

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER THIBODEAU (2)
TAE Y. CHONG (3)
ANDREW J. ZARRO (4)

MARK N. DION (5)
APRIL FOURNIER (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

REMOTE CITY COUNCIL MEETING - MARCH 1, 2021

The Portland City Council will hold a City Council Meeting remotely using Zoom. The Honorable Kate Snyder, Mayor, will preside.

ZOOM INFORMATION:

The Portland City Council will hold a meeting on Monday, March 1, 2021 at 5:00 PM. This meeting will take place remotely using Zoom. Virtual meetings are allowed using emergency legislation approved by LD 2167; 1 M.R.S. §403A, that authorizes cities and towns to conduct meetings

Allow your computer to install the free Zoom app to get the best meeting experience. If you are unable to attend live, a recording will be uploaded to portlandmaine.gov/livestream the next day. If you have a public comment, you will need to use the "raise your hand" feature. To raise your hand via telephone, please hit *9. You will be unmuted by the host when it is time for public comment.

Please click the link below to join the webinar:

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Or iPhone one-tap :

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Webinar ID: 816 4683 9028

Passcode: 190324

International numbers available: <https://us02web.zoom.us/j/81646839028?pwd=cU1xbHBzRHhIR2N4cWYzV2dTckZLQT09>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the Draft February 22, 2021 City Council Meeting Minutes

APPOINTMENTS:

Order 174-20/21 Appointing Curtis Bohlen and Douglas Roncarati to the Long Creek Watershed Management District Board of Directors - Sponsored by Jon P. Jennings, City Manager

The bylaws of the Long Creek Watershed Management District Governing Board calls for two (2) positions on its Board of Directors to be representatives from the City of Portland, as appointed by Council.

The bylaws also require that one of the representatives be a municipal official or employee, and the other be either a private Participating Landowner or representative of a private Participating Landowner. If a Parcel is located in the City of Portland or a representative of a non-profit corporation with an interest in the Long Creek Watershed.

Currently, Doug Roncarati, Stormwater Coordinator for the Water Resources Division of Portland's Department of Public Works, serves as the municipal representative; Curtis Bohlen, Director of the Long Creek Bay Estuary Partnership, serves as the nonprofit representative. Both are seeking reappointment to the LCWMD Board of Directors.

The Long Creek Watershed Management District (LCWMD) was created in 2009 by an inter-local agreement between the municipalities of South Portland, Portland, Westbrook and Scarborough. Its purpose is to oversee the implementation of the Long Creek Watershed Restoration Plan to meet the Department of Environmental Protection Agency requirements.

Five affirmative votes are required for passage after public comment.

COMMUNICATIONS:

Com 27-20/21 Communication on the City of Portland's Needle Exchange Program - Sponsored by Jon P. Jennings, City Manager

Com 28-20/21 Regarding the 2021/2022 Plan for Portland's Outdoor Dining & Retail Program - Sponsored by Jon P. Jennings, City Manager

UNFINISHED BUSINESS:

Order 171-20/21 Accepting and Appropriating Two Donations Totaling \$85,000 to the Dougherty Field Skatepark Expansion Project - Sponsored by Jon P. Jennings, City Manager

This order accepts and appropriates two donations totaling \$85,000 to the Dougherty Field Skatepark Expansion project.

This item must be read on two separate days. It received its first reading on February 22, 2021. Five affirmative votes are required for passage after public comment.

Order 172-20/21 Accepting and appropriating a \$20,000 Donation from the Portland Parks Conservancy for the Portland Youth Corps - Sponsored by Jon P. Jennings, City Manager

This item accepts and appropriates a \$20,000 donation from the Portland Parks Conservancy for the Portland Youth Corps, a collaborative program of the Parks, Recreation and Facilities Department, the Portland Parks Conservancy (PPC), and Maine Audubon.

This item must be read on two separate days. It received its first reading on February 22, 2021. Five affirmative votes are required for passage after public comment.

Order 173-20/21 Accepting and Appropriating a \$20,000 Donation for Improvements at East End Beach - Sponsored by Jon P. Jennings, City Manager

This item accepts and appropriates a \$20,000 donation from the Friends of the Eastern Promenade for a series of improvements to expand public access for small boat launching (kayak, canoe, stand up paddleboard) at East End Beach.

This item must be read on two separate days. It received its first reading on February 22, 2021. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 175-20/21 Granting an Easement Deed to FirstLight Fiber, Inc. in Freshman Alley - Sponsored by Jon P. Jennings, City Manager

This item approves an easement for FirstLight Fiber Inc. so a buried fiber optic line can be installed and used within Portland High School, specifically at this time to serve a health clinic within Portland High School with higher speed communications services by means of a buried fiber optic communication line to be installed in Freshman Alley.

Five affirmative votes are required for passage after public comment.

Order 176-20/21 Authorizing General Obligation Bonds to Finance a Portion of the City's Fiscal Year 2022 Capital Improvement Program in an Amount not to Exceed \$17,775,802 - Sponsored by the Finance Committee, Nicholas M. Mavodones, Jr., Chair

The Finance Committee met on February 25, 2021 and voted unanimously (3-0) to forward the bond authorization and appropriation orders to the City Council for approval.

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

The following items were reviewed by the Finance Committee as part of its review of the FY22 Capital Improvement (CIP) and CIP process.

Link to FY22 Water Resources Capital Improvement Plan Presentation

https://drive.google.com/file/d/1A6bWshDxSAwE7me_5oyUL6imt5TdtVMh/view?usp=sharing

Link to full video from January 28, 2021 Finance Committee meeting:

https://townhallstreams.com/stream.php?location_id=42&id=34947

Link to Capital Improvement 101 slide presentation from January 28, 2021:

<https://docs.google.com/presentation/d/1nBfukR73sOSaQulh2mc9KIBprKYpEBzCQDWRuiYLaCk/edit?usp=s>

Link to FY22 City Manager Recommended CIP Presentation from February 11, 2021:

<https://docs.google.com/presentation/d/1TgFrzQJjfOyl9f-El7AwCw5ShHYaQclHGfdAGEc5oh8/edit?usp=sharin>

Order 177-20/21 Appropriating Bond Proceeds and other Funds in an Amount not to Exceed \$23,964,841 for the City's Fiscal Year 2021 Capital Improvement Program - Sponsored by the Finance Committee, Nicholas M. Mavodones, Jr., Chair

This is a companion order to Order 176-20/21, above.

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

AMENDMENTS:

Order 178-20/21 Amendment to Portland City Code Chapter 14 Re: The Jill C. Duson Housing Trust Fund - Sponsored by the Housing & Economic Development Committee, Councilor Spivey, Councilor Thibodeau, Chair and the Portland Planning Board, Brandon Mazer, Chair

During the December 7, 2020, City Council Inauguration Meeting, Mayor Kate Snyder announced the honor and recognition of Councilor Jill Duson's contribution to housing, including "...helping to create a municipal environment conducive to the development of affordable and low income eligible housing." she asked the Housing & Economic Development Committee to review a request to rename the Housing Trust Fund the "Jill C. Duson Housing Trust Fund".

The Housing & Economic Development Committee met on January 5, 2021 and voted unanimously (Ali absent) to support this recommendation. The Portland Planning Board met on February 23, 2021 and voted (5-0-2; Chann and Dunfey abstained) to recommend the text amendment renaming the City's Housing Trust Fund as the *Jill C. Duson Housing Trust Fund*.

The Housing Trust Fund Ordinance is located in the City Code, Chapter 14, Article 18.3. A copy of the marked revised version of the code which reflects the name change is enclosed in backup materials for Council approval.

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

Order 179-20/21 Traffic Schedule Amendment Re: Limiting Parking on Both Sides of Waverly Street to One Hour - Sponsored by Jon P. Jennings, City Manager

In October 2020, the City Manager's office received a petition, signed by over 60% of households and businesses with frontage on Waverly Street, requesting that parking on both sides of the street be permanently restricted to one hour.

Petitioners indicated to staff that this request is intended to address a shortage of on-street parking available to Waverly Street residents, as well as the congestion resulting from a high demand for on-street parking.

On October 21, 2021, the Sustainability & Transportation Committee approved the petition for the consideration of the full City Council (3-0). The Committee also requested that any 15-minute parallel parking spots on Waverly Street be maintained, to which staff agreed.

Waverly Street is a two-way street of about 25 feet in width. It is located within Residential Parking District 12. As such, residents who apply for and receive residential parking permits would be exempt from the requested restrictions.

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

Order 180-20/21 Amendment to Portland City Code Chapter 14 Re: Lot Coverage Provision B-3 Zone - Sponsored by the Portland Planning Board, Brandon Mazer, Chair

On January 26, 2021, the Portland Planning Board voted 7-0 to approve the text amendments in the following order (Order 180-20/21 and Order 181-20/21) to facilitate a development at 100 Federal Street.

This B-3 text amendment to the Land Use Code (Sec. 14-7, Table 7-E, Mixed-Use Zone Dimensional Standards) will clarify the definition of maximum floor area allowed above 125 feet in height.

The current zoning language is not clear as to whether the allowed 10,000-square-foot lot coverage is net or gross. The amendment clarifies that the intention is to allow a useable floor plate at heights greater than 125', which will add 500 square feet of flexibility for circulation and similar uninhabitable areas of the floor plan.

This amendment will also maintain a consistent definition of "floor area" as gross throughout the entirety of Chapter 14.

This order and the one following advance the proposal by applicant RedFern Downtown LLC for the development of an 18-story, 180,000-square-foot, mixed-use building with 266 residential units, ground floor commercial space, amenity spaces for the residents, and 21 surface parking spaces at 201 Federal Street W.

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

Order 181-20/21 Downtown Height Map Amendment Re: Maximum Height and Architectural Eligibility for 200 Federal Street - Sponsored by the Portland Planning Board, Brandon Mazer, Chair

Orders 180-20/21 and 181-20/21 are companion orders related to a proposed development at 201 Federal Street.

This item amends the Downtown Height Overlay Map to remove the architectural cap designation and increase the maximum height from 150 feet to 190 feet.

The Downtown Height Overlay map dictates the allowable heights within the B-3 zone and is specified block by block depending on the context. This amendment would maintain the same overall maximum height allowed within this block, but would make housing development more feasible by removing the Architectural Cap designation. Removing this designation allows for the ability to provide habitable area.

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:

EXECUTIVE SESSION:

ZOOM INFORMATION:

The Portland City Council will hold a meeting on Wednesday, February 22, 2021 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.

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Please click the link below to join the webinar:

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Passcode: 515332

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US: +13017158592,,88385312427#,,,,*515332# or
+13126266799,,88385312427#,,,,*515332#

Or Telephone:

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

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

Webinar ID: 883 8531 2427

Passcode: 515332

International numbers available: <https://us02web.zoom.us/j/88385312427?pwd=aGUzQ1NQZzVUNm5xUEExQNmgzdVhJdz09>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

Mayor Snyder called the meeting to order at 5:33 P.M. (Councilor Ray arrived during the approval of the minutes).

ANNOUNCEMENTS:

Mayor Snyder wished Councilor Fournier, Councilor Mavodones, and Councilor Dion a Happy Birthday.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the Draft February 1, 2021 City Council Meeting Minutes

Motion was made by Councilor Ray and seconded by Councilor Ali to approve the minutes of the February 1, 2021 City Council meeting. Passage 9-0.

LICENSES:

Order 167-20/21 Granting Municipal Officers' Approval of Belleflower Brewing Company, LLC dba Belleflower Brewing Company. Application for a Brewery with Outdoor Dining on Private Property and Combined Entertainment at 66 Cove Street - Sponsored by Jon P. Jennings, City Manager

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

COMMUNICATIONS:

Com 26-20/21 Presentation of the Racial Equity Steering Committee's Interim Report - Sponsored by Councilor Pious Ali and Lelia DeAndrade, Co-Chairs

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

UNFINISHED BUSINESS:

Reconsideration of Order 126B-20/21 Designating Munjoy Hill Historic District and Amending the Map of Historic Districts - Sponsored by the Planning Board, Brandon Mazer, Chair

Motion was made by Councilor Zarro and seconded by Councilor Ray to reconsider Order 126 B Designating Munjoy Hill Historic District and Amending the Map of the Historic Districts. Passage 5-4 (Fournier, Mavodones, Ali, Chong).

Motion was made by Councilor Zarro and seconded by Councilor Ray to postpone Order 126 B to the April 5, 2021 City Council meeting. Passage 7-2 (Fournier, Ali).

Order 163-20/21 Amendment to Portland City Code, Chapter 14 Re: Self-Storage Conditional Use in B-3 Downtown Business Zone - Sponsored by the Portland Planning Board, Brandon Mazer, Chair

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

Order 164-20/21 Amendment to Zoning Map Re: R-6 to B-3 at 148 State Street - Sponsored by the Portland Planning Board, Brandon Mazer, Chair

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

Order 165-20/21 Amendment to Downtown Height Overlay Map Re: 148 State Street - Sponsored by the Portland Planning Board, Brandon Mazer, Chair

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

Order 166-20/21 Adopting the Council Rules of Procedure for 2021 - Sponsored by the Ad Hoc Rules Committee, Councilor Spencer Thibodeau, Chair

Motion was made by Councilor Thibodeau and seconded by Councilor Mavodones to amend Order 166 by changing the inaugural start time from 12:00 PM to " 6:00 PM" for passage. Passage 9-0.

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

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

ORDERS:

Order 168-20/21 Granting a Park Encroachment License at 46 Western Promenade - Sponsored by Jon P. Jennings, City Manager

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

Order 169-20/21 Accepting the 2020 Land Bank Commission Annual Report - Sponsored by Jon P. Jennings, City Manager

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

Order 170-20/21 Amending the Portland Tax Increment Financing Policy - Sponsored by the Housing & Economic Development Committee, Councilor Spencer Thibodeau, Chair

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

Order 171-20/21 Accepting and Appropriating Two Donations Totaling \$85,000 to the Dougherty Field Skatepark Expansion Project - Sponsored by Jon P. Jennings, City Manager

This is a first reading.

Order 172-20/21 Accepting and appropriating a \$20,000 Donation from the Portland Parks Conservancy for the Portland Youth Corps - Sponsored by Jon P. Jennings, City Manager

This is a first reading.

Order 173-20/21 Accepting and Appropriating a \$20,000 Donation for Improvements at East End Beach - Sponsored by Jon P. Jennings, City Manager

This is a first reading.

Motion was made by Councilor Ali and seconded by Councilor Fournier to adjourn.
Passage 9-0, at 8:40 P.M.

A TRUE RECORD

Katherine Jones, City Clerk

MEMORANDUM
City Council Agenda Item

FROM: Melissa Graffam
Ben Pearson

DATE: February 8, 2021

SUBJECT: Order 174-20/21 Appointing Curtis Bohlen and Douglas Roncarati to the Long Creek Watershed Management District Board of Directors - Sponsored by Jon P. Jennings, City Manager

SPONSOR: Jon P. Jennings, City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st Reading **Final Action**

Can action be taken at a later date: No

PRESENTATION:

I. SUMMARY

This request is for the reappointment of Douglas Roncarati, Stormwater Coordinator for the Water Resources Division, and Curtis Bohlen, Director of the Casco Bay Estuary Partnership, to the Long Creek Watershed Management District Governing Board.

II. AGENDA DESCRIPTION

The bylaws of the Long Creek Watershed Management District Governing Board calls for two (2) positions on its Board of Directors to be representatives from the City of Portland, as appointed by the City Council.

The bylaws also require that one of the representatives be a municipal official or employee, and the other be either a private Participating Landowner or representative of a private Participating Landowner whose Parcel is located in the City of Portland or a representative of a non-profit corporation with an interest in the Long Creek Watershed.

Currently, Doug Roncarati, Stormwater Coordinator for the Water Resources Division of Portland's Department of Public Works, serves as the municipal representative; Curtis Bohlen, Director of the Casco Bay Estuary Partnership, serves as the nonprofit representative. Both are seeking reappointment to the LCWMD Board of Directors.

The Long Creek Watershed Management District (LCWMD) was created in 2009 by an inter-local agreement between the municipalities of South Portland, Portland, Westbrook and Scarborough. Its purpose is to oversee the implementation of the Long Creek Watershed Restoration Plan to meet Department of Environmental Protection Agency requirements.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The City and Jetport own and use land off District Road that is part of the Long Creek Watershed and subject

to Department of Environmental Protection regulation and permitting.

The Long Creek Watershed Management District bylaws require that municipal officers appoint two Directors, one of whom shall be a municipal official or employee and one of whom shall be either a private Participating Landowner or representative of a private Participating Landowner whose Parcel is located in the City of Portland or a representative of a non-profit corporation with an interest in the Long Creek Watershed.

Sec. 2. Board of Directors.

There is hereby established a governing Board of Directors (the “Board”) for the District consisting of up to sixteen (16) Directors as follows. 1) Fourteen (14) Directors shall be appointed by the municipal officers of each Party in the following manner and numbers; the Portland Regional Chamber may provide a list of nominees to the municipal officers of each Party for their consideration in the appointment process:

a) Portland - Two Directors, one of whom shall be a municipal official or employee and one of whom shall be either a private Participating Landowner or representative of a private Participating Landowner whose Parcel is located in the City of Portland or a representative of a non-profit corporation with an interest in the Long Creek Watershed.

Both Curtis’s and Doug’s terms either have or will be expiring and they are requesting to be reappointed as representatives to the LCWMD Board of Directors, so as to continue their roles in the implementation of the Long Creek Watershed Management Plan. In the past, these appointments have come from the Director of Public Works rather than the Nominating Committee.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Advance Climate Change and Sustainability Efforts

V. FINANCIAL IMPACT

The City’s participation in the Long Creek Watershed Management District provides the opportunity to save money by avoidance of individual permit requirements including to the need to install and maintain expensive stormwater management systems.

VI. STAFF ANALYSIS AND BACKGROUND

Portland has played a critical leadership role in the development of the LCWMD and implementation of the Watershed Management Plan. As a Participating Landowner (i.e.: Owner of property subject to the Long Creek Watershed “Stormwater General Permit”), Portland’s representatives to the Board of Directors help to ensure the successful implementation of the Plan and Permit. Active participation in the LCWMD has helped the City to meet some of its Clean Water Act compliance requirements within this watershed in a more cost-effective

manner than the alternative. This partnership also provides the opportunity for regulated communities, State agencies, local water resource advocacy groups and the affected business community to collaborate on the mutually beneficial goal of water resources protection and restoration.

VII. RECOMMENDATION

Staff recommends that the City Council reappoint to the LCWMD Board of Directors Curtis Bohlen for a term ending October 21, 2024 and Doug Roncarati for a term ending February 15, 2024.

VIII. LIST ATTACHMENTS

1. Long Creek Watershed appt. Bohlen and Roncarati 3.1.2021
2. 2021-02-17 LCWMD Bios
3. Governing Board Bylaws
4. 2021-02-17 LCWMD Background Information

Prepared by:

Melissa Graffam

Ben Pearson

Date: 2/8/2021

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

CITY OF PORTLAND
IN THE CITY COUNCIL

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPOINTING CURTIS BOHLEN AND DOUGLAS RONCARATI
TO THE LONG CREEK WATERSHED MANAGEMENT DISTRICT
BOARD OF DIRECTORS**

ORDERED, that the City Council hereby appoints to the Long Creek Watershed Management District Board of Directors Curtis Bohlen for a term that expires on October 21, 2024 and Douglas Roncarati for a term that expires on February 15, 2024.



CITY OF PORTLAND
Department of Public Works
Christopher C. Branch, P.E., Director

Long Creek Watershed Management District
Governing Board Nominations
February 2021

Doug Roncarati- Stormwater Coordinator, City of Portland since 2009
Appointed to the LCWMD Governing Board in 2011 and is currently serving as Vice Chair

Doug has a background in open space, conservation and environmental planning. He has been a care and rehab volunteer with Massachusetts Audubon, served as Chairmen of the South Portland Conservation Commission and was Director of the South Portland Land Trust for a time. Doug earned a Master's degree in Community Planning & Development, with a focus on land use and the environment, from the Muskie School of Public Service at the University of Southern Maine. He began his career with the City of Portland, Maine in 2003 as an intern with the Parks & Recreation Department, conducting a variety of parks-related inventories and providing technical support to the Portland Land Bank Commission. In 2004, he was hired by the Department of Public Works as an Associate Engineer, where he participated in several mapping efforts including an Island E911 address project and a stormwater outfall, storm drain and sewer mapping project. Doug is currently serving as the City's Stormwater Program Coordinator, which includes administration of the MS4 Permit program, watershed planning and water resources protection. He is also on the Board of Directors of both the Long Creek Watershed Management District and the Friends of the Presumpscot River.

Curtis Bohlen, PHD- Director, Casco Bay Estuary Partnership (CBEP)
Appointed to the LCWMD Governing Board in 2009 as the City's Non-profit representative and currently serves as Treasurer

Before joining CBEP, Curtis worked as an environmental consultant and served on the Environmental Studies faculty at Bates and Colby Colleges, and as a research scientist at the University of Maryland's Chesapeake Biological Laboratory. He also worked for Trout Unlimited and the Chesapeake Bay Foundation as a staff scientist and spent a year working on Capitol Hill as a legislative aide and Congressional Science Fellow. He holds B.S. and M.S. degrees in Biology from Stanford and a Ph.D. in Ecology from Cornell. Curtis leads the work of CBEP at the University of Southern Maine and work with partners both inside and outside of the University to seek creative solutions to environmental challenges, support local communities, and improve management of Casco Bay.

BYLAWS
OF
THE LONG CREEK WATERSHED MANAGEMENT DISTRICT

ARTICLE I

Name and Location

Sec. 1. Name. The name of this Corporation is the **LONG CREEK WATERSHED MANAGEMENT DISTRICT** (the “Corporation”).

Sec. 2. Location. The Corporation’s principal office shall be located at the office of the Registered Agent in the City of Portland, Cumberland County, Maine or at such other location as the Board of Directors may from time to time determine.

Sec. 3. Definitions. Capitalized terms used in these Bylaws shall have the meaning set forth in the “Interlocal Agreement Among the Municipalities of Portland, South Portland, Scarborough and Westbrook to Establish the Long Creek Watershed Management District” dated August 28, 2009 (the “Interlocal Agreement”) unless otherwise stated herein.

ARTICLE II

Purposes and Powers

Sec. 1. Purposes. The Corporation has been formed pursuant to an Interlocal Agreement among the City of Portland, the City of South Portland, the City of Westbrook and the Town of Scarborough pursuant to 30-A M.R.S.A. Sec. 2201 *et seq.* for the purpose of establishing a quasi-municipal special purpose district named the Long Creek Watershed Management District as a separate legal entity and as a body corporate and politic to implement the Long Creek Watershed Management Plan (the “Plan”). The Plan is intended to improve the Long Creek Watershed which encompasses portions of all of the four municipalities who are parties to the Interlocal Agreement. The Plan includes but is not limited to design, engineering, construction, reconstruction, installation, operation, modification, alteration, use, maintenance, repair, replacement, inspection and monitoring of public and private stormwater management structures, facilities and improvements, including structural and non-structural Best Management Practices, in and along Long Creek and within the Long Creek Watershed; to monitor the effectiveness of the Plan and the condition of the Long Creek and the Long Creek Watershed; to make any changes to that Plan; to identify, apply for, accept and spend State, federal and other available funding sources from year-to-year; and to assess fees upon Participating Landowners for implementation of the Plan in order to comply with the “General Permit - Post Construction Discharge of Stormwater in the Long Creek Watershed” issued by the Maine Department of Environmental Protection (“DEP”) on November 6, 2009 and its renewal, reissuance or replacement, as such may be modified from time-to-time (the “General Permit”). The

Corporation shall be authorized to take all actions necessary to implement the Interlocal Agreement and the Plan.

The Corporation is organized exclusively for purposes described in Sections 170 and 501(c)(3) of the Internal Revenue Code and shall have no purpose and exercise no power which would disqualify the Corporation from tax exempt charitable status under Sections 170 and 501(c)(3) of the Internal Revenue Code and shall not carry on any activity which is prohibited by Sections 170 or 501(c)(3) of the Internal Revenue Code. The Articles of Organization and Bylaws shall be construed in such manner that the Corporation shall be qualified as an organization described in Sections 170(c), 501(c)(3), 2055(a) and 2522(a) of the Code which shall be exempt from taxation under Section 501(a) of the Code and all provisions required to be provided in the Articles of Incorporation and/or By-laws for such qualification shall be deemed to be a part hereof. To the extent that any provision of the Articles of Incorporation or By-laws or any rule of law would prevent such qualification, it shall not be applicable.

At any time the Corporation is classified as a private foundation under Section 509 of the Code, the Corporation shall distribute all of its income for each taxable year at such time and in such manner as not to become subject to the tax on undistributed income imposed by Section 4942 of the Code. The Corporation and its Directors and officers shall not engage in any act of self-dealing prohibited by Section 4941 of the Code. The Corporation shall not retain any excess business holdings as defined in Section 4943 of the Code nor make any investments which would cause tax liability under Section 4944 of the Code nor make any taxable expenditures as defined in Section 4945 of the Code.

The Corporation shall have such powers as are conferred upon non-profit corporations by the Maine Non-Profit Corporations Act, provided that:

- a. No part of the net earnings of the Corporation shall inure to the benefit of any member, Director, or officer of the Corporation, or any private individual, and no member, Director, officer of the Corporation, or any private individual shall be entitled to share in the distribution of any of the corporate assets on dissolution of the Corporation;
- b. No substantial part of the activities of the Corporation shall be carrying on propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in, or intervene in (including the publication or distribution of statements) any political campaign on behalf of any candidate for public office; and
- c. The Corporation shall not conduct or carry on any activities not permitted to be conducted or carried on by an organization exempt under Section 501(c)(3) of the Internal Revenue Code of 1986 and regulations thereunder as they now exist or as they may hereafter be amended.

The Corporation shall have no members and shall be a non-membership corporation.

Sec. 2. Powers. To effect the foregoing purposes of the Corporation, the Corporation shall have such powers as are conferred upon non-profit corporations by the Maine Nonprofit Corporations Act, including but not limited to the following:

The District, through its Board of Directors (the “Board”), may exercise on behalf of the Parties and the Participating Landowners those powers as are hereinafter set forth which are necessary or convenient to the accomplishment of the purposes stated herein and which are permitted by law to be exercised by the Parties, individually or jointly; such delegated powers are as follow:

A. To purchase, acquire, accept, lease as lessor, rent, hold, own, maintain, operate, lease as lessee or convey any and all real and personal property or any easement or interest therein all as may be necessary or convenient for its purposes. Ownership of any right, title or interest therein may be held by the District.

B. To plan, design, engineer, construct, install, equip, operate, maintain, repair, replace and monitor, either directly or by contract with another party or parties, any Best Management Practices or related project deemed desirable or necessary by the Board whether the same is located in or along Long Creek or within the Long Creek Watershed.

C. To contract with any person, firm, corporation, partnership, or other entity, private, public, governmental, or otherwise, for services (including, without limitation, independent technical, engineering and water quality and stream ecology advice, review and services), management, work, material, or property, and to adopt or amend rules, regulations or procedures for the procurement thereof.

D. To adopt or amend rules to govern the conduct of its meetings and the other affairs of the Board and the District.

E. To employ or arrange for the employment of such persons as are required for the purposes stated herein.

F. To receive and accept from, or contract with, the federal, State and municipal governments, and other public or private entities, for donations, loans, grants, gifts, or other assistance for stormwater management and in such contracts agree to be bound by all applicable provisions of federal, State and municipal statutes, regulations and ordinances as the case may be.

G. To borrow such sums of money on such terms and conditions as it shall deem desirable or necessary from time-to-time from any federal, State, municipal or other governmental entity, including, but not limited to, any public or quasi-public authority, agency, or instrumentality thereof or from any public or private lending or financial institution, provided, however that the amount to be borrowed, exclusive of interest, shall not exceed \$2,200,000 (2.2 million dollars); to issue bonds and anticipate notes therefore in the name of the District on behalf of the Parties, or any of them; and to secure such borrowing by any pledge, mortgage, lien or other encumbrance of any revenues, fees or assessments or real or personal property of the District, which it shall deem desirable or necessary to provide in connection therewith. The bonds and anticipation notes issued by the District shall not constitute a debt or liability of and shall not constitute a pledge of the full faith and credit of the Parties, or any of them, and shall not directly, indirectly or contingently obligate the Parties, or any of them, to levy or pledge any form of taxation whatever or make any appropriation for the payment thereof. A Party shall only

be liable for any portion of the District's indebtedness to the extent that the Party is responsible for its share of District indebtedness as a Participating Landowner.

H. To allocate all costs of implementation of the Long Creek Watershed Management Plan among the Participating Landowners on the basis of each Participating Landowner's percentage of the total amount of Impervious Surface or Impervious Area, as of the date of issuance of the General Permit and of any annual adjustment thereto, on all Participating Landowners' properties located within the Long Creek Watershed that are subject to the General Permit, by assessments upon each of the Participating Landowners based upon the allocation of costs as stated above, adjusted as provided by agreements between the Participating Landowners and the District, which assessments shall be so established each year by the Board as, to the extent possible, will assure sufficient income to meet the costs of implementation of the Long Creek Watershed Management Plan for the ensuing year or years. Such costs of implementation of the Long Creek Watershed Management Plan shall include but not be limited to capital expenses; operation and maintenance costs; monitoring costs; administrative costs; insurance; taxes; rentals; debt service and necessary reserves for contingencies as determined by the Board. The Board may require advance payment of costs.

I. To enter into agreements with Participating Landowners to establish the terms and conditions of their participation in the implementation of the Plan, including but not limited to the assessment, payment and collection of the costs of implementation of the Plan.

J. To make expenditures for and contract with respect to capital items from funds provided pursuant to Section 7 (Reserve Account) of the Interlocal Agreement.

K. To receive, loan and disburse funds for any purpose contemplated by the Interlocal Agreement.

L. The District, through its Board and on behalf of the Participating Landowners, shall:

1. Plan, construct, equip, operate and maintain, and monitor the Plan for the benefit of the Participating Landowners, the Parties and the Parties' residents.
2. Serve as a mutual forum to identify, discuss, study, and bring into focus regional stormwater management problems and needs.
3. Serve as a vehicle for the collection and exchange of stormwater management information of regional concern and interest.
4. Provide continuing organizational machinery to insure effective planning, construction, installation, operation and maintenance and monitoring of stormwater management plans among Participating Landowners.
5. Provide continuing organizational machinery to insure effective stormwater management communication and coordination among Participating Landowners.
6. Foster, develop and review policies, plans and priorities for stormwater

management programs.

M. In the event the Board determines that a hazardous condition exists at any District structure or facility, the Board shall promptly take such action as may be necessary to correct the hazardous condition.

N. To sue and be sued and to take any legal action necessary to enforce agreements, contracts and other documents and instruments and to collect unpaid or delinquent assessments and fees.

O. The Board shall issue an Annual Report documenting implementation of a monitoring and assessment plan as required by the General Permit.

The powers of the Corporation are subject to the following limitations:

1. No part of the net earnings of the Corporation shall inure to the benefit of any member, director, or officer of the Corporation, or any private individual, and no member, director, officer of the Corporation, or any private individual shall be entitled to share in the distribution of any of the corporate assets on dissolution of the Corporation;

2.. No substantial part of the activities of the Corporation shall be carrying on propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in, or intervene in (including the publication or distribution of statements) any political campaign on behalf of any candidate for public office; and

3. The Corporation shall not conduct or carry on any activities not permitted to be conducted or carried on by an organization exempt from income tax under the Internal Revenue Code of 1986 and regulations thereunder as they now exist or as they may hereafter be amended.

Sec 3. Budgeting and Financial Powers

A. Estimate of Expenditures and Anticipated Revenues. On or before February 1 of each year, the Board shall prepare and submit to the Participating Landowners an itemized estimate of the expenditures and the anticipated revenues for the following Fiscal Year, which shall be from July 1st through June 30th of each year. Such estimates shall include the following:

1. Anticipated Revenues. An itemized estimate of anticipated revenues during the ensuing fiscal year from each source.

2. Estimate of Expenditures. An itemized estimate of expenditures for each classification for such ensuing fiscal year.

3. Actual Receipts. After the first year of operation, an itemized statement of all actual receipts from all sources to and including January 31st of the previous fiscal year, with estimated receipts from such sources shown for the balance of such year.

4. Actual Expenditures. After the first year of operation, an itemized

statement of all actual expenditures to and including January 31st of the previous fiscal year, with estimated expenditures shown for the balance of such year.

B. Budget. For Fiscal Years following the first Fiscal Year, which shall begin on July 1, 2010, the Corporation shall employ the budget process stated herein. On or before July first of each year, the Board shall adopt a final budget for the ensuing Fiscal Year which shall be itemized in the same manner as the estimate of expenditures and revenues. Once adopted, such budget shall be submitted forthwith to the Participating Landowners and shall include assessments determined by the Board and allocated among Participating Landowners as provided in Section 5(H). The District shall issue the annual assessments to each Participating Landowner on or by July 15 of each year and each Participating Landowner shall pay its annual assessments not later than of the following August 15th at which time said assessments shall be due and payable, and after which time interest shall accrue on any unpaid assessments or portions thereof.

C. The Board may from time to time impose such charges as it deems appropriate, by way of surcharge or otherwise, to fund reserve accounts.

ARTICLE III

Directors

Sec. 1. Governance. The affairs of the Corporation shall be governed by the Board of Directors. The Board shall conduct an annual meeting in May of each year and shall conduct regular meetings, at least semi-annually, for the purpose of carrying out the functions of the Corporation.

Sec. 2. Board of Directors. There is hereby established a governing Board of Directors (the "Board") for the District consisting of up to sixteen (16) Directors as follows.

1) Fourteen (14) Directors shall be appointed by the municipal officers of each Party in the following manner and numbers; the Portland Regional Chamber may provide a list of nominees to the municipal officers of each Party for their consideration in the appointment process:

a) Portland - Two Directors, one of whom shall be a municipal official or employee and one of whom shall be either a private Participating Landowner or representative of a private Participating Landowner whose Parcel is located in the City of Portland or a representative of a non-profit corporation with an interest in the Long Creek Watershed.

b) Scarborough - Two Directors, one of whom shall be a municipal official or employee and one of whom shall be a public or private Participating Landowner or representative of a public or private Participating Landowner whose Parcel is located within the Town of Scarborough.

c) South Portland - Seven Directors, two of whom shall be municipal officials or employees, four of whom shall be private Participating Landowners or

representatives of private Participating Landowners whose Parcel is located within the City of South Portland, and one of whom shall be a representative of a non-profit corporation with an interest in the Long Creek Watershed.

d) Westbrook - Three Directors, one of whom shall be a municipal official or employee and two of whom shall be private Participating Landowners or representatives of private Participating Landowners whose Parcel is located within the City of Westbrook.

2) The Maine Turnpike Authority (“MTA”) through its Executive Director shall appoint one (1) Director so long as MTA is a Participating Landowner; if MTA should terminate its agreement with the District to implement the Plan, it shall no longer be entitled to appoint a Director to serve on the Board, the term of the then-serving Director it has appointed will terminate and the Director’s seat will no longer exist.

3) The Maine Department of Transportation (“MDOT”) through the Commissioner of Transportation shall appoint one (1) Director so long as MDOT is a Participating Landowner; if MDOT should terminate its agreement with the District to implement the Plan, it shall no longer be entitled to appoint a Director to serve on the Board, the term of the then-serving Director it has appointed will terminate and the Director’s seat will no longer exist.

4) Term. Except as otherwise provided herein, Directors shall be appointed for a term of three years, and may be removed for cause by the appointing authority.

5) Officers and Rules. The Board shall, at an annual meeting to be held each year, elect from its membership a President/Chair, Vice- President/Vice-Chair, Secretary and a Treasurer and such other officers as it may desire and may adopt rules to govern the conduct of its meetings and the other affairs of the Board and the District.

6) Manner of Acting. Except as specified by law or these bylaws, the Board of Directors shall act by a two-thirds majority vote of the Directors present in person and voting at any duly called and held meeting of the Board of Directors at which a quorum is present. Each Director shall have one vote. In the case a tie vote of the Directors, the motion before the Board that is the subject of the tie vote shall be deemed to have failed.

7) Quorum. The presence, in person, of a majority of the Directors of the Corporation then in office shall constitute a quorum for the transaction of business.

8) Meetings. The Board shall meet as needed as determined by the President/Chair, but no less than semiannually.

9) Vacancy. A vacancy has the same meaning as the definition in 30-A M.R.S.A. § 2602. The appropriate Party’s municipal officers may appoint a person to fill a vacancy in the office of Director, and that person shall serve for the remainder of the term, provided, however, that if a Party’s municipal officers shall have failed to fill a vacancy within sixty (60) days of the creation of that vacancy, the remaining Directors shall appoint a person to fill that vacancy. A Director who is a private Participating Landowner or a representative of a private Participating Landowner automatically vacates that office upon the conveyance of that Participating

Landowner's Parcel to another owner, or upon that Participating Landowner's termination of its agreement with the District to implement the Plan. The MTA or MDOT's termination of its agreement with the District to implement the Plan and the termination of the term of any then-serving Director it has appointed shall not constitute or result in a vacancy.

10) **Attendance.** If a Director fails to attend at least one-half of the meetings of the Board of Directors subsequent to the preceding annual meeting of the Board, or if he/she fails to attend two (2) consecutive meetings of the Board without having provided at least one (1) day's prior notice of such absence to the President/Chair or Vice-President/Vice-Chair, the appointing authority of that Director shall be so notified by the President/Chair.

ARTICLE IV

Officers

Sec. 1. **Officers.** The officers of the Corporation shall be a President/Chair, Vice-President/Vice-Chair, Treasurer, Secretary and Registered Agent. A person may hold more than one office at any time.

Sec. 2. **Election.** The officers shall be elected at the Annual Meeting of the Board of Directors.

Sec. 3. **President/Chair.** The President/Chair shall have general oversight of all of the business and affairs of the Corporation. The President/Chair shall preside at all meetings of the Board of Directors. The President/Chair shall perform all duties incident to the office of President/Chair and such other duties as may be prescribed by the Board of Directors.

Sec. 4. **Vice-President/Vice-Chair.** In the absence of the President/Chair or in the event of the President/Chair's inability or refusal to act, the Vice-President/Vice-Chair shall perform the duties of the President/Chair and, when so acting, shall have all the powers of and duties of the President/Chair. The Vice-President/Vice-Chair shall perform such other duties as from time-to-time may be assigned by the President/Chair or by the Board of Directors.

Sec. 5. **Treasurer.** The Treasurer shall have charge and custody of and be responsible for all funds and securities of the Corporation; receive and give receipts for monies due and payable to the Corporation from any source whatsoever; deposit all such monies in the name of the Corporation in such banks or other depositories as shall be designated by the Board of Directors by resolution from time to time; sign checks of the Corporation; keep regular books of account and submit them together with all his/her vouchers, receipts and other records to the Board of Directors for their examination and approval as often as they may require; give bond in such sum and with such surety or sureties as the Board of Directors shall determine and perform all duties incident to the office of Treasurer and such other duties as may from time to time be assigned.

Sec. 6. Secretary. The Secretary shall keep the minutes of the meetings of the Board of Directors in one or more books provided for that purpose; see that all notices are duly given in accordance with the provisions of these by-laws or as required by law; be custodian of the corporate records; and see that the seal of the Corporation is affixed to all documents, the execution of which on behalf of the Corporation under its seal is duly authorized; keep a register of the post office address and telephone number of each director; and, in general, perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned.

Sec. 7. Registered Agent. The Registered Agent shall be a resident of the State of Maine and shall perform the duties required of a Registered Agent under the Maine Non Profit Corporations Act.

Sec. 8. Removal. Any officer may be removed for any reason by a two-thirds majority vote of the Directors then in office.

Sec. 9 Vacancies. Any vacancy in any office may be filled by majority vote of the Directors then in office.

ARTICLE V

Committees

Sec. 1. Committees. The Board of Directors may establish such committees as it deems appropriate to assist in the management of the Corporation.

Sec. 2. Composition. Committees shall consist of at least two persons, one of whom shall be Chairperson. Committee members need not be Directors.

ARTICLE VI

Amendment of By-laws

Sec. 1. Amendment of By-laws. These by-laws may be amended by the Board of Directors a two-thirds majority vote of the Directors present in person and voting at any annual meeting or other meeting.

ARTICLE VII

Indemnification

Sec. 1. Indemnification. To the extent permitted under the Maine Tort Claims Act, the Corporation shall in all cases indemnify any person who was or is a party or is

threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative, by reason of the fact that he or she is or was a Director, officer, employee or agent of the Corporation or is or was serving at the request of the Corporation as a Director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, against expenses, including attorneys' fees, judgments, fines, and amounts paid in settlement actually and reasonably incurred by him or her in connection with such action, suit or proceeding; except that no indemnification shall be provided for any person with respect to any matter as to which that person shall have been finally adjudicated in any action, suit or proceeding not to have acted in good faith in the reasonable belief that his or her action was in the best interests of the Corporation or, with respect to any criminal action or proceeding, who had no reasonable cause to believe that his or her conduct was lawful or in fact believed such conduct to be unlawful. The termination of any action, suit or proceeding by judgment, order or conviction adverse to such person, or by settlement or plea of nolo contendere or its equivalent, shall not of itself create a presumption that such person did not act in good faith in the reasonable belief that his or her action was in the best interests of the Corporation, or with respect to any criminal action or proceeding, that such person had no reasonable cause to believe that his or her conduct was lawful or in fact believed such action to be unlawful. The foregoing rights of indemnification shall, in the case of the death or incapacity of any Director, officer, or other person, inure to the benefit of his or her heirs, estate, executors, administrators, conservators, or other legal representatives. This Article shall not be interpreted to waive the monetary limits or substantive areas of immunity under the Maine Tort Claims Act (14 M.R.S.A. Sec. 8101 *et seq.*) or any other defenses the Parties or each Party may have under that Act or under other applicable law.

ARTICLE VIII

Dissolution

Sec. 1. Dissolution. At such time as the District shall have discharged all of its obligations, as evidenced by DEP's issuance of a written certificate of completion, and shall have paid or provided for the payment thereof, the Board may, by a three fourths (3/4) vote of the Board's Directors, dissolve the Corporation and dispose of all District property, real and personal, in such manner as said Board shall authorize and direct in accordance with the Interlocal Agreement. Upon the dissolution of the Corporation or the winding up of its affairs, after paying or making provision for the payment of all liabilities and obligations of the Corporation as required by law, the remaining assets of the Corporation shall be distributed as the Board shall direct, consistent with the Interlocal Agreement. The Board may, at its discretion, convey right, title and interest of the District in stormwater management structures, facilities and improvements, when exhausted of their capacity and of no further use in the accomplishment of the purposes set forth herein, at no charge to the Party within whose boundaries said structures, facilities or improvements are located, to a successor entity of the District or to the extent the structures, facilities and improvements were not financed through tax-exempt bonds or financing, to a Participating Landowner within whose property the structures, facilities or improvements are located. All money, if any, remaining in the hands of the Treasurer, shall be paid to the Participating Landowners as of the date of such dissolution in accordance with agreements then in effect for the cost sharing of contributions.

Approved 1-13-10; Amended 5-21-10

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CITY OF PORTLAND
Department of Public Works
Christopher C. Branch, P.E., Director

Long Creek Watershed Management District
Background Information
February 2021

Long Creek is a meandering urban stream system with four primary branches that converge before flowing into Clark's Pond in South Portland, Maine. The Long Creek watershed encompasses 3.5 square miles in a commercial/retail district located in four (4) municipalities: Portland, Scarborough, South Portland, and Westbrook. Long Creek is an urban stream system that is classified by the Maine Water Classification Program as a Class C stream. Long Creek currently does not meet the water quality standards established for Class C Streams. Substantial nonpoint source (NPS) discharges from the existing built environment have contributed to the degraded water quality.

In 2009, the United States Environmental Protection Agency (EPA) exercised a provision in the Clean Water Act, known as Residual Designation Authority (RDA), which requires stormwater permitting for designated discharges in the Long Creek watershed. The resulting permits, a collaboration between EPA and DEP, require "an operator of property...to obtain a Maine Pollutant Discharge Elimination System permit" for any parcel or property in the Long Creek watershed with one or more acres of impervious cover (IC). This precedent-setting use of the RDA provision led to the establishment of the Long Creek Watershed Management District and a corresponding annual IC fee.

Property owners owning more than one (1) acre can join the District and pay an IC fee or apply for an individual Permit. The District implements the Long Creek General Permit on behalf of 89 permittees who manage 88% of the watershed's impervious cover. This includes private property owners, three (3) municipalities, ecoMaine, and both MaineDOT and Maine Turnpike Authority. Portland's portion of the Long Creek Watershed includes land off District Road by the satellite Jetport parking lot, Water Resources and Solid Waste buildings, and the snow dump.

The District has bylaws and a Board of Governors to help guide decision making in order to implement the Long Creek Watershed Management Plan. Portland has played a critical leadership role in the development of the LCWMD and implementation of the Watershed Management Plan. As a Participating Landowner, Portland's representatives to the Board of Directors help to ensure the successful implementation of the Plan and Permit. Active participation in the LCWMD has helped the City to meet some of its Clean Water Act compliance requirements within this watershed in a more cost-effective manner than the alternative of having an individual permit. This partnership also provides the opportunity for regulated communities, State agencies, local water resource advocacy groups and the affected business community to collaborate on the mutually beneficial goal of water resources protection and restoration.

212 Canco Road, Ste B • Portland, ME 04103 • 207-874-8801
cbranch@portlandmaine.gov • www.portlandmaine.gov



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

MEMORANDUM

To: Mayor Snyder and the Portland City Council

From: Jon Jennings, City Manager

Date: March 1, 2021

Re: Portland Needle Exchange Program

The purpose of this memo is to provide the Council with additional information regarding Portland's Needle Exchange Program. The Needle Exchange Program (NEP), established in 1998, is Maine's only municipally operated syringe services program. The City of Portland maintains its commitment to supporting the health of its citizens through harm reduction efforts such as those provided through its Needle Exchange Program. As a municipally-operated program, the City is mindful of its commitment to provide this important service while also balancing its other responsibilities to the community such as through minimizing the occurrence of community needle waste and ensuring proper stewardship of financial resources. The City is proud to be the only municipality in Maine providing syringe services to its citizens, continuing this city's forward-looking approach to the range of community services it provides.

The program operates 40 hours/7 days per week at multiple locations throughout the city. Monday through Friday services are available from 9 AM to 4 PM at the 103 India Street location. Additionally, outreach exchanges are available at the corner of Oxford and Elm Streets seven hours/week. Clients typically visit the NEP one to three times a month. Additionally, the Patient Navigator recently began providing weekly exchange services to homeless encampments. The Substance Use Prevention & Harm Reduction Services Program provides no cost overdose recognition and response training as well as technical assistance and Narcan distribution throughout York and Cumberland counties.

The NEP is currently distributing and collecting record numbers of needles, while operating under a 1:1 plus policy and following CDC's interim guidance for syringe exchange programs during the COVID 19 pandemic, which includes ensuring clients have adequate supplies to use sterile equipment with each injection. According to January 2021 data, the program distributed

30,006 needles and collected 29,185. This represents 819 exchanges, which averages to 37 needles per exchange. In comparison, in January 2020, 27,250 needles were distributed and 18,240 were collected.

As it has been noted, Governor Mills' issued an Executive Order, in light of the COVID-19 pandemic, that offered exchanges the opportunity to relax the normal 1:1 requirement. However, it's important to note the Executive Order is not a mandate, rather an allowable exception during the State of Emergency, should exchange programs determine it would provide a benefit for clients. Given the existing structure of the NEP's operation, (7 days a week, two locations with more than 40 hours of operation, plus COVID safety protocols in place) Public Health staff determined they were still able to serve and meet our clients' needs while, in most cases, adhering to the 1:1 rule. It's important to remember, unless there is a permanent rule change, the 1:1 requirement will resume when the State of Emergency ends.

In addition to the need for clients to access the Needle Exchange Program, the City must also weigh several other factors including a concerning increase in the number of needles found in public spaces throughout the city (from 598 in 2015 to 6,240 in 2020) and several instances in which City staff and members of the public have been stuck by improperly discarded needles in city parks.

In November of 2020, the City conducted an audit of the Needle Exchange Program after learning that some guests checking into City shelters were in possession of large quantities of needles, some in excess of 100 each. During the course of the audit, HHS management learned that the 1:1 exchange limit¹ (contained in the City's needle exchange policies and in the State's usual rules) had not been consistently enforced. Not just during the pandemic when relaxation of that rule was permitted under the Governor's Executive Order, but since as early as 2016. The audit also revealed other areas of concern, including that significant numbers of needles had been requested by and provided to individuals who sought them not for personal use but to facilitate the operation of unsanctioned needle exchange programs, something that is not permitted under the State's program rules. In addition, the review determined that the NEP accepted and paid for the destruction of used needle waste from other certified and uncertified exchanges.

Since FY17, the cost of supplies to operate the Needle Exchange Program, as well as the cost of the disposal of needle waste has increased, often overspending the Program's allocated funds. From FY19 - FY20, supply costs increased from \$45,426 to \$92,938, the greatest year over year increase in the program's history. Similarly, from FY19 - FY20, the budget for biohazard disposal was \$22,231 and the actual costs were \$27,940.

As a result of the findings from this review, a number of actions have taken place:

- Filing of corrected reports: Public Health staff worked with the Maine CDC to file corrected reports for 2016, 2017, 2018 & 2019. The 2020 report was completed by our current Program Manager and is believed to contain accurate information.²

- Improved operational training and oversight: Implemented a process for separation of reporting duties as well as instituting an inventory control process which entails a weekly audit of supplies. In addition, staff and volunteers have received additional training related to data collection and client eligibility.
- Implemented a modified 1:1 policy (a so-called “one-for-one plus” model) consistent with authority granted by Executive Order 27 which allows several exceptions to the 1:1 limit, which include:
 - New enrollees who present with no supplies will receive a “Starter Kit” which includes the following: safe injection supplies including one package of 10 needles.
 - Clients who are unsheltered or utilize shelter services and present with no syringes to exchange are eligible to receive safe injection supplies including one package of 10 needles.
 - Clients who report having had their supplies confiscated by law enforcement or who have recently been released from jail, prison, or a hospital or treatment setting are eligible to receive safe injection supplies including one package of 10 needles.
 - Clients who present with no supplies (including those who report disposing of them in one of several community sharps boxes) and do not meet the above criteria will also be eligible to receive safe use supplies including one package of 10 needles.
- Expanded NEP outreach activities and locations to include encampments. This outreach is happening in coordination with Mobile Medical Outreach medics from the Portland Fire Department, as well as with area service providers.
- Supporting Maine’s COVID-19 response: Working with the state and local partners around creative ways to make safer use supplies available for individuals with substance use disorder who have been referred to the quarantine hotel in order to support those individuals to remain in quarantine/isolation.
- Soliciting client feedback: NEP clients are being surveyed to determine whether their safer use supplies needs are being met. Of 182 clients surveyed to date 80% report not reusing or sharing needles since their last visit, 17% report reusing needles, and 3% report sharing of needles. Targeted efforts are directed to those reporting either reuse or sharing of needles to ensure access to supplies and increase safer use practices.
- Public Health staff is undergoing literature review of most recent research and best practices as pertain to syringe services, including syringe access, overdose rates, infection rates, and community needle waste.

- Public Health staff is working with local partners to coordinate syringe access in Portland, as well as evaluating and soliciting feedback on location of community sharps boxes.
- During each exchange, clients are offered Narcan. If accepted, staff engage in a discussion about if/how previously distributed Narcan was used, including an opportunity to debrief an overdose or another traumatic event. In January 2021 68 kits for 136 doses were distributed and as of February 24th, there were 89.5 kits for 179 doses distributed.
- New Program Coordinator and Community Health Promotion Specialist to begin Monday, March 22. Still in the process of recruiting one additional full time Community Health Promotion Specialist for NEP.

The findings from the internal review of this program were disappointing and alarming for multiple reasons, among them the fact that efforts to evaluate and modify the program were hampered by data that turned out to be inaccurate. The corrective actions that have been implemented and increased program oversight will ensure these issues do not recur and will provide a more factual basis upon which decisions will be made in the future.

We are encouraged that other organizations are in the process of establishing syringe services in Portland and elsewhere across Maine, and we will continue our efforts to coordinate city-wide services as we seek to improve the lives of all Portlanders. Recently Councilor Chong encouraged hospital systems to begin operating exchange services in the state, I concur with this suggestion.

¹ Regarding Maine state law pertaining 1:1 exchange limits, on 3/30/20 Governor Mills signed Executive Order 27 which temporarily suspended this limit for the duration of Maine's State of Civil Emergency, and provided syringe services programs the option to operate outside of this limit. The City of Portland opted at that time to continue to operate its program under the 1:1 standard under what turned out to be an incorrect assumption that program staff had been abiding by that policy right along and that client needs were being met. It is important to note that Maine's 1:1 exchange limit will resume when the State of Emergency ends unless a permanent rule change is implemented at the state level.

² Note: the table below reflects data entered by program staff into the internal Health Track system and are believed to be accurate; the State Report data reflect the figures reported by program staff in Annual Reports to the state.

<i>Year</i>	<i>Health Track In</i>	<i>Health Track Out</i>	<i>State Report In</i>	<i>State Report Out</i>

2015-2016	158,942	152,997	158,573	158,573
2016-2017	174,089	187,937	186,198	186,189
2017-2018	180,532	205,740	204,259	204,259
2018-2019	221,303	257,177	257,187	257,187

*Health Track data it the corrected data



CITY OF PORTLAND

Jon P. Jennings, City Manager

To: Mayor Snyder and City Councilors
From: Jon P. Jennings, City Manager
Date: February 26, 2021
RE: 2021/2022 Outdoor Dining & Retail Plan

The following memo details operations, fees, and restrictions related to the 2021-2022 Outdoor Dining & Retail Program, scheduled to take place from April 2021 to April 2022.

This program allows retailers and restaurants to apply to expand dining and retail activities into public spaces, including closed streets, parklets, the public right-of-way, and parks. In addition, they may apply to extend their use of private space into the winter season.

Similar to the 2020-2021 program, our goal is to help small businesses operate successfully, safely, and in compliance with social distancing guidelines.

Street Closures

The following streets will be closed to vehicle traffic from April 5, 2021 to November 1, 2021: Wharf, Dana, Milk (between Exchange/Market), and Fore Street (on the southeast side of Boothby Square, between Pearl/Silver). Commercial vehicles may access these streets before 11:00 AM daily to make deliveries.

Traffic on Middle Street will be adjusted to one-way only to allow businesses to operate in the public right-of-way, similar to how they did in 2020.

The southeast side of Boothby Square (between Pearl/Silver) is a new addition to this program, and was made in response to requests from local businesses. As this is a street over which the State has authority, its closure will be confirmed pending MaineDOT approval.

Streets temporarily closed to traffic will have one “soft” closure (through which delivery vehicles can travel at designated hours) and one “hard” closure,

Streets Temporarily Closed to Vehicle Traffic April 5, 2021 to November 1, 2021
Wharf Street
Dana Street
Milk Street (between Exchange/Market)
Fore Street (SE side of Boothby Square, between Pearl/Silver)
Middle Street (traffic reduced to one-way between India/Franklin)

delineated by large concrete barricades or planters.

All plans to place furniture or other elements on the street must be reviewed and approved by the Department of Permitting & Inspections. For information on what is and is not allowed, interested parties should contact bl@portlandmaine.gov.

Spring/Summer/Fall Permits (April 5, 2021 to November 1, 2021)

Existing permits to operate outdoors will remain in effect until May 10, 2021. To continue to operate outdoors after that date, businesses must renew their permit by May 10, 2021.

While street closures will commence on April 5, 2021, applications to operate on closed streets will be accepted up until May 10, 2021.

Application fees are included below. This fee schedule reflects the same reductions that were implemented at the start of the COVID-19 pandemic:

Permit Type	Fee
Outdoor Dining on Private Property	\$125.00
Outdoor Dining in City Park	\$84.00 + \$6.30SF
Outdoor Dining in a Parklet	\$1092.00
Outdoor Dining on Public Sidewalk	\$84.00 + \$2.00SF
Sidewalk Sales	\$92.00

Winter Permits (November 1, 2021 to April 4, 2022)

Businesses that wish to conduct business outdoors during the winter must apply for a seasonal renewal, at no cost. The purpose of this seasonal renewal is to ensure that existing structures can accommodate snow removal operations, as well as to gather information on which businesses plan to continue to operate outdoors during the winter. The application deadline for the winter program is October 15, 2021.

Exchange Street

Businesses on Exchange Street that would like to operate outdoors have a couple options:

- Those abutting a public park or plaza may submit a plan to operate in that space;
- Apply to operate in up to two contiguous parklets.

Due to the number of businesses on Exchange Street, the narrowness/configuration of the street, and the simultaneous use of the street for parking and vehicular traffic, a limited number of parklet spaces will be made available. Applications will be approved on a first-come, first-serve basis, and requests for two contiguous parklet spaces will be granted only after neighboring businesses' needs are taken into account.

Parklets

Businesses *not* located on a closed street may apply for up to two contiguous parklets. All parklet regulations as outlined in Section 25 of City Code must be met. In the event that it is impossible for a business to operate a parklet in accordance with the City ordinance, staff will consider safe alternatives.

Parklets located on streets with speed limits in excess of 25 mph *or* on streets with significant vehicle traffic will be required to include one concrete barricade, provided and placed by the City, on all three sides not abutting the curb.

Parklets located on streets with speed limits under 25 mph and relatively low levels of vehicle traffic are required, by City Code, to include three-foot wheel stops on either end of their parklet. Staff will consider requests to place concrete barricades on the short ends of parklets in lieu of wheel stops.

Barricades & Beautification

To help create a welcoming atmosphere on and around closed streets, staff have planned several changes to the style and configuration of barricades.

Most notably, large concrete planters with a pebbled texture will be used at the ends of closed streets. Parks Department staff will plant and maintain flowers beginning in May (depending on the weather). In the event of a shortage of planters, concrete barricades topped with wooden planters will be used. Both planters and barricades will be spaced appropriately to allow pedestrian and bicycle access, as well as sight lines up and down streets.

Staff are happy to consider any private initiatives to beautify and enhance public space.

In Conclusion

We look forward to working with small business owners and residents to help the City thrive safely in the coming year. We welcome any suggestions or proposals to further improve business' ability to operate successfully and in compliance with State regulations during the COVID-19 pandemic.

**Downtown Portland, Maine
Street/Lane Closures to Traffic as of
April 5, 2021**



Legend

Hard Closures

 **Closed to Deliveries & Vehicle traffic**
Open to Bicycle & Pedestrian Access

Soft Closures

 **Open to Deliveries Only 6AM to 11AM **



200
Feet

Middle St from Franklin to India

ONE WAY

ONE WAY

Milk St from Exchange to Market

Eastbound - Fore St from Silver to Pearl

Dana St from Fore to Commercial

Wharf St from Moulton to Union

MEMORANDUM
City Council Agenda Item

FROM: Allison Carroll

DATE: February 16, 2021

SUBJECT: Order 171-20/21 Accepting and Appropriating Two Donations Totaling \$85,000 to the Dougherty Field Skatepark Expansion 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: Ethan Hipple will be at the Council meeting to answer any questions.

I. SUMMARY

The Parks, Recreation and Facilities Department is requesting Council approval to accept two donations totaling \$85,000 to the Dougherty Field Skatepark Expansion project.

II. AGENDA DESCRIPTION

This order accepts and appropriates two donations totaling \$85,000 to the Dougherty Field Skatepark Expansion project.

This item must be read on two separate days. It received its first reading on February 22, 2021. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The first two donations are regarding the Skatepark Expansion project that will expand the existing skatepark at Dougherty Field from roughly 8,000 sq ft to roughly 14,000+ sq ft. This project will promote safe use of the park with more room for beginners, young children, and families who love to use the park. It will also provide increased space and variety for a diverse range of teens and young adults engaged in healthy outdoor recreation. This project was proposed as a public-private partnership project in 2017 that would combine a mix of public CIP funding and private fundraising. Our Department challenged the skate community to raise \$100,000 for the project in 2017. Since that time, small donations have been coming in from an online fundraising campaign and several grass-roots fundraisers at the park. Those small events led to two larger foundation grants that put the group over the \$100,000 fundraising goal as of December 2020.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The Council to approve two donations, \$50,000 from the Cabin Foundation (12/10/20) and \$35,000 from the Ollie Foundation, managed through Maine Community Foundation (12/23/20) for the Dougherty Field Skatepark Expansion project.

V. FINANCIAL IMPACT

The current total raised for the project is \$103,000. CIP funding is still pending. Donations requiring Council

approval:

- \$50,000 from the Cabin Foundation (12/10/20)
- \$35,000 from the Ollie Foundation, managed through Maine Community Foundation (12/23/20)

VI. STAFF ANALYSIS AND BACKGROUND

Staff believes that these donations will contribute to a project that will promote safe use of the park with more room for beginners, young children, and families who love to use the park. It will also provide increased space and variety for a diverse range of teens and young adults engaged in healthy outdoor recreation.

VII. RECOMMENDATION

We request the acceptance of these donations to proceed with the Dougherty Field Skatepark Expansion project.

VIII. LIST ATTACHMENTS

1. Order re Donations to Dougherty Skatepark Expansion Project 2.22.2021
2. 22214 Q20710_Page_2-3cropped

Prepared by:

Allison Carroll

Date: 2/16/2021

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

CITY OF PORTLAND
IN THE CITY COUNCIL

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER ACCEPTING AND APPROPRIATING TWO DONATIONS TOTALING
\$85,000 TO THE DOUGHERTY FIELD SKATEPARK EXPANSION PROJECT**

ORDERED, that two donations of up to Eighty-Five Thousand Dollars (\$85,000) are hereby
accepted and appropriated for the Dougherty Field Skatepark Expansion project.



MEMORANDUM
City Council Agenda Item

FROM: Samara Ray

DATE: February 16, 2021

SUBJECT: Order 172-20/21 Accepting and appropriating a \$20,000 Donation from the Portland Parks Conservancy for the Portland Youth Corps - 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: Ethan Hipple will be at the Council meeting to answer any questions.

I. SUMMARY

The Parks, Recreation and Facilities Department is requesting Council approval to accept a \$20,000 donation from the Portland Parks Conservancy for the Portland Youth Corps, a collaborative program of the Parks, Recreation and Facilities Department (PRF), the Portland Parks Conservancy (PPC), and Maine Audubon.

II. AGENDA DESCRIPTION

This item accepts and appropriates a \$20,000 donation from the Portland Parks Conservancy for the Portland Youth Corps, a collaborative program of the Parks, Recreation and Facilities Department (PRF), the Portland Parks Conservancy (PPC), and Maine Audubon.

This item must be read on two separate days. It received its first reading on February 22, 2021. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The program aims to provide job training and service opportunities for underserved youth through a summer work program in Portland's parks and open spaces. An AmeriCorps intern will develop and lead the program under the direction of PRF staff. Outreach to schools, youth organizations, immigrant communities, and other groups will result in the recruitment of a diverse range of Portland youth to provide valuable service in our parks, while receiving environmental education, job training, leadership development, and a stipend. The direct program expenses are 100% funded through grants and private fundraising, which is being led by the Portland Parks Conservancy. The City is providing overall oversight of the program and in-kind support in the form of staff time.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The Council to approve the \$20,000 donation from the Portland Parks Conservancy for the Portland Youth Corps.

V. FINANCIAL IMPACT

Donations requiring council approval:

- \$20,000 from the Portland Parks Conservancy for the Portland Youth Corps (12/28/2020)

VI. STAFF ANALYSIS AND BACKGROUND

Staff believed that this donation will contribute to the program goals of providing job training and service opportunities for underserved youth through a summer work program in Portland's parks and open spaces.

VII. RECOMMENDATION

We request the acceptance of these donations to assist in the funding for the Portland Youth Corps.

VIII. LIST ATTACHMENTS

1. Order re \$20,000 Donation for the Portland Youth Corps 2.22.2021

Prepared by:

Samara Ray

Date: 2/16/2021

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

CITY OF PORTLAND
IN THE CITY COUNCIL

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER ACCEPTING AND APPROPRIATING A \$20,000 DONATION FROM THE
PORTLAND PARKS CONSERVANCY FOR THE PORTLAND YOUTH CORPS**

ORDERED, that a donation of \$20,000 from the Portland Parks Conservancy for the Portland Youth Corps, a collaborative program of the Parks, Recreation and Facilities Department, the Portland Parks Conservancy, and Maine Audubon.

MEMORANDUM
City Council Agenda Item

FROM: Samara Ray
DATE: February 16, 2021
SUBJECT: Order 173-20/21 Accepting and Appropriating a \$20,000 Donation for Improvements at East End Beach - 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: Ethan Hipple will be at the Council meeting to answer any questions.

I. SUMMARY

The Parks, Recreation and Facilities Department is requesting Council approval to accept a \$20,000 donation from the Friends of the Eastern Promenade for improvements to public access for small boat launching (kayak, canoe, stand up paddleboard) at East End Beach.

II. AGENDA DESCRIPTION

This item accepts and appropriates a \$20,000 donation from the Friends of the Eastern Promenade for a series of improvements to expand public access for small boat launching (kayak, canoe, stand up paddleboard) at East End Beach.

This item must be read on two separate days. It received its first reading on February 22, 2021. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Working with the Friends of the Eastern Promenade and our waterfront users, a series of improvements have been proposed in order to improve public access for small boat launching (kayak, canoe, stand up paddleboard) at East End Beach. The improvements consist of a rebuilt stone staircase to access the North Beach (the beach closest to the Wastewater Treatment Plant) as well as kayak drag rails in order to help facilitate moving boats up and down the slope. The improvements will be open and accessible to the general public.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The Council to approve a \$20,000 donation from the Friends of the Eastern Promenade (1/19/21) for improvements to public access for small boat launching (kayak, canoe, stand up paddleboard) at East End Beach.

V. FINANCIAL IMPACT

Donations requiring Council approval:

- \$20,000 from the Friends of Eastern Prom (1/19/21)

VI. STAFF ANALYSIS AND BACKGROUND

Staff believes these improvements will enhance public accessibility in this area.

VII. RECOMMENDATION

We request the acceptance of these donations for improvements to public access for small boat launching (kayak, canoe, stand up paddleboard) at East End Beach.

VIII. LIST ATTACHMENTS

1. Order re \$20,000 Donation for East End Beach 2.22.2021

Prepared by:

Samara Ray

Date: 2/16/2021

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

CITY OF PORTLAND
IN THE CITY COUNCIL

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER ACCEPTING AND APPROPRIATING A \$20,000 DONATION FROM THE
FRIENDS OF THE EASTERN PROMENADE
FOR IMPROVEMENTS AT EAST END BEACH**

ORDERED, that a donation of \$20,000 from the Friends of the Eastern Promenade is hereby accepted and appropriated for a series of improvements to expand public access for small boat launching at East End Beach.

MEMORANDUM
City Council Agenda Item

FROM: Melissa Graffam
Chris Branch

DATE: February 3, 2021

SUBJECT: Order 175-20/21 Granting an Easement Deed to FirstLight Fiber, Inc. in Freshman Alley - Sponsored by Jon P. Jennings, City Manager

SPONSOR: Jon P. Jennings, City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No

PRESENTATION:

I. SUMMARY

Public Works has received an easement deed from the FirstLight Fiber Inc. to allow for the installation of a fiber optic line to serve a health clinic within Portland High School by means of a buried fiber optic communication line to be installed in Freshman Alley.

II. AGENDA DESCRIPTION

This item approves an easement for FirstLight Fiber Inc. so a buried fiber optic line can be installed to serve uses within Portland High School, specifically at this time to serve a health clinic within Portland High School with higher speed communications services by means of a buried fiber optic communication line to be installed in Freshman Alley.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

This easement is proposed to be granted to FirstLight Fiber Inc. so their buried fiber optic line to serve uses within Portland High School can be installed before the City needs to complete repairs to the paved surface of Freshman Alley as it runs from Congress Street to the plaza in front of Portland High School at the northwesterly end of Freshman Alley.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

To accept this easement to allow FirstLight Fiber Inc. to install a buried fiber optic communications line from Congress Street along and beneath Freshman Alley to provide high speed internet and communication services to Portland High School and specifically a health clinic located within the high school site.

V. FINANCIAL IMPACT

The financial impact is that inherent in allowing the installation, building, and repairing of a buried communication line by other parties on City land. There was no cost for the easement deed as it will serve a City building.

VI. STAFF ANALYSIS AND BACKGROUND

The easement deed has been reviewed and approved by Corporation Counsel.

VII. RECOMMENDATION

The Public Works Department recommends acceptance of this easement deed.

VIII. LIST ATTACHMENTS

1. Order Granting Easement to FirstLight Fiber, Inc. in Freshman Alley 3.1.2021
2. Freshman Alley Easement FirstLight Draft LE Edit 11.13.2020 (1)

Prepared by:

Melissa Graffam

Chris Branch

Date: 2/3/2021

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER GRANTING AN EASEMENT
TO FIRSTLIGHT FIBER, INC. IN FRESHMAN ALLEY**

ORDERED, that the attached easement in Freshman Alley, near 417 Congress Street, from the City of Portland to FirstLight Fiber, Inc. is hereby granted in substantially the form attached hereto; and

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

EASEMENT AGREEMENT

KNOW ALL PERSONS BY THESE PRESENTS that the **City of Portland**, a municipal corporation organized and existing under the laws of the State of Maine with offices at 389 Congress Street, Portland, Maine 04101 (the “**City**”), as owner of an alley-way, located in Portland, Maine, adjacent to the Congress Street right-of-way and being referred to as Freshman Alley (“**Premises**”),

RELEASES to **FirstLight Fiber, Inc.**, a Delaware corporation with a mailing address of 41 State Street, 10th Floor, Albany, New York 12207, doing business as **FirstLight**, and its successors and assigns (“**Grantee**”), without covenant,

an **EASEMENT** in gross (the “**Easement**”) to construct, install, maintain, operate, alter, repair, rebuild, inspect, patrol, replace in the same or different size, and remove, fiber optic communications facilities including fiber-optic cable, handholes, and conduit for the purpose of providing telecommunication service, together with all necessary meters, fittings, fixtures, equipment and appurtenances (collectively, the “**Fiber Facilities**”), over, under and within the Premises and as is described further and depicted on the attached **Exhibit A**, (the “**Easement Area**”) to serve only the property known as Portland High School at 284 Cumberland Avenue, Portland, Maine. Notwithstanding anything to the contrary herein, Grantee shall not install any above-ground Fiber Facilities in the Easement Area, without the prior written consent of the City, which the City may withhold in its absolute discretion.

The City further grants Grantee the right to use temporarily land adjacent to the Easement Area for purposes of construction, installation, maintenance, alteration, repair, rebuilding, inspection, replacement, and/or removal (collectively, “**Utility Work**”), together with the right to cut and remove trees, obstructions, bushes, shrubs, roots, and earth, and to do any other work necessary for the purposes of constructing, maintaining, operating, repairing and replacing said Fiber Facilities within the Easement Area. In the event that Grantee disturbs the surface of the Easement Area or any of Grantors’ land adjacent to the Easement Area in connection with the exercise of its rights under this Easement Agreement, Grantee will restore the surface of such areas so-disturbed to substantially the same or better condition as existed prior to such disturbance.

The Easement is subject to the existing rights of other utilities that may be located within the Easement Area.

The City agrees that no building or other structure shall be erected or installed within the Easement Area contrary to any statute, law, ordinance or safety regulation or policy. Rights

reserved to the City shall not be used or exercised in any manner which will interfere with the rights, privileges and authority herein granted to Grantee.

The City expressly reserves and retains the right to use, or to grant to others the right to use, the surface and subsurface of, and air space above, the areas subject to the rights and easements herein granted, provided that such use conforms to all applicable codes and in accordance with good engineering practices, and shall not materially interfere with, in Grantee's reasonable judgment, the exercise by Grantee of the rights and easements herein granted.

Grantee's Affirmative Covenants to the City.

The Grantee, its successors and assigns shall not perform any work within the Easement Area without the prior written consent of the Grantor, its successors and assigns, which consent shall not be unreasonably delayed or withheld, except consent for above-ground Fiber Facilities, which the City may withhold in its absolute discretion. In circumstances where repair or replacement of the Fiber Facilities is required on an immediate basis due to emergency conditions, Grantee need not obtain Grantor's prior written consent, but Grantee will notify Grantor of such work as soon as practical.

Whenever exercising its rights within the Easement Area pursuant to the provisions of a right or easement granted hereunder, such activity shall be performed in a safe, diligent and workmanlike manner, at Grantee's sole cost and expense, in compliance with all applicable laws, ordinances, and regulations, including, without limitation, any and all requirements of the City regarding land use approvals. Grantee shall promptly remove all waste, tools, and all material and equipment after each permitted entry upon the Easement Area.

In the event that Grantee disturbs the surface of the Easement Area or any of Grantors' land adjacent to the Easement Area in connection with the exercise of its rights under this Easement Agreement, Grantee will, at its sole expense, restore the surface of such areas so-disturbed to substantially the same or better condition as existed prior to such disturbance.

Grantee agrees, binds and obligates itself, its successors and assigns to procure and maintain throughout the term of this Easement Agreement occurrence based comprehensive general liability insurance in the minimum amount of Four Hundred Thousand Dollars (\$400,000) (or the amount stated in the Maine Tort Claims Act, as may be amended from time to time) per occurrence for bodily injury, death, or property damage covering its activities hereunder and naming the City as an additional insured thereon. In addition, Grantee shall maintain and provide evidence of Workers' Compensation insurance in the statutory amount to the extent it may be required by law. Certificates evidencing such policies shall be delivered to the City upon request and shall provide the City with no less than thirty (30) days prior notice of cancellation or non-renewal. All insurance coverage required herein shall include coverage of all Grantees' contractors and subcontractors.

Grantee, by execution of this Easement Agreement, hereby agrees to assume and hereby does assume responsibility for any and all claims and/or damage to persons or property arising out of or in any way related to Grantee's exercise of the rights granted by this Easement Agreement, and does hereby forever waive, release, relinquish, remise, defend, indemnify, hold harmless, and discharge the City, its agents, employees, successors and assigns from and against any and all losses, costs or expenses (including reasonable attorneys' fees), damages, demands, liabilities, claims, actions, causes of action, suits, or judgments (collectively, "Claims") whatsoever of every name and nature, in law and in equity, including without limitation those related in any manner to any accident or injury to, or death of, any person, or any damage to property occurring on, in or in the vicinity of the area covered by this Easement Agreement, arising out of the presence in and use by the Grantee of the area covered by this Easement Agreement. Grantee's indemnification obligations under this paragraph do not apply to claims or damages arising solely from the acts or omissions of the City its agents, employees, successors and assigns.

In the event Grantee, its successors or assigns, no longer needs the Fiber Facilities, it shall notify the City in writing, and the parties shall meet to determine the appropriate disposition of those facilities, at Grantee's sole expense, and the potential extinguishment of this Easement Agreement.

This Easement Agreement, as the same may be amended from time to time, shall be binding on and inure to the benefit of the successors and assigns of the parties: the burdens of the Easement created hereby shall burden and run with the Premises, and Grantee shall have the right to assign its Easement created hereby.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK; SIGNATURES TO FOLLOW]

IN WITNESS WHEREOF, the City and Grantee have caused this instrument to be executed on this ____ day of _____, 2021.

CITY:
CITY OF PORTLAND

Witness

By: _____
Jon P. Jennings
Its City Manager

STATE OF MAINE
COUNTY OF CUMBERLAND, SS _____, 2021

Then personally appeared the above-named Jon P. Jennings, in his capacity as City Manager for the City of Portland, Maine, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act of deed of said City of Portland.

Before me,

Notary Public/Maine Attorney at Law
Printed Name: _____
Commission Expires: _____

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

GRANTEE:

FirstLight Fiber, INC., d/b/a FirstLight

Witness

By: _____
Peter SeeHusen
Its: VP, OSP Engineering

STATE OF MAINE
COUNTY OF CUMBERLAND, SS

_____, 2021

Personally appeared before me the above named authorized representative of FirstLight, Inc., d/b/a FirstLight/Oxford Networks, _____, its _____ and acknowledged the foregoing instrument to be his/her/their free act and deed.

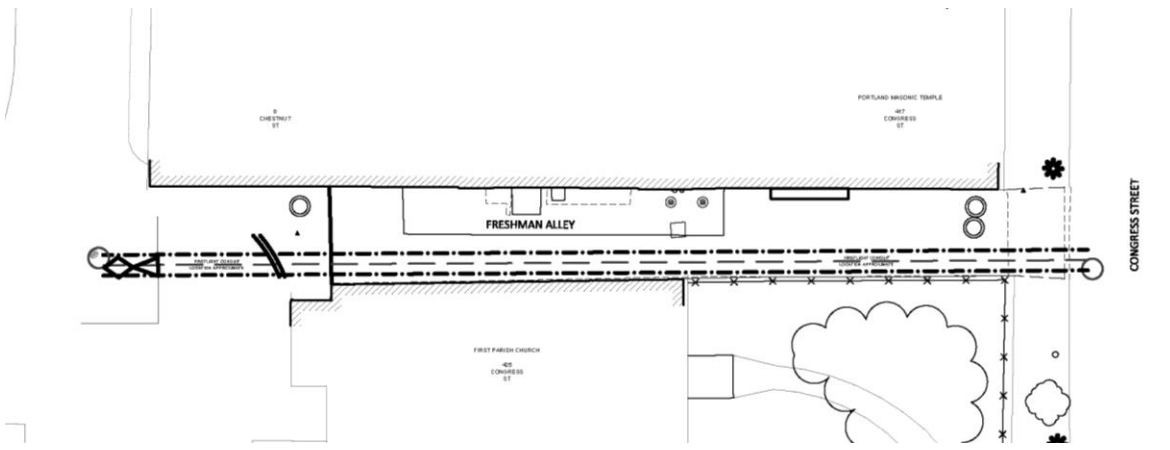
Before me,

Notary Public/Maine Attorney at Law
Printed Name: _____
Commission Expires: _____

EXHIBIT A **Easement Area**

Two feet on either side of the centerline of the Fiber Facilities as installed running northwesterly nearly perpendicular to the Congress Street Right of Way, from the existing electric company manhole in the Congress Street Right of Way opposite the Congress Street end of Freshman Alley (so called) through, under, and across the Premises about 191 feet more or less to a point and an existing electric company manhole in the courtyard southeasterly of and adjacent to Portland High School; thence running northwesterly from the second described electric company manhole 25 feet, more or less into Portland High School, as shown on the Aerial Sketch Plan, which will be incorporated into a plan to be filed with the City of Portland Engineer's Archives:

AERIAL SKETCH PLAN:



MEMORANDUM
City Council Agenda Item

FROM:

DATE: February 17, 2021

SUBJECT: Order 176-20/21 Authorizing General Obligation Bonds to Finance a Portion of the City's Fiscal Year 2022 Capital Improvement Program in an Amount not to Exceed \$17,775,802 - -Sponsored by the Finance Committee, Nicholas M. Mavodones, Jr., Chair

SPONSOR: Finance Committee, Nicholas M. Mavodones, Jr., Chair
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

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

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

I. SUMMARY

II. AGENDA DESCRIPTION

The Finance Committee met on February 25, 2021 and voted unanimously (3-0) to forward the bond authorization and appropriation orders to the City Council for approval.

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

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. Portland FY22 CIP Bonds - bond order

Prepared by:

Date: 2/17/2021

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

CITY OF PORTLAND
IN THE CITY COUNCIL

MARK DION (5)
APRIL FOURNIER (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER AUTHORIZING GENERAL OBLIGATION BONDS
TO FINANCE A PORTION OF THE CITY'S FISCAL YEAR 2022 Capital IMPROVEMENT
PROGRAM IN AN AMOUNT NOT TO EXCEED \$17,775,802**

FOLLOWING a public hearing of the City Council of the City of Portland, Maine, held upon due notice pursuant to Article VII, Section 9 of the City Charter, **IT IS HEREBY ORDERED THAT:**

There be and hereby is authorized and approved the incurring of indebtedness by the City of Portland and the issue and sale of general obligation bonds and notes in anticipation thereof in the aggregate principal amount not to exceed Eighteen Million Three Hundred Twenty Thousand Dollars (\$17,775,802) to finance the items identified in the City's 2022 Capital Improvement Program attached hereto as Exhibit A and all other costs (as defined herein) related and ancillary thereto (the "Projects").

BE IT FURTHER ORDERED:

1. That the Finance Director be and hereby is authorized to prepare, issue, and sell such bonds in the name of and on behalf of the City, in the aggregate amount of **\$17,775,802** (the "Bonds") at one time, or from time to time, as one or more separate bond issues, and to determine the date, form, minimum denomination, interest rates (as term bonds or serial bonds or some combination thereof), maturities (with the last maturity not to exceed the maximum term permitted by law) and all other details, terms and provisions, not inconsistent herewith, including the form and manner of their sale and award as he may approve, such approval to be conclusively evidenced by the execution thereof;
2. That the Finance Director be and hereby is authorized to borrow money in anticipation of said Bonds by the issuance and sale of notes or renewal notes in anticipation of said Bonds ("BANs"), and to determine the date, form, minimum denominations, interest rate, maturities (with the last maturity not to exceed 3 years from its date of issuance) and all other details of each issue of BANs, including the form and manner of their sale and award, subject to the provisions of the law, the City Charter and this Order;
3. That the Finance Director be and hereby is authorized to provide that any of the Bonds and BANs hereinbefore authorized be made subject to call for redemption, with or without premium, prior to their stated dates of maturity, as provided in 30-A M.R.S.A. §5772(6), as amended;
4. That the Bonds and BANs issued hereunder shall be signed by the Finance Director and by the Mayor, either or both of whose signatures may be by facsimile to the extent permitted by law, attested to by the City Clerk, under the seal of the City, and shall be in such form and contain such terms and provisions not inconsistent herewith as they may approve, their approval to be conclusively evidenced by their execution thereof;

5. That the Finance Director is authorized to negotiate, execute, and deliver, in the name of and on behalf of the City such contracts, agreements, instruments and other documents and certificates as may be necessary or appropriate, as determined and approved by the Finance Director, in connection with the financing of the Projects, including a loan agreement in usual and customary form with the Maine Municipal Bond Bank (the “Bond Bank”), to the extent any of the Bonds or BANs authorized herein are issued pursuant to the State of Maine Clean Water Revolving Loan Fund program or the State School Revolving Renovation Fund, which contracts, agreements, loan agreements, instruments and other documents and certificates shall be in such form and contain such terms and conditions, not inconsistent herewith, as may be approved by the Finance Director, such approval to be conclusively evidenced by his execution thereof;

6. That the Finance Director be and hereby is authorized to select the underwriter for the Bonds or BANs heretofore authorized and the Finance Director be and hereby is authorized and empowered to execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith;

7. That the Finance Director be and hereby is authorized to prepare, or cause to be prepared, a Preliminary Official Statement and an Official Statement for use in the offering and sale of the Bonds or BANs heretofore authorized, such Preliminary Official Statement and Official Statement to be in such form and contain such information as may be approved by the Finance Director, with the advice of the bond counsel for the City, and that the use and distribution of the Preliminary Official Statement and the Official Statement in the name of and on behalf of the City in connection with offering the Bonds or BANs for sale be and hereby is approved;

8. That the Finance Director be and hereby is authorized to select the registrar, paying agent and transfer agent (the “Transfer Agent”) for the Bonds or BANs heretofore authorized and to execute and deliver such contracts and agreements as may be necessary or appropriate to secure their services;

9. That the Bonds or BANs heretofore authorized shall be transferable only on the registration books of the City kept by the Transfer Agent, and said principal amount of the bonds of the same maturity (but not of other maturity) in minimum denominations of \$5,000 and any integral multiple in excess thereof upon surrender thereof at the principal office of the transfer agent, with a written instrument of transfer satisfactory to the transfer agent duly executed by the registered owner or his attorney duly authorized in writing. Upon each exchange or transfer of a bond the City and the Transfer Agent shall make a charge sufficient to cover any tax, fee or any other governmental charge required to be payable with respect to such exchange or transfer, and with respect to such exchange or transfer, and subsequent to the first exchange or transfer, the cost of preparing new bonds upon exchanges or transfer thereof to be paid by the person requesting the same;

10. That the Finance Director be and hereby is authorized to undertake all acts necessary to provide for the issuance and transfer of such Bonds or BANs heretofore authorized in book-entry form pursuant to the Depository Trust Company Book-Entry Only System, as an alternative to the provisions of the foregoing paragraph above regarding physical transfer of Bonds or BANs, and the Finance Director be and hereby is authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in his opinion, appropriate in order to qualify the Bonds or BANs for and participate in the Depository Trust Company Book-Entry Only System;

11. That the Finance Director and Mayor from time to time shall execute such Bonds or BANs as may be required to provide for exchanges or transfers of Bonds or BANs as heretofore authorized,

all such Bonds or BANs to bear the original signature of the Finance Director and Mayor, and in case any officer of the City whose signature appears on any Bond or BAN shall cease to be such officer before the delivery of said Bond or BAN, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery thereof;

12. That if the Bonds or BANs, or any part of them, are issued on a tax-exempt basis, the Finance Director be and hereby is authorized and directed to covenant and certify on behalf of the City that no part of the proceeds of the issue and sale of the Bonds or BANs authorized to be issued hereunder shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such Bonds or BANs to be “private activity bonds” or “arbitrage bonds” within the meaning of Sections 141 and 148 of the Internal Revenue Code of 1986, as amended;

13. That if the Bonds or BANs, or any part of them, are issued on a tax-exempt basis, the officers or officials executing the Bonds or BANs be and hereby are individually authorized to covenant and agree, on behalf of the City, for the benefit of the holders of such Bonds or BANs, that the City will file any required reports and take any other action that may be necessary to insure that interest on the notes will remain exempt from federal income taxation, and that the City will refrain from any action that would cause interest on the Bonds or BANs to be subject to federal income taxation;

14. That the officers executing the Bonds or BANs be and hereby are individually authorized to covenant, certify and agree, on behalf of the City, for the benefit of the holders of such Bonds or BANs, that the City will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to insure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, if applicable, are met;

15. That any or all of the Bonds or BANs issued hereunder may be consolidated with and become a part of any other issue of temporary notes or general obligation bonds authorized to be issued by any previous or subsequent order of the City Council of the City of Portland;

16. That the term “cost” or “costs” as used herein and applied to the Projects, or any portion thereof, includes, but is not limited to (1) the cost to design, acquire, construct, renovate, improve, furnish and equip the Project, or any portion thereof; (2) the cost of land, easements and other real property interests, landscaping and site preparation, including demolition and environmental remediation work on any existing building or structure and on the property where the Project is located, utility extensions and site improvements, and all appurtenances and other fixtures, facilities, buildings and structures either on, above, or under the ground which are used or usable in connection with the Project; (3) the cost of feasibility studies, surveys, environmental studies and assessments, engineering, plans and specifications, legal and other professional services associated with the Project; (4) issuance costs, including premiums for insurance, capitalized interest and other fees and expenses relating to the financing transaction.

17. That if the actual cost of any Project differs from the estimated cost on the attached Exhibit A, whether due to completion, delay or abandonment of the Project or for any other reason, the Finance Director is authorized, in his discretion, to reallocate proceeds of the Bonds to any other listed Project on the attached Exhibit A, or to any other project or improvement that the City Council has approved or may in the future approve as part of the City’s annual capital improvement plan;

18. That the Finance Director, Mayor and Clerk and other proper officials of the City be, and hereby are authorized and empowered in its name and on its behalf to do or cause to be done all such acts and things, not inconsistent herewith, as may be necessary or desirable in order to effect the issuance, sale and delivery of the Bonds or BANs hereinabove authorized;

19. That if any of the officers or officials of the City who have signed or sealed the Bonds shall cease to be such officers or officials before the Bonds or BANs so signed and sealed shall have been actually authenticated or delivered by the City, such Bonds or BANs nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such Bonds or BANs had not ceased to be such officer or official; and also any such bonds or notes may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such Bonds or BANs, shall be the proper officers and officials of the City, although at the nominal date of such Bonds or BANs any such person shall not have been such officer or official;

20. That if the Finance Director, Mayor or Clerk are for any reason unavailable to approve and execute the Bonds or BANs or any other documents necessary or convenient to the issuance, execution and delivery of the Bonds or BANs, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had performed such act.

21. That the Bonds or BANs authorized by this Order are in addition to any bonds or notes previously authorized for the same or similar purposes;

22. That to the extent not payable from other funds, an amount sufficient for the payment of the annual payments of principal and interest on the Bonds or any BANs issued hereunder shall be included in the tax levy of each year until the debt represented by said Bonds or BANs is extinguished;

23. That the following resolutions required by Section C(4)(e) of the State of Maine Clean Water Revolving Loan Fund Rules, Chapter 595, Department of Environmental Protection and Maine Municipal Bond Bank (the "SRF Regulations"), and governing the loan to be made to the City under the State Revolving Loan Fund Program be and hereby are adopted:

- a. That a Project Account shall be created for the Projects which shall be separate from all other accounts of the City. If operating revenues are to be used to retire the debt, a sub-account will be established;
- b. That the Project Account shall be maintained in accordance with standards set forth by the Bond Bank and in accordance with generally accepted government account standards;
- c. That a final accounting shall be made to the Bond Bank of the total cost of each Project upon completion of the Project performance certification as set out in Section G(3) of the SRF Regulations and the City acknowledges that the Bond Bank reserves the right at its sole discretion to be provided with a cost certification of the Project as built;
- d. That an annual audit of the City, prepared by a certified public accountant or licensed public accountant be provided to the Bond Bank for the term of the loan;

- e. That the City shall maintain insurance coverage on the Projects in an amount adequate to protect the Bond Bank's interest for the term of the loan with the Bond Bank named as loss payee;
- f. That the City will comply with any special conditions specified by the Department of Environmental Protection's environmental determination until all financial obligations to the State have been discharged;
- g. That the City certify to the Bond Bank that it has secured all permits, licenses and approvals necessary and that it has a dedicated source of revenue for repayment;
- h. That the City establish a rate, charge or assessment schedule in order to pay principal and interest. Such rate change or schedule shall provide total operations and debt service coverage at a level at which the coverage for the Bond Bank is sufficient;
- i. That the City must demonstrate the ability to pay reasonably anticipated costs of operating and maintaining the financed Project;
- j. That the City abide by the SRF Regulations, as revised and amended and relevant State statutes of the State of Maine; and

24. That during the term any of the Bonds (or bonds issued to refund such Bonds) are outstanding, the Finance Director be and hereby is authorized to issue and deliver refunding bonds to refund some or all of the Bonds then outstanding, and to determine the date, form, interest rate, maturities and all other details of such refunding bonds, including the form and manner of their sale and award. The Finance Director be and hereby is further authorized to provide that any of such refunding bonds hereinbefore authorized be made callable, with or without premium, prior to their stated date(s) of maturity, and each refunding bond issued hereunder shall be signed by the Finance Director and by the Mayor, either or both of whose signatures may be by facsimile to the extent permitted by law, attested to by the City Clerk, under the seal of the City, and shall be in such form and contain such terms and provisions not inconsistent herewith as they may approve, their approval to be conclusively evidenced by their execution thereof.

2021 CIP - General Fund

Department	Project Title	CIP Amount	Other Funding	Bond Amount
<u>Equipment</u>				
Communications	Portable Radios Upgrade	300,000		300,000
Information Technology	Barron Center Phones Upgrade	48,000		48,000
Information Technology	Improvements to Information Security Program	31,000		31,000
Information Technology	Replace Network Switches	250,000		250,000
Information Technology	DPW Traffic Managed Network	20,000		20,000
Information Technology	Consolidate city camera systems (except jetport)	72,000		72,000
Parking / Garages	Parking Meter Replacement Phase 2	115,000		115,000
Parking / Garages	Multi Space Parking Meters Shipyard & Cross Arena	22,000		22,000
Parks & Rec	Payson Park Playground	350,000		350,000
Parks & Rec	Deering Oaks Playground Accident Replacements	45,000		45,000
<u>Facilities</u>				
Facilities & Waterfront	212 Canco Roof Replacement	325,000		325,000
Facilities & Waterfront	Offices & Customer Service Areas A/C Installation	150,000		150,000
Fire Department	Riverton Station - Boiler Room Upgrades	150,000		150,000
Parks & Rec	Golf Course Upgrades - HVAC and Drainage	115,000		115,000
Parks & Rec	Evergreen Cemetery Columbaria Phase II	108,000		108,000
Public Schools	Masonry Repair at Deering High School	150,000		150,000
Public Schools	Technology & Fire Alarm System Upgrades - PIES	100,000		100,000
Public Schools	Install fire sprinkler system - PIES	130,000		130,000
Public Schools	Door Access Controls - King and Lincoln	115,000		115,000
Public Works	Federal Street Cemetery Wall Repair	35,000		35,000
<u>Marine</u>				
Facilities & Waterfront	Compass Park Ongoing pile/pier work	200,000		200,000
Facilities & Waterfront	POT - Pile Survey	140,000		140,000
Facilities & Waterfront	On going pile/pier work at OG and P.O.T	100,000		100,000
Facilities & Waterfront	Bollard/ Bit Replacement	100,000		100,000
<u>Parks, Fields, Trails</u>				
Parks & Rec	Skatepark Expansion	50,000		50,000
Parks & Rec	ADA Walkway Paving--Deering Oaks	118,000		118,000
	Court Resurfacing - Reiche and West End (Various), Lyman			
Parks & Rec	Moore, Fox St, Talbot School	97,000		97,000
Planning & Urban Development	Congress Square Redesign - Construction Drawing Completion	50,000		50,000
<u>Streets/Sidewalks</u>				
Facilities & Waterfront	Sidewalks at Exposition Building Entrance	160,000		160,000
Barron Center	Resurfacing of Roadways & Parking Lots	137,841		137,841
Public Works	DOT Bridge Report	25,000		25,000
<u>Transportation</u>				
Public Works	DOT - MPI - Paving Stevens Avenue	640,000		640,000
Public Works	PACTS MPI - Elm Street Paving - Congress to Marginal	315,000		315,000
Public Works	Pavement Preservation Program	1,500,000	1,500,000	0
Public Works	Sidewalk & ADA Rehabilitation Program	600,000		600,000
Public Works	Congress Square Intersection Construction - DOT Eligible	1,200,000	1,200,000	0
Public Works	PACTS TIP - Brighton Avenue Multi-Modal Project	124,000		124,000
Public Works	Traffic Signals Upgrade Program	500,000	500,000	0
Public Works	Ineligibles)	300,000	300,000	0
Public Works	Improved Coordination	100,000		100,000
Public Works	Separated Bike Lanes - Additional Funding	100,000		100,000
Public Works	Andrews Square Supplemental Funding	100,000		100,000
<u>Vehicles</u>				
Fire	3 Fire Trucks (1 Quint Ladder, 2 Pumper Engines)	2,700,000		2,700,000
Fire	MEDCU Ambulance Grant Match	63,000		63,000
Fleet	2-way radio replacement	30,000		30,000
HHS	Used HHS 10 passenger van	30,000		30,000
HHS	Used large SUV or Minivan	25,000		25,000
Islands	1.25 ton truck w/plow GDI	75,000		75,000
Islands	2 - 42 CY Dumpsters @ 9,000 ea.	19,000		19,000
Parking	Used Compact Pickup	26,000		26,000
Parks & Rec	0.75 ton PU w/plow & dump	45,000		45,000
Parks & Rec	Toolcat	65,000		65,000
Parks & Rec	0.75 tn PU w/plow golf course	40,000		40,000
Parks & Rec	New Ventrac 4500K	75,000		75,000

Parks & Rec	52 PTO HP Tractor	55,000		55,000
Parks & Rec	JD 2025D Style Tractor	35,000		35,000
Parks & Rec	Fairway Mower Golf Course	55,000		55,000
Parks & Rec	3/4 ton PU w/plow	45,000		45,000
PDD	0.75 ton PU w/plow	40,000		40,000
Police	7 Hybrid Police Cruisers	413,000		413,000
Public Schools	3 Buses and 1 Van	325,000		325,000
PW Safety	Used SUV	23,000		23,000
Solid Waste	Packer (rental or lease)	65,000		65,000
Streets	Backhoe/Loader	105,000		105,000
SW	Used 1/2 ton PU w/liftgate	25,000		25,000
Traffic	VMC (variable message board)	20,000		20,000
Traffic	Used 1/2 ton PU	25,000		25,000
Various	and Efficiency Maine rebates)	0		0
Waterfront & Public Buildings	2 ton plow truck w/wing 4WD	130,000		130,000
Waterfront & Public Buildings	Van	35,000		35,000
Winter	SA Plow truck	185,000		185,000
Winter	Loader w/wing & plow	220,000		220,000

Sub-Total (General Fund)	14,281,841	3,500,000	10,781,841
Prior CIP Reallocations			(389,039)
Total (General Fund)			10,392,802

2021 CIP - Sewer Fund

Sewer	CSO-Non SRF Sewer / Storm Consulting and Inspection Services	1,500,000		1,500,000
Sewer	Inflow and Infiltration Phase 3 Mitigation	1,100,000		1,100,000
Sewer	CSO - Close CSO #39	700,000		700,000
Sewer	CMOM - Pump Station Rehabilitation	670,000		670,000
Sewer	CSO - Close CSO #42	500,000		500,000
Sewer	Concord Street and Mayer Road Sewer Repair/Replacement	500,000		500,000
Sewer	CMOM - Sewer System Renewal	500,000		500,000
Sewer	District Road Fueling Island	313,000		313,000
Sewer	ESRI Conversion to Utility Network	225,000		225,000
Sewer	Sweeper (#3143) Replacement	200,000		200,000
Sewer	CSO - #26 Sewershed	200,000		200,000
Sewer	Truck Replacement (#2511)	50,000		50,000
Sewer	Supervisor Truck (#2112) Replacement	50,000		50,000
Stormwater	Fore Street Sewer Separation	2,300,000		2,300,000
Stormwater	Presumpscot Culvert	475,000		475,000
Stormwater	Stormwater Neighborhood Infrastructure Improvements	200,000		200,000
Stormwater	Green Infrastructure	200,000		200,000

Sub-Total (Sewer Fund)	9,683,000
Prior Sewer Fund Reallocations	(2,300,000)
Total (Sewer Fund)	7,383,000

TOTAL (General Fund & Sewer Fund)	17,775,802
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FY22 City Manager Recommended Capital Improvement Plan				
General Fund Project Requests - 2/11/2021				
Classification	Department	Project Title	FY22 CIP Appropriation	External Funding
Streets/Sidewalks	Barron Center	Resurfacing of Roadways & Parking Lots	140,000	
Equipment	Information Technology	Barron Center Phones Upgrade	48,000	
Equipment	Information Technology	Improvements to Information Security Program	31,000	
Equipment	Information Technology	Replace Network Switches	250,000	
Equipment	Information Technology	DPW Traffic Managed Network	20,000	
Equipment	Information Technology	Consolidate city camera systems (except jetport)	72,000	
Facilities	Fire Department	Riverton Station - Boiler Room Upgrades	150,000	
Equipment	Fire Department	Cardiac Monitor Replacement	40,000	
Equipment	Communications	Portable Radios Upgrade	300,000	
Equipment	Parking / Garages	Parking Meter Replacement Phase 2	115,000	
Equipment	Parking / Garages	Multi Space Parking Meters Shipyard & Cross Arena	22,000	
Equipment	Parks & Rec	Payson Park Playground	350,000	
Parks, Fields, Trails	Parks & Rec	Skatepark Expansion	50,000	50,000
Parks, Fields, Trails	Parks & Rec	ADA Walkway Paving--Deering Oaks	118,000	
Facilities	Parks & Rec	Golf Course Upgrades - HVAC and Drainage	115,000	
Facilities	Parks & Rec	Evergreen Cemetery Columbaria Phase II	108,000	
Parks, Fields, Trails	Parks & Rec	Lyman Moore, Fox St, Talbot School	97,000	
Equipment	Parks & Rec	Deering Oaks Playground Accident Replacements	45,000	
Parks, Fields, Trails	Planning & Urban Dev	Congress Square Redesign - Construction Drawings	50,000	50,000
Facilities	Facilities & Waterfront	212 Canco Roof Replacement	325,000	
Facilities	Facilities & Waterfront	Offices & Customer Service Areas A/C Installation	150,000	
Sidewalks	Facilities & Waterfront	Sidewalks at Exposition Building Entrance	160,000	
Marine	Facilities & Waterfront	Compass Park Ongoing pile/pier work	200,000	
Marine	Facilities & Waterfront	POT - Pile Survey	140,000	
Marine	Facilities & Waterfront	On going pile/pier work at OG and P.O.T	100,000	
Marine (i.e., piers)	Facilities & Waterfront	Bollard/ Bit Replacement	100,000	
Facilities	Public Schools	Masonry Repair at Deering High School	150,000	
Facilities	Public Schools	Technology & Fire Alarm System Upgrades - PIES	100,000	
Facilities	Public Schools	Install fire sprinkler system - PIES	130,000	
Facilities	Public Schools	Door Access Controls - King and Lincoln	115,000	
Vehicles	Public Schools	3 Buses and 1 Van	325,000	
Transportation	Public Works	DOT - MPI - Paving Stevens Avenue	640,000	500,000
Transportation	Public Works	PACTS MPI - Elm Street Paving - Congress to Marginal	315,000	235,000
Transportation	Public Works	Pavement Preservation Program	1,500,000	
Transportation	Public Works	Sidewalk & ADA Rehabilitation Program	600,000	
Transportation	Public Works	Congress Square Intersection Construction	1,200,000	1,000,000

Transportation	Public Works	PACTS TIP - Brighton Avenue Multi-Modal Project	124,000	124,000
Transportation	Public Works	Traffic Signals Upgrade Program	500,000	
Transportation	Public Works	Water Resource Project Ineligibles	300,000	
Transportation	Public Works	Continuation of Adaptive Signal Corridors	100,000	
Facilities	Public Works	Federal Street Cemetery Wall Repair	35,000	
Streets/Sidewalks	Public Works	DOT Bridge Report	25,000	
Transportation	Public Works	Separated Bike Lanes - Additional Funding	100,000	
Transportation	Public Works	Andrews Square Supplemental Funding	100,000	
Fire		3 Fire Trucks (1 Quint Ladder, 2 Pumper Engines)	2,700,000	
Police		7 Hybrid Police Cruisers	413,000	
Fire		MEDCU Ambulance Grant Match	63,000	227,273
HHS		Used HHS 10 passenger van	30,000	
Various		Hyundai and Efficiency Maine rebates)	0	25,500
Waterfront & Public Buildings		2 ton plow truck w/wing 4WD	130,000	
Islands		1.25 ton truck w/plow GDI	75,000	
Winter		SA Plow truck	185,000	
Solid Waste		Packer (rental or lease)	65,000	
Winter		Loader w/wing & plow	220,000	
Islands		2 - 42 CY Dumpsters @ 9,000 ea.	19,000	
PDD		0.75 ton PU w/plow	40,000	
Parks & Rec		0.75 ton PU w/plow & dump	45,000	
Parks & Rec		Toolcat	65,000	
Parks & Rec		0.75 tn PU w/plow golf course	40,000	
Streets		Backhoe/Loader	105,000	
Parking		Used Compact Pickup	26,000	
PW Safety		Used SUV	23,000	
HHS		Used large SUV or Minivan	25,000	
Fleet		2-way radio replacement	30,000	
Parks & Rec		New Ventrac 4500K	75,000	
Parks & Rec		52 PTO HP Tractor	55,000	
Traffic		VMB (variable message board)	20,000	
Parks & Rec		JD 2025D Style Tractor	35,000	
SW		Used 1/2 ton PU w/liftgate	25,000	
Parks & Rec		Fairway Mower Golf Course	55,000	
Parks & Rec		3/4 ton PU w/plow	45,000	
Traffic		Used 1/2 ton PU	25,000	
Waterfront & Public Buildings		Van	35,000	
GENERAL FUND REQUESTS TOTAL			14,324,000	2,211,773
USE OF SURPLUS FUND BALANCE			-3,500,000	
USE OF PRIOR YEAR CIP FUNDING REALLOCATIONS & FY22 OPERATING BUDGET			-324,000	
TOTAL NEW GENERAL FUND BORROWING			10,500,000	

Note: The sheets included in this document represent original Department CIP requests. Amounts included and details of projects included within final FY22 City Manager Recommended Capital Improvement Plan may differ from the original requests due to limitations on funding and changes since the original requests were submitted in 2020.

Project Title **ID** 195026

Resurface of roadways & parking lots

Barron Center

Division Environmental Services

Classification Streets/Sidewalks

Project Description

Resurface & stripe/mark parking lot & roadways.

Project Justification

Current conditions of the surface & markings warrant this action. There are many pot holes, cracks & broken asphalt in the roadways & parking lots. In addition the markings/stripes have all but disappeared.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
		\$278,586		\$278,586

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2021		\$139,293	\$140,000		☒
2022		\$139,293			☐
2023					☐
2024					☐
2025					☐
2026					☐
2027					☐
Total		\$278,586	\$140,000		

Other Funding Source Description

Operating Budget Impact

Project Title **ID** 226706

Barron Center Phones Upgrade

Information Technology

Division

Classification Equipment

Project Description

Phone System for Barron Center (replace Siemens system) Phone switch, 94 Mitel phones (at \$250 ea \$23,500), GrandStream to handle 221 phones/faxes (at \$1650 ea \$8,250)

Project Justification

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
			\$48,000	\$48,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2022		\$48,000			☐
2023					☐
2024					☐
2025					☐
2026					☐
2027					☐
Total		\$48,000			

Other Funding Source Description

Operating Budget Impact

Information Technology

Division

Classification Equipment

Project Description

Concise list of new systems to provide capabilities to achieve a higher grade of quality regarding NIST compliance.
 Incl VPN client modernization - currently on unsupported MS server infrastructure (was oos in 7/14/2015).

Project Justification

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$31,000				\$31,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2022		\$31,000			☐
2023					☐
2024					☐
2025					☐
2026					☐
2027					☐
Total		\$31,000			

Other Funding Source Description

Operating Budget Impact

Project Title ID 226703

Replace Network Switches

Information Technology

Division

Classification Equipment

Project Description

End of Support 6/30/2022

Core switches: 2 blades are end of support

Core switches: all chassis and blades end of support

Project Justification

Needed for reliable and secure IT network

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
			\$365,000	\$365,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2022		\$250,000			☐
2023		\$115,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
Total		\$365,000			

Other Funding Source Description

Operating Budget Impact

DPW Traffic Managed Network

Information Technology

Division

Classification Equipment

Project Description

Traffic Division has 50+ switches that need to be converted to a managed format, est @ \$400 apiece for parts and install and 5 yrs of support.

Project Justification

These devices control intersections and were installed as project work by third party vendors. IT has learned that the vendors don't undertake ongoing maintenance and so these have been unmanaged/ not kept current for security purposes. These need to be managed by someone because they are on the city's network. IT will refresh all of the switches and bring them into our management.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
			\$20,000	\$20,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2022		\$20,000			☐
2023					☐
2024					☐
2025					☐
2026					☐
2027					☐
Total		\$20,000			

Other Funding Source Description

Operating Budget Impact

Consolidate city camera systems (except jetport)

Information Technology

Division

Classification Equipment

Project Description

Bring all city camera systems into one support model with active vendor maintenance and a "single pane" viewing capability for those that need it (such as dispatch).

Project Justification

Currently there are 5 -6 different camera systems and vendors responsible (or not) depending on which building they are in and who decided to add them. In 2019, IT contacted all parties to ask for vendor contacts capable to discussing network needs because our 150+ cameras are IoT devices and should be segregated from other city resources. Some departments did not realize that IT was not their vendor, some had to ask around to find out who the vendor was, and when we called one vendor they were surprised that department still regarded them as the vendor because they had done the install and walked away. With no single 'owner' of camera systems, there is no person accountable to making sure resources are kept maintained and secured. IT will take on ownership and see that all involved switches and servers are kept patched against security vulnerabilities following this project to bring all services into one management system.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
			\$72,500	\$72,500

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2022		\$72,500			☐
2023					☐
2024					☐
2025					☐
2026					☐
2027					☐
Total		\$72,500			

Other Funding Source Description

Operating Budget Impact

IT or Buildings will pay for incremental repairs or call-outs instead of individual departments. IT will likely have ongoing license and support costs for switches and servers - but a worthwhile investment to ensure we have access to patches that protect our networks.



Fire Department

Division Building Maintenance

Classification Facilities

Project Description

Replace inefficient Boiler

Remove above ground oil tank (Change to gas)

Replace 1971 Generator

Replace Water Heater

Project Justification

Boiler - Oil Fired and only 80% efficient, no redundancy high- efficiency boilers will increase efficiency to approx 93%.

Oil Tank - Does not meet code, reduce carbon footprint by using gas

Generator - Parts are not available, unit runs on propane. (Most expensive form of fuel) Replace with Natural Gas Unit.

Water Heater - 80 gal unit is undersized. With new gear extractor a more efficient gas fired unit is required.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$15,000		\$150,000		\$150,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2022		\$150,000			☐
2023					☐
2024					☐
2025					☐
2026					☐
2027					☐
Total		\$150,000			

Other Funding Source Description

Operating Budget Impact

New efficient equipment will reduce annual use and repair/replacement costs.

This work will not have to be touched during a larger renovation project. It will also decrease the cost of a larger project.

Cardiac Monitor Replacement



Fire Department

Division Emergency Medical Service

Classification Equipment

Project Description

Capital Lease program for Cardiac Monitors.

We would like to make a bulk purchase so that the technology and function on all the monitors will be the same, our providers will not have to adapt their practices depending upon which monitor they currently are using.

The Current Cost of an X-Series is \$37,275.00 plus the added cost for a spare battery, masimo cables and blood pressure cuff kits if we don't purchase a bulk quantity. If we began a plan to replace 2 monitors per year at this price, the annual cost would be approximately \$77,585.50. Annual price increases of generally 3% will significantly affect this price over time.

Additionally, last year we paid \$13,172.50 for warranties and preventive maintenance, which increased to \$14,535.00 this year. The next preventive maintenance and warranty contract will increase by \$3,777.00 to \$18,312.00. This is because Zoll added a 1 battery per monitor and cable replacement option to the warrantee plan. In addition, a technician will come to us within 24-48 hours instead of us shipping the monitor to them. This allows us to replace one battery per monitor per year, and if the ECG cables are found to be unusable in the servicing of a device, they replace them at no additional cost.

Project Justification

Cardiac Monitors are an essential piece of medical equipment that enables us to meet our license level for Maine EMS Protocol, and provide the highest level of advanced medical service to our citizens. We have developed a relationship with Zoll over the past 15+ years, and currently have 12 monitors in the city. Of these, 6 were manufactured in 2012 (Monitors considered to be at the end of their expected life cycle), 4 were manufactured in 2014, and we purchased two last year. Based on the age of our current inventory, we need to replace 10 monitors and wish to add another to augment our coverage of the city. We are seeing an increase in down time with our old monitors due to needed repairs:

~5 of the 6 2012 monitors have been shipped out for repair and 3 of those 5 have been shipped out 4 times.

~3 of the 4 2014 monitors have been shipped out for repair and 1 has been shipped out 3 times.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
			\$364,952	\$364,952

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2022		\$40,064			☐
2023		\$40,064			☐
2024		\$71,206			☐
2025		\$71,206			☐
2026		\$71,206			☐
2027		\$71,206			☐
Total		\$364,952			

Other Funding Source Description

Operating Budget Impact

The annual savings of this current proposal and plan is \$19,855.00. The 5 year savings of this current proposal and plan is \$99,276.50

Project Title ID 216554

Replacement of 150 Portable Radios

Police Department

Division Dispatch Services

Classification Portable Radio Replacements

Project Description

Replace 150 Motorola APEX 6000 portable radios

Project Justification

Current radios are no longer being serviced by Motorla

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
			\$600,000	\$600,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2022	\$300,000				☐
2023	\$300,000				☐
2024					☐
2025					☐
2026					☐
2027					☐
Total	\$600,000				

Other Funding Source Description

Operating Budget Impact

No initial operating budget impact, future miscellaneous repair/maintenance as needed.

Parking / Garages

Division Administration

Classification Equipment

Project Description

Converting existing single space meters with mew mechs to replace aging single space parking meters, (In areas with fewer than 6 metered spaces in a row).

NOTE: With previous years meter request we have a balance of \$198,000 less \$152,000 for the unexpected mandatory upgrade to 4G for multispace meters and \$160,000 for the single space upgrade we are short by \$114,000, hence this request

Project Justification

The existing meters are coming close to the end of their useful lives. The new meters will provide, better customer service, by having a lower failure rate.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
			\$210,000	\$210,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2021		\$185,000	\$95,000		☒
2022		\$115,000			☐
2023					☐
2024					☐
2025					☐
2026					☐
2027					☐
Total		\$300,000	\$95,000		

Other Funding Source Description

Operating Budget Impact

Minimal

Project Title ID 216389

Multi Space Parking Meters Shipyard & CA

Parking / Garages

Division Administration

Classification Equipment

Project Description

3 new multi space parking meters

Project Justification

Replace time limited parking with 2 kiosk at Shipyard Brewery on Newbury and Mounfort
Replace 7 single space meters with 1 kiosk on Free St at the Cross Arena

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
			\$37,500	\$37,500

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2021		\$15,000	\$15,000		☒
2022		\$22,500			☐
2023					☐
2024					☐
2025					☐
2026					☐
2027					☐
Total		\$37,500	\$15,000		

Other Funding Source Description

Operating Budget Impact

\$15,000 per year at Shipyard minimal at the Cross Arena

Payson Park Playground



Parks, Rec & Public Assembly

Division Parks

Classification Equipment

Project Description

The Payson Park Playground is the priority playground for replacement in 2021. The city owns and manages 30 playgrounds ranging from parks, to schools, to islands. Each playground should ideally be replaced every 15-20 years. The Lyseth Playground is now 20 years old and requires constant maintenance and repair to keep in safe condition for the hundreds of children that use it daily. This playground was built with a very small budget and dedicated to a much younger age group than what is present in the area today. There is an abundance of rust, rubber surface coatings are peeling away and the wooden structures are so porous that they will no longer hold a fresh coat of paint.

Payson Park is one of our most athletically diverse parks in Portland as it has trails, baseball & softball fields, a lacrosse & football field and tennis & basketball courts in the summer months and then becomes a wonderland with sledding, snowboarding, snow shoeing, skating and nordic skiing in the winter months. With affordable housing right across the field, this playground see's a large amount of activity and would be utilized much more if the equipment was improved. Baxter Boulevard also offers a great connection to family use with the trail, Sunday's on the Boulevard and all the events that occur in the park.

Project Justification

The playground would include some ADA compliant elements and would primarily be surfaced with playground woodchips. The playground would likely have a network of paths flowing around it and through it to allow for bikes and scooters to play while also allowing for barriers between age appropriate equipment. The playground would have a mix of manufactured play equipment such as swings, net climbers, and slides, and would also have natural elements such as hills, bridges, tunnels and rock and log climbers. Trees and native plantings would complement the playground and provide shade and rest areas.

The playground has not yet been designed. Once funding is approved, a design team would convene to design the playground within budget parameters

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
		\$350,000		\$350,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2022		\$350,000			☐
2023					☐
2024					☐
2025					☐
2026					☐
2027					☐
Total		\$350,000			

Other Funding Source Description

Operating Budget Impact

Skatepark Expansion



Parks, Rec & Public Assembly

Division Parks

Classification Parks, Fields, Trails

Project Description

The Portland Skatepark is due for an expansion due to its popularity and overuse. The Portland Skatepark at Dougherty Field was installed in 2008 using a mix of public and private financing. For the expansion project, we have chosen an approach of a public-private partnership to fund the skatepark expansion. A fundraising campaign started in 2018 has recently gained steam and has a balance of over \$100,000 in gifts and pledges to contribute towards this project. Soon after installation in 2008, the skatepark became very popular and now regularly has crowds of dozens of skaters, bikers, and scooters of all ages. Through regular observations, we estimate that on an average day in spring, summer and fall, over 200 skaters, bikers and parents visit the skatepark, with many staying an hour or more. It is not uncommon for skaters to wait in line to drop into popular features, and the Parks Division regularly receives feedback from parents, skaters and others concerning the crowded conditions at the skatepark. The skatepark is used year round, and it is not uncommon to see skaters and families digging snow out of the bowls in order to be able to use the skatepark throughout the winter. The skatepark serves a wide range of Portlanders ranging from toddlers on scooters, to teens, to adults and entire families.

Project Justification

The Parks Division has been working with the skater community and a skatepark design firm in designing the expansion to the skate park. We held two public design meetings in May and June of 2017, attended by over 100 skaters, bikers and community members. During the public meetings, we have discussed general design concepts and gauged interest in forming a fundraising committee to assist with private fundraising.

The new design would add 6,500 sq feet to the existing 8,350 sq feet for a new total of 14,850 sq feet. This would give Portland the largest skatepark in Maine (currently in Lewiston at 12,500 feet). The new design would add plaza skating areas, as well as learning progression areas for younger skaters.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$20,000		\$355,000		\$375,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2022	\$120,000	\$255,000			☐
2023					☐
2024					☐
2025					☐
2026					☐
2027					☐
Total	\$120,000	\$255,000			

Other Funding Source Description

The total cost estimate for the expansion is \$375,000. A Skatepark committee made up of skaters, local business owners, parents and teachers has been actively fundraising with a series of events and online fundraisers, combined with outreach to foundations and individual donors. The Department of Parks, Recreation and Facilities challenged the fundraising committee to set a goal of contributing \$100,000 towards this project, and the committee recently reached that goal through a combination of small individual donations of \$5 and \$10 from skaters, grassroots community events, and outreach to foundations and donors. The city has an existing approved CIP account with \$20,000 available for design. The city would contribute an additional \$255,000 towards the project through CIP funds.

Project Title **ID** 226626

Operating Budget Impact

N/A



Parks, Rec & Public Assembly

Division Parks

Classification Parks, Fields, Trails

Project Description

Deering Oaks Park is one of the more recognizable historic parks in the area and for good reason. It is a place where all sorts of folks gather to participate in games, enjoy the playground or ravine, sit near the pond or experience the diverse number of events that occur there year after year. The Park is interwoven with many paths that connect the three bordering roads but, what it does not offer is sufficient ADA accessibility to its inner amenities.

Project Justification

Many of the sidewalks and pathways are very narrow and in poor condition due to frost and tree roots. This could be due to a lack of base material and compaction. This request is to connect the ADA compliant sidewalks on State Street with the new ADA walks being designed and built this coming year with existing funds. It will also provide accessibility via plaza renovation at the Castle and allow for activation of the pond through a concessionaire. Additionally, these funds will reconstruct pathways adjacent to Farmers Market Road leading up to current design work. Finally, these funds will allow us to expand on the ADA parking area above the Playground that will be connected to the Ravine and pond walk. Some of these recommendations can be seen on pages 3-6 of the Tindale Oliver ADA report from June 2019.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
		\$118,000		\$118,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2022		\$118,000			☐
2023					☐
2024					☐
2025					☐
2026					☐
2027					☐
Total		\$118,000			

Other Funding Source Description

Operating Budget Impact

N/A

Project Title ID 226619

Golf Course HVAC and

Drainage Upgrades

Parks, Rec & Public Assembly

Division Golf Course

Classification Facilities

Project Description

This project would upgrade the current HVAC system in the building which does not function correctly and would also allocate funding for needed drainage work on the golf course bunkers.

Project Justification

The heat and air conditioning in the building can not be controlled correctly and needs a complete upgrade. The temperature in various rooms of the bulding is often 80+ degrees which is not only uncomfortable for visitors but a significant waste of energy. Cost estimate provided by City HVAC staff.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
		\$115,000		\$115,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2022		\$115,000			☐
2023					☐
2024					☐
2025					☐
2026					☐
2027					☐
Total		\$115,000			

Other Funding Source Description

Operating Budget Impact

N/A



Parks, Rec & Public Assembly

Division Parks

Classification Facilities

Project Description

This request will allow completion of the original Evergreen Cemetery Columbaria project of 2014. The estimate includes a 20% contingency due to cost fluctuations in the construction industry.

In 2014, Evergreen Cemetery proposed establishing a columbarium, i.e. an above ground structure with separate compartments that serve as the final resting place for the cremated remains of deceased persons. The original project called for the construction of 1 (one) 140 niche columbarium, and 2 (two) eighty niche columbaria. Due to overall construction costs, which included site work, it was decided to phase the installation of the 140 niche columbarium, and Phase II would consist of the construction and installation of the 2 (two) 80 niche columbaria.

Phase I was completed in 2015, and the 140 niche columbarium has reached 50% capacity. 70 niches have sold, with approximately 30 niche sales in 2020 alone.

Project Justification

The columbaria have a positive revenue effect on the cemetery division budget. The 2020 estimated construction cost of the Phase II columbaria is \$90,000 and is estimated that the Phase II columbaria will provide an estimated \$353,000 in revenue, based on 2020 fees.

Attached are the original drawings from 2014 for Phase I and II; these drawings will be used in the construction of Phase II as the footings for these units were poured during Phase I. Also attached are original construction estimates along with a recent construction update.

If successfully funded, it is expected that the Phase II columbaria will be constructed, installed, and put into use during 2021 construction season, most likely in the 4th quarter of the calendar year.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
		\$108,000		\$108,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2022		\$108,000			☐
2023					☐
2024					☐
2025					☐
2026					☐
2027					☐
Total		\$108,000			

Other Funding Source Description

Operating Budget Impact

This project would insure the continuation of a steady source of revenue.

Project Title ID 216409

Court Resurfacing



Parks, Rec & Public Assembly

Division Parks

Classification Parks, Fields, Trails

Project Description

Complete resealing and repainting of 7 basketball courts, 3 tennis courts and sealcoating and lining 3 basketball courts and 2 pocket park walkways.

Project Justification

These pocket park courts are all integral pieces of the community and provide a fun and safe environment for kids and adults to recreate. These particular courts are all over 20 years old and failing because of poor surface sealing or lack of surface sealing. Cracks have developed and our annual freeze/thaw has widened the cracks. These courts have become very worn down and slippery. Sealing and repainting will add another 10-15 years of life to the the asphalt courts and present a safe surface for all ages to recreate on.

Focus areas for 2021 sealing and resurfacing would be Fox Street Basketball Courts, Lyman Moore Basketball Courts, Reiche School, Munjoy South Public Housing courts, and various West End Pocket Park courts (Tyng Tate, Clark St, Taylor St, Pleasant St).

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
		\$96,800		\$96,800

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2022		\$96,800			☐
2023					☐
2024					☐
2025					☐
2026					☐
2027					☐
Total		\$96,800			

Other Funding Source Description

Operating Budget Impact

N/A

Parks, Rec & Public Assembly

Division Parks

Classification Equipment

Project Description

The year 2020 brought on many challenges and brought to the forefront many issues in our society. One major crisis is the drug overdose epidemic. Unfortunately, an individual overdosed while driving a vehicle and careened through Deering Oaks, taking a life and destroying City Property. This request is to fund the replacement of the items that were damaged beyond repair so that Deering Oaks can be whole again.

Project Justification

The damage started with the Baseball Field Bleachers where the life was lost. The additional items resided within the playground boundary and are a single net climber, 3 teeter totter seats and a seesaw. This playground is one of the City’s most heavily used playgrounds and is in need of a full arsenal of equipment to keep all the visitors occupied and entertained.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
			\$47,725	\$47,725

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2022		\$47,725			☐
2023					☐
2024					☐
2025					☐
2026					☐
2027					☐
Total		\$47,725			

Other Funding Source Description

Operating Budget Impact

N/A

Congress Square Redesign

Planning & Urban Development

Division Planning

Classification Parks, Fields, Trails

Project Description

This project includes completing the design work and construction of a redesigned intersection and public open spaces at High Street, Free Street, and Congress Street, called "Congress Square." The project objectives include improving traffic function and safety for all modes, improving the accessibility of the intersection crossings, sidewalks, and public open spaces, and placemaking by creating a more comfortable, functional, and attractive public space. The intersection design and construction also needs to be coordinated with the DPW signal upgrade project on Congress Street. The funding request includes construction documents and construction phases; the budgets are based on design development level design and estimates prepared by consultant WRT. The project has 2 construction phases - Phase A = roadway improvements (DPW FY21), Phase B = PMA plaza and Congress Square Park improvements (Planning FY22). The CIP entry in FY22 totaling \$100,000 is to complete the Phase B Construction Documents.

Project Justification

The primary goal of this project is to improve accessibility, circulation, and safety at this key downtown location which serves as the primary public open space for many residents in this dense and diverse neighborhood. This project will create a strong identity and sense of place, improving the usability and aesthetics of Congress Square Park and the PMA plaza. It will also provide economic development benefits by encouraging investment in this part of Congress Street. The abutting property owners, especially the Westin Hotel and Portland Museum of Art, view these spaces as their front porch and rely on the first impression these public spaces create for their visitors and fully support the proposed improvements.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$100,000		\$4,150,000		\$4,250,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2019		\$250,000	\$5,000		☒
2022	\$50,000	\$50,000			☐
2023	\$1,850,000	\$2,295,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
Total	\$1,900,000	\$2,595,000	\$5,000		

Other Funding Source Description

Friends of Congress Square Park have pledged \$50,000 towards the \$100,000 budget for Construction Documents for Phase B (PMA Plaza, Congress Square Park). A private fundraising effort is underway and expected to raise \$1,850,000 as reflected in the other funding for Phase B construction. PACTS, CDBG, and other grant and private funds would be sought for these improvements but cannot be guaranteed. Similarly, Downtown TIF funds might help pay for these improvements. MaineDOT has agreed to fund the PDR and \$1 million towards the construction for the intersection redesign (Phase A). We will also apply for MaineDOT stormwater protection funding.

Operating Budget Impact

The changes in the intersection will likely have an operating-budget neutral impact. There will be changes to the roadway configuration that will result in less pavement to plow/maintain. The plaza spaces are designed to require as minimal

maintenance as possible with the suggestion that the City continue to enter into a MOU with Friends of Congress Square Park for programming and some maintenance.

212 Roof Replacement



Public Buildings & Waterfront

Division Canco Road

Classification Facilities

Project Description

Replace sections of the EPDM(Rubber) roof in phases due to budget constraints.
Analysis/Budget/Photo's attached

Project Justification

The existing EPDM roof was applied directly over a Tar & Gravel roof 25+ yrs ago. The Tar & Gravel application is most likely the original roof. This makes the T&G application 40+ yrs old. Due to expansion and contraction the T&G roof has stretched the EPDM causing leaks at the seams/edges and through screwheads which are in place to secure the roof insulation.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
		\$1,125,000		\$1,125,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2022		\$325,000			☐
2023		\$400,000			☐
2024		\$400,000			☐
2025					☐
2026					☐
2027					☐
Total		\$1,125,000			

Other Funding Source Description

Reallocate existing Canco Rd Funding from -
C21B07 - 17,982
C21E05 - 76,835

Reducing the 2022 CIP Request to 230K

Operating Budget Impact

C21B07 - 250 Canco Rd Roof Replacement. All EPDM roofs are complete.

C21E05 - 250 Canco Rd Generator. This facility has adequate backup power. This generator was requested as redundancy for citywide use.

I suggest reallocating the remaining balances in the above accts to apply towards the current request of 325,000, which reduces the 325k request to 230k.

Public Buildings & Waterfront

Division City Hall

Classification Facilities

Project Description

Managers Office- Install" mini splits" for proper cooling and supplemental heat as needed.
State of Me Rm- Install mini splits for cooling only

Project Justification

It's upsurd how were trying to cool this facility. With today's technology we can do a much better job for our employees and the public while drastically reducing our energy cost. Mechanical technology today allows for minimal disruption during installation, and provides a professional well thoughtout plan.

This technology can be phased in over a couple yrs if need be, this is the most practicle approach for this facility.

The State of Me room is mostly off limits in the summertime, due to no air conditioning. It's not practicle to open windows as you can't have a conversation due to the outside commotion.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
		\$465,000		\$465,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2020		\$150,000	\$200,000		☒
2021		\$150,000	\$115,000		☒
2022		\$150,000			☐
2023					☐
2024					☐
2025					☐
2026					☐
2027					☐
Total		\$450,000	\$315,000		

Other Funding Source Description

Combining CIP 2021 and allocation of requested CIP 2022 allows us to complete the next phase. (3rd fl)

Operating Budget Impact

Eliminate the need for outside engineering cost by using the RFP procurement process. Mechanical contractors have in house engineers that provide the engineering for projects of all sizes and scope.
Phase this work in over the next 3 budget cycles. It's time and it's needed..

C21B08 - Reallocate remaining funds to C21B09 for a total of 130,000.
Move 2022 request to 2023.

Project Title ID 152247

Sidewalks at Exposition Building Entrance



Public Buildings & Waterfront

Division Exposition Building

Classification Sidewalks

Project Description

Replace 10,000 sq ft of concrete sidewalk.

Project Justification

This is a public right of way and main access for users of the Expo by both the School Dept and City. This sidewalk was highlighted in the recent ADA assesment as well.

The cost of this walk is based on 6" concrete w/ a 12" mat of 1/2" rebar. This was recommended due the vehicle traffic that often crosses it.

Public Works Request?

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$10,000		\$150,000		\$160,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2022		\$160,000			☐
2023					☐
2024					☐
2025					☐
2026					☐
2027					☐
Total		\$160,000			

Other Funding Source Description

School Dept Acct - 352118005 has a remaining balance of 167,000 from a project Public Buildings managed at East End School.

The Expo is used heavily by the school department has it's the home facility for Portland High School. School track programs use this facility to hold meets as well.

Operating Budget Impact

3 Medical issues in 2 years, written request for repairs by our tenants. Additional staffing at times to direct pedestrians.

Project Title ID 173582

Compass Park Ongoing pile/pier work

Public Buildings & Waterfront

Division Waterfront

Classification Marine

Project Description

Repair concrete/wood decks as needed.

Project Justification

3,000 sqft of Boardwalk needs replacing Eastside under pier needs attention. Piles and caps have failed.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
		\$500,000		\$500,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2018		\$100,000			☒
2020		\$100,000	\$100,000		☒
2021		\$100,000	\$100,000		☒
2022					☐
2023		\$200,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
Total		\$500,000	\$200,000		

Other Funding Source Description

Operating Budget Impact

Project Title ID 173581

POT - Pile Survey

Public Buildings & Waterfront

Division Waterfront

Classification Marine

Project Description

Review and catagorize condition of entire pier

Project Justification

A visual inspection was done in September 2015, there are signs of deterioration in 10-15% of the pier. However there are no signs of a catastrophic failure about to take place.

The pier is due for a full inspection and should be done as the City Manager wants to market the 2nd fl office space.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$450,000				\$450,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2017		\$150,000	\$112,500		☒
2022					☐
2023					☐
2024		\$337,500			☐
2025					☐
2026					☐
2027					☐
Total		\$487,500	\$112,500		

Other Funding Source Description

Operating Budget Impact

This space would generate 250-350k in revenue annually.

This is a must so we can determine the future cost and use of the entire structure.

Project Title ID 173579

On going pile/pier work at OG and P.O.T

Public Buildings & Waterfront

Division Waterfront

Classification Marine

Project Description

Replace failing pile,bents,caps. Coat piles as needed

Project Justification

There's deterioration at the head of the pier that needs to be addressed. At some point in the past someone spliced piles,bents,caps together instead of replacing them. The splices have failed leaving a portion of the deck unsupported. These piles support truck/pedestrian access to the pier.

Funds need to be allocated for pile work on both wood and steel piles annually. We have over 9000 piles between our 3 major piers.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
		\$1,295,000		\$1,295,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2017		\$170,000	\$170,000		☒
2019		\$225,000	\$150,000		☒
2021		\$225,000	\$175,000		☒
2022					☐
2023		\$225,000			☐
2024		\$225,000			☐
2025		\$350,000			☐
2026					☐
2027					☐
Total		\$1,420,000	\$495,000		

Other Funding Source Description

Operating Budget Impact

Closure of the pier would effect lease revenues and potential cruise passenger revenues.

Bollard/ Bit Replacement

Public Buildings & Waterfront

Division Waterfront

Classification Marine (i.e., piers)

Project Description

Maine State Pier Bollard Replacement

Project Justification

The existing bollards have proven to be inadequate for the size of the vessels that are frequenting our Port. The Portland Ocean Terminal has 10 - 40 ton bollards. I recommend we replace at least 3 of them with 100 ton bollards in the 2020 CIP.

2 Of the 40 ton bollards have snapped in the last 12 months. This is a safety issue, there's potential for multiple people to be seriously injured when this happens.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
		\$500,000		\$500,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2020		\$100,000	\$100,000		☒
2022					☐
2023					☐
2024					☐
2025		\$400,000			☐
2026					☐
2027					☐
Total		\$500,000	\$100,000		

Other Funding Source Description

A 2.00 dollar infrastructure fee as been implemented as of 2019. Some of this funding should be allocated to 2021.

Operating Budget Impact

Properly sized bollards are crucial for both the pier infrastructure and the vessel. Pedestrian safety is at risk



Public Works

Division Engineering

Classification Transportation

Project Description

The work includes a 2" mill/fill on Stevens Avenue from Forest Avenueo Pleasant Street, approximately 0.90 miles. The work also includes updating sidewalk ramps to meet ADA requirements, replacement of areas of sidewalk in poor condition, reset or replacement of curb in areas, striping and reinstalling raised speed tables. inspection, 5% engineering, and 2% admin costs.

Project Justification

Per our latest street scan data, this portion of road has a Pavement Condition Index ranging between 42 to 49. In addition, the street has not been paved since the 1970's and is in need of repair. This is a minor arterial in proximity to a school and therefore improving this street will improve safety and ride quality for a large population of motorists, bicyclists, and pedestrians. This project is 50% funded by MDOT and therefore would provide great value of City resources.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$50,000		\$1,140,000		\$1,190,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2022	\$550,000	\$640,000			☐
2023					☐
2024					☐
2025					☐
2026					☐
2027					☐
Total	\$550,000	\$640,000			

Other Funding Source Description

\$500,000 from DOT

\$50,000 from storm water work (manholes adjustments) requested separately

\$640,000 new request

Note: The requested funding includes 5% contingency, 5% engineering costs, 5% inspection costs, and 2% administration costs.

Operating Budget Impact

Improving this road will reduce the maintenance required on this road such as pothole repair.

Public Works

Division Engineering

Classification Transportation

Project Description

The project includes a 1.5" mill/fill on Elm Street between Congress Street and Marginal Way. The project includes milling, paving, ADA upgrades to ramps within the project limits, some sidewalk reconstruction, and either new or reset curb in areas that are in need.

Project Justification

This project is part of the PACTS MPI program. PACTS pays a portion (typically 50%) of the estimated costs. This street was submitted as part of this program due to the PCI being between a 30 and 75 depending on which areas of the road were surveyed with a majority between 30 and 56. The road is in need of repair and is a minor arterial connecting downtown Portland with outer Portland. In addition, this street is highly utilized by METRO. The project hopes to implement bike lanes as part of its striping pattern and to meet the Bayside Master Plan.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$45,000		\$540,000		\$585,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2022	\$270,000	\$315,000			☐
2023					☐
2024					☐
2025					☐
2026					☐
2027					☐
Total	\$270,000	\$315,000			

Other Funding Source Description

PACTS will pay \$234,393.95

Stormwater/Sewer funds will pay for \$35,000 of costs related to stormwater work. This is requested separately.

Note: The requested amount includes 10% engineering costs, 10% inspection costs, and 10% contingency.

Operating Budget Impact

Improving this road will reduce the maintenance required on this road such as pothole repair.

Public Works

Division Engineering

Classification Transportation

Project Description

Preservation and rehab including combination of treatments ranging from crack sealing and preservation overlays to milling and resurfacing throughout the city. Scope of work also includes improvements to storm and sanitary structures, installation/improvement to ADA curb ramps as required, and other existing infrastructure. A reinventory of pavement conditions city-wide was completed in late fall of 2019 and results from that are being used to support the continued request for significant funding for improving and protecting our investment in infrastructure. All cost associated with a complete paving project are not direct paving costs. Funds are needed to maintain positive flow and safe access for driveways, adjustment of curb including work to comply with ADA, replacement/revisions to pavement markings and traffic signals (see separate Traffic signals request), adjustment/repair to sanitary/storm structures (see Sewer Fund requests).

Project Justification

Our 2019 street inventory concluded that 72% of the road segments in Portland need preventative maintenance projects such as crackseal, overlay, or mill/fill. Only 8% of the streets were deemed to be in good enough condition to only require deferred maintenance. The other 20% of the streets need even more help such as reconstruction or rehabilitation (requested as Street Rehab). The 72% of streets needing repair that would be covered as part of our Pavement Preservation Program equates to approximately 250 lane miles of roads. It is clear from this information, as well as the continual complaints and pothole repair requests that many streets in the City are in disrepair. The cost to maintain a road in poor condition will be four to six times higher than a road that is in good or better condition. We need to maintain the roads that are in good condition while providing upgrades to those in poor condition. Maintaining an adequate roadway system is essential to support transportation including vehicular, transit, pedestrian, and bicycle traffic throughout the city.

Keeping more streets in a good condition greatly reduces the annual maintenance costs city wide and also reduces hours needed to address concerns from residents/business regarding poor street condition.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$500,000		\$30,240,000		\$30,740,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2013		\$4,000,000	\$2,500,000		☒
2014		\$4,000,000	\$2,500,000		☒
2015		\$4,000,000	\$1,750,000		☒
2016		\$4,000,000	\$1,000,000		☒
2017		\$4,000,000	\$2,900,000		☒
2018		\$3,800,000	\$2,900,000		☒
2019		\$3,800,000	\$750,000		☒
2020		\$4,000,000	\$1,850,000		☒
2021	\$200,000	\$3,800,000	\$1,610,000		☒
2022	\$30,000	\$1,500,000			☐
2023		\$1,750,000			☐
2024		\$2,000,000			☐
2025		\$2,500,000			☐

Project Title	ID	141013	
2026		\$2,500,000	☐
2027		\$2,500,000	☐
Total	\$230,000	\$48,150,000	\$17,760,000

Other Funding Source Description

NOTE - 2% of the request is made to Sewer Fund, and separate General Fund request is made for traffic signal support.

Operating Budget Impact

Saves significant hours and material costs of minimally effective pothole patching; also has an indirect savings realized with less damage to the city fleet.

Public Works

Division Engineering

Classification Transportation

Project Description

2022: Funds requested this year would be used to help address a \$50M backlog in poor condition sidewalk and ramps. Contracts would be created to help address the worst condition facilities, not meeting federal ADA requirements, along arterial roadways, on key pedestrian routes, and or near transit, schools and neighborhood centers. Funds may also be used to supplement other, larger projects (ie. resurfacing or water resource work) if outcomes align with the goals and priorities of the Sidewalk & ADA Rehabilitation Program.

2019: This program would fund a three-year construction contract to help address a \$50M backlog in poor sidewalk condition, non-compliant ADA ramps and improve significant pedestrian crossings around the City. Contract scope would include a percentage of funds each year dedicated to each brick, concrete, and bituminous sidewalk work, with an additional allotment to cover electrical elements (pedestrian signal modifications, RRFBs, conduit, etc...) as needed.

Oct.31, 2017: This program includes high priority sidewalk infrastructure improvements, focused on areas with the heaviest pedestrian traffic and lack of ADA compliant facilities. Scope of projects may include brick, concrete and asphalt ramp and sidewalk reconstruction, reset or replacement of curb, driveway apron reconstruction to ensure continuous travel surface in both material and grade, and any additional work (pedestrian pole relocation, minor drainage improvements, etc...) to achieve these goals.

Project Justification

2022: Based on our Citywide inventory database and nominal improvements made during the 2020 construction season, the \$50M+ backlog remains before all sidewalks and ramps in the city achieve an acceptable SCI rating of 80 or higher. At current funding levels, only a very small number of locations could be addressed depending on their complexity.

2019: A comprehensive condition inventory was completed in 2019 covering all sidewalks and ramps Citywide. Sidewalks were assigned a Sidewalk Condition Index (SCI; similar to PCI for pavement condition) on a scale of 0-100 and ramps were assessed as compliant or non-compliant. The result of this inventory indicated an approximate \$50M backlog of work to bring all sidewalks and ramps to an SCI of 80 or higher and in compliance with today's ADA requirements. In an effort to streamline contract and contractor management, benefit from lower unit pricing on higher quantities and have a more consistent product, DPW is proposing a three-year construction contract at \$1.5M each year to help address this considerable backlog.

Oct 2017: Significant progress has been made in spending down all prior funds; over \$1M since 2016 which cleared out FY13-16. New funding is necessary to continue making progress in safety & accessibility of our pedestrian network.

This project is necessary for compliance with state and federal ADA requirements to maintain accessibility along sidewalks and across public streets. This project advances more than one Council adopted plan (Complete Streets Policy, Comprehensive Plan, Sidewalk Material Policy) and aims to fund a program that formerly achieved these goals thru the operating budget.

DPW maintains a database of requests for sidewalk construction and rehabilitation. As of October 2017, this list identified a current backlog of 30 High Priority projects that have an estimated completion cost of \$2.9 million. From 2015-2017, the Sidewalk Rehab Program constructed approximately \$1.03 million in sidewalk and ADA infrastructure improvements and contributed another \$1.1 million toward similar projects with multiple funding sources. The projects completed between 2015 and 2017 drew down lingering CIP sidewalk funds dating back to 2013.

Prior entry:

Maintaining accessibility along sidewalks and across public streets is a federal regulation (ADA). Project is necessary to meet current state or federal requirements; Project advances more than one policy of a Council adopted plan (Complete Streets and Comp Plan.)

A portion of the sidewalk funding is recommended to address high priorities identified as part of Safe Routes to School planning. Regular repair to hazards and ongoing maintenance will prevent numerous required 'fixes' that now are funded via the operating budget. DPW planning for 2013 Sidewalk CIP program identified over \$5M in priority needs.

Project Title ID 141030

Repairs also prevent claims from trips or slips on hazardous sidewalk locations.

Past phases have been funded and the program remains viable - funded in FY '10, '13 & '14 CIP.

Arterial/Collector Accessibility was a high priority of the 1993 City Transportation Plan and continues to be.

Service on sidewalks in poor condition is interrupted and is a safety issue for the public; the funding is required for regular maintenance and replacement.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$600,000		\$11,100,000		\$11,700,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2013		\$700,000	\$700,000		☒
2014		\$700,000	\$700,000		☒
2015		\$850,000	\$700,000		☒
2016		\$700,000	\$500,000		☒
2017		\$600,000	\$500,000		☒
2018		\$600,000	\$600,000		☒
2019		\$750,000	\$700,000		☒
2020		\$1,000,000	\$650,000		☒
2021		\$1,000,000	\$500,000		☒
2022		\$600,000			☐
2023		\$750,000			☐
2024		\$1,000,000			☐
2025		\$1,200,000			☐
2026		\$1,200,000			☐
2027		\$1,400,000			☐
Total		\$13,050,000	\$5,550,000		

Other Funding Source Description

Paving Preservation

TIF

CDBG

Operating Budget Impact

In-house staff may be asked to help with small scale repairs that are not a good fit or are too small for a larger contract. New sidewalk segments may be added to winter sidewalk plow routes and increase operating costs. Rehabilitation of sidewalks and ramps in poor condition will reduce operating costs related to temporary repairs, and may reduce liability claims.

Public Works**Division** Engineering**Classification** Transportation**Project Description**

October 22, 2019: Update project cost based on preliminary cost estimate from 2018 and esculator based on construction cost overruns in the 2019 construction season.

October 31, 2017: Construct the intersection of High, Congress and Free Street as per the Congress Square Master Plan.

Project Justification

The Congress Square Master Plan has a completed preliminary design, and will likely have final design completed by the end of CY 2019. The plan for the intersection would include elimination of the right turn slip lane from High Street to Free Street, and adjustments to High at Congress to make it a more conventional urban intersection. As part of this work, the traffic signal would be overhauled. The design of the signal and the design of the intersection are linked, due to proposed locations of foundations and mast arm structures, so signal and intersection work should take place at the same time. This request constitutes the portion of the project cost that is eligible for DOT reimbursement, which includes items like paving, traffic signals, etc.; in general, the "typical" roadway and intersection elements.

Construction funding will be shared with MaineDOT. This request includes that funding. Another request is for funding of non-DOT-eligible elements such as specialty pavers and lighting.

This phase of the project is separate from the eventual reconstruction of Congress Square park.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$270,000		\$2,443,460		\$2,713,460

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2020		\$150,000	\$150,000		☒
2022	\$1,363,460	\$1,200,000			☐
2023					☐
2024					☐
2025					☐
2026					☐
2027					☐
Total	\$1,363,460	\$1,350,000	\$150,000		

Other Funding Source Description

This request includes all items eligible for DOT reimbursement.

Other Funding includes an assumed \$325,000 contribution from the Transportation Impact Fee fund. Other construction funding (approx \$1M) would come from MaineDOT. Partial funding for design phase from MaineDOT is \$38,460, for a total outside funding amount of \$1,363,460.

Design fund requests include \$81,540 for design (\$120,000 estimate less the \$38,460 described above), plus the \$150,000 for construction phase support already approved in the 2020 CIP.

Project Title **ID** 194960

A design fee of \$120,000 is included in this request. Construction funding based on a \$2.985M initial estimate from Sebago Technics in 2018, escalated by 20% to \$3,704,000 to account for anticipated construction cost escalation as observed in CY2019. This amount, less the Other Funding described above and the City's share of the design fee (\$81,540) rounds out the requested funding in the 2021 FY.

Please note that the DOT non-eligible funding, and Planning Department support costs, are separate CIP requests.

Operating Budget Impact

New curbing, sidewalk, and traffic signal work would reduce maintenance and repairs, which are significant here, particularly around the existing aging signal equipment.

Public Works

Division Engineering

Classification Transportation

Project Description

FY22: \$123,750 - Assumes DOT completion of PDR and shifting to PIC/ROW by end of CY2022.

Project Justification

2019: This project now needs enhanced project scoping with MDOT and PACTS to further define the project, which will then inform the design process.

2018: This project has been developed through the PACTS Complex Projects process. The scope of work is planned to include replacement of signal equipment at six intersections, including ramp and ADA modifications, bicycle detection and transit priority as needed. Sidewalk rehabilitation to bring sidewalks into good condition and ADA compliance. Mill and fill paving, and provision of enhanced bicycle facilities along Route 25. Modifications in the Rosemont area as needed to support the proposed METRO Husky Lane. The project includes elements of Preservation (roadway and sidewalks) and Modernization (traffic/pedestrian/transit priority signals, roadway/bikeway striping-pavement markings, transit stop upgrades, and achieving ADA compliance along Brighton Ave).

The intended result is to initiate this agreement and begin the project by holding a joint kick-off meeting. These PACTS projects provide key transportation outcomes by matching local dollars with three dollars of Federal and State money. This program provides us with maximum benefit at a minimum cost and provides significant improvements to our vital Transportation system.

The first round of funding is for Preliminary Design, followed by Final Design and Right of Way, with Construction Likely in 2021.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$300,000		\$8,450,000		\$8,750,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2022	\$146,250	\$123,750			☐
2023	\$75,000	\$62,500			☐
2024	\$3,000,000	\$1,000,000			☐
2025	\$75,000	\$62,500			☐
2026	\$3,000,000	\$1,000,000			☐
2027	\$75,000	\$130,000			☐
Total	\$6,371,250	\$2,378,750			

Other Funding Source Description

MaineDOT/PACTS funding for design and construction

Operating Budget Impact

Traffic Signals Upgrade Program

Public Works

Division Engineering

Classification Transportation

Project Description

FY 2022 Request: Pearl at Cumberland: \$500,000

Project Justification

Properly updated and coordinated signal systems, along with state-of-the-art detection and pedestrian/bicycle crossing devices, can improve traffic flow along major corridors and provide safety for all modes of travel. At this time, the City has approximately 120 active signal systems, and with a signal proposed for Marginal at Chestnut Street, the system is growing.

Portland invested heavily in its signal systems about 30 years ago, and had a very modern OSAM (DOS-based) control system. The City is now fully two-generations from this system, in its first stages of placing Advanced Traffic Control Systems (ATC), tied to an updated ATMS.now-based state-of-the-art communications system. In addition, the age of much of the equipment has gotten to the point where a number of signal control cabinets have moisture problems, controllers fail, wiring is corroding, and bases are rusting away. Some type of signal failure, ranging from lights going to flash to broken wires to complete power loss happens several times a week, usually due to the age of the equipment.

The traffic technicians have become less about regular maintenance and fine-tuning and more about emergency response, having to act, often on-call after hours, to ensure the safe and efficient passage of movement along Portland's major routes.

Furthermore, current ADA and state/federal requirements dictate having larger and brighter, LED-based lighting, pedestrian crossing buttons with audio, countdown heads with a seconds indicator, video or infrared-based camera detection, 12-inch signal heads with reflective back plates and fiber-optic interconnect to bring signal systems into the 21st century. While the RTMS-based funding from PACTS and in a separate CIP account have allowed for some corridor optimization, many locations simply do not meet current operational requirements, nor do they demonstrate adequate reliability.

This year's request and subsequent requests are part of a five-year plan to bring the City's signal systems to a reliable, modern and compliant state, and allow for better pedestrian provisions, bicycle detection, and flexible timing plans during special events. The request for State Street will begin to address issues of lack of connectivity and aging equipment, and all upgrades will be able to accommodate future changes in traffic patterns if a two-way conversion is to take place at some time in the future.

Signal equipment requests in this CIP line item as of 2018 will be for signal-specific projects, as opposed to support of MaineDOT, RTMS, or City paving projects.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$600,000		\$5,765,000		\$6,365,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2014		\$168,500	\$165,000		✓
2015	\$195,000	\$230,000	\$230,000		✓
2017		\$200,000	\$200,000		✓
2018		\$900,000	\$600,000		✓

Project Title	ID	141023		
2019		\$675,000	\$500,000	☒
2020		\$525,000	\$525,000	☒
2021		\$575,000	\$300,000	☒
2022		\$500,000		☐
2023		\$500,000		☐
2024		\$500,000		☐
2025		\$700,000		☐
2026		\$700,000		☐
2027		\$750,000		☐
Total	\$195,000	\$6,923,500	\$2,520,000	

Other Funding Source Description

Pearl at Cumberland and Congress: \$900,000

Operating Budget Impact

Reduction in call back and service calls. Lower electrical operating costs with LED installations. Safer pedestrian crossings meeting ADA compliance.

Project Title ID 141009

Water Resource Project Ineligibles (CSO Compliance-SRF Ineligibles)

Public Works

Division Engineering

Classification Transportation

Project Description

To fund portions of the City's 2021 Combined Sewer Overflow (CSO) projects that are not State Revolving Loan Funds (SRF) eligible. Example CY2021 projects include: Pearl Street, Back Cove West, Fore Street

These projects will be expected to achieve additional improvements to infrastructure, and if SRF is used to fund the CSO objectives the City will be obligated to supply funding from CIP. These project objectives & CIP funding needs will continue to exist as long as SRF is used for the ongoing CSO Program.

Project Justification

The City's CSO program is a Federally and State mandated program.

The City's use of the State Revolving Loan Fund (SRF) limits the ability to repair and upgrade infrastructure to the City's ADA compliance and technical standards requirements. Limitations include the installation of new gravels, underdrain, granite curbing, ADA ramps, and sidewalks. This funding is also used for the purchase of easements and property to achieve CSO project execution.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
		\$6,490,000		\$6,490,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2013		\$500,000	\$500,000		☒
2015		\$1,000,000	\$800,000		☒
2017		\$1,000,000	\$400,000		☒
2018		\$1,000,000	\$600,000		☒
2019		\$2,000,000	\$600,000		☒
2020		\$800,000	\$500,000		☒
2021		\$500,000	\$290,000		☒
2022		\$300,000			☐
2023		\$500,000			☐
2024		\$500,000			☐
2025		\$500,000			☐
2026		\$500,000			☐
2027		\$500,000			☐
Total		\$9,600,000	\$3,690,000		

Other Funding Source Description

Operating Budget Impact

Dependent on each project scope; there could be reduced maintenance costs of roadways, pavement markings, signal systems, and sidewalks if improvements are made to those systems as CSO abatement work progresses

Project Title ID 215875

High-Speed Communications for Adaptive Signal Corridors and Improved Coordination

Public Works

Division Engineering

Classification Transportation

Project Description

Funding for high-speed communications for Adaptive Signal System Support.

Year 1: Forest Avenue - Falmouth Street to Woodfords Corner - COMPLETE

Year 2: Forest Avenue - Woodfords Corner to Morrill's Corner

Year 3: Brighton Avenue - St. John Street to Nasons Corner

Year 4: Brighton Avenue - Nasons Corner to Taft Street

Year 5: Forest Avenue - Morrill's Corner to Riverton School

Year 6: Forest Avenue - Riverton School to Riverside Street

Project Justification

With the exception of Washington Avenue/Auburn Street off-peninsula, the City's signal system along its primary arterials is served by aging twisted-pair copper wire, which is decades old and has limited bandwidth.

As per a summary report prepared by RapidFlow, one of the companies providing adaptive technologies to the Portland signal system, in September 2019:

Network communication continues to be a concern for both Rapid Flow and the City of Portland.

The use of Ethernet over copper communications is, in general, sufficient for good Surtrac operation, but downtime coming from poor communication will have an effect on Surtrac performance. The Actelis network devices can only be as reliable as the 30+ year copper interconnect that runs throughout the city.

As such, the request is to bring the City's signal communications system where adaptive equipment is being installed up to modern communications and reliability standards.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$5,000		\$620,000		\$625,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2022		\$100,000			☐
2023		\$100,000			☐
2024		\$100,000			☐
2025		\$100,000			☐
2026		\$100,000			☐
2027		\$125,000			☐
Total		\$625,000			

Other Funding Source Description

Operating Budget Impact

Project Title**ID** 215875

Fewer communications failures and traffic operations staff call-ins. More effective and robust timing plans, reducing time moving through the City.

Project Title ID 226770

Federal Street Cemetary Wall Repair

Public Works

Division Engineering

Classification Facilities

Project Description

FY22: \$35,000 for engineering

FY23: \$100,000 for construction

Project Justification

The cemetery wall on Federal Street is at increased risk of failure and needs some level of reconstruction.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$35,000		\$100,000		\$135,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2022		\$35,000			☐
2023		\$100,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
Total		\$135,000			

Other Funding Source Description

Operating Budget Impact

Larger repairs will help with annual efforts to patch and avoid the potential of losing cemetery contents into the roadway.

Public Works

Division Engineering

Classification Streets/Sidewalks

Project Description

Guardrail repair

Project Justification

Needed for safety of traveling public

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
		\$25,000		\$25,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2022		\$25,000			☐
2023					☐
2024					☐
2025					☐
2026					☐
2027					☐
Total		\$25,000			

Other Funding Source Description

Operating Budget Impact

Project Title ID 226771

Andrews Square Supplemental Funding

Public Works

Division Engineering

Classification Transportation

Project Description

FY22: \$100,000 for higher than expected bid prices

Project Justification

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
		\$100,000		\$100,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2022		\$100,000			☐
2023					☐
2024					☐
2025					☐
2026					☐
2027					☐
Total		\$100,000			

Other Funding Source Description

Operating Budget Impact

FY22 City Manager Recommended Water Resources CIP			
Wastewater	Stormwater	Fore Street Sewer Separation	2,300,000.00
Wastewater	Sewer	CSO-Non SRF Sewer / Storm Consulting and Inspection Services	1,500,000.00
Wastewater	Sewer	Inflow and Infiltration Phase 3 Mitigation	1,100,000.00
Wastewater	Sewer	CSO - Close CSO #39	700,000.00
Wastewater	Sewer	CMOM - Pump Station Rehabilitation	670,000.00
Wastewater	Sewer	CSO - Close CSO #42	500,000.00
Wastewater	Sewer	Concord Street and Mayer Road Sewer Repair/Replacement	500,000.00
Wastewater	Sewer	CMOM - Sewer System Renewal	500,000.00
Wastewater	Stormwater	Presumpscot Culvert	475,000.00
Facilities	Sewer	District Road Fueling Island	313,000.00
Wastewater	Sewer	ESRI Conversion to Utility Network	225,000.00
Vehicles	Sewer	Sweeper (#3143) Replacement	200,000.00
Wastewater	Stormwater	Stormwater Neighborhood Infrastructure Improvements	200,000.00
Stormwater	Stormwater	Green Infrastructure	200,000.00
Wastewater	Sewer	CSO - #26 Sewershed	200,000.00
Vehicles	Sewer	Truck Replacement (#2511)	50,000.00
Vehicles	Sewer	Supervisor Truck (#2112) Replacement	50,000.00
TOTAL NEW WATER RESOURCES BORROWING			9,683,000
FY21 Water Resource CIP Reallocations			-2,300,000
New Water Resources Borrowing			7,383,000

Project Title ID 205661

Fore Street Sewer Separation

Water Resources

Division Stormwater

Classification Wastewater

Project Description

Sewer separation of Fore Street from Morning Street to the Thames Street Connector Road

Project Justification

This project is a continuation of the new Thames Street stormwater outfall and would involve installing 1,700 feet of new storm drain and 29 new catchbasins. Currently Fore Street is combined and overflows at CSO #23 when the sewer system is over capacity. There are 25 catch basins currently flowing into the combined sewer system in the Fore Street sewershed which will be separated as part of this project. The contributing drainage area to be separated is approximately 50 acres. This project has also identified approximately 1,000 lf of combined sewer in poor condition for replacement. The transportation division has identified the replacement of existing pedestrian ramps as part of this project and will also request funding as part of the transportation CIP.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$100,000		\$4,000,000		\$4,100,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2020		\$100,000	\$100,000		☒
2022		\$4,000,000			☐
2023					☐
2024					☐
2025					☐
2026					☐
2027					☐
Total		\$4,100,000	\$100,000		

Other Funding Source Description

This project will include additional paving outside the utility trench limits and ADA ramp improvements which are to be funded by a separate CIP Request by the transportation division.

Operating Budget Impact

Project Title ID 194901

CSO-Non SRF Sewer / Storm Consulting and Inspection Services

Water Resources

Division Sewer

Classification Wastewater

Project Description

To be used for consulting services that are not SRF eligible, including but not limiting to; test pits, CCTV, borings, geo-technical, etc.

Project Justification

Due to the cities current procurement procedures some services are not SRF eligible. This would be used to cover those services.

Inspection services for the following:

Back Cove West Storage Conduit = \$1.3M

Warren Ave Hicks to Hemmingway = \$150K

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$2,000,000		\$2,000,000		\$4,000,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2020		\$500,000	\$500,000		☒
2022		\$1,500,000			☐
2023		\$500,000			☐
2024		\$500,000			☐
2025		\$500,000			☐
2026		\$500,000			☐
2027					☐
Total		\$4,000,000	\$500,000		

Other Funding Source Description

Operating Budget Impact



Water Resources

Division Sewer

Classification Wastewater

Project Description

The Inflow and Infiltration Program is a multi-year three phase program to identify and remove extraneous flows to the sanitary sewer system. Phase 3 is the mitigation of sewers found to be deficient and a source of infiltration into the system. All work is based on the Inflow and Infiltration Program Final Report which provides a three phase mitigation strategy to address Inflow and Infiltration.

Project Justification

Phase three of the Inflow and Infiltration Program is the mitigation phase to address sources of extraneous flows identified in both Phase one and Phase two. For the most part, mitigation measures will utilize Trenchless Technologies to address leaky pipes and manholes. Additional consideration will be made to address connected sump pumps and leaky laterals.

Mitigation Phase 1 Estimated Cost = \$8,864,857 (includes engineering and contingency costs). Full program esitimated to cost \$18,813,821 over three phases.

Will utilize existing Sewer System Renewal Accounts (3173019504, C20512, C21505) for 3.3 million of the estimated costs for the first phase. Current request have been based on rehabilitation estimate not including engineering and contingency costs. As the Mitigation Phase 1 is underway and completed, future funding requests may be revised.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
		\$9,350,000		\$9,350,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2022		\$1,100,000			☐
2023		\$1,650,000			☐
2024		\$1,650,000			☐
2025		\$1,650,000			☐
2026		\$1,650,000			☐
2027		\$1,650,000			☐
Total		\$9,350,000			

Other Funding Source Description

Operating Budget Impact

All funding will come from CIP accounts.

Water Resources

Division Sewer

Classification Wastewater

Project Description

To close Combined Sewer Overflow #39 into the Fore River.

Project Justification

In order to close CSO #39, existing combined sewer pipes in the area must be separated. This CSO is one of the most active and consistent overflows in the City and discharges to a heavily used recreational area.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
		\$700,000		\$700,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2022		\$700,000			☐
2023					☐
2024					☐
2025					☐
2026					☐
2027					☐
Total		\$700,000			

Other Funding Source Description

Operating Budget Impact

Water Resources

Division Sewer

Classification Wastewater

Project Description

This budget request is to meet EPA Administrative Order requirements based on recommendations from the CMOM report which was done by Woodard and Curran.

The following projects remain to be completed:

Riverton Replacement with Submersible Pump Station

Castine Replacement of Security Fence and Generator

Franklin Street Wet Well Coating

SCADA and Hardware Updates

Flowmeters at Pump Stations

Project Justification

CIP Year 2022 Projects: Riverton Pump Station Replacement, additional flow meters at Pump Stations, and SCADA upgrades

A majority of the existing funding in this account has been spent out with the increased scope of Franklin Street Pump Station. The Riverton Pump Station Replacement project is currently under design and will be bid in February 2021. Expected to use all existing funds for this project.

Future year CIP work include the replacement of coating for the wet well at Franklin Street Pump Station, flow meter installation at the remaining pump stations, ventilation alarms, pump replacements, and various other upgrades as required including SCADA systems.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
		\$9,890,000		\$9,890,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2015		\$682,000	\$680,000		☒
2016		\$670,000	\$670,000		☒
2017		\$1,100,000	\$1,100,000		☒
2018		\$670,000	\$670,000		☒
2019		\$670,000	\$670,000		☒
2020		\$2,000,000	\$2,000,000		☒
2021		\$750,000	\$750,000		☒
2022		\$670,000			☐
2023		\$670,000			☐
2024		\$670,000			☐
2025		\$670,000			☐
2026		\$670,000			☐
2027					☐
Total		\$9,892,000	\$6,540,000		

Project Title **ID** 152461

Other Funding Source Description

Operating Budget Impact

CSO - Close CSO #42

Water Resources

Division Sewer

Classification Wastewater

Project Description

Do a detailed study of the Capisic sewer system and watershed to determine where and how storm water is entering into the sewer system and causing sewer overflows at CSO#42. Overflows at CSO #42 were supposed to be eliminated at the completion of Tier 2 but they are still occurring even after completing all of the projects outlined in Tier 2 and the CSO Master Plan. This study would involve hiring a consultant and also installing numerous flow meters within the system for the first year. Subsequent years will involve actual design and construction of action items determined by the study to fully close CSO #42.

This project has been added to the Inflow and Infiltration and the initial investigation has been completed. Work is ongoing to design and address connected roof leaders. Additionally, the interceptor in the City owned wetland north of Warren Avenue will likely need rehabilitation.

Project Justification

The completion of Tier 2 separation projects within the Capisic Brook Watershed was supposed to close CSO#42. This action was not successful and more work needs to be done in order to obtain complete closure. The CSO Long Term Control Plan Tier 3 update did not propose any new projects or studies of Capisic Brook because it was thought that at the completion of Tier 2 CSO #42 would be closed. Since this CSO is still overflowing on rain events and we did not meet the goal of Tier 2 a new CIP request has been made in order to correct this and meet our long term control plan and consent decree. By still overflowing at CSO #42 we are not in compliance with our consent decree and DEP may take action due to this.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$125,000		\$800,000		\$925,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2015		\$75,000	\$75,000		☒
2019		\$100,000	\$100,000		☒
2020		\$250,000	\$250,000		☒
2022		\$500,000			☐
2023					☐
2024					☐
2025					☐
2026					☐
2027					☐
Total		\$925,000	\$425,000		

Other Funding Source Description

Operating Budget Impact



Water Resources

Division Sewer

Classification Wastewater

Project Description

Funds to address large sewer replacement, emergency repairs, or issues causing overflows.

Project Justification

Mayer Road and Concord Street have structural issues that require replacement and repair. If the request is not approved, funding will be obtained through the Operating budget as emergency work. Future year requests are for any projects that need to be addressed found through inspections or complaints.

Unexpected sewer repairs and replacements occur and require the use of time and material contracts. Currently, the Finance Department determines how to pay for these when they occur. This request would create a dedicated CIP fund. See attachment for 2020, though two recent repairs are not included. It is anticipated that total costs will be in the \$250,000-\$260,000 range.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
		\$1,750,000		\$1,750,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2022		\$500,000			☐
2023		\$250,000			☐
2024		\$250,000			☐
2025		\$250,000			☐
2026		\$250,000			☐
2027		\$250,000			☐
Total		\$1,750,000			

Other Funding Source Description

Operating Budget Impact

Emergency work has been funded through the Operating budget. This request will take care of two known projects that otherwise would have been paid for through the Operating budget.



Water Resources

Division Sewer

Classification Wastewater

Project Description

Project involves engineering and construction of replacement/upgrades of priority sanitary sewers throughout the City's sewer network of over 200 miles of sewer lines, that require replacement, relining or upgrade as recommended by the outside consulting report on condition assessment of the sewer infrastructure.

Project Justification

The City of Portland has an aging sewer infrastructure with some sewer lines reaching over 100 years in age. While we have highly invested in upgrading and eliminating CSO's, funding in past several years has been limited to support a basic service level for sewer cleaning and repairs, less preventive and more emergency response to sewer line needs. As a result of staff reports to the Department of Environmental Protection (DEP), on dry weather and wet weather sanitary sewer overflows, (SSO's), EPA issued an Administrative Order on September 27, 2012 due the Agencies view that the City violated the Clean Water Act and is subject to penalties and further mandates. See Attached. The mandates require that the City enter into a CMOM program. CMOM stands for Capacity, Management, Operations, and Maintenance Assessment. The program follows a 2012-2013 condition assessment report of the City's sewer infrastructure, that once completed will recommend specific preventive maintenance investments to eliminate the occurrences of SSO's.

The City of Portland currently has three contractors under contract.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
		\$10,200,000		\$10,200,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2014		\$1,000,000	\$1,000,000		☒
2015		\$1,100,000	\$1,100,000		☒
2016		\$1,100,000	\$1,100,000		☒
2017		\$1,100,000	\$1,100,000		☒
2018		\$1,100,000	\$1,100,000		☒
2019		\$1,100,000	\$1,100,000		☒
2020		\$1,100,000	\$1,100,000		☒
2021		\$1,100,000	\$1,100,000		☒
2022		\$500,000			☐
2023		\$250,000			☐
2024		\$250,000			☐
2025		\$250,000			☐
2026		\$250,000			☐
2027					☐
Total		\$10,200,000	\$8,700,000		

Other Funding Source Description

Operating Budget Impact

Staff is anticipating that as a result of an enhanced sewer preventive maintenance program and regular preventive maintenance, the Department will avoid unanticipated sewer line collapses that can cost anywhere from \$40,000-\$250,000 depending upon the length and location of the sewer line. In addition, the program will contribute toward avoiding fines and penalties as administered by EPA. Based on our CSO Engineering Consultant recommendations, reoccurring sewer line replacement and upgrades could cost as much as \$3,000,000 per year.

Over \$500,000 was spent in 2020 throughout the City to rehabilitate manholes and sewer lines.

Project Title ID 216227

Presumpscot Culvert

Water Resources

Division Stormwater

Classification Wastewater

Project Description

Replacement of existing 3'x4' concrete box culvert which was originally constructed in approximately 1930.

Project Justification

The sidewall of the existing culvert is failing.

Need additional funds due to increase in prices.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
		\$1,225,000		\$1,225,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2021		\$750,000	\$750,000		☒
2022		\$475,000			☐
2023					☐
2024					☐
2025					☐
2026					☐
2027					☐
Total		\$1,225,000	\$750,000		

Other Funding Source Description

Operating Budget Impact

District Road Fueling Island



Water Resources

Division Sewer

Classification Facilities

Project Description

Installation of a diesel fueling island for an already purchased tank. To be used for solid waste packers and water resources heavy equipment. Cost should be divided between General Fund and Water Resources

Project Justification

All Solid Waste packers and some Water Resources equipment that require diesel currently have to travel five miles from District Road to 212 Canco Road in order to fuel up. The island is needed to fuel vehicles up and the request is for associated site work, electrical, and piping in order to connect the already purchased tank to a filling station.

Cost estimate prepared by City staff.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
		\$313,000		\$313,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2022		\$313,000			☐
2023					☐
2024					☐
2025					☐
2026					☐
2027					☐
Total		\$313,000			

Other Funding Source Description

Operating Budget Impact

Water Resources

Division Sewer

Classification Wastewater

Project Description

Transition from ArcMap and the geometric network to ArcGIS Pro and the Utility Network, along with transitioning all of the current tools that we use to the newer versions. Crews will be able to edit and trace the path of the network data in the field. The technology can handle modern data needs and makes it easy to share information securely with those who need it.

Project Justification

In the next 5+ years Esri will be transitioning its development and resources to ArcGIS Pro and the Water Resources GIS (along with the rest of the City) will need to start to move towards that transition. This transition will affect GIS, Cityworks, ITpipes as well as our ArcGIS Enterprise system and services.

The first step would be to work with the ESRI team to determine what components, additional software, other systems would be affected and what the level of effort would be. The following years would be implementation of the upgrade.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$250,000				\$250,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2021		\$25,000	\$25,000		☒
2022		\$225,000			☐
2023					☐
2024					☐
2025					☐
2026					☐
2027					☐
Total		\$250,000	\$25,000		

Other Funding Source Description

Operating Budget Impact

There will likely be annual licensing fees.

Project Title **ID** 226694
Sweeper (#3143) Replacement

Water Resources

Division Sewer

Classification Vehicles

Project Description

Purchase a new sweeper to replace #3143 after five years of service.

Project Justification

Follows existing replacement strategy after 5 years of continuous service.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
			\$200,000	\$200,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2022		\$200,000			☐
2023					☐
2024					☐
2025					☐
2026					☐
2027					☐
Total		\$200,000			

Other Funding Source Description

Operating Budget Impact

Water Resources

Division Stormwater

Classification Wastewater

Project Description

Stormwater projects within neighborhoods to fix issues when a complaint has been received.

Project Justification

Stormwater projects to mitigate complaints received from residents with stormwater issues within their neighborhoods

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
		\$1,000,000		\$1,000,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2022		\$200,000			☐
2023		\$200,000			☐
2024		\$200,000			☐
2025		\$200,000			☐
2026		\$200,000			☐
2027					☐
Total		\$1,000,000			

Other Funding Source Description

Operating Budget Impact

Green Infrastructure

Water Resources

Division Stormwater

Classification Stormwater

Project Description

Design and construction of added Green Infrastructure systems, storm drainage piping, catch basins and other improvements addressing street and property flooding, combined sewer capacity in the West End and erosion issues as well as stormwater pipe failures. Project funds would be used within public rights of way, on public property, and within private property affecting public right of way, where existing drainage systems are inadequate.

Project Justification

The project funds would address on going complaints about drainage system deficiencies within the City's storm drainage system and addresses issues that the Department receives request to correct from residents, City Councilors and or staff, including many from off peninsula neighborhoods. The department is also looking to utilize Green Infrastructure within combined sewershed areas to address capacity issues that have resulted in a high frequency of overland Sanitary Sewer overflows. The proposed storm water utility program if adopted would fund improvements and system corrections on a sustained basis.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
		\$2,822,000		\$2,822,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2024		\$200,000			☐
2025		\$200,000			☐
2026		\$200,000			☐
2027		\$200,000			☐
2019		\$272,000	\$272,000		☒
2020		\$750,000	\$750,000		☒
2016		\$200,000	\$200,000		☒
2017		\$200,000	\$200,000		☒
2018		\$200,000	\$200,000		☒
2022		\$200,000			☐
2023		\$200,000			☐
Total		\$2,822,000	\$1,622,000		

Other Funding Source Description

Operating Budget Impact

Project Title ID 216241

CSO - #26 Sewershed

Water Resources

Division Sewer

Classification Wastewater

Project Description

This is an initial investigation to eliminate the sanitary sewer overflows (SSO's) occurring at CSO # 26.

Project Justification

As part of the City's CMOM program the EPA requires the City to identify and eliminate SSO's all over the City. This investigation will help kickoff that effort in this sewershed.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
\$200,000		\$500,000		\$700,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2022		\$200,000			☐
2023		\$500,000			☐
2024					☐
2025					☐
2026					☐
2027					☐
Total		\$700,000			

Other Funding Source Description

Operating Budget Impact

Truck Replacement (#2511)

Water Resources

Division Sewer

Classification Vehicles

Project Description

Replace truck #2511 with a better equipped unit. #2511 would go to auction.

Project Justification

Replace with 3/4 ton / lift gate / tool box. Current inspector vehicles are inadequate in terms of storage capacity and lift gate capability.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
			\$50,000	\$50,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2022		\$50,000			☐
2023					☐
2024					☐
2025					☐
2026					☐
2027					☐
Total		\$50,000			

Other Funding Source Description

Operating Budget Impact

Water Resources

Division Sewer

Classification Vehicles

Project Description

Replace the supervisor truck (#2112) and use it as a dedicated rodder truck vehicle. Part of 5 year rotation

Project Justification

With additional sewer cleaning being completed along with sewer inspections, a dedicated rodder truck would make cleaning sewers more efficient.

5 Year Cost Summary

<u>Planning</u>	<u>Land</u>	<u>Construction</u>	<u>Equipment</u>	<u>Est Total Cost</u>
			\$50,000	\$50,000

Funding Source

<u>Year</u>	<u>Other Funding</u>	<u>Requested Funding</u>	<u>City Mgr Recommended</u>	<u>Funding Type</u>	<u>Approved</u>
2022		\$50,000			☐
2023					☐
2024					☐
2025					☐
2026					☐
2027					☐
Total		\$50,000			

Other Funding Source Description

Operating Budget Impact

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

CITY OF PORTLAND
IN THE CITY COUNCIL

MARK DION (5)
APRIL FOURNIER (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER AUTHORIZING GENERAL OBLIGATION BONDS
TO FINANCE A PORTION OF THE CITY'S FISCAL YEAR 2022 Capital IMPROVEMENT
PROGRAM IN AN AMOUNT NOT TO EXCEED \$17,775,802**

FOLLOWING a public hearing of the City Council of the City of Portland, Maine, held upon due notice pursuant to Article VII, Section 9 of the City Charter, **IT IS HEREBY ORDERED THAT:**

There be and hereby is authorized and approved the incurring of indebtedness by the City of Portland and the issue and sale of general obligation bonds and notes in anticipation thereof in the aggregate principal amount not to exceed Eighteen Million Three Hundred Twenty Thousand Dollars (\$17,775,802) to finance the items identified in the City's 2022 Capital Improvement Program attached hereto as Exhibit A and all other costs (as defined herein) related and ancillary thereto (the "Projects").

BE IT FURTHER ORDERED:

1. That the Finance Director be and hereby is authorized to prepare, issue, and sell such bonds in the name of and on behalf of the City, in the aggregate amount of **\$17,775,802** (the "Bonds") at one time, or from time to time, as one or more separate bond issues, and to determine the date, form, minimum denomination, interest rates (as term bonds or serial bonds or some combination thereof), maturities (with the last maturity not to exceed the maximum term permitted by law) and all other details, terms and provisions, not inconsistent herewith, including the form and manner of their sale and award as he may approve, such approval to be conclusively evidenced by the execution thereof;
2. That the Finance Director be and hereby is authorized to borrow money in anticipation of said Bonds by the issuance and sale of notes or renewal notes in anticipation of said Bonds ("BANs"), and to determine the date, form, minimum denominations, interest rate, maturities (with the last maturity not to exceed 3 years from its date of issuance) and all other details of each issue of BANs, including the form and manner of their sale and award, subject to the provisions of the law, the City Charter and this Order;
3. That the Finance Director be and hereby is authorized to provide that any of the Bonds and BANs hereinbefore authorized be made subject to call for redemption, with or without premium, prior to their stated dates of maturity, as provided in 30-A M.R.S.A. §5772(6), as amended;
4. That the Bonds and BANs issued hereunder shall be signed by the Finance Director and by the Mayor, either or both of whose signatures may be by facsimile to the extent permitted by law, attested to by the City Clerk, under the seal of the City, and shall be in such form and contain such terms and provisions not inconsistent herewith as they may approve, their approval to be conclusively evidenced by their execution thereof;

5. That the Finance Director is authorized to negotiate, execute, and deliver, in the name of and on behalf of the City such contracts, agreements, instruments and other documents and certificates as may be necessary or appropriate, as determined and approved by the Finance Director, in connection with the financing of the Projects, including a loan agreement in usual and customary form with the Maine Municipal Bond Bank (the “Bond Bank”), to the extent any of the Bonds or BANs authorized herein are issued pursuant to the State of Maine Clean Water Revolving Loan Fund program or the State School Revolving Renovation Fund, which contracts, agreements, loan agreements, instruments and other documents and certificates shall be in such form and contain such terms and conditions, not inconsistent herewith, as may be approved by the Finance Director, such approval to be conclusively evidenced by his execution thereof;

6. That the Finance Director be and hereby is authorized to select the underwriter for the Bonds or BANs heretofore authorized and the Finance Director be and hereby is authorized and empowered to execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith;

7. That the Finance Director be and hereby is authorized to prepare, or cause to be prepared, a Preliminary Official Statement and an Official Statement for use in the offering and sale of the Bonds or BANs heretofore authorized, such Preliminary Official Statement and Official Statement to be in such form and contain such information as may be approved by the Finance Director, with the advice of the bond counsel for the City, and that the use and distribution of the Preliminary Official Statement and the Official Statement in the name of and on behalf of the City in connection with offering the Bonds or BANs for sale be and hereby is approved;

8. That the Finance Director be and hereby is authorized to select the registrar, paying agent and transfer agent (the “Transfer Agent”) for the Bonds or BANs heretofore authorized and to execute and deliver such contracts and agreements as may be necessary or appropriate to secure their services;

9. That the Bonds or BANs heretofore authorized shall be transferable only on the registration books of the City kept by the Transfer Agent, and said principal amount of the bonds of the same maturity (but not of other maturity) in minimum denominations of \$5,000 and any integral multiple in excess thereof upon surrender thereof at the principal office of the transfer agent, with a written instrument of transfer satisfactory to the transfer agent duly executed by the registered owner or his attorney duly authorized in writing. Upon each exchange or transfer of a bond the City and the Transfer Agent shall make a charge sufficient to cover any tax, fee or any other governmental charge required to be payable with respect to such exchange or transfer, and with respect to such exchange or transfer, and subsequent to the first exchange or transfer, the cost of preparing new bonds upon exchanges or transfer thereof to be paid by the person requesting the same;

10. That the Finance Director be and hereby is authorized to undertake all acts necessary to provide for the issuance and transfer of such Bonds or BANs heretofore authorized in book-entry form pursuant to the Depository Trust Company Book-Entry Only System, as an alternative to the provisions of the foregoing paragraph above regarding physical transfer of Bonds or BANs, and the Finance Director be and hereby is authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in his opinion, appropriate in order to qualify the Bonds or BANs for and participate in the Depository Trust Company Book-Entry Only System;

11. That the Finance Director and Mayor from time to time shall execute such Bonds or BANs as may be required to provide for exchanges or transfers of Bonds or BANs as heretofore authorized,

all such Bonds or BANs to bear the original signature of the Finance Director and Mayor, and in case any officer of the City whose signature appears on any Bond or BAN shall cease to be such officer before the delivery of said Bond or BAN, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery thereof;

12. That if the Bonds or BANs, or any part of them, are issued on a tax-exempt basis, the Finance Director be and hereby is authorized and directed to covenant and certify on behalf of the City that no part of the proceeds of the issue and sale of the Bonds or BANs authorized to be issued hereunder shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such Bonds or BANs to be “private activity bonds” or “arbitrage bonds” within the meaning of Sections 141 and 148 of the Internal Revenue Code of 1986, as amended;

13. That if the Bonds or BANs, or any part of them, are issued on a tax-exempt basis, the officers or officials executing the Bonds or BANs be and hereby are individually authorized to covenant and agree, on behalf of the City, for the benefit of the holders of such Bonds or BANs, that the City will file any required reports and take any other action that may be necessary to insure that interest on the notes will remain exempt from federal income taxation, and that the City will refrain from any action that would cause interest on the Bonds or BANs to be subject to federal income taxation;

14. That the officers executing the Bonds or BANs be and hereby are individually authorized to covenant, certify and agree, on behalf of the City, for the benefit of the holders of such Bonds or BANs, that the City will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to insure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, if applicable, are met;

15. That any or all of the Bonds or BANs issued hereunder may be consolidated with and become a part of any other issue of temporary notes or general obligation bonds authorized to be issued by any previous or subsequent order of the City Council of the City of Portland;

16. That the term “cost” or “costs” as used herein and applied to the Projects, or any portion thereof, includes, but is not limited to (1) the cost to design, acquire, construct, renovate, improve, furnish and equip the Project, or any portion thereof; (2) the cost of land, easements and other real property interests, landscaping and site preparation, including demolition and environmental remediation work on any existing building or structure and on the property where the Project is located, utility extensions and site improvements, and all appurtenances and other fixtures, facilities, buildings and structures either on, above, or under the ground which are used or usable in connection with the Project; (3) the cost of feasibility studies, surveys, environmental studies and assessments, engineering, plans and specifications, legal and other professional services associated with the Project; (4) issuance costs, including premiums for insurance, capitalized interest and other fees and expenses relating to the financing transaction.

17. That if the actual cost of any Project differs from the estimated cost on the attached Exhibit A, whether due to completion, delay or abandonment of the Project or for any other reason, the Finance Director is authorized, in his discretion, to reallocate proceeds of the Bonds to any other listed Project on the attached Exhibit A, or to any other project or improvement that the City Council has approved or may in the future approve as part of the City’s annual capital improvement plan;

18. That the Finance Director, Mayor and Clerk and other proper officials of the City be, and hereby are authorized and empowered in its name and on its behalf to do or cause to be done all such acts and things, not inconsistent herewith, as may be necessary or desirable in order to effect the issuance, sale and delivery of the Bonds or BANs hereinabove authorized;

19. That if any of the officers or officials of the City who have signed or sealed the Bonds shall cease to be such officers or officials before the Bonds or BANs so signed and sealed shall have been actually authenticated or delivered by the City, such Bonds or BANs nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such Bonds or BANs had not ceased to be such officer or official; and also any such bonds or notes may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such Bonds or BANs, shall be the proper officers and officials of the City, although at the nominal date of such Bonds or BANs any such person shall not have been such officer or official;

20. That if the Finance Director, Mayor or Clerk are for any reason unavailable to approve and execute the Bonds or BANs or any other documents necessary or convenient to the issuance, execution and delivery of the Bonds or BANs, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had performed such act.

21. That the Bonds or BANs authorized by this Order are in addition to any bonds or notes previously authorized for the same or similar purposes;

22. That to the extent not payable from other funds, an amount sufficient for the payment of the annual payments of principal and interest on the Bonds or any BANs issued hereunder shall be included in the tax levy of each year until the debt represented by said Bonds or BANs is extinguished;

23. That the following resolutions required by Section C(4)(e) of the State of Maine Clean Water Revolving Loan Fund Rules, Chapter 595, Department of Environmental Protection and Maine Municipal Bond Bank (the "SRF Regulations"), and governing the loan to be made to the City under the State Revolving Loan Fund Program be and hereby are adopted:

- a. That a Project Account shall be created for the Projects which shall be separate from all other accounts of the City. If operating revenues are to be used to retire the debt, a sub-account will be established;
- b. That the Project Account shall be maintained in accordance with standards set forth by the Bond Bank and in accordance with generally accepted government account standards;
- c. That a final accounting shall be made to the Bond Bank of the total cost of each Project upon completion of the Project performance certification as set out in Section G(3) of the SRF Regulations and the City acknowledges that the Bond Bank reserves the right at its sole discretion to be provided with a cost certification of the Project as built;
- d. That an annual audit of the City, prepared by a certified public accountant or licensed public accountant be provided to the Bond Bank for the term of the loan;

- e. That the City shall maintain insurance coverage on the Projects in an amount adequate to protect the Bond Bank's interest for the term of the loan with the Bond Bank named as loss payee;
- f. That the City will comply with any special conditions specified by the Department of Environmental Protection's environmental determination until all financial obligations to the State have been discharged;
- g. That the City certify to the Bond Bank that it has secured all permits, licenses and approvals necessary and that it has a dedicated source of revenue for repayment;
- h. That the City establish a rate, charge or assessment schedule in order to pay principal and interest. Such rate change or schedule shall provide total operations and debt service coverage at a level at which the coverage for the Bond Bank is sufficient;
- i. That the City must demonstrate the ability to pay reasonably anticipated costs of operating and maintaining the financed Project;
- j. That the City abide by the SRF Regulations, as revised and amended and relevant State statutes of the State of Maine; and

24. That during the term any of the Bonds (or bonds issued to refund such Bonds) are outstanding, the Finance Director be and hereby is authorized to issue and deliver refunding bonds to refund some or all of the Bonds then outstanding, and to determine the date, form, interest rate, maturities and all other details of such refunding bonds, including the form and manner of their sale and award. The Finance Director be and hereby is further authorized to provide that any of such refunding bonds hereinbefore authorized be made callable, with or without premium, prior to their stated date(s) of maturity, and each refunding bond issued hereunder shall be signed by the Finance Director and by the Mayor, either or both of whose signatures may be by facsimile to the extent permitted by law, attested to by the City Clerk, under the seal of the City, and shall be in such form and contain such terms and provisions not inconsistent herewith as they may approve, their approval to be conclusively evidenced by their execution thereof.

2021 CIP - General Fund

Department	Project Title	CIP Amount	Other Funding	Bond Amount
<u>Equipment</u>				
Communications	Portable Radios Upgrade	300,000		300,000
Information Technology	Barron Center Phones Upgrade	48,000		48,000
Information Technology	Improvements to Information Security Program	31,000		31,000
Information Technology	Replace Network Switches	250,000		250,000
Information Technology	DPW Traffic Managed Network	20,000		20,000
Information Technology	Consolidate city camera systems (except jetport)	72,000		72,000
Parking / Garages	Parking Meter Replacement Phase 2	115,000		115,000
Parking / Garages	Multi Space Parking Meters Shipyard & Cross Arena	22,000		22,000
Parks & Rec	Payson Park Playground	350,000		350,000
Parks & Rec	Deering Oaks Playground Accident Replacements	45,000		45,000
<u>Facilities</u>				
Facilities & Waterfront	212 Canco Roof Replacement	325,000		325,000
Facilities & Waterfront	Offices & Customer Service Areas A/C Installation	150,000		150,000
Fire Department	Riverton Station - Boiler Room Upgrades	150,000		150,000
Parks & Rec	Golf Course Upgrades - HVAC and Drainage	115,000		115,000
Parks & Rec	Evergreen Cemetery Columbaria Phase II	108,000		108,000
Public Schools	Masonry Repair at Deering High School	150,000		150,000
Public Schools	Technology & Fire Alarm System Upgrades - PIES	100,000		100,000
Public Schools	Install fire sprinkler system - PIES	130,000		130,000
Public Schools	Door Access Controls - King and Lincoln	115,000		115,000
Public Works	Federal Street Cemetery Wall Repair	35,000		35,000
<u>Marine</u>				
Facilities & Waterfront	Compass Park Ongoing pile/pier work	200,000		200,000
Facilities & Waterfront	POT - Pile Survey	140,000		140,000
Facilities & Waterfront	On going pile/pier work at OG and P.O.T	100,000		100,000
Facilities & Waterfront	Bollard/ Bit Replacement	100,000		100,000
<u>Parks, Fields, Trails</u>				
Parks & Rec	Skatepark Expansion	50,000		50,000
Parks & Rec	ADA Walkway Paving--Deering Oaks	118,000		118,000
	Court Resurfacing - Reiche and West End (Various), Lyman			
Parks & Rec	Moore, Fox St, Talbot School	97,000		97,000
Planning & Urban Development	Congress Square Redesign - Construction Drawing Completion	50,000		50,000
<u>Streets/Sidewalks</u>				
Facilities & Waterfront	Sidewalks at Exposition Building Entrance	160,000		160,000
Barron Center	Resurfacing of Roadways & Parking Lots	137,841		137,841
Public Works	DOT Bridge Report	25,000		25,000
<u>Transportation</u>				
Public Works	DOT - MPI - Paving Stevens Avenue	640,000		640,000
Public Works	PACTS MPI - Elm Street Paving - Congress to Marginal	315,000		315,000
Public Works	Pavement Preservation Program	1,500,000	1,500,000	0
Public Works	Sidewalk & ADA Rehabilitation Program	600,000		600,000
Public Works	Congress Square Intersection Construction - DOT Eligible	1,200,000	1,200,000	0
Public Works	PACTS TIP - Brighton Avenue Multi-Modal Project	124,000		124,000
Public Works	Traffic Signals Upgrade Program	500,000	500,000	0
Public Works	Ineligibles)	300,000	300,000	0
Public Works	Improved Coordination	100,000		100,000
Public Works	Separated Bike Lanes - Additional Funding	100,000		100,000
Public Works	Andrews Square Supplemental Funding	100,000		100,000
<u>Vehicles</u>				
Fire	3 Fire Trucks (1 Quint Ladder, 2 Pumper Engines)	2,700,000		2,700,000
Fire	MEDCU Ambulance Grant Match	63,000		63,000
Fleet	2-way radio replacement	30,000		30,000
HHS	Used HHS 10 passenger van	30,000		30,000
HHS	Used large SUV or Minivan	25,000		25,000
Islands	1.25 ton truck w/plow GDI	75,000		75,000
Islands	2 - 42 CY Dumpsters @ 9,000 ea.	19,000		19,000
Parking	Used Compact Pickup	26,000		26,000
Parks & Rec	0.75 ton PU w/plow & dump	45,000		45,000
Parks & Rec	Toolcat	65,000		65,000
Parks & Rec	0.75 tn PU w/plow golf course	40,000		40,000
Parks & Rec	New Ventrac 4500K	75,000		75,000

Parks & Rec	52 PTO HP Tractor	55,000		55,000
Parks & Rec	JD 2025D Style Tractor	35,000		35,000
Parks & Rec	Fairway Mower Golf Course	55,000		55,000
Parks & Rec	3/4 ton PU w/plow	45,000		45,000
PDD	0.75 ton PU w/plow	40,000		40,000
Police	7 Hybrid Police Cruisers	413,000		413,000
Public Schools	3 Buses and 1 Van	325,000		325,000
PW Safety	Used SUV	23,000		23,000
Solid Waste	Packer (rental or lease)	65,000		65,000
Streets	Backhoe/Loader	105,000		105,000
SW	Used 1/2 ton PU w/liftgate	25,000		25,000
Traffic	VMC (variable message board)	20,000		20,000
Traffic	Used 1/2 ton PU	25,000		25,000
Various	and Efficiency Maine rebates)	0		0
Waterfront & Public Buildings	2 ton plow truck w/wing 4WD	130,000		130,000
Waterfront & Public Buildings	Van	35,000		35,000
Winter	SA Plow truck	185,000		185,000
Winter	Loader w/wing & plow	220,000		220,000
Sub-Total (General Fund)		14,281,841	3,500,000	10,781,841
Prior CIP Reallocations				(389,039)
Total (General Fund)				10,392,802
2021 CIP - Sewer Fund				
Sewer	CSO-Non SRF Sewer / Storm Consulting and Inspection Services	1,500,000		1,500,000
Sewer	Inflow and Infiltration Phase 3 Mitigation	1,100,000		1,100,000
Sewer	CSO - Close CSO #39	700,000		700,000
Sewer	CMOM - Pump Station Rehabilitation	670,000		670,000
Sewer	CSO - Close CSO #42	500,000		500,000
Sewer	Concord Street and Mayer Road Sewer Repair/Replacement	500,000		500,000
Sewer	CMOM - Sewer System Renewal	500,000		500,000
Sewer	District Road Fueling Island	313,000		313,000
Sewer	ESRI Conversion to Utility Network	225,000		225,000
Sewer	Sweeper (#3143) Replacement	200,000		200,000
Sewer	CSO - #26 Sewershed	200,000		200,000
Sewer	Truck Replacement (#2511)	50,000		50,000
Sewer	Supervisor Truck (#2112) Replacement	50,000		50,000
Stormwater	Fore Street Sewer Separation	2,300,000		2,300,000
Stormwater	Presumpscot Culvert	475,000		475,000
Stormwater	Stormwater Neighborhood Infrastructure Improvements	200,000		200,000
Stormwater	Green Infrastructure	200,000		200,000
Sub-Total (Sewer Fund)				9,683,000
Prior Sewer Fund Reallocations				(2,300,000)
Total (Sewer Fund)				7,383,000
TOTAL (General Fund & Sewer Fund)				17,775,802

CITY OF PORTLAND
IN THE CITY COUNCIL

**ORDER APPROPRIATING BOND PROCEEDS AND OTHER FUNDS IN AN AMOUNT
NOT TO EXCEED \$23,964,841 FOR
THE CITY'S FISCAL YEAR 2022 CAPITAL IMPROVEMENT PROGRAM**

IT IS HEREBY ORDERED THAT:

1. Subject to paragraph 2 and 3 below, the sum of \$23,964,841 be and hereby is appropriated to finance the projects more particularly described in the project list for the City's 2022 Capital Improvement Program attached hereto as Exhibit A (the "2022 CIP Projects"), as follows:
 - a. An amount not to exceed \$17,775,802 is appropriated from the proceeds of the City's general obligation bonds to be authorized by the City Council and issued to finance a portion of the costs of the 2022 CIP Projects;
 - b. An additional amount not to exceed \$6,189,039 is appropriated as follows:
 1. An amount not to exceed \$3,500,000 is appropriated from the City's Surplus Fund Balance to finance a portion of the costs of certain street / sidewalk / signalization improvements included in the 2022 CIP Projects;
 2. An amount not to exceed \$389,039 is reallocated and appropriated from unspent proceeds of the City's prior 1999, 2006-2010, and 2013 General Obligation Bonds to finance a portion of the costs of the 2022 CIP Projects (General Fund), as shall be directed by the Director of Finance; and
 3. An amount not to exceed \$2,300,000 is reallocated and appropriated from unspent proceeds of the City's prior 2021 General Obligation Bonds to finance a portion of the costs of the City's stormwater and sewer projects included in the 2022 CIP Projects (Sewer Fund), as shall be directed by the Director of Finance.
2. The appropriation set forth in paragraph 1(a) above is and shall be contingent upon the approval by the City Council of general obligation bonds for such purposes (the amount appropriated in said paragraph 1(a) to be adjusted to reflect the principal amount of bonds so authorized) and the issuance and delivery of such bonds (or notes in anticipation thereof) for such purposes. The foregoing appropriations shall also be applied to issuance costs for such bonds (or notes in anticipation thereof).
3. That if the actual cost of any 2022 CIP Project differs from the estimated cost on the attached Exhibit A, whether due to completion, delay or abandonment of the Project or for any other reason, the Director of Finance is authorized, in his discretion, to reallocate proceeds of the bonds issued therefore or the other funds appropriated therefore to any other project listed on the 2022 CIP Project List or to any other project or improvement that the City Council has approved or may in the future approve as part of the City's annual capital improvement plan.

2021 CIP - General Fund

Department	Project Title	CIP Amount	Other Funding	Bond Amount
<u>Equipment</u>				
Communications	Portable Radios Upgrade	300,000		300,000
Information Technology	Barron Center Phones Upgrade	48,000		48,000
Information Technology	Improvements to Information Security Program	31,000		31,000
Information Technology	Replace Network Switches	250,000		250,000
Information Technology	DPW Traffic Managed Network	20,000		20,000
Information Technology	Consolidate city camera systems (except jetport)	72,000		72,000
Parking / Garages	Parking Meter Replacement Phase 2	115,000		115,000
Parking / Garages	Multi Space Parking Meters Shipyard & Cross Arena	22,000		22,000
Parks & Rec	Payson Park Playground	350,000		350,000
Parks & Rec	Deering Oaks Playground Accident Replacements	45,000		45,000
<u>Facilities</u>				
Facilities & Waterfront	212 Canco Roof Replacement	325,000		325,000
Facilities & Waterfront	Offices & Customer Service Areas A/C Installation	150,000		150,000
Fire Department	Riverton Station - Boiler Room Upgrades	150,000		150,000
Parks & Rec	Golf Course Upgrades - HVAC and Drainage	115,000		115,000
Parks & Rec	Evergreen Cemetery Columbaria Phase II	108,000		108,000
Public Schools	Masonry Repair at Deering High School	150,000		150,000
Public Schools	Technology & Fire Alarm System Upgrades - PIES	100,000		100,000
Public Schools	Install fire sprinkler system - PIES	130,000		130,000
Public Schools	Door Access Controls - King and Lincoln	115,000		115,000
Public Works	Federal Street Cemetery Wall Repair	35,000		35,000
<u>Marine</u>				
Facilities & Waterfront	Compass Park Ongoing pile/pier work	200,000		200,000
Facilities & Waterfront	POT - Pile Survey	140,000		140,000
Facilities & Waterfront	On going pile/pier work at OG and P.O.T	100,000		100,000
Facilities & Waterfront	Bollard/ Bit Replacement	100,000		100,000
<u>Parks, Fields, Trails</u>				
Parks & Rec	Skatepark Expansion	50,000		50,000
Parks & Rec	ADA Walkway Paving--Deering Oaks	118,000		118,000
	Court Resurfacing - Reiche and West End (Various), Lyman			
Parks & Rec	Moore, Fox St, Talbot School	97,000		97,000
Planning & Urban Development	Congress Square Redesign - Construction Drawing Completion	50,000		50,000
<u>Streets/Sidewalks</u>				
Facilities & Waterfront	Sidewalks at Exposition Building Entrance	160,000		160,000
Barron Center	Resurfacing of Roadways & Parking Lots	137,841		137,841
Public Works	DOT Bridge Report	25,000		25,000
<u>Transportation</u>				
Public Works	DOT - MPI - Paving Stevens Avenue	640,000		640,000
Public Works	PACTS MPI - Elm Street Paving - Congress to Marginal	315,000		315,000
Public Works	Pavement Preservation Program	1,500,000	1,500,000	0
Public Works	Sidewalk & ADA Rehabilitation Program	600,000		600,000
Public Works	Congress Square Intersection Construction - DOT Eligible	1,200,000	1,200,000	0
Public Works	PACTS TIP - Brighton Avenue Multi-Modal Project	124,000		124,000
Public Works	Traffic Signals Upgrade Program	500,000	500,000	0
Public Works	Ineligibles)	300,000	300,000	0
Public Works	Improved Coordination	100,000		100,000
Public Works	Separated Bike Lanes - Additional Funding	100,000		100,000
Public Works	Andrews Square Supplemental Funding	100,000		100,000
<u>Vehicles</u>				
Fire	3 Fire Trucks (1 Quint Ladder, 2 Pumper Engines)	2,700,000		2,700,000
Fire	MEDCU Ambulance Grant Match	63,000		63,000
Fleet	2-way radio replacement	30,000		30,000
HHS	Used HHS 10 passenger van	30,000		30,000
HHS	Used large SUV or Minivan	25,000		25,000
Islands	1.25 ton truck w/plow GDI	75,000		75,000
Islands	2 - 42 CY Dumpsters @ 9,000 ea.	19,000		19,000
Parking	Used Compact Pickup	26,000		26,000
Parks & Rec	0.75 ton PU w/plow & dump	45,000		45,000
Parks & Rec	Toolcat	65,000		65,000
Parks & Rec	0.75 tn PU w/plow golf course	40,000		40,000
Parks & Rec	New Ventrac 4500K	75,000		75,000

Parks & Rec	52 PTO HP Tractor	55,000		55,000
Parks & Rec	JD 2025D Style Tractor	35,000		35,000
Parks & Rec	Fairway Mower Golf Course	55,000		55,000
Parks & Rec	3/4 ton PU w/plow	45,000		45,000
PDD	0.75 ton PU w/plow	40,000		40,000
Police	7 Hybrid Police Cruisers	413,000		413,000
Public Schools	3 Buses and 1 Van	325,000		325,000
PW Safety	Used SUV	23,000		23,000
Solid Waste	Packer (rental or lease)	65,000		65,000
Streets	Backhoe/Loader	105,000		105,000
SW	Used 1/2 ton PU w/liftgate	25,000		25,000
Traffic	VMC (variable message board)	20,000		20,000
Traffic	Used 1/2 ton PU	25,000		25,000
Various	and Efficiency Maine rebates)	0		0
Waterfront & Public Buildings	2 ton plow truck w/wing 4WD	130,000		130,000
Waterfront & Public Buildings	Van	35,000		35,000
Winter	SA Plow truck	185,000		185,000
Winter	Loader w/wing & plow	220,000		220,000
Sub-Total (General Fund)		14,281,841	3,500,000	10,781,841
Prior CIP Reallocations				(389,039)
Total (General Fund)		14,281,841		10,392,802
2021 CIP - Sewer Fund				
Sewer	CSO-Non SRF Sewer / Storm Consulting and Inspection Services	1,500,000		1,500,000
Sewer	Inflow and Infiltration Phase 3 Mitigation	1,100,000		1,100,000
Sewer	CSO - Close CSO #39	700,000		700,000
Sewer	CMOM - Pump Station Rehabilitation	670,000		670,000
Sewer	CSO - Close CSO #42	500,000		500,000
Sewer	Concord Street and Mayer Road Sewer Repair/Replacement	500,000		500,000
Sewer	CMOM - Sewer System Renewal	500,000		500,000
Sewer	District Road Fueling Island	313,000		313,000
Sewer	ESRI Conversion to Utility Network	225,000		225,000
Sewer	Sweeper (#3143) Replacement	200,000		200,000
Sewer	CSO - #26 Sewershed	200,000		200,000
Sewer	Truck Replacement (#2511)	50,000		50,000
Sewer	Supervisor Truck (#2112) Replacement	50,000		50,000
Stormwater	Fore Street Sewer Separation	2,300,000		2,300,000
Stormwater	Presumpscot Culvert	475,000		475,000
Stormwater	Stormwater Neighborhood Infrastructure Improvements	200,000		200,000
Stormwater	Green Infrastructure	200,000		200,000
Sub-Total (Sewer Fund)		9,683,000		9,683,000
Prior Sewer Fund Reallocations				(2,300,000)
Total (Sewer Fund)		9,683,000		7,383,000
TOTAL (General Fund & Sewer Fund)		23,964,841		17,775,802

FY23 - FY27 CIP Requests

Classification	Department	Division	Project Title	2023	2024	2025	2026	2027
Facilities	Fire Department	Building Maintenance	Bramhall - Boiler Room Upgrades	155,000				
Equipment	Fire Department	Emergency Maintenance	Cardiac Monitor Replacement	40,064	71,206	71,206	71,206	71,206
Equipment	Fire Department	Firefighting	Self-contained breathing apparatus (SCBA) Replacement	900,000				
Equipment	Information Technology	Information Technology	Replace 30 C5G124 switches	200,000				
Equipment	Information Technology	Information Technology	Barron Center WiFi refresh FY 2023	10,000				
Facilities	Parking / Garage	Elm Street Garage	Sealants and Concreate Repairs Levels 2 and 3 290K one year and levels 4 & 5 295K the next year	290,000	295,000			
Facilities	Parking / Garage	Temple Street Garage	Neogard traffic Membrane recoat Temple St	550,000				
Facilities	Parking / Garage	Spring Street Garage	Neogard Traffic membrane Recoat Spring St			480,000		
Facilities	Parking / Garage	Spring Street Garage	Roof Deck Traffic Membrane Recoat		150,000			
Facilities	Parking / Garage	Temple Street Garage	Painting of Structural Steel			285,000		
Structural Steel	Parking / Garage	Spring Street Garage	Painting Structural Steel				285,000	
Facilities	Parking / Garage	Temple Street Garage	Replace Pavement & Membrane		425,000			
Equipment	Parks, Recreation & Fields	Parks	Reiche Playground	350,000				
Parks, Recreation & Fields	Parks, Recreation & Fields	Parks	Skatepark Expansion	205,000				
Facilities	Parks, Recreation & Fields	Merrill Auditorium	Merrill Auditorium Exterior Door Replacement	120,000				
Facilities	Parks, Recreation & Fields	Ice Arena	Ice Arena Foundation Leak Fix	45,000				
Parks, Recreation & Fields	Parks, Recreation & Fields	Parks	City Wide Fencing Replacement	54,500				
Parks, Recreation & Fields	Parks, Recreation & Fields	Parks	Payson Park Bollard Replacement	50,500				
Parks, Recreation & Fields	Parks, Recreation & Fields	Parks	Cleeves Monument Plaza - Eastern Prom	92,000				
Transportation	Planning & Transportation	Transportation	Neighborhood Byway City-wide Network Implementation	120,000	120,000	120,000		
Transportation	Planning & Transportation	Transportation	West Commercial Street Pathway - Phase III	425,000				
Transportation	Planning & Transportation	Transportation	East Coast Greenway Baxter Blvd/Back Cove to Martins Point	100,000				
Transportation	Planning & Transportation	Transportation	Parkside to Libbytown Pathway Phase III		250,000			
Parks, Recreation & Fields	Planning & Transportation	Planning	Congress Square Redesign - Future CIP Request from Friends of Congress Square	2,295,000				
Streets/Sidewalks	Planning & Transportation	Planning	City Hall Accessibility-Sidewalk-Streetscape	25,000	175,000	200,000		
Streets/Sidewalks	Planning & Transportation	Historic Preservation	Plum Street Rehabilitation	12,000	88,000			
Facilities	Public Buildings	Public Safety	Replace Concrete Steps/Railings at Main Entrance	157,000				
Facilities	Public Buildings	Canco Road	212 Roof Replacement	400,000	400,000			
Facilities	Public Buildings	City Hall	Passenger Elevator Modernization	300,000				
Marine	Public Buildings	Waterfront	Mega Berth Terminal Structural Painting	100,000				
Marine	Public Buildings	Waterfront	Compass Park Ongoing pile/pier work	200,000				
Facilities	Public Buildings	City Hall	Interior Renovations /Security Upgrades	600,000				
Marine	Public Buildings	Waterfront	POT - Pile Survey	337,500				
Facilities	Public Buildings	Other Public Buildings	90 Anderson St - Upgrades	250,000				
Marine	Public Buildings	Waterfront	On going pile/pier work at OG and P.O.T	225,000	225,000			
Facilities	Public Buildings	Other Public Buildings	Forest City/Evergreen Cemeteries Rehab	200,000	200,000			
Marine (i.e. Public Buildings)	Public Buildings	Waterfront	Bollard/ Bit Replacement	200,000		200,000		
Marine	Public Buildings	Waterfront	Gangway Extentions	160,000				
Facilities	Public Buildings	Hadlock Field	Structural Repairs/Roof Covering - Hadlock	150,000				
Facilities	Public Buildings	Other Public Buildings	Observatory - Painting and Other Maintenance	50,000				
Facilities	Public Buildings	Merrill	Merrill - Roof replacement (Engineering Only)	30,000	550,000			
Facilities	Public Buildings	Canco Road	Engineering Services / Construction For Day Care 212 Canco Rd					580,000
Facilities	Public Buildings	Canco Road	212 Canco Rd Parks Office Renovations				250,000	
Facilities	Public Buildings	Canco Road	212/250 Canco Rd Exterior Wall Repair		75,000			
212 Canco Rd	Public Buildings	Canco Road	212/250 Canco Rd Window Replacement			200,000		
Facilities	Public Buildings	Canco Road	250 Canco Rd Roof Replacement Phase 1 of 2			450,000		
Facilities	Public Buildings	Canco Road	250 Canco Rd Portable Generators				85,000	

Facilities	Public Build	City Hall	Copper Roof Engineering Only		75,000	1,500,000	1,500,000	
Equipment	Public Build	City Hall	Portable 3 Phase Generator				10,000	120,000
Facilities	Public Build	City Hall	Replace sewer main in tunnel					200,000
Facilities	Public Build	City Hall	Archivist					200,000
Facilities	Public Build	City Hall	Add Sprinkler System	315,000				
Equipment	Public Build	City Hall	Mechanical Assist Mobile Storage for Planning					80,000
Equipment	Public Build	City Hall	City Hall Fire Doors for Common Areas	125,000				
Facilities	Public Build	Exposition Bui	Emergency Egress Access Doors	50,000				
Facilities	Public Build	Exposition Bui	Concession Stand Renovation	400,000				
Facilities	Public Build	Exposition Bui	Expo - ADA Upgrades	75,000				
Facilities	Public Build	Exposition Bui	Boiler Replacement		420,000			
Facilities	Public Build	Hadlock Field	Hadlock Concourse Stair Stringers	100,000				
Facilities	Public Build	Hadlock Field	Metal Siding,Door,Window Replacement	100,000				
Facilities	Public Build	Merrill	Stage Floor Replacement	80,000				
Facilities	Public Build	Merrill	Retaining Wall		90,000			
Facilities	Public Build	Merrill	Boiler Replacement				500,000	
Facilities	Public Build	Other Public B	Deering Oaks Restroom Facility (Engineering Only)	75,000	500,000			
Facilities	Public Build	Public Safety	Window Replacement	200,000	300,000			
Facilities	Public Build	Public Safety	Repoint/Waterproof Building Exterior		300,000			
Facilities	Public Build	Public Safety	Brick Plaza Replacement		300,000			
Facilities	Public Build	Public Safety	Master Plan	200,000				
Marine	Public Build	Waterfront	POT Rail Removal	100,000	100,000			
Equipment	Public Build	Waterfront	Pile Jackets -OG	225,000				
Marine (i.e.	Public Build	Waterfront	Floats at Maine State Pier/Great Diamond Island		100,000	100,000		
Facilities	Public Build	Waterfront	Terminal Bldg Renovation				420,000	
Streets/Side	Public Build	Waterfront	Great Diamond Island Boardwalk		390,000			
Marine	Public Build	Waterfront	Peaks Govt Dock		420,000			
Schools	Public Scho	Various	School Department CIP Requests (Various)	1,200,000	1,500,000	1,500,000	4,000,000	4,000,000
Transportat	Public Work	Engineering	Pavement Preservation Program	1,750,000	2,000,000	2,500,000	2,500,000	2,500,000
Transportat	Public Work	Engineering	Sidewalk & ADA Rehabilitation Program	750,000	1,000,000	1,200,000	1,200,000	1,400,000
Transportat	Public Work	Engineering	PACTS TIP - Brighton Avenue Multi-Modal Project	62,500	1,000,000	62,500	1,000,000	130,000
Transportat	Public Work	Engineering	Traffic Signals Upgrade Program	500,000	500,000	700,000	700,000	750,000
Streets/Side	Public Work	Engineering	Riverside Street Embankment	35,000				
Transportat	Public Work	Engineering	Water Resource Project Ineligibles (CSO Compliance-SRF Ineligibles)	500,000	500,000	500,000	500,000	500,000
Transportat	Public Work	Engineering	High-Speed Communications for Adaptive Signal Corridors and Improved Coordination	100,000	100,000	100,000	100,000	125,000
Facilities	Public Work	Engineering	Federal Street Cemetery Wall Repair	100,000				
Transportat	Public Work	Engineering	Transportation Preliminary Design	25,000	25,000	25,000	25,000	60,000
Transportat	Public Work	Engineering	Street Rehabilitation Program	200,000	250,000	250,000	250,000	300,000
Facilities	Public Work	Island Services	Islands Salt Sheds	60,000	30,000	30,000		
Transportat	Public Work	Engineering	RR Quiet Zone Compliance Program	10,000	10,000	10,000	10,000	10,000
Transportat	Public Work	Engineering	Commercial Street Sidewalk Improvements	100,000				
Parks, Field	Public Work	Engineering	Veranda Street Open Space	15,000	185,000			
Equipment	Public Work	Communicatio	Radio System Upgrade	100,000				
Transportat	Public Work	Engineering	Franklin Street Signal Improvements and Other Master Plan Outcomes	90,000				
Transportat	Public Work	Engineering	Washington Avenue Streetscape Improvements, Oxford to E. Prom: E. Prom Intersection Treatment	100,000	750,000			
Transportat	Public Work	Engineering	Rehabilitation of Cobblestone / Paver Streets	100,000	150,000	150,000	150,000	175,000
Transportat	Public Work	Engineering	Marginal Way Signal Upgrades					350,000
Transportat	Public Work	Engineering	Monument Way & Square Rehabilitation		250,000	500,000	500,000	

Transportat	Public Work	Engineering	Morrills Corner (State Route 302 and 100)	105,000	100,000	1,500,000		
Transportat	Public Work	Engineering	PACTS RTMS - Regional Signals, Communications, and Match Money for Projects	68,750	68,750	68,750	68,750	68,750
Transportat	Public Work	Engineering	Traffic Signal Upgrades with Paving Programs	200,000	200,000	200,000	200,000	
Transportat	Public Work	Engineering	PACTS Washington Avenue Road & Signals (Oxford to Congress)	650,000				
Transportat	Public Work	Engineering	Bike Facility Safety Improvements		50,000	50,000	50,000	50,000
Transportat	Public Work	Engineering	Wharf Street Reconstruction	850,000				
Transportat	Public Work	Engineering	Intersection Redesign at Fore and Pearl	65,000	600,000			
Transportat	Public Work	Engineering	Libbytown Sidewalk and ADA Improvements	150,000	150,000	150,000	150,000	150,000
Transportat	Public Work	Engineering	Marshall Street Improvements	50,000	450,000			
Transportat	Public Work	Engineering	PACTS MPI Congress St (FRPW to Stevens)		400,000			
Facilities	Public Work	Island Services	Cliff Island Public Works Facilities				300,000	
Transportat	Public Work	Engineering	Cutter Street				350,000	
Transportat	Public Work	Engineering	Dana Street Reconstruction	1,200,000				
Wastewater	Public Work	Sewer	Pavement Preservation Utility Cost	200,000				
Transportat	Public Work	Engineering	DOT MPI - Congress St Paving (Pearl to Washington)	405,360				
Transportat	Public Work	Engineering	DOT MPI - State Street Paving - Pine to York	255,000				
Streets/Side	Public Work	Engineering	PACTS York St Sidewalk and Street Rehab	250,000				
Streets/Side	Public Work	Engineering	ADA Compliance	150,000	150,000	150,000	150,000	150,000
Fire			5 Fire Trucks (3 trucks in current year, 2 more in following year)	2,200,000				
Police			7 Hybid Cruisers @ 55,000 ea.	405,000	405,000	405,000	405,000	405,000
Fire			MEDCU Ambulance Grant Match	265,000	265,000	265,000	265,000	265,000
PDD			Sidewalk Tractor	160,000				
Islands			2 ton dump w/plow Cliff	125,000				
Police			3 K-9 Cruisers at 62,000 ea.	186,000				
Fire			1/2 ton PU crew Cab	45,000				
Parks & Rec			New Ventrac SSV	45,000				
Parks & Rec			Tracked Skidsteer	100,000				
Winter			2 ton Dump w/plow	125,000				
Streets			1.5 ton Dump w/plow	85,000				
Streets			Used Sweeper from WR	40,000				
Streets			Hot Top Roller	25,000				
Various			Additional Vehicle Replacement Requests Per Fleet Schedule	1,250,000	1,250,000	1,250,000	1,250,000	1,250,000
GENERAL FUND REQUESTS TOTAL				26,896,174	18,357,956	15,172,456	17,244,956	13,889,956
ANTICIPATED NEW GENERAL FUND BORROWING CAPACITY				10,500,000	10,500,000	10,500,000	10,500,000	20,000,000
Wastewater	Water Reso	Stormwater	Fore Street Sewer Separation - Phase 2	1,700,000				
Wastewater	Water Reso	Sewer	CSO-Non SRF Sewer / Storm Consulting and Inspection Services	500,000	500,000	500,000	500,000	500,000
Wastewater	Water Reso	Sewer	Inflow and Infiltration Phase 3 Mitigation	1,650,000	1,650,000	1,650,000	1,650,000	1,650,000
Wastewater	Water Reso	Sewer	CMOM - Pump Station Rehabilitation	670,000	670,000	670,000	670,000	670,000
Wastewater	Water Reso	Sewer	Concord Street and Mayer Road Sewer Repair/Replacement	250,000	250,000	250,000	250,000	250,000
Wastewater	Water Reso	Sewer	CMOM - Sewer System Renewal	250,000	250,000	250,000	250,000	250,000
Wastewater	Water Reso	Stormwater	Stormwater Neighborhood Infrastructure Improvements	200,000	200,000	200,000	200,000	200,000
Stormwater	Water Reso	Stormwater	Green Infrastructure	200,000	200,000	200,000	200,000	200,000
Wastewater	Water Reso	Sewer	CSO - #26 Sewershed	500,000				
Wastewater	Water Reso	Sewer	Wharf Street Sewer Separation			1,000,000		
Wastewater	Water Reso	Stormwater	Western Prom Storm Drain Improvements	1,330,000				
Marine	Water Reso	Stormwater	Stoudwater Dam	155,000	205,000	5,000		
Stormwater	Water Reso	Stormwater	Somerset Street Flood Mitigation Project		5,500,000			

Stormwater	Water Reso	Stormwater	Sagamore Village Green Infrastructure Project	500,000	500,000	500,000		
Stormwater	Water Reso	Stormwater	Rand Road Culvert Replacement	1,000,000	2,500,000			
Wastewater	Water Reso	Sewer	Pearl Street Sewer Replacement	2,000,000	2,000,000			
Wastewater	Water Reso	Sewer	Morrills Corner Sewer Replacement	1,000,000				
Wastewater	Water Reso	Sewer	Monument Way & Square Sewer / Storm	500,000	500,000			
Wastewater	Water Reso	Stormwater	Forest Avenue - Clifton to Coyle		1,000,000			
Wastewater	Water Reso	Sewer	CSO- West End Sewer Separation			2,000,000	2,000,000	
Wastewater	Water Reso	Sewer	CSO- Hersey Street and Irving Street Storm Drain Separation	2,500,000				
Wastewater	Water Reso	Sewer	CSO- Franklin Street Sewer Separation- Middle to Congress				1,500,000	
Wastewater	Water Reso	Sewer	CSO- Franklin Street Sewer Separation- Lancaster to Congress			1,000,000		
Wastewater	Water Reso	Sewer	CSO- Downtown District Sewer Separation			2,000,000	2,000,000	2,000,000
Vehicles	Water Reso	Sewer	Combination Unit	450,000				
Wastewater	Water Reso	Stormwater	Center Street Storm Drain	2,000,000				
			SEWER FUND REQUESTS TOTAL	17,355,000	15,925,000	10,225,000	9,220,000	5,720,000

MEMORANDUM
City Council Agenda Item

FROM:

DATE: February 17, 2021

SUBJECT: Order 177-20/21 Appropriating Bond Proceeds and other Funds in an Amount not to Exceed \$23,964,841 for the City's Fiscal Year 2021 Capital Improvement Program - Sponsored by the Finance Committee, Nicholas M. Mavodones, Jr., Chair

SPONSOR: Finance Committee, Nicholas M. Mavodones, Jr., Chair

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

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

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

I. SUMMARY

II. AGENDA DESCRIPTION

This is a companion order to Order 176-20/21, above.

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

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. Portland FY22 CIP Bonds - appropriation order

Prepared by:

Date: 2/17/2021

CITY OF PORTLAND
IN THE CITY COUNCIL

**ORDER APPROPRIATING BOND PROCEEDS AND OTHER FUNDS IN AN AMOUNT
NOT TO EXCEED \$23,964,841 FOR
THE CITY'S FISCAL YEAR 2022 CAPITAL IMPROVEMENT PROGRAM**

IT IS HEREBY ORDERED THAT:

1. Subject to paragraph 2 and 3 below, the sum of \$23,964,841 be and hereby is appropriated to finance the projects more particularly described in the project list for the City's 2022 Capital Improvement Program attached hereto as Exhibit A (the "2022 CIP Projects"), as follows:
 - a. An amount not to exceed \$17,775,802 is appropriated from the proceeds of the City's general obligation bonds to be authorized by the City Council and issued to finance a portion of the costs of the 2022 CIP Projects;
 - b. An additional amount not to exceed \$6,189,039 is appropriated as follows:
 1. An amount not to exceed \$3,500,000 is appropriated from the City's Surplus Fund Balance to finance a portion of the costs of certain street / sidewalk / signalization improvements included in the 2022 CIP Projects;
 2. An amount not to exceed \$389,039 is reallocated and appropriated from unspent proceeds of the City's prior 1999, 2006-2010, and 2013 General Obligation Bonds to finance a portion of the costs of the 2022 CIP Projects (General Fund), as shall be directed by the Director of Finance; and
 3. An amount not to exceed \$2,300,000 is reallocated and appropriated from unspent proceeds of the City's prior 2021 General Obligation Bonds to finance a portion of the costs of the City's stormwater and sewer projects included in the 2022 CIP Projects (Sewer Fund), as shall be directed by the Director of Finance.
2. The appropriation set forth in paragraph 1(a) above is and shall be contingent upon the approval by the City Council of general obligation bonds for such purposes (the amount appropriated in said paragraph 1(a) to be adjusted to reflect the principal amount of bonds so authorized) and the issuance and delivery of such bonds (or notes in anticipation thereof) for such purposes. The foregoing appropriations shall also be applied to issuance costs for such bonds (or notes in anticipation thereof).
3. That if the actual cost of any 2022 CIP Project differs from the estimated cost on the attached Exhibit A, whether due to completion, delay or abandonment of the Project or for any other reason, the Director of Finance is authorized, in his discretion, to reallocate proceeds of the bonds issued therefore or the other funds appropriated therefore to any other project listed on the 2022 CIP Project List or to any other project or improvement that the City Council has approved or may in the future approve as part of the City's annual capital improvement plan.

2021 CIP - General Fund

Department	Project Title	CIP Amount	Other Funding	Bond Amount
<u>Equipment</u>				
Communications	Portable Radios Upgrade	300,000		300,000
Information Technology	Barron Center Phones Upgrade	48,000		48,000
Information Technology	Improvements to Information Security Program	31,000		31,000
Information Technology	Replace Network Switches	250,000		250,000
Information Technology	DPW Traffic Managed Network	20,000		20,000
Information Technology	Consolidate city camera systems (except jetport)	72,000		72,000
Parking / Garages	Parking Meter Replacement Phase 2	115,000		115,000
Parking / Garages	Multi Space Parking Meters Shipyard & Cross Arena	22,000		22,000
Parks & Rec	Payson Park Playground	350,000		350,000
Parks & Rec	Deering Oaks Playground Accident Replacements	45,000		45,000
<u>Facilities</u>				
Facilities & Waterfront	212 Canco Roof Replacement	325,000		325,000
Facilities & Waterfront	Offices & Customer Service Areas A/C Installation	150,000		150,000
Fire Department	Riverton Station - Boiler Room Upgrades	150,000		150,000
Parks & Rec	Golf Course Upgrades - HVAC and Drainage	115,000		115,000
Parks & Rec	Evergreen Cemetery Columbaria Phase II	108,000		108,000
Public Schools	Masonry Repair at Deering High School	150,000		150,000
Public Schools	Technology & Fire Alarm System Upgrades - PIES	100,000		100,000
Public Schools	Install fire sprinkler system - PIES	130,000		130,000
Public Schools	Door Access Controls - King and Lincoln	115,000		115,000
Public Works	Federal Street Cemetery Wall Repair	35,000		35,000
<u>Marine</u>				
Facilities & Waterfront	Compass Park Ongoing pile/pier work	200,000		200,000
Facilities & Waterfront	POT - Pile Survey	140,000		140,000
Facilities & Waterfront	On going pile/pier work at OG and P.O.T	100,000		100,000
Facilities & Waterfront	Bollard/ Bit Replacement	100,000		100,000
<u>Parks, Fields, Trails</u>				
Parks & Rec	Skatepark Expansion	50,000		50,000
Parks & Rec	ADA Walkway Paving--Deering Oaks	118,000		118,000
	Court Resurfacing - Reiche and West End (Various), Lyman			
Parks & Rec	Moore, Fox St, Talbot School	97,000		97,000
Planning & Urban Development	Congress Square Redesign - Construction Drawing Completion	50,000		50,000
<u>Streets/Sidewalks</u>				
Facilities & Waterfront	Sidewalks at Exposition Building Entrance	160,000		160,000
Barron Center	Resurfacing of Roadways & Parking Lots	137,841		137,841
Public Works	DOT Bridge Report	25,000		25,000
<u>Transportation</u>				
Public Works	DOT - MPI - Paving Stevens Avenue	640,000		640,000
Public Works	PACTS MPI - Elm Street Paving - Congress to Marginal	315,000		315,000
Public Works	Pavement Preservation Program	1,500,000	1,500,000	0
Public Works	Sidewalk & ADA Rehabilitation Program	600,000		600,000
Public Works	Congress Square Intersection Construction - DOT Eligible	1,200,000	1,200,000	0
Public Works	PACTS TIP - Brighton Avenue Multi-Modal Project	124,000		124,000
Public Works	Traffic Signals Upgrade Program	500,000	500,000	0
Public Works	Ineligibles)	300,000	300,000	0
Public Works	Improved Coordination	100,000		100,000
Public Works	Separated Bike Lanes - Additional Funding	100,000		100,000
Public Works	Andrews Square Supplemental Funding	100,000		100,000
<u>Vehicles</u>				
Fire	3 Fire Trucks (1 Quint Ladder, 2 Pumper Engines)	2,700,000		2,700,000
Fire	MEDCU Ambulance Grant Match	63,000		63,000
Fleet	2-way radio replacement	30,000		30,000
HHS	Used HHS 10 passenger van	30,000		30,000
HHS	Used large SUV or Minivan	25,000		25,000
Islands	1.25 ton truck w/plow GDI	75,000		75,000
Islands	2 - 42 CY Dumpsters @ 9,000 ea.	19,000		19,000
Parking	Used Compact Pickup	26,000		26,000
Parks & Rec	0.75 ton PU w/plow & dump	45,000		45,000
Parks & Rec	Toolcat	65,000		65,000
Parks & Rec	0.75 tn PU w/plow golf course	40,000		40,000
Parks & Rec	New Ventrac 4500K	75,000		75,000

Parks & Rec	52 PTO HP Tractor	55,000		55,000
Parks & Rec	JD 2025D Style Tractor	35,000		35,000
Parks & Rec	Fairway Mower Golf Course	55,000		55,000
Parks & Rec	3/4 ton PU w/plow	45,000		45,000
PDD	0.75 ton PU w/plow	40,000		40,000
Police	7 Hybrid Police Cruisers	413,000		413,000
Public Schools	3 Buses and 1 Van	325,000		325,000
PW Safety	Used SUV	23,000		23,000
Solid Waste	Packer (rental or lease)	65,000		65,000
Streets	Backhoe/Loader	105,000		105,000
SW	Used 1/2 ton PU w/liftgate	25,000		25,000
Traffic	VMC (variable message board)	20,000		20,000
Traffic	Used 1/2 ton PU	25,000		25,000
Various	and Efficiency Maine rebates)	0		0
Waterfront & Public Buildings	2 ton plow truck w/wing 4WD	130,000		130,000
Waterfront & Public Buildings	Van	35,000		35,000
Winter	SA Plow truck	185,000		185,000
Winter	Loader w/wing & plow	220,000		220,000

Sub-Total (General Fund)	14,281,841	3,500,000	10,781,841
Prior CIP Reallocations			(389,039)
Total (General Fund)	14,281,841		10,392,802

2021 CIP - Sewer Fund

Sewer	CSO-Non SRF Sewer / Storm Consulting and Inspection Services	1,500,000		1,500,000
Sewer	Inflow and Infiltration Phase 3 Mitigation	1,100,000		1,100,000
Sewer	CSO - Close CSO #39	700,000		700,000
Sewer	CMOM - Pump Station Rehabilitation	670,000		670,000
Sewer	CSO - Close CSO #42	500,000		500,000
Sewer	Concord Street and Mayer Road Sewer Repair/Replacement	500,000		500,000
Sewer	CMOM - Sewer System Renewal	500,000		500,000
Sewer	District Road Fueling Island	313,000		313,000
Sewer	ESRI Conversion to Utility Network	225,000		225,000
Sewer	Sweeper (#3143) Replacement	200,000		200,000
Sewer	CSO - #26 Sewershed	200,000		200,000
Sewer	Truck Replacement (#2511)	50,000		50,000
Sewer	Supervisor Truck (#2112) Replacement	50,000		50,000
Stormwater	Fore Street Sewer Separation	2,300,000		2,300,000
Stormwater	Presumpscot Culvert	475,000		475,000
Stormwater	Stormwater Neighborhood Infrastructure Improvements	200,000		200,000
Stormwater	Green Infrastructure	200,000		200,000

Sub-Total (Sewer Fund)	9,683,000		9,683,000
Prior Sewer Fund Reallocations			(2,300,000)
Total (Sewer Fund)	9,683,000		7,383,000

TOTAL (General Fund & Sewer Fund)	23,964,841		17,775,802
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MEMORANDUM
City Council Agenda Item

FROM: Mary Davis, Division Director

DATE: February 1, 2021

SUBJECT: Order 178-20/21 Amendment to Portland City Code Chapter 14 Re: The Jill C. Duson Housing Trust Fund - Sponsored by the Housing & Economic Development Committee, Councilor Spencer Thibodeau, Chair and the Portland Planning Board, Brandon Mazer, Chair

SPONSOR: Housing and Economic Development Committee, Councilor Spencer Thibodeau, Chair and Portland Planning Board, Brandon Mazer, Chair

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 3/1/2021

Final Action 3/15/2021

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

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

I. SUMMARY

II. AGENDA DESCRIPTION

During the December 7, 2020, City Council Inauguration Meeting, Mayor Kate Snyder announced that in honor and recognition of Councilor Jill Duson's contribution to housing, including "...helping to create a municipal environment conducive to the development of affordable and low income eligible housing..." she asked the Housing & Economic Development Committee to review a request to rename the Housing Trust Fund the "Jill C. Duson Housing Trust Fund".

The Housing & Economic Development Committee met on January 5, 2021 and voted unanimously (3-0; Ali absent) to support this recommendation. The Portland Planning Board met on February 23, 2021 and voted (5-0-2; Chann and Dunfey abstained) to recommend the text amendment renaming the City's Housing Trust Fund as the *Jill C. Duson Housing Trust Fund*.

The Housing Trust Fund Ordinance is located in the City Code, Chapter 14, Article 18.3. A copy of a marked revised version of the code which reflects the name change is enclosed in backup materials for City Council approval.

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

III. BACKGROUND

Below are a few of the accomplishments of the Housing Committee over the last 5 years, under the leadership of Councilor Duson.

(1) Recommended a package of five housing insecurity policy items, including an increase notification period for residential rent increases from 45 days to 75 days, which were adopted by the City Council in November

2016.

(2) Recommended city investment of over \$3 million in HOME funding, over \$2.5 million in Housing Trust Funds and 11 Affordable Housing TIF Districts to incentivize the creation or maintenance of 763 units of affordable housing.

(3) Recommended a regulatory framework for the short term rental market that was adopted by the City Council.

(4) Supported amendments to Division 30 that help to create affordable housing.

(5) Identified city-owned property suitable for housing development and facilitated public/private partnerships on three parcels that will add a minimum of 140 units to the city's housing inventory

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 Ch. 14 Amend re Jill C. Duson Housing Trust Fund 3.1.2021
2. Jill C. Duson Housing Trust Fund
3. Council Report Housing Trust Fund Renaming

Prepared by:

Mary Davis, Division Director

Date: 2/1/2021

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

CITY OF PORTLAND
IN THE CITY COUNCIL

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

AMENDMENT TO PORTLAND CITY CODE CHAPTER 14
RE: JILL C. DUSON HOUSING TRUST FUND

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

That Chapter 14, Sec. 18.3.2 is hereby amended to read as follows, on the following pages:



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review on the condition that they comply with the requirements of this Subsection 18.2.5.

- D. **Low-income housing minimum.** All hotel projects shall provide one unit of low-income housing for rent in the City of Portland for every 28 rooms in the hotel project, which shall meet the standards outlined in Subsections 18.2.3(C)(3), (4), and (5) and in the implementing regulations governing low-income units. This amount shall be rounded up to the nearest increment of 28 rooms. These units shall be deed restricted for the longest period permitted by law, shall not be used for short-term rentals of less than 30 days, and must be provided with distinct entrances from the street to delineate them from the hotel itself.
- E. **Fee-in-lieu alternative.** As an alternative to providing low-income housing units under Subsection 18.2.5(D) above, a hotel project may pay a fee-in-lieu of \$3,806 per hotel guest room. This amount shall be paid into the City's Housing Trust Fund and used for the purposes set forth in the ordinance and regulations applicable to that trust.
- F. **Annual adjustments.** The amounts in Subsection 18.2.5(E) above shall be adjusted annually in the same way as the fee under Section 18.1.8.
- G. **Regulations.** The Planning Board may promulgate implementing regulations based on this subsection.

18.3 HOUSING TRUST FUND

18.3.1 Purpose

The purpose of enacting this section is:

- A. To establish a City of Portland Housing Trust Fund for the promotion, retention, and

creation of an adequate supply of housing, particularly affordable housing, for all economic groups and to limit the net loss of housing units in the city.

- B. To serve as a vehicle for addressing very low, low, and median income housing needs through a combination of funds as set out in this article.

18.3.2 Establishment of the Jill C. Duson Housing Trust Fund

The City Council shall establish a special revenue account under the name "City of Portland Jill C. Duson Housing Trust Fund;" (Housing Trust Fund).

Deposits into the fund shall include:

- A. Contributions from the City's housing replacement ordinance under Subsection 18.1.8.
- B. In-lieu fees under Subsections 18.2.3 and 18.2.5.
- C. Funds appropriated to be deposited into the fund by vote of the City Council.
- D. Voluntary contributions of money or other liquid assets to the fund.
- E. Any federal, state, or private grant or loan funds provided to the fund.
- F. Interest from fund deposits and investments.
- G. Repayments of loans made from the fund.

18.3.3 Management of the trust fund

The City Manager, or his or her designee, shall serve as the manager of the Housing Trust Fund. The responsibilities of the manager, subject to the orders of the City Council, shall include:

- A. Maintaining the financial and other records of the Housing Trust Fund.
- B. Disbursing and collecting Housing Trust Fund monies in accordance with the Housing Trust Fund annual plan.

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18 HOUSING

18.1 HOUSING PRESERVATION AND REPLACEMENT

18.1.1 Purpose

The purpose of the housing preservation and replacement ordinance is:

- A. To promote and facilitate an adequate supply of housing, particularly affordable housing for all economic groups.
- B. To limit the net loss of housing units in the city.
- C. To preserve housing in zones where housing is permitted in the city for all residents in order to promote the health, safety, and welfare of its citizens.

18.1.2 Applicability

- A. Except as otherwise provided in this section, the housing preservation and replacement ordinance shall apply to the loss of three or more dwelling units in a five-year period, provided that such dwelling units were a legally registered residential use as of July 1, 2002. For the purposes of this section, dwelling units shall be as defined in Article 3, but also include rooming units that people rent in or sleep in within lodging houses, dormitories, shelters, and sheltered care group homes.
- B. Except as otherwise provided in this section, the housing preservation and replacement ordinance shall also apply to proposals that result in the loss of fewer than three dwelling units which were legally registered residential use as of July 1, 2002 for the purposes of creating surface parking.
- C. For the purposes of this section, loss of dwelling units shall mean the elimination or conversion to nonresidential use of a dwelling

unit and dwelling units that remain vacant for three years or more or are lost due to demolition unless the vacancy or demolition results from accidents outside of the owner's control, fire, natural disasters, or acts of war.

- D. Determination of number of the dwelling units within a structure or structures and the number of units lost will be based on the records of the Building Authority indicating the legal, registered use of the property since July 1, 2002 through the time of application. The actual use of the property for purposes of applicability of this section may be rebutted by the owner by proof of documentary evidence including but not limited to photographs, letters, and sworn affidavits. The Planning Authority may conduct its own investigation of the actual use and shall determine the applicability of this section based on the totality of the evidence.

18.1.3 Exemptions

This section does not apply to:

- A. Consolidation, elimination, or reconfiguration of one or more dwelling units within an existing structure, as long as all the resulting units remain as dwelling units after such consolidation, elimination, or reconfiguration, except as provided by (E) below. Conversion of a dwelling unit to a hotel or motel room shall not qualify for the exemption provided by the paragraph.
- B. Proposals that result in a number of units equal to or greater than the number of units lost as determined by the Planning Authority.
- C. Legally nonconforming dwelling units existing in zones which no longer permit residential uses.

- D. Property which has been ordered demolished by the City, pursuant to 17 M.R.S. § 2851, et seq., as amended, except where it is determined by the Building Authority that the deterioration was caused by neglect or lack of maintenance.
- E. Paragraph (A) above notwithstanding, the conversion to a nonresidential use of any dwelling units located on the ground floor of a building within a mixed-use zone.

18.1.4 Planning Authority approval required

Notwithstanding any other provision of this section, a proposal to demolish or to convert three or more dwelling units to a nonresidential use in a zone where such use is otherwise permitted must first obtain approval from the Planning Authority. In addition to any other requirements of the Land Use Code, the applicant must submit a statement certifying the number of dwelling units to be demolished or converted to nonresidential use, as well as a description of the characteristics of each of those units.

18.1.5 Tenant notification requirements

Prior to elimination as a result of demolition or conversion to nonresidential use, the owner shall:

- A. Provide the Planning Authority a list containing the name of each tenant currently residing in the dwelling units to be demolished or converted to nonresidential use, as well as verification of compliance with tenant notice requirements of this subsection.
- B. Deliver to each tenant who occupies such a dwelling unit a written notice to vacate the unit. The notice shall either be sent by certified mail, return receipt requested, or served in-hand. The notice will grant the tenant not less than

90 days from the date of receipt of the notice to vacate the unit.

- C. File proof of service of the notice with the Planning Authority.

18.1.6 Housing replacement requirements

- A. The Planning Authority shall require, as a condition of approval, that an owner shall replace any dwelling units that are demolished or converted to nonresidential use.
- B. This requirement may be satisfied in any one of the following ways, which may be used in combination:
 1. *Construction of units.* The construction of housing units within a new structure or a new addition either on site or off-site.
 2. *Residential conversion.* The conversion of a nonresidential building to residential use.

18.1.7 Replacement unit requirement

In addition to the foregoing, all replacement units built pursuant to Subsection 18.1.6.B above shall:

- A. Be located within the same United States census block group as the parcel from which the dwelling units are being removed or within 1,500 feet of the dwelling units being removed.
- B. Not previously have been on the market as of the date of application.
- C. Be situated within a development which has not been a candidate for site plan approval as of the date of the application.
- D. Be comparable in size to the units replaced. For the purpose of this section, “comparable in size” means that the aggregate size of the replacement units will be no less than 80% of the size of the aggregate of the original units to be replaced.

18.1.8 Contribution to the Housing Trust Fund

- A. The applicant may meet the requirements of this housing replacement ordinance by depositing \$50,000 for each dwelling unit into the City's Housing Trust Fund.
- B. Beginning on January 1, 2004 and annually thereafter, the amount of the contribution shall be adjusted by multiplying this amount originally deposited for each unit by a fraction, the denominator of which shall be the "Consumer Price Index for Urban Wage Earners and Clerical Workers ("CPI-W"), U.S. City Average, "All Items Index," as published by the United States Bureau of Labor Statistics ("the index") for January 1, 2003 year, and the numerator of which shall be the index for the same month in each subsequent year. In the event that the index is not then in existence, the parties shall use such equivalent price index as is published by any successor governmental agency then in existence, or, if none, then by such nongovernmental agency as may then be publishing an equivalent price index, in lieu of and adjusted to the index. If the index shall cease to use 1982-84 equals 100 as the basis of calculation, or if a substantial change is made in the terms or number of items contained in the index, the base index shall be adjusted to conform to such change, using such computation thereof, if available, as shall be employed by the United States Department of Labor in computing same. Notwithstanding anything herein to the contrary, contributions made after January 1, 2004 shall not be less than the amount originally required to be deposited for each rooming or dwelling unit.

18.1.9 Performance guarantee

Owners or affiliates must post a performance guarantee in the form of a letter of credit, or other security acceptable to the City attorney, in the amount equivalent to the amount the applicant would have been required to contribute to the City's Housing Trust Fund if the applicant had chosen that option pursuant to Subsection 18.1.8. Such a performance guarantee shall be valid for no more than three years, after which the full amount due shall be provided to the City's Housing Trust Fund if replacement units satisfying the conditions of this housing replacement ordinance do not have certificates of occupancy.

18.1.10 Partial waiver of replacement requirements

- A. Any owner who has applied for site plan review for elimination or conversion to nonresidential use of dwelling units may apply to the Zoning Board of Appeals for a partial waiver from the housing replacement requirements of this section. Such waiver may be a downward adjustment of up to 50% of the owner's housing replacement obligation if the owner establishes to the board's satisfaction that:
 1. The proposed development is consistent with the Comprehensive Plan.
 2. The proposed development provides significant value and benefit to the immediate and surrounding neighborhood, including, but not limited to, community enhancement, social benefits or job creation.
 3. The applicant demonstrates with objective evidence that the imposition of the

requirements of this section would impose such an economic burden upon the project relative to its scope that it renders the project impossible to develop.

4. The requested relief does not constitute a grant of a special privilege inconsistent with the limitations upon similar properties.
- B.** The Zoning Board of Appeals must make positive findings on each of the four criteria above in order for any such adjustment to be valid. An applicant aggrieved of a decision of the Zoning Board of Appeals may appeal a decision under this subsection pursuant to the provisions of Article 2.

18.1.11 Effect of other City ordinances

- A.** Nothing in this section shall permit the demolition or conversion to nonresidential use of dwelling units in residential property protected by Article 17, except as permitted by that ordinance.
- B.** A conditional zone may not be used to circumvent the application of this section. The terms of this section shall apply to any conditional zone which involves dwelling units affected by this section. Notwithstanding the foregoing, nothing herein shall be deemed to prevent the City and the applicant from agreeing to terms which exceed those imposed by this section by means of a conditional zone.

18.1.12 Appeals

Any applicant aggrieved by a decision of the Planning Authority under this section may appeal to the Zoning Board of Appeals within 30 days of that decision.

18.2 AFFORDABLE HOUSING

18.2.1 Purpose

It is in the public interest to promote an adequate supply of housing that is affordable to a range of households at different income levels. The purpose of this section therefore is to offer incentives to developers to include units of affordable and workforce housing within development projects, thereby mitigating the impact of market rate housing construction, or the demonstrated increase in affordable housing needs resulting from the creation of new lower-income jobs, on the limited supply of available land for suitable housing, and helping to meet the housing needs of all economic groups within the city. The City believes that this section will assist in meeting the City's comprehensive goals for affordable housing, in the prevention of overcrowding and deterioration of the limited supply of affordable housing, and by doing so promote the health, safety, and welfare of its citizens.

TABLE 18-A: AFFORDABLE HOUSING FEE REDUCTIONS

% of New Units That are Low-Income or Workforce	Development Fee Discount	Cost of Work (Building Permit) Fees
5% up to but not including 10%	5% reduction	\$10.50 per \$1,000
10% up to but not including 15%	10% reduction	\$9.90 per \$1,000
15% up to but not including 20%	15% reduction	\$9.35 per \$1,000
20% up to but not including 25%	20% reduction	\$8.80 per \$1,000
25% or more	25% reduction	\$8.25 per \$1,000



18.2.2 Reduction of fees

- A. Notwithstanding any other provision of this Land Use Code or Chapter 6 to the contrary, development fees shall be reduced by the City for an eligible project in the manner described in Table 18-A.
- B. Development fees shall include:
1. Site plan review and inspection fees.
 2. Subdivision review and inspection fees.
 3. Impact fees.
 4. Administrative fees.
 5. Construction and permit fees as described in Chapter 6 of the City of Portland Code of Ordinances.
- Development fees do not include any fees charged for review conducted by any party other than the City.
- C. Eligible project shall mean a development project:
1. That is permissible under the provisions of this Land Use Code in the zone in which it is proposed.
 2. That will be a single-family or multi-family dwelling, or subdivision consisting of a group of dwellings, and will not be located in an R-1 or R-2 zone.
 3. That creates new dwelling units, among which is at least one low-income or workforce housing unit for rent or sale, through new construction, substantial rehabilitation of existing structures, adaptive reuse or conversion of a nonresidential use to residential use, or any combination of these elements. Affordable housing units for sale or rent

may not differ in exterior design from other units within an eligible project.

4. Projects shall not be considered “eligible projects” solely because they are subject to Subsection 18.2.3.
- D. The Planning Authority shall perform its review of an eligible project in as expedited a manner as is practical, without impairing the scope or thoroughness of the review. The Planning Authority may adopt administrative procedures to prioritize review of eligible projects and facilitate this expedited review.
- E. The Planning Board shall make its best efforts to give priority in scheduling workshops and public hearings related to any plans or applications required for an eligible project that are within the Planning Board’s jurisdiction, without impairing the scope or thoroughness of its review. At the conclusion of these public meetings, the Planning Board shall promptly issue a decision on all such plans and applications before it for consideration.

18.2.3 Ensuring workforce housing

- A. **Purpose.** Based on the City’s Comprehensive Plan and the City’s 2015 housing study, it is in the public interest to promote an adequate supply of housing that is affordable to a range of households at different income levels. The purpose of this subsection is to ensure that housing developments over a certain size provide a portion of workforce housing units and, by doing so, promote the health, safety, and welfare of Portland citizens.
- B. **Applicability.** This subsection shall apply to development projects that create ten or more net new dwelling units for rent or for sale through new construction, substantial

rehabilitation of existing structures, adaptive reuse or conversion of a nonresidential use to residential use, or any combination of these elements, with the exception that projects using public financing requiring affordability restrictions, as defined by tax increment financing, U.S. Department of Housing and Urban Development funds such as HOME or CDBG, other federal, state, or local housing program, or the Low-income Housing Tax Credit program, shall be considered exempt.

C. Standards. Development projects subject to this subsection shall be subject to the following requirements:

1. Notwithstanding any language to the contrary in this Land Use Code, all developments of ten units or more are conditional uses subject to Planning Board review on the condition that they comply with the requirements of this subsection, unless they are within the India Street Form-Based Code Zone, in which case the review will be conducted administratively or by the Planning Board in accordance with the thresholds of site plan review for the district.
2. At least 25% of the units in the project shall meet the definition of workforce housing unit for sale or for rent as defined in Article 3. The project shall have the option of paying a partial fee-in-lieu as per (6) below or providing an additional unit on-site for any fractional value.
3. Projects shall not be segmented or phased to avoid compliance with these provisions. In cases where projects are completed in phases, affordable units shall be provided in proportion to the development of market rate units unless otherwise permitted through regulations.
4. Workforce units must be integrated with the rest of the development, must use a common entrance, and must provide no indications from common areas that these units are workforce housing units.
5. Workforce units need not be the same size as other units in the development but the number of bedrooms in such units, either on- or off-site, shall be no less than 10 percent of the total number of bedrooms in the development. For the purposes of calculating the number of bedrooms in a development, every 400 square feet in each market rate unit will count as a bedroom if the Planning Authority determines this method is appropriate in lieu of counting actual bedrooms.
6. As an alternative to providing workforce housing units, projects may pay a fee-in-lieu of some or all of the units. In-lieu fees shall be paid into the Housing Trust Fund. The fee for affordable units not provided shall be \$150,000 per unit, adjusted annually in the same way as the fee under Subsection 18.1.8.
7. Workforce housing units for sale, if converted to workforce housing units for rent, shall become subject to the income limits and other requirements of such units.
8. If at least 33% of the units in a development are workforce units, the development is eligible for subsidy through an Affordable Housing TIF, subject to City Council approval.



TABLE 18-C: BONUSES FOR ELIGIBLE PROJECTS

% Low-income Units	% Workforce Units	Density Permitted ¹	Additional Height Permitted ²	Setback Reductions ³
10%	20%	1.1 x base	N/A	N/A
20%	40%	1.2 x base	10 ft.	N/A
30%	60%	1.3 x base	10 ft.	5 ft.
50%	100%	2.0 x base	15 ft.	5 ft.
75%	N/A	2.5 x base	25 ft.	10 ft.

¹ “Base” is the number of units allowed under the zoning without this bonus but with any other bonuses applied. In R-P zones, multifamily is permitted with a “base” no less than 1 unit per 1,500 SF. of land area. If an eligible project is providing both workforce and affordable housing units, the applicant shall have the option of utilizing applicable incentives, but not cumulatively.

² The maximum additional height permitted in the B-1/B-1b zones and the R-P zone shall be 15 feet. In addition, the maximum structure height is 50 feet within 750 feet of the Portland Observatory.

³ Setback reductions are absolute reductions in front, side, and/or rear setback requirements. The maximum setback reductions in the B-1/B-1b and R-P zones shall be 5 ft.

9. The term of affordability for the required 25% workforce units provided shall be defined as shown in Table 18-B.

D. Implementing regulations. Regulations to further specify the details of this subsection shall be developed, including, but not limited to:

1. Specific methodology for income verification.
2. Situations where less than permanent affordability might be considered.
3. Guidelines for meeting the requirement that off-site units be “in the same neighborhood.”

TABLE 18-B: MINIMUM TERM OF AFFORDABILITY FOR REQUIRED WORKFORCE UNITS

% of Workforce Units Provided	Minimum Term of Affordability
25%	30 years
50%	20 years
100%	10 years

E. Reporting to City Council. In conjunction with the annual report on the Housing Trust Fund, the Planning Authority shall annually report on developments subject to this subsection, the number of units produced, the amount of fee-in-lieu collected, and the overall effectiveness of this subsection in achieving its stated purpose.

18.2.4 Density and dimensional bonuses and reductions

Notwithstanding any other provision of this Land Use Code to the contrary, in order to encourage low-income and workforce units in designated growth areas, eligible projects as defined under Subsection 18.2.2 may avail themselves of the following options:

A. Density bonuses. The maximum number of units that would otherwise be allowed under this Land Use Code shall be increased for an eligible project in the manner described in Table 18-C, applicable in the B-1/B-1b, B-2/B-2b/B-2c, B-3/B-3b/B-3c, B-5, R-7, and R-P zones.

B. Planned Residential Unit Developments (PRUDs). In order to promote orderly development of low- and moderate-income development as PRUDs, any project in which more than 50% of the units are low-income or workforce units for rent or for sale may utilize the following dimensional bonuses and changes:

1. Minimum lot area per dwelling unit is reduced by 50%.
2. Maximum number of units and maximum length of buildings do not apply but may be set through site plan review.
3. Minimum building setbacks may be reduced to 10 feet.

4. The PRUD may cross public rights of way provided that the right of way does not count towards minimum lot size nor towards any open space requirements.
 5. Minimum recreation open space area is reduced to 200 square feet per dwelling unit of common area designated for recreational purposes by the residents. Minimum contiguous size and setbacks do not apply and shall be set through site plan review.
 6. The Planning Board's *Design Manual*, design standards, and guidelines with respect to PRUDs shall apply in full to PRUDs utilizing this subsection.
- C. Unit size and term of affordability.** In order to be eligible for this subsection, the low-income and workforce housing units must meet Subsections 18.2.3(C)(3), (4), and (5) and be affordable for the longest term permitted under federal, state, and local laws.
- D. Required public process.** The developer of the project must also commit to a good faith effort to communicate openly with affected properties as their process moves forward. At a minimum, no less than 30 days prior to application for site plan review, any project that wishes to take advantage of this subsection must hold a public meeting noticed to all properties within 500 feet of their site and post a sign on the property in question describing the proposed project, intent to submit an application to the City in 30 days (cite anticipated submission date), and contact information for the developer and the Planning Authority. The Planning Board may adopt regulations regarding the content and

processes for noticing as part of the *Technical Manual*.

- E. Projects under 18.2.3.** Projects that are subject to Subsection 18.2.3 that choose to provide the required workforce housing units on site are eligible for a 25% increase in total permitted units. If an eligible project as defined under Subsection 18.2.2 is also subject to Subsection 18.2.3, the applicant shall have the option of utilizing either this bonus or any bonuses they are eligible for under Subsections 18.2.4(A) and (B) but not both.

18.2.5 Inclusionary zoning for hotel projects

- A. Purpose.** This subsection is based on City analysis, most specifically the analysis documented in the Greater Portland Council of Government study *Proposed Hotel Linkage Fee: Supportable Range* dated August 29, 2018, that finds that new hospitality developments create a need for new affordable housing. This need is the result of the fact that hospitality developments necessarily create a number of jobs that do not pay employees at a rate sufficient to allow those employees to afford market-rate housing in the City of Portland.
- B. Hotel projects.** For the purposes of this subsection, hotel projects shall include any hotel as defined in Article 3 consisting of 10 or more guest rooms for rent. Any expansion of an existing hotel by 10 or more rooms within any five-year period will also be considered a hotel project.
- C. Hotel projects conditional uses.** Notwithstanding anything to the contrary in this Land Use Code, all hotel projects are conditional uses subject to Planning Board



review on the condition that they comply with the requirements of this Subsection 18.2.5.

- D. **Low-income housing minimum.** All hotel projects shall provide one unit of low-income housing for rent in the City of Portland for every 28 rooms in the hotel project, which shall meet the standards outlined in Subsections 18.2.3(C)(3), (4), and (5) and in the implementing regulations governing low-income units. This amount shall be rounded up to the nearest increment of 28 rooms. These units shall be deed restricted for the longest period permitted by law, shall not be used for short-term rentals of less than 30 days, and must be provided with distinct entrances from the street to delineate them from the hotel itself.
- E. **Fee-in-lieu alternative.** As an alternative to providing low-income housing units under Subsection 18.2.5(D) above, a hotel project may pay a fee-in-lieu of \$3,806 per hotel guest room. This amount shall be paid into the City's Housing Trust Fund and used for the purposes set forth in the ordinance and regulations applicable to that trust.
- F. **Annual adjustments.** The amounts in Subsection 18.2.5(E) above shall be adjusted annually in the same way as the fee under Section 18.1.8.
- G. **Regulations.** The Planning Board may promulgate implementing regulations based on this subsection.

18.3 HOUSING TRUST FUND

18.3.1 Purpose

The purpose of enacting this section is:

- A. To establish a City of Portland Housing Trust Fund for the promotion, retention, and

creation of an adequate supply of housing, particularly affordable housing, for all economic groups and to limit the net loss of housing units in the city.

- B. To serve as a vehicle for addressing very low, low, and median income housing needs through a combination of funds as set out in this article.

18.3.2 Establishment of the Jill C. Duson Housing Trust Fund

The City Council shall establish a special revenue account under the name "City of Portland Jill C. Duson Housing Trust Fund." (Housing Trust Fund).

Deposits into the fund shall include:

- A. Contributions from the City's housing replacement ordinance under Subsection 18.1.8.
- B. In-lieu fees under Subsections 18.2.3 and 18.2.5.
- C. Funds appropriated to be deposited into the fund by vote of the City Council.
- D. Voluntary contributions of money or other liquid assets to the fund.
- E. Any federal, state, or private grant or loan funds provided to the fund.
- F. Interest from fund deposits and investments.
- G. Repayments of loans made from the fund.

18.3.3 Management of the trust fund

The City Manager, or his or her designee, shall serve as the manager of the Housing Trust Fund. The responsibilities of the manager, subject to the orders of the City Council, shall include:

- A. Maintaining the financial and other records of the Housing Trust Fund.
- B. Disbursing and collecting Housing Trust Fund monies in accordance with the Housing Trust Fund annual plan.

- C. Monitoring the use of monies distributed to successful applicants for Housing Trust Fund support to assure on-going compliance with the purposes of the fund and the conditions under which these monies were granted or loaned.

18.3.4 Housing Trust Fund annual plan

- A. Each fiscal year, the City Council shall adopt a Housing Trust Fund annual plan. The City Manager shall submit to the City Council a recommended Housing Trust Fund annual plan, utilizing the revenues of the Housing Trust Fund as well as any other funds the manager may propose as appropriate. The housing committee of the City Council or such other committee as the council shall designate shall conduct public hearings on the recommended plan and refer the matter to the council for action.
- B. The Housing Trust Fund annual plan shall include:
 1. A description of all programs to be funded in part or in full by the Housing Trust Fund.
 2. A description of how funds from the Housing Trust Fund will be distributed among very low-income, low-income and moderate-income households.
 3. The amount of funds budgeted for programs funded in part or in full from the Housing Trust Fund.
- C. Priority for the expenditure of funds collected pursuant to Section 18.1 shall be given to the creation of new housing stock, through either new construction or conversion of nonresidential buildings to residential use.

18.3.5 Distribution and use of the Housing Trust Fund's assets

- A. All distribution of principal, interest, or other assets of the Housing Trust Fund shall be made in furtherance of the public purposes set out in Section 18.1.
- B. During each year, the Housing Trust Fund shall disburse as grants or loans so much of the Housing Trust Fund's assets as the City Council in its discretion has approved in the Housing Trust Fund annual plan.
- C. Funds shall not be used for City administrative expenses.
- D. Funds shall not be used for property operating expenses or supporting services.
- E. No grants or loans shall be awarded by the Housing Trust Fund to corporations, partnerships, or individuals who are delinquent at the time of application in the payment of property taxes or other fees to the City of Portland, who have been convicted of arson, who have been convicted of discrimination in the sale or lease of housing under the fair housing laws of the State of Maine, or who have pending violations of current City electrical, plumbing, building, or housing codes or zoning ordinances.

18.3.6 Term of affordability

- A. Whenever funds from the Housing Trust Fund are used for the acquisition, construction, or substantial rehabilitation of an affordable rental or cooperative unit, the City of Portland shall impose enforceable requirements on the owner of the housing unit that the unit remain affordable for the remaining life of the housing unit, assuming good faith efforts by the owner to maintain the housing unit and rehabilitate it



as necessary. The remaining life of the housing unit shall be presumed to be a minimum of 30 years.

- B. Whenever funds from the Housing Trust Fund are used for the acquisition, construction, or substantial rehabilitation of ownership housing, the City of Portland shall impose enforceable resale restrictions on the owner to keep the housing unit affordable for the longest feasible time, while maintaining and equitable balance between the interests of the owner and the interests of the City of Portland.
- C. The affordability restriction requirements described in this subsection shall run with the land and the City of Portland shall develop appropriate procedures and documentation to enforce these requirements and shall record such documentation in the Cumberland County Registry of Deeds.

18.4 CONDOMINIUM CONVERSION

18.4.1 Purpose

The purpose of this section is to regulate the conversion of rental housing to condominiums, to minimize the potential adverse impacts of such conversion on tenants, to ensure that such converted housing is safe and decent, and to maintain a reasonable balance of housing alternatives within the city for persons of all incomes.

18.4.2 Applicability

This section shall apply to the conversion of any rental unit to a condominium unit. For the purposes of this section, developer shall mean any person or other legal entity, but not including an established lending institution unless it is an active participant in a common promotional scheme, who,

whether acting as principal or agent, records a declaration of condominium that includes real estate, any portion of which was previously a rental unit.

18.4.3 Protection of tenants

- A. **Notice of intent to convert.** A developer shall give to each tenant, meaning any occupant in lawful possession of a rental unit, whether by lease, sublease, or otherwise, written notice of intent to convert at least one 120 days before the tenant is required by the developer to vacate. If a tenant has been in possession of any unit within the same building for more than four consecutive years, the notice period shall be increased by 30 additional days for each additional year, or fraction thereof, to a maximum of 240 additional days. The notice shall set forth specifically the rights of tenants under (A), (B), and (C) of this subsection and Subsection 18.4.4, and shall contain the following statement:

If you do not buy your apartment, the developer of this project is required by law to assist you in finding another place to live and in determining your eligibility for relocation payments. If you have questions about your rights under the law, or complaints about the way you have been treated by the developer, you may contact the Department of Permitting & Inspections, City of Portland, 389 Congress Street, Portland, Maine 04101.

- B. If the notice specifies a date by which the tenant is required to vacate, the notice may also serve as a notice of termination under the applicable law of forcible entry and detainer, if it meets the requirements thereof. The notice shall be hand delivered to the tenant or mailed,

by certified mail, return receipt requested, postage prepaid, to the tenant at the address of the unit or such other address as the tenant may provide. The notice shall be effective when actually received. No tenant may be required by a developer to vacate without having been given notice as required herein, except for the reasons specified in the applicable law of forcible entry and detainer, and in accordance with the procedures thereof. The terms of a tenancy, including rent, may not be altered during the notice period, except as expressly provided in a preexisting written lease. If, within 120 days after a tenant is required by a developer to vacate, the developer records a declaration of condominium without having given notice as required herein, the developer shall be presumed to have converted in violation of this article.

- C. Option to purchase.** For a 60-day period following the giving of notice as required in Subsection 18.4.3(A), the developer shall grant to the tenant an exclusive and irrevocable option to purchase the unit of which the tenant is then possessed, which option may not be assigned. If the tenant does not purchase or contract to purchase the unit during the 60-day period, the developer may not convey or offer to convey the unit to any other person during the following 180 days at a price or on terms more favorable than the price or terms previously offered to the tenant, unless the more favorable price or terms are first offered exclusively and irrevocably to the tenant for an additional 60-day period. This subsection shall not apply to any rental unit that, when converted, will be restricted exclusively to nonresidential use. If, within two years after a

developer records a declaration of condominium, the use of any such unit is changed such that but for the preceding sentence, this subsection would have applied, the developer shall be presumed to have converted in violation of this article.

18.4.4 Relocation payments

If the tenant does not purchase the unit, the developer shall, before the tenant is required by the developer to vacate, make a cash payment to the tenant in an amount equal to the amount of rent paid by the tenant for the immediately preceding two months, provided that this requirement shall not apply to any tenant whose gross income exceeds 80% of the median income of the Portland SMSA, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development at the time notice is given as required in Subsection 18.4.3. Additionally, the developer shall, upon demand, provide assistance to the tenant in the form of referrals to other reasonable accommodations and in determining the tenant's eligibility for relocation payments as provided herein.

18.4.5 Conversion permit

Before conveying or offering to convey a converted unit, the developer shall obtain a conversion permit from the Building Authority. The permit shall issue only upon receipt of a completed application therefore in a form to be devised for that purpose, payment of a fee as established by the City Council, and a finding, upon inspection, that each unit, together with any common areas and facilities appurtenant thereto, is in full compliance with all applicable provisions of Chapter 6, Articles II, III, and V and Chapter 10, Article II of the City of Portland



Code of Ordinances, and the Life Safety Code as adopted by the state. The developer shall post a copy of the permit in a conspicuous place in each unit and shall make copies available to prospective purchasers upon request.

18.4.6 Variation by agreement

No provision of or right conferred by this Section 18.4 may be waived by a tenant, by agreement or otherwise, and any such waiver shall be void. Any attempt to require, encourage, or induce a tenant to waive any provision hereof, or right conferred hereby, shall be a violation of this article. Nothing herein shall be construed to void any term of a lease which offers greater rights than those conferred hereby.

18.5 RELOCATION OF DISPLACED TENANTS

18.5.1 Purpose

The purpose of this section is to encourage the retention of a diverse housing supply throughout the downtown and in areas readily accessible to the downtown, to ensure that persons displaced as the result of redevelopment of residential units to nonresidential uses within the B-3 Downtown Business zone are treated fairly and consistently, and to ensure that persons so displaced will be relocated at the reasonable expense of the developer to comparable housing at a location providing comparable access to services and amenities.

18.5.2 Notice and eligibility for relocation assistance

When a proposed development will result in the displacement of residents of an existing structure, the developer of the property shall give all tenants written notice as set forth below and shall provide

relocation assistance as set forth below for any tenant whose gross income is 80% or less of the median income of the Portland SMSA, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development at the time the developer gives the tenant written notice of intent to cause removal of the residential unit. Such written notice shall be given to the tenant at least 120 days before the tenant shall be required to vacate the premises and shall contain the following statement:

The developer of this project is required by law to assist you in finding another place to live and in determining your eligibility for relocation payments. If you have questions about your rights under the law, or complaints about the way you have been treated by the developer, you may contact the Department of Planning and Urban Development, City of Portland, 389 Congress Street, Portland, Maine 04101.

18.5.3 Relocation assistance for all tenants

The developer shall provide, upon demand, assistance to all tenants who will be displaced by the development in the form of referrals to other reasonable accommodations and in determining the tenants' eligibility for relocation payments as provided herein. The developer shall make relocation payments to eligible tenants in accordance with the schedule adopted by the City Council in Subsection 18.5.4.

18.5.4 Schedule of relocation payments for eligible tenants

The developer shall, before the tenant is required by the developer to vacate, make a cash payment to the tenant in an amount equal to the amount of



rent paid by the tenant for the immediately preceding two months.



PLANNING BOARD REPORT TO CITY COUNCIL PORTLAND, MAINE

Housing Trust Fund Renaming
Zoning Text Amendment
City of Portland, Applicant

Submitted to: Mayor Snyder & the City Council
From: Chair Mazer & the Portland Planning Board
Council Reading Dates: Mar. 1 and Mar. 15, 2021

Prepared by: Kevin Kraft
Date: February 24, 2021

I. INTRODUCTION AND PROJECT SUMMARY

During the December 7, 2020, City Council Inauguration Meeting, Mayor Kate Snyder announced that in honor and recognition of Councilor Jill Duson's contribution to housing, including "...helping to create a municipal environment conducive to the development of affordable and low income eligible housing..." she asked the Housing and Economic Development Committee to review a request to rename the City's Housing Trust Fund the "Jill C. Duson Housing Trust Fund".

The Housing and Economic Development Committee met on January 5, 2021, and voted unanimously (3-0; Ali absent) to support this recommendation.

Following the Housing and Economic Development Committees vote, the recommendation was forwarded to the Planning Board. On February 23, 2021, the Planning Board voted 5-0-2 (Chann and Dunfey abstained) to recommend to the City Council adoption of the proposed text amendment (**Attachment 1**)

II. ZONING TEXT AMENDMENT PROPOSAL

The applicant proposes to amend the Land Use Code Table of Contents and Article 18 Section 18.3.2. Housing Trust Fund. The proposed text amendment includes the following (**included as Attachment 1**):

Article 18. HOUSING	18-1
18.1 Housing Preservation and Replacement	
18.2 Affordable Housing	
18.3 <u>Jill C. Duson</u> Housing Trust Fund	
18.4 Condominium Conversion	
18.5 Relocation of Displaced Tenants	

Proposed text amendment – Table of Contents

18.3.2 Establishment of the Jill C. Duson Housing Trust Fund

The City Council shall establish a special revenue account under the name “City of Portland Jill C. Duson Housing Trust Fund.” (Housing Trust Fund).

Deposits into the fund shall include:

- A.** Contributions from the City’s housing replacement ordinance under Subsection 18.1.8.
- B.** In-lieu fees under Subsections 18.2.3 and 18.2.5.
- C.** Funds appropriated to be deposited into the fund by vote of the City Council.
- D.** Voluntary contributions of money or other liquid assets to the fund.
- E.** Any federal, state, or private grant or loan funds provided to the fund.
- F.** Interest from fund deposits and investments.
- G.** Repayments of loans made from the fund.

Proposed text amendment – Section 18.3.2

III. PLANNING BOARD DELIBERATIONS AND RECOMMENDATION

The Planning Board considered the proposed text amendment at a public hearing on February 23, 2021. During Planning Board deliberations, several concerns and questions were raised including the appropriateness of using the City’s Land Use Code as a form of honoring and recognizing an individual person, and that numerous other Councilors had made valuable contributions to the City’s housing policies.

One member raised concerns about the extent to which adequate time, outreach, and notice had been made on the item, and whether the Planning Board would have benefited from additional deliberation and public comment to help inform their decision on the recommendation. One member also argued that recognition in the Land Use Code may give an unfair political platform should such honoree have further intent to actively participate in City politics or pursue future elected positions. Planning staff recognized these concerns, but were able to affirm the change exclusively impacted the name of the Housing Trust Fund, would have no policy ramifications, and that all public noticing requirements had been met for the public hearing.

Ultimately two members abstained from voting to recommend it for adoption.

Other members of the Board generally expressed support for the text amendment and renaming of the City’s Housing Trust Fund in honor of Jill Duson’s career in public service and work on housing.

After deliberation, and on the basis of staff reports, public testimony, and review of applicable policies, the Planning Board voted (5-o-2) (Chann and Dunfey abstained) to find that the following text amendment is consistent with the Comprehensive Plan and recommended adoption to the City Council:

1. Text amendment to the Table of Contents (Article 18 Housing) and Article 18, Section 18.3.2 of the City's Land Use Code (Renaming the City's Housing Trust Fund to the Jill C. Duson Housing Trust Fund).

ATTACHMENTS

1. Proposed Text Amendment

MEMORANDUM
City Council Agenda Item

FROM:

DATE: February 16, 2021

SUBJECT: Order 179-20/21 Traffic Schedule Amendment Re: Limiting Parking on Both Sides of Waverly Street to One Hour - 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

In October 2020, the City Manager's office received a petition, signed by over 60% of households and/or businesses with frontage on Waverly Street, requesting that parking on both sides of the street be permanently restricted to one hour.

Petitioners indicated to staff that this request is intended to address a shortage of on-street parking spaces available to Waverly Street residents, as well as the congestion resulting from a high demand for on-street parking.

On October 21, 2021, the Sustainability & Transportation Committee approved the petition for the consideration of the full City Council (3-0). The Committee also requested that any 15-minute parking spots on Waverly Street be maintained, to which staff agreed.

Waverly Street is a two-way street of about 25 feet in width. It is located within Residential Parking Zone 12. As such, residents who apply for and receive residential parking permits would be exempt from these requested restrictions.

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

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 Waverly Street Parking Change - Traffic Schedule Amendment 3.1.2021
2. Waverly 1 hour petition
3. Public Comment Regarding Waverly Street
4. Waverly Street Public Comment

Prepared by:

Date: 2/16/2021

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**TRAFFIC SCHEDULE AMENDMENT
RE: LIMITING PARKING ON BOTH SIDES OF WAVERLY STREET
TO ONE HOUR**

ORDERED, that the City of Portland's Traffic Schedule be and hereby is amended as follows:

By Adding under Waverly Street, from a point 135 feet east of Stevens Avenue for a distance of 570 feet:

North Side

☐ **Schedule XVII – 1 Hour Parking**

By Adding under Waverly Street, from a point 205 feet east of Stevens Avenue for a distance of 465 feet:

South Side

☐ **Schedule XVII – 1 Hour Parking**

Petition for Parking/Traffic Mitigation Changes



Petitioner information

Name: Amanda M. Poulin
Address: 41 Waverly Street
Email: apoulin76@gmail.com
Phone #: 207-210-1968

I am a: ☒ resident

Location of parking change request

Street: Waverly Street
Cross street 1: Forest Avenue
Cross street 2: Stevens Avenue

Time-limited parking requested (circle one):

Odd side

Even side

Both

Time limit (circle one):

1 hour

2 hours

The petition must contain signatures of at least 60% of households and/or businesses (a unit of housing, e.g., single family home, a unit in a multi-family building, commercial businesses) on the requested block. No more than one signature per household or business may be represented on the petition.

Submit petition by mail or email to:

Assistant to the City Manager for Constituent Services
Re: Parking/Traffic Petition
Room 208
Portland, ME 04101

Petition for Parking/Traffic

Mitigation Changes

Street: Waverly Street 9/25/2020



Address	Unit #	Printed Name	Signature	# of vehicles in household	Email *if you wish to be contacted by email in the event of a public meeting
13 Waverly St 04103		Matt Pinney		1	✓
20 Waverly St 04103 #2	#2	Annie Gonsalves	Annie Gonsalves	2	✓
22 Waverly St. 04103	#2	Marne McInnis		3	✓
22 Waverly St.	#1	Sean Hyman		2	✓

Received:

Name

Date

10/2

For Office Use Only

389 Congress Street • Portland, Maine 04101 • 207-874-8300

info@portlandmaine.gov • www.portlandmaine.gov

Petition for Parking/Traffic

Mitigation Changes

Street: Waverly Street 7/17/2020



Address	Unit #	Printed Name	Signature	# of vehicles in household	Email *if you wish to be contacted by email in the event of a public meeting
36 Waverly St 1		Tom Sepulveda	[Signature]		
36 Waverly St.	1	Michael Fox	[Signature]		
36 Waverly St	1	Jonathan Aveline	[Signature]	✓	
36 WAVERLY ST	1	DOOST ZWART	[Signature]		
36 Waverly	2	Elitist Claudio	[Signature]		
36 Waverly St	2	Green Ocean	[Signature]	✓	
36 Waverly	2	SEAN HUGHES	[Signature]		
36 Waverly	2	Andrew Dand	[Signature]		

For Office Use Only

Received: _____

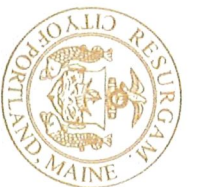
Name _____

Date _____

389 Congress Street • Portland, Maine 04101 • 207-874-8300

info@portlandmaine.gov • www.portlandmaine.gov

Street: WAVERLY St 7/7/2020

[illegible]

389 Congress Street • Portland, Maine 04101 • 207-874-8300
info@portlandmaine.gov • www.portlandmaine.gov



Mitigation Changes

[illegible]

info@portlandmaine.gov • www.portlandmaine.gov

Mitigation Changes

9/16/2020

[illegible]

Received:

Name

Date _____

For Office Use Only

389 Congress Street • Portland, Maine 04101 • 207-874-8300

info@portlandmaine.gov • www.portlandmaine.gov

2

Public Comment Regarding Waverly Street

Dear Ms. Libner:

The concept of restricting parking on Waverly Street to one hour, on pain of death, or having to jump through hoops to get a residential parking permit, is ill conceived, to say the least!

Most of us, except for orphans, do have occasional company, and often, they like to visit longer than an hour.

Some who park on Waverley Street are UNE students, Who don't need the added aggravation of searching for an elusive parking spot before the bell rings for their classes.

Do these restrictions also apply to service vehicles? Does the Spectrum repair man have one hour to complete a two-hour task? Are emergency vehicles exempt? God help us if one of us succumbs and it takes the paramedics longer than an hour to drag our lifeless bodies down the stairs, not to mention the morticians and police cars!

This one-hour parking idea is unworkable for so many reasons. Please, do not perpetrate any more parking limitations on our street!

Granted, it is sometimes difficult to navigate the street at certain times of day, but with a preschool on one end and condos on the other, we have learned to live with the inconveniences.

Many of the students who live on this street have parents who help them move into housing. Often, it takes them more than an hour to unpack their child's belongings and say goodbye to them. Sometimes, they even spend the night!

Please rethink this very unfortunate idea and leave waverly Street parking as it is, because it works!

Here's a concept: why don't you build more parking garages and reasonably-priced apartments for those of us who are not millionaires!

Please note that, if this "law" to limit Waverly Street parking to one hour, goes into affect, we will vociferously appeal the case!

Thank you for your attention to this matter.

Sincerely,
Carol Raney

Waverly Street Public Comment

Dena,

RE: Waverly Street parking restrictions

I will be unable to participate in the Sustainability & Transportation Committee Meeting scheduled for October, 21 AT 5:30. PM. I would appreciate if you pass along my comments about the petition to restrict parking on both sides of Waverly Street to one hour.

A couple of concerns:

>> First, has any consideration been given to **one side of the street parking**? The width of the street is apparently non-conforming so even with restricted parking there could be issues with city vehicles (garbage, fire, ambulance) gaining safe access to the street, especially in the winter months.

>> Second, is how the street will be marked to inform the public about the parking restrictions on the street. Specifically, having a large number of metal posts with signs along both sides of the street. I am not in favor of having these signs posted in front of my house at 35 Waverly Street.

Thank you for sharing these concerns with the committee.

Sincerely,

Jerry Hankinson
Deborah Newman
35 Waverly St.
Portland, ME 04103

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

CITY OF PORTLAND
IN THE CITY COUNCIL

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

AMENDMENT TO PORTLAND CITY CODE CHAPTER 14
RE: LOT COVERAGE PROVISIONS IN THE B-3 ZONE

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

*That Chapter 14, Sec. 14-7, Table 7-E, Mixed-Use Zone
Dimensional Standards, is hereby amended to read as follows, on
the following page:*

TABLE 7-E (CONT.): MIXED-USE ZONE DIMENSIONAL STANDARDS

	B-1/B-1b	B-2/B-2b/B-2c	B-3/B-3b/B-3c	B-4	B-5/B-5b	B-6	B-7
Structure height (max.)	On-Peninsula: 45 ft., except 50 ft. along Congress Street if commercial first floor and residential above ²	45 ft., except: 50 ft. if first floor is in commercial use and 65 ft. in B-2 and B-2c on lots >5 ac. if required side and rear setbacks are increased by 1 foot for each foot of height over 45 ft.	See Downtown Height Overlay Map	65 ft.	65 ft., except in B-5b along W. Commercial St. south of Danforth St. ⁵ and 120 ft. on Thompson's Point ⁶	65 ft. or as otherwise governed by the B-6 Building Height Overlay Map	See Bayside Height Overlay Map
Lot coverage (max.)			25% of lot area for portions of structures exceeding 125 ft. in height ⁴				
Impervious surface ratio (max.)	90%	Residential: None Other uses in B-2 and B-2c: 80% Other uses in B-2b: 90%		80%			

¹ Uses in structures which existed prior to the date of enactment of the B-1/B-1b zones are exempt.

² The commercial first floor uses shall utilize at least 75 % of the first-floor frontage along Congress Street and shall have an average depth of at least 20 ft.

³ A building will be determined to have an active street frontage upon meeting the following guidelines to the greatest extent practicable: the primary building façade shall be within 10 ft. feet of the front lot line; there shall be no parking on the lot within 35 ft. of the front lot line; no more than 25% of the first floor primary façade shall consist of access to garages, unutilized space, service entrances, storage or mechanicals and the remaining minimum 75% shall have an average depth of a minimum of 20 ft. for residential or commercial uses; and all primary ground floor entries to multi-family buildings must orient to street, not to interior blocks or parking lots.

⁴ Except that no floor area shall be required to be less than 10,500 SF, gross.

⁵ For parcels of land in the B-5b zone located along W. Commercial St. south of Danforth St.: West of the projection of the centerline of the Fletcher St. right-of-way, the maximum building height shall be 45 ft.; and, east of the projection of the centerline of the Fletcher St. right-of-way and west of the projection of the centerline of the Emery St. right-of-way, the maximum building height shall be 55 ft. A projection of the centerline of a street is defined by extending the centerline of the referenced street right-of-way along its most southerly block to the centerline of W. Commercial St. Furthermore, notwithstanding Subsection 7.5.1, no rooftop structure located between the projections of the centerlines of Emery St. and Fletcher St., as described above, shall exceed a height of 62 ft as measured from average grade of the building at its foundation.

⁶ Applies only to parcels subject to an approved master development plan. Thompson's Point is defined as the contiguous parcels of upland occupying the peninsula bounded on the east by Route 295, on the north by the Mountain Division Rail right-of-way, and on the south and west by the Fore River and its associated wetlands. Nearby lands accessed from Hobart and Osgood Streets are not included.

⁷ Does not apply to parking garages and public transportation facilities. Notwithstanding required setbacks, new structures located in the blocks located south of Fore Street and north of Commercial Street and its extension shall build to the key building envelopes shown on the B6 Building Height Overlay & Building Envelopes map. Buildings located in the area east of the Fore Street Connector shall not have a maximum front setback and shall not be required to build to the key building envelope perimeter. Parking structures and the buildings for public transportation facilities may, however, be set back beyond the key building envelopes (toward the interior of blocks), but may not occupy the land between the key building envelope and the street right-of-way.

⁸ For buildings fronting on two or more streets, the minimum building wall on one street may be decreased so long as the frontage is proportionally increased on other streets in so far that the building wall on the secondary street is not reduced to less than 25 ft. Buildings in the area east of the Fore Street Connector shall not be subject to this requirement.

⁹ Does not apply to additions to or relocations of designated historic structures or structures determined to be eligible by the Historic Preservation Board.

a. Current Land Uses and Zoning

The applicant's property currently includes a plaza space, surface parking, and an entrance to the USPS facility. Within the same block is the 1950 USPS building facing Congress Street and two historic office buildings fronting on Exchange Street. The surrounding blocks below Congress Street within the same streetscape as this proposal include more recent buildings such as the high rise office buildings One City Center and Two Monument Square, and the Temple Street Parking Garage; the maximum height allowed in these blocks is 150 feet plus up to 40 feet for an architectural cap (Figure 5). The site is not located immediately adjacent to the historic, smaller-scale streetscapes of Congress or Exchange streets and instead has a more immediate relationship to taller, more contemporary structures.



Figure 3: Overall Context

b. Historic Resources

The block being considered is also within the Congress Street Historic District. The proposed new construction will be reviewed by the Historic Preservation Board for design. The block includes three existing buildings, two of which are contributing structures facing Exchange Street. Exchange Street is an important historic street in the downtown with smaller scale, historic buildings and a high volume of tourist foot traffic. The Downtown Height Overlay map protects the historic scale of Exchange Street with a 100 foot offset limiting heights to a 125 foot maximum immediately adjacent to the more sensitive streetscape.

Historic Preservation staff has these additional comments:

Given that most of the historic structures that line Exchange Street are about four stories (six to seven stories on the uppermost block between Congress and Federal), a building of 150 feet would already represent a significant jump in scale from that of Exchange Street. The question becomes, then, whether an additional 40 feet would significantly increase any negative impact of this height disparity.

As viewed from Exchange Street, especially from the corner of Exchange and Federal, the proposed new building will be viewed against buildings of considerable height. Two Monument Square and One City Center, while not as tall as the proposed structure, are 11 and 14 stories respectively. With these buildings as a backdrop, the proposed 190' structure will not appear unduly anomalous in terms of building height and overall scale. Additionally, the provision of a 100' setback from Exchange Street and the 90' maximum streetwall height will help mitigate any impacts.

In addition, the Congress Street Historic District, when created, gave deference to the B-3 zone's height and scale recognizing that downtown Portland has historically and continues to be the location of its tallest buildings and with varying scales.

Sec. 17.8.3. A.6. In the Congress Street Historic District, for new construction within the B-3 zone, the Historic Preservation Board shall not impose conditions more restrictive than the dimensional requirements of the B-3 zone.

From Deb Andrews, Historic Preservation Program Manager:

... this amendment was adopted to ensure that the more generous heights established for new construction in the B-3 zone would be honored notwithstanding the area's designation as a historic district. (It also recognized that the Congress Street is noteworthy for its significant variety of building heights and scale.) This policy decision may be instructive as the Planning Board considers the request for additional height on this site.

II. DOWNTOWN HEIGHT OVERLAY MAP AMENDMENT PROPOSAL

The applicant's property will be a new parcel created within the block at 200 Federal Street behind the USPS building. The Downtown Height Overlay Map would be modified to remove the 40 foot Architectural Cap (described below in staff analysis) and increase the maximum building height to 190 feet. The 90 foot street wall maximum would be maintained along with the requirement to step back the building 15 feet after that 90 foot height is met. The 100 foot offset preserving lower heights on the more sensitive Exchange Street would remain. The applicant's rationale for the request relies on the economic feasibility of the project in relationship with the construction type and costs for buildings of this scale. The applicant provided renderings of the proposal in its context to provide a sense of scale in comparison with the existing built environment.



Figure 4: View of proposed height from Temple Street

The overall maximum height and massing allowed on this block will not change. Currently on this block, buildings may occupy floor area up to 150 feet in height with the ability to build as tall as 190 feet by incorporating a 40 foot architectural cap above and beyond a 150 foot maximum height. The 40 foot

architectural cap is intended for these purposes (from the *Downtown Height Overlay Map* ***Architectural Cap Allowance):

- 1) Providing a distinctive graduated design for an architectural building top
- 2) To enclose rooftop appurtenances

The architectural cap may include habitable space in the following circumstances as a public good:

Downtown Height Overlay Map - No habitable floor area shall be developed within the building envelope permitted by the additional forty (40) feet, unless at least fifty (50) percent of such habitable floor area is devoted exclusively to one (1) or more publicly accessible uses, such as eating or drinking establishments, an observatory, community meeting rooms or halls available to the public or such other uses that make reasonable accommodation for public use at reasonable times, on a nonmembership basis at no cost or at a cost that will not exclude use by the general public, and provided that such floor area is incidental to the primary design intent of the space to achieve the standards of this section.

Potential implications of the height amendments:

- Scale: The overall scale and massing implications do not change with this proposed amendment. The maximum building wall of 90 feet remains the same, producing the same sense of scale of the building at the pedestrian level. The overall height to which a building structure can rise also remains the same – totaling 190 feet.
- Rooftop Appurtenances: The intent of the architectural cap is to integrate the design of rooftop systems and appurtenances with the overall building form. However, Chapter 14 dimensional exemptions currently exempts rooftop appurtenances from height maximums. Staff do not find any language within the B-3 zone or the Downtown Height Overlay Map that override this exemption. Therefore, though the stated intent of the cap is to house rooftop appurtenances, they are currently and would continue to be allowed above and beyond the maximum height allowance.
- Provision of Housing: The height amendment allows for potential additional housing to be provided on the site. Approximately sixty-four (64) additional housing units are proposed within the applicant's Level III site plan proposal as a result of being able to occupy the floor area above 150 feet. However, the amendment does not guarantee additional housing will be provided because a future building proposal could potentially occupy that floor space with any use allowed in the B-3 zone.
- Parking: The proposed zoning amendments would allow additional habitable floor area in a physically constrained urban infill lot. The increase in habitable floor area also means an increase in required parking. This will need to be accommodated off-site or through the fee-in-lieu given the physical limitations of the site. Traffic and parking implications should be considered. At this time, the applicant proposes to reduce the parking requirement and provide residential parking off-site in an existing garage. Additionally, in December 2020, the City Council adopted parking provisions that allow developments within a ¼ mile radius of fixed route transit to waive out of off-street parking requirements. Any project choosing to take advantage of this exception in lieu of the parking requirements is required to provide a Transportation Demand Management Plan.

Several of the above items are not within the scope of the zoning application before the Board for this hearing and will be reviewed under the Level III Site Plan application.

III. ZONING TEXT AMENDMENT PROPOSAL

The proposed B-3 text would amend *Land Use Code Chapter 14 Sec. 14-7 Table 7-E Mixed-Use Zone Dimensional Standards* to modify lot coverage as presented in Attachment 2:

⁴ Except that no floor area shall be required to be less than 10,500 SF, gross.

Staff support the addition of the clarifying language. The interpreted intent of these standards is to mitigate the scale impacts of buildings above 125 feet in height; if the intent is to regulate building scale and footprints, elevators and stairways should be included in the calculation as they contribute to the footprint area. Reference is made elsewhere to gross floor area – to remain consistent with the area of measurement, staff propose introducing the word “gross” to footnote 4 for lot coverage. Gross floor area includes exterior walls. By specifying gross floor area, the intent of the code is more easily interpreted in the future for staff or applicants and creates a consistent reference to how floor area should be measured.

The resulting text amendment would not exclude elevators and stairs from the calculated floor area so that for portions of structures which exceed one hundred twenty-five (125) feet in height, the maximum horizontal building coverage at one hundred twenty-five (125) feet or higher shall not exceed twenty-five (25) percent of the site area, except that no floor area shall be required to be less than ten thousand, five-hundred (10,500) square feet, gross.

IV. COMPREHENSIVE PLAN ANALYSIS

Portland's Plan 2030

Comprehensive Plan goals and policies (state and local) relevant to the proposed map and text amendments are included below. The map and text amendments align with these vision statements and goals by adding infill, residential units within a dense, downtown location currently on an under-developed surface parking lot. The increase in height allows for an increase in dwelling units within a walking and transit-oriented site. Increasing the viability of downtown, infill sites potentially reduces new construction in green field or outlying areas. In addition, the map amendment would allow for a higher number of residential units providing more housing; in this instance, the units are proposed to be market-rate rental apartments and the required workforce units will be provided on-site.



Vision Statements

- Equity: We will be a state and national leader in achieving a more equitable city.
- Equity: We will incorporate the needs of all our residents in planning for our future.
- Sustainable: Portland has been built and rebuilt to endure; we will balance our historic fabric, sound infrastructure, and the best of new technology and design for the future.
- Sustainable: Portland will grow in order to sustain our community, infrastructure, and economy.
- Sustainable: Growth should respect and seek to preserve our spectacular natural resources.
- Secure: We will be committed to accessible housing and healthy food for all our residents.

Environment

- Adopt sustainable land use and transportation policies that support connectivity, walkable neighborhoods, and multi-modal transportation.
 - Continue to develop land use policies which support complete neighborhoods.

An Enduring City – Historic Preservation

- Stabilize and enhance historic areas of the city by ensuring quality investment in existing structures and compatible infill development.
- Ensure an appropriate balance of continuity and change as Portland grows and evolves.

A Livable City: Housing

- Increase, preserve, and modify the overall supply of housing city-wide to meet the needs, preferences and financial capabilities of all Portland residents
- Encourage additional contextually appropriate housing density in and proximate to neighborhood centers, concentrations of services, and transit nodes and corridors as a means of supporting complete neighborhoods.
- Pursue policies to enable people who work in Portland to have the option to live in Portland.
- Encourage quality, sustainable design in new housing development.
 - Remove housing barriers
 - Leverage underused properties
 - Adapt affordable housing

An Accessible City – Transportation

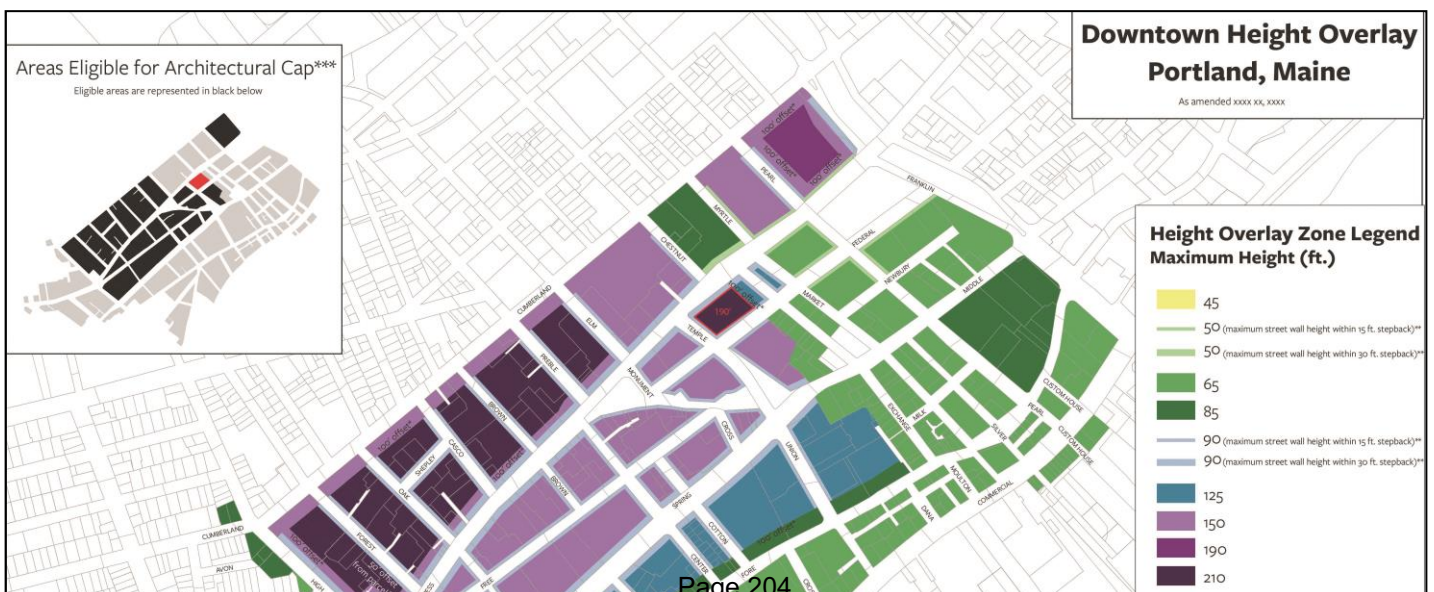
- Promote multi-modal accessibility, enabling residents and visitors of all ages and abilities to participate fully in the social and economic life of the community.
 - Enhance the pedestrian realm

Future Land Use

- Complete Neighborhoods
- Reinforce the Center

V. PLANNING BOARD RECOMMENDATION

The Planning Board considered the proposed Downtown Height Overlay Map amendments at a hearing on January 26, 2021. After deliberation, and on the basis of staff reports, public testimony, and review of applicable policies, the Planning Board voted unanimously (7-0) to find that the following amendments are consistent with the Comprehensive Plan and recommended adoption to the City Council:



The Planning Board considered the proposed B-3 text amendment at a hearing on January 26, 2021. After deliberation, and on the basis of staff reports, public testimony, and review of applicable policies, the Planning Board voted unanimously (7-0) to find that the following amendment is consistent with the Comprehensive Plan and recommended adoption to the City Council:

Chapter 14 Sec. 14-7 Table 7-E Mixed-Use Zone Dimensional Standards to modify lot coverage as presented in Attachment 2:

⁴ Except that no floor area shall be required to be less than 10,500 SF, gross.

ATTACHMENTS

1. Downtown Height Overlay amendments
2. Proposed Text Amendments: Chapter 14 Sec. 14-7 Table 7-E Mixed-Use Zone Dimensional Standards amendment

TABLE 7-E (CONT.): MIXED-USE ZONE DIMENSIONAL STANDARDS

	B-1/B-1b	B-2/B-2b/B-2c	B-3/B-3b/B-3c	B-4	B-5/B-5b	B-6	B-7
Structure height (max.)	On-Peninsula: 45 ft., except 50 ft. along Congress Street if commercial first floor and residential above ²	45 ft., except: 50 ft. if first floor is in commercial use and 65 ft. in B-2 and B-2c on lots >5 ac. if required side and rear setbacks are increased by 1 foot for each foot of height over 45 ft.	See Downtown Height Overlay Map	65 ft.	65 ft., except in B-5b along W. Commercial St. south of Danforth St. ⁵ and 120 ft. on Thompson's Point ⁶	65 ft. or as otherwise governed by the B-6 Building Height Overlay Map	See Bayside Height Overlay Map
Lot coverage (max.)			25% of lot area for portions of structures exceeding 125 ft. in height ⁴				
Impervious surface ratio (max.)	90%	Residential: None Other uses in B-2 and B-2c: 80% Other uses in B-2b: 90%		80%			

¹ Uses in structures which existed prior to the date of enactment of the B-1/B-1b zones are exempt.

² The commercial first floor uses shall utilize at least 75 % of the first-floor frontage along Congress Street and shall have an average depth of at least 20 ft.

³ A building will be determined to have an active street frontage upon meeting the following guidelines to the greatest extent practicable: the primary building façade shall be within 10 ft. feet of the front lot line; there shall be no parking on the lot within 35 ft. of the front lot line; no more than 25% of the first floor primary façade shall consist of access to garages, unutilized space, service entrances, storage or mechanicals and the remaining minimum 75% shall have an average depth of a minimum of 20 ft. for residential or commercial uses; and all primary ground floor entries to multi-family buildings must orient to street, not to interior blocks or parking lots.

⁴ Except that no floor area shall be required to be less than 10,500 SF, gross.

⁵ For parcels of land in the B-5b zone located along W. Commercial St. south of Danforth St.: West of the projection of the centerline of the Fletcher St. right-of-way, the maximum building height shall be 45 ft.; and, east of the projection of the centerline of the Fletcher St. right-of-way and west of the projection of the centerline of the Emery St. right-of-way, the maximum building height shall be 55 ft. A projection of the centerline of a street is defined by extending the centerline of the referenced street right-of-way along its most southerly block to the centerline of W. Commercial St. Furthermore, notwithstanding Subsection 7.5.1, no rooftop structure located between the projections of the centerlines of Emery St. and Fletcher St., as described above, shall exceed a height of 62 ft as measured from average grade of the building at its foundation.

⁶ Applies only to parcels subject to an approved master development plan. Thompson's Point is defined as the contiguous parcels of upland occupying the peninsula bounded on the east by Route 295, on the north by the Mountain Division Rail right-of-way, and on the south and west by the Fore River and its associated wetlands. Nearby lands accessed from Hobart and Osgood Streets are not included.

⁷ Does not apply to parking garages and public transportation facilities. Notwithstanding required setbacks, new structures located in the blocks located south of Fore Street and north of Commercial Street and its extension shall build to the key building envelopes shown on the B6 Building Height Overlay & Building Envelopes map. Buildings located in the area east of the Fore Street Connector shall not have a maximum front setback and shall not be required to build to the key building envelope perimeter. Parking structures and the buildings for public transportation facilities may, however, be set back beyond the key building envelopes (toward the interior of blocks), but may not occupy the land between the key building envelope and the street right-of-way.

⁸ For buildings fronting on two or more streets, the minimum building wall on one street may be decreased so long as the frontage is proportionally increased on other streets in so far that the building wall on the secondary street is not reduced to less than 25 ft. Buildings in the area east of the Fore Street Connector shall not be subject to this requirement.

⁹ Does not apply to additions to or relocations of designated historic structures or structures determined to be eligible by the Historic Preservation Board.

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO DOWNTOWN HEIGHT OVERLAY MAP
RE: MAXIMUM HEIGHT AND ARCHITECTURAL CAP ELIGIBILITY FOR 200
FEDERAL STREET**

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

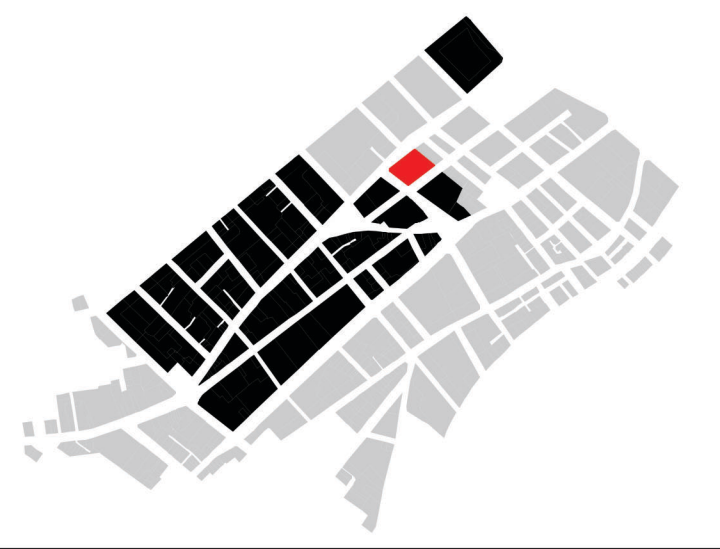
That the Downtown Height Overlay Map of the City of Portland as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into Chapter 14, Land Use, of the Portland City Code, be and hereby is amended by adopting the following Height Overlay Map amendment, to revise the maximum height and architectural cap eligibility for 200 Federal Street.

Downtown Height Overlay Portland, Maine

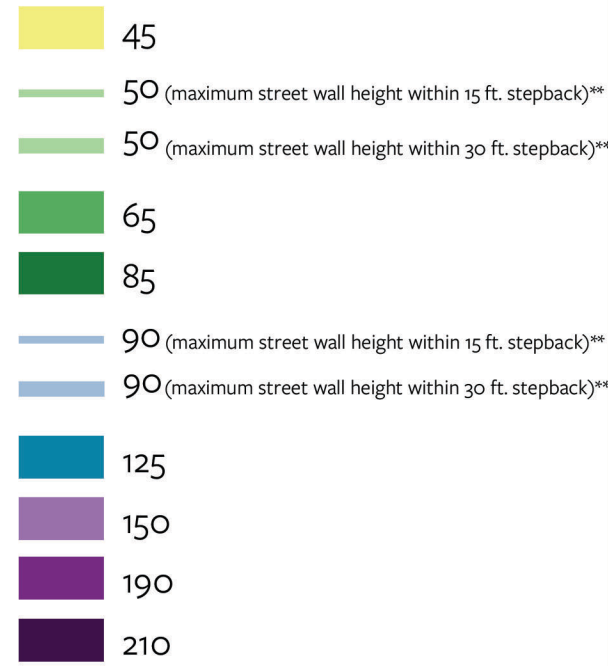
As amended xxxx xx, xxxx

Areas Eligible for Architectural Cap***

Eligible areas are represented in black below



Height Overlay Zone Legend Maximum Height (ft.)



Notes

No new construction of any building shall be less than 35 feet in height within 50 feet of any street frontage. See Land Use Code for exceptions

Maximum street wall height within the B3 zone is 65 ft. unless otherwise noted

*Boundary offsets are from street centerline unless otherwise noted

**Multiple stepbacks cumulatively reaching at least the minimum noted above (15 and 30) are acceptable

***Architectural Cap Allowance: the building form may extend up to 40 ft. above the designated height limit for the purpose of providing a distinctive graduated design for an architectural building top and to enclose rooftop appurtenances. No habitable floor area shall be developed within the building envelope provided by the additional 40 ft. unless at least 50% of such habitable floor area is devoted exclusively to one or more publicly accessible uses, and provided that such floor area is incidental to the primary design intent of the space



PLANNING BOARD REPORT TO CITY COUNCIL PORTLAND, MAINE

200 Federal Street
Zoning Amendments – Downtown Height Overlay Map, B-3 Dimensional Standards
ZN-001230-2020
CBL: 032 G001001
Redfern Downtown, LLC, Applicant

Submitted to: Mayor Snyder & the City Council Council Reading Dates: March 1 and March 15, 2021	Prepared by: Caitlin Cameron, Urban Designer Date: February 12, 2021
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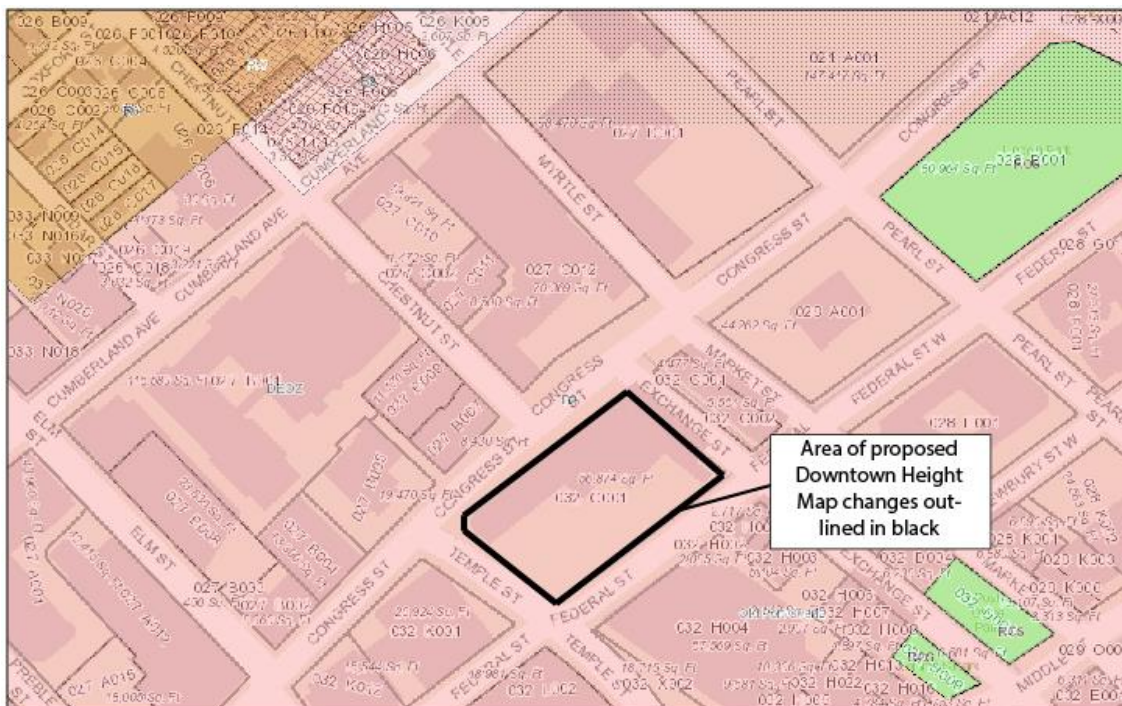
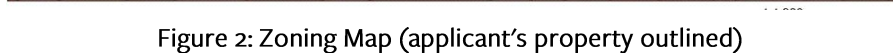


Figure 1 Area of Proposed Downtown Height Map Amendment

I. INTRODUCTION AND PROJECT SUMMARY

On January 26, 2021 the Planning Board voted 7-0 to recommend to the City Council adoption of Downtown Height Overlay map (**attachment 1**) and B-3 text amendments (**attachment 2**) to facilitate the development of properties at 200 Federal Street, currently surface parking and plaza space downtown. The proposed amendments to the B-3 Downtown Business Zone text amendment and Downtown Height Overlay Map amendment for the block at 200 Federal Street include:

- Amendment to the Downtown Height Overlay Map to remove the architectural cap designation and increase the maximum height to 190 feet
- B-3 Text amendment to *Chapter 14 Sec. 14-7 Table 7-E Mixed-Use Zone Dimensional Standards* clarifying how to define maximum floor area allowed above 125 feet in height



The site is at the heart of Portland's w



Figure 3: Overall Context

b. Historic Resources

The block being considered is also within the Congress Street Historic District. The proposed new construction will be reviewed by the Historic Preservation Board for design. The block includes three existing buildings, two of which are contributing structures facing Exchange Street. Exchange Street is an important historic street in the downtown with smaller scale, historic buildings and a high volume of tourist foot traffic. The Downtown Height Overlay map protects the historic scale of Exchange Street with a 100 foot offset limiting heights to a 125 foot maximum immediately adjacent to the more sensitive streetscape.

Historic Preservation staff has these additional comments:

Given that most of the historic structures that line Exchange Street are about four stories (six to seven stories on the uppermost block between Congress and Federal), a building of 150 feet would already represent a significant jump in scale from that of Exchange Street. The question becomes, then, whether an additional 40 feet would significantly increase any negative impact of this height disparity.

As viewed from Exchange Street, especially from the corner of Exchange and Federal, the proposed new building will be viewed against buildings of considerable height. Two Monument Square and One City Center, while not as tall as the proposed structure, are 11 and 14 stories respectively. With these buildings as a backdrop, the proposed 190' structure will not appear unduly anomalous in terms of building height and overall scale. Additionally, the provision of a 100' setback from Exchange Street and the 90' maximum streetwall height will help mitigate any impacts.

In addition, the Congress Street Historic District, when created, gave deference to the B-3 zone's height and scale recognizing that downtown Portland has historically and continues to be the location of its tallest buildings and with varying scales.

Sec. 17.8.3. A.6. In the Congress Street Historic District, for new construction within the B-3 zone, the Historic Preservation Board shall not impose conditions more restrictive than the dimensional requirements of the B-3 zone.

From Deb Andrews, Historic Preservation Program Manager:

... this amendment was adopted to ensure that the more generous heights established for new construction in the B-3 zone would be honored notwithstanding the area's designation as a historic district. (It also recognized that the Congress Street is noteworthy for its significant variety of building heights and scale.) This policy decision may be instructive as the Planning Board considers the request for additional height on this site.

II. DOWNTOWN HEIGHT OVERLAY MAP AMENDMENT PROPOSAL

The applicant's property will be a new parcel created within the block at 200 Federal Street behind the USPS building. The Downtown Height Overlay Map would be modified to remove the 40 foot Architectural Cap (described below in staff analysis) and increase the maximum building height to 190 feet. The 90 foot street wall maximum would be maintained along with the requirement to step back the building 15 feet after that 90 foot height is met. The 100 foot offset preserving lower heights on the more sensitive Exchange Street would remain. The applicant's rationale for the request relies on the economic feasibility of the project in relationship with the construction type and costs for buildings of this scale. The applicant provided renderings of the proposal in its context to provide a sense of scale in comparison with the existing built environment.



Figure 4: View of proposed height from Temple Street

The overall maximum height and massing allowed on this block will not change. Currently on this block, buildings may occupy floor area up to 150 feet in height with the ability to build as tall as 190 feet by incorporating a 40 foot architectural cap above and beyond a 150 foot maximum height. The 40 foot

architectural cap is intended for these purposes (from the *Downtown Height Overlay Map* ***Architectural Cap Allowance):

- 1) Providing a distinctive graduated design for an architectural building top
- 2) To enclose rooftop appurtenances

The architectural cap may include habitable space in the following circumstances as a public good:

Downtown Height Overlay Map - No habitable floor area shall be developed within the building envelope permitted by the additional forty (40) feet, unless at least fifty (50) percent of such habitable floor area is devoted exclusively to one (1) or more publicly accessible uses, such as eating or drinking establishments, an observatory, community meeting rooms or halls available to the public or such other uses that make reasonable accommodation for public use at reasonable times, on a nonmembership basis at no cost or at a cost that will not exclude use by the general public, and provided that such floor area is incidental to the primary design intent of the space to achieve the standards of this section.

Potential implications of the height amendments:

- Scale: The overall scale and massing implications do not change with this proposed amendment. The maximum building wall of 90 feet remains the same, producing the same sense of scale of the building at the pedestrian level. The overall height to which a building structure can rise also remains the same – totaling 190 feet.
- Rooftop Appurtenances: The intent of the architectural cap is to integrate the design of rooftop systems and appurtenances with the overall building form. However, Chapter 14 dimensional exemptions currently exempts rooftop appurtenances from height maximums. Staff do not find any language within the B-3 zone or the Downtown Height Overlay Map that override this exemption. Therefore, though the stated intent of the cap is to house rooftop appurtenances, they are currently and would continue to be allowed above and beyond the maximum height allowance.
- Provision of Housing: The height amendment allows for potential additional housing to be provided on the site. Approximately sixty-four (64) additional housing units are proposed within the applicant's Level III site plan proposal as a result of being able to occupy the floor area above 150 feet. However, the amendment does not guarantee additional housing will be provided because a future building proposal could potentially occupy that floor space with any use allowed in the B-3 zone.
- Parking: The proposed zoning amendments would allow additional habitable floor area in a physically constrained urban infill lot. The increase in habitable floor area also means an increase in required parking. This will need to be accommodated off-site or through the fee-in-lieu given the physical limitations of the site. Traffic and parking implications should be considered. At this time, the applicant proposes to reduce the parking requirement and provide residential parking off-site in an existing garage. Additionally, in December 2020, the City Council adopted parking provisions that allow developments within a ¼ mile radius of fixed route transit to waive out of off-street parking requirements. Any project choosing to take advantage of this exception in lieu of the parking requirements is required to provide a Transportation Demand Management Plan.

Several of the above items are not within the scope of the zoning application before the Board for this hearing and will be reviewed under the Level III Site Plan application.

III. ZONING TEXT AMENDMENT PROPOSAL

The proposed B-3 text would amend *Land Use Code Chapter 14 Sec. 14-7 Table 7-E Mixed-Use Zone Dimensional Standards* to modify lot coverage as presented in Attachment 2:

⁴ Except that no floor area shall be required to be less than 10,500 SF, gross.

Staff support the addition of the clarifying language. The interpreted intent of these standards is to mitigate the scale impacts of buildings above 125 feet in height; if the intent is to regulate building scale and footprints, elevators and stairways should be included in the calculation as they contribute to the footprint area. Reference is made elsewhere to gross floor area – to remain consistent with the area of measurement, staff propose introducing the word “gross” to footnote 4 for lot coverage. Gross floor area includes exterior walls. By specifying gross floor area, the intent of the code is more easily interpreted in the future for staff or applicants and creates a consistent reference to how floor area should be measured.

The resulting text amendment would not exclude elevators and stairs from the calculated floor area so that for portions of structures which exceed one hundred twenty-five (125) feet in height, the maximum horizontal building coverage at one hundred twenty-five (125) feet or higher shall not exceed twenty-five (25) percent of the site area, except that no floor area shall be required to be less than ten thousand, five-hundred (10,500) square feet, gross.

IV. COMPREHENSIVE PLAN ANALYSIS

Portland's Plan 2030

Comprehensive Plan goals and policies (state and local) relevant to the proposed map and text amendments are included below. The map and text amendments align with these vision statements and goals by adding infill, residential units within a dense, downtown location currently on an under-developed surface parking lot. The increase in height allows for an increase in dwelling units within a walking and transit-oriented site. Increasing the viability of downtown, infill sites potentially reduces new construction in green field or outlying areas. In addition, the map amendment would allow for a higher number of residential units providing more housing; in this instance, the units are proposed to be market-rate rental apartments and the required workforce units will be provided on-site.



Vision Statements

- Equity: We will be a state and national leader in achieving a more equitable city.
- Equity: We will incorporate the needs of all our residents in planning for our future.
- Sustainable: Portland has been built and rebuilt to endure; we will balance our historic fabric, sound infrastructure, and the best of new technology and design for the future.
- Sustainable: Portland will grow in order to sustain our community, infrastructure, and economy.
- Sustainable: Growth should respect and seek to preserve our spectacular natural resources.
- Secure: We will be committed to accessible housing and healthy food for all our residents.

Environment

- Adopt sustainable land use and transportation policies that support connectivity, walkable neighborhoods, and multi-modal transportation.
 - Continue to develop land use policies which support complete neighborhoods.

An Enduring City – Historic Preservation

- Stabilize and enhance historic areas of the city by ensuring quality investment in existing structures and compatible infill development.
- Ensure an appropriate balance of continuity and change as Portland grows and evolves.

A Livable City: Housing

- Increase, preserve, and modify the overall supply of housing city-wide to meet the needs, preferences and financial capabilities of all Portland residents
- Encourage additional contextually appropriate housing density in and proximate to neighborhood centers, concentrations of services, and transit nodes and corridors as a means of supporting complete neighborhoods.
- Pursue policies to enable people who work in Portland to have the option to live in Portland.
- Encourage quality, sustainable design in new housing development.
 - Remove housing barriers
 - Leverage underused properties
 - Adapt affordable housing

An Accessible City – Transportation

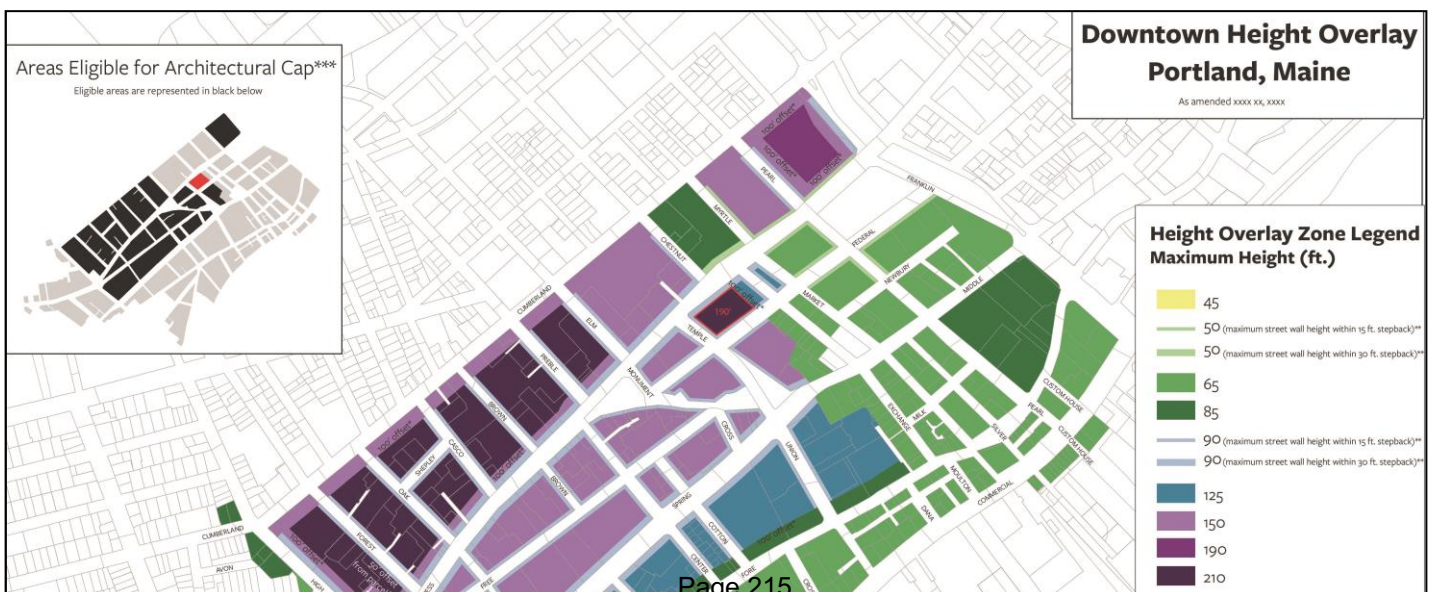
- Promote multi-modal accessibility, enabling residents and visitors of all ages and abilities to participate fully in the social and economic life of the community.
 - Enhance the pedestrian realm

Future Land Use

- Complete Neighborhoods
- Reinforce the Center

V. PLANNING BOARD RECOMMENDATION

The Planning Board considered the proposed Downtown Height Overlay Map amendments at a hearing on January 26, 2021. After deliberation, and on the basis of staff reports, public testimony, and review of applicable policies, the Planning Board voted unanimously (7-0) to find that the following amendments are consistent with the Comprehensive Plan and recommended adoption to the City Council:



The Planning Board considered the proposed B-3 text amendment at a hearing on January 26, 2021. After deliberation, and on the basis of staff reports, public testimony, and review of applicable policies, the Planning Board voted unanimously (7-0) to find that the following amendment is consistent with the Comprehensive Plan and recommended adoption to the City Council:

Chapter 14 Sec. 14-7 Table 7-E Mixed-Use Zone Dimensional Standards to modify lot coverage as presented in Attachment 2:

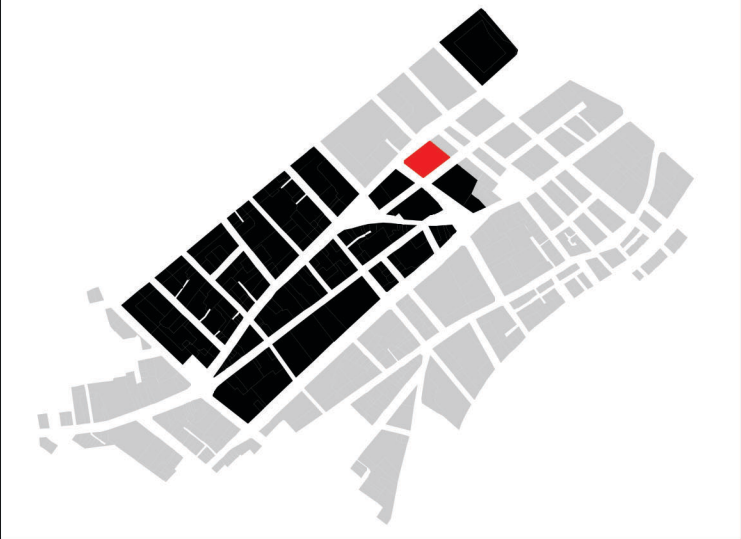
⁴ Except that no floor area shall be required to be less than 10,500 SF, gross.

ATTACHMENTS

1. Downtown Height Overlay amendments
2. Proposed Text Amendments: Chapter 14 Sec. 14-7 Table 7-E Mixed-Use Zone Dimensional Standards amendment

As amended xxxx xx, xxxx

Eligible areas are represented in black below



45
50 (maximum street wall height within 15 ft. stepback)**
50 (maximum street wall height within 30 ft. stepback)**
65
85
90 (maximum street wall height within 15 ft. stepback)**
90 (maximum street wall height within 30 ft. stepback)**
125
150
190
210

***Architectural Cap Allowance: the building form may extend up to 40 ft. above the designated height limit for the purpose of providing a distinctive graduated design for an architectural building top and to enclose rooftop appurtenances. No habitable floor area shall be developed within the building envelope provided by the additional 40 ft. unless at least 50% of such habitable floor area is devoted exclusively to one or more publicly accessible uses, and provided that such floor area is incidental to the primary design intent of the space

