PORTLAND FISH PIER AUTHORITY
BOARD OF DIRECTORS
December 14, 2020, 3:00 PM

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PFPA Board members
Class A Director: Member of the Portland City Council
Nicholas Mavodones, President
Class B Director: Representing the Fishing Industry
Meredith Mendelson, Department of Marine Resources
Class C Director: Representing the Commissioner of the Maine DOT
Matthew Burns, Treasurer
Ex-Officio Director: Representing the City Manager
Brendan O'Connell, Finance Director
Ex-Officio Director: President of the Board of Directors of the Portland Fish Exchange Thomas Valleau, Vice President

Portland Fish Pier Orientation Map for information/visual purposes is Item #10 on Agenda

1. **Approval of October 19, 2020 meeting Minutes.**

   a. See attached draft Minutes.
   Action Item - Public Comment

2. **Financial Update - Material produced by Rhonda Girard, Finance, presented by Bill Needelman, Waterfront Coordinator**

   a. See attached financial report.

3. **Facilities Update - Phil DiPierro, Project Manager; Kathy Alves, Facilities Director**

   a. See attached facilities update.

4. **Portland Fish Exchange Update - Nick Pappas, PFX General Manager; Tom Valluea, President**

a. Approval of Promissory Note for repayment of subtenant rent deferral to the Portland Fish Exchange – Michael Goldman, Associate Corporation Counsel.

A draft Promissory Note is attached. The Portland Fish Exchange Board of Directors is expected to vote on approving the repayment agreement on December 10, 2020.

Action Item – Public Comment

Consistent with Executive Session Statute 1 MRSA 405(6)(C) & (E), the Board may vote to go into Executive Session for the FPA to provide staff direction to continue negotiations.

NOTE: If the Board decides to go into Executive Session, staff requests that the item be taken out of order or tabled to the end of the meeting to allow all Executive Sessions to be held within a block. The Board would need to come back into public session for any votes.

5. **Ground Lease and Berthing Lease Deferred Rent Repayment Options - Bill Needelman, Waterfront Coordinator**

a. Following the onset of the Covid-19 pandemic, the Portland Fish Pier Board voted to allow ground lease and berthing tenants the option of deferring payment of rents through the end of September 2020. The April 2020 action of the Board stipulated that deferred rent would not be due until 2021. The Board has asked to discuss options for repayment and four potential options for repayment are provided below.

Corporation Counsel has indicated that the April 2020 motion of the Board provides sufficient direction and authorization for staff and the President of the Board to establish a schedule for repayment and to generate any necessary documents.

Options for repayment include, but are not limited to:
1. Lump sum repayment of all back rent by date certain.
2. Prorated repayment spread over a specific timeframe added to current monthly rent, with or without interest due.
3. Individualized repayments determined by one-to-one negotiations with tenants according to tenant needs and situations.
4. Rent abatement, with no repayment.

There is no consistency between tenants' using the deferral option. Most have paid in full, some have deferred rent entirely, and others have paid partially. Additionally, the extent of individual tenant needs and the full effects of the pandemic are not yet known. Given that each tenant will have different business conditions and abilities to pay, staff recommends number 3 above - taking an individualized approach.

Recent rent payment histories and back rent owed for Fish Pier tenants is included in the Executive Session material circulated under confidential cover.

No action is needed by the Board, but if Board members would like to discuss the particular rent payment status of any tenant, staff recommends conducting that discussion in Executive Session.

Consistent with Executive Session Statute 1 MRSA 405(6)(C) & (E), the Board may vote to go into Executive Session for the FPA to provide staff direction to continue negotiations.

NOTE: If the Board decides to go into Executive Session, staff requests that the item be taken out of order or tabled to the end of the meeting to allow all Executive Sessions to be held within a block.

6. Lot 12A - Update on Brownfield Phase I Environmental Assessment - Bill Needelman, Waterfront Coordinator

a. Staff will present a synopsis of Phase I report and recommendations. An executive summary of the report is attached.

Staff requests action by the Board to authorize Housing and Economic Development staff to pursue Brownfields program funding to conduct a Phase II environmental assessment sufficient to address possible soils conditions and to position Lot 12A for sale and reuse. Funding for the Phase II Assessment will be paid for through the City of Portland Brownfield Assessment program.

Action Item - Public Comment

7. Strategic Planning Joint Work Plan – Portland Fish Pier and Portland Fish Exchange: Bill Needelman, Waterfront Coordinator; Nick Pappas, PFX General Manager.

a. A draft work plan through May 2021 has been produced by staff for the PFPA and the PFX. The attached schedule and work plan is provided for Board comment and potential revision. No action is requested and the work plan is intended to be a fluid document subject to change.

Workshop - No Action

8. Bristol Seafood, Lot 5 – Request to renegotiate ground lease and to discuss potential expansion plans - Peter Handy, President, Bristol Seafood

a. Bristol Seafood has previously provided the Board with material, under confidential cover, related to potential Lease amendments needed to pursue expansion plans for the existing plant on Lot 5. Staff has generated a proposed amendment to Lot 5 which could accommodate the proposed expansion for consideration by the Board during Executive Session.

Consistent with Executive Session Statute 1 MRSA 405(6)(C) & (E), the Board may vote to go into Executive Session for the FPA to provide staff direction to continue negotiations.

Workshop - No Action

9. Marine Trade Center, Lot 2 and Lot 3 – Request to renegotiate existing ground and parking Lease -Greg Davidson, Sam Davidson, Principles, Marine Trade Center, LLC.

a. Greg Davidson and Sam Davidson have previously provided, under confidential cover, a detailed request for specific amendments to the existing ground Lease for the Board's consideration. Following conversations with staff, the Davidsons have responded with counter proposals for key issues for consideration by the Board during Executive Session.

   Consistent with Exec Session Statute 1 MRSA 405(6)(C) & (E), the Board may vote to go into Executive Session for the FPA to provide staff direction to continue negotiations.

10. General Information - Orientation Aerial Photo, Context, Lots, and Leases

a. See attached orientation map.