDOT), an agency of state government, the City of Portland (the “Municipality”), a municipality in the State of Maine, and the Portland Area Comprehensive Transportation System, the designated Metropolitan Planning Organization for the Portland Urbanized Area (PACTS) (MaineDOT, the Municipality and PACTS are collectively referred to as the “Parties”).

RECITALS

- A.** The work that is the subject of this Agreement consists of making improvements to Ocean Avenue beginning at Grafton Street and extending north 0.42 of a mile to Ridge Road, in Portland, Maine (the “Project”).
- B.** MaineDOT, through its partnership with Maine’s Metropolitan Planning Organizations (MPOs), is charged with managing and dispersing MPO state and federal funds to support capital improvement projects programmed by the MPOs. PACTS is MaineDOT’s MPO partner for the Portland Urbanized Area.
- C.** PACTS has selected the Project for inclusion in the 2023-2024-2025 MaineDOT Work Plan, using Federal and State capital improvement funding allocated by MaineDOT.
- D.** The Municipality has approved the Project and supports the decision by MaineDOT and PACTS to program the Project, and will contribute financially to the Project through its municipal share.

- E. The Parties have a mutual interest in ensuring that the Project is delivered on a reasonable schedule and within the programmed budget, using a process that maximizes communication and cooperation between the Parties.
- F. This Agreement is intended to cover the roles and responsibilities of the Parties during the preliminary engineering and right-of-way phases of the Project, and to establish the financial obligations of each Party through all phases of the Project.
- G. If the Parties cooperatively agree to proceed to full Project development, this Agreement will be modified to reflect any increase in Project cost estimates. MaineDOT and the Municipality will then enter into a separate municipal-state agreement to establish responsibilities of MaineDOT and the Municipality through the remaining phases of the Project (the “Municipal-State Agreement”).

AGREEMENT

NOW, THEREFORE, in accordance with the foregoing, the Parties agree as follows:

1. Appendices:

The following appendices are hereby incorporated into this Agreement:

- ☐ Appendix A -
- ☐ Appendix B - Requirements for operation and maintenance of traffic signals
- ☒ Check if no appendices attached

2. Scope of Project:

The Project shall consist of a mill and fill on Ocean Avenue beginning at Grafton Street and extending north 0.42 of a mile to Ridge Road (the “Scope of Work”).

The terms of this Agreement apply to the implementation of the preliminary engineering and right-of-way phases of the Project unless this Agreement is otherwise modified to include all phases of Project development, in which case the table set out in Section 3 below shall be adjusted accordingly.

3. Project Cost Sharing and Payment Schedule:

- a. **Financial Obligations:** The total estimated cost of the Project is \$532,000.00 (the “Project Estimate”). The Parties agree to share in all Project costs associated with the Project phases outlined in the table below. Each Party’s share of the Project’s actual costs associated with each phase shall be allocated as follows, unless otherwise negotiated by mutual agreement of the Parties.
 - i. **Federal Share** (provided by MaineDOT through PACTS Federal Allocation) - 75% of eligible Project costs, up to a maximum of \$399,000.00.
 - ii. **State Share** (provided by MaineDOT through PACTS State Allocation) – 0.00% of eligible Project costs, up to a maximum of \$0.00.

iii. **Municipality's Share** (provided by the Municipality through the Municipality's obligation of funds) - 25% of eligible Project costs, which is estimated at \$133,000.00, plus 100% of the following:

1. Any costs deemed ineligible for federal and state participation.
2. Any costs associated with additional work requested by the Municipality that is outside the Project scope of work.
3. All Project costs exceeding the Project Estimate after the above referenced Party Shares have been applied, unless otherwise agreed to in writing by the Parties through a written modification to this Agreement.

Work Phase	Estimated PACTS Federal Share		Estimated PACTS State Share		Estimated Municipality's Share		Estimated Total Cost
	%	\$	%	\$	%	\$	\$
Preliminary Engineering	75%	\$ 19,500.00	0%	\$ -	25%	\$ 6,500.00	\$ 26,000.00
Right of Way	75%	\$ -	0%	\$ -	25%	\$ -	\$ -
Construction	75%	\$ 330,000.00	0%	\$ -	25%	\$ 110,000.00	\$ 440,000.00
Construction Engineering	75%	\$ 49,500.00	0%	\$ -	25%	\$ 16,500.00	\$ 66,000.00
TOTALS:		\$ 399,000.00		\$ -		\$ 133,000.00	\$ 532,000.00

b. **Payment Schedule:** The PACTS Share will be disbursed by MaineDOT in accordance with the allocations outlined above. If the Parties elect to move forward with full development of the Project as contemplated in this Agreement, the Municipal Share will be invoiced by MaineDOT in accordance with the payment schedule outlined in the Municipal-State Agreement described herein. If the Parties choose not to proceed to full Project development and no Municipal-State Agreement is executed, the Municipal share, based on the allocations outlined above, will be invoiced as promptly as practicable upon that decision having been made. Upon receipt of such invoice, the Municipality shall submit payment to MaineDOT within thirty (30) days.

4. **Project Milestones:** MaineDOT agrees to share information about the Project with the Municipality and PACTS at the following milestones, as appropriate:

- Project kickoff/initial team meeting/formal public contact;
- Horizontal/Vertical Alignment Complete (HVAC);
- Preliminary public meeting;
- Preliminary Design Report (PDR) complete;
- Formal public meeting(s);
- Plan Impacts Complete (PIC);
- Peer reviews;
- Plans, Specifications and Estimate (PS&E) complete;
- Changes in the Project schedule or Project Estimate.

5. **Project Design:**

- a. The Parties shall hold a project kickoff meeting to go over the scope of work, Project cost, and schedule for the Project before work will begin.
- b. MaineDOT shall prepare, or cause to be prepared, all plans, specifications, engineer's estimates and contract documents as appropriate for the Project using MaineDOT's standard project development process to ensure adherence to federal and state regulations (the "Preliminary Project Development Materials").
- c. As a component of preparing the Preliminary Project Development Materials, MaineDOT shall, at a minimum, be responsible for the following:
 - i. Performing all right-of-way related investigations to determine whether or not there may be a need to acquire temporary and/or permanent rights to develop the Project as well as, if applicable, all title examination, appraisal, appraisal review, negotiation and acquisition/condemnation activities for any property rights that must be acquired to accommodate the Project, and all necessary mapping services reflecting such property acquisitions.
 - ii. Coordinating with affected utilities and railroads to identify existing locations and/or implementing any relocation impacts that may be created by the development of the Project.
 - iii. Performing all necessary National Environmental Policy Act (NEPA) compliance processes for the Project.
 - iv. Performing all necessary permitting activities required in connection with the Project.
- d. MaineDOT shall be the sole administrator of the Project contract(s). MaineDOT will pay up front all Project costs, subject to cost sharing by the Municipality and PACTS as specified in the **Project Cost Sharing and Payment Schedule** set out herein. Neither MaineDOT nor its contractors will be required to pay for inspections and permits from the Municipality.
- e. After completion of the PDR, and a decision to proceed with Project construction has been made, MaineDOT and the Municipality will then execute the Municipal-State Agreement covering their obligations regarding Project advertisement, award, construction and construction engineering. Said Municipal-State Agreement will incorporate financial obligations that are consistent with those reflected in this Agreement, unless such terms are otherwise negotiated by mutual agreement of the Parties.
- f. The Municipality shall ensure that affected, municipally-owned utilities are responsive to Project demands and are completing necessary activities in accordance with the Project schedule as established and coordinated by MaineDOT. Failure to do so may result in MaineDOT delaying implementation of the Municipality's future projects until appropriate utility responsiveness is obtained.

6. Public Involvement: MaineDOT shall be responsible for implementing and leading any and all required public involvement activities and any necessary media coordination associated with the any phases of the Project covered by this Agreement. The Parties agree to participate as partners in all such actions.

7. Changes to Project Scope:

- a. MaineDOT will consult with PACTS and the Municipality before implementing any adjustments to the Project scope, and PACTS and the Municipality will, likewise, notify MaineDOT of any proposed changes they wish to implement.
- b. The Municipality may, at its election, request that changes be made or work added to the Project during the period of design that benefit the Municipality, provided that the Municipality agrees in writing to pay any additional cost associate therewith. In the event that such changes or work are approved for federal participation in the cost thereof, such additional cost may be reduced to the non-federal share (the “Additional Work Requested by Municipality”).

8. Termination:

- a. MaineDOT reserves the right to terminate the Project for any reason prior to the award of a contract to construct the Project. If MaineDOT’s termination under this clause is not directed by the Municipality and PACTS, MaineDOT shall be responsible for covering all Project costs incurred up to the time of termination.
- b. MaineDOT also reserves the right to terminate all provisions pertaining to any Additional Work Requested by Municipality at any time prior to the award of a contract to construct the Project because of any failure by the Municipality to meet any of the conditions and stipulations set forth in this Agreement.
- c. If the Municipality withdraws its financial support for the Project leading MaineDOT to terminate the Project, the Municipality shall reimburse MaineDOT fully for any and all Project costs incurred in reliance on the Municipality’s financial obligations outlined herein, including, but not limited to, reimbursement of all federal and state funds expended up to the time of such termination.
- d. This Agreement may be terminated at any time by mutual written agreement of all Parties, provided that such written agreement shall address the allocation between the Parties of any costs, expenses, penalties and/or liabilities expended, committed or imposed in connection with the Project and the Project contract as of such date of termination.
- e. In no event shall any such action taken under this subsection be deemed a breach of contract, nor shall it represent any individual Party’s waiver of claims for breach of contract or its right to any other remedy it may have pursuant to this Agreement, or at law or in equity.
- f. In the event of Project termination, all provisions of this Agreement shall become null and void except for the financial obligations set forth herein, as well as those provisions to this Agreement that by their very nature are intended to survive.

9. **Miscellaneous Provisions:**

- a. **Amendment and Modification.** This Agreement, and all attachments, may only be modified or amended in writing and signed by duly authorized representatives of the Parties.
- b. **Indemnification.** To the extent permitted by law, the Municipality and PACTS shall each individually indemnify, defend and hold harmless MaineDOT, its officers, agents and employees from all claims, suits or liabilities arising from the indemnifying Party's own negligent or wrongful acts, errors or omissions or by that Party's officials, employees, agents, consultants or contractors. Nothing herein shall waive any defense immunity or limitation of liability that may be available under the Maine Tort Claims Act (14 M.R.S. Section 8101 et seq.) or any other privileges or immunities provided by law. This provision shall survive the termination or expiration of the Project.
- c. **Obligation of State Funds.** Anything herein to the contrary notwithstanding, the Municipality and PACTS acknowledge and agree that, although the execution of this Agreement by MaineDOT manifests its intent to honor its terms and to seek funding to fulfill any obligations arising hereunder, by law any such obligations are subject to available budgetary appropriations by the Maine Legislature and the federal government and, therefore, this Agreement does not create any obligation on behalf of MaineDOT in excess of such appropriations.
- d. **Municipal Authority and Obligation of Municipal Funds.** The Municipality represents that it has received all necessary approvals or authorizations by its governing authorities to approve the Project and enter into this Agreement, and that it has obligated the necessary funds to satisfy its Municipal Share of the Project Costs outlined herein.
- e. **State of Maine's Rights of Set-Off.** MaineDOT shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State of Maine's option to withhold for the purposes of set-off monies due the Municipality under a specific project contract up to any amounts due and owed to MaineDOT with regard to this Agreement, and any other agreement/contract with any State of Maine department or agency, including any agreement/contract for a term commencing prior to the term of this Agreement, plus any amounts due and owed to the State of Maine for any reason including without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. MaineDOT shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by MaineDOT, its representatives, or the State Controller.
- f. **Assignment.** No assignment of this agreement is contemplated, and in no event, shall any assignment be made without the express written permission of MaineDOT.
- g. **Independent Capacity.** The Municipality and PACTS, their respective employees, agents, representatives, consultants and contractors shall not act as officers, employees or agents of MaineDOT.

- h. Governing Law. This Agreement shall be construed under the laws of the State of Maine. Additionally, all activities under this Agreement shall be performed in accordance with applicable federal laws and regulations, including without limitation Title 23 in the U.S. Code (USC) for statutory law, Title 23 in the Code of Federal Regulations (CFR) for administrative law, and Title 2 CFR, Part 200, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.”
- i. Binding Effect. The Parties shall be bound by the terms of this Agreement. This provision shall apply to the Agreement’s executors, their successors, administrators and legal representatives.
- j. Notice. Any communications, requests or notices required or appropriate to be given under this Agreement shall be in writing and mailed via U.S. Mail, Certified or Registered, Return Receipt Requested or sent via a recognized commercial carrier such as, but not limited to Federal Express, that requires a return receipt delivered to the sending party. Alternatively, communication may be sent via email and shall satisfy the delivery requirements of this section through express acknowledgement of receipt by the receiving party. Said communications, requests or notices shall be sent to the other party as follows:

MaineDOT: Maine Department of Transportation
 51 Pleasant Hill Road
 P.O. Box 358
 Scarborough, ME 04070-0358
 Attn.: LaRay Hamilton, P.E.
 Email: LaRay.Hamilton@maine.gov

Municipality: City of Portland
 Department of Public Works
 212 Canco Road, Suite B
 Portland, ME 04103
 Attn.: Jeremiah Bartlett, PE, PTOE, Transportation
 Systems Engineer
 Email: jbartlett@portlandmaine.gov

PACTS: Portland Area Comprehensive Transportation System
 970 Baxter Boulevard, Suite 201
 Portland, ME 04103
 Attn.: Elizabeth Roberts, P.E.
 Email: eroberts@gpcog.org

Each Party agrees to promptly notify all other Parties of any changes to the above referenced contact information.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement effective on the day and date last signed.

Date _____
Kristina Egan, Executive Director *
Greater Portland Council of Governments
For Portland Area Comprehensive Transportation System
Duly authorized

Date _____
Danielle West, City Manager *
Municipality of Portland
Duly authorized

Date _____
Dale F. Doughty, Director, Bureau of Planning *
Maine Department of Transportation
Duly authorized

** I certify that the signature above is true and accurate. I further certify that the signature, if electronic: (a) is intended to have the same force as a manual signature; (b) is unique to myself; (c) is capable of verification; and (d) is under the sole control of myself.*

*MaineDOT use only*

CTM #: _____
 CSN #: _____
 PROGRAM: Bureau of Planning

State of Maine
DEPARTMENT OF TRANSPORTATION
THREE-PARTY PARTNERSHIP AGREEMENT

Proposed Improvements to Washington Avenue

(Non-Monetary)

MaineDOT Use Only

Project Location: <u>Portland</u>	Estimated Project Amount: <u>\$324,000.00</u>
State WIN: <u>026005.40</u>	Agreement Begin Date:
Federal Aid Project #: <u>2600540</u>	Agreement End Date:
PACTS ID#: <u>PACTS</u>	Municipality ID#: <u>PORTLAND</u>

This Cooperative Agreement (the “Agreement”) is entered into by and between the Maine Department of Transportation (MaineDOT), an agency of state government, the City of Portland (the “Municipality”), a municipality in the State of Maine, and the Portland Area Comprehensive Transportation System, the designated Metropolitan Planning Organization for the Portland Urbanized Area (PACTS) (MaineDOT, the Municipality and PACTS are collectively referred to as the “Parties”).

RECITALS

- A.** The work that is the subject of this Agreement consists of making improvements to Washington Avenue beginning at Lester Drive and extending north 0.25 of a mile to Lambert Street, in Portland, Maine (the “Project”).
- B.** MaineDOT, through its partnership with Maine’s Metropolitan Planning Organizations (MPOs), is charged with managing and dispersing MPO state and federal funds to support capital improvement projects programmed by the MPOs. PACTS is MaineDOT’s MPO partner for the Portland Urbanized Area.
- C.** PACTS has selected the Project for inclusion in the 2023-2024-2025 MaineDOT Work Plan, using Federal and State capital improvement funding allocated by MaineDOT.
- D.** The Municipality has approved the Project and supports the decision by MaineDOT and PACTS to program the Project, and will contribute financially to the Project through its municipal share.

- E. The Parties have a mutual interest in ensuring that the Project is delivered on a reasonable schedule and within the programmed budget, using a process that maximizes communication and cooperation between the Parties.
- F. This Agreement is intended to cover the roles and responsibilities of the Parties during the preliminary engineering and right-of-way phases of the Project, and to establish the financial obligations of each Party through all phases of the Project.
- G. If the Parties cooperatively agree to proceed to full Project development, this Agreement will be modified to reflect any increase in Project cost estimates. MaineDOT and the Municipality will then enter into a separate municipal-state agreement to establish responsibilities of MaineDOT and the Municipality through the remaining phases of the Project (the “Municipal-State Agreement”).

AGREEMENT

NOW, THEREFORE, in accordance with the foregoing, the Parties agree as follows:

1. Appendices:

The following appendices are hereby incorporated into this Agreement:

- ☐ Appendix A -
- ☐ Appendix B - Requirements for operation and maintenance of traffic signals
- ☒ Check if no appendices attached

2. Scope of Project:

The Project shall consist of a mill and fill on Washington Avenue beginning at Lester Drive and extending north 0.25 of a mile to Lambert Street (the “Scope of Work”).

The terms of this Agreement apply to the implementation of the preliminary engineering and right-of-way phases of the Project unless this Agreement is otherwise modified to include all phases of Project development, in which case the table set out in Section 3 below shall be adjusted accordingly.

3. Project Cost Sharing and Payment Schedule:

- a. **Financial Obligations:** The total estimated cost of the Project is \$324,000.00 (the “Project Estimate”). The Parties agree to share in all Project costs associated with the Project phases outlined in the table below. Each Party’s share of the Project’s actual costs associated with each phase shall be allocated as follows, unless otherwise negotiated by mutual agreement of the Parties.
 - i. **Federal Share** (provided by MaineDOT through PACTS Federal Allocation) - 75% of eligible Project costs, up to a maximum of \$243,000.00.
 - ii. **State Share** (provided by MaineDOT through PACTS State Allocation) – 0.00% of eligible Project costs, up to a maximum of \$0.00.

iii. **Municipality's Share** (provided by the Municipality through the Municipality's obligation of funds) - 25% of eligible Project costs, which is estimated at \$81,000.00, plus 100% of the following:

1. Any costs deemed ineligible for federal and state participation.
2. Any costs associated with additional work requested by the Municipality that is outside the Project scope of work.
3. All Project costs exceeding the Project Estimate after the above referenced Party Shares have been applied, unless otherwise agreed to in writing by the Parties through a written modification to this Agreement.

Work Phase	Estimated PACTS Federal Share		Estimated PACTS State Share		Estimated Municipality's Share		Estimated Total Cost
	%	\$	%	\$	%	\$	\$
Preliminary Engineering	75%	\$ 12,000.00	0%	\$ -	25%	\$ 4,000.00	\$ 16,000.00
Right of Way	75%	\$ -	0%	\$ -	25%	\$ -	\$ -
Construction	75%	\$ 201,000.00	0%	\$ -	25%	\$ 67,000.00	\$ 268,000.00
Construction Engineering	75%	\$ 30,000.00	0%	\$ -	25%	\$ 10,000.00	\$ 40,000.00
TOTALS:		\$ 243,000.00		\$ -		\$ 81,000.00	\$ 324,000.00

b. **Payment Schedule:** The PACTS Share will be disbursed by MaineDOT in accordance with the allocations outlined above. If the Parties elect to move forward with full development of the Project as contemplated in this Agreement, the Municipal Share will be invoiced by MaineDOT in accordance with the payment schedule outlined in the Municipal-State Agreement described herein. If the Parties choose not to proceed to full Project development and no Municipal-State Agreement is executed, the Municipal share, based on the allocations outlined above, will be invoiced as promptly as practicable upon that decision having been made. Upon receipt of such invoice, the Municipality shall submit payment to MaineDOT within thirty (30) days.

4. **Project Milestones:** MaineDOT agrees to share information about the Project with the Municipality and PACTS at the following milestones, as appropriate:

- Project kickoff/initial team meeting/formal public contact;
- Horizontal/Vertical Alignment Complete (HVAC);
- Preliminary public meeting;
- Preliminary Design Report (PDR) complete;
- Formal public meeting(s);
- Plan Impacts Complete (PIC);
- Peer reviews;
- Plans, Specifications and Estimate (PS&E) complete;
- Changes in the Project schedule or Project Estimate.

5. **Project Design:**

- a. The Parties shall hold a project kickoff meeting to go over the scope of work, Project cost, and schedule for the Project before work will begin.
- b. MaineDOT shall prepare, or cause to be prepared, all plans, specifications, engineer's estimates and contract documents as appropriate for the Project using MaineDOT's standard project development process to ensure adherence to federal and state regulations (the "Preliminary Project Development Materials").
- c. As a component of preparing the Preliminary Project Development Materials, MaineDOT shall, at a minimum, be responsible for the following:
 - i. Performing all right-of-way related investigations to determine whether or not there may be a need to acquire temporary and/or permanent rights to develop the Project as well as, if applicable, all title examination, appraisal, appraisal review, negotiation and acquisition/condemnation activities for any property rights that must be acquired to accommodate the Project, and all necessary mapping services reflecting such property acquisitions.
 - ii. Coordinating with affected utilities and railroads to identify existing locations and/or implementing any relocation impacts that may be created by the development of the Project.
 - iii. Performing all necessary National Environmental Policy Act (NEPA) compliance processes for the Project.
 - iv. Performing all necessary permitting activities required in connection with the Project.
- d. MaineDOT shall be the sole administrator of the Project contract(s). MaineDOT will pay up front all Project costs, subject to cost sharing by the Municipality and PACTS as specified in the **Project Cost Sharing and Payment Schedule** set out herein. Neither MaineDOT nor its contractors will be required to pay for inspections and permits from the Municipality.
- e. After completion of the PDR, and a decision to proceed with Project construction has been made, MaineDOT and the Municipality will then execute the Municipal-State Agreement covering their obligations regarding Project advertisement, award, construction and construction engineering. Said Municipal-State Agreement will incorporate financial obligations that are consistent with those reflected in this Agreement, unless such terms are otherwise negotiated by mutual agreement of the Parties.
- f. The Municipality shall ensure that affected, municipally-owned utilities are responsive to Project demands and are completing necessary activities in accordance with the Project schedule as established and coordinated by MaineDOT. Failure to do so may result in MaineDOT delaying implementation of the Municipality's future projects until appropriate utility responsiveness is obtained.

6. Public Involvement: MaineDOT shall be responsible for implementing and leading any and all required public involvement activities and any necessary media coordination associated with the any phases of the Project covered by this Agreement. The Parties agree to participate as partners in all such actions.

7. Changes to Project Scope:

- a. MaineDOT will consult with PACTS and the Municipality before implementing any adjustments to the Project scope, and PACTS and the Municipality will, likewise, notify MaineDOT of any proposed changes they wish to implement.
- b. The Municipality may, at its election, request that changes be made or work added to the Project during the period of design that benefit the Municipality, provided that the Municipality agrees in writing to pay any additional cost associate therewith. In the event that such changes or work are approved for federal participation in the cost thereof, such additional cost may be reduced to the non-federal share (the “Additional Work Requested by Municipality”).

8. Termination:

- a. MaineDOT reserves the right to terminate the Project for any reason prior to the award of a contract to construct the Project. If MaineDOT’s termination under this clause is not directed by the Municipality and PACTS, MaineDOT shall be responsible for covering all Project costs incurred up to the time of termination.
- b. MaineDOT also reserves the right to terminate all provisions pertaining to any Additional Work Requested by Municipality at any time prior to the award of a contract to construct the Project because of any failure by the Municipality to meet any of the conditions and stipulations set forth in this Agreement.
- c. If the Municipality withdraws its financial support for the Project leading MaineDOT to terminate the Project, the Municipality shall reimburse MaineDOT fully for any and all Project costs incurred in reliance on the Municipality’s financial obligations outlined herein, including, but not limited to, reimbursement of all federal and state funds expended up to the time of such termination.
- d. This Agreement may be terminated at any time by mutual written agreement of all Parties, provided that such written agreement shall address the allocation between the Parties of any costs, expenses, penalties and/or liabilities expended, committed or imposed in connection with the Project and the Project contract as of such date of termination.
- e. In no event shall any such action taken under this subsection be deemed a breach of contract, nor shall it represent any individual Party’s waiver of claims for breach of contract or its right to any other remedy it may have pursuant to this Agreement, or at law or in equity.
- f. In the event of Project termination, all provisions of this Agreement shall become null and void except for the financial obligations set forth herein, as well as those provisions to this Agreement that by their very nature are intended to survive.

9. **Miscellaneous Provisions:**

- a. **Amendment and Modification.** This Agreement, and all attachments, may only be modified or amended in writing and signed by duly authorized representatives of the Parties.
- b. **Indemnification.** To the extent permitted by law, the Municipality and PACTS shall each individually indemnify, defend and hold harmless MaineDOT, its officers, agents and employees from all claims, suits or liabilities arising from the indemnifying Party's own negligent or wrongful acts, errors or omissions or by that Party's officials, employees, agents, consultants or contractors. Nothing herein shall waive any defense immunity or limitation of liability that may be available under the Maine Tort Claims Act (14 M.R.S. Section 8101 et seq.) or any other privileges or immunities provided by law. This provision shall survive the termination or expiration of the Project.
- c. **Obligation of State Funds.** Anything herein to the contrary notwithstanding, the Municipality and PACTS acknowledge and agree that, although the execution of this Agreement by MaineDOT manifests its intent to honor its terms and to seek funding to fulfill any obligations arising hereunder, by law any such obligations are subject to available budgetary appropriations by the Maine Legislature and the federal government and, therefore, this Agreement does not create any obligation on behalf of MaineDOT in excess of such appropriations.
- d. **Municipal Authority and Obligation of Municipal Funds.** The Municipality represents that it has received all necessary approvals or authorizations by its governing authorities to approve the Project and enter into this Agreement, and that it has obligated the necessary funds to satisfy its Municipal Share of the Project Costs outlined herein.
- e. **State of Maine's Rights of Set-Off.** MaineDOT shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State of Maine's option to withhold for the purposes of set-off monies due the Municipality under a specific project contract up to any amounts due and owed to MaineDOT with regard to this Agreement, and any other agreement/contract with any State of Maine department or agency, including any agreement/contract for a term commencing prior to the term of this Agreement, plus any amounts due and owed to the State of Maine for any reason including without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. MaineDOT shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by MaineDOT, its representatives, or the State Controller.
- f. **Assignment.** No assignment of this agreement is contemplated, and in no event, shall any assignment be made without the express written permission of MaineDOT.
- g. **Independent Capacity.** The Municipality and PACTS, their respective employees, agents, representatives, consultants and contractors shall not act as officers, employees or agents of MaineDOT.

- h. Governing Law. This Agreement shall be construed under the laws of the State of Maine. Additionally, all activities under this Agreement shall be performed in accordance with applicable federal laws and regulations, including without limitation Title 23 in the U.S. Code (USC) for statutory law, Title 23 in the Code of Federal Regulations (CFR) for administrative law, and Title 2 CFR, Part 200, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.”
- i. Binding Effect. The Parties shall be bound by the terms of this Agreement. This provision shall apply to the Agreement’s executors, their successors, administrators and legal representatives.
- j. Notice. Any communications, requests or notices required or appropriate to be given under this Agreement shall be in writing and mailed via U.S. Mail, Certified or Registered, Return Receipt Requested or sent via a recognized commercial carrier such as, but not limited to Federal Express, that requires a return receipt delivered to the sending party. Alternatively, communication may be sent via email and shall satisfy the delivery requirements of this section through express acknowledgement of receipt by the receiving party. Said communications, requests or notices shall be sent to the other party as follows:

MaineDOT: Maine Department of Transportation
 51 Pleasant Hill Road
 P.O. Box 358
 Scarborough, ME 04070-0358
 Attn.: LaRay Hamilton, P.E.
 Email: LaRay.Hamilton@maine.gov

Municipality: City of Portland
 Department of Public Works
 212 Canco Road, Suite B
 Portland, ME 04103
 Attn.: Jeremiah Bartlett, PE, PTOE, Transportation
 Systems Engineer
 Email: jbartlett@portlandmaine.gov

PACTS: Portland Area Comprehensive Transportation System
 970 Baxter Boulevard, Suite 201
 Portland, ME 04103
 Attn.: Elizabeth Roberts, P.E.
 Email: eroberts@gpcog.org

Each Party agrees to promptly notify all other Parties of any changes to the above referenced contact information.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement effective on the day and date last signed.

Date _____
Kristina Egan, Executive Director *
Greater Portland Council of Governments
For Portland Area Comprehensive Transportation System
Duly authorized

Date _____
Danielle West, City Manager *
Municipality of Portland
Duly authorized

Date _____
Dale F. Doughty, Director, Bureau of Planning *
Maine Department of Transportation
Duly authorized

** I certify that the signature above is true and accurate. I further certify that the signature, if electronic: (a) is intended to have the same force as a manual signature; (b) is unique to myself; (c) is capable of verification; and (d) is under the sole control of myself.*

*MaineDOT use only*

CTM #: _____
 CSN #: _____
 PROGRAM: Bureau of Planning

State of Maine
DEPARTMENT OF TRANSPORTATION
THREE-PARTY PARTNERSHIP AGREEMENT

Proposed Improvements to Riverside Street

(Non-Monetary)

MaineDOT Use Only

Project Location: <u>Portland</u>	Estimated Project Amount: <u>\$711,000.00</u>
State WIN: <u>026005.30</u>	Agreement Begin Date:
Federal Aid Project #: <u>2600530</u>	Agreement End Date:
PACTS ID#: <u>PACTS</u>	Municipality ID#: <u>PORTLAND</u>

This Cooperative Agreement (the “Agreement”) is entered into by and between the Maine Department of Transportation (MaineDOT), an agency of state government, the City of Portland (the “Municipality”), a municipality in the State of Maine, and the Portland Area Comprehensive Transportation System, the designated Metropolitan Planning Organization for the Portland Urbanized Area (PACTS) (MaineDOT, the Municipality and PACTS are collectively referred to as the “Parties”).

RECITALS

- A.** The work that is the subject of this Agreement consists of making improvements to Riverside Street beginning at Caddie Lane and extending north 0.75 of a mile to Washington Avenue, in Portland, Maine (the “Project”).
- B.** MaineDOT, through its partnership with Maine’s Metropolitan Planning Organizations (MPOs), is charged with managing and dispersing MPO state and federal funds to support capital improvement projects programmed by the MPOs. PACTS is MaineDOT’s MPO partner for the Portland Urbanized Area.
- C.** PACTS has selected the Project for inclusion in the 2023-2024-2025 MaineDOT Work Plan, using Federal and State capital improvement funding allocated by MaineDOT.
- D.** The Municipality has approved the Project and supports the decision by MaineDOT and PACTS to program the Project, and will contribute financially to the Project through its municipal share.

- E. The Parties have a mutual interest in ensuring that the Project is delivered on a reasonable schedule and within the programmed budget, using a process that maximizes communication and cooperation between the Parties.
- F. This Agreement is intended to cover the roles and responsibilities of the Parties during the preliminary engineering and right-of-way phases of the Project, and to establish the financial obligations of each Party through all phases of the Project.
- G. If the Parties cooperatively agree to proceed to full Project development, this Agreement will be modified to reflect any increase in Project cost estimates. MaineDOT and the Municipality will then enter into a separate municipal-state agreement to establish responsibilities of MaineDOT and the Municipality through the remaining phases of the Project (the “Municipal-State Agreement”).

AGREEMENT

NOW, THEREFORE, in accordance with the foregoing, the Parties agree as follows:

1. Appendices:

The following appendices are hereby incorporated into this Agreement:

- ☐ Appendix A -
- ☐ Appendix B - Requirements for operation and maintenance of traffic signals
- ☒ Check if no appendices attached

2. Scope of Project:

The Project shall consist of a mill and fill on Riverside Street beginning at Caddie Lane and extending north 0.75 of a mile to Washington Avenue (the “Scope of Work”).

The terms of this Agreement apply to the implementation of the preliminary engineering and right-of-way phases of the Project unless this Agreement is otherwise modified to include all phases of Project development, in which case the table set out in Section 3 below shall be adjusted accordingly.

3. Project Cost Sharing and Payment Schedule:

- a. **Financial Obligations:** The total estimated cost of the Project is \$711,000.00 (the “Project Estimate”). The Parties agree to share in all Project costs associated with the Project phases outlined in the table below. Each Party’s share of the Project’s actual costs associated with each phase shall be allocated as follows, unless otherwise negotiated by mutual agreement of the Parties.
 - i. **Federal Share** (provided by MaineDOT through PACTS Federal Allocation) - 75% of eligible Project costs, up to a maximum of \$533,250.00.
 - ii. **State Share** (provided by MaineDOT through PACTS State Allocation) – 0.00% of eligible Project costs, up to a maximum of \$0.00.

iii. **Municipality's Share** (provided by the Municipality through the Municipality's obligation of funds) - 25% of eligible Project costs, which is estimated at \$177,750.00, plus 100% of the following:

1. Any costs deemed ineligible for federal and state participation.
2. Any costs associated with additional work requested by the Municipality that is outside the Project scope of work.
3. All Project costs exceeding the Project Estimate after the above referenced Party Shares have been applied, unless otherwise agreed to in writing by the Parties through a written modification to this Agreement.

Work Phase	Estimated PACTS Federal Share		Estimated PACTS State Share		Estimated Municipality's Share		Estimated Total Cost
	%	\$	%	\$	%	\$	\$
Preliminary Engineering	75%	\$ 26,250.00	0%	\$ -	25%	\$ 8,750.00	\$ 35,000.00
Right of Way	75%	\$ -	0%	\$ -	25%	\$ -	\$ -
Construction	75%	\$ 441,000.00	0%	\$ -	25%	\$ 147,000.00	\$ 588,000.00
Construction Engineering	75%	\$ 66,000.00	0%	\$ -	25%	\$ 22,000.00	\$ 88,000.00
TOTALS:		\$ 533,250.00		\$ -		\$ 177,750.00	\$ 711,000.00

b. **Payment Schedule:** The PACTS Share will be disbursed by MaineDOT in accordance with the allocations outlined above. If the Parties elect to move forward with full development of the Project as contemplated in this Agreement, the Municipal Share will be invoiced by MaineDOT in accordance with the payment schedule outlined in the Municipal-State Agreement described herein. If the Parties choose not to proceed to full Project development and no Municipal-State Agreement is executed, the Municipal share, based on the allocations outlined above, will be invoiced as promptly as practicable upon that decision having been made. Upon receipt of such invoice, the Municipality shall submit payment to MaineDOT within thirty (30) days.

4. **Project Milestones:** MaineDOT agrees to share information about the Project with the Municipality and PACTS at the following milestones, as appropriate:

- Project kickoff/initial team meeting/formal public contact;
- Horizontal/Vertical Alignment Complete (HVAC);
- Preliminary public meeting;
- Preliminary Design Report (PDR) complete;
- Formal public meeting(s);
- Plan Impacts Complete (PIC);
- Peer reviews;
- Plans, Specifications and Estimate (PS&E) complete;
- Changes in the Project schedule or Project Estimate.

5. **Project Design:**

- a. The Parties shall hold a project kickoff meeting to go over the scope of work, Project cost, and schedule for the Project before work will begin.
- b. MaineDOT shall prepare, or cause to be prepared, all plans, specifications, engineer's estimates and contract documents as appropriate for the Project using MaineDOT's standard project development process to ensure adherence to federal and state regulations (the "Preliminary Project Development Materials").
- c. As a component of preparing the Preliminary Project Development Materials, MaineDOT shall, at a minimum, be responsible for the following:
 - i. Performing all right-of-way related investigations to determine whether or not there may be a need to acquire temporary and/or permanent rights to develop the Project as well as, if applicable, all title examination, appraisal, appraisal review, negotiation and acquisition/condemnation activities for any property rights that must be acquired to accommodate the Project, and all necessary mapping services reflecting such property acquisitions.
 - ii. Coordinating with affected utilities and railroads to identify existing locations and/or implementing any relocation impacts that may be created by the development of the Project.
 - iii. Performing all necessary National Environmental Policy Act (NEPA) compliance processes for the Project.
 - iv. Performing all necessary permitting activities required in connection with the Project.
- d. MaineDOT shall be the sole administrator of the Project contract(s). MaineDOT will pay up front all Project costs, subject to cost sharing by the Municipality and PACTS as specified in the **Project Cost Sharing and Payment Schedule** set out herein. Neither MaineDOT nor its contractors will be required to pay for inspections and permits from the Municipality.
- e. After completion of the PDR, and a decision to proceed with Project construction has been made, MaineDOT and the Municipality will then execute the Municipal-State Agreement covering their obligations regarding Project advertisement, award, construction and construction engineering. Said Municipal-State Agreement will incorporate financial obligations that are consistent with those reflected in this Agreement, unless such terms are otherwise negotiated by mutual agreement of the Parties.
- f. The Municipality shall ensure that affected, municipally-owned utilities are responsive to Project demands and are completing necessary activities in accordance with the Project schedule as established and coordinated by MaineDOT. Failure to do so may result in MaineDOT delaying implementation of the Municipality's future projects until appropriate utility responsiveness is obtained.

6. Public Involvement: MaineDOT shall be responsible for implementing and leading any and all required public involvement activities and any necessary media coordination associated with the any phases of the Project covered by this Agreement. The Parties agree to participate as partners in all such actions.

7. Changes to Project Scope:

- a. MaineDOT will consult with PACTS and the Municipality before implementing any adjustments to the Project scope, and PACTS and the Municipality will, likewise, notify MaineDOT of any proposed changes they wish to implement.
- b. The Municipality may, at its election, request that changes be made or work added to the Project during the period of design that benefit the Municipality, provided that the Municipality agrees in writing to pay any additional cost associate therewith. In the event that such changes or work are approved for federal participation in the cost thereof, such additional cost may be reduced to the non-federal share (the “Additional Work Requested by Municipality”).

8. Termination:

- a. MaineDOT reserves the right to terminate the Project for any reason prior to the award of a contract to construct the Project. If MaineDOT’s termination under this clause is not directed by the Municipality and PACTS, MaineDOT shall be responsible for covering all Project costs incurred up to the time of termination.
- b. MaineDOT also reserves the right to terminate all provisions pertaining to any Additional Work Requested by Municipality at any time prior to the award of a contract to construct the Project because of any failure by the Municipality to meet any of the conditions and stipulations set forth in this Agreement.
- c. If the Municipality withdraws its financial support for the Project leading MaineDOT to terminate the Project, the Municipality shall reimburse MaineDOT fully for any and all Project costs incurred in reliance on the Municipality’s financial obligations outlined herein, including, but not limited to, reimbursement of all federal and state funds expended up to the time of such termination.
- d. This Agreement may be terminated at any time by mutual written agreement of all Parties, provided that such written agreement shall address the allocation between the Parties of any costs, expenses, penalties and/or liabilities expended, committed or imposed in connection with the Project and the Project contract as of such date of termination.
- e. In no event shall any such action taken under this subsection be deemed a breach of contract, nor shall it represent any individual Party’s waiver of claims for breach of contract or its right to any other remedy it may have pursuant to this Agreement, or at law or in equity.
- f. In the event of Project termination, all provisions of this Agreement shall become null and void except for the financial obligations set forth herein, as well as those provisions to this Agreement that by their very nature are intended to survive.

9. Miscellaneous Provisions:

- a. Amendment and Modification. This Agreement, and all attachments, may only be modified or amended in writing and signed by duly authorized representatives of the Parties.
- b. Indemnification. To the extent permitted by law, the Municipality and PACTS shall each individually indemnify, defend and hold harmless MaineDOT, its officers, agents and employees from all claims, suits or liabilities arising from the indemnifying Party's own negligent or wrongful acts, errors or omissions or by that Party's officials, employees, agents, consultants or contractors. Nothing herein shall waive any defense immunity or limitation of liability that may be available under the Maine Tort Claims Act (14 M.R.S. Section 8101 et seq.) or any other privileges or immunities provided by law. This provision shall survive the termination or expiration of the Project.
- c. Obligation of State Funds. Anything herein to the contrary notwithstanding, the Municipality and PACTS acknowledge and agree that, although the execution of this Agreement by MaineDOT manifests its intent to honor its terms and to seek funding to fulfill any obligations arising hereunder, by law any such obligations are subject to available budgetary appropriations by the Maine Legislature and the federal government and, therefore, this Agreement does not create any obligation on behalf of MaineDOT in excess of such appropriations.
- d. Municipal Authority and Obligation of Municipal Funds. The Municipality represents that it has received all necessary approvals or authorizations by its governing authorities to approve the Project and enter into this Agreement, and that it has obligated the necessary funds to satisfy its Municipal Share of the Project Costs outlined herein.
- e. State of Maine's Rights of Set-Off. MaineDOT shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State of Maine's option to withhold for the purposes of set-off monies due the Municipality under a specific project contract up to any amounts due and owed to MaineDOT with regard to this Agreement, and any other agreement/contract with any State of Maine department or agency, including any agreement/contract for a term commencing prior to the term of this Agreement, plus any amounts due and owed to the State of Maine for any reason including without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. MaineDOT shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by MaineDOT, its representatives, or the State Controller.
- f. Assignment. No assignment of this agreement is contemplated, and in no event, shall any assignment be made without the express written permission of MaineDOT.
- g. Independent Capacity. The Municipality and PACTS, their respective employees, agents, representatives, consultants and contractors shall not act as officers, employees or agents of MaineDOT.

- h. Governing Law. This Agreement shall be construed under the laws of the State of Maine. Additionally, all activities under this Agreement shall be performed in accordance with applicable federal laws and regulations, including without limitation Title 23 in the U.S. Code (USC) for statutory law, Title 23 in the Code of Federal Regulations (CFR) for administrative law, and Title 2 CFR, Part 200, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.”
- i. Binding Effect. The Parties shall be bound by the terms of this Agreement. This provision shall apply to the Agreement’s executors, their successors, administrators and legal representatives.
- j. Notice. Any communications, requests or notices required or appropriate to be given under this Agreement shall be in writing and mailed via U.S. Mail, Certified or Registered, Return Receipt Requested or sent via a recognized commercial carrier such as, but not limited to Federal Express, that requires a return receipt delivered to the sending party. Alternatively, communication may be sent via email and shall satisfy the delivery requirements of this section through express acknowledgement of receipt by the receiving party. Said communications, requests or notices shall be sent to the other party as follows:

MaineDOT: Maine Department of Transportation
 51 Pleasant Hill Road
 P.O. Box 358
 Scarborough, ME 04070-0358
 Attn.: LaRay Hamilton, P.E.
 Email: LaRay.Hamilton@maine.gov

Municipality: City of Portland
 Department of Public Works
 212 Canco Road, Suite B
 Portland, ME 04103
 Attn.: Jeremiah Bartlett, PE, PTOE, Transportation
 Systems Engineer
 Email: jbartlett@portlandmaine.gov

PACTS: Portland Area Comprehensive Transportation System
 970 Baxter Boulevard, Suite 201
 Portland, ME 04103
 Attn.: Elizabeth Roberts, P.E.
 Email: eroberts@gpcog.org

Each Party agrees to promptly notify all other Parties of any changes to the above referenced contact information.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement effective on the day and date last signed.

Date _____
Kristina Egan, Executive Director *
Greater Portland Council of Governments
For Portland Area Comprehensive Transportation System
Duly authorized

Date _____
Danielle West, City Manager *
Municipality of Portland
Duly authorized

Date _____
Dale F. Doughty, Director, Bureau of Planning *
Maine Department of Transportation
Duly authorized

** I certify that the signature above is true and accurate. I further certify that the signature, if electronic: (a) is intended to have the same force as a manual signature; (b) is unique to myself; (c) is capable of verification; and (d) is under the sole control of myself.*

FISCAL IMPACT NOTE New Program Cost Data:	Year 1		Year 2		Year 3	
	City Rate	City / Sch Combined Rate	City Rate	City / Sch Combined Rate	City Rate	City / Sch Combined Rate
Example:						
ADD: NEW ITEM ANNUAL EXPENDITURES		\$0		\$37,346		\$37,346
LESS: TOTAL NEW ITEM ANNUAL REVENUES		\$0		\$0		\$0
=NEW ITEM NET TAX RATE IMPACT PROJECTION	\$0	\$0	\$37,346	\$37,346	\$37,346	\$37,346
New Program Impact to the Mil Rate	\$0.0000	\$0.0000	\$0.0047	\$0.0047	\$0.0047	\$0.0047
New Program % Impact on Mil Rate	0.0000%	0.0000%	0.0417%	0.0210%	0.0417%	0.0210%
Mil Rate Including New Program	\$11.3400	\$22.4800	\$11.3447	\$22.4847	\$11.3447	\$22.4847

Notes: The CIP impact will begin in 2025 and remain for the 20 year life of the bond.



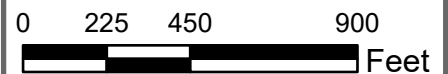
Public
Works

CITY OF PORTLAND, MAINE
DEPT. OF PUBLIC WORKS
212 CANCO RD. PORTLAND, MAINE 04103
PHONE (207) 874-8846 FAX (207) 874-8852

Maine DOT Collector Paving Caddie Ln to Washington Ave



March 2024





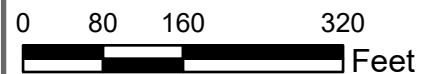
Public
Works

CITY OF PORTLAND, MAINE
DEPT. OF PUBLIC WORKS
212 CANCO RD. PORTLAND, MAINE 04103
PHONE (207) 874-8846 FAX (207) 874-8852

Maine DOT
Collector Paving
Washington Ave Extension
Lambert St. to Lester Dr.



March 2024



MEMORANDUM
City Council Agenda Item

FROM:

DATE: March 21, 2024

SUBJECT: Order 153-23/24 Approving the Service Contract between the Maine Historic Preservation Commission and the City of Portland and Accepting and Appropriating a Pass-through Grant in the Amount of \$9,153 to the Lions Club of Peaks Island - 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

On November 8, 2023 the City of Portland was awarded a Certified Local Government (CLG) grant by the Maine Historic Preservation Commission (MHPC). This order authorizes the City Manager to enter into a Service Contract with the MHPC, which will allow the City to administer the grant as a pass through grant in the amount of \$9,153 for the Lions Club of Peaks Island to complete a condition assessment of the Greenwood Gardens Playhouse. The Lions will provide \$6,102 in matching funds.

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

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

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

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Order Approving The Service Contract Between The State Of Maine And The City Of Portland To Provide A \$9,153 Pass-Through Grant To The Lions Club Of P

Prepared by:

Date: 03/21/2024

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 SERVICE CONTRACT BETWEEN THE MAINE
HISTORIC PRESERVATION COMMISSION AND THE CITY OF PORTLAND AND
ACCEPTING AND APPROPRIATING A PASS-THROUGH GRANT IN THE AMOUNT
OF \$9,153 TO THE LIONS CLUB OF PEAKS ISLAND**

ORDERED, that a \$9,153 grant from the Maine Historic Preservation Commission is hereby accepted and that amount appropriated for a subgrant for the Lions Club of Peaks Island for a building conditions assessment; and

BE IT FURTHER ORDERED, that the attached Service Contract between the Maine Historic Preservation Commission and the City of Portland to provide a \$9,153 pass-through grant to the Lions Club of Peaks Island is hereby approved in substantially the form attached hereto; and

BE IT FURTHER ORDERED, that the City Manager or designee is hereby authorized to execute the Service Contract and whatever documents are necessary or convenient to effect the intent and purpose of this order.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: March 21, 2024

SUBJECT: Order 154-23/24 Approving the Service Contract Between the Maine Historic Preservation Commission and the City of Portland and Accepting and Appropriating a Pass-Through Grant in the Amount of \$15,000 to the First Parish Church - 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

On November 8, 2023 the City of Portland was awarded a Certified Local Government (CLG) grant by the Maine Historic Preservation Commission (MHPC). This order authorizes the City Manager to enter into a Service Contract with the MHPC, which will allow the City to administer the grant as a pass through grant in the amount of \$15,000 for First Parish Church to complete a condition assessment of the church front steps and retaining wall. First Parish Church will provide \$11,000 in matching funds.

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

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

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

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Order Approving The Service Contract Between The State Of Maine And The City Of Portland To Provide A \$15,000 Pass-Through Grant To The First Parish C

Prepared by:

Date: 03/21/2024

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 SERVICE CONTRACT BETWEEN THE MAINE
HISTORIC PRESERVATION COMMISSION AND THE CITY OF PORTLAND AND
ACCEPTING AND APPROPRIATING A PASS-THROUGH GRANT IN THE AMOUNT
OF \$15,000 TO THE FIRST PARISH CHURCH**

ORDERED, that a \$15,000 grant from the Maine Historic Preservation Commission is hereby accepted and that amount appropriated for a subgrant for the First Parish Church for a building conditions assessment; and

BE IT FURTHER ORDERED, that the attached Service Contract between the Maine Historic Preservation Commission and the City of Portland to provide a \$15,000 pass-through grant to the First Parish Church is hereby approved in substantially the form attached hereto; and

BE IT FURTHER ORDERED, that the City Manager or designee is hereby authorized to execute the Service Contract and whatever documents are necessary or convenient to effect the intent and purpose of this order.

MEMORANDUM
City Council Agenda Item

FROM: Troy Moon, Sustainability Coordinator

DATE: March 21, 2024

SUBJECT: Order 155-23/24 Traffic Schedule Amendment Re: Removing Time Limited Parking on Kenwood Street - Sponsored by Sustainability & Transportation Committee, Councilor Regina Phillips, Chair

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

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 3/18/2024

Final Action 4/8/2024

Can action be taken at a later date: Yes

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

PRESENTATION:

I. SUMMARY

The order amends the traffic schedule to remove time limited parking on Kenwood Street.

II. AGENDA DESCRIPTION

This order removes the current time limited parking on Kenwood Street. The Sustainability and Transportation Committee reviewed this item on February 14, 2024 and voted 3-0 to recommend it to the City Council.

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

III. BACKGROUND

Residents of Kenwood Street filed a valid petition requesting this change on January 2, 2024. Letters notifying Kenwood Street residents of the Sustainability and Transportation Committee's consideration of this change were mailed the week of January 15, 2024. Staff from Public Works and the Parking Division reviewed this request and have no objections. Following staff presentation and public comment, the Committee voted unanimously to recommend passage by the City Council.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

Staff from Public Works and the Parking Division reviewed the request and have no objections. Staff recommends passage.

VIII. LIST ATTACHMENTS

1. Removing Time Limited Parking on Kenwood Street Traffic Schedule Amendment

2. Kenwood Public comment
3. suslovic2
4. suslovic3
5. suslovic1
6. 2-14 S&T Meeting Minutes DRAFT
7. Backup Materials for Kenwood Parking Request

Prepared by:

Troy Moon, Sustainability Coordinator

Date: 03/21/2024

MARK DION (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)
ANNA BULLETT (4)
KATE SYKES (5)

TRAFFIC SCHEDULE AMENDMENT
RE: REMOVING TIME LIMITED PARKING ON KENWOOD STREET

ORDERED, that the City of Portland's Traffic Schedule be and hereby is amended as follows:

By Removing under Kenwood Street, from the intersection of Brighton Avenue to the terminus of Kenwood Street:

East Side:

➤ **Schedule XVII – 1 Hour Parking**

West Side:

➤ **Schedule XVII – 1 Hour Parking**



Troy Moon <thm@portlandmaine.gov>

Comment re petition to remove all time-limited parking restrictions on Kenwood Street

Robert Bruce <rbruce@oakmontadv.com>

Sun, Feb 4, 2024 at 3:41 PM

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

Dear Members of the Sustainability & Transportation Committee,

I am writing on behalf of myself and my wife, Cindy Czajkowski, to register our strong support for the removal of all time-limited parking restrictions on Kenwood Street. We have lived at 58 Kenwood Street for the past 33 years and have never observed any issues with parking on the street. We do not anticipate that removal of the current "One Hour Parking" signs will have any negative impact on us or our fellow residents.

Thank you for the opportunity to comment on this neighborhood petition.

Sincerely,

Robert Bruce

58 Kenwood Street

Portland, ME 04102



Troy Moon <thm@portlandmaine.gov>

Addendum to Kenwood St Parking Restrictions

Ed Suslovic <esuslovic@gmail.com>

Mon, Feb 5, 2024 at 10:08 AM

To: sustainabilityoffice@portlandmaine.gov

I have attached 3 photos taken at 9:45am Monday February 5. Two of the photos are looking east and west along Brighton Ave taken from where Kenwood St intersects with Brighton. The third photo is looking up the length of Kenwood St from Brighton Ave.

As you can see from the photos, there is plenty of on street parking available thus making the case for lifting the time restrictions currently in place. The neighbors are aware that should this situation drastically change in the future the option exists to petition for the restoration of time restrictions.

Once again, I urge you to support the wishes of the vast majority of Kenwood St residents and lift the time restrictions currently in place.

Thank you for your attention to this matter.

Ed Suslovic
207-671-6320



Troy Moon <thm@portlandmaine.gov>

Addendum to Kenwood St Parking Restrictions

Ed Suslovic <esuslovic@gmail.com>

Mon, Feb 5, 2024 at 10:08 AM

To: sustainabilityoffice@portlandmaine.gov

I have attached 3 photos taken at 9:45am Monday February 5. Two of the photos are looking east and west along Brighton Ave taken from where Kenwood St intersects with Brighton. The third photo is looking up the length of Kenwood St from Brighton Ave.

As you can see from the photos, there is plenty of on street parking available thus making the case for lifting the time restrictions currently in place. The neighbors are aware that should this situation drastically change in the future the option exists to petition for the restoration of time restrictions.

Once again, I urge you to support the wishes of the vast majority of Kenwood St residents and lift the time restrictions currently in place.

Thank you for your attention to this matter.

Ed Suslovic
207-671-6320







CITY OF PORTLAND, MAINE
Committee on Sustainability and Transportation
Councilor Regina Phillips (D3), Chair
Councilor Victoria Pelletier (D2)
Councilor Anna Bullett (D4)

Draft Minutes February 14, 2024

Members Present: Councilor Phillips, Councilor Pelletier, Councilor Bullett

Staff Present: Troy Moon, Erin Ferrell, Kayley Weeks

Meeting was called to order.

January 10 Minutes

The January 10, 2024 meeting minutes were approved unanimously.

Sustainability Update

Presented by Troy Moon and Erin Ferrell

The Sustainability Office welcomed a new coworker, Kayley Weeks, an AmeriCorps with the GPCOG Resilience Corps Fellowship. Troy has been involved in a series of grid planning and modernization workshops, led by the Maine Public Utilities Commission, to identify priorities that the utilities must address. Energy Benchmarking reporting season started in January, and Erin is busy assisting building owners to report and help building owners and property managers understand their benchmarking reports and identify actions that can be taken to improve their metrics. Sustainability Office staff are working on reviewing Pesticide Applicator Reports which are due Feb 1 each year under the Landcare Ordinance. A summary report will be shared with the Committee in March. More information on City owned EV charging infrastructure, outreach initiatives, and other office programming can be found in the agenda packet.

Councilor Comment on Sustainability Update

Councilor Phillips asked if we have plans to add more EV charging stations? *Yes we are working to install them in a variety of locations as permitting and infrastructure allows.*

Councilor Bullett asks if there are there incentives for developers to install charging stations when building multi unit properties (with Doherty Field project in mind)? *Our Technical Manual requires a certain number of chargers to be installed if you are planning to build parking. We are also expecting incentives for property developers for multifamily buildings through Efficiency Maine soon.*

Kenwood Street Parking Restrictions

Presented by Troy Moon

Citizen petition asks to lift the time restricted parking limits on Kenwood St near the University of Southern Maine. In accordance with City Code Section 28, City Council has the authority to

change parking regulations from time limited or metered to unregulated parking. Residents can request these changes with support from neighbors via a petition. Parking and Public Works staff that reviewed this request do not oppose the removal of time-limited parking restrictions on Kenwood Street.

Public Comment on Kenwood Street Parking Restrictions

Three residents commented in favor of removing the one hour parking time limit on Kenwood St.

Councilor Comment on Kenwood Street Parking Restrictions

Councilors Pelletier and Bullett both commented in agreement with the public comments. Committee confirmed that the petition is sufficient to move forward with recommendation.

Motion to remove 1 hour parking on Kenwood Street

Moved by Councilor Pelletier and seconded by Councilor Bullett.

Motion to approve the removal of 1 hour parking limits on Kenwood Street

Approved unanimously

Community Resilience Partnership Self Assessment

Presented by Troy Moon

As a member of the Community Resilience Partnership with the Governor's Office of Policy, Innovation, and the Future, we report on our community's progress and share assessments on our approach to increasing resilience to natural hazards and climate change impacts. Our most [recent community vulnerability assessment](#) identifies ten key areas of vulnerability: release of hazardous waste; grid system reliability and business continuity; impact to property values, commercial areas, and tax base; disruption to critical transportation routes; vulnerability of sewer and stormwater critical infrastructure; degradation of ecosystem health due to sea level rise and habitat loss; public health challenges due to unseasonably hot days, extreme heat, as well as extended heat waves; greater need for social services; vulnerability of food systems; and risk of increasing social inequity. These hazards primarily arise from sea level rise and storm surge - both trends we have been tracking and are continuing to monitor, anticipate, zone for, and spread awareness about.

No Public Comment Received

Councilor Comment on the Community Resilience Partnership Self Assessment

Councilor Bullett asked if the island communities are receiving help (federal dollars, FEMA) after the past storms? *Our emergency management coordinator does engage with FEMA and county assistance, but our staff can look into this.*

Councilor Phillips and Councilor Pelletier share appreciation for this presentation and how the City is monitoring and working to ensure that resilience is carried in all conversations.

Committee Discussion regarding Cassidy Point coal pile

Presented by Troy Moon

Members of the public have raised many concerns regarding coal dust emissions from the coal pile that Sprague operates at Merrill Terminal on Cassidy Point. Sprague recently received a new load of coal and dust is blowing off the site. We are encouraging the Maine Department of Environmental Protection to continue communicating with neighborhood groups and Sprague. The Maine DEP's air quality monitors at the site do not indicate any major health impact for those in nearby residential buildings. We also understand that the Maine DEP is encouraging Sprague to institute best-management practices plan to control fugitive dust. Maine DEP staff asked to present to the committee, again in May 2024.

Councilor Comment on the Discussion

Councilor Pelletier notes the challenge in communication between concerned residents and the Maine DEP and is curious if they may be able to elect a representative liaison for community members and Council members on this issue.

Councilor Bullett asked if there are impacts (from the coal dust emissions) for marine life or the waterfront?

Committee Work Plan

Troy Moon maps out the tentative agenda for the next few months of the Sustainability and Transportation Committee session. Topics of interest and priorities of committee members include:

- Reestablishing two-way traffic on State Street and High Street
- Bayside Tree Planting and an update from Forestry and City trees
- Establishing a Sustainability Fund
- Proposing amendments to the Landcare Ordinance (Chapter 34) recommended by Landcare Management Advisory Committee
- Review ongoing work with Climate Resilience Overlay Zoning
- Proposing amendments to the Low Impact Development Ordinances with Water Resources
- BirdSafe Maine Ordinance
- More non-car focused transportation opportunities
- Franklin Street Redesign
- Commercial Street Sea-Level Rise

Motion to Adjournment

Motion to adjourn by Councilor Bullett. Second by Councilor Pellitier. All adjourned.

Meeting Adjourned

City of Portland | Executive Department

Danielle P. West, *City Manager*



To: Councilor Regina Phillips, Chair, and Members of the Sustainability & Transportation Committee

From: Dena Libner, Chief of Staff

Date: January 10, 2024

Re: Petition to remove parking restrictions on Kenwood Street

This memo is intended to share feedback from City staff on the constituent petition to remove all time-limited parking restrictions on Kenwood Street.

Public Works and Parking staff have reviewed the request, and do not oppose the removal of time-limited parking restrictions on Kenwood Street. Additional information about the petition process and the history of on-street restrictions in this area are included below, for your convenience.

Petition Process and Standards

In accordance with Sec. 28-24 of City Code, the City Council has the authority to “[c]hange [parking regulations] from time limit or metered parking to unregulated parking”. Constituents are welcome to request these changes. To help demonstrate that constituent-proposed changes have the support of the majority of residents that may be directly impacted by such changes, City staff developed a petitioning process in 2019.

In order for staff to submit a request to the Committee or Council for consideration, it must include the following:

- The specific change being requested;
- Verifiable signatures representing 60% of the household/business owners/property owners on the affected street;
- The date, address, and unit number (if applicable) associated with each signature.

The petition scheduled for the Committee’s consideration on February 14, 2024 was verified on January 2, 2024. Letters notifying Kenwood residents of the Committee’s consideration of this change (enclosed) were mailed the week of January 15, 2024.

City Staff Feedback

Kenwood Street is a dead-end street in Council District 3, and intersects with Brighton Avenue. Currently, on-street parking is restricted to one hour between the hours of 8 AM and 8 PM on the entire street, and signage communicating this restriction is visible all along it.

The general purpose of time-limited parking restrictions is to manage the demand for on-street parking by non-residents (usually associated with commercial or institutional activity), particularly when such demand makes it difficult for residents to find parking, welcome guests, or engage in other reasonable activities as a resident.

It is likely that the restrictions on Kenwood Street were originally introduced to manage the overwhelming parking demands of students and visitors to the University of Southern Maine, located nearby. However, since those restrictions were introduced, USM has developed two parking garages that are free for commuters to use. As a result, the demand for on-street parking by commuters is probably not what it used to be.

In summary, Parking and Public Works staff that reviewed this request do not oppose the removal of time-limited parking restrictions on Kenwood Street.

Petition for Parking/Traffic Calming Changes



Petitioner information

Name: Ed Suslovic
Address: 46 Kenwood St Portland ME 04102
Email: eslovic@gmail.com
Phone #: 207-671-6320

Do you reside in a property located on this street? ☒ Yes ☐ No

Location of parking change request

Street: Kenwood St entire length
Cross street 1: Brighton Ave
Cross street 2: Dead End

Time-limited parking requested (circle one):

Odd side

Even side

Both

Time limit (circle one):

1 hour

2 hours

Please remove time limits !!!

The petition must contain signatures of at least 60% of households and/or businesses (a unit of housing, e.g., single family home, a unit in a multi-family building, commercial businesses) on the requested block. No more than one signature per household or business may be represented on the petition.

Submit petition by mail or email to:

Office of the City Manager
Re: Parking/Traffic Petition
Room 208
Portland, ME 04101



Petition for Parking Changes

Include the nature of the change you're requesting here:

Remove fire limits

Address	Unit #	Printed Name	Signature	Date	# of vehicles in household	Email *If you wish to be contacted by email in the event of a public meeting
23 Kenwood		Meghan Curtis Sunbner	<i>[Signature]</i>	12/31/23	4	mcscrib33@gmail.com
23 Kenwood		Kate Harrod	<i>[Signature]</i>	12/31/23	2	Kate.harrod@yahoo.com
48 Kenwood		Chris Tenney	<i>[Signature]</i>	12/31/23	3	c.
471 Kenwood St		Richard Hitchens	<i>[Signature]</i>	1/1/2024	1	
223 Kenwood St		Carleen Hitchens	<i>[Signature]</i>	1/1/2024	1	
12 Kenwood St		Torah Moss	<i>[Signature]</i>	1/1/24	1	
11 Kenwood St		Amanda Mahake	<i>[Signature]</i>	1/1/24	1	amanda.mahake@gmail.com

For Office Use Only

Received: _____ Name _____ Date _____

389 Congress Street • Portland, Maine 04101 • 207-874-8300

info@portlandmaine.gov • www.portlandmaine.gov

JAN 02 2023

Valid: 7
HDL

Petition for Parking Changes

Include the nature of the change you're requesting here: remove five limits



Address	Unit #	Printed Name	Signature	Date	# of vehicles in household	Email *if you wish to be contacted by email in the event of a public meeting
✓ 46 Kenwood		Edward T. Siskare	[Signature]	12-24-23	2	eswburc@gmail.com
✓ 41 Kenwood		Michelle Burnett	[Signature]	12-26-23	2	
✓ 51 Kenwood		J. A. Dunin Jr	[Signature]	20 Dec 23	1	
✓ 58 Kenwood St		Cynthia Casanova	[Signature]	12/24/23	2	
✓ 62 Kenwood		Jessica Hato	[Signature]	12/24/23	2	jessica.hato@gmail.com
✓ 17 Kenwood		John H. Arnold	[Signature]	12/24/23	2	
✓ 55 Kenwood St		Bonnie Arnold	[Signature]		1	
✓ 74 Kenwood St		Christen Sorenson	[Signature]	12/21/23	2	
✓ 37 Kenwood		Melissa M. Stary	[Signature]	12/26/23	2	

For Office Use Only

Received: _____ Name _____ Date _____

VALID: 9

X Dave [Signature]

389 Congress Street • Portland, Maine 04101 • 207-874-8300

info@portlandmaine.gov • www.portlandmaine.gov

JAN 02 2024

City Manager
Ken J. J. J.

January 12, 2024

Current Resident
4 Kenwood Street
Portland, ME 04102

Dear Kenwood Street Resident:

The Portland City Manager's office recently received a petition requesting that all time-limited parking restrictions on Kenwood Street be removed. As required by the City of Portland's petition process for parking changes, this petition was signed by at least 60% of the households on Kenwood Street.

This letter is to inform you that this request will be considered by the Portland City Council's Sustainability & Transportation Committee on February 14, 2024 at 5:00 PM. This meeting will be held remotely. To attend via Zoom, please follow the instructions on the meeting agenda, published at www.portlandmaine.gov/agendas no later than February 12.

Members of the public are welcome to provide public comment on the proposal either in writing or in person. To submit written public comment, please email it to sustainability@portlandmaine.gov by February 13, 2024 at 12:00 PM.

Once the Sustainability & Transportation Committee has considered the request, it will appear on an upcoming City Council meeting agenda for the consideration of the full body. To review upcoming City Council agendas, please visit www.portlandmaine.gov/agendas.

If you have questions about this or any other matter, please contact the Office of the Portland City Manager at citymanager@portlandmaine.gov.

Sincerely,



Dena Libner
Chief of Staff

MEMORANDUM
City Council Agenda Item

FROM: Mary Davis, Division Director

DATE: March 21, 2024

SUBJECT: Order 156-23/24 Amendment to the Portland City Code Chapter 6 Re: Repeal Rental Housing Advisory Committee - 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 HEDC met on February 27, 2024, and voted 4-0 to forward this item to the City Council for consideration.

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 3/18/2024

Final

Action 4/8/2024

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: N/A

PRESENTATION: Mary Davis, HCD Division Director will be available for questions.

I. SUMMARY

If approved, this amendment would repeal Chapter 6 Section 225 and dissolve the Rental Housing Advisory Committee

II. AGENDA DESCRIPTION

The Housing and Economic Development Committee (HEDC) met on February 27, 2024, and voted 4-0 to forward this item to the City Council for consideration. The proposed amendment would repeal Chapter 6, Section 225 regarding the Rental Housing Advisory Committee.

Members of the Rental Housing Advisory Committee (RHAC) met on February 15, 2024, and voted 5-1-1 to forward a memo to the Housing and Economic Development Committee with a recommendation to dissolve the Rental Housing Advisory Committee. A copy of the RHAC memo is included in the meeting backup.

The Rental Housing Advisory Committee was formed prior to the Rent Board, which was created through a citizens' referendum. Both the Rental Housing Advisory Committee and the Rent Board are tasked with recommending changes regarding landlord/tenant policies and issues in the City of Portland. However, the Rent Board's jurisdiction and authority are more robust when compared to the duties of the Rental Housing Advisory Committee. There is a potential for redundancy in the work of both groups that could lead to a duplication of efforts or policy recommendations that conflict.

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

III. BACKGROUND

The RHAC was established under Chapter 6 of the City Code (6-225). The committee has nine members (3 landlords, 3 tenants, one person not a landlord or tenant, one member experienced in landlord legal matters, one

member experienced in tenant legal matters), each being appointed for a three-year term. The members must be residents of Portland except for the legal representatives who must either be a resident or work in the City of Portland. The City Council appoints the members. Southern Maine Landlord Association and Pine Tree Legal Assistance can submit one name for consideration of the respective legal representative positions. The committee is co-chaired by one landlord and one tenant representative.

The ordinance requires that the committee meet not less than quarterly and assigns the following duties to the members of the RHAC:

1. Provide the Housing Committee with recommendations or proposals for improvements, modifications, or changes regarding landlord and tenant policy issues; and
2. Identify educational opportunities, seminars, and materials that would be useful to landlords and tenants.

The Rent Board was established under Chapter 6 of the City Code (6-250). The board has seven members who must be Portland residents and cannot be employees of the city or any of its agencies or departments. The board has a member from each of the five city council wards and two at-large members. Members serve for three-year terms. Ideally, there should be no more than three landlords and three tenants on the Board. Members are appointed by the City Council.

The Rent Board is staffed by the Housing Safety Office with a staff person designated as staff secretary to the Rent Board. The Rent Board's jurisdiction and authority are noted below.

- a. To hear, review, and approve or deny Landlord applications for rent increases greater than those allowed by the Rent Stabilization Ordinance;
- b. To hear, review and approve or deny Landlord applications for increases in Base Rent due to the renovation or reconfiguration of existing Covered Units, as provided for in Section 6-234;
- c. To hear, review, and grant or deny appeals from Tenants regarding allegations violations or Maine Statute regarding the habitability of residential units;
- d. To hear, review, and approve or deny any requests from Landlords for an extension of time in which to reinstate Tenants temporarily displaced due to the Landlord's performance of necessary capital improvements to the Covered Unit and/or the building in which said unit is housed;
- e. To hear, review, and decide the appropriate outcome of all disputes arising between Landlords and Tenants on matters falling within the scope of Article XII of Chapter 6, if both parties consent to such mediation and resolution by submitting the landlord/tenant dispute form, as maintained and edited by the Housing Safety Office, signed by both Landlord and Tenant no later than fourteen days before the date on which such a hearing shall be scheduled;
- f. To impose such fines as are necessary and allowed for violations of the provisions of the Rent Stabilization Ordinance;
- g. To prepare and recommend to the City Council changes and amendments to the City's Rent Stabilization Ordinance;
- h. To prepare an annual report on the state of the City's rental unit availability, which shall be presented to the City Council as part of a regularly-scheduled public hearing. This report shall include a summary of rents within each of the five council wards. Such reporting may or may not be done in conjunction with similar reporting required by the City's Rental Housing Advisory Committee, as established by Chapter 6; and
- i. To initiate changes and amendments to this Article, as well as to the City's Rent Stabilization Ordinance.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Repeal of Chapter 6-225 and the dissolution of the Rental Housing Advisory Committee

V. FINANCIAL IMPACT

There is no financial impact associated with this item.

VI. STAFF ANALYSIS AND BACKGROUND

Both the Rental Housing Advisory Committee (RHAC) and the Rent Board are tasked with recommending changes regarding landlord/tenant policies and issues in the City of Portland. The Rent Board's jurisdiction and authority are broader than those assigned to the RHAC. The members of the RHAC felt restricted in the scope of their duties.

VII. RECOMMENDATION

Recommendation to the City Council to amend the City Code Chapter 6-225 to repeal the Rental Housing Advisory Committee.

VIII. LIST ATTACHMENTS

1. Amend Ch. 6 re repeal of Rental Housing Advisory Committee 3.18.2024
2. K. Sykes Memo Request to Disband RHAC
3. RHAC Dissolution Memo Final 2.15.24
4. Public Comment - Order 156-2324

Prepared by:

Mary Davis, Division Director

Date: 03/21/2024

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 6 RE: REPEAL RENTAL HOUSING ADVISORY COMMITTEE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

1. *That Section 6-225 of the Portland City Code Chapter 6 is hereby repealed to read as follows:*

6-225. ~~Reserved.~~Rental Housing Advisory Committee

~~(a) There is hereby created a Rental Housing Advisory Committee (the "Committee").~~

~~(b) The Committee shall be comprised of nine (9) members, including three (3) members who are landlords, three (3) members who are tenants, one (1) member who is not a landlord or a tenant, one (1) member experienced in legal rights/interest of tenants, and one (1) member experienced in legal rights/interests of landlords.~~

~~(1) All members of the Committee, excluding the members experienced in legal rights/interests of tenants and landlords, shall be residents of the City of Portland. The members experienced in legal rights/interests of tenants and landlords shall be either a resident of or work in the City of Portland.~~

~~(2) All members shall be appointed by the City Council to serve staggered terms set by City Council order.~~

~~(3) The Southern Maine Landlord Association may submit one name for consideration for the member experienced in legal rights/interests of landlords. If the Southern Maine Landlord Association fails to do so, the City Council may appoint the member without the Association's recommendation or approval.~~

~~(4) Pine Tree Legal Assistance may submit one name for the member experienced in legal rights/interests of tenants. If Pine Tree Legal Assistance fails to do so, the City Council may appoint the member without Pine Tree's recommendation or approval.~~

~~(c) The Committee shall be co-chaired by one (1) landlord representative and one (1) tenant representative as agreed to by the members of the Committee.~~

~~(d) The Committee shall meet not less than quarterly and shall undertake the following duties:~~

~~1. Provide the Housing Committee with recommendations or proposals for improvements, modifications, or changes regarding landlord and tenant policy issues; and~~

~~2. Identify educational opportunities, seminars, and materials that would be useful to landlords and tenants.~~

City of Portland | Office of the Mayor and City Council
Kate Sykes, *Councilor (District 5)*



To: Mark Dion, Mayor and members of the Legislative and Nominating Committee

From: Kate Sykes

Date: Jan 12, 2024

Re: Request to Disband the Rental Housing Advisory Committee (RHAC)

Mayor Dion and fellow Committee Members,

It has come to my attention that we have two citizen boards: the Rental Housing Advisory Committee (RHAC) and the Rent Board, which exist in significant redundancy with one another, causing an ongoing confusion of purpose for members of the RHAC, difficulties in recruiting members to both Boards, and challenges achieving a quorum on the Rent Board. Furthermore, the continued support of both boards diverts valuable staff time from other administrative work.

I therefore request that this committee develop and bring forward an Order to Disband the Rental Housing Advisory Committee and submit it for the City Council's deliberation and vote at our next available meeting. This committee might consider giving eligible members of the RHAC the opportunity to interview for the Rent Board to pursue similar work there. We may further wish to preserve the RHAC's unique responsibilities by assigning them to the Rent Board, namely the examination of *all* policy relating to rental housing in the city (not just the rent stabilization ordinance), and making public education a more explicit charge of the Rent Board.

I strongly recommended that this matter be resolved before the next round of interviews for open positions on the RHAC/Rent Board in February to avoid ongoing bureaucratic wheel spinning.

Background:

The Rental Housing Advisory Committee (RHAC) was established by ordinance (Chapter 6 Article 11, 6-225 of the city code) in 2016 at the request of the Housing Committee. It's purpose is to:

- (1) Provide the [City Council] Housing Committee with recommendations or proposals for improvements, modifications, or changes regarding landlord and tenant policy issues; and
- (b) Identify educational opportunities, seminars, and materials that would be useful to landlords and tenants.

The Rent Board was established by citizen referendum in 2020, when Portland voters passed the rent stabilization ballot initiative. (Chapter 6, Article XIII, Sec. 6-250-263 of the City Code) The duties of the Rent Board are numerous and relate specifically to the rent stabilization ordinance:

(a) To hear, review, and approve or deny Landlord applications for rent increases greater than those allowed by the Rent Stabilization Ordinance;

(b) To hear, review and approve or deny Landlord applications for increases in Base Rent due to the renovation or reconfiguration of existing Covered Units, as provided for in Section 6-234;

(c) To hear, review, and grant or deny appeals from Tenants regarding allegations violations or Maine Statute regarding the habitability of residential units;

(d) To hear, review, and approve or deny any requests from Landlords for an extension of time in which to reinstate Tenants temporarily displaced due to the Landlord's performance of necessary capital improvements to the Covered Unit and/or the building in which said unit is housed;

(e) To hear, review, and decide the appropriate outcome of all disputes arising between Landlords and Tenants on matters falling within the scope of Article XII of Chapter 6, if both parties consent to such mediation and resolution by submitting the landlord/tenant dispute form, as maintained and edited by the Housing Safety Office, signed by both Landlord and Tenant no later than fourteen days before the date on which such a hearing shall be scheduled;

(f) To impose such fines as are necessary and allowed for violations of the provisions of the Rent Stabilization Ordinance;

(g) To prepare and recommend to the City Council changes and amendments to the City's Rent Stabilization Ordinance;

(h) To prepare an annual report on the state of the City's rental unit availability, which shall be presented to the City Council as part of a regularly-scheduled public hearing. This report shall include a summary of rents within each of the five council wards. Such reporting may or may not be done in conjunction with similar reporting required by the City's Rental Housing Advisory Committee, as established by Chapter 6; and

(i) To initiate changes and amendments to this Article, as well as to the City's Rent Stabilization Ordinance. support for landlords and tenants around rent increases, and only mechanism by which landlords can request rent increases in excess of the rent control ordinance.

The redundancies and potential conflicts of the two boards are described in detail in a memo from Mary Davis to Councilor Thibodeau, Chair of the Economic Development Committee, dated January 15, 2021. In this memo, Ms Davis recommends action by the Economic Development Committee to change the scope of the RHAC to avoid redundancies and conflicting recommendations. For reasons unknown, the Committee did not take action to address this.

Two years later, in January 2023, the RHAC sent a memo to the (combined) Housing and Economic Development Committee, again asking for clarification of its purpose *vis-a-vis* the Rent Board and suggesting that in the absence of clear direction, they would advocate to be disbanded.

"Because the RHAC was formed prior to the citizen initiatives creating the Rent Board, and in light of the recent expansion of the Rent Board's authority via the most recent initiative, the RHAC seeks clarification of its purpose and/or role. Understanding that the RHAC is separate from, and independent of, the Rent Board and its activities, and seeking to avoid any duplicative and otherwise redundant work, the RHAC seeks a restatement or reaffirmation of its mission from the City Council/H&ED, as well as defined procedure by which we can be regularly heard by the Housing and Economic Development Committee, and the City Council as need be.

"The RHAC also considered that, without a viable charge and mechanism(s) by which we can be effective and heard, we would suffer a frustration of purpose, and would ultimately advocate for our disbandment. Each and every member of the RHAC sought appointment because they genuinely care about the issues and the people involved, and if we are unable to serve the City and its citizens effectively through the RHAC, we would appreciate the opportunity to serve our community in other capacities."

This request still has not been addressed by any Council Committee. The RHAC has met only twice since then, in March 2023 and in December 2023, when newly appointed members again raised questions about the committee's purpose.

I have spoken with Councilor Ali, Chair of the Housing and Economic Development Committee about this issue. He stated that determining the fate of the RHAC is not within the purview of his Committee and rather should be addressed by the Legislative and Nominating Committee.

Finally, this issue should not be considered in isolation from the Rent Board, which has recently had difficulty achieving a quorum, leaving tenants and landlords waiting for months on decisions about requested rent increases. Some members of the RHAC have expressed interest in serving on the Rent Board, which could help solve these quorum issues. I urge thus committee to move forward swiftly to resolve these concerns.

MEMORANDUM

FROM: Rental Housing Advisory Committee

TO: Housing & Economic Development Committee and City Council

DATE: January 9, 2023

SUBJECT: RHAC Duties and Charge

I. Summary

As the Rental Housing Advisory Committee (“RHAC”) enters its seventh year of existence (though fourth year of operation), and in light of the significant changes to regulation of rental housing in Portland since its inception, the RHAC seeks a restatement/clarification of the charge and duties for the committee, so that we can better serve the City and its citizens. Absent such revised guidance, the committee feels it is unable to take any meaningful action, and would recommend that the City Council disband the RHAC.

II. History

The RHAC was formed in November of 2016, as part of the Tenant Housing Rights Ordinance (Chapter 6 Article XI, Section 6-225; Council Orders [76-16/17](#) and [32-18/19](#)). The Ordinance cited addressing housing insecurity and educating tenants among its purposes, and specifically charged the RHAC with two duties:

1. Provide the Housing Committee with recommendations or proposals for improvements, modifications, or changes regarding landlord and tenant policy issues; and
2. Identify educational opportunities, seminars, and materials that would be useful to landlords and tenants.

The RHAC’s first meeting was on September 24, 2019, and it very quickly set to work on an issue raised by RHAC members in early meetings: rental housing application fees. After much debate and hard work, on December 16, 2019, the RHAC made a formal recommendation to the then-Housing Committee, recommending that the City adopt an ordinance prohibiting landlords from charging prospective tenants application fees (or any fees prior to move-in, aside from first month’s rent and security deposit). *See* RHAC Memo, 12/16/2019. Through a process in which the RHAC’s recommendation and work went mostly unconsidered, on August 3, 2020, the City Council ultimately enacted its own, and very different, ordinance restricting rental application fees. *See* [206-19/20](#). (This would ultimately be superseded by the [Act to Protect Tenants in Portland](#), passed via citizen initiative (Question C) on November 8, 2022, which, in part, prohibits application fees for rental housing. *See* Chapter 6, 6-223.1 and 223.1(c).)

On April 27, 2020, the RHAC sent a recommendation to the Housing Committee and City Council, providing committee members' feedback, questions, and suggestions regarding Councilor Cook's proposed amendments to the City's Stay-at-Home Order (#156-19/20) as they pertained to short-term and long-term rental housing. The memo also included a recommendation that the City enact a temporary prohibition on rent increases, to run concurrent with other pandemic protections. *See* RHAC Memo, 4/27/2020.

At some point, the RHAC discussed hosting or otherwise coordinating a housing-related forum to facilitate the exchange of information and provide education to Portland tenants and landlords, similar to the event previously held at King Middle School in (to the best of our recollection) 2015. City staff informed the RHAC that such activities were outside the scope of the RHAC's charge, and so the RHAC ceased its efforts in that regard.

In November of 2020, Portland voters approved the citizen initiative enacting the Rent Stabilization Ordinance, effective as of January 1, 2021. This Ordinance created the [Rent Board](#), and gave it the authority to "conduct hearings in response to tenant complaints, mediate disputes between tenants and landlords, and consider landlords' requests for rent increases outside the scope of this Ordinance."

This past November, Portland voters approved the Act to Protect Tenants in Portland, which built upon and expanded the authority granted to the Rent Board by the initial Ordinance. These new provisions give the Rent Board the jurisdiction and authority to, among other things, "adopt or amend ... such rules and regulations as are necessary to implement" the Ordinance, and to "initiate changes and amendments to the city's Rent Stabilization Ordinance."

III. Request

Because the RHAC was formed prior to the citizen initiatives creating the Rent Board, and in light of the recent expansion of the Rent Board's authority via the most recent initiative, the RHAC seeks clarification of its purpose and/or role. Understanding that the RHAC is separate from, and independent of, the Rent Board and its activities, and seeking to avoid any duplicative or otherwise redundant work, the RHAC seeks a restatement or reaffirmation of its mission from City Council / H&ED, as well as a defined procedure by which we can be regularly heard by the HEDC, and the City Council as need be.

The RHAC has also considered that, without a viable charge and mechanism(s) by which we can be effective and heard, we would suffer a frustration of purpose, and would ultimately advocate for our disbandment. Each and every member of the RHAC sought appointment because they genuinely care about the issues and the people involved, and if we are unable to serve the City and its citizens effectively through the RHAC, we would appreciate the opportunity to serve our community in other capacities.

IV. Summary

The RHAC is, and has always been, comprised of members who are not only knowledgeable about Portland's rental housing environment, but are dedicated and committed to working on finding solutions to the many issues therein. We all remain eager to do so, and seek the City's guidance on how we can better do that in light of the significant changes to rental housing regulation since our committee's inception.

MEMORANDUM

FROM: Rental Housing Advisory Committee
DATE: February 5, 2020
SUBJECT: Rental Application Fees

I. SUMMARY

The Rental Housing Advisory Committee recommends that the City enact an ordinance to ban application fees for rental housing units.

II. BACKGROUND

The Rental Housing Advisory Committee (RHAC) is charged with providing the Housing Committee with recommendations or proposals for improvements, modifications, or changes regarding landlord and tenant policy issues and identifying education opportunities, seminars, and materials that would be useful to landlords and tenants.

At the RHAC's first meeting on September 24, 2019, group members brainstormed issues of concern to landlords and tenants. Several members expressed concern that rental housing application fees are a significant barrier preventing low and moderate income residents from securing housing in Portland. City staff informed the committee that staff in the Housing and Community Development Division had heard concerns about application fee fraud and abuse and had made the Housing Committee aware of that issue. City staff informed the group that the Housing Committee suggested that application fees might be a topic the RHAC could take up.

The RHAC discussed the fact that there is no state law or city ordinance limiting application fees. There is no requirement that a fee charged be linked to the landlord's cost in running a background check. Tenants are generally not in a position to know whether they have actually been considered for an apartment for which they have paid an application fee. Mindful that RHAC's charge includes education, members of the group discussed whether there are education solutions to these issues.

At the October 28, 2019 meeting of the RHAC members of committee articulated several areas of concern: landlords who collect application fees with no intention of renting to the applicant, landlords who collect application fees from multiple applicant and do not conduct background checks, and landlord who do not supply copies of reports to applicants who are not selected as tenants. The group discussed the concern that application fees price low and moderate income tenants out of Portland at multiple meetings.

The RHAC discussed several ways to address application fees. Proposals included a limitation on the amount that could be charged, a requirement that fees collected be refunded to tenants, a requirement that landlords provide copies of background checks to tenants, a prohibition on charging application fees when a tenant provides a landlord with a copy of a recent background check, and a ban on application fees.

Members of the Committee expressed concern that landlords could continue charging application fees by giving those fees another name and the proposed language banning fees is phrased to allow only a security deposit and first month's rent to be charged at the beginning of a tenancy.

On December 16, 2019 the RHAC voted 5-3 to recommend to the Housing Committee that the City prohibit landlords from charging application fees. (the committee currently has 8 members because a tenant member resigned) The RHAC drafted a resolution at the December 16th meeting to accompany the recommendation to explain the committee's rationale and the RHAC approved the resolution 6-2.

III. ANALYSIS AND BACKGROUND

RHAC understands that the Housing Committee would like to see “more than anecdotal” evidence demonstrating that application fees are a significant problem in the community. RHAC members have researched this issue and we have not found any studies that are responsive to this request.

Pine Tree Legal Assistance (PTLA) was asked whether they track calls about application fees. RHAC member Katherine McGovern explained that PTLA tracks cases based on the legal issue involved and so can provide data on the number of tenants who called about issues like evictions or security deposits but because there are no state or local laws limiting application fees, inability to afford application fees is not categorized or tracked as a legal problem. Ms. McGovern shared throughout the RHAC’s discussion about this issue that PTLA’s clients struggle to find affordable housing in Portland and application fees are a significant problem for PTLA’s clients.

RHAC co-chair Meredith Cook, who has worked as a housing specialist at Through These Doors and is currently employed by Preble Street as the Maine Hunger Initiative Social Change Advocate, told the committee that application fees are such a significant barrier for low-income tenants that Preble Street caseworkers searching for housing with clients do not even apply with landlord who charge application fees.

RHAC member Wendy Harmon conducted a survey of members of the Southern Maine Landlord Association regarding members’ practices regarding application fees. Ms. Harmon submitted the results of the survey to the group and these results are attached. Some members reported not charging application fees and those that charge application fees reported that they charge between \$25 and \$50 per adult applicant. Landlords who charge application fees reported collecting those fees from somewhere between one and nine applicants per available apartment.

Each RHAC meeting has included time for public comment. At the November 25, 2019 RHAC meeting three members of the public offered their views and testimony about their experiences with application fees. Jenna Dorr described her family’s experience of scrambling to find new housing and spending more than \$500 in application fees without know whether background checks were actually being conducted or whether they were truly being considered for apartments. Alyssa Floyd described paying application fees and never knowing why she was not offered an apartment. Jim Devine encouraged the committee to propose rules that are easy to understand and coherent. (Public comment for this meeting is summarized the meeting minutes and in the Bangor Daily News story attached).

IV. RECOMMENDATION

RHAC recommends that the following provision be added to Chapter 6 of the City’s ordinances:

“At or prior to the commencement of any tenancy, no lessor may require a tenant or prospective tenant to pay any amount in excess of the following:

- (i) Rent for the first full month of occupancy; and
- (ii) A security deposit as defined in 14 MRS 6032”

V. LIST ATTACHMENTS

1. Resolution including proposed ordinance language submitted to the Housing Committee
2. “Renters say application fees a barrier to living in Portland’s pricey housing market.” Bangor Daily News article by Nick Schroeder, December 2, 2019
3. “Unregulated application fees make Portland’s housing crisis even more expensive for renters.” Maine Beacon, October 17, 2019

4. Examples of ordinances/statutes from other jurisdictions: Minnesota, Oregon, Minneapolis
5. Survey of Southern Maine Landlord Association members conducted by Wendy Harmon.

Prepared by: Katherine McGovern and approved by the Rental Housing Advisory Committee on a vote of 5-3

Date: February 5, 2020

Resolution

WHEREAS, application fees are a significant barrier to low and moderate income people in finding housing in the City of Portland; and

WHEREAS, tenants are likely to pay multiple fees before finally securing housing; and

WHEREAS, there are no laws in Maine regulating application fees.

THEREFORE BE IT RESOLVED, the Rental Housing Advisory Committee sees application fees as a significant burden on tenants when securing housing; and

THEREFORE BE IT FURTHER RESOLVED, the Rental Housing Advisory Committee recommends to the City Council Housing Committee to address this concern through the recommended policy change in City ordinance, below.

Application Fee Ban:

At or prior to the commencement of any tenancy, no lessor may require a tenant or prospective tenant to pay any amount in excess of the following:

- (i) Rent for the first full month of occupancy, and
- (ii) A security deposit as defined in 14 MRS 6032

Renters say application fees a barrier to living in Portland's pricey housing market

<https://bangordailynews.com/2019/12/02/news/portland/renters-say-application-fees-a-barrier-to-living-in-portlands-pricy-housing-market/>

By Nick Schroeder, BDN Staff • December 2, 2019 2:00 am

Updated: December 2, 2019 6:28 am

PORTLAND, Maine — A newly formed rental-housing committee is discussing how and whether to regulate application fees landlords charge tenants.

In a city with a rental-housing market as competitive as Portland, the push to regulate application fees, otherwise known as screening fees, has sparked debate in a new committee comprised of landlords and renters. Social service officials say some landlords have abused the practice of charging tenants for fees for background checks, which can be as high as \$75 an application.

“Moving is a very expensive process for low-income people generally and the situation is worse when people have to spend their limited income on these fees,” said Katherine McGovern, an attorney with Pine Tree Legal Assistance who sits on the city’s Rental Housing Advisory Committee.

The abuse of application fees was the first item on the agenda for the committee on Nov. 25.

Because there aren’t limits on application fees at the state or local level, there is no requirement that any fee be tied to expenses a landlord actually incurs when running a background or credit check, McGovern said. Tenants may suspect but not be able to prove that some landlords are pocketing fees without seriously considering tenants for apartments.

“We know from talking with our clients that it has been getting harder and harder to find affordable housing, especially in the greater

Portland area, and low-income tenants can end up spending a lot of money on application fees before finding a unit,” McGovern said.

The Rental Housing Advisory Committee wants to crack down on landlords collecting fees with no intention of renting to the applicant and those who don’t run background checks; commercial property owners charging multiple screening fees per applicant or for units in the same building; and landlords charging screening fees to immigrants and “new Mainers” for background checks when they have not yet been given Social Security numbers — in other words, they have no credit report to check.

Social services agencies and city officials have so far called instances of the abuses “anecdotal” and not necessarily widespread. Tenants have no recourse besides showing proof of abuse through the legal system, an option which many renters won’t pursue because it can be costly and consumer protection laws make such evidence hard to obtain.

Citizens say that onerous fees serve as a barrier in Portland’s increasingly pricey rental market. Jenna Dorr said she saw firsthand how rental fees limited her apartment search when she paid more than \$500 on them during a two-week period in May.

“We paid all this money and then never heard from all these landlords who did these checks on us,” Dorr said during the committee’s public comment period last month. “We really have no way to know if these checks have been done.”

Dorr said she contacted more than 40 landlords, treating each application process like a job interview. She would pay the nonrefundable application fee, and then send an immediate follow-up, thanking the landlord or lessor for their time and that she looked forward to hearing back from them either way.

Dorr’s family eventually found housing. But the process was hard enough that it gave her reason to speak up.

“We felt desperate. We have a 2-year-old daughter. We were also lucky compared to a lot of people, [because we] had considerable savings to cover those fees.

Crow Jonah Norlander, a landlord representative on the Rental Housing Advisory Committee, said that landlords are essentially business owners, and that running a background check on a potential tenant should be considered part of the cost of doing business.

“It’s a customer acquisition cost,” Norlander said. “If I want someone to live in my home, it’s my responsibility to vet them.”

That’s not a universally shared view among property owners. Rents might be even higher if the cost of application fees is absorbed by the landlords, said Travis Heynan, director of property management for Avesta Housing, and a landlord representative on the committee.

Landlords, however, can also write off most screening fees on their taxes.

Another potential solution proposed by the committee would force landlords to accept a copy of a background check run on a prospective tenant in the previous 30 days, limiting the number of times a tenant’s credit would be run.

A survey conducted by the Southern Maine Landlord Association found that 57 percent of apartments in the Portland area come tied to application fees of some kind.

Among the respondents, 59 landlords and property owners said they did not charge rental application fees for the 644 units they owned.

The committee meets again on Dec. 16, and hopes to submit a recommendation to the Portland City Council’s Housing Committee soon after.

“I don’t understand how a city [of] this size with this kind of competition doesn’t have guidelines of this sort,” advisory committee member Nora Givens said.



October 17, 2019



Cara DeRose

Unregulated application fees make Portland's housing crisis even more expensive for renters

For renters who earn minimum wage or are just starting out in the workforce, affordable housing options in Maine — which has one of the **least affordable** rental markets in the country — are increasingly limited. In the Portland area, renters compete with dozens, if not hundreds, of others for apartments that often cost 33 percent or more of their income and require the payment of a security deposit, along with first and last month's rent.

Adding to the stress and expense of finding somewhere to live are fees that some landlords now charge simply to apply to rent an apartment.

No laws in Maine currently regulate how much can be charged for these fees, what they can be used for and from how many applicants they can be accepted for the same property, a system that affordable housing advocates say can create a significant obstacle for low-income renters and a situation ripe for abuse.

“As the rental market has gotten more challenging, as rents have gone up and the number of affordable units has gone down, people have ended up spending more on application fees because they're having to apply to more units before they find a place,” explained Katherine

McGovern, directing attorney for legal advocacy organization Pine Tree Legal's Portland office. "It's a real barrier for low- and moderate-income tenants."

While New England neighbors [Massachusetts](#) and [Vermont](#) have outlawed application fees, most states have no laws addressing these costs.

Application fees vary landlord to landlord and are usually not refundable. Two of Portland's biggest property management companies, [Port Property](#) and [Schneider Management](#), charge a non-refundable \$35 application fee, close to the \$40 McGovern says is the average in Portland.

Portland residents have raised concerns to McGovern about paying these fees, which can quickly add up to hundreds of dollars in the search for a single apartment. McGovern said her clients often feel like they are being cheated by property owners.

"You may be paying fees without any real prospect of getting an apartment," McGovern said.

Paying without prospect

There are anecdotal reports that abuses of these fees may already be occurring, with some landlords accepting fees from applicants to whom they have no intention of renting.

Housing advocate Adam Rice told *Beacon* that when he worked for his family's business, the Portland-based property owner Apartment Mart, he observed that the company would often settle on a desired tenant while still collecting fees of up to \$40 from other applicants.

"Say you have somebody come in, they look like they're a clean-cut person, well-kept. They're probably going to take care of the apartment. They apply for it," he said. "And then [Apartment Mart] could have that apartment booked all day long, every hour, and every person comes in and applies for that. And [Apartment Mart] knows only one person is going to get it."

This practice, Rice noted, contributes to the "false hope" that potential renters competing for a dwindling stock of affordable units feel when applying for an apartment.

"It's weird that you wouldn't say, 'Hey, somebody's already viewed this. I'm going to give it until the end of the day to see if their application passes,'" Rice said. "You could at least not be giving everyone false hope when you already know maybe five or six of these people aren't going to get it regardless."

Already beyond affordability

A recent [housing report](#) drafted by Portland's Division of Housing and Community Development highlights the economic situation facing low-wage workers in the city. The report, presented at

an Oct. 9 meeting of the city council's Housing Committee, warns about the lack of rental options for the city's low-wage residents and the financial burden this places on many Portlanders.

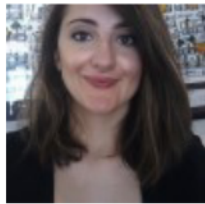
As much as 47 percent of Portland's renter households reported paying more than 30 percent of their income towards rent and utilities, which is considered unaffordable according to the rubric used in the report. A survey of city residents found that the median rent for a two-bedroom unit in 2018 was \$1,380. In order for this to be affordable, a renter must make \$26.61 an hour or \$55,480 per year. The median income for an individual renter is \$33,654 per year.

(Photo: [Kurt Bauschardt](#) | Creative Commons via flickr)

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ABOUT AUTHOR



Cara DeRose 211 posts

Cara DeRose is a staff writer for Beacon. A graduate of the University of Southern Maine, she served as writer and copy editor for the USM Free Press and interned at the Portland Press Herald.

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504B.173 APPLICANT SCREENING FEE.

Subdivision 1. **Limitations.** A landlord may not:

- (1) charge an applicant a screening fee when the landlord knows or should have known that no rental unit is available at that time or will be available within a reasonable future time;
- (2) collect or hold an applicant screening fee without giving the applicant a written receipt for the fee, which may be incorporated into the application form, upon request of the applicant; or
- (3) use, cash, or deposit an applicant screening fee until all prior applicants have either been screened and rejected, or offered the unit and declined to enter into a rental agreement.

Subd. 2. **Return of applicant screening fee.** (a) The landlord must return the applicant screening fee if:

- (1) the applicant is rejected for any reason not listed in the disclosure required under subdivision 3; or
 - (2) a prior applicant is offered the unit and agrees to enter into a rental agreement.
- (b) If the landlord does not perform a personal reference check or does not obtain a consumer credit report or tenant screening report, the landlord must return any amount of the applicant screening fee that is not used for those purposes.
- (c) The applicant screening fee may be returned by mail, may be destroyed upon the applicant's request if paid by check, or may be made available for the applicant to retrieve.

Subd. 3. **Disclosures to applicant.** If a landlord accepts an applicant screening fee from a prospective tenant, the landlord must:

- (1) disclose in writing prior to accepting the applicant screening fee:
 - (i) the name, address, and telephone number of the tenant screening service the landlord will use, unless the landlord does not use a tenant screening service; and
 - (ii) the criteria on which the decision to rent to the prospective tenant will be based; and
- (2) notify the applicant within 14 days of rejecting a rental application, identifying the criteria the applicant failed to meet.

Subd. 4. **Remedies.** (a) In addition to any other remedies, a landlord who violates this section is liable to the applicant for the applicant screening fee plus a civil penalty of up to \$100, civil court filing costs, and reasonable attorney fees incurred to enforce this remedy.

(b) A prospective tenant who provides materially false information on the application or omits material information requested is liable to the landlord for damages, plus a civil penalty of up to \$500, civil court filing costs, and reasonable attorney fees.

History: 1999 c 150 s 1; 1999 c 199 art 1 s 174; 2010 c 315 s 4

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2017 ORS 90.295¹

Applicant screening charge

- limitations
- notice upon denial of tenancy
- refund
- remedy

- (1) A landlord may require payment of an applicant screening charge solely to cover the costs of obtaining information about an applicant as the landlord processes the application for a rental agreement. This activity is known as screening, and includes but is not limited to checking references and obtaining a consumer credit report or tenant screening report. The landlord must provide the applicant with a receipt for any applicant screening charge.
- (2) The amount of any applicant screening charge shall not be greater than the landlord's average actual cost of screening applicants. Actual costs may include the cost of using a tenant screening company or a consumer credit reporting agency, and may include the reasonable value of any time spent by the landlord or the landlord's agents in otherwise obtaining information on applicants. In any case, the applicant screening charge may not be greater than the customary amount charged by tenant screening companies or consumer credit reporting agencies for a comparable level of screening.
- (3) A landlord may not require payment of an applicant screening charge unless prior to accepting the payment the landlord:
 - (a) Adopts written screening or admission criteria;
 - (b) Gives written notice to the applicant of:
 - (A) The amount of the applicant screening charge;
 - (B) The landlord's screening or admission criteria;
 - (C) The process that the landlord typically will follow in screening the applicant, including whether the landlord uses a tenant screening company, credit reports, public records or criminal records or contacts employers, landlords or other references; **and**
 - (D) The applicant's rights to dispute the accuracy of any information provided to the landlord by a screening company or credit reporting agency;

- (c) Gives actual notice to the applicant of an estimate, made to the best of the landlord's ability at that time, of the approximate number of rental units of the type, and in the area, sought by the applicant that are, or within a reasonable future time will be, available to rent from that landlord. The estimate shall include the approximate number of applications previously accepted and remaining under consideration for those units. A good faith error by a landlord in making an estimate under this paragraph does not provide grounds for a claim under subsection (8) of this section;
 - (d) Gives written notice to the applicant of the amount of rent the landlord will charge and the deposits the landlord will require, subject to change in the rent or deposits by agreement of the landlord and the tenant before entering into a rental agreement; **and**
 - (e) Gives written notice to the applicant whether the landlord requires tenants to obtain and maintain renter's liability insurance and, if so, the amount of insurance required.
- (4) Regardless of whether a landlord requires payment of an applicant screening charge, if a landlord denies an application for a rental agreement by an applicant and that denial is based in whole or in part on a tenant screening company or consumer credit reporting agency report on that applicant, the landlord shall give the applicant actual notice of that fact at the same time that the landlord notifies the applicant of the denial. Unless written notice of the name and address of the screening company or credit reporting agency has previously been given, the landlord shall promptly give written notice to the applicant of the name and address of the company or agency that provided the report upon which the denial is based.
- (5) Except as provided in subsection (4) of this section, a landlord need not disclose the results of an applicant screening or report to an applicant, with respect to information that is not required to be disclosed under the federal Fair Credit Reporting Act. A landlord may give to an applicant a copy of that applicant's consumer report, as defined in the Fair Credit Reporting Act.
- (6) Unless the applicant agrees otherwise in writing, a landlord may not require payment of an applicant screening charge when the landlord knows or should know that no rental units are available at that time or will be available within a reasonable future time.
- (7) If a landlord requires payment of an applicant screening charge but fills the vacant rental unit before screening the applicant or does not conduct a screening of the applicant for any reason, the landlord must refund the applicant screening charge to the applicant within a reasonable time.
- (8) The applicant may recover from the landlord twice the amount of any applicant screening charge paid, plus \$150, if:
- (a) The landlord fails to comply with this section and does not within a reasonable time accept the applicant's application for a rental agreement; **or**

- (b) The landlord does not conduct a screening of the applicant for any reason and fails to refund an applicant screening charge to the applicant within a reasonable time. [1993 c.369 §26; 1995 c.559 §10; 1997 c.577 §11; 1999 c.603 §14; 2011 c.42 §2; 2013 c.294 §6]

¹ Legislative Counsel Committee, *CHAPTER 90—Residential Landlord and Tenant*, https://www.oregonlegislature.gov/bills_laws/ors/ors090.html (2017) (last accessed Mar. 30, 2018).

judgment has been duly stayed by such a court. This subsection shall become effective January 1, 2008.

(12) There is no active arrest warrant for a Minneapolis Housing Maintenance Code or Zoning Code violation pertaining to any property in which the licensee, applicant or property manager has a legal or equitable ownership interest or is involved in management or maintenance.

(13) a. Any person(s) who has had an interest in two (2) or more licenses revoked pursuant to this article or canceled pursuant to section 244.1925 or a combination of revocations or cancellations shall be ineligible to hold or have an interest in a rental dwelling license or provisional license for a period of five (5) years.

b. Any person(s) who has had an interest in a license revoked pursuant to this article or canceled pursuant to section 244.1925, shall be ineligible from obtaining any new rental dwelling licenses for a period of three (3) years.

(14) No new rental dwelling license shall be issued for the property during the pendency of adverse license action initiated pursuant to section 244.1940.

(15) The licensee or applicant must have a current, complete, and accurate rental dwelling application on file with the director of inspections in accord with the provisions of section 244.1840.

(16) a. Before taking a rental application fee, a rental property owner must disclose to the applicant, in writing, the criteria on which the application will be judged.

b. Application forms must allow the applicant to choose a method for return of the application fee as either 1) mailing it to an applicant's chosen address as stated on the application form, 2) destroying it 3) holding for retrieval by the tenant upon one (1) business-day's notice.

c. If the applicant was charged an application fee and the rental property owner rejects the applicant, then the owner must, within fourteen (14) days, notify the tenant in writing of the reasons for rejection, including any criteria that the applicant failed to meet, and the name, address, and phone number of any tenant screening agency or other credit reporting agency used in considering the application.

- d. The landlord must refund the application fee if a tenant is rejected for any reason not listed in the written criteria.
 - e. Nothing in this section shall prohibit a rental property owner from collecting and holding an application fee so long as the rental property owner provides a written receipt for the fee and the fee is not cashed, deposited, or negotiated in any way until all prior rental applicants either have been screened and rejected for the unit, or have been offered the unit and have declined to take it. If a prior rental applicant is offered the unit and accepts it, the rental property owner shall return all application fees in the manner selected by the applicant, pursuant to section (b).
 - f. Violation of this subsection, 244.1910(16), may result in an administrative citation, or may contribute to the denial or revocation of a rental license.
 - g. This subdivision shall become effective December 1, 2004.
- (17) An owner shall not have any violations of Minnesota Rule Chapter 1300.0120 subpart 1, related to required permits, at any rental dwelling which they own or have an ownership interest. A violation of Minnesota Rule Chapter 1300.0120 subpart 1 shall result in a director's determination of noncompliance notice being sent, pursuant to 244.1930 to the owner regarding the rental dwelling where the violation occurred. A second violation, at any rental dwelling in which the owner has an ownership interest, of Minnesota Rule Chapter 1300.0120 subpart 1, related to required permits, shall result in the issuance of a director's notice of denial, non-renewal, or suspension of the license or provisional license, pursuant to 244.1940 of the Code, for the rental dwelling where the second violation occurred.
- (18) The owner, where the owner pays the water bill for a rental dwelling, shall not allow the water to be shut off for non-payment. If water to a rental dwelling has been turned off, for lack of payment by the owner it shall be sufficient grounds to deny, revoke, suspend or refuse to renew a license or provisional license.
- (19) The provisions of this section are not exclusive. Adverse license action may be based upon good cause as authorized by Chapter 4, Section 16 of the Charter. This section shall not preclude the enforcement of any other provisions of this Code or state and federal laws and regulations.

How many rental units do you own?	Do you currently charge an application fee?	If so, what amount do you charge?	On average, how many background and credit checks do you collect fees for before you find an appropriate tenant?
0	No	N/A	0
1	No	N/A	1
1	No	N/A	Non . will use airbnb for week long rentals on lake
1	No	N/A	0
1	No	N/A	1
1	No	N/A	0
1	No	N/A	2
2	No	N/A	0
2	No	N/A	I Air BNB my units
2	No	N/A	0
2	No	N/A	0
2	No	N/A	0
2	No	N/A	4
2	No	N/A	3
2	No	N/A	0
2	No	N/A	1
2	No	N/A	

How many rental units do you own?	Do you currently charge an application fee?	If so, what amount do you charge?	On average, how many background and credit checks do you collect fees for before you find an appropriate tenant?
2	No	N/A	
3	No	N/A	0
3	No	N/A	0
3	No	N/A	0
3	No	N/A	
3	No	N/A	1
3	No	N/A	2
3	No	N/A	0
3	No	N/A	
4	No	N/A	
4	No	N/A	
5	No	N/A	0
5	No	N/A	0
5	No	N/A	2-3
5	No	N/A	0
5	No	N/A	0
5	No	N/A	

How many rental units do you own?	Do you currently charge an application fee?	If so, what amount do you charge?	On average, how many background and credit checks do you collect fees for before you find an appropriate tenant?
6	No	N/A	0
6	No	N/A	0
6	No	N/A	
7	No	N/A	
8	No	N/A	0
8	No	N/A	1
8	No	N/A	0
8	No	N/A	0
8	No	N/A	0
9	No	N/A	0
10	No	N/A	0
10	No	N/A	0
10	No	N/A	0
11	No	N/A	2-3, we usually wait until we find a candidate that is likely to meet our standards, before we do reference checks.
13	No	N/A	0
14	No	N/A	0
14	No	N/A	0

How many rental units do you own?	Do you currently charge an application fee?	If so, what amount do you charge?	On average, how many background and credit checks do you collect fees for before you find an appropriate tenant?
15	No	N/A	3
16	No	N/A	0
21	No	N/A	
25	No	N/A	
30	No	N/A	0
31	No	N/A	1
60	No	N/A	0
70	No	N/A	0
130	No	N/A	3
1	No	We have used a tenant finder and have paid a fee!	When we have used a tenant finder service—it usually takes 2 to 3 credit credit and background checks time find someone
1	Yes	Cost of TenantNet	8
2	Yes	\$25 - \$35	1
3	Yes	\$50	2
3	Yes	\$50	1-2
3	Yes	\$29	1 to 5 - but I reimburse the fees to the tenant who ultimately signs a lease.
4	Yes	\$39.99 for one applicant. \$49.98 for two.	1-2
4	Yes	\$40	1

How many rental units do you own?	Do you currently charge an application fee?	If so, what amount do you charge?	On average, how many background and credit checks do you collect fees for before you find an appropriate tenant?
4	Yes	\$35	2
5	Yes	\$25	9
5	Yes	\$30	1
5	Yes	\$35	3
5	Yes	Whatever RentPrep charges	So far, 1
5	Yes	\$30	2
6	Yes	\$25 per adult applicant	Usual, just one. If applicant is approved, the app. fee is credited to their sec. dep. If rejected, it is refunded, unless lies on the app. I use judgement experience to
6	Yes	\$45	8
6	Yes	\$40	2 max - I have a conversation before collecting \$
6	Yes	\$35	
7	Yes	\$25	2
7	Yes	\$30	5

How many rental units do you own?	Do you currently charge an application fee?	If so, what amount do you charge?	On average, how many background and credit checks do you collect fees for before you find an appropriate tenant?
8	Yes	\$35	3
9	Yes	\$30	2
10	Yes	Tenant net/\$25	1-2
10	Yes	\$30	1
12	Yes	\$30	2
14	Yes	\$35	1
16	Yes	\$25	One or two
18	Yes	\$30	4
36	Yes	\$35	2 max
47	Yes	\$35	3-4
50	Yes	\$25	1
50	Yes	\$40	Only the ones we want to rent to - so NO extra
62	Yes	\$38	6
74	Yes	\$30	4
83	Yes	\$35	1-3
100	Yes	\$30	1-2
180	Yes	\$40	4

MEMORANDUM

FROM: Rental Housing Advisory Committee

TO: Housing Committee and City Council

DATE: April 27, 2020

SUBJECT: Short-Term Rental Housing Proposals by Councilor Cook:

- Amendment 1 to Order 156-19/20; and
- Amendment 2 to Order 156-19/20.

Prohibition on Rent Increases During “Stay-At-Home” Period + 30 Days

I. SUMMARY

Councilor Cook has proposed two Amendments to the City’s “Stay-At-Home Order,” #156-19/20, summarized as follows:

Amendment 1:

Short-term rental (“STR”) owners who convert their STR to a long-term rental (“LTR”) unit, register it as such, and “provide evidence to the Housing Safety Office that the person has entered into a lease agreement for the unit of at least one year’s duration” are entitled to: (1) a full refund of all STR fees paid for 2020; and (2) a waiver of all LTR registration fees for 2020.

Amendment 2:

STR owners who convert an STR to an LTR and “provide evidence to the Housing and Community Development Division that the person has entered into an agreement to lease the unit to an individual(s) for a minimum of 1 year, and that individual will be receiving either Section 8 funds or General Assistance funds for the unit” will be entitled to a one-time payment of \$1,000.00, which “shall be paid out of the Housing Trust Fund.”

The Rental Housing Advisory Committee (“RHAC”) met remotely on April 23, 2020, and, per its directive to “provide recommendations or proposals for improvements, modifications, or changes regarding landlord and tenant policy issues,” discussed Councilor Cook’s proposals. Although there was no consensus within the RHAC as to recommending adopting or rejecting either of the proposals as written, there were a number of questions and concerns, as well as suggestions for revisions that were shared among committee members, and we felt merit raising to the Housing Committee, and to the full City Council, to take into consideration as it evaluates these proposals.

The RHAC also considered a proposal to enact a moratorium on rent increases for rental properties in Portland during the duration of the City’s Stay-At-Home Order, and for a period of thirty (30) days after.

II. Amendment 1

To the extent committee members expressed a preference for one of Councilor Cook's proposals over another, Amendment 1 was a distant second choice.

Among committee members' concerns was that the amount of the incentive, a refund of 2020 STR registration fees, either \$100 or \$200 per STR, plus a waiver of the \$35 LTR fee, would be insufficient to generate a significant number of conversions. A few committee members also raised the fact that some rental units are registered as *both* an STR and an LTR, and therefore a refund of fees would be unnecessary to bring about a conversion of those units. Committee members generally felt that this proposal fell short by not including incentives to lease to tenants in rental assistance programs.

III. Amendment 2

The second of the proposals garnered a great deal more discussion, and, based on feedback and comments from committee members, was the preferred option of the two. There were a number of questions, concerns, and suggestions shared by many committee members, summarized as follows:

1. *Inclusion of Other Rental Assistance Programs*

- Committee members would like to see the \$1,000 incentive program expanded to include leasing to renters in other rental assistance programs, not just GA and Section 8, to include, for example, Shelter + Care, Stability Through Engagement, HUD, VASH, Bridging Rental Assistance Program, HOPWA, etc. (This list is not intended to be exhaustive; these are only some examples of such programs.)

2. *Inclusion of Long Term Rentals in Incentive Program*

- Several committee members suggested including LTR units in the \$1,000 incentive program, to encourage more owners of current LTRs to rent to tenants in rental assistance programs.
- One committee member raised concerns with including LTRs in the program; specifically that a number of LTR owners already rent to tenants in rental assistance programs, and substantial participation by LTR owners could cause a depletion of the Housing Trust Fund without significantly adding to the number of units available to renters in rental assistance programs.
- One committee member suggested that, to the extent the City is considering providing financial assistance to landlords, it should consider providing assistance to LTR owners that are working with their tenants who are having difficulties paying rent due to the pandemic.¹

¹ - The RHAC is aware that this is outside the scope of Councilor Cook's proposed Amendments, however, given the circumstances created by the COVID-19 pandemic, and the importance of moving quickly, the RHAC encourages the Housing Committee and City Council to investigate any available options to assist renters during these times. To the extent the Housing Committee or City Council seek further advice or guidance on any such proposals, the RHAC is available to do so

3. *Status of STR Registration During and After LTR Term*

Committee members had a number of questions and concerns about how the STR registration is treated during the time the unit is being rented out as an LTR, and even more about what happens when the LTR is over, and the owner seeks to return the unit to STR status.

- For an STR converted under the program, would that STR registration remain in place, or would the STR be cancelled, and the owner required to get in line and re-register the STR at the end of the LTR term?
- With approximately 800 STRs, and City Code only allowing 400, are STR owners who participate in this program essentially forfeiting their STR registration(s) forever?
- Would prospective STR registrants, who are currently on the waiting list, be eligible to register their STRs during this time, if sufficient STRs convert?
- Assuming the incentive program is successful, and numerous STRs convert to LTRs for one year, what happens at the end of that one year, when these LTRs go back to STRs? There were concerns that, a year from now, there could be a ripple effect with lot of people on assistance looking for housing at the same time, concurrent with an immediate reduction in available units as these converted back to STRs.

4. *Length of STR Registration Suspension*

- Some committee members suggested that, in order for STR owners to qualify for the \$1,000 incentive payment, they would need to relinquish the right to register the unit as an STR for a period of two years, being next eligible to re-register as such in 2022.
- Other committee members suggested that there be a type of transition period after the one-year LTR conversion, so that LTR tenants aren't immediately removed at the end of the one-year period and the unit converted back to an STR.

5. *Enforcement*

- Committee members expressed concerns about enforcement of the incentive program, noting that, as written, an STR owner need only present a one-year lease in order to receive the payment, and that they could evict a tenant – legally or otherwise – and still receive the full \$1,000 payment without actually renting the unit for a full year to tenants on assistance.
- The legal representatives on the committee reported dealing with leases that contain “no cause eviction” clauses that would be problematic, to say the least, to enforcement of the one-year lease requirement as currently written. Since City staff can't review every lease submitted for these kinds of issues, the committee's legal representatives would like to see more stringent requirements and/or protections for tenants to prevent abuse of the incentive program.
- One committee member suggested that the \$1,000 incentive be limited to one per STR owner, not one per STR unit, as it is currently proposed.

6. *Application to Islands*

- There were questions raised as to whether this would apply to rental properties on the islands, since they have been exempted from previous regulations and ordinances regarding STRs.
- Committee members felt that, given the seasonal nature of island properties, and the fact that many cannot be converted to all-season (*a.k.a.* LTR) use, they should not be included in, or covered by these programs.

7. *Use of Housing Trust Fund*

- Some committee members expressed concerns regarding the propriety of using Housing Trust Fund monies to pay STR owners, and whether or not it was appropriate for the City to make payments from the Fund to out-of-state STR owners.
- There were also concerns raised with the amount of the Housing Trust Fund that could potentially be spent on the incentive program (\$800,000) in light of the Fund's balance and pending requests from it for other programs.

IV. **TEMPORARY PROHIBITION ON RENT INCREASES**

In addition to Councilor Cook's proposals, the committee also discussed the possibility of recommending a temporary prohibition on rent increases, to remain in place as long as the Stay-At-Home Order is in effect, plus at least thirty days afterwards. Time and logistics prevented the committee from fully fleshing out a written proposal and recommendation on this, and, recognizing that any specific language would need to be vetted by Corporation Counsel, the committee simply recommends herein that the Housing Committee and/or City Council consider the issue.

To date, the measures enacted by federal and state government have addressed evictions and notices, but not rent increases during this time. Committee members believe that such a provision, with a clause extending the protection for at least thirty days past the effective date of the Stay-At-Home Order, would protect tenants from rent increases during a time when their incomes are severely reduced, and from rent increases immediately after the pandemic is over.

V. **SUMMARY**

At this stage, the RHAC does not have a specific recommendation regarding the adoption or rejection of Councilor Cook's proposals. There was more support shown for the second of the two proposals, but with the number of questions and concerns raised, the RHAC recommends that the Housing Committee and City Council take those into consideration, and seek to answer those as thoroughly as it can, as it debates these proposals.

The RHAC also recommends that the City Council consider its proposal to enact a temporary prohibition on rent increases as outlined herein.

Members of the RHAC will be available to answer any questions the Housing Committee or City Council may have at its April 27, 2020 meeting, and those that follow, addressing these proposals.

TO: Housing and Economic Development Committee
FROM: Rental Housing Advisory Committee
RE: Dissolution of the Rental Housing Advisory Committee
DATE: February 15, 2024

Dear Councilors:

We write to recommend that you dissolve the Rental Housing Advisory Committee. We do this with deep regret that a more constructive partnership could not have been built with the Housing and Economic Development Committee (HEDC) that would have made this committee's work meaningful and more useful to the residents of Portland.

We are not recommending dissolution because we think our mission has been accomplished. In fact, we are dealing with once-in-a-generation forces that make it more urgent than ever that the City tackle issues related to rental housing. While we have been eager to help be a part of the solution to these challenges, we have sought guidance and counsel from the HEDC without response, which ultimately frustrates our ability to carry out our charge.

The Rental Housing Advisory Committee (RHAC) was established in the wake of a City tragedy – the Noyes Street fires – to form a working group that could propose policy suggestions and assist in educational efforts with respect to landlord-tenant relationships and housing safety in the City of Portland.

Since the committee's inception, the RHAC has attempted to communicate with the Housing and Economic Development Committee about housing challenges in Portland. THE RHAC never received an explicit charge from the HEDC, or the City Council, and it was left to the committee, and City staff, to develop a focus for the committee.

The RHAC's focus ultimately included research and a recommendation regarding application fees that was ultimately significantly revised and diminished before passage by the City Council, without continued communication with the RHAC itself. It is worth noting that in the years since, the City, and the State, have adopted language consistent with the initial intention of the RHAC around this issue.

Following the RHAC's creation, our community has seen many large-scale changes to the housing market and critical views of conventional housing policies.

In 2020, the Black Lives Matter movement sought to address systemic barriers across all levels of government and society, including in the areas of housing quality, housing safety, and affordability.

Our community weathered a global pandemic during which rapid and significant changes to the housing market and housing law occurred. The market changes included a sharp increase in costs as well as increased demand for housing resulting in a high volume of Mainers, and Portlanders, facing homelessness. We are still dealing with the impact of those market changes, and a State study identifies a housing shortage in Maine of close to 80,000 units.

Most recently, and as a cumulative result of these forces, we have seen large numbers of people camping out in Portland because they are unhoused.

The housing crisis, across nearly all economic levels, has not abated and there are still market pressures that will impact our most vulnerable residents well into the future.

There is work to be done, and we have eagerly reached out, via memo and through City staff, to ask how we can help.

It is impossible to fulfill our mission without that direction, and thus, though there is much work for the City to do on these vital issues, we reluctantly request that the City dissolve the Rental Housing Advisory Committee.

Order 156-23/24 - Dissolution of Rental Housing Advisory Committee: Bad History

George Rheault

Sun, Apr 7, 11:57 AM
(22 hours ago)

to Public, Mark, Pious, April, Roberto, Anna, Victoria, Regina, Anna, Kate, Danielle, Michael, Dena

The materials relating to Order 156 contain erroneous information (see quote below). The RHAC was not in fact created as a direct result of the tragic November 2014 Noyes Street fire where a group of young renters died due to unsafe rental housing conditions. The RHAC was created much later in 2016 and was caught up in the overall debate about how the City of Portland, and the City Council itself, can mitigate the housing challenges faced by Portland's renters, especially those most impacted by rising housing insecurity.

Since then, the City Council has amended the RHAC's governance twice without actually doing much to address its fundamental problems of lack of staff and Council engagement with it.

See these Press Herald stories regarding the 2016 saga leading up to the RHAC's creation:

<https://www.pressherald.com/2015/12/01/portland-mayor-elect-creates-new-committee-to-try-to-solve-housing-crisis/>

<https://www.pressherald.com/2016/01/26/new-portland-housing-committee-taking-aim-at-rising-rents/>

<https://www.pressherald.com/2016/11/21/portlands-housing-committee-urges-tenant-friendly-policies/> (see attached)

This is not an accurate statement (though of course the Noyes Street fire did commence a deep examination of the conditions impacting Portland renters):

"The Rental Housing Advisory Committee (RHAC) was established in the wake of a City tragedy – the Noyes Street fires – to form a working group that could propose policy suggestions and assist in educational efforts with respect to landlord-tenant relationships and housing safety in the City of Portland."

This more recent Press Herald story lazily repeats that false

history: <https://www.pressherald.com/2024/04/03/portland-city-council-to-consider-dissolving-rental-advisory-committee-that-calls-itself-ineffective/>

November 2016 creation of RHAC

Council Order as passed: <https://content.civicplus.com/api/assets/6cb10ff4-08ff-41db-a526-b3929be28e7a?cache=1800>

Meeting minutes from November 2016 creation of RAHC (including various failed amendments as part of an overall package which included the RHAC)

<https://portlandme.portal.civicclerk.com/event/4383/files/agenda/8606>

August 2018 Amendments

Council Order as passed: <https://content.civicplus.com/api/assets/2ab50e08-b4fc-4b0b-b812-592e620e08c4?cache=1800>

2019 Amendments

Council Order as passed: <https://content.civicplus.com/api/assets/ad5a5002-53e5-43a2-83e2-63493d58f443?cache=1800>

2019 memo re: amendments

<https://portlandme.portal.civicclerk.com/event/59/files/report/352>

Portland's Housing Committee recommends tenant-friendly policies

 pressherald.com/2016/11/21/portlands-housing-committee-urges-tenant-friendly-policies

November 21, 2016

After nearly a year of study, the Portland City Council is poised to act on measures to help ease what has been described as a housing crisis in Maine's largest city.

The proposals that will be considered Monday night, however, do not touch on ways the city can increase the amount of housing – either through selling city land for development or by tweaking zoning rules.



Mayor Ethan Strimling says the proposals don't go far enough, and he plans to advocate for additional measures. Carl D. Walsh/Staff Photographer

Related Headlines

- Welcome to Portland: No vacancy
- Welcome to Portland: The neighborhoods

Instead, the package of five reforms, which would add a “Tenant Housing Rights” section to a city ordinance, focuses primarily on housing insecurity by increasing the amount of notice for rent increases from 45 days to 75 days, establishing a seven-member tenant-landlord commission, increasing education of tenants and landlords by requiring both to sign a document explaining at-will tenancy, and creating a leaflet of rights and responsibilities for both parties, among other things.

Mayor Ethan Strimling says the reforms recommended by the council's Housing Committee do not go far enough. He had previously released his own series of proposals that included placing limits on rent increases and mass evictions.

However, Strimling abandoned those proposals after the city attorney raised questions about their legality. On Monday, Strimling said he plans to advocate for four additional proposals that he's co-sponsoring with Councilors Spencer Thibodeau and Jon Hinck.

One amendment, first proposed by Thibodeau as a so-called leeway program, would require landlords to provide a 90-day notice to tenants when ending at-will tenancies, which under state law can be done with only 30 days' notice. Landlords could reduce that notification period by 30 days by paying the tenant \$500, or by 60 days by paying \$1,000.

Thibodeau said he is not sure whether the proposal, which failed to gain support at the committee level, will fare better before the full council, but he's eager for a vote.

"Ultimately we need to make a statement about whether this 90 days is important," he said. "I think it is and I think this plan strikes a pretty good balance between landlords and tenants."

Another amendment would prevent landlords from discriminating against low-income tenants by requiring landlords to accept housing vouchers, as long as those vouchers are enough to cover the rent. Currently, landlords must voluntarily opt in to the housing voucher program, and some advertise that they do not accept housing vouchers, which Strimling described as "de facto discrimination."

"If we can get these passed, I will feel like we have made some significant steps forward in dealing with housing insecurity in our city," Strimling said.

Other amendments would ensure that information about tenant and landlord rights and responsibilities be available in multiple languages, and establish a housing ombudsman to provide impartial information to landlords and tenants.

The Rental Housing Advisory Committee being recommended by the Housing Committee would comprise three renters, three landlords and a resident appointed by the council. The committee, which would meet at least on a quarterly basis, would compile housing data, report annually to the Housing Committee and provide the recommendations.

The committee's recommendations also call on the city to incorporate the Maine Human Rights Act prohibition against discrimination into city ordinance – a move that would have little practical effect, since that law already applies to landlords and tenants.

The housing reforms being recommended by the committee fall short of measures being promoted by the Portland Coalition for Housing Justice, which includes representatives from the Portland Tenants Union, Homeless Voices for Justice, Preble Street and Shalom House.

That group wanted the council to enact a moratorium on no-cause evictions (or ending at-will tenancies with 30 days' notice) and rent control, among other things.

None of three organizers for that group responded to requests for comment.

Strimling formed the five-member Housing Committee shortly after taking office last year, as rents were increasing rapidly and low-income residents were being displaced by landlords looking to improve their units to get higher rents.

The committee was charged with developing regional solutions to the housing crunch, tweaking zoning and permitting rules to encourage more housing construction, identifying city-owned parcels for housing development, and planning for five new housing-first projects for the chronically homeless.

The committee held a series of meetings to gather information from experts, stakeholders and area residents. Neighborhood leaders and housing advocates began highlighting the need to address housing security, which has dominated the committee's discussion to this point.

The package being considered by the council received a 5-0 recommendation from the committee.

© 2024

MEMORANDUM
City Council Agenda Item

FROM:

DATE: April 5, 2024

SUBJECT: Order 166-23/24 Receiving and Referring City Manager's Fiscal Year 2025 Municipal Budget to the Finance Committee and Setting Date of Public Hearing on the Fiscal Year 2025 Municipal Budget and Fiscal Year 2025 Appropriation Resolve - Sponsored by Danielle P. West, City Manager

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

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

**Final
Action**

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

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

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

I. SUMMARY

II. AGENDA DESCRIPTION

Under this order, the City Council receives the City Manager's proposed budget and refers it to the Finance Committee for review. The Finance Committee will review the budget at its next meeting, scheduled for April 9, 2024. A Finance Committee public hearing on the budget is also scheduled for April 30, 2024.

The first read of the FY25 Appropriation Resolve and Public Hearing is scheduled for the May 6, 2026 City Council meeting.

Five affirmative votes are required for passage. Public comment will be limited to the referral action only.

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. 2025 Budget Referral and setting date of public hearing
2. FY25 City Manager's Recommended Budget - Transmittal Letter and Summary Sheets

Prepared by:

Date: 04/05/2024

MARK DION (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)
ANNA BULLETT (4)
KATE SYKES (5)

**ORDER RECEIVING AND REFERRING CITY MANAGER'S FISCAL YEAR 2025
MUNICIPAL BUDGET TO THE FINANCE COMMITTEE AND SETTING DATE
OF PUBLIC HEARING ON THE FISCAL YEAR 2025 MUNICIPAL BUDGET
AND FISCAL YEAR 2025 APPROPRIATION RESOLVE**

ORDERED, that the City Manager's Fiscal Year 2025 Municipal Budget is hereby received and referred to the Finance Committee for review; and

BE IT FURTHER ORDERED, that a Public Hearing on the Fiscal Year 2025 Municipal Budget and on the Fiscal Year 2025 Appropriation Resolve shall be held by the City Council on May 6th, 2024, at 5:00 p.m., or as soon as possible after said time, during its City Council Meeting in Council Chambers, Portland City Hall.

City of Portland, Maine

City Manager's Recommended Budget



FY25 Budget

July 1, 2024 – June 30, 2025

City of Portland | Executive Department

Danielle P. West, *City Manager*



To: Mayor Dion and Members of the Portland City Council

CC: City of Portland Leadership Team and City Staff

From: Danielle P. West, City Manager

Date: April 8, 2024

Re: City Manager's FY25 Recommended Budget

Pursuant to Article VI, Section 5(e) and Article VII, Sections 5 and 6 of the City of Portland Charter, I am hereby submitting the City Manager's Recommended \$353 million FY25 Municipal Operating Budget. This is my third time submitting the City's operating budget to the City Council, but the first one since I accepted the permanent City Manager role. I continue to be enormously proud of the work City staff does each and every day to provide excellent municipal services to and for the City of Portland and its residents.

When our Finance Director gave his FY25 budget preview in January, he alerted us that once again we face many budget challenges, many of which are outside of our control. This year's initial budget gap looked to be about 50% worse than the previous year on the municipal side and was coupled with the largest budget shortfall we can recall ever seeing on the school side. On the municipal side of the budget alone, there were more than \$20M of known budget challenges as we began our budget work.

Over the last several months we have had several workshops and budget discussions with the Council and Finance Committee to set shared expectations for the upcoming budget year and address these challenges. During those discussions, the Council set guidance on limiting any tax rate increase to between 5 and 7%. The majority of the Council also noted they did not want to see cuts to core municipal services. Based on this guidance, I asked Departments to prepare their budgets conservatively. However, due to the significant challenges facing the City, many of them revenue related, the year-over-year tax levy increase based on conservative Department requested budgets was nearly 16%.

It was incredibly difficult to close the budget gap from the requested 16% down to within Council 5% to 7% guidance. Ultimately, we had to make revisions to Department requested budget proposals, set aside certain requests, and recommend fee increases to help balance the budget while at the same time ensuring that we addressed the needs of our workforce to the best of our ability since retention and recruitment continues to be a major focus.

We also had to double down on our lobbying efforts in Augusta since General Assistance (GA) funding (to address the homeless crisis) is the most significant challenge we faced throughout the development of this budget. Our ability to receive GA revenue continues to be critically important to our operations and overall budget. We remain the largest social services provider in the State when it comes to serving people who are at risk of or experiencing homelessness - whether that is by assisting those who are chronically homeless or asylum seekers who have come to Maine.

In fact, we have nearly doubled our City-operated shelter beds (to a total of 583) over the last year in an effort to shelter the most people in the most cost effective manner. More specifically, we worked to help develop and operate the new 179-bed shelter at 166 Riverside Industrial Parkway and expanded the capacity of the Homeless Services Center by 50 beds. At the same time we have opened additional shelter space, we have also worked to significantly reduce our use of costly hotels for emergency housing. The reduction of hotel use is a priority of the State and is critical to controlling

costs for the State and City GA budget.

The expansion of City-operated shelter space, as well as several Council approved grant and State funded programs, have resulted in the addition of approximately 58 FTEs (full-time employees) within Social Services in the FY25 budget as proposed. The majority of these staff, however, were added during FY24 to operationalize the items approved by the Council.

It is also worth noting that due to the significant community need and priorities of the Council, Social Services has been the driver of the overall FTE changes within the general fund as a whole. Looking back to FY20, there were approximately 1,200 FTEs in all City general fund Departments outside of Social Services. In my recommendation for FY25, the number of total FTEs for all other City Departments other than Social Services has again remained flat in an effort to deliver a budget within the Council guidance and address the Council's goals/priorities.

As a result of the major Social Services challenges we face, the City – including myself, the Mayor, our State delegation, and many members of City staff and City Council – continue to lobby for an increase in GA reimbursement rates and/or continued one-time payments to offset our growing commitment to sheltering the unhoused. We are thankful for the previous one-time payments we've received, and are pleased that the supplemental budget provides us with continuation of these one-time funds for FY25.

Other major budget challenges included the expiration of one-time federal ARPA funds, significant increases in health insurance costs which the City pays on behalf of our employees, rising contractually obligated union wage increases for our various unions, and an approximately \$5.7M increase in our debt service expenses due in part to the pension obligation bond.

Additionally, we continue to deal with a high number of staff vacancies, over 200 on average, which presents a budget and operational challenge – requiring costly overtime, use of more expensive external contractors, and significant extra hours and stress for other staff.

In light of all of the above challenges, and after a significant amount of work, I'm presenting you with a recommended FY25 budget that includes a **4.9% increase in the tax rate on the city side of the overall budget with a new city-side mill rate of \$7.30 per \$1,000 of assessed property value.** The impact of this increase on an average homeowner with a property valued at \$375,000 would be **\$127.50**. I know you have all seen the budget challenges faced by many municipalities in the region during our current budget cycle and I'm happy we are able to bring forth a tax rate increase below the budget guidance from Council. It is important to note that should there be any additional priorities or services the Council would like to address in this year's budget, I felt it most appropriate for those decisions to be made by the Finance Committee/Council during the upcoming budget review process.

To provide some context on changes in the City budget over the last several fiscal years, the following is a chart that outlines the City, County, and School portions of the tax levy since FY16:

FY16 - FY25 City of Portland Tax Rate History & Breakdown							
Fiscal Year	City Tax Levy	City % of Total	County Tax Levy	County % of Total	School Tax Levy	School % of Total	City of Portland Tax Levy
FY16	\$ 75,785,193	47.63%	\$ 5,240,009	3.29%	\$ 78,073,211	49.07%	\$ 159,098,413
FY17	\$ 78,445,570	47.78%	\$ 5,417,119	3.30%	\$ 80,331,376	48.92%	\$ 164,194,065
FY18	\$ 80,187,454	47.48%	\$ 5,907,743	3.50%	\$ 82,787,921	49.02%	\$ 168,883,118
FY19	\$ 83,323,749	46.91%	\$ 6,288,845	3.54%	\$ 88,003,431	49.55%	\$ 177,616,025
FY20	\$ 86,173,337	46.29%	\$ 6,640,316	3.57%	\$ 93,345,139	50.14%	\$ 186,158,792
FY21	\$ 86,743,535	46.12%	\$ 7,011,159	3.73%	\$ 94,338,744	50.16%	\$ 188,093,438
FY22	\$ 83,867,622	44.12%	\$ 7,149,309	3.76%	\$ 99,083,251	52.12%	\$ 190,100,182
FY23	\$ 89,023,793	44.41%	\$ 7,563,215	3.77%	\$ 103,851,071	51.81%	\$ 200,438,079
FY24	\$ 94,353,230	44.01%	\$ 9,206,423	4.29%	\$ 110,850,008	51.70%	\$ 214,409,661
FY25**	\$ 100,583,531	43.89%	\$ 9,175,647	4.00%	\$ 119,402,624	52.10%	\$ 229,161,802
The City portion of the overall tax levy has increased by \$24.8M or 32.7% since FY16 (3.2% CAGR)							
The County portion of the overall tax levy has increased by \$3.9M or 75% since FY16 (6.4% CAGR)							
The School portion of the overall tax levy has increased by \$41.3M or 53% since FY16 (4.8% CAGR)							

* Note: FY24 County Tax Levy includes (and FY25-FY28 will also include) an additional \$761,342 due to County change to 6/30 year end

** FY25 figures will be finalized in May/June 2024

CAGR = Compound Annual Growth Rate

The growth of the City portion of the property tax levy has been significantly outpaced by growth within the Cumberland County budget and Portland Public Schools portion of the tax levy.

FY25 DEPARTMENT HIGHLIGHTS OF NOTE

Health & Human Services: There are several highlights and components of the FY25 Health & Human Services budget request four major divisions: Social Services, HHS Admin, Public Health and the Barron Center

Within social services, the City has worked incredibly hard to open and expand our City-operated shelter locations. In the last year alone we have expanded that capacity by over 137 beds, going from an Oxford Street Shelter capacity of 154 to a brand new Homeless Services Center capacity of 258, plus adding a new shelter location at 166 Riverside Industrial Parkway with 179 beds. These are in addition to the capacity the City has for 42 families/146 individuals at our Family Shelter location. By opening these new shelter beds and working incredibly hard to transition families into permanent housing, we are able to reduce our reliance on hotels in FY25 and the reduction is estimated to be approximately \$9M, with a corresponding GA reimbursement reduction of \$6.3M. The net savings of \$2.7M helped us close a significant portion of our budget gap. It is important to note that should the amount of one-time funds from the State change as the State finalizes its budget, or if they make changes to GA rules or how they interpret those rules, that could have an impact on our final budget.

The social services budget includes funding to continue the additional 50 beds at the Homeless Services Center so we can continue to offer 258 beds. These beds have been consistently utilized due to the number of people experiencing homelessness. The equivalent cost of sheltering 50 individuals annually at a hotel would be approximately \$4M.

The Public Health budget includes several new grant funded positions and program funding increases within Family Health, Health Equity, the Portland Public Health Clinic, and Public Health Research. The FY25 budget also includes the appropriation of received and soon to be received 2023 and 2024 opioid settlement funds. City staff and the Council's Health and Human Services and Public Safety Committee will each have roles in determining how these funds are allocated in

accordance with their intended uses, and the public will also be given the opportunity to provide input.

The Barron Center budget sets a patient census target of 125 for the upcoming fiscal year and has set staffing levels as well as revenues and expenditures at this level.

Public Works: This department continues to manage a number of staffing vacancies and in recent years has given up full time equivalent positions in favor of more readily available (but more costly) outside contractors to do work formerly performed by City staff. This budget includes some target FTE increases to begin retaking some outside contracted services, generating a net savings to the taxpayer and providing the same or better levels of service. Additionally, the Public Works budget also proposes an increase in the cost of pay-as-you-throw trash bags to help offset the rising costs of disposal and recycling.

Parks, Recreation & Facilities: The Parks, Recreation and Facilities budget continues to see strong revenue increase to support their operations, with a nearly 9% increase in projected revenues supporting a 9.5% increase in expenditures. The Department added a Deputy Director position during FY24 as this department now oversees the Public Buildings and Waterfront Department.

Public Buildings & Waterfront: The significant increase in expenditures within this Department reflects approximately \$1.6 million for payments for electricity produced by renewable energy facilities across the state. These payments generate financial credits on our CMP bills that are guaranteed to exceed the payment made. This year we expect these projects to generate credits that will save the City and School Department in excess of \$500,000. The City Council and Portland Public School board approved participation in these projects in 2020 and they are now reaching commercial operation.

Fire Department: The Fire Department budget is up 7.7% to nearly \$22M for FY25 due in part to estimated increases in staffing costs. Total FTE within the Department is remaining flat for FY25. The Department continues to see rising levels of revenue reimbursement from EMS calls for service.

Planning & Urban Development: The Department contains no new FTE or major programmatic changes for FY25. The reduction in budget is due primarily to a change in the way the City is funding the bikeshare program – in the prior fiscal year the City had received a contribution from the State which was in turn passed along to the vendor. In the current fiscal year the program is set to be fully funded directly by the vendor.

Police: This budget implements fully the recent wage increases for the PBA and PSOPA unions passed by the City Council. The budget also includes continuation of our alternative response liaisons / behavioral health program – which had over 1,100 responses to calls in 2023. These positions were previously funded by an earmark program and are being funded in the local budget for the first time in FY25.

Assessor: This budget includes one new FTE for an Assistant Assessor in order to increase the amount of resources of this office as they begin the next revaluation process. This office does specialized work and having more support will help the City meet state standards and ensure continuity of staffing.

Permitting & Inspections: This department's budget does not include any new position requests and while there is a slight increase in expenditures they are also projecting an increase in revenue.

City Manager: The Executive Department budget added funding for additional Justice, Diversity, Equity and Inclusion (JDEI) efforts in FY24's budget to assist our JDEI Director in his work. During the course of FY24 the City hired a JDEI Associate with these funds and that position is showing as an added FTE in the FY25 budget. We are also eliminating the Chief of Staff position as Dena Libner was promoted to one of the Assistant City Manager positions.

Portland Public Library: The Portland Public Library (PPL) received a 5% increase in funding from their FY24 level and will receive payments of \$4,755,049 during FY25. This is in addition to \$675,000 in capital improvement plan funding allocated to PPL by the City Council in March 2024.

Wage Adjustment: This budget includes funding for potential future wage and contract increases from various Departments, which are anticipated to be needed in the upcoming fiscal year. The City has eight labor unions along with the non-union workforce and three Council appointed positions.

FY24 RECAP

Despite continued staff vacancies across City departments, our staff did amazing things in FY24 with the resources they had available. Below are some key highlights from several departments.

First, our Health & Human Services Department has faced many challenges this year, but continues to respond impressively when confronted with complex situations. Despite these challenges, there have also been many proactive successes worthy of highlighting. The Department issued a 2023 Year in Review report related to our homeless services work, which is worth a read to garner a meaningful perspective on this segment of our community.

Our Social Services division continued to go above and beyond in providing services for those who are at risk of experiencing homelessness or need emergency shelter services. Our Prevention & Diversion team worked with 913 people, 60% of whom stayed at a shelter, 20% who completed shelter paperwork, but did not stay, and 19.5% who found another place to stay. The Homeless Services Center placed a total of 159 clients, 27 of whom were chronically homeless, into permanent housing. The 162 housing placements represent 33,283 bed nights or 91.9 years. The 27 chronically homeless placements represented 10,664 of those bed nights or 32%. The Family Shelter placed 55 families representing 199 individuals into housing placements.

In December 2023, City staff opened the 166 Riverside Shelter at 166 Riverside Industrial Parkway to provide low-barrier, temporary emergency shelter to asylum seeking individuals experiencing homelessness over the age of 18. 166 Riverside St started as a vision to serve single adult asylum seekers in a more efficient way through a setting that affords service providers a centralized location to complete service delivery on-site. This vision began when as a community we saw an increased number of single adult asylum seekers arriving to call Maine, specifically Portland, home. While we have for many years welcomed asylum seeking families to Portland the arrival of singles was a new trend. As that trend increased and beds at the Homeless Services Center became occupied, there was an increased unsheltered population. 166 Riverside became a solution to both help build shelter capacity and serve those who have traditionally been underserved.

The Homeless Services Center's bed capacity was temporarily increased by 50 beds in response to the significant number of unsheltered individuals in the city, 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 increase in shelter capacity from asylum seekers moving to the 166 Riverside Industrial Parkway shelter, and adding 50 beds, outreach workers 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.

Over the past year, the Public Health Division has continued its efforts in providing STD, primary care, and harm reduction services to Portland's underserved communities. Our Harm Reduction and Overdose Prevention services completed 6,178 total syringe exchanges and provided 2,789 referrals to community-based organizations for support with physical and behavioral health, basic needs, and recovery. They also distributed 5,067 Naloxone kits, which provide more than 10,000 doses of Narcan. For clinical services, our Maternal and Child Health program completed 1,513 home visits, 191 patients were seen by the Portland Community Free Clinic, 3,494 vaccines were administered by

the Immunization Program, 663 referrals were provided by the Mobile Medical Outreach team to community-based providers, 1,482 patients were seen in the STI clinic, and 768 people were provided services through our Screening, Prioritization, and Urgent Referral (SPUR) program. This work reflects the Public Health Division's commitment to providing essential services and responding to the evolving public health needs of the community.

For our Planning & Urban Development Department, 2023 included a significant amount of both development review and long range planning activity. With regard to new housing within the city, 1,130 housing units were approved, 528 of which were dedicated affordable units. 2023 also saw 489 units of prior year housing approvals completed and occupied and another 600 currently under construction, with more expected to break ground in 2024.

Significant approvals shepherded through the planning review process in 2023 included 165 Lambert Street (162 housing units, 58 Fore Street (396 housing units, 128-room hotel, 81,558 SF commercial space), 76 Congress (The Hill Arts, new theater construction), Evergreen Cemetery expansion, Abyssinian Meeting House addition, 48 Brown Street (54 housing units, mixed-use), 1 Bean Pot Circle (B&M Cannery rehabilitation), and the Bayside MDP (master plan for hundreds of housing units, mixed uses and public realm investments). Long range, transportation, and policy initiatives included implementation of LD 2003, release of a Historic Preservation Impact Study, the Lincoln Park fence restoration, re-initiating the Franklin Street redesign, furthering the Libbytown Safety & Accessibility Project (recently awarded an \$22.4 million federal grant), and multiple bike/ped pathway improvements. The first wave of ReCode drafts were released for public review, including a package of climate resilient zoning tools, both on track to be before the Council for adoption this year.

Our small business community, which is the backbone of Portland's economy and contributes so much to its authenticity and character, faced challenges from the pandemic and reinventing their business service processes. In response, the Portland Development Corporation (PDC), staffed by the Housing and Economic Development Department, reviewed and approved Microenterprise Grants to 126 small businesses from FY2020 through FY2022 in the total amount of approximately \$530,000. During FY2024, with \$400,000 of ARPA Funds, the PDC reviewed and approved Microenterprise Grants to 81 small businesses, using up this \$400,000 pool of funds. Of the 81 approved grants, 33 went to organizations that represent racially, ethnically, or linguistically diverse communities, representing approximately 41 percent of the total grantees. Grants have been used for various purposes including marketing, inventory, rent, and payroll. The PDC has also approved three commercial loans to date in FY2024 totalling \$482,688. These funds have been used to open and expand several businesses in Portland that increase the City's tax base and provide employment opportunities.

ARPA funds allocated by the City Council to the child care approved use category are also being utilized to offer grants to aspiring day care providers and existing centers to open or expand, adding much needed day care slot openings to Portland. To date, one hundred new slots for care have been documented.

The Housing and Economic Development Department (HEDD) also administers the Brownfields Program, which provides funding for assessment and cleanup of environmentally contaminated properties to facilitate redevelopment. The City's Brownfields Assessment Fund and Revolving Loan Fund are important tools available to support land revitalization in the city. The City recently received a new round of Brownfields Grant Funding from the USEPA for assessment work in the amount of \$500,000, and just prior to that received \$3 million in grant funds to recapitalize the City Brownfields Revolving Loan/Grant Fund for clean-up work. These funds have been, and will continue to be, used to assess and remediate contamination at several sites in the City, catalyzing projects that provide affordable housing and other important outcomes to Portland businesses and residents.

Housing availability and affordability continue to be a focus of the Council's Housing and Economic Development Committee (HEDC) and City officials. The HEDC recently recommended to the City Council approval of the 2024 Affordable Housing Development and TIF Application, drafted by HEDD staff. The City Council approved this at its March 18, 2024 meeting, making available an estimated \$1,961,008 for investment in affordable housing, together with access to the City's Affordable Housing Tax Increment Financing Program. Housing and Community Development staff processed several applications for funding to assist in the creation of workforce housing. In 2023 and to date in 2024, the City Council approved the use of over \$3.6 million for projects that, when completed, will create 122 new units and renovate 64 additional units of affordable housing, and 20 units of workforce homeownership housing. Additional applications are under review.

The HEDD also is a steward of the waterfront as the City is a major contributor to its economic vitality with ownership of the Portland Fish Pier, Portland Ocean Terminal/Maine State Pier, and Ocean Gateway. As part of the CAD (Confined Aquatic Disposal) Cell project, an economic impact study was done in 2020 which detailed revenue and employment from 95 identified marine businesses which generate \$650,000,000 in revenue and employ 2,250. The CAD Cell project is in its final design/construction phase, with dredging for private and public pier owners beginning Winter 2024/2025.

The Waterfront Coordinator in the HEDD works with the Boards of the Portland Fish Exchange and the Portland Fish Pier Authority, which recently agreed to a merger of the two boards, with the anticipated merger to be brought to the City Council in May 2024.

The Office of Economic Opportunity, housed within the HEDD, recently launched a new and expanded Natural Helpers Program, now in the middle of the four-month fellowship with 12 Natural Helpers. This program is based on national best practices designed to improve the inclusivity of government services and programs. It relies on a partnership between the City and community leaders to help connect minority communities to resources in order to achieve a working, sustainable lifestyle in Portland.

Our Permitting and Inspections Department continues to see its workload increase. The department has been impacted by recent citizen-initiated referendum questions passed by voters. This includes the Green New Deal, Rent Control ordinance, and regulations related to Marijuana retail establishments. In FY22, the Department managed an increase in workload, staff shortages, and dealing with returning to more of a pre-pandemic model. In FY23, the Department is continuing to manage record breaking numbers on top of additional Rent Control Referendum amendOur Permitting and Inspections Department has not seen a slow down this past fiscal year, in fact their workload continues to increase. In FY23 we were still encountering record breaking numbers along with consistent staff shortages. The first half of FY24 has continued to see averages of over 100 permits applied for each week, over 250 inspections performed each week, more rental units added to the City and business licenses continuing to be applied for in vacant storefronts.

In FY23, permitting staff processed 2,891 building permits, 1,878 electrical permits and 439 plumbing permits. This was an overall increase from FY22. During the current fiscal year, we are continuing on that same trend for permit numbers. The City's five Building Inspectors performed 5,118 inspections in FY23.

The Business Licensing office is consistently busy with new businesses and renewal business license applications. The amount of temporary events are almost back to pre-pandemic numbers, which has increased the workload. In FY23, staff issued 1,675 business licenses and performed 1,435 Health Inspections. We also issued 87 Marijuana Licenses and performed 402 Marijuana Inspections.

In our Housing Safety Office, the division was required to collect data on more than 20,000 units, staff the Rent Board, and investigate illegal rent increases. This work is in addition to the safety inspections we conduct on rental units in Portland. The City's four inspectors are both Certified

Code Enforcement Officers and Certified Fire Inspectors. They handle Long-Term, Short-Term, Complaints and Rent Inspections. In FY23, the Inspectors performed 3,557 inspections. The office issued 4,231 Long-Term licenses, which accounted for 18,545 units. They also issued 729 Short-Term licenses, which accounted for 848. In FY24 three positions were added for Rent Control and currently two of those positions have been filled. That staff has taken over Rent Control Complaints and have begun proactive enforcement of the ordinance.

The Portland International Jetport continued its record for customer service in 2023, winning the Airports Council International's Best Airport of 2 to 5 Million Passengers & Most Dedicated Staff in North America awards. The Jetport also set an all-time passenger record serving 2.22 million total passengers in 2023. This exceeded the prior record set in 2019 before the pandemic by 1.8% and provided the Jetport with the distinction of being the only airport in New England to exceed its pre-pandemic passenger record. These robust passenger volumes allowed operating revenues to fully recover and exceed pre-pandemic levels by 8.9% in FY23. This trend is continuing in FY24 with passenger volumes up 14% through February over the same period in FY23. The Jetport is projecting continued growth in FY25 with revenues up 9.8% from FY24.

During the past year we took a number of important actions recommended in our climate action plan, One Climate Future. Our Electrify Bikes! Program made it possible for 70 low and moderate income residents to purchase an e-bike so they have reliable, energy efficient transportation. The program also supported the economy by partnering with local brick and mortar shops who agreed to provide participants with point of sale discounts.

This March, we Launched DIY Electrify!, the third round of local incentives to help residents make their homes more comfortable, save energy, and reduce carbon emissions. Residents earning up to 80% of LMI are eligible to receive a rebate of up to \$250 to cover the cost of small electric appliances such as induction cooktops and portable energy star dishwashers, energy savings devices such as clothes drying racks, and weatherization products such as insulating blinds and window sealing kits. Promotion included a mailer to all Portland residents and an ongoing effort to inform residents who primarily speak a language other than English. All DIY Electrify! materials are available in Spanish, French, Portuguese, Arabic, Vietnamese, and Somali. The DIY Electrify! website is also available in the same languages.

We implemented a new customer management platform to improve implementation of the City's Energy and Water Use Benchmarking Ordinance. It has streamlined the reporting process for building owners resulting in better compliance and more thorough and accurate reports. This has allowed staff to provide the building owners with feedback about the energy performance of their buildings and establishes an accurate baseline by which building owners can measure the success of future building upgrades and efficiency measures. We will be hosting the first of four planned commercial energy efficiency workshops in April to provide commercial property owners with information about rebates, incentives, and financing tools that can support energy efficiency projects. This will include discussion of the C-PACE ordinance passed by the City Council this spring.

This year we will expand the Sustainable Neighborhoods program beyond our two pilot neighborhoods to include all City neighborhoods. We work with residents and neighborhood leaders to promote actions that build social resilience through collaborative action. The Sustainability Office will announce details about the program at the City's Second Annual Earth Day Celebration on April 20 in Payson Park. We will also continue efforts to promote sustainable landcare practices in alignment with Portland's landcare ordinance. This will include continued promotion of our successful Mow Tall Until Fall campaign launched last summer and a second summer series of informational webinars with information about organic landcare and gardening practices.

Finally, with assistance from the US Department of Energy, we will develop a strategic plan to transition the City vehicle fleet to 100% zero emissions vehicles in order to implement the Council's goal to have municipal operations run on 100% clean energy by 2040. We will take a major step in

this effort by adding our first electric trash truck to the fleet before June 30.

Furthering our commitment to our environment and open spaces, our Parks, Recreation and Facilities Department budget supports many community and Council priorities, from maintaining 67 parks and 30 city and school playgrounds, to the planting of 200 trees annually. The budget supports beautification and enjoyment of the city through the Parks Division, which oversees planting of perennial plants, tulip beds, urban meadows and orchards, oversight of 8 miles of multi-use bike paths, and basic maintenance of our 67 parks and open spaces spread over 1,400 acres. The budget supports the Portland Youth Corps, which engages youth of diverse backgrounds in career exploration, service in our parks, and outdoor adventure. The budget also supports Recreational activities for the community such as the Before and After School Program with 1,000 participants, a youth basketball league with 500 participants, a Senior Adult Program with over 500 participants, three city pools, and the Riverside Golf Course. Our Public Assembly Division runs our city venues and cultural institutions such as Merrill Auditorium, The James A. Banks, Sr. Portland Expo, Troubh Ice Arena, and Ocean Gateway. Our Custodial Division cleans all City buildings, and cleans our public park toilets daily. And our Cemetery Division budget supports maintenance and operation of 13 City cemeteries, including 11 historic cemeteries that are largely full, and Evergreen Cemetery and Forest City Cemetery which are still active and offer families a beautiful location to bury and remember loved ones.

CONCLUSION

I would like to thank the Finance Director Brendan O'Connell, the Finance Department staff, Human Resources Director Anne Torregrossa, and Communications Director Jessica Grondin for their assistance in developing this budget recommendation and presentation, as well as the hard work and diligence of all of the Department Directors and their staff in developing their budget requests.

I'd also like to thank all City employees for all the work they've done in helping us address some extremely complex issues over this last year, as well as the exemplary municipal services they provide each and every day. I'm proud of how we all worked together to keep our community strong.

Finally, I'd like to thank the Council for advising us on your priorities and working collaboratively with staff. We look forward to reviewing this recommended budget in more detail with you in the weeks ahead.

Sincerely,

Danielle P. West
City Manager

CITY OF PORTLAND, MAINE
COMPARATIVE BUDGET PLAN FY2024
July 1, 2023 - June 30, 2024
July 1, 2024 - June 30, 2025
City Manager's Recommendation

		FY25-CM / FY24		
		FY24	FY25	\$ +/- (%)
				%
CITY GENERAL FUND REVENUES				
31	Property Taxes	\$103,559,653	\$109,759,178	\$6,199,525 6.0%
31	Other Local Taxes	5,588,477	2,320,022	(3,268,455) -58.5%
32	Licenses & Permits	7,285,573	7,430,794	145,221 2.0%
33	Intergovernmental Revenue	40,700,479	38,137,410	(2,563,069) -6.3%
34	Charges for Services	40,723,175	43,475,199	2,752,024 6.8%
35	Fines, Forfeits and Penalties	2,085,204	2,396,804	311,600 14.9%
36	Use of Money and Property	13,056,181	17,230,269	4,174,088 32.0%
39	Other Sources	48,113,223	56,520,587	8,407,364 17.5%
	Fund Balance Use / (Restoration)	761,343	-	(761,343) -100.0%
Total General Fund Revenues		\$261,873,308	\$277,270,263	\$15,396,955 5.9%
GENERAL FUND EXPENDITURES				
100-11	City Council	\$532,220	\$495,202	(\$37,018) -7.0%
100-12	City Clerk	1,280,708	1,086,842	(193,866) -15.1%
100-13	Executive	1,503,780	1,496,731	(7,049) -0.5%
100-14	Assessor	547,107	644,687	97,580 17.8%
100-15	Finance Administration	1,392,938	1,506,175	113,237 8.1%
	Treasury	823,920	880,051	56,131 6.8%
	Total Finance	2,216,858	2,386,226	169,368 7.6%
100-16	Legal	1,120,002	1,166,929	46,927 4.2%
100-17	Human Resources	1,448,381	1,614,127	165,746 11.4%
100-18	Parking Administration	1,561,443	1,577,188	15,745 1.0%
	Elm Street Garage	293,774	307,601	13,827 4.7%
	Spring Street Garage	506,836	620,213	113,377 22.4%
	Temple Street Garage	119,120	120,450	1,330 1.1%
	Total Parking/Garages	2,481,173	2,625,452	144,279 5.8%
100-19	Economic Development Admin	979,625	997,955	18,330 1.9%
	Portland Development Corp	39,122	40,122	1,000 2.6%
	Housing & Community Development	778,390	738,789	(39,601) -5.1%
	Total Housing & Economic Development	1,797,137	1,776,866	(20,271) -1.1%
100-21	Police Administration	1,396,123	1,531,368	135,245 9.7%
	Uniformed Operations Group	12,710,175	13,742,524	1,032,349 8.1%
	Bureau Investigative Services	2,529,955	2,795,120	265,165 10.5%
	Operations Support Services	1,063,100	1,138,617	75,517 7.1%
	Jetport Security	503,433	582,271	78,838 15.7%
	Total Police	18,202,786	19,789,900	1,587,114 8.7%

FY25-CM: 04/07/24

CITY OF PORTLAND, MAINE
COMPARATIVE BUDGET PLAN FY2024

July 1, 2023 - June 30, 2024

July 1, 2024 - June 30, 2025

City Manager's Recommendation

		FY25-CM / FY24		
		FY24	FY25	\$ +/()
				%
100-22	Fire Administration	899,791	1,111,944	212,153
	Code Enforcement & Comm Svcs	359,553	407,163	47,610
	Field Operations	16,492,965	17,384,147	891,182
	Operations Support Services	1,045,755	1,128,661	82,906
	Air Rescue	1,474,498	1,797,728	323,230
	Total Fire	20,272,562	21,829,643	1,557,081
100-23	Dispatch Services	3,694,113	3,804,750	110,637
100-24	Planning & Urban Dev. Admin	282,684	284,039	1,355
	Planning	1,616,527	1,454,747	(161,780)
	Total Planning & Urban Development	1,899,211	1,738,786	(160,425)
100-25	Permitting & Inspections Administration	206,737	221,196	14,459
	Inspections	1,381,204	1,480,108	98,904
	Housing Safety	824,333	858,512	34,179
	Business Licensing	372,004	390,017	18,013
	Total Permitting & Licensing	2,784,278	2,949,833	165,555
100-29	Information Technologies	3,212,243	3,419,321	207,078
100-31	Public Works Administration	830,122	870,734	40,612
	Streets	1,948,821	2,051,668	102,847
	Solid Waste	3,055,233	3,580,326	525,093
	Communications	214,763	227,292	12,529
	Portland Downtown District	474,349	491,650	17,301
	Winter Operations	1,450,785	1,602,467	151,682
	Island Services	956,062	1,084,221	128,159
	Traffic & Transportation Operations	1,758,878	1,844,982	86,104
	Transportation Engineering	511,808	535,969	24,161
	Engineering	1,392,734	1,534,314	141,580
	Fleet Services	4,482,128	4,663,496	181,368
	Total Public Works	17,075,683	18,487,119	1,411,436
100-33	Parks Rec & Facilities Admin	528,648	703,844	175,196
	Parks	1,199,129	1,441,574	242,445
	Forestry	883,527	966,285	82,758
	Athletic Facilities	1,031,807	1,004,626	(27,181)
	Cemeteries	696,000	703,355	7,355
	Recreation	1,859,046	2,030,852	171,806
	Aquatics	564,029	562,649	(1,380)
	Golf Course	1,186,340	1,282,069	95,729
	Golf Course Restaurant	32,960	34,960	2,000
	Ice Arena	570,647	583,989	13,342
	Public Assemblies	1,038,567	1,095,474	56,907
	Concessions	583,436	635,261	51,825
	Custodial Services	1,031,921	1,247,638	215,717
	Merrill Auditorium	221,519	225,296	3,777
	Total Parks Rec & Facilities	11,427,576	12,517,872	1,090,296

FY25-CM: 04/07/24

CITY OF PORTLAND, MAINE
COMPARATIVE BUDGET PLAN FY2024
July 1, 2023 - June 30, 2024
July 1, 2024 - June 30, 2025
City Manager's Recommendation

		FY25-CM / FY24		
		FY24	FY25	\$ +/- ()
				%
100-35	Public Bldgs & Waterfront Admin	479,394	488,116	8,722
	Trades	657,625	685,516	27,891
	School HVAC	735,454	745,159	9,705
	Public Safety Bldg.	390,120	291,720	(98,400)
	City Hall	851,356	2,313,666	1,462,310
	Merrill Auditorium (PB)	281,815	298,965	17,150
	Hadlock Stadium	319,495	312,570	(6,925)
	Expo Building	273,580	281,900	8,320
	Canco Road Buildings	408,730	411,530	2,800
	Other Public Buildings	223,567	233,147	9,580
	Waterfront	1,779,944	1,582,727	(197,217)
	Total Public Buildings & Waterfront	6,401,080	7,645,016	1,243,936
100-44	HHS - Administration	539,378	646,585	107,207
	Public Health	2,988,798	3,892,451	903,653
	Social Services	36,827,723	32,758,139	(4,069,584)
	Barron Center	15,258,453	15,990,597	732,144
	Total HHS	55,614,352	53,287,772	(2,326,580)
100-47	Debt Service	54,596,478	60,312,600	5,716,122
100-48	Public Library	4,528,618	4,755,049	226,431
100-51	Pension	10,911,142	11,471,999	560,857
100-52	Health Insurance	20,018,555	22,784,508	2,765,953
	Workers' Comp	1,722,605	1,834,700	112,095
	FICA	1,578,873	1,578,873	0
	Group Life	260,451	260,451	0
	Unemployment	100,000	100,000	-
	Total Employee Benefits	23,680,484	26,558,532	2,878,048
100-61	Contingency	250,000	250,000	-
100-62	Liability Insurance	971,678	1,190,750	219,072
100-65	Regional Transportation Program	66,522	80,028	13,506.00
	Contributions	488,416	537,816	49,400
	Total Memberships/Contributions	554,938	617,844	62,906
100-67	Wage Adjustment	419,467	1,082,547	663,080
	Total General Fund Expenditures	249,424,055	265,002,395	15,578,340
100-63	County Tax	9,206,423	9,175,647	(30,776)
100-65	Metro Assessment	3,242,830	3,092,221	(150,609)
Total General Fund and Assessments		\$261,873,308	\$277,270,263	\$15,396,955

FY25-CM: 04/07/24

CITY OF PORTLAND, MAINE
COMPARATIVE BUDGET PLAN FY2024
July 1, 2023 - June 30, 2024
July 1, 2024 - June 30, 2025
City Manager's Recommendation

		FY25-CM / FY24			
		FY24	FY25	\$ +/- ()	%
ENTERPRISE FUND REVENUES					
31	Property Taxes, Current Year	-	-	-	
32	Licenses & Permits	\$7,200	\$7,200	\$0	0.0%
33	Intergovernmental	2,577,283	123,200	(2,454,083)	-95.2%
34	Charges for Services	39,552,717	40,189,434	636,717	1.6%
36	Use of Money and Property	29,145,565	34,662,302	5,516,737	18.9%
39	Other Sources	520,821	537,760	16,939	3.3%
	Fund Balance Use / (Surplus)	(335,111)	1,080,389	1,415,500	-422.4%
Total Enterprise Fund Revenues		\$71,468,475	\$76,600,285	\$5,131,810	7.2%
ENTERPRISE FUND EXPENDITURES					
530	Fish Pier	\$421,638	\$417,706	(\$3,932)	-0.9%
570	Sewer Finance Admin	97,248	99,106	1,858	1.9%
	Sewer Public Works Admin	918,110	968,148	50,038	5.5%
	Sewer Operations	2,913,802	2,977,494	63,692	2.2%
	Sewer Communications	70,886	74,685	3,799	5.4%
	Sewer Engineering	661,115	715,695	54,580	8.3%
	Sewer Debt Service	9,805,378	10,228,388	423,010	4.3%
	Sewer Fringe Benefits	1,571,738	1,599,999	28,261	1.8%
	Sewer PWD Assessment	16,588,680	17,076,516	487,836	2.9%
	Total Sewer	32,626,957	33,740,031	1,113,074	3.4%
571	Stormwater Finance Admin	299,211	298,378	(833)	-0.3%
	Stormwater Management	2,455,063	2,464,142	9,079	0.4%
	Stormwater Debt Service	3,405,428	4,306,960	901,532	26.5%
	Stormwater Fringe Benefits	440,212	441,578	1,366	0.3%
	Total Stormwater	6,599,914	7,511,058	911,144	13.8%
583	Jetport Admin	1,254,338	1,293,932	39,594	3.2%
	Jetport Marketing	462,130	545,480	83,350	18.0%
	Jetport Fringe, Indirects & Chargebacks	4,971,391	5,698,633	727,242	14.6%
	Jetport Field	5,242,086	5,540,593	298,507	5.7%
	Jetport General Aviation	19,072	19,584	512	2.7%
	Jetport Operations	3,044,191	3,082,409	38,218	1.3%
	Jetport Terminal	8,575,374	11,009,925	2,434,551	28.4%
	Jetport Parking	5,192,557	5,767,060	574,503	11.1%
	Jetport Airfield Deicing	729,414	740,376	10,962	1.5%
	Jetport Anticipated Surplus	2,329,413	1,233,498	(1,095,915)	-47.0%
	Total Jetport	31,819,966	34,931,490	3,111,524	9.8%
Total Enterprise Fund Expenditures		\$71,468,475	\$76,600,285	\$5,131,810	7.2%
TOTAL CITY EXPENDITURES		\$333,341,783	\$353,870,548	\$20,528,765	6.2%

FY25-CM: 04/07/24

TAX RATE COMPUTATION--FY2025
City Manager's Recommendation

	General Fund	County Tax	City General Fund	Enterprise Funds	TOTAL CITY
Total Expenditures	\$268,094,616	\$9,175,647	\$277,270,263	\$76,600,285	\$353,870,548
Less: Revenues	(167,511,085)	-	(167,511,085)	(75,519,896)	(243,030,981)
Surplus	0	-	0	(1,080,389)	(1,080,389)
Tax Levy	\$100,583,531	\$9,175,647	\$109,759,178	-	\$109,759,178
Valuation	15,029,000,000				
Tax Rate:					
FY25	\$6.69	\$0.61	\$7.30	\$0.00	\$7.30
FY24	\$6.34	\$0.62	\$6.96	\$0.00	\$6.96
\$ Increase	0.35	(0.01)	0.34	-	0.34
% of Total Increase	5.0%	-0.1%	4.9%	0.0%	4.9%

**City of Portland
Staffing FTE Change
FY25 City Manager's Recommendation**

Department	FY20	FY21	FY22	FY23	FY24	FY25	+/- Chg
General Fund:							
City Council	-	-	-	-	-	-	-
City Clerk	7.9	7.9	7.9	8.6	8.7	8.3	(0.40)
Executive	9.5	8.5	8.5	10.5	12.5	13.0	0.50
Assessor	5.9	5.7	5.9	5.9	5.9	6.9	1.00
Finance	25.0	24.4	25.0	25.0	25.0	25.6	0.6
Legal	7.0	7.0	8.0	9.0	9.0	9.0	-
Human Resources	10.5	11.3	11.5	12.0	13.60	14.60	1.00
Parking	30.0	29.0	29.2	29.2	29.0	29.0	-
Housing & Economic Dev.	7.0	16.0	16.0	16.8	15.8	14.8	(1.00)
Police	227.0	224.0	189.0	187.0	187.0	190.0	3.00
Fire	226.0	224.0	224.0	226.0	229.0	229.0	-
Dispatch Services	-	-	36.0	36.0	37.0	37.0	-
Planning & Urban Dev.	24.0	17.0	17.0	17.0	17.0	17.0	-
Permitting & Inspections	28.5	30.8	35.0	36.0	40.0	40.0	-
Information Technologies	16.0	16.0	15.8	16.0	19.0	19.1	0.1
Public Works	131.5	122.1	126.5	129.0	129.5	135.5	6.00
Parks & Recreation	141.7	116.4	113.7	126.7	130.4	133.8	3.40
Public Bldgs & Waterfront	24.5	22.0	24.0	24.4	24.6	26.6	2.00
HHS Administration	4.0	4.0	4.0	5.0	5.0	6.0	1.00
Public Health	28.3	32.3	32.8	38.4	36.6	40.6	4.00
Social Services	93.5	94.5	96.2	118.0	163.6	221.8	58.20
Barron Center	246.8	237.6	245.0	244.8	202.2	204.2	2.00
<i>Total HHS:</i>	<i>372.6</i>	<i>368.4</i>	<i>378.0</i>	<i>406.2</i>	<i>407.4</i>	<i>472.6</i>	<i>65.2</i>
General Fund Subtotal:	1,294.6	1,250.5	1,271.0	1,321.3	1,340.4	1,421.8	81.4
Enterprise Funds:							
Sewer Fund	33.0	34.0	34.0	34.0	34.0	34.0	-
Stormwater Fund	10.0	9.0	10.0	10.0	10.0	10.0	-
Jetport Fund	59.0	57.0	57.0	58.0	58.0	60.0	2.0
Enterprise Subtotal:	102.0	100.0	101.0	102.0	102.0	104.0	2.0
Total City Employees:	1,396.6	1,350.5	1,372.0	1,423.3	1,442.4	1,525.8	83.4

MEMORANDUM
City Council Agenda Item

FROM: Melissa Graffam
DATE: March 13, 2024
SUBJECT: Order 165-23/24 Approving the Agreement Between the Maine Department of Transportation, Portland Area Comprehensive Transportation System, and Portland RE: Improvements to Canco Road - 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 4/8/2024

Final
Action 4/22/2024

Can action be taken at a later date: No This agreement must be approved by City Council and signed by the City Manager prior to the project going out to bid. Historically with an earlier bid date bid pricing will be improved.

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

PRESENTATION: N/A

I. SUMMARY

City Council is being asked to approve the attached Portland Area Comprehensive Transportation System (PACTS) Municipal Partnership Initiative Agreement, which would allow the City to move ahead with its plans to improve and pave Canco Road between Read Street and Washington Avenue, a total of approximately 0.67 miles. The agreement obligates the City and PACTS to share the project costs at a 70/30 split.

II. AGENDA DESCRIPTION

This project is part of the Municipal Partnership Initiative (MPI) Program; the City administers the project and typically receives a portion of funding from the state MPO. By signing the partnership agreement, it enables the City to proceed with the project and obligates PACTS to pay \$250,000 or 30% and the City to pay for 70% of the original estimated project cost; the City share is estimated to be \$580,000 and will come from FY 2025 budget.

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

III. BACKGROUND

The Canco Road paving project is part of MaineDOT's 2024 work plan. The scope of the MPI project work includes a 1.5" mill and fill, substantial new and reset curb work, sidewalk work – including completion of a new sidewalk near a heavily trafficked trail system, ADA ramp reconstruction, and re-striping after final paving. Drainage work will also be completed as part of this project and will be paid for from a separate water resources account. We are anticipating the project to go out to bid in May 2024 with construction following after. This project is classified as a pavement preservation project and is part of the MPI Program. The City will be responsible for 70% of the project cost, or \$580,000 and 100% of any overages to the original estimate.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The Canco Road Improvements project will improve the pavement surface, drainage, and ride quality on a regionally important major collector. The project will replace poor sidewalk, install new sidewalk where it is

missing, and update ADA ramps for a better and safer pedestrian experience. PACTS will pay for a portion of the project costs.

V. FINANCIAL IMPACT

The City is obligated to pay 70% of the estimated project cost, or \$580,000 and 100% of any overages due to added scope or unforeseen conditions in the project area. PACTS is obligated to pay \$250,000. The total City cost of this project, estimated to be \$580,000, would be paid from FY25 CIP account established for this project, which is in the process of being approved by City Council. Please see the attached fiscal impact note for additional information.

VI. STAFF ANALYSIS AND BACKGROUND

This is a Major Collector in the City of Portland with an AADT of ~3600 vehicles, is an important road utilized by commuters as well as the city's operational teams, and has a large pedestrian presence due to trail networks near the road. This area of Canco Road was ranked 54/100 which is considered a 'Poor' Pavement Condition Index when it was last evaluated in 2022. Without this project, the road will continue to decline.

VII. RECOMMENDATION

The Department of Public Works recommends approving and signing the subject agreement to allow the City to improve Canco Road between Read Street and Washington Avenue in 2024.

VIII. LIST ATTACHMENTS

1. State of Maine DOT - PACTS-Municipal Partnership Agreement.proposed improvements to Canco Road.docx
2. Canco_Rd_PACTS_MPI_Paving Location Map
3. Canco Road MPI - Fiscal Impact Note
4. Portland PACTS MPI Canco Road WIN 27770.00

Prepared by:

Melissa Graffam

Date: 03/13/2024

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

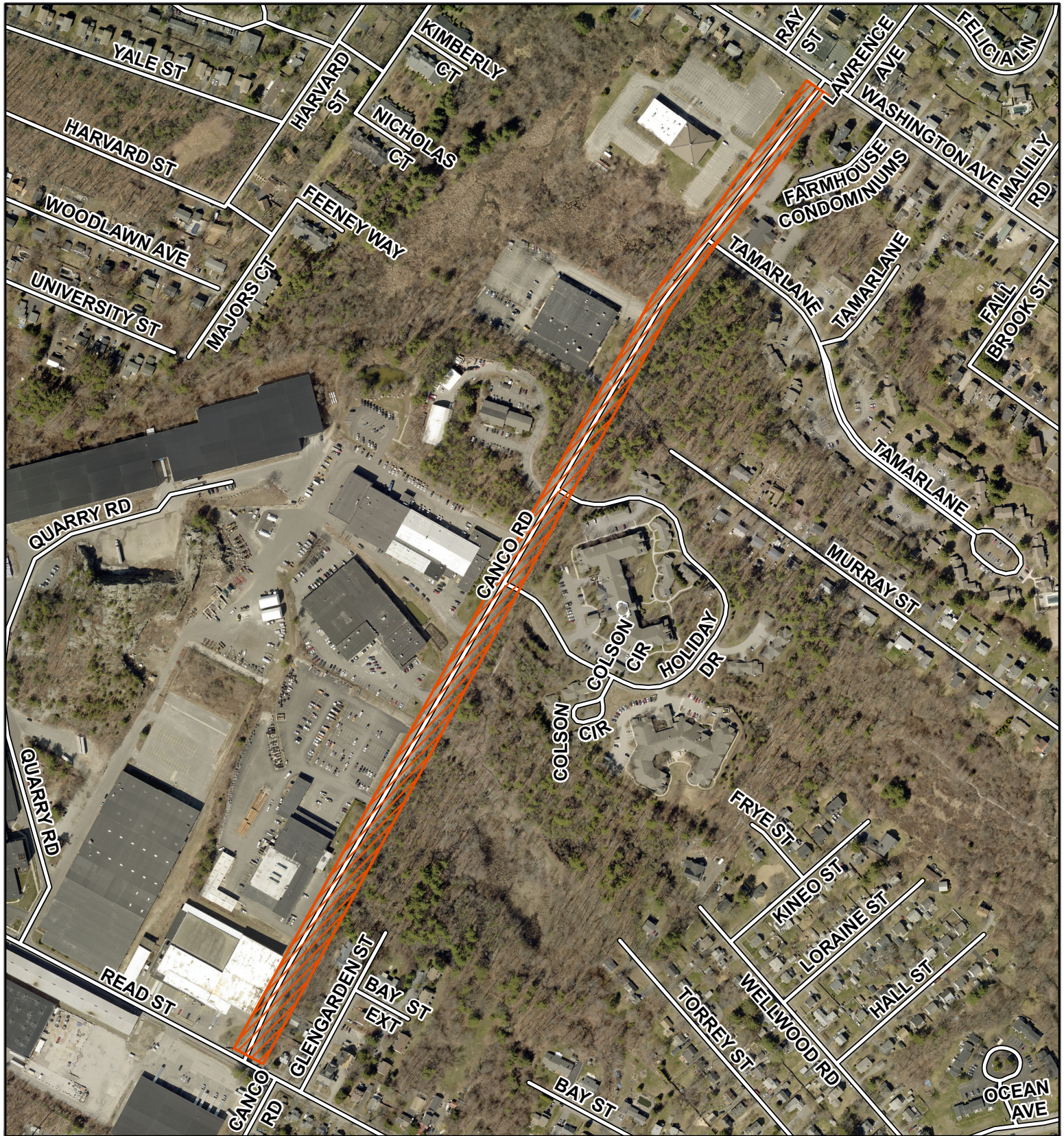
**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER APPROVING THE AGREEMENT BETWEEN THE MAINE
DEPARTMENT OF TRANSPORTATION, PORTLAND AREA COMPREHENSIVE
TRANSPORTATION SYSTEM, AND PORTLAND
RE: IMPROVEMENTS TO CANCO ROAD**

ORDERED, that the Agreement between the Maine Department of Transportation, the Portland Area Comprehensive Transportation System, and the City of Portland for Improvements to Canco Road, state Work Identification Number 027770.00, is hereby approved in substantially the form attached hereto; and

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



Public
Works

CITY OF PORTLAND, MAINE
DEPT. OF PUBLIC WORKS

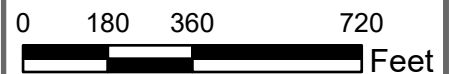
212 CANCO RD. PORTLAND, MAINE 04103
PHONE (207) 874-8846 FAX (207) 874-8852

PACTS MPI Paving Canco Road

Read St. to Washington Ave



March 2024



FISCAL IMPACT NOTE New Program Cost Data:	Year 1		Year 2		Year 3	
	City Rate	City / Sch Combined Rate	City Rate	City / Sch Combined Rate	City Rate	City / Sch Combined Rate
Example:						
ADD: NEW ITEM ANNUAL EXPENDITURES		\$0		\$43,500		\$43,500
LESS: TOTAL NEW ITEM ANNUAL REVENUES		\$0		\$0		\$0
=NEW ITEM NET TAX RATE IMPACT PROJECTION	\$0	\$0	\$43,500	\$43,500	\$43,500	\$43,500
New Program Impact to the Mil Rate	\$0.0000	\$0.0000	\$0.0055	\$0.0055	\$0.0055	\$0.0055
New Program % Impact on Mil Rate	0.0000%	0.0000%	0.0486%	0.0486%	0.0486%	0.0486%
Mil Rate Including New Program	\$11.3400	\$22.4800	\$11.3455	\$22.4855	\$11.3455	\$22.4855

Notes: The CIP impact will begin in 2024 and remain for the 20 year life of the bond.



MaineDOT use only

TEDOCS #:
CTM #:
CSN #:
PROGRAM: Bureau of Planning

State of Maine
DEPARTMENT OF TRANSPORTATION
Portland Area Comprehensive Transportation System
Municipal Partnership Initiative Agreement
Proposed Improvements to Canco Road
(Payable to Municipality)

MaineDOT Use Only

Project Location: <u>Portland</u>	Estimated Project Amount: <u>\$830,000.00</u>
State WIN: <u>027770.00</u>	MPO Share: <u>\$250,000.00</u>
PACTS ID#: <u>PACTS</u>	Municipal Share: <u>\$580,000.00</u>
Municipality Id#: <u>VC1000073472</u>	Agreement Begin Date: <u>Upon MaineDOT Signature</u>
	Agreement End Date: <u>5 years from date of full execution</u>

This Cooperative Agreement (the “Agreement”) is entered into by and between the Maine Department of Transportation (MaineDOT), an agency of state government, the City of Portland (the “Municipality”), a municipality in the State of Maine, and the Portland Area Comprehensive Transportation System, the designated Metropolitan Planning Organization for the Portland Urbanized Area (PACTS), and Greater Portland Council of Governments (GPCOG), a fiduciary agent for PACTS. (MaineDOT, the Municipality, PACTS, and GPCOG) are collectively referred to as the “Parties”).

RECITALS

- A. MaineDOT, through its partnership with Maine’s Metropolitan Planning Organizations (MPOs), is charged with managing and dispersing state and federal funds to support capital improvement projects programmed by the MPOs. PACTS is MaineDOT’s MPO partner for the Portland Urbanized Area.
- B. PACTS has created and administers a Municipal Partnership Initiative program (the “PACTS MPI Program”), the purpose of which is to participate in the funding of approved collector and/or arterial roadway projects (the “MPI Project(s)”) with the intention of restoring substandard State and State Aid highways to MaineDOT and PACTS minimum standards.

- C. MPI Projects are administered by the municipality in which the project is being constructed. PACTS' participation in an MPI Project is accomplished through its acceptance of the Project into the PACTS MPI Program, and the contribution of state funds allocated to PACTS and disbursed by MaineDOT to the administering municipality on PACTS' behalf (the "PACTS Share"). MPI Project costs not paid by the PACTS Share are paid by the administering municipality.
- D. The work that is the subject of this Agreement consists of a mill and fill on Canco Road, beginning at Read Street and extending north 0.67 of a mile to Washington Avenue, in Portland, Maine (the "Project"), and is generally outlined in **Appendix A**, made a part herewith.
- E. PACTS has selected the Project for inclusion in the 2023-2024-2025 MaineDOT Work Plan, using state capital improvement funding allocated by MaineDOT.
- F. The Municipality has approved the Project and supports the decision by MaineDOT and PACTS to program the Project, and is prepared to administer and fund the Project in accordance with the terms of this Agreement.
- G. The Parties have a mutual interest in ensuring that the Project is delivered on a reasonable schedule and within the programmed budget, using a process that maximizes communication and cooperation between the Parties.
- H. This Agreement is intended to cover the roles and responsibilities of the Parties through full Project development and construction, and to establish the financial obligations of each Party.

AGREEMENT

NOW, THEREFORE, in accordance with the foregoing, the Parties agree as follows:

1. Appendices:

The following appendices are hereby incorporated into this Agreement:

- ☒ Appendix A - PACTS Letter to MaineDOT Outlining Scope and Cost of MPI Project
- ☐ Check if no appendices attached

2. Project Cost Sharing and Payment Schedule:

a. Financial Obligations:

i. Total Project Costs.

- 1. PACTS and the Municipality agree to share in all costs associated with all phases of the Project through construction (the "Total Project Costs") in accordance with the allocations outlined below (the "Party Shares") unless otherwise negotiated by mutual agreement of the Parties.

- a. **PACTS Share** (provided through PACTS' state allocation and disbursed by MaineDOT) - 50% of eligible Project costs, up to a maximum of \$250,000.00.
 - b. **Municipal Share** (provided through the Municipality's obligation of funds) - 50% of eligible Project costs, plus 100% of any and all remaining Project Costs once the PACTS Share has been exhausted (the "Overage").
2. The estimated Total Project Costs are \$830,000.00 (the "Estimated Total Project Costs"), and are allocated in the table below. If the Estimated Total Project Costs are adjusted to reflect updated costs, the Municipality will consult with PACTS before such adjustments are approved and implemented.

Total Project Costs	PACTS Share (State MPO Funds) 50% (Max. \$250,000.00)	Municipality's Share 50% + Overage	Estimated Total Cost
Estimated Total Project Costs: <u>\$ 830,000.00</u>			
Estimated Allocated Shares	\$250,000.00	\$250,000.00 +\$330,000.00	\$830,000.00
Total Party Share of Estimated Total Project Costs	\$250,000.00	\$580,000.00	\$830,000.00

- b. **Payment Schedule:** The Municipality shall be the sole administrator of the Project contract(s) and shall pay up front all Project costs, subject to cost sharing by the Municipality and PACTS as specified above.
- i. The Municipality may begin invoicing PACTS for the PACTS Share of eligible Project costs upon 1/3 Project completion. Invoices shall be submitted no more than monthly with a maximum number of invoice submittals not to exceed five (5) invoices for the total Project.
 - ii. The Municipality shall submit to PACTS for reimbursement detailed invoice(s) documenting actual amounts incurred for Project related costs, together with evidence of such invoices having been paid by the Municipality, and identifying PACTS' share of each invoice submitted.
 - iii. Each invoice shall include the Municipality's certification that all amounts claimed are correct, and not previously claimed.
 - iv. PACTS shall review each such invoice and, upon approval, shall forward each invoice to MaineDOT for payment to the Municipality out of PACTS'

allocated state MPO funds. MaineDOT shall reimburse the Municipality accordingly within thirty (30) days of its receipt of such approved invoice(s) in an aggregate amount not to exceed the total PACTS Share.

- v. The Municipality shall submit all invoices for reimbursement to PACTS no later than twelve (12) months after the date upon which the Municipality has certified to MaineDOT that the Project is complete. PACTS retains the right, at its sole discretion, to reject any invoices received after that time.

3. Project Milestones: The Municipality agrees to share information about the Project with PACTS and MaineDOT at the following milestones, as appropriate:

- Project kickoff/initial team meeting/formal public contact;
- Horizontal/Vertical Alignment Complete (HVAC);
- Preliminary public meeting;
- Preliminary Design Report (PDR) complete;
- Formal public meeting(s);
- Plan Impacts Complete (PIC);
- Peer reviews;
- Plans, Specifications and Estimate (PS&E) complete;
- Changes in the Project schedule or engineer's estimate of costs.

4. Project Design, Construction Plans and Specifications:

- a. The Municipality shall prepare, or cause to be prepared, all plans, specifications, engineer's estimates and contract documents for the Project within the scope of work identified above, using a standard project development process to ensure adherence to federal and state regulations (the "Preliminary Project Development Materials").
- b. The Municipality shall retain a Professional Engineer licensed in the State of Maine to oversee all Project activities (the "Project Engineer").
- c. The Project must be designed by a Professional Engineer licensed in the State of Maine (the "Design Engineer") and in compliance with MaineDOT's design standards (the "Design Standards").
 - i. The Design Engineer shall provide certification to the Parties that, in his/her professional opinion, the Project will provide a smooth ride and not reduce the safety, mobility or structural quality of the affected State and/or State Aid Highway.
 - ii. All design documents must be stamped and signed by the Design Engineer in accordance with the provisions of this Section.
- d. MaineDOT reserves the right to review and comment on all plans and specifications with the focus on ensuring that the Project will achieve the anticipated benefits and will not degrade safety.

- e. The Municipality, through its Project Engineer, shall obtain written approval from MaineDOT for any exceptions to the “Design Standards”. Submitted documentation shall compare the proposed design to the existing conditions for each proposed exception. Any and all exceptions shall be listed on the cover sheet accompanying the Project plans and submitted to MaineDOT, accompanied by a request for acceptance of the Project’s design exceptions. All such requests must include the signature and professional stamp of the Professional Engineer responsible for the design of the Project.
- f. In developing the Project, the Municipality shall ensure that the following elements are satisfied:
 - i. The Project improvements must have a minimum useful life of ten (10) years;
 - ii. The safety of the corridor and the life of the resulting structural and design elements shall be equal to or better than the existing conditions and design;
 - iii. The structures, roadways and design features affected by the Project work shall, at a minimum, be of equal dimensions to the existing features or structures and shall be of improved quality in terms of materials and utility;
 - iv. The Project shall not introduce any unanticipated safety hazards to the traveling public;
 - v. The Project shall retain the same level or an improved level of mobility of travel within the corridor;
 - vi. The Project shall not in any manner decrease the life expectancy of the affected component(s) of Maine’s transportation system;
 - vii. The Project shall meet the most recent Americans with Disabilities Act of 1990 (ADA) design requirements;
 - viii. Traffic control and the safety of pedestrians, bicyclists and the traveling public shall be provided for at all times.
- g. The Municipality shall coordinate with affected utilities to identify existing utility locations and/or any utility relocation impacts that may be created by the development of the Project.
- h. It is expected that the Project can be constructed within the existing right-of-way limits. If that is not the case, the Municipality must provide MaineDOT with a detailed explanation of the property rights required for the Project and shall acquire any such property rights in accordance with all applicable state and federal laws. The PACTS Share may only be applied to costs associated with the acquisition of property rights required for the implementation of the Project.

- i. The Municipality shall perform all necessary federal, state and local permitting activities required in connection with the Project.
- j. Project construction must commence within twelve (12) months and must be certified as complete within twenty-four (24) months of the date of execution of this Agreement. If this timeline is not met, and the Municipality cannot show that it has made a good faith effort to meet this timeline, PACTS retains the right to withdraw any unpaid portion of the PACTS Share and reallocate its remaining funding to other eligible projects in its service area.
- k. Upon completion of Project construction, the Municipality shall provide certification to MaineDOT from the Project Engineer stating that the Project is complete and has been constructed in accordance with the plans and specifications.

5. Public Involvement:

The Municipality shall be responsible for implementing and leading any and all required public involvement processes and activities, including those required by Maine's Sensible Transportation Policy Act, and any necessary media coordination associated with the any phases of the Project covered by this Agreement.

6. Changes to Project Scope:

The Municipality will consult with MaineDOT and PACTS before implementing any adjustments to the Project scope.

7. Termination:

- a. In the event the Municipality decides to terminate the Project for any reason prior to the award of a contract to construct the Project and that termination under this clause is not directed by MaineDOT and PACTS, the Municipality shall be responsible for covering all Project costs incurred up to the time of termination.
- b. This Agreement may be terminated at any time by mutual written agreement of all Parties.
- c. In no event, shall any such action taken under this subsection be deemed a breach of contract, nor shall it represent any individual Party's waiver of claims for breach of contract or its right to any other remedy it may have pursuant to this Agreement, or at law or in equity.
- d. In the event of Project termination, all provisions of this Agreement shall become null and void except for the financial obligations set forth herein, as well as those provisions to this Agreement that by their very nature are intended to survive.

8. Miscellaneous Provisions:

- a. Quality of Work. PACTS reserves the right to require the Municipality to refund all reimbursements made and to repay PACTS fully for all Projects costs incurred if the work is found to be unsatisfactory.
- b. Reprogramming of Remaining PACTS Funds. Any state MPO funds allocated to the Project that remain unspent following payment of the final invoice and reconciliation of the Project shall be made available to PACTS for reprogramming once the Project is closed out.
- c. Indemnification. To the extent permitted by law, the Municipality and PACTS shall each individually indemnify, defend and hold harmless MaineDOT, its officers, agents and employees from all claims, suits or liabilities arising from the indemnifying Party's own negligent or wrongful acts, errors or omissions or by that Party's officials, employees, agents, consultants or contractors. Nothing herein shall waive any defense immunity or limitation of liability that may be available under the Maine Tort Claims Act (14 M.R.S. Section 8101 et seq.) or any other privileges or immunities provided by law. This provision shall survive the termination or expiration of the Project.
- d. Assumption of Responsibility. The Municipality hereby assumes responsibility for all damage to public or private property of any kind resulting from any act, omission, neglect or misconduct of the Municipality, its employees, agents or representatives, and shall ensure that its contractor(s) assume the same responsibility for all damage to public or private property of any kind resulting from any act, omission, neglect or misconduct of its own employees, agents or representatives. This assumption of responsibility shall also include damage to vehicles passing through the Project limits.
- e. Obligation of State Funds. Notwithstanding anything herein to the contrary, the Municipality and PACTS acknowledge and agree that, although the execution of this Agreement by MaineDOT manifests its intent to honor its terms and to seek funding to fulfill any obligations arising hereunder, by law any such obligations are subject to available budgetary appropriations by the Maine Legislature and, therefore, this Agreement does not create any obligation on behalf of MaineDOT in excess of such appropriations.
- f. Performance. The Parties will avoid hindering each other's performance; fulfill all obligations diligently; and cooperate in achievement of the intent of this Agreement.
- g. Obligation of Municipal Funds. The Municipality represents that it has received all necessary approvals or authorizations by its governing authorities to approve the Project and enter into this Agreement, and that it has obligated the necessary funds to satisfy its Municipal Share of the Project Costs set out herein.
- h. State of Maine's Rights of Set-Off. MaineDOT shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State of Maine's option to withhold for the purposes of set-off monies due the Municipality under a specific project contract up to any amounts due and owed to

MaineDOT with regard to this Agreement, and any other agreement/contract with any State of Maine department or agency, including any agreement/contract for a term commencing prior to the term of this Agreement, plus any amounts due and owed to the State of Maine for any reason including without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. MaineDOT shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by MaineDOT, its representatives, or the State Controller.

- i. Assignment. No assignment of this agreement is contemplated, and in no event, shall any assignment be made without the express written permission of the Parties.
- j. Independent Capacity. The Municipality and PACTS, their respective employees, agents, representatives, consultants and contractors shall not act as officers, employees or agents of MaineDOT.
- k. Governing Law. This Agreement shall be construed under the laws of the State of Maine. Additionally, all activities under this Agreement shall be performed in accordance with applicable federal laws and regulations, including without limitation Title 23 in the U.S. Code (USC) for statutory law, Title 23 in the Code of Federal Regulations (CFR) for administrative law, and Title 2 CFR, Part 200, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.”
- l. Binding Effect. The Parties shall be bound by the terms of this Agreement. This provision shall apply to the Agreement’s executors, their successors, administrators and legal representatives.
- m. Notice. Any communications, requests or notices required or appropriate to be given under this Agreement shall be in writing and mailed via U.S. Mail, Certified or Registered, Return Receipt Requested or sent via a recognized commercial carrier such as, but not limited to Federal Express, that requires a return receipt delivered to the sending party. Alternatively, communication may be sent via email and shall satisfy the delivery requirements of this section through express acknowledgement of receipt by the receiving party. Said communications, requests or notices shall be sent to the other party as follows:

MaineDOT: Maine Department of Transportation
 16 State House Station
 Augusta, ME 04333-0016
 Attn.: Darryl Belz, PE, Statewide Planning Engineer
 Email: darryl.belz@maine.gov

Municipality: City of Portland
 250 Canco Road
 Portland, ME 04103
 Attn.: Lauren Anderson, PE, Senior Engineer
 Email: landerson@portlandmaine.gov

PACTS: Portland Area Comprehensive Transportation System
970 Baxter Boulevard, Suite 201
Portland, ME 04103
Attn.: Elizabeth Roberts, PE, Transportation Engineer
Email: eroberts@gpcog.org

Each Party agrees to promptly notify all other Parties of any changes to the above referenced contact information.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement effective on the day and date last signed.

Date _____
Kristina Egan, Executive Director *
Greater Portland Council of Governments and
For Portland Area Comprehensive Transportation System
Duly authorized

Date _____
Danielle West, City Manager *
Municipality of Portland
Duly authorized

Date _____
Dale F. Doughty, Director, Bureau of Planning *
Maine Department of Transportation
Duly authorized

** I certify that the signature above is true and accurate. I further certify that the signature, if electronic: (a) is intended to have the same force as a manual signature; (b) is unique to myself; (c) is capable of verification; and (d) is under the sole control of myself.*