

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

Please click the link below to join the webinar:

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PFFA 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 Valteau, 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

Strategic Planning Joint Work Plan – Portland Fish Pier and Portland Fish

7. **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.

Draft Meeting Minutes

PORTLAND FISH PIER AUTHORITY BOARD OF DIRECTORS

October 19, 2020, 3:00pm

Remote Meeting Format – ZOOM Platform

Webinar ID: 963 8540 1754

<https://zoom.us/j/96385401754>

PFFA Board members present

- Class A Director:** *Member of the Portland City Council*
Nicholas Mavodones, President, Joined after technical difficulties during Agenda item 4.
- 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 Valteau, Vice President
- Staff:** Bill Needelman, Waterfront Coordinator (Note taker)
Greg Mitchell, Housing and Economic Development Director
Michael Goldman, Associate Corporation Counsel
John Peverada, Parking Manager
Kathy Alves, Facilities Director
Phil DiPierro, Project Manager
Nick Pappas, PFX General Manager, Incoming
- Guests:** Ellen Sanborn, PFX Treasurer
Hank Soule, Former PFX GM
- Public:** Approximately 18 members of the public participated as attendees.

Vice President Valteau brought the meeting to order on behalf of President Mavodones who was on the Zoom, but unable to fully connect due to technical difficulties.

1. Approval of September 16, 2020 Meeting Minutes

Motion to approve. *Moved by Mendelson, 2nd by Burns.* No public comment.
Passed 4-0, Mavodones unable to join

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

Mr. Valteau noted the need to discuss repayment terms for rent deferral at the next meeting. General agreement.

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

Phil DiPierro presented the Facilities report as provided in the packet. No questions.

4. Portland Fish Exchange update – Bert Jongerden, PFX General Manager; Tom Valleau, President. *Introducing Nick Pappas, Incoming PFX General Manager.*

Portland Fish Exchange President Tom Valleau presented the contents of a distributed letter requesting a commitment by the Portland Fish Pier Authority to financially support the PFX by replacing anticipated revenue shortfalls through the remaining fiscal year ending June 30, 2021. *(Editor's note: According to the letter provided in the meeting packet, the estimated cost to the Portland Fish Pier Authority is \$270,000 for operating expenses with an additional \$82,957 to cover past rent deferral for PFX subtenants. Discussions between Board members clarified that the total reimbursement requested was \$352,957)*

Ellen Sanborn, PFX Treasurer described the PFX position noting the cash flow challenges presented by the PFX subtenant rent deferral.

Mr. Valleau introduced Hank Soule, former GM for the PFX in the mid-2000s. Mr. Soule noted previous challenges to the PFX during the precipitous decline of landings during his tenure. Through that challenge, the PFX was critical infrastructure and so it remains.

President Mavodones joins fully at this time and chairs the meeting.

Mr. Valleau summarized the request noting that the PFX was deep into its line of credit. PFX leadership had previously met with City leadership and has strong support for financial contributions toward stability for the PFX and the fishing industry. This request is backed by a unanimous vote of support by the full PFX board of directors on October 15.

Mr. Mavodones agreed and opened the conversation to Board discussion.

Ms. Mendelson asked for clarification as to whether the \$83K deferral is included in the estimate of the monthly operating deficit?

Ms. Sanborn clarified that it is not, but is a cash flow issue.

Ms. Mendelson inquired whether Payroll Protection Program (PPP) funds were explored and whether cost reduction efforts had been implemented?

Mr. Valleau replied in response to inquiry from Ms. Mendelson that the PPP monies received had been spent and that cost controls were continuously evaluated. It was his opinion that more cuts are not possible while remaining operational.

Mr. Burns looked to clarify cash flow needs and timing (running through June 30, 2021) noting the need for ongoing financial status reports at future meetings.

Public Comment

Ben Martens, MCFA: As reps for fishermen and a fishing sector, MCFA stresses that the PFX needs to survive and supports the PFX request. There should be strings tied to solving the problems. There needs to be better communication, fishermen engagement,

participation in decision-making by the industry, and the strategic planning needs to continue. By June 2021, there needs to be change. How do these boards (PFX and PFPA) come together?

Alan Tracy, Vessel Services: VS relies on commercial fishing for 85% of its business. When considering this request, think about the other related businesses that rely on the PFX, but cannot ask for financial assistance. Support the request, but the PFX needs to seek solutions. The PFX needs oversight. New thinking and action is needed now.

Dan Jacques, Waterfront Maine: Three points: 1. Thank you to the PFX on behalf of Browne Trading (tenant of Waterfront Maine.) Without the PFX, Browne would not have stayed in business after their fire. 2. Please support the PFX with the assistance requested. 3. Need to clarify rent deferral or rent abatement (Covid response.) Thank you.

John Bissinette, Portland Working Waterfront Group, Lobsterman: Agree with previous speakers on support for the PFX. Consider what's going on.

End Public Comment

Mr. Mavodones and Mr. Valteau clarified that there had not been a rent abatement, but deferral. Repayment options, including potential abatement, will be discussed at the next meeting.

Board members discussed and clarified the details and options for taking action on the PFX request, deciding to address the \$83K rent deferral reimbursement separately from the \$270K operating shortfall.

Ms. Mendelson, referring to the PFPA bylaws and past practice, noted the need to support the PFX as critical infrastructure for the fishing industry. She also noted the Board's fiduciary responsibilities to the PFPA and the need for collaboration.

Motion by Mendelson, 2nd by Burns

To approve the PFE request for up to \$270,000 to cover operations for the remainder of the fiscal year, with the following conditions and installments:

- 1. By November 1, PFE agrees to meet regularly (no less than bimonthly) with the PFPA board to work toward a sustainable future for the anchor tenant of the Pier, in order to inform PFPA strategic planning process. (90K)***
- 2. By January PFPA Board meeting, PFE board brings forward a report on 1) any proposed changes to PFE governance structure and 2) any actions taken to reduce expenditures. (90K)***
- 3. By March PFPA Board meeting, PFE board brings forward a progress report of its work to address future viability of PFE and draft recommendations to address the future viability of PFE. (90K or less if revenues have increased)***
- 4. By May PFPA meeting, PFE brings forward a final report on any recommended changes or actions taken to address future viability of PFE.***

Ms. Mendelson noted that the PFPA needs: tools to make decisions, confidence in investments, transparency, and collaboration between Boards.

Mr. Mavodones called for a discussion on the motion, noting that he supports the approach, but there may need to be flexibility moving forward – which could be addressed at a future meeting.

There followed a discussion on the intent of the instalments. Ms. Mendelson and Mr. Burns stressed that the conditions were not punitive, but were intended to promote transparency and reflected fiduciary responsibilities of the Board. Mr. Mavodones expressed support for the conditions, despite reservations with their prescriptive nature. Mr. O'Connell expressed a need to understand how the PFX would “right the ship” and supported the conditions.

Motion passed by vote of 4 to 1 (*Valleau opposed.*)

The Board then moved to the request to reimburse \$83K in rent deferral provided to PFX subtenants.

Ms. Sanborn noted that this was a cash flow issue.

Ms. Mendelson questioning the nature of the request – a loan to the PFX or reimbursement for abated rent?

Mr. Valleau clarified expectations for discussing repayments at a future meeting and stressed the cash flow issue.

Motion *by Mendelson, 2nd by Valleau*

To approve a loan by the Portland Fish Pier Authority of \$83,000 to the Portland Fish Exchange to the end of the Portland Fish Exchange’s fiscal year ending April 30, 2021.

Mr. Mavodones clarified that repayments or abatements of deferred rents for all Pier tenants would be discussed at the next meeting of the Board.

Motion passed by vote of 5 to 0, *unanimous of all present*

5. Lot 12A –Update on the Ocean Team, LLC (Blue Ocean Seafood) proposal for reuse of the Freedom Fish Building: Bill Needelman, Waterfront Coordinator

Needelman introduced the item, reminding the Board that at the August 10, 2020 meeting of the PFPA, the Board voted to assign the existing Lot 12A Freedom Fish lease to the Ocean Team (dba Blue Ocean Seafood) along with other associated motions. Subsequent to the Board’s action, Blue Ocean’s COO and Treasurer, Sophia Im, informed the Waterfront Coordinator that they were terminating their contract with Freedom Fish and would not proceed with the building sale, project, or lease assignment. Reasons expressed related to historic soil contamination concerns expressed by a project lender.

Needelman described that City Brownfields monies were available at no cost to the PFPA to assess the soils conditions on the site and provide recommendations for remediation/mitigation. Board members consented verbally to HEDD staff moving forward

with pursuit of Brownfields assessment funds to better position the lot for future use. With no need for allocation of funds, no action by the Board was taken.

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

Bristol Seafood had 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.

Bristol President, Peter Handy thanked the Board for consideration of the material in executive session.

7. Marine Trade Center, Lot 2 and Lot 3 – Request to renegotiate existing ground and parking lease. Greg Davidson, Sam Davidson, Principals, Marine Trade Center, LLC.

Greg Davidson and Sam Davidson had provided under confidential cover a detailed request for specific amendments to the existing ground lease for the Board's consideration.

Greg Davidson thanked the Board for consideration of the material in executive session.

8. Portland Fish Pier Strategic Planning: *Bill Needeman, Waterfront Coordinator*

Following the August 10, 2020 PFPA Board meeting, HEDD staff has continued to assess development and landuse options for the Board's consideration. Given potential impacts to existing ground leases, results of this work are provided under confidential cover for review in executive session. Staff is seeking guidance on bringing lot and development considerations into public session at a future meeting.

Needelman relayed to attendees that the information generated to date has been only reviewed internally.

Motion *by Mendelson, 2nd by Burns*

Consistent with Exec Session statute--1 MRS 405(6)(C) & (E) the Board will go into Executive Session to discuss Items 6 (Bristol Seafood,) 7 (Marine Trade Center,) and 8 (Strategic Planning) to the extent that such items involve existing or future ground lease negotiations.

No Public Comment

Motion passed by vote of 5 to 0, unanimous of all present

Motion to come out of executive session, passed 4-0 *(Mavodones having left the meeting)*

Meeting adjourned by unanimous consent of the Board at +/-5:20pm

**Fish Pier Authority
FY21 Budget Status
As of Nov 30, 2020**

**Agenda 2
Financial Statement**

	FY21 Budget	YTD	Balance	%	FY20 YTD	FY21 vs. FY20	%
Revenue:							
<i>Miscellaneous</i>	16,264	3,495	12,769	21.5%	1,792	1,703	95.0%
<i>Berthing</i>	27,907	12,240	15,667	43.9%	12,240	0	0.0%
<i>Parking</i>	313,714	126,382	187,332	40.3%	139,621	(13,239)	-9.5%
<i>Ground Rent (Leases)</i>	173,333	81,222	92,111	46.9%	74,688	6,533	8.7%
Total Revenue	531,218	223,339	307,879	42.0%	228,341	(5,003)	-2.2%
Expenditures:							
<i>Admin. and Maint. Services</i>	42,839	27,698	15,141	64.7%	3,089	24,609	796.6%
<i>Travel/Training/Meetings</i>	1,425	0	1,425	0.0%	0	0	0.0%
<i>Contractual Services</i>	18,312	10,542	7,770	57.6%	11,031	(489)	-4.4%
<i>Engineering Services</i>	21,850	3,284	18,566	15.0%	147	3,137	2133.7%
<i>Printing/Copying</i>	380	400	(20)	105.3%	0	400	0.0%
<i>Equipment Repair</i>	9,500	3,008	6,492	31.7%	1,842	1,165	63.2%
<i>Land/Pier/Building Repair</i>	204,250	127,802	76,448	62.6%	840	126,962	15114.5%
<i>Insurance</i>	12,463	0	12,463	0.0%	0	0	0.0%
<i>Supplies</i>	12,825	7,010	5,815	54.7%	516	6,494	1258.4%
<i>Electricity</i>	14,250	2,970	11,280	20.8%	2,855	115	4.0%
<i>Stormwater</i>	19,288	0	19,288	0.0%	0	0	0.0%
<i>Debt Service</i>	11,861	1,332	10,529		22	1,310	5871.2%
Total Expenditures	369,243	184,045	185,198	49.8%	20,343	163,702	804.7%
Net Revenues Over(Under) Expenditures	161,975	39,294	122,681		207,999	(168,705)	-81.1%



PORTLAND MAINE

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To: Portland Fish Pier Authority Board
From: Philip DiPierro, Facilities Project Manager
Date: December 10, 2020
RE: Facilities Update
CC: Kathy Alves, Facilities Director

Please find below a listing of the monthly improvements to the Portland Fish Pier by the Facilities Department:

Updates for October 2020 - November 2020

- The City is currently working with Tech Associates to schedule a site visit to inspect steel and coating conditions for all Sorting Pier piles, Service Pier piles, and bulkhead sheet piles above MLW, including bracing conditions and ultrasonic steel thickness readings.
- The fender at the southeast corner of Service Pier # 1 has pulled away from the side of the pier and is scheduled to be repaired.
- Pile covers are in the process of being ordered for the composite piles that were recently installed. They will be installed once we receive them.
- Several sections of the lower whaler along the home fleet berthing area are disconnected from the bulkhead. A contractor will be hired to repair it.
- Several of the camel chains along the transient berthing area are in need of maintenance. The City is working with a contractor on the scope of work and pricing.

Updates for August 2020 - September 2020

- The Cathodic Protection Project is complete. Waterworks Diving Services finished in July. The system was inspected and tested in early September and is functioning as expected.
- The paving project between the Marine Trade Center and Bristol Seafood has been completed. Parking lot striping within the limits of the newly paved area has also been completed. In addition, 3 signs have been added along the bulkhead limiting parking to 2 hours.
- Fore River Dock and Dredge completed the pile replacement project in the Net Yard area in August. They mobilized to the west side of the complex and completed replacement of worn wooden piles with the composite piles along the home fleet berthing area in early October. A total of 67 composite piles were installed.
- Fore River Dock and Dredge pulled and re-bolted a broken pile at the southeast corner of service pier 1, by Vessel Services.
- Seabreeze Property Services completed maintenance services, i.e. weeding, trash removal, sand removal, trench drain maintenance, etc. around the Fish Exchange Building. They will also be completing fall cleanup services throughout the complex in October.

Updates for June 2020 - July 2020

- The Cathodic Protection Project project is almost complete. Waterworks Diving Services completed the installation of the anodes. All that remains is for the system to be tested. Testing is scheduled for September 1st.

- Fore River Dock and Dredge will continue working on the pile replacement project around the facility where needed. Pile replacement work is expected to continue throughout the year.
- The City has hired a paving contractor to complete the grading and paving project between the Marine Trade Center and Bristol Seafood. Work is expected to be completed in August.
- Seacoast Security Co. completed the installation of two additional new security cameras along the west side of the Fish Pier near where the Marine Patrol and Harbor Master boats are berthed. We now have 4 cameras to monitor the area.
- Seasonal grounds maintenance work is ongoing throughout the complex. SeaBreeze performs weekly mowing, trimming, etc.
- Waterworks Diving Services completed cleaning of the camels around the service piers and along the transient berthing areas.

Updates for April 2020 - May 2020

- The Cathodic Protection Project has started. Waterworks Diving Services began work on June 1st at sorting pier #3 (behind Cozy Harbor).
- Fore River Dock and Dredge has pulled 21 old wooden piles, and re-installed 21 repurposed composite piles along two sides of the Net Yard area. Pile replacement work is expected to continue throughout the year.
- Tec Associates completed a proposed grading plan for approximately 7,900 square feet of the driveway and parking area at the northeast corner of the Marine Trade Center. Surface drainage and puddling in this area have been problematic. The City has met with four contractors to review the work scope for grading and paving, and is awaiting the submission of proposals to complete the work.
- Seacoast Security Co. completed the installation of two new security cameras along the west side of the Fish Pier near where the Marine Patrol and Harbor Master boats are berthed.
- Seasonal grounds maintenance work has started throughout the complex. SeaBreeze is performing weekly mowing, trimming, etc., and the City is filling potholes.

Updates for February 2020 - March 2020

- The Cathodic Protection Project has been temporarily placed on hold due to the COVID-19 pandemic. The anodes have been delivered, and are currently stored inside the warehouse building at the Portland Ocean Terminal. Waterworks Diving Services will begin installing the anodes when it is safe to start. No specific start date has been given at this time.
- Fore River Dock and Dredge has pulled 17 old wooden piles, and re-installed 15 repurposed composite piles along two sides of the Net Yard area. Work has temporarily been placed on hold due to the COVID-19 pandemic. Work will continue when it is safe to re-start. No specific start date has been given at this time.
- Tec Associates completed a proposed grading plan for approximately 7,900 square feet of the driveway and parking area at the northeast corner of the Marine Trade Center. Surface drainage and puddling in this area have been problematic. The City will be soliciting proposals from contractors to complete grading and paving work based on the plan.
- Seacoast Security will be installing two new security cameras along the west side of the Fish Pier near where the Marine Patrol and Harbor Master boats are berthed. Work is expected to start within the next couple of weeks.

Updates for December 2019 - January 2020

- The anodes (232) for the Cathodic Protection Project have been delivered, and are currently stored inside the warehouse building at the Portland Ocean Terminal.

Waterworks Diving Services expects to begin work starting in late March or early April, depending on the weather.

- Fore River Dock and Dredge has been hired by the City to begin pile replacement work on the east side of the Fish Pier facility. Deteriorated and worn wood piles along the berthing areas on the east side of the Net Yard are being replaced with repurposed composite piles that have been salvaged from the Portland Ocean Terminal Fender Replacement Project.
- Two cabinets with 20 inch life rings and 60 foot emergency heaving lines, have been installed along the western side of the Fish Pier facility berthing areas. One life ring has been installed on the sign structure across from the Marine Trade Center, and the other life ring has been installed on the end of the substation building behind Vessel Services.

Updates for October - November 2019

- We are currently working with Waterworks Diving Services to finalize the contract for the Cathodic Protection Project so that work can begin. The new anodes have been ordered by Waterworks Diving Services.
- Zebra striping completed additional striping in the Net Yard to better delineate the area for commercial fishing activities, and adjacent to the Marine Trade Center in an effort to slow traffic making it safer for pedestrians leaving the building.
- General maintenance throughout the complex - additional sweeping, pallet removal and disposal, etc.

Updates for August - September 2019

- A total of 3 bids for the cathodic protection project have been received. Waterworks Diving Services is the low bidder. We are currently working with Waterworks Diving Services to finalize the contract so that work can begin this fall.
- A new upgraded fire alarm panel was installed in the electrical building behind Vessel Services.
- Zebra striping has been hired to complete additional striping in the Net Yard to better delineate the area for commercial fishing activities, and adjacent to the Marine Trade Center in an effort to slow traffic making it safer for pedestrians leaving the building. Speed bumps or speed tables are also being considered if the striping fails to work.
- Seabreeze Property Services has been hired to complete maintenance services, ie weeding, trash removal, sand removal, trench drain maintenance, etc. around the Fish Exchange Building.
- Approximately 950 square feet of gravel parking area will be paved near the northeast corner of the Marine Trade Center to help promote positive drainage in the area.

Updates for June - July 2019

- The cathodic protection project is currently out to bid. A pre-bid meeting was held at the facility on Wednesday July 31, 2019, to discuss the project with interested parties/contractors. A total of 5 contractors attended the pre-bid meeting. Bids are due by 3:00 pm on Wednesday August 14, 2019.
- Speed limit and boundary limit striping in the Net Yard area was completed.
- Seabreeze Property Services has completed sweeping services of the parking lots and roads throughout the facility.
- Catch basin cleaning of the entire facility was completed by the City's Sewer Department.
- Approximately 950 square feet of gravel parking area will be paved near the northeast corner of the Marine Trade Center to help promote positive drainage in the area.

Updates for April - May 2019

- Seabreeze Property Services has started summer maintenance services including mowing, weeding, pruning, and mulching plant beds. They are also being scheduled to sweep the parking lots and roads throughout the facility.
- Catch basin cleaning will be scheduled with the City's Sewer Department after the parking lot has been swept.
- The bid package for the cathodic protection project has been finalized for bidding.
- Approximately 950 square feet of gravel parking area will be paved near the northeast corner of the Marine Trade Center to help promote positive drainage in the area.

Updates for February - March 2019

- BTT Marine Construction Company was hired to complete pile maintenance work around the Service Piers and Net Yard areas.
 - 5 Wooden piles within the Service Piers area were replaced with 5 composite piles that were removed from the Portland Ocean Terminal project.
 - 3 wooden piles in the Net Yard area were replaced with 5 composite piles that were removed from the Portland Ocean Terminal project.
 - Several piles in the Service Pier area were raised and re-bolted.
 - Several Chocks and wales were also repaired and rebolted.
- The Net Yard farelead and roller assembly was resecured to the concrete curb, and the face of the sheet pile wall below the roller was reinforced with additional composite piles (2 piles were removed and 4 composite piles were reinstalled).
- A new 10 yard dumpster was delivered to the site and positioned outside the Fish Exchange Building. The fish gear recycling area has been closed and the new dumpster will now be used to dispose of the gear.
- The bid package for the cathodic protection project is in the process of being finalized for bidding.
- Seabreeze Property Services is in the process of being scheduled to start spring cleanup and winter sand removal throughout the facility.

Updates for October 2018 - January 2019

- Seabreeze Property Services completed sweeping the Net Yard and the rear of the Marine Trade Center.
- Waterworks Diving Services spent two days cleaning camels around the service piers and along the berthing space on both sides of the pier.
- Tec Associates was hired to complete a Limited Routine Inspection of the sorting piers and the service piers, including an underwater inspection. Wayne Duffett, PE, is in the process of preparing a written report, which is expected to be submitted soon.
- In an effort to eliminate illegal dumping in the Net Yard, a decision has been made to relocate the Net Yard fishing gear recycling area. The current area will be used for parking, and a locking dumpster will be located in close proximity to the Fish Exchange building.
- We plan to complete pile and pier maintenance around the service piers, sorting piers, and berthing space. Various piles will be replaced, some will be pulled and re-bolted, and issues with chocks and wales will be addressed.
- Cathodic protection for each pier has reached the end of its' useful life. We will be looking into soliciting bids to replace the anodes.

Updates for September 2018

- Seabreeze Property Services completed sweeping of the parking lots and roads throughout the facility (except for the Net Yard), completed landscape maintenance including, weeding, tree pruning, mulching plant beds, and providing stone drip edge around portions of the Fish Exchange building.
- Speed limit striping in the Net Yard area was completed.

- A basic visual inspection was completed by City staff of the service piers and the sorting piers to assess the condition of the piles, chocks, wales, ladders, hardware, etc. The inspection will be used as a guide to schedule future maintenance work and repairs.
- A sink hole was discovered behind the sheet pile along the seawall between Vessel Services and the Marine Trade Center. We are in the process of evaluating the damage in order to complete repairs.
- Staff has contacted three engineering firms for proposals to complete a “Limited Routine Inspection” of the sorting piers and the service piers. The inspection will include assessment of the steel piles and cross bracing, pile caps, beams, decking, mooring hardware, and the fender system, with options for an underwater inspection and vertical load ratings.
- A new fire alarm panel has been installed to replace the failed panel in the electrical building behind Vessel Services.
- Camel cleaning has been scheduled with Waterworks Diving Services and is expected to be completed this month.
- Broken piles around the various piers are planned to be replaced.

Updates for May 2018 – August 2018:

- Seabreeze Property Services is being scheduled to sweep the parking lots and roads throughout the facility, to complete landscape maintenance including, weeding, tree pruning, mulching plant beds, and providing stone drip edge around portions of the Fish Exchange building.
- The erosion and drainage repairs have been completed in the netyard area.
- The sidewalk repair along the Portland Fish Pier Road has been completed.
- The catch basin lowering project has been completed.
- Speed limit striping in the netyard area is to be completed within the next month.
- Broken piles around the various piers are planned to be replaced.
- We are in the process of getting proposals to add concrete curbing at various locations around the inside and outside of the Fish Exchange building; to replace sections of the channel-grate drains inside the Fish Exchange building; and to install a dumpster pad under the dumpster at Cozy Harbor.
- Emergency repairs were made to a leaking water line the serves the building leased by Mr. Tamaki.

Updates for February 2018 – April 2018:

- Seabreeze Property Services has been scheduled to start spring cleanup and winter sand removal throughout the facility.

Updates for December 2017 – January 2018:

- The Fish Exchange electrical upgrade is complete as of January 27th.
- The first phase of the ventilation system at the PFEX is scheduled to be installed Saturday, 2/10/18 in the locker room area. The second phase of the system will be installed in the breakroom.

Updates for August - November 2017:

- A new 25yd self-contained compactor was installed at the Fish Exchange.
- Drainage issues in the parking lot at Bristol Seafood were addressed. A catch basin installation along with grading and paving, improved an ongoing drainage problem in the front parking lot.
- We will be installing a ventilation system at the PFEX in the locker room/common area.

Updates for July 2017:

- Pavement striping has been completed in various areas of the facility. These are changes that were discussed at the Fish Pier Authority Meeting to help with parking issues.
- The first phase of the electrical upgrade for the Fish Exchange has been completed. The components are being designed and will be ready for install in November approximately.
- New composite camels have been installed. (4) at the Fish Pier and (2) at the Fish Exchange.
- We have placed an order for a new 25yd self-contained compactor for the Fish Exchange.

Updates for June 2017:

- The majority of winter sand and spring cleanup was completed in May. Seabreeze will return to finish a few areas.
- We are getting quotes on pavement striping. Work tentatively scheduled for July/August.
- Bert and the electrician are working with CMP to coordinate the first phase of the electrical upgrade project.

PROMISSORY NOTE

FOR VALUE RECEIVED, the undersigned **PORTLAND FISH EXCHANGE**, a Maine nonprofit corporation with a mailing address of 6 Portland Fish Pier, Portland, ME 04101 ("**BORROWER**"), promises to pay to the order of the **PORTLAND FISH PIER AUTHORITY**, a Maine nonprofit corporation having a principal place of business at 389 Congress Street, Portland, Maine 04101 (the "**PFPA**"), the principal sum of Eighty-Three Thousand Dollars (\$83,000.00) without interest. Payment for said loan amount shall be made in one lump sum, which shall be due and payable in full on December 31, 2021 (the "Due Date"); provided, however, that in the event that the **BORROWER** is unable to make such payment by the Due Date, **BORROWER** may request an extension from the Finance Director of the City of Portland, who shall have the authority to provide one or more reasonable extensions of the Due Date.

This Note evidences a loan from the **PFPA** to the **BORROWER** to assist in providing financing to the **BORROWER** for its loss of income associated with deferred rent payments from **BORROWER**'s subtenants arising out of the COVID-19 crisis.

It is understood that this loan is made solely and expressly for the purposes noted above and that said loan is made subject to the following additional terms and conditions:

1. The **BORROWER** may prepay this Note in whole or in part at any time or from time to time without premium or penalty, but in no event shall this Note be assigned, transferred, conveyed, or otherwise disposed of by **BORROWER** in any fashion, in whole or in part.
2. The **PFPA** and the **BORROWER** do hereby specifically agree that in the event of default on this Note **PFPA** may, at its option, declare this Note in default and the **PFPA** may thereupon exercise all of its rights upon default in accord with such declaration.
3. If any payments of principal are not paid when due, the holder of this Promissory Note may collect a late charge not to exceed Five Cents (\$0.05) for each dollar of such payment more than thirty (30) days in arrears.

In case of default in the payment of any amount under this Promissory Note, and such default is continued more than thirty (30) days after the date thereof, or in the case of the death, liquidation, insolvency or business failure of the **BORROWER**, the holder of this Promissory Note shall have the option to declare due and payable at once the entire principal balance hereof.

All payments due hereunder and any notice given by the **BORROWER** to the **PFPA** hereof shall be addressed to the **PFPA** at 389 Congress Street, Portland, Maine 04101 (attention: Economic Development), unless written notice of another holder or address be given to the **BORROWER**. Any notice by the holder to the **BORROWER** hereof shall be addressed to the **BORROWER** at the address set forth above unless written notice of another address and/or person is given by the **BORROWER** to the **PFPA**. Any notice shall be deemed duly given if addressed in the manner herein provided and sent postage prepaid, certified or registered mail, return receipt requested or delivered in person if a receipt therefore is executed.

This Promissory Note evidences a loan for business and commercial purposes.

If any obligation or portion of this Promissory Note is determined to be invalid or unenforceable under law it shall not affect the validity or enforceability of the remaining obligations or portions hereof.

IN WITNESS WHEREOF, the Undersigned has duly executed this Promissory Note this ____ day of December, 2020 at Portland, Maine.

WITNESS

PORTLAND FISH EXCHANGE

By: _____

Print Name: Thomas Valteau

Its: Manager and Member

Agenda 6 Lot 12A Phase I

PHASE I ENVIRONMENTAL SITE ASSESSMENT

Lot 12A
284 Commercial Street
Portland, Maine 04101

December 4, 2020

Project Number: 321222.1.4

Prepared For:
City of Portland
389 Congress Street
Portland, Maine 04101

Prepared By:
TRC
6 Ashley Drive
Scarborough, Maine 04074

Prepared by:
Emily Wassmer, LG
Project Manager

Reviewed and Approved by:
Charlie Springer, PG, CHMM
Program Manager & Environmental Professional



EXECUTIVE SUMMARY

TRC Environmental Corporation (TRC) has prepared this Phase I Environmental Site Assessment (ESA) for the Portland Fish Pier Authority (hereinafter, the "Fish Pier Authority") and Freedom Fish, LLC (hereinafter, "Freedom Fish",) collectively referred to as the Users of this report, at the request of the City of Portland (the "Client"). The Phase I ESA was completed at the property known as Lot 12A, located at 284 Commercial Street in Portland, Maine, 04101 (the "Site").

TRC conducted the Phase I ESA in connection with a potential business transaction involving the Site. The Phase I ESA described in this report was performed in accordance with the scope and limitations of the American Society for Testing and Materials Practice E 1527-13 *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process* (ASTM E 1527-13). Limiting conditions and/or deviations from the ASTM E 1527-13 standard are described in Sections 1.3 and 7.7 of this report.

This assessment has revealed no evidence of recognized environmental conditions (RECs), controlled recognized environmental conditions (CRECs) in connection with the Site, except for the following:

RECs

1. Industrial History of the Site and Surrounding Area
2. Historic Filling Practices and Railroad Use

Based upon the findings of this report, additional assessment activities may be warranted dependent upon on the future use of the Site. Specific recommendations can be provided under separate cover, if requested.

REC No. 1: Industrial History of the Site and Surrounding Area

Based on a review of historical documentation obtained from the City, the database report, and other online sources, the Site was developed as early as 1885 as a cooperage (manufacturing of barrels and casks), which was operated by E.S. Hamlin Co. and later the Portland Cooperage Co. Buildings included a large industrial structure and several outbuildings. According to the 1980 Sanborn map, the large structure was later occupied by the W.H. Shurtleff Co. chemical warehouse. The types of chemicals formerly stored at the Site are unknown.

The waterfront area surrounding the Site was historically occupied by various industrial/commercial entities, including a lumber yard, an ice and oil company, grocery warehouses, and storage of goods, including fertilizer. Historical housekeeping practices and environmental regulatory requirements were not at today's standards during the history of operations. Additionally, several documented releases have occurred in the area and soil vapor sampling at the adjacent Lot 12 identified elevated concentrations of chloroform. The former chemical warehouse at the subject Site (Lot 12A) was considered to be a potential source of the chloroform.

These conditions cumulatively constitute a REC in association with the Site.

REC No. 2: Historic Filling Practices and Railroad Use

The Portland Waterfront area (from Fore Street to the south) was filled in the mid-1800s. The source of the fill material is unknown. Previous investigations at the adjacent Lot 12 have identified the presence of anthropogenic fill material throughout the Site (including brick and cobble) and elevated concentrations of polycyclic aromatic hydrocarbons in soil, which are often found in fill material. Additionally, railroad tracks were present at the Site from at least 1896 through the 1980s.

Based on the known history of the Site and existing data, subsurface media may be impacted by contaminants such as polycyclic aromatic hydrocarbons (PAHs), petroleum compounds, coal ash, and/or heavy metals resulting from filling practices, incidental spills, or creosote-treated wooden ties.

These conditions cumulatively constitute a REC in association with the Site.

This Executive Summary is part of this complete report; the findings, opinions, or conclusions in this Executive Summary are made in context with the complete report. TRC recommends that the User read the entire report for supporting information related to findings, opinions, and conclusions.



December 3, 2020 DRAFT				
Joint Work Plan				
Date	Board	Topics	Presentations <i>Subject to availability and change</i>	Key Outcomes/ Milestones/ Deliverables
12/10/20	PFX	• Updates • Industry input – support services • Slate of Officers • MOU for Rent Deferral, PFX/PFPA	Alan Tracy, Vessel Services	• Input on state of the industry – Support services • PFX Vote on accepting rent deferral document
12/14/20	PFPA	• Deferred rent repayment options • MOU for Rent Deferral, PFX/PFPA • Bristol Ground Lease and expansion • Marine Trade Center Ground Lease • Business mtg/updates • Joint Work Plan: PFPA/PFX	Needelman Pappas Peter Handy, Bristol Greg Davidson, MTC	• Board approval of repayment schedule • PFPA Vote on accepting rent deferral document
1/21/21	Joint PFPA/PFX	• Industry input - harvesters • PFX, Budget and Expenditures • PFX, Report of Governance	Ben Martens, MCFA	• Input on state of the industry – Harvesters
2/8/21	PFPA	• Infrastructure/ Redevelopment Options • PFX Report Out • Business mtg/updates	Needelman Tom Valleau, PFX	• Feedback to staff on infrastructure planning • Feedback to PFX on business plan, PFX governance, and potential next steps
2/18/21	PFX	• Industry input – buyers, processors	Angelo Ciocca, Nova Seafood	• Input on state of the industry – Processors
3/18/21	Joint PFPA/PFX	• Industry input - Lobster and Aquaculture	TBD Bill Coppersmith Marshall Spear	• Input on state of the industry – seafood industries underserved on the PFP and by the PFX. •
4/12/21	PFPA	• PFX Staff report out on Industry Feedback • Discussion on Industry needs and service delivery on the Portland Fish Pier (Relating the PFX discussion with Infrastructure/ Redevelopment Options	Pappas Needelman	• Feedback to PFX staff on how recent business plan changes respond to seafood industry needs. • Feedback to PFPA staff on direction for infrastructure planning
4/15/21	PFX	• TBD		
5/20/21 Additional dates to follow	Joint PFPA/PFX	• Check in by both boards on progress to date • Feedback to staff on additional work to be accomplished and next steps		Decision by both Boards whether to continue with joint meetings

