

PORTLAND FISH PIER AUTHORITY
BOARD OF DIRECTORS
February 10, 2020, 3:00 PM
Room 209
389 Congress Street

1. Approval of December 9, 2019, meeting Minutes.

- a. See draft Minutes attached.
ACTION ITEM: Public Comment

2. Financial Update - Produced by Rhonda Girard, Finance, presented by Bill Needelman.

- a. See attached financial update.

3. Portland Fish Exchange Update - Bert Jongerden, PFX; Tom Valteau, PFX President

4. Facilities Update - Phil DiPierro, Project Manager

- a. A summary of recent projects will be presented at the meeting.

5. Parking Rate Adjustment - John Peverada, Parking Manager

- a. As suggested at the last Fish Pier meeting, the City Parking Manager is proposing a rate increase for monthly parking in the Front Lot. The current rate is \$110, and the Harvesters are paying \$55. Effective July 1, 2020, the Parking Division proposes a rate increase to \$120, with a 50% discount for Harvesters.

ACTION ITEM: Public Comment

6. Waterfront Maine request to amend lease terms and development agreement on Lot 12 - Dan Jacques, Waterfront Maine

- a. Waterfront Maine, current lease and development option holders on Lot 12, wish to discuss with the Board short and/or long-term options for securing access to the Browne Trading Company (on abutting property to the Portland Fish Pier) across Lot 12.

Consistent with Executive Session Statute 1 M.R.S.A. 405(6)(C) and (E), the Board may go into Executive Session to discuss this item.

The current Lot 12 Lease with Waterfront Maine is poised to expire on March 31, 2021. The current third amendment is attached.

7. Strategic Planning RFP Draft

- a. Continuing the Board's discussion of strategic planning for the Portland Fish Pier, staff will present two documents for discussion and Board direction:

- January 23, 2020 Listening Session Notes
- Review of draft Request for Proposals

The attached draft RFP document was originally drafted by the Waterfront Coordinator based on the discussion held at the December 2019 PFPA meeting. The attached redline version includes recent edits intended to incorporate feedback generated at the January 23 listening session.

Staff seeks Board direction on the redline version of the draft prior to advertising.

Draft Minutes

PORTLAND FISH PIER AUTHORITY BOARD OF
December 9, 2019, 3:00pm
Room 209
389 Congress Street

PFPA Board members present:

Class A Director: Member of the Portland City Council - Nicholas Mavodones, President
Class B Director: Representing the fishing industry - Meredith Mendelson, Department of Marine Resources
Class C Director: Representing the Commissioner of the Maine Department of Transportation – Matthew Burns, Treasurer.
Ex-Officio Director: President of the Board of Directors of the Portland Fish Exchange – Thomas Valleau, Vice President

PFPA Board members absent:

Ex-Officio Director: Representing the City Manager - Brendan O'Connell, Finance Director

Portland Fish Exchange Board members present:

Matt Tarasevich

Staff present:

Phil DiPierro, Facilities
 John Peverada, Parking Manager
 Bert Jongerden, PFX
 Bill Needelman, Waterfront Coordinator, taking notes

Public present:

John Bisnette, MLU
 Alan Tracy, VS
 Willis Spear, WWG
 Keith Lane, WWG
 Roger Woodman, Artifact
 Bill Coppersmith, MLU, WWG
 Greg Davidson, MTC
 Samuel Davidson, MTC
 Dan Jacques, Lot 12, Waterfront Maine
 Ben Martens, MCFA
 John Hathaway, Shucks, MSSC
 John Norton, Cozy Harbor,
 Hank Sole

1. Approval of October 21, 2019 Meeting Minutes**Action Item:** *Public Comment*

The October 21, 2019 minutes were approved without amendment. **Moved by TV, 2nd by MM, passed 4-0 by all present.**

2. Financial update - Produced by Rhonda Girard, Finance, presented by Bill Needelman
 An up to date financial summary was presented with no questions.

3. Portland Fish Exchange update - Bert Jongerden, PFX, Tom Valleau, PFX President

BJ: Weather is preventing fishing, so landings are down and ground fish are behind budget. Whole monkfish is still strong (off auction) helping to make up the difference. An aquaculture outfit is leasing space to store immature oysters, which helps revenue. Quota outlook is mixed with expected increases in Dabs, witch flounder, plaice. Cod, pollock, and haddock quotas are heading down – with haddock not a concern. It is expected that a small number of small draggers may be coming on line/

TV: Overall, financially the PFX is a bit above break even +/- 7 months into fiscal year.

MM: Asked BJ as to extent of oyster storage (12 pallets) and capacity for more (400 pallets total.)

4. Facilities update - Phil DiPierro, Project Manager.

A summary of recent projects was provided in packet. Mr. DiPierro noted that the cathodic protection contract is in process with the project anticipated in March. Striping for traffic speed control is complete. More composite piles from the POT will be available.

6. Portland Fish Pier Strategic Planning - Taken out of order

The Board considered options for a strategic planning process for the Fish Pier. This effort is intended to tightly coordinate with the Portland Fish Exchange and members of the PFX board were encouraged to attend by email from the PFX president prior to the meeting. The topic of strategic planning for the Fish Pier follows previous discussions by both boards responding to industry constituent requests.

Based on a memo included in the meeting packet, BN presented a slide show of issues and topics informing: Charge to the Strategic Planning Process, Scope of issues, and noted starting thoughts on a budget at +/- \$50k. A copy of the presentation slides is attached to these minutes.

The Board provided general feedback on each of the topic areas with public input interspersed throughout. The notes below provide an incomplete snapshot of the conversation. Text in *(parenthesis and italics)* has been added by the editor to fill in meaning as understood from the context of the conversation.

MM: The history and origin of the Fish Pier are important. Like the framing in the memo. Should be in the RFP.

MB: Good place to start, needs to be informed by the public.

MM: Agreed.

Public Comment:

B Marten: Good start. Need to ask – What does the fishing industry need? Versus “best use.” Utilize a SWOT analysis, understanding that the current use is important. What is working? Where is it lagging behind? What are the Opportunities? What can we build so that we can access opportunities? The PFX needs to be part of the picture and the process can clarify roles.

K Lane: 2 issues: 1. Pressures within the City will drive more activity onto the Fish Pier. Need serious consideration of adding a new pier to the west. 2. The Board needs one or two fishing industry reps – working in the industry.

A Tracy: Good Start on FP2.0. Need to recognize the investments made by the tenants. The process should focus on “How can the asset be used to benefit the local fishing population?”

W Spear: Don't be afraid of climate change. People will need to eat *(fish.)* Haddock is plentiful. We are going to need the Fish Pier because of development pressures. Don't depend on leasing to non-marine uses – they have different interests *(from the Fish Pier.)*

R Woodman: I go back to the origins of the Fish Pier, 1979. There's a plan. The broad goals are positive. Some concern that a consultant will develop a plan for the “clients” and not the stakeholders. Needs acceptance from the stakeholders – with good implementation. Needs

coordination and acceptance.

B Coppersmith: Welcome the study. The original justification for the Fish Pier was to benefit the fishermen of the Gulf of Maine – not for trucked in fish from away. Need to return to that and include all species (*lobster.*) Volunteered to sit on oversight body if requested.

J Norton: Need clarity on PFX or PFPA – Whose plan is it? Is there a public purpose? What is it? The consultants will need clarity. What functions do we want, not want, on the pier? Regarding, climate change, it's unknowable. Don't worry about it (*for this process.*) (*The facility*) Needs flexibility and to be adaptable – to climate change, policy changes, species shift..... of these, take out climate. For "Disruptors" add "Industry Consolidation." Can the small harvesters and processors (the New England model) survive in the face of consolidation? Not just ground fish, consolidation is occurring in the lobster industry as well. Canada, Wall Street – huge investments in consolidation.

R Woodman: Noted over \$1billion raised by European consortium that is buying out interests (*in fishing industry.*)

BJ: Noted that for the PFX, quotas are a significant issue and influence. Gave shrimp example. Sector based management is challenged by bad science leaving the industry held hostage by regulations.

TV asked Hank Sole to weigh in.

H Sole: The History is needed. As is the experience and expertise in the room and in the state – don't look to consultants to know more than the stakeholders (*on the fishing industry.*) Consolidation is a serious concern. Agreed that climate change is too much uncertainty (*for the process to address?*)

MB: Understood climate change to mean infrastructure resiliency - not just fishing industry changes.

J Bisnette: Fishing industry is adaptable. The Fish Pier (*PFX?*) should be adaptable as well. I used to be in ground fishing – now I'm in lobster. We should be ready for what's next.

J Norton: We understand the infrastructure – it's straight engineering. (*The process should*) concentrate on the fishing industry.

MM: Good feedback – thank you. The fish Pier needs resiliency – to address climate, economy, regulation... The PFX is linked (*to the Fish Pier.*) It's the anchor. Not sure how to talk about one without the other. There are unique aspects provided by each. Looking for guidance for both as they are connected. The health of the PFX is relevant to the PFPA. Looking for feedback.

R Woodman: The Authority's sole purpose (*at the time of its origin*) was to help the PFX – with City Council representation (*for oversight.*) The PFX almost went under several times at the beginning.

MB: Need to include both entities – PFX and PFPA.

J Norton: During the 60s, 70s, 80s, the industry went through transistions. Individual

buyer/dealers gave way to wholesalers/dealers and the Boston Auction. Maine fishermen wanted their own. The Fish Pier was also economic development for the waterfront. The auction was designed to feed the processors with transparent, guaranteed payment. The Authority was the real estate manager. Suggest that industry consolidation is the biggest risk to the auction – processors are buying quota.

TV: Agree with comments that the PFX and PFPA are linked

NM: They are connected. PFX is not simply a tenant and PFPA is landlord to the whole facility. The auction is operational. How to blend the strategic plan while distinguishing roles? We are clear that the PFX will remain (*independent?*) PFPA will not drive operations.

MM: PFX needs to outline its own priorities.

BN: Suggested that the process will need to “explore the role of the Exchange within the future of the Fish Pier.”

W Spear: Asked if there will be a stakeholder group?

NM: Will need to use the expertise in the state.

BN: Using the PFPA as the oversight body and will include stakeholder involvement and input in the process.

The Board agreed that Staff will use the results of the Board's discussion and feedback from stakeholders at the meeting to draft a scope of services document. The scope document will create the basis for a request for proposals. The RFP drafts will be circulated to the Board president and to the PFX president for review and authorization prior to issuance.

5. Marine Trade Center, Lots 2 and 3, Request to Renegotiate Land Lease

Sam and Greg Davidson, representing the Marine Trade Center, LLC, provided a letter to the board requesting opportunity to open the standing land lease on Lots 2 and 3 of the Portland Fish Pier.

Consistent with Exec Session statute--1 MRS 405(6)(C) & (E) the Board voted to go into Executive Session to discuss this item. Moved by Valteau, 2nd by Burns, Passed 4-0

After coming out of Executive session, the Board instructed staff to meet with the Davidsons to discuss Draft terms/issues for possible consideration at a future meeting of the PFPA Board.

Attachments provided with the 12-9-19 packet:

General Information: Orientation aerial photo, Context, Lots, and Leases

Agenda Item 1,	October 21, 2019 Meeting Minutes
Agenda Item 2,	Financial Update, pending
Agenda Item 4,	Facilities Update, pending
Agenda Item 5,	Marine Trade Center LLC request letter, November 27, 2019
	(Confidential email listing negotiation issues was circulated under separate cover for

review during executive session.)

Agenda Item 6,

Staff memo to the PFPA Board, December 6, 2019

Respectfully submitted, WBN



Portland Fish Pier: Charge and Scope for Strategic Planning

Portland Fish Pier Authority

December 9, 2019

**Presented at the meeting and added to the minutes
wbn**





Operating assumptions will constrain the process:

- **Existing approved lease and sub-lease agreements** will remain in effect.
- The facility will remain **publicly owned** and the **footprint** of the Fish Pier will **remain consistent**.
- **Deed restrictions** (from the State of Maine to the City of Portland) tying the Fish Pier to the seafood economy will remain in effect.
- Other constraints as dictated by the Board of Directors.

Strategic planning for the Fish Pier

Mission and purpose of the pier

History:

How did we get here?

Core competency:

What is the pier best used for?

The disruptors:

**regulation; climate change,
imports**

Business opportunities

Governance

Goals for 2025

Tom Valteau
President, PFE

Mission and purpose

Agenda 1
December 9, 2019 Minutes
W/ presentation

EXHIBIT A

Article SECOND of Articles of Incorporation of Portland Fish Pier Authority

PURPOSES: LOCAL DEVELOPMENT CORPORATION; GOVERNANCE BY TITLE 13-B

Portland Fish Pier Authority is formed by the Municipal Officers of the City of Portland as a local development corporation for the purposes of managing and marketing the entire premises known as the Portland Fish Pier for the benefit of the fishing and fishery-related business enterprises and the citizens of the City of Portland, as a non-profit corporation without capital stock. This corporation is organized under and shall be governed by the provisions of Title 13-B of the Maine Revised Statutes as they may be supplemented and amended from time to time.

Without limiting the generality of the foregoing statement, the corporate purposes of the Portland Fish Pier Authority shall include the establishment of rules and regulations for the safe, businesslike operation of the entire Portland Fish Pier and shall include all those purposes which may be incidental to the management of said Portland Fish Pier.

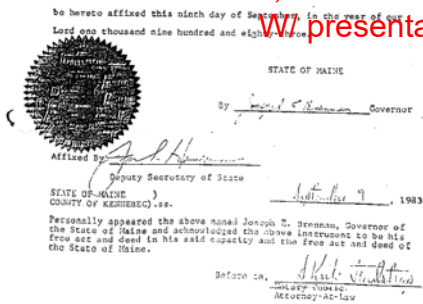
Mission and purpose

Agenda 1
December 9, 2019 Minutes
w/ presentation

KNOW ALL MEN BY THESE PRESENTS

That, the STATE OF MAINE, acting by and through its Governor,

Maine, the receipt whereof it does hereby acknowledge, does hereby remise, release, bargain, sell and convey and quit-claim unto the said CITY OF PORTLAND, its right, title and interest in and to a certain lot or parcel of land situated on the southeasterly side of Commercial Street, in Portland, County of Cumberland and State of Maine, bounded and described as follows, for as long as said lot or parcel is operated as a public fish pier for the purpose of landing or processing shellfish, finfish or other natural products of the sea or for other activities directly related to the purpose of landing or processing shellfish, finfish or natural products of the sea including fueling, loading or selling these products, to wit:



Questions:

Does the Fish Pier need a more articulated

- Mission statement
- Vision statement for years 2025? 2030?
- Goals

Questions:

Given the history and origins of the Fish Pier as compared to present industry needs, what is role of the facility in today's seafood industry?



Questions:

Physical plant/layout and design. The common areas, pier design, berthing supply, parking supply, circulation, services, and infrastructure of the Fish Pier remain largely consistent with the 1980's conditions at the time of construction.

An engineering and layout analysis reflecting today's conditions and uses is needed. Additionally, potential changes in tenants or industry needs may suggest changes to infrastructure, berthing, dockage, parking, utilities, ...

Is the current site plan and layout optimal or should changes be made?

Questions:

Revenue and business plan. The business plan and revenue model for the pier appear solid, resulting consistent revenues and modest surpluses from year to year. As the facility design and function is considered for change, should the business model should be likewise evaluated?

Questions:

Industry needs. The world of fishing and seafood has changed dramatically over the last 30 years – and will continue to change given the reality of climate change.

What does the seafood industry need now?

What will the industry need moving forward?

What will be the role of lobster and aquaculture on the Fish Pier moving forward?

What is the role of the PFX?



Questions:

Tenant mix.

Based on industry needs, what additional or different businesses should be located on the Fish Pier?

Questions:

Portland Fish Exchange: Questions related to the Exchange, its relationship to the seafood economy, and its place on the Fish Pier.

- What is the current role of the PFX in the regional seafood economy?
- What drives harvesters and buyers to the PFX? What drives harvesters and buyers to competing ports or business models?
- How can the Fish Pier assist in creating stability for the PFX?
- What additional services or different operational/business practices will attract more harvesters and buyers to the PFX?
- Other Questions?

Questions:

Disruptors:

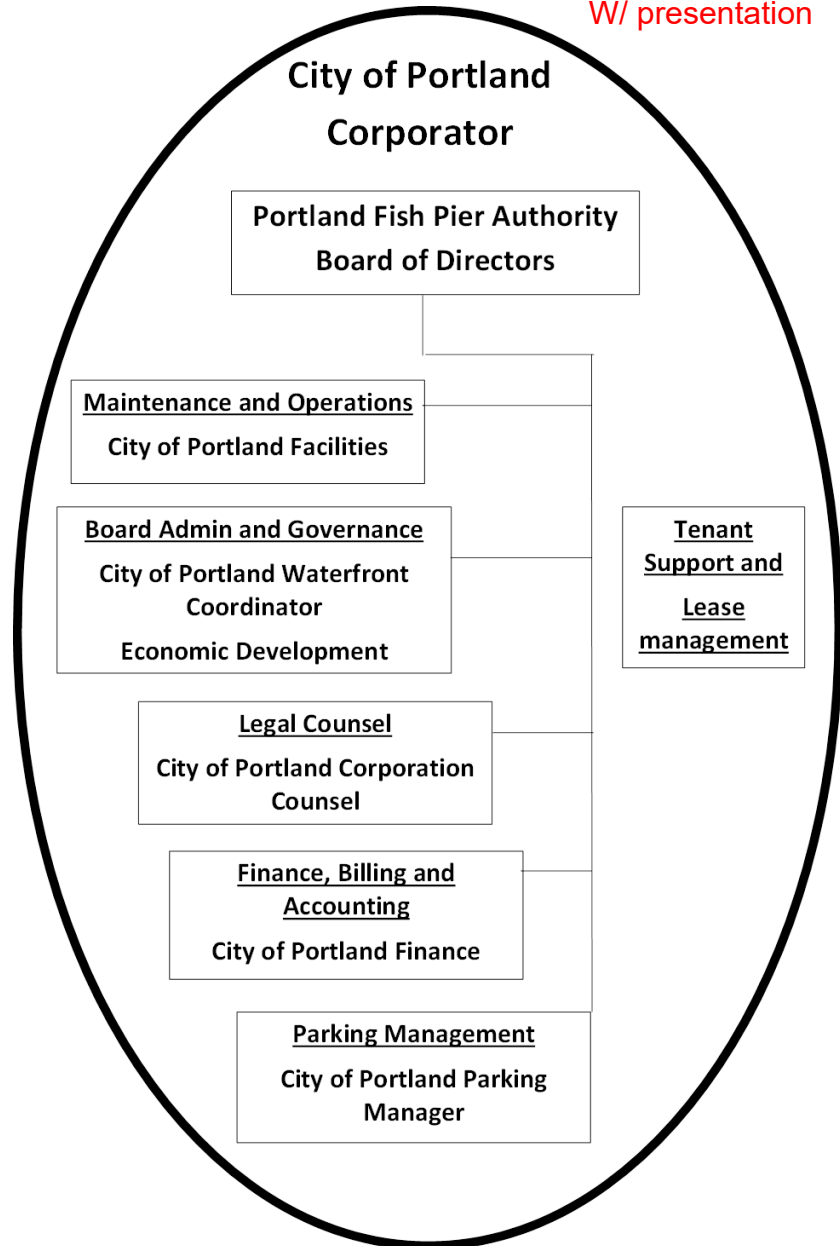
- **Climate Change.** What will the Fish Pier need to do to become more resilient in the face of a changing ocean?
- **Fisheries Regulation** – State and Federal?
- **Aquaculture** – How can or should the Fish Pier serve growing aquaculture industries?
- **Development pressures** – Will loss of access elsewhere increase the need for the Fish Pier?

Other issues?

Questions:

Governance and Management

Changes?



Other issues?





Fish Pier Authority
FY20 Budget Status
As of Jan 31, 2020

Agenda 2
Financial Statement

	FY20 Budget	YTD	Balance	%	FY19 YTD	FY20 vs. FY19	%
Revenue:							
Miscellaneous	17,120	5,519	11,601	32.2%	5,855	(336)	-5.7%
Berthing	29,376	17,136	12,240	58.3%	16,903	233	1.4%
Parking	330,226	194,380	135,846	58.9%	237,469	(43,088)	-18.1%
Ground Rent (Leases)	182,456	105,059	77,397	57.6%	107,369	(2,310)	-2.2%
Total Revenue	559,178	322,095	237,083	57.6%	367,596	(45,501)	-12.4%
Expenditures:							
Admin. and Maint. Services	45,094	7,433	37,661	16.5%	10,107	(2,674)	-26.5%
Travel/Training/Meetings	1,500	0	1,500	0.0%	0	0	0.0%
Contractual Services	19,276	11,031	8,245	57.2%	17,862	(6,831)	-38.2%
Engineering Services	23,000	235	22,765	1.0%	3,197	(2,962)	-92.6%
Printing/Copying	400	0	400	0.0%	0	0	0.0%
Equipment Repair	10,000	1,842	8,158	18.4%	15,755	(13,913)	-88.3%
Land/Pier/Building Repair	215,000	840	214,160	0.4%	19,790	(18,950)	-95.8%
Insurance	13,119	0	13,119	0.0%	0	0	0.0%
Supplies	13,500	630	12,870	4.7%	807	(177)	-21.9%
Electricity	15,000	5,435	9,565	36.2%	6,483	(1,048)	-16.2%
Stormwater	20,304	0	20,304	0.0%	0	0	0.0%
Debt Service	12,486	1,466	11,020	11.7%	5,222	(3,756)	-71.9%
Total Expenditures	388,679	28,913	359,766	7.4%	79,223	(50,311)	-63.5%
Net Revenues Over(Under) Expenditures	170,499	293,182	(122,683)		288,373	4,809	1.7%

**THIRD AMENDMENT TO
LEASE AGREEMENT BETWEEN
PORTLAND FISH PIER AUTHORITY
AND
WATERFRONT MAINE BT LLC**

This **THIRD AMENDMENT TO LEASE AGREEMENT** (this "Third Amendment") is entered into as of April 1, 2018 between PORTLAND FISH PIER AUTHORITY ("Landlord") and WATERFRONT MAINE BT LLC ("Tenant").

RECITALS

WHEREAS, Landlord and Tenant are parties to a certain Lease Agreement dated March 5, 2015 relating to certain space at the Portland Fish Pier Complex in Portland, Maine, as amended by a First Amendment to Lease Agreement dated January [___], 2016, and a Second Amendment to Lease Agreement dated April 1, 2017 (collectively, the "Lease"); and

WHEREAS, the Landlord and Tenant wish to further amend certain provisions of the Lease; and

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Landlord and Tenant hereby agree as follows:

1. The termination date of the Lease, which is currently March 31, 2018, is hereby extended by three years to March 31, 2021.
2. Beginning April 1, 2018, the rental amount for the Premises described in paragraph 3 of the Lease will be increased in accordance with the schedule set forth below:
 - a. April 1, 2018 to March 31, 2019: \$1,666.67 per month;
 - b. April 1, 2019 to March 31, 2020: \$1,708.33 per month;
 - c. April 1, 2020 to March 31, 2021: \$1,750.00 per month.

3. The following is added to the Lease as section 4(e):

(e) Construction, use, and maintenance of a loading dock on the leased premises, and attached to Tenant's abutting property currently occupied by Browne Trading Co., as approved by the City of Portland Planning Department as set forth in a certain Administrative Authorization Decision by Jean Fraser, Planner, dated October 23, 2017 (a copy of which is attached hereto as Exhibit A and incorporated herein), and as generally depicted in the plan entitled Site Improvements to Browne Trading Co., Site Plan Phase One L-1.0, dated August 25, 2017 (a copy of which is attached hereto as Exhibit B and incorporated herein). Only employees of Browne Trading Co. and its business invitees, other than retail customers, shall be permitted to use the loading dock. Tenant shall remove the loading dock upon expiration or earlier termination of the lease.

4. Paragraph 14 of the Original Lease, as amended by the First and Second Amendments, is hereby deleted in its entirety and replaced with the following:

OPTION TO LEASE AND DEVELOP. During the term of this Lease, Tenant intends to study the feasibility of future development of the Premises. If, after conducting such study, Tenant desires to erect a building or a structure on the Premises, Tenant shall have the option to lease and develop the Premises subject to such terms and conditions that the parties hereto agree upon in writing. Tenant shall exercise the option set forth in this paragraph by giving Landlord at least 90 days' written notice prior to the termination date of the Lease. Upon Tenant's provision and Landlord's receipt of such notice, the parties agree to negotiate in good faith the terms and conditions of a future lease. If Tenant does not notify Landlord that it is exercising this option at least 90 days prior to the termination date of the Lease, the option set forth in this paragraph shall expire.

5. Except as expressly amended by this Third Amendment, all other terms, conditions and provisions of the Lease are hereby ratified and confirmed and shall continue in full force and effect.

IN WITNESS WHEREOF, the Portland Fish Pier Authority, as Landlord, and Waterfront Maine BT LLC, as Tenant, have each caused this Second Amendment to be signed and sealed as of the date first written above.

WITNESS:

PORTLAND FISH PIER AUTHORITY

By: _____

Nicholas Mavodones
Its President
Hereunto Duly Authorized

WATERFRONT MAINE BT LLC

By: _____

Christopher S. Flagg
Vice President

APPROVED AS TO FORM:

CORPORATION COUNSEL'S OFFICE

Administrative Authorization DecisionAgenda 6
Exhibit AWaterfront Maine Lot 12 Lease
3rd Amendment**Application #:** 2017-196 **CBL** 041 A015001**Name:** Loading Dock Reconfiguration**Address:** 260 COMMERCIAL ST**Description:** Consolidation of service area at rear of buildign to include replacement of existing loading dock, compactor, and dumpster pads, providing relocation of all deliveries from Commercial Street to rear of the building.

<u>Criteria for an Administrative Authorization:</u> <u>(See Section 14-523 (4) on page 2 of this application)</u>	<u>Applicant's Assessment</u> <u>Yes, No, N/A</u>	<u>Planning Division</u> <u>Use Only</u>
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a) Is the proposal within existing structures? ☐	No	No
b) Are there any new buildings, additions, or demolitions?	Yes	Yes
c) Is the footprint increase less than 500 sq. ft.?	Yes	Yes
d) Are there any new curb cuts, driveways or parking areas?	No	No
e) Are the curbs and sidewalks in sound condition?	N/A	N/A
f) Do the curbs and sidewalks comply with ADA?	N/A	N/A
g) Is there any additional parking?	No	No
h) Is there an increase in traffic?	No	No
i) Are there any known stormwater problems?	No	No
j) Does sufficient property screening exist?	Yes	Yes
k) Are there adequate utilities?	Yes	Yes
l) Are there any zoning violations?	No	No
m) Is an emergency generator located to minimize noise?	N/A	N/A
n) Are there any noise, vibration, glare, fumes or other impacts?	No	No

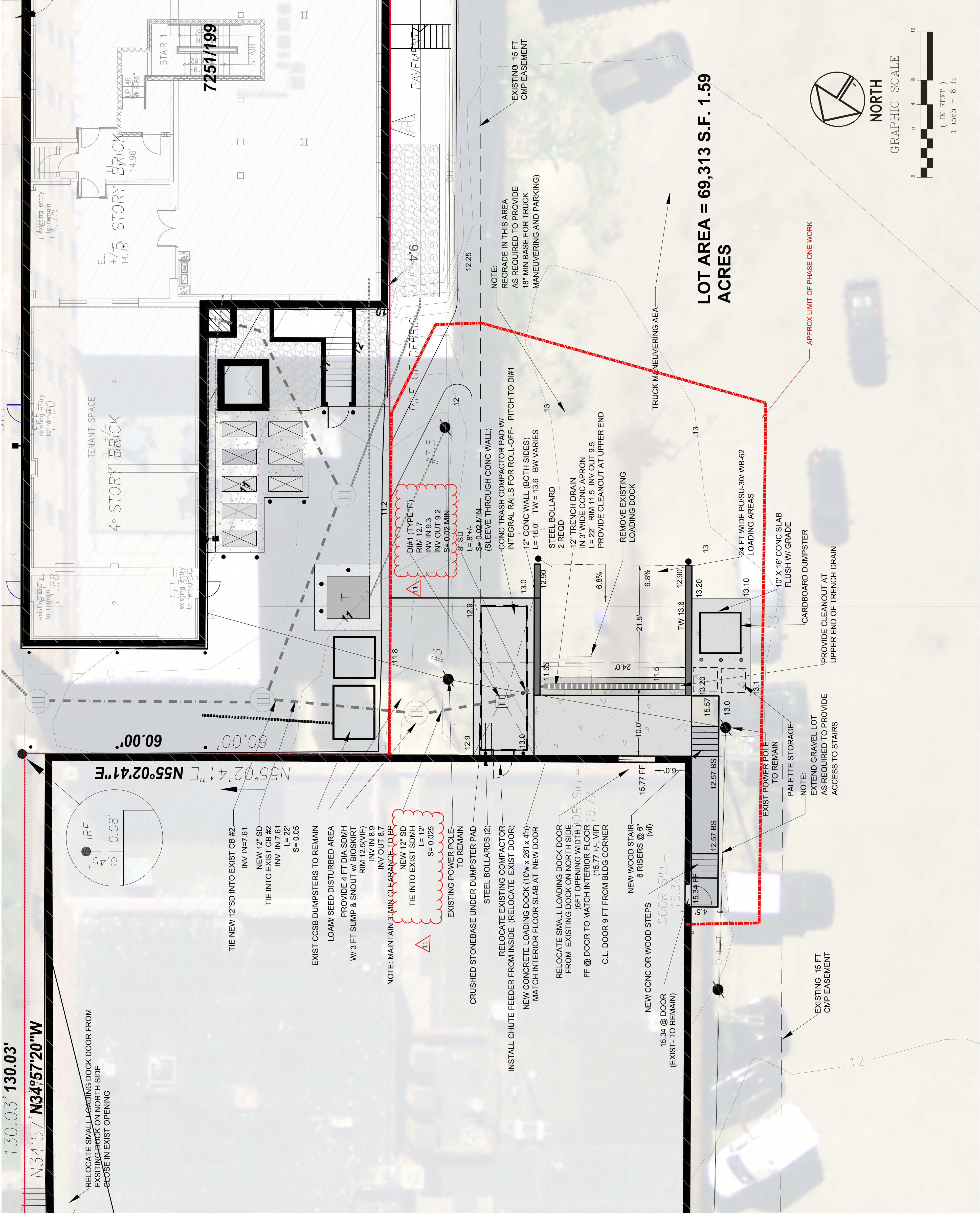
The Administrative Authorization for the Loading Dock Reconfiguration was approved by Jean Fraser, Planner on October 23, 2017 with the following condition of approval listed below:

- 1) All construction shall comply with approved plan: L1.0 Site Plan Rev 10.12.2017 and associated details.
- 2) All construction and future management shall be in accordance with the Drainage Easement from Waterfront Maine dated Septebmer 17, 2012 and the Second Amendment to Lease Agreement regarding Parcel 12 of the Fish Pier complex, between the Portland Fish Pier Authority and Waterfront Maine BT LLC of April 1, 2017.
- 3) Any proposals to pave, landscape or fence within or near the service area or access road (other than as shown on the approved plans) shall be subject to further review and approval by the Planning Authority.
- 4) Standard condition of approval: The applicant shall obtain all required City Permits, including building permits from the Department of Permitting and Inspections, and any other permits required from the Department of Pulbic Works, prior to the start of any construction.

Jean Fraser

Planner

Approval Date: October 23, 2017



PHASING NOTES

- PHASE 1
 - CONSTRUCT NEW CONC LOADING DOCK ON WEST SIDE OF BLDG
 - REMOVE WOOD DOCK ON SOUTH SIDE OF BLDG
 - CONSTRUCT STORM DRAIN SYSTEM- TIE INTO C/SB CB #2
 - CONSTRUCT REINFORCED CONCRETE PAD FOR COMPACTOR AND DUMPSTERS
 - INSTALL 4" DIA SDMH PROVIDE 4" DIA SUMP & SNOUT W/ BIOSKIRT
 - INSTALL FULL DEPTH BIT PAVEMENT IN DUMPSTER LOADING AREAS
 - REGRADE AND FEATHER INTO EXISTING GRADES IN PARKING LOT

Exhibit B

SITE PLAN NOTES, CITY OF PORTLAND

- EXISTING BOUNDARY AND SITE CONDITIONS INFORMATION BASED ON SURVEY BY EC JORDAN, JUNE 08, 1988 AND 1973, PLAN OF MERRILL WHARF BY ROBERT TITCOMB, INC DECEMBER, 1979, AND PLAN OF PORTLAND FISH PIER BY PARSONS BRINCKERHOFF QUADE AND DOUGLAS, AUGUST, 1981. ACTUAL FIELD CONDITIONS MAY VARY FROM THAT INDICATED.
- TOPOGRAPHY AND UTILITIES FROM A PLAN BY EC JORDAN 1973. AERIAL TOPOGRAPHY SURVEY BY SEWELL CO. (DATUM MSL= 0.00)
- THE ENTIRE SITE SHALL BE DEVELOPED AND/OR MAINTAINED AS DEPICTED ON THE SITE PLAN. APPROVAL OF THE PLANNING AUTHORITY OR PLANNING BOARD SHALL BE REQUIRED FOR ANY ALTERATION TO OR DEVIATION FROM THE APPROVED SITE PLAN, INCLUDING, WITHOUT LIMITATION: TOPOGRAPHY, DRAINAGE, LANDSCAPING, RETENTION OF WOODED OR LAWN AREAS, ACCESS, SIZE, LOCATION, AND SURFACING OF PARKING AREAS, AND LOCATION AND SIZE OF BUILDINGS.
- ALL POWER LINES WITHIN THE PROPERTY SHALL BE UNDERGROUND (SEE E-0.1).
- SIDEWALKS AND CURBING SHALL BE DESIGNED AND BUILT WITH TIP DOWN RAMPS AT ALL STREET CORNERS, CROSSWALKS, AND DRIVEWAYS IN CONFORMANCE WITH THE CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.
- ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE DESIGNED IN ACCORDANCE WITH MAINE EROSION AND SEDIMENT CONTROL HANDBOOK FOR CONSTRUCTION BEST MANAGEMENT PRACTICES, PUBLISHED BY THE CUMBERLAND COUNTY SOIL AND WATER CONSERVATION DISTRICT AND MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION, MARCH 1991 OR LATEST EDITION. (NOTE: THE SITE PLAN SHOULD SPECIFY THE EROSION CONTROL DEVICE TO BE EMPLOYED (SILT FENCE, NAT BALE, ETC.) AS WELL AS THEIR LOCATION.)
- ALL EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO ANY SITE EXCAVATION OR REGRADING.
- ALL DISTURBED AREAS ON THE SITE NOT COVERED BY BUILDINGS OR PAVED AREAS SHALL BE STABILIZED WITH LOAM AND SEED OR OTHER METHODS AS REQUIRED BY BEST MANAGEMENT PRACTICES (SEE ABOVE).
- PRIOR TO CONSTRUCTION, A PRECONSTRUCTION MEETING SHALL BE HELD AT THE PROJECT SITE WITH THE CONTRACTOR, DEVELOPMENT REVIEW COORDINATOR, PUBLIC WORKS REPRESENTATIVE, AND OWNER TO REVIEW THE CONSTRUCTION SCHEDULE AND CRITICAL ASPECTS OF THE SITE WORK. AT THAT TIME, THE SITE BUILDING CONTRACTOR SHALL PROVIDE THE OWNER WITH A PRECONSTRUCTION MEETING AGENDA AND A PRECONSTRUCTION MEETING SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ARRANGE A MUTUALLY AGREEABLE TIME FOR THE PRECONSTRUCTION MEETING.

FOR OWNER REVIEW AND PERMITTING;
NOT FOR CONSTRUCTION

Site Improvements To:
BROWNE TRADING CO.
Merrill's Wharf, Portland, Maine

SITE PLAN
PHASE ONE
L-1.0

REV #	DATE	DESCRIPTION
1	03/11/2	ISSUE FOR PRELIM PRICING
2	04/19/2	ISSUE FOR OWNER REVIEW
3	04/26/2	ISSUE FOR OWNER REVIEW
4	05/15/2	REVISE DOCK LOCATION
5	07/23/2	REVISE DOCK SIZE/ STAIR LOCATION
6	08/03/2	REVISE DOCK DOOR/ DRAINAGE PIPING
7	08/21/2	REVISE COMPACTOR PAD
8	09/05/2	SUBMIT TO CITY
9	11/20/2	MODIFY DRAINAGE DETAILS
10	08/25/2	SUBMIT TO CITY FOR AA
11	10/31/2	REVISE PER DPW COMMENTS
12	10/21/2	FINAL REVISIONS PER DPW COMMENTS

OWNER: Waterfront Maine, LP 14 Maine Street Brunswick, ME 04011 T. 207.729.7970 F. 207.725.9500 d.jacques@waterfrontme.com	LANDSCAPE ARCHITECTS: Carroll Associates 217 Commercial Street, Suite 200 Portland, ME 04101 T. 207.772.1552 F. 207.0712 pcarroll@carroll-assoc.com	STRUCTURAL ENGINEER: Structural Integrity, Inc. 75 Oak Street Portland, ME 04101 T. 207.774.4614 M. 207.272.4910 aron@structuralintegrity.com	ARCHITECTS: Winton Scott Architects 5 Milk Street Portland, ME 04101 T. 207.774.4811 sweathead@wintonsscott.com
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Administrative Authorization DecisionAgenda 6
Exhibit AWaterfront Maine Lot 12 Lease
3rd Amendment**Application #:** 2017-196 **CBL** 041 A015001**Name:** Loading Dock Reconfiguration**Address:** 260 COMMERCIAL ST**Description:** Consolidation of service area at rear of buildign to include replacement of existing loading dock, compactor, and dumpster pads, providing relocation of all deliveries from Commercial Street to rear of the building.

<u>Criteria for an Administrative Authorization:</u> <u>(See Section 14-523 (4) on page 2 of this application)</u>	<u>Applicant's Assessment</u> <u>Yes, No, N/A</u>	<u>Planning Division</u> <u>Use Only</u>
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a) Is the proposal within existing structures? ☐	No	No
b) Are there any new buildings, additions, or demolitions?	Yes	Yes
c) Is the footprint increase less than 500 sq. ft.?	Yes	Yes
d) Are there any new curb cuts, driveways or parking areas?	No	No
e) Are the curbs and sidewalks in sound condition?	N/A	N/A
f) Do the curbs and sidewalks comply with ADA?	N/A	N/A
g) Is there any additional parking?	No	No
h) Is there an increase in traffic?	No	No
i) Are there any known stormwater problems?	No	No
j) Does sufficient property screening exist?	Yes	Yes
k) Are there adequate utilities?	Yes	Yes
l) Are there any zoning violations?	No	No
m) Is an emergency generator located to minimize noise?	N/A	N/A
n) Are there any noise, vibration, glare, fumes or other impacts?	No	No

The Administrative Authorization for the Loading Dock Reconfiguration was approved by Jean Fraser, Planner on October 23, 2017 with the following condition of approval listed below:

- 1) All construction shall comply with approved plan: L1.0 Site Plan Rev 10.12.2017 and associated details.
- 2) All construction and future management shall be in accordance with the Drainage Easement from Waterfront Maine dated Septebmer 17, 2012 and the Second Amendment to Lease Agreement regarding Parcel 12 of the Fish Pier complex, between the Portland Fish Pier Authority and Waterfront Maine BT LLC of April 1, 2017.
- 3) Any proposals to pave, landscape or fence within or near the service area or access road (other than as shown on the approved plans) shall be subject to further review and approval by the Planning Authority.
- 4) Standard condition of approval: The applicant shall obtain all required City Permits, including building permits from the Department of Permitting and Inspections, and any other permits required from the Department of Pulbic Works, prior to the start of any construction.

Jean Fraser

Planner

Approval Date: October 23, 2017



08. 25. 2017

REV #	DATE	DESCRIPTION
1	030112	ISSUE FOR PRELIM PRICING
2	041912	ISSUE FOR OWNER REVIEW
3	042612	ISSUE FOR OWNER REVIEW
4	051512	REVISE DOCK LOCATION
5	072312	REVISE DOCK SIZE/ STAIR LOCATION
6	080312	REVISE DOCK DOOR/ DRAINAGE PIPING
7	082712	REVISE COMPACTOR PAD
8	090512	SUBMIT TO CITY
9	112012	MODIFY DRAINAGE DETAILS
10	082517	SUBMIT TO CITY FOR AA
11	100317	REVISE PER DPW COMMENTS
12	101217	FINAL REVISIONS PER DPW COMMENTS

Portland Fish Pier Strategic Planning Listening Session

Notes: Jan 23, 2020

City Hall room 24

13 attendees representing Lobster, Groundfish, Aquaculture, Pier Owners, and the General Public.

Bill Needelman, Waterfront Coordinator, facilitated the meeting and took notes. Bert Jongerden, PFX General Manager, also participated. Notes were taken by on flip charts organized by sections/headings considered for a future Request for Proposals (RFP) for consulting services. Headings were suggested by the Waterfront Coordinator, unless otherwise noted. The facilitator stressed that the task was to identify issues for consideration in the scope of services included in the RFP document, and that solutions would be recorded, but would not necessarily be included in the RFP. All attendees were encouraged to contribute ideas for consideration and participation was robust.

The facilitator had flip chart sheets prepared with the assumed sections/headings marked and posted on the walls. As new issues were suggested, the facilitator recorded notes on the appropriate sheet, with follow up questions as needed. The goal was to ensure that the next draft RFP scope of services document reflected industry stakeholder concerns and aspirations for the Portland Fish Pier.

From recorded wall sheets:

Assumptions: Add

- Facility is underutilized

Physical Layout and Design: Add

- Infrastructure to the list with reference to the net yard and wire dock.
- Operations/wire pulling,
- Consider lobster berthing and takeout – full service with load/unload/parking
- Warehousing – supporting water dependent uses – Refrigerated and or freezer

Revenue and Business Plan: Consider

- Opportunity for contract unloading (off-pier third party)
- Add: Capital Plan
- Recommend: Access to finances

Trajectory of the Maine Seafood Industry:

- Stress: Outreach to the industry – captains, buyers. Explore why Y/N participation in the PFX and/or the PFP
- *Future Opportunities to increase “pounds across the dock”*– Aquaculture, halibut, lobster... Explore all aspects – infrastructure, regulation, business models...* Editor’s note –this could be the stated goal of the process
- Take a broad look at global transitions in the industry.

Portland Fish Exchange – Explore the mutual roles and relationships between the PFX and PFP:

- Opportunities for Aquaculture

- Lobster
- Cold storage (bait already happening)
- Need for infrastructure/services – “keep and hold” for live product – sprayers, tanks....
- Explore opening up the business model – contract unloading, forward contracting....
- Skill set expectations for the staff/management
- \$/lb - buyers and sellers
- Big boat/Little boat – consider the diversity of needs
- Develop a business model update – linking harvesters to buyers

Climate Change

- No comments

Regulatory Environment

- No comments

Fishing Industry Consolidation

- Explore access to capital

Governance and Management

- Board make up - number of seats, industry representation, selection process
- Craft a mission statement for the Portland Fish Pier (emphasis)
- Explore the role of the Portland Fish Exchange Board with the Portland Fish Pier Board – Separation? Definition of roles?
- Residency restrictions – needed? Counter productive?
- Need for on-site Fish Pier Manager?

Communication Strategy - Issue Added by the Group Conversation

- Positive narrative and branding

Agenda Item 7

Portland Fish Pier Strategic Planning

Scope of Services and RFP text

February 4, 2020 DRAFT

I. Introduction

The Board of Directors of the Portland Fish Pier Authority (PFPA, Fish Pier) seeks the services of a qualified team of professionals to facilitate and draft a Strategic Plan for the Portland Fish Pier. Background on the Fish Pier is attached to this request for proposals.

II. Draft Charge for the Strategic Planning

In broadest terms, strategic planning for the Portland Fish Pier will evaluate the physical, operational, economic, and administrative structure and function of the facility and make recommendations for decision making over the next 10-year horizon. [The overarching goal for the strategic planning process is to enhance utilization of the Portland Fish Pier including increased economic activity and functional support for seafood industry on the premises, at the Portland Fish Exchange, and for the marine economy state wide.](#)

Such an evaluation will not happen in a vacuum, and the several operating assumptions will constrain the process:

- [The Fish Pier is currently underutilized and more economic activity and greater product volume moving through the facility is desirable.](#)
- Existing approved lease and sub-lease agreements will remain in effect.
- The facility will remain publicly owned and the footprint of the Fish Pier will remain consistent.
- Deed restrictions (from the State of Maine to the City of Portland) tying the Fish Pier to the seafood economy will remain in effect.
- The Portland Fish Exchange will remain an independent body subject to its own management and governance.

III. Draft Scope of Strategic Planning:

Given the passage of time since the Fish Pier's origins in the 1980s, strategic planning for the facility should be sufficiently broad to address the dramatic changes to the fishing industry over that time. Additionally, the process must be sufficiently forward thinking to address anticipated changes and uncertain effects of climate change, development pressures to working environments on and off the Portland Waterfront, growth and opportunities in aquaculture, regulatory constraints and fluctuations, and ongoing consolidation within the seafood industry.

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Portland Fish Pier Strategic Planning
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The following topics and questions are not intended to limit any responding consultant team; but, these issues indicate the scope and breadth of anticipated inquiry for the process. [This list of issues and questions was developed with the Portland Fish Pier Authority Board of Directors and through outreach to stakeholder participants in the seafood economy.](#)

The list of issues here is intentionally broad and the selected team will need to bring focus to the process. ~~The selected consulting team will be expected to work by working with the Board and stakeholders to narrow the following list of issues and questions into develop~~ an appropriate set of framing questions and principles that will guide the process and deliver an actionable plan ready for implementation.

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Issues and Questions to Consider

- A. **The history and origins of the Fish Pier as compared to present needs and the role of the facility in today's seafood industry.** What does the industry need? What is working well? What is working poorly? What are the opportunities? What challenges lie ahead?
- B. **Physical plant/layout and design.** The lots, common areas, pier design, berthing supply, parking supply, circulation, services, and infrastructure of the Fish Pier remain largely consistent with the 1980's conditions at the time of construction. The selected firm will undertake an engineering and layout analysis reflecting today's conditions. Additionally, potential changes in tenants or industry needs may suggest changes to [operations and infrastructure including, berthing, dockage, parking, ~~and~~ utilities, net yard, and wire pulling berth.](#) Specifically, the selected team will evaluate the need for and (pending demonstrated need) options for berthing, dockage, loading capacity, [and parking](#) targeted to serve the [lobster fleet industry](#). [What services or infrastructure is needed that could be housed at the Portland Fish Pier, including warehousing and cold storage? What is the appropriate structure for financing and capital planning for maintenance of current infrastructure and implementation of proposed future projects?](#)
- C. **Revenue and business plan.** The business plan and revenue model for the pier are solid, resulting consistent revenues and modest surpluses from year to year. The selected team will review existing ground leases, parking leases, and revenue sources and make recommendations promoting long-term financial stability and improved industry service. [Are there services that are currently not available or prohibited on the Fish Pier which should be considered, such as contract unloading by offsite third party fish dealers?](#)

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Portland Fish Pier Strategic Planning

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- D. State of the Maine Seafood Industry.** Through stakeholder interviews and literature review, the selected team will summarize the state of the Maine Seafood industry as relevant to the Portland Fish Pier. What does the seafood industry need from the Fish Pier now? What will the industry need moving forward? What will be the role of lobster and aquaculture on the Fish Pier moving forward? What is the role of the Portland Fish Exchange (PFX) auction? See below. [Does the Portland Fish Pier Authority have a role to play assisting tenants with access to capital? How will industry consolidation impact the Portland Fish Pier and PFX, and how can the Fish Pier promote diversity within the industry?](#)
- E. Portland Fish Exchange.** The selected team will engage with stakeholders and the boards of the PFX and the PFPA to explore the role of the Exchange within the future of the Fish Pier and to better define the relationship between the organizations. What is the current role of the PFX in the regional seafood economy? What drives harvesters and buyers to the PFX? What drives harvesters and buyers to competing ports or business models? How can the Fish Pier assist in creating stability for the PFX? How can the Fish Pier and the PFX work together to ensure access to world class quality seafood for local processors and consumers? [What operational or infrastructure changes are needed to better support lobster and or aquaculture \(live product holding, cold storage,...?\) What skills or training is needed with the PFX staff? How can the PFX best serve both the large and small boat fleet, or is specialization needed? What business model will best link harvesters to buyers resulting in increased volumes and fair prices for all?](#)
- F. Climate Change.** What will the Fish Pier need to do to become more resilient in the face of a changing ocean? ***The selected team will not be expected to conduct a detailed analysis of climate change stressors on the fishing industry;*** but, should be prepared to:
1. Review and summarize findings relevant to the Fish Pier found in existing climate change literature and relevant studies including ***One Climate Future***, ***Climate Change Action Plan for the Cities of Portland and South Portland***, and other readily available and locally relevant material;
 2. Recommend concept level engineering approaches to promote facility resiliency in the face of sea level rise and increasing storm threats over the ten-year strategic planning horizon; and,
 3. Suggest a scope of study and issues that may be addressed by a future analysis specific to climate change threats to the Fish Pier.

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G. Regulatory Environment. State and Federal regulations in the seafood industry are a significant driver of change. How are current and anticipated fisheries regulations impacting the Fish Pier and how can the Fish Pier prepare best serve its customers in the face of challenging regulatory constraints?

~~**H. Fishing Industry Consolidation.** Consolidation of harvesting, regulatory quota, processing and distribution in the seafood industry will challenge traditional business models on which Fish Pier stakeholders rely. The selected team will evaluate changes and trends in to the regional seafood industry and recommend actions to position the Fish Pier and local seafood interests to prosper within an evolving business climate.~~

I.H. Governance and Management. The selected team will review the Fish Pier's Board make up, management arrangements, bylaws, and staffing and will suggest changes if needed to promote long-term stability for the facility and to better meet industry needs. Are the board seats for both the PFX and the PFPA adequate in number and representation to stand for the diversity of interests in the seafood industry? Are the roles and responsibilities between the two Boards adequately defined? Does the Fish Pier have an adequate mission statement guiding long and short-term decision making?

IV. Planning Process:

The selected team will work closely with the PFPA Board of Directors and City staff to efficiently and thoroughly administer the process. The Waterfront Coordinator from the City of Portland Economic Development Department will be the primary point of contact and project manager for the client.

The selected team will be expected to familiarize themselves with the origin of the Fish Pier and PFX. Recommended changes, if any, to site, management, business plan, and governance will be described and framed within the context of changes in conditions resulting in present day or future needs and opportunities.

Stakeholder involvement will be critical to the success of the process and product. Responding teams must describe their plan for stakeholder participation and outline how they intend to incorporate industry feedback into the strategic planning product. Stakeholder participation shall include direct outreach to Fish Pier tenants, PFX customers, seafood industry representatives (both on and off the Fish Pier,) state-wide fisheries organizations and agencies, and other parties that have interest and/or expertise in the Maine seafood economy.

V. Consulting Team Requirements:

It is anticipated that the selected team will have multi-discipline capabilities which may include: economics, marine and civil engineering/site design, organizational management, public participation and government relations. It is not necessary that the selected team is expert in the field of fisheries or the seafood industry; but, it is imperative that the proposed process allows for robust consultation with a wide range of fisheries practitioners and industry experts at a local and regional scale. Teams with local knowledge and familiarity with the Maine seafood industry are encouraged to submit proposals.

VI. Proposal Requirements:

Proposing teams will, at a minimum, provide the following information for consideration:

A. Approach Narrative:

1. Problem Statement –Provide a draft problem statement and framing questions as a demonstration that the proposing team understand the facility and the task at hand.
2. Team Approach – Describe the team’s approach and principles that will guide their work.
3. Process Description – Outline the steps anticipated in the proposed process, including stakeholder involvement and industry outreach.
4. Timeline – Provide a process and product delivery timeline for all major steps needed to complete the process.

B. Team Members and Management

1. Provide bios and resumes for all key team members.
2. Describe the leadership, management, responsibilities/tasks, and time commitment for all key team members.

C. Team Experience with Comparable Projects

1. Briefly describe comparable projects completed by team members within the last five years.
2. Provide references from three previous clients willing to speak to the team’s abilities to perform this scope of services

D. Cost to Complete

1. Provide a fixed cost bid to complete the project.
2. Hourly rates and time commitments for all key team members.
3. Hourly rates and charges for additional work if requested as an expansion of this scope of services

E. Deliverables:

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At a minimum, the selected team will deliver the following products for consideration by the Portland Fish Pier Authority Board of Directors. The final report of process may combine portions of deliverables into chaptered narrative, a series of white papers, or any combination thereof that results in a clearly supported, easily read, and actionable plan.

1. Executive Summary and methodology description;
2. Background including short histories of the Portland Fish Pier and the Portland Fish Exchange;
3. Findings and commentary regarding fish stock availability, overfishing and harvesting regulations, and a sector by sector analysis of Maine's seafood industry;
4. A tabulation of Fish Pier leases by business type, rental rate and lease term
5. A summary of the current and forecasted financial condition of the Fish Pier
6. Findings and commentary about markets, the state of auctions within the industry, and the Portland Fish Exchange with comparative analysis looking at competing ports;
7. Comments about the site plan (lot arrangement, common space, circulation..) and development pattern of the Fish Pier today;
8. Recommendations for site layout and infrastructure amendments, if any, in sketch form without a cost estimate;
9. Curated summary of views of industry leaders;
10. Climate change adaptation summary, consistent with above;
11. Consultant's findings and recommendations on actions and next steps; and,
12. Report of Process for suitable for publishing and web posting

VII. Selection Process

A. Proposal Review

Proposals will be scored by a review team of City staff, staff of the Portland Fish Exchange, a member of the Portland Fish Pier Authority Board of Directors, a tenant representative from the Portland Fish Pier, and a representative of the fishing industry who does not currently have a business interest on the Fish Pier.

B. Selection Criteria

The review team will score proposals based on the quality of the material submitted, the strengths, qualifications, and experience of the proposing teams, and cost to complete the process.

Proposals will be scored according to the following weighted criteria:

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1. **Quality of the material submitted**, including: responsiveness to the RFP, understanding of the relevant issues specific to the Portland Fish Pier, clarity of the described approach, strength of the proposed stakeholder outreach process, and timeliness for completion.
50 possible points out of 100
2. **Qualifications and experience of the submitting teams**, including: team member experience with comparable projects, time hour commitments for key team members, and recommendations from former clients.
30 possible points out of 100
3. **Cost to complete the scope of service.**
20 possible points out of 100