

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



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

CITY COUNCIL MEETING - SEPTEMBER 16, 2024 AT 5:00PM

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.

<https://portlandme.portal.civicclerk.com/event/7307/media>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

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

ANNOUNCEMENTS:

SPECIAL MEETING:

Special Meeting of the Corporator of the Portland Development Corporation

Order 49-24/25 Amending the Portland Development Corporation's Business Assistance Program for Job Creation Guidelines - Sponsored by Mark Dion, Chair of Legislative and Nominating Committee

At the Portland Development Corporation Board meeting held on August 15, 2024, it reviewed proposed amendments to the CDBG Business Assistance Grant Program for Job Creation and voted 7-0 to forward the amendments to the City Council for approval.

The substantive modifications to this program are:

1. Part-time jobs will now be eligible (only full-time jobs were eligible in prior programs, leading to challenges);
2. Employers must maintain the job for one year (new jobs had to be "permanent" in previous programs, leading to challenges with verification); and,
3. Eligible uses have been limited to just working capital, equipment, and machinery (additional uses such as renovation and construction triggered burdensome reporting requirements).

Five affirmative votes are required for passage after public comment.

Order 50-24/25 Authorizing Participation in the Maine Funding Network Program Hosted by the Finance Authority of Maine - Sponsored by Mark Dion, Chair of Legislative and Nominating Committee

This Agenda item proposes participation in the Maine Funding Network which is hosted by the Finance Authority of Maine (FAME).

As a lender of commercial loan funds that were originally capitalized by FAME, the City of Portland/Portland Development Corporation has been invited to participate in a new online funding portal, called the Maine Funding Network. The network launched in June and is accessed at www.maineftundingnetwork.com.

The mission of the Maine Funding Network is to improve the experience of current and future Maine businesses by serving as a centralized gateway that will simplify the process of navigating and applying to the state’s public and nonprofit funding organizations, including the City of Portland/Portland Development Corporation’s loans. This common application portal is intended to standardize applications, foster collaboration between FAME lenders including the City of Portland/Portland Development Corporation, and remove barriers for applicants.

The Portland Development Corporation Board of Directors met on April 18, 2024, and reviewed this item and voted 6-0 to forward this item to the City Council with a recommendation for approval.

Five affirmative votes are required for passage after public comment.

Order 51-24/25 Appointing Directors to the Board of the Portland Development Corporation - Sponsored by Mark Dion, Chair of Legislative and Nominating Committee

If passed, this order would appoint the following individuals to various boards and commissions:

<u>Name</u>	<u>Board or Committee</u>	<u>Expiration of Term</u>
Matthew Buonopane	Portland Development Corporation	9/30/2027
Eamonn Dundon	Portland Development Corporation	9/30/2027
Scott Kleiman	Portland Development Corporation	9/30/2027
Beverly Werber	Portland Development Corporation	9/30/2027
Nikki Yanok	Portland Development Corporation	9/30/2027

Five affirmative votes are required for passage after public comment.

Special Meeting of the Corporator of the Portland Fish Pier Authority (Merged with Fish Exchange)

Order 52-24/25 Appointing Directors to the Board of the Portland Fish Pier Authority - Sponsored by Mark Dion, Chair of Legislative and Nominating Committee

If passed, this order would appoint the following individuals to the Portland Fish Pier Authority:

<u>Name</u>	<u>Board or Committee</u>	<u>Expiration of Term</u>
John Arnold	Portland Fish Pier Authority (Class D, At-large)	10/31/2027
Tracy Pearce	Portland Fish Pier Authority (Class A Director)	10/31/2027

Five affirmative votes are required for passage after public comment.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Special City Council Meeting- September 4, 2024

PROCLAMATIONS:

Proclamation 8-24/25 Celebrating the Portland Symphony Orchestra's 100th Anniversary Season - Sponsored by Mark Dion, Mayor

Proclamation 9-24/25 Recognizing Together Reaching Unity (TruSports) for the Commitment to the Youth of Our Community - Sponsored by Mark Dion, Mayor

Proclamation 10-24/25 Recognizing September 15 - October 15, 2024 as Hispanic Heritage Month - Sponsored by Mark Dion, Mayor

Proclamation 11-24/25 Recognizing September 30 as the National Day of Remembrance for U.S. Indian Boarding Schools - Sponsored by Mark Dion, Mayor

Poclamation 12-24/25 Recognizing Septer 23-29, 2024 as Diaper Need Awareness Week - Sponsored by Mark Dion, Mayor

APPOINTMENTS:

Order 53-24/25 Order Appointing Members to Various Boards & Committees - Sponsored by Mark Dion, Chair of Legislative and Nominating Committee

If passed, this order would appoint the following individuals to various boards and commissions:

<u>Name</u>	<u>Board or Committee</u>	<u>Expiration of Term</u>
Eric Larsson	Board of Assessment Review	9/30/2027
Kim Vandermeulen	CDBG	9/30/2027
Natalie King	CDBG	9/30/2027
Michael Hutchins	Historic Preservation	11/30/2027

Marie Gray	Parks Commission (Friends of Deering Oaks Park)	6/30/2027
Joey Brunelle	Police Citizen Review Board	3/31/2026
Tim Wells	Portland Housing Authority (Filing Vacant Term)	6/30/2025
Diane Herrmann	Portland Housing Authority (Filing Vacant Term)	6/30/2027
Cody Austin Sims	Rent Board	3/31/2027

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.

CONSENT ITEMS:

Order 54-24/25 Declaring October 6, 2024 the 33rd Annual Maine Marathon, Half Marathon and Relay Festival - Sponsored by Danielle P. West, City Manager

This will be the 33rd running of the Maine Marathon. The number of registered runners this year is expected to reach 3,500, with approximately 800 anticipated spectators lining much of the sidewalks, parks and pathways along the race route.

Five affirmative votes are required for passage after public comment.

Order 55-24/25 Granting Municipal Officers' Approval of Blue Portland Maine Inc, dba Blue Portland Maine. Application for Auditorium with Indoor Entertainment at 650 Congress Street - Sponsored by Danielle P. West, City Manager

Application was filed on 8/28/24. Location was previously 'Blue'. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 56-24/25 Granting Municipal Officers' Approval of Roasty's LLC, dba Roasty's. Application for Class III & IV FSE at 642 Congress Street - Sponsored by Danielle P. West, City Manager

Application was filed on 8/27/24. Location was previously 'Ada's Pasta'. New City and State applications.

Five affirmative votes are required for passage after public comment.

COMMUNICATIONS:

Communication 2-24/25 Consolidated Annual Performance and Evaluation Report (CAPER) for HUD-funded Programs - Greg Watson, Housing Economic Development Director

The Consolidated Annual Performance and Evaluation Report (CAPER) outlines accomplishments and expenditures within a given program year for HUD-funded programs including CDBG, ESG, and HOME. This required report is presented to

Housing and Urban Development (HUD) no later than 90 days after the program year ends on June 30. Although there is a 15-day public comment period for this report, no council action is required.

The CAPER is a companion to the Annual Action Plan, which is presented for Council action annually in April or May. The Annual Action Plan lists the activities and actions the City plans to take throughout the program year, while the CAPER reports on those actions. Although the CAPER technically represents only a specific program year, the expenditures listed may represent several program years, as some activities (such as construction or development) may not be completed within the program year in which it was awarded.

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

UNFINISHED BUSINESS:

Order 45-24/25 Appropriating \$1,080,000 from the Jill C. Duson Housing Trust Fund to YFO Resource Hub LP RE: 337 Cumberland Avenue - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair

The Housing and Economic Development Committee met on August 20, 2024 and voted (3-0, Phillips absent) to forward this item to the City Council with a recommendation for passage.

Youth and Family Outreach (YFO), through YFO Resource Hub LP, a non-profit entity to be created, is proposing to construct a new 60-unit rental housing development which will include child care space. The site currently contains a vacant former restaurant and the chapel building that currently houses the YFO child care program, both of which will be removed to facilitate construction of the new building. The project will include 60-units, 29 of which will be affordable to households at or below 50% of the area median income (\$51,000 for a two-person household), 19 of which will be affordable to households at or below 60% of the area median income (\$61,200 for a two-person household) and 12 market rate units (including 4 studios, 24 1-bedroom, 22 2-bedroom and 10 3-bedroom).

YFO has requested assistance from the City in the form of a loan in the amount of \$1,080,000 from the Jill C. Duson Housing Trust Fund with a term of 30 years at 0% interest with repayment of 10% of cashflow above MaineHousing's required \$500/unit (as confirmed by MaineHousing underwriting), in the first five years of operations, followed by 30% of cashflow until fully retired.

An Affordable Housing Tax Increment Financing District was previously approved on this site (August 3, 2020, Order 19-20/21 and Order 20-20/21) and received a Certificate of Approval from MaineHousing on September 17, 2020. Amendments to the District, District Program and Credit Enhancement Agreement will be considered under separate Orders.

This item must be read on two separate days. It received its first reading on September 4. 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 46-24/25 Approving an Amendment to the 337 Cumberland Avenue Affordable Housing Development and Tax Increment Financing District RE: 337 Cumberland Avenue - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair

The Housing and Economic Development Committee met on August 20, 2024, and voted (3-0, Phillips absent) to forward this item to the City Council with a recommendation for passage.

Youth and Family Outreach (YFO), through YFO Resource Hub LP, a non-profit entity to be created, has proposed construction of a new 60-unit rental housing development which will include child care space. The site currently contains a vacant former restaurant and the chapel building that currently houses the YFO child care program, both of which will be removed to facilitate construction of the new building.

An Affordable Housing Tax Increment Financing District was previously approved on this site. The 337 Cumberland Avenue Affordable Housing Development Tax Increment Financing District was approved by the Portland City Council on August 3, 2020 (Order 19-20/21 and Order 20-20/21) and received a Certificate of Approval from MaineHousing on September 17, 2020. The current approved development district includes a slightly different unit mix (36 units at or below 50% of the area median income, 12 units at or below 60% of the area median income and 12 units at market rate) and will need to be amended to reflect the proposed new development program. The new development program will include 60-units, 29 of which will be affordable to households at or below 50% of the area median income (\$51,000 for a two-person household), 19 of which will be affordable to households at or below 60% of the area median income (\$61,200 for a two-person household) and 12 market rate units (including 4 studios, 24 1-bedroom, 22 2-bedroom and 10 3-bedroom). The end date of the development district is March 31, 2050.

This is a companion order to the order above.

This item must be read on two separate days. It received its first reading on September 4. 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 47-24/25 Approving an Amended Credit Enhancement Agreement the 337 Cumberland Avenue Affordable Housing Tax Increment Financing District RE: 337 Cumberland Avenue - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair.

The Housing and Economic Development Committee met on August 20, 2024, and voted (3-0, Phillips absent) to forward this item to the City Council with a recommendation for passage.

This is a companion order to the two orders above.

This item must be read on two separate days. It received its first reading on September 4. 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 48-24/24 Accepting and Appropriating a \$372,000 United States Department of Justice Assistance Grant for the Police Department Hazardous Devices Unit - Sponsored by Danielle P. West, City Manager

The Police Department has been awarded \$372,000 from the Bureau of Justice Assistance (BJA). The Police Department was invited to apply for the Byrne Discretionary Community Project Grants/Byrne Discretionary Grants Program for FY24/25 to purchase replacement equipment for the Hazardous Devices Unit (bomb squad).

This item must be read on two separate days. It received its first reading on September 4. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 57-24/25 Authorizing the Appropriation of \$250,000 as the Local Match for the Reconnecting Communities and Neighborhoods Grant Application for the Design Phase of the Franklin Street Project - Sponsored by Danielle West, City Manager

The City Council is being asked to approve the use of existing impact fee funds in the total of \$250,000 in order to provide a 10% match for the MaineDOT *Reconnecting Communities and Neighborhoods* federal grant application for the Franklin Street Design phase, a \$2,500,000 total grant request. The remaining funding would be comprised of \$250,000 from MaineDOT and \$2,000,000 in federal funds, contingent upon the successful award of the grant. Franklin Street is a project for which collected impact fees may be used, as outlined in the City of Portland's *Impact Fee Study*.

This item must be read on two separate days. Staff is requesting that the second reading be waived, which requires seven affirmative votes.

EXECUTIVE SESSION:

ADJOURNMENT:

MEMORANDUM
City Council Agenda Item

FROM: Greg Watson, Director

DATE: August 28, 2024

SUBJECT: Special Meeting of the Corporator of the Portland Development Corporation

Order 49-24/25 Amending the Portland Development Corporation's Business Assistance Program for Job Creation Guidelines - Sponsored by Mark Dion, Chair of Legislative and Nominating Committee

SPONSOR: Mark Dion, Mayor
(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 9/16/2024

Final Action 9/16/2024

Can action be taken at a later date: Yes

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

PRESENTATION: Greg Watson/2 Minutes for brief overview and available to answer questions together with Business Programs Manager Nancy Martin.

I. SUMMARY

The City Council is requested to approve amended grant guidelines as has been recommended by the Portland Development Corporation Board of Director at its meeting held on August 15, 2024.

II. AGENDA DESCRIPTION

At the Portland Development Corporation Board meeting held on August 15, 2024, it reviewed proposed amendments to the CDBG Business Assistance Grant Program for Job Creation and voted 7-0 to forward the amendments to the City Council for approval.

The substantive modifications to this program are:

1. Part-time jobs will now be eligible (only full-time jobs were eligible in prior programs, leading to challenges);
2. Employers must maintain the job for one year (new jobs had to be “permanent” in previous programs, leading to challenges with verification); and,
3. Eligible uses have been limited to just working capital, equipment, and machinery (additional uses such as renovation and construction triggered burdensome reporting requirements).

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The original guidelines for the Business Assistance Program for Job Creation (BAP) were approved by the City Council in 2011, and the PDC Board and staff have since been administering the program.

The Business Assistance Program (BAP) for Job Creation offers grants to for-profit Portland businesses for projects that result in the creation of net new jobs for low/moderate income individuals. A private match is required in an amount that is at least equal to the grant requested. The maximum grant amount per recipient is \$20,000.

This program was originally capitalized with \$100,000 from the Community Development Block Grant (CDBG) Program and launched in May of 2012. It was re-capitalized by the CDBG program in FY2014 and FY2016 with an additional \$100,000 each of those years; an additional \$108,543 for FY2018; \$145,000 for FY2019; \$200,000 for FY2020; and, \$205,000 for FY2022. Combined with leftover BAP funds from previous allocations, funding for FY2022 totaled \$330,000.

Since inception, grants have been made to 70 recipients resulting in the creation of 150 jobs.

The application for additional funding in FY2023 was not initially successful, but the Business Programs Manager was notified in late July of 2024 that it would be funded with reallocated funds of \$105,000. Of this \$105,000, \$100,000 will go towards grants and \$5,000 will be reserved for underwriting and related administrative expenses.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

This program is intended to result in the creation of 10 full-time jobs, 20 part-time jobs, or a combination thereof. These jobs will be created in the City of Portland and will be filled by low/moderate income individuals.

V. FINANCIAL IMPACT

There is no financial impact to the City's operating budget, as the BAP program is funded by CDBG resources.

VI. STAFF ANALYSIS AND BACKGROUND

Staff recommends approval of the proposed amendments as presented.

VII. RECOMMENDATION

The Portland Development Corporation Board of Directors met on August 15, 2024, and voted 7-0 to forward the proposed amendments to the City Council with a recommendation for approval.

VIII. LIST ATTACHMENTS

1. Special Meeting Order - Authorizing Amendments to the Guidelines for the Business Assistance Program for Job Creation
2. Proposed Amendments for CC on 9-16-2024Rdln
3. Proposed Amendments for CC on 9-16-2024Cln
4. 7-29-2024 Award Letter
5. 7-29-2024 Notice to Proceed

Prepared by:

Greg Watson, Director

Date: 08/28/2024

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CITY OF PORTLAND
IN THE CITY COUNCIL

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**ORDER AMENDING THE PORTLAND DEVELOPMENT CORPORATION'S
BUSINESS ASSISTANCE PROGRAM FOR JOB CREATION GUIDELINES**

ORDERED, that the Portland City Council, acting in its capacity as sole Corporator of the Portland Development Corporaiton, hereby amends the guidelines for its Business Assistance Program for Job Creation to allow for part-time job eligibility, one year employment terms, and limits on eligible uses, as more fully set forth in the form attached hereto.

Portland Business Assistance Program for Job Creation

Program Description

The City of Portland's Business Assistance Program for Job Creation (BAP) provides grants up to \$20,000 to ~~new and expanding~~ for-profit Portland businesses for the creation of ~~net new,~~ ~~permanent full~~ **new full-time jobs or part-time jobs** for low/moderate income individuals.

Program Objectives

- Job creation for low/moderate income individuals **working in Portland**;
- New business formation and existing business expansion;
- Help new and expanding businesses establish credit;-
- **Create economic opportunity through investing in Portland businesses to enable them to expand to create jobs;**
- Enhance the health and vitality of Portland's neighborhoods and the City's economy as **a whole.**

Program Requirements/Eligibility

- ▶ Business must be **for-profit and must be** located within the City of Portland;
- ▶ Business will create one (1) ~~full-time job (at least 1,750 hours/year* which is at least 34~~ **part-time job (at least 875 hours/year* which is at least 17 hours/week)** for a \$5,000 grant, or one (1) full-time job (at least 1,750 hours/year* which is at least 34 hours/week) or two (2) part-time jobs (at least 875 hours/year* which is at least 17 hours/week) for every \$10,000 of approved grant funding;
- ▶ Applicant business location fits any of the following: in a low income area of the City; within walking distance to one or more of these low income areas; easily accessible from these low income areas via public transportation;
- ▶ ~~Net new~~ **New** jobs created with the help of the grant are marketed and provided to low/moderate income** individuals;
- ▶ Wages paid to new hires meet or exceed Portland's minimum wage;
- ▶ Applicant cannot owe outstanding property taxes, fees, or judgments to the City and property must be free of all City liens and encumbrances

Grant Terms

- Grant of \$10,000 per full-time job, **or \$5,000 per part-time job**, that business agrees to create, up to \$20,000 per ~~business~~;
- Job(s) must be created **after the** grant is approved in order to be counted as meeting the ~~grant requirement~~ **job creation requirement of this grant**;
- Job(s) must be created within nine (9) months after signing a grant agreement;
- Once approved for a grant, no more than half the grant amount may be requested prior to ~~job creation~~;
- Grants are provided ~~through~~ **through** reimbursement of paid receipts (for eligible

expenses) for twice the amount requested. For example, a request for a \$5,000 grant ~~draw down~~drawdown must be accompanied by \$10,000 worth of paid receipts for eligible expenses (see Eligible Funding Activities below).

Eligible Funding Activities

~~BAP Guidelines as Passed by City Council on 8/23/2021. 1 ¶~~

- ~~1. Equipment and machinery~~1. Working capital (e.g., rent, utilities, salaries, insurance);
2. Permanent working capital ~~under \$1,000~~, (e.g., inventory, furniture and fixtures, ~~relocation expense~~equipment);
- ~~3. Working capital s (e.g., rent, utilities, salaries, insurance); ¶~~
- ~~4. Business consulting services (e.g., accounting, marketing, software training, legal assistance); ¶~~
- ~~5. Leasehold improvements, renovation, reconstruction, or restoration of vacant, under utilized or deteriorated space; building modifications to enhance accessibility to elderly or handicapped persons. (Construction projects must comply with Davis Bacon federal labor standards.)~~Equipment and machinery over \$1,000*;

*Three price comparisons are required as part of the application if the equipment exceeds the \$1,000 threshold. The price comparisons may be formal quotes, screenshots, or pictures of the product and the price from different suppliers.

Property: The City will retain an interest in property improved or equipment purchased (worth \$5,000 or more) with grant funds for up to five (5) years. If such property improvements or equipment are transferred, or otherwise disposed of within the five (5) year period from the date the improvements are completed or equipment is purchased, respectively, the City may require partial repayment of the grant funds (on a pro rata basis).

Ineligible Activities

- a. Refinance existing debt;
- b. Down payment for other financing;
- c. Use of grant funds for activities commenced or completed prior to program funding approval and prior to signing a grant agreement (e.g., purchases of equipment and supplies).

Application Review Criteria/Preferences (listed in no particular order)

- Career Potential
 - o Job training for new hire(s) in a marketable skill;
 - o Potential for job advancement within the company or elsewhere.
- Employer
 - o Demonstrated need for grant funds to create job(s);
 - o Number of net new jobs exceeds one (1) per \$10,000 of grant funding.

- **Compensation and Benefits**

- o Quality of compensation and benefits package (for example, wages, health coverage, vacation, sick leave);
- o Wages paid to new hire(s) exceeds Portland's minimum wage.

Application and Approval Process

The City's Housing and Economic Development Department is responsible for administration of the Business Assistance Program for Job Creation. Eligible applications are analyzed by an underwriter and then presented to the Portland Development Corporation (PDC) for its review. The PDC has final decision-making authority in approving applicants for grant awards.

Post Grant Requirements

Jobs

- Jobs must be created within nine (9) months of signing a grant agreement after being approved for a grant;

~~BAP Guidelines as Passed by City Council on 8/23/2021. 2~~

- ~~Post job description(s)~~
 - Job must be retained for one year after its creation;
 - Job description(s) must be posted where low/moderate income people are likely to see it, and grantees must provide a photo provided to the City showing that posting;
 - Baseline payroll provided prior to job creation;
 - Quarterly report (listing new hire) until all required hires are made, then a summary report (list of all new hires) and an annual report one year beyond that;
 - Income certification for each new hire(s).

Property

~~The City will retain an interest in property improved or equipment purchased (worth \$5,000 or more) with grant funds for up to five (5) years. If such property improvements or equipment are transferred, or otherwise disposed of within the five (5) year period from the date the improvements are completed or equipment is purchased, respectively, the City may require partial repayment of the grant funds (on a pro rata basis).~~

Program Actions if Grantee Business is Unable to Meet Job(s) Requirements

~~Nine (9) months from the date of signing the grant agreement, if a grantee business has been unable to create the required number of jobs, the PDC Board, at its discretion, may require that the grantee return all grant funds that it has drawn down. Alternatively, should the PDC Board determine, in its judgement, that the grantee has made a good faith effort to create the required number of jobs within the nine (9) month timeframe, the Board may approve the use of the following option if it deems it appropriate: Allow the creation of two part-time jobs for~~

~~low/moderate income individuals in place of one full-time job to meet the job creation requirement per \$10,000 in grant funds. A part-time job is defined as working at least 875 hours per year but less than 1,750 per year.*** ¶~~

Program Actions if Grantee Business is Unable to Meet Job(s) Requirements

Nine (9) months from the date of signing the grant agreement, if a grantee business has been unable to create the required number of jobs, the PDC Board, at its discretion, may require that the grantee return all grant funds that it has drawn down. In the case of a grantee business that has been unable to retain the required job(s) for one year= from the time the job(s) was initially created, the PDC Board, at its discretion, may require the partial repayment of grant funds (on a pro-rata basis).

Definitions

*Definition of a full-time job, per the Maine Department of Economic and Community Development;

**For the purposes of this Program, low/moderate income is defined by the U.S. Department of Housing and Urban Development as 80% of median household income. A chart showing qualified income levels can be found ~~on the City's website at the following link:~~
<https://www.portlandmaine.gov/523/Business-Financing-Loans-and-Grants>~~here.~~

***Definition of a part-time job, per the Maine Department of Economic and Community Development. ¶

~~BAP Guidelines as Passed by City Council on 8/23/2021. 3~~

Portland Business Assistance Program for Job Creation

Program Description

The City of Portland's Business Assistance Program for Job Creation (BAP) provides grants up to \$20,000 to for-profit Portland businesses for the creation of new full-time jobs or part-time jobs for low/moderate income individuals.

Program Objectives

- Job creation for low/moderate income individuals working in Portland;
- New business formation and existing business expansion;
- Help new and expanding businesses establish credit;
- Create economic opportunity through investing in Portland businesses to enable them to expand to create jobs;
- Enhance the health and vitality of Portland's neighborhoods and the City's economy as a whole.

Program Requirements/Eligibility

- ▶ Business must be for-profit and must be located within the City of Portland;
- ▶ Business will create one (1) full-time job (at least 1,750 hours/year* which is at least 34 hours/week) or two (2) part-time jobs (at least 875 hours/year*** which is at least 17 hours/week) for every \$10,000 of approved grant funding;
- ▶ Applicant business location fits any of the following: in a low income area of the City; within walking distance to one or more of these low income areas; easily accessible from these low income areas via public transportation;
- ▶ New jobs created with the help of the grant are marketed and provided to low/moderate income** individuals;
- ▶ Wages paid to new hires meet or exceed Portland's minimum wage;
- ▶ Applicant cannot owe outstanding property taxes, fees, or judgments to the City and property must be free of all City liens and encumbrances

Grant Terms

- Grant of \$10,000 per full-time job or per two part-time jobs that business agrees to create, up to \$20,000 per business;
- Job(s) must be created *after* the grant is approved in order to be counted as meeting the job creation requirement of this grant;
- Job(s) must be created within nine (9) months after signing a grant agreement;
- Once approved for a grant, no more than half the grant amount may be requested prior to job creation;
- Grants are provided through reimbursement of paid receipts (for eligible expenses) for twice the amount requested. For example, a request for a \$5,000 grant drawdown must be accompanied by \$10,000 worth of paid receipts for eligible expenses (see Eligible Funding Activities below).

Eligible Funding Activities

1. Working capital (e.g., rent, utilities, salaries, insurance);
2. Permanent working capital under \$1,000, (e.g., inventory, furniture and fixtures, equipment);
3. Equipment and machinery over \$1,000*;

*Three price comparisons are required as part of the application if the equipment exceeds the \$1,000 threshold. The price comparisons may be formal quotes, screenshots, or pictures of the product and the price from different suppliers.

Property: The City may retain an interest in equipment purchased over \$1,000 which includes a commitment that said equipment will be used for the length of its useful life. If such equipment is transferred, or otherwise disposed of, the City may require partial repayment of the grant funds (on a pro rata basis).

Ineligible Activities

1. Refinance existing debt;
2. Down payment for other financing;
3. Use of grant funds for activities commenced or completed prior to program funding approval and prior to signing a grant agreement (e.g., purchases of equipment and supplies);
4. Construction;
5. Uses not listed under Eligible Funding Activities.

Application Review Criteria/Preferences (listed in no particular order)

- Career Potential
 - o Job training for new hire(s) in a marketable skill;
 - o Potential for job advancement within the company or elsewhere.
- Employer
 - o Demonstrated need for grant funds to create job(s);
 - o Number of net new jobs exceeds one (1) per \$10,000 of grant funding.
- Compensation and Benefits
 - o Quality of compensation and benefits package (for example, wages, health coverage, vacation, sick leave);
 - o Wages paid to new hire(s) exceeds Portland's minimum wage.

Application and Approval Process

The City's Housing and Economic Development Department is responsible for administration of the Business Assistance Program for Job Creation. Eligible applications are analyzed by an underwriter and then presented to the Portland Development Corporation (PDC) for its review. The PDC has final decision-making authority in approving applicants for grant awards.

Post Grant Requirements

- Jobs must be created within nine (9) months of signing a grant agreement after being approved for a grant;

- Job must be retained for one year after its creation;
- Job description(s) must be posted where low/moderate income people are likely to see it, and grantees must provide a photo to the City showing that posting;
- Baseline payroll provided prior to job creation;
- Quarterly report (listing new hire) until all required hires are made, then a summary report (list of all new hires) and an annual report one year beyond that;
- Income certification for each new hire(s).

Program Actions if Grantee Business is Unable to Meet Job(s) Requirements

Nine (9) months from the date of signing the grant agreement, if a grantee business has been unable to create the required number of jobs, the PDC Board, at its discretion, may require that the grantee return all grant funds that it has drawn down. In the case of a grantee business that has been unable to retain the required job(s) for one year from the time the job(s) was initially created, the PDC Board, at its discretion, may require the partial repayment of grant funds (on a pro-rata basis).

Definitions

*Definition of a full-time job, per the Maine Department of Economic and Community Development;

**For the purposes of this Program, low/moderate income is defined by the U.S. Department of Housing and Urban Development as 80% of median household income. A chart showing qualified income levels can be found [here](#).

***Definition of a part-time job, per the Maine Department of Economic and Community Development.

Greg Watson
Director of the Housing and Economic Development Department
City of Portland
389 Congress St,
Portland ME 04101

July 29, 2024

Dear Recipient,

Congratulations! On July 25, 2024 Portland's City Manager reallocated Community Development Block Contingency funds to your Department for the purpose of providing the following program during the fiscal year beginning July 1, 2024:

\$105,000 for the Business Assistance Program

In order to process your award please review the application instructions and the information that was submitted, and provide updated information regarding your program.

Regulations: In Section I of the Application, please review: Federal HUD Regulations, Portland's CDBG Goals Principles and Priorities, the Reservation of Rights and Post Award and Sub-recipient Criteria.

Federal Contract Provisions: If there is a construction project involved with this program, it will be subject to federal requirements, including:

1. Environmental Review: All funded projects that include construction will require an Environmental Review by the City to ensure compliance with the State Historic Preservation Office, local Historic Preservation Ordinances and other environmental regulations. If applicable, this will take two to four weeks to process *once a final scope of work is submitted and approved by staff.*
2. Federal Labor Standards: Sub-recipients who receive funds for construction or rehabilitation projects must ensure that they and all subcontractors meet requirements for federal prevailing wage rates specified under the Davis-Bacon and Related Acts (DBRA). The Act requires that all laborers and mechanics employed by contractors in the performance of construction financed in whole or in part with assistance received under HUD programs (CDBG), shall be paid wages at rates no less than the prevailing rates provided. This will require certified payroll to be submitted to the City for all workers on site.
3. Lead Safe Practices: Any contractor, plumber, electrician or painter who disturbs lead paint in a pre-1978 home, school or day care center must be Lead-Safe certified.

4. Section 3: applies to projects funded with more than \$200,000 of total federal funds (including from non-CDBG sources); please see staff for details.
5. BABA: Applies to all projects funded with more than \$250,000 of total federal funds (including from non-CDBG sources).
6. Procurement: full and open competition & cost reasonableness, procurement must comply with the more strict of the City's Purchasing Ordinance and HUD guidelines.
 1. All construction services must be competitively bid if over \$25,000. This includes the project being publicly advertised in a local daily newspaper that specifies a time for contractor walk-through, bid deadline, and that the project is funded with federal HUD funds. It also includes obtaining the appropriate wage rates prior to bid release and during the bid process. Please contact staff in advance of creating your bid packet if your project will require construction.
 2. For non-construction services or goods less than \$25,000, three quotes are required to ensure fair pricing.
 3. For non-construction services or goods over \$25,000 work must be competitively bid. This includes the project being publicly advertised in a local daily newspaper that specifies a time for contractor walk-through, bid deadline, and that the project is funded with federal HUD funds.

UEI Registration: All sub-recipients are required to have a UEI and be registered in sam.gov prior to signing a sub-recipient agreement. To get a UEI, visit <https://sam.gov/content/duns-uei>. To register in sam.gov, visit <https://sam.gov/content/entity-registration>. This registration in sam.gov must be updated annually. The UEI is permanent.

Reporting: Quarterly updates will be required in order to process payments. Updates will provide project status updates. A form will be provided. Reporting will occur on a quarterly basis, due on the 10th of the month (October 10, January 10, April 10 and July 10). Please identify who will submit the quarterly reports.

Payment: Requests will be submitted and processed through the City's accounting system. Payments are made on a reimbursement basis only. All construction payment requests will be required to submit certified payroll with each requisition reflecting the workers on site. *Payment requests typically take 7-10 days to process once the certified payroll is submitted and approved.* Checks can be mailed or picked up in room 313 City Hall.

All businesses will be required to submit a W-9 form. Payment cannot be released without a W-9 on file. Checks will be mailed to the address listed on the W-9.

If you have any questions, please contact me.

Sincerely,



Rowen McAllister
Housing & Community Development Program Manager
City of Portland, Maine
rmcallister@portlandmaine.gov
(207) 874-8731

Community Development Block Grant (CDBG) Program Subrecipient's Notice to Proceed

Date: Jul 29, 2024

Activity Address: 389 Congress St, Portland ME

Organization: City of Portland, Housing and Economic Development
Department

Pursuant to the requirements outlined in the CDBG Policies, with a term of July 1, 2024 - June 30, 2026, you are hereby notified that you may proceed with the Business Assistance Program. Upon receipt of this notice, you are responsible for performing this work on the above referenced address under the terms and conditions of the Agreement.

Please be advised that it is recommended you meet with program staff and other relevant parties prior to publishing a request for proposals. CDBG program staff will provide technical support for CDBG requirements throughout the grant term.



HCD Program Manager: _____

Date: 7/29/24

MEMORANDUM
City Council Agenda Item

FROM: Greg Watson, Director

DATE: August 28, 2024

SUBJECT: Order 50-24/25 Authorizing Participation in the Maine Funding Network Program
Hosted by the Finance Authority of Maine - Sponsored by Mark Dion, Chair of
Legislative and Nominating Committee

SPONSOR: Mark Dion, Mayor
(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 9/16/2024

Final Action 9/16/2024

Can action be taken at a later date: Yes

Does this item involve a new contract with the City: Yes and Corporation Counsel has reviewed and approved of the Agreement attached.

PRESENTATION: Greg Watson/2 minute brief overview and will be available for questions together with Business Programs Manager Nancy Martin.

I. SUMMARY

The City Council is requested to consider participating in the Maine Funding Network as has been recommended by the Portland Development Corporation Board of Directors at its meeting held on April 18, 2024.

II. AGENDA DESCRIPTION

This Agenda item proposes participation in the Maine Funding Network which is hosted by the Finance Authority of Maine (FAME).

As a lender of commercial loan funds that were originally capitalized by FAME, the City of Portland/Portland Development Corporation has been invited to participate in a new online funding portal, called the Maine Funding Network. The network launched in June and is accessed at www.maine-funding-network.com.

The mission of the Maine Funding Network is to improve the experience of current and future Maine businesses by serving as a centralized gateway that will simplify the process of navigating and applying to the state's public and nonprofit funding organizations, including the City of Portland/Portland Development Corporation's loans. This common application portal is intended to standardize applications, foster collaboration between FAME lenders including the City of Portland/Portland Development Corporation, and remove barriers for applicants.

The Portland Development Corporation Board of Directors met on April 18, 2024, and reviewed this item and voted 6-0 to forward this item to the City Council with a recommendation for approval.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

See above.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The City of Portland currently has nearly \$1 Million in revolved FAME funds available to lend to Portland businesses. Participation in the Maine Funding Network will increase awareness of, and access to, these loan funds.

V. FINANCIAL IMPACT

There is no fee for participation during the first year. FAME does, however, plan to work with partners to come up with a fair and equitable way to share the costs of the network in future years.

VI. STAFF ANALYSIS AND BACKGROUND

Staff recommends approval of participation in the Maine Funding Network.

VII. RECOMMENDATION

The Portland Development Corporation Board of Directors met on April 18, 2024, and reviewed this item and voted 6-0 to forward this item to the City Council with a recommendation for approval.

VIII. LIST ATTACHMENTS

1. Special Meeting Order - Authorizing Participation in the Maine Funding Network Program
2. 8-2024 Draft Funding Agreement Att for CC on 9-16-2024

Prepared by:

Greg Watson, Director

Date: 08/28/2024

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 AUTHORIZING THE PORTLAND DEVELOPMENT CORPORATION TO
PARTICIPATE IN THE MAINE FUNDING NETWORK PROGRAM HOSTED BY THE
FINANCE AUTHORITY OF MAINE**

ORDERED, that the Portland City Council, acting in its capacity as sole Corporator of the Portland Development Corporation hereby authorizes the corporation to participate in the Maine Funding Network Program, hosted by the Finance Authority of Maine; and

BE IT FURTHER ORDERED, that the Portland Development Corporation is authorized to execute any necessary agreements and take all actions reasonably necessary to ensure participation in the Maine Funding Network Program.

FINANCE AUTHORITY OF MAINE

MAINE FUNDING NETWORK

PARTICIPANT AGREEMENT

(For Lenders Making Direct Loans)

This Agreement, made as of this ____ day of _____ 2024, by and between _____, a [define type of entity] having a principal place of business in _____, Maine and a mailing address of _____, Maine 04____ ("Participant"), and the Finance Authority of Maine, a body corporate and politic and a public instrumentality of the State of Maine, having a principal place of business in Augusta, Maine and a mailing address of P.O. Box 949, Augusta, Maine 04332-0949 ("Authority"), is for the purposes of outlining the terms and conditions for Participant's participation in an electronic loan application and data management system run by the Authority, created to enable easier communication between Maine businesses looking for funding from non-bank sources, and the providers of such funding (the "Maine Funding Network" or the "Portal").

WHEREAS, the Authority created the Portal as a service for the economic development community in the State, with the assistance of vendors Coastal Cloud, LLC, and Salesforce, Inc. (the "Vendors") to improve the system by which Maine companies seeking financing can access sources of funding provided by many different economic development lenders within the State; and

WHEREAS, the Portal is a web-based business funding portal providing a central intake platform for businesses seeking funding, using a common funding application completed by such businesses ("Applicants") and resulting in automated matching with participating lenders, equity funds, grant making organizations, and business advisory services, including the Authority and other economic development lenders in the State like Participant who are governmental, quasi-governmental, or not-for-profit entities ("Authorized Providers"), after which the Applicants and the Authorized Providers would communicate directly to determine whether and under what conditions a loan or other services would be made available by such Authorized Provider to such Applicant; and

WHEREAS, the Authority and the Participant wish to outline the rights, responsibilities and other terms and conditions that govern the Participant's use of the Portal;

NOW, THEREFORE, in consideration of the mutual representations, covenants and agreements contained herein and other good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

I. GENERAL OBLIGATIONS

1. The Authority shall have the responsibility of creating and administering the Portal, including through the use of Vendors. As administrator, the Authority shall perform the following tasks:

- Be the primary intermediary between the Vendors and the Authorized Providers.
- Ensure Portal is functioning as designed and work with Vendors to remedy any system issues that arise.
- Support Authorized Providers with:
 - Access to the Portal
 - Training
 - Initial set-up and configuration
 - Listing of Authorized Providers' products/services
 - Reporting
 - General support topics as they pertain to service listing, matching criteria, application intake, status updating, and other topics as they arise.
- Ensure that all Applicants receive engagement from at least one Authorized Provider.
- Ensure that all Applicants receive support while completing the intake form/match request.
- Comply with privacy/confidentiality requirements detailed in later sections of this Agreement.
- Ensure Vendors' contracts and licenses are paid in full.

2. Participant agrees to use the Portal for the purpose intended, in good faith, and in conformance with the rules or guidelines published by the Authority. In connection therewith, the Participant agrees to perform the following tasks:

- Attend training events hosted by Vendors, or the Authority.
- Ensure Participant services/products listed on Portal are up to date with current information (rates, eligibility, funding available, etc.).
- Ensure matching criteria are up to date.
- Ensure that all matched Applicants receive contact and/or next steps to move forward.
- Ensure all matched Applicants receive support in completing formal application process with Participant as needed.
- Ensure all matched Applicants who complete Participant formal application process receive a funding decision in a reasonable time and status of such application is promptly and accurately reflected in the Portal.
- Seek guidance/assistance from Authority when issues arise.
- Comply with privacy/confidentiality requirements detailed in later sections of this Agreement.
- Make recommendations to the Authority on how to improve Portal functionality/design.

II. CONFIDENTIALITY

2.1 It is envisioned that Applicants will input data into the Portal, or include in correspondence with the Authority and/or Authorized Providers within the Portal, that may include information they may wish to remain confidential, including, but not limited to, financial information on business performance, nature and value of assets, business strategy and similar information (collectively, "Confidential Information"). It is the intent of the Authority and Participant to

maintain the confidentiality of such Confidential Information. Accordingly, the parties agree as follows:

A. The Authority shall require Applicants to affirmatively consent to the sharing of the information (including Confidential Information) they submit in the Portal to the Authority and Authorized Providers, as part of the common application process.

B. The Authority and Participant shall not further share or disclose any such Confidential Information, other than to members of such organization that have a need to know such information for the purposes of consideration of a potential loan or other fund or service to be provided by such organization to the Applicant.

C. The Authority and the Participant shall comply with all applicable federal and state laws and regulations applicable to data privacy and confidentiality.

D. The Authority and the Participant shall maintain industry standard data security standards and systems to maintain the security of Confidential Information when such information is in the custody of such party. Minimum standards and/or systems are set forth in Exhibit A.

E. Each party agrees to indemnify and hold the other party harmless from and against any claim, damage, loss or expense (including reasonable attorneys' fees) suffered by such party as a result of a breach or unauthorized access to or disclosure of Confidential Information of an Applicant while such information is in the possession of the other party, or as a result of actions or inactions by the other party or their employees and agents.

F. Each party represents and warrants that it maintains Cyber Liability insurance for data security breaches, from a recognized insurance company or from a risk pool in an amount of at least \$1,000,000 per occurrence.

G. Participant may elect to maintain a Portal account that does not have access to Applicant loan application materials by checking the box by their signature below, and in such case, such Participant agrees that it will not have access to such information. In such event, Paragraphs D and F shall not apply to Participant, but the Participant nevertheless agrees to maintain the confidentiality of any Confidential Information it may inadvertently obtain through the Portal and the balance of this Section II shall continue to apply to Participant.

2.2 Nothing in this section is intended to restrict the Authority from compiling and publishing to Authorized Providers or others, periodic, aggregated and de-identified information about applications generated by or through the Portal, and loans, grants or services provided by Authorized Providers to such Applicants. In addition, as an independent state authority, certain information maintained by the Authority may be deemed public information, pursuant to 10 MRSA Section 975-A, and nothing in this section is intended to restrict or make the Authority liable to any party for its good faith compliance with such section.

III. MISCELLANEOUS

3.1 This Agreement shall be binding upon and inure to the benefit of all successors and permitted assigns of the parties hereto.

3.2 Participant may not assign its rights, interests or obligations hereunder without the express prior written approval of the Authority.

3.3 This Agreement may be amended only in writing signed by both parties hereto.

3.4 Interpretation of the Agreement shall be governed by and enforced in accordance with the laws of the State of Maine.

3.5 This Agreement shall automatically renew from year to year, until such time as both the Participant and the Authority agree otherwise, in writing, unless previously terminated by the Authority upon thirty (30) days' written notice to the Participant, or by termination by the Participant upon thirty (30) days' written notice to the Authority, or pursuant to an event of default. Notwithstanding termination, the following provisions of this Agreement shall continue to be effective, unless otherwise indicated by the Authority in writing: Section II.

3.6 Nothing contained in this Agreement shall be construed to cause Participant to become an agent for the Authority, for any purpose whatsoever, nor shall the Authority be regarded as an agent for Participant.

3.7 Authority and Participant agree to execute, acknowledge and deliver, or cause to be executed, acknowledged and delivered, such supplements hereto and such further instruments as may reasonably be required for correcting any inadequate or incorrect description or for carrying out the intent of or facilitating the performance of this Agreement.

IN WITNESS WHEREOF, Participant and the Authority have each caused this Agreement to be executed in its corporate name by a duly authorized representative and its corporate seal hereunto affixed, all as of the date first above written.

WITNESSES:

PARTICIPANT NAME

By:

Its:

[I elect to establish and maintain a Portal account that does NOT have access to Applicant loan information.]

FINANCE AUTHORITY OF MAINE

By: Carlos R. Mello
Its: Chief Executive Officer

Exhibit A:

FAME Cyber Risk Management Requirements for Suppliers

Modified: 1/23/2024

Purpose and Scope

These cyber risk management requirements are intended to protect FAME's information and IT resources from accidental, unauthorized, or unlawful access, disclosure, alteration, loss, or destruction.

These requirements apply to all FAME suppliers and vendors providing IT or data processing services to FAME as well as all FAME partner organizations and businesses with whom protected or sensitive information is shared. This document refers to both groups as "Suppliers". Technology plays a critical role throughout FAME's supply chain, and cybersecurity and cyber risk management are of paramount importance to FAME. Our Suppliers play an important role in protecting FAME information and IT resources and FAME expects cybersecurity to be a priority for our Suppliers and their supply chains.

General Cybersecurity Requirements

FAME expects Suppliers to have 5 basic cybersecurity elements in place. Suppliers must have:

1. **Information Security Plan:** A comprehensive written, reviewable, and implemented cybersecurity and cyber risk management plan that clearly defines how FAME's (or any customer) data and IT resources are protected. Suppliers must keep this plan up-to-date and operating effectively. A supplier's security plan should also manage risks that stem from their suppliers, too.
2. **Evidence the Plan is Working:** A method to regularly review and demonstrate that the plan is implemented and working effectively. Examples include one or more of the following:
 - AICPA Service Organizational Control ("SOC") Type 2 Report using appropriate controls;
 - ISO 27001 certification using appropriate controls;
 - PCI Report on Compliance;
 - A Statement on Standards for Attestation Engagements ("SSAE") No. 16, Reporting on Controls at a Service Organization;
 - FedRAMP Certification; or

- 3rd party audit demonstrating effective cyber risk management;
3. **Incident Response Plan:** A plan for notifying FAME within 24 hours of the identification of a security incident or breach and keeping FAME informed periodically as the incident is investigated and resolved. If an extensive investigation is required, suppliers must commit to helping FAME during the investigation and response phases and provide reasonably requested information regarding the nature, details, investigation, and resolution of the event.
 4. **Customer Notification Plan:** A plan for notifying FAME within 24 hours when changes occur or vulnerabilities are identified which may impact FAME information or IT resources, regardless of whether the change or vulnerability has been fully investigated or not.
 5. **Best Practices Approach:** A commitment to address and avoid common supply chain security concerns. These should be documented in the Supplier's security plan. There are 6 basic elements and 8 best practices that must be present in the security plan (see below). By themselves, these are not a security plan, but a list of important items that must be present in the security plan and are required by FAME.

Other Requirements

FAME's general cybersecurity requirements for suppliers to manage cyber risk are reasonable baseline security measures and expectations for protecting customer data. In certain circumstances, FAME may require additional appropriate and reasonable security controls, including an appropriate level of cyber liability insurance and other insurance requirements of its suppliers.

Shared Responsibility Models

If a supplier's solution to managing cyber risk involves shared responsibility, then FAME expects the supplier to clearly and unambiguously state what the Supplier manages, what the Supplier's sub-contractors manage, what FAME is expected to manage, and, in the case of any joint management, how that management is coordinated.

Basic Security Plan Elements

A Supplier's Information Security Plan must:

1. Ensure the security (including but not limited to: confidentiality, integrity, and availability) of FAME information and IT resources through the use and maintenance of commercially reasonable and appropriate administrative, technical, and physical controls;
2. Protect against any reasonably anticipated threats or hazards to FAME information and IT resources (e.g., ransomware, loss or theft of equipment, nation state actors, insider risks, intellectual property theft, data theft, errors, etc.);
3. Related to 1 and 2, identify and address the risks associated with supplier storing, processing, transmitting, or having access to FAME information and IT resources;
4. Comply with all applicable laws and regulations and/or external obligations for data protection, security, and privacy including prompt notification to FAME of cybersecurity incidents that may impact FAME information or IT resources;

5. Clearly document the cybersecurity responsibilities of each party, including any sub-contractors;
6. Follow FAME minimum records retention and disposal requirements.

Supplier Best Practices

Suppliers must ensure their security plans limit access to, use of, and disclosure of FAME information and IT resources to the degree necessary to securely provide goods and/or services by engaging in the following industry best practices and ensuring sub-contractors do the same:

1. Prevent the sharing or disclosure of passphrases, passwords or authentication secrets that provide access to FAME information and/or IT resources;
2. Prevent the use of passphrases, passwords, or other authentication secrets that are common across customers or multiple unrelated FAME business units;
3. Prevent unauthorized access to or disclosure of FAME information or IT resources;
4. Prevent unauthorized changes to FAME information and IT resources;
5. Prevent the reduction, removal, or turning off of any security control without express written approval from FAME;
6. Prevent the creation of new FAME authentication accounts (as applicable) for use by supplier to access FAME information and IT resources without express written approval from FAME;
7. Prevent the storing, harvesting, or passing through of FAME authentication credentials (usernames, passphrases, passwords, authentication secrets, or other factors); and
8. Prevent the use or copying of FAME information for any purpose not authorized by FAME or any associated Statement of Work (SOW).

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

CITY OF PORTLAND
IN THE CITY COUNCIL

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

**ORDER APPOINTING DIRECTORS TO THE BOARD OF THE PORTLAND
DEVELOPMENT CORPORATION**

ORDERED, that the City Council, acting in its capacity as the Corporator of the Portland Development Corporation, hereby appoints Matthew Buonopane, Eammon Dundon, Scott Kleiman, Beverly Werber, and Nikki Yanok to the Board of Directors of the Portland Development Corporation, all of whose terms shall expire on September 30, 2027.

Matthew John Buonopane

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Status

Name Matthew John Buonopane
Application Date 8/25/2024
Expiration Date 8/25/2025
Status Received

Board	Vacancies	Status
Portland Development Corporation	0	Pending

Basic Information

Name
Matthew John Buonopane

Contact Information

Address
28 Braintree Street
Portland, ME 04103

Email
[REDACTED]

Cell Phone
[REDACTED]

Additional Information

Notes

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Matthew Buonopane

28 Braintree Street, Portland, Maine 04103

PROFESSIONAL EXPERIENCE

Commercial Loan Officer, VP Androscoggin Bank

Portland, ME
April 2021 – Present

Build relationships with southern Maine and New Hampshire businesses and real estate investors. Develop and maintain \$100 million commercial loan portfolio through prospecting, COIs, implementation of market knowledge, and a thorough understanding of credit and lending. Originated \$25 million in commercial debt in 2023.

Senior Analyst Midstreet Capital

Remote
April 2020 – April 2021

Developed firm's commercial and middle-market credit program. Wrote credit policy, defined underwriting workflow, and set best practices for credit memoranda and pitch decks. Provided advisory services on merger and acquisition transactions. Lead underwriting, strategic positioning, financial modeling, and placement with constituent banks, private equity funds, mezzanine lenders, family offices, and other private credit funds.

Consultant Economic Development Corporation – City of Portland

Portland, ME
May 2017 – Present

Conducted thorough analysis of grant and microfinancing requests. Following site visit and interview with prospective borrowers, recommended approval or denial of loan and grant requests from small businesses in the Portland, ME metropolitan area. Lead presentation of loan and grant requests to Economic Development Corporation's Board.

Credit Analyst III, AVP TD Bank

Portland, ME
March 2016 – November 2017

Prepared detailed credit memoranda presenting commercial, middle-market, and CRE transactions. Lead in pitching prospective deals to relevant desks internally. Constructed dynamic financial models incorporating sensitivity analysis and forecasting to determine borrower debt service capacity or valuation for use in leveraged lending transactions.

Credit Analyst Windsor Federal Savings and Loan Association

Windsor, CT
June 2013 – January 2016

Completed in-depth analysis of financial statements and company ratios to establish default risk of C&I and CRE borrowers with revenues of up to \$80 million. Prepared detailed written credit memoranda for review by Senior Management team and Board of Directors. Monitored institution's \$200 million commercial portfolio.

VOLUNTEER EXPERIENCE

Treasurer Portland, ME
Yellow Tulip Project September 2022 – Present

Volunteer Consultant Catanduanes, The Philippines
USAID & Grameen Foundation – Bankers without Borders June 2022

Provided in-person financial management training to a large cooperative of coconut and rice farmers. Instructed beneficiaries in double-entry accounting, credit analysis, prudent lending, budgeting, and management of cash flow.

Volunteer Consultant The Philippines / Remote
USAID & Grameen Foundation – Bankers without Borders October 2020 – June 2021

Evaluated microfinance cooperative's resources for improving market access of farmer members. Oversaw primary data collection amongst members. Designed capacity-building program and long-term microlending strategies.

Small Business Mentor Portland, ME
SCORE May 2016 – November 2017

Mentored small business owners in facilitating readiness for raising capital and financial planning and analysis.

HIGHLIGHTED PROJECTS

Key Expert – Access to Finance MENA Region
Develop Regional Financial Sector December 2020 – March 2021

Developed short, medium, and long-term interventions to strengthen region's financial sector. Study focused on suggestions and exercises related credit guarantee fund and establishing financial regulation.

Senior Financial Analyst MENA Region
Baseline Assessment of Large Commercial Bank August 2020 – March 2021

Conducted assessment of bank's credit culture, outreach and marketing capacities, client-facing staffing, and delivery channels. Assessment was used as to determine the institution's ability to serve the youth market.

Key Expert – Management Strategy South Asia
MFI Transition to Federally-Chartered DMFI November 2019 – January 2020

Crafted feasibility study and business plan for microfinance institution that planned to transition to a federally-chartered bank. Initiated and finalized roadmap to DMFI transformation.

EDUCATION

CFA Institute Portland, ME
Completed Level I of the CFA Exams May 2015

University of New England Biddeford, ME
Bachelor of Science in Business Administration August 2008 – December 2012

Universidad Pablo de Olavide Sevilla, Spain
International Business and Spanish Language Fall 2011

August 25, 2024

City of Portland – Portland Development Corporation
389 Congress Street
Portland, ME 04101

To whom it may concern,

I am applying to fill a vacant seat on the Portland Development Corporation. This letter is meant to convey my strong interest in supporting Portland small businesses – particularly those women and minority-owned – through the PDC’s programs and assistance.

I have been a consultant with the PDC since December 2016. My first introduction to the PDC was through its previous Business Programs Manager, Nelle Hanig, whom I met one evening at a Portland business incubator event. At the time, I was volunteering as a small business mentor alongside my career in commercial banking at TD. I’d found myself deeply enjoying working with Portland’s hopeful entrepreneurs; my first meeting with PDC staff – and their description of the PDC’s work – immediately resonated to me as a way to further interact with and serve the City’s small business community.

Nearly a decade later, I have witnessed change and growth at the Portland Development Corporation and more broadly within the City itself. Before and during the pandemic, one thing remained constant – the PDC’s earnest endeavor to bring capital to the unbanked and sometimes financially excluded businesses of Portland. The economic development programs of the PDC fill a critical niche within the needs of Portland’s entrepreneurs and livelihoods.

During 2023, I ran for election to fill District Five’s City Council seat. The experience taught me more than I could have imagined about our City’s constituents, and I left eager to continue being involved and engaged civically. Joining the PDC would accomplish this while serving as a natural extension of my career as a local business banker.

I am hopeful for an opportunity to further articulate why I feel that I’d make a valuable addition to the Portland Development Corporation.

Thank you kindly for your consideration.

Sincerely,
Matthew Buonopane

Mr. Eamonn Thomas Dundon

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Status

Name Mr. Eamonn Thomas Dundon
Application Date 8/30/2024
Expiration Date 8/30/2025
Status Received

Board	Vacancies	Status
Portland Development Corporation	0	Pending

Basic Information

Name
Mr. Eamonn Thomas Dundon

Contact Information

Address
305 Commercial Street
Apt 312
Portland, ME 04101
Email
Cell Phone

Additional Information

Notes

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EDUCATION

Syracuse University, *B.A. Public Policy, Magna Cum Laude*

- ◆ Policy Studies research and teaching assistant focused on affordable housing policy, autonomous vehicle regulatory paradigms and municipal finance
- ◆ Course work in housing policy, statistical policy analysis, entrepreneurship, economics, finance, and business law

EMPLOYMENT

Portland Regional Chamber of Commerce, *Director of Advocacy*

January 2021-Present, Portland, ME

- ◆ Managed the Chamber's government relations activities including organizing stakeholder meetings, monitoring legislative and municipal policy debates, lobbying elected officials and government staff and coalition building around matters of importance to the Greater Portland business community.
- ◆ Advocated for member policy concerns on land use, transportation, childcare, energy, labor, and permitting matters.
- ◆ Prepared and delivered testimony on policy priorities of the Portland business community in eight municipalities, regional organizations, and the Maine State Legislature.
- ◆ Represented the Chamber on the Portland Area Comprehensive Transportation System (PACTS) Regional Transportation Advisory Committee, PACTS Funding Framework Task Force, PACTS Complex Projects Task Force, PACTS Rapid Transit Project Advisory Group, City of Portland Historic Preservation Impact Advisory Group, Greater Portland Works Initiative Stakeholder Group, Portland Works for Kids Advocacy Committee, the Maine Public Transit Advisory Council and the Maine Public Pre-K Advisory Council.

Santander Bank, *Analyst, Financial Analyst Rotational Program*

June 2019-January 2021, Boston, MA

- ◆ Rotation in Capital Management Department focused on building capital actions models to support the bank's Federal Reserve relationship management, dividend, share repurchase, and capital allocation activities.
- ◆ Rotation in Strategy Department focused on long-term planning and budgeting for the bank. Coordinated monthly financial result projections for the bank and U.S. holding company.
- ◆ Rotation in Secured Consumer Lending Department focused on monthly financials results, long-term planning and modeling, and ad-hoc analysis for consumer lending loan portfolios.

Syracuse Housing Authority, *Development Assistant*

August 2017-December 2018, Syracuse, NY

- ◆ Authored RFQ for 2,500-unit mixed use neighborhood revitalization project, applications for CDBG, HOME and New Markets Tax Credit funding.
- ◆ Prepared construction monitoring presentations for executive leadership and the Board of Directors on a multi-family LIHTC developments.
- ◆ Generated status reports on negotiations with the New York Department of Transportation over eminent-domain issues and infrastructure development.

VOLUNTEER EXPERIENCE

- ◆ Portland Development Corporation, *Secretary, Board Member*, 2021-Present
- ◆ Foundation for Portland Public School, *Development Committee Member*, 2023-Present
- ◆ Gettinger Family Foundation, Boys and Girls Club Tutoring Program, *Program Director*, 2016-2019
- ◆ Maine Youth Court, *Board Member and Judge*, 2012-2016

PUBLICATIONS

- ◆ *The Platform Economy and the Smart City: Technology and the Transformation of Urban Policy*
McGill-Queens University Press, August 2021
Chapter 9 Regulatory Paradigms for the Coming Age of Autonomous Vehicles
Chapter 13 From Processors to Platforms: Innovation and The Changing Nature of Space

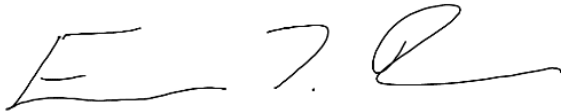
EAMONN T. DUNDON

305 Commercial Street, Apt. 312, Portland, ME 04101

Greetings,

I am writing to express my enthusiastic interest in reappointment to one of the seats on the Portland Development Corporation Board of Directors. I am a 22-year resident of the City of Portland with relevant experience in affordable housing development, land use, small business financing, and public policy. My first three-year term on the PDC Board has been incredibly enriching. In the last three years we have approved well over a dozen commercial loans, creating jobs and assisting entrepreneurs who have difficulty securing conventional financing. Additionally, we have built on the success of our micro loan program in COVID, deploying hundreds of thousands of dollars to start and grow dozens of innovative small businesses and non-profit organizations. Finally, we have aggressively approved deployment of federal brownfield loans and grants, unlocking the housing production Portland desperately needs to confront a historic shortage of housing units affordable to our workforce. I have been honored to serve on the Board and be elected Secretary by my fellow members.

Through my work with the Portland Regional Chamber, I have developed deep connections to broad swaths of our regional economy, informing me on the opportunities and challenges that lay ahead for all businesses as we navigate out of the global pandemic. On a weekly basis I am in touch with businesses that range from our smallest sole proprietorships to our region's largest employers to understand barriers they face in growing the workforce and economy in a sustainable manner. Thank you for your time, and I look forward to hearing from you at your earliest possible convenience.

A handwritten signature in black ink, appearing to read 'E. T. Dundon', with a stylized flourish at the end.

Eamonn T. Dundon

Scott Kleiman

City of Portland | Generated 9/10/2024 @ 11:32 am by OnBoardGOV - Powered by ClerkBase

Status

Name Scott Kleiman
Application Date 8/30/2024
Expiration Date 8/30/2025
Status Received

Board	Vacancies	Status
Portland Development Corporation	0	Pending

Basic Information

Name
Scott Kleiman

Contact Information

Address
94 Noyes St
Portland, ME 04103

Email
[REDACTED]

Cell Phone
[REDACTED]

Additional Information

Notes

Generated 9/10/2024 @ 11:32 am

Scott Kleiman
94 Noyes St.



August 30, 2024

Dear Members of the Portland Development Commission,

I am writing to express my interest in joining the Portland Development Commission.

I would bring to the board deep expertise in economic development and business acceleration policy. In my current role as a policy director for workforce and economy in the Governor's Office of Policy Innovation and the Future, I have developed a deep understanding of the opportunities and challenges facing Maine's economy and businesses. My work has involved overseeing implementation and marketing of Governor Mills' Maine Jobs & Recovery Plan, which deployed more than \$100 million to support business recovery and growth, and supporting the development of a new policy office focused on economic integration of international immigrants to Maine.

I also serve on the board of the Maine Technology Institute (MTI), and its strategic planning committee. MTI is a public private partnership that offers financing -- including grants, loans, equity investments, and services -- to Maine businesses, organizations, and entrepreneurs to support Maine's innovation economy. Under my leadership, MTI led a 70 member consortium that won U.S. Economic Development Agency designation for Maine as a national technology hub. My skills and experience aligns closely with the mission of the Commission, and I am eager to contribute my expertise to the continued growth and development of Portland.

Since moving to Maine five years ago, I have established deep roots in the community. Much of my family now calls Portland home, including my two-year-old child, my in-laws, my brother and three nieces/nephews. This personal connection to the state fuels my commitment to ensuring a thriving future for Portland. I am passionate about fostering innovation, supporting local businesses, and ensuring sustainable development that will benefit future generations.

Thank you for considering my application. I look forward to the opportunity to discuss how my background, skills, and enthusiasm for economic development can benefit the Portland Development Commission.

Sincerely,
Scott Kleiman

Scott Kleiman
94 Noyes St.



August 30, 2024

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I would bring to the board deep expertise in economic development and business acceleration policy. In my current role as a policy director for workforce and economy in the Governor's Office of Policy Innovation and the Future, I have developed a deep understanding of the opportunities and challenges facing Maine's economy and businesses. My work has involved overseeing implementation of Governor Mills' Maine Jobs & Recovery Plan, which deployed more than \$100 million to support business recovery and growth, and supporting the development of a new policy office focused on economic integration of international immigrants to Maine.

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Thank you for considering my application. I look forward to the opportunity to discuss how my background, skills, and enthusiasm for economic development can benefit the Portland Development Commission.

Sincerely,
Scott Kleiman

Beverly Werber

City of Portland | Generated 8/27/2024 @ 7:45 am by OnBoardGOV - Powered by ClerkBase

Status

Name Beverly Werber
Application Date 8/20/2024
Expiration Date 8/20/2025
Status Received

Board	Vacancies	Status
Portland Development Corporation	0	Pending

Basic Information

Name
Beverly Werber

Contact Information

Address
105 India St
#3
Portland, ME 04101

Email
[Redacted]

Cell Phone
[Redacted]

Additional Information

Notes

Generated 8/27/2024 @ 7:45 am

Beverly Werber

Communications Strategist

Executive level communications and marketing consultant for non-profit and for-profit businesses with a focus on public policy design and implementation.

EXPERIENCE

Owner, Beverly Werber Consulting

Portland, ME—Recent

Board Member, Portland Development Corporation

Member, India Street Neighborhood Association (recent)

Tucson, AZ — 2009-2017

Pro bono clients included YWCA of Southern Arizona and Museum of Contemporary Art with a focus on diversity, equity and inclusion and empowerment and success of women-owned business. Paid consultancies included business development in the vineyard and wine-making field including Sand-Reckoner Vineyards and the Arizona Vignerons Alliance (business association).

Santa Monica, CA — 1997-2009

Pro bono consultant to non-profit organizations focussed on families and individuals without housing; ongoing consultation to City of Santa Monica committees on people without housing. Paid consultancies on economic development. Member Montana Avenue Merchants Association.

Director of Communications, Milken Institute, 1991-1997

Develop programs and publications for economic think tank to support understanding of economic development, job creation and growth. Managing Editor of all print and online content for academic, media and public audiences of the Institute. Produce small and large conferences including the Milken Global Conference. Supervise department of 9 people and outside consultants. Manage \$4.5 mil budget.

Earlier career positions in publishing (Sage Publications, Lawrence Erlbaum, University of California Press) and public relations/public affairs agencies (Rogers & Associates, Hunt Marmillion). Writer-Editor *Access Guides*. Founding owner of 3docs.com (early content management software firm.)

EDUCATION

Harvard University, BA Cum Laude 1976

105 India St. Apt 3

Portland, ME 04101

[REDACTED]

[REDACTED]

August 16, 2024

Nominating Committee Chair

C/o City Clerk

389 Congress St

Portland, ME. 04101

RE: Board and Committee Vacancies/Portland Development Corporation

Dear Nominating Committee Chair:

My professional expertise is in business development with a focus on strategic communications and marketing outreach to targeted and general publics. The objective underlying all my work is better public policy that meets the specific needs and goals of the municipality and region.

I am a homeowner in Portland and have lived in the city for eight years. I would like to continue to participate as a Board Member of the PDC in making a positive impact in my hometown and look forward to continuing to serve the City, its communities and publics.

Thank you for considering my application to fill a second term on the Portland Development Corporation.

Best,

Beverly Werber

105 India St. Apt 3

Portland, ME. 04101

[REDACTED]

Nikki Yanok

City of Portland | Generated 9/4/2024 @ 2:39 pm by OnBoardGOV - Powered by ClerkBase

Status

Name Nikki Yanok
Application Date 8/30/2024
Expiration Date 8/30/2025
Status Received

Board	Vacancies	Status
Portland Development Corporation	0	Pending

Basic Information

Name
Nikki Yanok

Contact Information

Address
44 Jones Creek Drive
Scarborough, ME 04074

Email
[REDACTED]

Cell Phone
[REDACTED]

Additional Information

Notes
What are the most critical items on the strategic agenda for PDC and what does success look like in those outcomes?

Generated 9/4/2024 @ 2:39 pm

Nichole M. Yanok

44 Jones Creek Drive, Scarborough, ME 04074 -

Experience

Climate Finance Specialist, Gulf of Maine Research Institute, Portland, ME

December 2023 - Present

- Supports coastal communities and businesses in accessing public and private funding for climate adaptation and mitigation efforts
- Collaborates with municipal officials, business leaders, and experts to enhance understanding of climate financing strategies and improve access to funding
- Support workshops, develop resources, and produce research to promote best practices in climate financing and policy innovation
- Design and implement creative financing mechanisms, incentive programs, and funding stacks to accelerate climate action and resilience

Associate Loan and Investment Officer, Coastal Enterprises, Inc., Brunswick, ME

August 2020 - June 2023

- Evaluates prospective deals based on business planning, growth, financial statement analysis, management, and mission for loan or investment
- Manages client portfolio of approximately 85 companies, maintaining communication and ongoing needs assessment for job creation, annual financial review and prospective matches for specialized funding from Federal, State or private investment programs
- Team expert for cooperative structure financing, royalty financing, state historical tax credit investment and other alternative investment options for seed or venture stage companies, served as panelist and local expert for 2023 P6 Conference for cooperative governance
- Serves on the Staff Policy team as a liaison to Federal and State policy initiatives for community development programs and Equity Leadership Team for diversity and inclusion initiatives at the firm level

Analyst, Harpswell Capital Advisors, New Gloucester, ME

September 2017 - August 2020

- Conducted manager research, asset allocation, statistical modeling, performance analytics, market research and trading reports
- Met with client investment committees and Boards to report on progress and support their budget projections and capital campaign needs
- Managed institutional client retention and performance reporting across the firm

Investment Associate, H.M. Payson, Portland, ME

August 2015 - September 2017

- Provided operations and investment support to portfolio managers, including asset allocation oversight and performance analytics
- Presented research on investment regularly to the Board and management team
- Designed multiple investment portfolio options for retail clients to have an ESG, or sustainable, portfolio

Consulting Associate, Cambridge Associates, Boston, MA

January 2014 - August 2015

- Served as associate lead for a portfolio of nonprofit clients, primarily endowments and foundations and managed communications with their investment committees and in-house investment teams
- Managed advanced analytics for asset management for risks, returns and exposures across all asset classes and private investments
- Conducted due diligence research on new and emerging managers
- Specialized in Mission-Related and impact investing on both the research and client-facing teams
- Worked with institutional research teams for the annual NACUBO report on higher education endowment and financial offices

MBA Programs Coordinator, The George Washington University, Washington, DC

July 2012 - January 2014

- Managed data tracking, scheduling, communications and analytics for MBA Programs
- Managed 2+2 Mentor Program with students, community leaders and local high school students focused on financial literacy and skill development
- Responsible for design, budget, implementation and assessment for orientation and on-going programming designed to increase student engagement, retention and academic and professional success

Volunteer

Board Member, Freeport Economic Development Corporation, Freeport, ME

October 2019 - Present

- Supports economic, business and community development initiatives, working with local, regional and statewide economic development programs
- Serves on the residential advisory committee on zoning, density and residential initiatives for economic development
- Oversees and supports the Executive Director of FEDC along with the Board to lead the organization daily operations

Board Member/Investment Expert, Surf Point Foundation, York, ME

June 2020 - Present

Serves on the Investment Committee as an institutional endowment investing expert, designs investment policy and reports to the Board regularly on endowment performance and operations budget planning

Education

Colby College, Waterville, ME

August 2008 - May 2012

Bachelor of Arts Degree in Government with a minor in Economics

Research Assistant, Department of Economics - President, Student Alumni Association - Founding Member, First Generation Students

Intern, Senator Olympia J. Snowe, *Auburn, ME and Washington, DC*

June 2008 - January 2012

- Served as congressional liaison to federal agencies for casework on behalf of constituents in the Auburn office
- Composed policy briefs for Legislative Director and conducted research for Legislative. Specialists for the Senate Finance, Small Business and Intelligence committees

Nichole M. Yanok
44 Jones Creek Drive
Scarborough, ME 04074

Board of Directors
Portland Development Corporation
389 Congress Street
Portland, ME 04101

To the Board of Directors and Selection Committee for Portland Development Corporation:

I know that the process of seeking the right candidates for any board position is incredibly challenging, and those dynamics are critical to real progress for any community. I was recently made aware of an opportunity with your Board by a colleague of mine at Gulf of Maine Research, Blaine Grimes. Her enthusiasm for your work and high praise of the group of individuals working towards sustainable economic growth in the city was compelling and persuasive enough for me to do a little research of my own and submit my credentials for consideration.

My role at Gulf of Maine Research is in the new capacity of Climate Finance Specialist. It is my hope and directive to support as many communities and organizations as possible in accessing public financing and private investment match toward their unique climate challenges. In practice, this looks like identifying funding from FEMA and engaging committed citizens with private investment in environmental engineering and construction to rebuild a critical wharf for a small town or strategizing with multiple coastal communities on how to have the deepest impact with microgrants received as part of a larger educational study.

My background in community development finance, small business lending, and investment asset management for large endowments gives me a unique perspective for these projects and allows me to draw on knowledge of federal financing strategies, tax increment financing, bond analysis and private impact investors to see these projects from start to finish. Not every project has the perfect combination of funding sources; and in those circumstances, I draw on public-private partnerships and direct outreach to other individuals and organizations that can help support or give answers to fill knowledge and expertise gaps.

I am currently pursuing my Development Finance Certified Professionals designation from the Council of Development Finance Agencies and studying additional financing mechanisms that can support these projects at a more comprehensive level. Beyond my career, I am deeply committed to the resilience and vitality of my community. If I can be helpful to the Portland Development Corporation and neighboring communities, I would welcome the opportunity to discuss with you further.

Warmly,
Nikki Yanok

City of Portland | City Clerk's Office
Ashley Rand, City Clerk



To: Mayor and City Councilors
From: Ashley Rand, City Clerk
Date: September 10, 2024
Re: Appointment to Portland Development Corporation

The Nominating Committee is making the following recommendation to the Portland Development Corporation. The nominating committee met on September 9, 2024 to conduct interviews. These recommendations were voted on 3-0 by the committee.

If passed, this order would appoint the following individuals to the PDC:

Name	Board and Committee	Expiration
------	---------------------	------------

<u>Name</u>	<u>Board or Committee</u>	<u>Expiration of Term</u>
Matthew Buonopane +	Portland Development Corporation	9/30/2027
Eamonn Dundon	Portland Development Corporation	9/30/2027
Scott Kleiman+	Portland Development Corporation	9/30/2027
Beverly Werber	Portland Development Corporation	9/30/2027
Nikki Yanok+	Portland Development Corporation	9/30/2027

+Indicates New Board Member

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

CITY OF PORTLAND
IN THE CITY COUNCIL

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

**ORDER APPOINTING DIRECTORS TO THE BOARD OF THE PORTLAND FISH
PIER AUTHORITY**

ORDERED, that the Portland city Council, acting in its capacity as sole Corporator of the Portland Fish Pier Authority, hereby appoints John Arnold as a Class D Director At-Large and Tracy Pearce as a Class A Director to the Board of Directors of the Portland Fish Pier Authority, both of whose terms shall expire on October 31, 2027.

City of Portland | City Clerk's Office
Ashley Rand, *City Clerk*



To: Mayor and City Councilors
From: Ashley Rand, City Clerk
Date: September 10, 2024
Re: Appointment to Portland Fish Pier Authority
(Merged Fish Exchange)

The Nominating Committee is making the following recommendation to the Portland Fish Pier Authority. The nominating committee met on September 9, 2024 to conduct interviews. These recommendations were voted on 3-0 by the committee.

If passed, this order would appoint the following individuals to the Portland Fish Pier Authority:

Name	Board and Committee	Expiration
<u>Name</u>	<u>Board or Committee</u>	<u>Expiration of Term</u>
John Arnold	Portland Fish Pier Authority (Class D, At-large)	10/31/2027
Tracy Pearce+	Portland Fish Pier Authority (Class A Director)	10/31/2027

+Indicates New Board Member

John H Arnold

City of Portland | Generated 8/27/2024 @ 7:43 am by OnBoardGOV - Powered by ClerkBase

Status

Name John H Arnold
Application Date 8/19/2024
Expiration Date 8/19/2025
Status Received

Board	Vacancies	Status
Portland Fish Pier Authority (Merged Fish Exchange)	2	Pending

Basic Information

Name
John H Arnold

Contact Information

Address
17 Kenwood Street
PORTLAND, ME 04102

Email
[REDACTED]

Phone
[REDACTED]
[REDACTED]

Additional Information

Notes

Generated 8/27/2024 @ 7:43 am

John H. Arnold
17 Kenwood Street
Portland, ME 04102

SUMMARY

Environmental compliance, administrative and public affairs program development and management.
Currently Retired.

EXPERIENCE

Maine Yankee, Connecticut Yankee, and Yankee Atomic
Executive Assistant

2004 – 2022

Worked part time to provide administrative support to Boards of Directors, CEO and Operations department in editing reports, setting up meetings and other duties.

Maine Yankee Atomic Power Company, Wiscasset, ME
Special Projects 1997-2004

1984 - 2004

Immediately rehired as contract employee to work for President in editing periodic reports to the Board of Directors and facilitating the activities of a Board subcommittee and a permanent management assessment committee

Senior Environmental Engineer 1990-1997(Retired from Maine Yankee 10/97)

Project manager for obtaining plant site natural resource inventory mapping, Site Location of Development Permit, air and water licenses renewal, UST compliance program, ground water monitoring program, and dredge spoil spreading area and management system assessment. Drafted corporate Environmental Health and Safety (EHS) manual using ISO 14000 guidelines. Oversaw compliance with environmental permits and regulations. Coached plant hazardous waste and water discharge staff in environmental compliance. Participated in radiological environmental sample collection and reporting. Offered and accepted enhanced early retirement program.

Public Affairs Director 1984-1989

Directed public relations program for nuclear power plant in environmentally conscious state. Corporate Spokesperson. Directed emergency communications program and planning. Managed energy information center, community relations, educational services, speaker's bureau, and employee communications. Staff: Ten. Budget: \$1 million.

Central Maine Power Company, Augusta, ME
Environmental Results Coordinator 1980-1984

1977-1984

Directed environmental compliance effort for permits, laws, and regulations governing the operation of hydroelectric, fossil, and nuclear electricity generating stations, and hazardous waste management, asbestos monitoring and disposal program, and hearing conservation program for power stations.

Staff Assistant Engineering Department 1977-1980

Coordinated environmental permitting effort for construction of coal-fueled generating station. Analyzed use options for coal plant byproducts.

Central Maine Power Company, Searsport, ME 1975-1980
Area Relations Coordinator 1975-1980
Responsible for community and media relations programs for proposed nuclear, coal, and hydro construction projects

Full time work for church 1972-1974

Regional Assistant 1972-1974
Facilitated workshops for students at colleges and adults at churches in the Middle Atlantic States.

University of Rhode Island 1971-1972

Graduate Assistant 1971-1972
Hosted visits of groups of international marine scholars and conducted research in sustainability of world marine fish stocks.

Virginia Electric and Power Company 1970

Marine Biologist 1970
Conducted ecological surveys on rivers in the vicinity of fossil and nuclear electricity generating stations.

U.S. Navy Nuclear Submarine 1965-1969

Line Officer 1965-1969
Qualified Officer of the Deck and Engineering Officer of the Watch on board the USS Gato SSN 615.

EDUCATION

BS Zoology (Fishery Option), North Carolina State University, Raleigh 1965

Master of Marine Affairs, University of Rhode Island (URI) 1971

One year Graduate work toward Ph.D. oceanography and international marine issues, URI 1972

COMMUNITY SERVICE

Portland Fish Exchange Board of Directors 2022 - 2024
Camden, ME Community and Economic Development Committee
Winthrop, ME Town Planning Board Chair
Searsport, ME Town Chamber of Commerce President
Searsport, ME Cargo Port Development Council, Vice Chair

August 19, 2024

John H. Arnold
17 Kenwood Street
Portland, ME 04102

Bill Needleman
Waterfront Coordinator
Housing and Economic Development Department
City of Portland, Maine
389 Congress Street
Portland, Maine 04101-3509

Subject: Application for Seat 6 on Portland Fish Pier Authority

Dear Mr. Needleman:

It has been an honor and privilege to serve with you and the other Portland Fish Exchange staff and Board members since March of 2022. Portland Fish Pier Authority Seat 6, which I currently hold, expires on October 31, 2024. This letter is my application for this seat effective November 1, 2024.

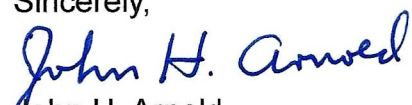
Should you and the City Council see fit to appoint me to Seat 6, my goals would be to work with you and the other Board members to complete the melding of the two Boards into one harmonious Board that fully represents the interests of the fishing industry and other Fish Pier interests and activities. I would also like to assist with helping to better integrate Fish Pier activities with the Portland community and related interests. I am open to help in other areas where I can bring value.

Please know that whatever decision is made on my application, I really appreciate the opportunity to be part of this important endeavor and will do what I can to continue to assist if I can.

Thank you very much for your continued dedicated service to the City of Portland and the Portland Waterfront.

Thank you very much for your consideration of my application.

Sincerely,


John H. Arnold

Tracy Pearce

[REDACTED]
628 New Gloucester Road
North Yarmouth, ME 04097
[REDACTED]

Background

I am the spouse of Brian Pearce who is an active owner, operator and multi species permitholder of Danny Boy Fisheries Inc, F/V Gracelyn Jane. Brian has landed fish and berthed at PFE for over 20 years. I have completed bookkeeping and other administrative tasks for the business since inception.

As recent empty nesters, I feel that I have the time needed to take on additional involvement with other groups. Areas of my professional and volunteer experience that could prove useful as a board member on the Pier Authority are noted below.

Experience

Gen Re, 1999 – present

- Currently hold the position of Vice President, Group and Health Client Operations.
- Collaborate with management team on requests for proposals, contract amendments and other contractual needs.
- Work with clients to onboard or offboard accounts.
- Manage team members and consultants to ensure timely and accurate transactions.
- Represent the business area on IT tickets and project work.

Tuttle Road Community Church, 2006- present

- Present role is Chair, Staff Parish Relations Committee.
- Meet as needed with committee to discuss any staffing changes or needs.
- Attend monthly Council meetings and address/vote any topics related to the building, finance, or outreach.

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/7306/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 4:00pm.

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

Councilors Absent: Councilor Ali

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

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

ANNOUNCEMENTS:

Mayor Dion opened the floor for Council announcements. The following Councilors spoke:

Councilor Phillips

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Special City Council Meeting-August 19, 2024-4:00PM

Special City Council Meeting-August 19, 2024-5:30PM

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

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

PROCLAMATIONS:

Proclamation 4-24/25 Honoring the Portland 11/12 Year Old All Stars Baseball Team - Sponsored by Regina Phillips, City Councilor

Councilor Philips read Proclamation 4-24/25 Honoring the Portland 11/12 Year Old All Stars Baseball Team into the record.

Proclamation 5-24/25 Recognizing September 13 to September 22, 2024 as Welcoming Week - Sponsored by Mark Dion, Mayor

Mayor Dion read Proclamtino 5-24/25 Recognizing September 13 to September 22, 2024 as Welcoming Week into the record.

Proclamation 6-24/25 Recognizing September 2024 as African Immigrant Heritage Month - Sponsored by Mark Dion, Mayor

Mayor Dion read Proclamation 6-24/25 Recognizing September 2024 as African Immigrant Heritage Month into the record.

Proclamation 7-24/25 Honoring the 111th Anniversary of Thomas Park - Sponsored by Mark Dion, Mayor

Councilor Phillips read Proclamation 7-24/25 Honoring the 111th Anniversary of Thomas Park into the record.

RESOLUTIONS:

Resolve 1-24/25 Calling for the Divestment of Funds from Entities Complicit in the Humanitarian Crisis in Gaza - Sponsored by April Fournier, City Councilor

Motion was made by Councilor Fournier and seconded by Councilor Bullett for passage. Passage 8-0 (Councilor Ali Absent)

Mayor Dion opened the floor for public comment. The following individuals spoke: Jane Levison (Portland Resident), Lathem Atery (Cumberland Street), Robert Rosen (Merrymeeting Drive), Jamel Lavesser (Former Portland Resident), David Klein (Wex), Dean Haliad (Portland Resident), Sally Bowden-Schaible (Birchvale Drive), Zoey Grawski (Portland Resident), Devon (Portland Resident), Tim Paradis (Portland Resident), Basil (Portland Resident), Rachel Stella (District 2), Julie Krazney (Portland Resident), Hally Herds (Portland Resident), Mahal (Portland Resident), Marim (Portland Resident), Ashley Enbar (Carriage Lane), Gwendoline Forest (Portland Resident), Beth Dingus (Portland Resident), Julia Balin (Former Portland Resident), Kate Fishman (Portland Resident), Hariah (Portland Resident), Matt Zucker (Portland Resident), Beth Kats (Portland Resident), Kathy MacVane (Portland Resident), John Collins (Biddeford Resident), Joey Nelson (Sherwood Street), Steven Cope (Portland Resident), Kate Vhon (Woodfords Street), Alex Barber (Granite Street), Rabi (Portland Resident), Jackie (Portland Resident), Tim (Portland Resident), Abby Fuller (Portland Resident), Jess Saunders (Portland Resident), Abby Alfred (Portland Resident), Sarah Snyder (South Portland Resident), Laura Rosen (Portland Resident), Robert (Portland Resident), Grace (Southern Maine Workers Center), Wes Pelletier (District 2), Jenna (Portland Resident), Lilly Barter (Portland Resident), Leo Hilton (West End), Robert Pantel (Portland Resident), Amanda (District 2), Greg (Southern Maine Workers Center), Adrian (Portland Resident), Max Whipery (Portland Resident), Jim Kenny (Portland Resident), David (District 1), Lilly (Portland Resident), Nory Hilton (Portland Resident), Lisa Sciliano (Pastor in Portland), Corey (Munjoy Hill), Jack Knoll (Portland Resident), Sunny (Portland Resident), Jay Gruber (District 2), Ira Shaperio (Back Cove), Hannah Tanhouser (South Portland Resident), Dan Soley (Portland Resident), Greg Gould (Milton Street), Jenna Morse (South Portland), Dawn (Caregiver), Willy (Portland Resident), Dana (Portland Resident), Meredith (Portland Worker), Will (Portland Worker) Enzo (Portland Worker), Councilor Fournier, Brendan O'Connell (Finance Director), Councilor Trevorrow, Councilor Pelletier, Mayor Dion

UNFINISHED BUSINESS:

Order 11-24/25 Approving and Authorizing City Manager to Execute the Amended and Restated Lease Agreement With DBH Portland, LLC, for use of Hadlock Stadium for the Portland Seadogs - Sponsored by the Housing and Economic Development Committee, Pious Ali, Chair

Motion was made by Councilor Rodriguez and seconded by Councilor Sykes for passage as an emergency. Passage 8-0 (Councilor Ali Absent)

Mayor Dion opened the floor for public comment. The following individuals spoke: Ed Palmer (Portland Seadogs Employee), David Brennerman (Former Mayor/Councilor),

Gretchen Span (Portland Resident), Ed Suslovic (Former Mayor/Councilor), Geoff Iacuesssa (Portland Seadogs President), David Bragdon (District 3) , Councilor Rodriguez, Councilor Bullett, Mayor Dion

*Passed as an emergency. Takes effect immediately

Order 41-24/25 Approving Three-Party Partnership Agreements Between the City of Portland, the Maine Department of Transportation, and the Portland Area Comprehensive Transportation System RE: Improvements to Riverside Street and Washington Avenue - Sponsored by Danielle P. West, City Manager

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

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

Order 42-24/25 Accepting and Appropriating a \$90,000 Donation and a \$30,000 Grant for the Lincoln Park Fence Project - Sponsored by Danielle P. West, Manager

Motion was made by Councilor Trevorrow and seconded by Councilor Sykes for passage. Passage 8-0 (Councilor Ali Absent)

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

Order 43-24/25 Amendment to the Portland City Code Chapter 6 RE: National Electric Code - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Sykes and seconded by Councilor Trevorrow for passage. Passage 8-0 (Councilor Ali Absent)

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

ORDERS:

Order 44-24/25 Approving Assignment of the Lease Agreement and the Agreement RE: Parking at the Spring Street Garage Held by Portland Hockey LLC to Powerplay LLC - Sponsored by Danielle P. West, City Manager

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

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

Order 45-24/25 Appropriating \$1,080,000 from the Jill C. Duson Housing Trust Fund to YFO Resource Hub LP RE: 337 Cumberland Avenue - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair

This is first reading.

Order 46-24/25 Approving an Amendment to the 337 Cumberland Avenue Affordable Housing Development and Tax Increment Financing District RE: 337 Cumberland Avenue - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair

This is first reading.

Order 47-24/25 Approving an Amended Credit Enhancement Agreement the 337 Cumberland Avenue Affordable Housing Tax Increment Financing District RE: 337 Cumberland Avenue - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair.

This is first reading.

Order 48-24/24 Accepting and Appropriating a \$372,000 United States Department of Justice Assistance Grant for the Police Department Hazardous Devices Unit - Sponsored by Danielle P. West, City Manager

This is first reading.

AMENDMENTS:

EXECUTIVE SESSION:

ADJOURNMENT:

Motion was made by Councilor Trevorrow and seconded by Councilor Fournier to adjourn. Passage 8-0 (Councilor Ali absent) at 9:29pm.

A TRUE RECORD

Ashley Rand, City Clerk

SPECIAL MEETING:

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

P R O C L A M A T I O N
**CELEBRATING THE PORTLAND SYMPHONY ORCHESTRA'S 100TH
ANNIVERSARY SEASON**

WHEREAS, The Portland Symphony Orchestra was founded in 1924.

WHEREAS, The Portland Symphony Orchestra's mission is to enrich lives through music.

WHEREAS, The Portland Symphony Orchestra's 40 mainstage concerts each season attracts over 40,000 people from Maine, New England, and beyond.

WHEREAS, The PSO reaches over 20,000 students and educators through hundreds of educational events each school year.

WHEREAS, PSO concert attendees support local businesses during their visits, helping contribute \$1.2 million dollars to the Portland economy annually.

WHEREAS, In its 100th anniversary season, the Portland Symphony Orchestra commits to celebrating both local talent and renowned artists, serving as a catalyst for collaborations with Maine artistic partners, and meeting new audiences in their communities across the state.

NOW, THEREFORE, BE IT RESOLVED, THAT I, Mark Dion, Mayor of the City of Portland, Maine, and members of the Portland City Council, do hereby proclaim and celebrate the Portland Symphony Orchestra's 100th anniversary and encourage all citizens to join in commemorating this milestone and recognizing the immense contribution of the Portland Symphony Orchestra to the artistic and cultural community of Portland.

Signed and sealed this 16th day of September, 2024



**Mark Dion, Mayor
City of Portland**

P R O C L A M A T I O N
RECOGNIZING
TOGETHER REACHING UNITY

- WHEREAS,** Together Reaching Unity (TruSports) is a Maine-based organization founded in 2011 by Maine high school alumni with the mission of “giving back to our community”; and
- WHEREAS,** for the past 14 years, TruSports has provided free mentorship programming to more than 2,500 youth through its numerous programs, including the annual free Summer Slam, Winter Jam, TRU Leadership Program, TRU Career and Job Fairs, and the Elite All-Star Showcase; and
- WHEREAS,** TruSports has inspired hundreds of Maine youth to reach successful and rewarding lives by demonstrating social justice, equality, and the strength and power of bringing our communities together to promote leadership, education, health, and wellness at a time when youth need it most; and
- WHEREAS,** in 2022, TruSports launched the Community Assist Initiative (Ball Together), resulting in the renovation of the Eastern Promenade basketball court, followed by the renovation of the Fox Street basketball courts in 2023, both featuring exclusive glass backboards with community collaborative designs; and
- WHEREAS,** TruSports, with its affiliation to the national basketball community, is committed to the financial support necessary to complete the renovation of the Deering Oaks courts in 2025 and Payson Park courts in 2026; and
- WHEREAS,** in recent years, TruSports has partnered with the Portland Police Department’s Community Policing Offices to expand and facilitate their National Night Out program, and has collaborated with numerous community agencies to create opportunities for youth to pursue and achieve their higher education and career goals; and
- WHEREAS,** TruSports will continue to partner with the City of Portland Police Department and Parks and Recreation to host the annual community collaborative Summer Slam program for the foreseeable future;

NOW, THEREFORE, BE IT RESOLVED, THAT I, Mark Dion, Mayor of the City of Portland, Maine, and members of the Portland City Council, do hereby recognize and commend Together Reaching Unity for their outstanding commitment to the youth of our community, their dedication to mentorship, and their efforts in fostering leadership, education, health, and wellness. We celebrate their contributions and the positive impact they have made in Portland and beyond.

Signed and sealed this 16th day of September, 2024



Mark Dion, Mayor
City of Portland

PROCLAMATION
RECOGNIZING
SEPTEMBER 15TH TO OCTOBER 15TH, 2024 AS
HISPANIC HERITAGE MONTH

- WHEREAS,** each year from September 15th to October 15th, America acknowledges the vital contributions of and celebrates our Hispanic/Latinx heritage; and
- WHEREAS,** the date of September 15 is significant as the anniversary of independence for Latin American countries Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua. In addition, Mexico and Chile celebrate their independence days on September 16 and September 18, respectively; and
- WHEREAS,** Hispanic/Latinx Americans have written crucial chapters of our nation's history, honorably defended our country in war and built prosperity during times of peace; and
- WHEREAS,** this community runs successful businesses, teaches our next generation of leaders, and pioneers scientific and technological breakthroughs; and
- WHEREAS,** Hispanic/Latinx Americans represent an array of distinct and vibrant cultures, each of which enriches our communities in valuable ways; and
- WHEREAS,** Hispanic/Latinx leaders like César E. Chávez have marched for social justice and helped advance America's journey toward a more perfect Union; and
- WHEREAS,** there are numerous Hispanic/Latinx students in our City's schools, colleges, and adult education programs, representing one of the fastest-growing segments of our youth; and
- WHEREAS,** we are grateful for the many contributions Hispanic/Latinx American men and women and organizations like Presente Maine add to our community and the vibrancy they weave into the city of Portland;

NOW, THEREFORE, BE IT RESOLVED, THAT I, Mark Dion, Mayor of the City of Portland, Maine and members of the City Council do hereby declare September 15th to October 15th, 2024 Hispanic/Latinx Heritage Month and invite residents to exercise inclusiveness and celebrate diversity, this month and every month.

Signed and sealed this 16th day of September, 2024



Mark Dion, Mayor
City of Portland

**CITY OF PORTLAND
IN THE CITY COUNCIL**

PROCLAMATION

**RECOGNIZING
SEPTEMBER 30, 2024 AS
NATIONAL DAY OF REMEMBRANCE FOR U.S. INDIAN BOARDING SCHOOLS**

- WHEREAS,** the City of Portland stands in solidarity with Maine tribal, regional, state and national governments to recognize the traumatic and harmful history of Indian Boarding Schools; and
- WHEREAS,** in 2021, over 1,200 unmarked graves were discovered at Indian Residential School sites in Canada, prompting the U.S. to confront its own history with Indian Boarding Schools; and
- WHEREAS,** the U.S. established nearly 400 Indian boarding schools through policies beginning with the Indian Civilization Act of 1819, with many operated by religious organizations or the government; and
- WHEREAS,** by 1926, it is estimated that 83% of Native American children were forcibly removed and placed in these schools; and
- WHEREAS,** the Maine Wabanaki-State Child Welfare Truth and Reconciliation Commission recognized the cultural genocide of the Wabanaki people through displacement and the violation of tribal sovereignty; and
- WHEREAS,** On September 30, 2021 Congresswoman Sharice Davids, a member of the Ho-Chunk Nation, introduced H.R.5444 - Truth and Healing Commission on Indian Boarding School Policies Act in response to the discoveries made in the United States and Canada in previous years. This commission was intended to begin the process of investigating and analyzing the records from the 408 known Indian boarding schools..
- WHEREAS,** on May 11, 2022, the first volume of the Federal Indian Boarding School Initiative Investigative report was published by the Department of the Interior indicating that more than 50 burial sites had been discovered at United States Boarding School locations; and
- WHEREAS,** in her presentation of this volume to the public, Secretary of the Interior Debra Haaland, Laguna Pueblo, said *“The consequences of federal Indian boarding school policies — including the intergenerational trauma caused by the family separation and cultural eradication inflicted upon generations of children as young as 4 years old — are heartbreaking and undeniable”*;
- NOW, THEREFORE, BE IT RESOLVED, THAT I,** Mark Dion, Mayor of the City of Portland, and members of the City Council do hereby recognize September 30, 2024 as a Day of Remembrance for U.S. Indian Boarding Schools.

Signed and sealed this 16th day of September, 2024



**Mark Dion, Mayor
City of Portland**

**CITY OF PORTLAND
IN THE CITY COUNCIL**

PROCLAMATION

**RECOGNIZING
SEPTEMBER 23RD TO SEPTEMBER 29TH AS
DIAPER NEED AWARENESS WEEK 2024**

- WHEREAS,** diaper need is the condition of not having a sufficient supply of clean diapers to keep babies and toddlers clean, dry, and healthy and can adversely affect the health and well-being of babies, toddlers, and their families; and
- WHEREAS,** national surveys and research studies report a significant number of families struggles with diaper need, with many delaying changing a diaper to extend the available supply; and
- WHEREAS,** infants and toddlers go through six to 12 diapers each day during the two to three years they wear diapers; and
- WHEREAS,** diaper banks across the country saw enormous increases in demand for diapers and expanded their distribution of diapers by an average of 86 percent during the COVID-19 Pandemic; and
- WHEREAS,** a daily or weekly supply of diapers is generally an eligibility requirement for babies and toddlers to participate in child care programs and quality early-education programs that enable children to thrive and parents to work; and
- WHEREAS,** without enough diapers, babies and toddlers risk infections and health problems that may require medical attention, resulting in medical costs, destabilizing a family's economic prospects and well-being; and
- WHEREAS,** Portland is proud to be home to trusted community-based organizations that distribute diapers through various channels; and
- WHEREAS,** the staff and volunteers at diaper banks continue to serve on the front lines of Portland's pandemic response by helping families in our communities weather the crisis while experiencing greatly increased demand for diapers due to the pandemic and economic shutdown; and
- WHEREAS,** the people of Portland recognize that diaper need is a public health issue, and that diaper banks play a critical role in supporting families and advancing our collective economic growth; and

NOW, THEREFORE, BE IT RESOLVED, THAT I, Mark Dion, Mayor of the City of Portland, Maine and the members of the Portland City Council do hereby declare September 23rd to September 29th as Diaper Need Awareness Week in the city of Portland, and invite residents of Portland to thank the dedicated volunteers and staff of diaper banks for their meaningful service during this crisis, and to spread awareness of this important issue so that all of Portland's children and families can thrive and reach their full potential.

Signed and sealed this 16th day of September, 2024



**Mark Dion, Mayor
City of Portland**
Page 67

MEMORANDUM
City Council Agenda Item

FROM:

DATE: September 9, 2024

SUBJECT: Order 53-24/25 Order Appointing Members to Various Boards & Committees -
Sponsored by Mark Dion, Chair of Legislative and Nominating Committee

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

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

**Final
Action**

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

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

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

I. SUMMARY

II. AGENDA DESCRIPTION

If passed, this order would appoint the following individuals to various boards and commissions:

<u>Name</u>	<u>Board or Committee</u>	<u>Expiration of Term</u>
Eric Larsson	Board of Assessment Review	9/30/2027
Kim Vandermeulen	CDBG	9/30/2027
Natalie King	CDBG	9/30/2027
Michael Hutchins	Historic Preservation	11/30/2027
Marie Gray	Parks Commission (Friends of Deering Oaks Park)	6/30/2027
Joey Brunelle	Police Citizen Review Board	3/31/2026
Tim Wells	Portland Housing Authority (Filing Vacant Term)	6/30/2025
Diane Herrmann	Portland Housing Authority (Filing Vacant Term)	6/30/2027
Cody Austin Sims	Rent Board	3/31/2027

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

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

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. Appointment - Appointing Members to Various Boards & Commissions
2. Board & Committee Appointment-Variou Boards - 09.16.2024
3. Application Packet

Prepared by:

Date: 09/09/2024

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

ORDER APPOINTING MEMBERS TO VARIOUS BOARDS & COMMITTEES

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

<u>Name</u>	<u>Board or Committee</u>	<u>Expiration of Term</u>
Eric Larsson	Board of Assessment Review	9/30/2027
Kim Vandermeulen	CDBG	9/30/2027
Natalie King	CDBG	9/30/2027
Michael Hutchins	Historic Preservation	11/30/2027
Marie Gray	Parks Commission (Friends of Deering Oaks Park)	6/30/2027
Joey Brunelle	Police Citizen Review Board	3/31/2026
Tim Wells	Portland Housing Authority (Filing Vacant Term)	6/30/2025
Diane Hermann	Portland Housing Authority (Filing Vacant Term)	6/30/2027
Cody Austin Sims	Rent Board	3/31/2027

BE IT FURTHER ORDERED, that these appointments are enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter, in order to allow the appointees to begin work immediately.

City of Portland | City Clerk's Office
Ashley Rand, City Clerk



To: Mayor and City Councilors
From: Ashley Rand, City Clerk
Date: September 10, 2024
Re: Appointment to Various Boards and Committees

The Nominating Committee is making the following recommendation to the City Council. The nominating committee met on September 9, 2024 to conduct interviews. These recommendations were voted on 3-0 by the committee.

If passed, this order would appoint the following individuals to various board and committees:

Name	Board and Committee	Expiration
<u>Name</u>	<u>Board or Committee</u>	<u>Expiration of Term</u>
Eric Larsson	Board of Assessment Review	9/30/2027
Kim Vandermeulen+	CDBG	9/30/2027
Natalie King+	CDBG	9/30/2027
Michael Hutchins+	Historic Preservation	11/30/2027
Marie Gray	Parks Commission (Friends of Deering Oaks Park)	6/30/2027
Joey Brunelle+*	Police Citizen Review Board	3/31/2026
Tim Wells+*	Portland Housing Authority (Filing Vacant Term)	6/30/2025
Diane Hermann+*	Portland Housing Authority (Filing Vacant Term)	6/30/2027
Cody Austin Sims+*	Rent Board	3/31/2027

+Indicates New Board Member

* Indicates filing an expired term

**Eric Larsson
65 Berkeley Street
Portland, ME 04103**



PROFESSIONAL EXPERIENCE

Eric Larsson, Attorney at Law

2008 - Present

Legal practice focused on land use and zoning.

Maine Land Use Planning Commission

Acting Senior Planner, January 2015 – November 2015

Coordinated the development and implementation of policies and regulation for more than 10 million acres of unorganized territories in Maine to address a variety of land use planning issues.

Greater Rochester Housing Partnership

Project Manager, 2001-2005

Oversaw startup of city-wide acquisition-rehabilitation program to redevelop distressed properties for first-time homebuyers. Developed and managed systems to review and select candidate properties. Coordinated due diligence, underwriting and marketing. Managed contracts with developers and builders. Wrote and managed grants for County, State and Federal funding. Responsible for regulatory compliance and reporting.

Young and Associates

Project Manager, 2000- 2001

Represented wireless telecommunications carriers in coordination and development of wireless communication sites including site identification, negotiation of property interests, coordination of architectural and engineering design, preparation and presentation of zoning applications to local permitting authorities, and coordination of construction.

Eric M. Larsson, Attorney at Law

Attorney, 1995 - 2000

Established law practice with primary areas of practice in transactional real estate, land use regulation, appellate representation, and criminal defense. Admitted in Maine state courts and United States District Court in the District of Maine.

EDUCATION

Eric Larsson – Page 1 of 2

University of Southern Maine, Muskie School of Public Service
Masters in Policy Planning and Management, 2016

New York University School of Law
J.D., awarded 1993.

Earlham College
B.A., Mathematics, awarded 1985.
Howard Alexander Mathematics Prize
Henry Sidwell Award Mathematics Scholarship

VOLUNTEER AND CIVIC INVOLVEMENT

Portland Zoning Board of Appeals, 2013 – 2021

Board Member, Friends of Woodfords Corner, 2016 - Present

SELECTED PUBLICATIONS

Challenge to Government's Monetary Exaction on Land Development, Thomson Reuters (2017)

Proof of Discriminatory Effect of Zoning or Land Use Practices Resulting in Urban Gentrification, Thomson Reuters (2017)

Proof of Notice or Lack of Notice in Zoning or Land Use Proceedings, Thomson Reuters (2015)

Standing of Private Owners and Others with Interest in Affected Real Property to Initiate or Participate in Eminent Domain and Inverse Condemnation Actions, Thomson Reuters (2014)

Proof of Violation of State Open Meeting or Sunshine Law, Thomson Reuters (2012)

Application of Anti-SLAPP ("Strategic Lawsuit Against Public Participation") Statutes to Real Estate Development, Land Use, and Zoning Disputes, Thomson Reuters (2011)

Appraiser's Third-Party Liability for Negligent Appraisal of Real Property, Thomson Reuters (2011)

Mr. Kim Vandermeulen

City of Portland | Generated 8/27/2024 @ 7:39 am by OnBoardGOV - Powered by ClerkBase

Status

Name Mr. Kim Vandermeulen
Application Date 8/12/2024
Expiration Date 8/12/2025
Status Received

Board	Vacancies	Status
CDBG (Annual Allocation Committee)	0	Pending

Basic Information

Name
Mr. Kim Vandermeulen

Contact Information

Address
92 Maine Avenue
PORTLAND, ME 04103

Email
[REDACTED]

Phone
[REDACTED]

Cell Phone
[REDACTED]

Additional Information

Notes

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KIM M. VANDERMEULEN

92 Maine Avenue, Portland, Maine 04103
[REDACTED]

EXPERIENCE

2018-Present, Alternative Manufacturing Inc. Winthrop, Maine
Chief Financial Officer and Board Chair

- Over see Corporate financial performance
- Prepare in-house financial reports
- Consult with management team on corporate strategy

2003- 2018, Alternative Manufacturing Inc., Winthrop, Maine
President and Chief Executive Officer

- Manage overall corporate direction
- Report to and work with Board of Directors
- Directed transition to full employee ownership of company

2000-2003, Alternative Manufacturing Inc., Winthrop, Maine
Vice President, Chief Financial Officer

- Manage Financial Department
- Develop and Implement a revised capital structure

1997-2000, Alternative Manufacturing Inc., Winthrop, Maine
Vice President in Charge Quality and Process Control

- Led project to obtain ISO 9002 Registration in 1998
- Led implementation of enterprise-wide software for business management
- Manage the Quality Department

• 1981-1997, Vandermeulen, Goldman & Allen, P.A., Augusta, Maine
Attorney-Partner, general practice law firm

- Established well-known specialization in insolvency and bankruptcy law, Member of the American Bankruptcy Institute
- Significant legal work in environmental law and land use planning
- Maine Bar Association, Bar Journal Editorial Board, Lawyer Referral Service Committee and Medical Malpractice Mediation Panel

1976-1981, Pine Tree Legal Assistance, Inc., Presque Isle & Augusta, Maine

- Staff Attorney, Presque Isle, 1976-1977
- Managing Attorney, Augusta, 1978-1980
- Co-director of training and litigation, 1980-1981

EDUCATION

1973–1976, Northeastern University, School of Law,
Boston, Massachusetts

- J.D, 1976
- Cooperative Intern experience in human rights law, consumer law, environmental law, criminal law and legal services
- Teaching Assistance in School of Law Moot Court Program

1969-1973, University of Colorado, Boulder, Colorado

- B.S., Electrical Engineering, 1973
- Honors Program School of Electrical Engineering Minor in Philosophy

PUBLIC ACTIVITIES

1978-1980, Planning Board, Richmond, Maine

1980-1981, Member Maine State Health Coordinating Council

1991-1997, Member Advisory Council to the Maine State Office of Economic Development regarding economic development loans

1994-2001, Member School Board of St. Mary's School, Augusta, Maine

1993-2002, Ad hoc executive committee for the Kennebec Valley YMCA Stingray Youth Swim Team

2004 - 2013, Board Member, Nezinscott Guild, Turner, Maine – Non profit organization employing disabled adults

2006 - 2014, Member Management Steering Committee for Electronic Manufacturing Services Division of IPC (Association Connecting Electronic Industries, IPC.org)

2011- 2017, Board Member, Kennebec Valley Chamber of Commerce

2011- 2017, Board Member, Maine State Chamber of Commerce

2013 – 2017, Board Member Kennebec Valley YMCA

2012 - 2023, Board Member, Winthrop Chamber of Commerce

2015 – Present, Board Member, Kennebec Land Trust

Kim Vandermeulen

92 Maine Avenue
Portland, Maine 04103



August 12, 2024

City of Portland
389 Congress Street
Portland, Maine 04101

Dear Sir or Ms.:

Please accept my application to serve on the CDBG Allocation Committee. I have uploaded this cover letter as well as my resume.

As you can see from my resume, my professional career has been centered in Central Maine. My wife and I relocated to Portland in June of 2023.

I am semi-retired and continue to work about two days per week in the management team at Alternative Manufacturing Inc. (amiems.com) located in Winthrop, Maine.

I look forward to meeting with you to discuss the committee position.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kim Vandermeulen'.

Kim Vandermeulen

Natalie King

City of Portland | Generated 9/9/2024 @ 4:35 pm by OnBoardGOV - Powered by ClerkBase

Status

Name Natalie King
Application Date 8/26/2024
Expiration Date 8/26/2025
Status Received

Board	Vacancies	Status
CDBG (Annual Allocation Committee)	0	Pending

Basic Information

Name
Natalie King

Contact Information

Address
18 Pya Rd
Portland, ME 04103

Email
[Redacted]
[Redacted]

Additional Information

Notes

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Natalie King, MBA, MPA

18 Pya Road • Portland, ME 04103 • ()

PROFESSIONAL EXPERIENCE

THE SCAN FOUNDATION, PHILANTHROPY

Nov 2022 – Current

Director of Strategic Initiatives

- Developed the 2023-2025 strategic plan for \$260Mn philanthropy in collaboration with cross-functional executive team
- Built two new portfolios from scratch and deployed ~\$1.5Mn inaugural funds for innovative cross-sector partnerships
- Established and implemented strategic and operational tools that serve as the backbone of organizational workflow (dashboards, pitch decks, theory of change, evaluation framework)

INNOSIGHT, STRATEGY & INNOVATION CONSULTING

Jan 2021 – Nov 2022

Senior Associate Dec 2021 – Current

Associate Jan – Dec 2021

Summer Associate June – Aug 2019

- Drive problem solving and client management to help leading healthcare companies solve complex questions about where they should play, who they should serve, and how to reimagine their businesses for tomorrow
- Project and client details are confidential, but illustrative output includes:
 - Developed health equity strategy and roadmap for pharmaceutical and medical device companies
 - Evaluated costs and benefits of payer/provider partnership models for a health system
 - Established new operating model for a healthcare innovation company
 - Led internal 'How We Work' culture change efforts

RAPIDSOS, DATA & TECHNOLOGY STARTUP

Aug – Dec 2020

Healthcare Strategy and Partnerships Consultant

- Established sales pipeline for new healthcare offering by shaping data-informed care management value proposition to potential customers (providers, payers, managed care, government)

EASTERSEALS, COMMUNITY-BASED NONPROFIT

June – Dec 2020

Strategy, Growth, & Innovation Consultant

- Analyzed strategic growth opportunities and facilitated series of Board meetings to align on acquisition strategy
- Developed business and implementation plan for tele-mental health expansion, unlocking \$900K in Congressional funding

DENVER MAYOR'S OFFICE, GOVERNMENT

June – Aug 2018

Bloomberg-Harvard City Leadership Fellow

- Developed wellness strategy for the City of Denver's 15,000 city employees with strong approval from the mayor
- Identified cost-drivers and differentiated health needs among city workers through claims analysis

COLORADO HEALTH INSTITUTE, NONPROFIT THINK TANK

June 2012 – June 2017

Policy Analyst 2014-2017

Research Analyst 2012-2014

- Oversaw \$1Mn statewide health survey, Colorado's primary source for evaluating health care access and affordability
- Developed Colorado's strategic roadmap for a federal program to streamline access to Medicaid for seniors
- Led nation's first state-level ACA analysis, managing team of 15 to share findings with 2,000+ health care leaders
- Coordinated survey and analysis of school health centers that informed a 233% increase in funding to \$5.4 million

COMMUNITY LEADERSHIP

- Founder, Hanover Helpers (Volunteer grocery delivery network for rural seniors during COVID), 2020
- Harvard Transition Term Fellow, Salt Lake City Mayor's Office, 2020
- Board Member, Public Interest Fellowship Program, 2015-2017
- EMT Volunteer, Namibia (2011) and Denver (2012-2014)

EDUCATION

TUCK SCHOOL OF BUSINESS AT DARTMOUTH, *Master of Business Administration (M.B.A.)*

2018–2020

- Tuck Centennial Student Award for outstanding leadership, selflessness, and community involvement

HARVARD KENNEDY SCHOOL OF GOVERNMENT, *Master of Public Administration (M.P.A.)*

2017–2020

- Researcher for senior fellows (consumer healthcare purchasing behaviors and success factors of payer-led social programs)
- Co-Chair of Health Policy Club

COLORADO COLLEGE, *Bachelor of Arts in Global Health (B.A.)*

2008–2012

Dear Rowen McAllister,

I am writing to express my desire to contribute to the vital work of the CDBG Annual Allocation Committee. As a philanthropic strategist with a strong background in both public and business administration, I believe my unique blend of skills and experience aligns perfectly with the committee's mission.

My professional experience as a strategist, facilitator, and communicator has equipped me with the ability to analyze data, prioritize objectives, and build consensus among diverse stakeholders. In my current role as the Director of Strategic Initiatives at a nonprofit philanthropy, I am accustomed to evaluating grant proposals based on their alignment with strategic priorities, feasibility, and potential impact. The CDBG Annual Allocation Committee's focus on scoring and prioritization of opportunities is precisely the type of strategic work I engage in daily. My ability to assess the merits of various proposals and make informed recommendations will be an asset to the committee.

The CDBG program plays a crucial role in addressing the needs of our community, and I am passionate about ensuring that these funds are allocated effectively and equitably. I have a long-standing commitment to building community through service. Early in my career, I was able to shape local and state programs, which instilled in me a sense of connection and passion for local work. Since then, I have been selected to support two Mayor's Offices on strategic initiatives, including the Mayor of Salt Lake City's first 100 Day Plan and the Mayor of Denver's Health and Wellbeing Plan.

I am excited about the opportunity to contribute to the CDBG program and help drive positive change in my adopted home of Portland. Thank you for considering my application.

Sincerely,

Natalie King

Mr. Michael Francis Hutchins, AIA

City of Portland | Generated 8/30/2024 @ 1:24 pm by OnBoardGOV - Powered by ClerkBase

Status

Name Mr. Michael Francis Hutchins, AIA
Application Date 8/23/2024
Expiration Date 8/23/2025
Status Received

Board	Vacancies	Status
Historic Preservation	1	Pending

Basic Information

Name
Mr. Michael Francis Hutchins, AIA

Contact Information

Address
1202 Washington Ave
Portland, ME 04103

Email
[Redacted]
[Redacted]

Notes
Will reserve for if I interview.

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Michael F Hutchins

1202 Washington Avenue • Portland Maine 04103 • 202-761-1111

Qualifications

- Licensed Architect in Maine & New York with over 20 years of residential & commercial design experience
- Skilled in historic preservation design & familiar with Portland's design standards
- Excellent understanding of local and national building, life safety & accessibility codes

Professional Experience

2023 – 2024 East Brown Cow Development

Project Architect Portland Maine

Licensed Maine Architect responsible for management of multiple multi-million-dollar historic rehabilitation projects for company's real estate assets. Working closely with Project Managers for our preferred contractor to minimize design errors and solve problems onsite during construction. Approval of work orders & other construction costs. Hired a master's student intern for a summer and supervised his progress while he earned AXP experience with me as his NCARB supervisor.

2013 – 2022 Archetype Architects

Associate Architect Portland Maine

Lead Project Architect whose responsibilities include design, code analysis, cost estimating, construction administration. Regularly meet with clients to keep design schedules on track and offer solutions to project constraints. Specializing in historic rehabilitation through municipal tax credit & NPS grants. Typically handling 6-8 projects at once in multiple phases of design & construction.

2011 – 2012 SMRT, Inc

Architectural Designer Portland Maine

As a member of the production staff on the Architecture team, my many responsibilities included developing 3D models from which to generate construction drawings. Produced full-color presentation drawings for interviews utilizing Revit and Photoshop. Worked on all phases of design from space planning & conceptual design to design development and IFC sets. Reviewed submittals & shop drawings. Developed 3D parametric families for the firm's Revit libraries. Worked on a multitude of projects ranging from government sector Army Reserve Centers to juvenile correctional facilities in Puerto Rico.

2010 – 2011 General Dynamics/BIW

Designer, 2nd Class Brunswick Maine

Part of a design team responsible for design of electrical and outfitting of state-of-the-art 3-billion-dollar stealth destroyer, DDG-1000, for delivery to the U.S. Navy. Performed 2D extraction from live 3D models onto sheets which were then annotated with dimensions and specs for production. Created and placed 3D pieces through Catia's Generative Design and Structural Design workbenches. Performed design validation and interference checks on all electrical & outfit items. Was given Lead Designer status. An understanding of ABS regulations, overall ship design and other disciplines was essential. Worked in both Catia and AutoCAD platforms using scantlings and C&A drawings to create general arrangement drawings complete with welding symbols, drawing references and other ship specs to meet ABS requirements

2008 – 2009 Windham Millwork, Inc
Draftsman/Engineering Windham Maine

Generated AutoCAD shop drawings for medium and large-scale commercial projects. Created programs on AutoLink which optimized the product for CNC machining.
Compiled and submitted hardware cut-sheets for architect approval. Gained knowledge of laminate, edge banding and solid-surface construction methods.

2005 – 2007 M R Brewer Fine Woodworking, Inc
Designer/Draftsman Portland Maine

Created shop drawings for kitchen cabinets, custom doors, windows and millwork. Designed house plans that met or exceeded current IRC codes for local municipality. Performed take-offs for construction of additions, renovations and custom millwork. Was solely responsible for developing and executing their extensive molding catalog for marketing & distribution.

International Experience

1992 Lived and traveled throughout Spain expanding my knowledge of its language, art and culture while gaining a working knowledge of the language.

Education

1994-1999 Massachusetts College of Art & Design
BFA, Architecture

Abilities

Autodesk AutoCAD 2022, Revit Architecture 2022, Catia/Enovia V5 R14, Procore, Microsoft Office Suite (Word, Excel, PowerPoint, Outlook)

Associations

NCARB
AIA
Portland Society for Architecture

Michael F Hutchins, AIA

1202 Washington Avenue
Portland, ME 04103



August 23, 2024

Dear Historic Preservation Board,

I am pleased to present my resume for your review for a seat on Portland's Historic Preservation Board. I am very familiar with the Board's work in Portland and have even made a number of submissions for certificates of appropriateness over the years while working as an architect at Archetype Architects.

I have over 24 years' experience working in the architecture & construction fields. I started out drafting high-end coastal homes by hand with a small boutique design firm in Kennebunk and gradually worked my way up to my current position as the Project Architect at East Brown Cow Development.

In my current position, I manage a handful of projects in various stages of development. I do extensive code research for many projects and frequently work with code officials to navigate the dense, and sometimes contradictory codes. My passion and particular area of expertise is Historic Rehabilitation which I have spent much of the past 10+ years working on. I am currently licensed in Maine & New York. I have worked on tens of historic rehabilitation projects over the years, my most recent being the ADA addition to the First Parish Church on Congress Street.

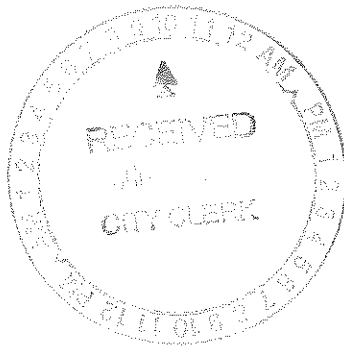
I would be interested to hear more about what type of commitment is involved while serving on the board. I feel like I am well-suited to having a seat on the board and would love the opportunity to get a glimpse of the "other side" of the coin while having some input into the development of the city's historic districts and injecting my years of experience into the board's decision-making process.

I look forward to the opportunity to speak in person.

Kind Regards,

A handwritten signature in black ink, appearing to read "MHutchins", with a long horizontal flourish extending to the right.

Michael F Hutchins, AIA



263 State Street
Portland, Maine 04101
June 8, 2024

Ashley Rand
Portland City Clerk
Portland City Hall
389 Congress Street
Portland, Maine 04101

Dear Ms. Rand,

Please accept my request to be reappointed as the Friends of Deering Oaks representative to the Portland Parks Commission. My resume is enclosed with this letter.

I have served as the FoDO representative since 2018 and in that time I have been privileged to serve with other community members who are ardent believers in the value of parks to a community. I am committed to ensuring that our parks continue to serve as neutral, safe gathering places for individuals and families to enjoy. I am also committed to ensuring that our parks are safe, attentively maintained and nourished. In assessing any of our parks, I use the Twelve Year Old Standard, namely: *That any 12 year old should be able to use safely any part of any of Portland's parks at 2:30 in the afternoon.*

The Parkside neighborhood is densely populated and it is not an overstatement to say that Deering Oaks is the back yard for many individuals and families. It is a place where school sports are played, families gather for picnics, people walk, jog, and cycle through its pathways, children play in the wading pool, farmers display and sell their products. It is a very special place located in the heart of the largest city in the state of Maine. Deering Oaks has also seen many and various challenges. However, the careful and attentive work of the Parks Department and the Deering Oaks Park Rangers are doing so much to ensure that the *Twelve Year Old Standard* is met on a daily basis.

Finally, I am the doting grandmother of 2 amazing grandchildren, and I have spent countless hours enjoying Prospect Park and Greenwood Playground in Brooklyn, New York. If I weren't an advocate of parks before this experience, I certainly would be after seeing what love, concern, and advocacy can do for this essential part of a city's infrastructure.

I am available to discuss my qualifications for continuing as a Parks Commissioner in more detail and I look forward to your response.

Very truly yours,

Marie L. Gray

**Marie Long Gray
263 State Street
Portland, Maine 04101**

[REDACTED]
[REDACTED]
[REDACTED]

RETIRED: August 2009

PRIOR EMPLOYMENT HISTORY:

DEPARTMENT OF HEALTH AND HUMAN SERVICES, REGION 1, Portland, Maine

- ***Mental Health Program Coordinator***, June 2008-August 2009
- ***Director of Regional Homeless Initiatives***, March 2007 –May 2008
- ***Director of Program Development***, January 2001 – February 2007
Responsible for the planning, development and coordination of some of the Regional services provided by State staff and/or community-based provider. From 2004 to February 2007, this work had a particular focus on Departmental services provided to homeless populations
- ***Acting Assistant Regional Director***, May 1999-December 2000
- ***Care Coordinator***, October 1998 –May 1999
Worked extensively with adult and children mental health service providers in York and Cumberland counties to coordinate services and respond to the needs and wants of the consumers, families and communities

PORTLAND WEST (RENAMED *LEARNING WORKS*) Portland, Maine

- ***Director of Community Services***, February 1997-October 1998
Responsible for the planning and administration of the *Community Services Division* for a local social service agency. Responsibilities included the financial and programmatic supervision of 40 units of housing, a family literacy program, Neighborhood Arts Access, the Campership Program, a Teen Center, and an agency-community newspaper.
- ***Program Director, EVEN START Family Literacy Program***, April 1995-January 1997
Developed from its inception, and then administered a family literacy program for 25 high-risk families in the Reiche School neighborhood. Supervised a 5 member staff; prepared annual budgets; conducted staff and program evaluations; prepared and submitted grant proposals and annual performance and financial reports

SOUTH PORTLAND HOUSING AUTHORITY, South Portland, Maine

- ***Deputy Executive Director***, February 1992-October 1994
Implemented 2 housing authority initiatives: the Family Self Sufficiency Program and a home ownership program for public housing authority residents; planned and executed the marketing of an elder housing development; prepared and submitted grant applications and annual reports; articulated the housing authority's mission and programs to area businesses, community members, housing authority residents and public bodies; managed the community services department which provided and expedited support services for residents.

**NEW ENGLAND REGIONAL COUNCIL OF THE NATIONAL ASSOCIATION OF HOUSING
AD REDEVELOPMENT OFFICIALS, Portland, Maine**

- ***Regional Service Officer***, June 1987-February 1992
Published quarterly newsletters and annual reports; organized and marketed mid-winter and annual conference, and periodic workshops; provided staff support for Executive Board and regional/national committees; expanded membership base and services; researched topics of Executive Board interest/concern.

PORTLAND HIGH SCHOOL, Portland, Maine

- *Biology Teacher*, 1984-1987
- *Teacher, Dropout Prevention Program*, 1983-84.

PORTLAND PUBLIC SCHOOLS, Portland, Maine

- *Assistant Director, Portland Adult and Community Education*, Sept. 1977-Sept. 1983

UNIVERSITY OF SOUTHERN MAINE, Portland, Maine

- *Director, Urban Adult Learning Center*, July 1974-August 1977
- *Curriculum Coordinator, Urban Adult Learning Center*, November, 1973-June, 1974
- *Instructor/Counselor, Urban Adult Learning Center*, September, 1970-November 1973

COUNCIL FOR TOBACCO RESEARCH, New York, New York

- *Assistant Director of Literature Research*, February, 1968-June, 1970

VOLUNTEER AFFILIATIONS:

- **PARKSIDE NEIGHBORHOOD ASSOCIATION BOARD OF DIRECTORS:** 1989 to the present. Currently serving as treasurer
- **MAINE MEDICAL CENTER** 2009 to the present
- **FRIENDS OF DEERING OAKS BOARD OF DIRECTORS:** 2015 to the present
- **GROUP MAIN STREAM (GMS) BOARD OF DIRECTORS** 2000 to present. Currently serving as Board President

OTHER PROFESSIONAL EXPERIENCE:

- **SMALL BUSINESS OWNER**, March 1986-February 1992
Started and successfully ran a part-time specialty gifts delivery business

EDUCATIONAL BACKGROUND:

1995-Present Numerous CEU's earned through a variety of professional activities
1985-1987 Eighteen credit hours in advanced mathematics.
Long Island University, New York, in conjunction with Portland Public Schools
1974-1982 Fifteen credit hours in the Master's Degree Program in Adult Education,
University of Southern Maine
1969-1970 New York University, New York, New York
M.A. Communications in Education
1963-1967 Catholic University of America, Washington, D.C.
B.A. Biology

REFERENCES AVAILABLE ON REQUEST

Joey Brunelle

City of Portland | Generated 8/27/2024 @ 7:36 am by OnBoardGOV - Powered by ClerkBase

Status

Name Joey Brunelle
Application Date 8/8/2024
Expiration Date 8/8/2025
Status Received

Board	Vacancies	Status
Police Citizen Review Subcommittee	1	Pending

Basic Information

Name
Joey Brunelle

Contact Information

Address
11 Parris St.
Apt 3
Portland, ME 04101

Email
[REDACTED]

Cell Phone
[REDACTED]

Additional Information

Notes

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Joey Brunelle

Portland, ME

WORK

2008 - Present

Graphic Designer & Web Developer (*consulting & full-time*)

I've designed and developed branding, marketing materials, and websites for startups and small companies.

COMMUNITY

2018

Board Member, Pride Portland

2017-18

Vice Chair, Platform Subcommittee, Democratic State Committee

2016-17

Appointed Member, India Street Clinic Transition Committee

2015-16

Secretary, Portland Democratic City Committee

SERVICE

2024 - Present

Volunteer, The Locker Project

2024 - Present

Member, Bayside Neighborhood Association

EDU

2007

Brown University

BA in Art History & Ancient Studies

PROVIDENCE, RHODE ISLAND

August 8, 2024

Councilors & Mayor,

I am writing to apply for the open seat on the Police Citizen Review Subcommittee.

A decade ago, the first ever meeting I ever attended at City Hall was a PCRS meeting. Since that time, I have followed its business and have been pleased at how it has grown to engage the community. It serves a vital role in providing civilian review of complaints made to the police department and the resulting internal investigations.

I would be honored to have the opportunity to serve on the PCRS. In particular I feel that I would be uniquely qualified to act as a liaison to Portland's vibrant LGBTQ+ community.

I look forward to talking to you more about this role. Thank you for your consideration.

– *Joey Brunelle*

Mr. Tim L Wells

City of Portland | Generated 8/27/2024 @ 9:25 am by OnBoardGOV - Powered by ClerkBase

Status

Name Mr. Tim L Wells
Application Date 8/25/2024
Expiration Date 8/25/2025
Status Received

Board	Vacancies	Status
Portland Housing Authority	2	Pending

Basic Information

Name
Mr. Tim L Wells

Contact Information

Address
33 Montreal St
Portland, ME 04101

Email
[Redacted]
[Redacted]
[Redacted]

Additional Information

Notes
Generated 8/27/2024 @ 9:25 am

Tim L. Wells

33 Montreal Street
Portland, Maine 04101



30 years leadership experience across a wide variety of organizations, from military, entrepreneurial startups, development organizations, non-profits and Fortune 50 corporations. Consistent record of excellent results and outperformance in very challenging organizational and economic environments. Led very diverse national and global teams with broad functional responsibility. Considerable experience in the construction industry. Lived abroad for 10 years and traveled and conducted business in over 100 countries. Deep experience in strategy formulation, leading organizations through significant change, analytical analysis and execution. My experience spans multiple industries in both the manufacturing and service sectors including property development, construction, telecommunications, hospitality, retail and chemical industries. Serve(d) on multiple boards including President of Portland Media Center, VP of World Affairs Council of Maine and a founding member of Greater Portland Community Land Trust (GPCLT).

Experience

Property Development

Present

Currently developing multi-unit residential projects in Maine including a 12 unit condominium project in Portland. Secured a city property (Randall Street) for the GPCLT and secured financing commitments from CEI, Genesis Fund, \$500K ARPA grant.

Consulting

Conduct consulting assignments in construction, property development, agriculture and telecom industries.

SPX CORP, Portland, ME

Multiple Roles

VP, Global Business Development

Built a new business targeting mobile telecommunications RF infrastructure. Drove all aspects of building the business including the strategic planning and product innovation process. Revamped the R&D process decreasing the innovation cycle from 2 years to 4 months and developed organizational capabilities never before possible. Led business execution including raising financing (\$40MM), cabinet level government relations, M&A, C-level partner relationships, product and portfolio definition, R&D and supply chain. Led negotiations on very large, complex, multi-year infrastructure projects (\$100MM+)

Spearheaded workforce development program winning an MTI \$3.3MM matching grant to build an R&D lab for the UMaine Electrical Engineering Program and partnered with MIT Sloan School conducting G-Lab projects in India, Ghana and Nigeria.

GENERAL ELECTRIC COMPANY, Charlotte, NC

Multiple Roles

Global Product Manager – Construction, Sealants, HCE

Global Marketing Manager - Construction

Sales Force Effectiveness Leader

Global responsibility for pricing, strategic raw material supply negotiations, investment decisions for product line manufacturing capabilities/capacities, R&D direction at 8 manufacturing and R&D centers around the world for GE's construction sealant/waterproofing/roofing business. Led teams of Ph.D. chemists, chemical, manufacturing, mechanical and structural engineers, legal, sales and marketing teams serving the construction industry and projects around the world. Represented GE at main industry groups for architects, engineers, waterproofing, curtainwall, window, cladding contractors and manufacturers.

Tim L. Wells

SPOROS, INC; Boise, ID

1997-2000

President

Led acquisition of multi-unit restaurant chain. Conducted valuation analysis, due diligence, deal negotiations, financial analysis and lined up outside financing. Streamlined operations while doubling sales.

U.S. ARMY: Captain Armor Officer

1989 – 1997

- Served as an Armor Platoon leader, Mortar Platoon Leader, ADA Company Commander, Brigade Fire Support Officer, S3 Plans, G3 Plans and as an Armor Company Commander
- As Company Commander won the Draper Award for top performing Armor Company in the U.S. Army
- Only officer twice individually cited by GEN Wesley Clark for outstanding performance at National Training Center

Education

B.S.B.A., Finance and Marketing, Boston University, Boston, Massachusetts

Professional Development

Strategic Marketing Managers Course

Leadership Development Program

Six Sigma Black Belt Training (DMAIC & DFSS)

Lean Manufacturing

Strategic Pricing Workshop

General Electric Corporation

Center for Creative Leadership

General Electric Corporation

SPX Corporation

Strategic Pricing Group/Holden Advisors

TIM WELLS

[REDACTED]
[REDACTED]

33 Montreal Street
Portland, Maine 04101

RE: Portland Housing Authority
Board of Commissioners

DEAR CITY COUNCILORS,

I would greatly appreciate the opportunity to serve as a commissioner on the Portland Housing Authority's Board of Commissioners. Housing is an issue that I have been passionate about for many years as it is fundamental to a strong, healthy society and City. We all need adequate, secure shelter to live and reach our potential.

I am actively involved and familiar with development, land use legislation and the issues Portland and Maine face with the availability and affordability of housing.

I would love to put my experience and knowledge of construction, design, finance, legal, organizational management and leadership to serve the Portland community through being appointed to the Portland Housing Authority Board.

Sincerely,

Tim Wells
August 20, 2024

DIANE HERRMANN

City of Portland | Generated 8/27/2024 @ 9:23 am by OnBoardGOV - Powered by ClerkBase

Status

Name DIANE HERRMANN
Application Date 8/26/2024
Expiration Date 8/26/2025
Status Received

Board	Vacancies	Status
Portland Housing Authority	2	Pending

Basic Information

Name
DIANE HERRMANN

Contact Information

Address
305 Commercial St
Apt 506
Portland, ME 04101

Email
[REDACTED]

Phone
[REDACTED]

Cell Phone
[REDACTED]

Additional Information

Notes

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Diane M. Herrmann, Esq.

305 Commercial St. Apt 506 Portland, ME. 04101

PROFESSIONAL EXPERIENCE

Hearing Officer, Maine Department of Health and Human Services March 2024-present

Conduct administrative hearings, which are of an adversarial or investigative nature concerning the resolution of issues of fact, law and regulatory practice. Analyze testimony; determine credibility of witnesses and rule on issues of admissibility of evidence. Make findings of fact and conclusions of law and draft decisions and orders. Research and analyze complex issues of law, regulation and administrative guidance.

Administrative Law Judge, NYS Office of Temporary Disability Assistance

July 2012 - October 2013, September 2014 - March 2024

Conduct administrative hearings, which are of an adversarial or investigative nature concerning the resolution of issues of fact, law and regulatory practice. Analyze testimony; determine credibility of witnesses and rule on issues of admissibility of evidence. Make findings of fact and conclusions of law and draft decisions and orders. Research and analyze complex issues of law, regulation and administrative guidance.

Administrative Law Judge, NYS Justice Center October 2013 - September 2014

Preside at quasi-judicial or administrative hearings, which are of an adversarial or investigative nature to determine whether a preponderance of the evidence shows that the subject of a substantiated report of abuse or neglect has committed the acts. Analyze testimony; determine credibility of witnesses and rule on issues of admissibility of evidence. Conduct pre trial conferences and draft decisions.

Attorney for the Child, Schenectady, New York 2003 - July 2012

Legal representation for children, birth to age sixteen in Family Court and Supreme Court

Preparation and argument of appeals for both appellant and respondent before the Third Judicial Department

Law, Order and Justice Center Schenectady, New York

Supreme Court Mediation Coordinator 2001- 2003

Responsible for implementing a divorce mediation program in the Supreme Court on a part time basis

- Developed all forms, manuals and assessment tools
- Interacted with judges, court officials, attorneys and the local bar association to seek input

Trained in divorce mediation, custody and visitation mediation and community mediation.

Alternatives to Violence Facilitator July 2000 - July 2001

Co-facilitated a weekly domestic violence educational class for court-referred men

Otis College of Art and Design Los Angeles, California

Dean of Students 1996 - 1999

Administered the Office of Student Development

- Ensured continuity of student services during a mid year campus move
- Managed office budget of \$500,000, performed budget reconciliations, submitted payroll
- Developed a housing resources center including roommate matching and housing resource fair
- Reported to the board of trustees on student issues and concerns
- Coordinated all parent and student pre-admission programs, orientation and commencement
- Insured the college's compliance with federal and state laws
- Rewrote student conduct code, procedures and student handbook

University of California at Los Angeles**Residence Hall Director, Rieber Hall 1991 - 1996**

Coordinated the administration of student policies and procedures for coed residence hall with 928 students

On call emergency response for 6,100 students, present training sessions and facilitate meetings

University Representative 1994 - 1996

Appointed by the campus counsel to represent the university in academic conduct code hearing

COMMUNITY ACTIVITIES**Steward, Public Employees Federation, 2016-2024**

Assist bargaining unit members in navigating the grievance process and represent members during the process. Serve as a liaison between members and PEF Field Representative.

Council Leader, Division 234 2021-2023

Prepare agenda for monthly meeting of stewards from two agencies Organize member meetings and address local members on initiatives and address member concerns. Recruit and retain members and stewards.

Statewide Labor Management Committee. 2021-2024

Represent council at statewide labor management committee. Meet with Commissioners and Deputy Commissions on a quarterly basis and advocate for members interests and resolve member concerns.

U-CAN Mentor Cohoes City Court 2020-2021**Executive Council, NYS Conference of Bar Leaders 2008 - 2016, President 2014-2016****Schenectady City School Board July 2009 - June 2012**

- Elected to citywide office to oversee school district with over 10,400 students

Board of Commissioners, Schenectady Municipal Housing Authority 2009-2012**Fee Dispute Arbitrator, Fourth Judicial District 2006 - 2014****House of Delegates, New York State Bar Association 2008 - 2011****Westside Children's Center, Los Angeles, California****Programming Committee 1993 - 1999****University of California at Los Angeles****Conflict Mediation Program 1993 - 1996**

Received twenty hours of cross cultural mediation training, intensive skill building in diversity issues, communication and listening skill. Trained high school students presented workshops to university groups.

EDUCATION**Juris Doctor, University At Buffalo, School of Law 1991, Moot Court Board****Bachelor of Arts, Temple University 1988**

August 26, 2024

I would like to be considered for a position on the Portland Housing Authority Board.

I am applying because I recently moved to Portland and want to become involved in my community. As my resume indicates I have served as an Administrative Law Judge for two different state agencies in New York before joining Maine DHHS. As an Administrative Law Judge I manage a high volume calendar and render my decisions in a timely manner. In my position I rule on evidentiary matters and research regulations and law.

In my position I treat everyone who appears before me with respect and dignity. I am able to effectively communicate to a diverse audience. My mediation training gives me the skills necessary to handle emotional issues with a balanced approach.

I have experience as a Board Member overseeing Public Housing. I worked on the Board in Schenectady New York and enjoyed my time working with residents and management to improve the lives of our residents. I look forward to meeting with you to discuss my interest and credentials. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Diane Herrmann". The signature is fluid and cursive, with the first name "Diane" being more prominent than the last name "Herrmann".

Diane Herrmann

Cody Austin Sims

City of Portland | Generated 8/27/2024 @ 7:40 am by OnBoardGOV - Powered by ClerkBase

Status

Name

Cody Austin Sims

Application Date

8/12/2024

Expiration Date

8/12/2025

Status

Received

Board	Vacancies	Status
Rent Board	1	Pending

Basic Information

Name

Cody Austin Sims

Contact Information

Address

1591 Washington Ave
Portland, ME 04103

Email

Additional Information

Notes

Generated 8/27/2024 @ 7:40 am

AUSTIN SIMS

Portland, ME

Organizer and project manager dedicated to improving working class peoples' lives, at work and home.
Creative and detail-oriented with strong experience **building relationships, mobilizing grassroots volunteers, planning & facilitation, and canvassing.**

ORGANIZING EXPERIENCE

CANVASSING & COMMUNITY ORGANIZING

Various Campaigns, 2015-Present

Led and/or volunteered on numerous campaigns for candidates and in support of policies benefitting the working class. Campaigns include Heidi Sloan for Texas 25th, Bernie Sanders 2016 & 2020, paid sick leave, police budget reform, Maine Public Power, rent stabilization, and minimum wage increases. Ran for school board in Portland, ME.

MAINE PUBLIC POWER

Co-Chair, Statewide Organizing Committee, 2021-2023

Organized volunteers statewide to gather signatures for a ballot referendum to replace for-profit electric utilities with a consumer owned utility company. Trained event and door-to-door canvassers. Designed and organized campaign marketing materials. MPP, an Our Power organizing partner group, gathered more than 40% of the necessary signatures.

ADDL. RELEVANT EXPERIENCE

Chair, Portland Rent Board, 2021-2022

Chaired the Portland, Maine rent board during its first year of. Developed rules and procedures to administer board. Ran meetings and adjudicated cases brought by tenants and landlords. Administered relevant portions of rent stabilization ordinance with fellow board members. Contributed to first annual report tracking impact of ordinance.

WORK EXPERIENCE

TWILIO

Senior Product Operations & Program Manager, 2021-2023

Developed and drove end-to-end product lifecycle and led dozens of product launches, coordinating product goal, business outcome, and messaging alignment between various departments. Collaborated with distributed teams to craft strategic vision and developed product specs. Acted as key product decision maker, integrating cross-functional workstreams and documenting KPIs and reports for leadership.

DROPBOX

Product Operations Manager, 2017-2020

Managed product life cycle and project roadmaps, conducted design and service delivery research, and led sales escalations and priority support. Led deep product feedback communication to support customer advocacy goals, and established product operations function that supported data analytics, program management and launch management.

WP ENGINE

Technical Support, 2016-2017

Delivered client support and developed cross-training program pairing peer mentors to support career growth. Identified user support gaps, built onboarding tools, and aggregated feedback to influence design and process improvements.

PROFESSIONAL ACTIVITIES

Education:

Master of Arts, Literature; Texas State University

Bachelor of Arts, English; Sam Houston State University

Certifications & Trainings:

Certified Scrum Master, ScrumAlliance, 2023

Organizing for Power, Maine AFL-CIO w/ Jane McAlevey, 2021

Certified Associate Project Manager, PMI, 2020

UX & Design Research Interaction Design Foundation, 2018

Security+ and Network+, CompTIA, 2015

AUSTIN SIMS

Portland, ME

12 August 2024

To the Appointments Committee Chairperson

I write today to express my interest in filling the vacancy on the Portland Rent Board to represent District 5. I have been a Portlander for nearly four years and have spent the entire time finding ways to be of service to my adopted city and state. As a stay at home parent to 8 month old twins, I have had to pull back from evening obligations for much of the past year but am now in a position once again to be of service.

Some members of the Appointments Committee may recall that I previously held this seat for the first year of the board's operation and was honored to be appointed as the board's Chair by my fellow board members. In mid-2021, I was presented a conflicting opportunity that I found I could not pass up, as difficult as it was to terminate my term early. I am proud of the work I and my fellow board members did in that first year and have watched the board's progress ever since, eager to rejoin should the opportunity arise.

From 2008 until 2023, when I left the workforce to care for my children, I worked in the tech industry, entering the field in customer facing support roles and leaving it in project/program/product management. My career afforded me the opportunity to hone my critical thinking and problem solving skills with an eye to empathy, and it has instilled in me a passion for service and care. I was fortunate enough to learn design thinking, user experience, data analysis, research methodologies, project and stakeholder management, finance, and business strategy. I found all of these skills and knowledge areas to be valuable in contributing to the board's work. With this application, I can add to that list a prior stint on this very city board as well as more than a year's experience leading a statewide organizing committee working on state referenda for the 2023 ballot.

It would be an honor to return to the board and continue it's important work with dedication to fair and equitable dialogue and love for Portland, Maine to bear to help address one of our city's most widely felt challenges. I know I can be a strong addition to the Board, I appreciate your consideration, and I look forward to the opportunity to speak further regarding this appointment.

Respectfully,



MEMORANDUM
City Council Agenda Item

FROM: Rusty Groh
DATE: August 22, 2024
SUBJECT: Order 54-24/25 Declaring October 6, 2024 the 33rd Annual Maine Marathon, Half Marathon and Relay Festival - Sponsored by Danielle P. West, City Manager
SPONSOR: Danielle West; City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st Reading 9/16/2024

Final
Action 9/16/2024

Can action be taken at a later date: No The organizer needs event approval for planning purposes.

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

PRESENTATION: Event organizers and Andrew J Downs, Director of Public Assembly Facilities will be available to answer any questions.

I. SUMMARY

Order Declaring Sunday October 6th 2024 the 33rd Annual Maine Marathon, Half Marathon & Relay Festival.

II. AGENDA DESCRIPTION

This will be the 33rd running of the Maine Marathon. The number of registered runners this year is expected to reach 3,500, with approximately 800 anticipated spectators lining much of the sidewalks, parks and pathways along the race route.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

This is the 33rd year that the Maine Marathon Committee has organized and held this event.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The City Council to declare the 33rd Annual Maine Marathon on Sunday, October 6th 2024.

V. FINANCIAL IMPACT

All City fees, permit fees and equipment usage fees will be paid by the organizer.

VI. STAFF ANALYSIS AND BACKGROUND

The Public Assembly Facilities Division has worked with the organizers on this event in the past and we are confident in their ability to host this festival.

VII. RECOMMENDATION

It is recommended that this order be declared.

VIII. LIST ATTACHMENTS

1. Consent Item - Declaring 33rd Annual Maine Marathon
2. 2024 Maine Marathon Portland permit application
3. Map of Route
4. 2024 MM course
5. 2024 MM course in Portland

Prepared by:
Rusty Groh
Date: 08/22/2024

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

CITY OF PORTLAND
IN THE CITY COUNCIL

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

**ORDER DECLARING OCTOBER 6, 2024 THE 33RD ANNUAL MAINE MARATHON,
HALF MARATHON & RELAY FESTIVAL**

ORDERED, that October 6, 2024 from 5:00 a.m. to 5:00 p.m. is hereby declared to be the 33rd Annual Maine Marathon, Half Marathon & Relay Festival, sponsored by the Maine Marathon Committee; and

BE IT FURTHER ORDERED, that the 33rd Annual Maine Marathon, Half Marathon & Relay Festival area shall be Baxter Boulevard Extension from Forest Avenue to Preble Street, Baxter Boulevard, the Back Cove Trail, and Payson Park; and

BE IT FURTHER ORDERED, that during the 33rd Annual Maine Marathon, Half Marathon & Relay Festival the following streets shall be closed to traffic at the following times:

Preble Street Extension from Forest Avenue to Hannaford driveway: 5:00 a.m. to 4:00 p.m.;

Baxter Boulevard Extension from Forest Avenue to Preble Street: 5:00 a.m. to 4:00 p.m.;

Baxter Boulevard (from Preble Street Extension to Bates Street/Washington Avenue 5:00 a.m. to 3:00 p.m.;

Preble Street from Forest Avenue to Baxter Boulevard: 5:00 a.m. to 3:00 p.m.; and

Payson Park Roads including the West Kidder Street and Fernald Street entrances from Washington Avenue: 5:00 a.m. to 3:00 p.m.; and

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

BE IT FURTHER ORDERED, that the 33rd Annual Maine Marathon, Half Marathon & Relay Festival area shall be closed to licensed street vendors as provided in §19-17 of the City Code; and

BE IT FURTHER ORDERED, that admission to run in the races of the 33rd Annual Maine Marathon, Half Marathon & Relay Festival inside the Festival Area shall be charged by the Maine Marathon Committee; and

BE IT FURTHER ORDERED, that the City Manager is authorized to issue a revocable permit to the Maine Marathon Committee under §25-27 of the City Code to conduct said Festival, subject to the direction and control of the City Manager and to the following specific conditions:

1. Maine Marathon Committee shall defend, indemnify and hold harmless the City of Portland, its officers and employees, from and against all claims arising out of or resulting from the Festival and/or use of City streets and property for said Festival, and shall procure and maintain public liability insurance in the minimum amount of \$400,000 per occurrence for personal or bodily injury, death or property damage and covering the obligation of indemnification hereunder. Maine Marathon Committee shall provide the City with a certificate showing evidence of such insurance and showing the City as an additional insured on said insurance;
2. No alcoholic beverages may be sold on the streets or public property during the Festival within the Festival Area;
3. Maine Marathon Committee shall be responsible for all fees for a permit issued from the Public Assembly Facilities Division, as well as for fees for city licenses and the cost of assistance from city staff. Conditions for use of grounds, and requirements for food service, vending sales, tent and stage installations and other items specified in that permit shall be adhered to;
4. Maine Marathon Committee shall have sole authority over participating vendors at the Festival and may charge a fee to vendors for the opportunity to vend at the Maine Marathon, Half Marathon & Relay Festival;
5. In addition, the Business Licensing Office shall charge the usual fees for licensing food vendors, street goods vendors, and concert licenses for the Festival to those vendors the Maine Marathon Committee has agreed shall participate;
6. The route of the course is subject to change, depending on construction projects along the course and police recommendations leading up to the race; and

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



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



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

PAYMENT MUST BE MADE WHEN SUBMITTING COMPLETED APPLICATION

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

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

[PLEASE REVIEW THE SPECIAL EVENTS GUIDE FOR ADDITIONAL QUESTIONS](#)

TODAY'S DATE	8/19/24	ORGANIZATION NAME	Maine Marathon
ADDRESS (Street/City/State/Zip)	PO Box 10836, Portland, ME 04104		
CONTACT NAME(S)		TITLE(S)	
PHONE	Bob Dunfey 207-475-5656 Bob Aube 207-650-2939 Peter King 207-415-4132 Greg Lull 207-653-3474	PHONE	PHONE
EMAIL	mainemarathon@gmail.com bobaube@mainetrackclub.com pcking207@gmail.com glull@maine.rr.com	EMAIL	EMAIL

PARK AREA / PUBLIC SPACE REQUESTED	Baxter Blvd, Payson Park and Portland streets		
EVENT DAY(S) & DATE(S)	Sunday, October 6, 2024	RAIN DAY(S) & DATE(S) (50% added fee)	N/A Gorham Savings Bank Maine Marathon, Half Marathon and Relay
OVERALL EVENT START & END TIME (When setup will begin until cleanup is expected to be complete.)	6 AM (with some setup on Fri and Sat) until 5 PM	EVENT START & END TIME	6 AM – 3 PM, Races all start at 7:45 AM

EVENT NAME	EVENT CLASSIFICATION	EXPECTED ATTENDANCE
Gorham Savings Bank Maine Marathon, Half Marathon and Relay	Road Race, Parade, Public Assembly, Music Festival Road Race	4,000 runners, 900 volunteers and hundreds of spectators

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

The 3 races have the same start time: 7:45am. There is an early start time of 6am for about 50 slower runners and walkers.

Baxter Blvd and Payson Park closed to vehicles: 5am – 2pm.

Preble Street (from Hannaford to Baxter) closed.

The section of street (Baxter Blvd) between Pedro Field and Hannaford Entrance is the Start Finish Line area and where several tents, refreshments, music will be.

2024 Route: start line: Baxter Blvd + Preble St. intersection, runners head north on Blvd., turn left onto Inlet St., left on Catafalque Drive, right onto Fernald St continue across Washington Ave. onto Morse Street right onto Ocean Ave to Falmouth/Cumberland/Yarmouth. Runners then return via Rt. One, Martin's Point Bridge, and Veranda Street, but then turn right onto Sherwood Street, then cross over Presumpscot St., then take a left onto East Kidder St., then cross over Washington Ave., continue on West Kidder St., and then veer left down into Payson Park, take a right onto East Entrance, then when reaching Baxter Blvd., take a right back onto Baxter Blvd., continuing around the cove, finishing on Baxter Blvd. beside Pedro Field.

More Detailed list: During the Maine Marathon / Relay and Half Marathon, streets listed below will be closed to vehicular traffic, Sunday, October 2, 2022:

Preble Street Ext (From Forest Ave. to Hannaford driveway.) – 5am – 4pm,

Baxter Blvd. Ext. (From Forest Avenue to Preble Street) – 5am to 4pm,

Baxter Blvd. (From Preble Street Ext. to Bates Street/Washington Avenue) – 5am to 3pm,

Payson Park roads (including West Kidder Street, Fernald Street entrances into Payson Park, from Washington Avenue) – 5am to 3pm.

<https://www.mapmyrun.com/routes/view/6211234564>

AIS CHECKLIST

COMPLETED

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

IS THERE A REGISTRATION FEE/PLEDGES COLLECTED FOR THIS EVENT?	Please check: ____ Yes ____ FEE ____ Optional ____ PLEDGES	
IF YES FOR FEES, HOW MUCH?	FEE	\$50 - 200
	STUDENT FEE	\$ N/A

PLEASE CHECK OFF AND ANSWER:

Fees for Police, Fire/EMS or Parking Control Staff will be invoiced by those individual departments & should be paid to them directly.				
		X-YES	X-NO	AIS
*	Are you setting up a canopy(s) ? (10'x10' size or smaller) How many?	X - several		
*	Do you wish to set up a tent(s) and/or stage(s)? A canopy/tent or stage larger than 10'x10' needs a Temporary Tent or Stage Permit issued by Building Inspections. For permit application, please go to: https://content.civicplus.com/api/assets/376697a8-b6ac-4a4c-babc-9dbcf1e61eb8 or contact the Permitting and Inspections Department at buildinginspections@portlandmaine.gov or 207-874-8703 for more information. PLEASE apply at least 2-weeks before your event. Tent/Stage Size(s): Exact Location(s) of Tent/Stage Placement Requested: *** In order to drive tent stakes into the ground, DIG SAFE must be contacted: 888-344-7233. ***	(2) 20X40, (1) 20X20, (1) 10x20 on Pedro Field, (1) 20X40 on Winslow Park and (1) 20x50 on Portland Housing parking lot		Permit Required Include on Site Plan
*	Will you be setting up tables and/or chairs ? How many tables: chairs:	132 chairs, 95 tables		Include on Site Plan
*	Are other items or equipment being placed on City property? (i.e. Moon Bounce, Dunk Tank, Radio Station Van, Helium Tank, etc.) Please List:	X INFLAT ABLE ARCH AT START/ FINISH LINE ON BAXTE R BLVD		Include on Site Plan
*	Will there be refreshments at the event? Do you wish to sell food? If so, you will need approval from PAFD and possibly a Temporary Food Service License from the Business Licensing Office. PLEASE provide them at least 2 weeks advance notice (207-874-8557). List food and drink / Food Trucks, etc.: PLEASE NOTE: A Temporary Food Service License is NOT needed when: 1. Food Vendors have a current City of Portland Food License 2. Just pre-packaged refreshments, or food & drink items are purchased or donated from a licensed establishment 3. Bottled water / water is served A TFSL is needed when food vendors are not licensed or when food is being prepared and cooked at the event.	X FOOD TRUC KS Total y Aweso me Vegan PB& ME Vagab ond Coffee , Sook		License Required Include on Site Plan

		Thai and Lukes Lobster		
*	Do you wish to sell non-food items (like T-shirts, crafts, cd's, etc.)? If so, please apply for a Street Goods Vendor License(s) at the Business Licensing Office (207-874-8557) – 2 week notice. List items you wish to sell:		X	License Required Include on Site Plan
*	Do you wish to sell or provide Alcohol ? If yes, you must complete the application for a Liquor License specific to your event through the State of Maine and submit the application to the City of Portland Business office first. Application will need City of Portland's approval prior to going to the State. Questions? please contact the Division of Liquor Licensing and Enforcement at (207) 624-7220/email- MaineLiquor@maine.gov .	X		License Required
*	Are you setting up a PA (sound) system ? Are you planning on having Amplified Music? Band? DJ? Boom Box? If so, your event may require a concert license. PAFD will advise upon review of your application. Amplified speech (i.e. Press Conference) does not require the license, however, a Sound Security Deposit may be required. There are time restrictions for amplified music/speech in Downtown Parks & Squares: limited to 11:45am – 1:15pm and 1 hour between 5pm - 8pm.	X PA System on site at Start/Finish Line (and other areas along the race course) Organizer will keep volume levels down so that neighbors are not disturbed. AND ACUSTIC GUITAR PLAYER IN WINSLOW PARK		License Required Include on Site Plan & Event Components
*	Will your event require electricity ? Electricity is available at Deering Oaks Park, Monument Square, Congress Square, Tommy's Park, Post Office Park, Payson Park, Preble Street Grass Area, Eastern Prom, Fort Allen Park, and Lincoln Park. A \$40 activation fee is required.	X BAXTER BLVD. (PEDR		

		O FIELD) PAYSON PARK (BASKETBALL COURT + BLVD)		
*	Are you planning on bringing a Grill for a Barbecue ? Grilling is subject to weather conditions and possibly Fire Dept. review.		X	
*	Will the event require reserved parking spaces / parking meters ? How many? 30 "No Parking" signs may be purchased at the PAFD Office, 212 Canco Rd.	X		
*	Will your event need safety vests, signs, barricades and/or cones ? Please list what you would like to borrow/rent: Limited safety vests, cones & barricades may be borrowed/rented from PAFD Office. Traffic signs may be borrowed/rented from Public Works if needed (207-874-8493).	80+ BARRICADES, Detour Signs, Road Closed Signs used, 10 Cones used at Ocean Ave. Turning Lane 10 Cones used at Forest Ave. Turning Lane	No vests; we provide our own	
*	Will your event require street closures ? Will your event affect METRO BUS ROUTES ? (Please be specific under "Description of Event")	X WILL CONTACT METRO BUS		Include on Event Components
*	Will your event require Police assistance? An event such as a road race, march or parade in the street, would typically require police assistance. To reserve & hire an Officer(s) to be on site at your event, please visit: https://portlandmaine-portal.app.transform.civicplus.com/forms/26740	X		Required
*	Will your event require Fire/EMS assistance? (For a large walk/race, it may be required.) To hire or inquire about hiring city Fire/EMS staff to be on site, please email fireprevention@portlandmaine.gov well in advance of the event. For general questions, you may also call 207-874-8400.	X		Required
*	Will your event require Parking Control assistance? To hire a Parking Control Officer(s) to be on site at your event, please call 207-874-8910 well in advance to arrange.		X	
*	Will your event require portable-restroom rental(s) or need existing porta-restrooms cleaned? (Some of the parks already have porta-restrooms. Event participants may use these, but a \$25 fee is assessed for events where attendance is 150 or more.) Porta-restrooms may be rented from any of the local companies. Units currently on site are through Associated Septic. 1 unit/50 people when serving alcohol 1 unit/75 people with no alcohol	X		Include on Site Plan
*	Will your event require waste management and recycling? What is the waste management plan?	Trash and recycled items		Include on Site Plan & Event Components

		will be separate d in separate dumpste rs		
	For events where more than two thousand (2,000) individuals anticipated to gather or participate in the event or activity in the park, the permittee shall provide a bond in the form of cash, certified check or surety bond from a surety company qualified to do business in the State of Maine in an amount of not less than two thousand dollars (\$2,000.00). Such a bond shall be utilized to guarantee cleanup of the area and shall be applied against claims by the city for excessive damage to real or personal property in the park.			Required

INSURANCE CERTIFICATE INFORMATION

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

PUBLIC ASSEMBLY FACILITIES DIVISION POLICIES

EVENT REVIEW

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

ELECTRICITY

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

BARBECUES - GAS GRILLS ONLY

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

PORTA-RESTROOMS / BATHROOM FACILITIES

Porta-Restrooms are required for large events and events where refreshments are being served. Some of Portland's parks already have portable restrooms from Associate Septic on site (*Preble Street Grass Area at the Preble Street Parking Lot – across from Hannaford's, *Entrance to Dyer's Flat – beside Payson Park, *Deering Oaks Park – Playground + Ravine, *East End Beach - Winter & Early Spring: Just EEB.) If over 150 people are expected to attend the event, a \$25 user fee is required (paid to PAFD). If extra units are rented by the organizer, then no additional user fee is assessed. Porta-restrooms are cleaned M, W, & F. If you would like to guarantee that they are cleaned just prior to your event, then you need to call the porta-restroom company (Associated Septic / Royal Flush, 207-799-1980, M-F) to request and pay for a cleaning. If renting units, the organizer has the option of renting from Associated Septic / Royal Flush, or from other local companies.

TRASH

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

MARKING OF GROUNDS

Please DO NOT mark city property in any permanent way.
DO NOT use SPRAY PAINT or SPRAY CHALK. DO NOT STAPLE or NAIL anything to trees.
Children's Art Chalk can be used on hardscape areas with permission from PAFD Office. Tape may also be used.
If markings remain for more than a few rain storms, event organizers are responsible for removing them.
If city staff or contractors need to remove the markings, event organizers are responsible for the cost of staff time and materials.

You may also place signs on stakes in the grass areas bordering trails/race routes (when applicable). Please remove all signage immediately following the event.

USE OF CANDLES

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

ADA COMPLIANCE

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

PARKING ON GRASS AREAS / SIDEWALKS / ILLEGALLY PARKED VEHICLES

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

RESERVED PARKING

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

FIREWORKS

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

ALCOHOL / SMOKE-FREE ZONES

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

AMPLIFIED SOUND POLICY

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

CANCELATION POLICY

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

NOTIFICATION

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

STREET CLOSURE NOTIFICATION

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

REVOCABLE PERMIT

♦ The City reserves the unconditional right to control or cancel events to protect and/or prohibit damage to public property.

- ♦ The City reserves the unconditional right to revoke or revise an issued permit.
- ♦ Police or City Staff on site may use their discretion to revise conditions of use.

I HAVE READ AND UNDERSTAND ALL OF THE ABOVE POLICIES	TYPE INITIALS	BD	DATE	8/19/24
--	---------------	----	------	---------

ASSUMPTION OF RISK & LIABILITY

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

I have read the Assumption of Risk & Liability Agreement	TYPE INITIALS	BD	DATE	8/19/24
--	---------------	----	------	---------

PLEASE INITIAL & DATE HIGH-LIGHTED YELLOW BOXES ABOVE.

PLEASE RETURN FORM AT LEAST 60 DAYS IN ADVANCE TO:

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

FEE SCHEDULE – UPDATED JULY 1, 2019

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

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

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

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

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

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

FOR OFFICE USE ONLY

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

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

Tents/Stages -Do you wish to set up a **tent(s)** and/or **stage(s)**? A canopy/tent or stage larger than 10'x10' needs a **Temporary Tent or Stage Permit** issued by Building Inspections

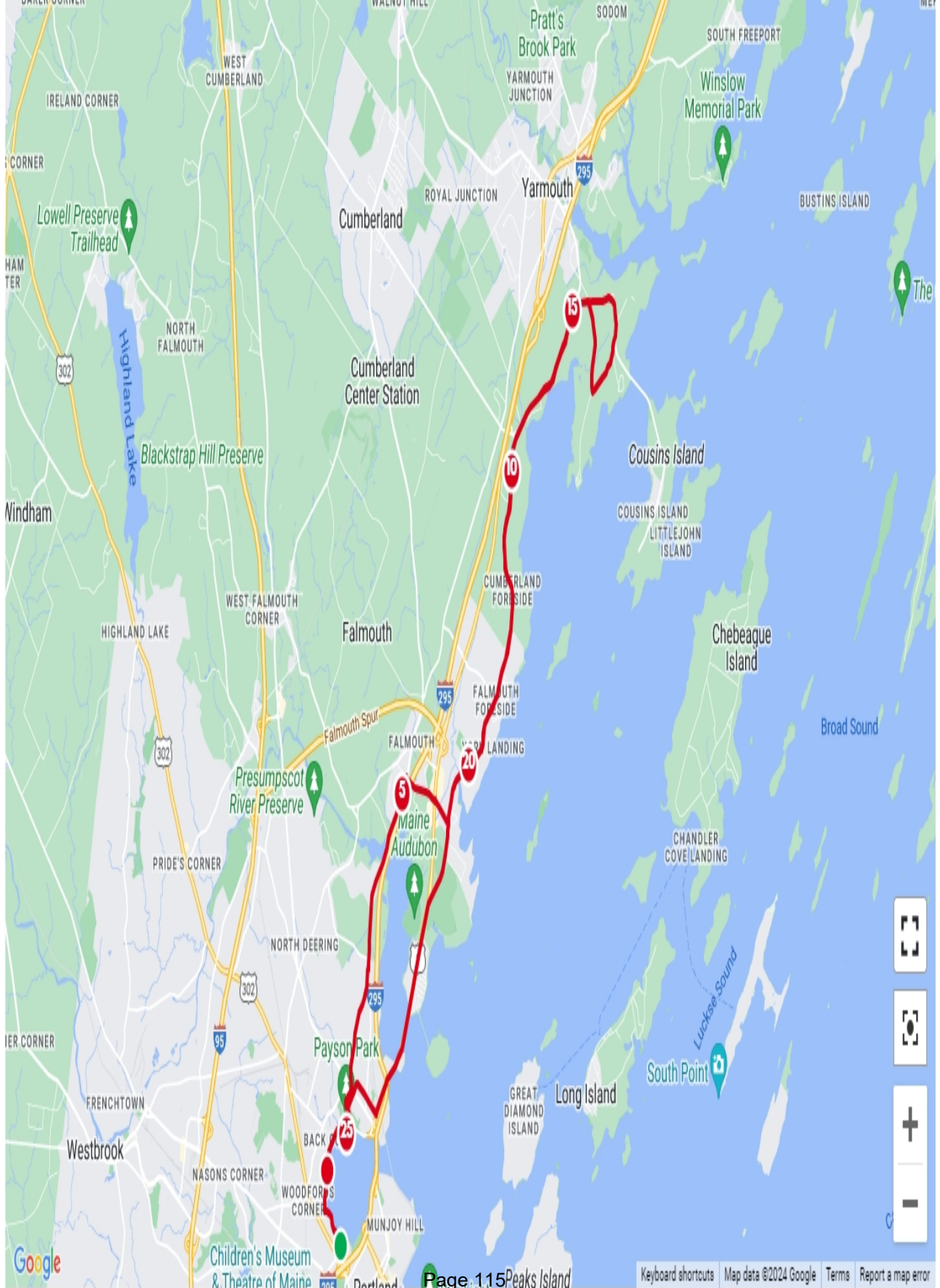
<https://content.civicplus.com/api/assets/376697a8-b6ac-4a4c-babc-9dbcf1e61eb8>

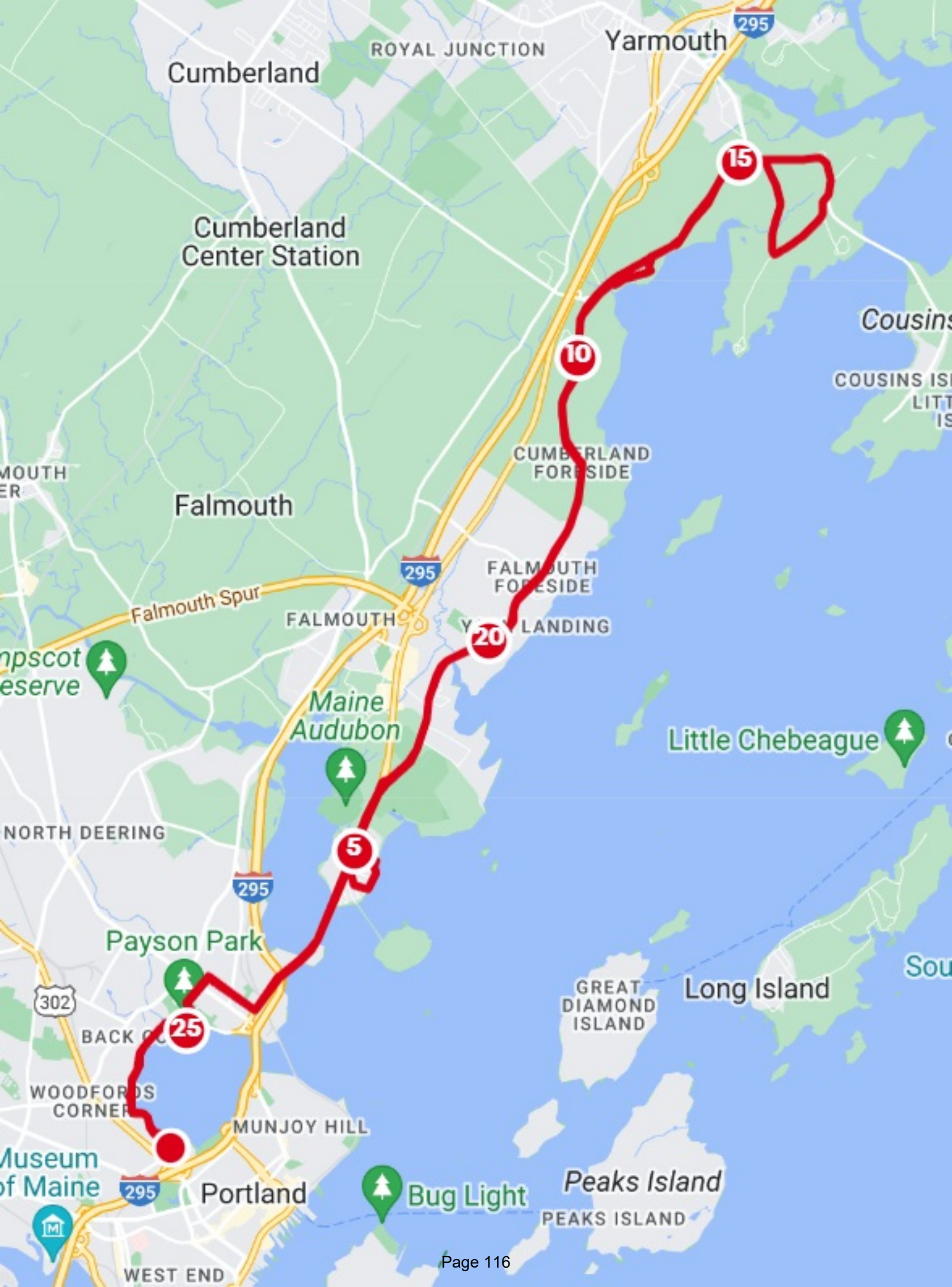
Alcohol sales - Do you wish to sell **alcohol**? You must complete the application for a **Liquor License** specific to your event through the State of Maine and submit the application to the City of Portland Business Licensing office first. Application will need City of Portland's approval prior to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

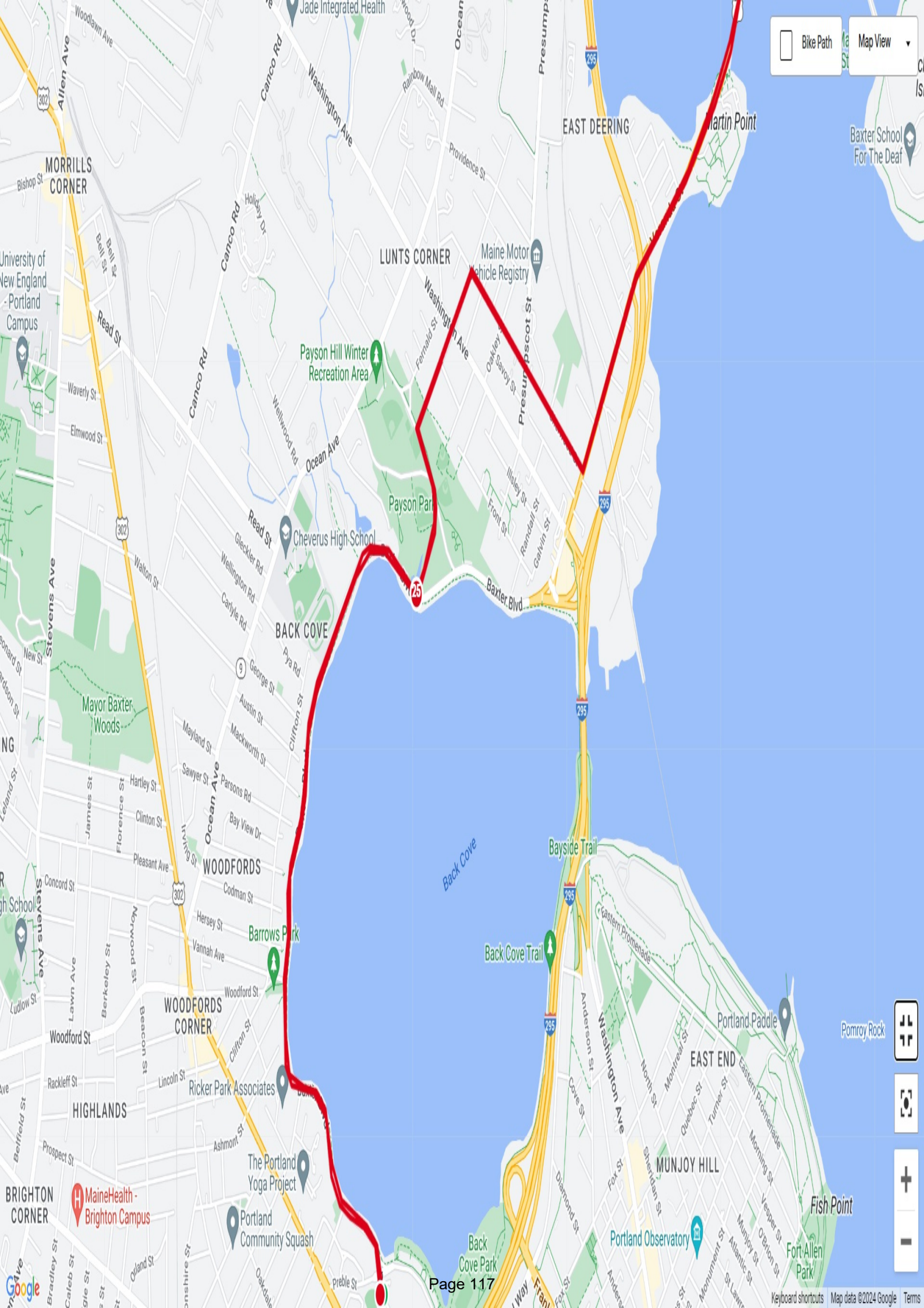
Food Sales - Will there be food vendors? If so, you must apply for a **Temporary Food Service License** from the Business Licensing Office. <https://content.civicplus.com/api/assets/12f35a2a-e2a4-4d87-bf05-9ec89545e996?cache=1800>

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

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







MEMORANDUM
City Council Agenda Item

FROM:

DATE: September 3, 2024

SUBJECT: Order 55-24/25 Granting Municipal Officers' Approval of Blue Portland Maine Inc, dba Blue Portland Maine. Application for Auditorium with Indoor Entertainment at 650 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 8/28/24. Location was previously 'Blue'. 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. 2024.09.16_Blue Portland Maine_Council Packet
2. 2024.09.16_Blue Portland_Council Order

Prepared by:

Date: 09/03/2024

August 24, 2024

Dear Mayor Dion and Members of Portland City Council,

We, Blue Portland Maine, are a new nonprofit corporation intent on operating Blue, an intimate music venue and lounge in the "600 Block" of Congress Street.

We currently operate this venue as Yam Tamblin LLC, but hope that transitioning to a nonprofit will help us offer more community programming such as classes, open mics and jazz sessions. While we will still book traditional shows we strongly feel that our community is excited to participate in the arts rather than merely watch. We plan to rely less on liquor sales by pursuing arts grants and donations.

Andrew Roseman will serve as Executive Director and Celeste Parke will be Manager and Treasurer. The organization will be overseen by a 7 member board.

Thank you so much for considering our application.

Sincerely,

Andrew Roseman and Celeste Parke
Blue Portland Maine

(207) 210-2415
admin@blueportlandmaine.org



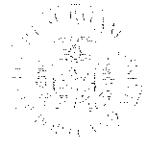
CITY OF PORTLAND
Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

Business Information		
Legal Business Entity Applicant Name (corporation, LLC): Blue Portland Maine Inc	Business Name (D/B/A): Blue Portland Maine	
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 650 A Congress St. 04101	
If applicable, what was formerly at this location: Blue	Business Email Address: admin@blueportlandmaine.com	
Mailing Address: 87 Douglass St. 04102	Contact Person: Celeste Parke	
Contact Person Phone: 207 210 2415	Contact Person Email: admin@blueportlandmaine.com	
Manager of Establishment: Celeste Parke	Date of Birth: 02-25-1985	Manager Phone: 207-210-2415
Owner of Premises (Landlord): Port Property	Address of Premises Owner (Landlord): 82 Hanover St. #5 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: Blue Portland Maine		Corporate Mailing Address: 87 Douglass St. Portland 04102	
Contact Person: Celeste Parke		Contact Phone: 207-210-2415	
Principal Officers	Title	Date of Birth	Residence Address
Andrew Roseman	Exec. Director	06-18-1992	87 Douglass St
Celeste Parke	Treasurer	02-25-1985	87 Douglass St



CITY OF PORTLAND
Permitting and Inspections Department

Class of Liquor License (see fee schedule): <u>Auditorium</u>		
Type of food served:	<u>Menu attached</u>	
Please select all that will be served:	☒ Beer ☒ Wine ☒ Liquor	
Projected percentage of sales:	Generated from Food:	Generated from Alcohol:
Hours & days of operation:	<u>Tues, Weds, Thurs, Fri, Sat</u> <u>6pm - 12am</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>flat breads, hummus, cupcakes don't need utensils</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>9/27/24</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>Yam Tamblin LLC → Blue, The End</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, Celeste Parke 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 treasure Date 8/20/24



CITY OF PORTLAND
Permitting and Inspections Department

Application for an Entertainment License

☒ Indoor Entertainment \$500.00		☐ Outdoor Entertainment \$700.00		☐ Combined Entertainment \$800.00	
☒ Sound Mitigation Fee \$150.00					
Business Information					
Establishment Name (d/b/a): Blue Portland Maine				Phone:	
Location Address: 650 A Congress St Portland				Zip: 04101	
Owner Name: N/A Nonprofit				Phone:	
Owner Email:					
Contact Person responsible for Entertainment: Andrew Roseman				Phone:	203 464 0272
Contact Person Email: booking@blueportlandmaine.com					
Manager of Establishment: Celeste Parke				Phone:	207 210 2415
Manager Email: admin@blueportlandmaine.org					

About Your Establishment

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

Non profit arts venue, shows in all genres with a focus on jazz. Open sessions, sound classes, open mics, drawing groups with live model + live music, salsa classes and more

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

Signature  Title Manager/Treasurer Date 9/22/24

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

Sound Engineer

Andrew Roseman

Phone: (203) 464-0272

8/24/2024

Sound Mitigation Plan

Blue Portland Maine / 650 Congress St

This sound mitigation plan has been prepared by Andrew Roseman, who is a freelance sound engineer with over 10 years of practical experience at various music venues in and around the greater Portland area.

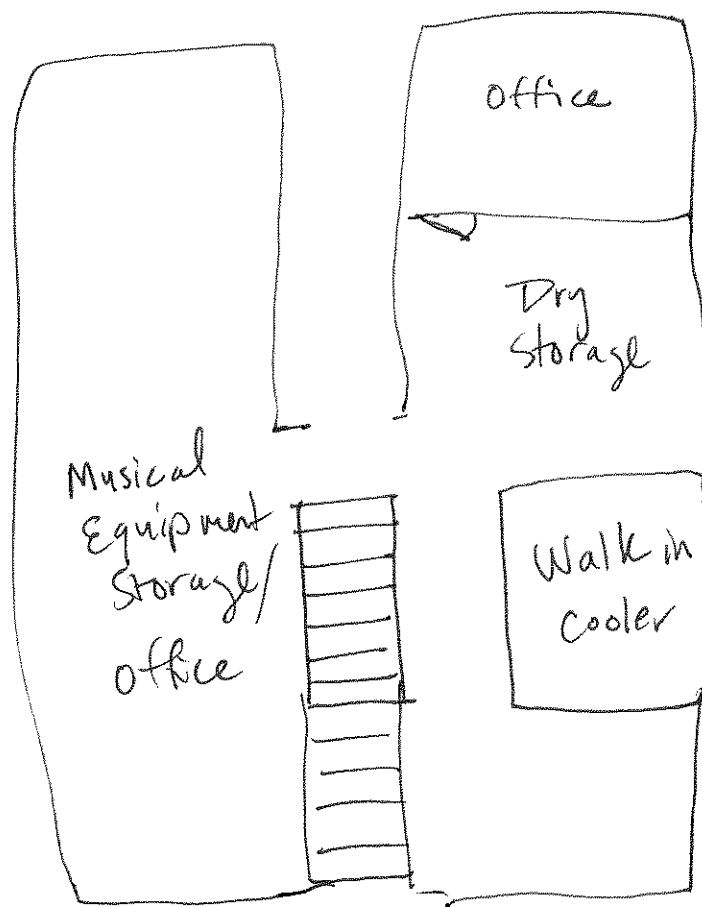
Blue currently utilizes a sound system designed to provide simple, straight-forward operation typical of most small venues/listening rooms. The system consists of (one) Midas M32 digital mixer and two QSC 12" powered monitors mounted on stage left and right. There are also two Harbinger 12" powered speaker floor mounted for stage monitoring. Audio is introduced via industry standard dynamic and condenser microphones (Shure SM58, AT2020, etc.) and instrument/amp outputs, as well as direct-wired auxiliary sends (iPad, cell phone, etc).

Blue does keep a portable on-premise sound reading device, in the event of a noise complaint. Staff has informed management that this sound level meter, manufactured in accordance to standards prescribed by the American Standards Association, has not been required to be presented during any year of current ownership, as no formal sound complaints have been responded to by the Portland Police Department. Tests have demonstrated that all exterior sound levels have read below the City of Portland guidelines of 50 to 60 Decibels from within 8 feet of any exterior wall.

In conclusion, Andrew Roseman will be maintaining the current system in place, which has been used successfully and without issue for all outlined events, prior to the submission of this application. It is of my opinion that this system, and the building's construction, should suffice for the expectations of the City of Portland.

With your Consideration,

Andrew Roseman



Basement

food



HOUSE-MADE HUMMUS & NAAN

SERVED WITH EXTRA VIRGIN OLIVE OIL, SUMAC,
MALDON SALT & DINA'S NAAN

ORIGINAL - \$9

ROASTED RED PEPPER - \$9

FLATBREADS

CUP & CHAR - \$15

CUP & CHAR PEPPERONI, ROASTED RED PEPPERS,
MOZZARELLA, HOT HONEY

LEMONION ARTICHOKE - \$15

ARTICHOKE HEARTS, CARAMELIZED ONIONS,
MOZZARELLA, LEMON GARLIC AOLI, BLACK PEPPER

SWEETS

CUPCAKE - \$6

ROTATING FLAVOR, ALWAYS VEGAN
CLEMENTINE CAKE CO

HALVAH - \$5

PISTACHIO, CHOCOLATE DRIZZLE

STROOPWAFEL - \$3

TOP YOUR TEA OR COFFEE

FAT BOY ICE CREAM

SANDWICH- \$4

SNICKERS ICE CREAM BAR \$4



Zachary Lenhert <zlenhert@portlandmaine.gov>

Blue Portland Maine - Auditorium - 650 Congress Street

Zachary Finley <zackf@portlandmaine.gov>

Mon, Sep 9, 2024 at 12:40 AM

To: Tom Williams <tw@portlandmaine.gov>

To: Tom Williams <tw@portlandmaine.gov>
Cc: Treasury Division <treasury@portlandmaine.gov>, Zachary Lenhart <zlenhart@portlandmaine.gov>, Ron Kelton <rkelton@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Katlyn Sawyer <ksawyer@portlandmaine.gov>, Zoning <zoning@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, "Lynch, Kim" <Kim.Lynch@maine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Business Licensing <bl@portlandmaine.gov>, Christina Stacey <cstacey@portlandmaine.gov>, Christopher Mitchell <chrism@portlandmaine.gov>, Kevin Schneck <kschneck@portlandmaine.gov>

PD approves.

[Quoted text hidden]

44

Lieutenant Zack Finley
Uniformed Patrol Operations
Portland Police Department



Zachary Lenhart <zlenhart@portlandmaine.gov>

Blue Portland Maine - Auditorium - 650 Congress Street

Zoning <zoning@portlandmaine.gov>

Mon, Sep 9, 2024 at 12:32 PM

To: Zoning <zoning@portlandmaine.gov>

Cc: Zachary Lenhart <zlenhart@portlandmaine.gov>, Zachary Finley <zackf@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>, "Lynch, Kim" <kim.lynch@maine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Business Licensing <bl@portlandmaine.gov>, cstacey <cstacey@portlandmaine.gov>, Christopher Mitchell <chrism@portlandmaine.gov>, Kevin Schneck <kschneck@portlandmaine.gov>

Good Morning,

The legal use of 650A-652 Congress ST, CBL: 045 A003001, is restaurant and 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 September 16, 2024 at 5:00 P.M., in City Council Chambers, 389 Congress St. for approval of Roasty's LLC, dba Roasty's. Application for Class III & IV FSE at 642 Congress Street - Sponsored by Danielle P. West, City Manager

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



September 5, 2024

Roasty's LLC
449 Main Street
Rockland, Maine 04841

Re: Roasty's LLC, dba Roasty's. Application for Class III & IV FSE at 642 Congress Street

Dear Roasty's LLC:

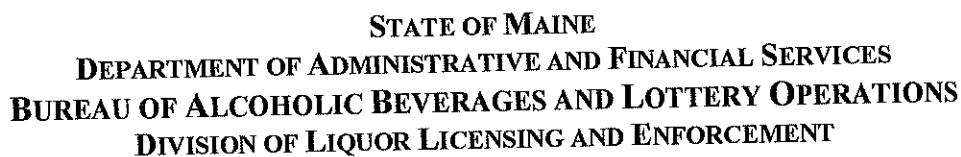
This letter shall serve as a reminder of the public hearing before the Portland City Council on Monday September 16, 2024 at 5:00 p.m., for the review of application for Class III & IV FSE at 642 Congress Street. The meeting will take place in person at Portland City Hall, in City Council Chambers on the 2nd Floor of 389 Congress Street.

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

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

Sincerely,

Zachary J. Lenhart
Licensing and Housing Safety Manager



All Questions Must Be Answered Completely. Please print legibly.

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

1. New license or renewal of existing license? ☒ New Expected Start date: 9/27/24
☐ Renewal Expiration Date: _____

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

Food: 25,000 Beer, Wine or Spirits: 200,000 Guest Rooms: _____

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

☒ Malt Liquor (beer) ☒ Wine ☒ Spirits

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

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

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

5. Business records are located at the following address:

650 A Congress St 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)

This new application to replace previous liquor license

Name of Business	License Number	Complete Physical Address
Yam Tamblin LLC	CAL 2022 14677	650 A Congress St. Portland

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
Celeste Parke	02-25-85	VT
Andrew Roseman	06-18-92	CT

Residence address on all the above for previous 5 years

Name	Address:	87 Douglass St. Portland
Celeste Parke		
Name	Address:	240 Valley St Portland
Celeste Parke		
Name	Address:	87 Douglass St Portland
Andrew Roseman		
Name	Address:	240 Valley St Portland
Andrew Roseman		

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

☐ Yes ☒ No

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

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

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

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

Port Property, 82 Hamover St #5 Portland

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)

One, open, first floor space with bar, stage
and bathrooms and walk-in cooler in basement

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: State Street Church

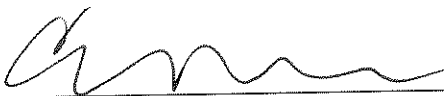
Distance: 3168 ft

Section II: Signature of Applicant(s)

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

Please sign and date in blue ink.

Dated: 8/25/24


Signature of Duly Authorized Person

Celeste Parke
Printed Name Duly Authorized Person

Signature of Duly Authorized Person

Printed Name of Duly Authorized Person

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

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

Dated: _____

Who is approving this application? ☐ Municipal Officers of _____

☐ County Commissioners of _____ County

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

Signature of Officials	Printed Name and Title

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

Included below is the section of Maine's liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see

§653. Hearings; bureau review; appeal

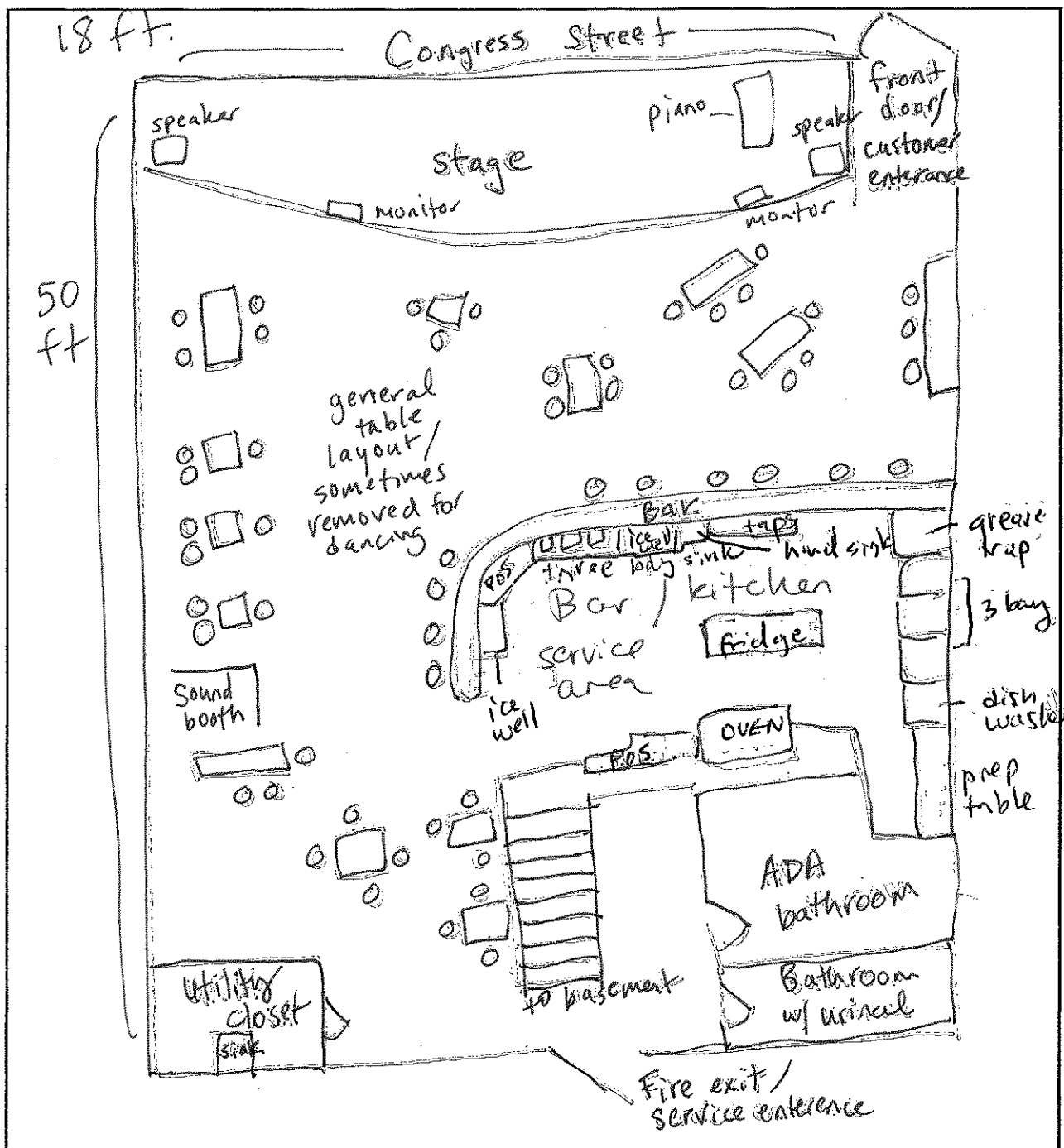
1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of 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.

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: Blue Portland Maine
2. Doing Business As, if any: _____
3. Date of filing with Secretary of State: 7/31/24 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:
7/31/24
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
Celeste Parke	87 Douglass St Portland 240 Valley St Portland	02-25-85	Treasurer Manager	0
Andrew Roseman	87 Douglass St Portland 240 Valley St Portland	06-18-92	Exec Director	0

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

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:

**Blue Portland Maine Inc, dba Blue Portland Maine. Application for Auditorium with
Indoor Entertainment at 650 Congress Street**

MEMORANDUM
City Council Agenda Item

FROM:

DATE: September 3, 2024

SUBJECT: Order 56-24/25 Granting Municipal Officers' Approval of Roasty's LLC, dba Roasty's. Application for Class III & IV FSE at 642 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 8/27/24. Location was previously 'Ada's Pasta'. 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. 2024.09.16_Roastys_Council Packet
2. 2024.09.16_Roastys_Council Order

Prepared by:

Date: 09/03/2024



LETTER OF INTENT

August 27, 2024

To: City of Portland, Maine

389 Congress Street,

Portland, ME 04101

Mayor Dion and members of the Portland City Council,

I am writing to request your approval of a liquor license (Malt & Vinous License (Class III & IV) for a new restaurant located at 642 Congress Street. The restaurant, Roasty's will have a total of 14 seats, and serve signature roast beef sandwiches.

We are hoping to offer our customers a limited selection of alcoholic beverages: four draft beers and one wine by the glass, and our liquor sales are estimated to be less than 10% of gross revenue.

We will have TIPS certified employees and management and provide additional Responsible Alcohol Service training to staff prior to opening in September 2024.

Please do not hesitate to reach out with questions to jennifer@mainstreetmarkets.com. We are looking forward to joining the vibrant Portland Food and Beverage Community!

Many thanks,

Jennifer Rockwell

Owner

Roastys, LLC



CITY OF PORTLAND
Permitting and Inspections Department

Lic # 6333-2024

Application for Food Service Establishment with Alcoholic Beverages License

Business Information		
Legal Business Entity Applicant Name (corporation, LLC): Roasty's LLC	Business Name (D/B/A):	
Individual or Sole Proprietor Applicant Name(s): Jennifer Rockwell	Physical Location: 642 Congress St, Portland, ME 04101	
If applicable, what was formerly at this location: Ada's Pasta	Business Email Address: hello@eatroastys.com	
Mailing Address: 449 Main St, Rockland, ME 04841	Contact Person: Jennifer Rockwell	
Contact Person Phone: 201-970-5333	Contact Person Email: jennifer@mainstreetmarkets.com	
Manager of Establishment: Aaron Link	Date of Birth: 07/27/2024	Manager Phone: 480-234-1777
Owner of Premises (Landlord): Port Property Management	Address of Premises Owner (Landlord): 82 Hanover St #5, Portland ME 04101	

Sole Proprietor/Partnership Information (If Corporation, leave blank)		
Name of Owner(s): Jennifer Rockwell	Date of Birth: 12/01/1989	Residence Address: 449 Main St, Rockland ME 04841
Name of Owner(s): Richard Rockwell	Date of Birth: 09/03/1955	Residence Address: 10165 Osprey Tr, West Palm Beach FL 33412

Corporate/LLC/Non-Profit Organization Applicants (If Sole Proprietor or Partnership, leave blank)			
Corporate Name: Roastys LLC		Corporate Mailing Address: 449 Main St, Rockland ME 04841	
Contact Person: Jennifer Rockwell		Contact Phone: 201-970-5333	
Principal Officers	Title	Date of Birth	Residence Address
Jennifer Rockwell	Owner	12/01/1989	449 Main St, Rockland ME 04841
Richard Rockwell	Owner	09/03/1955	10165 Osprey Tr, West Palm Beach FL 33412



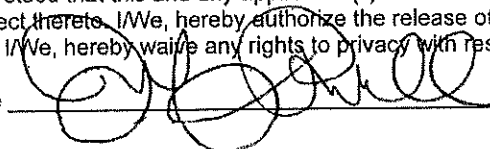
CITY OF PORTLAND
Permitting and Inspections Department

Class of Liquor License (see fee schedule): Class III & IV (Malt & Vinous License)		
Type of food served:	Sandwiches	
Please select all that will be served:	☒ Beer ☒ Wine ☐ Liquor	
Projected percentage of sales:	Generated from Food: \$600,000 Generated from Alcohol: \$50,000	
Hours & days of operation:	Daily 11am-11pm, Weekends: 1am	
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: Sandwiches and Fries, mostly handheld food!		
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	☐	☒
If yes, give the distance: 0.3 miles		
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? : 09/23/24		
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): Ada's Pasta, Inc. (642 Congress St, Portland, ME 04101)		
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, Jennifer Rockwell do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require me to produce Server Training certificates for each employee that serves alcohol to the public in my establishment. Failure to meet the training requirement imposed by section 15-41 may result in the denial of a liquor license pursuant to 28-A M.R.S.A. § 653 (2) (G).

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

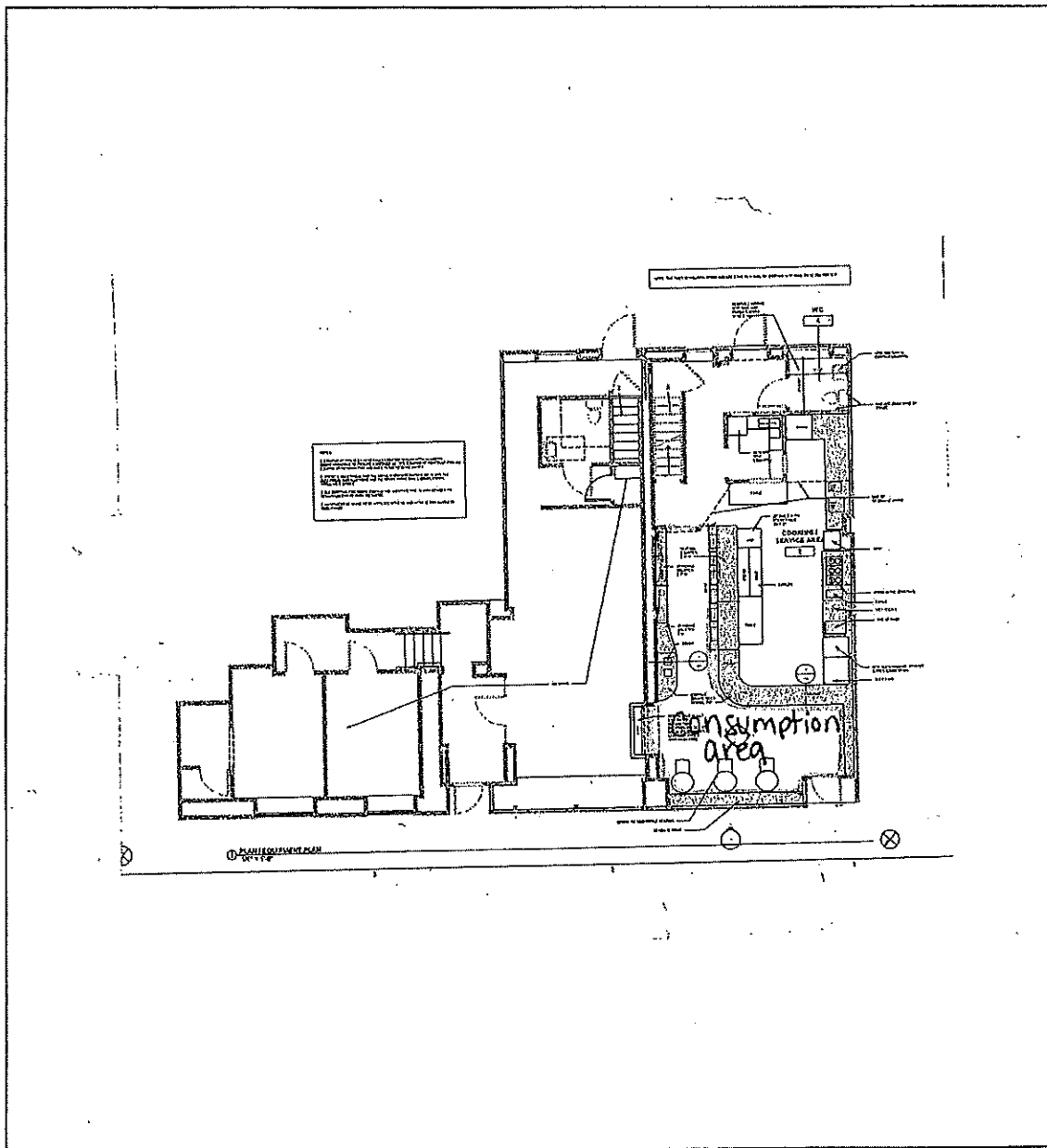
It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto. I/We, hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We, hereby waive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

Signature  Title Owner Date 08/26/24

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.





Roast Beef Sandwiches:

Boston THE 3-WAY TENDER ROAST BEEF, KETCHUP MAYO, JAMES RIVER BBQ, COOPER SHARP CHEESE ON AN ONION ROLL

Buffalo BEEF ON WECK TENDER ROAST BEEF & HORSE RADISH ON A JUS-DIPPED CARRAWAY SEED & SALT ROLL

Chicago ITALIAN BEEF TENDER ROAST BEEF & GIARDINERA ON A LONG ROLL. ORDER IT DRY, WET OR ENDS DIPPED.

Los Angeles THE FRENCH DIP TENDER ROAST BEEF & SWISS ON A LONG ROLL WITH A SIDE OF JUS

New Jersey JERSEY "SLOPPY JOE" ROAST BEEF & TURKEY, SWISS, SLAW & RUSSIAN ON RYE

Portland ROASTY'S SIGNATURE TENDER ROAST BEEF, HOUSE CHEESE SAUCE, ONIONS ON A LONG ROLL

Signature Shoestring Fries:

Classic PILE OF FRIES WITH SEA SALT

Cheesy DRIZZLED WITH ROASTY'S CHEESE SAUCE

Garlic DUSTED IN GARLIC & HERBS

Bbq SWEET, TANGY, SMOKEY & SPICY

Salt & Malt MALT VINEGAR & SEA SALT

Beast Style ROASTY'S SIGNATURE: SHAVED BEEF, GARLIC & CHEESE

Sides:

Slaw HOUSE COLE SLAW

Chips MAINE KETTLE CHIPS

Treats:

Roasty's Chip

TOFFEE, CHOCOLATE & SEA SALT COOKIE GRAVY

Side Sauces:

HORSE RADISH SAUCE

PLAIN HORSE RADISH

JAMES RIVER BBQ SAUCE

CHEESE SAUCE

RUSSIAN DRESSING

MAYONNAISE

JUS

Soft Drinks:

COCA-COLA

CLUB SODA

DIET COKE

UNSWEETENED ICED TEA

SPRITE

HOUSE LEMONADE

GINGER ALE

ARNOLD PALMER

ROOT BEER

BOTTLED WATER

Beer

ROASTING

PORTLAND

BEER ON TAP

PINTS

Wine

HOUSE RED WINE

ON TAP

BY THE GLASS



Zachary Lenhart <zlenhart@portlandmaine.gov>

Roasty's - Class 3 & 4 - 642 Congress Street

Zachary Finley <zackf@portlandmaine.gov>

Mon, Sep 9, 2024 at 12:39 AM

To: Ron Kelton <rkelton@portlandmaine.gov>

Cc: Zachary Lenhart <zlenhart@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>, "Lynch, Kim" <Kim.Lynch@maine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Business Licensing <bl@portlandmaine.gov>, Christina Stacey <cstacey@portlandmaine.gov>

PD approves.

[Quoted text hidden]

--

Lieutenant Zack Finley

Uniformed Patrol Operations

Portland Police Department



Zachary Lenhart <zlenhart@portlandmaine.gov>

Roasty's - Class 3 & 4 - 642 Congress Street

Zoning <zoning@portlandmaine.gov>

Mon, Sep 9, 2024 at 12:27 PM

To: Zoning <zoning@portlandmaine.gov>

Cc: Zachary Lenhart <zlenhart@portlandmaine.gov>, Zachary Finley <zackf@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>, "Lynch, Kim" <kim.lynch@maine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Business Licensing <bl@portlandmaine.gov>, cstacey <cstacey@portlandmaine.gov>

Good Afternoon,

The legal use of 642 Congress ST, CBL: 045 A003001 (right unit of 640-642 Congress 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 September 16, 2024 at 5:00 P.M., in City Council Chambers, 389 Congress St. for approval of Blue Portland Maine Inc, dba Blue Portland Maine.
Application for Auditorium with Indoor Entertainment at 650 Congress Street - Sponsored by Danielle P. West, City Manager

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



September 5, 2024

Blue Portland Maine Inc
87 Douglas Street
Portland, Maine 04102

Re: Blue Portland Maine Inc, dba Blue Portland Maine. Application for Auditorium with Indoor Entertainment at 650 Congress Street

Dear Blue Portland Maine Inc:

This letter shall serve as a reminder of the public hearing before the Portland City Council on Monday September 16, 2024 at 5:00 p.m., for the review of application for Auditorium with Indoor Entertainment at 650 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



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): Roastys LLC	Business Name (D/B/A):
Individual or Sole Proprietor Applicant Name(s): Jennifer Rockwell	Physical Location: 642 Congress Street, Portland, ME 04101
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address: 449 Main Street, Rockland, ME 04841	Email Address: jennifer@mainstreetmarkets.com
Telephone # Fax #: 201-970-5333	Business Telephone # Fax #: 207-593-7735 ext. 108
Federal Tax Identification Number: 99-3646075	Maine Seller Certificate # or Sales Tax #: 1194-4348
Retail Beverage Alcohol Dealers Permit:	Website address: www.eatroastys.com

1. New license or renewal of existing license? ☒ New Expected Start date: 09/15/2024
- ☐ Renewal Expiration Date: _____

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

Food: \$ 600,000.00 Beer, Wine or Spirits: \$ 50,000.00 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:

449 Main Street, Rockland, ME 04841

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
Main Street Markets (off-premise)	RET-2015-1949	435 Main Street, Rockland, ME 04841
Ada's Kitchen (on-premise)	CARL-2017-10430	449 Main Street, Rockland, ME 04841

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
Jennifer Rockwell	12/01/1989	New York, NY
Aaron Link	07/27/1984	Vineland, New Jersey
Richard Rockwell	09/03/1955	New Jersey
Residence address on all the above for previous 5 years		
Name	Address:	
Jennifer Rockwell	449 Main Street, Rockland, ME 04841	
Name	Address:	
Richard Rockwell	10165 Osprey Trace, West Palm Beach, FL 33412	
Name	Address:	
Aaron Link	4015 N 12th Ave, Phoenix, AZ 85013 (Jan 2012 - June 2024)	
Name	Address:	
	28 St George Rd. Portland, ME 04103 (June 2024 - Present)	

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: Ada's Kitchen

Date of Conviction: 08/04/2018

Offense: Bartender attempted to serve a minor

Location: 449 Main Street

Disposition: Resolved

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

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

Name: _____

Date of Conviction: _____

Offense: _____

Location: _____

Disposition: _____

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

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

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

Port Property Management, 82 Hanover St #5, 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 space is about ~1,000 square feet, with 3/4 of it back of house. There will be 6 counter seats, and three two-top tables.

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

Name: Reiche Community School, Brackett Street

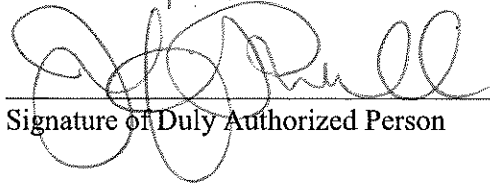
Distance: 0.30

Section II: Signature of Applicant(s)

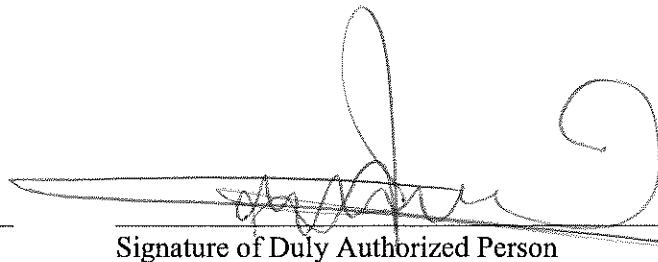
By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary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

Please sign and date in blue ink.

Dated: 8/20/2024


Signature of Duly Authorized Person

JENNIFER ROCKWELL
Printed Name Duly Authorized Person


Signature of Duly Authorized Person

RICHARD ROCKWELL
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

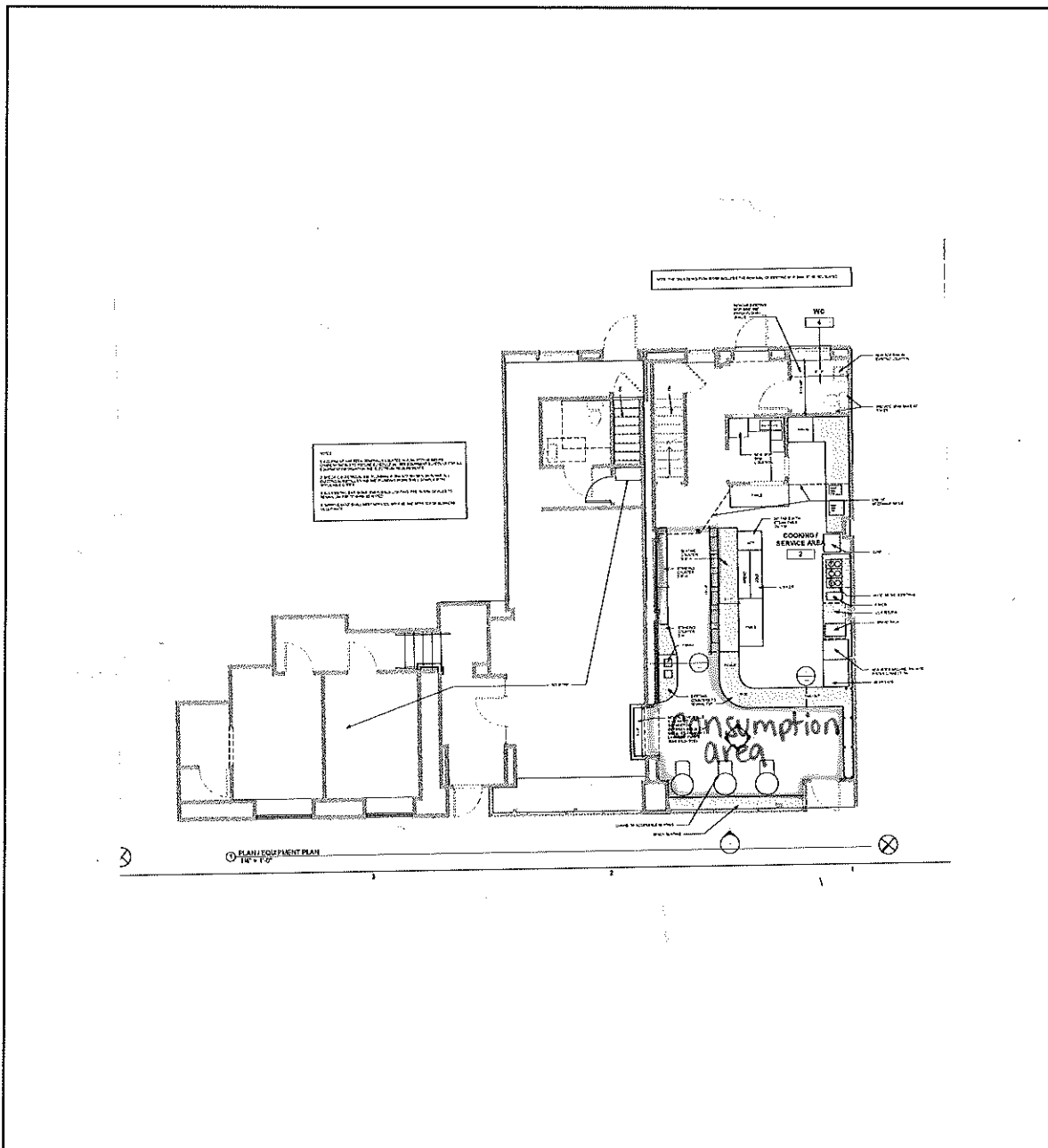
1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of 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.

Section VI Premises Floor Plan

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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: Roastys LLC
2. Doing Business As, if any: _____
3. Date of filing with Secretary of State: 06/26/2024 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
Jennifer Rockwell	449 Main St Rockland ME 04841	12/01/1989	Owner	51.0000
Richard Rockwell	10165 Osprey Tr, West Palm Beach, FL 33412	09/03/1955	Owner	49.0000
Aaron Link	4015 N 12th Ave, phoenix, az	07/27/1984	Manager	0.0000
	85013 (Jan 2012 - June 2024)			
	28 St George Rd. Portland, ME			
	04103 (June 2024 - Present)			

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

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:

Roasty’s LLC, dba Roasty’s. Application for Class III & IV FSE at 642 Congress Street



PORTLAND MAINE CUMBERLAND COUNTY HOME CONSORTIUM

CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT 2023-2024

City of Portland, Maine
Housing and Economic Development Department
Housing and Community Development Division
389 Congress Street, Room 312 and 313
Portland, ME 04101
www.portlandmaine.gov

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1. Cover Page and Table of Contents
2. SAGE Reports
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CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)

This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

Portland places needs, goals, and priorities into four categories: Addressing the Needs of the Growing Homeless Population; Housing Availability; Economic Opportunity; and Neighborhood Investment and Infrastructure. These four categories guide the projects in the Consolidated Plan and Annual Action Plans and are based on HUD-provided data, independent research, community outreach, consultation with agencies and service providers, and established goals and priorities of the City of Portland and the Cumberland County HOME Consortium. In 2023-2024, the City saw significant momentum on several construction projects including affordable housing and infrastructure improvements. The City also served its most vulnerable populations by supporting CDBG subrecipients who provided basic needs such as shelter, food, peer support, and other necessary services. CDBG-CV funds were administered during PY2023 to projects and activities used to prepare, prevent, or respond to the COVID-19 pandemic. The activity funded through the CV funding exceeded program goals, reaching an extraordinary amount of people and providing critical services to those in need. Most activities were successful in meeting their goals, with some exceeding their goals. Activities addressing the needs of the unhoused and refugee populations, such as Hope Acts, substantially exceeded their goals, along with Catholic Charities and Preble Street Emergency Food Program. Those providing services in congregate settings often meet their goals despite balancing staffing challenges and various state and local mandates. For many activities, even if the unit of service goal was not met, the number of new clients drastically exceeded their goals. Another challenge cited by public service providers has been the housing crisis, which made it difficult to continue to house individuals in shelters. The City's housing production goal for 2023 was 256 housing units. The actual number of units approved by the Planning Board during 2023 totaled 1,281 units within 14 new multi-family housing development projects. Of the total approved units for 2023, the majority (845) are anticipated as rental units, with the remaining units (436) anticipated as owner-occupied. A significant number of rental units were approved at 89 Elm Street in Bayside, as well as in three separate office to residential conversion projects at 465 Congress Street, 477 Congress Street, and 511 Congress Street in downtown Portland. The largest share of anticipated ownership units was approved as part of the redevelopment of the Portland Company site at 58 Fore Street in the Eastern Waterfront as well as at the Lambert Woods development in the North Deering neighborhood (622 Auburn Street & 165 Lambert). This project is located on former City-owned property, transferred as part of a city disposition process that began in 2020. Although the table below lists only the accomplishments directly related to the 2023-2024 program year, there were several notable accomplishments from previously awarded activities. The HOME program subsidized the rehabilitation and construction of 182 affordable rental units in Portland (13 HOME units) and helped 68 families with rental assistance. CDBG-CV funding supported 366 individuals through Milestone's HOME Team. The CDBG program also had a number of

accomplishments. Individuals city-wide benefited from a reconstructed basketball court and sidewalk improvements, and one nonprofit completed a rehabilitation project to provide safer services to 3,798 children and families. Due to the Cares Act suspension of the public services cap on CDBG funds for 2019 and 2020, funds from a canceled activity were used to provide emergency shelter to teens and adults, furniture and items to formerly homeless individuals or their new homes, and mobile services to homeless individuals.

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
Addressing Needs of Growing Homeless Population	Homeless	CDBG: \$ / ESG: \$ / Cotton St: \$20000	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	39125	23961	61.24%	11268	15389	136.57%
Addressing Needs of Growing Homeless Population	Homeless	CDBG: \$ / ESG: \$ / Cotton St: \$20000	Homeless Person Overnight Shelter	Persons Assisted	1750	552	31.54%	325	7	2.15%
Addressing Needs of Growing Homeless Population	Homeless	CDBG: \$ / ESG: \$ / Cotton St: \$20000	Overnight/Emergency Shelter/Transitional Housing Beds added	Beds	15	7	46.67%	0	7	

Addressing Needs of Growing Homeless Population	Homeless	CDBG: \$ / ESG: \$ / Cotton St: \$20000	Homelessness Prevention	Persons Assisted	500	0	0.00%	100	0	0.00%
Addressing Needs of Growing Homeless Population	Homeless	CDBG: \$ / ESG: \$ / Cotton St: \$20000	Housing for Homeless added	Household Housing Unit	5	0	0.00%			
Economic Opportunity	Non-Housing Community Development Economic Development	CDBG: \$ / Section 108: \$ / Cotton St: \$	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	0	0				
Economic Opportunity	Non-Housing Community Development Economic Development	CDBG: \$ / Section 108: \$ / Cotton St: \$	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	1186	811	68.38%	640	811	126.72%
Economic Opportunity	Non-Housing Community Development Economic Development	CDBG: \$ / Section 108: \$ / Cotton St: \$	Homeless Person Overnight Shelter	Persons Assisted	0	0		0	0	
Economic Opportunity	Non-Housing Community Development Economic Development	CDBG: \$ / Section 108: \$ / Cotton St: \$	Homelessness Prevention	Persons Assisted	0	713		0	713	

CAPER

3

Economic Opportunity	Non-Housing Community Development Economic Development	CDBG: \$ / Section 108: \$ / Cotton St: \$	Jobs created/retained	Jobs	50	0	0.00%			
Economic Opportunity	Non-Housing Community Development Economic Development	CDBG: \$ / Section 108: \$ / Cotton St: \$	Businesses assisted	Businesses Assisted	35	6	17.14%			
Housing Availability	Affordable Housing Public Housing	CDBG: \$ / HOME: \$ / Housing Trust Fund: \$ / HOME-ARP: \$ / Lead-Safe PI: \$	Public Facility or Infrastructure Activities for Low/Moderate Income Housing Benefit	Households Assisted	60	0	0.00%			
Housing Availability	Affordable Housing Public Housing	CDBG: \$ / HOME: \$ / Housing Trust Fund: \$ / HOME-ARP: \$ / Lead-Safe PI: \$	Public service activities for Low/Moderate Income Housing Benefit	Households Assisted	100	0	0.00%			

Housing Availability	Affordable Housing Public Housing	CDBG: \$ / HOME: \$ / Housing Trust Fund: \$ / HOME-ARP: \$ / Lead-Safe PI: \$	Brownfield acres remediated	Acre	1	0	0.00%			
Housing Availability	Affordable Housing Public Housing	CDBG: \$ / HOME: \$ / Housing Trust Fund: \$ / HOME-ARP: \$ / Lead-Safe PI: \$	Rental units constructed	Household Housing Unit	75	0	0.00%	26	0	0.00%
Housing Availability	Affordable Housing Public Housing	CDBG: \$ / HOME: \$ / Housing Trust Fund: \$ / HOME-ARP: \$ / Lead-Safe PI: \$	Rental units rehabilitated	Household Housing Unit	25	0	0.00%			

Housing Availability	Affordable Housing Public Housing	CDBG: \$ / HOME: \$ / Housing Trust Fund: \$ / HOME-ARP: \$ / Lead-Safe PI: \$	Homeowner Housing Added	Household Housing Unit	2	0	0.00%			
Housing Availability	Affordable Housing Public Housing	CDBG: \$ / HOME: \$ / Housing Trust Fund: \$ / HOME-ARP: \$ / Lead-Safe PI: \$	Homeowner Housing Rehabilitated	Household Housing Unit	2	2	100.00%	6	2	33.33%
Housing Availability	Affordable Housing Public Housing	CDBG: \$ / HOME: \$ / Housing Trust Fund: \$ / HOME-ARP: \$ / Lead-Safe PI: \$	Direct Financial Assistance to Homebuyers	Households Assisted	1	0	0.00%			

Housing Availability	Affordable Housing Public Housing	CDBG: \$ / HOME: \$ / Housing Trust Fund: \$ / HOME-ARP: \$ / Lead-Safe PI: \$	Tenant-based rental assistance / Rapid Rehousing	Households Assisted	480	0	0.00%	96	0	0.00%
Housing Availability	Affordable Housing Public Housing	CDBG: \$ / HOME: \$ / Housing Trust Fund: \$ / HOME-ARP: \$ / Lead-Safe PI: \$	Buildings Demolished	Buildings	1	0	0.00%			
Neighborhood Investment and Infrastructure	Non-Housing Community Development	CDBG: \$ / TIF: \$	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	8000	0	0.00%	19665	0	0.00%
Neighborhood Investment and Infrastructure	Non-Housing Community Development	CDBG: \$ / TIF: \$	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	20000	64710	323.55%			

Neighborhood Investment and Infrastructure	Non-Housing Community Development	CDBG: \$ / TIF: \$	Facade treatment/business building rehabilitation	Business	5	0	0.00%			
Neighborhood Investment and Infrastructure	Non-Housing Community Development	CDBG: \$ / TIF: \$	Buildings Demolished	Buildings	1	0	0.00%			

Table 1 - Accomplishments – Program Year & Strategic Plan to Date

Assess how the jurisdiction’s use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

CDBG funds were directly used to address the priority and specific objectives identified in the 5 year consolidated plan and Year 2 Annual Action Plan. As mentioned above, all of the CDBG activities funded in program year 2023 addressed at least one need, goal, and priority in our community. All the planning/administration and public service projects were completed within the program year. These included Catherine Morrill Day Nursery Child Care Voucher Program; Quality Housing Coalition; Through These Doors; Hope Acts; Milestone Recovery HOME Team; Preble Street’s Florence House Women’s Shelter, Food Programs, and Teen Shelter; Furniture Friends Basic Needs Expansion; Greater Portland Family Promise; Commonsplace Mobile Day Space and Brackett St Program; and Wayside Food Programs.

CDBG funds are administered through a competitive application process; with limited funding, several programs are often unable to be funded. Remaining CDBG-CV funds were able to partially fund Milestone Recovery HOME Team. While this activity was directly related to responding to the COVID-19 pandemic in the homeless population, it also met the City’s identified goals and objectives in the consolidated plan.

One of the largest priority activities identified by the City has been addressing the needs of the growing homeless population. Both PY2023 and CDBG-CV funds were programmed to address this need, providing a critical financial lifeline to the organizations, service providers working to end homelessness during a global pandemic. Activities such as the Commonsplace Day Space and Hope Acts exceeded both their unit and client

goal.

Additionally, four multi-family housing projects received their certificate of occupancy during 2023 for a total of 182 units of which 170 are affordable for households earning at or below 60% AMI.

CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted).

91.520(a)

	CDBG	HOME
White	17,988	34
Black or African American	17,207	24
Asian	489	2
American Indian or American Native	222	2
Native Hawaiian or Other Pacific Islander	47	1
Total	35,953	63
Hispanic	2,147	3
Not Hispanic	34,964	60

Describe the clients assisted (including the racial and/or ethnicity of clients assisted with ESG)

	HESG
American Indian, Alaska Native, or Indigenous	0
Asian or Asian American	0
Black, African American, or African	0
Hispanic/Latina/e/o	0
Middle Eastern or North African	0
Native Hawaiian or Pacific Islander	0
White	0
Multiracial	0
Client doesn't know	0
Client prefers not to answer	0
Data not collected	0
Total	0

Table 2 – Table of assistance to racial and ethnic populations by source of funds

Narrative

According to the 2022 ACS 5-Year Estimate (B02001), the City of Portland is 83% white, 9% Black/African-American, 3% Asian, and 5% all other races/multiracial. The CDBG program served individuals and families identifying as 48% white, 46% African American, 1% Asian, and 1% American Indian or American Native. The table does not capture over 3% of the population served (1,158 additional

individuals) who identify as more than one race or other multiracial. The higher percentage of Black and African-American individuals served by the CDBG program, compared to the City makeup, is due to several CDBG programs that target Portland's immigrant and refugee populations, most of whom are coming from central and northern African nations. The HOME program serves all of Cumberland County. According to the 2022 ACS 5-Year Estimates, 89% of Cumberland County residents are white, 3% are black/African American, 2% are Asian, and 6% are other races/multiracial. Similar to the CDBG program, the HOME program serves a larger percentage of Black/African-American individuals than the general makeup for Cumberland County, with 52% white, 36% Black/African-American, and 3% each of Asian, American Indian or American Native, or Native Hawaiian or other Pacific Islander individuals assisted. The HOME program also assisted three individuals who identify as other multi-racial. For ESG, this information is included in the SAGE CAPER. Similar to CDBG, the higher percentage of Black and African-American individuals served by the ESG program, compared to the City makeup, consists of Portland's immigrant and refugee new arrivals, most of whom are coming from central and northern African nations.

CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG	public - federal	1,911,530	1,957,470
HOME	public - federal	1,350,735	2,152,881
ESG	public - federal	162,241	189,284
Housing Trust Fund	public - local	3,704,156	1,789,388
Section 108	public - federal	0	0
Other	public - federal	243,534	170,708
Other	public - local	243,534	170,708

Table 3 - Resources Made Available

Narrative

No changes were made to default values on this table. Expended amounts include projects that were awarded funds in a different program year, but expended those funds during the 2023 program year. In addition to the table above, amounts were expended in CDBG-CV (\$354,517.91) and ESG-CV (\$213,519.27) funding for activities supporting individuals experiencing homelessness.

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description
CDBG Target Neighborhoods	0	0	Districts 1, 2 and portions of district 3 on the Portland Peninsula.
Cumberland County	15	0	All of Cumberland County
Eligible Census Tracts	21	4	Any census tract where more than 51% of the residents are below 80% of the AMI.
PORTLAND, MAINE	65	96	The boundaries of the City of Portland

Table 4 – Identify the geographic distribution and location of investments

Narrative

The percentages in the “actual percentage of allocation” column reflect the amount dispersed during the program year rather than the amount awarded. The discrepancies between planned and actual percentages are not due to changing priorities or activities but on the period of performance for activities. Many of the CDBG public services provided services to the City’s growing homeless population; therefore, these activities are categorized as serving Portland rather than a specific area. These activities must be completed within the program year, resulting in higher percentages for

Portland and lower for target neighborhoods and eligible census tracts. Additionally, infrastructure and construction activities have two years to complete their projects, which may be extended. These projects fall within a target neighborhood or eligible census tract and will be reported on future CAPERs. Cumberland County projects will be funded with HOME. These projects have a two to four year period of performance; accomplishments are recorded when the projects are complete. As infrastructure and HOME projects are completed, it is expected that the numbers will match closely within program years.

Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

The City's Housing Investment Policy requires 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 a development resource. The City continues to review and evaluate land suitable for residential housing.

CDBG is highly leveraged; year 2 of the Consolidated Plan leveraged over \$12,000,000 in private, state, and local funds. Emergency Solution Grant funding is equally matched dollar for dollar. For every dollar expended from federal resources an equal match was spent from City funds through housing assistance provided through the General Assistance. HOME match is generated by housing assistance provided by the City through General Assistance (less amount used as match for ESG). Locally, the City of Portland leverages local Jill C. Duson Housing Trust Fund dollars in the Affordable Housing Development Program. Additionally, the affordable housing development projects may use affordable housing tax-increment financing, low-income housing tax credits, Maine State Housing Authority funding, and private development fund resources.

Fiscal Year Summary – HOME Match	
1. Excess match from prior Federal fiscal year	49,631,889
2. Match contributed during current Federal fiscal year	0
3. Total match available for current Federal fiscal year (Line 1 plus Line 2)	49,631,889
4. Match liability for current Federal fiscal year	323,649
5. Excess match carried over to next Federal fiscal year (Line 3 minus Line 4)	49,308,240

Table 5 – Fiscal Year Summary - HOME Match Report

Match Contribution for the Federal Fiscal Year								
Project No. or Other ID	Date of Contribution	Cash (non-Federal sources)	Foregone Taxes, Fees, Charges	Appraised Land/Real Property	Required Infrastructure	Site Preparation, Construction Materials, Donated labor	Bond Financing	Total Match

Table 6 – Match Contribution for the Federal Fiscal Year

HOME MBE/WBE report

Program Income – Enter the program amounts for the reporting period				
Balance on hand at beginning of reporting period \$	Amount received during reporting period \$	Total amount expended during reporting period \$	Amount expended for TBRA \$	Balance on hand at end of reporting period \$
321,312	255,169	382,589	148,505	193,892

Table 7 – Program Income

Minority Business Enterprises and Women Business Enterprises – Indicate the number and dollar value of contracts for HOME projects completed during the reporting period						
	Total	Minority Business Enterprises				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Contracts						
Dollar Amount	1,666,839	0	0	0	0	1,666,839
Number	5	0	0	0	0	5
Sub-Contracts						
Number	0	0	0	0	0	0
Dollar Amount	0	0	0	0	0	0
	Total	Women Business Enterprises	Male			
Contracts						
Dollar Amount	1,666,839	427,520	1,239,319			
Number	5	1	4			
Sub-Contracts						
Number	0	0	0			
Dollar Amount	0	0	0			

Table 8 - Minority Business and Women Business Enterprises

Minority Owners of Rental Property – Indicate the number of HOME assisted rental property owners and the total amount of HOME funds in these rental properties assisted						
	Total	Minority Property Owners				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Number	0	0	0	0	0	0
Dollar Amount	0	0	0	0	0	0

Table 9 – Minority Owners of Rental Property

Relocation and Real Property Acquisition – Indicate the number of persons displaced, the cost of relocation payments, the number of parcels acquired, and the cost of acquisition						
Parcels Acquired		0		0		
Businesses Displaced		0		0		
Nonprofit Organizations Displaced		0		0		
Households Temporarily Relocated, not Displaced		0		0		
Households Displaced	Total	Minority Property Enterprises				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Number	0	0	0	0	0	0
Cost	0	0	0	0	0	0

Table 10 – Relocation and Real Property Acquisition

CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	325	49
Number of Non-Homeless households to be provided affordable housing units	100	13
Number of Special-Needs households to be provided affordable housing units	0	0
Total	425	62

Table 11 – Number of Households

	One-Year Goal	Actual
Number of households supported through Rental Assistance	96	49
Number of households supported through The Production of New Units	10	9
Number of households supported through Rehab of Existing Units	0	4
Number of households supported through Acquisition of Existing Units	0	0
Total	106	62

Table 12 – Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

Several approved projects and projects currently under construction have experienced delays in completion due to rising construction costs, staffing challenges, and supply chain issues. Rental assistance numbers are lower than expected due to difficulty in finding units and timing of when the TBRA activity was completed in IDIS. The actual numbers above include only those units directly assisted with federal funds and are not a reflection of the total number of units created or households supported.

Discuss how these outcomes will impact future annual action plans.

We have created and are fine-tuning procedures to regularly check in with projects about construction completion dates. This includes a shared project document and bi-weekly meetings with key staff involved in affordable housing production. Despite the complicated construction market, we are seeing increased interest in and requests for funding for new affordable housing projects. Because the need in our community is greater than the funding available, we will need to carefully assess our priorities and goals in future annual action plans to ensure we are meeting the most pressing needs.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of Households Served	CDBG Actual	HOME Actual
Extremely Low-income	14,931	57
Low-income	6,832	5
Moderate-income	299	0
Total	22,062	62

Table 13 – Number of Households Served

Narrative Information

CDBG Actual encompasses both CDBG and CDBG-CV activities including child care, homeless services, and rehabilitation. These numbers reflect only those activities where income data was collected and does not include any area benefit activities. HOME activities include 49 individuals assisted with Tenant Based Rental Assistance and thirteen HOME units created for families with extremely low and low-incomes.

CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City of Portland continues to be a leader in responding to the needs of people experiencing homelessness. The City's Health & Human Services Dept. operates the Homeless Services Center (HSC), the Family Shelter and supports various Community Overflow spaces. The HSC is a 53,000 Sq. ft facility that offered accommodations to 208 individuals per night with wrap around services. In November of 2023, the HSC capacity was increased to 258 individuals. The HSC serves meals onsite, guest laundry is available, each guest has 24/7 access to a storage locker. The dorms include 4 ft half wall quads to promote social distancing and most beds have an outlet with a charging station. Embedded into the HSC is a fully functional Federal Qualified Health Clinic operated by GPH that also includes dental services. Our shelter programs provide a safe haven on a temporary basis for Portland's homeless population and promote rapid re-stabilization and the achievement of permanent housing. The City meets the HUD recommendation for a centralized or coordinated homeless assessment and intake process that includes a comprehensive and standardized assessment process with a client centered plan focused on locating and retaining housing. This work begins with our Prevention and Diversion team located on peninsula at the Social Services Hub at 39 Forest Avenue. This approach continues to reflect our belief that early intervention and immediate connection to housing and casework services can make a difference in reducing the number and length of homeless occurrences. Our model's more focused effort and increased resources to assist those in the shelter with the longest lengths of stay leads to permanent housing and ultimately to self-sufficiency which results in an overall reduction in the need for emergency shelter. The Prevention and Diversion team assists each new client through the Intake Process; a new client is any person who has never been to the shelter or who has been away for more than 90 consecutive days. During intake, staff conduct several tasks, including assessing the client for vulnerability using the Maine Navigator Services Eligibility Assessment Decision Assistance Tool (NavSEA). The Intake Worker or Housing Counselor will then make a referral to community mental health services for diagnostic assessment, as needed, in order to help the person gain housing and access to community resources such as housing subsidies and mental health or recover treatment and/or counseling. The Family Shelter serves as a default Welcome House for New Mainers. New Mainers often arrive in Maine without resources or housing, speaking limited to no English. New Mainers initially present themselves to the Family Shelter as homeless. In PY23, 100% of individuals served by the Family Shelter were migrants or asylum seekers. Asylum seekers present from a variety of nations, but the majority of New Mainers we see are from Angola, the Democratic Republic of Congo, Republic of Congo, and Haiti. The City experienced an uptick in the number of families arriving from the Southern Border and in April 2023 opened the EXPO building to accommodate the high number of arrivals. The EXPO Closed on August 16, 2023 at which time clients were moved into the Ramada Inn; 22 Families, 67 individuals; Casco Bay Inn: 37 families, 126 individuals; and Motel 6: 195 families, 582

individuals. We continue to stress we are unable to guarantee families a shelter space as shelters are full and changes to GA law have reduced our ability to utilize hotels beyond 30 days.

Addressing the emergency shelter and transitional housing needs of homeless persons

The City of Portland's Health and Human Services Department, Social Services Division operates the two largest shelters in the State of Maine, the Homeless Services Center (HSC) and Family Shelter. The HSC is the largest emergency shelter in the State of Maine and is open 24 hours, 365 days a year. This low-barrier shelter provides safe, temporary housing for homeless adults. The Shelter offers wrap-around services to help homeless individuals enhance self-esteem, secure housing, and work towards a self-sufficiency plan. The shelter has a capacity of two hundred fifty-eight (258) beds. During the pandemic, the shelter had worked to strictly follow CDC guidelines and recommendations to socially distance our clients, moving to head-to-toe sleeping and assigning every other bed. The HSC allows us to be at full capacity while offering social distancing with beds set up in quads with a 4 ft tall head wall between groupings of 4 beds. This year the shelter housing staff have worked hard to house many vulnerable, medically compromised clients. Staff have also worked hard to retain the housing of those at risk of homelessness. The Homeless Services Center served 899 men and 387 women totaling 1286 individuals (unduplicated numbers) in PY2023. The shelter provided 80,900 bed nights.

The Family Shelter is the largest shelter for families in the State of Maine. The Family Shelter provides temporary housing to families with children under the age of 18. It offers both preventative services for families at risk of experiencing homelessness and support services to assist families in locating housing and achieve stability. Combined, there is a total capacity of 146 beds in an apartment style living environment. The Family Shelter provided shelter for 68 families consisting of 250 individuals for a total of 36,669 bed nights.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after 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); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

Foster Care: Maine DHHS oversees foster care and contracts with The Opportunity Alliance (TOA) to help youth & families develop healthy transition plans to help youth aging out obtain TH, PH, PSH, or remain in care until they finish their education. TOA & the Teen Shelter work to prevent & actively monitor whether teens are discharged from foster care to the streets or shelters & advocate with Maine DHHS for improved policies and resources. Youth can remain with their foster parents past age 21 to complete their education.

Health Care: Preble Street, through a collaboration with Maine Medical, has opened a triage medical clinic whose goal is to bring unserved homeless and low-income individuals into low barrier medical care

(wound management, basic screenings, etc.) and connect them with primary care. Portland's FQHC, Greater Portland Health, operates a 3,000 Sq. Ft. clinic embedded in the HSC that serves both shelter guests and the general public that offers primary and mental health care for unserved, homeless populations, the clinic has hours Monday-Friday. Additionally, the Homeless Services Center has collaborated with the Portland Fire Department to create a Paramedicine program to assist guests with medical needs within the shelter and the neighborhood. The paramedic on duty also helps triage medical emergencies and assists with administering Narcan and addressing overdoses.

Mental Health: Two of Maine's publicly-funded MH hospitals have a discharge planning process that begins at admission and is pursued during the hospital stay to connect clients back to community supports and housing. A treatment team works with clients and community partners to identify community-based housing & services needed. Maine DHHS' top priority is to use BRAP (TH vouchers) to house those being discharged from psychiatric hospitals. Portland homeless providers have regular discharge meetings with hospitals for "difficult to discharge" patients.

Corrections: Maine Department of Corrections (DOC) goal is to not release to shelters but no written policy exists yet.

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

Homeless prevention: The Homeless Services Center through the Emergency Shelter Grant prevented 3 individuals from becoming homeless. While the eviction moratorium was in place, the Homeless Services Center staff still worked with individuals and landlords to mitigate homelessness or returns to homelessness. While the eviction moratorium has expired, the Homeless Services Center and the Family Shelter saw a drastic reduction in evictions due to the backlog in court cases. We have also seen fewer housing placements as the market has tightened up in Southern Maine.

Essential Services: The Family Shelter's essential services allow staff to work with families residing at the shelter on life skills training. Families are educated on areas such as house cleaning, proper food storage, how to prevent pests in your home, how to report maintenance issues, how to manage cooking so as not to cause a fire alarm to be set off, as well as education on proper trash removal and recycling practices. These areas of focus are the most common areas of concern reported by landlords working with families. These skills afford families a strong understanding of life skills and greater opportunity for long term housing retention.

Permanent Housing: The Family shelter placed 68 families into permanent housing totaling 250 individuals. Unlike past years, almost all housing placements are utilizing General Assistance as asylum

seeking families qualify for almost no other benefits. The Homeless Services Center staff located permanent housing for 113 homeless individuals, 86 men and 27 women, including 5 Veterans and 28 chronically homeless individuals. Our housing retention program follows those who have been long term homeless after they are housed to ensure increased housing stability.

Initiatives: The Long Term Stayer Initiative is a State-wide effort to end homelessness for those individuals who have been homeless 180 days or more during the year. The Long Term Stayer Initiative is based on the theory that if the program is successful in securing housing for individuals who are chronically homeless, it will create capacity in the shelters and free up resources that can be made available for others. At the Homeless Services Center, a significant portion of housing resources are prioritized for those who have been in the shelter the longest and those that are assessed to be more vulnerable. The goal of the ESG program is to help people who become homeless by quickly moving them into permanent housing and to also prevent individuals and families living in the City of Portland from becoming homeless in the first place. By using ESG in the shelters and in the community, it helps ensure individuals and families do not become Long Term Stayers. When a family or individual is enrolled in ESG, we work quickly to identify and address any barriers to self-sufficiency.

CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

Academic Support: PHA continued to provide in-person academic support, service learning, leadership, job skills, and enrichment activities with remote availability for students of all ages in family public housing communities. Education provided remote English classes for speakers of other languages with onsite support from PHA Education Specialists. PHA also works with community partners including Boys and Girls Club and Greater Portland Community Health to provide services to our residents.

New Construction, Rehabs and Wi-Fi: In 2023, PHA completed the following rehabs and new construction:

Our Front Street East (55-units) family housing and Front Street West (45-units) replaced 50-units of substandard housing and are housing over 100 area families, with FS-West completed in July 2024. We also completed a substantial rehab of our scattered site project, comprised of 7-units in the west end and 4-units in East Bayside.

Major Rehabs: PHA's Harbor Terrace is 40% complete with a \$30 million rehab. Riverton Park and Franklin Towers have both received SAC approval from HUD and should begin renovation projects in April and November 2025, respectively. Sagamore Village, a 200-unit project comprised primarily of two story duplexes has submitted the SAC application and should commence construction in late 2025 or early 2026.

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

Management: PHA continues to encourage residents to be involved in resident groups and have input directly with Management. Our resident services department has re-established the Resident Advisory Boards (RAB) following the pandemic.

Homeownership: PHA revised its HCV Preferences which previously provided a preference for households paying more than 50% of their income for rent. One obstacle to creating additional homeownership opportunities for our participants is the rising cost of single family or qualified condominium costs in the greater Portland Metro area.

There are two income restricted homeownership opportunities that are in pre-development in Portland: an 8-unit homeownership project developed by PHA's development arm (a third phase to our Front Street Apartments) and a second property in the Libby Town neighborhood in Portland. We hope our HCV vouchers can access these homeownership opportunities.

Actions taken to provide assistance to troubled PHAs

Not applicable

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken 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. 91.220 (j); 91.320 (i)

In keeping with Portland's Plan, Portland's existing land use code includes a number of provisions designed to support the production of housing of a wide range of types and sizes, as well as the creation of legally-binding affordable and workforce housing targeted specifically for residents of low or moderate incomes. These provisions include:

Housing replacement ordinance. Any development proposals that remove existing housing must replace those units, either within the same geographic area or by contributing to the City's Housing Trust Fund.

Base zoning to encourage housing creation. The City has adjusted base zoning in several districts to support greater housing creation, targeted towards higher density residential zones and mixed-use zones well-served by transit. The City's mixed-use zones and higher density residential zones regularly outpace other zoning districts in terms of housing creation.

Accessory Dwelling Units (ADUs). Under ReCode Phase I, the City revised Accessory Dwelling Unit (ADU) standards in the interest of eliminating barriers to ADU creation.

Parking exemptions. As of December 2020, the City's land use code includes lower residential parking requirements city-wide and offers an off-street parking exemption to any use within a ¼ mile of a transit route, essentially freeing much of the city from parking requirements altogether

Affordable housing bonuses. These bonuses allow increased height, increased density, and reduced setbacks for affordable housing projects.

Expedited permitting for affordable housing. In addition, affordable housing applications have been eligible for a reduction in fees and priority review since the mid-2000s. With the passage of the impact fee ordinance, the affordable housing fee reductions were extended to include these fees.

Inclusionary zoning. As noted above, in 2015 the City adopted inclusionary zoning, which requires that projects of 10 or more dwelling units provide a share of workforce housing or make a contribution to the City's Housing Trust Fund. A second inclusionary zoning policy was adopted in 2019 for hotels. These policies are intended to ensure that affordable housing is constructed in tandem with market rate housing and hotel development, and to support the creation of this housing in a mixed-income setting. The inclusionary zoning policy was modified by referendum in 2020 to increase the affordable housing share and to target lower median incomes.

In April 2023, Governor Mills signed into law L.D. 2003, which requires communities across the state to

adopt particular standards around affordable housing, permitted residential uses, and accessory dwelling units. In December of 2023, the City Council adopted amendments to the land use code in response to LD 2003 that exceeded the requirements of the state law. Up to four units are now allowed on all mainland lots in residential zones, and up to three units are permitted on all lots in residential zones on the islands. The amendments created a maximum lot coverage of 60% for residential lots city-wide, including on islands, unless exceeded elsewhere in the zoning ordinance. Through the amendments, affordable housing density bonuses were extended and off-street parking requirements were eliminated for the first four units in any residential use. This policy change could have significant implications, particularly in off-peninsula neighborhoods and island areas where, prior to LD 2003, use and dimensional requirements generally limited housing production.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

Emergency Shelter-23,265 bed nights to 282 women and 5,574 bed nights to 88 homeless teens.

Child care- 38 low to moderate-income families were provided 303.7 weeks of subsidized childcare.

Homeless Services - 854 homeless persons received support, transportation, and resources from an outreach team 20,106 times. 12,597 individuals received 1,021,110 free meals. 2,199 individuals received 6,241 hours of housing case management. 713 refugees received 2,649 hours of legal assistance. 1,677 people, representing 729 households, received furniture and household assistance upon obtaining permanent housing. 7 chronically homeless individuals chose placement in supportive, long term housing in a residential community.

Domestic Violence – 636 individuals received 1,507 hours of support and assistance.

Economic Assistance: 60 single mothers e received 1,735 hours of staff and peer support to help access resources, education, healthcare, and community.

The City of Portland / Cumberland County HOME Consortium (CCHC) received a total allocation of \$3,594,143 in HOME-American Rescue Plan (HOME-ARP) funds. CCHC is targeting these HOME-ARP resources primarily for the development of affordable rental housing and for the provision of eligible supportive services for Qualifying Populations living in deeply subsidized housing developments. HUD is currently in the process of reviewing the Allocation Plan's Substantial Amendment.

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

The City of Portland has been committed to eliminating lead poisoning in children since 1995 when it received its first HUD Lead Hazard Control Grant. The control & elimination of lead-based paint remains a critical focus of the City of Portland & over the years, hundreds of families have benefited from lead-safe housing in our most vulnerable communities. Within the Lead Hazard Reduction grant program, Portland has effectively & successfully addressed lead hazards that are prevalent in the City's older

housing stock.

This program is geared to benefit low & moderate-income families & households. A grant applicant who is in an owner-occupied building 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. Priority is given to rental units where there is an active abatement order or where young children reside. Projects within the Portland metropolitan region but outside the City of Portland need to meet HUD income eligibility limits established for Cumberland County.

Our 2019-2023 Lead Hazard Control Grant has been bolstered by a 1 year extension from HUD. This extension has allowed us to build up the program again after several months of dormancy. This Grant's goal to complete lead hazard control work in 100 units is gaining traction with 84 families benefiting from Lead Safe Housing within our community to date. In partnership with the City's Permitting & Inspections Department, a Healthy Homes assessment is also performed on all qualifying units. With additional funding from the grant, code violations & other health & safety issues (aside from lead) are addressed.

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

HOME funding was made available for tenant based rental assistance targeted at individuals or families residing in homeless shelters earning less than 30% of the area median income and is designed to prevent homelessness or rehouse those in need. This funding is used on short term tenant based rental assistance (rent, security deposits, utility deposits) for households who were either homeless or in danger of becoming homeless and served 49 households.

HOME funds were used to build new and rehab existing units to create affordable rental housing for low-income households. During 2023, 170 affordable housing units were leased up to assist 33 households earning at or below 60% AMI and 137 households earning at or below 50% AMI.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

A mandatory applicant meeting was held in October prior to the release of the CDBG application. This meeting provided an opportunity for the community to understand the program goals and objectives of CDBG. This meeting also awards City staff the opportunity to hear from constituents about the ongoing needs of both the community, and agencies serving the community.

Annual district meetings were held remotely in the fall as an opportunity to meet with the citizens of each district, hear resident needs and feedback, and explain and discuss local programs such as CDBG and HOME. Staff worked with local interpreters to provide live interpretation services for each meeting, representing the five most commonly spoken languages in the City of Portland. Applications, flyers, and program announcements were translated into the five most commonly spoken languages, ensuring that

a wide and diverse group of residents had access to information about services available.

When the City was awarded CDBG-CV funds, City staff worked quickly and diligently to connect with area social service providers, other City staff and departments, and the public to understand the current needs and gaps in services within our community, as it related to the covid-19 pandemic. Through many conversations, community meetings, and conference calls, CDBG-CV funds were programmed based on the greatest needs identified through our outreach efforts. The City continued to use remaining CDBG-CV funds to prepare, prevent, and respond to the pandemic through 2023; all of the CDBG-CV funds have now been expended.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

Portland Housing Authority (PHA) owns and manages numerous public housing developments with over 1,100 dwelling units and administers over 2,032 HUD Housing Choice Vouchers and Project Based Vouchers. PHA is a partner in the Family Investment Center and funds other resident initiatives to improve residents' skills and education. PHA also oversees modernization of its developments to improve their livability.

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

The City is committed to minimizing the impediments to fair housing choices & will continue to work with housing developers & housing providers to address any found impediments. The City of Portland and Cumberland County have worked with a consultant to develop a new Analysis of Impediments (AI) to Fair Housing which was approved by the City Council in June 2023.

CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

For CDBG social service programs, our staff ensures compliance on a quarterly basis through Performance Reporting and Fund Requisitions from each Agency. Staff tracks the units of service, number of clients served, and income level and demographic information of the clients served. Staff also tracks the disbursements and revenues of each agency, ensuring that each agency is using the grant award for the proposed use in the signed contract. In addition, staff conducts on-site monitoring roughly half way through the program year to monitor financial, employee, and reporting policies and procedures. On-site monitoring allows staff and sub recipients the opportunity to address any performance measure issues, and create a remediation plan if necessary. On site monitoring is conducted for new grantees annually and returning grantees bi-annually. Following the pandemic, on-site monitoring was reintroduced for the 2023-2024 program year.

For CDBG development activity projects, federal requirements are included in all contracts. Staff conducts environmental reviews for all projects and where applicable receives the appropriate approval from the State Historic Preservation Office. Staff encourages subrecipients to recruit minority-owned and women-owned business enterprises for contracts. Davis Bacon requirements, and Section 3 when applicable, are explained to each subrecipient and staff presents the information and reporting requirements to contractors and sub-contractors. Before payment is released, each project must submit a request for payment, supporting invoices from subcontractors, and Certified Payroll forms with verified Davis Bacon wage rates.

CDBG & HOME housing projects are monitored regularly to ensure that rent levels, income guidelines, and occupancy requirements are being met. On-going monitoring of large multi-family rental projects is critical to the long-term success of the program and ensures that projects serve the intended population.

Monitoring allows the City to identify any financial challenges to project success while there is time for constructive intervention. Typically, HOME monitoring of tenant income, utility allowances, and gross rent limits are completed in the spring. The City has a standing Memorandum of Agreement with Maine Housing, who completes on-site inspections (including inspection of all HOME assisted units as well as common areas & exterior of each property) on behalf of the City of Portland & the Cumberland County Home Consortium. In addition, the City has a Monitoring policy, which includes conducting a yearly desk-monitoring package for all HOME development projects. The program will allow HCD staff to

evaluate risk more effectively & schedule onsite visits as needed.

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

The City continues to use the traditional method of providing reasonable notice & opportunity to comment on performance reports or participate in public meetings through advertisements in the newspaper and notices on the City's website and social media platforms. Staff also work with the City's Communication Director to put out press releases throughout the process and to ensure that applicable notices and information are included on the City's social media.

The City strongly encourages citizen participation in the CDBG, HOME, & ESG allocation process. The public is given an opportunity to learn about the programs & budgets as well as speak at the following meetings: District meetings in the fall, CDBG Allocation Committee meetings, ESG meetings at the Maine Continuum of Care & Emergency Shelter Assessment Committees, the City Council's Housing and Economic Committee meetings, & two public hearings in March & April with the full City Council. This year, three fall District meetings were held virtually using Zoom and two were held in person. Live translation was available upon request.

Prior to submission of the Consolidated Annual Performance Evaluation Reports (CAPER), the City makes the draft report available on the City website so citizens and public agencies, as well as other interested parties, can view the document. A notice of availability of the report and 15-day comment period is published in the local daily newspaper and on the City's social media. The CAPER is also presented to the City Council as a communication item.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

NA

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

Yes

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

There are no accomplishments or outcomes for the last program year.

CR-50 - HOME 24 CFR 91.520(d)

Include the results of on-site inspections of affordable rental housing assisted under the program to determine compliance with housing codes and other applicable regulations

Please list those projects that should have been inspected on-site this program year based upon the schedule in 24 CFR §92.504(d). Indicate which of these were inspected and a summary of issues that were detected during the inspection. For those that were not inspected, please indicate the reason and how you will remedy the situation.

Florence Housing; 3-21-2023; 89; missing aerator in bathroom; fuel gas detector missing; Damaged/Missing 3 burner coils of four, unit 16; Missing 1 burner coils of four, Living Room both windows are inoperable, unit 14

Rosa True; 6-16-2023; 82, Down spout/gutter damaged/hole; flaking/peeling paint and hole from previous hardware on entry door; Doors-Damaged/Missing Trim bedroom 2; Kitchen-Exhaust inoperable; Bathroom Counter top/Cabinet-Missing cabinet feature; Inoperable Bedroom 2, 1 of 2 windows and missing screen

Peninsula Commons I; 8-2-2023; 68; Hard floor covering-Linoleum is curled/torn missing a section.; The sprinkler supply box is missing 4 sprinkler heads and the wrench.; inoperable GI and damaged switches in bathroom, leak under sink, jamb missing, peeling/flaking paint, mildewed caulk; inoperable windows;

Motherhouse; 12-14-2023; 93, Walls-Damaged/Peeling/Water stained, missing carbon monoxide detector, level 3 toilet handle is missing, inoperable range hood, missing refrigerator drawer.

Bayside Anchor; 4-10-2024; 93; Door damage; roach infestation; inoperable GFI and damaged shower sprayer; peeling/flaking sill.

Fore River Apartments; 4-10-2024; 94; Walkways-Cracks/Gaps larger than 12 inches long more than 3/4 of an inch wide. Located at entrance around front entrance awning; Fire rated boiler door does not self-close as designed; inoperable sleeping room door;

Logan Place; 4-10-2024; 78; Damaged Hardware-Resource library floor 3; infestation of roaches throughout building/common halls and units; missing smoke detector, floor covering damaged; bathroom door damaged; water damage, oven seal damage; inoperable kitchen door and sink, floor damage; carbon monoxide detector missing;

53 Danforth; 4-11-2024; 86; missing ceiling sections; fire rated entry doors not self-closing as designed; inoperable windows; missing sprinkler head cap, peeling paint along wall

Walker Terrace; 4-11-2024; 92; roof leak and ceiling water damage; clogged sink; peeling paint;

Brannigan House; 5-15-2024; 86; peeling paint; damaged heating system; water damage; cracked window pane; missing drain stop.

Valley Street Apartments; 5-15-2024; 95; fire door not self-closing as designed

Bartlett Woods; 6-25-2024; 95; Water Stained three tiles affected -floor 3; Fire rated entry door is not self-closing as designed

Harnois Apartments (Westbrook); 7-9-2024; 98; inoperable windows; fire doors not self-closing as designed

Provide an assessment of the jurisdiction's affirmative marketing actions for HOME units. 24 CFR 91.520(e) and 24 CFR 92.351(a)

The City of Portland/Cumberland County HOME Consortium requires developers receiving HOME funds for new construction to provide a copy of their Affirmative Marketing Policy. Additionally, the consortium updated its analysis of impediments to fair housing in Spring 2023.

Refer to IDIS reports to describe the amount and use of program income for projects, including the number of projects and owner and tenant characteristics

After completing analysis of HOME Program Income, the beginning balance was adjusted to 321,312 due to cancellation of PY2023 and prior year cancellation of receipts.

During PY 2023, \$255,169.00 in HOME program income was received in IDIS. These funds are tracked through the City's accounting system. Program income is budgeted yearly as part of the annual budget process and allocations are reported in the Annual Action Plan. \$382,589.00 of program income was expended through the program year. These expenditures are reflected through the tenant based rental assistance program (\$148,505.00) and two affordable rental housing activities.

Describe other actions taken to foster and maintain affordable housing. 24 CFR 91.220(k) (STATES ONLY: Including the coordination of LIHTC with the development of affordable housing). 24 CFR 91.320(j)

The City administers affordable housing development programs for the Cumberland County HOME Consortium, which is a partnership between the City of Portland and Cumberland County. This partnership enables valuable housing resources to be available on a county-wide basis and encourages a regional approach to creating affordable housing. These funds are made available annually through a competitive application process, with both the City and County independently deciding which projects to fund within each jurisdiction.

In addition to HOME funding, the City has a local Housing Trust Fund (HTF) which provides gap financing for many affordable housing projects. The benefit of the local HTF, is that it can fill gaps in projects that may not be eligible under HOME program regulations. Additionally, the City utilizes the State of Maine's Affordable Housing Tax Increment Financing program as another tool to support and leverage affordable housing units.

Several other local regulatory actions taken to encourage affordable housing are noted in Section CR-35.

CR-58 – Section 3

Identify the number of individuals assisted and the types of assistance provided

Total Labor Hours	CDBG	HOME	ESG	HOPWA	HTF
Total Number of Activities	0	1	0	0	0
Total Labor Hours		53,458			
Total Section 3 Worker Hours		23,285			
Total Targeted Section 3 Worker Hours		8,283			

Table 14 – Total Labor Hours

Qualitative Efforts - Number of Activities by Program	CDBG	HOME	ESG	HOPWA	HTF
Outreach efforts to generate job applicants who are Public Housing Targeted Workers					
Outreach efforts to generate job applicants who are Other Funding Targeted Workers.					
Direct, on-the job training (including apprenticeships).					
Indirect training such as arranging for, contracting for, or paying tuition for, off-site training.					
Technical assistance to help Section 3 workers compete for jobs (e.g., resume assistance, coaching).					
Outreach efforts to identify and secure bids from Section 3 business concerns.					
Technical assistance to help Section 3 business concerns understand and bid on contracts.					
Division of contracts into smaller jobs to facilitate participation by Section 3 business concerns.					
Provided or connected residents with assistance in seeking employment including: drafting resumes, preparing for interviews, finding job opportunities, connecting residents to job placement services.					
Held one or more job fairs.					
Provided or connected residents with supportive services that can provide direct services or referrals.					
Provided or connected residents with supportive services that provide one or more of the following: work readiness health screenings, interview clothing, uniforms, test fees, transportation.					
Assisted residents with finding child care.					
Assisted residents to apply for, or attend community college or a four year educational institution.					
Assisted residents to apply for, or attend vocational/technical training.					
Assisted residents to obtain financial literacy training and/or coaching.					
Bonding assistance, guaranties, or other efforts to support viable bids from Section 3 business concerns.					
Provided or connected residents with training on computer use or online technologies.					
Promoting the use of a business registry designed to create opportunities for disadvantaged and small businesses.					
Outreach, engagement, or referrals with the state one-stop system, as designed in Section 121(e)(2) of the Workforce Innovation and Opportunity Act.					

Other.					
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Table 15 – Qualitative Efforts - Number of Activities by Program

Narrative

The City of Portland continues to streamline Section 3 procedures to ensure compliance with 24 CFR Part 75.

MEMORANDUM
City Council Agenda Item

FROM: Mary Davis, Division Director

DATE: September 6, 2024

SUBJECT: Order 45-24/25 Appropriating \$1,080,000 from the Jill C. Duson Housing Trust Fund to YFO Resource Hub LP RE: 337 Cumberland Avenue - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair

SPONSOR: Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair.

The Housing and Economic Development Committee met on August 20, 2024, and voted (3-0, Phillips absent) to forward this item to the City Council with a recommendation for passage.

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 9/4/2024

Final

Action 9/16/2024

Can action be taken at a later date: No Developer is applying to MaineHousing for Low Income Housing Tax Credits; the application is due on September 19

Does this item involve a new contract with the City: This item will require the city and applicant to enter into financing documents such as a Promissory Note and Mortgage; these documents will be reviewed and approved by Corporation Counsel prior to the construction loan closing.

PRESENTATION: Greg Watson and Mary Davis will be available for any questions

I. SUMMARY

Youth and Family Outreach is requesting \$1,080,000 in funding from the Jill C. Duson Housing Trust Fund for the creation of 60 units of rental housing at 337 Cumberland Avenue.

II. AGENDA DESCRIPTION

The Housing and Economic Development Committee met on August 20, 2024 and voted (3-0, Phillips absent) to forward this item to the City Council with a recommendation for passage.

Youth and Family Outreach (YFO), through YFO Resource Hub LP, a non-profit entity to be created, is proposing to construct a new 60-unit rental housing development which will include child care space. The site currently contains a vacant former restaurant and the chapel building that currently houses the YFO child care program, both of which will be removed to facilitate construction of the new building. The project will include 60-units, 29 of which will be affordable to households at or below 50% of the area median income (\$51,000 for a two-person household), 19 of which will be affordable to households at or below 60% of the area median income (\$61,200 for a two-person household) and 12 market rate units (including 4 studios, 24 1-bedroom, 22 2-bedroom and 10 3-bedroom).

YFO has requested assistance from the City in the form of a loan in the amount of \$1,080,000 from the Jill C. Duson Housing Trust Fund with a term of 30 years at 0% interest with repayment of 10% of cashflow above MaineHousing's required \$500/unit (as confirmed by MaineHousing underwriting), in the first five years of operations, followed by 30% of cashflow until fully retired.

An Affordable Housing Tax Increment Financing District was previously approved on this site (August 3, 2020, Order 19-20/21 and Order 20-20/21) and received a Certificate of Approval from MaineHousing on September 17, 2020. Amendments to the District, District Program and Credit Enhancement Agreement will be considered under separate Orders.

This item must be read on two separate days. It received its first reading on September 4. 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

Youth and Family Outreach (YFO), through YFO Resource Hub LP, a non-profit entity to be created, is proposing to construct a new 60-unit rental housing development which will include child care space. The site currently contains a vacant former restaurant and the chapel building that currently houses the YFO child care program, both of which will be removed to facilitate construction of the new building. The project will include 60-units, 29 of which will be affordable to households at or below 50% of the area median income (\$51,000 for a two-person household), 19 of which will be affordable to households at or below 60% of the area median income (\$61,200 for a two-person household) and 12 market rate units (including 4 studios, 24 1-bedroom, 22 2-bedroom and 10 3-bedroom).

The building will also include a laundry room, a community room, a fitness area, a lobby, trash room, and bike/stroller storage. The primary building entrance for the childcare facility will be located on Cumberland Avenue, while the primary building entrance for the apartment units will be located on Portland Street. The site will include outside play spaces for the childcare facility that may be used by residents outside the daycare's regular operating hours.

The underwriting recommendation includes a loan in the amount of up to \$1,080,000, at zero interest, over a 30-year term, with repayment of 10% of cashflow above MaineHousing's required \$500/unit (as confirmed by MaineHousing underwriting), in the first 5 years of operations, followed by 30% of cashflow until fully retired. The underwriting memo also notes that the TIF continues to be necessary to keep the debt service coverage ratio within acceptable limits. The recommendation is conditioned on the satisfactory review of the following:

- A current market study supporting the projected rent structure, including an analysis of market rent and vacancy for the retail space;
- Current management financial statements and the most recent YFO audit available at the time of closing;
- Financing commitments for debt and equity prior to closing on terms and conditions acceptable to the City of Portland, including evidence that YFO has funds in hand for the YFO share of building construction and other development expenses, including acquisition and site prep, whether included in the development budget or carried out separately.
- If MaineHousing approves 4% LIHTC, a satisfactory review of the revised budgets with the potential to reduce loan sizing to reflect a division of subsidy between City and State which is consistent with the City approved 9% budgets. (City of Portland's loan is 26.47% of the combined City and State \$4,080,000 of soft debt.)
- Executed commitments to provide services to PBV units.
- An updated business plan for YFO's child care operations in the new facility.
- A written description of YFO's process for budget oversight, including the formulas for sharing costs between the commercial and residential condos;
- Condominium documents;

- All standard construction conditions, including satisfactory review of final contract with GC consistent with budgeted estimates, and total contractor overhead, profit and general conditions of not to exceed 14% of net construction costs.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Increased access to rental units that are safe, affordable and accessible for low-income households.

V. FINANCIAL IMPACT

The recommendation of a loan from the Jill C. Duson Housing Trust Fund in the amount of \$1,080,000 \$1,080,000, at zero interest, over a 30-year term, with repayment of 10% of cashflow above MaineHousing's required \$500/unit (as confirmed by MaineHousing underwriting), in the first 5 years of operations, followed by 30% of cashflow until fully retired. When completed, the project's total assessed value is estimated at \$8,740,000 for the housing portion of the development, which would yield \$126,000 in annual assessed property value in year one at the current FY24 millage rate. The total assessed-value of the daycare portion of the project is estimated at \$2,500,000, which would yield \$36,000 in annual assessed property value in year one at the current FY24 millage rate. However, YFO is a 501(c)(3) entity, therefore this portion of the project would be tax-exempt.

VI. STAFF ANALYSIS AND BACKGROUND

The project will include 60-units, 29 of which will be affordable to households at or below 50% of the area median income (\$51,000 for a two-person household), 19 of which will be affordable to households at or below 60% of the area median income (\$61,200 for a two-person household) and 12 market rate units (including 4 studios, 24 1-bedroom, 22 2-bedroom and 10 3-bedroom). In addition, the project will include child care space which will enable YFO to double the number of day care spots currently available through their program (58 spaces to 110 spaces).

VII. RECOMMENDATION

Staff is recommending approval by the City Council of the Housing and Economic Development Committee's recommendation of a loan from the Jill C. Duson Housing Trust Fund in the amount of \$1,080,000 \$1,080,000, at zero interest, over a 30-year term, with repayment of 10% of cashflow above MaineHousing's required \$500/unit (as confirmed by MaineHousing underwriting), in the first 5 years of operations, followed by 30% of cashflow until fully retired.

VIII. LIST ATTACHMENTS

1. Order - Appropriating \$1,080,000 from the Jill C. Duson HTF to YFO re 337 Cumberland Ave
2. HEDC Packet

Prepared by:

Mary Davis, Division Director

Date: 09/06/2024

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 APPROPRIATING \$1,080,000 FROM THE JILL C. DUSON HOUSING TRUST
FUND TO YFO RESOURCE HUB LP
RE: 337 CUMBERLAND AVENUE**

ORDERED, that \$1,080,000 from the Jill C. Duson Housing Trust Fund is hereby appropriated for a loan at 0% interest with a 30-year term to YFO Resource Hub LP for development costs for the Youth and Family Outreach project at 337 Cumberland Avenue; and

BE IT FURTHER ORDERED, the City Manager or designee is authorized to execute any and all documents necessary to appropriate the funds, and otherwise carry out the intent of this order.

To: Mary Davis, City of Portland
From: Anne Boynton, Urban Ventures, Inc.
Re: Youth and Family Outreach (with Developers Collaborative as development consultant)
Date: 8/13/24

Youth and Family Outreach (YFO), the non-profit sponsor YFO Resource Hub LP, requests a loan of \$1,080,000 for the proposed new construction 60-unit rental housing development and first floor child care space. The site is currently a vacant former restaurant and the church which YFO currently uses for day care space. The site already has a 75% 30-year Affordable Housing TIF which was approved in 2020 when YFO was partnering with Portland Housing Authority. 2020 was a uniquely difficult year to be moving a development forward -- the project was substantially delayed due to construction cost over runs and had to return their tax credit allocation.

The 60 housing units will serve a mixed income population, including 12 "Market Rate" (up to 100% AMI), 19 units at 60% AMI, and 29 units at 50% AMI. Unit sizes will range from efficiency to 3 bedrooms. As part of the Maine Housing 9% LIHTC competition and financing process, YFO is requesting 10 Project Based Vouchers. This would provide 20% of the LIHTC units with a deep subsidy for households with special housing needs for supportive services.

Developers Collaborative is serving as the fee developer for this housing project, and will not have an ownership stake in the project.

The requested loan is a subsidy of \$18,000 per housing unit, or \$22,500 per unit affordable to households below 60% AMI (12 units will be restricted to under 100% AMI). This is in addition to the previously approved TIF subsidy.

Sources and Uses

Sources:		Uses:	
Maine Housing Must Pay	\$10,608,153	Acquisition	\$0
Maine Housing 0% Deferred	\$3,000,000	Construction hard costs	\$20,805,781
Net Syndication Equity	\$10,199,080	Hard & Soft Contingency	\$1,079,039
AHP Capital Advance	\$850,000	Soft costs	\$2,286,895
IRA Solar Credits	\$104,500	Capitalized Reserves	\$920,018
City of Portland Loan	<u>\$ 1,080,000</u>	Developer Fee	<u>\$750,000</u>
Total Sources:	\$25,841,733	Total Uses:	\$25,841,733

YFO plans to submit an application for 9% LIHTC in September, along with a request for mortgage financing and 10 PBVs from Maine Housing. Evidence that YFO has funds in hand for their share of building construction and other development expenses, including acquisition and site prep, is a recommended condition of loan closing.

While YFO as a corporate entity has no track record with residential real estate development, the fee developer, Developers Collaborative, is a regular successful applicant, including last year in a similar role as development consultant for Equality Community Center. Developers Collaborative has an impressive success rate in 9% applications and has developed over 996 units using LIHTC, including 140 units in Portland. This is the second year Maine Housing has offered PBV's as part of the 9% LIHTC underwriting process, so the underwriting process and competition for these resources is becoming clearer. This site was awarded 9% LIHTC in the 2020 competition, but the project could not move forward at that time due to cost increases related to the pandemic.

A letter of interest is included from syndicator Evernorth, along with separate confirmation that Evernorth understands the ownership structure and significant commercial space. The letter offers a price of \$.85 per LIHTC credit and \$.95 per solar credit which is broadly consistent with Developers Collaborative recent experience.

For analysis of "Uses," see Development Budget.

Development Budget

Construction Costs:

Construction costs are based on a trades break down estimate by Penobscot based on drawings at the Conceptual Design Stage with a run date of 7/3/24. (Trade breakdown is preferable to a cost per square foot estimate.) This estimate includes provision for prevailing wage requirements. The direct costs for the day care center are separately budgeted, including interior finishes, structural elements including floor and elevator, and building skin including windows, doors and siding. However, reasonably allocatable costs such as site improvement and roof are borne entirely by the housing condo. Total housing construction cost divided among the 60 residential units is \$363,747. While this cost per unit would have been considered high prior to COVID, it is not out of line with comparable sized units in the current construction cost environment.

Soft Costs:

Soft costs are moderate and within industry standard. Developer fee (paid to Developers Collaborative) is \$750,000, the Maine Housing cap for funded developer fee. This is on the slim side of a reasonable developer's fee by industry standards, 3.1% of total development costs, excluding reserves and developer fee. However, Developers Collaborative has limited risk associated with this project – YFO is responsible for payment of soft costs in predevelopment, payment of a portion of Developer fee even if the project is terminated, and Developers Collaborative will have no on-going financial stake (and risk) in the project. In addition to direct staffing time, it is these project risks that are what developer fee is understood to cover.

Contingency:

Hard cost contingency is carried primarily in the development budget with the industry standard for new construction of 5%. The Penobscot estimate also includes a 4% contingency. As with each project in this round, it is still vulnerable to continued construction cost inflation due to the relatively early stage of predevelopment, continued high level of economic uncertainty, and persistent inflationary pressures in the construction industry. This level of contingency provides some protection from further delays due to price inflation.

Soft cost contingency is \$60,000, which is 2.62% of soft costs. This is very low, especially for this early stage of project development. This concern is partially mitigated by the YFO's long history and successful fundraising, which demonstrates some capacity to cover unexpected costs.

Acquisition:

The site is owned by YFO, which acquired the 337 Cumberland property adjacent to their existing space in 2019 for \$895,000. The property was appraised at \$955,000 in 2018 which demonstrates the original sales price was consistent with market values. The public has an interest in insuring that publicly funded projects purchase the property for no more than the market value. This review is especially important in cases like this one where the seller plays multiple roles in the transaction, as YFO will in the transfer. The proposed \$0 transfer is clearly below market value.

All acquisition related expenses, including demolition and any needed brownfields work, has been pulled out of the 9% LIHTC budget, and is to be funded prior to transfer of the asset by YFO.

The "off budget" nature of all acquisition costs and day care direct construction costs might change if Maine Housing chooses to allocate 4% credits instead of 9% credits. The budgets supporting a 4% credit scenario have not been presented to the City, but the construction of the day care space would be includable in basis as a community facility. If Maine Housing approves a 4% credit allocation instead of 9% credits, that would be a substantial revision of the budget. Satisfactory review of the budgets in a 4% scenario, with the potential of loan resizing, is a recommended condition of loan approval.

Operating Budget & 20 Year Cashflow Projection

Project Income:

The operating budget anticipates charging the maximum allowable LIHTC rents at each income level, and the 12 "market rate" units capped at the maximum rent affordable to a household at 100% AMI. The budget assumes receipt of 10 Project Based Vouchers (PBV) from Maine Housing, which have a 110% of Fair Market Rent payment standard, substantially above LIHTC capped rents at all unit sizes. This is the second year Maine Housing has offered this option.

	<50% AMI (w PBV)	<50% AMI (no PBV)	<60% AMI	<100% AMI	Total by unit type
efficiency	1	1	2	0	4
1 bedroom	4	8	8	4	24
2 bedroom	3	6	5	8	22
3 bedroom	2	4	4	0	10
Total by income level:	10	19	19	12	60

No market study has been submitted by the developer. While the demand for units affordable at 60% AMI and below is well established, the “market rate” rent in relationship to 100% of AMI needs further documentation. A satisfactory current market study, including evaluation of the market rate rents, is a recommended condition of the loan.

Residential vacancy is budgeted at the industry standard of 5%, which is comfortably above Portland’s recent historic vacancy rates.

The building will also include a single 12,608 sq. feet commercial space for YFO’s child care operations. The anticipated ownership structure of the building is two condo units, one for the housing and one for the child care, with almost all operating costs allocated to the individual condo units including utilities, maintenance, taxes, and most insurance. YFO’s ability to successfully operate the commercial condo is critically important to the stability of the project as a whole. YFO will be approximately doubling the child care slots available, as well as space available for services to small groups of children and families, and will be responsible for programming the community room shared with the residents. YFO has a business expansion plan finalized in 2023 which demonstrates effective demand for their expansion and provides budget projections which show the expanded program operating with a small positive margin (prior to depreciation). These projections take into account the growth in occupancy related expenses (including janitorial & maintenance) which will accompany expansion, but have not been updated for operating conditions (including inflation) in 2024. Satisfactory review of an updated business plan is a recommended condition of closing.

Operating Expense

The Developers Collaborative pro forma (for the residential condo only) reflects a per unit operating cost of \$8,785, which appears high. However, of that, \$2,099 per unit is real estate taxes, leaving \$6,686 for other operating expenses which is reasonable in this cost environment. Grounds expense is an outlier, very high at \$34,200/year for a building without landscaping or parking lot. Developer’s Collaborative points to the need to maintain the playground, which will be available to children in residence in the building outside the hours of the child care center. Functionally, this means 2 of 7 days (29%), and opens the question of how operating expenses will be fairly divided between housing and child care. Prior to loan closing, satisfactory review of the process for dividing costs between the two condos is a recommended condition of this recommendation.

Supportive services are budgeted at a minimal \$390/unit, which is designed to meet the Maine Housing minimum level of services. Deeper services needed for the PBV units serving households with special housing needs will be provided by Catholic Charities and Through These Doors. Commitment letters covering the terms and conditions, including the commitment of the organizations to cover the cost of provided services, are being negotiated for submission with the Maine Housing application in September. Satisfactory review of the commitments to provide services is a recommended condition of this recommendation.

30 Year Cashflow & Debt Service Coverage Ratio (DSCR)

Even with the previously approved 75% TIF, DSCR is extraordinarily thin at 1.05 in year 1. With industry standard 2/3% inflators, DSCR doesn't hit Maine Housing's standard underwriting ratio of 1.15 till year 8. While the PBVs offer some additional assurance of steady operating income, 1.05 provides only the slenderest margin. Maine Housing has expressed a willingness to consider a minimum requirement of \$500 per unit in annual cashflow (and year 1 shows \$515/unit), in the early years, however, this thin margin increases the risk for every stakeholder in the project.

Developer Financials

YFO is a non-profit with a long history of service to Portland families, founded in 1844. Relative to the norms of the child care industry, YFO has exceptional financial strength, with Net Assets of over \$2 million in 2023, including an endowment of over \$1.5 million. However, housing development has put new financial pressures on YFO and long-term ownership of affordable housing will continue to place new financial constraints and asset management responsibilities on YFO. The Board of Directors has a strong mix of professions including lawyer, CPA, engineer, non-profit management, public finance, local business leaders, and advocates for children. What it does not yet include is affordable housing development or affordable housing management experience. YFO's Executive Director, Camelia Babson-Haley, acknowledges the expansion of YFO's core programming into affordable housing and her continued focus on early childhood education and family support as her core skill set. She is actively seeking new members with affordable housing expertise to add to the Board to meet the need for leadership and oversight in the expanded core mission area of affordable housing and asset management.

YFO has submitted audits covering FY 2020 – FY 2023 (and has previously submitted audits covering FY 2016 -- 2019.) Their fiscal year ends 9/30. Over the tumultuous period from 2018-2023, YFO has more than doubled its total assets to \$2,559,547, increased net assets by 87%, and dramatically improved its Quick Ratio to a very impressive 7.85, all this while navigating a pandemic which literally closed the doors for months. Immediately prior to the pandemic, YFO acquired the adjacent property with a \$500,000 loan from Genesis Fund and pursued a comprehensive redevelopment, at a time when real estate development costs were experiencing unprecedented price inflation.

YFO engaged in a capital campaign which raised \$2.1 million (in cash and pledges) by end of 2022. These funds have covered some acquisition related expenses and established an endowed scholarship fund for low income families who need transitional funding before other child care supports kick in. This will add important stability to YFO's income stream while continuing to provide services to low income families. YFO is planning to initiate a next phase in their capital campaign and is in the process of selecting a campaign consultant. Evidence that YFO has funds in hand for their share of building construction and other development expenses, including acquisition and site prep, is a recommended condition of loan closing.

YFO Management's financials for the seven months ending 4/30/24 (as is typical) utilize somewhat different categories for reporting than the audit, so don't provide a direct comparison with prior audits. On the Balance Sheet, the 4/30/24 Quick Ratio was an alarming .5, but this includes the full amount of the Genesis Fund loan as a current liability. The Genesis Fund loan was subsequently extended to 2026. Adjusting out the Genesis Fund loan, the Quick Ratio was a moderate 3.30. The Balance Sheet shows a substantial jump in net assets to \$2,804,218 due to \$800,000 Accounts Receivable. This reflects successful fundraising, committed but not yet received -- commitments of \$515,000 from Senate Earmark and \$250,000 from State of Maine childcare infrastructure grants.

Impact of pandemic: The pandemic was much more disruptive to the child care industry than to subsidized affordable housing. In 2020, YFO was closed for months and after reopening, its operations were severely limited by the precautions necessary to prevent the spread of COVID-19. Class sizes were cut in half and before and after care eliminated, severely reducing program fee income. This was a systemic problem, not in any way a reflection of YFO's management. In fact, YFO's pandemic response reflected best practices for the industry and the level of care reflected in their revised protocols demonstrate the high quality of their services and management. Program Service Fees fell significantly and have only exceeded 2019 levels in 2023. Increases in government grants including PPP loans and ARPA grants helped offset the decline in fee income. Pandemic related supports are no longer available, but YFO continues to receive support from the State of Maine childcare worker wage supplement program, which helps YFO to better attract and retain childcare workers. As described above, despite the extraordinary constraints of the pandemic, YFO was able to exit the pandemic in stronger financial health than before.

YFO has experienced remarkable success in its long lifetime. Doubling program size and adding affordable housing makes this an exciting yet potentially fragile time in the life history of an organization. To continue to thrive in this new context, YFO needs to prioritize developing their Board's capacity for effective oversight of their new affordable housing program.

Recommendations

I recommend a loan in the amount \$1,080,000, at zero interest, to be repaid with 10% of cashflow above MaineHousing's required \$500/unit (as confirmed by MaineHousing

underwriting), in the first 5 years of operations, followed by 30% of cashflow until fully retired, with a 30-year term, with loan closing conditioned upon satisfactory review of the following:

- A current market study supporting the projected rent structure, including an analysis of market rent and vacancy for the retail space;
- Current management financial statements and the most recent YFO audit available at the time of closing;
- Financing commitments for debt and equity prior to closing on terms and conditions acceptable to the City of Portland, including evidence that YFO has funds in hand for the YFO share of building construction and other development expenses, including acquisition and site prep, whether included in development budget or carried separately.
- If MaineHousing approves 4% LIHTC, satisfactory review of the revised budgets with the potential to reduce loan sizing to reflect a division of subsidy between City and State which is consistent with the City approved 9% budgets. (City of Portland's loan is 26.47% of the combined City and State \$4,080,000 of soft debt.)
- Executed commitments to provide services to PBV units.
- An updated business plan for YFOs child care operation in the new facility.
- A written description of YFO's process for budget oversight, including the formulas for sharing costs between the commercial and residential condos;
- Condominium documents;
- All standard construction conditions, including satisfactory review of final contract with GC consistent with budgeted estimates, and total contractor overhead, profit and general conditions of not to exceed 14% of net construction costs.

Development Budget with Permanent Sources

Date 8/13/2024
Project Name
Project Address 331-337 Cumberland
Developer/Sponsor YFO (w/Developers Collaborative as development consultant)

Total Units 60
Residential Sq Feet 59,829
Total Square Feet 72,437

	August 13 Revised Values			Change	
	Total	Per Unit	Per Sq Ft	Reservation to Commitment	
Sources of Funds					
Permanent Financing - MH 1st Lien 6% I only	\$10,608,153	\$176,803	\$177	\$ 281,806	3%
Permanent Financing - City of Portland	\$1,080,000	\$18,000	\$18	\$ 7,950	1%
Equity (LIHTC/tenant contributions)	\$10,199,080	\$169,985	\$170	\$ 99	0%
AHP Capital Advance	\$850,000	\$14,167	\$14	\$ -	0%
OTHER	\$0	\$0	\$0	\$ (780,000)	-100%
Maine Housings Subsidy	\$3,000,000	\$50,000	\$50	\$ 660,000	28%
IRA Solar Credits	\$104,500	\$1,742	\$2	\$ -	0%
Total Sources of Funds	\$25,841,733	\$430,696	\$432	\$ 169,855	1%
(GAP)/Surplus			\$0	\$ (424,900)	-100%

Uses of Funds

Hard Costs					
Site Improvements	\$1,660,000	\$27,667	\$28	\$ 485,000	41%
Rehabilitation		\$0	\$0		
New Construction	\$16,637,665	\$277,294	\$278	\$ 32,849	0%
Contractor's Profit, Overhead, & Gen. Requirements 10.0%	\$1,729,563	\$28,826	\$29	\$ (40,641)	-2%
Hazardous Materials abatement (if contracted separately)		\$0	\$0		
Demolition Cost (if contracted separately)		\$0	\$0		
Bond Premium	\$353,553	\$5,893	\$6	\$ 4,387	1%
Other -- Solar \$275k, Utility Relocation \$150k	\$425,000	\$7,083	\$7	\$ 425,000	#DIV/0!
Hard Cost Contingency (% of hard costs) 4.9%	\$1,019,039	\$16,984	\$17	\$ 24,080	2%
Total Hard Costs	\$21,824,820	\$363,747	\$365	\$ 930,675	4%

Soft Costs					
Building Permit & Fees	\$303,162	\$5,053	\$5	\$ 5,210	2%
Survey & Engineering	\$80,000	\$1,333	\$1	\$ -	0%
Design & Permitting (% of const exp) 2.3%	\$364,000	\$6,067	\$6	\$ -	0%
Borrower Legal (all closings, excluding syndication legal)	\$45,000	\$750	\$1	\$ -	0%
Title & Recording	\$20,000	\$333	\$0	\$ -	0%
Accounting	\$10,000	\$167	\$0	\$ -	0%
Construction Period Taxes	\$10,000	\$167	\$0	\$ -	0%
Construction Period Insurance	\$55,000	\$917	\$1	\$ -	0%
Other: FF&E, Security	\$14,736	\$246	\$0	\$ (5,264)	-26%
Other		\$0	\$0		
Total Soft Costs	\$901,898	\$15,032	\$15	\$ (54)	0%

Financing Costs					
Construction Loan Origination Fees	\$42,000	\$700	\$1	\$ -	0%
Construction Period Interest	\$902,334	\$15,039	\$15	\$ -	0%
Lender Inspection Fees	\$35,000	\$583	\$1	\$ -	0%
Letter of Credit Fee		\$0	\$0		
Permanent Loan Fee	\$215,163	\$3,586	\$4	\$ 5,636	3%
Construction Lender Legal		\$0	\$0		
Other	\$0	\$0	\$0	\$ -	#DIV/0!
Total Financing Costs	\$1,194,497	\$19,908	\$20	\$ 5,636	0%

Miscellaneous					
Market Survey	\$5,500	\$92	\$0	\$ -	0%
Appraisal	\$7,500	\$125	\$0	\$ -	0%
Environmental Study	\$35,000	\$583	\$1	\$ -	0%
LIHTC Fees -- prepaid monitoring	\$142,500	\$2,375	\$2	\$ -	0%
Other: Commissioning		\$0	\$0		

Relocation Costs		\$0	\$0		
Other		\$0	\$0		
Soft Cost Contingency (% of soft costs excl Dev Fee)	2.62%	\$60,000	\$1,000	\$1	\$ - 0%
Total Miscellaneous:		\$250,500	\$4,175	\$24	\$ - 0%
Acquisition					
Acquisition: Buildings		\$0	\$0	\$0	\$ - #DIV/0!
Acquisition: Land		\$0	\$0	\$0	\$ (350,000) -100%
Acquisition: Legal			\$0	\$0	
Other			\$0	\$0	
Total Acquisition		\$0	\$0	\$0	\$ (350,000) -100%
Reserves and Developer Fee					
Operating Deficit Escrow		\$568,583	\$9,476	\$10	\$ 918 0%
Prefunded Replacement Reserve		\$187,208	\$3,120	\$3	\$ (34) 0%
Taxes & Insurance Escrow		\$90,972	\$1,516	\$2	\$ 7,614 9%
Developer Overhead		\$500,000	\$8,333	\$8	\$ - 0%
Developer Profit		\$250,000	\$4,167	\$4	\$ - 0%
Rent Up Reserve & Marketing		\$48,000	\$800	\$1	\$ - 0%
Other		\$25,255	\$421	\$0	\$ - 0%
Total Reserves and Developer Fee		\$1,670,018	\$27,834	\$28	\$ 8,498 1%
Total Uses of Funds		\$25,841,733	\$430,696	\$452	\$ 594,755 2%

Developer Fee Analysis: Total Fees: \$750,000
(excluding reserves & developer fee) Percent of TDC: 3.10%

|

Project Operating Pro Forma

Date August 12, 2024
 Project Name
 Project Address 331-337 Cumberland
 Developer/Sponsor YFO (Developer's Collaborative as dev consultant)

Rental Income

Maximum LIHTC Rents

Unit Type	Number of Units	Per Unit Sq Ft	Total Sq Ft	Restriction on % Median Inc.	Per Unit Monthly Gross Rent	Utility Deductions	Rent Subsidy	Per Unit Monthly Net Rent	Total Monthly Net Income	Total Annual Net Rent
0 BR	1		0	50%	\$1,116	\$108		\$1,008	\$1,008	\$12,096
0 BR	1	PBV	0	50%	\$1,450	\$108		\$1,342	\$1,342	\$16,104
0 BR	2		0	60%	\$1,339	\$108		\$1,231	\$2,462	\$29,544
1 BR	8		0	50%	\$1,195	\$137		\$1,058	\$8,464	\$101,568
1 BR	4	PBV	0	50%	\$1,663	\$137		\$1,526	\$6,104	\$73,248
1 BR	8		0	60%	\$1,434	\$137		\$1,297	\$10,376	\$124,512
1 BR	4		0	market	\$2,231	\$0		\$2,231	\$8,924	\$107,088
2 BR	6		0	50%	\$1,435	\$175		\$1,260	\$7,560	\$90,720
2 BR	3	PBV	0	50%	\$2,140	\$175		\$1,965	\$5,895	\$70,740
2 BR	5		0	60%	\$1,722	\$175		\$1,547	\$7,735	\$92,820
2 BR	8		0	market	\$2,550	\$0		\$2,550	\$20,400	\$244,800
3 BR	4		0	50%	\$1,485	\$212		\$1,273	\$5,092	\$61,104
3 BR	2	PBV	0	50%	\$2,659	\$212		\$2,447	\$4,894	\$58,728
3 BR	4		0	60%	\$1,772	\$212		\$1,560	\$6,240	\$74,880
Other			0	50%				\$0	\$0	\$0
Other			0	60%				\$0	\$0	\$0
Total:	60	59829	0						\$96,496	\$1,157,952

T Bedrooms: 90
 average/unit \$73,644
 \$1,227

Rent Increase Rate	2.0%
Expenses Increase Rate	3.0%

TIF

year 1	75%	year 11	75%	year 21	75%
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Note: Year 1 is the first full year of stabilized operations

		<u>Year 1</u>	<u>Year 1/Unit</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>	<u>Year 5</u>	<u>Year 6</u>	<u>Year 7</u>	<u>Year 8</u>	<u>Year 9</u>	<u>Year 10</u>
Income												
Sch. Gross Income - Residential		\$1,157,952	\$19,299	\$1,181,111	\$1,204,733	\$1,228,828	\$1,253,404	\$1,278,473	\$1,304,042	\$1,330,123	\$1,356,725	\$1,383,860
Vacancy Loss	5.0%	(\$57,898)	(\$965)	(\$59,056)	(\$60,237)	(\$61,441)	(\$62,670)	(\$63,924)	(\$65,202)	(\$66,506)	(\$67,836)	(\$69,193)
Other income HAP Diff.			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TIF (inflated at 2%)	75%	\$94,457	\$1,574	\$96,346	\$98,273	\$100,239	\$102,244	\$104,288	\$106,374	\$108,502	\$110,672	\$112,885
Effective Gross Income		\$1,194,512	\$19,909	\$1,218,402	\$1,242,770	\$1,267,625	\$1,292,978	\$1,318,837	\$1,345,214	\$1,372,118	\$1,399,561	\$1,427,552

Administrative

Management Fee	5.7%	\$66,007	\$1,100	\$67,987	\$70,027	\$72,128	\$74,291	\$76,520	\$78,816	\$81,180	\$83,616	\$86,124
Management Charges	5.6%	\$65,000	\$1,083	\$66,950	\$68,959	\$71,027	\$73,158	\$75,353	\$77,613	\$79,942	\$82,340	\$84,810
Marketing Expense		\$1,500	\$25	\$1,545	\$1,591	\$1,639	\$1,688	\$1,739	\$1,791	\$1,845	\$1,900	\$1,957
Legal		\$1,000	\$17	\$1,030	\$1,061	\$1,093	\$1,126	\$1,159	\$1,194	\$1,230	\$1,267	\$1,305
Audit & Accounting		\$10,000	\$167	\$10,300	\$10,609	\$10,927	\$11,255	\$11,593	\$11,941	\$12,299	\$12,668	\$13,048
Admin Other		\$960	\$16	\$989	\$1,018	\$1,049	\$1,080	\$1,113	\$1,146	\$1,181	\$1,216	\$1,253
Total Administrative		\$144,467	\$2,408	\$148,801	\$153,265	\$157,863	\$162,599	\$167,477	\$172,501	\$177,676	\$183,006	\$188,497

Supportive Services

[illegible]

Utilities

Fuel Oil		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Natural Gas	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Electric	\$41,094	\$685	\$42,327	\$43,597	\$44,905	\$46,252	\$47,639	\$49,068	\$50,540	\$52,057	\$53,618
Water / Sewer	\$21,600	\$360	\$22,248	\$22,915	\$23,603	\$24,311	\$25,040	\$25,792	\$26,565	\$27,362	\$28,183
Other		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Utilities	\$62,694	\$1,045	\$64,575	\$66,512	\$68,507	\$70,563	\$72,680	\$74,860	\$77,106	\$79,419	\$81,801
Total incl Utility Allowance	\$136,338	\$2,272	\$ 2.28								

Maintenance	Year 1	Year 1/Unit	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Grounds	\$34,200	\$570	\$35,226	\$36,283	\$37,371	\$38,492	\$39,647	\$40,837	\$42,062	\$43,324	\$44,623
Janitorial	\$12,000	\$200	\$12,360	\$12,731	\$13,113	\$13,506	\$13,911	\$14,329	\$14,758	\$15,201	\$15,657
Trash Removal	\$10,400	\$173	\$10,712	\$11,033	\$11,364	\$11,705	\$12,056	\$12,418	\$12,791	\$13,174	\$13,570
Security		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Equipment & Supplies	\$14,400	\$240	\$14,832	\$15,277	\$15,735	\$16,207	\$16,694	\$17,194	\$17,710	\$18,241	\$18,789
Maintenance	\$45,600	\$760	\$46,968	\$48,377	\$49,828	\$51,323	\$52,863	\$54,449	\$56,082	\$57,765	\$59,498
Maintenance Contracts		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Other		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Maintenance	\$116,600	\$1,943	\$120,098	\$123,701	\$127,412	\$131,234	\$135,171	\$139,226	\$143,403	\$147,705	\$152,137
Taxes & Insurance											
Real Estate Taxes 2%	\$125,943	\$2,099	\$128,462	\$131,031	\$133,652	\$136,325	\$139,051	\$141,832	\$144,669	\$147,562	\$150,514
Payroll Taxes / Fidelity Bond / Workers Comp / Health Ins.		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Insurance (property, liability)	\$24,000	\$400	\$24,720	\$25,462	\$26,225	\$27,012	\$27,823	\$28,657	\$29,517	\$30,402	\$31,315
Other		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Taxes & Insurance	\$149,943	\$2,499	\$153,182	\$156,493	\$159,877	\$163,337	\$166,874	\$170,490	\$174,186	\$177,965	\$181,828
Replacement Reserves	\$30,000	\$500	\$30,900	\$31,827	\$32,782	\$33,765	\$34,778	\$35,822	\$36,896	\$38,003	\$39,143
Operating Reserves		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Expenses	\$527,104	\$8,785	\$541,658	\$556,623	\$572,011	\$587,835	\$604,107	\$620,839	\$638,046	\$655,741	\$673,938
Net Operating Income	\$667,408	\$11,123	\$676,744	\$686,147	\$695,614	\$705,143	\$714,731	\$724,375	\$734,072	\$743,820	\$753,614
Debt Service											
Maine Housing Interest Bearing	\$636,489	\$10,608	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489
Second Lien		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Other		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Debt Service (Must Pay)	\$636,489	\$10,608	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489
Cash Flow (after Must Pay Debt)	\$30,919	\$515	\$40,255	\$49,658	\$59,125	\$68,654	\$78,242	\$87,886	\$97,583	\$107,331	\$117,125
Debt Service Coverage Ratio	1.05		1.06	1.08	1.09	1.11	1.12	1.14	1.15	1.17	1.18
Cash Flow Debt Payments											
City of Portland 10% 30.0%	\$3,092	\$155	\$4,026	\$4,966	\$5,913	\$6,865	\$23,472	\$26,366	\$29,275	\$32,199	\$35,138
Developer Fee Loan 0.0%	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Cash Flow Retained by Project	\$27,827	\$361	\$36,230	\$44,692	\$53,213	\$61,788	\$54,769	\$61,520	\$68,308	\$75,132	\$81,988
Retained Cash Flow % 5%											

	<u>Year 11</u>	<u>Year 12</u>	<u>Year 13</u>	<u>Year 14</u>	<u>Year 15</u>	<u>Year 16</u>	<u>Year 17</u>	<u>Year 18</u>	<u>Year 19</u>	<u>Year 20</u>
Income										
Sch. Gross Income - Residential	\$1,411,537	\$1,439,768	\$1,468,563	\$1,497,934	\$1,527,893	\$1,558,451	\$1,589,620	\$1,621,412	\$1,653,841	\$1,686,917
Vacancy Loss 5.0%	(\$70,577)	(\$71,988)	(\$73,428)	(\$74,897)	(\$76,395)	(\$77,923)	(\$79,481)	(\$81,071)	(\$82,692)	(\$84,346)
Other income (laundry)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TIF 75%	\$115,143	\$117,446	\$119,795	\$122,191	\$124,634	\$127,127	\$129,670	\$132,263	\$134,908	\$137,606
Effective Gross Income	\$1,456,103	\$1,485,225	\$1,514,930	\$1,545,228	\$1,576,133	\$1,607,655	\$1,639,809	\$1,672,605	\$1,706,057	\$1,740,178
Administrative										
Management Fee	\$88,708	\$91,369	\$94,110	\$96,934	\$99,842	\$102,837	\$105,922	\$109,100	\$112,372	\$115,744
Management Charges	\$87,355	\$89,975	\$92,674	\$95,455	\$98,318	\$101,268	\$104,306	\$107,435	\$110,658	\$113,978
Marketing Expense	\$2,016	\$2,076	\$2,139	\$2,203	\$2,269	\$2,337	\$2,407	\$2,479	\$2,554	\$2,630
Legal	\$1,344	\$1,384	\$1,426	\$1,469	\$1,513	\$1,558	\$1,605	\$1,653	\$1,702	\$1,754
Audit & Accounting	\$13,439	\$13,842	\$14,258	\$14,685	\$15,126	\$15,580	\$16,047	\$16,528	\$17,024	\$17,535
Admin Other	\$1,290	\$1,329	\$1,369	\$1,410	\$1,452	\$1,496	\$1,541	\$1,587	\$1,634	\$1,683
Total Administrative	\$194,152	\$199,976	\$205,975	\$212,155	\$218,519	\$225,075	\$231,827	\$238,782	\$245,945	\$253,324
Supportive Services										
	\$31,448	\$32,391	\$33,363	\$34,364	\$35,395	\$36,456	\$37,550	\$38,677	\$39,837	\$41,032
Utilities										
Fuel Oil	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Electric	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Gas	\$55,227	\$56,884	\$58,590	\$60,348	\$62,158	\$64,023	\$65,944	\$67,922	\$69,960	\$72,059
Water / Sewer	\$29,029	\$29,899	\$30,796	\$31,720	\$32,672	\$33,652	\$34,662	\$35,702	\$36,773	\$37,876
Other	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Utilities	\$84,255	\$86,783	\$89,387	\$92,068	\$94,830	\$97,675	\$100,605	\$103,624	\$106,732	\$109,934

Maintenance	Year 11	Year 12	Year 13	Year 14	Year 15	Year 16	Year 17	Year 18	Year 19	Year 20
Janitorial	\$45,962	\$47,341	\$48,761	\$50,224	\$51,731	\$53,282	\$54,881	\$56,527	\$58,223	\$59,970
Exterminating	\$16,127	\$16,611	\$17,109	\$17,622	\$18,151	\$18,696	\$19,256	\$19,834	\$20,429	\$21,042
Trash Removal	\$13,977	\$14,396	\$14,828	\$15,273	\$15,731	\$16,203	\$16,689	\$17,190	\$17,705	\$18,236
Security	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Grounds	\$19,352	\$19,933	\$20,531	\$21,147	\$21,781	\$22,435	\$23,108	\$23,801	\$24,515	\$25,250
Maintenance	\$61,283	\$63,121	\$65,015	\$66,965	\$68,974	\$71,043	\$73,175	\$75,370	\$77,631	\$79,960
Elevator, HVAC, pool contracts	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Other	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Maintenance	\$156,701	\$161,402	\$166,244	\$171,231	\$176,368	\$181,659	\$187,109	\$192,722	\$198,504	\$204,459

Taxes & Insurance										
Real Estate Taxes or PILOT	\$153,524	\$156,594	\$159,726	\$162,921	\$166,179	\$169,503	\$172,893	\$176,351	\$179,878	\$183,475
Payroll Taxes / Fidelity Bond / Workers Comp / Health Ins.	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Insurance (property, liability)	\$32,254	\$33,222	\$34,218	\$35,245	\$36,302	\$37,391	\$38,513	\$39,668	\$40,858	\$42,084
Other	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Taxes & Insurance	\$185,778	\$189,816	\$193,944	\$198,166	\$202,481	\$206,894	\$211,406	\$216,019	\$220,736	\$225,559

Replacement Reserves	\$40,317	\$41,527	\$42,773	\$44,056	\$45,378	\$46,739	\$48,141	\$49,585	\$51,073	\$52,605
Operating Reserves	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Total Expenses	\$692,651	\$711,895	\$731,686	\$752,039	\$772,971	\$794,498	\$816,638	\$839,409	\$862,827	\$886,913
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Net Operating Income	\$763,452	\$773,330	\$783,244	\$793,189	\$803,162	\$813,157	\$823,170	\$833,196	\$843,229	\$853,265
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Debt Service										
Maine Housing Interest Bearing	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489
Second Lien	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Other	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Debt Service (Must Pay)	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489

Cash Flow (after Must Pay Debt)	\$126,963	\$136,841	\$146,755	\$156,700	\$166,673	\$176,668	\$186,681	\$196,707	\$206,740	\$216,776
Debt Service Coverage Ratio	1.20	1.21	1.23	1.25	1.26	1.28	1.29	1.31	1.32	1.34

Cash Flow Debt Payments											Cash Flow D
City of Portland	30.0%	\$38,089	\$41,052	\$44,026	\$47,010	\$50,002	\$53,000	\$56,004	\$59,012	\$62,022	\$65,033
Developer Fee Loan	0.0%	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Cash Flow Retained by Project		\$88,874	\$95,789	\$102,728	\$109,690	\$116,671	\$123,668	\$130,677	\$137,695	\$144,718	\$151,743
Retained Cash Flow %	5%		\$0			\$0					Retained Cas

	<u>Year 21</u>	<u>Year 22</u>	<u>Year 23</u>	<u>Year 24</u>	<u>Year 25</u>	<u>Year 26</u>	<u>Year 27</u>	<u>Year 28</u>	<u>Year 29</u>	<u>Year 30</u>
Income										
Sch. Gross Income - Residential	\$1,720,656	\$1,755,069	\$1,790,170	\$1,825,974	\$1,862,493	\$1,899,743	\$1,937,738	\$1,976,493	\$2,016,022	\$2,056,343
Vacancy Loss 0.0%	(\$86,033)	(\$87,753)	(\$89,509)	(\$91,299)	(\$93,125)	(\$94,987)	(\$96,887)	(\$98,825)	(\$100,801)	(\$102,817)
Other income (laundry)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TIF 75%	\$140,359	\$143,166	\$146,029	\$148,950	\$0	\$0	\$0	\$0	\$0	\$0
Effective Gross Income	\$1,774,981	\$1,810,481	\$1,846,691	\$1,883,625	\$1,769,368	\$1,804,756	\$1,840,851	\$1,877,668	\$1,915,221	\$1,953,526
Administrative										
Management Fee	\$119,216	\$122,792	\$126,476	\$130,271	\$134,179	\$138,204	\$142,350	\$146,621	\$151,019	\$155,550
Management Charges	\$117,397	\$120,919	\$124,547	\$128,283	\$132,132	\$136,096	\$140,178	\$144,384	\$148,715	\$153,177
Marketing Expense	\$2,709	\$2,790	\$2,874	\$2,960	\$3,049	\$3,141	\$3,235	\$3,332	\$3,432	\$3,535
Legal	\$1,806	\$1,860	\$1,916	\$1,974	\$2,033	\$2,094	\$2,157	\$2,221	\$2,288	\$2,357
Audit & Accounting	\$18,061	\$18,603	\$19,161	\$19,736	\$20,328	\$20,938	\$21,566	\$22,213	\$22,879	\$23,566
Admin Other	\$1,734	\$1,786	\$1,839	\$1,895	\$1,951	\$2,010	\$2,070	\$2,132	\$2,196	\$2,262
Total Administrative	\$260,923	\$268,751	\$276,814	\$285,118	\$293,672	\$302,482	\$311,556	\$320,903	\$330,530	\$340,446
Supportive Services	\$42,263	\$43,531	\$44,837	\$46,182	\$47,567	\$48,994	\$50,464	\$51,978	\$53,538	\$55,144
Utilities										
Fuel Oil	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Electric	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Gas	\$74,220	\$76,447	\$78,740	\$81,103	\$83,536	\$86,042	\$88,623	\$91,282	\$94,020	\$96,841
Water / Sewer	\$39,012	\$40,182	\$41,388	\$42,629	\$43,908	\$45,226	\$46,582	\$47,980	\$49,419	\$50,902
Other	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Utilities	\$113,232	\$116,629	\$120,128	\$123,732	\$127,444	\$131,267	\$135,205	\$139,261	\$143,439	\$147,743

Maintenance	Year 21	Year 22	Year 23	Year 24	Year 25	Year 26	Year 27	Year 28	Year 29	Year 30
Janitorial	\$61,769	\$63,622	\$65,531	\$67,497	\$69,522	\$71,607	\$73,755	\$75,968	\$78,247	\$80,595
Exterminating	\$21,673	\$22,324	\$22,993	\$23,683	\$24,394	\$25,125	\$25,879	\$26,655	\$27,455	\$28,279
Trash Removal	\$18,784	\$19,347	\$19,927	\$20,525	\$21,141	\$21,775	\$22,429	\$23,101	\$23,794	\$24,508
Security	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Grounds	\$26,008	\$26,788	\$27,592	\$28,420	\$29,272	\$30,150	\$31,055	\$31,987	\$32,946	\$33,935
Maintenance	\$82,359	\$84,829	\$87,374	\$89,996	\$92,695	\$95,476	\$98,341	\$101,291	\$104,330	\$107,459
Elevator, HVAC, pool contracts	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Other	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Maintenance	\$210,593	\$216,910	\$223,418	\$230,120	\$237,024	\$244,135	\$251,459	\$259,002	\$266,772	\$274,776
Taxes & Insurance										
Real Estate Taxes or PILOT	\$187,145	\$190,888	\$194,705	\$198,599	\$202,571	\$206,623	\$210,755	\$214,970	\$219,270	\$223,655
Payroll Taxes / Fidelity Bond / Workers Comp / Health Ins.	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Insurance (property, liability)	\$43,347	\$44,647	\$45,986	\$47,366	\$48,787	\$50,251	\$51,758	\$53,311	\$54,910	\$56,558
Other	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Taxes & Insurance	\$230,491	\$235,535	\$240,692	\$245,966	\$251,358	\$256,874	\$262,513	\$268,281	\$274,180	\$280,213
Replacement Reserves	\$54,183	\$55,809	\$57,483	\$59,208	\$60,984	\$62,813	\$64,698	\$66,639	\$68,638	\$70,697
Operating Reserves	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Expenses	\$911,686	\$937,165	\$963,371	\$990,325	\$1,018,049	\$1,046,565	\$1,075,896	\$1,106,065	\$1,137,097	\$1,169,017
Net Operating Income	\$863,295	\$873,316	\$883,319	\$893,299	\$751,319	\$758,191	\$764,955	\$771,603	\$778,124	\$784,508
Debt Service										
Maine Housing Interest Bearing	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489
Second Lien	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Other	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Debt Service (Must Pay)	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489
Cash Flow (after Must Pay Debt)	\$226,806	\$236,827	\$246,830	\$256,810	\$114,830	\$121,702	\$128,466	\$135,114	\$141,635	\$148,019
Debt Service Coverage Ratio	1.36	1.37	1.39	1.40	1.18	1.19	1.20	1.21	1.22	1.23
Debt Payments										
City of Portland	0.0%	\$68,042	\$71,048	\$74,049	\$77,043	\$34,449	\$36,511	\$38,540	\$40,534	\$44,406
Developer Fee Loan	0.0%	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Cash Flow Retained by Project	\$158,764	\$165,779	\$172,781	\$179,767	\$80,381	\$85,191	\$89,926	\$94,580	\$99,145	\$103,614
Debt Flow %	0%									

B. Project Information

Completed by reading.lauraj@gmail.com on 5/14/2024 10:17 AM

Case Id: 30510

Name: Youth and Family Outreach - 2024

Address: 331-337 Cumberland Avenue, Portland, ME

B. Project Information

Please provide the following information.

B.1. Property Address

331-337 Cumberland Avenue Portland, ME 04101

B.2. Project Name

YFO Resource Hub

B.3. Tax chart, block, and lot number

33-K-5,6,7,9,10

B.4. Zoning Designation

B-3

B.5. Is the requested funding type HOME/HTF?

Yes

B.6. Requested amount of Affordable Housing Development Funding

\$1,080,000.00

B.7. Is the requested funding type AHTIF?

No

B.8. Total number of housing units to be constructed:

60

B.9. Total number of housing units to be rehabilitated:

0

B.10. Total Number of market rate units:

0

B.11. Total number of deed restricted units:

60

B.12. Total number of Units at 120% AMI:

0

B.13. Total number of Units at 110% AMI:

0

Printed By: Victoria Volent on 5/15/2024

B.14. Total number of Units at 100% AMI:

12

B.15. Total number of Units at 80% AMI:

0

B.16. Total number of Units at 60% AMI:

19

B.17. Total number of Units at 50% AMI:

29

B.18. Total number of Units at 40% AMI:

0

B.19. Housing Type

Rental

B.20. Total number of studio/efficiency units:

4

B.21. Total number of one-bedroom units:

24

B.22. Total number of two-bedroom units:

22

B.23. Total number of three-bedroom units

10

B.24. Total number of four-bedroom units

0

B.25. Total number of five-bedroom units

0

B.26. Property Manager

Realty Resources Management

B.27. When is construction expected to begin?

07/15/2025

B.28. Please use the box below to answer the remaining questions and provide a narrative description of the project that includes:

- Description of municipal housing need and how the development addresses that need;

Printed By: Victoria Volent on 5/15/2024

- Requested amount of Affordable Housing Development Funding;
- Description of how City’s participation is financially necessary in order for the project to proceed;
- Description of allowed uses in the zone;
- Description of residential and non-residential uses in the area;
- Description of accessory uses relating to residential use, if any;
- Indicate if this project requires relocation of existing commercial or residential tenants;
- Description of relocation plan for persons temporarily or permanently displaced by development activities;
- Description of how the development is consistent with the Comprehensive Plan
- Description of how housing and facilities in the development will be operated after completion;
- Description of planned uses of tax increment revenues from the district (AHTIF projects only).

The Youth and Family Outreach (“YFO”) development, located at 331-337 Cumberland Avenue, will provide new construction of sixty units of affordable mixed-income rental housing in addition to an expansion of YFO’s existing childcare facility to serve fifty additional children. Of the sixty proposed units, 80% (48 units) will be restricted to households earning (60% AMI or less) and 20% (12 units) will be restricted to households earning 100% AMI or less. Of those 48 units, 60% (30 units) will be restricted to households earning 50% AMI or less, and there will be a mix of 4 studio units, 20 one-bedroom units, 14 two-bedroom units, and 10 three-bedroom units. Of the 12 units restricted to households earning 100% AMI or less, there will be a mix of 4 one-bedroom units and 8 two-bedroom units. The building will also include a laundry room, community room, fitness area, lobby, trash room, and bike/stroller storage. The primary building entrance for the childcare facility will be located on Cumberland Avenue while the primary building entrance for the apartment units will be located on Portland Street. The site will include outside play spaces for the childcare facility that may be used by residents outside of the daycare’s regular operating hours. Realty Resources Management will be the property management company, who will provide an on-site Resident Services Coordinator free of charge to residents. The project will require the temporary relocation of the existing childcare space during construction and Developers Collaborative will assist YFO in finding a temporary space when the construction start date becomes closer.

YFO is located in the B3 Downtown Business zone, a mixed-use zone that permits multifamily dwellings and preschool facilities and has a stated purpose “to encourage increased housing opportunity downtown for a diverse residential population.” YFO is centrally located near METRO Bus stops and a variety of services including public schools, public library, post office, Portland Food Co-op, and several banks. Immediately adjacent uses include the Portland Public Market parking garage, Preble Street Teen Shelter, Earl Apartments, and Preble Street Resource Center.

Portland’s economy depends upon the availability of a diverse and affordable array of rental housing options. However, Portland has the highest housing costs in the state of Maine, and rising rental housing costs have become increasingly out-of-reach for many lower- and moderate-income citizens. According to MaineHousing, the median 2BR rent in Portland in 2020 was unaffordable to 71.1% of households, or approximately 13,000 households. The YFO development will provide affordable rental rates and restrict units to low-and moderate-income residents.

The YFO development also aligns with Portland’s Comprehensive Plan, which was adopted by City Council on June 5, 2017, and which identified a desire to “increase, preserve, and modify the overall supply of housing City-wide to meet the needs, preferences and financial capabilities of all Portland households.”

The YFO development is requesting \$1,080,000 in Affordable Housing Development Funding. The City’s participation is financially necessary to close a gap between the sources and uses. The feasibility of the project also depends upon receiving a 9% Low-Income Housing Tax Credit (“LIHTC”) or a 4% LIHTC with the State Affordable Housing Tax Credit to be financially feasible. Without this funding from the City, a LIHTC Application would not be financially feasible.



Figure 1: The proposed building as seen from Cumberland Avenue



Fig 5 – Rendering from Cumberland Ave/Preble Street



Fig 6 – Rendering from Portland Street/Preble Street

Project:

337 CUMBERLAND
AVENUE

Portland, Maine

Owner/Client:

Youth and Family Outreach

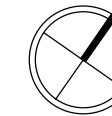
Consultant:

Revisions:

Key Plan:

FIRST FLOOR PLAN

Scale:
As indicated



9 AUGUST, 2024

AREAS	
FIRST FLOOR	10,986 GSF
SECOND FLOOR	12,519 GSF
THIRD FLOOR	12,228 GSF
FOURTH FLOOR	12,555 GSF
FIFTH FLOOR	12,555 GSF
SIXTH FLOOR	12,025 GSF +
TOTAL	72,868 GSF

UNIT COUNT		STUDIO	1-BR	2-BR	3-BR	TOTAL
MARKET RATE:			4	8		12
MAINE HOUSING:		4	20	14	10	48
FIRST FLOOR			1	2	1	4
THIRD FLOOR		1	6	4	3	14
FOURTH FLOOR		1	6	4	3	14
FIFTH FLOOR		1	6	7	1	14
SIXTH FLOOR		1	6	6	1	14
TOTAL		4	24	22	10	60





AREAS

FIRST FLOOR	10,986 GSF
SECOND FLOOR	12,519 GSF
THIRD FLOOR	12,228 GSF
FOURTH FLOOR	12,555 GSF
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FIFTH FLOOR	1	6	7	1	14
SIXTH FLOOR	1	6	6	1	14
TOTAL	4	24	22	10	60



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FIFTH FLOOR	12,555 GSF				
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UNIT COUNT					
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MAINE HOUSING:	4	20	14	10	48
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SIXTH FLOOR	1	6	6	1	14
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TOTAL	72,868 GSF				
UNIT COUNT					
	STUDIO	1-BR	2-BR	3-BR	TOTAL
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MAINE HOUSING:	4	20	14	10	48
FIRST FLOOR		1	2	1	4
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FOURTH FLOOR	1	6	4	3	14
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TOTAL	72,868 GSF				

UNIT COUNT					
	STUDIO	1-BR	2-BR	3-BR	TOTAL
MARKET RATE:		4	8		12
MAINE HOUSING:	4	20	14	10	48
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TOTAL	72,868 GSF				
UNIT COUNT					
	STUDIO	1-BR	2-BR	3-BR	TOTAL
MARKET RATE:		4	8		12
MAINE HOUSING:	4	20	14	10	48
FIRST FLOOR		1	2	1	4
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FOURTH FLOOR	1	6	4	3	14
FIFTH FLOOR	1	6	7	1	14
SIXTH FLOOR	1	6	6	1	14
TOTAL	4	24	22	10	60

City of Portland - Affordable Housing (AH) TIF Model
337 Cumberland Avenue, 33-K-5-6-7-9-10-13
[OAV: \\$519,900 ao 3/31/2020](#)
2% Mil Rate Escalation
75% Capture to AH TIF Project; 25% to City General Fund

City of Portland- TIF Projection Table for 337 Cumberland Avenue AH TIF										
TIF Year	Tax Year- April 1	Increased Assessed Value Real Prop.	% of Value Captured	Captured Valuation	Projected Mill Rate	Total Projected New Taxes Captured	Captured Revenue to Business Project Account	Captured Revenue to Municipal Project Account	City Non- Captured General Fund Revenues	City OAV General Fund Revenues
1	2020	\$0	75.00%	\$0	23.31	\$0	\$0	\$0	\$0	\$12,119
2	2021	\$0	75.00%	\$0	12.99	\$0	\$0	\$0	\$0	\$6,754
3	2022	\$0	75.00%	\$0	13.61	\$0	\$0	\$0	\$0	\$7,076
4	2023	\$0	75.00%	\$0	14.41	\$0	\$0	\$0	\$0	\$7,492
5	2024	\$0	75.00%	\$0	14.70	\$0	\$0	\$0	\$0	\$7,642
6	2025	\$0	75.00%	\$0	14.99	\$0	\$0	\$0	\$0	\$7,794
7	2026	\$8,220,100	75.00%	\$6,165,075	15.29	\$94,276	\$94,276	\$0	\$31,425	\$7,950
8	2027	\$8,220,100	75.00%	\$6,165,075	15.60	\$96,162	\$96,162	\$0	\$32,054	\$8,109
9	2028	\$8,220,100	75.00%	\$6,165,075	15.91	\$98,085	\$98,085	\$0	\$32,695	\$8,272
10	2029	\$8,220,100	75.00%	\$6,165,075	16.23	\$100,047	\$100,047	\$0	\$33,349	\$8,437
11	2030	\$8,220,100	75.00%	\$6,165,075	16.55	\$102,048	\$102,048	\$0	\$34,016	\$8,606
12	2031	\$8,220,100	75.00%	\$6,165,075	16.88	\$104,089	\$104,089	\$0	\$34,696	\$8,778
13	2032	\$8,220,100	75.00%	\$6,165,075	17.22	\$106,171	\$106,171	\$0	\$35,390	\$8,953
14	2033	\$8,220,100	75.00%	\$6,165,075	17.57	\$108,294	\$108,294	\$0	\$36,098	\$9,132
15	2034	\$8,220,100	75.00%	\$6,165,075	17.92	\$110,460	\$110,460	\$0	\$36,820	\$9,315
16	2035	\$8,220,100	75.00%	\$6,165,075	18.28	\$112,669	\$112,669	\$0	\$37,556	\$9,501
17	2036	\$8,220,100	75.00%	\$6,165,075	18.64	\$114,922	\$114,922	\$0	\$38,307	\$9,691
18	2037	\$8,220,100	75.00%	\$6,165,075	19.01	\$117,221	\$117,221	\$0	\$39,074	\$9,885
19	2038	\$8,220,100	75.00%	\$6,165,075	19.39	\$119,565	\$119,565	\$0	\$39,855	\$10,083
20	2039	\$8,220,100	75.00%	\$6,165,075	19.78	\$121,957	\$121,957	\$0	\$40,652	\$10,285
21	2040	\$8,220,100	75.00%	\$6,165,075	20.18	\$124,396	\$124,396	\$0	\$41,465	\$10,490
22	2041	\$8,220,100	75.00%	\$6,165,075	20.58	\$126,884	\$126,884	\$0	\$42,295	\$10,700
23	2042	\$8,220,100	75.00%	\$6,165,075	20.99	\$129,421	\$129,421	\$0	\$43,140	\$10,914
24	2043	\$8,220,100	75.00%	\$6,165,075	21.41	\$132,010	\$132,010	\$0	\$44,003	\$11,132
25	2044	\$8,220,100	75.00%	\$6,165,075	21.84	\$134,650	\$134,650	\$0	\$44,883	\$11,355
26	2045	\$8,220,100	75.00%	\$6,165,075	22.28	\$137,343	\$137,343	\$0	\$45,781	\$11,582
27	2046	\$8,220,100	75.00%	\$6,165,075	22.72	\$140,090	\$140,090	\$0	\$46,697	\$11,814
28	2047	\$8,220,100	75.00%	\$6,165,075	23.18	\$142,892	\$142,892	\$0	\$47,631	\$12,050
29	2048	\$8,220,100	75.00%	\$6,165,075	23.64	\$145,749	\$145,749	\$0	\$48,583	\$12,291
30	2049	\$8,220,100	75.00%	\$6,165,075	24.11	\$148,664	\$148,664	\$0	\$49,555	\$12,537
30 Year TIF Total		\$197,282,400		\$147,961,800		\$2,868,063	\$2,868,063	\$0	\$956,021	\$290,739
30 Year Average				\$4,932,060		\$95,602	\$95,602		\$31,867	\$9,691

Mil Rate Actual Above Line
Mil Rate Est. FY2025 & On

Tax Shifts-Avoided Formula Impacts from Sheltering of Valuation: City of Portland - TIF Model for 337 Cumberland Avenue Affordable Housing TIF							
337 Cumberland Ave TIF Model/75% Sheltered - 30 years - 75% to Developer Project Account - 25% to City General Fund							
TIF Year	Tax Year- April 1	Total Added Valuation	Sheltered Valuation	Avoided Formula Impacts from Sheltering of Valuation			
				Avoided Loss of State Aid to for Education	Avoided Loss of State Municipal Revenue Sharing	Avoided Increase in County Tax	Total Avoided Impacts
1	2020	\$0	\$0	\$0	\$0	\$0	\$0
2	2021	\$0	\$0	\$0	\$0	\$0	\$0
3	2022	\$0	\$0	\$0	\$0	\$0	\$0
4	2023	\$0	\$0	\$0	\$0	\$0	\$0
5	2024	\$0	\$0	\$0	\$0	\$0	\$0
6	2025	\$0	\$0	\$0	\$0	\$0	\$0
7	2026	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
8	2027	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
9	2028	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
10	2029	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
11	2030	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
12	2031	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
13	2032	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
14	2033	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
15	2034	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
16	2035	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
17	2036	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
18	2037	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
19	2038	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
20	2039	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
21	2040	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
22	2041	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
23	2042	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
24	2043	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
25	2044	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
26	2045	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
27	2046	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
28	2047	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
29	2048	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
30	2049	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
30 Year TIF Total		\$197,282,400	\$147,961,800	\$1,225,124	\$110,882	\$81,689	\$1,417,695
30 Year TIF Avg.		\$6,576,080	\$4,932,060	\$40,837	\$3,696	\$2,723	\$47,257

MEMORANDUM
City Council Agenda Item

FROM: Mary Davis, Division Director

DATE: September 6, 2024

SUBJECT: Order 46-24/25 Approving an Amendment to the 337 Cumberland Avenue Affordable Housing Development and Tax Increment Financing District RE: 337 Cumberland Avenue - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair

SPONSOR: Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair.

The Housing and Economic Development Committee met on August 20, 2024, and voted (3-0, Phillips absent) to forward this item to the City Council with a recommendation for passage.

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 9/4/2024

**Final
Action 9/16/2024**

Can action be taken at a later date: No Under the state statute for the Affordable Housing Tax Increment Financing program, a 10-day public notice is required before action can be taken by the City Council. The notice will be published in the Portland Press Herald.

Does this item involve a new contract with the City: No; amended AHTIF documents will be required and will be approved by Corporation Counsel before signed and submitted.

PRESENTATION: Greg Watson and Mary Davis will be available for questions.

I. SUMMARY

Amendment of the existing 337 Cumberland Avenue Affordable Housing Development and Tax Increment Financing District, the District Program and the Credit Enhancement Agreement to include 60-units, 29 of which will be affordable to households at or below 50% of the area median income (\$51,000 for a two-person household), 19 of which will be affordable to households at or below 60% of the area median income (\$61,200 for a two-person household) and 12 market rate units (including 4 studios, 24 1-bedroom, 22 2-bedroom and 10 3-bedroom).

II. AGENDA DESCRIPTION

The Housing and Economic Development Committee met on August 20, 2024, and voted (3-0, Phillips absent) to forward this item to the City Council with a recommendation for passage.

Youth and Family Outreach (YFO), through YFO Resource Hub LP, a non-profit entity to be created, has proposed construction of a new 60-unit rental housing development which will include child care space. The site currently contains a vacant former restaurant and the chapel building that currently houses the YFO child care program, both of which will be removed to facilitate construction of the new building.

An Affordable Housing Tax Increment Financing District was previously approved on this site. The 337 Cumberland Avenue Affordable Housing Development Tax Increment Financing District was approved by the Portland City Council on August 3, 2020 (Order 19-20/21 and Order 20-20/21) and received a Certificate of

Approval from MaineHousing on September 17, 2020. The current approved development district includes a slightly different unit mix (36 units at or below 50% of the area median income, 12 units at or below 60% of the area median income and 12 units at market rate) and will need to be amended to reflect the proposed new development program. The new development program will include 60-units, 29 of which will be affordable to households at or below 50% of the area median income (\$51,000 for a two-person household), 19 of which will be affordable to households at or below 60% of the area median income (\$61,200 for a two-person household) and 12 market rate units (including 4 studios, 24 1-bedroom, 22 2-bedroom and 10 3-bedroom). The end date of the development district is March 31, 2050.

This is a companion order to the order above.

This item must be read on two separate days. It received its first reading on September 4. 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

Approval of an Amendment to the 337 Cumberland Avenue Affordable Housing Development and Tax Increment Financing District is key to making the project feasible. The City Council must authorize the amendments to the AHTIF District, the District Program and the Credit Enhancement Agreement. The underwriting memo notes that the TIF continues to be necessary to keep the debt service coverage ratio within acceptable limits.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Amending the current Affordable Housing Tax Increment Financing District, which was approved by the Portland City Council on August 3, 2020 (Order 19-20/21 and Order 20-20/21) to support the construction of 60-units of new rental housing, 29 of which will be affordable to households at or below 50% of the area median income (\$51,000 for a two-person household), 19 of which will be affordable to households at or below 60% of the area median income (\$61,200 for a two-person household) and 12 market rate units (including 4 studios, 24 1-bedroom, 22 2-bedroom and 10 3-bedroom).

V. FINANCIAL IMPACT

- When completed, the project's total assessed-value is estimated at \$8,740,000 for the housing portion of the development, which would yield \$126,000 in annual assessed property value in year one at the current FY24 millage rate.
- The total assessed-value of the daycare portion of the project is estimated at \$2,500,000, which would yield \$36,000 in annual assessed property value in year one at the current FY24 millage rate. However, YFO is a 501(c)(3) entity, therefore this portion of the project would be tax exempt.
- The approximate total amount of tax revenue (aka captured valuation) for the housing portion of the project that would be returned to the project/developer is \$2,868,063 in total over the remainder of the 30-year term (or \$95,602 per year averaged over the 30-year term);
- The approximate total amount of tax revenue (aka non-captured valuation) that would be deposited into the general fund is \$1,246,760 in total over the remainder of the 30-year term (or \$41,558 per year averaged over the 30-year term);
- If the project is not completed, the parcels would remain tax exempt.
- With the tax sheltering benefits of TIF Districts, overall savings to the City during the term of the district averages an estimated annual amount of \$47,257+, or \$1,417,695 over the remainder of the life of the district.

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

Staff is requesting the City Council approve the amendment to the 337 Cumberland Avenue Affordable Housing Development Tax Increment Financing District and District Program along with an amendment to the Credit Enhancement Agreement with YFO Resource Hub LP and authorize the City Manager to sign and submit to MaineHousing for approval the documents amending the district in substantially the form(s) as enclosed.

VIII. LIST ATTACHMENTS

1. Order - Approving an amendment to the 337 Cumberland Avenue Affordable Housing Development and TIF District
2. HEDC Packet
3. 337 Cumberland Ave DEC OF COV Amended for Council 9.12.2024
4. 337 Cumberland Ave DEV PROG Amended for Council 9.12.2024

Prepared by:

Mary Davis, Division Director

Date: 09/06/2024

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 AN AMENDMENT TO THE 337 CUMBERLAND AVENUE
AFFORDABLE HOUSING DEVELOPMENT AND
TAX INCREMENT FINANCING DISTRICT
RE: 337 CUMBERLAND AVENUE**

ORDERED, that the amended development program and financial plan entitled “337 Cumberland Avenue Affordable Housing Development District” for affordable housing development is hereby approved in substantially the form attached hereto; and

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

BE IT FURTHER ORDERED, that this Order is enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter, in order to make it effective immediately.

To: Mary Davis, City of Portland
From: Anne Boynton, Urban Ventures, Inc.
Re: Youth and Family Outreach (with Developers Collaborative as development consultant)
Date: 8/13/24

Youth and Family Outreach (YFO), the non-profit sponsor YFO Resource Hub LP, requests a loan of \$1,080,000 for the proposed new construction 60-unit rental housing development and first floor child care space. The site is currently a vacant former restaurant and the church which YFO currently uses for day care space. The site already has a 75% 30-year Affordable Housing TIF which was approved in 2020 when YFO was partnering with Portland Housing Authority. 2020 was a uniquely difficult year to be moving a development forward -- the project was substantially delayed due to construction cost over runs and had to return their tax credit allocation.

The 60 housing units will serve a mixed income population, including 12 "Market Rate" (up to 100% AMI), 19 units at 60% AMI, and 29 units at 50% AMI. Unit sizes will range from efficiency to 3 bedrooms. As part of the Maine Housing 9% LIHTC competition and financing process, YFO is requesting 10 Project Based Vouchers. This would provide 20% of the LIHTC units with a deep subsidy for households with special housing needs for supportive services.

Developers Collaborative is serving as the fee developer for this housing project, and will not have an ownership stake in the project.

The requested loan is a subsidy of \$18,000 per housing unit, or \$22,500 per unit affordable to households below 60% AMI (12 units will be restricted to under 100% AMI). This is in addition to the previously approved TIF subsidy.

Sources and Uses

Sources:		Uses:	
Maine Housing Must Pay	\$10,608,153	Acquisition	\$0
Maine Housing 0% Deferred	\$3,000,000	Construction hard costs	\$20,805,781
Net Syndication Equity	\$10,199,080	Hard & Soft Contingency	\$1,079,039
AHP Capital Advance	\$850,000	Soft costs	\$2,286,895
IRA Solar Credits	\$104,500	Capitalized Reserves	\$920,018
City of Portland Loan	<u>\$ 1,080,000</u>	Developer Fee	<u>\$750,000</u>
Total Sources:	\$25,841,733	Total Uses:	\$25,841,733

YFO plans to submit an application for 9% LIHTC in September, along with a request for mortgage financing and 10 PBVs from Maine Housing. Evidence that YFO has funds in hand for their share of building construction and other development expenses, including acquisition and site prep, is a recommended condition of loan closing.

While YFO as a corporate entity has no track record with residential real estate development, the fee developer, Developers Collaborative, is a regular successful applicant, including last year in a similar role as development consultant for Equality Community Center. Developers Collaborative has an impressive success rate in 9% applications and has developed over 996 units using LIHTC, including 140 units in Portland. This is the second year Maine Housing has offered PBV's as part of the 9% LIHTC underwriting process, so the underwriting process and competition for these resources is becoming clearer. This site was awarded 9% LIHTC in the 2020 competition, but the project could not move forward at that time due to cost increases related to the pandemic.

A letter of interest is included from syndicator Evernorth, along with separate confirmation that Evernorth understands the ownership structure and significant commercial space. The letter offers a price of \$.85 per LIHTC credit and \$.95 per solar credit which is broadly consistent with Developers Collaborative recent experience.

For analysis of "Uses," see Development Budget.

Development Budget

Construction Costs:

Construction costs are based on a trades break down estimate by Penobscot based on drawings at the Conceptual Design Stage with a run date of 7/3/24. (Trade breakdown is preferable to a cost per square foot estimate.) This estimate includes provision for prevailing wage requirements. The direct costs for the day care center are separately budgeted, including interior finishes, structural elements including floor and elevator, and building skin including windows, doors and siding. However, reasonably allocatable costs such as site improvement and roof are borne entirely by the housing condo. Total housing construction cost divided among the 60 residential units is \$363,747. While this cost per unit would have been considered high prior to COVID, it is not out of line with comparable sized units in the current construction cost environment.

Soft Costs:

Soft costs are moderate and within industry standard. Developer fee (paid to Developers Collaborative) is \$750,000, the Maine Housing cap for funded developer fee. This is on the slim side of a reasonable developer's fee by industry standards, 3.1% of total development costs, excluding reserves and developer fee. However, Developers Collaborative has limited risk associated with this project – YFO is responsible for payment of soft costs in predevelopment, payment of a portion of Developer fee even if the project is terminated, and Developers Collaborative will have no on-going financial stake (and risk) in the project. In addition to direct staffing time, it is these project risks that are what developer fee is understood to cover.

Contingency:

Hard cost contingency is carried primarily in the development budget with the industry standard for new construction of 5%. The Penobscot estimate also includes a 4% contingency. As with each project in this round, it is still vulnerable to continued construction cost inflation due to the relatively early stage of predevelopment, continued high level of economic uncertainty, and persistent inflationary pressures in the construction industry. This level of contingency provides some protection from further delays due to price inflation.

Soft cost contingency is \$60,000, which is 2.62% of soft costs. This is very low, especially for this early stage of project development. This concern is partially mitigated by the YFO's long history and successful fundraising, which demonstrates some capacity to cover unexpected costs.

Acquisition:

The site is owned by YFO, which acquired the 337 Cumberland property adjacent to their existing space in 2019 for \$895,000. The property was appraised at \$955,000 in 2018 which demonstrates the original sales price was consistent with market values. The public has an interest in insuring that publicly funded projects purchase the property for no more than the market value. This review is especially important in cases like this one where the seller plays multiple roles in the transaction, as YFO will in the transfer. The proposed \$0 transfer is clearly below market value.

All acquisition related expenses, including demolition and any needed brownfields work, has been pulled out of the 9% LIHTC budget, and is to be funded prior to transfer of the asset by YFO.

The "off budget" nature of all acquisition costs and day care direct construction costs might change if Maine Housing chooses to allocate 4% credits instead of 9% credits. The budgets supporting a 4% credit scenario have not been presented to the City, but the construction of the day care space would be includable in basis as a community facility. If Maine Housing approves a 4% credit allocation instead of 9% credits, that would be a substantial revision of the budget. Satisfactory review of the budgets in a 4% scenario, with the potential of loan resizing, is a recommended condition of loan approval.

Operating Budget & 20 Year Cashflow Projection

Project Income:

The operating budget anticipates charging the maximum allowable LIHTC rents at each income level, and the 12 "market rate" units capped at the maximum rent affordable to a household at 100% AMI. The budget assumes receipt of 10 Project Based Vouchers (PBV) from Maine Housing, which have a 110% of Fair Market Rent payment standard, substantially above LIHTC capped rents at all unit sizes. This is the second year Maine Housing has offered this option.

	<50% AMI (w PBV)	<50% AMI (no PBV)	<60% AMI	<100% AMI	Total by unit type
efficiency	1	1	2	0	4
1 bedroom	4	8	8	4	24
2 bedroom	3	6	5	8	22
3 bedroom	2	4	4	0	10
Total by income level:	10	19	19	12	60

No market study has been submitted by the developer. While the demand for units affordable at 60% AMI and below is well established, the “market rate” rent in relationship to 100% of AMI needs further documentation. A satisfactory current market study, including evaluation of the market rate rents, is a recommended condition of the loan.

Residential vacancy is budgeted at the industry standard of 5%, which is comfortably above Portland’s recent historic vacancy rates.

The building will also include a single 12,608 sq. feet commercial space for YFO’s child care operations. The anticipated ownership structure of the building is two condo units, one for the housing and one for the child care, with almost all operating costs allocated to the individual condo units including utilities, maintenance, taxes, and most insurance. YFO’s ability to successfully operate the commercial condo is critically important to the stability of the project as a whole. YFO will be approximately doubling the child care slots available, as well as space available for services to small groups of children and families, and will be responsible for programming the community room shared with the residents. YFO has a business expansion plan finalized in 2023 which demonstrates effective demand for their expansion and provides budget projections which show the expanded program operating with a small positive margin (prior to depreciation). These projections take into account the growth in occupancy related expenses (including janitorial & maintenance) which will accompany expansion, but have not been updated for operating conditions (including inflation) in 2024. Satisfactory review of an updated business plan is a recommended condition of closing.

Operating Expense

The Developers Collaborative pro forma (for the residential condo only) reflects a per unit operating cost of \$8,785, which appears high. However, of that, \$2,099 per unit is real estate taxes, leaving \$6,686 for other operating expenses which is reasonable in this cost environment. Grounds expense is an outlier, very high at \$34,200/year for a building without landscaping or parking lot. Developer’s Collaborative points to the need to maintain the playground, which will be available to children in residence in the building outside the hours of the child care center. Functionally, this means 2 of 7 days (29%), and opens the question of how operating expenses will be fairly divided between housing and child care. Prior to loan closing, satisfactory review of the process for dividing costs between the two condos is a recommended condition of this recommendation.

Supportive services are budgeted at a minimal \$390/unit, which is designed to meet the Maine Housing minimum level of services. Deeper services needed for the PBV units serving households with special housing needs will be provided by Catholic Charities and Through These Doors. Commitment letters covering the terms and conditions, including the commitment of the organizations to cover the cost of provided services, are being negotiated for submission with the Maine Housing application in September. Satisfactory review of the commitments to provide services is a recommended condition of this recommendation.

30 Year Cashflow & Debt Service Coverage Ratio (DSCR)

Even with the previously approved 75% TIF, DSCR is extraordinarily thin at 1.05 in year 1. With industry standard 2/3% inflators, DSCR doesn't hit Maine Housing's standard underwriting ratio of 1.15 till year 8. While the PBVs offer some additional assurance of steady operating income, 1.05 provides only the slenderest margin. Maine Housing has expressed a willingness to consider a minimum requirement of \$500 per unit in annual cashflow (and year 1 shows \$515/unit), in the early years, however, this thin margin increases the risk for every stakeholder in the project.

Developer Financials

YFO is a non-profit with a long history of service to Portland families, founded in 1844. Relative to the norms of the child care industry, YFO has exceptional financial strength, with Net Assets of over \$2 million in 2023, including an endowment of over \$1.5 million. However, housing development has put new financial pressures on YFO and long-term ownership of affordable housing will continue to place new financial constraints and asset management responsibilities on YFO. The Board of Directors has a strong mix of professions including lawyer, CPA, engineer, non-profit management, public finance, local business leaders, and advocates for children. What it does not yet include is affordable housing development or affordable housing management experience. YFO's Executive Director, Camelia Babson-Haley, acknowledges the expansion of YFO's core programming into affordable housing and her continued focus on early childhood education and family support as her core skill set. She is actively seeking new members with affordable housing expertise to add to the Board to meet the need for leadership and oversight in the expanded core mission area of affordable housing and asset management.

YFO has submitted audits covering FY 2020 – FY 2023 (and has previously submitted audits covering FY 2016 -- 2019.) Their fiscal year ends 9/30. Over the tumultuous period from 2018-2023, YFO has more than doubled its total assets to \$2,559,547, increased net assets by 87%, and dramatically improved its Quick Ratio to a very impressive 7.85, all this while navigating a pandemic which literally closed the doors for months. Immediately prior to the pandemic, YFO acquired the adjacent property with a \$500,000 loan from Genesis Fund and pursued a comprehensive redevelopment, at a time when real estate development costs were experiencing unprecedented price inflation.

YFO engaged in a capital campaign which raised \$2.1 million (in cash and pledges) by end of 2022. These funds have covered some acquisition related expenses and established an endowed scholarship fund for low income families who need transitional funding before other child care supports kick in. This will add important stability to YFO's income stream while continuing to provide services to low income families. YFO is planning to initiate a next phase in their capital campaign and is in the process of selecting a campaign consultant. Evidence that YFO has funds in hand for their share of building construction and other development expenses, including acquisition and site prep, is a recommended condition of loan closing.

YFO Management's financials for the seven months ending 4/30/24 (as is typical) utilize somewhat different categories for reporting than the audit, so don't provide a direct comparison with prior audits. On the Balance Sheet, the 4/30/24 Quick Ratio was an alarming .5, but this includes the full amount of the Genesis Fund loan as a current liability. The Genesis Fund loan was subsequently extended to 2026. Adjusting out the Genesis Fund loan, the Quick Ratio was a moderate 3.30. The Balance Sheet shows a substantial jump in net assets to \$2,804,218 due to \$800,000 Accounts Receivable. This reflects successful fundraising, committed but not yet received -- commitments of \$515,000 from Senate Earmark and \$250,000 from State of Maine childcare infrastructure grants.

Impact of pandemic: The pandemic was much more disruptive to the child care industry than to subsidized affordable housing. In 2020, YFO was closed for months and after reopening, its operations were severely limited by the precautions necessary to prevent the spread of COVID-19. Class sizes were cut in half and before and after care eliminated, severely reducing program fee income. This was a systemic problem, not in any way a reflection of YFO's management. In fact, YFO's pandemic response reflected best practices for the industry and the level of care reflected in their revised protocols demonstrate the high quality of their services and management. Program Service Fees fell significantly and have only exceeded 2019 levels in 2023. Increases in government grants including PPP loans and ARPA grants helped offset the decline in fee income. Pandemic related supports are no longer available, but YFO continues to receive support from the State of Maine childcare worker wage supplement program, which helps YFO to better attract and retain childcare workers. As described above, despite the extraordinary constraints of the pandemic, YFO was able to exit the pandemic in stronger financial health than before.

YFO has experienced remarkable success in its long lifetime. Doubling program size and adding affordable housing makes this an exciting yet potentially fragile time in the life history of an organization. To continue to thrive in this new context, YFO needs to prioritize developing their Board's capacity for effective oversight of their new affordable housing program.

Recommendations

I recommend a loan in the amount \$1,080,000, at zero interest, to be repaid with 10% of cashflow above MaineHousing's required \$500/unit (as confirmed by MaineHousing

underwriting), in the first 5 years of operations, followed by 30% of cashflow until fully retired, with a 30-year term, with loan closing conditioned upon satisfactory review of the following:

- A current market study supporting the projected rent structure, including an analysis of market rent and vacancy for the retail space;
- Current management financial statements and the most recent YFO audit available at the time of closing;
- Financing commitments for debt and equity prior to closing on terms and conditions acceptable to the City of Portland, including evidence that YFO has funds in hand for the YFO share of building construction and other development expenses, including acquisition and site prep, whether included in development budget or carried separately.
- If MaineHousing approves 4% LIHTC, satisfactory review of the revised budgets with the potential to reduce loan sizing to reflect a division of subsidy between City and State which is consistent with the City approved 9% budgets. (City of Portland's loan is 26.47% of the combined City and State \$4,080,000 of soft debt.)
- Executed commitments to provide services to PBV units.
- An updated business plan for YFOs child care operation in the new facility.
- A written description of YFO's process for budget oversight, including the formulas for sharing costs between the commercial and residential condos;
- Condominium documents;
- All standard construction conditions, including satisfactory review of final contract with GC consistent with budgeted estimates, and total contractor overhead, profit and general conditions of not to exceed 14% of net construction costs.

Development Budget with Permanent Sources

Date 8/13/2024
Project Name
Project Address 331-337 Cumberland
Developer/Sponsor YFO (w/Developers Collaborative as development consultant)

Total Units 60
Residential Sq Feet 59,829
Total Square Feet 72,437

	August 13 Revised Values			Change	
	Total	Per Unit	Per Sq Ft	Reservation to Commitment	
Sources of Funds					
Permanent Financing - MH 1st Lien 6% I only	\$10,608,153	\$176,803	\$177	\$ 281,806	3%
Permanent Financing - City of Portland	\$1,080,000	\$18,000	\$18	\$ 7,950	1%
Equity (LIHTC/tenant contributions)	\$10,199,080	\$169,985	\$170	\$ 99	0%
AHP Capital Advance	\$850,000	\$14,167	\$14	\$ -	0%
OTHER	\$0	\$0	\$0	\$ (780,000)	-100%
Maine Housings Subsidy	\$3,000,000	\$50,000	\$50	\$ 660,000	28%
IRA Solar Credits	\$104,500	\$1,742	\$2	\$ -	0%
Total Sources of Funds	\$25,841,733	\$430,696	\$432	\$ 169,855	1%
(GAP)/Surplus			\$0	\$ (424,900)	-100%

Uses of Funds

Hard Costs					
Site Improvements	\$1,660,000	\$27,667	\$28	\$ 485,000	41%
Rehabilitation		\$0	\$0		
New Construction	\$16,637,665	\$277,294	\$278	\$ 32,849	0%
Contractor's Profit, Overhead, & Gen. Requirements 10.0%	\$1,729,563	\$28,826	\$29	\$ (40,641)	-2%
Hazardous Materials abatement (if contracted separately)		\$0	\$0		
Demolition Cost (if contracted separately)		\$0	\$0		
Bond Premium	\$353,553	\$5,893	\$6	\$ 4,387	1%
Other -- Solar \$275k, Utility Relocation \$150k	\$425,000	\$7,083	\$7	\$ 425,000	#DIV/0!
Hard Cost Contingency (% of hard costs) 4.9%	\$1,019,039	\$16,984	\$17	\$ 24,080	2%
Total Hard Costs	\$21,824,820	\$363,747	\$365	\$ 930,675	4%

Soft Costs					
Building Permit & Fees	\$303,162	\$5,053	\$5	\$ 5,210	2%
Survey & Engineering	\$80,000	\$1,333	\$1	\$ -	0%
Design & Permitting (% of const exp) 2.3%	\$364,000	\$6,067	\$6	\$ -	0%
Borrower Legal (all closings, excluding syndication legal)	\$45,000	\$750	\$1	\$ -	0%
Title & Recording	\$20,000	\$333	\$0	\$ -	0%
Accounting	\$10,000	\$167	\$0	\$ -	0%
Construction Period Taxes	\$10,000	\$167	\$0	\$ -	0%
Construction Period Insurance	\$55,000	\$917	\$1	\$ -	0%
Other: FF&E, Security	\$14,736	\$246	\$0	\$ (5,264)	-26%
Other		\$0	\$0		
Total Soft Costs	\$901,898	\$15,032	\$15	\$ (54)	0%

Financing Costs					
Construction Loan Origination Fees	\$42,000	\$700	\$1	\$ -	0%
Construction Period Interest	\$902,334	\$15,039	\$15	\$ -	0%
Lender Inspection Fees	\$35,000	\$583	\$1	\$ -	0%
Letter of Credit Fee		\$0	\$0		
Permanent Loan Fee	\$215,163	\$3,586	\$4	\$ 5,636	3%
Construction Lender Legal		\$0	\$0		
Other	\$0	\$0	\$0	\$ -	#DIV/0!
Total Financing Costs	\$1,194,497	\$19,908	\$20	\$ 5,636	0%

Miscellaneous					
Market Survey	\$5,500	\$92	\$0	\$ -	0%
Appraisal	\$7,500	\$125	\$0	\$ -	0%
Environmental Study	\$35,000	\$583	\$1	\$ -	0%
LIHTC Fees -- prepaid monitoring	\$142,500	\$2,375	\$2	\$ -	0%
Other: Commissioning		\$0	\$0		

Relocation Costs		\$0	\$0		
Other		\$0	\$0		
Soft Cost Contingency (% of soft costs excl Dev Fee)	2.62%	\$60,000	\$1,000	\$1	\$ - 0%
Total Miscellaneous:		\$250,500	\$4,175	\$24	\$ - 0%
Acquisition					
Acquisition: Buildings		\$0	\$0	\$0	\$ - #DIV/0!
Acquisition: Land		\$0	\$0	\$0	\$ (350,000) -100%
Acquisition: Legal			\$0	\$0	
Other			\$0	\$0	
Total Acquisition		\$0	\$0	\$0	\$ (350,000) -100%
Reserves and Developer Fee					
Operating Deficit Escrow		\$568,583	\$9,476	\$10	\$ 918 0%
Prefunded Replacement Reserve		\$187,208	\$3,120	\$3	\$ (34) 0%
Taxes & Insurance Escrow		\$90,972	\$1,516	\$2	\$ 7,614 9%
Developer Overhead		\$500,000	\$8,333	\$8	\$ - 0%
Developer Profit		\$250,000	\$4,167	\$4	\$ - 0%
Rent Up Reserve & Marketing		\$48,000	\$800	\$1	\$ - 0%
Other		\$25,255	\$421	\$0	\$ - 0%
Total Reserves and Developer Fee		\$1,670,018	\$27,834	\$28	\$ 8,498 1%
Total Uses of Funds		\$25,841,733	\$430,696	\$452	\$ 594,755 2%

Developer Fee Analysis: Total Fees: \$750,000
(excluding reserves & developer fee) Percent of TDC: 3.10%

Project Operating Pro Forma

Date August 12, 2024
 Project Name
 Project Address 331-337 Cumberland
 Developer/Sponsor YFO (Developer's Collaborative as dev consultant)

Rental Income

Maximum LIHTC Rents

Unit Type	Number of Units	Per Unit Sq Ft	Total Sq Ft	Restriction on % Median Inc.	Per Unit Monthly Gross Rent	Utility Deductions	Rent Subsidy	Per Unit Monthly Net Rent	Total Monthly Net Income	Total Annual Net Rent
0 BR	1		0	50%	\$1,116	\$108		\$1,008	\$1,008	\$12,096
0 BR	1	PBV	0	50%	\$1,450	\$108		\$1,342	\$1,342	\$16,104
0 BR	2		0	60%	\$1,339	\$108		\$1,231	\$2,462	\$29,544
1 BR	8		0	50%	\$1,195	\$137		\$1,058	\$8,464	\$101,568
1 BR	4	PBV	0	50%	\$1,663	\$137		\$1,526	\$6,104	\$73,248
1 BR	8		0	60%	\$1,434	\$137		\$1,297	\$10,376	\$124,512
1 BR	4		0	market	\$2,231	\$0		\$2,231	\$8,924	\$107,088
2 BR	6		0	50%	\$1,435	\$175		\$1,260	\$7,560	\$90,720
2 BR	3	PBV	0	50%	\$2,140	\$175		\$1,965	\$5,895	\$70,740
2 BR	5		0	60%	\$1,722	\$175		\$1,547	\$7,735	\$92,820
2 BR	8		0	market	\$2,550	\$0		\$2,550	\$20,400	\$244,800
3 BR	4		0	50%	\$1,485	\$212		\$1,273	\$5,092	\$61,104
3 BR	2	PBV	0	50%	\$2,659	\$212		\$2,447	\$4,894	\$58,728
3 BR	4		0	60%	\$1,772	\$212		\$1,560	\$6,240	\$74,880
Other			0	50%				\$0	\$0	\$0
Other			0	60%				\$0	\$0	\$0
Total:	60	59829	0						\$96,496	\$1,157,952

T Bedrooms: 90
 average/unit \$73,644
 \$1,227

Rent Increase Rate	2.0%
Expenses Increase Rate	3.0%

TIF

year 1	75%	year 11	75%	year 21	75%
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Note: Year 1 is the first full year of stabilized operations

		<u>Year 1</u>	<u>Year 1/Unit</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>	<u>Year 5</u>	<u>Year 6</u>	<u>Year 7</u>	<u>Year 8</u>	<u>Year 9</u>	<u>Year 10</u>
Income												
Sch. Gross Income - Residential		\$1,157,952	\$19,299	\$1,181,111	\$1,204,733	\$1,228,828	\$1,253,404	\$1,278,473	\$1,304,042	\$1,330,123	\$1,356,725	\$1,383,860
Vacancy Loss	5.0%	(\$57,898)	(\$965)	(\$59,056)	(\$60,237)	(\$61,441)	(\$62,670)	(\$63,924)	(\$65,202)	(\$66,506)	(\$67,836)	(\$69,193)
Other income HAP Diff.			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TIF (inflated at 2%)	75%	\$94,457	\$1574	\$96,346	\$98,273	\$100,239	\$102,244	\$104,288	\$106,374	\$108,502	\$110,672	\$112,885
Effective Gross Income		\$1,194,512	\$19,909	\$1,218,402	\$1,242,770	\$1,267,625	\$1,292,978	\$1,318,837	\$1,345,214	\$1,372,118	\$1,399,561	\$1,427,552

Administrative

Management Fee	5.7%	\$66,007	\$1,100	\$67,987	\$70,027	\$72,128	\$74,291	\$76,520	\$78,816	\$81,180	\$83,616	\$86,124
Management Charges	5.6%	\$65,000	\$1,083	\$66,950	\$68,959	\$71,027	\$73,158	\$75,353	\$77,613	\$79,942	\$82,340	\$84,810
Marketing Expense		\$1,500	\$25	\$1,545	\$1,591	\$1,639	\$1,688	\$1,739	\$1,791	\$1,845	\$1,900	\$1,957
Legal		\$1,000	\$17	\$1,030	\$1,061	\$1,093	\$1,126	\$1,159	\$1,194	\$1,230	\$1,267	\$1,305
Audit & Accounting		\$10,000	\$167	\$10,300	\$10,609	\$10,927	\$11,255	\$11,593	\$11,941	\$12,299	\$12,668	\$13,048
Admin Other		\$960	\$16	\$989	\$1,018	\$1,049	\$1,080	\$1,113	\$1,146	\$1,181	\$1,216	\$1,253
Total Administrative		\$144,467	\$2,408	\$148,801	\$153,265	\$157,863	\$162,599	\$167,477	\$172,501	\$177,676	\$183,006	\$188,497

Supportive Services

[illegible]

Utilities

Fuel Oil		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Natural Gas	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Electric	\$41,094	\$685	\$42,327	\$43,597	\$44,905	\$46,252	\$47,639	\$49,068	\$50,540	\$52,057	\$53,618
Water / Sewer	\$21,600	\$360	\$22,248	\$22,915	\$23,603	\$24,311	\$25,040	\$25,792	\$26,565	\$27,362	\$28,183
Other		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Utilities	\$62,694	\$1,045	\$64,575	\$66,512	\$68,507	\$70,563	\$72,680	\$74,860	\$77,106	\$79,419	\$81,801
Total incl Utility Allowance	\$136,338	\$2,272	\$2,28								

Maintenance	Year 1	Year 1/Unit	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Grounds	\$34,200	\$570	\$35,226	\$36,283	\$37,371	\$38,492	\$39,647	\$40,837	\$42,062	\$43,324	\$44,623
Janitorial	\$12,000	\$200	\$12,360	\$12,731	\$13,113	\$13,506	\$13,911	\$14,329	\$14,758	\$15,201	\$15,657
Trash Removal	\$10,400	\$173	\$10,712	\$11,033	\$11,364	\$11,705	\$12,056	\$12,418	\$12,791	\$13,174	\$13,570
Security		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Equipment & Supplies	\$14,400	\$240	\$14,832	\$15,277	\$15,735	\$16,207	\$16,694	\$17,194	\$17,710	\$18,241	\$18,789
Maintenance	\$45,600	\$760	\$46,968	\$48,377	\$49,828	\$51,323	\$52,863	\$54,449	\$56,082	\$57,765	\$59,498
Maintenance Contracts		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Other		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Maintenance	\$116,600	\$1,943	\$120,098	\$123,701	\$127,412	\$131,234	\$135,171	\$139,226	\$143,403	\$147,705	\$152,137
Taxes & Insurance											
Real Estate Taxes 2%	\$125,943	\$2,099	\$128,462	\$131,031	\$133,652	\$136,325	\$139,051	\$141,832	\$144,669	\$147,562	\$150,514
Payroll Taxes / Fidelity Bond / Workers Comp / Health Ins.		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Insurance (property, liability)	\$24,000	\$400	\$24,720	\$25,462	\$26,225	\$27,012	\$27,823	\$28,657	\$29,517	\$30,402	\$31,315
Other		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Taxes & Insurance	\$149,943	\$2,499	\$153,182	\$156,493	\$159,877	\$163,337	\$166,874	\$170,490	\$174,186	\$177,965	\$181,828
Replacement Reserves	\$30,000	\$500	\$30,900	\$31,827	\$32,782	\$33,765	\$34,778	\$35,822	\$36,896	\$38,003	\$39,143
Operating Reserves		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Expenses	\$527,104	\$8,785	\$541,658	\$556,623	\$572,011	\$587,835	\$604,107	\$620,839	\$638,046	\$655,741	\$673,938
Net Operating Income	\$667,408	\$11,123	\$676,744	\$686,147	\$695,614	\$705,143	\$714,731	\$724,375	\$734,072	\$743,820	\$753,614
Debt Service											
Maine Housing Interest Bearing	\$636,489	\$10,608	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489
Second Lien		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Other		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Debt Service (Must Pay)	\$636,489	\$10,608	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489
Cash Flow (after Must Pay Debt)	\$30,919	\$515	\$40,255	\$49,658	\$59,125	\$68,654	\$78,242	\$87,886	\$97,583	\$107,331	\$117,125
Debt Service Coverage Ratio	1.05		1.06	1.08	1.09	1.11	1.12	1.14	1.15	1.17	1.18
Cash Flow Debt Payments											
City of Portland 10% 30.0%	\$3,092	\$155	\$4,026	\$4,966	\$5,913	\$6,865	\$23,472	\$26,366	\$29,275	\$32,199	\$35,138
Developer Fee Loan 0.0%	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Cash Flow Retained by Project	\$27,827	\$361	\$36,230	\$44,692	\$53,213	\$61,788	\$54,769	\$61,520	\$68,308	\$75,132	\$81,988
Retained Cash Flow % 5%											

	<u>Year 11</u>	<u>Year 12</u>	<u>Year 13</u>	<u>Year 14</u>	<u>Year 15</u>	<u>Year 16</u>	<u>Year 17</u>	<u>Year 18</u>	<u>Year 19</u>	<u>Year 20</u>
Income										
Sch. Gross Income - Residential	\$1,411,537	\$1,439,768	\$1,468,563	\$1,497,934	\$1,527,893	\$1,558,451	\$1,589,620	\$1,621,412	\$1,653,841	\$1,686,917
Vacancy Loss 5.0%	(\$70,577)	(\$71,988)	(\$73,428)	(\$74,897)	(\$76,395)	(\$77,923)	(\$79,481)	(\$81,071)	(\$82,692)	(\$84,346)
Other income (laundry)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TIF 75%	\$115,143	\$117,446	\$119,795	\$122,191	\$124,634	\$127,127	\$129,670	\$132,263	\$134,908	\$137,606
Effective Gross Income	\$1,456,103	\$1,485,225	\$1,514,930	\$1,545,228	\$1,576,133	\$1,607,655	\$1,639,809	\$1,672,605	\$1,706,057	\$1,740,178
Administrative										
Management Fee	\$88,708	\$91,369	\$94,110	\$96,934	\$99,842	\$102,837	\$105,922	\$109,100	\$112,372	\$115,744
Management Charges	\$87,355	\$89,975	\$92,674	\$95,455	\$98,318	\$101,268	\$104,306	\$107,435	\$110,658	\$113,978
Marketing Expense	\$2,016	\$2,076	\$2,139	\$2,203	\$2,269	\$2,337	\$2,407	\$2,479	\$2,554	\$2,630
Legal	\$1,344	\$1,384	\$1,426	\$1,469	\$1,513	\$1,558	\$1,605	\$1,653	\$1,702	\$1,754
Audit & Accounting	\$13,439	\$13,842	\$14,258	\$14,685	\$15,126	\$15,580	\$16,047	\$16,528	\$17,024	\$17,535
Admin Other	\$1,290	\$1,329	\$1,369	\$1,410	\$1,452	\$1,496	\$1,541	\$1,587	\$1,634	\$1,683
Total Administrative	\$194,152	\$199,976	\$205,975	\$212,155	\$218,519	\$225,075	\$231,827	\$238,782	\$245,945	\$253,324
Supportive Services										
	\$31,448	\$32,391	\$33,363	\$34,364	\$35,395	\$36,456	\$37,550	\$38,677	\$39,837	\$41,032
Utilities										
Fuel Oil	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Electric	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Gas	\$55,227	\$56,884	\$58,590	\$60,348	\$62,158	\$64,023	\$65,944	\$67,922	\$69,960	\$72,059
Water / Sewer	\$29,029	\$29,899	\$30,796	\$31,720	\$32,672	\$33,652	\$34,662	\$35,702	\$36,773	\$37,876
Other	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Utilities	\$84,255	\$86,783	\$89,387	\$92,068	\$94,830	\$97,675	\$100,605	\$103,624	\$106,732	\$109,934

Maintenance	Year 11	Year 12	Year 13	Year 14	Year 15	Year 16	Year 17	Year 18	Year 19	Year 20
Janitorial	\$45,962	\$47,341	\$48,761	\$50,224	\$51,731	\$53,282	\$54,881	\$56,527	\$58,223	\$59,970
Exterminating	\$16,127	\$16,611	\$17,109	\$17,622	\$18,151	\$18,696	\$19,256	\$19,834	\$20,429	\$21,042
Trash Removal	\$13,977	\$14,396	\$14,828	\$15,273	\$15,731	\$16,203	\$16,689	\$17,190	\$17,705	\$18,236
Security	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Grounds	\$19,352	\$19,933	\$20,531	\$21,147	\$21,781	\$22,435	\$23,108	\$23,801	\$24,515	\$25,250
Maintenance	\$61,283	\$63,121	\$65,015	\$66,965	\$68,974	\$71,043	\$73,175	\$75,370	\$77,631	\$79,960
Elevator, HVAC, pool contracts	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Other	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Maintenance	\$156,701	\$161,402	\$166,244	\$171,231	\$176,368	\$181,659	\$187,109	\$192,722	\$198,504	\$204,459

Taxes & Insurance										
Real Estate Taxes or PILOT	\$153,524	\$156,594	\$159,726	\$162,921	\$166,179	\$169,503	\$172,893	\$176,351	\$179,878	\$183,475
Payroll Taxes / Fidelity Bond / Workers Comp / Health Ins.	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Insurance (property, liability)	\$32,254	\$33,222	\$34,218	\$35,245	\$36,302	\$37,391	\$38,513	\$39,668	\$40,858	\$42,084
Other	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Taxes & Insurance	\$185,778	\$189,816	\$193,944	\$198,166	\$202,481	\$206,894	\$211,406	\$216,019	\$220,736	\$225,559

Replacement Reserves	\$40,317	\$41,527	\$42,773	\$44,056	\$45,378	\$46,739	\$48,141	\$49,585	\$51,073	\$52,605
Operating Reserves	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Total Expenses	\$692,651	\$711,895	\$731,686	\$752,039	\$772,971	\$794,498	\$816,638	\$839,409	\$862,827	\$886,913
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Net Operating Income	\$763,452	\$773,330	\$783,244	\$793,189	\$803,162	\$813,157	\$823,170	\$833,196	\$843,229	\$853,265
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Debt Service										
Maine Housing Interest Bearing	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489
Second Lien	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Other	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Debt Service (Must Pay)	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489

Cash Flow (after Must Pay Debt)	\$126,963	\$136,841	\$146,755	\$156,700	\$166,673	\$176,668	\$186,681	\$196,707	\$206,740	\$216,776
Debt Service Coverage Ratio	1.20	1.21	1.23	1.25	1.26	1.28	1.29	1.31	1.32	1.34

Cash Flow Debt Payments											Cash Flow D
City of Portland	30.0%	\$38,089	\$41,052	\$44,026	\$47,010	\$50,002	\$53,000	\$56,004	\$59,012	\$62,022	\$65,033
Developer Fee Loan	0.0%	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Cash Flow Retained by Project		\$88,874	\$95,789	\$102,728	\$109,690	\$116,671	\$123,668	\$130,677	\$137,695	\$144,718	\$151,743
Retained Cash Flow %	5%		\$0			\$0					Retained Cas

	<u>Year 21</u>	<u>Year 22</u>	<u>Year 23</u>	<u>Year 24</u>	<u>Year 25</u>	<u>Year 26</u>	<u>Year 27</u>	<u>Year 28</u>	<u>Year 29</u>	<u>Year 30</u>
Income										
Sch. Gross Income - Residential	\$1,720,656	\$1,755,069	\$1,790,170	\$1,825,974	\$1,862,493	\$1,899,743	\$1,937,738	\$1,976,493	\$2,016,022	\$2,056,343
Vacancy Loss 0.0%	(\$86,033)	(\$87,753)	(\$89,509)	(\$91,299)	(\$93,125)	(\$94,987)	(\$96,887)	(\$98,825)	(\$100,801)	(\$102,817)
Other income (laundry)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TIF 75%	\$140,359	\$143,166	\$146,029	\$148,950	\$0	\$0	\$0	\$0	\$0	\$0
Effective Gross Income	\$1,774,981	\$1,810,481	\$1,846,691	\$1,883,625	\$1,769,368	\$1,804,756	\$1,840,851	\$1,877,668	\$1,915,221	\$1,953,526
Administrative										
Management Fee	\$119,216	\$122,792	\$126,476	\$130,271	\$134,179	\$138,204	\$142,350	\$146,621	\$151,019	\$155,550
Management Charges	\$117,397	\$120,919	\$124,547	\$128,283	\$132,132	\$136,096	\$140,178	\$144,384	\$148,715	\$153,177
Marketing Expense	\$2,709	\$2,790	\$2,874	\$2,960	\$3,049	\$3,141	\$3,235	\$3,332	\$3,432	\$3,535
Legal	\$1,806	\$1,860	\$1,916	\$1,974	\$2,033	\$2,094	\$2,157	\$2,221	\$2,288	\$2,357
Audit & Accounting	\$18,061	\$18,603	\$19,161	\$19,736	\$20,328	\$20,938	\$21,566	\$22,213	\$22,879	\$23,566
Admin Other	\$1,734	\$1,786	\$1,839	\$1,895	\$1,951	\$2,010	\$2,070	\$2,132	\$2,196	\$2,262
Total Administrative	\$260,923	\$268,751	\$276,814	\$285,118	\$293,672	\$302,482	\$311,556	\$320,903	\$330,530	\$340,446
Supportive Services	\$42,263	\$43,531	\$44,837	\$46,182	\$47,567	\$48,994	\$50,464	\$51,978	\$53,538	\$55,144
Utilities										
Fuel Oil	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Electric	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Gas	\$74,220	\$76,447	\$78,740	\$81,103	\$83,536	\$86,042	\$88,623	\$91,282	\$94,020	\$96,841
Water / Sewer	\$39,012	\$40,182	\$41,388	\$42,629	\$43,908	\$45,226	\$46,582	\$47,980	\$49,419	\$50,902
Other	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Utilities	\$113,232	\$116,629	\$120,128	\$123,732	\$127,444	\$131,267	\$135,205	\$139,261	\$143,439	\$147,743

Maintenance	Year 21	Year 22	Year 23	Year 24	Year 25	Year 26	Year 27	Year 28	Year 29	Year 30
Janitorial	\$61,769	\$63,622	\$65,531	\$67,497	\$69,522	\$71,607	\$73,755	\$75,968	\$78,247	\$80,595
Exterminating	\$21,673	\$22,324	\$22,993	\$23,683	\$24,394	\$25,125	\$25,879	\$26,655	\$27,455	\$28,279
Trash Removal	\$18,784	\$19,347	\$19,927	\$20,525	\$21,141	\$21,775	\$22,429	\$23,101	\$23,794	\$24,508
Security	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Grounds	\$26,008	\$26,788	\$27,592	\$28,420	\$29,272	\$30,150	\$31,055	\$31,987	\$32,946	\$33,935
Maintenance	\$82,359	\$84,829	\$87,374	\$89,996	\$92,695	\$95,476	\$98,341	\$101,291	\$104,330	\$107,459
Elevator, HVAC, pool contracts	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Other	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Maintenance	\$210,593	\$216,910	\$223,418	\$230,120	\$237,024	\$244,135	\$251,459	\$259,002	\$266,772	\$274,776
Taxes & Insurance										
Real Estate Taxes or PILOT	\$187,145	\$190,888	\$194,705	\$198,599	\$202,571	\$206,623	\$210,755	\$214,970	\$219,270	\$223,655
Payroll Taxes / Fidelity Bond / Workers Comp / Health Ins.	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Insurance (property, liability)	\$43,347	\$44,647	\$45,986	\$47,366	\$48,787	\$50,251	\$51,758	\$53,311	\$54,910	\$56,558
Other	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Taxes & Insurance	\$230,491	\$235,535	\$240,692	\$245,966	\$251,358	\$256,874	\$262,513	\$268,281	\$274,180	\$280,213
Replacement Reserves	\$54,183	\$55,809	\$57,483	\$59,208	\$60,984	\$62,813	\$64,698	\$66,639	\$68,638	\$70,697
Operating Reserves	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Expenses	\$911,686	\$937,165	\$963,371	\$990,325	\$1,018,049	\$1,046,565	\$1,075,896	\$1,106,065	\$1,137,097	\$1,169,017
Net Operating Income	\$863,295	\$873,316	\$883,319	\$893,299	\$751,319	\$758,191	\$764,955	\$771,603	\$778,124	\$784,508
Debt Service										
Maine Housing Interest Bearing	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489
Second Lien	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Other	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Debt Service (Must Pay)	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489	\$636,489
Cash Flow (after Must Pay Debt)	\$226,806	\$236,827	\$246,830	\$256,810	\$114,830	\$121,702	\$128,466	\$135,114	\$141,635	\$148,019
Debt Service Coverage Ratio	1.36	1.37	1.39	1.40	1.18	1.19	1.20	1.21	1.22	1.23
Debt Payments										
City of Portland	0.0%	\$68,042	\$71,048	\$74,049	\$77,043	\$34,449	\$36,511	\$38,540	\$40,534	\$44,406
Developer Fee Loan	0.0%	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Cash Flow Retained by Project	\$158,764	\$165,779	\$172,781	\$179,767	\$80,381	\$85,191	\$89,926	\$94,580	\$99,145	\$103,614
Debt Flow %	0%									

B. Project Information

Completed by reading.lauraj@gmail.com on 5/14/2024 10:17 AM

Case Id: 30510

Name: Youth and Family Outreach - 2024

Address: 331-337 Cumberland Avenue, Portland, ME

B. Project Information

Please provide the following information.

B.1. Property Address

331-337 Cumberland Avenue Portland, ME 04101

B.2. Project Name

YFO Resource Hub

B.3. Tax chart, block, and lot number

33-K-5,6,7,9,10

B.4. Zoning Designation

B-3

B.5. Is the requested funding type HOME/HTF?

Yes

B.6. Requested amount of Affordable Housing Development Funding

\$1,080,000.00

B.7. Is the requested funding type AHTIF?

No

B.8. Total number of housing units to be constructed:

60

B.9. Total number of housing units to be rehabilitated:

0

B.10. Total Number of market rate units:

0

B.11. Total number of deed restricted units:

60

B.12. Total number of Units at 120% AMI:

0

B.13. Total number of Units at 110% AMI:

0

Printed By: Victoria Volent on 5/15/2024

B.14. Total number of Units at 100% AMI:

12

B.15. Total number of Units at 80% AMI:

0

B.16. Total number of Units at 60% AMI:

19

B.17. Total number of Units at 50% AMI:

29

B.18. Total number of Units at 40% AMI:

0

B.19. Housing Type

Rental

B.20. Total number of studio/efficiency units:

4

B.21. Total number of one-bedroom units:

24

B.22. Total number of two-bedroom units:

22

B.23. Total number of three-bedroom units

10

B.24. Total number of four-bedroom units

0

B.25. Total number of five-bedroom units

0

B.26. Property Manager

Realty Resources Management

B.27. When is construction expected to begin?

07/15/2025

B.28. Please use the box below to answer the remaining questions and provide a narrative description of the project that includes:

- Description of municipal housing need and how the development addresses that need;

- Requested amount of Affordable Housing Development Funding;
- Description of how City’s participation is financially necessary in order for the project to proceed;
- Description of allowed uses in the zone;
- Description of residential and non-residential uses in the area;
- Description of accessory uses relating to residential use, if any;
- Indicate if this project requires relocation of existing commercial or residential tenants;
- Description of relocation plan for persons temporarily or permanently displaced by development activities;
- Description of how the development is consistent with the Comprehensive Plan
- Description of how housing and facilities in the development will be operated after completion;
- Description of planned uses of tax increment revenues from the district (AHTIF projects only).

The Youth and Family Outreach (“YFO”) development, located at 331-337 Cumberland Avenue, will provide new construction of sixty units of affordable mixed-income rental housing in addition to an expansion of YFO’s existing childcare facility to serve fifty additional children. Of the sixty proposed units, 80% (48 units) will be restricted to households earning (60% AMI or less) and 20% (12 units) will be restricted to households earning 100% AMI or less. Of those 48 units, 60% (30 units) will be restricted to households earning 50% AMI or less, and there will be a mix of 4 studio units, 20 one-bedroom units, 14 two-bedroom units, and 10 three-bedroom units. Of the 12 units restricted to households earning 100% AMI or less, there will be a mix of 4 one-bedroom units and 8 two-bedroom units. The building will also include a laundry room, community room, fitness area, lobby, trash room, and bike/stroller storage. The primary building entrance for the childcare facility will be located on Cumberland Avenue while the primary building entrance for the apartment units will be located on Portland Street. The site will include outside play spaces for the childcare facility that may be used by residents outside of the daycare’s regular operating hours. Realty Resources Management will be the property management company, who will provide an on-site Resident Services Coordinator free of charge to residents. The project will require the temporary relocation of the existing childcare space during construction and Developers Collaborative will assist YFO in finding a temporary space when the construction start date becomes closer.

YFO is located in the B3 Downtown Business zone, a mixed-use zone that permits multifamily dwellings and preschool facilities and has a stated purpose “to encourage increased housing opportunity downtown for a diverse residential population.” YFO is centrally located near METRO Bus stops and a variety of services including public schools, public library, post office, Portland Food Co-op, and several banks. Immediately adjacent uses include the Portland Public Market parking garage, Preble Street Teen Shelter, Earl Apartments, and Preble Street Resource Center.

Portland’s economy depends upon the availability of a diverse and affordable array of rental housing options. However, Portland has the highest housing costs in the state of Maine, and rising rental housing costs have become increasingly out-of-reach for many lower- and moderate-income citizens. According to MaineHousing, the median 2BR rent in Portland in 2020 was unaffordable to 71.1% of households, or approximately 13,000 households. The YFO development will provide affordable rental rates and restrict units to low-and moderate-income residents.

The YFO development also aligns with Portland’s Comprehensive Plan, which was adopted by City Council on June 5, 2017, and which identified a desire to “increase, preserve, and modify the overall supply of housing City-wide to meet the needs, preferences and financial capabilities of all Portland households.”

The YFO development is requesting \$1,080,000 in Affordable Housing Development Funding. The City’s participation is financially necessary to close a gap between the sources and uses. The feasibility of the project also depends upon receiving a 9% Low-Income Housing Tax Credit (“LIHTC”) or a 4% LIHTC with the State Affordable Housing Tax Credit to be financially feasible. Without this funding from the City, a LIHTC Application would not be financially feasible.



Figure 1: The proposed building as seen from Cumberland Avenue



Fig 5 – Rendering from Cumberland Ave/Preble Street



Fig 6 – Rendering from Portland Street/Preble Street

Project:

337 CUMBERLAND
AVENUE

Portland, Maine

Owner/Client:

Youth and Family Outreach

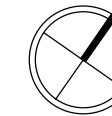
Consultant:

Revisions:

Key Plan:

FIRST FLOOR PLAN

Scale:
As indicated



9 AUGUST, 2024

AREAS					
FIRST FLOOR	10,986 GSF				
SECOND FLOOR	12,519 GSF				
THIRD FLOOR	12,228 GSF				
FOURTH FLOOR	12,555 GSF				
FIFTH FLOOR	12,555 GSF				
SIXTH FLOOR	12,025 GSF +				
TOTAL	72,868 GSF				

UNIT COUNT					
	STUDIO	1-BR	2-BR	3-BR	TOTAL
MARKET RATE:		4	8		12
MAINE HOUSING:	4	20	14	10	48
FIRST FLOOR		1	2	1	4
THIRD FLOOR	1	6	4	3	14
FOURTH FLOOR	1	6	4	3	14
FIFTH FLOOR	1	6	7	1	14
SIXTH FLOOR	1	6	6	1	14
TOTAL	4	24	22	10	60





AREAS

FIRST FLOOR	10,986 GSF
SECOND FLOOR	12,519 GSF
THIRD FLOOR	12,228 GSF
FOURTH FLOOR	12,555 GSF
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Project:

337 CUMBERLAND AVENUE

Portland, Maine

Owner/Client:

Youth and Family Outreach

Consultant:





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City of Portland - Affordable Housing (AH) TIF Model
337 Cumberland Avenue, 33-K-5-6-7-9-10-13
[OAV: \\$519,900 ao 3/31/2020](#)
2% Mil Rate Escalation
75% Capture to AH TIF Project; 25% to City General Fund

City of Portland- TIF Projection Table for 337 Cumberland Avenue AH TIF										
TIF Year	Tax Year- April 1	Increased Assessed Value Real Prop.	% of Value Captured	Captured Valuation	Projected Mill Rate	Total Projected New Taxes Captured	Captured Revenue to Business Project Account	Captured Revenue to Municipal Project Account	City Non- Captured General Fund Revenues	City OAV General Fund Revenues
1	2020	\$0	75.00%	\$0	23.31	\$0	\$0	\$0	\$0	\$12,119
2	2021	\$0	75.00%	\$0	12.99	\$0	\$0	\$0	\$0	\$6,754
3	2022	\$0	75.00%	\$0	13.61	\$0	\$0	\$0	\$0	\$7,076
4	2023	\$0	75.00%	\$0	14.41	\$0	\$0	\$0	\$0	\$7,492
5	2024	\$0	75.00%	\$0	14.70	\$0	\$0	\$0	\$0	\$7,642
6	2025	\$0	75.00%	\$0	14.99	\$0	\$0	\$0	\$0	\$7,794
7	2026	\$8,220,100	75.00%	\$6,165,075	15.29	\$94,276	\$94,276	\$0	\$31,425	\$7,950
8	2027	\$8,220,100	75.00%	\$6,165,075	15.60	\$96,162	\$96,162	\$0	\$32,054	\$8,109
9	2028	\$8,220,100	75.00%	\$6,165,075	15.91	\$98,085	\$98,085	\$0	\$32,695	\$8,272
10	2029	\$8,220,100	75.00%	\$6,165,075	16.23	\$100,047	\$100,047	\$0	\$33,349	\$8,437
11	2030	\$8,220,100	75.00%	\$6,165,075	16.55	\$102,048	\$102,048	\$0	\$34,016	\$8,606
12	2031	\$8,220,100	75.00%	\$6,165,075	16.88	\$104,089	\$104,089	\$0	\$34,696	\$8,778
13	2032	\$8,220,100	75.00%	\$6,165,075	17.22	\$106,171	\$106,171	\$0	\$35,390	\$8,953
14	2033	\$8,220,100	75.00%	\$6,165,075	17.57	\$108,294	\$108,294	\$0	\$36,098	\$9,132
15	2034	\$8,220,100	75.00%	\$6,165,075	17.92	\$110,460	\$110,460	\$0	\$36,820	\$9,315
16	2035	\$8,220,100	75.00%	\$6,165,075	18.28	\$112,669	\$112,669	\$0	\$37,556	\$9,501
17	2036	\$8,220,100	75.00%	\$6,165,075	18.64	\$114,922	\$114,922	\$0	\$38,307	\$9,691
18	2037	\$8,220,100	75.00%	\$6,165,075	19.01	\$117,221	\$117,221	\$0	\$39,074	\$9,885
19	2038	\$8,220,100	75.00%	\$6,165,075	19.39	\$119,565	\$119,565	\$0	\$39,855	\$10,083
20	2039	\$8,220,100	75.00%	\$6,165,075	19.78	\$121,957	\$121,957	\$0	\$40,652	\$10,285
21	2040	\$8,220,100	75.00%	\$6,165,075	20.18	\$124,396	\$124,396	\$0	\$41,465	\$10,490
22	2041	\$8,220,100	75.00%	\$6,165,075	20.58	\$126,884	\$126,884	\$0	\$42,295	\$10,700
23	2042	\$8,220,100	75.00%	\$6,165,075	20.99	\$129,421	\$129,421	\$0	\$43,140	\$10,914
24	2043	\$8,220,100	75.00%	\$6,165,075	21.41	\$132,010	\$132,010	\$0	\$44,003	\$11,132
25	2044	\$8,220,100	75.00%	\$6,165,075	21.84	\$134,650	\$134,650	\$0	\$44,883	\$11,355
26	2045	\$8,220,100	75.00%	\$6,165,075	22.28	\$137,343	\$137,343	\$0	\$45,781	\$11,582
27	2046	\$8,220,100	75.00%	\$6,165,075	22.72	\$140,090	\$140,090	\$0	\$46,697	\$11,814
28	2047	\$8,220,100	75.00%	\$6,165,075	23.18	\$142,892	\$142,892	\$0	\$47,631	\$12,050
29	2048	\$8,220,100	75.00%	\$6,165,075	23.64	\$145,749	\$145,749	\$0	\$48,583	\$12,291
30	2049	\$8,220,100	75.00%	\$6,165,075	24.11	\$148,664	\$148,664	\$0	\$49,555	\$12,537
30 Year TIF Total		\$197,282,400		\$147,961,800		\$2,868,063	\$2,868,063	\$0	\$956,021	\$290,739
30 Year Average				\$4,932,060		\$95,602	\$95,602		\$31,867	\$9,691

Mil Rate Actual Above Line
Mil Rate Est. FY2025 & On

Tax Shifts-Avoided Formula Impacts from Sheltering of Valuation: City of Portland - TIF Model for 337 Cumberland Avenue Affordable Housing TIF							
337 Cumberland Ave TIF Model/75% Sheltered - 30 years - 75% to Developer Project Account - 25% to City General Fund							
TIF Year	Tax Year- April 1	Total Added Valuation	Sheltered Valuation	Avoided Formula Impacts from Sheltering of Valuation			
				Avoided Loss of State Aid to for Education	Avoided Loss of State Municipal Revenue Sharing	Avoided Increase in County Tax	Total Avoided Impacts
1	2020	\$0	\$0	\$0	\$0	\$0	\$0
2	2021	\$0	\$0	\$0	\$0	\$0	\$0
3	2022	\$0	\$0	\$0	\$0	\$0	\$0
4	2023	\$0	\$0	\$0	\$0	\$0	\$0
5	2024	\$0	\$0	\$0	\$0	\$0	\$0
6	2025	\$0	\$0	\$0	\$0	\$0	\$0
7	2026	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
8	2027	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
9	2028	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
10	2029	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
11	2030	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
12	2031	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
13	2032	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
14	2033	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
15	2034	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
16	2035	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
17	2036	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
18	2037	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
19	2038	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
20	2039	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
21	2040	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
22	2041	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
23	2042	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
24	2043	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
25	2044	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
26	2045	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
27	2046	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
28	2047	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
29	2048	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
30	2049	\$8,220,100	\$6,165,075	\$51,047	\$4,620	\$3,404	\$59,071
30 Year TIF Total		\$197,282,400	\$147,961,800	\$1,225,124	\$110,882	\$81,689	\$1,417,695
30 Year TIF Avg.		\$6,576,080	\$4,932,060	\$40,837	\$3,696	\$2,723	\$47,257

CITY OF PORTLAND
Declaration of Covenants, Conditions and Restrictions for the 337 Cumberland Avenue
Affordable Housing Tax Increment Financing District

This Declaration of Covenants, Conditions and Restrictions (the “Declaration”) is entered into by and between the **City of Portland**, a public body corporate and politic with its principal place of business at 389 Congress Street, Portland, Maine, 04101 (“City”) and **YFO Resource Hub, LP**~~337 Cumberland Avenue, LP~~, a Maine Limited Partnership with a mailing address of **331 Cumberland Avenue**~~14 Baxter Boulevard~~, Portland, Maine 04101 (“Developer”).

W I T N E S S E T H

WHEREAS, the Developer acknowledges that City is providing Affordable Housing Tax Increment Financing to the Developer (the “AHTIF”) for project operating costs associated with the development of sixty (60) units of rental housing located at 337 Cumberland Avenue, Portland, Maine (the “Development”); and

WHEREAS the Developer acknowledges City’s resulting beneficial interest in the Development, and Developer acknowledges that its ownership and operation of the Development are in furtherance of discharge of the public trust; and

WHEREAS, City has provided the AHTIF to Developer in consideration of the Developer’s agreement to abide by the provisions of this Declaration.

NOW THEREFORE, City and the Developer agree as follows:

1. **Term.** The term of this Declaration shall be for the period beginning on date of the approval of the District by the Director of the Maine State Housing Authority (the “Effective Date”) and continuing for thirty (30) years from the Effective Date of this Declaration (the “Qualified Project Period”).

2. **Enforceability of Covenants.** The covenants and restrictions of Developer set forth herein are intended to be and shall be considered covenants that run with the real estate described in Exhibit A attached hereto and made a part hereof and shall bind all subsequent owners and holders of any interest in said real estate, except to the extent herein provided. The City may enforce the covenants set forth herein as a contract beneficiary whether or not Developer is or remains indebted to the City. The covenants of Developer set forth herein shall survive a sale, transfer, or other disposition of the Development by Developer, a foreclosure or transfer of title in lieu of foreclosure, but shall cease to apply to the Development in the event of involuntary noncompliance caused by substantial destruction, seizure, requisition, or change in law or an action of a governmental agency that prevents the City from enforcing the covenants, even though compensated by insurance.
3. **Covenants.** Developer hereby covenants and represents to the City as follows:
 - a. **Development.** The Development shall consist of the land described in Exhibit A attached hereto, together with all improvements, which after completion of the work will contain a total of sixty (60) units of rental housing and related amenities. The units in the Development shall be of comparable quality and have comparable amenities. Developer shall not make any change in the size or number of the units in the Development.
 - b. **Use.** The Developer shall rent or make available for rental all of the units in the Development on a continuous and non-transient basis to members of the general public throughout the Qualified Project Period. Developer covenants and agrees that no change of use shall occur without the express written consent of the City.
 - c. **Low Income Units.** For a period of thirty (30) years at least ~~twenty-nine (29) thirty-six (36)~~ of the units will be occupied by households with incomes at or below fifty percent (50%) area median income) and ~~nineteen (19) twelve (12)~~ of the units will be occupied by households with incomes at or below sixty percent (60%) area median income (collectively referred to as the "Low Income Units"). The remaining twelve (12) units will be market rate units.
 - i. Income and area median income shall be as determined in accordance with Section 42 of the Internal Revenue Code of 1986 and associated regulations and guidance, all as may be amended from time to time, ("Section 42") and income limits shall be adjusted for family size.
 - ii. Prior to initial occupancy and at least annually, the Developer shall verify that the income, based on the then current income, of each household occupying a Low Income Unit in the Development does not exceed the Applicable Income Limit (the "Determination").
 - iii. A Low Income Unit occupied by a household, who at the commencement of occupancy, met the Applicable Income Limit shall continue to be treated as occupied by a qualified resident even though the household's income may

exceed the Applicable Income Limit, adjusted for family size, at the time of the most recent Determination, if after such Determination, but before the next Determination, any unit in the Development of comparable size is occupied by a new household whose income does not exceed the Applicable Income Limit.

- iv. After initial occupancy but upon again becoming vacant, a Low Income Unit shall be treated as occupied by a household meeting the Applicable Income Limit until occupied (other than occupancy by another resident for a temporary period not to exceed 31 days), at which time the character of the unit shall be re-determined in light of the new resident's income.

- d. **Rent Restrictions.** For the Qualified Project Period, the Low Income Units shall be rent-restricted. A unit is rent-restricted if the gross monthly rent does not exceed one-twelfth ($1/12^{\text{th}}$) of thirty percent (30%) of the imputed income limitation applicable to the unit. The imputed income limitation is the Applicable Income Limit for the unit, except the adjustment for family size shall be based, not on the actual number of occupants, but by assuming the number of occupants as follows:

- i. For a unit without a separate bedroom, one individual.
- ii. For a unit with one or more separate bedrooms, one and one-half individuals for each separate bedroom.

Gross monthly rent shall not include any payment under Section 8 of the United States Housing Act of 1937 and associated regulations and guidance, all as may be amended from time to time ("Section 8") but shall include any utility allowance, where applicable, taking into account such determinations under Section 8.

- e. **Discrimination Prohibited.** Developer shall not segregate or physically isolate the Low Income Units from each other and from other units in the Development and the Developer shall use its best efforts to proportionately distribute the Low Income Units among each unit size in the Development. Developer shall not refuse to rent a unit in the Development to any applicant because the applicant holds a voucher or a certificate of eligibility under Section 8.

- 4. **Compliance.** Developer agrees to furnish to City such information as City may require in a form acceptable to City, including without limitation certifications and/or verifications of occupancy and resident income, to determine Developer's compliance with the covenants set forth herein. Information deemed acceptable by Maine State Housing Authority shall be acceptable to the City.
- 5. **Income Certifications/Leases.** Developer shall use residential lease forms acceptable to City and obtain written and signed certifications of residents in a form acceptable to City to determine the qualifications of the residents for occupancy of a Low Income Unit. Such leases or certifications shall contain clauses wherein each resident (a) certifies as to the accuracy of statements made relating to the resident's income, (b) agrees that resident income and other eligibility requirements shall be deemed substantial and material obligations of the tenancy,

(c) agrees to comply all requests for information with respect thereto from Developer or City, and (d) agrees that failure to provide accurate information or refusal to comply with a request for information shall be deemed a violation of a substantial obligation of the tenancy. Developer covenants and agrees to take such action as City deems necessary to comply with the covenants herein or to correct or cure any failure of the Developer to comply with the covenants herein, including, without limitation, the eviction of any tenant in accordance with applicable law. Lease forms which have been approved by Maine State Housing Authority shall be deemed approved by City.

6. **Real Estate Taxes.** Developer agrees that it shall pay all real estate taxes assessed on the Development during its ownership of the Development. Nothing contained in this section shall be deemed a waiver or limitation on Developer's right to seek abatement of property taxes if Developer believes the Development is over-assessed.
7. **Records.** Developer shall maintain and keep current all books, documents, plans and records concerning the Development, including, but not limited to, books and records related to compliance with the covenants contained in this Declaration. Such books, records, documents and plans shall be kept for: (a) a minimum of six (6) years after the expiration of the Qualified Project Period for those books, records, documents and plans pertaining to the rent and occupancy requirements described in Section 3 of this Declaration and the rent roll for all units in the Development; and (b) for a minimum of six (6) years after the end of the fiscal year or calendar year, as applicable, for all other books, records, documents and plans pertaining to the Development. Upon reasonable notice, City may audit and examine these books, records, documents and plans, and may inspect the buildings, grounds, equipment offices of the Development.
8. **Violation.** Developer shall immediately notify the City if Developer anticipates or discovers any noncompliance with any restriction or covenant in this Declaration, including, without limitation, noncompliance with the occupancy restrictions in Section 3 of this Declaration. Developer agrees to take such action as the City deems necessary to prevent noncompliance or to correct or cure any failure to comply with the covenants in this Declaration. In the event the Developer fails to comply with the covenants set forth herein, and fails to cure such non-compliance within any applicable cure period, the City shall be entitled to exercise any of its rights under the documents executed in connection with the AHTIF, maintain an action in law or in equity against the Developer to recover damages incurred by the City from such failure, including, without limitation, reasonable attorneys' fees and costs, and to require the Developer (through injunctive relief or specific performance) to comply with the provisions and covenants set forth herein and to immediately cure any failure to comply with the covenants set forth herein by the Developer.
9. **Indemnification.** Developer shall indemnify and hold City and its agents harmless from and against any and all claims, demands, liability, loss, cost or expense (including, but not limited to reasonable attorney's fees and other costs of litigation) which may be incurred by the City arising out of or in any way related to the Developer's breach of any of its obligations under this Declaration or any action taken by the City to enforce or exercise its rights under this Declaration as a result of such breach, except for claims arising from the gross negligence or

willful acts of the City. The obligations under this section shall survive the termination or expiration of this Declaration as necessary to effectuate its provisions.

10. **Modifications**. This Declaration may be amended or modified, in whole or in part, only by written agreement of Developer and the City clearly expressing the intent to modify this Declaration.
11. **Severability**. The validity of any clause, part or provision of this Declaration shall not affect the validity of the remaining portions thereof.
12. **Successors and Assigns**. This Declaration shall be binding upon Developer's respective heirs, personal representatives, executors, administrators, successors and assigns and shall inure to the benefit of and be enforceable by City, its successors, transferees and assigns.
13. **Governing Law**. This Declaration shall be construed in accordance with and governed by the laws of the State of Maine.
14. **Notices**. Any notice or demand required or provided for in this Declaration shall be in writing and shall be deemed to have been sufficiently given for all purposes when hand-delivered or mailed by certified or registered United States mail, postage prepaid, or sent by overnight United States mail or overnight commercial delivery service to the Developer or the City at their respective addresses set forth herein, or at such other address as either of them may from time to time hereafter designate by notice given to the other as herein provided. The City shall endeavor to provide a copy of any notice to Developer simultaneously to the Limited Partners at, or such other addresses as may from time to time hereafter be designated by notice given to the City as herein provided.
15. **Intercreditor**. This Declaration is subject to the terms and conditions of the Intercreditor and Subordination Agreement by and among Maine State Housing Authority, the City of Portland, _____, and _____ **[construction lender and any other entities providing financing will also be parties]** dated _____, ~~2020~~2024 to be recorded in the Cumberland County Registry of Deeds herewith.

Signature page follows.

IN WITNESS WHEREOF, this Declaration has been duly executed by the Developer
and City as of _____, ~~2020~~2024.

CITY OF PORTLAND, ME

Witness

By: _____
~~Danielle West~~Jon P. Jennings
Its City Manager

State of Maine
Cumberland, ss.
~~2020~~2024

Personally appeared the above named ~~Danielle West~~Jon P. Jennings, City Manager to the
City of Portland, and acknowledged the foregoing instrument to be ~~her~~his free act and deed in
~~her~~his said capacity and the free act and deed of said City of Portland.

Before me,

Notary Public/Attorney-at-Law

(Print or type name)

Signature page follows.

EXHIBIT A

CITY OF PORTLAND
337 CUMBERLAND AVENUE
AFFORDABLE HOUSING DEVELOPMENT DISTRICT
DEVELOPMENT PROGRAM

Original Date: August 24, —, 2020
Amended Date: September , 2024

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- Section 2.03 Project Cost Descriptions
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Exhibits

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- Exhibit B Estimated Development Costs
- Exhibit C Property Description and Configuration of the District
- Exhibit D Certificate of Assessor
- Exhibit E Credit Enhancement Agreement
- Exhibit F Tax Shift Computations
- Exhibit G Notice of Public Hearing
- Exhibit H City Council Orders
- Exhibit I Declaration of Covenants, Conditions and Restrictions
- Exhibit J District Narrative

337 Cumberland Avenue
Amended Affordable Housing Development District Development Program

Article I. Introduction and Summary of Benefits.

A. Affordable Housing Development District. This Development Program provides for the creation of an Affordable Housing Development District located at 337 Cumberland Avenue in Portland Maine. The area includes approximately .452 acres. By providing for the reinvestment of a portion of the new or incremental tax revenues in the District, the District will provide an impetus for affordable housing development within the District and the development of affordable, livable housing and the containment of the costs of unplanned growth in the City.

B. Benefits of the District.

1. Affordable Housing. This Development Program will provide for the development of affordable housing in the City and the containment of the costs of unplanned growth.

2. No City Bonds or Risks. The District will not involve any borrowings by or the issuance bonds of the City to pay for any of the costs of the Development Program and will not affect existing tax revenues in any way.

3. Additional Tax Revenues. Creation of the District and Development Program will result in additional tax revenues for the City.

4. Shelter of New Tax Base Growth. The captured assessed value of the District will be sheltered from the otherwise negative impacts of new development that result in increased county taxes and loss of State aid to education and revenue sharing when new development occurs without the creation of an Affordable Housing Tax Increment Financing District. The sheltered portion of the tax increment revenues will be used to pay Project Costs.

Article II. Development Program Narrative and Designation of the District.

Section 2.01: Statement of Means and Objectives. The City of Portland ("the City"), like many other Maine municipalities, desires to provide affordable housing in the City and to contain costs of unplanned growth by providing the facilities described in this Development Program.

In order to fulfill these goals, certain property has been proposed as the 337 Cumberland Avenue Affordable Housing Development District (the "District"). The Development Program described herein will serve the purpose of administering the District as an Affordable Housing Development District pursuant to Chapter 206, subchapter 3 of Title 30-A of the Maine Revised Statutes, as amended (the "Development Program"). Upon approval by the City of Portland designating the District and adoption of this Development Program by the City, the designation of the District and adoption of the Development Program will become final immediately, subject only to approval by the Director of the Maine State Housing Authority. The Development Program provides for affordable housing similar in some respects to the economic development incentives called municipal tax increment financing ("TIF") similar to that adopted by a number of other Maine municipalities including the City. An Affordable Housing Development District involves the creation of a geographically defined district in the City and the "capture" or reinvestment of some of the new increased or "incremental" tax revenues generated on the increased assessed value of property in the District to pay certain costs of the development.

The District is designed to stimulate development of affordable housing in the City by allocating certain tax revenues generated on the increased assessed value in the District to Project Costs, consisting of allowable operating costs per 30-A M.R.S.A. §5249 and described in Section 2.03 hereof by its successors and assigns (the "Developer"). Under the Development Program, the City will make portions of the tax increment revenues as set forth in Section 3.04 hereof and under the Credit Enhancement Agreement attached hereto as Exhibit E (the "Credit Enhancement Agreement") from the District available to the Developer pursuant to the Credit Enhancement Agreement. These revenues will be used either to pay or reimburse the Developer for Project Costs per Section 2.03 directly. All additional Project Costs will be the responsibility of the Developer, its successors or assigns. All tax increment revenues following expiration of the term of the Credit Enhancement Agreement will go directly into the City's general fund.

The District will result in significant new tax revenues for the City.

The Development Program thus will provide significant public benefit to the City by providing for the development of affordable housing in the City and for new tax revenues. The means and objectives of the Development Program are to provide: financial assistance towards Project Costs, and the development of affordable housing in the City.

The City, by adopting this Development Program, finds that the Development Program described herein, including the Capital Project, will provide substantial affordable housing in the City, thereby accomplishing an important public purpose.

Section 2.02: Brief Discussion of Financial Plan. The following is a brief summary of the Financial Plan. The Financial Plan is set forth in greater detail in Article III of this Development Program. As described in Section 3.04 hereof and Exhibit A hereof, the property taxes assessed by the City upon the Increased Assessed Value of property in the District (the "Tax Increment") resulting from the investments by the Developer will be captured or used by the City under the Development Program to pay Project Costs described in Section 2.03 hereof. The development costs and sources and uses of funds associated with the Development Program within the District are described in Article III. The Project Costs and any continuing investment by Developer will be financed by Developer through equity of and loans to the Developer, its successors or assigns and the tax increment revenues from the District. As part of the Development Program, the City and Developer will enter into a Credit Enhancement Agreement pursuant to which the City will pay to Developer the percentage of Tax Increment Revenues from the Increased Assessed Value with respect to property in the District, described herein as the Tax Increment Revenues (Developer's Share) for the term of the District to pay Project Costs related thereto. All tax revenues from the District not payable to Developer under the Credit Enhancement Agreement will be paid to the General Fund of the City. Any tax revenues presently generated on existing property in the District will continue to be paid to the General Fund of the City. The Development Program costs will be paid only from the Tax Increment on assessed value produced by new development in the District occurring after the tax year ending on the March 31st prior to adoption of this Development Program.

Section 2.03: Project Costs Descriptions.

A. Project General Description. The Capital Project at 337 Cumberland Avenue involves the construction of approximately .452 acres, into an affordable housing neighborhood. The objective of the project is that 80% of the units in the District will be affordable housing for a household whose income does not exceed 60% of the median income for the area as defined by the United States Department of Housing and Urban Development. This project consists of sixty (60) mixed-income rental units within one six-story mixed-use building. The first floor of the new building will provide expansion space for

Youth and Family Outreach that will allow for an increase in childcare spots from 58 to ~~110~~106, floors two through five will be residential housing containing ~~four twenty- (4) (20)~~ studio units, ~~twenty-four (24) fifteen (15)~~ one-bedroom units, ~~twenty-two (22) fifteen (15)~~ two-bedroom units, and ten (10) three-bedroom units. Forty-eight (48) units will have income restrictions: ~~twenty-nine (29) thirty-six (36)~~ will be reserved for households that income qualify at or below 50% AMI and ~~nineteen (19) twelve (12)~~ will be reserved for households that income qualify at or below 60% AMI. The remaining twelve (12) apartments will be unrestricted market rate. The neighboring Chapel building that is currently used by Youth and Family Outreach for childcare will be ~~demolished~~renovated. The zoning for the project assures that this number of units and this affordability objective will be met.

The 337 Cumberland Avenue project is projected to have a total local increased assessed valuation at build out of approximately ~~\$8,220,100~~~~3,959,960~~ based upon current real estate values and City assessment practices. Based upon the estimated tax rate upon completion, the project will generate approximately a thirty-year annual average of ~~\$95,602~~~~90,735~~ in tax increment revenues to the Developer at full build out. A portion of this new revenue would be offset by increased county taxes and reduced state revenue sharing and education funding resulting from the increased state valuation, were it not included in a Development District.

“Project Costs” as defined in Title 30-A, Chapter 206, Section 5249 of the Maine Revised Statutes will include operating costs, including but not limited to property management and administration, utilities, routine repairs and maintenance, insurance, real estate taxes and funding of a projects capital reserve account.

B. Need for the Affordable Housing TIF. Over the 30-year TIF, the estimated average annual payment is ~~\$95,602~~~~90,735~~ (as set forth in Exhibit A). Developer’s Share of the Tax Increment Revenue is designated to pay ongoing operating expenses for the project at 337 Cumberland Avenue. The Tax Increment Revenue described in section 3.04 will help pay for operating costs over a period of thirty (30) years. Without the TIF and these other funding sources the project could not go forward.

The Municipal Affordable Housing Development District law enacted by the Maine Legislature in 2003 creates an opportunity to fill this gap in the project financing through the mechanism of the TIF program. The program operates essentially the same way that the traditional commercial TIF program has with a few exceptions. The Affordable Housing TIF program is administered by the Maine State Housing Authority.

Section 2.04: Relocation Plan. The property currently contains an existing restaurant and a neighboring Chapel building currently used by Youth and Family Outreach for childcare. No businesses or persons will be ~~permanently~~ displaced as a result of the development activities proposed in the District. Youth and Family Outreach will temporarily relocate their childcare activities until completion of the new building.

Section 2.05: Environmental Controls. All environmental controls required by law shall apply to development in the District, including any applicable requirements of the City of Portland Zoning Ordinance and all applicable State and Federal environmental laws and regulations.

Section 2.06: District Operation. The day-to-day operations of the District will require no substantial efforts by the City. The Developer, its successor or assigns, will operate the improvements constructed by Developer and pay all maintenance and operational expenses of its facilities. The City, however, will be responsible for maintenance and operation of any part of the District that may become a public road or other public facility

Section 2.07: Assurance of Compliance. The City hereby determines that the District and this Development Program complies with the provisions of 30-A M.R.S.A. § 4349-A (growth management). The proposed development in the District is consistent with the Comprehensive Plan for the City of Portland which includes the City's Comprehensive Plan, which calls for additional affordable housing in the City.

Section 2.08: Program Duration. The duration of the District will be thirty (30) years after the tax year in which this Development Program was approved by the Director of the Maine State Housing Authority. The first Tax Year of the Development Program begins April 1, 2020 and the last Tax Year of the Development Program begins April 1, 2049.

Section 2.09: Approval Considerations and Characteristics of the District.

A. Statutory Considerations for Approval. Before designating the District and before establishing this Development Program, the City has considered any evidence presented at such public hearing and has considered whether the District and Development Program will contribute to the expansion of affordable housing opportunities within the City and to the betterment of the health, welfare or safety of the inhabitants of the City. The City hereby determines and finds that the District created hereunder and this Development Program will make a contribution to the expansion of affordable housing opportunities within the City and the betterment of the health, welfare or safety of its inhabitants, constituting good and valid public purposes and that any adverse economic effect on or detriment to any existing property interests is outweighed by the contribution made by the District and the Development Program to the availability of affordable housing within the City and to the betterment of the health, welfare and safety of its inhabitants.

B. Statutory Conditions for Approval; Physical Characteristics. The City hereby finds and determines that the District satisfies the conditions imposed under Chapter 206, subchapter 3 of Title 30-A of the Maine Revised Statutes, as amended, as a prerequisite to designation of the District, including those relating to the physical description of the District and to certain financial and statistical information as follows:

(i) All of the land in the District is suitable for residential uses, is zoned for residential uses, and is in need of rehabilitation or redevelopment and therefore at least 25%, by area, of the real property within the District meets at least one of the following statutory criteria: (1) be suitable for residential use; (2) be a blighted area; or (3) be in need of rehabilitation or redevelopment;

(ii) The total area of the District is approximately .452 acres and thus such area represents less than 2% of the total acreage of the City. At the time of the original approval of the District, the total area of the District and the total area of all development districts, including this proposed district, in the City (which combined total is 694.973 acres) was 5.611% of total acreage in the City. The 694.973 acres, this includes 451.01 acres in two exempt districts—a transit oriented district and a downtown/transit oriented district—which, when subtracted from the 694.973 is 243.963, which is representing 1.969% of the total acreage of the City and thus does not exceed 5% of the total acreage of the City. The total area of all existing affordable housing development districts in the City and this proposed affordable housing development district, at the time of the original approval of the District, was 9.667 acres, or 0.08% of the total acreage of the City, which does not exceed 5% of the total acreage of the City;

(iii) The Original Assessed Value of the District is as set forth in Exhibit D hereto and the Original Assessed Value of all existing affordable housing development districts and this proposed

affordable housing development district within the City is \$2,764,650 and such amount of Original Assessed Value does not exceed 5% of the total value of taxable property within the City as of the April 1st preceding the date of the designation of the District.

C. Community Housing Need. The City finds that this Capital Program will meet a community housing need identified in the City's Comprehensive Plan. The Credit Enhancement Agreement provides a mechanism to ensure the ongoing affordability for the rental units for the remainder of the 30 year term of the District a period of at least thirty (30) years for rental units, which mechanism is the Declaration attached hereto as Exhibit I. The District is primarily a residential development in which 80% of the dwelling units will be affordable housing and that may be designed to be compact and walkable and to include internal open space, other common open space and one or more small-scale nonresidential uses of service to the residents of the development. The Developer and the City shall comply with any rules adopted by the Maine State Housing Authority and with any conditions of approval imposed by the Maine State Housing Authority following designation of the District. The City shall report annually to the Director of the Maine State Housing Authority regarding the status of the District, including the following matters as required by law: (a) certify that the public purpose of the District is being met; (b) account for any sales of property within the District; and (c) certify that rental units within the District remain affordable.

Section 2.10: Designation of the District. The City, by adoption of this Development Program, hereby designates the 337 Cumberland Affordable Housing Development District as an Affordable Housing Development District and as an Affordable Housing Tax Increment Financing District. A plan depicting the District is attached hereto as Exhibit C and the District is further described therein.

Article III. Financial Plan.

Section 3.01: Cost Estimates for the Development Program. The estimated expenses of the Project Costs are set forth in Exhibit B.

Section 3.02: Amount of Indebtedness to be Incurred. The City will not incur any indebtedness in connection with the Development Program. The Development Program will be financed through a combination of funds of the Developer, its successors and assigns, various loans and the Tax Increment of the District.

Section 3.03: Sources of Anticipated Revenues. The source of the revenue to be used to pay the Project Costs of this Development Program is a portion of the Tax Increment on the Increased Assessed Value of the District. Tax Increment means all Property Taxes assessed by the City, in excess of any state, county or special district tax, upon the Increased Assessed Value of all property in the District. Increased Assessed Value means the valuation amount by which the Current Assessed Value of the District exceeds the Original Assessed Value of the District. Current Assessed Value means the assessed value of the District certified by the municipal assessor as of April 1st of each year that the District remains in effect. Property Taxes means any and all ad valorem property taxes levied, charged or assessed against property by the City or on its behalf.

Original Assessed Value means the assessed value of the District as of the end of the City's Fiscal Year 2020, which was March 31, 2020. Attached hereto as Exhibit D is the anticipated form of certification of Original Assessed Value by the Assessor of the City of Portland in accordance with the

requirements of Title 30-A § 5250-A of the Maine Revised Statutes. All Property Tax on the Original Assessed Value shall continue to be deposited in the general fund of the City.

The City will deposit the Tax Increment Revenues (Developer's Share) as described in Section 2.02 and Section 3.04 hereof and in Exhibit A into the Project Cost Account of the Affordable Housing Development Program Fund and pay such Tax Increment (Developer's Share) to Developer in accordance with the terms of the Credit Enhancement Agreement to be entered between the City and the Developer.

Section 3.04: Estimated Increased Assessed Value; Portion Applied to Development Program. The percentage of the Increased Assessed Value of the District to be retained as Captured Assessed Value in each year is 75%. Such Captured Tax Increment Revenues will be returned to the Developer each year in the manner described below.

In the event of a revaluation of taxable property within the City, the Captured Assessed Value of this District may be adjusted in proportion to the change in taxable assessed property valued within the District in the year of the revaluation resulting from such revaluation.

The Tax Increment Revenues (Developer's Share) to be paid to the Developer each year during the term of this Development Program will be an amount which shall be captured and retained to reimburse the Developer for Project Costs pursuant to the Credit Enhancement Agreement, which will be the entire amount of the 75% of captured revenue. The percentage determination of the Tax Increment Revenues (Developer's Share) as determined as described above shall apply regardless whether the actual Tax Increment Revenues are more or less than the estimated or projected Tax Increment Revenues set forth in Exhibit A.

"Tax Shift Formulas" mean the formulas utilized by the State of Maine in calculating: (a) the county tax payable in accordance with 30-A M.R.S.A. § 706 and 36 M.R.S.A. §§ 305(1), 381, as amended, and any successor provisions; (b) the municipal revenue sharing distribution of the Local Government Fund in accordance with 30-A M.R.S.A. §5681, as amended, and any successor provision, provided, however, that distribution of the Disproportionate Tax Burden Fund (the Revenue II fund), if any, shall not be taken into consideration in such calculation since taxes assessed on captured value within a tax increment financing district are included in the amounts of the property assessed in determining allocations of such Disproportionate Tax Burden Fund; and (c) State aid to education, including aid for total operating costs, total program cost allocation (taking into account the maximum local share or circuit breaker) and total debt service cost allocation (taking into account the maximum local share or circuit breaker), but not taking into account any hold harmless or hardship cushion that results in additional State aid to education to the prior year's level even through the calculation would have resulted in a reduction, all as computed in accordance with Maine Department of Education Form ED 261 or any successor form.

The amount of Tax Increment from the total Increased Assessed Value that is to be paid each year to the Developer under Credit Enhancement Agreement to pay or reimburse Project Costs is hereinafter called the "Tax Increment Revenues (Developer's Share)."

The table attached hereto as Exhibit A also sets forth: (i) the annual estimates of the Increased Assessed Value of the District resulting from implementation of the Development Program; (ii) the estimated annual Tax Increment Revenues per year on the Increased Assessed Value following implementation of the Development Program, stated respectively as (a) a total, and (b) the estimated amount of the Tax Increment Revenues (Developer's Share)

Based on the manner in which Tax Increment Revenues (Developer's Shares) are defined, a share of the incremental property tax revenues derived from the increased valuation will be returned to the Developer to cover the Project Costs as described in Section 2.03 hereof.

To comply with the provisions of the State of Maine, the Credit Enhancement Agreement includes a provision for the recapture of certain amounts relating to any affordable rental housing units that are not maintained as affordable for a period of at least thirty years.

Under this program and the Credit Enhancement Agreement, Captured Assessed Value will be 75% of the Increased Assessed Value. Accordingly, seventy-five percent (75%) of the Tax Increment Revenues for each year during the term of the District shall be paid to the Developer each year pursuant to the Credit Enhancement Agreement.

An Affordable Housing Development Program Fund shall be established by the City consisting of a Project Cost Account. The Project Cost Account will be pledged to and charged with payment of amounts due to Developer under the Credit Enhancement Agreement. Upon receipt of each payment of property tax with respect to property in the District, the City shall deposit into the Project Cost Account according to the terms of the Credit Enhancement Agreement seventy-five percent (75%) of that portion of the payment constituting Tax Increment Revenues. The amounts in the Project Cost Subaccount shall be used and applied solely to fund the payments to Developer under the Credit Enhancement Agreement.

Section 3.05: Description of Terms and Conditions of Agreements. A description of the terms and conditions of the agreements, contracts and obligations to be entered into by the City is set forth in the Credit Enhancement Agreement to be entered into by the City and the Developer which will be substantially in the form attached hereto as Exhibit E. The Credit Enhancement Agreement sets forth the obligations of the City to pay to Developer each year during the term of that Agreement Tax Increment Revenues (Developer's Share) from all Property Tax with respect to all property in the District.

Section 3.06: Calculation of Tax Shifts. In accordance with Maine statutes governing the establishment of affordable housing development districts, Exhibit F identifies the estimated tax shifts which will result during the term of the District from the establishment of the District, using formulas approved by the Director of the Maine State Housing Authority. Exhibit F also contains a summary of the methodology and calculations utilized in calculating such estimated tax shifts.

The 337 Cumberland Avenue project will pay property taxes to the City based upon the local assessed valuation of the project and the City's annual tax rate. Exhibit A shows the estimated property taxes that will be paid by the project over the remainder of the next 30 year terms based upon the estimated local assessed valuation and the estimated tax rate of \$23.78/\$1,000 for the first year of the District. The amount of property taxes paid by owners of property in the District to City will be the same whether the project is included in a TIF district or not.

If the project is not part of a TIF, some of these new tax revenues will be offset by what are commonly called tax shifts. Since the City's total state valuation will be higher as a result of the project, its share of Cumberland County taxes will increase. The increased valuation and population will change the amount the City receives in State Revenue Sharing. The increased valuation and increased school enrollment will change the amount the City receives in state education aid.

Exhibit F thus shows the estimated amount of these tax shifts compared to what they would be if the new valuation is "sheltered" in a TIF and, therefore, does not get counted in the City's state valuation that is used in calculating county tax, revenue sharing and state education aid.

The actual extent and amount of the tax shifts can vary from this estimate since they are controlled by factors outside the City's control such as the rate of increase in the County budget, the amount of state sales and income tax collected, the amount of funding provided by the state for education aid, and the formula used to distribute that aid. So the extent and value of the shifts could be more or less than estimated.

Article IV. Municipal Approvals.

Section 4.01: Public Hearing. Before designating the amendments to the District, the City legislative body of the City held a public hearing. Notice of the hearing was published on September XX, 2024~~July 23, 2020~~, a date that was at least 10 days before the hearing, in The Portland Press Herald, a newspaper of general circulation within the City. Attached hereto as Exhibit G is a copy of the Notice of Public Hearing. The Public hearing was held in accordance with the requirements of 30-A M.R.S.A. § 5250 on September 16, 2024~~August 3, 2020~~. At the public hearing, interested parties were given a reasonable opportunity to present testimony concerning the District and the Development Program.

Section 4.02: Authorizing Votes. Attached as Exhibit H is a copy of the Orders proposed for adoption by the City Council of the City of Portland at a meeting thereof duly called and held on September 16, 2024~~August 3, 2020~~ designating the District and adopting the Development Plan.

The undersigned, being the City Manager of the City of Portland, certifies that all of the information contained herein is true and correct to the best of my knowledge.

Dated: _____

Danielle West~~Jon P. Jennings~~, City Manager,
City of Portland, ME

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MEMORANDUM
City Council Agenda Item

FROM: Mary Davis, Division Director

DATE: September 6, 2024

SUBJECT: Order 47-24/25 Approving an Amended Credit Enhancement Agreement the 337 Cumberland Avenue Affordable Housing Tax Increment Financing District RE: 337 Cumberland Avenue - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair.

SPONSOR: Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair.
The Housing and Economic Development Committee met on August 20, 2024 and voted (3-0, Phillips absent) to forward this item to the City Council with a recommendation for passage.

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 9/4/2024

Final

Action 9/16/2024

Can action be taken at a later date: No Under the state statute for the Affordable Housing Tax Increment Financing program, a 10-day public notice is required before action can be taken by the City Council. The notice will be published in the Portland Press Herald.

Does this item involve a new contract with the City: The amended Credit Enhancement Agreement has been reviewed and approved by Corporation Counsel

PRESENTATION: Greg Watson and Mary Davis will be available for questions.

I. SUMMARY

This is a companion order to Order XX 24/25 above.

II. AGENDA DESCRIPTION

The Housing and Economic Development Committee met on August 20, 2024, and voted (3-0, Phillips absent) to forward this item to the City Council with a recommendation for passage.

This is a companion order to the two orders above.

This item must be read on two separate days. It received its first reading on September 4. 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

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

VII. RECOMMENDATION

Staff is requesting the City Council approve the amendments to the 337 Cumberland Avenue Affordable Housing Development Tax Increment Financing District, District Program and Credit Enhancement Agreement with YFO Resource Hub LP and authorize the City Manager to sign and submit to MaineHousing for approval the documents amending the district in substantially the same form as enclosed.

VIII. LIST ATTACHMENTS

1. Order - Approving the Amendment to the CEA for 337 Cumberland Avenue
2. 337 Cumberland Ave CEA Amended for Council 9.11.2024

Prepared by:

Mary Davis, Division Director

Date: 09/06/2024

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 AN AMENDED CREDIT ENHANCEMENT AGREEMENT FOR
THE 337 CUMBERLAND AVENUE AFFORDABLE HOUSING
TAX INCREMENT FINANCING DISTRICT
RE: 337 CUMBERLAND AVENUE**

ORDERED, that the amended Credit Enhancement Agreement between the City and YFO Resource Hub LP regarding the 337 Cumberland Avenue Affordable Housing Tax Increment Financing District is hereby approved, substantially in the form attached hereto; and

BE IT FURTHER ORDERED, that the City Manager is hereby authorized to execute said agreement and any other documents necessary to affect the intent and purpose of that agreement and this Order; and

BE IT FURTHER ORDERED, that this Order is enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter, in order to make it effective immediately.

CREDIT ENHANCEMENT AGREEMENT

between

THE CITY OF PORTLAND, MAINE

and

**YFO RESOURCE HUB LP~~337-
CUMBERLAND AVENUE, LP~~**

DATED: _____, 2024~~2020~~

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EXHIBITS

Exhibit 1 Copy of District Map

THIS CREDIT ENHANCEMENT AGREEMENT dated as of [_____, ~~2024~~2020], between the City of Portland, Maine, a municipal body corporate and politic and a political subdivision of the State of Maine (the “City”), and YFO Resource Hub LP~~337-Cumberland Avenue, LP~~ (the “Developer”).

WITNESSETH THAT

WHEREAS, the City designated the *337 Cumberland Avenue Municipal Affordable Housing Development and Tax Increment Financing District* (the “District”) pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, by action of the City Council at a meeting of the City Council held on August 3, 2020, Order 19-19/20, as amended by further action of the City Council at a meeting held on September 16, 2024, Order ____ - 24/25 (the “Vote”) and pursuant to the same Vote adopted an affordable housing development program, including a financial plan, for the District (the “Development Program”); and

WHEREAS, the City received the approval of the District and the Development Program by Maine State Housing Authority (“MSHA”) on ~~September 17, 2020~~[Enter Date of District Approval by Maine Housing] and anticipates the approval of the amended District and the Development Program by MSHA; and

WHEREAS, the Development Program contemplates the execution and delivery of a credit enhancement agreement between the City and the Developer, and the City approved the execution and delivery of a credit enhancement agreement as described in the Development Program pursuant to the Vote, and the City and the Developer desire and intend that this Credit Enhancement Agreement be and constitute the Credit Enhancement Agreement contemplated and described in the Development Program in the name of and on behalf of the City; and

NOW, THEREFORE, in consideration of the foregoing and in consideration of the mutual promises and covenants set forth herein, the parties hereby agree as follows:

ARTICLE I DEFINITIONS

Section 1.1. Definitions.

The terms defined in this Article I shall, for all purposes of this Agreement, have the meanings herein specified, unless the context clearly requires otherwise:

“Act” means chapter 206 of Title 30-A of the Maine Revised Statutes and regulations adopted thereunder, as amended from time to time.

“Agreement” shall mean this Credit Enhancement Agreement between the City and the Developer dated as of the date set forth above, as such may be amended from time to time.

“Authority” means the Maine State Housing Authority.

“Captured Assessed Value” means the amount, stated as a percentage, of the Increased Assessed Value of the District that is retained in each Tax Year during the term of the District, as specified in Section 2.3 hereof, to fund Project costs authorized in the Development Program.

“City” shall have the meaning given such term in the first paragraph hereto.

“Current Assessed Value” means the then-current assessed real property value of the District as determined by the City Tax Assessor as of April 1 of each Tax Year that the District remains in effect.

“Development Program” shall have the meaning given such term in the recitals hereto.

“Development Program Fund” means the Affordable Housing Development Program Fund described in the Development Program and established and maintained pursuant to Article II hereof and 30-A M.R.S.A. § 5250-A(3)(A) consisting of the account further described herein.

“Director” means the Director of the Maine State Housing Authority.

“District” shall mean the lot or parcel of land on which the Project is located. A copy of the District map is attached hereto as Exhibit 1 as well as an informational map showing the Project in the District.

“Effective Date of the Development Program” means the start date identified in Section 2.08 of the Development Program.

“Fiscal Year” means July 1 to June 30 each year or such other fiscal year as the City may from time to time establish.

“Increased Assessed Value” means, for each Fiscal Year during the term of this Agreement, the amount by which the Current Assessed Value for such year exceeds the Original Assessed Value. If the Current Assessed Value is less than or equal to the Original Assessed Value in any given Tax Year, there is no Increased Assessed Value in that year.

“Original Assessed Value” means Five Hundred Nineteen Thousand Nine Hundred Dollars (\$519,900), which is the taxable assessed real property value of the District as of March 31, 2020.

“Project” means the planned sixty (60) unit mixed-income housing project named 337 Cumberland Avenue located in the District.

“Project Cost Account” means the project cost account associated with the Project as described in the Development Program and established and maintained pursuant to Title 30-A M.R.S.A. § 5250-A(3)(A)(1) and Article II hereof.

“Property Taxes” means any and all *ad valorem* property taxes levied, charged or assessed against the Project located in the District by the City, or on its behalf.

“State” means the State of Maine

“Tax Increment Revenues” means that portion of all real property taxes assessed and paid to the City in any Tax Year, in excess of any state, or special district tax, upon the Increased Assessed Value.

“Tax Payment Date” means the later of the date(s) on which property taxes levied by the City are due and payable, in full, from owners of property located within the City, or are actually paid to the City with respect to taxable property located within the District.

“Tax Year” shall have the meaning given such term in 30-A M.R.S.A. § 5246(16), as amended, to wit: April 1 to March 31.

Section 1.2. Interpretation and Construction.

In this Agreement, unless the context otherwise requires:

(a) The terms “hereby,” “hereof,” “hereto,” “herein,” “hereunder” and any similar terms, as used in this Agreement, refer to this Agreement, and the term “hereafter” means after, and the term “heretofore” means before, the date of delivery of this Agreement.

(b) Words importing a particular gender mean and include correlative words of every other gender and words importing the singular number mean and include the plural number and vice versa.

(c) Words importing persons mean and include firms, associations, partnerships (including limited partnerships), trusts, corporations and other legal entities, including public or governmental bodies, as well as any natural persons.

(d) Any headings preceding the texts of the several Articles and Sections of this Agreement, and any table of contents or marginal notes appended to copies hereof, shall be solely for convenience of reference and shall not constitute a part of this Agreement, nor shall they affect its meaning, construction or effect.

(e) All approvals, consents and acceptances required to be given or made by any signatory hereto shall not be withheld unreasonably.

(f) All notices to be given hereunder shall be given in writing and, unless a certain number of days is specified, within a reasonable time.

(g) If any clause, provision or Section of this Agreement shall be ruled invalid by any court of competent jurisdiction, the invalidity of such clause, provision or Section shall not affect any of the remaining provisions hereof.

ARTICLE II AFFORDABLE HOUSING DEVELOPMENT PROGRAM FUND AND FUNDING REQUIREMENTS

Section 2.1. Creation of Development Program Fund.

Within sixty (60) days after the Effective Date of the Development Program, the City shall create and establish a segregated fund in the name of the City designated as the “337 Cumberland Avenue Municipal Affordable Housing Development and Tax Increment Financing District Program Fund” (hereinafter the “Development Program Fund”) pursuant to, and in accordance with the terms and conditions of, the Development Program and 30-A M.R.S.A. § 5250-A (3). The Development Program Fund shall consist of the Project Cost Account, which is pledged to and charged with the payment of Project costs described in the Development Program, as provided in 30-A M.R.S.A. § 5250-A(3)(A)(1). The Project Cost Account is pledged to and

charged with the payment of costs in the manner and priority provided in Section 3.1(b) below.

Section 2.2. Liens.

The City shall not create any liens, encumbrances or other interests of any nature whatsoever, nor shall it hypothecate the Project Cost Account described in Section 2.1 hereof or any funds therein, other than the interest in favor of Developer hereunder; provided, however, that nothing herein shall prohibit the creation of property tax, sewer or other liens on property in the District in accordance with and entitled to priority pursuant to Maine law.

Section 2.3. Captured Assessed Value; Deposits into Development Program Fund.

(a) Each Tax Year during the term of this Agreement, commencing with the Tax Year beginning April 1, 2020 and continuing thereafter through the Tax Year beginning April 1, 2049 (collectively the “CEA Years”), the City shall retain in the District seventy-five percent (75%) of the Increased Assessed Value as Captured Assessed Value. The remaining 25% of the Increased Assessed Value is referred to herein as the Non-Captured Increased Assessed Value.

In the event of a revaluation of taxable property within the City, the Captured Assessed Value of this District may be adjusted in proportion to the change in taxable assessed property valued within the District in the year of the revaluation resulting from such revaluation.

(b) For each of the CEA Years, the City shall deposit into the Development Program Fund contemporaneously with each payment of Property Taxes during the term of this Agreement an amount equal to seventy-five percent (75%) of that portion of the payment of Property Taxes constituting Tax Increment Revenues. The City shall deposit such 75% portion into the Project Cost Account. The remaining 25% portion of the payment of Property Taxes constituting Tax Increment Revenues, which arise from Non-Captured Increased Assessed Value, shall be deposited into the City’s general fund.

(c) Notwithstanding anything herein to the contrary, if the District property becomes exempt from the obligation to pay property taxes, after application by the owner of the District property to the City for such exemption, then upon the granting of such exemption, this Agreement shall terminate and no further deposit or payment obligations on the part of the City shall exist.

(d) Any and all revenues resulting from investment earnings on deposits in the Development Program Fund shall be retained in the Development Program Fund and applied for Development Program purposes relating to the Development Program Fund as prescribed by 30-A M.R.S.A Section 5250-A(3).

Section 2.4. Use of Monies in Development Program Fund.

All monies in the Development Program Fund that are allocable to and/or deposited in Project Cost Account shall in all cases be used and applied to fund fully the City's payment obligations to Developer as described in Articles II and III hereof. Developer shall be obligated to use such payments for operating costs of the Project and credit enhancement pursuant to the Development Program and Title 30-A M.R.S.A. § 5249.

Section 2.5. Monies Held for Benefit of Developer.

All monies required to be deposited with or paid into Project Cost Account under the provisions hereof and the provisions of the Development Program, exclusive of any investment earnings thereon, shall be held by the City for the benefit of Developer.

ARTICLE III PAYMENT OBLIGATIONS

Section 3.1. Developer Payments.

(a) On an annual basis, the City agrees to pay Developer, within thirty (30) days of the end of each Fiscal Year, all amounts then on deposit in the Project Cost Account.

(b) Notwithstanding anything to the contrary contained herein, if, with respect to any Tax Payment Date, any portion of the property taxes assessed against real or personal property located in the District remain unpaid, because of a bona fide valuation dispute being pursued by Developer, the property taxes actually paid with respect to such Tax Payment Date shall, first, be applied to taxes due on account of Assessed Value and deposited into the City's general fund; and second, shall constitute payment of Property Taxes with respect to Non-Captured Increased Assessed Value and deposited into the City's general fund; and third, shall constitute payment of Property Taxes with respect to Captured Assessed Value, to be applied to payment of Developer's share of the Tax Increment Revenues for the year concerned and deposited into Project Cost Account.

(c) Notwithstanding anything to the contrary contained herein, if, with respect to any Tax Payment Date, any portion of the property taxes assessed against real or personal property located in the District remain unpaid, for any reason other than a bona fide valuation dispute, or if any portion of any other fee or charge due to the City by Developer including but not limited to sewer or stormwater fees, ambulance fees, or assessments, remain unpaid, no payment of Developer's share of the Tax Increment Revenues for the year concerned will be deposited into the Project Cost Account until such property taxes assessed against real or personal property located in the District, and other fees, charges, and assessments are paid in full.

(d) Annually, Developer will provide financial statements as back-up documentation of Project Costs for its TIF payments, which documentation will be kept confidential by the City.

(e) Prior to receiving the first payment under this Agreement, Developer shall provide evidence reasonably satisfactory to the City of the Developer's ability to complete the Project in accordance with State law. Reasonably satisfactory evidence shall include documentation that the Developer has closed on complete financing for the Project.

(f) On a bi-weekly basis during the course of construction of the Project, Developer must provide documentation in a form reasonably satisfactory to the City demonstrating that all firms employed in the construction phase of the Project have compensated their employees, at all relevant times, the current wage rates and fringe benefits as required under applicable state prevailing wage law, 26 M.R.S. §1306, or the City's minimum wage requirements set forth in

Chapter 33, Sections 1-12 of the Portland City Code, whichever is greater.

(g) Developer must provide evidence reasonably satisfactory to the City demonstrating that the Project was designed, constructed and rehabilitated in accordance with the City's Green Building Code set forth in Chapter 6, Article VII, of the Portland City Code.

Section 3.2. Failure to Make Payment.

In the event the City should fail to, or be unable to, make any of the payments at the time and in the amount required under the foregoing provisions of this Article III including in the event that the amount deposited into Project Cost Account is insufficient to reimburse Developer for the full amount due to Developer under this Agreement, the amount or installment so unpaid shall continue as a limited obligation of the City, under the terms and conditions hereinafter set forth, until the amount unpaid shall have been fully paid. Developer shall have the right to initiate and maintain an action to specifically enforce the City's obligations hereunder, including without limitation, the City's obligation to deposit Tax Increment Revenues to Project Cost Account and its obligation to make payment out of Project Cost Account to Developer.

Section 3.3. Manner of Payments.

The payments provided for in this Article III shall be paid directly to Developer at the address specified in Section 8.7 hereof in the manner provided hereinabove by check drawn on the City.

Section 3.4. Obligations Unconditional.

Subject to Developer's compliance with the terms and conditions of this Agreement, the obligations of the City to make the payments described in this Agreement in accordance with the terms hereof shall be absolute and unconditional, and the City shall not suspend or discontinue any payment hereunder or terminate this Agreement for any cause, other than pursuant to this Agreement or by court order or by reason of a final judgment by a court of competent jurisdiction that the District is invalid or otherwise illegal.

Section 3.5. Limited Obligation.

The City's obligations of payment hereunder shall be limited obligations of the City payable solely from Tax Increment Revenues pledged therefor under this Agreement. The City's obligations hereunder shall not constitute a general debt or a general obligation or charge against or pledge of the faith and credit or taxing power of the City, the State of Maine, or of any municipality or political subdivision thereof, but shall be payable solely from that portion of Tax Increment Revenues payable to Developer hereunder, whether or not actually deposited into Project Cost Account in the Development Program Fund. This Agreement shall not directly, indirectly or contingently obligate the City, the State of Maine, or any other City or political subdivision to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment, excepting the pledge of the Tax Increment Revenues established under this Agreement.

ARTICLE IV PLEDGE AND SECURITY INTEREST

Section 4.1. Pledge of and Grant of Security Interest in Project Cost Account.

In consideration of this Agreement and other valuable consideration and for the purpose of securing payment of the amounts provided for hereunder to Developer by the City, according to the terms and conditions contained herein, and in order to secure the performance and observance of all of the City's covenants and agreements contained herein, the City does hereby grant a security interest in and pledge Project Cost Account described in Section 2.1 hereof and all sums of money and other securities and investments therein to Developer.

Section 4.2. Perfection of Interest.

(a) Upon written request by Developer, the City will establish the Project Cost Account described in Section 2.1 hereof as a segregated fund under the control of an escrow agent, trustee or other fiduciary selected by Developer so as to perfect Developer's interest therein. The cost of establishing and monitoring such a fund (including the cost of counsel to the City with respect thereto) shall be borne exclusively by Developer. In the event such a fund is established under the control of a trustee or fiduciary, the City shall cooperate with Developer in causing appropriate financing statements and continuation statements naming Developer, or its designee, as pledgee of all such amounts from time to time on deposit in the fund to be duly filed and recorded in the appropriate state offices as required by and permitted under the provisions of the Maine Uniform Commercial Code or other similar law as adopted in the State of Maine and any other applicable jurisdiction, as from time to time amended, in order to perfect and maintain the security interests created hereunder.

(b) In the event Developer requires the establishment of a segregated fund in accordance with this Section 4.2, the City's responsibility shall be expressly limited to delivering the amounts required by this Agreement to the escrow agent, trustee or other fiduciary designated by Developer. The City shall have no liability for payment over of the funds concerned to Developer by any such escrow agent, trustee or other fiduciary, or for any misappropriation, investment losses or other losses in the hands of such escrow agent, trustee or other fiduciary. Notwithstanding any change in the identity of Developer's designated escrow agent, trustee or other fiduciary, the City shall have no liability for misdelivery of funds if delivered in accordance with Developer's most recent written designation or instructions actually received by the City.

Section 4.3. Further Instruments.

The City shall, upon the reasonable request of Developer, from time to time execute and deliver such further instruments and take such further action as may be reasonable and as may be required to carry out the provisions of this Agreement; provided, however, that no such instruments or actions shall pledge the credit of the City; and provided further that the cost of executing and delivering such further instruments (including the reasonable and related costs of counsel to the City with respect thereto) shall be borne exclusively by Developer.

Section 4.4. No Disposition of Project Cost Account.

Except as permitted hereunder, the City shall not sell, lease, pledge, assign or otherwise dispose, encumber or hypothecate any interest in Project Cost Account and will promptly pay or cause to be discharged or make adequate provision to discharge any lien, charge or encumbrance on any part thereof not permitted hereby.

Section 4.5. Access to Books and Records.

All books, records and documents in the possession of either of the parties to this Agreement relating to the District, the Development Program, this Agreement and the monies, revenues and receipts on deposit or required to be deposited into the Project Cost Account shall at all reasonable times and upon reasonable notice be open to inspection by both parties to this Agreement, and the agents and employees of the parties to this Agreement.

ARTICLE V DEFAULTS AND REMEDIES

Section 5.1. Events of Default.

Each of the following events shall constitute and be referred to in this Agreement as an “Event of Default”:

- (a) Any failure by the City to pay any amounts due to Developer when the same shall become due and payable;
- (b) Any failure by the City to make deposits into Project Cost Account as and when due;
- (c) Any failure by the City or Developer to observe and perform in all material respects any covenant, condition, agreement or provision contained herein on the part of the City or Developer to be observed or performed, which failure is not cured within thirty (30) days following written notice thereof; and
- (d) If a decree or order of a court or agency or supervisory authority having jurisdiction in the premises of the appointment of a conservator or receiver or liquidator of, any insolvency, readjustment of debt, marshaling of assets and liabilities or similar proceedings, or for the winding up or liquidation of Developer's affairs shall have been entered against the Developer or the Developer shall have consented to the appointment of a conservator or receiver or liquidator in any such proceedings of or relating to the Developer or of or relating to all or substantially all of its property, including without limitation the filing of a voluntary petition in bankruptcy by the Developer or the failure by the Developer to have an involuntary petition in bankruptcy dismissed within a period of ninety (90) consecutive days following its filing or in the event an order for release has been entered under the Bankruptcy Code with respect to the Developer.
- (e) If any secured lender of Developer accelerates the indebtedness owed to it;
- (f) If any written representation or warranty given to the City by Developer is knowingly incorrect or incomplete in any material respect, other than statements made about or in agreements with the City that were later changed by mutual consent;
- (g) If Developer fails to maintain adequate surety bonding during construction at the levels and terms as may be required from time to time by the Developer's secured lenders and/or Developer allows mechanics' liens to encumber the Project for a period of more than sixty (60)

days.

(h) Any discontinuance of the District property as “affordable housing,” pursuant to the definition contained in Title 30-A M.R.S.A. Section 5246.

Section 5.2. Remedies on Default.

Subject to the provisions contained in Section 8.13, whenever any Event of Default described in Section 5.1 hereof shall have occurred and be continuing, the nondefaulting party, following the expiration of any applicable cure period, shall have all rights and remedies available to it at law or in equity, including the rights and remedies available to a secured party under the laws of the State of Maine, and may take whatever action as may be necessary or desirable to collect the amount then due and thereafter to become due, to specifically enforce the performance or observance of any obligations, agreements or covenants of the nondefaulting party under this Agreement and any documents, instruments and agreements contemplated hereby or to enforce any rights or remedies available hereunder. Further, the non-defaulting party may elect to terminate this Agreement upon 30 days’ written notice to the defaulting party.

Section 5.3. Remedies Cumulative.

Subject to the provisions of Section 8.13 below concerning dispute resolution, no remedy herein conferred upon or reserved to any party is intended to be exclusive of any other available remedy or remedies but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law, in equity or by statute. Delay or omission to exercise any right or power accruing upon any Events of Default to insist upon the strict performance of any of the covenants and agreements herein set forth or to exercise any rights or remedies upon the occurrence of an Event of Default shall not impair any such right or power or be considered or taken as a waiver or relinquishment for the future of the right to insist upon and to enforce, from time to time and as often as may be deemed expedient, by injunction or other appropriate legal or equitable remedy, strict compliance by the parties hereto with all of the covenants and conditions hereof, or of the rights to exercise any such rights or remedies, if such Events of Default be continued or repeated.

ARTICLE VI EFFECTIVE DATE, TERM AND TERMINATION

Section 6.1. Effective Date and Term.

Notwithstanding any other provision of this Agreement, this Agreement is conditioned upon receipt of the Director’s unconditional approval of the City’s designation of the District and adoption of the Development Program. Following execution and delivery of this Agreement, the Agreement shall not be or become binding and enforceable until receipt of such unconditional approval. Upon receipt of such approval, this Agreement shall remain in full force from the Effective Date of the Development Program, which is April 1, 2020, and shall expire March 31, 2050 or sooner upon the payment of all amounts due to Developer hereunder and the performance of all obligations on the part of the City hereunder, unless even sooner terminated pursuant to Section 3.4 or any other applicable provision of this Agreement.

The City may terminate this Agreement by delivering written notice of such termination to Developer in the event that Developer does not receive a certificate of occupancy for the Project by ~~October 31, 2026~~June 30, 2023.

Section 6.2. Termination by City.

Notwithstanding anything to the contrary in this Agreement, in the event that the Declaration, as that term is defined below, is terminated by foreclosure of a lien on the Project that has priority over the Declaration, the City shall have the right to terminate this Agreement by providing Developer with 30 days written notice prior to the effective date of termination, except that in the event that the foreclosing lienholder agrees (for itself, its successors, assigns and transferees) to be bound by the terms of this Agreement and that the Declaration (as described in Section 8.15 hereof) shall remain in full force and effect, then this Agreement shall remain in full force and effect and City shall have no right to terminate this Agreement.

Section 6.3. Cancellation and Expiration of Term.

At the acceleration, termination or other expiration of this Agreement in accordance with the provisions of this Agreement, the City and Developer shall each execute and deliver such documents and take or cause to be taken such actions as may be necessary to evidence the termination of this Agreement.

ARTICLE VII
ASSIGNMENT AND PLEDGE OF DEVELOPER'S INTEREST

Section 7.1. Consent to Pledge, Collateral Assignment Or Grant of a Security Interest.

The City hereby acknowledges that Developer may pledge, assign and grant a security interest in its right, title and interest in, to and under this Agreement as collateral for financing by a bank, financial institution or Maine State Housing Authority to Developer for the Project, although no obligation is hereby imposed on Developer to make such assignment or pledge. Recognizing this possibility, the City does hereby consent and agree to the pledge and assignment of and the grant of a security interest in all Developer's right, title and interest in, to and under this Agreement and in, and to the payments to be made to Developer hereunder, to third parties as collateral or security for indebtedness or otherwise, on one or more occasions during the term hereof. The City agrees upon request to execute and deliver any assignments, pledge agreements, consents or other confirmations required by the prospective pledgee or assignee or secured party, including without limitation recognition of the pledgee or assignee or secured party as the holder of all right, title and interest herein and as the payee of amounts due and payable hereunder and any and all such other documentation as shall confirm to such pledgee or assignee or secured party the position of such assignee or pledgee or secured party and the irrevocable and binding nature of this Agreement, and provide to the pledgee or assignee such rights and/or remedies as the parties may reasonably deem necessary for establishing, perfection and protection of its interest herein. Developer shall be responsible for the City's necessary and reasonable costs of counsel with respect to any such pledge or assignment.

Section 7.2. Transfer.

Except as specified in Section 7.1 hereof, Developer shall not transfer or assign any

portion of its rights in, to and under this Agreement without the prior written consent of the City, which consent shall not be unreasonably withheld, conditioned or delayed.

ARTICLE VIII MISCELLANEOUS

Section 8.1. Successors.

In the event of the dissolution, merger or consolidation of the City or Developer, the covenants, stipulations, promises and agreements set forth herein, by or on behalf of or for the benefit of such party shall bind or inure to the benefit of the successors and assigns thereof from time to time and any entity, officer, board, commission, agency or instrumentality to whom or to which any power or duty of such party shall be transferred.

Section 8.2. Parties-in-Interest.

Except as herein otherwise specifically provided, nothing in this Agreement expressed or implied is intended or shall be construed to confer upon any person, firm or corporation other than the City and Developer any right, remedy or claim under or by reason of this Agreement, it being intended that this Agreement shall be for the sole and exclusive benefit of the City and Developer.

Section 8.3. Severability.

In case any one or more of the provisions of this Agreement shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Agreement and this Agreement shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

Section 8.4. No Personal Liability of Officials of the City.

(a) No covenant, stipulation, obligation or agreement of the City contained herein shall be deemed to be a covenant, stipulation or obligation of any present or future elected or appointed official, officer, agent, servant or employee of the City in his or her individual capacity, and neither the City Council nor any official, officer, employee or agent of the City shall be liable personally with respect to this Agreement or be subject to any personal liability or accountability by reason hereof.

(b) No covenant, stipulation, obligation or agreement of Developer contained herein shall be deemed to be a covenant, stipulation or obligation of any present or future officer, agent, servant or employee of Developer in his or her individual capacity, and no official, officer, employee or agent of Developer shall be liable personally with respect to this Agreement or be subject to any personal liability or accountability by reason hereof.

Section 8.5. Counterparts.

This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original, but such counterparts shall together constitute but one and the same Agreement.

Section 8.6. Governing Law.

The laws of the State of Maine shall govern the construction and enforcement of this Agreement.

Section 8.7. Notices.

All notices, certificates, requests, requisitions or other communications by the City or Developer pursuant to this Agreement shall be in writing and shall be sufficiently given and shall be deemed given when mailed by first class mail, postage prepaid, addressed as follows:

If to the City:

City of Portland
Attn. Housing and Community Development Division
389 Congress Street
Portland, ME 04101

With a copy to:

Corporation Counsel's Office
389 Congress Street
Portland, Maine 04101

If to Developer:

~~YFO Resource HUB 337 Cumberland Avenue LP~~
~~c/o Youth and Family Outreach Portland Housing Development Corporation~~
~~331 Cumberland Avenue 14 Baxter Boulevard~~
Portland, Maine 04101

Either of the parties may, by notice given to the other, designate any further or different addresses to which subsequent notices, certificates, requests or other communications shall be sent hereunder.

Section 8.8. Amendments.

This Agreement may be amended only with the concurring written consent of both of the parties hereto.

Section 8.9. Records.

The City shall maintain records which are adequate in all respects to make the calculation of Increased Assessed Value and Tax Increment Revenues required to calculate the deposits into the Development Program Fund hereunder, and shall provide to Developer, upon request by Developer, a summary of such calculations.

Section 8.10. Reserved.

Section 8.11. Integration.

This Agreement completely and fully supersedes all other prior or contemporaneous understandings or agreements, both written and oral, between the City and Developer relating to the specific subject matter of this Agreement and the transactions contemplated hereby.

Section 8.12. Reserved.

Section 8.13. Dispute Resolution.

In the event of a dispute regarding this Agreement or the transactions contemplated by it, the parties hereto will use all reasonable efforts to resolve the dispute on an amicable basis. If the dispute is not resolved on that basis within sixty (60) days after one party first brings the dispute to the attention of the other party, then either party may refer the dispute for resolution by one arbitrator mutually agreed to by the parties, and judgment on the award rendered by the arbitrator may be entered in any Maine state court having jurisdiction. Any such arbitration will take place in Portland, Maine or such other location as mutually agreed by the parties. The parties acknowledge that arbitration shall be the sole mechanism for dispute resolution under this Agreement. Provided however, that in the event the parties are unable to agree, within a reasonable period, on the selection of an arbitrator, either party may file suit to resolve the dispute in any court having jurisdiction within the State of Maine. This arbitration clause shall not bar the City's assessment or collection of property taxes in accord with law, including by judicial proceedings, including tax lien thereof.

Section 8.14. Tax Laws and Valuation Agreement.

The parties acknowledge that all laws of the State now in effect or hereafter enacted with respect to taxation of property shall be applicable and that the City, by entering into this Agreement, is not excusing any non-payment of taxes by Developer. Without limiting the foregoing, the City and Developer shall always be entitled to exercise all rights and remedies regarding assessment, collection and payment of taxes assessed on Developer's property. In addition, the Development Program makes certain assumptions and estimates regarding valuation, depreciation of assets, tax rates and estimated costs. The City and Developer hereby covenant and agree that the assumptions, estimates, analysis and results set forth in the Development Program shall in no way (a) prejudice the rights of any party or be used, in any way, by any party in either presenting evidence or making argument in any dispute which may arise in connection with valuation of or abatement proceedings relating to Developer's property for purposes of ad valorem property taxation or (b) vary the terms of this Agreement even if the actual results differ substantially from the estimates, assumptions or analysis.

Section 8.15. Affordability Covenants.

The Developer and the City shall, in order to assure the continued affordability of the rental units as required by the Development Program, Maine State Housing Authority and applicable laws, regulations and ordinances, execute a declaration (the "Declaration") which is substantially in the same form as the Declaration of Covenants, Conditions and Restrictions which is attached to the Development Program as Exhibit I.

IN WITNESS WHEREOF, the City and Developer have caused this Agreement to be executed in their respective corporate names and their respective corporate seals to be hereunto affixed and attested by the duly authorized officers, all as of the date first above written.

WITNESS:

CITY OF PORTLAND, ME

By: _____
Name: ~~Danielle West~~ Jon P. Jennings
Its City Manager, Duly Authorized by the City
Council at its meeting on _____,
2024 ~~August 3, 2020~~

WITNESS:
AVENUE, LP

YFO RESOURCE HUB 337 CUMBERLAND-

BY: YFO GP, INC. ~~PHDC Development LLC~~, Its
General Partner

By: _____,
Name:
Its General Partner

EXHIBIT 1

MEMORANDUM
City Council Agenda Item

FROM:

DATE: September 6, 2024

SUBJECT: Order 48-24/24 Accepting and Appropriating a \$372,000 United States Department of Justice Assistance Grant for the Police Department Hazardous Devices Unit - 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

The Police Department has been awarded \$372,000 from the Bureau of Justice Assistance (BJA). The Police Department was invited to apply for the Byrne Discretionary Community Project Grants/Byrne Discretionary Grants Program for FY24/25 to purchase replacement equipment for the Hazardous Devices Unit (bomb squad).

This item must be read on two separate days. It received its first reading on September 4. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The Portland Police Department fields one of just three FBI accredited bomb squads in the State of Maine. The FBI Hazardous Devices school is the only facility in the country that trains and certifies public safety bomb technicians while the National Bomb Squad Commanders Advisory Board establishes standards for accredited bomb squads to include training and equipment requirements.

The standardization of training and equipment is critical to multi-jurisdictional response to large scale events as demonstrated by the Boston Marathon bombing: nearly 50 technicians from local, state, and federal agencies worked together to clear two major scenes which had forced closure of significant portions of the area. This was feasible because the technicians operated from the same playbook and were trained to use the same equipment.

The PPD HDU was accredited in 2005 with much of the required equipment purchased using Homeland

Security grant funds in 2004 and 2005. These items This includes the team's F6A robot, a portable xray unit, and bomb suits. Required for accreditation, these items are critical to the safety of bomb technicians.

The robot offers the technicians an opportunity to approach, examine, x-ray, and, if necessary, render safe, a suspicious package or IED while remaining at a safe distance.

In 2021, the robot vendor (Remotec) advised that it would no longer support or service the F6A robot. Now 18 years old, the robot is due for replacement and failure to do so before the existing robot becomes obsolete, will result in loss of accreditation for the PPD HDU.

Similarly, the team's x-ray machine is now obsolete. The x-ray machine is also critical to team safety and effectiveness as it allows technicians to view the internal components of suspicious items facilitating their ability to declare a device safe or render it safe. It also expedites the process of clearing a device and minimizing disruption within the City. New x-ray machines also provide wireless communication which allows a radiograph to be transmitted to the technician for interpretation rather than requiring the robot to physically carry the radiograph back.

Finally, two of the protective suits used by the technicians are in need of replacement. These, which include helmets and hand wear, were purchased in 2004 and are well past the recommended usable life of Kevlar which is five years. The material begins to degrade after 5 decreasing the efficacy of the suits and increasing the possibility of injury to the technician.

The Portland HDU has deployed nearly 100 times since its inception in 2005. Just over half of those calls were to addresses in Portland while the remainder includes response to towns in Cumberland County ranging from Brunswick to the north, Scarborough to the south, and Windham to the west. The team has also responded to Sagadahoc and York County several times. These calls include reports of suspicious packages, recovery of military or civilian ordinance, or the rendering safe of improvised explosive devices. The team also provides support at large scale public events including the Boston Marathon, Portland's 4th of July celebration and VIP visits to include presidential candidates.

Failure to replace the HDU equipment would force local communities to wait for a response from Bangor or the State Police. A good example of the impact of this is presented by a call to Maine Medical Center last year for a suspicious package left outside the entrance. Upon locating the item, MMC evacuated the front entrance area, closed the hospital to visitors, and diverted ambulances. Portland HDU members were able to respond within minutes and clear the package (a non-explosive device designed to look like a pipe bomb) in less than two hours.

The hospital was able to resume normal operations in less than the time it would have taken for an outside bomb squad to even respond to the scene.

Note that this award will be used in combination with a Homeland Security award through the Cumberland County Emergency Management Agency which has already been accepted by Council. The combined awards will be sufficient to cover the cost of the robot, x-ray machine, and up to four bomb suits.

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 - Accepting and Appropriating a \$372,000 Grant from the Bureau of Justice Assistance to Purchase Replacement Equipment for the Hazardous Devices
2. HDU CDS Award_Package_FAW-181888

Prepared by:

Date: 09/06/2024

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

CITY OF PORTLAND
IN THE CITY COUNCIL

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

**ORDER ACCEPTING AND APPROPRIATING A \$372,000 UNITED STATES
DEPARTMENT OF JUSTICE ASSISTANCE GRANT FOR
THE POLICE DEPARTMENT'S HAZARDOUS DEVICES UNIT**

ORDERED, that a United States Department of Justice Grant in the amount of \$372,000 is hereby accepted and appropriated to the Portland Police Department to purchase replacement equipment for the Hazardous Devices Unit; and

BE IT FURTHER ORDERED, that the City Manager or designee is hereby authorized to execute the Grant Agreement in substantially the form attached hereto and whatever other documents are necessary to affect the intent and purpose of the agreement and this order.



Department of Justice (DOJ)

Office of Justice Programs

Bureau of Justice Assistance

Washington, D.C. 20531

Name and Address of Recipient: CITY OF PORTLAND POLICE DEPARTMENT
109 MIDDLE ST

City, State and Zip: PORTLAND, ME 04101

Recipient UEI: EJSBN16HRDC5

Project Title: Police Department Equipment **Award Number:** 15PBJA-24-GG-00166-BRND

Solicitation Title: BJA FY24 Invited to Apply- Byrne Discretionary Community Project Grants/Byrne Discretionary Grants Program

Federal Award Amount: \$372,000.00 **Federal Award Date:** 8/15/24

Awarding Agency: Office of Justice Programs
Bureau of Justice Assistance

Funding Instrument Type: Grant

Opportunity Category: D

Assistance Listing:

16.753 - Congressionally Recommended Awards

Project Period Start Date: 3/9/24 **Project Period End Date:** 4/30/27

Budget Period Start Date: 3/9/24 **Budget Period End Date:** 4/30/27

Project Description:

The Portland Police Department is seeking to replace equipment utilized by our FBI-certified Hazardous Devices Unit (HDU). The Portland PD HDU (aka bomb squad) is one of just three FBI certified teams in the State of Maine. Team members are trained and equipped to identify, neutralize, and dispose of explosives other hazardous materials in a manner which minimizes the threat to public safety. The team's existing equipment, which is required to maintain certification was primarily purchased in the 2004 and 2005 and has reached the end of its useful life and is due to be replaced.

Award Letter

August 15, 2024

Dear Mark Dubois,

On behalf of Attorney General Merrick B. Garland, it is my pleasure to inform you the Office of Justice Programs (OJP) has approved the application submitted by CITY OF PORTLAND POLICE DEPARTMENT for an award under the funding opportunity entitled 2024 BJA FY24 Invited to Apply- Byrne Discretionary Community Project Grants/Byrne Discretionary Grants Program. The approved award amount is \$372,000.

Review the Award Instrument below carefully and familiarize yourself with all conditions and requirements before accepting your award. The Award Instrument includes the Award Offer (Award Information, Project Information, Financial Information, and Award Conditions) and Award Acceptance. For COPS Office and OVW funding the Award Offer also includes any Other Award Documents.

Please note that award requirements include not only the conditions and limitations set forth in the Award Offer, but also compliance with assurances and certifications that relate to conduct during the period of performance for the award. These requirements encompass financial, administrative, and programmatic matters, as well as other important matters (e.g., specific restrictions on use of funds). Therefore, all key staff should receive the award conditions, the assurances and certifications, and the application as approved by OJP, so that they understand the award requirements. Information on all pertinent award requirements also must be provided to any subrecipient of the award.

Should you accept the award and then fail to comply with an award requirement, DOJ will pursue appropriate remedies for non-compliance, which may include termination of the award and/or a requirement to repay award funds.

Prior to accepting the award, your Entity Administrator must assign a Financial Manager, Grant Award Administrator, and Authorized Representative(s) in the Justice Grants System (JustGrants). The Entity Administrator will need to ensure the assigned Authorized Representative(s) is current and has the legal authority to accept awards and bind the entity to the award terms and conditions. To accept the award, the Authorized Representative(s) must accept all parts of the Award Offer in the Justice Grants System (JustGrants), including by executing the required declaration and certification, within 45 days from the award date.

To access your funds, you will need to enroll in the Automated Standard Application for Payments (ASAP) system, if you haven't already completed the enrollment process in ASAP. The Entity Administrator should have already received an email from ASAP to initiate this process.

Congratulations, and we look forward to working with you.

Brent J. Cohen
Acting Assistant Attorney General

Office for Civil Rights Notice for All Recipients

The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) enforces federal civil rights laws and other provisions that prohibit discrimination by recipients of federal financial assistance from OJP, the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW).

Several civil rights laws, including Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, require recipients of federal financial assistance (recipients) to give assurances that they will comply with those laws. Taken together, these and other civil rights laws prohibit recipients from discriminating in the provision of services and employment because of race, color, national origin, religion, disability, and sex or from discriminating in the provision of services on the bases of age.

Some recipients of DOJ financial assistance have additional obligations to comply with other applicable nondiscrimination provisions like the Omnibus Crime Control and Safe Streets Act of 1968, which prohibits

discrimination on the basis of religion in addition to race, color, national origin, and sex. Recipients may also have related requirements regarding the development and implementation of equal employment opportunity programs.

OCR provides technical assistance, training, and other resources to help recipients comply with civil rights obligations. Further, OCR administratively enforces civil rights laws and nondiscrimination provisions by investigating DOJ recipients that are the subject of discrimination complaints. In addition, OCR conducts compliance reviews of DOJ recipients based on regulatory criteria. These investigations and compliance reviews permit OCR to evaluate whether DOJ recipients are providing services to the public and engaging in employment practices in a nondiscriminatory manner.

For more information about OCR, your civil rights and nondiscrimination responsibilities, how to notify your employees or beneficiaries of their civil rights protections and responsibilities and how to file a complaint, as well as technical assistance, training, and other resources, please visit www.ojp.gov/program/civil-rights-office/outreach. If you would like OCR to assist you in fulfilling your civil rights or nondiscrimination responsibilities, please contact us at askOCR@ojp.usdoj.gov or www.ojp.gov/program/civil-rights-office/about#ocr-contacts.

Memorandum Regarding NEPA

NEPA Letter Type
OJP - Categorical Exclusion

NEPA Letter

None of the following activities will be conducted whether under the Office of Justice Programs federal action or a related third party action:

- (1) New construction
- (2) Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including property (a) listed on or eligible for listing on the National Register of Historic Places, or (b) located within a 100-year flood plain, a wetland, or habitat for an endangered species
- (3) A renovation that will change the basic prior use of a facility or significantly change its size
- (4) Research and technology whose anticipated and future application could be expected to have an effect on the environment
- (5) Implementation of a program involving the use of chemicals (including the identification, seizure, or closure of clandestine methamphetamine laboratories)

Additionally, the proposed action is neither a phase nor a segment of a project that when reviewed in its entirety would not meet the criteria for a categorical exclusion.

Consequently, the subject federal action meets the Office of Justice Programs' criteria for a categorical exclusion as contained in paragraph 4(b) of Appendix D to Part 61 of Title 28 of the Code of Federal Regulations.

Questions about this determination may be directed to your grant manager or Orbin Terry, Environmental Coordinator for the Bureau of Justice Assistance.

NEPA Coordinator

First Name	Middle Name	Last Name
Orbin		Terry

Award Information

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

Recipient Information

Recipient Name
CITY OF PORTLAND POLICE DEPARTMENT

UEI
EJSBN16HRDC5

Street 1
109 MIDDLE ST

Street 2

City
PORTLAND

State/U.S. Territory
Maine

Zip/Postal Code
04101

Country
United States

County/Parish

Province

Award Details

Federal Award Date
8/15/24

Award Type
Initial

Award Number
15PBJA-24-GG-00166-BRND

Supplement Number
00

Federal Award Amount
\$372,000.00

Funding Instrument Type
Grant

Assistance Listing Number	Assistance Listings Program Title
16.753	Congressionally Recommended Awards

Statutory Authority
Department of Justice Appropriations Act, 2024 (Pub. L. No. 118-42, 138 Stat. 25, 146-47)

[]
I have read and understand the information presented in this section of the Federal Award Instrument.

Project Information

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

Solicitation Title

2024 BJA FY24 Invited to Apply- Byrne Discretionary
Community Project Grants/Byrne Discretionary Grants
Program

Awarding Agency

OJP

Program Office

BJA

Application Number

GRANT14137439

Grant Manager Name

Danielle Whitestone

Phone Number

[202-598-0190](tel:202-598-0190)

E-mail Address

Danielle.Whitestone@usdoj.gov

Project Title

Police Department Equipment

Performance Period Start

Date

03/09/2024

Performance Period End Date

04/30/2027

Budget Period Start Date

03/09/2024

Budget Period End Date

04/30/2027

Project Description

The Portland Police Department is seeking to replace equipment utilized by our FBI-certified Hazardous Devices Unit (HDU). The Portland PD HDU (aka bomb squad) is one of just three FBI certified teams in the State of Maine. Team members are trained and equipped to identify, neutralize, and dispose of explosives other hazardous materials in a manner which minimizes the threat to public safety. The team's existing equipment, which is required to maintain certification was primarily purchased in the 2004 and 2005 and has reached the end of its useful life and is due to be replaced.

[]

I have read and understand the information presented in this section of the Federal Award Instrument.

Financial Information

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

A financial analysis of budgeted costs has been completed. Costs under this award appear reasonable, allowable, and consistent with existing guidelines. Exceptions / Adjustments are noted below.

Year 1	Total
Personnel	
\$0	\$0

Fringe Benefits	
\$0	\$0
Travel	
\$0	\$0
Equipment	
\$372,000	\$372,000
Supplies	
\$0	\$0
Construction	
\$0	\$0
SubAwards	
\$0	\$0
Procurement Contracts	
\$0	\$0
Other Costs	
\$0	\$0
Total Direct Costs	
\$372,000	\$372,000
Indirect Costs	
\$0	\$0
Total Project Costs	
\$372,000	\$372,000
Spacer	
Federal	
Non-Federal	
Year1	
\$372,000	

\$0

Spacer

\$372,000

\$0

Budget Totals

	Total	Percentage
Total Project Cost	\$372,000	
Federal Funds	\$372,000	100.00~symbolPlaceholder~
Non-Federal Amount	\$0	0.00~symbolPlaceholder~
Match Amount	\$0	0.00~symbolPlaceholder~
Program Income	\$ 0	

0.00~symbolPlaceholder~

Empty Space

Budget Category

Personnel

Fringe Benefits

Travel

Equipment

Supplies

Construction

SubAwards

Procurement Contracts

Other Costs

Indirect Costs

[]
I have read and understand the information presented in this section of the Federal Award Instrument.

Award Conditions

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

1

Meaningful access requirement for individuals with limited English proficiency

The recipient, and any subrecipient at any tier, must take reasonable steps to ensure that individuals with limited English proficiency (LEP) have meaningful access to their programs and activities to comply with Title VI of the Civil Rights Act of 1964 (Title VI), which prohibits discrimination on the basis of national origin, including discrimination against individuals with LEP. Such steps may require providing language assistance services, such as interpretation or translation services. The Department of Justice guidance on compliance with this requirement may be found at "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" (67 Fed. Reg. 41455-41472) (<https://www.federalregister.gov/d/02-15207>) and is incorporated by reference here.

2

Compliance with general appropriations-law restrictions on the use of federal funds (FY 2024)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions that may be set out in applicable appropriations acts are indicated at <https://ojp.gov/funding/Explore/FY24AppropriationsRestrictions.htm>, and are incorporated by reference here.

Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

3

Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award.

Limited Exceptions. In certain special circumstances, the U.S. Department of Justice ("DOJ") may determine that it will not enforce, or enforce only in part, one or more requirements otherwise applicable to the award. Any such exceptions regarding enforcement, including any such exceptions made during the period of performance, are (or will be during the period of performance) set out through the Office of Justice Programs ("OJP") webpage entitled "Legal Notices: Special circumstances as to particular award conditions" (ojp.gov/funding/Explore/LegalNotices-AwardReqs.htm), and incorporated by reference into the award.

By signing and accepting this award on behalf of the recipient, the authorized recipient official accepts all material requirements of the award, and specifically adopts, as if personally executed by the authorized recipient official, all assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance.

Failure to comply with one or more award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or an assurance or certification related to conduct during the award period -- may result in OJP taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. DOJ, including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621,

and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or -unenforceable, such provision shall be deemed severable from this award.

4

Effect of failure to address audit issues

The recipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

5

Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this award from OJP.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>.

Record retention and access: Records pertinent to the award that the recipient (and any subrecipient ("subgrantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies -- and to which the recipient (and any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.334.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

6

Reporting potential fraud, waste, and abuse, and similar misconduct

The recipient, and any subrecipients ("subgrantees") at any tier, must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award-- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by--(1) online submission accessible via the OIG webpage at <https://oig.justice.gov/hotline/contact-grants.htm> (select "Submit Report Online"); (2) mail directed to: U.S. Department of Justice, Office of the Inspector General, Investigations Division, ATTN: Grantee Reporting, 950 Pennsylvania Ave., NW, Washington, DC 20530; and/or (3) by facsimile directed to the DOJ OIG Investigations Division (Attn: Grantee Reporting) at (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline>.

7

Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38.

Among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38 also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

Recipients and subrecipients that provide social services under this award must give written notice to beneficiaries and prospective beneficiaries prior to the provision of services (if practicable) which shall include language substantially similar to the language in 28 CFR Part 38, Appendix C, sections (1) through (4). A sample written notice may be found at <https://www.ojp.gov/program/civil-rights-office/partnerships-faith-based-and-other-neighborhood-organizations>.

In certain instances, a faith-based or religious organization may be able to take religion into account when making hiring decisions, provided it satisfies certain requirements. For more information, please see <https://www.ojp.gov/funding/explore/legaloverview2024/civilrightsrequirements>.

8

Requirements related to "de minimis" indirect cost rate

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.

9

Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "DOJ Grants Financial Guide").

10

Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

11

Compliance with DOJ Grants Financial Guide

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance. The recipient agrees to comply with the DOJ Grants Financial Guide.

12

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

Among other items, 28 C.F.R. § 42.106(d), 28 C.F.R. § 42.405(c), and 28 C.F.R. § 42.505(f) contain notice requirements that covered recipients must follow regarding the dissemination of information regarding federal nondiscrimination requirements.

13

Determination of suitability to interact with participating minors

SCOPE. This condition applies to this award if it is indicated -- in the application for the award (as approved by DOJ)(or in the application for any subaward, at any tier), the DOJ funding announcement (solicitation), or an associated federal statute -- that a purpose of some or all of the activities to be carried out under the award (whether by the recipient, or a subrecipient at any tier) is to benefit a set of individuals under 18 years of age.

The recipient, and any subrecipient at any tier, must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status.

The details of this requirement are posted on the OJP web site at <https://ojp.gov/funding/Explore/Interact-Minors.htm> (Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors), and are incorporated by reference here.

14

Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency outside of DOJ

If the recipient is designated "high risk" by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to OJP by email at OJP.ComplianceReporting@ojp.usdoj.gov. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency.

15

Employment eligibility verification for hiring under the award

1. The recipient (and any subrecipient at any tier) must--

A. Ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the recipient (or any subrecipient) properly verifies the employment eligibility of the individual who is being hired, consistent with the provisions of 8 U.S.C. 1324a(a)(1).

B. Notify all persons associated with the recipient (or any subrecipient) who are or will be involved in activities under this award of both--

(1) this award requirement for verification of employment eligibility, and

(2) the associated provisions in 8 U.S.C. 1324a(a)(1) that, generally speaking, make it unlawful, in the United States, to hire (or recruit for employment) certain aliens.

C. Provide training (to the extent necessary) to those persons required by this condition to be notified of the award requirement for employment eligibility verification and of the associated provisions of 8 U.S.C. 1324a(a)(1).

D. As part of the recordkeeping for the award (including pursuant to the Part 200 Uniform Requirements), maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with Form I-9 record retention requirements, as well as records of all pertinent notifications and trainings.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

A. Staff involved in the hiring process

For purposes of this condition, persons "who are or will be involved in activities under this award" specifically includes (without limitation) any and all recipient (or any subrecipient) officials or other staff who are or will be involved in the hiring process with respect to a position that is or will be funded (in whole or in part) with award funds.

B. Employment eligibility confirmation with E-Verify

For purposes of satisfying the requirement of this condition regarding verification of employment eligibility, the recipient (or any subrecipient) may choose to participate in, and use, E-Verify (www.e-verify.gov), provided an appropriate person authorized to act on behalf of the recipient (or subrecipient) uses E-Verify (and follows the proper E-Verify procedures, including in the event of a "Tentative Nonconfirmation" or a "Final Nonconfirmation") to confirm employment eligibility for each hiring for a position in the United States that is or will be funded (in whole or in part) with award funds.

C. "United States" specifically includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

D. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

E. Nothing in this condition, including in paragraph 4.B., shall be understood to relieve any recipient, any subrecipient at any tier, or any person or other entity, of any obligation otherwise imposed by law, including 8 U.S.C. 1324a(a)(1).

Questions about E-Verify should be directed to DHS. For more information about E-Verify visit the E-Verify website (<https://www.e-verify.gov/>) or email E-Verify at E-Verify@dhs.gov. E-Verify employer agents can email E-Verify at E-VerifyEmployerAgent@dhs.gov.

Questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

16

Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

17

Reclassification of various statutory provisions to a new Title 34 of the United States Code

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially

reclassified (that is, moved and renumbered) to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

18

Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient--

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--

a. it represents that--

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

19

OJP Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <https://www.ojp.gov/funding/implement/training-guiding-principles-grantees-and-subgrantees>.

20

Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$250,000

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$250,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at <https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$250,000)), and are incorporated by reference here.

21

Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by the DOJ awarding agency, must seek a budget-modification or change-of-project-scope Grant Award Modification (GAM) to eliminate any inappropriate duplication of funding.

22

Required training for Grant Award Administrator and Financial Manager

The Grant Award Administrator and all Financial Managers for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after January 1, 2021, will satisfy this condition.

In the event that either the Grant Award Administrator or a Financial Manager for this award changes during the period of performance, the new Grant Award Administrator or Financial Manager must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after the date the Entity Administrator enters updated Grant Award Administrator or Financial Manager information in JustGrants. Successful completion of such a training on or after January 1, 2021, will satisfy this condition.

A list of OJP trainings that OJP will consider "OJP financial management and grant administration training" for purposes of this condition is available at <https://onlinegfmt.training.ojp.gov/>. All trainings that satisfy this condition include a session on grant fraud prevention and detection.

The recipient should anticipate that OJP will immediately withhold ("freeze") award funds if the recipient fails to comply with this condition. The recipient's failure to comply also may lead OJP to impose additional appropriate conditions on this award.

23

Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a

gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

24

Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

25

Potential imposition of additional requirements

The recipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the recipient is designated as "high-risk" for purposes of the DOJ high-risk grantee list.

26

Requirement to report actual or imminent breach of personally identifiable information (PII)

The recipient (and any "subrecipient" at any tier) must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient) -- (1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "Personally Identifiable Information (PII)" (2 CFR 200.1) within the scope of an OJP grant-funded program or activity, or (2) uses or operates a "Federal information system" (OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to an OJP Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

27

Requirements related to System for Award Management and Universal Identifier Requirements

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov/>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <https://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated

to any business or non-profit organization that he or she may own or operate in his or her name).

28

Compliance with restrictions on the use of federal funds--prohibited and controlled equipment under OJP awards

Consistent with Executive Order 14074, "Advancing Effective, Accountable Policing and Criminal Justice Practices To Enhance Public Trust and Public Safety," OJP has prohibited the use of federal funds under this award for purchases or transfers of specified equipment by law enforcement agencies. In addition, OJP requires the recipient, and any subrecipient ("subgrantee") at any tier, to put in place specified controls prior to using federal funds under this award to acquire or transfer any property identified on the "controlled equipment" list. The details of the requirement are posted on the OJP web site at <https://www.ojp.gov/funding/explore/prohibited-and-controlled-equipment> (Award condition: Compliance with restrictions on the use of federal funds--prohibited and controlled equipment under OJP awards), and are incorporated by reference here.

29

Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

30

All subawards ("subgrants") must have specific federal authorization

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.

31

Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

Among other items, 28 C.F.R. § 54.140 contains notice requirements that covered recipients must follow regarding the dissemination of information regarding federal nondiscrimination requirements.

32

The recipient understands that, in accepting this award, the Authorized Representative declares and certifies, among other things, that he or she possesses the requisite legal authority to accept the award on behalf of the recipient entity and, in so doing, accepts (or adopts) all material requirements that relate to conduct throughout the period of performance under this award. The recipient further understands, and agrees, that it will not assign anyone to the role of Authorized Representative during the period of performance under the award without first ensuring that the individual has the requisite legal authority.

33

Verification and updating of recipient contact information

The recipient must verify its Grant Award Administrator, Financial Manager, and Authorized Representative contact information in JustGrants, including telephone number and e-mail address. If any information is incorrect or has changed, the award recipient's Entity Administrator must make changes to contact information through DIAMD. Instructions on how to update contact information in JustGrants can be found at <https://justicegrants.usdoj.gov/training/training-entity-management>.

34

FFATA reporting: Subawards and executive compensation

The recipient must comply with applicable requirements to report first-tier subawards ("subgrants") of \$30,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients (first-tier "subgrantees") of award funds. The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the OJP web site at <https://ojp.gov/funding/Explore/FFATA.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here.

This condition, including its reporting requirement, does not apply to-- (1) an award of less than \$30,000, or (2) an award made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

35

Body-worn cameras, policies and procedures

In accepting this award, the recipient agrees not to use award funds for purchases of body-worn cameras or related expenses for any agency unless that agency has policies and procedures in place that reinforce appropriate agency Use of Force policies and training and address technology usage, evidence acquisition, data storage and retention, as well as privacy issues, accountability and discipline.

36

Body armor - compliance with NIJ standards and other requirements

Ballistic-resistant and stab-resistant body armor purchased with award funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the body armor has been tested and found to comply with applicable National Institute of Justice ballistic or stab standards, and is listed on the NIJ Compliant Body Armor Model List. In addition, ballistic-resistant and stab-resistant body armor purchased must be made in the United States and must be uniquely fitted, as set forth in 34 U.S.C. 10202(c)(1)(A). The latest NIJ standard information and the NIJ Compliant Body Armor List may be found by following the links located on the NIJ Body Armor page: <https://nij.ojp.gov/topics/equipment-and-technology/body-armor>. In addition, if recipient uses funds under this award to purchase body armor, the recipient is strongly encouraged to have a "mandatory wear" policy in effect. There are no requirements regarding the nature of the policy other than it be a mandatory wear policy for all uniformed officers while on duty.

37

The recipient agrees to comply with OJP grant monitoring guidelines, protocols, and procedures, and to cooperate with BJA and OCFO on all grant monitoring requests, including requests related to desk reviews, enhanced programmatic desk reviews, and/or site visits. The recipient agrees to provide to BJA and OCFO all documentation necessary to complete monitoring tasks, including documentation related to any subawards made under this award. Further, the

recipient agrees to abide by reasonable deadlines set by BJA and OCFO for providing the requested documents. Failure to cooperate with BJA's/OCFO's grant monitoring activities may result in sanctions affecting the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to grant funds; referral to the Office of the Inspector General for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).

38

Any written, visual, or audio publications funded in whole or in part under this award, with the exception of press releases, shall contain the following statements: "This project was supported by Grant No. <AWARD_NUMBER> awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice." The current edition of the DOJ Grants Financial Guide provides guidance on allowable printing and publication activities.

39

Any Web site that is funded in whole or in part under this award must include the following statement on the home page, on all major entry pages (i.e., pages (exclusive of documents) whose primary purpose is to navigate the user to interior content), and on any pages from which a visitor may access or use a Web-based service, including any pages that provide results or outputs from the service: "This Web site is funded in whole or in part through a grant from the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. Neither the U.S. Department of Justice nor any of its components operate, control, are responsible for, or necessarily endorse, this Web site (including, without limitation, its content, technical infrastructure, and policies, and any services or tools provided)." The full text of the foregoing statement must be clearly visible on the home page. On other pages, the statement may be included through a link, entitled "Notice of Federal Funding and Federal Disclaimer," to the full text of the statement.

40

Confidentiality of data

The recipient (and any subrecipient at any tier) must comply with all confidentiality requirements of 34 U.S.C. 10231 and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. The recipient further agrees, as a condition of award approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, 28 C.F.R. 22.23.

41

The recipient agrees to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within this project.

42

Protection of human research subjects

The recipient (and any subrecipient at any tier) must comply with the requirements of 28 C.F.R. Part 46 and all OJP policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.

43

Justification of consultant rate

Approval of this award does not indicate approval of any consultant rate in excess of \$650 per day. A detailed justification must be submitted to and approved by the OJP program office prior to obligation or expenditure of such funds.

44

The recipient agrees that no funds under this grant award (including via subcontract or subaward, at any tier) may be used for unmanned aircraft systems (UAS), which includes unmanned aircraft vehicles (UAV), or for any accompanying accessories to support UAS.

45

Compliance with 28 C.F.R. Part 23

With respect to any information technology system funded or supported by funds under this award, the recipient (and any subrecipient at any tier) must comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 34 U.S.C. 10231(c)-(d). The recipient may not satisfy such a fine with federal funds.

46

Justice Information Sharing

Information sharing projects funded under this award must comply with DOJ's Global Justice Information Sharing Initiative (Global) guidelines. The recipient (and any subrecipient at any tier) must conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: https://it.ojp.gov/gsp_grantcondition. The recipient (and any subrecipient at any tier) must document planned approaches to information sharing and describe compliance with the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.

47

In accepting this award, the recipient agrees that grant funds cannot be used for Facial Recognition Technology (FRT) unless the recipient has policies and procedures in place to ensure that the FRT will be utilized in an appropriate and responsible manner that promotes public safety, and protects privacy, civil rights, and civil liberties and complies with all applicable provisions of the U.S. Constitution, including the Fourth Amendment's protection against unreasonable searches and seizures and the First Amendment's freedom of association and speech, as well as other laws and regulations. Recipients utilizing funds for FRT must make such policies and procedures available to DOJ upon request.

48

The recipient agrees that it will submit quarterly financial status reports (the SF 425 Federal Financial Report) to OJP in JustGrants, no later than the deadlines set out in the DOJ Financial Guide and the JustGrants guidance (typically 30 days after the end of each calendar quarter). Delinquent reports may lead to funds being frozen and other remedies.

49

The recipient shall submit semiannual performance reports. Performance reports shall be submitted within 30 days after the end of the reporting periods, which are June 30 and December 31, for the life of the award. These reports will be submitted to the Office of Justice Programs, on-line through the Internet at <https://justgrants.usdoj.gov>

50

As of the first day of the period of performance for the award, the recipient may choose to incur project costs using non-federal funds, but any such project costs are incurred at the recipient's risk until, at a minimum, all applicable withholding conditions are removed by OJP (via an Award Condition Modification (ACM)).

Except to the extent (if any) that an award condition expressly precludes reimbursement of project costs incurred "at-risk," if and when the recipient makes a valid acceptance of this award and OJP removes each applicable withholding condition through an Award Condition Modification (ACM), the recipient is authorized to reimburse itself for project costs incurred "at-risk" earlier during the period of performance (such as project costs incurred prior to award acceptance or prior to removal of an applicable withholding condition), provided that those project costs otherwise are allowable costs under the award.

51

Limit on use of grant funds for grantees' employees' salaries

With respect to this award, federal funds may not be used to pay cash compensation (salary plus bonuses) to any employee of the award recipient at a rate that exceeds 110% of the maximum annual salary payable to a member of the federal government's Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year. (An award recipient may compensate an employee at a higher rate, provided the amount in excess of this compensation limitation is paid with non-federal funds.)

This limitation on compensation rates allowable under this award may be waived on an individual basis at the discretion of the OJP official indicated in the program announcement under which this award is made.

[]
I have read and understand the information presented in this section of the Federal Award Instrument.

Award Acceptance

Declaration and Certification to the U.S. Department of Justice as to Acceptance

By checking the declaration and certification box below, I--

- A. Declare to the U.S. Department of Justice (DOJ), under penalty of perjury, that I have authority to make this declaration and certification on behalf of the applicant.
- B. Certify to DOJ, under penalty of perjury, on behalf of myself and the applicant, to the best of my knowledge and belief, that the following are true as of the date of this award acceptance: (1) I have conducted or there was conducted (including by applicant's legal counsel as appropriate and made available to me) a diligent review of all terms and conditions of, and all supporting materials submitted in connection with, this award, including any assurances and certifications (including anything submitted in connection therewith by a person on behalf of the applicant before, after, or at the time of the application submission and any materials that accompany this acceptance and certification); and (2) I have the legal authority to accept this award on behalf of the applicant.
- C. Accept this award on behalf of the applicant.
- D. Declare the following to DOJ, under penalty of perjury, on behalf of myself and the applicant: (1) I understand that, in taking (or not taking) any action pursuant to this declaration and certification, DOJ will rely upon this declaration and certification as a material representation; and (2) I understand that any materially false, fictitious, or fraudulent information or statement in this declaration and certification (or concealment or omission of a material fact as to either) may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. §§ 10271-10273), and also may subject me and the applicant to civil penalties and administrative remedies under the federal False Claims Act (including under 31 U.S.C. §§ 3729-3730 and/or §§ 3801-3812) or otherwise.

Agency Approval

Title of Approving Official	Name of Approving Official	Signed Date And Time
Acting Assistant Attorney General	Brent J. Cohen	8/9/24 8:36 PM

Authorized Representative

Entity Acceptance

Title of Authorized Entity Official
Police Chief

Signed Date And Time
—

MEMORANDUM
City Council Agenda Item

FROM:

DATE: September 3, 2024

SUBJECT: Order 57-24/25 Authorizing the Appropriation of \$250,000 as the Local Match for the Reconnecting Communities and Neighborhoods Grant Application for the Design Phase of the Franklin Street Project - Sponsored by Danielle West, City Manager

SPONSOR: Danielle West, City Manager

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 9/16/2024

Final

Action 9/16/2024

Can action be taken at a later date: No Council approval is needed for the commitment of local funds towards the MaineDOT's Reconnecting Communities Grant application. The grant application deadline is September 30, 2024.

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

PRESENTATION: Kevin Kraft, Director, Bruce Hyman, Transportation Program Manager

I. SUMMARY

The City Council is being asked to approve the use of existing impact fee funds in the total of \$250,000 in order to provide a 10% local match for the MaineDOT *Reconnecting Communities and Neighborhoods* federal grant application for the Franklin Street Design phase.

II. AGENDA DESCRIPTION

The City Council is being asked to approve the use of existing impact fee funds in the total of \$250,000 in order to provide a 10% match for the MaineDOT *Reconnecting Communities and Neighborhoods* federal grant application for the Franklin Street Design phase, a \$2,500,000 total grant request. The remaining funding would be comprised of \$250,000 from MaineDOT and \$2,000,000 in federal funds, contingent upon the successful award of the grant. Franklin Street is a project for which collected impact fees may be used, as outlined in the City of Portland's *Impact Fee Study*. On September 11, the Sustainability and Transportation Committee unanimously recommended (2-0) to support the use of impact fee funds in order to provide a 10% local match. Staff requests that the second reading be waived to meet the grant submission deadline of September 30, 2024.

This item must be read on two separate days. Staff is requesting that the second reading be waived, which requires seven affirmative votes. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The City of Portland and the MaineDOT have entered into a Village Partnership Initiative (VPI) agreement to update the Franklin Street Master Plan (2015) through the Franklin Street Enhanced Project Scoping project. A Request for Proposals (RFP) for this work was released by the City of Portland on August 14, 2024, with proposals due by September 12, 2024. The Enhanced Project Scoping project is anticipated to be completed by January 2026. Once the Enhanced Project Scoping phase is completed, the project is expected to continue into engineering at the design phase.

In August of 2024, MaineDOT informed the City of its interest in applying for the *Reconnecting Communities and Neighborhoods* grant program to support the design phase for Franklin Street. The grant submission deadline is September 30, 2024. City staff supports pursuing this grant funding at this time. Applying for the *Reconnecting Communities and Neighborhoods* grant now will enable a seamless transition to the design phase, which is anticipated to begin in 2026, following the completion of the Enhanced Project Scoping project. Securing Reconnecting Communities grant funding for design will also help build a successful project track record and potentially increase the likelihood of receiving additional federal funding for construction.

As part of this effort, the City would contribute a 10% match on the total grant request of \$2,500,000, amounting to \$250,000. The remaining funding would be comprised of \$250,000 from MaineDOT and \$2,000,000 in federal funds, contingent upon the successful award of the grant. The match would be funded with previously-collected impact fee revenues; Franklin Street is a project for which transportation impact fees may be used, as outlined in the City of Portland's *Impact Fee Study*. The Impact Fee Ordinance was approved by the City Council on 11/19/2018 (Order 98-18/19).

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The Franklin Street project supports several Council goals, including sustainability, housing, equity, and the enhancement of multi-modal access and safety within our transportation network. Informed by various studies, this project will improve transportation access, safety, and the pedestrian experience while fostering new housing opportunities and economic development and restoring the city's fabric.

V. FINANCIAL IMPACT

These federal grants reduce the financial burden on the City by requiring a 10% local match versus 100% for implementing very large infrastructure projects.

VI. STAFF ANALYSIS AND BACKGROUND

The Franklin Street project has evolved over many years of study and public participation. The *Reclaiming Franklin Street* study was adopted by the City Council in 2009, establishing a design concept that converts Franklin Street to a more standard urban street and re-stores lost neighborhood connectivity to the street's east and west. The *Franklin Street Master Plan*, adopted by the Council in 2015, refined the urban street concepts from the *Reclaiming Franklin Street* study into a recommended street concept that included a reduced street footprint, improved bikeways and streetscapes, and street connectivity at Oxford, Newbury and Federal Streets.

At a September 2023 City Council workshop, city staff presented an update on Franklin Street, reintroducing the project to the Council and providing a rationale for revisiting and updating the Master Plan concept. The presentation included an overview of the changes that have occurred since 2015, including significant development along and nearby Franklin Street, post-pandemic shifts in traffic conditions, and the opportunity to obtain new significant federal funding for projects like Franklin Street. The strong sentiment of the Council at the workshop was that the time is right to re-engage with the public and advance an update to the Master Plan concept.

Subsequently, following Council support, the City of Portland and the MaineDOT have entered into a Village Partnership Initiative (VPI) agreement to update the Master Plan through the Franklin Street Enhanced Project Scoping project. A Request for Proposals (RFP) for this work was released by the City of Portland on August 14, 2024, and proposals are due by September 12, 2024. The Enhanced Project Scoping project is anticipated to be completed by January 2026.

VII. RECOMMENDATION

Staff recommends authorization of the use of impact fee funds to provide the local 10% match to the *Reconnecting Communities and Neighborhood* federal grant application.

VIII. LIST ATTACHMENTS

1. Order - Approving the Appropriation of 250k as the Local Match for Franklin St Desgin
2. Portland_FranklinStreetEPSVPI_FINAL_Fo_Apr09-2024

Prepared by:

Date: 09/03/2024

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 AUTHORIZING THE APPROPRIATION OF \$250,000 AS THE LOCAL
MATCH FOR THE RECONNECTING COMMUNITIES AND NEIGHBORHOODS
GRANT APPLICATION FOR THE DESIGN PHASE OF THE
FRANKLIN STREET DESIGN PROJECT**

WHEREAS, in 2009, the Portland City Council adopted the Reclaiming Franklin Street Study to establish a design concept that converts Franklin Street to a more standard urban street and restores lost neighborhood connectivity, which was further refined and developed by the 2015 Franklin Street Master Plan; and

WHEREAS, in accordance with the findings and guidance of a September 2023 City Council workshop, the City of Portland and the Maine Department of Transportation (MaineDOT) entered into a Village Partnership Initiative agreement to update the Franklin Street Master Plan to incorporate changes that have occurred since 2015; and

WHEREAS, in August of 2024, MaineDOT informed the City of its interest in applying for the Reconnecting Communities and Neighborhoods federal grant program to support the design phase for the Franklin Street project, with a total grant request of \$2,500,000; and

WHEREAS, the grant application requires a 10% local match, amounting to \$250,000; and

WHEREAS, the City's Impact Fee Study allows the use of impact fee revenues for transportation projects, which includes the Franklin Street design project.

NOW, THEREFORE, BE IT ORDERED THAT, the Portland City Council hereby approves the appropriation of \$250,000 from existing impact fee funds to provide the 10% local match required for the Reconnecting Communities and Neighborhoods federal grant program; and

BE IT FURTHER ORDERED, that the City Manager or designee is hereby authorized to execute whatever documents are necessary to effect the intent and purpose of this Order.

**MAINE DEPARTMENT OF TRANSPORTATION
PLANNING STUDY GRANT AGREEMENT
PLANNING PARTNERSHIP INITIATIVE
VILLAGE PARTNERSHIP INITIATIVE**

This Planning Study Grant Agreement (the "Agreement") is entered into by and among the State of Maine Department of Transportation ("MaineDOT") and the City of Portland, (the "Grantee").

RECITALS

1. MaineDOT has established the Planning Partnership Initiative ("PPI") to assist municipalities, Regional Planning Organizations, and other transportation stakeholders with locally-initiated transportation planning and feasibility studies by providing grant funds.
2. MaineDOT has also established the Village Partnership Initiative ("VPI"), which includes the Large Transformative Initiative intended to assist municipalities with the revitalization of village and downtown centers to make them more walkable, bicycle-friendly, and business-friendly, and as an initial step in this endeavor, provides grant funds under the VPI for locally-initiated planning and feasibility studies for developing a vision for village and downtown centers.
3. The terms and conditions of this Agreement apply equally to planning studies under the PPI and the VPI.
4. Grant funds for such planning studies ("Grant Funds") available under the PPI and the VPI are non-federal funds from MaineDOT to be matched by funds to be provided as set forth in this Agreement.
5. Grantee has applied to MaineDOT for Grant Funds to conduct a planning study in connection with the development of a portion of Franklin Street (also known as US Route 1A), approximately 0.80 of a mile from Commercial Street to the I-295 ramps at Back Cove. (the "Planning Study"). Appendix A, attached hereto and made a part hereof, includes the Scope of Work of the Planning Study.
6. In reliance on the representations made by Grantee in its application for Grant Funds for its Planning Study (the "Application"), which is incorporated by reference into and made part of this Agreement, MaineDOT has selected Grantee's Planning Study for Grant Funds subject to the terms of this Agreement.

7. Portland has agreed to fund a fixed amount to pay for the cost of the Planning Study, as set forth in this Agreement.

In consideration of the foregoing Recitals, which are integral to, and part of, this Agreement, and the mutual covenants and agreements contained herein, MaineDOT and the Grantee hereby agree as follows:

A. Grantee's Planning Study

1. Grantee will undertake and complete the Planning Study in accordance with the scope of work and in the study areas described in Grantee's Application. Grantee will not make any changes to the scope of work or study areas for the Planning Study unless it has received the prior written approval of MaineDOT.
2. Grantee will appoint a project manager to administer, oversee, and monitor the progress of the Planning Study ("Grantee's Project Manager"), who will be the primary contact for Grantee for the Planning Study. Grantee's Project Manager must be a certified Local Project Administrator ("LPA") under MaineDOT's Local Project Administration process or must make a reasonable effort to obtain LPA certification. Grantee will ensure that the Planning Study is conducted in accordance with the requirements of this Agreement, and all applicable federal, Maine, and local laws and regulations.
3. Grantee will retain a qualified consultant to conduct the Planning Study (the "Planning Consultant"), using the applicable selection method described in Chapter 2, "Hiring Consultants" of the *MaineDOT Local Project Administration Manual & Resource Guide* as currently in effect (the "LPA Manual"). MaineDOT will be a coparticipant with Grantee in evaluating Planning Consultant qualifications during the consultant selection process.
4. Grantee will not initiate the Planning Study until it receives MaineDOT's written authorization to proceed.
5. During the course of the Planning Study, MaineDOT will actively participate in Planning Study meetings and will provide planning, regulatory, and design and engineering input and guidance to Grantee and its Planning Consultant.
6. Grantee will complete the Planning Study no later than December 31, 2025 (the "Completion Date"), unless the Completion Date is extended by mutual written agreement of MaineDOT and Grantee. In the event Grantee foresees a delay in completing the Planning Study, Grantee will promptly inform MaineDOT of the anticipated delay and the reason(s) for the delay.
7. At the completion of the Planning Study, Grantee will provide to MaineDOT a copy of a Planning Study final report that includes a narrative of the Planning Study

process, a description of the alternatives considered and of the evaluation criteria for those alternatives, the preliminary preferred alternative with reasons, and illustrations of conceptual designs, with cross-sections, for the preferred alternative ("Final Report"). MaineDOT will review the Final Report to determine if it conforms to the requirements of this Agreement.

8. Any transportation improvements that result from the Planning Study must conform to MaineDOT's and the Grantee's design and engineering standards for federally-funded projects and to applicable Maine standards. Deviations from applicable design standards may require Grantee to seek a design exception to such standards, which will be considered at the sole discretion of MaineDOT's Chief Engineer.
9. The Grantee agrees that any future capital project that results from the Planning Study will include a local share of the costs of the project, which may be a municipal, private, or other non-federal share. MaineDOT and the Grantee acknowledge and agree, however, that participation in the Planning Study and their entry into this Agreement do not constitute a commitment by any of them to participate in any future studies or projects that may be recommended by the Planning Study or to incur any operational or capital costs therefor.
10. In any discussion of the Planning Study in a public forum, whether in-person or virtual, or in addressing public and media inquiries concerning the Planning Study, Grantee will introduce and refer to the Planning Study as locally-requested and sponsored. Grantee will provide meeting space and audio-visual aids during public meetings associated with the Planning Study and lead any public discussion of the Planning Study.

B. Funding of Planning Study

1. The full agreed cost of the Planning Study is \$300,000.00 (the "Full Agreed Cost").
2. MaineDOT will provide Grant Funds to Grantee for the Planning Study in a maximum amount of the lesser of \$150,000.00 or 50% of the final actual cost of the Planning Study (the "Final Cost") (the lesser of \$150,000.00 or 50% of the Final Cost hereinafter referred to as the "MaineDOT Share"). Grantee will use the Grant Funds only for the Planning Study and for no other purpose.
3. The Grantee will provide the balance of the Planning Study costs not covered by the MaineDOT Share ("Match") and any and all costs exceeding the Full Agreed Cost of \$300,000.00.
4. The disbursement of Grant Funds will be made on a reimbursement basis. During the course of the Planning Study, Grantee will advance all funds to pay the costs of the study prior to seeking reimbursement.

REIMBURSEMENT. The Grantee shall submit progress invoices to MaineDOT for reimbursement of the MaineDOT Share of costs incurred (at 50%, up to a limit of \$150,000), a minimum of every **six months**. Invoices shall be modeled after *Letter 4* from the LPA Manual and shall meet the following requirements:

- A. Each invoice shall include a progress report for the service period of the invoice.
 - B. Each invoice shall include enough backup to satisfy the MaineDOT Project Manager.
 - C. Each invoice shall show MaineDOT's and the Grantee's portions of Project costs, including a running total of costs invoiced to date.
 - D. Each invoice must be accompanied by fully paid invoices from the Grantee's consultant for the Planning Study supporting the reimbursement request.
 - E. The Grantee must certify that amounts claimed are correct and not claimed previously.
 - F. Upon completion of the Project and payment in full of all contracted parties, the Grantee shall submit to MaineDOT a final invoice modeled after *Letter 20* from the LPA Manual.
5. The final reimbursement request, which must be submitted to MaineDOT no later than February 28, 2026, must be accompanied by all the following:
- (1) A copy of the Final Report, if not previously provided to MaineDOT; and
 - (2) An itemized invoice showing (i) the MaineDOT WIN number; (ii) the total amount of the Final Cost; (iii) the MaineDOT Share due, if any, in terms of the dollar amount and the percentage of the Final Cost.

MaineDOT Review

MaineDOT will review any and all requests for disbursement of Grant Funds and supporting materials and may request additional information deemed necessary by MaineDOT before disbursing Grant Funds. In the event such information is not provided by Grantee, MaineDOT may elect to withhold Grant Funds, or a portion thereof, until such information is provided in acceptable form.

C. Termination; Funding

- 1. Grantee may, upon not less than ten (10) days advance written notice to MaineDOT, terminate the Planning Study prior to its completion, and in such event, Grantee will be solely responsible for paying all remaining unpaid costs incurred for the Planning Study, and MaineDOT will not be responsible for paying any portion thereof or any remaining unpaid portion of the MaineDOT Share. In the event of such termination

- by Grantee, Grantee will promptly provide to MaineDOT all Planning Study materials developed to the date of such termination.
2. MaineDOT may terminate this Agreement in the event of a material failure by Grantee to carry out its responsibilities under this Agreement that has not been cured to MaineDOT's satisfaction within the period of time specified by MaineDOT, and in the event of such termination, Grantee will be solely responsible for paying all remaining unpaid costs incurred for the Planning Study, and MaineDOT will not be responsible for paying any remaining unpaid portion of the MaineDOT Share or any other amount in connection with the Planning Study. In the event of such termination by MaineDOT, Grantee will promptly provide to MaineDOT all Planning Study materials developed to the date of such termination.
 3. Grantee acknowledges and agrees that MaineDOT's obligations under this Agreement are conditioned on the availability of funds to MaineDOT and on MaineDOT's continued authorization under applicable laws, regulations, or appropriations to use such funds for the purposes described in this Agreement, and in the event such funds become unavailable or may not legally be used by MaineDOT for the purposes described in this Agreement, MaineDOT will have the right to terminate this Agreement upon ten (10) days advance written notice to Grantee and will not be responsible for paying any remaining unpaid portion of the MaineDOT Share.

D. *Term of Agreement*

This Agreement will take effect as of the date last signed as indicated on the signature pages below and will expire at the close of December 31, 2025.

E. No Liability

Notwithstanding MaineDOT's selection of Grantee's Planning Study for an award of Grant Funds, or its provision of Grant Funds to Grantee or participation in the Planning Study as provided in this Agreement, MaineDOT will have no responsibility to Grantee, or their respective agents, consultants, or contractors or any other third party for any damages, costs, claims, demands, or causes of action arising from any errors or omissions relating to the Planning Study or the Final Report. Grantee is acting solely as an independent contractor and not as an agent of MaineDOT under this Agreement, and no other agency relationship is created under this Agreement with any party hereto.

F. Contact Information; Notices; Amendments; Signatures

- 1. MaineDOT’s Project Manager and Grantee’s Project Manager for this Agreement are set forth in Appendix A hereto.
- 2. Any notice provided for in this Agreement may be given by email.
- 3. This Agreement and its Appendix A may be amended only in a writing signed by MaineDOT and the Grantee.
- 4. This Agreement may be signed in counterparts, each of which will be deemed an original, but all of which together will constitute one and the same agreement. The parties agree that this Agreement and any related documents may be signed electronically and that any electronic signatures appearing on this Agreement and any related documents are the same as handwritten signatures for the purposes of validity, enforceability, and admissibility.

G. Nondiscrimination

The Grantee will not discriminate against any person on the basis of race, color, ethnicity, national origin, sex, sexual orientation, gender identity, religion, disability, age, or familial status.

In witness whereof, MaineDOT and the Grantee have executed this Agreement by their respective duly authorized representatives.

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION

4/9/2024

Date

DocuSigned by:
Nathan Moulton
4729E4FCD05E4F4...
By: _____
Nathan Moulton
Acting Director, Bureau of Planning

CITY OF PORTLAND

4/9/2024

Date

DocuSigned by:
Danielle West
1EEC433AA8304F4...
By: _____
Danielle West
City Manager, City of Portland