

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL FOURNIER (A/L)
BENJAMIN GRANT (A/L)



SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

SPECIAL CITY COUNCIL MEETING - JANUARY 22, 2025

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/7630/media>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

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

ANNOUNCEMENTS:

RECOGNITIONS:

PRESENTATIONS:

SPECIAL MEETING:

Special Meeting of the Corporator of the Creative Portland Corporation

Order 120-24/25 Appointing Director to the Board of the Creative Portland Corporation - Sponsored by Mark Dion, Chair of Legislative and Nominating Committee

If passed, this order would appoint the following individuals to the Creative Portland Corporation:

<u>Name</u>	<u>Board or Committee</u>	<u>Expiration of Term</u>
Zsofia McMullin	Creative Portland Corporation	11/30/2027

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 121-24/25 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>
Mary Hudson	Class A Director	10/31/2027
Matthew Moretti	Class C Director	10/31/2025

Five affirmative votes are required for passage after public comment.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

City Council Meeting- January 6, 2025

PROCLAMATIONS:

Proclamation 22-24/25 Recognizing Black History Month 2025 - Sponsored by Mark Dion, Mayor

APPOINTMENTS:

Order 122-24/25 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 & Commissions:

<u>Name</u>	<u>Board or Committee</u>	<u>Expiration of Term</u>
Kristin Dugas	Board of Assessment Review	9/30/2025
Lee Lowry	Board of Assessment Review	9/30/2025
Kristen Dunphey	CDBG	9/30/2025
Andrea Levinsky	CDBG	9/30/2025
Glenn Cummings	Harbor Commission	12/31/2027
Keith Bidwell	Police Citizen Review Board	3/31/2027
Nancy English	Zoning Board of Appeals	12/31/2027
Ryan Lizanecz	Zoning Board of Appeals	12/31/2027
Andrew Weaver	Zoning Board of Appeals	12/31/2027

Five affirmative votes are required for passage after public comment.

Order 123-24/25 Amending Order 110-24/25 by Adding and Removing Constables for the Portland Housing Authority - Sponsored by Danielle P. West, City Manager

This Order amends the list of appointed constables established under Order 110-24/25 for the Portland Housing Authority for the 2024 calendar year. Portland Housing Authority property managers are responsible for lease enforcement, including serving legal documents in eviction cases. In accordance with Maine law, certain documents can only be served by a Constable or Sheriff.

These appointments are effective from 12:01 a.m. on January 1, 2025 until 12:00 midnight, December 31, 2025, and are made pursuant to Portland City Code, Sections 2019 and 2019.5. Constables are not allowed to carry a firearm, concealed or unconcealed, in the performance of their duties, or to make arrests or issue parking tickets, except for the constables listed who work for the Parking Division and issue parking tickets as part of their job.

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 124-24/25 Granting Municipal Officers' Approval of Sandstorm LLC, dba Rising Tide Brewing Company. Application for Class III & IV with Combined Entertainment and Outdoor Dining on Private Property at 103 Fox Street - Sponsored by Danielle P. West, City Manager

Application was filed on 12/23/24. Transfer of ownership of an existing establishment. New City and State applications.

Five affirmative votes are required for passage of items on the consent calendar after public comment.

Order 125-24/25 Granting Municipal Officers' Approval of The Hideout LLC, dba Franciska. Application for Class I FSE at 111 Middle Street - Sponsored by Danielle P. West, City Manager

Application was filed on 12/27/24. Location was previously Cabana. New City and State applications.

Five affirmative votes are required for passage of items on the consent calendar after public comment.

COMMUNICATIONS:

Communication 8-24/25 Annual Report of the Land Bank Commission - by Simon Rucker, Land Bank Commission

This is a Communication of the 2024 Annual Report of the Land Bank Commission. The Land Bank annual report is required by City Code Chapter 2.

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

UNFINISHED BUSINESS:

Order 119-24/25 Approving and Appropriating a Federal Aviation Administration Administered Airport Improvement Program and Airport Infrastructure Federal Fiscal Year 2025 Grants - Sponsored by Danielle P. West, City Manager

The Federal Aviation Administration (FAA) issues grants to fund eligible safety, capacity, and terminal improvements to airports through several nationwide grant programs authorized under federal law. This item accepts and appropriates \$20.91 million in FAA federal grant funding to be awarded to the Jetport, \$840,000 in state of Maine matching funds, and \$4.39 million in Jetport unrestricted funds to cover matching and ineligible project costs. The allocation from each grant program and funding source is listed below.

FAA Airport Improvement Program (AIP)	\$4.80 million
FAA Airport Infrastructure Grant (AIG)	\$16.11 million
State of Maine matching funds	\$0.84 million
Jetport unrestricted fund balance for matching and ineligible	\$4.39 million

The Jetport will use this appropriation, totaling \$26.14 million, to complete the following projects:

- Terminal Apron Reconstruction Phase 1;
- Passenger boarding bridge replacement at gates 3, 4, 5, 6, and 7; and
- Gate 11, 12, & 14 Terminal Improvements.

This item must be read on two separate days. It received its first reading on January 6. Five affirmative votes are required for passage after public comment.

ADJOURNMENT:

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**ORDER APPOINTING DIRECTOR TO THE BOARD OF THE CREATIVE
PORTLAND CORPORATION**

ORDERED, that the City Council, acting in its capacity as Corporator of the Creative Portland Corporation, hereby appoints Zsofia McMullin to the Board of Directors of the Creative Portland Corporation, with a term to expire on November 30, 2027.

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

To: Mayor and City Councilors
From: Ashley Rand, City Clerk
Date: January 10, 2025
Re: Appointment to Creative Portland



The Nominating Committee is making the following recommendation to the Portland Development Corporation. The nominating committee met on January 9, 2025 to conduct interviews. These recommendations were voted on 3-0 by the committee.

If passed, this order would appoint the following individuals to the Creative Portland Board:

Name	Board and Committee	Expiration
<u>Name</u>	<u>Board or Committee</u>	<u>Expiration of Term</u>
Zsafia McMullin+	Creative Portland	11/30/2027

+Indicates New Board Member

Zsafia McMullin

City of Portland | Generated 12/16/2024 @ 8:44 am by OnBoardGOV - Powered by ClerkBase

Status

Name Zsafia McMullin
Application Date 11/19/2024
Expiration Date 11/19/2025
Status Received

Board	Vacancies	Status
Creative Portland Corporation	1	Pending

Basic Information

Name
Zsafia McMullin

Contact Information

Address
120 Starbird Road
Portland, ME 04102

Email
[Redacted]
[Redacted]

Additional Information

Notes

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Zsafia McMullin

120 Starbird Rd., Portland, ME



Uniquely qualified public relations and content marketing professional with more than 20 years of experience in the educational publishing industry. I bring vision and creativity to all projects. I work well under tight deadlines and in a fast-paced environment. I love to look at established processes and ask the questions needed to achieve impactful change.

Skills

- Strong communication skills both in writing for a variety of mediums, and in person
- Social media and community-building expert
- Experience with corporate internal communications & media relations
- Creative problem-solver

Experience

2020-PRESENT

Senior Public Relations Manager / Curriculum Associates

- Drives messaging, storytelling, and communication strategy
- Develops thought leadership stories across multiple disciplines, including assessment and literacy.
- Builds and maintains relationships with key reporters
- Manages the day-to-day work of external PR agencies
- Collaborates with multiple internal teams to support key brand efforts and campaigns
- Sets company awards strategy to enhance the CA brand within the industry

2018-2020

Communities Manager / Wayside Publishing

- Creator and editor of The Wayside Blog promoting thought leadership in world language education
- Managed and planned strategy for corporate social media accounts
- Wrote and distributed newsletters for language educators to create marketing qualified leads
- Nurtured relationships and created partnerships with industry influencers
- Project manager and content creator for product catalog and other marketing collateral
- Writes scripts for brand and product videos
- Manage live events on various platforms including Facebook and GoToWebinar
- Arranges logistics, branding, merchandising, and advertising for 12-18 language conferences per year

2005 – 2018

Marketing Content Editor / Stenhouse Publishers

Project Manager: Catalogs and Print Marketing Collateral

- Worked closely with management to plan content and design requirements for six catalogs annually
- Managed freelance designers, communicated design direction and revision needs
- Created and wrote print ads, promotional author postcards, brochures, and mailers
- Supported achievement of revenue targets by creating marketing materials for sales team

Editor: E-newsletter

- Curated and wrote content for biweekly newsletter reaching over 140K readers, resulting in increased sales leads and community engagement
- Coordinated with production and marketing departments to align publication/publicity schedules to correspond to marketing and production priorities

Manager: Social Media

- Created and grew social media following on X (formerly Twitter) and Facebook
- Developed initiatives and events to increase followers on all platforms
- Worked with authors to promote and support their online presence
- Collaborated with thought-influencers to promote Stenhouse books and authors
- Created and maintained the company blog since 2008 (10K avg. monthly views)
- Created Stenhouse Summer Blogstitute, an online professional development series

Manager: Website and online assets:

- Facilitated multiple redesigns of the Stenhouse website to support evolving company profile
- Updated website with new product information and other content
- Managed contract website developer and later serve as liaison to corporate IT team
- Worked with vendors to distribute e-books to ensure product visibility on multiple platforms
- Maintained accurate metadata feed to vendors

General Marketing Roles:

- Wrote all back cover, catalog, ad, and website copy for all Stenhouse products
- Planned and executed e-mail lead generation campaigns
- Collaborated with marketing team to create and execute book publicity plans
- Worked with video editor to produce promotional author videos
- Special projects as needed: author websites, online course creation

2004 – 2005

Web Coordinator / Maine Medical Center

- Developed and managed content for the MaineHealth corporate website and its member hospitals
- Lead MaineHealth member hospital PR representatives in coordinating content and projects
- Wrote and distributed press releases to local media outlets

Other Professional Experiences:

- Curriculum Assistant, Pennsylvania Competency Based Training, Mechanicsburg, PA
- Editorial Assistant, The University of Pittsburgh, Pittsburgh, PA
- Reporter/Editor, The Daily News, Huntingdon, PA

Education

MAY 1998

Bachelor of Arts / Juniata College, Huntingdon, PA

- Majored in Business and Writing

Activities

EU and US citizen. Native Hungarian and English speaker. Widely published author of personal essays, including pieces in *The New York Times*, *The Washington Post*, *The Huffington Post*, and several online literary journals. FBI contract linguist.

November 19, 2024

Dear Portland Creative Board Members,

I would like to express my interest in the open seat on the Portland Creative Board. While it's true that this would be my first time serving on a board of any kind, I believe that I have the professional experience and interest in creative endeavors that make me an ideal candidate.

I have worked in the publishing and communications industry for the past 20 years and in all of my positions I have been an effective and creative collaborator, focused on the mission and values of the organizations I have served. I know how to manage multiple day-to-day tasks while also thinking strategically about the long-term impacts of each decision and action. I am a quick learner and I am happy to jump into new projects wherever I am needed the most.

I have also been involved in the creative scene in Portland for the past years through the PortFringe Festival, supporting my fellow creatives with writing, editing, and producing plays. I am also a published writer.

I would love to be useful to the City of Portland in any capacity I can and the Portland Creative Board seems like a great fit. I hope to find out more about your work in the near future and I am happy to answer any questions you might have for me.

Sincerely,

Zsafia McMullin

120 Starbird Road
Portland, ME 04102



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



To: Mayor and City Councilors
From: Ashley Rand, City Clerk
Date: January 10, 2025
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 January 9, 2025 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>
Mary Hudson	Portland Fish Pier Authority (Class A, Director)	10/31/2027
Matthew Moretti+*	Portland Fish Pier Authority (Class C, Director)	10/31/2025

+ Indicates New Board Member

*Indicates Filing Vacant Term

Mary Hudson

City of Portland | Generated 12/16/2024 @ 8:51 am by OnBoardGOV - Powered by ClerkBase

Status

Name Mary Hudson
Application Date 11/26/2024
Expiration Date 11/26/2025
Status Received

Board	Vacancies	Status
Portland Fish Pier Authority (Merged Fish Exchange)	3	Pending

Basic Information

Name
Mary Hudson

Contact Information

Address
4 Wood Circle
Cumberland, ME 0402111

Email
[REDACTED]

Phone
[REDACTED]

Cell Phone
[REDACTED]

Additional Information

Notes

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Mary Hudson
4 Wood Circle, Cumberland, ME 04021

Education

University of Rhode Island, Kingston, RI – M.A. in Marine Affairs (2014)

University of Hawaii at Hilo, Hilo, HI – B.A. in Marine Science (2009)

Professional Experience

Board Member/Board President – Portland Fish Exchange/Portland Fish Pier Authority
(November 2022 – Present)

Seller Representative – Portland Fish Exchange (October 2022 – Present)

- Represents boats' fish during auction

Sector Manager – Maine Coast Community Sector – Brunswick, ME (June 2018 -present)

- Works closely with fishermen to aid with regulations, reporting, and quota leasing
- Works closely with fisheries regulators at the state, regional, and federal levels
- Manages 100 permits spread across over 60 fishing businesses

Director of Fisheries Programs – Maine Coast Fishermen's Association – Brunswick, ME (June 2018 – present)

- Develops policy material to help strengthen Maine fisheries
- Manages electronic monitoring programs in the scallop and groundfish fleets
- Runs programs that aid industry, such as MCFA's Fishermen Feeding Mainers program
- Works closely with industry, including shoreside businesses, and fishing communities

Fisheries Technical Assistance Program Project Manager – Gulf of Maine Research Institute – Portland, ME (Jan. 2015 – May 2018)

- Coordinated meetings and outreach with industry, scientist, and managers around relevant management and science issues
- Worked with Science Center staff and fishing industry to enhance industry participation and input in the stock assessment process
- Collaborated with GMRI Communication Manager to produce newsletters, op-eds, and articles etc.
- Managed projects on improving the efficiency of data collection and reporting systems, particularly with the for-hire industry
- Provided industry outreach around climate adaptation projects
- Aided in implementation and planning of Marine Resource Education Program workshops

- Maintained knowledge of and develop projects for the groundfish sector management, climate change and emerging fisheries, and ecosystem-based fisheries management
- Managed project budgets
- Developed proposals for federal grants
- Worked with team members and partners on GARFO's Fishery Dependent Data Visioning Project
- Provided project support for Sector Business Viability, particularly around ACE utilization.

Biology and Marine Biology Teaching Assistant- University of Rhode Island- Kingston, RI (2012-2014)

- Taught undergrad Marine Biology and Intro to Biology labs
- Responsible for 24 students per section, up to 4 sections per semester

Fisheries Technical Assistant Program Intern – Gulf of Maine Research Institute –Portland, Me (Summer 2013)

- Conducted research for and wrote *Preparing for Emerging Fisheries*, which details the stock status and movement, permitting and regulations, and economy and markets of Mid-Atlantic stocks trending northward.
- Offered FTAP project support through analyzing sector permit, ACE utilization, and catch data.

Publications

Hudson, M. 2014. Fishermen's perceptions of fisherman-scientist relations in Maine. Master's Thesis, Marine Affairs University of Rhode Island, Kingston, RI.

Hudson, M. and Peros, J. 2013. Preparing for emerging fisheries: an overview of Mid-Atlantic stocks on the move. Gulf of Maine Research Institute, Portland, ME.
https://www.gmri.org/sites/default/files/resource/preparing_for_emerging_fisheries_final.pdf

Mary Hudson

November 26, 2024

Dear Sir/Madam,

Thank you for providing me with the opportunity to apply to the Board of Directors of the Portland Fish Exchange. I am excited to reapply as a Board member, as I am passionate about Maine's fishing communities and the success of our working waterfronts.

My work experience is a great fit for the Portland Fish Pier Authority board. As sector manager of the Maine Coast Community Sector and Director of Fisheries Programs at the Maine Coast Fishermen's Association, I represent a diversity of boats and fisheries from the entire coast. My roles require me to be deeply involved in the science, policy, and business and economics of fisheries, and I have a wealth of knowledge on permits, operating costs, and quota and leasing. My work the past four years through the Fishermen Feeding Mainers program and past two years as a Seller Representative at the Fish Exchange has led me to develop close relationships with local buyers and processors, and these relationships coupled with my investment in the success of all seafood businesses, from the sea to shore, make me a great candidate for the board. Notably, I already have experience having been a board member on the Portland Fish Exchange for the last two years and President of the newly merged Fish Pier Authority since this July.

The Portland Fish Exchange and Portland Fish Pier are integral to the future of Portland's working waterfront and Maine's groundfish fleet, and I am highly invested in working with colleagues to ensure its success. I work closely with many fishermen landing at the Fish Exchange, as well as many of the large Maine boats currently landing in Massachusetts- I'm deeply committed to representing both these fleets, and believe that the success of PFE, the FPA and our shoreside infrastructure is dependent on the strong presence of *both* small and large vessels. There are also exciting opportunities to get creative with our vacant lots on the Fish Pier and I've enjoyed exploring these with our Waterfront Coordinator, Bill Needleman. In any capacity, I look forward to continuing to work with the Fish Pier Authority, Portland Fish Exchange, seafood industry, and the City of Portland.

Thank you for taking the time to review my application, I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mary Hudson'.

Mary Hudson

Matthew Moretti

City of Portland | Generated 12/16/2024 @ 8:29 am by OnBoardGOV - Powered by ClerkBase

Status

Name Matthew Moretti
Application Date 9/10/2024
Expiration Date 9/10/2025
Status Received

Board	Vacancies	Status
Portland Fish Pier Authority (Merged Fish Exchange)	3	Pending

Basic Information

Name
Matthew Moretti

Contact Information

Address
113 Granby Road
South Portland, ME 04106

Email
[Redacted]

Phone
[Redacted]

Cell Phone
[Redacted]

Additional Information

Notes
I would be honored to serve on this board.

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CEO and Co-Founder

Wild Ocean Aquaculture, LLC / Bangs Island Mussels, Portland, ME, August 2010 – Present

Bangs Island Mussels is one of the largest mussel and kelp farms on the East coast of the United States. Responsible for the strategic management, day to day operations, budgeting, and scientific monitoring. .
www.bangsislandmussels.com

**BOARDS AND
APPOINTMENTS**

Marine Resources Advisory Council, State of Maine, 2017 – 2024, Council Member

Aquaculture Advisory Council, State of Maine, 2024 – Present, Council Member

Maine Aquaculture Association, Hallowell, ME February 2012 – Present, Board of Directors

Maine State Shellfish Advisory Council, January 2013- 2016,

Northeastern Regional Aquaculture Center, Industry Advisory Committee, Jan 2011- 2018, Representative for the state of Maine

EDUCATION

Northeastern University, Three Seas Marine Biology Masters Program, Boston, MA

Masters of Science in Marine Biology, January 2010

Marine biological master's program curriculum and extensive field work in three distinct ocean ecosystems and research stations around the world. Masters Thesis: Morphometric stock discrimination of Atlantic herring using a modified truss network.

Bates College, Lewiston, ME

Bachelor of Arts, May 2006

Major: Biology; Secondary Concentration: Religion

PROFESSIONAL AND MARITIME EXPERIENCE

Muscongus Bay Aquaculture/Dodge Cove Marine Farm, Damariscotta, ME, March – August 2010, Assistant River Manager/Sales and Marketing Manager (in training)

Gulf of Maine Research Institute, Portland, ME, June 2009 – December 2009, Collaborative Intern

New England Aquarium, Edgerton Research Lab, Lobster Aquaculture Program, Boston, MA, October 2006 – June 2007, Intern

Licensed Commercial Lobsterman, F/V Rosie, Penobscot Bay, ME, 1998-2001

Matthew Moretti – Fish Pier Authority Board of Directors Cover Letter

72 Commercial St. #15

Portland, ME 04101



9.9.2024

To Whom it may concern,

I am applying for a seat on the Portland Fish Pier Authority board as a class C member. As CEO and co-owner of Bangs Island Mussels, a sustainable aquaculture company based on the working waterfront in Portland, Maine, I have a personal and a professional interest in ensuring a successful future for the Fish Exchange and Fish Pier.

Since the very early days of my company, when we decided to locate our base of operations in the working part of Portland's Old Port, I have been fascinated with the auction, the Fish Exchange, and the Fish Pier itself. My first interactions with the space were buying diesel and ice at Vessel Services – over a decade later I've come to know the whole property as a staple in our working waterfront's heritage as well as a crucial part of the seafood supply chain.

Bangs Island Mussels is family owned and operated business that is dedicated to environmental stewardship and production of the best seafood available, including mussels, kelp, and oysters. I have overseen the sustainable growth and expansion of our company from one of the smallest in Maine to one of the largest mussel farms on the East coast of the United States. I have been at the helm of the company for the last 14 years and I have successfully added kelp and oysters to our product offerings.

I am experienced serving in advisory roles beyond the company, from the DMR Advisory Council to the board of the Maine Aquaculture Association where I have sat for many years. My position along Maine's working waterfront and the footprint we have created for the company has opened the doors to countless connections throughout Maine's marine economy, and I am proud to call fishermen, policymakers, scientists, and other business owners my friends.

The future of the working waterfront in Portland and all of Maine is at a critical moment, and I'd like to be part of ensuring its preservation. I rely on a vibrant and healthy working waterfront and fish pier for my own business, as do so many others. If appointed to the board, I will think creatively about the future of the Fish Pier while preserving the original intent of its creation. As a Mainer, a business owner, and a waterman, I care about the Fish Pier and want to support its enduring legacy.

Thank you for the consideration,

Matt Moretti

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

SARAH MICHNIEWICZ (1)
WESLEY 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 City Council, acting in its capacity as Corporator of the Portland Fish Pier Authority, hereby appoints Mary Hudson as a Class A Director, and Matthew Moretti as a Class C Director, whose terms shall expire on October 31, 2027 and October 31, 2025, respectively.

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



To: Mayor and City Councilors
From: Ashley Rand, City Clerk
Date: January 10, 2025
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 January 9, 2025 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:

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Mary Hudson	Portland Fish Pier Authority (Class A, Director)	10/31/2027
Matthew Moretti+*	Portland Fish Pier Authority (Class C, Director)	10/31/2025

+ Indicates New Board Member

*Indicates Filing Vacant Term

Mary Hudson

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Status

Name Mary Hudson
Application Date 11/26/2024
Expiration Date 11/26/2025
Status Received

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Basic Information

Name
Mary Hudson

Contact Information

Address
4 Wood Circle
Cumberland, ME 0402111

Email
[REDACTED]

Phone
[REDACTED]

Cell Phone
[REDACTED]

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Mary Hudson
4 Wood Circle, Cumberland, ME 04021

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Professional Experience

Board Member/Board President – Portland Fish Exchange/Portland Fish Pier Authority
(November 2022 – Present)

Seller Representative – Portland Fish Exchange (October 2022 – Present)

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Sector Manager – Maine Coast Community Sector – Brunswick, ME (June 2018 -present)

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- Develops policy material to help strengthen Maine fisheries
- Manages electronic monitoring programs in the scallop and groundfish fleets
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Fisheries Technical Assistance Program Project Manager – Gulf of Maine Research Institute – Portland, ME (Jan. 2015 – May 2018)

- Coordinated meetings and outreach with industry, scientist, and managers around relevant management and science issues
- Worked with Science Center staff and fishing industry to enhance industry participation and input in the stock assessment process
- Collaborated with GMRI Communication Manager to produce newsletters, op-eds, and articles etc.
- Managed projects on improving the efficiency of data collection and reporting systems, particularly with the for-hire industry
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- Maintained knowledge of and develop projects for the groundfish sector management, climate change and emerging fisheries, and ecosystem-based fisheries management
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- Taught undergrad Marine Biology and Intro to Biology labs
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Publications

Hudson, M. 2014. Fishermen's perceptions of fisherman-scientist relations in Maine. Master's Thesis, Marine Affairs University of Rhode Island, Kingston, RI.

Hudson, M. and Peros, J. 2013. Preparing for emerging fisheries: an overview of Mid-Atlantic stocks on the move. Gulf of Maine Research Institute, Portland, ME.
https://www.gmri.org/sites/default/files/resource/preparing_for_emerging_fisheries_final.pdf

Mary Hudson

November 26, 2024

Dear Sir/Madam,

Thank you for providing me with the opportunity to apply to the Board of Directors of the Portland Fish Exchange. I am excited to reapply as a Board member, as I am passionate about Maine's fishing communities and the success of our working waterfronts.

My work experience is a great fit for the Portland Fish Pier Authority board. As sector manager of the Maine Coast Community Sector and Director of Fisheries Programs at the Maine Coast Fishermen's Association, I represent a diversity of boats and fisheries from the entire coast. My roles require me to be deeply involved in the science, policy, and business and economics of fisheries, and I have a wealth of knowledge on permits, operating costs, and quota and leasing. My work the past four years through the Fishermen Feeding Mainers program and past two years as a Seller Representative at the Fish Exchange has led me to develop close relationships with local buyers and processors, and these relationships coupled with my investment in the success of all seafood businesses, from the sea to shore, make me a great candidate for the board. Notably, I already have experience having been a board member on the Portland Fish Exchange for the last two years and President of the newly merged Fish Pier Authority since this July.

The Portland Fish Exchange and Portland Fish Pier are integral to the future of Portland's working waterfront and Maine's groundfish fleet, and I am highly invested in working with colleagues to ensure its success. I work closely with many fishermen landing at the Fish Exchange, as well as many of the large Maine boats currently landing in Massachusetts- I'm deeply committed to representing both these fleets, and believe that the success of PFE, the FPA and our shoreside infrastructure is dependent on the strong presence of *both* small and large vessels. There are also exciting opportunities to get creative with our vacant lots on the Fish Pier and I've enjoyed exploring these with our Waterfront Coordinator, Bill Needleman. In any capacity, I look forward to continuing to work with the Fish Pier Authority, Portland Fish Exchange, seafood industry, and the City of Portland.

Thank you for taking the time to review my application, I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mary Hudson'.

Mary Hudson

Matthew Moretti

City of Portland | Generated 12/16/2024 @ 8:29 am by OnBoardGOV - Powered by ClerkBase

Status

Name Matthew Moretti
Application Date 9/10/2024
Expiration Date 9/10/2025
Status Received

Board	Vacancies	Status
Portland Fish Pier Authority (Merged Fish Exchange)	3	Pending

Basic Information

Name
Matthew Moretti

Contact Information

Address
113 Granby Road
South Portland, ME 04106

Email
[REDACTED]

Phone
[REDACTED]

Cell Phone
[REDACTED]

Additional Information

Notes
I would be honored to serve on this board.

Generated 12/16/2024 @ 8:29 am

CEO and Co-Founder

Wild Ocean Aquaculture, LLC / Bangs Island Mussels, Portland, ME, August 2010 – Present

Bangs Island Mussels is one of the largest mussel and kelp farms on the East coast of the United States. Responsible for the strategic management, day to day operations, budgeting, and scientific monitoring. .
www.bangsislandmussels.com

**BOARDS AND
APPOINTMENTS**

Marine Resources Advisory Council, State of Maine, 2017 – 2024, Council Member

Aquaculture Advisory Council, State of Maine, 2024 – Present, Council Member

Maine Aquaculture Association, Hallowell, ME February 2012 – Present, Board of Directors

Maine State Shellfish Advisory Council, January 2013- 2016,

Northeastern Regional Aquaculture Center, Industry Advisory Committee, Jan 2011- 2018, Representative for the state of Maine

EDUCATION

Northeastern University, Three Seas Marine Biology Masters Program, Boston, MA

Masters of Science in Marine Biology, January 2010

Marine biological master's program curriculum and extensive field work in three distinct ocean ecosystems and research stations around the world. Masters Thesis: Morphometric stock discrimination of Atlantic herring using a modified truss network.

Bates College, Lewiston, ME

Bachelor of Arts, May 2006

Major: Biology; Secondary Concentration: Religion

PROFESSIONAL AND MARITIME EXPERIENCE

Muscongus Bay Aquaculture/Dodge Cove Marine Farm, Damariscotta, ME, March – August 2010, Assistant River Manager/Sales and Marketing Manager (in training)

Gulf of Maine Research Institute, Portland, ME, June 2009 – December 2009, Collaborative Intern

New England Aquarium, Edgerton Research Lab, Lobster Aquaculture Program, Boston, MA, October 2006 – June 2007, Intern

Licensed Commercial Lobsterman, F/V Rosie, Penobscot Bay, ME, 1998-2001

Matthew Moretti – Fish Pier Authority Board of Directors Cover Letter

72 Commercial St. #15

Portland, ME 04101



9.9.2024

To Whom it may concern,

I am applying for a seat on the Portland Fish Pier Authority board as a class C member. As CEO and co-owner of Bangs Island Mussels, a sustainable aquaculture company based on the working waterfront in Portland, Maine, I have a personal and a professional interest in ensuring a successful future for the Fish Exchange and Fish Pier.

Since the very early days of my company, when we decided to locate our base of operations in the working part of Portland's Old Port, I have been fascinated with the auction, the Fish Exchange, and the Fish Pier itself. My first interactions with the space were buying diesel and ice at Vessel Services – over a decade later I've come to know the whole property as a staple in our working waterfront's heritage as well as a crucial part of the seafood supply chain.

Bangs Island Mussels is family owned and operated business that is dedicated to environmental stewardship and production of the best seafood available, including mussels, kelp, and oysters. I have overseen the sustainable growth and expansion of our company from one of the smallest in Maine to one of the largest mussel farms on the East coast of the United States. I have been at the helm of the company for the last 14 years and I have successfully added kelp and oysters to our product offerings.

I am experienced serving in advisory roles beyond the company, from the DMR Advisory Council to the board of the Maine Aquaculture Association where I have sat for many years. My position along Maine's working waterfront and the footprint we have created for the company has opened the doors to countless connections throughout Maine's marine economy, and I am proud to call fishermen, policymakers, scientists, and other business owners my friends.

The future of the working waterfront in Portland and all of Maine is at a critical moment, and I'd like to be part of ensuring its preservation. I rely on a vibrant and healthy working waterfront and fish pier for my own business, as do so many others. If appointed to the board, I will think creatively about the future of the Fish Pier while preserving the original intent of its creation. As a Mainer, a business owner, and a waterman, I care about the Fish Pier and want to support its enduring legacy.

Thank you for the consideration,

Matt Moretti

ZOOM INFORMATION:

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

<https://portlandme.portal.civicclerk.com/event/7511/media>

REMOTE PARTICIPATION:

The City Council will conduct this meeting by remote methods/technology at the Zoom link provided below, in accordance with the requirements of 1 M.R.S. section 403-B and the City Council's Remote Participation Policy.

Join from PC, Mac, iPad, or Android:

<https://portlandmaine-gov.zoom.us/j/81114228884?pwd=bjHvOixYFFy9Jdzq5FbpqabKd8pDa.1>

Passcode:588556

Phone one-tap:

+16469313860,,81114228884#,,,,*588556# US

+19292056099,,81114228884#,,,,*588556# US (New York)

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

Mayor Dion called the meeting to order at 5:30pm

Councilors Present: Councilor Fournier, Councilor Grant, Councilor Bullett, Councilor Pelletier, Councilor Michniewicz, Councilor Phillips, Mayor Dion

Councilors Absent: Councilor Sykes, Councilor Ali

5:30 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

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

Annie (Outreach Coordinator), Jaime Willey (Clayton Street), Winston Lupkins (Waterville Street), Zach Barowitz (Huntress Street), Stephen Scharff (Brackett Street), Bill Webber (District 5)

ANNOUNCEMENTS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

City Council Meeting-December 16, 2024

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

Passage: 7-0 (Councilors Sykes & Ali absent)

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

PROCLAMATIONS:

Proclamation 21-24/25 Recognizing Martin Luther King Jr. Day - Sponsored by Mark Dion, Mayor

Councilor Phillips read Proclamation 21/24/25 Recognizing Martin Luther King Jr Day into the record.

APPOINTMENTS:

Order 120-24/25 Appointing Ronnie Wilson to the Portland Public Art Committee - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Fournier and seconded by Councilor Michniewicz for passage. Passage: 7-0 (Councilors Sykes & Ali absent)
Mayor Dion opened the floor for public comment. No one spoke.

CONSENT ITEMS:

Order 111-24/25 Approving Transfer of Funds Under 15 M.R.S. §§ 5824(3) and 5826(6) RE: Ronald Williams - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Bullett and seconded by Councilor Fournier to remove Order 111 and Order 112 from the consent agenda and take up items separately. Passage 7-0 (Councilors Sykes & Ali absent)

Motion was made by Councilor Bullett and seconded by Councilor Phillips to postpone the item until April 7, 2025. Passage: 7-0 (Councilors Sykes & Ali absent)
Mayor Dion opened the floor for public comment. No one spoke.

Order 112-24/25 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) RE: Gregory K. Waterman - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Bullett and seconded by Councilor Fournier to remove Order 111 and Order 112 from the consent agenda and take up items separately. Passage 7-0 (Councilors Sykes & Ali absent)

Motion was made by Councilor Bullett and seconded by Councilor Phillips to postpone the item until April 7, 2025. Passage: 7-0 (Councilors Sykes & Ali absent)
Mayor Dion opened the floor for public comment. No one spoke.

Order 113-24/25 Granting Municipal Officers' Approval of Pine & Neal LLC, dba Supper Club Cocktail Lounge. Application for Class XI Restaurant/Lounge at 441 Congress Street - Sponsored by Danielle P. West, City Manager

Orders 113-24/25 through Orders 114-24/25 were all read and passed as consent items. Public comment was taken on all orders together.

Motion was made by Councilor Fournier and seconded by Councilor Michniewicz for passage. Passage: 7-0 (Councilors Sykes & Ali absent)
Mayor Dion opened the floor for public comment. The following individuals spoke: Councilor Phillips, Councilor Sykes, Mayor Dion

Order 114-24/25 Granting Municipal Officers' Approval of Camber Hospitality LLC, dba Hot Suppa. Application for Class I FSE with Outdoor Dining on Private Property at 703 Congress Street Avenue - Sponsored by Danielle P. West, City Manager

Orders 113-24/25 through Orders 114-24/25 were all read and passed as consent items. Public comment was taken on all orders together.

Motion was made by Councilor Fournier and seconded by Councilor Michniewicz for passage. Passage: 7-0 (Councilors Sykes & Ali absent)

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

COMMUNICATIONS:

Communication 7-24/25 Regarding FY2024 Annual Tax Increment Financing (TIF) District Activity Report - by Gregory Watson, Housing and Economic Development Director

Greg Watson (Director of Housing & Economic Development) provided communication 7-24/25 Regarding FY2024 Annual Tax Increment Financing (TIF) District Activity Report.

As a communication, no Council action is needed.

UNFINISHED BUSINESS:

Order 108-24/25 Approving Amendments to the Rules of the Rent Board - Sponsored by Rent Board, Christopher (Buddy) Moore, Chair

Motion was made by Councilor Fournier and seconded by Councilor Pelletier for passage, as amended. Passage: 7-0 (Councilors Sykes & Ali absent)

Motion was made by Councilor Michniewicz and seconded by Councilor Philips to amend the order to add a completeness review. Passage 7-0 (Councilors Sykes & Ali absent)

Amendment in the backup material.

Mayor Dion opened the floor for public comment. The following individuals spoke:
Councilor Fournier, Mayor Dion, Buddy Moore (Chair of the Rent Board)

Order 109-24/25 Accepting and Appropriating a \$3,600,000 Maine Infrastructure Adaptation Grant from the Maine Department of Transportation for the Commercial Street/Portland Fish Pier Storm Drain Outfall Project - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Bullett and seconded by Councilor Founier for passage. Passage: 7-0 (Councilors Sykes & Ali absent)

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

ORDERS:

Order 115-24/25 Approving the Inter-municipal Agreement with City of Westbrook for Nasons Brook - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Michniewicz and seconded by Councilor Founier for passage. Passage: 7-0 (Councilors Sykes & Ali absent)

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

Order 116-24/25 Approving the Publication of a Request for Proposals for the Lease of Up to Two Sites at 1125 Brighton Avenue - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Fournier and seconded by Councilor Pelletier for passage. Passage: 7-0 (Councilors Sykes & Ali absent)

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

Derryen (Holm Ave), Roseando (Holm Ave), Anna (Prebble Street), Orlando (No address given)

Order 117-24/25 Approving the Agreement With the Portland Water District for a Fire Service Line at the Mujoy Hill Fire Station - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Fournier and seconded by Councilor Bullett for passage. Passage: 7-0 (Councilors Sykes & Ali absent)

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

Order 118-24/25 Order Accepting and Appropriating a \$62,610 U.S. Department of Justice Byrne Memorial Justice Assistance Grant - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Phillips and seconded by Councilor Fournier for passage, as an emergency. Passage: 7-0 (Councilors Sykes & Ali absent)

Motion was made by Councilor Bullett and seconded by Councilor Fournier to waive the second reading. Passage 7-0 (Councilors Sykes & Ali absent)

Mayor Dion opened the floor for public comment. The following individuals spoke: Councilor Phillips, Mayor Dion, Councilor Michniewicz, Councilor Pelletier, Mark Dubois (Police Chief)

**Item passed as an emergency, goes into effect immediately.*

Order 119-24/25 Approving and Appropriating a Federal Aviation Administration Administered Airport Improvement Program and Airport Infrastructure Federal Fiscal Year 2025 Grants - Sponsored by Danielle P. West, City Manager

This is first reading.

EXECUTIVE SESSION:

Discussion of a poverty tax abatement case with the City Attorney pursuant to 1 M.R.S.A § 405 (6)(E) and 36 M.R.S.A § 841

Motion was made by Mayor Dion and seconded by Councilor Fournier to recess the regular meeting of the City Council and go into Executive Session pursuant to 1 M.R.S.A 405 (6)(E) and 36 M.R.S.A 841 to discuss a property tax abatement case. Passage 7-0 (Councilors Sykes & Ali Absent)

Adjourned to executive session at 6:37pm

Motion was made by Councilor Bullett and seconded by Councilor Fournier to end the executive session and reconvene the regular City Council meeting. Passage 7-0 (Councilors Sykes & Ali Absent)

Motion was made by Councilor Fournier and seconded by Councilor Michniewicz to deny the application for a poverty tax abatement based on consideration of the applicant's income, expenses and assets and our finding that the applicant has the ability to pay the property taxes due on their primary residence and authorizing Corporation Counsel to provide a letter to the applicant with the Council's decision. Denied 7-0 (Councilors Sykes & Ali absent)

ADJOURNMENT:

Motion was made by Councilor Fournier and seconded by Councilor Phillips to adjourn. Passage 7-0 at 7:37pm. (Councilor Sykes & Ali absent)

A TRUE RECORD

Ashley Rand, City Clerk

MEMORANDUM
City Council Agenda Item

FROM:

DATE: January 10, 2025

SUBJECT: Order 122-24/25 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 & Commissions:

<u>Name</u>	<u>Board or Committee</u>	<u>Expiration of Term</u>
Kristin Dugas	Board of Assessment Review	9/30/2025
Lee Lowry	Board of Assessment Review	9/30/2025
Kristen Dunphey	CDBG	9/30/2025
Andrea Levinsky	CDBG	9/30/2025
Glenn Cummings	Harbor Commission	12/31/2027
Keith Bidwell	Police Citizen Review Board	3/31/2027
Nancy English	Zoning Board of Appeals	12/31/2027
Ryan Lizanecz	Zoning Board of Appeals	12/31/2027
Andrew Weaver	Zoning Board of Appeals	12/31/2027

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

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

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Order - Appointing Members to Various Boards & Commissions
2. Board & Committee Appointment-Variou Boards - 01.22.2025
3. City Council Board and Committee Applications (Redacted)

Prepared by:

Date: 01/10/2025

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

SARAH MICHNIEWICZ (1)
WESLEY 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>
Kristin Dugas	Board of Assessment Review	9/30/2025
Lee Lowry	Board of Assessment Review	9/30/2025
Kristen Dunphey	CDBG	9/30/2025
Andrea Levinsky	CDBG	9/30/2025
Glenn Cummings	Harbor Commission	12/31/2027
Keith Bidwell	Police Citizen Review Board	3/31/2027
Nancy English	Zoning Board of Appeals	12/31/2027
Ryan Lizanecz	Zoning Board of Appeals	12/31/2027
Andrew Weaver	Zoning Board of Appeals	12/31/2027

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



To: Mayor and City Councilors
From: Ashley Rand, City Clerk
Date: January 10, 2025
Re: Appointment to Various Boards and Committees

The Nominating Committee is making the following recommendation to the City Council. The nominating committee met on January 9, 2025 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>
Kristin Dugas+*	Board of Assessment Review (Filing Vacant Term)	9/30/2025
Lee Lowry+*	Board of Assessment Review (Filing Vacant Term)	9/30/2025
Kristen Dunphey+*	CDBG (Filing Vacant Term)	9/30/2025
Andrea Levinsky+*	CDBG (Filing Vacant Term)	9/30/2027
Glenn Cummings	Harbor Commission	12/31/2027
Keith Bidwell+*	Police Citizen Review Board (Filing Vacant Term)	3/31/2027
Nancy English+	Zoning Board of Appeals	12/31/2027
Ryan Lizancez+	Zoning Board of Appeals	12/31/2027
Andrew Weaver	Zoning Board of Appeals	12/31/2027

+Indicates New Board Member

* Indicates filing vacant term

Kristin Dugas

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Status

Name Kristin Dugas
Application Date 11/6/2024
Expiration Date 11/6/2025
Status Received

Board (Rank)	Vacancies	Status
Board of Assessment Review (0)	3	Pending
CDBG (Annual Allocation Committee (1)	2	Pending

Basic Information

Name
Kristin Dugas

Contact Information

Address
15 Pineloch Drive
Portland, ME 04103

Email
[Redacted]
[Redacted]

Additional Information

Notes
I do travel for business, so I would like to understand how meetings are scheduled as well as the interval at which they are held.

Generated 12/16/2024 @ 8:30 am

Summary:

Driven engineering leader with a systems level understanding of the renewable energy industry. Specializing in data integration, operability, performance, and business operations. Comfortable with complex issues crossing the boundaries of engineering disciplines. Passionate about breaking down technical concepts to stakeholders to promote the clean energy transition.

Skills:

- Data analysis
- Asset launch & management
- Technical troubleshooting
- Contract negotiation
- Microsoft Office suite
- Written communication skills
- Root cause analysis
- 8D & Systematic Problem Solving
- Regulatory compliance
- Presentation skills
- SQL, AWS, Matlab
- Software architecture

Relevant Experience:

Scout Clean Energy: Operations Engineering Manager (Summer 2023 – Current)

- Supported project launches, including system software, SCADA & physical infrastructure, and data historian
- Built performance, failure, and operability analytics to identify key misses on KPIs
- Negotiated contractual requirements for PPAs, TSAs, and O&M Contracts with OEMs and other parties
- Analyzed and provided key data and discussions for tax equity and financial organizations
- Lead software sourcing, stakeholder management, integration, and launch for field workers across the US

Scout Clean Energy: Senior Reliability Engineer (Fall 2022 – Summer 2023)

- Analyzed leading-edge erosion damage and developed technical and business plan to reduce effects on fleet
- Calculated loading and performance effects due to site enhancements and condition changes
- Created failure models and predictions using Weibull analysis and accurate reporting to stock parts

General Electric Renewable Energy: Lead Performance Engineer (2021 – 2022)

- Analyze field data to diagnose and provide technical resolutions for complex performance and operability issues
- Create new tools, processes, and metrics to assist in proactive diagnosis of issues affecting the wind turbine fleet
- Support root cause analysis for catastrophic events, performance, resonance, and operability issues
- Test and analyze performance-improving physical and controls-based technologies
- Present and support safety reviews, design failure mode and effect analyses, and RCA reviews
- Advised safety risk analysis as well as continued support for the 2.x-127 yaw RCAs as a subject matter expert

General Electric Renewable Energy: Wind Fleet Systems Engineer (2018 - 2021)

- Drove in-field availability, performance, and responsiveness on 2/3.x-103/120, 3.x-137 & 2.x-116 platforms
- Led and supported root cause analysis investigations on yaw gearbox and motor, hydraulics, and pitch issues
- Analyzed opportunities for liquidated damage reduction and conducted data analysis to verify results of projects

Leadership:

- RPI Alpha Phi Housing Corporation Board President (2023-Current)
- WRISE Webinar Committee (2023-Current), Chair (2024-Current)
- Industry Mentor for Johns Hopkins University Collegiate Wind Competition Team (2020-Current)
- RPI Alpha Phi Marketing Advisor (2018-Current)
- RPI Alpha Phi Housing Corporation Board Secretary (2018-2023)
- GE Women's Network Scholarship Auction Leadership Team (2019-2022)
- GE DEI Learning Lab Facilitator & Content Leader (2020-2022)

Other Involvement:

- American Clean Power Association
- Energy Systems Integration Group
- Women of Renewable Industries and Sustainable Energy
- Society of Women Engineers

Education:

- B.S. Chemical Engineering Rensselaer Polytechnic Institute

Dear Ashley Rand, Portland City Clerk,

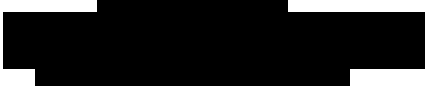
I am applying for a seat on the Board of Assessment Review or on the Community Development Block Grant Annual Allocation Committee. During my time away from my home county, I volunteered my time and expertise to several organizations and now that I have been able to return I would like to give back to my community by lending my skills in data-driven and fact-based decision making.

As an engineer by background, my expertise lies in making complex decisions based on facts and data. More recently, I've also worked with regulatory bodies and outside companies to come to agreements on policy requirements and large scale infrastructure contracts. These experiences have allowed me to develop my communication and negotiation skills greatly. Additionally, they have provided me with critical experience reading and understanding legal documents and legislation.

Overall, I believe my experience in fact-based conclusions and passion for our community make me uniquely qualified to serve on The Board of Assessment Review or the Community Development Block Grant Annual Allocation Committee.

Thank you for your time and consideration,
Kristin Dugas

Lee Lowry
60 Highland Street
Portland, ME 04103



December 9, 2024

Ashley Rand
City Clerk
City of Portland
389 Congress St.
Portland, ME 04101

Dear Ashley:

I am submitting this letter to express my interest in applying to serve on volunteer positions with the City of Portland. There are three boards that interest me and for which I believe are a good fit with my abilities.

I would like to be considered for a position on the Board of Assessment Review's (3-year term through 9/30/2027, or the vacant seat through 9/30/25).

I would also like to be considered for the Board of Zoning Appeals, which has open seats for 3-year terms through December 2027. I have prior experience on the BZA and am familiar with the law in this regard from my legal practice.

Finally, I noted earlier that the City's site indicated that there will be Planning Board openings upcoming in February 2025. I served for several years (8, I believe) on the Planning Board. I believe my prior experience on that Board and my work experience would be useful on the Planning Board. Also, it would be a special pleasure to serve again on that Board.

I look forward to hearing from you in reply to my application.

Sincerely yours,

/s/
Lee Lowry

p.s. I am sending this copy by email, and I will also print, sign and mail my application.

Kristen Haley Dunphey

City of Portland | Generated 12/16/2024 @ 8:34 am by OnBoardGOV - Powered by ClerkBase

Status

Name Kristen Haley Dunphey
Application Date 11/14/2024
Expiration Date 11/14/2025
Status Received

Board	Vacancies	Status
CDBG (Annual Allocation Committee)	2	Pending

Basic Information

Name
Kristen Haley Dunphey

Notes

Generated 12/16/2024 @ 8:34 am

Contact Information

Address
165 Capisic Street
Portland, ME 04102

Email
[Redacted]
[Redacted]

Experienced program and grants management professional with demonstrated history of success in the nonprofit sector. Recognized for holistic thinking, strategic planning, and collaboration, with a proven ability to oversee operations and drive organizational success. Skilled in developing and implementing strategies, fostering partnerships, and ensuring effective program delivery. Adept at leading cross-functional teams and working with diverse stakeholders to drive impact and promote sustainability.

WORK EXPERIENCE

SHARE OUR STRENGTH

Washington, DC & Full Time Remote

July 2024 – Present

Associate Director, Grant Strategy and Administration

- Collaborate with cross-departmental teams to develop and implement integrated grantmaking strategies and systems to ensure alignment with organizational mission and goals, resulting in streamlined processes and enhanced impact.
- Spearheaded the development and execution of the No Kid Hungry grantmaking strategy, including school and community nutrition grants, family economic mobility initiatives, and benefits integration.
- Develop and formalize grantmaking processes, documentation, technical assistance, and resource development through ongoing internal and external feedback and regular needs assessments.
- Supervised two Grant Managers and a Grant Consultant, including supporting the achievement of personal professional goals, provide advice to overcome and troubleshoot challenges, etc. Partner with colleagues to support and embed Share Our Strength's Equity, Diversity, and Inclusion goals in all grantmaking strategies and practices.

Senior Manager, Grant Strategy and Administration

February 2023 – July 2024

- Engaged with Share Our Strength's No Kid Hungry state campaign managers and Program manager to develop grant making processes to increase access to federal nutrition programs. Responsibilities include drafting requests for proposals, managing proposal submissions, conducting strategic reviews of grant applications, and ensuring accountability throughout the grant cycle.
- Managed the strategy behind and administration of over \$10million in grants to school districts and nonprofit organizations.
- Collaborated across the organization to design recommendations and process improvements that ensure all grants are aligned with programmatic priorities and equitable grantmaking best practices.
- Developed custom dashboards and reports in Salesforce to support program officers in grantmaking efforts and organizational learning.
- Leveraged grantee data to track progress against organizational goals, including creating metrics, assisting with course correction and troubleshooting, managing grant cycle expense budgets, and creating financial and strategic reports.
- Supported the analysis of grantee data to inform organization learnings, research, and strategy development.

State Campaign Manager, No Kid Hungry Campaign

July 2019 – February 2023

- Built and sustained cross-sector, strategic partnerships across five No Kid Hungry state campaigns, including management of annual budgets totaling \$1.3+ million, drive annual strategic planning and goal setting, lead implementation of strategic plans, and coordinate reporting.
- Managed relationships with external partners and key stakeholders to execute campaign strategies and annual work plan, including regional and statewide community-based organizations, state agencies, policy makers, education associations, and school districts.
- Coordinated across internal departments and teams to elevate learnings and inform resource development, strategy, and processes to achieve campaign goals and priorities.
- Developed tools and reporting templates to track progress toward campaign work plans and measure impact.
- Leveraged No Kid Hungry grant data and state/national datasets to analyze participation trends in child nutrition trends to drive programmatic and grantmaking strategy.
- Developed and executed school and community grantmaking strategy including outreach, application reviews, technical assistance, and monitoring in partnership with the grants team.
- Acted as the primary liaison between internal and external partners stakeholders to support the passage and implementation of child nutrition legislation, including coordinating data and policy analysis, developing legislative materials, and information implementation resources and strategies.
- Coordinated emergency response efforts during the COVID-19 Pandemic in partnership with campaign partners to administer \$5+million in grants, collect and share promising practices for safely operating child nutrition programs, supporting school districts and community partners to maximize access to meals, and develop resource to raise awareness of key programs to ensure that families.
- Organized and led a multi-day State Breakfast Convening that hosted four No Kid Hungry Campaign partners and their respective state agencies to strengthen cross-state peer-to-peer learning and knowledge sharing among state administering bodies and community organizations, identify opportunities for partnership and collaboration to support breakfast expansion efforts, strengthen public-private partnerships.

Kristen H. Dunphey

State Campaign Associate, No Kid Hungry Campaign

January 2018 – July 2019

- Provided administrative and strategic implementation support to seven No Kid Hungry state campaigns where advocacy is a key campaign strategy.
- Act as an internal point of contact on implementing Breakfast After the Bell legislation for all No Kid Hungry state campaigns that passed or are pursuing legislation, including sharing best practices, tracking implementation barriers, and collaborating with the Center for Best Practices for future policy recommendations.
- Managed projects and initiatives that support No Kid Hungry advocacy efforts and the implementation of Breakfast After the Bell legislation including the development of two state campaign websites, a NY legislative outreach database, and frameworks for tracking and managing partner relations.
- Collaborated with internal teams to execute a statewide Breakfast Hero Contests in Pennsylvania and a citywide Breakfast Hero Contest in NYC to build goodwill and raise up leaders in school breakfast. The Pennsylvania contest yielded over 100 nominations and 37 contest winners while the NYC contest yielded over 65 nominations and seven contest winners.
- Identified trends and resource needs across the Field Team and state campaigns and develop resources/compile information to help share lessons learned, successful strategies/tactics, and impact. (i.e. Partner Engagement & Conference guide, Spot Bonus Tracker, conference proposal and presentation bank).
- Researched and developed partner landscapes for several No Kid Hungry Campaigns to provide line of sight into and uncover like-minded and non-traditional partners.

CONGRESS FOR THE NEW URBANISM (CNU)

Washington, DC

Program Associate

January 2017 – December 2017

- Managed all aspects of CNU's annual Congress—a gathering of over 1,500 architects, urban planners, and designers—including program development, development of sponsorship and fundraising materials, review of marketing materials, and venue selection.
- Organized CNU's first Climate Summit where over 80 CNU Members convened to learn from 12 climate and resilience experts and develop action plans to move CNU's climate initiatives forward.
- Partnered with two communities in the greater Seattle region to organize and execute two three-day hands-on, community engagement-oriented design workshops that seek to empower the community to build places where people and businesses thrive by exploring opportunities, identifying roadblocks, engaging local residents, and generating top-of-the-line design and placemaking strategies.
- Convened a team of five national coding experts and five Michigan community leaders to launch CNU's Project for Code Reform, which developed an incremental zoning and code reform framework.
- Organized CNU's first Climate Summit where over 80 CNU Members convened to learn from 12 climate and resilience experts and develop action plans to move CNU's climate initiatives forward.
- Assisted in grant proposal writing, grant research, and grant reporting.

Program Assistant

February 2016 – January 2017

- Managed CNU's Group membership program, including developing relationships with architecture and design firms and municipalities that support New Urbanist design principles and creative placemaking.
- Organized CNU's first Civic Tech Forum—a gathering of over ten organizations that explored the ways in which technology can assist in community planning and economic development.
- Partnered with the U.S. Department of Transportation to organize, manage, and execute four three-day community engagement-oriented urban design visioning workshops in 4 cities.
- Managed and supported CNU's Chapters—a network of 19 local, regional, and international nonprofits advancing the mission of CNU and the New Urbanist Movement.
- Provided direct assistance to CNU's Board of Directors and the President/CEO, including recording meeting minutes, developing meeting agendas, and fielding questions about CNU's programs.

EDUCATION

The College of the Atlantic

Bar Harbor, ME

M.Phil Human Ecology, Food Studies and Food Systems Planning

The George Washington University

Washington, DC

B.A. Environmental Studies and Geography, GIS

SKILLS / ACTIVITIES

Community Involvement: Farm to Institution New England Network Advisory Council (July 2022 – March 2023)

Software and Database Experience: Salesforce, foundationConnect, Tableau, Wordpress, Drupal 7, Canna, CiviCRM, MS Office Suite, Filemaker Pro, Google Drive

Interests: Hiking, Running, Gardening, Cooking, and Fiber Crafts.

Kristen H. Dunphey

[REDACTED]

[REDACTED] Annual Allocation Committee
City of Portland
389 Congress Street
Portland, ME 04101

Dear Ms. McAllister and Members of the CDBG Annual Allocation Committee,

I am writing to express my interest in joining the City of Portland's CDBG Annual Allocation Committee. With extensive experience in equitable and strategically aligned grantmaking, I am eager to contribute to the Committee's mission of making informed and impactful funding recommendations for the allocation of CDBG resources.

In my current role as the Associate Director of Grant Strategy and Administration at Share Our Strength's No Kid Hungry campaign, I lead the development and execution of comprehensive grantmaking strategies that prioritize equity and strategic alignment with organizational goals. My responsibilities include overseeing the development of grantmaking strategies, leading systems integration, and ensuring that our grantmaking efforts meet both our internal goals and effectively address the needs of underserved communities.

My experience collaborating with various departments to integrate grantmaking strategies has honed my ability to work cross-functionally and develop processes that support programmatic goals. Additionally, I have a strong track record of developing and formalizing grantmaking processes through continuous feedback and needs assessments, leading to significant process improvements that prioritize equity and inclusivity.

I am particularly adept at analyzing and synthesizing data to provide insights and recommendations, ensuring that resource allocations are made effectively and strategically. My background in monitoring grantee activities and tracking progress reports has equipped me with the skills to identify best practices and challenges, ensuring that our grantmaking efforts are both equitable and impactful.

Moreover, my commitment to equity, diversity, and inclusion aligns with the City's values, and I have actively worked to embed these principles throughout my professional endeavors. By fostering an inclusive and equitable approach to grantmaking and fostering authentic relationships with cross-sector partners, I ensure that our strategies not only meet the immediate needs of communities but also promote long-term, sustainable impact.

I am excited about the opportunity to contribute to the City of Portland's efforts in allocating CDBG resources to benefit the community. I believe that my experience in equitable and strategically aligned grantmaking will be invaluable in making thoughtful and impactful funding recommendations. I look forward to the possibility of discussing my application in more detail and exploring how my background, skills, and dedication can add value to the CDBG Annual Allocation Committee.

Thank you for considering my application. I am available at your earliest convenience for an interview and can be reached at [REDACTED]

Sincerely,

Kristen Dunphey

Andrea Levinsky

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Status

Name	Andrea Levinsky
Application Date	11/27/2024
Expiration Date	11/27/2025
Status	Received

Board (Rank)	Vacancies	Status
CDBG (Annual Allocation Committee (0)	2	Pending
Creative Portland Corporation (1)	1	Pending
Board of Assessment Review (2)	3	Pending
Police Citizen Review Subcommittee (3)	1	Pending

Basic Information

Name	Andrea Levinsky
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Contact Information

Address	237 Auburn St Portland, ME 04103
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Email	[REDACTED]
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Additional Information

Notes	Generated 12/16/2024 @ 8:53 am
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Andrea M. Levinsky

• <https://www.linkedin.com/in/andrea-levinsky-msed>

Professional Highlights

- Managed and coordinated \$100,000 in grant funding given to local organizations
- Expertise in developing community relationships
- Masters in Education focusing on impact measures and program evaluation
- Experience with working cross-culturally on equity-focused community programs
- Detailed oriented program manager with strong organizational skills
- Proven success in advocacy and policy-related work
- Passionate about affordable housing and community projects

Project Management Experience

Extended Learning Opportunities Coordinator, Portland High School, Portland ME 2018-Present

- Cultivated and managed ongoing cross-sector strategic partnerships with hundreds of businesses and organizations to create education and outreach programs to host annually: 40 interns, 200 simultaneous job shadows, and 200 mock job interviews for pipeline development
- Reviewed policies and performance metrics of internship program and made changes that led to a more equitable program, doubling in size and serving a population representative of the school
- Consulted with 100 business clients to create and maintain internships through networking and cold calling that are tailored to students
- Recruited, interviewed, and onboarded diverse student interns; developed data-driven system for evaluation
- Created and marketed new workforce development programming based on opportunities and needs such as career panels, community organizer trainings, and career exploration programs for a school of 800 with about 50% of the students receiving free and reduced lunch
- Managed \$100,000 grant and provided technical assistance to organizations hosting 100 summer interns
- Collaborated with teachers, administration, guidance counselors, and district Youth Development Team
- Assisted in organizational development by creating an advisory program based on building relationships and serving on school leadership team, assessing organizational needs and forming data-driven solutions

Equity Team Co-Leader, Portland High School, Portland ME 2021-Present

- Reviewed school policies and performance metrics and suggested changes based on student voice
- Designed and facilitated staff trainings on equity as part of school equity leadership team
- Project managed team of 10 staff members, managing deadlines, timeline, and workflow

Director of Counselor in Training Program, Breakwater Enrichment Center, Portland, ME 2022-Present

- Recruited, interviewed, and onboarded staff preparing diverse high school students to work with diverse children
- Developed system for performance review; supervised, observed, and evaluated 10 staff in a culturally responsive manner

Education Program Manager, Temple Shalom, Newton MA 2017-2018

- Program managed education program of 215 students including course sign up, scheduling, teacher and teacher assistant placement, whole-school events, day-of logistics/set up, supplies ordering, and curriculum for electives
- Used universal design to make sure the program was as inclusive as possible

Local Community Builder (Volunteer), Moishe House, Portland, Maine 2018-Present

- Built young adult Jewish community by planning and hosting and advertising two events per month
- Planned and coordinated two multi-day overnight retreats for 12 participants, managing a \$5,000 grant

Co-Founder and Instructor, Girls Are..., Portland Maine 2015-2019

- Co-founded "Girls Are...", an arts and education organization for young girls to show how powerful they are
- Solicited mutually beneficial partnerships, maintained budget, developed and taught curriculum

Education Experience

7th Grade English Language Arts Teacher, Greely Middle School, Cumberland, ME 2016- 2017

- Designed and taught curriculum to 75 suburban students
- Organized Naturalization Ceremony held at the school and coordinated cross-discipline curriculum

7th Grade Social Studies and Language Arts Teacher (One-Year-Only), Windham MS, Windham, ME 2015-2016

- Formed relationships with 45 rural students, 1/3 of whom were identified with an IEP or 504 plan
- Advised student Kindness Club and served on Restorative Practices Committee

Facilitator, Roots and Wings Training and Consultation, Sharon, MA 2018-2020

- Facilitated programs for middle/high school students on identity development, leadership, and communication
- Led programming extension to Maine and presented at conferences

Policy, Research, and Academic Related Experience

Medical Economics Intern, Martin's Point Healthcare, Portland ME Summer 2024

- Assisted in identifying, monitoring, and analyzing health care cost drivers, including utilization, cost, and member condition
- Supported development of business-related analyses and research findings on utilization, financial and quality performance data to establish and track against organizational targets
- Conduct analysis using SQL and Excel

School Board Member, South Portland Public Schools, South Portland ME 2021-2022

- Analyzed policies, solicit constituent feedback, collaborate with school staff and other members
- Prioritized centering youth and educator voices and advocating for change that promotes equity and racial justice

Central Office Intern, Portland Public Schools, Portland, ME 2014

- Researched proficiency-based learning and wrote equity policies for district for senior leadership

Policy and Research Intern, Great Schools Partnership, Portland, ME 2012-2013

- Conducted independent research on equity in education in Maine and proficiency-based learning

Education

University of Southern Maine, Gorham, ME

Graduate Certificate in Public Health

Expected 2025

University of Southern Maine, Gorham, ME

MSEd Teacher Leadership

June 2022

Connecticut College, New London, CT Bachelor of Arts

May 2015 *magna cum laude*

Double Major: Human Development & American Studies *Minor:* Dance

GPA 3.87

Selected Scholar: Holleran Center for Community Action and Public Policy Certificate

May 2015

City of Portland, Maine
398 Congress St.
Portland, ME 04101

To Whom It May Concern:

As a skilled program manager, researcher, builder of community partnerships, strategic thinker, facilitator, and educator, I am interested in joining the board. I'm very passionate about affordable housing, the arts, and community building as evidenced by my work in schools and my volunteer service in the community. I have 10 years of experience with highly detailed program management, outreach and relationship building, and providing technical assistance. I have gained analytical skills through my masters degree. Additionally, serving as an intern last summer at Martin's Point helped me to gain deeper skills related to finance including using Excel and SQL.

I currently hold the position of Extended Learning Opportunities Coordinator at Portland High School. I connect the school and the community for mutually-beneficial student learning experiences. In a typical year, I will create partnerships to support 50 interns, 200 simultaneous job shadows, and 200 mock job interviews. I also run career programming such as panels and programming related to social justice. In this role I also recruit, manage, and cultivate hundreds of volunteers to work with my students from all different fields. I provide technical assistance to businesses on how to run an internship program and to youth development organizations on how to best serve young people, especially those with diverse backgrounds. I regularly collaborate with other staff members and I also collaborate with colleagues across the state who hold similar positions. Coordinating the summer school programming at Portland High School over the past few years has given me experience implementing state and federal program requirements as the program was funded by covid-related funds.

In my current role, equity is at the center of my work. I have greatly expanded the scope of work, working with hundreds of partners and innovating new programs. Under my leadership, the Portland High internship program nearly doubled in size and now serves a population representative of the school in many demographic areas including race, disability status, GPA, class rank, and language minority status. I work tirelessly to create equity in my programming by engaging in intentional recruiting, using data, and securing grant funding and corporate donations to reduce barriers to participation. I further honed my project management and facilitation experience as the leader of the school equity team. I project manage a team of 10 staff members, managing deadlines, timeline, and workflow. I tailor materials to meet the needs of our staff, create new trainings, and provide structure and visioning for the school's equity work.

Thank you so much for your time and consideration. I am happy to answer any questions!

Sincerely,

Andrea M. Levinsky

GLENN A. CUMMINGS, ED.D

CURRICULUM VITAE

EDUCATION

ED.D, UNIVERSITY OF PENNSYLVANIA Graduate School of Education

Doctorate in Higher Education Management

Specialization: Leadership and Strategic Planning in Higher Education, Enrollment Management, Trustee and Board Relations and Organizational Change in Higher Education

MPA, HARVARD UNIVERSITY John F. Kennedy School of Government

Masters of Public Administration

Specialization: economic development, educational policy, organizational change, and strategic management of the public sector.

MAT, BROWN UNIVERSITY Graduate School of Education

Master of Arts in Teaching

Specialization: educational methodology with focus in History and Social Science

BA, OHIO WESLEYAN UNIVERSITY

Bachelor of Arts, Summa Cum Laude

Specialization: American History and Political Science

CAREER

THE GLICKMAN-LAUDER FOUNDATION AND INVESTMENTS, Portland, Maine, *January 2022-present*

Chief Executive Officer and President

Solicited by Judith Glickman Lauder (the spouse of Leonard Lauder, CEO emeritus of Estee Lauder) to lead her family office. \$350M Assets Under Management; \$50M private foundation focused on the arts, education, and mental health.

Specific goals and achievements include:

- Overall responsibilities for the execution of strategic philanthropy
- Management of the Family Office investments and budget
- Oversaw the transition from a single asset class into a more diversified portfolio.
- Responsible for Family services while in Maine.
- Supervised the overhaul of the accounting system to a new, more efficient, system.
- Hired Chief Investment Officer and CFO, and household staff members.

UNIVERSITY OF SOUTHERN MAINE, Portland, Maine, *2015-2022*

President

Appointed by the University of Maine System Board of Trustees as the 13th President of the University of Southern Maine. Maine's only urban regional comprehensive university; 8,500 undergraduate and graduate students; part of the University of Maine System; largest public university in the state next to the flagship; budget of ~ \$200M.

Specific goals and achievements include:

- Turned around a severe fiscal crisis between 2012-2014, to present a balanced budget for seven consecutive years, expanding reserves to over \$7M
- Six years of enrollment growth, with only the pandemic (fall of 2020) being an exception (-1.3%); Early College program enrollment has nearly tripled since 2015.
- Designed and funded the largest building project in university history, including a 600-bed residence hall - the first overnight on the Portland campus, a 60,000 square foot adjacent student center, and the creation of a large grass quad (formerly a parking lot). Projected completion in 2023.
- Record amounts of fundraising with philanthropy, voter-approved investments, and revenue bonds amounting to just under \$300MM.
- Retention has increased by 7% as a result of a nationally recognized innovation in advising and leveraging scholarship funds.
- Raised academic reputation of University and strengthened average entering High School GPA from 2.9 to 3.31 with focus on academic excellence; Honors Program has multiplied exponentially from 50 students to over 500.
- Managed the complex waters of COVID-19 safety with one of the lowest positivity rates in the national higher education landscape.

UNIVERSITY OF MAINE AT AUGUSTA, Augusta, Maine, *September 2014-June 2015*

President, one year appointment

Appointed by the University of Maine System Board of Trustees for a one-year contract to lead UMA. Mid-sized regional comprehensive university; enrollment of 6,100 undergraduates with two master's programs; strong state-wide on-line footprint; budget ~\$130M.

Specific goals and achievements include:

- Execution of favorable NEASC accreditation review by Spring 2015
- Successful transition of the capital campaign from private to public
- Creation of Comprehensive Enrollment Strategy review and redirection
- Development of 5-Year Strategic Plan to include retention, recruitment and enhanced program offerings based on market needs
- Maintain fiscal discipline while investing in selected areas of revenue growth
- Represent UMA in multiple areas of the region's economic, social and political spheres, creating strong and effective community bonds with key regional-metropolitan partners
- Promote and work in partnership with the Chancellor and the University of Maine System leaders to enhance the effectiveness of the system comprehensively

U.S. DEPARTMENT OF EDUCATION, Washington, D.C., *2009-2010*

Deputy Assistant Secretary

Appointed by President Barack Obama to serve at the direction of the U.S. Secretary of Education Arne Duncan.

- Responsible for leadership in policy development for post-secondary education "access and completion" priorities and the management and supervision of \$1.9B in federal allocation for Perkins IV funding and Adult Education to all fifty states and U.S. territories.
- Participated in the formation of the White House's American Graduation Initiative, the largest (intended) investment in higher education since the GI bill
- Led US Delegation to Amman, Jordan for a symposium with 13 Arab countries on US higher education
- Chosen to Chair the U.S. Department of Education's Green/Sustainability Initiative
- Representative of the U.S. Department of Education for the White House Initiatives on Regional Innovation Clusters and Recovery through Retrofit

UNIVERSITY OF SOUTHERN MAINE, Portland, Maine, *1997-2014*

Assistant Professor of Educational Leadership and Economic & Public Policy 2012-2014

Position includes professorship, research responsibilities, and teaching at both the doctoral and master's Degree courses

Director, Southern Maine Partnership 2012-2014

Appointed to lead regional educational reform effort through the University of Southern Maine

Adjunct Professor of Economics, Department of Economics 1997-2013

Taught both Micro and Macro Economics.

G.W. HINCKLEY FOUNDATION / MAINE ACADEMY OF NATURAL SCIENCES, Fairfield, Maine, 2010-2014

President and Executive Director

Appointed President and Executive Director to transform the vision, program and operations of a 121-year-old Maine educational institution, now specializing in sustainability, natural sciences and agriculture

- Responsible for all long-term strategy, financial stability and operations
- Managed \$13MM endowment
- Oversaw key real estate sales to reduce operating costs and construct key program partners
- Returned endowment to historic levels and eliminated all standing debt
- Successfully brought the Maine community College to campus and constructed MOU for long-term partnership with the local community college system
- Secured on-going state revenue for a state-wide agricultural and natural sciences-based magnet school
- Developed, launched, and led the first charter in Maine history
- Helped raise over \$12.5MM in private funds to complete educational mission, including a \$6.5MM for the creation a new net-zero carbon-emissions high school

MAINE HOUSE OF REPRESENTATIVES, Augusta, Maine 2002-2008

Speaker of the House, Maine House of Representatives, 2006-2008

Unanimously elected to serve as the chief presiding officer of the Maine House of Representatives, responsibility for the political and administrative management of the institution. Provided leadership for the passage of a bi-partisan biennial budget; brokered agreement on the largest economic investment bond package in the state's history; and led a bi-partisan effort to increase higher education appropriations. Chief House negotiator and co-architect of \$6.4B. FY07-09 budget. Oversight, management of the Legislature's 151 lawmakers, 217 partisan and non-partisan staff, 18 Joint Standing Committees. Direct management and oversight of the Legislature's comprehensive budget.

Majority Leader, Maine House of Representatives, 2004-2006

Charged with providing a dynamic voice, a compelling vision, and effective leadership for the Democratic Caucus, including the creation and implementation of the legislative agenda and the recruitment of 151 candidates. Expand the caucus from a one-vote margin to a 30-vote lead in two years.

House Chair, Committee on Education and Cultural Affairs, 2002-2004

Led in the crafting of some of the state's most complicated and far reaching educational reforms, including the restructuring of K-12 school funding, the crafting of the Essential Services and Programs model of funding, and the creation of the Community College System. Strong advocate for Arts in Education

SOUTHERN MAINE COMMUNITY COLLEGE, South Portland, Maine, 2002-2009

Dean of Advancement, Southern Maine Community College, 2005-2009

Responsible for the creation, guidance and execution of the college's fundraising campaign and their initial investment at the Brunswick naval Air Station. Engaged in crafting and articulating a compelling vision and an economic case for the investment in Maine's largest and fastest growing community college.

Founder/Director, Entrepreneurial Center, 2002-2004

Designed and implemented an innovative program creating the first entrepreneurial center and small business incubator program in Northern New England

Professor, Business Department, 2002-2009

Business, entrepreneurship and economics professor

PORTLAND PARTNERSHIP, Portland, Maine, 1997-2002

Executive Director

Organizational mission is to build strategic partnerships between business and high school students. Led 22-member team and reported to 15-member board of Directors; double business partnerships, raised \$1.1MM in grants and in-kind donations and brought volunteer hours to the highest of any school district in Northern New England.

GORHAM HIGH SCHOOL, Gorham, Maine, 1984-1995

Teacher, American History and Debate

Department Head History/Social Sciences, 1985-1992

Developer, ATLAS, 3-year Comprehensive School Reform Project in Collaboration with Harvard, Brown, and Yale Universities, 1992-1995

FUND RAISING ACCOMPLISHMENTS

Grants/Campaigns:

\$300MM in fundraising with philanthropy, voter-approved investments, and revenue bonds
\$12.5MM for launch of Maine Academy of natural Sciences, Maine's first Charter School
Co-Raised \$1.1 MM, Maine record for Presidential primary fund-raising as Co-Chair of the Obama 2008 Campaign
\$1.2 MM for the Portland Partnership, 1997-2002
Co-Raised \$1 MM in contributions during legislative leadership, 2003-2007
Co-Raised \$460,000 for the House campaign Committee, 2004, 2006
\$81,000 for the Cummings Political Action Committee, 2005-2006
\$324,000 in 6 months, founding the Entrepreneurial Center at SMCC, 2003

PUBLIC POLICY ACHIEVEMENTS

Created the Maine's Prosperity Joint Select Committee charged with creating a multi-sector plan for economic development, 2007

Leadership in Legislative Sponsorship

During leadership cut the state structural budget gap in half and built the state's "rainy day" fund from \$0 to over \$100MM

Homeowner Protection Act, 2007, one of the nation's toughest and leading anti-predatory lending laws

College Access Act, 2007, first in the nation law to require college applications to be part of high school curriculum

Regional Greenhouse Gas Initiative, 2007, Chief negotiator, 10-state initiative, creating the nation's first carbon cap and trade market

2007, creating PhD Arts program and ISDVA (Inst. For Doctoral Studies in the Visual Arts)

2006, increasing minimum teacher salaries

2006, led Caucus to increase the state minimum wage

Low Income Heating and Energy Assistance, 2005, \$MM in emergency funds and an additional \$50,000 in private contributions

2004, first in the nation law giving 17-year old's a vote in primaries

Act to Establish the Community College System, 2003

Childhood Lead Screen Act, 2003, landmark legislation requiring lead poisoning screenings for all Maine Children

2003, passing the state's comprehensive overhaul of K-12 funding

COMMUNITY SERVICE

Board of Directors Jobs for Maine Graduates, Augusta, Maine, 2020 – *Present*
Board of Directors, United Way of Greater Portland, Portland, Maine, 2017 – *present*
Board of Directors, CEI (Coastal Enterprises, Inc.), Wiscasset, Maine, 2011 – 2019
Board of Directors, IDSVA, Institute of a Doctoral Studies for the Visual Arts, 2010 – 2015
Maine House of Representatives, four terms of service, representing Portland, 2000 – 2008
Advisory Board, Margaret Chase Smith Policy Center, 2006 – 2008
Board of Directors, Maine Compact for Higher Education, 2002 – 2008
Trustee, Bread for the Journey Foundation, 2005 – 2007
Board of Directors, Long Creek Youth Development Center, 2002 – 2004
Trustee, Breakwater School, 2001 – 2003

PUBLICATIONS & PUBLIC APPEARANCES

Official National Delegate, Domestically and Internationally, on behalf of Secretary Duncan and the U.S. Department of Education with substantial public speaking responsibility, including press and media events, 2009-2010
Official State Delegate and frequent public speaker in capacity as Speaker of the Maine House, 2002-2008
Co-author of the nationally recognized Public Policy Exhibition, 1990
Speaker for the national and regional forums on public policy and education issues, *Ongoing*
Appearances in state and national television, radio and print media on broad range of policy and public interest issues, *Ongoing*
Print Coverage in Business Week, the New York Times, US News and World Report, and the Chronicle of Higher Education

AWARDS AND RECOGNITION

Emeritus Status, University of Southern Maine, now in process, 2024
Naming of the Cummings Courtyard” at the University of Southern Maine’ main campus, 2024
Legislator of the Year, Maine Bankers Association, 2007
Distinguished Service Award, Maine Credit Union League, 2007
Community college Advocate of the Year Award, 2007
Maine Medical Association Legislator of the Year, 2002
The first Clean Elections Candidate in the Country, 2000
Scott Black Fellow, JFK School of Government, Harvard University, 1996
Full tuition scholarship to Brown University Graduate School of Education, 1983
Hasting S. Eells Award for Most Distinguished Student of History, Ohio Wesleyan University, 1983
Newberry Fellowship for the study of politics and literature, Chicago, IL, 1982

PERSONAL

Born and raised in Bath, Maine; 12th-generation native Maine resident and the first individual in my family to obtain a 4-year college degree; grandmother graduated from the Gorham Normal school (now USM) in 1927.
Married: Leslie Appelbaum; two children; Kiernan (28), Skyler (25)
Avid runner, cyclist, and reader

Mr Keith Bidwell

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Status

Name Mr Keith Bidwell
Application Date 11/22/2024
Expiration Date 11/22/2025
Status Received

Board	Vacancies	Status
Police Citizen Review Subcommittee	1	Pending

Basic Information

Name
Mr Keith Bidwell

Contact Information

Address
153 Dartmouth St.
Apt 1
Portland, ME 04103



Additional Information

Notes

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Keith Bidwell

POTENTIAL VOLUNTEER - PCRS

EDUCATION

Kaplan University
Associate Degree - Paralegal Studies

OBJECTIVE

As a long time citizen of Portland, I would like to give back to the amazing town I am proud to call home.

PERTINANT SKILLS

An understanding of criminal law and the legal system. I worked for a public defender as a paralegal for two years.

REFERENCES

Norman Parker
Executive Vice President - Lamtec

Tanya Sweatt
CFO - Garrard Moehlenkamp

EXPERIENCE

July 2022 - present
Technical Manager • Lamtec Corporation
Providing technical support to the insulation industry as well as serving on several committees for ASHRAE, ASTM and other bodies.

January 2017 - present
Owner and COO • Apotheosis Inc.
My wife and I own and operate booth rental salons.

June 2011 - June 2013
Paralegal • DeGrinney Law Office

COMMUNITY VOLUNTEERING EXPERIENCE

I volunteered at the Volunteer Lawyer Project for a year at the end of my legal education and start of my paralegal career. It was great.

I serve on several professional committees for various building energy code related issues for ASHRAE, ASTM and the Metal Building Manufacturer's Association.

Keith Bidwell

POTENTIAL VOLUNTEER - PCRS

Contact

153 Dartmouth St.

[REDACTED]
[REDACTED]
[REDACTED]

To whom it may concern,

I am interested in potentially volunteering on Police Citizen Review Subcommittee. Portland has been a great home for me and my family and I would like to give back to the community .

Sincerely,

Keith Bidwell

Nancy English

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Status

Name Nancy English
Application Date 11/14/2024
Expiration Date 11/14/2025
Status Received

Board	Vacancies	Status
Zoning Board of Appeals	0	Pending

Basic Information

Name
Nancy English

Contact Information

Address
40 Park Ave.
Portland, ME 04101

Email
[Redacted]
[Redacted]
[Redacted]

Additional Information

Notes
Thank you for your consideration.

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Nancy L. English

40 Park Avenue • Portland, Maine 04101 • [REDACTED]

Experience

Candidate for Portland City Council District 2

4/1/2024 to 11/5/2024

- Finished second in a field of five, with a final runoff vote total of 2,620 to the winning total of 2,971

Public Member for the Fee Arbitration Commission

2/17/2021 to present

- This commission, under the authority of the Maine Bar Board of Overseers, rules on attorney client fee complaints.

City of Portland Office of the Corporation Counsel, Paralegal

1/7/2013 to 12/29/2024

- Working with City Attorneys on matters in District, Superior, Maine Law and Federal courts.
- Preparing City Council Orders and Code Amendments; finalizing orders; adding amendments to the Portland City Code
- Working with City Attorneys to draft and process Contracts, tracking compliance with insurance and bond requirements.

Verrill Dana, LLP: Paralegal

8/16/2011 to 10/25/2011

- Assisted Kurt E. Klebe, Esq., appointed Receiver of the Law Office of David E. Hunt, contacting former clients of David E. Hunt.

Law Office of David E. Hunt: Paralegal

8/10/2010 to 8/12/2011

- Worked with executors of estates applying for probate, estate accounting for estate assets, and closed estates with final forms.

Office of the Revisor of Statutes: Session-only Legal Proofreader 1/20/2009 to 4/12/2010

- Ensured that drafts, revisions and amendments of Legislation were consistent and clear; fact-checked and copy-edited in teams.

Freelance Writer

2004 to present

- 11/2011 to 5/2012, ghostwriter for Jack Gibson autobiography about industrial recycling, including glass, asphalt, contaminated soils from Boston's Big Dig; co-author of ten editions of *Maine, An Explorer's Guide* and three editions of *Maine Coast & Islands*, traveling around the state; restaurant reviewer for Maine Sunday Telegram for more than six years; author of numerous articles, including in *Portland Monthly* and other publications.

Education

Vassar College

B.A. in History, *cum laude*; prize for best thesis in history, an historical novel

Skills

Proficient in Excel, Word, Adobe Acrobat Pro. Highly organized, working well with supervisors as well as independently, with excellent project and time management skills, meeting deadlines for projects big and small and managing multiple priorities.

[REDACTED]

[REDACTED]

Nancy English
40 Park Avenue
Portland, Maine 04101
[REDACTED]

November 14, 2024

Ashley Rand, City Clerk
Office of City Clerk
389 Congress St.
Portland, ME 04101

Re: Application to serve on the Zoning Board of Appeals

Dear Ms. Rand,

Please find my resume attached. I am familiar with the role of the Zoning Board of Appeals, as described in the relevant sections of the Land Use Code 2.3 Zoning Board of Appeals, 6.5 Conditional Use Review, 12.7 Variances and Appeals, 18.1.10 Partial Waiver of Replacement Requirements, 18.1.12 Appeals, 20.4.6 Appeals (sign permits), and more.

I see that some of the relevant language is changed in the ReCode Section 2.3, and later section numbers are changed. I would diligently review the revisions of the ordinance under which the board makes its decisions. For almost four years I have served as a public member on three member panels for the Fee Arbitration Commission, hearing appeals of lawyer's fees. Please contact Melissa Littlehale, Board Clerk, [REDACTED] for a reference.

Thank you for your consideration. I look forward to your response.

Sincerely yours,

Nancy English
Nancy English

Ryan D. Lizanecz

City of Portland | Generated 12/16/2024 @ 8:46 am by OnBoardGOV - Powered by ClerkBase

Status

Name Ryan D. Lizanecz
Application Date 11/19/2024
Expiration Date 11/19/2025
Status Received

Board	Vacancies	Status
Zoning Board of Appeals	0	Pending

Basic Information

Name
Ryan D. Lizanecz

Contact Information

Address
183 Brackett Street
Unit 307
Portland, ME 04102

Email
[Redacted]
[Redacted]
[Redacted]

Additional Information

Notes
Generated 12/16/2024 @ 8:46 am

Ryan Lizanecz

EDUCATION:

University of Maine School of Law, Portland, ME |

Juris Doctor, May 2023

- Awarded the Shur Frinsko Award for Municipal Law and Local Governance.
- Licensed to practice law in Maine

Bates College, Lewiston, ME |

Bachelor of Arts, Political Science; May 2020

PROFESSIONAL EXPERIENCE:

Jensen Baird, Portland, Maine

Associate Attorney - Government Services Practice Group; June 2024 - Present

- Advises and represents municipal councils, select boards, managers and administrators, as well as private developers, businesses, property owners and county organizations.
- Distinct areas of practice include zoning, land use, housing, elections and environmental law, as well as occasional land use litigation.

Rudman Winchell - Counselors of Law, Bangor, Maine

Associate Attorney - Municipal & Land Use Practice Group; August 2023 - May 2024

- Advised and represented municipal councils, select boards, managers and administrators, as well as private developers, businesses, property owners and county organizations.

The Law Offices of Joe Bornstein, Portland, Maine

Writing Clerk; April 2022 - June 2023

- Personal injury writing clerk tasked with writing demand letters, reviewing medical records, interviewing clients, conducting legal research and developing legal strategies for claims.

Maine Department of Marine Resources, Augusta, Maine

Legal and Policy Intern; January 2023 - June 2023

- Researched policies related to Maine's marine resources for the Department.
- Attended hearings for aquaculture sites and assisted in drafting testimony both for and against various bills pending before the Maine Legislature.

Maine Audubon, Augusta, Maine

Advocacy & Legislative Intern; January 2022 - May 2022

- Collaborated with the Audubon's Advocacy and Conservation Departments on advancing policies that benefit Maine's wildlife and habitat.
- Primarily state-based policy work, including projects seeking to advance legislation.
- Duties included bill tracking, attending hearings, and otherwise advocating for policy..

SKILLS

- Proficient in Microsoft and Mac programs, including Excel and Word.
- Proficient in legal research software, including LexisNexis.

November 19, 2024

City of Portland, Maine
City Council
Attn: Legislative/Nominating Committee
389 Congress St.
Portland, ME 04101

Members of the Legislative/Nominating Committee:

Please accept my application for the City of Portland's Zoning Board of Appeals. My resume is attached.

My daily responsibilities closely align with many of the subject matters overseen by the Zoning Board of Appeals, including zoning regulations, variances, and land use decisions. It would be an honor to apply my skills to be a small part of the important work that you do.

I hope to have the opportunity to meet with you soon to further discuss my qualifications for this position. Please do not hesitate to reach out to me with any questions or concerns.

Sincerely,

Ryan D. Lizanecz, Esq.

Andrew Weaver

City of Portland | Generated 12/16/2024 @ 8:56 am by OnBoardGOV - Powered by ClerkBase

Status

Name Andrew Weaver
Application Date 12/12/2024
Expiration Date 12/12/2025
Status Received

Board	Vacancies	Status
Zoning Board of Appeals	0	Pending

Basic Information

Name
Andrew Weaver

Contact Information

Address
118 Mabel Street
Portland, ME 04103

Email
[Redacted]
[Redacted]

Additional Information

Notes
Generated 12/16/2024 @ 8:56 am

Andrew R. Weaver, E.I.

| 118 Mabel Street, Portland, ME 04103

| [linkedin.com/in/andrew-weaver-91427963](https://www.linkedin.com/in/andrew-weaver-91427963)

EDUCATION

University of New Hampshire 2021

Bachelor of Science: Environmental Engineering

Boston University 2014

Bachelor of Science: Communications

SELECT PROFESSIONAL EXPERIENCE

Portland Water District (Portland, ME) 2022 - Present

Associate Engineer

- Preparing wastewater project budgets, plans, contracts, and construction specifications
- Approving development plans for new water mains and services
- Reviewing state regulations and municipal ordinances for project compliance

Underwood Engineers (Portsmouth, NH) 2021 - 2022

Project Engineer I

- Composed environmental, utility, and transportation permit applications
- Designed wastewater pumping stations, sewer force mains, and gravity sewers
- Developed wastewater asset management plans

Seacoast Science Center (Rye, NH) 2016 – 2018

Site Sales Coordinator

- Sold site rentals for weddings and private functions
- Managed annual summer series of oceanfront concerts
- Organized receipts, client records, and insurance certificates

Brooklyn Community Foundation (Brooklyn, NY) 2014 – 2016

Administrative & Program Assistant

- Served as the administrative assistant for 8-person staff
- Reconciled donor and grantee records
- Fielded calls and emails as the initial public point-of-contact

Boston University (Boston, MA) 2012 - 2013

Student Food Rescue Program Manager

- Co-managed daily food rescue program of 150 student volunteers
- Trained students to drive cargo vans in Boston

Ford & McPartlin, P.A. (Portsmouth, NH) 2008 - 2012

Filing & Research Clerk

- Maintained case and client files for two attorneys and two paralegals

December 12, 2024

Ashley Rand, City Clerk
City of Portland
389 Congress Street, Room 203
Portland, ME 04101

Dear Ms. Rand,

Please accept my re-application for a seat on the Zoning Board of Appeals for the City of Portland. I have greatly enjoyed my time on the ZBA for the past year and would be pleased to continue serving as a member for a full term. I am registered Engineer-Intern in Maine and an Associate Engineer at the Portland Water District. Beyond my one year of experience on the ZBA, my most relevant professional experience includes:

- Preparing water and wastewater project plans, budgets, contracts, and specifications
- Approving development plans for new water and wastewater mains and services
- Reviewing municipal, state, and federal ordinances for project compliance
- Filing municipal and state permit applications (Shoreland Zoning, Maine DEP, MaineDOT)

I earned a B.S. in Environmental Engineering from the University of New Hampshire in 2021 as well as a B.S. in Communications from Boston University in 2014. My professional work outside of engineering includes serving as the public point-of-contact for nonprofit entities and 10+ years of administrative work in professional offices.

Some of the most gratifying aspects of my work as an engineer are the occasions when I can dig into ordinances and public records in search of uncertain answers to complex issues. As a citizen of Portland, I would greatly enjoy the opportunity to continue serving my community in this capacity.

Please reach out via telephone or email with any questions. I look forward to hearing from you.

Sincerely yours,

Andrew R Weaver

Andrew R. Weaver, E.I.
118 Mabel Street
Portland, ME 04103



MEMORANDUM
City Council Agenda Item

FROM:

DATE: January 14, 2025

SUBJECT: Order 123-24/25 Amending Order 110-24/25 by Adding and Removing Constables for the Portland Housing Authority - Sponsored by Danielle P. West, City Manager

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

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

**Final
Action**

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

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

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

I. SUMMARY

II. AGENDA DESCRIPTION

This Order amends the list of appointed constables established under Order 110-24/25 for the Portland Housing Authority for the 2024 calendar year. Portland Housing Authority property managers are responsible for lease enforcement, including serving legal documents in eviction cases. In accordance with Maine law, certain documents can only be served by a Constable or Sheriff.

These appointments are effective from 12:01 a.m. on January 1, 2025 until 12:00 midnight, December 31, 2025, and are made pursuant to Portland City Code, Sections 2019 and 2019.5. Constables are not allowed to carry a firearm, concealed or unconcealed, in the performance of their duties, or to make arrests or issue parking tickets, except for the constables listed who work for the Parking Division and issue parking tickets as part of their job.

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. Order - Amending Appointed Constables 2025

Prepared by:

Date: 01/14/2025

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**ORDER AMENDING ORDER 110-24/25
BY ADDING AND REMOVING CONSTABLES FOR
THE PORTLAND HOUSING AUTHORITY**

ORDERED, that the City Council hereby amends Order 110-24/25 by adding Jeff Tardiff, David McAfee, Jackie Condon, Nadege Umukunzi, and Jesse Dunham and removing Michael Mills and Shannon Rafferty-Roy, as indicated in the list below; and

BE IT FURTHER ORDERED, that these appointments shall be effective from 12:01 a.m. January 1, 2025, until 12:00 midnight, December 31, 2025; and

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

**PORTLAND HOUSING
AUTHORITY**

~~Michael Mills~~

Cora Lanclos

Clayton Williams

~~Shannon Rafferty-Roy~~

Marcia Yeaton

Michelle Dunham

Jeff Tardiff

David McAfee

Jackie Condon

Nadege Umukunzi

Jesse Dunham

MEMORANDUM
City Council Agenda Item

FROM:

DATE: January 7, 2025

SUBJECT: Order 124-24/25 Granting Municipal Officers' Approval of Sandstorm LLC, dba Rising Tide Brewing Company. Application for Class III & IV with Combined Entertainment and Outdoor Dining on Private Property at 103 Fox Street - Sponsored by Danielle P. West, City Manager

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

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

**Final
Action**

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

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

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

I. SUMMARY

II. AGENDA DESCRIPTION

Application was filed on 12/23/24. Transfer of ownership of an existing establishment. New City and State applications.

Five affirmative votes are required for passage of items on the consent calendar 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. 2025.01.22_Rising Tide_Council Order

2. 2025.01.22_Rising Tide_Council Packet

Prepared by:

Date: 01/07/2025

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**Sandstorm LLC, dba Rising Tide Brewing Company. Application for Class III & IV with
Combined Entertainment and Outdoor Dining on Private Property at 103 Fox Street**



Oxbow Brewing Company

274 JONES WOODS RD
NEWCASTLE, ME 04553

An American Farmhouse Brewery

WWW.OXBOWBEER.COM
207.315.5962

December 19th 2024

Subject: Letter of Intent to Take Over Lease of Rising Tide Brewery

Dear Members of the Portland City Council

I hope this message finds you well. On behalf of Oxbow Brewing Company, I am pleased to submit this Letter of Intent (LOI) to take over the lease of the premises currently occupied by Rising Tide Brewery, located at 703 Fox St.

We are keenly interested in maintaining the spirit, operational integrity, and aesthetic appeal that Rising Tide Brewery has established in this location. Oxbow Brewing Company respects the legacy of Rising Tide Brewery and aims to uphold its contributions to the local community and craft beer industry. Our intent is to assume the lease with the commitment to keep the existing setup and infrastructure as is, ensuring a seamless transition and continuation of business operations.

Outlined below are the key terms and conditions under which Oxbow Brewing Company proposes to take over the lease:

1. **Lease Agreement:** Oxbow Brewing Company intends to assume the existing lease agreement under its current terms and conditions, subject to the landlord's approval.
2. **Premises:** The assumption of the lease will include all associated fixtures, brewing equipment, and infrastructure currently in place, ensuring no disruption to the operational capacity of the property.
3. **Timeline:** We propose to execute the transition and lease takeover by 1/2/25 contingent upon obtaining necessary approvals and completing required documentation.
4. **Community Commitment:** Oxbow Brewing Company is committed to honoring the community relationships and partnerships that Rising Tide Brewery has cultivated, with the goal of preserving its positive impact on the neighborhood.

Thank you for considering this proposal. We deeply respect the work Rising Tide Brewery has done and are enthusiastic about the opportunity to carry forward its legacy at this location.

Sincerely,

Greg Jasgur
COO
Oxbow Brewing Company



CITY OF PORTLAND, MAINE
Permitting and Inspections Department
Business Licensing and Housing Safety

Application for Food Service Establishment with Alcoholic Beverages License

Maine B.E.L.L.S. Application Information

File or Tracking Number from BELLS application: 27326 29387 -25L	Date of Submission of BELLS application: 12/13/24 12/22/24 -25L
---	---

Business Information

Legal Business Entity Applicant Name (corporation, LLC): SANDSTORM LLC	Business Name (D/B/A): RISING TIDE BREWING Co.	
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 103 FOX ST.	
If applicable, what was formerly at this location: RISING TIDE BREWING Co.	Business Email Address: NATHAN@RISINGTIDEBREWING.COM	
Mailing Address: 103 FOX ST.	Contact Person: GREG JASOUR	
Contact Person Phone: 202 321 7570	Contact Person Email: GREG@OXBOWBEER.COM	
Manager of Establishment: ALEX HERNANDEZ	Date of Birth: 04/09/1987	Manager Phone: 240-485-7130
Owner of Premises (Landlord): FOX ST. REALTY LLC	Address of Premises Owner (Landlord): PO BOX 1080 YARMOUTH ME 04096	

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: SANDSTORM LLC	Corporate Mailing Address: 49 WASHINGTON AVE PORTLAND ME 04101		
Contact Person: GREG@OXBOWBEER.COM	Contact Phone: 202 321 7570		
Principal Officers	Title	Date of Birth	Residence Address
TIM ADAMS	PARTNER	1/17/1983	38 HOWARD ST. PORTLAND ME 04101



CITY OF PORTLAND, MAINE
Permitting and Inspections Department
Business Licensing and Housing Safety

Class of Liquor License (see fee schedule): <u>CLASS III + IV</u>		
Type of food served:	<u>SANDWICHES + SOUPS</u>	
Please select all that will be served:	☒ Beer ☒ Wine ☐ Liquor	
Projected percentage of sales:	Generated from Food: <u>40</u>	Generated from Alcohol: <u>60</u>
Hours & days of operation:	<u>7 DAYS WK 12 PM - 10 PM</u>	
QUESTIONS	YES	NO
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	☒	☐
If No, please explain:		
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	☐	☒
If yes, give the distance:		
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)	☒	☐
Will you permit dancing after 1:00 a.m.?	☐	☒
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	☒	☐
If yes, will the outside dining be on: ☐ PUBLIC property or ☒ PRIVATE property		
Will you have any amusement devices (pinball, video games, juke box)?	☐	☒
If yes, please list: # of amusements: and # of pool tables:		
What is your targeted opening date? : <u>CONTINUOUS UNDER NEW OWNERSHIP</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):		
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 [Signature] 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

C.O.O

Date

12/17/24

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

BL@portlandmaine.gov • www.portlandmaine.gov



SNACKS & DIPS

SOUP + SPECIALS

MAINS

Add potato chips, coleslaw, greens, soup or beef chili to any main. \$3
Substitute gluten free bun \$2

Mac & Cheese \$12

made with gouda, pepperjack, cooper sharp, onion, garlic, paprika, salt, and pepper. Topped with breadcrumbs and scallions

Winter Salad \$11

mixed greens, bacon, mozzarella balls, maple candied pecans, and pomegranate dressing

Add Grilled Chicken \$4

Add Bacon \$3

Add Roast Beef \$6

French Dip Sandwich \$16

roast beef dipped in au jus, swiss, and horseradish mayo on ciabatta with a side of au jus

Add Grilled Chicken \$4

Add Roast Beef \$6

Roasted Chicken Sando \$14

cooper sharp cheese, pesto, roasted tomatoes, caramelized onions, mixed greens, and roasted chicken on a sesame seed bun

Add Bacon \$3

BYO Pita Melt \$8

Your choice of cheese (Cooper Sharp, Mozzarella or Swiss) and onions or roasted tomatoes.

Add Chicken \$4

Add Bacon \$3

Roast Beef \$6

Tide Dog \$9

Maine Red Snapper with buttered toasted bun and choice of toppings. Fried onions, bacon crumbles, beer cheese

Mini Whoopie Pie \$3

A Maine treat from Wicked Whoopies in Gardiner Maine! Chocolate with vanilla filling.

Add potato chips, coleslaw, greens, soup or beef chili to any main. \$3
Substitute gluten free bun \$2

Warm Pretzel Bites \$11

classic pretzel bites served with a side of Dusseldorf Mustard.

Add beer cheese \$3

Beef Chili \$8

made with onions, jalapeno, kidney beans, chili beans, garlic, cilantro, tomato paste, crushed tomatoes, and ground beef

Buffalo Chicken Dip \$7/\$11

house-made dip served chilled with your choice of tortilla or potato chips.

Add Ciabatta w/ Butter \$3

Soup Du Jour \$6

ask your bartender!

Add Ciabatta w/ Butter \$3

PINT SIZED BITES

For kids, or kids at heart.
With choice of potato chips or cinnamon applesauce

Small Mac & Cheese \$8

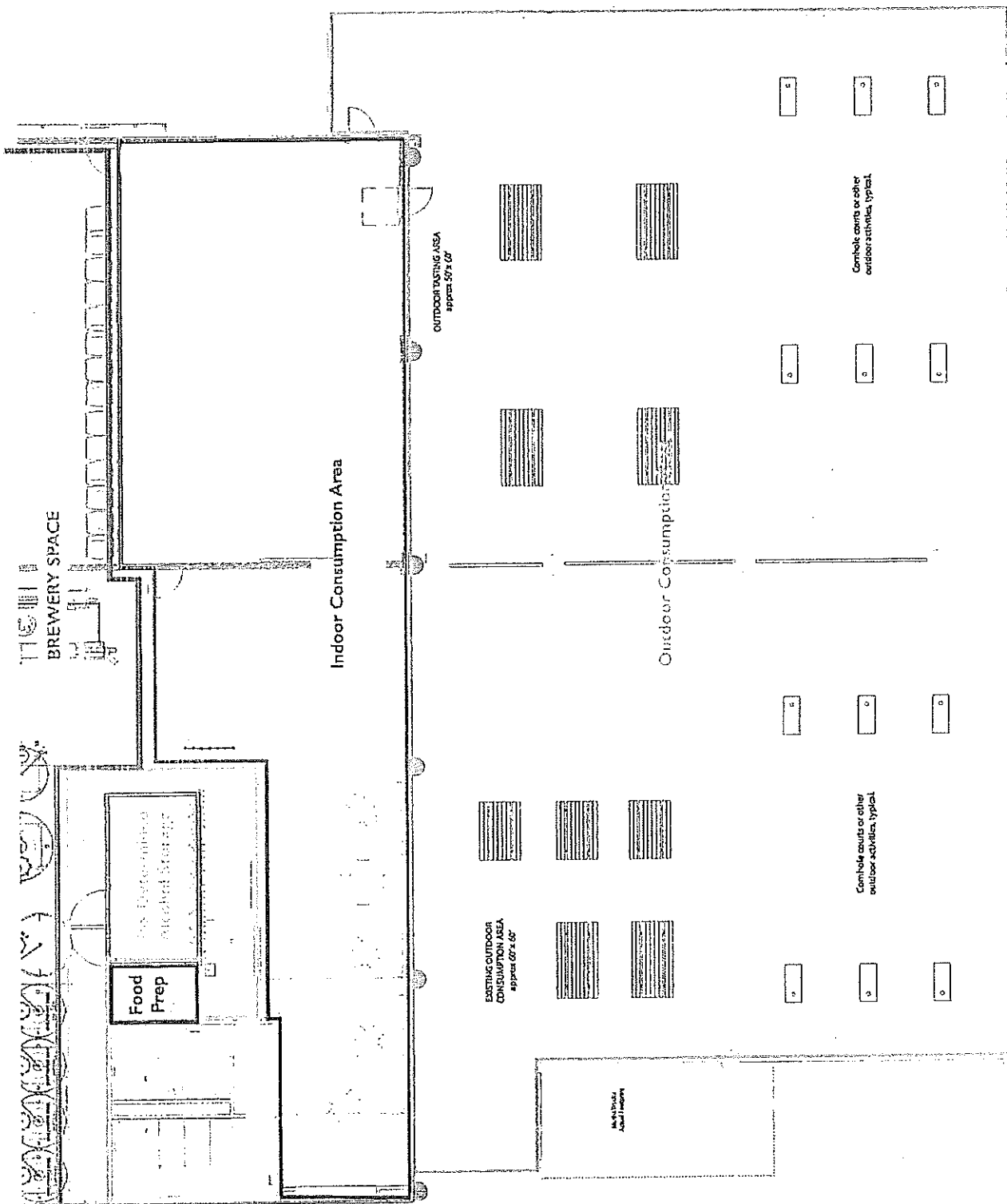
Cup of our house mac & cheese.

Kids Hot Dog \$7

Single Maine Red Snapper on a buttered and toasted bun.

Kids Grilled Cheese \$6

Classic grilled cheese sandwich.





CITY OF PORTLAND
Permitting and Inspections Department

Outdoor Dining Permit on Private Property
Supplemental Application

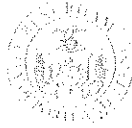
License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Liquor License

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

Business Information					
Business Name (d/b/a):	Rising Tide Brewing	Phone:	207 370 2334		
Location Address:	103 Fox Street, Portland ME	Zip:	04101		
Mailing Address:	49 Washington Ave Portland ME	Zip:	04101		
Contact Person:	Greg Jasgur	Phone:	202-321-7570		
Contact Person Email:	greg@oxbowbeer.com				
Manager of Establishment:	Alex Hernandez	Date of Birth:	240 485 7130	Phone:	4/9/1987
Owner of Premises (Landlord):	Fox Street Realty				
Address of Premises Owner:	PO Box 1080 Yarmouth ME		Zip:	04096	

Owner Information

Corporate Name		Corporate Mailing Address			
Sunstorm LLC		49 Washington Ave		Zip:	04101
Contact Person:	Greg Jasgur	greg@oxbowbeer	Phone:	202-321-7570	
Principal Officers		Title	Date of Birth	Residence Address	
Tim Adams		President	11/17/1983	38 Howard St. Portland 04101	



CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	
Type of food served:	
Please circle all that will be served:	☒ Beer ☒ Wine ☒ Liquor
Hours & days of operation:	
Number of Tables	
Number of Chairs	

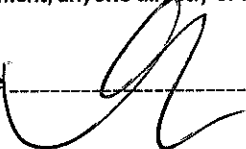
Design and Construction

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

Maintenance and Operations

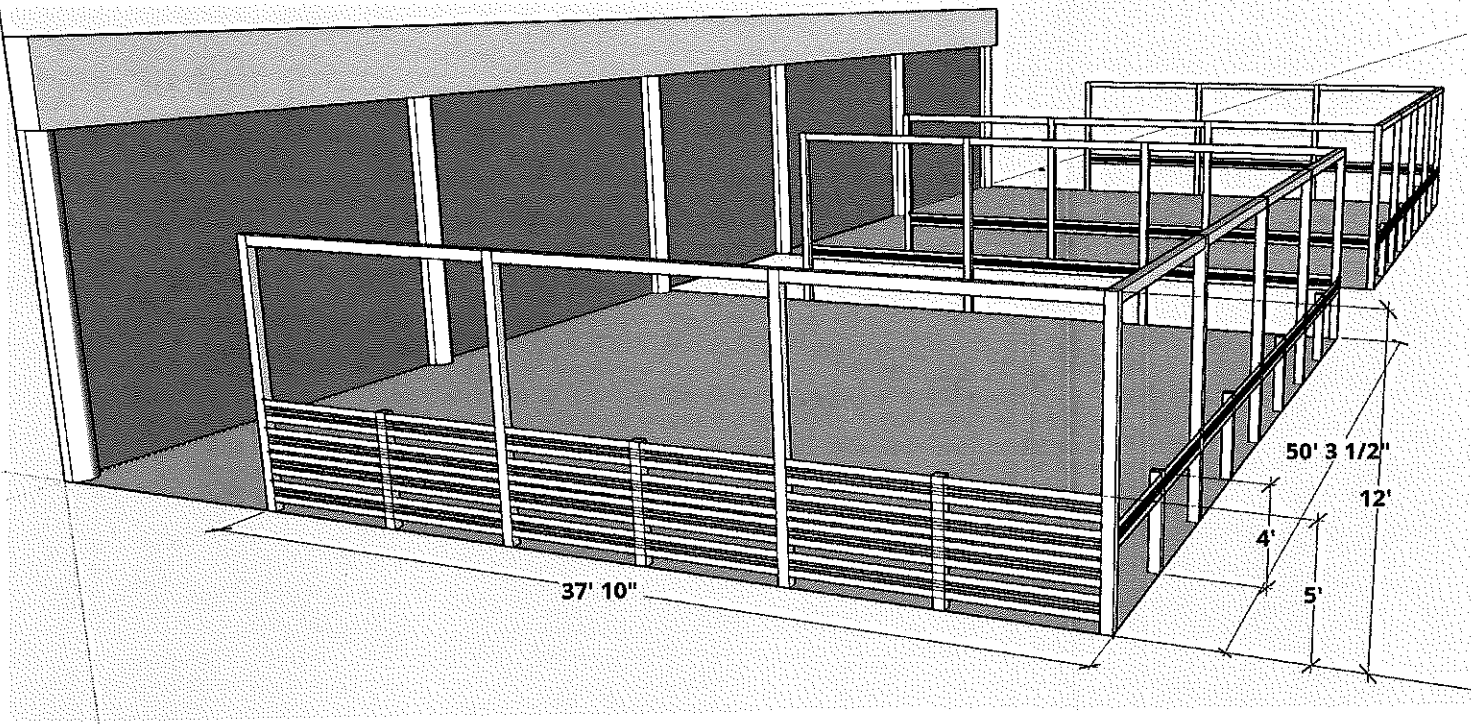
- Outdoor dining components must be within the permitted area and allow safe passage of pedestrian traffic. Failure to comply may result in a revocation of the permit.
- No food shall be prepared in the designated outdoor dining area.
- Outdoor dining areas must meet ADA regulations and accessible seating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

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

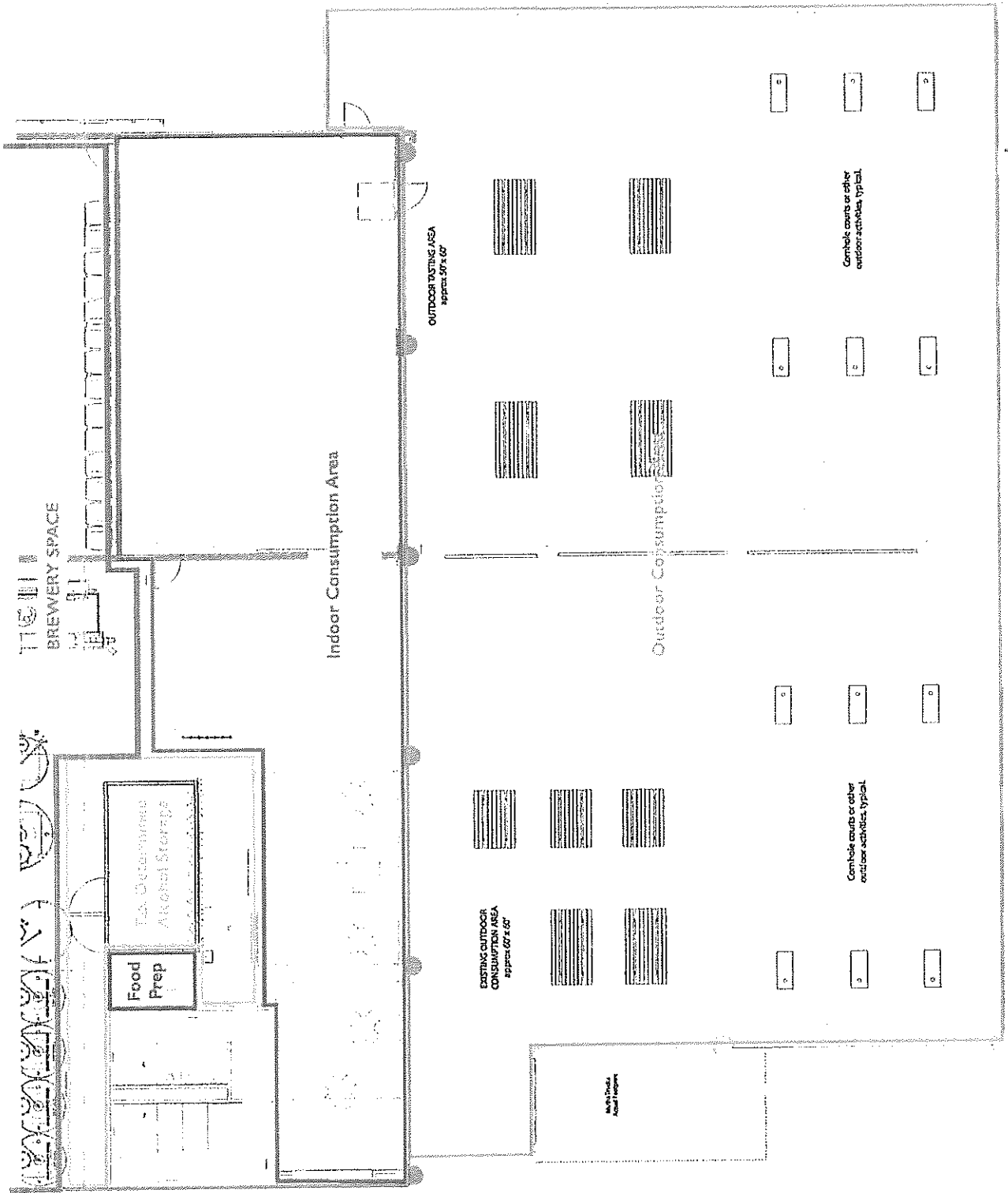
X Signature  Title 12/17/24 ^{E.O.D.} Date 12/17/24

For Administrative Use Only

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







60' x 60' 3600

combined 50' x 60' 3000

10,600 ft²



CITY OF PORTLAND
Permitting and Inspections Department

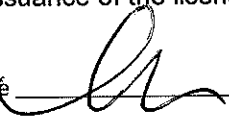
Application for an Entertainment License

☐ Indoor Entertainment \$500.00				☐ Outdoor Entertainment \$700.00		☒ Combined Entertainment \$800.00	
☒ Sound Mitigation Fee \$150.00							
Business Information							
Establishment Name (d/b/a):				Rising Tide Brewing Company		Phone:	
Location Address:				103 Fox Street		Zip: 04101	
Owner Name:				Sandstorm LLC		Phone:	
Owner Email:				tim@oxbowbeer.com			
Contact Person responsible for Entertainment:				Greg Jasgur		Phone: 202-321-7570	
Contact Person Email:				greg@oxbowbeer.com			
Manager of Establishment:				Nathan Sanborn Alex Hernandez		Phone: 207-712-2747 240 485 7130	
Manager Email:				nathan@risingtidebrewing.com alex@risingtidebrewing.com			

About Your Establishment

Describe in detail the type and nature of the business and proposed entertainment:
Local 1-4 piece bands playing indoors or on the patio seasonally.

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.

X Signature  Title C.O.O. Date 12/17/24

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



Live Music Policies and Procedures

Rising Tide Brewing Company hosts live music on Sundays from 1-4pm April – October and occasionally on other afternoons or evenings for special events. The band is generally set up inside with the garage doors open and speakers facing the outdoors. In certain circumstances, the band will be set up outside on one side of our patio. No live music will be allowed between the hours of 11pm and 10am

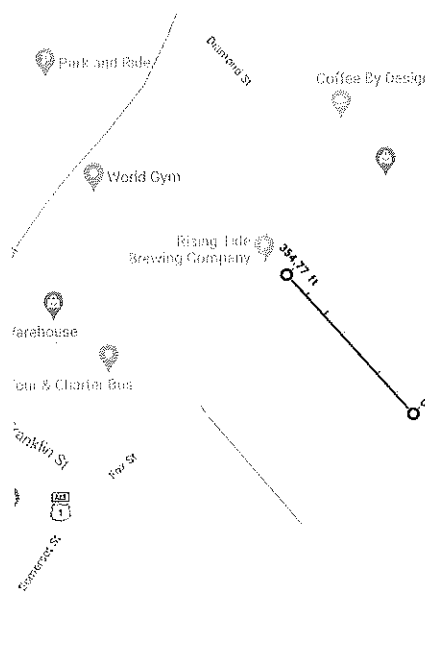
Before any live music performance begins, Rising Tide personnel will take a baseline sound reading at the closest border of Kennedy Park Residential Zone R6, directly across Fox Field from the brewery and at the edge of Bayside Terrace Residential Zone R6 near the intersection of Fox Street and North Boyd Street. (see attached map) These readings will be 60-second dBA weighted average. These readings will be recorded in the Event Decibel Reading Log which can be found in the Tasting Room Standard Operating Procedures binder.

During live music performances, Rising Tide Brewing Company crowd control personnel will complete hourly decibel readings at these same two locations. They will record these readings in the Event Decibel Reading Log. If the levels are more than 7 decibels above the baseline reading between 10am and 8pm or more than 2 decibels above the baseline reading between 8pm and 11pm, they will request that the band lower their levels and then do a second reading to ensure they are within compliance.

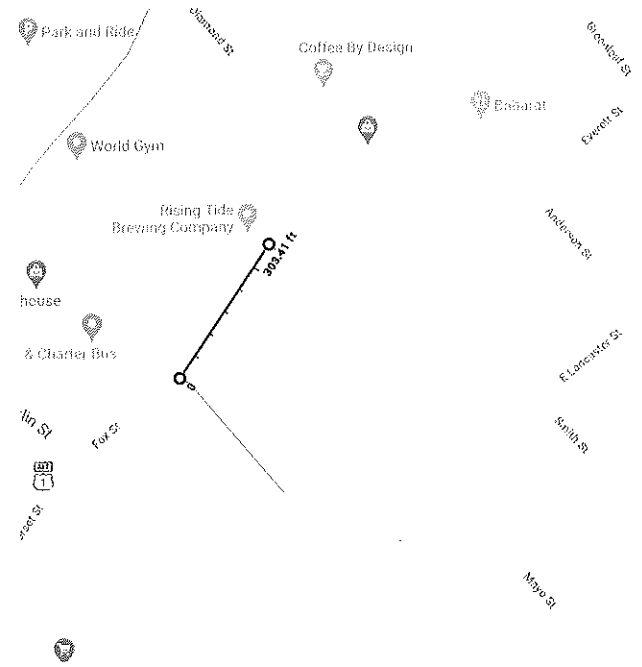
At the start of every season, the bands who perform regularly on Sundays will be required to read and sign an agreement that they understand and will follow the city's guidelines and Rising Tide's policies and procedures regarding volume. Other bands who may perform at special events will also be required to read and sign this agreement.

If a Portland police officer arrives at the brewery to do a decibel reading, Rising Tide will cooperate in all respects and be ready to provide this policy/procedure document, the band's signed agreements, and decibel reading log without hesitation.

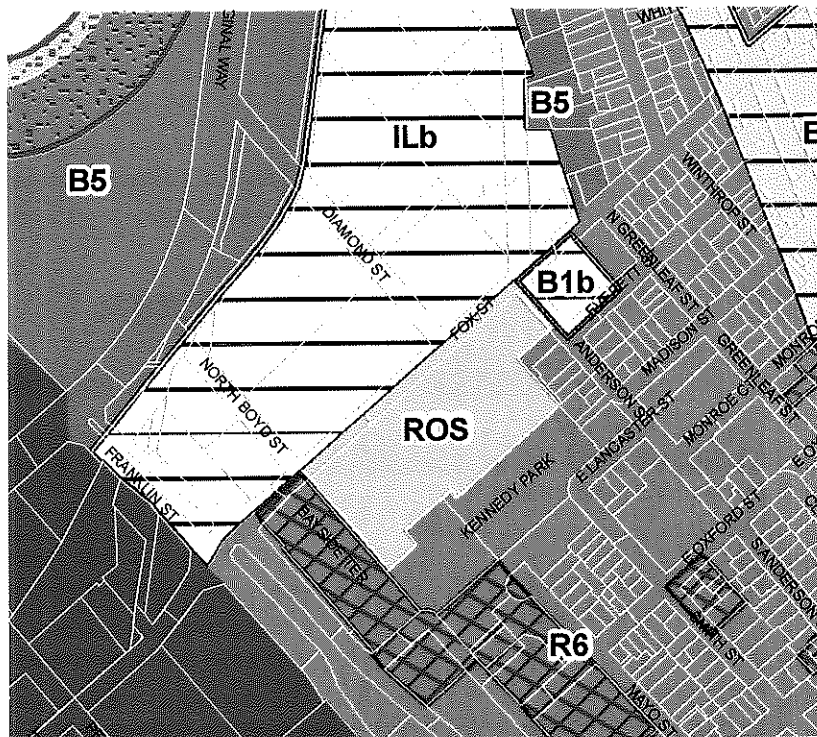
Sound Monitor Location 1
Kennedy Park



Sound Monitor Location 2
Bayside Terrace



Neighborhood Zoning Map
City of Portland





Live Music Compliance Agreement

This agreement is between Rising Tide Brewing Company and partner live musicians to ensure both parties are aware and understand the City of Portland's Noise Ordinances.

Before any live music performance begins, Rising Tide personnel will take a baseline sound reading at the closest border of Kennedy Park Residential Zone R6, directly across Fox Field from the brewery and at the edge of Bayside Terrace Residential Zone R6 near the intersection of Fox Street and North Boyd Street. These readings will be 60-second dBA weighted average. These readings will be recorded in the Event Decibel Reading Log.

During live music performances, Rising Tide Brewing Company crowd control personnel will complete hourly decibel readings at these same two locations. They will record these readings in the log that resides in the SOP binder. If the levels are more than 7 decibels above the baseline reading between 7am – 10pm or more than 2 decibels above the baseline reading after 10pm, they will request that the band lower their levels and then do a second reading to ensure they are within compliance.

Rising Tide will keep a log recording these readings.

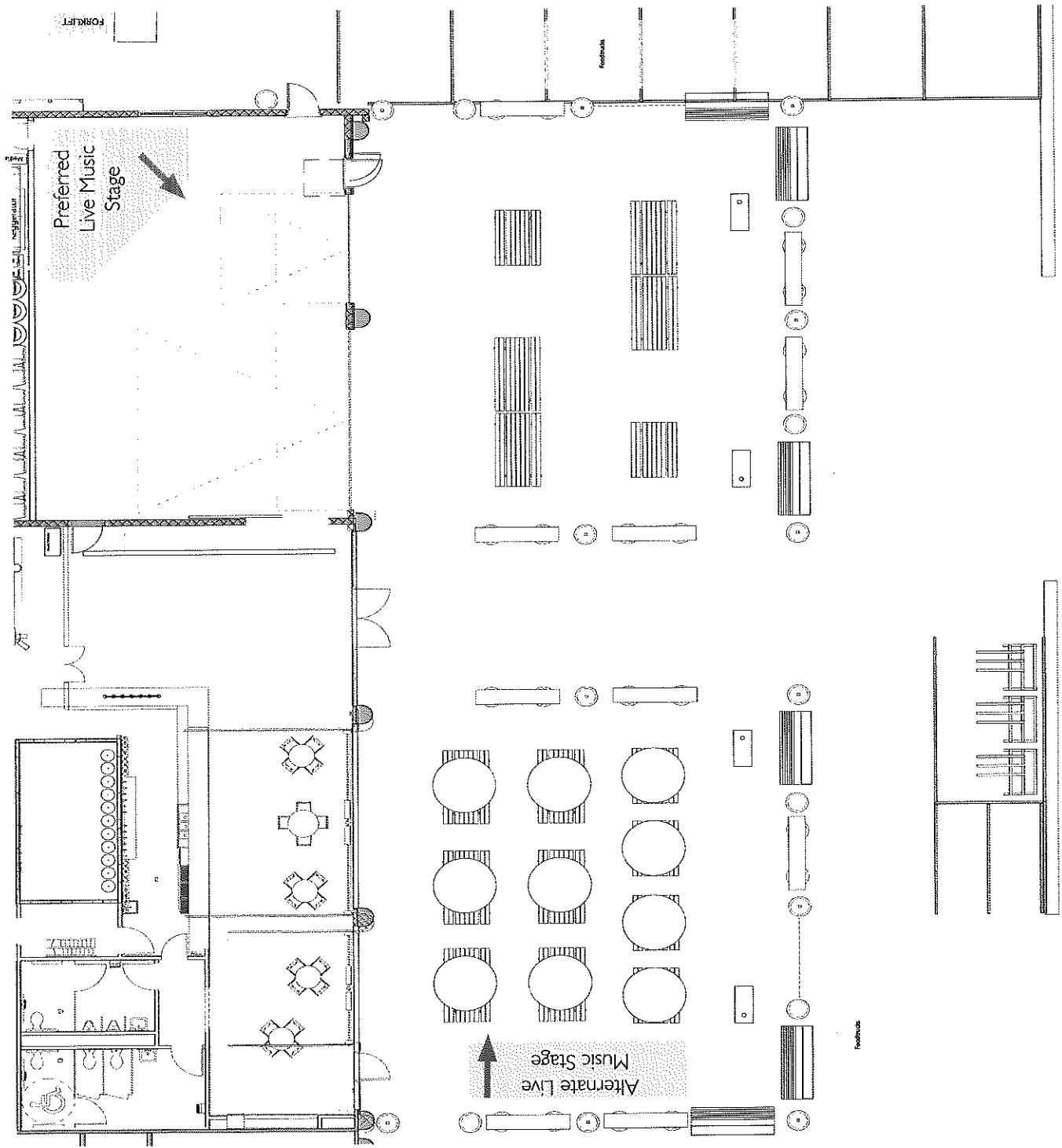
I have read, understand, and agree to the terms of this compliance agreement.

Band Signature

Date

Band Name

Rising Tide Brewing Company Representative witness signature



Rising Tide Brewing Company
Live Music Decibel Reading Log 2020

Max reading of 60 decibels between the hours of 7am and 10pm.
 Max reading of 55 decibels between the hours of 10pm and 7am.

Date: _____ **Band:** _____

Hour	Actual Time of Reading	Reading #1 at Property Line	Reading #1 at Franklin Field	Within Compliance? Y or N	Reading #2 at Property Line (if needed)	Reading #2 at Franklin Field (if needed)	Readings performed by: (Initials)
1:00 PM							
2:00 PM							
3:00 PM							
4:00 PM							



Jack Murray
Engineer/Producer/System Designer
Odds Are Productions LLC
Ocean Sound & Lighting
Portland, ME

Rising Tide Brewing Company
103 Fox Street
Portland, ME 04101

March 6, 2020

Dear Kailey,

Thanks so much for taking the time to reach out about a sound mitigation plan. It appears as though the steps you've been taking all along have helped to combat any potential complaints. I believe the plan you've laid out to me and will subsequently provide to the city will satisfy their criteria to show you are taking a proactive approach and not a reactive approach after complaints may arise. It's obvious you have put time into this process and I'm sure it won't go unnoticed.

Take care,

Jack



Zachary Lenhert <zlenhert@portlandmaine.gov>

Rising Tide_103 Fox_Class III-IV

Zachary Finley <zackf@portlandmaine.gov>

Tue, Jan 14, 2025 at 11:58 AM

To: Zachary Lenhert <zlenhert@portlandmaine.gov>

Hey sorry I didn't respond to this one because Chris Mitchell had previously from the PD. We approve.

Lieutenant Zack Finley
Uniformed Patrol Operations
Portland Police Department

[Quoted text hidden]

Rising Tide_103 Fox_Class III-IV

Zoning <zoning@portlandmaine.gov>

Fri, Dec 27, 2024 at 12:10 PM

To: Zoning <zoning@portlandmaine.gov>

Cc: Zachary Lenhert <zlenhert@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>, Jessica Hanscombe <jhanscombe@portlandmaine.gov>, Greg Jordan <gjordan@portlandmaine.gov>, Christopher Mitchell <chrism@portlandmaine.gov>, Kevin Schneck <kschneck@portlandmaine.gov>

Good Afternoon,

The legal use for the right unit is brewery with accessory tasting room. Zoning approves.

Thank you,

Mac

--

Mac Coldwell

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

[Quoted text hidden]

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on January 22, 2025 at 5:00 P.M., in City Council Chambers, 389 Congress St. for approval of Sandstorm LLC, dba Rising Tide Brewing Company. Application for Class III & IV with Combined Entertainment and Outdoor Dining on Private Property at 103 Fox Street - Sponsored by Danielle P. West, City Manager

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



January 14, 2025

Sandstorm LLC
49 Washington Avenue
Portland, Maine 04101

Re: Sandstorm LLC, dba Rising Tide Brewing Company. Application for Class III & IV with Combined Entertainment and Outdoor Dining on Private Property at 103 Fox Street

Dear Sandstorm LLC:

This letter shall serve as a reminder of the public hearing before the Portland City Council on Wednesday January 22, 2025 at 5:00 p.m., for the review of application for Class III & IV with Combined Entertainment and Outdoor Dining on Private Property at 103 Fox 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



Application Copy

File Number: 29387

Job Type: New Application

LICENSE TYPE

On-Premises: Beer & Wine

APPLICATION DATE RECEIVED

2024-12-22

SECONDARY LICENSE(S)

None selected

LICENSEE

Sandstorm LLC

LICENSEE TYPE

Limited Liability Company

MANAGED BY AGENT

No

PREMISES TYPE

Restaurant (not Class A)

PREMISES NAME

Rising Tide Brewing Company

OPERATOR

Greg Jasgur

PHYSICAL ADDRESS

103 Fox Street Portland ME 04101

MAILING ADDRESS

49 Washington Ave Portland ME 04101

CONTACT NAME

Gregory Jasgur

PREFERRED CONTACT METHOD

Email

CONTACT PHONE

(202) 321-7570

ALTERNATE PHONE

FAX

EMAIL

greg@oxbowbeer.com

QUESTIONS

On-Premises: Beer & Wine

1. Is your business and "Doing Business As" (DBA) name registered and in good standing with the Maine Secretary of State? If not, please address this with the Secretary of State before proceeding with this application.

Answer "No" if you are a Sole Proprietor.

Yes

202505793DC

2. What is your expected start date?
Requesting temporary continuous operating authority. Acquiring Rising Tide operations on 12/31/2024.
3. Has/have applicant(s) formerly held a Maine liquor license?
Yes
Oxbow Brewing Company locations in Oxford, Portland, and Newcastle. Multiple state licenses.
4. Do licensee or applicant(s) have any interest in any other Maine Liquor License?
No
5. Are all licensees/applicants residents of the State of Maine?
Yes
6. Are all licensees/applicants citizens of the United States?
Yes
7. Is your license for a club with a membership?
No
8. Is your license application for Vessel Corporation?
No

9. Do you have a valid and current health license issued by Maine Department of Health and Human Services OR the Department of Agriculture?"

Yes

2-27595

10 Do you allow dancing or entertainment on the licensed premises?
If so, You need to have a a license from the Maine State Fire Marshal.
See <https://www.maine.gov/dps/fmo/plans-review/applications> for more information.

No

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

No

12 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.

No

13 Is the licensee/applicant(s) directly or indirectly giving aid or assistance in the form of money, property, credit, or financial assistance of any sort, to any person or business entity holding a liquor license granted by the State of Maine?

No

14 Do you have a manager employed?

Yes

Greg Jasgur, 5/17/1982

15 Has any of the listed applicants or an employed manager been denied a liquor license within the last 5 years?

No

16 Is any of the listed applicants the spouse, father, mother, child or other immediate family member of a person whose liquor license has been revoked or denied in the last 6 months?

No

17 Has any licensee/applicant or employed manager ever been convicted of any violation of the liquor laws in Maine or any State of the United States within the last 5 years?

No

18 Has the licensee/applicant(s) or manager ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States?

No

19 Does the licensee/applicant(s) own the premises?

No

(document uploaded)

20 At which address are your business records located?

49 Washington Ave Portland ME 04101

21 What will be your business hours? Please indicate each day's open and close times.

12pm-10pm (varies seasonally) 7 days a week.

22 Please provide the name and distance from the premises to the nearest school, school dormitory and place of place of worship, measured from the main entrance of the premises to the main entrance of the school, school dormitory and place of worship by the ordinary course of travel.

East End Elementary School, more than 0.5 miles.

23 Is your application for a Hotel or Bed & Breakfast?

No

24 Do you have a food menu?

Yes

(document uploaded)

DOCUMENTS

TYPE	FILE NAME	DESCRIPTION
Corporate Supplemental Form	102 Supplemental Ownership Form and Affidavit.pdf	
Maine Health or Agriculture License	AgLicenseRTBCFox.pdf	
Food Menu	WINTER-MENU-2024.pdf	
Lease/Rental Agreement	Sandstorm _ Rising Tide - Assignment and Assumption of Lease - 103 Fox St.pdf	
Premises Floor Plan	Premises Plot Plan.pdf	
Premises Floor Plan	tasting room diagram.pdf	

APPLICANT

Gregory Jasgur

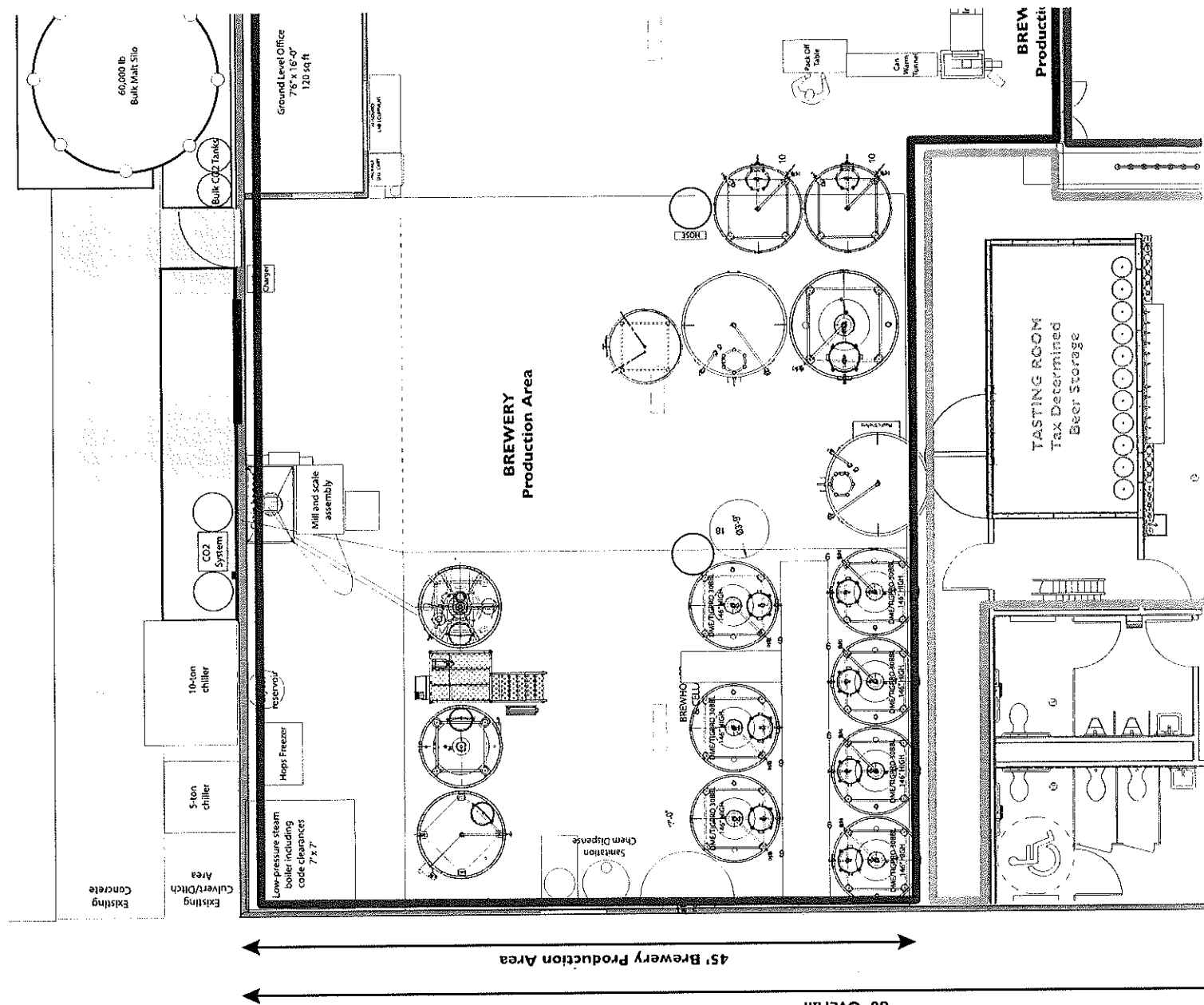
DECLARATION

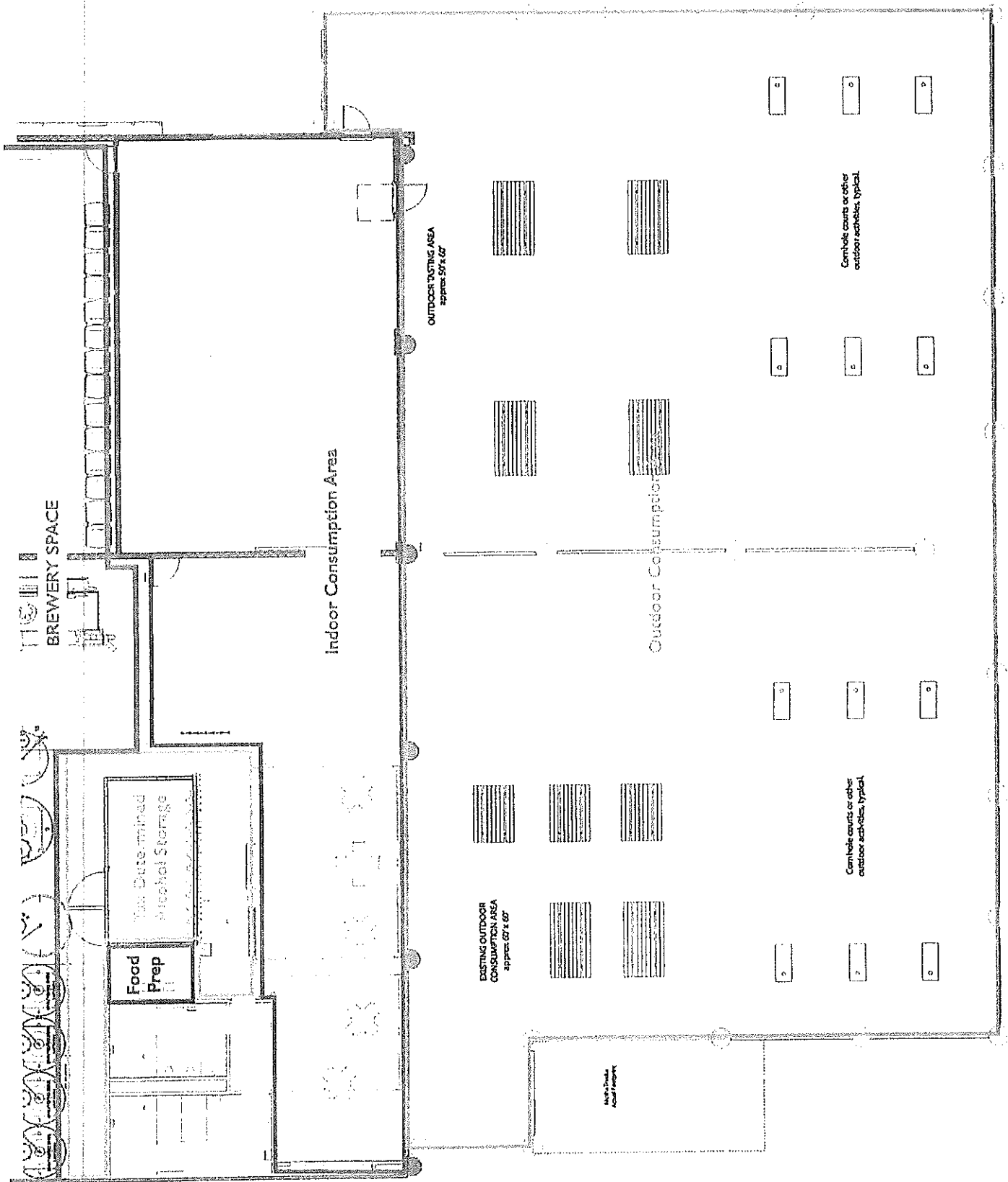
- ☒ I certify that I am the applicant as described in this application, or that I am duly authorized to submit this application on the applicant's behalf.

All information provided in this application is accurate and correct. I understand 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.

Brewery Premises Plot Plan

101-103 Fox Street
Portland ME 04101







SNACKS & DIPS

MAINS

Add potato chips, coleslaw, greens, soup or beef chili to any main. \$3

Substitute gluten free bun \$2

Mac & Cheese \$12

made with gouda, pepperjack, cooper sharp, onion, garlic, paprika, salt, and pepper. Topped with breadcrumbs and scallions

Winter Salad \$11

mixed greens, bacon, mozzarella balls, maple candied pecans, and pomegranate dressing

Add Grilled Chicken \$4

Add Bacon \$3

Add Roast Beef \$6

French Dip Sandwich \$16

roast beef dipped in au jus, swiss, and horseradish mayo on ciabatta with a side of au jus

BYO Pita Melt \$8

Your choice of cheese (Cooper Sharp, Mozzarella or Swiss) and onions or roasted tomatoes.

Add Chicken \$4

Add Bacon \$3

Roast Beef \$6

Add Grilled Chicken \$4

Add Roast Beef \$6

Roasted Chicken Sando \$14

cooper sharp cheese, pesto, roasted tomatoes, caramelized onions, mixed greens, and roasted chicken on a sesame seed bun

Add Bacon \$3

SWEETS

Seadog Biscuit \$6

A Hadlock Field essential! Gifted Vanilla Ice Cream sandwiches by two chocolate chip cookies.

Add potato chips, coleslaw, greens, soup or beer
Substitute gluten free bun

Warm Pretzel Bites \$11

classic pretzel bites served with a side of Dusseldorf Mustard.

Add beer cheese \$3

B

made with
kidney beans
cilantro,
tomato

Buffalo Chicken Dip \$7/\$11

house-made dip served chilled with your choice of tortilla or potato chips.

Add Chicken

Soup

as

Add Chicken

PINT SIZED B

For kids, or kids at heart
With choice of potato chips or cinnamon

Small Mac & Cheese

Cup of our house mac & cheese

Kids Hot Dog \$7

Single Maine Red Snapper on a buttered



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

Supplemental Ownership Form

28-A M.R.S. §651

All Questions Must Be Answered Completely.

1. Legal name of applicant: SANDSTORM LLC	2. Date of incorporation/registration: 09/23/2024	3. State of incorporation: MAINE
--	--	-------------------------------------

List the following information for officers, directors, owners equal to or over 10%, and persons with indirect financial interest in the applicant.

Name	Date of Birth	Phone or E-mail	Address	Title	Ownership Stake (%)
Tim Adams	1/17/1983	207-939-5710	38 Howard Street, Portland ME 04101	President	100

Affidavit

ONLY COMPLETE THIS PAGE IF THERE ARE NO OWNERS OVER 10% LISTED ON PAGE 1

The undersigned authorized representative of the applicant swears or affirms that no person that holds an ownership interest in the applicant holds an ownership interest equal to or greater than 10%.

Affiant Signature

Date

Affiant Printed Name

State of _____, County of _____

I certify that on the date set forth below, the individual named above did appear personally before me and that I did identify this applicant by: (a) comparing his/her physical appearance with the photograph on the identifying document presented by the applicant and with the photograph affixed hereto, and (b) comparing the applicant's signature made in my presence on this form with the signature on his/her identifying document.

Signature of Notary Public

Date

Printed Name of Notary Public

WARNING: The statements on this application are made under oath or affirmation. False statements can be grounds for rejection of the application or suspension or revocation of a license. False swearing is a Class D crime punishable by up to 364 days incarceration and a \$2,000 fine.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: January 7, 2025

SUBJECT: Order 125-24/25 Granting Municipal Officers' Approval of The Hideout LLC, dba Franciska. Application for Class I FSE at 111 Middle Street - Sponsored by Danielle P. West, City Manager

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

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

**Final
Action**

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

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

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

I. SUMMARY

II. AGENDA DESCRIPTION

Application was filed on 12/27/24. Location was previously Cabana. New City and State applications.

Five affirmative votes are required for passage of items on the consent calendar 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. 2025.01.22_Franciska_Council Order
2. 2025.01.22_Franciska_Council Packet

Prepared by:

Date: 01/07/2025

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

ORDER
GRANTING MUNICIPAL OFFICERS’
APPROVAL OF:

**Sandstorm LLC, dba The Hideout LLC, dba Franciska. Application for Class I FSE at
111 Middle Street**

Alejandro Marchesini
THE HIDEOUT LLC

Franciska
111 Middle Street
Portland, ME 04101
marchesini10@icloud.com
617-816-7260

December 12th 2024

Dear Mayor Dion and Members of the City Council,

I am writing to express my intention to apply for a liquor license for my new establishment, Franciska, a restaurant and wine bar located at 111 Middle Street, Portland, Maine. Our aim is to provide a distinctive dining and wine experience that emphasizes sustainable, minimal-intervention winemaking practices alongside cocktails and a food menu that is inspired by Argentine gastronomy but focuses on local ingredients.

At Franciska, we are committed to showcasing a curated selection of wines, focusing on both local and international vintners who practice sustainable agriculture and winemaking techniques. Our food menu will be designed to complement our wine selection, featuring local, organic ingredients and seasonal dishes prepared with minimal intervention to highlight their natural flavors.

Our objective is to contribute positively to Portland's vibrant food and wine scene by introducing an establishment that not only serves high-quality food and wine but also educates our patrons about the importance of sustainability in the culinary and viticulture industries. We believe that Franciska will become a destination for both locals and visitors who are passionate about outstanding culinary experiences and the stories behind the wines they enjoy.

We understand the responsibilities that come with serving alcohol and are committed to adhering to all local ordinances and regulations. Our management team is experienced in the hospitality industry, with a strong focus on responsible service of alcohol and community engagement.

We are enthusiastic about the opportunity to join Portland's esteemed community of restaurateurs and contribute to its economic and cultural development. We appreciate your consideration of our application and are available at your convenience to discuss how Franciska can meet the standards expected by the City of Portland.

Thank you for your time and consideration.

Sincerely,

Alejandro Marchesini
Owner, Franciska



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): The Hideout LLC	Business Name (D/B/A): Franciska	
Individual or Sole Proprietor Applicant Name(s): Alejandro Marchesini	Physical Location: 111 Middle Street Portland ME 04101	
If applicable, what was formerly at this location: Cabana	Business Email Address: marchesini10@icloud.com	
Mailing Address: same	Contact Person: Alejandro Marchesini	
Contact Person Phone: (617) 816-7260	Contact Person Email: marchesini10@icloud.com	
Manager of Establishment: Alejandro Marchesini	Date of Birth: 08/16/76	Manager Phone: 617-816-7260
Owner of Premises (Landlord): Venture III Holdings LLC	Address of Premises Owner (Landlord): 199 Elderberry Dr South Portland 04106	

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: The Hideout LLC		Corporate Mailing Address: marchesini10@icloud.com	
Contact Person: Alejandro Marchesini		Contact Phone: 617-816-7260	
Principal Officers	Title	Date of Birth	Residence Address
Alejandro Marchesini	Owner	8/16/76	16 Hill St Camden ME 855 Maraga Dr LA CA

Franciska

salt cod croquettes 19
coppa with honey and bayley hazen blue 19
kampachi with citrus vinaigrette 24
kale with honeynut squash and parmesan 17
foie gras terrine with walnuts and honey vinegar 27
beets with béarnaise 18
chicken liver agnolotti 28
tilefish with razor clams and spinach 36
half chicken with garlic and vinegar 39
pork chop with smoked onion jus 41
wagyu bavette with hen of the woods mushrooms 65
lettuces 12
buttered potatoes 12

for two

dover sole with brown butter and lemon 88

dessert

ice cream 11

rice pudding 12

pistachio bundt 13

Consuming raw or undercooked meats, poultry, seafood, shellfish or eggs may increase your risk of foodborne illness.

Franciska_111 Middle St_Class I

Zachary Finley <zackf@portlandmaine.gov>

Sat, Jan 11, 2025 at 4:45 PM

To: Ron Kelton <rkelton@portlandmaine.gov>

Cc: Zachary Lenhert <zlenhert@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

Franciska_111 Middle St_Class I

Zoning <zoning@portlandmaine.gov>

Tue, Dec 31, 2024 at 11:43 AM

To: Zoning <zoning@portlandmaine.gov>

Cc: Zachary Lenhert <zlenhert@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 Morning,

The legal use for 111 Middle ST is restaurant. Zoning approves.

Thank you,

Mac

--

Mac Coldwell

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

[Quoted text hidden]

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on January 22, 2025 at 5:00 P.M., in City Council Chambers, 389 Congress St. for approval of The Hideout LLC, dba Franciska. Application for Class I FSE at 111 Middle Street - Sponsored by Danielle P. West, City Manager

City of Portland | Permitting and Inspections

Zachary Lenhert, Licensing and Housing Safety Manager



January 14, 2025

The Hideout LLC
111 Middle Street
Portland, Maine 04101

Re: The Hideout LLC, dba Franciska. Application for Class I FSE at 111 Middle Street

Dear The Hideout LLC :

This letter shall serve as a reminder of the public hearing before the Portland City Council on Wednesday January 22, 2025 at 5:00 p.m., for the review of application for Class I FSE at 111 Middle Street. The meeting will take place in person at Portland City Hall, in City Council Chambers on the 2nd Floor of 389 Congress Street.

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

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

Sincerely,

Zachary J. Lenhert
Licensing and Housing Safety Manager



Application Copy

File Number: 30213

Job Type: New Application

LICENSE TYPE

On-Premises: Beer, Wine & Spirits

APPLICATION DATE RECEIVED

2024-12-27

SECONDARY LICENSE(S)

None selected

LICENSEE LEGAL NAME

The Hideout LLC

LICENSEE TYPE

Limited Liability Company

DOING BUSINESS AS

Franciska

CORPORATE NUMBER

202012810149

INCORPORATION DATE

2024-12-10

CORRESPONDENCE ADDRESS

111 Middle Street Portland ME 04101

MAILING ADDRESS

PHYSICAL ADDRESS

CONTACT NAME

Alejandro Marchesini

PREFERRED CONTACT METHOD

Email

CONTACT PHONE

(617) 816-7260

ALTERNATE PHONE

FAX

EMAIL

alex@downeastmerchant.com

CORPORATE STRUCTURE

None selected

ADDITIONAL INFORMATION**MANAGED BY AGENT**

No

PREMISES TYPE

Class A Restaurant

PREMISES NAME

Franciska

OPERATOR

Alejandro Marchesini

PHYSICAL ADDRESS

111 Middle Street Portland ME 04101

MAILING ADDRESS

111 Middle Street Portland ME 04101

CONTACT NAME

Alejandro Marchesini

PREFERRED CONTACT METHOD

Email

CONTACT PHONE

(617) 816-7260

ALTERNATE PHONE**FAX****EMAIL**

alex@downeastmerchant.com

QUESTIONS

On-Premises: Beer, Wine & Spirit

1. Is your business and "Doing Business As" (DBA) name registered and in good standing with the Maine Secretary of State? If not, please address this with the Secretary of State before proceeding with this application.

Answer "No" if you are a Sole Proprietor.

Yes

202012810149

2. What is your expected start date?
02/15/2025
3. Has/have applicant(s) formerly held a Maine liquor license?
No
4. Do licensee or applicant(s) have any interest in any other Maine Liquor License?
No
5. Are all licensees/applicants citizens of the United States?
No
Alejandro Marchesini
6. Are all licensees/applicants residents of the State of Maine?
Yes
7. Is your license for a club with a membership?
No
8. Is your license application for Vessel Corporation?
No
9. Do you have a valid and current health license issued by Maine Department of Health and Human Services OR the Department of Agriculture?"
No

- 10 Do you allow dancing or entertainment on the licensed premises?
If so, You need to have a a license from the Maine State Fire Marshal.
See <https://www.maine.gov/dps/fmo/plans-review/applications> for more information.
No
- 11 Will any law enforcement officer directly benefit financially from this license, if issued?
No
- 12 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.
No
- 13 Is the licensee/applicant(s) directly or indirectly giving aid or assistance in the form of money, property, credit, or financial assistance of any sort, to any person or business entity holding a liquor license granted by the State of Maine?
No
- 14 Do you have a manager employed?
No
- 15 Has any of the listed applicants or an employed manager been denied a liquor license within the last 5 years?
No
- 16 Is any of the listed applicants the spouse, father, mother, child or other immediate family member of a person whose liquor license has been revoked or denied in the last 6 months?
No

17 Has any licensee/applicant or employed manager ever been convicted of any violation of the liquor laws in Maine or any State of the United States within the last 5 years?

No

18 Has the licensee/applicant(s) or manager ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States?

No

19 Does the licensee/applicant(s) own the premises?

No

(document uploaded)

20 At which address are your business records located?

111 Middle Street Portland ME 04101

21 What will be your business hours? Please indicate each day's open and close times.

open everyday noon to midnight

22 Please provide the name and distance from the premises to the nearest school, school dormitory and place of place of worship, measured from the main entrance of the premises to the main entrance of the school, school dormitory and place of worship by the ordinary course of travel.

NA

23 Is your application for a Hotel or Bed & Breakfast?

No

24 Do you have a food menu?

Yes

(document uploaded)

DOCUMENTS

TYPE	FILE NAME	DESCRIPTION
Food Menu	Little Nook Wine Bistro.pdf	

Lease/Rental Agreement

Complete_with_Docusign_
The_Hideout_LLC_111_M.
pdf

Corporate Supplemental Form

102 Supplemental
Ownership Form and
Affidavit.pdf

Premises Floor Plan

101 Floor Plan.pdf

APPLICANT

Alejandro Marchesini

DECLARATION

- ☒ I certify that I am the applicant as described in this application, or that I am duly authorized to submit this application on the applicant's behalf.

All information provided in this application is accurate and correct. I understand 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.



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

Supplemental Ownership Form

28-A M.R.S. §651

All Questions Must Be Answered Completely.

1. Legal name of applicant:	2. Date of incorporation/registration:	3. State of incorporation:
-----------------------------	--	----------------------------

List the following information for officers, directors, owners equal to or over 10%, and persons with indirect financial interest in the applicant.

Name	Date of Birth	Phone or E-mail	Address	Title	Ownership Stake (%)

Affidavit

ONLY COMPLETE THIS PAGE IF THERE ARE NO OWNERS OVER 10% LISTED ON PAGE 1

The undersigned authorized representative of the applicant swears or affirms that no person that holds an ownership interest in the applicant holds an ownership interest equal to or greater than 10%.

Affiant Signature

12/27/2024

Date

Alejandro Marchesini

Affiant Printed Name

State of ME, County of CUMBERLAND

I certify that on the date set forth below, the individual named above did appear personally before me and that I did identify this applicant by: (a) comparing his/her physical appearance with the photograph on the identifying document presented by the applicant and with the photograph affixed hereto, and (b) comparing the applicant's signature made in my presence on this form with the signature on his/her identifying document.

Signature of Notary Public

Date

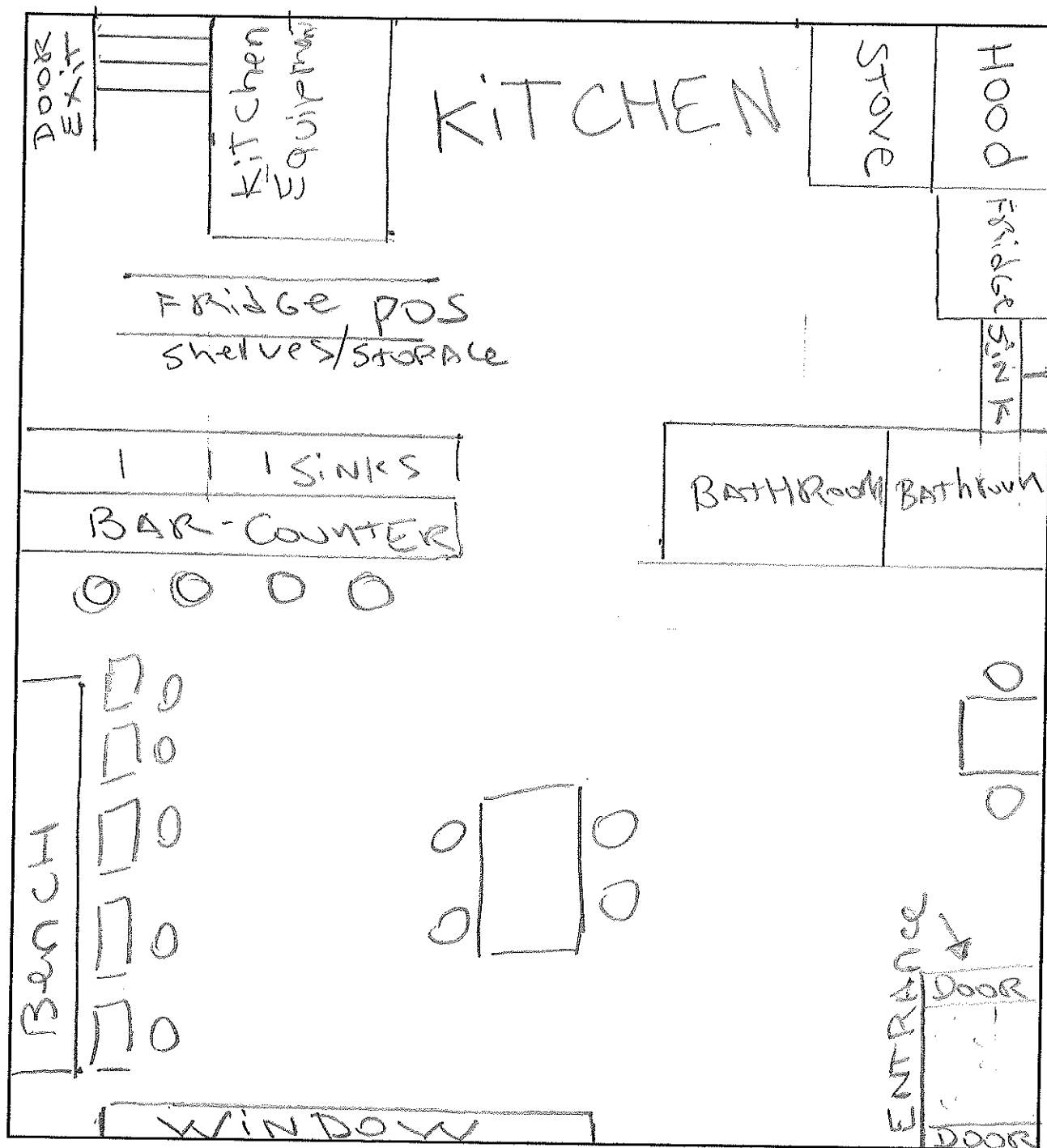
Printed Name of Notary Public

WARNING: The statements on this application are made under oath or affirmation. False statements can be grounds for rejection of the application or suspension or revocation of a license. False swearing is a Class D crime punishable by up to 364 days incarceration and a \$2,000 fine.

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.



Portland Land Bank Commission 2024 Annual Report



December 2024

Acknowledgment

The Land Bank Commission is pleased to present its annual report to the City Manager and City Council whose collective wisdom and vision recognized a “need to balance development within the municipality with conservation of open space important for wildlife, ecological, environmental, scenic or outdoor recreation values” by creating an entity to ensure conservation and preservation of limited open space.

The Commission offers special thanks and appreciation to Michael Goldman, Ethan Hipple, Alex Marshall, Doug Roncarati, Jessica Teesdale, and all staff whose hard work supports the Commission’s efforts.

Overview

Under The City of Portland, Maine Code of Ordinances, Chapter 2, Article III-A, the Land Bank Commission is charged with the responsibility of submitting an annual report to the City

Manager and making recommendations for preserving open space to the City Council. This annual report provides a summary of the work the Commission completed in the last year. The Land Bank Commission receives funding to assist with achieving the goals of the Commission and to acquire property for open space conservation purposes. One half of 1% of the City's annual Capital Improvement Budget is set aside for the acquisition of property recommended to the City Council for Land Bank status and for remedial maintenance work on existing Land Bank holdings. The Commission has other methods to acquire or protect open space property which include personal property donations, direct purchases, easements, land trades, grants, and developer agreements.

Commission Members (2024):

Pat Bailey, Chair, At Large (Outgoing)
Michael (Mike) Carey At-Large
Daniel Herzlinger At-Large
Michael Schrameyer District 5
Alaina Chormann District 2
Robert Foster, Vice Chair, District 4
Baxter Miatke, Treasurer, District 3
Evan Ferguson-Hull At-Large
Simon Rucker, Secretary, District 1
Jon Kachmar, Chair, At-Large
Anna Trevorrow (City Council Representative)

Non Voting Members

Portland Trails Representative (vacant)
Maine Audubon Society Representative (vacant)

Staff Support:

Michael Goldman, Associate Corporation Counsel
Ethan Hipple, Director, Parks, Recreation and Facilities Department
Doug Roncarati, Stormwater Program Coordinator
Jessica Teesdale, Senior Executive Assistant to Director of Parks, Recreation and Facilities Department

Introduction

This document, including the attached Exhibits, is the Annual Report and Updated Registry of Open Spaces as set forth in Section 2-42 (g), Article III-A of the City of Portland, Code of Ordinances created by the City Council in 1999 which established the Portland Land Bank Commission with the following stated purposes:

1. Act as an advocate for the acquisition and conservation of open space within the city;
2. Cooperate with other agencies and parties on wetlands mitigation projects;
3. Recommend on a priority basis the acquisition of various interests in real estate in order to effectuate the goal of this article;
4. Accept gifts and funds from both private and public sources and disburse such funds for the purposes hereunder;
5. Act as a liaison to other public and private nonprofit agencies involved in planning, acquiring, disposing, and managing land within the municipality; and
6. Recommend an annual budget to the city manager and city council to carry out its purpose.

City Code requires the Commission to annually file a report consisting of two parts: the Registry of Open Space and an operating budget.

The Registry of Open Space must list all open space of types in Code Section 2-43 (a), publicly or privately owned, located within the city or abutting the city as potential buffer areas, for the purpose of providing information pertinent to property utilization, protection, development, or use of such open space. The Registry must show all property interests then currently held by the city, including a description of the use of those interests and all acquisitions, improvements, or dispositions of all property interests held by the city at any time during each filing.

The types of land and interests specified in Section 2-43 (a) are the following:

- Ocean, harbor, river, stream, or pond frontage and adjoining back lands;
- Fresh or saltwater marshes, estuaries, flood plains and adjoining uplands;
- Islands;
- Land for future passive public outdoor recreational use, including hiking, trails, bicycle paths, green belts, and high elevations with a view;
- Aquifers, aquifer recharge areas, and other ecologically fragile or significant property;
- Properties with unique historical or geological characteristics or otherwise important to the community's cultural welfare;
- Woods or forest land;
- Farmland or wildlife habitat;
- Open spaces which help shape the settlement pattern of the community by promoting the neighborhood concept and discouraging sprawl;

- Vacant parcels of land, vacant buildings and properties or buildings and properties in significant disrepair which may be reclaimed for the purpose of establishing natural areas for conservation and open space land; or
- Conservation or trail easements and other similar interests in land.

A map of Land Bank Holdings is attached as Exhibit D. To view a full-sized map of Land Bank holdings click [here](#).

The Operating Budget for all expenses and projects of the Commission is required to be submitted to the City Manager and City Council by Code Section 2-41 (h) (9). That Section of the Code specifies that the budget “shall include a separate budget for expenditures from the Land Bank fund, which expenditures will be limited to the purposes for which the fund is dedicated.”

Compliant with the stated requirements in Code, the Land Bank Commission Annual Report for 2024 contains the Registry and operating budget for the calendar year 2025. The budget is attached as Exhibit E.

2024 Accomplishments

- **Hand Carry Boat Launch at Stroudwater Park.** The Land Bank Commission is working with the Parks Department to install a hand carry boat launch at this access point. Due to a backlog of maintenance items, this work will commence in 2025.
- **Coolidge and Davenport Lots.** These lots have been allocated from the City-owned tax acquired properties for stormwater mitigation through the Department of Public Works and will not be Land Bank properties.
- **Trail improvements and maintenance.** Trail improvement projects took place on multiple Land Bank properties, and were conducted by the Portland Youth Corps, Maine Conservation Corps, and Portland Trails. Project highlights include access improvements at the North Deering Park, linking Washington Avenue Extension with the ballfield and existing trails, new foot bridges at North Deering Park, erosion control and trail improvements at Presumpscot River Preserve, multiple new bridges and turnpikes at Baxter Woods, and significant new hiking and biking trail infrastructure at Riverton Trolley Park. City staff also held a volunteer event at University Park to harden trails and address
- **Impact of Encampments.** Encampments were a consistent presence on Land Bank properties in 2024 but there has been a decrease year over year. As of November there were 33 tents citywide, with only 3 on City property. Year to date, City staff have logged the removal of 788 tents on City, State and private property since January 1, 2024. The vast majority of remaining encampments are temporary, and are located on State or private property. . These encampments create unhealthy conditions in the properties and

inhibit the use of the properties as public open spaces. The Land Bank Commission's statement on encampments is attached to this report as Exhibit F.

- **Tax-Acquired Properties Committee (TAPC) List Review.** The Land Bank Commission annually reviews tax-acquired properties in order to further the objectives of TAPC which includes finding the highest and best use for property for the benefit of the City, its neighborhood and its citizens, and to establish a clear and fair policy for the disposition of property. Properties suitable for Land Bank protection are inventoried and assessed for addition to the Land Bank holdings.

Program Budget and Project Initiatives for 2025

Per Chapter 2 of the City Code, an annual appropriation of 0.5% of the total annual capital improvement program is to be deposited into the Land Bank Fund. The annual appropriation of 0.5% of the total CIP for 2018, 2019, 2020, 2021, and 2022 is shown on a separate line item in our budget as the bonding has not been authorized. For planning purposes the appropriated amount from these fiscal years is shown on a separate line item.

Land Bank Commission Budget which is attached as Exhibit G.

Land Bank Commission Project Initiatives 2025

- *Complete the acquisition of parcels in Redlon Park.* The Land Bank Commission is currently working on acquiring additional parcels within Redlon Woods. Redlon Woods consists of several acres of open space surrounded by Brighton Avenue, Stevens Avenue, Capisic Street and Bancroft Street. The Land Bank Commission has been working on conservation of Redlon Woods since 2000 and it was one of the project examples that led to the formation of the Land Bank Commission.
- *Continue acquisitions of parcels in Oat Nuts Park.* There is the potential for the acquisition of additional lots for Oat Nuts Park going into 2024.
- *Review and assess Tax Acquired Parcels Committee List.* The Land Bank Commission will annually review and assess the TAPC list for TAPC properties suitable for Land Bank protection and provide our recommendations to city staff.
- *Trail improvements, wayfinding and maintenance on Land Bank parcels.* Land Bank signage will be installed and trail maintenance will continue to be funded on Land Bank properties. Signage installation has occurred at many Land Bank properties, with more to come in 2025 on a rolling basis.
- *Davis Pines.* The property on Davis Farm Road in North Deering contains the City's last stand of old growth white pine forest, and has potential to provide cultural and

educational opportunities for residents, school groups and others. Formal access, signage and trails as a Land Bank property would greatly increase the recreational value to Portland's residents.

- *Rocky Hill.* Rocky Hill is a noted Portland landmark off Canco Road, having long been visited by hikers and rock climbers for its views and terrain. With high potential as a signature recreation area for the City, the Land Bank Commission continues to work with the landowners on a possible open space solution.
- *Murray Street.* The lots near Murray Street have connections to the Canco Woods network, a potential new trail, and possible connection to Payson Park across Ocean Avenue. The area is important for stormwater runoff and drainage and has a mapped wetland complex. The Land Bank Commission will continue to explore this opportunity in 2025.
- *Hope Avenue.* This large area on the city boundary with Falmouth borders the Presumpscot River Preserve. Purchased for development in 2022, the Land Bank Commission is standing by if a conservation opportunity that fits City of Portland priorities arises.
- *Holbrook Lots.* The Land Bank Commission is working on moving these tax-acquired lots into the Land Bank, a process which has been ongoing since 2019. The lots are located on a paper street and are surrounded in part by existing Land Bank holdings (Beverly Lots, Natick Street Lot, PATHS open space area).
- *Continue to field proposals to the Land Bank Commission from community members.* We receive requests from the public to consider parcels of land to be put into the Land Bank and these requests constitute several of the ongoing projects.

Exhibit A – Description of Current Land Bank Registry Existing Holdings (Open Space)

E-1 Natick Street. This parcel is contiguous with the northern end of the Interurban Line parcel (HP- 19) which, like its counterpart, runs along the western side of the railroad line. The land provides a wooded buffer between the railroad line and adjacent residential development and includes a trail that is heavily used by local residents. A network of wetlands and a stream are also located on the property.

E-2 Pineloch Drive. Situated next to Oat Nuts Park, this parcel follows a sewer right-of-way and brook, which are flanked on both sides by mixed woodlands. The Portland Water District conveyed this property to the City in 2001. The trail through Oat Nuts Park emerges into the cleared right-of-way and follows it for several hundred feet before reentering the woods and continuing on towards the Presumpscot River Preserve.

E-3 City RPZ Land on Starbird Lane. This large parcel is located next to the Fore River Sanctuary, at the confluence of Capisic Brook and the Fore River, and consists of a mix of marshland, wet meadow, and woodland. It serves as valuable habitat for migratory waterfowl and other species of wildlife. Forming its southern border, the railroad line affords excellent views of the marsh.

E-4 City RPZ Land on Rand Road. This parcel, along with the Union Water-Power land (HCP-14) is located off Rand Road just to the west of the Fore River Sanctuary. The property is predominantly wooded, with the exception of the CMP right-of-way that runs the length of the parcel. It forms a significant drainage area with many hills and gullies collecting and guiding stormwater toward the Fore River. Consequently, numerous streams and wetlands are located throughout the parcel. The blend of softwoods and hardwoods, shrubs, and ground cover provide abundant habitat for wildlife, including deer. Together these parcels serve as an important wildlife corridor for the Fore River, even though it is bounded to the west by the Maine Turnpike. Several footpaths wind through the woods and along the right-of-way, connecting to Portland Trails' Fore River Sanctuary trail system. This includes a trail along the remains of the historic Cumberland and Oxford Canal.

E-5 Hobart Street Area. Situated off Hobart Street these parcels provide public access to and afford spectacular views of the Fore River. It also links with Portland Trails' Fore River Trail on the other side of Hobart Street. Portland Water District maintains a pump station and outfall at the site.

E-6 Pine Grove Park. Pine Grove Park, as the name implies, is an 8-acre parcel on Ray Street that is mostly covered with mature white pine. Several paths wind through the park bringing attention to interesting ledge outcrops.

E-7 Blueberry Road Parcel. Located along the Stroudwater River at the end of Blueberry Road, this one-acre parcel includes a section of the proposed Stroudwater River Corridor (HCP-15)

nearest the Maine Turnpike. This City-owned property provides direct access to the river and Stroudwater Trail. The Portland Water District has a pump station on part of the property. The land is currently afforded some protection by virtue of being in the Resource Open Space Zone (ROS) and the Shoreland Overlay Zone.

E-8 Conservation Area at Evergreen Cemetery. This area at the rear of Evergreen Cemetery just beyond the ponds is a pleasant and inviting refuge of undeveloped woodland, undulating ground and rock outcroppings in the city. It consists primarily of two landscapes. One is a high central area of exposed bedrock vegetated with small trees. The other is lower, more level and somewhat poorly drained woodland with larger trees and an open plain of ground. The tree cover is mixed deciduous and evergreen consisting largely of White and Red Oak species, White Pine and Hemlock, with some Birch and Red Maple. The area is approximately 30 acres in size. It contains a number of existing trails. This area, in conjunction with the rest of the cemetery, provides an excellent habitat for a variety of bird species. For this reason Evergreen Cemetery is a favorite spot for birding enthusiasts. In addition, joggers, walkers, cross-country skiers, and dog owners use the area.

E-9 City-Owned Parcels in Oat Nuts Park. Oat Nuts Park is an approximately 23-acre undeveloped wooded area located off of Summit Street in the North Deering neighborhood. Oat Nuts Park is contiguous with the Presumpscot River Preserve. It includes a gated entrance on Summit Street and existing trails providing access to the Presumpscot River Preserve and to nearby residential streets.

E-10 Presumpscot River Preserve. The 48-acre Presumpscot River Preserve, located in the North Deering neighborhood, is one of the river's largest areas of undeveloped riparian land. It abuts land owned by Portland Trails, the Town of Falmouth and other private landowners who keep their land wild. The parcel is heavily wooded and many of the steep slopes that traverse the landscape are overgrown and difficult to access. The property includes over 3100 feet of river-frontage, providing direct access to the beauty and peacefulness of the river. The preserve is crossed by a cascading stream and several stream pools. It provides Portland residents with unequalled opportunities within the city for nature study, fishing, and picnicking. Further, with the removal of the Smelt Hill Dam in 2003, alewives have returned to the lower Presumpscot River for their annual migratory run. They draw a variety of other wildlife to the river including cormorants and osprey, which congregate at Presumpscot Falls looking for an easy meal. The City is cooperatively managing the preserve in conjunction with Portland Trails. There are several wonderful trails that provide direct access to the river within the preserve and beyond its borders.

E-11 Sheridan Street Property. This property forms one of the few areas of open space on the bay side of the Eastern Promenade. The land drops precipitously from the western side of North Street to the eastern side of Sheridan Street, making most of it unsuitable for development. It offers accessible open space between Sheridan Street and North Street, and good views of Back Cove and points west. It links via footpaths to the grounds of the East End School.

E-12 PATHS Wooded Area. Located behind the Portland Arts and Technology High School (PATHS), this land is comprised of a few lightly wooded areas, but is mostly open and includes both scrub-shrub wetlands and granite outcroppings. Over the past ten years the School has used the land as a training ground for students. The PATHS property and North Deering/Riverton Parcels (E-19) serve as the headwaters of Dole Brook, a stream that runs west through Riverside Golf Course to connect with the Presumpscot River. Preservation of these wetlands, fields and woodland buffers is critical to protecting water quality within Dole Brook Watershed.

E-13 Virginia Street Parcels. These City-owned, tax-acquired parcels adjacent to Maine Ave and Ray Street are contiguous with the Ocean Ave Open Space (E-14) and part of the Ocean Avenue Recreation Area. This undeveloped land features a mix of shrubs, trees, wetlands and streams. Several trails running through this property connect it to the larger Portland Trails network. The property's proximity to extensive residential neighborhoods creates an exceptional opportunity for recreation, education, and conservation activities.

E-14 Ocean Avenue Open Space. This property is the area formerly used as a landfill on outer Ocean Avenue near the intersection with Presumpscot Avenue. The 60+ acre site includes the capped landfill, Quarry Run Dog Park, and adjacent woodlands and wetland areas, which provide a mix of habitat for a variety of wildlife species including turkeys, deer and fox and song birds, especially migrating sparrows. In fact, the site is so popular with "birders" that is known as the "Dragon Fields" due to its proximity to the former Dragon Cement quarry. The landfill rises approximately 50-70 feet above the gravel drive at the highest point, affording good views in all directions, including Casco Bay to the south and east. These properties, in combination with the Virginia Street Parcels (E-13) and other nearby City-owned tax-acquired parcels make up the Ocean Avenue Recreation Area. The Commission has been working to protect additional trails and wildlife habitat, mainly wetland areas, contiguous with these existing holdings.

E-15 Maggie Lane Lot. This triangular lot off Maggie Lane, in combination with a trail easement on private property, was acquired in 2008 to provide trail access and linkage along the Riverton Rail Trail. Portland Trails constructed a trailhead and boardwalk to connect with the trail network.

E-16 Beverly Street Lots – North. The Beverly Street Lots - North link with southern counterpart and the Natick Street Property along the west side of the Riverton Rail Trail. These lots were acquired to protect the Dole Brook stream corridor, provide access to the trail and to preserve a wooded buffer between the trail and adjacent properties.

E-17 Beverly Street Lots – South. The Beverly Street Lots - South, link with their northern counterpart and the Natick Street Property along the west side of the Riverton Rail Trail. These lots were acquired to protect wetlands associated with Dole Brook, provide access to the trail and to preserve a wooded buffer between the trail and adjacent properties.

E-18 Goodridge Avenue Lots. These wooded lots behind the intersection of Goodridge Avenue and Eleanor Street were acquired in conjunction with the Maggie Lane Lot and a trail easement to provide trail access and linkage along the Riverton Rail Trail. Portland Trails completed the new section of trail in 2010.

E-19 North Deering / Riverton Parcels. This large group of parcels is located north and west of the PATHS Wooded Area (E-12), just across the tracks from the Riverton Rail Trail. These wooded parcels provide connectivity to the Portland Trails network, provide significant wildlife habitat and preserve wetlands and stream buffers essential to maintaining the health of Dole Brook.

E-20 Castine Pines. This attractive grove of pine trees at the intersection of Forest Avenue and Castine Avenue was acquired as conservation land in 2008 through a land swap with a local developer planning to build additional housing on the street.

E-21 Ocean Ave Rec Area-Pine Grove Ave Lots. These lots near Copley Woods Circle were purchased to fill in gaps at the southern edge of the Ocean Avenue Recreation Area. This acquisition preserves trail connectivity and wooded wetlands in this area. Additional lots near Stepping Stone Lane were also included in this transaction.

E-22 Ocean Ave Rec Area-Belfast St Lots. These lots near Maine Avenue and Ray Street were donated to the Land Bank as conservation land to fill in gaps at the north-western edge of the Ocean Avenue Recreation Area. This acquisition preserves trail connectivity and wooded wetlands in this area.

E-23 Ocean Ave Rec Area-Marlborough Rd/Trapelo St Lots. These lots near Copley Woods Circle were purchased to fill in gaps at the southern edge of the Ocean Avenue Recreation Area. This acquisition preserves trail connectivity and wooded wetlands in this area.

E-24 Dole Brook Driving Range Property. This property across the street from Riverside Golf Course was once used as a driving range. The land is mostly wooded with the exception of a clearing for the former driving range and slopes towards a ravine that carries Dole Brook on its way to the Presumpscot River. Dole Brook has been identified as an impaired stream by the Maine Department of Environmental Protection, because it does not meet its designated water quality classification due to the impacts of urban stormwater runoff. State and Federal regulations under the Clean Water Act require the City to restore water quality in the brook. This property was placed in the Land Bank to protect the stream corridor, prevent further water quality degradation and potentially provide for passive recreational activities, such as trails or a low-impact driving range.

E-25 Canco Woods. The Canco Woods property was protected in 2012 through a collaborative partnership between neighborhood residents, the Trust for Public Land, Portland Trails, the Land Bank Commission and the former land owner, Union Water- Power Company. This very popular 13-acre wooded area features wetlands, streams and trails. The City also has a sewer

right-of-way through a portion of the property. Canco Woods is owned by the City and is subject to a conservation easement held by Portland Trails.

E-26 University Park. A popular spot for off-leash dog walking, University Park can be accessed from either Yale Street off Allen Avenue or from the east at Harvard Street. The property is bisected by the Harvard Street Path.

E-27 Wooded Area North of Riverside Golf Course. This wooded area is part of Riverside Golf Course and is bordered by the Presumpscot River and Interstate 95.

E-28 Land Along Canco Road. This parcel connects to the larger Canco Woods to the south (E-25) and contains the road frontage of The Woods at Canco retirement home.

E-29 to E-62 – See Exhibit B

E-63 Redlon Woods. This wooded area, located in the Rosemont neighborhood, features an interesting mix of woodlands, wetlands and ledge outcroppings, as well as some popular informal walking and mountain biking trails. The desire to protect this open space was the impetus behind the creation of the Land Bank Commission in 1999. Long-term protection of Redlon Woods has involved and will continue to require collaboration between the Land Bank Commission, City, neighboring property owners, local NGOs and other open space preservation advocates.

E-64 Holbrook Street Lots 2019. This property was an addition to E-1 Natick Street in 2019 via the City-owned, tax acquired parcels.

E-65 Rowe Avenue Jewell Falls. Located directly above Jewell Falls, this undeveloped property is an excellent example of a small riparian urban parcel that could help improve the health of the stream below.

E-66 Avangrid 204 Rand Rd. This 27-acre forested parcel was a high priority open space parcel for several years due to its adjacency to existing conservation land, its network of trails and its natural and recreational values. With this addition, the City has added protection to its largest remaining undeveloped area around the headwaters of the Fore River.

E-67 North Deering Park. This locally-known woodland area with informal trails was acquired, along with the adjacent ball fields, with the assistance of The Trust for Public Land, Land for Maine's Future, Portland Parks Conservancy, and Portland Land Bank in 2023. While there are designated USFWS and City of Portland wetland areas, the primary reason for LBC consideration was the area's need for open space for recreation and to provide 10 minute walking access to parks and trails.

Exhibit B – Specific Properties (Portland Parks) Dedicated as Land Bank Property Interests

E-29 Back Cove Park and Trail
E-30 Barrow's Park/Baxter Sundial
E-31 Stone Street - Bayside Park & Playground
E-32 Baxter Pines
E-33 Baxter Woods
E-34 Bell Buoy Park
E-35 Belmeade Park
E-36 Capisic Pond Park
E-37 Clark Street Park
E-38 Congress Square Park
E-39 Deering Oaks Park
E-40 Dougherty Field
E-41 Eastern Prom, East End Beach, Fort Allen Park
E-42 Fessenden Park
E-43 Fort Gorges
E-44 Fort Sumner Park
E-45 Fox Field/Kennedy Park
E-46 Harbor View Park/Tate-Tyng Park
E-47 Heseltine Park
E-48 Lincoln Park
E-49 Lobsterman Park
E-50 Longfellow Square
E-51 Monument Square
E-52 Munjoy Playground

E-53 Payson Park
E-54 Peppermint Park
E-55 Pleasant Street Playground
E-56 Post Office Park
E-57 Riverside Golf Course
E-58 Riverton Park
E-59 Stroudwater Park
E-60 Taylor Street Playground
E-61 Tommy's Park
E-62 Western Promenade
E-63 Redlon Woods

Exhibit C - Current Land Bank Commission High Priority Parcels

HCP-1 Glickman, GDI

HCP-9 Brackett St Lots at Indian Trail, Peaks

HCP-11 Riverton Trolley Park Parcels

HCP-12 Verizon/Fairpoint Pines

HCP-13 Redlon Road Parcels

HCP-15 Stroudwater River Corridor

HP-3 ACE Griffin's Cove, Cliff Island

HP-4 Kensington St Parcel

HP-6 RPZ 1601-1660 Congress Street

HP-7 Waynflete Athletic Fields Property

HP-9 MTA Land Holm Ave

HP-10 PTC Land Holm Ave

HP-11 410 Auburn St

HP-13 Rocky Hill

HP-15 Land West of Murray St

HP-19 Inter-urban Line

HP-21 Fore River Corridor on Yellowbird Ln

HP-24 Salem St Parcels

City of Portland, Maine

Parks & Open Space and Land Bank Holdings

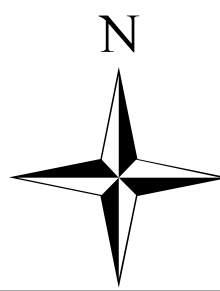
with Resource Protection Zone,
City Property & Portland Water District Property

Exhibit D

Legend

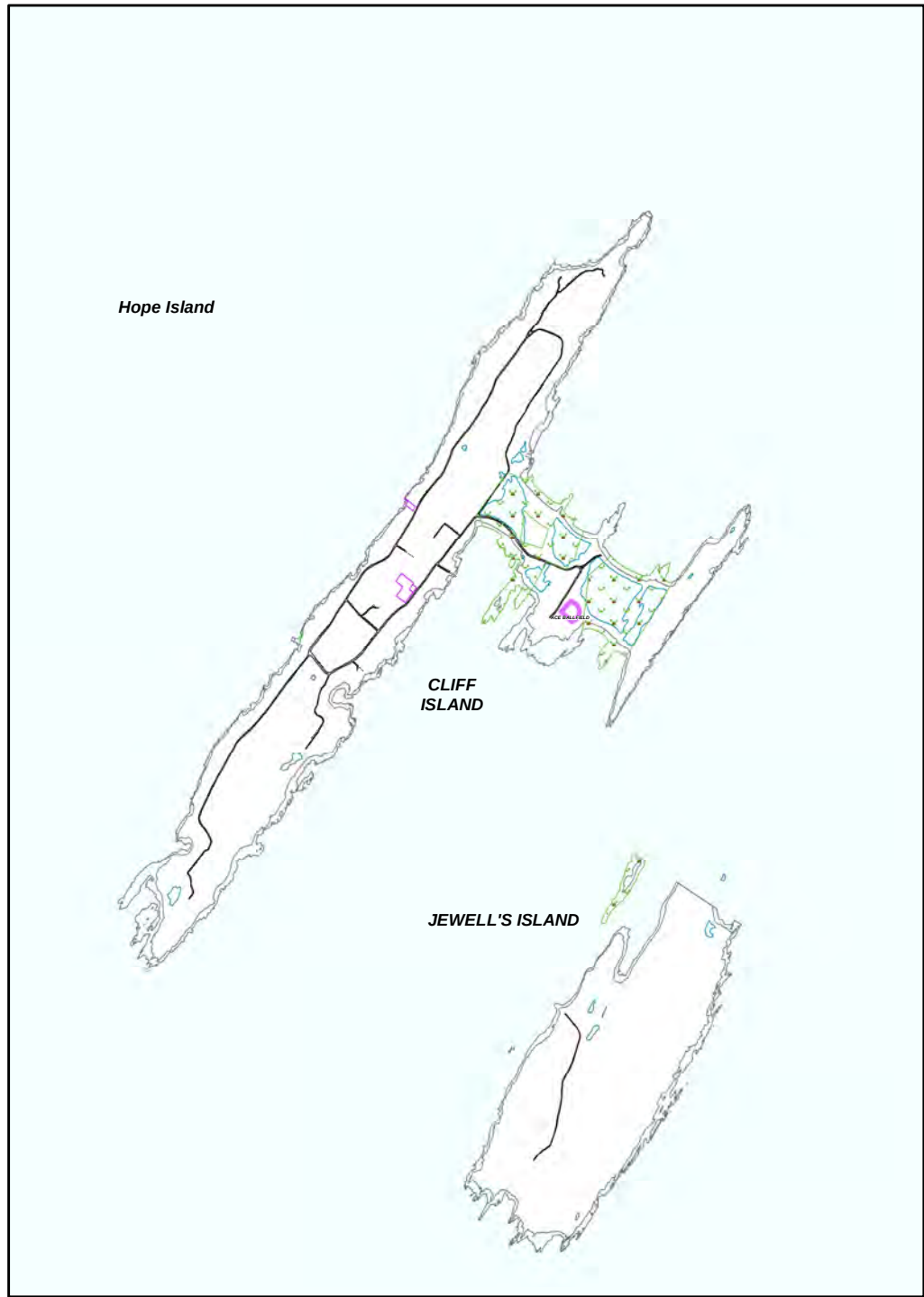
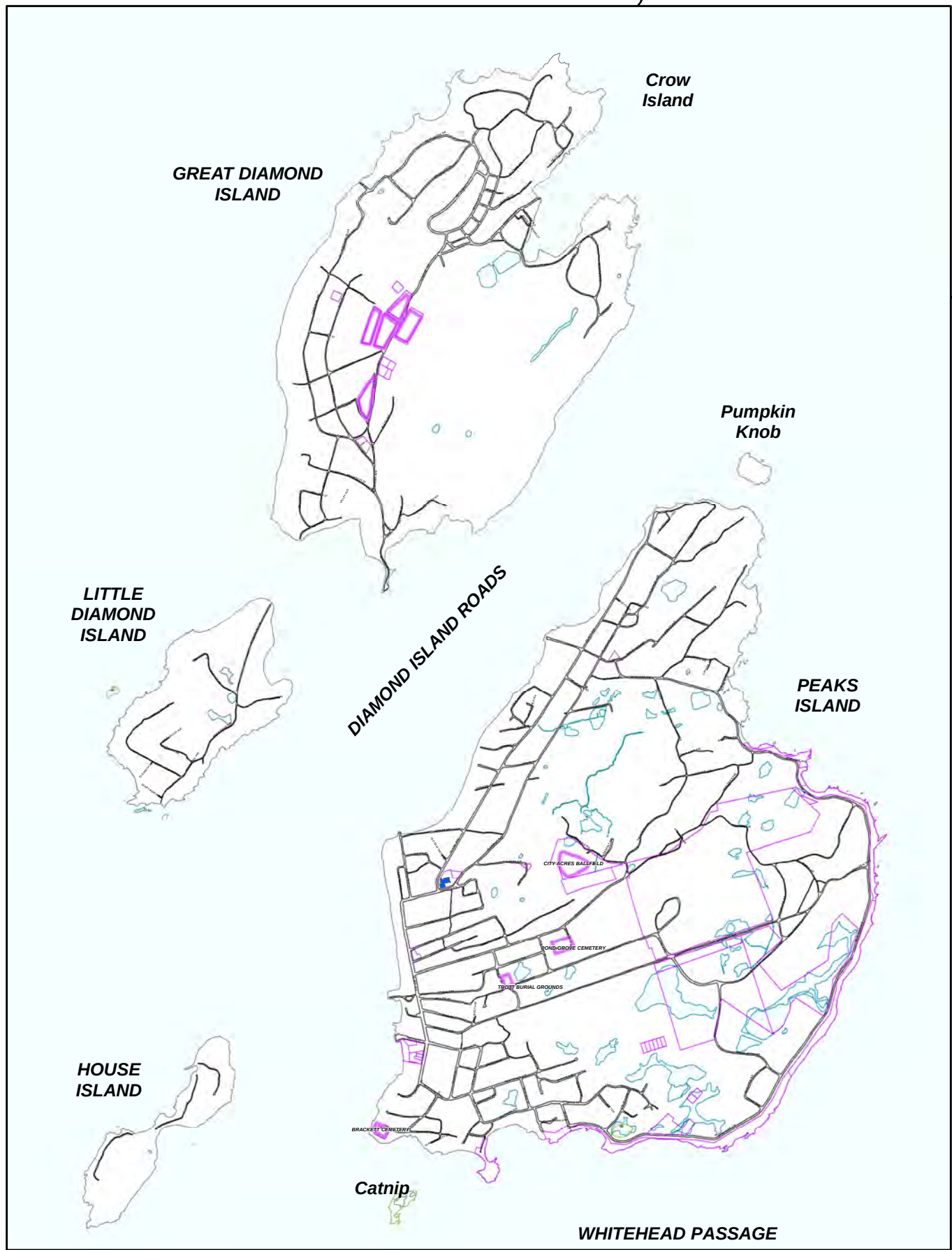
- Land Bank Holdings
- City Parks & Open Space
- Resource Protection Zone
- School Buildings
- Portland Water District Properties

Land Bank ID	Land Bank Name
E-01	Natick St Parcel
E-02	Pineloch Dr
E-03	Starbird Lane City RPZ Land
E-04	Rand Rd. City RPZ Land
E-05	Hobart St. Area
E-06	Pine Grove Park
E-07	Blueberry Rd Parcel
E-08	Evergreen Cem. Conservation Area
E-09	Oaknut Park
E-10	Presumpscot River Preserve
E-11	Shenidan Street, Goldfish Prop
E-12	PAHS Wooded Area
E-13	Virginia Street Parcels
E-14	Ocean Avenue Open Space
E-15	Magpie Ln Lot
E-16	Beverly St Lots - North
E-17	Beverly St Lots - South
E-18	Goodridge Av Lots
E-19	North Deering / Riverton Parcels
E-20	Castine Pines
E-21	Ocean Ave Recreation Area-Pine Grove Ave Lots
E-22	Ocean Ave Recreation Area-Bellfast St Lots
E-23	Ocean Ave Recreation Area-Marlbrough Rd/Trapelo
E-24	Dole Brook Driving Range Property
E-25	Canco Rd Wooded Area
E-26	University Park
E-27	Wooded Area North of Riverside Golf Course
E-28	Land Along Canco Rd
E-29	Back Cove Park and Trail
E-30	Barnes Park/Baxter Sundial
E-31	Stone Street - Bayside Park & Playground
E-32	Baxter Pines
E-33	Baxter Woods
E-34	Bell Bury Park
E-35	Belmeade Park
E-36	Capasic Pond Park
E-37	Clark Street Park
E-38	Congress Square Park
E-39	Deering Oaks Park
E-40	Dougherty Field
E-41	Eastern Prom. East End Beach, Fort Allen Park
E-42	Fessenden Park
E-43	Fort Gorges
E-44	Fort Sumner Park
E-45	Fox Field/Kennedy Park
E-46	Harbor View Park/Tate-Tyng Park
E-47	Heseltine Park
E-48	Lincoln Park
E-49	Lobsterman Park
E-50	Longfellow Square
E-51	Monument Square
E-52	Munjoy Playground
E-53	Payson Park
E-54	Peppermint Park
E-55	Pleasant Street Playground
E-56	Post Office Park
E-57	Riverside Golf Course
E-58	Riverton Park
E-59	Straudwater Park
E-60	Taylor Street Playground
E-61	Tommy's Park
E-62	Western Promenade
E-63	Redden Woods
E-64	Holbrook St Lots 2019
E-65	Rowe Ave Lots - Near Jewell Falls
E-66	Avengrid 204 Rand Rd



Map Produced by the City of Portland, Maine
Department of Public Works
June 2021

0 425 850 1,700 2,550 3,400
Feet



CITY of
WESTBROOK

TOWN of FALMOUTH

BACK COVE

PORTLAND
HARBOR

FORE RIVER

CITY of
SOUTH PORTLAND

Exhibit E

2025 Land Bank Commission Budget			
	Prepared by: Baxter Miatke (Treasurer)	12/10/2024	
	Reviewed by: Jon Kachmar (Chair)	12/11/2024	
	Updated and Finalized At Meeting	12/11/2024	
	<u>General Statement of Financial Position</u>		<u>Notes</u>
	Account Balance from City: (As of 12/10/2024)	\$444,817.27	Account Balance reported from City Staff (Amber Brooks), does not include 2022 (FY23) Allocation This is an estimated additional amount still to be confirmed by city staff
	Estimated 2022 (FY23) Land Bank Allocation	\$ 50,000	
	Restricted Gifts (parks account)	\$ 2,400	
	Total Estimated Available as of 12/10/2024	\$ 547,217.27	Includes estimated FY23, FY24, FY25 allocation and restricted gifts
	<u>2025 Anticipated Expenditures</u>		
	Berry Parcel	\$ 99,000	Approved/allocated expense by LBC in 2022, but not yet expensed. Associated with Redlon Woods project
	Other Land Acquisitions	\$ 100,000	Assume \$100,000 for to be determined for acquisitions and contributions in 2025. LBC continues to work on acquisitions of parcels in Oat Nuts Park, Davis Pines, Rocky Hill, Murray Street, Hope Avenue, Holbrook Lots.
	<u>Acquisition Related Dilligence</u>		
	Survey	\$ 10,000	Assume 3 surveys at approximately \$3,400 each
	Appraisals	\$ 10,000	Assume 3 appraisals at approximately \$3,400 each
	Environmental Assessments	\$ 5,000	Assume 2 Environmental Assesments at \$2,500 each
	Legal	\$ 10,000	Assume 2 legal reviews up to \$5,000 each
			<i>Sub Total Acquisition related Costs \$35,000</i>
	Land Maintenance	\$ 20,000	Assumes Portland Trails Work and Parks and Rec on existing Land Bank Properties
	Boat Launch Project- Stroudwater Park Parcel	\$ 30,000	Approved/allocated expense by LBC at September 2024 meeting. Parks department assigned manager to implement. Anticipate installation/purchase in 2025
	Administrative	\$ 3,000	Assume administrative fees for comission
	Total 2025 Estimated Expenditures	\$ 287,000	
	Percentage of Available Funds for 2025 Expenditures	52%	

LAND BANK STATEMENT REGARDING ENCAMPMENTS (Approved on 12/13/2023)

Portland City Council:

As our City continues to grapple with the homelessness crisis, the Land Bank Commission would like to reiterate its role and express opposition to any broad suspension of public camping restrictions in our public park system.

The Land Bank Commission is charged with the “conservation and preservation of limited open space with important wildlife, ecological, environmental, scenic or outdoor recreational values” (Portland, Me., Code § 2-42). The Commission is required to maintain Land Bank properties “predominantly in [their] natural, scenic or open condition.” Inconsistent uses, including uses that may arise from large-scale encampments, including but not limited to accumulation of trash, destruction of vegetation, and loss of cultural or recreational values, require the Commission’s approval. (§ 2-43(b).)

The Commission recognizes the need to support community members experiencing homelessness and the need to center policy decisions around their well-being and dignity. However, our charter is clear and relates exclusively to the protection of Land Bank properties. The Commission must therefore draw the Council’s attention to the potential risks of a public camping allowance to our public parks, especially one that is not narrowly tailored:

- **Allocation of limited parks department resources.** Existing encampments strain our Parks Department. Authorization of additional, scattered campsites risks exacerbating this problem and further endangerment of staff.
- **The burden on the natural environment.** Long-term camping can have significant ecological impacts, including degradation and loss of natural habitats. Restoration after damage can be costly and result in inaccessibility to the public for long periods.
- **Deprivation of use.** Portland’s public park system and protected open spaces are the result of the vision, dedication, stewardship, and generosity of many. Expanded allowances for public camping risk further deprivation of use for all of us, but especially children, and citizens without private outdoor spaces.

The Land Bank Commission is committed to being a part of this vital conversation and to finding solutions that respect the needs of our community members experiencing homelessness while preserving the integrity and accessibility of our parks and open spaces for future generations.

Respectfully,

Pat Bailey (Chair), Baxter Miatke, Robert Foster, Daniel Herzlinger, Simon Rucker, Jon Kachmar, Brian Wasser, Alaina Chormann

This statement was approved by vote of the Land Bank Commission on 12/13/23

MEMORANDUM
City Council Agenda Item

FROM: Paul Bradbury, Jetport Director

DATE: January 15, 2025

SUBJECT: Order 119-24/25 Approving and Appropriating a Federal Aviation Administration Administered Airport Improvement Program and Airport Infrastructure Federal Fiscal Year 2025 Grants - Sponsored by Danielle P. West, City Manager

SPONSOR: Danielle P. West, City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 1/6/2025

Final Action 1/22/2025

Can action be taken at a later date: Yes

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

PRESENTATION: Paul Bradbury, Jetport Director, will introduce this item as needed, and answer any Council questions.

I. SUMMARY

The Portland International Jetport is requesting approval and appropriation of Federal Aviation Administration (FAA) administered fiscal year grants totaling \$20.91 million, state of Maine matching fund grants of \$840,000, and Jetport funds of \$4.39 million for a total appropriation of \$26.14 million.

II. AGENDA DESCRIPTION

The Federal Aviation Administration (FAA) issues grants to fund eligible safety, capacity, and terminal improvements to airports through several nationwide grant programs authorized under federal law. This item accepts and appropriates \$20.91 million in FAA federal grant funding to be awarded to the Jetport, \$840,000 in state of Maine matching funds, and \$4.39 million in Jetport unrestricted funds to cover matching and ineligible project costs. The allocation from each grant program and funding source is listed below.

FAA Airport Improvement Program (AIP)	\$4.80 million
FAA Airport Infrastructure Grant (AIG)	\$16.11 million
State of Maine matching funds	\$0.84 million
Jetport unrestricted fund balance for matching and ineligible	\$4.39 million

The Jetport will use this appropriation, totaling \$26.14 million, to complete the following projects:

- Terminal Apron Reconstruction Phase 1;
- Passenger boarding bridge replacement at gates 3, 4, 5, 6, and 7; and
- Gate 11, 12, & 14 Terminal Improvements.

This item must be read on two separate days. It received its first reading on January 6. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The FAA requires approval and acceptance of its airport grant programs by the airport sponsor's governing body, which for the Portland International Jetport is the Portland City Council. Additionally, it requires the governing body to name the official representative for those grants, which for the Portland International Jetport is the Airport Director. The projects being proposed are included and scheduled within the 20-year capital program developed as part of the Jetport's Sustainable Airport Master Plan that was accepted by the City Council in November 2016.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The approval and appropriation of the FAA grants, state of Maine grants, and Jetport funds will provide for needed equipment replacement and infrastructure improvements at the Portland International Jetport.

V. FINANCIAL IMPACT

If approved, the Portland International Jetport will be eligible to receive \$20.91 million in FAA grants and \$840,000 in state of Maine grants. These federal and state grants will cover approximately 83% of project costs. The remaining 17% or \$4.33 million will come from the Jetport's unrestricted fund balance. City Council approval of these grants has no impact on the City of Portland's general fund or the tax rate.

VI. STAFF ANALYSIS AND BACKGROUND

Approval of these FAA entitlement grants and state of Maine grants will provide needed safety and infrastructure improvements at the Portland International Jetport, consistent with the Jetport's Sustainable Airport Master Plan.

VII. RECOMMENDATION

Portland International Jetport staff recommends the approval and appropriation of FAA grants, state of Maine grants, and local Jetport funds for a total appropriation of \$26.14 million to complete these needed improvement projects.

VIII. LIST ATTACHMENTS

1. Order - Accepting and Appropriating FAA Grants, State of Maine Matching Grants, Jetport Unrestricted matching funds, and Naming Jetport Director
2. Exhibit 10 (revised 12.20.24)
3. S34a Fig 1 Aerial-op_m116_figures-YR2025
4. assurances-airport-sponsors-2022-05

Prepared by:

Paul Bradbury, Jetport Director

Date: 01/15/2025

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL FOURNIER (A/L)
BENJAMIN GRANT A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA PHILLIPS (3)
ANNA BULLET (4)
KATE SYKES (5)

**ORDER APPROVING AND APPROPRIATING A FEDERAL AVIATION
ADMINISTRATION ADMINISTERED AIRPORT IMPROVEMENT PROGRAM AND
AIRPORT INFRASTRUCTURE FEDERAL FISCAL YEAR 2025 GRANTS**

ORDERED, that approximately \$20.91 million dollars from the Federal Aviation Administration (FAA) administered Airport Infrastructure Grant (AIG) and Airport Improvement Program (AIP) grants for federal fiscal year 2025 entitlement is hereby approved for the Portland International Jetport (Jetport), as well as funding of \$840,000 from the State of Maine and \$4.39 million of Jetport funds to cover matching and ineligible expenses providing approximately \$26.14 million in total funding for the following projects:

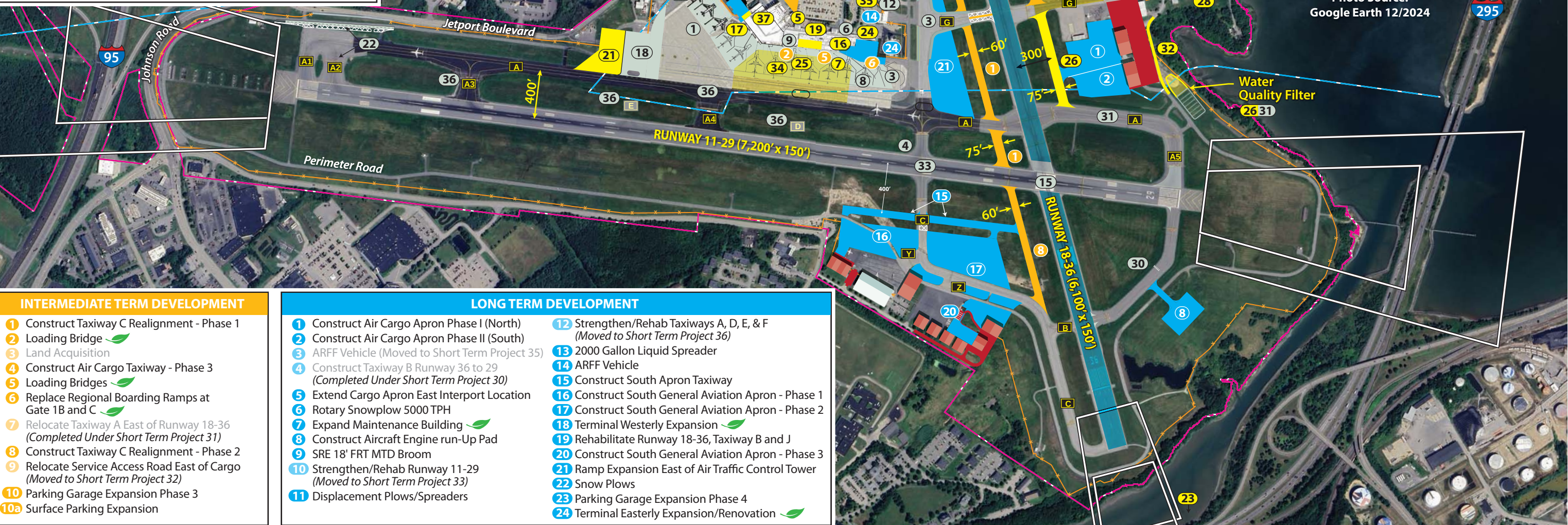
- Terminal Apron Reconstruction Phase 1;
- Passenger boarding bridge replacement at gates 3, 4, 5, 6, and 7; and
- Gate 11, 12, & 14 Terminal Improvements.

BE IT FURTHER ORDERED, that the funds for said projects are hereby appropriated from federal and state grant funding, and the local share and ineligible portions of the projects shall be appropriated from the Jetport's unrestricted fund balance; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the Director of the Jetport to be the official representative for these AIP and AIG grants, as required by the FAA, and to execute grant documents and any other related documents necessary or convenient to carry out the intent of said documents.

SHORT TERM DEVELOPMENT

- | | |
|--|--|
| <ul style="list-style-type: none">1 Terminal Apron Expansion Northwest End - Phase 12 Environmental Assessment and Permitting for Airport Improvements - <i>NS</i>3 Gate 1 Apron Reconstruction and Construct TW C Snow Shoulders North4 Runway Incursion Warning System5 3rd Floor Bypass Auto Exit Portals6 Gate 1 - 6 Rehabilitation Vertical Circulation Improvement7 Preconditioned Air/Lifts for Loading Bridges8 Gates 1 Additional Loading Bridges9 Central Air Handling Units10 Terminal Apron Expansion Northwest End - Phase 211 Environmental Assessment Mitigation Measures - <i>NS</i>12 ARFF Vehicle13 Snow Removal Tractor for Airfield Lights/Signs14 Maintenance Building Generator and Enclosure15 Click to Activate Runway Lights16 Admin Offices above Bag Claim - East End17 Additional Loading Bridges for Gate 1118 Long Term Hold/Deicing/RON Apron - Phase 119 FIS Facility20 Snow Melt Equipment for Contaminated Snow - SRE/Maintenance21 Long Term Hold/Deicing/RON Apron - Phase 222 Runway 11 Taxiway Bypass and Perimeter Service Road Realignment23 Tree Removal for GQS on Runway 36 End (Started in 2021 with MDOT Tree Removals) | <ul style="list-style-type: none">24 Expand Baggage Claim - Phase 225 Loading Bridge26 Construct Air Cargo Taxiway & Taxiway A East - Phase 227 Rehabilitate Cargo Apron28 Displacement Plows29 Airport Security Fence and Gate Upgrades (North East Area)30 Construct Taxiway B Runway 36 to 29 (Moved to Short Term Due to RSAT Priority)31 Construct Air Cargo Taxiway & TW A East - Phase 132 Relocate Service Access Road East of Cargo33 Strengthen/Rehab Runway 11-2934 Terminal Apron Rehabilitation35 ARFF Vehicle* & ARFF Station Improvements36 Strengthen/Rehab Taxiways A, A3, A4 - Remove D and E (Moved to Short Term)37 Westerly Terminal Expansion (Portion of Long Term project 18) |
|--|--|
- *ARFF Vehicle Procured
NS - Not Shown

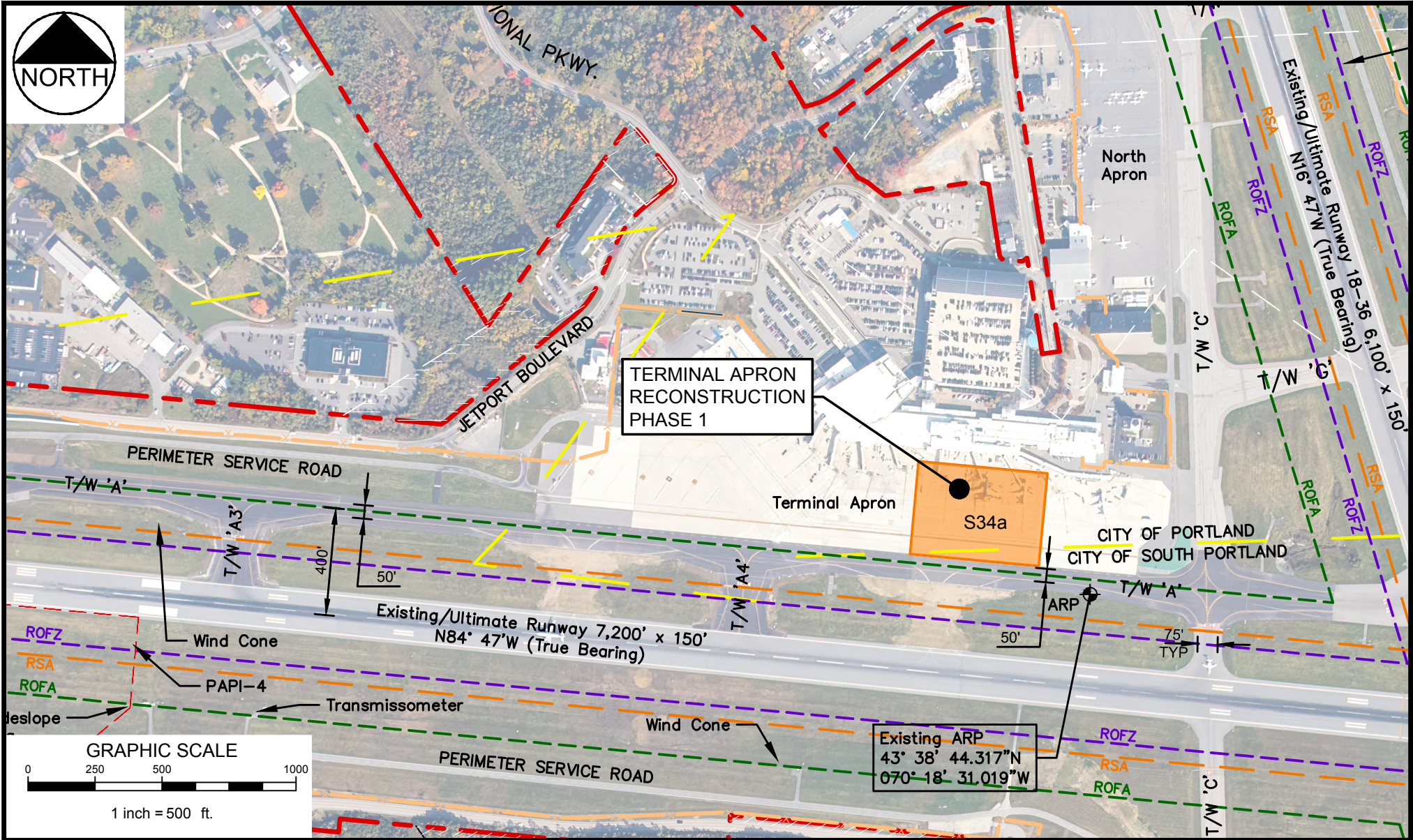


INTERMEDIATE TERM DEVELOPMENT

- 1 Construct Taxiway C Realignment - Phase 1
- 2 Loading Bridge
- 3 Land Acquisition
- 4 Construct Air Cargo Taxiway - Phase 3
- 5 Loading Bridges
- 6 Replace Regional Boarding Ramps at Gate 1B and C
- 7 Relocate Taxiway A East of Runway 18-36 (Completed Under Short Term Project 31)
- 8 Construct Taxiway C Realignment - Phase 2
- 9 Relocate Service Access Road East of Cargo (Moved to Short Term Project 32)
- 10 Parking Garage Expansion Phase 3
- 10a Surface Parking Expansion

LONG TERM DEVELOPMENT

- | | |
|---|---|
| <ul style="list-style-type: none">1 Construct Air Cargo Apron Phase I (North)2 Construct Air Cargo Apron Phase II (South)3 ARFF Vehicle (Moved to Short Term Project 35)4 Construct Taxiway B Runway 36 to 29 (Completed Under Short Term Project 30)5 Extend Cargo Apron East Interport Location6 Rotary Snowplow 5000 TPH7 Expand Maintenance Building8 Construct Aircraft Engine run-Up Pad9 SRE 18' FRT MTD Broom10 Strengthen/Rehab Runway 11-29 (Moved to Short Term Project 33)11 Displacement Plows/Spreaders | <ul style="list-style-type: none">12 Strengthen/Rehab Taxiways A, D, E, & F (Moved to Short Term Project 36)13 2000 Gallon Liquid Spreader14 ARFF Vehicle15 Construct South Apron Taxiway16 Construct South General Aviation Apron - Phase 117 Construct South General Aviation Apron - Phase 218 Terminal Westerly Expansion19 Rehabilitate Runway 18-36, Taxiway B and J20 Construct South General Aviation Apron - Phase 321 Ramp Expansion East of Air Traffic Control Tower22 Snow Plows23 Parking Garage Expansion Phase 424 Terminal Easterly Expansion/Renovation |
|---|---|



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Portland, Maine 04102-1955
Tel. 207.883.3355
www.stantec.com

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File Name: op_m116_figures-YR2023

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ASSURANCES

AIRPORT SPONSORS

A. General.

1. These assurances shall be complied with in the performance of grant agreements for airport development, airport planning, and noise compatibility program grants for airport sponsors.
2. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of Title 49, U.S.C., subtitle VII, as amended. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
3. Upon acceptance of this grant offer by the sponsor, these assurances are incorporated in and become part of this Grant Agreement.

B. Duration and Applicability.

1. **Airport development or Noise Compatibility Program Projects Undertaken by a Public Agency Sponsor.**

The terms, conditions and assurances of this Grant Agreement shall remain in full force and effect throughout the useful life of the facilities developed or equipment acquired for an airport development or noise compatibility program project, or throughout the useful life of the project items installed within a facility under a noise compatibility program project, but in any event not to exceed twenty (20) years from the date of acceptance of a grant offer of Federal funds for the project. However, there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport. There shall be no limit on the duration of the terms, conditions, and assurances with respect to real property acquired with federal funds. Furthermore, the duration of the Civil Rights assurance shall be specified in the assurances.

2. **Airport Development or Noise Compatibility Projects Undertaken by a Private Sponsor.**

The preceding paragraph (1) also applies to a private sponsor except that the useful life of project items installed within a facility or the useful life of the facilities developed or equipment acquired under an airport development or noise compatibility program project shall be no less than ten (10) years from the date of acceptance of Federal aid for the project.

3. **Airport Planning Undertaken by a Sponsor.**

Unless otherwise specified in this Grant Agreement, only Assurances 1, 2, 3, 5, 6, 13, 18, 23, 25, 30, 32, 33, 34, and 37 in Section C apply to planning projects. The terms, conditions, and

assurances of this Grant Agreement shall remain in full force and effect during the life of the project; there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport.

C. Sponsor Certification.

The sponsor hereby assures and certifies, with respect to this grant that:

1. General Federal Requirements

It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance, and use of Federal funds for this Grant including but not limited to the following:

FEDERAL LEGISLATION

- a. 49 U.S.C. subtitle VII, as amended.
- b. Davis-Bacon Act, as amended — 40 U.S.C. §§ 3141-3144, 3146, and 3147, et seq.¹
- c. Federal Fair Labor Standards Act — 29 U.S.C. § 201, et seq.
- d. Hatch Act — 5 U.S.C. § 1501, et seq.²
- e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. § 4601, et seq.^{1, 2}
- f. National Historic Preservation Act of 1966 — Section 106 — 54 U.S.C. § 306108.¹
- g. Archeological and Historic Preservation Act of 1974 — 54 U.S.C. § 312501, et seq.¹
- h. Native Americans Grave Repatriation Act — 25 U.S.C. § 3001, et seq.
- i. Clean Air Act, P.L. 90-148, as amended — 42 U.S.C. § 7401, et seq.
- j. Coastal Zone Management Act, P.L. 92-583, as amended — 16 U.S.C. § 1451, et seq.
- k. Flood Disaster Protection Act of 1973 — Section 102(a) - 42 U.S.C. § 4012a.¹
- l. 49 U.S.C. § 303, (formerly known as Section 4(f)).
- m. Rehabilitation Act of 1973 — 29 U.S.C. § 794.
- n. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin).
- o. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.) (prohibits discrimination on the basis of disability).
- p. Age Discrimination Act of 1975 — 42 U.S.C. § 6101, et seq.
- q. American Indian Religious Freedom Act, P.L. 95-341, as amended.
- r. Architectural Barriers Act of 1968, as amended — 42 U.S.C. § 4151, et seq.¹
- s. Powerplant and Industrial Fuel Use Act of 1978 — Section 403 — 42 U.S.C. § 8373.¹
- t. Contract Work Hours and Safety Standards Act — 40 U.S.C. § 3701, et seq.¹
- u. Copeland Anti-kickback Act — 18 U.S.C. § 874.¹

- v. National Environmental Policy Act of 1969 – 42 U.S.C. § 4321, et seq.¹
- w. Wild and Scenic Rivers Act, P.L. 90-542, as amended – 16 U.S.C. § 1271, et seq.
- x. Single Audit Act of 1984 – 31 U.S.C. § 7501, et seq.²
- y. Drug-Free Workplace Act of 1988 – 41 U.S.C. §§ 8101 through 8105.
- z. The Federal Funding Accountability and Transparency Act of 2006, as amended (P.L. 109-282, as amended by section 6202 of P.L. 110-252).
- aa. Civil Rights Restoration Act of 1987, P.L. 100-259.
- bb. Build America, Buy America Act, P.L. 117-58, Title IX.

EXECUTIVE ORDERS

- a. Executive Order 11246 – Equal Employment Opportunity¹
- b. Executive Order 11990 – Protection of Wetlands
- c. Executive Order 11998 – Flood Plain Management
- d. Executive Order 12372 – Intergovernmental Review of Federal Programs
- e. Executive Order 12699 – Seismic Safety of Federal and Federally Assisted New Building Construction¹
- f. Executive Order 12898 – Environmental Justice
- g. Executive Order 13166 – Improving Access to Services for Persons with Limited English Proficiency
- h. Executive Order 13985 – Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government
- i. Executive Order 13988 – Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation
- j. Executive Order 14005 – Ensuring the Future is Made in all of America by All of America’s Workers
- k. Executive Order 14008 – Tackling the Climate Crisis at Home and Abroad

FEDERAL REGULATIONS

- a. 2 CFR Part 180 – OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement).
- b. 2 CFR Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. ^{4, 5}
- c. 2 CFR Part 1200 – Nonprocurement Suspension and Debarment.
- d. 14 CFR Part 13 – Investigative and Enforcement Procedures.
- e. 14 CFR Part 16 – Rules of Practice for Federally-Assisted Airport Enforcement Proceedings.
- f. 14 CFR Part 150 – Airport Noise Compatibility Planning.

- g. 28 CFR Part 35 – Nondiscrimination on the Basis of Disability in State and Local Government Services.
- h. 28 CFR § 50.3 – U.S. Department of Justice Guidelines for the Enforcement of Title VI of the Civil Rights Act of 1964.
- i. 29 CFR Part 1 – Procedures for Predetermination of Wage Rates.¹
- j. 29 CFR Part 3 – Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States.¹
- k. 29 CFR Part 5 – Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (Also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act).¹
- l. 41 CFR Part 60 – Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and Federally-assisted contracting requirements).¹
- m. 49 CFR Part 20 – New Restrictions on Lobbying.
- n. 49 CFR Part 21 – Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964.
- o. 49 CFR Part 23 – Participation by Disadvantage Business Enterprise in Airport Concessions.
- p. 49 CFR Part 24 – Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs.^{1, 2}
- q. 49 CFR Part 26 – Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs.
- r. 49 CFR Part 27 – Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance.¹
- s. 49 CFR Part 28 – Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Transportation.
- t. 49 CFR Part 30 – Denial of Public Works Contracts to Suppliers of Goods and Services of Countries That Deny Procurement Market Access to U.S. Contractors.
- u. 49 CFR Part 32 – Governmentwide Requirements for Drug-Free Workplace (Financial Assistance).
- v. 49 CFR Part 37 – Transportation Services for Individuals with Disabilities (ADA).
- w. 49 CFR Part 38 – Americans with Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles.
- x. 49 CFR Part 41 – Seismic Safety.

FOOTNOTES TO ASSURANCE (C)(1)

¹ These laws do not apply to airport planning sponsors.

² These laws do not apply to private sponsors.

³ 2 CFR Part 200 contains requirements for State and Local Governments receiving Federal assistance. Any requirement levied upon State and Local Governments by this regulation shall

apply where applicable to private sponsors receiving Federal assistance under Title 49, United States Code.

- ⁴ Cost principles established in 2 CFR part 200 subpart E must be used as guidelines for determining the eligibility of specific types of expenses.
- ⁵ Audit requirements established in 2 CFR part 200 subpart F are the guidelines for audits.

SPECIFIC ASSURANCES

Specific assurances required to be included in grant agreements by any of the above laws, regulations or circulars are incorporated by reference in this Grant Agreement.

2. Responsibility and Authority of the Sponsor.

a. Public Agency Sponsor:

It has legal authority to apply for this Grant, and to finance and carry out the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

b. Private Sponsor:

It has legal authority to apply for this Grant and to finance and carry out the proposed project and comply with all terms, conditions, and assurances of this Grant Agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in connection with this application; and to provide such additional information as may be required.

3. Sponsor Fund Availability.

It has sufficient funds available for that portion of the project costs which are not to be paid by the United States. It has sufficient funds available to assure operation and maintenance of items funded under this Grant Agreement which it will own or control.

4. Good Title.

- a. It, a public agency or the Federal government, holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.
- b. For noise compatibility program projects to be carried out on the property of the sponsor, it holds good title satisfactory to the Secretary to that portion of the property upon which Federal funds will be expended or will give assurance to the Secretary that good title will be obtained.

5. Preserving Rights and Powers.

- a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this Grant Agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere

with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.

- b. Subject to the FAA Act of 2018, Public Law 115-254, Section 163, it will not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the property shown on Exhibit A to this application or, for a noise compatibility program project, that portion of the property upon which Federal funds have been expended, for the duration of the terms, conditions, and assurances in this Grant Agreement without approval by the Secretary. If the transferee is found by the Secretary to be eligible under Title 49, United States Code, to assume the obligations of this Grant Agreement and to have the power, authority, and financial resources to carry out all such obligations, the sponsor shall insert in the contract or document transferring or disposing of the sponsor's interest, and make binding upon the transferee all of the terms, conditions, and assurances contained in this Grant Agreement.
- c. For all noise compatibility program projects which are to be carried out by another unit of local government or are on property owned by a unit of local government other than the sponsor, it will enter into an agreement with that government. Except as otherwise specified by the Secretary, that agreement shall obligate that government to the same terms, conditions, and assurances that would be applicable to it if it applied directly to the FAA for a grant to undertake the noise compatibility program project. That agreement and changes thereto must be satisfactory to the Secretary. It will take steps to enforce this agreement against the local government if there is substantial non-compliance with the terms of the agreement.
- d. For noise compatibility program projects to be carried out on privately owned property, it will enter into an agreement with the owner of that property which includes provisions specified by the Secretary. It will take steps to enforce this agreement against the property owner whenever there is substantial non-compliance with the terms of the agreement.
- e. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with these assurances for the duration of these assurances.
- f. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to ensure that the airport will be operated and maintained in accordance with Title 49, United States Code, the regulations and the terms, conditions and assurances in this Grant Agreement and shall ensure that such arrangement also requires compliance therewith.
- g. Sponsors of commercial service airports will not permit or enter into any arrangement that results in permission for the owner or tenant of a property used as a residence, or zoned for residential use, to taxi an aircraft between that property and any location on airport. Sponsors of general aviation airports entering into any arrangement that results in permission for the owner of residential real property adjacent to or near the airport must comply with the requirements of Sec. 136 of Public Law 112-95 and the sponsor assurances.

6. Consistency with Local Plans.

The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.

7. Consideration of Local Interest.

It has given fair consideration to the interest of communities in or near where the project may be located.

8. Consultation with Users.

In making a decision to undertake any airport development project under Title 49, United States Code, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed.

9. Public Hearings.

In projects involving the location of an airport, an airport runway, or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.

10. Metropolitan Planning Organization.

In projects involving the location of an airport, an airport runway, or a major runway extension at a medium or large hub airport, the sponsor has made available to and has provided upon request to the metropolitan planning organization in the area in which the airport is located, if any, a copy of the proposed amendment to the airport layout plan to depict the project and a copy of any airport master plan in which the project is described or depicted.

11. Pavement Preventive Maintenance-Management.

With respect to a project approved after January 1, 1995, for the replacement or reconstruction of pavement at the airport, it assures or certifies that it has implemented an effective airport pavement maintenance-management program and it assures that it will use such program for the useful life of any pavement constructed, reconstructed or repaired with Federal financial assistance at the airport. It will provide such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

12. Terminal Development Prerequisites.

For projects which include terminal development at a public use airport, as defined in Title 49, it has, on the date of submittal of the project grant application, all the safety equipment required for certification of such airport under 49 U.S.C. § 44706, and all the security equipment required by rule or regulation, and has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning and deplaning from aircraft other than air carrier aircraft.

13. Accounting System, Audit, and Record Keeping Requirements.

- a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of this Grant, the total cost of the project in connection with which this Grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The

accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.

- b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to this Grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which this Grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.

14. Minimum Wage Rates.

It shall include, in all contracts in excess of \$2,000 for work on any projects funded under this Grant Agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor under 40 U.S.C. §§ 3141-3144, 3146, and 3147, Public Building, Property, and Works), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

15. Veteran's Preference.

It shall include in all contracts for work on any project funded under this Grant Agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to Vietnam era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns owned and controlled by disabled veterans as defined in 49 U.S.C. § 47112. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

16. Conformity to Plans and Specifications.

It will execute the project subject to plans, specifications, and schedules approved by the Secretary. Such plans, specifications, and schedules shall be submitted to the Secretary prior to commencement of site preparation, construction, or other performance under this Grant Agreement, and, upon approval of the Secretary, shall be incorporated into this Grant Agreement. Any modification to the approved plans, specifications, and schedules shall also be subject to approval of the Secretary, and incorporated into this Grant Agreement.

17. Construction Inspection and Approval.

It will provide and maintain competent technical supervision at the construction site throughout the project to assure that the work conforms to the plans, specifications, and schedules approved by the Secretary for the project. It shall subject the construction work on any project contained in an approved project application to inspection and approval by the Secretary and such work shall be in accordance with regulations and procedures prescribed by the Secretary. Such regulations and procedures shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary.

18. Planning Projects.

In carrying out planning projects:

- a. It will execute the project in accordance with the approved program narrative contained in the project application or with the modifications similarly approved.
- b. It will furnish the Secretary with such periodic reports as required pertaining to the planning project and planning work activities.
- c. It will include in all published material prepared in connection with the planning project a notice that the material was prepared under a grant provided by the United States.
- d. It will make such material available for examination by the public, and agrees that no material prepared with funds under this project shall be subject to copyright in the United States or any other country.
- e. It will give the Secretary unrestricted authority to publish, disclose, distribute, and otherwise use any of the material prepared in connection with this grant.
- f. It will grant the Secretary the right to disapprove the sponsor's employment of specific consultants and their subcontractors to do all or any part of this project as well as the right to disapprove the proposed scope and cost of professional services.
- g. It will grant the Secretary the right to disapprove the use of the sponsor's employees to do all or any part of the project.
- h. It understands and agrees that the Secretary's approval of this project grant or the Secretary's approval of any planning material developed as part of this grant does not constitute or imply any assurance or commitment on the part of the Secretary to approve any pending or future application for a Federal airport grant.

19. Operation and Maintenance.

- a. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable Federal, state, and local agencies for maintenance and operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary. In furtherance of this assurance, the sponsor will have in effect arrangements for:
 1. Operating the airport's aeronautical facilities whenever required;
 2. Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and
 3. Promptly notifying pilots of any condition affecting aeronautical use of the airport. Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood, or other climatic conditions interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or

facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor.

- b. It will suitably operate and maintain noise compatibility program items that it owns or controls upon which Federal funds have been expended.

20. Hazard Removal and Mitigation.

It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

21. Compatible Land Use.

It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which Federal funds have been expended.

22. Economic Nondiscrimination.

- a. It will make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport.
- b. In any agreement, contract, lease, or other arrangement under which a right or privilege at the airport is granted to any person, firm, or corporation to conduct or to engage in any aeronautical activity for furnishing services to the public at the airport, the sponsor will insert and enforce provisions requiring the contractor to:
 - 1. Furnish said services on a reasonable, and not unjustly discriminatory, basis to all users thereof, and
 - 2. Charge reasonable, and not unjustly discriminatory, prices for each unit or service, provided that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.
- c. Each fixed-based operator at the airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport and utilizing the same or similar facilities.
- d. Each air carrier using such airport shall have the right to service itself or to use any fixed-based operator that is authorized or permitted by the airport to serve any air carrier at such airport.
- e. Each air carrier using such airport (whether as a tenant, non-tenant, or subtenant of another air carrier tenant) shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates, fees, rentals, and other charges with respect to facilities directly and substantially related to providing air transportation as are applicable to all such air carriers which make similar use of such airport and utilize similar facilities, subject to reasonable

classifications such as tenants or non-tenants and signatory carriers and non-signatory carriers. Classification or status as tenant or signatory shall not be unreasonably withheld by any airport provided an air carrier assumes obligations substantially similar to those already imposed on air carriers in such classification or status.

- f. It will not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation operating aircraft on the airport from performing any services on its own aircraft with its own employees (including, but not limited to maintenance, repair, and fueling) that it may choose to perform.
- g. In the event the sponsor itself exercises any of the rights and privileges referred to in this assurance, the services involved will be provided on the same conditions as would apply to the furnishing of such services by commercial aeronautical service providers authorized by the sponsor under these provisions.
- h. The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.
- i. The sponsor may prohibit or limit any given type, kind or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.

23. Exclusive Rights.

It will permit no exclusive right for the use of the airport by any person providing, or intending to provide, aeronautical services to the public. For purposes of this paragraph, the providing of the services at an airport by a single fixed-based operator shall not be construed as an exclusive right if both of the following apply:

- a. It would be unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide such services, and
- b. If allowing more than one fixed-based operator to provide such services would require the reduction of space leased pursuant to an existing agreement between such single fixed-based operator and such airport. It further agrees that it will not, either directly or indirectly, grant or permit any person, firm, or corporation, the exclusive right at the airport to conduct any aeronautical activities, including, but not limited to charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity, and that it will terminate any exclusive right to conduct an aeronautical activity now existing at such an airport before the grant of any assistance under Title 49, United States Code.

24. Fee and Rental Structure.

It will maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible under the circumstances existing at the particular airport, taking into account such factors as the volume of traffic and economy of collection. No part of the Federal share of an airport development, airport planning or noise compatibility project for

which a Grant is made under Title 49, United States Code, the Airport and Airway Improvement Act of 1982, the Federal Airport Act or the Airport and Airway Development Act of 1970 shall be included in the rate basis in establishing fees, rates, and charges for users of that airport.

25. Airport Revenues.

- a. All revenues generated by the airport and any local taxes on aviation fuel established after December 30, 1987, will be expended by it for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport and which are directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport. The following exceptions apply to this paragraph:
 1. If covenants or assurances in debt obligations issued before September 3, 1982, by the owner or operator of the airport, or provisions enacted before September 3, 1982, in governing statutes controlling the owner or operator's financing, provide for the use of the revenues from any of the airport owner or operator's facilities, including the airport, to support not only the airport but also the airport owner or operator's general debt obligations or other facilities, then this limitation on the use of all revenues generated by the airport (and, in the case of a public airport, local taxes on aviation fuel) shall not apply.
 2. If the Secretary approves the sale of a privately owned airport to a public sponsor and provides funding for any portion of the public sponsor's acquisition of land, this limitation on the use of all revenues generated by the sale shall not apply to certain proceeds from the sale. This is conditioned on repayment to the Secretary by the private owner of an amount equal to the remaining unamortized portion (amortized over a 20-year period) of any airport improvement grant made to the private owner for any purpose other than land acquisition on or after October 1, 1996, plus an amount equal to the federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport on or after October 1, 1996.
 3. Certain revenue derived from or generated by mineral extraction, production, lease, or other means at a general aviation airport (as defined at 49 U.S.C. § 47102), if the FAA determines the airport sponsor meets the requirements set forth in Section 813 of Public Law 112-95.
- b. As part of the annual audit required under the Single Audit Act of 1984, the sponsor will direct that the audit will review, and the resulting audit report will provide an opinion concerning, the use of airport revenue and taxes in paragraph (a), and indicating whether funds paid or transferred to the owner or operator are paid or transferred in a manner consistent with Title 49, United States Code and any other applicable provision of law, including any regulation promulgated by the Secretary or Administrator.
- c. Any civil penalties or other sanctions will be imposed for violation of this assurance in accordance with the provisions of 49 U.S.C. § 47107.

26. Reports and Inspections.

It will:

- a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the

public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;

- b. for airport development projects, make the airport and all airport records and documents affecting the airport, including deeds, leases, operation and use agreements, regulations and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request;
- c. for noise compatibility program projects, make records and documents relating to the project and continued compliance with the terms, conditions, and assurances of this Grant Agreement including deeds, leases, agreements, regulations, and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request; and
- d. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
 - 1. all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
 - 2. all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

27. Use by Government Aircraft.

It will make available all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, charge may be made for a reasonable share, proportional to such use, for the cost of operating and maintaining the facilities used. Unless otherwise determined by the Secretary, or otherwise agreed to by the sponsor and the using agency, substantial use of an airport by Government aircraft will be considered to exist when operations of such aircraft are in excess of those which, in the opinion of the Secretary, would unduly interfere with use of the landing areas by other authorized aircraft, or during any calendar month that:

- a. Five (5) or more Government aircraft are regularly based at the airport or on land adjacent thereto; or
- b. The total number of movements (counting each landing as a movement) of Government aircraft is 300 or more, or the gross accumulative weight of Government aircraft using the airport (the total movement of Government aircraft multiplied by gross weights of such aircraft) is in excess of five million pounds.

28. Land for Federal Facilities.

It will furnish without cost to the Federal Government for use in connection with any air traffic control or air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein as the Secretary considers necessary or desirable for construction, operation, and maintenance at Federal expense of space or facilities for such purposes. Such areas or any portion thereof will be made available as provided herein within four months after receipt of a written request from the Secretary.

29. Airport Layout Plan.

- a. Subject to the FAA Reauthorization Act of 2018, Public Law 115-254, Section 163, it will keep up to date at all times an airport layout plan of the airport showing:
 1. boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto;
 2. the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars and roads), including all proposed extensions and reductions of existing airport facilities;
 3. the location of all existing and proposed non-aviation areas and of all existing improvements thereon; and
 4. all proposed and existing access points used to taxi aircraft across the airport's property boundary.

Such airport layout plans and each amendment, revision, or modification thereof, shall be subject to the approval of the Secretary which approval shall be evidenced by the signature of a duly authorized representative of the Secretary on the face of the airport layout plan. The sponsor will not make or permit any changes or alterations in the airport or any of its facilities which are not in conformity with the airport layout plan as approved by the Secretary and which might, in the opinion of the Secretary, adversely affect the safety, utility or efficiency of the airport.

- b. Subject to the FAA Reauthorization Act of 2018, Public Law 115-254, Section 163, if a change or alteration in the airport or the facilities is made which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested, by the Secretary:
 1. eliminate such adverse effect in a manner approved by the Secretary; or
 2. bear all costs of relocating such property (or replacement thereof) to a site acceptable to the Secretary and all costs of restoring such property (or replacement thereof) to the level of safety, utility, efficiency, and cost of operation existing before the unapproved change in the airport or its facilities except in the case of a relocation or replacement of an existing airport facility due to a change in the Secretary's design standards beyond the control of the airport sponsor.

30. Civil Rights.

It will promptly take any measures necessary to ensure that no person in the United States shall, on the grounds of race, color, and national origin (including limited English proficiency) in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4); creed and sex (including sexual orientation and gender identity) per 49 U.S.C. § 47123 and related requirements; age per the Age Discrimination Act of 1975 and related requirements; or disability per the Americans with Disabilities Act of 1990 and related requirements, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any program and activity conducted with, or benefiting from, funds received from this Grant.

- a. Using the definitions of activity, facility, and program as found and defined in 49 CFR §§ 21.23(b) and 21.23(e), the sponsor will facilitate all programs, operate all facilities, or conduct all programs in compliance with all non-discrimination requirements imposed by or pursuant to these assurances.
- b. Applicability
 1. Programs and Activities. If the sponsor has received a grant (or other federal assistance) for any of the sponsor's program or activities, these requirements extend to all of the sponsor's programs and activities.
 2. Facilities. Where it receives a grant or other federal financial assistance to construct, expand, renovate, remodel, alter, or acquire a facility, or part of a facility, the assurance extends to the entire facility and facilities operated in connection therewith.
 3. Real Property. Where the sponsor receives a grant or other Federal financial assistance in the form of, or for the acquisition of real property or an interest in real property, the assurance will extend to rights to space on, over, or under such property.

c. Duration.

The sponsor agrees that it is obligated to this assurance for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the assurance obligates the sponsor, or any transferee for the longer of the following periods:

1. So long as the airport is used as an airport, or for another purpose involving the provision of similar services or benefits; or
2. So long as the sponsor retains ownership or possession of the property.

d. Required Solicitation Language. It will include the following notification in all solicitations for bids, Requests For Proposals for work, or material under this Grant Agreement and in all proposals for agreements, including airport concessions, regardless of funding source:

"The ([**Selection Criteria: Sponsor Name**]), in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders or offerors that it will affirmatively ensure that for any contract entered into pursuant to this advertisement, [select businesses, or disadvantaged business enterprises or airport concession disadvantaged business enterprises] will be afforded full and fair opportunity to submit bids in response to this invitation and no businesses will be discriminated against on the grounds of race, color, national origin (including limited English proficiency), creed, sex (including sexual orientation and gender identity), age, or disability in consideration for an award."

e. Required Contract Provisions.

1. It will insert the non-discrimination contract clauses requiring compliance with the acts and regulations relative to non-discrimination in Federally-assisted programs of the Department of Transportation (DOT), and incorporating the acts and regulations into the contracts by reference in every contract or agreement subject to the non-discrimination in Federally-assisted programs of the DOT acts and regulations.

2. It will include a list of the pertinent non-discrimination authorities in every contract that is subject to the non-discrimination acts and regulations.
3. It will insert non-discrimination contract clauses as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a sponsor.
4. It will insert non-discrimination contract clauses prohibiting discrimination on the basis of race, color, national origin (including limited English proficiency), creed, sex (including sexual orientation and gender identity), age, or disability as a covenant running with the land, in any future deeds, leases, license, permits, or similar instruments entered into by the sponsor with other parties:
 - a. For the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
- f. It will provide for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the acts, the regulations, and this assurance.
- g. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the acts, the regulations, and this assurance.

31. Disposal of Land.

- a. For land purchased under a grant for airport noise compatibility purposes, including land serving as a noise buffer, it will dispose of the land, when the land is no longer needed for such purposes, at fair market value, at the earliest practicable time. That portion of the proceeds of such disposition which is proportionate to the United States' share of acquisition of such land will be, at the discretion of the Secretary, (1) reinvested in another project at the airport, or (2) transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order:
 1. Reinvestment in an approved noise compatibility project;
 2. Reinvestment in an approved project that is eligible for grant funding under 49 U.S.C. § 47117(e);
 3. Reinvestment in an approved airport development project that is eligible for grant funding under 49 U.S.C. §§ 47114, 47115, or 47117;
 4. Transfer to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport; or
 5. Payment to the Secretary for deposit in the Airport and Airway Trust Fund.

If land acquired under a grant for noise compatibility purposes is leased at fair market value and consistent with noise buffering purposes, the lease will not be considered a disposal of the land. Revenues derived from such a lease may be used for an approved airport development

project that would otherwise be eligible for grant funding or any permitted use of airport revenue.

- b. For land purchased under a grant for airport development purposes (other than noise compatibility), it will, when the land is no longer needed for airport purposes, dispose of such land at fair market value or make available to the Secretary an amount equal to the United States' proportionate share of the fair market value of the land. That portion of the proceeds of such disposition which is proportionate to the United States' share of the cost of acquisition of such land will, upon application to the Secretary, be reinvested or transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order:
 - 1. Reinvestment in an approved noise compatibility project;
 - 2. Reinvestment in an approved project that is eligible for grant funding under 49 U.S.C. § 47117(e);
 - 3. Reinvestment in an approved airport development project that is eligible for grant funding under 49 U.S.C. §§ 47114, 47115, or 47117;
 - 4. Transfer to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport; or
 - 5. Payment to the Secretary for deposit in the Airport and Airway Trust Fund.
- c. Land shall be considered to be needed for airport purposes under this assurance if (1) it may be needed for aeronautical purposes (including runway protection zones) or serve as noise buffer land, and (2) the revenue from interim uses of such land contributes to the financial self-sufficiency of the airport. Further, land purchased with a grant received by an airport operator or owner before December 31, 1987, will be considered to be needed for airport purposes if the Secretary or Federal agency making such grant before December 31, 1987, was notified by the operator or owner of the uses of such land, did not object to such use, and the land continues to be used for that purpose, such use having commenced no later than December 15, 1989.
- d. Disposition of such land under (a), (b), or (c) will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with operation of the airport.

32. Engineering and Design Services.

If any phase of such project has received Federal funds under Chapter 471 subchapter 1 of Title 49 U.S.C., it will award each contract, or sub-contract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping or related services in the same manner as a contract for architectural and engineering services is negotiated under Chapter 11 of Title 40 U.S.C., or an equivalent qualifications-based requirement prescribed for or by the sponsor of the airport.

33. Foreign Market Restrictions.

It will not allow funds provided under this Grant to be used to fund any project which uses any product or service of a foreign country during the period in which such foreign country is listed by

the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

34. Policies, Standards, and Specifications.

It will carry out any project funded under an Airport Improvement Program Grant in accordance with policies, standards, and specifications approved by the Secretary including, but not limited to, current FAA Advisory Circulars (<https://www.faa.gov/airports/aip/media/aip-pfc-checklist.pdf>) for AIP projects as of [Selection Criteria: Project Application Date].

35. Relocation and Real Property Acquisition.

- a. It will be guided in acquiring real property, to the greatest extent practicable under State law, by the land acquisition policies in Subpart B of 49 CFR Part 24 and will pay or reimburse property owners for necessary expenses as specified in Subpart B.
- b. It will provide a relocation assistance program offering the services described in Subpart C of 49 CFR Part 24 and fair and reasonable relocation payments and assistance to displaced persons as required in Subpart D and E of 49 CFR Part 24.
- c. It will make available within a reasonable period of time prior to displacement, comparable replacement dwellings to displaced persons in accordance with Subpart E of 49 CFR Part 24.

36. Access By Intercity Buses.

The airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport; however, it has no obligation to fund special facilities for intercity buses or for other modes of transportation.

37. Disadvantaged Business Enterprises.

The sponsor shall not discriminate on the basis of race, color, national origin, or sex, in the award and performance of any DOT-assisted contract covered by 49 CFR Part 26, or in the award and performance of any concession activity contract covered by 49 CFR Part 23. In addition, the sponsor shall not discriminate on the basis of race, color, national origin or sex in the administration of its Disadvantaged Business Enterprise (DBE) and Airport Concessions Disadvantaged Business Enterprise (ACDBE) programs or the requirements of 49 CFR Parts 23 and 26. The sponsor shall take all necessary and reasonable steps under 49 CFR Parts 23 and 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts, and/or concession contracts. The sponsor's DBE and ACDBE programs, as required by 49 CFR Parts 26 and 23, and as approved by DOT, are incorporated by reference in this agreement. Implementation of these programs is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the sponsor of its failure to carry out its approved program, the Department may impose sanctions as provided for under Parts 26 and 23 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. § 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. §§ 3801-3809, 3812).

38. Hangar Construction.

If the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or operator will grant to the aircraft owner for the hangar a long term lease that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.

39. Competitive Access.

- a. If the airport owner or operator of a medium or large hub airport (as defined in 49 U.S.C. § 47102) has been unable to accommodate one or more requests by an air carrier for access to gates or other facilities at that airport in order to allow the air carrier to provide service to the airport or to expand service at the airport, the airport owner or operator shall transmit a report to the Secretary that:
 - 1. Describes the requests;
 - 2. Provides an explanation as to why the requests could not be accommodated; and
 - 3. Provides a time frame within which, if any, the airport will be able to accommodate the requests.
- b. Such report shall be due on either February 1 or August 1 of each year if the airport has been unable to accommodate the request(s) in the six month period prior to the applicable due date.