

KATE SNYDER (MAYOR)  
BELINDA S. RAY (1)  
SPENCER THIBODEAU (2)  
TAE Y. CHONG (3)  
JUSTIN COSTA (4)

KIMBERLY COOK (5)  
JILL C. DUSON (A/L)  
PIOUS ALI (A/L)  
NICHOLAS M. MAVODONES, JR. (A/L)

## **FEBRUARY 3, 2020 CITY COUNCIL AGENDA**

The Portland City Council will hold the Regular City Council Meeting at 5:30 p.m. in City Council Chambers, City Hall. The Honorable Kate Snyder, Mayor, will preside.

### **PLEDGE OF ALLEGIANCE:**

### **ROLL CALL:**

### **ANNOUNCEMENTS:**

### **APPROVAL OF MINUTES OF PREVIOUS MEETING:**

Approval of the January 22, 2020 Draft City Council Minutes.

### **PROCLAMATIONS:**

Proclamation 7-19/20 Honoring Nell Donaldson as Employee of the Month for September 2019 - Sponsored by Mayor Kate Snyder

Proclamation 8-19/20 Honoring Jessica Hanscombe as Employee of the Month for October 2019- Sponsored by Mayor Kate Snyder

Proclamation 9-19/20 Recognizing Black History Month 2020 - Sponsored by Mayor Kate Snyder

### **APPOINTMENTS:**

**Order 121-19/20 Appointing Members to Various Boards and Committees -  
Sponsored by the Nominating Committee, Councilor Pious Ali, Chair**

The Nominating Committee met on January 21, 2020 and voted (3-0) to send forward the following recommendations to the Various Boards and Committees.

| Names            | Board and Committee                | Expiration |
|------------------|------------------------------------|------------|
| Brandon Mazer    | Planning Board                     | 02/28/2023 |
| Marpheen Chann * | Planning Board                     | 02/28/2023 |
| Reggie Parson    | Police Citizen Review Subcommittee | 03/30/2023 |
| Emily West       | Police Citizen Review Subcommittee | 03/30/2023 |
| Kaylin Kerina *  | Police Citizen Review Subcommittee | 03/30/2023 |
| Karen Snyder     | PMAC-Resident                      | 03/30/2023 |
| Priscilla Skerry | PMAC-Resident                      | 03/30/2023 |
| Aaron Berger     | Rental Housing Advisory Committee  | 03/30/2023 |
| Crow Norlander   | Rental Housing Advisory Committee  | 03/30/2023 |
| Nora Graves      | Rental Housing Advisory Committee  | 03/30/2023 |
| Amy Carole *     | Rental Housing Advisory Committee  | 03/30/2023 |
| Jennifer Fox*    | Land Bank Commission               | 06/30/2023 |
| Barbara Brewer*  | Board of Assessment Review         | 09/30/2020 |

\* Indicates new member

Five affirmative votes are required for passage after public comment.

**CONSENT ITEMS:**

**Order 122-19/20 Declaring May 25, 2020 the Memorial Day Parade Festival -  
Sponsored by Jon P. Jennings, City Manager**

The Memorial Day Parade will be held Monday, May 25, 2020, on Congress Street from Longfellow Square to Monument Square from 10:30 a.m. to 12:00 p.m., organized by the American Legion, Harold T. Andrews Post No. 17.

Additional details about the event are included in the agenda backup.

**Order 123-19/20 Adding Two October Sundays to the Sundays on the Boulevard Festival - Sponsored by Jon P. Jennings, City Manager**

The Sundays on the Boulevard Festival, approved on January 22, 2020 by Order 112-19/20, shall be extended from October 11, 2020 to October 25, 2020.

**Order 124-19/20 Declaring August 1, 2020 the Picnic Craft Fair Festival -  
Sponsored by Jon P. Jennings, City Manager**

The Picnic Craft Fair will be held Saturday, August 1, 2020, from 11:00 a.m. to 6:00 p.m., at Lincoln Park, with a rain date of Sunday, August 2.

Additional details about the event are included in the agenda backup.

Five affirmative votes are required for passage of the Consent Calendar.

**LICENSES:**

**Order 125-19/20 Granting Municipal Officers' Approval of Red House 332 LLC  
dba Broken Arrow. Application for a Class XI FSE with Outdoor Dining on Public  
Property at 547 Congress Street - Sponsored by Jon P. Jennings, City Manager**

Red House 332 LLC dba Broken Arrow. Application for a Class XI FSE with Outdoor Dining on Public Property at 547 Congress Street.

Application was filed on 1/13/2020. New City and State applications. Location was previously West End Deli.

Five affirmative votes are required for passage after public comment.

**Order 126-19/20 Granting Municipal Officers' Approval of Flores Restaurant LLC  
dba Flores Restaurant. Application for a Class I FSE at 431 Congress Street -  
Sponsored by Jon P. Jennings, City Manager**

Flores Restaurant LLC dba Flores Restaurant. Application for a Class I FSE at 431 Congress Street.

Application was filed on 1/13/2020. New City and State applications. Location was previously Mainely Wraps.

Five affirmative votes are required for passage after public comment.

**Order 127-19/20 Granting Municipal Officers' Approval of The Oasis II LLC dba Oasis. Application for a Combined Entertainment License at 42 Wharf Street - Sponsored by Jon P. Jennings, City Manager**

The Oasis II LLC dba Oasis. Application for a Combined Entertainment License at 42 Wharf Street.

Application was filed on 1/9/2020. Applicant currently holds a Class A Lounge license with Entertainment with Dance. Chapter 4 Sec 4-53 (2) requires a public hearing for all initial applications for a Combined Entertainment License.

Five affirmative votes are required for passage after public comment.

**RESOLUTIONS:**

**Resolve 7-19/20 Outlining Policy Goals for the City of Portland's Single-Adult Shelter Facility - Sponsored by the Health & Human Services and Public Safety Committee, Councilor Belinda Ray, Chair**

The Health & Human Services and Public Safety Committee met on November 12, 2019 and voted 3-0 to forward this resolve to the City Council with a recommendation for passage.

The resolution provides a history of the Oxford Street Shelter and the City of Portland's efforts to provide shelter and services for single adults at this facility. It also codifies the will of the Council to continue the city's Housing First approach and its award-winning Long-Term Stayers Initiative at the current single adult shelter, and to commit to the following policy goals:

- Expand diversion and prevention tactics to prevent more individuals from ever entering homelessness;
- Work with other cities and towns to develop a regional strategy for addressing homelessness and more equally distributing the responsibility of caring for the homeless across municipalities;
- Continue pursuing partnerships to address the needs of specific homeless populations, increase the supply of permanent housing for the chronically homeless, and reduce the average nightly census at the City run facility; and
- Develop clear guidelines establishing that services provided by the shelter, including meals, are only for shelter clients who have completed or are completing the intake process.

With regard to capacity, the committee settled on the following guidance:

- Ensure the new facility is built with ample capacity to handle our current average annual nightly census for the previous 12 months. As of September 30, 2019, the average nightly census for the previous 12 months was 210;
- Ensure the new facility has adequate capacity to handle overflow onsite as needed; and
- Over time, as the average nightly census regularly and on a year-round basis comes in below 200, consider establishing an appropriate cap on city services at the facility, with sufficient advanced notice to other communities and the State government regarding when said cap will go into effect.

Public comment was taken on November 18, 2019, but action on this Resolve was postponed twice, once to December 16, 2019 and then to February 3, 2020.

Five affirmative votes are required for passage.

## **COMMUNICATIONS:**

### **Communication 9-19/20 RE: Asylum Seeker Donations - Sponsored by Jon P. Jennings, City Manager**

The City opened the application process for non-profits to request reimbursement for assistance provided to asylum seekers at the end of November 2019. The City is pleased to announce it has awarded 11 community partner organizations with more than \$140,000 as part of an initial round of funding from the asylum seeker donations the City received. The funds are reimbursement for the assistance the non-profit groups provided to asylum seekers while the City operated an emergency shelter at the Expo.

The 11 organizations include:

Catholic Charities of Maine (\$5,675)  
Greater Portland Health (\$4,671)  
Greater Portland Immigrant Welcome Center (\$4,900)  
Greater Portland Transit District - METRO (\$6,075)  
LearningWorks (\$480)  
Immigrant Legal Advocacy Project (\$6,178)  
Maine Emergency Management Agency - MEMA (\$11,946)  
Portland Public Schools (\$15,108)  
The Emergency Action Network - TEAN (\$11,765)  
Town of Brunswick (\$70,000)  
Wayside Food Programs (\$5,000)

The backup material shows the description of services provided from each organization. The City is still accepting applications on an on-going basis. Organizations interested in receiving information on how to apply should send an email to [ASDonations@portlandmaine.gov](mailto:ASDonations@portlandmaine.gov).

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

## **UNFINISHED BUSINESS:**

**Order 120-19/20 Approving the Modification to Agreements between the Maine Department of Transportation, Portland Area Comprehensive Transportation System and Portland Re: Congress St. Signal & Intersection Improvements - Sponsored by Jon P. Jennings, City Manager**

Both the proposed two-party and modification of three-party agreements obligate the Maine Department of Transportation (MaineDOT), Portland Area Comprehensive Transportation System (PACTS) and the City of Portland to update traffic signal controls, technology and communications and construct a number of new signal structures and related Americans with Disabilities Act (ADA) ramps. The work will allow for this section of Congress Street to be transit priority ready.

The two-party and modification to 3-party agreements obligate the City to pay \$317,518.34, or 25% of the total cost of the project estimated at \$1,270,073.37 and an additional \$3,200 for sewer/manhole adjustments. This is \$158,955.84 increase of municipal funds due to high bid pricing.

This item must be read on two separate days. It was given a first reading on January 22, 2020. Staff is requesting that this order be passed as an emergency, to make it effective immediately and allow the State to publish the Request for Bids for the work. Seven affirmative votes are required for passage as an emergency after public comment.

**ORDERS:**

**Order 128-19/20 Renaming the Portland Exposition Building the James A. Banks, Sr. Exposition Building - Sponsored by Councilor Nicholas M. Mavodones, Jr.**

This order renames the Portland Exposition Building the James A. Banks, Sr., Exposition Building.

Portland's historic Exposition Building was built in 1914, making it the second oldest arena in continuous operation in the United States. Today's Expo Center is an important fixture in Portland's economy and community, thanks to the vision and commitment of community leaders like James A. Banks, Sr.

In 1981, the City of Portland was struggling with how to reduce the deficit caused by public operation of The Expo. According to an article printed in the Portland Evening Express (Jan. 29, 1981), then-Portland City Manager Tim Honey had begun to make plans to sell or demolish the cavernous gymnasium after running a deficit of almost \$89,000 related to its operations in 1980.

The most significant opposition to the proposed sale or demolition came from the Advisory Committee of the Portland Exposition Building, led by James Banks. In this position, Mr. Banks spearheaded the fight to give operational responsibility for The Expo to the School Board and protect the City's primary venue of school sports programs and activities.

Mr. Banks, as Chairman of the Portland School Committee during The Expo's rescue and revitalization, was instrumental in its incredible turnaround. By 1986, his work had been deemed a success; over \$200,000 in improvements had been made to the once run-down, leaking building, including renovations to the gym floor, concession stands, and locker rooms. The ceiling was lowered to accommodate musicians, and the Expo was showing a \$20,000 net operating surplus (Press Herald, June 6, 1986).

Five affirmative votes are required for passage after public comment.

**Order 129-19/20 Approving the Agreement between Portland and South Portland  
Re: Economic Assessment for the Portland Harbor Dredge Project -Sponsored by  
Jon P. Jennings, City Manager**

The City of Portland, the City of South Portland, the Portland Harbor Commission, and the State of Maine Department of Transportation have worked for several years toward dredging the waters beside piers, marinas, and vessel support areas in Portland Harbor. Using state transportation funds and Environmental Protection Agency Brownfields Assessment Grants, the Dredge Team partners have recently applied for state and federal permits to perform dredging and sediment disposal benefiting 32 private and public properties on both sides of the Fore River.

The permit review process is well underway and, based on agency feedback, approvals are anticipated from all entities. Funding for the final design, bid document development, and dredge construction will require federal grants from the United States Department of Transportation BUILD program. The BUILD application process requires an economic assessment of the benefits and costs of the proposed project.

The City Council is asked to approve an inter-local agreement with South Portland to jointly fund the economic assessment. The agreement stipulates that the City of Portland will advertise a request for proposals (RFP) to conduct the economic assessment. The selection of a consultant team and cost will be shared equally by the two communities. The cost of the economic assessment is anticipated to be less than \$60,000, but the final cost will be determined by the RFP process. The City of Portland portion of the costs will be requisitioned from previously allocated Waterfront Tax Increment Financing District funds.

The South Portland City Council approved the agreement on January 14, 2020.

Five affirmative votes are required for passage after public comment.

**Order 130-19/20 Adopting Council Rules of Procedure for 2020 - Sponsored by  
Mayor Kate Snyder**

The Rules and Reports Committee met on January 3, 2020 and January 27, 2020. At the January 3rd meeting, among other things, the Committee took public comment and reviewed the current City Council Rules in detail. On January 27, the Committee reviewed the final proposed revisions to the Rules and voted 3-0 to forward them to the full Council with a recommendation for approval.

The proposed revisions to the rules primarily involve amendments to Rules 12, 13 and 32, and address prior review of items by a committee, sponsorship of items, and various changes to the public comment procedures.

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

**AMENDMENTS:**

**6:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:**

**PLEDGE OF ALLEGIANCE:**

MINUTES ARE DRAFT UNTIL APPROVED BY THE CITY COUNCIL AT THE NEXT REGULAR MEETING

**ROLL CALL:**

Mayor Snyder called the meeting to order at 5:35 P.M. (Councilor Cook arrived during Order 118)

**ANNOUNCEMENTS:**

Councilor Ray announced that she will be asking to postpone the Resolution on the Shelter at the February 3, 2020 City Council meeting to the February 19, 2020 City Council Meeting.

**RECOGNITIONS:**

**PRESENTATIONS:**

**Presentation to Jennifer Thompson, Associate Corporation Counsel, by the Board of Harbor Commissioners, Port of Portland, Maine, in appreciation for her work as Counselor to the Board from 2017 to 2019.**

**ANNUAL MEETING:**

**SPECIAL MEETING:**

**APPROVAL OF MINUTES OF PREVIOUS MEETING:**

**Approval of the January 6, 2020 Draft City Council Minutes.**

Motion was made by Councilor Ray and seconded by Councilor Ali to approve the minutes of the January 6, 2020 City Council meeting. Passage 8-0.

**PROCLAMATIONS:**

**APPOINTMENTS:**

**CONSENT ITEMS:**

**Order 112-19/20 Declaring Sundays on the Boulevard Festival Days in 2020 -  
Sponsored by Jon P. Jennings, City Manager**

**Order 113-19/20 Declaring March 15, 2020 the St. Patrick's Day Parade Festival -  
Sponsored by Jon P. Jennings, City Manager**

**Order 114-19/20 Declaring April 26, 2020 the Portland 10-Miler Festival -  
Sponsored by Jon P. Jennings, City Manager**

Motion was made by Councilor Ray and seconded by Councilor Costa to bifurcate the Consent items and take up Order 112 separately. Motion to bifurcate was withdrawn.

Motion was made by Councilor Ray and seconded by Councilor Costa for passage of the consent items. Passage 8-0.

**LICENSES:**

**Order 115-19/20 Granting Municipal Officers' Approval of Dos Naciones LLC dba Dos Naciones Mexican & Salvadorian. Application for a Class I FSE at 649 Congress Street - Sponsored by Jon P. Jennings, City Manager**

Motion was made by Councilor Thibodeau and seconded by Councilor Mavodones for passage. Passage 8-0.

**Order 116-19/20 Granting Municipal Officers' Approval of Little Giant, LLC dba Little Giant. Application for a Class I FSE at 211 Danforth Street - Sponsored by Jon P. Jennings, City Manager**

Motion was made by Councilor Costa and seconded by Councilor Thibodeau for passage. Passage 8-0.

**Order 117-19/20 Granting Municipal Officers' Approval of Miranda Restaurant Group dba Via Vecchia. Application for Outdoor Dining on Public Property at 10 Dana Street - Sponsored by Jon P. Jennings, City Manager**

Motion was made by Councilor Ray and seconded by Councilor Thibodeau for passage. Passage 8-0.

**Order 118-19/20 Granting Municipal Officers' Approval of Miranda Restaurant Group dba Via Vecchia. Application for Indoor Entertainment at 10 Dana Street - Sponsored by Jon P. Jennings, City Manager**

Motion was made by Councilor Ray and seconded by Councilor Mavodones to postpone Order 118 to the March 2, 2020 City Council Meeting. Passage 9-0.

**6:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:**

Motion was made by Mayor Snyder and seconded by Councilor Mavodones to take a 5-minute recess. Passage 9-0.

Motion was made by Mayor Snyder and seconded by Councilor Mavodones to reconvene the City Council Meeting. Passage 9-0.

Motion was made Councilor Ray and seconded by Councilor Thibodeau to suspend the rules to allow City Councilor Comment. Passage 9-0.

**BUDGET ITEMS:**

**COMMUNICATIONS:**

**RESOLUTIONS:**

**UNFINISHED BUSINESS:**

**Order 108-19/20 Accepting and Appropriating a \$15,000 Grant From the Sam L. Cohen Foundation for the English Speakers of Other Languages Collaborative Project - Sponsored by Jon P. Jennings, City Manager**

Mayor Snyder disclosed that her brother-in-law works for the foundation and she does not have a direct or personal interest and she will be voting on Order 108.

Motion was made by Councilor Costa and seconded by Councilor Ray for passage. Passage 9-0.

**Order 109-19/20 Approving and Appropriating Federal Aviation Administration Airport Improvement Program Entitlement and Discretionary Grants - Sponsored by Jon P. Jennings, City Manager**

Motion was made by Councilor Ray and seconded by Councilor Costa for passage. Passage 9-0.

**Order 110-19/20 Appropriating \$545,000 for the Design of Surface Parking Expansion and Relocation of Administrative Offices at the Portland International Jetport - Sponsored by Jon P. Jennings, City Manager**

Motion was made by Councilor Ray and seconded by Councilor Costa for passage.  
Passage 9-0.

**Order 111-19/20 Amendment to Zoning Map Re: Harvard Street - Sponsored by the Planning Board, Sean Dundon, Chair**

Mayor Snyder disclosed that Mr. Payson was previously involved as an investor in a business venture with her husband that has since dissolved. She has spoken with Corporation Counsel about this matter and this is not a conflict of interest under the Cities rules and or Maine Law. Given this understanding she will be taking part in Councils review and will be voting on this item.

Motion was made by Councilor Ray and seconded by Councilor Cook for passage.  
Passage 6-3 (Mavodones, Costa, Thibodeau).

**ORDERS:**

**Order 119-19/20 Amending the 2016 Annual Report and 2017 Budget Plan of the Portland Public Art Committee - Sponsored by Jon P. Jennings, City Manager**

Mayor Snyder took Order 119 out of order.

Motion was made by Councilor Ray and seconded by Councilor Costa for passage.  
Passage 9-0.

**Order 120-19/20 Approving the Modification to Agreements between the Maine Department of Transportation, Portland Area Comprehensive Transportation System and Portland Re: Congress St. Signal & Intersection Improvements - Sponsored by Jon P. Jennings, City Manager**

This is a first reading.

Motion was made by Councilor Thibodeau and seconded by Councilor Costa to adjourn.  
Passage 9-0, at 9:45 P.M.

A TRUE RECORD

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Katherine L. Jones, City Clerk

**PROCLAMATION RECOGNIZING  
BLACK HISTORY MONTH 2020**

**WHEREAS**, the first Africans were brought involuntarily to the shores of the Americas as early as the 17th century; and

**WHEREAS**, Africans in the United States of America and their descendants are now known as African-Americans; and

**WHEREAS**, African-Americans suffered enslavement and subsequently faced the injustices of lynch mobs, segregation and the denial of basic, fundamental rights; and

**WHEREAS**, despite suffering under slavery and injustice, African-Americans in all walks of life have made significant contributions throughout the history of Portland and across the United States; and

**WHEREAS**, the month of February is officially celebrated as Black History Month, which dates back to 1926 when Dr. Carter G. Woodson set aside a special period of time in February to recognize the heritage and achievement of Black Americans;

**NOW, THEREFORE, BE IT RESOLVED**, that I, Kate Snyder, Mayor of the City of Portland, Maine and the members of the Portland City Council do hereby:

- (1) recognize the significance of Black History Month as an important time to acknowledge and celebrate the contributions of African-Americans in the nation's history and encourage the continued annual celebration of Black History month to provide an opportunity for all peoples of Portland to learn more about the past and to better understand the experiences that have shaped the nation; and
- (2) recognize that the ethnic and racial diversity of the City of Portland enriches and strengthens our community; and
- (3) encourage all centers of education in Portland to include in their year-round educational curriculum the history and contributions of African-Americans in Portland, the United States and around the world.

**Signed and Sealed this 3rd Day of February, 2020**

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**Kate Merchant Snyder , Mayor  
City of Portland, ME**

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** January 22, 2020

**SUBJECT: Order 121-19/20 Appointing Members to Various Boards and Committees - Sponsored by the Nominating Committee, Councilor Pious Ali, Chair**

**SPONSOR**

: Sponsored by the Nominating Committee, Councilor Pious Ali, Chair

(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 no why not?)**

**PRESENTATION:** (List the presenter(s), type and length of presentation)

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

The Nominating Committee met on January 21, 2020 and voted (3-0) to send forward the following recommendations to the Various Boards and Committees.

| Names            | Board and Committee                | Expiration |
|------------------|------------------------------------|------------|
| Brandon Mazer    | Planning Board                     | 02/28/2023 |
| Marpheen Chann * | Planning Board                     | 02/28/2023 |
| Reggie Parson    | Police Citizen Review Subcommittee | 03/30/2023 |
| Emily West       | Police Citizen Review Subcommittee | 03/30/2023 |
| Kaylin Kerina *  | Police Citizen Review Subcommittee | 03/30/2023 |
| Karen Snyder     | PMAC-Resident                      | 03/30/2023 |
| Priscilla Skerry | PMAC-Resident                      | 03/30/2023 |
| Aaron Berger     | Rental Housing Advisory Committee  | 03/30/2023 |
| Crow Norlander   | Rental Housing Advisory Committee  | 03/30/2023 |
| Nora Graves      | Rental Housing Advisory Committee  | 03/30/2023 |
| Amy Carole *     | Rental Housing Advisory Committee  | 03/30/2023 |
| Jennifer Fox*    | Land Bank Commission               | 06/30/2023 |
| Barbara Brewer*  | Board of Assessment Review         | 09/30/2020 |

\* Indicates new member

Five affirmative votes are required for passage after public comment.

**III. BACKGROUND**

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis and Background that will not appear in the Agenda Description.

**VII. RECOMMENDATION**

**VIII. LIST ATTACHMENTS**

1. Appointing Various Boards and Committees 2.3.2020
2. Memo to City Council for appointments January 2020
3. Appointments Resumes and Cover Letters

Prepared by:

Date: 1/22/2020

KATE SNYDER (MAYOR)  
BELINDA S. RAY (1)  
SPENCER R. THIBODEAU (2)  
TAE Y. CHONG (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

KIMBERLY COOK (5)  
JILL C. DUSON (A/L)  
PIOUS ALI (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPOINTING MEMBERS TO VARIOUS BOARDS AND COMMITTEES**

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

| <b>Name</b>      | <b>Board and Committee</b>                            | <b>Expiration</b> |
|------------------|-------------------------------------------------------|-------------------|
| Brandon Mazer    | Planning Board                                        | 02/28/2023        |
| Marpheen Chann   | Planning Board                                        | 02/28/2023        |
| Reggie Parson    | Police Citizen Review Subcommittee                    | 03/30/2023        |
| Emily West       | Police Citizen Review Subcommittee                    | 03/30/2023        |
| Kaylin Kerina    | Police Citizen Review Subcommittee                    | 03/30/2023        |
| Karen Snyder     | Pesticide Management Advisory Committee-<br>Resident  | 03/30/2023        |
| Priscilla Skerry | Pesticide Management Advisory Committee -<br>Resident | 03/30/2023        |
| Aaron Berger     | Rental Housing Advisory Committee                     | 03/30/2023        |
| Crow Norlander   | Rental Housing Advisory Committee                     | 03/30/2023        |
| Nora Graves      | Rental Housing Advisory Committee                     | 03/30/2023        |
| Amy Carole       | Rental Housing Advisory Committee                     | 03/30/2023        |
| Jennifer Fox     | Land Bank Commission                                  | 06/30/2023        |
| Barbara Brewer   | Board of Assessment Review                            | 09/30/2020        |



Office of the City Clerk  
Katherine L. Jones, CMC

## MEMORANDUM

**TO:** Mayor Kate Snyder, and Members of City Council  
**FROM:** Katherine L. Jones  
**DATE:** January 23, 2020  
**RE:** Appointments

The Nominating Committee met on January 21, 2020 and voted (3-0) to send forward the following recommendations to the Various Boards and Committees.

| Name             | Board and Committee               | Expiration |
|------------------|-----------------------------------|------------|
| Brandon Mazer    | Planning Board                    | 02/28/2023 |
| Marpheen Chann * | Planning Board                    | 02/28/2023 |
| Reggie Parson    | Police Citizen Review             | 03/30/2023 |
| Emily West       | Police Citizen Review             | 03/30/2023 |
| Kaylin Kerina *  | Police Citizen Review             | 03/30/2023 |
| Karen Snyder     | PMAC-Resident                     | 03/30/2023 |
| Priscilla Skerry | PMAC-Resident                     | 03/30/2023 |
| Aaron Berger     | Rental Housing Advisory Committee | 03/30/2023 |
| Crow Norlander   | Rental Housing Advisory Committee | 03/30/2023 |
| Nora Graves      | Rental Housing Advisory Committee | 03/30/2023 |
| Amy Carole *     | Rental Housing Advisory Committee | 03/30/2023 |
| Jennifer Fox *   | Landbank Commission               | 06/30/2023 |
| Barbara Brewer * | Board of Assessment Review        | 09/30/2020 |

Brandon J. Mazer, Esq.

Portland, Maine 04101

December 6, 2019

City of Portland Nominating Committee  
Councilor Pious Ali, Chair  
389 Congress Street  
Portland, Maine 04101

Dear Mr. Chairman and Members of the Nominating Committee,

Please let this letter serve as my strong desire to serve on the Portland Planning Board for a second term.

I have enjoyed my time on the Board working with City staff and applicants to ensure that we have the highest quality development in the City that addresses the goals of our Comprehensive Plan.

We are continuing to move forward with implementing further elements of the Comprehensive Plan. One such element is the ReCode that the Board, Staff, and the Council are currently undertaking. The City's Land Use Code is over fifty years old and is showing its age. I hope to continue to be a part of the process that will affect development in the City for years to come.

I believe my legal background brings an important viewpoint to the Board. One of the roles of the Planning Board is to implement the standards of the Land Use Code, and my ability to interpret and apply those standards through a legal lens is valuable.

I appreciate your time and consideration.

Sincerely,



Brandon J. Mazer

# Brandon J. Mazer, Esq.

Attorney skilled in navigating complex regulatory environments and commercial transactions, including highly regulated licensure, taxation, manufacturing and wholesaler appointment processes.

## EXPERIENCE

### Perkins Thompson P.A.

March 2018-Present

Attorney in the Business and Corporate Law, the Municipal Law, and the Hospitality Law Practice Group with particular experience in the Craft Beverage specialty practice area. Focuses on advising clients on all aspects of their operation, including entity formation, sales and acquisitions, contract negotiations, real estate transactions and day-to-day business advice.

### Shipyard Brewing Company

2011 to February 2018

25<sup>th</sup> largest Craft Brewer in US, producing 150k+ barrels per year and selling product in 42+ states and in Shipyard Brew Pubs

#### General Counsel

Provide regulatory compliance and transactional oversight across spectrum of environments, including manufacturing; contract manufacturing; development of beverage, food and retail establishments; wholesale distribution relationships; domestic & international trademark protection, and corporate administration, including:

#### **Regulatory Compliance:**

- Federal, state and municipal licensure processes
  - Federal Alcohol and Tobacco Tax and Trade Bureau licensure compliance
  - State sales and brewing licensure for each of 42+ states
  - Regulatory label preapproval
  - Federal and state excise tax compliance
  - Brew Pub federal and state licensure compliance
  - Contract brewing compliance with state and local regulations

#### **Contract Negotiation and Finalization:**

- Wholesaler/Distribution contracts
  - Appointment of new wholesalers with regional managers
  - Assure contractual compliance with state wholesaler regulations
  - Negotiate termination for cause contractual definitions
- Manufacturing contracts
  - Strict contract brewing arrangements
  - Alternate premise contract brewing agreements

#### **Intellectual Property:**

- Portfolio management of 100+ domestic and international trademarks
  - Collaborate with outside counsel on initial trademark search
  - Manage filings through outside counsel
  - Communicate with company leadership and counsel on infringement issues
  - Manage litigation, mediation and potential settlement situations

#### **Commercial Real Estate Transactions and Land Use Regulation:**

- Brew Pub Leases
  - Negotiate financial terms, landlord/tenant roles and build out expectations
- Commercial Real Estate Transactions
  - Commercial banking document review and negotiation
  - Closing requirements, attendance and signatory authority
- Land Use

- Zoning Board of Appeals filings and hearing presentations
- Water treatment compliance; negotiation of billing error resolution
- Active involvement with transitional neighborhood issues

#### **Governmental Relations:**

- State legislative interaction and collaboration with hired lobbyists
  - Provide information on ramification of Bureau of Alcohol Beverage & Lottery Ops. legislative proposals
- Provide insight to municipalities on impact of environmental issues such as water treatment policy
- Federal legislative interaction as National Brewers' Association Governmental Affairs Committee member

## **EDUCATION AND PROFESSIONAL QUALIFICATIONS**

**University of Maine School of Law, Portland, ME**

**JD** May 2011

**Involvement:** Intellectual Property Clinic  
Conducted patent clearance and trademark clearance and filings for entrepreneurial start-ups

**Licensure:** Admitted to Bar of the State of Maine, 2011 – present  
Member, Maine State Bar Association

**Bowdoin College, Brunswick, ME,**

**BA** May 2008

Government & Legal Studies Major, History Minor

## **COMMUNITY AND PROFESSIONAL SERVICE**

**Planning Board - Portland, Maine**

*Vice Chair*

**Appointed February 2017-present**

*January 2018*

**Portland House Condominium Association**

*President*

**2017-present**

*January 2018*

**Zoning Board of Appeals - Portland, Maine**

**2016-2017**

**Candidate, Portland Maine City Council**

**2015**

**Friends of the Eastern Promenade**

*President*

**2016-2019**

*2018-2019*

**Maine Brewers' Guild Board of Directors**

*President*

**2011 – 2015, 2016-2018**

*July 2016 – Feb. 2018*

**National Brewers' Association**

**2013 – 2018**

*Member, Governmental Affairs Committee*

**Special Olympics of Maine, Board of Directors**

**2013 – present**

## PRESENTATIONS

**Import/Export Compliance Course**, November 2, 2018, University of Maine School of Law, Portland Maine

- Guest Lecturer

**Conference: Arctic Opportunities: Exploring New Passages for Business Growth in the Arctic & North Atlantic**, October 19, 2017, Portland ME

- Panelist: Arctic Impact on Industrial Economic Landscapes

**New England Craft Brew Summit**, March 31, 2017, Portland, ME

- Panelist: Creating a Distinct and Sustainable Brand

**Nixon Peabody LLP Industry Presentation**, January 15, 2015, Boston MA

- Panelist: Taking your Craft Brewery, Distillery, or Winery to the Next Level

**University of Maine School of Law Industry Discussion**, September 29, 2015, Portland, ME

- Panelist: Maine's Craft Beer and Spirit Industry

December 23, 2019

Appointments Committee Chair  
c/o City Clerk  
389 Congress Street  
Portland ME 04101

RE: Planning Board Vacancy

To whom it may concern:

Attached you will find my resume for consideration to fill a vacancy on the Planning Board.

My background includes a J.D. with a focus in administrative law and land use, I am nearing completion of a M.A. in Public Policy and Planning at the Muskie School, and I am familiar with navigating the City's land use ordinance and comprehensive plan.

I look forward to serving the city of Portland as a member of the Planning Board and thank you for your consideration.

Sincerely,  
Marpheen Chann

## MARPHEEN S. CHANN-BERRY

Portland, Maine 04103

### RELEVANT EXPERIENCE

Social and digital media experience working on political and advocacy campaigns to raise issue awareness, drive action, and effect change. Advocacy, organizing, and volunteer experience on boards and organizations focused on LGBTQ and immigrants' rights.

### EDUCATION

UNIVERSITY OF MAINE SCHOOL OF LAW, *Juris Doctor*, graduated May 2017

Focus: Administrative Law; State & Local Government; Property; Real Estate.

HOWARD UNIVERSITY SCHOOL OF LAW, *Visiting Student*, Spring 2017

Focus: Immigration Law; Refugee Law.

USM MUSKIE SCHOOL OF PUBLIC SERVICE, *Masters in Policy, Planning, and Management*, in progress.

UNIVERSITY OF SOUTHERN MAINE, *Bachelor of Arts with Honors, Political Science*, graduated May 2014

### PROFESSIONAL EXPERIENCE

HOLOCAUST AND HUMAN RIGHTS CENTER OF MAINE, Augusta, Maine  
*Southern Maine Regional Educator*, 02/2019 – Present

- Deliver educational workshops and seminars on topics including Holocaust history and human rights to students, grades 5 through 12, in schools across northern Maine.
- Participate in training at the HHRC to achieve mastery of HHRC subject matter, curriculum and materials developed in collaboration with Facing History and Ourselves and the Southern Poverty Law Center's Teaching Tolerance.
- Recruit teachers and schools to participate in the HHRC programming including student workshops, class visits to the Michael Klahr Center and teacher training.

CHANN CREATIVE, Portland, Maine  
*Owner & Digital Consultant*, 05/2018 – Present

- Established solo consulting practice and provided public relations and policy advice to state and local election candidates.
- Provided expertise on available website hosting platforms, online services, social media outreach and advertising.

MAINE CENTER FOR ECONOMIC POLICY, Augusta, Maine  
*Campaign & Digital Communications Coordinator*, 07/2017 – 05/2018

- Coordinate issue campaign strategies and communications to a variety of audiences, including the public, lawmakers, and allies as well as donors and foundations.
- Design graphics and videos for social media channels.
- Update website.
- Design and setup digital ad campaigns.

CONSUMER FINANCIAL PROTECTION BUREAU, Washington, D.C.  
*Legal Intern & Program Assistant*, Office of Minority & Women Inclusion

Full Time, Volunteer (09/2016 – 12/2016); Full Time, Pathways Intern/CN-0999-30 / \$45,579.00 (06/2016 – 08/2016)

- Researched and drafted legal memorandum on diversity in Federal agency recruiting, hiring and workplace diversity and inclusion practices.
- Facilitated and drafted documents for discussions between employee council leaders and business units.
- Summarized responses from research interviews with mortgage industry leaders.
- Planned logistics for diversity and inclusion roundtable discussion with CFPB and mortgage industry leaders.
- Compiled data and reports for diversity and inclusion strategic planning meetings with business units.
- Briefed employees on new Bureau policy on resource groups and operational procedures to audience of 10.

- Reviewed employee submissions for compliance with Employee Resource Group Policy and Operational Procedure.
- Served as the point of contact for office's submissions under the Paper Work Reduction Act.

**LAW OFFICE OF JOHN LEMIEUX, Portland, Maine**  
*Legal & Marketing Assistant, 06/2015 – 05/2016*

- Researched case law, administrative rules and regulations, and statutes.
- Drafted various correspondences and documents including memos, wills, healthcare, financial directives, and Power-of-Attorney documents.
- Managed social media accounts and online presence.

**UNIVERSITY OF SOUTHERN MAINE, Portland, Maine**  
*Student Body Vice-President, 04/ 2013 – 04/2014*

- Built a coalition between the student government, local radio station, and student newspaper to host a forum on public education funding with a bipartisan group of state legislators.
- Advocated for solutions to student concerns including education funding, student loan debt, and student housing and parking issues before university committees and public entities.
- Supervised student government entities to ensure compliance with university policies, and state, local, and Federal laws.

**MAINE DEMOCRATIC PARTY, Portland, Maine**  
*Finance Intern, 07/2012 – 11/2012*

- Promoted organizational goals and solicited donations or sponsorships at community events, meetings, and conferences.
- Created and updated donor databases.
- Managed logistics for programs and events.

## **VOLUNTEER EXPERIENCE**

- GREATER PORTLAND IMMIGRANT WELCOME CENTER, *Board Member*, July 2017 – Present
- MAINE YOUNG DEMOCRATS, *Minority Caucus Chair*, May 2015 – May 2016
- MAINE ASSOCIATION FOR NEW AMERICANS, *Board Member*, June 2015 – May 2016

## **GRADUATE LEADERSHIP & EXTRACURRICULAR ACTIVITIES**

- MAINE LAW LGBT+ LAW & POLICY STUDENT ORGANIZATION, *Chair*, May 2015 – May 2016

## **UNDERGRADUATE LEADERSHIP & EXTRACURRICULAR ACTIVITIES**

- USM STUDENT GOVERNMENT ASSOCIATION, *Elections Commissioner*, Spring of 2014
- USM COLLEGE DEMOCRATS, *Founder & Chair*, 2013-2014 Academic Year
- USM STUDENT GOVERNMENT ASSOCIATION, *Student Senator*, 2012 – 2013 Academic Year
- USM QUEER STRAIGHT ALLIANCE, *Co-Founder & President*, Spring 2011
- PHI MU DELTA FRATERNITY, NI XI CHAPTER, *Chair of Public Relations*, December 2012 – May 2014

## **HONORS & AWARDS**

- PI SIGMA ALPHA POLITICAL SCIENCE NATIONAL HONORS SOCIETY, Awarded Spring 2013
- EXTRAORDINARY INNOVATIVE LEADERSHIP AWARD, Awarded in Spring 2014
- DEANS LIST, Fall 2011, Fall 2012, Summer 2013, Fall 2013, and Fall 2014
- USM LEADERSHIP RECOGNITION DOGPOUND, February 2011, November 2013, and February 2014 for contributions to campus life and leadership

**Reginald Parson, MPA, JD**

Portland, Maine 04101

<http://www.linkedin.com/profile/view>

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December 22, 2019

Dear Members of the Nomination Committee,

I am writing to express my interest and consideration of my materials for renomination as a member of the Police Citizen Review Subcommittee (PCRS). I am currently a Senior Legislative Aide and Policy Analyst for the Speaker of the Maine House of Representatives Sara Gideon. I have been a resident of Portland since August 2016 and a member of the PCRS since February 2017.

Seeking to become a bridge builder between the public and law enforcement is something I have been working on for years. Prior to serving on the PCRS, I attended undergraduate and graduate school in predominantly white areas in Northeast Wisconsin coming from Chicago, Illinois. At times it was a challenge especially when relationships became strained between minority populations and law enforcement nationwide. Despite the challenges, it inspired me to take preventive measures by creating an event called "United we Stand Oshkosh: Building Bridges with Law Enforcement." This event was intended to connect the law enforcement community at the county, city and university level with underrepresented populations such as racial/ethnic minorities, veterans, LGBTQ+ community and individuals with disabilities to discuss police relations and how to strengthen relationships in the Oshkosh community. This event brought over fifty-five individuals including law enforcement officials and brought the Oshkosh community closer together by having this type of dialogue.

As a member of the PCRS, I have made significant contributions by helping to restructure the 2018 Annual Report to ensure a more accurate and transparent public document. In addition, I have helped to provide thoughtful input in finding ways to increase outreach to the public by crafting strategies to inform the public about what our Subcommittee does to serve them. Finally, I have cultivated strong relationships with fellow Subcommittee members and Portland Police administration that has proven to be effective when reviewing citizen complaints investigated by Internal Affairs.

To summarize, I believe my temperament and demonstration of effectiveness will continue to serve as a tremendous benefit to the PCRS going forward. Thank you for your consideration in allowing me to continue to serve the City of Portland and its citizens in this capacity.

Sincerely,

Reginald Parson

## REGINALD PARSON, MPA, JD

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Portland, Maine 04101  
██████████  
████████████████████

<http://www.linkedin.com/profile/view>

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### EDUCATION

#### **University of Maine School of Law, Portland, Maine**

*Juris Doctor*, May 2019

- *Pro Bono Publico Award*, May 2019
- *Faculty Award for Community Service*, May 2019
- *Recipient, Maine Association for Public Interest Law (MAPIL) Fellowship*, Summer 2017

#### **University of Wisconsin Oshkosh (UWO), Oshkosh, Wisconsin**

*Master of Public Administration*, May 2016

- *Recipient, Outstanding Student Leadership Award, Titan Graduate National Scholar designation, and Tom Segnitz Leadership Award*

#### **Marian University, Fond du Lac, Wisconsin**

*Bachelor of Science, Homeland Security (Minors: Criminal Justice and Pre-Law)*, May 2013

- *Student Commencement Speaker*
- *Recipient, Ronald E. McNair Scholar designation*
- *Named Senator of the Year, Student Senate*, April 2013

### PROFESSIONAL EXPERIENCE

#### **State of Maine Legislature-Speaker of Maine House of Representatives**

*Senior Legislative Aide and Policy Analyst*, September 2019-Current

- *Serve as legislative aide and policy advisor to the Speaker for the following policy areas: Health and Human Services, Criminal Justice and Public Safety, Health Coverage, Insurance and Financial Services and Marine Resources.*
- *Coordinate the Speaker's appointments to non-legislative Statewide Boards and Commissions.*
- *Respond to constituents on behalf of the Speaker and provide timely and thorough responses to constituents.*

#### **City of Portland Municipal Government, Portland Maine**

*Executive Department Intern*, January 2019-September 2019

- *Demonstrated excellent writing skills by authoring a report to City Manager on identifying ways to improve diversity for City of Portland Boards and Committees.*
- *Collaborated with departments in obtaining information to complete multiple projects assigned by the Executive Department.*
- *Provided administrative support to ad hoc committees, City Manager and other Executive Department Staff as needed.*
- *Assisted with preparing agendas and other meeting materials for the Martin Luther King Memorial Committee.*

#### **Maine Regulatory Training and Ethics Center (MeRTEC), Portland, Maine**

*Legal Intern*, September 2018-May 2019

- *Provided clients strategic advice on achieving desired outcomes on regulatory and policy matters by demonstrating excellent writing and communication skills.*
- *Collaborated with the U.S Food and Drug Administration to obtain regulatory information regarding the use of xenotransplantation on burn patients on behalf of client.*
- *Researched and drafted memoranda concerning U.S Customs and Border Protection's scope-of-search authority at Ports of Entry, and interpretation of the University of Maine System Intellectual Property*

(Parson, 1 of 3)

Policy defining rights and responsibilities of students with respect to intellectual property rights (for the University of Southern Maine CI2 innovation lab).

- Reviewed draft legislation permitting Maine colleges and universities to obtain academic liquor licenses for class-related purposes.

**Cumberland Legal Aid Juvenile Justice Clinic-University of Maine School of Law, Portland, Maine**  
*Student Attorney*, September 2018-January 2019

- Maintained an active caseload of five juvenile clients and appear on their behalf in criminal and civil matters in Maine state courts. Also appeared at nine juvenile hearings, including some for unrepresented juveniles.
- Negotiated and collaborated with prosecutors, Juvenile Community Correctional Officers and other parties to obtain successful outcomes for clients.
- Demonstrated excellent writing skills by drafting legal documents and other correspondence on behalf of clients, to opposing counsel, and other parties to assigned cases.

**American Civil Liberties Union of Maine, Portland, Maine**  
*Legal Intern*, June-August 2018

- Researched and drafted legal memoranda concerning racial profiling, limitations imposed by Judicial Officers in relation to violation of conditions of release, transgender rights of inmates, national origin discrimination, and in-custody and out-of-custody hearings.
- Conducted weekly reviews of proposed rules promulgated by the Maine Department of Health and Human Services and Department of Corrections that had potential implications of individuals civil rights and civil liberties in Maine.
- Collected data during criminal adult in-custody and out-of-custody hearings at Cumberland County Courthouse for purposes of providing recommendations to improve Maine's Bail System.

**Maine Indigent Defense Center, Portland, Maine**  
*Legal Intern (MAPIL Fellow)*, May 2017-August 2017

- Demonstrated analytical skills by analyzing existing policy regarding the quality of legal representation for indigent defendants in the State of Maine and develop new policy recommendations for improvement of current system.
- Reviewed and commented on proposed legislation from the 127<sup>th</sup> Regular Session of the Maine Legislature to amend the duties and responsibilities of the Maine Commission on Indigent Services.
- Authored and submitted report to the Working Group on Indigent Legal Services providing recommendations to improve the indigent defense system in Maine.

**City of Portland Police Citizens Review Subcommittee, Portland, Maine**  
*Civil Service Commissioner*, March 2017-present

- Nominated and confirmed by unanimously by the Portland City Council to serve in this role.
- Present duties include reviewing the Portland Police Department's Internal Affairs investigative methods and procedures for addressing citizen complaints against police officers.
- Collaborate with law enforcement administration to improve relationship between citizens of Portland and the Portland Police Department.

**Oshkosh Student Association (OSA), UW Oshkosh, Oshkosh, Wisconsin**  
*Chief of Staff*, March 2015-May 2016

- Served as the primary student advisor to the OSA President and Vice President; supervised eleven OSA Directors and Ambassadors; managed operations of student government.
- Assisted in the transition of the incoming student body President, Vice President and Chief of Staff and drafted transition binders to aid in their transition.
- Drafted travel policy and twenty-six constitutional amendments for revision of the student body government constitution and the Assembly and Senate Bylaws.
- Drafted a records retention/disposition schedule approved by the Wisconsin Public Records Board.
- Chaired monthly ad hoc Conference on Shared Governance Committee meetings comprised of leaders from Faculty Senate, Senate for Academic Staff, and University Staff Council.

*Co-Director of Legislative Affairs*, September 2014-March 2015

- Served as student advisor and liaison between OSA, UW System officials, University administration, federal, state, local government officials to collaborate on and communicate pending and current legislation and university policy to students.
- Collaborated with the Oshkosh City Clerk's office and UWO administration to lead voter education during the 2014 midterm election cycle and 2015 City of Oshkosh local spring elections.

**Office of the Governor, State of Illinois**, Springfield, IL

*Constituent Affairs Intern*, July 2013-August 2013

- Served as a liaison between the 41<sup>st</sup> Governor of Illinois and the constituents of Illinois.
- Responded to constituents on behalf of the Governor requesting special recognitions related to wedding anniversaries, birthdays, Boy Scout promotions, and military/law enforcement retirements.
- Provided constituents information on the status of a legislative bill that reached the desk of the Governor.

### **GUEST LECTURES, PRESENTATIONS, AND SPEECHES**

**Panelist**, Juvenile Justice Reform: Restitution Reconsidered, University of Maine School of Law (March 2019)

**Alumni Guest Speaker**, 2016 National TRIO Day, Marian University (February 2016)

**Creator/Facilitator**, United We Stand Oshkosh: Building Bridges with Law Enforcement, University of Wisconsin Oshkosh (September 2015)

**Panelist**, "Why is the Constitution important to me?", University of Wisconsin Oshkosh (September 2015)

**Master of Ceremonies**, 19th Annual Dr. Martin Luther King Jr. Community Celebration, University of Wisconsin Oshkosh (January 2014)

**Panelist**, The Effects of Male Incarceration on Inner-City Communities, University of Wisconsin Oshkosh (April 2014)

**Keynote Speaker**, Dr. Martin Luther King Jr. Interfaith Community Breakfast, Marian University (January 2013)

### **SELECTED MEDIA PUBLICATIONS**

**Editorial**, Federal TRIO Works, *Diverse Issues in Higher Education*, (March 19, 2018)

**Student Spotlight**, *University of Maine School of Law Magazine*: Issue 93, (Fall 2017)

**Column**, "UW-Oshkosh Students to Educate Peers on Voter ID Changes," *Oshkosh Northwestern* (September 28, 2014)

**Editorial**, "Key to my Journey, Civil Rights Act Came Late for my Parents," *Oshkosh Northwestern* (July 12, 2014)

### **LEGISLATION**

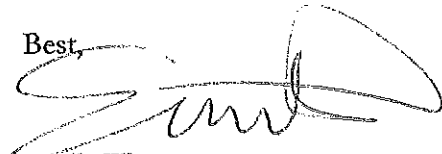
**Co-Author**, An Act To Ease Financial Burdens for Juveniles Involved in the Justice System- 129<sup>th</sup> Maine Legislature First Regular Session. Signed into Law June 26, 2019.

December 28<sup>th</sup>, 2019

To whom it may concern,

I am writing to re-apply for an appointment on the Police Citizen Review Subcommittee. I have enjoyed being a part of this group and would love to continue as a member. Attached, please find my resume.

Best,



Emily West

## Emily M. West, Ph.D.

[REDACTED], Portland, ME 04103  
[REDACTED]

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|      |                                             |                            |
|------|---------------------------------------------|----------------------------|
| 2008 | Ph.D. in Sociology and Criminology          | University of Pennsylvania |
| 2006 | Master of Arts in Sociology and Criminology | University of Pennsylvania |
| 1996 | Bachelor of Arts in Sociology, cum laude    | Skidmore College           |

### PROFESSIONAL ACTIVITIES

- 5/2015- CUNY Institute for State and Local Governance (ISLG) Senior Research Associate** **Portland, ME/  
New York, NY**
- Leading research efforts in multiple jurisdictions around the country to support a national jail reform project (Safety and Justice Challenge, funded by the MacArthur Foundation). Responsibilities include:
- Managing all initiative-related data activities across seven jurisdictions around the country
  - Supporting negotiations of complex, multi-agency data use agreements
  - Performing data diagnostic visits to assess local data capacity of key criminal justice agencies and identify ways to expand/enhance data capacity
  - Developing and tracking performance measurements for each jurisdiction based on their specific strategies aimed at safely reducing the local jail population
  - Collecting, cleaning, and analyzing case-level data from relevant criminal justice agencies
  - Creating and presenting progress reports to examine whether jurisdictions are meeting their targets to achieve jail population reductions
- 10/2008- Innocence Project Research Director** **New York, NY**  
**9/2014**
- Led research efforts to allow for comprehensive examination of wrongful convictions. Responsibilities included:
- Identifying and implementing organizational research needs
  - Maintaining a comprehensive database on all DNA exonerations
  - Overseeing the Innocence Project Research Advisory Board
  - Responding to internal and external research/data requests
  - Conducting analyses on internal clients and DNA exonerees, writing reports, and presenting findings
  - Collaborating with academic scholars, law enforcement, prosecutors, and defense attorneys on various projects/studies
  - Presenting at national conferences addressing issues relating to wrongful conviction
  - Supervising research staff
  - Developing & monitoring the research department budget
  - Co-authoring articles relating to DNA exonerees

- |                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                   |
|-------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| 8/2007-<br>8/2008 | <b>Owen Consulting</b><br><b>Senior Evaluation Consultant</b><br>Acted as evaluation consultant to support mentoring programs serving disadvantaged youth in NYC. Responsibilities included: <ul style="list-style-type: none"> <li>• Helping develop proposals</li> <li>• Designing assessment tools</li> <li>• Conducting focus groups and administering surveys</li> <li>• Creating and managing databases</li> <li>• Cleaning and analyzing data using SPSS, writing reports and presenting findings</li> <li>• Developing and monitoring project budgets</li> </ul>                                                                                                                                                                                                     | New York, NY                      |
| 6/2006-<br>6/2007 | <b>Public/Private Ventures</b><br><b>Senior Evaluation Consultant</b><br>Acted as evaluation consultant to support the Ready4Work Prison Reentry Initiative. Responsibilities included: <ul style="list-style-type: none"> <li>• Analyzing survey data on participants' health issues, with a focus on HIV/AIDS</li> <li>• Obtaining arrest records from 11 cities throughout the country</li> <li>• Summarizing and presenting findings</li> </ul>                                                                                                                                                                                                                                                                                                                          | Philadelphia, PA<br>/New York, NY |
| 8/2002-<br>8/2004 | <b>University of Pennsylvania</b><br><b>Senior Research Coordinator</b><br>Managed the Philadelphia Educational Longitudinal Study (PELS), under the direction of Dr. Frank Furstenberg. Responsibilities included: <ul style="list-style-type: none"> <li>• Designing and implementing survey instruments</li> <li>• Collecting and managing qualitative data</li> <li>• Cleaning, merging and analyzing longitudinal data</li> <li>• Writing reports and presenting findings</li> <li>• Supervising research assistants</li> <li>• Acting as liaison between the university and foundations funding project</li> </ul>                                                                                                                                                     | Philadelphia, PA                  |
| 7/2000-<br>7/2002 | <b>Metis Associates, Inc.</b><br><b>Research Analyst</b><br>Supported research activities of various educational programs in NYC. Responsibilities included: <ul style="list-style-type: none"> <li>• Planning and designing program models</li> <li>• Designing surveys &amp; protocols for interviews, focus groups, and observations</li> <li>• Managing field site data collection efforts</li> <li>• Conducting interviews and focus groups</li> <li>• Creating and managing databases</li> <li>• Preparing and analyzing data using SPSS, writing reports and presenting findings</li> <li>• Developing and monitoring project budgets</li> <li>• Supervising research assistants</li> <li>• Providing internal training to staff on SPSS and survey design</li> </ul> | New York, NY                      |

9/1996- **Philliber Research Associates**  
7/2000 **Research Analyst**

Accord, NY  
/New York, NY

Supported research activities of various human service programs with responsibilities similar to those presented directly above.

- Major research projects included a broad array of social service sectors including domestic violence, foster care, teen pregnancy prevention, and educational programs

## PUBLICATIONS

- West, E., Meterko, V. (2016). "DNA Exonerations, 1989-2014: Review of Data and Findings from the First 25 Years." *Albany Law Review*, 79, 717-796.
- Bonventre, C.L., Norris, N.J., & West, E. (2014). "Studying Innocence: Advancing Methods and Data." In *Examining Wrongful Convictions: Stepping Back, Moving Forward*, edited by Allison D. Redlich, James R. Acker, Robert J. Norris, and Catherine L. Bonventre, 301-319. Durham, NC: Carolina Academic Press.
- Hampikian, G., West, E., & Akselrod, O. (2011). "The Genetics of Innocence: Analysis of 194 U.S. DNA Exonerations." *Annual Review of Genomics and Human Genetics*, 12, 97-120. doi: 10.1146/annurev-genom-082509-141715
- Philliber, S., Kaye, J., Herrling, S. and West, E. (2002). "Preventing Teen Pregnancy and Improving Health Care for Teens: An Evaluation of the Children's Aid Society Carrera Program." *Perspectives on Sexual and Reproductive Health*, 34 (5).
- Carrera, M., Kaye, J., Philliber, S. and West, E. (2000). "Knowledge About Reproduction, Contraception, and Sexually Transmitted Infections Among Young Adolescents in American Cities." *Social Policy*, 30, 41-50.

## PRESENTATIONS

- West, E. (2014). "Trends in DNA Exonerations over Time. Are DNA Exonerations on the Decline?" *Innocence Network Annual Conference*, Portland, OR.
- West, E. (2013). "300 and Counting: Trends in DNA Exonerations." Panel Presentation, *American Society of Criminology Annual Meeting*, Atlanta, GA.
- West, E. (2012). "Impact of Wrongful Conviction: Needs and Experiences of the Exonerated." Panel Presentation, *American Society of Criminology Annual Meeting*, Chicago, IL.
- West, E. (2011). "Misidentification in DNA Exonerations." Guest Lecture for Masters of Criminology students, *University of Pennsylvania*.
- West, E. (2011). "What We are Learning About Exonerations in the United States." Panel Presentation, *Innocence Network Annual Conference*, Cincinnati, Oh.
- West, E. (2011). "The Past, Present, and Future of Wrongful Conviction Scholarship." Discussant, *American Society of Criminology Annual Meeting*, Washington, DC.
- West, E. (2009). "New Research on False Convictions and Exonerations." Panel Presentation, *Law and Society Association Annual Meeting*, Denver, Co.

West, E. (2009). "Systematic DNA Testing." Chair, *Innocence Network Annual Conference*, Houston, Tx.

West, E. (2009). "Addressing Prosecutorial Misconduct: Review of Post-Conviction Appeals Among DNA Exonerees Involving Claims of Prosecutorial Misconduct." Panel Presentation, *Innocence Network Annual Conference*, Houston, Tx.

West, E. (2005). "Family and School Related Predictors of Arrest." Panel Presentation, *American Sociology Association Annual Conference*, Philadelphia, PA.

## **AWARDS**

2011 Jerry Lee Center of Criminology, Criminology in Practice Award, University of Pennsylvania

1996 The Everett V. Stonequist Award for dedication and achievement in Sociology, Skidmore

1995 The Wachenheim Memorial Scholarship for academic achievement, Skidmore

## **RELATED GRADUATE WORK**

- |                             |                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Dissertation Project</b> | <ul style="list-style-type: none"><li>• "Gender Differences in Predicting Timing of First Arrest: Testing Social Control Theory on a High-Risk Urban Sample."</li><li>• "Gender Differences in Arrest Frequency Among High-Risk First-Time Offenders."</li><li>• "School Poverty: Its Role in Predicting Odds of Arrest and Mediating Associated Family and Peer Effects."</li></ul> |
| <b>Competency Exams</b>     | <ul style="list-style-type: none"><li>• Criminology Theory; Sociology of the Family</li></ul>                                                                                                                                                                                                                                                                                        |
| <b>Statistics Courses</b>   | <ul style="list-style-type: none"><li>• Quantitative Methods I &amp; II; Categorical/Logistic Analysis; Event History; Methodology of Social Research</li></ul>                                                                                                                                                                                                                      |

*References provided upon request.*

**Kaylin N Kerina**

*Portland, ME 04103*

**City of Portland Maine | City Clerk**

Dear City of Portland City Clerk,

My name is Kaylin Kerina and I am applying for the open vacancies for the Police Citizens Review Board and the Rental Housing Advisory Committees. At this time, I seek to be a more active member of the city of Portland and give back to my community. Both of these committees speak to my experience here in Maine and in the City of Portland, and I would like to be able to bring change and a new perspective to the Committees.

I have been working in Workforce Development and Career Services for over 5 years and have specialized in working with those who have barriers to employment. I have been working with at-risk youth and helping them realize their full potential for the last 4 years and truly have dedicated my life to this work. Sitting on the Police Citizens Review Board would give me the opportunity to help the city's Police Force to better understand the youth that are at-risk in the community to better serve them with a trauma informed view. Currently, at Youth Building Alternatives I work with at-risk youth who have dropped out of the "traditional" school system, and work with us at a small-scale alternative education placement. These students not only work on their HiSETS, they also receive individualized career development and post-secondary education guidance. They also work towards learning a trade and I relish in the opportunity to help them succeed. Translating this work to help the committee I would be able to bring my motivational interviewing skills, my training in behavioral health as it applies to helping students work through their barriers to go to school, and lastly I would be able to bring students positive mentoring and coaching.

On the Housing committee I would be able to serve on a current renter's perspective. I would be able to bring insight from fellow Social Workers who also help their clients rent in the City of Portland. My current renting situation would also prove as good examples for communications with Land Lords and Property Managers. I would bring my personal as well as those I serve at my current job's perspective on Renting and coming up with solutions for the committee.

As a soon to be master's Candidate in Clinical Social Work, I would love to bring my skills and expertise, and research to either of the committee positions listed. As an "on the ground" direct service Social Worker I would like to bring that perspective to the committees. I am a result and action-based employee that aims to be as efficient and use my resources to the best of my abilities. I would love to be afforded the ability to grow within The City of Portland and with those you serve.

Best,  
-Kaylin Kerina

# Kaylin N Kerina

Portland, ME 04103

[www.linkedin.com/in/kaylinkerina](http://www.linkedin.com/in/kaylinkerina)

## Education

### Southern Maine Community College

South Portland, ME  
Graduated May 2019  
*MHRT/C Behavioral Health Certificate*

### Manhattanville College

Purchase, NY  
Graduated 2015 | Board of Trustee Scholar | Dean's List  
*Major: Communications & Marketing*

### University of Westminster

London, England  
*Studied: Integrated Marketing Communications*  
Semester Abroad Fall 2014

## Experience

### Portland Youth Dance | Portland, ME

**President of the Board**, October 2019 – Present

**Board Member**, August 2018 – Present

- Ensures the organization's activities are compliant and in furtherance of its mission.
- Develops and maintains relationships with donors, funders, supporters, collaborators, allies, vendors, and other stakeholders.
- Leads, manages, and develops the organization's employees, volunteers, and organizational culture.
- Develops, implements, monitors, and assesses sound and compliant fundraising practices.
- Ensures effective external communications about the organization and its mission, priorities, importance, programs, and activities.
- Develops, informs, and supports the board and the board committees to carry out their governance functions.

### LearningWorks - Youth Building Alternatives | Portland, ME

**Student Development Coordinator**, October 2017- Present

- Develops and implements individualized career development plans with each student, including both a vocational goal and measurable, time-limited intermediate goals that will ameliorate or remediate identified barriers to successful completion of the YBA program.
- Determines opportunities for students and alumni to further their education and help them navigate through the process of applying to postsecondary education institutions.
- Actively coaches students and graduates on career search strategies, personal marketing, interview skills, self-promotion methods, and materials.
- Establishes community partnerships with other service organizations to establish and maintain a relevant referral network.
- Develops, tracks, reports, and documents student and graduate placement statistics, success stories, and employment progress for up to one year after exit of the program.
- Develops and maintains relationships with representatives from business, government, and postsecondary education institutions that result in academic and employment placements for students and graduates.
- Recruits members for the Community Advisory Group and Chairs the CAG for further development of YBA programming for youth.

### Goodwill Northern New England | Portland, ME

**Employment Counselor**, June 2016 – October 2017

- Worked with incarcerated youth at Long Creek Youth Development Center to reintegrate youth back into the community through work.
- Created, implemented and taught the "Ready to Work" class curriculum for residents at Long Creek Youth Development Center to gain job readiness skills.
- Initiated and maintained ongoing personal contacts with a variety of business and industry representatives and job placement agencies to promote programs for participant placement.
- Instructed in job seeking, application procedures, resume writing, interview preparation and job retention skills to residents at facility.
- Kept current with trends and maintained updated labor market information by researching websites, attending meetings, maintaining contacts with various trade schools, universities, colleges and professional/community organizations that are involved in job placement/training activities.

# *Kaylin N Kerina*

**[REDACTED]** | Portland, ME 04103

**[REDACTED]** | [www.linkedin.com/in/kaylinkerina](http://www.linkedin.com/in/kaylinkerina)

**Indeed.com** | Stamford, CT

**Client Support Specialists – National Accounts (DCA);** *Aug 2015 – May 2016*

**Client Services Intern - National Accounts;** *Jan 2015 – May 2015*

- Worked with Clients to help manage campaigns on Indeed.
- Acted as technical Support to National Brands and individual franchises for their account questions and concerns.
- Assisted Sales Executives in supporting client campaign management, technical support and quality compliances.

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## **Certifications**

**Youth Mental Health First Aid** | NAMI Maine | *Feb 2018 – Feb 2021*

**Certified Career Services Provider** | National Career Development Association | *In Progress*

**Mental Health Rehabilitation Technician/ Community** | Southern Maine Community College | *In Progress – Expected completion Summer 2019*

**NAPPI (Non-Abusive Psychological and Physical Intervention)** | Goodwill Northern New England | *June 2017 – Present*

**Certified Re-entry Employment Specialist** | National Institute of Corrections | *October 2016 – Present*

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## **Public Speaking**

**MELMAC Foundation** | Supporting Post-Secondary Education Transitions | *October 2019* | Augusta, ME

**Educate Maine Conference** | Putting Positive Youth Development to Work | *December 2018* | Portland, ME

**Aspen Institute National Opportunity Youth Conference** | Career Development in Rural Areas for Opportunity Youth | *April 2019* | Philadelphia, PA

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## **Professional Organizations**

**Committee Member for Maine Department of Labor – Young Worker’s Committee** | March 2019 - Present

**Maine Career Development Association Member** | January 2019 – Present

**Board Member** | Portland Youth Dance | August 2018 – Present

**National Career Development Association Member** | March 2018 – Present

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**Karen Snyder, MS, MBA, PMP**

Karen Snyder  
Portland, ME 04101  
[REDACTED]

**December 09, 2019**

Kathryn Jones  
City Clerk  
389 Congress Street  
Portland, ME 04101  
Re: Re-apply for PMAC member 2020-2021

Dear Ms. Jones,

I am requesting to re-apply for the Portland Management Advisory committee. My accomplishments on the PMAC committee this past year are as follows:

- 1) Became NOFA certified (New England Organic Land Care certified 2019)
- 2) Assisted in developing the Portland Pesticide Ordinance brochures.
- 3) Developed the PMAC Matrix for Best Management Practices with Pests with assistance from other PMAC member, Avery Kamila

We haven't begun our outreach program yet because we have been developing the educational material.

Please let me know when any future scheduled interviews have been scheduled.

Regards,  
Karen Snyder  
Portland, ME

## Karen Snyder's Resume

Certified consultant in PMP and over 15 years of data migration/data governance experience with proven data migration methodology and tools with extensive SAP experience in the Master Data, SD, MM, and FICO modules and completion of 7 lifecycle data migrations.

Skilled professional with a broad logistical and supply chain technical and functional background. This knowledge, along with ERP project implementation, data migrations, and data governance experience, allows me to communicate effectively with business and technical resources. I am also customer-focused team player with a demonstrated ability to communicate effectively with all levels of management. I also have a proven track record of continuous systems process improvement for various industries including Medical Devices, Paper, Food, Construction Equipment, and Transportation, Utilities, and Marketing/Advertising.

- Proficient in MS SQL Server 2000, 2005 and 2008 and MS Access
- Project Lead experience with 2 SAP Project Life Cycles: 1 Manufacturing and 1 Project Construction.
- Project systems manager of 6.x versions upgrades/interfaces with ERP systems and Manugistics.
- Data mining/analytics and report development expertise in various platforms ranging from: SQL, AP BODS, SAS, Oracle, BI, Cognos, MS Access, SQL Server, and Cransoft®, and WinShuttle
- Software Application/Languages Used: SQL, PL/SQL, BODS, General UNIX, ABAP
- SAP Functional Configuration experience in: SAP SD, MM, PP, LE, WM, FICO;
- SAP R/3 Data Migration ETL Tools: SSIS, BODS, LSMW, ECATT, and EMIGALL
- SAP R/3 Reporting Tools: BW 3.0B, BODS, and SAP Query;
- SAP R/3 module integration with cross-functional capabilities in the MM, WM, PP, GTS, CRM and SD modules.
- CranSoft® software. Including Data StagingWarehouse™ (DSW), Cranport™, EZMap™, DataProfiler™, DataGarage®, DataDialysis® and BDCDirect®, cApps®, and cMass®.
- Proficient in project management softwares such as MS Project, Mercury Quality Center, IBM Ascendant, HPQC, and Sharepoint

## Certifications/Professional Affiliations

- NOFA certification – New England Organic Land Care Certification 2019
- Certified Consultant in DMR and BackOffice Associates Data Migration Toolset™ and Methodology
- PMP (Project Management Professional) Certified/Project Management Institute Member
- EI Status with Oklahoma State Board of Licensure for Professional Engineers

## Volunteering

- Portland Management Advisory Committee Member – 2019 to 2020
- Munjoy Hill Volunteer Snow Shovel Coordinator – 2019/2020
- Bee Keeper

## Education

|                           |                                                                    |
|---------------------------|--------------------------------------------------------------------|
| University of Tulsa       | MBA - Masters of Business Administration                           |
| Oklahoma State University | MS - Masters of Science in Industrial Engineering and Management   |
| Oklahoma State University | BS - Bachelors of Science in Industrial Engineering and Management |

Citizenship: US Citizenship

Mobility: Current US passport

Languages: English written and spoken, intermediate written/spoken understanding of German and Spanish

## Professional Experience

MHill Consulting LLC; Brookline, MA

Duration: August 2019 – January 2020

Client: Duracell

Role: SAP ERP Data Migration Implementation Consultant

- Mass loaded primarily using LSMW, numerous data objects to a new manufacturing plant for Duracell. These data objects included were: material master, bill of materials, master recipes, functional locations, scheduled agreements assets, wbs elements, source lists, and inventory
- Provided pre-load and post-load analysis reports of what was data migrated into the manufacturing plant.

**MHill Consulting LLC; Brookline, MA**

**Duration:** October 2016 – February 2018

**Client:** Duracell

**Role: SAP ERP Business/Data Governance/Data Migration Implementation Consultant**

- Designed and developed over 100 master data governance reports used globally at Duracell in the areas of Master Data, Finance, and Manufacturing.
- Provided functional and technical SAP training to global MDM Duracell team.
- Provided adhoc data loading expertise when needed in different SAP environments.
- Developed and implemented streamlined data governance business processes.
- Developed all the data governance report technical specifications to convert reports to SAP HANA and BI/BOBJ.

**DMR-Data Migration Resources, Inc., Data Migration Consulting Company**

**Duration:** September 2014 – July 2016

**Client:** Keurig Green Mountain Coffee Roasters

**Role: SAP ERP Business/Data Governance/Data Migration Implementation Consultant**

- Provided functional and technical expertise in SAP/ERP/IT project management, business process improvements, data migration, data governance, operational reporting, and report development/ analysis.
- Developed governance/operational reports utilizing SAP tools/functionality for MDM team which entailed auditing material/customer master data, daily monitoring reports, data profiling, ad hoc analytics, etc.
- Performed data conversion activities such as extracting, mapping, and transforming legacy data for loading into SAP using BODS and SQL Server. This involved material master, BOM, Routings, product versions and various customized data objects.
- Provided post Go-Live support in modifying production data to ensure company could work successfully.

**Next Stage Consulting, LLC; Independent Contractor, Portland, ME**

**Duration:** September 2012 – December 2013

**Client:** IPG/McCann Worldwide

**Role: SAP/ERP/Technical/Business/ Data Migration Implementation Consultant**

- Provided functional and technical expertise in SAP/ERP/IT project management, business process improvements, data migration, cutover project time line, and or report development/ analysis.
- Extracted, mapped, and transformed legacy data for loading into SAP using SAP BODS and SQL Server. This involved customer master, vendor master, GL, AP, AR, jobs, purchase orders, WIP, estimates, assets, and various customized data objects.
- Worked with Business SMEs and Functional Consultants in ensuring that the translation from the functional specifications to the technical specifications was accurate.
- Analyzed data and developed reports for optimum business processing and reducing operating costs.
- Provided post Go-Live support in modifying or reloading production data to ensure agencies could work successfully.

**BackOffice Associates, LLC; Data Migration Consulting Company, Cape Cod, MA**

**Duration:** February 2010 – September 2012

**Clients:** Amtrak,

**American Waters**

**Role: SAP/ERP/IT Data Migration Consultant**

- Provided functional and technical expertise in SAP data migration objects for: material master, inventory, vendor master, assets, asset depreciation, project wbs, project history, AP, AR, and purchase orders.
- Worked with Business SMES and Functional Consultants in ensuring that the translation from the functional specifications to the technical specifications was accurate.
- Developed data load programs using various Cransoft and SAP load methods.
- Developed Cransoft data cleansing/ analysis reports prior and post loads to facilitate the data cleansing process or data construction of the data objects.
- Worked with Business SMES in developing Cransoft web applications to facilitate source enrichment data construction.
- Monitored, managed, and validated the loading of the data objects into SAP.

Priscilla Skerry, N.D., P.A.  
Healing Routes

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



12/28/19

Attn: City Clerk  
City of Portland  
389 Congress Street  
Portland, ME 04101

This is to inform you that I am interested in continuing my position on the PMAC (Portland Pesticide Management Advisory Committee) following the completion of this term on 3/30/20.

I am a graduate of the National College of Naturopathic Medicine, Portland, OR (6/1994), which has been re-named the National University of Naturopathic Medicine. I have been serving the Portland and S. Portland communities as a licensed naturopathic doctor (NP 185) for the past 25 years. Presently I practice at the above address. I reside in Portland at 95 Emery St., 04102. Prior to attending National College, I was a student at the University of New England, College of Osteopathic Medicine for three years before leaving to complete my medical degree at NCNM.

(I was a licensed Radiologic Technologist for over 30 years prior to becoming a naturopathic doctor.)

The medicine I practice is based in the philosophy that a person's health is dependent upon the environment (mental, emotional and physical) in which they are raised and reside in. It depends upon the quality of the food they eat, water they drink and air they breathe. The number of chemicals in present day use contaminating our environment and putting our health— and that of all living forms on our planet— at risk has got to be addressed. It is with this intent that I wish to remain a part of the Portland PMAC.

I am also a member of the citizens' group Protect S. Portland and Elders for Future Generations.

Thank you for considering.

*Priscilla Skerry ND*

Priscilla Skerry, N.D.

[REDACTED]  
Portland, ME 04102

[REDACTED]  
[REDACTED]  
[REDACTED]

***PRISCILLA SKERRY, N.D.*** has been educated and trained as a *Naturopathic Doctor*, specializing in nutritional medicine, classical homeopathy, botanical medicine and life style counseling.

*Dr. Skerry* has a broad medical background: She was an x-ray technologist, served as educator, supervisor, and technical advisor in that field for over thirty years. She attended the University of New England - College of Osteopathic Medicine, in Biddeford, Maine and completed her medical training in 1994 at the National College of Naturopathic Medicine, Portland, Oregon.

*Dr. Skerry's* practice integrates natural therapies in concert with all other forms. Her vision is to see clients empowered in their healing process, and a world where all practices, practitioners and people recognize and support each other in an effort to heal the planet and each other.

Dear City Clerk,

My name is Aaron Berger, and I have been a tenant in Portland for the past 9 years. I have a bachelor degree of fine art and now work at Portland Museum of Art. I continue to devote time to my own art practice and benefit from the city's artistic community. I also have an enormous appetite for learning and connecting with other communities in Portland. A few years ago I read the 2017 Portland Housing Report and became very excited about the ideas presented to help Portland grow. I recognize that as Portland evolves, new policies and solutions will be required to support both new and long-time citizens. As a member of the Rental Housing Advisory Committee, I would be able to provide perspective of younger generations living and working in Portland.

I currently find much fulfillment through civic engagement with our great city. Through volunteering at the Boys and Girls Club in Portland, I've connected with multiple and diverse communities. I have been a tenant for the past decade, and from spending 2 years in Massachusetts, I bring an understanding of their rental policies (such as all Massachusetts leases having the same guidelines/standards). While in Portland, I have dealt with a variety of hurdles as a tenant. These range from pest control, power outages, and fire safety, I'm familiar with many of the common issues that both tenants and landlords must overcome, and this first-hand experience will be valuable to the committee.

I'm an advocate for using data to help form government policy. I believe you can never have too much information. I hope to contribute to any research the Housing Committee is pursuing. Whether by reading case studies of housing policy in other cities or working to contact the many communities in Portland to get their feedback on issues. Ensuring everyone is heard will help us build the best future for our city.

My first term was an exciting opportunity. I think we were able to have generative discussions. We were able to address application fee problems, which had been sitting on the backburner for a while. There was a shared enthusiasm for developing educational outreach to both tenants and landlords. It was a short first term with only seven months on the committee, but I hope to be able to continue to offer my experience and dedication to help create solutions to support the renters and landlords in our city. I appreciate your consideration of my application.

Sincerely,

Aaron Berger

[REDACTED]

Portland, ME 04101

[REDACTED]

# Aaron Berger

[REDACTED]  
Portland, ME 04101  
[REDACTED]  
[REDACTED]

## Skills

Organized  
Communication skills  
Team worker

## Hard Skills

Proficient at technical reading  
Have read the 2017 Portland Housing Report

## Education

Bachelor of Fine Art  
Montserrat College of Art  
Beverly, MA

## Work History

Prep cook at The Porthole Restaurant  
Line cook / Server at Salvage Barbeque  
Freelance website designer  
Art studio tutor

## Occupation

Security Guard at Portland Museum of Art

## Tenancy History

[REDACTED] 2012 - Present  
169 State st 2011 - 2012  
Beverly MA 2009 - 2011

## Community Engagement

Active artist in the community  
Part-time history student at University of Southern Maine  
Volunteered with Boys and Girls Club in Portland  
Volunteered with Southern Maine Worker Center

Dear Portland City Council, Housing Committee, and Anyone Else it May Concern,

I was delighted to be appointed, however briefly, to the Rental Housing Advisory Committee, and am extremely energized by our first few meetings. I'm looking forward to the few more opportunities I have remaining in my term to plan with my peers, but we've just started to get oriented as a committee and are only beginning to have the important conversations we all joined to have. Since the first application, interview, and appointment process took a while, and the seat I've filled was truncated in order to stagger terms, I'm seeking re-appointment for a first full term.

My experience as a recent tenant and relatively new two-unit homeowner in Portland and the unique perspective I have as a short-term rental operator make me a unique and important inclusion on the committee. I'm invested in equitable solutions to rental housing concerns, and am confident that I can collaborate and strive for consensus with people from various backgrounds and representing various interests. I also understand the function of the committee, and know that the extent of our authority is to make strong and well-thought out recommendations to the Housing Committee. I take this responsibility seriously, and see it as an opportunity to collect and vet of community concerns without acting as an arbiter or resolver of individual disputes. Portland is a wonderful city, and I would be honored to continue serving its people in this way.

Thank you for your time and consideration. I'm happy to answer any questions that arise, and look forward to speaking with you further.

Sincerely,  
Crow Norlander

# Crow Jonah Norlander

Portland ME 04103

## OBJECTIVE

Serve Portland residents by representing their interests, working with landlords, tenants, and homeowners to make recommendations to the City Council's Housing Committee

## RELEVANT DETAILS

- Short-term rental in owner-occupied 2 unit
- Airbnb host for 5 years
- Past experience with long term renters
- Lifelong renter before 2016

## EDUCATION

**Bennington College, Bennington VT** — *M.F.A. Writing (Fiction)*

JANUARY 2019 - JANUARY 2021 (expected)

**Brown University, Providence RI** — *B.A. Literary Arts (Honors), Modern Culture & Media*

SEPTEMBER 2006 - MAY 2010

## ORGANIZING & VOLUNTEERING

**Rental Housing Advisory Committee, Portland ME** — *Landlord Representative*

JANUARY 2019 - PRESENT

**APEX Youth Connection (CBC), Biddeford ME** — *Member, Website Committee*

JULY 2018 - NOVEMBER 2018

**Southern Maine Democratic Socialists of America, Portland ME**

FEBRUARY 2018 - PRESENT — *Member, Housing Justice*

MAY 2018 - JANUARY 2019 — *Treasurer, Executive Board*

JULY 2018 - JANUARY 2019 — *Member, Endorsement Committee*

## PROFESSIONAL EXPERIENCE

**Esri, Portland ME** — *Senior Software Development Engineer*

APRIL 2019 - PRESENT

**Undertone, Remote / New York NY**

JANUARY 2017 - MARCH 2019 — *Director, Innovation & Research*

FEBRUARY 2015 - JANUARY 2017 — *Senior Software Engineer*

DECEMBER 2012 - FEBRUARY 2015 — *Software Engineer*

**OgilvyAction, New York NY** — *Web Developer*

FEBRUARY 2012 - DECEMBER 2012

**Federal Emergency Management Agency, New York NY** — *Photographer*

DECEMBER 2011 - FEBRUARY 2012

**NK MediaLab, New York NY** — *Associate Producer, Writer*

JULY 2010 - SEPTEMBER 2011

# Nora Graves

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[REDACTED] Portland Maine 04102 | [REDACTED] [REDACTED]

**December 6, 2019**

Ms. Katherine L. Jones  
City Clerk  
City of Portland  
389 Congress St.  
Room 203  
Portland, ME 04101

**Dear Ms. Jones:**

This letter is in response to the e-notification received on December 6, 2019 for consideration to be re- appointed to the Rental Housing Advisory Committee.

Attached you will find my resume and references. I believe I have the experience and qualifications to help the City of Portland with its rental housing issues. I have worked in the field of housing for 30+ years and hold several national certifications in various aspects of rental housing.

I look forward to hearing from you and am excited about the possibility of continued participation with this Committee.

**Sincerely,  
Nora Graves**

# NORA GRAVES

[REDACTED] | Portland Maine 04102 | [REDACTED]

## OBJECTIVE

As a member of the Rental Advisory Housing Committee, providing ideas and suggestions to increase and maintain the rental capacity for the City of Portland as well as streamlining the guidelines to ensure both tenant and landlord rights, educating the participants in rental programs for compliance and simplifying the registration and maintenance of Portland's rental units are starting goals.

## SKILLS & ABILITIES

- Housing professional with over 30+ years in the low income housing field both as a Public Housing employee and as a Senior Housing Consultant with a private firm.

## EXPERIENCE

### **Cuyahoga Metropolitan Housing Authority**

**1976- 2006**

*Cleveland, Ohio*

- As an employee of CMHA for 30 years, served in various capacities ranging from Application Manager, Property Manager, Housing Director, Management Development Coordinator, Recertification Manager and Resident Services Coordinator

### **CGI**

**2006-2010**

*Cleveland, Ohio*

- As a Senior Housing Consultant, wrote proposals and traveled extensively to assess and assist Public Housing Authorities across the country with regulatory compliance in order to maintain or increase funding in order to continue to provide safe, decent and sanitary housing to low income residents.

## EDUCATION

### **Cleveland State University – Cleveland Ohio**

- B.A - Mass Media and Interpersonal Communications
- Certified Public Housing Manager – National Association of Housing and Redevelopment Officials (NAHRO)
- Certified Housing Manager – National Center for Housing Management (NCHM)
- Certified Manager of Maintenance – National Center for Housing Management (NCHM)
- Certified Occupancy Specialist - National Association of Housing and Redevelopment Officials (NAHRO)
- Certified Asset Manager - National Association of Housing and Redevelopment Officials (NAHRO)

## EDUCATION COMMUNICATION

- Closed HUD findings to ensure compliance, compiled highest percentage of occupancy, unit turnover and completed maintenance requests at CMHA. Developed and taught a Management Development program to provide internal upward mobility to employees looking to manage properties. Developed a resident education program for the Housing Authority to assist residents in navigating the regulations of low income housing programs.

## LEADERSHIP

- Managed staff numbering up to 100+ employees providing both Management and Maintenance services, including budgetary and personnel responsibility.
- Advised Public Housing Authorities throughout the country on compliance to Housing and Urban Development regulations, researched innovative ways to do more with less to provide service to residents and provide cost effective levels of staffing to ensure consistency and performance.
- Maintain a research library on the history and workings of the British Monarchy and have provided materials, research and at times corrections to authors, print media and news personalities.

## REFERENCES

### **Bette Slowther**

148 Miner St.  
Middletown, Ct. 05457  
203-910-2617

### **Shante Roddy**

7707 Dearborn AVE  
Cleveland Ohio 44102  
216-661--0236

### **Bernard Buckner**

3850 Surrey Court  
Rocky River Ohio 44116  
440-356-9675

December 26, 2019

Appointments Committee Chairman  
c/o City Clerk  
389 Congress Street  
Portland, ME 04101

Dear Appointments Committee Chairman,

Attached please find my resume for consideration for the Tenant vacancy on the Rental Housing Advisory Committee. I am extremely interested in this opportunity and feel I could really be a strong asset to the Rental Housing Advisory Committee. Not only do I have faith in my abilities to effectively carry out the responsibilities of this position, I find myself approaching this opportunity from a deeper, personal perspective. As a Portland resident for almost two decades, I am passionate about keeping Portland the vibrant, diverse community it is and welcome the opportunity to help strengthen and build that community further.

Professionally, I have spent the better part of five years working in an administrative and public relations capacity with Cumberland County Government. As a trained Public Information Officer I understand how important it is to get the right information to the right people at the right time so they can make the right decisions. This is an important task when working with various audiences, including employees, tax payers, and constituents. In both my current and prior roles, the task of coordinating communications and maintaining project timelines, from basic project design layout and editing to dissemination and completion, has always sparked the highest level of enthusiasm and professional drive in me.

Personally, I have been on both sides of the housing market in Portland since May 2000. I have lived in many locations across the city as a Tenant, including Sherwood Street, Brackett Street, Neal Street, and most currently Waterville Street. I also was a property owner on Spring Street for several years. During the sale of my Spring Street property, the transition back to Tenant was marked with fear and uncertainty due to the high rents I was seeing and memories of prior landlords who wouldn't take responsibility for their building. I was extremely lucky to secure an affordable rental on the East End with a landlord who cares not only about her home, but about my wellbeing and desire to continue to be a resident of Portland for years to come.

Living and working in Portland is something that I have been lucky enough to do for almost 20 years. It has not been easy most of the time, and I am lucky to have been able to figure out how to make it work. Having lived off the peninsula and on both the West End and East End, I know the positives and negatives of these neighborhoods and feel I bring a lot to the table, including a vast understanding of being a Tenant to the Rental Housing Advisory Committee.

I welcome the opportunity to help strengthen the Portland community I am so passionate about.

I look forward to hearing from you soon.

Best,  
Amy Carole

Amy M. Carole

◆ Portland, ME 04101

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## CAREER EXPERIENCE

**Maine Behavioral Healthcare, South Portland, ME**

February 2019 – Present

*Communications and Public Affairs Specialist*

- Assist with various event needs, including creating collateral material, securing vendors and developing communication plans and event timelines
- Create communication materials that serve internal and external audiences consistent with determined communication strategies
- Develop content for various channels including company website, internal and external newsletters and social media outlets

**Cumberland County Government, Portland, ME**

October 2013 – February 2019

*Public Information Officer*

- Increased word of mouth for government entity by supporting various social media sites including Facebook and Twitter, increasing likes by over 50% during the past five years
- Collaborate, and when appropriate conduct interviews, with other departments to develop content for various channels including the company website, radio PSAs and social media outlets
- Managed design and implementation of new company website, collaborating with all departments to ensure needs were met and provide ongoing support and training for website platform
- Rebranded government logo, printed materials and website to portray a cohesive entity

**Pine Tree Society, Bath, ME**

June 2011 – October 2013

*Marketing & Social Media Coordinator*

- Increased word of mouth, advocacy and sponsorship for the society by supporting the launch of various social media sites including Facebook increasing likes by over 50% during the past two years
- Develop tailored content for various channels including the company website and social media by leveraging camper testimonials, family feedback and from other supporters of the society
- Managed and authored all content updates for the organization on social communities and when appropriate conduct interviews to foster other voices to participate in the conversation online
- Build plans to drive an active social community by creating blog series, standard communication guidelines and creating content for the company bi-weekly e-newsletter maintaining a 20% open rate during tenure
- Collaborate with other departments within the society in order to tell a cohesive story on the website, annual report, printed newsletter and through social media and to share with them communication updates for the society
- Organize fundraisers and events for society to raise money for children and adults with disabilities by managing the social media campaigns to drive attendance, management of sponsorship benefits and other logistical functions as required

**Maine Mental Health Partners, South Portland, ME**

February 2010 – June 2011

*Executive Assistant, Communications & Development*

- Identify and prioritize improvements to the administrative functions of planning, philanthropy and marketing communications through scheduling of key leadership meetings and transcribing of management priorities from various internal meetings
- Organize, plan and execute on special events and signature fundraising activities begin tasked with logistics, coordination of speakers and graphic design
- Minimize exposure to risk and fraud of the donation system Raiser's Edge by tracking all payments received and reporting on them in a timely fashion and reconciling to check for errors before sending to leadership

**MEMIC, Portland, ME**

November 2008 – February 2010

*Communications Assistant*

- Alleviate pressures of manager by assisting with external and internal communications, designing brochures and editing content for corporate closed network TV
- Drove increased awareness of firm's awards and honors by writing and distributing press releases following the corporate citation policy and fact checking information from sources
- Maintain an up to date, easy to access website for employers, injured employees and agents based on user feedback

**Pineland Farms, New Gloucester, ME**

March 2007 – November 2008

*Wedding & Events Coordinator*

- Enabled growth by 53% for company during tenure by building agreement, interest and commitment from couples during tours leveraging their interests and wedding priorities when communicating the benefits and unique features of the farm
- Collaborate with bride and groom in advance of the ceremony and reception to plan catering, layout and design to ensure a memorable experience for all participants
- Increased exposure of farm by establishing new marketing outlets including planning and organizing the first annual Pineland Farms Bridal Show exceeding goal of meeting with over 60 potential clients

**MEMIC, Portland, ME**

Sept. 2001 – March 2007

***Education Coordinator***

- Safeguarded that the organization's annual safety academy occurred successfully managing all logistics, coordination between various departments, registering and confirming attendees and creating workshop evaluations
- Liaised with marketing department to create brochures highlighting workshops
- Analyzed responses from workshop attendees to report on success to senior management after each academy
- Coordinated with marketing department and mail room on workshop brochure mailings
- Registered attendees, maintained attendance database and sent confirmation letters

**EDUCATION**

*University of Maine, Orono, ME*

Bachelor of Arts, Journalism – Advertising, May 2000

**COMPUTER SKILLS**

Microsoft Office Suite, Adobe Creative Suite, CivicPlus, Facebook, Twitter, Instagram, Doodle, SurveyMonkey, MailChimp, ConstantContact, Lucid Press, Workfront and WordPress

**COMMUNITY INVOLVEMENT**

Board Member Maine Public Relations Council (2014-2017), Junior Achievement (2009-2010), Social Media Breakfast Maine (SMBME)

**CERTIFICATIONS**

FEMA Basic Public Information Officer (March 2017), FEMA Emergency Management Institute Advanced Public Information Officer (May 2017), Southern Maine Community College Leadership Academy Graduate (June 2017)

**HOBBIES**

Hiking, Running, Camping, Freelance Design, Travel, Reading, Yoga

December 18, 2019

Appointments Committee Chairman  
c/o City Clerk  
389 Congress Street  
Portland, ME 04101

I learned about a vacancy on the City's Land Bank Commission through the City News Round-Up distributed on December 13. I would like to be considered as a candidate to serve on this important Commission.

For the last twelve years I have owned and operated a Pub on Commercial Street in Portland. I'm currently in the process of selling the Pub and seeking opportunities to remain connected to my community.

My professional career has been in fundraising. I have had a life-long interest and involvement in environmental affairs.

I feel my past experience as the Development Director of the Audubon Society of New Hampshire; service on two local conservation commissions; involvements with the Gulf of Maine Research Institute and the Friends of Casco Bay - along with a strong willingness to learn - may enable me to make valuable contributions to the Commission and to my City.

Open space, is essential to the health and beauty of Portland. I believe I fully understand the necessity of identifying resources to fully endow all current and future open space initiatives.

I would consider it an honor to be involved in maintaining a healthy future for Portland's public spaces.

Jennifer Fox

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

## Jennifer Fox

Portland, Maine

### *Fundraising, Marketing & Organizational Development Experience*

2007-PRESENT **OWNER & MANAGER** *Andy's Old Port Pub, Portland ME*: A true waterfront pub employing up to 20 full and part time employees offering extraordinary pub fare, live acoustic style entertainment nightly, and a solid reputation for strengthening our community.

1987-2007: **FOUNDER & PARTNER** *The Marketing Clinic*: providing marketing, advertising, public relations and fundraising consulting to a variety of local, national and international clients. TMC's expertise is in strengthening businesses by building strong, mutually beneficial, working relationships between for-profit and not-for-profit clients.

2001-2003 - **DIRECTOR OF ADVANCEMENT** - *Southern Maine (Technical) Community College, South Portland, ME*: As a member of the Senior staff this position played a leadership role in the transformation of the College from a Technical to a Community College. Responsible for all public relations and marketing materials; creation and stewardship of all scholarship and endowments as well as grantwriting. Staffed the President's Community Advisory Committee and the campus' Development Committee. Installed instruments to house the College's first planned gifts and conducted activities surrounding the outgoing President (of 30 years) and the inauguration of his successor.

1998-1999 - **DIRECTOR OF DEVELOPMENT**, *Audubon Society of NH, Concord*: Successfully completed the 1.5 million Capital Campaign enabling construction of the Massabesic Audubon Center; oversaw the feasibility study and start-up of a 2.5 million statewide Capital Campaign, increased annual giving by 30%, developed planned giving promotional materials, wrote project grants and reorganized membership development initiatives

1988-1996 **LECTURER** (Adjunct Faculty) at *Keene State College and Franklin Pierce (Portsmouth Campus)*: Courses in Advertising & Promotion, Marketing, Consumer Behavior and PR for Non-Profits for the Department of Organization and Management

1981-1986: **EXECUTIVE DIRECTOR**, *NH Association for the Elderly (NHAEB) Concord, NH*: a statewide elderly advocacy organization. Lobbied on behalf of our 4,000 members. As the organization's spokesperson was involved in classroom teaching, public speaking, talk show interviews and testifying both in NH and in Washington. Designed a statewide employment program; conducted a needs assessment survey; formed an alliance with the National Council of Senior Citizens and conducted health care financing advocacy projects with the State of New Hampshire, major insurance companies and health care facilities. Responsible for grant writing and the editing and financial success of the monthly - award winning - newspaper, *The Senior Times*

### **Other Activities:**

National MPS Society, Director of Development (DOD), 2004-2005; Easter Seals of New Hampshire, DOD 1999; Historical Society of Wells and Ogunquit 1994; Common Cause of New Hampshire (Steering Committee 1993-1999) United Way (Small Business Account Executive, 1991); Sales & Marketing Director for Leisure Weekly, Keene, NH and The Portsmouth Herald, Portsmouth, NH (developing marketing materials, campaigns and direct sales); Franklin Pierce College (Alumni Board of Directors, V.P. Academic Affairs, 1988-1995; Grand Monadnock Arts Council (President, 1987-1989; University Relations, UNH (Public Relations Coordinator, 1997); Grantsmanship Center Training; NH Highland Games (Marketing Consultant 1987-1999); Conservation Commissioner (Newmarket and Manchester, NH 1996-1999) NSFRE Northern New England Chapter, Board of Directors, PR Chair; Production Manager Turley Publishers, Palmer, MA 1976-1978

### **Education**

2006 Harvard University *Certificate in Mediation and Negotiation*  
1987 Antioch New England, Keene, NH, *Master's of Science in Management*  
1976 Franklin Pierce College, Rindge, NH *Bachelor of Arts*  
1973 Escola Graduada de Sao Paulo, Sao Paulo, Brazil *General Studies*  
1972 Ecole International de Geneve, Geneva Switzerland *General Studies*

October 13, 2019

Christopher Huff, Assessor  
City of Portland  
389 Congress St  
Portland, ME 04101

RE: Board of Assessment Review

Dear Chris:

Thanks so much for giving me some insight into how Portland is conducting its revaluation for the upcoming tax year! During our conversations last week you mentioned that there is currently an opening on the Board of Assessment Review. As I've lived in Portland since 2001, worked for the City during the years 2006-2012, and now serve as an Appraiser for Regional Assessing with Cumberland County, I believe I possess the qualifications and skills necessary to serve on the BOAR and have attached my resume and additional education for your review. I can furnish references as needed and any additional information that may be desired.

You may note from my resume that I started in Assessing as the Assistant to the Assessor for the Towns of Cumberland and Gray. When the Assessor of Gray decided to downscale his responsibilities to become the sole Assessor in Cumberland, my position was eliminated. I was then hired by the Town of Brunswick to work in the Assessor's Office just as their 2017 Revaluation had been completed. As a consequence of conducting a long overdue revaluation there were many questions from tax payers and many appeals filed. I was on the front line for tax payers as I was the primary contact in the office and consistently discovered that many citizens just needed information regarding the process of a revaluation and its purpose.

During the months January through April, 2019, I acted as the Interim Assessor for the Town of Brunswick as Brunswick had some difficulty in finding a replacement for Justin Hennessey who replaced Cathy Jamison as the Town's Assessor for a short time (Cathy Jamison retired in July, 2018). As the Interim Assessor, I successfully represented the Town in five Board of Assessment Review Hearings (these were appeals that carried over from our 2017 Revaluation), I processed all appeals received until April 13th for the 2018-2019 tax year (because we committed taxes on October 29, 2018, the deadline for appeal was May 5, 2019), and I managed the Assessing Office to ensure that no disruption in function or customer service occurred during the months while we were short staffed.

I was fortunate in Brunswick to be exposed to a great diversity of assessing challenges, from an anaerobic digester to solar farms, from oceanfront mansions to mobile home parks; I was able to gain a broader knowledge of buildings and structures that don't fit a one size fits all assessing approach. I was anxious to take this knowledge into an environment in which I could become a valuable part of a larger team, so in July, 2019, I took the position of Appraiser for Regional Assessing at Cumberland County. Regional Assessing currently provides professional assessment services to the Towns of Falmouth, Yarmouth, Casco, Gorham and Baldwin.

In addition to my professional work experience in the Assessing field, I have taken several self-study courses through the Internal Association of Assessing Officers, plus 3 one-week long courses through the NHIAAO and was able to achieve my CMA Level II in 2018. Currently, I am only one course shy of achieving my CMA Level III, which I should obtain this October as I just completed the IAAO Course 300 on Mass Appraisal.

My experience as a Portland tax payer, employee, and appraiser, I believe, gives me a unique insight that would enable me to be a valuable member of the Board of Assessment Review and I would appreciate the opportunity to discuss my qualifications further. I may be reached on my ~~cell phone 207-329-2152~~ or by e-mail at ~~[redacted]~~

Thanks very much for your time and attention. Have a wonderful day!

Sincerely,

s/Barbara J. Brewer

# Barbara J. Brewer

Portland, ME 04103 • [REDACTED] [REDACTED]

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## Education

**Bowdoin College**, Brunswick, ME  
*Bachelor of Arts*

**University of Southern Maine**, Portland, ME  
*Certificate in Professional Communication*

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## Professional Experience

**Appraiser-Certified Maine Assessor Level II**  
*Regional Assessing, Cumberland County, Maine, July 2019-present*

Support the Director of Regional Assessing for Cumberland County by conducting inspections of residential properties, and by processing exemption applications, personal property inventories for local businesses (including the processing of BETE and BETR 801A and B forms) and also by staffing the Assessing offices in the municipalities of Falmouth, Yarmouth, Casco, Gorham and Baldwin.

Answer general tax payer inquiries in regards to assessment values and taxed amounts, interpreting tax maps, and assisting with general questions pertaining to current assessments.

**Appraiser-Certified Maine Assessor Level II**  
*Town of Brunswick, Maine, September 2017-July 2019*

Supported the Assessor for the Town of Brunswick by processing exemption applications, personal property inventories for local businesses (including the processing of BETE and BETR 801A and B forms), processing deeds and transfer tax declarations, and other duties as assigned pertaining to the maintenance and integrity of assessment data.

Answered general tax payer inquiries in regards to assessment values and taxed amounts, interpreting tax maps, and assisting with general questions pertaining to the 2017 revaluation. Also process departmental payroll, order supplies, generate and interpret reports, and process all incoming and outgoing mail.

Please note that this position was originally titled as "Administrative Assistant/Appraiser" however my title and pay were corrected in September, 2018, to reflect my actual job responsibilities and elevated performance.

**Assistant Assessor – Certified Maine Assessor**  
*Town of Cumberland, Maine, June 2016-September 2017*

Supported the Assessor for the Towns of Cumberland and Gray (under a mutual contract) by processing all exemption applications, personal property inventories for local businesses (including the processing of BETE and BETR 801A and B forms), deeds and transfer tax declarations, and other duties as assigned pertaining to the maintenance and integrity of assessment data.

Maintained and updated file documentation pertaining to Farmland, Open Space, and Tree Growth, including, but not limited to, income verifications notices and withdrawal penalty calculations. Also, answered general tax payer inquiries in regards to assessment values and taxed amounts employing the highest standard of customer service.

**Executive Administrative Assistant**

*Manpower, Portland, ME April 2016-June 2016*

Assigned to the University of Southern Maine President's Office as the central support contact; coordinated President's calendar with other University departments and students, alumni, USM boards, and outside contacts, while exemplifying the highest level of customer service.

**Deputy City Clerk**

*City of Westbrook, Westbrook, ME, October 2015-February 2016*

Created standard operating procedures for many Clerk functions which included fee waivers for service dogs, authorization for burial permits, completion of online dog license requests, and acceptance of business license payments over the counter.

Issued business licenses in adherence with City Code requirements and coordinated the necessary inspections with Code Enforcement, Fire, Police, and Tax Collector and issued certified copies of marriage, birth, and death records and completed genealogy research requests within State law requirements.

Processed online dog licenses and supported City Clerk with voter registration, absentee voting, and maintaining integrity of the Centralized Voting Registration system (CVR) in accordance with State laws.

**Executive Administrative Assistant**

*Portland Water District, Portland, ME, October 2012-October 2015*

Coordinated monthly Board of Trustee meetings and workshops, prepared agendas, compiled and distributed meeting material, placed legal advertisements, and acted as the Deputy Clerk.

Filed all rate changes and bond requests with the Public Utility Commission as required; also coordinated and filed the District's request for exemptions from certain PUC Rules and Maine Statutes.

Archived and maintained historical material, contributed on behalf of the District to the Maine Memory Network, interviewed new and departing employees for the District newsletter, wrote articles providing historical and contemporary insight into the water works system.

Reconciled uniform invoices, maintained online database for material safety data sheet inventory, tracked and maintained District employee licenses and certifications and evaluated year end stipends, investigated and resolved third party claims against the District plus other special projects as assigned.

**Administrative (Legal) Assistant**

*City of Portland, Portland, ME, July 2010-October 2012*

Assisted City attorneys by drafting and filing party-in-interest foreclosure answers, bankruptcy proofs of claim and documents such as deeds, license agreements, street acceptances, and mortgages; preparing contracts and loan documents for execution; preparing and tracking collection efforts for various City accounts; and, other general office duties including filing, word processing, research projects and answering phone and mail inquiries.

**Vital Records Clerk**

*City of Portland, Portland, ME, June 2006-July 2010*

Issued certified copies of marriage, birth, and death records; processed marriage licenses and performed marriages upon request; conducted genealogy requests; issued dog licenses, as well as fishing and hunting licenses. Assisted Business Licensing Administrator in the processing of licenses and Elections Administrator with voter registration, absentee voting, and maintaining integrity of the Centralized Voting Registration system (CVR).

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## **Additional Information**

### **Current Memberships**

International Association of Assessing Officers (IAAO), Maine Chapter of IAAO, and Maine Association of Assessing Officers (MAAO)

**Barbara J. Brewer**

**[REDACTED]**, Portland, ME 04103 • **[REDACTED]**

### **Additional Education**

#### **Courses pertaining to assessing (2017-2019)**

- IAAO 101-Fundamentals of Real Property Appraisal (with exam)
- IAAO 102-Income Approach to Valuation I (with exam)
- IAAO 112-Income Approach to Valuation II (with exam)
- IAAO 171 Standard Professional Practice & Ethics (workshop)
- IAAO 300 Fundamentals of Mass Appraisal (with exam)
- IAAO 801 Site Analysis and Evaluation (self-study with exam)
- IAAO 802 Introduction to the Cost Approach to Value (self-study with exam)
- IAAO 803 Introduction to the Sales Comparison Approach to Value (self-study with exam)
- IAAO 804 Introduction to the Income Approach to Value (self-study with exam)
- IAAO 805 Mass Appraisal of Residential Property (self-study with exam)
- IAAO 810 Understanding Real Property Appraisal (online)
- IAAO 960 Marshall & Swift Residential – Square Foot Method (forum)
- IAAO 962 Marshall & Swift Commercial – Square Foot Method (forum)
- PT 101 Property Tax School 101 Introduction to Property Tax Assessment
- MAAO Boards of Assessment Review
- Evaluating Residential Construction for Assessors (Advanced Assessor Training Credits)

#### **Courses Leading to USM Certificate in Professional Communication (2013-2014)**

- Leading Effective Meetings
- Professional Writing Workshop
- Skillful Conversations
- Delivering Powerful Presentations
- Technical Writing
- Creative Problem Solving
- Introduction to Human Resources Management

- Using Feedback Effectively

### **Courses Pertaining to Municipal Government (2006-2016)**

- Maine EDRS (MCDCP)
- Customer Service Excellence (MMA)
- Creating Crystal Reports (VTEC)
- Notary Education Conference (INM)
- Vital Statistics (MTCCA)

KATE SNYDER (MAYOR)  
BELINDA S. RAY (1)  
SPENCER R. THIBODEAU (2)  
TAE Y. CHONG (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND  
IN THE CITY COUNCIL**

KIMBERLY COOK (5)  
JILL C. DUSON (A/L)  
PIOUS ALI (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER DECLARING MAY 25, 2020  
THE MEMORIAL DAY PARADE FESTIVAL**

**ORDERED**, that Monday, May 25, 2020 is hereby declared to be the Memorial Day Parade and Ceremony Festival, sponsored by the American Legion, Harold T. Andrews Post No. 17; and

**BE IT FURTHER ORDERED**, that the Memorial Day Parade Festival area, which includes the parade route down Congress Street and intersecting streets, shall be Congress Street from Mellen Street to Temple Street, State Street from Cumberland Avenue to Congress Street, Dow Street from Congress Street to Brackett Street, High Street from Spring Street to Deering Street, Forest Avenue from Cumberland Avenue to Congress Street, Casco Street from Shepley Street to Congress Street, Center Street from Free Street to Congress Street, Preble Street from Cumberland Avenue to Congress Street, and Federal Street Extension from Congress Square to Temple Street; and

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

**BE IT FURTHER ORDERED**, that in the Memorial Day Parade and Ceremony Festival Area the following streets shall be closed to traffic at the following times on May 25, 2020:

Staging Area – 9:00 a.m. – 10:30 p.m.

Congress Street (from Mellen Street to State Street)  
State Street (from Cumberland Avenue to Congress Street)  
Dow Street (from Congress Street to Brackett Street)

Parade – 10:15 a.m. – 11:00 p.m.

Congress Street (from State Street to Elm Street)  
High Street (from Spring Street to Deering Street)  
Forest Avenue (from Cumberland Avenue to Congress Street)  
Casco Street (from Shepley Street to Congress Street)  
Center Street (from Free Street to Congress Street)  
Preble Street (from Cumberland Avenue to Congress Street)

Ceremony at Monument Square – 10:30 a.m. – 11:00 p.m.

Federal Street Extension (from Congress Square to Temple Street); and

**BE IT FURTHER ORDERED**, that the Memorial Day Parade and Ceremony Festival area shall be closed to licensed street vendors as provided in §19-17 of the City Code; and

**BE IT FURTHER ORDERED**, that the City Manager is authorized to issue a revocable permit to American Legion, Harold T. Andrews Post No. 17 under §25-27 of the City Code to conduct said Festival, subject to the direction and control of the City Manager and to the following specific conditions:

1. American Legion, Harold T. Andrews Post No. 17 shall defend, indemnify and hold harmless the City of Portland, its officers and employees, from and against all claims arising out of or resulting from the Festival and/or use of City streets and property for said Festival, and shall procure and maintain public liability insurance in the minimum amount of \$400,000 per occurrence for personal or bodily injury, death or property damage and covering the obligation of indemnification hereunder. American Legion, Harold T. Andrews Post No. 17 shall provide the City with a certificate showing evidence of such insurance and showing the City as an additional insured on said insurance;
2. No alcoholic beverages may be sold on the streets or public property during the Festival within the Festival area;
3. Permit Fees and Expenses for City Staff assistance shall be waived; and
4. Conditions for use of grounds, the positioning of volunteer flaggers at parade intersections, and requirements for food service, vending sales, and other items specified in permits issued from Public Assembly Facilities Division, shall be adhered to.

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



**CITY OF PORTLAND, PUBLIC ASSEMBLY FACILITIES DIVISION**  
**PUBLIC PARK & SPACE APPLICATION (5 pages)**  
 212 Canco Rd. • Suite A • Portland • ME • 04103 • (207) 808-5400 x0  
 Ted Musgrave [tvm@portlandmaine.gov](mailto:tvm@portlandmaine.gov)

**APPLICATION FEE \$25.00**

**PAYMENT MUST BE MADE WHEN SUBMITTING APPLICATION**

(This is a transferrable/non-refundable fee. If your event is permitted, the \$25.00 will be credited toward your permit fee.)

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

|                                           |                 |                                          |  |                          |                 |                         |                    |
|-------------------------------------------|-----------------|------------------------------------------|--|--------------------------|-----------------|-------------------------|--------------------|
| <b>TODAY'S DATE</b>                       |                 | 13 January, 2020<br>Revised: 1-13        |  | <b>ORGANIZATION NAME</b> |                 | American Legion Post 17 |                    |
| <b>ADDRESS</b><br>(Street/City/State/Zip) |                 | 23 Deering Street, Portland, Maine 04101 |  |                          |                 |                         |                    |
| <b>CONTACT NAME(S)</b>                    |                 | Joseph C. Rich                           |  |                          | <b>TITLE(S)</b> |                         | Parade Coordinator |
| <b>PHONE</b>                              | 207-773-8932    |                                          |  | <b>PHONE</b>             |                 |                         |                    |
| <b>EMAIL</b>                              | spudbub@aol.com |                                          |  | <b>EMAIL</b>             |                 |                         |                    |

|                                                                                                                |  |                                                     |                                                                          |
|----------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------|--------------------------------------------------------------------------|
| <b>PARK AREA / PUBLIC SPACE REQUESTED</b>                                                                      |  | Longfellow Square, Congress Street, Monument Square |                                                                          |
| <b>EVENT DAY(S) &amp; DATE(S)</b>                                                                              |  | 25 May, 2020 MON                                    | <b>RAIN DAY(S) &amp; DATE(S)</b><br>(50% added fee) none                 |
| <b>OVERALL EVENT START &amp; END TIME</b><br>(When setup will begin until cleanup is expected to be complete.) |  | 1000-1200                                           | <b>EVENT START &amp; END TIME</b><br>1030 – 1100<br>10:30am Parade Start |

|                                   |                            |
|-----------------------------------|----------------------------|
| <b>EVENT NAME</b>                 | <b>EXPECTED ATTENDANCE</b> |
| Portland Memorial Day Parade 2020 | 1500+                      |

**DESCRIPTION OF EVENT:** Please be specific regarding **area of public space/park** and **describe EVENT in detail**. Please include a detailed MAP of the proposed EVENT AREA, proposed ROUTE (road race) &/or proposed STREET CLOSURE (parade, march, rally, etc.), as these will need to be approved by City Departments. **Please create these MAPS using Google Earth Pro.** Please provide a link(s) to social media site(s) being used to publicize the event.

The parade will begin assembly at Longfellow Square at 10:00am and once organized (appx.10:30) proceed down Congress Street, ending at Monument Square at approximately 11:00am. Speeches will then be made along with a wreath laying ceremony; all should end at approximately Noon.

Organizers have requested: that **Congress Street** (from State Street to Elm Street - **and side streets** leading onto Congress Street) be **closed to vehicular traffic** for the parade (approx. 10:15am – 11:00am), and that Congress Street (from Mellen Street to State Street), State Street (from Cumberland Ave. to Congress Street) and Dow Street (from Congress Street to Brackett Street) be closed to traffic for the formation area – time frame 9am – 10:30am.

Organizers will have volunteers to staff the barricaded intersections.

The Salvation Army may have their mobile canteen parked at Monument Square.

**Organizers have asked that the steps be put in place at the Monument and that flags be flown.**

Some "No Parking" signs placed on streets – reserved parking.

**ELEC NEEDED at Monument Sq. (outlets at Trees at Key Bank).**

**Barricades & Vests NEEDED.**

|                                                                      |                                       |    |
|----------------------------------------------------------------------|---------------------------------------|----|
| <b>IS THERE A REGISTRATION FEE/PLEDGES COLLECTED FOR THIS EVENT?</b> | Please check: _____ FEE _____ PLEDGES |    |
|                                                                      | <b>FEE</b>                            | \$ |
| <b>IF YES FOR FEES, HOW MUCH?</b>                                    | <b>STUDENT FEE</b>                    | \$ |

**WHAT WILL BE THE ANTICIPATED NEED FOR PARKING AND WHAT IS YOUR PARKING PLAN?**

*Parking offside*

**PLEASE CHECK OFF AND ANSWER:**

**PLEASE SEE ATTACHED FEE SCHEDULE / DEPT. INFORMATION IF YOU ANSWER YES**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | X-YES | X-NO | X-NOT SURE |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------|------------|
| * Are you setting up a <b>canopy(s)</b> ? (10'x10' size or smaller) <b>How many?</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |       | X    |            |
| * Do you wish to set up a <b>tent(s)</b> and/or <b>stage(s)</b> ? A canopy/tent or stage larger than 10'x10' needs a Temporary Tent or Stage Permit issued by Building Inspections. For permit application, please go to: <a href="http://portlandmaine.gov/DocumentCenter/Home/View/2317">http://portlandmaine.gov/DocumentCenter/Home/View/2317</a> or contact the Permitting and Inspections Department at <a href="mailto:buildinginspections@portlandmaine.gov">buildinginspections@portlandmaine.gov</a> or 874-8703 for more information. PLEASE apply at least 2-weeks before your event.<br><b>Tent/Stage Size(s):</b><br><b>Exact Location(s) of Tent/Stage Placement Requested:</b><br>*** In order to drive tent stakes into the ground, DIG SAFE must be contacted: 888-344-7233. *** |       | X    |            |
| * Will you be setting up <b>tables and/or chairs</b> ? How many tables: chairs: 6                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | X     |      |            |
| * Are other items or equipment being placed on City property? (i.e. Moon Bounce, Dunk Tank, Radio Station Van, Helium Tank, etc.) Please List:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |       | X    |            |
| * Will there be <b>refreshments</b> at the event?<br>Do you wish to <b>sell food</b> ?<br>If so, you will need approval from PAFD and possibly a Temporary Food Service License from Business Licensing Office. PLEASE provide them at least 2 weeks advance notice (874-8557).<br><b>List food and drink / Food Trucks, etc.:</b><br>PLEASE NOTE: A Temporary Food Service License is NOT needed when:<br>1. Food Vendors have a current City of Portland Food License<br>2. Just pre-packaged refreshments, or food & drink items are purchased or donated from a licensed establishment<br>3. Bottled water / water is served<br>A TFSL is needed when food vendors are not licensed or when food is being prepared and cooked at the event.                                                    |       | X    |            |
| * Do you wish to sell <b>non-food items</b> (like T-shirts, crafts, cd's, etc.)? If so, please apply for a Street Goods Vendor License(s) at the Business Licensing Office (874-8557) – 2 week notice.<br><b>List items you wish to sell:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |       | X    |            |
| * Are you setting up a <b>PA (sound) system</b> ?<br>Are you planning on having <b>Amplified Music</b> ? <b>Band?</b> <b>DJ?</b> <b>Boom Box?</b><br>If so, your event may require a concert license. PAFD will advise upon review of your application. Amplified speech (i.e. Press Conference) does not require the license, however, a Sound Security Deposit may be required. There are time restrictions for amplified music/speech in Downtown Parks & Squares: limited to 11:45am – 1:15pm and 1 hour between 5pm - 8pm.                                                                                                                                                                                                                                                                    | X     |      |            |
| * Will your event require <b>electricity</b> ? Electricity is available at Deering Oaks Park, Monument Square, Congress Square, Tommy's Park, Post Office Park, Payson Park, Preble Street Grass Area, Eastern Prom, Fort Allen Park, and Lincoln Park. A \$40 activation fee is required.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | X     |      |            |
| * Are you planning on bringing a <b>Grill for a Barbecue</b> ?<br>Grilling is subject to weather conditions and possibly Fire Dept. review.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |       | X    |            |
| * Will the event require <b>reserved parking spaces / parking meters</b> ? How many?<br>"No Parking" signs may be purchased at the PAFD Office, 212 Canco Rd.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |       | X    |            |
| * Will your event need <b>safety vests, signs, barricades and/or cones</b> ?<br><b>Please list what you would like to borrow/rent:</b><br>Limited safety vests, cones & barricades may be borrowed/rented from PAFD Office. Traffic signs may be borrowed/rented from Public Works if needed (874-8493).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | X     |      |            |
| * Will your event require <b>street closures</b> ? (Please be specific under "Description of Event")<br>Will your event affect <b>METRO BUS ROUTES</b> ?<br>(If service is affected, organizer needs to work directly with METRO for endorsement / feedback). Please check with Glenn Fenton, METRO: 517-3029 ( <a href="mailto:gfonton@gpmetro.com">gfonton@gpmetro.com</a> ) to discuss.                                                                                                                                                                                                                                                                                                                                                                                                         | X     |      |            |
| * Will your event require <b>Police</b> assistance? An event such as a road race, march or parade in the street, would typically require police assistance. To reserve & hire an Officer(s) to be on site at your event, please call Sgt. Nevins (874-8554) or Police Shift Command (874-8855/8556) well in advance to arrange.                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | X     |      |            |
| * Will your event require <b>Fire/EMS</b> assistance? (For a large walk/race, it may be required.)<br>To hire or inquire about hiring city Fire/EMS staff to be on site, please email <a href="mailto:fireprevention@portlandmaine.gov">fireprevention@portlandmaine.gov</a> well in advance of the event. For general questions, you may also call 874-8400.                                                                                                                                                                                                                                                                                                                                                                                                                                      |       | X    |            |
| * Will your event require <b>Parking Control</b> assistance? To hire a Parking Control Officer(s) to be on site at your event, please call 874-8910 well in advance to arrange.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |       | X    |            |
| <b>Fees for Police, Fire/EMS or Parking Control Staff will be invoiced by those individual departments &amp; should be paid to them directly.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |       |      |            |
| * Will your event require <b>porta-restroom</b> rental(s) or need existing porta-restrooms cleaned? (Some of the parks already have porta-restrooms. Event participants may use these, but a \$25 fee is assessed for events where attendance is 150 or more.) Porta-restrooms may be rented from any of the local companies. Units currently on site are through Associated Septic.                                                                                                                                                                                                                                                                                                                                                                                                               |       | XX   |            |
| * Do you wish to have a <b>banner over the street</b> to advertise your event? (Banners hung over Congress St. or Baxter Blvd). Banner inquiries directed to PAFD: 808-5400 x0.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |       |      |            |

**INSURANCE CERTIFICATE INFORMATION**

|                                                |   |  |  |
|------------------------------------------------|---|--|--|
| * Will your event require liability Insurance? | X |  |  |
|------------------------------------------------|---|--|--|

|                                                                                                                                                                                                             |             |  |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|--|--|
| (Commercial liability insurance is required for a walkathon, race, festival, press conference, concert, etc. Product liability insurance is also required if the event has been approved for serving food.) | <b>NEED</b> |  |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|--|--|

♦ If you answered YES, you shall procure and maintain occurrence-based Commercial General Liability and Product Liability Insurance, when required, in an amount not less than Four Hundred Thousand Dollars (\$400,000.00) per occurrence for bodily injury, death and property damage. You shall name the City of Portland as an additional insured or shall obtain a general liability extension endorsement, for coverage only in those areas where government immunity has been expressly waived by 14 M.R.S. A. § 8104-A, as limited by § 8104-B, and § 8111. The terms of this permit and the insurance coverage shall not be deemed a waiver of any defenses, immunities or limitations of liability or damages available to the CITY under the Maine Tort Claims Act, other Maine statutory law, judicial precedent, common law, or any other defenses, immunities or limitations of liability available to the City. You shall also be responsible for any and all deductibles and/or self-insured retentions.

♦ Both the **Certificate of Insurance** and **Additional Insured Endorsement** shall be sent to [tvm@portlandmaine.gov](mailto:tvm@portlandmaine.gov) and must state that the policy is endorsed to name the City of Portland as an additional insured pursuant to the date of the event (and rain date).

## PUBLIC ASSEMBLY FACILITIES DIVISION POLICIES

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>EVENT REVIEW</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| The PAFD Office holds a monthly meeting where proposed events are discussed and reviewed by City Departments. For some events, organizers will be asked to present before the committee. Some potential factors may necessitate your event receive City Council approval.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>ELECTRICITY</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| All cords in the public way must be covered by rugs, mats or orange cones to avoid public hazard. If weather is inclement (drizzle, rain, snow, etc.) we require that you <b>not use</b> electricity, unless all connections and equipment are covered and protected from the elements. If a generator is used, please take all necessary measures to ensure safe operation. Bring a fire extinguisher, set generator up away from activities (and combustibles), store fuel source away from the generator and keep children away from the generator.                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>BARBECUES - GAS GRILLS ONLY</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Only GAS GRILLS are allowed in parks/public spaces – i.e. No Charcoal Grills or open burning. Barbecuing must first be approved by PAFD Office and is subject to weather conditions, and possible further review by the Fire Dept. Grills must be set up away from children's activities. You are required to have a fire extinguisher with in the grilling area.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>PORTA-RESTROOMS / BATHROOM FACILITIES</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Porta-Restrooms are required for large events and events where refreshments are being served. Some of Portland's parks already have portable restrooms from Associate Septic on site (*Preble Street Grass Area at the Preble Street Parking Lot – across from Hannaford's, *Entrance to Dyer's Flat – beside Payson Park, *Deering Oaks Park – Playground + Ravine, *East End Beach - Winter & Early Spring: Just EEB.) If over 150 people are expected to attend the event, a \$25 user fee is required (paid to PAFD). If extra units are rented by organizer, then no additional user fee is assessed. Porta-restrooms are cleaned M, W, & F. If you would like to guarantee that they are cleaned just prior to your event, then you need to call the porta-restroom company (Associated Septic / Royal Flush, 207-799-1980, M-F) to request and pay for a cleaning. If renting units, organizer has the option of renting from Associated Septic / Royal Flush, or from other local companies. |
| <b>TRASH</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| All groups must abide by our Carry In/ Carry Out Policy. Please bring extra trash bags and/or trash receptacles and remove all trash. Do not use existing trash barrels or the metal liners inside. You will need to haul all of your trash out of the park/public space or forfeit the security deposit(s). Please recycle whenever possible, (please do not use Styrofoam - it is NOT recyclable). The area will be checked following your event; if park is clean and conditions for use adhered to, your security deposit will be returned to you. Thank you in advance!                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>MARKING OF GROUNDS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Please DO NOT mark city property in any permanent way.<br>DO NOT use SPRAY PAINT or SPRAY CHALK. DO NOT STAPLE or NAIL anything to trees.<br>Children's Art Chalk can be used on hardscape areas with permission from PAFD Office. Tape may also be used.<br>If markings remain for more than a few rain storms, event organizers are responsible for removing them.<br>If city staff or contractors need to remove the markings, event organizers are responsible for the cost of staff time and materials.<br>You may also place signs on stakes in the grass areas bordering trails/race routes (when applicable).<br>Please remove all signage immediately following the event.                                                                                                                                                                                                                                                                                                                  |
| <b>USE OF CANDLES</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| It is preferred that LED lighted candles or glow sticks are used. If flammable candles are used, please make sure all candles have drip protectors to prevent wax from dripping on hardscape surfaces, which may cause permanent stains/damage. Please make sure all candles are extinguished before being thrown away. Please collect all spent candles so there is no trash left behind. Please take safety precautions: bring a fire extinguisher, gallon of water, etc. in case of fire. <b>Any damage</b> (dripped wax absorbed into hardscape causing stains, etc.) <b>will result in a forfeiture of your security deposit.</b>                                                                                                                                                                                                                                                                                                                                                               |
| <b>ADA COMPLIANCE</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Event organizer must comply with the Americans with Disabilities Act (ADA) and the Maine Human Rights Act (MHRA), including maintaining the permitted use area and all public rights-of-way accessible during the entirety of the permitted event. In the event the permitted area is rendered inaccessible to disabled persons, and/or by request of PAFD staff, the organizer shall act immediately to provide accessibility. All requests to provide interpretive services shall be the responsibility of the organizer to provide and pay for such services. The organizer shall defend, indemnify, and hold the City harmless from any and all liability and damages resulting from alleged violations of the ADA and/or MHRA.                                                                                                                                                                                                                                                                  |

**PARKING ON GRASS AREAS / SIDEWALKS / ILLEGALLY PARKED VEHICLES**

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

**RESERVED PARKING**

To reserve parking for your event, please contact the PAFD Office (808-5400 x0). Staff will review your request and can issue you "No Parking" signs (\$25 each\*). You will need to label signs and tape them to meters or signposts AT LEAST 24 HOURS PRIOR TO YOUR EVENT. (NOTE: If event is on a Sunday or Monday, NP Signs may need to be posted on the preceding Friday by Noon.) Please do not cover up coin slots on meters. If the reserved parking area has no actual parking meters, you may need to tape signs to sign posts, utility poles, trees, or orange cones (placed on the sidewalk beside the street). The PAFD Office has cones it can rent to you (see fee schedule below) if needed. To ensure you can have vehicles (illegally parked at signs you've posted) towed, please complete and fax/email/hand deliver to city departments a "No Parking Authorization Form," which you can get from staff when you pick up NP signs. Please make sure signs are removed once the event is complete. **\*Under certain conditions, the reserved parking fee may be reduced. Upon review of your application, PAFD will advise if your event qualifies for a reduction. If paying a reduced rate, towing may not be enforceable. PAFD will advise regarding these parameters as well.**

**ALCOHOL / SMOKE-FREE ZONES**

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

**AMPLIFIED SOUND POLICY**

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

**CANCELATION POLICY**

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

**NOTIFICATION**

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

**STREET CLOSURE NOTIFICATION**

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

**REVOCABLE PERMIT**

- ◆ The City reserves the unconditional right to control or cancel events to protect and/or prohibit damage to public property.
- ◆ The City reserves the unconditional right to revoke or revise an issued permit.
- ◆ Police or City Staff on site may use their discretion to revise conditions of use.

**I HAVE READ AND UNDERSTAND ALL OF THE ABOVE POLICIES****TYPE INITIALS****JCR****DATE****1-13-2020****ASSUMPTION OF RISK & LIABILITY**

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

**I have read the Assumption of Risk & Liability Agreement****TYPE INITIALS****JCR****DATE****1-13-2020****PLEASE INITIAL & DATE HIGH-LIGHTED YELLOW BOXES ABOVE.****FEE SCHEDULE – UPDATED JULY 1, 2018**

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

|                                                                    |                                                       |
|--------------------------------------------------------------------|-------------------------------------------------------|
| Simple Event (no registration fee): \$75/hour                      | Electricity (activation/de-activation) Fee: \$40/flat |
| Event with registration or pledges & attendance 25 - 300: \$125/hr | Porta Restroom User Fee (if attendance is 150+): \$25 |
| Event with registration or pledges & attendance 301+: \$225/hr     | Single Concert License: \$50                          |

|                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Film/Photo Shoot: \$100/day<br>Public Space/Park Security Deposit: \$100 - \$1000<br>Sound Security Deposit: \$100 - \$1,000<br>Impact/Street Closure Fee (variable based on impact): \$100-\$500<br>Staff Fee (on site event support): \$37/hour<br>Administrative Fee (event coordination support): \$40/hour or more<br>"No Parking" Signs: \$25 each<br>Cancellation Fee: \$75 | Barricades: \$5/ea. Rental Fee + \$25/ea. Security Deposit<br>Bike Racks: \$10/ea. Rental Fee + \$25/ea. Security Deposit<br>Flashing Lights: \$10/ea. Rental Fee + \$40/ea. Security Deposit<br>Cones: \$2/ea. Rental Fee + \$15/ea. Security Deposit<br>Safety Vests: \$15/ea. Security Deposit<br>Keys: \$50/ea. Security Deposit<br>Equipment Delivery Fee: \$100 or more<br>Fortification Fee: TBD |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                       |
|-----------------------------------------------------------------------|
| <b>PLEASE MAKE CHECKS PAYABLE TO "CITY OF PORTLAND".</b>              |
| Please make out separate checks for security deposit and permit fees. |

| TOTAL AMOUNT(S) DUE TO PUBLIC ASSEMBLY FACILITIES DIVISION (Please make all security deposit checks out separately) |                  |                                                     |                  |
|---------------------------------------------------------------------------------------------------------------------|------------------|-----------------------------------------------------|------------------|
| Permit Fee for use of area:                                                                                         | <b>\$ waived</b> | Single Concert (Amplified Sound) License Fee:       | <b>\$</b>        |
| Number of Hours of Use: <b>Approx.</b>                                                                              |                  | Equipment Rental Fee:                               | <b>\$ waived</b> |
| Staff Fee (on site event support):                                                                                  | <b>\$ waived</b> | Public Space / Park / Sound Security Deposit:       | <b>\$ waived</b> |
| Admin. Fee (event coordination support):                                                                            | <b>\$</b>        | Borrowed / Rented Equipment Deposit:                | <b>\$ need</b>   |
| Electricity Fee (activation/de-activation):                                                                         | <b>\$</b>        | Additional Fees:                                    | <b>\$ waived</b> |
| Impact/Street Closure Fee (variable based on impact):                                                               | <b>\$</b>        | (Porta-Restroom User Fee, "No Parking" Signs, etc.) |                  |

| FOR OFFICE USE ONLY                                                                                                     |                 |                        |                  |                   |                  |                   |            |              |           |
|-------------------------------------------------------------------------------------------------------------------------|-----------------|------------------------|------------------|-------------------|------------------|-------------------|------------|--------------|-----------|
| DATE APPLICATION RECEIVED: 1-13-2020                                                                                    |                 |                        |                  |                   |                  |                   |            |              |           |
| APPLICATION FEE:                                                                                                        | <b>\$ 25.00</b> | PERMIT FEE:            | <b>\$ waived</b> | SECURITY DEPOSIT: | <b>\$ waived</b> | INSURANCE NEEDED? | <b>Yes</b> |              |           |
| DATE RECEIVED:                                                                                                          |                 | DATE RECEIVED:         |                  | DATE RECEIVED:    |                  | DATE RECEIVED:    |            |              |           |
| PAYMENT TYPE                                                                                                            |                 |                        |                  |                   |                  |                   |            |              |           |
| VISA / MC NUMBER:                                                                                                       |                 |                        |                  | CHECK NUMBER:     |                  | CHECK AMOUNT:     | <b>\$</b>  | CASH AMOUNT: | <b>\$</b> |
| CREDIT CARD AMOUNT:                                                                                                     | <b>\$</b>       | CREDIT CARD EXP. DATE: |                  | CHECK NUMBER:     |                  | CHECK AMOUNT:     | <b>\$</b>  | CASH AMOUNT: | <b>\$</b> |
| <b>PLEASE NOTE: A \$3.00 or 2.65% SERVICE FEE (whichever is greater) WILL BE ADDED TO ALL CREDIT CARD TRANSACTIONS.</b> |                 |                        |                  |                   |                  |                   |            |              |           |

|                                                                                                                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PLEASE RETURN FORM (WORD DOC) AT LEAST 30 DAYS IN ADVANCE TO:</b>                                                                                        |
| ♦ Public Assembly Facilities Div. ~ 212 Canco Rd. ~ Portland ~ ME ~ 04103 EMAIL PREFERRED: <a href="mailto:tvm@portlandmaine.gov">tvm@portlandmaine.gov</a> |

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** January 24, 2020

**SUBJECT:** Order 123-19/20 Adding Two October Sundays to the Sundays on the Boulevard Festival - Sponsored by Jon P. Jennings, City Manager

**SPONSOR:**

(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 no why not?)**

**PRESENTATION:** (List the presenter(s), type and length of presentation)

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

The Sundays on the Boulevard Festival, approved on January 22, 2020 by Order 112-19/20, shall be extended from October 11, 2020 to October 25, 2020.

**III. BACKGROUND**

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis and Background that will not appear in the Agenda Description.

**VII. RECOMMENDATION**

**VIII. LIST ATTACHMENTS**

1. Extending Sundays on the Boulevard 2.3.2020

Prepared by:

Date: 1/24/2020

KATE SNYDER (MAYOR)  
BELINDA S. RAY (1)  
SPENCER R. THIBODEAU (2)  
TAE Y. CHONG (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

KIMBERLY COOK (5)  
JILL C. DUSON (A/L)  
PIOUS ALI (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER ADDING TWO OCTOBER SUNDAYS TO THE  
SUNDAYS ON THE BOULEVARD FESTIVAL**

**ORDERED**, that the Sundays on the Boulevard Festival approved by Order 112-19/20 shall be extended from October 11, 2020 to October 25, 2020.

KATE SNYDER (MAYOR)  
BELINDA S. RAY (1)  
SPENCER R. THIBODEAU (2)  
TAE Y. CHONG (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND  
IN THE CITY COUNCIL**

KIMBERLY COOK (5)  
JILL C. DUSON (A/L)  
PIOUS ALI (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER DECLARING AUGUST 1, 2020  
THE PICNIC CRAFT FAIR FESTIVAL**

**ORDERED**, that Saturday, August 1, 2020, with a rain date of August 2, 2020, is hereby declared the Picnic Craft Fair Festival, a collaboration organized by Picnic LLC, and the organizer is hereby authorized to use Lincoln Park from 11:00 a.m. to 6:00 p.m. for this free event to showcase crafters' and artists' work; and

**BE IT FURTHER ORDERED**, that the festival area (Lincoln Park itself, the abutting sidewalks, and the parking lane beside the park on Congress Street) will also be closed to street artists pursuant to Section 19-17 of the Portland City Code and is reserved for the use of the Picnic Craft Fair, subject to the direction and control of the City Manager; and

**BE IT FURTHER ORDERED**, that setup for the festival begins at 8:00 a.m., and the organizer shall finish clean up and exit the park by 7:00 p.m.; and

**BE IT FURTHER ORDERED**, that parking shall be reserved for Festival vendors on Federal Street and Congress Street (beside Lincoln Park); and

**BE IT FURTHER ORDERED**, that the City Manager is authorized to issue a revocable permit under Section 25-27 of the Portland City Code subject to the following conditions:

- Picnic Craft Fair Festival organizer, Picnic LLC, shall defend, indemnify and hold harmless the City of Portland, its officers and employees, from and against all claims arising out of or resulting from the Festival and/or use of City streets and property for said Festival, and shall procure and maintain public liability insurance in the minimum amount of \$400,000 per occurrence for personal or bodily injury, death or property damage and covering the obligation of indemnification hereunder. Picnic LLC shall provide the City with a certificate showing evidence of such insurance and showing the City as an additional insured on said insurance;
- Under no circumstances may alcoholic beverages be sold or consumed on the streets or public property of said area during said festival;

- Picnic LLC shall reimburse the City for all expenses incurred by City Departments for said Festival; and
- Picnic LLC shall take steps to ensure any and all public announcement (PA) and other speakers or amplifiers used to amplify music or other sound, be maintained at a reasonable level and be configured by organizer to create the least amount of noise disturbance to area residents; and
- Picnic LLC agree to leave a Noise Control Security Deposit on file at the Public Assembly Facilities Division Office; and
- Picnic LLC shall be solely responsible for trash cleanup at the festival and shall be required to leave a Park Security Deposit on file at the Public Assembly Facilities Division Office; and
- Picnic LLC shall have the sole authority over participating vendors at the event and may charge a fee to vendors for the opportunity to vend at the Festival; and Food Trucks parking on Congress Street beside Lincoln Park shall be strictly limited to those permitted as a Picnic Craft Fair vendor; and
- Conditions for use of grounds and requirements for food service, vending sales, concert licensing, tent and stage installations, and other items specified in a permit issued from Public Assembly Facilities Division Office, shall be adhered to; and

**BE IT FURTHER ORDERED**, that the City Manager is also authorized to issue such other temporary licenses, including licenses for food service establishments, as may be required by the Portland City Code, provided that all other applicable requirements of said code have been met regarding the operation of this Festival.



**CITY OF PORTLAND, PUBLIC ASSEMBLY FACILITIES DIVISION**  
**PUBLIC PARK & SPACE APPLICATION (5 pages)**  
 212 Canco Rd. • Suite A • Portland • ME • 04103 • (207) 808-5400 x0  
 Ted Musgrave [tvm@portlandmaine.gov](mailto:tvm@portlandmaine.gov)

**APPLICATION FEE \$25.00**

**PAYMENT MUST BE MADE WHEN SUBMITTING APPLICATION**

(This is a transferrable/non-refundable fee. If your event is permitted, the \$25.00 will be credited toward your permit fee.)

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

|                                           |                          |                                 |                          |                 |              |  |
|-------------------------------------------|--------------------------|---------------------------------|--------------------------|-----------------|--------------|--|
| <b>TODAY'S DATE</b>                       |                          | 1/12/2020<br>Revised: 1-13      | <b>ORGANIZATION NAME</b> |                 | Picnic LLC   |  |
| <b>ADDRESS</b><br>(Street/City/State/Zip) |                          | 6 Free Street Portland ME 04101 |                          |                 |              |  |
| <b>CONTACT NAME(S)</b>                    |                          | Noah DeFilippis and Amy Teh     |                          | <b>TITLE(S)</b> | Co-founders  |  |
| <b>PHONE</b>                              |                          | <b>PHONE</b>                    |                          | <b>PHONE</b>    |              |  |
| <b>EMAIL</b>                              | picnicportland@gmail.com |                                 | <b>EMAIL</b>             |                 | <b>EMAIL</b> |  |

|                                                                                                                |                                                                                                         |                                                     |                     |
|----------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|-----------------------------------------------------|---------------------|
| <b>PARK AREA / PUBLIC SPACE REQUESTED</b>                                                                      | Lincoln Park and adjoining sidewalks<br>Parking spaces of Congress Street, Pearl Street, Federal Street |                                                     |                     |
| <b>EVENT DAY(S) &amp; DATE(S)</b>                                                                              | <b>SAT 8-1-2020</b>                                                                                     | <b>RAIN DAY(S) &amp; DATE(S)</b><br>(50% added fee) | <b>SUN 8-2-2020</b> |
| <b>OVERALL EVENT START &amp; END TIME</b><br>(When setup will begin until cleanup is expected to be complete.) | 8am to 7pm                                                                                              | <b>EVENT START &amp; END TIME</b>                   | 11am to 6pm         |

|                   |                            |
|-------------------|----------------------------|
| <b>EVENT NAME</b> | <b>EXPECTED ATTENDANCE</b> |
| Picnic Craft Fair | 500                        |

**DESCRIPTION OF EVENT:**

100+ Crafters and artists will be selling handmade products in a variety of materials. Canopies and tables will be set up on the grass so that attendees may use the sidewalks areas to view merchandise. Shoppers can expect clothing, jewelry, prints, accessories, bags, dolls, paper goods, housewares, fine art, vintage goods, records, and much more. **1-3 Licensed Food Vendors will be on site.** Small Boom Box (battery - radio) will be at the INFO BOOTH.

LOTS of parking spaces need to be reserved. NO electricity needed.

Organizer will rent Porta-Restrooms (place on concrete beside the wrought iron fence, close to Federal Street – but just inside the park).

Organizers have requested that the FOUNTAIN be turned on.

Food Trucks normally permitted to park on Congress Street beside Lincoln Park shall not be allowed to park there during this Festival, unless permitted as a Picnic vendor.

**NO CHARGE TO ATTEND. VENDORS PAY FEE TO PARTICIPATE.**

|                                                                      |                                                                                        |       |
|----------------------------------------------------------------------|----------------------------------------------------------------------------------------|-------|
| <b>IS THERE A REGISTRATION FEE/PLEDGES COLLECTED FOR THIS EVENT?</b> | Please check: <input checked="" type="checkbox"/> FEE <input type="checkbox"/> PLEDGES |       |
| <b>IF YES FOR FEES, HOW MUCH?</b>                                    | <b>FEE</b>                                                                             | \$150 |
|                                                                      | <b>STUDENT FEE</b>                                                                     | \$    |

**WHAT WILL BE THE ANTICIPATED NEED FOR PARKING AND WHAT IS YOUR PARKING PLAN?**

*We will need some reserved parking along Federal St, beside the park*

**PLEASE CHECK OFF AND ANSWER:**

**PLEASE SEE ATTACHED FEE SCHEDULE / DEPT. INFORMATION IF YOU ANSWER YES**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | X-YES | X-NO | X-NOT SURE |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------|------------|
| * Are you setting up a <b>canopy(s)</b> ? (10'x10' size or smaller) <b>How many?</b> 120                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | X     |      |            |
| * Do you wish to set up a <b>tent(s)</b> and/or <b>stage(s)</b> ? A canopy/tent or stage larger than 10'x10' needs a Temporary Tent or Stage Permit issued by Building Inspections. For permit application, please go to: <a href="http://portlandmaine.gov/DocumentCenter/Home/View/2317">http://portlandmaine.gov/DocumentCenter/Home/View/2317</a> or contact the Permitting and Inspections Department at <a href="mailto:buildinginspections@portlandmaine.gov">buildinginspections@portlandmaine.gov</a> or 874-8703 for more information. PLEASE apply at least 2-weeks before your event.<br><b>Tent/Stage Size(s):</b><br><b>Exact Location(s) of Tent/Stage Placement Requested:</b><br>*** In order to drive tent stakes into the ground, DIG SAFE must be contacted: 888-344-7233.<br>*** |       | X    |            |
| * Will you be setting up <b>tables and/or chairs</b> ? How many tables: 100 chairs: 200                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | X     |      |            |
| * Are other items or equipment being placed on City property? (i.e. Moon Bounce, Dunk Tank, Radio Station Van, Helium Tank, etc.) Please List:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |       | X    |            |
| * Will there be <b>refreshments</b> at the event?<br>Do you wish to <b>sell food</b> ?<br>If so, you will need approval from PAFD and possibly a Temporary Food Service License from Business Licensing Office. PLEASE provide them at least 2 weeks advance notice (874-8557).<br><b>List food and drink / Food Trucks, etc.:</b><br>PLEASE NOTE: A Temporary Food Service License is NOT needed when:<br>1. Food Vendors have a current City of Portland Food License<br>2. Just pre-packaged refreshments, or food & drink items are purchased or donated from a licensed establishment<br>3. Bottled water / water is served<br>A TFSL is needed when food vendors are not licensed or when food is being prepared and cooked at the event.                                                       | X     |      |            |
| * Do you wish to sell <b>non-food items</b> (like T-shirts, crafts, cd's, etc.)? If so, please apply for a Street Goods Vendor License(s) at the Business Licensing Office (874-8557) – 2 week notice.<br><b>List items you wish to sell:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | X     |      |            |
| * Are you setting up a <b>PA (sound) system</b> ?<br>Are you planning on having <b>Amplified Music</b> ? <b>Band?</b> <b>DJ?</b> <b>Boom Box?</b> yes<br>If so, your event may require a concert license. PAFD will advise upon review of your application. Amplified speech (i.e. Press Conference) does not require the license, however, a Sound Security Deposit may be required. There are time restrictions for amplified music/speech in Downtown Parks & Squares: limited to 11:45am – 1:15pm and 1 hour between 5pm - 8pm.                                                                                                                                                                                                                                                                   | X     |      |            |
| * Will your event require <b>electricity</b> ? Electricity is available at Deering Oaks Park, Monument Square, Congress Square, Tommy's Park, Post Office Park, Payson Park, Preble Street Grass Area, Eastern Prom, Fort Allen Park, and Lincoln Park. A \$40 activation fee is required.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |       | X    |            |
| * Are you planning on bringing a <b>Grill for a Barbecue</b> ?<br>Grilling is subject to weather conditions and possibly Fire Dept. review.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |       | X    |            |
| * Will the event require <b>reserved parking spaces / parking meters</b> ? How many?<br>"No Parking" signs may be purchased at the PAFD Office, 212 Canco Rd.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | X     |      |            |
| * Will your event need <b>safety vests, signs, barricades and/or cones</b> ?<br><b>Please list what you would like to borrow/rent:</b><br>Limited safety vests, cones & barricades may be borrowed/rented from PAFD Office. Traffic signs may be borrowed/rented from Public Works if needed (874-8493).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |       | X    |            |
| * Will your event require <b>street closures</b> ? (Please be specific under "Description of Event")<br>Will your event affect <b>METRO BUS ROUTES</b> ?<br>(If service is affected, organizer needs to work directly with METRO for endorsement / feedback). Please check with Glenn Fenton, METRO: 517-3029 ( <a href="mailto:gffenton@gpmetro.com">gffenton@gpmetro.com</a> ) to discuss.                                                                                                                                                                                                                                                                                                                                                                                                          |       | X    |            |
| * Will your event require <b>Police</b> assistance? An event such as a road race, march or parade in the street, would typically require police assistance. To reserve & hire an Officer(s) to be on site at your event, please call Sgt. Nevins (874-8554) or Police Shift Command (874-8855/8556) well in advance to arrange.                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |       | X    |            |
| * Will your event require <b>Fire/EMS</b> assistance? (For a large walk/race, it may be required.)<br>To hire or inquire about hiring city Fire/EMS staff to be on site, please email <a href="mailto:fireprevention@portlandmaine.gov">fireprevention@portlandmaine.gov</a> well in advance of the event. For general questions, you may also call 874-8400.                                                                                                                                                                                                                                                                                                                                                                                                                                         |       | X    |            |
| * Will your event require <b>Parking Control</b> assistance? To hire a Parking Control Officer(s) to be on site at your event, please call 874-8910 well in advance to arrange.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |       | X    |            |
| <b>Fees for Police, Fire/EMS or Parking Control Staff will be invoiced by those individual departments &amp; should be paid to them directly.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |       |      |            |
| * Will your event require <b>porta-restroom</b> rental(s) or need existing porta-restrooms cleaned? (Some of the parks already have porta-restrooms. Event participants may use these, but a \$25 fee is assessed for events where attendance is 150 or more.) Porta-restrooms may be rented from any of the local companies. Units currently on site are through Associated Septic.                                                                                                                                                                                                                                                                                                                                                                                                                  | X     |      |            |
| * Do you wish to have a <b>banner over the street</b> to advertise your event? (Banners hung over                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |       | X    |            |

|                                                                               |  |  |  |
|-------------------------------------------------------------------------------|--|--|--|
| Congress St. or Baxter Blvd). Banner inquiries directed to PAFD: 808-5400 x0. |  |  |  |
|-------------------------------------------------------------------------------|--|--|--|

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

## PUBLIC ASSEMBLY FACILITIES DIVISION POLICIES

| EVENT REVIEW                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The PAFD Office holds a monthly meeting where proposed events are discussed and reviewed by City Departments. For some events, organizers will be asked to present before the committee. Some potential factors may necessitate your event receive City Council approval.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| ELECTRICITY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| All cords in the public way must be covered by rugs, mats or orange cones to avoid public hazard. If weather is inclement (drizzle, rain, snow, etc.) we require that you <b>not use</b> electricity, unless all connections and equipment are covered and protected from the elements. If a generator is used, please take all necessary measures to ensure safe operation. Bring a fire extinguisher, set generator up away from activities (and combustibles), store fuel source away from the generator and keep children away from the generator.                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| BARBECUES - GAS GRILLS ONLY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Only GAS GRILLS are allowed in parks/public spaces – i.e. No Charcoal Grills or open burning. Barbecuing must first be approved by PAFD Office and is subject to weather conditions, and possible further review by the Fire Dept. Grills must be set up away from children's activities. You are required to have a fire extinguisher with in the grilling area.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| PORTA-RESTROOMS / BATHROOM FACILITIES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Porta-Restrooms are required for large events and events where refreshments are being served. Some of Portland's parks already have portable restrooms from Associate Septic on site (*Preble Street Grass Area at the Preble Street Parking Lot – across from Hannaford's, *Entrance to Dyer's Flat – beside Payson Park, *Deering Oaks Park – Playground + Ravine, *East End Beach - Winter & Early Spring: Just EEB.) If over 150 people are expected to attend the event, a \$25 user fee is required (paid to PAFD). If extra units are rented by organizer, then no additional user fee is assessed. Porta-restrooms are cleaned M, W, & F. If you would like to guarantee that they are cleaned just prior to your event, then you need to call the porta-restroom company (Associated Septic / Royal Flush, 207-799-1980, M-F) to request and pay for a cleaning. If renting units, organizer has the option of renting from Associated Septic / Royal Flush, or from other local companies. |
| TRASH                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| All groups must abide by our Carry In/ Carry Out Policy. Please bring extra trash bags and/or trash receptacles and remove all trash. Do not use existing trash barrels or the metal liners inside. You will need to haul all of your trash out of the park/public space or forfeit the security deposit(s). Please recycle whenever possible, (please do not use Styrofoam - it is NOT recyclable). The area will be checked following your event; if park is clean and conditions for use adhered to, your security deposit will be returned to you. Thank you in advance!                                                                                                                                                                                                                                                                                                                                                                                                                         |
| MARKING OF GROUNDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Please DO NOT mark city property in any permanent way. DO NOT use SPRAY PAINT or SPRAY CHALK. DO NOT STAPLE or NAIL anything to trees. Children's Art Chalk can be used on hardscape areas with permission from PAFD Office. Tape may also be used. If markings remain for more than a few rain storms, event organizers are responsible for removing them. If city staff or contractors need to remove the markings, event organizers are responsible for the cost of staff time and materials. You may also place signs on stakes in the grass areas bordering trails/race routes (when applicable). Please remove all signage immediately following the event.                                                                                                                                                                                                                                                                                                                                    |
| USE OF CANDLES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| It is preferred that LED lighted candles or glow sticks are used. If flammable candles are used, please make sure all candles have drip protectors to prevent wax from dripping on hardscape surfaces, which may cause permanent stains/damage. Please make sure all candles are extinguished before being thrown away. Please collect all spent candles so there is no trash left behind. Please take safety precautions: bring a fire extinguisher, gallon of water, etc. in case of fire. <b>Any damage</b> (dripped wax absorbed into hardscape causing stains, etc.) <b>will result in a forfeiture of your security deposit.</b>                                                                                                                                                                                                                                                                                                                                                               |
| ADA COMPLIANCE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Event organizer must comply with the Americans with Disabilities Act (ADA) and the Maine Human Rights Act (MHRA), including maintaining the                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

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

#### PARKING ON GRASS AREAS / SIDEWALKS / ILLEGALLY PARKED VEHICLES

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

#### RESERVED PARKING

To reserve parking for your event, please contact the PAFD Office (808-5400 x0). Staff will review your request and can issue you "No Parking" signs (\$25 each\*). You will need to label signs and tape them to meters or signposts AT LEAST 24 HOURS PRIOR TO YOUR EVENT. (NOTE: If event is on a Sunday or Monday, NP Signs may need to be posted on the preceding Friday by Noon.) Please do not cover up coin slots on meters. If the reserved parking area has no actual parking meters, you may need to tape signs to sign posts, utility poles, trees, or orange cones (placed on the sidewalk beside the street). The PAFD Office has cones it can rent to you (see fee schedule below) if needed. To ensure you can have vehicles (illegally parked at signs you've posted) towed, please complete and fax/email/hand deliver to city departments a "No Parking Authorization Form," which you can get from staff when you pick up NP signs. Please make sure signs are removed once the event is complete. **\*Under certain conditions, the reserved parking fee may be reduced. Upon review of your application, PAFD will advise if your event qualifies for a reduction. If paying a reduced rate, towing may not be enforceable. PAFD will advise regarding these parameters as well.**

#### ALCOHOL / SMOKE-FREE ZONES

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

#### AMPLIFIED SOUND POLICY

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

#### CANCELLATION POLICY

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

#### NOTIFICATION

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

#### STREET CLOSURE NOTIFICATION

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

#### REVOCABLE PERMIT

- ♦ The City reserves the unconditional right to control or cancel events to protect and/or prohibit damage to public property.
- ♦ The City reserves the unconditional right to revoke or revise an issued permit.
- ♦ Police or City Staff on site may use their discretion to revise conditions of use.

|                                                      |               |    |      |           |
|------------------------------------------------------|---------------|----|------|-----------|
| I HAVE READ AND UNDERSTAND ALL OF THE ABOVE POLICIES | TYPE INITIALS | ND | DATE | 1.12.2020 |
|------------------------------------------------------|---------------|----|------|-----------|

#### ASSUMPTION OF RISK & LIABILITY

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

|                                                          |               |    |      |           |
|----------------------------------------------------------|---------------|----|------|-----------|
| I have read the Assumption of Risk & Liability Agreement | TYPE INITIALS | ND | DATE | 1.12.2020 |
|----------------------------------------------------------|---------------|----|------|-----------|

**PLEASE INITIAL & DATE HIGH-LIGHTED YELLOW BOXES ABOVE.**

### FEE SCHEDULE – UPDATED JULY 1, 2019

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

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

#### PLEASE MAKE CHECKS PAYABLE TO "CITY OF PORTLAND".

Please make out separate checks for security deposit and permit fees.

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

|                                                                                |                                                           |                                                     |                   |
|--------------------------------------------------------------------------------|-----------------------------------------------------------|-----------------------------------------------------|-------------------|
| Permit Fee for use of area:<br>Number of Hours of Use: <b>Approx. 11 hours</b> | <b>\$ 2,475 +<br/>\$ 1,237<br/>Total due:<br/>\$ 3712</b> | Single Concert (Amplified Sound) License Fee:       | <b>\$ N/A</b>     |
|                                                                                |                                                           | Equipment Rental Fee:                               | <b>\$ TBD</b>     |
| Staff Fee (on site event support):                                             | <b>\$ TBD</b>                                             | Public Space / Park / Sound Security Deposit:       | <b>\$ 500 due</b> |
| Admin. Fee (event coordination support):                                       | <b>\$</b>                                                 | Borrowed / Rented Equipment Deposit:                | <b>\$ TBD</b>     |
| Electricity Fee (activation/de-activation):                                    | <b>\$ N/A</b>                                             | Additional Fees:                                    | <b>\$ TBD</b>     |
| Impact/Street Closure Fee (variable based on impact):                          | <b>\$ N/A</b>                                             | (Porta-Restroom User Fee, "No Parking" Signs, etc.) |                   |

#### FOR OFFICE USE ONLY

**DATE APPLICATION RECEIVED: 1-13-2020**

|                  |                 |               |                |                   |                |                   |            |
|------------------|-----------------|---------------|----------------|-------------------|----------------|-------------------|------------|
| APPLICATION FEE: | <b>\$ 25.00</b> | PERMIT FEE:   | <b>\$ NEED</b> | SECURITY DEPOSIT: | <b>\$ NEED</b> | INSURANCE NEEDED? | <b>Yes</b> |
| DATE RECEIVE     |                 | DATE RECEIVED |                | DATE RECEIVED     |                | DATE RECEIVED     |            |

#### PAYMENT TYPE

|                     |           |                        |  |               |           |               |           |
|---------------------|-----------|------------------------|--|---------------|-----------|---------------|-----------|
| VISA / MC NUMBER:   |           | CHECK NUMBER:          |  | CHECK AMOUNT: | <b>\$</b> | CASH AMOUNT:  | <b>\$</b> |
| CREDIT CARD AMOUNT: | <b>\$</b> | CREDIT CARD EXP. DATE: |  | CHECK NUMBER: |           | CHECK AMOUNT: | <b>\$</b> |

**PLEASE NOTE: A \$3.00 or 2.65% SERVICE FEE (whichever is greater) WILL BE ADDED TO ALL CREDIT CARD TRANSACTIONS.**

#### PLEASE RETURN FORM (WORD DOC) AT LEAST 30 DAYS IN ADVANCE TO:

♦ Public Assembly Facilities Div. ~ 212 Canco Rd. ~ Portland ~ ME ~ 04103 **EMAIL PREFERRED:** [tvm@portlandmaine.gov](mailto:tvm@portlandmaine.gov)

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** January 15, 2020

**SUBJECT:** Order 125-19/20 Granting Municipal Officers' Approval of Red House 332 LLC dba Broken Arrow. Application for a Class XI FSE with Outdoor Dining on Public Property at 547 Congress Street - Sponsored by Jon P. Jennings, City Manager

**SPONSOR:**

(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 no why not?)**

**PRESENTATION:** (List the presenter(s), type and length of presentation)

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

Red House 332 LLC dba Broken Arrow. Application for a Class XI FSE with Outdoor Dining on Public Property at 547 Congress Street.

Application was filed on 1/13/2020. New City and State applications. Location was previously West End Deli.

Five affirmative votes are required for passage after public comment.

**III. BACKGROUND**

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis and Background that will not appear in the Agenda Description.

**VII. RECOMMENDATION**

**VIII. LIST ATTACHMENTS**

1. Broken Arrow
2. 20200115092251087

Prepared by:

Date: 1/15/2020

KATE SNYDER (MAYOR)  
BELINDA S. RAY (1)  
SPENCER R. THIBODEAU (2)  
TAE Y. CHONG (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND**  
IN THE CITY COUNCIL

KIMBERLY COOK (5)  
JILL C. DUSON (A/L)  
PIOUS ALI (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

ORDER  
GRANTING MUNICIPAL OFFICERS'  
APPROVAL OF:

**Red House 332 LLC dba Broken Arrow. Application for a Class XI FSE with Outdoor Dining on Public Property at 547 Congress Street.**

## **Letter of Intent**

**January 1, 2020**

**Dear Mayor and Members of the City Council,**

**Re: Application for a food and alcohol license at 545 Congress St.**

**Please accept this letter as a sincere expression of my intent to open a full service restaurant at 545 Congress St. We are excited by the opportunity to join the ever growing Portland food and small business community. We plan to serve dinner 5-7 days a week and eventually lunch with a full service bar and kitchen.**

**Sincerely,  
Holly Aker  
Red House 332 DBA Broken Arrow**



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

|                                             |                                  |                        |                     |
|---------------------------------------------|----------------------------------|------------------------|---------------------|
| <b>Business Information</b>                 |                                  |                        |                     |
| Business Name (d/b/a):                      | Red House 332 (DBA) Broken Arrow | Phone:                 | 207 595 2765        |
| Location Address:                           | 545 Congress St. Portland ME     |                        | Zip: 04101          |
| If new, what was formerly at this location: | West End Deli                    |                        |                     |
| Mailing Address:                            | PO Box 5071 Portland ME          |                        | Zip: 04101          |
| Contact Person:                             | Holly Akke                       | Phone:                 | 207 595 2765        |
| Contact Person Email:                       | BrokenArrowMaine@gmail.com       |                        |                     |
| Manager of Establishment:                   | Holly Akke                       | Date of Birth: 2 14 80 | Phone: 207 595 2765 |
| Owner of Premises (Landlord):               | R+J Partner, LLC                 |                        |                     |
| Address of Premises Owner:                  | 6 South Street Portland ME       |                        | Zip: 04101          |

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

| Name of Owner(s) | Date of Birth | Residence Address |
|------------------|---------------|-------------------|
|                  |               |                   |
|                  |               |                   |

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

|                           |              |                                    |                                       |
|---------------------------|--------------|------------------------------------|---------------------------------------|
| <b>Corporate Name</b>     |              | <b>Corporate Mailing Address</b>   |                                       |
| Red House 332 LLC         |              | PO Box 5071 Portland ME Zip: 04101 |                                       |
| Contact Person:           | Holly Akke   | Phone:                             | 207 595 2765                          |
| <b>Principal Officers</b> | <b>Title</b> | <b>Date of Birth</b>               | <b>Residence Address</b>              |
| Holly Akke                | Director     | 2 14 80                            | 30 Bachelder Brook Rd Sebago ME 04029 |
|                           |              |                                    |                                       |
|                           |              |                                    |                                       |
|                           |              |                                    |                                       |
| Class of Liquor License:  |              | Class A Restaurant                 |                                       |



**CITY OF PORTLAND**  
**Permitting and Inspections Department**

|                                                                                                                                     |                                       |                                    |
|-------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|------------------------------------|
| Type of food served:                                                                                                                | <u>Comfort Food</u>                   |                                    |
| Please circle all that will be served:                                                                                              | <u>Beer</u> <u>Wine</u> <u>Liquor</u> |                                    |
| Projected percentage of sales:                                                                                                      | Generated from Food: <u>60%</u>       | Generated from Alcohol: <u>40%</u> |
| Hours & days of operation:                                                                                                          | <u>11am - midnight 7 days a week</u>  |                                    |
| <b>QUESTIONS</b>                                                                                                                    |                                       |                                    |
| Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open? |                                       | Y/N<br><u>Y</u>                    |
| If No, please explain:                                                                                                              |                                       |                                    |
| Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?                 |                                       | Y/ <u>N</u>                        |
| If yes, give the distance:                                                                                                          |                                       |                                    |
| Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)                    |                                       | Y/ <u>N</u>                        |
| Will you permit dancing after 1:00 a.m.?                                                                                            |                                       | Y/ <u>N</u>                        |
| Will you have outside dining? (If yes, an Outdoor Dining Application is required)                                                   |                                       | Y/N                                |
| If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).                                                      |                                       |                                    |
| Will you have any amusement devices (pinball, video games, juke box)?                                                               |                                       | Y/ <u>N</u>                        |
| If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____                                    |                                       |                                    |
| What is your targeted opening date?                                                                                                 | <u>February 2020</u>                  |                                    |
| Does the Issuance of this license directly or indirectly benefit any City employee(s)?                                              |                                       | Y/ <u>N</u>                        |
| If Yes, list name(s) of employee(s) and department(s):                                                                              |                                       |                                    |
| Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?      |                                       | Y/ <u>N</u>                        |
| If Yes, please list business name(s) and location(s):                                                                               |                                       |                                    |
| Is any principal officer under the age of 21?                                                                                       |                                       | Y/ <u>N</u>                        |
| Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?    |                                       | Y/ <u>N</u>                        |
| If Yes, please explain:                                                                                                             |                                       |                                    |

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

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

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

Signature [Signature] Title Director Date 1/1/2020



**CITY OF PORTLAND**  
**Permitting and Inspections Department**  
**Outdoor Dining Permit on Public Property**  
**Supplemental Application**

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

- ☐ Legal Advertisement Deposit \$100.00
- ☒ Outdoor Dining on Public Property \$84.00 plus \$2.00 per Square foot \$2.00 X 90 SF = \_\_\_\_\_
- ☐ Outdoor Dining on Public Property in a City Park \$84.00 plus \$6.30 per Square foot \$6.30 X \_\_\_\_\_ SF = \_\_\_\_\_

|                               |                                                               |
|-------------------------------|---------------------------------------------------------------|
| <b>Business Information</b>   |                                                               |
| Business Name (d/b/a):        | <del>Red House 332 DBA Broken Arrow</del> Phone: 207 595 2765 |
| Location Address:             | 545 Congress St Portland ME Zip: 04101                        |
| Mailing Address:              | PO Box 5071 Portland ME Zip: 04101                            |
| Contact Person:               | Holly or Lyle Aker Phone: 207 595 2765                        |
| Contact Person Email:         | BrokenArrowMaine@gmail.com                                    |
| Manager of Establishment:     | Holly Aker Date of Birth: 2 14 80 Phone: 207 595 2765         |
| Owner of Premises (Landlord): | R+S Partners                                                  |
| Address of Premises Owner:    | 6 South Street Portland ME Zip: 04101                         |

**Owner Information**

|                           |              |                                    |                                       |
|---------------------------|--------------|------------------------------------|---------------------------------------|
| <b>Corporate Name</b>     |              | <b>Corporate Mailing Address</b>   |                                       |
| Red House 332, LLC        |              | PO Box 5071 Portland ME Zip: 04101 |                                       |
| Contact Person:           | Holly Aker   | Phone:                             | 207 595 2765                          |
| <b>Principal Officers</b> | <b>Title</b> | <b>Date of Birth</b>               | <b>Residence Address</b>              |
| Holly Aker                | Manager      | 2 14 80                            | 30 Beckelder Brook Rd Sebago ME 04029 |
|                           |              |                                    |                                       |
|                           |              |                                    |                                       |
|                           |              |                                    |                                       |

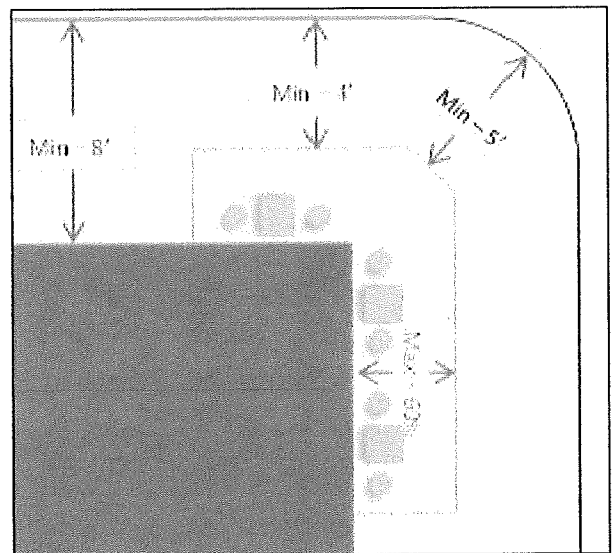


**CITY OF PORTLAND**  
**Permitting and Inspections Department**

|                                        |                     |
|----------------------------------------|---------------------|
| Class of License:                      | Class A             |
| Type of food served:                   | Comfort Food        |
| Please circle all that will be served: | Beer Wine Liquor    |
| Hours & days of operation:             | 11 AM - 12 midnight |
| Number of Tables                       | 4 tables            |
| Number of Chairs                       | 8 Chairs            |

**Design and Construction**

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

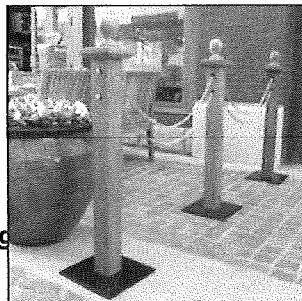
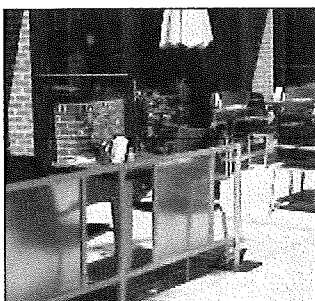


- Outdoor dining area shall not exceed 60% of the sidewalk width.
- A continuous, unobstructed sidewalk passage of 4 feet from the outer boundary of the seating area to the curb must be maintained. If the passage is not straight due to existing obstacles, then additional width may be required. Any changes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

**Barriers**

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

Example barrier types that meet regulation





**CITY OF PORTLAND**  
**Permitting and Inspections Department**  
**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.
- The permit holder is responsible for keeping the outdoor seating area clean.
- No food shall be prepared in the designated outdoor dining area.
- All outdoor dining components shall be removed before snowfall and while any snow or ice exists within four feet of the outdoor dining area. The City will not be responsible for damage to any property that is not removed prior to sidewalk maintenance.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.
- Request for the use of adjacent on street parking space for outdoor dining installations requires Parking Office and Building Authority review and approval.

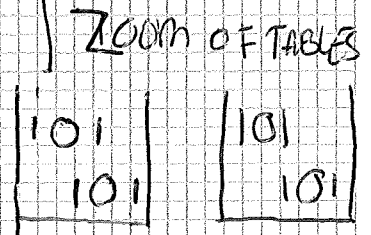
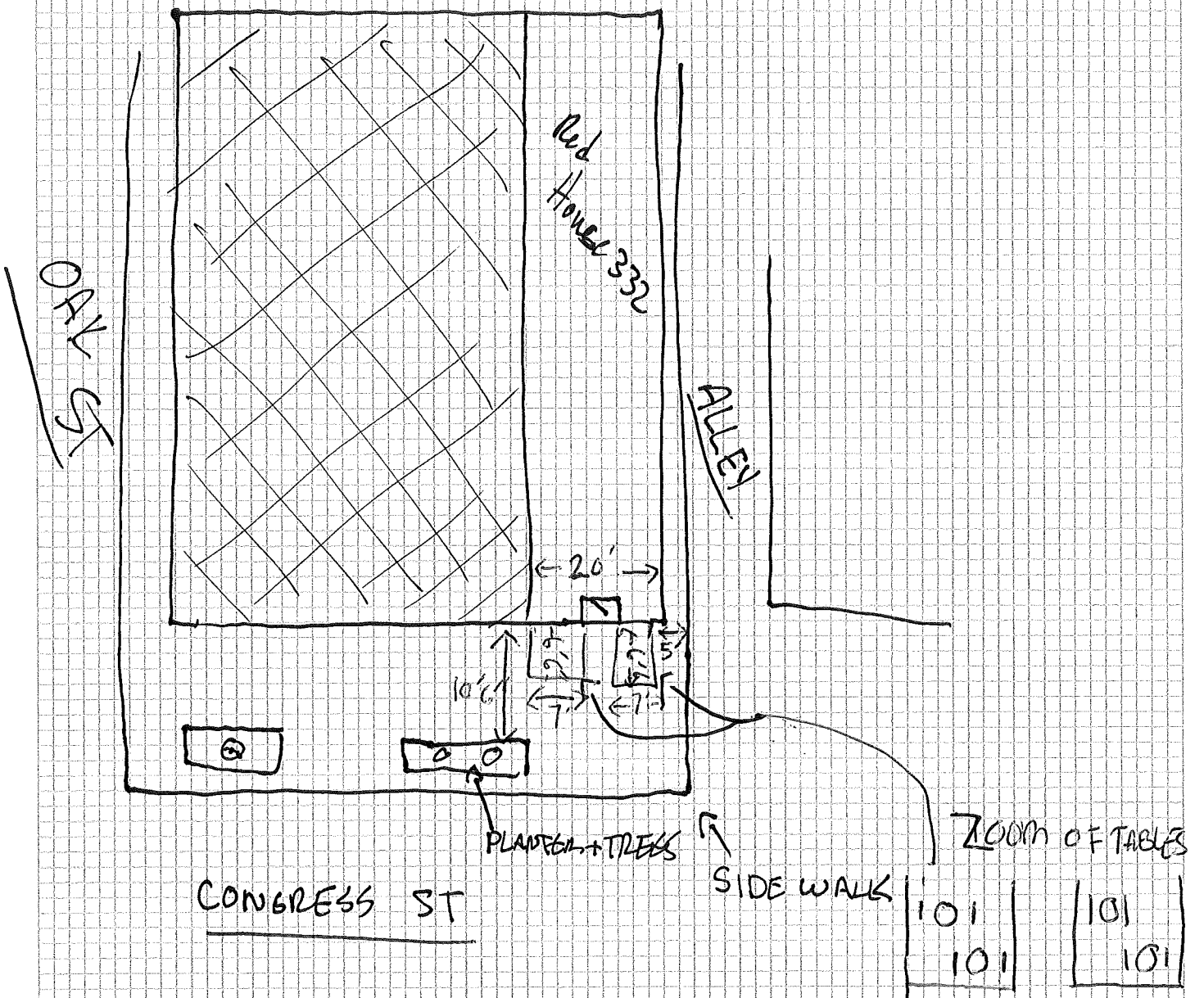
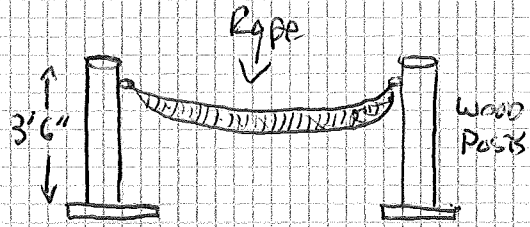
I/We fully understand that the City of Portland, its agents, officers and employees accept no responsibility and will not be liable for any injury, harm or damage to my/our person or property arising out of the establishment's occupancy of the sidewalk or park space. To the fullest extent permitted by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

Signature  Title MGR Date 1/10/20

**For Administrative Use Only**

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







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

**Application for an On-Premises License**

All Questions Must Be Answered Completely. Please print legibly.

| Division Use Only                                                        |     |
|--------------------------------------------------------------------------|-----|
| License No:                                                              |     |
| Class:                                                                   | By: |
| Deposit Date:                                                            |     |
| Amt. Deposited:                                                          |     |
| Payment Type:                                                            |     |
| OK with SOS:    Yes <input type="checkbox"/> No <input type="checkbox"/> |     |

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

|                                                                                      |                                                                         |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| Legal Business Entity Applicant Name (corporation, LLC):<br><b>Red House 332 LLC</b> | Business Name (D/B/A):<br><b>Broken Arrow</b>                           |
| Individual or Sole Proprietor Applicant Name(s):                                     | Physical Location:<br><b>545 Congress St Portland ME 04101</b>          |
| Individual or Sole Proprietor Applicant Name(s):                                     | Mailing address, if different:<br><b>PO Box 5071 Portland ME 04101</b>  |
| Mailing address, if different from DBA address:                                      | Email Address:<br><b>Broken Arrow Maine @ Gmail.com</b>                 |
| Telephone #                      Fax #:                                              | Business Telephone #                      Fax #:<br><b>207 595 2765</b> |
| Federal Tax Identification Number:<br><b>47 5568106</b>                              | Maine Seller Certificate # or Sales Tax #: <b>Filed</b>                 |
| Retail Beverage Alcohol Dealers Permit:                                              | Website address:<br><b>Broken Arrow ME.com</b>                          |

1. New license or renewal of existing license?    ☒ New    ☐ Renewal

If a renewal, please provide the following information:

Your current license expiration date: \_\_\_\_\_

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

Food: \_\_\_\_\_ Beer, Wine or Spirits: \_\_\_\_\_ Guest Rooms: \_\_\_\_\_

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

☒ Malt Liquor (beer)    ☒ Wine    ☒ Spirits

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

- ☐ Restaurant (Class I, II, III, IV) ☒ Class A Restaurant/Lounge (Class XI) ☐ Class A Lounge (Class X)
- ☐ Hotel (Class I, II, III, IV) ☐ Hotel – Food Optional (Class I-A) ☐ Bed & Breakfast (Class V)
- ☐ Golf Course with auxiliary and mobile cart options (Class I, II, III, IV) ☐ Tavern (Class IV)
- ☐ Qualified Caterer ☐ Self-Sponsored Events (Qualified Caterers Only)
- ☐ Other: \_\_\_\_\_

Refer to Section V for the License Fee Schedule

4. If application is for a **new** license or the business is under new ownership, indicate starting date:

2/2020

5. Business records are located at the following address:

545 Congress St Portland ME 04101

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

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

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

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

| Name of Business | License Number | Complete Physical Address |
|------------------|----------------|---------------------------|
|                  |                |                           |
|                  |                |                           |

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

| Full Name  | DOB     | Place of Birth |
|------------|---------|----------------|
| Holly Aker | 2 14 80 |                |
| LYLE AKER  | 9 27 74 | Boston MA      |
|            |         |                |
|            |         |                |

Residence address on all the above for previous 5 years

|                 |                                                |
|-----------------|------------------------------------------------|
| Name Holly Aker | Address: 30 Bachelder Brook Rd Sebago ME 04029 |
| Name Holly Aker | Address: 633 S. Plymouth Ct Chicago IL 60610   |
| Name LYLE AKER  | Address: 30 Bachelder Brook Rd Sebago ME 04029 |
| Name LYLE AKER  | Address: 633 S Plymouth Ct Chicago IL 60610    |

9. Is the licensee/applicant(s) citizens of the United States? ☒ Yes ☐ No
10. Is the licensee/applicant(s) a resident of the State of Maine? ☒ Yes ☐ No
11. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?
- ☐ Yes ☒ No
- ☐ Not applicable – licensee/applicant(s) is a sole proprietor
12. 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? ☐ Yes ☒ No
13. Will any law enforcement officer directly benefit financially from this license, if issued?
- ☐ Yes ☒ No

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

---

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

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

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

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

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

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

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

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

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

R+J Partners LLC 6 South St Portland ME 04101

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

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

The Bar + Dining area along with the Kitchen + storage areas

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

Name: MECA

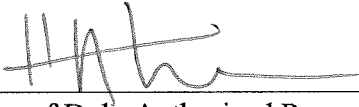
Distance: 350 ~~400~~ Feet ~~1/2~~

**Section II: Signature; Fee; Delivery of application**

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

Please sign and date in blue ink.

Dated: 1/1/2020

  
Signature of Duly Authorized Person\*

\_\_\_\_\_  
Signature of Duly Authorized Person\*

Holly Aker  
Printed Name Duly Authorized Person

\_\_\_\_\_  
Printed Name of Duly Authorized Person

\*The person signing this application must appear in Section VII on this application.

545 CONGRESS STREET PORTLAND, ME 04101

545 CONGRESS STREET PORTLAND, ME 04101

545 CONGRESS STREET  
PORTLAND, ME 04101

**๑๑๒๓- ปราชญ์กำแหงวงศ์**

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|---|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |
|---|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|

9-HCE7 NUMON

## GENERAL NOTES

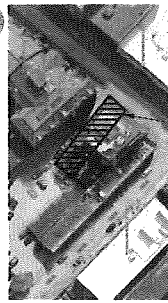
| Sheet List Table |                            |
|------------------|----------------------------|
| Sheet Number     | Sheet Title                |
| T1               | COVER SHEET                |
| A1               | DEMOLITION & REMODEL PLANS |
| A2               | RCP & MEP PLANS            |
| A3               | BATHROOM PLAN              |

**SCOPE OF WORK:**

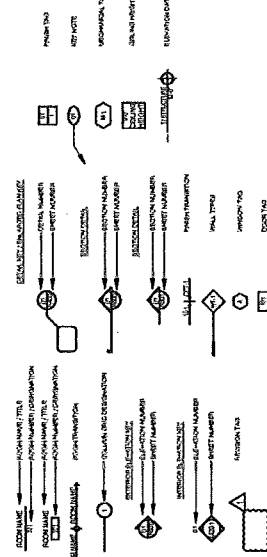
- NEW FLOOR DECKING ON AN EXISTING RESTAURANT SPACE
- NEW ACCESSIBLE BATHROOMS
- EXISTING WALL TO REMAIN, INCLUDING EXISTING HOOD & EXHAUST
- NEW SMALL SECTION OF DUCTWORK TO OFFSET NEW WALL
- REPLACE EXISTING ENL & EXT - PROVIDE NEW AT NEW DOORWAY
- NEW TYPE "K" CODE RATED FIRE EXTINGUISHERS
- EXISTING SPRINKLER SYSTEM TO REMAIN(1) HEAD PER WC
- NEW LIGHT FIXTURES TO REPLACE EXISTING TRACK LIGHTING
- NEW FINISHES PER CODE
- NEW MILKWORK

**CODE / PROJECT DATA**

## LOCATION MAP



## SYMBOLOLOGY ARCHITECTURAL / LEGEND



## ABBREVIATIONS

[illegible]

1000

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**DHCE7 NUMBER:**

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Tel: (978) 750-8400 Fax: (978) 750-4744  
www.copyright.com

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 10000 W. 10TH AVE. SUITE 100  
 DENVER, CO 80202  
 TEL: 303.733.1100  
 FAX: 303.733.1101  
 WWW.BERTPAPER.COM

**Wallin Gomez**  
JANUARY 1994

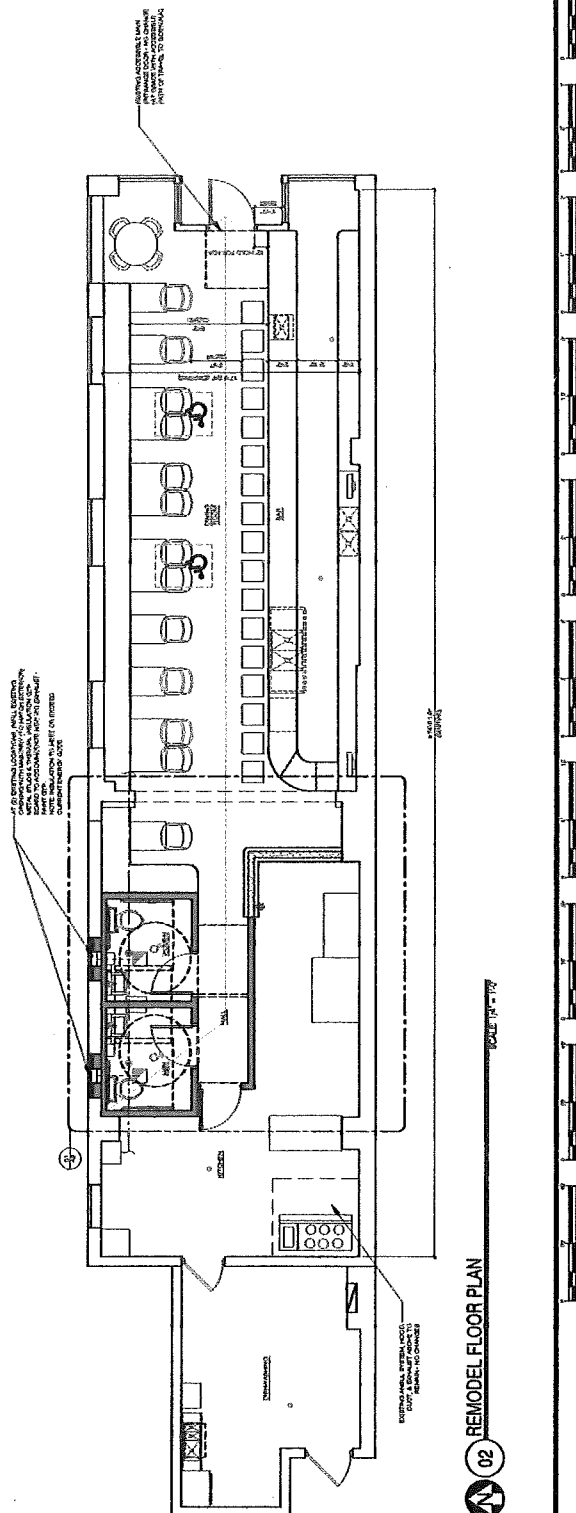
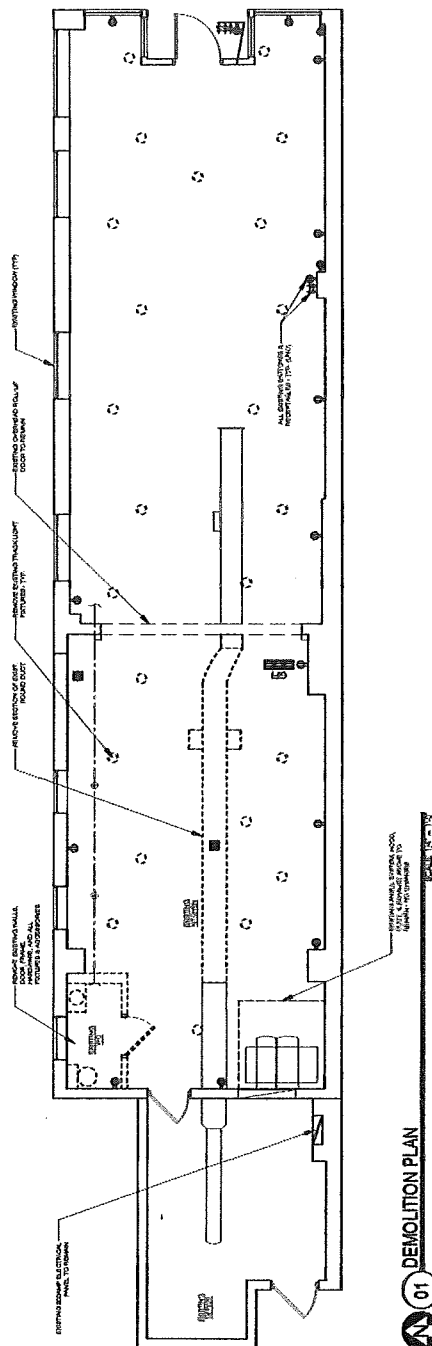
PLOT DATE: 1-13-2017

NO. DATE: 01/06/2017

T: 01/06/2017 08:58:14 KODAK PAPER

DEMOLITION &  
REMODEL PLANS

1  
A





**NOTE: ALL EXISTING EMERGENCY LIGHTS AND EXIT SIGNS TO BE REPLACED WITH NEW EM LIGHTS WITH BATTERY BACKUP AND ILLUMINATED EXIT SIGNS**

# A3

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

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

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Red House 332
2. Doing Business As, if any: Broken Arrow
3. Date of filing with Secretary of State: 11/10/15 State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:  
\_\_\_\_\_
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

| Name        | Address (5 Years)                                               | Date of Birth | Title | Percentage of Ownership |
|-------------|-----------------------------------------------------------------|---------------|-------|-------------------------|
| Holly Akker | 30 Beckford Brook Rd Sebago ME<br>633 S. Plymouth Ct Chicago IL | 2 14 80       |       | 100 %                   |
| LYLE AKKER  | 11                                                              | 4 27 74       |       |                         |
|             |                                                                 |               |       |                         |
|             |                                                                 |               |       |                         |
|             |                                                                 |               |       |                         |
|             |                                                                 |               |       |                         |

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

eat well

BROKEN



ARROW

drink well

Mon-Sat 4-11

Small Plates

Crock of Beans

Brown Bread w/ Butter

Beef + Ale or "Lobster Roll" Hard Pies

Oyster or Sausage Slider

Allagash, Bacon + Apple Steamed Mussels

Bone Marrow

Simple House Salad

Seasonal Salad

Butter + Salts

LARGE PLATES

Bean Suppa Plate

Yankee Pot Roast

Daily Stew for one or two

Braised Meat + Veggies (TBD)

Veggie Dish (TBD)

Fish Dish (TBD)

SIMPLE VEGGIES

Simple Roasted Beets w/ Citrus

Braised Carrots w/ Orange + Rosemary

Roasted Fingerlings w/ Butter, garlic + herbs

Native Corn w/ brown butter + sea salt

Oysters on the Half Shell  
\$3

CHILLED SEAFOOD

Broken Arrow Tonic

Grand Tower

Shrimp Cocktail

Lobster Tail

Crab Legs

SAUSAGES + SANDWICHES

Local Sausage 1

Local 2

3

Fried Mortadella Sandwich

Buttered Meat Sandwich

CHEESE + MEAT

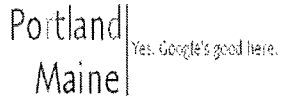
Maine Cheese + Meat Tray

Pate'

Beer Cheese + Bread

Cheese Ball

FOR THE TABLE - LIMITED



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

---

**Re: Broken Arrow**

---

**cstacey** <cstacey@portlandmaine.gov>  
To: Zoning <zoning@portlandmaine.gov>  
Cc: jhanscombe@portlandmaine.gov

Tue, Jan 14, 2020 at 1:41 PM

A Class A Restaurant/Lounge (Class XI) is a permitted use in the B-3 Zone under section 14-217 in Chapter 14, City Code of Ordinances.

Thanks,  
Chris

On Tuesday, January 14, 2020 at 11:34:43 AM UTC-5, Jessica Hanscombe wrote:

Good Morning

Please see the attached application for a Class XI with Outdoor Dining at 547 Congress Street. This will be going before council on 2/3/2020. Please advise. Jessica

Jessica Blais Hanscombe  
Licensing and Housing Safety Manager  
389 Congress Street Room 307  
Portland, Maine 04101  
207-874-8783  
jhanscombe@portlandmaine.gov



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

---

**Re: Broken Arrow**

---

**Dan Hondo** <danh@portlandmaine.gov>

Tue, Jan 14, 2020 at 5:34 PM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

No issues on PD side

On Tue, Jan 14, 2020 at 11:34 AM Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Morning

Please see the attached application for a Class XI with Outdoor Dining at 547 Congress Street. This will be going before council on 2/3/2020. Please advise. Jessica

Jessica Blais Hanscombe  
Licensing and Housing Safety Manager  
389 Congress Street Room 307  
Portland, Maine 04101  
207-874-8783  
jhanscombe@portlandmaine.gov

--

Lt. Dan Hondo  
Portland Maine Police Dept.  
Patrol Team B3/B4  
(207)874-8513



**CITY OF PORTLAND**  
**Permitting and Inspections Department**

January 14, 2020

Red House 332 LLC  
PO Box 5071  
Portland ME 04101

**Re: Red House 332 LLC dba Broken Arrow. Application for a Class XI FSE with Outdoor Dining on Public Property at 547 Congress Street.**

Dear Holly Aker

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday February 3, 2020 at 5:30 p.m.**, for the review of application for a Class XI FSE with Outdoor Dining on Public Property at 547 Congress Street. The meeting will take place in Council Chambers on the 2<sup>nd</sup> floor of City Hall, 389 Congress Street, Portland, ME 04101.

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 [jhanscombe@portlandmaine.gov](mailto:jhanscombe@portlandmaine.gov).

Sincerely,

Jessica Hanscombe  
Licensing and Housing Safety Manager

## **Legal Advertisement**

### **Notice of Public Hearing City of Portland**

A Public Hearing will be held on February 3, 2020 at 5:30 P.M., in City Council Chambers, 389 Congress St., Red House 332 LLC dba Broken Arrow. Application for a Class XI FSE with Outdoor Dining on Public Property at 547 Congress Street. Sponsored by Jon P. Jennings, City Manager.

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** January 15, 2020

**SUBJECT:** Order 126-19/20 Granting Municipal Officers' Approval of Flores Restaurant LLC dba Flores Restaurant. Application for a Class I FSE at 431 Congress Street - Sponsored by Jon P. Jennings, City Manager

**SPONSOR:**

(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 no why not?)**

**PRESENTATION:** (List the presenter(s), type and length of presentation)

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

Flores Restaurant LLC dba Flores Restaurant. Application for a Class I FSE at 431 Congress Street.

Application was filed on 1/13/2020. New City and State applications. Location was previously Mainely Wraps.

Five affirmative votes are required for passage after public comment.

**III. BACKGROUND**

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis and Background that will not appear in the Agenda Description.

**VII. RECOMMENDATION**

**VIII. LIST ATTACHMENTS**

1. Flores
2. 20200127143911321

Prepared by:

Date: 1/15/2020

KATE SNYDER (MAYOR)  
BELINDA S. RAY (1)  
SPENCER R. THIBODEAU (2)  
TAE Y. CHONG (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND**  
IN THE CITY COUNCIL

KIMBERLY COOK (5)  
JILL C. DUSON (A/L)  
PIOUS ALI (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

ORDER  
GRANTING MUNICIPAL OFFICERS'  
APPROVAL OF:

**Flores Restaurant LLc dba Flores Restaurant. Application for a Class I FSE at 431  
Congress Street.**

January 01, 2020  
Maria Castaneda Hernandez  
150 Plymouth st.  
Portland, ME 04103

Dear Kate Synder and members of the city council of Portland,  
I currently own a small restaurant located in 863 Congress st. Portland, ME. This location has been running for a total of 8 years under the name of Flores Restaurant LLC. Due to the limited space we are only allowed to seat a total of 9 people. Therefore we decided to mainly focus on take out.

The restaurant consists of preparing and making authentic hispanic food originating from El Salvador. On our menu you will find choices for non alcoholic drinks, sides, appetizers, and main courses.

Recently we were able to come to an agreement with the Metropolitan Apartments LLC for a lease on a new location on 431 Congress st. Portland, ME 04102. Our goal is to be able to open a new location at the end of February in 2020. In this new location we will be seating a total of 40 people with the main focus of dining in and catering.

My intent for this letter is to request the proper permits needed in order to serve our clients what our menu has to offer. Our menus will offer not only the authentic food that we prepare and cook but also beer, wine, and certain cocktails that can be found in Central America. Our main goal is to be able to serve families, individuals, couples, and local business with our menus.

I'm very excited to get started and hope the City of Portland will like my ideas for a new restaurant in downtown Portland. I look forward to hearing back from the city of Portland. Thanks for taking this letter in consideration.

- Maria Castaneda Hernandez



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

|                                             |                                                                    |
|---------------------------------------------|--------------------------------------------------------------------|
| <b>Business Information</b>                 |                                                                    |
| Business Name (d/b/a):                      | Flores Restaurant LLC Phone: (207) 899-0313                        |
| Location Address:                           | 431 Congress St. Portland, ME 04101 Zip: 04101                     |
| If new, what was formerly at this location: | Mainely Wraps                                                      |
| Mailing Address:                            | 150 Plymouth St. Portland, ME Zip: 04103                           |
| Contact Person:                             | Jennifer Hernandez Phone: (207) 400-6543                           |
| Contact Person Email:                       | Jdhernandez9098@gmail.com                                          |
| Manager of Establishment:                   | Jennifer Hernandez Date of Birth: 12/30/1995 Phone: (207) 400-6543 |
| Owner of Premises (Landlord):               | Metropolitan Apartments LLC                                        |
| Address of Premises Owner:                  | 82 Hanover St. Portland, ME Zip: 04101                             |

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

| Name of Owner(s)                     | Date of Birth         | Residence Address                              |
|--------------------------------------|-----------------------|------------------------------------------------|
| <del>Maria Castaneda Hernandez</del> | <del>07/01/1966</del> | <del>150 Plymouth St. Portland, ME 04103</del> |
|                                      |                       |                                                |

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

|                            |                           |                                         |                |
|----------------------------|---------------------------|-----------------------------------------|----------------|
| <b>Corporate Name</b>      |                           | <b>Corporate Mailing Address</b>        |                |
| Flores Restaurant LLC      |                           | 863 Congress St. Portland ME Zip: 04101 |                |
| Contact Person:            | Maria Castaneda Hernandez | Phone:                                  | (207) 899-0313 |
| <b>Principal Officers</b>  |                           |                                         |                |
| <b>Title</b>               | <b>Date of Birth</b>      | <b>Residence Address</b>                |                |
| Owner                      | 07/01/1966                | 150 Plymouth St. Portland, ME 04103     |                |
|                            |                           |                                         |                |
|                            |                           |                                         |                |
|                            |                           |                                         |                |
| Class of Liquor License: I |                           |                                         |                |



**CITY OF PORTLAND**  
**Permitting and Inspections Department**

|                                                                                                                                     |                                         |                                    |
|-------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|------------------------------------|
| Type of food served:                                                                                                                | <u>Hispanic / Salvadorean food</u>      |                                    |
| Please circle all that will be served:                                                                                              | <u>Beer</u> <u>Wine</u> <u>Liquor</u>   |                                    |
| Projected percentage of sales:                                                                                                      | Generated from Food: <u>80%</u>         | Generated from Alcohol: <u>20%</u> |
| Hours & days of operation:                                                                                                          | <u>Monday - Saturday 11am - 8:30 pm</u> |                                    |
| <b>QUESTIONS</b>                                                                                                                    |                                         |                                    |
| Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open? |                                         | Y/N<br><u>N</u>                    |
| If No, please explain:                                                                                                              |                                         |                                    |
| Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?                 |                                         | <u>N</u>                           |
| If yes, give the distance: <u>5-10 ft.</u>                                                                                          |                                         |                                    |
| Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)                    |                                         | Y/N<br><u>N</u>                    |
| Will you permit dancing after 1:00 a.m.?                                                                                            |                                         | Y/N<br><u>N</u>                    |
| Will you have outside dining? (If yes, an Outdoor Dining Application is required)                                                   |                                         | Y/N<br><u>N</u>                    |
| If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).                                                      |                                         |                                    |
| Will you have any amusement devices (pinball, video games, juke box)?                                                               |                                         | Y/N<br><u>N</u>                    |
| If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____                                    |                                         |                                    |
| What is your targeted opening date?                                                                                                 |                                         | <u>02/2020</u>                     |
| Does the Issuance of this license directly or indirectly benefit any City employee(s)?                                              |                                         | Y/N<br><u>N</u>                    |
| If Yes, list name(s) of employee(s) and department(s):                                                                              |                                         |                                    |
| Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?      |                                         | <u>N</u>                           |
| If Yes, please list business name(s) and location(s):<br><u>Flores Restaurant LLC 263 Congress St. Portland, ME 04101</u>           |                                         |                                    |
| Is any principal officer under the age of 21?                                                                                       |                                         | Y/N<br><u>N</u>                    |
| Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?    |                                         | Y/N<br><u>N</u>                    |
| If Yes, please explain:                                                                                                             |                                         |                                    |

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

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

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

Signature [Signature] Title manager Date 12/20/2019

BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS  
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT  
8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008 (Regular Mail)  
10 WATER STREET, HALLOWELL, ME 04347 (Overnight Mail)  
TEL: (207) 624-7220 FAX: (207) 287-3434  
EMAIL INQUIRIES: [MAINELIQUOR@MAINE.GOV](mailto:MAINELIQUOR@MAINE.GOV)

| DIVISION USE ONLY                                                        |     |
|--------------------------------------------------------------------------|-----|
| License No:                                                              |     |
| Class:                                                                   | By: |
| Deposit Date:                                                            |     |
| Amt. Deposited:                                                          |     |
| Cash Ck Mo:                                                              |     |
| Good SOS & DBA: YES <input type="checkbox"/> NO <input type="checkbox"/> |     |

PRESENT LICENSE EXPIRES: \_\_\_\_\_

NEW application: ☒ Yes ☐ No

If business is NEW or under new ownership, indicate starting date: end of February

Requested inspection (New Licensees/ Ownership Changes Only) Date: 02/23/2020 Business hours: 11am-10pm

INDICATE TYPE OF PRIVILEGE: ☐ MALT ☐ VINOUS ☐ SPIRITUOUS

INDICATE TYPE OF LICENSE:

- ☒ RESTAURANT (Class I,II,III,IV) ☐ RESTAURANT/LOUNGE (Class XI) ☐ CLASS A LOUNGE (Class X)  
☐ HOTEL (Class I,II,III,IV) ☐ HOTEL, FOOD OPTIONAL (Class I-A) ☐ BED & BREAKFAST (Class V)  
☐ GOLF COURSE (Class I,II,III,IV) ☐ TAVERN (Class IV) ☐ QUALIFIED CATERING  
☐ OTHER: \_\_\_\_\_ ☐ SELF-SPONSORED EVENTS

(QUALIFIED CATERERS ONLY)

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

|                                                   |  |  |                                                         |  |  |
|---------------------------------------------------|--|--|---------------------------------------------------------|--|--|
| Corporation Name:<br><u>Flores Restaurant LLC</u> |  |  | Business Name (D/B/A)<br><u>Flores Restaurant LLC</u>   |  |  |
| APPLICANT(S) --(Sole Proprietor) DOB:             |  |  | Physical Location:                                      |  |  |
| DOB:                                              |  |  | <u>863 Congress St.</u>                                 |  |  |
| Address                                           |  |  | City/Town State Zip Code                                |  |  |
| <u>150 Plymouth St.</u>                           |  |  | <u>Portland ME 04101</u>                                |  |  |
| City/Town State Zip Code                          |  |  | Mailing Address Same As Above? <input type="checkbox"/> |  |  |
| <u>Portland ME 04103</u>                          |  |  | <u>150 Plymouth St.</u>                                 |  |  |
| Telephone Number Fax Number                       |  |  | City/Town State Zip Code                                |  |  |
| <u>(207) 400-6543</u>                             |  |  | <u>Portland ME 04103</u>                                |  |  |
| Federal I.D. #                                    |  |  | Business Telephone Number Fax Number                    |  |  |
| <u>455297980</u>                                  |  |  | <u>(207) 899-6313</u>                                   |  |  |
| Email Address:                                    |  |  | Seller Certificate #: or Sales Tax #: <u>115 7872</u>   |  |  |
| <u>Johernandez 9098@gmail.com</u>                 |  |  | Website:                                                |  |  |

1. If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: X

2. State amount of gross income from period of last license:

ROOMS \$ \_\_\_\_\_ FOOD \$ \_\_\_\_\_ LIQUOR \$ \_\_\_\_\_

3. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

If Yes, please complete the Corporate Information required for Business Entities who are licensees.

4. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒

5. Do you own or have any interest in any another Maine Liquor License? ☐ Yes ☒ No (Use an additional sheet(s) if necessary.) If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

License # \_\_\_\_\_ Name of Business \_\_\_\_\_

Physical Location \_\_\_\_\_

City / Town \_\_\_\_\_

6. If manager is to be employed, give name: Jennifer Hernandez

7. Business records are located at: 150 Plymouth St. Portland, ME 04103

8. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐

9. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐

10. List name, date of birth, and place of birth for all applicants, managers, and bar managers.

| Full Name (Please Print) | DOB        | Place of Birth |
|--------------------------|------------|----------------|
| Jennifer Hernandez       | 10/30/1995 | Portland, ME   |
|                          |            |                |
|                          |            |                |

11. Residence address on all of the above for previous 5 years (Limit answer to city & state)

|                          |                |              |
|--------------------------|----------------|--------------|
| Name: Jennifer Hernandez | City: Portland | State: ME    |
| Name: _____              | City: _____    | State: _____ |
| Name: _____              | City: _____    | State: _____ |

12. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_ (use additional sheet(s) if necessary)

13. Will any law enforcement official benefit directly in your license, if issued?

Yes ☐ No ☒ If Yes, give name: \_\_\_\_\_

14. Has/have applicant(s) formerly held a Maine liquor license? YES ☐ NO ☒

15. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: metropolitan

Apartment LLC 82 Hanover St. Portland, ME 04101

16. Describe in detail the premises to be licensed: (On Premise Diagram Required) Restaurant with bar

17. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services? State for food and alcohol  
YES ☐ NO ☒ Applied for: Health Department Food service w/ alcohol for city of Portland alcohol

18. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 10 ft

Which of the above is nearest? Church

19. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☐ NO ☒

If YES, give details: \_\_\_\_\_

The Division of Liquor Licensing & Enforcement is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

**NOTE:** "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Portland, ME on 01/08, 2020  
Town/City, State Date

**PLEASE SIGN IN BLUE INK**

Maria Castaneda Hernandez  
Signature of Applicant or Corporate Officer(s)

Maria Castaneda Hernandez  
Print Name

\_\_\_\_\_  
Signature of Applicant or Corporate Officer(s)

\_\_\_\_\_  
Print Name

**FEE SCHEDULE**

|                                                                                                                                                                                                                                                        |                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| <b>FILING FEE: (must be included on all applications)</b>                                                                                                                                                                                              | <b>\$ 10.00</b> |
| <b>Class I</b> Spirituous, Vinous and Malt                                                                                                                                                                                                             | \$ 900.00       |
| <b>CLASS I:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB                                     |                 |
| <b>Class I-A</b> Spirituous, Vinous and Malt, Optional Food (Hotels Only)                                                                                                                                                                              | \$1,100.00      |
| <b>CLASS I-A:</b> Hotels only that do not serve three meals a day.                                                                                                                                                                                     |                 |
| <b>Class II</b> Spirituous Only                                                                                                                                                                                                                        | \$ 550.00       |
| <b>CLASS II:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.                                                        |                 |
| <b>Class III</b> Vinous Only                                                                                                                                                                                                                           | \$ 220.00       |
| <b>CLASS III:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.          |                 |
| <b>Class IV</b> Malt Liquor Only                                                                                                                                                                                                                       | \$ 220.00       |
| <b>CLASS IV:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.           |                 |
| <b>Class III &amp; IV</b> Malt & Vinous Only                                                                                                                                                                                                           | \$ 440.00       |
| <b>CLASS III &amp; IV:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts. |                 |
| <b>Class V</b> Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)                                                                                                                                                                  | \$ 495.00       |
| <b>CLASS V:</b> Clubs without catering privileges.                                                                                                                                                                                                     |                 |
| <b>Class X</b> Spirituous, Vinous and Malt – Class A Lounge                                                                                                                                                                                            | \$2,200.00      |
| <b>CLASS X:</b> Class A Lounge                                                                                                                                                                                                                         |                 |
| <b>Class XI</b> Spirituous, Vinous and Malt – Restaurant Lounge                                                                                                                                                                                        | \$1,500.00      |
| <b>CLASS XI:</b> Restaurant/Lounge; and OTB.                                                                                                                                                                                                           |                 |
| <b>SELF-SPONSORED EVENTS: Qualified Caterers Only</b>                                                                                                                                                                                                  | \$ 700.00       |



Division of Alcoholic Beverages and Lottery  
Operations  
Division of Liquor Licensing and Enforcement

**Corporate Information Required for  
Business Entities Who Are Licensees**

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752.

Please clearly complete this form in its entirety.

1. Exact legal name: Flores Restaurant LLC
2. Doing Business As, if any: Flores Restaurant LLC
3. Date of filing with Secretary of State: 05/31/2012 State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: 05/31/2012
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

| NAME                                        | ADDRESS (5 YEARS)                      | Date of Birth | TITLE | Ownership % |
|---------------------------------------------|----------------------------------------|---------------|-------|-------------|
| <del>FLORES</del> Maria Hernandez Castaneda | 150 Plymouth St.<br>Portland, ME 04103 | 07/01/1966    | Owner | 100         |
|                                             |                                        |               |       |             |
|                                             |                                        |               |       |             |
|                                             |                                        |               |       |             |

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

6. If Co-Op # of members: \_\_\_\_\_ (list primary officers in the above boxes)

7. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States? ☐ Yes ☒ No

8. If Yes to Question 7, please complete the following: (attached additional sheets as needed)

Name: \_\_\_\_\_

Date of Conviction: \_\_\_\_\_

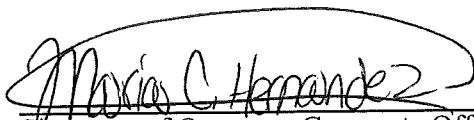
Offense: \_\_\_\_\_

Location of Conviction: \_\_\_\_\_

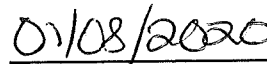
Disposition: \_\_\_\_\_

**Signature:**

**PLEASE SIGN IN BLUE INK**



Signature of Owner or Corporate Officer



Date



Print Name of Owner or Corporate Officer

Submit Completed Forms to:

Bureau of Alcoholic Beverages  
Division of Liquor Licensing and Enforcement  
8 State House Station, Augusta, Me 04333-0008 (Regular address)  
10 Water Street, Hallowell, ME 04347 (Overnight address)  
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434  
Email Inquiries: [MaineLiquor@Maine.gov](mailto:MaineLiquor@Maine.gov)

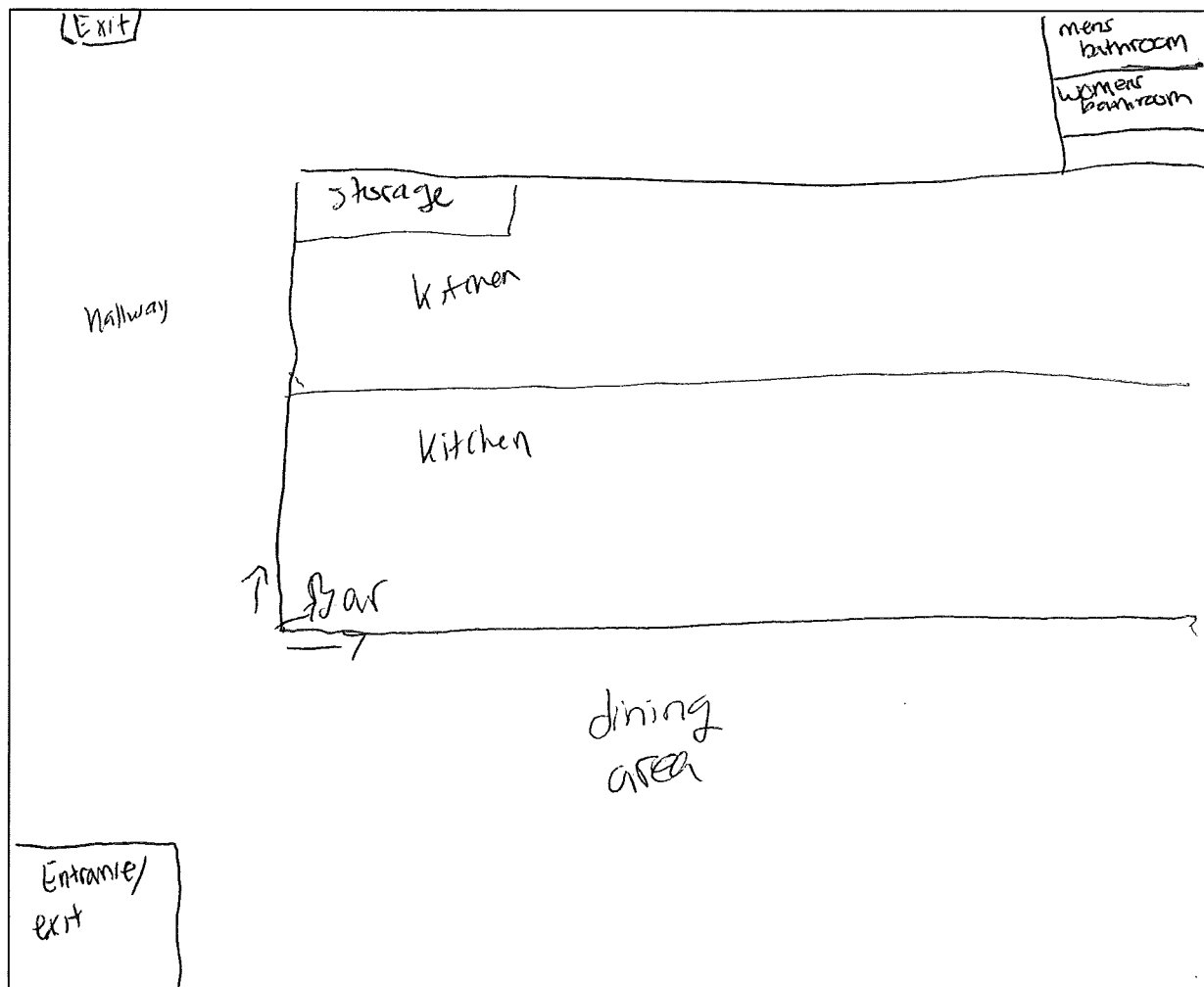
Bureau of Alcoholic Beverages and Lottery Operations  
Division of Liquor Licensing & Enforcement  
8 State House Station, Augusta, ME 04333-0008  
10 Water Street, Hallowell, ME 04347 (overnight)  
Tel: (207) 624-7220 Fax: (207) 287-3434  
Email Inquiries: [MaineLiquor@maine.gov](mailto:MaineLiquor@maine.gov)



### ON PREMISE DIAGRAM (Facility Drawing/ Floor Plan)

In an effort to clearly define your license premise and the area that consumption and storage of liquor is allowed. The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas with the following: • **Entrances** • **Office area** • **Kitchen** • **Storage Areas** • **Dining Rooms** • **Lounges** • **Function Rooms** • **Restrooms** • **Decks** • **All Inside and Outside areas that you are requesting approval.**



Exit

Men's  
Restroom

Women's  
Restroom

Kitchen

Na'way

Kitchen

dining  
area

Entrance

Exit

## *Drink Menu*

### *Refrescos*

*Maracuya* : passion fruit juice

*Tamarindo* : tamarind juice

### *Orange juice*

*Maranon* : Cashew Juice

*Horchata* : rice seed : semilla de morro : cinnamon : milk

*Jugo de pina* : pineapple juice

*Tropical* : maranon : maracuya : mamey : mango

*Agua de coco* : coconut juice

*Agua de Jamaica* : jamaica juice : strawberry

*Cafe* : coffee

*Te* : manzanilla tea

*Milk shakes* : vanilla ice cream : milk : strawberry : chocolate : coffee : pineapple : mango : guanabana

*Atol de elotes* : warm corn juice (seasonal)

### *Fruit Sodas*

*Coca Cola*

*Diet Coke*

*Ginger Ale*

*Fanta Orange*

### *Beer : Cerveza*

*Pilsener*

*Corona*

*Heineken*

*Modelo o Modelo negro*

*Allagash*

*IPA*

*Coors light*

~~*Wine*~~

*Michele Ultra*

*Malbec*

*Bordeaux*

*Merlot*

*Cab Sauv*

*Chardonnay*

*Pinot giorgio*

### *Cocktails*

Wine



**Michelada** : tomato juice, ~~pico de gallo~~, pilsener, lime, cilantro for garnish

**Tipo** : ~~2 ounces of~~ tequila : ~~1 ounce of~~ fresh grapefruit : ~~2 ounces of~~ club soda : lime juice : ~~1 teaspoon~~ of sugar :

**Camaron** : salsa de tomate : tomato juice : lime : camaron : pico de gallo : chips, ~~modelo~~

**Guanabana** : guanabana (citric and sweet) : flor de cana vodka : limon : azucar

**Tropical** : maracuya : jugo de pina : jugo de naranja : rum : lemon

**Margarita de Tamarindo** : tequila : jugo de tamarindo : pineapple : honey

**Margarita** : strawberry : lime : tequila : sugar : salt

**Orange Whiskey** : orange juice : whiskey : ginger ale

**Coquito**

**Mojito**

**Sangria**

**Piña Colada**

### **Appetizers / Aperitivos**

**Chips with loroco dip** : crispy corn tortilla chips: loroco, cheese, sour cream and spinach dip

**Crispy wings** : 6 wings accompanied with celery and carrots choice of spicy or non spicy

**Layered Fries** : homemade fries topped : melted cheese : chicken: salsa : queso fresco

Fried → **Empanadas** : 2 corn tortilla stuffed with chicken and cheese with salsa and salad

grilled → **Pupusas** : 2 pupusas with your choice of filling cheese, pork and cheese, chicken and cheese, loroco and cheese, spinach and artichoke with cheese ,bean and cheese with salsa and salad

**Tamales** : 2 chicken tamales with sauce and cilantro on top

**Pizza Pupusa** : large pupusa stuffed with all pupusa fillings cut into pizza slices

**Tostones** : 2 tostones with your choice of mild bean sauce or our ketchup-mayo sauce

**Yucca**: Sauteed yucca with pickled cabbage, ~~salsq~~ and your choice of pork crackling, beef , or chicken

**Yucca fries** : yucca fries, pork or beef , pickled salad, avocado, sauce on the side

**Tostones con Chicharron** : double fried plantain with pork crackling side of ketchup and mayo sauce

### **Something simple / lunch**

**Burritos**: choice of chicken, beef , pork , plantain , or plantain with meat, rice, beans, sour cream , avocado, pickled salad, <sup>and</sup> sauce on the side

**Tacos** : 3 tacos made with corn tortillas stuffed with your choice of pork, beef, chicken, plantain, queso fresco , pico de gallo or cucumber pico , sauce , avocado , with rice and beans

**Enchiladas**: 3 crispy corn tortillas topped with refried beans choice of beef, chicken, pork , shrimp, with queso fresco , pickled cabbage , avocado , sauce on side

**Chicken Sandwich** : Roll with mayo filled with chicken or beef , melted cheese, onions, peppers, pickled cabbage, sauce with fries on the side

Chicken, Beef, or bean nachos : crispy corn tortilla chips topped with melted cheese, salsa pico de gallo , pickled cabbage , avocado , sour cream and salsa on the side

Crispy wings: Crispy wings (6) with fries and crispy shrimp (3)

Arugula salad : choice of beef , chicken , pork , queso fresco , tomatoes , cucumbers, lime , ~~salsa~~ <sup>cherry</sup> , avocado

Half arugula Half cabbage : salad mixed with arugula , pickled cabbage, pico de gallo, cucumber pico de gallo ~~and~~

Flautas ~~on white rice with chicken, beef, pork, rice, beans, salad, and~~ <sup>sour cream, avocado</sup>

Soup <sup>of the day</sup> ~~of the day~~: Beef soup , Chicken soup , Mondongo , Seafood

### Main Dishes

Chuleta : grilled pork chop , rice , pico de gallo , potato salad

Carne Asada : Rice, refried beans, arugula salad, and avocado

Pollo Asado : Rice, refried beans , cucumber pico, plantains

Encebollado carne o pollo : grilled onions with either steak or chicken, potato salad, rice, refried beans, avocado

Combo : choice of chicken, beef , or pork chop served with rice and beans and arugula salad

Crispy wings with drumsticks served with rice, fries and pickled salad

Crispy Seafood : Fried Scallops, fried whole fish, fried shrimp , fries and potato salad

Montanero : Steak, pork , platano , ride , beans , arugula salad, pico de gallo, avocado, egg, queso fresco

De todo : tostones, platano , steak , pork crackling, chicken , yuca frita, sauce ~~and~~

Camarones ala plancha grilled shrimp cooked with onions and peppers served with potato salad rice and arugula salad

Costillas : Beef or Pork ribs served with fries potato salad and cucumber salad with avocado

Chicken or beef stew : potato stewed , rice, beans, salad, avocado

Grilled Salmon : Salmon grilled with rosemary lemon and butter served with stewed potato , rice, arugula salad

Flautas con arroz y frijoles y ensalada

Mojarra con arroz y frijol y ensalada



**MAINE STATE BUREAU OF IDENTIFICATION**  
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42  
AUGUSTA, ME 04333  
(207) 624-7240 (VOICE)

**JESSICA HANSCOMBE**  
**389 CONGRESS ST**  
**PORTLAND, ME 04101**

**Transaction Response #: MIQ99E255723**

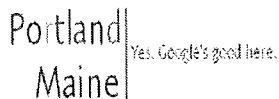
## **Criminal History Record**

### **Introduction**

**This criminal history record was produced in response to the following request ( Produced on 2020-01-14 ) :**

Inquiries Name(s)                      MARIA HERNANDEZ (1966-07-01)

**NO MATCH WAS FOUND FOR YOUR REQUEST.**



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

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## Re: Flores Restaurant

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cstacey <cstacey@portlandmaine.gov>  
To: Zoning <zoning@portlandmaine.gov>  
Cc: jhanscombe@portlandmaine.gov

Tue, Jan 14, 2020 at 10:34 AM

A Class A Restaurant (Class I) is a permitted use in the B-3 Zone under section 14-217 in Chapter 14, City Code of Ordinances.

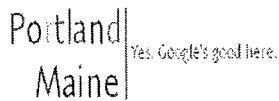
Thanks,  
Chris

On Tuesday, January 14, 2020 at 8:42:32 AM UTC-5, Jessica Hanscombe wrote:

Good Morning

Please see the attached application for a Class I FSE at 431 Congress Street. This will go before Council on 2/3/2020. Please advise. Jessica

Jessica Blais Hanscombe  
Licensing and Housing Safety Manager  
389 Congress Street Room 307  
Portland, Maine 04101  
207-874-8783  
jhanscombe@portlandmaine.gov



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

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## Re: Flores Restaurant

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Dan Hondo <danh@portlandmaine.gov>

Tue, Jan 14, 2020 at 10:11 AM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

No issues on PD side

On Tue, Jan 14, 2020 at 8:42 AM Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Morning

Please see the attached application for a Class I FSE at 431 Congress Street. This will go before Council on 2/3/2020. Please advise. Jessica

Jessica Blais Hanscombe  
Licensing and Housing Safety Manager  
389 Congress Street Room 307  
Portland, Maine 04101  
207-874-8783  
jhanscombe@portlandmaine.gov

--  
Lt. Dan Hondo  
Portland Maine Police Dept.  
Patrol Team B3/B4  
(207)874-8513



**CITY OF PORTLAND**  
**Permitting and Inspections Department**

January 14, 2020

Flores Restaurant LLC  
863 Congress Street  
Portland ME 04101

**Re: Flores Restaurant LLC dba Flores Restaurant. Application for a Class I FSE at 431 Congress Street.**

Dear Jennifer Hernandez

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday February 3, 2020 at 5:30 p.m.**, for the review of application for a Class I FSE at 431 Congress Street. The meeting will take place in Council Chambers on the 2<sup>nd</sup> floor of City Hall, 389 Congress Street, Portland, ME 04101.

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 [jhanscombe@portlandmaine.gov](mailto:jhanscombe@portlandmaine.gov).

Sincerely,

Jessica Hanscombe  
Licensing and Housing Safety Manager

## **Legal Advertisement**

### **Notice of Public Hearing City of Portland**

A Public Hearing will be held on February 3, 2020 at 5:30 P.M., in City Council Chambers, 389 Congress St., Flores Restaurant LLC dba Flores Restaurant. Application for a Class I FSE at 431 Congress Street. Sponsored by Jon P. Jennings, City Manager.

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** January 15, 2020

**SUBJECT:** Order 127-19/20 Granting Municipal Officers' Approval of The Oasis II LLC dba Oasis. Application for a Combined Entertainment License at 42 Wharf Street - Sponsored by Jon P. Jennings, City Manager

**SPONSOR:**

(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 no why not?)**

**PRESENTATION:** (List the presenter(s), type and length of presentation)

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

The Oasis II LLC dba Oasis. Application for a Combined Entertainment License at 42 Wharf Street.

Application was filed on 1/9/2020. Applicant currently holds a Class A Lounge license with Entertainment with Dance. Chapter 4 Sec 4-53 (2) requires a public hearing for all initial applications for a Combined Entertainment License.

Five affirmative votes are required for passage after public comment.

**III. BACKGROUND**

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis and Background that will not appear in the Agenda Description.

**VII. RECOMMENDATION**

**VIII. LIST ATTACHMENTS**

1. Oasis

2. 20200123104709692

Prepared by:

Date: 1/15/2020

KATE SNYDER (MAYOR)  
BELINDA S. RAY (1)  
SPENCER R. THIBODEAU (2)  
TAE Y. CHONG (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND**  
IN THE CITY COUNCIL

KIMBERLY COOK (5)  
JILL C. DUSON (A/L)  
PIOUS ALI (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER  
GRANTING MUNICIPAL OFFICERS'  
APPROVAL OF:**

**The Oasis II LLC dba Oasis. Application for a Combined Entertainment License at 42  
Wharf Street.**



**CITY OF PORTLAND**  
**Permitting and Inspections Department**  
**Renewal Application for an Entertainment License**

**Must Include:**

- ☐ 8 1/2" x 11" diagram showing layout of the premises to include dimensions, locations of dancing, seating, toilet rooms and means of egress.
- ☐ Sound Mitigation Plan (\*\*not required if renewal application for indoor only entertainment)
  - o Prepared and Certified by a Professional Sound Engineer
  - o Details of methods used to minimize the impact on entertainment on the surrounding uses
  - o Speaker Locations and directions
  - o Sound System details and controls
  - o Stage and site layout and direction
  - o Noise cancelling or mitigating measures proposed
  - o Anticipated Sound readings
    - Indoors Entertainment-8 feet from any outer wall
    - Outdoor/Combined Entertainment-Property line and closest residence
  - o On-Site monitor when attendees are expected to exceed 250

|                                               |                                               |
|-----------------------------------------------|-----------------------------------------------|
| <b>Business Information</b>                   |                                               |
| Business Name (d/b/a):                        | The Oasis                                     |
| Phone:                                        | 207-423-3054                                  |
| Location Address:                             | 42 Wharf St.                                  |
| Zip:                                          | 04101                                         |
| Owner Name:                                   | Ben Bowen / Caleb Mcvey                       |
| Phone:                                        | 207-423-3054<br>603-630-3626                  |
| Owner Email:                                  | muchnickus@aol.com / Caleb.e.mcvey@gmail.com  |
| Contact Person responsible for Entertainment: | Ben Bowen / Caleb Mcvey<br>Samantha Nappi     |
| Phone:                                        | 207 423 3054<br>207 756 2963                  |
| Contact Person Email:                         | muchnickus@aol.com                            |
| Manager of Establishment:                     | Ben Bowen / Caleb Mcvey / Sam Nappi           |
| Phone:                                        | 207 423 3054<br>603 630 3626<br>207 756 2963  |
| Manager Email:                                | muchnickus@aol.com<br>Caleb.e.mcvey@gmail.com |

**About Your Establishment**

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

Lounge/Nightclub open Friday/Saturday with DJ and dancing upstairs year round and DJs/Bands on patio in Summer.

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

Signature [Signature] Title Owner Date 11/8/2020

For more information, refer to the City Code of Ordinance: Chapter 4 Amusements, at [www.portlandmaine.gov](http://www.portlandmaine.gov)

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

**bl@portlandmaine.gov • [www.portlandmaine.gov](http://www.portlandmaine.gov)**

## **Oasis Sound Mitigation**

**Bands reduced in size to 3-4 members, some acoustic only acts.**

**Bands/DJ to only play Friday and Saturdays from 9pm-12:30am**

**Bands/DJ repositioned to be facing away from street.**

**Sound deadening foam crates to be placed on patio fence on Wharf St.**

**85 decibel maximum, bands will be told to play at no more than 82db.**

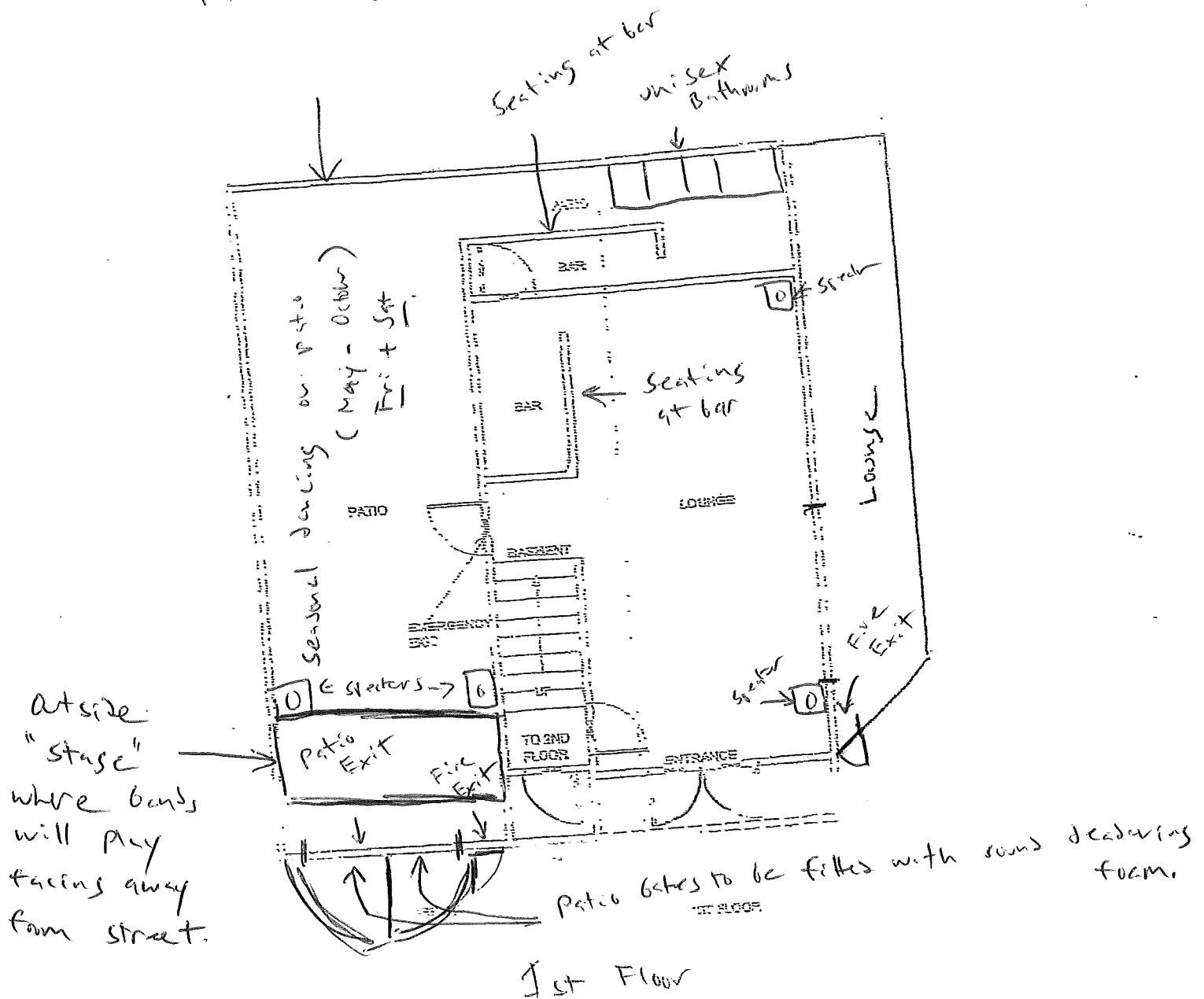
**Upstairs, inside sound readings may reach 90db for some DJs but windows are closed for AC units to properly function.**

**Oasis has a near flawless record of obeying sound ordinance laws for the past 5 years of ownership since purchased in 2015.**

**Local Sound Engineer/Dj Matt Perry to be on site for Summer patio events.**

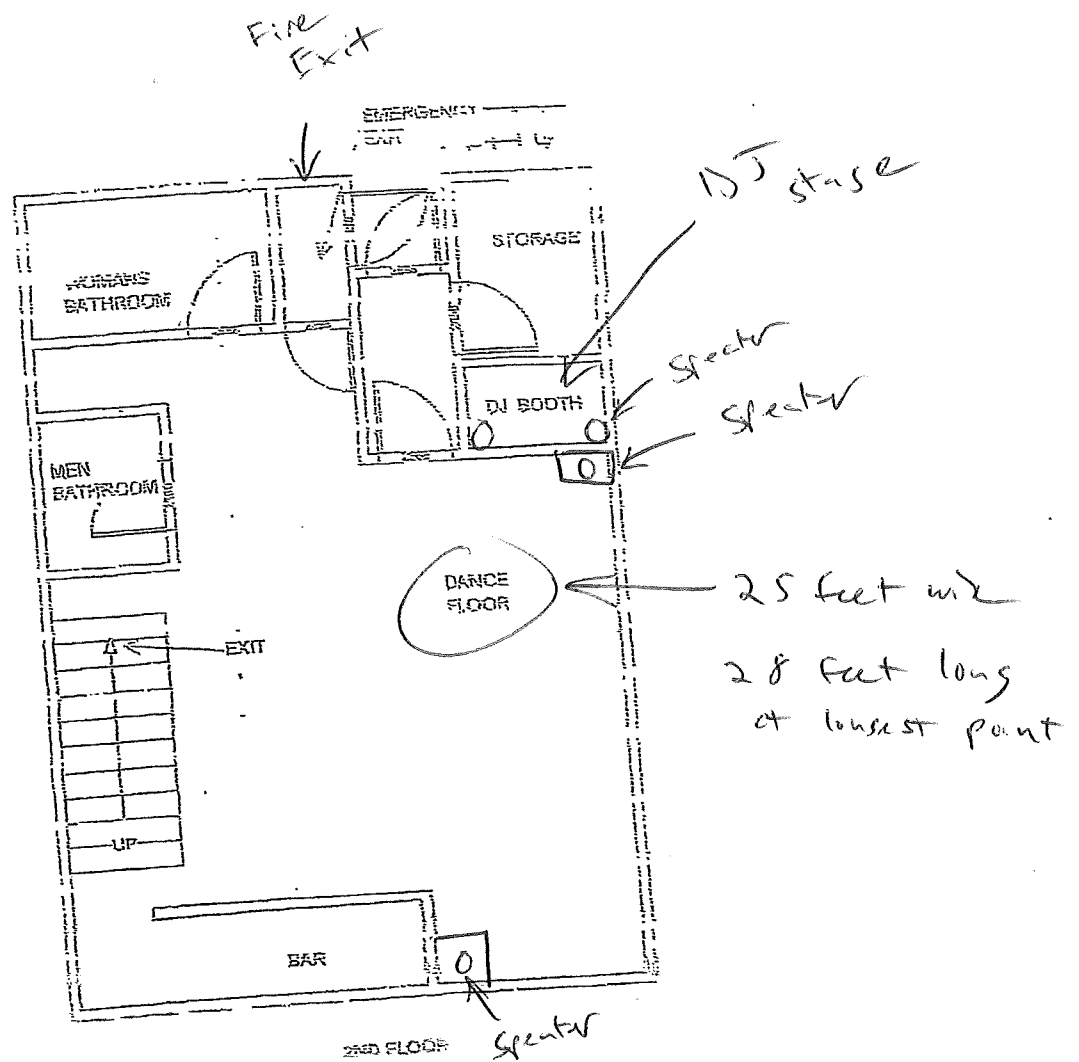
**Closest residence is above Fore Street.**

Patio is 20 feet wide  
50 feet long



### DJ/Band Equipment:

- SRM 450 Powered 10 inch speakers - 2
- TH15A Power BT speaker - 2
- Maekie Thump 15" Subwoofer - 1 (powered)
- SI 245 Amplifier - 2
- Peavey PR12 speakers - 2



Second Floor

Second floor DJ Equipment:

Peavey 1500 watt amplifier

Peavey 2600 watt amplifier

Cerwin Vega 15 inch subwoofers - 2

Eastern Acoustic Works 10 inch speakers - 2

KFRK 3 inch speakers in DJ Booth - 2

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## Re: The Oasis

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Kevin Schneck <kschneck@portlandmaine.gov>

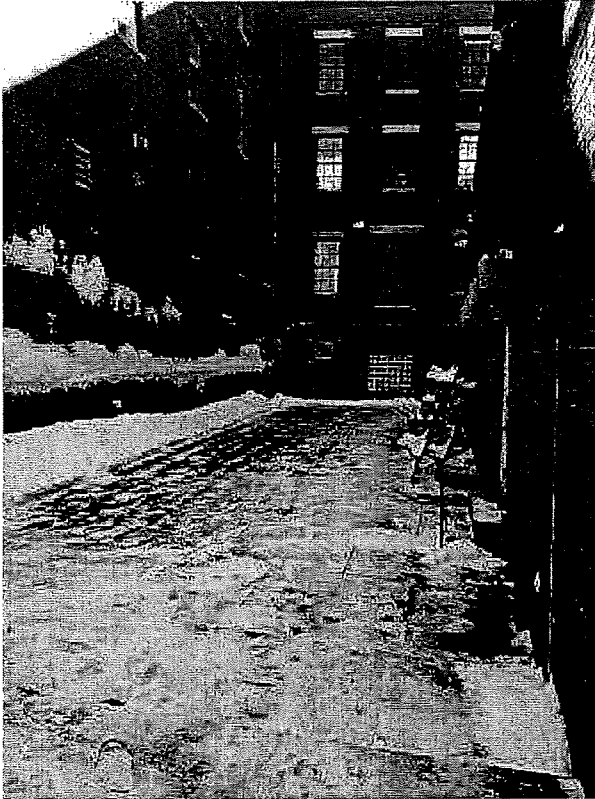
Thu, Jan 23, 2020 at 10:24 AM

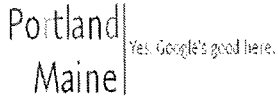
To: Glen McGary <glenm@portlandmaine.gov>

Cc: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

We have reviewed and approved their sound mitigation plan. Their sound mitigation plan is appropriate for their space and the proposed music.

Kevin





Jessica Hanscombe <jhanscombe@portlandmaine.gov>

---

**Re: The Oasis**

---

**Glen McGary** <glenm@portlandmaine.gov>  
To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>  
Cc: Kevin Schneck <kschneck@portlandmaine.gov>

Fri, Jan 10, 2020 at 12:27 PM

This looks like a good plan and we can monitor with our meter.

Approved PD

Glen

On Fri, Jan 10, 2020 at 12:03 PM Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Afternoon

I need approval on the attached Sound Mitigation Plan. This is a renewal and will go before council on 2/3/2020. Thanks Jessica

Jessica Blais Hanscombe  
Licensing and Housing Safety Manager  
389 Congress Street Room 307  
Portland, Maine 04101  
207-874-8783  
jhanscombe@portlandmaine.gov

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



**CITY OF PORTLAND**  
**Permitting and Inspections Department**

January 10, 2020

The Oasis II LLC  
126 Concord Street Apt 1  
Portland ME 04103

**Re: The Oasis II LLC dba Oasis. Application for a Combined Entertainment License at 42 Wharf Street.**

Dear Ben Bowen

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday February 3, 2020 at 5:30 p.m.**, for the review of application for a Combined Entertainment License at 42 Wharf Street. The meeting will take place in Council Chambers on the 2<sup>nd</sup> floor of City Hall, 389 Congress Street, Portland, ME 04101.

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 [jhanscombe@portlandmaine.gov](mailto:jhanscombe@portlandmaine.gov).

Sincerely,

Jessica Hanscombe  
Licensing and Housing Safety Manager

## **Legal Advertisement**

### **Notice of Public Hearing City of Portland**

A Public Hearing will be held on February 3, 2020 at 5:30 P.M., in City Council Chambers, 389 Congress St., The Oasis II LLC dba Oasis. Application for a Combined Entertainment License at 42 Wharf Street. Sponsored by Jon P. Jennings, City Manager.

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:** Adam Harr, Social Services

**DATE:** December 17, 2019

**SUBJECT:** **Resolve 7-19/20 Outlining Policy Goals for the City of Portland's Single-Adult Shelter Facility - Sponsored by the Health & Human Services and Public Safety Committee, Councilor Belinda Ray, Chair**

**SPONSOR:** Health and Human Services and Public Safety Committee, Councilor Belinda Ray, Chair

**(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 no why not?)**

**PRESENTATION:** (List the presenter(s), type and length of presentation)

**I. SUMMARY**

The resolution affirms the planned Homeless Services Center's (HSC) policy goals and its housing first approach to helping people experiencing homelessness transition to more permanent housing, while also providing staff with guidance on Council objectives as the City plans for the new facility.

**II. AGENDA DESCRIPTION**

The Health & Human Services and Public Safety Committee met on November 12, 2019 and voted 3-0 to forward this resolve to the City Council with a recommendation for passage.

The resolution provides a history of the Oxford Street Shelter and the City of Portland's efforts to provide shelter and services for single adults at this facility. It also codifies the will of the Council to continue the city's Housing First approach and its award-winning Long-Term Stayers Initiative at the current single adult shelter, and to commit to the following policy goals:

- Expand diversion and prevention tactics to prevent more individuals from ever entering homelessness;
- Work with other cities and towns to develop a regional strategy for addressing homelessness and more equally distributing the responsibility of caring for the homeless across municipalities;
- Continue pursuing partnerships to address the needs of specific homeless populations, increase the supply of permanent housing for the chronically homeless, and reduce the average nightly census at the City run facility; and
- Develop clear guidelines establishing that services provided by the shelter, including meals, are only for shelter clients who have completed or are completing the intake process.

With regard to capacity, the committee settled on the following guidance:

- Ensure the new facility is built with ample capacity to handle our current average annual nightly census for

the previous 12 months. As of September 30, 2019, the average nightly census for the previous 12 months was 210;

- Ensure the new facility has adequate capacity to handle overflow onsite as needed; and
- Over time, as the average nightly census regularly and on a year-round basis comes in below 200, consider establishing an appropriate cap on city services at the facility, with sufficient advanced notice to other communities and the State government regarding when said cap will go into effect.

Public comment was taken on November 18, 2019, but action on this Resolve was postponed twice, once to December 16, 2019 and then to February 3, 2020.

Five affirmative votes are required for passage.

### **III. BACKGROUND**

It is the goal of the City of Portland to undertake work on a new state-of-the-art, one-story, adult emergency shelter to replace the Oxford Street Shelter. The new shelter will be open 24-hours a day, 7-days a week with on-site meals and a wide range of services including: health and mental health care, substance use treatment, housing assistance, peer support, case management, employment assistance, and more.

On June 17, 2019 the Council approved a Homeless Services Center at 654 Riverside Street in a 5-4 vote. The next step in the process was for the Health and Human Services & Public Safety Committee to review shelter policy and draft a resolution codifying Council guidance on policy objectives for the new Homeless Services Center (HSC).

The committee met over a period of approximately five months, from June 25th – November 12th of 2019, to review current city policies for the single adult shelter facility, consider these policies in the context of Council objectives and priorities, receive and review input from the public, and construct a resolution that would convey Council guidance on policy objectives for the (HSC).

A draft of the resolution was completed in October and was reviewed, discussed, and debated by the committee at their October 22, October 29, and November 12 meetings.

### **IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

An affirmative vote will allow the City to move to the next step of fulfilling the Council goal of building a new shelter to replace the Oxford Street Shelter.

### **V. FINANCIAL IMPACT**

Passing the resolution has no financial impact.

The budget for constructing and operating the new Homeless Services Center has been estimated at various times during this multi-year process. However, without a completed facility design, it has been difficult to construct a detailed and accurate budget for either construction or operation. These costs will be thoroughly

investigated and considered during the Planning & Design phase of this project.

## **VI. STAFF ANALYSIS AND BACKGROUND**

Staff analysis is available in the attached memos.

## **VII. RECOMMENDATION**

The Health and Human Services & Public Safety Committee recommended passage of the resolution in a 3–0 vote at its November 12, 2019 meeting.

## **VIII. LIST ATTACHMENTS**

1. Single Adult Shelter Policy Resolution 11.18.2019
2. Amendment to Single Adult Shelter Policy Resolution - BRay - 012420 (4)
3. Single Adult Shelter Policy Resolution Kim Cook Amendment 1-30-2020
4. Overview of process to replace OSS with timeline (6)
5. HHS and PS October 8th,2019 Shelter Policy Staff Memo
6. Memo with Staff Response HHS Questions for Oct 22nd
7. Attachment A. October 2018 to September 2019 OSS Nightly Counts and Overflow
8. Attachment B. FY 11 Oxford Street Overflow
9. Attachment C. HSC Transportation Costs
10. Attachment D. HHS Committee Criminal Trespassing
11. Attachment E. Community Meals and Food Pantries
12. memo re residency
13. MMA GA Manual - Chapter 2
14. Staff response to Jan 13 Council Workshop
15. Shelter Budget 8.17 (1)
16. HSC Budget (1-25-20 versionl) (1)

Prepared by:

Adam Harr, Social Services

Date: 12/17/2019

Resolve 7-19/20

Motion to postpone to December 16, 2019: 6-2 (Batson, Ray) on 11/18/2019

Motion to postpone to February 3, 2020: 9-0 on 12/16/2019

KATE SNYDER (MAYOR)  
BELINDA S. RAY (1)  
SPENCER R. THIBODEAU (2)  
TAE Y. CHONG (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND  
IN THE CITY COUNCIL**

KIMBERLY COOK (5)  
JILL C. DUSON (A/L)  
PIOUS ALI (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**RESOLUTION OUTLINING POLICY GOALS FOR THE CITY OF PORTLAND'S  
SINGLE-ADULT SHELTER FACILITY**

**WHEREAS**, for the past 30 years a residence located at 203 Oxford Street, which was built in the year 1900 and originally designed as a two-family dwelling,<sup>1</sup> has been leased by the City of Portland to serve as a single-adult shelter facility, namely the Oxford Street Shelter; and

**WHEREAS**, the Oxford Street Shelter, which opened in December of 1989 with 50 beds has since expanded as follows<sup>2</sup>:

- to 62 beds in October 1994, due to an increase in homelessness;
- to 80 beds in 1996, due to an increase in homelessness;
- to 108 beds in 1998, due to an increase in homelessness;
- to 127 beds in 1999, due to an increase in homelessness;
- to its current maximum capacity of 154 beds as set by the Fire Department in 2000, due to an increase in homelessness; and

**WHEREAS**, in 2001, when the Oxford Street Shelter reached its maximum capacity of 154 beds, a plan for emergency shelter overflow was developed; and

**WHEREAS**, in April of 2003 the Salvation Army gym was used for the first time to accommodate overflow from the Oxford Street Shelter; and

**WHEREAS**, since that time alternative overflow options for the Oxford Street Shelter have been developed, including 75 mats at the Preble Street Resource Center and a limited number of mats at the City's General Assistance office; and

**WHEREAS**, the average nightly bed counts for the last three years, along with high and low censuses by month are as follows<sup>3</sup>:

|                   | 2019 |      |     | 2018 |      |     | 2017 |      |     |                   |
|-------------------|------|------|-----|------|------|-----|------|------|-----|-------------------|
|                   | AVG  | HIGH | LOW | AVG  | HIGH | LOW | AVG  | HIGH | LOW |                   |
| January           | 241  | 271  | 212 | 227  | 248  | 208 | 222  | 238  | 185 | January           |
| February          | 240  | 271  | 212 | 227  | 238  | 211 | 225  | 247  | 178 | February          |
| March             | 239  | 261  | 199 | 219  | 246  | 184 | 228  | 239  | 212 | March             |
| April             | 227  | 257  | 204 | 222  | 240  | 202 | 227  | 243  | 207 | April             |
| May               | 203  | 217  | 178 | 201  | 220  | 177 | 224  | 245  | 204 | May               |
| June              | 203  | 222  | 181 | 199  | 222  | 172 | 221  | 235  | 185 | June              |
| July              | 191  | 211  | 171 | 201  | 221  | 185 | 213  | 227  | 187 | July              |
| August            | 171  | 188  | 135 | 207  | 229  | 186 | 204  | 222  | 182 | August            |
| September         | 155  | 176  | 141 | 201  | 215  | 185 | 206  | 226  | 181 | September         |
| October           |      |      |     | 207  | 223  | 188 | 201  | 225  | 184 | October           |
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| <b>ANNUAL AVG</b> | 208  |      |     | 213  |      |     | 215  |      |     | <b>ANNUAL AVG</b> |

**WHEREAS,** the only physical expansion of habitable space at the Oxford Street Shelter over the 30-year period from 1989 to 2019 occurred in 1995 when the City began leasing the adjacent property, a former auto body shop located at 197 Oxford Street; and

**WHEREAS,** each increase in the number of beds was recommended by the Emergency Shelter Assessment Committee (ESAC), which was jointly established in August of 1987 by the City of Portland and the United Way to monitor shelter beds in the City and serve as an advisory board to the City regarding homeless issues, with staff from the City Social Services Division serving as staff on ESAC<sup>2</sup>; and

**WHEREAS,** the City of Portland is currently working through a process to replace the Oxford Street Shelter with a new facility; and

**WHEREAS,** in conjunction with this process, the City Council's Health & Human Services and Public Safety Committee has held a series of meetings to examine and discuss the City's current single-adult shelter policies in order to ensure this City service is being provided in accordance with Council priorities and goals and in the best interests of the City and all of its inhabitants; and

**WHEREAS,** for the past three years the Oxford Street Shelter has served a population that generally comprises 28% stating they are from Portland, 40% stating that they are from other communities in Maine, and 32% stating that they are from out of state or out of country; and

**WHEREAS**, the Council recognizes that in operating the Oxford Street Shelter for these past 30 years, the City of Portland has been providing a regional service that benefits communities and individuals far beyond the City’s boundaries; and

**WHEREAS**, the Council recognizes the need to bring together more resources from other municipalities as well as the State and Federal governments to encourage a more regional approach to addressing homelessness; and

**WHEREAS**, addressing homelessness was identified as a 2017 priority by the seven communities comprising the Greater Portland Council of Government’s Metro Regional Coalition, or MRC (Cape Elizabeth, Falmouth, Gorham, Portland, Scarborough, South Portland and Westbrook); and

**WHEREAS**, on October 8, 2019 the MRC updated its Fiscal Year 2020 workplan goals under the heading of “Homelessness” to add the following:

1. To house more of the homeless in the Greater Portland area;
2. To more equitably distribute the responsibility of caring for the homeless across municipalities; and

**WHEREAS**, the Council recognizes the need to balance competing priorities in the City budget in order to best serve all of Portland’s residents; and

**WHEREAS**, there is no prior written record of Council guidance regarding its policy goals for the City’s single-adult shelter services aside from annual approvals of the municipal budget;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council does hereby proffer the following policy goals to provide staff with guidance on Council objectives as the City plans for its new homeless services center for single adults:

1. Continue to employ a housing first approach, using the homeless services center as a place to help stabilize people experiencing homelessness as they transition to more permanent housing;
2. Continue the excellent work of the award-winning Long-Term Stayer Initiative<sup>4</sup>, which seeks to focus resources on housing those people with the longest stays in homelessness in the City;
3. Look into Diversion and Prevention tactics such as the Pine Street Front Door Triage program, a program staff reports has successfully diverted “nearly 20% of individuals from ever entering homelessness and spending a night in a shelter.”;<sup>5</sup>

4. Along with diversion and prevention tactics, seek other methods to decrease the average nightly census at the City-run facility;
5. Continue to work with other cities and towns to develop a regional strategy for addressing homelessness and more equally distributing the responsibility of caring for the homeless across municipalities;
6. Continue to work with community partners and local and national experts to determine national best practices that will ensure the safety of staff, clients, and community members;
7. Continue to pursue partnerships to help to address the needs of specific homeless populations, increase the supply of permanent housing for the chronically homeless, and reduce the average nightly census at the City run facility;
8. Ensure the new facility is built with ample capacity to handle our current average annual nightly census for the previous 12 months. As of September 30, 2019, the average nightly census for the previous 12 months is 210;
9. Ensure the new facility has adequate capacity to handle overflow onsite as needed;
10. Over time, as the average nightly census regularly and on a year-round basis comes in below 200, consider establishing an appropriate cap on city services at the facility, with sufficient advanced notice to other communities and the State government regarding when said cap will go into effect;
11. Develop clear transportation guidelines to assist clients in reaching the facility and accessing outside services in the City as necessary;
12. Develop a clear policy for Criminal Trespass Orders and other cases in which a suspension of services may be merited so that clients can easily see how specific behaviors will impact their ability to stay at the facility; and
13. Develop clear guidelines establishing that services provided by the shelter, including meals, are only for shelter clients who have completed or are completing the intake process.

## ATTACHMENT A

### References

1. Maine Memory Network, <https://www.mainememory.net/artifact/67713>, accessed on October 17, 2019.
2. *Oxford Street Shelter History*, City of Portland Department of Social Services, circa 2004, <https://www.portlandmaine.gov/DocumentCenter/View/2288/Oxford-Street-Shelter-History>, accessed on October 17, 2019.
3. Chart created on 10/22/2019 by Belinda Ray and based on Emergency Shelter Assessment Committee Monthly Shelter Statistics for the Oxford Street Shelter on the City of Portland website, <http://www.portlandmaine.gov/Archive.aspx?AMID=61>, accessed on October 17, 2019.
4. *National Alliance to End Homelessness Honors Pioneers in Innovation and Excellence at Annual Awards Ceremony*, National Alliance to End Homelessness Press Release, Washington D.C., October 10, 2017. <https://endhomelessness.org/wp-content/uploads/2016/10/Awards-Ceremony-FINAL-101017.pdf>, accessed on October 22, 2019.
5. DHHS Staff Memo to HHS & PS Committee from Sarah Fleurant, Oxford Street Shelter Director, dated September 23, 2019. Available in the HHS & PS Committee packet from October 8, 2019.  
<https://portlandme.civicclerk.com/web/UserControls/DocPreview.aspx?p=1&aoid=608>

**AMENDMENT TO RESOLVE 7-19/20 OUTLINING POLICY GOALS FOR THE CITY  
OF PORTLAND'S SINGLE-ADULT SHELTER FACILITY**

**SPONSORED BY COUNCILOR BELINDA RAY**

**RE: COMPLETION OF BEDNIGHTS CHART FOR Q4 OF 2019 AND ADJUSTMENT  
OF ANNUAL AVERAGE; CONTEMPLATION OF AN OFF-SITE TRIAGE FACILITY;  
ELIMINATION OF "PREVIOUS 12 MONTHS" LANGUAGE FROM POLICY GOAL  
#8; AND ADDITION OF POLICY GOAL #14 REGARDING DIVERSIFICATION OF  
REVENUE STREAMS FOR FACILITY CONSTRUCTION AND OPERATION**

**WHEREAS**, for the past 30 years a residence located at 203 Oxford Street, which was built in the year 1900 and originally designed as a two-family dwelling,<sup>1</sup> has been leased by the City of Portland to serve as a single-adult shelter facility, namely the Oxford Street Shelter; and

**WHEREAS**, the Oxford Street Shelter, which opened in December of 1989 with 50 beds has since expanded as follows<sup>2</sup>:

- to 62 beds in October 1994, due to an increase in homelessness;
- to 80 beds in 1996, due to an increase in homelessness;
- to 108 beds in 1998, due to an increase in homelessness;
- to 127 beds in 1999, due to an increase in homelessness;
- to its current maximum capacity of 154 beds as set by the Fire Department in 2000, due to an increase in homelessness; and

**WHEREAS**, in 2001, when the Oxford Street Shelter reached its maximum capacity of 154 beds, a plan for emergency shelter overflow was developed; and

**WHEREAS**, in April of 2003 the Salvation Army gym was used for the first time to accommodate overflow from the Oxford Street Shelter; and

**WHEREAS**, since that time alternative overflow options for the Oxford Street Shelter have been developed, including 75 mats at the Preble Street Resource Center and a limited number of mats at the City's General Assistance office; and

**WHEREAS**, the average nightly bed counts for the last three years, along with high and low censuses by month are as follows<sup>3</sup>:

|                   | 2019                      |            |            | 2018 |      |     | 2017 |      |     |                   |
|-------------------|---------------------------|------------|------------|------|------|-----|------|------|-----|-------------------|
|                   | AVG                       | HIGH       | LOW        | AVG  | HIGH | LOW | AVG  | HIGH | LOW |                   |
| January           | 241                       | 271        | 212        | 227  | 248  | 208 | 222  | 238  | 185 | January           |
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| May               | 203                       | 217        | 178        | 201  | 220  | 177 | 224  | 245  | 204 | May               |
| June              | 203                       | 222        | 181        | 199  | 222  | 172 | 221  | 235  | 185 | June              |
| July              | 191                       | 211        | 171        | 201  | 221  | 185 | 213  | 227  | 187 | July              |
| August            | 171                       | 188        | 135        | 207  | 229  | 186 | 204  | 222  | 182 | August            |
| September         | 155                       | 176        | 141        | 201  | 215  | 185 | 206  | 226  | 181 | September         |
| October           | <u>156</u>                | <u>166</u> | <u>144</u> | 207  | 223  | 188 | 201  | 225  | 184 | October           |
| November          | <u>159</u>                | <u>178</u> | <u>120</u> | 211  | 248  | 182 | 204  | 227  | 169 | November          |
| December          | <u>179</u>                | <u>203</u> | <u>155</u> | 228  | 254  | 199 | 208  | 244  | 165 | December          |
| <b>ANNUAL AVG</b> | <del>208</del> <u>197</u> |            |            | 213  |      |     | 215  |      |     | <b>ANNUAL AVG</b> |

**WHEREAS**, the only physical expansion of habitable space at the Oxford Street Shelter over the 30-year period from 1989 to 2019 occurred in 1995 when the City began leasing the adjacent property, a former auto body shop located at 197 Oxford Street; and

**WHEREAS**, each increase in the number of beds was recommended by the Emergency Shelter Assessment Committee (ESAC), which was jointly established in August of 1987 by the City of Portland and the United Way to monitor shelter beds in the City and serve as an advisory board to the City regarding homeless issues, with staff from the City Social Services Division serving as staff on ESAC<sup>2</sup>; and

**WHEREAS**, the City of Portland is currently working through a process to replace the Oxford Street Shelter with a new facility; and

**WHEREAS**, in conjunction with this process, the City Council's Health & Human Services and Public Safety Committee has held a series of meetings to examine and discuss the City's current single-adult shelter policies in order to ensure this City service is being provided in accordance with Council priorities and goals and in the best interests of the City and all of its inhabitants; and

**WHEREAS**, for the past three years the Oxford Street Shelter has served a population that generally comprises 28% stating they are from Portland, 40% stating that they are from other communities in Maine, and 32% stating that they are from out of state or out of country; and

**WHEREAS**, the Council recognizes that in operating the Oxford Street Shelter for these past 30 years, the City of Portland has been providing a regional service that benefits communities and individuals far beyond the City’s boundaries; and

**WHEREAS**, the Council recognizes the need to bring together more resources from other municipalities as well as the State and Federal governments to encourage a more regional approach to addressing homelessness; and

**WHEREAS**, addressing homelessness was identified as a 2017 priority by the seven communities comprising the Greater Portland Council of Government’s Metro Regional Coalition, or MRC (Cape Elizabeth, Falmouth, Gorham, Portland, Scarborough, South Portland and Westbrook); and

**WHEREAS**, on October 8, 2019 the MRC updated its Fiscal Year 2020 workplan goals under the heading of “Homelessness” to add the following:

1. To house more of the homeless in the Greater Portland area;
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**WHEREAS**, the Council recognizes the need to balance competing priorities in the City budget in order to best serve all of Portland’s residents; and

**WHEREAS**, there is no prior written record of Council guidance regarding its policy goals for the City’s single-adult shelter services aside from annual approvals of the municipal budget;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council does hereby proffer the following policy goals to provide staff with guidance on Council objectives as the City plans for its new homeless services center for single adults:

1. Continue to employ a housing first approach, using the homeless services center as a place to help stabilize people experiencing homelessness as they transition to more permanent housing;
2. Continue the excellent work of the award-winning Long-Term Stayer Initiative<sup>4</sup>, which seeks to focus resources on housing those people with the longest stays in homelessness in the City;
3. Look into Diversion and Prevention tactics such as the Pine Street Front Door Triage program, a program staff reports has successfully diverted “nearly 20% of individuals from ever entering homelessness and spending a night in a shelter.”<sup>5</sup>, and consider establishing a separate triage facility on

the peninsula or in another convenient location where individuals experiencing homelessness can present to determine their best path forward;

4. Along with diversion and prevention tactics, seek other methods to decrease the average nightly census at the City-run facility;
5. Continue to work with other cities and towns to develop a regional strategy for addressing homelessness and more equally distributing the responsibility of caring for the homeless across municipalities;
6. Continue to work with community partners and local and national experts to determine national best practices that will ensure the safety of staff, clients, and community members;
7. Continue to pursue partnerships to help to address the needs of specific homeless populations, increase the supply of permanent housing for the chronically homeless, and reduce the average nightly census at the City run facility;
8. Ensure the new facility is built with ample capacity to handle our current average annual nightly census-, which, for the last three years (2017-2019) has been approximately 200 individuals per night; for the previous 12 months. As of September 30, 2019, the average nightly census for the previous 12 months is 210;
9. Ensure the new facility has adequate capacity to handle overflow onsite as needed;
10. Over time, as the average nightly census regularly and on a year-round basis comes in below 200, consider establishing an appropriate cap on city services at the facility, with sufficient advanced notice to other communities and the State government regarding when said cap will go into effect;
11. Develop clear transportation guidelines to assist clients in reaching the facility and accessing outside services in the City as necessary;
12. Develop a clear policy for Criminal Trespass Orders and other cases in which a suspension of services may be merited so that clients can easily see how specific behaviors will impact their ability to stay at the facility; and
13. Develop clear guidelines establishing that services provided by the shelter, including meals, are only for shelter clients who have completed or are completing the intake process.

14. Work to diversify revenue streams both for the construction and operation of the new facility, involving as much as possible other municipal, state, and federal funding sources as well as contributions from community partners, individuals, and the private sector.

## ATTACHMENT A

### References

1. Maine Memory Network, <https://www.mainememory.net/artifact/67713>, accessed on October 17, 2019.
2. *Oxford Street Shelter History*, City of Portland Department of Social Services, circa 2004, <https://www.portlandmaine.gov/DocumentCenter/View/2288/Oxford-Street-Shelter-History>, accessed on October 17, 2019.
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<https://portlandme.civicclerk.com/web/UserControls/DocPreview.aspx?p=1&aoid=608>

**AMENDMENT TO RESOLVE 7-19/20 RE: SINGLE-ADULT SHELTER FACILITY  
SPONSORED BY COUNCILOR COOK**

**WHEREAS**, for the past 30 years a residence located at 203 Oxford Street, which was built in the year 1900 and originally designed as a two-family dwelling,<sup>1</sup> has been leased by the City of Portland to serve as a single-adult shelter facility, namely the Oxford Street Shelter; and

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**WHEREAS**, in 2001, when the Oxford Street Shelter reached its maximum capacity of 154 beds, a plan for emergency shelter overflow was developed; and

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**WHEREAS**, since that time alternative overflow options for the Oxford Street Shelter have been developed, including 75 mats at the Preble Street Resource Center and a limited number of mats at the City's General Assistance office; and

**WHEREAS**, the average nightly bed counts for the last three years, along with high and low censuses by month are as follows<sup>3</sup>:

|          | <b>2019</b> |      |     | <b>2018</b> |      |     | <b>2017</b> |      |     |          |
|----------|-------------|------|-----|-------------|------|-----|-------------|------|-----|----------|
|          | AVG         | HIGH | LOW | AVG         | HIGH | LOW | AVG         | HIGH | LOW |          |
| January  | 241         | 271  | 212 | 227         | 248  | 208 | 222         | 238  | 185 | January  |
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|                   |     |     |     |  |     |     |     |  |     |     |     |                   |
|-------------------|-----|-----|-----|--|-----|-----|-----|--|-----|-----|-----|-------------------|
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**WHEREAS**, the only physical expansion of habitable space at the Oxford Street Shelter over the 30-year period from 1989 to 2019 occurred in 1995 when the City began leasing the adjacent property, a former auto body shop located at 197 Oxford Street; and

**WHEREAS**, each increase in the number of beds was recommended by the Emergency Shelter Assessment Committee (ESAC), which was jointly established in August of 1987 by the City of Portland and the United Way to monitor shelter beds in the City and serve as an advisory board to the City regarding homeless issues, with staff from the City Social Services Division serving as staff on ESAC<sup>2</sup>; and

**WHEREAS**, the City of Portland is currently working through a process to replace the Oxford Street Shelter with a new facility; and

**WHEREAS**, in conjunction with this process, the City Council's Health & Human Services and Public Safety Committee has held a series of meetings to examine and discuss the City's current single-adult shelter policies in order to ensure this City service is being provided in accordance with Council priorities and goals and in the best interests of the City and all of its inhabitants; and

**WHEREAS**, for the past three years the Oxford Street Shelter has served a population that generally comprises 28% stating they are from Portland, 40% stating that they are from other communities in Maine, and 32% stating that they are from out of state or out of country; and

**WHEREAS**, the Council recognizes that in operating the Oxford Street Shelter for these past 30 years, the City of Portland has been providing a ~~regional-state-wide~~ service that benefits communities and individuals far beyond the City's boundaries; and

**WHEREAS**, the Council recognizes the need to bring together more resources from other municipalities as well as the State and Federal governments to ~~encourage a more regional approach~~ensure a state-wide approach to addressing homelessness; and

**WHEREAS**, addressing homelessness was identified as a 2017 priority by the seven communities comprising the Greater Portland Council of Government’s Metro Regional Coalition, or MRC (Cape Elizabeth, Falmouth, Gorham, Portland, Scarborough, South Portland and Westbrook); and

**WHEREAS**, on October 8, 2019 the MRC updated its Fiscal Year 2020 workplan goals under the heading of “Homelessness” to add the following:

1. To house more of the homeless in the Greater Portland area;
2. To more equitably distribute the responsibility of caring for the homeless across municipalities; and

**WHEREAS**, the Council recognizes the need to balance competing priorities in the City budget in order to best serve all of Portland’s residents; and

**WHEREAS**, there is no prior written record of the City Council providing guidance or taking actions regarding the size, expansion or policies-its policy goals for the City’s single-adult shelter ~~services prior to the establishment or expansion of the City’s single-adult shelter aside from annual approvals of the municipal budget;~~

WHEREAS, the City of Portland is the largest shelter provider in the State and is the only municipality in Maine that operates a shelter;

WHEREAS, forty percent (40%) of all shelter beds in Maine are located within the City of Portland<sup>i</sup>

WHEREAS, the City of Portland has increased the net amount of City general funds used to operate its shelters from \$18,634 in FY2015 to \$1,742,598 in FY2020.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council does hereby proffer the following policy goals to provide staff with guidance on Council objectives as the City plans for its new homeless services center for single adults:

1. Continue to employ a housing first approach, using the homeless services center as a place to help stabilize people experiencing homelessness as they transition to more permanent housing;
2. Continue the excellent work of the award-winning Long-Term Stayer Initiative<sup>4</sup>, which seeks to focus resources on housing those people with the longest stays in homelessness in the City;
3. ~~Look into~~Establish Diversion and Prevention tactics such as the Pine Street Front Door Triage program, a program staff reports has successfully

diverted “nearly 20% of individuals from ever entering homelessness and spending a night in a shelter.”;<sup>5</sup>

4. ~~Along with diversion and prevention tactics, s~~Seek other methods to decrease the average nightly census at the ~~City-run~~ facility;
  5. ~~Continue to w~~Work with ~~State, municipal and nonprofit leaders other cities and towns~~ to develop a regional-state-wide strategy for addressing homelessness and ~~more equally distributing the responsibility of caring for the homeless across municipalities~~establishing a network of low-barrier shelters and supportive housing across the state;
  6. ~~Continue to w~~Work with community partners and local and national experts ~~and residents of Portland~~ to determine ~~national best~~ practices ~~that will to~~ ensure the safety of staff, clients, and community members and ensure that the safety and quiet enjoyment of Portland’s neighborhoods are not diminished or compromised;
  7. ~~Work with State and municipal leaders and community partners~~Continue to pursue partnerships to help to address the needs of specific homeless populations ~~and~~, increase the supply of permanent housing for the chronically homeless, ~~and to~~ reduce the number of people in Maine experiencing homelessness~~the average nightly census at the City-run facility~~;
  8. ~~After implementing diversion and prevention tactics and receiving the commitment of State, municipal and nonprofit leaders to establish a network of low-barrier shelters across the State, bring a design~~Ensure for athe new facility of similar scope to other low-barrier shelters in Maine to the City Council for review~~is built with ample capacity to handle our current average annual nightly census for the previous 12 months. As of September 30, 2019, the average nightly census for the previous 12 months is 210~~;
- ~~Ensure the new facility has adequate capacity to handle overflow onsite as needed~~;
9. ~~Over time, A~~as the average nightly census regularly and on a year-round basis ~~comes in below 200decreases~~, consider establishing an appropriate cap on city services at the facility, ~~with sufficient advanced notice to other communities and the State government regarding when said cap will go into effect~~;

10. Develop clear transportation guidelines to assist clients in reaching the facility and accessing outside services in the City as necessary;
11. Develop a clear policy for Criminal Trespass Orders and other cases in which a suspension of services may be merited so that clients can easily see how specific behaviors will impact their ability to stay at the facility; and
12. Develop clear guidelines establishing that services provided by the shelter, including meals, are only for shelter clients who have completed or are completing the intake process and are staying at the shelter each night.
13. Develop a quiet hours policy for the benefit of shelter clients and the surrounding neighborhood;
14. Provide in-take services from a central location with referral made to the appropriate shelter or homeless facility such as the Family Shelter, single-adult shelter, or other specialty assessment or treatment facilities
15. Explore the potential benefits of procuring a vendor to operate the single-adult shelter as is done in Houston, New Orleans and Washington, D.C.
16. Develop public and private funding sources to pay for the design and construction of the new single-adult shelter and bring a recommendation regarding how to finance the construction of the facility to the City Council for consideration and approval.

## ATTACHMENT A

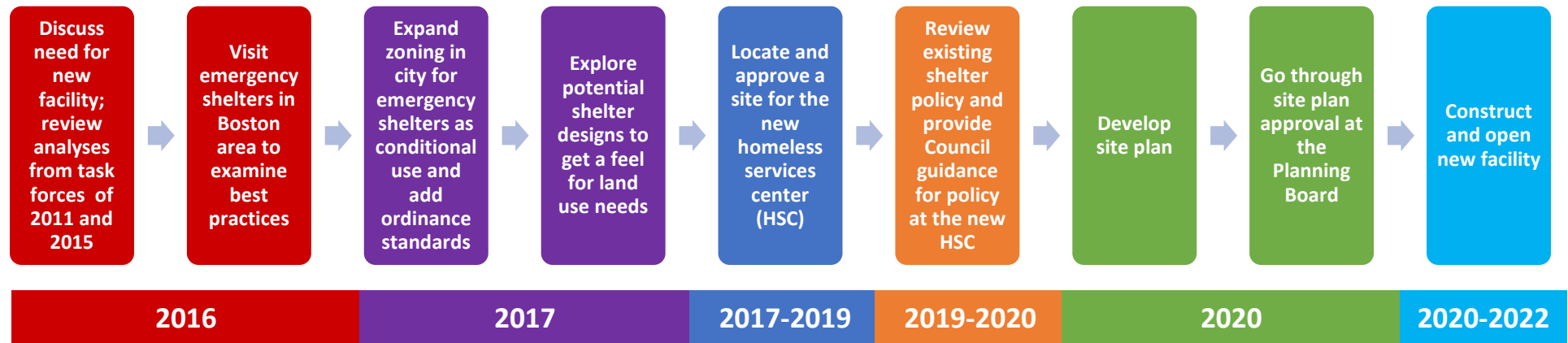
### References

1. Maine Memory Network, <https://www.mainememory.net/artifact/67713>, accessed on October 17, 2019.
2. *Oxford Street Shelter History*, City of Portland Department of Social Services, circa 2004, <https://www.portlandmaine.gov/DocumentCenter/View/2288/Oxford-Street-Shelter-History>, accessed on October 17, 2019.
3. Chart created on 10/22/2019 by Belinda Ray and based on Emergency Shelter Assessment Committee Monthly Shelter Statistics for the Oxford Street Shelter on the City of Portland website, <http://www.portlandmaine.gov/Archive.aspx?AMID=61>, accessed on October 17, 2019.
4. *National Alliance to End Homelessness Honors Pioneers in Innovation and Excellence at Annual Awards Ceremony*, National Alliance to End Homelessness Press Release, Washington D.C., October 10, 2017. <https://endhomelessness.org/wp-content/uploads/2016/10/Awards-Ceremony-FINAL-101017.pdf>, accessed on October 22, 2019.
5. DHHS Staff Memo to HHS & PS Committee from Sarah Fleurant, Oxford Street Shelter Director, dated September 23, 2019. Available in the HHS & PS Committee packet from October 8, 2019.  
<https://portlandme.civicclerk.com/web/UserControls/DocPreview.aspx?p=1&aoid=608>

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<sup>i</sup> Maine -Portland shelter bed inventory 2008 to 2019. "Tallies" tab available at <https://www.portlandmaine.gov/DocumentCenter/View/26116/Maine--Portland-shelter-bed-inventory-2008-to-2019>

# Overview of the Process to Replace the Oxford Street Shelter



## Ordinance Standards

*During site plan approval, the Planning Board will ensure the facility complies with the new ordinance standards passed in 2017. All emergency shelters must have:*

- adequate space for security searches and other assessments
- a centralized operations office with clear sightlines to sleeping areas
- a management plan outlining: 1) management responsibilities; 2) a process for addressing neighborhood concerns; 3) staffing; 4) access restrictions; 5) on-site surveillance; 6) safety measures; 7) controls for client behavior and noise levels; 8) monitoring reports
- adequate access to and from METRO service as well as strategies to help clients utilize transit
- on-site services to support clients such as case management, life skills training, counseling, employment and educational services, and housing assistance.
- suitable laundry, kitchen, pantry, bike storage, and secure storage facilities for clients
- an outdoor area for clients that is screened for privacy

  
**We  
are here.**

## Design Standards

*There are also design standards the facility must meet in the City's Design Manual, and it must also be ensured that its design and operation will not have a greater impact on the surrounding properties than other allowable uses in the zone.*

## The IL Zone

The Riverside location is in the IL Zone. Some other allowable uses in this zone are bakeries, breweries, bottling plants, pharmaceuticals, machine shops, food packaging, indoor amusement & recreation centers, plant & tree nurseries, lumber yards, automotive repair shops, day care facilities, dairies, dog training services, intermodal transportation facilities, and utility substations.



City of Portland, Maine  
Health & Human Services Department  
**Kristen Dow, Director**

**Social Services Division**  
**Aaron Geyer, Administrator**

Oxford Street Shelter  
**Sara Fleurant, Director**

**TO: Health & Human Services/Public Safety Committee Members**  
**FROM: Sara Fleurant, Oxford Street Shelter Director**  
**DATE: September 23, 2019**  
**RE: Staff Response on Policy**

At the September 10th HHS Committee meeting staff were asked to provide recommendations and feedback on several policy topics (outlined below). Staff met with local community partners and shelter providers, as well as regional shelter providers in the New England area. Staff also consulted and researched National Best Practice materials in order to inform the recommendations provided below.

Partner agencies staff met with and have reached out to this time: Amistad, Portland Police Department, Preble Street & Homeless Voices for Justice, Milestone, Maine Housing, PCHC Hope House, Greater Portland Health, Pine Street Inn, Crossroads House, Father Bills, Through These Doors, The Opportunity Alliance, Greater Portland Metro, Wayside, United States Interagency Council on Homelessness.

## **Residency**

Community Providers that staff met with largely felt opposed to this concept. Maine Housing has confirmed there are no State of Maine shelter providers with residency requirements or catchment areas so staff conferred with out of state shelter providers who do have catchment areas. From our discussion with these shelters it was shared with us that residency requirements can be difficult to enforce. Particularly in regards to balancing multiple funding sources with requirements for entry. These shelters often have similar intake screening to Oxford Street currently utilizing self-reporting and taking people at their word regarding residency.

Enacting a residency requirement at the City of Portland shelter would also cause the shelter to lose our low barrier status, the importance of this will be expounded upon in a later paragraph.

## CAP

Opinions in the Community varied on the implementation of a cap. All local shelter providers who currently operate with a hard capacity indicated historically they are able to manage their own hard capacities because they have been able to refer out to Oxford Street Shelter. They all shared the sentiment that Oxford Street Shelter was the community overflow once their capacity had been met.

Staff worked to analyze community feedback and guidance from HHS & PS Committee meetings. Staff support adopting the HHS & PS Committee's recommendations for a single, low barrier, 150 bed shelter. This essentially maintains the shelters current 154 bed capacity.

Several providers had feedback around flexible onsite space for overflow. This also included feedback around potential seasonal overflow, similar to the practices of Crossroads and Pine Street Inn who expand their bed counts in inclement weather or colder months. Staff support flexible onsite space for overflow during inclement weather and emergency situations. Staff recommend a built in space for a maximum of 25 additional beds.

## Intake

Staff have found through their research that it is national best practice is to utilize a Centralized Intake Model. This is defined by HUD as "a single place or process for people to access the prevention, housing, and/or other services they need."<sup>1</sup> In discussions, staff found unanimous support from shelters both across the State and New England for onsite centralized intake model. Please see attached the HUD Housing First Standards Assessment Tool which informs best practice standards for intake models.<sup>2</sup> (*Attachment 1*)

Staff would recommend an increased focus on Diversion and Prevention, as is also National Best Practice.<sup>3</sup> (*Attachment 2*). Staff feels strongly about modeling a program after Pine Street Inn's Front Door Triage program due to their impressive success at diverting nearly 20% of individuals from ever entering homelessness and spending a night in the shelter, additionally 12% of individuals in their program were rehoused within 7 days.<sup>4</sup>

## Low barrier Access

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<sup>1</sup>"Centralized Intake for Helping People Experiencing Homelessness: Overview, Community Profiles, and Resources," *HPRP Centralized Intake Paper*, Accessed Sept 24, 2019, [https://files.hudexchange.info/resources/documents/HPRP\\_CentralizedIntake.pdf](https://files.hudexchange.info/resources/documents/HPRP_CentralizedIntake.pdf)

<sup>2</sup> HUD Exchange, "*Housing First Assessment Tool-HUD Exchange*," Accessed Sept 14, 2019, <https://www.hudexchange.info/resource/5294/housing-first-assessment-tool/>

<sup>3</sup> United States Interagency Council on Homelessness, "*Prevention, Diversion and Rapid Exit*," Accessed Sept 15, 2019, [https://www.usich.gov/resources/uploads/asset\\_library/Prevention-Diversion-Rapid-Exit-July-2019.pdf](https://www.usich.gov/resources/uploads/asset_library/Prevention-Diversion-Rapid-Exit-July-2019.pdf)

<sup>4</sup> Pine Street Inn, "*Pine Street Inn, Front Door Triage*," Accessed Sept 19, 2019 <https://www.pinestreetinn.org/programs/emergency-services/front-door-triage>

Staff recommend to continue this national best practice of low barrier entry to shelter. (*Attachment 3*) The National Alliance to End Homelessness states, “Emergency shelters play a critical role in ending homelessness. Effective shelters should embrace a Housing First approach, offer immediate and low-barrier access to anyone facing a housing crisis, and measure shelter performance in order to improve results.”<sup>5</sup> (*Attachment 4*). Many of the community providers that we spoke to also practice low barrier shelter access. All community providers shared that they were in support of this model.

In discussion with Maine Housing it was brought to staff attention that Low Barrier Status will continue to factor into the funding formula for ESHAP in the Maine Homeless Solutions Rule. The Maine Homeless Solutions Rule is currently in Review and Public Hearing with the State. Maine Housing shared with staff that funding would be determined under the proposed formula by taking the maximum number of beds as indicated on the annual HIC or Homeless Inventory Count, multiplied by 125%.

## **Access**

### *Meals/Laundry/General Day Services:*

Many service providers felt strongly that only registered guests should be able to access the Homeless Service Center, with the caveat of the Clinic and Community Policing. The overarching theme behind this concern was one of safety for the guests and the space overall. Many providers shared concerns regarding protections for domestic violence victims and victims of trafficking specifically. It was also shared with staff that our ability to monitor and know who was in the space seemed important. One provider noted that if individuals were utilizing the space as a drop in center they would not have signed the Shelter policy and procedures and would not be familiarized with expectations in the same way as shelter guests.

One out of state shelter provider shared that only some of their meals are open to the public (for example breakfast and dinner but not lunch) due to agreements with the funder who provides their food. However, those shelters require safety checks for those not accessing shelter such as providing ID, wand, searches, etc.

Another out of state shelter was able to provide bagged lunches when they could not provide meals on site. And a third informed us that as they were not replacing a service in the community they prioritized meeting the needs of their onsite guests and did not open to the community.

### *Access to the Clinic:*

An FQH has requirements that they cannot turn anyone away. However, a clinic imbedded in the Homeless Services Center ideally would have two points of access, one to the general community and one leading into the Homeless Services Center.

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<sup>5</sup> “National Alliance to End Homelessness,” *Emergency Shelter Learning Series*, Accessed Sept 15, 2019, <https://endhomelessness.org/resource/emergency-shelter/>

*Access to a Community Policing Center:*

A Community Policing Center would also be open to the general community. However, they also would ideally have two access points, one to the general community and one leading to the Homeless Service Center.

**Transportation**

Staff met with General Manager of Metro Greg Jordan who was able to provide staff with information on current Metro stops and routes around the Riverside location. Mr. Jordan has promised to be part of ongoing conversations and to provide staff with supportive materials as needed.

Staff continue to support the recommendation that the Homeless Services Center will include a City operated van as a shuttle service to guests. The shuttle will operate throughout the day to stop at service centers for appointments as well as get back to the facility. This service will allow guest continued un-interrupted access to services they current utilize. In addition to the shuttle van the Homeless Services Center will continue the long standing practices of Oxford Street by using taxi vouchers, metro, and our current vehicles for transportation and follow-up services.



**City of Portland, Maine**  
**Health & Human Services Department**  
Kristen Dow, Director

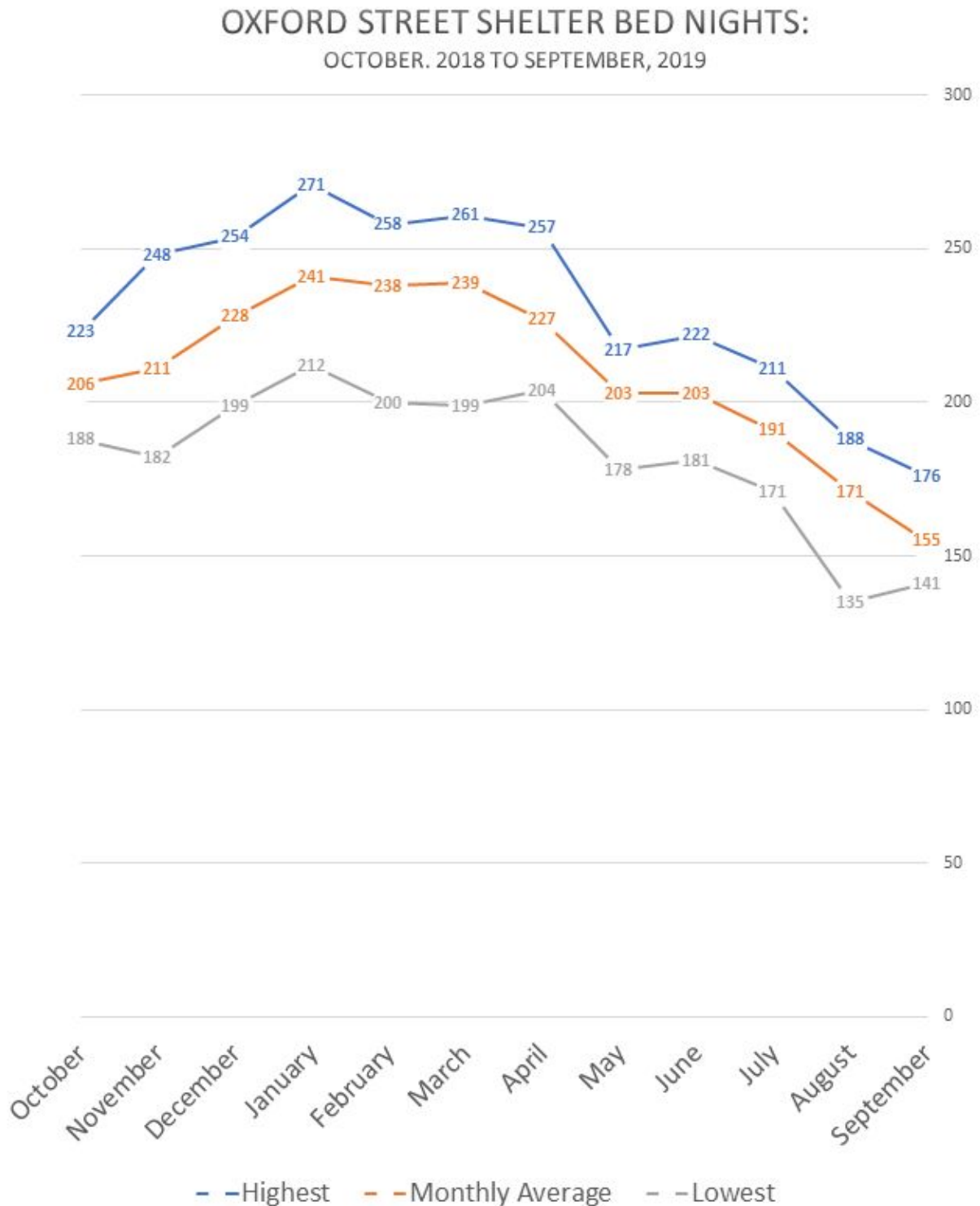
**Social Services Division**  
Aaron Geyer, Administrator

Oxford Street Shelter  
Sara Fleurant, Director

**TO: Health & Human Services/Public Safety Committee Members**  
**FROM: Sara Fleurant, Oxford Street Shelter Director**  
**DATE: October 22, 2019**  
**RE: Staff Response HHS Questions**

- Councilor Batson asked in reference to the hard cap of 150 what was the highest bed count of last year?
  - **On January 28th, 2019 the Oxford Street Shelter served 271 unduplicated individuals.**
- Councilor Batson asked, looking at the Diversion program model, how would the shelter handle a night where 200 people seek shelter at Oxford Street Shelter?
  - **If a situation where more individuals presented than council had approved capacity for staff would work with our community partners to seek appropriate shelter and maximize the number of individuals we can accomodate through efficient bed management.**
- Councilor Batson requested detailed action plans on what the City would do in the event of a large group over capacity presenting for shelter?
  - **Staff would take similar steps as we did over the summer with regards to opening of the Expo for an emergency shelter. Staff would seek guidance from the HHS committee and ultimately the full council.**

- Councilor Ray requested shelter counts going back one year. **Please see below:**



**See Attachment A for a nightly breakdown of the past year's bed nights at the Oxford Street Shelter: Total beds, OSS beds and PSRC Overflow beds.**

- Councilor Ali asked when the last time Oxford Street Shelter did not open overflow was and if it is a trend.
  - **In looking back at numbers the last time Oxford Street Shelter was not in overflow on a consistent month over month basis was prior to opening an overflow at the Preble Street Resource Center in 2011. (See attachment B: Excerpt from our 2011 Annual Report). In regards to analysis of the current trend down in numbers staff feel it is multifactorial. Staff feel there is sustained energy around the Long Term Stayer initiative and additional housing energy around individuals who have not yet made the by name list. In FY 19 staff have found that 28% of our clients our chronically homeless vs 32% in FY18.**
  
- The Committee requested more information on Pine Street Inn's Front Door Triage Program.
  - **Staff has scheduled a tour with Josh O'Brien of Pine Street Inn and Angela Giordano the Front Door Triage Program and other Senior Leadership. Staff are scheduled to tour these programs Friday November 15th.**
  
- Councilor Cook asked about the existing FQHC in Riverton Park and GPH. Additionally she asked if the shelter FQHC would be operated as a drop-in or by appointment.
  - **Staff reached out to Greater Portland Health regarding additional questions. Renee Fay LeBlanc, Chief Medical Officer replied with the following:**

**"To answer your first question, we don't have any plan to change our practice at Riverton Park. That site will remain open.**

**In terms of your second question, the visits at the new homeless site will likely be a mixture of walk-in and scheduled appointments. Currently, at 63 Preble, we have walk-in appointments in the morning and some scheduled appointments in the afternoon as that seems to work best for the patients. I assume the new site will be something similar, but we try to build the scheduling based on the needs of the patients, and would be open to trying something different if that works better for the patients."**
  
- Councilor Cook asked about the recommendation for the purchase and operation of a shuttle. What is the cost? Councilor Batson asked what the taxi voucher costs now and how staff anticipate that changing?
  - **(See attachment C.)**

- Should subsidized transit/metro passes be planned?
  - **In our current budget we have single ride metro tickets that are allocated for guests. We also have capacity to Logisticare and RTP for guests with MaineCare.**
- Councilors asked for information on CTOs and restrictions. Reasons for restrictions, new restrictions and any trends.
  - **(Please see attachment D, slide show on Criminal Trespass.)**
- Councilor Ray commented that there is an ordinance that a community relations plan be established. Further, that it is already in the ordinance and may not be something that needs to be worked out in this recommendation.
  - **Staff currently attend monthly BNA meetings and meet with members of the neighborhood as requested. Staff and shelter security conduct perimeter checks and outreach of the area surrounding the shelter, encouraging shelter guests to be good neighbors and signage in the area around the shelter reminds guests to be respectful of our neighbors. Staff also operates a neighborhood hotline for convenience of our neighbors. These practices would continue at our new homeless services center.**
- Council asked how we might address people sleeping outside and who will stay on the peninsula?
  - **Staff would continue to actively do outreach and continue to engage with those individuals in need of shelter and encouraging they access shelter whether that be City shelter services or one of our partner run scattered site models.**
- Councilor Batson requested information on Community Meals.
  - **(See attachment E.)**

**Attachment A** October 2018 to September 2019 OSS Nightly Counts Totals with Shelter and Overflow

| Month     | October    |           |          | November   |       |           | December  |           |          | January |         |        |
|-----------|------------|-----------|----------|------------|-------|-----------|-----------|-----------|----------|---------|---------|--------|
| Facility  | Total      | OSS       | PSRC     | Total      | OSS   | PSRC      | Total     | OSS       | PSRC     | Total   | OSS     | PSRC   |
| 1         | 191        | 142       | 49       | 196        | 134   | 62        | 205       | 137       | 68       | 221     | 147     | 74     |
| 2         | 210        | 138       | 72       | 185        | 130   | 55        | 214       | 144       | 70       | 221     | 146     | 75     |
| 3         | 188        | 135       | 53       | 182        | 126   | 54        | 232       | 153       | 79       | 223     | 154     | 69     |
| 4         | 188        | 139       | 49       | 194        | 138   | 56        | 224       | 149       | 75       | 220     | 146     | 74     |
| 5         | 188        | 138       | 50       | 211        | 137   | 74        | 234       | 144       | 75       | 212     | 144     | 68     |
| 6         | 197        | 129       | 68       | 203        | 133   | 70        | 224       | 149       | 75       | 236     | 150     | 76     |
| 7         | 194        | 139       | 55       | 207        | 132   | 75        | 228       | 144       | 75       | 248     | 158     | 90     |
| 8         | 207        | 140       | 67       | 212        | 137   | 75        | 230       | 142       | 75       | 244     | 154     | 75     |
| 9         | 208        | 140       | 68       | 205        | 132   | 73        | 234       | 143       | 76       | 236     | 151     | 73     |
| 10        | 211        | 141       | 70       | 209        | 131   | 78        | 249       | 158       | 75       | 245     | 153     | 75     |
| 11        | 207        | 139       | 68       | 207        | 133   | 75        | 237       | 144       | 75       | 238     | 149     | 75     |
| 12        | 211        | 141       | 70       | 212        | 137   | 75        | 246       | 155       | 75       | 236     | 148     | 77     |
| 13        | 200        | 144       | 66       | 213        | 136   | 77        | 238       | 147       | 75       | 240     | 154     | 75     |
| 14        | 201        | 134       | 67       | 221        | 141   | 80        | 227       | 152       | 75       | 241     | 153     | 76     |
| 15        | 217        | 142       | 75       | 204        | 136   | 68        | 226       | 151       | 75       | 226     | 151     | 75     |
| 16        | 211        | 142       | 69       | 196        | 135   | 61        | 224       | 147       | 77       | 241     | 151     | 75     |
| 17        | 223        | 148       | 75       | 212        | 137   | 75        | 240       | 154       | 80       | 241     | 153     | 75     |
| 18        | 217        | 142       | 75       | 204        | 130   | 74        | 254       | 153       | 75       | 240     | 165     | 75     |
| 19        | 208        | 142       | 66       | 207        | 133   | 74        | 250       | 159       | 75       | 225     | 157     | 65     |
| 20        | 204        | 145       | 59       | 214        | 140   | 74        | 248       | 150       | 75       | 232     | 157     | 75     |
| 21        | 217        | 142       | 75       | 201        | 135   | 66        | 223       | 150       | 73       | 257     | 159     | 80     |
| 22        | 223        | 147       | 76       | 197        | 125   | 72        | 211       | 136       | 75       | 266     | 160     | 75     |
| 23        | 215        | 140       | 75       | 215        | 140   | 75        | 216       | 141       | 75       | 261     | 161     | 75     |
| 24        | 217        | 142       | 75       | 222        | 147   | 75        | 208       | 143       | 65       | 252     | 150     | 76     |
| 25        | 216        | 142       | 74       | 232        | 148   | 78        | 199       | 134       | 65       | 250     | 154     | 75     |
| 26        | 204        | 137       | 67       | 248        | 151   | 79        | 223       | 148       | 75       | 252     | 159     | 76     |
| 27        | 201        | 137       | 64       | 241        | 150   | 75        | 231       | 156       | 75       | 254     | 154     | 77     |
| 28        | 204        | 138       | 66       | 237        | 149   | 75        | 231       | 145       | 75       | 271     | 155     | 80     |
| 29        | 209        | 140       | 69       | 229        | 145   | 75        | 231       | 148       | 83       | 249     | 157     | 78     |
| 30        | 204        | 136       | 68       | 215        | 144   | 71        | 231       | 156       | 75       | 256     | 152     | 77     |
| 31        | 206        | 131       | 75       |            |       |           | 199       | 139       | 60       | 251     | 143     | 82     |
| Totl Beds | 6397       | 4332      | 2075     | 6331       | 4122  | 2146      | 7067      | 4571      | 2296     | 7485    | 4745    | 2343   |
| Highest   | 223        | 148       | 76       | 248        | 151   | 80        | 254       | 159       | 83       | 271     | 165     | 90     |
| Average   | 206.354839 | 139.74194 | 66.93548 | 211.033333 | 137.4 | 71.533333 | 227.96774 | 147.45161 | 74.06452 | 241.452 | 153.065 | 75.581 |
| Lowest    | 188        | 129       | 49       | 182        | 125   | 54        | 199       | 134       | 60       | 212     | 143     | 65     |

| February |         |        | March   |          |          | April     |       |      | May       |      |           | June      |           |      |
|----------|---------|--------|---------|----------|----------|-----------|-------|------|-----------|------|-----------|-----------|-----------|------|
| Total    | OSS     | PSRC   | Total   | OSS      | PSRC     | Total     | OSS   | PSRC | Total     | OSS  | PSRC      | Total     | OSS       | PSRC |
| 223      | 149     | 74     | 228     | 153      | 75       | 236       | 149   | 75   | 213       | 149  | 64        | 181       | 142       | 39   |
| 200      | 139     | 61     | 199     | 132      | 67       | 236       | 148   | 77   | 216       | 152  | 64        | 201       | 143       | 58   |
| 210      | 147     | 63     | 220     | 143      | 77       | 216       | 143   | 73   | 178       | 137  | 41        | 209       | 147       | 62   |
| 232      | 153     | 79     | 235     | 146      | 76       | 227       | 152   | 75   | 187       | 142  | 45        | 198       | 142       | 56   |
| 234      | 159     | 75     | 252     | 150      | 80       | 214       | 141   | 73   | 185       | 137  | 48        | 202       | 132       | 70   |
| 225      | 147     | 78     | 251     | 150      | 77       | 207       | 144   | 63   | 208       | 150  | 58        | 200       | 145       | 55   |
| 238      | 160     | 78     | 247     | 148      | 78       | 232       | 157   | 75   | 202       | 145  | 57        | 188       | 139       | 49   |
| 233      | 155     | 78     | 230     | 154      | 76       | 249       | 157   | 77   | 207       | 148  | 59        | 188       | 136       | 52   |
| 228      | 151     | 77     | 234     | 154      | 79       | 231       | 153   | 78   | 195       | 146  | 49        | 198       | 144       | 54   |
| 233      | 155     | 78     | 234     | 159      | 75       | 244       | 150   | 79   | 189       | 142  | 47        | 218       | 148       | 70   |
| 251      | 155     | 76     | 239     | 148      | 75       | 226       | 145   | 81   | 190       | 144  | 46        | 221       | 148       | 73   |
| 229      | 150     | 79     | 258     | 153      | 78       | 229       | 155   | 74   | 212       | 151  | 61        | 208       | 143       | 65   |
| 241      | 149     | 79     | 239     | 152      | 76       | 220       | 154   | 66   | 208       | 150  | 58        | 222       | 144       | 78   |
| 257      | 152     | 74     | 249     | 158      | 75       | 247       | 160   | 75   | 205       | 143  | 62        | 199       | 146       | 53   |
| 228      | 153     | 75     | 232     | 158      | 74       | 257       | 153   | 75   | 217       | 145  | 72        | 193       | 144       | 49   |
| 231      | 156     | 75     | 238     | 144      | 81       | 235       | 149   | 78   | 213       | 156  | 57        | 205       | 148       | 57   |
| 237      | 149     | 77     | 246     | 155      | 75       | 231       | 153   | 78   | 204       | 150  | 54        | 210       | 149       | 61   |
| 251      | 153     | 74     | 258     | 165      | 76       | 228       | 150   | 78   | 208       | 151  | 57        | 217       | 150       | 67   |
| 244      | 149     | 78     | 248     | 154      | 79       | 215       | 152   | 63   | 204       | 145  | 59        | 217       | 147       | 70   |
| 242      | 149     | 78     | 245     | 147      | 82       | 208       | 148   | 60   | 202       | 151  | 51        | 219       | 147       | 72   |
| 242      | 154     | 78     | 245     | 151      | 75       | 204       | 151   | 53   | 216       | 150  | 66        | 205       | 146       | 59   |
| 251      | 160     | 74     | 223     | 149      | 74       | 231       | 156   | 75   | 216       | 151  | 65        | 201       | 144       | 57   |
| 235      | 154     | 76     | 230     | 149      | 81       | 238       | 150   | 78   | 215       | 153  | 62        | 203       | 146       | 57   |
| 253      | 156     | 74     | 239     | 159      | 80       | 233       | 158   | 75   | 193       | 145  | 48        | 210       | 142       | 68   |
| 258      | 155     | 76     | 261     | 166      | 78       | 233       | 155   | 78   | 182       | 140  | 42        | 202       | 142       | 60   |
| 251      | 159     | 75     | 237     | 144      | 77       | 209       | 145   | 64   | 190       | 148  | 42        | 207       | 138       | 69   |
| 245      | 155     | 75     | 257     | 156      | 75       | 211       | 147   | 64   | 206       | 151  | 55        | 201       | 147       | 54   |
| 258      | 153     | 79     | 240     | 139      | 83       | 213       | 144   | 69   | 211       | 148  | 63        | 192       | 136       | 56   |
|          |         |        | 230     | 156      | 74       | 211       | 147   | 64   | 214       | 150  | 64        | 184       | 138       | 46   |
|          |         |        | 221     | 147      | 74       | 225       | 155   | 70   | 215       | 143  | 72        | 199       | 150       | 49   |
|          |         |        | 243     | 155      | 75       |           |       |      | 186       | 144  | 42        |           |           |      |
| 6660     | 4276    | 2113   | 7408    | 4694     | 2377     | 6796      | 4521  | 2163 | 6287      | 4557 | 1730      | 6098      | 4313      | 1785 |
| 258      | 160     | 79     | 261     | 166      | 83       | 257       | 160   | 81   | 217       | 156  | 72        | 222       | 150       | 78   |
| 237.857  | 152.714 | 75.464 | 238.968 | 151.4194 | 76.67742 | 226.53333 | 150.7 | 72.1 | 202.80645 | 147  | 55.806452 | 203.26667 | 143.76667 | 59.5 |
| 200      | 139     | 61     | 199     | 132      | 67       | 204       | 141   | 53   | 178       | 137  | 41        | 181       | 132       | 39   |

| July    |         |         | August   |           |          | September |         |         |
|---------|---------|---------|----------|-----------|----------|-----------|---------|---------|
| Total   | OSS     | PSRC    | Total    | OSS       | PSRC     | Total     | OSS     | PSRC    |
| 184     | 130     | 54      | 188      | 147       | 41       | 149       | 140     | 9       |
| 190     | 142     | 48      | 160      | 131       | 29       | 151       | 145     | 6       |
| 182     | 137     | 45      | 161      | 137       | 24       | 157       | 137     | 20      |
| 173     | 143     | 30      | 177      | 140       | 37       | 148       | 140     | 8       |
| 181     | 141     | 40      | 176      | 156       | 20       | 149       | 149     | 0       |
| 185     | 150     | 35      | 172      | 157       | 15       | 156       | 156     | 0       |
| 196     | 154     | 42      | 179      | 145       | 34       | 145       | 145     | 0       |
| 207     | 155     | 52      | 178      | 143       | 35       | 176       | 148     | 28      |
| 192     | 146     | 46      | 177      | 142       | 35       | 173       | 160     | 13      |
| 208     | 151     | 57      | 180      | 150       | 30       | 150       | 150     | 0       |
| 207     | 155     | 52      | 172      | 145       | 27       | 153       | 152     | 1       |
| 187     | 143     | 44      | 188      | 148       | 40       | 161       | 151     | 10      |
| 171     | 141     | 30      | 183      | 148       | 35       | 153       | 153     | 0       |
| 188     | 148     | 40      | 179      | 139       | 40       | 159       | 159     | 0       |
| 194     | 155     | 39      | 182      | 146       | 36       | 159       | 159     | 0       |
| 199     | 142     | 42      | 182      | 147       | 35       | 164       | 164     | 0       |
| 187     | 141     | 46      | 172      | 145       | 27       | 157       | 157     | 0       |
| 188     | 145     | 43      | 175      | 150       | 25       | 157       | 157     | 0       |
| 185     | 140     | 45      | 184      | 152       | 32       | 162       | 162     | 0       |
| 188     | 149     | 39      | 176      | 150       | 26       | 151       | 151     | 0       |
| 196     | 146     | 50      | 174      | 144       | 30       | 157       | 157     | 0       |
| 211     | 153     | 58      | 171      | 141       | 30       | 152       | 152     | 0       |
| 199     | 146     | 53      | 161      | 140       | 21       | 154       | 154     | 0       |
| 209     | 150     | 59      | 154      | 138       | 16       | 163       | 163     | 0       |
| 198     | 155     | 43      | 158      | 138       | 20       | 153       | 153     | 0       |
| 182     | 143     | 39      | 175      | 143       | 32       | 149       | 149     | 0       |
| 181     | 143     | 38      | 165      | 144       | 21       | 149       | 149     | 0       |
| 194     | 148     | 46      | 177      | 148       | 29       | 141       | 141     | 0       |
| 193     | 149     | 44      | 164      | 138       | 26       | 153       | 153     | 0       |
| 188     | 141     | 47      | 141      | 138       | 3        | 149       | 149     | 0       |
| 190     | 149     | 41      | 135      | 125       | 0        |           |         |         |
| 5933    | 4531    | 1387    | 5316     | 4455      | 851      | 4650      | 4555    | 95      |
| 211     | 155     | 59      | 188      | 157       | 41       | 176       | 164     | 28      |
| 191.387 | 146.161 | 44.7419 | 171.4839 | 143.70968 | 27.45161 | 155       | 151.833 | 3.16667 |
| 171     | 130     | 30      | 135      | 125       | 0        | 141       | 137     | 0       |

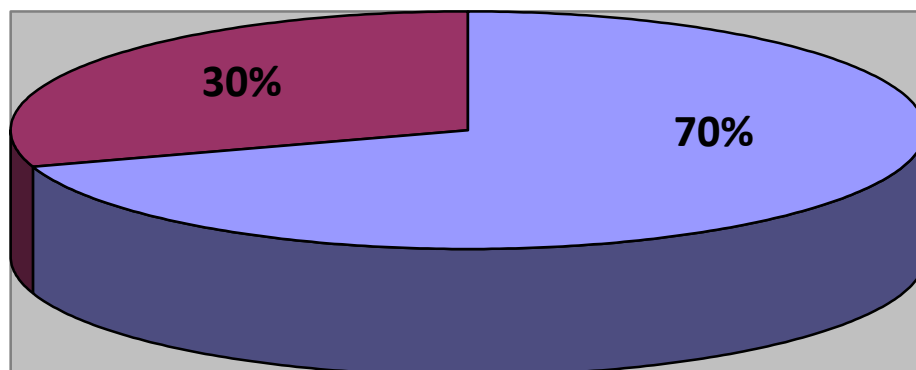
## Attachment B

### Shelter Overflow Excerpt from the Oxford Street Shelter FY2011 Annual Report

In April of 2010 Preble Street opened a new Women's Shelter at Florence House. This new facility included both permanent, transitional and shelter beds for women. The Women's Shelter was relocated out of the Preble Street Resource Center and into the Florence House. The number of women requesting shelter increase drastically during the summer of 2010 and the Preble Street Women's Shelter was filled to capacity. The City of Portland's Health & Human Service Department and Preble Street quickly responded and created an emergency overflow for shelter for women. The Social Services Division Refugee Services Conference Room was used as the women's overflow from June 23, 2010 through January 19, 2011. This emergency overflow space was only open from 9:00 PM – 6:00 AM. Staff moved the conference furniture and placed mats on the floor. Two staff was stationed at the overflow when used: one Preble Street and one Oxford Street Shelter Attendant. The number of men residing at the Oxford Street Shelter for Men decreased in the winter of 2011 due to the high number of men placed into permanent housing through the very successful Homelessness Prevention & Rapid Re-Housing program (HPRP). On January 20<sup>th</sup>, 2011 the Oxford Street Shelter began to serve women as a means of overflow which reduced the need to open additional overflow space. In May 2011, the Oxford Street Shelter reached full capacity of 154 beds with both men and women. The Preble Street Resource Center is currently used as the emergency overflow for men when Oxford Street reaches full capacity. Staff from Oxford Street opens the overflow at 9:00 PM and up to 30 men sleep on mats until 6:00 AM. This represents a sharp rise in homelessness during the past year. In the month of June all of the adult shelters in Portland were filled to capacity and/or overflowing. (Please see Attachment #6)



**\*Percent of total nights in FY 11**



Overflow was used 256 nights, or 70% of all nights in FY 11. An adult overflow shelter was open for all 12 months in FY 11 Including the following locations: City of Portland Social Services Division, 190 Lancaster Street (Refugee Services Conference Area), Women's overflow July 2011 – January 19, 2011

190 Lancaster Street was used 200 nights, for a total of 5,411 bed nights, averaging 27 women per night in FY 11.

#### **Preble Street Resource Center (PSRC)**

##### **Men's overflow beginning January 20, 2011**

PSRC was used 56 nights, for a total of 1,036 bed nights, averaging 19 men per night in FY 11

Total overflow bed nights in FY 11: **6,447**

Total overflow nights used in FY 11: **256**

**Attachment C**

HSC Transportation Costs

|                       | OXFORD STREET<br>FY19 BUDGET<br>(9000 sq ft) | FY19 Actuals<br>(Spending<br>Breakdown) | FY19 Actuals<br>(Spending<br>Ratios) | ONE FACILITY 150<br>BED SHELTER<br>(17,000 sq ft)<br>(Projected) | EXPLANATIONS                                                           |
|-----------------------|----------------------------------------------|-----------------------------------------|--------------------------------------|------------------------------------------------------------------|------------------------------------------------------------------------|
| EXPENDITURES          | Budget                                       | Actuals                                 | Ratio                                | Budget                                                           |                                                                        |
| Client Transportation |                                              |                                         |                                      |                                                                  |                                                                        |
| a) Bus                |                                              | 6,431                                   | 64%                                  | 9,589                                                            | Based on FY19 spending breakdown, location and projected rate increase |
| b) Metro              |                                              | 525                                     | 5%                                   | 783                                                              | Based on FY19 spending breakdown, location and projected rate increase |
| c) Taxi               |                                              | 3,104                                   | 31%                                  | 4,628                                                            | Based on FY19 spending breakdown, location and projected rate increase |
|                       |                                              |                                         |                                      |                                                                  |                                                                        |
| <b>TOTAL</b>          | <b>10,000</b>                                | <b>10,060</b>                           | <b>100%</b>                          | <b>15,000</b>                                                    |                                                                        |
| Personnel             |                                              |                                         |                                      | 73,476                                                           | 2 Shelter Attendants salary                                            |
| Benefits (36.61%)     |                                              |                                         |                                      | 26,900                                                           | 2 Shelter Attendants fringe benefits                                   |
|                       |                                              |                                         |                                      |                                                                  |                                                                        |
| <b>Total</b>          |                                              |                                         |                                      | <b>100,376</b>                                                   |                                                                        |
| <b>Operating cost</b> |                                              |                                         |                                      | <b>115,376</b>                                                   |                                                                        |
| <b>Start up cost</b>  |                                              |                                         |                                      | <b>35,000</b>                                                    | Shuttle Vehicle (12 person Van)                                        |
| <b>Grand Total</b>    |                                              |                                         |                                      | <b>150,376</b>                                                   |                                                                        |



# Criminal Trespass Statistics from Area Service Providers

...

**HHS & Public Safety Committee**

**October 22nd, 2019**

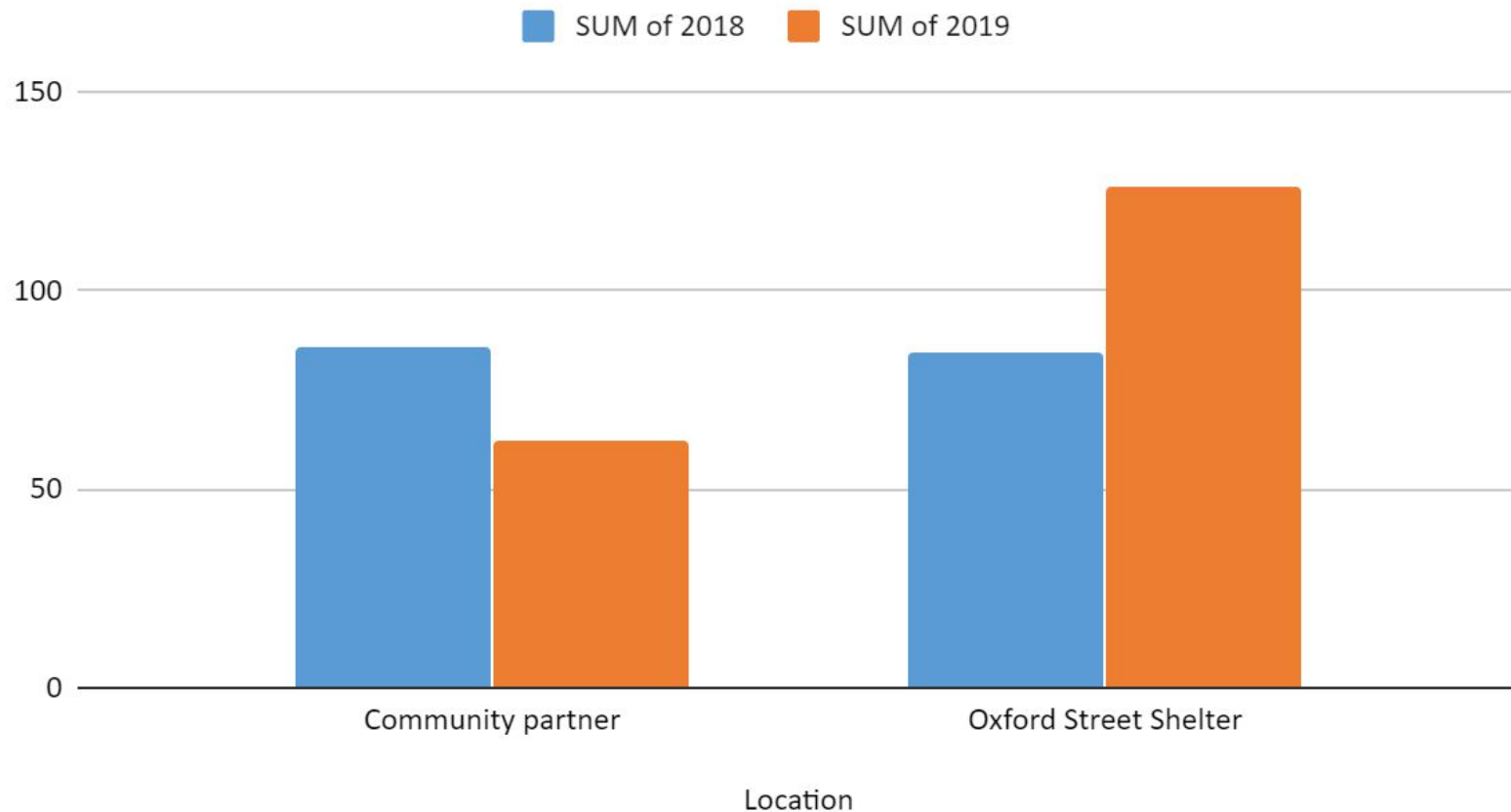
# Community Wide Criminal Trespass Notices Issued (2018 vs. 2019 YTD)

There were 170 criminal trespass notices issued in 2018, with 188 issued in 2019 from the beginning of the year to October 10, 2019. This accounts for criminal trespass notices from Community Partners as well as Oxford Street Shelter.

# Criminal Trespass Notices Issues (2018 vs. 10/10/2019)

| <i>Location</i>       | SUM of 2018 | SUM of 2019 | % Change      |
|-----------------------|-------------|-------------|---------------|
| Community partner     | 86          | 62          | -27.91%       |
| Oxford Street Shelter | 84          | 126         | 50.00%        |
| <b>Grand Total</b>    | <b>170</b>  | <b>188</b>  | <b>10.59%</b> |

## Criminal Trespass Notices by Location (2018 vs. 10/10/2019)

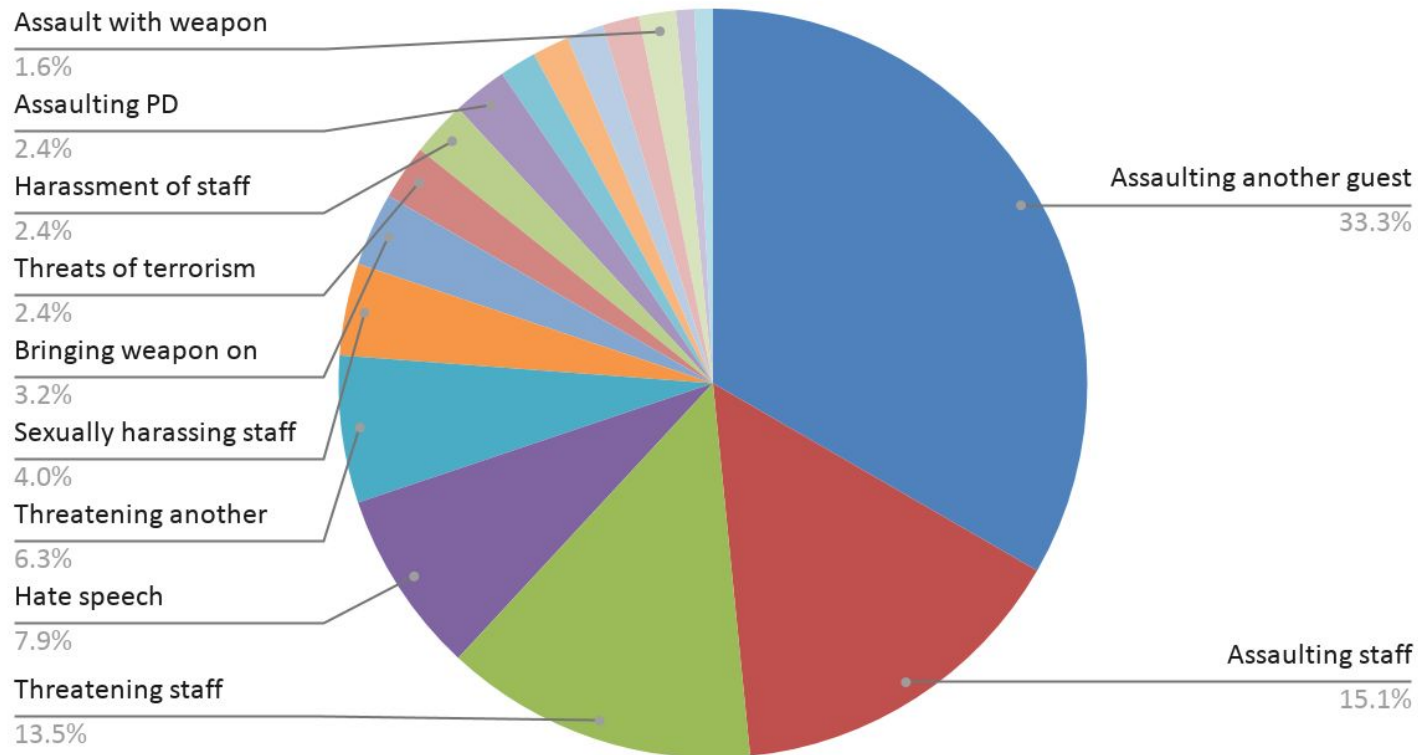


# Criminal Trespass Notice Details

| Primary Reason Issued       | # Issued | % of Total |
|-----------------------------|----------|------------|
| Assaulting another guest    | 43       | 34.12%     |
| Assaulting staff            | 19       | 15.08%     |
| Threatening staff           | 16       | 12.70%     |
| Hate speech                 | 10       | 7.94%      |
| Threatening another guest   | 8        | 6.35%      |
| Sexually harassing staff    | 5        | 3.97%      |
| Bringing weapon on property | 4        | 3.17%      |
| Threats of terrorism        | 3        | 2.38%      |
| Harassment of staff         | 3        | 2.38%      |
| Assaulting PD               | 3        | 2.38%      |
| Theft from staff            | 2        | 1.59%      |

|                                     |     |         |
|-------------------------------------|-----|---------|
| Interfering with emergency services | 2   | 1.59%   |
| Fighting with another guest         | 2   | 1.59%   |
| Disruptive/Unsafe behavior          | 2   | 1.59%   |
| Assault with weapon                 | 2   | 1.59%   |
| Selling drugs                       | 1   | 0.79%   |
| Public Indecency                    | 1   | 0.79%   |
| Grand Total                         | 126 | 100.00% |

## Criminal Trespass Notices Issued by Type through 10/10/19

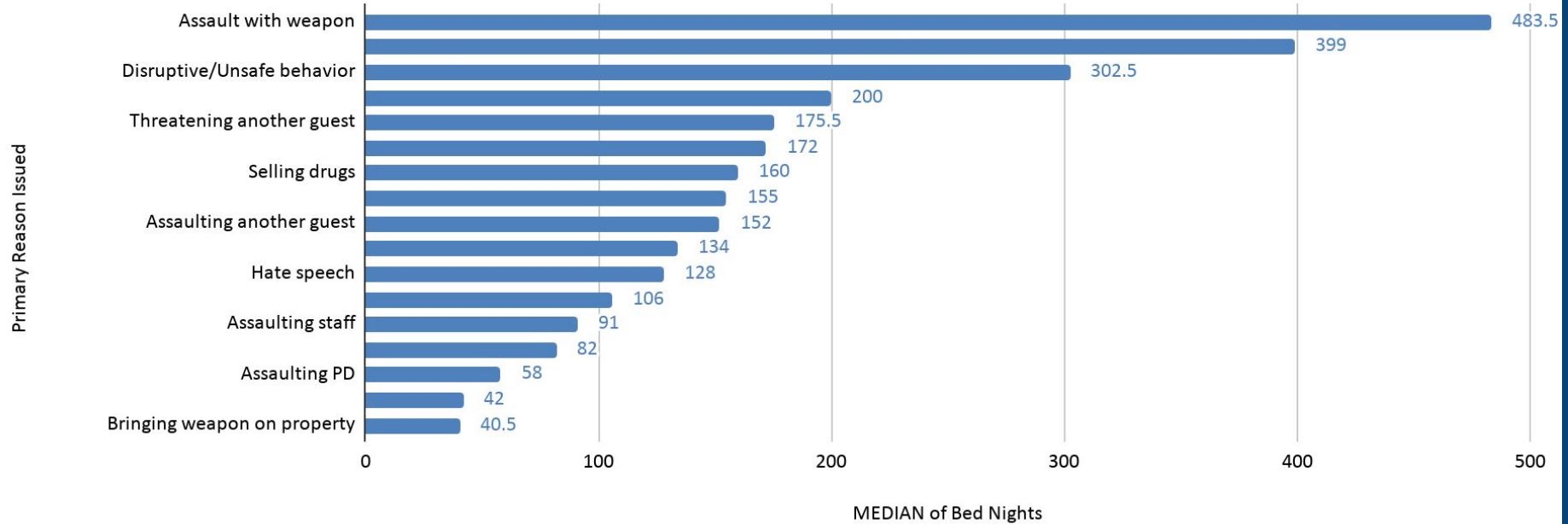


# Criminal Trespass Notices by Bed Nights

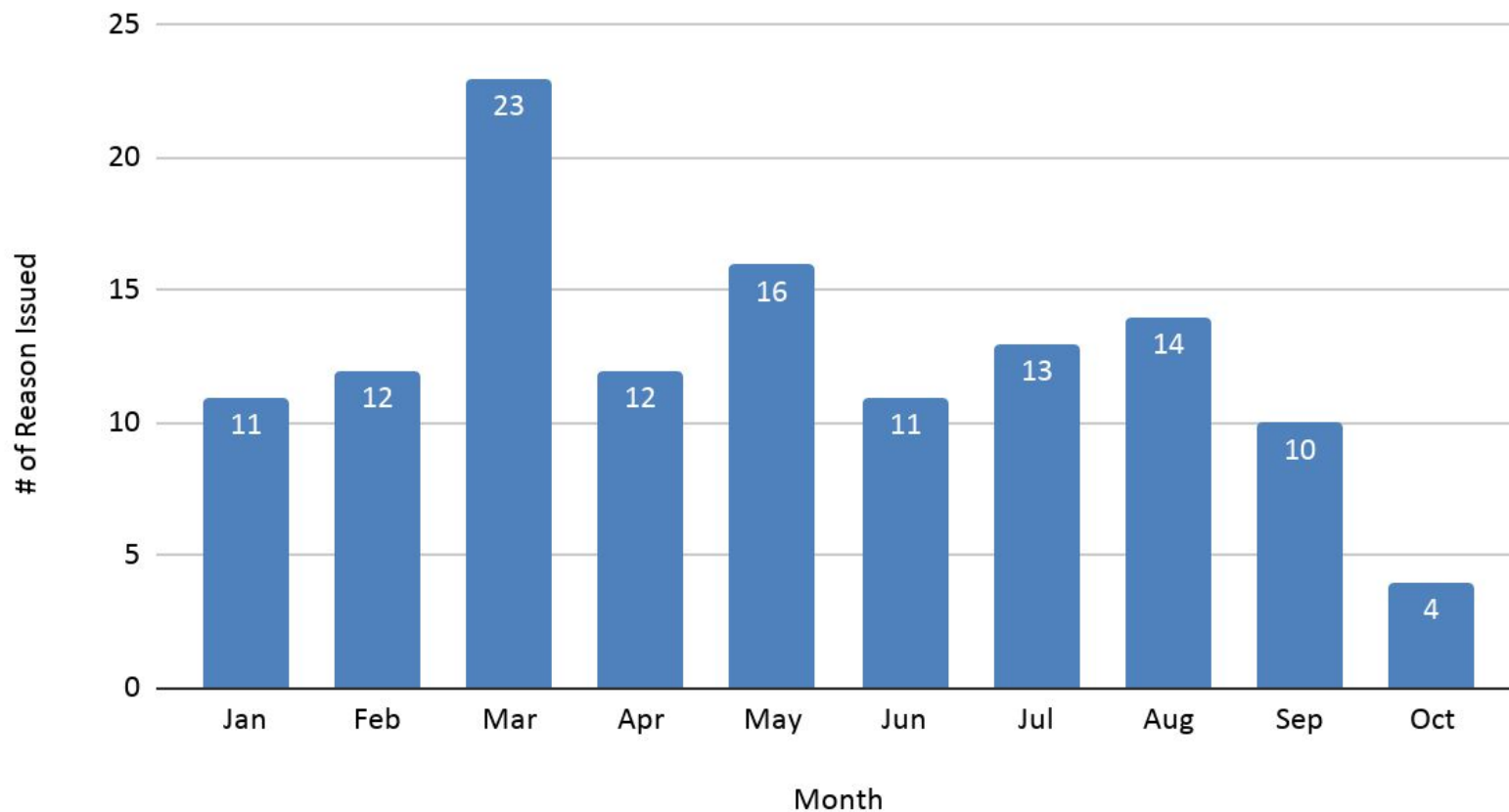
| <i>Primary Reason Issued</i> | Median Bed Nights | # of Unduplicated Guests |
|------------------------------|-------------------|--------------------------|
| Assault with weapon          | 483.5             | 2                        |
| Threats of terrorism         | 399               | 3                        |
| Disruptive/Unsafe behavior   | 302.5             | 2                        |
| Fighting with another guest  | 200               | 2                        |
| Threatening another guest    | 175.5             | 8                        |
| Sexually harassing staff     | 172               | 5                        |
| Selling drugs                | 160               | 1                        |
| Theft from staff             | 155               | 2                        |
| Assaulting another guest     | 152               | 42                       |
| Harassment of staff          | 134               | 3                        |

|                                     |            |            |
|-------------------------------------|------------|------------|
| Hate speech                         | 128        | 10         |
| Threatening staff                   | 106        | 16         |
| Assaulting staff                    | 91         | 19         |
| Interfering with emergency services | 82         | 2          |
| Assaulting PD                       | 58         | 3          |
| Public Indecency                    | 42         | 1          |
| Bringing weapon on property         | 40.5       | 4          |
| <b>Grand Total</b>                  | <b>126</b> | <b>125</b> |

## Median # Bed Nights by Criminal Trespass Type



## Criminal Trespass Notices Issued by OSS Monthly through 10/10/19



## Attachment E

# Food Pantries

| Pantry Name                                  | Hours                                        | When to come         | Who can come                    |
|----------------------------------------------|----------------------------------------------|----------------------|---------------------------------|
| Sacred Heart/St. Dominic Food Pantry         | Tuesday Open at 8:30am                       | Once a week          | Parkside Residents              |
| Sagamore Food Pantry                         | Tuesday 10-11 a.m.                           | Once a week          | Open to anyone                  |
| Salvation Army Food Pantry                   | Mon., Wed., and Fri. 1-2:30 p.m.             | Once a month         | Portland residents              |
| St. Luke's Food Pantry                       | Thursday 9:30-11 a.m.                        | Once a month         | Open to anyone                  |
| Stroudwater Christian Church Food Pantry     | Sundays 1-3 p.m.                             | Once every two weeks | Open to anyone                  |
| Wayside Mobile Food Pantry at Harbor Terrace | 3rd Friday 1-2 p.m.                          | Once a month         | Harbor Terrace & West End       |
| Wayside Mobile Food Pantry at Riverton       | 3rd Wednesday 3-4 p.m.                       | Once a month         | Riverton Residents              |
| Wayside Mobile Food Pantry at Front Street   | 2nd Thursday 10:30 - 11:30 a.m.              | Once a month         | Neighborhood residents          |
| Wayside Mobile food Pantry at Sagamore       | 4th Tuesday 10-11 a.m.                       | Once a month         | Sagamore residents              |
| Williston-Immanuel United Church Food Pantry | Thursday - arrive before 10 a.m.             | Weekly               | Open to anyone                  |
| White Memorial Food Pantry                   | Thursday 8-9:30 a.m.                         | Once a week          | Open to anyone                  |
| First Baptist Food Pantry                    | Wednesday 11:30 a.m. - 12:30 p.m.            | Once a week          | Open to anyone                  |
| Jewish Family Services Food Pantry           | Tuesday & Thursday, 9a.m. - 3p.m. Appt. only | Once a month         | Portland residents              |
| Preble Street                                | Thursday 1:30 - 3 p.m.                       | Once a week          | Open to anyone                  |
| Project FEED                                 | Monday-Friday 1-3 p.m.                       | Once every 3 months  | Portland & Greater Portland     |
| Root Cellar                                  | Monday-Friday 9 a.m. - 5 p.m.                | Emergency Only       | Open to Portland Residents only |
| St. Elizabeth's Non-food Pantry              | Tuesdays 9-11:15 a.m.                        | Weekly               | Open to anyone                  |

# Community Meals - Wayside (Meals are open to all who wish to attend unless otherwise noted.)

## **Mondays:**

- LUNCH, 12-1, Woodfords Congregational Church, 202 Woodford Street, Portland
- DINNER, 5-6, Reiche Community School, 166 Brackett Street, Portland (open to Reiche students & their families only)
- DINNER, 5-6, East End Community School, 195 North Street, Portland (open to EECS students & their families only)
- DINNER, 5-6, Sagamore Village Boys & Girls Club, 21 Popham Street, Portland (open to B&G Club students only)
- DINNER, 5-6, Riverton Boys & Girls Club, 55 Riverton Drive, Portland (open to B&G Club students only)

## **Tuesdays:**

- LUNCH, 12-1, Hope.Gate.Way United Methodist Community Center, 185 High Street, Portland
- DINNER, 6-7, Parkside Neighborhood Center, 85 Grant Street, Portland (open to seniors 55+ and families with children only)
- DINNER, 5-6, Salvation Army, 297 Cumberland Ave, Portland (open to seniors 5+ and families with children only)

## **Wednesdays:**

- DINNER, 5-6, My Place Teen Center, 755 Main Street, Westbrook

## **Thursdays:**

- LUNCH, 12-1, Salvation Army Center for Aging, 297 Cumberland Ave, Portland (open to seniors only)
- DINNER, 5:30-6:30, Hope.Gate.Way United Methodist Community Center, 185 High Street, Portland
- DINNER, 5:30-6:30, Deering Center Community Church, 4 Brentwood Street, Portland
- DINNER, 5:30-6:30, St. Peter's Episcopal Church, 678 Washington Ave, Portland

## **First Sunday of the Month:**

- DINNER, 5-6, First Parish Unitarian Universalist Church, 425 Congress St., Portland

# Additional Community Meals

## Preble Street Soup Kitchen

252 Oxford St., Portland

[www.preblestreet.org](http://www.preblestreet.org)

Breakfast: 8-9 a.m.

Lunch: 12-1 p.m.

Dinner: 5-6 p.m.

## Teen Center

343 Cumberland Ave., Portland

Sunday-Saturday (Open to all  
under 21)

Breakfast: 8-9 a.m.

Lunch: 12-1 p.m.

Dinner: 6-7 p.m.

\*\*can also get bagged meals

## St. Vincent De Paul South Kitchen

307 Congress St., Portland – East  
Bayside

Monday-Friday 12-1 p.m.

Open to all

## Sacred Heart/St. Dominic

80 Sherman St., Portland (corner  
of Sherman & Mellen St., door on  
Sherman St.)

Tuesdays 10-11:30 a.m.

## MEMORANDUM

TO: Health & Human Services Committee

FROM: Jennifer L. Thompson, Associate Corporation Counsel

DATE: June 25, 2019

Re: Shelter Policies and Residency requirements

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I understand that the Committee will be taking up questions relating to operation of the City's homeless services center. Included in the questions being considered by the Committee is the extent to which access to the shelter can or should be limited to residents of Portland. This memo will briefly address that question and highlight some issues of which the committee should be aware. Due to the press of time, a full treatment of this question has not been possible but I will be happy to talk further with the committee and full Council in the coming weeks and months if that would be helpful.

### I. Durational Residency Requirement

With respect to limiting access to the shelter to those who can establish residence in Portland, there are a couple of issues of which the Committee should be aware.

#### A. General Assistance

First, under the State's General Assistance statute, the City is *required* to provide emergency general assistance benefits, including emergency shelter, to eligible individuals without regard to residency. Historically, the City has met its obligation to provide emergency shelter by providing GA applicants with beds in the City's homeless shelters. The City is then entitled to reimbursement for a portion of that cost. If access to the City's shelters becomes restricted to Portland residents only, the City will need to find another way to provide shelter to non-residents – likely in area hotels. Municipalities are expressly prohibited from conditioning general assistance benefits on durational residency requirements.

#### B. Restriction on "Right to Intrastate Travel"

Additionally, although there are other municipalities around the country that have imposed some level of residency restrictions for their homeless shelters (e.g. Washington, D.C.<sup>[1]</sup>, Laguna Beach, California<sup>[2]</sup>, and Boston, Massachusetts), the Committee should be aware that durational residency restrictions have been the subject of legal challenge. Those challenges have most often been grounded on the Supreme Court's opinion in *Shapiro v. Thompson*, 394 U.S. 618 (1969) in which the Court struck down a one-year residency requirement for welfare payments. The Court's decision was based on its recognition of a constitutional "right to freedom of movement."

Since 1969, the Court's decision in *Shapiro* has undergone scrutiny and weakening somewhat such that is now unclear whether such a right, particularly a right to intra-state movement, exists or would prohibit residency requirements in connection with providing public benefits. The few cases in which a court has considered whether residency restrictions in homeless shelters are unlawful have either been in the negative or have neglected to reach the question. It is perhaps for this reason that residency restrictions are in place in some other municipalities around the country. For example, the District of Columbia and Laguna Beach, California both give priority in

shelter services to those who can demonstrate homelessness *and* residency. Those who cannot establish residency participate in a lottery.

Notwithstanding that there is precedent in other communities for residency restrictions, the Committee should be aware of the issue and the potential for legal challenge on that basis if it chooses to adopt a restriction based on residency. If it does pursue that option, it is recommended that it model its policies after other, established policies in other jurisdictions that are operating publicly run shelters (as opposed to privately run shelters).

## CHAPTER 2 – Eligibility Criteria

### Residency

One issue that has been a source of confusion over the years is residency. While a GA applicant's residency is something to take into consideration when taking an application, *it is not a condition of eligibility*. In fact, the *only purpose of discussing residency is to determine which municipality is ultimately responsible for providing GA to applicants*.

Residency is no longer the applicant's problem, as it was under the pauper settlement laws when indigent people could be shuttled between communities and sent back to the municipality where the applicants had their "settlement"—often their birthplace. The apparent reasoning behind settlement was that poor towns should only be required to provide support to their "own people." Under settlement, if people left one town and moved to another town they weren't considered settled until they had lived in the new town for five consecutive years without receiving assistance. If people needed assistance during the time they were trying to gain settlement in the new town, they had to receive it from the town where they were settled and they could be "removed" by their new town to their place of settlement for support. If people needed "immediate relief," the municipality where they were present had to provide it but could seek repayment from the town of settlement.

Maine courts were full of municipalities suing each other and squabbling over such arcane matters as whether people had been temporarily absent, people's personal habits, and whether "pauper supplies" had been given in good faith. Although Maine repealed settlement in 1973, it continued to have a durational residency requirement until 1976, when durational residency was also repealed.

Residency requirements in welfare laws rose to constitutional proportion in 1969 when the United States Supreme Court ruled that certain durational residency requirements were an *unconstitutional infringement on a person's right to travel* as guaranteed by the equal protection clause of the Fourteenth Amendment, and the due process clause of the Fifth Amendment. *Shapiro v. Thompson* (1969), 394 U.S. 618, 89 S.Ct. 1322. The *Shapiro* case concerned a challenge to the requirement adopted by most states that people be residents of a state for one year before being eligible to receive AFDC. The Supreme Court ruled that the one-year residency requirement was unconstitutional because it did not promote a "compelling governmental interest" and that there was no rational basis for making a distinction between longtime and new residents.

Durational residency requirements, which unreasonably restrict people from moving to or from a state by limiting their access to public benefits, are unconstitutional. Although the constitutionality of durational residency requirements which would act to restrict *intrastate* travel was never fully reached in the most pertinent Maine case. *Wyman v. Skowhegan*, 464 A.2d 181 (Me. 1983), it is probable that durational residency requirements would be found equally suspect, from a legal perspective, if people could be denied public assistance by various municipalities within Maine solely on the grounds of the applicants' length of residency. The issue of "right to travel" is no longer particularly relevant, however, because there is an express prohibition on durational residency requirements in the law (§ 4307(3)), and along with that prohibition there is the concept of "municipality of responsibility."

### **Municipality of Responsibility**

Generally, Maine law states that municipalities have the responsibility to provide GA to all eligible persons who are:

- residents—people who are **physically present** in a municipality with the **intention of remaining there** and establishing a household; or
- non-residents—people (including transients) who apply for assistance who are not residents of that municipality or any other.

In short, there is ***no durational residency requirement***. If a person is applying for assistance in a municipality and he or she does not live there but isn't a resident anywhere else, that person is considered a resident of the municipality where the application is made and that municipality must grant GA if the person is eligible. Municipalities cannot refuse to grant aid to people merely because they are not residents. **Residency is not an eligibility condition!** 22 M.R.S.A. § 4307.

**Example:** Laura Green has lived in Litchfield all her life, where many members of the Green family live. One day Laura packed up and left Litchfield and moved to Shapleigh, where she applied for GA. Shapleigh felt certain that Laura was Litchfield's responsibility and told her she would have to apply in Litchfield. Shapleigh's decision was wrong because Laura was 1) physically present in Shapleigh, 2) intended to remain there to maintain or establish a home and 3) had no other residence...therefore, for the purpose of GA, Laura was a resident of Shapleigh.

**Example:** Alvin Eliot has been a transient most of his life. One summer he drifted through Maine, moving from town to town and working odd jobs. One week he received some assistance from Augusta, and a month later he was in Castine, where he applied for more

food assistance. Castine called MMA to find out if Alvin was the responsibility of Augusta or of Castine. MMA said that Alvin was the responsibility of Castine because he was applying in Castine and he was a resident of *no* municipality, and his case contained none of the *relocation* or *institutional* complications that make exceptions to the general residency rule (*see below*).

**Example:** Dawna Jones applied for GA in Presque Isle, even though she lived in New Sweden, because she was told that New Sweden didn't appropriate any funds for GA and because the administrator did not believe she was a resident. The Presque Isle administrator contacted the New Sweden administrator and told him each town had to have a GA program to help eligible people and diplomatically attempted to convince him to accept an application from Dawna Jones. Luckily, the New Sweden administrator agreed to take the application. If he had disagreed, Presque Isle could have suggested that New Sweden call the Department of Health and Human Services or MMA for advice. However, if New Sweden refused to take the application, Presque Isle would have been required to take the application and issue the assistance for which Ms. Jones was eligible because there was a *dispute between the municipalities*.

## **Disputes & Inter-municipal Cooperation**

The only way the complexities of residency determinations can be dealt with efficiently is if the various municipalities within a residency issue communicate and cooperate with each other. The whole point of eliminating a durational residency requirement was to prevent applicants from being treated as volleyballs and being caught in the middle of a dispute between municipalities. State law is clear: "*nothing (in the law) may...permit a municipality to deny assistance to an otherwise eligible applicant when there is a dispute regarding residency.*" 22 M.R.S.A. § 4307(5).

In other words, if two municipalities disagree about which town is financially responsible to issue GA to a person, one of the municipalities is required to assist the applicant if he or she is eligible. The eligible applicant must receive assistance; the municipalities can argue about who is responsible for paying the bill later. Ultimately, it is DHHS who resolves these disputes. 22 M.R.S.A. § 4307(5).

When there is a dispute regarding which municipality is required to provide the assistance sought, the municipalities involved should first seek guidance from MMA or DHHS.\* If a resolution cannot be reached, the municipality in which the application is filed must provide the assistance and then seek a final determination from DHHS. DHHS must reach a decision regarding such a dispute within 30 working days; if the municipality that did not pay is

deemed to be responsible; then it has 30 working days from the decision to reimburse the municipality that did pay. If reimbursement is not made within those 30 days, DHHS will seek reimbursement from state funds (such as revenue sharing) that are due to the responsible municipality.

\* **NOTE:** *Due to potential conflicts of interest, MMA Legal Services can involve itself or facilitate communications on such issues only if all municipalities involved agree to MMA's involvement.*

It should also be pointed out that § 4307(1) provides that “any municipality which... illegally denies assistance to a person which results in his relocation...shall reimburse twice the amount of assistance to the municipality which provided the assistance to that person.” Obviously, it is hoped that this type of financial penalty would not be necessary, but to the extent municipalities can self-police each other's actions and otherwise work cooperatively so that all eligible applicants get their assistance in an efficient manner, the less likely it will be that the Legislature will step in and place even stiffer penalties in the law.

## Complications to Residency

### Moving/Relocating

From time to time applicants may request assistance to help them move to another town. *Municipalities may help people relocate upon the **applicant's request** under certain circumstances.* It is illegal under Maine law, however, to send a person out of town solely to avoid granting assistance. For instance, it would be illegal for an administrator to tell applicants that there are not any jobs in town, that the town has no intention of supporting them for the rest of their lives, and that they should leave town, and then force them on a bus to another town or state!

It is legal, however, to help an applicant relocate to another town if he or she requests that type of assistance and if such assistance makes sense (i.e., relocating the applicant is the only way to provide him or her with shelter). Examples of when relocation would be reasonable include when the applicant is hired for a new job in another town and needs help to move, or when a family is evicted and there are no other suitable places to live in town. It is important to note the difference between the **authority** of a town to help an applicant relocate and an **obligation** of a town to relocate an applicant on demand. Under Maine GA law a municipality is not obligated to relocate an applicant, provided the basic necessities are available within the municipality.

It is also important that municipalities communicate with one another when GA is used for the purpose of relocation. A sample form which can be used by a “sending municipality” to notify a “receiving municipality” that a GA recipient has been relocated is found in Appendix 3.

If a municipality helps applicants move to another municipality, the municipality which provides the relocation assistance continues to be responsible for those applicants for the first **30 days** after relocation. The law extends this obligation **from 30 days to 6 months** if the relocation is to a hotel, motel or other place of temporary lodging in the other municipality (see “Complications to Residency—Institutional Residents” below). It is for this reason that municipalities should always avoid placing GA recipients (even temporarily) in temporary lodgings. In the event no permanent housing arrangement can be found, always call DHHS to see if other alternatives exist before placing a GA recipient in a temporary dwelling.

In other words, if Milbridge paid a family’s first month’s rent to help them move to Cherryfield, Milbridge would be responsible for assisting the family with other basic necessities for which the family was eligible (food, electricity, fuel, etc.) during the first month. Once recipients relocate to the new town they can apply for assistance in the new town, or if the town of former residence is not far and they have adequate transportation they can apply directly to the municipality of responsibility during the first 30 days. If it is impractical to apply in the town where they previously lived, the administrator in the new town must take the application, notify the municipality of responsibility and upon its approval grant assistance according to that town’s ordinance or have that town provide the assistance directly.

The most important factors to keep in mind regarding people who have received relocation assistance are:

- If applicants are applying for the *first time* in your town, ask them if the municipality where they lived previously helped them move, so you can determine if the other municipality is still responsible. Ask all applicants where they lived previously and whether they received GA.
- If applicants received GA to help them move, notify the other municipality ***prior*** to granting assistance; if you fail to provide such prior notice the responsible municipality does not have to reimburse you. 22 M.R.S.A. § 4313.

- If the municipality which is legally liable for the applicants' support refuses to reimburse your municipality without a good reason, you *must* assist the applicants and attempt to recover the expense from the other municipality another way, including court. *(In situations like this you can encourage the uncooperative town to call DHHS or MMA for clarification of the issue, or if negotiations are futile you can report the situation to DHHS.)*

It is important to emphasize that the **30-day** responsibility falling on the "sending town" **only** applies when the sending municipality has provided relocation assistance; there is no continuing responsibility if the applicant relocated without municipal assistance, except when the relocation was to an institutional setting (*see below*).

### **Institutional Residents**

In 1983 the Legislature attempted to address the problem faced by municipalities that have one or more institutions in their communities to which people from surrounding areas come and later often need assistance. People who are in an *institution six months or less* are considered to be the responsibility of the municipality where they were residents immediately prior to entering the facility (*Example 1 below*); if they are there *more than six months* they are the responsibility of the municipality where the institution is located (*Example 2 below*). The only exception to this is if an applicant has been in an institution more than six months but has a residence in another town that the applicant has maintained and to which he or she intends to return. In that very rare circumstance, the applicant continues to be the responsibility of the municipality where that residence is located (*Example 3 below*), 22 M.R.S.A. § 4307(4)(B).

**Example 1:** Dan Gordon from Limerick entered a halfway house for substance abusers in Eliot. He had been there four months when he was told he could stay as long as he wanted but he would have to pay for his food. Mr. Gordon applied to Limerick for food assistance because that was where he lived prior to entering the rehabilitation program and he had been in the institution less than six months.

**Example 2:** Beverly Fogg and her two children had been in a shelter for abused families in Oakland for eight months. She felt strong enough to go out on her own, and started looking for apartments in Oakland and also Waterville, where she lived prior to entering the shelter. She found a place in Waterville and applied for GA there. Waterville told her that Oakland was responsible because she had been at the shelter longer than six months. The GA administrator called Oakland and discussed the situation. Oakland agreed that Ms. Fogg was the responsibility of Oakland.

**Example 3:** Joan Kaplan's mother had been in a nursing home in Skowhegan for eight months. She was in the nursing home recovering from an operation because Joan could not give her the care she needed at the family's home in Bingham. However, as soon as she recuperated, Joan's mother was going to return to Joan's home in Bingham where she had lived prior to going into the hospital. Unexpectedly, Joan's mother developed pneumonia and died at the nursing home.

Joan did not have any money for the funeral so she applied for GA in Bingham. The Bingham GA administrator noted that Joan's mother had been out of town in an institution for more than six months and therefore felt that Skowhegan should be responsible. Skowhegan felt that Bingham should be responsible because according to the doctor, Joan's mother intended to return home and she would have returned if the pneumonia had not developed unexpectedly. As a result, Bingham should have assisted Joan because that was where her mother lived prior to her death and her home, to which she intended to return, was located there. This should be distinguished from a case where people enter a nursing home but have no home to return to despite their desire to "go home."

### **Shelters for the Homeless**

Shelters of various kinds are generally recognized as institutions (§ 4307(4)(B)). Individuals in those shelters who are applying for GA could be the responsibility—for up to six months—of the municipality where they resided immediately prior to entering the shelter if the conditions found at § 4307 are met (e.g., the municipality moves an applicant into another municipality to relieve itself of the responsibility for the GA recipient at issue). In addition, § 4313's notification of the municipality of responsibility requirement must also be met.

The municipality of responsibility is a fairly straightforward determination for *domestic violence* and *substance abuse shelters* because the people in those shelters often had a clearly established residency immediately prior to entering the shelter.

Shelters for the homeless, however, present a unique challenge to municipal administrators with regard to the determination of municipality of responsibility. A resident of a homeless shelter often has a complicated residential history, and it is difficult to determine if the last town in which the shelter client was physically present was, in fact, that client's "residence" as residency is defined in GA law.

As discussed above, there are two factors that determine whether a person is (or was) a GA "resident" of a town. First, the person must be (or must have been) **physically present** in the

municipality. Second, the person must have demonstrated some sort of **intention** to remain in that municipality.

For the purposes of determining residency in institutional circumstances, it is not enough merely to determine that the shelter client was physically present in Town X before entering the shelter. The shelter client's intention to remain in Town X must also be established. "Intention to remain" might be determined by evaluating how long the person resided in Town X; whether the person made any attempt to secure housing in Town X; whether there were reasons beyond the person's control, such as eviction or domestic violence, which caused him or her to leave Town X and ultimately end up in the homeless shelter, etc.

*It is important to note that transients are the responsibility of the municipality where they are **physically** present. Therefore, it is fair to say that **most** applicants applying for GA from a homeless shelter are the responsibility of the municipality where the shelter is located.*

Shelters for the homeless, like any institution, do not want to be perceived as a burden to their host municipality. One way to protect the host municipality is to make sure the GA requests coming out of the shelter are targeted to the responsible municipality so that the host municipality does not have to deal with GA applicants for whom there is no local responsibility.

Therefore, it is not unusual for shelter operators to assist shelter clients in filling out GA applications and sending those applications to the town the shelter operator feels is the municipality of responsibility. Administrators should carefully evaluate the issue of residency when receiving such applications, because it is possible that the shelter's interpretation of residency law conflicts with the interpretation given here. As is the case with any residency issue, DHHS is the ultimate arbiter.

### **Hotels, Motels & Places of Transient Lodging**

In addition to what would commonly be understood as an "institution" (such as a hospital, nursing home, emergency shelter, etc.), § 4307(4)(B) defines a "hotel, motel or similar place of temporary lodging" as an "institution" when the municipality has provided assistance or otherwise arranged for a person to stay in such temporary lodging facilities. Therefore, if the municipality has provided assistance for an applicant to stay in a place of temporary lodging in another municipality, the "sending" municipality would become the "municipality of responsibility" for the first six months of the applicant's stay in those temporary facilities.

As a matter of DHHS General Assistance regulation, temporary housing is further defined as any facility that is licensed as an “eating and lodging place or lodging place as defined at 22 M.R.S.A. § 2491.” Therefore, if a municipality provides assistance for a recipient to move to a licensed rooming house in another municipality, the “sending” municipality would be responsible for that recipient’s GA needs for up to six months from the date of relocation, unless the recipient subsequently relocated to permanent housing, in which case the responsibility would drop to 30 days from the date of that second relocation. In any circumstance, a municipality that is providing out-of-town relocation assistance to any recipient would be well advised to make sure that the relocation is to permanent housing.

**Example:** Lilian Gould and her family applied for shelter assistance in Kenduskeag. There were no rental units immediately available in Kenduskeag, and so while Lilian was looking for an apartment, Kenduskeag met her short-term shelter needs by putting the family up in a motel in Bangor. A Kenduskeag selectperson received a call six weeks later from the Bangor General Assistance office informing him that the Gould family was seeking assistance to relocate from the motel into an apartment in Bangor. Kenduskeag carefully read § 4307, and correctly reasoned that Kenduskeag was the municipality of responsibility for the relocation because it had provided assistance for the family to live in an out-of-town motel. Kenduskeag also would remain responsible for 30 days after the relocation to the new apartment at which time Bangor would become responsible.

## **Initial vs. Repeat Applications**

Before going into detail about the eligibility determination process, it will be helpful to review the differences between “initial” and “repeat” applicants insofar as the determination of a person’s eligibility is concerned.

### **Initial Application/Repeat Application**

The underlying purpose of drawing a distinction between an initial applicant and a repeat applicant is to provide a person applying for GA the opportunity to learn about the rules of the program before those rules are applied. For example, most adult GA recipients who are unemployed and are physically and mentally capable of being employed are required to diligently look for work as long as they are receiving GA. If a repeat GA applicant is unwilling to make a good faith search for employment, that applicant can be disqualified from the program for 120 days. A person who never applied for GA before, however, would presumably not be aware of this rule and it would be unfair to apply a 120-day ineligibility status to an initial applicant for the reason that he or she had not been diligently seeking employment prior to seeking help from the town.

As another example, § 4315-A places a responsibility on all GA recipients to use their income on basic necessities, and establishes a procedure whereby income received into the recipient's household over the 30-day period prior to an application for assistance *and not spent on basic necessities* is still counted as income available to the household. This procedure, however, only applies to repeat applicants. The law presumes that the initial applicant was not aware of such a requirement.

Having some foreknowledge of the rules of the program is the premise underlying the concept of "initial applicant." While retaining that underlying premise, the law was changed with regard to the definition of "*initial applicant*." Since July 1, 1993, an "initial applicant" is very simply a person who has *never before* applied for GA in any municipality in Maine. *Any person who has applied for GA before*, even though it might have been two, three, four or more years ago, *is a "repeat applicant."*

Prior to this change in the law, an initial applicant was any person who had not applied for GA within the last 12 months. Because of this change, a significantly greater number of applicants will be "repeat" rather than "initial" applicants because they have a history of applying for GA. The result of this change in definition will be a larger pool of "repeat applicants" applying for assistance, and GA administrators can expect these repeat applicants to possess a general understanding of GA program requirements.

The primary effect of this law is that it requires all repeat applicants to report their use of income over the last 30 days, and in response to the information provided by the applicant, administrators are authorized to consider any "misspent" income as "available" income. For a more in-depth discussion of this procedure, please refer to the section of this chapter entitled "*The Availability of Misspent Income*." Furthermore, municipalities are authorized under this definition of "initial applicant" to withhold the issuance of emergency General Assistance to "repeat" applicants when those applicants could have averted the emergency with the appropriate use of their own income and resources. For a more in-depth discussion of limiting emergency assistance, please refer to the section of this manual dealing with emergency GA, particularly the section entitled *Misuse of Income* in this chapter.

In summary, *under current GA law, **initial** applicants are all people who have **never** before applied for General Assistance in any municipality in Maine. **Repeat** applicants are people who have, **at some time** in the past, applied for General Assistance to any town or city in Maine.*

Having laid out the current status of the law, it should be noted that there are a couple of irrational results stemming from an overly literal application of this change that should be avoided.

As has been mentioned, the primary effect of this change is to *hold all repeat applicants accountable for their spending decisions over the last 30 days*. Another common expectation of all repeat applicants is that they have adequately performed any work search obligations that were placed on them at the time of their last application. Typically, *any unemployed but otherwise employable recipient is required to make a **good faith effort** to look for a job a certain number of times per week between applications for GA*.

Because a “repeat” applicant is now defined as a person who has applied for GA at some time in the past, it is now the case that a person applying for assistance after being off the program for a number of years is a repeat applicant. As a repeat applicant, that person could be held responsible in a technical sense for documenting a work search effort spanning the several years since his or her last application. While it would clearly be appropriate to inquire about such an applicant’s actual work history during an extended period of time, and while it would also be entirely appropriate to inquire about such an applicant’s work search efforts over the last month, it would be neither reasonable nor appropriate to disqualify such an individual for failing to produce a documented work search effort spanning an extended period of time during which the individual was neither applying for nor receiving GA. This is an area of GA administrative practice that requires the application of good common sense and reasonableness.

Another irrational result that could occur from too zealously applying the concept of “initial applicant” concerns the definition of “applicant.” In MMA’s model General Assistance Ordinance, the definition of “applicant” clarifies that *a person is an applicant for General Assistance when the individual applies for GA or when an application is submitted to the administrator on an individual’s behalf*. A typical example of such a circumstance would be the husband or boyfriend who never comes into the office when his wife or girlfriend applies for assistance. Because the definition of an “initial” or “repeat” applicant has been amended by law, it is important to formally recognize that *people are still “applicants” even though they get other people to apply for GA on their behalf*.

Given that definition of an “applicant,” the MMA model ordinance goes on to clarify that a person will not be considered to be a repeat applicant if the last time that person applied for General Assistance was as a dependent minor in a household. This model ordinance language is designed to flush out the statutory standards in accordance with some semblance

of reasonableness. Adults who make an effort to avoid the face-to-face application process but still obtain and enjoy the GA benefits should be subject to the rules that govern all GA recipients. On the other hand, dependent children in a household could very well be unaware of the fact that the household is receiving GA, not to mention the various rules and responsibilities to which the adults in the household are subject. MMA's model GA ordinance, therefore, considers an *individual an initial applicant if he or she has never applied for GA before or if the only time he or she applied for GA was as a dependent child within an adult-supervised household.*

## Eligibility–Need

If knowing who may apply for assistance is the easiest part of administering GA, knowing who is *eligible* is the most difficult. In order to determine an applicant's eligibility the administrator must have a thorough knowledge of the state law, DHHS policy and local ordinance. There are many variables that must be considered when determining a person's eligibility. *The first eligibility test is need.*

### Need

The purpose of GA is to help people who are in need. "Need" is defined in the law as "the condition whereby a person's income, money, property, credit, assets or other resources available to provide basic necessities for the individual and the individual's family are *less than the maximum levels of assistance established by the municipality.*"

An applicant's "need," therefore, is a function of the maximum levels of assistance established in the municipal ordinance, and there are *two types* of maximum levels of assistance by which this analysis of need is calculated:

- an overall maximum level of assistance which is determined by law, and
- maximum levels of assistance for the specific basic necessities, which are determined by local ordinance.

*Therefore, there are two tests of eligibility that must be calculated before a household's exact eligibility is known with certainty.*

As a general matter of GA practice and for the purposes of this manual, these two tests of eligibility are respectively known as the "**deficit**" test and the "**unmet need**" test. *The deficit test is the difference between the applicant's household income and the appropriate overall maximum level of assistance. The unmet need test is the difference between the applicant's household income and the household's 30-day need, as guided by the ordinance maximum*

*levels for the specific basic needs.* Both of these tests rely on a determination of the applicant's household income.

A comprehensive discussion concerning the determination of income, types of income and other income issues can be found below in this chapter. For now, and for the purposes of determining an applicant's eligibility, it will be assumed that the precise household income has been calculated.

### **The Deficit Test**

In an effort to control the overall cost of the GA program to the state and municipalities, the Legislature in 1991 enacted a provision of GA law § 4305(3-B) that created an "aggregate" or overall maximum level of assistance for every applicant/household; that is, the maximum amount of GA available to a household for a 30-day period if the household has zero income.

The law sets that overall maximum at the greater of: (a) 110% of Fair Market Rent (FMR) levels established by the federal Department of Housing and Urban Development (HUD); or (b) the prior year's calculated overall maximum as increased by the percentage change in the federal poverty levels over the past year. **Note**, however, that the Legislature changed the formula for calculating the overall maximum for the period July 1, 2012 to June 30, 2013 (see § 4305(3-C) and again changed this formula for fiscal years 2013-2014 *and* 2014-2015 (see § 4305(3-D)). Please refer to state statute to ensure you are using the most recent formula established for calculating the overall maximum level of assistance.

The **FMRs** are calculated by HUD based on accumulated market data concerning the average rent-plus-energy costs for housing in the state's 16 counties.

Although the overall maximums established by this law are based on federal fair market rent surveys, the GA administrator should not confuse these overall maximum levels of assistance with the maximum levels of assistance in the ordinance for housing. *The overall maximum level of assistance is a hard number that applies to the total GA grant for a 30-day period.*

As a result of the current law that establishes two tests of eligibility for GA, MMA has suggested two distinct names for the purposes of distinguishing these two tests of eligibility: the "deficit" test, and the "unmet need" test. The first screen or test of GA eligibility is accomplished by determining the applicant's deficit. *The deficit is a strictly **mathematical***

*subtraction of the applicant's income from the applicable overall maximum for that household size for the appropriate county as designated in the municipal ordinance.*

It should be noted that an applicant is not automatically eligible for his or her deficit. It is possible (although not typical) for an applicant to have a deficit of a certain amount but have no real need for that amount of assistance when the applicant's actual expenses are taken into account. For this reason, the deficit test should always be supplemented with the unmet need test, as described below. *The way GA law works, an applicant is eligible over the course of a 30-day period for the household deficit or the unmet need, whichever is less.*

The only circumstance by which an applicant can be found eligible for more than his or her deficit is when the administrator makes a finding that the applicant is facing an **“emergency situation.”** The determination of eligibility for emergency GA and issues surrounding emergency assistance are discussed below in this chapter. It should be noted here that the analysis of eligibility for emergency GA will necessarily involve more than a determination of the applicant's deficit. *The emergency analysis will require an analysis of the applicant's unmet need.*

The point to remember is that the overall maximum level of assistance upon which the deficit is based is a somewhat arbitrary number that may or may not reflect the amount of money a household needs to get by for 30 days. *The unmet need, on the other hand, more accurately reflects the household's actual requirements.*

## **The Unmet Need Test**

The determination of need, whether it is an initial or subsequent application, is achieved by reviewing the *household budget*.

The household budget is simply an analysis of the household's **prospective 30-day financial need for basic necessities**. It is important to remember that the analysis of need is prospective; that is, the “needs analysis” looks forward over the next 30 days and does not, generally, include expenses or debts which have already been incurred.

The GA program is designed to pay **current bills** for **basic necessities**. Debts incurred by the applicant **prior to applying for GA** or debts incurred by the applicant for **non-essentials are not considered in the 30-day budget**. While it is possible the applicant is eligible for emergency GA to alleviate a legitimate emergency situation which results as a consequence of past debts, the need for an emergency GA grant would be an independent

analysis, calculated separately from the 30-day budget analysis (see the section entitled “Emergencies,” below in this chapter).

MMA’s GA application form takes the administrator and the applicant through the budget process under the application section entitled “Expenses.” Under that section, for each of the various identified basic necessities, there are two columns in which to report information. Under the column heading “Actual Cost for Next 30 Days,” the applicant should enter the actual 30-day cost for the household’s basic necessities, such as food, rent, utilities, fuel, etc.

It is the responsibility of the applicant to supply documentation sufficient to verify the household’s actual expenses. Under the column heading “Allowed Amount,” the administrator should enter either the actual amount as indicated by the applicant or the maximum amount for that basic necessity as fixed in the municipal ordinance, whichever is less.

There is one glaring exception to the general rule that the administrator enter as an “allowed amount” either the actual 30-day cost or the ordinance maximum, whichever is less. The exception applies to the food category.

Federal law, at 7 U.S.C. § 2017(b), reads as follows:

“The value of benefits that may be provided (under the Food Stamp program) shall not be considered income or resources for any purpose under any Federal, State or local laws, including, but not limited to, laws relating to taxation, welfare, and public assistance programs, and no participating State or political subdivision thereof shall decrease any assistance otherwise provided an individual or individuals because of the receipt of benefits under the chapter.”

Because of this federal law, the GA administrator **cannot consider the value of an applicant’s food supplement benefit** when considering how much food assistance should be budgeted for the applicant. State regulation now parallels the federal law by requiring the administrator to budget the full food maximum that is a part of the municipal GA ordinance (DHHS General Assistance Policy Manual, Section IV, “Food”).

The theory behind the federal law is that the food supplement benefit was intended to supplement and not replace all other existing food programs, and the federal Congress wanted to avoid the food supplement benefit from becoming the overall food assistance

maximum. In any event, to stay on the right side of the federal law and the state regulation, the administrator must budget the maximum food allowance for all applicants.

Another important exception to the general rule that the applicant is allowed only the lesser amount between the actual 30-day cost of the basic necessity and the ordinance maximum applies to applicants receiving federal fuel assistance benefits (HEAP/ECIP). 42 U.S.C. § 8624(f) provides that HEAP benefits *cannot be considered as “income or resources,”* but case law has interpreted the restriction to mean that eligibility for local assistance must be determined as though the recipient paid for the HEAP supplied energy.

Accordingly, under the MMA model ordinance, the administrator should enter into the “allowed amount” column the actual heating fuel costs up to the ordinance maximum for applicants who just received or are about to receive a HEAP benefit. The administrator can then reserve the issuance of that amount of assistance until the recipient can demonstrate an actual need for heating energy assistance.

It is important to note that in addition to the basic application, there is room in the budget analysis for the administrator to include other expenses to be incurred by the household which the administrator determines to be essential. *For example, some medical expenses, essential prescription drugs, non-prescription drugs, essential clothing and portions of a telephone cost (if a telephone is medically necessary) are basic necessities* that may be incurred by the household.

It might also be the case that a household is facing a special expense for goods or services which are not specifically identified as “basic necessities” in GA law. The GA program is flexible enough to allow the administrator to consider such an expense a basic necessity, and budget that expense into the household’s 30-day budget.

The result of the budget process is a “bottom line” calculation of the household “need” over the next 30-day period. By subtracting from that “need” the household’s income, the administrator reaches the determination of the household’s *unmet need*. The unmet need, if it is less than the applicant’s deficit, is the amount of “regular” or “non-emergency” GA that can be made available to the household over the 30-day period, in accordance with the household’s request for assistance.

**Example:** The following is an example of a budget work up for the hypothetical applicant, Patricia Flannagan. Pat was divorced recently and lives in Sorrento with her two children, ages three and five. The only household income is the monthly TANF check of \$526. The

date of the application is August 15. Pat is able to present adequate documentation to verify all her claims, and she is not presently in an emergency situation of any kind. Pat is a first time applicant so the administrator did not require proof of how Pat spent her last month's income. The overall maximum level of assistance for a household of three in Hancock County is \$913, and so after subtracting Pat's income of \$493 the administrator determined Pat's deficit to be \$387.

Pat was instructed to fill out the first column of the application, "Actual Cost for Next 30 Days." She was asked to put a figure beside each category which represents her actual cost of the particular basic necessity over the next 30 days. After Pat was finished with this section of the application, the administrator went over it with her, explaining the reason for the figures he was entering in the column "Allowed Amount."

### Miscellaneous "Household Composition" Issues

Determining household composition (who is a member of the household for purposes of GA) is an essential step in calculating eligibility. Although it is one of the easier steps involved in the GA eligibility calculation process, complications sometimes arise—especially in an age where the "traditional" family composition is continuously changing.

- **Incarceration.** Although it may seem obvious, it is worth mentioning that incarcerated individuals should not be counted as members of a household for purposes of GA. *While in prison they receive all the basic necessities*—thus incarcerated family members have no "needs" relative to GA.

Furthermore, while incarcerated, they are not "shar[ing] a dwelling" with family which is key to the definition of "household" (§ 4301 (6)) and thus they are not members of the "household" for the duration of their incarceration.

- **Child Custody.** Another issue concerns the provision of GA to divorced (or separated) parents sharing legal custody of a child. In order to determine within which household the child belongs (for GA household composition purposes), *residency is a key factor.*

First, should a GA administrator receive information that a child may be living in more than one home, due for example to a divorce, the administrator should inquire as to where the child is registered to attend school. Although this may not in every situation reveal the actual residency of a child, it should generally provide the administrator with pertinent information.

Second, court documents such as “child custody orders” and “custody agreements” should also provide information as to who has custody of a child and for how many days a week, etc. If a parent has been given “sole” custody, and the child actually spends most or all of his/her time with that parent, that custodial parent would be entitled to receive the entire amount of GA designated for that child.

*Note: In such a case, there exists a corresponding presumption that the other parent should be (or is) contributing child support for the child. If child support is not being received, the GA applicant as a condition of future eligibility should be made to contact DHHS’s unit of Child Support Enforcement. Because child support is considered a resource, parents are obligated to pursue its receipt as a condition of GA eligibility.*

**Example.** Johnny’s parents are divorced. He spends half of the week with mom and half of the week with dad. Both parents reside in Wayne and he is registered for school in Wayne. Mom applies for GA and reveals that he lives with his father half of the week. The GA administrator should provide mom with only half of whatever amount she would otherwise be entitled to if Johnny were with her full time (i.e., the prorated amount).

Furthermore, since Johnny is under 25 years of age he remains the legal responsibility of both parents for support, which means the municipality could attempt to collect whatever funds are expended for Johnny from his father. The administrator should ask the mother whether she is receiving the child support Johnny’s father has been ordered to pay. If she is not, she should be required to contact the Department of Health and Human Services Support Enforcement Unit in order to seek enforcement of the father’s child support obligation.

**Example.** Sue’s parents are separated. She spends most of the time at her father’s home in Augusta and also attends school in Augusta. Sue’s mother lives in Old Orchard Beach. Sue’s mother applies for GA in Old Orchard Beach. Sue will be visiting her for a weekend sometime this month. Sue’s mother requests rental assistance because she lives in a one-bedroom apartment and wants to move into a two-bedroom apartment so she can accommodate her daughter with a bedroom of her own whenever she comes to visit. The GA administrator is told about the situation and performs the eligibility review based on a household of one—leaving Sue out of the household composition.

*Needless to say, child custody issues relative to GA eligibility must be handled on a case by case basis. Chances are they will never be as clear cut as the previous examples. However much living arrangements may seem “untraditional” to administrators, information will*

*have to be objectively analyzed and DHHS or MMA should be called when dealing with situations which are unclear.*

## **Income**

If one half of the “need” analysis concerns the applicant’s overall eligibility as *though the household had access to zero income*, the other half concerns the household income calculation. Since need is determined by considering the applicant’s income, it is important to understand what is meant by *income*. The state law defines income as “any form of income in cash or in kind received by the household.” 22 M.R.S.A. § 4301(7). This definition refers to the net amount of earned income as well as retirement benefits, TANF, disability insurance, workers compensation benefits, social security income, alimony, support payments, or other forms of discretionary cash or in-kind contributions that may come into the household from friends, relatives or any other source.

## **Excluded Income**

There are some forms of income that Congress has expressly prohibited from being considered as income. These include the food supplement benefit and fuel assistance benefits (HEAP). Also excluded by federal law is income earned under the Americorp program and VISTA job-training program. In addition, state law excludes from income property tax rebates issued under the Maine Residents Property Tax Program (so-called “Circuit Breaker” program). 36 M.R.S.A. § 6216. Effective August 1, 2013, however, the Circuit Breaker program was repealed and replaced with the “Property Tax Fairness Credit” program. Benefits obtained under the new program are counted as income unless used to provide for basic necessities. 22 M.R.S.A. § 4301(7).

Also excluded are funds from “Family Development Accounts” (known as FDAs). FDAs are accounts which can hold savings of up to \$10,000, and the family can still remain eligible for GA (in addition to other benefit programs e.g., the food supplement benefit) provided the funds in FDAs are used only for specific designated purposes such as: purchasing a car or home, or paying for education, health care, or other things approved by the Department of Health and Human Services. 10 M.R.S.A. § 1078. The earned income of any children *under 18 years old who are full-time students* and are working part-time also **cannot** be included as part of the household income. Finally, a person’s tools, such as a tractor or skidder used to earn a living, cannot be considered assets. 22 M.R.S.A. § 4301(7).

GA law also excludes work-related expenses such as withholding taxes, union dues, retirement funds, contributions, and reasonable work-related travel expenses and childcare costs from income. As a result, these items are subtracted from a household’s total income



**City of Portland, Maine  
Health & Human Services Department  
Kristen Dow, Director**

**Social Services Division  
Aaron Geyer, Administrator**

**MEMORANDUM**

**TO: Portland City Councilors**  
**FROM: Aaron Geyer, Social Services Administrator**  
**Sara, Fleurant, Director of Oxford Street Shelter**  
**DATE: January 27, 2020**  
**RE: Staff Response to January 13<sup>th</sup> City Council Workshop Questions**

**Council Question: How do other municipalities meet their General Assistance obligations without a shelter?**

Below is information other General Assistance administrators sent to me about their practices. Most municipalities staff have spoken with acknowledge homelessness as an emergency and will refer to homeless shelters throughout the state and others will utilize hotels for a duration. However, both of these resources are limited with some communities having no nearby shelters or hotels that will accept GA vouchers.

- Bangor
  - Maintains a close relationship with both area shelters and use GA funds to pay per bed night for eligible guests.
    - Shelter staff members take the GA application and we review them weekly.
    - Based on our review we issue vouchers to those who are eligible.
  - If someone presents at either of the shelters, Bangor GA presumes they are their responsibility and will pay provided clients meet the income eligibility requirements.
  - Neither shelter has a set-aside for GA referrals, and both are usually full when contacted.

- Bangor GA paid for hotels in the past, but due to a large number of cases where clients caused damages, there are no longer have any hotels that will accept GA vouchers.
  - They used to get hotel requests daily, but the word is out that clients no longer have that option making it rare for people to ask. Those who do ask seem to find other options when told a hotel stay isn't possible.
  - There have been a couple of occasions when Bangor GA paid to put someone in a taxi to the shelter in Ellsworth; Bangor GA always contacted Ellsworth GA informing them of this.
- Biddeford
    - If someone presents for GA and is in need of shelter, an application for GA is taken; however, it is the client's responsibility to locate housing.
    - If eligible, GA would then pay for the housing that the client locates which in some cases, is a hotel.
    - Biddeford does not have a shelter and does not have a relationship with any local shelter.
- Sanford
    - Treats homelessness – or the risk of homelessness – as an emergency when taking GA applications. However, even for those eligible for emergency assistance, resources are severely limited.
    - Sanford will use a hotel, but there is only one hotel that accepts GA vouchers and only on a per night basis. That limits help to only a few days before the applicant is back on the street.
    - They have a great relationship with York County Shelter Programs, Inc., but there is no way to do a direct referral as they are normally at full capacity.
      - Clients are advised to call every morning and afternoon as that is the only way to be on the front burner when a space opens.
      - When someone does call regularly, the turnaround can be pretty quick.
      - Calls to YCSPI are required every morning and afternoon as a condition of future eligibility when someone is placed in a hotel.
      - A hotel stay is also used as a bridge to a known opening at YCSPI (there can often be a gap of a few days before shelter entry) for those who are eligible.
    - It is difficult to address this issue due to the substantial shortage of available housing in Sanford combined with the lack of short-term solutions.
    - Those placed in a hotel for a few days are not returning to do another application.
      - The Sanford GA Administrator believes the biggest reason is those days provided are allowing the person to find longer term solutions without having the stress of finding a place to stay each night.

- Westbrook
  - Works with clients in identifying other available resources and as a last resort does provide some assistance with a hotel for a limited period of time.
  - Assistance is usually based on the overall GA eligibility, although they have found it extremely difficult to find hotels/motels willing to work with GA due to a host of different reasons.
  - Westbrook GA will reach out to York county shelter, Florence house, Hope Haven in Lewiston, Tedford shelter in Brunswick, the Teen shelter in Portland and they do accept clients if there's availability.
  - Westbrook GA has always been open to working with area shelters and one great working relationship that they have is with the Family Shelter in Portland.
    - The Family Shelter Program Manager calls whenever a Westbrook family presents at the shelter in Portland and they work together to try to resolve the issue.
    - The Family Shelter could also bill Westbrook GA if it's determined that a GA eligible Westbrook family stayed at the shelter.

**Question: What are the turn away police for other Maine Shelters?**

MaineHousing received turn away policies submitted to them anonymously from shelters around the state. They are listed below:

- **Shelter 1-**
  - Referred to other local shelters.
  - During the winter time we are able to accommodate an overflow with five mats on the floor.
  - We are starting an overnight Warming Center during the upcoming winter.
- **Shelter 2 -**
  - Clients will call, walk in or get dropped off looking for shelter
  - Client should be informed if the shelter is full Immediately
  - Then offered to complete the Questionnaire with them Explain the purpose of the questionnaire Explain the Call List Process
  - Complete the Questionnaire and add them to the Shelter Call List Explain to the Client that they must call in daily to inform Staff that they are still in need of shelter If they do not have a phone- Refer them to the Library, the Main Office and to the Soup Kitchen.
  - Then refer them and provide them with the list of the Maine State Housing
  - Emergency Shelter Contact
  - Also provide them with the Emergency Resource Packet (The packet lists resources that they can contact for assistance with housing, food, clothes, rent, Case management, child Care, etc.)
- **Shelter 3-**

- When shelter is full and it is likely that space will become available within 72 hours, eligible prospective residents are sheltered in a motel until shelter beds open up.
- When shelter is full and it is unlikely that space will become available within 72 hours, and the individual/family is being sought/stalked by their batterer (i.e. is in danger of being found by an abuser intent on regaining control over the victim) a referral will be made to another domestic violence shelter with available space and needed transportation to the receiving shelter is arranged by shelter.
- When shelter is full and it is unlikely that space will become available within 72 hours, and the victim is not being sought/stalked, nor in any danger of being found by the abuser (i.e. homeless as a result of domestic violence, but not at imminent risk from the abuser), the individual/family may be referred to a homeless shelter and will be provided with information about how to access other program resources that may be needed (e.g. individual advocacy and/or group support or legal services.)
- **Shelter 4-**
  - Once the Family Shelter is at capacity, we open a Warming Center for those families presenting. We do not turn away homeless families who are presenting, but if a family is clearly a resident of another Maine community, we will provide warming center while working with the other municipality to work on either reconnecting them to their local General Assistance (GA) or we will bill that local GA.
- **Shelter 5-**
  - The Shelter has the capacity to provide emergency shelter services for \_\_\_\_\_ individuals; with gender ratios often fluctuating which can affect capacity. This number includes the Community Overflow shelter which we operate and staff nightly. Staff work hard to proactively mitigate situations when receiving calls for shelter services because we are in fact over our original capacity every single night. The City has a longstanding commitment to meet the community's needs for homelessness when financial, staffing and space resources are available. We do work proactively with other shelter providers in the city to refer guests to other available and appropriate resources whenever possible regardless of capacity.
- **Shelter 6-**
  - A self-referral is completed with all calls for shelter entry and put on a waiting list. When a bed or family room becomes available the director will call to see if a (person or family is still homeless and offer them a bed or room.
- **Shelter 7-**
  - Primary navigator assists with exploring openings at other family shelters. If no space is available at other family shelters, or if family declines services from other shelters, Primary navigator explores all other options including GA, natural supports, or other community supports such as Safe Families or individual shelters. If the family accesses services or supports that do not include navigation services, shelter will offer to work with them under ESHAP Services Only. Within three days, Primary navigator will attempt a follow-up phone call to ensure connections have been made.

- **Shelter 8-**

- Shelters are staffed Monday - Friday 8 am through 10 pm, including weekend coverage. Additionally, shelter has overnight most nights and flexible staffing as needed. Residents may always remain in the facility, regardless of staff presence. If our facilities are full and if emergency (shelter is needed), we may provide temporary accommodations at local motels in the area. In agreement with all the domestic violence resources across Maine, we will make warm referrals whenever feasible to do so. When another dv shelter is not available, we work very closely with our regional (homeless shelter programs). In an innovative project, funded by Maine's STOP Violence Against Women Assistance Program provides a liaison advocate who works with residents and staff of homeless programs in Kennebec and Somerset counties. Many homeless participants have received advocacy services through this partnership.

- **Shelter 9-**

- If shelters are at capacity, assistance is provided in accessing other shelters. Such assistance includes the provision of contact information for other shelters as well as contact information for General Assistance and other safety net options. A waiting list is not maintained. Individuals are encouraged to call check back regularly for the availability of a bed.

- **Shelter 10-**

- Since we are the only emergency homeless shelter in our County for the general public, we attempt to shelter as many individuals and families as we can who contact us for help. Unfortunately, for safety reasons, we cannot provide shelter to everyone who contacts us. Whether the Shelter is full, or we are unable to admit an individual or family, our policy is the same: We offer to provide an "Unable to Shelter" letter which can be taken to their local municipality General Assistance office to obtain financial assistance. We also provide a list of other resources both inside and outside the community, including 211.

- **Shelter 11-**

- We have 3 emergency shelters and rarely are they all full. If one is full then we would refer the request to the next closest DV shelter.

- **Shelter 12-**

- Sadly, we are almost always full to capacity. We attempt to refer to other shelters
- with a warm hand off and transportation if/when possible. We attempt to work immediately with client-exploring together any existing natural positive supports that may suffice in the immediate/short term while we are working on housing options and case management. We do everything possible to accommodate life threatening situations/weather related/abuse risk/DV active cases with hotel rooms when possible. Regardless of shelter capacity, we accommodate clients with an initial face to face meeting. During that meeting we begin official intake paperwork and focus on the start of earning trust and building relationship. We attempt to immediately begin housing applications, provide for immediate basic human needs such as clothing, food, blankets, tents, transportation, laundry, showers, rides to interviews or important appointments for health/wellbeing and

child related services. Our shelter operates 24/7 for residents is staffed 24/7. Our intake operations are available by appointment and/or walk in.

- **Shelter 13-**

- We attempt to assist the potential guest with locating an alternative placement at other shelters, refer potential guest to General Assistance. Advise potential guest to continue to call the shelter in the event a bed opens.

- **Shelter 14-**

- It is the policy of the shelter to not turn away those seeking shelter, in the case of
- a person that is not qualified for our services, staff will refer clients to an appropriate shelter.
- If the Emergency Shelter reaches capacity, staff will work closely with another Shelter to ensure all clients can secure safe shelter.

- **Shelter 15-**

- When the shelter is full, staff provides the referral agent or youth with names and phone numbers of alternative resources for temporary shelter. We do not keep a waiting list. The person is encouraged to contact us on a regular basis to access our services in the future.

- **Shelter 16-**

- When we are full, we assist survivors of domestic violence to find another safe place to go, or to remain safe where they are-for example, by helping them obtain a protection order. If they cannot be safe in their own home, with the survivor's permission we reach out to the other domestic violence projects throughout the state (and on rare occasions in other states) to see if there is capacity in another DV shelter. If not, we can help the individual contact general-purpose shelters statewide. Sometimes we are able to provide a night or two in a motel until a bed opens up, but this is dependent on whether or not we have private donations to pay the stay. We also are sometimes able to help with transportation, but again, this depends on the availability of financial resources and/or staff capacity.

- **Shelter 17-**

- When our shelter is at capacity, we notify survivors/victims that we have no available bedrooms in shelter. Advocates continue to work with the survivor/victim, assisting with safety planning and offering information on other community resources including but not limited to other domestic violence resource centers, area shelters, safe-homes, motels and hotels.

- **Shelter 18-**

- Unmet shelter needs are prioritized and handled at a supervisor/manager level of command. When capacity has been reached, persons seeking shelter meet with a supervisor manager to coordinate care. Often matters can be resolved telephonically by connecting shelter seekers with other shelters, friends, and family. When all options have been exhausted, instructions on how to navigate the night safely and warmly are provided and if warranted, the city police are notified of a person's unmet needs so safety checks can be made and police can be on the

lookout for the person's wellbeing. If necessary, jackets, mittens, hats, food, water, etc., are offered or coordinated.

- **Shelter 19-**

- The Shelter operates 8:00pm to 8:00am, 365 days a year. Minors are given priority. If the Shelter reaches capacity for the night, the shelter staff refer any additional youth, 18 or older, to the another Shelter Staff will call other shelter to inform them that a client will be coming because the our Shelter reached capacity. Whenever possible, staff accompany youth to the referred shelter. Staff always inform the 24th client upon signing in that they may be asked to leave if a minor presents in the night. Our Shelter tracks how many youth are turned away on a nightly review, and this data is reported monthly to the Emergency Shelter Assessment Committee (ESAC).

- **Shelter 20-**

- unanswered

- **Shelter 21-**

- When the shelter is full, staff assists homeless people with referrals to other emergency shelters in the area and will assist with making connections. Potential guests might also be offered assistance with accessing food and clothing, depending on other needs.
- Turn away Policy: Our shelters are open 24 hours a day, 365 days a year and guests do not
- need to leave during the day. We do not operate a formal waitlist and upon initial inquiry, data is entered into the agency's electronic record system. If we are at capacity, or someone does not meet out eligibility requirements, staff will make referrals to other sources of support (shelters, financial assistance programs, General Assistance, faith-based organizations). People needing additional support are invited to call back to check on availability.

- **Shelter 22-**

- When our shelter is at capacity, staff informs the caller/victim of this and continues to provide advocacy to the caller and explore alternative shelter housing possibilities, referrals, and/or resources. Sometimes it is the best or safest option for a victim fleeing domestic violence to stay in their home with an active protection order, or to go to a friend's or families home, or travel to another state. Support, safety planning, advocacy, referrals, and connection to legal services are offered throughout the call. We can also assist victims with transportation to other safe shelter or housing options as well as motels when shelter is at capacity. Additionally, our shelter offers community case management and crisis advocates who often work with these callers immediately connecting them to community resources and providing them with clothing, food pantry items, furniture, transportation for court related needs, and other crucial supports such as civil and legal advocacy. Our shelter does not maintain a wait list. Rather, when our shelter is at capacity, callers requesting shelter are offered other shelter

resources and safety planning and the opportunity to call back at another time if they are still in need of shelter.

- **Shelter 23-**

- When the shelter has reached capacity, youth aged 18 or older are referred to local adult shelter. Shelter staff contacts the other shelters to determine availability and assist in providing transportation, including outreach staff members who will transport youth and will remain connected to youth providing on-going support in accessing safe housing options. When a youth is under age 18 and all other options have been exhausted, since our shelter is the only homeless youth shelter serving minors across, the surrounding counties, we will identify an older youth to transition to one of the local shelters in order to free up a bed for the minor. We call the shelter, explain the situation, and provide support and transportation for the youth.

- **Shelter 24-**

- We are open to guests from 3:30 PM to 8:00 AM Monday - Friday and 24 hours, Saturday and Sunday and holidays. The Shelter coordinates its hours with the local soup kitchen,
- Hunger Prevention and drop in center, and will extend its hours during holidays or other days those facilities are closed due to severe weather. Navigation Services are provided Monday to Friday, from 9 am to 5 pm. When the shelter reaches its 16 bed capacity those seeking shelter are provided referrals and information on other shelters. Callers and walk-ins are encouraged to try back on a daily basis since beds can turnover with short notice. Shelter
- personnel work closely with local emergency services including the local police departments, General Assistance, hospitals and mental health crisis providers to ensure that, particularly during extreme weather, those on foot seeking shelter are provided with some means of getting out of the elements.

- **Shelter 25-**

- When the shelter reaches capacity, we refer victims/survivors of domestic violence seeking shelter to other domestic violence shelters and/or general population shelters depending on safety concerns. Additionally, we work with individuals in an attempt to mitigate their homelessness by assisting with other resources and services such as safety planning, protection from abuse orders and/or financial assistance to relocate to stay with safe friends and/or family.

- **Shelter 26-**

- Keeps a waiting list that is regularly reviewed and updated. We will also add the individual or family into coordinated entry for referral.

- **Shelter 27-**

- We work diligently to house every individual and triage to work through most needy. In times of severe weather we will take people in and assess within 24 hours where we can place someone. If a person meets the criteria for MH or SA treatment we will work on placement in those services. We will work with landlords if someone calls with a 7 day eviction and explain tenant rights, Should someone be on the street we meet with them and work to shelter either at our

shelter or another in nearby shelters by calling and working with that agency. We assist the person in calling family to see if they can stay with them until a bed opens. Emergency Shelter Supervisor consults with Clinical Director.

**Question: What is the history of the Hope House Shelter's lease with the City of Bangor?**

Staff spoke with Rindy Fogler, the Assistant Director of Bangor Public Health & Community Services who helped answer these questions in a January 22, 2020 email. In her message, Ms. Fogler explained that she spoke to Hope House Director Anne Giggey who shared the following information:

- The Hope House was essentially started by a group of volunteers in the recovery community who acquired a building on the old Dow Air Force Base.
- At the time, there was very little structure/oversight and it grew to the point where they were sheltering upwards of 100 people a night.
- The facility was taken over by Penobscot Community Health Care (PCHC), their local Federally Qualified Health Center.
- PCHC wanted to add 48 SRO transitional housing units to the building by expanding the footprint. That required going before the Bangor City Council. Based on her conversation with Ann, this was likely this the first time the Council became involved in the shelter.
  - For reasons Ann doesn't fully understand (it was before her time), the City agreed to the expansion if the total capacity of the building was capped at 114.
  - This was likely based upon the size of the structure, fire codes, and building codes (particularly around the plumbing).
- Because they wanted 48 transitional units that left them with only 66 shelter beds.
- Today, they have 54 beds and 12 overflow mats keeping them within the guidelines set by the City.

**Question: Cost of a 75 bed shelter be added to the breakdown cost along with a 200 and 150 bed shelter.**

Please see attached spreadsheet.

**Question: Percentage of revenue to OSS from GA reimbursements.**

| REVENUES                                |           |      |                                                            |
|-----------------------------------------|-----------|------|------------------------------------------------------------|
| General Assistance State Reimbursements | 828,550   | 22%  | Shelter bed nights State General Assistance reimbursements |
| Maine State Housing Grant (ESHAP)       | 1,448,081 | 38%  | Annual Maine State Housing grants                          |
| City funded                             | 1,501,403 | 40%  | City funded                                                |
| Grand Total                             | 3,778,034 | 100% |                                                            |

**Question: Quote for build from two years ago.**

Please see attached conceptual project summary from 8/21/2017.

City of Portland  
Department of Health Human Services

## Conceptual Project Budget Summary

|                                  |                           |
|----------------------------------|---------------------------|
| City of Portland                 | Date of report: 1/19/2017 |
| Dept. of Health & Human Services | REVISED 7/6/2017          |
| New Emergency Shelter            | REVISED 8/21/2017         |
| Portland, Maine                  |                           |

### Part A: Administrative

|                                      |                 |                                          |
|--------------------------------------|-----------------|------------------------------------------|
| 1 Land                               | \$0             | Unknown                                  |
| 2 Advertising                        | \$2,000         |                                          |
| 3 Legal/Insurance                    | \$25,000        |                                          |
| 4 Bid Document Printing and Handling | \$8,000         |                                          |
| 5 Furnishings                        | \$150,000       | Bedding/ Dayroom Furn./ Office Furn.     |
| 6 Equipment                          | \$100,000       | Prep Kitchen/ Office Equip/Laundry Equip |
| 7 Telecommunications                 | \$25,000        |                                          |
| 8 Security Systems                   | \$20,000        |                                          |
| 9 Bid Contingency                    | \$306,440       | 5% of construction cost estimate         |
| 10 Construction Contingency          | \$612,880       | 10% of construction cost estimate        |
| 11                                   | Part A Subtotal | \$1,249,320                              |

### Part B: Fees & Services

|                                                    |                 |                                                                                                   |
|----------------------------------------------------|-----------------|---------------------------------------------------------------------------------------------------|
| 12 Architect/Engineer Basic Services Fee           | \$429,016       | 7.0% of construction cost estimate                                                                |
| 13 Permitting                                      | \$18,000        | Local & State Approvals for a previously developed site                                           |
| 14 A/E Reimbursables Expenses                      | \$5,000         | Travel, Communications, Printing, Shipping                                                        |
| 15 Environmental Phase I - Site                    | \$5,000         |                                                                                                   |
| 16 Survey                                          | \$7,500         |                                                                                                   |
| 17 Soils/Borings/Geotech                           | \$30,000        |                                                                                                   |
| 18 Construction Testing                            | \$25,000        |                                                                                                   |
| 19 Special Inspections                             | \$20,000        |                                                                                                   |
| 20 Phase II Environmental / Haz. Materials Removal | \$0             | Unknown (if Phase I study determines need for Phase II & Subsequent Mitigation of Haz. Materials) |
| 21                                                 | Part B Subtotal | \$539,516                                                                                         |

### Part C: Construction

|                                        |                    |
|----------------------------------------|--------------------|
| 22 Building Cost = 25,660 @ \$230/s.f. | \$5,878,800        |
| 23 Site Development Cost               | \$250,000          |
| 24                                     | Part C Subtotal    |
|                                        | \$6,128,800        |
| 25                                     | Total Project Cost |
|                                        | \$7,917,636        |

**PROPOSED BUDGET FOR HOMELESS SERVICE CENTER**

|                           | OXFORD STREET<br>FY19 BUDGET<br>(9000 sq ft) | OXFORD STREET<br>FY20 ACTUALS (as<br>of Dec) | ONE FACILITY 200<br>BED SHELTER<br>(22,500 sq ft) | ONE FACILITY 150<br>BED SHELTER<br>(17,000 sq ft) | THREE FACILITY<br>200 BED SHELTER<br>(27,500 sq ft) | FIVE FACILITY 200<br>BED SHELTER<br>(27,500 sq ft) | ONE FACILITY 75<br>BED SHELTER<br>(8,500 sq ft) |
|---------------------------|----------------------------------------------|----------------------------------------------|---------------------------------------------------|---------------------------------------------------|-----------------------------------------------------|----------------------------------------------------|-------------------------------------------------|
| <b>EXPENDITURES</b>       |                                              |                                              |                                                   |                                                   |                                                     |                                                    |                                                 |
| Personnel                 | 2,306,881                                    | 1,157,442                                    | 2,228,376                                         | 1,980,259                                         | 4,574,876                                           | 5,696,638                                          | 1,672,788                                       |
| Benefits (35%)            | 663,206                                      | 322,567                                      | 714,864                                           | 628,023                                           | 1,582,992                                           | 1,999,895                                          | 494,603                                         |
| Temporary Help            |                                              | 0                                            | 10,000                                            | 10,000                                            | 10,000                                              | 10,000                                             | 0                                               |
| Security Guards           | 140,434                                      | 70,883                                       | 147,456                                           | 147,456                                           | 442,367                                             | 552,959                                            | 73,728                                          |
| Travel and Training       | 4,000                                        | 764                                          | 4,000                                             | 4,000                                             | 4,000                                               | 4,000                                              | 3,000                                           |
| Client Supplies           | 65,950                                       | 15,865                                       | 65,950                                            | 49,463                                            | 65,950                                              | 65,950                                             | 24,731                                          |
| Client Transportation     | 10,000                                       | 5,165                                        | 20,000                                            | 15,000                                            | 30,000                                              | 40,000                                             | 7,500                                           |
| Contractual Services      | 165,602                                      | 50,024                                       | 71,876                                            | 69,676                                            | 93,764                                              | 132,540                                            | 54,988                                          |
| Land/Building Rent        | 159,162                                      | 94,388                                       | 391,751                                           | 300,639                                           | 486,328                                             | 486,328                                            | 150,320                                         |
| Laundry cost              | 129,200                                      | 65,100                                       | 129,200                                           | 96,900                                            | 129,200                                             | 129,200                                            | 48,450                                          |
| Utilities                 | 44,988                                       | 18,495                                       | 110,730                                           | 84,977                                            | 137,500                                             | 137,500                                            | 42,489                                          |
| Telephone/Cellular Phone  | 1,800                                        | 475                                          | 1,800                                             | 1,800                                             | 2,400                                               | 3,600                                              | 1,800                                           |
| Maintenance & Repairs     | 68,946                                       | 29,635                                       | 84,850                                            | 65,116                                            | 210,668                                             | 210,668                                            | 32,558                                          |
| Minor Equipment/Furniture | 3,500                                        |                                              | 5,000                                             | 4,000                                             | 10,000                                              | 15,000                                             | 3,000                                           |
| Copier Lease              | 2,365                                        |                                              | 2,365                                             | 2,365                                             | 7,095                                               | 11,825                                             | 2,365                                           |
| Office Supplies           | 12,000                                       | 3,408                                        | 12,000                                            | 11,000                                            | 15,000                                              | 18,000                                             | 7,000                                           |
|                           |                                              |                                              |                                                   |                                                   |                                                     |                                                    |                                                 |
| Food Service Expense      |                                              |                                              | 995,533                                           | 805,368                                           | 1,216,663                                           | 1,216,663                                          | 520,121                                         |
|                           |                                              |                                              |                                                   |                                                   |                                                     |                                                    |                                                 |
| <b>TOTAL EXPENDITURES</b> | <b>3,778,034</b>                             | <b>1,834,210</b>                             | <b>4,995,751</b>                                  | <b>4,276,042</b>                                  | <b>9,018,803</b>                                    | <b>10,730,767</b>                                  | <b>3,139,440</b>                                |
|                           |                                              |                                              |                                                   |                                                   |                                                     |                                                    |                                                 |
| Start up cost             |                                              |                                              | 210,873                                           | 198,069                                           | 404,332                                             | 543,575                                            | 125,935                                         |
|                           |                                              |                                              |                                                   |                                                   |                                                     |                                                    |                                                 |
| <b>Grand Total</b>        | <b>3,778,034</b>                             | <b>1,834,210</b>                             | <b>5,206,624</b>                                  | <b>4,474,111</b>                                  | <b>9,423,135</b>                                    | <b>11,274,342</b>                                  | <b>3,265,375</b>                                |

Footnote:

**Star up cost breakout**

|                                 |                |                |                |                |                |
|---------------------------------|----------------|----------------|----------------|----------------|----------------|
| Shuttle Vehicle (12 person Van) | 35,000         | 35,000         | 70,000         | 105,000        | 35,000         |
| Equipment/Furniture             | 88,779         | 75,975         | 151,880        | 206,365        | 47,388         |
| Food Service                    | 87,094         | 87,094         | 182,452        | 232,210        | 43,547         |
|                                 | <b>210,873</b> | <b>198,069</b> | <b>404,332</b> | <b>543,575</b> | <b>125,935</b> |

PROPOSED BUDGET FOR HOMELESS SERVICE CENTER

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|-----------------------------------------|----------------------------------------------|----------------------------------------------|---------------------------------------------------|---------------------------------------------------|-----------------------------------------------------|----------------------------------------------------|-------------------------------------------------|
| REVENUES                                |                                              |                                              |                                                   |                                                   |                                                     |                                                    |                                                 |
| General Assistance State Reimbursements | 828,550                                      | 22%                                          |                                                   |                                                   |                                                     |                                                    |                                                 |
| Maine State Housing Grant (ESHAP)       | 1,448,081                                    | 38%                                          |                                                   |                                                   |                                                     |                                                    |                                                 |
| City funded                             | 1,501,403                                    | 40%                                          |                                                   |                                                   |                                                     |                                                    |                                                 |
| Grand Total                             | 3,778,034                                    | 100%                                         |                                                   |                                                   |                                                     |                                                    |                                                 |

## PERSONNEL

|                                 | FY19 Budget<br>OXFORD STREET |          |              | ESTIMATED NEW<br>200 BED SHELTER |          |             | ESTIMATED NEW<br>150 BED SHELTER |              | ESTIMATED NEW<br>75 BED SHELTER |  |
|---------------------------------|------------------------------|----------|--------------|----------------------------------|----------|-------------|----------------------------------|--------------|---------------------------------|--|
|                                 | FTE                          | SALARY   | COST         | FTE                              | SALARY   | COST        | FTE                              | COST         | FTE                             |  |
| Director                        | 1                            | \$64,358 | \$64,358     | 1                                | \$67,880 | \$67,880    | 1                                | \$67,880     | 1                               |  |
| Program Coordinator             | 2                            | \$55,486 | \$110,971    | 2                                | \$58,260 | \$116,521   | 2                                | \$116,521    | 2                               |  |
| Administrative Assistant        | 1                            | \$35,038 | \$35,038     | 1                                | \$36,790 | \$36,790    | 1                                | \$36,790     | 1                               |  |
| Shelter Attendants              | 20.9                         | \$37,419 | \$782,050    | 17                               | \$39,290 | \$667,923   | 13                               | \$510,765    | 10                              |  |
| Sr. HSC (Attendant Supervision) | 5                            | \$51,501 | \$257,507    | 5                                | \$54,076 | \$270,382   | 5                                | \$270,382    | 4                               |  |
| Sr. HSC (food/volunteer)        | 0                            | \$51,501 | \$0          | 1                                | \$54,076 | \$54,076    | 1                                | \$54,076     | 1                               |  |
| Human Services Councilors       | 9                            | \$43,314 | \$389,824    | 9                                | \$45,479 | \$409,315   | 7                                | \$318,356    | 5                               |  |
| Human Service Specialist        | 1.4                          | \$40,425 | \$56,595     | 1.5                              | \$42,446 | \$63,669    | 1.5                              | \$63,669     | 1.5                             |  |
| Facilities Manager              | 0                            | \$0      | \$0          | 0                                | \$0      | \$0         | 0                                | \$0          | 0                               |  |
| Maintenance Worker              | 3                            | \$42,445 | \$127,335    | 3                                | \$44,567 | \$133,702   | 3                                | \$133,702    | 2                               |  |
| Custodial Worker                | 2                            | \$35,598 | \$71,195     | 2                                | \$37,377 | \$74,755    | 2                                | \$74,755     | 2                               |  |
| Security                        | 4                            | \$35,109 | \$140,434    | 4                                | \$36,864 | \$147,456   | 4                                | \$147,456    | 2                               |  |
| Overtime                        |                              |          | \$128,645    |                                  |          | \$50,000    |                                  | \$50,000     |                                 |  |
| Per Diems                       |                              |          | \$283,363    |                                  |          | \$283,363   |                                  | \$283,363    |                                 |  |
| TOTAL                           | 49.3                         |          | \$2,447,315  | 46.5                             |          | \$2,375,832 | 40.5                             | \$2,127,715  | 31.5                            |  |
| Benefits                        | 35%                          |          | \$663,205.55 |                                  |          | \$714,864   |                                  | \$628,023.16 |                                 |  |
| TOTAL WITH BENEFITS             |                              |          | \$3,110,521  |                                  |          | \$3,090,696 |                                  | \$2,755,738  |                                 |  |

### Personnel Assumptions

#### One facility

Assumes a reduction in shelter attendant positions due to more efficient sightlines, only one building to monitor

Assumes a reduction HSC's for one facility due to a reduction in number of Beds

For one facility assumes a reduction in overtime costs due to less FT shelter attendant staff and less of a concentrated staffing focus on overnight hours.

SRHSC added for food services, the rest of the positions stay the same. Three front line supervisors for our shelter attendants covering 24 hours per day and one grant funded City ESG rapid rehou  
HSS staff stay the same, they complete our intakes, necessary data entry and paperwork which will still be needed to satisfy funders

**EXPENDITURES ASSUMPTIONS**

**ONE FACILITY PROPOSAL**

|                           |                                                                                                                           |
|---------------------------|---------------------------------------------------------------------------------------------------------------------------|
| Personnel                 | See Personnel Assumptions on Personnel Worksheet                                                                          |
| Benefits                  | Based on estimated City FY19 Benefits expense of 35%                                                                      |
| Temporary Help            | One Jesuit Volunteer                                                                                                      |
| Administrative Services   | FY19 Budget                                                                                                               |
| Client Supplies           | FY19 Budget                                                                                                               |
| Client Transportation     | FY19 Budget with increase due to location potentially being further from downtown                                         |
| Contractual Services      | Reduced by \$116,000 (Preble Street Day Room) and increased for services depending on square footage                      |
| Land/Building Rent        | Oxford Street current price per square foot multiplied by estimated 17,000 new square footage                             |
| Supplies                  | FY19 Budget                                                                                                               |
| Utilities                 | Based on Oxford Street price per square foot multiplied by estimated square footage                                       |
| Telephone/Cellular Phones | FY19 Budget                                                                                                               |
| Maintenance & Repairs     | Based on Oxford Street price per square foot multiplied by estimated square footage<br>Reduced my 50% due to new facility |
| Minor Equipment/Furniture | See detailed Start Up cost worksheet                                                                                      |

**Contractual Services Detail**

|                                      | FY19 Budget | Estimated<br>One Facility<br>200 BED | Estimated<br>One Facility<br>150 BED |
|--------------------------------------|-------------|--------------------------------------|--------------------------------------|
| Preble Day Room                      | 116,000     | 0                                    | 0                                    |
| Fire System                          | 5,000       | 10,000                               | 10,000                               |
| Pest Control                         | 4,788       | 9,576                                | 9,576                                |
| Trash                                | 6,100       | 12,200                               | 10,000                               |
| Confidential Destruction             | 1,000       | 2,000                                | 2,000                                |
| HMIS Fees                            | 3,100       | 3,100                                | 3,100                                |
| Cintas - floor Mats cleaning service | 2,500       | 2,500                                | 2,500                                |
| Home Team                            | 25,000      | 25,000                               | 25,000                               |
| Interpreter Services                 | 3,500       | 3,500                                | 3,500                                |
| Auto Expense                         | 4,000       | 4,000                                | 4,000                                |
| CM level reduction                   | -5,386      |                                      |                                      |
|                                      | 165,602     | 71,876                               | 69,676                               |

**Assumptions**

Preble Street will no longer be needed to provide food

One facility is estimated at almost twice the size of the existing shelter. Contractual services have increased according to expenditures related to square footage

Utilities/Rent/Maintenance Calculation

(Based on estimated per square foot cost)

| Utilities                       | Oxford Street | One Facility<br>200 BED | One Facility<br>150 BED | One Facility<br>75 BED |
|---------------------------------|---------------|-------------------------|-------------------------|------------------------|
| Square Feet                     | 9,000         | 22,152                  | 17,000                  | 8,500                  |
| Utilities price per square foot | 5.00          | 5.00                    | 5.00                    | 5.00                   |
| Efficiency Savings %            |               |                         |                         |                        |
| Utilities Budget                | 44,988        | 110,730                 | 84,977                  | 42,489                 |

*\*One facility is subject to change based on potential efficiencies of new construction*

| Rent                       | Oxford Street | One Facility<br>200 BED | One Facility<br>150 BED | One Facility<br>75 BED |
|----------------------------|---------------|-------------------------|-------------------------|------------------------|
| Square feet                | 9,000         | 22,152                  | 17,000                  | 8,500                  |
| Rent Price per square foot | 17.68         | 17.68                   | 17.68                   | 17.68                  |
| Rent Budget                | 159,162       | 391,751                 | 300,639                 | 150,320                |

| Maintenance and Repairs           | Oxford Street | One Facility<br>200 BED | One Facility<br>150 BED | One Facility<br>150 BED |
|-----------------------------------|---------------|-------------------------|-------------------------|-------------------------|
| Square feet                       | 9,000         | 22,152                  | 17,000                  | 8,500                   |
| Rent Price per square foot        | 7.66          | 7.66                    | 7.66                    | 7.66                    |
| 50% Reduction due to new building |               | 50%                     | 50%                     | 50%                     |
| Rent Budget                       | 68,946        | 84,850                  | 65,116                  | 32,558                  |

| EQUIPMENT                     | QUANTITY | One Facility<br>150 BED<br>EST COST |
|-------------------------------|----------|-------------------------------------|
| COMMERCIAL MICROWAVE          | 1        | \$300.00                            |
| COMMERCIAL COFFEE MACHINE     | 1        |                                     |
| COMMERCIAL TOASTER            | 1        | \$200.00                            |
| 2 DOOR REACH IN FRIDGE        | 1        | \$3,000.00                          |
| DISHES / SILVERWARE / GLASSES |          | \$2,165.00                          |
| ICE MACHINE                   | 1        | \$4,000.00                          |
| DISHMACHINE                   | 1        | \$12,000.00                         |
| DISH CADDY                    | 1        | \$550.00                            |
| TRAY / FLATWARE CART          | 1        | \$1,500.00                          |
| HOT SERVING TABLE             | 1        | \$2,515.00                          |
| COLD SERVING TABLE            | 1        | \$4,000.00                          |
| PREP TABLES                   | 1        | \$2,000.00                          |
| GENERAL KITCHEN EQUIPMENT     |          | \$40,000.00                         |
| DUTY DISH CARTS               | 1        | \$214.00                            |
| SHELF STORAGE RACK            | 4        | \$300.00                            |
| DOUBLE SINK W ATTACHMENTS     | 1        | \$800.00                            |
| HAND WASH SINK                | 1        | \$650.00                            |

#### ADDITIONAL EQUIPMENT NEEDED FOR BARRON CENTER KITCHEN

| EQUIPMENT            | EST COST   |
|----------------------|------------|
| GAS RANGE            | \$3,000.00 |
| CONVECTION OVEN      | \$4,000.00 |
| MEAT SLICER          | \$2,000.00 |
| FOOD TRANSPORT CARTS | \$2,000.00 |
| PREP TABLES          | \$1,900.00 |

**TOTAL EQUIPMENT \$87,094.00**

#### CAPITAL NEEDS

TRUCK WITH LIFT FOR DELIVERY

**TOTAL CAPITAL \$0.00**

**TOTAL START UP FOR FOOD SERVICE \$87,094.00**

#### FOOD COST

\$10.42 PER DAY

|           |         |
|-----------|---------|
| Breakfast | \$2.61  |
| Lunch     | \$3.13  |
| Dinner    | \$4.69  |
|           | <hr/>   |
|           | \$10.42 |

|                  |     |
|------------------|-----|
| Number of guests | 150 |
| Days             | 365 |

**TOTAL FOOD COST \$570,495**

#### ADDITIONAL LABOR NEEDED AT BARRON CENTER

|                                   |                |
|-----------------------------------|----------------|
|                                   | Total Wages    |
| FOOD SERVICE SUPPORT TEAM WORKERS | 4 \$70,142.00  |
| COOKS                             | 2 \$103,838.00 |

#### ADDITIONAL LABOR NEEDED FOR FIVE FACILITIES

|                                    |   |
|------------------------------------|---|
| DRIVERS FOR FIVE FACILITY DELIVERY | 2 |
| ADDITIONAL SUPPORT TEAM WORKER     | 5 |

**TOTAL ADDITIONAL  
LABOR \$173,980.00  
BENEFITS AT 35% \$60,893.00**

#### SUMMARY

|           |              |
|-----------|--------------|
| EQUIPMENT | \$87,094.00  |
| FOOD      | \$570,495.00 |
| LABOR     | \$173,980.00 |
| BENEFITS  | \$60,893.00  |
| CAPITAL   | \$0.00       |

**GRAND TOTAL \$892,462.00**

#### ASSUMPTIONS

Breakfast would be a continental style meal with coffee, juice, milk, cereal, fruit and bagels or muffins  
Lunch would be deli style sandwich's salads and soup  
Dinner would be a traditional hot meal (same as Barron Center serves their guests for lunch)  
For three facilities the Barron Center staff would deliver lunch in the morning and breakfast (for the next morning) and dinner in the afternoon  
Either a truck with a lift or loading docks at each facility would be needed for delivery to five facilities

### Start Up Costs-One Facility (150 BED)

|                                                     |  |                  |                                                                                                                      |
|-----------------------------------------------------|--|------------------|----------------------------------------------------------------------------------------------------------------------|
| Metal Detector                                      |  | \$6,000          | Current one is not functioning                                                                                       |
| 6 stackable Laundry Units \$1,930 (avg of cheapest) |  | \$11,580         | 8 stackable units at \$1,931 each, so guests can do regular laundry. Will greatly help with hygiene and pest control |
|                                                     |  |                  | For guest laundry and cleaning rags and sheets                                                                       |
| 12 client phones @ 10 dollars                       |  | \$120            | We provide guests with phones to make local calls for jobs and housing                                               |
| Office and Conference Room Furniture                |  | \$8,082          | 38 Office chairs at \$164.00 each, 2 conference tables at \$925.00 each                                              |
| Lockers                                             |  | \$1,000          | To be done in house                                                                                                  |
| 12 outdoor tables/chairs                            |  | \$8,580          | \$715.00 per unit                                                                                                    |
| Dayroom Folding Tables 34 tables                    |  | \$6,800          | \$200 per table, collapsible for easy storage and maneuverability                                                    |
| Dayroom Folding Chairs 136                          |  | \$2,001          | 136 chairs for a full dining room seating at \$14.71 per chair                                                       |
| 2 Chair Racks                                       |  | \$500            | 2 racks, each costing \$250                                                                                          |
| 150 Single Beds (bed bug proof)                     |  | \$26,813         | \$178.75 for each single bed                                                                                         |
| Shuttle 12 Person van                               |  | \$35,000         | 1 van to operate shuttle services to make sure guests can easily get back into town and to the shelter               |
| 3 new computers                                     |  | \$4,500          | 3 new computers to furnish office space for community partners                                                       |
|                                                     |  |                  |                                                                                                                      |
|                                                     |  | <b>\$110,975</b> |                                                                                                                      |

City of Portland  
Asylum Seeker Support

Community Partner Applications for Expense Reimbursement

**ANNOUNCEMENT OF FUNDING RECIPIENTS**  
**January 31, 2020**



The following is a list of requests for reimbursement received by the City of Portland which qualified for primary/secondary reimbursement, the organization's website, excerpts from each organization describing services provided, along with the amount of approved funding award.

#### **Catholic Charities of Maine**

<https://www.ccmaine.org/refugee-immigration-services>

*Maine's only refugee resettlement program, Catholic Charities Maine Refugee and Immigration Services (RIS) is dedicated to helping those seeking a new life in America become independent, productive members of our community. From cultural orientation and referrals to case management and ongoing support, we are committed to providing the highest quality professional resettlement, orientation, employment, and cultural adjustment services to those refugees assigned to our care.*

Catholic Charities of Maine has been awarded \$5,675 in reimbursement.

#### **Greater Portland Health**

<http://www.greaterportlandhealth.org>

*During the 6/12/19-9/20/19 period, 5.5% (876/15,953) of all 180 Park Avenue clinic encounters were Expo-residing asylum seekers. Greater Portland Health (provided) medical supplies, immunizations, translation services, lab courier costs, and drugs.*

The Greater Portland Health has been awarded \$4,671 in reimbursement.

#### **Greater Portland Immigrant Welcome Center**

<https://www.welcomeimmigrant.org/>

*During the Asylum Seekers stay at the Expo, we recruited 20 of them and enrolled them in our English digital language literacy program. We purchased 20 software licenses and assigned each of them an account. We began by assessing, their proficiency levels and assigned them a curriculum that fit their proficiency levels and based on their career's interests. The classes began on 7/1/2019 using our language lab facility located on the 4<sup>th</sup> floor of 24 Preble Street, Portland under the supervision of our digital language associate. When they left the Portland Expo, we identified regions where they relocated to and are currently working with regional partners to continue supporting them. For example, we are working with the Midcoast literacy program to continue supporting those who moved to the Brunswick and Bath area.*

The Greater Portland Immigrant Welcome Center has been awarded \$4,900 in reimbursement.

#### **Greater Portland Transit District (METRO)**

<https://gpmetro.org/>

*250 Local 10-Ride tickets and 100 BREEZ Express service 10-ride tickets were given to the City of Portland to be distributed for local transportation of asylum seekers. Local Tickets were given on 6/20/19 and Express Tickets were given on 8/6/19.*

The Greater Portland Transit District (METRO) has been awarded \$6,075 in reimbursement.

### **LearningWorks**

<https://www.learningworks.me/>

*LearningWorks provided 24 ESL teaching hours to asylum seekers at the Expo Center*

LearningWorks has been awarded \$480 in reimbursement.

### **Immigrant Legal Advocacy Project**

<https://ilapmaine.org/>

*From mid-June to mid-September 2019, the Immigrant Legal Advocacy Project (ILAP) provided immigration legal services for the influx of asylum seekers temporarily housed at the Expo Center. As Maine's only immigration legal services organization, ILAP was the place the new arrivals turned to for legal help shortly after getting to Portland. We were proud to have joined dozens of other nonprofit organizations and the City of Portland in the response effort.*

*Although our resources were already stretched thin with ongoing asylum cases, ILAP implemented a rapid response to meet this urgent need and we first focused on triage of initial procedural challenges. On June 22, we organized a legal orientation, intake and consultation day on-site at the Expo Center. Our full legal staff was joined by 11 volunteer attorneys and several interpreters for a 13-hour day helping approximately 200 adults check the status of their case and update their address with immigration.*

*In July, we hired Felix Hagenimana, Esq. in the temporary part-time role of Asylum Outreach Attorney to coordinate ongoing legal orientations and assistance for the individuals and families at the Expo Center. Specifically, he helped them navigate initial procedures and filing requirements to ensure they understood their case and avoided making mistakes that could lead to deportation.*

*From mid-June through mid-September, ILAP provided the following immigration legal services to individuals and families staying at the Expo Center:*

- *Weekly legal orientations and outreach*
- *In-depth consultations for 94 families*
- *Assistance with 335 immigration forms (including changes of address, motions to change venue, applications for work authorization and requests for fee waiver)*

*ILAP was honored to also receive a \$40,000 grant from the City of South Portland to support our work with the influx of asylum seekers who were temporarily housed at the Expo Center. These funds, along with donations made by private foundations and individuals, were used to cover staff time (we estimate that more than 1,000 hours of regular staff time has been dedicated*

*to our Expo response to date), administrative costs and ongoing legal services for these individuals and families.*

The Immigrant Legal Advocacy Project has been awarded \$6,178 in reimbursement.

### **Maine Emergency Management Agency (MEMA)**

<https://www.maine.gov/mema/home>

*On Tuesday, June 11, 2019, the City of Portland expressed a need for cots in order to properly equip the Portland Expo to receive individuals and families seeking asylum. Maine Emergency Management Agency (MEMA) was able to meet the need with cots procured by the state for sheltering assistance. A total of 325 cots were delivered to the Portland Expo with the intent of reclaiming them upon closure of the shelter. Additionally, MEMA provided approximately 600 blankets (two per cot) without the intention of returning those blankets.*

*When the shelter closed, the City of Portland was tasked with cleaning and sanitizing the cots per American Red Cross standards before returning them to the state. More than 196 cots were found torn, bent, broken or too soiled to be serviceable and were disposed of by the City. The remaining cots were cleaned and returned to MEMA on August 23, 2019.*

*MEMA is seeking reimbursement for the cots that were disposed of (196 total) and 600 blankets in order to replenish the state stockpile for future sheltering needs. A quote from one of the nation's leading cot providers (ProPac) is attached – in order to access bulk pricing,*

The Maine Emergency Management Agency has been awarded \$11,946 in reimbursement.

### **Portland Public Schools**

<https://www.portlandschools.org/>

*The Portland Public Schools provided summer school educational services for additional asylees. The district served PreK, elementary, middle, and high school students. PreK services were funded by Starting Strong, and no additional staffing was required to serve students at the middle school level. However, 6 additional staff were required in order to be able to serve elementary level asylees, and 1 additional staff member was required at the high school level. We are requesting reimbursement for the cost of those 7 additional staff.*

*Services provided:*

*Middle School and High School students (31 in total): July 8 - August 1; 4 hours daily of academic instruction, 4 days per week (64 hrs total for each student) focused on students acquiring English and math skills. Instruction was conducted in an experiential format in partnership with Maine Audubon and was also supported by the Center for Grieving Children. Students were taught about American schools and developed relationships with teachers. Breakfast and lunch and transportation to the program at Deering High School were also provided but costs are not included in my expenses.*

*Elementary students (50): July 8 - August 8; 4 hours daily of academic instruction, 4 days*

*per week (80 hours per student of instruction). The program focused on developing English language skills in an experiential science-based model provided in partnership with the Children's Museum. The children were given the opportunity to begin to make positive connections and form relationships with caring adults employed by Portland Public Schools. They also practiced the routines and classroom procedures that they would encounter in September in their new classrooms. Students participated in science and community enrichment activities during outreach programs offered by the Children's Museum of Maine and during field trips to the beach, library, Farmer's Market, playground and Fort Williams. They also had music lessons and expanded their awareness of the activities that their adopted city could offer. These opportunities also supported student's acquisition of new vocabulary words and learning English in a natural setting. They also were able to try new foods and learn the expectations of eating in a school cafeteria and eating school lunch which is comprised of food that may have been unfamiliar to them. All grade levels focused on building English language skills and letter identification and sounds, increased vocabulary, practice in using English in natural conversations between themselves and the summer school staff. Breakfast and lunch and transportation to the program at Portland High School were also provided but the exact costs were challenging to isolate and likewise are not included in this reimbursement request – additional costs may be submitted early in 2019.*

Portland Public Schools have been awarded \$15,108 in reimbursement.

### **The Emergency Action Network (TEAN)**

<https://emergencyactionnetwork.com/>

*On July 12 of this year, TEAN stepped in at a critical moment in Brunswick to manage the unexpected arrival of three African families who had come to Brunswick via the Portland Expo. TEAN was the first Brunswick-based community organization to assist the new families and our allies have been involved every day since. In those initial days TEAN board members and allies immediately came to understand that the new families were in urgent need of food, clothing and medical attention. With the guidance of Mufalo Chitam from Maine Immigrants Rights Coalition and other cultural experts, TEAN located and deployed drivers, donors, French, Spanish, and Portuguese speakers, thousands of dollars of gift cards, and transformed people's private homes into drop off locations and distribution centers to receive the outpouring of help offered by our community. Within 24-48 hours of relocating to Brunswick, asylum seeking families had food on the shelves, new clothes, blankets and linens, and several had visited the walk-in urgent care clinic run by Midcoast Hospital. In the intervening months, a total of 80 new Mainers seeking asylum have arrived, all having been initially welcomed in Portland, each one embraced by TEAN and many others here in Brunswick, and supplied with food, clothes, and winter gear, all collected and/or paid for by TEAN.*

TEAN has been awarded \$11,765 in reimbursement.

## **The Town of Brunswick**

<https://www.brunswickme.org/>

*In late June, early July, the Town of Brunswick learned that approximately 20 of the asylees being housed at the Portland Expo had been offered temporary housing at Brunswick Landing. Based on preliminary reports, it was estimated up to 40 people could be relocated to Brunswick. On July 12, 2019, the first families began to arrive on Brunswick Landing and the Town initially worked with volunteer organizations to meet the immediate needs of asylees as they arrived.*

*From the beginning, it was clear the Town did not have adequate infrastructure in place to navigate and provide appropriate support for an immigrant population of this size. Based on feedback from our counterparts in Portland, it was decided the primary way the Town of Brunswick could support the asylees was to hire a coordinator or cultural broker who could serve as a resource for the families, a coordinator of services, and a central point of communications for the people to be served.*

*In August, Nsiona Nguizani was hired and began working closely with all the families located in Brunswick. Since that time, the total number of people needing assistance has grown to approximately 100. Based on Nsiona's workload, the Town is contemplating hiring additional staff.*

The City of Brunswick has been awarded \$70,000 in reimbursement.

## **Wayside Food Programs**

<http://www.waysidemaine.org/>

*During the months of June, July and August of 2019, Wayside Food Programs provided food assistance to over 400 people temporarily housed at the Portland Expo while awaiting housing. Wayside delivered 7,000 hot lunches, milk and assorted other foods such as yogurts, fruits and vegetables during this time. Wayside did this work in partnership and coordination with the City of Portland, supporting their efforts to provide a safe and welcoming environment to these families.*

Wayside Food Programs has applied for and been awarded \$5,000 in reimbursement.

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** January 22, 2020

**SUBJECT:** **Order 120-19/20 Approving the Modification to Agreements between the Maine Department of Transportation, Portland Area Comprehensive Transportation System and Portland Re: Congress St. Signal & Intersection Improvements - Sponsored by Jon P. Jennings, City Manager**

**SPONSOR:** Jon P. Jennings, 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**

**Final Action**

**Can action be taken at a later date: No This agreement and agreement modification must be approved by City Council and signed by the City Manager as soon as possible to allow Maine Department of Transportation (MaineDOT) to meet its target bid date of 2/12/20.**

**PRESENTATION:**

**I. SUMMARY**

City Council is being asked to approve the attached Two-Party Municipal/State Agreement and a Modification to the Three-Party Municipal/State/ PACTS Agreement and authorize the City Manager to sign both, which will allow MaineDOT to move ahead with its plans to re-advertise and construct improvements to traffic signals and ADA facilities at the following intersections:

- Congress Street at Forest Avenue
- Congress Street at Preble Street
- Congress Street at Elm Street
- Congress Street at Temple Street

**II. AGENDA DESCRIPTION**

Both the proposed two-party and modification of three-party agreements obligate the Maine Department of Transportation (MaineDOT), Portland Area Comprehensive Transportation System (PACTS) and the City of Portland to update traffic signal controls, technology and communications and construct a number of new signal structures and related Americans with Disabilities Act (ADA) ramps. The work will allow for this section of Congress Street to be transit priority ready.

The two-party and modification to 3-party agreements obligate the City to pay \$317,518.34, or 25% of the total cost of the project estimated at \$1,270,073.37 and an additional \$3,200 for sewer/manhole adjustments. This is \$158,955.84 increase of municipal funds due to high bid pricing.

This item must be read on two separate days. It was given a first reading on January 22, 2020. Staff is requesting that this order be passed as an emergency, to make it effective immediately and allow the State to publish the Request for Bids for the work. Seven affirmative votes are required for passage as an emergency after public comment.

### **III. BACKGROUND**

The Congress Street Intersection project is part of MaineDOT's 2018-2020 work plan. Due to much higher bid pricing received, construction was postponed until the project could be re-bid. The Department of Public Works is hoping that construction work on this project will be completed this year. The Council originally endorsed this project as part of Order 202-15/16, on April 4, 2016, which approved proposals for state and federal funding. The Council previously approved a modification to the 3-party agreement in Order 213-18/19 on September 4, 2019.

### **IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

The project will update signal operations and improve ADA access, through improved technology and infrastructure, thus improving mobility for multiple modes. Several new structures will ensure that structural integrity and safety are maintained at these locations. PACTS and DOT funds will pay for 75% of the project costs, so the majority of funding will be leveraged.

### **V. FINANCIAL IMPACT**

The City is obligated to pay 25% of the total construction cost, so the fiscal impact is relatively low. The total cost of this work is expected to be paid from multiple CIP accounts that have been allocated for this project. A fiscal impact note is included to provide additional information.

### **VI. STAFF ANALYSIS AND BACKGROUND**

The cost of the project, previously estimated at \$634,250, has gone up due to much higher bid pricing than anticipated. The current number is based upon a ten percent increase from the cost of the one bid received for the project when it went out to bid last spring. The PACTS Executive Committee approved this higher amount at its full 75% match last year.

### **VII. RECOMMENDATION**

The Department of Public Works recommends approving and signing the subject agreement to allow MaineDOT to improve the intersections of Congress Street with Forest, Preble, Elm and Temple.

### **VIII. LIST ATTACHMENTS**

1. Order re Modification of MDOT PACTS Congress Street intersection improvements 1.22.2020
2. Congress St Int\_Mod1A\_3Party\_March2019
3. CongressStIntersectionImprovements\_Map (1)
4. Order 51-16\_17 and Orig 3-party
5. Fiscal Impact Note - Congress St - Updated
6. Congress St 22132 - 2-Party Agreement
7. Modification 2 re Congress St Signals to 3-Party Agreement 1-8-20

Prepared by:

Date: 1/22/2020

KATE SNYDER (MAYOR)  
BELINDA S. RAY (1)  
SPENCER R. THIBODEAU (2)  
TAE Y. CHONG (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

KIMBERLY COOK (5)  
JILL C. DUSON (A/L)  
PIOUS ALI (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROVING THE MODIFICATION TO AGREEMENTS BETWEEN  
PORTLAND, PORTLAND AREA COMPREHENSIVE TRANSPORTATION SYSTEM  
AND THE MAINE DEPARTMENT OF TRANSPORTATION  
RE: CONGRESS STREET INTERSECTION IMPROVEMENTS**

**ORDERED**, that the modification to the three-party agreement between the Maine Department of Transportation, Portland Area Comprehensive Transportation System and the City of Portland to construct improvements to the Congress Street Intersections with State Work Identification Number 022132.00 is hereby approved in substantially the form attached hereto; and

**BE IT FURTHER ORDERED**, that the two-party agreement between the Maine Department of Transportation and the City of Portland to construct improvements to the Congress Street Intersections with State Work Identification Number 022132.00 is hereby approved in substantially the form attached hereto; and

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



Internal Use Only

TEDOCS #:  
AMS Advantage #: DOT1116-37022 PACTS &  
DOT1116-37023 Portland  
CSN#: 37022 PACTS & 37023 Portland

**MAINE DEPARTMENT OF TRANSPORTATION  
MODIFICATION # 1 TO THREE-PARTY PARTNERSHIP AGREEMENT**

Project Location: Portland  
State W.I.N. #: 022132.00  
Federal W.I.N. #: 2213200  
Customer ID#: PACTS  
Customer ID#: PORTLAND

Original Estimated Project Amount: \$83,750.00  
Current Estimated Project Amount: \$83,750.00  
Modified Estimated Project Amount: \$634,260.00  
Current Agreement Expiration Date: 12/30/2019  
Modified Agreement Expiration Date: 12/31/2021 ☐ N/A

This Modification hereby amends a Three-Party Partnership Agreement that was executed by MaineDOT on 11/8/2016, with the Portland Area Comprehensive Transportation System (PACTS) and the City of Portland (Municipality), hereinafter the "Parties" for Congress Street Intersection Improvements (Project) as follows:

- ☒ **Increased Estimated Project Amount.** The maximum amount of the Agreement shall be increased by: \$550,510.00 from \$83,750.00 to \$634,260.00. Reason: The preliminary engineering phase is completed; the Project is to move forward with full development.
- ☒ **Expiration Date.** The Contract Expiration Date of the Project Contract shall be extended from 12/30/2019 to 12/31/2021. Reason: Additional time needed to complete the project.

The following attachments are hereby incorporated into this Modification:

☒ **Appendix A – Agreement Revisions**

All other terms and conditions of the original Agreement shall remain in effect. This Modification hereby becomes part of the Agreement. The Parties, by their duly authorized representatives, have executed this modification to said original Agreement, which shall become effective on the date last signed below.

**PORTLAND AREA COMPREHENSIVE  
TRANSPORTATION SYSTEM**

By: [Signature]  
Kristina Egan, Executive Director\*  
Greater Portland Council of Governments  
For Portland Area Comprehensive Transportation System

3/6/19  
Date

**MUNICIPALITY OF PORTLAND**

By: [Signature]  
Jon Jennings, City Manager\*

\_\_\_\_\_  
Date

**MAINE DEPARTMENT OF TRANSPORTATION**

By: [Signature]  
Andrew T. Bickmore, Acting Director\*  
Bureau of Planning

\_\_\_\_\_  
Date

*\*I certify that the foregoing signature is true and accurate, and if electronic, I further certify that it (a) is intended to have the same force as a manual signature, (b) is unique to myself, (c) is capable of verification, (d) is under the sole control of myself, and (e) is linked to data in such a manner that it is invalidated if the data are changed. 10 M.R.S.A. §9502, et seq.*

## APPENDIX A

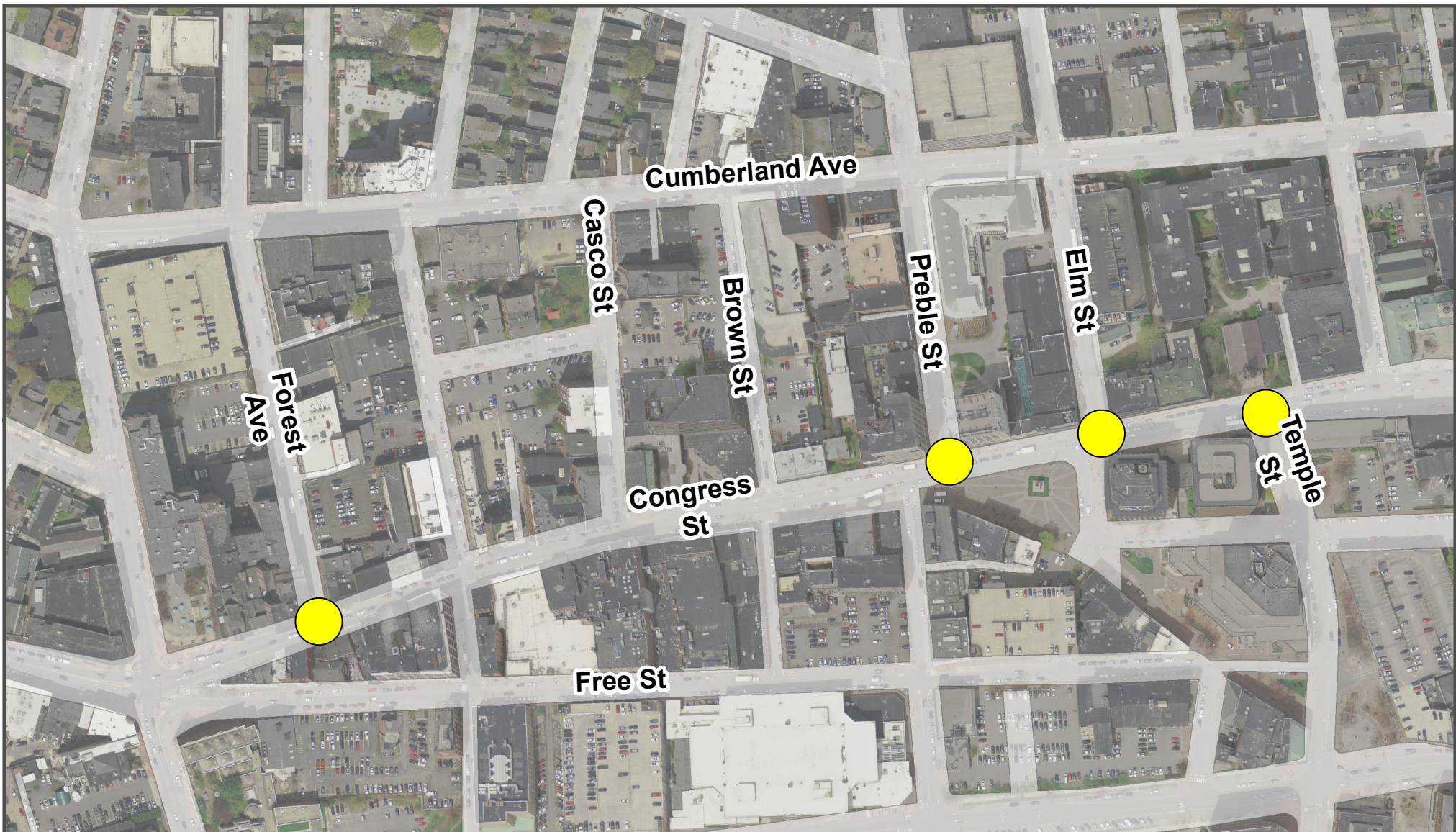
**Replace Project Cost with the following:**

### **Project Cost Sharing and Payment Schedule:**

- a. **Financial Obligations:** The total estimated cost of the Project is \$634,260.00 (the "Project Estimate"). The Parties agree to share in all Project costs associated with the Project phases outlined in the table below. Each Party's share of the Project's actual costs associated with each phase shall be allocated as follows, unless otherwise negotiated by mutual agreement of the Parties.
- i. **Federal Share** (provided by MaineDOT through PACTS Federal Allocation) - 75% of eligible Project costs, up to a maximum of \$475,687.50.
  - ii. **State Share** (provided by MaineDOT through PACTS State Allocation) - 0% of eligible Project costs, up to a maximum of \$0.00.
  - iii. **Municipality's Share** (provided by the Municipality through the Municipality's obligation of funds) - 25% of eligible Project costs, which is estimated at \$158,562.50, plus 100% of the following:
    1. Any costs deemed ineligible for federal and state participation.
    2. Any costs associated with additional work requested by the Municipality that is outside the Project scope of work.
    3. All Project costs exceeding the Project Estimate after the above referenced Party Shares have been applied, unless otherwise agreed to in writing by the Parties through a written modification to this Agreement.

| Work Phase               | Estimated PACTS Federal Share |                      | Estimated PACTS State Share |             | Estimated Municipality's Share |                      | Estimated Total Cost |
|--------------------------|-------------------------------|----------------------|-----------------------------|-------------|--------------------------------|----------------------|----------------------|
|                          | %                             | \$                   | %                           | %           | %                              | \$                   | \$                   |
| Preliminary Engineering  | 75%                           | \$ 67,500.00         | 0%                          | \$ -        | 25%                            | \$ 22,500.00         | \$ 90,000.00         |
| Right of Way             | 75%                           | \$ 375.00            | 0%                          | \$ -        | 25%                            | \$ 125.00            | \$ 500.00            |
| Construction             | 75%                           | \$ 378,237.00        | 0%                          | \$ -        | 25%                            | \$ 126,079.00        | \$ 504,316.00        |
| Construction Engineering | 75%                           | \$ 29,575.50         | 0%                          | \$ -        | 25%                            | \$ 9,858.50          | \$ 39,434.00         |
| <b>TOTALS:</b>           |                               | <b>\$ 475,687.50</b> |                             | <b>\$ -</b> |                                | <b>\$ 158,562.50</b> | <b>\$ 634,250.00</b> |

**Payment Schedule:** The PACTS Share will be disbursed by MaineDOT in accordance with the allocations outlined above. If the Parties elect to move forward with full development of the Project as contemplated in this Agreement, the Municipal Share will be invoiced by MaineDOT in accordance with the payment schedule outlined in the Municipal-State Agreement described herein. If the Parties choose not to proceed to full Project development and no Municipal-State Agreement is executed, the Municipal share, based on the allocations outlined above, will be invoiced as promptly as practicable upon that decision having been made. Upon receipt of such invoice, the Municipality shall submit payment to MaineDOT within thirty (30) days.

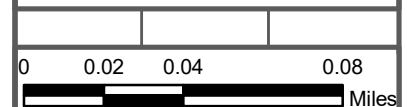
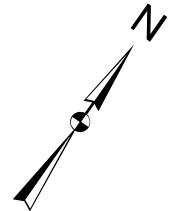


CITY OF PORTLAND, MAINE  
DEPT. OF PUBLIC WORKS  
212 CANCO RD, PORTLAND, MAINE 04103  
PHONE (207) 874-8846 FAX (207) 874-8852

## CONGRESS ST SIGNAL & INTERSECTION IMPROVEMENTS

WIN 22132.00

### Legend



Order 51-16/17

Passage: 8-0 (Suslovic absent) on 9/19/2016

Effective 9/29/2016

ETHAN K. STRIMLING (MAYOR)  
BELINDA S. RAY (1)  
SPENCER R. THIBODEAU (2)  
EDWARD J. SUSLOVIC (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND  
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)  
JILL C. DUSON (A/L)  
JON HINCK (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROVING AGREEMENTS BETWEEN PORTLAND, MAINE  
DEPARTMENT OF TRANSPORTATION AND PORTLAND AREA  
COMPREHENSIVE TRANSPORTATION SYSTEM  
RE: WASHINGTON AVENUE AND CONGRESS STREET PROJECTS**

**ORDERED**, that the two three-party agreements for preliminary design reports (“reports”) between the Portland Area Comprehensive Transportation System, the Maine Department of Transportation and Portland, for the projects below, are hereby approved:

Washington Avenue from Congress Street to Cumberland Street, and  
Congress Street from State Street to Temple Street; and

**BE IT FURTHER ORDERED**, that the local share of the cost of the reports, \$43,900 for Washington Avenue and \$20,938 for Congress Street, is hereby appropriated; and

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



**MAINE DEPARTMENT OF TRANSPORTATION  
THREE-PARTY PARTNERSHIP AGREEMENT  
CONGRESS STREET INTERSECTIONS  
CITY OF PORTLAND**

(Receivable)

Internal Use Only

CT#: \_\_\_\_\_

CSN: \_\_\_\_\_

TEDOCS #: \_\_\_\_\_

PROGRAM: Bureau of Planning

Internal Use Only

WIN #: 022132.00

**Agreement Maximum Amount:** \$83,750

N/M MPO Id#: PACTS

**Agreement Begin Date:** Begin Date

N/M Municipality Id#: Portland

**Agreement End Date:** End Date

This agreement (“**Agreement**”) is entered into by the State of Maine Department of Transportation (“**MaineDOT**”), the Municipality of Portland (“**Municipality**”), and the Portland Area Comprehensive Transportation System, the designated Metropolitan Planning Organization for the Portland Urbanized Area (“**PACTS**”), jointly hereinafter referred to as the “**Parties**”.

**Whereas**, the project that is the subject of this Agreement consists of traffic signal improvements along Congress Street from Myrtle Street to High Street (hereafter referred to as the “**Project**”), and as further described in the attached Project Identification Form; and

**Whereas**, PACTS has programmed the Project for inclusion in the MaineDOT Annual Work Plan for CY16-18, using Federal capital improvement funding allocated by MaineDOT; and

**Whereas**, the Municipality supports the decision by PACTS to program the Project; and

**Whereas**, the Parties have a mutual interest in ensuring that the Project is delivered on a reasonable schedule and within the budget programmed, using a process that maximizes communication and cooperation; and

**Whereas**, PACTS cannot commit federal transportation funding without a formal adoption of a Transportation Improvement Program (“**TIP**”) or TIP amendment including all required public involvement processes, this Agreement does not constitute a commitment of federal funding under Title 23 Part 630; and

**Whereas**, the purpose of this Agreement is to identify the Parties’ individual responsibilities during the Preliminary Engineering and Right of Way (“**ROW**”) phases of the Project through completion of the Preliminary Design Report (“**PDR**”) and Preliminary Plans, and to identify the intended financial allocations between the Parties through the Preliminary Engineering phase of the Project if and when the parties formally approve and commit financial resources for the Project; and

**Whereas**, the Parties anticipate that as the Project development process progresses and the Project scope is more fully defined, modifications to this Agreement will be necessary. All such modifications to this Agreement shall be in writing signed by all parties.

**Now therefore**, in consideration of the forgoing, the Parties hereby establish and agree to the following terms and conditions:

The following Appendix is hereby incorporated into this Agreement by reference

- Appendix A - Project Identification Form

**Project Cost:**

The total estimated cost of the Project through the Preliminary Engineering and ROW phases is \$83,750 (the “**Project Estimate**”), and the Parties agree to share in and allocate the associated costs of each phase as outlined in this section:

| <b>Work Phase</b>          | <b>Estimated Federal Share</b> | <b>Estimated State Share</b> | <b>Estimated Municipal Share</b> | <b>Estimated Total Cost</b> |
|----------------------------|--------------------------------|------------------------------|----------------------------------|-----------------------------|
| Preliminary Engineering    | \$ 59,062.50                   | \$ -                         | \$ 19,687.50                     | \$ 78,750.00                |
| Right of Way               | \$ 3,750.00                    | \$ -                         | \$ 1,250.00                      | \$ 5,000.00                 |
| Construction               | TBD                            | \$ -                         | TBD                              | TBD                         |
| Construction Engineering   | TBD                            | \$ -                         | TBD                              | TBD                         |
| <b>Total Project Share</b> | <b>\$ 62,812.50</b>            | <b>\$ -</b>                  | <b>\$ 20,937.50</b>              | <b>\$ 83,750.00</b>         |

1. Estimated allocations are further identified as follows:
  - a. **Federal share** (through PACTS) - 75% of federally participating costs, up to a maximum of \$62,812.50.
  - b. **State share** (through PACTS) - 0% of federally participating costs, up to a maximum of \$0.00.
  - c. **Municipal share** (through the Municipality) - 25% federally participating costs, which is estimated at \$20,937.50, plus 100% of any additional costs incurred in accordance with Section 2. below.
2. The Municipality shall be fully responsible for any and all Project costs exceeding \$83,750.00, unless otherwise agreed to in writing by the Parties through a modification to this Agreement.
3. If the actual Project cost is less than the Project Estimate the amounts owed will be adjusted according to the percentages.
4. If the Project Estimate or associated financial allocations are adjusted to reflect updated costs, MaineDOT will consult with PACTS and the Municipality before such adjustments are approved and implemented.
5. After the PDR is completed, MaineDOT will invoice the Municipality for that portion of the Project.

**MaineDOT Agrees:**

1. To complete, or cause to be completed, preliminary design which includes roadway design up to a fifty to sixty percent (50-60%) completion level in accordance with MaineDOT's standards and procedures; and
2. Perform ROW investigations in order to determine whether there may be a need to acquire temporary and/or permanent rights to develop the Project; and
3. To coordinate utility work, which includes identification of utility locations and/or relocation for design for Project as describe in the scope of work; and
4. To share information about the status of the Project with staff from PACTS and the Municipality at the following milestones:
  - Project kickoff/initial team meeting/formal public contact.
  - Horizontal/Vertical Alignment Complete ("HVAC").
  - Preliminary public meeting.
  - Preliminary Design Report (PDR).
  - Changes in the Project Schedule or Engineer's Estimate.

**Future Phases of Work:**

Should the Parties agree to move forward with future phases of the Project:

1. MaineDOT will prepare, or cause to be prepared, construction plans and specifications for the Project within the scope of work identified in the PDR, using MaineDOT's standard project development process to ensure adherence to federal and state regulations.
2. After the final Plans, Specifications and Estimate ("PS&E") package is prepared, MaineDOT and the Municipality will execute a Municipal/State Project Agreement covering Project advertisement, award, construction and construction engineering. Said Municipal/State Agreement will carry the financial terms outlined in the Project Cost section of this Agreement, as well as a schedule for collection of the Municipality's share of the remaining Project costs.
3. MaineDOT will share information about the status of the Project with staff from PACTS and the Municipality at the following milestones:
  - Formal public meeting.
  - Plan Impacts Complete ("PIC").
  - Plans, Specifications and Estimate (PS&E) complete.
  - Changes in the Project Schedule or Engineer's Estimate.

**Miscellaneous Provisions:**

1. The Parties will participate as partners in any public meetings held to discuss the Project.

2. MaineDOT will consult with PACTS and the Municipality before implementing any adjustments to the Project, and PACTS and the Municipality will, likewise, notify MaineDOT of any proposed changes they wish to implement.
3. If MaineDOT withdraws from the Project before it has been advertised for construction, and that action was not directed by PACTS and the Municipality, MaineDOT will be responsible for all Project costs incurred to date.
4. If the Municipality withdraws its financial support for the Project as described in the Project Cost section of this Agreement, leading MaineDOT to cancel the Project before it has been advertised for construction, the Municipality shall reimburse MaineDOT fully for any and all Project costs incurred in reliance on the Municipality commitment documented in this Agreement, including, but not limited to, reimbursement of all federal funds expended to date.
5. Anything herein to the contrary notwithstanding, the Municipality and PACTS acknowledge that, although the execution of this Agreement by MaineDOT manifests its intent to honor its terms and to seek funding to fulfill any obligations arising hereunder, by law any such obligations are subject to available budgetary appropriations by its federal partners and the Maine Legislature and, therefore, this Agreement does not create any obligation on behalf of MaineDOT in excess of such appropriations.
6. The Municipality represents that its governing body has taken all steps necessary and lawful to approve the Project and the Municipality's entry into this Agreement, has appropriated or authorized the use of any necessary funds in connection with the Municipality's participation, and has further authorized the undersigned Municipal representative to execute this Agreement on the Municipality's behalf.
7. MaineDOT shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State's option to withhold for the purposes of set-off monies due the Municipality under a specific Project Contract up to any amounts due and owed to MaineDOT with regard to this Agreement, and any other Agreement/Contract, any other Agreement/Contract with any State Department or Agency, including any Agreement/Contract for a term commencing prior to the term of this Agreement, plus any amounts due and owed to the State for any reason including without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. MaineDOT shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by MaineDOT, its representatives, or the State Controller.
8. To the extent permitted by law, the Municipality and the MPO shall indemnify and hold harmless MaineDOT, its agents and employees from all claims, suits or liabilities arising from any negligent or wrongful act, error or omission by the Municipality, its consultants or contractors. Nothing herein shall waive any defense immunity or limitation of liability that may be available under the Maine Tort Claims Act (14 M.R.S. Section 8101 et seq.) or any other privileges or immunities provided by law. ***This provision shall survive any termination or expiration of this Agreement.***
9. With the exception of the provisions so noted, all provisions of this Agreement shall expire at Project final voucher, or upon final payment by the Municipality of any Project costs as hereinbefore provided, whichever occurs later.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement effective on the day and date last signed.

\_\_\_\_\_  
Date \_\_\_\_\_

John Duncan, Director  
Portland Area Comprehensive Transportation System

*I certify that the signature above is true and accurate. I further certify that the signature, if electronic: (a) is intended to have the same force as a manual signature; (b) is unique to myself; (c) is capable of verification; and (d) is under the sole control of myself.*

\_\_\_\_\_  
Date \_\_\_\_\_

Jon Jennings, City Manager  
Municipality of Portland

*I certify that the signature above is true and accurate. I further certify that the signature, if electronic: (a) is intended to have the same force as a manual signature; (b) is unique to myself; (c) is capable of verification; and (d) is under the sole control of myself.*

\_\_\_\_\_  
Date \_\_\_\_\_

Herb Thomson, Director, Bureau of Planning  
Maine Department of Transportation

*I certify that the signature above is true and accurate. I further certify that the signature, if electronic: (a) is intended to have the same force as a manual signature; (b) is unique to myself; (c) is capable of verification; and (d) is under the sole control of myself.*

| FISCAL IMPACT NOTE<br>New Program Cost Data:    | Year 1           |                                | Year 2           |                                | Year 3           |                                |
|-------------------------------------------------|------------------|--------------------------------|------------------|--------------------------------|------------------|--------------------------------|
|                                                 | City Rate        | City / Sch<br>Combined<br>Rate | City Rate        | City / Sch<br>Combined<br>Rate | City Rate        | City / Sch<br>Combined<br>Rate |
| <b>Example:</b>                                 |                  |                                |                  |                                |                  |                                |
| <b>ADD: NEW ITEM ANNUAL EXPENDITURES</b>        |                  | <b>\$20,165</b>                |                  | <b>\$11,921</b>                |                  | <b>\$11,921</b>                |
| <b>LESS: TOTAL NEW ITEM ANNUAL REVENUES</b>     |                  |                                |                  |                                |                  |                                |
| <b>=NEW ITEM NET TAX RATE IMPACT PROJECTION</b> | <b>\$20,165</b>  | <b>\$20,165</b>                | <b>\$11,921</b>  | <b>\$11,921</b>                | <b>\$11,921</b>  | <b>\$11,921</b>                |
| <b>New Program Impact to the Mil Rate</b>       | <b>\$0.0026</b>  | <b>\$0.0026</b>                | <b>\$0.0015</b>  | <b>\$0.0015</b>                | <b>\$0.0015</b>  | <b>\$0.0015</b>                |
| <b>New Program % Impact on Mil Rate</b>         | <b>0.0225%</b>   | <b>0.0114%</b>                 | <b>0.0133%</b>   | <b>0.0067%</b>                 | <b>0.0133%</b>   | <b>0.0067%</b>                 |
| <b>Mil Rate Including New Program</b>           | <b>\$11.3426</b> | <b>\$22.4826</b>               | <b>\$11.3415</b> | <b>\$22.4815</b>               | <b>\$11.3415</b> | <b>\$22.4815</b>               |

Notes: The original estimated amount was previously bonded and, thus, already has fiscal impacts, as shown in Year 1. The additional amount will have fiscal impacts in Year 2 and Year 3.



|                   |       |
|-------------------|-------|
| MaineDOT use only |       |
| TEDOCS #:         | _____ |
| CT #:             | _____ |
| CSN #:            | _____ |
| PROGRAM:          | _____ |

**MAINE DEPARTMENT OF TRANSPORTATION**  
**MUNICIPAL/STATE AGREEMENT**  
**PROPOSED IMPROVEMENTS TO CONGRESS STREET**

*(MaineDOT Use Only)*

|                                       |                                                                      |
|---------------------------------------|----------------------------------------------------------------------|
| Project Location: <u>Portland</u>     | Estimated Municipal Share: <u>\$320,718.34</u>                       |
| State WIN #: <u>22132.00</u>          | Vendor Customer #: <u>17A12984</u>                                   |
| Federal Aid Project #: <u>2213200</u> | Agreement Begin Date: _____                                          |
|                                       | Agreement End Date: <u>(5 years from the date last signed below)</u> |

This Agreement is entered into between the Maine Department of Transportation (hereafter the MaineDOT) and the Municipality of Portland, a municipal corporation located in the County of Cumberland (hereafter the “Municipality”) (collectively hereinafter the “Parties”).

**RECITALS**

- A. The scope of work that is the subject of this Agreement consists of Traffic signal improvements and coordination: Congress Street from Myrtle Street to High Street, in Portland, Maine, (hereafter the “Project”).
- B. The Parties have a mutual interest in ensuring that the Project is delivered on a reasonable schedule and within the programmed budget, using a process that maximizes communication and cooperation between the Parties.
- C. This Agreement is intended to cover the roles and responsibilities of the Parties during the design, permitting and right-of-way phases of Project development from Project inception through completion of the Project’s Plans, Specifications and Estimate (PS&E). This Agreement is further intended to establish the financial obligations of each Party, including that of full Project development through construction.

**AGREEMENT**

**NOW, THEREFORE**, in accordance with the foregoing, the Parties agree as follows:

- D. The following checked appendices are hereby incorporated into this Agreement by reference, and any perpetual maintenance appendices shall survive the expiration of this Agreement:
  - ☒ Appendix A – Project scope, cost sharing, and payment schedule (*not required for non-monetary agreements.*)
  - ☐ Appendix B – Perpetual Bicycle/Pedestrian Facility Maintenance
  - ☐ Appendix B – Perpetual Drainage Maintenance
  - ☐ Appendix B – Perpetual Landscape Maintenance
  - ☐ Appendix B – Perpetual Operation and Maintenance of Lighting/Flashing Beacon and/or signage with associated light(s)
  - ☐ Appendix B – Perpetual Traffic Signal Operation and Maintenance

- ☐ Appendix B – Perpetual Bridge Lighting/Approach Lighting Maintenance & Snow Plowing
- ☒ Appendix C – Additional work requested by Municipality

**E. Agreement Administration:**

1. MaineDOT agrees to procure and administer a contract to construct the Project in accordance with the plans and specifications developed by MaineDOT. This would include any additional plans, specifications and estimates furnished by the Municipality and approved by MaineDOT. When applicable, refer to Appendix A of this Agreement for the outline of the scope, limits of work and cost sharing.
2. MaineDOT shall be the sole administrator of the contract to construct the Project. MaineDOT will pay all Project costs, subject to cost sharing by the Municipality, when applicable, as specified in this Agreement. Neither MaineDOT nor its contractors will be required to pay for inspections and permits from the Municipality.
3. Upon acceptance of plans, specifications and estimates (PS&E), MaineDOT shall solicit competitive bids for the Project. Upon acceptance of the lowest acceptable responsive, responsible bid to construct the Project and fulfillment of all terms set forth herein, MaineDOT will submit the information to the Municipality, who will have up to five (5) business days to review the information and notify MaineDOT of any questions or concerns. If MaineDOT is not presented with any questions or concerns in the time allotted all decisions pertaining to the acceptance of the bids, the award and administration of the contract and all payments thereunder shall be the sole discretion of MaineDOT.

**F. Changes to Project Scope:**

4. The Municipality, at its election, may request that changes be made or work added to the Project during the period of construction, provided the Municipality agrees in writing to pay any additional cost plus an amount not to exceed ten (10%) percent of such construction cost to cover all necessary engineering, inspection and administrative costs associated therewith, unless specified otherwise. All such requests shall be subject to MaineDOT approval. In the event that the cost of these changes or work are approved for federal participation, the Municipality's additional cost may be reduced by the amount of the federal contribution.

**G. Traffic Control:**

5. The Municipality agrees to allow MaineDOT's contractor to control all traffic through the work areas in accordance with the Traffic Control Plan approved by MaineDOT. The development of the Traffic Control Plan will follow the process outlined below:
  - i. MaineDOT's Project Manager (PM) will, when possible, submit the Project for Traffic Analysis and Movement Evaluation (TAME), approximately one year prior to advertisement. Once the results are received, the PM/Regional Traffic Engineer will discuss the proposed Project with the Municipality (scope, limits, day or night work, work window, etc).
  - ii. The Municipality will comment on their concerns/issues related to the Traffic Control Plan within two (2) weeks of receipt.

- iii. MaineDOT's PM & Designer will incorporate these comments where practical based on engineering judgment.
- iv. If the Municipality desires, a meeting will be held prior to PS&E to review the Project design, Special Provision 105 – Limitations of Operations, Special Provision 107 - Time, etc.

**H. Utilities:**

- 6. The Municipality will, at no cost to MaineDOT, assure proper adjustment, relocation, or repair of any portion of a utility service, whether above or below ground, that is located within the limits of the highway right-of-way and connected to any municipal utility, which might become necessary to permit construction of the Project. The Municipality agrees to hold MaineDOT harmless from any claims for damages occurring as a result thereof.
- 7. The Municipality agrees that during and after construction it will apply the requirements of the most recent version of MaineDOT's "Utility Accommodation Rules" as the minimum guidelines not withstanding any municipal rules that are more lenient.
- 8. To the extent that it is statutorily responsible therefore, the Municipality agrees to provide utilities, and to maintain all improvements and fixtures constructed, installed or furnished as a part of the Project in such a manner as necessary to preserve the use and function thereof for the expected period of their normal useful life as determined by accepted engineering and/or industry standards. To the extent any warranty exists for said improvements or fixtures, said warranty shall be first relied on by MaineDOT to address maintenance and/or repairs described in this paragraph.

**I. Governing Law:**

- 9. The Municipality agrees that except for an emergency, or as allowed in 23 M.R.S.A. § 3351-A, it will prohibit the excavation of the highway within the limits of the Project for a period of at least five (5) years after completion of the Project, and agrees to make all necessary notifications to abutters and occupants of the highway as otherwise required of any municipal government under the provisions of 23 M.R.S.A. § 3351. Thereafter, all future excavations within the right-of-way of the Project shall be regulated and controlled in the manner specified by MaineDOT in its most recent "Utility Accommodation Rules", which is incorporated herein and made a part hereof by reference.
- 10. The Parties agree to: comply with and abide by all applicable State and Federal laws, statutes, rules, regulations, standards and guidelines, including the MUTCD and OSHA standards, and Agreement provisions; avoid hindering each other's performance; fulfill all obligations diligently; and cooperate in achievement of the intent of this Agreement.

**J. Municipality's Responsibility:**

- 11. When applicable, if the Municipality withdraws its financial support for the Project, leading MaineDOT to terminate the Project, the Municipality shall reimburse MaineDOT fully for all Project costs incurred in reliance on the Municipality's financial obligations outlined herein, including, but not limited to, reimbursement of all federal and state funds expended up to the

time of such termination. If the Municipality fails to reimburse MaineDOT for such costs incurred, after receiving an invoice seeking such reimbursement, MaineDOT may exercise its rights of set-off to recover the requested amount.

12. The Municipality agrees to alter, move, relocate or remove, or cause to be, at no cost to the Project, any municipal property, including all fixtures, facilities or monuments, located on, under or above the ground, as necessary to permit construction of the Project, which has not otherwise been provided for during the development of the Project. Any work necessary to do so during the period of construction shall be coordinated with the contractor for the Project.
13. The Municipality will be responsible to keep new or replaced/rehabilitated pedestrian facilities in usable condition including snow and ice control.
14. The Municipality agrees to keep the right-of-way of the Project inviolate from all encroachments and agrees to remove, or cause to be removed, anything that may encroach thereon.
15. When applicable, the Municipality agrees to regulate all entrances to the highway within the limits of the Project in accordance with the provisions of 23 M.R.S.A. § 704.
16. When applicable, the Municipality agrees to limit all on-street parking to the parking spaces as designed and constructed under the Project.

**K. Termination:**

17. MaineDOT reserves the right to terminate the Project for any reason prior to the award of a contract to construct the Project. MaineDOT also reserves the right to terminate all provisions pertaining to work requested by the Municipality at any time prior to the award of a contract to construct the Project due to failure by the Municipality to comply with any of the conditions and stipulations set forth in this Agreement.
18. MaineDOT may postpone, suspend, abandon or otherwise terminate this Agreement upon thirty (30) days written notice to the Municipality and in no event shall any such action be deemed a breach of contract. Postponement, suspension, abandonment or termination may be taken for any reason by MaineDOT or specifically as the result of any failure by the Municipality to perform any of the services required under this Agreement to MaineDOT's satisfaction.

In the event of Project termination, all provisions of this Agreement shall become null and void except for those *provisions that by their very nature are intended to survive*.

**L. Miscellaneous Provisions:**

19. **Debarment.** The Municipality certifies, by signing this Agreement, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal department or agency. If the Municipality is unable to certify to this statement, it shall attach an explanation to this Agreement. The Municipality shall promptly notify MaineDOT if it or its principals becomes debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

20. All provisions of this Agreement, ***except those that by their very nature are intended to survive***, shall expire at Project final voucher, or upon final payment by the Municipality of any Project costs as hereinbefore provided, whichever occurs later.
21. **State of Maine's Rights of Set-Off.** MaineDOT shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State of Maine's option to withhold for the purposes of set-off monies due the Municipality under a specific project contract up to any amounts due and owed to MaineDOT with regard to this Agreement, and any other agreement/contract with any State of Maine department or agency, including any agreement/contract for a term commencing prior to the term of this Agreement, plus any amounts due and owed to the State of Maine for any reason including without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. MaineDOT shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by MaineDOT, its representatives, or the State Controller. When applicable, MaineDOT reserves the right to withhold or reduce future Local Road Assistance payments to the Municipality for purposes of set-off to recover the amount owed.
22. **Non-Appropriation.** Anything herein to the contrary notwithstanding, the Municipality acknowledges and agrees that although the execution of this agreement by MaineDOT manifests its intent to honor its terms and to seek funding to fulfill any obligations arising hereunder, by law any such obligations are subject to available budgetary appropriations by the Maine Legislature and, therefore, this agreement does not create any obligation on behalf of MaineDOT in excess of such appropriations.
23. **Assignment.** No assignment of this agreement is contemplated, and in no event shall any assignment be made without the express written permission of MaineDOT.
24. **Notice.** Any communications, requests or notices required or appropriate to be given under this Agreement shall be in writing and may be sent via email which shall satisfy the delivery requirements of this section through express acknowledgement of receipt by the receiving party. Alternatively, communications can be mailed via U.S. Mail, Certified or Registered, Return Receipt Requested or sent via a recognized commercial carrier such as, but not limited to Federal Express, that requires a return receipt delivered to the sending party. Said communications, requests or notices shall be sent to the other party as follows:

MaineDOT:        Maine Department of Transportation  
                      24 Child Street  
                      16 State House Station  
                      Augusta, ME 04333-0016  
                      Attn.: LaRay Hamilton  
                      Email: laray.hamilton@maine.gov

Municipality:    City of Portland  
                      389 Congress Street  
                      Portland, ME 04101  
                      Attn.: Jeremiah Bartlett  
                      Email: jbartlett@portlandmaine.gov

**IN WITNESS WHEREOF**, the Parties hereto have executed this AGREEMENT effective on the day and date last signed below.

MUNICIPALITY OF PORTLAND

MAINE DEPARTMENT OF TRANSPORTATION

By: \_\_\_\_\_  
Jon Jennings, City Manager

By: \_\_\_\_\_  
Richard J. Crawford, P.E., Director  
Bureau of Project Development

\_\_\_\_\_  
(Date Signed)

\_\_\_\_\_  
(Date Signed)

*I certify that the signature above is true and accurate. I further certify that the signature, if electronic: (a) is intended to have the same force as a manual signature; (b) is unique to myself; (c) is capable of verification; and (d) is under the sole control of myself.*

**APPENDIX A**  
**PROJECT SCOPE AND COST SHARING**  
**MAINE DEPARTMENT OF TRANSPORTATION**  
**MUNICIPAL/STATE AGREEMENT**  
**Transportation Improvement Project**

**MUNICIPALITY OF PORTLAND**

**PROPOSED IMPROVEMENTS TO CONGRESS STREET**

**FEDERAL AID PROJECT NO. 2213200**

**STATE PROJECT IDENTIFICATION NUMBER (WIN) 22132.00**

**Project Scope:**

Traffic signal improvements and coordination: Congress Street from Myrtle Street to High Street.

**Funding Outline:**

The Total Project Estimated Cost is \$ 1,273,273.37 , and the Parties agree to share costs through all stages of the Project under the terms outlined below.

| Work Element                                                    | Municipal Share |               | Project Share |               |                          |      | Total Cost      |
|-----------------------------------------------------------------|-----------------|---------------|---------------|---------------|--------------------------|------|-----------------|
|                                                                 |                 |               | Federal       | Portion       | MaineDOT (State) Portion |      |                 |
|                                                                 | %               | \$            | %             | \$            | %                        | \$   | \$              |
| Preliminary Engineering                                         | 25.0%           | \$ 31,250.00  | 75.0%         | \$ 93,750.00  | 0.0%                     | \$ - | \$ 125,000.00   |
| Right of Way                                                    | 25.0%           | \$ 125.00     | 75.0%         | \$ 375.00     | 0.0%                     | \$ - | \$ 500.00       |
| Construction                                                    | 25.0%           | \$ 276,143.34 | 75.0%         | \$ 828,430.03 | 0.0%                     | \$ - | \$ 1,104,573.37 |
| Construction Engineering                                        | 25.0%           | \$ 10,000.00  | 75.0%         | \$ 30,000.00  | 0.0%                     | \$ - | \$ 40,000.00    |
| PROJECT SHARES                                                  |                 | \$ 317,518.34 |               | \$ 952,555.03 |                          | \$ - | \$ 1,270,073.37 |
| Total Cost of Additional Work Requested by Municipality (Below) | 100.0%          | \$ 3,200.00   |               |               |                          |      |                 |
| TOTAL ESTIMATED MUNICIPAL SHARE (Receivable Amount)             |                 | \$ 320,718.34 |               |               |                          |      |                 |

**(Check if applicable)**

☒ **Additional Work as outlined in Appendix C to this Agreement.**

**Funding Outline:** The Municipality agrees to pay 100% of the costs for the work outlined below.

| Additional Work                                                |  | Cost: 100% Municipal Share |                 |
|----------------------------------------------------------------|--|----------------------------|-----------------|
| Adjust Sewer MH                                                |  | \$                         | 3,200.00        |
| TYPE OF WORK                                                   |  | \$                         | -               |
| TYPE OF WORK                                                   |  | \$                         | -               |
| <b>TOTAL COST OF ADDITIONAL WORK REQUESTED BY MUNICIPALITY</b> |  | \$                         | <b>3,200.00</b> |

**Payment:**

The Municipality shall submit payment to MaineDOT within 30 days from the invoice date.

1. Prior to award of the contract for Project construction, the Municipality will be invoiced a portion of its share of the cost of the Project.

Invoicing will include the following:

- a. 100% of the local share of the Preliminary Engineering and Right of Way costs; plus
- b. Fifty percent (50%) of the local share of the Construction and Construction Engineering cost based on the total bid price of the Project; plus
- c. 100% of all additional work requested by the Municipality.

2. Final Voucher Payment to the Contractor. A final bill will be created following MaineDOT's final voucher payment to the Contractor, after all quantities are verified, and any required adjustments have been made. The cost of the work for which MaineDOT will bill the Municipality shall be determined by the contract prices and the completed quantities of the work items or, in the event of termination, the local share of Project development cost to the point of termination as stipulated above. The final invoice will include the Municipality's share of any remaining costs.

**Invoicing Schedule:** The Municipal Payment Schedule shown below includes estimated invoicing dates based upon the estimated schedule and estimated cost of the Project:

| Municipality Name               | Receivable Amount   | Estimated Invoice Date |
|---------------------------------|---------------------|------------------------|
| City of Portland                | \$177,646.67        | 5/1/2020               |
| City of Portland                | \$143,071.67        | 1/1/2021               |
| City of Portland                | Balance             | 7/1/2021               |
| <b>Total Receivable Amount:</b> | <b>\$320,718.34</b> |                        |

**Project Information**

**Municipality Name: Portland**

**Federal Aid Project #: 2213200**

**WIN: 22132.00**

**APPENDIX C**

**ADDITIONAL WORK**

**MAINE DEPARTMENT OF TRANSPORTATION**

**Transportation Improvement Project**

**1. Description of Work Being Added to Project by the Municipality:**

**Adjusting sewer manholes**

**2. The Municipality agrees to furnish all plans, specifications and estimates necessary to include additional work under the Project; No ☐ - Disregard this Section, or Yes ☒ - as follows:**

- a) All plans and specifications shall conform to the standards used by MaineDOT as set forth in the latest version of its *"Highway Design Guide"* and *"Standard Details"* and comply with MaineDOT's Utility Accommodation Rules.
- b) All plans shall be size "D" drawings measuring 22 inches by 36 inches reproducible in black and white print.
- c) All specifications shall be printed on 8-1/2 inch wide by 11 inch long paper suitable for binding in MaineDOT's proposal book.
- d) The Municipality shall provide a detailed engineer's estimate of the cost of such additional work calculated in a manner acceptable to MaineDOT and allowable for bidding. The Municipality agrees that all cost information developed for such bidding shall be kept confidential pursuant to the provisions of Title 23 of the Maine Revised Statutes Annotated (M.R.S.A.) Section 63.
- e) The Municipality shall obtain all permits, licenses, releases and approvals necessary or incidental to the additional work described in Section 1 above.
- f) The submission of all plans, specifications and estimates; as well as all permits, licenses, releases and approvals shall be done in such a timely manner as not to unreasonably delay MaineDOT's schedule for soliciting bids to construct the Project.
- g) The Municipality may utilize the electronic exchange of CADD data; the Municipality must accept pertinent electronic input data as specified by MaineDOT. A copy of MaineDOT's specifications can be found on its website under Business and CADD support. It is the responsibility of the Municipality to translate this data into other formats required for use in their design software.

**3. Following solicitation of competitive bids for the Project under Paragraph D of the Agreement; but before award of a contract to construct the Project that includes additional work as described in Section 1 above; action must be taken by the Municipality:**

- a) If the bid price received for such additional work exceeds the detailed engineers estimate by any more than ten (10%) percent, the Municipality may reject such bid price by notifying MaineDOT in writing within five (5) business days following the opening of such bids. The Municipality may waive such right by doing so in writing anytime prior to or during such period. Otherwise, all decisions pertaining to the acceptance of bids and the award of any construction contract shall be the sole discretion of MaineDOT.
- b) If the bid price for such additional work is acceptable to the Municipality, the Municipality shall pay MaineDOT, an amount equal to the Municipality's share of the estimated cost of such additional work based upon the prices of the successful bidder. Following receipt of payment, MaineDOT agrees to award a contract to construct the Project including the additional work.
- c) The parties agree that any additional adjustments to the amount of any payment or deposit made pursuant to the provisions of subparagraph b) above because of any differences between estimated and actual quantities which effects the actual cost of such additional work shall be due and payable upon determination of final quantities, unless MaineDOT determines that the actual cost of such additional work is expected to differ measurably from the amount of such payment, due to changes in quantities placed or work performed during the period of construction.



Internal Use Only

TEDOCS #: \_\_\_\_\_

AMS Advantage #: DOT1116-37022 PACTS &  
DOT1116-37023 Portland

CSN#: 37022 PACTS & 37023 Portland

**MAINE DEPARTMENT OF TRANSPORTATION  
MODIFICATION # 1 TO THREE-PARTY PARTNERSHIP AGREEMENT**

Project Location: Portland  
State W.I.N. #: 022132.00  
Federal W.I.N. #: 2213200  
Customer ID#: PACTS  
Customer ID#: PORTLAND

Original Estimated Project Amount: \$83,750.00  
Current Estimated Project Amount: \$83,750.00  
Modified Estimated Project Amount: \$1,270,073.37  
Current Agreement Expiration Date: 12/30/2019  
Modified Agreement Expiration Date: 12/30/2024 ☐ N/A

This Modification hereby amends a Three-Party Partnership Agreement that was executed by MaineDOT on 11/8/2016, with the Portland Area Comprehensive Transportation System (PACTS) and the City of Portland (Municipality), hereinafter the "Parties" for Congress Street Intersection Improvements (Project) as follows:

- ☒ **Increased Estimated Project Amount.** The maximum amount of the Agreement shall be increased by: \$1,186,323.37 from \$83,750.00 to \$1,270,073.37. Reason: The preliminary engineering phase is completed; the Project is to move forward to construction. The project will be re-advertised. The increase is attributed to high bid prices.
- ☒ **Expiration Date.** The Contract Expiration Date of the Project Contract shall be extended from 12/30/2019 to 12/30/2024. Reason: Additional time needed to complete the project.

The following attachments are hereby incorporated into this Modification:

☒ **Appendix A – Project Cost**

All other terms and conditions of the original Agreement shall remain in effect. This Modification hereby becomes part of the Agreement. The Parties, by their duly authorized representatives, have executed this modification to said original Agreement, which shall become effective on the date last signed below.

**PORTLAND AREA COMPREHENSIVE  
TRANSPORTATION SYSTEM**

By: \_\_\_\_\_  
Kristina Egan, Executive Director\*  
Greater Portland Council of Governments  
For Portland Area Comprehensive Transportation System

\_\_\_\_\_  
Date

**MAINE DEPARTMENT OF TRANSPORTATION**

By: \_\_\_\_\_  
Jennifer Brickett, Director\*  
Bureau of Planning

\_\_\_\_\_  
Date

**MUNICIPALITY OF PORTLAND**

By: \_\_\_\_\_  
Jon Jennings, City Manager\*

\_\_\_\_\_  
Date

\*I certify that the foregoing signature is true and accurate, and if electronic, I further certify that it (a) is intended to have the same force as a manual signature, (b) is unique to myself, (c) is capable of verification, (d) is under the sole control of myself, and (e) is linked to data in such a manner that it is invalidated if the data are changed. 10 M.R.S.A. §9502, et seq.

## **APPENDIX A**

**Replace Project Cost Section with the following:**

**Project Cost:**

The total estimated cost of the Project is \$1,270,073.37 (the “**Project Estimate**”), and the Parties agree to share in and allocate the associated costs of each phase as outlined in this section:

| Work Phase               | Estimated PACTS Federal Share |                      | Estimated PACTS State Share |             | Estimated Municipality's Share |                      | Estimated Total Cost   |
|--------------------------|-------------------------------|----------------------|-----------------------------|-------------|--------------------------------|----------------------|------------------------|
|                          | %                             | \$                   | %                           | %           | %                              | \$                   | \$                     |
| Preliminary Engineering  | 75%                           | \$ 93,750.00         | 0%                          | \$ -        | 25%                            | \$ 31,250.00         | <b>\$ 125,000.00</b>   |
| Right of Way             | 75%                           | \$ 375.00            | 0%                          | \$ -        | 25%                            | \$ 125.00            | <b>\$ 500.00</b>       |
| Construction             | 75%                           | \$ 828,430.03        | 0%                          | \$ -        | 25%                            | \$ 276,143.34        | <b>\$ 1,104,573.37</b> |
| Construction Engineering | 75%                           | \$ 30,000.00         | 0%                          | \$ -        | 25%                            | \$ 10,000.00         | <b>\$ 40,000.00</b>    |
| <b>TOTALS:</b>           |                               | <b>\$ 952,555.03</b> |                             | <b>\$ -</b> |                                | <b>\$ 317,518.34</b> | <b>\$ 1,270,073.37</b> |

1. Estimated allocations are further identified as follows:
  - a. **Federal Share** (through PACTS) - 75% of federally participating costs, up to a maximum of \$952,555.03.
  - b. **State Share** (through PACTS) - 0% of eligible Project costs, up to a maximum of \$0.00.
  - c. **Municipality's Share** (through the Municipality) - 25% of federally participating costs, which is estimated at \$317,518.34, plus 100% of any additional costs incurred in accordance with Section 2. below:
2. The Municipality shall be fully responsible for any and all Project costs exceeding \$317,518.34, unless otherwise agreed to in writing by the Parties through a modification to this Agreement.
3. If the actual Project cost is less than the Project Estimate the amounts owed will be adjusted according to the percentages.
4. If the Project Estimate or associated financial allocations are adjusted to reflect updated costs, MaineDOT will consult with PACTS and the Municipality before such adjustments are approved and implemented.

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** January 24, 2020

**SUBJECT:** **Order 128-19/20 Renaming the Portland Exposition Building the James A. Banks, Sr. Exposition Building - Sponsored by Councilor Nicholas M. Mavodones, Jr.**

**SPONSOR:** Councilor Nicholas M. Mavodones, Jr.

**(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 2/3/2020**

**Can action be taken at a later date: No (If no why not?)**

**PRESENTATION:**

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

This order renames the Portland Exposition Building the James A. Banks, Sr., Exposition Building.

Portland's historic Exposition Building was built in 1914, making it the second oldest arena in continuous operation in the United States. Today's Expo Center is an important fixture in Portland's economy and community, thanks to the vision and commitment of community leaders like James A. Banks, Sr.

In 1981, the City of Portland was struggling with how to reduce the deficit caused by public operation of The Expo. According to an article printed in the Portland Evening Express (Jan. 29, 1981), then-Portland City Manager Tim Honey had begun to make plans to sell or demolish the cavernous gymnasium after running a deficit of almost \$89,000 related to its operations in 1980.

The most significant opposition to the proposed sale or demolition came from the Advisory Committee of the Portland Exposition Building, led by James Banks. In this position, Mr. Banks spearheaded the fight to give operational responsibility for The Expo to the School Board and protect the City's primary venue of school sports programs and activities.

Mr. Banks, as Chairman of the Portland School Committee during The Expo's rescue and revitalization, was instrumental in its incredible turnaround. By 1986, his work had been deemed a success; over \$200,000 in improvements had been made to the once run-down, leaking building, including renovations to the gym floor, concession stands, and locker rooms. The ceiling was lowered to accommodate musicians, and the Expo was showing a \$20,000 net operating surplus (Press Herald, June 6, 1986).

Five affirmative votes are required for passage after public comment.

**III. BACKGROUND**

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

**VI. STAFF ANALYSIS AND BACKGROUND**

**VII. RECOMMENDATION**

**VIII. LIST ATTACHMENTS**

None

Prepared by:

Date: 1/24/2020

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:** Greg Mitchell, Director

**DATE:** January 17, 2020

**SUBJECT:** **Order 129-19/20 Approving the Agreement between Portland and South Portland Re: Economic Assessment for the Portland Harbor Dredge Project - Sponsored by Jon P. Jennings, City Manager**

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

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading 2/3/2020**

**Final Action 2/3/2020**

**Can action be taken at a later date: No An economic assessment is needed to apply for Federal grant funding to support the Portland Harbor Dredge Project, with an application deadline of July, 2020.**

**Five affirmative votes are required for passage after public comment.**

**PRESENTATION:** Greg Mitchell/5 Minutes

**I. SUMMARY**

The City Council is asked to approve an inter-local agreement with the City of South Portland, Maine to fund a waterfront economic assessment of the value of berthing and vessel support resources as needed to support federal funding applications to conduct Portland harbor dredging and sediment disposal.

**II. AGENDA DESCRIPTION**

The City of Portland, the City of South Portland, the Portland Harbor Commission, and the State of Maine Department of Transportation have worked for several years toward dredging the waters beside piers, marinas, and vessel support areas in Portland Harbor. Using state transportation funds and Environmental Protection Agency Brownfields Assessment Grants, the Dredge Team partners have recently applied for state and federal permits to perform dredging and sediment disposal benefiting 32 private and public properties on both sides of the Fore River.

The permit review process is well underway and, based on agency feedback, approvals are anticipated from all entities. Funding for the final design, bid document development, and dredge construction will require federal grants from the United States Department of Transportation BUILD program. The BUILD application process requires an economic assessment of the benefits and costs of the proposed project.

The City Council is asked to approve an inter-local agreement with South Portland to jointly fund the economic assessment. The agreement stipulates that the City of Portland will advertise a request for proposals (RFP) to conduct the economic assessment. The selection of a consultant team and cost will be shared equally by the two communities. The cost of the economic assessment is anticipated to be less than \$60,000, but the final cost will be determined by the RFP process. The City of Portland portion of the costs will be requisitioned from previously allocated Waterfront Tax Increment Financing District funds.

The South Portland City Council approved the agreement on January 14, 2020.

Five affirmative votes are required for passage after public comment.

### **III. BACKGROUND**

All harbors need dredging. Dredging is a necessary maintenance function much like paving a road or roofing a building. While typical, dredging is complex due to impacts to sensitive marine resources, coordination with vessel navigation, and the vast variety of marine infrastructures involved. Older urban harbors are further challenged by a legacy of past pollution from historic industries and ongoing impacts from stormwater runoff and combined sewer overflows.

Over time, once useable dock space becomes too shallow to serve vessels resulting in a loss of economic activity, a loss of revenue for commercial marine properties, and constraints on an already stressed lobster and fishing industry.

While the channel of Portland Harbor has benefitted from a maintenance dredge program conducted by the Army Corps of Engineers, the berths have not. The “federal dredge” program is in fact prohibited from extending to the berthing areas. Individual pier and wharf owners, including the City, are responsible for funding, permitting, and conducting their own dredge projects.

Complicating an already complex issue, the particular sediments found in urban harbors are typically contaminated by legacy industries and street runoff. After extensive testing and permitting, “clean” sediments may be disposed of in the ocean at identified and regulated disposal sites. Urban sediments with contaminants have limited options for disposal, usually on-land, which is prohibitively expensive. As a result, contaminated sediments are not dredged and continually pose a pollution risk in the harbor.

The remedy to address both berthing loss and pollution is to excavate a disposal site in the harbor (a CAD cell – Confined Aquatic Disposal) for sequestering contaminated dredged sediments. A location and preliminary design of a CAD cell and locations for all of the dredge needs has been finalized, needing only permits and funding to implement.

### **IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

Dredging vessel support areas have long been identified as a priority for preserving Portland’s Working Waterfront.

In the immediate term, the proposed inter-local agreement with South Portland is a critical step needed to keep the ongoing dredge funding process moving.

Longer term, achieving the dredge project will expand, improve, and maintain vessel berthing at over 40 locations harbor wide. These berthing resources are the foundation of millions of dollars in economic value and activity. The proposed economic assessment will better quantify these benefits.

Better understanding the value of Portland Harbor’s working waterfront will facilitate its preservation consistent with City policies and will be consistent with recent City Council approved Chapter 8 ordinance amendments requiring such an evaluation.

## **V. FINANCIAL IMPACT**

Pending the results of the RFP process, the immediate anticipated cost to the City of Portland for the economic assessment is \$20,000-\$30,000. No financial appropriation action is needed because the Waterfront TIF District funds have been appropriated to cover this expense.

## **VI. STAFF ANALYSIS AND BACKGROUND**

The requested approval for the inter-local agreement with South Portland is a small but significant step in a long-term process. Going back as far as 2016, City staff has updated the City Council Sustainability and Economic Development Committees on the dredge project. Moving forward, Economic Development Department staff looks forward to providing the full Council a comprehensive briefing of the project at a future workshop.

## **VII. RECOMMENDATION**

The Department of Economic Development recommends approval of the inter-local agreement with South Portland.

## **VIII. LIST ATTACHMENTS**

1. Economic Assessment Portland and South Portland re Portland Dredge Project 2.3.2020
2. Agreement Portland-South Portland DRAFT

Prepared by:

Greg Mitchell, Director

Date: 1/17/2020

KATE SNYDER (MAYOR)  
BELINDA S. RAY (1)  
SPENCER R. THIBODEAU (2)  
TAE Y. CHONG (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND**  
IN THE CITY COUNCIL

KIMBERLY COOK (5)  
JILL C. DUSON (A/L)  
PIOUS ALI (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROVING THE AGREEMENT  
BETWEEN PORTLAND AND SOUTH PORTLAND  
RE: ECONOMIC ASSESSMENT FOR THE  
PORTLAND HARBOR DREDGE PROJECT**

**ORDERED**, that the agreement between Portland and South Portland to share the cost of an economic assessment of the value of Portland Harbor Berthing and Vessel Support Services is hereby approved; and

**BE IT FURTHER ORDERED**, the City Manager or his or her designee is authorized to execute any and all documents necessary to carry out the intent of this order.

**AGREEMENT BETWEEN THE CITIES OF SOUTH PORTLAND AND  
PORTLAND**

**To Conduct an Economic Assessment on the Value of  
Portland Harbor Berthing and Vessel Support Resources**

THIS AGREEMENT is entered into this \_\_\_\_\_ day of January, 2020 between the CITY OF SOUTH PORTLAND, a Maine municipal corporation with a principal place of business at 25 Cottage Road, South Portland, Maine 04106 (hereinafter “South Portland”), and the CITY OF PORTLAND, a Maine municipal corporation with a principal place of business at 389 Congress Street, Portland, Maine 04101 (hereinafter “Portland”) (Portland and South Portland are collectively referred to as “the Cities”).

---

**WHEREAS**, the Cities value access to Portland Harbor and the Fore River as a shared environmental, economic, recreational, and cultural resource;

**WHEREAS**, the Cities, the Portland Harbor Commission, and the State of Maine are cooperating in the planning, permitting, funding, and implementation of a comprehensive environmental cleanup and economic restoration project to dredge piers, marinas, and vessel support facilities in Portland Harbor (hereinafter the “Dredge Project”) on both sides of the Fore River;

**WHEREAS**, the volume of sediment planned for excavation and disposal is significant, with an estimated 136,305 cubic yards of materials to be removed from dredge sites on the South Portland side of the harbor and an estimated 108,372 cubic yards of materials to be removed from dredge sites on the Portland side of the harbor;

**WHEREAS**, State and federal permits to allow the Dredge Project to proceed have been drafted and will be filed on [date to be inserted] on behalf of the Portland Harbor Commission;

**WHEREAS**, State and federal permits have been drafted and will be filed on [date to be inserted] on behalf of the City of Portland for a dredged sediment disposal facility (the “CAD Cell”) to be located in the Fore River within the territorial boundaries of South Portland;

**WHEREAS**, federal grant funding will be required to accomplish the proposed Dredge Project and CAD Cell;

**WHEREAS**, federal grant funding regulations require the completion of an economic analysis of the value of relevant Portland Harbor resources and the value of the Dredge Project; and

**WHEREAS**, understanding the value of waterfront economic activity and the value of vessel access in Portland Harbor is in the best interests of the Cities and will have utility and application beyond the Dredge Project;

**NOW, THEREFORE**, the Cities agree to partner on procuring and funding an Economic Assessment on the Value of Portland Harbor Berthing and Vessel Support Resources (the “Assessment”) as follows:

1. The Cities agree to share the costs of conducting the Assessment equally;
2. The Cities agree to share responsibility for selecting a consulting team to perform the Assessment equally;
3. Portland agrees to advertise a request for proposals (RFP) for consulting services to accomplish a scope of work generally consistent with the draft scope of services attached herein as Appendix A;
4. The RFP process will follow Portland’s purchasing procurement process; and
5. This Agreement shall not be amended without the mutual written consent of the City Managers of both Portland and South Portland.

**IN WITNESS WHEREOF**, the said **CITY OF SOUTH PORTLAND** has caused this Agreement to be signed and sealed by Scott T. Morelli, its City Manager, thereunto duly authorized; the said **CITY OF PORTLAND** has caused this Agreement to be signed and sealed by Jon P. Jennings, its City Manager, thereunto duly authorized, as of the day and date first above written.

**WITNESS:**

**CITY OF SOUTHPORTLAND**

\_\_\_\_\_

By: \_\_\_\_\_  
Scott T. Morelli  
Its City Manager

**WITNESS:**

**CITY OF PORTLAND**

\_\_\_\_\_

By: \_\_\_\_\_  
Jon P. Jennings  
Its City Manager

## APPENDIX A

### Portland Harbor Dredge: Economic Assessment and Data Collection: Scope of Services

#### **Portland Harbor Waterfront Economic Assessment**

The Cities of Portland and South Portland, Maine seek the services of a qualified economic professional to provide an assessment of economic data on the Portland Harbor Waterfront (the *Assessment*.) The results of the *Assessment* may be used to support processes including but not limited to allocation of local funds, land use policy development, capital budgeting, and outside grant funding applications. The results shall be reported separately for each municipality and in aggregate for harbor-wide application.

In the immediate term, the communities intend to use the results of the *Assessment* to support funding requests to address the dredging needs of vessel support infrastructures and berthing resources harbor wide. A project scope and description for the *Portland Harbor Dredge* as currently planned by the Cities of Portland, South Portland, and the Portland Harbor Commission is attached.

The *Assessment* will specifically estimate the direct and indirect economic value and impact of vessel-support infrastructures and berthing resources, including:

- Current pier/landside businesses and commerce by industry type, product volume and value;
- Number of employees, piers, and properties relying on berthing and water access, quantified by industry and or land use type;
- Estimate of the cost and economic impact of the *null alternative* – commerce, property values and employment at risk if vessel-support infrastructures and berthing resources are not maintained;
- Estimate of the value and economic impact of maintaining, improving, and expanding of vessel-support infrastructures and berthing described in the *Portland Harbor Dredge* project, including the economic and employment impacts of the project itself.

Respondents bidding on the above scope shall describe their approach, hourly commitment by personnel, and costs within their proposal.

#### **For the City of Portland Only: State of the Waterfront Report**

In addition to the above scope specific to the *Portland Harbor Dredge* project, the City of Portland has recently committed to conduct a periodic *State of the Waterfront Report* process. The *State of the Waterfront Report* will, at a minimum, identify key indicators of economic health for marine industry within the City of Portland. Indicators shall include but are not limited to employment by marine industry, homeported commercial vessels by

type, fish landings, freight volume, marine passenger volumes by type, recreational berthing, and direct and indirect business output value and trends. The *State of the Waterfront Report* shall also provide guidance as to strengths, weaknesses, and threats to the waterfront economy and may provide recommendations to strengthen the Waterfront as a home for traditional and emerging water dependent and marine related industries.

The *State of the Waterfront Report* will be maintained and reevaluated every 3 to 5 years, or more frequently as determined by the City. This scope of services includes the initial *Report*, with no commitment to the selected team to conduct updates to the *Report* in the future.

Proposals shall include a separate narrative describing the approach, hourly commitment by personnel, and costs to generate the first *State of the Waterfront Report*

**For the City of South Portland only**

In addition to the above scope specific to the *Portland Harbor Dredge* project, the City Of South Portland will soon be completing a Climate Action and Adaptation Plan ("*One Climate Future*"), in collaboration with the City of Portland. We anticipate this plan will lead to certain updates to our City's Comprehensive Plan and Economic Development Plan in the coming months.

It is our desire and intent to use and incorporate some of the data developed as part of this Economic Assessment of Portland Harbor into our implementation strategies of the following Plans:

- *One Climate Future Plan*,
- An update of the City of South Portland Comprehensive Plan,
- An update of the City of South Portland Economic Development Plan.

The City of South Portland would like an analysis of strategies the City may consider to assist waterfront property owners that are keen to preserve the economic value of those properties, enhance resiliency and address the potential for sea-level rise, as well as strategies to support and collaborate with property owners that have interest in long-range planning and transitioning property to new uses.

Proposals shall include a separate narrative describing the approach, hourly commitment by personnel, and costs to generate the Strategies to Support Waterfront Property Owners.

KATE SNYDER (MAYOR)  
BELINDA S. RAY (1)  
SPENCER R. THIBODEAU (2)  
TAE Y. CHONG (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND**  
IN THE CITY COUNCIL

KIMBERLY COOK (5)  
JILL C. DUSON (A/L)  
PIOUS ALI (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER ADOPTING COUNCIL RULES OF PROCEDURE  
FOR 2020**

**ORDERED,** that the City Council of the City of Portland, Maine, in the City Council assembled,  
does hereby adopt the Rules and Orders of the City Council, as amended and  
attached hereto, as the Rules of Procedure of the City Council.

## **RULES OF PROCEDURE OF THE CITY COUNCIL**

As Amended ~~February 19~~~~December 32~~, ~~2018~~~~2020~~

### **Rule 1. Regular Meetings and Council Workshop Sessions**

- A. The regular meetings of the ~~City~~ Council ~~(hereinafter~~  
~~"Council")~~ shall be held in the room known as the City  
Council Chamber or such other room as deemed appropriate in  
City Hall in one session at 5:30 p.m. on the first and  
third Mondays of each calendar month. When said Monday is  
a holiday or an election day, the regular meeting shall be  
held on the following Wednesday, at the same time and  
place. The date or the time of any regular meeting may be  
changed by an order passed at a previous meeting of the  
Council or by warrant for a special meeting called in lieu  
of a regular meeting; provided however, that said change in  
date will still provide for two regular meetings in one  
month. Unless otherwise changed by an order passed at a  
preceding meeting or by the calling of a special meeting at  
a different time or place, for like purposes, the Council  
shall also regularly meet at 12:00 noon on the first Monday  
of December of each year for the purpose of the  
inauguration of ~~Portland City~~ Council, the swearing in of  
Councilors-elect, filling Council committees, adopting  
rules and orders, and transacting such other business as it  
may deem appropriate. The public hearing of any item shall  
not commence after 10:00 p.m. of the day of said regular  
meeting unless five (5) members consent to such  
consideration. The Council deliberation and action on any  
item shall not commence after 10:00 p.m. of the day of said  
regular meeting unless five (5) members consent to such  
consideration.
- B. With proper notice, workshop sessions of the ~~City~~ Council  
may be called by five (5) members of the ~~City~~ Council, the

Mayor or the City Manager, as the case may be, for obtaining legal, administrative or policy guidance or for the presentation of information by the City Manager, the City Clerk or Corporation Counsel or their staff. The City Council shall not take votes in workshop sessions; however, the Council may be polled at the workshop to obtain an unofficial sense of the position of the Council on an issue being discussed at the workshop. To the maximum extent possible, materials for such sessions shall be provided to the City Council at least two (2) business days prior to the scheduled workshop. All such workshop sessions shall be open to the public, in accordance with 1 M.R.S. §400 et seq. ("FOAA").

#### **Rule 2. Quorum; Adjourned Meetings**

A majority of the members of the Council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. At least twenty-four (24) hours' notice of the time and place of holding such adjourned meeting shall be given to all members who are not present at the meeting from which adjournment is taken.

#### **Rule 3. Enactments**

The Council shall act only by ordinance, order, or resolve. Final passage of or amendments to any item shall require five (5) affirmative votes except where a greater number is required by Charter or Ordinance. All ordinances, orders, and resolves, except orders and resolves making an appropriation of money, shall be confined to one subject, which shall be clearly expressed in the title. The appropriation order or resolve shall be confined to the subject of appropriations only.

#### **Rule 4. Ordinance; Style**

All ordinances passed by the Council shall be termed "amendments to the Portland City Code" and the enacting style shall be: "Be it ordained by the City Council of the City of Portland, Maine, in City Council assembled."

**Rule 5. Order and Resolve; Style**

In all votes of command, the form of expression shall be "ordered"; and of opinions, principles, facts or purposes, the form shall be "resolved".

**Rule 6. Readings**

The reading of any ordinance, order, or resolve shall be by title of the ordinance, order or resolve only, if no member objects.

**Rule 7. Reading on Two Separate Days; Waiver**

No ordinance, no appropriation resolve, and no order authorizing the expenditure of \$50,000.00 or more shall be passed until it has been read on two (2) separate days, except when the requirement of reading on two (2) separate days has been dispensed with by a vote of seven (7) of the members.

**Rule 8. Yeas and Nays Taken; When**

The yeas and nays shall be taken upon the passage of all ordinances and orders authorizing the expenditure of money in the amount of \$50,000.00 or more and entered upon the record of the proceedings of the Council by the Clerk. The yeas and nays shall be taken on the passage of an order or resolve when called for by any member.

**Rule 9. Ordinances; Effective When**

No ordinance shall take effect until thirty (30) days after its passage by the Council, except in the case of emergency ordinances.

**Rule 10. Order, Resolve; Effective When**

No order or resolve shall take effect until ten (10) days after its passage, except in the case of emergency orders and resolves.

### **Rule 11. Emergency Ordinances, Orders and Resolves**

The Council may, by vote of seven (7) of its members, pass emergency ordinances, orders, or resolves to take effect at the time indicated therein, but such emergency ordinances, orders or resolves shall contain a section in which the emergency is set forth and defined, provided, however, that the declaration of such emergency by the Council shall be conclusive.

### **Rule 12. Item for Meetings; Filed When**

- A. No ordinance, order, resolve, or other document shall be in order for action at any regular meeting of the Council unless such ordinance, order, resolve, or other document shall appear on the Council Agenda (hereinafter "Agenda").
- B. Items for the Agenda should to the maximum extent possible be received in the office of the City Manager on or before close of the work day ten (10) days prior to the scheduled regular or special Council meeting.
- C. Each item for the Agenda shall be submitted with an electronic agenda request form. The form shall 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.
- D. If a submitted item for the Agenda involves an ordinance or ordinance amendment, a Council initiated City Charter amendment or revision, an order authorizing the expenditure of \$50,000 of general fund money or more, or a budget order, such item(s) shall be first reviewed by a Council Committee (hereinafter "Committee") before it appears on the Agenda.

- E. The Committee assigned to review a referral item shall be agreed to be the City Manager and the Mayor after taking into account, among other things, the information in the submitted agenda request form. If the City Manager and the Mayor disagree on which Committee to refer an item to, it shall appear on the Agenda for a formal vote to either suspend these rules to take up the item directly or refer the item as per Rule 29.
- F. All items that are referred to a Committee through the process described in subparagraphs (D) - (E) shall be communicated to the Council through a written communication from the Mayor which shall appear on the Agenda.
- G. All licenses, proclamations, resolutions, festival orders, grant approvals or appropriations, communications, and any other item the City Manager and Mayor deem appropriate, shall appear on the Agenda without the need for the aforementioned referral to a Committee.

**Rule 13. Sponsorship.**

Items listed on the Council agenda shall be sponsored as follows:

- A. The Mayor or any individual member of the Council may~~shall~~ sponsor ~~any~~ proclamations or resolutions; and
- B. The City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council may~~shall~~ sponsor any orders or other Agenda items.

**Rule 14. Presiding Officer to Chair Meetings**

The Presiding Officer shall take the chair at the time appointed for the meeting, call the members to order, cause the roll to be called, and, a quorum being present, cause the

minutes of the preceding meeting to be read and proceed to business.

**Rule 15. Preserve Order Decide All Questions of Order**

The Presiding Officer shall preserve decorum and order, may speak to points of order in preference to other members, and shall decide all questions of order subject to an appeal to the Council by motion regularly seconded, and no other business shall be in order until the question on appeal is decided.

**Rule 16. Declare Votes; Cause Return of Votes**

The Presiding Officer shall declare all votes, but if any member doubts a vote, the Presiding Officer shall cause a return of the members voting in the affirmative and in the negative; without debate.

**Rule 17. Debate; Rules of**

When a question is under debate, the Presiding Officer shall receive no motion but to adjourn, or for the previous question, or to lay on the table, or to postpone to a date certain, or to refer to a committee or some administrative official, or to amend, or to postpone indefinitely; which several motions shall have precedence in the order in which they stand arranged.

**Rule 18. Motion to Adjourn; Lay on Table**

The Presiding Officer shall consider a motion to adjourn as always in order except on immediate repetition; and that motion and the motion to lay on the table, or to take from the table, shall be decided without debate.

**Rule 19. Reconsideration**

When a vote is passed, it shall be in order for any member who voted in the majority, or in the negative on a tie vote to move a reconsideration thereof, at the time, or the next stated meeting, but not afterwards, and when a motion of reconsideration is decided, that vote shall not

be reconsidered. No motion to reconsider a vote passed at a previous meeting shall be in order for consideration at the next stated meeting unless an item to that effect is contained in the agenda for such next stated meeting or unless seven (7) of the members consent to such reconsideration.

A citizen petition, or zone change petition, once presented to and finally acted upon by the Council shall not again be received by the Council in the same or substantially the same form for a period of one (1) year next succeeding the Council's final action on the original petition. A member voting with the majority on the original petition, however, shall be privileged to reintroduce such a petition in accordance with the requirements of this rule.

A liquor license or special entertainment permit, or an amendment proposed by the licensee to an existing license or permit that has been denied by the Council shall not be received by the Council in the same or substantially the same form for one (1) year from the date of such action unless a shorter period is required by state law.

All other items, once presented to and finally acted upon by the Council, shall not again be offered or received by the Council in the same or substantially the same form within a given Council year (i.e. December - December).

#### **Rule 20. Failure to Pass for Lack of Required Votes**

When an item fails to finally pass for lack of the required five (5), or seven (7) affirmative votes, as applicable, and is not otherwise disposed of, the item shall appear on the Agenda as unfinished business at the next succeeding meeting.

#### **Rule 21. Motion for Previous Question**

Upon the motion for the previous question being made and seconded, the Presiding Officer shall put the question in the following form: "Shall the main question be now put?". And all debate upon the main question shall be suspended until the motion for the previous question shall be decided. After the

adoption of said motion for the previous question by a majority vote, the sense of the Council shall be forthwith taken upon all pending amendments and then upon the main question. Neither is it susceptible of amendment. All questions of order arising incidentally thereon must be decided without discussion whether appeal be had from the Presiding Officer or not.

#### **Rule 22. Manner of Speaking**

When a member is about to speak at a [regular or special](#) Council meeting, he or she shall rise in his or her place, if physically able to do so, and respectfully address the Presiding Officer, confine himself or herself to the question under debate, and avoid personalities.

#### **Rule 23. Length of Statements by Members**

During the deliberation on any item and associated amendments, each member shall limit his or her remarks and/or questions, but not including responses to his or her questions, to a total of ten (10) minutes. In the event that an item is divided, each member shall be entitled to an additional five (5) minutes of remarks and/or questions.

#### **Rule 24. Not to Interrupt**

No member speaking shall be interrupted by another, but by a call to order by the Presiding Officer, a point of order by any member or to correct a mistake.

#### **Rule 25. Breach of Rules and Orders**

When any member shall be guilty of a breach of any of the rules or orders of the Council, that member may, on motion, be required to make satisfaction therefor, and shall not be allowed to vote, or speak, except by way of excuse, until he or she has done so.

#### **Rule 26. Member Excused From Voting; When**

Every member present when a question is put shall vote unless the member is precluded from participation therein

because of interest or the appearance of interest or unless she or he is otherwise prohibited by law from participation.

- A. Any member abstaining on grounds of interest or the appearance of interest must do so at the commencement of deliberations on the item under discussion and shall not participate in said deliberations or vote on such item.
- B. Any member abstaining as permitted hereunder shall clearly state such intent, the reason for such abstention and the legal or factual basis therefor prior to the commencement of deliberation on such item.

**Rule 27. Motion to be Reduced to Writing; When**

Any motion shall be reduced to writing if the Presiding Officer shall so direct.

**Rule 28. Division of a Question**

Any member may move that a question be divided.

**Rule 29. Motion for Referral**

Any member of the Council may~~ean~~ make a motion for referral of an item before the Council to a Committee or administrative official. A motion for referral to a Committee or administrative official, until it is decided, shall preclude all amendments of the main question.

**Rule 30. Priority of Business**

All questions relating to priority of business to be acted upon shall be decided without debate.

**Rule 31. Suspension of Rules; Amendment or Repeal**

The rules shall not be dispensed with or suspended unless two-thirds as of those present and voting consent thereto; provided, however, that when these rules expressly require a vote larger than said two-thirds such rules shall not be

suspended except by an equal or greater vote. No rule of procedure shall be amended or repealed without notice, in writing, being given at the preceding meeting.

### **Rule 32. Procedure for Addressing Council**

Any person wishing to address the Council will be given an opportunity to do so in accordance with the following procedure:

A1. No public comment shall be permitted on the following agenda items: informational reports or communications from boards and commissions, staff or other organizations or entities; and administrative action implementing prior action of the Council where that prior action had permitted public comment.

B2. On items other than those set forth in 1. above, public comment shall be permitted only once prior to final Council action. ~~Except as specifically decided by the Council, s~~Such public comment shall ~~occur at the advertised public hearing or at the second reading of the such item by the Council, where the item requires a second reading on a separate date. If, however, an item did not have a hearing before a Committee, involves a proposed ordinance or ordinance amendment, or involves a recommendation from the Planning Board, public comment shall occur at the first reading of the item by the Council.~~

C3. Persons wishing to address the Council on an item which appears on the Aagenda, and upon which public comment is permitted under 1. and 2. above, shall wait until the Clerk announces the consideration of such item, at which time they may address the Council on that particular item. However, once the Council has begun its deliberations on an item, no person shall be permitted to address the Council on such item.

D4. Persons wishing to address the Council on an item not appearing on the Council or a Committee agenda shall only do so after the disposition of all items appearing on the Agenda.~~at the 6:00 p.m. public comment period reserved on the Council agenda for non-agenda items. This comment period shall be~~

identified on the Agenda and scheduled by the City Manager and Mayor to occur at only one (1) Council meeting a month.

E5. Any person wishing to address the Council shall signify such desire and, when recognized by the Presiding Officer, such person shall give his or her name and address, and/or organization or individual represented, if any, designate the subject matter on which he or she desires to address the Council, respectfully address only the Presiding Officer, and avoid personalities.

F6. When any person or entity is being honored or recognized by the Council, applause shall be permitted. In all other matters, persons present at Council meetings shall not interrupt, nor applaud or otherwise express approval or disapproval of any statements made or actions taken at such meeting.

G7. Any and all signs shall not be permitted in the Council Chambers.

H8. Persons addressing the Council on an Agenda item must do so prior to start of deliberation on such item by the Council, shall be permitted to speak only once on an Agenda item, and shall limit their remarks on each Agenda item or non-agenda item to three (3) minutes. From time to time, the Presiding Officer may grant an extension of this three (3) minute requirement. Such persons shall also confine their remarks to the merits of the pending Agenda item. No members of the public shall comment on more than three (3) items, excluding any comment provided pursuant to number 4 above, at any Council meeting unless the Rules of the Council are suspended to allow for comment on each such additional item.

I9. The Presiding Officer may limit or cut off any commentary that is not germane or that is scurrilous, abusive, or not in accord with good order and decorum, causes or incites disruption, or prevents the Council from conducting its business.

~~U10~~. Any person who shall continue to violate these rules, after warning by the Presiding Officer, may be ejected by the Presiding Officer with or without the assistance of the police for the remainder of the meeting then in progress.

### **Rule 33. Parliamentary Proceedings**

In all cases where the parliamentary proceedings are not determined by the foregoing rules, "Robert's Rules of Order" (Newly Revised, 11<sup>th</sup> Edition) shall be taken as authority to decide the course of the proceedings.

A list of debatable and non-debatable motions is hereby incorporated for reference in Appendix A, attached hereto.

### **Rule 34. Council Committees**

At the commencement of the municipal year members shall be appointed by the Mayor to the following standing Committees, each Committee to consist of three (3) members of Council, except the Economic Development Committee, which shall have four (4) voting members, and the Finance Committee, which shall have four (4) members including the Mayor as an ex-officio non-voting member, ~~to consist of three (3) members of the Council:~~

1. Economic Development Committee;
2. Finance Committee;
3. Health and Human Services and Public Safety Committee;
4. Housing Committee;
5. Legislative/Nominating Committee;
6. Rules and Reports Committee; and
7. Sustainability and Transportation Committee.

A majority of the members of the above standing Committees shall constitute a quorum for the transaction of business.

### **Rule 36. Council Committees; How Chosen**

The members of the Council to serve on the above Committees shall be appointed by the Mayor. The Council may override one or more of such appointments by a vote of at least six (6) members.

**Rule 36. Council Committees; Public Comment**

The public will be given an opportunity to comment on any item under consideration by the below-named standing Council Committees prior to a final Committee action on that item. Any person addressing the Committee on an item shall be permitted to speak only once on an item, shall give his or her name and address, and/or organization or individual represented, if any, and shall limit their remarks on each item to three (3) minutes. From time to time, the Presiding Officer of a Committee may extend this period of time pursuant to Rule 31(8). These requirements for public comment shall apply to the following Committees:

1. Economic Development Committee;
2. Finance Committee;
3. Health and Human Services and Public Safety Committee;
4. Housing Committee;
5. Legislative/Nominating Committee;
6. Rules and Reports Committee; and
7. Sustainability and Transportation Committee.

Nothing herein shall prevent or prohibit any other Committee from accepting public comment if said Committee determines that it wishes to do so.

Notwithstanding the foregoing, no public comment shall be required on the following items: informational reports or communications from boards and commissions, staff or other organizations or entities; and administrative action

implementing prior Committee action where that prior action had permitted public comment.

**Rule 37. Smoking at Meetings**

No person shall smoke or vape in the Council Chamber or at any public meeting in the Portland City Hall. Any person continuing to smoke or vape after warning by the Presiding Officer shall be ejected for the remainder of the meeting then in progress.

**Rule 38. Confidentiality**

No Councilor shall intentionally disclose or discuss information known to be confidential to or with any person not otherwise authorized or privileged to receive that information, including representatives of the media. For the purpose of this rule, "information known to be confidential" includes information in any form that has been designated, to the knowledge of the Councilor, as confidential by an employee or agent of the City of Portland, and that is within one or more of the exceptions to the definition of "public record" in the State's Freedom of Access law.

Confidential information includes statements made by individuals participating in executive sessions and includes any documents prepared specifically for an executive session, unless otherwise designated by the City Council in cases where the Council has the exclusive right to waive confidentiality.

Any Councilor who, following a due process hearing, is found to have violated this rule may be disciplined by reprimand.

**CITY OF PORTLAND  
M E M O R A N D U M**

**TO:** Mayor Snyder and Members of the Rules and Reports Committee

**FROM:** Danielle West-Chuhta, Corporation Counsel

**DATE:** January 28, 2020

**RE:** **Subject matter of Council Orders Expending \$50,000 or more**

This memo is in response to a question I received from the Rules and Reports Committee about what items approved by the City Council authorized the expenditure of \$50,000 or more. Below is a list of these order names, from Fiscal Year 2018 to the present.

These orders concern MaineDOT agreements; Jetport projects and leases; union contracts; donations; Housing Trust Fund and HOME funds appropriations; City technology projects; unanticipated revenues; land sales revenues; Portland Downtown assessments; Portland Art Committee budgets; and Brownfields and other grants.

**FY2018**

15. Order Approving Agreement between Portland, Portland Area Comprehensive Transportation System and Maine Department of Transportation Re: Brighton-Deering-Falmouth Intersection Roundabout
16. Order Approving Agreement between Portland, Portland Area Comprehensive Transportation System, and Maine Department of Transportation Re: Washington Avenue Pavement Preservation
48. Order Approving Municipal Partnership Initiative Agreement between Portland and Maine Department of Transportation Re: Washington Avenue Paving between Allen and Ocean Avenues
64. Order Approving the Termination and Distribution of the Harry E. Cummings Charitable Trust to the Maine Community Foundation
70. Order Approving Agreement between Portland and Maine Department of Transportation Re: Modification to Woodford's Corner Stormwater Improvements
72. Order Approving Bill of Sale and Customer-Owned Street Lighting Agreement with Central Maine Power Company for Street Lights

73. Order Approving the Agreement with TEN Connected Solutions, Inc. for Conversion of City Street Lights to LED Technology
76. Order Approving the Application, Acceptance and Appropriation of a \$200,000 Brownfields Assessment Grant
83. Order Approving the Land Exchange Agreement between Portland and the University of Maine System Re: Brighton-Deering-Falmouth Intersection Roundabout
84. Order Approving the Collective Bargaining Agreement with Police Benevolent Association for 2017 to 2019
85. Order Approving the Collective Bargaining Agreement with Police Superior Officers Benevolent Association for 2017 to 2019
86. Order Appropriating Additional Education Subsidy in the Amount of \$712,351
100. Order Appropriating Home Investment Partnerships Program Funds in the Amount of \$200,000 to the Portland Housing Development Corporation Re: 58 Boyd Street
103. Order Appropriating Home Investment Partnerships Program Funds in the Amount of \$300,000 to the Avesta Housing Development Corporation
106. Order Approving Second Modification to Agreement between Portland and Maine Department of Transportation Re: Woodford's Corner Intersection Improvements
107. Order Appropriating \$3,875,000 of Bayside Property Sale Proceeds
118. Order Extending Contract with Jon P. Jennings as City Manager
119. Order Authorizing Cost of Living Increase for the City Manager, Corporation Counsel and City Clerk
151. Order Approving the Agreement between Portland and Maine Department of Transportation Re: Paving Allen Avenue from Summit Street to Washington Avenue and Auburn Street
152. Order Approving the Agreement between Portland, Portland Area Comprehensive Transportation System and Maine Department of Transportation Re: Paving Cumberland Avenue from Elm Street to State Street
153. Order Approving the Agreement between Portland, Portland Area Comprehensive Transportation System and Maine Department of Transportation Re: Paving Danforth Street from High Street to Vaughan Street

160. Order Approving the Lease of 94 Free Street and the Spring Street Garage Revenue Sharing Agreement with Portland Hockey LLC
181. Order Approving the Third Amendment to the Amended and Restated Lease with Ready Seafood Co. for Space in the Portland Ocean Terminal
183. Order Approving Airport Improvement Program Grant
184. Order Amending Order 144-17/18, Authorizing Waterfront Concert Festivals Presented by Live Nation Entertainment on the Maine State Pier
185. Order Approving the Agreement between Portland and Maine Department of Transportation Re: Paving Valley Street between Park Avenue and St. John Street
186. Order Approving the Agreement between Portland and Maine Department of Transportation Re: Paving Park Avenue between St. John Street and Interstate 295
186. Order Approving the Agreement between Portland and Maine Department of Transportation Re: Paving Park Avenue between St. John Street and Interstate 295
187. Order Authorizing General Obligation Bonds to Finance a Portion of the City's Fiscal Year 2019 Capital Improvement Program in an Amount not to Exceed \$31,648,595
188. Order Appropriating Bond Proceeds and Unassigned Fund Balance in an Amount not to Exceed \$34,703,595 for the City's Fiscal Year 2019 Capital Improvement Program
199. Order Approving the Collective Bargaining Agreement with the (AFSCME) Local 481-07 Supervisors
- {Budget orders omitted}
244. Order Assessing Maintenance and Implementation Assessments for Portland Downtown for Fiscal Year 2018-2019
245. Order Approving and Authorizing the Fiscal Year 2019 Master Agreement and Supplemental Services Agreement with Portland Downtown
261. Order Accepting Fiscal Year 2018 Annual Report and 2019 Budget Plan of the Portland Public Art Committee
262. Order Approving Ground Lease Agreement with Duluth Holdings, Inc.
263. Order Accepting and Adopting the 2018 Housing Trust Fund Annual Plan
265. Order Appropriating \$1,850,000 for Improvements to the Portland International Jetport Passenger Terminal

## **FY2019**

20. Order Appropriating \$130,000 for Middle School Math Curriculum Expansion and Materials for the Portland Public Schools
21. Order Approving Three-Party Agreement between Portland, Portland Area Comprehensive Transportation System and Maine Department of Transportation Re: Allen Avenue between Pennell Avenue and Yale Street
22. Order Approving the Acceptance and Appropriation of Brownfields Cleanup Fund Grant
25. Order Appropriating Home Investment Partnerships Program Funds in the Amount of \$200,000 to the Avesta Housing Development Corporation Re: Deering Place
49. Order Appropriating \$2.11 Million of 0 Hancock Street Sale Proceeds
50. Order Approving Collective the Bargaining Agreement with the Firefighters Local 740, International Association of Firefighters
51. Order Approving a Three-Party Partnership Agreement between the City of Portland, Maine Department of Transportation, and Portland Area Comprehensive Transportation System Re: Brighton Avenue (Route 25) Multi-Modal Project
52. Order Approving the Allocation and Appropriation of \$300,000 from the Housing Trust Fund Re: Avesta Housing Development Corporation 977 Brighton Avenue Apartments
53. Order Approving the Allocation and Appropriation of \$925,000 from the Housing Trust Fund Re: Portland Housing Development Corporation Front Street
65. Order Accepting and Appropriating the Federal Emergency Management Agency Grant of \$681,819.00 for a New Fire Truck
66. Order Appropriating Home Investment Partnerships Program Funds in the Amount of \$370,000 to Maine Workforce Housing Re: 178 Kennebec Street
116. Order Approving an Appropriation of Up To \$36,000 from the Housing Trust Fund
128. Order Approving Two-Party Agreement between Portland and the Maine Department of Transportation Re: Exit 7 Franklin Street Reconstruction
129. Order Approving Three-Party Agreement between Portland, the Portland Area Comprehensive Transportation System and the Maine Department of Transportation Re: Congress Street from Fore River Parkway to Stevens Avenue

130. Order Approving Three-Party Agreement between Portland, the Portland Area Comprehensive Transportation System and the Maine Department of Transportation Re: Brighton Avenue from Holm Avenue to Westbrook City Line
131. Order Approving Modification of the Two-Party Agreement between Portland and the Maine Department of Transportation Re: Funding for Signal Upgrades on Congress Street from Fore River Parkway to Stevens Avenue
152. Order Authorizing General Obligation Bonds to Finance a Portion of the City's Fiscal Year 2020 Capital Improvement Program in an Amount not to Exceed \$40,100,000
153. Order Appropriating Bond Proceeds and Unassigned Fund Balance in an Amount not to Exceed \$42,100,000 for the City's Fiscal Year 2020 Capital Improvement Program
160. Order Accepting the Donation of \$300,000 from Maine Medical Center
172. Order Approving Federal Aviation Administration Airport Improvement Program Grants
186. Order Approving Communications Union Contract
187. Order Appropriating \$550,000 for Automated Exit Portals at the Portland International Jetport
188. Order Approving Two-Party Agreement between Maine Department of Transportation and Portland Re: Improvements to Cumberland Avenue
189. Order Approving Two-Party Agreement between Maine Department of Transportation and Portland Re: Improvements to Danforth Street
222. Order Appropriating \$45,000 from the Community Support Fund for General Assistance
261. Order Approving Portland International Jetport Rental Car Concessionaire Agreement
262. Order Accepting and Appropriating the Donation of \$8,934.50 from Eyecare Medical Group

#### **FY2020**

24. Order Appropriating \$911,749 in Donations in Support of Asylum Seekers
26. Order Approving the 18-month Extension of Lease with General Services Administration Re: Transportation Security Administration Office Space at the Jetport
27. Order Approving the Second Amendment to Lease with Verizon Wireless Re: Jetport Terminal Roof Facility

28. Order Approving Substantial Amendment to the Fiscal Year 2017 Housing and Urban Development Annual Action Plan Re: Additional Allocation of Community Development Block Grant Funding to 2017/2018 Oxford Street Improvement Project
30. Order Accepting the Portland Public Art Committee 2019 Annual Report and Fiscal Year 2020 Budget Plan
33. Order Appropriating Home Investment Partnership Program Funds in the Amount of \$299,999 to Developers Collaborative Predevelopment LLC RE: 66 State Street
34. Order Appropriating Home Investment Partnership Program Funds in the Amount of \$193,266 and Housing Trust Funds in the amount of \$136,734 to Community Housing of Maine RE: 83 Middle Street
35. Order Appropriating \$425,000 from the Housing Trust Fund to the Portland Housing Development Corporation for the 47 Boyd Street Affordable Housing Project
54. Order Appropriating \$36,000 from the Housing Trust Fund to Home Start for Affordable Housing at 18 Luther Street
55. Order Authorizing the Issuance of General Airport Refunding Revenue Bonds Series 2019 (Green Bonds) to Refund the Outstanding General Airport Revenue Bonds Series 2010
56. Order Appropriating Proceeds of General Airport Refunding Revenue Bonds (Green Bonds) - Sponsored by Jon P. Jennings, City Manager
68. Order Approving the Collective Bargaining Agreement with the American Federation of State, County and Municipal Employees (AFSCME) Local 481-00 Labor & Trades
69. Order Approving the Collective Bargaining Agreement with the City Employees Benefit Association of the American Federation of State, County and Municipal Employees, Local 1373
79. Order Accepting and Appropriating the Firehouse Subs Public Safety Foundation, Inc. Grant of \$20,950.00 for Fire Equipment
80. Order Approving the Collective Bargaining Agreement with the Professional and Technical City Employee Association
81. Order Approving Modification to Agreement between Portland and Maine Department of Transportation Re: Cumberland Avenue Improvements
82. Order Approving the Modification to Agreement between Portland and the Maine Department of Transportation Re: Danforth Street Improvements
83. Order Approving Modification to Two-Party Agreement between Portland and the Maine Department of Transportation Re: India Street Improvements

84. Order Approving the Application for, Acceptance and Appropriation of an up to \$250,000 Brownfields Assessment Grant

103. Order Accepting a Housing and Urban Development Lead Hazard Reduction Grant and Appropriating \$2,541,696 for Lead Abatement in Cumberland County Residential Housing

109. Order Approving and Appropriating Federal Aviation Administration Airport Improvement Program Entitlement and Discretionary Grants

110. Order Appropriating \$545,000 for the Design of Surface Parking Expansion and Relocation of Administrative Offices at the Portland International Jetport