

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)

REMOTE APRIL 27, 2020 CITY COUNCIL AGENDA

The Portland City Council will hold a Remote Special City Council Meeting at 5:30 p.m. This meeting will take place remotely using Zoom. The Honorable Kate Snyder, Mayor, will preside.

ZOOM MEETING INFORMATION:

The Portland City Council will hold a remote meeting on Monday, April 27, 2020 at 5:30 PM. This meeting will take place remotely using Zoom.

Virtual meetings are allowed using emergency legislation approved by LD 2167; 1 M.R.S. §403-A, that authorizes cities and towns to conduct meetings online.

Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live, a recording will be uploaded to portlandmaine.gov/livestream the next day.

Please click the link below to join the webinar:

<https://zoom.us/j/97402938758>

Or iPhone one-tap :

US: +13126266799,,97402938758# or +19292056099,,97402938758#

Or Telephone:

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

US: +1 312 626 6799 or +1 929 205 6099 or +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782 or +1 301 715 8592

Webinar ID: 974 0293 8758

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the April 14, 2020 Draft City Council Minutes

PROCLAMATIONS:

Proclamation 11-19/20 Recognizing April as Genocide Awareness Month - Sponsored by Mayor Kate Snyder

CONSENT ITEMS:

Order 163-19/20 Setting Time for Opening of Polls on July 14, 2020 Re: State and Local Elections - Sponsored by Katherine L. Jones, City Clerk

Pursuant to 21-A M.R.S. sec. 626, the hours of poll opening must be set by the municipal officers. This is done for every election. The polls open at 7:00 a.m. and close at 8:00 p.m. Notices are posted in each district and at City Hall.

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

LICENSES:

Order 164-19/20 Approving Municipal Officers' Approval of Beepa Brigata LLC dba Radici. Application for a Class I FSE with Outdoor Dining on Public Property at 50 Washington Avenue - Sponsored by Jon P. Jennings, City Manager

Beepa Brigata LLC dba Radici. Application for a Class I FSE with Outdoor Dining on Public Property at 50 Washington Avenue.

Application was filed on 3/9/2020. New City and State applications. Location was previously Terlingua.

Five affirmative votes are required for passage after public comment.

**Order 165-19/20 Approving El Luchador Holdings LLC dba Terlingua.
Application for a Class I FSE with Outdoor Dining on Private Property at 40
Washington Avenue - Sponsored by Jon P. Jennings, City Manager**

El Luchador Holdings LLC dba Terlingua. Application for a Class I FSE with Outdoor Dining on Private Property at 40 Washington Avenue.

Application was filed on 4/7/2020. New City and State applications. Location was previously Silly's.

Five affirmative votes are required for passage after public comment.

**Order 166-19/20 Approving Definitive Brewing Company LLC dba Definitive
Brewing Co. Application for a Class A Lounge with Indoor Entertainment and
Outdoor Dining on Private Property at 35 Industrial Way - Sponsored by Jon P.
Jennings, City Manager**

Definitive Brewing Company LLC dba Definitive Brewing Co. Application for a Class A Lounge with Indoor Entertainment and Outdoor Dining on Private Property at 35 Industrial Way.

Application was filed on 4/3/2020. New City and State applications. The applicant currently holds a Brewery license. The applicant is requesting, and the City Council may condition the license, to only allow for the sale of beer and wine per 28-A M.R.S. Sec. 1011, 1-A.

Five affirmative votes are required for passage after public comment.

RESOLUTIONS:

**Resolution 11-19/20 Calling on the Legislature to Pass LD 433, the Maine Equal
Rights Amendment - Sponsored by Mayor Kate Snyder**

This resolution calls on the Maine Legislature to pass LD 433, the Maine Equal Rights Amendment, which reads simply, "Equality of rights under the law may not be denied or abridged by the State or any political subdivision of the State based on the sex of an individual. The Legislature has the power to enforce this section by appropriate legislation."

Five affirmative votes are required for passage after public comment.

Resolution 12-19/20 Adopting the Fiscal Year 2021 Annual Action Plan Including Appropriations for Community Development Block Grant Program, HOME Program, and Emergency Solutions Grant Program and Certifications Pertaining Thereto - Sponsored by Jon P. Jennings, City Manager

The 2020/2021 Housing and Community Development Program Annual Action Plan reports to the U.S. Department of Housing and Urban Development (HUD) a total estimated budget of \$5,382,357 funded by a Community Development Block Grant (CDBG) of \$1,933,057, \$120,000 in TIF funding, \$20,000 in Cotton Street proceeds, \$174,588 in CDBG Housing Program Income; a HOME Consortium Program Grant of \$1,053,258; HOME Program Income of \$75,000; HOME Program Recapture Funds of \$75,000; Lead Safe Housing Program Income of \$197,871; local Housing Trust Funds of \$1,567,200; and an Emergency Solutions Grant (ESG) of \$166,383.

The CDBG Allocation Committee, appointed by the City Council, reviewed each application and made funding recommendations which will be presented to the Council. The City Manager reviewed the Committee's recommendations and submitted his funding recommendations to the City Council.

The City's public participation process requires two public hearings to consider the City's Housing and Community Development Program proposal. The hearings allow the public to comment on the City's Consolidated Annual Action Plan.

Please contact the following person to request an interpreter or accommodation for the meeting: Kelley Walsh, kwash@portlandmaine.gov, 207-874-8731.

Fadlan la xiriir qofkan hoose si aad u condsato turjumaan ama tixgelin xiliga shirka: Kelley Walsh, kwash@portlandmaine.gov, 207-874-8731.

Por favor entre em contato com a seguinte pessoa para solicitar um intérprete ou acomodação para a reunião: Kelley Walsh, kwash@portlandmaine.gov, 207-874-8731.

Resolution 12-19/20 Adopting the Fiscal Year 2021 Annual Action Plan, continued

Kelley Walsh, kwash@portlandmaine.gov, 207-874-8731:

عامتجالا روضحل تالاي هست وأ يروف مجرتم بلطل يلاتل اصخشلاب لاصتالاي جري
فتاهل مقرر، ينورتكللإا ديربل، مسالا

Pour obtenir un interprète ou faciliter une réunion, veuillez contacter la personne suivante: Kelley Walsh, kwash@portlandmaine.gov, 207-874-8731.

Para solicitar un intérprete o una adaptación especial para la reunión, comuníquese con esta persona: Kelley Walsh, kwash@portlandmaine.gov, 207-874-8731.

Leka na ko benga moto oyo soki oza na bosenga ya interprete to ya bosalisi pona
rendez-vous na yo: Kelley Walsh, kwash@portlandmaine.gov, 207-874-8731.

This item must be read on two separate days, and two public hearings must be held in order to comply with local and federal regulations. The first reading and public hearing will be held on April 27, 2020, the second public hearing on May 4, 2020. Five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

Order 161-19/20 Accepting and Appropriating a \$25,000 Grant from the Maine Technology Institute for the Confined Aquatic Disposal Cell Design and Permitting Project - Sponsored by Jon P. Jennings, City Manager

The Maine Technology Institute (MTI) awarded the City of Portland a matching grant of \$25,000 in support of the ongoing Confined Aquatic Disposal (CAD) Cell design and permitting project for dredging Portland Harbor. The permitting is anticipated to be completed by September 2020.

The MTI Grant is included in the Dredge Project budget.

This item must be read on two separate days. It was given a first reading on April 14, 2020. Five affirmative votes are required for passage after public comment.

Order 162-19/20 Amendment to Portland City Code Chapter 35 Re: Temporary Adult Use Marijuana Testing Licenses - Sponsored by Jon P. Jennings, City Manager

The testing of adult use marijuana is critical to ensure the health and safety of any product being sold. Because of this, without functioning testing facilities, the adult use marijuana market will not be able to open, even after the state allows adult use sales to begin later this year. Portland has two of the only three potential testing facilities in the state, but the state cannot license these facilities without municipal approval and the City's process has been temporarily delayed due to the situation created by the COVID-19 pandemic.

The proposed amendment would allow the temporary licensing of existing testing facilities until the City Council can pass an ordinance fully addressing the licensing of all marijuana businesses. Testing facilities are likely to be the least intrusive of all of the proposed marijuana uses, and will function much like any other testing facility in Portland. There will be minimal product on site, there is likely to be little if any odor, and any chemicals used will be used in fairly small quantities. As additional protection, the amendment requires the facilities to have plans in place to address odor, security, and waste disposal, and testing facilities must still comply with the City's building, fire and life safety codes. In addition, the state has some fairly strict regulations governing testing facilities that any sites will have to comply with. If a testing facility is able to obtain a temporary license under this proposed amendment, they will still have to go through the full licensing process once the City adopts its final licensing ordinance.

This item must be read on two separate days. It was given a first reading on April 14, 2020. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 167-19/20 Extending the Emergency Proclamation - Sponsored by Kate Snyder, Mayor

This order extends the term of the emergency proclamation to May 18, 2020.

The City Council shall also consider amendments to the order, including, but not limited to, two amendments to the prohibition of short term rentals listed in paragraph 19, both of which were postponed on April 14, 2020 to this meeting. The amendments from Councilor Kim Cook propose short term registration fee refunds and other provisions for persons who convert a short term rental to a long-term rental. They are in the back-up material.

Seven affirmative votes are required for passage as an emergency after public comment.

Order 168-19/20 Accepting and Appropriating a \$29,250 Grant from the Federal Emergency Management Agency for the Bramhall Fire Station Generator - Sponsored by Jon P. Jennings, City Manager

This item accepts and appropriates a Federal Emergency Management Agency (FEMA) grant of \$29,250 for a new generator at the Bramhall Fire Station, and also an amount not to exceed \$1,500 for administrative purposes.

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

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

ZOOM MEETING INSTRUCTIONS:

The Portland City Council will hold a remote meeting on Tuesday, April 14, 2020 at 5:30 PM immediately following the 4:30 PM workshop. This meeting will take place remotely using Zoom.

Virtual meetings are allowed using emergency legislation approved by LD 2167; 1 M.R.S. §403-A, that authorizes cities and towns to conduct meetings online.

Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live, a recording will be uploaded to portlandmaine.gov/livestream the next day.

Click the link below to join:

<https://zoom.us/j/635623968>

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

To join via Telephone dial:

US: +1 312 626 6799 or +1 929 205 6099 or +1 253 215 8782 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 6833

iPhone one-tap for mobile:

US: +13126266799,,635623968# or +19292056099,,635623968#

Webinar ID: 635 623 968

Minutes are draft until approved at the next City Council Meeting.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

Mayor Snyder called the meeting to order at 5:40 PM (All Councilors Present).

ANNOUNCEMENTS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the March 30, 2020 Draft City Council Minutes.

Motion was made by Councilor Duson and seconded by Councilor Costa for approval of the minutes of March 30, 2020. Passage 9-0.

APPOINTMENTS:

Order 157-19/20 Appointing Wardens and Ward Clerks - Sponsored by Katherine L. Jones, City Clerk

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

Order 158-18/20 Appointing Election Clerks for 2020 to 2022 - Sponsored by Katherine L. Jones, City Clerk

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

UNFINISHED BUSINESS:

Order 155-19/20 Approving the Agreement between the Maine Department of Transportation and the City of Portland Re: Veranda Street - Sponsored by Jon P. Jennings, City Manager

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

Order 156-19/20 Replacing the List of Essential Services in the Proclamation Declaring Continued State of Emergency and Requirement to Stay at Home - Sponsored by Kate Snyder, Mayor

Motion was made by Councilor Ray and seconded by Councilor Cook to amend Order 156 using Amendment 5 (in the back up materials) by striking out " in paragraph 3 section B., "the entire construction language". Motion failed 4-5 (Duson, Mavodones, Costa, Chong, Snyder).

Motion was made by Councilor Duson and seconded by Councilor Ray to amend Order 156 using Amendment 5, (in the back up materials) but also by "adding a paragraph D. the language "Insurance business, Professional services, such as legal or accounting service[are allowed, but only], ' when necessary to assist in compliance with legally mandated activities", and by adding after "4 units. " For multi-family properties with 4 units or fewer, no real estate activities shall be permitted in a unit occupied by a tenant,

and deleting the rest of the sentence after “4 units,” in Amendment 5.” Passage of Amendment 5 as revised. 9-0.

Motion was made by Councilor Ray and seconded by Councilor Cook to amend Order 156 by using Amendment 4 "Aligning Portland's Non-essential services language with the Governor's Language around non-essential services". (in the back up materials). Motion failed 2-7 (Duson, Mavodones, Ali, Costa, Thibodeau, Chong, Snyder).

Motion was made by Councilor Duson and seconded by Councilor Ray to amend Order 156 by using Amendment 2 Dogs shall be on leash at all times, (in the back up materials), to close Ocean Avenue Dog Park and Valley Street Dog Park. Motion failed 3-6. (Mavodones, Ali, Costa, Thibodeau, Chong, Snyder).

Motion was made by Councilor Thibodeau and seconded by Councilor Ali to call the question. Passage 7-2 (Duson, Ray).

Motion was made by Councilor Ali and seconded by Councilor Thibodeau to amend Order 156 by "adding to Amendment 2(in the back up materials) “after the words, “are suspended” between the hours of 10:00 a.m. and 5:00 p.m.". Passage 6-3 (Costa, Ray, Thibodeau).

Motion was made by Councilor Thibodeau and seconded by Councilor Mavodones to call the question. Passage 6-3 (Duson, Cook, Ray).

Motion was made by Councilor Cook and seconded by Councilor Ray to amend Order 156 by using amendment 2 (in the back up materials), “ Dogs shall be on leash at all times, " revised by adding after “ publicly owned property” or "publicly accessible.” Passage as amended 5-4 (Mavodones, Costa, Thibodeau, Snyder).

Motion was made by Councilor Duson and seconded by Councilor Cook to postpone Amendments 1 Rental Registration Fee Refund and Amendment 2 Rental Registration Fees to April 27, 2020. Passage 9-0.

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

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

ORDERS:

Order 159-19/20 Authorizing Application for Up to \$500,000 in Supplemental Brownfields Cleanup Funds from the Environmental Protection Agency - Sponsored by Jon P. Jennings, City Manager

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

Order 160-19/20 Authorizing the Application for Federal Funds to Dredge Public and Private Berthing and Vessel Support Resources and to Develop a Confined Aquatic Disposal Cell in Portland Harbor - Sponsored by Jon P. Jennings, City Manager

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

Order 161-19/20 Accepting and Appropriating a \$25,000 Grant from the Maine Technology Institute for the Confined Aquatic Disposal Cell Design and Permitting Project - Sponsored by Jon P. Jennings, City Manager

This is a first reading.

AMENDMENTS:

Order 162-19/20 Amendment to Portland City Code Chapter 35 Re: Temporary Adult Use Marijuana Testing Licenses - Sponsored by Jon P. Jennings, City Manager

This is a first reading.

Motion was made by Councilor Costa and seconded by Councilor Chong to adjourn.
Passage 9-0 at 9:03 P.M.

A TRUE RECORD

Katherine L. Jones, City Clerk

P R O C L A M A T I O N

Recognizing April as Genocide Awareness Month

WHEREAS, the term “genocide,” as coined by Raphael Lemkin in the aftermath of World War II and the Holocaust and defined in the United Nations 1948 Convention on the Prevention and Punishment of the Crime of Genocide, to describe the systematic destruction, in whole or in part, a national, ethnic, racial or religious group; and

WHEREAS, the month of April commemorates the Armenian Genocide (1915-22), the Holocaust (1933-1945); the Cambodian Genocide (1975-1979); the Siege of Sarajevo in Bosnia (1992); the Rwandan Genocide (1994); and the Darfur Genocide (2003); and

WHEREAS, the prevention of genocide requires vigilance and a commitment to remembrance and education; and

WHEREAS, the City of Portland, Maine, believes in the dignity and worth of every human being regardless of the individual’s race, color, religion, age, sex (including pregnancy), sexual orientation, gender identity or expression, ancestry or national origin, physical or mental disability, veteran status, genetic information, or any other protected group status as defined by applicable law; and

WHEREAS, the City of Portland will continue to be a welcoming city for all persons, provide city services and programs to all individuals, and recognize that everyone has the right to live their lives with dignity, free from fear and persecution based on their race, faith, national origin or immigration status;

NOW, THEREFORE, BE IT RESOLVED, THAT I, Kathleen M. Snyder, Mayor of the City of Portland, Maine and the members of the City Council hereby recognize the month of April of each year as “Genocide Awareness Month”; and

THEREFORE, BE IT FURTHER RESOLVED, that the City of Portland encourages and supports the Office of Economic Opportunity and the Portland Public Schools Multilingual and Multicultural Center in their efforts to facilitate, in collaboration with ethnic- and community-based organizations and state and local partners, the citywide recognition of Genocide Awareness Month.

Signed and sealed this 27th day of April, 2020

Kathleen M. Snyder
City of Portland, Mayor.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: April 1, 2020

SUBJECT: Order 163-19/20 Setting Time for Opening of Polls on July 14, 2020 Re: State and Local Elections - Sponsored by Katherine L. Jones, City Clerk

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

Pursuant to 21-A M.R.S. sec. 626, the hours of poll opening must be set by the municipal officers. This is done for every election. The polls open at 7:00 a.m. and close at 8:00 p.m. Notices are posted in each district and at City Hall.

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

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. Opening and Closing the Polls July 14, 2020 4.27.2020
2. Memo Opening and Closing the polls for June 2020.

Prepared by:

Date: 4/1/2020

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 SETTING THE TIME FOR OPENING
THE POLLS ON JULY 14, 2020
RE: STATE AND LOCAL ELECTIONS**

ORDERED that, pursuant to 21-A M.R.S. §626, the polls shall open at 7:00 a.m. and close at 8:00 p.m. on Tuesday, July 14, 2020 for State and Local Elections.



Office of the City Clerk
Katherine L. Jones, CMC

MEMORANDUM

TO: Mayor Snyder and Members of the
Portland City Council

FROM: Katherine L. Jones, City Clerk

DATE: March 3, 2020

RE: Setting the time for opening the polls on June 9, 2020 for State and Local
Elections Budget Referendum.

Pursuant to 21-A M.R.S.A. §626, the hour of poll opening must be set by the
municipal officers. This is done for every election; the polls open at 7:00 A.M. and
close at 8:00 P.M.

Notices are then posted in each district and at City Hall.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: April 10, 2020

SUBJECT: Order 164-19/20 Approving Municipal Officers' Approval of Beepa Brigata LLC dba Radici. Application for a Class I FSE with Outdoor Dining on Public Property at 50 Washington Avenue - 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

Beepa Brigata LLC dba Radici. Application for a Class I FSE with Outdoor Dining on Public Property at 50 Washington Avenue.

Application was filed on 3/9/2020. New City and State applications. Location was previously Terlingua.

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. Radici

2. 20200410110643050

Prepared by:

Date: 4/10/2020

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:

**Beepa Brigata LLC dba Radici. Application for a Class I FSE with Outdoor Dining on
Public Property at 50 Washington Avenue.**



52 WASHINGTON AVE, PORTLAND, MAINE 04101
RADICIPORTLAND.COM

February 26, 2020

389 Congress Street
Portland, ME 04101

Mayor Kate Snyder, Councilor Pious Ali, Councilor Tae Chong, Councilor Kimberly Cook, Councilor Jill Duson, Councilor Justin Costa, Councilor Nicholas Mavodones, Jr., Councilor Belinda Ray, Councilor Spencer Thibodeau:

We are requesting to operate Radici, a pizzeria that serves alcohol and has outdoor dining at 52 Washington Avenue, in the space that currently exists as Terlingua. In October 2019, we closed our restaurant in New Jersey and a month later we moved to Maine. It's a pretty special place and we feel quite fortunate to now call it home.

We believe Radici will add to the vibrant food culture that has emerged on Washington Avenue and throughout this great city.

Sincerely,

Ally Forrester and Randy Forrester



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

Business Information					
Business Name (d/b/a):	RADICI	Phone:	732-895-3905		
Location Address:	50 52 WASHINGTON AVE		Zip: 04101		
If new, what was formerly at this location:	TERLINGUA				
Mailing Address:	25 HARVEST RIDGE RD, FREEPORT ME		Zip: 04032		
Contact Person:	ALEXANDRA FORRESTER	Phone:	732-895-3905		
Contact Person Email:	CIAO@RADICIPORTLAND.COM				
Manager of Establishment:	RANDALL FORRESTER	Date of Birth:	09/18/1987	Phone:	609-216-4236
Owner of Premises (Landlord):	EL LUCHADOR, LLC (c/o PLINY REYNOLDS)				
Address of Premises Owner:	140 CONGRESS ST		Zip: 04101		

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

Name of Owner(s)	Date of Birth	Residence Address

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

Corporate Name		Corporate Mailing Address	
BEPPA BRIGATA LLC		25 HARVEST RIDGE RD FREEPORT ME Zip: 04032	
Contact Person:	ALEXANDRA FORRESTER	Phone:	732-895-3905
Principal Officers			
Title	Date of Birth	Residence Address	
ALEXANDRA FORRESTER	OWNER	08/16/1989	25 HARVEST RIDGE RD FREEPORT ME 04032
RANDALL FORRESTER	OWNER	09/18/1987	25 HARVEST RIDGE RD FREEPORT ME 04032
Class of Liquor License:		Class 1	



CITY OF PORTLAND
Permitting and Inspections Department

Type of food served:	PIZZA, SALAD, DESSERT	
Please circle all that will be served:	☒ Beer ☒ Wine ☒ Liquor	
Projected percentage of sales:	Generated from Food: 70 %	Generated from Alcohol: 30 %
Hours & days of operation:	7 DAYS, 12 PM - 10 PM	
QUESTIONS		
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?		Y/N ☒ Y ☐ N
If No, please explain:		
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?		Y/N ☒ Y ☐ N
If yes, give the distance:		
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)		Y/N ☒ Y ☐ N
Will you permit dancing after 1:00 a.m.?		Y/N ☒ Y ☐ N
Will you have outside dining? (If yes, an Outdoor Dining Application is required)		Y/N ☒ Y ☐ N
If yes, will the outside dining be on <u>PUBLIC</u> or PRIVATE property (circle one).		
Will you have any amusement devices (pinball, video games, juke box)?		Y/N ☒ Y ☐ N
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____		
What is your targeted opening date?		6/1/2020
Does the Issuance of this license directly or indirectly benefit any City employee(s)?		Y/N ☒ Y ☐ N
If Yes, list name(s) of employee(s) and department(s):		
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?		Y/N ☒ Y ☐ N
If Yes, please list business name(s) and location(s):		
Is any principal officer under the age of 21?		Y/N ☒ Y ☐ N
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?		Y/N ☒ Y ☐ N
If Yes, please explain:		

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

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

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

Signature  Title Owner Date February 3, 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 150 SF = \$300
- ☐ Outdoor Dining on Public Property in a City Park \$84.00 plus \$6.30 per Square foot \$6.30 X _____ SF = _____

Business Information					
Business Name (d/b/a):	RADICI	Phone:	732-895-3905		
Location Address:	52 WASHINGTON AVE	Zip:	04101		
Mailing Address:	25 HARVEST RIDGE RD, FREEPORT ME	Zip:	04032		
Contact Person:	ALEXANDRA FORRESTER	Phone:	732-895-3905		
Contact Person Email:	CIAO@RADICI PORTLAND.COM				
Manager of Establishment:	RANDY FORRESTER	Date of Birth:	09/18/1987	Phone:	609-216-4236
Owner of Premises (Landlord):	EL LUCHADOR, LLC (c/o PLINY REYNOLDS)				
Address of Premises Owner:	140 CONGRESS ST	Zip:	04101		

Owner Information

Corporate Name		Corporate Mailing Address	
BEPPA BRIGATA LLC		25 HARVEST RIDGE RD FREEPORT ME 04032	
Contact Person:	ALEXANDRA FORRESTER	Phone:	732-895-3905
Principal Officers			
Title	Date of Birth	Residence Address	
ALEXANDRA FORRESTER	OWNER	08/16/1989	25 HARVEST RIDGE RD, FREEPORT ME 04032
RANDALL FORRESTER	OWNER	09/18/1987	25 HARVEST RIDGE RD, FREEPORT ME 04032

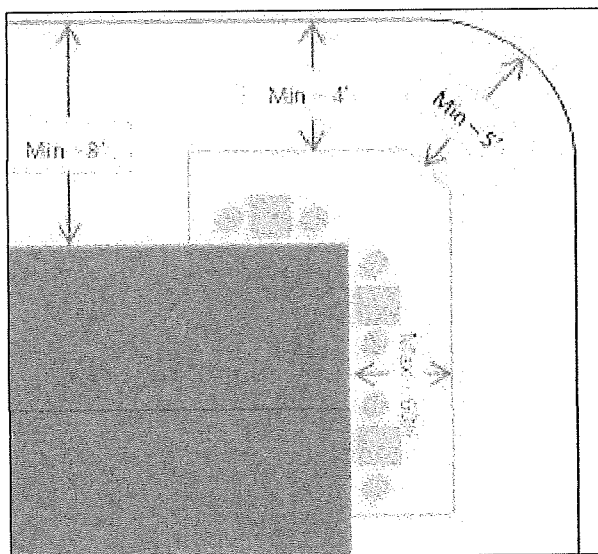


CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	Class I
Type of food served:	PIZZA
Please circle all that will be served:	Beer Wine Liquor
Hours & days of operation:	7 DAYS, 12 PM - 10 PM
Number of Tables	4
Number of Chairs	16

Design and Construction

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

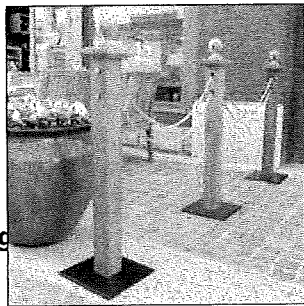
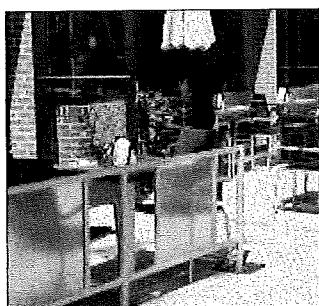


- Outdoor dining area shall not exceed 60% of the sidewalk width.
- A continuous, unobstructed sidewalk passage of 4 feet from the outer boundary of the seating area to the curb must be maintained. If the passage is not straight due to existing obstacles, then additional width may be required. Any changes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

Barriers

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

Example barrier types that meet regulation





CITY OF PORTLAND
Permitting and Inspections Department
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 Owner Date January 31, 2020

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 ☐ No ☐	

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

Legal Business Entity Applicant Name (corporation, LLC): BEPPA BRIGATA LLC	Business Name (D/B/A): RADICI
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 52 Washington Ave, Portland, ME 04101
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different: 25 Harvest Ridge Rd, Freeport, ME 04032
Mailing address, if different from DBA address: 25 Harvest Ridge Rd, Freeport, ME 04032	Email Address: CIAO@RADICIPORTLAND.COM
Telephone # Fax #: 732 895 3905	Business Telephone # Fax #: 732-895-3905
Federal Tax Identification Number: 82-0742711	Maine Seller Certificate # or Sales Tax #:
Retail Beverage Alcohol Dealers Permit:	Website address: WWW.RADICIPORTLAND.COM

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:

June 1, 2020

5. Business records are located at the following address:

25 Harvest Ridge Rd, Freeport, ME 04032

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
Alexandra Forrester	08/16/1989	New Jersey
Randall Forrester	09/18/1987	New Jersey

Residence address on all the above for previous 5 years

Name	Randall and Alexandra Forrester	Address:	755 Windsor Perrineville Rd, East Windsor, NJ 08520
Name	Randall and Alexandra Forrester	Address:	10 Evergreen Ct, Millstone Township, NJ 08535
Name		Address:	
Name		Address:	

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:

El Luchador, LLC (c/o Pliny Reynolds), 140 Congress St, Portland, ME 04101

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

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

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?

East End Community School
Name: _____

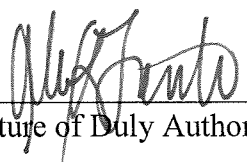
Distance: 2500 feet

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: February 26, 2020



Signature of Duly Authorized Person*



Signature of Duly Authorized Person*

Alexandra Forrester

Printed Name Duly Authorized Person

Randall Forrester

Printed Name of Duly Authorized Person

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

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.

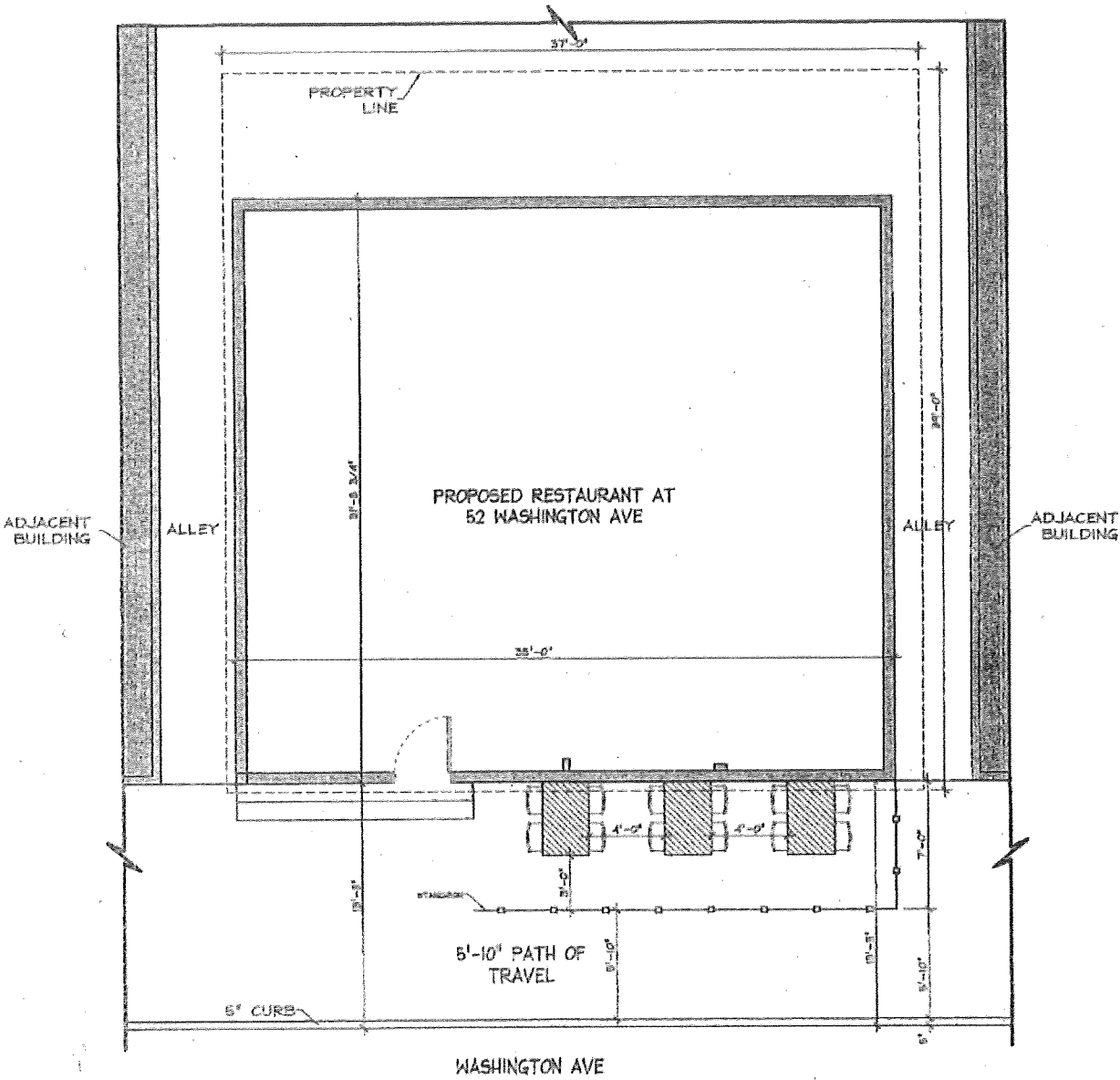
1. Exact legal name: BEPPA BRIGATA LLC
2. Doing Business As, if any: RADICI
3. Date of filing with Secretary of State: 03/09/2017 State in which you are formed: NJ
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:
3/1/2020
5. List the name 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
Alexandra Forrester	25 Harvest Ridge Rd Freeport ME 04032 755 Windsor Perrineville Rd East Windsor NJ 08520	8/16/1989	Owner	50%
	10 Evergreen Ct Millstone Twp NJ 08535			
Randall Forrester	25 Harvest Ridge Rd Freeport ME 04032 755 Windsor Perrineville Rd East Windsor NJ 08520	9/18/1987	Owner	50%
	10 Evergreen Ct Millstone Twp NJ 08535			

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



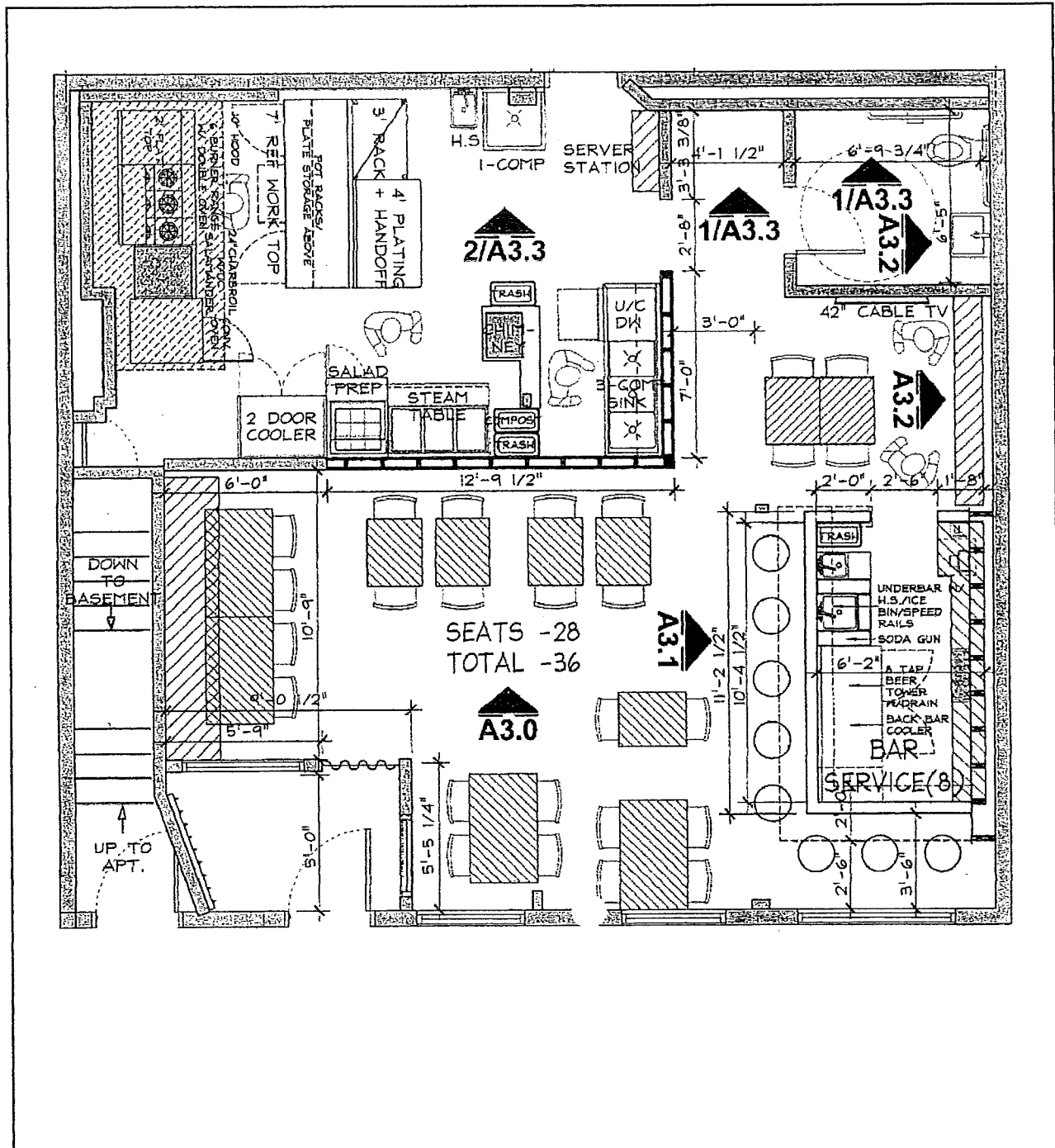
Radici Outdoor Dining



Section VI Premises Floor Plan

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

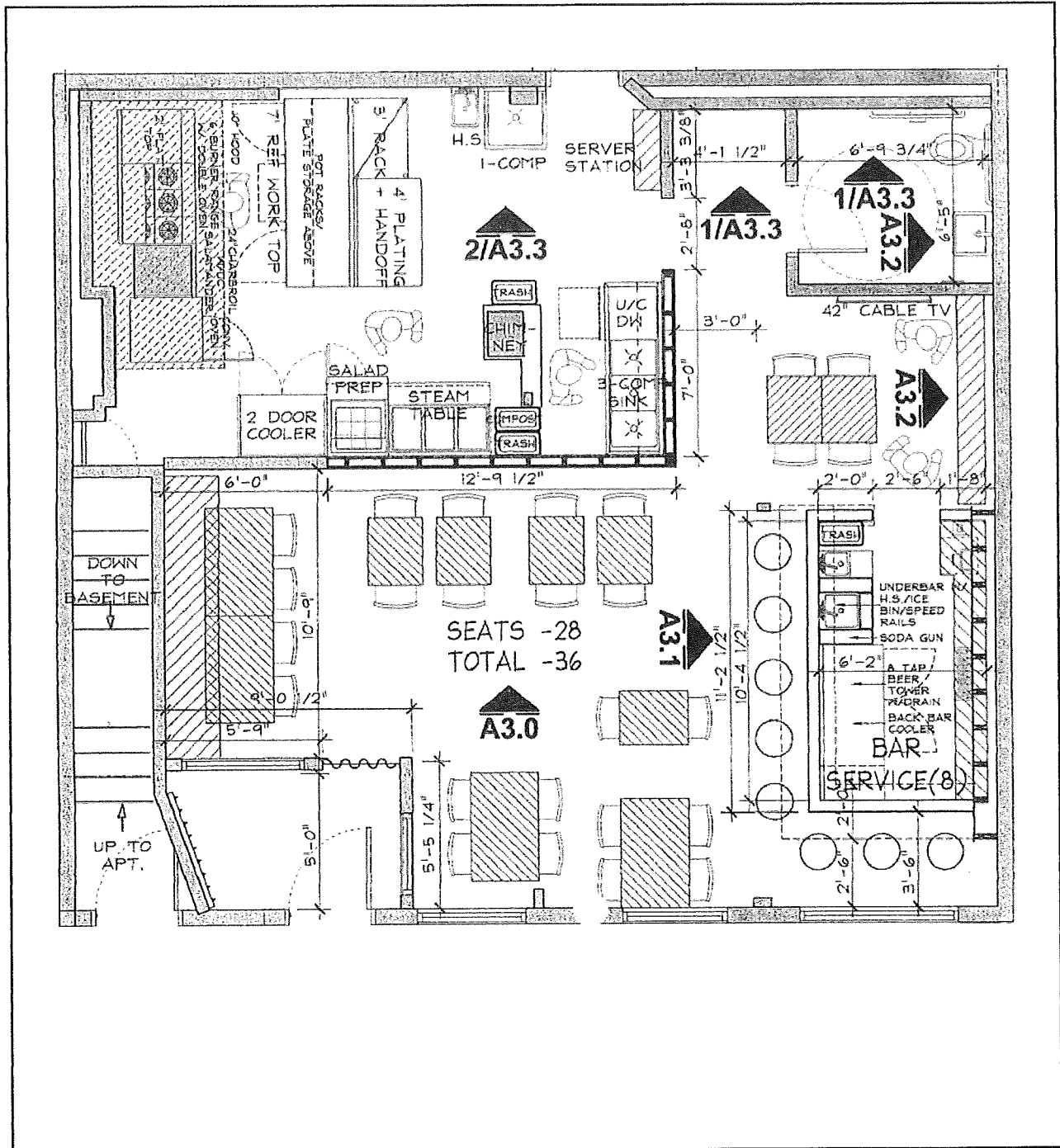
Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside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



Section VI Premises Floor Plan

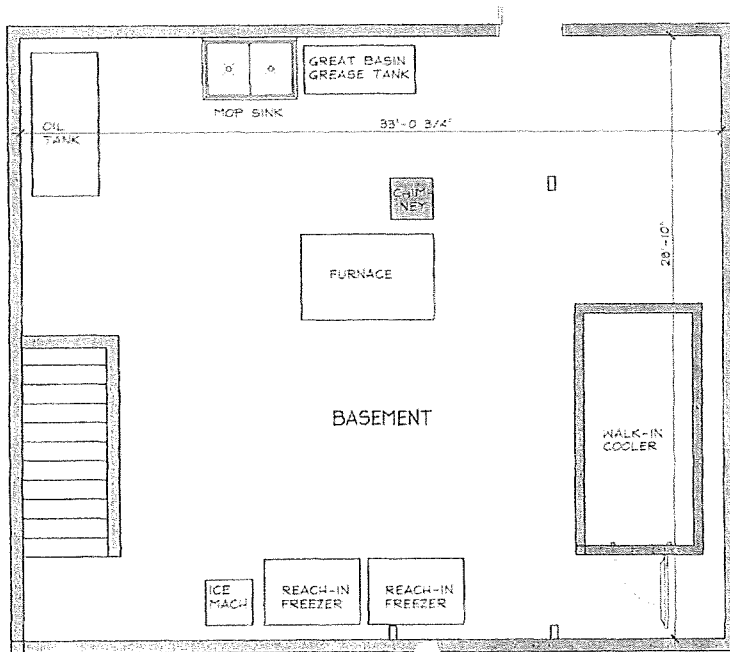
In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

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

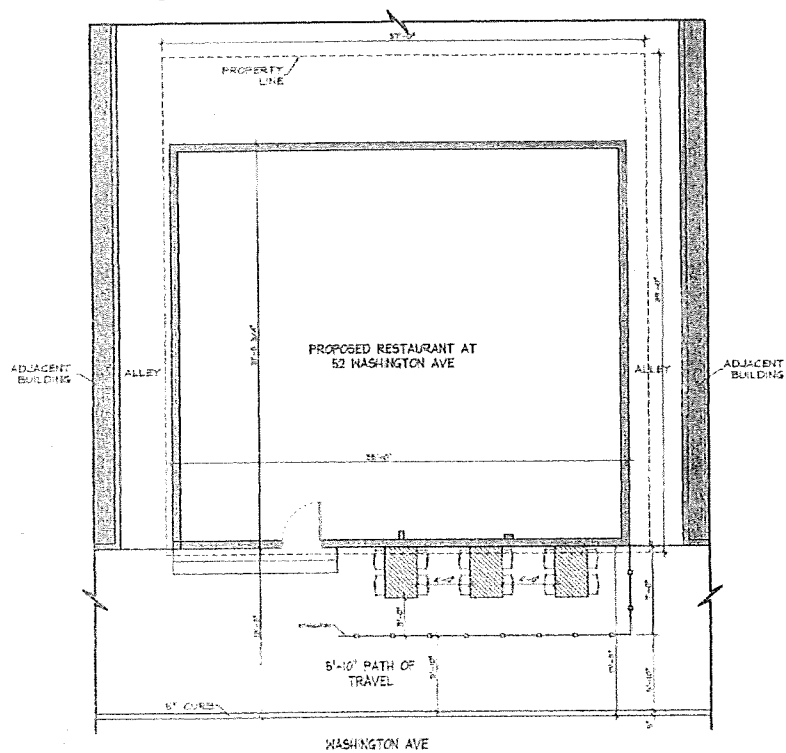


Section VI Premises Floor Plan cont'd

Basement



Outdoor Dining



radici, una pizzeria

SALAD

'House Salad'

Add Gorgonzola piccante
 Provolone stravecchio
 Anchovy

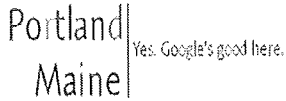
PIZZA

- 1) Margherita
- 2) Marinara
- 3) Our Sausage
- 4) Maine Mushroom Bianco
- 5) Maine Clam and Potato

SWEETS

Olive Oil Semifreddo with seasonal accompaniments

Our Dark Chocolate Tartufi by the piece



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Radici

Dan Hondo <danh@portlandmaine.gov>

Sun, Mar 15, 2020 at 11:13 PM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

No issues on PD side

On Wed, Mar 11, 2020 at 3:10 PM Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Afternoon

Please see the attached application for a Class I FSE with outdoor dining. This will go before council on 4/6/2020. 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

April 10, 2020

Beppa Brigata LLC
25 Harvest Ridge Rd
Freeport ME 04032

Re: Beppa Brigata LLC dba Radici. Application for a Class I FSE with Outdoor Dining on Public Property at 50 Washington Avenue.

Dear Alexandra Forrester

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday April 27, 2020 at 5:30 p.m.**, for the review of application for Class I FSE with Outdoor Dining on Public Property at 50 Washington Avenue. The meeting will take place in Council Chambers on the 2nd 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.

Sincerely,

Jessica Hanscombe
Licensing and Housing Safety Manager

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on April 27, 2020 at 5:30 P.M., in City Council Chambers, 389 Congress St., Beepa Brigata LLC dba Radici. Application for a Class I FSE with Outdoor Dining on Public Property at 50 Washington Avenue. Sponsored by Jon P. Jennings, City Manager.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: April 10, 2020

SUBJECT: Order 165-19/20 Approving El Luchador Holdings LLC dba Terlingua.
Application for a Class I FSE with Outdoor Dining on Private Property at 40
Washington Avenue - 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

El Luchador Holdings LLC dba Terlingua. Application for a Class I FSE with Outdoor Dining on Private Property at 40 Washington Avenue.

Application was filed on 4/7/2020. New City and State applications. Location was previously Silly's.

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. Terlingua

2. 20200410111157992

Prepared by:

Date: 4/10/2020

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:

El Luchador Holdings LLC dba Terlingua. Application for a Class I FSE with Outdoor Dining on Private Property at 40 Washington Avenue.

PORTLAND, MAINE

TERLINGUA RESTAURANT

April 1, 2020

Pliny & Melanie Reynolds
56 Washington Avenue
Portland ME 04101

Dear Councilors and Mayor Snyder

Five years ago, we stood in your chamber to announce our intention to open a small restaurant on Washington Avenue named Terlingua. We greet you again to announce our expansion into the old Silly's Restaurant space a few door down from our current location.

This expansion will include a new market space to sell our house-made goods and other local products. The renovated dining area and bar will increase our capacity to 48 guest, up from 36. The biggest change for us will be the addition the backyard and deck areas. The deck will be open but covered and function deep into the shoulder seasons. The Back yard 'margarita garden' will be filled with picnic tables under an oak canopy where guests can enjoy sunsets over the Portland skyline.

We've been busy renovating the interior and backyard spaces and improving the facade of the building. Our goal is open in early June. Depending on the future state of the Coronavirus, that opening could look very different. We are excited to get back to work bringing the community together at our tables.

Sincerely yours,

Pliny & Melanie Reynolds



CITY OF PORTLAND

Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

Business Information			
Business Name (d/b/a):	TERLINGUA	Phone:	207 808.8502
Location Address:	40 WASHINGTON Ave PORTLAND ME	Zip:	04101
If new, what was formerly at this location:	SILLY'S RESTAURANT		
Mailing Address:	40 WASHINGTON Ave PORTLAND ME	Zip:	04101
Contact Person:	Phing Reynolds	Phone:	207 400.0405
Contact Person Email:	plingreynolds@hotmail.com		
Manager of Establishment:	Phing Reynolds	Date of Birth:	8.8.78
		Phone:	207 400.0405
Owner of Premises (Landlord):	38 WASHINGTON Ave, LLC		
Address of Premises Owner:	P.O. BOX 7818 PORTLAND ME	Zip:	04112

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

Name of Owner(s)	Date of Birth	Residence Address

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

Corporate Name		Corporate Mailing Address	
EL WACHAQUE Holdings, LLC		56 WASHINGTON Ave PORTLAND ME Zip: 04101	
Contact Person:	Phing Reynolds	Phone:	207 400.0405
Principal Officers			
Title	Date of Birth	Residence Address	
Owner	8.8.1978	140 Congress St. Portland ME 04101	
Class of Liquor License:			



CITY OF PORTLAND
Permitting and Inspections Department

Type of food served:	Tex Mex BBQ		
Please circle all that will be served:	☒ Beer ☒ Wine ☒ Liquor		
Projected percentage of sales:	Generated from Food: 70	Generated from Alcohol: 30	
Hours & days of operation:	8am - 10pm, 7 days		
QUESTIONS			
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	Y/N ☒ Y ☒ N		
If No, please explain:			
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	Y/N ☒ Y ☒ N		
If yes, give the distance:			
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)	Y/N ☒ Y ☒ N		
Will you permit dancing after 1:00 a.m.?	Y/N ☒ Y ☒ N		
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	Y/N ☒ Y ☒ N		
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).			
Will you have any amusement devices (pinball, video games, juke box)?	Y/N ☒ Y ☒ N		
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____			
What is your targeted opening date?	6/1		
Does the Issuance of this license directly or indirectly benefit any City employee(s)?	Y/N ☒ Y ☒ N		
If Yes, list name(s) of employee(s) and department(s):			
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?	Y/N ☒ Y ☒ N		
If Yes, please list business name(s) and location(s):			
TEELING - 52 Washington Ave Portland ME 04101			
Is any principal officer under the age of 21?	Y/N ☒ Y ☒ N		
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	Y/N ☒ Y ☒ N		
If Yes, please explain:			

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

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

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

Signature [Signature] Title Owner Date 4/1/20



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

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

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

Business Information			
Business Name (d/b/a):	TERLINGUA	Phone:	207 808.8502
Location Address:	40 WASHINGTON AVE PORTLAND ME	Zip:	04101
Mailing Address:	140 CONGRESS ST. PORTLAND ME	Zip:	04101
Contact Person:	Pliny Reynolds	Phone:	207. 400.0405
Contact Person Email:	plinyreynolds@hotmail.com		
Manager of Establishment:	Pliny Reynolds	Date of Birth:	8.8.78
		Phone:	207 400.0405
Owner of Premises (Landlord):	38 WASHINGTON AVE, LLC		
Address of Premises Owner:	PO Box 7810 PORTLAND ME	Zip:	04112

Owner Information

Corporate Name		Corporate Mailing Address	
EL WATKINS HOMINGS, LLC		56 WASHINGTON AVE PORTLAND ME 04101	
Contact Person:	Pliny Reynolds	Phone:	207 400.0405
Principal Officers	Title	Date of Birth	Residence Address
Pliny Reynolds	Owner	8.8.78	140 CONGRESS ST. PORTLAND ME 04101



CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	CLASS A Restaurant/Lounge (CLASS XI)
Type of food served:	TEX MEX BBQ
Please circle all that will be served:	Beer Wine Liquor
Hours & days of operation:	8am - 9pm
Number of Tables	14 + BAR
Number of Chairs	44

Design and Construction

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

Maintenance and Operations

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

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

Signature [Signature] Title Owner Date 4/1

For Administrative Use Only

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

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

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	
Good SOS & DBA: YES ☐ NO ☐	

PRESENT LICENSE EXPIRES: 6/21/2020

NEW application: ☒ Yes ☐ No

If business is NEW or under new ownership, indicate starting date: 6/1/2020

Requested inspection (New Licensees/ Ownership Changes Only) Date: _____ Business hours: _____

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: <u>EL LOCKWOOD Holdings, LLC</u>		Business Name (D/B/A) <u>TERLINGUA</u>	
APPLICANT(S) –(Sole Proprietor) DOB: _____		Physical Location: <u>40 Washington Ave</u>	
DOB: _____		City/Town <u>Portland</u>	State <u>ME</u> Zip Code <u>04101</u>
Address <u>56 Washington Ave</u>		Mailing Address Same As Above? ☒	
City/Town <u>Portland</u>	State <u>ME</u>	Zip Code <u>04101</u>	
Telephone Number <u>207.400.0405</u>	Fax Number _____	Business Telephone Number <u>207.808.8502</u>	Fax Number _____
Federal I.D. # <u>46-2499877</u>		Seller Certificate #: or Sales Tax #: <u>1109211</u>	
Email Address: <u>plinyregno1ds@hotmail.com</u>		Website: <u>www.terlingua.me</u>	

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

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: Pliny Reynolds

7. Business records are located at: 40 Washington Ave Portland ME 04101

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
Pliny Reynolds	8.8.78	New Jersey

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

Name: <u>Pliny Reynolds</u>	City: <u>Portland</u>	State: <u>ME</u>
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: _____

38 Washington Ave, LLC P.O. Box 7818 Portland ME 04112

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

RESTAURANT & MARKET w/ INDOOR & OUTDOOR DINING

17. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?

YES ☐ NO ☒ Applied for: April 1st 2020 (previous ID# 20384)

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? MORE THAN 1000 FT

Which of the above is nearest? CATHEDRAL

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: Portsmouth ME on 4/1, 20 20
Town/City, State Date

PLEASE SIGN IN BLUE INK

Thy Reynolds
Signature of Applicant or Corporate Officer(s)
Thy Reynolds
Print Name

Signature of Applicant or Corporate Officer(s)

Print Name

FEE SCHEDULE

FILING FEE: (must be included on all applications)	\$ 10.00
Class I Spirituous, Vinous and Malt	\$ 900.00
CLASS I: 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	
Class I-A Spirituous, Vinous and Malt, Optional Food (Hotels Only)	\$1,100.00
CLASS I-A: Hotels only that do not serve three meals a day.	
Class II Spirituous Only	\$ 550.00
CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
Class III Vinous Only	\$ 220.00
CLASS III: 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.	
Class IV Malt Liquor Only	\$ 220.00
CLASS IV: 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.	
Class III & IV Malt & Vinous Only	\$ 440.00
CLASS III & IV: 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.	
Class V Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
CLASS V: Clubs without catering privileges.	
Class X Spirituous, Vinous and Malt – Class A Lounge	\$2,200.00
CLASS X: Class A Lounge	
Class XI Spirituous, Vinous and Malt – Restaurant Lounge	\$1,500.00
CLASS XI: Restaurant/Lounge; and OTB.	
SELF-SPONSORED EVENTS: Qualified Caterers Only	\$ 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: EL LUCHADOR Holdings, LLC
2. Doing Business As, if any: TERLINGUA
3. Date of filing with Secretary of State: 4/2015 State in which you are formed: MAINE
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Perry Reynolds	56 WASHINGTON AVE PORTLAND ME 04101	8.8.78	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

4/1/20

Date

Tony Reynolds

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

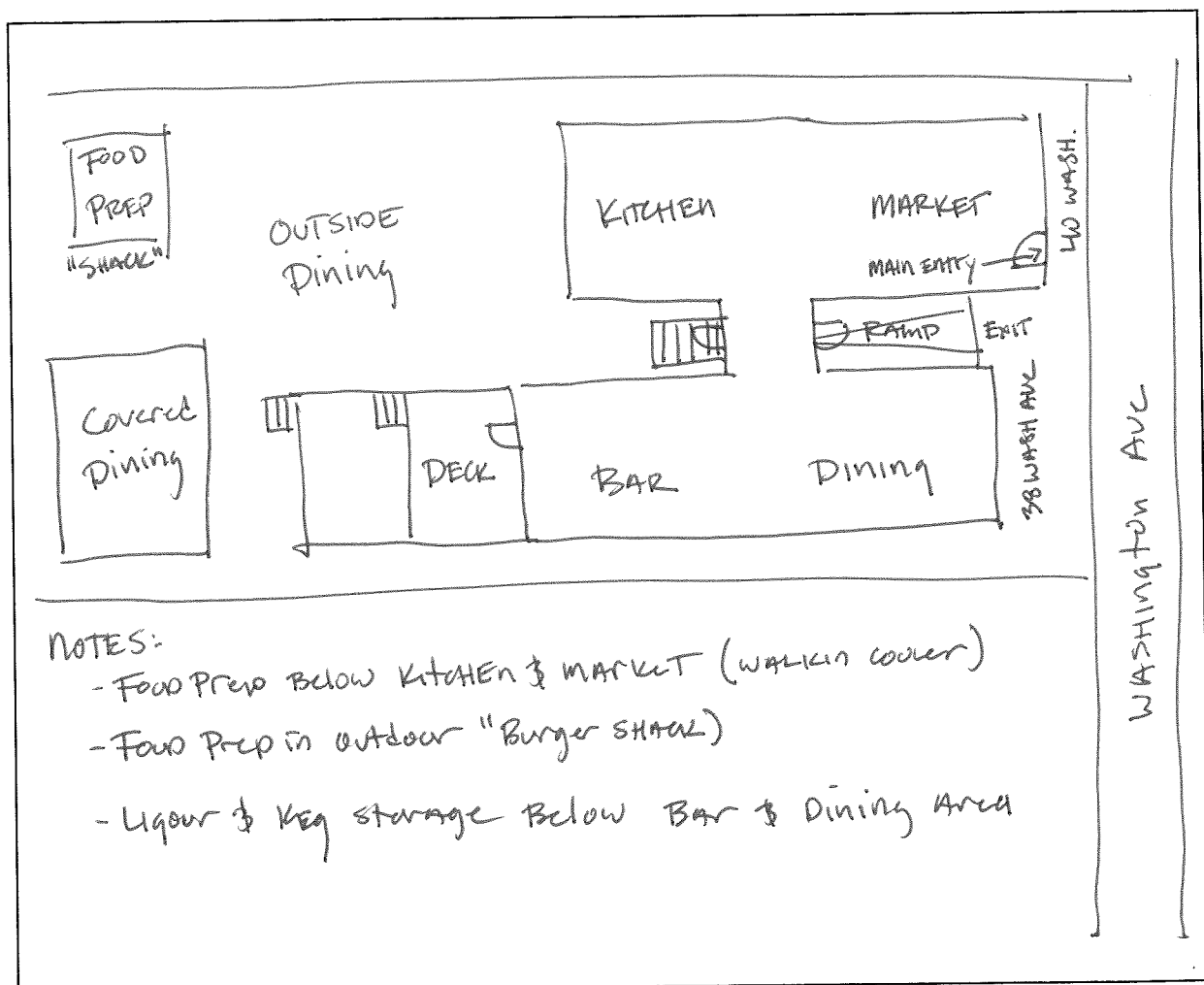
Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing & Enforcement
8 State House Station, Augusta, ME 04333-0008
10 Water Street, Hallowell, ME 04347 (overnight)
Tel: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@maine.gov



ON PREMISE DIAGRAM (Facility Drawing/ Floor Plan)

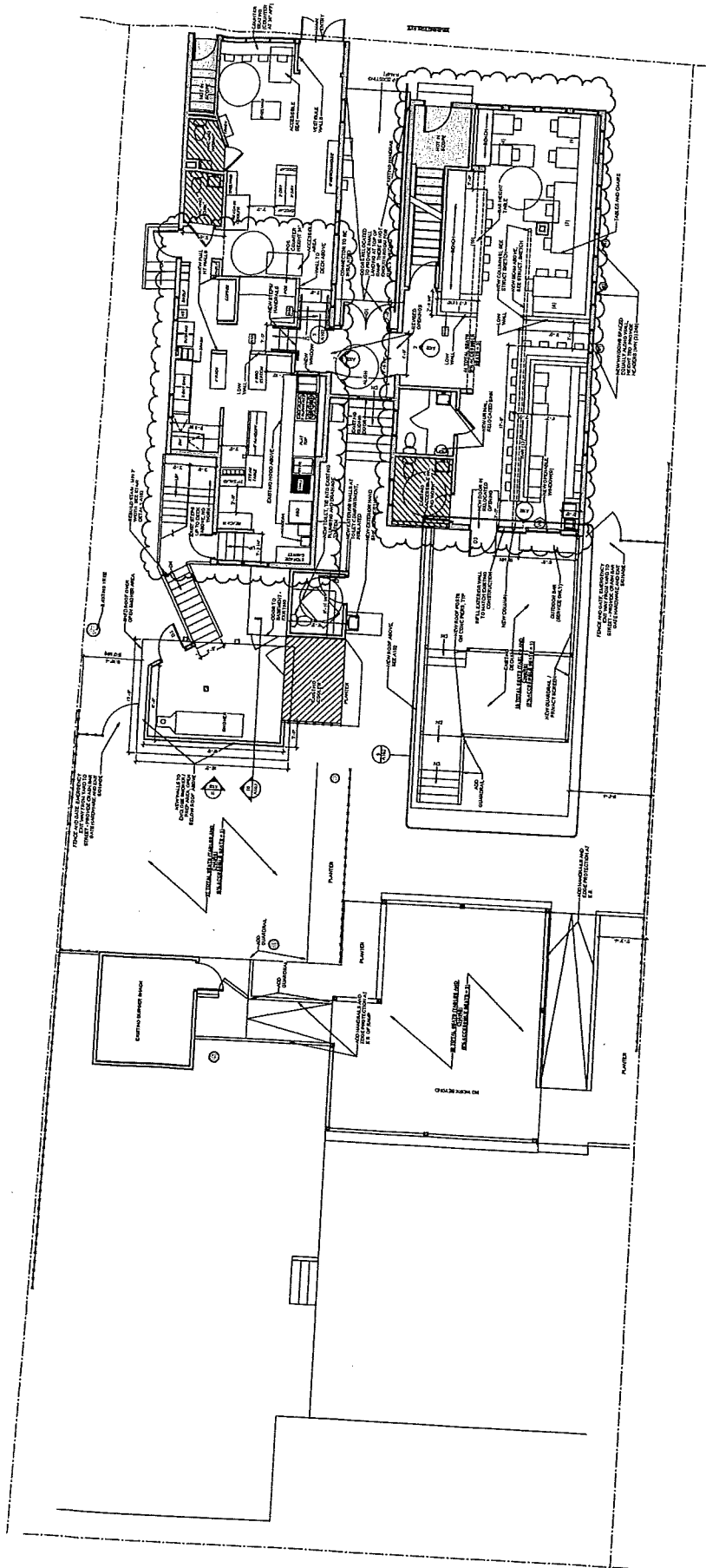
In an effort to clearly define your license premise and the area that consumption and storage of liquor is allowed. The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

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.**



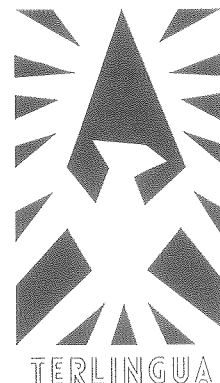
[illegible]

Diagram for Outdoor Dining



DINNER

SUNDAY-THURSDAY 5-9 | FRIDAY & SATURDAY 5-10



STARTERS

SALSA ROJA & TORTILLA CHIPS

GUACAMOLE

avocado, tomato, onion, lime, corn tortilla chips

CEVICHE

daily seafood, cucumber, Maine kelp, citrus, ginger, hibiscus

DEVEILED EGGS* (3 halves)

house smoked seafood, chile oil, green olive

LEAF LETTUCE SALAD

avocado, grapefruit, radish, sesame, oregano

BRISKET BURNT END

spicy fresno sauce, mushroom escabeche

GARLIC & PEANUT CRUSTED RIBS

coffee-agave bbq sauce, chipotle, scallions

SOUP | CHILI

TORTILLA SOUP *(small bowl / entree size)*

chicken, tomato, jack cheese, cilantro, served w/ Montecito tortilla chips

RED CHILI WITH SMOKED BRISKET

white onion, farmer's cheese, served w/ flour tortillas

GREEN CHILI WITH SMOKED PORK

corn, potatoes, farmer's cheese, served w/ flour tortillas

TERLINGUA BARBECUE BOARD

A rotating combination of house smoked meats, jalapeño cornbread, pickles, slaw & chef's daily side

STREET TACOS | ENCHILADAS

SMOKED BRISKET TACOS

grilled onion, chihuahua cheese, salsa roja, flour tortillas

BAJA FISH TACOS

beer-battered haddock, cabbage, crema, sriracha, flour tortillas

ENCHILADAS SUIZAS

creamy tomatillo sauce, potato, avocado, corn salsa, corn tortillas

BUILD YOUR OWN TACO BOARD

PORK CARNITAS *for one | for two*

salsa verde, guacamole, cilantro, cotija, corn or flour tortillas

SIDES

HOUSE SLAW

shredded cabbage, carrots, kale, broccoli

SLOW-COOKED COLLARDS

pork belly

ROSADO BEANS

pork belly

CAULIFLOWER SKILLET

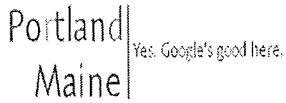
poblano cheese sauce

JALAPENO CORNBREAD

honey butter

Our kitchen is happy to accommodate vegetarian, vegan and dietary requests to the best of our ability. Let us know if you have any dietary restrictions.

**This food is or may be served raw or undercooked or may contain raw or under cooked foods. Consumption of this food may increase the risk of food borne illnesses. Please check with your physician if you have any questions about consuming raw or undercooked foods.*



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Terlingua

Glen McGary <glenm@portlandmaine.gov>
To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Tue, Apr 7, 2020 at 12:29 PM

PPD approves.

On Tue, Apr 7, 2020 at 10:06 AM Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:
Good Morning

Please see the attached application. This for a Class I with Private Outdoor Dining. This will need to go before council. Please advise. Jessica

Jessica Blais Hanscombe
Licensing and Housing Safety Manager
City of Portland
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

April 10, 2020

El Luchador Holdings LLC
40 Washington Ave
Portland ME 04101

Re: El Luchador Holdings LLC dba Terlingua. Application for a Class I FSE with Outdoor Dining on Private Property at 40 Washington Avenue.

Dear Pliny Reynolds

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday April 27, 2020 at 5:30 p.m.**, for the review of application for a Class I FSE with Outdoor Dining on Private Property at 40 Washington Avenue. The meeting will take place in Council Chambers on the 2nd 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.

Sincerely,

Jessica Hanscombe
Licensing and Housing Safety Manager

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on April 27, 2020 at 5:30 P.M., in City Council Chambers, 389 Congress St., El Luchador Holdings LLC dba Terlingua. Application for a Class I FSE with Outdoor Dining on Private Property at 40 Washington Avenue. Sponsored by Jon P. Jennings, City Manager.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: April 10, 2020

SUBJECT: Order 166-19/20 Approving Definitive Brewing Company LLC dba Definitive Brewing Co. Application for a Class A Lounge with Indoor Entertainment and Outdoor Dining on Private Property at 35 Industrial Way - 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

Definitive Brewing Company LLC dba Definitive Brewing Co. Application for a Class A Lounge with Indoor Entertainment and Outdoor Dining on Private Property at 35 Industrial Way.

Application was filed on 4/3/2020. New City and State applications. The applicant currently holds a Brewery license. The applicant is requesting, and the City Council may condition the license, to only allow for the sale of beer and wine per 28-A M.R.S. Sec. 1011, 1-A.

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. Definitive Brewing
2. 20200410112240520
3. Definitive Brewing Company Memo (1)

Prepared by:

Date: 4/10/2020

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:

Definitive Brewing Company LLC dba Definitive Brewing Co. Application for a Class A Lounge with Indoor Entertainment and Outdoor Dining on Private Property at 35 Industrial Way.



March 30, 2020

Mayor Kate Snyder and Portland City Council
389 Congress Street
Portland, ME 04101

Re: Application for City Food Service Establishment with Alcoholic Beverages License – Class “A” Lounge (Class X) – Definitive Brewing Company, LLC (the “Company”)

Dear Mayor Snyder and Members of the Portland City Council:

I am writing to inform you that the Company intends to apply for, and to receive, a City Food Service Establishment with Alcoholic Beverages License at the Company’s place of business, which is located at 35 Industrial Way. The Company also intends to apply for, and to receive, a State On-Premises Retail Liquor License in connection with the above-referenced local liquor license.

In addition, by way of background, the Company currently holds the following state and local licenses with respect to the manufacture and sale of alcoholic beverages: (1) State Small Brewery License, (2) City Tasting Room License, (3) City Combined Entertainment License, and (4) City Outdoor Dining Permit on Private Property. The Company recently submitted separate applications to renew such licenses.

The Company plans to apply for the above-referenced state and local liquor licenses with a class and type designation as a “Class ‘A’ Lounge (Class X)” based upon a recent change to the state liquor laws that now allows municipalities, such as the City of Portland, to approve a local liquor license, and/or to approve the issuance of a state liquor license, with a class and type designation as a “Class ‘A’ Lounge (Class X)” subject to a condition that limits the types of alcoholic beverages (*e.g.*, beer, wine, and distilled spirits) that a licensee may sell at the licensee’s place of business for on-premises consumption.

Here, the Company expects that your anticipated approval of the above-referenced state and local liquor license applications will be subject to the condition that the Company may sell only beer, wine, and cider at the Company’s place of business for on-premises consumption. In other words, the Company would not be allowed to sell distilled spirits at the Company’s place of business for on-premises consumption.

The Company plans to continue to sell its own beer for on-premises consumption and off-premises consumption, and to sell other manufacturers’ beer, wine, and cider for on-premises consumption. The Company also plans to sell limited food offerings, as required by applicable state and local law. The Company’s food menu will include a variety of snacks.

Accordingly, please find enclosed for your review, consideration, and anticipated approval the following documents in connection with the application for the City Food Service Establishment with Alcoholic Beverages License, together with the applications for the related state and local licenses and permits:

1. Application for City Food Service Establishment with Alcoholic Beverages License – Class “A” Lounge (Class X)
 - (a) Diagram of Brewery Premises and Retail Premises

- (b) Lease Agreement
- (c) Food Menu
- (d) Payment of Fees – New Application (\$45.00), Health Inspection (\$150.00), Criminal History Check (\$21.00/person), Class “A” Lounge (Class X) (\$2,774.00), Legal Advertisement Deposit (\$100.00), and Combined Entertainment (\$800.00)

2. Application for State On-Premises Retail Liquor License – Class “A” Lounge (Class X)

- (a) Diagram of Brewery Premises and Retail Premises
- (b) Corporate Information Supplemental Form – Definitive Brewing Company, LLC
- (c) Payment of Fees – Filing Fee (\$10.00), Class “A Lounge (Class X) (\$2,200.00)

Thank you very much for your time and consideration, and we very much look forward to receiving your anticipated approval of the enclosed license and permit applications.

Sincerely,



Michael Rankin, President of Definitive Brewing Company, LLC



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

Business Information			
Business Name (d/b/a):	Definitive Brewing Company, LLC	Phone:	207-536-1288
Location Address:	35 Industrial Way, Portland, ME 04103		
If new, what was formerly at this location:			
Mailing Address:	35 Industrial Way, Portland, ME	Zip:	04103
Contact Person:	Michael Rankin	Phone:	207-446-4746
Contact Person Email:	mrankin@definitivebrewing.com		
Manager of Establishment:	Michael Rankin	Date of Birth:	11/21/89
		Phone:	207-446-4746
Owner of Premises (Landlord):	Future Holdings		
Address of Premises Owner:	35 Industrial Way, Portland, ME	Zip:	04103

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

Name of Owner(s)	Date of Birth	Residence Address

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

Corporate Name		Corporate Mailing Address	
Definitive Brewing Company, LLC		35 Industrial Way, Portland, ME	Zip: 04103
Contact Person:	Michael Rankin	Phone:	207-446-4746
Principal Officers			
Title	Date of Birth	Residence Address	
Michael Rankin	President	11/21/89	487 Gray Road, North Yarmouth, ME 04097
Michael Herrick	Chief Operating Officer	02/23/61	9 Daniel Finn Circle, Billerica, MA 01821
Josh Roberts	Chief Financial Officer	06/13/79	360 Willey Point Road, Oakland, ME 04963
Class of Liquor License:		Class X - Class A Lounge	



CITY OF PORTLAND
Permitting and Inspections Department

Type of food served:	Snacks		
Please circle all that will be served:	Beer X Wine X Liquor		
Projected percentage of sales:	Generated from Food: 5%	Generated from Alcohol: 95%	
Hours & days of operation:	M, Tu, W: 1:00 P.M. - 7:00 P.M.; Th: 1:00 P.M. - 8:00 P.M.; Fr, Sa: 12:00 P.M. - 8:00 P.M.; Su: 12:00 P.M. - 6:00 P.M.		
QUESTIONS			
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?			Y/N
If No, please explain: N/A			Y/[N]
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?			Y/[N]
If yes, give the distance:			
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)			[Y]/N
Will you permit dancing after 1:00 a.m.?			Y/[N]
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).			[Y]/N
Will you have any amusement devices (pinball, video games, juke box)?			Y/[N]
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____			
What is your targeted opening date? N/A - License Renewal/Change of Liquor License Classification			
Does the Issuance of this license directly or indirectly benefit any City employee(s)?			Y/[N]
If Yes, list name(s) of employee(s) and department(s):			
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?			Y/[N]
If Yes, please list business name(s) and location(s):			
Is any principal officer under the age of 21?			Y/[N]
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?			Y/[N]
If Yes, please explain:			

I, Michael Rankin 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 Michael Rankin Title President Date 3/30/20



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) *N/A*
 - 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

Business Information	
Business Name (d/b/a):	DEFINITIVE BREWING COMPANY, LLC
Location Address:	35 INDUSTRIAL WAY, PORTLAND, ME
Owner Name:	JOSH ROBERTS
Owner Email:	JROBERTS@DEFINITIVEBREWING.COM
Contact Person responsible for Entertainment:	MIKE RANKIN
Contact Person Email:	MRANKIN@DEFINITIVEBREWING.COM
Manager of Establishment:	MIKE RANKIN
Manager Email:	MRANKIN@DEFINITIVEBREWING.COM

About Your Establishment

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

BREWERY AND TASTING WITH PERIODIC LIVE MUSIC (APPROX 6X PER YEAR), MUSIC PLAYING IN TASTING ROOM TYPICALLY.

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 CFO Date 3/30/2020

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

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

bl@portlandmaine.gov • www.portlandmaine.gov



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

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

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

Business Information			
Business Name (d/b/a):	Definitive Brewing Company	Phone:	207-536-1288
Location Address:	35 Industrial Way Portland, ME		Zip: 04103
Mailing Address:	35 Industrial Way Portland, ME		Zip: 04103
Contact Person:	Michael Rankin	Phone:	207-446-4746
Contact Person Email:	mrankin@definitivebrewing.com		
Manager of Establishment:	Michael Rankin	Date of Birth: 11/21/89	Phone: 207-446-4746
Owner of Premises (Landlord):	Future Holdings		
Address of Premises Owner:	35 Industrial Way Portland, ME		Zip: 04103

Owner Information

Corporate Name		Corporate Mailing Address	
Definitive Brewing Company, LLC		35 Industrial Way Portland, ME Zip: 04103	
Contact Person:	Michael Rankin	Phone:	207-446-4746
Principal Officers			
	Title	Date of Birth	Residence Address
Michael Rankin	President	11/21/89	487 Gray Road, North Yarmouth, ME 04097
Michael Herrick	Chief Operating Officer	02/23/61	9 Daniel Finn Circle, Billerica, MA 01821
Josh Roberts	Chief Financial Officer	06/13/79	360 Willey Point Road, Oakland, ME 04963



CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	Class X - Class A Lounge
Type of food served:	Snacks
Please circle all that will be served:	Beer X Wine X Liquor
Hours & days of operation:	M, Tu, W: 1:00 P.M. - 7:00 P.M.; Th: 1:00 P.M. - 8:00 P.M.; Fr, Sa: 12:00 P.M. - 8:00 P.M.; Su: 12:00 P.M. - 6:00 P.M.
Number of Tables	7 picnic tables
Number of Chairs	none - picnic tables only

Design and Construction

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

Maintenance and Operations

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

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

Signature  Title President Date 4/3/20

For Administrative Use Only

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



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

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS: Yes ☐ No ☐	

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

Legal Business Entity Applicant Name (corporation, LLC): Definitive Brewing Company, LLC	Business Name (D/B/A):
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 35 Industrial Way, Portland, ME 04103
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address:	Email Address: mrankin@definitivebrewing.com
Telephone # Fax #:	Business Telephone # Fax #: 207-536-1288 N/A
Federal Tax Identification Number: 82-3150892	Maine Seller Certificate # or Sales Tax #: 1189561
Retail Beverage Alcohol Dealers Permit: Not Required (per Mr. Larry Sanborn)	Website address: www.definitivebrewing.com

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:

5. Business records are located at the following address:

35 Industrial Way, Portland, ME 04103

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
Definitive Brewing Company, LLC	SMB-2018-10846	35 Industrial Way, Portland, ME 04103

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
Definitive Brewing Company, LLC	10/19/2017	Portland, ME

Residence address on all the above for previous 5 years

Name	Address:
Definitive Brewing Company, LLC	35 Industrial Way, Portland, ME 04103
Name	Address:
Name	Address:
Name	Address:

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:

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 licensed premises consist of the brewery's tasting room, as described more fully in the diagram attached hereto.

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: Riverton Elementary School

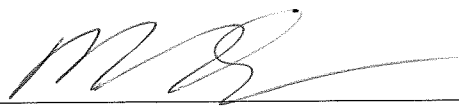
Distance: 1

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: 3/30/20



Signature of Duly Authorized Person*

Signature of Duly Authorized Person*

Michael Rankin, Chief Executive Officer

Printed Name Duly Authorized Person

Printed Name of Duly Authorized Person

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

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: Definitive Brewing Company, LLC (Continued)
2. Doing Business As, if any: _____
3. Date of filing with Secretary of State: 10/19/2017 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
Please see attached.				

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

DEFINITIVE BREWING COMPANY, LLC

Application for an On-Premises License:

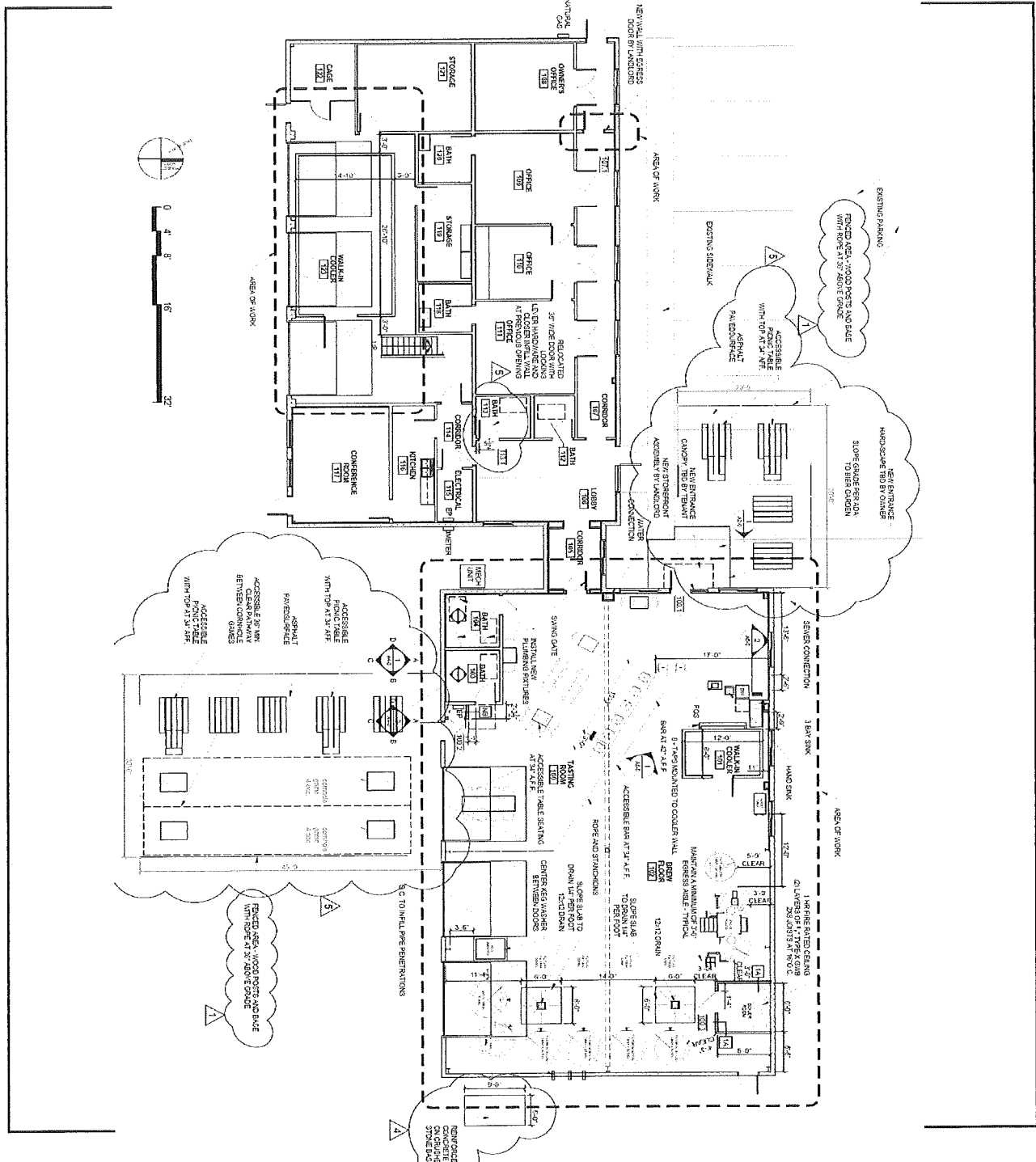
Attachment to Section VII – Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Name	Address (5 years)	Date of Birth	Title	Percentage of Ownership
Michael Herrick	9 Daniel Finn Circle Billerica, MA 01821	02/23/61	Member	25.30%
Michael Rankin	487 Gray Road North Yarmouth, ME 04097	11/21/89	Member	14.00%
Wayne Rankin	401 Sorrento Ranches Drive Nokomis, FL 34275	10/14/33	Member	8.85%
Gerrie Rankin	401 Sorrento Ranches Drive Nokomis, FL 34275	12/21/33	Member	8.85%
Josh Roberts	360 Willey Point Road Oakland, ME 04963	06/13/79	Member	8.85%
Dylan Webber	15 Mechanic Street Westbrook, ME 04092	04/19/90	Member	9.65%
Wayde Rankin	23 Williamson Road Manchester, ME 04351	11/15/59	Member	4.90%
Donna Davis-Rankin	23 Williamson Road Manchester, ME 04351	01/08/62	Member	4.90%
David Connaughton	115 Walnut Street, Unit 1 Brookline, MA 02445	06/22/85	Member	4.75%
Walter White	400 Dale Street North Andover, MA 01845	12/15/61	Member	4.90%
Karen Melecha	35 Williamson Road Manchester, ME 04351	08/28/55	Member	5.05%
Total				<u>100.00%</u>

Section VI Premises Floor Plan

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

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





DEFINITIVE BREWING COMPANY
35 INDUSTRIAL WAY
PORTLAND MAINE

RYAN SENATORE
ARCHITECTURE
840 CORCORAN STREET
PORTLAND, MAINE 04107
508/833-2222
senatore@ryansenatore.com

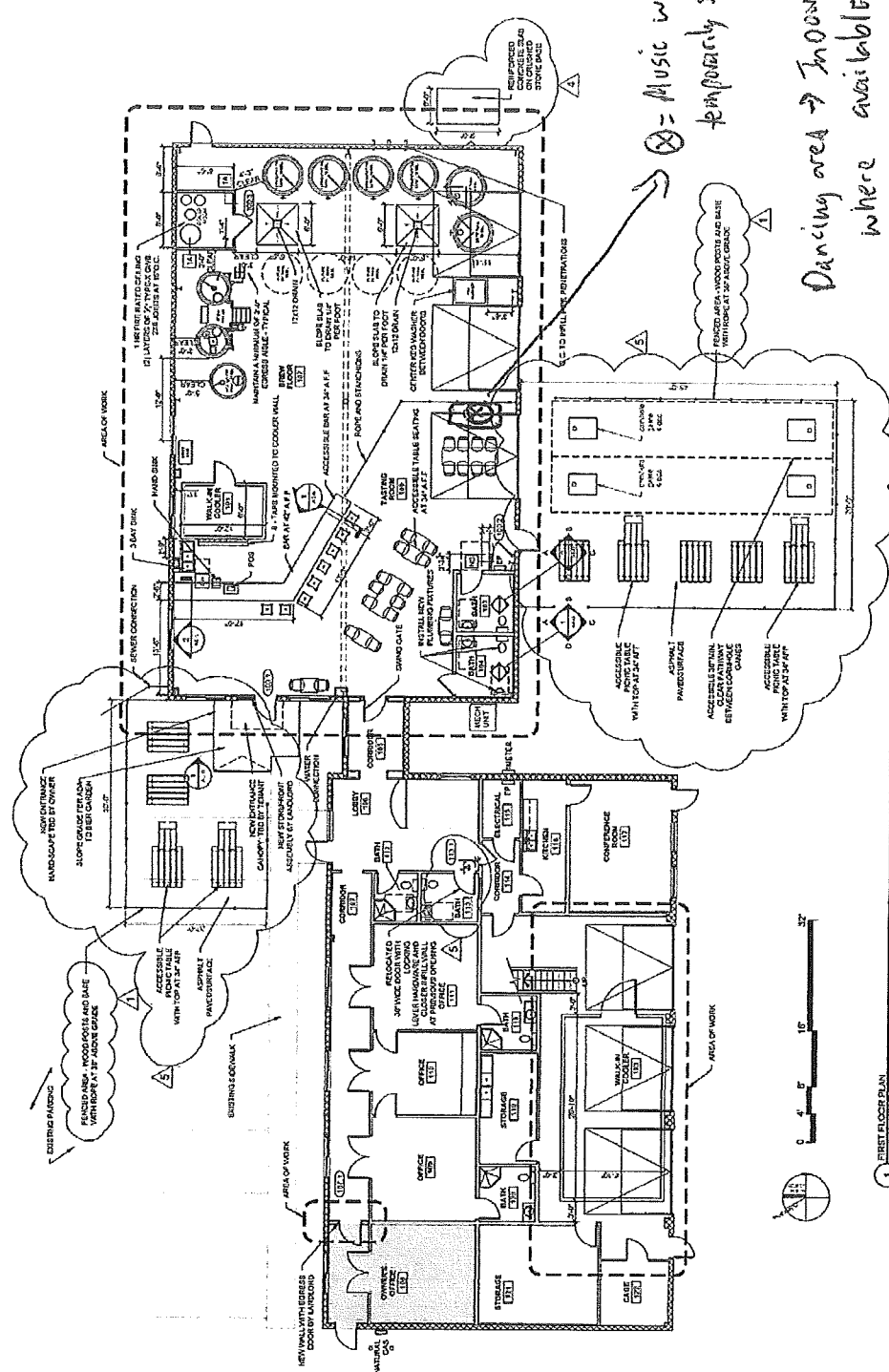
- REVISED - 6/15/18
- REVISED - 6/15/18
- REVISED - 6/17/18
- REVISED - 6/20/18
- REVISED - 6/27/18

DATE	MARCH 19 2310
DIRECTOR	WFE
MAN BY	SPF
BOOKED BY	RJS
FILE	AS NOTED

UNIT FILE
FIRST FLOOR
AN

A10-

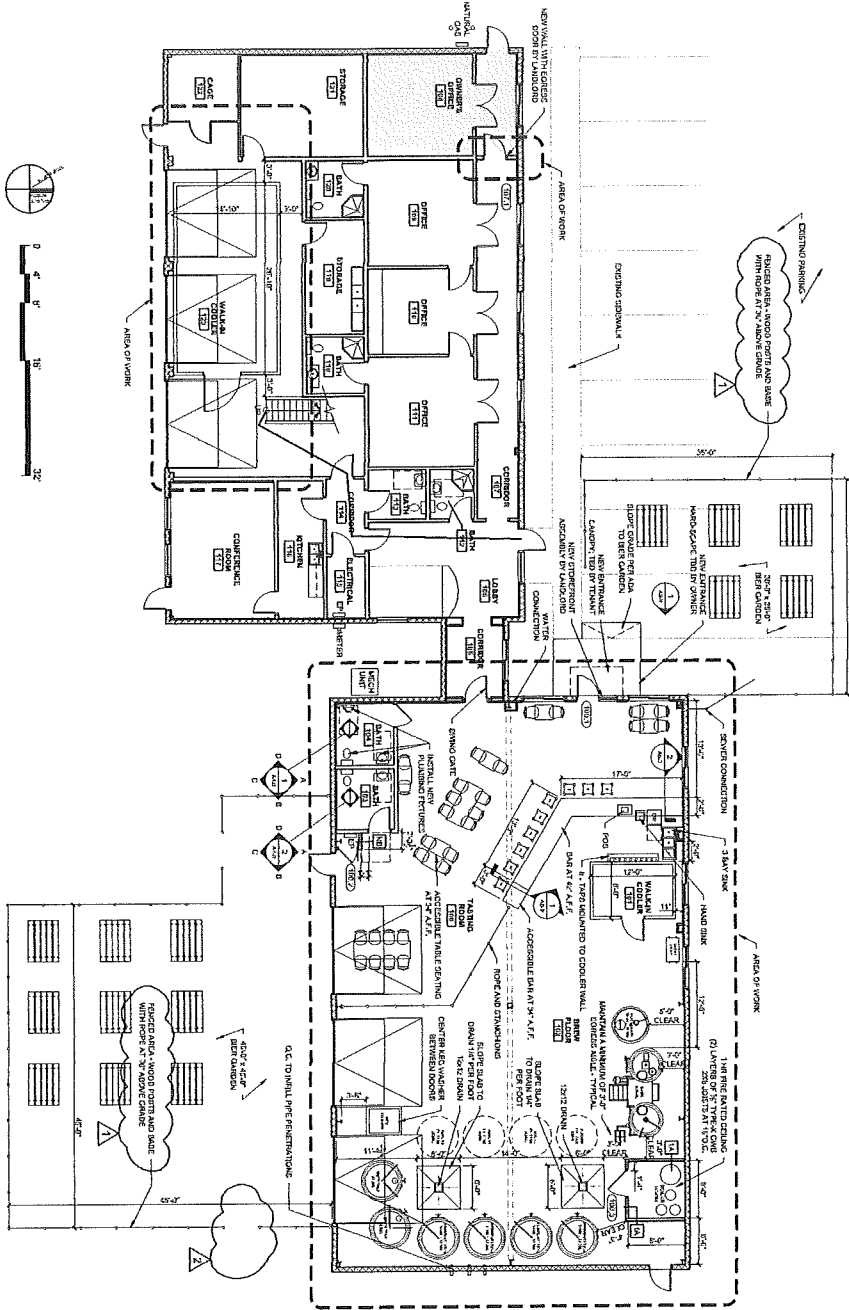
WALL LEGEND



⊗ = Music would be temporarily set up here

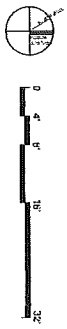
Dancing area → In ours space where available.

1
FIRST FLOOR PLAN
DATE: 1-47



WALL LEGEND	
	EXISTING WALL
	NEW WALL

1 FIRST FLOOR PLAN



A1-0

DATE:	DECEMBER 14, 2017
PROJECT NO.:	1772
DRAWN BY:	JST
CHECKED BY:	R.S.
SCALE:	AS NOTED
SHEET TITLE:	FIRST FLOOR PLAN

REVISIONS:	
Δ - REVISION 01/12/18	
Δ - REVISION 01/12/18	
Δ - REVISION 01/12/18	

RS&A
 RICHARD S. ANDERSON
 ARCHITECTURE
 100 COMMERCE STREET
 PORTLAND, MAINE 04101
 TEL: 603.771.1111
 WWW.RSANDARCHITECTURE.COM

DEFINITIVE BREWING COMPANY
 35 INDUSTRIAL WAY
 PORTLAND MAINE

0.0017 PAIN SQUAD
 ARCHITECTURE
 100 COMMERCE STREET
 PORTLAND, MAINE 04101
 TEL: 603.771.1111
 WWW.PAIN-SQUAD.COM

DBC EATS

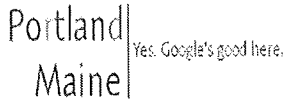
Fox Family Potato Chips \$2

Pub Mix \$5

Seltzer \$2

Maine Mist Watah \$2

Cold Brew Coffee Can \$5



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Definitive Brewing Company

Glen McGary <glenm@portlandmaine.gov>

Tue, Apr 7, 2020 at 12:30 PM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

PPD approves

On Tue, Apr 7, 2020 at 9:27 AM Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Morning

Please see the attached application for a Class A Lounge with beer and wine only. This is an upgrade from their Brewery license. This will need to go before council. Please advise. Jessica

Jessica Blais Hanscombe
Licensing and Housing Safety Manager
City of Portland
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



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 04103

Transaction Response #: MIQ99E333884

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2020-04-03) :

Inquiries Name(s) MICHAEL HERRICK (1961-02-23)

NO MATCH WAS FOUND FOR YOUR REQUEST.



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 04103

Transaction Response #: MIQ99E333882

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2020-04-03) :

Inquiries Name(s) JOSH ROBERTS (1979-06-13)

NO MATCH WAS FOUND FOR YOUR REQUEST.



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 04103

Transaction Response #: MIQ99E333880

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2020-04-03) :

Inquiries Name(s) MICHAEL RANKIN (1989-11-21)

NO MATCH WAS FOUND FOR YOUR REQUEST.

CITY OF PORTLAND
Permitting and Inspections Department

April 10, 2020

Definitive Brewing
35 Industrial Way
Portland ME 04103

Re: Definitive Brewing Company LLC dba Definitive Brewing Co. Application for a Class A Lounge with Indoor Entertainment and Outdoor Dining on Private Property at 35 Industrial Way.

Dear Mike Rankin

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday April 27, 2020 at 5:30 p.m.**, for the review of application for a Class A Lounge with Indoor Entertainment and Outdoor Dining on Private Property at 35 Industrial Way. The meeting will take place in Council Chambers on the 2nd 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.

Sincerely,

Jessica Hanscombe
Licensing and Housing Safety Manager

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on April 27, 2020 at 5:30 P.M., in City Council Chambers, 389 Congress St Definitive Brewing Company LLC dba Definitive Brewing Co. Application for a Class A Lounge with Indoor Entertainment and Outdoor Dining on Private Property at 35 Industrial Way. Sponsored by Jon P. Jennings, City Manager.



CITY OF PORTLAND
Permitting and Inspections Department

Ann Machado, Zoning Administrator

TO: Mayor Snyder, Jon Jennings and the City Council
FROM: Ann Machado, Zoning Administrator
SUBJECT: Alcoholic Beverage License – Definitive Brewing Company
DATE: April 16, 2020

The applicant, Definitive Brewing Company, is applying for a Class A Lounge (Class X) license with the condition that the license only allow for the sale of beer and wine. Currently Definitive Brewing Company is serving beer under a brewery license granted by the City Council on 9/5/2018. The Zoning Division cannot approve a Class A Lounge (Class X) license because a “drinking establishment” is not a permitted use in the I-M Industrial Zone. If the City Council grants the Class A Lounge (Class X) license with the condition that Definitive Brewing Company can only serve beer and wine on the premise, then the Zoning Division would be able to approve the license.

Ann B. Machado
Zoning Administrator
Permitting and Inspections Department
City of Portland, Maine

MEMORANDUM
City Council Agenda Item

FROM:

DATE: April 16, 2020

SUBJECT: Resolution 11-19/20 Calling on the Legislature to Pass LD 433, the Maine Equal Rights Amendment - Sponsored by Mayor Kate Snyder

SPONSOR: Mayor Kate Snyder

(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

PRESENTATION:

I. SUMMARY

II. AGENDA DESCRIPTION

This resolution calls on the Maine Legislature to pass LD 433, the Maine Equal Rights Amendment, which reads simply, "Equality of rights under the law may not be denied or abridged by the State or any political subdivision of the State based on the sex of an individual. The Legislature has the power to enforce this section by appropriate legislation."

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

1. Maine ERA Resolution 3.10.2020

Prepared by:

Date: 4/16/2020

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)

**RESOLUTION CALLING ON THE LEGISLATURE
TO PASS LD 433, THE MAINE EQUAL RIGHTS AMENDMENT**

WHEREAS, at the State of Maine's founding women were not recognized as citizens under the new Constitution and were unable to vote; and

WHEREAS, it was not until one hundred years after Maine became a state that women earned the right to vote upon the ratification of the 19th Amendment; and

WHEREAS, in 1924 many Native Americans were granted citizenship, without which they could not exercise the right to vote, but despite that Native American women were denied the exercise of that right for many years; and

WHEREAS, it would not be until 1964 when the Civil Rights Act was approved that many women of color were able to vote, despite the constitutional amendment that gave them that right; and

WHEREAS, the right to vote remains women's only constitutionally protected right, in Maine and nationally; and

WHEREAS, all other rights that women have won have come as a result of legislation, legal decisions, or regulation, and those rights are more easily reversed; and

WHEREAS, Maine's legislature ratified the federal Equal Rights Amendment in a bipartisan vote in 1974; and

WHEREAS, there exists no language in Maine's Constitution prohibiting discrimination on the basis of sex; and

WHEREAS, the final decision of whether to amend Maine's Constitution is not in the hands of the legislature, but of the voters; and

WHEREAS, an amendment passed in this session can be on the ballot on November 3, 2020;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Portland City Council, recognizing Maine's bicentennial year and the centennial of woman suffrage, call on the Maine State Legislature to pass LD 433, the Maine Equal Rights Amendment to the Maine Constitution, which reads simply, "Equality of rights under the law may not be denied or abridged by the State or any political subdivision of the State based on the sex of an individual. The Legislature has the power to enforce this section by appropriate legislation."

MEMORANDUM
City Council Agenda Item

FROM: Mary Davis, Division Director

DATE: April 13, 2020

SUBJECT: **Resolution 12-19/20 Adopting the Fiscal Year 2021 Annual Action Plan Including Appropriations for Community Development Block Grant Program, HOME Program, and Emergency Solutions Grant Program and Certifications Pertaining Thereto - 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 4/27/2020

Final Action 5/4/2020

Can action be taken at a later date: No (If no why not?) No. A public notice indicating the day/time of the public hearing is required and was published.

PRESENTATION: (List the presenter(s), type and length of presentation) The Chair of the CDBG Allocation Committee will present the Allocation Committee's recommendations. HCD staff are available for questions.

I. SUMMARY

This Resolution adopts the fiscal year 2021 HUD Annual Action Plan and appropriates funds to the identified programs utilizing CDBG, HOME, ESG and other local resources.

II. AGENDA DESCRIPTION

The 2020/2021 Housing and Community Development Program Annual Action Plan reports to the U.S. Department of Housing and Urban Development (HUD) a total estimated budget of \$5,382,357 funded by a Community Development Block Grant (CDBG) of \$1,933,057, \$120,000 in TIF funding, \$20,000 in Cotton Street proceeds, \$174,588 in CDBG Housing Program Income; a HOME Consortium Program Grant of \$1,053,258; HOME Program Income of \$75,000; HOME Program Recapture Funds of \$75,000; Lead Safe Housing Program Income of \$197,871; local Housing Trust Funds of \$1,567,200; and an Emergency Solutions Grant (ESG) of \$166,383.

The CDBG Allocation Committee, appointed by the City Council, reviewed each application and made funding recommendations which will be presented to the Council. The City Manager reviewed the Committee's recommendations and submitted his funding recommendations to the City Council.

The City's public participation process requires two public hearings to consider the City's Housing and Community Development Program proposal. The hearings allow the public to comment on the City's Consolidated Annual Action Plan.

Please contact the following person to request an interpreter or accommodation for the meeting: Kelley Walsh, kwash@portlandmaine.gov, 207-874-8731.

Fadlan la xiriir qofkan hoose si aad u condsato turjumaan ama tixgelin xiliga shirka: Kelley

Walsh, kwalsh@portlandmaine.gov, 207-874-8731.

Por favor entre em contato com a seguinte pessoa para solicitar um intérprete ou acomodação para a reunião:
Kelley Walsh, kwalsh@portlandmaine.gov, 207-874-8731.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Approval of the FY2021 Allocation of Housing and Community Development Program Resources - CDBG, HOME, ESG and other local resources.

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. Resolve CDBG Annual Action Plan for FY 2020-2021 3.30.2020
2. 1. Memo to Council budget 20-21
3. 2.0 City Manager Recommendation Letter 2020 Rev 04.10.2020
4. 2.1 CM Recommendations Rev 4.10.2020 Allocation Committee DA and SS allocations
5. 3. Memo budget and cap calculations 2020-2021
6. 4. Allocation Committee's recommendation to City Manager
7. 5. Annual Allocation Committee recommendation
8. 6. History of CDBG Attachment to Council Memo 19-20
9. 7. Housing Program Budget Memo 03.30.2020
10. 8. Proposed 20-21 ESG Budget DRAFT

Prepared by:

Mary Davis, Division Director

Date: 4/13/2020

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

CITY OF PORTLAND
IN THE CITY COUNCIL

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

**RESOLUTION ADOPTING THE FISCAL YEAR 2021 ANNUAL ACTION PLAN
INCLUDING APPROPRIATIONS FOR COMMUNITY DEVELOPMENT BLOCK
GRANT PROGRAM, HOME PROGRAM, AND EMERGENCY SOLUTIONS GRANT
PROGRAM AND CERTIFICATIONS PERTAINING THERETO**

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

WHEREAS, annual activities for the Consolidated Housing and Community Development Annual Action Plan have been recommended; and

WHEREAS, the City of Portland is anticipating an allocation from the United States Department of Housing and Urban Development (HUD) of \$1,933,057 of Community Development Block Grant (“CDBG”) Entitlement Funds, for the program year 2020-2021 under Title I of the Housing and Community Development Act of 1974 (Public Law 93-383) as amended from time to time; and the City has also received Community Development funds in the amount of \$174,588 in Housing Program Income, along with \$20,000 in Cotton Street Proceeds, which is subject to the same regulations as the entitlement funds; and \$120,000 in TIF funds; a HOME Program Grant allocation of \$1,053,258, HOME Program income of \$75,000, HOME Recaptured Funds of \$75,000; Lead Safe Housing Program Income of \$197,871; local Housing Trust Funds of \$1,567,200; and \$166,383 of Emergency Shelter Grant funds; and

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

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Portland, Maine, hereby adopts the FY 2020-2021 Consolidated Housing and Community Development Annual Action Plan; and the sums of \$1,933,057 for the Community Development Block Grant Program, plus \$174,588 CDBG Housing Program Income; \$20,000 in Cotton Street Proceeds; \$120,000 in TIF funds; \$1,203,258 in HOME Program funding, \$197,871 in Lead Safe Housing Program Income, \$1,567,200 in local Housing Trust Funds and \$166,383 for the Emergency Shelter Grant Program are hereby appropriated for the purposes approved in the attached Plan and budgets as provided in the Attached Exhibit A; and

BE IT FURTHER RESOLVED, that the City of Portland, Maine, possesses legal authority to apply for the above referenced Community Development Block Grant Program Funds, HOME Program funds and Emergency Shelter Grant Program funds for the Program Year 2020-2021; and

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

- 1) Apply for, accept and expend the Community Development Block Grant Entitlement Funds of \$1,933,057 and to expend \$174,588 in CDBG housing program income funds, \$120,000 in TIF, and \$20,000 in Cotton Street proceeds; \$1,053,258 of HOME Program funds and to expend \$75,000 of program income and \$75,000 of recaptured funds for a total of \$1,203,258; \$197,871 in Lead Safe Housing program income; \$1,567,200 in local Housing Trust Funds; and \$166,383 of Emergency Shelter Grant funds; and
- 2) Officially represent the City of Portland, Maine, in connection with the application, including the execution of contracts on behalf of the City; and
- 3) Act as the certifying officer for HUD environmental documents related to these grants and to execute said documents and any other related documents necessary or convenient to carry out the intent of said grants; and

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

BE IT FURTHER RESOLVED, that the foregoing FY 2020-2021 Housing and Community Development Annual Action Plan funds are hereby appropriated pursuant to the Budget attached hereto.



Memorandum

Planning and Urban Development Department Housing and Community Development Program

To: Mayor Snyder and the Portland City Council
Cc: Jon P. Jennings, City Manager
Christine Grimando, Planning and Urban Development Director
Mary Davis, Housing and Community Development Director
From: Kelley Walsh, HCD Program Manager
Date: March 31, 2020
Re: HUD's Consolidated Annual Action Plan 2020-2021

The Consolidated Annual Action Plan includes budgets for the Community Development Block Grant, HOME Program and the Emergency Solutions Grant. The total amount of funding the City of Portland is expected to allocate for the Consolidated Annual Action Plan is \$5,382,357, which includes allocations from the Department of Housing and Urban Development, program income, and our local funding sources, detailed below:

1. CDBG	\$ 1,933,057	HUD Allocation 2020-2021
	\$ 8,585	CDBG Housing Program income for Administration
	\$ 0	CDBG Program Income
	\$ 120,000*	TIF Funds for Development Activities (\$90,000) and Administration (\$30,000)
	\$ 20,000*	Cotton Street Proceeds for Social Service Activities
	\$ 0	CDBG Reprogrammed Funds
	\$ 2,081,642	Total Expected CDBG funds to Allocate for 2020-2021

CDBG Funds by Category for HUD Budget(does not include TIF & Cotton St proceeds)*

\$ 395,196	Administration and Planning
\$ 644,347	Social Services
<u>\$ 902,098</u>	Development Activity
\$1,941,641	

Attachments: (1a) CDBG recommendation letter from the City Manager; (1b) Staff Memo to City Manager, (1c) Recommendation Letter from the CDBG Allocation Committee; and (1d) Spreadsheet summarizing the recommendations of the Allocation Committee and City Manager; (1e) Overview of Portland's CDBG program

2. HOME	\$ 1,053,258	HUD Allocation 2020-2021
	\$ 75,000	Estimated HOME Program Income 2019-2020
	<u>\$ 75,000</u>	Estimated HOME Recaptured Funds 2019-2020
	\$ 1,203,258	Total Estimated HOME funds to Allocate for 2020-2021

Other Housing Funding

CDBG	\$ 166,003	CDBG Housing Program Income Funds
LEAD	\$ 197,871	Lead Safe Housing Program Income Funds
Trust	<u>\$ 1,567,200</u>	Local Housing Trust Funds
	\$ 1,931,074	

Attached you will find a Memo to the Mayor and City Council from Mary Davis explaining the Housing Budget (2 Housing Budget).

3. Emergency Solutions Grant:	
\$166,383	HUD Allocation 2020-2021

Attached you will find the proposed Emergency Solutions Grant budget (3 ESG Budget).



CITY OF PORTLAND
Executive Department
Jon P. Jennings, City Manager

April 10, 2020

Members of the Portland City Council:

I am pleased to submit to you my recommendations for the Community Development Block Grant (CDBG) Program for the fiscal year beginning July 1, 2020 to June 30, 2021.

I would like to commend the CDBG Allocation Committee on their hard work and dedication to the City's Community Development Program. I have reviewed the Allocation Committee's recommendations and I acknowledge the difficult scoring decisions that were made by the Committee. This year, I reviewed all of the applications, carefully considered the Allocation Committee's recommendations before forming my recommendations [*City Manager's Recommendations A1*].

As you will see from my recommendations, I have made changes to the Allocation Committee's recommendations that I feel align with the goals and needs of the City. It is my understanding that the U.S. Department of Housing and Urban Development does not want to have the same organizations receive CDBG grant funds on an ongoing basis. I am concerned the same organizations continue to receive funds over multiple years per guidance received in previous years by HUD. I have asked staff in the Housing and Community Development Division to identify program guidelines that closely mirror the requirements by HUD for future allocations. The recommendations below reflect the allocation of the Cotton Street lot proceeds and TIF proceeds that are set aside for allocation by the City Manager.

1) *Social Services.* This year we had a wide array of competitive social service applications. As in past years, there are more deserving applicants than funds available. The City would need more than a half a million dollars in additional funding to fund all of these programs.

I feel strongly that the Portland CDBG Child Care Voucher Collaboration is a vital program that should receive funding. In order to partially fund this program, I reduced funding by ten (10%) percent on all programs except Community Policing, the Wayside Foods Direct Service Program and the Preble Street Food Program, freeing up \$40,600 for the child care voucher program. Fully funding the food programs is consistent with my recommendation from previous years that food security is a basic necessity and integral to services provided to the homeless population. In addition, there is \$20,000 available from the proceeds of the sale of the Cotton Street Lot. It is my recommendation that the City Council allocate \$20,000 of the Cotton Street proceeds to Furniture Friends (total project funding \$22,500) which frees up an additional \$8,279 in CDBG funding for the Portland CDBG Child Care Voucher Collaboration (total project funding \$48,879).

2) *Development Activities.* I was delighted to see that the number of development activity applications almost doubled this year from 11 to 21. These funds play a critical role in the physical infrastructure and the economic development of our city. Again, I reiterate my disappointment that several organizations continue to receive funding

over multiple years for the same programs. I hope more organizations continue to take advantage of this funding opportunity in the future.

TIF funding has very specific allowable uses. By allocating \$90,000 in TIF funding to the DPW Bayside Area Sidewalk project, I am able to utilize CDBG money to help fund \$30,300 for Catherine Morrill's Life Safety Repairs project, \$15,000 for the Maine Irish Heritage Center (MIHC) Upper Sanctuary Accessibility project, \$17,000 for the MIHC Front Stairway Restoration project and \$27,700 in additional funding for the Economic Development Department's Business Assistance Program. Also, I've reduced the total funding to the DPW Bayside Area Sidewalk project by \$50,000 in order to partially fund the First Parish Church accessibility project.

3) *Administration and Planning.* The Planning and Urban Development Department is required to submit a non-competitive application to the Allocation Committee. The Planning and Urban Development Department submitted a request of \$389,184 with the understanding that no more than the HUD imposed administration cap of 20% could be recommended for funding. These funds are used to both administer the program as well as fund long range planning work for the department. The staff have adjusted their budget to \$395,196 to meet the estimated FY20-21 cap; therefore, I am recommending full funding to administer the program.

I thank you for the opportunity to share my recommendations. As I have stated earlier, all of the programs requesting funds are worthy, unfortunately, there is not enough funds to support all of their efforts. I hope you accept my recommendations and join me in commending all of the good work being done in our city.

Sincerely,



Jon P. Jennings
City Manager

Memorandum

Planning and Urban Development Department Housing and Community Development Program



To: City Council
Cc: Christine Grimando, Planning and Urban Development Director
Mary Davis, Housing and Community Development Director
From: Kelley Walsh, HCD Program Manager
Date: March 11, 2020
Subject: 2020-2021 CDBG Budget and Cap Calculations

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

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

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

The budget submitted to HUD in the HCD Annual Action Plan excludes local funding for the purposes of HUD mandated cap calculations. The TIF and Cotton Street funds are excluded from the HUD CDBG budget. The difference in the two budgets will be shown on the HUD's Consolidated Annual Action Plan 2020-2021 memo to the City Council.



CITY OF PORTLAND
Planning & Urban Development Department
Housing and Community Development Division

March 13, 2020

Jon P. Jennings, City
Manager City Hall
389 Congress Street
Portland, Maine 04101

Dear Mr. Jennings,

We are pleased to submit the CDBG Annual Allocation Committee's recommended budget allocations for the Community Development Block Grant (CDBG).

On a national level, HUD has released the 2020-2021 CDBG allocations. The City of Portland allocation is represented in the table below.

CDBG ALLOCATION	Year 46 FY 20-21
Planning and Administration Cap	\$395,196
Social Service Cap	\$644,347
Development Activities	\$902,098
TOTAL	\$1,941,642

As in past years, the need for CDBG funding continues to exceed the amount of funds available. The total funds requested for 2020 -2021 was \$3,775,949 resulting in a gap of \$1,834,307 between CDBG funding project requests and the amount available for allocation. The committee was faced with difficult choices in this year's recommendation process and struggled with which of the many strong applications for essential projects and services to recommend for funding. In making the final recommendation, the Committee focused on the scoring criteria and the information provided in each application in order to be fair to all applicants.

The following sections of this letter include a description of this year's process, how the applications were reviewed and scored, and our recommendations for funding.

APPLICATION PROCESS AND REVIEW

The mandatory applicant's meeting was held on October 23rd at 5:30pm in Room 24 of City Hall. CDBG Applications were made available on October 24, 2019 and submissions were due on Friday, November 22, 2019 by 4:00pm.

We received twenty one (21) Development Activities applications and sixteen (16) Social Service applications, along with an Administration and Planning application, for a total of \$3,775,949 in funding requests. There was a total of \$2,196,715 requested for Development Activities with \$902,098 in anticipated funding, and \$1,190,050 in Social Service requests with \$644,347 of anticipated funding.

The Allocation Committee Review and Funding Methods

Our Committee first met for this funding year on December 12, 2019. The Committee met nine (9) times to discuss Administration and Planning, Development Activities, and Social Service applications.

The Committee members read each application individually prior to the meeting in which the application was to be reviewed and discussed as a group. When questions about the applications arose, staff documented the questions and forwarded them to the applicant to respond, and applicant responses were then shared with the Committee and reviewed. Allocation Committee members then scored each application individually, using the scoring matrix structured in accordance with the priorities established by the City Council.

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

Funding Caps

The funding caps remain the same from the previous year and were set by the City Council at \$150,000 for social service applicants and \$250,000 for development activities.

RECOMMENDATIONS

Administration and Planning Funding

The Committee reviews information regarding Administration and Planning, but does not score the application competitively. Administration funding is essential for operating the CDBG program and reporting to HUD. The Planning & Urban Development Department submitted a budget of \$387,713 with the understanding that Administration and Planning funding is limited to 20% of the entire CDBG budget. This year, we anticipate the 20% cap to be \$395,196

Development Activities Funding

The Committee received twenty-one (21) Development Activity applications requesting \$2,196,715 which includes both construction activities and economic development initiatives. For 2020-2021 \$902,098 is available for Development Activity funding. The City Council's *85% Rule for Development Activities* specifies that a maximum of 85% of the Development Activity funding can go to fund City applicants, with a minimum 15% reserved for outside organizations. In addition to the *85% rule* a public infrastructure set aside of up to 60% of the City's maximum 85% request remains in effect. For 2020-2021, the Committee's recommendations fall within these established guidelines. The following table lists in descending scoring point order the applicant organization, program, funding request, and committee recommendation.

Organization	Program	Request	Points	Committee Recommendation
Community Housing of Maine	Middle Street Apartments	\$200,000	87.67	\$200,000
COP Public Works	Freshman Alley Lighting	\$50,000	86.00	\$50,000
C.E.I	Portland Microenterprise Assistance Program (PMAP)	\$48,000	86.00	\$48,000
COP Dept. of Parks, Recreation, and Facilities	Riverton Elementary School ADA Inclusive Playground	\$40,680	85.44	\$40,680
Catherine Morrill Day Nursery	Energy Efficient Improvement Plan	\$59,724	84.78	\$59,724
Portland Housing Development Corporation	Washington Gardens	\$184,150	84.44	\$184,150
COP Public Works	Bayside Area Sidewalk	\$249,000	84.33	\$249,000
Port Resources	Group Homes Heat Pump Project	\$21,000	83.88	\$21,000
COP Economic Development	Business Assistance Program	\$205,000	83.67	\$49,544

Social Service Funding

The Committee received sixteen (16) Social Service applications, including a \$150,000 request from Community Policing, which will be funded through a set-aside. A total of \$1,190,050 in Social Service requests were received with \$644,347 in available funding. The City Council's *45% Rule for Social Services* specifies that a maximum of 45% of the Social Service funding can go to fund City applications, and a minimum of 55% must go to outside requests. The Committee's recommendations for 2020-2021 fall within these established guidelines. The following table lists in descending scoring point order the applicant organization, program, funding request, and committee recommendation.

Organization	Program	Request	Points	Committee Recommendation
COP -PPD	Community Policing	\$150,000	Set aside	\$150,000
Wayside Foods	Direct Service Program	\$34,000	95.44	\$34,000
Preble Street	Florence House Women's Shelter	\$20,000	94.33	\$20,000
Preble Street	Food Programs	\$43,568	94.11	\$43,568
COP Oxford Street Shelter	Long Term Stayers Community Integration	\$71,049	93.56	\$71,049
Milestone	Homeless Outreach and Mobile Engagement (HOME)	\$120,000	92.56	\$120,000
Preble Street	Joe Kreisler Teen Shelter	\$26,140	92.56	\$26,140
Catholic Charities/ ILAP	Immigrant Legal Services	\$93,811	92.22	\$93,811
COP Public Health	Mobile Medical Outreach	\$75,000	91.69	\$75,000
Furniture Friends	Basic Necessities Expansion	\$25,000	91.31	\$10,779

Due to the high number of strong applications and deserving applicants, the CDBG Allocation Committee found it challenging to prioritize which projects would have the greatest impact. The committee was focused on understanding the needs of the community, though many applications contained strong anecdotal evidence of immediate needs, the committee tried to reward applications addressing specific performance/outcome data, social and societal trends, complementary vs. competing or duplicative programs, and the demand for services from different constituencies in the City.

In particular, the Committee was interested in fostering partnerships between organizations to maximize the impact and efficiency of their programs. The Committee observed that partnerships and cooperation reduce duplicative services and can make the most of the limited funding available. In addition, the committee believes organizations working together are more likely to launch successful, effective, and sustainable programs.

ADDITIONAL CONSIDERATIONS

The Committee believes that the Development applications recommended for funding represent a favorable balance of priorities, including increasing available housing, fostering environmental sustainability, eliminating blight, increasing access, and creating opportunities for economic development. The committee did want to note to the City Manager and City Council that due to the \$250,000 funding maximum, the scoring results, and the committee's ability to only fully fund projects, the Development funding recommendation is somewhat "top heavy" in awarding three (3) projects ~70% of the available \$902,908 in funding. While we acknowledge the strength of these applications and the resulting high scores, we would recommend consideration of distributing some of the funds from the more highly funded projects to some of the other applicants who requested significantly less and whose scores fell just below the funding threshold. Specifically, if organizations such as Community Housing of Maine, Portland Housing Development Corporation, and the City of Portland Public Works could achieve their desired goals with slightly less of an award and/or the City Manager has Program Income available, applicants such as Catherine Morrill Day Care Life Safety Repairs project and the City of Portland Office of Economic Development Hungry for Success program could be fully funded. Notably, both applications scored within 1.4 points of the funding threshold but were more than 2.6 points above the applications scoring beneath them, reinforcing the case for funding inclusion consideration for 2020-2021. An alternative funding distribution option would be to more fully fund the City of Portland Office of Economic Development Business Assistance Program application, which would otherwise be partially funded at \$49,544 or ~24.2% of their requested amount.

In terms of the Social Services recommendations, we believe the scores reflect a balanced approach to addressing the range of community needs reflected by the applications. However, we want to call attention to the fact there are three (3) applications falling just below those that received the Committee's recommendation for full funding. These applications are separated by just over half a point and are all highly valued by the Committee members as important to the City's overall social service resources. As with the Development applications, we recommend and welcome City Manager and City Council consideration for distributing funding from higher scoring, higher funding requested

projects or accessing discretionary or Program Income to fund (or partially fund) worthwhile applications such as Furniture Friends (partially funded), Catherine Morrill Day Care's Voucher Program, or Portland Adult Education's New Mainers Resource Center Job Search Support Project. Such consideration could further extend the reach and impact of the valuable financial resources and diversity of the organizations receiving support.

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

SUMMARY

All projects that requested funding would be beneficial to our City, however due to limited dollars, not all were recommended for funding through this program. This is a competitive process; each applicant competed against all other applicants in their respective Development and Social Services categories. The projects that are not being recommended for funding scored lower in each of the evaluation categories, and therefore in total points. A spreadsheet is attached which provides all scores for each application.

As always, the Committee will continue to look for ways to improve the efficiency, effectiveness and transparency of the program. In particular, given the beginning of a new five year CDBG cycle, we have taken special care to pass along ideas and recommendation to the recently established Priority Task Force to continue improvement in the application, assessment, and scoring process. We welcome comments, suggestions, and feedback both from the Council and the public.

We thank you for your commitment to this program and hope you are satisfied with the results. We are especially grateful for our appointments to the Annual Allocation Committee, providing us with the opportunity to participate in this program, and offer our recommendations for your consideration. We look forward to seeing you on March 26th and hearing your response.

Sincerely,

The CDBG Annual Allocation Committee for Program Year 2020-2021

Matthew Purington, Chair
Lucinda Pyne
Leslie Clause
Brad Hanscom
Lawson Condrey

D. Kelley Young, Vice Chair
Samuel Martin
Edward Loro
Stephan Houdlette

Attachments: CDBG Allocation Committee Funding Recommendations 2020-2021 (spreadsheet)

Administration and Planning					Priority Impact/ Goal	Guiding Principles	Capacity to Deliver	Partner/ Collabor	Total	Committee Recommendation	City Manager Recommendation	Council Allocation
Type	Priority	Organization	Program/ Project	Request	33 pts	30 pts	25 pts	12 pts				
1 AP	All	Planning & Urban Dev Dept.	CDBG Admin and Planning	\$389,184						\$389,184		
Total Admin & Planning Available				\$395,196				Subtotal:		\$389,184	\$0	\$0

Type	Priority	Organization	Program/ Project	Request	33 pts	30 pts	25 pts	12 pts					
10	CON	HA	Community Housing of Maine	Middle Street Apartments	\$200,000	30.3	25.9	21.3	10.1	87.67	\$200,000		
2	CON	NI	COP Public Works	Freshman Alley Lighting	\$50,000	29.8	26.8	20.7	8.8	86.00	\$50,000		
19	ED	EO	C.E.I	Portland Microenterprise Assistance Program (PMAP)	\$48,000	28.1	26.0	22.0	9.9	86.00	\$48,000		
5	CON	NI	COP Dept. of Parks, Recreation and Facilities	Riverton Elementary School ADA Inclusive Playground	\$40,680	26.2	26.6	23.8	8.9	85.44	\$40,680		
9	CON	LMC	Catherine Morrill Day Nursery	Energy Efficiency Improvement Plan	\$59,724	30.6	25.4	21.2	7.6	84.78	\$59,724		
12	CON	HA	Portland Housing Development Corporation	Washington Gardens	\$184,150	27.8	26.8	23.0	6.9	84.44	\$184,150		
3	CON	NI	COP Public Works	Bayside Area Sidewalk	\$249,000	30.00	25.2	20.6	8.6	84.33	\$249,000		
14	CON	HA	Port Resources	Group Homes Heat Pump Project	\$21,000	26.9	27.9	20.6	8.5	83.88	\$21,000		
20	ED	EO	COP Economic Development Dept.	Business Assistance Program (BAP)	\$205,000	28.8	24.0	21.1	9.78	83.67	\$49,544		
8	CON	LMC	Catherine Morrill Day Nursery	Life Safety Repairs Project	\$30,300	29.9	23.7	22.0	7.3	82.89			
13	CON	HA	Portland Housing Development Corporation	Harbor Terrace	\$155,000	27.9	26.1	21.9	6.9	82.78			
22	ED	EO	COP Office for Economic Opportunity	Hungry for Success	\$36,270	27.7	22.9	21.1	10.7	82.33			
18	CON	NI	First Parish Church	"A Church for EveryBODY" Accessibility Project	\$75,000	23.9	25.4	21.6	8.8	79.67			
4	CON	NI	COP Public Works	Sidewalk Curb Ramp ADA Improvements	\$50,000	30.3	25.3	20.3	0.0	76.00			
11	CON	HA	Portland Housing Authority	Franklin Towers Security Upgrades	\$142,000	23.2	23.6	21.4	7.3	75.56			
16	CON	NI	Maine Irish Heritage Center	Upper Sanctuary Accessibility	\$15,000	23.2	21.9	20.3	8.4	73.89			
15	CON	NI	Maine Irish Heritage Center	Front Stairway Restoration	\$17,000	22.7	21.0	19.6	8.2	71.44			
7	CON	LMC	Bethel Kids Care		\$180,631	27.7	20.8	16.6	5.6	70.56			
6	CON	NI	COP Portland Fire Department	Fire Alarm System Bramhall Station	\$40,000	22.2	23.0	19.9	0.00	65.11			
21	ED	EO	COP Economic Development Dept.	Façade Forest Ave	\$150,000	20.7	17.8	19.2	7.4	65.11			
17	CON	NI	Portland Museum of Art	Maine Entrance Accessibility Improvements	\$247,960	18.9	20.8	16.6	7.6	63.88			
			Estimated Total Development, Econ Dev. & Construction Requests		\$2,196,715								
			Total HUD Allocated Development Funds Available		\$902,098				Subtotal:		\$902,098	\$0	
			Total Funds Available to City Manager and Council (HUD Funds + TIF)		\$992,098				Subtotal:				\$0
			* TIF Funding = \$90,000										

CDBG Recommendations 2020-2021

[illegible][illegible]

An Overview of Portland's Community Development Block Grant Program

The City of Portland, Maine is an Entitlement Community for the Community Development Block Grant (CDBG) from the federal Department of Housing and Urban Development.

The goal of the CDBG program is to develop viable communities by promoting integrated approaches that provide decent housing, a suitable living environment, and expanded economic opportunities for low and moderate income persons.

The program achieves this goal through the development of partnerships among all levels of government and the private sector, including for-profit and non-profit organizations.

CDBG: Overview

- CDBG is important tools for helping local governments tackle serious challenges facing their communities.
- The CDBG program works to ensure decent affordable housing, to provide services to the most vulnerable in our communities, and to create jobs through the expansion and retention of businesses.
- HUD provides grants on a formula basis to 1180 cities and counties throughout the country.
- Grantees carry out a wide range of community development activities directed toward revitalizing neighborhoods, economic development, creating suitable living environments, providing decent housing, and improving community facilities and services.

CDBG: Goals or National Objectives

1. Benefit low and moderate income persons
2. Prevent or eliminate slum or blighted areas
3. Address an urgent or emergency community need

CDBG: Eligible Activities, including but not limited to:

- Planning and Administration
- Social Services
- Economic Development, Job creation
- Affordable Housing
- Public Infrastructure Improvements: Streets, Sidewalks, Parks, Gardens, Trees, Sewers, etc
- Public Facilities: Neighborhood centers, non-profit centers, and school building conversions for eligible purposes; Rehabilitation of residential and non-residential buildings, energy renovations; Historic Preservation

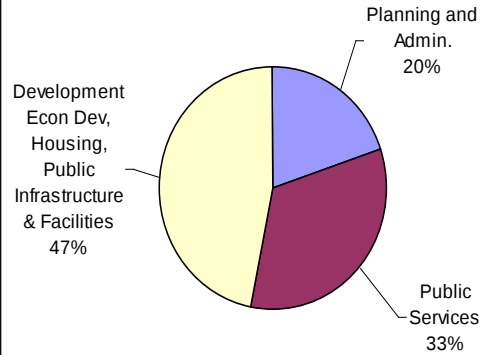
Funding Categories

20% Planning and Administration

33% Social Services

47% Development Activities:

- Economic Development
- Housing
- Public Infrastructure
- Public Facilities



Local Priorities

GOALS

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

GUIDING PRINCIPLES

- **Consistency.** All projects and programs will be reviewed with respect to the Consolidated Plan and other HUD requirements; City goals, priority impact initiatives, etc.
- **Measurable Community Impact.** Programs and projects will be evaluated based on how well they create a significant and measurable community impact.
- **Location.** Programs and projects should focus on targeted locations within the eligible neighborhoods, for example: neighborhood commerce districts, proximity to new affordable housing development, and identified troubled areas in the neighborhood.
- **Diversity and Inclusiveness.** Programs and projects shall address diversity and be inclusive in order to engage differences and create a culture of belonging.
- **Priority to Lower Incomes.** Priority will be given to projects and programs that serve the lowest income persons.
- **Leveraged Funding.** CDBG cannot be the only source of funding for a program or project; leveraging other funds is essential.
- **Sustainability.** Programs and projects must demonstrate positive impacts on the environment, financially feasible, supportive to the community, and/or energy efficient in approach.

History of the CDBG Program and Priorities

Beginning in 2006 the CDBG program has undergone significant review. In 2006 the City Council created the Housing and Community Development (HCD) Task Force. This Task Force created Ten Recommendations, which were adopted by Council in October 2007. Recommendations included the creation of a Priority Task Force and an ongoing Annual Allocation Committee. The Priority Task Force conducted an in-depth community process that resulted in a new goal, priority impact areas, and guiding principles for the program, which the Council adopted in October 2008. Phased implementation of these Recommendations has occurred over the next two years, being fully implemented in 2010. Further adjustments of the program were made for the 2011 program year.

For Program Year 2008 the following steps were implemented:

Council Order 70-7/08 (HCD Task Force Ten Point Plan)

- Creation of the CDBG Priority Task Force
- Creation of the CDBG Annual Allocation Committee
- Projects are to be completed within two years of being funded

For Program Year 2009 the following steps were implemented:

Council Order 70-7/08 (HCD Task Force Ten Point Plan)

- CDBG Application process should comply with the city's purchasing ordinance

Council Order 91-08/09 (CDBG Priority Task Force Recommendations)

- Application and scoring reflect the goal of building strong, self sustaining neighborhoods by having applications address the priority impact areas and guiding principles.

For Program Year 2010 all recommendations from the HCD Task Force and CDBG Priority Task Force were implemented, including:

Council Order 91-08/09 (CDBG Priority Task Force Recommendations)

- \$20,000 minimum request.
- Small grants available to social services for capacity building with a maximum request of \$7,500 and available to small businesses micro-enterprises for technical assistance with a maximum request of \$7,500.
- Social service basic needs set aside for up to 10% of the HUD allocated CDBG grant.
- Social service multi-year initiatives requests guidelines defined and encouraged.

Additional Changes Implemented

- Economic development job creation request guidelines defined.
- The administration and planning request would be presented to and reviewed by the committee, but would not be voted upon in a competitive environment.

Council expressed concern over the final implementation and requested staff and the Allocation Committee to make recommendations for further improvement. After review by the Community Development Committee, Council reviewed and approved the following changes for Program Year 2011, including:

Council Order 46-10/11 (Staff memo based on recommendation from CDC, and CDCG AC)

- Eliminate the Basic Needs Set-Aside, Social Service Capacity Building and Small Business Start up Grants.
- Lower Minimum Grant award to \$10,000
- Set Maximum Grant awards: \$150,000 for social services, \$250,000 for development activities.
- Create a maximum cumulative award for City applications per funding category: 45% of the social service cap and 85% of the development activities amount.
- Create a set-aside/cap for economic development job creation of \$100,000 within the development activities amount.
- Priority focus areas for current program year per funding category: Work and Shop as a priority impact area focus for social services, and Libbytown CT 20.02 for development activities location focus.
- Create a formal appeals process

2012 Minor adjustments

- Based on pressure and direction from HUD we will be paying our grantees based on a cost per unit of service. Each applicant has provided a cost per unit of service. Funded applicants will be submitting funding requisitions and be paid based on the number of units provided and persons served. This does not apply to construction projects.
- Staff will be administering bonus and penalty points on the applications.
- Priority for Social Service applications is child care. Priorities for Development Activities are job creation and projects located in Libbytown or Census Tract 20.02.

2012 Priority Task Force focused priorities even further:

- To create Sustainable Workforce Development Program(s) that move Portland residents out of poverty into sustained employment and financial stability.
 - 1) Invest in businesses with Portland locations to enable them to expand and create jobs, as eligible by HUD regulations.
 - 2) Provide a continuum of services to increase a Program Participant's professional capacity, financial stability, and ability to maintain employment, through: career advancement services, financial stability and job retention support services.
- Place Program Participant's in newly created sustainable Portland-based jobs.

2013 Working Group determined how to implement the Priorities of the 2012 Task Force:

- Invest 1) in businesses to create net new jobs or 2) to create microenterprise businesses (businesses with less than 5 employees where the owner is LMI Portland)
- Fill 66% of the net new jobs with low to moderate income (LMI) Portland residents.
- Priority will be given to applicants that will hire or serve more LMI Portland residents, homeless persons, New Americans, or single-parent head of households will be given preference.
- Set aside \$400,000 (\$300,000 in Development Funds and \$100,000 in Social Service Funds) for the new Workforce Development Initiative now renamed the Employment Development Program.
- Fund at least two applicants
- Funding requests can be for two years
- Tracking of jobs will be for two years after job creation or microenterprise creation
- Success will be evaluated based on return on investment (CDBG investment vs. increase of income of new employees/ business owners)
- The first round of funding will begin in 2014.

2014

- Bonus points were awarded to child care and Basic Needs applications. The committee reviewed all applications and determined if they should receive the additional bonus points.
- Created a new Request for Proposals seeking a lead agency for the Employment Development Funds in the amount of \$400,000.

2015

- No Bonus Points
- New "Construction only" application
- Targeted Guiding Principles for Development, Economic Development and Construction applications.

2016

- Created New Needs-Goals and Priorities for 2016-2020 Con Plan
- Created Target Neighborhood Investment- Bayside Neighborhood
- No limit on “Public Infrastructure applications”

2017

- Bayside Neighborhood remains Target Neighborhood for Investment

2018

- Updated “Neighborhood Investment and Infrastructure” and “Addressing the Needs of the Growing Homeless Population” on the 2016-2020 Needs-Goals-Priorities Chart

Resources

2006 Shapiro, Boxer-Macomber Memo

2007 HCD Task Force Ten Point Plan, [Council Order 70-7/08](#)

2007 HCD Task Force Report

2009 CDBG Priority Task Force Priorities, [Council Order 91-08/09](#)

2012 CDBG Priority Task Force Recommendations, [Council Order 53-12/13](#)

2013 CDBG Working Group Recommendations, [Council Order 8-13/14](#)

2016 5 Year Consolidated Plan, New Needs-Goals-Priorities, [Council Order 197-15/16](#)

2017 Revisions to the Needs Goals and Priorities Chart, [Council Order 24-17/18](#)



CITY OF PORTLAND
Planning & Urban Development Department
Housing and Community Development Division

TO: Kate Snyder, Mayor
Members of the City Council

FROM: Mary Davis, Division Director
Housing and Community Development Division

DATE: March 30, 2020

SUBJECT: 2020-2021 Housing Program Budget

SUMMARY OF ISSUE

Review and approval by the City Council of the 2020-2021 Housing Program Budget.

REASON FOR SUBMISSION

Obtain City Council approval of the Fiscal Year 2020-2021 Housing Program Budget.

HOME Program: The Home Investments Partnerships Program (HOME) was established by Congress in 1992. Since 1992, the City of Portland and the Cumberland County HOME Consortium have received over \$21 million dollars in HOME funding. In 2009 the City became the lead entity in the Cumberland County HOME Consortium (CCHC). The Consortium is a partnership of the communities in Cumberland County that administers HOME Program funds in Cumberland County. The creation of the consortium expanded the financial resources for affordable housing activities in the region. The City retains independent operation of its HOME program. Because the City serves as the “Lead Entity” and City staff administers the County portion of the funding, all administrative funds are retained by the City. The County’s Municipal Oversight Committee controls the allocation of the County’s portion of the HOME funds.

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

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

As a point of reference, if the City were a stand-alone grantee, the estimated HOME allocation for Portland (using a HUD HOME Allocation estimated calculation) would be approximately \$567,149. Of that amount 10% would be set aside for administrative costs (\$56,715) leaving \$510,434 for program funding. Under the current consortium agreement, the city receives the administrative set-aside (\$102,069) along with approximately \$524,000 in program funds. Participation in the HOME consortium benefits Portland as well as the county as a whole.

On February 14, HUD announced the allocation amount for FY 2020-2021. The final HUD HOME allocation is \$1,053,258 plus program income and recaptured funds in the amount of \$150,000 for a total HOME Program Budget of \$1,203,258. \$432,611 is reserved for County projects. The budget proposal was developed after a historical review of HOME funding allocations, previous year's budget allocations, program expenditures and program income (loan repayments) received. Currently, the City's HOME Program is divided into three funding categories:

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

HOME Program Budget	FY 2019-2020 Budgeted (entitlement + program income)	FY 2020-2021 Budget proposal (entitlement + program income)
Administration	\$109,558	\$112,826
Tenant Based Rental Assistance	\$143,571	\$143,571
Affordable Housing Development includes CHDO requirement	\$493,265	\$514,250

CDBG/HOUSING DEVELOPMENT FUND: HDF is the program income account funded by CDBG housing loan repayments. These funds can only be used for CDBG eligible housing activities. The FY21 budget proposal would fund an emergency loan program to assist eligible households (at or below 80% of the area median income) with repairs that are determined to be an immediate danger to the health or safety of the occupants of the household. This would supplement the remaining balance in the Housing Rehabilitation budget above. In future years, we are exploring moving from the current housing rehabilitation model to an emergency loan model that would focus smaller investments where significant health, safety or related issues exist. FY20 funding would allow us to explore this model while still retaining some Housing Rehabilitation funds.

Housing Development Fund (HDF) Budget	FY 2019-2020 Budgeted	FY 2020-2021 Budget Proposal
Administration	\$0	\$0
Housing Rehabilitation	\$93,242	\$166,003*

*\$34,338 of program income from FY19 + unencumbered fund balance of \$131,665

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

Lead Safe Housing Program Income	FY 2019-2020 Budgeted	FY 2020-2021 Budget Proposal
	\$268,741	\$197,871

HOUSING TRUST FUND: Revenue for the Housing Trust Fund is generated from fees triggered by the City's Housing Preservation and Replacement Ordinance, fee-in-lieu contributions from the Inclusionary Zoning Ordinance and Hotel Inclusionary Zoning fee. Including the current balance of the Housing Trust Fund in the Housing Program Budget gives budget authority for the use of the funds. There are no projects or activities currently identified for these funds. The amount budgeted is the maximum that might be expended in FY21. The Housing Committee approved a Housing Trust Fund budget of \$979,031 at their February 12th meeting. Since that time additional funds (\$163,168.93) were received from the sale of city tax-acquired property at 99 Capisic Street. Additionally, on March 26, 2020 Portland Housing Development Corporation (PHDC) notified the HCD Office that they were returning the 2019 Housing Trust Fund award to 47 Boyd Street. \$425,000 was awarded to this project. PHDC indicates the project is "no longer financially feasible due to exorbitant and rising construction costs." Staff continues to recommend a minimum balance in the Trust, so the effective budget would be \$1,067,200 (\$1,567,200 less \$500,000.)

Housing Trust Fund (HTF) Budget	FY 2019-2020 Budgeted	FY 2020-2021 Budget Proposal
	\$1,275,820	\$1,567,200.13

STAFF ANALYSIS AND RECOMMENDATION – The proposed Housing Program Budget includes final fiscal year allocation amounts from HUD for the HOME Program. This budget is before the City Council for two Public Hearings as part of the overall HCD budget. The final budget allocations and Annual Action Plan will be submitted to HUD 45 days in advance of the start of the fiscal year (May 15 for the fiscal year beginning July 1, 2020).

At this time staff is requesting City Council approval of the FY 20/21 Housing Program Budget as outlined above and summarized in the attached spreadsheet.

FY 20/21 Housing Program Budget - Attached

2020-2021 HOUSING PROGRAM BUDGET			HUD Final Allocation Date:	February 14, 2020
Total HUD HOME Entitlement Allocation	1,053,258	Recommended by HC (3-0) February 12, 2020 Approved by Council XXXXXXXXX, 2020 HUD Allocation February 14, 2020 Adjusted for Final HUD Allocation 03.02.2020		
Portland Program Portion	540,321			
Portland Admin Portion	105,326			
County Program Portion	407,611			

REVENUES- Housing Programs

2020-21 HOME Consortium Admin (10% of allocation)

2020-21 HOME Consortium Programming

2019-20 HOME Estimated Program Income

2019-20 HOME Estimated Program Income Recaptured Funds

2019-20 HOME EstimatedProgram Income and Recapture Deduction for County

Re-Allocated HOME Funds (funding from previous years)

2020-21 CDBG Administration

2020-21 CDBG Programming

2019-2020 Housing Trust Fund

2018-2019 Reprogrammed Housing Trust Funds ***

2018-19 HDF Program Income**

2018-19 Lead Safe Housing Program Income**

REVENUE TOTALS (Portland)

** Includes previous unallocated program income + program income received in FY19

2020-21 HOUSING Budget by Activity (Portland)

Administration 243021QQ01 (includes 10% of PI)

Housing Rehabilitation/Emergency Loan Program

Tenant-Based Rental Assistance 443021QT01

Affordable Housing Development 243021QA00

CHDO 243021QA00

Lead Safe Housing 243019PLL1 (PLL036)

EXPENDITURE TOTALS (Portland)

*** This includes \$425,000 in reprogrammed funds from 2019 (PHDC returned funding for 47 Boyd Street) and \$163,168.93 in proceeds from the sale of tax acquired property at 99 Capisic Street

HOME	CDBG	HDF**	LEAD Safe Housing Program Income**	Housing Trust Fund	TOTAL BUDGET
105,326					105,326
540,321					540,321
75,000					75,000
75,000					75,000
-25,000					-25,000
					0
					0
					0
				1,142,200	1,142,200
				425,000	425,000
		166,003			166,003
			197,871		197,871
770,647	0	166,003	197,871	1,567,200	2,701,721

HOME	CDBG	HDF**	LEAD Safe Housing Program Income**	Housing Trust Fund ***	TOTAL BUDGET
112,826		0			112,826
0		166,003			166,003
143,571					143,571
424,197				1,567,200	1,991,397
90,054					90,054
0			197,871		197,871
770,647	0	166,003	197,871	1,567,200	2,701,721

2020-21 HOME Consortium COUNTY - approved by MOC on 03.19.2020

County HOME Program budget provided for reference only; adjusted for final HUD Allocation 03.02.2020

Allocation of County funds is done by the County's Municipal Oversight Committee

REVENUES- Housing Programs

2020-21 HOME Consortium Non-Portland Programming

2019-20 HOME County Program Income and Recapture

2020-21 HOUSING Budget by Activity

Housing Rehabilitation (# projects @ \$15,000/project)

Home Ownership

Affordable Housing Development 243021QC00

CHDO 243021QC00

HOME County

407,611

25,000

432,611

HOME County

0

0

364,676

67,935

432,611

Proposed 2020-2021 Budget for ESG

Emergency Solutions Grant 2014-2019

Program	ESG Budgeted Funding Amount by Fiscal Year							
	FY 13-14	FY 14-15	FY 15-16	FY 16-17	FY 17-18	FY 18-19	FY 19-20	FY 20-21
Operations: Homeless Health	\$28,993	\$35,391	\$0	\$0	\$0	\$0	\$0	\$0
Essential Services: Family Shelter	\$21,853	\$26,675	\$28,327	\$28,327	\$28,327	\$27,000	\$52,065	\$52,065
Homeless Prevention: Family Shelter	\$21,853	\$26,675	\$52,369	\$52,369	\$52,395	\$51,200	\$27,865	\$30,412
Homeless Prevention: Oxford Street	\$8,972	\$10,952	\$13,800	\$13,244	\$13,262	\$12,950	\$13,815	\$16,363
Rapid Rehousing: Oxford Street	\$35,888	\$43,807	\$55,200	\$55,200	\$55,200	\$54,200	\$55,065	\$55,065
Administration and HMIS	\$5,600	\$6,838	\$12,138	\$12,092	\$12,096	\$11,781	\$12,065	\$12,479
<i>Total (Actual)</i>	<i>\$123,159</i>	<i>\$150,338</i>	<i>\$161,834</i>	<i>\$161,232</i>	<i>\$161,280</i>	<i>\$157,131</i>	<i>\$160,873</i>	<i>\$166,383</i>
<i>Admin/HMIS cap</i>	<i>\$9,237</i>	<i>\$11,275</i>	<i>\$12,138</i>	<i>\$12,092</i>	<i>\$12,096.00</i>	<i>\$12,096</i>	<i>\$12,065</i>	<i>\$12,479</i>

Explanation

Operations: Homeless Health	This program is no longer administered by the City of Portland
Essential Services: Family Shelter	Funds pay for staff who provides housing assistance by seeking affordable units, applying for eligible subsidies and accessing transitional housing opportunities and follow-up case management services by assisting with budgets, tenant/ landlord negotiations, and connecting to area resources. There is a need in Portland to expand the essential services with the high number of families arriving. The budget is adjusted to cover 1 FTE, this will allow the case manager to work with 5-10 families (17-34 individuals).
Homeless Prevention: Family Shelter	Funds pay for staff who assist in preventing family homelessness. Services include advocating with their town of residency, landlord/tenant negotiations and family reunifications. The budget will cover .25 of a FTE
Homeless Prevention: Oxford Street Shelter	Funds pay for staff who assist in preventing individuals from becoming homeless and providing necessary case management and referrals.
Rapid Rehousing: Oxford Street Shelter	Funds pay for staff who assist persons who have become homeless by quickly moving them into permanent housing and providing the necessary case management and referrals the individual needs.
Administration and HMIS	Funding goes to pay for licenses to use HUD's Homeless Management and Information System. Licenses are provided by Maine Housing.
Budget Changes:	PY 20-21 sees an increase of \$5,510 from prior year funding. The increase was first applied to the administrative and HMIS line item, by maxing out the 7.5% cap for administrative costs. The increase resulted in \$5,096 left to be allocated between other programs. HCD and Social Service staff allocated the increase to prevention programs. The total increase was split in half and applied to both Homeless Prevention programs respectively

NOTE:

City Council will take public comment on this budget

MEMORANDUM
City Council Agenda Item

FROM:

DATE: April 21, 2020

SUBJECT: Resolution 12-19/20 Adopting the Fiscal Year 2021 Annual Action Plan,
continued

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

Kelley Walsh, kwalsh@portlandmaine.gov, 207-874-8731:

ينورث لكل إل دي ربل، ممالا: عامتجالا روض حل تال يهست وأ يروف مجرتم بل طل يل اتل صخش لاب لاصتال اى جري
فتاهل مقرر

Pour obtenir un interprète ou faciliter une réunion, veuillez contacter la personne suivante: Kelley Walsh, kwalsh@portlandmaine.gov, 207-874-8731.

Para solicitar un intérprete o una adaptación especial para la reunión, comuníquese con esta persona: Kelley Walsh, kwalsh@portlandmaine.gov, 207-874-8731.

Leka na ko bengal moto oyo soki oza na bosenga ya interprete to ya bosalisi pona rendez-vous na yo: Kelley Walsh, kwalsh@portlandmaine.gov, 207-874-8731.

This item must be read on two separate days, and two public hearings must be held in order to comply with local and federal regulations. The first reading and public hearing will be held on April 27, 2020, the second public hearing on May 4, 2020. 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

None

Prepared by:

Date: 4/21/2020

MEMORANDUM
City Council Agenda Item

FROM: Greg Mitchell, Director

DATE: April 15, 2020

SUBJECT: **Order 161-19/20 Accepting and Appropriating a \$25,000 Grant from the Maine Technology Institute for the Confined Aquatic Disposal Cell Design and Permitting 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 **Final Action**

Can action be taken at a later date: Yes (If no why not?)

PRESENTATION: Greg Mitchell, 5 Minutes

I. SUMMARY

This Order accepts and appropriates a grant from the Maine Technology Institute (MTI) in the amount of \$25,000 to support the ongoing design and permitting of the Confined Aquatic Disposal (CAD) Cell in Portland Harbor, and authorizes the City Manager to execute an Agreement with MTI for the Grant.

II. AGENDA DESCRIPTION

The Maine Technology Institute (MTI) awarded the City of Portland a matching grant of \$25,000 in support of the ongoing Confined Aquatic Disposal (CAD) Cell design and permitting project for dredging Portland Harbor. The permitting is anticipated to be completed by September 2020.

The MTI Grant is included in the Dredge Project budget.

This item must be read on two separate days. It was given a first reading on April 14, 2020. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

In a collaborative effort starting in 2014 to advance the pier dredging initiative, the Cities of Portland and South Portland formed a Non-Federal Dredge (NFD) work group to assess and recommend options for the placement of the contaminated sediment. The NFD work group recommended that the City of Portland issue a Request for Proposals (RFP) for the design and permitting of a CAD Cell in Portland Harbor. Later that year, the Maine Department of Transportation allocated \$250,000 to the City of Portland to fund the design and permitting of a CAD cell in Portland Harbor, and in 2018 allocated an additional \$75,000 for the project. In a separate effort, the Portland Harbor Commission also applied for a \$350,000 federal Brownfields grant and was awarded that Grant in 2015 and hired the Campbell Environmental Group to complete the design and permitting for the dredging of the piers and waterfront properties in Portland and South Portland. The City of Portland issued the RFP, and retained Stantec Engineering to complete the design and permitting of the CAD Cell.

Portland

In Portland, the accumulation of sediment has closed off approximately 25 percent of available commercial berthing along the Central Waterfront, with many more berths having lost value due to reduced water depth. Additional berthing loss and degradation is found around passenger ferry and cruise ship terminals in the Eastern Waterfront and along boat yard and construction dockage in the Western Waterfront. Degraded berthing prevents many marine businesses from conducting business, especially during periods of low tide. Within the Central Waterfront, the loss of 25 percent of available commercial berthing equates to approximately 3,000 linear feet of lost berthing space. As the average boat slip is 50 feet, this means that Portland has lost the potential for approximately 60 commercial vessels. Every commercial vessel is itself a business. An additional 60 vessels would provide approximately 120 direct jobs, and many more indirect jobs. In addition to regaining lost berthing, dredging would also maintain water depth for the 85-100 commercial vessels using existing berthing, as well as the many supporting businesses on and off the waterfront benefitting from water dependent use.

South Portland

In South Portland, there are only a modest number of marinas, but each one has a wide impact on berthing resources. Marinas primarily supply recreational berthing, but they support a wide range of commercial activity. For example, Port Harbor Marine near Spring Point is home to seven fishing charter businesses requiring berthing. The Southport, Aspasia, and Sunset marinas all berth additional fishing charters, as well as modest numbers of other tour boats and commercial fishing vessels. By supplying berthing, marinas supply the foundation for multiple businesses that support or require vessels. Boat yards, mechanics, marine supply, boat brokers, vessel surveyors, yacht riggers, and a myriad of directly marine-related employers all follow the berthing. Additionally, the patrons of marine enterprise multiply the impacts of these businesses and contribute to the lively and attractive hustle and bustle of an active and vibrant working waterfront.

Also, South Portland's supply of *over 1,000 walk on boat slips* is a regionally significant number for the boating economy of Southern Maine and a tremendous recreational resource for South Portland.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The intended result is for the City Council to accept and appropriate the MTI Grant of \$25,000 in support of designing and permitting the CAD Cell Project, and authorize the City Manager to execute an Agreement with MTI for the Grant.

V. FINANCIAL IMPACT

There is no financial impact to the City in accepting and appropriating the MTI Grant.

VI. STAFF ANALYSIS AND BACKGROUND

Staff's analysis is to accept and appropriate the MTI Grant in support of designing and permitting the CAD Cell for Portland Harbor Project and authorize the City Manager to execute an Agreement with MTI for the Grant. Permitting for the project is anticipated to be completed by September 2020.

VII. RECOMMENDATION

Staff recommends approval.

VIII. LIST ATTACHMENTS

1. Order Approving Maine Technology Institute Grant Application 3.13.2020

2. Grant Agreement for Signatures ao 3-31-2020

Prepared by:

Greg Mitchell, Director

Date: 4/15/2020

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 ACCEPTING AND APPROPRIATING A MAINE TECHNOLOGY INSTITUTE
GRANT FOR THE PORTLAND HARBOR DREDGE PROJECT**

ORDERED, that the \$25,000 grant from the Maine Technology Institute for design work to dredge public and private berthing and vessel support services and to develop a confined aquatic disposal cell in the Portland Harbor Dredge is hereby accepted and appropriated; and

BE IT FURTHER ORDERED, the City Manager or his or her designee is authorized to execute any and all documents necessary to apply for and accept this funding and otherwise carry out the intent of this Order.

Amount: \$25,000.00
Match: \$25,000.00
Award ID: 20190548

AGREEMENT OF MAINE TECHNOLOGY INSTITUTE AND City of Portland, Maine

This Grant Agreement (“Agreement”) is made as of 4/25/2020 (“Effective Date”) by and between the Maine Technology Institute (“MTI”), a non-profit corporation organized under the laws of the State of Maine and City of Portland, Maine, a Municipality organized under the laws of the State of , federal tax identification number 01-6000032 (“Recipient” or “Company”), collectively referred to in this Agreement as the Parties (“the Parties”).

1.0 INTRODUCTION

- 1.1 MTI was established by the Maine Legislature to stimulate and support research and development activity leading to the commercialization of new products and services to enhance the competitive position of Maine’s technology-intensive industrial sectors, and thereby promote economic development and job creation. MTI’s goal is to contribute to the long-term development of a statewide research, development, and product deployment infrastructure, thereby enhancing the competitive position of Maine’s technology intensive industries, while supporting clusters of industrial activity and creating jobs for Maine people.
- 1.2 To achieve these goals, MTI awards grants to qualifying companies under the MTI Grants program (“Grant”).
- 1.3 Recipient proposes to undertake a project described in its Grant Application that will stimulate the commercialization of a new product, process or service or stimulate the formation and growth of technology businesses, increase Maine’s capacity for technology-based companies and services, address gaps in the technology-related business infrastructure, and create or support an integrated targeted-industry cluster enhancing the competitive position of those industries in Maine. (“Project”).
- 1.4 MTI awards this Grant to Recipient on the following terms and conditions in order to cost-share the Project costs and to promote the parties’ mutual interests.

2.0 CONSIDERATION

- 2.1 For valuable and sufficient consideration received and to be received, including, but not limited to, performance of the Parties’ respective obligations under this Agreement, the Parties hereby agree, as follows:

3.0 AWARD

- 3.1 Relying upon Recipient’s representations in its Grant Application attached hereto and incorporated as Appendix A (including Scope of Work, Project Deliverables, and Budget), and Recipient’s compliance with all terms and conditions of this Agreement, MTI will provide a Grant award of up to **\$25,000.00** to Recipient to cost-share the Project. MTI Grant disbursements are contingent upon adequate funding to MTI to cover the Grant amounts.
- 3.2 MTI shall disburse Grant funds to the Recipient in accordance with the payment schedule set forth in Appendix B. MTI shall not disburse any Grant funds following written notice by MTI to Recipient of suspension of grant funds or Grant termination under Section 7.

4.0 TERM OF AGREEMENT

- 4.1 The term of the Agreement shall commence on the Effective Date and shall terminate on the Termination Date (hereinafter “Termination Date”), which is the date five years following the Project Completion Date.
- 4.2 The Termination Date may be accelerated by MTI or Recipient pursuant to the provisions of Section 7.

5.0 REPRESENTATIONS AND WARRANTIES OF RECIPIENT

Recipient makes the following representations and warranties to MTI, effective as of the Effective Date of this Agreement and surviving until the Termination Date:

- 5.1 The Recipient has all requisite power and authority to execute and deliver the Agreement and to consummate the transactions contemplated thereby.
- 5.2 The Recipient is duly organized, validly existing, registered with the Maine Secretary of State and in good standing to do business in Maine, and has all requisite power and authority to own, lease, and operate its property and conduct its business.
- 5.3 Recipient shall use its best efforts to assure that all activities described in the Application are implemented, except as described in this Agreement.
- 5.4 Recipient has disclosed any relationship, direct or indirect, between Recipient, its Officers, Directors, members or employees, and MTI. Recipient is in compliance with the conflict of interest provisions of 5 M.R.S.A. Chapter 407, Section 15307.

6.0 RECIPIENT’S ADDITIONAL COVENANTS

- 6.1 Recipient will maintain a regular place of business in the State of Maine throughout the term of this Agreement. A regular place of business is defined for purposes of this Agreement as a facility where Recipient carries on its business in a regular and systematic manner, that is continuously maintained, occupied, and used by employees of the Recipient, and that is managed by a senior employee who is authorized to make binding decisions on behalf of Recipient on all matters pertaining to the Agreement.
- 6.2 Recipient will contribute all payments and services designated as Matching Funds on the schedule and from the funding sources set forth in Recipient’s Grant Application incorporated in Appendix A, or as revised with MTI written approval.
- 6.3 Recipient shall undertake all work described in the Appendix A in good faith and with due diligence and shall expend Grant and Matching Funds only for the purposes detailed in the Application or by subsequent written approval of MTI. Recipient shall notify MTI immediately of any event which reduces or is likely to reduce the Recipient’s ability to undertake all work described in Appendix A.
- 6.4 If Recipient or its successor-in-interest is a partnership, association or joint venture, by the Recipient’s execution of this Agreement each person comprising such partnership, association or joint venture shall be jointly and severally bound for all the obligations of such party under the Agreement.
- 6.5 Recipient shall create and maintain records containing all particulars necessary to document the financial and other information to be reported to MTI pursuant to this Agreement. Recipient shall provide such records, and any additional information reasonably requested by MTI, until the Termination Date of this Agreement.
- 6.6 Recipient shall submit all reports to MTI required by Appendix B in a timely manner.

- 6.7 Recipient shall complete an annual MTI Impact Metrics Report pertaining to the economic impacts of the Grant until the Termination Date of this Agreement. The annual report will require information pertaining to project outcomes and impacts, and may be amended from time to time. Recipient's completion of the annual report is an important obligation under this Agreement, vital to MTI's ability to assess its program effectiveness.
- 6.8 Recipient shall notify MTI of any material change in Recipient's legal status, financial status, or compliance status with federal and state laws, or of any material change in the status of the Project that would have a significant adverse effect on Recipient's ability to implement the Project as described in Appendix A.
- 6.9 Recipient shall notify MTI at least 60 days prior to any proposed sale, license, or other transfer by Recipient that would result in Recipient's non-compliance with Section 6 of this Agreement. Recipient's notice shall include a proposal for repayment of all Grant funds disbursed under this Agreement prior to such a sale, license or transfer event if the result of that event would be non-compliance with Section 6 of this Agreement.

7.0 GRANT SUSPENSION OR TERMINATION; GRANT REPAYMENT

- 7.1 MTI may, in its sole discretion, refuse to make additional Grant disbursements to Recipient effective immediately, and may terminate the Grant for the following reasons:
- a) Recipient's failure to achieve a Project Deliverable within the anticipated time frame described in Appendix A; or
 - b) Recipient's expenditure of Grant funds in a manner inconsistent with the Appendix A Grant Application or by subsequent written approval of MTI;
 - c) A material change in Recipient's legal status, financial status, key personnel, or compliance status with federal and state laws, or a material change in the Project that would have a significant adverse effect on Recipient's ability to implement the Project as described in the Application; or
 - d) Recipient's breach of any terms of this Agreement.
- 7.2 MTI shall provide Recipient with written notice of its decision to suspend payments and/or to terminate the Grant under this Section of the Agreement, providing Recipient with an explanation of the reasons therefore. The MTI written notice shall describe the specific actions which Recipient must complete successfully to secure reinstatement of the Grant payments or the Grant, and the deadline for such remedial actions, allowing Recipient at least 30 days to cure the underlying cause of suspension.
- 7.3 MTI may, in its sole discretion, terminate the Grant and provide Recipient with written notice of same following the expiration of deadlines under Section 7.2 above. In the event of termination, MTI may require repayment of Grant funds disbursed by MTI to the Recipient, providing a written demand for Grant repayment no later than 30 days following the date of the final termination notice, unless MTI and Recipient agree upon a later date.
- 7.4 Any unpaid amounts due hereunder shall bear interest at the prime rate, as published in the Money Rates section of the *Wall Street Journal* as of the date the amount became due hereunder, plus 2%, until paid. This provision does not excuse any failure to pay and does not limit any remedies for breach.

- 7.5 In the event of Recipient's breach of this Agreement, Recipient shall pay to MTI all costs, fees, expenses or damages of any kind, incurred by or imposed upon MTI as a consequence of Recipient's breach of this Agreement.

8.0 LIABILITY/INDEMNITY

- 8.1 Neither this Agreement, nor any act of the Parties shall be deemed to create any relationship of third-party beneficiary, or of principal and agent, or of limited or general partnership, or of joint venture.
- 8.2 Recipient agrees to indemnify, defend and hold harmless MTI, its Officers, Directors and employees against all liabilities, costs and expenses, including reasonable attorney's fees, arising out of the Project, any breach of Recipient's obligations under this Agreement, or any unlawful act or omission by Recipients, its Officers, Directors, Shareholders, members, affiliates or representatives.

9.0 MISCELLANEOUS

- 9.1 This Agreement shall be construed in accordance with the laws of the State of Maine.
- 9.2 The Parties hereto acknowledge that this Agreement sets forth the entire agreement of the Parties as to the subject matter hereof and shall not be modified except by the execution of a written instrument signed by the Parties.
- 9.3 The provisions of this Agreement are severable, and in the event that any provision of this Agreement shall be determined to be invalid or unenforceable under any controlling and applicable body of law, such invalidity or unenforceability shall not in any way affect the validity of the enforceability of the remaining provisions hereof.
- 9.4 This Agreement is not assignable to any other party, without the express written consent of the other Parties to this Agreement.
- 9.5 All written notices anticipated by this Agreement shall be deemed to be successfully delivered if mailed to the signatory for the party by United States Postal Service or by overnight carrier at the address listed under the signatures below. The Recipient has the sole obligation to provide MTI with updated address information.

- Appendix A. Project Application (including Scope of Work with deliverables & budget)
- Appendix B Grant Disbursement Schedule and Reporting Requirements

ACCEPTED AND AGREED TO:

MAINE TECHNOLOGY INSTITUTE

By: _____

Name: Brian Whitney

Title: President

Date: _____

City of Portland, Maine

By: _____

Name: Jon P. Jennings

Title: City Manager

Date: _____

APPENDIX A: PROJECT APPLICATION (including Scope of Work with deliverables & budget)
[The remainder of this page intentionally left blank.]



INVESTMENT APPLICATION | Range One

Complete the document by answering the questions starting on the next page. All questions are listed in **bold** text. See the [Application Guidance](#) document for tips on how to answer and to understand why we ask each question.

This document, along with the following forms and materials below, will be uploaded into the online application portal as your complete application.

Documents and Forms:

- Application (*required*)
- Business Plan or Pitch Deck (*optional*)
- [Intellectual Property Form](#) (*optional*), see category 3
- [Budget Form](#) (*required*), see category 6
- [Scope of Work](#) (*required*), see category 6
- Supporting materials (*optional*):
 - Team resumes/CVs (one page per person)
 - Market research evidence, including customer support letters
 - Gantt chart or visual roadmap
 - Proforma company financials

NOTE: If you upload a business plan or pitch deck, provide page or slide references to the appropriate and relevant content in the application for each category, as needed.

Your contact information and information about your organization will pre-populate from your initial information request. You may edit this when you access the online site.

APPLICATION QUESTIONS

See the [Application Guidance](#) for additional information and assessment criteria.

Category One: Connection to MTI's Mission and Impact Goals

Provide current and projected economic output data in the table below. *Note: It is possible for an applicant not to expect a change in economic outputs until years 3-5 or beyond if this request is for an early maturity company or organization.*

Impact Goal Area	As of Date of Application	Year 3 Projection (post-award completion)
Number of full-time (FT) employees in Maine	N/A	N/A
Average wage of FT employees	"	"
Locations of FT jobs by county (counties)	"	"
Number of part-time (PT) employees in Maine	"	"
Average wage of PT employees	"	"
Locations of PT jobs by county (counties)	"	"
Annual employment compensation (total payroll cost including wages & salary, all benefits and payroll taxes)	"	"
Annual gross revenues	"	"
Capital Raised	"	"

Recognizing that not all economic and community impact can be captured in the data table above, tell us your indirect economic impact story. *For example, have you or do you plan to build a Maine-based supply chain and if so, what is that impact? How do you plan to attract and retain the talent needed to fill the projected job growth? Do you partner with others in your community or industry? Does your company give back to the innovation economy or entrepreneurial community in Maine in other ways?*

The sediment accumulating around Portland Harbor's piers and waterfront properties has caused a significant decrease in water depth and a steady decline in available berthing for our working waterfront. Vessel berthing is the foundational resource for any working waterfront. The berth brings the vessel. The vessel allows active use of the water for both commercial and recreational access. Dredging the piers and wharves in Portland Harbor will have an immediate positive impact on the economy at both the state and local level. Below is a broad overview of the positive economic impact this project will have

here in Maine. *[Please note that a more comprehensive economic assessment will be conducted this coming winter as a necessary component of federal funding applications.]*

Portland

In Portland, the accumulation of sediment has closed off approximately 25 percent of available commercial berthing along the Central Waterfront, with many more berths having lost value due to reduced water depth. Additional berthing loss and degradation is found around passenger ferry and cruise ship terminals in the Eastern Waterfront and along boat yard and construction dockage in the Western Waterfront. Degraded berthing prevents many marine businesses from conducting business, especially during periods of low tide. Within the Central Waterfront, the loss of 25 percent of available commercial berthing equates to approximately 3,000 linear feet of lost berthing space. As the average boat slip is 50 feet, this means that Portland has lost the potential for approximately 60 commercial vessels. *Every commercial vessel is itself a business.* An additional 60 vessels would provide approximately 120 direct jobs, and many more indirect jobs. In addition to regaining lost berthing, dredging would also maintain water depth for the 85-100 commercial vessels using existing berthing as well as the many supporting businesses on and off the waterfront benefitting from water dependent use.

South Portland

In South Portland, there are only a modest number of marinas, but each one has a wide impact on berthing resources. Marinas primarily supply recreational berthing, but they support a wide range of commercial activity. For example, Portharbor Marine near Spring Point is home to seven fishing charter businesses requiring berthing. The Southport, Aspasia, and Sunset marinas all berth additional fishing charters, as well as modest numbers of other tour boats and commercial fishing vessels. By supplying berthing, marinas supply the foundation for multiple businesses that support or require vessels. Boat yards, mechanics, marine supply, boat brokers, vessel surveyors, yacht riggers, and a myriad of directly marine-related employers all follow the berthing. Additionally, the patrons of marine enterprise multiply the impacts of these businesses and contribute to the lively and attractive hustle and bustle of an active and vibrant working waterfront.

In addition, South Portland's supply of *over 1,000 walk on boat slips* is a regionally significant number for the boating economy of Southern Maine and a tremendous recreational resource for South Portland.

Category Two: Team Ability and Structure

Describe your team's skill sets and experiences noting the ability to create a low fidelity prototype or pilot program. Please note any gaps in your team and how you plan to address them:

The Project Team consists of a diverse group of public and private entities working together to protect and improve the water quality of Portland Harbor. The team members listed below are currently working to finalize 30% design for both the CAD cell and each individual dredge area, and will be responsible for producing the following deliverables: geophysical reporting, cross-sections, construction plans, and Erosion and Sediment Control Plans.

- **William Needelman** is the Waterfront Coordinator for the City of Portland. In that role, he promotes the waterfront as a center of economic activity, assists other departments with the management of City waterfront facilities, and creates opportunities for all Portland residents to participate in harbor activities as a part of their everyday lives. William serves as the leader of the Project Team for CAD cell design and permitting.
- **Thomas Dobbins** is the Chair of the Portland Harbor Commission. In that role, he is charged with the responsibility of regulating navigation and commerce within Portland Harbor. Thomas is overseeing the permitting of the dredging of the piers and waterfront properties.
- **Michael Johnson** is an experienced marine scientist and serves as Project Manager for the Portland Harbor Cell Project for Stantec Consulting Services, Inc. (Stantec). Michael works closely with the City of Portland and the Portland Harbor Commission, and oversees the Stantec Team of engineers, permitting staff, biologists, and geologists. Stantec is responsible for the design, and State and Federal permitting, for both the CAD cell and dredging of the piers and waterfront properties in Portland Harbor. This work includes both geophysical investigations to inform the design of the CAD cell and the required environmental investigations for permitting. Michael's background includes conducting sediment evaluations, ecological inventories, and habitat studies, including sediment disposal evaluations, wildlife baseline surveys, wetland delineations, and freshwater and marine studies. He has designed and conducted a wide range of field studies and sampling programs, especially in relation to aquatic and fisheries sampling, ecological risk assessments, dredge sampling, restoration monitoring, natural resource damage assessment, and permit and license compliance work.
- **Glenn Daukas** is a Senior Geologist and Professional Geologist at Campbell Environmental Group. Glenn's experience includes expertise in geology, hydrogeology, and project management. His project experience includes developing and implementing remedial investigations and feasibility studies at hazardous waste sites, industrial facilities, and Brownfields sites. Glenn's extensive knowledge of both federal and state DEP Brownfields has been invaluable for the Project Team in obtaining Brownfields funds to help with the design and permitting for the dredging of the piers and waterfront properties in Portland Harbor.
- **William Taylor** is a Partner in the Environmental Group at Pierce Atwood LLP. His practice covers matters related to water law, waste discharge, stormwater and natural resource licensing, compliance counseling, rulemaking, auditing, and enforcement. William provides the environmental legal work for the Portland Harbor Dredge & CAD Cell Project. This includes

National Environmental Policy Act (NEPA) review, permit application development, review and response to comments, and coordination with environmental groups.

- **Governor John Baldacci** is the Senior Advisor on Economic Development & Government Relations at Pierce Atwood LLP. In that role, Governor Baldacci builds relationships to enable successful business strategies and economic development outcomes, and provides insight into state and federal policy issues. He counsels clients on local, state and federal initiatives, government procurement, economic development projects, and various policy issues. Governor Baldacci developed a comprehensive funding strategy for the Portland Harbor Dredge & CAD Cell Project. He continues to provide the necessary outreach to local, state and federal leaders based on and consistent with the funding strategy. This includes providing updates to Maine's congressional delegation, and working with the Maine Department of Transportation to promote the project and develop funding opportunities, including a state bond to serve as part of a local match for federal grant opportunities.
- **Alexander Price** is the Government Relations Specialist at Pierce Atwood LLP. In that role, Alexander monitors and reports on legislative activity and provides on-the-ground support in the Maine capitol to Pierce Atwood's Government Relations clients. He worked closely with Governor Baldacci to develop the funding strategy for the Portland Harbor Dredge & CAD Cell Project. Alexander currently assists Governor Baldacci with outreach to local, state and federal leaders, and helps coordinate meetings among key stakeholders to promote the project and develop further funding opportunities.

Briefly describe the history of your team, business, or organization. What are the team's current strengths and weaknesses?

In a collaborative effort starting in 2014 to advance the pier dredging initiative, the cities of Portland and South Portland formed a Non-Federal Dredge (NFD) work group to assess and recommend options for the placement of the contaminated sediment. The NFD work group recommended that the City of Portland issue a Request for Proposals (RFP) for the design and permitting of a CAD cell in Portland Harbor. Later that year, the Maine Department of Transportation allocated \$250,000 to the City of Portland to fund the design and permitting of a CAD cell in Portland Harbor. In a separate effort, the Portland Harbor Commission also applied for a \$350,000 federal Brownfields grant.

The Portland Harbor Commission was awarded the federal Brownfields grant in 2015, and hired Campbell Environmental Group to complete the design and permitting for the dredging of the piers and waterfront properties in Portland and South Portland. The City of Portland issued the RFP, and retained Stantec to complete the design and permitting of the CAD cell.

In 2016, the Project Team completed a bathymetric survey of Portland Harbor to aid in determining dredge need and associated dredge volumes. After reviewing the site recommendations made by the NFD work group, the Project Team then completed a sub-bottom profile survey of proposed CAD Sites to determine depth to bedrock. Based on the results, Site C was found to have sufficient depth to bedrock for a CAD cell.

Stantec completed a geotechnical boring at the proposed CAD Site C in 2017 to determine depth to bedrock and sediment characteristics, and the results indicated that Site C was suitable for construction of a CAD cell. The Project Team then completed initial outreach to pier and waterfront property owners to get feedback on dredge need. Based on this feedback, the Project Team was able to complete a preliminary design for the CAD cell. The Project Team also launched a robust sediment testing program to characterize the sediment chemistry around Portland Harbor's piers and waterfront properties. In addition, the Project Team worked closely with the Maine Department of Environmental Protection and the Maine Department of Marine Resources to complete a survey of eelgrass and lobster habitat within the target dredge areas and CAD cell location.

In 2018, the Project Team received an additional \$75,000 from the Maine Department of Transportation for additional CAD cell site investigation, environmental testing and permitting. As a result, preliminary design drawings for individual piers and waterfront properties were developed depicting the bathymetric survey data, proposed dredge depths, and thickness of the sediment removal required.

The Project Team brought on Pierce Atwood LLP and former Governor John Baldacci in 2019 to initiate a project funding strategy that includes research into local, state and federal funding sources. Since then, the Project Team has engaged local, state and federal leaders, including but not limited to: Maine's federal congressional delegation, the U.S. Environmental Protection Agency, the U.S. Department of Commerce's Economic Development Administration, the U.S. Department of Transportation, the Maine Department of Transportation, the Maine Department of Environmental Protection, and the Maine Department of Marine Resources.

Most recently, the Project Team received an additional \$40,000 Brownfields grant from the Maine Department of Environmental Protection to continue to assess owner dredge need, update dredge area designs, and prepare permit attachments.

Category Three: Innovation and Value Proposition

Describe your innovation (product, process, service or program), how it solves a problem or meets an unmet need, and why your solution is better than alternatives, using the following format:

"We sell/operate/serve _____ (innovation) to _____ (target customer/participant). The

problem they have is _____, and we are addressing that with/by _____. Our solution is different from current alternatives because_____."

The City of Portland, in cooperation with the City of South Portland, the Maine Department of Transportation (MDOT), and the Portland Harbor Commission, is developing plans to construct a CAD cell for disposal of sediments being dredged from berthing and vessel support areas in Portland Harbor.

The problem is that many Portland Harbor piers and waterfront properties have not been dredged in over 70 years and have been slowly filling in with sediment, causing decreased water depths and a steady decline in available berthing for our working waterfront. The piers and waterfront properties have not been dredged in so long because the sediment accumulating around them contains modern-day pollution from storm water runoff and "legacy contaminants" from long-departed factories and shipyards.

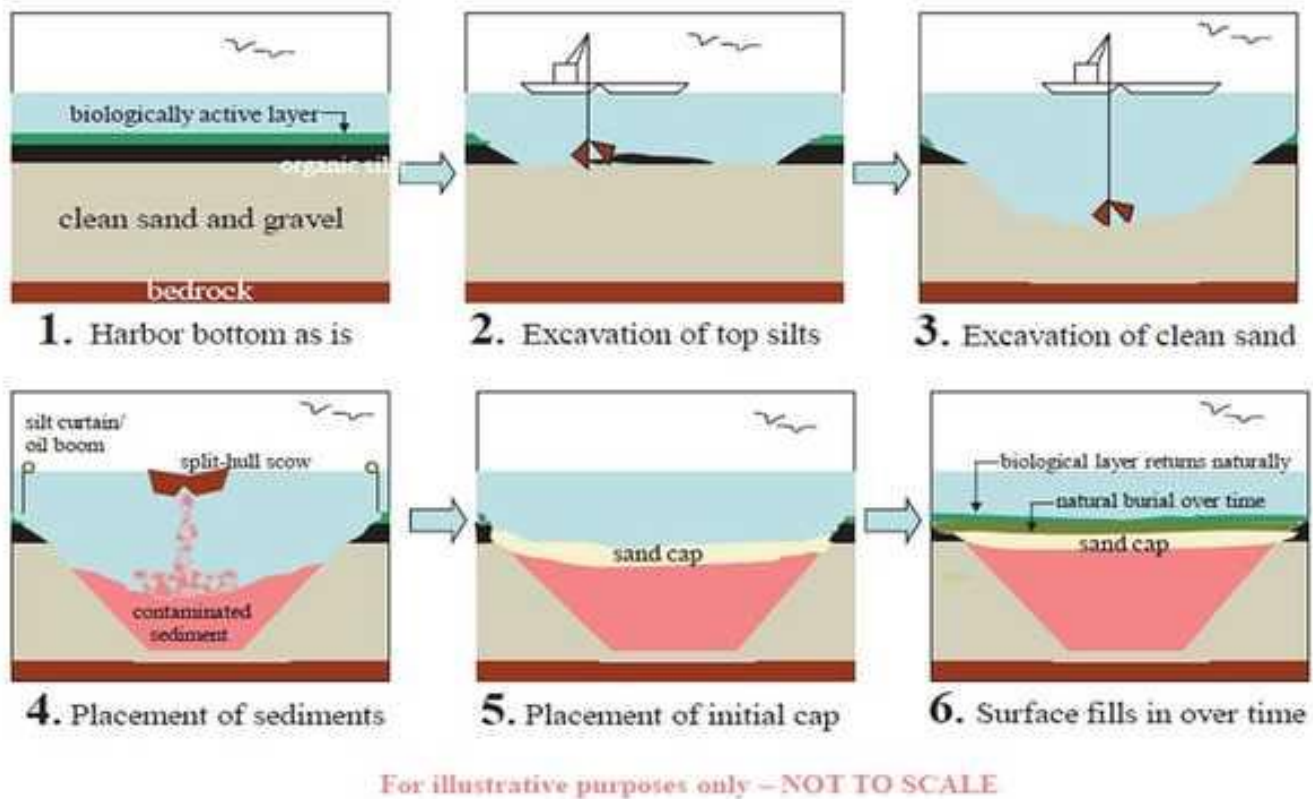
Both private and public pier and waterfront property owners have been stymied by the exorbitant costs associated with the testing, dredging and transfer of these sediments they were not responsible for contaminating. There are very few placement options and, unfortunately, most are prohibitively expensive and have negative environmental impacts. The pier and waterfront property owners have been hesitant to spend tens of thousands of dollars on the required testing and regulatory permitting, only to find out that the sediment disposal required will be cost prohibitive.

The dredging stalemate in Portland Harbor has had significant economic and environmental consequences. To maintain the pier and waterfront property areas, owners have been forced to look at other uses for revenue, such as restaurants, hotels and office buildings, which has caused a decline to our once vibrant working waterfront. The environmental impact is just as significant. Boat propellers and big storms can disturb the contaminated sediments, damaging water quality in the Fore River and exposing pollutants to fisheries and wildlife. The problem only gets worse as sediments continue to accumulate.

We are addressing this problem by developing a plan that will allow us to remove contaminated sediments from around Portland Harbor's piers and waterfront properties and place it into a Confined Aquatic Disposal (CAD) cell. A CAD cell is constructed by digging a deep hole into the harbor bottom, filling it with the contaminated sediments, and capping it with a thick layer of clean sand.

Our solution is different from current alternatives because it is both a cost effective and environmentally responsible way to remove the contaminated dredge materials currently located in Portland Harbor. In fact, the Environmental Protection Agency (EPA) considers CAD cells to be an environmentally safe and permanent solution for isolating contaminated sediment. As a result, CAD cells have become an

increasingly common solution for the clean-up and isolation of contaminated dredge sediments. There are 11 CAD cells in Boston Harbor alone, and CAD cells are also found in Hyannis, Rhode Island, Connecticut, California, and as far away as Hong Kong.



Tell us what you know about your freedom to operate - your ability to develop and implement your innovation or solution without Intellectual Property (IP) issues or constraints, or existing relevant patents:

There are no issues or constraints in our ability to design and implement a CAD cell in Portland Harbor.

Category Four: Customer and Market

Describe the overall market(s) or customer segments for your innovation/solution, and your plan or ability to capture part of the market. Include the size or portion of the market you are aiming to capture. If you are part of a group/cluster/collaborative, your market might be a description of the likely impact of your innovation.

Our project is going to benefit both private and public pier and waterfront property owners, as well as residents of Portland and South Portland as a whole. The permit from the Portland Harbor Commission allows for dredging 30 piers and waterfront properties throughout Portland and South Portland. Thus far, 67 areas at 30 piers and waterfront properties have been identified for possible dredging. The Project Team is now confirming with those property owners whether they would like their property dredged, and if so, how much sediment they would like removed.

Aside from protecting and improving the water quality of Portland Harbor, this project is also going to have a large impact on the local economy. Many of the piers degraded by sedimentation are critical to the lobstering community for berthing, bait, gear storage, and lobster gear. Addressing this issue will benefit both the lobster industry and the families that it supports.



The proposed dredge areas are highlighted in red. The blue star on the left side is the proposed site of the CAD cell.

Category Five: Business Model

Describe your aspirations for your business/organization in the next 2-5 years, including: What do you want to do with your innovation and what is your vision of success?

The Project Team is working to obtain the proper permits for both the dredge and CAD cell initiatives from local, state and federal agencies. As part of the permitting process, the volume of harbor sediments along the piers and waterfront properties will be determined and sediments tested to determine depths and levels of contamination. The team will also conduct additional sediment testing at the CAD cell site to determine where the excavated sediments can be placed.

The Project Team expects to have all necessary permits in hand by May 2020, and will then submit an application for a federal Better Utilizing Investments to Leverage Development (BUILD) Grant. Assuming our application is successful, the Project Team expects to begin the construction of the CAD cell in the winter of 2021/2022, with harbor dredging occurring from 2022-2027.

What assumptions are you making about the costs you will incur, the capital you will need, and the revenue you will generate to become sustainable? What evidence have you gathered that back up these assumptions?

The total cost of the project depends upon final siting, design, and size of the CAD cell. Once the amount of dredged materials that need to be isolated into the CAD cell has been calculated, an exact cost will be determined. At this stage, because the current design of the CAD cell allows it to hold up to 278,000 cubic yards of material, we expect the total cost of the project to be somewhere around \$30 million. We expect the cost to be evenly split: \$15 million to construct the CAD cell and \$15 million to dredge the piers and waterfront properties.

To obtain the necessary funding, the Project Team has been looking into a number of local, state and federal funding opportunities. As previously mentioned, the Project Team will be applying for a federal BUILD Grant in July 2020. The BUILD Grant will only fund up to 80 percent of the project's cost, which means we will be applying for \$24 million. The remaining \$6 million will mostly come from a state transportation bond issue, which we are currently working with the Maine Department of Transportation to obtain. Funding will also be obtained through the municipalities (Portland and South Portland) and public and private tipping fees.

Category Six: Scope of Work and Budget

MTI invests in project-specific requests – provide a **Scope of Work** that specifies your objectives and project deliverables over the course of your proposed timeline.

Upload a **Scope of Work** using the template provided in the application portal.

In the application portal, list the project's start date and end date.

Upload a **Budget** using the template provided in the application portal, providing a detailed breakdown of your proposed project budget. Include all proposed expenses: MTI funds requested, cash match and other/in kind match.

In the application portal, enter the breakdown of the project totals from the budget form for MTI Funds Requested, Cash Match and Other Funds.

Supporting Materials

Upload all optional support materials as one file (Word, Excel, PDF, etc.). See page 1 for a list of supporting materials that may be included.

Disclosure and Confidentiality Statement

MTI's obligations regarding the confidentiality of Applicant's Application and associated documents are controlled by 5 MRS section 15302-A which requires that certain information in MTI's possession must be available for public inspection after an application for financial assistance is received, including, but not limited to: names and addresses of Applicants, including principals; the amounts, types and general terms of financial assistance; general description of projects and businesses benefiting from the assistance; and the number of jobs projected in connection with a project.

Certain records at MTI are designated confidential by section 15302-A and will not be available to the public for inspection, including: records requested to be treated as confidential, which if disclosed, would constitute an invasion of an individual's privacy, such as: personal tax returns, financial statements, or assessments of creditworthiness or financial condition; records obtained by MTI in connection with any monitoring or servicing on an existing project, or any other records or information the release of which MTI has determined could cause a business competitive detriment.

If an Applicant desires that certain information remain confidential, the Applicant must clearly identify what information or documents it wishes to remain confidential. The Applicant must also explain, in writing, the basis for such a request. Where the Applicant asserts that the basis for the confidentiality request is that release of the information could cause a business or competitive disadvantage, or loss of a competitive advantage, the Applicant must provide MTI with sufficient information to independently determine the likelihood of such a detriment. Applicants may wish to consult their attorney or MTI staff as to the scope of public disclosure and confidentiality as it relates to MTI and Applicants.

MTI does not discriminate in the administration of any of its programs or in its employment practices on the basis of race, color, national origin, age, gender, religion, physical or mental disability, political affiliation, marital status or sexual orientation. MTI is an equal opportunity employer, provider and lender.

For full details, see [MTI's Disclosure and Confidentiality Statement](#). Please review the list of all Board members, Technology Board members and staff listed on the MTI website in the "[Who is MTI](#)" section.

If there are any MTI Board members, Technology Board members or staff from whom we should withhold your application, please note those individuals below for entry into the online application portal.

Withhold from:

To complete your online application, you will electronically 'sign' by typing your name:

By signing this application, I certify that all information contained herein is complete and accurate to the best of my knowledge. I agree to accept responsibility for the conduct of the project, and I agree to provide all required progress reports, if an award is made.

Type your name into the online application portal.

You will receive an auto-generated notification once your application has been submitted. Once your application has been received and reviewed by MTI staff, you will receive notification via email that the application has been received and accepted as complete for review. Your Investment Officer will be in contact with you about the review and decision process via email.

SCOPE OF WORK TEMPLATE – Portland Harbor Dredge & CAD Cell Project

WHICH VIRAL CATEGORY* ADDRESSED?	CURRENT VIRAL LEVEL	SPECIFIC PROJECT DELIVERABLES	PROJECT TIMELINE	
			START DATE	COMPLETION DATE
Product	1	The Project Team will finalize 30% design for both the CAD cell and each individual dredge area. Deliverables will include geophysical reporting, cross-sections, construction plans, and Erosion and Sediment Control Plans.	11 / 1 / 2019	09/ 30/ 2020

NOTE TO APPLICANTS: Insert and/or resize rows as needed to include additional information. Utilize space below the table to provide further details (narrative, data tables, pictures, etc.) on the scope of work and deliverables.

**The VIRAL categories are: Team | Problem & Vision | Value Proposition | Product | Market | Business Model | Scale | Exit/Sustainability*

BUDGET FORM		
TOTAL PROJECT BUDGET		NOTES ⁴
Internal Staff	-	
Consultants/Contractor Services ¹	\$50,000	Stantec Consulting Services will be completing the 30% design for both the CAD cell and each individual dredge area. Stantec will also be producing the deliverables described in the Scope of Work.
Capital Purchases ²	-	
Travel	-	
Other ³	-	
Total Expenses:	\$50,000	
SOURCES OF FUNDS/REVENUE		
MTI Funds Requested	\$25,000	
Cash Match	\$25,000	
Other Funds	-	

Balance check \$ -

Total sources of funds should equal total projected expenses.

See the [Matching Funds Policy](#) for detail on what may be included as cash match and other funds.

1) Consultants/Contracted Services: This includes external services and vendors (e.g. legal, engineering, construction, etc.) that are not employees or proprietors.

2) Capital Expense: Funds expended (cash basis) during the MTI scope of work period to maintain, acquire, upgrade physical assets such as property, buildings, equipment, to achieve application goals. This category may also be used to demonstrate the value of 'other' match pledge to the project in the form capital assets already owned by the applicant. See Other in Matching Funds Policy.

3) Other Expenses: Portions of expense directly attributable to achievement of applications goals. May include a % of rent, non-capital equipment, inventory costs, marketing, payroll (not already captured in major categories in this budget), insurance. A separate narrative justifying and detailing this line item if it is used should be completed on the "Detail" tab.

4) The notes column can be used to give more information on a line item at either the applicant's or the MTI staff's request.

APPENDIX B: DISBURSEMENT SCHEDULE AND REPORTING REQUIREMENTS

Disbursement Schedule:

Date: 4/29/2020 Amount: **\$25,000.00**

Required Deliverable: Submission of final reports and acceptance of final reports by MTI staff Date: 10/30/2020

Reporting Requirements:

Final project report narrative and expense documentation due 30 days after project completion date

1. Detail the specific activities and results of the completed project. Include deliverables completed and what progress was made from VIRAL/Investment Readiness Levels outlined in the project application scope of work (in Appendix A).
2. Identify how they compare with the original goals and deliverables of the project.
3. Detail the next steps to be taken to move to the next level on the VIRAL/Investment Readiness Levels Framework.
4. Submit the final project expenses document and accompanying certification of expenses and match, using MTI formats. Discuss and explain any significant variances in comparison to the approved budget if necessary.

Post-project completion VIRAL assessment meeting

1. Once recipient submits final project reports, MTI will contact recipient within sixty days to schedule a meeting (via phone or in person) to conduct a joint assessment of VIRAL/Investment Readiness Levels and recipient's progress during the project.

MTI Annual Impact Metrics Report

Completion of our Annual Impact Report pertaining to the economic impacts of the award on an annual basis until the Termination Date of this Agreement. A link to the report will be provided by MTI annually and this will include information such as number and salary ranges of jobs created or retained, annual revenues, capital raised and expansion of facilities in Maine.

Site visits and spot audits:

Because MTI recipient organizations range widely by organizational size and type, MTI reserves the right to request additional documentation and perform spot audits as needed on a case-by-case basis.

As part of MTI's contract oversight, MTI staff may visit project site or company at least once each year of the project for project monitoring.

Recipient acknowledges that failure to comply with the reporting requirements of Appendix B is an event of default under the Grant Contract and will automatically disqualify Recipient from any future MTI funding until full reporting compliance has been achieved.

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)

**AMENDMENT TO PORTLAND CITY CODE CHAPTER 35
RE: TEMPORARY MARIJUANA TESTING LICENSES**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

*That the Portland City Code is hereby amended by adding a
section to be numbered Chapter 35, Article 1, Section 35-1,
which said section reads as follows:*

CHAPTER 35. MARIJUANA BUSINESSES.

ARTICLE I. TEMPORARY ADULT USE MARIJUANA TESTING LICENSES

35-1. Temporary Adult Use Marijuana Testing License.

1. An adult use marijuana testing facility may apply for a temporary license to conduct business so long as all of the following criteria are met:
 - a. The applicant has received a conditional license from the State of Maine;
 - b. The testing facility has received site plan approval and/or a building permit for either an adult use or medical marijuana testing facility;
 - c. The applicant has designated an emergency contact who is available to respond to all emergency contacts by the City within one hour and to non-emergency contact by the City within 24 hours;
 - d. The facility will have security features sufficient to prevent the diversion of marijuana and marijuana products, and to protect the health and safety of owner, patrons, City officials, and the public;

- e. The facility will have waste disposal measures sufficient to prevent diversion of marijuana or marijuana product, and to prevent contamination of land, water, and sewer;
- f. The facility will mitigate odor in such a manner so as to eliminate the smell of marijuana at the property boundary or at any adjoining use of the property, whichever is closer;
- g. The applicant has provided a floor plan for the facility;
- h. The applicant has provided an operations plan for the facility; and
- i. The applicant has disclosed all chemicals, solvents, and similar substances to be used in the facility.

2. Except as otherwise provided in this section, the provisions of Chapter 15 shall apply to all licenses applied for and issued under this Section.

3. Any temporary license granted under this section will expire six months after the effective date of an ordinance that provides for full licensing of adult use marijuana testing facilities. After the expiration of any temporary license, a testing facility must cease operations unless and until it obtains a full license under the relevant ordinance. The granting of a temporary license under this section shall not automatically entitle an adult use marijuana testing facility to a full license, and an adult use marijuana testing facility must meet all requirements of the relevant ordinance.

4. Applicants for a temporary license shall pay a \$500 application fee. If the applicant subsequently applies for a full license within the same twelve-month period, the application fee for the full license shall be waived, but the applicant shall be required to pay the licensing fee. Any full license will be dated back to the initial date of the temporary license.

5. This section will expire six months after the effective date of an ordinance that provides for licensing of adult use marijuana testing facilities.



JANET T. MILLS
GOVERNOR

STATE OF MAINE
OFFICE OF MARIJUANA POLICY
162 STATE HOUSE STATION
32 BLOSSOM LANE
MARQUARDT BUILDING, 3RD FLOOR
AUGUSTA, MAINE 04333-0162

ADMINISTRATIVE & FINANCIAL SERVICES

KIRSTEN LC FIGUEROA
COMMISSIONER

OFFICE OF MARIJUANA POLICY

ERIK GUNDERSEN
DIRECTOR

April 9, 2020

Portland City Council
City of Portland
389 Congress Street
Portland, ME 04101

Mayor Snyder and Members of the Portland City Council:

I am writing today on behalf of the Maine Office of Marijuana Policy (OMP) and the Department of Administrative and Financial Services to express our support for the City of Portland completing work on its licensing regime for adult use marijuana testing facilities.

As you may know, OMP is responsible for the oversight of all aspects of legalized marijuana in Maine. Our mission statement is **to ensure the health and safety of all Mainers by effectively and responsibly licensing and regulating marijuana establishments**. In our role as a regulatory agency, we are neither advocates for nor opponents of marijuana legalization. However, we cannot fulfill our mission statement without ensuring that Maine has a robust testing program in place to serve the needs of this emerging industry.

Nova Analytic Labs and ProVerde Laboratories—located in Portland—are two of a handful of testing labs that are actively seeking to provide the mandatory testing requirements of our adult use program. Nova and ProVerde are currently undergoing a certification process required of marijuana testing facilities that is overseen by the Maine Center for Disease Control and Prevention, and Nova has already begun the licensing process necessary through OMP.

With the addition of Nelson Analytical in Kennebunk, these entities represent the three marijuana testing facilities with the highest degree of readiness to serve Maine's forthcoming adult use industry. It is vitally important for the state to have these testing facilities positioned and ready to meet the needs of this new industry, as OMP is actively engaged in the process of vetting and approving conditional applications—the first step in the application process—for cultivation facilities, products manufacturing facilities, and marijuana stores.

While this is exciting news for industry stakeholders and consumers who have waited years for an avenue to legally access and sell adult use marijuana and marijuana products, testing is a critical and necessary component of our adult use rollout. We have publicly stated many times that we will not be launching this new industry without having a testing facility or facilities online to complete the mandatory testing of product being made available to consumers.

As you may know, the Marijuana Legalization Act requires that all conditional licensees seeking to operate an adult use marijuana establishment in Maine must obtain local authorization before converting their license to active status, a step which would allow them to engage in the cultivation, manufacture, testing or sale of adult use marijuana or adult use marijuana products.

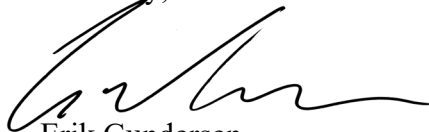
Several communities preparing for local authorization and to opt-in for adult use have had to postpone those actions because of COVID-19, and rightfully so. However, the Portland City Council is in a unique position in that it could choose to adopt a licensing process for marijuana testing facilities that is independent of other adult use establishments. Doing so would allow these Portland-based establishments to proceed with OMP's active licensure process and be poised to serve Maine's adult use industry when it launches later this year.

It is important to note that OMP has no intentions of issuing active licenses or setting a retail sales launch date amid a public health pandemic. We are simply trying to set the stage to launch this new industry as quickly as possible, once social distancing guidance allows. It is paramount to have these testing facilities in place to achieve that goal when the day comes.

At its highest level, the testing of adult use marijuana and marijuana products is critical to protecting public health and ensuring that information on product entering the stream of commerce is available for consumers to make informed choices. I encourage the City of Portland to take this important step.

If I can be of assistance to you during your deliberations, please do not hesitate to call on me. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Erik Gundersen', with a stylized, flowing script.

Erik Gundersen
Director

MEMORANDUM
City Council Agenda Item

FROM:

DATE: April 16, 2020

SUBJECT: Order 167-19/20 Extending the Emergency Proclamation - Sponsored by Kate Snyder, Mayor

SPONSOR: Kate Snyder, Mayor

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

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

This order extends the term of the emergency proclamation to May 18, 2020.

The City Council shall also consider amendments to the order, including, but not limited to, two amendments to the prohibition of short term rentals listed in paragraph 19, both of which were postponed on April 14, 2020 to this meeting. The amendments from Councilor Kim Cook propose short term registration fee refunds and other provisions for persons who convert a short term rental to a long-term rental. They are in the back-up material.

Seven affirmative votes are required for passage as an emergency after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

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

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Order 167-FY20 Extending the Emergency Proclamation 4.27.2020
2. Amendment 1 Councilor Cook Ord. 156 re Rental registration fees 4.13.2020 (1)
3. Amendment 2 Councilor Cook Ord. 156 re Rental registration fees 4.13.2020 (1)

4. Amendment 2-A REVISED Councilor Cook Ord.167 re Rental registration fees 4.27.2020
5. Amendment 3 Councilor Duson Order 167-FY20 Re Gunshops
6. Amendment 4 Councilor Ray Order 167-FY20 Re Construction 4.27.2020
7. Amendment 5 Councilors Ray and Cook Order 167-FY20 Re Nonessential business activity 4.27.2020
8. Amendment 6 Councilor Cook Order 167-FY20 re real estate
9. Amendment 7 Councilor Thibodeau Order 167-FY20 Re Masks Required 4.27.2020

Prepared by:

Date: 4/16/2020

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)
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PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER EXTENDING THE TERM
IN THE EMERGENCY PROCLAMATION**

ORDERED , that the Proclamation Declaring the Continued State of Emergency and Requirement to Stay at Home, issued by the City Manager Jon P. Jennings on March 24, 2020, is hereby renewed and amended to be in effect for from March 30, 2020 through 12:00 a.m. on May 18, 2020, in substantially the form attached; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager or his or her designee to execute any related documents necessary or convenient to carry out the intent of this Order.

PROCLAMATION DECLARING CONTINUED STATE OF EMERGENCY AND REQUIREMENT TO STAY AT HOME

WHEREAS, there is currently an outbreak of novel coronavirus disease 2019 (“COVID-19”), a respiratory illness, first detected in Wuhan City, Hubei Province, China, and it continues to expand to a growing number of international locations, including the United States; and

WHEREAS, on January 31, 2020, the United States Secretary of Health and Human Services announced a nationwide public health emergency to respond to COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization (the “WHO”) declared that global health crisis involving COVID-19 is a pandemic; and

WHEREAS, on March 12, 2020, the State of Maine identified and confirmed its first case of COVID-19; and

WHEREAS, on March 13, 2020, the City of Portland, Maine identified and confirmed its first case of COVID-19; and

WHEREAS, on March 16, 2020, the City of Portland declared an emergency and issued an emergency proclamation wherein in, among other things, restaurants and bars were to be closed for in-person gatherings and only open for take-out dining; and

WHEREAS, on March 19, 2020 the Federal Cybersecurity and Infrastructure Security Agency issued guidance identifying 14 critical infrastructure sectors whose workers provide services and functions that are essential to maintain in order to support a strong response to COVID-19 pandemic; and

WHEREAS, as of March 29, 2020, there are 253 cases in the State of Maine, and 74 cases in Cumberland County of COVID-19; and

WHEREAS, on March 18, 2020, the Maine Supreme Judicial Court issued a Revised Emergency Order and Notice from the Maine Supreme Judicial Court [Regarding] Courthouse Safety and Coronavirus (Covid-19), in which the Court ordered that cases involving Forcible Entry and Detainer (evictions, landlord/tenant) will not be heard or scheduled by any Maine court before May 1, 2020; and

WHEREAS, the City of Portland is the largest city in Cumberland County, and is the service center for the region; and

WHEREAS, COVID-19 has been detected in hundreds of thousands of people worldwide and is primarily spread from person to person; and

WHEREAS, COVID-19 is easily transmitted, especially in group settings, and it is essential that the spread of the virus be slowed to protect the ability of public and private health care providers to handle the influx of new patients and safeguard public health and safety; and

WHEREAS, this worldwide outbreak of COVID-19 is emerging and rapidly evolving; and

WHEREAS, Governor Janet T. Mills issued an executive order on March 15, 2020 prohibiting gatherings of more than ten (10) people throughout the State, and closing all restaurants and bars dine-in facilities; and

WHEREAS, on March 24, 2020, Governor Mills issued further guidance to businesses and the public regarding COVID-19;

WHEREAS, under conditions of this emergency, the City of Portland recommends and encourages all landlords throughout the City to not undertake or process any evictions; and

WHEREAS, the City of Portland also recommends that persons not advertise or encourage the use or rental of short-term rentals throughout the City for vacation purposes or otherwise; and

WHEREAS, on April 10, 2020, Governor Janet T. Mills issued an Executive Order "Modifying the Primary Election to Reduce Exposure to COVID-19" in which state statutory deadline requiring that the primary election be held on the 2nd Tuesday of June is suspended and modified to provide that the primary election will be held on July 14, 2020; and

WHEREAS, the Portland City Manager has identified additional services and functions that likewise are essential to promote the public health, safety and welfare of the City of Portland, ensuring workers providing critical services and functions in those designated sectors may continue to work to ensure community resilience and continuity of response efforts, while at the same time encouraging social distancing at these services, with no in-person dining, and curbside pick-up of any goods where practicable; and

WHEREAS, on April 14, 2020, Governor Janet T. Mills issued an Executive Order extending Maine's state of civil emergency for 30 days, through May 15, 2020;

NOW THEREFORE, BE IT ORDERED, that the Mayor and City Council of the City of Portland, do hereby declare and order as follows:

1. A civil state of emergency continues to exist within the City of Portland.
2. This Proclamation is issued in accordance with, and incorporates by reference, the

March 15, 2020 and April 14, 2020 Executive Orders issued by Governor Janet T. Mills. More specifically, the following provisions should still be complied with within the City of Portland:

- A. Gatherings of more than ten (10) people are prohibited throughout the State. Gatherings subject to the Governor's Executive Order are those that are primarily social, personal, and discretionary events other than employment. Such gatherings include, without limitation, community, civic, public, leisure, and faith-based events; social clubs; sporting events with spectators; concerts, conventions, fundraisers, parades, fairs, and festivals; and any similar event or activity in a venue such as an auditorium, stadium, arena, large conference room, meeting hall, theatre, gymnasium, fitness center or private club; and
 - B. All restaurants and bars shall close their dine-in facilities. Such businesses that offer carry-out, delivery, and drive-through food and beverage service may continue to do so but eating and drinking inside restaurants and bars is still temporarily prohibited.
- 3. The business, production and service sectors identified in Exhibit A are hereby designated as "COVID-19 Essential Services." All of Exhibit A shall be applicable within the City of Portland, except that the following more restrictive requirements shall be applicable to the essential businesses and services identified below:
 - A. Real estate agency activities shall not be allowed with regard to any occupied residential multi-family properties of more than 4 units. For multi-family properties with 4 units or fewer, no real estate activities shall be permitted in a unit occupied by a tenant. Real estate activities shall further not be allowed in which the property owner is not a resident. All other real estate agency activities are authorized so long as such activities are conducted in accordance with Governor Mills' executive orders and the specific guidance for such activities available on the Department of Economic and Community Development website;
 - B. Construction business activities and/or projects may only continue if the activities and/or projects were approved by the City on or before March 25, 2020, and only so long as, to the maximum extent possible, all persons remain at least six (6) feet from any other person on the various construction sites;
 - C. Gun shops shall not be considered an essential business or service within the City of Portland; and
 - D. Insurance business and professional services such as legal or accounting services are allowed, but only when necessary to assist in compliance with legally mandated services.

4. All individuals currently living within the City of Portland are ordered to stay at their place of residence. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably possible maintain social distancing of at least six (6) feet from any other person with whom they don't share a household when they are outside their residence. All persons may leave their residences only to access COVID-19 Essential Services or as otherwise expressly provided herein. Individuals experiencing homelessness are exempt from this requirement, but are strongly urged to obtain shelter, and be at least six (6) feet from any other person, to the maximum extent practicable and possible.
5. All travel including, but not limited to, travel on foot, bicycle, scooter, motorcycle, golf carts, automobile, or public transit, for COVID-19 Essential Services is permitted. Outdoor exercise and/or dog walking is also specifically permitted. All individuals are encouraged to not use or congregate on City playgrounds, and it is recommend that all individuals should seek, to the maximum extent possible, to be at least six (6) feet from any other person with whom they do not share a household with when engaged in any travel or exercise activities on City streets, trails, grounds, fields, tennis or basketball courts or other outdoor areas.
6. The requirements in Paragraphs 4 and 5, above, shall not apply to police officers, peace officers, firefighters, EMS, or other emergency personnel or civilians engaged in police or emergency work, persons performing essential governmental functions, nor shall it apply to health-care providers or workers traveling to or coming from work assignments in hospitals or other health-care facilities whether in or outside of the City of Portland. Those requirements shall also not apply to authorized representatives of any news service, newspaper or radio or television station or network.

For the duration of this proclamation, and except as expressly stated herein, all provisions of the City Code permitting dogs to be off leash and under voice control on public streets or publicly owned or publicly accessible property are suspended during the hours between 10:00 a.m. and 5:00 p.m. All dogs on any public street or publicly owned property must be controlled by a leash of not more than the specified lengths permitted under Chapter 5 of the City Code for particular parks or publicly owned property during those aforementioned hours, except that dogs shall continue to be permitted to be under voice control in the Ocean Avenue Dog Park and the Valley Street Park.

7. All businesses with a facility in the City of Portland that do not provide COVID-19 Essential Services, shall close their physical workspaces and facilities ("brick-and-mortar premises") to workers, customers, and the public as of the effective date and time of this proclamation. Businesses that do not provide COVID-19 Essential Services are encouraged to continue operations through remote means that do not require workers, customers, or the public to enter or appear at the brick-and-mortar premises closed pursuant to this proclamation. With that said, such non-essential businesses may continue to access their brick-and-mortar premises in order to conduct essential business functions including, but not limited to, processing mail, depositing checks, completing payroll and paying vendors; as long as social

distancing requirements are being implemented, and the fewest number of employees possible are on premises when conducting such services. Churches, temples, mosques, and other places of worship shall not be required to close their brick-and-mortar premises to employees or to the public; provided, however, that such institutions shall be required to comply with all limitations on gatherings established by Governor Janet T. Mills' March 15, 2020 executive order outlined in paragraph 2 above.

8. All businesses providing COVID-19 Essential Services are strongly encouraged to remain open. To the greatest extent feasible, COVID-19 Essential Services shall comply with social distancing protocols by maintaining at least six (6) feet of physical distance from other people, including other employees and members of the public, including, but not limited to, when any customers are standing in line, and allow and encourage remote working where practical.
9. Housing insecurity because of involuntary unemployment, extended sickness, or required quarantine as a result of a public health emergency in Maine is a subject of general concern. Losing a home is catastrophic at any time, and during the COVID-19 emergency in particular, losing housing endangers the public peace, health, and safety of all loss of all residents of the City. Public health and safety are promoted by stabilizing households, which, through no fault of their own, may suddenly have the inability to afford rent; and

COVID-19 has had a significant and, in many instances, devastating impact on local businesses. The need for businesses offering non-essential services to close bricks-and-mortar locations in order to reduce person-to-person contact and help "flatten the curve," has resulted in significant financial hardship to many of the local businesses that are so critical to the City, its economy, and our shared sense of place. Public health and safety are promoted by stabilizing these critical businesses which, through no fault of their own, may suddenly have drastically reduced operation and income and a sudden inability to afford rent for their commercial spaces; and

In light of the current COVID-19 pandemic, the Maine Judicial Court's suspension of eviction cases until May 1, 2020, and the shared need for all members of our community to work cooperatively to protect the public health and safety, all owners of residential and commercial rental properties within the City of Portland are hereby requested to rescind or suspend all terminations of all leases or tenancies, including tenancies at will (both residential and commercial) for non-payment of rent beginning March 1, 2020 until 30 days after the termination of this Proclamation if the tenant is able to show an inability to pay rent due to circumstances related to the COVID-19 pandemic. These circumstances include loss of income due to a COVID-19 related workplace or business closure, child care expenditures due to school closures, health care expenses related to being ill with COVID-19 or caring for a member of the tenant's household who is ill with COVID-19, or reasonable expenditures that stem from government-ordered emergency measures. The requested limitation does not extend to cases where a tenant causes substantial damage to the property or the other bases for termination of tenancies contained in 14 M.R.S. § 6002(A), (B), (D), (E) & (F) nor would it

eliminate the obligation of tenants to pay rent.

10. The laws and rules outlined in the Land Use Code, including, but not limited to, the Site Plan, Subdivision, Historic Preservation Ordinance, and other procedures applicable to the City planning and land use application and review processes contained in Chapter 14, to the extent they impose limitations on the amount of time permitted for the holding of public hearings, the certification of applications, the holding of neighborhood meetings, the submission of recommendations, any required or necessary voting, the taking of final actions, and the issuance of determinations, are suspended, and any such time limitations are tolled for the duration of this Proclamation.
11. The neighborhood meetings required in Chapter 14 of the City Code may be conducted by an applicant remotely through telephonic, video, electronic or other similar means of remote participation under the following conditions: A. Notice of the neighborhood meeting has been widely given to the parties required by the City's code to receive notice by electronic, telephonic, or other means and includes the method by which the public and interested parties may attend; B. The applicant and all individuals speaking on behalf of the applicant in the remote meeting are able to hear and speak during the meeting and members of the public attending the remote meeting are able to hear the applicant and its representatives; and C. Members of the public attending the remote meeting are able to participate through telephonic, video, electronic or other similar means of remote participation.
12. For the duration of this Proclamation , unless earlier rescinded by the City Council, the City Manager may suspend, by written agreement with a person, entity, or service provider providing emergency and essential services, suspend the rules and laws relating to Buildings and Building Regulations (Chapter 6), Licenses and Permits (Chapter 15), and Fire Prevention and Protection (Chapter 10) for all projects or properties undertaking temporary emergency and essential services during the duration of the declared State and City State of Emergency. Any agreement shall outline programmatic details and demonstrate, to the Manager's satisfaction, that the property and land use being undertaken meets minimum life safety requirements and that the suspension of the rules and laws suspended hereunder and otherwise applicable will not unduly impact the health and safety of the public.
13. The laws and rules outlined in the Licenses and Permits Code (Chapter 15) and the Vehicles for Hire Code (Chapter 30), to the extent they impose deadlines for renewing existing licenses, taking action on applications for new or renewal licenses, or issuing new or renewal licenses are suspended, and any such time limitations are tolled for the duration of this Proclamation.
14. No City-issued permit, license, application, or appeal shall be considered granted, approved or denied, constructively or otherwise, due to a failure of the permit granting authority to act within the time required by a City ordinance, bylaw, rule or regulation; provided, however, that the permit granting authority acts within 45 days of the termination of this Proclamation; provided, however, that the applicant and Permit Granting Authority may agree to alternative timing in writing.

- 15.. A City-issued permit in effect or existence as of March 16, 2020, including any deadlines or conditions of the permit, shall not lapse or otherwise expire and the expiration date of the permit or time period for meeting a deadline or for performance of a condition of the permit, shall be tolled for the duration of this Proclamation.
16. The tax payment due dates/deadlines specified in Order No. 245 (FY-18-19), the FY 19-20 Appropriation Resolve, may be extended by the City Manager, in consultation with the City Finance Director and the Mayor during the duration of the declared State and City State of Emergency.
17. This proclamation shall be effective as of **March 30, 2020 7:00 p.m.**
18. This order shall remain in effect through **May 18, 2020 at 12:00 a.m.**
19. Effective immediately, renting, letting, advertising for rent, or entering into an agreement for the rent of any Short Term Rental, as defined in Sec. 6-150 of the Portland City Code, is hereby prohibited. Any individual(s) currently occupying a Short-Term Rental on or before March 30, 2020, may continue such occupancy, but all such rental agreements or arrangements for such Short-Term Rentals shall be terminated by operation of this paragraph on or before April 6, 2020. Nothing in this paragraph shall be construed, however, to bar or preclude a Short-Term Rental from being used to provide housing to medical/healthcare professionals or first responders, if such housing is funded by the Maine Emergency Management Association; or to provide emergency housing to an individual experiencing homelessness through the operation of the State of Maine's General Assistance program; or for residents of the City of Portland who are self-isolating as a result of illness or risk of exposure to COVID-19.
20. Consistent with Governor Janet T. Mills' April 10, 2020 Executive Order, the municipal election scheduled for June 9, 2020 is hereby rescheduled to July 14, 2020 to reduce exposure to COVID-19 and to coincide with the July 14, 2020 primary election.
21. Violation of or failure to comply with this Order is punishable by a fine of \$500.00 per occurrence plus the costs of prosecution.
22. If any provision of this Proclamation or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Proclamation are severable.

EXHIBIT A

Essential Business/Retail Services:

- Grocery Stores
- Household Goods
- Convenience Stores and Gas Stations
- Hardware Stores and Home Repair
- Automobile Repair
- Bicycle Repair
- Pharmacy and Other Medical Supply Stores
- Medical Marijuana Dispensaries and Caregivers
- Post Offices and Shipping Outlets
- Office Supplies
- Electronics and Communications
- Banks and Credit Unions
- Laundromats and Dry Cleaning
- Animal Feed and Pet Supply Stores
- Truck Delivery and Distribution of Goods
- Hotel and Commercial Lodging
- Garden Stores and Green Houses
- Restaurants and Bars – Curbside Pickup, Takeout, and Delivery Only
- Fishing Supply and Bait Shops
- Rental Centers – Appliances Only
- Federal Firearms Licensee

Other Essential Services:

- Boat Builders
- Food Processing and Agriculture
- Fishing and Aquaculture
- Industrial Manufacturing
- Maintenance and Property Management
- Trash Collection, Transfer Stations and Redemption Centers
- Forest Products
- Psychiatric and Long-Term Care Facilities Group Homes and Residential Treatment Facilities
- Biomedical
- Life Science
- Behavioral Health, Health Care, Dental Care, and Long-Term Services and Supports Providers and Organizations
- Child Care Providers
- Veterinary Clinics and Animal Welfare
- Public Transportation
- All Utilities Such as Electricity, Water, Wastewater and Telecommunications
- Heating Fuel Maintenance and Delivery
- School Employees and Child Nutrition Programs

- Food Banks and Food Pantries
- Fully Automated Car Washes Only
- Plumbers and Electricians

Essential Critical Infrastructure Workforce

HEALTHCARE / PUBLIC HEALTH

- Workers providing COVID-19 testing; Workers that perform critical clinical research needed for COVID-19 response
- Caregivers (e.g., physicians, dentists, psychologists, mid-level practitioners, nurses and assistants, infection control and quality assurance personnel, pharmacists, physical and occupational therapists and assistants, social workers, speech pathologists and diagnostic and therapeutic technicians and technologists)
- Hospital and laboratory personnel (including accounting, administrative, admitting and discharge, engineering, epidemiological, source plasma and blood donation, food service, housekeeping, medical records, information technology and operational technology, nutritionists, sanitarians, respiratory therapists, etc.)
- Workers in other medical facilities (including Ambulatory Health and Surgical, Blood Banks, Clinics, Community Mental Health, Comprehensive Outpatient rehabilitation, End Stage Renal Disease, Health Departments, Home Health care, Hospices, Hospitals, Long Term Care, Organ Pharmacies, Procurement Organizations, Psychiatric Residential, Rural Health Clinics and Federally Qualified Health Centers)
- Manufacturers, technicians, logistics and warehouse operators, and distributors of medical equipment, personal protective equipment (PPE), medical gases, pharmaceuticals, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, and tissue and paper towel products
- Public health / community health workers, including those who compile, model, analyze and communicate public health information
- Blood and plasma donors and the employees of the organizations that operate and manage related activities
- Workers that manage health plans, billing, and health information, who cannot practically work remotely
- Workers who conduct community-based public health functions, conducting epidemiologic surveillance, compiling, analyzing and communicating public health information, who cannot practically work remotely
- Workers performing cybersecurity functions at healthcare and public health facilities, who cannot practically work remotely
- Workers conducting research critical to COVID-19 response
- Workers performing security, incident management, and emergency operations functions at or on behalf of healthcare entities including healthcare coalitions, who cannot practically work remotely
- Workers who support food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, such as those residing in shelters
- Pharmacy employees necessary for filling prescriptions
- Workers performing mortuary services, including funeral homes, crematoriums, and cemetery workers
- Workers who coordinate with other organizations to ensure the proper recovery, handling, identification, transportation, tracking, storage, and disposal of human remains and personal effects; certify cause of death; and facilitate access to mental/behavioral health services to the family members, responders, and survivors of an incident

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Essential Critical Infrastructure Workforce

LAW ENFORCEMENT, PUBLIC SAFETY, FIRST RESPONDERS

- Personnel in emergency management, law enforcement, Emergency Management Systems, fire, and corrections, including front line and management
- Emergency Medical Technicians
- 911 call center employees
- Fusion Center employees
- Hazardous material responders from government and the private sector.
- Workers – including contracted vendors – who maintain digital systems infrastructure supporting law enforcement and emergency service operations.

FOOD AND AGRICULTURE

- Workers supporting groceries, pharmacies and other retail that sells food and beverage products
- Restaurant carry-out and quick serve food operations - Carry-out and delivery food employees
- Food manufacturer employees and their supplier employees—to include those employed in food processing (packers, meat processing, cheese plants, milk plants, produce, etc.) facilities; livestock, poultry, seafood slaughter facilities; pet and animal feed processing facilities; human food facilities producing by-products for animal food; beverage production facilities; and the production of food packaging
- Farm workers to include those employed in animal food, feed, and ingredient production, packaging, and distribution; manufacturing, packaging, and distribution of veterinary drugs; truck delivery and transport; farm and fishery labor needed to produce our food supply domestically
- Farm workers and support service workers to include those who field crops; commodity inspection; fuel ethanol facilities; storage facilities; and other agricultural inputs
- Employees and firms supporting food, feed, and beverage distribution, including warehouse workers, vendor-managed inventory controllers and blockchain managers
- Workers supporting the sanitation of all food manufacturing processes and operations from wholesale to retail
- Company cafeterias - in-plant cafeterias used to feed employees
- Workers in food testing labs in private industries and in institutions of higher education
- Workers essential for assistance programs and government payments
- Employees of companies engaged in the production of chemicals, medicines, vaccines, and other substances used by the food and agriculture industry, including pesticides, herbicides, fertilizers, minerals, enrichments, and other agricultural production aids
- Animal agriculture workers to include those employed in veterinary health; manufacturing and distribution of animal medical materials, animal vaccines, animal drugs, feed ingredients, feed, and bedding, etc.; transportation of live animals, animal medical materials; transportation of deceased animals for disposal; raising of animals for food; animal production operations; slaughter and packing plants and associated regulatory and government workforce
- Workers who support the manufacture and distribution of forest products, including, but not limited to timber, paper, and other wood products
- Employees engaged in the manufacture and maintenance of equipment and other infrastructure necessary to agricultural production and distribution

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Essential Critical Infrastructure Workforce

ENERGY

Electricity industry:

- Workers who maintain, ensure, or restore the generation, transmission, and distribution of electric power, including call centers, utility workers, reliability engineers and fleet maintenance technicians
- Workers needed for safe and secure operations at nuclear generation
- Workers at generation, transmission, and electric blackstart facilities
- Workers at Reliability Coordinator (RC), Balancing Authorities (BA), and primary and backup Control Centers (CC), including but not limited to independent system operators, regional transmission organizations, and balancing authorities
- Mutual assistance personnel
- IT and OT technology staff – for EMS (Energy Management Systems) and Supervisory Control and Data Acquisition (SCADA) systems, and utility data centers; Cybersecurity engineers; cybersecurity risk management
- Vegetation management crews and traffic workers who support
- Environmental remediation/monitoring technicians
- Instrumentation, protection, and control technicians

Petroleum workers:

- Petroleum product storage, pipeline, marine transport, terminals, rail transport, road transport
- Crude oil storage facilities, pipeline, and marine transport
- Petroleum refinery facilities
- Petroleum security operations center employees and workers who support emergency response services
- Petroleum operations control rooms/centers
- Petroleum drilling, extraction, production, processing, refining, terminal operations, transporting, and retail for use as end-use fuels or feedstocks for chemical manufacturing
- Onshore and offshore operations for maintenance and emergency response
- Retail fuel centers such as gas stations and truck stops, and the distribution systems that support them

Natural and propane gas workers:

- Natural gas transmission and distribution pipelines, including compressor stations
- Underground storage of natural gas
- Natural gas processing plants, and those that deal with natural gas liquids
- Liquefied Natural Gas (LNG) facilities
- Natural gas security operations center, natural gas operations dispatch and control rooms/centers natural gas emergency response and customer emergencies, including natural gas leak calls
- Drilling, production, processing, refining, and transporting natural gas for use as end-use fuels, feedstocks for chemical manufacturing, or use in electricity generation
- Propane gas dispatch and control rooms and emergency response and customer emergencies, including propane leak calls
- Propane gas service maintenance and restoration, including call centers

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Essential Critical Infrastructure Workforce

- Processing, refining, and transporting natural liquids, including propane gas, for use as end-use fuels or feedstocks for chemical manufacturing
- Propane gas storage, transmission, and distribution centers

WATER AND WASTEWATER

Employees needed to operate and maintain drinking water and wastewater/drainage infrastructure, including:

- Operational staff at water authorities
- Operational staff at community water systems
- Operational staff at wastewater treatment facilities
- Workers repairing water and wastewater conveyances and performing required sampling or monitoring
- Operational staff for water distribution and testing
- Operational staff at wastewater collection facilities
- Operational staff and technical support for SCADA Control systems
- Chemical disinfectant suppliers for wastewater and personnel protection
- Workers that maintain digital systems infrastructure supporting water and wastewater operations

TRANSPORTATION AND LOGISTICS

- Employees supporting or enabling transportation functions, including dispatchers, maintenance and repair technicians, warehouse workers, truck stop and rest area workers, and workers that maintain and inspect infrastructure (including those that require cross-border travel)
- Employees of firms providing services that enable logistics operations, including cooling, storing, packaging, and distributing products for wholesale or retail sale or use.
- Mass transit workers
- Workers responsible for operating dispatching passenger, commuter and freight trains and maintaining rail infrastructure and equipment
- Maritime transportation workers - port workers, mariners, equipment operators
- Truck drivers who haul hazardous and waste materials to support critical infrastructure, capabilities, functions, and services
- Automotive repair and maintenance facilities
- Manufacturers and distributors (to include service centers and related operations) of packaging materials, pallets, crates, containers, and other supplies needed to support manufacturing, packaging staging and distribution operations
- Postal and shipping workers, to include private companies
- Employees who repair and maintain vehicles, aircraft, rail equipment, marine vessels, and the equipment and infrastructure that enables operations that encompass movement of cargo and passengers
- Air transportation employees, including air traffic controllers, ramp personnel, aviation security, and aviation management
- Workers who support the maintenance and operation of cargo by air transportation, including flight crews, maintenance, airport operations, and other on- and off- airport facilities workers

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Essential Critical Infrastructure Workforce

PUBLIC WORKS

- Workers who support the operation, inspection, and maintenance of essential dams, locks and levees
- Workers who support the operation, inspection, and maintenance of essential public works facilities and operations, including bridges, water and sewer main breaks, fleet maintenance personnel, construction of critical or strategic infrastructure, traffic signal maintenance, emergency location services for buried utilities, maintenance of digital systems infrastructure supporting public works operations, and other emergent issues
- Workers such as plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences
- Support, such as road and line clearing, to ensure the availability of needed facilities, transportation, energy and communications
- Support to ensure the effective removal, storage, and disposal of residential and commercial solid waste and hazardous waste

COMMUNICATIONS AND INFORMATION TECHNOLOGY

Communications:

- Maintenance of communications infrastructure- including privately owned and maintained communication systems- supported by technicians, operators, call-centers, wireline and wireless providers, cable service providers, satellite operations, undersea cable landing stations, Internet Exchange Points, and manufacturers and distributors of communications equipment
- Workers who support radio, television, and media service, including, but not limited to front line news reporters, studio, and technicians for newsgathering and reporting
- Workers at Independent System Operators and Regional Transmission Organizations, and Network Operations staff, engineers and/or technicians to manage the network or operate facilities
- Engineers, technicians and associated personnel responsible for infrastructure construction and restoration, including contractors for construction and engineering of fiber optic cables
- Installation, maintenance and repair technicians that establish, support or repair service as needed
- Central office personnel to maintain and operate central office, data centers, and other network office facilities
- Customer service and support staff, including managed and professional services as well as remote providers of support to transitioning employees to set up and maintain home offices, who interface with customers to manage or support service environments and security issues, including payroll, billing, fraud, and troubleshooting
- Dispatchers involved with service repair and restoration

Information Technology:

- Workers who support command centers, including, but not limited to Network Operations Command Center, Broadcast Operations Control Center and Security Operations Command Center
- Data center operators, including system administrators, HVAC & electrical engineers, security personnel, IT managers, data transfer solutions engineers, software and hardware engineers, and database administrators
- Client service centers, field engineers, and other technicians supporting critical infrastructure, as well as

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Essential Critical Infrastructure Workforce

manufacturers and supply chain vendors that provide hardware and software, and information technology equipment (to include microelectronics and semiconductors) for critical infrastructure

- Workers responding to cyber incidents involving critical infrastructure, including medical facilities, SLTT governments and federal facilities, energy and utilities, and banks and financial institutions, and other critical infrastructure categories and personnel
- Workers supporting the provision of essential global, national and local infrastructure for computing services (incl. cloud computing services), business infrastructure, web-based services, and critical manufacturing
- Workers supporting communications systems and information technology used by law enforcement, public safety, medical, energy and other critical industries
- Support required for continuity of services, including janitorial/cleaning personnel

OTHER COMMUNITY-BASED GOVERNMENT OPERATIONS AND ESSENTIAL FUNCTIONS

- Workers to ensure continuity of building functions
- Security staff to maintain building access control and physical security measures
- Elections personnel
- Federal, State, and Local, Tribal, and Territorial employees who support Mission Essential Functions and communications networks
- Trade Officials (FTA negotiators; international data flow administrators)
- Weather forecasters
- Workers that maintain digital systems infrastructure supporting other critical government operations
- Workers at operations centers necessary to maintain other essential functions
- Workers who support necessary credentialing, vetting and licensing operations for transportation workers
- Customs workers who are critical to facilitating trade in support of the national emergency response supply chain
- Educators supporting public and private K-12 schools, colleges, and universities for purposes of facilitating distance learning or performing other essential functions, if operating under rules for social distancing
- Hotel Workers where hotels are used for COVID-19 mitigation and containment measures

CRITICAL MANUFACTURING

- Workers necessary for the manufacturing of materials and products needed for medical supply chains, transportation, energy, communications, food and agriculture, chemical manufacturing, nuclear facilities, the operation of dams, water and wastewater treatment, emergency services, and the defense industrial base.

HAZARDOUS MATERIALS

- Workers at nuclear facilities, workers managing medical waste, workers managing waste from pharmaceuticals and medical material production, and workers at laboratories processing test kits
- Workers who support hazardous materials response and cleanup
- Workers who maintain digital systems infrastructure supporting hazardous materials management operations

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Essential Critical Infrastructure Workforce

FINANCIAL SERVICES

- Workers who are needed to process and maintain systems for processing financial transactions and services (e.g., payment, clearing, and settlement; wholesale funding; insurance services; and capital markets activities)
- Workers who are needed to provide consumer access to banking and lending services, including ATMs, and to move currency and payments (e.g., armored cash carriers)
- Workers who support financial operations, such as those staffing data and security operations centers

CHEMICAL

- Workers supporting the chemical and industrial gas supply chains, including workers at chemical manufacturing plants, workers in laboratories, workers at distribution facilities, workers who transport basic raw chemical materials to the producers of industrial and consumer goods, including hand sanitizers, food and food additives, pharmaceuticals, textiles, and paper products.
- Workers supporting the safe transportation of chemicals, including those supporting tank truck cleaning facilities and workers who manufacture packaging items
- Workers supporting the production of protective cleaning and medical solutions, personal protective equipment, and packaging that prevents the contamination of food, water, medicine, among others essential products
- Workers supporting the operation and maintenance of facilities (particularly those with high risk chemicals and/or sites that cannot be shut down) whose work cannot be done remotely and requires the presence of highly trained personnel to ensure safe operations, including plant contract workers who provide inspections
- Workers who support the production and transportation of chlorine and alkali manufacturing, single-use plastics, and packaging that prevents the contamination or supports the continued manufacture of food, water, medicine, and other essential products, including glass container manufacturing

DEFENSE INDUSTRIAL BASE

- Workers who support the essential services required to meet national security commitments to the federal government and U.S. Military. These individuals, include but are not limited to, aerospace; mechanical and software engineers, manufacturing/production workers; IT support; security staff; security personnel; intelligence support, aircraft and weapon system mechanics and maintainers
- Personnel working for companies, and their subcontractors, who perform under contract to the Department of Defense providing materials and services to the Department of Defense, and government-owned/contractor-operated and government-owned/government-operated facilities

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**AMENDMENT 1 TO ORDER 156-19/20
PREPARED BY CORPORATION COUNSEL
FOR COUNCILOR COOK
RE: RENTAL REGISTRATION FEE REFUND**

ORDERED , that the Proclamation Declaring the Continued State of Emergency and Requirement to Stay at Home, issued by the City Manager Jon P. Jennings on March 24, 2020, is hereby renewed and amended to be in effect for twenty-eight days, from March 30, 2020 through 12:00 a.m. on April 27, 2020, in substantially the form attached; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager or his or her designee to execute any related documents necessary or convenient to carry out the intent of this Order.

PROCLAMATION DECLARING CONTINUED STATE OF EMERGENCY AND REQUIREMENT TO STAY AT HOME

WHEREAS, there is currently an outbreak of novel coronavirus disease 2019 (“COVID-19”), a respiratory illness, first detected in Wuhan City, Hubei Province, China, and it continues to expand to a growing number of international locations, including the United States; and

...

NOW THEREFORE, BE IT ORDERED, that the Mayor and City Council of the City of Portland, do hereby declare and order as follows:

1. A civil state of emergency continues to exist within the City of Portland.

...

19. Effective immediately, renting, letting, advertising for rent, or entering into an agreement for the rent of any Short Term Rental, as defined in Sec. 6-150 of the Portland City Code, is hereby prohibited. Any individual(s) currently occupying a Short-Term Rental on or before March 30, 2020, may continue such occupancy, but all such rental agreements or arrangements for such Short-Term Rentals shall be terminated by operation of this paragraph on or before April 6, 2020. Nothing in this paragraph shall be construed, however, to bar or preclude a Short-Term Rental from being used to provide housing to medical/healthcare professionals or first responders, if such housing is funded by the Maine Emergency Management Association; or to provide emergency housing to an individual experiencing homelessness through the operation of the State of Maine's General Assistance program; or for residents of the City of Portland who are self-isolating as a result of illness or risk of exposure to COVID-19.

Effective immediately, and continuing for 30 days after the expiration of this emergency proclamation, any person who holds a short term rental registration for a short term rental unit pursuant to Sec. 6-150 et seq., is entitled to receive a full refund of short term rental registration fees paid for that unit for the year 2020 and a waiver of long term rental registration fees for the year 2020 for new long term rental registrations made in accordance with the language of this proclamation so long as that person a) relinquishes their short term rental registration for that unit; b) registers the unit as a long term rental (or has an existing long term rental registration for that unit); and c) provides evidence to the Housing Safety Office that the person has entered into a lease agreement for the unit of at least one year's duration.

**AMENDMENT 2 TO ORDER 156-19/20
PREPARED BY CORPORATION COUNSEL
FOR COUNCILOR COOK
RE: RENTAL REGISTRATION FEES**

ORDERED , that the Proclamation Declaring the Continued State of Emergency and Requirement to Stay at Home, issued by the City Manager Jon P. Jennings on March 24, 2020, is hereby renewed and amended to be in effect for twenty-eight days, from March 30, 2020 through 12:00 a.m. on April 27, 2020, in substantially the form attached; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager or his or her designee to execute any related documents necessary or convenient to carry out the intent of this Order.

PROCLAMATION DECLARING CONTINUED STATE OF EMERGENCY AND REQUIREMENT TO STAY AT HOME

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...

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Effective immediately, and continuing for 30 days after the expiration of this emergency proclamation, the City adopts a temporary Landlord Housing Conversion Incentive pursuant to which any person who holds a short term rental registration for a short term rental unit pursuant to Sec. 6-150 *et seq.*, is entitled to a one-time payment of \$1,000.00 so long as that person a) relinquishes their short term rental registration for that unit; b) registers the unit as a long term rental (or has an existing long term rental registration for that unit); and c) provides evidence to the Housing and Community Development Division that the person has entered into an agreement to lease the unit to an individual(s) for a minimum of 1 year, and that individual will be

receiving either Section 8 funds or General Assistance funds for the unit. The \$1,000 payment shall be paid out of the Housing Trust Fund.

The provisions of Chapter 14 of the Portland City Code governing approval of the Council's Housing Trust Fund Annual Plan are suspended to permit the temporary addition and funding of the Landlord Housing Conversion Incentive to the Housing Trust Fund Annual Plan for the conversion of units during the period beginning April 13, 2020 until 30 days after the termination of this Proclamation.

...

AMENDMENT 2 REVISED TO ORDER 167-19/20
PREPARED BY CORPORATION COUNSEL
FOR COUNCILOR COOK
RE: RENTAL REGISTRATION FEES

ORDERED , that the Proclamation Declaring the Continued State of Emergency and Requirement to Stay at Home, issued by the City Manager Jon P. Jennings on March 24, 2020, is hereby renewed and amended to be in effect for twenty-eight days, from March 30, 2020 through 12:00 a.m. on April 27, 2020, in substantially the form attached; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager or his or her designee to execute any related documents necessary or convenient to carry out the intent of this Order.

PROCLAMATION DECLARING CONTINUED STATE OF EMERGENCY AND REQUIREMENT TO STAY AT HOME

WHEREAS, there is currently an outbreak of novel coronavirus disease 2019 (“COVID-19”), a respiratory illness, first detected in Wuhan City, Hubei Province, China, and it continues to expand to a growing number of international locations, including the United States; and

...

NOW THEREFORE, BE IT ORDERED, that the Mayor and City Council of the City of Portland, do hereby declare and order as follows:

1. A civil state of emergency continues to exist within the City of Portland.

...

19. Effective immediately, renting, letting, advertising for rent, or entering into an agreement for the rent of any Short Term Rental, as defined in Sec. 6-150 of the Portland City Code, is hereby prohibited. Any individual(s) currently occupying a Short-Term Rental on or before March 30, 2020, may continue such occupancy, but all such rental agreements or arrangements for such Short-Term Rentals shall be terminated by operation of this paragraph on or before April 6, 2020. Nothing in this paragraph shall be construed, however, to bar or preclude a Short-Term Rental from being used to provide housing to medical/healthcare professionals or first responders, if such housing is funded by the Maine Emergency Management Association; or to provide emergency housing to an individual experiencing homelessness through the operation of the State of Maine's General Assistance program; or for residents of the City of Portland who are self-isolating as a result of illness or risk of exposure to COVID-19.

Effective immediately, and continuing for 30 days after the expiration of this emergency proclamation, the City adopts an Affordable Rental Housing Incentive Program pursuant to which any person who holds a short term rental registration for a non-owner occupied short term rental unit pursuant to Sec. 6-150 et seq., is entitled to a one-time payment of \$1,000.00 so long as that person a) relinquishes their short term rental registration for that unit; b) registers the unit as a long term rental (or has an existing long term rental registration for that unit); and c) provides evidence to the Housing and Community Development Division that the person has entered into an agreement to lease the unit to a tenant for a minimum of 1 year, and that tenant will be receiving either Section 8 funds or General Assistance funds for the unit. The \$1,000

payment shall be paid out of the Housing Trust Fund but shall not exceed a total of \$25,000. These funds shall be distributed on a first come first served basis.

The provisions of Chapter 14 of the Portland City Code governing approval of the Council's Housing Trust Fund Annual Plan are suspended to permit the temporary addition and funding of the Affordable Rental Housing Incentive Program to the Housing Trust Fund Annual Plan for the conversion of short term rental dwelling units to rental housing units during the period beginning April 28, 2020 until 30 days after the termination of this Proclamation.

...

**AMENDMENT 3 OF ORDER 167-19/20
PREPARED BY CORPORATION COUNSEL
FOR COUNCILOR DUSON
RE: DELETING GUNSHOPS AS AN EXCEPTION TO ESSENTIAL BUSINESSES**

ORDERED , that the Proclamation Declaring the Continued State of Emergency and Requirement to Stay at Home, issued by the City Manager Jon P. Jennings on March 24, 2020, is hereby renewed and amended to be in effect for from March 30, 2020 through 12:00 a.m. on May 18, 2020, in substantially the form attached; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager or his or her designee to execute any related documents necessary or convenient to carry out the intent of this Order.

...

**PROCLAMATION DECLARING
CONTINUED STATE OF EMERGENCY
AND
REQUIREMENT TO STAY AT HOME**

WHEREAS, there is currently an outbreak of novel coronavirus disease 2019 (“COVID-19”), a respiratory illness, first detected in Wuhan City, Hubei Province, China, and it continues to expand to a growing number of international locations, including the United States; and

...

NOW THEREFORE, BE IT ORDERED, that the Mayor and City Council of the City of Portland, do hereby declare and order as follows:

1. A civil state of emergency continues to exist within the City of Portland.

...

3. The business, production and service sectors identified in Exhibit A are hereby designated as “COVID-19 Essential Services.” All of Exhibit A shall be applicable within the City of Portland, except that the following more restrictive requirements shall be applicable to the essential businesses and services identified below:

- A. Real estate agency activities shall not be allowed with regard to any occupied residential multi-family properties of more than 4 units. For

multi-family properties with 4 units or fewer, no real estate activities shall be permitted in a unit occupied by a tenant. Real estate activities shall further not be allowed in which the property owner is not a resident. All other real estate agency activities are authorized so long as such activities are conducted in accordance with Governor Mills' executive orders and the specific guidance for such activities available on the Department of Economic and Community Development website;

- B. Construction business activities and/or projects may only continue if the activities and/or projects were approved by the City on or before March 25, 2020, and only so long as, to the maximum extent possible, all persons remain at least six (6) feet from any other person on the various construction sites; and
- C. ~~Gun shops shall not be considered an essential business or service within the City of Portland; and~~
- ~~D.~~ Insurance business and professional services such as such as legal or accounting services are allowed, but only when necessary to assist in compliance with legally mandated services.

...

**AMENDMENT 4 OF ORDER 167-19/20
PREPARED BY CORPORATION COUNSEL
FOR COUNCILOR RAY**

**RE: ALIGNING PORTLAND'S LIST OF ESSENTIAL SERVICES WITH THE STATE'S
LIST BY RESTORING CONSTRUCTION AS AN ESSENTIAL SERVICE IN PORTLAND**

**ORDER EXTENDING THE TERM
IN THE EMERGENCY PROCLAMATION**

ORDERED , that the Proclamation Declaring the Continued State of Emergency and Requirement to Stay at Home, issued by the City Manager Jon P. Jennings on March 24, 2020, is hereby renewed and amended to be in effect for from March 30, 2020 through 12:00 a.m. on May 18, 2020, in substantially the form attached; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager or his or her designee to execute any related documents necessary or convenient to carry out the intent of this Order.

PROCLAMATION DECLARING CONTINUED STATE OF EMERGENCY AND REQUIREMENT TO STAY AT HOME

WHEREAS, there is currently an outbreak of novel coronavirus disease 2019 (“COVID-19”), a respiratory illness, first detected in Wuhan City, Hubei Province, China, and it continues to expand to a growing number of international locations, including the United States; and

...

NOW THEREFORE, BE IT ORDERED, that the Mayor and City Council of the City of Portland, do hereby declare and order as follows:

1. A civil state of emergency continues to exist within the City of Portland.

...

3. The business, production and service sectors identified in Exhibit A are hereby designated as “COVID-19 Essential Services.” All of Exhibit A shall be applicable within the City of Portland, except that the following more restrictive requirements shall be applicable to the essential businesses and services identified below:

- A. Real estate agency activities shall not be allowed with regard to any occupied residential multi-family rental properties of more than 4 units. For multi-family properties with 4 units or fewer, no real estate activities shall be permitted in a unit occupied by a tenant. Real estate activities shall further not be allowed in which the property owner is not a resident. All other real estate agency activities are authorized so long as such activities are conducted in accordance with Governor Mills' executive orders and the specific guidance for such activities available on the Department of Economic and Community Development website;

- ~~B. Construction business activities and/or projects may only continue if the activities and/or projects were approved by the City on or before March 25, 2020, and only so long as, to the maximum extent possible, all persons remain at least six (6) feet from any other person on the various construction sites;~~

- ~~B.C.~~ Gun shops shall not be considered an essential business or service within the City of Portland; and

| ~~D.C.~~ Insurance business and professional services such as legal or
accounting services are allowed, but only when necessary to assist in
compliance with legally mandated services.

...

Essential Business/Retail Services:

- Grocery Stores
- Household Goods
- Convenience Stores and Gas Stations
- Hardware Stores and Home Repair
- Automobile Repair
- Bicycle Repair
- Pharmacy and Other Medical Supply Stores
- Medical Marijuana Dispensaries and Caregivers
- Post Offices and Shipping Outlets
- Office Supplies
- Electronics and Communications
- Banks and Credit Unions
- Laundromats and Dry Cleaning
- Animal Feed and Pet Supply Stores
- Truck Delivery and Distribution of Goods
- Hotel and Commercial Lodging
- Garden Stores and Green Houses
- Restaurants and Bars – Curbside Pickup, Takeout, and Delivery Only
- Fishing Supply and Bait Shops
- Rental Centers – Appliances Only
- Federal Firearms Licensee

Other Essential Services:

- Boat Builders
- Food Processing and Agriculture
- Fishing and Aquaculture
- Industrial Manufacturing
- ~~Maintenance and Property Management~~ Construction, Maintenance and Property Management
- Trash Collection, Transfer Stations and Redemption Centers
- Forest Products
- Psychiatric and Long-Term Care Facilities Group Homes and Residential Treatment Facilities
- Biomedical
- Life Science
- Behavioral Health, Health Care, Dental Care, and Long-Term Services and Supports Providers and Organizations
- Child Care Providers
- Veterinary Clinics and Animal Welfare
- Public Transportation
- All Utilities Such as Electricity, Water, Wastewater and Telecommunications
- Heating Fuel Maintenance and Delivery
- School Employees and Child Nutrition Programs

- Food Banks and Food Pantries
- Fully Automated Car Washes Only
- Plumbers and Electricians

Essential Critical Infrastructure Workforce

HEALTHCARE / PUBLIC HEALTH

- Workers providing COVID-19 testing; Workers that perform critical clinical research needed for COVID-19 response
- Caregivers (e.g., physicians, dentists, psychologists, mid-level practitioners, nurses and assistants, infection control and quality assurance personnel, pharmacists, physical and occupational therapists and assistants, social workers, speech pathologists and diagnostic and therapeutic technicians and technologists)
- Hospital and laboratory personnel (including accounting, administrative, admitting and discharge, engineering, epidemiological, source plasma and blood donation, food service, housekeeping, medical records, information technology and operational technology, nutritionists, sanitarians, respiratory therapists, etc.)
- Workers in other medical facilities (including Ambulatory Health and Surgical, Blood Banks, Clinics, Community Mental Health, Comprehensive Outpatient rehabilitation, End Stage Renal Disease, Health Departments, Home Health care, Hospices, Hospitals, Long Term Care, Organ Pharmacies, Procurement Organizations, Psychiatric Residential, Rural Health Clinics and Federally Qualified Health Centers)
- Manufacturers, technicians, logistics and warehouse operators, and distributors of medical equipment, personal protective equipment (PPE), medical gases, pharmaceuticals, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, and tissue and paper towel products
- Public health / community health workers, including those who compile, model, analyze and communicate public health information
- Blood and plasma donors and the employees of the organizations that operate and manage related activities
- Workers that manage health plans, billing, and health information, who cannot practically work remotely
- Workers who conduct community-based public health functions, conducting epidemiologic surveillance, compiling, analyzing and communicating public health information, who cannot practically work remotely
- Workers performing cybersecurity functions at healthcare and public health facilities, who cannot practically work remotely
- Workers conducting research critical to COVID-19 response
- Workers performing security, incident management, and emergency operations functions at or on behalf of healthcare entities including healthcare coalitions, who cannot practically work remotely
- Workers who support food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, such as those residing in shelters
- Pharmacy employees necessary for filling prescriptions
- Workers performing mortuary services, including funeral homes, crematoriums, and cemetery workers
- Workers who coordinate with other organizations to ensure the proper recovery, handling, identification, transportation, tracking, storage, and disposal of human remains and personal effects; certify cause of death; and facilitate access to mental/behavioral health services to the family members, responders, and survivors of an incident

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Essential Critical Infrastructure Workforce

LAW ENFORCEMENT, PUBLIC SAFETY, FIRST RESPONDERS

- Personnel in emergency management, law enforcement, Emergency Management Systems, fire, and corrections, including front line and management
- Emergency Medical Technicians
- 911 call center employees
- Fusion Center employees
- Hazardous material responders from government and the private sector.
- Workers – including contracted vendors – who maintain digital systems infrastructure supporting law enforcement and emergency service operations.

FOOD AND AGRICULTURE

- Workers supporting groceries, pharmacies and other retail that sells food and beverage products
- Restaurant carry-out and quick serve food operations - Carry-out and delivery food employees
- Food manufacturer employees and their supplier employees—to include those employed in food processing (packers, meat processing, cheese plants, milk plants, produce, etc.) facilities; livestock, poultry, seafood slaughter facilities; pet and animal feed processing facilities; human food facilities producing by-products for animal food; beverage production facilities; and the production of food packaging
- Farm workers to include those employed in animal food, feed, and ingredient production, packaging, and distribution; manufacturing, packaging, and distribution of veterinary drugs; truck delivery and transport; farm and fishery labor needed to produce our food supply domestically
- Farm workers and support service workers to include those who field crops; commodity inspection; fuel ethanol facilities; storage facilities; and other agricultural inputs
- Employees and firms supporting food, feed, and beverage distribution, including warehouse workers, vendor-managed inventory controllers and blockchain managers
- Workers supporting the sanitation of all food manufacturing processes and operations from wholesale to retail
- Company cafeterias - in-plant cafeterias used to feed employees
- Workers in food testing labs in private industries and in institutions of higher education
- Workers essential for assistance programs and government payments
- Employees of companies engaged in the production of chemicals, medicines, vaccines, and other substances used by the food and agriculture industry, including pesticides, herbicides, fertilizers, minerals, enrichments, and other agricultural production aids
- Animal agriculture workers to include those employed in veterinary health; manufacturing and distribution of animal medical materials, animal vaccines, animal drugs, feed ingredients, feed, and bedding, etc.; transportation of live animals, animal medical materials; transportation of deceased animals for disposal; raising of animals for food; animal production operations; slaughter and packing plants and associated regulatory and government workforce
- Workers who support the manufacture and distribution of forest products, including, but not limited to timber, paper, and other wood products
- Employees engaged in the manufacture and maintenance of equipment and other infrastructure necessary to agricultural production and distribution

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Essential Critical Infrastructure Workforce

ENERGY

Electricity industry:

- Workers who maintain, ensure, or restore the generation, transmission, and distribution of electric power, including call centers, utility workers, reliability engineers and fleet maintenance technicians
- Workers needed for safe and secure operations at nuclear generation
- Workers at generation, transmission, and electric blackstart facilities
- Workers at Reliability Coordinator (RC), Balancing Authorities (BA), and primary and backup Control Centers (CC), including but not limited to independent system operators, regional transmission organizations, and balancing authorities
- Mutual assistance personnel
- IT and OT technology staff – for EMS (Energy Management Systems) and Supervisory Control and Data Acquisition (SCADA) systems, and utility data centers; Cybersecurity engineers; cybersecurity risk management
- Vegetation management crews and traffic workers who support
- Environmental remediation/monitoring technicians
- Instrumentation, protection, and control technicians

Petroleum workers:

- Petroleum product storage, pipeline, marine transport, terminals, rail transport, road transport
- Crude oil storage facilities, pipeline, and marine transport
- Petroleum refinery facilities
- Petroleum security operations center employees and workers who support emergency response services
- Petroleum operations control rooms/centers
- Petroleum drilling, extraction, production, processing, refining, terminal operations, transporting, and retail for use as end-use fuels or feedstocks for chemical manufacturing
- Onshore and offshore operations for maintenance and emergency response
- Retail fuel centers such as gas stations and truck stops, and the distribution systems that support them

Natural and propane gas workers:

- Natural gas transmission and distribution pipelines, including compressor stations
- Underground storage of natural gas
- Natural gas processing plants, and those that deal with natural gas liquids
- Liquefied Natural Gas (LNG) facilities
- Natural gas security operations center, natural gas operations dispatch and control rooms/centers natural gas emergency response and customer emergencies, including natural gas leak calls
- Drilling, production, processing, refining, and transporting natural gas for use as end-use fuels, feedstocks for chemical manufacturing, or use in electricity generation
- Propane gas dispatch and control rooms and emergency response and customer emergencies, including propane leak calls
- Propane gas service maintenance and restoration, including call centers

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Essential Critical Infrastructure Workforce

- Processing, refining, and transporting natural liquids, including propane gas, for use as end-use fuels or feedstocks for chemical manufacturing
- Propane gas storage, transmission, and distribution centers

WATER AND WASTEWATER

Employees needed to operate and maintain drinking water and wastewater/drainage infrastructure, including:

- Operational staff at water authorities
- Operational staff at community water systems
- Operational staff at wastewater treatment facilities
- Workers repairing water and wastewater conveyances and performing required sampling or monitoring
- Operational staff for water distribution and testing
- Operational staff at wastewater collection facilities
- Operational staff and technical support for SCADA Control systems
- Chemical disinfectant suppliers for wastewater and personnel protection
- Workers that maintain digital systems infrastructure supporting water and wastewater operations

TRANSPORTATION AND LOGISTICS

- Employees supporting or enabling transportation functions, including dispatchers, maintenance and repair technicians, warehouse workers, truck stop and rest area workers, and workers that maintain and inspect infrastructure (including those that require cross-border travel)
- Employees of firms providing services that enable logistics operations, including cooling, storing, packaging, and distributing products for wholesale or retail sale or use.
- Mass transit workers
- Workers responsible for operating dispatching passenger, commuter and freight trains and maintaining rail infrastructure and equipment
- Maritime transportation workers - port workers, mariners, equipment operators
- Truck drivers who haul hazardous and waste materials to support critical infrastructure, capabilities, functions, and services
- Automotive repair and maintenance facilities
- Manufacturers and distributors (to include service centers and related operations) of packaging materials, pallets, crates, containers, and other supplies needed to support manufacturing, packaging staging and distribution operations
- Postal and shipping workers, to include private companies
- Employees who repair and maintain vehicles, aircraft, rail equipment, marine vessels, and the equipment and infrastructure that enables operations that encompass movement of cargo and passengers
- Air transportation employees, including air traffic controllers, ramp personnel, aviation security, and aviation management
- Workers who support the maintenance and operation of cargo by air transportation, including flight crews, maintenance, airport operations, and other on- and off- airport facilities workers

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Essential Critical Infrastructure Workforce

PUBLIC WORKS

- Workers who support the operation, inspection, and maintenance of essential dams, locks and levees
- Workers who support the operation, inspection, and maintenance of essential public works facilities and operations, including bridges, water and sewer main breaks, fleet maintenance personnel, construction of critical or strategic infrastructure, traffic signal maintenance, emergency location services for buried utilities, maintenance of digital systems infrastructure supporting public works operations, and other emergent issues
- Workers such as plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences
- Support, such as road and line clearing, to ensure the availability of needed facilities, transportation, energy and communications
- Support to ensure the effective removal, storage, and disposal of residential and commercial solid waste and hazardous waste

COMMUNICATIONS AND INFORMATION TECHNOLOGY

Communications:

- Maintenance of communications infrastructure- including privately owned and maintained communication systems- supported by technicians, operators, call-centers, wireline and wireless providers, cable service providers, satellite operations, undersea cable landing stations, Internet Exchange Points, and manufacturers and distributors of communications equipment
- Workers who support radio, television, and media service, including, but not limited to front line news reporters, studio, and technicians for newsgathering and reporting
- Workers at Independent System Operators and Regional Transmission Organizations, and Network Operations staff, engineers and/or technicians to manage the network or operate facilities
- Engineers, technicians and associated personnel responsible for infrastructure construction and restoration, including contractors for construction and engineering of fiber optic cables
- Installation, maintenance and repair technicians that establish, support or repair service as needed
- Central office personnel to maintain and operate central office, data centers, and other network office facilities
- Customer service and support staff, including managed and professional services as well as remote providers of support to transitioning employees to set up and maintain home offices, who interface with customers to manage or support service environments and security issues, including payroll, billing, fraud, and troubleshooting
- Dispatchers involved with service repair and restoration

Information Technology:

- Workers who support command centers, including, but not limited to Network Operations Command Center, Broadcast Operations Control Center and Security Operations Command Center
- Data center operators, including system administrators, HVAC & electrical engineers, security personnel, IT managers, data transfer solutions engineers, software and hardware engineers, and database administrators
- Client service centers, field engineers, and other technicians supporting critical infrastructure, as well as

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Essential Critical Infrastructure Workforce

manufacturers and supply chain vendors that provide hardware and software, and information technology equipment (to include microelectronics and semiconductors) for critical infrastructure

- Workers responding to cyber incidents involving critical infrastructure, including medical facilities, SLTT governments and federal facilities, energy and utilities, and banks and financial institutions, and other critical infrastructure categories and personnel
- Workers supporting the provision of essential global, national and local infrastructure for computing services (incl. cloud computing services), business infrastructure, web-based services, and critical manufacturing
- Workers supporting communications systems and information technology used by law enforcement, public safety, medical, energy and other critical industries
- Support required for continuity of services, including janitorial/cleaning personnel

OTHER COMMUNITY-BASED GOVERNMENT OPERATIONS AND ESSENTIAL FUNCTIONS

- Workers to ensure continuity of building functions
- Security staff to maintain building access control and physical security measures
- Elections personnel
- Federal, State, and Local, Tribal, and Territorial employees who support Mission Essential Functions and communications networks
- Trade Officials (FTA negotiators; international data flow administrators)
- Weather forecasters
- Workers that maintain digital systems infrastructure supporting other critical government operations
- Workers at operations centers necessary to maintain other essential functions
- Workers who support necessary credentialing, vetting and licensing operations for transportation workers
- Customs workers who are critical to facilitating trade in support of the national emergency response supply chain
- Educators supporting public and private K-12 schools, colleges, and universities for purposes of facilitating distance learning or performing other essential functions, if operating under rules for social distancing
- Hotel Workers where hotels are used for COVID-19 mitigation and containment measures

CRITICAL MANUFACTURING

- Workers necessary for the manufacturing of materials and products needed for medical supply chains, transportation, energy, communications, food and agriculture, chemical manufacturing, nuclear facilities, the operation of dams, water and wastewater treatment, emergency services, and the defense industrial base.

HAZARDOUS MATERIALS

- Workers at nuclear facilities, workers managing medical waste, workers managing waste from pharmaceuticals and medical material production, and workers at laboratories processing test kits
- Workers who support hazardous materials response and cleanup
- Workers who maintain digital systems infrastructure supporting hazardous materials management operations

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Essential Critical Infrastructure Workforce

FINANCIAL SERVICES

- Workers who are needed to process and maintain systems for processing financial transactions and services (e.g., payment, clearing, and settlement; wholesale funding; insurance services; and capital markets activities)
- Workers who are needed to provide consumer access to banking and lending services, including ATMs, and to move currency and payments (e.g., armored cash carriers)
- Workers who support financial operations, such as those staffing data and security operations centers

CHEMICAL

- Workers supporting the chemical and industrial gas supply chains, including workers at chemical manufacturing plants, workers in laboratories, workers at distribution facilities, workers who transport basic raw chemical materials to the producers of industrial and consumer goods, including hand sanitizers, food and food additives, pharmaceuticals, textiles, and paper products.
- Workers supporting the safe transportation of chemicals, including those supporting tank truck cleaning facilities and workers who manufacture packaging items
- Workers supporting the production of protective cleaning and medical solutions, personal protective equipment, and packaging that prevents the contamination of food, water, medicine, among others essential products
- Workers supporting the operation and maintenance of facilities (particularly those with high risk chemicals and/or sites that cannot be shut down) whose work cannot be done remotely and requires the presence of highly trained personnel to ensure safe operations, including plant contract workers who provide inspections
- Workers who support the production and transportation of chlorine and alkali manufacturing, single-use plastics, and packaging that prevents the contamination or supports the continued manufacture of food, water, medicine, and other essential products, including glass container manufacturing

DEFENSE INDUSTRIAL BASE

- Workers who support the essential services required to meet national security commitments to the federal government and U.S. Military. These individuals, include but are not limited to, aerospace; mechanical and software engineers, manufacturing/production workers; IT support; security staff; security personnel; intelligence support, aircraft and weapon system mechanics and maintainers
- Personnel working for companies, and their subcontractors, who perform under contract to the Department of Defense providing materials and services to the Department of Defense, and government-owned/contractor-operated and government-owned/government-operated facilities

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**AMENDMENT 5 OF ORDER 167-19/20
PREPARED BY CORPORATION COUNSEL
FOR COUNCILOR RAY AND COUNCILOR COOK
RE: AMENDING PORTLAND'S NON-ESSENTIAL SERVICES LANGUAGE TO BE
CONSISTENT WITH THE GOVERNOR'S ORDERS AND TO ALLOW PORTLAND'S
NON-ESSENTIAL BUSINESSES TO ENGAGE IN NON-CONTACT OR REMOTE
STRATEGIES TO MAINTAIN CRITICAL REVENUE STREAMS**

**ORDER EXTENDING THE TERM
IN THE EMERGENCY PROCLAMATION**

ORDERED , that the Proclamation Declaring the Continued State of Emergency and Requirement to Stay at Home, issued by the City Manager Jon P. Jennings on March 24, 2020, is hereby renewed and amended to be in effect for from March 30, 2020 through 12:00 a.m. on May 18, 2020, in substantially the form attached; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager or his or her designee to execute any related documents necessary or convenient to carry out the intent of this Order.

PROCLAMATION DECLARING CONTINUED STATE OF EMERGENCY AND REQUIREMENT TO STAY AT HOME

WHEREAS, there is currently an outbreak of novel coronavirus disease 2019 (“COVID-19”), a respiratory illness, first detected in Wuhan City, Hubei Province, China, and it continues to expand to a growing number of international locations, including the United States; and

...

NOW THEREFORE, BE IT ORDERED, that the Mayor and City Council of the City of Portland, do hereby declare and order as follows:

1. A civil state of emergency continues to exist within the City of Portland.

...

8. All businesses with a facility in the City of Portland that do not provide COVID-19 Essential Services, shall close their physical workspaces and facilities (“brick-and-mortar premises”) to workers, customers, and the public as of the effective date and time of this proclamation. Businesses that do not provide COVID-19 Essential Services are encouraged to continue operations through remote means that do not require workers, customers, or the public to enter or appear at the brick-and-mortar premises closed pursuant to this proclamation. With that said, such non-essential businesses may continue to access their brick-and-mortar premises in order to conduct ~~essential permitted~~ business functions in accordance with Governor Janet T. Mills’ March 24, 2020 executive order as amended and clarified through successive State communications. Such permitted business functions may include, ~~but not limited to, processing mail, depositing checks, completing payroll and paying vendors;~~ taking orders by phone, email, or other remote means and preparing such orders for delivery; maintaining the value of the business’s inventory; preserving the condition of the business’s physical plant and equipment; ensuring security; and processing payroll, employee benefits and related functions. These activities may continue as long as:

- a) social distancing requirements are being implemented; ~~and~~
- b) the fewest number of employees possible are on premises when conducting such services;
- c) there is no customer, vendor, or other visitor in-person contact;
- d) these functions are facilitated to the maximum extent practicable by employees working remotely; and

- e) businesses follow the most up-to-date version of the CDC's guidelines for businesses and employers with regard to planning and responding to Coronavirus Disease 2019 (COVID-19).

Churches, temples, mosques, and other places of worship shall not be required to close their brick-and-mortar premises to employees or to the public; provided, however, that such institutions shall be required to comply with all limitations on gatherings established by Governor Janet T. Mills' March 15, 2020 executive order outlined in paragraph 2 above.

...

**AMENDMENT 6 OF ORDER 167-19/20
PREPARED BY CORPORATION COUNSEL
FOR COUNCILOR COOK
RE: REAL ESTATE ACTIVITIES**

ORDERED , that the Proclamation Declaring the Continued State of Emergency and Requirement to Stay at Home, issued by the City Manager Jon P. Jennings on March 24, 2020, is hereby renewed and amended to be in effect for from March 30, 2020 through 12:00 a.m. on May 18, 2020, in substantially the form attached; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager or his or her designee to execute any related documents necessary or convenient to carry out the intent of this Order.

PROCLAMATION DECLARING CONTINUED STATE OF EMERGENCY AND REQUIREMENT TO STAY AT HOME

WHEREAS, there is currently an outbreak of novel coronavirus disease 2019 (“COVID-19”), a respiratory illness, first detected in Wuhan City, Hubei Province, China, and it continues to expand to a growing number of international locations, including the United States; and

...

NOW THEREFORE, BE IT ORDERED, that the Mayor and City Council of the City of Portland, do hereby declare and order as follows:

1. A civil state of emergency continues to exist within the City of Portland.

...

3. The business, production and service sectors identified in Exhibit A are hereby designated as “COVID-19 Essential Services.” All of Exhibit A shall be applicable within the City of Portland, except that the following more restrictive requirements shall be applicable to the essential businesses and services identified below:

- A. Real estate agency activities shall not be allowed with regard to any occupied ~~residential~~ multi-family rental properties of more than 4 units; ~~For multi-family properties with 4 units or fewer, In addition,~~ no real estate activities shall be permitted in a residential unit occupied by a tenant. ~~Real estate activities shall further not be allowed in which the property owner is not a resident.~~ All other real estate agency activities are authorized so long as such activities are conducted in accordance with Governor Mills' executive orders and the specific guidance for such activities available on the Department of Economic and Community Development website;

...

**AMENDMENT 7 OF ORDER 167-19/20
PREPARED BY CORPORATION COUNSEL
FOR COUNCILOR THIBODEAU
RE: REQUIRING MASKS AT BUSINESSES**

**ORDER EXTENDING THE TERM
IN THE EMERGENCY PROCLAMATION**

ORDERED , that the Proclamation Declaring the Continued State of Emergency and Requirement to Stay at Home, issued by the City Manager Jon P. Jennings on March 24, 2020, is hereby renewed and amended to be in effect for from March 30, 2020 through 12:00 a.m. on May 18, 2020, in substantially the form attached; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager or his or her designee to execute any related documents necessary or convenient to carry out the intent of this Order.

PROCLAMATION DECLARING CONTINUED STATE OF EMERGENCY AND REQUIREMENT TO STAY AT HOME

WHEREAS, there is currently an outbreak of novel coronavirus disease 2019 (“COVID-19”), a respiratory illness, first detected in Wuhan City, Hubei Province, China, and it continues to expand to a growing number of international locations, including the United States; and

...

NOW THEREFORE, BE IT ORDERED, that the Mayor and City Council of the City of Portland, do hereby declare and order as follows:

1. A civil state of emergency continues to exist within the City of Portland.

...

8. All businesses providing COVID-19 Essential Services are strongly encouraged to remain open. To the greatest extent feasible, COVID-19 Essential Services shall comply with social distancing protocols by maintaining at least six (6) feet of physical distance from other people, including other employees and members of the public, including, but not limited to, when any customers are standing in line, and allow and encourage remote working where practical.

Any employee of (i) an Essential Service (Section 8 of this Order) or (ii) non-essential service (Section 7 of this Order) that maintains curbside pickup, shipping or delivery, shall be required to wear a mask or similar cloth face covering that covers the nose and mouth of that employee while in the workplace, except to the extent that said employee is using break time to eat or drink. The requirement described herein shall go into effect on Thursday, April 30, 2020. Nothing contained herein shall require use of a face covering by anyone for whom doing so would be contrary to the health or safety of that employee because of a medical condition.

...

MEMORANDUM
City Council Agenda Item

FROM: Caity Hager
DATE: April 10, 2020
SUBJECT: Order 168-19/20 Accepting and Appropriating a \$29,250 Grant from the Federal Emergency Management Agency for the Bramhall Fire Station Generator - 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 4/27/2020

Final Action 5/4/2020

Can action be taken at a later date: No No. There is an urgent need for backup power at the Bramhall Fire Station.

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

I. SUMMARY

Acceptance of the Terms and Conditions Costs of FEMA Hazard Mitigation funding for a backup generator for the Bramhall Fire Station and acceptance of Administrative Management Costs.

II. AGENDA DESCRIPTION

This item accepts and appropriates a Federal Emergency Management Agency (FEMA) grant of \$29,250 for a new generator at the Bramhall Fire Station, and also an amount not to exceed \$1,500 for administrative purposes.

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

III. BACKGROUND

FEMA is awarding the City of Portland \$29,250 in funding for the purchase of a backup generator through the Hazard Mitigation Grant Program funding that was made available as the result of a major disaster declaration in October 2017, FEMA-4367-DR-ME. Additional funding (up to \$1,462.50) for the administrative costs associated with managing the grant program is available to apply for once the City has accepted the grant award by signing the Terms and Conditions. This grant is 75% Federal funding with a 25% local match, the local match will come from the Fire Department operating budget.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

The federal funding provided for this project is \$29,250 which is 75% of the approved project cost of \$39,000. The remaining 25% of the project cost of \$9,750 will be paid by the Portland Fire Department operating budget. Additional funding up to \$1,462.50 for the management costs associated with this grant (i.e. staff time to manage generator procurement) is available.

VI. STAFF ANALYSIS AND BACKGROUND

VII. RECOMMENDATION

Staff recommends passage.

VIII. LIST ATTACHMENTS

1. FEMA Generator Grant Acceptance and Appropriation 4.27.2020
2. FEMA DR4367-Portland Bramhall Fire Station Generator-Terms and Conditions_4-6-20
3. Bramhall Station 4.27.2020 SubRecipient MC Budget Application

Prepared by:

Caity Hager

Date: 4/10/2020

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 ACCEPTING AND APPROPRIATING THE FEDERAL EMERGENCY
MANAGEMENT AGENCY GRANT OF \$29,250 FOR A GENERATOR**

ORDERED, that a grant in the amount of \$29,250 from the United States Federal Emergency Management Agency (FEMA) is hereby accepted and that amount appropriated for the purpose of purchasing a new generator for the Bramhall Fire Station, as set forth in the grant agreement attached hereto; and

BE IT FURTHER ORDERED, that \$9,750 is hereby appropriated from the Portland Fire Department operating budget as the 25 percent in City of Portland funds required for acceptance of the FEMA Grant; and

BE IT FURTHER ORDERED, an additional amount up to \$1,500 for administrative purposes connected to the purchase of the generator is hereby accepted and that amount appropriated, as set forth in the grant agreement attached hereto; and

BE IT FURTHER ORDERED, that the City Manager or his or her designee is hereby authorized to execute the Grant Agreement in substantially the form attached hereto and whatever other documents are necessary to effect the intent and purpose of this order.

Terms and Conditions

Major Disaster: FEMA-4367-DR-ME

Hazard Mitigation Grant Program Project Number: 4367-4F

Project Name: Portland-Bramhall Fire Station Generator

Project Location: 784 Congress Street, Portland, ME; (GPS coordinates: 43.653431, -70.272377)

Project Description / Scope of Work: This project is to permanently install a portable, 55 kW diesel generator, a 3-foot by 7-foot concrete pad, and a new automatic transfer switch (ATS). The generator will be housed outside, adjacent to the building on the west side, next to an existing transformer (incoming electrical service). A connection box will be installed on the outside of the building next to the generator. The ATS will be located in an underground electrical vault, also near the generator location. Fuel storage will reside within the local Public Works department and deliveries will be made via Public Works fuel delivery trucks. The generator will always store a minimum of a half tank of diesel fuel, in a primary tank with a secondary containment tank. No vegetation removal is proposed.

FEMA funding is only being used for the generator. Engineering, the automatic transfer switch, and the concrete pad will be funded entirely by the Sub-applicant. The total cost to implement this generator project is \$69,900 but given the costs being totally covered by the Sub-applicant, this grant total is only \$39,000.

Federal Funding: The federal funding provided for this project is \$29,250, which is 75% of the total approved project cost of \$39,000.

Overview. The following sections of this document set forth the various terms and conditions for the referenced project above under the Hazard Mitigation Grant Program (“HMGP”) with which both the recipient and subrecipient must comply. Failure to comply with these terms and conditions could jeopardize the federal funding provided and result in the total or partial termination of the Federal award and disallowance of some or all costs.

I. General Terms and Conditions

The recipient and subrecipient must comply with the terms and conditions set forth in the FEMA-State Agreement and the 2019 Department of Homeland Security Standard Terms and Conditions.

II. Environmental and Historic Preservation Terms and Conditions

The recipient and subrecipient must:

- A. Comply with all applicable federal, state, and local environmental and historic preservation laws and obtain all required federal, state, and local permits and clearances before work commences.

- B. Comply with the terms and conditions set forth in the Record of Environmental Consideration (“REC”) for the project;
- **NHPA CONDITION #1** (artifacts): In the event of the discovery of archaeological deposits (e.g. Indian pottery, stone tools, shell, old house foundations, old bottles) the Subrecipient and their contractor shall immediately stop all work in the vicinity of the discovery and take reasonable measures to avoid or minimize harm to the finds. The Subrecipient and their contractor shall secure all archaeological discoveries and restrict access to discovery sites. The Subrecipient shall immediately report the archaeological discovery to the Recipient (Anne Fuchs, 207-624-4466) and the FEMA Deputy Regional Environmental Officer Mary Shanks, 617-901-2204; FEMA will determine the next steps.
 - **NHPA CONDITION #2** (human remains): In the event of the discovery of human remains, the Subrecipient and their contractor shall immediately stop all work in the vicinity of the discovery and take reasonable measures to avoid or minimize harm to the finds. The Subrecipient and their contractor shall secure all human remains discoveries and restrict access to discovery sites. The Subrecipient and their contractor shall follow the provisions of applicable state laws, including 22MRSA, Part 6, Chapter 707 (Deaths and Burials), Section 2842-B (Indian Human Remains) or any amendments or supplanting laws and regulations. Violation of state law will jeopardize FEMA funding for this project. The Subrecipient will inform the Office of the Chief Medical Examiner Dr. Mark Flomenbaum, 207-624-7180, the State Archaeologist Dr. Arthur Spiess, 207-287-2789, the Recipient Anne Fuchs, 207-624-4466 and the FEMA Deputy Regional Environmental Officer Mary Shanks, 617-901-2204. FEMA will consult with the SHPO and Tribes, if remains are of tribal origin. Work in sensitive areas may not resume until consultation is completed and appropriate measures have been taken to ensure that the project is compliant with the National Historic Preservation Act.
- C. Comply with the Programmatic Agreement between FEMA and the State concerning Section 106 of the National Historic Preservation Act and any memorandum of agreement and/or secondary programmatic agreement entered into for the project;
- D. Obtain FEMA environmental and historic preservation review before commencing any change in the scope of work for the project.
- E. If ground disturbing activities occur during construction, applicant will monitor ground disturbance and if any potential archeological resources are discovered, will immediately cease construction in that area and notify the State and FEMA.
- F. Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.
- G. This review does not address all federal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.

III. Administrative Requirements Terms and Conditions

- A. The recipient and subrecipient must comply with the requirements of 2 C.F.R. pt. 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*. This includes, among other things, the requirement to comply with the procurement standards at 2 C.F.R. §§ 200.317-326.
- B. Before making any change to the FEMA-approved budget for this project, the recipient must request prior written approval from FEMA where required by 2 C.F.R. § 200.308. If the total HMGP grant award for this declaration has an approved budget greater than the simplified acquisition threshold (currently \$250,000), the recipient may not transfer funds for nonconstruction projects among direct cost categories, programs, functions, or activities without prior written approval from FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget for the entire HMGP grant award that FEMA last approved.
- C. The project completion deadline for this project is **May 30, 2022**. Pursuant to 2 C.F.R. § 200.309, the recipient and subrecipient may charge only allowable costs incurred during the period of performance (except as described in 2 C.F.R. § 200.461) and any costs incurred before FEMA approved this project that were authorized by FEMA. Any costs incurred outside the period of performance are not allowable.
- D. The recipient must obtain FEMA review and approval before the recipient or subrecipient commences work on any change in the scope of work for the project.
- E. The recipient must submit a final payment of claim and supporting documentation for this project in accordance with 44 C.F.R. § 206.438 and *Hazard Mitigation Assistance Guidance* (2015) within 180 days of the earlier of the date the subrecipient completes the project or the project completion deadline.

IV. Programmatic Terms and Conditions

The recipient and subrecipient must:

- A. Comply with 44 C.F.R. pt. 206, subpart N, the *Hazard Mitigation Assistance Guidance* (2015), and all other applicable FEMA policies.
- B. Contribute a non-federal cost share of at least 25 percent of the total approved project cost.
- C. Comply with FEMA document *Eligibility of Generators under the Hazard Mitigation Grant Program (HMGP), Frequently Asked Questions and Scenarios*, GENERAL ELIGIBILITY AND APPLICATION DEVELOPMENT, #4. Portable generators are eligible provided they meet all HMGP requirements as described in 44 CFR §206.434, Eligibility.
 - The Sub-applicant/Applicant must assure that the generator will be in place to protect the facility functions specified in the project application. The application should describe relevant transport, hook up and fuel supply and storage requirements....and how these will be executed if the generator is portable.

- Currently, the details are to keep the portable generator at the Bramhall Fire Station located at 784 Congress St, Portland, ME. If these details change and the portable generator is intended to be used at an alternate location, FEMA requires description of transport, hook up, fuel supply and storage plans including how these tasks will be executed.

V. Acknowledgements

Signature Recipient

Signature Subrecipient

Print Name and Title

Print Name and Title

Date

Date

APPENDIX G: SUB-RECIPIENT MANAGEMENT COST APPLICATION

HAZARD MITIGATION GRANT PROGRAM Sub-Recipient Management Cost Application

Applicant Name: _____

Project Title: _____

Sub-Recipient Management costs are available at no more than 5% of the final project cost to Sub-Recipients who apply and meet all federal grant requirements. To obtain management costs a Sub-Recipient must provide a detailed budget of the management cost request. Management costs may include any indirect cost, any indirect administrative cost, and any other administrative expense associated with a specific project under a major disaster, emergency or disaster preparedness or mitigation activity or measure. All costs must be reasonable, allowable, allocable, and necessary as required by 2 CFR Part 200 Subpart E, applicable program regulations, and HMA Guidance (2015). Sub-Recipients may opt to decline management costs if they do not wish to manage further federal funding.

Please check ONE:

- ☐ I DO NOT wish to receive Sub-Recipient management costs for this project.
- ☐ I wish to receive Sub-Recipient management costs for this project.
(Sub-Recipient agrees to submit quarterly financial reports to the Recipient¹)



Authorized Signatory Name (Print)

Title

Signature

Date

BUDGET:

Total Sub-Grant Award: \$ _____

Total Management Cost Requested: \$ _____
(Maximum of 5% total sub-grant award)

MANAGEMENT COST BUDGET

Line Item	Description	Cost
Personnel/Salary ²		
Travel		
Equipment		
Supplies		
TOTAL		

¹ Quarter 1 (Oct.-Dec.) due 1/15, Quarter 2 (Jan.-Mar.) due 4/15, Quarter 3 (Apr.-Jun.) due 4/15, Quarter 4 (Jul.-Sep.) due 10/15

² Salaries that are federally funded or that require a cost share to federal funding are not eligible costs. Normal duties are not eligible, only time associated with the additional task of managing the Hazard Mitigation Grant Program are eligible. All time and associated tasks must be fully documented and represented in quarterly reports.